UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS

FIRST SESSION

VOLUME 129—PART 17

AUGUST 4, 1983 TO SEPTEMBER 14, 1983

(PAGES 22775 TO 24268)

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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Thursday, August 4, 1983*

(Legislative day of Monday, August 1, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the son of our Senate Chaplain, the Reverend Richard Christian Halverson, Jr., pastor, Chesterbrook Presbyterian Church, Falls Church, Va.

PRAYER

The Reverend Richard Christian Halverson, Jr., offered the following prayer:

Let us pray.

God our Creator, as the Members of this powerful political body endeavor to enact bills and legislation for the welfare of our country, a sense of helplessness often accompanies their long hours of hard work.

Conflicting interests, philosophies, and ways of working frequently clash on the floor or bog down in the bureaucracy. Undoubtedly, human elements of pride, ambition, divisiveness, and ignorance enter in to further aggravate the deliberative process.

In the midst of the futility to which the created order has been subjected, we are mindful, Lord, that You desire to increase Your influence throughout the nations. We are aware that Your creative initiative does not depend upon our worthiness but, rather, on Your merciful good will to men.

Believing this, we boldly ask that You reach down into the raw material of this assembly to form structures for peace and justice. Breathe life into the divergent gifts and opinions of the Members of this organism in a united spirit of compassion for the poor, the widow, the outcast, and the foreigner. Apply Your shoulder to the vast, immovable machinery of government to mobilize this land for the rights of all humans and the stewardship of life.

Do this, we pray, that the world may know that the Nation which honors the living God, regardless of her faults, shall be mightily blessed and a blessing to others. We make this humanly impossible request in the name of the man, Jesus Christ, who, by God's power, is reported to have worked miracles. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

GET-WELL WISHES TO REVEREND HALVERSON

Mr. BAKER. Mr. President, I am sure I speak for every Member of the Senate when I welcome our distinguished Chaplain this morning, the son of the Senate Chaplain. All of us wish him well in his concern for his father's health.

Perhaps all Members of the Senate do not know that Dr. Halverson, the Senate Chaplain, was hospitalized for diagnostic work and other complications. We will be mindful of the state of his health and join our guest Chaplain this morning, as well as the family of Reverend. Halverson, in wishing him well in this physical ordeal.

PREADJOURNMENT MEDITATION

Mr. BAKER. Mr. President, I dare to look ahead to the time when I can announce—which I cannot now announce—that we are about to have the last vote before the August recess. Before great cheering breaks out, as offices on Capitol Hill hear those remarks, let me reiterate that that is a hypothesis. That is our desire, but it has not yet been obtained.

I look forward to the time when I can announce that there will be no more rollcall votes before the August recess.

I see a scene then unfolding. I see my colleagues on both sides of the aisle, my good friends, as they leave this place and strain the portals of this building and they dive into their automobiles and drive toward——

Mr. BYRD. West Virginia.

Mr. BAKER. Toward places in this province, and I speak now of National Airport, the gateway to our Nation, and the mitigation of our cares and concerns.

Mr. President, I do not blame them for that. I can now envision, in my mind's eye, remarks such as, "Thank God that's over," and other public policy-minded statements.

However, Mr. President, I also urge them to do something that I did last evening as I was driving home—that is, to look out the window and see a most remarkable sight.

Mr. BYRD. You were not driving down Pennsylvania Avenue.

Mr. BAKER. No, I was not driving down Pennsylvania Avenue. That is also a remarkable sight.

Mr. President, I hope Members will take one moment to take a peek at this magnificent city—not only the monumental grounds and structures and buildings, but most especially at the lawns, the gardens, the parks, the trees, and the flowers that are kept up by the National Park Service.

The Park Service has always done an absolutely remarkable job of maintaining the monument areas, the Capitol, the Mall, the Washington Monument, the Lincoln Memorial, the Jefferson Memorial, and the other hallowed places from the secular standpoint. But I think this year they must have outdone themselves.

As I looked out the car window, I saw the marigolds suddenly appear in full flower. They were the same height and shape to within a centimeter and were lined up like they were marching to their first day of school, all polished and dressed and ready for the season.

Mr. President, the geraniums are there. I do not understand how you can have virtually acres of geraniums,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

all bearing what appear to be the same number of blossoms, of precisely the same shade of red, spaced so precisely and accurately that the Army Corps of Engineers must have used a transit and a level to put them in those locations.

Mr. President, whatever was done, it adds a sense of grandeur, a sense of order, a sense of accomplishment, a sense of duty, and a sense of pride, not only in this city but also in the distinguished bureaucracy that makes this city run, and most especially the National Park Service.

So I say to my good friends and colleagues, as you flee from these precincts, as you climb out the windows and throw your burdens to the winds and drive toward the expressway leading to West Virginia or the airport leading to Tennessee, take a look at those magnificent grounds and gardens and think that nobody has ever done it so well as the National Park Service.

(Mr. JEPSEN assumed the chair.)

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. The majority leader's eloquence on this day reminds me of the eloquence of his late father-in-law, Senator Everett Dirksen. It sounds like one of Ev Dirksen's speeches, with the mention of the marigolds and the word pictures that Senator Dirksen used to paint.

I compliment the majority leader on his statement. I think it is a fine thing to say about the Capital City.

I apologize for interrupting the majority leader.

Mr. BAKER. Mr. President, it was no interruption at all. I am grateful to my friend the majority leader.

I will say something absolutely facetious, but some may think I have taken up pagan beliefs.

Maybe these remarks and that state of mind, and particularly the reference to the marigold—which was so near and dear to Senator Dirksen's heart, and for which he campaigned so long to make the national flower—stem from the fact that I am wearing his watch.

Senator GOLDWATER looked at my wrist the other day and saw the gold bracelet and said, "Not you, too."

I said, "No, it's a gold Rolex watch."

I did not pay a bit of attention to it until my esteemed father-in-law and great friend, Senator Dirksen, passed away and the estate tax was paid on it.

Then I realized it was a matter of great worth, and I have worn it ever since. But it is a source of great inspiration for me, Mr. President, and one of these days before I leave the Senate, who knows, I may take up that battle in a serious and sustained way to designate the marigold as the national flower.

I am sure there will be rustlings in heaven if I were to do that, and I may indeed.

THE SERGEANT AT ARMS

Mr. BAKER. Mr. President, on Tuesday of this week, I had the unfortunate duty of informing the Senate Republican Conference of the impending resignation of Howard Liebengood, the Sergeant at Arms. Frankly, I found that making that announcement was most difficult for me. I have great respect and admiration for Howard Liebengood. I have known him for many years. He has been a valued member of my staff before he became an officer of the Senate.

Howard Liebengood and I have worked together for over a decade. He has been a wise and responsible counselor, an insightful and diligent legislative analyst, and a sincere and trusted friend.

As Sergeant at Arms, Howard distingiushed himself immediately. Overseeing more than 1,300 employees and a $65 million budget, he emerged as one of the Senate's most capable and adept managers.

Howard Liebengood was born in Plymouth, Ind., in 1942. He received a political science degree from Kansas State University in 1964 and a law degree from Vanderbilt University in 1967. He was a captain in the Army Military Police Corps from 1968 to 1970, receiving the Bronze Star for services in the Republic of Vietnam in 1969. Upon returning to the States, Howard entered private law practice in Nashville and remained there until he came to Washington to work on the Senate Watergate Committee as assistant minority counsel. It was during this time that I came to appreciate the talents of Howard Liebengood.

In 1975, Howard became a consultant to me on the Church committee which investigated intelligence operations, and I still remember his intellectual astuteness during briefings. A year later, Howard became the first minority staff director of the Senate Intelligence Committee, until I became minority leader and persuaded him to join my staff as legislative counsel.

It is with deep personal regret that I speak of Howard's departure from the Senate, but it is also with great appreciation and fondness that I wish him the best of luck in his new venture in the private sector.

Mr. President, I am pleased to say that the Republican Caucus has instructed me to nominate Howard Liebengood's assistant, Larry Smith, who is presently the Deputy Sergeant at Arms, to succeed Howard Liebengood. This is a matter I will address to the Senate in due course in consultation with the minority leader.

Larry Smith has served as Deputy Sergeant at Arms since March of 1981. He has worked on the staff of Senator HATFIELD and has served as minority staff director of the Senate Committee on Rules and Administration during the time that Senator HATFIELD was the ranking minority member of that committee.

On behalf of the entire Senate, I wish to congratulate Larry Smith on this nomination to be the Sergeant at Arms. He has my support and blessings, and I hope the approval of the Senate, to take up those important duties and follow in the good example of Howard Lienbengood.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BAKER. I yield.

Mr. THURMOND. Mr. President, I join with the majority leader in expressing appreciation for the great work that has been done here in the position of Sergeant at Arms by Howard Liebengood.

In my 29 years in the Senate, I do not think I have known a Sergeant at Arms who has performed his duties in a more capable manner or in a more dedicated manner.

I personally feel we have been very fortunate to have had this fine gentleman in this position. I regret to see him leave, but I wish him well in the important new work he undertakes.

I also say that I feel that the Deputy Sergeant at Arms, Mr. Smith, who will take over, is a very competent gentleman and he will fulfill his duties in a highly efficient manner.

Mr. BAKER. Mr. President, I thank the distinguished President pro tempore, as I am sure Mr. Liebengood does.

I apologize to the minority leader and other Members of the Senate for overrunning my time.

I now yield the floor.

Mr. BYRD. I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The minority leader is recognized.

CHAPLAIN HALVERSON

Mr. BYRD. Mr. President, the distinguished majority leader has already referred to our Senate Chaplin, and I wish to say that I learned with some distress recently that Dr. Richard C. Halverson had suffered a mild heart attack on Monday night.

Fortunately, he is doing fine, resting comfortably and expects to be released from the hospital in a few days.

Our Senate Chaplin is the kindest of men, always cheerful and always concerned over the spiritual well-being of

the employees of the Senate, and those of us who serve in this great body. He from time to time stops by my Capitol office to wish me and my staff a good, and blessed day.

He never sees me that he does not tell me that he loves me, and I think he is a good man. He lives his life in accordance with a verse from 1 John, Chapter 4, verse 16:

God is love; and he that dwelleth in love dwelleth in God, and God in him.

Our Chaplain, as I say often speaks of love.

He tries to make the teachings of God relevant to our everyday lives, and that attempt is reflected in the simple elegence of his day-to-day prayers here as we open the Senate.

Dr. Halverson was a pillar of strength to me during a time of crisis last year when I lost my young grandson in a senseless tragedy.

Dr. Halverson performed the memorial service at that time, and I shall never forget his words of comfort, so applicable and soothing at a time when I would have believed that nothing could be soothing.

Our thoughts and prayers are with our friend Dr. Richard C. Halverson at this time, and we look forward to his speedy return to us.

I am pleased, as the majority leader was pleased, to note that in Dr. Halverson's absence, Dr. Halverson's son, Richard C. Halverson, Jr., has given the morning prayer today and has been giving the morning prayer daily.

Mr. President, I ask unanimous consent to have printed an article entitled "Keepers of the Congressional Faith" from the August 3 edition of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 3, 1983]

KEEPERS OF THE CONGRESSIONAL FAITH: THE WORKS OF REVS. HALVERSON & FORD

(By Paul M. Barrett)

Senate Chaplain Richard C. Halverson frets about partisan strife on Capitol Hill—so much so that during the 1982 lame duck session he took his concern to the Senate floor.

"Humpty Dumpty sat on the wall," the Rev. Halverson reminded some of the nation's most powerful men and women in his invocation one morning. "Humpty Dumpty had a great fall. All the king's horses and all the king's men couldn't put Humpty Dumpty together again. Dear God, don't let the Senate come apart . . ."

A vaudeville performer before he entered the Presbyterian church, Halverson, 67, relishes the opportunity to zing his politic parishioners with "relevant prayers." But he gets serious very quickly when asked what the $57,494-a-year Senate chaplain does in addition to giving his daily one-minute invocation.

"That's the only official required duty," he concedes, "but there's much more to the job of watching over this group."

Congress has hired preachers since its inception, but only in recent years have the two houses retained full-time chaplains. Last month, ruling on a Nebraska suit, the Supreme Court affirmed the constitutionality of legislatures hiring chaplains. The decision focused attention on Halverson and his $67,200-a-year House counterpart, the Rev. James D. Ford, though neither man will comment directly on the case.

"I do my work best by not being a defendant," says Ford, 52, a five-year veteran of the Hill.

Says Halverson, who arrived in 1981: "We're needed here."

The chaplains explain that their days are filled with building dedications and congressional prayer breakfasts, meetings with visiting foreign delegations and an occasional wedding or funeral.

Ford, who unlike Halverson wears a clerical collar, emphasizes that "a chaplain is on call at all times"—and for all sorts of crises.

For example, says Ford, when House Majority Leader Jim Wright recently had some friends up from Texas, they found themselves short on entertainment.

"They needed an extra harmonica player for a duet [with Wright] to play 'The Saints Go Marching In.' Well, I happen to play harmonica, and I was happy to join."

Most important of all, the chaplains agree, is their responsibility to minister to the steady stream of troubled souls who seek their advice on personal and political matters.

"I could write the most interesting book that will never be written," says Ford, 52, smiling. He says he has counseled representatives considering a run at the Senate and those running from trouble in the House.

His congregants' insecurities and improprieties, will, however, remain confidential.

Journalists "ask about specifics, Abscam and so on—what I said to people then," says Ford. "Those things are sacred, a trust. They can't be told by me or by any minister."

Halverson is equally tight-lipped about naming those who visit his cramped office in the Hart Senate Office Building, saying only that his parishioners fear terribly for their privacy.

"You remember what happened to Sen. [Thomas] Eagleton [D.-Mo.] when he was running for vice president and word got out that he had had therapy," Halverson says. "I don't know that opponents would take advantage of it, but they're all sensitive to that type of thing."

In the 1950s, Halverson had a church in Hollywood that many movie stars attended, so he is especially sensitive to the pressures on "all people who live their lives in glass houses . . . They have a tendency to believe their own publicity—senators just like actors."

Sen. Mark Hatfield (R-Ore.) often consults with Halverson when they attend the weekly Senate prayer breakfast. "There are many times when a concerned, compassionate ear is important," says Hatfield. "I know there are many, especially staffers, who seek out his counsel."

Rep. Ted Weiss (D-N.Y.) praises Ford for being "quite sensitive to the fact that he represents all religions and denominations here."

Weiss, a Jew, says Ford recently sought him out, "somewhat chagrined," after a fundamentalist Christian guest preacher delivered "a particulary strident prayer."

"He wanted to reassure me that the guy might be popular at home, in a parochial setting, but that he could not adjust well to another setting."

The chaplains received strong support from many members during the recent constitutional challenge before the Supreme Court. But the Rev. Robert Drinan, a former representative who is a Jesuit priest and now teaches law at Georgetown University, says "the presence of chaplains is not one of those pressing issues" in Congress.

"I myself don't feel strongly either way," adds Drinan. "I'm not sure it's all that important whether they're there or not."

Like many of their predecessors, Ford and Halverson had high political connections before they were asked to serve Congress. Halverson preached to many legislators at the Fourth Presbyterian Church in Bethesda for 23 years. Ford, a Lutheran, served at the pleasure of the president for 18 years as chaplain at West Point.

They say they have no desire to influence legislation, commenting only when asked and even then with considerable caution.

"I would say right away that I oppose abortion," says Halverson. "But I also believe very strongly that God endowed us with free will and the responsibility for free choice. I am not here to make up [the senators'] minds for them."

A chaplain's prayers, says Halverson, are "directed to God, not to the senators." Yet a careful listener can not help noticing Halverson's efforts to frame worldly matters, such as security leaks, in a broader perspective.

"Lord God," he began one recent offering, "Thou art acquainted with all our ways. For Thee no plans are classified."

Halverson says he keeps in mind one political prayer that failed to enlighten a crucial listener. Preaching in the White House in 1969, while still a minister in Bethesda, he warned Richard Nixon of politicians "who take responsibility so seriously that they think they can do it all themselves, without God."

"That's where I felt, frankly, Richard Nixon was then," says Halverson. "I felt he didn't like it, didn't listen."

Could the whole Watergate coverup have been prevented if Halverson had broken through to Nixon?

The pastor shrugs, then frowns. He says, "I often wish that somehow he had had more humility. It remains a good lesson."

REAGAN BEATS THE PRESS

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an article appearing in the Washington Post dated August 2 by Joseph Kraft entitled "Reagan Beats the Press."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REAGAN BEATS THE PRESS

(By Joseph Kraft)

"Zero for Reagan and minus six for the press" is the way one former Cabinet officer summed up the televised news conference on Central America last week. That is roughly my own appraisal, but whatever the score, the session provided an illuminating guide to weaknesses in both quarters.

Journalists, being equipped to deal mainly with coherence, cannot come to grips with a leader addicted to romantic fantasy. The result is not good for anybody—even the president.

The occupational weakness of those of us in the news media should be obvious. Despite the recent canonization of anchorpersons, the fact is that we are not scholars or even experts. We cannot, accordingly be original sources of light. We depend, heavily if not entirely, or what other people tell us.

Our professional skill lies in judging sources, and in fitting bits and pieces of evidence into coherent patterns. We know how to listen, and to hear what is not said. Our bent is for sensing and showing contradictions. We are experts in the credibility gap.

The thrust of journalistic probing, limited as it is, engages most presidents where they live. When Richard Nixon told us all the lies during the Watergate days, he showed it by physical signs almost as gross as the lengthening of Pinocchio's nose. Jerry Ford's reluctance to acknowledge he had misunderstood a question about Poland in one of the presidential debates may have cost him the 1976 election. Jimmy Carter diminishes his presidency to this day by preferring consistency to an acknowledgment that at the end of 1979 his administration turned sharply toward toughness in both economic and foreign policy.

But Ronald Reagan is something else. He spent most of his life in the world of makebelieve. He is accustomed to playing parts as though they were the real thing. He works from scripts, and the Gen. Custer script comes as easily to him as the Sitting Bull script.

So he lacks the normal concern of political leaders for consistency, coherence and accuracy. He depends on memory for statistics, and regularly gets them wrong. He cites the record in support of things that never happened.

Last September, for example, he said of abortion: "I think the fact that children have been born even down to the three-month stage and have lived, the record shows, to become normal human beings."

Judy Mann of The Washington Post checked up. As it developed, there was no record of any baby's surviving a birth only 12 or 13 weeks after conception. The minimum period was twice that—26 weeks.

But usually the presidential nonsense is drowned out amid the whir of helicopter blades. Or else explained away by the White House. It is very hard to challenge pleasant fictions without seeming harsh to a public that likes Reagan. So there is a tendency to smile indulgently. Witness the press conference of July 26.

It came after a steady drumbeat of reports of a U.S. military buildup in Central America. So almost all the questions centered around the dangers of war.

Reagan ducked aside by asserting over and over again in various ways that "the United States stands firmly on the side of peace." He kissed off the military presence as "maneuvers of the kind we've been holding regularly and for years." At first glance, that looked awfully clever. The president had sensed in advance the thrust of questioning and shifted his ground. The artillery of the press never touched him.

But a second glance registers a different impression. For it is absurd to think of the military presence being mounted around Central America by this country as routine exercises. Three battle groups built around two aircraft carriers and the battleship New Jersey are involved. That constitutes something like a quarter of the fleet on active station. It probably brings to bear more firepower than was used for such major engagements in the Pacific war as the batte of Iow Jima.

In response to a question, Reagan said: "I don't know the number of ships involved." One has to wonder whether he was told, and, if not, why he didn't ask.

Either way, there is misrepresentation and self-bamboozlement. Reagan thinks—if that is the word—wishfully. He counts hopes as facts. Since he doesn't harbor ill feeling toward minorities, he cannot conceive that the impersonal consequences of his policy do them damage. Since he sympathizes with people who have experienced poverty, he finds it hard to imagine that his economic policies hurt the poor. Since he wants peace, he supposes—like those who blundered in August 1914—there cannot be war.

Nothing catastrophic, to be sure, seems likely to happen in Central America. The administration, under pressure from Congress and the press, is retreating from its harsh stand. But do any of us benefit if the leader of the most important country in the world gives serious people the impression he is out of touch with reality? A mere windbag?

PRESIDENT REAGAN AND HUNGER

Mr. BYRD. Mr. President, Tuesday, the President expressed his bewilderment at press reports that increasing numbers of Americans are going hungry. In an August 2 memorandum to White House Counselor Edwin Meese, the President said:

* * * I have seen reports in the press in past weeks of Americans going hungry. I am deeply concerned by these stories, because I know the suffering that each of these incidents represents. At the same time, I admit to being perplexed by these accounts * * *.

The President announced his decision to organize a task force to "examine the extent of America's hunger problem, to determine its causes, and to recommend specific solutions." It is the President's hope that this task force "will help solve the problem of hunger in America once and for all."

Mr. President, I am also concerned and perplexed. I am concerned about why President Reagan has been so slow to recognize that hunger is a problem in America today, and perplexed by the fact that the President needs a special task force to explain to him the causes of this devastating and shameful problem.

The reasons why hunger is once again a growing problem in America are painfully evident. The dominant economic event of the past 2½ years was a long and deep recession which left many Americans unemployed and in dire financial straits. Though economic recovery has now begun to take hold, many Americans still find themselves being left behind.

In December of 1982, the civilian unemployment rate reached a post-World War II high of 10.8 percent. Though unemployment has declined in recent months, more than 11 million Americans remained unemployed in June of this year. The unemployment rate in my own State of West Virginia now stands at 18.2 percent.

In June, the average duration of unemployment climbed to an alltime record 22 weeks, and the number of persons unemployed for 27 weeks or more rose to 2.95 million.

The number of Americans employed only part time, due to economic reasons, stood at 5.7 million in June.

The number of discouraged workers, those unemployed persons who have discontinued looking for work because they no longer believe they can find employment, stood at 1.7 million in the second quarter of 1983.

Thus far, the economic recovery has failed to improve, to even the slightest degree, the fortunes of millions of Americans. Furthermore, deep cuts by the administration in a variety of Federal assistance programs have seriously diminished the ability of many lower income Americans to secure many of the basic necessities of life, including food.

In 1983, according to the Congressional Budget Office, the tax and benefit changes achieved by the administration during its first 2 years in office will result in a net loss of $310 for the average family earning less than $10,000 a year.

In 1982, according to the General Accounting Office, Federal expenditures for domestic food assistance declined by $590 million, or 3.7 percent—the first such drop since 1969—measured in constant dollars, to offset the effects of inflation, food assistance outlays declined by $1.23 billion, or 7.4 percent.

In 1981 and 1982, according to the Congressional Budget Office, the administration successfully cut food stamp and child nutrition outlays for fiscal years 1982 through 1985 by $12.3 billion, or 16.7 percent.

In 1981, according to the U.S. Department of Agriculture, the administration successfully enacted changes in the food stamp and child nutrition programs which have since resulted in the termination of 800,000 people from the food stamp program, 3 million students from the school lunch program, and 500,000 students from the school breakfast programs.

The reasons why hunger is a growing problem within the United States are not hard to see. At the same time the President was announcing the formation of his task force on hunger, the U.S. Census Bureau was announcing that the number of persons living below the poverty line rose to 15 percent in 1982, the highest level since 1965. Clearly, cutting back on Federal food and nutrition assistance while poverty is climbing higher and higher can only add to the problem of hunger.

Yet, in its fiscal year 1984 budget plan, the administration continued to

attack Federal programs targeting nutrition assistance on low-income Americans. According to the Congressional Budget Office, the President's fiscal year 1984 budget proposals would:

Require the termination of over 600,000 low-income pregnant women, infants, and children from the WIC program.

Cut more than $300 million from Federal child nutrition programs currently targeted on low-income children.

Reduce the food stamp benefits of 4.9 million households, or 63 percent of all households receiving food stamp assistance.

Reduce the food stamp benefits of 80 percent of the poorest households receiving food stamp assistance—those with incomes below half of the poverty line.

Reduce the food stamp benefits of 1 million elderly and handicapped households receiving food stamp assistance by an average of $250.

Since entering office in 1981, the administration has continually worked to reduce Federal food and nutrition assistance. The first thing the President should do if he wants to reduce hunger in America is to rethink his own administration's harsh and shortsighted budget cuts. It should not take a national commission to tell the President what is abundantly clear to nearly everyone else—that his own economic and budgetary policies are in large part responsible for the hunger and misery that today is the lot of too many Americans.

After 2½ years at the helm, it is going to take more from the President than the formation of a task force to solve the problem of hunger in America. It is going to take action. The Nation, and particularly the hungry, are waiting.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times of today, August 4, 1983, titled "The President's Perplexity."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 4, 1983]

THE PRESIDENT'S PERPLEXITY

That Ronald Reagan is "disturbed" or "saddened" by reports of hunger in the United States should come as no surprise. But why is he, as he puts it, "perplexed"?

It could hardly have come as a shock to him when the Agriculture Department announced recently that two or three million children from eligible poor families are missing out on school lunch benefits. Last year 2,700 schools had to drop out of the school lunch program, most of them forced off by new rules promoted by the White House.

Was Mr. Reagan unaware that just as 1.2 million more people were becoming eligible for food stamps last fall and winter his Office of Management and Budget was figuring out ways to cut the program's funds?

Doesn't he realize that holding the WIC (Women-Infants-Children) program at its present level, with no correction for inflation, deprives millions of needy people of its benefits?

Did he miss the observation of the Congressional Budget Office that recent Administration attempts to reduce erroneous food stamp payments had little to do with accuracy but created much inequity? Didn't he hear mayors from all over the country last spring talking about hunger in their cities—and about how the poorly operated giveaways of cheese, butter and grain were only a small bandage on a big wound?

It shouldn't take a 90-day study to resolve the President's perplexity. The hungry in America have not been hard to find or hear about.

RETIREMENT OF HELEN HOLT

Mr. BYRD. Mr President, I have learned that Helen Holt, a dedicated public servant, a distinguished West Virginian, and my friend, has retired from service in the Federal Government. I would like to take a moment to recognize her and her accomplishments and to offer thanks on behalf of the citizens of West Virginia and of the Nation, whom she has served so well during the past 30 years.

When Helen Holt retired this year from the Department of Housing and Urban Development, she was special adviser for the elderly, serving as principal adviser in the Department on matters pertaining to the elderly. She had been at HUD and FHA since 1960, when she established and directed the FHA section 232 nursing home program. Under her program more than 1,000 modern nursing homes with more than 100,000 beds were established, although the mortgage insurance program did not cost American taxpayers anything. Her program was to a large degree responsible for the marked improvement in standards of our Nation's nursing homes during the 1960's and 1970's. Our Nation moved away from the unsafe, inefficient nursing homes where older people were shut away to modern facilities better suited to humane care of the elderly.

At HUD Helen Holt has helped our Nation meet the housing needs of the elderly, and she has served as an effective advocate for women in Government. Her work at HUD was so successful that her presidential appointment was extended under the last 7 administrations—Eisenhower through Reagan—possibly a record, I think.

Before working at HUD Mrs. Holt had a very distinguished public service career in West Virginia. She served as Secretary of State of West Virginia. She also served as Assistant Commissioner for Public Institutions, and as a member of the West Virginia House of Delegates, representing Lewis County and serving on committees on budget, education, and municipalities.

Helen Holt has a masters of science degree in biology from Northwestern University and has also studied at the University of Missouri, Woods Hole Marine Biological Laboratory, and the University of North Carolina. She has taught college chemistry and biology. She was married to the late Senator Rush D. Holt, an outstanding Member of this body who, as the Senator from West Virginia, was the youngest person ever elected to the U.S. Senate, since 1913.

Mrs. Holt continues to be active in civic affairs. She has served as a member of the Defense Advisory Committee on Women in the Service and as a delegate to a number of boards and advisory councils on housing and aging. She has been district, State, or national president of a variety of organizations, including the AAUW, the Federation of Business and Professional Women's Clubs, the West Virginia State Society, and Executive Women in Government. Helen Holt was selected as Executive Women in Government. Helen Holt was selected as daughter of the year by the West Virginia State Society. (That is a honor similar to one I am proud to have received, Son of the Year of the West Virginia State Society in 1963.) Helen Holt was also selected Potomac B.P.W. Professional Woman of the Year, and the International Women's Year Achievement Award "West Virginia Woman of the Decade." She has raised three children and is a very devoted member of the Board of Trustees of the National Presbyterian Church.

Mr. President, I am sure that you can understand why we West Virginians are proud to claim Helen Holt and why we are very appreciative that she has devoted her talents to public service. She is a very charming and gracious woman who wins friends and admirers wherever she goes. I hope you will join me in wishing her well in her retirement. She will, I am sure, continue to make real contributions to our Nation.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the majority leader asked me to put in a quorum upon completion of my remarks, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are special orders this morning in favor of Senators THURMOND, PROXMIRE, BUMPERS, and WEICKER. I regret to say that I have not been on the

floor at all times. Have any of the special orders been executed?

The PRESIDING OFFICER. None have been executed.

VITIATION OF SPECIAL ORDER FOR SENATOR THURMOND

Mr. BAKER. Mr. President, I am advised now that the distinguished Senator from South Carolina, the President pro tempore, Senator THURMOND, has no further need for his special order. I ask unanimous consent that it be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the next speaker, Senator PROXMIRE, is not yet here. I ask unanimous consent that I may suggest the absence of a quorum without it charging against Senator PROXMIRE's time or any of the special orders.

Mr. BYRD. Will the distinguished majority leader withhold that and allow me 2 or 3 minutes for morning business?

Mr. BAKER. Yes. Mr. President, let me do it this way instead.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak for not more than 5 minutes each and will extend no longer than 11:30 a.m. I further ask unanimous consent that as and when Senators arrive on the floor to claim their special orders they may do so without further action by the Senate and that they may do so in the order previously entered and without the time restriction in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I understand the minority leader wishes to transact morning business. I yield the floor.

Mr. BYRD. Mr. President, I thank the majority leader.

A VISION DEFERRED

Mr. BYRD. Mr. President, I rise today to call the attention of the Senate to an article entitled "A Vision Deferred" in the July 1983 issue of Columbia magazine written by Ceil Cleveland, the magazine's editor in chief. The article is dedicated to highlighting the exemplary life and career of our distinguished colleague Senator CLAIBORNE PELL of Rhode Island. This year, Senator PELL was the recipient of the honorary LL.D. degree from Columbia University at commencement and was the alumni federation's commencement day luncheon speaker. I know all Senators will join me in extending the heartiest of well deserved congratulations to our friend Senator PELL on this notable occasion.

I, myself, have had the good fortune to know and work with CLAIBORNE PELL here in the Senate over the years and have always held his friendship and learned counsel in the highest regard. Therefore, I can personally attest to the article's veracity when it states that "CLAIBORNE PELL commands a position of power and influence enjoyed by few of his Senate colleagues."

As the article indicates, Senator PELL's history in the Senate has been characterized by forward thinking. When CLAIBORNE PELL first won his Senate seat 22 years ago, by garnering the largest plurality in his State's history, he won on the slogan that he was "a forward thinking Democrat." The accuracy of this description is easily demonstrated by the record of his legislative accomplishments. He has authored such diverse and progressive legislation as the 1963 Arts and Humanities Foundation Act (which led to the establishment of the National Endowment for the Arts and for the Humanities), the Grand Transportation Act of 1965 (which led to the creation of the metroliner), the National Sea Grant College and Program Act of 1966, and the legislation creating the basic educational opportunity grants (the famous Pell grants).

Senator PELL, the ranking member of the Senate Committee on Foreign Relations, has said:

I have a seven-word definition of my job and my life: "Translate ideas into events, and help people."

This tall, slim, self-abasing, humble, and quiet gentleman from Rhode Island has certainly done more to assist humanity in the 64 years of his life than many would deem possible. From the time when he was age 22 and went abroad to help Europeans in concentration camps and was twice arrested by the Nazis to the grand accomplishments of his 22 years in the Senate, CLAIBORNE PELL has effectively served mankind. Obvioulsy he is highly deserving of this award from Columbia University and this article in his honor. I congratulate the Senator and his family on this occasion.

I ask unanimous consent that the Columbia magazine article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Columbia, July 1983]

A VISION DEFERRED

(By Ceil Cleveland)

On a wall of his outer office in the Russell Senate Building is a poster depicting historic New England structures that reads: "Turn a corner in Rhode Island and you turn back the pages of history." This quaint boast might lead one to think that Senator CLAIBORNE PELL of Rhode Island lives more in the past than in the present or future. Yet Senator PELL, whose work is rooted in "the lessons of history," calls himself "a forward thinking Democrat." He ran on that slogan twenty-two years ago, when he captured the seat of retiring Senator Theodore Francis Green by the largest plurality in the state's history.

Since that time, PELL's own history in the Senate has been characterized by forward thinking. As an early spokesman against the war in Vietnam, he was called "New England's leading dove," and his position today as a quietly persistent antiwar leader was most recently evidenced in his strong support of a mutual nuclear arms freeze and weapons reduction agreement with the Soviet Union. In late March, the sixty-four-year-old Senator faced an audience in his home state with these words: "The Reagan 'zero option' is like a heads-we-win, tails-you-lose proposal to the Soviets. Our first priority must be to stop weapons productions." If we do not, he said, "it is more than likely that we will have a nuclear exchange in my lifetime."

In the years between his warnings to those who would "exceed an advisory capacity in Vietnam" and his recent statements about the current administration's "dangerous" proposals to the Soviets, Senator PELL has perhaps originated more forward-thinking legislation than has anyone else in the Senate, and in diverse areas—the use of seabeds, support for the arts and humanities and to Vietnamese refugees, rail transportation, and aid for disadvantaged students.

Perhaps those in academic circles know Senator PELL best as the author of the Basic Educational Opportunity Grants (B.E.O.G.) that now bear his name. He was chairman of the Senate Labor and Human Resources Subcommittee on Education and the original sponsor of the grants, which were signed into law in 1972. In the early 80's, the Pell grants ran up against the Reagan Administration's campaign to cap federal funds for college students. After a battle that matched university administrators, parents, and students against the Administration, a new compromise has apparently been reached in the so-called "self-help" proposal. The net result, says PELL's assistant, David Evans, will be to benefit a few students in low-cost institutions, but those in institutions such as Columbia will suffer. In Senator PELL's view, "the very poor youngsters will have a little more money, but those in the lower and middle-income groups will have less."

In an address to the Alumni Federation, Commencement Day, 1983, PELL noted that at the end of the last decade he had stressed that "we would soon be able to turn from a fulfilled promise of educational opportunity for all Americans to attaining an education of excellence for all. That was more than three years before the National Commission on Excellence in Education even existed, let alone issued its very somber report on the present state of American education. Ironically, the fact that my vision of excellence now has been deferred is a direct consequence of the shift in our national priorities away from education toward defense."

In his office in the Capitol, which, like his office in the Senate building, is decorated with hundreds of photographs and sketches—many of which feature his four children and four grandchildren—Senator Pell says he became interested in the funding of education while studying at Columbia for the Master of Arts degree he received in 1945, "finishing it with the G.I. Bill." He qualified for the bill because he had joined the Coast Guard four months before the

attack on Pearl Harbor, beginning his military service as a ship's cook.

The Pell family's connection with Columbia goes back to the days of King's College: A stained glass window in the cupola of St. Paul's Chapel bearing the family coat of arms (*Deus Amici Et Nos*) is a gift to the memory of Philip Pell, Class of 1770. "Our Tory origins have eroded a bit with the passage of time," Pell told the Columbia alumni group.

Senator Pell was born in New York City into a socially prominent Newport family with a distinguished record of public service. His father, Herbert C. Pell, who also attended Columbia and lectured here, was a congressman, Democratic state chairman, and minister to Hungary and Portugal. Forebears include five members of the Senate or House and James Knox Polk's vice president, George Mifflin Dallas. A Thomas Sully portrait of Dallas hangs over a leather couch in the senator's Capitol office.

The Pell family "has been here forever," says the senator, and "at the time of the Revolution there were Pells on both sides." It was Thomas Pell's marriage to the daughter of an Indian chief that led to the family's holding title to Pelham and New Rochelle, their estate, "from both the British and Indian sides," says Pell. The family sold New Rochelle to the Huguenots, but kept Pelham Manor. Fort Ticonderoga, in upstate New York, was purchased from Columbia College and Union College and University in Schenectedy in 1820 by William Ferris Pell.

Senator Pell says he came to politics because "I always wanted to work in a service occupation—maybe as a professor, a publisher, an editor, a clergyman. I was a diplomat [he was with the U.S. embassy in Czechoslovakia in 1946–47, establishing the U.S. Consulate General in Bratislava and was later vice consul in Genoa in 1949], and it seemed a natural progression to politics."

At age twenty-two, Pell went abroad to help Europeans who had been in concentration camps (he was twice arrested by the Nazis) and was sent by the Portuguese Red Cross across France and Spain in an ambulance loaded with packages for prisoners of war. An article he wrote about that experience in 1941 shows his attention to detail and his concrete narrative style. He noted that French townspeople were "frankly anti-German" but that those in rural areas "conceived by accident, raised in ignorance, and dying in poverty . . . were self-sufficient and did not care who ruled France as long as they ruled their barnyards." In Spain, "every man in the north . . . hungry and discontented, carries a gun across his shoulders as casually as a New York worker wears a wrist watch." (The Pell family, it appears, has contributed to the development of our language as well as our culture. Senator Pell's great-grand-uncle Pierre Lorillard, who lived in Tuxedo Park, in Orange County, New York, in the late 1880s, is said to have originated the custom of changing from a tailcoat to a smoking jacket after dinner; thus the term "tuxedo" came to be applied to a jacket less formal than a tailcoat. Another forebear, John Pell, a seventeenth-century mathematician, brought the division sign [÷] into our mathematics vocabulary.)

Since December 1944, Pell 1has been married to Nuala O'Donnell, great-granddaughter of the founder of the Great Atlantic and Pacific Tea Company. Both Pells speak French and perfected their Italian during a Foreign Service tour of Italy; he knows Portuguese as well.

The day after winning the Democratic primary in Rhode Island. PELL, then forty-one, was described by The New York Times as "slightly over six feet tall, slim, with wavy dark brown hair, and might be mistaken for a screen actor after the pattern of Henry Fonda." Twenty-two years later, the senator stands just as tall, is slim, has wavy hair now entirely white (photographs show that he once has a white mustache), and might be mistaken for a screen actor of the patrician type. His trimness at age sixty-four may be partially attributed to his daily jogging. On his wall is a clipping attesting that he ran second in the senior division of the 6.2-mile race in Providence in 1980, in which seven hundred runners competed.

The Pells, who live in a Colonial mansion in Georgetown and at "Pelican Ledge" in Newport, play tennis and sail (his campaigning is done both door-to-door and boat-to-boat), and PELL claims that he is "probably the only senator licensed to operate a motorcycle."

The senator is the author of three books and is honorary vice president of the American Bible Society, and he routinely presents a Bible to each new president. When he proffered it to Jimmy Carter, the President thanked him politely but added, "I've already read it." Senator PELL, also a reader, has a preference for history and government, and his offices are crammed with books. He is also a talented writer (he was once vice president of the North American Newspaper Alliance, Inc.), and his "Power and Policy: America's Role in World Affairs" (W. W. Norton, 1972), is a thoroughly readable and balanced book. "To the student of diplomacy," he writes, "nothing seems clearer than this: Every nation's foreign policy should be based on that nation's true interests, to the inclusion of sentiment, nostalgia, or evangelical fervor."

PELL goes on to say that "if the first lesson of history is that foreign policy should be—but often is not—based on true and ever-changing national interests, the second important lesson is this: Wars, big or little, are at least as natural to man as peace, but they are not inevitable." Conflicts between nations can be cooled down, he says, but historical examples are difficult to trace because these are the "wars that never were." One instance in our own history is the "series of peaceful settlements with England of disputes over the American northeastern frontier following the War of 1812. Ill feeling and a long series of crises continued between the two countries for decades after the war, but renewed warfare was successfully avoided until ulimately arbitration became a habit."

A third major lesson of diplomatic history "is that international agreements are honored only so long as each participant considers it in his national interests to do so; in other words, so long as the costs of violating the agreement exceed whatever benefits might be expected from the violation." In accord with his own knowledge of diplomatic history is PELL's position on a mutual nuclear freeze and weapons reduction agreement with the Soviet Union: "People don't like to talk about a nuclear exchange, but it's clear that the Soviets aren't interested in being incinerated either."

The breadth of Senator PELL's interest and skills has undoubtedly contributed to the diversity of the legislation he has introduced. Some examples: He was the author of the National Sea Grant College and Program Act of 1966 "to enable us to develop the oceans in the same way the Land Grant College Act of 1865 developed American agriculture." He was the original force behind federal legislation to crack down on the combination of moving vehicle and alcohol, and his set of tough drunk-driving measures was signed into law last year. He was chiefly responsible for the Grand Transportation Act of 1965, which brought about a dramatic improvement in passenger rail transportation in the Northeast Corridor from Boston to Washington; upgrading of the roadbed and tracks made possible smoother, faster rides, and the act led to the creation of the Metroliner. PELL says he would still like "to vacuum people out of the sky and off the highways" and make the subway system a model of high-speed transportation. His book "Megalopolis Unbound" (1966), an account of his one-man crusade, was described by New York Times book reviewer Clive Entwistle as "a demonstration of what one determined and far-sighted senator can do for his contemporaries, for future generations, and for himself."

Another proof of Senator PELL's farsightedness is his having introduced the 1963 Arts and Humanities Foundation Act, which led to the establishment of the National Endowment for the Arts (NEA) and for the Humanities (NEH). Reflecting on that act in 1979, PELL told a Washington Star reporter that he had lost voter support by becoming identified with the arts and by participating in a much-publicized conflict with Ronald Berman, chairman of NEH, in 1976. The way to the voters' hearts in the sixties, he had found, was not through the arts: "Arts were not respectable. People didn't want their children to be artists. If I'd been interested in my political betterment, I would never have gone into the arts, because I got more political hassle and drawbacks . . . than benefit from it." Today, however, PELL says he is still committed to the arts, no matter how politically unpopular they are, and still believes in "grassroots participation" in the "enriching process and products of humanistic studies." He says he is " the only member of Congress still surviving who put through the Arts and Humanities act and the bill to create an Institute for Museum Services." He has also cosponsored a bill proposing a National Art Bank through which the government would purchase works of living American artists and lend them to federal buildings all over the country.

Had Senator PELL been interested only in his own political betterment, he would not have spoken out for racial integration in the schools in an election year when racial violence was erupting in three integrated Rhode Island high schools. But although his position on equality in education hurt him in an industrial, heavily democratic state rapidly swinging toward the right, he was reelected to a third term in the Senate—and then to a fourth in 1978.

The Senator has said, "I have a seven-word definition of my job and of my life: 'Translate ideas into events, and help people.'" In a speech to the Senate in 1971, PELL condemned anti-Semitism in the Soviet Union: "Our common conscience still bears the scars of our silence in the nineteen-thirties; history must not record that in the nineteen-seventies we again closed our eyes and our hearts to the persecution of the Jewish people." Three years later he spoke out for détente with the Soviet Union: "I am under no illusions as to any sun and light behind the Iron Curtain. But at least people there are alive and leading reasonably normal lives. It is not the scorched area

it could be in a World War Three." PELL's regard for the world's people is epitomized in the motto on his office wall, attributed to George Washington: "To bigotry no sanction! To persecution no assistance!"

An extension of this regard is his concern for the environment. As early as 1967, he called for international control of the oceans and the prohibiting of weapons placement in the ocean floor, a resolution incorporated into the 1972 Seabeds Arms Control Treaty, which was signed by eighty-seven nations. In 1973 he introduced a bill opposing the potential military use of environmental modification "from simple rainmaking to possible earthquake stimulating, steering of ocean currents, or tidal wave stimulating." He deplores "tampering with natural forces," including the cloud-seeding used to alter rainfall in Southeast Asia; he calls this "weather warfare."

Senator PELL does not want to see weapons systems in outer space. Four years ago he proposed that no country, or body within a country, undertake any major project that could have an adverse effect on the environment of another nation or global common area without having first filed an international environment assessment with the United Nations. The need for an international environment treaty is based says PELL, "on my expectation that science and technology are going to be increasingly looked to for solutions to the problems of meeting the food, energy, resource, and transportation needs of a rapidly growing world population. I am concerned, however, that any misconceived or badly controlled application of technology could have far-reaching and often uncertain effects on many parts of the world."

PELL considers the United Nations Conference on the Law of the Sea (1976), involving some one hundred and forty nations and dealing with issues affecting more than two-thirds of the earth's surface, the "most important multilateral negotiation since the San Francisco Conference in 1945, which drew up the United Nations Charter."

The ranking minority member of the Committee on Foreign Relations, PELL says that today "arms negotiations dwarf every other problem. If we are not successful there, it doesn't matter whether we have or do not have a depression." Of President Reagan, he says: "He is an honest man; he believes what he says. But he is a realist and has shown a willingness to compromise—the mark of a sensible course. I hope he will change course on this issue, or it will lead to disaster."

He told the Senate in January 1982, "All of us passengers on Planet Earth have an equal interest in seeking to prevent a nuclear exchange."

CLAIBORNE PELL commands a position of power and influence enjoyed by few of his Senate colleagues. Much of his legislation has benefitted higher education, transportation, the arts and humanities, and the uses of our environment. It is an interesting measure of the man's far-sightedness that although many of his proposals are considered controversial when he presents them, they are often—sometimes years later—adopted as policy; his "forward thinking" frequently enables him to anticipate the moods of various segments of society.

After his first election, PELL was quoted in the Congressional Quarterly Almanac (1960) as saying, "This is the type of life, the type of work, I've always had in the back of my mind since I was twenty." Nearly a quarter of a century later he maintains that, although his vision of educational excellence has been deferred, he will continue working to preserve the history and to ensure the survival of all of us passengers on Planet Earth.

(Senator PELL was awarded the honorary LL.D. degree from Columbia University at commencement, May 17, 1983, and was the Alumni Federation's Commencement Day Luncheon speaker. A graduate of Princeton (B.A., cum laude, 1940), he received the M.A. degree in international administration from Columbia in 1946.)

(Mrs. HAWKINS assumed the chair.)

THE CONTADORA PROCESS

Mr. ROBERT C. BYRD. Madam President, at this Tuesday's conference luncheon the Senate Democratic Conference, which is the conference of all Democratic Senators, adopted the following resolution without dissent:

The Senate Democratic Conference hereby endorses the Contadora process, for which President Reagan expressed "strong support" in his letter of July 26, 1983, to the President of Panama.

Members of this side of the aisle support and encouraged the peace initiative which have been undertaken by Panama, Colombia, Mexico, and Venezuela. The resolution we passed is a formal expression of that support.

Last week, the distinguished ranking minority members of the Senate Foreign Relations Committee, Senator CLAIBORNE PELL, authored a thoughful opinion piece in the Los Angeles Times which also commended the attempt to achieve a peaceful settlement in Central America undertaken by the Contadora Group.

I ask unanimous consent that the entire text of Senator PELL's op-ed piece be printed in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THERE IS A WAY OFF "THE SLIPPERY SLOPE"—LATIN AMERICA CRISIS NEEDS CONCILIATORY GESTURES ON BOTH SIDES

(By Claiborne Pell)

President Reagan's press conference Tuesday exposed a basis contradiction in his Administration's policy toward Central America that, if not corrected, will lead to the Americanization of the conflict in that area.

On the one hand, the President supported the mediation efforts of the so-called Contadora group (the governments of Mexico, Colombia, Venezuela and Panama), and said that he was "encouraged by some recent statements from Nicaragua and Cuba that seem to indicate that they, too, now recognize the merit to regional negotiations."

On the other hand, he defended the dangerous course of gunboat diplomacy on which he has embarked, and he refused to rule out the use of U.S. troops against Nicaragua.

Despite his rhetoric in support of a negotiated solution to the turmoil in Central America, the President's actions in dispatching ships and troops to the area suggest that in fact he has opted for a policy of military intimidation instead of diplomatic conciliation.

His show of military force can only be interpreted as a repudiation of the Contadora group's most recent proposal for negotiations and a dismissal of Nicaragua's willingness, for the first time, to engage in multilateral negotiations that would include discussion of arms flows to Salvadoran rebels. Two consequences harmful to U.S. interests are possible.

First of all, I fear that the Contadora group may quietly withdraw from the scene. And Nicaraguan hard-liners, sensitive to the thought of negotiating under the shadow of U.S. guns, may force a retraction of the Sandinista government's offer. Reviving the possibility of negotiations under those circumstances would be difficult, if not impossible.

Second, I fear that the presence of U.S. ships and 4,000 U.S. troops in Honduras could serve as a protective cover for a serious attempt, by forces sympathetic to the former Somoza regime, to overthrow the Sandinista government. And one misstep at sea or on land could lead to direct involvement of U.S. forces in a conflict in which the American people clearly want no part.

Even if these dire consequences do not occur, the Administration's show of force is unlikely to achieve anything except to raise questions about what the next U.S. military move will be and how long our friends in the region will tolerate such action.

However, it is one thing to criticize what the Administration is doing. It is quite another to present credible alternatives. So what is to be done?

Most immediately, the Administration should scale down the size of the planned exercises to conform more nearly to those that have taken place in the area since 1965. This should be the prelude for a test of the sincerity of Nicaragua and Cuba: an invitation to participate in a conference under the auspices of the Contadora group.

If this effort fails, the question of Nicaraguan transgressions and the appropriate regional response should be placed before the Organization of American States. That is what was done quite successfully during the Cuban missile crisis of 1962. We only court the enmity of our neighbors in the hemisphere by going it alone.

Similarly, in El Salvador, we should be fostering a totally unconditional dialogue between the government and the guerrillas—a dialogue not restricted to the question of participation in elections. In view of past U.S. actions to overthrow democratically elected Marxist governments in Chile and Guatemala, it would not be unreasonable for the guerrillas to want to talk about more than the details of elections.

In the longer term, we must face up to the fact that the basic security problems in Central America—and in all Latin America for that matter—are primarily economic, social and political, not military. Furthermore, these problems are indigenous to each country in the area, and are not imposed from outside. Even the most diehard opponents of the Castro and Sandinista regimes cannot deny that they were internally nurtured responses to domestic problems.

The solutions to the region's problems are, logically, economic and social development, serious attention to human rights and political dialogue—including the resumption of formal diplomatic relations between the United States and Cuba. Even where there is external support for insurgency, as in El Salvador, the underlying problems are do-

mestic, and no amount of military aid or advisers can remove the problems on which the insurgents feed.

The Administration's Caribbean Basin Initiative and the Kissinger commission are welcome, although belated, responses to these problems. But the depth of commitment to the approaches implied in these initiatives is called into question by the Administration's preference for saber-rattling.

The need to shift the focus of U.S. policy in Central America does not mean that we should be blind to the external forces that are exploiting the misery and repression in the area for their own ends. There is a need, as the President has said, to provide a "shield of democracy."

But, as with Vietnam, the American people will not bear the burden for such a shield if the threat to democracy is exaggerated and it alternatives to military action have not been seriously pursued.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

S. 1766—AMENDING THE JUDICIAL REVIEW PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT

Mr. BUMPERS. Madam President, I am today introducing a bill to amend the judicial review provisions of the Administrative Procedure Act. I hope this measure, which has come to be generally known as the Bumpers amendment will have the support of every Member of the Senate. I can make that broad assertion, Madam President, because essentially this same bill, which embodies ideas I have worked for since 1975, was passed unanimously by the Senate just last year. And I am proud to say that I am joined by Senators QUAYLE, NUNN, HEFLIN, DECONCINI, SIMPSON, and GRASSLEY in offering this bill. Last year this body approved my judicial review amendments as section 5 of S. 1080. That bill, which was our major effort at regulatory reform last Congress, unfortunately never saw action in the House. The need for regulatory reform, however, has not diminished. It has, in fact, increased greatly.

Now is an especially appropriate time to consider the Bumpers amendment. I say this because of the great concern which has been expressed in both the House and the Senate over the impact of the Supreme Court's recent decision in Immigration and Naturalization Service against Chadha, holding unconstitutional the so-called legislative veto. Whatever one thinks about the merits of that decision and the legislative veto—and I admit to always having been a critic of the legislative veto—the fact is that it had become an established part of the system of checks and balances over the exercise of power by the Federal bureaucracy. Unless we substitute other controls the removal of congressional review over rulemaking by the unelected agency chiefs will only increase the potential for the abuse of executive power by countless, nameless, faceless administrators whose decisions have such a tremendous impact on the lives of all Americans.

A great variety of legislative responses to the Chadha decision has been suggested, and more will undoubtedly be forthcoming. In my judgment, however, no one thus far has offered a comprehensive answer, one which will adequately guarantee that the vast Federal bureaucracy is held accountable for its decisions. I have concluded, therefore, that this is an especially appropriate and important time to enact an amendment to the Administrative Procedure Act, that basic law which governs procedures in all Federal agencies, which will increase the degree of scrutiny which is applied to agency decisions when they are reviewed in the Federal courts.

POLICY

The rationale for this bill is readily understandable and basic. It is a basic constitutional rule that in our representative democracy, the legislative power shall be exercised by elected representatives and not by unelected bureaucrats who are not responsible to the electorate. The delegation doctrine—that constitutional doctrine which permits us in Congress to delegate to agencies the power to make rules necessary to carry out the legislative mandate—presumes that there will be methods for controlling this delegated power. Indeed, without such control the agencies would be the judges of their own actions. The fox in the henhouse. Such a result is contrary to the principle set out by Mr. Justice Reed in Social Security Board against Nierotko: "An agency may not finally determine the limits of its statutory power. That is a judicial function." 327 U.S. 358, 369 (1946).

This bill will strengthen the Administrative Procedure Act's intended protection against regulatory actions which are arbitrary and capricious, and it will do this in four important ways. First, in agency actions known as informal rulemaking, this law will require that the facts which all the reason for the rule be shown to have substantial support in the agency's rulemaking file. Second, the opening words of section 706 state: "The reviewing court shall independently decide all relevant questions of law." The addition of this one word, "independently," will significantly change existing law to insure that individuals stand on equal footing with the regulators when challenging them in court.

Third, the burden will be placed on the agency in litigation to show that the actions it has taken are within the scope of the jurisdiction and authority specifically delegated to the agency by the statutes which created the agency. That is to say, the courts will no longer be able to indulge in the presumption that, "if the agency did it, it must be within its power." Instead, the agency will have to affirmatively show that it was authorized by Congress to act in a particular case and to take the actions which it took.

The court will have to be satisfied that the particular area is one where the language of the act shows clearly that Congress intended action by the agency, or, if the language is ambiguous, then the agency action must be based on other verifiable legislative intent.

Fourth and finally, and vitally, the courts are to accord no presumption in favor of or against an agency's interpretation of the law. Again, the court, not the agency, should be the ultimate interpreter of the law, and the Bumpers amendment makes this clear.

This last provision is intended to correct what I have long seen as an anomaly in the law. I have always thought it peculiar that the courts have so often stated that they will, on a close question, defer to an agency's expertise on questions of law. I say this is an anomaly because I take seriously Chief Justice Marshall's famous statement in Marbury against Madison that, "It is emphatically the province and duty of the judicial department to say what the law is." It seems to me that the Federal courts have abdicated this duty when they defer to an agency's interpretation of the law which the agency is charged with enforcing. It is the courts, not the agencies, which are charged under the Constitution with the duty to resolve legal questions necessary to the decision of cases before them. I do not doubt that the regulatory agencies are entitled to some degree of respect on questions of fact and policy in their respective areas of responsibility. But the present judicial doctrine of deference to administrative bureaucrats on questions of law goes a long way toward the evil of which Bishop Hoadly warned in his sermon before the King on March 13, 1717:

> Whoever hath an absolute to interpret any written or spoken laws, it is he who is truly the lawgiver, to all intents and purposes, and not the person who first spoke or wrote them.

I urge the Senate to act expeditiously to enact this important reform into law.

LEGAL ANALYSIS OF THE BUMPERS AMENDMENT

One primary mechanism for control of agency discretion is the requirement that when the legislature delegates power, it must establish an "intelligible principle" to govern the delegation, and that the judiciary will hold invalid actions which are not authorized by the statutory delegation. Indeed, a number of recent opinions by members of the Supreme Court have underscored that need by emphasizing that absent clear Congressional guidelines as to the limits of delegated power and clear Congressional guidelines as to how, once delegated, the power is to be used, the purported grant may be unconstitutional. For example, *Industrial Union Dep't., AFL-CIO* v. *American Petroleum Inst.*, 448 U.S. 607, , (1980) (Rehnquist, J. concurring) (concluding that § 6(b)(5) of the Occupational Safety and Health Act violates "the doctrine against uncanalized delegations of legislative power"); *American Textile Manufacturers Institute, Inc.* v. *Donovan*, 49 U.S.L.W. 4729, , (U.S. June 16, 1981) (Rehnquist, J., dissenting). Moreover, once Congress has done its duty by establishing such principles, the courts must do their duty by holding invalid actions which are not authorized by that statutory delegation. In the words of Mr. Justice Reed, "An agency may not finally determine the limits of its statutory power. That is a judicial function" *Social Security Board* v. *Nierotko*, 327 U.S. 358, 369 (1946).

It is appropriate for Congress to underscore this principle that the courts, and not agencies, make the final decisions as to the extent of agency jurisdiction or authority. Moreover, other experiences with judicial review during the past decade demonstrate the need for additional Congressional guidance to the courts on other aspects of the review of agency rules. In certain cases, the courts have given undue deference to agency interpretations of Congressional intent in construing statutory provisions or terms. This judicially created doctrine of deference, which in certain instances is applied as virtual presumption of correctness of all interpretations of law by an agency, imposes unfair burdens on citizens in appeals of agency rules and undermines the proper role of the courts. This amendment disapproves of this doctrine. The courts should not presume that the agencies are correct in their interpretations of the law, whether derived from the Constitution, the organic statutes and implementing regulations, procedural statutes, such as the Administrative Procedure Act, or Federal common law where it exists.

The first change made by subsection 5(b) is the insertion of the word "independently" in the introductory sentence of section 706 of title 5, United States Code ("the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action"). This modification applies to all the duties of a reviewing court set out in that sentence and is intended to reemphasize the primary role of the courts in interpreting all sources of law involved in the review of agency rules.

The addition of a new clause (F) to section 706(a)(2) provides a separate, clarified standard for review of certain factual determinations in informal rulemakings. Relying on the analysis in Recommendation 74-4 of the Administrative Conference, 1 C.F.R. § 305.74-4 (1980), clasue 2(F) requires substantial support for factual determinations in informal rulemaking when (1) the determination of fact is necessary to the rule, (that is, where the rule would fail to satisfy the "arbitrary, capricious, [or] an abuse of discretion" criterion or where the rule would be in excess of the agency's authority, absent such a finding of fact), or (2) the finding of fact is an "asserted" basis for the rule, (that is, where the agency relies on the finding as part of its rationale for the policy choice reflected in the rule).

Under clause 2(F) the "substantial support" must be found in "the rule making file, viewed as a whole." Section 706 in its present form does not specifically prescribe the standard of review for factual issues raised in review of rules promulgated under section 553 procedures. Courts have thus had to apply the "arbitrary, capricious, [or] an abuse of discretion" test to these factual issues. Many have looked for analogy to the "substantial evidence" standard now applicable to review of rulemakings "on the record" and have formulated an equivalent standard requiring a court to take a "hard look" at agency factual determination. Other courts have reviewed factual issues in a variety of ways, none easily defined.

The "substantial support" criterion is based on the precedents of judicial review provisions in recent enabling statutes that follow the logic of the "hard look" line of cases. For example, Toxic Substances Control Act, 15 U.S.C. § 2618(c)(B)(i); Federal Trade Commission Act, as amended, 15 U.S.C. § 57a(e)(3)(A). The courts, in applying this standard should essentially follow the criteria discussed by the Supreme Court in *Universal Camera Corp.* v. *NLRB*, 340 U.S. 471, 487-88 (1951) and *Consolvo* v. *FMC*, 383 U.S. 607, 619-20 (1966). Later circuit cases such as *Greater Boston Television Corp.* v. *FCC*, 444 F.2d 841, 851 (D.C. Cir. 1970) characterize the Court's role as making certain that the agency took a "hard look" at the salient problems and "genuinely engaged in reasoned decisions-making." Others, citing the Supreme Court's decision in *Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. 402 (1971), have held that "the grounds upon which the agency acted must be clearly disclosed in, and substantiated by the record." *Appalachian Power Co.* v. *Train*, 545 F.2d 1351, 1356 (4th Cir. 1976). See *Sierra Club* v. *Costle*, No. 79-1565 (D.C. Cir. April 29, 1981) ("If the agency's decision is not based on substantial evidence it will be held to be arbitrary and capricious." *Id.* slip op. at 32 n. 67.). The words "substantial support" are also intended to require that the data or materials in the record on which the agency based its factual determinations must be reliable and credible even though they do not necessarily satisfy the rules of evidence applied in judicial proceedings.

Earlier versions of this amendment used the words "substantial evidence" rather than "substantial support" in clause (2)(F). The change in language here is meant to negate any implication that the intent of these amendments is to require indirectly the use of trial-type procedures in informal rulemaking. Procedural requirements for informal rulemaking will be found in other provisions of the A.P.A., such as in our amendments to section 553, and in constitutional and common law considerations of fairness. It is not intended that the words "substantial support" imply that agencies must use procedures beyond those required by law elsewhere.

Finally, "substantial support" standard in new clause (2)(F) recognizes that there is a distinction between an exercise of discretion (policy choice) by the agency, which remains subject to the "arbitrary, capricious, [or] an abuse of discretion" standard of clause 2(A), and the factual foundation for such a choice.

The final change of subsection 5(b) adds a new subsection (c) to section 706 of title 5, United States Code. The first sentence of new subsection (c) of section 706 directs the courts to play a more active role in policing regulatory power by closely construing statutes which transfer regulatory authority to administrators. The Supreme Court has followed this approach in recent decisions. *FCC* v. *Midwest Video Corp.*, 440 U.S. 689 (1979); *NLRB* v. *Catholic Bishops of Chicago*, 440 U.S. 490 (1979). See also *Kent* v. *Dulles*, 357 U.S. 116 (1958); *National Cable Television Assn. Inc.* v. *United States*, 415 U.S. 336 (1974); Schwartz, Administrative Law cases during 1979, 32 Ad. L. Rev. 441, 413-415 (1980).

Thus, subsection (c) emphasizes the responsibility of reviewing courts to

make sure that agencies do not exceed the jurisdiction or authority conferred on them by statute. Many people, in the Congress and in the public at large, believe that when Federal regulators seek to intrude into areas not contemplated by the authorizing statute, reviewing courts are too lenient in judging whether an agency has imposed an unauthorized regulatory burden on the citizen. Courts already vigorously and carefully discharging their responsibility may not have to alter their practice. In this respect, subsection (c) embodies a legislative solution similar to that employed by the Congress when it enacted the Administrative Procedure Act and the Taft-Hartley Act in 1946 and 1947. That story is recounted in Justice Frankfurter's opinion for the Court in *Universal Camera Corp.* v. *National Labor Relations Board,* 340 U.S. 474 (1951). The following conclusion reached by the Court in that case is equally applicable to this subsection:

[E]nactment of these statutes does not require every Court of Appeals to alter its practice. Some—perhaps a majority—have always applied the attitude reflected in this legislation. To explore whether a particular court should or should not alter its practice would only divert attention from the application of the standard now prescribed to a futile inquiry into the nature of the test formerly used by a particular court.

Under subsection (c), a court must determine that the agency's authority to act has been granted expressly in the organic statute or, in the event of ambiguity, by reference to the statute's legislative history or other contemporary materials relevant to ascertaining legislative intent. This provision is intended to underscore the duty of the courts to insure that agencies do not transcend the boundaries of the authority delegated by Congress. Indeed, for a court to allow an agency to go beyond these boundaries would be "an unwarranted judicial intrusion upon the legislative sphere wholly at odds with the democratic processes of lawmaking contemplated by the Constitution." *Lubrizol Corp.* v. *EPA,* 562 F.2d 607, 620 (D.C. Cir. 1977). See *City of Palestine* v. *United States,* 559 F.2d 408, 414 (5th Cir. 1977); *National Nutritional Foods Ass'n* v. *Matthews,* 557 F.2d 325, 326, (2d Cir. 1976).

Since by its terms, new subsection (c) of section 706 is applicable only to "determinations concerning statutory jurisdiction or authority under clause (2)(C)" of section 706(a), it does not govern review of agency action that allegedly violates other clauses of section 706(a)(2). Thus, for example, an agency's failure to comply with its own regulations might not be "in accordance with law", but would not be in excess of the agency's statutory jurisdiction or authority within the meaning of subsection (c). Likewise, review of agency action which allegedly violates the clause (B) language "contrary to constitutional right," the clause (C) language "short of statutory right," or the clause (D) language "without observance of procedure required by law" would not be subject to the requirements of subsection (c).

In the broadest sense, of course, an agency many be said to exceed its "jurisdiction or authority" whenever it acts improperly. As already noted, those words are not used in the expansive sense in this legislation. "Jurisdiction" is to be given its conventional meaning of the capacity or power to act concerning a subject matter, area of activity or class of persons or firms. E.g., *N.L.R.B.* v. *The Catholic Bishop of Chicago,* 440 U.S. 490 (1979).

The word "authority" is sometimes regarded as synonym for "jurisdiction". As used in subsection (c), however, it has a broader significance. When an agency's action is alleged to be in excess of its statutory authority, the issue will be the meaning of the statute, which is a judicial question to be decided by the court. Subsection (c) directs the court to make sure that the agency's assertion of authority is supported by the language of the statute or other evidence of ascertainable legislative intent. E.g. *F.C.C.* v. *National Citizens Committee for Broadcasting,* 436 U.S. 775 (1978). In that case, the FCC issued regulations prohibiting common ownership of broadcast stations and daily newspapers in the same market. In the terminology of subsection (c), issuance of the regulation would be within the FCC's "jurisdiction"—over broadcast licensees, and the question for decision on review, as the Supreme Court stated at the outset of its opinion, would be "whether these regulations . . . exceed the Commission's authority under the Communications Act," id. at 779, thus triggering the provisions of subsection (c). On the other hand, if the Commission has concluded that the Communications Act did not authorize it to take into account a licensee's ownership of other media facilities, subsection (c) would not be applicable, because in such a case the consequence of the Commission's conclusion would be a lessening rather than an increase of regulation. In such a situation, those contending that the Commission was required to take into account the factor of ownership of other media would in effect be arguing that the Commission's failure to do so was, in the words of clause (C), "short of statutory right." But agency action short of statutory rights is not subject to the requirements the first sentence of subsection (c), because by its specific terms the sentence applies only to a determination concerning jurisdiction or authority. Action allegedly short of statutory right, of course, would be subject to judicial review pursuant to section 706(a)(2)(C).

The phrase, "in the event of ambiguity," reflects recognition that if a court looks only at the words of a statute, there may be ambiguity concerning the agency's jurisdiciton or authority not only because the statute may be couched in broad terms, but also because a literal interpretation of the relevant statutory provision would produce an anomalous result. In *United Housing Federation, Inc.* v. *Forman,* 421 U.S. 837 (1975), for example, the lower court held that shares of stock in a cooperative housing project were securities. The Supreme Court reversed, rejecting the "literal approach" that "the sale of shares called 'stock' must be considered a security transaction simply because the statutory definition of a security includes the words 'and . . . stock'." [Id. at 848. The Court said that it was "guided by a traditional canon of statutory construction: "[A] thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers." Id, at 849. Thus while courts may resort to the statute as a whole and its legislative history to ascertain the legislative will, the bill would prohibit abuses of post-hoc legislative history. *Consumer Product Safety Comm'n* v. *GTE Sylvania, Inc.,* 447 U.S. 102 (1980).

The requirement that the court's decision concerning an agency's jurisdiction or authority be based on the language of the statute or other evidence of "ascertainable legislative intent," reflects the intention of the committee that an extension of an agency's jurisdiction or authority beyond that expressed in the language of the statute must be based on facts or materials in the statute's legislative history that can be discerned, identified, and discussed by the reviewing court. Subsection (c) requires more than surmise, more than a lack of evidence which would negate the extension. It requires, instead, identifiable materials which provide support for the extension.

Under subsection (c) an asserted extension of jurisdiction or authority that is unsupported by the language of the statute may not be upheld merely on the ground that the legislative history is not illuminating and the agency has made a determination that the court finds reasonable. Accordingly, under this amendment, a reviewing court could not properly uphold an extension of agency authority beyond that expressed in the statutory language on the ground that the extension "is reasonable and is not prohibited by the statute" or that the extension "is reasonable and is consistent with the statute." Subsection (c)'s requirement of affirmative evidence is not met by an absence of contradictory evidence. Reasonableness and con-

sistency with the statutory purpose are not the equivalent of evidence of ascertainable legislative intent.

Subsection (c) directs reviewing courts to play a more active role than some courts have in the past by carefully construing statutes which transfer regulatory power to administrative agencies. In complying with the subsection, reviewing courts should take a hard look at assertions of regulatory jurisdiction or authority which an agency seeks to justify by the argument that the asserted power is granted by implication. In the exercise of its reviewing responsibility, the court will make use of all appropriate materials for ascertaining the legislative will and will be influenced as well by the nature of the asserted power. If, for example, the agency is seeking to assert a basic or significant extension of authority, the reviewing court should not uphold the extension unless it is conscientiously convinced that the statute and relevant legal materials demonstrate that Congress addressed the issue, and that the statute does contain the authority asserted by the agency. On the other hand, if the asserted authority at issue relates to an interstitial or minor matter, the reviewing court might well conclude that although Congress had not addressed the specific issue, the matter is of such a character that sensible administration necessarily requires exercise of such an implementing authority and therefore that a fair construction of the statute and relevant legislative materials lead the reviewing court to conclude that Congress has conferred the necessary authority.

In imposing a duty on the court to ascertain the statutory basis for agency jurisdiction or authority it is not intended to impose a burden on them to act sua sponte. Those seeking review of a rule must still raise the question of jurisdiction or authority, but once raised, the burden of persuasion passes to the person asserting that agency jurisdiction exists. This is not a revolutionary change. It is consistent with the constitutional premise that delegations of legislative power to unelected officials are to be narrowly construed. It is also far easier to prove the affirmative, that an agency has jurisdiction, than to prove the negative, that it does not. This is consistent with other sections of this legislation which require an agency to include a statement of specific statutory authority under which the rule is proposed and of the congressional intent specifically sought to be achieved by the rule in the notice of proposed rulemaking, and which require an agency to include in the statement of basis and purpose a memorandum of law supporting the determinations of the agency that the final rule is within the authority delegated by Congress and is consistent with congressional intent.

The second sentence of new subsection (c) of section 706 is intended to make clear the Congress' intent that the courts perform, and perform diligently, their traditional role as the ultimate and impartial interpreters of the law. It is designed to insure that, as to questions of law, the agency and those seeking review stand on equal footing before the court without bias, preference, or deference to either and without any presumption in support of or against agency action. The only exception is for questions of jurisdiction or authority. Where such an issue is raised on review, the first sentence of subsection (c) imposes the burden on the proponent of agency jurisdiction to demonstrate that Congress has delegated to the agency the authority to act. The word "other" in the second sentence of new subsection (c) makes clear that the general rule of the second sentence is not to be read to lessen the obligations imposed by the preceding sentence on the proponent of agency jurisdiction and authority.

When a citizen challenges an agency's rule or order in the courts, the odds should not be stacked against him by judicial presumptions in favor of the agency. The judicially created doctrine of deference to agency interpretations of law, which some courts have elevated to a virtual presumption of correctness, places the bureaucratic thumb on the scales of justice, weighting them against the citizen. This amendment intends to reestablish an equal balance.

These amendments do, however, leave room for proper reliance on agency expertise where it actually exists. It is not intended to preclude judicial consideration of an agency's legal interpretation. This interpretation will be one element of the process of independent judicial examination. Nonetheless, the effect of any agency interpretation of law on the court's own interpretation should not depend on some general rule of deference of presumption of validity. Rather, in examining an agency interpretation of law, the court should evaluate "the thoroughness exhibited in [the agency's] consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give its power to persuade, of lacking power to control." *Skidmore* v. *Swift & Co.*, 323 U.S. 134, 140 (1944). The court should also weigh any countervailing factors bearing on the validity of the agency's legal position.

Accordingly, under this amendment, a reviewing court may not proceed on the assumption that it should uphold an agency's statutory construction merely because that construction is not unreasonable or not irrational. The second sentence of paragraph (c), rejects the view expressed in *Udall* v. *Tallman*, 308 U.S. 1, 16 (1965), and other cases that a court should defer to an agency's interpretation of a statutory or regulatory term even though it is not the only reasonable interpretation or even one that a court would have reached. Instead, the courts are to regard the interpretation of law as a question which they must decide. See e.g., *Coca-Cola Co.* v. *Atchison Topeka & Santa Fe Ry.*, 608 F.2d 113 (5th Cir. 1979); *Bituminous Coal Operators Ass'n.* v. *Secretary of Interior*, 547 F.2d 240 (4th Cir. 1977); and *Beryllium Corp.* v. *United States*, 449 F.2d 362 (Ct. Cl. 1971).

In providing that the "no presumption" criterion will apply only to questions of law, the intent is to preserve the existing "arbitrary, capricious, [or] an abuse of discretion" standard of section 706 with respect to policy determinations made within the permissible limits of agency discretion. In addition, the "no presumption criterion" does not apply to questions of fact, which are covered by the "substantial support" criterion.

Some issues will involve mixed questions of law and policy, or law and fact. But the difficulties in parsing and reviewing such issues under differing criteria now exist under section 706 in its present form. Thus this revision of section 706 does not create an obligation for the courts to wrestle with a new categorization. Despite the difficulties inherent in this task, courts can and do distinguish factual and policy from legal questions when reviewing agency action. E.g., *Sweringen Aviation Corp.* v. *NLRB*, 568 F.2d 458, 463 (5th Cir. 1978); *Getty Oil Co.* v. *DOE*, 478 F. Supp. 523, 527 (C.D. Cal. 1978). Moreover, courts generally have to distinguish legal from factual issues when hearing appeals from lower court rulings, since different standards of appellate review govern resolution of each category of issues on appeal. E.g., *Buchanan* v. *United States Postal Service*, 508 F.2d 259, 267 n. 24 (5th Cir. 1975); *Crosby* v. *United States*, 496 F.2d 1384, 1389 (5th Cir. 1974); *Rockwood & Co.* v. *Adams*, 486 F.2d 110, 112 (10th Cir. 1973). By establishing clear standards for review of the various components of agency decision, these amendments will simplify the task of the courts.

These changes to section 706 will not cause any dramatic upheaval in the process of judicial review of agency actions. These amendments to section 706 are not intended to affect any applicable rule of law which provides that in a civil or criminal action reliance on an agency rule or order is a defense. Thus, a defendant who has acted in compliance with an agency rule or order would continue to have any protection the law now provides even if the rule or order is subsequently found to be invalid.

It is expected that whenever an agency rule or order is challenged in a civil action where a private party is suing under an express or implied right of action for violation of an agency rule—arguably not a "proceeding for judicial enforcement" within the meaning of section 706—the court will apply the same standards of review as those set forth in section 706. This is not meant to imply any new standing or right of a defendant to challenge the validity of an agency rule or order. Thus, only if and to the extent that a rule can be reviewed by the court in the action would the reviewing court be expected to apply the same section 706 tests of lawfulness of agency action.

The "no presumption" criterion does not suspend the effectiveness of rules during the pendency of an appeal. This criterion affects only the judicial review of legal issues raised in appeals of agency action. Pending the outcome of that judicial review, the rule or agency action at issue would remain in effect unless, as under current law, a court issues a stay of the effectiveness of a particular agency action pending appeal. 5 U.S.C. section 705. This requirement would not be changed by the amendment.

While this amendment applies to the judicial review of questions arising under the existing and future organic acts of Congress where the general standards for judicial review as previously articulated in section 706 have been applicable, it is not intended either to change any settled judicial interpretation existing at the date of enactment as to the boundaries of a particular agency's jurisdiction or authority determined by a Federal appellate court, or to unsettle any res judicata or collateral estoppel effects of final prior court decisions on substantive legal questions.

The ultimate objective of these amendments to section 706 is to make sure that the pace, scope, and substance of regulation conform to the timetable and map established by elected representatives, rather than by an unelected bureaucracy. Since courts do not act on their own initiative, citizens have an important role to play in assuring the attainment of that objective. In protecting their individual interests they can also help to protect the public interest.

In addition, closer judicial reading of the statutory authority of agencies, perhaps producing decisions that agencies have no authority to act in some situations, will be an incentive for the Congress to "canalize" more specifically its delegations of law making power to agencies. "Congress defaulted when it left it up to an agency to do what the 'public interest' indicated should be done." W. Douglas, "Go East Young Man" 217 (1974). See J. Skelly Wright, Book Review, 81 Yale L. J. 575 (1972) ("There is every reason to believe that, with a slight nudge from the courts, Congress would eagerly reassume its rightful role as the author of meaningful organic charters for administrative agencies." Id. at 584.).

Indeed, as one critic of agency behavior put it, likening agencies unconstrained by statutes to Plato's philosopher-king:

[O]ur whole constitutional structure has been erected upon the assumption that the king not only is capable of doing wrong, but also is more likely to do wrong than other men if he is left unrestrained. We must not today judge those in possession of governmental power more favorably than did our ancestors, with the presumption that they can do no wrong. On the contrary, if there is any presumption, it should be against the holders of power, and increasing as the power increases. In the field of administrative law, historic responsibility can never make up for the want of legal responsibility. Schwartz, "Of Administrators and Philosopher-Kings: The Republic, The Laws, And Delegations of Power," 72 Nw. U.L. Rev. 443, 450 (1977).

Madam President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Title 5, United States Code, Section 706 is amended to read as follows:

"§ 706. Scope of Review.

"(a) To the extent necessary to decision and when presented, the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) without substantial support in the rule making file, viewed as a whole, for the asserted or necessary factual basis, as distinguished from the policy or legal basis, of a rule adopted in a proceeding subject to section 553 of this title; or

(G) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In making determinations concerning statutory jurisdiction or authority under clause (2)(C) of subsection (a) of this section, the court shall require that the action by the agency is within the scope of the agency jurisdiction or authority on the basis the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action.

Mr. GRASSLEY. Mr. President, I now rise in support of the introduction of the Bumpers amendment, named after its originator, the distinguished Senator from Arkansas.

This section amends the Administrative Procedure Act in these respects:

Reviewing courts are instructed to make independent determinations on all questions of law whether they be jurisdictional, constitutional or procedural. No presumption of validity will attach to agency regulations. The court will be the final arbiter as to whether an agency has gone beyond congressional intent in taking certain actions.

In addition, the reviewing court shall set aside agency regulations where substantial support is lacking for the necessary factual determinations which provide the basis for the rule. This will assure the promulgation of necessary regulations while preventing those which are overburdensome and unjustified.

Senator BUMPERS first introduced similar legislation in 1975. It was reintroduced in the 95th and 96th Congresses. At this point, I would like to reiterate my long-term support for this section demonstrated by my introduction of the amendment in the House in 1979 and the fact that I was fortunate enough to chair the hearings on the amendment held last Congress before the Subcommittee on Agency Administration of the Senate Judiciary Committee.

On September 7, 1979, the Senate adopted a similar proposal as a part of the Federal Courts Improvement Act. The House Judiciary Committee approved the Bumpers amendment with only one dissenting vote on September 17, 1980, as part of a comprehensive regulatory reform package. However, neither of these bills incorporating the amendment was ever finally enacted into law.

It has been demonstrated, through the extensive hearing process, that this legislation is necessary now more than ever. Testimony elicited before the Subcommittee on Agency Administration indicated that great deference has been given to various agencies in delineating their own authority. This function is clearly one for the courts, not for the agency. Examples have been given time and time again of agencies taking broad statutory lan-

guage and construing it to justify certain agency action clearly going beyond congressional intent. The purpose of this legislation is not to allow courts to constantly second guess policy decisions properly made by agencies but instead to return to the courts the role of final arbiter of questions of law. It has always been the courts job to construe statutes and to determine whether an agency is operating within its statutory authority.

The other major criticism raised against this concept is that it may result in increased litigation. This fear is unfounded. What it will result in is promulgation of more responsible rules. As Mr. Neil Kennedy, former Senate Legal Counsel, indicated in his testimony, agency lawyers "are going to have to live with this provision and advise their agencies" accordingly. "This should result in no more litigation than at present and you may have fewer rules * * * and better * * * more modest and realistic rules." Mr. Kennedy continued, "* * * after the experience of the last years, I would ask, is that bad?"

I ask the same question and believe the answer is obvious. The most recent figure on the cost of regulations to America's economy is $126 billion annually. If we translate that figure into personal terms, Federal regulations cost about $575 per capita each year or $2,290 per four-member family. This is without question a contributing factor to the serious inflation problems we are facing today. Excessive regulation is eating away at the capital investment which instead should be flowing into new production.

If we expect American industry to increase production or even remain operational it is time for serious reevaluation of our regulatory system. Adoption of the Bumpers amendment is just one aspect of this process. This, along with the passage of a comprehensive regulatory reform bill, will restore the balance of power to the three branches of Government enumerated in the Constitution and return the bureaucracy to its proper function of administering the law.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

DEFICITS AND MIRACLES

Mr. PROXMIRE. Madam President, I recently ran across a study entitled "Government Deficit Spending and its Effects on Prices of Financial Assets." That has never been publicly released. The Treasury Department prepared this study in May, when the deficit reached the unprecedented sum of $161.8 billion, and that for only 8 months of the fiscal year. That is an annual rate of well over $200 billion.

The Treasury is traditionally one of the most conservative Federal departments, a home away from home for Wall Street bankers. Given this tradition and the administration's rhetoric, I expected the study to be a Phillippic against deficits, concluding that those odious red numbers boosted interest rates, slowed economic growth, and possibly even signified a certain looseness of moral purpose.

Imagine my surprise when I discovered that the study came to exactly the opposite conclusions. Here are some of the eye-opening results quoted directly from the study—and I quote verbatim:

> One can only speculate on what might be the effect of continuing deficits on prices of financial assets and, more fundamentally, on economic growth.
>
> What can be deduced, therefore, is that the secular trend of deficits, if kept at a sustainable level (that is, not resulting in an explosive growth of debt-to-GNP ratio) may be more conducive to economic growth than if the corresponding amount of funds were raised by taxing the productive factors in the economy.
>
> Finally, even if one were to accept the proposition that continuing high deficit-to-GNP ratios cause high interest rates, one could not conclude that these high interest rates will unavoidably result in slow economic growth.

Put in plain English, Madam President, the Treasury is now saying that large, continuing deficits may be just what the economic doctor ordered. They may increase economic growth. They do not cause high interest rates. Even if they did, these high interest rates may not hurt the economy.

Let us pause for a moment to marvel at this conversion. Remember the story of Saul's conversion on the road to Damascus. Saul may have been a tough nut to crack. He may even have been one of the most hard-hearted sinners of his day. He was one man, alone with his wickedness, but the story of his conversion has been handed down from generation to generation for nearly 2,000 years.

Now we are witnessing the conversion of an institution. Here we see the redoubtable Treasury Department, reeking with rectitude, suddenly wriggling into a peek-a-boo blouse, dabbing on a seductive scent, and chasing after a debonair deficit. It is as though Whistler's mother stood up, threw open that prim, black dress and revealed a shocking-pink string bikini.

This study so astonished me, Madam President, that it sent me into a reverie, where I beheld other miraculous conversions: Mr. Casper Weinberger, "Cap the Knife," arising from his grindstone with a gleaming knife in hand, which he uses to slash the fat in the military budget. Mr. David Stockman coming out of the woodshed and sitting gingerly at a spinning wheel, where he begins to reweave the safety net. Mr. James Watt joining Greenpeace and being last seen in the bow of a small rubber raft, shaking his fist at a whaler. But enough; that last one snapped me out of it. Some visions are beyond that pale, even in a reverie.

Still, when the Treasury embraces large deficits, anything and everything becomes possible. Perhaps, just perhaps, the Age of Miracles is still with us.

TO STOP NUCLEAR WAR WE NEED COOPERATION, AND NEGOTIATION NOT STAR WARS

Mr. PROXMIRE. Madam President, President Reagan last March proposed that this country consider pressing ahead with our advanced technology to build an impenetrable net in space that would permit us to intercept and shoot down any missile that might be fired against this country by the Soviet Union or anyone else. Since then Representative KRAMER, a Republican representative from Colorado, has introduced the Peoples' Protection Act of 1983. The Kramer bill would establish a new Federal agency to develop directed-energy systems to set up a United Space Command to deploy and operate all strategic defensive systems, and transfer military space shuttles from NASA to the Pentagon. Mr. KRAMER says he wants to make nuclear weapons obsolete.

That is a great purpose, Madam President. Almost every human being on Earth would favor such a purpose. But sadly, such an agency, like the Reagan Star Wars scenario, would be far more likely to bring a war closer rather than make it less likely. Only a few days ago, the Air Force is said to have successfully tested a laser to shoot down missiles. A successful laser against missiles or satellites would be quite a technological breakthrough in the nuclear arms race now.

This is exactly the kind of activity the Kramer bill would foster and fund. It would accelerate the development of laser, particle beam and microwave weapons that would destroy enemy missiles. I suppose we have rarely, if ever, in the last 50 years had any new weapons developed that were not, on their development, touted, pushed, advertised as necessary to bring peace, weapons to bring peace.

Our lasers presumably would shoot down incoming missiles that otherwise might blow up our cities and kill millions of Americans. What is wrong with that? What is wrong, of course, is what the Congress discovered more than 10 years ago when we ratified the Anti-Ballistic Missile Treaty with the Soviet Union. Congress ratified that treaty to stop the development of weapons by the United States and Russia that were designed for the ex-

press purpose of sparing each country the terrible consequences of an enemy attack with nuclear missiles.

We recognized that, like any other defensive weapons including lasers, the offensive provoked by the weapon would easily, quickly, and much more cheaply overpower the defensive weapons. Further, lasers could be used and would be used when fully developed to knock out satellites, the arms control eyes and ears of both countries. A laser defense, like an antiballistic missile defense, might give a temporary but false sense of security. If any principle surely prevails, especially in nuclear war, it is that the country that chooses to go on the offense can choose the time, the place, the mode, and the means of attack and, other things being roughly equal, will always have the overwhelming advantage. We no more need lasers or particle beams or any other new weapon any more than we need the MX. We need to negotiate a freeze on all, and I mean all—that is all—I will spell it, a-l-l—all nuclear weapons of all kinds.

Senator DAVID PRYOR of Arkansas put it best the other day when he made his fight against our funding a new nerve gas program. He said, "on weapon after weapon, cause after cause, this seems to be the mentality of this city, of this town, of this administration, of this Congress, all of us—let us build more, so that ultimately we can have less."

I think Senator PRYOR had it just right.

The Worldwatch Institute—a Washington think tank—has it right when they argue: "Nonweapons such as sensors, communications systems, and computers have become as important to the strategic balance as weapons improvements * * *. New information technologies are driving the strategic arms race between the United States and the Soviet Union to a higher level of danger and instability."

I am happy to say that the Institute comes out at exactly the place I do, and the American people, based on every inquiry do too—that is, we need a comprehensive freeze on new strategic weapons testing: We need a ban on weapons in space. We need an international satellite monitoring agency, and we need more cooperative research by the superpowers. Cooperative research by the superpowers? What am I saying? I am saying that we should cooperate with the Soviet Union on technological measures to strengthen arms control—exactly. And why not? Heaven knows we have a common interest. We both want to survive. We both want to stop a nuclear war. We are indeed ahead of the Soviet Union in nuclear weapons technology. But we have and they have the capacity to destroy the adversary totally. Only negotiations and verified agreements will stop that destruction. All the scientific research, all the weapons development, all the deployment in the world will not stop that destruction.

The arms race will hasten it. Mutual scientific cooperative research between the United States and the Soviet Union, research aimed specifically at improved means of verification and inspection with the end of stopping nuclear weapons technology from overwhelming and destroying us. That is what we need.

Madam President, I ask unanimous consent that an article by Brad Knickerbocker of the Christian Science Monitor that appeared on August 1 and from which I have quoted extensively in this speech be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Aug. 1, 1983.]

'STAR WARS' AND OCEAN WARS TACTICS: GOOD DEFENSE OR NOT?

Within the planetary war machine at its most advanced, unstable state may lie the embryo of a new security order.—Daniel Deudney, Worldwatch Institute

(By Brad Knickerbocker)

The film "WarGames" may be one of the summer's hotest diversions. But nuclear war by accident or design—especially fought in or from space—is an incresingly serious and controversial subject in Washington.

A few days ago, the Air Force successfully tested a laser to shoot down missiles. A dozen members of Congress are pushing a "People Protection Act" to reorganize and accelerate the development of laser, particle-beam, and microwave weapons (called "directed energy" devices) that would destroy enemy ballistic missiles, à la President Reagan's "Star Wars" speech of last March.

The Pentagon is scheduled to test its first antisatellite weapon this fall. But congressional skeptics, fearful of a new round in the arms race, are urging that antisatellite weapons testing be delayed. More than 100 house members recently wrote the President on this subject, and a group of prominent scientists also has asked Reagan to seek a moratorium by the United States and the Soviet Union on antisatellite testing.

Behind all of this is the concern that efforts to control nuclear araments are being overtaken by advancing technology.

In a thoughtful and detailed just-released study, the Worldwatch Institute, a Washington-based think tank, reports that the "transparency revolution" is overtaking the ability to conceal strategic systems. By this the report means that the growing network of satellites, seismic detectors, underwater acoustic arrays, and long-range radars can find almost any potential military target.

The inability to hide land-based missiles, strategic bombers, and their controlling facilities is driving the nuclear superpowers in two dangerous directions: toward computer-controlled "launch on warning" (firing your missiles as soon as incoming enemy ICBMs have been detected); and into the "global commons" of sea and space.

"Nonweapons such as sensors, communications systems, and computers have become as important to the strategic balance as weapons improvements," this report warns. "As a result, the measure of military strength has shifted away from the power and speed of weapons to the ability to detect and target the enemy's forces and to hide and communicate with one's own . . . New information technologies are driving the strategic arms race between the United States and the Soviet Union to a higher level of danger and instability."

Some see such technologies as the way for a nation to defend itself against nuclear attack. The "High Frontier" group, headed by retired Army Lt. Gen. Daniel Graham (former director of the Defense Intelligence Agency), supports this idea. President Reagan urged more research and development in this direction in his controversial March speech.

On Capitol Hill, a group of lawmakers is promoting space as the new area for national defense and urging the Pentagon to speed up its development and deployment plans for space-based weapons and other systems.

Rep. Ken Kramer (R) of Colorado has introduced the "People Protection Act of 1983." This would establish a new federal agency to develop directed-energy systems, set up a Unified Space Command to deploy and operate all strategic defensive systems, and transfer military space shuttles from NASA to the Pentagon.

In a talk supportive of President Reagan's spring speech, Mr. Kramer told a Capitol Hill group last week, "my ultimate hope with this legislation . . . is to make nuclear weapons obsolete."

Others say it is impossible to totally defend against nuclear attack. There is always the chance that a few ballistic missile warheads could penetrate any defense systems, some experts say, or that foreign agents could hide nuclear devices around the country.

In his book "Fate of the Earth," Jonathan Schell concludes that we must disband nation-states and form a world government. But in the new Worldwatch report, senior researcher Daniel Deudney says this is not necessary.

"The same transparency technologies now pushing the superpower military competition to its most dangerous level can be used to construct an alternative security system," he says.

Mr. Deudney proposes a comprehensive freeze on new strategic weapons testing, a ban on weapons in space, an international satellite monitoring agency (as proposed by France but rejected by the US and the Soviet Union), and more cooperative scientific research between the superpowers.

He urges a "pacification of the commons," including the oceans, where submarine-free zones and submarine sanctuaries could be established. He says, high-energy physics, oceanography, space sciences, and aeronautics are logical starting points for scientific cooperation.

At present, the US is clearly ahead in submarine and antisubmarine technology, as well as in most other military-related technologies, according to the Pentagon. But in most areas the Soviet Union is striving to catch up, particularly in the "transparency revolution" that is adding to nuclear instability.

"To begin fashioning a real security system, the superpowers must abandon their outdated and illusory ideas about military security," writes Deudney. "Controls established now can prevent deployment of weapons in space and avoid the vastly more difficult task of regulating them once they are there."

THE NAZI HOLOCAUST: LET US NOT FORGET

Mr. PROXMIRE. Madam President, I recently noted an article in the Washington Post indicating that in the final hectic days of World War II, the Nazis began a systematic "rewriting of history" in order to escape blame for the war. According to the Post, "It . . . appears evident that the Germans were engaged in a meticulous preparation of a case to justify their foreign policy vis-a-vis the countries concerned. "It seems that the Nazis were attempting to create evidence" to protect high officials from war crimes charges."

I am very disturbed by this. There seems to be a growing trend to obscure, ignore, or forget what happened in Europe from 1933 to 1945. I do not think a matter as grave as genocide should be forgotten. In fact, this issue ought to be kept in the fore. People should be reminded and taught the lesson of World War II and Hitler's Europe so that it may never be repeated.

Unfortunately, it seems to me that this lesson is beginning to be forgotten by some. Just this year, the forged Hitler Diaries appeared. Many, including John Chancellor of NBC news, felt that it might be an effort by Nazi sympathizers to create a new, different more innocent Hitler and Nazi Germany than was actually the case. Many others feel that the Nazi lesson is being lost on the new generation who did not live through the Hitler years and do not truly know of the horrors. There is fear that severe economic problems could drive some nations to Nazi-like dictatorships.

We must not let this happen. In 1948, we made the initial effort in the process to outlaw genocide. The United States was among the foremost creators of the Genocide Convention. We signed the treaty, as well. Yet, we have not come near to finishing the process. Our great body has failed to ratify. If the lesson of genocide is not to be lost, we must ratify now.

S. 1779—HAZARDOUS WASTE REDUCTION ACT

Mr. PROXMIRE. Madam President, each year we generate between 41 and 54 million tons of hazardous waste in this country.

As much as 75 percent of that waste could be safely treated, recycled, or incinerated, with technologies that are known today, or could be brought into production within 5 years.

Yet 4 out of every 5 tons of hazardous waste that we produce—despite all the publicity about Love Canal and the Stringfellow acid pits—is probably headed for a landfill.

Why? Because landfills are still the cheapest disposal option, despite all the regulations designed to make them safer.

Federal policy up to now has focused on the short-term problem—regulating the storage, transportation, and disposal of hazardous waste. It is time to take the next step forward by trying to cut down on the sheer volume of waste that we dispose of every year.

Part of the problem is the fee system that is used to raise the chemical industry's contribution to the Federal Superfund program to pay for the cleanup of abandoned hazardous waste sites. Under the current arrangement, the industry is assessed a fee on chemical feedstocks used in the manufacturing process. Since there is no direct relationship between feedstocks and the volume of hazardous waste that is produced, the current law does not provide any incentive to reduce waste generation.

Today, I am introducing the Hazardous Waste Reduction Act, which proposes to finance the Superfund through fees that would be levied on the land disposal of hazardous waste. This bill distinguishes between toxic and nontoxic hazardous wastes, which are already separated into categories under regulations established pursuant to the Resource Conservation and Recovery Act. Toxic hazardous waste would be taxed at $75 per ton, while nontoxic hazardous wastes, generally exhibiting ignitable, corrosive, or reactive characteristics, would be taxed at $25 per ton. No fees would be charged for the treatment, incineration, or recycling of hazardous waste. The fee system would supplement—not replace—existing Federal regulations governing the disposal of hazardous waste.

The Hazardous Waste Reduction Act provides what is now lacking from Federal hazardous waste policy: An economic disincentive to hazardous waste generation. Conversely, it should provide a needed stimulus to those industries that offer an alternative to land disposal.

Such a fee or tax on waste has real advantages over more cumbersome direct regulation, which must balance controls on the output of the waste source, the level of hazard the waste poses, the avoidance measures already adopted, and the protective measures taken by the potential victims. Under such a direct system of regulation, the danger of bureaucratic inefficiency and error is large. A fee or tax system on the waste itself is much more automatic.

Most importantly, a tax on hazardous waste makes the waste generator realize what the real price of hazardous waste is, and weigh it against the costs of additional or new treatment methods that could reduce the amount of waste generated. The waste generator will begin to find a real financial need to cut back on waste and/or adopt new treatment methods in order to reduce his fee.

This act has been introduced in the House as H.R. 3129 by Congresswoman CLAUDINE SCHNEIDER and Congressman RON WYDEN. It was drafted after meetings with Chemical Manufacturer's Association and the Hazardous Waste Treatment Council, whose suggestions were incorporated into the act. This concept of a waste disposal fee system has been endorsed by the Chemical Manufacturer's Association, the National Wildlife Federation, Environmental Action, and the Environmental Policy Center.

I send the bill to the desk and ask for its appropriate referral.

Madam President, I ask unanimous consent that a statement in connection with the bill and a Wall Street Journal editorial of Thursday, June 30, 1983, entitled "Fearing New Love Canal, Chemical Firms Stress Safer Disposal of Hazardous Waste," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HAZARDOUS WASTE REDUCTION ACT

BILL SUMMARY

The Hazardous Waste Reduction Act begins with the premise that federal policy should discourage the land disposal of hazardous waste. Every year, the U.S. generates between 41 and 54 million tons of hazardous waste, of which 80 percent ends up in landfills. Even under current federal regulations, landfills remain the cheapest disposal option. As a result, environmentally preferable alternatives like recycling and the treatment of waste materials are unable to secure a foothold in the market.

CURRENT FEDERAL POLICY

This bill proposes to change the basis under which fees are collected from the chemical industry for the Superfund, which finances the cleanup of abandoned hazardous waste sites. Under current law, the fees are collected on chemical feedstocks that provide the raw material for the manufacturing process. Because the raw material used often bears no relationship to the hazardous waste created as a byproduct, the Superfund fee structure does not act to discourage waste generation.

The current Federal program provides more disincentives than incentives for waste reduction. Many critics of this approach feel that the fund should have been financed through a "tail-end" fee on hazardous waste generation, rather than on "front-end" feedstock materials that only indirectly lead to hazardous waste.

HAZARDOUS WASTE FEES

This bill would extend the Superfund for a ten-year period, beginning in 1985 when the current law expires. The fee structure used to finance the Superfund would be levied on hazardous waste generation, replacing the current fees on chemical feedstocks. The bill distinguishes between toxic and non-toxic hazardous waste, two broad categories, using the definitions developed under the Resource Conservation and Recovery Act. The land disposal of toxic waste would be taxed at $75 per ton, while the land disposal of non-toxic hazardous waste

would be taxed at $25 per ton. The rates would double after the first five years of enactment. On-site and off-site land disposal would be taxed at the same rate, but no fees would be charged for recycling, incineration, or the treatment of hazardous waste.

STATE GRANTS

The bill would earmark $200 million from the revenues raised by the waste fees to pay for EPA's program of grants to states for enforcement of hazardous waste laws, and to help locate and classify the thousands of abandoned waste sites not covered by the Superfund. The grants could also be used to provide technical assistance to small manufacturers interested in developing a recycling or treatment capacity.

AUDITS BY INSPECTOR GENERAL

The bill provides for an annual audit of the Superfund program by the Inspector General, to ensure that Superfund monies are spent for the purposes for which they are intended. Provision is made for automatic reimbursement of the Superfund if any funds have been diverted to other programs.

WASTE QUANTITY ASSESSMENT PROGRAM

The bill directs the Administrator of the EPA to develop and implement methods to estimate the quantities of hazardous waste that are generated in each calendar year.

[From the Wall Street Journal, June 30, 1983]

FEARING NEW LOVE CANAL, CHEMICAL FIRMS STRESS SAFER DISPOSAL OF HAZARDOUS WASTE

(By Ann Hughey)

It was over a decade ago, but Charles Brookes still can recall the horror he felt the day he was shown aerial photographs of W.R. Grace & Co.'s Curtis Bay, Md., plant. Mr. Brookes, Grace's senior vice president for environmental policy, says the photographs—intended for office decoration—revealed a "two-square-mile red blotch staring at us."

The blotch was produced by a chemical that Grace had been dumping into the Chesapeake Bay. When Mr. Brookes ordered a subordinate to "do something about the pollution," he says, the man returned with a new set of photographs, the red areas neatly airbrushed out. "That was his solution," Mr. Brookes says, adding that the employee later left the company.

When the dumping had begun several years earlier, Mr. Brookes explains, the chemical was thought to be innocuous. In fact, he says, "it turned out to be causing a lot of damage" to marine life. He adds: "That was 1970. We didn't think about these things."

These days, it seems, chemical companies can think of little else. The nightmares of Love Canal in upstate New York and Times Beach, Mo., have made the safe disposal of hazardous waste one of the industry's top priorities—"a motherhood issue," according to a spokesman for the Chemical Manufacturers Association. Although other industries—mining and metals, for example—produce their share of hazardous waste, it is the chemical industry that is most closely linked in the public mind with such pollution. And with hazardous waste as explosive a political issue today as nuclear power, the chemical industry has become a leader in the search for safer, more efficient ways to dispose of modern technology's poisonous byproducts.

PROBLEMS AHEAD

Chemical concerns that once casually discharged poisons into the environment now spend billions of dollars each year complying with environmental laws. Some have found unexpected rewards in doing so: Grace, for example, spent $1 million for a facility at Curtis Bay to capture the offending chemical and discovered that by recycling, rather than dumping, the waste, it could save $150,000 a month.

Despite major strides in hazardous-waste management in the past decade, chemical-industry executives concede that some of the stickiest problems lie ahead. In particular, concern is rising about the long-term effectiveness and availability of landfills, where some 80% of the nation's hazardous waste is currently stored.

Public opposition to landfills is stiffening. Recent discoveries of scores of dump sites where poisons have lingered undetected for a generation, the Environmental Protection Agency scandals and what the chemical industry delicately calls its "public-relations problem" have made hazardous-waste dumps unwelcome in most communities. One 1980 poll showed that most people don't want such landfills within 100 miles of their homes. Currently, 462 hazardous-waste land-fills are scattered about the country, according to the EPA. Last year, 50 were closed, while the EPA approved only one new one.

Most of the nation's output of toxic waste finds its way into this shrinking land area. According to the Office of Technology Assessment, the annual volume of waste includes the estimated 255 million to 275 million tons regulated by federal and state agencies, as well as unknown millions of tons generated by small operators exempt from regulations. The office, an arm of Congress, estimates that it costs U.S. industry and government together between $4 billion and $5 billion each year to manage and regulate that waste, a sum that is expected to soar to $12 billion annually by 1990.

"PERPETUAL CARE"

Not only are landfills in short supply, but their continued use poses worrisome potential liabilities for waste producers. By law, a company can be held responsible for its hazardous wastes indefinitely, whether it disposes of them itself or subcontracts the job out to a third party. In a recent report, the National Research Council suggests that companies may be held accountable for the "perpetual care and monitoring (of landfills) for a period that, realistically, may exceed 500 years."

Experts doubt that even the best of today's landfills will be up to the job. Plastic sheeting and clay are the most common barriers used to keep dangerous chemicals from seeping into the water table. Grace's Mr. Brookes says that an impermeable, thick clay barrier is "probably OK," but he admits to "squeamish feelings about depending on plastic membranes for eternity." Landfills can also settle, cracking or breaking the clay seal. Seepage collection systems designed to catch spillage aren't likely to stand up for 500 years.

Noting growing evidence that land disposal of hazardous waste isn't providing protection against ground-water contamination, a recent report issued by the House Commitee on Energy and Commerce warned that in many cases, landfilling "poses grave threats to public health and the environment."

Such concerns led Rohm & Haas Co.'s chairman, Vincent L. Gregory, to tell shareholders at the Philadelphia-based chemical maker's recent annual meeting, "I believe that the days of waste disposal in landfills are numbered." Explaining that Rohm & Hass is searching for alternative disposal methods, he warned, "It's complicated, and it's going to be expensive."

Most of his counterparts in the industry, however, can't conceive of a world without landfills. Some hazardous wastes—notably heavy metals—can't be destroyed; the best that can be done is to neutralize them by, for example, mixing them with concrete. Storage space must be found for the resulting concrete blocks, as well as for the stubborn sludges and residues from incineration or biological and chemical neutralization processes.

DETOXIFYING WASTES

Talk of doing away with landfills altogether "is sticking your head in the sand," declares Geraldine Cox, an official of the Chemical Manufacturers Association. Closing all landfills would mean forgoing "the technology that leads to that waste," says Sam Gusman, a former senior executive at Rohm & Haas who now works for the Conservation Foundation, an environmental group.

Increasingly, however, big companies are attempting to detoxify waste before dumping it, willy-nilly, into a landfill. "You're much better off destroying it now than worrying about the problem it might cause 20 or 50 years from now," says Robert C. Forney, executive vice president of Du Pont Co.

The cost of such detoxification, while high, is modest compared with the potential bill for cleaning up a contaminated waste site. In a recent report, the Office of Technology Assessment estimates that it would have cost $2 million to properly dispose of the waste dumped at Love Canal years ago. By contrast, the report says, the ultimate cost of cleaning up the contamination is expected to exceed $100 million, no counting some $2 billion in lawsuits that have resulted from the incident.

Du Pont, Dow Chemical Co. and other large-volume chemical producers have invested in elaborate, high-temperature incinerators that can destroy much of their liquid and solid waste, thereby preventing poisons from escaping into the environment. One such device cost Du Pont $16 million to build in the mid-1970s and $3 million a year to run.

While the cost of incineration varies widely, depending on the amount of fuel needed and whether it is done in-house or subcontracted, it tends to be more expensive than land filling. By one rough estimate, incineration costs between $50 and $500 a ton, compared with $20 to $200 a ton for landfilling.

BIOLOGICAL TREATMENT

Another alternative is biological treatment of waste. At Du Pont's Chambers Works facility near its Wilmington, Del., headquarters, toxic waste is pumped into three huge vats of bacteria and carbon particles. Oxygen bubbles up through the black liquid as the bacteria consume the waste. Thus neutralized, the wastes are then compacted and incinerated and the residue is put in a landfill. The treatment plant and landfill are located on a 700-acre tract of company land where, Du Pont officials are fond of pointing out, ducks, geese and deer apparently flourish.

Sometimes, waste can be reused. A decade ago, Monsanto Co. disposed of a caustic solution produced in the manufacture of chemicals for the paper industry by channeling it into a solar evaporation pond at its Baxley, Ga., plant. Periodically, the solids

were dredged from the pond and either dumped in a landfill or simply "covered up with some dirt," according to Alan W. Thompson, the manager of environmental affairs for Monsanto's Polymer Products unit. When it became apparent that such methods weren't "a very good idea," Mr. Thompson says, the company began shipping the sludge to a hazardous-waste landfill operated by a third party. Now Monsanto sells some of the caustic solution to a New Jersey waste-disposal company that uses it to neutralize acid waste. Even though Monsanto pays to transport the waste to New Jersey, its net saving over disposal costs is $40,000 a year.

Other companies are saving money by recycling chemicals. Rohm & Haas's research laboratory in Spring House, Pa., formerly discarded leftover chemicals when projects were completed. Now a computer maintains an inventory of every chemical in the lab and leftovers are saved. The lab's waste output has been reduced by one-third as a result. Similarly, one Minnesota Mining & Manufacturing Co. plant saved $30,000 a year by collecting and recycling an acid.

REFORMULATING PRODUCTS

Another goal is to reduce waste by reformulating products and manufacturing processes. At Union Carbide, development of a more energy-efficient way to make polyethylene yielded the side benefit of eliminating the five pounds per ton of waste previously produced during manufacture.

3M says it saved $150,000 a year by redesigning one division's manufacturing equipment to eliminate use of a lead and graphite mixture that produced 4,200 pounds of waste sludge a year. Monsanto made a slight change in its method of making an adhesive and turned what had been waste into part of the product—without altering its properties. Monsanto officials estimate that the company saves several hundred thousand dollars a year in waste-disposal costs as a result.

Philip Palmer, a senior environmental engineer at Du Pont, describes the reduction and disposal of hazardous wastes as "a lot of different little problems." Many people, he says, harbor the misconception that it is possible to "do something magic" to hazardous wastes, when in fact there "isn't going to be any single technical panacea."

Chemical-company officials are stung by the public's failure to credit them for recent advances in hazardous-waste management. "You don't read much about the guys who did it right," one says. The bad publicity is especially hard to swallow, they say, given the fact that the chemical industry produces only a portion of the nation's hazardous waste. "Steel and aluminum and metals have far more environmental problems than the chemical industry," grumbles Rohm & Haas's Mr. Gregory.

Big chemical companies worry that the industry's image will continue to be tarnished by small waste producers who, lacking their resources and unscrutinized by government agencies, fail to safely dispose of toxic waste. Du Pont's Mr. Forney asks: "Who sprayed dioxin on the roads at Times Beach? Not a Dow or a Du Pont."

But attitudes are slow to change even at some large companies with sufficient resources. W. R. Grace, for example, still turns over most of its toxic waste to a subcontractor for disposal—a policy generally considered to be less prudent than disposing of it in-house. Mr. Brookes says he has studied the feasibility of a companywide incineration program. But because Grace produces only a fraction of the waste of, say, a Du Pont—and at far-flung locations—he says "I couldn't put together a package that made any sense at all." Moreover, he says the attention of top management often isn't caught by waste-disposal problems. Meanwhile, Mr. Brookes says he has nightmares about waste drums stamped "W. R. Grace" turning up in some scandal-plagued dumpsite.

THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT OF 1983

Mr. PROXMIRE. Mr. President, today along with Senators LEAHY, METZENBAUM, and CRANSTON I am introducing the "Federal Insecticide, Fungicide, and Rodenticide Reform Act." An identical bill is being introduced simultaneously in the House by Congressmen HARKIN, BROWN, JEFFORDS, HEFTEL, and many others.

Over the last year, Congressman GEORGE BROWN has held a series of hearings before the House Agriculture Subcommittee on major flaws and loopholes in our current system of pesticide regulation, yet in testimony before both House and Senate committees, EPA indicated it was still business-as-usual with their administration of pesticide programs. Recently, large numbers of newspaper and magazine articles and radio and television programs have been devoted to pesticide testing scandals, accidental contaminations and other catastrophes caused by a pesticide program that gives the illusion of safety with very little protection.

My bill tightens up existing pesticide laws without imposing any new programs or costs on either farmers or pesticide producers, in fact it may even reduce some costs of widely used products. Instead, the bill simplifies the pesticide program so it can be more effective in protecting the public health. The current law squanders EPA's time and resources, causing Agency indecision and inefficiency, including inadequate review of industry supplied health and safety data.

While the pesticide regulatory program must be reasonable, cost effective, and equitable, this is no reason to compromise its basic goals—protecting the public health.

Only with passage of this pesticide reform measure will the public continue to accept the risks of pesticide use. Having no reform bill would be as harmful to agricultural interests as it would be to public health and the environment.

Several sections of the bill are especially important. Chief among them is a provision which deals with the most serious loophole in existing pesticide practices—a lack of reliable, current health and safety information. This is especially true with respect to the older pesticides, some dating back to the 1940's, which were registered before the development of the safeguards contained in the 1972 Pesticides Act. Manufacturers of these products must be required to bring these products into line with the modern data requirements applicable to newer pesticides. This was clearly the intent of the 1972 act, yet the policy was never implemented. In fact, the large majority of the most commonly used pesticides do not comply with the most vital data requirements.

For example, according to an investigation by the House Department Operations, Research, and Foreign Agriculture Subcommittee, at least 60 percent of major pesticides have not been tested for their potential to cause cancer. Over 90 percent of pesticides now in use have not been tested for their potential to cause genetic mutations and at least 70 percent of major pesticides in use have never been tested for their potential to cause birth defects. Yet the Agency continues to foster the impression that it is protecting public health. Nothing could be further from the truth.

The Federal Insecticide, Fungicide, and Rodenticide Reform Act contains provisions addressing the problem of faked test data. As the recent case of industrial biotest so horrifying demonstrates, the pesticide program is totally dependent on the accuracy of tests performed by private testing laboratories. Several hundred industrial biotests were fabricated, distorted or otherwise compromised. Yet most of the pesticides whose registrations depended on this data are still on the market. My bill would make it easier to remove such pesticides from sale.

The Federal Insecticide, Fungicide, and Rodenticide Reform Act will also close a number of loopholes in the statute, including the abuse of emergency provisions contained in sections 18 and 24 of FIFRA which are often used to circumvent the requirements of the act. Not every situation can be an emergency, and this bill provides a means to limit these provisions.

One final section of this bill merits special comment, and that is access by the public to agency decisionmaking. In the last few years, EPA has conducted closed meetings and made back-door deals with individual chemical companies and pesticide industry trade associations.

In addition, the agency has acquiesced to industry demands to create new areas of secret, confidential data. My bill exposes agency policies and procedures to the light of public scrutiny and brings more fairness into the process.

Mr. President, this bill is supported by a coalition of over 20 major farm, environmental, labor, and church groups. I urge the Senate Agriculture Committee to hold hearings on it as soon as possible.

I ask unanimous consent that the text of the bill, a basic explanation of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, and an article on the IBT testing scandal from the Amicus Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Insecticide, Fungicide, and Rodenticide Reform Act".

REFERENCES TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

DEFINITIONS

SEC. 3. (a) Section 2(a) (7 U.S.C. 136(a)) is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) in the case of any pesticide, an ingredient which will endanger human beings.".

(b) Section 2(e) (7 U.S.C. 136(e)) is amended—

(1) in paragraph (1)—

(A) by striking out "or supervise the use of" in the first sentence; and

(B) by striking out "use" in the second sentence and inserting in lieu thereof "uses";

(2) by striking out "or supervises the use of" each place it appears in paragraphs (2) and (3); and

(3) by striking out paragraph (4).

(c) Section 2(n) (7 U.S.C. 1367(n)) is amended—

(1) by striking paragraph (1) and inserting in lieu thereof—

"(1) the name of any inert ingredient and the name and percentage of each active ingredient, and the total percentage of all inert ingredients, in the pesticide; and".

(d) Section 2(bb) (7 U.S.C. 136(bb)) is amended by striking out "man or".

(e) Section 2 (7 U.S.C. 136) is further amended by adding at the end thereof the following new subsections:

"(ff) DATA GAP.—The term 'data gap' means any study information, or data required by the guidelines issued pursuant to section 3(c)(2), or other action determined by the Administrator to be necessary to make the determinations required under section 3(g), which (1) has not been submitted to the Agency, or (2) has been submitted to the Agency but which the Administrator determines does not satisfy the requirements of an adequate scientific study or is inconsistent with sound scientific principles. In making the determination required under clause (2) of the preceding sentence, the Administrator shall examine, at a minimum, the protocols, documentation of the conduct and analysis of the study, and the results of the study to determine whether the study fulfills the data requirement for which the study was submitted to the Administration.".

REGISTRATION OF PESTICIDES

SEC. 4. (a) Section 3(c) (7 U.S.C. 136a(c)) is amended—

(1) In paragraph (2)(A)—

(A) by striking out "shall revise" in the first sentence and inserting in lieu thereof "may revise";

(B) by inserting after the first sentence the following new sentence: "The Administrator shall (i) require sufficient information under the guidelines to enable the Administrator to assess pursuant to the standards prescribed in this Act the risks and benefits of pesticides (including relevant data on toxicity, exposure of workers and nonworkers, product and residue chemistry, environmental fate, product efficacy, and hazards to wildlife), (ii) impose, to the extent practicable, uniform and consistent data requirements under the guidelines, and (iii) grant an individual waiver from, or variance in data requirements or protocols under, the guidelines only after public notice and comment and only if the advisability of the waiver or variance is clearly established.";

(C) by striking out "he" each place it appears in the third sentence (after the amendment made by subclause (B)) and inserting in lieu thereof "the Administrator"; and

(D) by striking out the last sentence and inserting in lieu thereof the following new sentence: "Except as provided in section 10, during and after the comment period referred to in section 3(c)(4), data submitted to the Administrator in support of a petition to establish a tolerance or in support of an application for registration, and any other scientific information which is relevant to registration actions taken by the Administrator, shall be made available to the public in an expeditious manner.";

(2) amending subsection 6(c)(2)(B) to read as follows:

"(B) Additional data to support existing registration.—

"(1) If the Administrator determines, pursuant to section 3(g) or otherwise) that additional data are required to maintain in effect an existing registration of a pesticide product (or a category of products) containing a particular active ingredient, the Administrator shall notify all existing registrants of the pesticide to which the determination relates and publish a list of such registrants and of such data requirements in the Federal Register. The notice shall specify the data required, the date by which the data shall be submitted, and the procedure for obtaining rulings by the Administrator on questions concerning the applicability of the notice to various registrants or concerning the nature of the data required to be submitted.

"(ii) Each registrant of such a pesticide product to whom the notice is applicable shall provide evidence within 120 days after receipt of the notification specified in clause (i) of this subparagraph that it is taking the appropriate steps prescribed by the Administrator to secure the required data. If more than one registrant is subject to the notice, such steps shall include entering into a joint data development arrangement, unless the registrants subject to the notice unanimously agree otherwise. The joint data developers shall furnish to the Administrator the name, address, and telephone number of the person to whom inquiries concerning the arrangement should be addressed. As an initial cost of participation the joint data developers shall divide equally 25 percent of the estimated total cost of producing the required data or each shall pay $100,000, whichever is less. The balance of the cost of producing the data shall be paid by the joint data developers as needed, and shall be shared by each joint data developer on the basis of its United States market participation for the pesticide being tested, based on total pounds of active ingredient equivalent sold or used annually. Each joint data developer's market participation shall be adjusted during the period of the data development so that the most recent sales figures are used to compute each member's market share for the purpose of determining its share of the remaining cost of producing the required data. Each of the joint data developers shall submit adequate evidence of its annual market participation to an independent auditor for each of the years during the period of the joint data development. Such independent auditor shall be chosen by the joint data developers. The auditor's decisions and determinations shall be final and binding on each of the joint data developers. If further data are required by the Administrator under this paragraph, either before or after the additional data that were originally requested have been submitted, the same formula and procedure specified in this paragraph shall apply as if the subsequent request were the initial request for data. Any registrant who shares in the cost of producing the data shall be entitled to receive a copy of the data, and to examine and rely upon such data in support of maintenance of such registration.

"(iii) Notwithstanding any other provision of this Act, if a registrant who is subject to the notice from the Administrator, within the 120-day period prescribed in clause (ii) of this subparagraph, fails to enter into a joint data development arrangement under that clause, or fails to take appropriate steps to secure and submit the required data, or fails to comply with the terms of a joint data development arrangement, the Administrator shall issue a notice of intent to suspend such registrant's registration of the pesticide for which additional data are required. The Administrator may include in the notice of intent to suspend such provisions as the Administrator deems appropriate concerning the continued sale and use of existing stocks of such pesticide. Any suspension proposed under this subparagraph shall become final and effective at the end of 30 days from receipt by the registrant of the notice of intent to suspend, unless during that time a request for hearing is made by a person adversely affected by the notice, or the registrant has satisifed the Administrator that the registrant has complied fully with the requirements that served as a basis for the notice of intent to suspend. If a hearing is requested, a hearing shall be conducted under section 6(d) of this Act. The only matters for resolution at that hearing shall be whether the Administrator had a valid and reasonable basis for requiring the additional data, whether the registrant has failed to take the action that served as the basis for the notice of intent to suspend the registration of the pesticide product for which additional data is required, and whether the Administrator's determination with respect to the disposition of existing stocks is consistent with this Act. If a hearing is held, a determination shall be made within 75 days after receipt of a request for such hearing, and the decision made after completion of such hearing shall be final. Any registration suspended under

this subparagraph shall be reinstated by the Administrator if the Administrator determines that the registrant has complied fully with the requirements that served as a basis for the suspension of the registration.

"(iv) Subject to the provisions of clause (vi) of this subparagraph, data submitted under this subparagraph (before or after the effective date of the Federal Insecticide, Fungicide, and Rodenticide Reform Act) shall not be considered by the Administrator to support any application for registration, amended registration, reregistration or experimental use permit on behalf of any person other than the joint data developers for a period of 15 years after the data are submitted, unless any such person has reimbursed the joint data developers by paying a share of the real cost of producing the data in proportion to the number of persons sharing in such costs. Upon payment, such person shall be considered to be an original participant and shall share in all rights and be bound by all obligations entered into by the original data developers. Such reimbursement shall be made to the original participants based on the percentage of the overall monetary participation in the joint data development arrangement.

"(v) The provisions of this clause shall apply to health and safety data submitted voluntarily by a registrant or applicant at any time after September 30, 1978, to replace data which such person deems scientifically insufficient under generally accepted good laboratory practices or test standards. In order to obtain the rights provided by this clause and clause (iv) of this subparagraph with respect to such data, a registrant or applicant undertaking such a replacement study shall notify the Administrator that the replacement study is being performed or has been performed. The Administrator shall publish any such notification in the Federal Register promptly after its receipt, and shall state therein whether the validity of the study is under review and any determinations as to its validity which have been made. Each person who, as of the date of publication, is a registrant or an applicant for registration of any product containing the active ingredient which is the subject of the study shall have the opportunity to participate in a joint data development arrangement as provided in clause (ii) of this subparagraph. If a registrant or applicant of record as of the date of publication of the notice informs the person undertaking the study, within 90 days of the date of publication, of the registrant or applicant's decision to voluntarily participate, the registrant or applicant shall have the rights and duties of a joint data developer as described in clauses (ii), (iii), and (iv) of this subparagraph.

"(vi) With respect to any study which has been or is being performed in response to a request for additional data issued under this subparagraph between September 30, 1978, and the date of enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, any person who on such date of enactment is the registrant of a product of the type to which that request applies but who is not already a party to an agreement to share in the cost of performing that study shall be entitled to enter into a joint data development arrangement with any person or group which is performing or has performed that study, under which arrangement such person shall have the rights and duties of a joint data developer as follows: In the case where a study is being performed by two or more persons under a joint data development agreement, a registrant who wishes to avail himself of the rights provided by the clause shall be bound by the terms of such agreement; and in all other cases, a registrant who wishes to avail himself of the rights provided by this clause shall share in the cost of producing the data as provided in clause (iv) of this subparagraph and shall be subject to the provisions of clause (iii) of this subparagraph: *Provided*, That any registrant who wishes to be availed of the rights provided by this clause shall, not later than 120 days after date of enactment of the National Pesticide Hazard Prevention Act, submit an irrevocable offer to enter into such an arrangement to the person or group which is performing or has performed the study.".

"(3) by striking out "30" in the second sentence of paragraph (4) and inserting in lieu thereof "ninety";

"(4) in paragraph (5)—

(A) by inserting "with respect to both active and inert ingredients, and makes written findings" after "determines" in the first sentence;

(B) by striking out "and" at the end of subparagraph (C) of the first sentence;

(C) by striking out "generally" in subparagraph (D) of the first sentence;

(D) by striking out the period at the end of the first sentence and inserting in lieu thereof "; and";

(E) by adding after subparagraph (D) in the first sentence the following new subparagraph:

"(E) when used in accordance with widespread and commonly recognized practice it will not endanger human beings (including children who are permitted under the Fair Labor Standards Act (20 U.S.C. 201 et seq.) to work in areas treated with pesticides).";

(F) by inserting after the first sentence the following new sentence flush to the margin: "In determining whether a pesticide will endanger human beings under subparagraph (E) of the preceding sentence, the Administrator shall consider the potential chronic effects of the pesticide on human beings (including oncogenicity, mutagenicity, fetotocicity, reproductive effects, and behaviorial effects).."; and

(G) by striking out the second to the last sentence and inserting at the end of the paragraph the following new sentences: "If the Administrator determines that the requirements of this paragraph are satisfied, the Administrator shall publish in the Federal Register notice of the determination and a summary of the factual basis and reasons therefor. Upon publication of the notice, a person adversely affected by the notice (including a person opposed to the registration and use of the pesticide) shall have the same remedies as are provided to a person adversely affected by a notice under section 6(b).";

(5) by striking out "may" in the first sentence of paragraph (6) and inserting in lieu thereof "shall";

(6) in Paragraph (7)—

(A) by striking out "and" at the end of clause (1) of the first sentence of subparagraph (A);

(B) by inserting before the period at the end of the first sentence of subparagraph (A) the following: ", and (iii) a use of the pesticide has not been canceled or suspended under section 6, or voluntarily withdrawn if the Administrator determines that the voluntary withdrawal of the pesticide was associated with concern over potential adverse human health or environmental consequences of the pesticide"; and

(C) by adding at the end of subparagraph (C) the following new sentence: "Subject to section 10, the Administrator shall make available to the public data submitted in support of a conditional registration under this subparagraph (including a list of the outstanding tests to be performed on the pesticides and the timetables for the performance of the tests)."; and (7) by striking out paragraph (8).

(b) Section 3(d) (7 U.S.C. 136a(d)) is amended—

(1) in paragraph (1)—

(A) by striking out "generally" in subparagraph (B);

(B) by inserting "or contamination of ground water," after "applicator," in the matter preceding clause (1) of subparagraph (C);

(C) by striking out "or under the direct supervision of" subparagraph (C)(i);

(D) by inserting "(including contamination of ground water)" after "environment" in the first sentence of subparagraph (C)(ii); and

(E) by inserting after the first sentence of subparagraph (C)(ii) the following new sentence: "In establishing such other restrictions, the Administrator shall specifically consider the seasonal, soil-specific, and hydrogeologic characteristics of the location in which the pesticide will be applied."; and

(2) by inserting "(including contamination of ground water)" after "environment" in the first sentence of paragraph (2).

(c) Section 3(f) (7 U.S.C. 136a(f)) is amended—

(1) by inserting "registration of an active ingredient that has been registered under subsection (c) of this Act, or reregistered under subsection (g) since October 21, 1972" after "a pesticide" in the proviso of paragraph (2); and

(2) in paragraph (3)—

(A) by inserting "and States" before the period at the end of the caption; and

(B) by inserting "or with any State" before the period at the end thereof.

(d) Subsection (g) of section 3 (7 U.S.C. 135a(g)) is amended to read as follows:

"(g) REREGISTRATION OF PESTICIDES.—

(1) The Administrator shall accomplish the reregistration of all pesticides in accordance with this subsection.

"(2)(A) Within one hundred and twenty days after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall publish in the Federal Register a list of pesticide active ingredients not reregistered since September 31, 1978, in the order of their priority for reregistration under this Act.

"(B) In establishing the list, the Administrator shall—

"(i) give the highest priority on the list to pesticides used in substantial volumes that result in a postharvest residue in or on food or feed crops or in post application residues in potable ground water; and

"(ii) include among the pesticides accorded the highest priority on the list the pesticides shown to cause mutagenic effects in an appropriately designed and conducted experiment using a bacterial test system.

"(C) The establishment of the list by the Administrator shall not be subject to judicial review.

"(3) In accordance with the schedule prescribed in subparagraph 2(A) above, the Administrator shall examine the information in the files of the Environmental Protection Agency which relates to pesticide active ingredients included in the list described in

paragraph (2), identify any data gaps in the information, and publish in the Federal Register a notice of the data gaps at the same time the list required under subparagraph 2(A) above is published. Within one year of publishing the list and data gaps, the Administrator shall issue letters pursuant to section 3(c)(2)(B) requiring registrants to fulfill as expeditiously as possible any data gaps identified pursuant to subparagraph (A) above.

"(4) If the Administrator with respect to a pesticide active ingredient does not take the actions required under paragraphs (3) above, and if there are outstanding data gaps on a pesticide active ingredient, the Administrator shall issue pursuant to subsection (c)(2)(B)(iv) a notice of intent to suspend the registration of pesticides containing the ingredient.

"(5)(A) In accordance with the schedule specified by the Administrator under section 3(c)(2)(B), but in no event later than three years after the date of the publication under subparagraph (3) of the notice of data gaps with respect to a pesticide active ingredient, a registrant of the ingredient shall—

"(i) conduct such studies as the Administrator determines are necessary to fill the data gaps identified in the notice; and

"(ii) report the results of the studies to the Administrator, unless additional time, not to exceed one year, is required to carry out range finding or other preparatory studies needed to conduct a scientifically acceptable long-term experiment.

"(B) If a registrant does not comply with subparagraph (A) above, the Administrator shall issue pursuant to section (c)(2)(B)(iv) a notice of intent to suspend the registrant's registrations of the active ingredient.".

(e) Section 3 (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

"(h) INERT INGREDIENTS.—No later than June 30, 1984, the Administrator shall issue regulations which require a registrant to conduct tests on the inert ingredients in pesticide product formulations to determine if the ingredients may cause an unreasonable adverse effect on man or the environment, either alone, or synergistically with the active ingredient or other inert ingredients contained in the formulation. Information on the toxicity of inert ingredients shall be subject to disclosure under the provisions of section 10 of this Act: *Provided,* That the Administrator shall not disclose the percentage of each inert ingredient in a given pesticide formulation unless the Administrator has determined that such disclosure in necessary in the public interest.".

SEC. 5. Section 4(a)(1)) (7 U.S.C. 136b(a)(1) is amended—

(1) by striking out "and shall not require private applicators to take any examination to establish competency in the use of pesticides" in the proviso of the first sentence; and

(2) by striking out "*: Provided, however*" in the seventh sentence and all that follows through the end of the eighth sentence and inserting in lieu thereof a period.

EXPERIMENTAL USE PERMITS

SEC. 6. (a) Section 5(a) (7 U.S.C. 136c(a)) is amended by inserting after the fifth sentence the following new sentence: "The Administrator may not issue an experimental use permit for a use of a pesticide if the use has been voluntarily withdrawn for health or environmental reasons, cancelled, or suspended pursuant to this Act and other registered pesticides or pest control practices are available to control the pest damage which the pesticide is designed to control.".

(b) Section 5(e) (7 U.S.C. 136c(e)) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall";

(2) by striking out "or" the second place it appears; and

(3) by inserting before the period at the end thereof the following: ", or that the use of the pesticide in accordance with the permit will not yield data or information which is useful in satisfying registration requirements imposed by section 3".

ADMINISTRATIVE REVIEW

SEC. 7. (a) Section 6(a) is amended by adding a new subsection (3) as follows:

"(3) If at any time after the registration of a pesticide or the establishment of a tolerance it appears to the Administrator that false, misleading, or inaccurate information has been submitted by the registrant to the Agency in support of such registration or tolerance, the Administrator may immediately issue a notice of intent to cancel such registration or revoke such tolerances. In the event that a hearing is held pursuant to such notice, the issues shall be limited to a determination of whether false, misleading, or inaccurate information was submitted to the Agency: *Provided,* That the registration or tolerance shall not be cancelled or revoked if the registrant establishes that such information is not presently material to the findings required under section 3(c)5. The hearing shall be concluded within 90 days after issuance of the notice and the Administrator's final decision shall be issued within 30 days of completion of the hearings.".

(b) Section 6(b) (7 U.S.C. 136d(b)) is amended—

(1) in the first sentence—

(A) by striking out "generally";

(B) by inserting "or may reasonably be expected to endanger human beings (including children who are permitted under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) to work in areas treated with pesticides)" after "environment"; and

(C) by striking out "may" and inserting in lieu thereof "shall"; and

(2) by inserting before the period at the end of the ninth sentence the following: "(including a registrant, a user of the pesticide, or a member of the public with or without an economic interest in the continuation of the registration of the pesticide)".

(c) Section 6(d) (7 U.S.C. 136d(d)) is amended by inserting after the first sentence the following new sentence: "If a hearing is held to consider the registration of a previously cancelled pesticide use, the scope of the hearing shall be limited to an examination of the data and evidence not available to the Administrator at the termination of the hearing held under section 6(a) or 6(b), or upon issuance of a cancellation decision.".

(d) Section 6 (7 U.S.C. 136d) is amended by adding at the end thereof the following new subsection:

"(g) EFFECT OF CANCELLATION, SUSPENSION, OR WITHDRAWAL.—If the registration of a pesticide has been cancelled, suspended, or voluntarily withdrawn, if the Administrator determines that the voluntary withdrawal of the registration was associated with concern over potential adverse human health or environmental consequences of the pesticide, the pesticide shall not be eligible for registration or conditional registration under section 3, an experimental use permit under section 5, or a special local needs registration under section 24(c) for the use or uses for which the registration has been cancelled, suspended or voluntarily withdrawn, unless the Administrator finds that—

"(1) another registered pesticide or other feasible alternative to the pesticide is not available to control the pest damage the pesticide is designed to control;

"(2) the pest damage has increased substantially, or is a new pest infestation since the cancellation, suspension, or withdrawal of the pesticide causing, or threatening to cause significant damage; and

"(3) data is available to the Administrator which demonstrates that the pesticide will effectively control the damage or infestation.".

STANDARDS APPLICABLE TO PESTICIDE APPLICATORS

SEC. 8. Subsection (a) of section 11 (7 U.S.C. 136i(a)) is amended to read as follows:

"(a) IN GENERAL.—The Administrator shall issue regulations which require a commercial applicator to maintain records, and file annual reports or other records, concerning pesticide use by the applicator, including the time, location, quantities, mixtures, application rates and equipment, and any such other information as the Administrator determines necessary to carry out this Act.".

INDEMNITIES

SEC. 9. Section 15 (7 U.S.C. 136m) is repealed, except for any indemnification actions underway before enactment of the National Pesticide Hazard Reduction Act.

CITIZEN SUITS

SEC. 10. The Act (7 U.S.C. 136 et seq.) is amended by inserting after section 16 (7 U.S.C. 136n) the following new section:

"SEC. 16A. CITIZEN SUITS.—

"(a) IN GENERAL.—

"(1) Except as provided in subsection (b), a person may commence a civil action for damages or equitable relief, or both—

"(A) against a person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution of the United States) who is alleged to be in violation of this Act; or

"(B) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administration.

"(2) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties—

"(A) to enforce this Act;

"(B) to order the Administrator to perform an act or duty described in paragraph (1)(B); and

"(C) to apply any appropriate civil or criminal penalty provided under this Act.

"(b) NOTICE.—

"(1)(A) An action may not be commenced under this section against a person, other than the Administrator—

"(i) prior to sixty days after the date the plaintiff has given notice of the alleged violation to the Administrator, the State in which the alleged violation occurs, and the defendant; or

"(ii) if the Administrator or a State has commenced and is diligently prosecuting a civil or criminal action in a Federal or State court to require compliance with this Act.

"(B) A person may intervene in an action described in subparagraph (A)(ii) as a matter of right.

"(2) Except as provided in subsection (f) and unless the violation poses an imminent hazard to human beings or the environment, an action may not be commenced under this section against the Administrator prior to sixty days after the date the plaintiff has given notice of the alleged violation to the Administrator.

"(3) A person shall provide notice under this subsection in such manner as the Administrator shall prescribe by regulation.

"(c) CERTAIN UNLAWFUL ACTS.—

"(1) An action alleging a violation of section 12(a)(1) may be brought under this section only in the judicial district in which the violation has occurred.

"(2) If the Administrator is not a party to an action described in paragraph (1), the Administration may intervene in the action as a matter of right.

"(d) COSTS OF LITIGATION.—A court may award the costs of litigation (including reasonable attorney and export witness fees) to a prevailing party, other than the United States, in an action brought under this section.

"(e) LEGAL AND EQUITABLE RELIEF NOT RESTRICTED.—Nothing in this section shall restrict a right which a person may have to any legal or equitable relief for a violation of this Act by another person.

"(f) CIVIL ACTION BY STATE GOVERNORS.—If the Administrator has failed to enforce this Act in a State and the failure causes an adverse effect on the public health or welfare of another State, the Governor of the other State may at any time commence a civil action against the Administration under this section.".

IMPORTS AND EXPORTS

SEC. 11. The first sentence of section 17(b) (7 U.S.C. 135o(b)) is amended by inserting "whether voluntary, involuntary, or pursuant to settlement," after "be effective".

EXEMPTION OF FEDERAL OR STATE AGENCIES

SEC. 12. Section 18 (7 U.S.C. 136p) is amended to read as follows:

"Sec. 18. Exemption of Federal or State Agencies.

"(a) REQUESTS.—A Federal or State agency may request the Administrator to exempt the agency from any provision of this Act in accordance with this section.

"(b) EXEMPTIONS.—

"(1) Except as provided in paragraph (2), the Administrator may grant a requested exemption if the Administrator determines that the exemption is necessary to prevent or substantially mitigate an imminent and substantial danger to public health or welfare.

"(2) The Administrator may not grant an exemption which would permit the sale or distribution of a pesticide for a use for which it is not registered under this Act if—

"(A) another pesticide is registered under this Act for that use, unless the applicant for the emergency exemption demonstrates that the registered pesticide is ineffective or cannot be made available for that use;

"(B) the Administrator determines that there is another pest control practice which could be used for the same purpose and would produce a less detrimental effect on the public health, welfare, or environment. For the purposes of this subsection, the term "pest control practice" including both a means of controlling a pest without using a pesticide, and the use of a pesticide which is registered for another use or uses.

"(c) LENGTH AND RENEWAL.—An exemption under this section may not be issued for more than one year or renewed more than twice.

"(d) CONSULTATION.—In determining whether to grant an exemption under this section, the Administrator may consult with appropriate State or Federal officials, including those with responsibilities in areas such as agriculture, public health, and fish and wildlife protection.

"(e) PUBLIC COMMENT.—Unless the Administrator determines it is necessary to grant an exemption within 48 hours as prescribed in paragraph (g) below, the Administrator shall publish notice of the application for an emergency exemption in the Federal Register within 10 days of receipt of the application. Information contained in the application for an emergency exemption that is requested by a member of the public within 10 days of the notice of the application in the Federal Register must be provided at least 10 days prior to the Administrator's decision with respect to the application. In making a determination on the application, the Administrator shall consider any information provided to the Administrator by a member of the public. The Administrator shall publish in the Federal Register in a timely manner his decision and the reasons therefor.

"(f) DISCLOSURE OF INFORMATION CONTAINED IN EMERGENCY EXEMPTION APPLICATIONS.—All information submitted to the Administrator in support of an application for an emergency exemption shall be disclosed by the Administrator to any member of the public within 30 days of receipt of a request for such information.

"(g) PRIOR APPROVAL OF THE ADMINISTRATOR.—In no case may this section permit an unregistered use of a pesticide without the prior approval of the Administrator: *Provided,* That the Administrator must act upon an application for an emergency exemption within 48 hours if he concurs with the applicant that extraordinary emergency circumstances exist where immediate pest control measures are necessary to prevent imminent and substantial harm to man, the environment, or the public welfare.".

RESEARCH AND MONITORING

SEC. 13. Section 20 is amended by—

(1) amending subsections (b) and (c) to read as follows:

"(b) NATIONAL MONITORING PLAN.—In consultation with the Scientific Advisory Panel established by section 25(d) of this Act, and the Science Advisory Board established under the Environmental Research and Development and Demonstration Authorization Act of 1978, the Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a comprehensive national plan for monitoring pesticides. This plan shall include provision for the collection, storage, interpretation, and dissemination of data on quantities of pesticides used, by active ingredient, by crop, and by geographical area; on human exposure to pesticides, including direct and indirect exposure to applicators, farmworkers, homeowners, and others associated with or residing near application sites, and indirect exposure via food, drinking water, and other sources; on existing environmental loadings of pesticide residues, including specifically air, soils, surface water, ground water, sediments, man, plants, and animals; on trends in residues; and on identifying and preventing potential problems. The plan shall be reviewed at least every five years and updated as appropriate. To the extent feasible, the monitoring plan shall incorporate and make use of existing data collection efforts by EPA or other Federal, State, or local agencies.

"(c) MONITORING.—The Administrator shall undertake such monitoring in air, soil, surface water, ground water, sediments, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. The Administrator shall establish procedures for the monitoring of man and animals and their environment for incidental pesticide exposure, including, but not limited to, the quantification of incidental human and environmental pesticide pollution and the secular trends thereof, and identification of the sources of contamination and their relationship to human and environmental effects. Such activities shall be carried out in cooperation with other Federal, State, and local agencies. The Administrator shall assure the quality of all data.".

(2) adding new subsections (d), (e), (f), and (g) to read as follows:

"(d) The Administrator shall make available to the public the monitoring data in a timely and useful way.

"(e) The Administrator is hereby authorized to request other agencies to expand or extend existing data collection activities as necessary for the implementation of this Act and of the national pesticides monitoring plan. The Administrator is further authorized to pay reasonable funds for such data.

"(f) The plan required by subsection (b) shall be proposed by rule not later than June 1, 1984, and shall go into effect not later than October 1, 1984, upon which date the Administrator shall be undertaking the monitoring activities required under subsection (c).

"(g) Provided that the purposes of the National Monitoring Plan for pesticides and the requirements of subsection (f) of this section are carried out, nothing in this section shall prevent the Administrator from making pesticides monitoring a part of a more comprehensive agency monitoring program.".

SOLICITATION OF COMMENTS

SEC. 14. Section 21(b) (7 U.S.C. 136s(b)) is amended by striking out "may, at his discretion," and inserting in lieu thereof "shall".

DELEGATION AND COOPERATION

SEC. 15. Section 22 (7 U.S.C. 136t) is amended by adding at the end thereof the following new subsection:

"(c) OCCUPATIONAL SAFETY OR HEALTH STANDARDS.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.".

AUTHORITY OF STATES

SEC. 16. (a) Section 24(b) (7 U.S.C. 136v(b)) is amended—

(1) by striking out "Such" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end thereof the following new paragraph:

"(2) A State may impose or continue in effect requirements for labeling or packaging in order to enforce a prohibition on the use of a federally registered pesticide or device in the State. If a State imposes or

continues in effect the requirements, the State shall require that the prohibited use be stated on the labeling or packaging and shall notify the Administrator of the action and the reasons for the action. The Administrator shall keep a record of the requirements and make the record available to the public.".

(b) Section 24(c) (7 U.S.C. 136v(c)) is amended—

(1) by striking out "federally registered pesticides" in the first sentence of paragraph (1) and inserting in lieu thereof "pesticides which are registered under paragraph (5) or (7)(A) of section 3(c) and";

(2) in paragraph (2)—

(A) by striking out "for more than ninety days if disapproved by the Administrator within that period" in the first sentence and inserting in lieu thereof "until ninety days have elapsed after the date on which the Administrator is notified by a State of the intent of the State to issue the registration";

(B) by inserting after the first sentence the following new sentence: "If the Administrator disapproves the registration during the ninety day period, the registration shall not become effective."; and

(C) by striking out "(A) on the basis of lack of essentially of a pesticide or (B)" in the last sentence;

(3) in paragraph (3)—

(A) by striking out "or" in the second sentence and inserting in lieu thereof "that";

(B) by inserting after "hazard," in the second sentence the following: "or that the registration is unnecessary to meet special local needs and therefore the registrant should apply for registration under section 3(c)(5),";

(C) by striking out "may" in the second sentence and inserting in lieu there of "shall"; and

(D) by adding at the end thereof the following new sentence: "If more than five States provide under this subsection for the registration of a new or additional use of a pesticide to meet the same special local need, there shall be a rebuttable presumption that a special local need does not exist for purposes of this subsection.";

(4) by striking out "may" in the first sentence of paragraph (4) and inserting in lieu thereof "shall"; and

(5) by adding at the end thereof the following new paragraphs:

"(5) A registration issued by a State under this subsection shall expire after a five-year period. At the end of each five-year period, the State may issue a new registration in accordance with this subsection.

"(6) If a special local need registration has not been used, or has lapsed, the State authority initially granting the registration must so inform the Administrator.".

AUTHORITY OF ADMINISTRATOR

SEC. 17. (a) Section 25(d) (7 U.S.C. 136w(d)) is amended by inserting after the eighth sentence the following new sentences: "In appointing members to the panel, the Administrator shall attempt to appoint members from the fields of agricultural economics, entomology, plant pathology, animal pathology, epidemiology, and ecology and to avoid the appointment of members from similar disciplines. The Administrator shall appoint each member of the panel for a three-year term and stagger the appointments such that the terms of no more than three members expire during the same year.".

(b) Section 25 (7 U.S.C. 136w) is amended by adding at the end thereof the following new subsection:

"(f) REGULATIONS CONCERNING PESTICIDE USE.—

"(1) As soon as practicable, but in no event later than one year, after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall issue regulations which require the safe use of pesticides and the protection of individuals present in the vicinity of areas treated with pesticides.

"(2) The regulation shall require—

"(A) the protection of individuals present in the vicinity of areas treated with pesticides taking into account—

"(i) the expected levels and effects of exposure to pesticides;

"(ii) the need to establish buffer zones to protect the individuals from the overspray and drift of pesticide applications;

"(iii) the need to provide adequate advance warning to individuals present in the areas; and

"(iv) the need for adequate field posting of pesticide applications;

"(B) the documentation of pesticide applications by applicators and access to the documents by interested parties;

"(C) the safe storage, warehousing, and disposal of pesticides and pesticide containers; and

"(D) the reporting of harm caused by pesticides to man and the environment.".

STATE PRIMARY ENFORCEMENT RESPONSIBILILTY

SEC. 18. (a) Section 26(a)(1) (7 U.S.C. 136w-1(a)(1)) is amended by inserting "which are at least as stringent as sections 12 and 25" after "regulations".

(b) Section 26 (7 U.S.C. 136w-1) is amended by adding at the end thereof the following new subsection:

"(d) In order to maintain primary enforcement responsibility for pesticide use violations, a State which has the responsibility on the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act must meet the requirements of subsection (a)(1) within two years after such date.".

FEES

SEC. 19. The Act (7 U.S.C. 136 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 32. FEES.—

"No later than one hundred and twenty days after the date of the enactment of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, the Administrator shall require persons—

"(1) in order to register or reregister a pesticide or receive other services under sections 3, 5, 18, and 24(c), to pay such fees to the Administrator as the Administrator determines will be sufficient over a reasonable period of time to establish and maintain a fully self-supportive registration process under this Act; and

"(2) in order to receive services under sections 6, 7, 8, 9, and 13, to pay such fees to the Administrator as the Administrator determines will be sufficient to defray the costs of the services.".

EMPLOYEE PROTECTION

SEC. 20. The Act (7 U.S.C. 136 et seq.) (as amended by section 20 of this Act) is amended by adding at the end thereof the following new section:

"SEC. 33. EMPLOYEE PROTECTION.—

"(a) IN GENERAL.—An employer may not discharge an employee, or otherwise discriminate against an employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, on the ground that the employee has—

"(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

"(2) testified or is about to testify in any such proceeding; or

"(3) assisted, participated, or is about to assist or participate in any manner in such a proceeding or in any other action undertaken to carry out this Act.

"(b) REMEDY.—

"(1)(A) Within thirty days after the occurrence of an alleged violation of this Act, an employee who believes that the employee has been discharged or otherwise discriminated against by a person in violation of subsection (a) may file a complaint with the Secretary of Labor (hereinafter in this section referred to as the 'Secretary') alleging the discharge or discrimination.

"(B) Upon receipt of the complaint, the Secretary shall notify the person alleged to have committed the violation of the filing of the complaint.

"(2)(A)(i) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint.

"(ii) Within thirty 'days after the receipt of the complaint, the Secretary shall complete the investigation and notify in writing the complainant and the person alleged to have committed the violation of the results of the investigation conducted pursuant to clause (1).

"(iii) Within ninety days after the receipt of the complaint, unless the proceeding on the complaint is terminated by the Secretary on the basis of settlement entered into between the Secretary and the person alleged to have committed the violation, the Secretary shall issue an order providing the relief prescribed by subparagraph (B) or denying the complaint.

"(iv) An order of the Secretary under this subparagraph shall be made on the record after notice and opportunity for an agency hearing.

"(v) The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

"(B)(i) If the Secretary receives in accordance with paragraph (l) a complaint of a violation of subsection (a) and determines that the violation has occurred, the Secretary shall order the person who committed the violation to—

"(I) take affirmative action to abate the violation;

"(II) reinstate the complainant to the former position of the complainant, together with the compensation (including back pay), terms, conditions, and privileges of the employment of the complainant;

"(III) pay the complainant compensatory damages; and

"(IV) where appropriate, pay the complainant exemplary damages.

"(ii) If the Secretary issues an order described in clause (i), the Secretary shall, at the request of the complainant, assess against the person against whom the order is issued a sum equal to the amount of all costs and expenses (including attorney's fees) reasonably incurred (as determined by the Secretary) by the complainant for, or in connection with, the bringing of the complaint upon which the order was based and remit the sum to the complainant.

"(c) REVIEW.—

"(1)(A) Within sixty days after the issuance of an order described in subsection (b), an employee or employer adversely affected or aggrieved by the order may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred.

"(B) The review shall be conducted in accordance with chapter 7 of title 5, United States Code.

"(2) If an order of the Secretary is eligible for review under paragraph (1), the order shall not be subject to judicial review in a criminal or other civil proceeding.

"(d) ENFORCEMENT.—

"(1) If a person fails to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation as found to occur to enforce the order.

"(2) A district court shall have jurisdiction to grant all appropriate relief (including injunctive relief and compensatory and exemplary damages) in an action brought under this subsection.

"(3) A civil action brought under this subsection shall be heard and decided expeditiously.

"(e) EXCLUSION.—Subsection (a) shall not apply with respect to an employee who, acting without direction from the employer of the employee, deliberately causes a violation of this Act."

INDOOR EXPOSURE

"SEC. 21. Section 25(c) (7 U.S.C. 136w(c)) is amended—

(1) in paragraph (5) by striking "and";

(2) in paragraph (6) by striking the period at the end of the paragraph and substituting in lieu thereof ";" and

(3) by adding a new paragraph (7) as follows:

"(7) to estabish and enforce standards for indoor human exposure to pesticides.".

CONFORMING AMENDMENTS

SEC. 22. The table of contents contained in section 1(b) (7 U.S.C. 116 note) is amended—

(1) by striking out the item relating to paragraph (4) of section 2(e);

(2) by adding at the end of the items relating to section 2 the following:

"(ff) Data gap.";

(3) by striking out the item relating to paragraph (8) of section 3(c);

(4) by inserting "and States" before the period at the end of the item relating to section 3(f)(3);

(5) by adding at the end of the items relating to section 3 the following:

"(h) Insert ingredients.";

(6) by adding at the end of the items relating to section 6(a) the following:

"(3) Actions in response to false, incomplete, or inaccurate data.";

(7) by adding at the end of the items relating to section 6 the following:

"(g) Effect of cancellation, suspension, or withdrawal.";

(8) by striking out the items relating to section 15;

(9) by inserting after the items relating to section 16 the following:

"Sec. 16A. Citizen suits.

"(a) In general.

"(b) Notice.

"(c) Certain unlawful acts.

"(d) Cost of litigation.

"(e) Legal and equitable relief not restricted.

"(f) Civil action by State governors.";

(10) by striking out the items relating to section 18 and inserting in lieu thereof the following:

"Sec. 18. Exemption of Federal or State agencies.

"(a) Requests.

"(b) Exemptions.

"(c) Length and renewal.

"(d) Consultation.

"(e) Public comment.";

(11) by adding at the end of the items relating to section 22 the following:

"(c) Occupational safety or health standards.";

(12) by adding at the end of the items relating to section 25 the following:

"(f) Regulations concerning pesticide use."; and

(13) by adding at the end thereof the following:

"Sec. 32. Fees.

"Sec. 33. Employee protection.

"(a) In general.

"(b) Remedy.

"(c) Review.

"(d) Enforcement.

"(e) Exclusion.".

BRIEF EXPLANATION OF THE "FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT"

Section 1 contains the title of the bill. Section 2 states that all amendments altering an existing statute refer to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), unless otherwise specified.

Section 3 contains several changes in definition of basic terms in FIFRA. An additional clause is added to the definition of "active ingredient," stating that the definition shall include an ingredient of a pesticide which will endanger human beings. The primary intent of this change is to allow the Administrator to require data on inert ingredients, to consider potential adverse impacts from inert ingredients in reading regulatory decisions under FIFRA, to list inert ingredients on the label, and to state and enforce pesticide use restrictions specified because of the potential toxicity of inert ingredients. (Several other sections of the "Pesticide Hazard Prevention Act" contain other amendments to FIFRA clarifying how specific provisions of FIFRA shall apply to inert ingredients.)

Section 3 also changes the definitions of "certified," "private," and "commercial" applicators. In all three cases, a clause is eliminated that allows a certified applicator to "supervise the use of" a restricted use pesticide applied by another person. The definition specifying what it means to apply a restricted use pesticide "under the direct supervision of a certified applicator" is deleted. Accordingly, all applicators of restricted use pesticides must be certified under the provisions of section 4 of FIFRA.

The definition of "ingredient statement," which must appear on pesticide labels, is extended to include the name of toxic inert ingredient, in addition to the name and percentage of active ingredients. The definition does not require the percentage of each inert ingredient to be specified in order to help protect from potential competitors the exact formula of pesticide products.

The definition of "unreasonable adverse effects on the environment," the basic standard governing nearly all regulatory decisions under FIFRA, is changed by deleting references to adverse effects on man. The "adverse impacts" standard would still apply to environmental impacts. Elsewhere in this Act, a "will endanger human health" standard is specified for adverse effects on man.

A definition of the term "data gap" is added to the statute. A "data gap" exists when a data requirement prescribed by the Administrator applicable to a given active ingredient or pesticide product has not been satisfied by pesticide registrants through submission of a valid study which has been conducted according to an experimental design judged to be acceptable in response to the data requirement. The definition also specified the criteria the Administrator shall apply in judging whether a given study satisfies a data requirement. These include the study protocols, documentation of the conduct and analysis of the study, and the results of the study.

Section 4 contains a number of extensive amendments to section 3 of FIFRA. Section 4(a)(1) of this Act alters the provision stating the Administrator "shall revise" the guidelines specifying what data shall be required in support of a registration to "may revise." This change is intended to grant the Administrator greater discretion. A provision is added which clarifies what information the Administrator shall require in support of pesticide registrations. "Pursuant to the standards in this Act," the Administrator shall require sufficient information to assess the risks and benefits of pesticides. Such data requirements shall be applied uniformly and consistently to the extent practicable. Waivers or variation in data requirements may be granted only if the advisability of the waiver or variation is clearly established, taking into account public comments received pursuant to a notice proposing such an action. The term "he" is replaced throughout this paragraph by "the Administrator."

Subsection 4(a)(1)(D) of this Act changes the provisions of FIFRA pertaining to the disclosure of information submitted to the Administrator in support of a pesticide registration. Under current law, the Administrator is required within 30 days of granting a registration to make available to the public, subject to the provisions of section 10 of FIFRA, the data submitted by registrants relevant to the registration actions. This Act establishes elsewhere a 90 day comment period after receipt of an application for registration of a pesticide containing a new active ingredient or a changed use pattern of previously registered active ingredient. Section 4(a)(1)(D) of this Act specifies that the Administrator shall make available to the public in an expeditious manner the data submitted in support of such registration applications, or petitions to establish tolerances. Hence, data would be disclosable subject to the provisions of section 10 prior to granting registrations or establishing tolerances during the period the Administrator is evaluating the pertinent applications.

Subsection 4(a)(2) of this Act contains a substantial rewrite of section 3(c)(2)(B) of FIFRA. The amendment is substantially identical to the language contained in H.R. 5203, the bill which passed the House August 11, 1982. This section of FIFRA specifies the procedures and provisions governing the joint development and sharing of "defensive data" as required by the Administrator to fill a data gap. The new provisions would:

(1) Allow registrants 120 days to respond to an EPA data request, rather than the present 90 days;

(2) Require, rather than permit, registrants to enter into joint data development arrangements, unless all registrants agree otherwise;

(3) Establish a cost-sharing arrangement under which each of the joint data developers would pay an initial cost of $100,000 or divide equally 25 percent of the estimated total cost, whichever is less, and pay the balance of the costs as needed on a pro rata basis, according to individual United States market share of the pesticide in question. Each participant's share would be determined by an independent auditor, based on the most recent available sales figures;

(4) Provide for suspension of the registration of any registrant that fails to enter into a joint data development arrangement for the products for which the additional data are requested, and make such arrangement enforceable in a Federal district court action instituted by any of the participants;

(5) Expand the scope of hearings provided for registrants who appeal such suspensions to allow consideration of whether the Administrator had a valid and reasonable basis for requiring the additional data. Now such hearings are restricted to considering whether the registrant has failed to take the action required to provide the requested data and whether the suspension order provides for disposition of existing stocks consistent with the Act. Other hearing provisions would be unchanged;

(6) Provide a 15-year period of protection for defensive data, following the date the data were submitted, during which time any party could obtain the right to use defensive data by joining the joint data development group and reimbursing the previous members of the group. The new member would pay a share of the total data cost in proportion to the number of persons sharing in such cost. The payment then would be distributed among the previous group members according to the amount of their contribution;

(7) Provide for data submitted by a registrant after September 30, 1978, to replace previous data that are deemed scientifically insufficient by generally accepted standards to be treated in the same way as defensive data requested by EPA, except that other registrants would be entitled, but not required, to participate in joint data development arrangements; and

(8) Provide a transition between current procedures and the new procedures of this amendment by giving persons, who had received notices from EPA asking for additional data to support existing registrations, the right to compel joint data development with other registrants currently performing testing. This option must be exercised within 120 days after enactment of the bill.

Subsection 4(a)(3) of this Act extends the comment period from 30 to 90 days for persons wanting to comment on applications for registration. Subsection 4(a)(4) adds a requirement that the Administrator shall, when registering a pesticide, make a written determination with respect to the active and inert ingredients of a pesticide. Another change specifies that the determination shall be that the pesticide, when used in accordance with widespread and commonly recognized practices, "will not cause unreasonable adverse effects on the environment," instead of "will not generally cause . . ." as under existing law. A new subparagraph (E) is added establishing the new "will endanger" standard applicable to a pesticide's potential hazards to man. The Administrator is further directed to consider a full range of potential chronic health effects in determining whether a pesticide "will endanger" human beings.

Subsection 4(a)(b) of this Act eliminates the Administrator's existing authority to waive efficacy data requirements. A new provision is added requiring the Administrator to publish in the Federal Register a summary of the factual basis supporting registration actions. Persons adversely affected or opposed to registration actions are granted the same remedies to initiate judicial review of the action as specified in section (6) of FIFRA.

Subsection 4(a)(5) of this Act removes the Administrator's discretionary authority to deny registrations when the basic requirements of paragraph (5) are not met. The clause "the Administrator may refuse to register a pesticide" is changed to "the Administrator shall . . .".

Subsection 4(a)(6) of this Act alters when the Administrator may grant a conditional registration for a pesticide under section 3(c)(7) of FIFRA. The new provision prohibits the Administrator from granting a conditional registration for a use of a pesticide which has previously been cancelled or suspended. The same prohibition applies if a registration was voluntarily withdrawn, if the Administrator determines that the voluntary withdrawal was associated with concern over potential adverse effects of the pesticide. Another provision is added requiring the Administrator to make available to the public, subject to section 10 of FIFRA, the data submitted in support of a conditional registration, along with a list of outstanding tests to be performed on the pesticide and the timetable governing completion and submission of the tests.

Subsection 4(a)(7) of this Act strikes the so-called "Grassley-Allen" amendment pertaining to the conditions which must be met before initiating an interim administrative review (formerly known as an RPAR review, now called a Special Review). The Grassley-Allen amendment prohibits the Administrator from initiating a Special Review, unless the Administrator has "a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment."

Subsection 4(b) amends the provisions pertaining to classification of pesticides under section 3(d) of FIFRA. The Administrator may classify a pesticide for general use when it "will not cause unreasonable adverse effects . . ." rather than when it "will generally not cause . . .". The Administrator is further directed in all decisions pertaining to classification to consider the potential contamination of groundwater in determining whether a pesticide should be classified for restricted use. The allowance in section 3(d)(1)(c)(ii) that a restricted use pesticide may be applied "under the direct supervision" of a certified applicator is eliminated.

Subsection 4(c) amends the "miscellaneous" provisions in section 3(f) of FIFRA. Under current law, a pesticide registration is prima facie evidence that a pesticide is in compliance with the Act, unless a cancellation proceeding is in effect. This provision is amended to provide that registration of a pesticide constitutes such evidence only if the active ingredient has been registered after enactment of this Act or re-registered since October 21, 1972, and provided that a cancellation proceeding is not in process and that no required studies are outstanding. The Administrator is granted authority to consult any state, in addition to other federal agencies, in connection with regulatory action under FIFRA.

Subsection 4(g) extensively amends the provision of FIFRA requiring that pesticides be re-registered "in the most expeditious manner practicable.". The new provision requires the Administrator to publish in the Federal Register a list of pesticide active ingredients not re-registered since September 31, 1978, in order of their priority for re-registration. The list is to be published by 120 days after the date enactment of this Act. In establishing the order of the list, the Administrator is directed to give highest priority to pesticides used in high volumes on food or feed crops, and to pesticides shown to cause mutagenic effects in an appropriately designed study using a bacterial test system. The establishment of the list shall not be subject to judicial review.

Following the same schedule, the Administrator is required to also publish in the Federal Register a list of all data gaps by active ingredient. Within one year of publication of the list of active ingredients and data gaps, the Administrator is required to initiate steps under section 3(c)(2)(B) to fill the data gaps as expeditiously as possible.

Subsection 4(g)(4) requires the Administrator to issue a notice of intent to suspend a pesticide's registration if there are outstanding data gaps on the pesticide and the Administrator has failed to include the ingredient on the re-registration priority list. Subsection 4(g)(5) stipulates that a registrant must conduct studies to fill data gaps and report the results of the studies to the Administrator within three years after the publication of the list and data gaps under paragraph (3) above. Data gaps shall be filled according to the schedule specified in the 3(c)(2)(B) letters sent to registrants. When a short-term study is needed to establish appropriate dosage levels in a chronic feeding study, up to an additional year is provided for reporting the results of the chronic study to the Administrator. The Administrator is directed to issue a notice of intent to suspend a pesticide's registrations if the prescribed schedule for filling data gaps is not followed.

Subsection 4(e) adds a new subsection 3(h) dealing with inert ingredients. The Administrator is required to issue regulations specifying what tests shall be undertaken on inert ingredients. Information on inert ingredients may be disclosed under the provisions of section 10, provided that the Administrator may not disclose the percentage of each toxic inert ingredient unless such disclosure is necessary in the public interest.

Section 5 changes the requirements that must be met by persons seeking certification to apply restricted use pesticides. The amendment eliminates the existing clauses that prohibit a state from requiring a written examination as part of the certification process.

Section 6 of this Act restricts the Administrator from granting an experimental use permit for a use of a pesticide under section 5(a) of FIFRA if the use has previously been canceled, suspended, or voluntarily withdrawn for health or environmental reasons (unless there are no available alternatives). The discretion of the Administrator to suspend an experimental use permit if the terms of the permit are violated or inadequate to avoid unreasonable adverse effects on the environment is eliminated by changing "may revoke" to "shall revoke." In addition, the Administrator is required to revoke a permit if he finds that the permit will not yield data useful in satisfying section 3 registration requirements.

Section 7 of this Act amends the administrative review and suspension provisions contained in Section 6 of FIFRA. A new subsection (3) is added to the section 6(a) of

FIFRA. This provision authorizes the Administrator to immediately issue a notice of intent to cancel a pesticide's registrations, or revoke tolerances, if it appears to the Administrator that false, misleading, or inaccurate information has been submitted in support of the registrations or tolerances. If a hearing is held pursuant to the notice, the issues for resolution shall be limited to whether false, misleading, or inaccurate information was submitted to the Administrator. The Administrator is prohibited from canceling a registration or revoking a tolerance if other valid data has been submitted to the Agency to replace the questionable data. The hearing shall be concluded within 90 days of issuance of the notice, and the Administrator's final decision is required 30 days after completion of the hearing.

Subsection 7(b) of this Act amends section 6(b) of FIFRA. The term "generally" is struck in the provision stating that the Administrator may issue a notice of intent to hold a hearing or cancel a pesticide's regulation because it appears to the Administrator that a pesticide "generally causes unreasonable adverse effects" when used in accordance with widespread and commonly recognized practices. The "will endanger" standard applicable to human health effects is added in the provision discussed previously in this paragraph, with specific mention of potential harm to children permitted to work in areas treated with pesticides. The "may issue a notice of intent. . ." is amended to read "shall issue. . .". The standing of a citizen, company, or public interest group to initiate and participate in a hearing under FIFRA section 6(a) or 6(b) is restored by adding a clause clarifying that a "person adversely affected by the notice" may include pesticide users, pesticide registrants, or a member of the public with or without an economic interest in the terms of the cancellation notice. Subsection 7(c) of this Act restricts the scope of a hearing held to consider data not available to the Administrator either when the registration of a previously cancelled use of a pesticide to cancellation hearing was terminated or when the cancellation decision was issued.

Subsection 7(d) adds a new section entitled "Effect of Cancellation, Suspension, or Withdrawal" of a pesticide registration. When a use or uses of a pesticide have been cancelled, suspended, or voluntarily withdrawn because of health or environmental concerns, such use or uses shall not be eligible for registration under sections 3, 5, or 24(c) of FIFRA, unless there are no alternatives to control new or expanding pest infestation. The Administrator must also have data demonstrating that the pesticide will effectively control the pest infestation.

Subsection 8 of this Act amends the reporting requirements applicable to pesticide applicators as specified in section 11 of FIFRA. The Administrator is authorized to issue regulations requiring commercial applicators to maintain records and file annual reports with the Agency regarding the time, place, quantities, and mixtures of pesticides applied, and any other information the Administrator determines is necessary.

Section 9 repeals the indemnification provisions of FIFRA which require the Administrator to compensate persons who suffer loses as a result of a suspension or cancellation of a pesticide (except for any current cases in which the indemnification procedures have already been initiated).

Section 10 of this Act establishes a private right to sue for damages or equitable relief, or both in the district courts of the U.S. A suit may be brought against a person, company, government agency, or the Administrator. An action may not be commenced under this section against a person or company, other than the Administrator, prior to sixty days after notice of the alleged violation has been made to the Administrator, the state, and the defendant. An action may also not proceed if the Administrator or state has commenced and is diligently prosecuting a civil or criminal action on the alleged violation. Legal provisions pertaining to the location, timing, and nature of unlawful acts subject to private suits under this section are specified. A court may award the costs of litigation to a prevailing party, other than the U.S. A governor of a state is granted authority to sue the Administrator under this section.

Section 11 of this Act amends the "Imports and Exports" section of FIFRA. The section 17(b) foreign government notification requirement is extended to include cases where a pesticide's registration has been voluntarily withdrawn.

Section 12 of this Act extensively amends the "Emergency Exemption" provision contained in section 18 of FIFRA. The Administrator is authorized to grant an exemption to a state or federal agency from the provisions of FIFRA when such an exemption is necessary to prevent or substantially mitigate an imminent and substantial danger to public health or welfare. An exemption for use of a pesticide may not be granted if there is an efficacious registered pesticide available to fill the pest control need for which the exemption is sought, or if an alternative pest control technology is available.

Subsection 12(c) of this Act limits the time period for an emergency exemption to one year, and allows for no more than two renewals. The Administrator is required to publish notice in the Federal Register within 10 days of applications for emergency exemptions, and to consider public comments received on the applications, unless the Administrator determines that it is necessary to grant an exemption within 48 hours of receipt of the application because of extraordinary emergency circumstances. The Administrator is further directed to disclose to the public all information contained in an application for an emergency exemption within 30 days of receipt of a request for such information. The Administrator is also required to publish in the Federal Register in a timely manner his decision and the reasons therefor.

Subsection 12(g) of this Act states that in no case may section 18 of FIFRA authorize an unregistered use of a pesticide without the prior approval of the Administrator. In extraordinary emergencies, the Administrator must act on an application for an emergency exemption within 48 hours of receipt.

Section 13 of this Act amends the research and monitoring provisions contained in section 20 of FIFRA. The amendment contains additional specificity regarding the content of the national monitoring plan called for in section 20(b) of FIFRA. The plan shall be proposed by rule not later than June 1, 1984, and effective not later than October 1, 1984. The Administrator is further required to assure the quality of data collected pursuant to the plan, and is authorized to make available the monitoring data to the public in a timely and useful way.

Section 14 of this Act amends Subsection 21(b) of FIFRA requiring that the Administrator "shall", rather than "may, at his discretion", solicit the views of all interested parties on actions taken under this Act.

Section 15 of this Act transfers responsibility for regulating occupational exposure to pesticides to the Occupational Safety and Health Administration.

Section 16 of this Act amends Section 24(b) and (c) of FIFRA pertaining to the authority of states to regulate the sale and use of pesticides. A state is authorized to impose or continue in effect requirements for pesticide labelling or packaging in order to enforce a prohibition on the use of a federally registered pesticide or device in the state. The Administrator must be notified of such requirements, and keep a record of them available for public inspection.

Section 24(c) of FIFRA is amended to refer to "pesticides which are registered under paragraph (5) or 7(A) of section 3(c) . . .", rather than to "federally registered pesticides . . .". The effective date for a registration under section 24(c) is changed to ninety days after the date on which the Administrator is notified by a state of the state's intention to issue the registration, assuming the Administrator does not disapprove the use during the ninety day period. The clause prohibiting the Administrator from disapproving a section 24(c) registration on the grounds of a lack of essentiality is eliminated. The Administrator is also authorized to deny a section 24(c) registration if the pesticide use is unnecessary to meet special local needs. The Administrators discretion to disapprove a special local need registration that is inconsistent with the Federal Food, Drug, and Cosmetic Act is eliminated by changing "may immediately disapprove the registration" to "shall immediately disapprove . . .".

Subsection 16(b)(3)(D) specifies that a rebuttable presumption shall arise that a special local need for a pesticide does not exist if five or more states seek the same pesticide for the same special local need. The discretion of the Administrator to suspend the authority of a state to issue registrations under section 24(c) is eliminated when the Administrator determines a state is not capable of exercising adequate controls to assure that state registrations are granted in accordance with the provisions of FIFRA. This change is brought about by changing "may suspend the authority" to "shall suspend . . ." A new subsection is added stipulating that special local need registrations shall expire after five years, and may be reissued in accord with this subsection.

Section 17 of this Act amends the provisions pertaining to the appointment of members to the Scientific Advisory Panel. The amendment directs the Administrator to appoint the seven panel members from several different disciplines, and to stagger the three year terms so that the terms of no more than three panel members expire in any year.

Subsection 17(b) of this Act establishes a new requirement that the Administrator promulgate within one year regulations concerning the safe use of pesticides. The regulations shall require measures that protect individuals in the vicinity of pesticide applications, including steps to guard against exposure to pesticide drift from aerial applications. Posting areas where pesticides are to be applied, and other warnings are among the protective measures the Administrator should consider.

Section 18 of this Act amends the provisions delegating to states primary responsibility for carrying out programs to enforce FIFRA. States are required to administer an

enforcement program "at least as stringent as sections 12 and 25" of FIFRA. This change would allow states to impose enforcement provisions and regulations more stringent than reguired by federal law. A new subsection (d) is added which grants states two years to adopt an enforcement program responsive to the new requirements and regulations established pursuant to the National Pesticide Hazard Prevention Act.

Section 19 of this Act adds a new section 32 to FIFRA. This section directs the Administrator to collect fees for registration actions under FIFRA. The fees shall be set at a level sufficient to make the pesticide program self-supporting.

Section 20 of this Act introduces another new section to FIFRA addressing the protections governing employees who have commenced actions, testified, or otherwise participated in an enforcement action or complaint under FIFRA. Remedies patterned after employees protection provisions in other statutes are specified, including the right to file and pursue a complaint with the Secretary of Labor.

Section 21 of this Act authorizes the Administrator "to establish and enforce standards for indoor human exposure to pesticides."

Section 22 of this Act contains several changes in the FIFRA statute's table of contents necessitated by the "Federal Insecticide, Fungicide, and Rodenticide Reform Act."

FAKING IT—THE CASE AGAINST INDUSTRIAL BIO-TEST LABORATORIES

(By Keith Schneider)

Within the fervid, unseemly world that was Industrial Bio-Test Laboratories, the place where things turned gruesome was a room they called the "Swamp." In 1970, IBT's directors installed a Hoeltge automatic watering system for one large animal feeding room midway through Number Three building. Although it was designed to fill drinking bottles and flush wastes from hundreds of rodent cages, the equipment rarely worked properly. Faulty nozzles sprayed the room with a continuing chilly mist, showering the caged animals. Water streamed off cages and racks, submerging the floor under a four-inch deep pool. Mice regularly drowned in their feeding troughs. Rats died of exposure. No technician entered the Swamp without rubber boots, and many wore masks to protect themselves from the hideous stench of disease and death.

During the course of a two-year feeding study, involving more than 200 animals, the mortality rate in the Swamp reached 80 percent. Worst of all was cleaning the cages. Dead rats and mice, technicians later told federal investigators, decomposed so rapidly in the Swamp that their bodies oozed through wire cage bottoms and lay in purple puddles on the dropping trays.

It was in conditions like these in the Swamp and four other major animal feeding areas that IBT conducted thousands of critical research projects for nearly every major American chemical and drug manufacturer, dozens of foreign concerns, and several federal agencies as well. Nearly half of IBT's studies were used to support federal registrations of a mammoth array of products: insecticides, herbicides, food additives, chemicals for water treatment, cosmetics, pharmaceuticals soaps and bleaches, even coloring for ice cream.

One of the nation's oldest independent laboratories, during its last decade IBT was also the largest, performing more than 1,500 studies in its main facility in Northbrook, Illinois, twenty-five miles north of Chicago, and in two satellite laboratories in Neillsville, Wisconsin, and Decatur, Illinois. It has been estimated that between 35 and 40 percent of all toxicology tests in the country were conducted by IBT.

Still, for all its prosperity and spurious prestige, IBT's business crumbled rapidly starting in 1976, when at the zenith of the lab's corporate strength, investigators from the U.S. Food and Drug Administration (FDA) uncovered what they allege is the most massive scientific fraud ever committed in the United States, and perhaps the world.

In May 1981, after a five-year joint FDA-Justice Department probe, Dr. Joseph C. Calandra, IBT's president, and three of his top associates—Dr. Paul Wright, section head for rat toxicology; Dr. Moreno Keplinger, manager of toxicology; and James B. Plank, senior group leader for rat toxicology—were indicted in Chicago by a special federal grand jury. Each defendant is accused of eight counts of conducting and distributing fake scientific research and then of attempting to cover up the scheme. After several postponements, the IBT trial is scheduled to begin April 4. If convicted on all counts, each defendant faces up to forty years in prison and fines totaling over $40,000.

U.S. attorneys in Chicago say the IBT prosecution will be torturous. Calandra and the other defendants claim they are innocent, and they have hired the Midwest's finest trial attorneys to make their case. In the months since the indictment, the defendants have filed stacks of legal motions seeking dismissal of the charges. They insist that FDA and Justice Department agents "harassed, abused, misled, bullied, intimidated and coerced" key witnesses, in order to prove their case. Chief FDA investigator Carlton Sharp is accused of "abuse of the grand jury," because he knowlingly presented "false, misleading and inflammatory" statements during his two grand jury appearances.

Similar tactics were employed by defense attorneys in two cases prosecuted several years ago by U.S. attorneys in Chicago with distressing results. In the first case, the government gained an eleven-count indictment in 1977 against Velsicol Chemical for concealing key scientific results on the carcinogenicity of the restricted insecticides chlordane and heptachlor. The case was dismissed in 1979 on procedural grounds. U.S. attorneys were turned away one more time in 1980 in a case against G. D. Searle, a major pharmaceutical manufacturer, accused of falsifying scientific research. In that case, Chicago prosecutors could not gain an indictment.

In the IBT case, however, the prosecutors successfully have answered each motion. Now that it is ready for trial, Frederick Branding, a former federal prosecutor who recently left the Chicago office, calls it "one of the most important cases ever investigated out of this office."

During the trial, which is expected to last at least six weeks, prosecutors hope not only to prove the defendants' guilt, but will also outline a pattern of chemical company knowledge of fraudulent research taking place at IBT. They will also attempt to prove that those practices were promoted by chemical company executives in order to secure results that would pass registration standards at the FDA and the U.S. Environmental Protection Agency (EPA). Said one Justice Department investigator: "IBT became the largest testing lab in the country, because companies knew this was the place to get the results they wanted."

A primary example, prosecutors allege, is the case of defendant Dr. Paul Wright. Before he started work at IBT in March 1971, Wright was employed as a toxicologist by Monsanto in St. Louis. Prosecutors say Wright went to IBT to manage Monsanto's contract to test the safety of TCC, the company's anti-bacterial agent widely used in popular deodorant sprays. TCC was under suspicion by the FDA for causing testicular atrophy in laboratory rats fed the compound. At the same time, Monsanto was counting on TCC as a major product to replace hexachlorophene, another anti-bacterial chemical just withdrawn from the American market. Monsanto needed a "clean" IBT study to convince FDA that TCC was safe so the agency would grant them a registration to increase the levels of TCC in deodorant soaps.

Wright stayed at IBT for eighteen months, to supervise most of the TCC research then returned to Monsanto where he was named its manager of toxicology for its department of medicine and environmental health. While at Monsanto, according to prosecutors and witnesses, Wright wrote several critical sections of the final TCC summary report and pressured a key IBT scientist into changing his finding that TCC did, in fact, cause testicular atrophy in laboratory rats. The sections Wright authored were included in IBT's summary report which was sent to the FDA. The agency eventually approved the new higher levels is some deodorant soaps. Millions of pounds more of TCC are now manufactured each year by Monsanto as a result.

IBT's test on TCC was just one of 22,000 toxicology studies the lab performed in the quarter century it operated. Since late 1979, pathologists at FDA, EPA, and in Canada and Sweden, have undertaken an immense and complex program of auditing IBT studies. They have determined that more than 10,000 were used to register products for the American market, and they consider nearly 2,000 as primary research. Most of these were for 325 insecticides and herbicides. The vast majority have been declared by American and Canadian scientists to be "invalid."

CAPTAN

Until recently, the details of the joint investigation were untouchable as prosecuting attorneys, defendants, and witnesses declined to comment pending the outcome of the case. Last December, however, as part of a motion to dismiss made by Calandra's attorneys, almost 1,000 pages of secret grand jury testimony and related documents were entered as testimony in U.S. District Court, publicly revealing for the first time the nauseating saga of IBT's demise.

Most infuriating is the legacy left by IBT's scandal. There are few Americans who do not make daily contact with chemicals IBT tested and declared "safe" chiefly from pesticide residues contained in their food and water. Since the scheme was first pinpointed, some of those chemicals have been declared by federal agencies to be hazardous to human health and environment. Many others are accused by researchers across the country of causing illnesses and environmental contamination.

On this continent and in Europe, health authorities have begun to take regulatory action against chemicals registered with IBT data. Sweden recently outlawed eight IBT pesticides. Last year, after studying IBT data on 113 pesticides, Canada outlawed six and severely restricted application of the fungicide captan. In the United States, the EPA's final summary report on 212 pesticides registered with IBT data is due to be released in May, according to Kevin Keany, an official in the Office of Pesticide Programs (OPP). In other actions, the EPA has suspended the use of the herbicide Silvex, and canceled most uses of the insecticides toxaphene and DBCP, all of which were registered with extensive IBT data. Still, one thing is all too clear: the magnitude of the IBT scandal may never be known, and its effect is likely to carry on for generations.

There is nothing remarkable in the way Frontage Road runs alongside Interstate 94 in Northbrook. Like a hundred other two-lane industrialized corridors across America, Frontage Road is home to a dull array of squat motels, three-story corporate headquarters, and small manufacturing plants.

It was here in 1953 that Joe Calandra established IBT. Then a 35-year-old graduate of the Northwestern University School of Medicine, the young Calandra, according to colleagues, was a man of high scientific standards who also knew how to make a dollar. Calandra could foresee that a toxicology lab which contacted its services was very much a growth business of the future.

All signals pointed that way. The federal government was increasing the standards required for registration. Manufacturers, pressed to account for the safety of their products, needed firms to prepare the scientific research. And Calandra, from the start, had a real prize for a client: the Pentagon.

SILVEX

Between 1953 and 1977, in an effort to discover better ways to preserve food for troops during war, the Pentagon paid IBT more than $8 million to carry out a long-term study in which irradiated beef was fed to mice and rats. The Pentagon was not the only U.S. agency to contract IBT's services. In the early 1970s, the National Institute of Drug Abuse spent $972,000 on four long-term feeding studies, one of which was to test the toxicity of methadone. The FDA too was a client. In 1974, the agency spent slightly more than $400,000 on four tests of their own.

IBT grew quickly. Behind the first two administration buildings stood four nearly identical animal buildings, long and low, used to house IBT's horde of rats, mice, guinea pigs, dogs, and chickens.

Throughout the 1950s and early 1960s, IBT's growth lagged far behind the demand for its services. The lab's reputation circulated quickly through the science and development areas of corporate America. IBT's work was good, they said. It was moderately priced. Most importantly, it passed examination in Washington. While its finances were closely guarded, several estimates put IBT's revenues in the mid-1960s at close to $2 million annually, enough to attract the attention of the officers of Nalco Chemical (1981 revenues: $665.5 million), a specialty chemicals manufacturer based in Oak Brook, Illinois. In 1966, Nalco bought IBT from Calandra for a reported $4.5 million.

Backed by Nalco's millions, Calandra began a program of expansion to turn his pioneering lab into America's largest chemical testing firm. Two smaller satellite labs were built. In 1970, construction began on a $2 million, four-story research building on the Frontage Road site. Calandra was also making several important staff appointments. Dr. Moreno Keplinger was named manager of toxicology in 1970, followed by James Plank's being named as group leader of rat toxicology. In March 1971, Paul Wright joined the staff from Monsanto, and in August, Dr. Donovan E. Gordon became IBT's pathologist.

During the same period, events were occurring in Washington which turned a river of business IBT's way. The environmental movement, an infant in the early 1960s, had matured by the end of the decade, compelling President Nixon to establish the EPA in 1970. With the agency came publication of dramatically more stringent regulations for pesticide registration and use, requiring a broad range of scientific studies. Thought even the largest companies like Dow prided themselves in maintaining laboratories of their own, they too contracted with IBT.

IBT thought it was ready for the new business and welcomed all its new clients. But it was soon in the position of having much more than it could handle.

If they were not so serious, the continuing slapstick events at IBT might seem humorous. The first time Manny Reyna, an animal technican at IBT, was ordered out on a mouse hunt, he thought it was a joke. Armed with a plastic squeeze bottle filled with chloroform and outfitted in thick gloves and a white lab coat, Reyna joined a squad of technicians in a search and-destroy mission for rats and mice running wild at IBT.

DBCP

Soon after he was hired at IBT in May 1971, Reyna realized that not all the rodents he tended finished their lives in cages. Every week, dozens of research mice and rats squeezed through the bent wires of IBT's mangled cages, raced across the long wooden racks and dropped to the grimmy floor to breed with wild rodents living behind tall stacks of animal bedding piled in the corners of the lab's feeding rooms. During the night mice climbed back up on the racks to feed on spilled food and feces, and they persisted in poking their snouts through the bottom of cages. "For some reason, they would cannibalize the toes of the animals that were standing on the wire," Reyan testified in his grand jury appearance. "In the morning we would see where the toes had been chewed off. So, you know, we were at a loss as to what to do. . . . It was a never-ending battle."

The only temporary solution was a mouse hunt. For hours the armed squad would flush rodents from cover and douse them as they skittered past. "The animals were very wild," Reyna testified. "They would run from humans. So our only chance was to slow them down with the chloroform." Once snared, technicians sacrificed their bounty, throwing the carcasses into plastic bags, then tossing the mess onto trash heaps behind the animal buildings.

Reyna had other choice stories for federal investigators. More than once, he said, rats on two-year feeding studies were fed the wrong compound, something IBT never reported to its sponsors. Then there was the time the air conditioner in the brand new research building quit, and technicans hauled half a ton of ice to the third floor, setting up fans behind the blocks to cool hundreds of animals housed there. "It made a mess, and of course the temperature didn't change but a degree or two," Reyna said.

Occasionally, mouse hunts would get out of hand. During the course of the Pentagon's irradiated beef study Reyna claimed the hunt became so enthusiastic that chololorm fumes killed dozens of caged reseach mice. "I don't know how many mice died that were on tests," he said. "It was just amazing; it was a substantial number like 50." Was the test halted or was its sponsor notified? "No, the test continued," according to Reyna. "I think they just filled in the gaps."

SENCOR

Wherever Reyna looked there were follies to be witnessed. One of his responsibilities was keeping track of frozen tissues which needed to be stored in the main freezer upon arrival from IBT's satellite labs. One day a panel truck backed up to IBT's receiving dock loaded with twenty-five or thirty boxes of frozen tissues. Later Reyna found out that Gerald Kennedy, a high IBT official, had arranged with a meat processor in Wisconsin to butcher hogs involved in a skin burn test at the Neillsville lab. "So he had all of this meat processed and sent to us evidently under the guise of being sample tissue for a sponsor," Reyna told federal agents. "Meanwhile, I had to just about nail that freezer door shut to keep it from popping open. I mean that freezer was just packed."

The Justice Department's prosecution, headed by Deputy Chief of Special Prosecutions Scott Lassar, involves fraudulent research alleged to have been conducted on four compounds: the insecticide Nemacur and the herbicide Sencor produced by Chemagro, now owned by Mobay Chemical; the drug Naprosyn manufactured by Syntex to treat arthritis swelling; and Monsanto's anti-bacterial agent TCC.

On April 14, 1971, IBT began two long-term feeding studies for Chemagro's newest agriculture chemicals. The company hoped that Nemacur would compete with Dow and Shell's popular soil fumigant DBCP. Sencor was a multi-purpose herbicide.

Chemagro's protocols for the two studies called for feeding two groups of mice for eighteen months. In addition, a control group would be established and fed a known animal carcinogen, in order to make comparisons with the results found in animals fed the test compounds.

On June 19, 1972, IBT sacrificed Chemagro's mice studies, fourteen months after they began. This was not reported to the company until the summer of 1977, when IBT's testing activities had nearly come to a halt.

In late July or early August, Philip Smith, then a 25-year-old technician at IBT, was assigned by Dr. Wright to prepare the final summary report for the two studies. At the same time, Wright handed Smith a completed mortality table detailing the number of mice that had died and the dates of their deaths. It showed that almost no mice died prematurely. Smith told the grand jury that he knew immediately that the table had been faked. How? Michael Black, the technician who tended to the feeding study, had told Smith that the mortality of the mice on Chemagro's tests had been enormous. In fact, Wright ordered 1,000 new mice to take the place of mice that died during the test and specifically ordered Black not to report the addition in his records. Attorneys for Monsanto said Wright would not comment

use directly before or during games is natural but often inaccurate, especially in the case of cocaine, "It's the most insidious," the doctor said, "because you can't detect someone using it. You can go to the water fountain in the dugout or stand in the outfield and snort a line and nobody knows if you're careful enough to brush it off your mustache."

Dr. Pursch said that talented professionals, regardless of their field, separate their jobs and their habit as long as they can but that eventually their addiction encroaches on their work time. "Every doctor I've ever treated says he never harmed a patient," Dr. Pursch said. "Every priest says he never fell asleep in the confessional. All of us who are conscientious take pride in our jobs. Even to ourselves we want to say it never affected our work. It takes two or three years before a person can get honest about that."

Dr. Pursch said he faulted coaches and sports administrators for ignoring addicted athletes for too long, letting them go until they failed to appear at the ball park, which is a late sign of trouble. Interviews with coaches and general managers, even the most well-meaning and experienced, largely supported his contention. Frank Layden, the general manager in Utah who eventually confronted Drew with his addiction, said he recognizes drug-using athletes by their tardiness, absence or financial difficulties, not be their play. Bob Ferry, the general manager of the Washington Bullets who waived John Lucas, a confessed cocaine user, also cited lateness and requests for loans rather than performance as the telltale signs. Tommy Lasorda, manager of the Dodgers who has twice lost Steve Howe to drug rehabilitation, said he detected nothing and then launched into a tirade on the pointlessness of hiding from life's responsibilities.

"You have a tendency not to see it when it's your own team," Layden said. "It's like the fixes. Some of the greatest coaches in the game didn't know their teams were dumping games. When a player plays a poor game, what's wrong? Maybe they have a little flu. You keep putting it aside. Maybe our eyes are not focused on what they shoud be."

Herzog, who recently welcomed Lonnie Smith back from a stay in a drug rehabilitation center, showed a sophisticated eye. "There are personality changes," Herzog said. "The guy is all of a sudden a different person. Then there are performance changes. He's lazy. He's drowsy, tired all the time."

The addicted athlete affects the course of the game in other ways than his own reduced performance. Often, as in the case of Smith and Howe, he removes himself from the lineup to seek treatment. "The team may play a little harder," Herzog said. "But you can't tell how many games it costs you. You have to look at it as any other injury."

Before the point of acknowledging a problem, an athlete involved with drugs can subtly influence the team's cohesiveness. "He starts getting away from the guys because he doen't feel comfortable around them," said Larry Brown, the former Nets Coach now at the University of Kansas. Brown's former pro players included David Thompson and Michael Ray Richardson, both of whom have undergone treatment for cocaine use.

"He doesn't deal with people who are straight in the same way. He feels they're scrutinizing him, judging him," Brown said.

"One bad apple can spoil the whole bunch," said Drew. "You can influence other people to use drugs because misery loves company. I didn't try to force it on anyone but I used to hold resentment toward the guys who didn't do it."

"Usually on a team there are a few leaders, people who form opinions, set morale," said Dr. Barry Brody, a psychologist who runs a California clinic for athletes. "When one of them is involved, the whole thrust of the team is reduced by their inability to play as they once played."

The head-in-the-sand attitude of so many coaches and general managers seems to result from a combination of ignorance and fear of tarnishing the image of professional sports, which markets its heroes as the idols of American youth. "Being secretive, are you protecting the image or are you protecting the player?" asked Larry Brown. "It's so difficult when you're concerned with the image of the league and also trying to help these guys. It seems that one thing is fighting the other."

"There's a self-interest in hoping you can keep it under the rug," said Larry Fleisher, the head of the N.B.A. Players Association. "It's natural to feel it would be wonderful if this didn't exist."

Many people involved in sports believe it is an unfair burden to expect athletes to behave better than people in other professions, an unfair raction to be outraged by an addicted quarterback but tolerant of an addicted movie star or lawyer. "In this industry players tend to be viewed not as human beings but as symbols," said one players' association official who asked not to be identified. "That's not fair and that pressure causes further problems."

Tony Attanasio, an agent who represents Howe, blamed childhood fantasies of fans for the unreasonable expectations of athletes. "The vicarious relationship is very strong," Attanasio said. "It makes the public say he's playing a game, making a million dollars and he gets in trouble and that's disgusting."

"When you combine the salaries and racism with the use of drugs there's a very negative image," said Fleisher, citing 1980 article in The Los Angeles Times that said that 40 to 75 percent of N.B.A. players were using cocaine. "The reaction was 'What the hell do you expect from a bunch of overpaid black guys? They're using the money we spend on tickets to snort cocaine.'"

The sports executives interviewed said that their fans had been very supportive of confessed drug and alcohol users who sought treatment and returned to the lineup. None acknowledged a loss of attendance or a public relations effort to mute criticism. But Fleisher predicted that the public disapproval will eventually have financial ramifications apart from the box office: in canceled endorsement contracts for offending athletes or in reluctance on the part of the television networks to spend millions on games that their advertisers don't want to be associated with.

For the time being, however, that is not the focus of concern in league offices or among the people who run the players unions. The labor leaders are seeking ways to help their afflicted members, setting up confidential telephone hotlines and assembling lists of reputable doctors and rehabilitation centers. They are also preparing for what could be a new set of collective bargaining issues: Whether teams are required to pay salaries to addicts like Howe who require repeat rehabilitation, whether publicly disciplining drug users violates their right to confidentiality and how to insure that marginal players receive the same quality of care as stars.

The league officials, for their part, are concerned that addicted athletes are dealing with organized crime figures and vulnerable to gamblers who might seek their cooperation in fixing games. None of those interviewed acknowledged encountering such a situation, but all—including doctors and law enforcement officials—hypothesized that such athletes could be compromised because of their acute financial distress caused by an expensive cocaine habit and their fear of being exposed. Each league and several individual teams now have security directors, usually former F.B.I. agents, who work with a nationwide network of freelance law enforcement officers. The leagues also arrange or encourage seminars to educate players, coaches and team officials.

"We can't say that a particular player went that route," said Tony Vaccarino, the F.B.I.'s coordinator for gambling and sports bribery investigation and a frequent locker-room lecturer. "But we know the way illegal gamblers conduct their business. A player has a definite edge in knowing what's going on with his team and that's valuable information if he needs money to support his habit. Also, we emphasize extortion a great deal, people threatening to expose them. They are very much a target for that kind of activity."

Dr. Brown said this problem has not surfaced in conversations with his patients. "My guess is it would have because in treatment they talk about anything and everything," he said. "But I know that they do deal with the worst of the underworld in getting the drugs, and if you're hard up for money you'd be more susceptible."

"We have not seen any linkage between drug matters and gambling in the N.F.L.," said Pete Rozelle, the league's commissioner, "but I agree that it could happen in the future."

Dr. Pursch said that such wariness is reasonable, but he found a side benefit to the addicted athlete's acute financial distress. "Often what drives them into treatment is the financial ruin of cocain," he said.

And, once they seek help, Dr. Pursch said, their cure rate is higher than that of the general public. "They do better," the doctor said, "provided you can tie their motivation to recover to their job. They can be tremendously successful if you utilize and garner their innate sense of discipline."

Mrs. HAWKINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING DR. ALICE MITCHELL RIVLIN FOR SERVICE AS DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

Mr. CHILES. Mr. President, I am submitting a resolution (S. Con. Res. 61) today on behalf of myself, Senator BYRD, Senator DOMENICI, and Senators BAUCUS, BIDEN, BINGAMAN, BRADLEY, BUMPERS, BURDICK, CRANSTON, DECON-

games of the season for their involvement with cocaine.

Rozelle said:

NFL's priorities often are and must be different in degree from those of the authorities who enforce federal and state narcotic laws. The game itself can be honored or dishonored by its own participants. The obligations of personal conduct are not just owed to the league. They are owed as well to the players, the team, to every other NFL player and to the public on whose approval and support the game and the livelihood of all those associated with it ultimately depend.

In announcing the suspensions, Rozelle acknowledged the special status enjoyed by NFL players:

NFL players occupy a unique position in the eyes of the public. They are object of admiration and emulation by countless fans, particularly young people.

According to research by the New York Times, at least 42 professional athletes have sought treatment for alcoholism or drug dependency since 1977, and at least 23 have been convicted of drug or alcohol-related crimes.

The figures were compiled from published accounts of such incidents in the past 6 years involving current and former players in professional baseball, basketball, football and hockey. Five of those who spent time in residential rehabilitation facilities were also convicted of crimes.

Of the athletes who sought medical help for their problems, 15 were baseball players, 7 basketball players, 18 football players and 2 hockey players. Of those convicted, 5 played baseball, 2 basketball, 14 football and 2 hockey. There are also five football players who have been indicted.

Of the 42 athletes who have spent time in rehabilitation centers, 24 have received treatment in the past year. Of those found guilty of crimes, six have been convicted since July 1982.

I applaud Commissioner Rozelle's tougher stand on drug abuse and believe that it would greatly benefit football and the public.

I ask unanimous consent that a July 25, 1983, New York Times article by Jane Gross entitled "Drug Addiction: The Cost to Sports Keeps Growing" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 25, 1983]

DRUG ADDICTION: THE COST TO SPORTS KEEPS GROWING

(By Jane Gross)

Whitey Herzog, the field manager and former general manager of the St. Louis Cardinals, is one of baseball's premier traders, and in recent years a new set of issues has cropped up in the course of his wheeling and dealing. "Is he clean?" is a question Herzog said he has been hearing more often these days. "What's the way they say it now?" Herzog said. "Oh, yeah—'Does he have a chemical imbalance?' "

The questions arise because more and more athletes are surfacing as drug and alcohol abusers, either because they admit their addiction and enter rehabilitation centers, or because they are implicated by people accused of dealing drugs or are themselves arrested. And the questions have urgency because the athletes' addiction affects sports in a variety of ways. It alters their on-field performance because of physical deterioration and emotional stress. It alters the way fans perceive their heroes and thus threatens the image of leagues and teams that promote themselves as wholesome entertainment. And it raises the specter that gamblers might alter the outcome of games with the cooperation of athletes who are desperate for money and vulnerable to extortion.

Despite the rash of publicly reported cases, most sports executives and athletes insist their problem is no more serious than the one facing society at large. But Dr. Joseph Pursch, who has treated many addicted athletes at the Care Unit Hospital in Orange, Calif., differs with that belief and offers an explanantion. "If you ask me if there's a higher incidence than in the normal population, the answer is probably yes," Dr. Pursch said, "but there's a reason for that. The average alcohol or drug abuser in this country is male, upwardly mobile and between 18 and 45 years of age. That's an athlete. Athletes fit the profile 100 percent."

All the athletes and doctors interviewed who are familiar with addiction agree that the performance of a drug or alcohol abuser is adversely and progressively influenced. And they say that even if an athlete's use is limited to social situations, as most of them claim, they are hampered by residual effects of the toxins in their body, by the morning-after effects of a night spent partying and by increasing preoccupation with satisfying and disguising their habit.

"If you use coke, say," said Dr. Torrey Brown, a Baltimore physician who is a medical consultant to the National Basketball Association, "you stay up all night and then spend the morning finding some for the next night, so you're useless from 7 to 9. You're worrying about money, worrying about people following you, worrying about finding your drug. You're wiped out for other reasons than the drug's direct effects."

"Emotionally, they're a mess," Dr. Pursch said. "They are preoccupied with guilt. Their home life is a mess, and maybe they have legal problems. They have temper outbursts and are very irritable. They're very likely angry with themselves because their arms and legs are not doing what they want them to do and they know why."

"It's a job messing around with drugs," said John Drew, a rehabilitated cocaine user who plays basketball for the Utah Jazz. "When you're trying to play basketball and get drugs, too, something's slipping. I was drained emotionally. It took a lot of energy."

"You're just not there 100 percent," said Tim Raines, a member of the Montreal Expos baseball team who has been treated for cocaine addiction. "When you become addicted you tend not to care about anything but making sure you take care of your habit. It doesn't matter who you hurt or what you do to get it."

The doctors and athletes interviewed also agreed that a professional athlete, because of his extraordinary condition, may remain fit for longer than an average addict. Nonetheless, the doctors and athletes said, physical deterioration will eventually occur, manifesting itself in different ways depending on the substance being abused, the duration and the quantity.

"When I first started doing it, I always thought I was the same performer," said Raines. "But the longer and longer you get into it the worse it makes you. You get weaker and lose all control of yourself. Eventually, I felt like a totally different performer out there."

"You're dealing with a disease that tells you you don't have a disease," said Drew, "so at first you still feel you're doing what you always did. Everybody else can see it but you can't. Over a long period of time, though, the drugs will destory you physically. It takes awhile, but it will get you."

The effects of alcohol—according to information provided by Dr. Pursch, Dr. Brown and Dr. Walter Riker, a consultant to the National Football League—are the easiest to recognize, either in an inebriated or, more often, a hungover athlete. He may be late or absent for a practice or game, tired, or half-hearted in his effort. As a result of minerals lost in dehydration, his coordination, vision, hearing and balance may be impaired.

The effect of marijuana, the doctors said, include additional perceptual changes and are longer lasting because the toxins are stored in the body's fat cells for as much as 10 hours in an occasional user and far longer in a chronic user. Distortions in the sense of distance and time, in baseball for example, can make it difficult to turn a double play, steal a base, judge a ball in the outfield, hit or pitch. The sense of dreamy well-being, even indolence, can reduce motivation and concentration.

Cocaine is the most addictive and least detectable of the three, the doctors explained, and will similarly affect perception, accuracy and coordination. The drug's stimulation of the central nervous system and the feeling of enhanced strength and mental capability lasts only for 25 or 30 minutes. "Halfway through a game you're minus the cocaine and in withdrawal," Dr. Pursch said. "Your muscles cramp, you're depressed and you're preoccupied. There's only room for one thought: 'How soon can I get to some coke?' You become a marginal performer."

Raines, a speedy outfielder, said that the cocaine had demonstrable effects on his perception. "A ball coming straight at me, I couldn't judge how close it was," he said. "With base stealing, it messes up your concentration as far as watching the pitcher is concerned. Your reactions are slower. Sometimes I thought I had started to run before I actually started to run."

Carl Eller, the former Minnesota Viking defensive end whose addiction drove him into bankruptcy in 1980 and who now operates his own business and is a consultant to the N.F.L., has reported that cocaine robbed him of upper body strength, stamina and sense of intimidation. Don Reese, the former Dolphin, Saint and Charger defensive lineman who has twice served time for cocaine-related offenses, acknowledged in a first-person story in Sports Illustrated magazine in 1982 that in the late stages of his career he was playing "in a stupor much of the time," with "the whole stadium blacked out."

Of all the athletes who have told their addiction stories publicly, only Reese has described drug use—by himself and his teammates—at the stadium before and during games, a charge subsequently disputed by his teammates. Dr. Pursch said the denial of

for use in orchards as a soil fumigant to kill tiny worms that fed on root systems, both companies voluntarily suspended production of DBCP. In 1978, a two-year carcinogenicity study undertaken by the NCI concluded that DBCP was a powerful stomach carcinogen in mice and rats fed DBCP, and also produced breast cancer in rats fed the compound. A year later, the EPA canceled all uses of DBCP, save for Hawaii's pineapple crop.

Carbaryl—A member of the carbamate family of insecticides, carbaryl was one of nineteen chemicals cited in a landmark HEW report in 1969 and accused of causing carcinogenic tumors, birth defects, and other serious health problems. The HEW commission wrote that carbaryl "should be immediately restricted to prevent risk of human exposure." Manufactured by Union Carbide since 1958, nearly a billion pounds of carbaryl have been sold, about half overseas. In the United States, use now averages an estimated 60 million pounds annually for a wide range of activities, including some brands of flea collars, sprays and powders for pets, and in spraying for gypsy moth infestations from Maine to Maryland. Carbaryl has been targeted by researchers as a danger to human health and the environment chiefly because of its proven ability to cause mutations in the fetuses of dogs, guinea pigs, and rabbits. Several years ago, the International Agency for Research on Cancer (IARC) studied carbaryl and found it to be a carcinogen. In 1980, EPA's Edwin L. Johnson, director of the Office of Pesticide Programs, surprised agency scientists and ignited an internal furor, when he halted EPA's plan to remove carbaryl from the market. Johnson . . . concluded that the "overall weight of evidence does not indicate that risk criteria have been met or exceeded." Around the nation, where carbaryl use is heavy, critics are not so sure. Says Dr. Ruth Shearer, a widely respected geneticist from Issaquah, Washington: "In my opinion, carbaryl presents a definite risk to human health if applied in residential areas or other areas where human exposure is inevitable."

Other popular pesticides which have been registered with IBT data include:

Paraquat—A noxious herbicide which has been accused of causing hundreds of severe respiratory disorders around the nation as its use in U.S. nurseries and in marijuana eradication increases.

Cacodylic Acid—The primary ingredient in the Vietnam-era defoliant Agent Blue, cacodylic acid production is increasing as timber companies move to replace Silvex and the outlawed herbicide 2,4 5-T, a component of Agent Orange.

Permethrin—Though it has yet to receive full registration from the EPA, this insecticide, manufactured by FMC and ICI Americas, is suspected by EPA pathologists, including Dr. Adrian Gross, of being a carcinogen. Currently, permethrin has a conditional registration and millions of pounds are supplied to applicators under the EPA's controversial "emergency exemption" clause.

Harvade—Uniroyal's disputed cotton defoliant was recently discovered by California officials to be a potential carcinogen. Lori Johnson, chief of the California Agriculture Department's pesticide division, is currently studying new data on Harvade and is considering a full reevaluation of the herbicide's registration there.

In Canada, manufacturers of 113 IBT pesticides were asked to duplicate the research or face cancellation of their products. Makers of three herbicides and three insecticides chose not to, and Canada removed those products from the marketplace last year. Those chemicals are:

Allidochlor—A Monsanto herbicide used in clearing weeds from onion fields.

Chlorbromuron—Another herbicide manufactured by the Swiss firm Ciba-Geigy, and used in carrot fields.

Cynazine—A herbicide contained in Shell's Bladex line of weed killers and outlawed for use in Canadian corn fields.

Phosphamidon—A Ciba-Geigy insecticide sold by Chevron in Canada and California.

Bianapacryl—Manufactured by the German firm Hoechst as a mitacide.

Dialliphos—Another mitacide manufactured by a subsidiary of Hercules Chemical.

RECOGNITION OF SENATOR WEICKER

The PRESIDING OFFICER (Mr. ABDNOR). Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

TRIBUTE TO JOHN JAY McCLOY

Mr. WEICKER. Mr. President, I rise this morning to pay tribute to a man of unparelleled ability and accomplishment, John Jay McCloy.

The story is told of a dinner held by Justice Felix Frankfurter prior to World War II, attended by members of the Cabinet and then Assistant Secretary of War McCloy. Remaining silent through the entire evening's discussion about what the U.S. role should be in the European war, McCloy was asked by Frankfurter to state his opinion. He said, "Well, I think we should be the arsenal for democracy." With that sentence, he gave birth to a phrase that became a theme used by President Roosevelt to strengthen the resolve of the American people for the challenges of the years ahead. Jack McCloy has dedicated his life to building up, and being an invaluable part of that arsenal.

Mr. President, we own an unpayable debt to that generation of Americans who planned, fought, sacrificed, and achieved in the perilous years before, during, and after World War II. The courage and idealism of that group of Americans to see and to do right has improved the lives of literally billions of residents of this planet. Jack McCloy, his own statements to the contrary not withstanding, is one of the monumental figures of that generation.

Any attempt to describe the span and scope of his career almost certainly risks significant omissions and boggling the mind of any listener. I cite only a few highlights here. As Assistant Secretary of War under Henry Stimson, he was instrumental in America's preparation of her industrial based for the war years. He faithfully executed countless climactic instructions given to him by Secretary Stimson and President Roosevelt during the war. In a miraculous feat of political and economic skill Jack McCloy masterminded the establishment of the World Bank as one of its first presidents. He succeeded in what was perhaps one of the greatest diplomatic challenges of the postwar era, the reconstruction of Germany, as its High Commissioner and U.S. Military Governor. Returning to private life, he presided over the formation of one of the world's largest financial institutions, Chase Manhattan Bank. He served on the Warren Commission which investigated the assassination of John F. Kennedy. In all, as a private citizen or Government official, he has served nine U.S. Presidents. As Chairman of the Board of the Ford Foundation, the Council of Foreign Relations and Amherst College he has made a broad contribution to the quality of American life.

Perhaps Jack McCloy's greatest asset was his deep understanding of source and use of American power. He knew that the "arsenal of democracy" included far more than military hardware. His commitment to "what is right, what makes sense, what is fair," his understanding how business should relate to society's other institutions and his plain and simple ability to get things done are assets which served him well and which he contributed to the betterment of the United States and the world.

Mr. President, for over 40 years Jack McCloy has been an indispensable weapon in that "arsenal of democracy" he spoke about in the 1940's. With men and women of his caliber and integrity in positions of leadership, we are strong beyond the greatest aspirations of any opponent of the United States. As a Senator from Connecticut, I take this opportunity to say how proud our State and Nation are of the career and contribution of Jack McCloy. At a time when men and women of wealth and ability run from government, leaving the Nation poorer, Jack McCloy can take tremendous pride in the thousands of hours he has contributed to enriching the United States of America.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

DRUG ADDICTION: THE COST TO SPORTS KEEPS GROWING

Mrs. HAWKINS. Mr. President, on July 25, 1983, National Football League Commissioner Pete Rozelle suspended four players, Pete Johnson and Ross Browner of the Cincinnati Bengals, E. J. Junior of the St. Louis Cardinals and Greg Stemrick of the New Orleans Saints, for the first four

Gross said in a recent interview. "Now, any pathologist knows that rats and mice on these long-term studies develop cancer naturally and will have a certain level of mortality. IBT's study said the rats were all clean."

CAPTAN

With one of the government's best and most tenacious pathologists on the case, IBT's scheme unraveled quickly. On April 11, 1976, Gross made his first visit to IBT to look at the raw data for the Naprosyn report. He returned on July 12. During these visits Gross saw for the first time IBT's use of the TBD/TDA acronym. He also saw that rats listed as dead in one section of the study, suddenly reappeared alive in another section. "Now IBT did some strange and unusual things," Gross says, "but bringing back the dead wasn't one of them."

Gross's first visit set off a near panic at IBT. A week after he left, Calandra called a staff meeting in which fourteen employees were present. He notified them of the visit, and announced formation of an IBT audit group to research raw data on several studies. His plan was to minimize the damage, confine the FDA's investigation to a few specific studies, and emerge at the end with his lab's reputation and its lucrative business intact. By 1976, according to New York Stock Exchange reports filed by Nalco, IBT had revenues exceeding $9.5 million annually.

But Calandra's plan did not work. Not only was the FDA interested in Naprosyn, it also began probing the TCC study and several others prepared for an array of manufacturers. The EPA was notified, and it began pulling IBT studies and noticing faults. By the end of the summer Calandra and his staff were shuttling between Chicago and Washington for intensive meetings with the FDA.

BIANAPACRYL

Convinced that Calandra was not going to cooperate, the FDA began making plans for a criminal prosecution. To insure that the prosecution would be successful, the agency needed to secure IBT's internal documents. The FDA has no subpeona power, so in 1977 it turned the case over to the Justice Department. In a January 5, 1977, memo to his superiors, Adrian Gross warned them to act fast. He was worried that IBT would destroy incriminating evidence. "I believe immediate action on our part is indicated," Gross wrote.

But IBT already had begun a program of shredding data, according to Gross and other investigators. Much of the raw data for IBT's studies on the herbicide 2,4-D was destroyed, federal agents say. And data for at least six other pesticides is missing. Moreover, agents are convinced that hundreds of letters between Calandra and company officials showing chemical company knowledge of IBT's fraud were also destroyed. Nevertheless, many suggestive leads remained when the Justice Department finally seized 30,000 IBT documents.

Through the years, six corporations have sued IBT and Nalco for breach of contract. All have settled out of court, and as part of the settlement the amount of dollar damages has remained secret. A seventh suit, brought by shareholders of Syntex, claiming significant losses when the FDA's investigation was announced and Syntex stock plummeted, was won by the plaintiff in U.S. District Court in New York. Paid damages against IBT, Nalco and Syntex amounted to $2.8 million.

Joseph Calandra stepped down as IBT's president in March 1977. He still lives in the Chicago area and teaches pathology as a full professor at the Northwestern University School of Medicine. Paul Wright continues to work for Monsanto. James Plank left IBT a month after Calandra and is living in the Buffalo area. Moreno Keplinger left IBT and, according to his attorney, is working as a consultant in the Chicago area.

DIALLIPHOS

As for IBT, there are nine people still working at the Frontage Road site, validating research for former clients who may still have questions. One of them is Donovan Gordon. The satellite labs have been sold, and the main lab is on the market. Asking price: $2.7 million. The rats have been shipped out and the Swamp is just a room with a concrete floor. Looking at IBT now, it appears as torpid as any other building on the street. Then the images come rushing back—rats in puddles, mice drowning, filthy animal rooms—and with them a realization that what occurred here was worse than we may ever know.

IBT Approved Pesticides

(By Keith Schnieder)

The aftermath of the Industrial Bio-Test Laboratories' ordeal reaches deep into the lives of most Americans. Residues from hundreds of pesticides tested for safety by IBT appear in measurable quantities in virtually everything Americans eat and much of what they drink. These pesticides have contaminated groundwater supplies and reservoirs, polluted streams and rivers, and have been implicated in a host of serious health problems. What follows is a partial list of widely applied pesticides, declared by IBT researchers to be nonhazardous, though subsequent studies by the EPA, Canadian health authorities, state health agencies, and independent researchers have raised doubts.

Toxaphene—Like DDT, aldrin, and dieldrin (which have been banned by the EPA), toxaphene is a member of the deadly chlorinated hydrocarbon family of insecticides. First produced in 1947, during much of its production life toxaphene was among the nation's most popular pest killers. In the mid-1970s, more than 100 million pounds of the compound were produced annually, primarily for use on the South's cotton crops. The EPA's files contain several studies by IBT declaring toxaphene harmless. But in 1979, the National Cancer Institute (NCI) finished a two-year rodent feeding study which found toxaphene caused liver cancer in male and female rats. In more recent studies by the EPA, dangerous levels of toxaphene were discoverd in the tissue of freshwater fish living in lakes and streams thousands of miles from the closest point of application. In October 1982, the EPA canceled most uses of toxaphene. The chemical's major manufacturers, though, will be allowed to sell their remaining stocks for several legal uses, including dipping cattle and sheep into vats of toxaphene for parasite control.

Silvex—A member of the controversial phenoxy herbicide family developed in 1943 at Fort Detrick Maryland, for possible use in chemcial and biological warfare, Silvex has been a target of environmentalists for decades. In the West, indiscriminant use of Silvex is believed to be the cause of widespread stream contamination and the loss of livestock. In Florida, a recent Florida State University study found Silvex in trace amounts in the tissue of a third of all dormitory students and one quarter of the football team. In 1979, the EPA abrubtly suspended all uses of Silvex in the Northwest. But Silvex continues to be used in preparing rice fields, weed control in sugar cane planting, and for range and pasture use.

2,4-D—Contained in the Vietnam-era defoliants Agent White and Agent Orange, some 70 to 80 million pounds of this phenoxy herbicide are sprayed each year on vast stretches of forest and for roadside weed control. IBT Performed at least six studies on 2,4-D which have proved to be invalid after IBT officials, in 1977, shredded the raw data the lab had stored for the chemcial's manufacturers. Though the herbicide's primary manufacturers, including Dow Chemical, insist 2,4-D is one of the "safest chemicals ever made," it has been charged by environmentalists and scientists with causing fetal deformities and miscarriages where its use is heaviest. Independent research has determined that 2,4-D is capable of inducing mutations in laboratory mice even at the lowest dose levels. Moreover, a Department of Health, Education and Welfare study in the early 1970s found evidence that 2,4-D "produced teratogenic effects on one or more mammalian species and its use should be restricted." In 1980, the California Department of Health Services, in an evaluation of 2,4-D, concluded in a published report that exposure to the herbicide through skin absorption could cause nervous system disorders. the EPA has taken no action to limit the use of 2,4-D, and Dow, along with several other manufacturers, is promoting more extensive uses, particularly in aquatic weed control.

Captan—First produced in 1951, captan is an effective fungicide used in treating seeds, on greenhouse plants, and contained in chemicals for household use. The chemical's two major manufacturers, Chevron and Stauffer Chemical, produce an estimated 10 million pounds each year. IBT prepared twelve studies on captan for Chevron, all of which have been ruled invalid. In addition, Canadian health authorities secured five internal memos which indicated several summary pages of IBT captan reports were rewritten after Chevron company officials complained about the number of mutations IBT pathologists found in the tests. Recent Canadian studies show captan causes cancer, birth defects, and genetic damage in laboratory animals, and Canada's health and welfare department severely restricted captan's use there last year. In this country, captan has been on a list with roughly forty other pesticides which the EPA toxicologists suspect of causing cancer and mutations. Currently a benefit-and-risk analysis is underway at EPA. Until it is completed, agency officials say no regulatory action will be taken against captan.

DBCP—In the summer of 1962, IBT produced several studies for Shell Chemical to test whether research animals could survive large doses of DBCP, a popular fumigant first introduced in 1955. According to EPA researchers, the IBT studies showed DBCP to be far less poisonous than the chemical later turned out to be. In 1977, DBCP was shown to be the cause of sterility in male workers at a Occidental Chemical plant in Lathrop, California. California health officials, who found dangerously high levels of the chemical in groundwater miles from the plant, suspended the use of DBCP in the state the same year. Though Shell and the DOW Chemical manufactured roughly 20 million pounds of DBCP annually, chiefly

animal deaths during the study's first six months.

At about the same time, a technician by the name of David Penner who worked in the Swamp was told by Wright to replace dead individually-caged rats in the Swamp with animals gang-caged across the hall. Penner was expressly forbidden to make reports of the switch. Penner was also told to order new rats from a supply house and to start an extra group of animals, later named the "research study" group, which would be used to replace dead animals.

One of the organs for TCC that FDA had identified were the testicles of male rats. In June 1972, a year after the TCC study had begun, pathologist Gordon began the first in a series of microscopic examinations of testicular tissues taken from some sacrificed rats. Gordon's first evaluation from the highest dose males revealed that TCC did cause testicular lesions. When he reported the finding to Wright, Gordon was told to take tissues from medium-and low-dose group males as well. During the next few months, Gordon found degenerative changes in these groups, but concluded that lesions in the low-dose group were not related to TCC.

If Monsanto and Wright drew a breath of relief, Gordon was never aware of it. The following November, Monsanto would be meeting with a FDA panel studying TCC to talk about TCC's safety. Company officials wanted to make certain that Gordon, who would also be at the meeting, would back them up. So on October 11, 1972, a few days after Wright left IBT, Gordon was summoned to a meeting in Des Plaines, Illinois, to discuss TCC with Dan Roman and Ira Hill, two Monsanto scientists. They grilled Gordon about his TCC findings, and instructed him on how important it was to emphasize "a good presentation" to the FDA panel on TCC.

On November 18, Gordon was accompanied by Hill and Roman to FDA headquarters in Rockville, Maryland. On the plane, they again discussed Gordon's presentation. Once there, Gordon performed to their expectation. Minutes of the meeting record that the pathologist never mentioned the treatment-related effects he had found.

AT IBT, during the same period, Gerald Kennedy replaced Wright as section head for rat toxicology. Within days of his appointment, Manny Reyna briefed Kennedy on all the problems technicians were having with the TCC study. Rats in the Swamp were dying in droves. Kennedy was not surprised, but he was concerned enough to bring the matter to Moreno Keplinger's attention. The men toured the Swamp, and Kennedy testified that "on at least one occasion" Calandra joined Kennedy in a tour of the Swamp.

When the TCC animals were sacrificed in July 1973, Kennedy was assigned to write the final report. Kennedy looked at the raw data tables and decided they were a hopeless mess. He told Keplinger "the study would be impossible to report without disclosing all of its inadequacies." Keplinger "clearly understood and acknowledged" Kennedy's dilemma, but told him to emphasize Gordon's pathology findings and to "downplay the study organization, animal disposition, and mortality."

On October 6, 1973, Calandra, Keplinger, and Kennedy met with Paul Wright, now back with Monsanto. Wright had been responsible for the TCC study for its first fourteen or fifteen months, Kennedy testified, and was well aware of the problems of the Swamp. Kennedy also told the grand jury that after Wright left IBT, "he and Dr. Keplinger had kept in constant contact while the study was being run."

HARVADE

The meeting lasted for hours. Of particular concern was Gordon's findings, reported in a preliminary report, that testicular lesions caused by TCC were found in rats fed large and small doses of the compound. Wright was extremely upset with the findings. He told the group that age, nutrition, the conditions of the rats, and stress could account for the effect, and he urged Calandra and Keplinger to convince Gordon to change his conclusions.

Between October and February, Kennedy, assisted by Keplinger and Gordon, worked on the final report which was mailed to Monsanto on March 21, 1974. There was no further word about it until October 10, 1974, when Wright wrote to Keplinger requesting the pathology data and tissues for rats fed the lowest doses.

In late December or early January 1975, Calandra called a staff meeting to discuss the TCC study. It was attended by Keplinger, Gordon, Jim Plank, Kennedy, and Dr. Florence Kinoshita, a toxicologist who joined IBT's staff in September 1973. Just the year before Dr. Kinoshita had been a member of the FDA panel investigating the compound's effect on laboratory animals.

When all the participants entered the room, Calandra raised the TCC final report over his head, slammed it down on the table and said, "This thing isn't worth the paper it was printed on." Calandra then launched a long discussion of the report. "Dr. Calandra was extremely concerned," Kennedy said. "He did not want to admit to the FDA that the study report could not be substantiated by the raw data, i.e. the study organization was false, the mortality table was false, the purpose and use of the so-called research animals was false, etc." It was decided that Dr. Kinoshita was to prepare a revision of the TCC records.

Still, the most important conflict in the study continued to be Gordon's findings. On January 22, 1975, Paul Wright and Dan Roman returned to IBT for another meeting with Calandra, Keplinger, Plank, Gordon, and Kennedy. Again, Gordon's conclusions were criticized as unfounded. A month later, on February 21, 1975, virtually the same group convened again at IBT and again the same problems were discussed. By this time Kinoshita had completed her revision, and it was handed to the Monsanto staff members before they left IBT.

Monsanto continued to be dissatisfied with the pathology sections. On August 25, 1975, Calandra directed Dr. Gordon to meet with Dr. William Ribelin, an independent pathologist hired by Monsanto to review the tissue slides, in Madison, Wisconsin. Gordon knew Ribelin and the two scientist agreed to meet alone for lunch before convening with Wright and another Monsanto official in an afternoon meeting.

Over lunch, Ribelin and Gordon compared notes on the TCC issues and agreed that "there was a treatment related effect involving all three treatment groups," Gordon said. Ribelin also gave Gordon a handwritten copy of his report for Monsanto in which he stated his conclusions, and cautioned Gordon to keep the report secret. Later in the day, the scientists met with Wright and told him that testicular lesions in all three dose groups were caused by TCC.

Finally, in late January 1976, Calandra called Gordon into his office to discuss the lesions. Like Wright, Calandra tried to convince Gordon that the lesions could be explained instead as manifestations of age or stress or the condition of the rats during the study. Gordon did not agree. Then Calandra hit him with a last solution. He asked Gordon if there had been significant decomposition in the rats he studied? Gordon answered that in some animals there had been decomposition but in others there was very little. Calandra paused a moment and then told Gordon that he was going to remove the pathologist's findings from the report and say instead that decomposition "precluded meaningful evaluation of the testicular tissues." In short, IBT would report that the tissues could not be examined, because the tissues had rotted.

"It was my opinion at that time, and is today, that postmortem data were removed from the report, because they incriminated the TCC compound," Gordon told the grand jury.

CARBARYL

On February 3, 1976, Gordon was called to Calandra's office for a showdown. Waiting for him there were Keplinger and Kinoshita. They handed him a copy of the TCC final report, now in its second revision. Calandra told him to sign it and Gordon complied. "I did not want to leave IBT at that time, so I succumbed to my boss's interpretation . . . even though I knew he had not examined the slides," Gordon said.

The next day, according to Kinoshita's grand jury testimony, Dan Roman hand-delivered a revision to the pathology section "written by Dr. Wright." In substance, the revision stated that there were no lesions found on male rats fed the lowest doses of TCC and that some pathology review was prevented by decomposition. Kinoshita and Keplinger stayed with Roman in the administration building conference room while they waited for Wright's revision to be typed into the final report.

On May 10, 1976, IBT mailed the TCC report to Monsanto. It had been backdated to March 21, 1974, to appear as though there had been no changes. On May 11, Monsanto mailed the report to the FDA. The agency eventually approved higher levels of TCC in deodorant soap. Millions of pounds of the chemical are manufactured annually, though Monsanto insists a person would have to eat two dozen bars of Dial soap every day for years to be in danger of a toxic reaction to TCC.

Dr. Adrian Gross, then a pathologist with the FDA, was the first to put his finger on IBT in April, 1976. Several writers have described the event as a matter of chance, but that is only part of the story. Nine months earlier, Senator Edward M. Kennedy began the first of a series of historic and sensational hearings on Capitol Hill in which it was publicly disclosed that scientific research being conducted by the nation's drug industry was being deliberately falsified. The following January, officials of the EPA admitted that they were finding evidence of the same kind of shoddy scientific research in their files. It was in this atmosphere that Gross initiated a program of random spot checks of recent testing reports submitted by manufacturers to the FDA. One of the reports pulled from the files was IBT's Naprosyn study.

As soon as Gross looked at the mortality tables, he suspected something was wrong. "None of the rats had developed cancer,"

on these or any other allegations until the trial.

During the first week of August, after Smith completed the reports, he was called into the office of Moreno Keplinger where he learned of another problem. Dr. Wright was waiting there too. Keplinger told Smith he was worried about the results from the control group for the Chemagro studies. So few mice had survived that the results from the control group did not really demonstrate the animals' susceptibility to developing cancer.

Keplinger said he was not going to report the study. Instead, he had a solution. IBT had just completed a long-term mouse study for another company, and the control group for that study had been painted with benzidine. It did not matter that Chemagro's protocol called for feeding benzidine to mice. Smith said, Keplinger simply calculated that the amount of benzidine painted on the skins of the mice was comparable to a dietary level of 1,000 parts per million. Smith testified he was instructed to recalculate the control group figures and inset them into the chemagro reports.

On August 15, 1972, IBT mailed the reports to the company. A year later, Smith was summoned to the office of Gerald Kennedy who had worked at IBT since 1964 and was Smith's immediate supervisor. Kennedy told Smith that Chemagro was having trouble with their reports. A Canadian regulatory agency, suspicious of the results, wanted to see complete lists of raw data for animal mortality. Smith testified that Kennedy instructed him to use the mortality table which Wright had given him as "gospel" in determining the numbers for the Canadians. Kennedy, in an interview with FDA agents in September 1980, said "he did not really tell Smith to go back and fabricate the morality table, but rather, it would have to remain internally consistent . . . and that it was up to Smith to figure it out."

That is precisely what Smith did, spending at least 60 percent of his time during the next four or five months formulating a cogent numbering system that would pass Canadian inspection. In December 1973, Smith finished and IBT mailed its response to Chemagro. IBT's report was accepted by both Canadian officials and the EPA. Nemacur and Sencor were registered for use in the United States in 1976. Later the EPA ruled the tests invalid and asked Mobay to repeat them. In April 1982, duplicate mouse studies were mailed to the EPA, reviewed, and regarded as satisfactory by EPA toxicologists. Both chemicals are widely applied across the country.

One of the companies attracted to IBT during its expansion period was Syntex, a pharmaceutical manufacturer based in Palo Alto, California. In the late 1960s, Syntex scientists developed a drug called Naprosyn which they hoped would revolutionize arthritis treatment. In March 1969, a small group of Syntex leaders visited Calandra in Northbrook and toured IBT's facilities. Several months later they signed a contract with IBT for a twenty-four month rat feeding study, which included detailed protocols for blood chemistry and urinalysis data to be recorded throughout the course of the study and at the time of final sacrifice. In November 1969, IBT began the study. In September 1971, just twenty-two months later, IBT sacrificed the Naprosyn rats. This was not reported to Syntex until 1976, when the FDA alerted corporate officers.

NEMACUR

Once again, Phil Smith was assigned to write the final report. But in October, when he began working on the blood and urine sections, he could not find the data. He searched in the animal department files and found nothing. Then he went to the clinical pathology lab and found a file containing blood and urine data through the fifteenth month of study, and a note which said the final blood and urine work had been postponed. Smith tracked down Ron Greco, the manager of the lab, to find out what it all meant. Greco was not sure, So the two men pored through the lab looking for the data, searching the freezer for serum samples, scrutinizing scheduling records, looking in slide files and time charge records. Nothing. When they were finished, the men "concluded that the final blood and urine work had not been conducted."

During the next week, Smith completed a hand-written rough draft of the report and left the data tables for the blood and urine tests blank. Smith testified that he took the uncompleted report to Wright's office, told him the tests had not been done, and said he would not sign the report.

It was standard procedure at IBT for those whose names appeared on the signature pages of final reports to receive copies in the company mail. So it is not hard to imagine Smith's surprise when he received the Naprosyn report, opened it to the summary tables for blood and urine data and "saw that the values were reported for these tests." Then he turned to the signature page and was shocked to see his name written in. Things got even stranger a few days later when Smith's rough draft was returned from IBT's typing pool. He turned to the blood and urine summary tables and discovered they were filled in by what Smith "recognized as Mr. Plank's handwriting and some [data] in what I recognized as Dr. Wright's handwriting."

NAPROSYN

In an interview with FDA agents in May 1980, James Plank "denied that he knowingly inserted false information in this report when he prepared it." Plank did identify his handwriting from the rough draft and said he prepared some of the tables. But Plank advised the FDA that he was sharing an office with Wright at the time and "he was often given reports to plug in the data by Dr. Wright."

The numbers juggling, however, did not satisfy Syntex. In mid-November 1971, two weeks after IBT mailed the Naprosyn report to Palo Alto, Dr. Robert Hill, a Syntex toxicologist fired off a letter of reprimand to Calandra. "From past experience I am convinced that the report would be rejected by regulatory agencies in the United States, United Kingdom, Canada, and Germany," Hill wrote. "Would you please see the report is corrected and returned at the earliest."

To revise the report, Keplinger asked IBT's pathologist, Donovan Gordon, to evaluate stomach tissues taken from the Naprosyn group. Through his microscope, Gordon saw lesions on the tissues caused by anemia and which he concluded were "induced by the drug." To support his findings, he wanted to look at the raw blood and urine data. He called Dr. James Von Druska, supervisor for the Clinical Pathology Lab, and asked him to send the data over.

After another thorough search of the pathology lab, Von Druska called Gordon and told him the data could not be located. As a result, Gordon referred to the numbers published in IBT's final Naprosyn report, and when he saw that all the values appeared normal, he revised his conclusion, stating that the animals died of lesions common to the stomachs of lab rats.

Meanwhile, back at the clinical pathology lab, enough questions had been asked about the missing data that Von Druska consulted with Gordon, telling him it appeared the work had not been done, yet the numbers appeared in the report. The two men decided to bring the problem to Moreno Keplinger.

Dr. Keplinger did not seem overly concerned, Gordon told the grand jury. He listened briefly to the men who had come to his office, and then waved them out. "I'll take care of it," Keplinger said.

In early 1972, IBT revised the Naprosyn report for Syntex and included an appendix detailing Gordon's tissue findings. They mailed the package on March 3, 1972. Three weeks later Syntex mailed the reports to the FDA, and were granted a registration soon after. Syntex has repeated the rat feeding study, and Naprosyn is currently one of the company's major sellers.

TCC

In early June 1971, two months after he arrived at IBT, Paul Wright called Phil Smith into his office. He told Smith IBT was starting four new long-term rat feeding studies, one of which Smith later learned was for Monsanto's TCC. The study protocol called for feeding low, medium, and high doses of the compounds to 210 individually caged rats housed in the Swamp. In addition, a large control group would be "gang-caged" in the room across the hall from the Swamp.

Almost from the start, the TCC study was a disaster. IBT technicians used a curious acronym on internal mortality sheets when they found dead rats in their cages. In the column next to the rats' cage number, they would mark "TBD/TDA." It meant "too badly decomposed/technician destroyed animal."

Under ideal lab conditions, the most critical factor in chronic feeding studies is to find out why animals died. Was the test compound responsible? Or was there some other reason? Only careful autopsies and microscopic pathological evaluation could determine the true cause of death. But dead animals were so commonplace at IBT, that most were simply taken from their cages and thrown away without examination. Within weeks of the start of the TCC research in the Swamp, the familiar acronym, TBD/TDA, began appearing all over the internal summary sheets.

Manny Reyna was concerned enough about the conditions of the TCC animals in the Swamp that he alerted Paul Wright to the malodorous catastrophe. "He acknowledged the problem," Reyna testified, "and said there was little that could be done."

It is also clear from the grand jury testimony that Calandra, Keplinger, and James Plank were also aware of the conditions in the Swamp. In fact, Calandra was known to call the room "Plank's Folly," because it had been Plank's idea to install the watering system. Still, for at least three years after the system was built, according to grand jury documents, dozens of tests were conducted in the Swamp while it remained a turgid den of death.

Eight months into the TCC study, in February or March 1972, Wright assigned Smith to prepare a six-month status report. Wright also handed Smith summary mortality tables which incredulously reported no

CINI, DIXON, DODD, EAGLETON, EXON, FORD, HART, HEFLIN, HOLLINGS, HUDDLESTON, JACKSON, JOHNSTON, KENNEDY, LAUTENBERG, LEAHY, LONG, MATSUNAGA, MELCHER, METZENBAUM, MOYNIHAN, NUNN, PELL, PROXMIRE, PRYOR, RANDOLPH, RIEGLE, SARBANES, SASSER, STENNIS, ZORINSKY, DOLE, and ABNOR.

Mr. President, I am honored to sponsor this resolution, together with the distinguished chairman of the Budget Committee, Senator Domenici, commending Dr. Alice Rivlin for her landmark service as the first Director of the Congressional Budget Office.

I am pleased that Chairman DOMENICI is standing with me today on this resolution. I think it underscores the bipartisan nature of this tribute to Dr. Rivlin for a job extremely well done.

Dr. Rivlin was "present at the creation" of the Budget Office, and she has been there ever since. As she leaves to continue her service to the Nation at the Brookings Institution, she takes with her the esteem of the Congress, the respect of economic experts, and the thanks of people throughout the country for her objectivity and skill.

When Dr. Rivlin was chosen to head the new Budget Office back in the mid-1970's, many were skeptical that Congress could live with a budget. Many others were dubious that Congress would respond to the vision of a private citizen, unelected, and more in tune with the mandates of her profession than electoral mandates.

As it turned out, Dr. Rivlin was exactly the person, with exactly the approach necessary to make the budget process work. She was a trailblazer, the one who explored the uncharted grounds of untested procedure, and helped turn the Budget Act into a living process.

At the outset, she was hemmed in on all sides by politics, editorial writers, and economists all with different views, and each with a separate ax to grind. To succeed, she used the only tool possible to convince the skeptics—strict objectivity. Her estimates and projections were sometimes challenged by opponents, but her integrity was never in doubt. She infused a fine sense of credibility in the work of the Office by being her own person, and reaching conclusions established by the facts.

This kind of practice can create a long list of adversaries. But her critics made their cases on philosophy, never on questions of professional ability. On the countless occasions she appeared before congressional committees, Dr. Rivlin spoke with the kind of authority derived from scrupulous research by the top-flight staff she assembled.

Mr. President, years ago, the Frenchman, Andre Malraux said, "In art, you don't invent, you find out." In a professional sense, that—perhaps better than anything else—describes the approach Alice Rivlin took to budget analysis. She sought the best advice available, then let the facts find the answer. She did not believe it was her job to invent, but rather to find out. And that style of management carried the budget process through its hard, young years.

Dr. Rivlin leaves behind a strong institution, a Congressional Budget Office that works. The path her successors must follow will still be difficult, but at least there is a path to follow. Dr. Rivlin was the pathfinder.

Mr. President, I ask unanimous consent that the text of the concurrent resolution be printed in the RECORD.

There being no objection, the text of the concurrent resolution was ordered to be printed in the RECORD, AS FOLLOWS:

S. CON. RES. 61

To commend Dr. Alice Mitchell Rivlin for her service as Director of the Congressional Budget Office.

Whereas Dr. Alice Mitchell Rivlin has served with dedication and distinction as the first Director of the Congressional Budget Office since 1975;

Whereas under the leadership of Dr. Rivlin, the Congressional Budget Office has become an indispensable, professional, nonpartisan organization that has consistently supplied Congress with timely and objective forecasts of economic conditions, projections of Federal spending and revenues, options for reducing the Federal deficit, and objective analyses of important public policy issues;

Whereas the direction by Dr. Rivlin of the Congressional Budget Office has fulfilled the intent of the framers of the Congressional Budget Act to create a capability within Congress to analyze budgetary information independently from the executive branch, thereby making the Office a vital support agency of the Congress;

Whereas Dr. Rivlin is nationally recognized as an eminent authority on economic and budgetary issues, has earned the respect and admiration of her colleagues in business and Government, and has brought credit to herself, the Congressional Budget Office and the Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States expresses gratitude to Dr. Alice Mitchell Rivlin for her dedicated service as Director of the Congressional Budget Office and wishes her continued success.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Dr. Alice Mitchell Rivlin.

Mr. DOMENICI. Mr. President, I am pleased to join with my friend from Florida and other Senators in commending Dr. Alice Rivlin for her outstanding performance as the first director of the Congressional Budget Office. Under her leadership, the Congressional Budget Office has achieved a national reputation for the highest quality objective analysis and we in the Congress have been the beneficiaries.

I would particularly like to commend Dr. Rivlin for her extraordinary leadership in assembling one of the finest research organizations in the Government and for her loyalty to both this organization and the Congress. Dr. Rivlin has served as CBO Director well beyond the end of her term at the request of both Houses of Congress and now she is free to pursue the interests she has set aside for so long.

I would also like to point out Mr. President, that not only do we recognize Dr. Rivlin's unusual ability here in Congress, but many others in the research community at large have honored her. I think that we all should be proud that the MacArthur Foundation has recognized her accomplishments in economics and public affairs and has awarded her a large endowment that she may use to further her own creative endeavors.

Clearly, Dr. Rivlin is an unusual and highly qualified economist and administrator. We shall all miss her.

Mr. President, I ask my friend from Florida if it would be possible to leave the resolution open for additional cosponsors until such time as it leaves the desk or is called up.

Mr. CHILES. Mr. President, I ask unanimous consent that the resolution be held at the desk until 5 o'clock this afternoon so that additional cosponsors may be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, will the Senator add Senator DOLE as an original cosponsor?

Mr. CHILES. Mr. President, I ask unanimous consent that Senator DOLE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Senator.

Mr. CHILES. I thank my friend from New Mexico.

Mr. BYRD. Mr. President, today I am joining Senator CHILES in introducing a resolution of commendation for Dr. Alice Rivlin, who will leave her post as Director of the Congressional Budget Office at the end of the month.

Dr. Rivlin has served as the first, and so far only, Director of the CBO since its creation in 1975. In the 8 years under her leadership, the CBO has become an indispensable tool of the Congress in budgetary matters. Its professional staff and expertise in a range of fiscal and economic issues is widely respected and it has given Congress the ability to analyze budgetary information independently from the executive branch. This last fact has contributed greatly to the credibility of the entire congressional budget process.

When Dr. Rivlin was first appointed as Director, the CBO was a vision in

the minds of the framers of the Budget Act. She was able to blend the often conflicting views of what the CBO should be into a professisonal organization that has served the budget process and the Congress well. I have no doubt that without the objective, nonpartisan information supplied by CBO, the budget process would be mired in conflicting numbers, confusing alternatives, and splintered factions. It is a tribute to her leadership and the staff she assembled that even when there is disagreement over the numbers, there is general agreement that a non-CBO number carries little weight.

Mr. President, the past several years have been especially difficult for the budget process. No one knows this more than the Director of CBO. Yet throughout the period, CBO continued to supply Congress with professional information and advice on budget issues. As difficult as the budget process has been, it would have been chaotic without the help of the Congressional Budget Office.

We are in the debt of Dr. Rivlin for establishing CBO's reputation for honesty and integrity in dealing with budget issues. She has performed her duties with dedication and distinction for the past 8 years and I think she deserves our thanks for a job well done and our wishes for her continued success.

Mr. SASSER. Mr. President, since 1977, I have served on the Senate Budget Committee. In those 6 years, I have had the honor of working with Dr. Alice Rivlin in her capacity as Director of the Congressional Budget Office.

Over the years, Dr. Rivlin has been a strong beacon of light in the sometimes murky undercurrent of budget authorities, outlays, technical adjustments, functional categories, and other concepts which are peculiar to the world of the budgeteer.

As the first Director of the Congressional Budget Office, and someone intimately involved with the evolution of the congressional budget process, Dr. Rivlin has been an invaluable resource to Congress and she will be sorely missed.

Dr. Rivlin has earned the respect of her colleagues in business and Government and has transformed that respect into admiration for the office and the process she has so ably served.

Dr. Rivlin is now returning to the Bookings Institution where I am confident she will continue to shine as one of the top experts in the budgetary field. I would like to congratulate Dr. Rivlin on being awarded a grant from the prestigious MacArthur Foundation and I would like to extend my personal thanks and gratitude for the work she has done. Good luck in your new endeavors.

Mr. HOLLINGS. Mr. President, I would like to join my colleagues in commending Dr. Alice M. Rivlin upon her retirement as the Director of the Congressional Budget Office. She has been a dedicated and determined director who took a fledgling organization and turned it into a professional and modern budget office.

Like myself, Dr. Rivlin has been a "charter" member of the budget process. Since 1975, we have seen that process grow and mature. And while there may be problems with the budget process today, one of them is not the Congressional Budget Office. Indeed, one of the main reasons for the success of congressional budgeting has been the CBO. Under Dr. Rivlin, Congress has had access to impartial and bipartisan budget and policy analyses. Under Dr. Rivlin, the legislative branch has become independent of the executive branch in matters of fiscal and budgetary policy. That is no small feat.

I might also add a personal note. When I became the chairman of the Budget Committee in 1980, it was in the middle of the deliberations on the first budget resolution. It was a hectic, busy, and confusing time as we, in the Senate, put together a prudent budget that included the first serious reconciliation bill in our history. I came to understand firsthand the importance of Dr. Rivlin and the CBO. With their undivided attention and assistance, I survived my first resolution as chairman and the Congress survived its first reconciliation bill. Again, no small feat.

Dr. Rivlin deserves more than just a thank you from all of us. It is my hope that the Congressional Budget Office will express its gratitude by continuing its pursuit of excellence and impartiality. Here in Congress, I hope that we show Dr. Rivlin that we have learned from her—that there are no easy choices in budgeting but there are no ways to avoid making choices if we are to live up to our responsibilities to this Nation.

I wish Dr. Rivlin success and happiness in all of her future pursuits. We will all miss her.

Mr. FORD. Mr. President, Dr. Alice M. Rivlin, director of the Congressional Budget Office, has announced her desire to retire from Capitol Hill and pursue her formidable skills as an economist in the private sector. The Members of Congress owe Dr. Rivlin an enormous debt.

As the first Director of the Congressional Budget Office, Dr. Rivlin was assigned the difficult task of building the initial staff and setting professional standards for this new office. In performing the duties placed on the office by the Congressional Budget Act of 1974, Dr. Rivlin has consistently displayed high intelligence, sensitivity, and all-around excellent judgment. We, who have relied on her reports and advice, shall sorely miss her. The extent to which Congress has come to rely on the Congressional Budget Office, I believe is a great tribute to Dr. Rivlin.

I wish Dr. Rivlin continued success and happiness as she undertakes her new responsibilities with the Brookings Institute.

● Mr. RIEGLE. Mr. President, I am pleased to join in support of this resolution to commend the outstanding achievements of Dr. Alice Rivlin as Director of the Congressional Budget Office.

By 1975, when Dr. Rivlin was called to become the first Director of the Congresssional Budget Office, she had already established a national reputation as a leading economist. After earning a doctorate in economics from Harvard University, she came to Washington as a research fellow at the Brookings Institution. She was subsequently recruited by the Johnson administration to help establish the first Planning and Evaluation Office in the then Department of Health, Education, and Welfare.

Three years later, she returned to the Brookings Institution where she came to be known widely as one of the country's most lucid and insightful economists. She was particularly respected for her analysis of the economic impact of the Federal budget. For 3 years she was one of the principle authors of the annual Brookings analysis of the Federal budget, Setting National Priorities.

Through her work prior to 1975, Alice Rivlin achieved a stature that made her the ideal candidate to become the first Director of the new Congressional Budget Office. She will be known as the founder of that important agency and one of the leading builders of the congressional budget process.

It is difficult now to remember the early days of the Congressional Budget Office, so influential has that agency become in the intervening years.

The Congressional Budget Act proposed a sweeping change in the institutions of Congress and in the procedures with which Congress affects the Government's impact on the economy. Congress had decided for the first time to establish the capacity to analyze the budgetary impact of all legislation reported from committee, to project the 5-year implications of spending and revenue decisions, to carry out more comprehensive analyses of Federal program choices and to bring more discipline and coherence to fiscal policy's impact on the economy. The Congressional Budget Office was to serve as the principal analytic arm of Congress in that reform.

Now that the Congressional Budget Office is a firmly established part of the Federal Government it is easy to underestimate the difficulty and complexity of the task that Alice Rivlin was given. Prior to 1975, proponents of legislation—in each administration, within the Congress and outside of Government—could ignore the costs of their proposals or tailor their budgetary estimates to serve partisan objectives. In less able hands than those of Alice Rivlin the establishment of the Congressional Budget Office could easily have foundered. Some doubted that the job could be accomplished at all.

Alice Rivlin moved quickly and surely to assemble a superior staff. Within a few short months, under her leadership, the Congressional Budget Office had become the most competent and affective source of analysis on the Federal budget. Today the Congressional Budget Office stands as one of the Nation's most distinguished centers of public policy analysis.

The full measure of Alice Rivlin's abilities becomes apparent when we realize that her achievement was accomplished during 8 years in which the Nation was subjected to wrenching economic and political stress. During that entire period, virtually every responsible observer held the Congressional Budget Office in high respect for its forthrightness, its professionalism, and its nonpartisanship.

As a member of the Senate Budget Committee, I know that Dr. Rivlin has had to work in the face of substantial partisan pressures throughout her tenure.

Alice Rivlin has set a standard of performance that will challenge other leaders in Government for years to come.

Alice Rivlin has truly performed a great service for her country. She has done so with rare professionalism and grace. She has our profound respect and deep gratitude.

I want to express to her my warm, personal congratulations on a task well done and my sincere best wishes for the great work that, I am sure, lies before her.●

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRITICAL AGRICULTURAL MATERIALS ACT

Mr. DOLE. Mr. President, I am just sort of passing through the Chamber. I thought maybe the farm bill might be up. Apparently the same people who were blocking it are still blocking it. It is unfortunate that it will cost the wheat producers probably $1 billion. I would still hope that those who are particularly concerned about the wheat section would take a look at the proposal discussed last night at length with a number of Senators, staff members, and with the Secretary of Agriculture. We have tried to obtain some figures to see just how it breaks down.

Without congressional action, and just talking now about wheat, there will be a 30-percent acreage reduction and 20 percent PIK with a 75 percent PIK payment and a $4.45 target price. The proposed compromise would be a 25-percent acreage reduction, a 25-percent PIK, and an 82.5 PIK payment and a $4.38 target price.

I would say in that proposed compromise the administration did not sign off on the 82.5. They are still holding firm on the 80 percent payment.

The compromise would yield $823 million more in net farm returns for the 1984 crop year, and there would be $181 million more in Government outlays in fiscal years 1984—86 with the higher target price in the compromise and with the 82.5 percent payment rate rather than 80 percent. So we are looking at about $1 billion, and in fact a little over.

Several members of the Senate Agriculture Committee are objecting to bringing up the bill.

I really believe if all those who were concerned about the producers would take a pencil and figure out the alternatives for the wheat producers, the feedgrain producers, the rice producers and the cotton producers, and determine how they are "better off," in a sense, so far as income is concerned, they would certainly, and I believe very quickly, agree with the so-called compromise that was proposed and is now not opposed, I must say, by the National Association of Wheat Growers. In fact, the wheat growers in my State, the State association, supports the compromise, positively supports the compromise, and I think there are other wheat grower associations which will.

There are obviously other farmers who are not members of that organization, the Grange, whatever, who may have a different view.

But the wheat growers do reflect the views of thousands of wheat producers in the wheat belt. They have withdrawn their opposition. They have indicated, I believe, that this compromise has the best hope of satisfying the largest number of producers, still indicating some responsibility as far as reducing the cost of agricultural programs.

Again, I assume if we want to reduce the cost more, if we do not have any compromise, that may be another $1 billion in savings, depending upon the accuracy of the figures furnished by the USDA.

It seems rather obvious to me that any chance to work this out today will probably be between 0 and 1 percent on a scale of 100. It does not look very encouraging. Apparently those who had reservations still have reservations. I think those who are going to be the victims of this indecision and unwillingness to cooperate will not be those of us in the Senate but it will be the producers in our States.

There is still time but unless we are in session most of the night and all day tomorrow there will not be time.

There is one other option that has not been tried. That would be to separate the dairy legislation from the remainder of the package. Again, I understand that would be objected to and opposed by the administration. It is something I know the distinguished Senator from Kentucky would support and I think others working on the dairy bill, as the Senator from Kentucky has been working for a long time, might want to pass the dairy section. When it comes to separating the provisions, I think we have an administration objection. They feel, with some justification, I feel, that there ought to be a package and the package ought to include at least a partial freeze of target prices on wheat, feed grains, rice, and cotton.

Mr. HUDDLESTON. Will the Senator yield?

Mr. DOLE. I yield.

Mr. HUDDLESTON. I commend the Senator from Kansas for his efforts over a period of weeks to try to resolve what appears to be an impasse so far as moving the farm legislation. It has been before the Senate now for quite some time, having been reported out of the Agriculture Committee of the Senate.

The strategy that the Senator from Kansas has mentioned, from the viewpoint of the administration, is insisting that this legislation move as a package, that is, that the provision relating to the freezing of the grain target prices as well as the other two elements of the bill, one affecting the dairy program and one affecting the tobacco program, must go as one piece.

There are those in the Senate representing the major wheat-producing States who have expressed serious concern about the target price freeze on wheat and grains, given the fact that income on America's farms is now at approximately $18 billion a year and that compares with a farm net income of just 3 years ago of some $32 billion per year, creating a tremendous cash flow problem for our American farmers as they try to service the debt that they have.

I can understand the reluctance of those representing large grain produc-

ing States to in any way further reduce that cash flow, although I personally have been constrained to believe that the tremendous cost of our farm programs put all of them in jeopardy. Perhaps the time has come, given the fact that the inflation rate has reduced substantially, for a freeze in the target price level. Nevertheless, I do not represent a State that has the massive production of these grains as those who have expressed that concern here on the Senate floor.

I think it is interesting to point out that while the net income of American farmers is some $18 billion, the cost of the programs of the Federal Government exceed that amount and are in the neighborhood of $21 billion per year.

This is something that I think all of us who are interested in agricultural production in this country, which is, in my judgment, the greatest asset that the United States has, must give some thought to, and must try to find some way to work ourselves out of this kind of costly situation.

As I indicated, I think any program, whether it is tobacco, grain, dairy, sugar, or any other program that becomes excessively costly to the American taxpayer, given the fiscal restraints that we are trying to operate under in the Congress and the looming deficits that we are faced with, comes into jeopardy.

I know we all want to protect to the fullest extent possible the income of the American farmer.

I do want to point out that those who have opposed the grain target price freeze have not been obstructionists as far as moving ahead with the one element of this compromise, one element of the farm bill that is before us that is in general agreement; that is the dairy provision. Anyone who looks at the dairy situation, the tremendous cost to the Federal Government of one program that is now approaching $3 billion in costs and, at the same time, creating unheard of surpluses—anyone who looks at those facts knows that that program needs some adjustment.

No element of the agriculture community is a monolithic element. There is no one solution that is satisfactory to all producers of dairy products, for instance. To reach a compromise required, as the Senator from Kansas knows, a great many meetings held many weeks ago—meetings of Members of this body on both sides of the aisle, Members of the House from both parties, members of the Department of Agriculture, and representatives of the various segments of the dairy industry. This compromise was hammered out.

It is one that I think can rightly be characterized as a program that will do the two things that need to be done. One is reduce the surplus production; the other is to maintain sufficient income for the dairy producer that we do not drive thousands, maybe hundreds of thousands of them, out of business. So those who have objected to the target price freeze have not in any way objected to breaking out from that package of farm legislation the dairy provisions, presenting them on the floor, and sending them over to the House.

I know there will be several amendments. There are several Members of the Senate who have several approaches to the dairy products and their amendments to be dealt with. That legislation could be handled, I think, fairly expeditiously. They would be attached to a House bill and conceivably, a conference could be held and that legislation finally enacted and sent to the President. I think it would be a great step forward if we could do that, a great improvement over the current situation, one that would give a great deal of confidence to the dairy industry and allow them to proceed with this process and do something about the overproduction that exists now in that field.

The alternative to that, the one which Mr. Stockman at OMB and the Secretary have embraced, is to proceed with the authority they have to add the two 50-cent assessements on dairy products. This is not satisfactory from a couple of very important standpoints. First, it is resented by the dairy industry. It does, in fact, comprise a tax on milk, singling out that product among other farm products. It has not in any way demonstrated that it would do anything to reduce production, because what usually happens when the farmer finds his check is reduced by 50 cents is then he just produces a little bit more to make up for that cash deficit and we have more production and the Government is buying more dairy products that it cannot use itself, cannot even give away.

Perhaps even worse, it provides absolutely no benefit, none whatsoever, to the consumer. It does not reduce the price of the product on the grocery shelf by a cent, and consequently, it does not help promote the sale of that product and help eliminate some of the surplus that we have and the consumer continues to pay the same price. So that does not seem to me to be a logical nor a satisfactory alternative to passing the comprehensive bill that has been carefully worked out and crafted, taking into account the interests of producers from one end of this country to the other, taking into account the consumer, taking into account the tremendous financial burden the program is placing on the taxpayers of the United States.

As I say, those who have been against and reluctant to accept any kind of reduction in the increases built into the present farm bill for the target prices of grain are not at all opposed to moving forward with a milk program if that can be accomplished. The Senator from Kansas has correctly stated that the administration is not willing for that to occur without the grain target price freeze counted with it. That has made it virtually impossible to move this important piece of legislation at this late hour.

I think that is unfortunate. I suppose that negotiations will continue. Efforts will go forward for a few more hours, at least, to see whether or not there is any way to get around this impasse. I hope we can. I hope we can move with that. I believe the Senate is ready. I know those who have worked so hard on this dairy program on both sides of the aisle are ready to go forward with it. I believe we could dispose of it today.

But we cannot get to it unless we can have the concurrence of the administration that the grain target price freeze is not included with it. Whether that can be accomplished, as the Senator from Kansas has said, is still a question in major doubt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have here a 65-page compromise that I would be happy to have passed by unanimous consent, but I do not think I shall ask that at this point. I think it would be very helpful to American agriculture, but I do not believe we are going to accomplish much today. I would like to include in the RECORD at least an indication that we have satisfied—I mentioned last night in our meeting with other Senators that there were seven requests made by the representatives of the wheat growers. Their first request is with reference to the target pricing compromise; the second request is relating to a PIK payments compromise; third, that the advance deficiency payments be agreed upon; storage payment was agreed upon; the July 1, 1985, wheat program announcement—that was announced yesterday or the day before; the request for haying and grazing has been modified. That would be limited to grazing. And some assurance that increased payments resulting from a loan decrease will not be subject to a payment limitation. That would have been offered as part of the package.

I suggest that there is still time. There is very little time, but I think if all those of us who represent wheat producers would take 5 minutes to sit

down and take a look at option A and option B or the compromise, they would find out that their constituents in any wheat producing State are going to be much better off under the compromise.

The very wheat producers who are going to be better off are going to be denied the opportunity because some who represent wheat-producing States will not let us proceed with the bill. As we add it up, it is about a billion dollars that we are going to subtract from wheat growers' income. Those figures may not be accurate, but at least they are the best figures we have. They are from the U.S. Department of Agriculture.

It just seems to me that we have missed an opportunity or are about to miss an opportunity. I share the concern expressed by the Senator from Kentucky isofar as the dairy legislation is concerned. There is general agreement on dairy legislation, but there is reluctance on the part of the administration to bring that up and not get anything in return. So we have cost the wheat producers a billion dollars by inaction and who knows what other costs will be inflicted upon the producers because we have some who will not let us proceed on farm legislation?

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. DOLE. I was about to yield the floor.

Mr. LEAHY. Mr. President, I must admit that there are few times in the 9 years I have been in the Senate that I felt as discouraged as I do this morning in hearing the comments being made. Last night I thought there was a slight hope, a slight window of hope, that we might get somewhere at least on the dairy compromise. We worked out a program of legislation. The distinguished Senator from Kansas was involved in that compromise, the distinguished Presiding Officer, the distinguished Senator from Kentucky (Mr. HUDDLESTON), who has just spoken. We ended up with legislation that would cut the cost of the dairy program—we are talking now about cutting money, not adding it—$1.4 billion next year and would reduce milk surplus purchases by the Commodity Credit Corporation from an estimated 16.3 billion pounds to .5 billion pounds over the same time period. It is a fair, workable, effective bill. Last night those Senators most interested in this program met. I felt the room included all Senators before we finished. But we met in the Vice President's office, again with the distinguished Presiding Officer, the distinguished Senator from Kansas, with the Secretary of Agriculture. Notwithstanding a few amendments that some might offer to the dairy bill, we realized that we had enough votes to pass the compromise.

I have discussed it this morning with my distinguished House colleague from Vermont. I thought there was a possibility, had we been able to get the dairy compromise out of the Senate, perhaps attached to an already-passed bill—and we have at least one agriculture bill from the House that we all agree on; in fact, we passed it in the supplemental appropriations bill—the House would have accepted it and the matter could have gone down to the President this afternoon or this evening and $1.4 billion would have been saved.

Even more importantly, a lot of individual family farms would have been saved. We are not talking about some kind of abstract, giant, conglomerate corporation. We are talking about individual men and women running family farms, whether in Vermont, Wisconsin, Minnesota, California, Mississippi, Florida, or any other State. What we are trying to do is put together a piece of legislation that would guarantee not only their viability but the economic viability of these family dairy farms that are so important to the social and economic fabric of our country.

In last night's meeting, I also said to the Secretary of Agriculture that I find it, indeed, unfortunate that the administration, which has so much to gain by this bill, with the support that it would have in the Senate, felt it had to hold up any such dairy compromise from coming to a vote on the Senate floor until they are able to work out something on the wheat program.

We could not seem to get across to them that when we made this bipartisan agreement on dairy—and it was truly bipartisan from the first meeting in my office months ago with the Secretary of Agriculture, several Republican Senators, several Democratic Senators, straight through all the other meetings we had, meetings in the distinguished Presiding Officer's office, meetings in the majority leader's office and meetings in the Vice President's office on at least two occasions with the Secretary of Agriculture, meetings in the Secretary of the Senate's office—we had a bipartisan program designed to save money, decrease production, increase consumption, and save family farms.

The distinguished majority leader gave more of his time than anybody could have asked in trying to help us get that through. And what happened? The administration keeps insisting now even when we finally have such a compromise, when we built the compromise, when we are ready to go on the floor, we are ready to pass it, "We want to tie that to target prices on wheat."

That was never in the agreement. Nobody, Republican or Democratic, ever made that as part of the agreement. What the administration did not seem to understand, and I stressed again to them last night, is that that does not get one more vote one way or the other on their wheat program. What they ought to do is let the dairy matter no longer be hostage, let it go forward, "let dairy be dairy." To paraphrase a favorite phrase of the administration. We could pass that, save money, and continue to work on the wheat matter. Somwhow they have this kamikaze idea that they must tie the two together so that both will go down in flames instead of only one.

I yield to the majority leader.

Mr. BAKER. If the Senator will yield to me, I will refrain from saying thing like "the milk of human kindness" and "grain is the staff of life." Instead, what I will do is ask unanimous consent, since we have already gone beyond it, that the time for the transaction of routine morning business be extended until 1 p.m. and Senators may be permitted to speak for 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair I thank the Senator for yielding to me for that purpose.

Mr. LEAHY. I say to the distinguished majority leader and my good friend from Tennessee that it has been a great temptation on the part of this Senator to use some of those same metaphors. I am not sure that the temptation can be resisted throughout the day. As the day wears on, such metaphors will work their way onto the Senate floor. Perhaps though, because of the kindness of our distinguished staff members, they will never work their way into the CONGRESSIONAL RECORD, but they may well work their way onto the floor. They certainly will not work their way into the press because they have more important things to write. Most of them are now busily writing their articles about how the Congress is about to go off on a vacation, which will be filed with their editors as they themselves leave for Martha's Vineyard or Atlantic City or wherever else they may go on vacation uttering a fervent prayer of thanksgiving that the Congress does do this every 2 years. It not only gives them something to write on each year but also gives them a chance to be off with their families, too, except for one member of the press who was foolish enough to agree to come along and follow one of us on scheduled meetings and speeches back in our home State.

Back to more serious things, however, Mr. President—and I am most serious—I think it is an absolute shame that this intractable position is apparently going to win out on the Senate floor today. It is not only bad policy. It is pigheadedness that will end up costing the American taxpayers hundreds

of millions of dollars more than they otherwise would have had to pay. It accomplishes absolutely nothing legislatively. It shows a total ignorance on the part of some of how the legislative process works, certainly a total nonrealization of how the Senate works. It is something they should realize because, after all, their own party is in the majority. They have been told by both Republican and Democratic Members that it is not going to work. The pigheadedness has won out, apparently. The efforts of Republican and Democratic Senators and Republican and Democratic House Members is going to be for naught.

Each of us can live with that. Our time has been spent here and apparently now has been wasted. But I wonder how many of the family farms that will go out of business as a result of this can live with it.

A lot of people are going to feel far more than frustration. They are going to feel the real threat of bankruptcy, the real threat of losing the lands for which they have worked hard.

I am sorry this has happened. I am sorry such an agreement could not be reached. I again commend my colleagues on both sides of the aisle who have tried to put the agreement together.

I wish that someday OMB could see the human element and not just the numbers, especially when the numbers go against them. For a quixotic point they have maintained there, somehow thinking that they will direct the legislative flow in the U.S. Senate in a way they have been advised will not work, and in doing so a good farm program is destroyed. The ability not only to help individual dairy farmers but also to bring some rationality to a dairy program which we all agree has grown out of bounds is also lost. All that has gone down the tubes.

I think the American farmer should cry, "Shame on that," and should point the finger of blame where it belongs.

THE FARM PROGRAM

Mr. MELCHER. Mr. President, the administration's recommendation to revise the farm programs with immediate action now to cut target prices for wheat, corn, feed grains, cotton, and rice is an admission that the cost tabulated so far for the payment-in-kind (PIK) program of at least $12 billion has not accomplished its goal of reducing grain supplies anywhere near the level the Department of Agriculture has desired.

PIK has idled millions of acres of productive land, most of which lacks a conservation program, but has transferred billions of dollars to farmers for agreeing not to produce crops on the idled acres.

Now the administration has come forward with their proposal to adjust part of the agricultural program target prices that affects four basic commodities.

Last December, when the Department of Agriculture Secretary John Block advocated hasty action by Congress to legislate the PIK program to add it to agricultural policy, he was unable to present details on how it would fit in with other other facets of American agricultural policy.

Item. Would the payment limitation of $50,000 per any one farm apply?

Item. Would conservation practices be a part of the PIK payment agreement for the agricultural conservation program?

Item. Would the PIK payment be at 70, 75, or 80 percent of the normal crop yield?

Item. Would the PIK contracts interfere with the farmer-held reserve or the emergency grain reserve?

Item. Would PIK payment be used to subsidize foreign sales or U.S. surplus commodities?

Item. What would be the cost of the PIK program and would it be so large as to jeopardize the public support for farm programs in general?

The answers to these questions were either not available or were indefinite and fuzzy.

I resisted the quick passage of a bill for PIK before Christmas.

I did ask the Secretary to review the PIK program proposals in depth with Members of Congress, both House and Senate, and with agricultural production leaders throughout the country and make a proposal for a PIK bill to be considered by Congress in January and if it had the proper guidelines and dovetailed with existing farm programs to be enacted into law.

To be fair to Secretary Block, he believed it was essential to act quickly in order to set the PIK plan in motion and available for farmer operators to sign PIK contracts in February and March. That judgement by Secretary Block and the administration was received gratefully by the farmers that sign contracts in order to receive the payments who are then able to pay their bills.

A review of agricultural policy at this point is timely. I do advocate prompt action but not shots in the dark. Farm income is down and wheat farmers in particular are producing wheat below the cost of their production. Foreign sales may increase in the Soviet Union and mainland China because of the recently agreed to Soviet long-term agreement and the resolution of textile quotas upon which China insisted before resumption of purchases of American grains. But the strong U.S. dollar in relationship to other foreign currencies still hampers the viability of the sales to other countries of American grain. This problem must be addressed immediately but its resolution is still in the future which will dramatically affect market prices and foreign sales for American grain next year. To the extent that foreign grain sales increase, the cost of the farm program will decline. But it is too early to estimate that effect at this time.

Second, the administration has been reluctant to plan and program food for peace, concessionary sales of surplus commodities to foreign countries, and has just now become more active in distribution of American surplus foods to the inadequately nourished, financially hard-pressed households here in this country.

The use of American food products for Mexico or other Central American countries has been used gingerly. Food will buy us more friends, solve more unrest than grants or concessionary sales of armaments abroad. Food policy both domestic and foreign has been penny-wise and pound-foolish.

We have had enough experience with PIK and other farm programs to use American agricultural productivity in a wiser way than we have in the past. Secretary Block and the administration have an opportunity to propound policy corrections.

Congress has an opportunity and responsibility to produce positive long-range production for domestic use and foreign sales. So far, our policy has been shortsighted, emphasizing too much production curtailment and neglecting opportunities for turning America's agricultural abundance into a positive asset.

As to the quick fix to freeze target prices now as the Secretary advocates, I doubt its effectiveness. I resist it until a comprehensive and more constructive farm program is before us to put guidelines on PIK, and additionally changes to enhance the utilization of food here at home, and increased the export of American grains and cereals.

That is the recipe for a sound agricultural policy and it will help the American economy and lower farm program costs.

SALUTE TO SPAFFORD CHILDREN'S CENTER

Mr. JACKSON. Mr. President, the continuing difficulties, differences, and violence that make it so hard to achieve lasting peace throughout the Middle East cause all of us concern. It is uppermost in our minds and all too often the news is discouraging. One problem is solved, another surfaces, Sometimes the problems seem insurmountable.

Yet amid all of this, but far from the headlines or controversy, is a beacon of hope that has endured in the Amer-

ican colony in Jerusalem for more than 100 years.

I speak of the Spafford Children's Center and want to take this moment to join my distinguished colleague from Washington, Mr. GORTON, in recognizing the tangible work of the center, as well as its symbolic contribution to the cause of peace and understanding in the Middle East.

The center provides health care, food, clothing, medicine, immunizations, and nutrition counseling to 28,000 of the poorest children and families of Jerusalem. Its modest $150,000 annual budget comes entirely from private contributions—much of it through the work of the Spafford Children's Center Association headquartered in Bellevue, Wash., and directed by Georgette Lind. Her husband, Peter Lind, is a fourth-generation member of the Spafford family which started the center in 1881.

The really marvelous thing about the center is the fact that Jews, Christians, and Moslems work side by side. Jewish doctors treat Christians and Moslems. Arab doctors treat Jewish children.

"Reconciliation and unity" between peoples regardless of race or religion is the center's credo. The atmosphere at the center has been described as an "oasis of peace."

It gives me a great deal of pleasure to salute the center, its staff, and supporters for their years and years of tireless service and for giving all of us continued hope that peace can be achieved throughout the region.

The story of the Spafford Children's Center is best told in a number of articles that have been written about it. So that my colleagues and other readers of the CONGRESSIONAL RECORD may become better acquainted with the center and its work, I ask unanimous consent that two of these articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Mar. 9, 1983]

CHILDREN AIDED IN JERUSALEM WITH A BOOST FROM BELLEVUE

(By Marshall Wilson)

In an early morning telephone call Monday from Jerusalem, Anna Grace Lind reported—"it's cold, we have a lot of patients and we're running out of money."

Anna Grace Lind was talking with her daughter-in-law, Georgette Lind of Bellevue, and her distress call concerned the Spafford Children's Center where 20,000 children and 5,000 families in Jerusalem depend on getting medical attention each year.

In turn, the center counts on the Spafford Children's Center Association, the Bellevue-based national organization, for money to stay open.

The budget is modest—$150,000 a year to care for all those children and families. But the nonprofit group's total budget is raised exclusively through private contributions.

Peter Lind, a Bellevue attorney and Georgette's husband, is a fourth-generation member of the Spafford family which started the center for child care in the American Colony in Jerusalem in 1881. He is chairman of the board of the association; Georgette is the secretary.

Religion is not part of the center's treatment. Jewish doctors care for Christians and Moslems. Arab doctors treat Jewish children. No one is turned away.

The center's focus on children started under the saddest of conditions.

In 1873, Anna Spafford and four small daughters were en route to America aboard the Ville du Havre, the largest trans-Atlantic liner of the day.

In midocean, on a beautiful calm night, a sailing ship rammed the Havre and split the vessel in two. It sank in 15 minutes. Anna Spafford was one of 57 people rescued but her little girls drowned.

Her husband, Horatio, traveled from Chicago to meet his grieving wife in New York. They were to have two more children, Horatio Jr., who soon died of scarlet fever, and a daughter, Bertha.

In 1881, after the death of their son, the Spaffords went to Jerusalem as "a pilgrimage."

They settled in the old part of the city and, with a few other American friends, founded the American Colony in Jerusalem. During World War I they opened a soup kitchen and fed 2,400 starving people each day.

Always neutral in political upheavals in that troublesome part of the world, they were able to live peacefully during the days of the Turks, the British Mandate, when Arabs were in control and since the establishment of Israel.

Their daughter, Bertha, nursed both Turkish and British wounded during the war. It was Bertha, with her compassion for an orphaned child during the Christmas of 1925, who initiated the Spafford Children's Hospital or "Baby Home."

Until 1967, the Spafford Children's Hospital was the only such hospital in the Old City of Jerusalem. Today, with new Israeli hospitals, it focuses on preventative medicine.

Spafford Center has a pediatric clinic, day care center, an infant welfare station, laboratory services, prenatal clinic and specialized clinics such as endocrinology, dermatology, neurology and physiotherapy.

"For more than 58 years, the Spafford Children's Center has provided medical services, food, shelter, clothing and counseling to the neediest children and families of the Holy Land, regardless of race or religion," said Anna Grace Lind, daughter of Bertha Spafford.

Lowell Thomas, traveler and commentator, led the fund raising for the association for 12 years before his death. Thomas once described Bertha Spafford Vester as "My Most Unforgettable Character" in a Reader's Digest article.

Thomas, wearied by illness, turned over fund-raising activities to the Rev. Oral Roberts. It was an unsuccessful transition.

After a couple of years, in which few funds were sent to Jerusalem, Roberts handed the job back. Peter Lind took over and, since headquarters follows the residence of the chairman of the board, Spafford Children's Center now looks to Bellevue for support.

Georgette Lind said this week that Spafford has been unable to get back the list of contributors they had when Roberts was heading up financial drives.

For two years, under Roberts' fund raising, Spafford continued operations primarily from reserve funds. Those reserves are gone now.

"We'll do it," Peter Lind said. "We'll keep knocking on doors, keep our hands out."

Georgette and Peter Lind will be going on a tour of the Holy Land in October. A percentage of their fee will go to Spafford.

For volunteering, to make a donation, to join the Holy Land tour or for any additional information, call Help for the Children in the Holy Land, 455-4240.

"We're looking for volunteers for a variety of positions," Georgette Lind said. "Tasks, include office help, media research, speaker's bureau and fund-raising newsletter assistance."

Georgette Lind is now busy on her second year of fund-raising. At a fall fund-raiser in Seattle works of original art were auctioned off, including strips by syndicated cartoonist George Smith who does the "The Smith Family."

One of the strips by Smith was held out from the auction because it represents what Spafford is all about, according to Barbara Lindsey of Bellevue who is heading up the latest fund raiser.

The strip's star child asks why people of different races, religions and backgrounds cannot get along.

The answer: Something's missing—love.

[From the Jerusalem Post Weekly]

A TRADITION OF SERVICE

(By Helga Dudman)

Her mother received the Order of the Jordan Star from King Hussein, the only woman chosen for this honour. Last week Anna Grace Vester Lind accepted the honour of "Distinguished Citizen of Jerusalem" from Mayor Teddy Kollek, in the presence of President Katzir. There is no contradiction betwen the two awards, as both were made for service to the Arab children of East Jerusalem.

The remarkable point is that three generations of women are involved in this Jerusalem pattern. Here is Mrs. Lind's grandmother, speaking 81 years ago, almost to the day:

"The changes in Jerusalem are wonderful! Ten years ago there were only 4,000 Jews in Jerusalem. Now there are 40,000 and they are building outside the city walls . . ." Anna Spafford was testifying in court, and her words were reported by the "Chicago Daily News" of May 14, 1895. Explaining why her American Protestant family had moved to Jerusalem 14 years earlier, she said: "We wished to be there when God brought the Jews back."

In today's troubled atmosphere, the Municipality's decision to honour Mrs. Lind reflects the unity of Jerusalem as the undivided capital of Israel, and also as a city central to three faiths. The institution she directs—the Spafford Children's Centre in the Old City—is dedicated solely to the welfare of Arab children, and has cared for thousands each year for over half a century.

Its staff is directed by an Arab doctor, and the nurses and technicians are Arab and Armenian. But five Jewish doctors from West Jerusalem hospitals hold specialized clinics on a regular schedule, and on a volunteer basis. One of them, Dr. Hanna Leszynsky of Bikur Holim, saw her first patient at the Spafford Centre on July 6, 1967.

Long before then—in 1925, when the project started—Dr. Helena Kagan, Israel's first pediatrician, began caring for Arab

babies at the Spafford establishment. She continued to do so for over 23 years, until the British insisted she was no longer safe from Arab violence in the Old City. As would be obvious to anyone who knows her, Dr. Kagan was the first civilian to visit the Spafford Centre after the Six Day War.

Foreign journalists and medical investigators—not to mention Israelis—may wish to note the close working relationship between the Centre and Shaare Zedek Hospital, which takes patients at special rates. Dr. S. Freier, head of Shaare Zedek's Pediatrics Department, is one of the specialists who holds a weekly clinic at the Spafford Centre. The others are Drs. Dorman, Robinson, Amir, and Leszynsky.

On behalf of the Arab population, the Centre also cooperates fully with the Ministry of Health and is always available for special emergencies. For instance, when a minor polio epidemic broke out in Gaza and the Israeli authorities encouraged general immunization, the Centre's nurses were asked to help, and extra volunteers coped with the extra pressure.

"I never intended to do anything like this work. I inherited it." Mrs. Lind told The Post recently. In a report on the institution's work, she has written, "We continue to serve the people of Jerusalem, probably in a different way from our grandparents, but with, we hope, the same concern, compassion, and love."

This leads back to the links in the strange saga of an American family which a chain of events brought to Jerusalem nearly a century ago, and illuminates the differences in which three generations react to changing historical and personal circumstances. The Spafford Children's Centre, founded as an emergency Baby Home in 1925 by Mrs. Lind's mother, Bertha Vester, was named in memory of Mrs. Lind's grandmother, Anna Spafford, who had died in Jerusalem two years earlier. Mrs. Spafford, with her husband Horatio and two baby girls, came here to await the return of the Jews and the End of Days—and because the couple had lost five of their own children. The Centre is one of two existing offshoots of the Spafford family's "American presence in the Holy Land." the other is the American Colony Hotel in East Jerusalem, managed by Mrs. Lind's brother Horatio Vester.

Mrs. Lind was born in the same house in the Old City, built right on the wall between Damascus Gate and Herod's Gate, in which she lives and works today. It is the same house to which her mother was brought from Chicago as a two-year-old baby in 1881; the same house in which Anna Spafford set up housekeeping with a curious little group that developed into a commune or, as Horatio Vester is fond of putting it, "the first kibbutz in Israel"—the American Colony.

Anna Grace, sunny, gay, brimming with life, attended the English Girls' College in Jerusalem. "Mother felt we should speak English properly, so as a result we're rather poor at languages." But she has of course spoken Arabic since childhood—and studied Hebrew at the Ecce Homo ulpan. She spent 15 years in America, following marriage to a Swedish member of the Colony; they were later divorced. During World War II, in America, Mrs. Lind worked for the U.S. Navy. She has two sons and five grandchildren, abroad.

In 1952 her mother asked her to return to Jerusalem. The American Colony Hotel has been badly damaged in the War of Independence; Mrs. Lind took over, supervised repairs, installed central heating and adequate plumbing. Eleven years later her brother Horatio, a successful barrister in London, also answered his mother's call and returned to take over the hotel from his brother John. Anna Grace moved to the Children's Hospital, into which the Baby Home had by then developed—the only children's hospital in East Jerusalem, and serving the West Bank as well.

The evolution of the Spafford children's project, begun in legendary fashion one Christmas Eve for one sick Arab baby, has been determined by changing conditions. When Jerusalem was unified in 1967, it became clear that unaccustomedly high medical standards were suddenly available to the Arab population in Jewish Hospitals. After much thought and in consultation with Professor Alexander Russell of Hadassah and the Jerusalem Child Development Centre, the two sisters, Mrs. Ward and Mrs. Lind, decided to shift emphasis from curative to preventive medicine. The Hospital became the Centre.

Today it includes a Pediatric Clinic, a Day Care Centre, an Infant Welfare station, laboratory services, an Ante-Natal Clinic, and specialized clinics such as Endocrinology, Dermatology, Neurology, and Physiotherapy.

"Health standards have improved very markedly since the Six Day War," Mrs. Lind observes. Arab children, and their mothers, are better fed, better dressed, cleaner. This is due in part to improved economic conditions, and also to the impact of examples set by Jewish mothers: "Arab mothers now see better ways of doing things.

"For instance, we used to try—without much success—to arrange little carrying-cases for mothers to transport their infants. Now, because they see them, Arab mothers have taken to convenient, modern, 'baby carriers'.

But of course, improvement has been gradual all along. "In the very early days. Dr. Kagan had experiences such as that of the mother who took the doctor's prescription, boiled it, and gave the baby the water to drink. We haven't had that sort of thing for years."

A stubborn streak of nearly obsolete Protestant thrift runs through Mrs. Lind's administration. The cost of a recent renovation was partially covered by the sale of "an old refrigerator and two broken sewing machines." Support from a variety of sources is channeled through the "American Colony Aid Association," on which Horatio Vester and his wife serve. And of course, the Hotel helps. Empty beer bottles, for instance, after their gay fling among the tourists, come to the Old City for a more noble function (after sterilization) as medicine bottles.

The Jewish doctors who volunteer their services are motivated partly by professional challenges; "interesting" cases are found here which have long since vanished from the Jewish population. But these Jewish doctors are also attracted by the atmosphere which, at the risk of sounding soft-minded, can be described as "an oasis of peace." Not that fear and suspicion is not present. But at the same time, this is, as one of them has put it, "a place where Arab and Jewish colleagues can work and laugh together—and argue, too. It is as things should be, a model proving there is still hope for the future."

Mr. GORTON. Mr. President, I am delighted to stand today in rcognition of the Spafford Children's Center in Jerusalem.

Founded by Bertha Spafford, the center has been operating in Jerusalem for 58 years. Bertha was the daughter of Anna and Horatio Spafford, who more than 100 years ago founded the American colony in Jerusalem and began giving food to the needy and medical care to wounded soldiers. The Spaffords' guiding principle was to offer assistance solely on the basis of need.

That principle is in evidence today at the Spafford Children's Center. The center is located in one of Jerusalem's poorest quarters. It provides medical care to children and health education to their families. The only qualification for treatment at the Spafford Center is need.

The Spafford Children Center is a tribute to effective cooperation. It is staffed by Christians, Jews, Arabs, Americans, and others, all working together to aid the poor and needy. Perhaps most impressive is the fact that the work of the Children's Center, and of the Spafford family itself, has gone on with equal vigor and effectiveness under Turkish, British, Jordanian, and Israeli rule, through two world wars, and through the conflicts which, even today, imperil the people of the Middle East.

Mr. President, in a world which is too full of strife and suffering, the efforts of the Spafford Children's Center deserve our acknowledgment, our encouragement, and our respect.

DEFENSE PROCUREMENT COSTS

Mr. STEVENS. Mr. President, the Defense appropriations bill we passed last year contained a requirement that any new or alternate fighter engine bought by the Air Force or Navy will have to have an engine warranty. That small provision was largely the result of efforts by Senator MARK ANDREWS, who is a member of the Defense Subcommittee that I chair.

That small provision did not gain a great deal of attention, but it was the opening shot on a campaign by Senator ANDREWS to help bring down defense procurement costs through the simple application of warranty procedures that have worked so well in the commercial market. A great deal of attention has been paid lately to rising procurement costs, and we have heard the horror stories about $400 clawhammers or 4 cent diodes costing $400 as part of management problems on spare parts procurement. This is just one small part of a very big problem, and we have a variety of solutions being proposed here in the Congress to get control of costs through increased competition, better testing procedures, and the like.

I think Senator ANDREWS' initiative has great promise for tackling these

procurement problems from a different angle.

A short time ago, on July 20, Senator ANDREWS called a press conference to signal that his effort in the area of requiring warranties on military equipment and systems is just getting underway. Just what form these warranty proposals take and how we can best integrate this procurement approach into the military system remains to be worked out. Meanwhile, however, I think his remarks at that press conference are significant and deserving of the Senate's attention.

Therefore, Mr. President, I ask unanimous consent that Senator ANDREWS' remarks prepared for that press conference be printed in full in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

OPENING REMARKS OF SENATOR MARK ANDREWS

We in the Senate have just spent the last several days considering the fiscal year 1984 Department of Defense Authorization bill. As a member of the Defense Appropriations Subcommittee, I again will soon be required to make difficult decisions on funding the purchase of weapons systems and military equipment. At the same time, I am finding it increasingly difficult to find out what system will really work in the hands of our front line troops. We have all read and heard the horror stories: "Buy Arms Now, Test Them Later", "GAO says Pentagon Buying Untried Arms", "GAO Finds Arms Tests Slipshod" . . . reports are numerous and lengthy.

I believe the patterns of shrinking forces, escalating military costs, and deteriorating effectiveness so pervasive today cannot be an accident. I do not believe the United States has to resign itself to ever-decreasing defense capabilities at higher costs. Certainly there are thoughtful and practical legislative actions that can make a difference, even a signifcant difference.

It is estimated that less than 10 percent of the Department of Defense's purchases are truly competitive . . . or in other words, the result of normal competitive bids throughout the purchase time of the service or equipment. Anyone who has tried to "negotiate" with the only plumber or tow-truck available within 50 miles understands why I am concerned about the failure to buy weapons from competing producers. My colleague, Senator Grassley from Iowa, plans to introduce legislation in the near future to turn this situation around and require competitive bids. This is certainly and excellent idea and one that I intend to support.

Another good idea is the Pryor-Roth proposal, adopted overwhelmingly in the Senate during debate on the Department of Defense Authorization, which would establish a civilian director of operational testing and evaluation to be appointed by the President and confirmed by the Senate to oversee independent tests of new weapons systems.

A better idea might be the establishment of an independent commission to analyze the entire military procurement process.

However, I believe the best approach would be warranties, mandated by law on the future procurement of all military equipment. Specifically, language is needed in the appropriations acts that states that funds cannot be spent for the procurement of military equipment unless the contractor provides the United States with a written guarantee that will work. Therefore, I am currently working on language to be included in the Defense Appropriations Bill that will require warranties on the future purchases of military equipment; language that will also contain sanctions to enforce the warranty provisions.

Warranties are nothing new . . . in fact, we see them everywhere. Over the period 1980 to 1986, defense non-personnel spending as a proportion of GNP (less services) is expected to increase from 5.4 percent to 10 percent. This means that in 1986, 90 percent of the goods produced in the United States will be non-military goods . . . and the vast majority of these goods are warranted!

Commercial airlines have had warranties, including liquidating damages, written into their contracts for years. There were standard guarantees as such in the original C-5 contract. However, the Department of Defense wasn't willing to enforce many of the provisions in the contract that existed at that time because there was no incentive to do so.

If the Lockheed Electra of the 60's was warranted to a no-loss base for the airlines, why not the Lockheed C-5 to us as taxpayers?

Detroit Diesel Allison manufacturers the transmission for the tractor I use on my farm in North Dakota. I get a three-year warranty on it. In fact, my banker would not lend me the money to buy that tractor unless it was covered by a warranty. Allison also manufactures the transmission for the M-1 tank, and there is no warranty offered on it. We ought to have the same type of coverage under warranty for military purchases, or we shouldn't be buying them. Those of us on the Senate Appropriations Committee are in essence the bankers in this case. If we don't require the same warranties my banker asks for on my tractor, then as I see it, we are just not doing our job!

Warranties on military hardware will work, and in fact are working now in some cases. Last year I offered language that became Sec. 797 of Public Law 97-377, Continuing Appropriations for fiscal year 1983. The language requires that funds not be spent for the purchase of an alternate or new model fighter aircraft engine that does not have a written warranty or guarantee certifying that it will perform not less than 3,000 tactical cycles. The warranty provides that the manufacturer must perform the necessary improvements or replace any parts to achieve the required performance at no cost to the government.

In the fighter engine competition, the request for proposal (RFP) which has now been sent out by the Air Force, asks the contractors (in this case, GE and Pratt & Whitney) to specify what kind of warranty will be offered on the engine. A decision on the RFP is expected by the Air Force by January 1, 1984. In addition, the Air Force also has the option of exercising through September the warranty offer by GE for the next 35 F-101 engines for the B-1B. The engine is warranted for 450 hours and GE is liable for up to $15.5 million if there are overruns. GE has also offered a 1,000 hour or three-year whole engine warranty on its TF-39-1C engine for the C-5B. And finally, the Air Force has a warranty on the KC-10 tanker aircraft that is superior to any provided to any DC-10 commercial customer.

Clearly then, defense warranties will work . . . in fact, industry is willing and able to provide such warranties. In light of this, it is interesting to note where the Pentagon stands on this issue. Recently I asked the Department of Defense for an opinion on the application of warranties to future purchases of military equipment. In their response they argued that warranties would, "increase the cost of our programs to an unacceptable level . . . rather than blanket the application of warranties, we suggest considering language that would require DOD to report how we are 'incentivizing' our major contractors to enhance the reliability and supportability of our major systems." I do not agree with this rationale! It's "looking glass logic"—the Department of Defense should not turn over the design of reliability and supportability to the contractor . . . and then try to uncover the defects. Equipment should be designed right in the first place . . . for its mission, task, and threat . . . and then a strict warranty should be applied and enforced.

If we can get and expect warranties on our civilian purchases, from T.V. sets to washing machines and air conditioners, so why not when we buy the machinery to protect our freedom?

Contract performance is nothing new to the government either. In the area of transportation construction we spend billions of dollars every year. We demand. . . and we get. . . competitive bids and up front performance bonds from the contractors involved. If the project is not up to specs. . . we go against the performance bond. The point I am trying to make is this. . . warranties are not new and novel. They have been around for years and the Federal Government has had plenty of experience with them.

In the future, warranties coupled with independent testing and competitive bids will improve cost-effectiveness, but more importantly, our service men and women will not be forced to depend on often defective systems for their very lives.

I certainly believe in a strong national defense, but I don't think we are going to get it by throwing away billions of dollars every year on weapons and equipment that do not work or are vastly over-priced. Defense procurement is perhaps the most complex policy-making process in our society today. None of us can claim to have all the answers . . . however, we have every right, and as elected representatives, every responsibility, to examine critically all available options.

The option of effective warranties seems like the best to me, and I intend to solicit all the support I can get on this for the next several weeks. As President Eisenhower so prophetically observed in his 1961 farewell address, "Only an alert and knowledgeable citizenry can guarantee and "compel" the proper meshing of the military and industrial machinery to the end that security and liberty may prosper together."

THE IRISH ISSUE—JOHN HUME'S MAIDEN SPEECH TO THE BRITISH PARLIAMENT

Mr. KENNEDY. Mr. President, on June 28, John Hume delivered his maiden speech to the British Parliament. His subject was, of course, the Irish issue, for Mr. Hume is the leader of the Social Democratic and Labour Party in Northern Ireland, and he is

the newly elected Member of Parliament for the constituency that includes his home in the troubled city of Derry.

Mr. Hume deserves his reputation as one of the great political leaders in Irish history. His maiden speech exemplifies the power of his leadership, the eloquence of his rhetoric, and the sweep of his vision of a New Ireland that respects the rights of both traditions on the island, Catholic and Protestant.

I hope that President Reagan and each Member of the Senate and the House of Representatives will take the time to read Mr. Hume's address, and to ponder what I think is his irresistible challenge to the British Government to change its policy on Northern Ireland.

I ask unanimous consent that Mr. Hume's maiden speech to the British Parliament may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF SPEECH BY MR. JOHN HUME IN THE BRITISH PARLIAMENT, JUNE 28, 1983

I have come here to represent a new constituency in the North-West of Ireland. It contains the ancient and historic City of Derry and the town of Strabane. It is a commentary on the politics of the North of Ireland—or the fact that there is a problem there—that never before has someone with either my religious or my political persuasion stood in this House to represent the City of Derry.

I represent an area which has the unenviable distinction of having the highest unemployment rate of any constituency represented in this House, with 38 percent in Strabane and 28 percent in Derry. Those are statistics which interact seriously and severely with the political crisis in the North of Ireland, because that same area has borne more than its share of the brunt of the atrocities that have taken place in the North of Ireland over the past decade. It is the interaction of the economic situation with the political situation that requires a great deal of attention if the problems of that part of the world are to be resolved.

People have wondered about the rise in the political strength of extremism in the North of Ireland. There is no greater example of the reasons for extremism in that area than that we now have a generation of young people who were only four years old in 1969 and 1970 and have grown up in a society in which they have always seen security forces and violence on the streets, in which they have been continually searched simply because they are young people and in which, when they reach the age of 18, they have no hope of any employment because they happen to have come of age during the deepest economic crisis for a long time. Therefore, there are resentments, and there are sadistic people who play upon those resentments, point to a British soldier and say "get rid of him and all your problems will be solved". That simplistic message has an appeal to young people; and people such as myself and members of my Party, who seek to show that the problems are rather more complex, have a difficult task.

If the Government were to take seriously the economic crisis in the North of Ireland and make a sensible and determined attack on the problems of youth employment, they would also be making a determined attack on the problems of extremism.

The debate is about defence and foreign affairs. In the gracious speech there is reference to the major issue between Britain and Ireland—the problems of Northern Ireland. It also happens to be one of the most serious human issues facing the House. Having come here after surviving over a decade on the streets of Northern Ireland, I have to say with some bitterness that I do not see much evidence that there are many Hon Members who think that it is an issue of great human concern.

We have been told repeatedly by Ministers, Secretaries of State and Prime Ministers, of whatever Party, that Northern Ireland is an integral part of the United Kingdom. We are told by the Prime Minister that we are as British as Finchley.

I should like Hon Members to take any part of the United Kingdom over the past decade and to imagine the following things happening. Imagine 2,000 people being killed on the streets in Yorkshire, 20,000 people maimed and injured, and 430 million pounds spent on compensation for bomb damage: two new prisons built and a third under construction: the rule of law drastically distorted, with the introduction of imprisonment without trial: senior politicians and policemen murdered, and innocent civilians murdered by the security forces and by paramilitary forces. Imagine a shoot-to-kill policy for people suspected of crime being introduced from time to time instead of their being arrested. Imagine jury courts being disbanded, plastic bullets used on the streets and innocent children being killed. Imagine paramilitary organisations engaging in violence and the type of interrogation methods that led to the British Government being found guilty in the European Court of Human Rights being introduced. Imagine hunger strikers dying in Prison in Yorkshire and representatives of the paramilitary being elected to this House to represent Yorkshire.

If those things had happened on what is commonly called the mainland, can anyone tell me that those events would not have been the major issue in the general election campaign? Can anyone persuade me that any speech made since that election would not have referred to that issue? However, the only Hon Members who have referred to it were leaders of two parties in Northern Ireland. Nevertheless, we are told that we are as British as Finchley.

Does any Hon Member believe that Northern Ireland is as British as Finchley or any other part of what is called the mainland? Do any Hon Members honestly believe that in their hearts? If so, where is the evidence of their concern? The truth is that if every Hon Member spoke his heart, he would say that he has psychologically withdrawn from Northern Ireland. The truth is that Britain has psychologically withdrawn from Northern Ireland. Britain and Northern Ireland would be healthier places if that psychological reality were translated into political reality.

The extent of the problem in Northern Ireland today can be summed up by the desperate indictment of a brick wall that has been built between two sections of the community in Belfast to keep them apart and to protect them from each other. This is happening in what is described as a part of the United Kingdom.

That wall is an indictment of anyone who has governed Northern Ireland in the past 14 years. It is also an indictment of every political party in Northern Ireland. It is an indictment of everyone who has any part to play in the problem. It is an indictment of the Unionist tradition, the Nationalist tradition and the British who govern from this House. It is an indictment, but it is also a challenge because the only truth that has emerged out of all the suffering of the past decade is that all our policies have led us to that wall in Belfast. The real challenge is to re-examine urgently our traditional approaches to a solution.

Hon Members who represent the Loyalist tradition have a lot of thinking to do. Their consistent stance on Northern Ireland has been to protect the integrity of the tradition in an island in which they form a minority. I have no quarrel with that objective. Any country is richer for diversity. I quarrel with the methods of protecting the integrity. Put crudely, that method dictates, "we must hold all power in our own hands". That is precisely what has been said. It is a violent attitude. It is an attitude which demands the exclusive exercise of power. The leaders of that tradition have consistently maintained that view, but it invites violence. It is not possible permanently to exclude an entire section of the population from any say in the decision-making process.

The Nationalist tradition has also taken a rather simplistic approach. Its argument has often been presented in emotional and romantic terms. Its simplistic definition of Irishness is extremely sectional. It is based substantially on two powerful strands of the Irish tradition—the Gaelic and Catholic—to the exclusion of the Protestants. That narrow definition makes the Protestant tradition feel excluded from that notion of Irishness. In its more extreme form, it is thought right not only to die, but to kill, for that version of Ireland. In those circumstances, we can understand what contribution my tradition has made to the deepening of Irish divisions.

When one considers the streets of Belfast and examines the performance of the organisation that represents itself as the ultimate in Irish patriotism—the Provisional IRA—and one considers the bitterness that it has created by its campaign of destruction and killing, one can see how much rethinking and examination we must do if we are to bring about a settlement of the Irish problem and bring forward a definition of Irishness which is inclusive, not exclusive.

The third element is the British Government and the House. As matters stand, it now has all the power over Northern Ireland. Examination of history reveals one consistent policy. Moreover, it is the only policy that I have heard enunciated here—that Northern Ireland shall remain part of the United Kingdom as long as a majority so wish. On the face of it, that seems to be a democratic statement and guarantee. However, if one looks behind that, one sees that the majority that is being guaranteed was created artificially by a sectarian headcount. When one tells the majority that it can protect itself only by remaining in majority, one invites it to maintain sectarian solidarity as the only means of protection. Therefore, one makes sectarianism the motive force of politics. Northern Ireland has 60 years of elections to demonstrate that that is precisely what has happened.

If we are to break that sectarian mould and the divisions, we must recognise that they cannot continue for ever. We cannot

deny that 5 million people in a Europe which twice this century has slaughtered its people by the millions could find the wisdom and foresight to say, "let us build structures whereby we can grow together at our own speed." What is wrong with asking for that for our small island of 5 million people? What is wrong with asking to be able to build structures whereby the different traditions can live in peace, harmony and unity in a new relationship with Britain? What is wrong with the Government adopting that as a policy objective? That policy was stated by no less a person that Sir Winston Churchill who, on 7 July 1922, in a private letter to Michael Collins, wrote.

"Meanwhile, in the intervals of grappling with revolts and revolution, I think that you should think over in your mind what would be the greatest offer the South could make for Northern co-operation. Of course, from the Imperial point of view, there is nothing we should like better than to see the North and South join hands in an all-Ireland assembly without prejudice to the existing rights of Irishmen. Such ideas could be vehemently denied in many quarters at the moment, but events in the history of nations sometimes move very quickly."

They often move quickly when there is a strong Government in power who have the courage to grasp the nettle and face up to reality. Ending divisions in Ireland has evaded Statesmen for centuries. Ending the divisions requires strength and leadership. It is not asking a great deal of the Government to adopt as policy the statement that Sir Winston made on 7 July 1922.

ARMENIAN TERROR TACTICS

Mr. DENTON. Mr. President, I wish to commend Mr. Colman McCarthy of the Washington Post for his thoughtful, incisive article entitled "Armenian Terror Tactics" which appeared in the Sunday, July 31, 1983, issue of the paper.

Mr. McCarthy's article should be particularly instructive to those who may be inclined to sympathize with the individuals who perpetrate vicious crimes against innocent people in the pursuit of a dubious cause or to avenge some alleged past wrong.

Some may believe that a show of sympathy grants some sort of immunity from the terrorist violence. I hope that the French Government has now learned, from the terrible tragedy on July 15 at Orly Airport, that the Western nations are, like it or not, in the business of dealing with terrorism that kills and maims without discrimination. We cannot afford the luxury of indulging ourselves in the romantic and sentimental feelings that are often used to mask or excuse the brutality of the event.

I ask unanimous consent that the full text of the article be printed in the RECORD.

Their being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 31, 1983]

ARMENIAN TERROR TACTICS

(By Colman McCarthy)

How many more Turkish diplomats will be killed by fanatical murderers from Armenian terrorist groups? The question has a raw answer, as many as the terrorists think they can put away without getting caught.

Since 1973, twenty-seven Turkish diplomats and members of their families have been killed. Armenian underground killers take responsibility, saying they are avenging the deaths of 1.5 million Armenians said to have occurred between 1915 and 1923 at the hands of the Ottoman Turkish government.

The most recent slaying of a diplomat was in Brussels in mid-July, followed the next day by a bomb explosion in Paris in which seven people were killed and 56 wounded while waiting to board a Turkish Airlines flight to Istanbul. Last Wednesday in Lisbon, the wife of a Turkish official was slain in a suicide attack in which five Armenian terrorists died by their own violence. Four Turkish diplomats have been killed in the United States. In May 1982, Orhan Gunduz, an honorary consul general who had run a small business in a Boston suburb for 20 years, was gunned to death while driving home from his store.

Despite the large death toll and despite the pledges of Armenian terrorists to send it higher, few displays of concern, much less supportive indignation, have been offered to the Turks. By contrast, would public opinion be as unstirred if 27 British diplomats had been killed by IRA gunmen, or if 27 were Jewish diplomats slain by Palestinian hit squads?

Turkish victimization can remain a minor issue because, first, Americans look at the headlines about the latest killings and conclude that an ancient, inscrutable and unstoppable feud goes on. The Turks and Armenians are blood enemies, we think—if we think about the issue at all. In choosing sides, we go against the Turks. Images of murderous sultans wielding thick-ended sabers remain. The stereotype of the savage Turk, backed up by menacing Young Turks, persists. Then, too, they are Moslem, dismissable as the infidels of Western history.

To move beyond this intellectual laziness is to discover that the Turks deserve not only more sympathy for what they are suffering at the hands of Armenian killers, but also more support in their efforts to explain their position.

The talk of "genocide" that the Armenian terrorists throw around after they kill another Turkish diplomat was echoed in Congress in late April in observance of Armenian Martyrs Day. Nearly 40 members of the House made statements about the era of "modern genocide" that the Turks supposedly brought on in the alleged killing of 1.5 million Armenians. Liberals and conservatives were united in their certitude about the number and that the Turks had actually committed the systematic extermination that is genocide. Several members attacked the current Turkish government, demanding that it confess its guilt.

This onrush of congressional concern for Armenians went too far. Among independent historians and scholars, the events of 70 years ago, as World War I began, are not as black and white as the congressional friends of Armenians made them out to be. One of these historians is Justin McCarthy, a professor of Middle Eastern history and demographer at the University of Louisville. He is on neither the Turkish nor the Armenian side. He sides with whatever truth emerges from reliable research.

McCarthy states that the 1.5 million figure is inaccurate: "After the war, Armenians sources said that approximately 600,000 Armenians had died, and this figure is closer to the truth. Turks were indeed killing Armenians in 1915. But Armenians were also killing Turks, and indeed (in the war) many more Turks died than Armenians. Most who died on both sides died more of starvation and disease than from bullets."

McCarthy, a former Peace Corps volunteer in Turkey and the author of "Muslims and Minorities," says that no documentation has ever been found to prove that a policy to exterminate Armenians existed. "Everyone in this period around World War I was to some extent guilty and some extent persecuted: Turks, Armenians, Kurds, Russians." Last month on public television, McCarthy stated that, from his research, he found that about "600,000 Armenians died, 2.2 million Muslims died . . . This was a horrible time for everyone."

None of this diminishes either the culture of Armenia nor the large contributions of Armenians to American life. It suggests only that perspective is needed in this complicated and, at times, dimly lit issue.

The current Turkish government is trapped in a double bind. Its diplomats live in fear of gunmen and its officials are frustrated in explaining a period of history that few in the West care to study. A false impression has been created that Turkey is stonewalling the facts of the past by not admitting that genocide occurred. In fact, it didn't. Even if historians agreed about the genocide, today's Turkish government has no political or philosophical ties to the old Ottoman Empire.

For a start, fair-minded historical analysis is needed. That won't stop the terrorists, but it will help to expose the full irrationality of their cause.

SMALL BUSINESS COMPETITION IN CONTRACTING ACT OF 1983

Mr. FORD. Mr. President, I am proud to be a cosponsor of the "Small Business Competition in Contracting Act of 1983," and I congratulate my colleague from Illinois, Senator ALAN DIXON and his fine staff for creating such a timely piece of legislation.

In recent weeks, we have all become aware of the abuses in the procurement system at the Department of Defense. Secretaries Weinberger and Lehman have taken steps to correct some of the more glaring cases that have come to light, but clearly more stringent oversight of contracts is needed. It is incumbent upon the Department of Defense to insist upon this.

Something we, in the Congress, can do to affect the problem of costly procurement policies—and something that will revitalize our defense industrial base in the process—is to insure that bidding practices are more competitive.

The Small Business Competition in Contracting Act of 1983 does just that. Conceived out of the very real concern that Federal Government agencies are

not following procurement practices which assure maximum service for every dollar spent on purchasing goods and services, this bill would provide for full private sector competition for Federal contracts. At this moment, DOD procures less than 10 percent of its goods and services through open competition. Much of the balance is procured from large prime contractors on a sole source basis. Every study performed by the service branches, as well as those by the Small Business Administration and the General Accounting Office, shows that savings average 40 to 50 percent when procurement are switched from sole source to open competition. This legislation will eliminate the discrimination against small business in the procurement process by increasing the participation of the 14 million small businesses in this country, will reduce costly noncompetitive procurement, and will save literally billion of dollars every year.

I hope that hearings can be held soon after our return from the August recess and that this very important legislation will be passed by the Senate well before the end of the 98th Congress.

VETERANS: KEEPING FAITH WITH THOSE WHO SERVED

Mr. CRANSTON. Mr. President, last weekend I had the privilege of giving the keynote address at the national convention of the Disabled American Veterans held in Los Angeles. In preparing for that speech, I began reflecting on the inestimable contribution our Nation's veterans have made to this country and on the many benefits and services the Congress has, over the years, established for these deserving individuals. I mulled over various issues relating to veterans which continue to require attention or which to my mind need a fresh approach. Obviously, I could not touch on all these areas in my 20 minutes at the podium, but because Congress has a large responsibility in seeing to it that the Nation's commitments to its veterans are kept, and there is indeed much work remaining to be done in this area, I should like to share these thoughts with my colleagues.

The address follows:

INTRODUCTION

Mr. President, when I first came to the Senate in 1969, I was appointed chairman of a subcommittee with jurisdiction over veterans' affairs. That was my first assignment as a United States Senator and it has continued to be an area of major focus for me ever since. In 1971, I was appointed to the newly-formed Committee on Veterans' Affairs and designated the Chairman of its Subcommittee on Health and Hospitals. In 1977, I became the Chairman of that Committee and since 1981 have served as its ranking Democratic member.

Throughout my long involvement with veterans' issues, my overriding goals have been to ensure that service to the nation is appropriately recognized and rewarded and that programs of benefits and services for veterans are carried out in a compassionate and effective fashion. In the early seventies, my strongest efforts were aimed at gaining support for badly needed improvements in various benefits and programs for Vietnam veterans. Today, while my efforts on behalf of Vietnam veterans continue, we are also focusing on the Veterans' Administration plans and preparations for meeting the needs of the over twelve million World War II veterans who are fast approaching an average age of 65.

The fulfillment of our collective national obligation to those who served—and most especially to those who were disabled during service and to the survivors of those who gave their lives—is an ongoing cost of war and national defense. It must be recognized as such. The relationship between the way in which veterans of prior wars are treated and our ongoing ability to attract and retain personnel in the military must be understood.

The agency with principal responsibility for administering veterans' benefits and programs is the Veterans' Administration. I believe that most VA employees are motivated to do their best to serve veterans. By and large, the agency performs its mission well. However, because the Administrator of Veterans' Affairs is not a member of the Cabinet, the agency is not always given the attention it deserves within the Executive Branch. Tending to insulate the VA even further from public view and scrutiny is the statutory prohibition against court review of VA decisions on individual benefit claims. Elevating the Administrator of Veterans' Affairs to membership in the Cabinet and providing for judicial review would improve the visibility and accountability of the agency. This in turn should bring about improved performance.

Our nation cannot renege on commitments made to those who serve the country in its hours of need. We must continue to provide benefits and services to our veterans in a sympathetic, cost-effective and efficient manner.

Although there are different views about how to provide for the nation's defense, there is no debating the fact that meeting our defense needs is a fundamental responsibility of the federal government. One element of that responsibility too often overlooked is the continuing commitment to meet the needs of those who have served in the Armed Forces. The costs of a war do not end when the guns fall silent; rather, the ongoing responsibility to the veterans of a conflict is a very real cost of that conflict and must be understood as such. Since military service is rendered to the nation—not to any individual state—this responsibility is a uniquely federal one.

In recognition of this special responsibility, the United States has historically provided health care and compensation to veterans disabled during their service, assistance to the survivors of those who gave their lives, and readjustment help to all who served this nation honorably during wartime. This tradition must be maintained.

THE VETERANS' ADMINISTRATION

Relationship to national defense

Because of its special responsibility for dealing with veterans' needs, the Veterans' Administration serves a very important national defense function that is both tangible and intangible. The tangible element is found in the role of the VA's health-care system as the primary back-up to the Department of Defense in time of war or national emergency involving armed conflict. In the event of such a conflict, the Department of Defense would be unable to care for more than a small percentage of the anticipated casualties. The VA system is a comprehensive, nationwide system, and there is a natural linkage between it and the DoD system since patients in DoD facilities often become VA patients at some point. This frequently occurs after a member of the Armed Forces is disabled in service and is then medically discharged. For these reasons, the VA health-care system is and should be the first-line back-up to DoD in time of armed conflict.

This special VA/DoD relationship was given specific legislative recognition in Public Law 97-174, the Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act, which was enacted in May 1982. This same legislation also addressed the issue of VA/DoD sharing of resources during peacetime which has the potential of reducing overall expenditures for the two health-care systems while improving access to care for VA and DoD beneficiaries. So as to foster the VA/DoD health-care relationship while recognizing the important separate missions of the two systems, the various elements of this new law must be given full attention and support by the President.

The intangible element of the VA's national defense contribution lies in the impact of the federal government's honoring or failing to honor commitments made to prior service members. If the federal government is seen as being unwilling or unable to honor commitments made to those who have served the nation in the past, it is unlikely that the Armed Forces will be able to attract or retain personnel needed to maintain the All Volunteer Force. Honoring such commitments therefore is not only a moral obligation but an important action in support of the All Volunteer Force.

Another way in which the VA can provide support for the AVF would be through the administration by the agency of a new AVF GI Bill, which is discussed later in this paper.

VA'S STATUS AND ROLE

For more than fifty years, the Veterans' Administration has been the principal federal agency with responsibility for providing benefits and services to veterans. Today there are nearly 30 million veterans and about 66 million dependents or survivors of veterans. Only DoD has more employees than the VA, and the agency's budget (around $25 billion) ranks sixth among federal departments and agencies. The VA operates the largest centrally managed health-care system in the United States, operates one of the federal government's two major home loan guaranty programs, and administers the largest direct insurance program in the country. The agency has health-care, benefits, and counseling facilities in hundreds of communities across the nation. In light of the VA's size and importance, the agency and its programs should be accorded appropriate recognition, status, and treatment within the Executive Branch. Too often, this has not been the case.

In the past, the VA has frequently been relegated to a relatively insignificant role within the Executive Branch, with the Administrator having little or no access to the President or other top officials in the White House. To ensure that this result does not

recur, the VA should be elevated to cabinet-level status.

Thus, on January 26, 1983, I introduced legislation—section 501 of S. 11 and S. Con. Res. 2—which would express the sense of the Congress that the Administrator of Veterans' Affairs should be a member of the Cabinet and the President's principal adviser on all matters relating to veterans and their dependents. This provision has been approved by the Senate Veterans' Affairs Committee as part of S. 578, reported on May 23, 1983, and passed by the Senate as part of H.R. 2920 on June 28, 1983.

Elevating the VA Administrator to Cabinet level status would ensure that the head of the VA would participate in top Administration discussions and decisions which in turn should result in greater coordination and sharing of expertise between the VA and other government departments. It would mean greater recognition of the impact of general governmental decisions on the VA's ability to fulfill its mission and of the extent to which the VA can contribute to fulfillment of larger Administration policies.

There are many government programs and initiatives relating to veterans' benefits and services carried out by other federal departments and agencies. It is important that these various efforts be given full support and be facilitated by the head of the VA. The Administrator of Veterans' Affairs has a specific statutory obligation to promote the coordination of all other federal programs affecting veterans with VA efforts and with each other so as to ensure a comprehensive government response to meeting the needs of the nation's veterans. This responsibility needs to be carried out far more aggressively than it has been in the past. Cabinet-status for the head of the VA would promote needed interaction with the heads of the Executive Branch departments.

The Administrator

Many difficult challenges confront the head of the VA—including how to redirect the resources of the agency so as to meet the needs of World War II and Korea veterans as those groups age while continuing to address the needs of Vietnam veterans and determining how best to meet the needs of women veterans who are coming to the agency in increasing numbers; how to modernize the facilities that make up the VA health-care system, many of which were constructed more than 30 years ago; how to redirect and expand the agency's biomedical, prosthetic, and other research efforts; how to improve the efficiency and quality of the agency's processes for providing benefits; and how to promote inter-agency cooperative efforts on behalf of veterans. All of these matters must be considered in a time of increasing pressure to reduce federal outlays. To ensure that the VA is operating in an efficient manner, the Administrator must also be able to evaluate existing programs and benefits. If a VA program or benefit is not carrying out the purpose for which it was created or that purpose is no longer valid, the program or benefit should be altered or eliminated. That standard should be applied to programs or benefits for veterans and their dependents just as to all government programs, and the Administrator must make efforts, in coordination with the VA's Inspector General and otherwise, to apply this standard while remaining mindful of the special responsibility of the VA to meet the needs of veterans and their survivors.

Because of these pressing issues and the difficulties inherent in managing such a large agency, it is vital that the person selected to head the VA have both the ability to understand and deal with the complexities associated with the position, as well as a demonstrated understanding and appreciation of the needs of veterans and compassion for their problems. The Administrator must be fully committed to be the advocate for veterans within the Administration.

BENEFITS FOR SERVICE-CONNECTED DISABLED VETERANS

The VA's principal mission, described concisely and eloquently by Abraham Lincoln in his second inaugural address—"to care for him who shall have borne the battle and for his widow, and his orphan"—is met through a variety of programs and benefits for service-connected disabled veterans and their survivors. Key among these programs and benefits are VA health-care benefits, the agency's rehabilitation programs, and the VA's compensation program. Collectively, these benefits and programs carry out the nation's commitment to those who made the ultimate sacrifice in defense of the country, to those disabled from such service, and to the survivors and dependents of these veterans.

Health Care: The VA runs a nationwide, comprehensive health-care system through which veterans with disabilities incurred during their service are given needed treatment. Providing such care is a moral commitment of the highest order and, to this end, an independent VA health-care system must be maintained.

Maintaining an independent VA health-care system

There have been suggestions in recent years that our obligation to service-connected veterans can be met by government payment for their health care in community facilities. Such suggestions overlook the enormous benefits of the VA system. By virtue of its obligation to care for service-connected veterans, the VA system has developed great skill and expertise in treating the immediate and residual effects of injuries related to combat service, such as bullet wounds, amputations, spinal cord injuries, the psychological after-effects of combat, and many others. Although there may be facilities in some communities that could provide comparable treatment for some of these disabilities, without the VA system there would be no way to ensure that service-connected disabled veterans would receive either the comprehensiveness or the priority availability of care that they now are entitled to receive throughout the country in the VA system.

Substituting access in community facilities for the VA system would have a number of other significant drawbacks. Elimination or significant reduction of VA health-care resources would deprive our national defense of the VA's contribution as the primary back-up to the Department of Defense to treat casualties of armed conflict.

In addition, by virtue of its treatment of large numbers of veterans—both those with service-connected disabilities as well as those with no such disabilities who are eligible for VA care by virtue of their age or their inability to defray the cost of their care—the VA is a major national health-care resource. As such, it is becoming even more important as the population generally grows older and creates a growing need for acute and extended-care facilities to deal with the illnesses associated with aging.

As to the present veteran portion of the aging population, the VA already is making a major health-care contribution. In anticipation of the significant increase in the number of aging veterans that will be turning to the system in this decade as over 12 million World War II veterans reach an average age of 65 and beyond, the VA will need to step up its efforts both in research on the aging process and the effects of aging—including the effects on pre-existing disabilities—as well as on treating the diseases and disabilities that come with aging. Because of its relationship with medical schools throughout the country, the VA's actions in this regard will have far-reaching impact. To this end, the VA's eight Geriatric Research Education and Clinical Centers (GRECC)—centers of excellence in geriatrics and gerontology—must be fully funded and additional centers must be established.

The very size of the VA health-care system is often overlooked in discussions about reducing or eliminating it. The VA at present operates over 80,000 hospital beds and over 9,500 nursing-home-care beds. In fiscal year 1983, it will provide over 16 million outpatient treatments. Recent cutbacks in federal, state, and local assistance for health care have made the VA's health-care capacity even more critical. Many veterans without service-connected disabilities who are financially needy or elderly receive care today in the VA. There is no guarantee that they would continue to receive needed care if the VA system were reduced or eliminated.

Also, the impact of any reduction of VA care on other providers or on other taxpayer resources now financing health care must be kept in mind. It is highly likely that many non-service-connected veterans now treated by the VA would have to rely on other government-supported programs for their care. Many of these veterans who are over age 65, for example, would rely on Medicare, and this action could have a significant impact on the Social Security trust funds. Similarly, many veterans who currently receive care from the VA on the basis of their inability to afford the needed care would seek it under Medicaid programs, thereby adding a substantial burden to that system, which is already under serious strain.

Although the primary importance of the VA's research and education efforts in cooperation with affiliated medical schools and other health-care professional training institutions is to improve the quality of care provided to eligible veterans, these efforts have larger benefits for all society. Annually, over one-third of all medical students receive some of their training in VA facilities. The VA also provides a substantial proportion of the national training capacity for nurses, psychologists, and other professional and para-professional health-care workers.

The challenges ahead

In order to be fully responsive to the changing demands for care from eligible veterans, the VA health-care system must remain up to date in terms of its ability to provide quality health care. Among the crucial areas that must be addressed to ensure this result are the need for physical plant modernization and the development of a medical automated data processing (ADP) capacity throughout the system. In recent years, neither construction nor ADP matters have consistently received adequate funding or the long-term planning they

need; instead they have been subjected to almost whimsical, ad hoc start-and-stop decisions. Firm leadership is needed to develop and follow through on long-range plans to prepare the VA health-care system to meet future demands.

It is vitally important that the VA health-care system receive adequate appropriations so that it can meet the health-care needs of those to whom a national commitment of care has been made. Because the VA system is so large and so labor intensive there have been attempts in recent years to achieve budgetary savings by placing artificial limits on available staff or on funds for equipment, supplies, and capital improvements. Such efforts, which have the general effect of compromising the level of care that the VA can provide, must be resisted and the system must receive all funding necessary to fulfill its mission.

For the VA health-care system to remain a strong and credible entity in the future, there must be an ongoing emphasis on the development and improvement of methods for recruiting and retaining qualified health-care personnel. Key concerns are the adequacy of the VA's authority to provide special pay to doctors and the success of the agency's Health Personnel Scholarship program and extraordinary authorities to increase base and extra-duty pay, especially in order to recruit and retain nursing personnel. These and other efforts relating to the VA health-care system's attractiveness as an employer of health personnel must be given close attention and strong support.

As part of ongoing efforts to enhance the VA's ability to recruit and retain quality health-care personnel, provisions in title IV of S. 11, which I introduced on January 26, 1983, would provide special hiring and pay authorities for three health-care occupations—licensed practical or vocational nurses, physical therapists, and registered or certified respiratory therapists—working in the VA's Department of Medicine and Surgery. These provisions have been approved by the Senate as part of H.R. 2920 on June 28, 1983.

Another important area for attention in order to address VA health-care system future demands is the interaction of VA personnel and non-VA health-care providers. To this end, while maintaining the independence of the VA system, VA relationships with affiliated health-care training institutions must be fostered, VA involvement and cooperation with community providers must be increased, and the recently authorized sharing of health-care resources between the VA and DoD must be promoted. Through these actions, VA health-care personnel will remain current in their professional fields and the VA will be able to provide appropriate assistance to non-VA entities.

The achievements of VA research—recently honored by two Nobel prizes—extend far beyond the VA. The various VA biomedical, health services, and rehabilitation research efforts must receive appropriate funding. It is particularly important that research vital to veteran's health care—such as in areas relating to aging, the effects of Agent Orange and radiation exposure, delayed stress disorders, spinal cord injury, drug and alcohol abuse, prosthetics and rehabilitation, and rehabilitative engineering—be emphasized. It is also important that the agency maintain and expand its commitment to setting aside research funds to support innovative proposals, not selected for funding through the traditional peer-review process, that may lead to research breakthroughs for all Americans.

By virtue of the size of its constitutency—particularly those veterans with service-connected disabilities—the VA has the opportunity to make an important and much needed contribution to the way in which health care is provided in the United States. The agency should welcome this opportunity and take full advantage of it. To date, the agency's response to authority provided in 1979 to conduct a pilot preventive health-care program has been most disappointing. This lack of activitiy must cease, and, instead, the VA should become the leader for all U.S. medicine in health promotion and health prevention by placing a new emphasis on maintaining wellness rather than curing illness in those the system serves. The VA should redirect some of its health-care resources to help veterans maintain their health and stay well. If the agency would take steps as simple as conducting comprehensive screenings of certain identified high-risk populations for health problems such as heart disease, hypertension, glaucoma, and diabetes, together with carrying out a campaign of consumer education on issues such as nutrition, exercise, smoking, and alcohol, it is likely that substantial gains would be seen in the overall health of those veterans who receive care from the VA. This in turn would translate into cost savings both for the VA, through reduced utilization of health-care resources and for the nation as a whole as the individuals affected by such efforts would lose fewer days from work and would be generally more productive.

Provisions in section 302 of my bill, S. 11, would give the VA authority to provide preventive health-care services to veterans otherwise receiving VA care and would mandate the VA to make available at least one such service to veterans with disabilities rated at 50 percent disabling or greater receiving VA care and to veterans receiving care for the treatment of a service-connected disability. These provisions have been passed by the Senate as part of H.R. 2920.

Rehabilitation

Along with the commitment to furnish health-care services to veterans for the treatment of disabilities incurred during their service, the VA's responsibility to provide these veterans with medical and vocational rehabilitation assistance is a moral commitment of the highest order.

Historically—particularly following World War II—the VA has been in the forefront of rehabilitation efforts in the United States. As a result of agency rehabilitation efforts, many veterans who suffered disabilities during their military service that could have precluded any further meaningful employment or other life activities have been restored to a level that has allowed them to function to a significant degree independently in both work and home settings.

More recently, however, some criticism has been expressed that the VA is no longer fulfilling its leadership role in this area and that many disabled veterans are not receiving the full measure of rehabilitation assistance they deserve. Among the points made in this regard are concerns that the agency's research efforts—both in development of prosthetic devices to assist disabled veterans as well as the quest for new biomedical understanding of disabilities—have not received sufficient emphasis in recent years.

The VA should reassert its leadership role in the area of rehabilitation. This is particularly important because of the status of two groups of veterans: older veterans, particularly those who were disabled during World War II, who need new rehabilitation assistance because of changes in their physical situation related to the aging process, and the many Vietnam veterans who, in earlier conflicts, might not have survived the type of disabling injuries they suffered in that conflict. As to this latter group of disabled veterans, the VA needs to stress the maintenance of a consistent effort to understand the impact of their disabilities and to undertake research programs aimed at developing new approaches to rehabilitation and new prosthetic and other devices that can help these veterans overcome their disabilities.

Other VA rehabilitation activities that must be given full support include ongoing efforts to treat and rehabilitate veterans with drug and alcohol abuse dependencies and disabilities so as to promote their entry or reentry into gainful employment. Also, because the agency will, by virtue of the impact of the World War II veteran population, confront major problems related to the aging process, the VA should be in the forefront of efforts to understand the impact of aging on both disabled and nondisabled elderly persons and to develop rehabilitation programs that will ameliorate the disabling effects of aging to the extent possible. As part of a national policy of promoting a more productive, active older population that can continue to participate in the economic mainstream—both so as not to deny older citizens opportunities to achieve their potential as well as to allow society to benefit from their productivity—the VA should be making greater use of, and developing new models for, outpatient, adult day-care, and home-care programs that would allow older veterans to remain productively employed and living with their families whenever possible.

Compensation

The VA's disability compensation program provides monthly cash payments to veterans who, because of service-connected disability, have suffered impairments of earning capacity. The amount paid in individual instances is based on the nature of the veteran's disability, or combination of disabilities, and the extent to which earning capacity is deemed to have been impaired. In recent years, unfair, budgetary proposals have been made—by or with the support of the Reagan Administration—to reduce certain veterans' compensation payments and to provide compensation cost-of-living adjustments lower than the adjustment made to other government income transfer programs, such as Social Security or welfare.

To service-disabled veterans, the VA's compensation program and the dependency and indemnity compensation program for the survivors of these veterans represent the fulfillment of a fundamental national obligation. The compensation program must continue to receive top priority and must be protected from arbitrary actions by cyclical budget pressures. At a minimum, cost-of-living increases equivalent to those provided in other governmental programs must be provided to VA compensation/DIC recipients. Any proposals relating to the compensation and DIC programs must be subjected to careful scrutiny, keeping in mind the debt owed by the nation to its war veterans and their survivors and the relationship and impact of any changes on other government-supported income maintenance programs.

OTHER SERVICE-RELATED ISSUES

Agent orange

The effects of exposure to Agent Orange and other possible health hazards during service in Vietnam is a major concern to many Vietnam veterans. One major effort to address this issue—the VA's epidemiological study of Vietnam veterans, mandated by law in December 1979—has suffered a great many delays. Some—though not all—of these days are attributable to VA mistakes and miscalculations. This study may well prove to be the main source of information on the health status of Vietnam veterans, and it must be pursued vigorously.

Because it is highly likely that the results of the study would not be viewed as credible if it were done by the VA itself, it has been apparent for years that the study should be contracted out to an outside entity. However, not until January 1983 did the VA finally recognize this and enter into a contract with the Centers for Disease Control of the Department of Health and Human Services for the conduct of the Agent Orange Study. In connection with its efforts to study the effects of Agent Orange, the CDC has—very appropriately—announced that it will also be studying the general health status of Vietnam veterans and their offspring to determine if there are health effects that could be traced to the overall Vietnam experience. It is vital that adequate funding be provided to support the conduct of both these studies and other activity related to resolving the Agent Orange issue.

Although direct responsibility for the conduct of these studies has been shifted to the Centers for Disease Control, the VA must be in a firm leadership position on the overall Agent Orange and Vietnam veterans health issue. Recent reports from two Congressional watchdog agencies have been sharply critical of certain VA activities related to Agent Orange. The agency must do more to ensure that all veterans seeking care receive prompt attention either for screening physicals or treatment for specific disabilities that could be related to exposure to the dioxin in Agent Orange. Likewise, veterans and others seeking information about Agent Orange must receive courteous, timely, informed responses from the VA as well as complete and well-documented followup examinations and care when indicated.

The agency must pursue all available avenues in order to gain information on the possible ill effects of exposure to Agent Orange in order to develop answers to the many questions being raised by Vietnam veterans, their families, and others and to ensure that claims by veterans seeking to establish service connection are given full and fair consideration.

The VA's response to issues relating to Agent Orange, particularly to claims for benefits as a result of exposure to dioxin, must be made more open to public scrutiny and participation. This should be done to ensure, to the extent feasible, that those concerned about this issue have an understanding of the agency's efforts and a chance to make certain that all relevant data and viewpoints are fully considered. This is especially needed with reference to the issue of determining which disabilities should be presumed by the VA to result from Agent Orange exposure.

In this Congress, I have been working on legislation to bring about a better adjudication process for Agent Orange-related claims. On April 6, 1983, I introduced legislation, S. 991, and on July 20, 1983, I introduced a modified version of this bill as S. 1651. S. 1651 would require the Administrator of Veterans' Affairs to develop regulations through a process allowing for public participation. It would also require the VA regulations specifically to determine whether presumptions of service connection should be extended in the cases of Vietnam veterans exposed to Agent Orange who develop chloracne, porphyria cutanea tarda, or soft tissue sarcomas under certain conditions. The Administrator's compliance with the rulemaking procedural requirements and the substance of the regulations would be subject to review in federal court.

On the day following introduction of S. 1651, I offered the substance of that bill as an amendment during the Veterans' Affairs Committee markup of this year's compensation bill, S. 1388. Unfortunately, the amendment failed on a 6-to-6 tie vote. When the bill comes to the Senate floor in September, I will press this issue again along with the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Maine (Mr. MITCHELL) who joined with me as original cosponsors of S. 1651 and the amendment offered in committee on July 21.

One non-VA effort that has been quite important to Vietnam veterans and the VA on the Agent Orange issue is the Interagency Agent Orange Work Group. Originally started in 1979, this body has served as a forum in which representatives of various agencies can work together to oversee research and other activity and develop overall government strategy relating to dioxin exposure. As a governmental entity that has enjoyed credibility among those concerned about the very difficult issue of Agent Orange, it is vital that this group be maintained and supported. It should also be upgraded by assigning it the responsibility specifically given the President by Congress to coordinate and promote dioxin-related research within the federal government. In order to provide an opportunity for greater outside awareness of the activities of this group, periodic open meetings should be held to promote a dialogue between its members and the public.

Post-traumatic stress

Another major concern for many Vietnam veterans is the diagnosis and treatment of the mental impairment, post-traumatic stress disorder (PTSD). The most compelling need related to this concern at this time is to ensure that there is sufficient expertise throughout the VA so that Vietnam veterans suffering from the disorder can receive appropriate diagnosis and treatment at VA health-care facilities reasonably accessible to them. Also, it is vital that personnel in the VA's Department of Veterans' Benefits have a full understanding of this disorder so that claims from veterans seeking to establish service connection are given full and fair consideration.

To date, the agency's response to individuals suffering from PTSD has varied significantly from VA facility to VA facility and by whether the individual was seeking care from the VA's Department of Medicine and Surgery or disability compensation from its Department of Veterans' Benefits. Decisive action is needed at the VA to bring about greater consistency and coordination of medical care and compensation policies and procedures.

Exposure to nuclear detonation radiation

Another service-related issue that involves access to VA health-care and also cuts across other VA benefits and programs is the agency's response to veterans exposed to ionizing radiation from the detonation of nuclear devices. Although there has been some progress on this issue in recent years, the agency's efforts have not been satisfactory.

In light of the important role that the Interagency Agent Orange Work Group—the single governmental entity with the greatest credibility on the Agent Orange issue—has played in response to veterans concerned about exposure to dioxin, a similar entity should be established to deal with the issue of the long-term health effects of exposure to radiation from nuclear detonation. Although there have been and continue to be efforts within the federal government on this emotionally charged issue, there is no single body with authority to coordinate and oversee interagency activity.

Further, the VA has devoted far too few resources to the radiation issue compared to the Agent Orange issue. As a remedy, the agency should undertake various steps, including: establishing entities analogous to the VA Agent Orange Policy Coordinating Committee (so that internal agency efforts on radiation may be examined, compared, and coordinated) and analogous to the VA Advisory Committee on Health Effects of Herbicides (so that outside expertise, veteran organizations, and public interest groups can be brought together in a public forum); preparing an indexed reference guide of the scientific literature on the health effects of exposure to ionizing radiation and then making this guide widely available; and conducting an epidemiological study on morbidity and genetic damage of veterans exposed to nuclear detonation radiation unless such study cannot be done in a scientifically valid manner. These actions should enable the agency to respond far more accurately, fairly, and sensitively to this issue—and to the veterans exposed to radiation, their families, and survivors.

Section 601 of S. 11, which I introduced, would require that an epidemiological study be conducted of veterans exposed to radiation during the nuclear weapons test program. The same provision would also require the VA to conduct a comprehensive review and analysis of the literature relating to the long-term health effects of exposure to ionizing radiation. These provisions of S. 11, with minor modifications, have been passed by the Senate as part of H.R. 2920.

Also, as I noted with relation to Agent Orange issues, there is a need for greater public scrutiny of and participation in VA efforts to deal with the issues that are raised by claims for benefits based on exposure to radiation. Therefore, legislation I have authored—including S. 991 and S. 1651, which I mentioned earlier—to improve this claims adjudication process, has specifically addressed both radiation and Agent Orange compensation issues. S. 1651 would require VA regulations specifically to determine whether presumptions of service connection should be extended in the cases of veterans exposed to radiation who develop a malignancy (including leukemia), certain thyroid disorders (including hypothyroidism or a thryoid nodule), or polycythemia vera under certain conditions.

The VA's efforts in the radiation area have been extemely slow and grudging. It took 17 months to get the regulations issued that Congress had mandated to make VA health care available for most medical problems of radiation-exposed veterans. I believe continued initiative and pressure will be

necessary to obtain the kind of response that these veterans sometimes need.

OTHER VETERANS' BENEFITS

In addition to the programs and benefits directed exclusively to those veterans with service-connected disabilities; there are numerous other veterans' benefits and services provided to both service-connected veterans and veterans who were not disabled during service. These benefits and services are, for the most part, carried out by the VA. Some employment-related and other programs are provided by other agencies—often in cooperation with the VA.

Readjustment assistance

Of those citizens deserving assistance from the federal government, those who serve the country during periods of armed conflict are particularly deserving. As already stressed, for those injured during service, the first obligation includes health care, rehabilitation services, and compensation for lost earnings capacity. Beyond that, all who serve during a period of conflict deserve—and the VA is mandated to provide—assistance in making the readjustment to civilian life, including benefits designed to attempt to help them make up for the time lost from other pursuits while in service.

As to those veterans who served during our nation's most recent armed conflict, the Vietnam war, a high proportion have successfully readjusted to civilian life following their service. The majority of these veterans have used various VA and other governmental benefits, such as educational assistance through the GI Bill, VA home loan guaranties, and employment assistance through various Department of Labor programs, to help with their readjustment. However, lingering problems remain for some veterans of that era, and these problems must receive all the attention and effort by the federal government needed to resolve them. Among the most pressing issues confronting Vietnam-era veterans that still require much governmental attention, two of the most troubling are the effects of exposure to Agent Orange and other possible health hazards during service and the diagnosis and treatment of the mental impairment, post-traumatic stress disorder. These areas were discussed earlier.

Readjustment Counseling: The VA's readjustment counseling program was established in 1979 after a persistent 8-year effort in the Congress to get it enacted. The program is currently slated to phase out beginning in 1984. This program offers a broad mix of counseling, vocational guidance, peer-group meetings, and to psychological support, through over 130 VA vet centers largely in store-front settings and through arrangments with private programs, to Vietnam-era veterans requesting help with readjustment problems. This program should be continued until it has clearly achieved its purpose.

Section 301 of my bill, S. 11, would extend eligibility under this program through fiscal year 1985. This provision has been approved by the Senate as part of H.R. 2920.

Education and employment needs

A further readjustment assistance that must continue to be pursued for Vietnam-era veterans is in the area of employment and preparation for employment. Although the great majority of Vietnam-era veterans have made very successful readjustments after their military service, there remains a portion of this population that has not completed the readjustment process. Because many of these veterans are only now receiving assistance through the VA's readjustment counseling program—assistance designed to encourage them to utilize education and employment benefits effectively—serious consideration must be devoted to determining how best to provide these veterans with assistance that could lead to gainful employment and how to target such an effort so as to reach those veterans with genuine needs related to their service. Given technological and industrial changes and the very high rate of unemployment among certain categories of Vietnam-era and other veterans, a new program of retraining and on-job training is needed to assist veterans whose skills are being outmoded by these rapid-fire changes and who are experiencing difficulties in obtaining or retaining jobs.

On March 1, the Senate Veterans' Affairs Committee adopted my motion to add $150 million to the Committee's recommendations for the VA budget in order to make it possible for Congress to consider GI Bill rate increases and new job training and retraining legislation being developed. The Senate Budget Committee approved that recommendation and it was included in H. Con. Res. 91, the First Concurrent Resolution on the Budget for fiscal year 1984.

I introduced on April 6 a new wartime veterans job retraining bill, S. 992; the basic provisions of that bill were approved by the Veterans' Affairs Committee as part of S. 1033 as reported to the Senate on May 16, 1983. Final passage of the bill occurred in the House and the Senate on August 2 and 3, respectively.

Education programs

The VA currently administers various education and training programs, including the Vietnam-era GI Bill and a voluntary educational assistance program for post-Vietnam-era veterans.

Traditionally, education benefits through the VA have been regarded as a vitally important readjustment benefit and as a fundamental part of the nation's commitment to promoting education and training of its citizens. These benefits have assisted more than 20 million veterans readjust to civilian life in a productive capacity and have helped to make up for the loss of educational or vocational opportunities veterans experienced during periods of service to the nation. The GI Bill has also benefited society in general since veterans, by virtue of having received further education, have been able to secure better employment which, in turn, has meant greater income to the Treasury in the form of taxes. Also, better educated individuals are less likely to need assistance from governmental income-maintenance programs. In addition, the availability of these benefits has served as a very significant recruitment device for the Armed Services.

The value of these benefits—particularly in terms of their purchasing power—needs to be continually reviewed in order to make sure that veterans are not prevented from using their earned entitlements. The effects of inflation and increased educational costs on the GI Bill dollar, even as the current GI Bill is phasing down, must be evaluated and appropriate adjustment made. S. 9, which I introduced on January 26, 1983, would provide for a 15-percent increase in rates of GI Bill allowances.

Similarly, efforts to ensure that GI Bill funds that are expended are used to obtain quality education must continue. The emergence of alternative and innovative modes of education must be recognized in the VA's administration of benefits. However, at the same time, elimination of abuses must remain a critical element in the VA's implementation efforts.

As was noted earlier, the VA, by virtue of its experience in the area of administering educational benefit programs, could provide assistant to the All Volunteer Force by administering an AVF GI Bill. Such a program—with funding provided by the Defense Department—could be an important recruitment and retention tool for the AVF. Because current economic conditions have created a ready recruiting source for the AVF, it is not necessary to have such a GI Bill program operating at present. However, because economic conditions can change fairly quickly and the armed services might be in a position where they would want to be able to offer a GI Bill to prospective AVF recruits and reenlistees, legislation should be enacted to establish the authority to initiate such a program and to make the activation of the program contingent on a Presidential determination—not objected to by the Congress—that the armed services are unable to attract or retain sufficient numbers of personnel, either generally or in select skill areas.

S. 8, which I introduced on January 26, 1983, would provide for such an AVF GI Bill which could be triggered by the President. Provisions of my measure were merged with provisions of another proposal developed by Senators Armstrong, Cohen, Hollings, and Matsunaga and presented to the Senate as a floor amendment to S. 675, the Omnibus Defense Authorization Act, 1984. Unfortunately, our attempts to obtain approval of the amendment were defeated on a procedural vote, 46 to 52 on July 13, 1983. I am, however, continuing to work actively in this area to secure enactment of an appropriate peace-time GI Bill measure.

In this regard, it is important that all ongoing or proposed education programs administered by the VA be studied closely to ensure that they have no inadvertent impact on a current service-member's decision to remain in the armed services. An individual should not be forced to choose between staying in the military and leaving the service in order to avoid losing educational benefits. When such problems are identified—and the 1989 termination date of the current GI Bill already is presenting such problems—they must be ameliorated or completely eliminated.

S. 8 would also repeal the 1989 termination date. That repealer has been approved by the Veterans' Affairs Committee as part of S. 1388 ordered reported to the Senate on July 21, 1983.

Employment-related programs

Various employment-related activities carried out under the Department of Labor, the Office of Personnel Management, and the Small Business Administration are often most important to veterans in need of readjustment assistance following their service.

Within the Department of Labor, the position of Assistant Secretary for Veterans' Employment must be filled by a veteran who has demonstrated an understanding of the needs of veterans, particularly Vietnam-era and service-connected disabled veterans, and an ability to represent their needs within the Department. This Assistant Secretary should bring leadership to the Veterans' Employment Service within the Department in order to stress its particular responsibilities in assisting Vietnam-era and service-connected disabled veterans. The Assistant Secretary and the VA Administrator

should each be charged with the responsibility of working closely together in order to enhance coordination and cooperation in their efforts to meet the employment-related needs of veterans.

Specifically, the Disabled Veterans Outreach Program (DVOP) in the Labor Department must be strengthened to ensure that its personnel are placed in locations and settings in which they can have maximum opportunity for interaction with disabled veterans seeking employment assistance. Also deserving greater attention is the Department's receipt and management of set-aside funding to support special veterans training programs and veterans self-help groups around the country. Throughout the 1970's, a network of community-based veterans self-help groups emerged. These groups often played a significant role in working with and on behalf of individual veterans, especially Vietnam-era veterans, and in serving as a bridge between individual veterans and various governmental programs. Such groups have an important role to play and should receive continuing support from the Department. Congress has recently provided increased funding for these activities, and this program should be vigorously implemented and-monitored for quality.

The federal employee veterans preference provisions administered by the Office of Personnel Management represent another important element of the overall federal response to veterans. As part of the 1978 Civil Service Reform Act, numerous improvements were made in the preference provisions for severely disabled service-connected veterans, particularly the protections for those veterans throughout the competitive selection process and during a reduction-in-force action. The effectiveness of these changes should be evaluated so as to ensure that the desired goal—providing maximum assistance to service-connected veterans in obtaining and remaining in federal employment—is met.

A further OPM-managed effort that requires a renewed commitment is the overall federal effort to hire and advance Vietnam-era and service-connected disabled veterans through the veterans' readjustment appointment (VRA) authority. Through this authority, agencies are able to make direct appointments to certain federal civil service positions. Likewise, a special excepted appointment authority was enacted in the 1978 Civil Service Reform Act to give federal agencies the authority to hire directly—without the necessity to conform with selection procedures—severely disabled service-connected veterans. Only a few federal agencies have used these authorities effectively; government-wide performance has been disappointing. Efforts must be made to reemphasize the importance of using both the VRA and the special excepted-appointment authorities and to monitor agency efforts in doing so.

For a number of years, the Small Business Administration has been mandated by law to provide special consideration to Vietnam-era veterans in the granting of small business loans and loan guaranties. The SBA's record in this regard has been very unsatisfactory and, in response, the Congress, in 1981, enacted a new small business loan program for Vietnam-era and disabled service-connected veterans to be carried out by the VA. In response to indications that the SBA was finally planning to utilize its authority as mandated, Congress has held back on appropriations for a new VA program but made available $25 million through the SBA in fiscal year 1983 for direct loans to veterans. Congress has rejected Administration efforts to avoid spending these funds. SBA efforts must be monitored closely, and if the SBA continues its failure to fulfill its statutory mandate—despite the availability of this funding—then the VA program should be funded and activated so that necessary assistance can be received by those veterans.

OTHER VA PROGRAMS

The VA administers a number of other benefit programs and services for veterans, including pension programs, burial benefits and the national cemetery system, home loan guaranties, and GI insurance programs.

VA pension programs

The VA's pension programs provide need-based income security benefits both to wartime veterans who are totally and permanently disabled from non-service-connected causes or are age 65 or over and to the needy surviving spouses and children of wartime veterans. As with the VA's compensation program, unfair proposals have been put forward in the recent past—made or supported by the Reagan Administration—to make significant changes in the pension programs in the name of short-term budget savings. Any proposals relating to the pension programs must be subjected to careful scrutiny, keeping in mind the debt owed by the nation to its war veterans and their survivors and the impact of any changes on other government-supported income maintenance programs.

VA burial benefits

Although there have been some changes in VA burial benefits in recent years as part of overall efforts to reduce government spending, these benefits remain available in cases of death from service-connected causes and to assist with the burial of needy war veterans. As with the pension programs, any further proposals relating to burial benefits—or to any other VA benefit programs—must be subjected to close scrutiny so as to ensure that the nation's debt to those who served their country continues to be honored.

Judicial review of VA decisions

In order to ensure that the efforts of the VA receive appropriate governmental and public attention and scrutiny, the decisions of the Administrator on matters involving claims for benefits should no longer be immune from review in court. The current statutory bar to judicial review of VA decisions and the $10 limitation on attorneys fees for representation of veteran claimants insulate the agency from the checks and balances inherent in the federal system and should be removed. As long as these restrictions—which are virtually unique in the federal government—apply to VA benefits claims, veterans and survivors with claims before the VA will be denied important rights that citizens have in dealing with virtually all other federal agencies.

On March 1, 1983, I joined in introducing S. 636, legislation to provide for judicial review of VA decisions on claims for benefits and to permit reasonable attorneys fees. This bill has since been reported from Committee and passed by the Senate in H.R. 2936. On July 21, 1983, I appeared before a House Veterans' Affairs Committee Subcommittee to urge favorable action by that Committee on S. 636.

CONCLUSION

Providing for those who serve the nation in the Armed Forces after they leave the service—particularly for those who become disabled during their service—is a moral obligation of the highest order and must be understood as an integral part of our national defense effort. Keeping faith with those who served in the past is one way to demonstrate to the men and women now in the service and to would-be recruits the high value that the nation attaches to their service.

As the principal federal entity charged with responsibility for veterans' affairs and as one of the largest federal agencies, the Veterans' Administration should be given higher recognition within the Executive Branch and must have dedicated, experienced leadership. The VA is charged with furnishing a wide array of important, needed benefits and services to all generations of veterans. The agency must be provided the resources to continue to provide such assistance.

As I have outlined earlier, I believe that the following actions should be taken:

Elevate the Administrator of Veterans' Affairs to cabinet-level status so as to facilitate access to the President and top White House aides and the Administrator's attendance at cabinet meetings;

Secure the funding necessary to ensure that the VA's Department of Medicine and Surgery is fully staffed and is capable of providing quality health care;

Enact legislation to ensure that the VA is capable of attracting, hiring, and retaining needed health-care personnel;

Enhance VA medical and prosthetic research efforts and emphasize the agency's actions to support innovative research efforts;

Direct that the VA place a major new emphasis on preventive health-care activities;

Provide all resources necessary to reach a timely resolution of issues related to the health effects of veterans' exposure to Agent Orange and radiation;

Provide cost-of-living adjustments for compensation and dependency and indemnity compensation programs at the same level as guaranteed for social security and VA pension programs by law;

Require that VA and Labor Department on-job and other veteran employment related programs be more closely and effectively coordinated and enact legislation for retraining of Vietnam-era and other veterans;

Enact legislation to provide an increase in benefits under the current GI Bill;

Enact legislation to establish a new, stand-by GI Bill for the All Volunteer Force;

Enact legislation to extend the eligibility for readjustment counseling assistance for Vietnam-era veterans for as long as such assistance is needed;

Place renewed emphasis on the VA's responsibility to provide rehabilitation assistance to veterans with disabilities related to their service and ensure that the agency is able to fulfill that responsibility;

Enact legislation to remove the bar to judicial review of VA decisions on claims for benefits and the $10 limitation on the amount a veteran can pay an attorney for representation on a VA claim; and

Ensure that the Administrator of Veterans, Affairs carries out vigorously the statutory responsibility to seek to achieve the maximum feasible effectiveness and coordination of disparate governmental efforts related to veterans.

QUORUM CALL

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN J. AFFLECK: A CARING MAN

Mr. PELL. Mr. President, this week brings to a close a distinguished and remarkable career of service to my State of Rhode Island by one of the ablest and most dedicated public administrators ever to serve Rhode Island or, for that matter, any State.

I speak of John J. Affleck who retires this week after 24 years as the top administrator of Rhode Island's public welfare system.

I have known, admired, and worked closely with Jack Affleck throughout those years, during which he served under six Governors, both Democrats and Republicans.

One need only consider, Mr. President, the tumultuous nature of those years in our Nation and in my State to recognize that mere survival in such a pressured position was an achievement.

But Jack Affleck did far more than survive. He conducted himself and directed his agency with professionalism, with skill, and with admirable sensitivity and compassion for the concerns and needs of the citizens who came to his department for assistance.

Jack Affleck has a cool and unflappable manner, which has stood him in good stead during these difficult years, but those of us who know him well know that behind that exterior is a committed and caring man who never wavered from the quest for fairness and compassion.

In announcing his retirement Jack said: "It is time to pause and determine what I want to do with the rest of my life while still young, healthy and vigorous enough to think about that." I admire that sentiment tremendously and wish him and his family all the very best in the years ahead.

Mr. President, I ask unanimous consent that an admiring editorial from the Providence, R.I., Journal, commenting on Mr. Affleck's career, be reprinted at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Providence (R.I.) Journal, July 9, 1983]

JOHN AFFLECK A HARD ACT TO FOLLOW

The retirement early next month of John J. Affleck, director of the Rhode Island Department of Social and Rehabilitative Services (SRS), will remove from the governor's cabinet one of the ablest and most experienced officials in state government.

Mr. Affleck has steered the state's welfare system through many troubled waters over the last 24 years. Diplomatic in bearing, ever coolheaded in times of stress, yet deeply compassionate, he has handled one of the most difficult jobs in the state with strength, dignity and intelligence.

Seldom is the welfare system free from political and constituent pressures. Seldom can its director avoid being the target of advocacy groups seeking improvement in the benefits available to the lowest income families and others intent on holding the line on "the public dole." For many years Mr. Affleck has stood at the center of this emotional struggle and kept control in a way that stirs the profoundest admiration.

As an administrator he has few peers. Twice he directed major transitions in the welfare system—when the Department of Social Welfare was transformed into SRS and again several years ago, when Child Welfare Services became a separate Department for Children and Their Families (DCF). He felt much heat from the problems and eventual closing of the Children's Center in Providence, but from all these changes have come improvements, for which he must be given a generous share of credit.

That anyone can survive more than a few years in a job that faces potential tragedy on a continuing basis is a marvel. That Jack Affleck did it for two dozen years, pressing the legislature for more generous funding and pleasing both Democratic and Republican governors in six administrations should be an inspiration for whoever follows in his footsteps.

The director has served Rhode Island well. He has earned the gratitude of the people and best wishes for success in whatever area he chooses in the years ahead. He has much reason to take pride in his many accomplishments.

A TRIBUTE TO POWELL A. MOORE

Mr. PELL. Mr. President, I rise to pay tribute to Powell A. Moore, a hardworking and dedicated public servant who is leaving Government to return to the private sector.

As Assistant Secretary of State for Legislative and Intergovernmental Affairs for the past year and a half, Powell has done a tremendous job in articulating the administration's foreign policy goals to the Congress, even when many of us disagree with some of those goals. In the difficult position of having to reconcile the will of Congress acting in its constitutional capacity in the area of foreign affairs with the executive's responsibilities in the same area, Powell has shown a keen political sense and has been a credit to the Reagan administration and a valuable aid to Members of Congress on both sides of the aisle.

Powell Moore has been active in Washington since 1966, first serving as an aide to the late Senator Richard B. Russell of Georgia. When the distinguished Senator died in 1971, Powell became Deputy Director of Public Information for the Justice Department and then moved to the White House where he served in the Legislative Affairs Office as a Deputy Special Assistant to the President under Presidents Nixon and Ford. While Powell returned to private employment during the Carter administration, he remained active in politics with the Republican Party, working on the Presidential campaign staffs of Nixon in 1972, Ford in 1976, and Reagan in 1980. Powell was named Assistant Director for Congressional Relations of the Reagan Transition Team and then was appointed by the President to be his Deputy for Legislative Affairs. In 1981 Powell was nominated by the President to be Assistant Secretary of State of Congressional Relations, his post later being expanded into the Office of Legislative and Intergovernmental Affairs.

At his confirmation hearing before the Senate Foreign Relations Committee, Powell read an excerpt from an article by Chairman PERCY of the Foreign Relations Committee with which I fully concur:

> The office of Congressional Relations in the Department of State should take the lead in monitoring the frequency and quality of consultation between the Department and Congress. The Assistant Secretary for Congressional Relations must seek to build a two-way bridge. He must identify and understand the priorities and concerns of Members of Congress and report them early to the appropriate officials at the State Department just as he serves his role as a policy spokesman for the Secretary of State on the Hill.

In his year and a half at the State Department, Powell Moore has met the challenge of reconciling the foreign policy prerogatives of the executive and legislative branches and has done so in a true bipartisan fashion. He has been a valued colleague and a good friend to many of us in the Senate. He will be missed. I wish him well in his new endeavors while welcoming his eminently qualified successor, Ambassador William Tapley Bennett, Jr.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it is a waiting game, but this is perhaps the last day of the session before the August recess. It may not be. But we are waiting for the Department of De-

fense authorization conference report. We are waiting for negotiating efforts on the agriculture bill. We are waiting for perhaps a resolution that would give us an opportunity to finish the Interior appropriations bill. We are waiting to try to clear nominations on the Executive Calendar.

Now, it may appear to some Members and maybe even others that nothing is going on, but, believe me, the most intensive sort of negotiations are going on. I am just about fed up with it, to tell you the truth, but last days, if this is the last day, are this way always. So I do not think there is any alternative except to continue the effort.

I ask unanimous consent now that the time for the transaction of routine morning business be extended until 2 p.m. under the most recent terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

BEEF EXPORTS TO JAPAN

Mr. BAUCUS. Mr. President, about 2 weeks ago I handed Japan's agricultural attaché a letter for Prime Minister Yasuhiru Nakasone. Signed by me and 51 other Senators, the letter urged Prime Minister Nakasone to "give high priority to the issue of restriction on Japanese imports of U.S. beef."

Today, I would like to remind my colleagues why this letter was necessary and why further efforts to reduce Japanese barriers to U.S. beef imports also may be necessary.

GENERALLY

Last year, America's trade deficit with Japan was $16 billion. There were many reasons for this deficit; clearly, one of the main ones was protectionist Japanese barriers against imports of American products. As the U.S. Trade Representative's Office recently reported:

> A widespread perception persists among Japan's trading partners * * * and not incorrectly, that the Japanese market remains relatively less open to foreign suppliers when compared to access for Japanese goods and services in their markets.

BARRIERS AGAINST BEEF IMPORTS

Some of the most harmful Japanese barriers limit imports of American beef. There are two main barriers.

The first is the beef quota system. As a recent Japanese Government report says, "All beef imports into Japan are subject to a quota system." This system, designed to protect inefficient Japanese ranchers against competition from their more efficient non-Japanese counterparts, now permits American ranchers to import 30,800 tons of high-quality beef a year—only about 10 ounces per Japanese consumer.

The second is the system of formal and informal nontariff barriers, including things like the Livestock Industry Promotion Corp.'s complicated regulatory system and artificial pricing system, that doubles the price at which American beef is sold in Tokyo's markets.

As a result of these barriers, American ranchers are locked out of a large part of the Japanese market. While it is true that Japan has gradually increased the beef quota and now buys 60 percent of all U.S. beef exports, it is also true that, if the quota system and other barriers were eliminated, U.S. beef sales would increase dramatically—perhaps as much as fivefold. That would increase overall U.S. sales by $600 million.

THE JAPANESE PERSPECTIVE

The Japanese perspective is primarily political. Over 420,000 Japanese families raise cattle. These families are concentrated in the extreme southern and northern regions, which have significant representation in the Japanese Legislature. Agricultural Attaché Michiru Okuma recently told the Great Falls Tribune just what this means. "Many politicians are from rural areas in Japan," he said. "Farmers are right now supporting these politicians, and if those politicians * * * go along with the idea of eliminating import quotas, the farmers will not support those politicians."

Mr. President, we all understand this political perspective. But let us get one thing straight. We are not out to destroy Japanese agriculture. Indeed, even if Japan's import barriers were completely eliminated, a substantial Japanese beef industry would continue to exist, because we do not produce significant amounts of the famous "Kobe beef" which is in high demand in Japan, and because Japan's beef industry would continue to receive considerable supplies of surplus cattle from the dairy industry. Rather, we simply are out to develop new markets centered on high quality beef—such as steaks—which have not been a traditional part of the Japanese diet.

CURRENT NEGOTIATIONS

During 1979's multilateral trade negotiations, the United States and Japan reached a 5-year agreement under which Japan would gradually increase the beef quota, the United States would refrain from attacking the quota system as a violation of international trade law, and the two countries would try to negotiate more substantial liberalization. On March 31, 1984, the agreement expires.

In the meantime, several negotiating sessions have been held, most recently a few weeks ago near Washington. So far, despite the best efforts of our negotiators, no progress has been made. We insist on substantial liberalization; Japan refuses to consider anything more than a slight quota increase. The next negotiating sessions will occur in September in Tokyo, shortly before President Reagan's visit there.

If no agreement is reached by the time the current agreement expires in March 1984, we then must consider formally charging Japan with violating international trade law.

But there are some positive signs. Influential Japanese are beginning to recognize how much Japanese agricultural protectionism harms United States-Japan relations. For example, the Japan Economic Institute—an agent of the Japanese Government—recently reported that the Japanese business community has grown "increasingly critical of the protection of the agricultural sector, on the grounds that it would not lead to more efficient and productive farming in the long run, and that it jeopardizes Japan's access to foreign markets * * *."

CONCLUSION

Mr. President, a double standard exists. The Japanese sell Americans billions of dollars worth of cars, electronic devices, and other products. But they refuse to give us a fair chance to sell them American beef.

This double standard is intolerable. It violates the spirit of free trade and hurts American cattlemen. If it continues very long, it may poison overall United States-Japanese trade relations.

Given this situation, we in the Senate must do all we can to convince the Japanese that we mean business. That is why I and 51 colleagues recently sent our letter to Japanese Prime Minister Nakasone. This letter reemphasizes that, for Senators representing agricultural States, Japan's barriers to imports of U.S. beef remains one of the most important issues between our two countries.

These barriers must be reduced. I will continue to do all I can to see that they are, and I hope that all my colleagues will do the same.

I ask unanimous consent that a copy of the letter to Prime Minister Nakasone be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 14, 1983.

Hon. YASUHIRO NAKASONE,
Prime Minister of Japan,
Tokyo, Japan.

DEAR MR. PRIME MINISTER: We are writing to urge you to give high priority to the issue

of restrictions on Japanese imports of U.S. beef.

The current quota for high quality beef allows us to export to Japan only 10 ounces of beef per-consumer per-year. Also, U.S. beef costs more than twice as much in Japan as it does in the U.S.

This quota may seem like a relatively minor issue. But it is not; together with other restrictions, it has come to symbolize the impact of foreign agricultural protectionism on America's economy.

For many years, Senators from states with significant agricultrual constituencies have been among the strongest advocates of free trade. We have argued that a system of open markets based on comparative advantage serves both the U.S. and its trading partners well. It is very important to us that Japan help maintain that system by removing barriers to U.S. beef.

We do not want to destroy Japanese agriculture. All we want is a chance to develop a new market for the high-quality beef that has never been a substantial part of the Japanese diet.

This also is a question of fairness. The U.S. provides open access to almost all Japanese products. Although we recognize there may be occasional adjustment problems so severe as to require temporary restraints, we have attempted to resolve these problems in the spirit of free trade.

We call upon the Government of Japan to join us, in that same spirit, in reaching a new agreement liberalizing the treatment of American beef.

Sincerely,

MAX BAUCUS, *U.S. Senator,*
(With 51 cosponsors).

EARLY ANNOUNCEMENT OF WHEAT AND FEED GRAINS PROGRAMS

Mr. BAUCUS. Mr. President, the Senate took a very important action this week in passing legislation which would require the Secretary of Agriculture to announce the 1984 wheat grain program and the 1985 wheat program earlier in the year than is now required.

Passage of this legislation is particularly timely and relevant, given the past several weeks of debate over a target price freeze. Farmers need to plan their operations well in advance of the day they physically go out to plant their crops. The farmer must look at market prices, carryover stocks, and marketing considerations before deciding how many acres to plant and which crops they should be seeding.

An earlier announcement of our wheat and feed grain programs should help avoid the 11th hour debates that seem to take place in Congress over changes in the basic farm program. We simply need to have more time to make the best decisions in shaping farm policy. If we look back to last year's "lameduck" session of Congress, the payment-in-kind (PIK) program was presented by the USDA with the urging that Congress act before the end of the session. There is no way, with this short of notice, that all of the bugs can be worked out of our farm programs.

Another important consideration in moving up the dates for the announcement of the wheat and feed grains programs is the need for farm supply businesses to plan their inventories and operations based on these program announcements. Again, look at the effect that the PIK program had on farm supply businesses this past year. USDA estimates that the PIK program will result in a $4.9 billion decline in production expenditures by farmers this year. USDA also estimates a 12- to 15-percent drop in the seed, fertilizer, and pesticide industries, an 8- to 10-percent drop in fuel sales to farmers, and a 2- to 3-percent decrease in farm machinery purchases.

One Montana farm implement dealer tells me that they have witnessed a 14-percent decline in farm machinery purchases and an 8- to 10-percent decline in parts sales from last year. I am not claiming that an early announcement of our farm programs would, by itself, improve these figures. However, an early announcement of our farm programs would enable farm supply businesses to prepare themselves for these major program adjustments.

Mr. President, I ask unanimous consent that a copy of a letter I received from the National Fertilizer Solutions Association be included at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FERTILIZER SOLUTIONS ASSOCIATION,
Peoria, Ill., June 25, 1983.

Hon. MAX BAUCUS,
U.S. Senator, Dirksen Office Building, Washington, D.C.

DEAR SENATOR BAUCUS: The decision by USDA to delay announcement of the 1984 feed grain program by imposing a two month comment period is a major setback for fertilizer/agricultural chemical retailers represented by the National Fertilizer Solutions Association (NFSA). These small businessmen supported the 1983 PIK program despite a 25 percent decrease in dollar volume of sales. The PIK program brought needed economic relief to our hard pressed farmer customers. However, an early announcement of the 1984 feed grain program is a key component in the formula necessary to restore economic vitality to these retailers. USDA has now taken action designed to forestall the announcement date.

The 1983 PIK program was instituted after a 30 day comment period. The same 30 day period was utilized for the 1984 wheat program. Our membership finds it difficult to understand the motives behind the doubling of this comment span for feed grains. If our farmer customers do not get an early indication of USDA crop program intentions their production decisions may not be made during the Fall season. Sales income during the Fall season is of importance to retailers feeling the impact of lost sales.

The NFSA has asked Secretary Block for an August 15 announcement of the 1984 feed grain program. On June 10 the U.S. Senate passed a resolution urging USDA to announce the 1984 feed grain program no later than September 1. An early announcement date now seems highly unlikely as USDA has moved to declare a comment period double the span used for previous programs this year. This makes a preview of the probable ingredients of the program all the more important. Such a review was recently given as regards the 1984 wheat program during testimony by Secretary Block before the House Agriculture Committee. A similar preview of the feed grain program should be made public by August 15.

Your assistance and support in the call for an early announcement of the 1984 feed grain program is requested. Small agri-businessmen selling production inputs such as fertilizer and chemicals to farmers need your help.

Sincerely,

HARRY WALLNER,
1983 NFSA President.

Mr. BAUCUS. Mr. President, I believe this action will be a great benefit to both farmers and farm supply businessmen in planning their operations.

HONORING DR. LENDAL H. KOTSCHEVAR

Mr. BAUCUS. Mr. President, I rise today to honor Dr. Lendal H. Kotschevar, who has been named Educator of the Year in the food and beverage industry.

Dr. Kotschevar is a native of Montana, and has made many outstanding contributions in the fields of education and food service science.

Trained as a chef early in his career, Dr. Kotschevar earned his B.S. and M.A. degrees from the University of Washington. He later earned his Ph. D. at Columbia University in the School of Home Economics. His thesis was on the differences between frozen and fresh fish.

Among the many university positions he held during the course of his career, Dr. Kotschevar was professor and chairman of the Department of Home Economics at the University of Montana. He served concurrently as director of food services for the dormatory system.

Dr. Kotschevar has lectured all over the world, served as a United Nations food consultant, and has been chairman of the food service systems committee of the National Research Council.

Mr. President, I add my congratulations to Dr. Kotschevar, and ask that the full text of the resolution be printed in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COUNCIL ON HOTEL, RESTAURANT, AND INSTITUTIONAL EDUCATION, STATE COLLEGE, PA.

RESOLUTION TO LENDAL KOTSCHEVAR

Whereas he has authored eleven major textbooks for the food and beverage industry; and

Whereas he has served as faculty on seven major Hotel and Restaurant campuses in

the United States during his teaching tenure; and

Whereas he has guest lectured on every continent for the United Nations, Host Governments, Private Schools, and International Industry; and

Whereas he has dedicated his life to the service of his church; and

Whereas he has dedicated his life to the service of his country as a retired Commander in the United States Navy; and

Whereas he has given inspiration to all students he has come in contact with.

Therefore, let it be known to all men throughout the nation that Lendal H. Kotschevar as an author, educator, humanitarian, and patriotic citizen has dedicated his life to the good of his fellow man and is hereby recognized as Educator of the Year in the Food and Beverage Industry.

A TRIBUTE TO CHARLES RICKS

Mr. HEFLIN. Mr. President, a fine citizen of my home State of Alabama was recently honored by the Tennessee Valley Authority by being featured in the 50th anniversary edition of TVA's annual Power Program Summary. This outstanding Alabamian to whom I refer is Charles Ricks.

Mr. Ricks, a resident of my own hometown of Tuscumbia, began his association with TVA in 1948 when he became an engineer for the Tuscumbia Department of Utilities. After illustrating outstanding ability in his chosen field, he was named manager of that same Tuscumbia utility system in 1960, and he has served in that capacity ever since.

Throughout his tenure as manager of the Tuscumbia Department of Utilities, Charles Ricks has been an ally of the consumer. He has constantly strived to keep energy prices as low as possible for the customers in the Tuscumbia area. In addition, he has been a promoter of energy conservation, especially in the area of home insulation, in order to benefit the consumer.

In the article which TVA included in their Power Program Summary, Mr. Ricks reflects upon the time he has spent working for TVA. He also recounts his attempts to keep energy prices low. "It's very difficult to explain to someone who has a very low income that he can make a loan, insulate his house, and make payments on that loan for less money than they would pay for the fuel it takes to heat it uninsulated," Mr. Ricks says.

I congratulate Mr. Ricks for being honored by the Tennessee Valley Authority. I am sure that he will continue to do a fine job as manager of the Tuscumbia Department of Utilites, and I know as well that he will continue to be an ally of the consumer.

Mr. President, I ask for unanimous consent that the article in the TVA Power Program Summary featuring Mr. Ricks be reprinted in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the TVA 1982 Power Program Summary, Volume II]

(Tuscumbia, Alabama, began receiving TVA power April 1, 1937, after the city's purchase of the Alabama Power Company properties. Charles Ricks graduated in electrical engineering in 1948 and a week after his graduation went to work as an engineer for the Tuscumbia system. He became manager in 1960 and witnessed Tuscumbia move from promoting sales to encouraging conservation. Mr. Ricks remains manager of the system.)

We purchased the power system here in Tuscumbia from the Alabama Power Company in 1937. I started to work for the Tuscumbia system in 1948 as an engineer. In June 1948, we had 847 residential customers, and the average total bill for that month was $2.95.

TVA's theory was to spread the cost of production over as many kilowatthours as you could. And we offered everything from green stamps to cash to small appliances if people would install an air-conditioner or a major applicance. Then it was almost like going over a hill—you go downhill immediately after. We went from promoting sales to promoting conservation.

I don't see that you can encourage kilowatthour usage any more at the prices we're seeing today. That's when TVA began many of its conservation programs. But the consumers who need these programs the most aren't taking advantage of them. It's very difficult to explain to someone who has a very low income that he can make a loan, insulate his house, and make payments on that loan for less money than they would pay for the fuel it takes to heat it uninsulated. We've promoted the Home Insulation Program about every way that we can.

As far as rates go, I think TVA does a good job. I'm not in a position to say that this is an unfair rate or this rate is punitive.

I hear some people who come in here say, "Oh, I don't know whether I want to come in this place or not the rates like they are." I say, "Where are you coming from?" And they reply, "Mobile, Alabama." I tell them, "Well, my goodness alive, your rates in Mobile are a lot higher than they are here. You get one of your bills and see how much electricity you were buying in Mobile and how much it cost per unit." TVA's going to wind up, when all this is done, with the lowest rates in the Nation.

Of course, the industrial customers don't like the rates. All you have to do is pick up a newspaper and see that. Our industrial customers don't like our gas rates either, and here in the last six months, we've had a 22-percent and a 17-percent increase in gas rates and are looking for another one in the next six months that size. The price of gas is on a lot faster roller coaster than electric rates have ever been on.

Looking back at the major changes, one of the biggest was TVA's divesting themselves of distribution facilities. I think it's been good for them and for us, too. TVA gave us an option to lease purchase the substations. In some instances, it was not an economical thing because some systems had substations that were old and loaded. But in our instance it was. We're responsible for its maintenance, and they charge us for delivery at 46 kV rather than 12 kV. It's cheaper. So we'll have the option to purchase it at a specified time in our contract.

As far as the future goes, it would be nice if I had a crystal ball to look into—but I don't know what the outlook is. I think it has to be better than it is now. Rates might level off, but they're not going to go down. If the price of coal goes back to half of what it is now and the price of money goes way back to where TVA could borrow at two percent, then we could see changes. But I think the relationship between TVA and the power distributors is still a viable one. It has to be. We can't divorce ourselves from TVA, go our merry little way, and have our own set of rules and regulations. Some people would like to do that. But it can't happen.

I've seen the times when some TVA people said, "This is the way it's going to be, and there is no alternative." But I think there have been a lot of good changes through our associations and committees. The Tennessee Valley Public Power and the North Alabama Public Power Distributors Associations have been able to work with TVA, to give them a different approach to some of their ideas, even on rates. They've made some concessions, which have been good.

I still think that if people really look at TVA, they're still the guys with the white hats. But they don't look around much. They look at their own set of circumstances and say, "Well, my power bill is as big as it is because TVA is not doing what they should." Nobody could foresee what is going on right now. If we all had as good foresignt as most of these people have hindsight, not many of these complaints would come about.

"ALABAMA THE BEAUTIFUL," BY EVERETTE E. JONES

Mr. HEFLIN. Mr. President, I rise today to share with my colleagues a fine poem written by one of my constituents, Everette E. Jones. The poem, entitled "Alabama the Beautiful," is an excellent description of my home State. I commend Mr. Jones for writing this fine poem, and I know I join all Alabamians in thanking him for expressing in words, the pleasant thoughts that we have of our home State.

Mr. President, I ask for unanimous consent that the poem "Alabama the Beautiful" be printed in the full in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

ALABAMA THE BEAUTIFUL

Our State the beautiful is our motto.
The marvelous Ava Marie Grotto
Is a lovely place, but one of many,
For our great State is endowed with plenty.
Alabama the Beautiful

From the fabulous snowhite sand beaches,
To the wide Tennessee's upper reaches,
From the swift Coosa and Chattahoochee,
To the high banks of the great Tombigbee.
Alabama the Beautiful

From the lofty heights of Cheaha mountains,
Down to Mobile's lower delta fountains,
From over the Eastern hills and hollows,
Toward the sunset and all that follows.
Alabama the Beautiful

From Little River's deep canyon towers,
To Sipsey's hidden wilderness bowers,

From Russell Cave and all its mystery,
To Morgan's Fort and all its history.
Alabama the Beautiful

From the spacious home of the Redstone rocket,
To narrow confines of Buck Creek's pocket,
From strange formations in limestone caverns,
To the uniqueness of old time taverns.
Alabama the Beautiful

From Azeala trails and Bellingrath Gardens,
To the mountain where the sandstone hardens,
From the country side where sage fields rustle,
To quaint little towns and big cities bustle.
Alabama the Beautiful

From Helen Keller's dear Tuscumbia,
To lake Seminole and blue Kowliga,
From Birmingham's cast iron Vulcan statue,
To Montgomery's confederate review.
Alabama the Beautiful

From the charming homes of old Eufaula,
To the ancient mounds of Tuscaloosa,
Thousands of churches and many a steeple,
Alabama's great pride is in it's people.
Alabama the Beautiful

The sound of the wind in the tall pine forests,
Like sweet music of a million guitarists.
The birds are singing from hardwood branches,
And calves are lowing from large cattle ranches.
Alabama the Beautiful

At day break hear the turtle doves cooing,
Across the meadow the milk cows mooing.
The day is dawning, darkness retreating,
The sun comes up with it's eternal greeting.
Alabama the Beautiful

At evening hear the whipporwills calling.
The setting sun says that darkness is falling.
There in the West the colors are blazing,
A panorama truly amazing.
Alabama the Beautiful

In early spring when the wild trees blossom,
The red fox hunts a small baby possum.
You hear the love call of the Bob White's whistle,
Among blue flowers of the bright green thistle.
Alabama the Beautiful

In summer when the mountain lakes glitter,
And turnip greens get a little bit bitter,
We fish with worms from the green Catalba,
In the Tallapoosa and Cahaba.
Alabama the Beautiful

In fall of the year the leaves are turning,
And smoke curls skyward from fire places burning.
Jack Frost arrives and the air is refreshing.
In ripened fields the farmers are threshing.
Alabama the Beautiful

In winter when the chill winds are blowing,
Sometimes it's raining, sometimes it's snowing.
Most of the time the weather is dreary,
But despite the weather, we're not weary for . . .
Alabama the Beautiful

Our State is beautiful no doubt about it.
If you ask us, we're likely to shout it.
It's beautiful in all of it's seasons,
And I have noted just a few reasons why . . .
Alabama the Beautiful

A TRIBUTE TO C. HEWLETT JACKSON

Mr. HEFLIN. Mr. President, the State of Alabama recently lost one of its most outstanding citizens when C. Hewlett Jackson passed away at the age of 84. I know that I join his many friends in expressing sympathy to his wife and daughter.

Mr. Jackson was very active in business and community activities in the city of Florence for many years. He served three terms on the Florence City Commission after first being elected in 1943. For some 23 years, he served as manager of the Florence Chamber of Commerce, and was a past president of the Southern Association of Chamber of Commerce Executives.

In other civic activities, Mr. Jackson established the North Alabama State Fair, and served as its manager for 35 years. The First Methodist Church, where he was a member of the board of stewards for 28 years, granted him life membership for his many contributions. Hewlett Jackson also served as director of the Salvation Army Board for 12 years. He was also a past president and charter member of the Alabama State Board of the Wildlife Federation, and a member of the Order of Masons for 53 years.

Mr. Jackson served not only his local community, but also served his Nation as well. For his efforts during wartime, he was recognized with three awards, the Congressional Selective Service Medal, a War Production Citation for Meritorious Services, and the Alabama Civilian Defense Activities Award.

Since Mr. Jackson's hometown of Florence is located only a few miles from my hometown of Tuscumbia, I had the privilege of seeing firsthand the many contributions he made to the welfare of northwest Alabama. His town, his friends, and all those whom he helped will certainly miss him.

Mr. President, I ask unanimous consent that an article from the Florence Times—Tri-Cities Daily be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Florence Times—Tri-Cities Daily, June 25, 1983]

RITES SET FOR HEWLETT JACKSON, EXCOMMISSIONER

C. Hewlett Jackson, 84, 529 N. Seminary St., Florence, died at his residence Sunday afternoon.

Born in Webster County, Kentucky, he worked with Armour Fertilizer Co. for 17 years before becoming personnel and public relations director for Gardiner-Warring Co. He was elected to the Florence City Commission in 1943, and served three terms. He was manager of the Florence Chamber of Commerce for 23 years. During World War I, he was awarded the Congressional Selective Service Medal, received a War Production award Citation for Meritorious Services and the Alabama Civilian Defense Activities Award from Gov. Sparks.

He established the North Alabama State Fair, which he managed for 35 years, and was given life membership in First Methodist Church where he served on the Board of Stewards for 28 years. He was the director of the Salvation Army Board for 12 years, past pesident to the Rotary Club and Southern Association of Chamber of Commerce Executives, president and charter member of the Alabama State Board of the Wildlife Federation and Conservation and a member of the Order of Masons for 53 years.

The funeral will be Tuesday, at 2 p.m. at First United Methodist Church with the Rev. Dr. Allen Montgomery and Leonard McDowell officiating. Burial will be in Greenview Memorial Park.

Visitation will be 6-9 tonight at the funeral home.

Survivors include his wife, Mrs. Olan Ashley Jackson, Florence; daughter, Mrs. Uvonna Jackson Curott, Florence; sister, Mrs. Milton Ashby, Sebree, Ky.; two granddaughters.

Bearers will be Bert Haltom, Bill Batson, Bill Mitchell, Robert Shirley, Donald Patterson, Jesse Keller and Paul Evans. Honorar bearers will be Floyd Hill, B. F. O'Steen Jack Dobson, Rivers Wiggins, Luther Baker, Grady Richards, Joe Broyles, C. L. Lyles, W. O. Graham, Forence Rotary Club and the men's Bible Class and Board of Stewards at First United Methodist Church.

IN TRIBUTE TO DR. MARY HELEN JOHNSTON

Mr. HEFLEN. Mr. President, I rise today in recognition of Dr. Mary Helen Johnston, a resident of Huntsville, Ala., who has been chosen to participate in the spacelab 3 mission now scheduled for flight aboard the space shuttle in September 1984. Dr. Johnston is only the latest illustration of the continuing contributions my State of Alabama has made to our Nation's program of space exploration.

Dr. Johnston is one of four payload specialists chosen for this mission. A payload specialist is relatively new in the space program. They are not astronauts, but instead, they are career scientsts and engineers who are selected to fly into space on a particular mission and conduct experiments.

Dr. Johnston is a materials scientists in the Marshall Center's Materials and Processes Laboratory. At the Marshall Center, she has had a variety of engineering assignments and has specialized in the fields of solidification of materials, crystal growth, and X-ray diffraction.

In 1974, she participated as one of an all-women crew of scientific experimenters in a 5-day simulated space mission. The exercise was conducted to test support hardware for materials science payloads which will be flown on future space shuttle/spacelab Earth-orbital missions.

In 1982 she received a NASA Exceptional Scientific Achievement Award for zerogravity research.

Currently, Dr. Johnston is working on experiment equipment and experi-

ments to be flown on the space processing applications rocket (SPAR) flights, proposals for materials processing experiments for spacelab 3 and failure analysis in space shuttle materials testing.

The emphasis of spacelab 3 will be on materials processing, but experiments will also be performed in the areas of life, sciences, environmental observations, technology research, and astrophysics. Of the scheduled experiments, 11 are from the United States while India and France will have one each.

During mission 3, the scientists will work in a laboratory consisting of a pressurized module with a special support structure that will carry equipment requiring direct exposure to space. Unlike the free-flying skylab laboratory of the mid-1970's the spacelab will remain in the cargo bay of the shuttle throughout the mission, transforming the shuttle into an orbital research facility. Spacelab was developed for NASA by the European Space Agency, a consortium of 11 European nations.

The Marshall Flight Center, located in Huntsville, has responsibility for spacelab development and managing the first three spacelab flights and other related missions.

Currently, the Marshall Center is carrying out a large variety of projects ranging from the development of propulsion elements of the space shuttle, the first reusable spaceship to management of spacelab Earth-orbital missions, and development of the space telescope, and other payloads for the space shuttle. The Center's staff is researching topics like space and environmental sciences, chemical propulsion, structure, materials, and electronics.

Mr. President, I am proud of Dr. Johnston and the Marshall Flight Center and the contribution they are making to our Nation's space flight program.

Thank you, Mr. President.

DIABETES RESEARCH ON AUGUST 30 SPACE SHUTTLE FLIGHT

Mr. HEFLIN. Mr. President, the Birmingham News recently carried a news item concerning an important experiment that will be conducted on the August 30 space shuttle flight. This experiment could lead to a new diabetes treatment that would keep sugar levels in diabetics normal and halt the development of the associated complications of blindness, kidney failure, and shortened life spans.

McDonnell Douglas Corp. and the Washington University School of Medicine have developed this experiment which will attempt to isolate insulin-producing beta cells from pancreatic tissue while in the weightless environment of the space shuttle. From this work, researchers expect that one day a glob of beta cells about the size of the tip of a person's little finger can be transplanted in a fatty area of the abdomen to normalize blood sugar levels.

Working with Johnson and Johnson Pharmaceuticals, McDonnell Douglas hopes to gain Food and Drug Administration approval by early 1987 to begin full-scale manufacture of drugs in space. They estimate that from space manufacturing of beta cells they can treat 600,000 patients each year. This is only 1 of 12 pharmaceutical products that have been targeted for space manufacturing.

I am very impressed by the potential of space manufacturing and materials processing in space. Market projections for pharmaceutical products from space show that they can generate annual sales of $20 billion in the developed nations. In fact, because they can be worth 20,000 times their weight in gold, drugs will be the first products manufactured in space.

NASA is to be congratulated for their fine work in making the commercialization of space realizable. I am sure that our space programs will continue to benefit mankind for years to come.

Mr. President, I ask unanimous consent that the entire contents of this news article be entered into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIABETES RESEARCH WILL BE A PART OF NEXT SPACE SHUTTLE FLIGHT

(By Ray Formanek)

ST. LOUIS (AP).—The weightless enivronment of the next space shuttle flight is the perfect setting for an experiment that could lead to a new diabetes treatment, officials say.

The flight, scheduled for Aug. 21, will be the first attempt to isolate insulin-producing beta cells from pancreatic tissue while in space, the Washington University School of Medicine and the McDonnell Douglas Corp. announced this week.

The isolated beta cells may someday normalize blood sugar levels for diabetics and halt complications from the disease, scientists said.

A McDonnell Douglas spokesman said the device that will be used to isolate the beta cells has been tested on other materials on three other shuttle flights and "has shown in the zero gravity of space the ability to separate over 700 times more materials and to achieve purity levels more than four times greater than is posible in similar operations on Earth."

Dr. David Scharp, associate professor of surgery at the university's medical school, said research on transplanting insulin-producing cells into humans has been hampered by a shortage of the cells. The space technique could resolve that problem, he said.

Diabetes occurs when the million or so beta cells in the pancreas are damaged or destroyed. Diabetics must either inject insulin or take other drugs to keep their blood sugar levels at a normal range.

Even with the control measures, diabetics can suffer blindness, kidney failure and shortened life spans.

In next month's experiment, the device will isolate the beta cells in a solution by subjecting them to an electrical field, according to James Rose, director of the project for McDonnell Douglas.

"A pair of electrodes on either side of a tube causes different biological elements to take on a different electrical charge," Rose said, adding that the process is called electrophoresis.

"Because of the charge, they separate and take a different exit out of the main tube where they're collected."

Without the pull of gravity, the material flows more freely into the tubes, the scientists said.

The McDonnell Douglas electrophoresis experiment was carried on three earlier shuttle flights, in tests to determine how effectively it separated various materials. The upcoming mission is the first in which living cells are being used. In addition to the pancreatic tissue, tests also will be done on human kidney cells and rat pituitary cells.

McDonnell Douglas, working with Johnson and Johnson Pharmaceuticals, says its hopes to gain Food and Drug Administration approval by early 1987 to begin full-scale manufacture of drugs in space. The companies do not say what products they have in mind.

A similar process, called static electrophoresis, has been used for years in biology and medical laboratories for separating and analyzing the components of blood and other protein mixtures. However, only a tiny amount of material is produced in the process.

Dr. Paul Lacy, head of the medical school's pathology department, said Tuesday that transplant experiments are "very encouraging."

"We've already done transplants of rats to rats and rats to mice so we know the surgery should work," Lacy said. "It's just matter of having enough separated cells to work with."

According to Lacy, researchers expect that one day a glob of beta cells about the size of the tip of a man's little finger will be transplanted in a fatty area of the abdomen to keep sugar levels normal and halt the development of complications.

"It's going to take at least a couple of years to just separate the beta cells," Lacy said. "But this is a very encouraging development and should speed our research."

A TRIBUTE TO REBECCA GRUBB

Mr. HEFLIN. Mr. President, on July 28, 1983, the State of Alabama suffered a tragic loss when a fine citizen and an outstanding Christian lady, Mrs. Rebecca Grubb, passed away at the age of 42. Mrs. Grubb, who had been fighting a battle with leukemia for almost a year, lost that gallant battle early that morning. I know I join her many friends in expressing sympathy over her death to her husband, Wayne, and her two children.

Mrs. Grubb, a resident of Florence, was the wife of Wayne Grubb, the head football coach at the University of North Alabama. She was born in

Knoxville, Tenn., on March 19, 1941, and she graduated from Claiborne County High School. After graduation, she attended the University of Tennessee and was a member of the Zeta Tau Alpha sorority there.

Becky, as the residents of Florence knew her, will be greatly missed by the people of Alabama and, in particular, by the communities of Florence and the University of North Alabama. She contributed a great deal to both communities. As a member of the Highland Baptist Church in Florence, she aided many young people with their personal problems. Futhermore, she served as a mother to many of the football players at the University of North Alabama by counseling them on their personal problems.

Truly, there have been few ladies as caring as Mrs. Rebecca Grubb. Throughout her life, she devoted her time to attempting to solve the problems of others. Too, she served as an example of a fine Christian lady, especially during her brave fight with the leukemia that eventually took her life. I know that Mrs. Grubb will remain forever in the hearts of the people who were fortunate enough to know her.

Mr. President, I ask for unanimous consent that an article from the Florence Times-Daily be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the (Florence) Times-Daily, July 28, 1983]

WIFE OF UNA FOOTBALL COACH, REBECCA GRUBB, DIES AT 42

Rebecca Lou Cunningham Grubb, 42, wife of University of North Alabama head football coach Wayne Grubb, died early today at a Birmingham hospital.

Her 11-month battle with leukemia ended around 2 a.m. this morning at University Hospital.

UNA Executive Vice President Roy Stevens said this morning, "It's a tragic loss for that family and the university, and I'm sure for the community and everybody that knew Becky. We have the deepest sympathy for the family."

He said Mrs. Grubb was a strong supporter of the university and its football program and spent a lot of time "mothering" players who had personal problems.

Mrs. Grubb was a member of Highland Baptist Church in Florence. Dr. Donovan Davidson, minister, said this morning, "Because of what Becky has gone through this past year, she has probably been as much an encouragement in our membership as anyone because of the way she has fought this thing. She gave a lot of people hope.

"The thing that enabled her to live as long as she did was an intense desire to live and be with her family and friends."

Davidson said Mrs. Grubb had been a strong influence on young people at his church. "In a way, she was like a counselor to them," he said. "She was a real fine Christian lady with a strong desire to live."

Bill Jones, UNA head basketball coach and associate athletic director, said, "Certainly in any coach's life you need an understanding wife because you're on the road so much, and Becky exemplified that kind of person. She was a great asset to Wayne and his career and a great mother. She will certainly be missed."

Mrs. Grubb was born in Knoxville, Tenn., March 19, 1941, the daughter of Robert Cunningham and the late Mary Lou Creswell Cunningham. She graduated from Claiborne County High School and attended the University of Tennessee where she was a member of Zeta Tau Alpha sorority.

In addition to her husband, survivors include one daughter, Christina Grubb; one son, Robert Grubb; her father (who now resides in New Tazewell, Tenn.) and one sister, Mrs. Charles Sanders of Cordova.

Funeral arrangements will be announced by Elkins and Son Funeral Home of Florence. Memorials may be made to the Leukemia Society or the UNA Rebecca Grubb Scholarship Fund.

A TRIBUTE TO LT. EDWARD G. GIBBONS, JR.

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding young Alabamian who has brought honor to his State as well as to himself. The young man to whom I pay tribute today is Lt. Edward G. Gibbons, Jr.

Lieutenant Gibbons, a 1982 graduate of Auburn University, has become the first Alabamian to be selected as the top Army ROTC graduate in the United States. This prestigious award is the highest award in the Army's officer development program, and the recipient is chosen on the basis of high academic achievement, campus involvement, leadership, and military excellence.

Indeed, Lieutenant Gibbons, the son of Mr. Edward Gibbons of Montgomery and Birmingham and Mrs. Beverly Gibbons of Boston, Mass., is a deserving recipient. Academically, as a history and political science major, he graduated with honors, and he was named to the dean's list his last eight quarters at Auburn. Furthermore, he was a member of numerous honor societies including Phi Kappa Phi and the Mortar Board, a national senior scholarship, leadership, and service society. He also received an Army fellowship for graduate study.

In addition to his numerous academic achievements, Lieutenant Gibbons has excelled in the area of military leadership. At the 1981 U.S. Army Ranger School, he was the top ROTC graduate of all cadets from throughout the United States, and he was the honor graduate of the U.S. Army Assault School. Furthermore, he was the recipient of the George C. Marshall Award as the top cadet at Auburn University and of the 1982 Governor's Award as the top cadet in the State of Alabama. In addition, Lieutenant Gibbons was the cadet battalion commander, the highest ROTC leadership position at Auburn University, and he was the president of all three military honor societies at the university.

As I was privileged enough to be a member of our Armed Forces during World War II, I feel especially proud of Lieutenant Gibbons and his accomplishments. Through the Army ROTC program, he has developed the academic, military, and leadership skills that our great Nation needs in order to defend itself during the remainder of this century and into the 21st century. I know that I join many Alabamians in congratulating Lieutenant Gibbons for his many achievements and in hoping that he further contributes to his State and to the military of our great Nation.

Thank you, Mr. President.

CITY OF HOPE'S GOALS FOR THE EIGHTIES

Mr. CRANSTON. Mr. President, California is privileged to be the home of the world-renowned City of Hope National Medical Center and Research Institute, which is now celebrating its 70th anniversary. It is dedicated to patient care, research, and education in catastrophic diseases. Treatment without charge is provided to individuals who cannot afford the expensive care required for their cancer or leukemia, heart, blood, and lung maladies, diabetes, and other hereditary and metabolic disorders. This is a truly remarkable institution whose tradition of excellence and commitment to human dignity have earned it a reputation as a model hospital.

The fact that patients are referred to the City of Hope, and requests for the consultation of its staff come from every part of our land and from around the world, is testimony to the recognition which this institution and its medical staff have achieved throughout the international medical community. The City of Hope's pursuit of its goals of improving health and furthering humanitarianism everywhere have done much to contribute to the health and well-being of all citizens.

Mr. President, in order to share with my colleagues a very fine speech given at the 1983 biennial convention of the City of Hope, I ask unanimous consent that the keynote address of Ben Horowitz, executive director of the City of Hope, be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY BEN HOROWITZ, EXECUTIVE DIRECTOR, CITY OF HOPE

You delegates and visitors have assembled here as a family to attend the 70th Anniversary of the City of Hope.

The phenomenal growth of our haven of healing, from humble beginnings in 1913 as a Los Angeles tuberculosis sanatorium to a national medical—scientific complex, has been awesome indeed. The pioneers who pitched two tents in the desert could never

in their wildest imaginations have foreseen the world-renowned pilot center now functioning at Duarte.

What deeply concerned them was that the spirit, which guided their undertaking, should be zealously perpetuated. Successive generations of auxiliary members and supporters have kept faith with the heritage they handed down. It encompassed the responsibility of men and women of good will to lift disease-stricken victims from the depths of despair to the heights of hope.

The theme of this Convention stresses the role of the City of Hope in furthering love and life. An ancient Greek physician, Hippocrates, expressed it well—"There can be no love of humanity without a love of healing; there can be no love of healing without a love of humanity."

We, the people of the City of Hope, are passionately committed to two basic pursuits:

First, to an ideology which upholds the preciousness of each person, a compassion for the less fortunate, and the oneness of the family of mankind.

Second, to the belief that health is a human right for patients coming to our doors, . . . for patients everywhere who would benefit by piloting research.

Seven decades of history document the enormous contributions to these objectives by those associated with the City of Hope. The task was never easy. Year after year it has been a valiant struggle to spread our ideas and ideals to every community in the nation. Against overwhelming odds, we have established a powerful arsenal in our war on two fronts . . . against the spiritual catastrophe of man's inhumanity to man . . . against the physical catastrophe of crippling and killer diseases. We can say with pride that we are an ever-growing army, moving onward to victory. What has enabled us to forge ahead is a dedication to a vision of things as they could be, rather than as they are.

In my Keynote Address and in the sessions of the next several days you will hear a great deal about our march forward in the past two years. These accomplishments fulfilled the mandate of the delegates to the 1981 Convention. They were brought into being by the human and material resources mobilized by our auxiliary membership.

At this biennial gathering, you too will have the distinctive opportunity to make history, to accept the challenge of new programs, to enhance the strength and inspiration of a greater City of Hope.

OUR PATIENT SERVICES

For more than a decade, medical costs have been skyrocketing. Not even declining inflation has affected this trend. The City of Hope, throughout this period, has struggled valiantly to keep up with its pace. Simultaneously, as a pilot medical center, it has expanded its programs, professional staff, physical facilities and equipment. It was a heavy burden and our auxiliaries responded nobly to the call for millions of more dollars.

The recession aggravated the health crisis in the nation generally and for the City of Hope in particular. Large sectors of the population cannot afford the expensive care required for illnesses. They include the destitute, the elderly, the children, the unemployed and their dependents who have lost health insurance coverage, even some earning more than an average salary. The free, personalized, quality treatment at our Medical Center became a magnet of hope for such patients. Consequently, our outpatient and inpatient census rose by 40 percent in these troubled times.

The drain on our finances was compounded by cutbacks in government reimbursements to hospitals for Medicare and Medicaid. Our Board of Directors has been calling upon auxiliaries in this emergency, and the response has been impressive and heartwarming. Adversity has been a spur to intensified achievement throughout the existence of the City of Hope.

It should be of deep interest to you that the state of affairs I described has in no way interrupted creativity and innovation in our medical services. Great strides were made at the hospital in developing new and significant approaches to surgery, radiation, chemotherapy, technology, nutrition, rehabilitation, emotional support teams, and the broadened use of outpatient facilities.

The quantity and quality of such piloting approaches have reinforced our identity as a "hospital with a soul" and as a "think tank for other hospitals." We have earned a position in the forefront of medical advance.

OUR CONSULTATION SERVICES

The specialized skills of our Medical Center are not confined to our own patients. Thousnds of patients, under care of private physicians and medical institutions, have benefited by the second opinions of our staff. These requests have come from all parts of America and from foreign countries as well. Such consultations have given reassurance regarding the diagnosis and treatment of illnesses. They have provided peace of mind to patients and their families.

OUR RESEARCH ENDEAVORS

The scientific papers emerging from our laboratories and staff during recent years can be characterized as a "knowledge explosion." Some 800 papers, reflecting original findings and discoveries, were published in international professional journals during the past two years. The work of these basic and clinical researchers is uncovering the mysteries of the biological processes, making possible improved prevention, detection, diagnosis, and treatment; bringing closer the day when many diseases will become faint memories rather than haunting specters. This has not occurred by happenstance. Outstanding talent has been recruited and substantial resources organized to fulfill our role as a pilot center, seeking to influence medicine and science everywhere. It is an uncontestable fact that yesterday's research is today's bedside treatment and tomorrow's cure.

In recent months all of us have taken satisfaction in the public attention given to breakthroughs by City of Hope scientists. It should be kept in mind that this is only the "tip of the iceberg." Radio, television and the press have their own limited view as to what is interesting to the average person. The hundreds of other findings from our laboratories, which are not deemed "sensational" by the mass media, have been enthusiastically welcomed by scientists here and abroad. They give impetus to further exploration of the unknown.

Research institutions throughout the nation report a bleak picture as to their funding. Reduction of grants to existing programs by government agencies has been continuous. I am delighted to inform you that support of our Research Institute, in the face of these conditions increased by millions of dollars.

This tribute to the caliber of our scientific efforts has come from a variety of sources. As usual, our auxiliaries were on the front line. Government agencies subsidized a number of our new programs. Private foundations and affluent individuals came to our aid. Giant steps towards the security of our endeavors in the life sciences are being assured by endowment funds from generous benefactors such as Arnold and Mabel Beckman, and Sadie and Norman Lee. Future expansion is guaranteed by construction gifts from Arthur and Bernice Shapiro, Lee Graff and the Conrad Hilton Foundation. As Mae West once said, "Too much of a good thing is wonderful."

OUR AUXILIARIES

The lifeline of the City of Hope is our auxiliary movement. It now embraces a far-flung family of 489 affiliates in 213 cities and in 31 states. The income from these groups in 1981-1983 is larger than ever before. It is true that auxiliary funds do not constitute the largest portion of our budgetary dollars. Of greater import are the ramifications of the support of auxiliary members:

They have been the eyes, the ears, and the mouths of the City of Hope in their communities.

They have conveyed a fervent belief in the City of Hope which has inspired an ever-growing response to our appeals.

They have been the decisive element in gearing the direction of our lifesaving endeavors.

They have been the fountainhead for the vision and democratic framework of the City of Hope.

What auxiliaries do on a day to day basis is sometimes viewed as routine. Let us never forget its grandeur and scope. This is pointed up by its portrayal from as objective a source as the United States government. Auxiliary members received due praise when the Bicentennial Celebration, several years ago, selected the City of Hope as the only Medical Center in a roster of 200 diverse institutions representing the best traditions of the nation. The "Voice of America" broadcast to foreign lands lauded the underlying "people helping people" concept of our auxiliaries as American democracy in action.

OUR INCOME

We anticipate that our operating income for the past two years will be $150,000,000. This sum equals the total budget of the City of Hope in the first 57 years of its existence. But do not linger too long on these figures. You shortly will be asked to give your approval to a budget which dwarfs this amount.

OUR LEADERSHIP

Leadership in any organization is most vital to its functioning and growth.

The mission of the City of Hope demands many attributes, including charisma, ability, talent, singlemindedness of purpose, and dedication.

The uninterrupted continuity of distinguished volunteer and staff leadership in our organization has been little short of miraculous. Would that I could express appreciation with a blare of trumpets to our current leaders:

To Mike Hersch, an outstanding President;

To the devoted and capable members of our National Board of Directors;

To Past Presidents Louis Tabak, Mannie Fineman and Percy Solotoy;

To Associate Executive Director Sanford Shapero, Executive Medical Director Dr.

Charles Mittman, and Medical Center Administrator Tom Galinski;

To you delegates and the hundreds of presidents and officers who have given so fully of yourselves; and

To all our auxiliary members, each and everyone a key leader in our humanitarian crusade.

THE ROAD AHEAD

We have designated the eighties as a "decade of decision." This refers to our activities in two fields of endeavor:

In advancing health. This is a time when the pursuit of excellence by our physicians and the findings of City of Hope scientists and others give promise of a major victory over one or more of the diseases which plague the human race.

In advancing humanism. This is a time when the withdrawal of government support for the "vulnerables" spreads misery and anxiety throughout the land. We vigorously champion the Biblical concept that we are our "brothers' keeper." We refuse to accept the mark of Cain, who denied this. Our ideology is firmly rooted in a brotherhood of man.

Our success will depend in great measure on the rallying of many allies to our cause. That is why the workshops at this Convention will not deal with fundraising but with membership and organizational techniques.

You delegates must go back to your communities with our message. When we proclaim love and life on our banners, we are calling for a renunciation of indifference and non-involvement, for ever-greater commitment to our ideals . . . yes, for beating back the forces of hate and death.

Let your neighbors, friends and business colleagues know that association with the City of Hope brings out the best in human beings—makes us extraordinary people, engaged in extraordinary endeavors, to attain extraordinary goals. This 70th Anniversary Convention will give courage and strength to all who labor for the well-being of men, women and children—wherever they live.

By our words and deeds we can win the hearts, the minds, and the souls of the people of America. Let us proclaim far and wide that life on this earth is a valuable inheritance. It is our obligation to make it meaningful, healthy, happy and hopeful—for our sake and that of generations to come.

OLDER AMERICANS: A NATIONAL RESOURCE

Mr. CRANSTON. Mr. President, America is aging. An increasingly large percentage of Americans are living longer and our national fertility rate is declining. In a few short decades, the number of Americans over 65 will constitute fully one-fifth of the Nation's population.

We need to focus on the implications of these demographic changes. We must alter some of our basic—but unsound—attitudes toward older persons. Negative stereotypes must be replaced with positive perceptions and we must provide every American maximum opportunity to participate in and contribute to our national growth and prosperity regardless of chronological age.

Our task is to build a society in which the abilities, aspirations, and needs of persons of all ages are appropriately met; where older Americans are afforded a wide choice of how to live their lives; and where the contributions—both economic and social—made by older Americans are recognized and valued. To achieve this task, we must understand the changing nature of our population and the responses that will be needed to meet the challenges that lie ahead.

I should like to take this opportunity to review some of the relevant demographic data and outline my thoughts on the implications of these changes.

CHANGING POPULATION

Nearly 25 million Americans alive today are 65 years of age or older. They represent more than 11 percent of our population. One in every nine Americans is 65 or older, compared to only 1 in every 12 in 1950.

This 65 and over group is increasing at a rate twice that of the general populace. By the year 2000, the population of the United States will have more than tripled in just 100 years. But by then the number of people 65 and older will have increased 10 times—to around 32 million people.

Staggering though these figures are, they pale in comparison to the demographic changes that lie further ahead. By the year 2030, nearly 1 in 5 will be 65 or over—almost 56 million Americans.

These changes result principally from the tremendous success of medical science in extending life expectancy. The average child born in the United States at the beginning of this century could expect to live to age 47. By 1978, the average life expectancy at birth had risen to almost 74. Life expectancy at upper age ranges has also increased significantly. In 1900, a 65-year-old could look forward to roughly another 12 years of life; today, life expectancy at age 65 is over 16 years and the average person turning 65 in 1983 can expect to live into his or her eighties.

Indeed, much of the growth in the 65-and-over population has been at the upper age range. While the older population generally increased 23 percent from 1970 to 1980, the number of individuals 85 and over increased 60 percent. During the next 20 years, the number of those 65 or over is expected to go up another 28 percent, while the number of those 75 or over is likely to increase 53 percent. The number of those extremely old—85 and older—will rise an astonishing 64 percent. Of the estimated 7-million increase in older population likely to occur between 1980 and 2000, 5 million—almost three-fourths the total—will be age 75 and over.

The result will be a tidal wave of change in the nature of our population. And we have done little of the long-range planning and thinking needed to prepare for it.

Yet, how we prepare for and deal with our aging population is one of the most important issues confronting the Nation as we move toward the 21st century. Will we continue to exclude millions of older Americans from the mainstream of economic and social activities and drive them into forced idleness? Or will we utilize their capabilities, talents and experience to help revitalize and rebuild the American economy?

Despite the growing numbers of older Americans and lengthening life spans, statistics show a marked decline in the labor force participation of older workers. In 1950, 46 percent of the men 65 and older were still in the workforce. By 1980, the percentage had dropped to 19 percent. Studies have indicated that mandatory retirement rules and fiscal incentives for early retirement in many pension plans have been significant factors in determining whether or not an older worker remains in the labor force. Although numerous polls have shown that an overwhelming percentage of older Americans would like to continue to work after age 65, public and private policies have combined to squeeze them out of the labor force.

The waste of our human resources resulting from mistaken attitudes and policies toward older Americans has been costly both to the individuals and to the Nation. We cannot afford to relegate 20 percent of our Nation to a dependent, nonparticipating status. Demographic forces, if not moral imperatives, will demand that we reassess and revise the policies that exclude, devalue, confine, patronize, and waste the energies of older Americans. At a time when we must rebuild and revitalize our economy, older Americans are a resource we cannot afford to squander. We must make more productive use of the talent, experience, and expertise of the older segment of our population, especially when declining fertility rates foreshadow significant labor shortages ahead.

And we must begin to appreciate more fully the contributions older Americans can and do make to the fabric of our society, to the transmission of values from one generation to the next, and to the collective wisdom and knowledge of our Nation.

We have unwisely accepted chronological age as the criterion for assessing both the capabilities and the needs of older Americans. Public and private policies seem to assume that on an individual's 65th birthday an instant metamorphosis takes place and a functioning social participant is transformed into an enfeebled dependent.

But it has beocme increasingly clear that that chronological age has only limited utility for determining individ-

ual capabilities and needs. New evidence reveals the continued competency and strengths of older Americans. Negative stereotypes of aging are beginning to be replaced by new and more positive attitudes.

The boundaries of old age itself are changing dramatically. Biomedical researchers are probing deep into the mysterious biological activity—the breakdown and mutation in cells and molecules—that we call the aging process. They are on the brink of major advances—the fruits of which may well be realized before the end of this century—that will retard the degenerative ailments of old age, expand the productive middle years, and substantially extend the normal lifespan. The social and economic dependency now associated with aging may become a diminishing problem in the future.

Older Americans do not constitute a homogeneous group; individuals of the same chronological age have widely varying capacities. Moreover, there are important distinctions between the "young-old"—whose continued integration into the mainstream of the Nation's economic, social, and political life should be a primary focus in the years ahead—and the "old-old." This latter group runs a far greater risk of functional impairments, and what they need most are services to counteract their increased dependence and reduced capability.

A significant number of older Americans today—especially women and minorities—lack essential work skills as a result of decades of discrimination, poverty, unemployment, and underemployment, and limited education and training. Yet without a job or some other form of support they are not able to maintain a decent standard of living. Poor health is also a problem; some individuals deteriorate more rapidly in the aging process than others. We have an obligation to provide them with adequate protection and services. Indeed, lack of adequate income and supportive services can contribute to a decline in health and self-sufficiency, thereby increasing the cost of the services needed.

Available public resources can be concentrated on those who are not self-sufficient and need assistance if older Americans who want to work are allowed to work. And the added revenues produced by working older Americans will help meet many of society's needs, including those of dependent older Americans.

Are we ready to change the fundamental way in which society views and deals with older Americans? Polls show that older Americans reject the role that society has created for them. Overwhelmingly, older Americans say they want to continue to be a part of the mainstream of American life, to continue to participate in and contribute to our Nation's growth and productivity. We need to make these opportunities available to older Americans.

ECONOMIC NEEDS OF OLDER AMERICANS

Fear of destitution in old age has been a major concern throughout history. It is a fear that is well-founded; for centuries, old age has been linked with poverty. In this country, well into the 20th century, elderly persons were largely dependent upon their own or their families' resouces or the charity of their neighbors or local communities.

In America, it was not until the Great Depression of the 1930's, with its massive unemployment and pervasive poverty, that there was an organized effort to provide income security for aged individuals.

The establishment of social security marked a new era for Americans. Workers—and their employers—purchased "social insurance" by contributing to the social security trust fund. Upon loss of earnings at retirement or due to a disability that prevented working, they were entitled to benefits; upon the worker's death, their dependents become entitled.

Social security was not expected to provide all the income retired people needed to live on but only a floor of minimum protection. But today it is the largest source of income for older Americans. Even with social security, millions live in poverty. Without social security, millions more would be destitute.

Despite substantial progress since social security was established, particularly in the sixties and seventies, poverty and old age continue to be closely associated. The incidence of poverty among persons aged 65 and over declined from 35.2 percent in 1959 to 14.6 percent in 1974, primarily because of improvements in social security benefits, the overall gains in the standard of living, and such other factors as development of employer-sponsored private pension programs.

But in the late seventies, the percentage of impoverished elderly Americans began to increase. By 1981, approximately 4 million elderly Americans—slightly more than 15 percent—lived below the poverty line—then $4,359 for a single individual over 65—compared to 11 percent of the adults under 65. The 1982 poverty figures released this week by the Census Bureau indicate a slight decline in the poverty rate for individuals over 65 to 14.6, but that rate continues to exceed the poverty rate for adults under 65—12.3 percent for 1982.

In 1981, approximately 6 million people over 65—roughly 26 percent of all older Americans—live just above the poverty line as "near poor." They subsisted within $90 a month of poverty. Only 13 percent of Americans 65 and over had total annual incomes above $15,000 compared to almost 30 percent of those age 15 to 64.

The overall statistics on the economic status of older Americans also hide wide discrepancies among different segments of the older population. Seventy-two percent of older Americans living in poverty are women. Sixty-three percent of all older women live alone, and 60 percent of them rely upon social security as their sole source of income. Old age hits minorities hard as well as women. The poverty rate among Hispanics—25.7 percent in 1981—is nearly twice that of the white aged—13.1 percent in 1981—among elderly blacks—39 percent in 1981—it is triple the rate.

SOCIAL SECURITY

For most old-age beneficiaries, social security is the single most important source of income, and for many it is the only way to avoid absolute poverty. But social security is important to every American, regardless of age.

Social security protects current workers against the economic losses of disability. It helps their survivors in the event of the worker's death. And it defends against economic hardship in old age. Social security also immediately benefits many current workers by helping support elderly members of their families—a benefit not often recognized, but a substantial one for young families with limited resources.

Every American has a stake in the existence of a strong and dependable social security system. Social security covers virtually every member of our society—95 percent of American workers. Its universality is one of its greatest strengths and is the primary source of its widespread popular support.

The stability of the system rests upon intergenerational trust: Workers of one generation pay into the system to support current retirees with the expectation that when it is their turn to retire, future workers will do the same for them.

Unfortunately, many young workers today are fearful that social security may not be there for them when they need it.

It is absolutely essential to restore and to maintain public confidence in the social security system. To achieve this, it has been critical first of all to reaffirm our commitment to the program and to confirm its basic soundness. True, the social security system has been facing some very serious financial problems. But it is important to recognize that these problems have been created almost entirely by outside forces and not by any basic structural weakness in social security itself.

The so-called short-term problem which social security faced over the past several years was basically a cash-flow problem generated by the dismal conditions generally afflicting our

economy. The social security trust fund is very sensitive to fluxuations in the economy. Every 1-percent increase in the unemployment rate reduces revenues to the trust fund by about $2 billion. Every 1-percent increase in the rate of inflation has meant additional benefit expenditures in the range of $1.5 billion. The combination of high unemployment and high inflation over the past several years has been devastating to the trust fund as income has dropped and outgo increased.

Similarly, the so-called long-term problems which faced the social security system arose from factors outside the system. Demographics are the culprit here. Increased life expectancy and the declining fertility rate had been projected to lead to a serious imbalance in the ratio of workers to retirees after the turn of the century.

Although both the short-term and the long-term problems required modifications in the social security system, they in no way warranted fundamental changes in the program. Indeed, earlier this year the Congress and the President agreed to a social security reform package designed to resolve the short- and long-term financing problems of the system without undermining the philosophical underpinnings of social security or cutting away at its basic benefit structure.

The legislation enacted—Public Law 98-21—was a compromise, and, like most compromises, contained some provisions that are not as desirable as others. But on balance, it represented a combination of moderate changes which spread the burden of shoring up social security among all those who have an interest in maintaining a strong, stable system—both retirees and workers alike. The enactment of this legislation represents the continued commitment of our Nation to maintaining social security for those now dependent upon the program, their children, and their children's children.

There are, however, further steps that must be taken if the new law is to be implemented in an equitable fashion.

The social security reform legislation deals with the long-term imbalance of the social security system principally through the provisions which raise the age of retirement at the full benefit level from age 65 to age 67. These changes will begin to take place gradually after the turn of the century. Retirement at age 62 or 65 will still be possible, but, by the year 2027, benefit levels will be reduced for retirement before age 67. This change is consistent with the greater life expectancies enjoyed by Americans since the social security system was first established. However, it is important to recognize that the aging process affects individuals differently and that many individuals, particularly those who have been engaged in heavy manual labor, may not have sufficient good health to continue working. Adequate protections must be established between now and the year 2000, when the increases in the retirement age begin to take effect, for those individuals whose poor health will not permit longer working careers.

Additionally, much remains to be done to help assure that employment opportunities are actually available to the older workers who will be affected by the change in the retirement age.

PROVIDING EMPLOYMENT OPPORTUNITIES FOR OLDER WORKERS

Making it possible for older workers to stay in the labor force will require substantial changes in a number of current polices and practices that encourage early retirement, discourage delayed retirement, and deter employers from instituting the flexible work arrangements that many older workers need.

In the past, the social security system itself discouraged continued work activities by tilting benefit levels in favor of early retirement and against delayed retirement. The earnings limitation in social security has also discouraged continued work activities by reducing benefits for those with earned income above certain limits.

The new social security law deals with both of these problems: the benefit computation formula has been adjusted to provide higher benefits for delayed retirement, and provisions were included to ease the impact of the earnings limitation. These are changes I advocated in legislation I first introduced in the 97th Congress as S. 3010, and reintroduced in this Congress as S. 2. Earlier this week I reintroduced the remaining provisions of S. 2 in three separate bills, S. 1751, S. 1752, and S. 1753.

Other steps must be taken as well to eliminate work barriers confronting older Americans.

Federal law permits employers to compel workers to retire at age 70. Various provisions of the Age Discrimination in Employment Act deny full protection to certain employees. Private pension programs are permitted to discriminate in certain ways against older workers. Some programs do not credit worker years to an employee's pension beyond a set retirement age. Others provide that an employee who continues working in a particular industry or for a former employer beyond a certain age will forfeit all pension benefits.

These practices should be changed. Federal laws relating to private pension programs should be modified so that older workers will find it more economically rewarding to stay on the job. Mandatory retirement ought to be eliminated altogether. Tax Code changes should be implemented to make it more attractive for employers to provide part-time employment opportunities to older workers. My legislation, S. 2, contains proposals to achieve each of these goals.

Basically, we ought to be doing everything possible to encourage those who can and want to work to continue to do so. Ultimately, our goal should be to eliminate the presumption that there is a "normal" or "fixed" age for retirement. Rather, we should be promoting a range of options which, while encouraging workers to stay in the work force, allow each American to select the time and manner for retiring that will work best for his or her individual needs.

We need to foster a new perspective on the notion of retirement itself—a perspective based upon a shift from the current concept of abrupt, total withdrawal from the labor force to one of gradual withdrawal where older workers are afforded the opportunity, if they choose, to reduce their work pace, shift to less demanding work roles, or participate in more flexible work schedules.

This type of fundamental change in our basic perspectives toward retirement will not only help resolve the long-term problems facing the social security system, but it can contribute as well to the personal well-being of millions of older Americans and to the economic well-being of our Nation. We need to begin now—well before the changes in the age of eligibility for social security retirement benefits take effect—to revise and update our approach to older workers and retirement.

OTHER ECONOMIC SECURITY ISSUES

Although a major focus needs to be placed upon providing opportunities for able-bodied older Americans to continue their work activities, we must not ignore the economic needs of older Americans who for one reason or another are unable to continue working.

The benefits under programs for needy and disabled older Americans, such as the supplemental security income program (SSI) and VA pension programs, as well as the social security disability program, must be maintained at adequate levels.

Basic social security benefit levels must also be protected, particularly for those individuals who when they do retire are likely to be totally dependent upon social security for their subsistence. Equity for women—who are the most likely to have no alternative resources in their old age—must be achieved in the social security system. I believe that the way to deal with these inequities is through adoption of the earnings sharing concept, and I introduced in the last Congress as S. 3034, and in the 98th Congress as S. 3, legislation to reform the social security system to provide greater equity

for women through the use of earnings sharing. I was pleased therefore when 6 of the 15 members of the National Commission on Social Security Reform also endorsed the earnings-sharing concept as the most promising and direct approach to dealing with the special problems faced by women under the current social security system. I also authored an amendment enacted in the recent social security reform legislation—Public Law 98-21—to direct the Secretary of Health and Human Services to develop an implementation report on the earnings-sharing proposal. This report will be submitted to the Congress by July 1, 1984, and should provide valuable information to assist in further legislative action.

Other steps can and should be taken to help individuals prepare for their retirement or phased-retirement years. Workers should be encouraged to establish individual retirement accounts (IRA's) with more generous annual limits or to contribute to private pension programs to which employers also make substantial contributions. Through a combination of activities, such as increased labor force participation and maintaining adequate benefit levels for income support programs and incentives for increased savings, the historical link between poverty and old age can be substantially broken.

HEALTH ISSUES FOR OLDER AMERICANS

Meeting the health care needs of an expanding aged population will be a major challenge in the years ahead. Nearly 30 percent of the total dollars spent on health care today goes for the care of only 11 percent of the population—those age 65 and older. Public funds cover roughly two-thirds of their health-care costs.

Good health obviously is essential for a full, vigorous, productive life. But though aging brings with it increased likelihood of chronic illnesses, it does not mean that old age need be incapacitating. When asked 69 percent of noninstitutionalized persons 65 or older described their health as either "good" or "excellent." That does not mean that these people are free of health impairments; in fact, almost half of the elderly population indicates having some chronic, limiting health problem. But it does suggest that health problems do not significantly interfere with their ability to function.

There are health differences among individuals of different income levels, marital status, race, and age. For example, nearly 80 percent of those with incomes of $15,000 or more reported being in excellent health compared to 62 percent of those with incomes under $5,000.

One of the most important differentiating factors among older Americans is age itself. As a group, the "young-old"—65 to 75—are relatively healthy and are primarily concerned with protecting their health.

We should have a threefold objective in meeting the health-care needs of older Americans: Preventing debilitating health problems that can be avoided; increasing the functional capacities of individuals suffering from chronic illness; and providing adequate services for those with severe health impairments. And, we must be willing to provide the resources needed to pay for the care necessary to achieve these objectives.

PREVENTIVE HEALTH CARE

It is generally agreed that the greatest gains in health care for older persons will be made by improving the health habits of Americans of all ages. Proper nutrition, healthy lifestyle, identification of high risk individuals, and general public education on ways to reduce health risks are key elements of a preventive health care strategy. Far greater resources need to be devoted to the promotion of preventive health care and healthy lifestyles. This campaign should be focused on all age groups.

Proper nutrition is a cornerstone of preventive medicine. Overconsumption of fats, salt, and sugar contribute to obesity, diabetes, and heart disease among elderly persons. Improved dietary habits established early in life would mean immensely improved health status for millions of people later in life.

Adequate diet is also extremely important during old age. The mental and physical well-being of older persons is particularly susceptible to nutritional factors. Malnutrition is a cause of reversible dementia and is believed to contribute to the changes in bone structure that many elderly individuals experience.

Smoking, overindulgence in alcohol, and lack of physical exercise also have all been linked to major health problems and causes of mortality—heart disease, stroke, and cancer.

Ideally, education about preventive health care should be directed at the young. However, it is almost never too late to benefit from changing an unhealthful lifestyle. For example, 15 years after they quit smoking, exsmokers' mortality rates in all age groups are similar to those of people who never smoked.

Screening and detecting health risks and treating problems before they get worse are cost-effective means of improving health status. For example, identification and treatment of hypertension is highly important in reducing the risk of stroke and heart disease.

Finally, various studies have found that staying active and involved in work or volunteer activities can be directly related to physical and mental well-being.

Nevertheless, aging normally involves an increased need for health services, and the cost of the services will be high if we do not use more cost-effective techniques for meeting these needs.

INSTITUTIONAL CARE

An estimated 10 to 50 percent of nursing home patients today could have been better cared for through alternative types of noninstitutional arrangements. Sadly, it may be difficult now to deinstitutionalize many nursing home residents who, after years of dependency, have no home to return to and are unable to live on their own. We should stop unnecessary—and unnecessarily lengthy—institutionalization of persons whose health-care needs could be better met by community-based services.

Instead, we should devote our resources to making available various alternative forms of care, including home health care—skilled professional care, such as nursing or physical therapy in one's home—and adult day care. Those kinds of alternatives, together with support services, such as transportation, nutrition services either in or outside the home, and homemaker services, make it possible to avoid or shorten institutionalization. Of particular importance are homemaker services—someone to prepare meals, change bed linens, and otherwise assist with the chores of daily living. They help those living alone or with limited mobility to remain in their communities.

Able-bodied older Americans can play a key role in these efforts, as millions now do in programs like the Older Americans Volunteer programs—RSVP and Senior Companions—and the Older American Act title V senior employment program. These programs need to be expanded and replicated throughout the country.

Home-based hospital care, a more elaborate form of home health care, has been offered by some Veterans' Administration medical centers over the past 14 years. The current average daily cost of this care is only $15.73 per patient—a small fraction of the cost of institutional care.

Although the number of individuals served by these various programs has been growing, the resources devoted to them are still miniscule compared to expenditures for institutional care. Nursing home care expenditures constitute roughly 41 percent of the entire medicaid budget whereas only 1.4 percent of medicaid expenditures are devoted to home-health care.

Promoting less costly alternatives to institutional care not only will reduce health care costs for elderly individuals in the long run, but will offer them the dignity of living in their own homes with the independence, self-esteem, and daily interaction with

family and friends that usually are lost with institutionalization.

If we are to promote the use of these alternatives, we must improve and reorganize the mechanisms for providing home care services. At present, services are highly fragmented among at least 80 different Federal programs. Available services and eligibilities vary. Many are targeted on particular people or problems; many overlap. The results are gaps in services, duplication of effort, and public bewilderment.

Finally, we must recognize that despite all alternatives there will always be individuals requiring institutional care. And the cost of that care is staggering. Medicaid now pays about 50 percent of all nursing home bills and these expenditures are increasing at a rate of 16 percent annually—the fastest growing cost in all State medicaid budgets. Seventy-four percent of the States spent more than 40 percent of their total medicaid budgets on nursing home care in fiscal 1978.

This enormous cost makes it all the more imperative that we utilize less-costly, noninstitutional care whenever possible.

For those who cannot do without nursing home care, we must do more to help protect their dignity and well-being and insure they receive decent care. Deplorable conditions in too many nursing homes degrade the quality of life for these vulnerable citizens. Regulatory activities initiated during the past decade, such as unannounced inspections, setting standards, addition of ombudsmen, and patients' rights guarantees, have improved nursing home care. We must strengthen these efforts.

MEDICARE COSTS

The basic source of funding for acute hospital care for older Americans—the part A medicare program funded by the social security payroll tax—is moving rapidly toward serious problems. It is expected to be depleted by the end of this decade, sooner if the economy continues downward and inflation in health-care costs continues unchecked.

Skyrocketing health-care costs, which have been rising at a rate consistently higher than the rate of general inflation, are the problem. In the third quarter of 1982, while the CPI rose 5.8 percent; the medical care component rose 11.4 percent; the hospital room component rose 15.8 percent; and physicians services rose 9.1 percent.

These runaway costs are a drain on our entire economy. Unless we contain them, our tremendous advance in the quality of health care will erode. There are few incentives for the hospital, the physician, or the consumer to conserve health care resources and hold down costs. On the contrary, the system encourages use of high-cost medical interventions and excessive use of hospital resources instead of more economical, noninstitutional forms of health care. It is a problem affecting our entire health care system; the solution must be part of our overall health care strategy. I intend to outline at a future time some of my thoughts on this problem which threatens not only medicare but also our Nation's ability to safeguard the health of all Americans.

GERIATRIC MEDICINE

Relatively few physicians or other health care practitioners are trained in geriatric care. Few medical schools offer courses in the health care needs of elderly individuals, and few medical texts contain information on their health care problems. As a result, these individuals have difficulty finding physicians trained and willing to meet their needs. Clearly we will need better prepared general practitioners, as well as more geriatric specialists, to treat the growing numbers of older Americans. We will also need more geriatric nurse practitioners and other health professionals.

BIOMEDICAL RESEARCH

Finally, one of the most important steps we can take to promote the health of older Americans is to provide adequate resources for basic biomedical research. Basic research into the aging process offers tremendous possibilities for enhancing the quality of life and retarding the aging process itself. Promising research is going on right now into cellular replication, the aging process of organs, and the causes of dementia—the dread disease which afflicts as many as half of those in nursing homes. We are on the threshold of major breakthroughs. Everything that we know—or think we know—about aging may become obsolete.

Unfortunately, funds to support this research have been wholly inadequate. Today, of the $3.9 billion budgeted for the National Institutes of Health, only $82 million, or approximately 2 percent, is budgeted for the National Institute on Aging. We simply must allocate more research dollars to this area.

COMMUNITY, SOCIAL SERVICES, AND EDUCATIONAL PROGRAMS

There are a number of other important programs that can enhance the quality of life for older Americans and help increase the number able to remain independent and self-sufficient.

In many cases, older Americans—particularly those with limited economic resources—are not fully informed about the various programs in their communities to help them meet their most basic needs.

Community outreach programs—many of them funded through the Federal Older Americans Act—play a critical role in reaching isolated older citizens and helping them gain access to essential services such as decent housing, nutrition, and health care. These programs provide information on the services, eligibility, and help in applying to the appropriate agencies for assistance. The federally funded legal services program also plays an important role in helping many indigent older Americans receive the assistance they need to survive and protect their basic legal rights.

The educational system needs to become more responsive to the changing composition of our society and the special needs of older Americans. The concept of lifelong learning should be revitalized. Education is not a process that stops in early life; we must refocus on education as an ongoing part of life at all ages. Many older Americans may want—and need—to explore new and different employment options. Education and employment training and retraining programs will be particularly important to these individuals.

Continued support for all of these programs—along with adequate support for nutrition, shelter, health care, and income maintenance programs for older Americans—is essential.

VOLUNTEER PROGRAMS

Special attention should be paid to the role that volunteer service programs can play in the lives of older Americans. The existing volunteer programs supported by the Federal Government—RSVP, Foster Grandparents, SCORE, and Senior Companions—provide unique opportunities for older Americans to stay active and involved in their communities helping those less fortunate. In many cases, the senior volunteers provide services to other older Americans. In other instances, volunteer programs are focused upon needy children and hence serve an important function as an intergenerational bridge, helping children and older citizens to become acquainted and appreciative of each other.

I strongly believe that these volunteer programs should be fully supported and expanded. I have also long advocated the establishment of a large-scale voluntary national service program that would provide opportunities for Americans of all ages to serve and contribute. Establishment of such a national voluntary service program is often discussed in terms of the opportunities that would be made available to young Americans. Equally important, however, is the impact that such a program might have on older Americans—both those who might participate in a national service program as volunteers and those who might receive assistance from the volunteers.

The potential for older Americans themselves to provide services to their communities and to society in general

must not be overlooked. Indeed, we should be doing everything possible to encourage older Americans to stay active in all aspects of our lives—economic, social, and political.

FULL AND CONTINUING PARTICIPATION

The experience, wisdom, and insights of our older citizens are valuable resources that should not be wasted.

Each generation of Americans has a unique perspective to share. Those who lived through the Great Depression, fought against the forces of tyranny in World War II, or felt the tragedy of Vietnam have special insights growing out of that history. These differing viewpoints can help enrich and diversify the decisions which our Nation, as a democratic society, must make.

Older Americans—and those who will one day become older Americans—need to know and feel they are an integral part of our Nation. They have an important contribution to make to our national dialog—not just on issues of their special interest such as social security, but on matters like world peace, preservation of our environment, and the education of our young. We ought to make a special effort to make sure that the channels of communication remain open to receive the contributions that older Americans can make in all spheres for the betterment of the Nation and the world.

CONCLUSION

We must begin now to build a society in which every American has the opportunity and is given the encouragement, to remain active and productive regardless of age. But first we must put aside the old stereotypes and artificial attitudes that have limited older Americans, driven them into forced idleness, and robbed them of the chance to realize their full potential. We must change the way we think about and act toward older people if we are going to achieve economic growth and increased productivity and maintain our world leadership.

APSA CONGRESSIONAL FELLOWS PROGRAM

Mr. MITCHELL. Mr. President, I should like briefly to speak on the 30th anniversary of the American Political Science Association's congressional fellowship program.

I know many of my colleagues in the Senate have had APSA congressional fellows on their staffs. I have had three fellows since I began to serve in the Senate. Based on my experience, I can understand why some would question the value of such a program.

After all, look at what a fellow does to your office. About December 1, my receptionist is inundated with hopeful fellows who drop off résumés and ask to see my legislative director and administrative assistant. Of all times to come December has got to be the worst. This past year, my staff was swamped with work during the lameduck session. Yet they had to take time out to interview dozens of these applicants before they could make a selection. Then they had no time at all to train the person selected until after the lameduck was over, 1 month later.

And then there is the fellow's knowledge—or should I say lack of knowledge—about how a Senate office works. You and your staff spend time teaching them the issues, your point of view, and so forth. You finally get used to their point of view, their briefing style, their idiosyncracies. They finally learn to write concise memos and then what do they do? They leave after 4½ months—9 if you are lucky. Given all of these hassles, why would anyone want to subject his or her staff to the vicissitudes of having a fellow in the office?

As I stated earlier, however, I have subjected my staff three times to these vicissitudes. I have done so because I am convinced of the value of the program both for Congress and for the country.

First, there is the benefit to the Congress. While these fellows may not know much about how Congress works, they are all extremely well qualified, knowledgeable citizens. Many work for the executive branch and know the ways of the bureaucracy. Others are social scientists, medical scientists, foreign service experts, and even fellows from Europe and Asia. Their special perspective is one which is of great value in a congressional office. Their training and experience and essentially nonpartisan and objective viewpoints offer a convenient sounding board for new ideas. Their enthusiasm and willingness to learn far outweigh their initial ignorance of congressional procedures. Ultimately their contributions far outweigh the initial burdens which they place on the staff.

The advantage of this program extends beyond Congress, however. For these fellows will go back to the executive branch, to their universities, or to their native lands. They will go back with a far better understanding and appreciation of the ways of the legislative branch of Government. They become ambassadors, in effect, who can help to explain to the skeptical public the ways bills are passed, the pressures Members of Congress face and the dedication of Members and their staffs. Given the reputation of Congress, we can use all the ambassadors we can get.

Mr. President, I should like, therefore, to congratulate APSA on the 30th anniversary of this program. I also thank them for the assistance the program has provided to my office and to commend the program to my colleagues.

FEDERAL AGENCY PURCHASES

Mr. STEVENS. Mr. President, I am pleased to join in sponsoring legislation that will at long last require Federal agencies to purchase products from local businesses. When that legislation becomes law, it will be a boon to small business throughout the Nation. In addition, I believe it will prove to be a significant savings to the taxpayers.

At present, Federal agencies are not required to comply with existing General Services Administration regulations that provide for local purchases, even when a better price is offered. The GSA's multiple award schedule program has not worked as well as was hoped. Thus, in many instances, products were purchased at a higher price and lower quality than those available in the open market.

I know of a specific case in Alaska. A local businessman offered to sell supplies to a Federal agency at a lower price than what they were paying to buy the product in the lower 48. But, because of a national policy to purchase from one supplier, that agency turned down the offer. It would be understandable if the needed goods could be purchased for less by dealing with one supplier, but that is not always the case.

This bill initiates several proposals designed to strengthen the small business community by requiring Federal agencies to procure supplies and services from these markets. When the price and quality of goods and services is the same or better than that of comparable products offered under the multiple award schedule program, Federal agencies will be required to purchase from the local markets.

This legislation has two positive aspects:

One, the Federal Government and taxpayers will benefit from the change in purchasing policy. A provision is included in the bill to remove firms from the multiple award schedule program if they have not made any sales under the program over the past 3 years. The Government will save money from not having to negotiate useless contracts. This savings, plus that obtained from buying on the open market, will then be passed on to taxpayers.

Two, new revenues will be sent into the small businesses of the country. Small business has long been the backbone of America's economy. This stimulus provided by purchasing contracts with Federal agencies can only serve to strengthen local economies, which will benefit us all as a nation.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, in a moment, we may begin to transact some routine business that I believe

has been cleared on both sides. In order to provide time for that and also for other Senators who may have business they wish to transact, I ask unanimous consent that the time for the transaction of routine morning business be extended to 3 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a number of items in my folder that are cleared for action by unanimous consent at this time, legislative matters and, perhaps, matters on the Executive Calendar as well. May I inquire of the minority leader if he is prepared to examine these items at this time or would he prefer to do it later on?

Mr. BYRD. Mr. President, I should be happy to proceed at this time.

SENATE JOINT RESOLUTION 103 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, the first item is to indefinitely postpone Senate Joint Resolution 103 if the minority leader has no objection. That is Calendar Order No. 320.

Mr. BYRD. That is all right.

Mr. BAKER. Mr. President, I ask unanimous consent that consideration of Senate Joint Resolution 103 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, I am cleared on this side to take up and consider Senate Resolution 150 if there is no objection on the minority side.

Mr. BYRD. Yes, Mr. President.

Mr. BAKER. May I inquire of the minority leader, since there is quite a list of items here, if I list the items that are cleared for routine action on this side, if he would be prepared to consider the several items en bloc?

The first would be Senate Resolution 150; next would be Senate Concurrent Resolution 59; then House Joint Resolution 297; then S. 1015; then S. 1186; S. 1689; S. 1465; S. 1724; H.R. 2895; and Senate Joint Resolution 136.

Mr. BYRD. Yes, Mr. President, my response to the distinguished majority leader is that I am prepared on this side of the aisle to proceed with all of the items that the majority leader has enumerated, with the exception of one for the moment. That is order No. 324, Senate Concurrent Resolution 50.

Mr. BAKER. Mr. President, I thank the minority leader.

PRINTING OF ADDITIONAL COPIES OF A JOINT COMMITTEE PRINT

The resolution (S. Res. 150) authorizing the printing of additional copies of the joint committee print entitled "Changing Economics of Agriculture: Challenge and Preparation for the 1980's," was considered, and agreed to; as follows:

S. RES. 150

Resolved, That there be printed for the use of the Joint Economic Committee two thousand additional copies of its joint committee print of the Ninety-seventh Congress, second session, entitled "The Changing Economics of Agriculture: Challenge and Preparation for the 1980's".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF JEANNINE SMITH CLARK AS A CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

The joint resolution (H.J. Res. 297) providing for the appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LICENSING OF VESSEL "LA JOLIE" FOR COASTWISE TRADE

The bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provisions of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *La Jolie* (Michigan registration number MC 2780 LB) owned by Hugh Lewis, of Union Lake, Michigan, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LICENSING OF YACHT "DAD'S PAD" FOR COASTWISE TRADE

The bill (S. 1186) to clear certain impediments to the licensing of the yacht *Dad's Pad* for employment in the coastwise trade, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 27 of the Merchant Marine Act of 1920 (46 U.S.C. 883), or any other provisions of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *Dad's Pad* (official numbered 549526) owned by John C. Sciacca, of Plaistow, New Hampshire, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LICENSING OF VESSEL "ENDLESS SUMMER" FOR COASTWISE TRADE

The bill (S. 1689) to clear certain impediments to the licensing of the vessel *Endless Summer* for employment in the coastwise trade, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), or any other provision of law to the contrary, the Secretary of the department in which the United States Coast Guard is operating shall cause the vessel *Endless Summer,* owned by the Commonwealth of Virginia, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHARLES A. HALLECK FEDERAL BUILDING

The bill (S. 1465) to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building," was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building at Fourth and Ferry Streets, Lafayette, Indiana, shall hereafter be known and designated as the "Charles A. Halleck Federal Building". Any reference in any law, map, regulation, document, record, or any other paper of the United States to such building shall be deemed to be a reference to the "Charles A. Halleck Federal Building".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HAROLD L. RUNNELS FEDERAL BUILDING

The Senate proceeded to consider the bill (S. 1724) to designate the Federal Building in Las Cruces, N. Mex. as the "Harold L. Runnels Federal Building"; which had been reported from the Committee on Environment and Public Works with an amendment:

On page 1, line 2, strike "200 Grig", and insert "200 East Griggs",

S. 1724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 200 East Griggs Street, Las Cruces, N. Mex., known as the Federal Building, shall hereafter be known and designated as the "Harold L. Runnels Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Harold L. Runnels Federal Building".

Mr. BINGAMAN. Mr. President, as a cosponsor of S. 1724, the bill to designate the Federal Building in Las Cruces, N. Mex., as the Harold L. Runnels Federal Building, I welcome Senate action today.

Harold Runnels served with distinction as the Congressman from New Mexico's Second District for many years, and his service to the State of New Mexico as a Congressman and a State legislator reflect his commitment to the citizens of New Mexico and the country.

Congressman Runnels was a man who cared about the people he served and effectively represented their interests, and the interests of the country. His untimely death cut short a splendid record of public service.

It is a fitting tribute that the Federal Building in Las Cruces be named for one of New Mexico's most dedicated Representatives. I know that his wife Dorothy, his family, and his many friends and admirers will greatly appreciate this recognition of Harold Runnels in the State he served so well.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PHILLIP BURTON FEDERAL BUILDING AND U.S. COURTHOUSE

The bill (H.R. 2895) to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and U.S. Courthouse, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOLUNTEER FIREFIGHTERS RECOGNITION DAY

Mr. BAKER. Mr. President, I ask for immediate consideration of a joint resolution, Senate Joint Resolution 136.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 136) to recognize "Volunteer Firefighter Recognition Day", as a tribute to the bravery and self-sacrifice of our volunteer firefighters.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

The Senate proceeded to consider the joint resolution.

Mr. GLENN. Mr. President, I am pleased to sponsor Senate Joint Resolution 136, I am also pleased that 32 of my Senator colleagues have joined me as cosponsors of the resolution. I thank the distinguished chairman and ranking minority member of the Judiciary Committee for handling the resolution in a very efficient and expeditious manner.

This measure would designate August 20, 1983, as National Volunteer Firefighters Recognition Day. It would also authorize the President of the United States to issue a proclamation calling for the observance of such day with appropriate programs, ceremonies and activities.

I am proud to pay tribute to the bravery and self-sacrifice of our volunteer firefighters. I can think of no better way of doing so than setting aside a day in their honor. In this way we can show our appreciation for their courage and the excellent job that they have done to save lives and property from the devastation of fire.

Volunteer firefighters comprise the bulk of our firefighting force in this country. The National Volunteer Firefighters Council place their number in excess of 1½ million; 4 out of 5 firefighters are volunteers. Without their service, much of America would be without adequate fire protection.

I also commend volunteer firefighters for the important role they play in the fight against arson. Arson is a deadly, billion-dollar crime that each year takes the lives of a thousand people and injures thousands more. It also annually causes $1.9 billion in direct property losses and about 8 times that amount in indirect losses.

The volunteer firefighters battle against fire and arson has not been waged without great cost. In 1982, 68 volunteers were killed in the line of duty and over the past 5 years 337 have lost their lives fighting fires.

Mr. President, I call upon the Senate today to quickly consider and pass Senate Joint Resolution 136.

A SALUTE TO NEW JERSEY VOLUNTEER FIREFIGHTERS

Mr. BRADLEY. Mr. President, I am pleased to join Senator GLENN in this tribute to the volunteer firefighters by declaring August 20 as National Volunteer Firefighters Recognition Day.

In particular, I would like to honor the volunteers in New Jersey who regularly give their time and risk their lives to protect more than 900 communities in our State. They are our first line of defense against fires both in communities and in the millions of acres of forests and farmland. Moreover, they have also become a vital resource in times of disasters like toxic waste spills and other disasters.

Their help has been given freely but not without great personal cost—in time away from their families and, unfortunately, even in injury and loss of life. Nationally, in 1982, 68 volunteers died in the line of duty—over the last 5 years 337 volunteers have lost their lives.

The volunteer firefighter exemplifies the strength of American communities and the willingness to help one's neighbor. This has been a powerful strain in our history from the time of our earliest settlers. In fact, the first volunteer fire department was organized by Benjamin Franklin in 1736.

It is fitting that the country recognize our debt to those who have dedi-

cated themselves to protecting our safety and welfare.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 136) was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The resolution, with its preamble, follows:

S.J. RES. 136

Whereas over 80 per centum of the firefighters in the United States are volunteers who selflessly protect our lives and property;

Whereas three hundred and thirty-seven volunteer firefighters have lost their lives in the line of duty during the past five years, with sixty-eight such deaths occurring in 1982 alone;

Whereas volunteer firefighters expose themselves to physical risks, including long-term health risks such as coronary disease, with no financial remuneration;

Whereas fire departments comprised only of volunteers protect a large percentage of the rural townships, hamlets, and farms within the United States; and

Whereas firefighters attached to such departments spend time and energy, in addition to that spent fighting fires, to provide fire prevention instruction and other services to their communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 20, 1983, is designated as "National Volunteer Firefighters Recognition Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR HYDROELECTRIC PLANTS

Mr. BAKER. Mr. President, I propose to ask the Chair to lay before the Senate S. 268, which is Calendar Order No. 210, if the minority leader is agreeable.

Mr. BYRD. I have no problem with that, Mr. President.

Mr. BAKER. I ask unanimous consent that the Senate proceed to the consideration of S. 268.

The PRESIDING OFFICER. Is there objection?

The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 7, strike "(b), (d), (c), or (f)", and insert "(c) or (g)";

On page 2, line 20, after "in", insert "section 4 of";

On page 2, line 23, after "to", insert "section 4 of";

On page 2, line 24, after "maintain", insert "contractural";

On page 3, line 1, after "construction", insert "or uprating";

On page 3, line 8, after "maintain", insert "contractural";

On page 3, line 11 through and including line 6 on page 5, insert the following:

SEC. 4. (a) Whiskeytown powerplant unit, Central Valley project, California, consisting of a turbine generator unit of three thousand kilowatts on the outlet works of Whiskeytown Dam.

(b) Yellowtail Afterbay powerplant unit, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ten thousand kilowatts on the outlet works of Yellowtail Afterbay Dam.

(c) Red Bluff powerplant unit, Central Valley project, California, consisting of four turbine generator units of two thousand five hundred kilowatts each at Red Bluff Diversion Dam.

(d) Palisades Powerplant enlargement, Palisades project, Idaho-Wyoming, consisting of one or more turbine generator units so as to increase the powerplant capacity by ninety thousand kilowatts.

(e) Anderson Ranch powerplant unit, Boise project, Idaho, consisting of a turbine and generator unit to increase the powerplant capacity by thirty thousand kilowatts.

(f) Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming, consisting of two turbine generator units of fifteen thousand kilowatts each in replacement of existing units one through six.

(g) Guernsey powerplant enlargement, North Platte project, Wyoming, consisting of one turbine generator unit to increase the powerplant capacity by fifteen thousand kilowatts.

On page 6, line 10, after "to" insert "section 4 of";

On page 6, strike line 15, through and including line 8 on page 7, and insert the following:

(b) The Federal powerplants constructed pursuant to section 4 of this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several programs as follows:

(1) Whiskeytown and Red Bluff powerplant units shall be marketed through the Central Valley project power marketing program;

(2) Yellowtail Afterbay powerplant unit shall be marketed through the Pick-Sloan Missouri Basis program power marketing program;

(3) Palisades powerplant enlargement, Anderson Ranch powerplant unit, and Minidoka powerplant rehabilitation and enlargement shall be marketed through the Federal Columbia River Power System; and

(4) Guernsey powerplant unit shall be marketed through the Western Division, Pick-Sloan Missouri Basin program power marketing program.

On page 8, line 1, after "in", insert "section 4 of";

On page 8, line 8, after "in", insert "section 4 of";

On page 8, strike line 15, through and including line 18 on page 9, and insert the following:

SEC. 8. (a) There are hereby authorized to be appropriated beginning October 1, 1983, to the Secretary of the Interior for construction of the powerplants authorized in section 4 of this Act the amounts set forth in subsection (b), on the basis of October 1983 price levels, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of Energy such sums as may be necessary for the purposes of section 2 and 3 of this Act, and to the Secretary of the Interior such additional sums as may be necessary for the operation and maintenance of the Federal powerplants authorized in section 4 of this Act.

(b)(1) Whiskeytown powerplant unit, $3,780,000.

(2) Yellowtail Afterbay powerplant, $25,600,000.

(3) Red Bluff powerplant unit, $42,100,000.

(4) Palisades powerplant enlargement, $76,000,000.

(5) Anderson Ranch powerplant unit, $14,317,000.

(6) Minidoka powerplant rehabilitation and enlargement, $73,437,000.

(7) Guernsey powerplant enlargement, $22,337,000.

So as to make the bill read:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is authorized to construct, operate, and maintain hydroelectric powerplants at existing reclamation project facilities at locations and in the approximate capacities set forth in section 4 of this Act: *Provided,* That construction by the Secretary of the Interior of a powerplant designated in subsection (a), (c), or (g) of section 4 of this Act may not proceed prior to October 1, 1985, or if a license has been issued prior to such date to a non-Federal entity pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797) to construct such powerplant. In carrying out the purposes of this Act, the Secretary of the Interior is authorized to modify the capacity of a powerplant designated in section 4 as determined to be necessary or desirable during postauthorization study and design, and after consultation with the Secretary of Energy.

SEC. 2. The Secretary of Energy is authorized to construct, operate, and maintain transmission facilities as required physically to connect the hydroelectric powerplants authorized in section 4 of this Act to existing power systems and as he determines necessary to accomplish distribution and marketing of power generated by powerplants constructed pursuant to section 4 of this Act, and to purchase replacement capacity, energy, or both to maintain contractual deliveries to customers during unit outages which result from Federal construction or uprating of the powerplants authorized in this Act.

SEC. 3. During Federal construction of powerplants authorized in this Act, the Secetary of the Interior and the Secretary of Energy shall seek to minimize the loss of capacity, energy, or both to power customers due to unit outages which result from such construction. The Secretary of Energy shall seek to maintain contractual deliveries of capacity, energy, or both at contract prices to customers affected by unit outages resulting from such Federal construction.

SEC. 4. (a) Whiskeytown powerplant unit, Central Valley project, California, consisting of a turbine generator unit of three thousand kilowatts on the outlet works of Whiskeytown Dam.

(b) Yellowtail Afterbay powerplant unit, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ten thousand kilowatts on the outlet works of Yellowtail Afterbay Dam.

(c) Red Bluff powerplant unit, Central Valley project, California, consisting of four turbine generator units of two thousand five hundred kilowatts each at Red Bluff Diversion Dam.

(d) Palisades Powerplant enlargement, Palisades project, Idaho-Wyoming, consisting of one or more turbine generator units so as to increase the powerplant capacity by ninety thousand kilowatts.

(e) Anderson Ranch powerplant unit, Boise project, Idaho, consisting of a turbine and generator unit to increase the powerplant capacity by thirty thousand kilowatts.

(f) Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming, consisting of two turbine generator units of fifteen thousand kilowatts each in replacement of existing units one through six.

(g) Guernsey powerplant enlargement, North Platte project, Wyoming, consisting of one turbine generator unit to increase the powerplant capacity by fifteen thousand kilowatts.

SEC. 5. (a) Hydroelectric power generated by Federal facilities constructed pursuant to section 4 of this Act shall be delivered to the Secretary of Energy for distribution and marketing through existing Federal hydroelectric power marketing programs in accordance with existing law and policy consistent with the provisions of this Act.

(b) The Federal powerplants constructed pursuant to section 4 of this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several programs as follows:

(1) Whiskeytown and Red Bluff powerplant units shall be marketed through the Central Valley project power marketing program;

(2) Yellowtail Afterbay powerplant unit shall be marketed through the Pick-Sloan Missouri Basin program power marketing program;

(3) Palisades powerplant enlargement, Anderson Ranch powerplant unit, and Minidoka powerplant rehabilitation and enlargement shall be marketed through the Federal Columbia River Power System; and

(4) Guernsey powerplant unit shall be marketed through the Western Division, Pick-Sloan Missouri Basin program power marketing program.

SEC. 6. Powerplants authorized in section 4 of this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 7. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable cost of a powerplant authorized in section 4 of this Act shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of such powerplant commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.

SEC. 8. (a) There are hereby authorized to be appropriated beginning October 1, 1983, to the Secretary of the Interior for construction of the powerplants authorized in section 4 of this Act the amounts set forth in subsection (b), on the basis of October 1983 price levels, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of Energy such sums as may be necessary for the purposes of sections 2 and 3 of this Act, and to the Secretary of the Interior such additional sums as may be necessary for the operation and maintenance of the Federal powerplants authorized in section 4 of this Act.

(b)(1) Whiskeytown powerplant unit, $3,780,000.

(2) Yellowtail Afterbay powerplant, $25,600,000.

(3) Red Bluff powerplant unit, $42,100,000.

(4) Palisades powerplant enlargement, $76,000,000.

(5) Anderson Ranch powerplant unit, $14,317,000.

(6) Minidoka powerplant rehabilitation and enlargement, $73,437,000.

(7) Guernsey powerplant enlargement, $22,337,000.

Mr. BAKER. Mr. President, I ask unanimous consent that the several committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments en bloc.

The committee amendments were agreed to en bloc.

AMEMDMENT NO. 2120

(Purpose: to authorize additional hydroelectric development at Hoover Dam, and for other purposes)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. HECHT) I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HECHT, proposes an amendment numbered 2120.

1. SEC. 1. On page 1, above line 3, insert the heading "Title I".

On page 1, line 3, delete the words "That the" and insert in lieu thereof "Sec. 101. The".

On page 2, line 5, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 7, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 11, after the word "of" insert the words "Title I of".

On page 2, line 13, delete the numeral "4" and insert in lieu thereof "104".

2. SEC. 2. On page 2, line 17, delete the numeral "2" and insert in lieu thereof "102".

On page 2, line 20, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 23, delete the numeral "4" and insert in lieu thereof "104".

On page 3, line 1, delete the words "or uprating".

On page 3, line 2, after the words "authorized in" insert "section 104 of".

3. SEC. 3. On page 3, line 3, delete the numeral "3" and insert in lieu thereof "103".

On page 3, line 4, after the words "authorized in" insert "section 104 of".

4. SEC. 4. On page 5, line 7, delete the numeral "4" and insert in lieu thereof "104".

5. SEC. 5. On page 6, line 9, delete the numeral "5" and insert in lieu thereof "105".

On page 6, line 10, delete the numeral "4" and insert in lieu thereof "104".

On page 6, line 14, after the words "provisions of" insert "Title I of".

On page 7, line 10, delete the numeral "4" and insert in lieu thereof "104".

6. SEC. 6. On page 8, line 1, delete the numerals "6" and "4" and insert in lieu thereof "106" and "104" respectively.

7. SEC. 7. On page 8, line 6, delete the numeral "7" and insert in lieu thereof "107".

On page 8, line 8, delete the numeral "4" and insert in lieu thereof "104".

8. SEC. 8. On page 9, line 19, delete the numeral "8" and insert in lieu thereof "108".

On page 9, line 22, delete the numeral "4" and insert in lieu thereof "104".

On page 10, line 3, delete the numerals "2" and "3" and insert in lieu thereof "102" and "103" respectively.

On page 10, line 6, delete the numeral "4" and insert in lieu thereof "104".

9. On page 10, after line 14, insert the following:

SEC. 109. The provisions of this Title I shall not apply to any project authorized or affected by Title II of this Act.

TITLE II

SEC. 201. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter "Uprating Program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter "Visitor Facilities Program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon Project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 202. (a) Clause (1) of subsection (c) of section 403 of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1543(c); 82 Stat. 894) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in Title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona Project;"

(b) Clause (2) of said subsection (c) is revised by inserting immediately preceding the existing proviso:

"*Provided, however,* That for the Boulder Canyon Project commencing June 1, 1987, and for the Parker-Davis Project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona Project described in section 301(a) of this Act, the Secretary of Energy shall provide for such surplus revenues by including the equivalent of 4½ mills per kilowatt-hour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent of 2½ mills per kilowatt-hour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided, further,* That after the repayment period for said Central Arizona Project, the equivalent of 2½ mills per kilowatt-hour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:"

SEC. 203. The Boulder Canyon Project Act of 1928 (43 U.S.C. 617 *et seq.;* 45 Stat. 1057), as amended and supplemented, is further amended:

(a) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(b) In section 3, by deleting "$165,000,000" and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the Uprating Program and the Visitor Facilities Program."

SEC. 204. The Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 *et seq.*, 54 Stat. 774), as amended and supplemented, is further amended:

(a) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a), and inserting in lieu thereof "beginning June 1, 1937".

(b) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(c) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and", and by adding subsection (e) to read:

"(e) To provide revenues from and after June 1, 1987, for application to the purposes specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented."

(d) In section 2:

(1) By deleting the first sentence and subsection (a) and inserting in lieu thereof:

"All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations acts;" and

(2) By deleting existing section 2(e) and inserting in lieu thereof a new section 2(e) reading:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by Title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act."

(e) By deleting the final period and placing a colon at the end of section 6 and adding:

"*Provided,* That on appropriated funds advanced, respectively, for the Uprating Program and for the Visitor Facilities Program as defined in section 201(a) of [S. 268], the rate of interest for advances for each shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the initial advance for the particular program involved is made, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue."

(f) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

SEC. 205. (a) Capacity resulting from the Uprating Program and associated energy shall be allocated for use in Arizona, California and Nevada in the respective amounts specified in the applicable power marketing criteria promulgated by the Secretary of Energy. Such allocated capacity and associated energy shall be disposed of only pursuant to contracts effective June 1, 1987 and expiring on September 30, 2017, between the Secretary of Energy and purchasers in Arizona, California and Nevada eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act: *Provided, however,* That in the case of Arizona and Nevada, such contracts shall be made with the agency designated by state law as the agent of such state for purchasing power from the Boulder Canyon Project.

(b) The Uprating Program authorized under section 201(a) of this Act may be undertaken with appropriated funds or with funds advanced under contracts made with the Secretary of the Interior by non-federal purchasers described in subsection (a) of this section, or a combination thereof. Any funding provided by non-federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(c) Notwithstanding any other provisions of the law, funds advanced by non-federal purchasers for use in the Uprating Program shall be deposited in the Colorado River Dam Fund and shall be available for the Uprating Program.

(d) Those amounts advanced by non-federal purchasers shall be financially integrated as capital costs with other project costs for rate setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the Uprating Program.

SEC. 206. Reimbursement of funds appropriated for construction of facilities authorized under section 201(a) of this Act, inclusive of any funds advanced by non-federal purchasers, shall be a repayment requirement of the Boulder Canyon Project beginning with the first day of the month following completion of the installation, except that the costs of the Visitor Facilities Program as defined in section 210(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

SEC. 207. This Act shall not be construed to either support or prejudice:

(a) claims concerning the existence or scope of any right to renew a contract in effect on the date of this Act for purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program, or

(b) claims concerning the existence or scope of preference in the purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program.

Mr. HECHT. Mr. President, I rise at this time to offer an amendment to S. 268, the Bureau of Reclamation hydropower authorization bill. This amendment is virtually identical to the printed amendment No. 1424, introduced on June 21, except that the page and line references to S. 268 have been changed to conform with amendments reported by the Committee on Energy and Natural Resources on May 20 of this year. This is a purely technical change.

Cosponsored by my colleagues from the Lower Colorado River Basin States, Senators LAXALT, GOLDWATER, DECONCINI, CRANSTON, and WILSON, this amendment provides for additional hydroelectric development at Hoover Dam and serves as the legislative capstone to a negotiated settlement of the longstanding power allocation disputed between the States of Nevada, Arizona, and California. It is critical that Congress move quickly, while the power allocation agreement is intact, to approve this amendment as part of S. 268.

Mr. President, I am aware that a second degree amendment will be offered by Senator GARN from Utah. While this has been cleared by all of the original cosponsors, I would like to review its substantive background and articulate my understanding of its legislative intent.

The amendment proposed by my colleague from Utah adds a new subsection 207(c), which provides that enactment of S. 268 will neither support nor prejudice any right that may now exist to determine either by litigation or arbitration any question as to the interpretation or performance of S.

268 or any other laws of the United States now in effect. Under the Senator's proposal, the same would be true as to disputes arising out of any criteria issued in the future dealing with the allocation of energy from Hoover Dam.

Presumably, my Utah colleague's proposal is prompted by his interest in preserving whatever rights Utah or entities within Utah might have to output from Hoover Dam. No entity in Utah has ever held a contract for the purchase from the United States of Hoover Dam output, and from a legal standpoint, the Lower Colorado River Basin States of Nevada, Arizona, and California do not recognize any existing right of parties within Utah, including the State itself, to arbitration or judicial review of questions relating to the Hoover contracts now in effect.

As to future output from Hoover Dam, or regulations associated therewith, the new subsection would appear to state a truism; that is, whatever rights Utah or any entity therein may have are neither affirmed nor prejudiced by the enactment of S. 268. Any such rights that may be claimed, therefore, must necessarily be established elsewhere; namely, under the terms of the Boulder Canyon Project Act or the Boulder Canyon Project Adjustment Act. This is also true with respect to any claim of rights founded on regulations which are not yet in existence, for it goes without saying that before a regulation can confer a valid right, the regulation itself must have a statutory base.

I am sure it comes as no surprise to my friend from Utah that in the view of this Senator, neither Utah nor any entity within Utah can assert claims to Hoover power that would be even on a par with the rights of the State of Nevada, let alone superior thereto. I believe my colleagues from Arizona and California support me in this interpretation with respect to their States rights to Hoover power output as well.

Mr. President, this is all a long way of saying that because I believe the new subsection 207(c) adds nothing to the legal protections already accorded by subsections 207 (a) and (b), I do not object to its inclusion in this amendment package.

● Mr. GOLDWATER. Mr. President, I am pleased to support S. 268, introduced by the distinguished chairman of the Committee on Energy and Natural Resources, Senator MCCLURE, which will provide for the installation of new or enhanced hydroelectric power generating facilities at a number of existing Bureau of Reclamation dams.

I am, of course, particularly pleased with the amendments with respect to Hoover Dam, which the Senator from Nevada, Mr. HECHT, offered to the Senate in his maiden speech on June 21 on behalf of himself and the senior Senator from Nevada, Mr. LAXALT, as well as for Senators CRANSTON, WILSON, DECONCINI, and myself. We thus have Nevada, California, and Arizona in full agreement on the proposals with respect to Hoover. I am hopeful that with the approval of this legislation by the Senate we will have taken a giant step—not only in enhancing Hoover for visitors and as a producer of power—but also toward settlement of current disputes and misunderstandings among the Hoover power allottees in California, and the States of Arizona and Nevada.

I mentioned enhancing Hoover for visitors, which is one of the major purposes of the amendments. As the Senate knows, Hoover Dam—as a key feature of the great Lake Mead National Recreational Area—is a magnet for visitors. The present parking, roadway, elevator, and other facilities to handle the growing numbers wishing to see this splendid hydroelectric facility are sorely pressed and must be updated. The Hoover amendments will accomplish that, and at the same time will authorize the uprating of the powerplant itself, substantially increasing the capacity of the plant to generate power. Authorizing the upratings now will permit full modernization of the Hoover plan in a rational, programed way, and avoid unnecessary shutdowns which would otherwise happen.

The Hoover amendments also provide that a portion of the power revenues be set aside for the purposes of assisting repayment of the central Arizona project as well as salinity control projects authorized by the Congress to help maintain the quality of Colorado River waters so essential to homes, farms, and industry, on both sides of the border. Congress, in authorizing the CAP in 1968, provided that after Hoover payout in 1987, surplus revenues from sales in Arizona from the Hoover plant would be used to provide funds for the completion of the CAP. The Hoover amendments now define those revenues to come from the Arizona power users. This will be a powerful assist to the CAP, and I want to recognize the cooperative efforts to representatives of the California Hoover allottees, and of Nevada and Arizona which made this possible, while at the same time settling on the charge that California users, and Nevada, would bear to assist salinity control. After repayment of the CAP, all of those charges will merge to continue to further assist payment for necessary salinity control.

Mr. President, S. 268 as amended is a truly significant step in the further development of the Nation's water resources, through utilizing existing dams and reservoirs to create more clean and renewable energy. The enhancement of the Hoover resources under this bill, not only as a place to visit and enjoy, but from which significantly more hydroelectric power will be produced, will be a signal accomplishment. The Bureau of Reclamation and the Department of Energy have made marked contributions in these developments. I am pleased to join my colleagues in California and Nevada in cosponsoring the Hecht amendments, and trust that with their continued assistance, and with the continuing interest of the Bureau and DOE we will gain final and full agreement on the disposition of the Hoover power resource and related matters.●

Mr. LAXALT. Mr. President, I join my distinguished colleague, Senator HECHT, in offering this amendment to S. 268, the Bureau of Reclamation hydropower authorization bill. This amendment authorizes the development of additional hydropower capacity at Hoover Dam and facilitates agreement on the future allocation of Hoover power beyond 1987 when the current allocation contracts expire.

After protracted negotiation among the three States of Nevada, Arizona, and California and under the threat of long and difficult litigation, tentative agreement was reached by most allottees on 10 principles of settlement for future power allocations. That settlement is tied to the uprating of the Hoover powerplant authorized in this amendment. Some 500 megawatts of capacity will be made available through this authorization. Additionally, the amendment authorizes needed visitor facility repairs to be financed through power revenues and a new highway bridge below the dam to be financed through appropriate cost-sharing agreements. Finally, the amendment allocates specific funding for completion of the central Arizona project, to be raised through a 4½-mill-per-kilowatt-hour surcharge.

This amendment and the bill, S. 268, are significant steps in the direction of providing additional sources of renewable, cheap hydroelectric power. The importance of the developments incorporated in this Hoover amendment cannot be overestimated. It offers a resolution of the allocation struggle in good-faith negotiations, one which will provide for the next 50 years of peaceful sharing of the fruits of this marvel of engineering and design, Hoover Dam.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2120) was agreed to.

AMENDMENT NO. 2121

Mr. BAKER. Now, Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Utah (Mr. GARN) and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. GARN, proposes an amendment numbered 2121.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title II, Sec. 207, add a new subsection (c) as follows:

(c) Any right to determine by arbitration or court proceedings any dispute or disagreement as to the interpretation or performance of any provisions of this Act or any other laws of the United States in effect on the date of this Act, or the Criteria or Regulations, either to be published or subsequently amended relating in any way to allocation of energy generated at Hoover Dam from capacity existing on the date of this Act or increased capacity resulting from the Uprating Program.

Mr. GARN. Mr. President, I wish to express my appreciation to the Senator from Nevada for his cooperation in accepting the modification I have proposed be added to his amendment on behalf of interests in the State of Utah.

My amendment adds a new section 207 (c) to the Hecht amendment. This section will preserve the right to determine by arbitration or court proceedings the question of whether Utahans are entitled to receive an allocation of either existing electricity generated at Hoover Dam or to the increased capacity which will result from this amendment. This modification insures that nothing in this act will alter or disrupt the legal rights of parties within the various Colorado River Basin States as they presently exist under the several Federal statutes governing the allocation of Hoover Dam power.

I recognize the longstanding differences between the upper and lower basin States over the use of water and power on the Colorado River and wish to make clear that my intent through this amendment is to protect the right of Utahans to make a claim to this power.

It comes as no surprise to me that my friend from Nevada is of the opinion that no such claim exists under the Boulder Canyon Project Act of 1928, the Boulder Canyon Adjustment Act of 1949, or any other Federal statutes. Nevertheless, such a claim has been made and an application for Hoover Dam power has been filed on behalf of Utah electrical consumers. My amendment guarantees that nothing in this act will adversely affect a fair resolution of that or any other claim by arbitration or court proceedings.

Mr. President, we westerners have been arguing over water related issues continually now for years, yet we remain the best of friends and good neighbors. I again want to thank the Senator for his fairness in dealing with this issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2121) was agreed to.

● Mr. GOLDWATER. Mr. President, I have been privileged, together with my colleague from Arizona and the distinguished Senators from California and Nevada, to join in sponsoring the package of amendments to S. 268 relating to Hoover which the Senator from Nevada, Mr. HECHT, has been addressing.

I wish to assure the Senate of Arizona's agreement with the views just stated on behalf of Nevada with respect to the proposal by the Senator from Utah. In short, the proposed amendment neither adds any rights or entitlements, nor of course does it detract in any way from any such rights or entitlements, whatever they may be, if indeed any.●

Mr. McCLURE. Mr. President, I am pleased that the Senate is able to consider S. 268 at this time. As my colleagues will recall, similar legislation passed the Senate in both the 96th and 97th Congresses. I only hope that the third time is the winner.

This legislation is very important to the Western States and in particular, to my own home State of Idaho, but I also emphasize the development of our hydroelectric resources is indeed in the national interest.

Mr. President, I ask unanimous consent that the "Purpose, Background, and Further Discussion" sections of the committee report (98-137) which accompanied S. 268 when reported by the Senate Committee on Energy and Natural Resources on May 20 of this year, be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PURPOSE

As ordered reported, S. 268 would authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric generating facilities at seven existing Bureau of Reclamation projects located in California, Montana, Idaho, and Wyoming.

BACKGROUND

In 1977, the Department of the Interior's Bureau of Reclamation published a report entitled "Western Energy Expansion Study." The report, as part of the Bureau's general investigations program, examined the potential for the development of hydroelectric power, including pumped storage, at both new sites and existing Bureau facilities in the 17 Western States. A total of 127 proposals for hydroelectric development were examined, of which 61 proposals were recommended for further study.

Based on the recommendation of the report, legislation was introduced in the 95th Congress to authorize construction of the proposed generating facilities at eight of the sites evaluated; however, Congress adjourned prior to action on the measures. In the 96th Congress, similar legislation was introduced but with the benefit of additional studies undertaken by the Department of the Interior, the measure authorized construction of 13 powerplants at existing projects. The bill (S. 1420) was passed by the Senate, but was not considered by the House prior to adjournment of the 96th Congress. In the 97th Congress, a similar bill (S. 306) passed the Senate but, once again, Congress adjourned prior to final consideration.

Except for the deletion of the authorization of the Buffalo Bill Powerplant expansion in Wyoming (which was authorized in separate legislation), S. 268 as introduced is identical to S. 306 as passed by the Senate in the 97th Congress. As ordered reported by the Senate Committee on Energy and Natural Resources, S. 268 authorizes the addition of hydroelectric generating capacity at seven sites with an installed capacity of approximately 188 megawatts and an annual generation of approximately 385 million kilowatt hours, or the equivalent in energy of over 690,000 barrels of oil.

For comparative purposes, a brief summary of project statistics of S. 268 as introduced and as ordered reported by the Committee follows:

Project	Capacity (megawatts)	Cost (millions)	Generation (million kilowatt hours)
S. 268. Summary as introduced:			
Friant, Calif.[1]	22.7	$25.39	101
Whiskeytown, Calif.[1]	3.0	3.39	11
Yellowtail Afterbay, Mont	10.0	24.2	62
Red Bluff, Calif.[1]	10.0	38.03	53
Stony Gorge, Calif.[1]	3.0	4.02	11
Monticello, Calif.[1]	16.0	11.83	43
Palisades, Idaho	90.0	65.3	158
Anderson Ranch, Idaho	30.0	13.2	19
Minidoka, Idaho	30.0	60.0	48
Baca, Calif.-Nev.	.9	.84	3
Processer, Calif.-Nev.	1.0	1.24	3
Total	216.6	247.44	512
S. 268. Summary as ordered reported:			
Whiskeytown, Calif.[1]	3.0	3.78	11
Yellowtail Afterbay, Mon	10.0	25.6	62
Red Bluff, Calaif.[1]	10.0	42.1	53
Palisades, Idaho	90.0	76.0	158
Anderson Ranch, Idaho	30.0	14.317	19
Minidoka, Idaho	30.0	73.437	48
Guernsey, Wyo.[1]	15.0	22.337	34
Total	188.0	257.571	385

[1] Conditional authorization.

FURTHER DISCUSSION

As in S. 1420 of the 96th Congress and S. 360 of the 97th Congress, the Committee has retained the concept of a "conditional authorization" for certain projects authorized in the bill. This provides an opportunity for non-Federal entities to secure a license from the Federal Energy Commission prior to October 1, 1985, after which the Secretary of the Interior is authorized to construct those projects for which licenses have not been granted.

The Committee also notes the opportunity provided pursuant to the popularly referred to "Contributed Funds Act" (41 Stat. 1404, 43 U.S.C. § 395) for non-Federal contributions to be made towards the construction of the Federal facilities authorized in S. 268. Many reclamation projects have received funding assistance from non-Federal sources and this practice may serve to provide not only for construction on a more timely basis but also to alleviate the impact of water re-

source development expenditures on the Federal budget.

During consideration of S. 268 before the Committee on May 13, 1983, Senator Wallop expressed concern regarding the relationship of increased power generation at Guernsey Dam in Wyoming to the current practice of providing a "silt run" for the purpose of preventing seepage in canals of the North Platte Project. The silt run operation involves lowering the level of Guernsey Reservoir so that silt deposits are flushed from the reservoir. The sediment laden water is then diverted into the North Platte project's canal system where the silt blanket the canal bottoms and sides thereby reducing seepage. Lowering the level of Guernsey Reservoir affects power generation. Senator Wallop is working closely with water users and the Bureau of Reclamation in an attempt to rectify the apparent conflict and may offer amendatory language to S. 268 when considered on the floor of the Senate.

Mr. McCLURE. As my colleagues will note, in that portion of the committee reported entitled "Further Discussion," mention was made of the opportunity for non-Federal contributions toward construction of the powerplants authorized in the bill. This is not a new concept in the reclamation program and indeed dates from the early 1920's and the passage of the so-called Contributed Funds Act in 1921. I recall that a substantial contribution was made by the State of Washington toward construction of the Second Bacon Siphon and Tunnel, a feature of the Columbia Basin project, in the mid-1970's, and only last year, the State of Wyoming pledged to contribute toward the modification of the Buffalo Bill Dam and Powerplant. I am hopeful that the States or other non-Federal entities will continue to avail themselves of the authority of the Contributed Funds Act thereby helping to pave the way for continued water resources development and decreasing the pressure on the Federal budget.

I am also pleased to see the unanimity with which the so-called Hoover amendment was offered to S. 268 by my colleagues in the Southwest. As they will recall, an attempt to authorize the Hoover uprating program was made in the last Congress, but questions regarding the proposal were not resolved prior to consideration of the measure by the Senate. During this Congress, with the leadership of the junior Senator from Nevada, Mr. HECHT, the problems were resolved and I would like to congratulate him for his successful efforts.

I would also extend my appreciation for the fine efforts of the staff of the Senate Energy and Natural Resources Committee and the staffs of the respective Senators who have participated in the preparation of this legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Interior, acting pursuant to the Federal reclamation laws (Acts of June 17, 1902, 32 Stat. 388 and Acts amendatory thereof and supplemental thereto), is authorized to construct, operate, and maintain hydroelectric powerplants at existing reclamation project facilities at locations and in the approximate capacities set forth in section 104 of this Act: *Provided,* That construction by the Secretary of the Interior of a powerplant designated in subsection (a), (c), or (g) of section 104 of this Act may not proceed prior to October 1, 1985, or if a license has been issued prior to such date to a non-Federal entity pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797) to construct such powerplant. In carrying out the purposes of title I of this Act, the Secretary of the Interior is authorized to modify the capacity of a powerplant designated in section 104 as determined to be necessary or desirable during postauthorization study and design, and after consultation with the Secretary of Energy.

SEC. 102. The Secretary of Energy is authorized to construct, operate, and maintain transmission facilities as required physically to connect the hydroelectric powerplants authorized in section 104 of this Act to existing power systems and as he determines necessary to accomplish distribution and marketing of power generated by powerplants constructed pursuant to section 104 of this Act, and to purchase replacement capacity, energy, or both in order to maintain contractual deliveries to customers during unit outages which result from Federal construction of the powerplants authorized in section 104 of this Act.

SEC. 103. During Federal construction of powerplants authorized in section 104 of this Act, the Secretary of the Interior and the Secretary of Energy shall seek to minimize the loss of capacity, energy, or both to power customers due to unit outages which result from such construction. The Secretary of Energy shall seek to maintain contractual deliveries of capacity, energy, or both at contract prices to customers affected by unit outages resulting from such Federal construction.

SEC. 104. (a) Whiskeytown powerplant unit, Central Valley project, California, consisting of a turbine generator unit of three thousand kilowatts on the outlet works of Whiskeytown Dam.

(b) Yellowtail Afterbay powerplant unit, Pick-Sloan Missouri Basin program, Montana, consisting of a turbine generator unit of ten thousand kilowatts on the outlet works of Yellowtail Afterbay Dam.

(c) Red Bluff powerplant unit, Central Valley project, California, consisting of four turbine generator units of two thousand five hundred kilowatts each at Red Bluff Diversion Dam.

(d) Palisades Powerplant enlargement, Palisades project, Idaho-Wyoming, consisting of one or more turbine generator units so as to increase the powerplant capacity by ninety thousand kilowatts.

(e) Anderson Ranch powerplant unit, Boise project, Idaho, consisting of a turbine and generator unit to increase the powerplant capacity by thirty thousand kilowatts.

(f) Minidoka powerplant rehabilitation and enlargement, Minidoka project, Idaho-Wyoming, consisting of two turbine generator units of fifteen thousand kilowatts each in replacement of existing units one through six.

(g) Guernsey powerplant enlargement, North Platte project, Wyoming, consisting of one turbine generator unit to increase the powerplant capacity by fifteen thousand kilowatts.

SEC. 105. (a) Hydroelectric power generated by Federal facilities constructed pursuant to section 104 of this Act shall be delivered to the Secretary of Energy for distribution and marketing through existing Federal hydroelectric power marketing programs in accordance with existing law and policy consistent with the provisions of title I of this Act.

(b) The Federal powerplants constructed pursuant to section 104 of this Act shall be financially integrated with and the power marketed under rate schedules in effect for the several programs as follows:

(1) Whiskeytown and Red Bluff powerplant units shall be marketed through the Central Valley project power marketing program;

(2) Yellowtail Afterbay powerplant unit shall be marketed through the Pick-Sloan Missouri Basin program power marketing program;

(3) Palisades powerplant enlargement, Anderson Ranch powerplant unit, and Minidoka powerplant rehabilitation and enlargement shall be marketed through the Federal Columbia River Power System; and

(4) Guernsey powerplant unit shall be marketed through the Western Division, Pick-Sloan Missouri Basin program power marketing program.

SEC. 106. Powerplants authorized in section 104 of this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 107. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable cost of a powerplant authorized in section 104 of this Act shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of such powerplant commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.

SEC. 108. (a) There are hereby authorized to be appropriated beginning October 1, 1983, to the Secretary of the Interior for construction of the powerplants authorized in section 104 of this Act the amounts set forth in subsection (b), on the basis of October 1983 price levels, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary of Energy such sums as may be necessary for the purposes of sections 102 and 103 of this Act, and to the Secretary of the Interior such additional sums as may be necessary for the operation and maintenance of the Federal powerplants authorized in section 104 of this Act.

(b)(1) Whiskeytown powerplant unit, $3,780,000.

(2) Yellowtail Afterbay powerplant, $25,600,000.

(3) Red Bluff powerplant unit, $42,100,000.

(4) Palisades powerplant enlargement, $76,000,000.

(5) Anderson Ranch powerplant unit, $14,317,000.

(6) Minidoka powerplant rehabilitation and enlargement, $73,437,000.

(7) Guernsey powerplant enlargement, $22,337,000.

SEC. 109. The provisions of this title I shall not apply to any project authorized or affected by title II of this Act.

TITLE II

SEC. 201. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter "Uprating Program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter "Visitor Facilities Program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon Project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 202. (a) Clause (1) of subsection (c) of section 403 of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1543(c); 82 Stat. 894) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in Title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona Project;".

(b) Clause (2) of said subsection (c) is revised by inserting immediately preceding the existing proviso: *"Provided, however,* That for the Boulder Canyon Project commencing June 1, 1987, and for the Parker-Davis Project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona Project described in section 301(a) of this Act, the Secretary of Energy shall provide for such surplus revenues by including the equivalent of 4½ mills per kilowatt-hour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent of 2½ mills per kilowatt-hour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided further,* That after the repayment period for said Central Arizona Project, the equivalent of 2½ mills per kilowatt-hour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:"

SEC. 203. The Boulder Canyon Project Act of 1928 (43 U.S.C. 617 *et seq.*; 45 Stat. 1057), as amended and supplemented, is further amended:

(a) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(b) In section 3, by deleting "$165,000,000" and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the Uprating Program and the Visitor Facilities Program.".

SEC. 204. The Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 et seq., 54 Stat. 774), as amended and supplemented, is further amended:

(a) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a), and inserting in lieu thereof "beginning June 1, 1937".

(b) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(c) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and", and by adding subsection (e) to read:

"(e) To provide revenues from and after June 1, 1987, for application to the purposes specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented.".

(d) In section 2:

(1) By deleting the first sentence and subsection (a) and inserting in lieu thereof: "All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations Acts;" and

(2) By deleting existing section 2(e) and inserting in lieu thereof a new section 2(e) reading:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by Title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act.".

(e) By deleting the final period and placing a colon at the end of section 6 and adding: *"Provided,* That on appropriated funds advanced, respectively, for the Uprating Program and for the Visitor Facilities Program as defined in section 201(a) of [S. 268], the rate of interest for advances for each shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the initial advance for the particular program involved is made, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.".

(f) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

SEC. 205. (a) Capacity resulting from the Uprating Program and associated energy shall be allocated for use in Arizona, California, and Nevada in the respective amounts specified in the applicable power marketing criteria promulgated by the Secretary of Energy. Such allocated capacity and associated energy shall be disposed of only pursuant to contracts effective June 1, 1987 and expiring on September 30, 2017, between the Secretary of Energy and purchasers in Arizona, California, and Nevada eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act: *Provided, however,* That in the case of Arizona and Nevada, such contracts shall be made with the agency designated by state law as the agent of such state for purchasing power from the Boulder Canyon Project.

(b) The Uprating Program authorized under section 201(a) of this Act may be undertaken with appropriated funds or with funds advanced under contracts made with the Secretary of the Interior by non-Federal purchasers described in subsection (a) of this section, or a combination thereof. Any funding provided by non-Federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(c) Notwithstanding any other provisions of the law, funds advanced by non-Federal purchasers for use in the Uprating Program shall be deposited in the Colorado River Dam Fund and shall be available for the Uprating Program.

(d) Those amounts advanced by non-Federal purchasers shall be financially integrated as capital costs with other project costs for rate setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the Uprating Program.

SEC. 206. Reimbursement of funds appropriated for construction of facilities authorized under section 201(a) of this Act, inclusive of any funds advanced by non-Federal purchasers, shall be a repayment requirement of the Boulder Canyon Project beginning with the first day of the month following completion of the installation, except that the costs of the Visitor Facilities Program as defined in section 201(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

SEC. 207. This Act shall not be construed to either support or prejudice:

(a) claims concerning the existence or scope of any right to renew a contract in effect on the date of this Act for purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program, or

(b) claims concerning the existence or scope of preference in the purchase of electrical energy generated at Hoover Dam, in-

cluding, but not limited to, any right to increased capacity resulting from the Uprating Program,

(c) any right to determine by arbitration or court proceedings any dispute or disagreement as to the interpretation or performance of any provisions of this Act or any other laws of the United States in effect on the date of this Act, or the Criteria or Regulations, either to be published or subsequently amended relating in any way to allocation of energy generated at Hoover Dam from capacity existing on the date of this Act or increased capacity resulting from the Uprating Program.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISCHARGE AND REFERRAL OF S. 278

Mr. BAKER. Mr. President, next I would propose to discharge the Energy Committee from further consideration of S. 278, a bill to designate the Lowndesville Recreation Area as the "Jim Rampey Recreation Area," and then to refer that matter to the Committee on Environment and Public Works, if the minority leader will concur in that request.

Mr. BYRD. I have no objection to that request.

Mr. BAKER. Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION OF TESTIMONY AND PRODUCTION OF DOCUMENTS

Mr. BAKER. Mr. President, I send to the desk a resolution for myself and the distinguished minority leader dealing with the authorization for the production of documents in litigation, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 200) to authorize testimony and production of documents in the case of State of Florida v. Charles H. Rogers, Jr., Cr. No. 83-14931.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, this resolution would authorize testimony by Barbara Schwartz and Rusty Roberts, employees in Senator HAWKINS' office, and Patti Allen, a former employee, in the case of State of Florida against Charles H. Rogers, Jr., which is pending in the Circuit Court for the 11th Judicial Circuit of Florida, Dade County. Counsel for the State has requested this testimony at the trial, which is set for October 3, 1983. This criminal prosecution charges a scheme of fraud, including mail fraud, under the Florida statutes. This resolution would authorize Ms. Schwartz, Ms. Allen, and Mr. Roberts to testify and produce documents regarding the charges underlying the prosecution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 200

Whereas, the case of *State of Florida* v. *Charles H. Rogers, Jr.*, Criminal Action No. 83-14931, is set for trial on October 3, 1983, in the Circuit Court of the Eleventh Judicial Circuit of Florida, In and For Dade County;

Whereas, counsel for the state has requested the production of documents and the testimony of Barbara Schwartz and Rusty Roberts, Senate employees in Senator Hawkins' Winter Park, and Miami, Florida offices, respectively, and Patti Allen, a former employee in Senator Hawkins' Winter Park office;

Whereas, by the privileges of the Senate of the United States and Rule XI the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that production of documents and the testimony of an employee of the Senate is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Barbara Schwartz, Rusty Roberts, and Patti Allen are authorized to produce documents and to testify in the case of *State of Florida* v. *Charles H. Rogers, Jr.*, Criminal Action No. 83-14931, except concerning documents and/or matters that are privileged from disclosure.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR CERTAIN ACTION DURING ADJOURNMENT AND PROCEDURE UPON RECONVENING

Mr. BAKER. Mr. President, I have a unanimous consent request in respect to the status of the adjournment and our return after the statutory August recess, and if the minority leader is prepared to consider that request at this time, I will state it.

Mr. BYRD. Mr. President, we are prepared on this side on the aisle.

Mr. BAKER. I ask unanimous consent that during the adjournment of the Senate over until Monday, September 12, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate over until September 12, committees may be authorized to file reports on Thursday, September 1, between the hours of 9 a.m. and 3 p.m.

Finally, I ask unanimous consent that when the Senate reconvenes on Monday, September 12, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 1 hour in length, with Senators permitted to speak therein for not more than 10 minutes each; provided further that the morning hour be deemed to have expired.

Mr. BYRD. Mr. President, reserving the right to object—and I will not object—I have two questions of the distinguished majority leader.

One, what time will the Senate convene on Monday, September 12?

Mr. BAKER. Mr. President, I make two inquiries: One, the number of the adjournment resolution sent to us by the House of Representatives and which has been adopted by the Senate.

The PRESIDING OFFICER. According to House Concurrent Resolution 153, the Senate will reconvene at 12 noon.

Mr. BAKER. I thank the Chair.

It is House Concurrent Resolution 153. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

The other reservation I would make has to do with the question of who is the Acting President pro tempore.

Mr. BAKER. Mr. President, I put the question to the Chair, in turn, in the nature of a parliamentary inquiry: How would that request be interpreted by the Chair?

The PRESIDING OFFICER. As of this moment, there is no Acting President pro tempore, none having been appointed by the President pro tempore.

Mr. BAKER. But the answer implicit in that answer, it seems to me, is that the Acting President pro tempore would be any Senator so designated by the President pro tempore under the rules of the Senate. Is that correct?

The PRESIDING OFFICER. He has the right to make that designation.

Mr. BAKER. I thank the Chair.

Mr. President, does the minority leader have any further inquiry on that subject? So far as I am concerned, I have no problem with that provision.

Mr. BYRD. I have no problem with it, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Executive Calendar remains to be done, and I wonder if we are ready now to undertake that.

Mr. BYRD. Mr. President, I understand that the Acting President pro tempore will be a Senator designated for such purpose by the President pro tempore.

Mr. BAKER. That is my understanding as well, Mr. President.

The PRESIDING OFFICER. The Chair advises that there is no necessity that one be designated.

Mr. BAKER. But one may be designated.

The PRESIDING OFFICER. The Senator is correct—one may be designated.

Mr. BYRD. If there is need for it.

CRITICAL AGRICULTURAL MATERIALS

Mr. DOLE. Mr. President, I have been discussing with the distinguished chairman of the Agriculture Committee whether or not there is any hope that we might get up the compromise farm bill or any portion thereof before we adjourn.

The chairman has been very good about getting everything out of the committee but once it gets to the Chamber we seem to get hung up not through any fault of the chairman. He has been ready to go for 2 weeks. We were ready to go last December on the PIK bill. But we seem to have some who just obstruct legislation at the last moment, and I think it is shortsighted.

I agree with the view shared by the chairman in the deliberations of the committee that we should move this legislation. We did it in the committee. It was done on a consensus basis. It was not partisan in any sense of the word.

I commend the chairman for that. If he has any more rabbits he can pull out of his hat at this late hour it would be appreciated.

Mr. HELMS. Mr. President, I say to the Senator from Kansas the hutch is empty. We met, as he knows, late last evening, trying to work out some accommodation among Senators. Apparently that is not possible.

I agree with the able Senator from Kansas that it looks a little bit futile as of now. But I think we should confer with the distinguished majority leader to see if he perceives that there might be a window that we could take at least some part of this legislation and consider it.

When I talked to the majority leader an hour and a half ago, he did not see that possibility. But maybe, the situation being fluid as it is, there is now some opportunity. However, I must say to the Senator that I doubt it.

While I am on my feet and while the Senator is yielding to me, I wish to say that I commend the distinguished Senator from Kansas and express my gratitude to him for the leadership that he has constantly shown in helping move legislation to the Senate Calendar. As he says, we reported it out of the committee and it is on the calendar but there it stops.

I would hope that Senators would reconsider their positions because about $1 billion worth of income, as I understand it, is involved for the farmers of this country. As long as this Senate is gripped by the inertia of this filibuster the farmers are going to be deprived of that money and that income.

I share that hope with the Senator from Kansas that maybe we might find some sort of a window today to move it along.

I thank the Senator.

Mr. DOLE. I thank the distinguished chairman.

I talked to a number of people representing various farm groups who are anxiously awaiting a final decision.

I have indicated to them, as the chairman has, and we have had discussions, as the chairman knows, as recently as last night, off the Senate floor in the Vice President's room, with the chairman of the committee presiding, trying to hammer out the difference.

Frankly, it seemed to many of us the big hangup was in the wheat and feedgrain section.

As I indicated yesterday in the Chamber, the chairman of the committee had authorized those of us in heavy production areas to try to work out something as he has always done in the past, and we are very grateful for that.

We believe we had a consensus. The National Association of Wheat Growers, for example, said they would not oppose the compromise. The Kansas Association of Wheat Growers said they would actively support the compromise.

I wish to express my appreciation to the chairman for giving us all of that time to try to work it out.

We have had great success in getting major legislation out of the committee but I guess we cannot fault any Senator who wants to hold it up on the Senate floor. So I want to express my thanks for all the committee members on both sides of the aisle for the courtesies extended us by the chairman not only this year but over the years, and for his willingness to get it out on the floor and give the Senate a chance to work its will. It is only 2:15 and there is still a chance for the distinguished senior Senator from Montana and others who seem to not want to do anything to change their minds.

Mr. HELMS. I thank the Senator.

I am reluctant to interrupt the distinguished majority leader, but I wonder if I might ask him if he sees any possibility of moving this target price legislation. Does he know of any development that Senator DOLE and I have not heard about?

Mr. BAKER. Mr. President, I regret I must say I do not. I depended on the distinguished chairman of the committee, who has worked very, very hard to try to reconcile the conflicts, and Senator DOLE who has done so as well and Senator JEPSEN and others. I met with them. I queried them periodically, and others, about the prospect, and hopes have been up and down but right now I have to tell you I do not see any prospect we are going to be able to work out an agreement.

In these, the waning hours of the Senate before the August recess, unless we have an agreement, there is simply no time to take up the bill. That does not mean we are not going to have an agriculture target price bill. I hope we will and after we come back maybe things will look different. But I do not see any realistic prospect of doing it today.

Mr. HELMS. The distinguished majority leader participated in the meeting last evening. He knows we moved that close—and, of course, the CONGRESSIONAL RECORD cannot show that I have my fingers about an inch apart—in reaching an accommodation, and I just regret, I say to my friend from Tennessee, that we were not able to get an agreement that he so ably assisted in trying to achieve.

But may I ask the majority leader not to be final in his judgment that no action, no compromise or no accommodation can be reached, and let us continue to work.

Mr. BAKER. Yes, Mr. President, I encourage the chairman of the committee and all other Senators to continue to work on it, and I pledge to them my aid and assistance, for whatever that is worth.

Mr. HELMS. One final question and I will not bother you further. Have you announced the plans of the Senate with respect to an adjournment or recess?

Mr. BAKER. Mr. President, I have not. I advised the minority leader a few moments ago that I had a meeting with the distinguished chairman of the Armed Services Committee at 3 o'clock and at 3 o'clock I will have another reading on the progress of the conferees on the DOD bill and we will make a final judgment about the time for adjournment then.

Mr. HELMS. Very well.

Mr. BAKER. I said a day or two ago I hoped we get out tonight and I still hope so, but I would like to reserve judgment on it until I have the report from Senator TOWER.

Mr. HELMS. I hope you do, and I thank you for giving us that last opportunity to try to work something out because, as I said earlier in my colloquy with the distinguished Senator from Kansas, we are talking about a billion dollars worth of income to the farmers of this country, and I would like to work it out if we can, and I want to say to the majority leader that I am so deeply grateful for his patience and his cooperation throughout this ordeal.

Mr. BAKER. Well, Mr. President, it has been an ordeal and I am grateful to the chairman of the Agriculture Committee for his work. He has been most diligent and effective in bringing the parties very close together, and I thought for a while last night that we had it made. But once more it slipped away from us. But we will keep trying.

Mr. HELMS. Thank you.

Mr. BAKER. I thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

WE MUST REPAIR OUR UNEMPLOYMENT INSURANCE SYSTEM

Mr. BYRD. Madam President, the economic indicators signal that we have begun to climb out of the depths of the recession in which we have been mired since July 1981. However, we must not forget that recovery still will be a very long time coming for many millions of Americans who lost their jobs and, in many cases, their possessions and homes as well.

Unemployment while it has been falling for the past several months, is still at a terribly high level on a nationwide basis. The national total unemployment rate in June, the latest month for which the Department of Labor has announced figures, was 10 percent.

No Member of this body should rest while we have over 11 million persons in the American work force who are idle; while 5.7 million are working part time because they cannot find full time work; and while 1.7 million are still so discouraged as a result of their unsuccessful search for work that they have dropped out of the labor force altogether, and are not counted among the officially unemployed.

And the picture is even bleaker in some of the States that have been hardest hit by the recession. In May, the last month for which the U.S. Labor Department has compiled comprehensive figures, my State of West Virginia had an 18.2 percent unemployment rate. Michigan had a 14.7-percent unemployment rate. Ohio had a 12.9-percent rate. All told, 19 States and the District of Columbia had rates over 10 percent.

It is also important to note that those who have been laid off in this recession are remaining unemployed longer than in previous recessions. In May of this year, 1.55 million workers had been unemployed for a full 12 months, and this does not count the structurally unemployed who have not worked in recent years. One revealing statistic is the "cumulative weeks of current national unemployment"—the product of multiplying the number of unemployed persons by the average time that they have been without work. While the national unemployment rate finally is falling, the "cumulative weeks of current national unemployment" still is increasing. It rose from 215.2 million in April to 228.3 million in May.

The "cumulative weeks of current national unemployment" in 1980 was approximately 90 million. Today it is nearly 230 million, over 250 percent of what it was only 3 years ago.

Just yesterday morning, we were greeted by headlines in the major newspapers announcing that "U.S. Poverty Rate Rises to 15 Percent" during the past year, and the accompanying article states that we now have the highest national poverty rate since 1965—the highest rate in nearly 20 years.

I, as have many of my colleagues, repeatedly described in this Chamber over the past 2 years the plight of the unemployed. I need not do that again today. We all know what happens when a worker loses his or her job and exhausts the family's savings.

Fortunately, the Congress has provided unemployment insurance as a partial cushion. However, the unemployment insurance system currently is not functioning to provide the degree of cushioning that the Congress intended. This is true primarily with respect to programs of additional benefits beyond those available through the regular or basic unemployment insurance programs operated wholly by the States. The system simply has been overcome by the severity of this recession and the magnitude of unemployment we have experienced and continue to experience.

Presently, although 20 of the 53 States and other jurisdictions have unemployment rates above 10 percent, and the national unemployment rate is 10 percent—very severe unemployment by historical standards—only 5 States plus Puerto Rico and the Virgin Islands are eligible for extended benefits—the second of three tiers or benefits available through the unemployment insurance system. This unacceptable situation is primarily the result of two factors. First, the Congress made two changes in 1981 in the use of the insured unemployment rate (the IUR) which is used to determine the eligibility of States for the program. One increased the level of the IUR a State must have to qualify. The other omits from the computation of the IUR all persons who are receiving extended and supplemental benefits. The IUR continues to omit in its computation all persons who have exhausted all unemployment insurance benefits, as it did before 1981.

Even had these changes not been made, however, use of the IUR as the sole eligibility determinant for the extended benfits program was badly flawed. States that are hardest hit by unemployment—particularly where the average duration of unemployment is highest—are substantially disadvantaged, because a greater proportion of their unemployed populations are not counted in the IUR. This distorting effect generally is greatest as a State's unemployment rate peaks and begins to fall but still remains very high—as currently is the case in many States. My own State of West Virginia provides a vivid example: While its total unemployment rate currently is 18.2 percent, its IUR is only 7.84 percent.

In addition to this unacceptable situation with the extended benefits program, we are facing another crisis in the supplemental benefits program—the third or last tier of benefits. This tier expires again on September 30, when unemployment is likely to be only slightly, if at all, improved from the current 10 percent. It is absolutely unthinkable that Congress will not continue to provide weeks of benefits equal to or greater than the number now available when the weeks of supplemental benefits are counted, and yet we must go through the motions to be sure that the program is reauthorized again, and avoid an interruption that could be devastating for the unemployed and their families who are dependent on these benefits while they cannot find work.

There is yet a third major problem with the portions of the unemployment insurance system that are superimposed on top of the basic State unemployment insurance programs. This problem is not one of absence or inadequacy of benefits, although those problems also are present. Rather, it is the confusion, distress, and cynicism that result from one of the most complicated programs operated at any level of Government in this Nation—that result from a program that is sup-

posed to help those who have fallen upon hard times but instead often stymies and boggles the mind. It defies understanding by the workers it is designed to protect, by the employers who pay into its trust funds, by the taxpayers who finance some of its benefits through general revenues, and, indeed, by the Members of Congress who are its creators, and the Federal and State administrators who are charged with operating it.

How do we explain that only five States are eligible for extended benefits when unemployment is higher than at any time in the past 40 years except during other months of this same recession? How do we explain that only 5 States are eligible for the middle tier of benefits while all 50 States are eligible for the third and top tier of benefits? How do we explain that the long-term unemployed in a State are promised a certain number of weeks of supplemental benefits when they become eligible, but that number of weeks may change three or four times during the course of their respective eligibilities? How do we explain that the measurement of a State's unemployment that determines whether it is eligible for extended benefits at all, and how many weeks of supplemental benefits its unemployed can receive, deliberately does not count those among its unemployed who have been out of work the longest, including those who currently are receiving benefits under those very two programs? How do we respond to the jobless workers and their families who must depend on unemployment insurance because they cannot find work, and to the harried program administrator who must operate these programs, when they each agonize because they do not know whether there will be a third tier of benefits in just over 8 weeks when the current program expires—and, if so, how many weeks of benefits it will provide?

Madam President, the extended benefits and supplemental benefits programs are crying out for repair. The basic idea of such additional benefits is sound; it is, in fact, essential. But these programs must be repaired so that they actually will provide the protection they were intended to provide. They must be repaired so they will be dependable. And they must be repaired so that those who need benefits beyond those provided in basic State programs, those who pay the costs, and those who operate the programs can understand what help is available, how to obtain it, how much it costs, and how to operate the programs providing it efficiently.

These are not minor reforms. They cannot be accomplished by tinkering with the programs. It is time for a real overhaul of the system beyond the basic benefit programs at the State level.

Earlier this week, the Finance Committee held a hearing on the inadequacy of the extended benefits program. I believe it is completely clear that major revisions in the program are required immediately. As I mentioned a few moments ago, the supplemental benefits program expires in September and Congress must act to make certain that these benefits are not lost while unemployment remains at crisis levels in many States. Now is the time to make sense out of these two programs, and to combine them in such a way that they complement each other rather than exacerbate the flaws in the other.

There are a number of changes that need to be made. I wish to highlight the most important.

First, rather than having two programs that operate according to inexplicably conflicting State eligibility standards and result in incomprehensible durations of benefits, there should be only one program providing benefits beyond those available through the basic programs operated by the States.

Second, rather than having, as in the current extended benefits program, State eligibility requirements that dictate a State is eligible for all or nothing of the current 13-week benefit period, the program should be structured as the supplemental benefits program now is structured—where States with the highest levels of unemployment are eligible for the greatest number of weeks of benefits, and those benefits stage down as unemployment rates are lower.

Third, States should be eligible for at least the lowest tier of benefits when their insured unemployment rates are 4 percent or greater: The 5-percent threshold established in the Reconciliation Act of 1981 simply is too high.

Fourth, the use of the insured unemployment rate as the sole determinant of eligibility no longer is acceptable when the difference between the insured and the total unemployment rates often is 100 percent or greater. It is well established that the total unemployment rate compiled each month by the Bureau of Labor Statistics is based on a national sample, and that the probability of significant error is very high with respect to States with smaller populations because the sample size is so small there. Admittedly its use is not ideal. But surely it is apparent that use of the IUR is far from ideal. As a practical matter, we cannot tolerate a methodology that causes a State with 15-percent unemployment to receive only a very few weeks of benefits beyond those in the basic program. So, although efforts should be redoubled to find a "better mousetrap," in the meantime we must employ the total unemployment rate to assure that States and their long-term unemployed workers are treated fairly.

Fifth, and finally, the financing of the program must be arranged so that, as a State's unemployment rate increases, the Federal Government will pay an increasing share of the benefits in that State. This can be justified on the grounds that it is extremely likely that heavy unemployment in any State will be largely the result of economic circumstances beyond its borders and control. It also is necessary in order to minimize future incurrence of the heavy debts that have been incurred by the trust funds of those States that have been hit hardest by unemployment in the current recession. To ignore this situation will result in ever-increasing employer taxation—which may well serve as a disincentive to private sector hiring—with the greatest increases in taxes falling in the States that have had the worst unemployment and are in greatest need of new hiring.

Madam President, today I have the privilege of joining with the distinguished senior Senator from Pennsylvania in introducing legislation that will do precisely these things which must be done, and which will make other changes of a more technical nature that nonetheless also are very important.

At a time when we all are hopeful that the corner has been turned toward national economic recovery, we must not forget those who are the victims and remain the victims of this sad episode in our Nation's economic history. We must take steps to assure that the cushion of unemployment assistance actually is available to those who need it.

The bill we are introducing will make the essential improvements in the unemployment insurance system that need to be made now.

I am pleased to join with Senator HEINZ in proposing this legislation and to welcome as cosponsors Senators LEVIN, SPECTER, MOYNIHAN, and MATSUNAGA who have expressed their support today.

I urge my colleagues on both sides of the aisle to cosponsor this bill which is being introduced by Members from both sides of the aisle in a true spirit of bipartisanship. I hope that the Finance Committee which has purview over these programs will study it carefully over the coming recess period, and will move speedily to consider it as soon as the Congress reconvenes in September.

I stand ready to work with the Finance Committee to perfect this legislation, so that we can take the steps that we need to take before we face a crisis caused by the expiration of the supplemental benefits program on September 30.

Madam President, I ask unanimous consent that a summary of the purposes of this bill, a table showing the distribution of benefits and financing mechanisms it provides, a brief listing of all its provisions, and the text of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPLACEMENT OF THE CURRENT EXTENDED BENEFIT AND FEDERAL SUPPLEMENTAL COMPENSATION PROGRAMS WITH A CONSOLIDATED PROGRAM

OBJECTIVES

A consolidated program providing benefits beyond those available under the states' basic unemployment insurance programs (generally a maximum of 26 weeks of benefits) is proposed for several reasons:

(1) in order to remedy the current problems with the Extended Benefits program, wherein many states with high unemployment have been ineligible to participate in it because of various "quirks" in its eligibility criteria;

(2) in order to simplify the unemployment insurance system, so that it can be better understood by the public, by public policymakers, by businesses required to support part of its costs through employment taxes, and by those needing its benefits;

(3) in order to offer relief from terrible pressures on unemployment trust funds caused by heavy eligibility for extended benefits in those states beset by high unemployment currently or in the future; and

(4) in order to set in place a permanent program providing a maximum duration of benefits beyond that available currently from the combination of basic and extended benefits, with the duration of benefits available to any state varied on the basis of the state's level of unemployment, removing the necessity for special Congressional action during periods of extreme economic distress and preventing harmful delays in additional assistance reaching the unemployed in distressed states.

The proposed program replaces both the Extended Benefits and Federal Supplemental Compensation programs.

BENEFIT AND FINANCING STRUCTURE OF THE PROGRAM

The following benefits will be available to each state's long-term unemployed persons, based on the state's Insured Unemployment Rate (IUR) or on its Total Unemployment Rate (TUR) (whichever results in a greater number of weeks of benefits for the state), with costs being covered by the state and federal governments as indicated:

When State IUR equals (percentage)	And IUR is "X" percent or greater of prior year [1]	Or TUR is "Y" percent or greater	Unemployed persons receive "Z" weeks of benefits [2]	Costs split: State share/ [3] Federal share (percentages)	Percent Federal share from trust fund [4]/ general revenue
0 to 3.99		NA	0		
4 to 4.99	130	9.0	10	50/50	100/0
5 to 5.99	105	10.0	20	40/60	75/25
6 to 6.99	105	11.0	25	30/70	50/50
7 and above	105	12.0	30	20/80	25/75

[1] I.e., "X" percent of the average of the IUR in the same week in each of the six previous years.

[2] When the national seasonally adjusted total unemployment rate equals or exceeds 10 percent, unemployed persons in States in the 0 to 3.99 percent IUR tier will be eligible for 5 weeks of "additional benefits", and 5 additional weeks will be paid (beyond the number listed) for each other tier—with all such weeks being 100 percent Federal general revenue funded.

[3] State share to be paid from the State trust fund.

[4] Federal trust fund revenues derived from FUTA.

OTHER ALTERATIONS IN CURRENT LAW WITH RESPECT TO THE EXTENDED AND SUPPLEMENTAL BENEFITS PROGRAMS

If a state qualifies on the basis of IUR for a particular tier, but fails to qualify on the basis of the "percentage of prior years" factor, it automatically qualifies for the next lower tier.

If a state has high total unemployment, but a low IUR, the number of weeks of benefits for which it will be eligible will be determined on the basis of its TUR (as noted in the chart above) if that will result in a greater number of weeks of benefits in the state.

The "percentage of prior years" factor will be qualified on the basis of a six-year average rather than a two-year average.

The IUR will be seasonally adjusted.

Each state will have four identical "Benefit Duration Periods" during each federal fiscal year of three-month duration. The number of weeks, if any, of "Additional Benefits" to be paid will be determined at the beginning of that period, and the state will pay that number of weeks of benefits until the next "Benefit Duration Period" begins three months later. Each "Benefit Duration Period" will begin on the first Sunday following the first day of the month beginning each quarter, with the first quarter beginning with October of each year.

When a person becomes eligible for "Additional Benefits", he will be eligible for the number of weeks of benefits in effect in the state at the time he gained eligibility for "Additional Benefits", and will remain eligible for that number of weeks of benefits regardless of whether the state falls to a lower tier of benefits. If the state rises to a higher tier of benefits during his term of "Additional Benefits" eligibility, his duration of benefit eligibility is extended by the difference between the two. Provided, that if a state falls from one tier of benefit duration to a tier two or more below it during the course of the individual's eligibility for "Additional Benefits", the duration of benefits for that individual will be adjusted to the proper number of weeks of benefits at that lower tier (by subtracting from the number of weeks of benefits payable at that lower tier the number of weeks of "Additional Benefits" previously paid to that individual—but in no case will that number be fewer than 2 weeks).

When a person eligible for "Additional Benefits" moves to another state, he remains eligible under the provisions governing his eligibility in the state from which he moved, and that state will continue to pay benefits to him as though he were a resident of the state from which he moved (including duration of benefits).

With respect to any individual, a state is granted flexibility to modify the requirement for active work search, and provision to the Employment Service of tangible evidence of same, currently applicable to the Extended and Supplement Benefits program if the state determines that labor market conditions in both the labor market areas in which the individual works and resides are so depressed that such efforts as normally are required likely will not result in employment, in accord with regulations to be promulgated by the Secretary.

In order to be eligible for "Additional Benefits", an unemployed person must participate in one week of an intensive job search program administered by the Employment Service if the Employment Service requests such participation and provides such a program that is accessible to the unemployed person.

TRANSITION PROVISIONS

The effective date of all changes noted above will vary in each state. Each state must modify its program to align with the new federal requirements no later than two months following the adjournment of the first session of that state's legislature that adjourns no earlier than four months after the date of the enactment of this Act. The Extended Benefits program and the Supplemental Benefits program (if any is still in effect at that time) will cease to be available to unemployed persons in that state on that date. Until that date, the state may proceed under current law (as that law may otherwise be modified in the meantime).

The FSC program is extended in its current form (Social Security Amendments), including the phase-out provision, but omitting the look-back provision, through March 31, 1984.

The 120 percent factor in the Extended Benefits Program is repealed.

The state option for use of the TUR as an eligibility factor for Extended Benefits, as contained in S. 1589 (98th), is effective through March 31, 1984.

OTHER PROVISIONS

The Department of Labor is required to make a study of new and more accurate measurements of unemployment for use in unemployment insurance programs, and to submit its findings and recommendations to the Congress no later than June 1, 1984.

The Bureau of Labor Statistics is instructed to expand by a factor of 3 its sample size for determining the Total Unemployment Rate, giving special consideration to increasing the statistical reliability of each individual state's TUR calculation, and such sums as may be necessary are authorized to fund this expanded sample.

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Extended Unemployment Compensation Act of 1983".

NUMBER OF WEEKS OF EXTENDED UNEMPLOYMENT COMPENSATION

SEC. 2. (a) Section 202(b)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended—

(1) by inserting after the first sentence the following new sentence: "The amount of extended compensation payable to any individual for any eligibility period shall not exceed the amount established in such individual's account for the benefit year in which such eligibility period begins.";

(2) in subparagraph (A), by striking out "50 per centum" and inserting in lieu thereof "116 percent";

(3) in subparagraph (B), by striking out "thirteen" and inserting in lieu thereof "the applicable limit determined under paragraphs (2) and (3),"; and

(4) in subparagraph (C), by striking out "thirtynine" and inserting in lieu thereof "a number equal to 26 plus the applicable limit determined under paragraphs (2) and (3).".

(b) Section 202(b) of such Act is amended by redesignating paragraph (2) as paragraph (5) and by inserting after paragraph (1) the following new paragraphs:

"(2) The applicable limit for purposes of paragraph (1) is—

"(A) 30 weeks in the case of weeks beginning in a 7-percent period;

"(B) 25 weeks in the case of weeks beginning in a 6-percent period;

"(C) 20 weeks in the case of weeks beginning in a 5-percent period;

"(D) 10 weeks in the case of weeks beginning in a 4-percent period;

"(E) 0 weeks in the case of weeks beginning in a low-unemployment period,

as such periods are defined in section 203.

"(3) Each of the applicable limits under paragraph (2) (including limits determined under the alternate method provided in section 203(h)) shall be increased by 5 weeks in the case of weeks beginning in a 'national high-unemployment period' as defined in section 203(g).

"(4)(A) Except as provided in subparagraphs (B) and (C), the applicable limit for an individual's compensation account shall be based upon the applicable limit in effect for the benefit duration period in which such individual's eligibility period begins, and shall remain in effect with respect to such individual for the duration of such eligibility period, without regard to subsequent changes in the applicable limit in effect for such State.

"(B) If, during an individual's eligibility period, the applicable limit for the State falls more than one level (determined on the basis of the 5 levels described in paragraph (2)) below the limit in effect for the benefit duration period in which such individual's eligibility period began, the applicable limit for such individual's account shall be reduced to the applicable limit in effect at such lower level; except that—

"(i) such new applicable limit shall not be less than 2 weeks, and

"(ii) compensation paid to such individual by reason of the higher applicable limit previously in effect shall not be considered an overpayment.

"(C) If, during an individual's eligibility period, the applicable limit for the State increases, the applicable limit for such individual's account shall be increased to such higher limit.".

(c) Section 202 of such Act is amended by striking out subsection (c) and inserting in lieu thereof the following:

"ELIGIBILITY PERIOD

"(c) An individual's eligibility period for any benefit year shall consist of the first week in such benefit year for which he meets the requirements of subsection (a)(1), and those subsequent weeks of unemployment in such benefit year (or in the following benefit year if consecutive from the last week of the prior benefit year), but shall not exceed the number of weeks equal to the applicable limit for such individual as determined under subsection (b).

"PAYMENT OF EXTENDED COMPENSATION UNDER INTERSTATE CLAIM

"(d) The amount and duration of extended compensation payable to an individual under the interstate benefit payment plan shall be the same as if such individual were filing his claim in the State which establishes such individual's extended compensation account.".

UNEMPLOYMENT PERIODS

SEC. 3. Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"UNEMPLOYMENT PERIODS

"BENEFIT DURATION PERIOD

"SEC. 203. (a) Each benefit duration period established under this section shall be a three-month period, beginning on the first Sunday of January of each year, and the first Sunday of every third month thereafter.

"SEVEN-PERCENT PERIOD

"(b) A benefit duration period shall be a '7-percent period' with respect to a State if the adjusted rate of insured unemployment under the State law for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks—

"(1) equaled or exceeded 7 percent, and

"(2) equaled or exceeded 105 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 6 calendar years.

"SIX-PERCENT PERIOD

"(c) A benefit duration period shall be a '6-percent period' with respect to a State if the adjusted rate of insured unemployment under the State law for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks—

"(1) (A) equaled or exceeded 6 percent but was less than 7 percent, and

"(B) equaled or exceeded 105 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 6 calendar years; or

"(2) equaled or exceeded 7 percent, but did not meet the requirement of subsection (b) (2).

"FIVE-PERCENT PERIOD

"(d) A benefit duration period shall be a '5-percent period' with respect to a State if the adjusted rate of insured unemployment under the State law for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks—

"(1) (A) equaled or exceeded 5 percent but was less than 6 percent, and

"(B) equaled or exceeded 105 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 6 calendar years; or

"(2) equaled or exceeded 6 percent and was less than 7 percent, but did not meet the requirement of subsection (c) (1) (B).

"FOUR-PERCENT PERIOD

"(e) A benefit duration period shall be a '4-percent period' with respect to a State if the adjusted rate of insured unemployment under the State law for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks—

"(1) (A) equaled or exceeded 4 percent but less than 5 percent, and

"(B) equaled or exceeded 130 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 6 calendar years; or

"(2) equaled or exceeded 5 percent and was less than 6 percent, but did not meet the requirement of subsection (d) (1) (B).

"LOW-UNEMPLOYMENT PERIOD

"(f) A benefit duration period shall be a 'low-unemployment period' with respect to a State if the adjusted rate of insured unemployment under the State law for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks was less than 4 percent.

"NATIONAL HIGH-UNEMPLOYMENT PERIOD

"(g) A benefit duration period shall be a 'national high-unemployment period' with respect to all States if the national seasonally adjusted total rate of unemployment (as determined by the Bureau of Labor Statistics) for the period consisting of the first week of such benefit duration period and the immediately preceding 12 weeks equaled or exceeded 10 percent.

"ALTERNATE DETERMINATION OF BENEFIT DURATION PERIOD BASED UPON TOTAL RATE OF UNEMPLOYMENT

"(h)(1) If the application of the provisions of this subsection results in a higher applicable limit for a State under section 202(b)(2), the applicable limit for such State for purposes of section 202(b)(2) shall be determined under this subsection, rather than under subsections (b) through (f).

"(2) A State shall be deemed to be in a '7-percent period', '6-percent period', '5-percent period', or '4-percent period' if—

"(A) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins falls within the applicable range described in paragraph (3); or

"(B) in the case of a State not described in suparagraph (A)—

"(i) the average monthly total rate of unemployment for such State for the 12-month period immediately preceding the month in which such week begins falls within the applicable range described in paragraph (3), and

"(ii) the total rate of unemployment for such State for the month preceding the month in which such week begins falls within such applicable range.

"(3) For purposes of paragraph (2), the applicable range is as follows:

"In the case of a:	The applicable range is:
7-percent period	A rate equal to or exceeding 12 percent.
6-percent period	A rate equal to or exceeding 11 percent but less than 12 percent.
5-percent	A rate equal to or exceeding 10 percent but less than 11 percent.
4-percent period	A rate equal to or exceeding 9 percent but less than 10 percent.

"ADJUSTED RATE OF INSURED UNEMPLOYMENT

"(i)(1) For purposes of this section, the term 'adjusted rate of insured unemployment' means the percentage arrived at by dividing—

"(A) the average weekly number of individuals filing claims for regular compensation for weeks of unemployment with respect to the specified period, as determined on the basis of the reports made by the State agency to the Secretary, by

"(B) the average monthly covered employment for the specified period,

and seasonally adjusted in the same manner as the total rate of unemployment is seasonally adjusted as determined by the Bureau of Labor Statistics.

"(2) For purposes of determining the adjusted rate of insured unemployment for periods prior to the time such rate was established, the Secretary of Labor shall estimate such rate on the basis of the rate of insured unemployment for such periods and the adjusted total rate of unemployment for such periods.

"(3) The adjusted rate of insured unemployment for any 13-week period shall be determined by references to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.".

PAYMENTS TO STATES

SEC. 4. (a) Section 204(a) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) There shall be paid to each State an amount equal to the applicable percentage (as determined under paragraph (2)) of the sum of the sharable extended compensation and the sharable regular compensation paid to individuals under the State law.

"(2) Except as otherwise provided in paragraph (3), the applicable percentage is—

"(A) 80 percent with respect to compensation paid during a '7-percent period';

"(B) 70 percent with respect to compensation paid during a '6-percent period';

"(C) 60 percent with respect to compensation paid during a '5-percent period'; and

"(D) 50 percent with respect to compensation paid during a '4-percent period'.

"(3) In the case of sharable extended compensation and sharable regular compensation paid to individuals for additional weeks by reason of section 202(b)(3) (relating to a national high-unemployment period), the applicable percentage is 100 percent.".

(b) Section 204(b) of such Act is amended—

(1) in the heading thereon, by striking out "Shareable" and inserting in lieu thereof "Sharable"; and

(2) by striking out "subsection (a)(1)(A)" and inserting in lieu thereof "subsection (a)(1)".

(c) Section 204(c) of such Act is amended to read as follows:

"SHARABLE REGULAR COMPENSATION

"(c) For purposes of subsection (a)(1), 'sharable regular compensation' means regular compensation paid to an individual for a week of unemployment in such individual's eligibility period—

"(1) to the extent that such amount exceeds an amount equal to 26 times the average weekly benefit amount (including allowances for dependents) for weeks of total unemployment payable to such individual under the State law in the benefit year in which such eligibility period begins; and

"(2) which would qualify as 'sharable extended compensation' under subsection (b) if it were 'extended compensation'.".

(d) Section 205(3) of such Act is amended by striking out "beginning in an extended benefit period".

TRANSFERS TO EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5. Section 905(b) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) In addition to the amounts transferred into the extended unemployment compensation account pursuant to paragraph (1), there are authorized to be appropriated, without fiscal year limitation, to such account, an amount equal to—

"(i) 75 percent of the amount of the Federal payments required to be made to States under section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to compensation paid during a '7-percent period' (as required under section 204(a)(1)(A) of such Act); plus

"(ii) 50 percent of the amount of such Federal payments with respect to compensation paid during a '6-percent period' (as required under section 204(a)(1) (B) of such Act); plus

"(iii) 25 percent of the amount of such Federal payments with respect to compensation paid during a '5-percent period' (as required under section 204(a)(1)(C) of such Act); plus

"(iv) 100 percent of the amount of such Federal payments with respect to compensation paid for additional weeks by reason of section 202(b)(3) (relating to a national high-unemployment period).

"(B) Amounts appropriated pursuant to subparagraph (A) shall not be required to be repaid.".

JOB SEARCH PROVISIONS

SEC. 6. (a) Section (a)(3)(A)(ii) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by inserting after "seeking work" the following: "; except that, the State, in accordance with regulations of the Secretary, may modify the requirement of this clause to take into account any determination by the State that labor market conditions in the labor market area in which such individual last worked, and in the labor market area in which such individual resides, are so depressed that actively seeking work likely will not result in employment".

(b) Section 202(a)(3)(A) of such Act is amended—

(1) by striking out the period at the end thereof and inserting ": or"; and

(2) by adding at the end thereof the following new clause:

"(iii) unless he participates in an intensive one-week job search program administered by the Employment Service, if requested to so participate.".

REPEAL OF FEDERAL SUPPLEMENTAL COMPENSATION PROGRAM

SEC. 7. Subject to section 8, the Federal Supplemental Compensation Act of 1982 is repealed.

EFFECTIVE DATE

SEC. 8. The amendments and repeal made by sections 2 through 7 of this Act shall become effective on the date of the enactment of this Act, but any State may choose to delay the applicability of such amendments and repeal to that State until a date not later than the first day of the third month which follows the first adjournment of a session of such State's legislature, which adjournment occurs no earlier than four months after the date of the enactment of this Act.

TRANSITION PROVISIONS

SEC. 9. (a) The amendments made by this section shall apply only to the Federal-State Extended Unemployment Compensation Act of 1970, and the Federal Supplemental Compensation Act of 1982, as those Acts apply (without regard to any amendments or repeal made by sections 2 through 7 of this Act) to those States which choose to delay the applicability of the amendments and repeal made by sections 2 through 7 as provided in section 8.

(b)(1) Section 602(f)(2) of the Federal Supplemental compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "March 31, 1984".

(2) Section 605(2) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "April 1, 1984".

(c)(1) Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended to read as follows:

"STATE 'ON' AND 'OFF' INDICATORS

"(d)(1) There is a State 'on' indicator for a week if—

"(A) the rate of insured unemployment under the State law for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 5 percent; or

"(B) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins equaled or exceeded 11 percent; or

"(C) in the case of a State not described in subparagraph (B)—

"(i) the average monthly total rate of unemployment for such State for the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent, and

"(ii) the total rate of unemployment for such State for the final month of the 12-month period for which data is available preceding the month in which such week begins equaled or exceeded 11 percent.

"(2) There is a State 'off' indicator for any week for which there is not an 'on' indicator.

"(3) A State may provide by law that subparagraphs (B) and (C) of paragraph (1) shall not apply to such State.

"(4) For purposes of this subsection, the rate of insured unemployment for any 13-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period.".

(2) The amendment made by paragraph (1) shall apply with respect to weeks beginning after the date of the enactment of this Act and before April 1, 1984.

STUDY OF MEASUREMENTS OF UNEMPLOYMENT

SEC. 10. The Secretary of Labor shall conduct a study, and shall report the results of such study to Congress not later than June 1, 1984, with respect to alternatives to the rate of insured unemployment, which would be available with respect to all States, which might provide a more accurate measurement of the employment and labor market situation in each State.

INCREASED SAMPLE SIZES FOR BUREAU OF LABOR STATISTICS

SEC. 11. (a) The Bureau of Labor Statistics shall increase by threefold the sample sizes used in determining the total rate of unemployment, over such sample sizes used in July, 1983, and shall give special consideration to increasing the statistical reliability of each State's calculation of its total rate of unemployment. Such increase shall apply to sampling done for months beginning after the date of the enactment of this Act.

(b) There are authorized to be appropriated out of the employment security administration account in the Unemployment Trust Fund (established under section 901 of the Social Security Act) such sums as may be necessary to carry out the provisions of subsection (a).

Mr. HEINZ. Will the Senator yield?

Mr. BYRD. Yes, I yield to the Senator from Pennsylvania.

Mr. HEINZ. Madam President, today I join the distinguished Senator from West Virginia in introducing legislation to overhaul our current unemployment compensation system. Our legislation is a bipartisan effort to bring order and reason to a system whose recent history has revealed serious structural flaws.

In my view, this legislation is a major step to addressing those flaws, but I would caution all observers that we recognize that it is a draft, that it will undoubtedly be subject to some further revision. I think I speak for the principal sponsor of the legislation, Senator BYRD, as well as myself, when I say we would welcome comments from the Government, business, and labor to help in refining our approach.

However, the time to begin action on unemployment compensation reform is now, even as the recession appears to be winding down, lest we find ourselves groping to assist unemployed Americans through the convoluted process we have followed during the 2 years in some future economic crisis.

Madam President, let me take only a moment to recall how convoluted the process of seeking relief has been for those of us who have been involved in devising the supplemental compensation program, the FSB program, last year. The experience was, at a minimum, frustrating. In my judgment, the Congress was unable to respond quickly or rationally to a clear emergency involving millions of our constituents. Indeed, that inability has driven the Congress to search, to date so far in vain, for still other means of alleviating the pain.

Let me provide this specific example. If my memory serves me correctly, it was in mid-May of last year that the Senator from West Virginia and I introduced separate bills to create a Federal supplemental compensation program. At that time, national unemployment was 9.4 percent.

The Finance Committee held a hearing in Washington in mid-July. Senator MOYNIHAN and I held field hearings in Pennsylvania and New York in late July—unemployment 9.7 percent. In late August—unemployment 9.8 percent, the Senate voted to compel our conferees on the tax bill to include an FSC program. We then voted to approve the tax bill in September—unemployment 9.9 percent, and benefits began going out a few weeks later—unemployment 10 percent. But that was only the beginning. In late December, we attached an amendment to the continuing resolution to extend FSC—unemployment 10.7 percent. The benefits began going out a few weeks later. In March—unemployment 10.4 percent we attached an amendment in Finance Committee to the social security legislation to extend the program for a third time. Again, the benefits began going out a few weeks later.

During this process, the hopes of our unemployed constituents—unemployed through no fault of their own, proud people up until the time they were unemployed, taxpaying constituents—were continually raised and dashed: The desks of the Federal and State workers entrusted with administering the program were constantly covered with new procedures and regulations: Congress tied itself into procedural knots; and, the product itself—the FSC system—was nothing more than an ad hoc house of cards.

Clearly, Congress can and should examine and amend the UC system now while the memory of this recession is vivid in our minds.

Madam President, in July 1980, the National Commission on Employment Compensation recommended a permanent program of supplemental benefits. The Interstate Conference of Employment Security Agencies has also endorsed a program, with the additional caveat that Federal general revenues should be used to finance part of the costs of additional weeks of benefits during periods of especially elevated unemployment. Our legislation includes both of those recommendations.

Our proposed legislation retains an important improvement in the unemploment compensation system: the State trigger. Prior to 1981, benefit duration increased based on a national trigger mechanism. It is generally conceded that the national trigger had two drawbacks. First, benefit duration was increased in States even when those States were not suffering from high unemployment, thus diverting Federal resources to States without regard to actual need for extraordinary Federal assistance. Second, the national trigger relied on general economic distress throughout the United States, and was not flexible enough to provide extraordinary relief to States or regions which were in economic trouble when the rest of the Nation was prosperous. The State trigger was an important reform and should be preserved.

Our legislation also reforms a major inequity in current law relating to the interplay between unemployment compensation and trade adjustment assistance for workers. Now, adjustment assistance certification is such an extended process that workers who have lost their jobs due to foreign competition have often exhausted all of their unemployment benefits before being certified. Since the weeks of State/Federal unemployment compensation benefits a worker has received are deducted from the number of weeks a TAA certified worker is eligible for, States are, in effect, paying for our national policy of free trade. In many cases, the States most affected by job loss from foreign trade are those in the Northeast-Midwest least able to assume those costs of unemployment. Our legislation provides that States be reimbursed for their costs in providing benefits to workers who are later certified as having lost their jobs to imports.

As I noted earlier, Mr. President, our legislation does not purport to be exhaustive of the options we must examine to reform the UC system. For instance, we should consider including railroad workers under the system. The railroad retirement legislation which will be considered shortly has a provision directing that a study be undertaken to examine this possibility. We should also consider linking retraining to unemployment compensation for those long-term unemployed whose industrial skills are no longer in demand. The Office of Technology Assessment will begin a study of displaced workers in the near future.

Adjusting unemployment compensation to the economic realities of our times will not be an easy task, but I suggest to my colleagues it is a pressing and immediate task and it is a challenge we must assume. I look forward to working with my colleagues on this important initiative.

I commend the Senator from West Virginia on his initiative in proposing and developing this legislation. I anticipate we will have a very successful working partnership in trying to bring about the changes that are needed.

Mr. BYRD. Madam President, I thank the Senator. I thank him for his cosponsorship. I thank him for his kind words. I am much more comfortable with his having joined as a cosponsor than I would have been otherwise.

Mr. HEINZ. I thank the Senator from West Virginia and I thank him also for the opportunity to be a cosponsor of this legislation.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I have a little more routine business to attend to, and there are other matters that may be done by unanimous consent today, I am told, and other speakers who may be on their way to the floor.

I would remind Senators again that we are waiting on reports from the conferees on the Department of Defense authorization bill and a few other matters before we decide what else it is practical for the Senate to do before we go out.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. In order to make room for that, Madam President, I ask unanimous consent that the time for the transaction of routine morning business be extended to 4:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Madam President, I am ready now to take up executive nominations. I would say to the minority leader that I am cleared on this side for the following items for action by unanimous consent:

Under African Development Bank, Calendar No. 43, Donald T. Regan, of New Jersey, to be Governor of the African Development Bank.

All of the nominations on page 2 under New Reports:

Under Department of Energy, William Patrick Collins, of Virginia, to be Under Secretary of Energy, Calendar No. 253.

Under Environmental Protection Agency, Howard M. Messner, of Maryland, to be an Assistant Administrator, Calendar No. 254; Alvin L. Alm, of Massachusetts, to be Deputy Administrator, Calendar No. 255.

Under Nuclear Regulatory Commission, Frederick M. Bernthal, of Tennessee, to be a member of the Nuclear Regulatory Commission, Calendar No. 256.

Under Department of Education, A. Wayne Roberts; Judiciary, James F. Merow, Robert J. Yock, Marvin Katz, James McGirr Kelly, and Thomas N. O'Neill; Department of the Treasury, Thomas J. Healey; U.S. International Trade Commission, Seeley Lodwick; the Army, beginning with Calender No. 266 and including a list of military promotions; Calender No. 267, which is a list of military promotions; and Calender No. 268, which is the Department of Housing and Urban Development, Warren T. Lindquist; as well as nominations placed on the Secretary's desk in the Air Force, Army, and Navy, on page 6; plus two nominations that have been reported by the Committee on Foreign Relations today: Thomas R. Pickering of New Jersey and Thomas Ostrom Enders of Connecticut.

Mr. BYRD. Madam President, I am pleased to state to the majority leader that the aforementioned nominations have been cleared for action on this side.

Mr. BAKER. I thank the minority leader.

Madam President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

AFRICAN DEVELOPMENT BANK

Donald T. Regan, of New Jersey, to be Governor of the African Development Bank for the term of 5 years. (New position.)

[NEW REPORTS]

DEPARTMENT OF ENERGY

William Patrick Collins, of Virginia, to be Under Secretary of Energy.

ENVIRONMENTAL PROTECTION AGENCY

Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Alvin L. Alm, of Massachusetts, to be Deputy Administrator of the Environmental Protection Agency.

NUCLEAR REGULATORY COMMISSION

Frederick M. Bernthal, of Tennessee, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1988.

DEPARTMENT OF EDUCATION

A. Wayne Roberts, of Massachusetts, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education.

THE JUDICIARY

James F. Merow, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years. (Reappointment.)

Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years. (Reappointment.)

Marvin Katz, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

James McGirr Kelly, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

Thomas N. O'Neill, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

DEPARTMENT OF THE TREASURY

Thomas J. Healey, of New Jersey, to be an Assistant Secretary of the Treasury.

U.S. INTERNATIONAL TRADE COMMISSION

Seeley Lodwick, of Iowa, to be a member of the U.S. International Trade Commission for the term expiring December 16, 1991.

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of Title 10, United States Code, sections 593(a), 3371 and 3384.

To be major general

Brig. Gen. Robert O. Bugg, [redacted].
Brig. Gen. James E. Harrell, [redacted].
Brig. Gen. Walter K. Tagawa, [redacted]

To be brigadier general

Col. James D. Ball, [redacted].
Col. Edwin Cox, [redacted].
Col. Jackson L. Flake, Jr., [redacted].
Col. Daniel W. Fouts, [redacted].
Col. Rudolph E. Hammond, [redacted].
Col. Jefferson S. Henderson, II, [redacted]
Col. Alvin W. Jones, [redacted].
Col. John W. Knapp, [redacted].
Col. Michael A. Schulz, Jr., [redacted].
Col. Robert P. Sy, [redacted].
Col. Robert L. Wick, Jr., [redacted].

The Army National guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of Title 10, United States Code, sections 593(a), 3385, and 3392.

To be major general

Brig. Gen. Willian J. Jefferds, [redacted].
Brig. Gen. Lawrence A. Keller, [redacted].
Brig. Gen. Edward W. Waldon, [redacted].

To be brigadier general

Brig. Gen. Dayle E. Williamson, [redacted]
Col. Robert L. Bievins, [redacted].
Col. Robert C. Dechert, [redacted].
Col. James D. Delk, [redacted].
Col. Larry H. Della Bitta, [redacted].
Col. Averill E. Hawkins, [redacted].
Col. Robert L. Helmer, [redacted].
Col. John V. Hoyt, [redacted].
Col. Dan E. Karr, [redacted].
Col. Joseph G. Martin, Jr., [redacted].
Col. Patrick J. McCarthy, [redacted].
Col. James M. Miller, [redacted].
Col. Curtis W. Milligan, [redacted].
Col. Robert B. Pettycrew, [redacted].
Col. James A. Ryan, [redacted].
Col. Harry R. Taylor, [redacted].
Col. Teddy E. Williams, [redacted].
Col. Bobby G. Wood, [redacted].

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Warren T. Lindquist, of Maine, to be an Assistant Secretary of Housing and Urban Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning Howard L. Alford, and ending Philip M. Young, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 1983.

Army nominations beginning Robert O. Abney, and ending Carl Sundstrom, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 1983.

Navy nominations beginning Steven C. Cox, and ending Peter L. Washburn, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 1983.

Navy nominations beginning Johnny F. Barfield, and ending William A. Wood, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 1983.

DEPARTMENT OF STATE

Thomas R. Pickering, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

Thomas Ostrom Enders, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

NOMINATION OF WILLIAM PATRICK COLLINS

Mr. McCLURE. Madam President, on August 3 the Committee on Energy and Natural Resources favorably reported the nomination of William Patrick Collins to be Under Secretary of Energy. The vote was 20 to 0. Mr. Collins appeared before the committee at the nomination hearing held on July 29.

The Under Secretary of Energy has the primary responsibility for the development of the Department of Energy's policies relating to energy conservation and renewable energy technology. His responsibility for energy conservation has been established by law and is set forth in the Department of Energy Organization Act. Additionally, the Secretary of Energy has delegated to the Under Secretary primary responsibility for encouraging the private sector to initiate effective energy conservation programs and to utilize renewable forms of energy. The Under Secretary also provides independent review and advice to the Secretary on the means by which the private and Government sectors can cooperate in transferring the energy conservation and renewable energy technology that results from Federal research and development programs.

For the past few years, Mr. Collins has been employed by the National Association of Home Builders, first as political director and then as vice president. From 1973 to 1979, Mr. Collins served on the staffs of two Members of the House of Representatives. During that time, Mr. Collins gained substantial experience in dealing with a number of energy issues, including those relating to several forms of renewable energy technology.

In his testimony before the committee, Mr. Collins described the Department of Energy's commitment to imaginative and aggressive programs that will encourage increased reliance on energy conservation and renewable energy resources. He stated:

I appear before you today as an individual who has received from Secretary Hodel a clear mandate to look forward, not backwards, to provide him with independent review and advice on departmental energy conservation and renewable energy policies, and to see to it that, acting in concert with the Congress, conservation and renewable energy technologies are encouraged by the Federal Government to play their rightful roles as an important means by which the American people can enjoy adequate supplies of energy at reasonable prices.

My discussions with Secretary Hodel have convinced me of the sincerity of his commitment to a permanent, national conservation ethic. That is a commitment which I share fully. I concur without reservation with the Secretary's views that conservation is a national imperative and that both energy conservation and renewable energy technologies are vital to the Nation's strategic security, to its balance of payments position, and to the general well-being of the American people.

Mr. Collins also emphasized the importance of two goals: Facilitating the transfer of energy conservation and revnewable energy technologies from Federal research projects to the private sector, and providing additional information on the benefits of utilizing those technologies. He stated:

No matter how much we spend on Federal research and development projects, many of them may not be utilized unless we can be confident that there are in place effective systems for the transfer of the technology made available by the federal efforts. I am quite alarmed when I hear, as I have, that at least portions of the private sector, particularly small enterprises, simply do not know about the results of the Federal effort or even how to go about obtaining the information. One of my most important missions, therefore, will be to advise the Secretary on the ways we can improve the transfer of energy technology. I do not pretend to have today the answer as to how the government and both large and small businesses best can cooperate to improve such technology transfers, but I am determined to make a major effort in this regard.

As much as anything, it will be necessary for us to work hard on attitudes towards energy conservation and renewable energy technologies. If confirmed, I intend to use the Office of the Under Secretary to make as clear to the American people as I know how that, among other things, energy conservation is a virtue even when we do not have long lines at gasoline stations, that solar energy confers benefits even when the prices of conventional energy resources are not rising, and that aggressive use of imaginative conservation measures and of alternate energies are good for business, good for the environment, and good for our attempt to achieve on a long-term basis an adequate supply of energy for all the people of the Nation at reasonable prices.

Madam President, Mr. Collins has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement. On behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of the Presidential nomination of William Patrick Collins to be Under Secretary of Energy.

NOMINATION OF THOMAS J. HEALEY

Mr. DOLE. Madam President, I am pleased to report the recommendation of the Committee on Finance that the Senate give its advice and consent to the nomination of Thomas J. Healey to be Assistant Secretary of the Treasury for Domestic Finance.

Mr. Healey is well qualified for this position. He is at present managing director of Dean Witter Reynolds capital markets and manager of that firm's corporate finance department. He has been with Dean Witter since 1975, during which time he served in the project finance group, eventually becoming group director. Earlier in his career, Mr. Healey served with several firms in various management positions, concentrating on financial matters. He holds a masters in business administration from the Harvard School of Business, and an undergraduate degree from Georgetown.

As Assistant Secretary of the Treasury for Domestic Finance, Mr. Healey will face some of the most important issues facing our country today. Among his responsibilities will be all of the Government's financing and debt management efforts; the establishment of interest rates for Federal financing programs; the establishment of policies governing Federal credit programs; oversight of revenue sharing programs; and coordination of deregulatory policies affecting financial institutions. The position to which Mr. Healey has been nominated clearly demands a person of high character and competence.

The Finance Committee was impressed with Mr. Healey's record of accomplishment and understanding of the grave responsibilities he will face. We were already familiar with his abilities through his close and effective cooperation with our staff over the past 2 years on leasing and other corporate financing matters. We appreciate that cooperation, and look forward to its continuation in his new position.

At his nomination hearing, Mr. Healey acknowledged the importance of controlling and balancing the Federal budget to sustaining the economic recovery. I wish to emphasize the importance of having an Assistant Secretary of the Treasury who understands that budget deficits do matter; that we must undertake positive policies to bring them under control, rather than merely waiting for the recovery to accomplish the job alone. A passive approach will threaten the very recovery that is supposed to cure the deficit problem.

Thus, I am pleased that the President has nominated a person of Mr. Healey's caliber who understands the relationship between deficits and recovery, and who will not simply let events take their course. He is well qualified to take an active and effective approach to his job and I urge the Members to approve Mr. Healey's nomination.

Mr. JEPSEN. Madam President, as we prepare to vote on the nomination of Seeley Lodwick to the International Trade Commission, I would like to offer my unqualified support for this distinguished Iowan.

The experience and perspective Seeley will bring to the ITC, are the proper tools for tackling the serious trade problems this Nation faces today. Seeley's background in agriculture and business is outstanding.

Seeley Lodwick's long record of public service to Iowa and the Nation is well known and respected among our farmers and in agriculture throughout the world.

As the No. 3 man at the U.S. Department of Agriculture, Seeley distinguished himself as the most committed and articulate defender of the American farmer and his position in foreign markets.

Given the various unfair and predatory export subsidies being used by certain nations, Seeley's nomination comes at a most opportune time. American farmers and businessmen are tired of trying to compete against

subsidies, embargoes, and sanctions. Seeley Lodwick will help steer a steady course through the rough waters of international trade.

I urge the Senate to confirm the nomination of this most distinguished and able public servant from Iowa.

NOMINATION OF SEELEY G. LODWICK

Mr. DOLE. Mr. President, I am pleased to report the recommendation of the Committee on Finance that the Senate give its advice and consent to President Reagan's nomination of Seeley G. Lodwick to be a Commissioner of the International Trade Commission. Mr. Lodwick is well qualified for the position to which he has been nominated.

Seeley until recently served as Under Secretary of Agriculture for International Affairs and Commodity Programs. He also has held the positions of secretary of the Commodity Credit Corporation, and associate administrator of the U.S. Department of Agriculture's Stabilization and Conservation Service. A former Iowa State senator, Mr. Lodwick also has farmed and managed livestock and grain farms, and farm supply and grain elevator businesses. Mr. Lodwick holds a degree in political science from Iowa State University. I am delighted that farmers will have Seeley to contribute his agricultural expertise to the Commission's work.

The Commission serves important interests of the Congress. It investigates unfair trade practice complaints; makes determinations of whether dumped or subsidized imports are injuring U.S. firms; conducts investigations into whether imports are surging so as to injure seriously domestic industries; and performs other trade studies as requested by the Congress and the President. The workload of the ITC is at an all-time high, and as trade becomes an increasingly important part of the U.S. economy, the Commission's reports are more essential than ever to the work of the President and the Congress in the trade area. The Senate must approve Commissioners who will undertake their responsibilities with the utmost seriousness and dedication.

To insure that such persons are appointed, the Congress wrote into law that the President shall nominate as Commissioners only persons who—

> In his judgment . . . are possessed of qualifications requisite for developing expert knowledge of international trade problems and efficiency in administering the duties and functions of the Commission.

Seeley Lodwick, of course, already has extensive experience in the trade area. He will add a great deal to the Commission's work on agricultural and other trade matters.

The Commission has been without its full complement of six Commissioners since last fall. It is vitally important that we restore the Commission to full strength as soon as possible so that the ITC can perform as efficiently and effectively as possible. I thus urge my colleagues to support and to approve Mr. Lodwick's nomination without delay.

NOMINATION OF FRED BERNTHAL TO BE COMMISSIONER OF THE NUCLEAR REGULATORY COMMISSION

Mr. STEVENS. Mr. President, today the Senate will consider the nomination of Dr. Fred Bernthal to be a Commissioner of the Nuclear Regulatory Commission. I urge the Senate to swiftly and unanimously confirm him for this position.

I have known Fred in his capacity as an assistant to the majority leader of the U.S. Senate, HOWARD BAKER. He has fielded some tough issues over the past few years and I have always been impressed with his ability to make the best of precarious situations.

Fred's legislative experience will serve him well in his new role as a Commissioner on the NRC. He has a reputation for his understanding of the process on Capitol Hill. Hopefully, his knowledge will be shared by his colleagues at the NRC.

Academically, Fred is eminently qualified. He is one of the few true physicists I have ever known who have served on Capitol Hill. In fact, he may be the only one I have known in the legislative arena. Dr. Bernthal is well respected in the field of nuclear issues. I believe we need well-qualified people serving at the NRC. Due to events which have occurred in recent years, I feel strong eloquent people must be at the helm of the NRC.

The Bernthal nomination should be confirmed by the Senate so that we may benefit from Dr. Bernthal's expertise at the NRC as quickly as possible.

NOMINATION OF THOMAS PICKERING, TO BE AMBASSADOR TO EL SALVADOR

Mr. HELMS. Mr. President, I support confirming the nomination of Thomas Pickering as Ambassador to El Salvador. In recent week I have given much thought to this appointment. Since President Reagan's address to the joint session of Congress on April 27, the crisis in Central America has dominated the news media. President Reagan has enunciated a firm policy of support for freedom and stability in Central America, a policy which I want to support wholeheartedly.

Mr. President, in all candor, I was concerned when the news of Mr. Pickering's appointment first came to me. Some initial inquiries revealed that, as Assistant Secretary of State for Oceans, Environment, and Science, he had been responsible for no fewer than four treaties, none of which has been approved by the Committee on Foreign Relations, and some of which were veritable disasters. He was also responsible for the so-called report on global 2000, which was a pessimistic hodge-podge of bad analysis, most recently featured as the basis of a scathing attack on President Reagan by former President Carter.

Mr. President, in the past few days I have had several opportunities to talk at length with Ambassador Pickering. He has assured me of his wholehearted support for President Reagan's Central American policy. I am convinced that he would refuse to be a party to any settlement which, in the name of peace with honor, would confer the seal of approval of the United States on a Communist Nicaragua. President Reagan has called on Nicaragua to honor its promises of democratic institutions and elections, promises made to the OAS in June of 1979. I believe Ambassador Pickering and I agree that a fulfillment of those promises is a necessary preamble to any regional solution which would bring a true peace to El Salvador.

On the matter of the assumptions of the global 2000 report, Ambassador Pickering made it clear that by the time he became involved with it, at best he could prevent the worst drafts from being included in the final version. He made sure that no recommendations were included, and simply forwarded it to the President. But he understands the importance of the private sector in El Salvador's development, sees the need for assertion of the legitimate claims of the United States in dealing with other countries, and in other ways has demonstrated that his own thinking is not clouded by the faulty assumptions embodied in global 2000.

Mr. President, I want to support President Reagan's initiatives in Central America in every reasonable way. Mr. Pickering assures me that he shares that earnest desire, and I support his confirmation.

Mr. BAKER. Madam President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF RULE XXXI DURING ADJOURNMENT OF THE SENATE

Mr. BAKER. Madam President, since the Senate will be in adjournment for more than 30 days, and since rule XXXI of the Senate requires that when the Senate goes out for more

than 30 days, nominations shall be returned to the President, I have a unanimous-consent request which I will state now for the consideration of the minority leader and other Senators.

I ask unanimous consent that rule XXXI of the Standing Rules of the Senate, relating to proceedings on nominations, be suspended with respect to nominations dealing with the military lists, the Foreign Service lists, and the Coast Guard lists.

Mr. BYRD. Madam President, this matter was taken up in the Democratic Caucus, and I was instructed to approve this particular request in this form by the majority leader, so I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

SENATE RESOLUTION 202—TO ESTABLISH A SELECT COMMITTEE ON PUERTO RICO

Mr. BAKER (for himself, Mr. BYRD, Mr. MOYNIHAN, and Mr. DOLE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 202

Whereas more than three million American citizens live in the Commonwealth of Puerto Rico;

Whereas residents of Puerto Rico are affected by virtually all legislation considered by the Congress;

Whereas, while the Commonwealth of Puerto Rico is represented in the House of Representatives by a Resident Commissioner, there is no comparable arrangement in the Senate;

Whereas the Senate should, in the interests of responsible and informed government, establish a means by which issues of vital importance to the Commonwealth of Puerto Rico may properly be examined: Now, therefore, be it

Resolved, That (1) there is hereby established a Select Committee on Puerto Rico (referred to hereafter as the "select committee") which shall consist of seven members, four to be selected by the majority leader from among members of the majority party, and three to be selected by the minority leader from among members of the minority party. The majority and minority leaders shall designate a chairman and co-chairman, respectively, from among those members so chosen to serve on the select committee.

(2) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

(4) For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the select committee shall not be taken into account.

(5) No Senator may serve on the select committee for more than three two-year terms or for more than a total of six years of continuous service.

(6) It shall be the duty of the select committee to be responsible for monitoring all those matters dealing with the Commonwealth of Puerto Rico.

Mr. BAKER. Madam President, I am pleased to offer a resolution for myself, for the distinguished minority leader, for the distinguished senior Senator from New York (Mr. MOYNIHAN), and for the distinguished senior Senator from Kansas (Mr. DOLE), in respect to the creation of a Select Committee on Puerto Rico.

I send a resolution to the desk and ask for its appropriate referral.

Mr. MOYNIHAN. Madam President, may I express the appreciation of the Senator from New York to the majority leader, Senator BAKER, and his distinguished colleague in leadership, Senator BYRD, for their graciousness in this matter.

There will, of course, be hearings held in the Senate Rules Committee in the fall at which time we shall all discuss this at greater length. Meanwhile, I know this news will be greeted with great interest and I am sure commendation by the 3 million American citizens in the Commonwealth of Puerto Rico.

I express my personal thanks.

Mr. BYRD. I thank the Senator.

Mr. GORTON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

A PASSING GRADE

Mr. PRYOR. Mr. President, as we find ourselves ready to leave this, our Capital City, I find myself reflecting on two of the most current of events—Central America and Chad. We are in the process of beginning to implement a new type of foreign policy, referred to by some as "gunboat diplomacy." It is looked upon by some as a bold and dangerous move, by others as a frame of mind that we have not presented since prior to our encounter in Vietnam. I know that the thousands of soldiers who are on those ships right now off the coast of Central America are probably our best, our brightest, and bravest. If something should happen down there and, of course, we all pray that it does not end up being a military encounter, but if something should happen, I find myself asking one simple question: "Will the weapons work?" This tour de force that we are mounting in Central America has its foundation on one basic premise: Advanced American weaponry.

I am reminded of the Falkland Islands and of all those reports that came out after that incident, released by every imaginable source using titles such as, "Lessons of the Falklands." My contention is simply that many of the lessons of the Falklands could have been learned through more adequate weapons testing procedures.

The distinguished Senator from Delaware, Senator ROTH, and the distinguished Senator from Kansas, Senator KASSEBAUM, and I have worked hard on our concept of an Independent Director of Test and Evaluation for some time now. That issue is at this moment, I understand, or will be, before the conferees as they labor on into the afternoon and perhaps into the evening on this and other issues relating to our national defense posture and national security. We also have been assisted by many of our colleagues on this floor with very good constructive suggestions concerning this very basic idea of the most fundamental testing procedures for our weapons.

I have been saddened and amazed with some of the reactions that we have gotten to this idea from the Department of Defense. For example, Dr. Richard DeLauer, who is the Under Secretary for Research, Development, and Engineering, thinks that I am just "looking for an issue." And that is a quote from the Wall Street Journal attributed to Dr. DeLauer. I would like to point out to the good doctor that all of us in this Chamber really have more issues than we can deal with. I do not need to create new issues and I do not know of any of my colleagues who do, either. One of my most fundamental differences with Dr. DeLauer rests with his premise that weapons testing is a "test and fix, test and fix" process. Without proper developmental and operational testing we, first, run the risk of putting sloppy weapons in the field, second, add to the cost of weapons systems that have to be fixed once they get out in the field and, most importantly, third, we endanger the lives of our servicemen by furnishing them with sloppy weapons in the first place. This saddens me, because Dr. DeLauer seemingly would like to treat soldiers and service people as expendable items, items that can be "tested and fixed, tested and fixed." The question that I have today is:

Does Dr. DeLauer have the real interest of the American serviceman at heart?

Independent operational testing is one of the most fundamental concepts in the development of effective weapons systems. Yet, we, this great advanced technological society that we are, cannot even take the time to insure that the weapons we place in the hands of our soldiers are going to work. I doubt if there is a greater injustice that is committed daily to our American servicemen than this lackadaisical attitude toward answering the question of whether our weapons work or not.

Mr. President, I am deeply disappointed in the attitude that has been exhibited by the Department of Defense with regard to the testing of our weapons. I know that there are many good men and women who have devoted their lives to our national security, men and women who want nothing but the best, men and women who deserve nothing but the best.

But where we are failing is that we are not giving them the best weapons that we can. It is a crime that knows all my passion; it is the most unthinkable and irrational approach that anyone could make; it is an approach toward creating an illusion of strength. That illusion, in the heat of battle, will be quickly erased, and we, the American people, will be left to pick up the pieces; to issue another series of mindless reports; to pay respect to our honored dead, and then to try to go about fixing the weapons that were never tested under realistic conditions in the first place.

This is not a crime of passion, Mr. President, but it is a crime of an insensitive Pentagon bureaucracy more interested in turf leadership than in the development of new weapons systems that actually work, and somehow it refuses to show the concern and the consideration for the lives of our fighting men and women around the face of this globe.

Mr. President, in conclusion, I will continue, as I hope all of us will, to fight for what we believe in, for the kind of independent office of weapons testing that should come forward, and I will continue to believe that this country deserves and needs the kind of office that will protect and preserve the lives of our American servicemen and servicewomen everywhere.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE HOSPICE REIMBURSEMENT ACT

Mr. MATSUNAGA. Mr. President, yesterday the Senate passed by voice vote, H.R. 3677, the Medicare Hospice Reimbursement Act, the companion measure to S. 1592, offered by Senator DOLE on June 29, 1983, of which I am a cosponsor. I was unavoidably delayed and was not here to lend my voice in support of H.R. 3677.

I would like now, for the RECORD, to express my support for that bill which amends title XVIII of the Social Security Act to correct provisions relating to the cap for hospice care. The maximum Federal payment to hospice care programs for terminally ill medicare recipients would be raised from $4,200 per patient to $6,500. This cap would be adjusted in the future according to annual changes in the medical care component of the Consumer Price Index.

This legislation is expected to save the medicare program $100 million over the next 5 years by partly replacing more expensive hospital care.

The benefits of this legislation go beyond cost containment in the health field. It should encourage a more humane alternative to medicare for families across the country with members facing a terminal illness; namely, hospice services. The hospice approach operates on the principle that the dying have special needs and wants that busy hospital staffs, preoccupied with tending the curable, cannot provide. It offers the means for family members to care for such loved ones either at home or at hospice centers. Recently a good friend of mine, Mr. A. A. "Bud" Smyser, former editor of the Honolulu Star-Bulletin, shared with me his funeral remarks upon the death of his wife, Betty. He did so, knowing of this pending legislation, with the thought that his experience with the hospice program "may offer one case study of how we can perhaps make terminal death less fearsome."

So that the views, beautifully and poetically expressed by one who witnessed and experienced firsthand the hospice care of a dearly beloved life companion, may be shared by readers of the CONGRESSIONAL RECORD, I ask unanimous consent that "Bud" Smyser's remarks at the funeral of his wife Betty be printed in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

FUNERAL REMARKS ON BEHALF OF BETTY SMYSER BY HER HUSBAND

Thirteen months ago, when Betty was diagnosed as having an incurable type of cancer, we knew we were in for difficult times.

The times were difficult. In this there was no surprise.

But we were wholly unprepared for the fact that some of the worst of times for us would also be some of the best of times.

They were made so by the fact that we did things together that we had been postponing, and by the outpouring of support from people like you here today—close family, more remote family, friends Betty had made as she did her "Conversation" show on KITV for 22 years, friends from my 37 years with the Star-Bulletin, and from still others all over the community and the mainland and abroad with whom Betty had crossed trails.

Betty had the option initially to decline treatment and probably die in a month or two, or undergo chemotherapy and radiation and hope to live substantially longer.

Her initial inclination was toward the first option but counsel from knowledgeable physician friends was unanimous that worthwhile life was still possible . . . even though treatments would mean the loss of her hair (which wigs neatly covered), days of nausea every four to six weeks as her body became the battleground for chemical warfare against cancer, and steady debilitation.

This is not a pleasant prescription—yet last month on the anniversary of her diagnosis we agreed the year had been one of the best of our nearly 40 years of marriage. Possibly the very best, I said. She said she wouldn't go that far.

But the fact that it was at least among the very best is because of the rallying around by family and friends like you here today.

For that we thank you from the bottom of our hearts. Aloha.

Betty complained one day that we were giving her almost too much love and attention, and asked why it should be. "Because you would do the same for us," I said. She knew it was true and never argued any more.

Like Betty, it may be that we in the family can never return in kind all the love and thoughtfulness you have bestowed on us. But we hope we *can* repay you by joining you in helping others as we were helped when their time of need arrives—so that their worst of times may also be best of times.

* * * * *

On March 22, X-rays showed that Betty's cancer was on the loose again despite the chemical treatments. Except for the option of some very brutal experimental treatments which she declined, she was back to where she had been a year earlier with only a month or two to live.

She chose to shift her care at that point away from all efforts at curing, and to accept death as comfortably and gracefully as possible—and preferably at home. This is a mode becoming more generally known as hospice care.

In this approach, a different set of medications and treatments ended her physical pain literally overnight.

The price was less alertness, and more driftiness and dreaminess. But they were pleasant dreams, and she had numerous alert periods where she was able to enjoy family and friends . . . and be alternately happy, sad and contrary.

I resented the contrary periods until the wise administrator of our hospice care, Dr. Robert Nathanson, showed me these were some of the last declarations of independence by a gallant lady becoming increasingly dependent.

With the support of Hawaii Home Care nurses who visited daily we were able to keep Betty at home throughout. I doubt that it was any harder on us than it would have been if she had been hospitalized, and I am sure the home environment was much more supportive and rewarding for both Betty and those of us in her family.

I might note that she had within her reach daily, until her reach failed in the last few days, enough medication to have terminated her life before its natural end. But she never reached for it—and I found that satisfying.

Finally last Friday death came. And it seemed—as Dr. Nathanson said it might be—to be under Betty's control, even though she showed few visible responses. That morning her son had spent time at her bedside. That afternoon, her daughter, who had been visiting from Kauai, sat by her to say goodbye because she had to return to her home. This seemed to be the release Betty needed. While Heidi was still there, she simply and peacefully stopped breathing and a great quiet came over the room.

Heidi later told a mainland relative that a year ago she had experienced the miracle of life creation when that little boy that you heard over there was born, and now she had experienced the miracle of the transition into death.

To me those words all by themselves seem enough to justify the ordeal that Betty and we all faced together. Those of us involved will never again fear death as we once did.

* * * * *

And now I would like to introduce a family friend of some 20 years, a wise counselor to us on Betty's illness, the health director in Mayor Eileen Anderson's cabinet, and the volunteer president of Hospice Hawaii—Dr. Anna Maria Brault.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WALLOP). Without objection, it is so ordered.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended for 15 minutes under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZATION OF REVENUE SHARING

Mr. BAKER. Mr. President, first I would like to take only a moment of the Senate's time to review that I anticipate relative to the reauthorization of revenue sharing.

I had hoped, Mr. President, that the Senate would be able to act prior to the August recess. All of the interested parties, including the distinguished chairman of the Finance Committee, the Senator from Kansas (Mr. DOLE), and the distinguished ranking member of the committee, the Senator from Louisiana (Mr. LONG), have been seeking an agreement that would allow an orderly and expeditious agreement of this legislation. As an original sponsor of this important program, I wanted to complete this matter this week so that local governments would not be subject to the uncertainly of funding next year.

Mr. President, that does not now seem possible. However, I believe it will be possible on September 12. The House has already passed their version which would extend the program for 3 years. If my assessment is correct, the Senate should be able to do the same some time in September.

In any event, Mr. President, I have no doubt that this valuable program of general-purpose assistance will be reauthorized this year.

SCHEDULING REVENUE SHARING

Mr. DOLE. Mr. President, as the distinguished majority leader just indicated, a concerted effort was made over the past few days to reach agreement on time for taking up the legislation to extend general revenue sharing before the August recess. Unfortunately, we were unable to obtain consent from all the interested parties to do that—but I would just like to assure Members that we will do everything we can to expedite the bill after the recess, and to thank those who made every effort to clear this legislation for floor action.

The action of the House on Tuesday approving H.R. 2780, a bill to extend revenue sharing for 3 years, gave the Senate a good opportunity to give our local officials the reassurance they have been seeking that revenue sharing funds will continue to flow without interruption. We should have been able to take advantage of that opportunity, and I hope we will not delay much further in acting on revenue sharing. The program does expire on September 30, and there is no reason to leave everyone in suspense when the basic outlines of an extension bill are fairly clear.

Mr. President, I know that the distinguished majority leader feels strongly about this program, and he did everything in his power to get the Finance Committee bill, S. 1426, scheduled this week. We all appreciate his efforts, and I would also note that the National League of Cities lent us very considerable support in urging Members to agree to expedite this legislation. The league has my sincere thanks, and I trust we will not keep their member cities waiting much longer to see whether we will renew revenue sharing.

FUNDING

When we do take up S. 1426, the major issue we will have to decide is whether to increase the funding level over present law, as the House has done, or keep it steady at $4.6 billion, as the Finance Committee recommends. I know many Members feel that revenue sharing warrants an increase, but I would ask them also to consider the need to expedite the bill—not to mention the credibility of our commitment to cut the deficit. The President feels strongly that we should simply extend the program for 3 years at current funding. On July 25 Treasury Secretary Don Regan and OMB Director Dave Stockman wrote to me urging we approve a 3-year extension with no increase in funds. Both Secretary Regan and Director Stockman indicated that they would be unable to recommend approval of a bill that increases funding for revenue sharing. I ask unanimous consent to have that letter included in the RECORD at this point for the consideration of Members, with regard to the issue of funding levels for general revenue sharing.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 25, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to apprise you of the Administration's continued serious objection to certain features of General Revenue Sharing reauthorization contained in H.R. 2780.

Our objections are the provisions in H.R. 2780 which would extend General Revenue Sharing for five years and set the entitlement portion of the program at $5.3 billion annually. The Administration's proposal, in contrast, would extend the program for three years at its current funding level of $4.6 billion. We believe that this level of funding, along with a three-year extension, is fair, prudent, and fiscally responsible.

H.R. 2780 in its current form would in a single year increase spending for General Revenue Sharing by 16 percent. If enacted, it would result in fiscal year 1984-86 outlays that would exceed the Administration's request by over $2.1 billion. Increases of this magnitude are totally inappropriate, especially in light of the serious financial problems facing the Federal Government.

The Administration wants to make it clear that it is strongly opposed to any increase in funding over the current level. The provision in S. 1426 which would institute formula changes at levels over $4.6 billion in no way lessens the Administration's opposition.

The Administration also cannot support the five-year reauthorization of the program. This would financially commit the Federal Government for much too long a period of time. A three-year extension would permit the Congress and the Administration to review the funding level, allocation formula, and the program operation on a much more timely basis.

To be sure that there is no misunderstanding, one point should be clarified. The Administration does not oppose the extension of revenue sharing. On the contrary, the President is personally on the record as favoring the program's reauthorization. What the Administration does oppose is the unnecessarily long extension and the fiscally irresponsible funding increase. Unless H.R. 2780 is amended to conform to a funding level of $4.6 billion per year for 3 years, the President's other senior advisers and we will not be able to recommend approval of the bill, should it be presented for the President's action.

We have taken the liberty of sending an identical letter to Senator Long.

Sincerely,

DAVID A. STOCKMAN,
Director.

DONALD T. REGAN,
Secretary of the Treasury.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a folder of further items that are cleared for action by unanimous consent at this time. But I would inquire of the minority leader if he has any matter he wishes to present for consideration of the Senate at this moment.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

COMMENDATION OF THE ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

Mr. BYRD. Mr. President, on behalf of Mr. HEFLIN and Mr. DENTON, I offer a resolution commending the Alabama Department of Agriculture and Industries, and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislation clerk read as follows:

A resolution (S. Res. 203) commending the past and present Commissioners and employees of the Alabama Department of Agriculture and Industries.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HEFLIN. Mr. President, on September 1, the Alabama Department of Agriculture and Industries will observe its 100th year of service to the citizens of Alabama.

The Department was established pursuant to legislation introduced by Hiram Hawkins, a State senator from Barbour County. His measure, which created the Alabama Department of Agriculture, was given legislative sanction on February 23, 1883, and stipulated that the department would become operational on September 1 of that year.

The department began as a two-person operation, consisting of the commissioner and his clerk for regulating the sale and distribution of fertilizer. Today the department, which became the Department of Agriculture and Industries with the adoption of the 1901 constitution in Alabama, performs more than 100 services ranging from food and drug inspection activities to international market development.

It is interesting to me that the first Alabama Commissioner of Agriculture was Edward C. Betts. Commissioner Betts was from Madison County, as is the current commissioner, Albert McDonald. Their backgrounds are very similar. Both were successful farmers and both served in the Alabama State Legislature.

Through the years, Mr. President, there has been a high degree of cooperation between the Alabama Department of Agriculture and Industries and its agricultural and business constituency. Throughout its history the officers and employees of the department have carried out principles of public policy to foster and bring about steady economic growth in the agricultural and economic sectors. Their dedication has helped provide a better quality of life for the citizens of Alabama.

Mr. President, I am today introducing for myself and my distinguished colleague, Senator DENTON, a resolution recognizing and commending the Alabama Department of Agriculture and Industries on its 100th year of service to the citizens of Alabama. I ask for immediate consideration of the proposal.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 203

To commend the past and present commissioners and employees of the Alabama Department of Agriculture and Industries.

Whereas the Alabama Department of Agriculture and Industries is an executive agency of the State of Alabama;

Whereas the Alabama Department of Agriculture and Industries is an integral part of the State government;

Whereas the year 1983 marks the centennial of the establishment of the Alabama Department of Agriculture and Industries;

Whereas the Alabama Department of Agriculture and Industries has had a major impact on the lives and incomes of the people of Alabama;

Whereas the gross farm income of Alabama is well over two billion dollars, making agriculture the number one industry of the State;

Whereas the Alabama Department of Agriculture and Industries is primarily responsible for the promotion of agriculture and also acts as a regulatory agency that enforces hundreds of laws and regulations affecting all aspects of the agribusiness chain from producer to consumer;

Whereas the Alabama Department of Agriculture and Industries is the largest consumer protection agency of the State; and

Whereas the Members of the United States Senate take pride in the achievements of the Alabama Department of Agriculture and Industries: Now, therefore, be it

Resolved, That the Senate extends commendations and best wishes to employees and Commissioners, past and present, of the Alabama Department of Agriculture and Industries for their contributions to the achievements of Alabama agriculture and the Alabama Department of Agriculture and Industries over the past one hundred years.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the Commissioner of the Alabama Department of Agriculture and Industries to be presented to the members of the Board of Agriculture and Industries and to past and present Commissioners and Assistant Commissioners of the Department of Agriculture and Industries.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was adopted.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HARRY PORTER CONTROL TOWER

Mr. BAKER. Mr. President, it is a special pleasure for me to inquire of the minority leader if he is prepared for us to consider at this time S. 1365, which is a bill entitled the "Harry Porter Control Tower Bill."

I say, before the minority leader replies, that Harry Porter is a fixture in the State of Tennessee and Chattanooga. He has been a longtime resident and friend of mine, and for myself and the distinguished junior Senator from Tennessee (Mr. SASSER) I would very much like to call up that measure and pass it at this point if the minority leader agrees.

Mr. BYRD. Mr. President, the majority leader knows of my fondness for him. He knows I would jump into the Potomac for him. Therefore, with pleasure, I state that there is no objection on this side. I have great admiration for the Senator who is the proponent of the measure.

Mr. BAKER. Mr. President, I am speechless. I am not often speechless.

Mr. BYRD. I hope, Mr. President, we can keep him that way. [Laughter.]

Mr. President, of this entire colloquy, that is probably the most accurate representation.

Mr. President, I ask the Chair to lay before the Senate S. 1365.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1365) entitled the "Harry Porter Control Tower."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAKER. Mr. President, I am happy to say that I will be in Chattanooga on Saturday of this week. It will give me great pleasure to announce that the Senate indeed has adopted this measure.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the air traffic control tower at the Chattanooga Municipal Airport (Lovell Field) is designated and shall hereafter be known as the Harry Porter Control Tower. Any reference in a law, map, regulation, document, or other paper of the United States to such control tower shall be held and considered to refer to the "Harry Porter Control Tower".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPLEMENTATION OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

Mr. BAKER. Mr. President, I propose to ask the Senate to turn to the consideration of Calendar Order No. 150, S. 1008, if the minority leader is prepared to consider the matter by unanimous consent.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, then I ask the Chair to lay before the Senate S. 1008.

The PRESIDING OFFICER. The bill will stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1008) to make cetain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause, and insert the following:

STATE PROGRAM DESIGN

SECTION 1. (a) Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35; 20 U.S.C. 3801 et seq.) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definitions of 'agricultural activity', 'currently migratory child', and 'fishing activity', which were in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the elementary and Secondary Education Act of 1965. No additional definition of 'migratory agricultural worker' or 'migratory fisherman' may be appplied after the date of enactment of this subsection to such subpart 1.".

(b) Section 555 of the Act is amended by adding at the end thereof the following new subsection:

"(e) EVALUATION.—Each State educational agency shall—

"(1) conduct an evaluation of the programs assisted under this chapter at least every two years and shall make public the results of that evaluation; and

"(2) collect data on the race, age, and gender of children served by the programs assisted under this chapter and on the number of children served by grade-level under the programs assisted under this chapter.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b)(2).".

(c) Clause (2) of section 556(b) of the Act is amended by striking all that follows "areas," in such clause and inserting in lieu thereof "requires, among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs;".

(d) Clause (4) of section 556(b) of the Act is amended by inserting before the semicolon a comma and the following: "and that the results of such evaluation will be considered by such agency in the improvement of the programs and projects assisted under this chapter; and."

FLEXIBILITY TO CONTINUE TITLE I TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(2) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(3) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(4) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(5) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(6) The local educational agency is not required to use funds under this chapter to serve educationally deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this chapter.

"(7) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965

(but without regard to paragraph (4) of such section).

"(8) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, is less.".

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL INVOLVEMENT.—For the purposes of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.".

AREAS FOR SERVICES TO PRIVATE SCHOOLCHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASEOUT AND TRANSITION EXPENSES

SEC. 9. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 10. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 11. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 12. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL-LEVEL PROGRAMS

SEC. 13. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 14. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State-imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 15. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 16. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 17. (a) Section 596 of the Act is amended to read as follows:

APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by sections 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act, as added by the Education Amendments of 1974 (relating to responsibility of States to furnish information), is amended—

(1) by striking out paragraphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I OF ESEA

SEC. 18. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 of the Education Consolidation and Improvement Act of 1981"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

AVAILABILITY OF TITLE I APPROPRIATIONS

SEC. 19. (a) Section 553 of the Act is amended—

(1) by inserting "(a)" after "SEC. 553."; and

(2) by adding at the end thereof the following new subsection:

"(b) From the amount appropriated to carry out this chapter, not more than 14.6 per centum of such amount for each of the fiscal years 1983 and 1984 shall be available to carry out programs described in sections

141, 146, and 151 of the Elementary and Secondary Education Act of 1965. After the allocations for programs operated by State agencies, the Secretary shall assure that the amount available for allocation under section 117 of such Act bears the same ratio to the amount appropriated in each such fiscal year for this chapter as the amount available for such section in fiscal year 1980 bore to the total amount appropriated for title I of such Act in fiscal year 1980.".

(b)(1) Section 514(a)(2) of the Act is repealed.

(2) Section 514(a) of the Act is amended by striking out "(1)".

EXTENSION OF AUTHORIZATION FOR TITLE VII OF ESEA

SEC. 20. Section 528 of the Omnibus Budget Reconciliation Act of 1981 is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(15) title VII of the Elementary and Secondary Education Act of 1965.".

CONFORMING AMENDMENTS

SEC. 21. (a) Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

(b) The first sentence of section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "Act" a comma and the following: "or the Education Consolidation and Improvement Act of 1981".

ASSESSMENT OF COMPENSATORY EDUCATION

SEC. 22. Chapter 1 of the Act is amended by adding at the end thereof the following new section:

"NATIONAL ASSESSMENT OF COMPENSATORY EDUCATION ASSISTED UNDER THIS CHAPTER

SEC. 559. (a) The Secretary shall conduct a national assessment of compensatory education assisted under this chapter, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and assessments of the impact of (1) services delivered, (2) recipients of services, (3) background and training of teachers and staff, (4) allocation of funds (to school sites), (5) coordination with other programs, (6) effectiveness of programs on student's basic and higher order academic skills, school attendance, and future education, and (7) a national profile of the way in which local educational agencies implement activites described under section 556(b). The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1986, and a final report shall be prepared and submitted to the Congress not later than January 1, 1987.

"(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

"(c) From amounts otherwise available to the National Institute of Education, $2,000,000 for the fiscal year 1984 and $4,000,000 for each of the succeeding fiscal years ending prior to October 1, 1987, shall be made available to carry out the provisions of this section.".

IMPACT AID

SEC. 23. (a) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(1) by inserting "or 1984" after "fiscal year 1983" is clause (ii); and

(2) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

(c) Section 5(c) of such Act is amended by adding at the end thereof the following: "In the determination of amounts of payments made on the basis of entitlements established under sections 2, 3, and 4 after March 31, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments). Treating such an administrative school district as a local educational agency under the preceding sentence shall not result, during fiscal year 1984, 1985, or 1986, in an increase of more than 10 per centum in the amount of funds paid to such State above the amount paid to such State in the preceding fiscal year.".

EFFECTIVE DATE

SEC. 24. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

AMENDMENT NO. 2122

(Purpose: To Make Technical Modifications)

Mr. BAKER. Mr. President, I send to the desk an amendment to make technical modifications to the bill on behalf of the distinguished Senator from Utah (Mr. HATCH).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an amendment numbered 2122.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is follows:

On page 32, line 18, beginning with "(a)" the first time it appears, strike out through "(c)" the first time it appears on line 3, page 33.

On page 33, line 3, strike out "such Act" and insert in lieu thereof "the Act of September 30, 1950 (P.L. 874, 81st Congress)".

On page 33, line 16, beginning with "Treating" strike out through the period the first time it appears on line 21.

Mr. BAKER. Mr. President, what I have sent to the desk was an amendment to the substitute.

I ask that the Senate now turn to the consideration of the proposed amendment to the substitute.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 2122) was agreed to.

Mr. HATCH. Mr. President, I thank the majority leader for his assistance in bringing S. 1008 to the floor before the August recess. It is a measure which contains several vital and time-sensitive amendments to the education block grants—the Education Consolidation and Improvement Act of 1981—and is earnestly awaited by parents of disadvantaged children and migrant children, school boards and administrators, and others.

I would also like to thank the majority and minority members on our committee for their assistance in arranging matters so that the bill could be placed on the Unanimous-Consent Calendar. In particular I appreciate the good services of Senators STAFFORD and PELL in resolving last minute complications which threatened to delay the bill.

I have also submitted a committee amendment to the bill as reported, representing the consensus of both sides of the committee to adjust section 23 of the bill, covering the impact aid program, to reflect action taken yesterday in the conference deliberations on the Department of Defense authorization bill. The conferees on that matter substantially increased the total authorization for the program and also duplicated sections 23(a) and 23(b) of S. 1008 by extending the "B" student funding authorization for an additional year, and by correcting an erroneous reference to section 2 of the Impact Aid Act made in the Omnibus Budget Reconciliation Act of 1981.

Thus the committee amendment deletes sections 23(a) and 23(b) of the bill, which are now superfluous, and also deletes language which would have limited the increase of funds going to Hawaii under section 23(c) by a 10-percent factor. We feel that this

limitation is no longer needed in light of the increased total authorization for the program and our figures indicate that Hawaii's increase without the limitation will not be disproportionate to that of other States.

Mr. President, I urge a favorable vote by my colleagues on both the committee amendment and on the bill as amended.

Mr. ABDNOR. Mr. President, I thank the distinguished Senator from Utah for his attention to the possible conflicts between the action taken yesterday by the conferees on section 1030(C) of S. 675, the DOD authorization bill, and the measure presently before us.

Mr. President, it is my understanding that although the conferees had hoped to address the situation brought to their attention by the Senators from Hawaii, it was not a matter within the realm of the conference. Therefore, it is the desire of this Senator, to insure that identical language in both House and Senate versions of the technical amendments do not preclude a fair and equitable resolution of the Hawaii matter.

Mr. President, I understand that the Senator from Utah has an amendment to delete the 10-percent, per annum cap contained in the bill reported by his committee. I appreciate his cooperation, and that of his able staff, in agreeing to this change. I trust that an appropriate provision will be reached subsequently by the conferees on S. 1008.

Both of the Hawaii Senators, together with 25 other Members of this body, sponsored my impact aid amendment to the DOD authorization bill. No similar provision was included in the House-passed version of the bill. Yesterday, conferees agreed to increase from $455 to $565 million the overall authorization ceiling for impact aid (Public Law 81-874); increase authority for section 2 from $10 to $20 million; and continue authority for "B" category children through fiscal year 1984 at one-third of entitlement.

I appreciate greatly the efforts of the conferees, particularly the efforts of the distinguished ranking member of the Education Subcommittee, Senator PELL, who cosponsored the amendment and upheld the Senate's position in the conference. I hope that the federally impacted schools in this Nation will recognize the crucial role the Senator from Rhode Island played in obtaining this essential increase in spending authority.

Mr. President, I have been advised that the Senator from Utah will ask also to delete the remaining impact aid language from S. 1008, on the grounds that it is superfluous in light of the action taken yesterday by the conferees. Again, I appreciate the Senator from Utah's statement explaining this deletion and I thank him for his assistance.

Mr. STAFFORD. Mr. President, S. 1008 has the primary purpose of making technical and clarifying amendments to the Education Consolidation and Improvement Act, which Congress passed as part of the Omnibus Budget Reconciliation Act in 1981.

ECIA was passed to provide greater flexibility in the administration and delivery of compensatory education services to disadvantaged children. Additionally, ECIA created a new education block grant.

During the legislative deliberations over ECIA, certain technical errors were made, some sections which provided flexibility in the old title 1 law were dropped, and various ambiguities were created because some sections of ECIA were less than clear.

As a result of close collaboration with the House Education and Labor Committee, a technical amendments bill was passed late in the 97th Congress. Unfortunately, the President vetoed that legislation, and Congress did not have the opportunity to vote to override that veto. Thus, we are presented again with the responsibility to make these corrections in ECIA in response to the comments and suggestions offered by concerned educators.

Additionally, S. 1008 makes changes in other laws, changes which this Senator believes are necessary. These revisions include freezing certain definitions of migrant children, and correcting a specific inequity affecting impact aid payments to Hawaii.

This Senator wants to express his appreciation to the majority leader, the minority leader, the chairman of the full committee, Mr. HATCH, the ranking member, Mr. KENNEDY, and my good friend and colleague on the Subcommittee on Education, Mr. PELL, for their cooperation in bringing this legislation before the Senate at this time.

It is my hope that S. 1008 will soon become law. Another school year will begin shortly, and it is time that these corrections in ECIA were put in place.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Mr. MATSUNAGA. Mr. President, I rise today to express my support for S. 1008, the Education Consolidation and Improvement Act amendments. This bill includes a set of technical amendments which will clarify many questions regarding congressional intent with respect to chapter 1 and chapter 2 education programs.

I have a special interest, however, in section 23, which will allow Hawaii to be treated on equal terms as all other States with respect to impact aid funding. Hawaii is the only State in the nation with a single statewide school system. We in Hawaii feel that this system provides many benefits to the students in our State.

However, because of this centralized State system, Hawaii is often at a distinct disadvantage with respect to impact aid allocations. In particular, the State is hurt when super "A" districts receive favorable funding treatment. Super "A" districts are those districts with 20 percent or more category "A" students in daily attendance.

While the Central Oahu District has 36.4 percent category "A" students in daily attendance—well above the figure necessary to qualify as a super "A" district—this high concentration of "A" students is completely disregarded when the allocation formula is based on statewide statistics. Since the State as a whole has only 10.26 percent category "A" students in daily attendance, Hawaii does not receive any impact aid funds at the super "A" reimbursement rate, and thus, is severely penalized for having a centralized statewide school system.

The bill S. 1008 will allow States with a single statewide school system to treat the several administrative units within that system as school districts, only for the purposes of the impact aid formula. This does not mean that Hawaii will be granted any special treatment. It will will merely allow Hawaii to receive exactly the same consideration as all other school districts in the country.

Mr. President, for this and other reasons already stated by others, I urge the Senate to act favorably on the pending measure.

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATE PROGRAM DESIGN

SECTION 1. (a) Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35; 20 U.S.C. 3801 et seq.) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definitions of 'agricultural activity', 'currently migratory child', and 'fishing activity'

which were in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965. No additional definition of 'migratory agricultural worker' or 'migratory fisherman' may be applied after the date of enactment of this subsection to such subpart 1.".

(b) Section 555 of the Act is amended by adding at the end thereof the following new subsection:

"(e) EVALUATION.—Each State educational agency shall—

"(1) conduct an evaluation of the programs assisted under this chapter at least every two years and shall make public the results of that evaluation; and

"(2) collect data on the race, age, and gender of children served by the programs assisted under this chapter and on the number of children served by grade-level under the programs assisted under this chapter.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than one thousand children, but this subsection does not relieve such an agency from the responsibility to serve children under the assurances set forth in subsection (b)(2).".

(c) Clause (2) of section 556(b) of the Act is amended by striking all that follows "areas," in such clause and inserting in lieu thereof "requires, among the educationally deprived children selected, the inclusion of those children who have the greatest need for special assistance, and determines the needs of participating children with sufficient specificity to ensure concentration on those needs;".

(d) Clause (4) of section 556(b) of the Act is amended by inserting before the semicolon a comma and the following: "and that the results of such evaluation will be considered by such agency in the improvement of the programs and projects assisted under this chapter; and".

FLEXIBILITY TO CONTINUE TITLE I TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, a local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(2) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(3) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(4) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(5) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(6) The local educational agency is not required to use funds under this chapter to serve educationally deprived children in greatest need of assistance if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this chapter.

"(7) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 per centum of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(8) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less.".

PARENTAL INVOLVEMENT

SEC. 4. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(e) PARENTAL INVOLVEMENT.—For the purposes of complying with the assurances given pursuant to subsection (b)(3) with respect to consultation with parents of participating children, (1) a local educational agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and (2) if parents desire further activities, the local educational agency may, upon request, provide reasonable support for such activities.".

AREAS FOR SERVICES TO PRIVATE SCHOOLCHILDREN

SEC. 5. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 6. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 7. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by adding at the end thereof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 8. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(A)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASEOUT AND TRANSITION EXPENSES

SEC. 9. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 10. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 11. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 12. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL-LEVEL PROGRAMS

SEC. 13. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 14. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State-imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 15. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 16. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 17. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by sections 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judical review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

(b) Section 406A(a) of the General Education Provisions Act, as added by the Education Amendments of 1974 (relating to responsibility of States to furnish information), is amended—

(1) by striking out paragraphs (3) and (4);

(2) by inserting "and" at the end of paragraph (2); and

(3) by redesignating paragraph (5) as paragraph (3).

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I OF ESEA

SEC. 18. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 of the Education Consolidation and Improvement Act of 1981"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds for use under Education Consolidation and Improvement Act of 1981.

AVAILABILITY OF TITLE I APPROPRIATIONS

SEC. 19. (a) Section 553 of the Act is amended—

(1) by inserting "(a)" after "SEC. 553"; and

(2) by adding at the end thereof the following new subsection:

"(b) From the amount appropriated to carry out this chapter, not more than 14.6 per centum of such amount for each of the fiscal years 1983 and 1984 shall be available to carry out programs described in sections 141, 146, and 151 of the Elementary and Secondary Education Act of 1965. After the allocations for programs operated by State agencies, the Secretary shall assure that the amount available for allocation under section 117 of such Act bears the same ratio to the amount appropriated in each such fiscal year for this chapter as the amount available for such section in fiscal year 1980 bore to the total amount appropriated for title I of such Act in fiscal year 1980.".

(b)(1) Section 514(a)(2) of the Act is repealed.

(2) Section 514(a) of the Act is amended by striking out "(1)".

EXTENSION OF AUTHORIZATION FOR TITLE VII OF ESEA

SEC. 20. Section 528 of the Omnibus Budget Reconciliation Act of 1981 is amended—

(1) by striking out "and" at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new paragraph:

"(15) title VII of the Elementary and Secondary Education Act of 1965.".

CONFORMING AMENDMENTS

SEC. 21. (a) Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

(b) The first sentence of section 1003(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "Act" a comma and the following: "or the Education Consolidation and Improvement Act of 1981".

ASSESSMENT OF COMPENSATORY EDUCATION

SEC. 22. Chapter 1 of the Act is amended by adding at the end thereof the following new section:

"NATIONAL ASSESSMENT OF COMPENSATORY EDUCATION ASSISTED UNDER THIS CHAPTER

"SEC. 559. (a) The Secretary shall conduct a national assessment of compensatory education assisted under this chapter, through independent studies and analysis by the National Institute of Education. The assessment shall include descriptions and assessments of the impact of (1) services delivered, (2) recipients of services, (3) background and training of teachers and staff, (4) allocation of funds (to school sites), (5) coordination with other programs, (6) effectiveness of programs on student's basic and higher order academic skills, school attendance, and future educaiton, and (7) a national profile of the way in which local educational agencies implement activities described under section 556(b). The National Institute of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives in the design and implementation of the assessment required by this section. The National Institute of Education shall report to Congress the preliminary results of the assessment required by this section in January and July of 1986, and a final report shall be prepared and submitted to the Congress not later than January 17, 1987.

"(b) Notwithstanding any other provision of law or regulation, such reports shall not be subject to any review outside of the Department of Education before their transmittal to the Congress, but the President and the Secretary may make such additional recommendations to the Congress with respect to the assessment as they deem appropriate.

"(c) From amounts otherwise available to the National Institute of Education, $2,000,000 for the fiscal year 1984 and $4,000,000 for each of the succeeding fiscal years ending prior to October 1, 1987, shall be made available to carry out the provisions of this section.".

IMPACT AID

SEC. 23. Section 5(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended by adding at the end thereof the following: "In the determination of amounts

of payments made on the basis of entitlements establish under section 2, 3, and 4 after March 31, 1983, by reason of any provision of law other than this Act which places any additional restriction on payments based on the concentration of children counted under subsection (a) or (b) of section 3 in the schools of the local educational agency, such restriction shall be applied, in the case of any State (other than a territory or possession of the United States) within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency (solely for the purpose of computing the amount of such payments).".

EFFECTIVE DATE

SEC. 24. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR SEQUENTIAL REFERRAL OF S. 1090

Mr. BAKER. Mr. President, I will now state a unanimous-consent request that I believe has been submitted for the consideration of the minority leader.

I ask unanimous consent that S. 1090, as ordered reported on August 1, 1983, by the Committee on Governmental Affairs, be sequentially referred to the Committee on Energy and Natural Resources for 60 calendar days beginning at the end of the August recess.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF PAYMENT FOR TRAVEL AND TRANSPORTATION EXPENSES

Mr. BAKER. Mr. President, I wish to turn to the consideration of H.R. 3232, if the minority leader can clear that measure.

Mr. BYRD. Mr. President, I am happy to clear that measure. There is no objection on this side.

Mr. BAKER. Mr. President, then I ask the Chair to lay before the Senate H.R. 3232, and act to amend title 38 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Justice Department.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3232) to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice.

The Senate proceeded to the consideration of the bill.

Mr. THURMOND. Mr. President, H.R. 3232 is a noncontroversial measure which authorizes the Department of Justice to pay certain moving and travel expenses incurred by new agents upon assignment to their first post of duty following a training course. This bill is strongly supported by the Justice Department and, in particular, the FBI and the DEA.

Current law prohibits reimbursement of a new Federal employee for expenses incurred in reporting to his job, unless the employee falls into a shortage category. FBI and DEA special agents are in a rather unique position since, prior to assuming their duties in the field, they are sent for training in places like the academy at Quantico, Va. For 25 years, the FBI considered the training location the first duty assignment and paid for the agent's moving costs to his subsequent assignment location. However, in 1979, the Comptroller General ruled that a training site could not be considered the agent's first duty post.

In response to the 1979 ruling, the Department initiated a new policy whereby agents, upon completion of training, would be initially assigned to the field office that recruited them. After 6 months, the agent was transferred to another field office, based on staffing requirements. The Department has encountered several problems with this approach. Recruiting offices may become staffed with too many inexperienced agents and, according to the Department's experience, the cost of moving an established agent is greater than that for a new employee. The Department anticipates that these problems will be exacerbated by the substantial hirings in connection with the administration's new organized crime drug enforcement initative.

H.R. 3232 would amend title 28 of the United States Code by adding a new section 530, which would auhtorize the Attorney General to pay the travel expenses of a newly appointed special agent and the transportation expenses of his family and personal effects from the place of residence at the time of selection to his first duty station. Thus, it will permit the Department to continue the practice which was in effect prior to 1979, without the complications of recent years. I am advised by the Department that this bill will save the taxpayers approximately one-half million dollars each year.

Mr. President, I strongly support this measure, which was included, in slightly modified form, in the fiscal year 1984 Justice Department authorization bill recently reported by the committee. I commend our colleagues in the other body for promptly processing H.R. 3232 and I hope that we will be able to pass it with the same speed.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on third reading and passage of the bill.

The bill (H.R. 3232) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1984

Mr. BAKER. Mr. President, if the minority leader has no objection, I ask that the Senate proceed to the consideration of Calendar Order No. 162, S. 1192.

Mr. BYRD. Mr. President, I have no objection.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate that measure.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1192) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1984, and for other purposes.

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1984".

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1984, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration, including—

(A) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(B) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $10,000,000, and to remain available until expended: $66,364,000, of which $797,000 shall remain available until expended for the Federal Justice Research program.

(2) For the United States Parole Commission: $7,836,000.

(3) For General Legal Activities, including—

(A) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(B) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(C) advance of public moneys under section 3324 of title 31, United States Code;

(D) for necessary dues and expenses for the membership of the United States in the International Criminal Police Organization (INTERPOL), as authorized by section 263(a) of title 22, United States Code;

(E) expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);

(F) not exceed $50,000 which may be transferred from the "Alien Property Funds, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia; and

(G) for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals: $160,440,000.

(4) For the Foreign Claims Settlement Commission for its activities: $954,000.

(5) For the Antitrust Division for its activities: $45,791,000.

(6) For United States Attorneys, Marshals, and Trustees, including the payment of rewards and the purchase of evidence and payments of information: $369,513,000.

(7) For Support of United States Prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a): $44,768,000: Provided, That amounts made available for constructing any local jail facility shall not exceed the cost of constructing space for the average Federal prisoner population for that facility as projected by the Attorney General: *Provided further,* That following agreement on or completion of any federally assisted jail construction, the availability of such space shall be assured and the per diem rate charged for housing Federal prisoners at that facility shall not exceed direct operating costs for the period of time specified in the cooperative agreement.

(8) For Fees and Expenses of Witnesses, including contracting for expert witnesses according to the procedure similar to that authorized by section 904 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544): $38,266,000.

(9) For the Community Relations Service: $32,969,000 of which $26,655,000 shall remain available until expended to make payments in advance for grants, contracts, and reimbursable agreements and other expenses necessary under section 501(c), the Refugee Education Assistance Act of 1980, Public Law 96-422, for the processing, care, maintenance, security, transportation and reception and replacement in the United States of Cuban and Haitian entrants.

(10) For Organized Crime Drug Enforcement for the detection, investigation, prosecution, and incarceration of individuals involved in organized criminal drug trafficking not otherwise provided for: $121,949,000 of which $2,500,000 is for the Presidential Commission on Organized Crime are to remain available until expended and of which $14,000,000 for the purchase of automated data processing and telecommunications equipment and $9,619,000 for undercover operations shall remain available until September 30, 1985, and, notwithstanding any other provision in law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative organized criminal drug enforcement and regulatory activities. The Attorney General shall deliver an annual report to the President, the Judiciary Committees and the Appropriations Committees of the Senate and the House of Representatives not later than March 31 of each year, evaluating the results of this program.

(11) For the Federal Bureau of Investigation for its activities, including—

(A) acquisition, collection, classification, and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(B) the payment of rewards;

(C) payment of travel and related expenses for immediate family members of employees, including costs of expenses incurred for specialized training and orientation in connection with a transfer to Puerto Rico, other territories and possessions of the United States, and assignment in a legal attaché post outside the territory of the United States; and

(D) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General: $1,055,690,000 of which not to exceed $52,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations and $10,000,000 for the relocation within the District of Columbia of the Washington field office shall remain available until September 30, 1985: *Provided,* That notwithstanding the provisions of sections 3302 and 9701 of title 31, United States Code, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, which represent the cost of furnishing the service. Not more than $13,500,000 of such fees shall be credited to the Federal Bureau of Investigation's appropriation to be used for salaries and other expenses incurred in providing these services. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies, as defined in title 28, Code of Federal Regulations, sections 20.3 (c) and (d).

(12) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) payment of rewards and purchases of evidence and payment for information;

(B) not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(C) planning, acquisition of sites, and construction of new facilities and construction, operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto and to remain available until expended;

(D) payment of expenses related to the purchase and/or lease of privately owned horses;

(E) payment of expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) for the processing, care, maintenance, security, transportation, and reception and placement in the United States of Cuban and Haitian entrants to remain available until expended; and

(F) research related to immigration enforcement: $537,606,000, of which not to exceed $100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General, of which $400,000 shall remain available for research until expended and of which not to exceed $10,090,000 is authorized to be appropriated to establish a National Records Center and $11,134,000 is authorized to be appropriated to implement a long-range automated data processing plan, each amount to remain available until September 30, 1985.

(13) For the Drug Enforcement Administration for its activities, including—

(A) payment of expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General:

(B) payment of rewards;

(C) not to exceed $1,700,000 for purchase of evidence and payments for information (PE/PI) to remain available until September 30, 1985;

(D) research related to enforcement and drug control; and

(E) not less than $12,952,000 for State and Local Task Forces which coordinate the enforcement of drug investigations, primarily heroin trafficking, with selected State and local law enforcement agencies: $275,623,000 of which not to exceed $1,200,000 for research shall remain available until expended. For the purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sums shall be deemed to be authorized by section 709(a) of such Act for the fiscal year ending September 30, 1984.

(14) For the Federal Prison System for its activities, including—

(A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed

$100,000 for inmate legal services within the system;

(B) payment of rewards;

(C) entering into contracts with governmental or private organizations or entities for the safekeeping, care, and subsistence of persons held under any congressional authority; and

(D) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: $481,070,000.

SEC. 3. Sums authorized to be appropriated by this Act may be used for—

(a) benefits authorized under section 901(3), (5), (6)(A), (8), (9), and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(3), (5), (6)(A), (8), (9), and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State:

(b) services as authorized by section 3109 of title 5 of the United States Code;

(c) official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General and in an amount not to exceed $65,000;

(d) per diem allowances for an employee who serves in a law enforcement capacity and/or transportation expenses for members of his immediate family in accordance with regulations prescribed under section 5707 of title 5, United States Code, by the Administrator of the General Services Administration or his designee, when necessarily occupying temporary living accommodations at or away from the employee's designated post of duty because of a threat to life or property or because law enforcement or investigative interests may be compromised;

(e) attendance at meetings to be expended for such purposes in accordance with the regulations issued by the Attorney General;

(f) antiterrorism training for dependents of Department of Justice personnel who will be stationed abroad on the same basis as Department of State personnel;

(g) the travel expenses of newly appointed special agents within the various agencies of the Department of Justice and the transportation expense of their families and household goods and personal effects from place of residence at time of selection to first duty station to the extent authorized by section 5723 of title 5; and

(h) assistance to individuals under section 501(c) of the Refugee Education Assistance Act (Public Law 96-422) who meet the definition of "Cuban and Haitian entrant" under section 501(e) of said Act but for the application of paragraph (2)(B) thereof.

SEC. 4. (a) Travel advances issued to special agents of the Department of Justice engaged in undercover activities from sums authorized to be appropriated by this Act shall be deemed to be Government funds within the meaning of section 3527 of title 31, United States Code.

(b) There are authorized to be appropriated for the fiscal year ending September 30, 1984, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

SEC. 5. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organizations' programs, as determined by the priorities set either by the Congress or the Attorney General.

(b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of evaluations, including full access to all information, documentation, and cognizant personnel, as required.

(c) The Attorney General's annual report on Department of Justice activities shall be made available to the Committees on the Judiciary of the Senate and the House of Representatives, and other appropriate committees, within five months after the end of the fiscal year to which it pertains.

SEC. 6. (a) The Commissioner of the Immigration and Naturalization Service is authorized during the fiscal year ending September 30, 1984, to accept unconditional gifts, donations, or bequests of real, personal, or other property for use in the operations and functions of the Immigration and Naturalization Service and the Immigration and Naturalization Service is authorized to retain horses received as donations. For the purpose of Federal income, estate, and gift taxes, property that is accepted under this section is considered as a gift or bequest to or for the use of the United States.

(b) Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commissioner of the Immigration and Naturalization Service is authorized during the fiscal year ending September 30, 1984, to accept voluntary and uncompensated services to assist the Service in information services to the public. Persons providing voluntary services shall not be used to displace any Federal employee and shall not be considered Federal employees for any purpose except for the purposes of chapter 81 of title 5, United States Code (relating to compensation for injury), and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

SEC. 7. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence and with respect to any undercover investigative operation of the Drug Enforcement Administration—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation or the Drug Enforcement Administration by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 1341 of title 31, United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31, United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation or the Drug Enforcement Administration by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 9102 of title 31, United States Code;

(3) sums authorized to be appropriated for the Federal Bureau of Investigation or the Drug Enforcement Administration by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3302 of title 31, United States Code; and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3302 of title 31, United States Code; only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director), in the case of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration (or, if designated by the Administrator, a Deputy Administrator) in the case of the Drug Enforcement Administration, and the Attorney General (or, if designated by the Attorney Gerneral, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, and the Drug Enforcement Administrator, as much in advance as the Administrator or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d)(1) The Federal Bureau of Investigation and the Drug Enforcement Administration shall conduct detailed financial audits of undercover operations closed on or after October 1, 1983, and—

(A) report the results of each audit in writing to the Attorney General, and

(B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation and any undercover operation of the Drug Enforcement Administration—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3302 or 9102 of title 31, United States Code.

SEC. 8. (a) Without regard to the provisions of section 3302 of title 31, United States Code, the Drug Enforcement Administration is authorized to set aside 25 per centum of the net amount of money realized from the forfeiture of assets seized by it

under any provision of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), to be available in amounts as specified in appropriations Acts for obligations and expenditure only for the purpose of paying awards of compensation with respect to such forfeiture; and to pay, totally within its discretion, such awards to any entity not an agency or instrumentality of the United States, or to any person not an officer or employee of the United States or of any State or local government, that provides information or assistance which leads to a forfeiture referred to in subsection (a). Such awards can be made in any amount up to 25 per centum of the amount realized from the forfeiture, or $150,000 whichever is lesser, in any case, except that no awards shall be made based on the value of the contraband. The authority of the Administrator of the Drug Enforcement Administration to pay an award of $10,000 or more shall not be delegated.

(b) The amounts credited under this section shall be made available for obligations until September 30, 1985.

(c) The remaining 75 per centum of the net amount of money realized from the forfeitures referred to in subsection (a) shall be paid to the miscellaneous receipts of the Treasury: *Provided,* That the authority furnished by this section shall remain available until September 30, 1985, at which time any amount of the unobligated balances remaining in this account, accumulated before September 30, 1984, shall be paid to the miscellaneous receipts of the Treasury: *And provided further,* That the Drug Enforcement Administration shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account and—

(1) report the results of each audit, in writing, to the Department of Justice; and

(2) report annually to Congress concerning these audits.

SEC. 9. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904) is amended—

(1) by striking out "and" after "1982" and

(2) by inserting after "1983", the following: "and $275,623,000 for the fiscal year ending September 30, 1984".

SEC. 10. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by inserting "and the award of compensation to informers in respect to such forfeitures" immediately after "compromise of claims".

SEC. 11. During the fiscal year for which appropriations are authorized by this Act, each organization of the Department of Justice, through the appropriate office within the Department of Justice, shall notify in writing the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, other appropriate committees, and the ranking minority members thereof, not less than fifteen days before—

(1) reprograming of funds in excess of $250,000 or 10 per centum, whichever is less, between the programs within the offices, divisions, and boards as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and the House of Representatives,

(2) reprograming of funds in excess of $500,000 or 10 per centum, whichever is less, between programs within the Bureaus as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and the House of Representatives,

(3) any reprograming action which involves less than the amounts specified in paragraphs (1) and (2) if such action would have the effect of making significant program changes and committing substantive program funding requirements in future years,

(4) increasing personnel or funds by any means for any project or program for which funds or other resources have been restricted,

(5) creation of new programs or significant augmentation of existing programs,

(6) reorganization of offices or programs, and

(7) significant relocation of offices or employees, including the closing of ports of entry and order stations.

SEC. 12. Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by—

(1) striking out "and September 30, 1984"; and

(2) adding after the first sentence the following new sentence: "To carry out the purposes of this title there is authorized to be appropriated $75,000,000 for the fiscal year ending September 30, 1984.".

SEC. 13. Part II of title 28 United States Code, is amended by inserting after chapter 37 the following new chapter:

"CHAPTER 38—GENERAL AUTHORIZATIONS—DEPARTMENT OF JUSTICE

"Sec.

"576. General authorizations.

"§ 576. General authorizations

"(a) The Attorney General or his designee is authorized to make payments from Department of Justice appropriations for—

"(1) the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries; and

"(2) attendance at meetings to be expended for such purposes in accordance with the regulations issued by the Attorney General.

"(b) The offices, divisions, and subdivisions included in the general administration area of the annual appropriation of the Department of Justice are authorized to make payment from their appropriations for the hire of passenger motor vehicles.

"(c) The offices, divisions and subdivisions included in the general legal activities area of the annual appropriation of the Department of Justice are authorized to make payments from their appropriations for:

"(1) the hire of passenger motor vehicles; and

"(2) necessary accommodations in the District of Columbia for conferences and training activities.

"(d) The fees and witness activity of the annual appropriation of the Department of Justice is authorized to make payment from its appropriation for—

"(1) expenses, mileage, compensation, and per diem of witnesses in lieu of subsistence, as authorized by law; and

"(2) advance of public moneys.

No sums authorized to be appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

"(e) The Community Relations Service of the Department of Justice is authorized to make payments from its appropriation to pay for the hire of passenger motor vehicles.".

SEC. 14. Section 106 of the Act of March 14, 1980 (94 Stat. 97; 22 U.S.C. 1622(f)), is amended to read as follows:

"§ 106. Administrative support and services to Foreign Claims Settlement Commission of the United States by the Attorney General

"(a) The Attorney General shall provide necessary administrative support and services to the Commission. The Chairman shall prepare the budget requests, authorization documents, and legislative proposals for the Commission within the procedures established by the Department of Justice, and the Attorney General shall submit these items to the Director of the Office of Management and Budget as proposed by the Chairman.

"(b) The Commission is authorized to make payments from its appropriation for—

"(1) services as authorized by section 3109 of title 5, United States Code;

"(2) expenses of packing, shipping, and storing personal effects of personnel assigned abroad;

"(3) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;

"(4) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;

"(5) advances of funds abroad;

"(6) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission:

"(7) the hire of motor vehicles for field use only; and

"(8) the employment of aliens.".

SEC. 15. (a) Section 568 of title 28, United States Code, is amended to read as follows:

"§ 568. General authorizations

"Appropriations for the United States attorneys and marshals are available for—

"(a) the purchase of firearms and ammunition and the attendance at firearms matches;

"(b) the lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year including acquisition of vehicles seized and forfeited to the United States Government for official use;

"(c) the supervision of the United States prisoners in non-Federal institutions;

"(d) the bringing to the United States from foreign countries persons charged with crime; and

"(e) the acquisition, lease, maintenance, and operation of aircraft.".

(b) During the period for which funds are authorized to be appropriated by this Act, notwithstanding any other provision of law, the following shall apply:

(1)(A) The United States marshals or deputies shall routinely collect, and a court may tax as costs, fees for the following—

(i) serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, capias, or any other writ, order, or process in any case or proceeding;

(ii) serving a subpoena or summons for a witness or appraiser;

(iii) forwarding any writ, order, or process to another judicial district for service;

(iv) the preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale;

(v) the keeping of attached property (including boats, vessels, or other property at-

tached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen's or keepers' fees, insurance, and an hourly rate including overtime for each deputy marshal required for special services, such as guarding, inventorying, and moving;

(vi) copies of writs or other papers furnished at the request of any party;

(vii) necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor; and

(viii) overtime expenses incurred by deputy marshals in the course of serving or executing civil process.

(B) The marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under clause (v), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This subparagraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of title 18, United States Code.

(C) For purposes of clause (vii), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding any additional mileage traveled in serving or endeavoring to serve in behalf of that party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

(2) The Attorney General shall prescribe from time to time regulations for the fees to be collected and taxed under paragraph (1).

(3)(A) For seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise and receiving and paying over money, the United States marshals or deputies shall collect commissions of 3 per centum of the first $1,000 collected and 1½ per centum on the excess of any sum over $1,000, except that the amount of the commission shall be within the range set by the Attorney General. If the property is not disposed of by marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than the marshal or his deputy, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to judicially ordered sales and execution sales, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law.

(B) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commissions collected under subparagraph (A).

(4) The United States marshals may require a deposit to cover any of the fees and expenses prescribed under this section.

(5) Without regard to the provisions of sections 3302 and 9701 of title 31 of the United States Code, the United States Marshals Service is authorized to credit amounts from fees and expenses collected (including amounts for overtime expenses) for the service of civil process, including complaints, summonses, subpoenas, and similar process performed by the marshals to its current appropriation account for the purpose, only, of carrying out those activities.

(c) Section 569(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) Except as provided in paragraph (2), the United States marshals shall execute all lawful writs, process and orders issued under authority of the United States, and command all necessary assistance to execute their duties.

"(2) Service of complaints, summonses, and subpoenas by a United States marshal may not be required by any party, other than the United States or an officer or agency of the United States, unless performed pursuant to—

"(A) section 1915 or 1916 of this title, or

"(B) an order issued by the court stating that service of a complaint, summons or a subpoena should be made by a United States marshal in order to properly effect service.".

(d) Rule 45 of the Federal Rules of Civil Procedure is amended by inserting after the first sentence and before the second sentence of subsection (c) the following sentence: "A party, other than the United States or an officer or agency of the United States, may not require service of a subpoena by a marshal, or his deputy, unless the service is (1) on behalf of a party authorized to proceed in forma pauperis pursuant to section 1915 of title 28, United States Code, or of a seaman authorized to proceed under section 1916 of title 28, United States Code or (2) pursuant to an order issued by the court stating that a marshal, or his deputy, is required to serve the subpoena in order that service is properly effected.".

(e) Rule 4 of the Federal Rules of Civil Procedure is amended by—

(1) striking the last sentence in subsection (c)(2)(C)(ii) and inserting in lieu thereof the following sentence: "Service of a summons and complaint pursuant to this subdivision of this rule is deemed complete on the date a written acknowledgment of receipt of summons is executed, if such acknowledgment is thereafter returned to the sender.".

(2) by inserting immediately before the period at the end of subsection (c)(2)(D) the following: "mailed to such person pursuant to subdivision (c)(2)(C)(ii) of this rule.".

SEC. 16. Chapter 301 of title 18, United States Code, is amended by inserting after section 4011 the following new section:

"§ 4012. Support for United States prisoners in non-Federal institutions

"The Attorney General or his designee is authorized to make payments from the support for United States prisoners in non-Federal institutions appropriation for entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of this chapter.".

SEC. 17. Chapter 33 of title 28, United States Code, is amended by inserting after section 537 the following new section:

"§ 538. General authorizations

"The Federal Bureau of Investigation is authorized to make payments from its appropriation for—

"(a) expenses necessary for the detection and prosecution of crimes against the United States;

"(b) protection of the person of the President of the United States and the person of the Attorney General;

"(c) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

"(d) purchase for police-type use without regard to the general purchase price limitation for a current fiscal year and the hire of passenger motor vehicles;

"(e) acquisition, lease maintenance, and operation of aircraft; and

"(f) purchase of firearms and ammunition and attendance at firearms matches.

None of the sums authorized to be appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.".

SEC. 18. Section 6 of the Act of July 28, 1950 (64 Stat. 380; 8 U.S.C. 1555), is amended to read as follows:

"§ 6. Immigration and Naturalization Service general authorities

"The Immigration and Naturalization Service is authorized to make payments from its appropriation for—

"(a) advance of cash to aliens for meals and lodging while en route;

"(b) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

"(c) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

"(d) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

"(e) acquisition, lease, maintenance, and operation of aircraft;

"(f) payment for firearms and ammunition and attendance at firearms matches;

"(g) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

"(h) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens; and

"(i) acquisition of land as sites for enforcement fences, and construction incident to such fences.".

SEC. 19. The Drug Enforcement Administration is authorized to make payments from its appropriation for—

(a) the hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(b) payment in advance for special tests and studies by contract;

(c) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(d) publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;

(e) necessary accommodations in the District of Columbia for conferences and training activities;

(f) acquisition, lease, maintenance, and operation of aircraft;

(g) contracting with individuals for personal services abroad, and such individuals shall be not regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(h) payment for firearms and ammunition and attendance at firearms matches;

(i) payment for tort claims when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad.

SEC. 20. Chapter 303 of title 18, United States Code, is amended by inserting after section 4042 the following new section:

"§ 4043. General authorizations

"The Bureau of Prisons is authorized to make payments from its appropriation for—

"(a) purchase and hire of law enforcement and passenger motor vehicles;

"(b) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

"(c) assistance to State and local governments to improve their correctional systems;

"(d) purchase of firearms and ammunition and medals and other awards;

"(e) purchase and exchange of farm products and livestock;

"(f) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18, United States Code;

"(g) Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;

"(h) planning, acquisition of sites and construction of new facilities, and constructing, remodeling and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this subsection; and

"(i) carrying out the provisions of sections 4351 through 4353 of this title relating to a National Institute of Corrections, to remain available until expended.".

SEC. 21. Section 4204(b) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"(9) make payment from the appropriation for the Commission to hire passenger motor vehicles."

SEC. 22. The table of chapters for part II of title 28, United States Code, is amended by inserting after the item relating to chapter 37 the following new item:

"38. General authorizations ..... 576".

SEC. 23. The table of sections for chapter 37 of title 28, United States Code, is amended by amending the item relating to section 568 to read as follows:

"568. General authorizations.".

SEC. 24. The table of sections for chapter 301 of title 18, United States Code, is amended by inserting after the item relating to section 4011 the following new item:

"4012. Support for United States prisoners in non-Federal institutions.".

SEC. 25. The table of sections for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 537 the following new item:

"538. General authorizations.".

SEC. 26. The table of sections for chapter 303 of title 18, United States Code, is amended by inserting after the item relating to section 4042 the following new item:

"4043. General authorizations.".

SEC. 27. Subject to sections 5315-5317 of title 5, United States Code, and notwithstanding the provisions of section 548 of title 28, United States Code, during the fiscal year ending September 30, 1984, the Attorney General shall fix the annual salaries of United States attorneys, assistant United States attorneys, and attorneys appointed under section 543 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code. Until such time as the Appropriations Committee acts, none of the sums authorized to be appropriated by the act may be used to transfer any position from any legal division of the Department of Justice to any office of any United States Attorney to pay the salary of any employee occupying any such position so transferred after April 1, 1983.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1192) was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I propose now, if the minority leader has no objection, to go to Senate Joint Resolution 149.

Mr. BYRD. Mr. President, I am happy to go to that.

Mr. DOMENICI. Mr. President, I believe the prime sponsor has a modification. With the modification, I shall have no objection.

Mr. BAKER. Mr. President, let me pass over that for the moment and complete the call of the items in the unanimous-consent folder. Then perhaps we can proceed with that measure.

ORDER FOR RECORD TO REMAIN OPEN

Mr. BAKER. Mr. President, I anticipate that the Senate will adjourn shortly. In view of that, I ask unanimous consent that the RECORD remain open until 6 p.m. today for the introduction of bills or resolutions or the filing of statements and reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK D. WATSON POST OFFICE BUILDING

Mr. BAKER. Mr. President, there is a matter that the assistant majority leader is prepared to proceed with. I yield to him.

Mr. STEVENS. Mr. President, I send a bill to the desk and ask unanimous consent that it receive immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, this is a bill in which Mr. STEVENS is very interested. I believe the majority leader of the House is also interested in it.

Mr. STEVENS. That is correct, Mr. President.

Mr. BYRD. With pleasure, Mr. President, I remove my reservation.

The PRESIDING OFFICER. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (S. 1797) to name the United States Post Office Building to be constructed in Fort Worth, Texas, as the "Jack D. Watson Post Office Building".

The Senate proceeded to consider the bill.

AMENDMENT NO 2123

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposed an amendment numbered 2123.

At the end add:

SERVICE OF GOVERNOR UNTIL SUCCESSOR QUALIFIES

SEC. . Section 202(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2123) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building to be constructed in Fort Worth, Texas, at the intersection of Meacham Boulevard and the Mark IV Parkway, shall hereafter be named and designated the "Jack D. Watson Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jack D. Watson Post Office Building".

SERVICE OF GOVERNOR UNTIL SUCCESSOR QUALIFIES

SEC. 2. Section 202(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.".

Mr. STEVENS. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate Resolution 199, a Budget Act waiver to accompany H.R. 2840.

The PRESIDING OFFICER. Without objection, the clerk will state it.

The assistant legislative clerk read as follows:

A resolution (S. Res. 199) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2840.

Mr. STEVENS. Mr. President, I ask for immediate consideration of this budget act waiver.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 199) was agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2840. Such waiver is necessary because H.R. 2840 authorizes the enactment of new budget authority which would first become available in a fiscal year and was not reported on or before May 15, of that year as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The authorizations contained in H.R. 2840 are necessary in order to permit the United States Government and the State of Alaska to proceed with the transfer of management of the Pribilof Islands. It was not possible for such authorizations to have been reported by the Committee on Commerce, Science, and Transportation prior to the statutory deadline for such authorizations because negotiations regarding the transfer had not been completed at the time of the deadline.

Mr. STEVENS. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUR SEAL ACT AMENDMENTS OF 1983

Mr. STEVENS. I ask that the Chair lay before the Senate Calendar No. 342, H.R. 2840.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Fur Seal Act Amendments of 1983".

SEC. 2. The Act of November 2, 1966 (Public Law 89-702; 16 U.S.C. 1151-1187), known as the Fur Seal Act of 1966, is amended to read as follows:

"TITLE I—FUR SEAL MANAGEMENT

"SEC. 101. (a) 'Commission' means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

"(b) 'Convention' means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, as amended by the protocol signed in Washington on October 8, 1963; by the exchange of notes among the party governments which became effective on September 3, 1969; by the protocol signed in Washington on May 7, 1976; and by the protocol signed in Washington on October 14, 1980, by the parties.

"(c) 'Fur Seal' means the North Pacific Fur Seal, Callorhinus Ursinus.

"(d) 'Import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

"(e) 'Natives of the Pribilof Islands' means any Aleuts who are permanent residents of the Pribilof Islands, or any organization or entity representing such natives.

"(f) 'North Pacific Ocean' means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

"(g) 'Party' or 'parties' means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

"(h) 'Person' means any individual, partnership, corporation, trust, association or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"(i) 'Pribilof Islands' means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

"(j) 'Sealing' means the taking of fur seals.

"(k) 'Secretary' means the Secretary of Commerce.

"(l) 'Take' or 'taking' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.

"SEC. 102. It is unlawful, except as provided in this Act or by regulation of the Secretary, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the Exclusive Economic Zone of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

"SEC. 103. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins after the skins have been officially marked and certified by a person authorized by the Secretary: *Provided,* That the seals are taken for subsistence uses as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), and only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms. This authority shall not apply to Indians, Aleuts, and Eskimos while they are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person.

"(b) Indians, Aleuts, and Eskimos who live on the Pribilof Islands are authorized to take fur seals for subsistence purposes as defined in section 109(f)(2) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1379), under such conditions as recommended by the Commission and accepted by the Secretary of State pursuant to regulations promulgated by the Secretary.

"SEC. 104. The Secretary shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals

or their parts for educational, scientific, or exhibition purposes.

"SEC. 105. (a) The Secretary shall prescribe such regulations with respect to the taking of fur seals on the Pribilof Island and on lands subject to the jurisdiction of the United States as he deems necessary and appropriate for the conservation, management, and protection of the fur seal population, and to dispose of any fur seals seized or forfeited pursuant to this Act, and to carry out the provisions of the Convention, and shall deliver to authorized agents of the parties such fur seal skins as the the parties are entitled to under the Convention.

"(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of the Convention and of this title, including but not limited to the taking of fur seals on the Pribilof Islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom.

"(c) The Secretary shall give preference to the village corporations of Saint Paul and Saint George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203) for the taking of fur seals on the village corporations' respective islands, and the curing and marketing of the sealskins and other seal parts, and may retain the proceeds therefrom. Any proceeds therefrom will be deposited in a separate fund in the Treasury and will be available to the Secretary, subject to appropriations, for the purpose of this section. All seal harvests will be financed, to the extent possible, from proceeds collected in preceding years or unsold assets retained from harvests conducted in preceding years. In the event that such assets and proceeds are insufficient, as determined by the Secretary, to finance the seal harvest in accordance with the requirements of the Convention, there are authorized to be appropriated to the Secretary for fiscal year 1985 and beyond such sums as may be necessary to carry out the harvest and curing pursuant to this section. Such amounts as are determined by the Secretary to exceed amounts required to carry out this section shall be transferred to the General Fund of the Treasury.

"(d)(1) In order to carry out the purposes of the Convention and subsections (b) and (c) of this section, the Secretary, under terms and conditions prescribed by him may agree to purchase, to make restitution for losses, or to otherwise permit the recoupment of the costs incurred in the taking of fur seals on the Pribilof Islands, and the curing of the sealskins and other seal parts, for the annual harvests conducted pursuant to the Convention in calendar years 1982, 1983, and 1984.

"(2) Payments authorized to be made by the Secretary under this subsection shall be appropriated for fiscal year 1984 in sums not to exceed $1,000,000.

"SEC. 106. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the areas in which another State exercises fisheries jurisdiction, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary or Secretary of the department in which the Coast Guard is operating which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

"(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person onboard, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

"The Secretary or the Secretary of the department in which the Coast Guard is operating, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided,* That whenever said party cannot immediately accept such delivery, the Secretary or the Secretary of the department in which the Coast Guard is operating may, upon the request of the Secretary of State, keep the vessel or person in custody within the United States.

"(c) At the request of said party, the Secretary or the Secretary of the department in which the Coast Guard is operating, shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

"SEC. 107. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may appoint one Native from each of the two inhabited Pribilof Islands to serve as Advisors to the Commissioner and as liaisons between the Commissioner and the Natives of the Pribilof Islands. The President may also appoint other interested parties as Advisors to the Commissioner. Such Advisors shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in the case of his death, resignation, absence, or illness. The Commissioner, the Deputy Commissioner, and the Advisors shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 when engaged in the performance of their duties.

"SEC. 108. The Secretary of State, with the concurrence of the Secretary, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the Convention.

"SEC. 109. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary or the Commission whenever such assistance is needed and reasonably can be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

"TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

"SEC. 201. The Secretary shall administer the fur seal rookeries and other Federal real and personal property on the Pribilof Islands, with the exception of lands purchased by the U.S. Fish and Wildlife Service under section 1417 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) and, in consultation with the Secretary of the Interior, shall ensure that activities on such Islands are consistent with the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife and for other purposes consistent with that primary purpose.

"SEC. 202. In carrying out the provisions of this title, the Secretary is authorized—

"(1) to operate, maintain, and repair such Government-owned property, both real and personal, and other facilities held by the Secretary on the Pribilof Islands as may be necessary; and

"(2) to provide the employees of the Department of Commerce and other Federal agencies and their dependents, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, and transportation.

"SEC. 203. The State of Alaska will be responsible for meeting the educational needs of the citizens of the Pribilof Islands.

"SEC. 204. The Secretary of Health and Human Services shall provide medical and dental care to the Natives of the Pribilof Islands with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him. He may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary to carry out the provisions of this section; and the costs of such items, including medical and dental care, shall be charged to the budget of the Secretary of Health and Human Services. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Secretary of Health and Human Services under the Act of August 5, 1954, as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

"SEC. 205. (a) Any provision of law relating to the transfer and disposal of Federal property to the contrary notwithstanding, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, is authorized to bargain, grant, sell or otherwise convey, on such terms as he deems to be in the best interests of the United States and in furtherance of the purposes of this Act, any and all right, title, and interest of the United States in and to the property, both real and personal, held by the Secretary on the Pribilof Islands: *Provided,* That such property is specified in a document entitled 'Transfer of Property on the Pribilof Islands: Descriptions, Terms and Conditions,' which is submitted to the Congress on or before September 30, 1983.

"(b) The property transfer document described in subsection (a) shall include, but need not be limited to—

"(1) a description of each conveyance;

"(2) the terms to be imposed on each conveyance;

"(3) designation of the recipient of each conveyance;

"(4) a statement noting acceptance of each conveyance, including the terms, if any, under which it is accepted; and

"(5) an identification of all Federal property to be retained by the Federal Government on the Pribilof Islands to meet its re-

sponsibilities as described in this Act and under the Convention.

"(c) Within 60 days of the transfer of real or personal property specified in the document described in subsection (a), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate shall be given a report prepared by the Secretary stating the fair market value at the time of the transfer of all real and personal property conveyed.

"(d) A Memorandum of Understanding shall be entered into by the Secretary, a representative of the local governmental authority on each Island, the trustee or trustees, and the appropriate officer of the State of Alaska setting forth the respective responsibilities of the Federal Government, the Trust, and the State regarding—

"(1) application of Federal retirement benefits, severance pay, and insurance benefits with respect to Natives of the Pribilof Islands;

"(2) funding to be allocated by the State of Alaska for the construction of boat harbors on St. Paul and St. George Islands;

"(3) assumption by the State of Alaska of traditional State responsibilities for facilities and services on such islands in accordance with applicable laws and regulations;

"(4) preservation of wildlife resources;

"(5) continued activities relating to the implementation of the Convention;

"(6) oversight of the operation of the Trust established by section 206(a) to further progress toward creation of a stable, diversified, and enduring economy not dependent on commercial fur sealing;

"(7) the cooperation of Government agencies, rendered through existing programs, in assisting with an orderly transition from Federal management and the creation of a private enterprise economy on the Pribilof Islands as described in this Act; and

"(8) such other matters as may be necessary and appropriate for carrying out the purposes of the Act, including the assumption of responsibilities to ensure an orderly transition from Federal management of the Pribilof Islands.

"The Memorandum shall be submitted to Congress on or before September 30, 1983.

"(e) The grant, sale, transfer or conveyance of any real or personal property pursuant to this section shall not be subject to any form of Federal, State or local taxation. The basis for computing gain or loss on subsequent sale or disposition of such real or personal property for purposes of any Federal, State, or local tax imposed on, or measured by revenue shall be the fair market value of such real or personal property at the time of receipt.

"(f) In carrying out the purposes of this Act, the Secretary is authorized to enter into agreements, including but not limited to land exchange agreements with other Departments and agencies of both the State and Federal Governments, and with third parties, notwithstanding any provision of law relating to the transfer and disposal of Federal property to the contrary; except that exchanges involving lands in the National Wildlife Refuge System on the date of enactment of the Fur Seal Act Amendments of 1983 are not authorized by this section.

"(g) The Secretary shall submit to Congress a report, no later than September 1, 1983, providing information on the status of the negotiations for concluding the documents described in subsections (a) and (d) of this section.

"SEC. 206. (a)(1) In order to promote the development of a stable, self-sufficient enduring and diversified economy not dependent on sealing, the Secretary shall cause to be established a Trust for the benefit of the Natives of the Pribilof Islands, to be known as the 'Pribilof Islands Trust' (hereinafter referred to as the 'Trust').

"(2) All amounts appropriated to the Secretary under subsection (e) of this section shall be transfered by the Secretary to the Trust within 15 days after submission of the trust instrument to Congress in accordance with the requirements of subsection (c).

"(3) Except as provided in subsection (e)(2), none of the amounts transferred to the Trust pursuant to paragraph (2) shall be distributed by the trustee or trustees for the benefit of the Natives of the Pribilof Islands until 30 days after submission to Congress of the documents described in section 205 (a) and (d). Such distributions shall be made by the trustee or trustees only after the Secretary has determined that such trust has been established and will be operated in accordance with a trust instrument, or instruments, approved by the Secretary which further the purposes and policies of this Act.

"(4) Until the termination of the period described in paragraph (3), the trustee or trustees shall invest the amounts transferred pursuant to paragraph (3) in securities with maturities suitable for the needs of the Trust, bearing interest rates at rates determined by the trustee or trustees, taking into consideration average market yields on outstanding marketable obligations of the United States of comparable maturities. The income from such investments shall be credited to, and form a part of the Trust.

"(b) The Trust shall be administered in accordance with such terms and conditions as are prescribed by the Secretary, and as set forth in the Trust instrument. In establishing such terms and conditions, the Secretary shall consult with the Natives of the Pribilof Islands, and other interested parties concerning the conservation, management and protection of the fur seal population.

"(c) There may be one Trust instrument establishing the Trust described in section 206(a), or two such instruments, each relating to one of the two portions of the Trust as provided in subsection (d), which shall address, but need not be limited to, such matters as—

"(1) establishing standards and procedures for the disbursement by the trustee or trustees of trust assets for purposes of fostering in the Pribilof Islands a stable, diversified, and enduring economy not dependent upon sealing after Federal management of the islands is terminated, which procedures may include formal participation of Pribilof Island Native councils, corporations, or other such entities;

"(2) establishing the Secretary as trustor;

"(3) establishing the procedure for appointment of the trustee or trustees by the Secretary after consultation with the Natives of the Pribilof Islands;

"(4) setting forth the rights, duties, powers and obligations of a trustee who shall act as an independent fiduciary and who shall be a United States citizen having recognized competence in business;

"(5) providing for the management and investment of Trust assets, pending distribution, by an investment manager or advisor, who may be the trustee, having recognized competence in such fields;

"(6) establishing methods and procedures for providing Congress and the Secretary with the annual reports described in subsection (g) of this section;

"(7) establishing Trust purposes in accordance with the purposes described in section 201 of this Act and subsection (a) of this section;

"(8) the duties of the trustee or trustees and the standards of care and diligence that shall govern the exercise of trust powers thereunder;

"(9) compensation of the trustee or trustees;

"(10) the term, termination and final distribution of the Trust estate;

"(11) mandating the applicability of the laws of the State of Alaska to the creation and governance of the Trust;

"(12) defraying of community expenses; and

"(13) payment of necessary administrative and legal expenses.

The Trust instrument or instruments described in this subsection shall be submitted to Congress on or before September 30, 1983.

"(d) The Trust shall be divided into two portions pursuant to a formula established by the Secretary after consultation with the natives of both Islands, to be accounted for separately for the independent benefit of the community of St. Paul and the community of St. George.

"(e)(1) There are authorized to be appropriated to the Secretary $20,000,000 for the purpose of funding the Trust in accordance with the requirements of subsection (a)(2) of this section.

"(2) Prior to the submission to Congress of the documents described in section 205 (a) and (d), the trustee or trustees may make interim distributions for the benefit of the Natives of the Pribilof Islands, upon approval of the Secretary, of up to 5 percent of the amounts transferred to the Trust pursuant to subsection (a)(2) of this section if, as determined by the Secretary, such interim distributions are required to carry out the purposes of this Act.

"(f) The interest on, and the proceeds from the sale or redemption of, any asset or obligation held in the Trust shall be credited to and form a part of the Trust.

"(g) The trustee or trustees shall submit to Congress and to the Secretary an annual report, the first of which is due on March 31, 1984, and subsequent reports on the same date each year thereafter during the life of the Trust, providing information on expenditures made from the Trust and progress toward achieving the purposes set out in subsection (a) of this section. On March 31, 1986, the Secretary shall also submit a report to the Congress detailing all progress toward achieving these purposes since enactment of this Act. For purposes of preparing such report, the Secretary by regulation may require that the trustee and the State of Alaska submit such relevant information to the Secretary as he deems appropriate.

"(h) The funds appropriated to the Trust and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided*, That this exemption shall not apply to any income from the investment or other use of such distributions.

"SEC. 207. The Secretary is authorized to enter into agreements or contracts or leases with, or to issue permits to, any public or private agency or person for carrying out the provisions of the Convention or this Act.

"SEC. 208. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur seal skins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended, as civilian service performed by an employee, as defined in said Act.

"(b) The annuity of any person or the annuity of the survivor of any person who shall have performed service described in subsection (a) of this section, and who, prior to November 2, 1966, died or shall have been retired on annuity payable from the civil service retirement and disability fund, shall, upon application filed by the annuitant within 1 year after November 2, 1966, be adjusted, effective as of the first day of the month immediately following November 2, 1966, so that the amount of the annuity shall be the same as if such subsection had been in effect at the time of such person's retirement or death.

"(c) In no case shall credit for the service described in subsection (a) of this section entitle a person to the benefits of section 11(h) of the Civil Service Retirement Act.

"(d) Notwithstanding any other provisions of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund subject to reimbursement to such fund from the Operations, Research, and Facilities Account of the National Oceanic and Atomospheric Administration in the Department of Commerce, for the purpose of compensating said retirement fund for the cost, as determined by the Civil Service Retirement Act during each fiscal year, of benefits provided by this section.

"SEC. 209. Chapter 83 of title 5, United States Code, is amended as follows:

"(a) by deleting 'Credit' in section 8332(b) and inserting in lieu thereof the words 'Except as provided in paragraph (13) of this subsection, credit';

"(b) by adding in section 8332(b) after paragraph (12) the following new paragraph:

'(13) one year of service to be credited for each year in which a Native of the Pribilof Islands performs service in the taking and curing of fur seal skins and other activities in connection with the administration of the Pribilof Islands, notwithstanding any period of separation from the service.';

"(c) by adding in section 8332(b) after 'paragraph (3) of this subsection.' the following sentence: 'The Office of Personnel Management shall accept the certification of the Secretary of Commerce or his designee concerning service for the purpose of this subchapter of the type performed by an employee named by paragraph (13) of this subsection.';

"(d) by adding in section 8332(f) after 'postal field service' the words 'and service described in paragraph (13) of subsection (b) of this section,';

"(e) by adding in section 8332(l)(1) the word 'or' at the end of clause (v) of subparagraph (B) thereof and by adding the following new subparagraph:

" '(C) is of Aleut ancestry and while a citizen of the United States was interned or otherwise detained in, or relocated to any camp, installation, or other facility in the Territory of Alaska which was established during World War II for the purpose of the internment, detention, or relocation of Aleuts pursuant to any statute, rule, regulation, or order;';

and

"(f) by amending paragraph (4) of section 8334(g) by striking 'January 1, 1950' and substituting the words 'October 1, 1983,' and adding after 'the Pribilof Islands' the words 'except where deductions, contributions, and deposits were made before October 1, 1983'.

"SEC. 210. (a) Title I of the Act of January 4, 1975, Public Law 93-638 (25 U.S.C. §§ 450-450m), known as the Indian Self-Determination and Education Assistance Act, is amended by adding in section 105(e) after 'to be employed by a tribal organization' the words ', the city of St. Paul, Alaska, the city of St. George, Alaska, upon incorporation, or the Village Corporations of St. Paul and St. George Islands established pursuant to section 8 of the Alaska Native Claims Settlement Act (Public Law 92-203)'.

"(b) Notwithstanding any other provision of law, any Native of the Pribilof Islands employed by the Federal Government on September 30, 1983, shall be deemed to have been covered under chapters 81, 83, 85, and 87 of title 5, United States Code, on such date for the purposes of determining eligibility for continuity of benefits under section 105(e) of the Act of January 4, 1975 (Public Law 93-638), known as the Indian Self-Determination and Education Assistance Act.

"SEC. 211. The Secretary is authorized to prescribe such regulations as he deems necessary to carry out the provisions of this title.

"TITLE III—ENFORCEMENT

"SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provision of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture; and all fur seals, or parts thereof, taken or retained in violation of this Act, or the monetary value thereof, shall be forfeited.

"(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

"SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating. In addition, the Secretary may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes; but they shall not be held and considered as employees of the United States for the purpose of any laws administered by the Office of Personnel Management.

"(b) The judges of the United States district courts and United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal district courts, as may be required for enforcement of this Act and any regulations issued thereunder.

"(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

"(d) Such person so authorized shall have the power—

"(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

"(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person onboard is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

"(e) Such person so authorized may seize any vessel subject to the jurisdiction of the United States, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulation issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulation issued hereunder.

"(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 105 of this Act.

"SEC. 303. The Secretary is authorized to prescribe such regulations as he deems necessary and appropriate to carry out the provisions of this title.

"SEC. 304. (a) Any person who knowingly violates any provision of this Act or of any permit or regulation issued thereunder shall, upon conviction, be fined not more than $20,000 for such violation, or imprisoned for for not more than 1 year, or both.

"(b) Any person who violates any provision of this Act or any regulation or permit issued hereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Hearings held during proceedings for the assessment of civil penalties authorized by this subsection shall be conducted in accordance with section 554 of title 5. The Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or

both, and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any civil penalty assessed may be remitted or mitigated by the Secretary for good cause shown. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action.

"SEC. 305. There are authorized to be appropriated to the operations, research, and facilities account of the National Oceanic and Atmospheric Administration in the Department of Commerce, such sums as may be necessary, up to $2 million, for fiscal year 1984 for the purpose of upgrading federal property to be transferred pursuant to section 205 of this Act, $736,000 for fiscal year 1984 for the purposes of sections 104 and 208 of this Act and such sums as may be necessary for each fiscal year thereafter for the purposes of sections 104 and 208 of this Act.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, there is a committee substitute. I ask that the Senate adopt the committee substitute.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

PRIBILOF ISLANDS MANAGEMENT

Mr. STEVENS. Mr. President, the legislation now before the Senate provides for the orderly termination of Federal management of the Pribilof Islands, Alaska. These islands have been administered until now as a Federal preserve, and their inhabitants have been denied the full measure of self-determination accorded other citizens.

This legislation was requested by the administration in early April of this year. It was introduced by Congressman DON YOUNG as H.R. 2840 on April 28. The House Committee on Merchant Marine and Fisheries held a full hearing on May 19. At that hearing, testimony was received from NOAA, representing the administration, as well as the State of Alaska, the affected Pribilof Aleut communities, and environmental organizations. The bill was reported on May 19, and passed by the House under suspension of the rules on May 23.

After extensive consultation with interested environmental organizations, the affected Aleut communities, the State of Alaska, the administration, and others, the Committee on Commerce, Science, and Transportation on Tuesday reported H.R. 2840 with an amendment that facilitates the orderly transfer of Federal properties on the islands, the establishment of a trust to assist the islanders in converting to a private-sector economy not dependent upon sealing operations, and the assumption by the State of full State responsibilities for the villages on the Pribilofs, no less than other Alaska communities.

Mr. President, the Federal Government will continue to have important wildlife preservation responsibilities on the Pribilof Islands. The bird cliffs will continue to be managed as part of the Wildlife Refuge System. The fur seal rookeries will continue to be federally owned and managed by the Department of Commerce.

This legislation maintains and enhances environmental values on the Pribilofs—and it also gives the Aleut people who live there a good opportunity to develop a self-sufficient economy independent of Federal subsidy. There are vast resources in the Bering Sea fisheries. This legislation will permit the Aleut villages of St. Paul and St. George to enter commercial fishing in the waters contigous to their islands.

As reported by the Commerce Committee, H.R. 2840 continues in full force and effect all Federal responsibilities under the Interim North Pacific Fur Seal Convention, as implemented by the Fur Seal Act of 1966. The changes in existing law affect only the people of the islands, and the relationship between them and their Government. Instead of providing an annual appropriation of some $6.3 million largely to maintain the Aleut communities, this legislation authorizes a one-time appropriation of $20 million, to be administered as a trust under conditions prescribed by the Secretary of Commerce, for the benefit of the Pribilof Aleuts in maintaining essential services and converting to an economy not primarily reliant on sealing.

The bill also authorizes appropriations specifically to meet the Government's responsibilities under the Convention, such as conducting scientific research and managing the fur seal rookeries.

The legislation must be approved by Congress before the August recess for several reasons. Federal management of the Pribilofs will terminate at the end of this fiscal year—September 30, 1983. RIF notices have already been delivered to about 80 Federal employees among the Aleuts on the islands. The appropriations to implement this legislation are included in the fiscal year 1983 supplemental, subject, of course, to authorization. If the procedures for transfer of Federal buildings, the establishment of the trust under Commerce Department supervision, the assumption of State responsibilities, and other requirements of this bill are to be accomplished by October 1, 1983, the bill must clear Congress this week.

H.R. 2840 will accomplish a number of worthwhile objectives. Over the coming years, the Government will save millions of dollars because the economy of the islands no longer will be a Federal responsibility. The people will become self-sufficient in the fisheries, tourism, and other industries. The protection of wildlife, as required by Convention and Federal law, will be accomplished at substantially less cost.

Mr. President, I am particularly grateful for the cooperation of the administration, the House leadership, the House committee, the Senate Commerce Committee, the State of Alaska, the Aleut people of St. Paul and St. George, the interested environmental organizations, and my colleagues in the development of this responsible and compassionate legislation.

The Aleut people of St. Paul and St. George were transported to the Pribilofs in 1786, as slaves, by their Russian overseers. They were brought to support the fur trade. After 197 years, Congress today will liberate these Aleuts from their near-total dependence upon Government and sealing for survival. The promise made to the Aleuts, under the terms of article 3 of the Treaty of Cession, ratified May 30, 1867—that they shall enjoy within their communities the full rights of citizenship with opportunities equal to other American citizens—today will be fulfilled.

Mr. President, I urge the Senate to approve H.R. 2840.

Mr. LEVIN. Mr. President, I want to express my support for H.R. 2840, which will assist the Aleut peoples of the Pribilof Islands develop a more stable and diversified economy, I have long supported such an effort as a means of reducing the pressure to kill seals by providing for the economic development of the island economy and improving the economic well-being of the Aleuts. It was one of the main reasons behind the understanding I offered to the resolution of ratification of the Interim Convention on Conservation of North Pacific Fur Seals that was adopted by the Senate in June 1981.

While H.R. 2840 will not directly stop the continued land-based slaughter of fur seals on the Pribilof Islands, it will reduce the pressure to do so. I object to the continuation of this taxpayer subsidized activity, and to the U.S. agreement to a treaty that is being interpreted by the State Department as requiring that the taxpayers subsidize the slaughter of seals in satisfaction of the treaty terms. While I am aware that the slaughter of seals on the Pribilof Islands provides employment, this no longer needs to be the case, and the legislation we are considering here today can reduce the dependence of the Aleuts on the seal kill.

Of special importance to assist the Aleuts with their economic development efforts, this legislation establishes a $20 million trust fund to be used by the Pribilof Island native corporations to foster the development of a self-sufficient economy less dependent on fur sealing.

Important efforts have already been taken in this regard. The Pribilof Islands are located in the eastern Bering Sea, one of the world's richest fishing grounds. During the past 2 years, the Aleut peoples have begun a small commercial fishing operation that they hope to expand. With the availability of moneys from the fund, and the State of Alaska's commitment to construct a harbor facility, the Aleuts should be able to take advantage of their location to develop this valuable fishery resource.

In addition, the Government is completing purchase of the island's bird rookeries that were established as part of our national park system with passage of the Alaska Lands Act. The attraction of this natural wonder should provide employment in the island's economy's service industries.

Again, Mr. President, I believe this legislation is an important step for the Aleut peoples that will aid them in developing an independent and diversified economy. It will bring real prosperity to the Islands and at the same time reduce the need to kill seals as a means of livelihood for the Aleuts.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2840) was read the third time and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I thank my good friends, the distinguished majority leader and the distinguished minority leader, the Senator from West Virginia (Mr. BYRD) for their courtesy.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Alaska.

Mr. BYRD. I do the same.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I inquire of the Senator from Mississippi and the Senator from Kansas if they are prepared now to go forward with H.R. 3190.

What I had planned to do earlier was to discharge the committee from further consideration of Senate Joint Resolution 149 and then to go forward with the consideration of H.R. 3190, which is the Extra Long Staple Cotton Act of 1983.

Mr. COCHRAN. Mr. President, if the majority leader will yield, I think we are ready now to go forward with Senate Joint Resolution 149 and follow that with H.R. 3190.

Mr. BAKER. I thank the Senator. Are the Senators prepared to do it at this moment?

Mr. COCHRAN. We are prepared to do that now.

Mr. DOMENICI. Mr. BOSCHWITZ wanted to be here.

Mr. BAKER. Mr. President, I understand that the Senator from Minnesota (Mr. BOSCHWITZ) would like to be here when this matter is disposed of. Otherwise, I believe it is cleared for action.

In the meantime, I see a messenger from the House, and I yield so that he may be admitted.

(At this point, certain messages were received from the House of Representatives, a detailed description of which are printed under Routine Morning Business.)

COMMENDATION OF DR. ALICE M. RIVLIN

Mr. BAKER. Mr. President, if I heard the Clerk from the House report correctly, House Concurrent Resolution 154 is a resolution adopted by the House to commend Dr. Alice Rivlin for her service as Director of the Congressional Budget Office. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I should like to do that now, while we have the opportunity, if the minority leader is prepared to proceed with it.

Mr. BYRD. Mr. President, Mr. CHILES, who is the ranking minority member, submitted a resolution earlier to this effect and spoke in support of it. I am a cosponsor.

In answer to the majority leader, we have no objection and would be glad to go forward with the matter.

Mr. BAKER. I thank the minority leader. I think it would be entirely appropriate to do that. She has had a distinguished career and is leaving under her own power, which is a technique I greatly admire.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 154.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 154) to commend Dr. Alice Mitchell Rivlin for her service as Director of the Congressional Budget Office.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, this matter has been discussed earlier today, and it is appropriate that we handle this resolution at this time.

This resolution, which was passed by the House, recognizes Mrs. Rivlin's work in budgetary matters and fiscal matters in the independent agency called the Congressional Budget Office.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 154) was agreed to.

The preamble was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 5:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:45 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its clerks, announced that the House has agreed to the amendments of the Senate to the following bill:

H.R. 3394. An act to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 70 to the bill (H.R. 32290 making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 695. An act to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the United States quota in the International Monetary Fund and to authorize appropriations for increased United States participation in the IMF's General Agreements to Borrow.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2230. An act to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes;

H.R. 2780. An act to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program;

H.R. 3021. An act to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; and

H.R. 3549. An act to amend the Bankruptcy Rules with respect to providing notice.

ENROLLED BILLS SIGNED

At 5:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2355. An act to establish an emergency program of job training assistance for unemployed Korean conflict and Vietnam-era veterans, and for other purposes; and

H.R. 3394. An act to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2230. An act to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes;

H.R. 2780. An act to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program;

H.R. 3021. An act to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; and

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1560. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on one new rescission and four new deferrals; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, Budget, Energy and Natural Resources, Foreign Relations, and Labor and Human Resources.

EC-1561. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a secret report on selected weapons systems' costs; to the Committee on Armed Services.

EC-1562. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on contracts negotiated under 10 U.S.C. 2304(a)(11) during October 1, 1982, through March 31, 1983; to the Committee on Commerce, Science, and Transportation.

EC-1563. A communication from the Deputy Administrator of the Federal Railroad Administration transmitting, pursuant to law, a report on the Alaska Railroad transfer; to the Committee on Commerce, Science, and Transportation.

EC-1564. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Shell Oil, ARCO Oil and Gas, and Mobil Oil; to the Committee on Energy and Natural Resources.

EC-1565. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Mobil Oil, Shell Oil, Chevron U.S.A., ARCO Oil and Gas, and Pelto Oil; to the Committee on Energy and Natural Resources.

EC-1566. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Chevron U.S.A., Mobil Oil, and Shell Oil; to the Committee on Energy and Natural Resources.

EC-1567. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Mobil Oil and ICI Delaware; to the Committee on Energy and Natural Resources.

EC-1568. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to CNG Producing Co.; to the Committee on Energy and Natural Resources.

EC-1569. A communication from the Assistant Secretary of the Army for Civil Works transmitting a draft of proposed legislation authorizing the Secretary of the Army to maintain and periodically update the National Inventory of Dams; to the Committee on Environment and Public Works.

EC-1570. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a new series of Federal personnel regulations; to the Committee on Governmental Affairs.

EC-1571. A communication from the Secretary of Labor transmitting a draft of proposed legislation to amend various Federal employees' compensation acts and programs; to the Committee on Governmental Affairs.

EC-1572. A communication from the Executive Secretary of the Federal Reserve employee benefits system transmitting, pursuant to law, the annual report on the system's employee retirement plan; to the Committee on Governmental Affairs.

EC-1573. A communication from the D.C. Auditor transmitting, pursuant to law, his report relative to gross revenue taxes respecting cable television; to the Committee on Governmental Affairs.

EC-1574. A communication from the D.C. Auditor transmitting, pursuant to law, a report on Revenues for June 1983; to the Committee on Governmental Affairs.

EC-1575. A communication from the Acting Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, notice of the promulgation of certain Rules; to the Committee on Governmental Affairs.

EC-1576. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use and distribution of Kenaitze Indian Tribe judgment funds; to the Select Committee on Indian Affairs.

EC-1577. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Bankruptcy Reform Act of 1978—A Before and After Look"; to the Committee on the Judiciary.

EC-1578. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter ending June 30, 1983; to the Committee on Appropriations.

EC-1579. A communication from the Principal Deputy Assistant Secretary of the Navy for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the laundry services at Fort Polk, La., to performance under contract; to the Committee on Armed Services.

EC-1580. A communication from the Chief of Staff of the Defense Mapping Agency transmitting, pursuant to law, a report on a decision to convert the mail room operation at the DMA Hydrographic/topographic Center, Brookmont, Md., to performance under contract; to the Committee on Armed Services.

EC-1581. A communication from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, for the information of the Senate, the most recent edition of the "Military Compensation Background Papers"; to the Committee on Armed Services.

EC-1582. A communication from the Chairman of the Federal Budget Task Force, transmitting, for the information of the Senate, the report of the task force on the federal budget; to the Committee on the Budget.

EC-1583. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "The Domestic Impact

of Reliance on Market Forces During a Substantial Petroleum Supply Disruption"; to the Committee on Energy and Natural Resources.

EC-1584. A communication from the Council on Environmental Quality, transmitting, for the information of the Senate, an errata sheet to accompany the annual report of the Council; to the Committee on Environment and Public Works.

EC-1585. A communication from the Assistant Secretary of the Treasury (Administration), transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1586. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a plan for the use and distribution of Mississippi and Lake Superior Band of Chippewa Indians judgment funds; to the Select Committee on Indian Affairs.

EC-1587. A communication from the Secretary of Education, transmitting, pursuant to law, notice of the final annual funding priority and geographical regions for centers and services for deaf-blind children; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 864: A bill to amend the Volunteers in the Parks Act of 1969, and for other purposes (Rept. No. 98-208).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 626: A bill to designate the Aravaipa Canyon Wilderness in the State of Arizona (Rept. No. 98-209)

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 199: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2840 (Rept. No. 98-211).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation.

Report to accompany the bill (H.R. 2840) to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska (Rept. No. 98-212).

By Mr. DOMENICI, from the Committee on the Budget, without amendment.

S. Res. 194: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1729; referred to the Committee on the Budget.

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. Res. 195: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1009; referred to the Committee on the Budget.

S. Res. 196: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1513; referred to the Committee on the Budget.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 197: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 242; referred to the Committee on the Budget.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 199: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2840; referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 668: A bill to reform Federal criminal sentencing procedures.

S. 948: A bill to reform Federal criminal and civil forfeiture.

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1009: A bill to authorize federal physicians comparability allowances.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1365: A bill entitled the "Harry Porter Control Tower".

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 1513: A bill to extend for five years the authorization of appropriations for the National Historical Publications and Records Commission.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 1762: A bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1763: A bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1764: A bill to amend title 18 to limit the application of the exclusionary rule.

S. 1765: A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 1787: A bill to establish an office of the Director of National and International Drug Operations and Policy.

Mr. THURMOND. I am privileged to report to the Senate on behalf of the Committee on the Judiciary a series of bills that, if enacted, would constitute the most comprehensive set of improvements in the Federal criminal laws—particularly as to the Federal response to organized crime, violent crime, and drug trafficking—I have witnessed in all of my years in the Congress. They build upon the monumental achievements of the late Senator John L. McClellan and Senator Roman Hruska, upon the enactment of the Omnibus Crime Control and Safe Streets Act of 1968, and upon the Organized Crime and Control Act of 1970.

These measures come from many sources. Several of them are controversial. As a consequence, the Committee on the Judiciary elected to introduce and immediately report a series of five new bills. the first is made up of 12 titles covering the vast common ground for a consensus on major improvements in the Federal criminal laws. This bill has broad bipartisan support and is entitled the "Comprehensive Crime Control Act of 1983." I am pleased to be joined as cosponsors by the distinguished Senator from Delaware, Mr. BIDEN, our ranking minority Member, by the distinguished Senator from Nevada, Mr. LAXALT, Chairman of our Subcommittee on Criminal Law, and by the distinguished Senator from Massachusetts, Mr. KENNEDY, a former chairman of the committee. This bill includes such matters as bail, sentencing, forfeiture, the insanity defense, and related commitment procedures, drug penalties, justice assistance, surplus Federal property for corrections, labor racketeering foreign currency transactions, and miscellaneous offense and procedural improvements.

The remaining four measures to be introduced and reported as separate bills relate to capital punishment, the exclusionary rule, habeas corpus, and the establishment of an Office of National and International Drug Operations and Policy, respectively. It is my pleasure to report the first three bills mentioned, with the last bill to be reported by Senator BIDEN, who authorized it.

In addition, I would note that the provisions in the comprehensive bill dealing with sentencing (title II) and forfeiture (title III) are also being reported as amendments in the nature of a substitute to S. 668, Senator KENNEDY's bill on sentencing, and S. 948, Senator BIDEN's bill on forfeiture, respectively.

As I have noted, these various proposals come from many sources. A major contribution was made by President Reagan when he submitted a comprehensive 16-title bill to the Congress which I introduced, along with Senator LAXALT, on March 16, 1983. Mr. President, the dedicated work of the chairman of the Subcommittee on Criminal Law, Senator LAXALT, and the cooperation of the Department of Justice must be noted, for we would not be at this point today without their dedicated help.

In addition, the contributions of Senators BIDEN and KENNEDY have been indispensable to the processing and development of many of the proposals in the comprehensive bill. This is particularly true with respect to bail reform, sentencing reform, and forfeiture. The expertise of Senator HATCH, as chairman of the Subcommittee on the Constitution, and his unwavering support for major crime legislation have also been most helpful. Senators SPECTER and HEFLIN have played a major part in the development of the provisions relating to the insanity defense and justice assistance. Senator EAST was most helpful in the habeas corpus provisions. To these and other

Senators on the committee, and their staffs, I wish to express my appreciation.

Mr. President, I wish to repeat what I have said many times before. The first duty of government is the protection of its citizens so that they may go about their lawful pursuits in peace and safety. The Federal Government plays a major role in fighting crime. It is important that it have the tools with which to be effective. It is imperative that the Federal Government assist and cooperate with the States in combating crime.

We simply must do a better job. This country is racked with rampant violent crime and illegal drugs. Organized crime flourishes. In many neighborhoods, our citizens stay behind locked doors out of fear of robbery, theft, and violence. Our homes and businesses are not safe. A burglary occurs in this country at the astonishing rate of 1 every 8 seconds. The legislation the Judiciary Committee is reporting to the Senate today is a sincere effort to make Federal and State law enforcement more effective in protecting each citizen of this great Nation. I urge my colleagues to study and support these measures. I hope the Senate will act promptly when we return in September so as to send these bills to the House of Representatives in the hope that they, too, will act quickly.

I ask unanimous consent that a summary of the provisions of the bills being reported to be inserted in the RECORD at this point.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS OF S. 1762 THE "COMPREHENSIVE CRIME CONTROL ACT OF 1983"

GENERAL STATEMENT

S. 1762. the "Comprehensive Crime Control Act of 1983", consists of twelve separate titles. The majority of the provisions in the bill were also in S. 2572 that passed the Senate in the 97th Congress on September 30, 1982, by a vote of 95 to 1. The general subject matter of each title is indicated in the table below, with a more detailed explanation thereafter.

CONTENT OF THE COMPREHENSIVE CRIME CONTROL ACT

Title I—Bail reform.
Title II—Sentencing.
Title III—Forefeiture.
Title IV—Insanity defense.
Title V—Drug enforcement amendments.
Title VI—Justice assistance.
Title VII—Surplus property amendments.
Title VIII—Labor racketeering amendments.
Title IX—Foreign currency transactions.
Title X—Violent crime amendments:
Part A—Murder for hire.
Part B—Solicitation.
Part C—Felony murder.
Part D—Use of firearm penalty.
Part E—Armor-piercing bullets.
Part F—Kidnaping of Federal officials.
Part G—Crime against the family of Federal officials.
Part H—Major crimes act amendments.
Part I—Destruction of motor vehicles.
Part J—Destruction of energy facilities.
Part K—Assault on Federal officials.
Part L—Escape from civil commitment.
Part M—Extradition.
Part N—Arson amendments.
Part O—Pharmacy robbery and burglary.
Title XI—Serious nonviolent offenses:
Part A—Child pornography.
Part B—Warning the subject of a search.
Part C—Program fraud and bribery.
Part D—Counterfeiting and forging of certain securities.
Part E—Receipt of stolen bank property.
Part F—Bank bribery.
Part G—Bank fraud.
Part H—Contraband in prisons.
Part I—Livestock fraud.
Title XII—Procedural Amendments:
Part A—Juvenile justice amendments.
Part B—Wiretap amendments.
Part C—Venue for threat offenses.
Part D—Injunctions against fraud.
Part E—Appeal of new trail orders.
Part F—Witness security amendments.
Part G—Change of venue for tax offenses.
Part H—18 U.S.C. 951 amendments.

TITLE I—BAIL REFORM

I. Introduction

Title I of the bill substantially revises the Bail Reform Act of 1966 (18 U.S.C. 3146 et seq.) and is based, with only minor modifications, on S. 215 as reported by the Senate Judiciary Committee (S. Rept. No. 98-147, 98th Cong., 1st Sess. (1983)) and on the bail reform provisions set out in Title I of S. 2572, the "Violent Crime and Drug Enforcement Improvements Act of 1982", comprehensive criminal justice legislation that was approved by the Senate on three separate occasions in the last Congress. These bail reform provisions are also substantially similar to those in H.R. 4362 which was approved with certain amendments by the House Judiciary Committee's Subcommittee on Courts, Civil Liberties and the Administration of Justice in the 97th Congress, but which was never brought before the full Committee for action.

The purpose of this title is to address such problems as the need to consider community safety in setting nonfinancial conditions of release, the need to expand the llist of statutory release conditions, the need to permit the pretrial detention of defendants as to whom no conditions of release will assure their appearance at trial or assure the safety of the community or of other persons, the need for a more appropriate basis for deciding on post-conviction release, the need to permit temporary detention of persons who are arrested while on a form of conditional release, and the need to provide procedures for revocation of release for violation of a condition of release.

Most significant of the bail reforms that would be achieved by this title is its provision for pretrial detention based on the defendant's dangerousness. The Senate Judiciary Committee's Report on S. 215 (S. Rept. No. 98-147, supra) contains an extensive discussion of the pretrial detention issue and should be referred to for a fuller discussion of this matter. Briefly, in determining that federal bail laws must be amended to give the courts the authority to deny release to the minority of defendants who are so dangerous that no form of conditional release would be sufficient to reasonably assure the safety of the community or other persons, the Committee reached the following conclusions. First, as a general matter, considerations of defendant dangerousness should be placed on an equal footing with currently permitted considerations of risk of flight. Second, the commission of crimes by those released on bail is a serious problem that can and should be addressed in federal law. Third, judges can, with an acceptable degree of accuracy, identify that minority of defendants who pose such a danger to others that no form of conditional release is appropriate. Fourth, pretrial detention based on dangerousness is not unconstitutional if appropriately limited in application and if available only in the framework of reasonably procedural safeguards. Fifth, there is a perception that a substantial number of dangerous federal defendants are now detained pending trial—ostensibly because of risk of flight—through the use of high money bond, and this practice, to the extent that it exists, may be effectively replaced by a carefully drawn pretrial detention statute that would not only permit the courts to address the issue of defendant dangerousness squarely and honestly, but would also be fairer to defendants than the use of money bond to achieve detention of particularly dangerous defendants.

While the pretrial detention provision and certain other aspects of this title represent a departure from the Bail Reform Act of 1966, many of the improvements worked by that Act have been retained.

II. Section-by-section analysis

Set out below is a brief section-by-section analysis of title I. The section-by-section analysis in the Senate Judiciary Committee's report on S. 215 should be consulted for a more in-depth description of these provisions.

Section 101

Section 101 provides that this title may be cited as the "Bail Reform Act of 1983."

Section 102

Subsection (a) of section 102 repeals current sections 3141 through 3151 of title 18, United States Code, and inserts in their place new sections 3141 through 3150. Each of these new sections is analyzed below:

Section 3141. Release and Detention Authority Generally:

This section, like current 18 U.S.C. 3141, specifies which judicial officers have the authority to order the release or detention of person pending trial (subsection (a)) or pending sentence or appeal (subsection (b)). The authority set out in current law has, with only two minor modifications, been carried forward.

Section 3142. Release or Detention of a Defendant Pending Trial:

This section makes several substantive changes in the basic provisions of the Bail Reform Act of 1966. That Act adopted the concept that in non-capital cases a person is to be ordered released under the minimum conditions reasonably required to assure his presence at trial. Danger to the community and the protection of society are not to be considered in making release decisions under current law.

Considerable criticism has been leveled at the Bail Reform Act for its failure to recognize the problem of crimes committed by those on pretrial release. (S. Rept. No. 98-147, supra, at 31-32) The constraints of the Bail Reform Act prevent the courts from imposing conditions of release geared toward assuring community safety, or from denying release to those defendants who pose an especially severe risk to others. It is intolerable that the law denies judges the tools to make honest and appropriate decisions regarding the release of such defend-

ants. To address this problem, Section 3142 departs from current law in two significant ways. First, it permits an assessment of a defendant's dangerousness in setting any conditions of release, a concept that has been widely supported. (See S. Rept. No. 98-147, supra, at 32). Second, as noted above, the courts are given the authority, in limited circumstances, to deny release to defendants as to whom even the most stringent form of conditional release would be insufficient to reasonably assure community safety. (The need for pretrial detention authority is discussed at length in the report on S. 215. S. Rept. No. 98-147 supra; see especially pp. 32-33). The core pretrial detention provisions of section 3142 are set out in subsections (e) and (f).

These and the other subsections of section 3142 are discussed in detail below:

Subsection (a) provides that when a person charged with an offense is brought before a judicial officer, the judicial officer is to pursue one of four alternative courses of action set out in subsections (b) through (e).

Subsection (b) requires the judicial officer to release the person on his personal recognizance or upon execution of an unsecured appearance bond unless he determines that such release (1) will not reasonably assure the appearance of the person or (2) will endanger the safety of any other person or the community. As in current law, this is the favored form of release. However, unlike current law, this provision permits a consideration of defendant dangerousness. If released pursuant to this provision, the defendant is subject to the mandatory condition that he not commit another offense while on release. Those released pursuant to the conditions enumerated in subsection (c) are subject to the same mandatory condition.

Subsection (c) provides that if the judicial officer determines that release on personal recognizance or on an unsecured appearance bond will not give the necessary assurances, he is to release the person pursuant to the least restrictive condition or combination of conditions that will give the required assurances concerning appearance and community safety. Except for financial conditions of release, which may be imposed only to assure the defendant's appearance, any of the discretionary conditions of release set out in subsection (c)(2) may be imposed to assure either appearance or community safety. These discretionary conditions carry forward those now listed in 18 U.S.C. 3146, and incorporate nine more.

The final sentence of section 3142(c) retains the current authority set forth in 18 U.S.C. 3146(e) for the court to amend the release order at any time.

Subsection (d) permits the judge to detain a defendant for a period of up to ten days if the person was arrested while already on a form of conditional release, such as bail, probation, or parole. The purpose of this provision is to allow the government time to notify the original releasing authorities so that they may take whatever action may be appropriate in light of the defendant's arrest. This provision is based largely on a similar provision in the D.C. Code. (See S. Rept. No. 98-147, supra, at 43-44, for further discussion of this provision.) An additional basis for temporary detention under subsection (d) which was incorporated in S. 2572 last Congress has been carried forward. It permits temporary detention of a person who is an alien not lawfully admitted into the country in order that the officials of the Immigration and Naturalization Service may be notified and take appropriate action.

Subsections (e) and (f) set forth the findings and procedures that are required for an order of detention. The standard for an order of detention is contained in subsection (e), which provides that the judicial officer is to order the person detained if, after a hearing pursuant to subsection (f), he determines that no condition or combination of conditions of release will reasonably assure the appearance of the defendant as required and the safety of any other person and the community. The facts on which the finding of dangerousness is based must, under subsection (f), be supported by clear and convincing evidence. Thus, this subsection not only codifies existing authority to detain persons who are serious flight risks or who threaten witnesses or jurors, but also creates new authority to detain persons who pose especially serious dangers to community safety.

Generally, subsection (e) does not specify the kinds of information that will support the findings necessary to deny release. However, it does specify two sets of circumstances which, if established, creates a rebuttable presumption that no form of conditional release will be adequate: where the defendant has a history of having committed a serious offense while on release and where there is probable cause to believe that the person committed an offense punishable by ten years or more under the Federal drug laws or an offense under the firearms provisions of 18 U.S.C. 924(c).

Subsection (f) describes, in paragraphs (1) and (2), the circumstances under which a detention hearing may be held. Under paragraphs (1) a detention hearing may be held upon a motion by the government if the defendant is charged with (1) a crime of violence; (2) an offense punishable by death or life imprisonment; or (3) a major drug trafficking offense. These offenses are essentially the same categories of offense for which a pretrial detention hearing may be held under the District of Columbia Code. In addition, the government may have a hearing if a defendant charged with a serious offense has a substantial history of committing dangerous offenses.

Under paragraph (2), a pretrial detention hearing may be made at the instance of the government or by the court on its own motion in two situations. These involve either a serious risk that the defendant will flee or that he will obstruct justice or intimidate jurors and reflect the scope of current case law permitting denial of release.

The procedural requirements for the pretrial detention hearing are set forth in section 3142(f) and track those of the analogous provision of the D.C. Code. For a further discussion of this and other aspects of subsection (f), see S. Rept. No. 98-147, supra, at 47-49.

Subsection (g) enumerates the factors that are to be considered by the court in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of other persons and the community. Most of these factors are drawn from current law. Subsection (g) also contains a new provision making clear the authority of the courts to conduct a hearing into the source of property used to post bond. Experience has shown that where money bond is financed through the proceeds of crime it is generally ineffective in assuring the defendant's appearance. This provision makes clear the authority of the courts to inquire into the source of property used to post bond (now called Nebbia hearings) and to decline to accept the bond if they are not satisfied as to its source.

For a further discussion of subsection (g) see S. Rept. No. 98-147, supra, pp. 49-51.

Subsection (h) provides that in issuing an order of release under subsection (b) or (c), the judicial officer is to include a written statement setting forth all the conditions of release. He is also required to advise the person of the penalties for a violation of a condition of release. A similar provision exists in current law. See 18 U.S.C. 3146(c).

Subsection (i) requires that an order of detention include written findings of fact and a written statement of the reasons for the detention. The court's order must also direct that the person be confined in a facility separate from convicted offenders, if practicable, and permit the person a reasonable opportunity for private consultation with counsel while confined. As approved by the Senate, the bail provisions of S. 2572 would have required that the Attorney General promulgate regulations to govern the custody of persons detained prior to trial. In our view, this provision should be given further consideration, and it thus has not been incorporated.

Subsection (j) carries forward a provision included in S. 2572 as passed by the Senate last Congress that simply emphasizes that the provisions of proposed section 3142 are not to be construed as modifying or limiting the presumption of innocence.

Section 3143. Release or Detention of a Defendant Pending Sentence or Appeal:

This section makes several revisions in that portion of current 18 U.S.C. 3148 which concerns post-conviction release. The basic distinction between the existing provision and section 3143 is one of presumption. Under current 18 U.S.C. 3148, the judicial officer is instructed to treat a person who has already been convicted according to the release standards of 18 U.S.C. 3146 that are applicable to pre-conviction release unless he has reason to believe that no conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community.

The current presumption favoring post-conviction release should be eliminated. Once guilt of a crime has been established, there is no reason to favor release pending imposition of sentence or appeal. The conviction, by which the defendant's guilt of a crime has been established beyond a reasonable doubt, is presumably correct in law. Also, release of a criminal defendant into the community after conviction may undermine the deterrent effect of the criminal law, especially in those situations where an appeal of the conviction may drag on for many months or even years.

Section 3143 separately treats release pending sentence, release pending appeal by the defendant, and release pending appeal by the government. As to release pending sentence, subsection (a) provides that a person convicted shall be held in official detention unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or to pose a danger to the safety of any other person or the community. Subsection (a) covers those awaiting the execution of sentence as well as its imposition.

Subsection (b) deals with release after sentence of imprisonment of a defendant who has filed an appeal or a petition for a writ of certiorari. Such person is also to be

detained unless the judicial officer finds by clear and convincing evidence that the defendant is not likely to flee or pose a danger to the safety of any other person or the community. In addition, the court must affirmatively find that the appeal is not taken for the purpose of delay and that it raises a substantial question of law or fact likely to result in reversal or an order for a new trial. Under the current 18 U.S.C. 3148, release can be denied only if it appears that the appeal is frivolous or taken for delay. Subsection (b) is based on the release pending appeal provision of the D.C. Code (Section 23-1325).

Subsection (c) concerns release pending appeal by the government from an order of dismissal of an indictment or information or suppression of evidence pursuant to 18 U.S.C. 3731. As both of these kinds of appeals contemplate a situation in which the defendant has not been convicted, the defendant is to be treated under section 3142, the general provision governing release or detention pending trial. Subsection (c) is a new provision derived from 18 U.S.C. 3731.

For further discussion of this provision see S. Rept. No. 98-147, supra, at 54.

Section 3144. Release or Detention of a Material Witness:

This section carries forward, with two changes, current 18 U.S.C. 4149, which concerns the release of a material witness.

The first change in current law is that section 3144 would permit the judicial officer to order the detention of the witness if there were no conditions of release that would assure his appearance. A witness could not be detained for inability to comply with a condition of release if his testimony could be adequately secured by deposition and if detention is not required to prevent a failure of justice. Currently, 18 U.S.C. 3149 ambiguously requires the conditional release of the witness in the same manner as for a defendant awaiting trial, yet the language of the statute recognizes that certain witnesses will be detained because of inability to meet the conditions of release imposed by the judicial officer.

The other change is to grant the judicial officer not only the authority to set release conditions for a detained material witness, or, in an appropriate case, to order his detention pending his appearance at the criminal proceeding, but also to authorize the arrest of the witness in the first instance. It is anomalous that current law authorizes release conditions but at the same time does not authorize the initial arrest.

For further discussion of this provision see S. Rept. No. 98-147, supra, at 54-55.

Section 3145. Review and Appeal of a Release or Detention Order:

Section 3145 sets forth the provisions for the review and appeal of release and detention orders. Subsections (a) and (b) provide for the review of release and detention orders by the court having original jurisdiction over the offense in situations in which the order is initially entered by a magistrate, or other court not having original jurisdiction over the offense (other than a federal appellate court). Subsection (c) grants both the defendant and the government a right to appeal release or detention orders, or decisions denying the revocation or amendment of such orders.

Although based in part on current 18 U.S.C. 3147, section 3145 makes two substantive changes in present law. First, section 3145 permits review of all release and detention orders. Second, it permits the government to appeal release decisions. For further discussion of this provision see S. Rept. No. 98-147, supra, at 56-57.

Section 3146. Penalty for Failure to Appear:

Section 3146 basically continues the current law offense of bail jumping (18 U.S.C. 3150), although the maximum penalty has been increased to more nearly parallel that of the underlying offense with which the defendant was charged. This increased penalty provision is designed to eliminate the temptation to a defendant to go into hiding until the government's case for a serious felony grows stale or until a witness becomes unavailable and then to surface at a later date with criminal liability limited to the less serious bail jumping offense. Subsection (a) provides that a person commits an offense if, after having been released pursuant to the provisions of chapter 207 of title 18 as amended by the bill: (1) he knowingly fails to appear before a court as required by the conditions of his release; or (2) he knowingly fails to surrender for service of sentence pursuant to a court order.

Subsection (c) provides that it is an affirmative defense that "uncontrollable circumstances prevented the defendant from appearing or surrendering, that the defendant did not contribute the creation of such circumstances in reckless disregard of the requirement that he appear or surrender, and that the defendant appeared or surrendered as soon as such circumstances ceased to exist."

Subsection (d) of section 3146 simply emphasizes that, in addition to the penalties of fine and imprisonment provided for bail jumping, the court may also order the person to forfeit any bond or other property he has pledged to secure his release if he has failed to appear.

Section 3147. Penalty for an Offense Committed While on Release:

Section 3147 is designed to deter those who would pose a risk to community safety by committing another offense when released under the provisions of this bill and to punish those who indeed are convicted of another offense. Accordingly, this section prescribes a penalty in addition to any sentence ordered for an offense committed while on release. This additional penalty is a term of imprisonment of at least two years and not more than ten years if the offense committed while on release is a felony. If the offense committed while on release is a misdemeanor, this additional penalty is at least 90 days and not more than one year.

Section 3148. Sanctions for Violations of a Release Condition:

Section 3148 provides in subsection (a) for two distinct sanctions that are applicable for persons released pursuant to section 3142 who violate a condition of their release—revocation of release and an order of detention, and a prosecution for contempt of court.

Subsection (b) sets out the procedure for revocation of release. Specific provisions for revocation of release are new to federal bail law, although a similar provision exists in the District of Columbia Code. Generally, an order of revocation and detention will issue at this hearing if the court finds, first, that there is either probable cause to believe that the person has committed a federal, State, or local crime while on release, which is a violation of a mandatory condition imposed on all released persons, or clear and convincing evidence that the person has violated any other condition of his release, and, second, either that no condition or combination of conditions can be set that will assure that the person will not flee or pose a danger to the safety of any other person or the community, or that the person is unlikely to abide by reasonable conditions.

Since the establishment of probable cause to believe that the defendant has committed a serious crime while on release constitutes compelling evidence that the defendant poses a danger to the community, once such probable cause is established it is appropriate that the burden rest on the defendant to come forward with evidence indicating that this conclusion is not warranted in his case. Therefore, section 3148(b) provides that if there is probable casue to believe that the person has committed a federal, State, or local felony while on release, a rebuttable presumption arises that no condition or combination of conditions will assure that the person will not pose a danger to the safety of any other person or the community.

Subsection (c) emphasizes that the court may impose contempt sanctions if the person has violated a condition of his release. This carries forward the provisions of exisiting 18 U.S.C. 3151.

Section 3149. Surrender of an Offender by a Surety:

Except for minor word changes, this provision is identical to current 18 U.S.C. 3142. The section provides that, if a person is released on an appearance bond with a surety, such person may be arrested by his surety and delivered to a United States Marshal and brought before the court. The person so returned will be retained in custody until released.

Section 3150. Applicability to a Case Removed from a State Court:

This section specifies that the release provisions of chapter 207 of title 18, United States Code, as amended by this title, are to apply to a case removed to a federal court from a State court.

The remaining subsections (b) through (e) of section 102 set out certain technical and conforming amendments and provide definitions for certain terms used in the new release provisions of chapter 207.

Section 103 contains two technical amendments to 18 U.S.C. 3041 and 3042; deletes section 3043 (security for peace and good behavior), a provision little used and unnecessary in light of this title's grant of authority to consider dangerousness in release decisions; and creates new section 3062.

New section 3062 grants to a law enforcement officer who is authorized to make arrests for offenses committed in his presence the authority to arrest a person released under this Act if the officer has reasonable grounds to believe the person is violating certain release conditions in his presence. Since a violation of a release condition constitutes contempt, it is likely that officers have such authority currently. However, this provision will assure that law enforcement officers with arrest authority for offenses committed in their presence are made especially aware of the importance of arresting a person on release who is subject to one of the conditions that is aimed primarily at preventing further crimes by the defendant and assuring against harm to victims and witnesses.

Section 104 amends 18 U.S.C. 3731 to permit, in accordance with new 18 U.S.C. 3146(c), the government to appeal release decisions.

Section 105 sets out a conforming amendment to 18 U.S.C. 3772.

Section 106 sets out a conforming amendment to 28 U.S.C. 4282.

Section 107 sets out a conforming amendment to 28 U.S.C. 636.

Section 108 sets out what are, for the most part, technical or conforming amendments to the Federal Rules of Criminal Procedure. The amendment to Rule 46(e)(2) adds language emphasizing that a surety's surrender of a bail jumper into custody may be an appropriate basis for setting aside forfeiture of all or part of the bond. New Rule 46(h) makes it clear that, when authorized by statute or regulation, minor charges may be disposed of by ordering the forfeiture of collateral. This procedure is currently used to dispose of minor offenses, such as traffic violations, and permits those charged with such offenses to forgo appearing at an official proceeding if they so wish. See Rule 4(a) of the Rules of Procedure for the trial of misdemeanors before United States Magistrates.

Section 109 amends Rule 9(c) of the Federal Rules of Appellate Procedure to provide that a convicted person seeking release pending appeal is to bear the burden of proof both with respect to the issues of his appearance and considerations of community safety and with respect to the merit of his appeal.

TITLE II—SENTENCING REFORM

I. Introduction

Sentencing, the culmination of the criminal trial process, is the act by which the justice system gives formal expression to the seriousness, or lack of seriousness, with which the defendant's criminal conduct is viewed. Ideally it should express society's moral standards as applicable to the behavior of the defendant in an individual case, and as necessary to deter future criminal conduct by others.

Over the past decade, a consensus has developed among persons of different political views that the current federal sentencing system is riddled with serious shortcomings. More recently, there has also developed a substantial agreement, although not a unanimous one, as to a practical approach by which the shortcomings might be remedied. The following discussion outlines the perceived shortcomings and the new approach taken in title II of the bill, which is derived, with minor modifications, from the sentencing provisions of S. 2572 as it passed the Senate on September 30, 1982. Those provisions were, in turn, based on the sentencing provisions in the proposed revision of the Federal Criminal Code, S. 1630, 97th Cong. See generally S. Rept. No. 97-307, 97th Cong., 2d Sess.

II. Sentencing under current law and practice

A. The Sentencing Process:

Sentencing today is left to the discretion of federal judges who are trained in the law but who have no special competence in ascertaining the values of society and applying them to sentencing in individual criminal cases. In employing their discretion, the judges are left to their own devices and philosophies. Congress has provided no general statutory guidance as to the purposes to be achieved by the sentencing process, has set forth no sentencing philosophy (other than occasional hints at rehabilitation), and has given no direction concerning factors to be considered in determining an appropriate sentence. The only real legislative guidance is that provided by the maximum sentences specified in the penal statutes—and these only indicate the Congressional view of the appropriate sentence for the most serious offense under the provision. In imposing sentences, judges are not required to state any rationale, and few do.

B. Sentencing Options:

While the current statutes provide sentencing alternatives of probation, fines, and imprisonment, each is encumbered.

1. Probation.—Probation is treated as a suspension of the imposition or execution of a sentence rather than as a sentence itself, and partly for that reason there is little incentive to impose conditions on probation that might make it a more effective punitive or remedial sanction. It tends to be viewed as a vehicle for rehabilitation only.

2. Fines.—The maximum fine levels carried by penal offenses vary inexplicably. They usually also reflect penalty levels of previous centuries, and today are much too low to be considered a realistic measure of the gravity of most offenses. Even when fines are imposed, statutory processes for collection rely too heavily on cumbersome state procedures to assure collection.

3. Imprisonment.—Imprisonment under current laws is a two-step process. First, the sentencing judge sets the outside limit of the period of time that he believes appropriate for the defendant to spend in prison. Second, the parole authorities decide what portion of the imposed term the defendant actually should serve. The practice is based upon a 19th Century rehabilitative theory that has proved to be faulty.

a. The Theory.—The theory underlying current imprisonment practices is that criminality is a disease to be cured through rehabilitative programs in a prison setting. The purpose of a sentence to imprisonment is to rehabilitate. At the time of sentencing, however, no one knows how long a defendant's rehabilitation will take. Therefore, a defendant should be sentenced to a considerably more lengthy term than is probably necessary in order to ensure that he will remain imprisoned long enough to be rehabilitated. Later, the parole authorities will examine the defendant's behavior in prison, and, when they find that he has become rehabilitated, will then release him before the expiration of his imposed term.

b. Problems with the Theory.—There are two principal problems with the theory.

First, many sentences to imprisonment are not designed to rehabilitate, but to deter, incapacitate, or punish. Sentences imposed for these purposes do not require any review of the defendant's prison behavior by parole authorities in order to set the proper length of the term. Such sentences logically should be set by the court for a definite term, and should not be subject to later variation.

Second, the theory is unsoundly predicated even for sentences designed to rehabilitate.

Behavioral scientists have recently concluded that there exists no satisfactory means of inducing rehabilitation on a regular basis. More importantly, they have also concluded that no one can tell from a prisoner's behavior whether he has become rehabilitated. Consequently, the basic reason for an indeterminate sentence that may be adjusted by parole authorities—for the existence of parole boards—has disappeared.

c. Adaptation of the System to the Demise of the Theory.—The Federal Parole Commission today acknowledges that it cannot tell from a prisoner's behavior when he has become rehabilitated. It therefore no longer even attempts to accord its practice with the original theory. Instead, with few exceptions, it releases prisoners at the time specified by the Commissioner's self-developed guidelines—guidelines that are based upon factors known at the time of sentencing. Since the Commission's release determinations need no longer await an opportunity to observe the prisoner's conduct in confinement, there is no reason why the Commission cannot inform a prisoner of his proposed release date at about the time of his incarceration—and this in fact is just what the Commission now does.

The imprisonment process today, therefore, involves two branches of government—acting at approximately the same time and basing their determinations on essentially the same information—solemnly announcing quite different sentences to be served by the same defendant. The result is not just an awkward adaptation of practice to an anachronistic theory; it leaves the judges attempting to adjust their sentences so as to overcome what they perceive as inappropriately harsh or lenient consequences of the parole process, and leaves the parole authorities regularly ignoring the actual sentences meted out by judges.

C. Review of Sentence:

There is no mechanism today for securing review of sentences that appear either unusually harsh or unusually lenient.

D. Consequences of the Current System:

As might be expected, numerous studies have documented considerable disparity in sentences meted out by federal judges to similarly situated defendants who have committed like offenses. Various attempts to reduce such disparity have been ineffective. The perception of this disparity tends to encourage defendants to engage in continual relitigation of the issue of their guilt. It also, in combination with the artificial process by which judges impose lengthy sentences and parole authorities grant early release a short time thereafter, serves to leave the public jaded about the efficacy of the whole criminal justice system, and to rob the system of whatever potential deterrent effect it might otherwise be capable of producing.

III. Sentencing under title II of the bill

Title II of the bill completely revises current law as to the purposes of sentencing, the process by which the judge determines the appropriate sentence in a particular case, and review of sentence to assure its legality and reasonableness.

A. Legislatively Prescribed Purposes:

Title II gives legislative recognition for the first time to the appropriate purposes of sentencing. The stated purposes specifically include assurance of just punishment, deterrence of criminal conduct by others, and protection of the public, and lessen the previously implied emphasis on rehabilitation. (Proposed 18 U.S.C. 3553(a)(2).)

B. The Sentencing Process:

Judges are directed to sentence with the above purposes in mind, pursuant to guidelines established by a Sentencing Commission.

1. The Sentencing Commission.—The Sentencing Commission is to be an independent agency in the judicial branch consisting of seven voting members appointed by the President with advice and consent of the Senate and one ex-officio, non-voting member, the Attorney General. The Commission is directed to draft guidelines for use by federal judges, taking into consideration all offender and offense characteristics that appear relevant to the specified purposes of sentencing. For each federal of-

fense, the guidelines will be expected to specify a variety of appropriate sentencing ranges, depending upon different combinations of offender and offense characteristics. Development of the guidelines is subject to the public review process of the Administrative Procedure Act. The initial guidelines, and all subsequent modifications, are to be transmitted by the Commission to the Congress for review and possible modification. Absent congressional rejection of the guidelines, they will be officially promulgated. (Proposed chapter 58 of title 28, United States Code.)

In a few areas (involving, e.g., recidivists, organized crime offenders, first offenders), title II provides general legislative guidance to the Commission as to the kind of sentence and degree of severity that would seem to be appropriate for inclusion in the guidelines. These provisions are intended to accord some direction to the Commission without so circumscribing its consideration of occasional countervailing factors as to prove unduly rigid. The provisions are limited to subject areas that otherwise would be considered likely candidates for legislatively directed mandatory sentences to imprisonment, or legislatively directed presumptions in favor of probation.

2. The Guidelines.—For each federal offense, the guidelines will specify a variety of appropriate sentencing ranges—encompassing imprisonment, fines, and probation—depending upon the particular history and characteristics of the defendant in the case and the particular circumstances under which the offense is committed. Each offense, therefore, may have a dozen or so sentencing ranges specified, only one of which will fit a given case. (Proposed 28 U.S.C 994(a).)

3. Judicial Application of the Guidelines.—After a sentencing hearing, a judge will determine the particular guideline range that is applicable to the offender and the offense. He will then be expected to sentence within the narrow range specified. The judge may, however, sentence above or below the specified guideline range in unusual circumstances, but must give specific reasons for such a sentence. (Proposed 18 U.S.C. 3553(b) and (c).)

C. Sentencing Options:

1. Probation.—Probation is cast by title II as a penalty in itself, rather than as a deferred penalty. A judge is required to impose as a condition of probation in a felony case a condition that the defendant pay a fine or make restitution to the victim or that he engage in community service. The judge is required for every crime to impose a prohibition against the defendant's committing another crime during the probationary period. A variety of potentially useful discretionary conditions of probation (including undertaking vocational training or undergoing medical or psychiatric treatment) are set forth by title II for the consideration of the Sentencing Commission and the judges. (Proposed subchapter B of chapter 227 of title 18.)

2. Fines.—The maximum fine levels under title II are dramatically increased. The maximums specified for felonies are up to a quarter of a million dollars for an individual defendant, and up to half a million dollars for an organizational defendant, although the actual amount imposed is to be predicated upon the defendant's ability to pay as well as upon the gravity of the offense and related considerations. (Proposed subchapter C of chapter 227 of title 18.) Lien procedures, like those in the tax laws, are provided to assure an effective means of collecting imposed fines. (Proposed subchapter B of chapter 229 of title 18.)

3. Imprisonment.—Title II of the bill makes a major change in sentences to imprisonment. It moves to a determinate system, abolishing early release on parole and providing for the first time that the sentence announced by the sentencing judge will be for almost all cases the sentence actually served by the defendant (except for a potential 10 percent credit for "good time"). Such sentences will not need to involve the artificially lengthy terms that are imposed today in the expectation that they will be shortened later by parole authorities. Although early release on parole is abolished, in a case in which a judge believes that a defendant should be supervised for a period after the expiration of his term of imprisonment, he may order a term of post-release supervision. (Proposed subchapter D of chapter 227 of title 18.)

Terms of imprisonment ordinarily will not be subject to later adjustment. However, an exception is made in the case of an unusually long term of imprisonment. A defendant serving a term of imprisonment longer than six years will be entitled after six years to petition the sentencing judge for reexamination of the sentence, and the judge will be empowered to reduce the sentence upon a finding of the existence of extraordinary and compelling reasons and a finding of compatibility of such a reduction with Sentencing Commission standards. A defendant sentenced to an unusually long term of imprisonment that is above the applicable guideline will be able to obtain a second review, for which the same standards will apply, after he has served the maximum time specified in the applicable guideline. (Proposed 18 U.S.C. 3582(c)(2).)

4. Collateral Sentencing Orders.—In addition to the penalties traditionally applicable, a court is empowered by title II to order a defendant convicted of fraud (a situation in which an appropriate amount of restitution might be difficult to ascertain in an ordinary sentencing hearing) to give notice of the conviction to the victims of the offense (who may not be known to anyone other than the defendant) in order to facilitate their bringing of whatever private recovery actions might prove to be appropriate. (Proposed 18 U.S.C. 3555.) The bill also carries forward provisions similar to those enacted by Public Law 97-291 empowering a court to order a defendant to pay restitution if he is found guilty of an offense causing bodily injury or property damage or loss.

D. Review Process.

Title II contains an appellate process to review sentence propriety in questionable cases. By incorporating the appeal procedures into the general structure of the guideline sentencing system, title II assures that the extremes of sentencing that most deserve review may be called to the attention of an appellate court, without overburdening the court with a flood of challenges to sentences well within the bounds of what would generally be considered reasonable under all of the circumstances. The defendant is permitted to appeal a term of imprisonment, a restrictive condition of probation, or a fine, that falls above the range specified in the applicable guideline, and to appeal a restitution order or a notice order. Recognizing that sentence disparity reaches in two directions, title II also permits the government, on behalf of the public, to seek review of a sentence that falls below the applicable guideline range in a case in which the Attorney General approves the filing of such an appeal. In both situations, the question on appeal is whether the sentence imposed is, under the circumstances, "clearly unreasonable." (Proposed 18 U.S.C. 3742.)

IV. Section-by-Section Analysis of Title II.

Section 201 of the bill specifies that the Act may be cited as the "Sentencing Reform Act of 1983".

Section 202(a)(1) redesignates a number of sentencing provisions in current law with new section numbers in order to preserve them.

Section 202(a)(2) repeals current chapters 227, 229, and 231 of title 18, United States Code, and replaces them with totally new sentencing provisions. New chapter 227 of title 18 describes in some detail the kinds of sentences available, and new chapter 229 of title 18 describes the means of implementing those sentences.

CHAPTER 227—SENTENCES

Subchapter A (General Provisions) of Proposed Chapter 227 of Title 18.—Subchapter A contains general provisions relating to the types of sentences that can be imposed on individuals and on organizations, and to the considerations that should go into the determination of an appropriate sentence. Section 3551 lists the types of sentences that may be imposed upon a defendant who has been found guilty of an offense. Section 3552 contains the requirements for pre-sentence investigations and reports. Section 3553 lists the factors to be considered by a sentencing judge in imposing sentence, and sets forth the requirement that the judge state reasons for a particular sentence. Sections 3554 through 3556 describe the collateral sentences of an order of criminal forfeiture, an order of notice to victims of a fraudulent offense, and an order of restitution. Sections 3557 and 3558 refer to other provisions of title 18 relating to appellate review and implementation of sentences. Section 3559 classifies all federal offenses according to the grading system set forth in section 3581.

Section 3551 (Authorized Sentences).—Section 3551 outlines the authorized sentences for defendants found guilty of a federal offense, other than an offense described in an Act of Congress applicable exclusively in the District of Columbia or the Uniform Code of Military Justice. It requires that each federal offender be sentenced in accord with the provisions of chapter 227 of title 18 in order to achieve the general purposes of sentencing set out in section 3553(a)(2). Subsection (b) of section 3551 specifies that an individual offender must either be placed on probation, fined, or imprisoned as provided in the subchapters governing the imposition of such sentence. It requires the imposition of at least one of these sentences. It further states that a fine may be imposed in addition to any other sentence, as may any of the other sanctions authorized by section 3554, 3555, and 3556. Subsection (c) requires that an organization that is convicted of a federal offense be sentenced to a term of probation or to pay a fine, or both. At least one of these sentences must be imposed. In addition, an organization may, in an appropriate case, be made subject to an order of criminal forfeiture, an order of notice to victims, or an order of restitution.

Section 3552 (Presentence Reports).—Section 3552 requires the preparation of a presentence report by a probation officer in accord with the provisions of rule 32(c) of the Federal Rules of Criminal Procedure.

Subsection (b) of section 3552 carries forward the provisions 18 U.S.C. 4205(c), which provides that, if the court desires more information concerning a convicted defendant, either before or after receiving the presentence report and any report concerning the defendant's mental condition, it may order a study of the defendant. The study must be done in the local community by qualified consultants unless the court finds a compelling reason for committing the defendant to the custody of the Bureau of Prisons for the study or local resources are inadequate. The bill amends current law by reducing the maximum period for the study from six months to 120 days in order to advance the time for final sentencing while still allowing an adequate period for study. The bill also amends current law to specifically require that the court order for a study specify the information sought by the court. Subsection (c) adds a new provision to the law that specifically permits the court to order a presentence examination by a psychiatric or psychological examiner concerning the current mental condition of the defendant. The examination would be conducted pursuant to section 4247, and the court would be provided with a written report by the examiner. S. Rept. No. 97-307, pages 982-987. Subsection (d) requires that the court assure that a presentence report and a report prepared pursuant to subsection (c) be made available to the defendant, the counsel for the defendant, and the attorney for the government at least ten days prior to the date for sentencing, unless the defendant waives the minimum period.

Section 3553 (Imposition of a Sentence).—Subsection (a) sets out the factors that the judge is required to consider in selecting the type of sentence to be imposed in a particular case, and the length or amount of such sentence. Subsection (a)(1) directs the judge to consider "the nature and circumstances of the offense and the history and characteristics of the defendant". Subsection (a)(2) requires that the judge consider the need for the sentence imposed to carry out the four purposes of sentencing: the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for law, and to provide just punishment for the offense; to afford adequate deterrence to criminal conduct; to protect the public from further crimes of the offender; and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner. (See S. Rept. No. 97-307, pages 987-989). Subsection (a)(3) requires the judge to consider the kinds of sentences available. Subsections (a)(4) and (a)(5) require that the sentencing judge consider the kinds of sentence and the sentencing range applicable to the category of offense committed by the category of offender under sentencing guidelines issued pursuant to 28 U.S.C. 994(a), as that provision is enacted by section 207 of this title. Subsection (a)(6) requires the judge to consider "the need to avoid unwarranted disparities among defendants with similar records who have been found guilty of similar conduct".

Subsection (b) requires the sentencing judge to impose a sentence consistent with the sentencing guidelines unless he finds that there is an aggravating or mitigating circumstance present in the case that was not adequately considered in the formulation of the sentencing guidelines and that the circumstances should result in a different sentence. The provision is designed to achieve the goal of avoiding disparities in sentences that are not justified by differences among offenses or offenders. at the same time, the provision provides the flexibility necessary to assure adequate consideration of circumstances that might justify a sentence outside the guidelines.

Subsection (c) contains a new requirement that the court, at the time of sentencing, state the reasons for the imposition of the sentence in each case. It also requires that, if the sentence is within the guidelines, the court state the reason for imposing sentence at a particular point within the range, and that, if the sentence is of a different kind or outside the range set out in the sentencing guidelines, the court state the specific reason that the sentence imposed differs from the guidelines. This statement would essentially indicate why the court felt that the guidelines did not adequately take into account all the pertinent circumstances of the case at hand. If the sentencing court felt the case was an entirely typical one for the applicable guideline category, it would have no adequate justification for deviating from the recommended range. See S. Rept. No. 97-307, page 991. The statement of reasons for a sentence outside the guidelines would assist the appellate court, in a case in which the defendant or the government appealed the sentence pursuant to section 3742, to evaluate whether the sentence was "clearly unreasonable" or not. The statement of reasons would also inform the defendant and the public of the reasons for the sentence, and aid the probation and prison officials in fashioning an appropriate program for a defendant.

Subsection (d) requires that the court give prior notice to the defendant and the government that it is considering imposing an order of notice under section 3555 or an order of restitution under section 3556 as part of the sentence. The purpose of the notice is to enable the parties to prepare adeqeuately for the sentencing hearing. The subsection also requires that the court, upon motion of the defendant or the government or on its own motion, permit the parties to submit affidavits and written memoranda concerning matters relevant to the imposition of an order of notice or restitution (e.g., identification of individual, or classes of, victims, evaluation issues, and defenses that a defendant could assert in a civil action with respect to any victim); afford counsel an opportunity to address in open court the issue of the appropriateness of such an order; and include in its statement of reasons for the sentence specific reasons for imposing the order. See S. Rept. No. 97-307, pages 992 and 993.

Section 3554 (Order of Criminal Forfeiture).—Section 3554 specifies that the court, in imposing a sentence on a defendant who has been found guilty of an offense described in section 1962 of title 18, relating to racketeering activity, or an offense described in title II or III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, relating to drug trafficking, shall order, in addition to the sentence that is imposed pursuant to the provisions of section 3551, that the defendant forfeit property to the United States in accord with the provisions of section 1963 of title 18 or section 413 of the Comprehensive Drug Abuse and Control Act of 1970. Section 1963 of title 18 is amended by title IV of this bill and the criminal forfeiture provisions for drug offenses are added by title IV.

Section 3555 (Order of Notice to Victims).—Section 3555 is a new provision that allows a court to require a defendant who has been found guilty of an offense involving fraud or other intentionally deceptive practices to give notice and explanation of the conviction to the victims of the offense. The provision should facilitate any private actions that may be warranted for recovery of losses from the offense. Without such a provision, many victims of major fraud schemes may not become aware of the fraud (for example, that the mining stock they purchased is counterfeit) until it is too late to seek legal redress, or may not be able to ascertain the perpetrator's current whereabouts (for example, a "fly-by-night" roofing operation). The provision should also serve to alert fraud victims to the advisability of other action on their part (for example, news of the worthlessness of a phony "cancer cure" may prompt a victim to visit a doctor in time for proper medical attention). In order to avoid the possibility of the offender's making only token efforts of giving notice, the court is empowered to designate the advertising areas and media in which notice is to be given. The judge is required, in determining whether to require notice, to consider not only the factors set forth in section 3553(a), but also the cost of giving notice as it relates to the loss caused by the offense. In addition, the bill limits to $20,000 the amount that the court may require the defendant to pay for such notice. These provisions are intended to assure that the order of notice requires only such publication as is reasonable under the circumstances of the case. S. Rept. No. 97-307, pages 996-999.

Section 3556 (Order of Restitution)—Section 3556 permits the court to order payment of restitution in addition to any other sentence imposed pursuant to section 3551 for an offense under title 18, or an offense under section 902 (h), (i), (j), or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472). This provision carries forward the restitution sanctions as enacted by section 5 of the Victim and Witness Protection Act of 1982, Public Law 97-291.

Section 3557 (Review of a Sentence).—Section 3557 provides that the review of a sentence imposed pursuant to section 3551 is governed by the provisions of section 3742, which are enacted by section 203(a) of the bill.

Section 3558 (Implementation of a Sentence).—Section 3558 provides that the implementation of a sentence imposed pursuant to section 3551 is governed by the provisions of chapter 229 of title 18, which are enacted by section 202(a) of this bill.

Section 3559 (Sentencing Classification of Offenses).—Subsection (a) of section 3559 creates a grading scheme for offenses described in sections that specify a maximum sentence rather than a letter grade for the offense. The purpose of the provision is to indicate more clearly how the sentencing provisions of subchapters B, C, and D of this chapter apply to offenses with particular maximum sentences today.

Under subsection (a)(1)(A), if the maximum term of imprisonment authorized for the offense is life imprisonment, or if the maximum penalty is death, the offense becomes a Class A felony. Under subsection (a)(1)(B), if a term of years of more than 20 years is specified as the maximum sentence, the offense becomes a Class B felony. Under subsection (a)(1)(C), if the maximum specified in current law is less than 20 years but more than ten years, the offense become a Class C felony. Under subsection (a)(1)(D), if the maximum specified in current law is less than ten years but more than five, the

offense becomes a Class D felony. For lower level offenses, if current law provides a sentence that is equal to the sentence specified in section 3581 for a grade of offense, or is less than that amount but more than the maximum specified for the next lower grade, the offense is designated as an offense of the grade equal to or just above that specified in current law. Subsection (b) provides that current law offenses classified by operation of subsection (a) carry all the incidents assigned to the applicable letter designation, except that, if the maximum fine in current law is higher, the higher fine level applies, and that the current maximum term of imprisonment remains unchanged. Despite the provisions of section 3581(b), the maximum term of imprisonment for an offense would be that specified in the statute creating the offense until Congress amends the substantive provision to designate the offense as one of a particular grade set forth in section 3581(b). This circuitry results from the fact that title II does not amend substantive criminal law to rationalize maximum sentences. It does, however, create the structure necessary to accomplish this purpose readily at a future date.

Subchapter B (Probation) of Chapter 227 of Title 18.—This subchapter governs the imposition, conditions, and possible revocation of a sentence to a term of probation. In keeping with modern criminal justice philosophy, probation is described as a form of sentence rather than, as in current law, a suspension of the imposition or execution of sentence.

Section 3561 (Sentence of Probation).—Section 3561 authorizes the imposition of a sentence to a term of probation in all cases, unless the case involves a Class A or Class B felony or an offense for which probation has been expressly precluded, or the defendant is sentenced at the same time to a term of imprisonment for the same or a different offense. The section also specifies that the maximum term of probation for a felony is five years, and the minimum is one year. The maximum term of probation for a misdemeanor is five years for an infraction one year, with no minimum term specified for these offenses.

Section 3562 (Imposition of a Sentence of Probation).—Section 3562 sets forth the criteria to be considered by the court in determining whether to impose a sentence of probation and in determining the length of the term and the conditions of probation. It also makes clear that, despite the susceptibility of a term of probation to modification, revocation, or appeal, a judgment of criminal conviction that includes such a sentence constitutes a final judgment for all other purposes. Subsection (a) requires that the judge, in determining whether to impose a sentence to a term of probation upon an organization or an individual, and in setting the terms and conditions of any sentence to probation that is imposed, consider the factors set forth in section 3553(a) to the extent that they are applicable. These include the history and characteristics of the offender and the nature of the offense, the four purposes of sentencing set forth in section 3553(a)(2), and the sentencing guidelines and policy statements of the Sentencing Commission created under proposed 28 U.S.C. 994. Subsection (b) codifies current judicial decisions that hold that judgments imposing probation are final judgments for all purposes, particularly for purposes of appeal even though the sentence is subject to compliance with specified conditions, is revocable for noncompliance with those conditions, and is subject to modification, extension, or early termination in certain situations. See S. Rept. No. 97-307, pages 1007-1010.

Section 3563 (Conditions of Probation).—Section 3563(a) specifies that the court is required to provide, as a condition of probation for any federal offense, that the defendant not commit another federal, State, or local crime during the term of probation, and to provide as a condition of probation for a defendant convicted of a felony that the defendant pay a fine or restitution or engage in community service.

Subsection (b) sets out optional conditions which may be imposed, the last of which makes clear that the enumeration is suggested only, and not intended as a limitation on the court's authority to consider and impose other appropriate conditions. The subsection indicates that the discretionary conditions on probationary freedom must be reasonably related to the nature and circumstances of the offense, the history and characteristics of the offender, and the four purposes of sentences. If a condition involves a deprivation of property or liberty, the condition must be reasonably necessary to carry out the purposes of sentencing set forth in section 3553(a)(2). In addition, under subsection (a), the policy statements and sentencing guidelines promulgated by the Sentencing Commission should be considered in determining the conditions of probation. Most of the conditions set forth in section 3563(b) have been used and sanctioned in appropriate cases under the current statue. Among the discretionary conditions are conditions that the defendant pay a fine in accord with subchapter C, make restitution to a victim of the offense pursuant to section 3556, give notice to the victims of the offense pursuant to section 3555, remain in the custody of the Bureau of Prisons during nights, weekends, or other intervals of time, or participate in community service as directed by the court. For a detailed discussion of these and the other discretionary conditions of probation, see the S. Rept. No. 97-307, pages 1011-1015.

Subsection (c) permits the court to modify, reduce, or enlarge the conditions of a sentence of probation at any time before its expiration, and requires that the court hold a hearing before making such a modification.

Subsection (d) requires that the probation officer provide the defendant with a written statement of the conditions to which he is subject, and requires that statement to be sufficiently clear and specific to serve as a guide to the defendant's conduct and for such supervision as is required.

Section 3564 (Running of a Term of Probation).—This section governs the commencement of a term of probation; the effect of other sentences upon the running of the term; and the court's power to terminate or extend a term of probation.

Subsection (a) provides that the term of probation commences on the day the sentence of probation is imposed, unless otherwise ordered by the court.

Subsection (b) provides that multiple terms of probation are to run concurrently, regardless of when or for what offenses or by what jurisdiction they are imposed, and that a term of probation is to run concurrently with a term of supervised release; consequently, unlike the situation under current law, consecutive terms of probation may not be imposed. Of course, if a defendant is sentenced to terms of probation for offenses of varying seriousness, the maximum term of probation would be measured according to the term for the most serious offense. This subsection also makes it clear that probation does not run during any period in which the defendant is imprisoned at least 30 consecutive days in connection with a conviction for any other offense.

Subsection (c) authorizes the court, after considering the factors set forth in section 3553(a), to terminate a term of probation and to discharge the defendant prior to its expiration at any time in the case of a misdemeanor or an infraction or at any time after one year in the case of a felony, if the conduct of the defendant and the interest of justice warrant such action. See S. Rept. No. 97-307, page 1018.

Subsection (d) authorizes the court, after a hearing and pursuant to the provisions applicable to the initial setting of the term of probation, to extend the term of probation, unless the maximum term was previously imposed, at any time prior to its expiration or termination.

Subsection (e) provides that a term of probation remains subject to revocation during its continuance.

Section 3565 (Revocation of Probation).—This section provides that probation may be revoked if the defendant violates a condition of probation, and specifies the period during which such revocation may take place.

Subsection (a) provides that if the defendant violates a condition of probation, the court either may, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, continue the defendant on the sentence of probation, subject to such modification to the term or conditions of probation as it deems appropriate, or may revoke probation and impose any other sentence that could have been imposed at the time of the initial sentencing.

Subsection (b) provides that revocation of probation and imposition of another sentence may occur after the term of probation has expired if a violation of the condition occurred prior to the expiration, if the adjudication occurs within a reasonable period of time, and if a warrant or summons on the basis of an allegation of such a violation was issued prior to the expiration of the term of probation.

Section 3566 (Implementation of a Sentence of Probation).—This section, which has no counterpart in current law, merely directs attention to the fact that provisions governing the implementation of probation are contained in subchapter A of chapter 229.

Subchapter C (Fines) of Chapter 227 of Title 18.—This subchapter sets the maximum monetary fines that may be imposed for the various levels of criminal offenses, specifies the criteria to be considered before imposition of fines, and provides for the subsequent modification or remission of fines previously imposed.

Fines generally have been an inappropriately underused penalty in American criminal law, even though there are many instances in which a fine in a measured amount could constitute a highly effective means of achieving one or more of the goals of the criminal justice system. Part of the reason for the under-utilization of fines as a criminal sanction is the fact that the levels of fines under current law, with rare exceptions, are so low that the courts are not able to use them effectively as a sentencing option. These statutory limits are largely the product of an earlier era when the aver-

age wage-earner achieved a yearly income considerably lower than that of today, and when inflation had not yet reduced the value of currency to its present level. See S. Rept. No. 97-307, pages 1021-1029.

Section 3571 (Sentence of Fine).—Section 3571 establishes the general statutory authority for the imposition of a fine as a penal sanction. The maximum amount of the fine that may be imposed in a particular case depends on whether the offense is classified as a felony, misdemeanor, or infraction; whether the offender is an individual or an organization; and, in the case of a misdemeanor, whether the offense resulted in loss of human life.

Subsection (a) authorizes the use of fines in criminal sentencing. There are no offenses for which a fine may not be imposed. Payment of a fine may also be made a discretionary condition of probation for any offense, or a mandatory condition of probation for a convicted felon. See proposed section 3562.

Subsection (b) establishes the maximum limits of fines for felonies, misdemeanors, and infractions. Under the provisions of proposed 18 U.S.C. 3559, the fine levels specified in subsection (b) apply to existing offenses unless current law specifies a higher maximum fine. The fines specified in subsection (b) for an individual defendant are $250,000 for a felony or for a misdemeanor resulting in the loss of human life, $25,000 for any other misdemeanor, and $1,000 for an infraction. The fine levels set forth in the subsection for organizations are higher than those for individuals, following the New York model, in order to take cognizance of the fact that a sum of money that is sufficient to penalize or deter an individual may not necessarily be sufficient to penalize or deter organization, both because the organization is likely to have more money available to it and because the sentence for an organization obviously cannot include a term of imprisonment. For an organization, subsection (b) provides a maximum fine for a felony, or for a misdemeanor that results in loss of human life, of $500,000; for any other msidemeanor a maximum fine of $100,000; and for an infraction, a fine of not more than $10,000. See S. Rept. No. 97-307, pages 1022-1025.

Section 3572 (Imposition of a Sentence of Fine).—Section 3572 sets out factors that the court must consider in imposing a fine, specifies the degree to which the sentence to pay a fine is final, places a limit on the aggregation of multiple fines, provides that the court may specify the time and method of payment of the fine, precludes the imposition at the time a sentence is imposed of an alternative sentence to be served if an imposed fine is not paid, provides notice that agents of an organization who are authorized to disperse its assets are indiviudally responsible for payment of a fine against the organization from the funds of the organization, and provides that a fine imposed on an agent or shareholder of an organization may not be paid from the assets of the organization unless expressly permitted under applicable State law.

Subsection (a) specifies the factors to be considered by the court in determining whether to impose a fine, and in determining its amount and the means of payment. In addition to the factors set forth in section 3553(a), the court is required to consider the ability of the defendant to pay the fine; the nature of the burden the payment of the fine will impose on the defendant and on any person dependent on him; restitution or reparation made by the defendant to the victim of the offense; if the defendant is an organization, any measure taken by the organization to discipline the persons responsible for the offense or ensure against the recurrence of the offense; and any other pertinent equitable consideration.

Subsection (b) provides that the aggregate of fines that may be imposed on a defendant at the same time for offenses that arise from a common scheme or plan and that do not cause separable or distinguishable kinds of harm or damage, is twice the amount imposable for the most serious offense. The provision was included to avoid the possibility that for some offenses, particularly regulatory offenses, an ongoing pattern of conduct might constitute numberous minor offenses that did not warrant a maximum fine equal to the aggregate fine for all of the minor offenses.

Subsection (c) makes clear that, even though a fine imposed by the sentencing judge may be modified or remitted, or corrected or appealed pursuant to section 3742, a judgment of conviction that includes a fine is final for all other purposes.

Subsection (d) permits the court to authorize payment of a fine within a specified period of time or in installments. This provision gives necessary flexibility to the fine provisions in order to permit the imposition of a relatively high fine on a defendant who can pay it over a period of time. This will permit the imposition of a sentence to pay a high fine when such a sentence will best serve the purposes of sentencing. It may permit, for example, the imposition of a sentence to pay a high fine in a case in which the defendant might otherwise be sentenced to a term of imprisonment.

Subsection (e) prohibits the imposition at the time of sentencing of a term of imprisonment to be served if a fine is not paid. If the defendant does fail to pay his fine, the court may determine the appropriate remedy after the non-payment occurs. See S. Rept. No. 97-307, page 1027.

Subsection (f) makes clear that, if an organization is fined, it is the duty of each of the organization's employees or agents who is authorized to make disbursements of the assets of the organization to pay the fine from those assets. The subsection also bars payment of a fine imposed on an agent or shareholder of an organization from assets of the organization, unless State law expressly permits such payments.

Section 3573 (Modification or Remission of Fine).—Section 3573 permits modification or remission of a fine if there have been changes in the circumstances that warranted imposition of a fine in the amount imposed or payment by the time or method specified by the court. Since section 3572 specifies that the ability to pay is relevant to the amount of the fine, a modification or remission of the fine should be available when that ability lessens. The section also permits remission of the fine in an amount that does not exceed the amount of restitution or reparation voluntarily paid to the victim by the defendant after the fine was imposed. The section permits the court to adjust the fine of a well-intentioned defendant in order to avoid creating unjustifiable impoverishment. However, an unexcused failure to pay a fine may still be prosecuted as any other criminal contempt.

Section 3574 (Implementation of a Sentence of Fine).—Section 3574 states that the provisions concerning implementation of a sentence to pay a fine are contained in subchapter B of chapter 229.

Subchapter D. (Imprisonment) of Chapter 227 of Title 18.—Subchapter D sets forth the basic considerations governing the imposition of sentences of imprisonment. It creates the frame of reference used to determine the applicability of sentence provisions to offenses throughout the United States Code. It deals specifically with the terms of imprisonment and supervised release authorized for the various grades of offenses, criteria for imposing such sentences, collateral aspects of sentences of imprisonment, operations of multiple sentences, and calculation of terms of imprisonment.

Section 3581 (Sentence of Imprisonment).— Section 3581 provides in subsection (a) that a defendant convicted of an offense may be sentenced to a term of imprisonment.

Subsection (b) creates nine classes of offenses: Five felony classes with authorized terms of imprisonment ranging from life imprisonment to three years, three misdemeanor classes with maximum terms ranging from one year to 30 days, and an infraction category that carries a maximum of five days imprisonment. See S. Rept. No. 97-307, pages 1034-1036.

Section 3582 (Imposition of a Sentence of Imprisonment).—Section 3582(a) specifies for the first time in the Federal criminal law the factors that a court must consider in imposing a sentence of imprisonment. These include the nature and circumstances of the offense and the history and characteristics of the defendant, the need for the sentence imposed to provide just punishment, a deterrent effect, incapacitation, and an opportunity for rehabilitation, and the guidelines and policy statements of the Sentencing Commission that apply to the case. Subsection (a) also specifies that, in light of current knowledge, the judge should recognize, in determining whether to impose a term of imprisonment, "that imprisonment is not an appropriate means of promoting correction and rehabilitation". This statement is designed to discourage the employment of a term of imprisonment on the grounds that the prison has a program that might be of benefit to the prisoner. This does not mean, of course, that, if a defendant is to be sentenced to imprisonment for other purposes, the availability of rehabilitative programs should not be an appropriate consideration, for example, in recommending a particular facility.

Subsection (b) makes clear that a judgment of conviction is final even though it includes a sentence that may be modified pursuant to the provisions of subsection (c), corrected pursuant to Rule 35 of the Federal Rules of Criminal Procedure, or appealed pursuant to section 3742.

Subsection (c) provides that a court may not modify a sentence of imprisonment unless one of three conditions warrant the use of a safety valve for modification of the sentence. The first safety valve permits the modification of the sentence in the unusual case in which the defendant's circumstances are so changed, such as by terminal illness, that it would be inequitable to continue the confinement of the prisoner. In such a case, the Director of the Bureau of Prisons could petition the court for a reduction in the sentence, and the court could grant a reduction if it found that the reduction was justified by "extraordinary and compelling reasons" and was consistent with applicable policy statements issued by the Sentencing Commission.

The second safety valve permits a defendant with an unusually long sentence, one that is over six years in length, to file a motion with the court after he has served six years of that term, for reduction of the term of imprisonment. The Director of the Bureau of Prisons may also file such a motion for the prisoner. The court may grant the motion if, after considering the factors set forth in section 3553(a), it finds that extraordinary and compelling reasons require such a reduction and that a reduction is consistent with applicable policy statements issued by the Sentencing Commission. An additional review of the sentence may be sought by a defendant with an unusually long prison term who is sentenced above the maximum applicable sentencing guideline. Such a defendant may seek a second review of his sentence after he has served the maximum applicable guideline sentence, and the same review standards apply as for the first review.

The third safety valve permits the reduction of the sentence of a defendant who was sentenced to a term of imprisonment under sentencing guidelines that was later reduced by the Sentencing Commission, if such a reduction is appropriate considering the factors set forth in section 3553(a) and if it is consistent with applicable policy statements issued by the Sentencing Commission. It is expected that the Sentencing Commission would, whenever it revised its sentencing guidelines as to a particular offense, indicate its views as to the appropriate situations, if any, which a sentence already being served should be reduced.

Subsection (d) permits the court to include in the sentence of a drug trafficker or racketeer an order that the defendant not associate or communicate with a specified person, other than his attorney, if there has been a showing of probable cause to believe that such association or communication would be for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise. The provision is designed to prohibit a manager of a criminal enterprise from continuing to manage that enterprise while he serves his term of imprisonment.

Section 3583 (Inclusion of a Term of Supervised Release After Imprisonment).—Section 3583 is a new section that permits the court, in imposing a term of imprisonment for a felony or a misdemeanor, to impose as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment. Unlike current parole law, the question whether the defendant will be supervised following his term of imprisonment is dependent on whether the judge concludes that the defendant needs supervision, rather than on the question whether part of the term of imprisonment remains at the time of the prisoner's release. The term of supervised release would be a separate part of a defendant's sentence, rather than being the end of the term of imprisonment.

Subsection (b) specifies the authorized terms of supervised release, with the terms ranging from a term of not more than one year for a defendant sentenced for a Class E felony or for a misdemeanor, to a term of not more than three years for a defendant sentenced for a Class A or B felony. The length of the term of supervised release will be dependent on the needs of the defendant for supervision rather than, as in current law, on the almost sheer accident of the amount of time that happens to remain of the term of imprisonment when the defendant is released.

Subsection (c) describes the factors that the judge is required to consider in determining whether to include a term of supervised release as a part of a sentence, and if a term of supervised release is included, the length of that term. The judge is required to consider the history and characteristics of the defendant, the nature and circumstances of his offense, the need for the sentence to protect the public from further crimes of the defendant and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner, the applicable sentencing guidelines and policy statements, and the need to avoid unwarranted sentencing disparity.

Subsection (d) describes the conditions that the judge may impose on the term of supervised release. The court is required to order, as a condition of supervised release, that the defendant not commit another crime during the period of supervision. It may also order any of the conditions set forth as conditions of probation in section 3563(b)(1) through (b)(10) and (b)(12) through (b)(19), and any other condition it considers appropriate, if the condition is reasonably related to the history and characteristics of the offender and the nature and circumstances of the offense, the need for the sentence to protect the public from further crimes of the defendant, and the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment. The condition also may not involve a greater deprivation of liberty than is necessary to protect the public and to provide needed rehabilitation or corrections programs, and must be consistent with any pertinent policy statement issued by the Sentencing Commission. For a further discussion of the available conditions of supervised release, see S. Rept. No. 97-307, pages 1010-1016.

Subsection (e) permits the court, after considering the same factors considered in the original imposition of a term of supervised release, to terminate the term of supervised release previously ordered at any time after one year or, after a hearing, to extend the term of supervised release (if less than the maximum term authorized was originally imposed) or to modify, reduce, or enlarge the conditions of release. The court may also treat a violation of a condition of supervised release as a contempt of court under 18 U.S.C. 401(3).

Subsection (f) requires the court to direct the probation officer to provide the defendant with a clear and specific statement of the conditiosn of supervised release.

Section 3584 (Multiple Sentences of Imprisonment).—This section provides the rules for determining the length of the term of imprisonment for a person convicted of more than one offense. It specifies the factors to be considered in determining whether to impose concurrent or consecutive sentences, and provides that consecutive and concurrent sentences shall be treated for administrative purposes as a single aggregate term of imprisonment.

Section 3585 (Calculation of a Term of Imprisonment).—This section provides the method of calculating the beginning of a term of imprisonment and contains provisions for crediting an offender for prior custody. Under subsection (a), the sentence commences on the date that the defendant is received into custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served. Subsection (b) provides credit towards the service of an imprisonment term for any time the defendant has been in official custody prior to the date the sentence was imposed if the custody was a result of the same offense for which the sentence was imposed or was a result of a separate charge for which the defendant was arrested after commission of the current offense. No credit would be given if such time had already been credited toward the service of another sentence.

Section 3586 (Implementation of a Sentence of Imprisonment).—Section 3586 provides a cross-reference to the provisions concerning implementation of a sentence of imprisonment contained in subchapter C of chapter 229, and, if the sentence includes a term of supervised release, in the provisions of subchapter A of chapter 229.

CHAPTER 229—POST-SENTENCE ADMINISTRATION

Chapter 229 consists of three subchapters which cover the administration of the various types of sentences imposed under subchapters B, C, and D of chapter 227. Subchapter A of chapter 229 provides for the appointment of probation officers and sets forth their duties. In addition, it provides for special probation and record expungement procedures for drug possession offenses. Subchapter B covers the payment and collection of fines which may be imposed under chapter 227. Subchapter C sets forth the procedures governing prison terms.

Subchapter A (Probation) of Chapter 229 of Title 18.—This subchapter contains the provisions for implementation of a sentence to probation pursuant to subchapter B of chapter 227, the placement of juvenile delinquents on probation, and the placement of an individual on supervised release pursuant to section 3583. The subchapter, for the most part, carries forward current law concerning the appointment of probation officers by the court and the powers and duties of probation officers.

Section 3601 (Supervision of Probation).—Section 3601 requires that a person sentenced to a term of probation under subchapter B of chapter 227, or placed on probation pursuant to the provisions of chapter 403, or placed on supervised release pursuant to the provisions of section 3583, be supervised by a probation officer to the degree warranted by the conditions specified by the sentencing court.

Section 3602 (Appointment of Probation Officers).—Section 3602 is largely derived from current 18 U.S.C. 3654. Subsection (a) requires each district court of the United States to appoint suitable and qualified persons to serve with or without compensation as probation officers under the direction of the court. Those appointed with compensation are removable by the court for cause, rather than removable at the discretion of the court as in current law. The change was made upon the recommendation of the Probation Committee of the Judicial Conference. Voluntary probation officers serving without compensation remain subject to removal at the discretion of the court. The requirement that probation officers be "qualified" as well as "suitable" is added to the law in order to emphasize that probation officers who will be supervising innovative conditions of probation permitted under the probation subchapter should be qualified by their training or background to be probation officers. There may even be circumstances in which a probation officer should be a specialist who might be made available,

as the need arose, to any one of several courts. For example, such a probation officer might be needed if a union or brokerage house, rather than a street criminal, were under supervision.

Section 3603 (Duties of Probation Officers).—Section 3603 carries forward the provisions of current 18 U.S.C. 3655 relating to the duties of probation officers with respect to supervision of probationers and the keeping of records and making of reports, and modifies the provisions to cover persons released from prison on supervised release pursuant to section 3583. The section includes a number of specific requirements not in current law, including the requirements that the probation officer be responsible for supervision of any probationer or person under supervised release known to be within the judicial district (in order to clarify supervisory authority over probationers and persons on supervised release transferred into his district or temporarily present in the district), and that, when requested, the probation officer supervise and furnish information about persons on work release, furlough, or other authorized release or in pre-release custody pursuant to section 3624(c).

Section 3604 (Transportation of a Probationer).—This section carries forward the provisions of current 18 U.S.C. 4283 permitting a court to order a United States marshal to furnish to a person placed on probation transportation to the place where he is required to go as a condition of probation. The provision also removes the dollar limitation on the amount of subsistence expenses that may be paid for a probationer while traveling to his destination, substituting a provision that permits the Attorney General to prescribe reasonable subsistence payments.

Section 3605 (Transfer of Jurisdiction Over a Probationer).—Section 3605, relating to transfer of jurisdiction over a probationer or person on supervised release from one court to another, is derived from current 18 U.S.C. 3653. Both current law and section 3605 require the concurrence of the court receiving jurisdiction over a probationer to the transfer of jurisdiction. Section 3605 expands current law to cover persons on supervised release and provides that the transfer of a probationer or a person on supervised release to another district may be made either as a condition of probation or supervised release or with the permission of the court, unlike current law which provides for transfer of a probationer only "from the district in which he is being supervised". The section would also permit a court to which jurisdiction over a probationer or a person on supervised release was transferred to exercise all the powers over the probationer or release that are permitted by this subchapter and subchapter B of chapter 227. This differs from current law, which requires the consent of the sentencing court to a change in the period of probation. See S. Rept. No. 97-307, pages 1233 and 1234.

Section 3606 (Arrest and Return of a Probationer).—Section 3606 continues the provisions of current 18 U.S.C. 3653 which authorize the arrest and return of a probationer to the court having jurisdiction over him if he violates a condition of probation, and expands the provisions to refer to persons on supervised release pursuant to section 3583. See S. Rept. No. 97-307, page 1234.

Section 3607 (Special Probation and Expungement Procedures for Drug Possessers).—Section 3607 carries forward the provisions of 21 U.S.C. 844(b) relating to special probation without entry of judgment for a first offender found quilty of violating the drug possession statute if the offender has not previously been convicted of an offense under a federal or State law relating to controlled substances. The section also permits, as does current law, expungement of records for persons placed on probation under the section if they were under the age of 21 at the time of the offense and did not violate a condition of probation.

Subchapter B (Fines) of Chapter 229 of Title 18.—This subchapter is designed to increase the efficiency with which the government collects fines assessed against criminal defendants. Present law, 18 U.S.C. 3565, provides that a criminal fine judgment "may be enforced by execution against the property of the defendant in like manner as judgments in civil cases". Thus, the federal government is greatly confined by State law and must litigate in order to collect a fine from an uncooperative defendant. These relatively cumbersome procedures have resulted in collection by the United States in recent years of only 60 to 70 percent of the amount of fines imposed. This subchapter attempts to remedy this situation by treating criminal fine judgments like tax liens for collection purposes, thereby making available to the Attorney General summary collection procedures similar to those used by the Internal Revenue Service. Foremost among these is the power to administratively levy against the property of the defendant, which precludes dispostion of the property to avoid payment and permits realization of the amount of the fine without litigation.

Section 3611 (Payment of a Fine).—Section 3611 provides for the payment of a fine imposed under subchapter C of chapter 227 to the clerk for the sentencing court to be forwarded to the United States Treasury. The seciton requires either immediate payment or payment by the time and method specified by the sentencing court.

Section 3612 (Collection of an Unpaid Fine).—Section 3612 requires the sentencing court, whenever a fine is imposed, to provide the Attorney General with certain certified information. The Attorney General is then responsible for collecting the fine if it is not paid at the time required. See S. Rept. No. 97-307, page 1236.

Section 3613 (Lien Provisions for Satisfaction of an Unpaid Fine).—Section 3613 establishes the procedure by which the Attorney General is to make collection of unpaid fines. This section significantly improves current practices by providing a federal collection procedure independent of State laws that is patterned on the collection procedures utilized by the Internal Revenue Service.

Subsection (a) eliminates the clerical procedures necessary to create judgment liens, by providing that the fine is a lien in favor of the United States upon all property belonging to the person fined. The lien arises at the time of the entry of judgment and continues until the liability has been satisfied or set aside, or until it becomes unenforceable pursuant to subsection (b). See S. Rept. No. 97-307, page 1238. Subsection (a) permits the defendant to apply for release of a lien upon payment of a bond by the defendant or for a discharge of part of a lien if the Attorney General determines that a lien remains on property worth at least three times the amount of the fine.

Subsection (b) changes current law by imposing a 20-year statute of limitations on collection of a criminal fine. Under existing law, the government's right to seek execution of a criminal sentence, including a fine, is not subject to any time limit. Thus a criminal fine may be satisfied only through payment in full, death of the debtor, or presidential pardon. The limitation period established by subsection (b) will permit the closing of a file by United States attorneys for a case that is so old that the collection of a fine is unlikely. The period for collection may be extended by a written agreement entered into by the defendant and the Attorney General prior to expiration of the period, as is permitted in similar provisions in the tax area. Subsection (b) also provides that the running of the 20-year statute of limitations is to be suspended "during any interval for which the running of the period of the limitation for collection of a tax would be suspended" pursuant to several provisions of the tax laws.

Subsection (c) provides that certain sections of the Internal Revenue Code of 1954, as amended, apply to a fine and to the lien imposed under subsection (a) as if the liability of the person fined were for an internal revenue tax assessment, except to the extent that the application of such statutes is modified by regulations issued by the Attorney General to accord with differences in the nature of the liabilities. See S. Rept. No. 97-307, pages 1239-1242 for a description of those provisions.

Subsection (d) provides that a notice of a lien imposed under subsection (a) is to be considered a notice of a lien for taxes payable to the United States for the purpose of any State or local law providing for the filing of the notice of a tax lien.

Subsection (e) permits the use of the current law mechanism for enforcing fines as though they were civil judgments as an alternative to the lien-type enforcement mechanism.

Subsection (f) makes clear that a discharge of debts in bankruptcy does not render a fine unenforceable or discharge liability to pay a fine.

Subchapter C (Imprisonment) of Chapter 229 of Title 18.—Subchapter C contains the provisions for implementation of a sentence of imprisonment imposed under subchapter D of chapter 227. The subchapter generally follows existing law, except that custody of federal prisoners is placed in the Bureau of Prisons directly rather than in the Attorney General, thus giving the Bureau of Prisons direct authority to determine matters, such as the place of confinement of a prisoner, which are presently determined by the Attorney General. The subchapter also substantially revises the method by which the release date of an imprisoned person is determined.

Section 3621 (Imprisonment of a Convicted Person).—This section is derived from existing law.

Subsection (a) is derived from 18 U.S.C. 4082(a) except that the new provisions places custody of federal prisoners directly in the Bureau of Prisons rather than in the Attorney General. See S. Rept. No. 97-307, page 1243.

Subsection (b) changes existing law to provide that the authority to designate the place of confinement for federal prisoners rests in the Bureau of Prisons rather than in the Attorney General. The designated penal or correctional facility need not be in the judicial district in which the prisoner was convicted and need not be maintained by the federal government. Subsection (b) adds a new requirement that a facility meet

minimum standards of health and habitability established by the Bureau of Prisons.

Subsection (c) provides for delivery of an order of commitment to the person in charge of the facility to which a prisoner has been sent by court order, and for the original order to be returned to the court with the return endorsed.

Subsection (d) requires the United States marshal to bring a prisoner to court or return him to prison upon order of the court or written request of an attorney for the Government.

Section 3622 (Temporary Release of a Prisoner).—Section 3622 is derived from current 18 U.S.C. 4032(c), and permits temporary release of a prisoner by the Bureau of Prisons for specified reasons. The only criterion for such release in current law is that there be "reasonable cause to believe . . . [the prisoner] will honor his trust." Under section 3622, the release would also have to appear to be consistent with the purposes for which the sentence was imposed, with any pertinent policy statements of the Sentencing Commission, and with the public interest. This places emphasis on factors important to the overall correctional program for the defendant, rather than limiting the factors to be considered to the probability of the prisoner's return to the facility at the appropriate time. In addition to the current law list of purposes for which a prisoner may be released, such as attending a funeral or working at paid employment or participating in a training program in the community on a voluntary basis, subsection (b) includes a new provision permitting temporary release to participate in an educational program, to make it clear that release may be for such things as pursuing a course of study in college as well as for vocational training. Subsection (c), relating to employment, modifies current law (18 U.S.C. 4082(c)(2)) by dropping the requirement that local unions be consulted and a provision barring work release where other workers might be displaced. This will give the Bureau of Prisons more flexibility than provided in current law in developing work programs in appropriate cases. See S. Rept. No. 97-307, page 1245.

Subsection (c) carries forward the provisions of current law that require that work in the community must be at the same rate and under the same conditions as for similar employment in the community involved. Subsection (c)(2) amends current law to require that a prisoner pay costs incident to his detention as condition of work release.

Section 3623 (Transfer of a Prisoner to State Authority).—Section 3623 delineates the circumstances under which the Director of the Bureau of Prisons must order the transfer of a federal prisoner to a State facility prior to his release from the federal facility. Like current 18 U.S.C. 4085, section 3623 provides that the Director of the Bureau of Prisons must order that a prisoner be transferred to an official detention facility within a State prior to the prisoner's release from the federal prison if certain requirements are satisfied. First, the prisoner must have been charged in an indictment or in an information with a felony or have been convicted of a felony in that State. Second, the transfer must have been requested by the governor or other executive authority of the State. Next, the State must send to the Director, usually along with the request, a certified copy of the indictment, information, of judgment of conviction. Finally, the Director must find that the transfer would be in the public interest. See S. Rept. No. 97-307, pages 1245-1246. Finally, the section provides that the costs of transferring a prisoner to a State authority will be borne by the State requesting the transfer.

Section 3624 (Release of a Prisoner).—Section 3624(a) describes the method by which the release date of a prisoner is determined. It replaces a confusing array of statutes and administrative procedures concerning the determination of the date of release of a prisoner. Perhaps the most confusing aspect of the current law provisions is that, for a regular adult prisoner whose term of imprisonment exceeds one year, there are two mechanisms for determining the release date, each of which requires recordkeeping and constant evaluation of prisoner eligibility for release. The prisoner is ultimately released on the earlier of the two release dates that results from the parallel determinations. First, current 18 U.S.C. 4163 requires that a prisoner who has not been released earlier, for example, on parole, must be released at the expiration of this sentence less credit for good conduct. For a prisoner whose term of imprisonment exceeds one year in length, at the same time that the Bureau of Prisons is keeping records on good time allowances, the United States Parole Commission is periodically evaluating whether the prisoner should be released on parole. (Other release date statutes apply to prisoners who are serving less than one year in prison.) See S. Rept. No. 97-307, page 1247. Subsection (a) replaces the multiplicity of release date statutes with a single provision that describes the mechanism for setting release dates. It provides that a prisoner is to be released at the expiration of his term of imprisonment less any credit toward the service of his sentence for satisfactory prison behavior accumulated pursuant to subsection (b). Thus, as discussed in the introduction, every sentence to a term of imprisonment will represent the actual time to be served less good time. There will be no artificially high sentences to allow for the operation of the parole system, which has no role as to prisoners sentenced under the revised statute. A prisoner may be subject on release to a term of supervised release pursuant to section 3583 if his term of imprisonment exceeds one year in length and his sentence includes a term of supervised release.

Subsection (b) contains the provisions concerning the earning of credit toward early release for satisfactory prison behavior. It applies only to persons who are sentenced to terms of imprisonment longer than one year, except those sentenced to life imprisonment. The provision also substantially simplifies the computation of credit toward early release over the computation required under current law. See S. Rept. No. 97-307, page 1249.

Subsection (c) is new. It provides that, to the extent practicable, the last ten percent of the term of imprisonment, not in excess of six months, should be spent in circumstances that afford the prisoner a reasonable opportunity to adjust to and prepare for reentry into the community. The Bureau of Prisons would have discretion to determine what opportunity for reentry needs to be made available in each case. The probation system is required, to the extent practicable, to offer assistance to prisoners at this prerelease stage.

Subsection (d), relating to the allotment of clothing, transportation, and funds to a prisoner at the expiration of his term of imprisonment, amends current law to increase to $500 the amount of money furnished to a prisoner, and to omit prisoners for loans to prisoners. The loan provisions in existing law have not proved successful, having caused greater administrative costs and difficulties than the amount of money involved justifies. The Director of the Bureau of Prisons is to determine the amount of money to be given to each prisoner, and a new provision is added to require that the determination be made in accord with the public interest and the needs of the prisoner.

As in current law, the prisoner must be furnished transportation to one of three places: (1) the place of conviction; (2) his bona fide residence within the United States; or (3) any other place designated by the Director of the Bureau of Prisons.

Subsection (e) provides that a prisoner whose sentence includes a term of supervised release shall be released to the supervision of a probation officer. It also specifies that the term of supervised release begins on the date of release and runs concurrently with any other term of supervised release, probation, or parole unless the person is in prison other than for a brief period as a condition of probation or supervised release.

Section 3625 (Inapplicability of the Administrative Procedure Act.)—This section makes clear that certain of the provisions of the Administrative Procedure Act do not apply to any determination, decision, or order of the Bureau of Prisons. This result is in accord with recent case law, and will assure that the Bureau of Prisons is able to make decisions concerning the appropriate facility, corrections program, and disciplinary measures for a particular prisoner without constant secondguessing. The provision, of course, would not eliminate constitutional challenges by prisoners under the appropriate provisions of law. The phrase "determination, decision, or order" in the provision is intended to mean adjudication of specific cases as opposed to general rulemaking.

Section 202(a)(3).—Section 203(a)(3) replaces references to parole in current restitution provision with references to supervised release and authorizes enforcement of restitution orders in the same manner as fines are enforced.

Section 202(a)(4).—Section 202(a)(3) adds a new section 3671 at the end of chapter 232 of title 18, United States Code. The section contains definitions of the terms "found guilty", "commission of an offense", and "law enforcement officer", for use in the sentencing provisions contained in chapters 227 and 229 of title 18, United States Code.

Section 202(a)(5) of the bill enacts the caption and section analysis for new chapter 232 of title 18, United States Code, the chapter that is created by section 202(a)(1) of the bill.

Section 202(b) amends the chapter analysis of Part II of title 18.

Section 203.

Section 203(a) adds to chapter 235 of title 18 a new section 3742, which relates to appellate review of sentencing. The section describes the circumstances in which a defendant or the government can appeal a sentence in the federal criminal justice system. Under subsection (a) the defendant can file a notice of appeal in the district court for review of an otherwise final sentence if the sentence was imposed in violation of law, was imposed as a result of an incorrect application of the guidelines, or is greater than the sentence specified in the guidelines and not consistent with a plea agreement

and was unreasonable. Similarly, under subsection (b), the government may appeal a sentence that was imposed in violation of law, imposed as a result of an incorrect application of the sentencing guidelines, or is less than the applicable guidelines and not consistent with a plea agreement. Before the government may appeal a sentence, the Attorney General or the Solicitor General must personally approve the filing of a notice of appeal. For a discussion of the constitutionality of government appeal of sentences, see S. Rept. No. 97-307, pages 1226-27. Provision is also made for appeal of a sentence if there is no guideline for the provision of law that the defendant is found quilty of violating.

It should be noted that, under current law, there is specific authority in Rule 35 of the Federal Rules of Criminal Procedure for the trial judge to correct an illegal sentence. In order to be sure that all sentencing issues can be raised in a single proceeding, a proceeding which goes beyond the appellate review of sentencing provided in current law, the bill combines review of issues relating to illegality of sentences with all other issues relating to sentencing. If the trial judge were to discover that he had made an error in a sentence that made it illegal, he could notify the counsel for the defendant and the counsel for the government in order to permit them to raise that issue as part of any sentencing appeal they may file.

Subsection (c) of section 3742 describes the record on which the appeal is based.

Subsection (d) requires the court of appeals to determine upon review of the record whether the sentence was imposed in violation of law, imposed as a result of incorrect application of the sentencing guidelines, or, if it is outside the range of the applicable sentencing guideline, is unreasonable. Under subsection (e), if the court of appeals determines that the sentence was imposed in violation of law or imposed as a result of an incorrect application of the sentencing guidelines, it is required to remand the case for further sentencing proceedings or to correct the sentence. If the court determines that the sentence is outside the range of the applicable sentencing guidelines and is unreasonable, it is required to state specific reasons for its conclusions and to remand the case or correct the sentence. If the sentence was appealed by the defendant and is too high, the court may remand the case for further sentencing proceedings or for imposition of a lower sentence, or impose a lesser sentence itself. If the sentence was appealed by the government and is too low, the court may remand the case for further sentencing proceedings or for imposition of a higher sentence, or impose a higher sentence itself. If none of these is found by the court of appeals, the court, of course, would affirm the sentence.

Section 203(b) makes a technical correction in the sectional analysis of chapter 235.

Section 204.

Section 204 amends chapter 403 of title 18, United States Code, relating to juvenile delinquency.

Section 204(a) of the bill amends section 5037 of title 18, United States Code, by replacing current subsections (a) and (b), relating to disposition after a finding of juvenile delinquency, with the disposition provisions from S. 1630, 97th Cong. See S. Rept. No. 97-307, pages 1184-1189.

Under subsection (a), if the court finds that a juvenile is a juvenile delinquent, the court is required to hold a disposition hearing within 20 court days after the juvenile delinquency hearing. After the disposition hearing, the court may suspend the finding of juvenile delinquency, enter an order of restitution pursuant to section 3556, place the juvenile on probation, or commit him to official detention. The provisions of chapter 207 of title 18 are specifically made applicable to the decision whether to release or detain the juvenile pending an appeal or a petition for a writ of certiorari after the disposition.

Subsection (b) sets forth the probation terms for juveniles. If the juvenile is less than 18 years old, the probation term may not extend beyond the date when the juvenile becomes twenty-one or the maximum term that would be authorized under the adult probation statute if the juvenile had been tried and convicted as an adult. If the juvenile is between 18 and 21, the probation may not extend beyond three years or the maximum that would be authorized for an adult, whichever is less.

Subsection (c) provides the maximum periods for official detention of a juvenile found to be a juvenile delinquent. For juveniles between the age of 17 and 21 at the time of the proceeding, the bill specifies that the term of official detention for a Class A, B, or C felony is a maximum of five years and for any other offense the maximum term is the lesser of three years or the maximum sentence applicable to an adult offender.

Section 204(b) repeals section 5041 of title 18, United States Code, in light of the abolition of the parole system in federal law.

Section 204(c) amends section 5042 of title 18 by striking our references to parole and parolees.

Section 204(d) amends the sectional analysis of chapter 403 of title 18 to accord with the other amendments made by section 204.

Section 205.

Section 205 of the bill contains a number of amendments to the Federal Rules of Criminal Procedure that are necessitated by the amendments to the sentencing provisions.

Section 205(a) amends Rule 32 in several respects. First, it amends subdivision (a)(1) of the Rule to require that, before the sentencing hearing, the court make available to counsel for the defendant and the attorney for the government notice of the probation officer's determination, pursuant to the revised provisions of subdivision (c)(2)(B), as to the sentencing classification and sentencing guidelines range believed to be applicable to the case. The sentencing hearing will then focus on any questions that arise as to the accuracy of the probation officer's determination. In addition, the subdivision is amended to permit the postponement of imposition of sentence for a reasonable time, upon a motion jointly filed by the defendant and by the attorney for the government that asserts that a factor important to the determination is not capable of being resolved at that time. The purpose of this amendment is to permit the sentencing determination to be delayed somewhat if, for example, the cooperation of the defendant with the government in prosecution of another person is a factor in the sentencing guidelines and delay of sentencing is necessary to assure that such cooperation actually occurs.

Subdivision (c)(1) is amended to require that a probation officer make a presentence investigation and report before imposition of sentence unless the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. 3553. This change is necessitated by the fact that it is essential that the judge have all the information he needs in order to accurately apply the sentencing guidelines.

Subdivision (c)(2) of Rule 32 is amended to spell out in some detail the information that should be included in the presentence report in order to assure the accurate application of the guidelines. This amendment assures that the information relating to the requirements of the sentencing guidelines system is contained in the presentence report. See S. Rept. No. 97-307, pages 1303-1304.

Section 205(b) amends Rule 35 of the Federal Rules of Criminal Procedure in order to accord with the provisions of proposed section 3742 of title 18 concerning appellate review of sentence. New subdivision (a) requires the court to correct a sentence that is determined on appeal under 18 U.S.C. 3742 to have been imposed in violation of law, to have been imposed as a result of an incorrect application of the guidelines, or to be unreasonable. New subdivision (b) permits the court, on motion of the government, to lower a sentence within one year after its imposition to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, to the extent that such assistance is a factor in applicable guidelines or policy statements issued by the Sentencing Commission.

Section 205(c) amends Rule 38 of the Federal Rules of Criminal Procedure in order to make technical changes necessitated by the enactment of provisions for appellate review of sentence. See S. Rept. No. 97-307, page 1306. Section 205(c) also adds two new subdivisions to Rule 38. New subdivision (e) relates to the stay of an order of criminal forfeiture, notice to victims, or restitution, if an appeal of the conviction or sentence is taken. New subdivision (f) of Rule 38 provides for the stay of a civil or employment disability that arises under a federal statute by reason of the defendant's conviction or sentence if an appeal is taken from the conviction or sentence.

Section 205(d) makes a correction in a cross-reference in Rule 40 of the Federal Rules of Criminal Procedure.

Section 205(e) amends Rule 54 to redefine the term "petty offense" in subdivision (c) to refer to the grading of offenses prescribed by proposed section 3583 of title 18.

Section 205(f) amends the table of rules of the Federal Rules of Criminal Procedure to accord with the other amendments to the rules.

Section 206.

Section 206 adds a definition of "petty offense" to the Rules of Procedure for the Trial of Misdemeanors Before United States Magistrates to take into account the new grading structure for federal offenses.

Section 207.

Section 207(a) adds a new chapter 58 to title 28 of the United States Code. That chapter creates the United States Sentencing Commission and outlines its functions.

CHAPTER 58 OF TITLE 28—UNITED STATES SENTENCING COMMISSION

Section 991 (United States Sentencing Commission; Establishment and Purpose)—Proposed section 991 of title 28, United States Code, creates the United States Sentencing Commission and spells out its purposes. The Commission is established as an independent commission in the judicial branch consisting of seven voting members

appointed by the President by and with the advice and consent of the Senate. The Attorney General, or his designee, is an ex officio non-voting member of the Commission.

Under subsection (b), the purposes of the Sentencing Commission are to establish sentencing policies and practices for the federal criminal justice system that assure the meeting of the purposes of sentencing, provide certainty and fairness in meeting those purposes, avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct, and reflect, to the extent practicable, the advancement in knowledge of human behavior as it relates to the criminal justice process. In addition, subsection (b) requires justice process. In addition, subsection (b) requires the Commission to develop means of measuring the degree to which sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing. See S. Rept. No. 97-307, pages 1327-1330.

Section 992.—Terms of Office; Compensation.

Proposed section 992 of title 28, United States Code, sets out, in subsection (a), a system of staggered appointments for the Chairman and voting members of the Commission such that, once in operation, the Commission membership will be replaced or reappointed over a period of six years—at least two members, or one member and the Chairman, every two years. Subsection (b) of proposed section 992 provides that a voting member may serve no more than two full terms and that a member appointed to serve an unexpired term shall serve only the remainder of the term. Subsection (c) provides for a full time commission until six years after the effective date of the first comprehensive set of guidelines. Thereafter only the chairman would be a full time commissioner. This subsection also sets the compensation for the commission members and expressly provides that a Federal judge may serve as a member of the Commission without resigning his appointment as a Federal judge. See S. Rept. No. 97-307, p. 1331.

Section 993.—Powers and Duties of Chairman.

Proposed section 993 of title 28 provides that the Chairman, who is appointed as such by the President with the advice and consent of the Senate, is to call and preside at meetings, and to direct the preparation of appropriations requests and the use of funds made available to the Commission.

Section 994—Duties of the Commission.

Proposed section 994 of title 28 spells out the duties of the Sentencing Commission.

Subsection (a) requires the Sentencing Commission to promulgate sentencing guidelines and policy statements to be used by the sentencing judge in determining the appropriate sentence in a particular case. The sentencing guidelines and policy statements are to be promulgated pursuant to the rules and regulations of the Sentencing Commission and to be consistent with all pertinent provisions of titles 18 and 28. Guidelines and policy statements must be adopted by an affirmative vote of at least four members of the Commission.

Under subsection (a)(1)(A), the guidelines are required to provide guidance for the judge in determining whether to sentence a convicted defendant to probation, to pay a fine, or to a term of imprisonment. See S. Rept. No. 97-307, pages 1331-1333.

Subsection (a)(1)(B) requires that the sentencing guidelines recommend an appropriate amount of fine or appropriate length of a term of probation or imprisonment. In recommending an appropriate fine, the Commission could, of course, provide a formula or a set of principles for determining an appropriate fine relative to the damage caused, the gain to the defendant, or the ability of the defendant to pay, consistent with these flexibility possible because of the high maximum fines set forth in chapter 227 of title 18, rather than specifying a specific dollar amount.

Subsection (a)(1)(C) requires that the sentencing guidelines recommend whether a category of defendant convicted of a particular offense who is sentenced to a term of imprisonment should be required to serve a term of supervised release, and if so, what length of term is appropriate.

Finally, subsection (a)(1)(D) requires that the sentencing guidelines include recommendations as to whether sentences to terms of imprisonment should be ordered to run concurrently or consecutively.

Under subsection (a)(2), the Commission is required to issue general policy statements concerning application of the guidelines and other aspects of sentencing and sentence implementation that would further the ability of the federal criminal justice system to achieve the purposes of sentencing. Policy statements are required to address the questions of the appropriate use of the sanctions of order of criminal forfeiture, order of restitution, and order of notice to victims; conditions of probation and supervised release; sentence modification provisions for fines, probation, and imprisonment; authority under Rule 11(e)(2) of the Federal Rules of Criminal Procedure to accept or reject a plea agreement; and temporary release under section 3622 of title 18 and pre-release custody under section 3624(c) of title 18. These policy statements could also address, for example, such questions as the appropriateness of sentences outside the guidelines where there exists a particular aggravating or mitigating factor which does not occur sufficiently frequently to be incorporated in the guidelines themselves.

The policy statements might also address such issues as the kind of recommendations a judge might make pursuant to section 3582(a) of title 18 to the Bureau of Prisons as to an appropriate prison facility for a defendant committed to its custody. One important function of the policy statements might be to alert federal district judges to existing disparities which have not adequately been cured by the guidelines, while offering recommendations as to how these situations should be treated in the future. Another area in which the Sentencing Commission might wish to issue general policy statements concerns the imposition of sentence upon organizations convicted of criminal offenses. See S. Rept. No. 97-307, page 1334.

Under subsection (a)(3) of section 994, the Sentencing Commission is required to issue either guidelines or policy statements concerning the appropriate use of probation revocation under section 3565 of title 18, and of the provisions for modification of the term or conditions of probation or supervised release set forth in sections 3563(c), 3564(d), and 3583(e) of title 18.

Under subsection (b) of proposed section 994, the Commission is to devise categories based on characteristics of the offense and categories based on characteristics of the offender. For each combination of a category of offense and a category of offender, a sentence or sentencing range is to be recommended that is consistent with all pertinent provisions of title 18 of the United States Code. This subsection contemplates a detailed set of sentencing guidelines, to be used as indicated in subsection (a) and in chapter 227 of title 18, as amended by this bill, that are designed to achieve the purposes of sentencing set forth in title 18. The subsection further requires that, if the guidelines recommend a term of imprisonment for a particular combination of offense and offender characteristics, the maximum of the sentencing range recommended may not exceed the minimum of that range by more than 25 percent. See S. Rept. No. 97-307, page 1336.

Subsection (c) of proposed section 994 lists a number of offense characteristics which the Sentencing Commission is required to examine for the purpose of determining whether and to what extent they are pertinent to the establishment of categories of offenses for use in the sentencing guidelines and policy statements dealing with the nature, extent, location, or other incidents of an appropriate sentence. The Commission is required to determine whether and to what extent each factor might be pertinent to the kind of sentence that should be imposed; the size of the fine or the length of a term of probation, imprisonment, or supervised release; and the conditions of probation, supervised release, or imprisonment. The Sentencing Commission may conclude, with respect to any of the listed factors, that, for example, the factor should not play a role at all in sentencing for a particular purpose. The Sentencing Commission is also required under subsection (c) to determine whether other factors not specifically listed are relevant to the sentencing decision. For a detailed discussion of the various factors the Commission is required to consider, see S. Rept. No. 97-307, pp. 1337-1339.

Subsection (d) of proposed section 994 contains a list of a number of offender characteristics that the Sentencing Commission is required to examine in order to determine whether and to what extent they are pertinent to the establishment of categories of offenders for use in the sentencing guidelines and policy statements concerning the nature, extent, location, or other incidents of an appropriate sentence. The subsection parallels subsection (c) in its description of the issues that the Commission is required to examine. It also contains a specific provision that "The Commission shall assure that the guidelines and policy statements are entirely neutral as to race, sex, national origin, creed, and socioeconomic status of offenders."

Subsection (d)(1) specifies that the Commisson should consider what effect the age of the defendant should have on the sentencing decision. The factor derives in part from the fact that under the Youth Corrections Act and the young adult offender provisions in current law, the youth of an offender frequently plays a role in the sentencing decision. This role may, depending upon the way in which the current law provisions are applied, result in a more harsh or less harsh sentence than a regular adult offender would receive for the same offense committed under similar circumstances. The provision of subsection (d)(1) is intended to require that consideration of youth in determining the appropriate sentence be employed in a more rational and consistent way than it is today. Accordingly, the bill repeals the Youth Corrections Act and the young adult offender sentencing provisions and requires the Sentencing Commission to

consider, in promulgating the sentencing guidelines and policy statements, what effect age—including youth, adulthood, and old age—should have on the nature, extent, location, and other incidents of an appropriate sentence. For a discussion of the other factors listed in subsection (d), see S. Rept. No. 97-307, pages 1340-1342.

Subsection (e) specifically requires that the Sentencing Commission ensure that the sentencing guidelines and policy statements reflect the "general inappropriateness" of considering education, vocational skills, employment record, family ties and responsibilities, and community ties of the defendant in recommending a term of imprisonment or the length of a term of imprisonment. See S. Rept. No. 97-307, page 1342.

Subsections (f) through (m) contain a number of provisions giving general guidance to the Sentencing Commission on the considerations that the Congress believes to be appropriate in establishing the sentencing guidelines. Subsection (f) emphasizes the importance of providing certainty and fairness in sentencing and reducing unwarranted sentencing disparities. Subsection (g) requires the Commission to take into account the nature and capacity of the penal, correctional, and other facilities and services available to the federal criminal justice system and make recommendations concerning any change of expansion that might become necessary as a result of the sentencing guidelines. Subsection (h) requires the Commission to assure a term of imprisonment at or near the maximum authorized term for adult habitual violent and drug offenders. Subsection (i) requires that the Commission guidelines specify a sentence to a substantial term of imprisonment for serious repeat offenders, career criminals, and drug traffickers. Subseciton (j) indicates that it is generally appropriate for the guidelines to reflect no sentence of imprisonment in cases in which a defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense, and, conversely, that the guidelines reflect the general appropriateness of imposing a sentence of imprisonment in a case involving a crime of violence that results in serious bodily injury. The words "general appropriateness" are intended to make clear that there may be exceptions to this general statement, and that it is intended only to provide general guidance to the Sentencing Commission. Subsection (k) requires that the guidelines reflect the inappropriateness of imposing a sentence to a term of imprisonment for the purpose of rehabilitating the defendant or providing the defendant with needed educational and vocational training, medical care, or other correctional treatment. Subsection (l) is designed to ensure that the guidelines reflect the appropriateness or imposing incremental penalties for multiple offenses, and the general inappropriateness of imposing consecutive terms for a conspiracy or solicitation and for the offense that was the sole object of the conspiracy or solicitation. Subsection (m) requires the Commission to insure that the guidelines reflect the fact that, in many cases, current sentences do not accurately reflect the seriousness of offenses and, as a starting point, to review the average sentences imposed in categories of case under current practices, including the average term of imprisonment. The subsection also makes clear that the Commission is not bound by these averages.

Subsection (n) requires the Commission periodically to update its guidelines and to consult with a variety of interested institutions and groups. This revision and refinement of the guidelines will represent the bulk of the Commission's work once the initial guidelines and policy statements are promulgated. The provision mandates that the Commission constantly monitor the implementation of the guidelines in order to determine whether unwarranted sentencing disparity is effectively being avoided. The subsection complements appellate review of sentence by providing effective oversight as to how well the guidelines are working. The oversight would not involve any role for the Commission in second-guessing individual judicial sentencing actions either at the trial or appellate level. Rather, it would involve an examination of the overall operation of the guideline system to determine whether the guidelines are being effectively implemented and to revise them if for some reason they fail to achieve their purposes.

Subsection (o) requires that proposed amendments to the guidelines, and a statement of reasons for the amendments, be reported to the Congress at or after the beginning of a session of Congress but no later than the first of May. It provides that the amendments will take effect 180 days after the Commission reports them, except to the extent that the effective date is enlarged or the guidelines are disapproved or modified by Act of Congress. The provision is modeled after section 3771 of title 18, United States Code, relating to amendments to the Federal Rules of Criminal Procedure.

Subsection (p) requires the Sentencing Commission and the Bureau of Prisons to conduct a thorough analysis of the optimum utilization of resources to deal with the federal prison population, and to report to the Congress on the results of that study.

Subsection (q) requires the Commission to make recommendations to the Congress concerning raising or lowering of grades for offenses, or otherwise modifying the maximum penalties for offenses. This provision is especially important in light of the fact that the sentencing provisions are now contained in an amendment to title 18 that does not revise the definitions of offenses and regrade them according to their relative seriousness. Thus, it is probable that the Commission will find in promulgating its guidelines that the maximum sentences for some offenses do not adequately reflect the relative seriousness of those offenses, with some maximum sentences being too high relative to those for similar offenses while others are too low. It is expected that the Commission will promulgate its guidelines according to what it believes the sentences should be for a given combination of offense and offender characteristics, and if such recommendation necessitates an amendment of the statutory maximum sentence for a particular offense, it will recommend such a change.

Subsection (r) requires the Sentencing Commission to give "due consideration" to a request by a defendant for modification of the sentencing guidelines applied to his case. The Commission is required to respond, to state reasons for any declination to make modifications, and to keep the Congress informed of such actions on an annual basis.

Subsection (s) requires the Commission to describe the "extraordinary and compelling reasons" that would justify a reduction of a particularly long sentence pursuant to section 3582(c)(2) of title 18. The subsection specifically states, consistent with the rejection of the rehabilitation theory as the basis for determining the length of a term of imprisonment, that "rehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason" for reducing the sentence.

Subsection (t) requires the Sentencing Commission, in reducing sentence for a particular category of offense, to specify by what amount the sentence of a prisoner sentenced outside the guidelines might be reduced if the person was sentenced before the reduction. This specification would then be used by the court in assessing a prisoner's petition pursuant to section 3582(c)(3).

Subsection (u) provides that the policy statements issued by the Sentencing Commission shall include a policy limiting consecutive terms for an offense involving violation of a general prohibition and an offense involving a specific prohibition contained within the general prohibition. The policy is intended to apply to those offenses which are, in effect, "lesser-included offenses" in relation to other, more serious ones, but which for merely technical reasons do not quite come within the definition of a lesser-included offense.

Subsection (v) provides that the appropriate judge or officer will supply the Sentencing Commission in each case with a written report of each sentence containing detailed information as to the various factors relevant to the sentence and other information found appropriate by the Commission. This provision is necessary for the Sentencing Commission to be able to monitor the effectiveness of various sentencing policies and practices. The Commission is required to submit at least annually to the Congress an analysis of the reports submitted to it under these provisions and any recommendations for legislation that the analysis indicates is warranted.

Subsection (w) makes provisions of 5 U.S.C. 553, the provisions of the Administrative Procedure Act that relate to rulemaking, applicable to the promulgation of guidelines pursuant to section 994. This is an exception to the fact that the Administrative Procedure Act is not generally applicable to the judicial branch and also to the fact that the Federal Register is not generally used by that branch for publication required under the Act.

Section 995.—Powers of the Commission.

Proposed section 995 of title 28 describes the powers of the Sentencing Commission. Subsection (a) enumerates 21 specific powers of the Commission that may be exercised by majority vote of the members present and voting, and provides, in paragraph (22), that the Commission may perform such other functions as are required to permit federal courts to meet their sentencing responsibilities under section 3553(a) of title 18, and to permit others involved in the federal criminal justice system to meet their related responsibilities.

The first eight paragraphs of subsection (a) contain general administrative powers necessary to carry out the functions of the Commission. See S. Rept. No. 97-307, pages 1348 through 1349.

In addition, section 995 gives the Commission a number of powers relating specifically to its role in monitoring the effectiveness of the sentencing practices and policies in the federal criminal justice system.

Under subsection (a)(9), the Sentencing Commission has authority to monitor the performance of probation officers with respect to sentencing recommendations, including those relating to application of guidelines and policy statements. Under

subsection (a)(10), the Commission is authorized to issue instructions to probation officers concerning the application of guidelines and policy statements of the Commission. See S. Rept. No. 97-307, page 1349.

A number of additional provisions provide for extensive research and data collection and dissemination authority in the sentencing area. These functions are essential to the ability of the Sentencing Commission to carry out two of its purposes: the development of a means of measuring the degree to which various sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing, and the establishment (and refinement) of sentencing guidelines and policy statements that reflect, to the extent practicable, advancement in knowledge of human behavior as it relates to the criminal justice process.

Subsection (b) is a broad statement of powers and duties similar to section 995(a)(22), and includes specific authority to delegate powers other than the powers to promulgate general policy statements and sentencing guidelines, to issue general policies and promulgate rules and regulations pursuant to section 995(a)(1), and to decide which factors should be considered in establishment of categories of offenders and offenses pursuant to section 994(b). It also contains language that requires the Commission with respect to certain of its activities, to the extent practicable, to utilize resources of the Administrative Office of the United States Courts and the Federal Judicial Center in order to avoid unnecessary duplication.

Subsection (c) requires federal agencies to make services, equipment, personnel, facilities, and information available on request of the Commission to the greatest practicable extent.

Subsection (d) provides that a simple majority of the membership then serving shall constitute a quorum for the conduct of business. Except for the promulgation of sentencing guidelines or policy statements, the Commission may exercise its powers and fulfill its duties by the vote of a simple majority of the members present.

Subsection (e) requires the Commission, except where otherwise provided by law, to make available for public inspection a record of the final vote of each member on any action taken.

Section 996—Director and Staff.

Proposed section 996 of title 28 describes the authority of the staff director to supervise the activities of the Commission employees and perform other duties assigned by the Commission, and to appoint such officers or employees as are necessary in the execution of the functions of the Commission, subject to the approval of the Commission. It is intended that the Commission staff consist of persons with a wide variety of backgrounds pertinent to conducting criminal justice research and making recommendations as to sentencing policy.

The officers and employees of the Commission are, under subsection (b), exempted from most civil service provisions in title 5, United States Code, except for the benefits provided in chapters 81 through 89.

Section 997—Annual Report.

Proposed section 997 of title 28 requires the Commission to report annually to the Judicial Conference, the Congress, and the President on the activities of the Commission.

Section 998—Definitions.

Proposed section 998 of title 28 contains definitions needed for the understanding of chapter 58 of title 28.

REPEALERS

Section 208.

Section 208(a) of the bill repeals a number of provisions of title 18 of the United States Code.

Section 1 of title 18, which defines felonies, misdemeanors, and petty offenses, is deleted as covered in the sentencing provisions of chapter 227.

Section 3012 of title 18 is repealed as covered by the new sentencing provision in this title.

Sections 4082(a), 4082(b), 4082(c), 4082(e), 4084, and 4085 are repealed as covered by the new sentencing provisions of this title.

Chapter 309, relating to good time allowances and release dates, is repealed as covered by the release provisions of section 3624 of title 18, as enacted by this bill.

Chapter 311, relating to parole, is repealed as replaced by the new sentencing provisions.

Chapter 314, relating to sentencing of narcotic addicts, is repealed consistent with the decision to repeal specialized sentencing provisions and replace them with provisions for sentencing guidelines that permit consideration of all combinations of offense and offender characteristics in a systematic manner.

Sections 4281, 4283, and 4284, relating to discharge and release payments, are deleted as covered by provisions of chapter 229.

Chapter 402, the Federal Youth Corrections Act, is repealed as covered by the sentencing guidelines provisions, particularly 28 U.S.C. 994(d)(1). See the discussion of that provision.

Sections 208 (b) through (e) contain technical amendments to various analyses contained in title 18 to reflect the repeal of these sections and chapters.

Section 209.

Section 209(a) repeals sections 404(b) and 409 of the Controlled Substances Act (21 U.S.C. 844(b) and 849), the specialized sentencing provisions for special dangerous drug offenders. These special dangerous offender provisions are more adequately covered in the sentencing guidelines provisions that require the guidelines to reflect a substantial term of imprisonment for drug traffickers.

TECHNICAL AND CONFORMING AMENDMENTS

Section 210.

Section 210(a) amends section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) to reflect the deletion of the concept of petty offense.

Section 210(b) amends section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) to add a reference to a term of supervised release after a reference to a parole term.

Section 211. Section 211 amends section 4 of the Act of September 28, 1962 (16 U.S.C. 460k-3) to replace a reference to petty offenses with a reference to misdemeanors.

Section 212. Section 212 amends section 9 of the Act of October 8, 1944, to reflect the authority of the United States Magistrate to try and sentence persons charged with the commission of misdemeanors and infractions, as defined in section 3581 of title 18.

Section 213. Section 924(a) of title 18 is amended by section 213(a) to delete a reference to parole, since parole is abolished.

Section 1161 of title 18 is amended by section 213(b) to update a cross-reference.

Section 1761(a) of title 18 is amended by section 213(c) to make an exception to the restriction on transportation or importation of prison-made goods applicable to a person on supervised release as well as to one on parole.

Section 1963 of title 18 is amended by section 213(d) to conform to changes in the forfeiture statutes made by title IV of this bill.

Section 2114 of title 18 is amended by section 213(e) to make it clear that the sentence is not intended to be mandatory.

Section 3006A of title 18 is amended by section 213(f) to reflect the new grading scheme in the sentencing provisions and to delete references to revocation of parole, since parole is abolished by this bill.

Section 3143, as amended by this Act, is amended by section 213(g) to provide that a person awaiting sentencing is not presumed to be detainable if the applicable sentencing guideline does not provide a term of imprisonment. Section 213(g) of the bill also adds a new provision to section 3143(c) of title 18 specifying the provisions of the bail statutes that apply to a defendant whose sentence is being appealed by himself or by the government.

Section 3147 of title 18, as amended by this Act, is amended by section 213(h) to eliminate mandatory minimum sentences for certain offenses.

Subsections (i), (j), and (k) of section 213 amend sections 3156(b)(2), 3172(2), and 3401(h) of title 18 to reflect the new grading scheme set forth in section 3581 of title 18. Section 3401 is also amended by repealing subsection (k), which relates to magistrate sentencing in youth offender cases, since the youth offender provisions in current law have been repealed.

Section 213(l) of the bill amends cross-references in section 3670 (formerly 3619) of title 18.

Section 213(m) of the bill deletes a reference to parole officers in section 4004.

Section 213(n) of the bill amends chapter 306 of title 18, relating to transfer of offenders to and from foreign countries, in several respects. First, it amends subsection (f) of section 4101 to include a term of supervised release in the definition of parole. Second, it amends subsection (g) of sectoin 4101 to conform the description of probation to the provisions of subchapter B of chapter 227. Third, it amends section 4105(c) to bring a reference in paragraph (1) into conformity with the revised provisions relating to credit towards service of sentence for satisfactory behavior contained in section 3624, to conform cross-reference in paragraphs (1) and (2), to delete paragraph (3) because of the new provisions relating to good time set forth in section 3624, and to amend paragraph (4) to delete references to forfeiture of good time is inconsistent with the provisions of section 3624. Section 4106 is amended to place offenders on parole in a foreign country who are transferred to the United States under supervision by the prohibition system rather than the Parole Commission, which would be abolished by this bill, and to provide that an offender transferred to serve a term of imprisonment shall be released in accord with the provisions of section 3624(a) of title 18 after serving the period of time specified in the applicable sentencing guidelines (rather than the Parole Commission's setting the release date). If the guidelines recommend a term of supervised release for such an offender, the offender will be placed on such a term. Sentence review procedures of section 3742 are made applicable to a sentence under the subsection, and the United States court of appeals for the district in which the offender is imprisoned or under supervision after transfer to the United States has jurisdic-

tion to review the sentence as though it had been imposed by the district court. Section 4106(c) is repealed, since it relates to parole release and parole has been abolished. Section 4108(c) is amended to require that, when an offender's consent to transfer to the United States is verified, the offender be informed of the applicable guideline sentence for his offense.

Section 213(o) of the bill amends section 4321 of title 18 to delete a reference to parole.

Section 213(p) of the bill amends section 4351(b) to make the Chairman of the Sentencing Commission a member of the National Institute of Corrections Advisory Board in place of the Chairman of the Parole Commission.

Section 213(q) of the bill amends section 5002 of title 18 to make the Chairman of the Sentencing Commission a member of the Advisory Corrections Council, and to delete references to the Parole Commission.

Sections 214-224. Section 214 amends section 401(b)(1)(A), (b)(1)(B), (b)(2), (b)(5), and (c) and section 405 of the Controlled Substances Act to delete references to a special parole term for various drug trafficking offenses. Section 401(b)(4) is amended to conform to the fact that the special sentencing provisions for drug possession have been moved to section 3607 of title 18. Section 408(c) is amended to delete a reference to the current parole statutes.

Section 215 deletes references in the Controlled Substances Import and Export Act to special parole terms.

Section 216 amends section 114(b) of title 23, United States Code, to add a reference to a term of supervised release.

Section 217 amends section 5871 of the Internal Revenue Code of 1954 to delete a reference to eligibility for parole.

Section 218(a) amends section 509 of title 28 to delete a reference to the Parole Commission. Section 218(b) amends section 591 of title 28 to conform to the grading of misdemeanors and infractions.

Section 218(c) amends section 2901 of title 28 to add a reference to a term of supervised release and to conform a cross-reference to chapter 227.

Section 219 of the bill amends section 504(a) of the Labor Management Reporting and Disclosure Act of 1959, which forbids, with certain exceptions, a current or former member of the Communist party or a person convicted of one of a list of specific offenses from holding office in a labor organization, to specify that the sentencing judge, rather than the Parole Commission, should decide whether a person convicted of a federal offense can hold union office. If the offense is a State or local offense, a judge of the United States district court in which the offense was committed may, under the amendment, make the decision upon motion of the Department of Justice. Section 504(a) is also amended to specify that decisions under the section are to be made pursuant to sentencing guidelines and policy statements promulgated pursuant to 28 U.S.C. 994(a), as enacted by this bill. Section 504(a) is further conformed to the bill by deleting a reference to administrative proceedings before the Board of Parole so as to conform with changes made in a reference to the sentencing court. Similar amendments are made by section 219 of the bill to section 411(a) of the Employee Retirement Income Security Act of 1974. In addition, section 411(c)(3) is amended to add a reference to a term of supervised release after a reference to parole.

Section 221 amends section 454(b) of the Comprehensive Employment and Training Act of 1973 to add a reference to a term of supervised release after a reference to parole.

Section 222(a) amends section 341(a) of the Public Health Service Act to delete references to hospitalization of drug addicts convicted of an offense and sentenced under the Narcotic Addict Rehabilitation Act of 1966 or the Federal Youth Corrections Act. Both those provisions are repealed by this bill in favor of permitting sentencing guidelines to recommend appropriate sentences for all combinations of offense and offender characteristics.

Section 343(d) of the Public Health Service Act is amended by section 222 to add a reference to a term of supervised release after the reference to parole.

Section 223 of the bill amends section 11507 of title 49, United States Code, to add a reference to a term of supervised release after the reference to parole.

Section 224 amends section 10(b)(7) of the Military Selective Service Act (50 U.S.C. App. 560(b)(7)) to substitute a reference to "release" for a reference to "parole."

Section 225.—Effective Date. Section 225 of title II is the effective date provision for the title. Subsection (a)(1)(A) makes the repeal of chapter 402 of title 18, United States Code, effective on the date of enactment. Subsection (a)(1)(B) makes the provisions of chapter 58 of title 28, United States Code, relating to the creation and responsibilities of the United States Sentencing Commission, effective on the date of enactment. It also specifies that the Sentencing Commission shall submit the initial sentencing guidelines promulgated pursuant to 28 U.S.C. 994(a)(1) to the Congress within 18 months of the date of enactment. The sentencing guidelines, and the provisions of sections 3581, 3583, and 3624 of title 18, United States Code, do not go into effect until after the Sentencing Commission has submitted the initial set of guidelines, the General Accounting Office has had 150 days to study them and report to Congress, and the Congress has had six months from the date of submission of the guidelines by the Sentencing Commission to examine them and consider comments. All other provisions of the bill will go into effect on the first day of the first calendar month beginning twenty-four months after the date of enactment.

Section 225(a)(2) provides that, for purposes of determining when the terms of office of the first members of the Sentencing Commission expire, their terms are deemed to begin to run when the sentencing guidelines first go into effect.

Section 225(b) specifies that certain provisions of current law relating to sentencing will continue to apply to individuals convicted to offenses or adjudicated to be juvenile delinquents before the effective date and as to a term of imprisonment imposed during the period described in subsection (a)(1)(B) (relating to the effective date of the initial set of sentencing guidelines). This will assure that the length of a term of imprisonment, and the parole and good time statutes, will remain in effect as to any prisoner sentenced before the sentencing guidelines and the provisions of proposed 18 U.S.C. 3553 and 3624 go into effect. All other aspects of the sentencing provisions will go into effect 24 months after the date of enactment.

Most of those individuals incarcerated under the old system will be released during the five-year period. As to those individuals who have not been released at that time, the Parole Commission must set a release date prior to the expiration of the five years that is within the range that applies to the prisoner under the applicable parole guidelines. (It is intended that, in setting release dates under this provision, the Parole Commission give the prisoner the benefit of the applicable new sentencing guideline if it is lower than the minimum parole guideline.)

Subsection (b) also assures that, while the Parole Commission remains in existence, the Chairman of the Parole Commission or his designee will remain a member of the National Institute of Corrections, and the Chairman will remain a member of the Advisory Corrections Council ex officio and be an ex officio member of the Sentencing Commission.

Section 226. Section 226 requires the General Accounting Office to conduct a six-month study, four years after the effective date of the sentencing guidelines, of the operation of those guidelines compared with the current parole release system. The United States Sentencing Commission would be required to provide GAO, all appropriate courts, the Department of Justice, and the Congress with a report detailing the operation of the sentencing guidelines and making recommendations. Congress would be required to review the GAO study to determine the effectiveness of the sentencing guidelines system, whether any changes are needed in the system, and whether the parole system should be reinstated in some form.

TITLE III—FORFEITURE

I. Introduction

Title III of the bill is designed to enhance the use of forfeiture, and in particular the sanction of criminal forfeiture, as a law enforcement tool in combatting two of the most serious crime problems facing the country: racketeering and drug trafficking.

There are presently two types of forfeiture statutes in federal law. The first provides for civil forfeiture, a civil in rem action, brought directly against property which is unlawful or contraband, or which has been used for an unlawful purpose. The majority of drug-related property, include drug profits, must be forefeited civilly under 21 U.S.C. 881. While this civil forfeiture statue has been an extremely useful tool in the effort to combat drug trafficking, a significant drawback is the requirement that a separate civil suit be filed in each district in which forfeitable property is located. Also, the overcrowding of civil dockets may require a substantial delay before these civil forfeiture cases may be heard. Where the property to be forfeited is the property of a person charged with a drug violation, and that violation constitutes the basis for forfeiture, a more efficient way of achieving forfeiture would be to employ the second type of forfeiture statue, a criminal forfeiture statue, and thereby consolidate consideration of forfeiture issues with the trial of the criminal offense.

Criminal forfeiture is relatively new to federal law, although it has its origins in ancient English common law. It is an in personam proceeding against a defendant in a criminal case, and is imposed as a sanction against the defendant upon his conviction. Criminal forfeiture is now available under two statues: the Racketeer Influenced and Corrupt Organization statute (18 U.S.C. 1960 et seq., hereinafter referred to as RICO) and the Continuing Criminal Enterprise statute (21 U.S.C. 848, hereinafter re-

ferred to as CCE), which punishes those who conduct drug trafficking organizations.

In the last decade, there has been an increasing awareness of the extremely lucrative nature of drug trafficking and of the illicit economy which it generates and through which it is sustained, and thus, of the importance of effective tools for attacking the economic aspects of such crime. A similar awareness with respect to racketeering led to the enactment of the RICO and CCE statutes more than ten years ago.

Both civil and criminal forfeiture hold significant promise as important law enforcement tools in separating racketeers and drug traffickers from their ill-gotten profits and the economic power bases through which they operate. However, because of limitations of and ambiguities in present forfeiture statutes, the law enforcement potential of forfeiture in these area has not been fully realized. Title III is designed to address these problems, and is based with minor modifications on the forfeiture provisions of title VI of the Senate-passed comprehensive drug enforcement and violent crime bill of the last Congress, S. 2572. This title of S. 2572 was, with certain amendments, based on S. 2320, the forfeiture bill prepared by the Administration which was approved by the Senate Judiciary Committee. (S. Rept. No. 97-520, 97th Cong., 1st Sess. (1982).)

This title is divided into four parts. The first, designated as Part A, sets forth an amended version of 18 U.S.C. 1963, the provision of current law governing the penalties, including criminal forfeiture, for violations of the RICO offenses described in 18 U.S.C. 1962. One of the significant proposed changes in the current RICO forfeiture provisions would make it clear that property which constitutes, or is derived from, the proceeds of racketeering activity punishable under 18 U.S.C. 1962 is subject to an order of criminal forfeiture. There is now a split in Circuits on whether such racketeering profits are subject to forfeiture, and the Supreme Court has granted certiorari in *Russello* v. *United States* (No. 82-472, cert. granted January 10, 1982) to review this issue. Other of the more significant amendments to section 1963 are designed to address the problem of defendants defeating forfeiture actions by removing, concealing, or transferring forfeitable assets prior to conviction. These amendments include a provision expanding to the pre-indictment stage the courts' authority to enter restraining orders, a provision setting out clear authority voiding such transfers in the context of criminal forfeiture actions, and a provision permitting the court to order the defendant to forfeit substitute assets when the property originally subject to forfeiture has been made unavailable at the time of conviction.

Part B of this title makes several amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.). The most significant of the amendments in Part B is the creation of a new criminal forfeiture statute that would be applicable in all cases involving major criminal violations of the Act. This new statute would provide for the criminal forfeiture of the proceeds of drug offenses as well as other property used in the commission of such offenses, and would reduce the need to pursue parallel criminal prosecutions and civil forfeiture actions. This forfeiture statute would also include several of the improvements proposed with respect to the RICO criminal forfeiture statute in part A of this title. Part B would also amend the civil forfeiture provisions of the narcotics laws (21 U.S.C. 881) to allow, in certain new circumstances, the forfeiture of real property, and to require the stay of civil forfeiture proceedings pending disposition of a related criminal case in those instances where the criminal prosecution and forfeiture action cannot, or should not, be consolidated.

Part C establishes a four-year trial program under which amounts realized by the United States from the forfeiture of drug profits and other drug-related assets are to be placed in a special fund which is to be made available for appropriations to defray certain expenses that are incurred by the Government in civil and criminal forfeiture actions under title 21, United States Code.

Part D sets forth amendments to the Tariff Act of 1930 which are designed primarily to achieve two purposes: first, to improve civil forfeiture provisions which are applicable not only to forfeitures under the customs laws, but also, by virtue of 21 U.S.C. 881, to forfeitures under the drug laws; second, to create a Customs Forfeiture Fund that will be available to defray forfeiture expenses arising out of seizures and forfeitures under the Customs laws.

II. Section-by-section analysis

Section 301 provides that this title may be cited as the "Comprehensive Forfeiture Act of 1983."

Part A

Section 302 amends 18 U.S.C. 1963, the provision which sets out the penalties for a violation of the RICO statute (18 U.S.C. 1962). The current penalties of fine and imprisonment are retained, but the provisions relating to criminal forfeiture have been amended and expanded. Each of the subsections of 18 U.S.C. 1963, as it would be amended by section 302, is discussed below:

18 U.S.C. 1963(a)

Section 1963(a) sets out the penalties for a violation of 18 U.S.C. 1962. It carries forward the current fine and imprisonment levels and describes the property of the defendant that is subject to an order of criminal forfeiture. The substantive change is that it will specifically provide for the forfeiture of the profits generated by racketeering activity that serves as the basis for a RICO prosecution. Several courts have held that such profits are not currently forfeitable under RICO, and this limiting interpretation has significantly diminished the utility of the statute's criminal forfeiture sanction. The criminal forfeiture provisions of past criminal code reform legislation have also provided for the forfeiture of proceeds. See S. Rept. 97-307, p. 948. As noted above, the issue of the forfeitability of RICO profits is now pending Supreme Court review.

18 U.S.C. 1963(b)

The title's amended 18 U.S.C. 1963(b) emphasizes that property subject to civil forfeiture may be either real property or tangible or intangible personal property, and underscores an intent, consistent with current law (see, *e.g., United States* v. *Rubin*, 559 F.2d 975 (5th Cir. 1977)), that the concept of "property" as used in section 1963 is to be broadly construed.

18 U.S.C. 1963(c).

Subsection (c) of section 1963, as amended, is a codification of the "taint" theory long recognized in forfeiture cases. Under this theory, forfeiture relates back to the time of the illegal acts which give rise to the forfeiture. From that time forward, the property is tainted and remains subject to forfeiture regardless of any subsequent dispositon. Absent such a principle, a defendant could avoid forfeiture simply by transferring his property prior to conviction. This subsection makes it clear, however, that in the case of a transfer to a bona fide purchaser for value, the person may assert his interest in the property in a judicial proceeding pursuant to subsection (m).

18 U.S.C. 1963(d).

This provision is new to the law. It provides that where property found to be subject to forfeiture has been removed, concealed, transferred, or substantially depleted, the court may order that the defendant forfeit substitute assets. This subsection addresses one of the most serious impediments to significant forfeitures. Presently, a defendant may avoid the impact of forfeiture simply by transferring his assets to another, placing them beyond the jurisdiction of the court, or taking other actions to render such property unavailable at the time of conviction. Section 1963(d) addresses this problem. The criminal forfeiture provision of past criminal code reform legislation has also included a substitute assets provision. See S. Rept. No. 97-307, page 948-949.

18 U.S.C. 1963(e).

This provision expands the current authority of the courts to enter restraining or protective orders with respect to property that may be subject to forfeiture. The current restraining order authority, set out at 18 U.S.C. 1963, is limited to the post-indictment period. However, defendants often become aware, prior to indictment, of a criminal investigation and will move to conceal or alienate their forfeitable assets at that time. To address this problem, section 1963(e)(1)(B) describes certain circumstances under which the government may obain a pre-indictment restraining order. Subsection (e)(2) articulates the circumstances in which an ex parte pre-indictment restraining order may be issued. Such an ex parte order is limited to a term of ten days, and may be issued only when it appears that the giving of notice will result in the transfer or removal of the property before an order could be entered. Subsection (e)(3) permits the court to base a protective order on information not admissible under the rules of evidence.

18 U.S.C. 1963(f).

Proposed 18 U.S.C. 1963(f) governs matters arising during the period from the entry of the order of forfeiture until the time that the Attorney General directs disposition of the property. For the most part, these provisions are drawn from current law and practice, and have been formulated to provide necessary flexibility.

18 U.S.C. 1963(g).

Subsection (g) concerns matters regarding the disposition of property, and is drawn largely from current law. A new aspect of this provision is that it specifically authorizes the court to stay disposition of the forfeited property pending an appeal of the criminal case if a third party claiming an interest in the property demonstrates that such disposition will result in irreparable injury, harm, or loss to him. Once the property has been disposed of, the proceeds are to be used to pay the expenses of the forfeiture and sale, including costs arising from the seizure, maintenance, and custody of the property. The remaining amounts are to be deposited in the general fund of the Treasury.

18 U.S.C. 1963(h).

Subsection (h) sets forth several aspects of the authority of the Attorney General

with respect to property that has been ordered forfeited. This authority is in essence carried forward from existing law, although in a more straightforward manner.

18 U.S.C. 1963(i).

Under current 18 U.S.C. 1963(c), the procedures for most post-seizure matters are governed by the customs laws. In some respects, however, these customs law provisions have been inadequate in addressing some of the complex issues that arise in RICO cases, where forfeited property may include interests in ongoing businesses. Subsection (i) therefore permits the issuance of regulations to govern certain post-seizure matters which may be drafted to address some of the unique problems arising in RICO forfeiture cases.

18 U.S.C. 1963(j).

This provision codifies the currently recognized limitations on the commencement of legal actions by third parties claiming an interest in property subject to forfeiture. See *United States* v. *Mandel*, 505 F. Supp. 189 (D. Md. 1981).

18 U.S.C. 1963(k).

This provision emphasizes the current jurisdiction of the court to enter orders of criminal forfeiture without regard to the location of the property—a principle which distinguishes criminal forfeiture actions from in rem civil forfeiture actions.

18 U.S.C. 1963(l).

Subsection (l) of section 1963, as amended by this title, authorizes the court to order the taking of depositions to facilitate the identification and location of property that has been ordered forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture. The taking of such depositions will provide for a more orderly and fair consideration of these matters and will permit the development of a more complete record.

Subsection (m) of section 1963 establishes a judicial procedure for third parties to assert their interest in forfeitable property.

Part B

This part sets out various amendments to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.).

Section 303 creates a new generally applicable criminal forfeiture statute for all felony violations of Titles II and III of the Comprehensive Drug Abuse Prevention and Control Act. This statute is, in virtually all respects, identical to the RICO criminal forfeiture statute as amended by section 302 of this title, and will appear as a new section at the end of Part D of title II of the Comprehensive Drug Abuse Prevention and Control Act. The new drug criminal forfeiture section is divided into the following subsections.

Subsection (a) provides for the sanction of criminal forfeiture upon a defendant's conviction for a felony drug offense. Property which is subject to criminal forfeiture under this provision includes the proceeds of the drug violation (now subject to civil forfeiture under 21 U.S.C. 881(a)(6)), property used or intended to be used to commit the violation (such property is largely subject to civil forfeiture under current 21 U.S.C. 881), and the property already subject to criminal forfeiture under the Continuing Criminal Enterprise statute 21 U.S.C. 848).

Subsection (b), like the analogous provision of 18 U.S.C. 1963, as amended by section 302, emphasizes that the term "property", as used in subsection (a), is to be broadly construed.

Subsection (c)—see analysis of section 302 above that refers to new 18 U.S.C. 1963(c).

Subsection (d)—see analysis of section 302 above that refers to the analogous substitute assets provision of new 18 U.S.C. 1963(d).

Subsection (e) provides for a permissive presumption that property of a defendant is subject to forfeiture if the government establishes that the defendant acquired the property at or within a reasonably related time after the commission of the offense and that he had no apparent legal sources of income to explain his acquisition of the property. This provision is much like the "net worth" method of proof commonly used in tax cases. Framed as a permissive and rebuttable inference rather than a mandatory presumption, this provision appears to meet constitutional requirements fully. See *Ulster County Court* v. *Allen*, 442 U.S. 140 (1979).

Subsection (f)—see analysis of section 302 above that refers to the analogous protective order provision of new 18 U.S.C 1963(e).

Subsection (g) recognizes that in drug cases forfeitable assets frequently take the form of cash, precious metals and gems, and other property that is easily moved or concealed. With respect to such property, a restraining or protective order may not be sufficient to assure the availability of the property for forfeiture. Therefore, this section provides for the issuance of a warrant of seizure if the government demonstrates that a protective or restraining order will not be sufficient.

Subsection (h)—see analysis of section 302 above that refers to the analogous provision of new 18 U.S.C. 1963(f), governing certain matters arising in the period between the entry of the order of forfeiture and the disposition of the property.

Subsection (i)—see analysis of section 302 above that refers to the analogous provision of new 18 U.S.C. 1963(g), which governs matters concerning the disposition of property ordered forfeited.

Subsection (j)—see analysis of section 302 above that refers to the analogous provision of new 18 U.S.C. 1963(h), enumerating the authorities of the Attorney General.

Subsection (k) retains the current application of the customs laws to certain matters arising under forfeitures effected under title 21, United States Code. See 21 U.S.C. 881(d).

Subsection (l)—see analysis of section 302 above that refers to new 18 U.S.C. 1963(j).

Subsection (m)—see analysis of section 302 above that refers to new 18 U.S.C. 1963(k).

Subsection (n)—see analysis of section 302 above that refers to new 18 U.S.C. 1963(l).

Subsection (o) establishes a judicial procedure for third parties to assert claims to forfeitable property that is similar to the new procedure in 18 U.S.C. 1963(m) as added by this title.

Section 304 incorporates in 21 U.S.C. 824(f) (relating to the forfeiture of controlled substances held by a dispenser or manufacturer whose registration has been revoked) the "taint" theory discussed above under sections 302 and 303.

Section 305 deletes the separate criminal forfeiture provisions of the Continuing Criminal Enterprise statute (21 U.S.C. 848). Criminal forfeiture arising out of a violation of this statute will be governed by the new criminal forfeiture statute set out in section 303 of this title.

Section 306 amends certain provisions of 21 U.S.C. 881, which provides for the civil forfeiture of a variety of drug-related property, and which also governs certain procedural matters both in civil forfeitures and in criminal forfeitures under the CCE statute.

The first amendment would add to the list of property subject to civil forfeiture real property which is used in a felony violation of title 21. An "innocent owner" exception like that now included in other provisions of section 881(a) is included.

The amendments to subsections (b), (c), (d), and (e) of section 881 are essentially technical and conforming amendments. In addition, two new subsections are added to 21 U.S.C. 881. The first codifies that "taint" theory now clearly applicable in civil forfeiture actions. The second provides for a stay of civil forfeiture proceedings where a criminal action involving the offense that is also the basis for the civil forfeiture suit is commenced. Without such a stay, the civil proceeding may be used as a vehicle for premature or impermissibly broad discovery of matters that will arise in the criminal case.

Section 307 adds a new section at the end of Title III of the Comprehensive Drug Abuse Prevention and Control Act to make it clear that the new criminal forfeiture statute applies in cases of felony violations involving the import or export of controlled substances.

Section 308 is a conforming amendment to the table of contents of the Comprehensive Drug Abuse Prevention and Control Act.

Part C

Section 309 amends 21 U.S.C. 881(e) to achieve two purposes. First, it provides that the Attorney General may transfer drug-related property forfeited under title 21, United States Code, to another Federal agency, or to an assisting State or local agency, pursuant to section 616 of the Tariff Act (19 U.S.C. 1616), as amended in section 318 of the bill. Often, State and local law enforcement agencies give significant assistance in drug investigations that result in forfeitures to the United States. However, there is presently no mechanism whereby the forfeited property may be transferred to these agencies for their official use. This amendment, in conjunction with the Tariff Act amendment cited above, will permit such a transfer and thereby should enhance important cooperation between Federal, State, and local law enforcement agencies in drug investigations. The second amendment to 21 U.S.C. 881(e) provides for the deposit of moneys realized by the United States in drug forfeitures into the Drug Assets Forfeiture Fund created by section 310.

Section 310 amends 21 U.S.C. 881 by adding a new subsection (j) that would create, for a trial four-year period, a Drug Assets Forfeiture Fund from which moneys could be appropriated to defray the mounting costs associated with forfeiture actions. (A similar fund for customs forfeitures is created in section 317 of the bill.) Presently, when any amounts are realized by the United States from the forfeiture of drug-related assets, these amounts must be deposited in the general fund of the Treasury. Therefore, they are not available to defray the expenses of forfeiture in those cases where the expenses associated with the forfeiture of a particular piece of property exceed the amount realized by the sale of the property. Under new subsection (j), the amounts realized in profitable forfeitures would be deposited in a Drug Assets Forfeiture Fund which would be available, through the appropriations process, for payments, at the discretion of the Attorney General, for

four specified purposes. These purposes are: (1) the payment of expenses necessary to inventory, safeguard, maintain, advertise or sell the property, including payments for contract services or payments to State and local agencies which may provide these services; (2) payments for information or assistance relating to a drug offense or leading to a forfeiture of drug assets; (3) the compromise and payment of valid liens against forfeited property; and (4) disbursements to innocent persons in connection with the remission and mitigation of forfeiture. Reward payments from the Fund in excess of $10,000 must be authorized by either the Attorney General, Deputy Attorney General, Associate Attorney General, Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. These rewards also may not exceed a maximum of $150,000, or, in the case of a reward in a forfeiture case, the lesser of $150,000 or one-quarter the amount realized by the United States in the forfeiture action.

The authorized level of appropriations from the Fund for fiscal years 1984 through 1988 is not to exceed $20,000,000 or the total amount deposited in the Fund in the prior fiscal year. This appropriation ceiling applies to money for the first three purposes of the Fund specified in subsection (j)(1). For the fourth purpose—disbursements to innocent persons granted remission or mitigation of forfeiture—moneys may be appropriated from the fund as may be necessary. Not less than four months after the end of each fiscal year, the Attorney General is to submit to the Congress a detailed report on the amounts deposited in the Fund and expenditures made out of moneys appropriated from the Fund.

Part D

Part D of title III sets forth several amendments to the Tariff Act of 1930. These provisions govern the seizure and forfeiture of property under the customs laws, and are also applicable, by virtue of 21 U.S.C. 881, to seizure and forfeiture of drug-related property. Briefly, these amendments provide for: (1) the expanded use of efficient administrative forfeiture proceedings in cases in which no party comes forward to contest a forfeiture action; (2) enhanced cooperation between Federal and State and local law enforcement agencies by permitting the transfer of federally forfeited property to assisting State and local agencies and by providing clear authority for the discontinuance of Federal forfeiture actions in favor of forfeitures under State law; and (3) the creation of a Customs Forfeiture Fund to be available to defray expenses associated with forfeiture actions under the customs laws.

Section 311 amends 19 U.S.C. 1607, which in conjuction with sections 1608 and 1609 of title 19, United States Code, currently governs the procedures for the forfeiture of property valued at $10,000 or less. Under these provisions, notice of the seizure of the property is to be published and written notice is to be given to each party who appears to have an interest in the property. If no party comes forward to contest the forfeiture, the property may be forfeited in an administrative proceeding pursuant to 19 U.S.C. 1609. If a party does contest the forfeiture and posts the bond required under 19 U.S.C. 1608, a judicial proceeding must be held regarding the forfeiture. Significant numbers of forfeitures under the drug and customs laws are uncontested. However, the more efficient administrative forfeiture proceeding is available only with respect to a limited number of these cases because the property involved frequently exceeds the current $10,000 valuation ceiling. Thus, in a significant number of cases, judicial proceedings are required even though the forfeiture action goes uncontested. In these cases, the overcrowding of court dockets often means a delay of more than one year before the case may be heard, and during this period of delay the property is subject to deterioration and the costs to the government in maintaining and safeguarding the property escalate. To address this problem, section 311 and other of the amendments set out in Part D amend current law to make administrative forfeiture proceedings available in uncontested cases involving: (1) property of a value of up to $100,000; (2) any property the importation of which is prohibited (as under current law); and (3) any conveyances used to transport illicit drugs.

Section 312 amends 19 U.S.C. 1608 to increase the amount of bond which is to be filed by a party wishing to contest the forfeiture of property subject to the provisions of 19 U.S.C. 607 (i.e., property valued at $100,000 or less or conveyances of illicit drugs) in a judicial proceeding. Under current law, this bond is set at $250, an amount so low that it neither acts to discourage the filing of clearly frivolous suits nor reflects the substantial costs to the government in pursuing a judicial forfeiture. As amended by section 312, the bond would be set at the lesser of $5,000 of 10 percent of the value of the property, but in no event less than $250. This increased bond is also a reflection of the fact that in light of amendment to 19 U.S.C. 1607 by section 311 the bond provision will apply to cases involving property of significantly greater value than under present law. Of course, the bond requirement is subject to the established authority of the courts, because of due process requirements, to reduce or dispense with a required bond where a claimant is unable to post it.

Section 313 amends 19 U.S.C. 1609 to provide for the deposit of the proceeds of the sale of property forfeited under the customs law into the Customs Forfeiture Fund established in section 317.

Section 314 amends 19 U.S.C. 1610 to conform to the amendments discussed above regarding 19 U.S.C. 607. As under current law, section 1610 requires a judicial forfeiture for all property not governed by the procedures set out in sections 1607 through 1609 of title 19, United States Code. Thus, if the value of the property seized exceeds the limits described in 19 U.S.C. 1607, as amended in section 311 of this title, a judicial forfeiture is required regardless of whether the forfeiture is contested.

Section 315 sets forth an amendment to 19 U.S.C. 1612, which permits, in certain circumstances, the summary sale of a wasting asset, to conform with the amendment to 19 U.S.C. 607, discussed above in relation to section 311 of the bill.

Section 416 sets forth conforming amendments to 19 U.S.C. 1613 to provide for the deposit of customs forfeiture proceeds into the Customs Forfeiture Fund established in section 317 of the bill.

Section 317 amends the Tariff Act by creating a new section that will provide for the deposit of the proceeds of forfeitures under the customs laws into a Customs Forfeiture Fund which is to be available for the payment of expenses associated with forfeiture actions. It parallels the Drug Assets Forfeiture Fund established in section 310.

Section 318 creates a new section 616 of the Tariff Act (19 U.S.C. 1616) to govern certain dispositions of forfeited property. Subsection (a) of this new section permits the transfer of forfeited property to another Federal agency, or to a State or local agency which participated in the case which led to the forfeiture. Subsection (b) provides for the discontinuance of a Federal forfeiture action in favor of State or local forfeiture proceedings. Subsection (c) makes clear the authority of the United States to transfer the seized property directly to State or local authorities where a forfeiture action is discontinued under subsection (b), and subsection (d) provides for notice to be given to all interested parties to advise them of such a discontinuance of Federal proceedings.

Section 319 amends 19 U.S.C. 1619 to increase from $50,000 to $150,000 the maximum amount of a reward that may be paid for information leading to a forfeiture. As under current law, however, the amount of such an award may not exceed one-fourth of the amount realized by the United States from the forfeiture.

Section 320 adds a new section 589 to the Tariff Act to describe the arrest authority of customs officers.

Section 321 amends several sections of the Tariff Act to provide that the seizure and forfeiture of aircraft are treated in the same manner as the seizure and forfeiture of other conveyances. Other amendments to the Tariff Act in preceding sections of Part D of this title provided for the same change.

Section 322 amends 19 U.S.C. 1644 to correct an outdated reference to 49 U.S.C. 177 by substituting a reference to the current applicable provision of the Federal Aviation Act.

Section 323 adds a new section 600 to the Tariff Act to make it clear that all seizure effected by customs officers are to be governed by sections 602 through 609 of the Tariff Act unless other procedures for seizure are provided.

TITLE IV—INSANITY DEFENSE REFORM

Title IV of the bill amends various provisions of title 18, United States Code, and of the Federal Rules of Criminal Procedure, relating to the procedure to be followed in Federal courts with respect to offenders who are or have been suffering from a mental disease or defect. Among the matters provided for by these amendments are the determination of mental competency to stand trial, the determination of the existence of insanity at the time of the offense, a limitation of the scope of a separate insanity defense, and the post-trial hospitalization of defendants suffering from a mental disease or defect.

Section 402 of the bill adds a new section 20 to title 18 to limit the insanity defense. The section provides that insanity is a defense only if, at the time of the offense, the defendant, "as a result of a severe mental disease or defect was unable to appreciate the nature and quality or the wrongfulness of his act." Mental disease or defect would not otherwise constitute a defense. The new section also shifts to the defendant the burden of proving his insanity by clear and convincing evidence. This limitation of the insanity defense in effect eliminates the volitional portion of the two-pronged ALI-Model Penal Code test for insanity which has been adopted by the federal courts. That test for insanity states that "[a] person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks

substantial capacity to appreciate the criminality of his conduct or to conform to the requirements of law."

The volitional portion of the test is eliminated because there is much stronger agreement among psychiatrists about the defendant's understanding of his acts than about the concept of volition. A December 1982, statement by the American Psychiatric Association on the Insanity Defense noted that "[t]he line between an irresistible impulse and an impulse not resulted is probably no sharper than that between twilight and dusk." While, the cognitive portion is retained, section 406 of the bill amends Rule 704 of the Federal Rules of Criminal Procedure to forbid an expert psychiatric witness from stating an opinion as to whether the defendant's mental state or condition constituted a defense. Frequently, in insanity defense trials prosecution and defense psychiatrists agree about the nature and extent of the defendant's mental disorder. They disagree over the probable relationship between this disorder and the defendant's ability to appreciate the wrongfulness of his conduct. This relationship is treated as a question of fact for the jury to determine.

Section 403 of the bill provides a comprehensive amendment of current chapter 313 of title 18, United States Code. Proposed section 4241 deals with the determination of mental competency to stand trial. Section 4242 relates to the determination of the existence of insanity at the time of an offense. Section 4243 provides for the hospitalization of a person acquitted by reason of insanity. Section 4244 deals with the hospitalization of a convicted person who is suffering from a mental disease or defect. Section 4245 covers the hospitalization of an imprisoned person who suffers from a mental disease or defect. Section 4246 deals with the situation of such a person who is scheduled to be released. Section 4247 contains general provision for chapter 313.

TITLE V. DRUG ENFORCEMENT AMENDMENTS

Part A—Drug penalties

The purpose of Title V of the bill is to provide a more rational penalty structure for the major drug trafficking offenses punishable under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 *et seq.*). Trafficking in illicit drugs is one of the most serious crime problems facing the country, yet the present penalties for major drug offenses are often inconsistent or inadequate. This title primarily focuses on three major problems with current drug penalties.

First, with the exception of offenses involving marihuana (*see* 21 U.S.C. 841(b)(6)), the severity of current drug penalties is determined exclusively by the nature of the controlled substance involved. While it is appropriate that the relative dangerousness of a particular drug should have a bearing on the penalty for its importation or distribution, another important factor is the amount of the drug involved. Without the inclusion of this factor, penalties for trafficking in especially large quantities of extremely dangerous drugs are often inadequate. Thus, under current law the penalty for trafficking in 500 grams of heroin is the same as that provided for an offense involving 10 grams. The drug penalties schedule of the criminal code reform bill reported by the Senate in the prior Congress (S. Rep. No. 97-307, 97th Cong., 1st Sess.) addressed this problem by punishing as a Class B felony (up to 25 years' imprisonment) offenses involving trafficking in large amounts of opiates and other extremely dangerous drugs. Based on this approach, this title amends 21 U.S.C 841 and 960 to provide for more severe penalties than are currently available for such major trafficking offenses.

The second problem addressed by this title is the current fine levels for major drug offenses. Drug trafficking is enormously profitable. Yet current fine levels are, in relation to the illicit profits generated, woefully inadequate. It is not uncommon for a major drug transaction to produce profits in the hundreds of thousands of dollars. However, with the exception of the most recently enacted penalty for distribution of large amounts of marihuana (21 U.S.C. 841(b)(6)), the maximum fine that may be imposed is $25,000. This title provides more realistic fine levels that can serve as appropirate punishments for, and deterrents to, these tremendously lucrative crimes.

A third problem addressed by this title is the disparate sentencing for offenses involving Schedule I and II substances, which depends on whether the controlled substance involved in the offense is a narcotic or non-narcotic drug. Offenses involving Schedule I and II narcotic drugs (opiates and cocaine) are punishable by a maximum of 15 years' imprisonment and a $25,000 fine, but in the case of all other Schedule I and II substances, the maximum penalty is only five years' imprisonment and a $15,000 fine. The same penalty is applicable in the case of a violation involving a Schedule III substance. This penalty structure is at odds with the fact that non-narcotic Schedule I and II controlled substances include such extremely dangerous drugs as PCP, LSD, methamphetamines, and methaqualone, and federal prosecutions involving these drugs typically involve huge amounts of illicit income and sophisticated organizations. Removing the distinction, for the purposes of sentencing, between narcotic, as opposed to non-narcotic, controlled substances in Schedules I and II was proposed in S. 1951 in the 97th Congress, and this concept is included in this title.

The bill amends 21 U.S.C. 841(b), the provision which sets out the penalties for the most serious domestic drug trafficking offenses. Section 841(b)(1) is the current law that describes the penalties for offenses involving controlled substances in Schedules I, II, and III. Although marihuana is a Schedule I controlled substance, trafficking in amounts over 1,000 pounds is currently governed by 21 U.S.C. 841(b)(6), and distribution of small amounts for no remuneration is treated as mere possession under 21 U.S.C. 841(b)(4). Currently, offenses involving narcotic Schedule I and II substances (narcotic Schedule I and II controlled substances are opiates and cocaine; *see* 21 U.S.C. 802(16)) are governed by section 841(b)(1)(A), while offenses involving non-narcotic Schedule I and II substances and all Schedule III substances are governed by section 841(b)(1)(B). This part of the bill would redesignate these subparagraphs as subparagraphs (B) and (C) and create a new subparagraph (A) under section 841(b)(1) that would provide, for offenses involving large amounts of particularly dangerous drugs, higher penalties than those now provided under section 841.

Under this new section 841(b)(1)(A), an offense involving (i) 100 grams or more of an opiate; (ii) a kilogram or more of cocaine (a more complex manner of defining opiates and cocaine is necessary in the amendment because of the way in which such substances are defined elsewhere in title 21); (iii) 500 grams or more of PCP; or (iv) five grams or more of LSD, would be punishable by a maximum of 20 years' imprisonment and a fine of $250,000. Consistent with the current structure of section 841, these maximum penalities would be doubled where the defendant has a prior felony drug conviction. The bill's decription of the prior offense which may trigger the more severe penalty does, however, differ from the description used in current law. In current law, this enhanced sentencing is available only in the case of a prior federal felony drug conviction. The bill would permit prior State and foreign felony drug convictions to be used for this purpose as well. The prior conviction language of current provisions of section 841 and of section 962 (relating to importation and exportation offenses) has been amended in a similar manner to include State and foreign, as well as federal, felony drug convictions.

All other offenses involving a Schedule I or II substance, except those involving less than 50 kilograms of marihuana, 10 kilograms of hashish, or one kilogram of hashish oil, are to be punished under section 841(b)(1)(B). Thus, the current distinction, for purposes of punishment, between Schedule I and II substances which are narcotic drugs and those which are not has been abandoned. The maximum 15-year term of imprisonment currently applicable to offense involving narcotic Schedule I and II substances is retained. However, the current maximum fine level of $25,000 has been raised to $125,000. By virtue of current section 841(b)(6), offenses involving large amounts of marihuana are already punishable at this 15 years/$125,000 fine level. Similarly, offenses involving Schedule III substances and lesser amounts of marihuana, hashish, and hashish oil, governed in the amendment by section 702(1)(C), are punishable at the current level of five years' imprisonment, but the maximum fine has been raised from $15,000 to $50,000. Marihuana is currently treated in the same manner as a Schedule III controlled substance when the amount involved is less than 1,000 pounds. Thus, this formula is generally consistent with current law.

Section 841(b)(2) is amended to raise the fine level for a violation involving a Schedule IV substance from $10,000 to $25,000. Also included is the amendment noted above in relation to new section 841(b)(1)(A), which would treat State and foreign, as well as federal, felony drug convictions as prior convictions for the purpose of existing enhanced sentencing provisions.

Section 841(b)(3) is amended to raise the fine level for a violation involving a Schedule V substance from $5,000 to $10,000.

Paragraphs (5) and (6) of section 841(b) are deleted. Current paragraph (5) provides special penalties for violations involving PCP. Since PCP has not been designated as a Schedule II substance, this special provision is no longer necessary. Current paragraph (6) provides for heightened penalties for trafficking in large amounts of marihuana. Since this title provides that such offenses would be punishable under section 841(b)(1)(B) by a maximum penalty of 15 years' imprisonment and a $125,000 fine, this special provision is no longer necessary.

21 U.S.C. 960(b), which sets out the penalties for the major drug importation and exportation offenses, is amended in a manner consistent with the amendments to 21 U.S.C. 841(b) discussed above. Each of the paragraphs of this section is discussed below.

A new section 960(b)(1) is created which provides for heightened penalties for importation offenses involving large amounts of extremely dangerous drugs. This section is analogous to the new section 841(b)(1)(A).

Section 960, as was done with respect to section 841(b)(1), is amended to consolidate the treatment of offenses involving all Schedules I and II substances except lesser amounts of marihuana and hashish. The current 15-year level of imprisonment is retained, but the fine is elevated from $25,000 to $125,000, as was done with respect to the analogous offense under section 841(b)(1).

Current section 960(b)(2) (redesignated as section 960(b)(3) in the amendment), which now governs offenses involving all controlled substances other than Schedule I and II narcotic drugs, as amended, would continue to govern violations involving lesser amounts of marihuana and hashish and all Schedule III, IV, and V substances, would retain the current five-year maximum term of imprisonment, and would raise the current fine of $15,000 to $50,000. Unlike 21 U.S.C. 841(b), 21 U.S.C. 960 does not provide separate penalties for offenses involving Schedule IV and V substances.

21 U.S.C. 962 is amended to permit prior State and foreign, as well as Federal, felony drug convictions to be considered for the purpose of this section's enhanced sentencing for repeat drug offenders. As noted above, various provisions of 21 U.S.C. 841(b) were amended in a similar manner.

Part B—Diversion control amendments

Following a statement of findings and declarations, this part of Title V amends Section 102 of the Controlled Substances Act (CSA) to define the term "isomer" and redefine the term "narcotic drug." Confusion has arisen in some courts concerning the control of isomers of certain drugs, particularly cocaine. Similarly, certain ambiguities in the definition of narcotic drug are corrected relating to cocaine and concentrated poppy straw.

This part goes on to amend section 201 of the Controlled Substances Act to establish a new emergency authority to place an uncontrolled substance under temporary controls which provide for registration, recordkeeping, and criminal penalties of up to five (5) years. This would permit DEA to deal with rapidly developing situations in which a new or uncontrolled drug suddenly becomes a public danger.

This part then draws together and expands existing authorities which permit certain drug compounds to be exempted from the CSA. This will clarify present ambiguities in the law and also permit exemption of certain compounds not intended for human or animal administration.

The amendment to section 302 of the Controlled Substances Act would enable the Attorney General to determine by regulation the frequency with which practitioners must register, though in no case, more than once annually or less than once in three years. This will permit DEA to allow 98 percent of its approximately 600,000 registrants to register once every three years instead of annually as the law now requires. If this were found to be unsatisfactory, then DEA could by regulation, revert to a two-year, or one-year requirement.

The new section 303 of the Controlled Substances Act would greatly alter the standards required for the registration of practitioners. Currently, the requirement is only that they be licensed by state law. The new standard will enable DEA to consider recommendations of the state licensing board, special limitations, and applicants' prior conviction record and other related matters. This will give both DEA and state licensing boards improved ability to deny practitioners the right to utilize controlled drugs in appropriate cases; however, the burden of proof will be on the Government in an administrative hearing.

The amended section 304 of the Controlled Substances Act, which currently provides for revocation and suspension of registration, will correct the present situation in which the law does not specifically provide that failure to maintain the standards required for registration will be a cause for suspension of registration.

The amendments to section 304 would permit the Attorney General to place under seal any controlled substances possessed by registrants who have ceased to do business or whose registration has expired. DEA has such authority in many cases. This simply corrects an oversight in the 1970 law.

The modifications to section 307 of the Controlled Substances Act would exempt practitioners from recordkeeping requirements for drugs which are prescribed. The amendment will broaden the current exemption for prescribing which now relates only to narcotic drugs. It also eliminates the blanket exemption for administration which is now addressed in 307(c)(1)(B).

In addition, the new section 307 would exempt practitioners from recordkeeping requirements for the administration of drugs, but only when this represents an occasional activity. It also eliminates exemption for occasional dispensing. This provision narrows the current exemption for administering, eliminates the exemption for dispensing, and increases DEA's ability to detect diversion at the practitioner level.

In addition, distributors as well as manufacturers would be required to provide periodic reports on sales and distribution of Schedule I, II and III Substances. These will be limited to the greatest extent possible to major drugs of concern. At present, distributors are only required to file such reports for narcotic drugs.

Registrants would also be required to report changes of address. This is necessary in view of the plan to increase the length of registration to three years.

The amendment to section 402 of the Controlled Substances Act establishes penalties for violations of registrant requirements by adding an additional violation for production or procurement of drugs in excess of quota limitations. This change is in part necessary because of the extension of quota requirements to Schedule III drugs and because of an oversight in drafting the original Act of 1970. This adds an additional violation for it would also be an offense to make use of an expired registration number; this is to correct an oversight in the original act.

The amendment to section 503 of the Controlled Substances Act provides special grant authority and authorizes resources for expansion of DEA's State Assistance Program to help state and local governments suppress the diversion of controlled substances. DEA's program to assist states in establishing diversion investigation units has proven successful; however, because of lack of explicit authority and necessary resources, states have been hindered in establishing such programs. The new authority will respond to this problem.

The amendment to section 511 provides for the forfeiture of controlled substances possessed in violation of the law. This will correct an oversight in the original Act which included "manufacture," "distribution," etc., but not "possession."

The first of several amendments to the Import/Export Act amends Section 1002 to authorize the importation of limited quantities of certain drugs for scientific and research purposes. The need for such a provision to assist research has continually arisen since the original law was enacted in 1970.

The new section 1002 also authorizes the importation of poppy straw and its concentrate in addition to crude opium. There is a demonstrated need for such authority.

Section 1002 is also amended to permit the Attorney General to require, by regulation, import permits for controlled substances in Schedule III. This expands the current authority to require import permits, which now extends only to Schedules I and II and all narcotic drugs in any Schedule. It allows the use of discretion as to whether to require a declaration or permit.

The amendment to section 1003 permits the Attorney General to ensure that the foreign government of destination has approved import for consumption and not merely for transhipment. This will clarify the intent of the present law and permit the Attorney General to require the documenting proof necessary to help assure that the United States does not become a source country for international diversion.

The amendment to section 1007 requires registration of persons who export Schedule V drugs. At present, the registration requirement applies to all of the Schedules except V. This has created some confusion within the industry, and is an anomaly in the "closed system" of drug regulation.

The amendment to section 1008 lists the standards which must be met to register for import and export activity. At present the standards are incorporated by reference to another part of the law, thus making the Act difficult and confusing to use. This involves no change in substantive requirements.

Section 1008 is also amended to extend the drug specific nature of Schedule I and II import/export registrations to those for Schedule III, IV, and V. In addition, the revised section 1008 would list the specific standards required for registration of importers and exporters of drugs in Schedules III, IV, and V. Again the purpose is to eliminate confusing cross-references which now exist in the law. There is no change in substantive requirements.

The final change in section 1008 is to establish procedures to deny, revoke, or suspend a registration. The purpose here is to eliminate confusing cross-references which exist in the present drug law.

TITLE VI—JUSTICE ASSISTANCE

Title VI of this bill substantially amends title I of the Omnibus Crime Control and Safe Streets Act of 1968 to streamline the current research, statistics, and assistance program, to reauthorize these programs, and to create a criminal justice facilities program. In addition, the current prison industries provisions are expanded to permit broader participation. A substantially identical set of provisions has been ordered reported by the Committee separately as S. 53. For a further discussion, see the report on S. 53 and the discussion in the Congressional Record for March 16, 1983 relating to title VIII of S. 829.

TITLE VII—SURPLUS FEDERAL PROPERTY AMENDMENTS

Title VII of the bill is designed to make it easier for the federal government to transfer to the State and local governments surplus federal property for use by the transferee for the care or rehabilitation of criminal offenders. The provisions are also in accord with Recommendation 56 of the Attorney General's Task Force on Violent Crime, which cited the transfer of surplus property for this purpose as a "significant opportunity for Federal involvement in easing State and local correctional facility overcrowding." Attorney General's Task Force on Violent Crime, Final Report, p. 79 (1981).

The bill amends section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) to permit the Administrator of the General Services Administration to transfer or convey to a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or any political subdivision or instrumentality thereof, surplus property determined by the Attorney General to be required for a correctional facility by the transferee or grantee. Because of the knowledge of the Bureau of Prisons as to the appropriateness of particular facilities for particular corrections programs, the Attorney General rather than the Administrator of GSA would approve the transfer. The transfers under the provision would be made without charge to the State or local government receiving the property. If the property ceases to be used for the authorized purpose, it will revert, at the option of the United States, to the United States.

The bill also amends section 203 of the Federal Property and Administrative Services Act of 1949 to require that the head of the transferring agency submit an annual report to the Congress showing the acquisition cost of personal property donated and of real property disposed of during the preceding fiscal year.

TITLE VIII—LABOR RACKETEERING AMENDMENTS

Currently, section 302 of the Labor Management Relations Act, 1947 (also known as the Taft-Hartley Act) prohibits, among other things, the buying and selling of labor peace. Violation of this provision, however, is only a misdemeanor subject to a fine of up to $10,000 and imprisonment of not more than one year or both. This title raises this prohibition to a felony where the money or item involved exceeds $1,000, subject to a fine of not more than $15,000 and imprisonment for not more than five years or both.

In making this change, the drafters were aware of the technical nature of some of the prohibitions found in section 302. Section 302 also regulates employer payments to labor unions, employee pension and welfare plans, and labor-management cooperation committees, as opposed to corrupt payments to individuals. Therefore, violations of the statute based on the failure to comply with the restrictions governing such payments in section 302(c) (4) through (9), 29 U.S.C. 186(c)(4)-(9), will require proof that a defendant had knowledge of the factual circumstances surrounding the offense and acted with intent to benefit himself or any other person not permitted to receive such benefit. However, all violations not involving subsection (c) (4) through (9) will require proof of only general intent, as in existing law.

The amendment also clarifies jurisdiction of the district courts of the United States in light of the substantive changes made to the Taft-Hartley Act.

In addition, the bill would amend both sections 1111 and 504 and (1) elevate each statute to a felony with the uniform result that violation of either statute will carry a maximum sentence of imprisonment for five years, $10,000 fine, or both (2) extend the period of maximum prohibited service under each statute from five to ten years after conviction, or after the end of imprisonment, whichever is later and (3) impose the disability of each statute in all cases immediately upon conviction in the trial court from date of judgment, regardless of whether the judgment remains under appeal.

With respect to the issue of whether compensation, which might be otherwise due a convicted person, should be placed in escrow pending the outcome of any such appeal, the bill adopts the Senate Labor Committee's view of the escrow provision (as developed during the 97th Congress), which reflects an equitable balance between the interests of the convicted individual during appeal and interests of the union members and benefit plan participants. Moreover, additional avenues of relief are open to the convicted individual under 29 U.S.C. 504 and 1111 in the form of existing statutory exemptions from disqualification which can result from a full restoration of citizenship rights lost after conviction or action of the U.S. Parole Commission.

The bill also enlarges the list of disabling crimes in each statute to also include certain offenses involving abuse or misuse of the convicted person's labor organization or employee benefit plan position or employment, as well as enlarge the class of persons prohibited from service with labor unions and employee benefit plans by reason of their convictions. Especially significant is the elimination of the exception for exclusively clerical and custodial employees currently found in section 504. The clerical exception is sometimes used as a vehicle for the rehiring, with substantial salaries, of convicted individuals who have vacated union office, but who continue to exercise the influence and control formerly enjoyed by virtue of the vacated office. Because a union official who uses his position corruptly may often wield great economic power over his fellow members and the employers with whom his union deals, it is sometimes difficult to prove that a convicted individual is in fact exercising more than exclusively clerical duties.

In general, the amendments made by the bill would apply prospectively only to those persons whose judgments of conviction (including imposition of sentence) were entered after the effective date of the amendments. Therefore, those persons whose judgments of conviction were entered prior to the effective date of the amendments will be subject only to the existing disabilities of 29 U.S.C. 504 and 1111 with one exception.

The exception relates to those convicted persons who, on the effective date of the amendments, would be disqualified from service by crimes currently enumerated and in positions currently listed in the existing provisions of 29 U.S.C. 504 and 1111, but for the fact that appeals from such convictions are either being pursued or could be properly pursued. The bill requires that those persons within the exception be removed from their respective positions upon the effective date of the amendments.

TITLE IX—CURRENCY TRANSACTION AMENDMENTS

This title would amend various sections in Subchapter II of Chapter 53 of title 31 of the United States Code to strengthen the ability of law enforcement authorities to stem the illicit flow of currency involved in narcotics trafficking and money laundering schemes often associated with organized crime. The subchapter presently provides for the filing of reports relating to certain large-scale domestic currency transactions, and to the importation or exportation of monetary instruments—generally cash or the equivalent—in large amounts.

This title increases the civil penalties to $10,000 and raises the criminal penalty for a willful violation of the chapter from its present misdemeanor level to a felony with an authorized punishment of five years' imprisonment and a $250,000 fine, or both. This significantly enhances the presently authorized civil and criminal penalties for persons who fail to report currency importation and exportation. The civil penalty may extend to the entire amount of the monetary instrument for which the report was required. See 31 U.S.C. 5321.

This title would also amend section 5316 which presently requires a report to be filed by a person who transports monetary instruments of $5,000 or more into or out of the United States. It would raise the reporting requirement to apply only to those transporting $10,000 in recognition of the fact that legitimate tourists today occasionally carry more than $5,000. Additionally, it would add a reporting requirement for those who attempt to transport the larger amount. Presently there is no attempt provision. As a result, court decisions have held that as to transporting currency out of the country the statute is not violated until the person has actually departed the United States. At that point federal arrest authority is generally lacking.

In addition, amendments would authorize a search without a warrant by a customs officer of a vehicle, container, or person entering or leaving the United States if the officer has reasonable cause to believe the vehicle, container or person is transporting monetary instruments without having made the required report, as well as authorize rewards for persons who provide information which leads to a fine, civil penalty, or a substantial forfeiture for a violation of the currency reporting laws.

Finally, this title would add currency reporting violations to the definitions of "racketeering activity" listed at 18 U.S.C. 1961(1), thereby making this offense a predicate offense for a RICO prosecution.

TITLE X—MISCELLANEOUS VIOLENT CRIME AMENDMENTS

Title X strengthens a number of provisions dealing with violent crime and creates a limited number of new offenses in this area.

Part A.—Murder-for-hire and violent crimes in aid of racketeering

Section 1001 adds a new section 16 to title 18 to define the term "crime of violence." The term is used in several other sections of the bill such as section 1002 proscribing violent crimes committed for money or other consideration, and section 1003, prohibiting solicitation to commit a crime of violence. The definition of the term "crime of violence" is taken from the Senate version of the Criminal Code Reform Bill (S. 1630, 97th Cong.) and predecessor bills. The term

means an offense that has as an element the use, attempted use, or threatened use of force, or any other offense that is a felony and that involves a substantial risk that physical force may be used against the person or property of another.

Section 1002 proscribes murder and other violent crimes for hire. it is similar to a provision contained in S. 2572 as passed by the Senate in the 97th Congress and would add two new sections, 1952A and 1952B, to title 18 of the United States Code. Although designed primarily for use in cases of murder-for-hire carried out at the orders of organized crime figures, section 1952A would also reach other such calculated murders. Section 1952A follows the format of 18 U.S.C. 1952, interstate travel in aid of racketeering. Section 1952 presently covers murder if the perpetrator traveled in interstate commerce to commit the murder, or used a facility of interstate commerce to commit it, and the crime was in furtherance of an unlawful activity involving offenses relating to gambling, untaxed liquor, narcotics, prostitution, extortion, bribery, or arson.

Section 1952A would reach the travel in interstate or foreign commerce or the use of the mails or a facility in interstate or foreign commerce (such as a telephone if used for an interstate call) with the intent that a murder be committed in violation of state or Federal law. The murder must be planned or carried out as consideration for the receipt of something of pecuniary value or a promise or agreement to pay something of pecuniary value. Both the person who ordered the murder and the "hit-man" would be covered. If the victim is killed the punishment can extend to life imprisonment and a $50,000 fine but lesser punishments are provided if the planned murder did not take place or the attempt resulted only in an injury to the victim.

Section 1952B is designed to deal with contract murders and other violent crimes by organized crime figures which do not involve interstate travel or other interstate facilities or are committed not for money but rather as a part of membership in a criminal organization. This section proscribes murders, kidnaping, maiming, serious assaults and threats of violence committed as consideration for payment or a promise to pay anything of pecuniary value from an "enterprise" engaged in "racketeering activities." "Racketeering activity," is defined as set forth in the RICO statute, section 1961, and "enterprise" is defined as an organization, group or entity whose activities affect interstate commerce. The proposed section also covers murders, kidnapings, maimings, serious assaults and threats of violence committed as a means of gaining entrance into or improving one's status in an enterprise engaged in racketeering activity. Attempts and conspiracy to commit these offenses are also covered. The person who ordered the offenses set forth in the section could also be punished as an aider and abettor under 18 U.S.C. 2.

While section 1952B proscribes murder, kidnaping, maiming, assault with a dangerous weapon, and assault resulting in serious bodily injury in violation of federal or State law, it is intended to apply to these crimes in a generic sense, whether or not a particular State has chosen those precise terms for such crimes. For example, section 120.10 of the Penal code of New York provides that a person is guilty of assault in the first degree when "(1) with intent to cause serious physical injury to another person, he causes such injury of such person or to a third person by means of a deadly weapon or a dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or destroy, amputate, or disable permanently a member or organ of his body, he causes such injury to such or to a third person . . ." A person who committed such an offense in New York would violate the proposed new section if his actions were for payment of anything of pecuniary value from an organization engaged in racketeering activity or for advancement in such an organization.

Part B.—Solicitation to commit a crime of violence

Section 1003 adds a new section 373 to title 18 of the United States Code, to proscribe the offense of solicitation to commit a crime of violence. This section is of principal utility in a situation where a person makes a serious effort to induce another to engage in activity constituting a crime of violence but is unsuccessful in doing so. The solicitor is clearly a dangerous person and his act merits criminal sanctions. Yet at present there is not federal law that prohibits its solicitation generally, although a solicitation offense was included in S. 2572 as passed by the Senate in the 97th Congress and in S. 1630 (97th Cong.), the proposed federal criminal code reform bill. See S. Rept. No. 97-307, pages 179-186.

Only solicitation to commit a crime of violence is here covered. "Crime of violence" is defined, in a new section 16 to be added to title 18, as a crime that has as an element the use or attempted use of physical force against another's person or property, or any felony that involves a substantial risk that physical force will be so used. Thus, although the new offense rests primarily on words of instigation to crime, what is involved is legitimately proscribable criminal activity, not advocacy of ideas which is protected by the First Amendment right of free speech.

Part C. Felony murder

Section 1004 expands the definition of felony murder in 18 U.S.C. 1111 and is identical to a provision in S. 2572 as passed by the Senate in the last Congress. Presently premeditated murder is murder in the first degree. Under common law, a murder committed during a common law felony was held to be committed with sufficient degree of malice to warrant punishment as first degree murder, but section 1111 only applies the felony murder doctrine to killings committed during an actual or attempted arson, rape, burglary, or robbery. The amendment would expand the list of underlying offenses by adding escape, murder—for example if the defendant acts in the heat of passion in an attempt to kill A but instead kills B—kidnaping, treason, espionage, and sabotage since these crimes also pose as great, if not more, danger to human life, as the four presently listed.

Part D.—Mandatory penalty for firearm use during violent crimes

Section 1005 provides for a mandatory sentence of imprisonment for a determinate period of time for using or carrying a firearm in a federal crime of violence. This section is similar to one included in S. 2572 as passed by the Senate in the 97th Congress and carries out one of the recommendations of the Attorney General's Task Force on Violent Crime. This section amends present section 924(c) of title 18 which attempts to provide for a mandatory minimum sentence, but is drafted in such a way that a person convicted of a violatIon may still be given a suspended sentence or placed on probation for his first violation. Moreover, present section 924(c) is ambiguous as to whether the sentence for a first violation may be made to run concurrently with that for the underlying offense. In addition, even if a person is sentenced to imprisonment under section 924(c), the normal parole eligibility rules apply. Section 1405 eliminates the possibility of a suspended or concurrent sentence, probation, and parole. A person convicted of using or carrying a firearm in relation to a crime of violence would be sentenced to imprisonment for five years for his first conviction and ten years for a subsequent conviction.

Part E.—Armor-piercing bullets

Section 1006 adds a new section 929 to title 18 to provide for a mandatory term of imprisonment for using armor-piercing handgun ammunition during and in relation to a federal crime of violence. It is identical to a provision in S. 2572 as passed in the last Congress. A mandatory sentence of imprisonment for five years is provided for using or carrying a handgun loaded with ammunition which would, if fired from the handgun, pierce the type of body armor commonly worn by police officers. A person convicted of a violation of this section could not be given a suspended or concurrent sentence or placed on probation and he would not be eligible for parole.

It should be noted that the mandatory punishment for the use of the armor-piercing ammunition under section 929 is in addition to the mandatory punishment for the use or carrying of the firearm under the amended section 924. Thus a person who robbed a bank with a handgun loaded with armor-piercing bullets would, if charged with and convicted of a violation of 18 U.S.C. 924 and 929, be sentenced to a mandatory term of imprisonment for ten years—five years for carrying the gun and five for the bullets—in addition to any punishment for the underlying bank robbery offense. This cumulative mandatory punishment for firearms and bullets is intended to serve a clear notice on criminals that they face substantial jail time for their use and to persuade them to leave firearms and particularly dangerous bullets at home when they are choosing weapons.

Part F.—Kidnaping of Federal officials

Section 1007 proscribes the kidnaping of a federal officer in the performance of his duties. It is identical to a provision in S. 2572 as passed by the Senate in the 97th Congress and amends the present kidnaping statute, 18 U.S.C. 1201, to cover the abduction of a federal officer listed in 18 U.S.C. 1114 if the crime is committed while the victim is engaged in his official duties or on account of his official duties. Presently only murder and assault on these persons are federal offenses and kidnaping would not be covered unless the victim happened to be transported in interstate commerce or the offense was committed in an area of special federal jurisdiction. The amendment also complements the amendments contained in the next section of the bill which proscribes the murder, assault, or kidnaping of family members of federal law enforcement officers and high level federal officials if the offense is committed to impede or retaliate against the federal officer or employee because of his official duties.

Part G. Crimes against family members of Federal officials

Section 1008 adds a new section 115 to title 18 to make it a federal offense to commit or threaten to commit a murder, kidnaping or assault upon a close relative of a federal judge, federal law enforcement officer, or certain federal officials if the purpose of the attack is to impede, interfere with, intimidate, or retaliate against the federal employee on account of his official duties. Since it would be an element of the new offense that the act was done because of the official duties of the employee, the section represents no real expansion of federal jurisdiction. The scope of the offense is linked to acts done with a purpose to obstruct or retaliate against federal officials because of their job-related responsibilities—acts for which a State or local jurisdiction might lack the necessary degree of interest to vindicate the crime and for which federal jurisdiction is thus appropriate.

The subjects of the new offense are family members—spouse, parent, brother, sister, and other relatives of the official who actually live in his household—of those government employees and officers most likely to be subjected to attacks by terrorists or other criminals in an attempt to interfere with vital functions of the government and the administration of justice, namely law enforcement officers, the President, Vice President, Members of Congress, Cabinet officers, federal judges including Supreme Court Justices, and persons protected by 18 U.S.C. 1114. In part, this section complements the provisions of P.L. 97-285, enacted in 1982 to protect Supreme Court Justices and Cabinet officers themselves by making attack on their persons federal crimes.

Part H. Amendment of the Major Crimes Act

Section 1009 amends the Major Crimes Act, 18 U.S.C. 1153, which provides for federal jurisdiction over the serious interpersonal crimes listed therein if committed by an Indian in the Indian country. Presently 14 felony offenses are covered. The section would be amended to add the offenses of involuntary sodomy and maiming and to cover larceny only if the property involves is worth in excess of $100.00. A crime committed by an Indian against the person or property of another Indian may only be prosecuted in federal court if it is listed in section 1153. Other such interpersonal crimes must be prosecuted in tribal court where the maximum punishment extends to six months' imprisonment and a $500.00 fine. Such punishment is not sufficient for the offenses of maiming, traditionally regarded as among the most serious of all crimes, or for involuntary sodomy, which frequently involves a minor child as the victim. Conversely, tribal courts are fully capable of handling petty larceny of amounts less than $100.00 and there is no need to continue federal court jurisdiction over such an offense.

Part I—Destruction of motor vehicles

Section 1010 deals with the destruction of motor vehicles and is also identical to a provision contained in S. 2572. It amends the definition of "motor vehicle" in 18 U.S.C. 31, the section that defines the term as it is applied in 18 U.S.C. 33 which proscribes the destruction of motor vehicles. Presently "motor vehicle" means any device used for commerical purposes on the highways for the transportation of passengers or passengers and property. It does not include vehicles used to transport only cargo. Another statute which does cover the actual or attempted destruction of cargo moving in interstate commerce, 15 U.S.C. 1281, is restricted to the destruction of the cargo itself. Thus, there is no federal coverage of a sniper who shoots at a cargo truck since the truck carries only cargo which usually is not destroyed. The amendment would close this gap by expanding the definition of "motor vehicle" to include a device used for carrying "passengers and property, or property or cargo."

Part J—Destruction of energy facilities

Section 1011 is also similar to a provision in S. 2572. It adds a new section 1365 to title 18 to make it a federal crime to knowingly and willfully damage the property of an energy producing facility in an amount that exceeds $100,000 or to cause any amount of damage which results in a significant interruption or impairment of the functions of the facility. The penalty for this offense may extend to ten years' imprisonment and a $50,000 fine. A punishment of up to five years' imprisonment and a $25,000 fine is provided for the lesser included offense of knowingly and willfully damaging the property of an energy facility in an amount that exceeds $5,000. The term "energy facility" is defined to include all types of electrical generating plants, and other facilities involved in the distribution, storage or transmission of electricity or other types of energy. It does not, however, include a facility subject to the jurisdiction of the Nuclear Regulatory Commission since the damaging of such facilities is already proscribed by 42 U.S.C. 2284.

Part K. Assaults on Federal officers

Section 1012 makes three amendments to section 1114 of title 18 which proscribes the killing of designated federal officers and employees while engaged in, or on account of the performance of their official duties. It is similar to section 322 of H.R. 3963 as passed, a portion of the bill which the Administration favored. First, section 1114 is amended to cover attempted murders. Second, its coverage is expanded to include certain officers in the Intelligence Community. Third, authority is given to the Attorney General to designate by regulation other classes of federal officers and employees for coverage under section 1114, an approach similar to that in several of the criminal code revision bills. This would provide a workable mechanism for extending federal protection to miscellaneous classes of persons as changing needs dictate. 18 U.S.C. 1114 is also used to define the scope of coverge of 18 U.S.C. 111 which sets out the offense of assault against persons "designated in section 1114." Thus, by virtue of section 111's cross reference to section 1114 the second and third of the above amendments also operate to modify the scope of the assault statute.

Part L. Escape from custody resulting from civil commitment

Section 1013 is designed to make it an offense to escape from confinement ordered pursuant to a court under the provisions of 28 U.S.C. 1826. That statute empowers a judge to order confined any person who, without cause, refuses to testify before a federal court or grand jury. Such confinement may extend for the life of the court proceeding or the term of the grand jury. Under present law persons who escape or attempt to escape from confinement as a result of such an order cannot be prosecuted. Moreover, such persons are on occasions already serving federal prison terms when they refuse to testify. If a federal prisoner if ordered civilly committed the criminal sentence is suspended for the duration of the civil contempt sentence to ensure that the confinement is in addition to and extends the time of the confinement for the criminal sentence. *See* 28 CFR 522.11(d). This in effect gives the prisoner a "free shot" at making an escape while confined pursuant to 28 U.S.C. 1826. Since such confinement is often in a local jail which may not be as secure as a federal prison, the incentive to attempt to escape can be great. Recently an unsuccessful attempt was made to prosecute under 18 U.S.C. 751 two persons in Arizona confined in a local correctional center pursuant to 28 U.S.C. 1826, but the court ruled that the section was inapplicable. Section 1315 of the bill would eliminate this loophole by making 18 U.S.C. 751, which prohibits escapes and attempted escapes, and 18 U.S.C. 752, which prohibits rescuing a prisoner or aiding his escape, specifically applicable to persons confined pursuant to 28 U.S.C. 1826. It is patterned after a provision in 28 U.S.C. 2902 which incorporates the provisions of 18 U.S.C. 751 and 752 for escapes by persons who have been civilly committed to the custody of the Surgeon General to determine if they are drug addicts.

Part M—Extradition reform

Chapter 209 of current title 18 of the United States Code (18 U.S.C. 3181-3195) entitled "Extradition" covers both interstate rendition and international extradition. This title would retain chapter 209 for interstate rendition provisions and create a new chapter 210 for international extradition laws.

International extradition is the process by which a person located in one nation is arrested and turned over to another nation for criminal trial or punishment. The new chapter 210 consists of eight sections. Section 3191 through 3196 deal primarily with requests made to the United States by foreign governments and set forth the procedure for determining whether a person located in this country should be delivered up to a foreign power. Section 3197 deals with the return of a fugitive extradited to the United States from a foreign nation. Section 3198 contains definitions and a provision on payment of the expenses incident to extradition. The proposed chapter replaces 18 U.S.C. 3181 and 3184-3195. Other Federal statutes on extradition, which include 18 U.S.C. 751, 752, and 1502, are not affected by this legislation.

The provisions of the proposed chapter substantially alter the present statutory law for several reasons.

First, many of the statutes on extradition have been in force without major alteration since 1882. Several have not been significantly changed since 1848. These antiquated provisions have proven increasingly inadequate in dealing with the modern problems in the international control of crime.

Second, there has been a marked increase in the number of extradition requests received and made by the United States in recent years. Those requests have revealed problems in the extradition process. Moreover, the requests have generated a number of published court decisions on constitutional and legal issues involved in international extradition. The judicial interpretation of the law contained in these court decisions fills important gaps in the present statutory law, and should be reflected in any new extradition legislation.

Third, the United States has concluded new extradition treaties with many foreign

countries in the past few years. The language of the present law is not adequate to fully implement some of the provisions of the new treaties, and therefore impedes fulfillment by the United States of its international obligations.

In summary, the following significant improvements in international extradition are accomplished by this title:

(1) Permits the United States to secure a warrant for the arrest of a foreign fugitive even though the fugitive's whereabouts in the United States is unknown or even if he is not in the United States. This warrant can then be entered into the FBI's NCIC system so that if the fugitive attempts to enter the United States or is apprehended in the United States for other reasons, he can be identified and arrested immediately for extradition to the requesting country.

(2) Provides a statutory procedure for waiver of extradition. This feature protects a fugitive's rights while facilitating his removal to the requesting country in instances in which he is willing to voluntarily go to the requesting country without a formal extradition hearing.

(3) Permits both a fugitive and the United States on behalf of the requesting country to directly appeal adverse decisions by an extradition court. Under present law a fugitive can only attack an adverse decision through habeas corpus. The only option available to the United States acting on behalf of a requesting country is to refile the extradition complaint with another magistrate.

(4) Clarifies the applicable standards for bail at all stages of an extradition case by adopting standards largely derived from Federal court cases.

(5) Establishes clear statutory procedures and standards applicable to all critical phases of the handling and litigation of a foreign extradition request.

(6) Sets forth specific procedures for determination of applicability of political offense exception to extradition and removes from that exception violent acts committed by terrorists and others and offenses involving international drug trafficking.

(7) Limits access to United States courts in connection with foreign extradition requests to cases initiated by the Attorney General.

(8) Permits use of a summons instead of a warrant to arrest in appropriate cases.

(9) Codifies the rights of a fugitive to legal representation and to a speedy determination of an extradition request.

(10) Simplifies and rationalizes the procedures for authenticating documents for use in extradition proceedings.

(11) Facilitates temporary extradition of fugitives to the United States.

Part N—Arson amendments

Section 1017 amends 18 U.S.C. 844(d), (f), and (i) dealing with arson and explosives to make it clear that the enhanced penalties provided for these offenses when a person is injured or killed apply where the injury or death involves a public safety officer performing his duties as a direct or proximate result of the offense.

Part O—Pharmacy robbery and burglary

Section 1019 amended the Controlled Substances Act so as to make it a Federal offense to rob a pharmacy or a person licensed under section 202 of the Controlled Substances Act of a controlled substance. It also would make it a Federal crime to commit burglary against the premise of a pharmacy or a person licensed under section 202 of the Controlled Substances Act. Penalties for committing these offenses vary depending upon harm caused and the habitual offender status of the defendant.

TITLE XI—SERIOUS NONVIOLENT OFFENSES

Title XI deals with serious, but not necessarily violent crimes.

Part A—Child pornography

Section 1101 amends title 18 provisions relating to the sexual exploitation of children so as to make them more effective and to incorporate the scope of this type of offense held to be constitutional by the Supreme Court in *New York* v. *Ferber*. The provisions here are identical to those contained in S. 1469, as reported. For further discussion, see S. Rept. No. 98-169.

Part B—Warning the subject of a search

Section 1103 provides for a new type of obstruction of justice offense. Under section 2232 of title 18 it is a misdemeanor to impair an authorized search by a law enforcement officer, such as a search in the execution of a warrant, by destroying or removing the property that is the object of the search. It is not, however, an offense to warn a person that his property is about to be the target of a search so that he can himself remove or destroy it. Recently a local policeman attempted to warn a narcotics dealer that a federal warrant for his house had been issued. This reprehensible conduct could not be successfuly prosecuted. Section 1103 fills this gap by adding a new paragraph to section 2322 to prohibit giving notice, or attempting to give notice of a search in order to prevent the authorized seizing of any property.

Part C—Program fraud and bribery

Section 1104 covers fraud or bribery concerning a program of a private organization or of a state or local government that receives federal financial assistance. It is based on a similar provision in S. 1630. Presently 18 U.S.C. 665 makes theft or embezzlement by an officer or employee of an agency receiving assistance under the Comprehensive Employment and Training Act (CETA) a federal offense. There is no statute of general applicability in this area and thefts from other organizations receiving federal financial assistance can only be prosecuted under 18 U.S.C. 641, theft of federal funds or other federal property. Prosecutions under this statute are severely limited inasmuch as it is necessary to prove that the money stolen is property of the United States. Frequently title has passed to the state or local government before it is stolen, or the funds are so commingled by the state or municipality that the federal character of the funds cannot be shown. Section 1104 is designed to remedy this situation and protect federal assistance programs from theft and fraud.

The section adds a new section 666 to title 18. Section 666(a) makes it a federal crime for an officer, employee, or agent of a private organization or of a state or local government that receives over $10,000 in federal benefits in one year pursuant to a grant, subsidy or guarantee program to steal, embezzle, obtain by fraud or otherwise improperly divert property valued at $5,000 or more.

Section 666(b) covers agents, officers, and employees of such organizations or governments who seek or accept a bribe or commission in connection with their conduct in a matter involving $5,000 or more, and section 666(c) covers the offeror of the bribe or commission. The punishment for a violation of the section is appropriately severe in light of the high minimum amount of property—$5,000—that must be involved for federal jurisdiction to attach. It extends to ten years' imprisonment, and a fine of up to $100,000, or an amount equal to twice that which was the target of the offense, whichever is greater.

Part D—Counterfeiting of State and corporate securities and forging of endorsements or signatures on U.S. securities

Section 1105 makes it a federal crime to counterfeit or forge state or corporate securities. It is similar to a provision in S. 1630. While this is an extension of federal jurisdiction, the need for such an extension was amply demonstrated several years ago in hearings held before the Senate Permanent Subcommittee on Investigations concerning organized crime and the theft and counterfeiting of corporate securities. (See Hearings on Organized Crime; Securities Thefts and Frauds, before the Permanent Subcommittee on Investigations, Committee on Government Operations, United States Senate, 93rd Cong., 1st Sess., Part 1, pp. 123-126). Present law is inadequate to combat widespread fraud schemes involving the use of counterfeit corporate and state securities. The use of these securities as collateral for loans and for other illegal purposes has a serious detrimental effect on interstate commerce. Moreover, these crimes invariably reach beyond State borders and thus local officials are generally unable to cope with them.

Section 1105 adds a new section 510 to title 18. Section 510(a) makes it a federal crime to make, utter, or possess a counterfeited or forged State, municipal, or corporate security. Section 510(b) proscribes making, receiving, possessing, selling or otherwise transferring an implement designed or particularly suited for making or counterfeiting such a security. Section 510(c) contains definitions for the section. The term "security" is broadly defined to include, inter alia, stocks, bonds, notes, checks, warehouse receipts, bills of lading and letters of credit.

Section 1105 would add to new section 511 to title 18, United States Code, to make it a felony: (1) with intent to defraud, to forge an endorsement or signature on a Treasury check, bond, or other security of the United States; or (2) to pass or attempt to pass such an obligation with intent to defraud. The bill would also make it a felony to exchange or receive, with knowledge of its false character, an obligation of the United States that has been stolen or bears a forged endorsement. The penalty would be a fine of not more than $250,000 or imprisonment for not more than 10 years, or both. However, if the amount of the obligation involved did not exceed $500, the penalty would be a fine of not more than $1,000 or imprisonment not to exceed one year, or both.

At present, violations for forgery of endorsement or fraudulent negotiation of a Treasury check or bond or other security of the United States are prosecuted under title 18, section 495. That section was not, however, drafted to deal specifically with government obligations, but instead expressly covers deeds, powers of attorney, and contracts. The basis for using section 495 to prosecute violations involving government obligations is the provision therein which penalizes the forgery or altering of "other writings." Sections 471 and 472 of title 18 are concerned with forgery and uttering forged obligations or securities of the United States. However, these sections

apply to forgery of the security, not forgery of endorsements.

Because section 495 was not drafted to deal with Treasury checks or bonds or other obligations of the United States, many of the variations of offenses involved with the forgery of obligations are not included under section 495. For example, it is currently possible for a thief to steal a Treasury check endorsed by a payee, endorse his own name and obtain the proceeds and not violate section 495. In addition, it is possible for a thief to steal one or more government checks or bonds from a rightful owner and sell or exchange them to a middle man and not violate section 495. In some cases no other federal statute would cover acts of this kind.

The proposal would make it impossible to prosecute both forgeries of endorsement and related crimes involving obligations of the United States under one section. It would greatly assist the Secret Service, which has the primary jurisdiction to investigate crimes involving obligations and securities of the United States and which would have jurisdiction with regard to new section 511 by virtue of the amendment of 18 U.S.C. 3056(a). New section 511 is not intended to redistribute investigative responsibilities in any way. Specifically, in this regard, the United States Postal Service would retain primary jurisdiction to investigate thefts from the mails.

Part E—Receipt of stolen bank property

Section 1106 deals with the receipt of stolen bank property. 18 U.S.C. 2113, proscribing bank robbery and bank burglary, prohibits in subsection (c) the receipt of property with the knowledge that it was stolen from a bank. Cases involving prosecutors under this subsection have held that the government must show that the defendant had knowledge that the property he received was stolen from a bank, not merely that he knew that it was stolen. See *United States* v. *Tavoularis*, 515 F.2d 1070 (2nd Cir. 1975), where a conviction was lost in spite of overwhelming evidence that the defendant knew he was receiving stolen property. Section 1106 revises 18 U.S.C. 2113(c) to eliminate the requirement that the defendant knew the property was stolen from a bank. The government must still prove, however, that the defendant knew the property he was receiving was stolen.

Part F—Bank bribery

Section 1107 revises and brings up to date the statute dealing with bribery of bank officers. Sections 215 and 216 of title 18 presently covers the receipt of commissions or gifts by bank employees for procuring loans, but they are inadequate, unduly complex, and obsolete in many respects. For example, these sections do not cover bribery of employees of federally insured credit unions, of member banks of the Federal Home Loan Bank System, such as savings and loan associations, or of bank holding companies. Section 1107 is based on a provision in S. 1630, and on S. 1428, introduced in the 93rd Congress. It combines existing sections 215 and 216 to bring up to date the list of covered institutions and to make other needed improvements.

The new Section 215(a) makes it an offense for any officer, director, employee, agent, or attorney of any covered institution to seek, accept, exact, receive, or agree to receive anything of value from any person other than his financial institution in connection with any business or transaction of his institution. The language is taken from the federal bribery statute, 18 U.S.C. 201. As is the case with that statute, it covers both the direct and indirect seeking and receiving of payments and covers payments to third parties. This represents an expansion of current law which is limited to certain specific transactions. The penalty is increased from one year's imprisonment, as is provided under current law, to five years' imprisonment. Moreover, the maximum authorized fine is increased from $5,000 to an amount equal to three times the amount of the bribe. A misdemeanor penalty of one year's imprisonment and a $1000 fine is provided if the bribe does not exceed $100.00.

Section 215(b) covers persons who offer or promise the bribe or commission to bank employees as proscribed in subsection (a). The penalties are the same as for the recipient.

Section 215(c) lists the covered types of financial institutions and defines the term "bank holding company."

Part G—Bank fraud

Section 1108 adds a new section 1344 to title 18 to provide for an offense of defrauding financial institutions which are federally chartered or insured. Present law covers the offenses of embezzlement, robbery, larceny, burglary, and false statements directed at these institutions. There is no similar statute generally proscribing bank fraud, and federal prosecution of a fraud directed at a bank may only be undertaken if the government can prove the elements of some other offense, such as mail or wire fraud, or making a false statement to a bank in violation of 18 U.S.C. 1014. The utility of this latter statute has been greatly diminished by the recent decision in *Williams* v. *United States*, 102 S. Ct. 3088 (1982), that it may no longer be applied to address check kiting, one of the most pervasive forms of bank fraud. While the use of the mail fraud statute, 18 U.S.C. 1341, allowed the successful prosecution of many bank frauds in the past, the 1974 case of *United States* v. *Maze*, 414 U.S. 395, has reduced this section's usefulness. In *Maze*, the Court held that proof that use of the mails occurred in or was caused by a fraudulent scheme was insufficient for conviction under the mail fraud statute. Instead, proof that use of the mails played a significant part in bringing the scheme to fruition would be required. In addition to the problems of proof posed by the *Maze* decision, banks' increasing use of private courier services for collection purposes in lieu of the mails has further limited the instances in which the mail fraud statute may be used to prosecute bank fraud.

The new section 1344 is designed to fill the gaps in present law and provide a straightforward way of preventing bank frauds. It is modeled on the present wire and mail fraud statutes, and proscribes executing or attempting to execute a "scheme or artifice to defraud" a federally chartered or insured financial institution, or to obtain property owned by or under the custody or control of such an institution "by means of false or fraudulent pretenses, representations, or promises." The term "federally chartered or insured financial institution" is defined to include generally banks operating under the laws of the United States or whose accounts are federally insured.

Since the use of bogus or "shell" offshore banks has increasingly become a means of perpetrating major frauds on domestic banks and the considerable delay in collections between domestic and foreign banks makes manipulation of foreign financial transactions an attractive mode of defrauding banks within the United States, it is also intended that the section have extraterritorial application in certain cases.

Part H—Possession of contraband in prison

Section 1109 adds a new section 1793 to title 18 to prohibit the possession of contraband articles by federal prison inmates. It is similar to a provision in S. 1630. Present law, section 1791 of title 18, proscribes only the introduction of contraband into or the taking of it from a federal penal institution. The new section 1793(a) covers the making, possessing or receiving of an object by a federal prisoner if the object may be used as a means of facilitating an escape and is possessed contrary to a rule or regulation promulgated by prison officials. The penalty is one year's imprisonment and a $1,000 fine. A greatly increased penalty of ten years' imprisonment and a $10,000 fine is provided in section 1793(b) for possession contrary to prison regulations of a firearm, a weapon or object intended for use as a weapon—e.g. a knife made from a bed post—and certain narcotics.

Part I—Livestock fraud

Section 1110, chapter 31 of title 18, to broaden the current Federal offense dealing with interstate transportation of stolen cattle to include all types of livestock and to reach theft and fraud in connection with the marketing of livestock in interstate or foreign commerce.

TITLE XII—MISCELLANEOUS PROCEDURAL AMENDMENTS

Title XII of the bill contains several procedural changes designed to facilitate the prosecution of persons who commit violent or other serious crimes.

Part A—Juvenile prosecutions

Sections 1201-1202 make several amendments to chapter 403 of title 18 concerning juvenile delinquency. Similar provisions were contained in S. 2572.

Section 1201 amends section 5032 of title 18 to provide that the provision relating to deferral of juvenile prosecutions to State authority does not apply to an offense that is a crime of violence that is a felony or a serious drug offense if there is such substantial federal interest in the case or in the offense that the exercise of federal jurisdiction is warranted. This amendment to current law was recommended by the Attorney General's Task Force on Violent Crime. That Task Force Report indicates, at page 83, that it believes that the federal government "should have the opportunity to prosecute those individuals be they adults or juveniles, who violate federal law".

Section 1201 also amends section 5032 to permit adult prosecution of certain juveniles charged with serious crimes against the person and arson.

Section 1202 amends section 5038 of title 18 to permit the fingerprinting and photographing of a juvenile found guilty of an act of juvenile delinquency that, if committed by an adult, would be a felony crime of violence or an offense relating to drug trafficking under section 841, 952(a), 955, or 959 of title 21. Under current law, the name and picture of a juvenile cannot be released in connection with any juvenile delinquency proceeding. The result is that frequently an adult with an extensive record will be sentenced as a first offender because the court is not familiar with his juvenile criminal history. This amendment of section 5038 is consistent with recommendation 58 of the Attorney General's Task Force on Violent Crime.

Part B—Wiretap Amendments

Section 1203 amends section 2518(7) of title 18 (part of title III of the Omnibus Crime Control and Safe Streets Act of 1968) to provide for emergency interceptions of wire or oral communications in life endangering situations. A similar provision was included in S. 2572 and in S. 1640, 97th Cong., as passed by the Senate on March 25, 1982.

Generally, ttle III requires prior court authorization of an interception of communications. However, 18 U.S.C. 2518(7) permits an emergency interception without such prior authorization under two types of emergency situations when there is not time to obtain a court order: those involving either "conspiratorial activities threatening the national security" or "conspiratorial activities characteristic of organized crime." The absence of similar specific authority to intercept communications in emergency situations in which there is an iminent threat to human life has been of grave concern of law enforcement authorities. Section 1203 would amend 18 U.S.C. 2518(7) to provide such authority.

As noted in the Senate Report on S. 1640 (S. Rept. 97-139, 97th Cong., 2d Sess., 1982) there have been situations where the need for such emergency authority was necessary and these situations may, unfortunately, arise again. For example, terrorists or other felons, while holding hostages, may use an available telephone to arrange with associates a strategy to force action on their demands or a plan of escape. Similarly, there may be situations in which plans for an imminent murder are learned, but the location or identity of the victim is unknown or law enforcement authorities are otherwise unable to take measures to assure his safety. In such situations, the interception of communications may be necessary to protect the lives of the hostages or victims, yet time for obtaining a court order may not be available.

Section 1203 also amends section 2516 of title 18 to add the offenses of wire fraud, child pornography, and violations of the currency transaction reporting statute (31 U.S.C. 5322) to the list of offenses for which a court ordered interception of a wire or oral communications is authorized, and to ensure that such an interception may be used in the investigation of the new witness tampering statutes, 18 U.S.C. 1512 and 1513, as added by P.L. 97-291.

Part C—Venue for Threat Offenses

Section 1204 is based on a provision in S. 1630; it slightly modifies the present venue statute, 18 U.S.C. 3237 and deletes section 3239. Section 3237 provides that an offense involving the use of the mails or transportation in interstate or foreign commerce is a continuing offense and, except as provided in another statute, may be prosecuted in any district from, through, or into which the commerce or mail matter moves. One such other statute is 18 U.S.C. 3239 which provides that with respect to the offense of telephoning or mailing threats, venue is only in the district where the threat was first placed in motion, such as the district in which the threatening letter was posted or in which the call was made. It is difficult to discern any reason to treat venue in threat cases differently from other continuing offenses, as a matter of right. For example, there appears to be no reason to mandate that a defendant who mailed a threat be tried where he mailed it but allow the government to prosecute a defendant who mailed an explosive in the district of mailing, the district of receipt, or any district through which it passed. Hence, section 3239 is repealed.

In addition, section 3237 is reworded to make it clear that the importation of an object or person into the United States is a continuing offense and may be prosecuted in any district from, through, or into which person or object moves. Cases such as *United States* v. *Lember*, 319 F. Supp. 249 (E.D. Va., 1970) have limited venue in importation cases to the district of entry rather than of final destination. This has created difficulties as the witnesses are usually located in the place of destination.

Part D—Injunctions Against Fraud

Section 1205 adds a new section 1345 to title 18 to allow the Attorney General to initiate a civil proceeding in a district court of the United States to enjoin a violation of chapter 63, dealing with mail and wire fraud and, as amended by section 207 of this bill, with bank fraud. A similar provision was contained in S. 1630. The Attorney General has discretion to determine whether he has received sufficient evidence to initiate the action. The section is designed to enable the Attorney General to seek the junction prior to the commencement of a criminal action—thereby bringing a speedy halt to the fraud scheme—but he can initiate the action at any time. The Federal Rules of Civil Procedure would apply except that if an indictment is returned the more restrictive discovery of rules of the Federal Rules of Criminal Procedure would apply.

Part E—Government Appeal of New Trial Orders

Section 1206 deals with the rights of the government to appeal a decision of the district court to grant a new trial to a convicted defendant. It is similar to a provision in S. 1630. Presently 18 U.S.C. 3731 allows an appeal by the government from a decision, judgment, or order of a district court dismissing an indictment or information except where prohibited by the Double Jeopardy clause. There is no provision for a government appeal of an order granting a new trial after a verdict or judgment, although such an appeal would not violate the Double Jeopardy clause. If the government prevails on appeal the original verdict or judgment can simply be reinstated. This is a far better way to correct an erroneous decision than a costly, time-consuming new trial, the only alternative under present law. Accordingly, section 3731 is amended to allow a government appeal after any decision, judgment or order in a district court granting a new trial.

Part F—Witness Security Program Improvements

Section 1207 of the bill makes several improvements in the Witness Protection Program by adding a new chapter 224 (sections 3521-3523) to title 18. Section 3521 expands the authority of the Attorney General to provide witness protection in cases other than those involving organized crime and broadens the definition of witness to include potential witnesses, victims, and their families.

Section 3521 also gives the Attorney General wider discretion to order the kinds of protective measures which he deems necessary than are authorized under present law. The Attorney General may provide official documents to enable a protected person to establish a new identity. He may provide housing and transportation of household goods to a new location if a protected person must be relocated. The Attorney General may also provide tax-free subsistence payments in a sum established pursuant to regulations for such time as he deems necessary. The Attorney General is also authorized to assist the relocated person in obtaining employment. Finally, the Attorney General is authorized, in his discretion, to refuse to disclose to anyone the identify, location, or other matter concerning a protected person. In ruling on a possible disclosure, he is authorized to consider the danger that would result to a relocated or protected person, the detriment a disclosure would cause to the general effectivenss of the program, and, conversely, the possible benefit to the public that might result from a disclosure.

Subsection 3521(c) deals with the occasional problem of a citizen who has a civil cause of action against a protected person but who cannot litigate because he is unable to learn of the person's new identity or location. The subsection seeks a balance between the usual policy of nondisclosure and the right of an innocent person to litigate for civil damages. The Attorney General is authorized to accept service or process on a person and is required to make a reasonable effort to serve the process on him at his last known address. If a judgment is entered, the Attorney General must determine if the relocated person has made reasonable efforts to comply with its provisions. If the Attorney General concludes that such reasonable efforts at compliance have not been made, he is granted discretion to reveal to the plaintiff the defendant's location, after giving appropriate weight to the danger to the protected person that will be caused.

Section 3522 provides that the provision of transportation, housing, subsistence, or other aid to a person under section 3521 may be conditioned on reimbursement of expenses in whole or in part to the United States by a state or local government.

Section 3523 provides general definitions for the chapter.

Part G—Clarification of Change of Venue for Certain Tax Offenses

Part G amends 18 U.S.C 3237(b), a provision relating to the right of a defendant to obtain a change of venue in a prosecution for a tax offense described in 26 U.S.C. 7201 and 7206 (1), (2), and (5) and which involves use of the mails, where the defendant does not reside in the district of prosecution. The purpose of the amendment is to clarify the meaning of language that has been the subject of divergent interpretations by the courts.

Criminal prosecutions of persons who promote abusive tax shelters and other types of illegal tax schemes are typically brought in the jurisdiction where the scheme was packaged. Particularly in the larger cases, some of the defendants may reside in other jurisdictions. The Court of Appeals for the Ninth Circuit recently held in *United States* v. *United States District Court (Solomon)*, 693 F. 2d 68 (1982) that where the mails are used as part of the offense—such as to file tax returns—defendants who did not reside in the district of prosecution were entitled to have the substantive tax courts transferred to their district of residence under 18 U.S.C. 3237(b). The court rejected the contrary holding of the Second Circuit (*In re United States* (Clemente), 608 F. 2d 76 (1979), cert. denied, 466 U.S. 908 (1980)), which found that a defendant was entitled to have the case transferred only when the prosecution relief upon use of the mails to lay venue in a district other than where the defendant resided.

The decision of the Ninth Circuit carries the prospect of two potentially lengthy trials instead of one. While the opinion recognizes the implications of the holding in terms of wasted judicial and prosecutive resources, the court felt that its decision was compelled by the language of the statute and suggested that if the results was disturbing, redress should be sought from the Congress.

Aside from the waste of resources, the current situation has also created considerable confusion. Recently, in a prosecution of a coal shelter tax scheme involving four defendants, the District Court for the Southern District of West Virginia transferred the portion of the case involving two defendants to the Eastern District of New York under Section 3237(b) on the basis of reasoning similar to that of the Solomon decision. The District Court for the Southern District of New York, however, relying on Clemente refused to docket the case and returned it to the Southern District of West Virginia which refused to redocket the case. The result of the conflicting positions taken by the West Virginia and New York courts is that the defendants in question cannot be tried in either district until this impasse in resolved.

Enactment of the amendments to Section 3237(b) would expressly preclude the unnecessary splintering of prosecutions in which multiple defendants are appropriately joined, would conserve judicial and prosecutive resources and would eliminate unseemly situations in which two courts by reason of differing interpretations of Section 3237(b) refuse to permit prosecution of a defendant in their respective districts.

Part H—18 U.S.C. Amemdments

Section 1209 amends 18 U.S.C. 951 so as to clarify the notification procedures for nondiplomatic foreign agents and to transfer the responsibility for receiving such notification from the Secretary of State to the Attorney General.

S. 1763. REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS

SUMMARY OF THE BILL

The bill would amend various provisions of title 28, United States Code, and a related Rule of Appellate Procedure, concerning the availability of collateral relief in the federal courts of State and federal prisoners. Among the matters addressed by these amendments are the standard of review in habeas corpus proceedings, the effect of procedural defaults on the subsequent availability of collateral relief, the time within which collateral relief may be sought, the requirement of exhaustion of state remedies, and the procedure on appeal in collateral proceedings.

Section 2 of the bill would add two new subsections to section 2244 of title 28, United States Code. Proposed section 2244(d) relates to the effect of a State prisoner's failure to raise a claim properly in State proceedings on the subsequent availability of federal habeas corpus. Proposed subsection (d)(1) of section 2244 sets out a general standard under which such a procedural default would bar access to federal habeas corpus unless it was the result of State action in violation of federal law. The main practical significance of this standard is that attorney error or misjudgment in failing to raise a claim properly would excuse a procedural default if it amounted to constitutionally ineffective assistance of counsel, since in such a case the default would be the result of the State's failure, in violation of the Sixth Amendment, to afford the defendant effective assistance of counsel, *See Cuyler* v. *Sullivan*, 446 U.S. 335, 342–45 (1980), But lesser degrees of attorney error or misjudgement would not excuse a default. This would adopt as the uniform rule the approach of the Second Circuit Court of Appeals in the case of *Indiviglio* v. *United States*, 612 F. 2d 624, 631 (1979), eliminating the great uncertainties that currently exist in this area. Proposed section 2244(d)-(2)-(3) further provides for excuse of a procedural default where a claim raised in a habeas corpus proceeding asserts a new, retroactive right subsequently recognized by the Supreme Court, or where the factual predicate of the claim could not have been discovered prior to the default through the exercise of reasonable diligence.

Proposed new section 2244(e) would establish a one year time limit on application for federal habeas corpus, normally commencing at the time State remedies are exhausted. This would provide State defendants with ample time to seek federal review following the conclusion of State proceedings, but would avoid the acute difficulties of proof that currently arise when Federal habeas corpus is sought by a prisoner years or decades after the State trial. The proposed limitation rule may be compared to various existing time limits on seeking review or re-opening of criminal judgements in the federal courts, such as the normal ten day limit on appeal by federal defendants under Fed. R. App. P. (4) (b); the normal ninety day limit on a State defendant's application for direct review in the Supreme Court under Sup. Ct. R. 11, 22; and the two year limit on motions for new trials based on newly discovered evidence under Fed. R. Crim. P. 33. Proposed section 2244(e) further provides for deferral of the start of the limitation period in appropriate cases, such as assertion of newly recognized rights or newly discovered claims.

Section 3 of the bill would amend section 2253 of title 28, United States Code, so as to vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. It would also create an identical certificate requirement for appeals by federal prisoners in collateral relief proceedings pursuant to section 2255 of title 28, United States Code. This would implement recommendations of Judge Henry Friendly of the Second Circuit Court of Appeals. *See* Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 38 U. Chi. L. Rev. 142, 144 n. 9 (1970). The reform would correct inefficiencies of the current system under which an appellate court is obliged to hear an appeal on a district court's certification, though it may believe that the certificate was improvidently granted, and under which a prisoner is afforded duplicative opportunities to persuade first a district judge and then an appellate judge that an appeal is warranted. Section 4 of the bill would amend Fed. R. App. P. 22 to conform it to the amendments of section 603.

Section 5 of the bill would make various changes in Section 2254 of title 28, United States Code. Section 5(a) would amend current section 2254(b) to clarify that a habeas corpus petition can be denied on the merits notwithstanding the petitioner's failure to exhaust State remedies. This would implement a recommendation of Professor David Shapiro. *See* Shapiro, *Federal Habeas Corpus: A Study in Massachusetts*, 87 Harv. L. Rev. 321, 358–59 (1973). It would avoid the waste of State and federal resources that presently results when a prisoner presenting a hopeless petition is sent back to the State courts to exhaust State remedies.

Section 5(b) of the bill would add a new subsection (d) to section 2254, United States Code. Proposed subjection (d) would accord deference to the result of full and fair State adjudications. This would establish a standard similar to that stated by the Supreme Court in the case of *Ex Parte Hawk*, 321 U.S. 114, 118 (1944), prior to the unexplained substitution of the current rules of mandatory re-adjudication by the decision in *Brown* v. *Allen*, 344 U.S. 443 (1953). To be full and fair in the intended sense the State court determination must be reasonable, and must be arrived at by procedures consistent with applicable federal law, including the constitutional requirement of due process. In addition, re-adjudication by the federal habeas court would be allowed in cases in which new evidence of substantial importance came to light or a retroactive change of law of substantial importance occurred after the State proceedings. The general sense of the proposed reform is that reversal of a State conviction after a lapse of years and affirmance by the appellate courts of the State should rest on a finding by the habeas court of a signficant error or deficiency in the State proceedings. A mere reasonable difference of opinion in a case in which the proper dispostion is unclear should not be grounds for disturbing a State judgment in a habeas corpus proceeding.

Section 5(c) of the bill would simplify current section 2254(d), which is verbose, confusing, and obscure; redesignate it as section 2254(e); and bring its formulation into conformity with that of proposed new section 2254(d). This provision would be of minor practical significance, coming into play only when the general standard governing deference to State determinations in proposed new section 2254(d) was found by the habeas court to be unsatisfied.

Section 6 of the bill would amend section 2255, 28 United States Code. It would carry out reforms in the collateral remedy for federal prisoners comparable to the rule proposed in section 2 of the bill governing excuse of procedural defaults and time limitation in habeas corpus proceedings.

S. 1764, EXCLUSIONARY RULE REFORM, SUMMARY OF THE BILL

The bill would add a new section 3505 to title 18 of the United States Code governing the Fourth Amendment exclusionary rule. It would provide that except as specifically provided by statute, evidence obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a federal court if the search of seizure was undertaken in a reasonable and good faith belief that it was in conformity with the Fourth Amendment. It would also provide that a showing that the evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief unless the warrant was obtained through intentional and material misrepresentation.

Initially, although the Fourth Amendment secures the right of persons to be free of "unreasoanble" searches or seizures it should be noted that there are no constitutional or statutory provisions which specifically set limits on what is meant by an "unreasonable" search or seizure. Instead, the law in this area is an amalgam of cases deal-

ing with a vast range of issues relating to the undertaking of searches and seizures. The crux of the present problem which would be overcome by the new section 3505 is that as courts have continued to develop the law of search and seizure they have continued to apply the exclusionary rule in situations where it could not possibly deter unlawful police conduct, the foremost rationale for the rule.

The new section 3505 deals with this situation by providing that evidence obtained as a result of a search undertaken in reasonable good faith as to its lawfulness shall not be excluded since actions undertaken in reasonable good faith are not susceptible of being deterred. The often highly probative evidence found during a search undertaken by the officers in reasonable good faith would be admitted and the attention of the court in a criminal case would remain focused on the question of the defendant's guilt or innocence, not diverted to a consideration of possible police error in applying the ever evolving law of search and seizure. Section 3505 would still allow consideration of police conduct but the issue would be whether the actions of the law enforcement officers were undertaken in a reasonable and good faith belief that they were lawful.

Such good faith is clearly shown when an officer makes an arrest in reliance on a statute that is later found to be unconstitutional or relies on a duly authorized search warrant, a judicial mandate to search while he has a sworn duty to carry out. Hence, the section specifically provides that a showing that evidence was obtained pursuant to and in that scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief. However, a search pursuant to a warrant would not constitute such evidence if the warrant were obtained through intentional and material misrepresentation. This standard is derived from *Franks* v. *Delaware*, 438 U.S. 154 (1978) where the Court emphasized the presumption of validity with respect to an affidavit offered in support of a warrant but held that "where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request." 438 U.S. at 155–156. If at the hearing the defendant establishes that perjury or reckless disregard for the truth was present, and with the affidavit's false material set aside, the remaining material is insufficient to establish probable cause for the warrant's issuance, it must be voided and the fruits of the search excluded.

The section is not, however, limited to searches executed pursuant to a warrant. An officer may in good faith make a reasonable interpretation of a statute which a court determines to be inconsistent with the legislative intent, or may reasonably and in good faith conclude that a particular set of facts and circumstances gives rise to probable cause to conduct one of the types of judicially sanctioned warrantless searches, or that a warrant is not required. The proposed legislation would cover such situations as well.

Although intended primarily to apply in criminal proceedings brought in federal court, the proposal is drafted so that the same reasonable good faith test would apply to the obtaining of evidence offered in all types of proceedings in federal courts such as applications for federal habeas corpus petitions filed by State prisoners and federal civil cases. Indeed these are the types of cases where the deterrent effect of the rule has already been found to be minimal at best and greatly outweighted by the societal cost of excluding the evidence. In *Stone* v. *Powell*, 428 U.S. 465 (1976), the Supreme Court held that were a State has provided a full and fair opportunity for litigation of Fourth Amendment claims, a State prisoner may not be granted federal habeas corpus relief on the grounds that evidence obtained by an unlawful search and seizure was introduced at trial.

In *United States* v. *Janis*, 428 U.S. 433 (1976), the Court held that the exclusionary rule should not be applied to forbid the use in federal civil proceedings of evidence seized by State officers in good faith reliance on a search warrant that proved to be defective. While the Janis holding (the scope of which would not be affected by section 3505) related specifically to the use in the courts of one sovereign of evidence obtained by law enforcement agents of another sovereign, the lack of any deterrent effect of applying the rule would be analogous in the case of a search by federal officers who were acting in good faith.

Under section 3505 law enforcement officers would still be required to keep abreast of the complex law of search and seizure because the conduct of an officer will have to be informed to be reasonable. The section would not reward ignorance on the part of the police. It simply restrains the rule to its proper boundaries where it will remain as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect . . ." *United States* v. *Calandra*, 414 U.S. 338, 348 (1974). Thus the proposal would not eliminate the exclusionary rule but rather will eliminate the disrespect for the law that its application often engenders in the minds of the police and the public alike. Moreover, when the rule is applied in the case of a trivial violation or mistake by the police as to whether the requirements of the law have been complied with, and results in the acquittal of a criminal guilty of a serious crime or alters the result in a significant civil proceeding, the lack of proportionality of the sanction applied to the officer's mistake is so great that the confidence of the public in our system of justice cannot help but be eroded. In cases of this nature, where the police have reasonably tried to apply the complex law of search and seizure, the rule has a grossly distorting effect on our system of justice where the central purpose is to search for the truth and, in criminal cases, ensure that the guilty are convicted and the innocent are acquitted.

A suggestion that Congress should act to restrict the scope of the exclusionary rule was made over ten years ago by the Chief Justice in his dissent in *Bivens* v. *Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 422–424 (1971). Since section 3505 is grounded primarily on the cases decided since that time in which the Supreme Court has emphasized the deterrence of unlawful conduct as the sole or primary purpose of the rule, the section's modification of the rule is constitutionally permissible. Moreover, the substance of section 3505 is very similar to that already adopted by the Fifth Circuit *en banc* in *United States* v. *Williams*, 622 F.2d 830 (1980), *cert. denied*, 449 U.S. 1127 (1981) in a decision based on a thorough analysis of relevant Supreme Court cases, and it basically follows the recommendation of the Attorney General's Task Force on Violent Crime which conducted hearings on the issue around the country and received the opinions of distinguished citizens and jurists of all points of view.

S. 1765—Capital Punishment

SUMMARY OF THE BILL

The purpose of the bill is to establish a constitutional procedure for the imposition of the death penalty in Federal cases involving murder, the attempt to kill the President, treason, and espionage. It is designed to meet the criteria established by the Supreme Court in *Furman* v. *Georgia* (1972) and subsequent cases that, in essence, require legislative guidance to be applied in such a manner as to ensure the penalty will not be imposed arbitrarily and capriciously.

The bill would provide that, after a conviction for an offense for which a penalty of death is authorized, the court must hold a separate hearing on whether to impose the death penalty. The bill would largely leave unchanged the current law offenses that authorize the imposition of the death penalty, except to provide the death penalty for the first time for an attempt to assassinate the President that results in bodily injury to the President or comes dangerously close to success. The hearing would normally be before the same jury which sat for trial, or, if both parties agree, before the judge. After both sides have an opportunity to present all relevant information, the jury would be asked to make special findings as to whether any of a list of mitigating or aggravating factors exist. The statutory mitigating factors include such things as the fact that the defendant was less than eighteen years of age, the extent of his involvement in the offense, mental problems or pressures, substantial duress, and the unforeseen nature of a resulting death. The aggravating factors would vary depending on whether the offense is one relating to espionage or treason, or to murder. Aggravating factors relating to espionage and treason include a past conviction for an offense involving espionage or treason, whether the offense created a grave risk of substantial danger to the national security, and whether the offense created a grave risk of death to another person.

With respect to imposition of the death penalty for a homicide, i.e., murder, felony-murder, accomplice liability, or an attempt to kill the President, the bill provides that the jury must find that the defendant (1) intentionally killed the victim; (2) intentionally inflicted serious bodily injury that resulted in the death of the victim; (3) intentionally participated in an act that he knew, or reasonably should have known, would create a grave risk of death to a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or (4) if the offense is an attempt to kill the President, engaged in conduct that resulted in bodily injury to the President or otherwise came dangerously close to causing the death of the President (see new 18 U.S.C. 3591(c) and amendments to 18 U.S.C. 1751).

Once this initial determination is made, the statutory aggravating factors for homicide are relevant as to whether the death penalty may be imposed. These factors include existence of repeated serious violent crimes by the defendant, commission of the offense in an especially heinous, cruel, or depraved manner, or for hire, or against United States or foreign officials most likely

to be the targets of assassination, kidnapping, and terrorism.

For the offense of treason or espionage, the jury would be required to determine whether any aggravating factors exist. If no aggravating factors are found to exist, the court would impose a sentence, other than death, authorized by law. If the jury agrees that at least one aggravating factor exists, the jury by unanimous verdict would then determine, in light of all the evidence, whether the aggravating factors found to exist sufficiently outweigh any mitigating factors found to exist, or, in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. If the jury finds that the death penalty is justified, the court is directed to impose a sentence of death.

For homicide offenses, the jury must find that one of the four threshold circumstances existed.

If this requirement is not satisfied, the court would impose a sentence, other than death, authorized by law. However, if this requirement is satisfied, the jury must then determine whether any of the aggravating factors exist. Upon the failure to find at least one of the other aggravating factors, the court would impose a sentence, other than death, authorized by law. On the other hand, if the jury finds that at least one of the other aggravating factors exists, it must by unanimous verdict determine, in light of all the evidence, whether the aggravating factors found to exist sufficiently outweigh any mitigating factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. If the jury finds that the death penalty is justified, the court is directed to impose a sentence of death.

The bill further provides that the defendant shall have a right to appeal the sentence and that such review shall have priority over all other cases. In order to affirm the sentence, the appellate court must determine that the sentence of death was not imposed under the influence of passion, prejudice, or other arbitrary factor and that the evidence supports the special findings.

● Mr. LAXALT. Mr. President, all of us in this room and in this Nation know that crime—and in particular, organized crime and drug-related crime—constitutes one of the major threats to our well-being and our way of life.

The figures are staggering: 25,000 lose their lives to crime each year; 25 million households were victimized by crime in 1981; over 12 million criminal cases were filed in 1981—an increase of more than 30 percent over the 1977 figure.

The connection between crime and illicit drugs is clear. Based upon Department of Justice studies, we can estimate more than one-third of the criminals in our jails and at least one-half of those in prison for drug crimes were under the influence of drugs at the time they committed their crimes. The illicit drug business is an $80 billion a year industry, and the profits from illegal drug transactions exceed the total profits of the largest 100 corporations in the United States.

In the face of this onslaught of crime, the Judiciary Committee joined forces with the Reagan administration and approved the largest array of anti-crime legislation in recent memory. The bills we are reporting to the Senate today have two simple purposes: We want to return commonsense to the Federal criminal justice system, and we want to give our Federal law enforcement officers the legal weapons they need to defeat the forces of crime in our country.

We are reporting a comprehensive crime package that enables our judges to keep dangerous criminals off the streets until trial and that establishes "truth-in-sentencing" in the Federal system. We are reporting a capital punishment bill that will enable the Federal courts to sentence those guilty of the most evil crimes to death. We are also reporting a bill that will restore reason to the Federal habeas corpus jurisdiction and another bill which modifies the exclusionary rule that too often permits the guilty to go free because the officer made an honest mistake.

In addition to these commonsense provisions, the bills we are reporting also provide significant new weapons to Federal officers. The crime package contains a forfeiture bill that will enable us to cripple, rather than wound, the multibillion-dollar drug industry operating in this country. The package also contains much needed revisions of the laws relating to controlled substances.

Finally, the committee and the administration recognized that in the war on crime, the Federal Government plays only a minor role—and that is as it should be. Accordingly, the crime package we are reporting today contains a Justice Assistance Act that will streamline the Federal agencies and provide money to the State and local forces who bear the brunt of the law enforcement duties. The package also provides resources to the States to enable them to construct more prisons and criminal justice facilities.

In short, Mr. President, the committee is reporting to the Senate an arsenal of well-reasoned crime legislation that will aid both Federal and State law enforcement agencies. The legislation is desperately needed, and I urge the Senate to act on these proposals as soon as possible.●

● Mr. CHILES. Mr. President, one of the basic reasons for the existence of government is the protection of those governed. Governments establish and enforce laws specifically designed to protect the safety of individuals. This protection encompasses the intertwined and thorny problems of how to prevent people from turning to crime and how to punish those who do. Sometimes we lose sight of this essential purpose of government. We become involved in other issues and other interests; important yes, but not as important as the very reason why humans band together, cede certain individual liberties, and form governments * * * the need to be secure, to be safe. The establishment of laws controlling criminal behavior is one of our main duties. From time to time we fall short of meeting that duty or only address it in bits and pieces. Today, we have the opportunity to face the task squarely and comprehensively. Today, the Senate is again presented with a comprehensive package to deal with those elements of crime which substantially affect and weaken the security of our Nation.

While increasing criminal activity has ravaged the people of this country in recent years, there has been no comprehensive effort in Congress to strengthen the ability of law enforcement agencies and our Federal courts to find the guilty and insure they are dealt with firmly and effectively.

Last year, Congress did approve a package of bills which in my opinion would have been very helpful. However, that effort fell victim to President Reagan's veto because of his opposition to the requirement for setting up a Cabinet-level officer to coordinate Federal drug-fighting efforts. So it became necessary to try again, to renew legislative efforts with the new Congress.

Now, the Senate Judiciary Committee has produced an omnibus crime control act composed of most of the proposals that I and others have pushed and supported for years. Missing from last year's package, not surprisingly, is the Federal drug coordinator plan that incurred the Presidential veto. I believe this is essential to drug law enforcement efforts and plan to continue my support in a separate proposal to accomplish this. Also missing is another essential aspect, the reform of the habeas corpus law in order to limit frivolous appeals which bog down courts and unnecessarily delay justice. This I also plan to press for through separate legislation.

Still, the work of the Judiciary Committee brings together a number of significant elements. Some of the key parts:

For the first time ever, Federal courts could deny bail to a defendant on the basis that release would pose a threat to the community.

Parole and good-behavior credits would be limited. A new sentencing commission would be created to promote more uniform sentencing procedures.

The insanity defense would be limited to those "unable to appreciate the nature or wrongfulness of their acts." The burden of proof of insanity would be on the defendant.

Federal penalties for narcotics offenses would be strengthened.

Seizure of the profits and proceeds of organized crime and drug traffick-

ing operations—or "substitute assets" where crime-related assets are beyond the reach of government—would be allowed.

To limit crime money laundering, existing laws prohibiting transportation of currency out of the country would be expanded and strengthened.

Murder-for-hire and crimes aiding racketeering would be made Federal offenses, thus involving the investigative capabilities of the FBI.

Federal laws regarding child pornography and fraud and bribery related to Federal programs would be beefed up.

Donation of surplus Federal property to State and local governments for urgently needed confinement facilities would be facilitated.

Some of these proposals will undoubtedly generate disagreement and there will certainly be strong lobbying in opposition, but I hope to see the Senate adopt this package as soon as possible, paving the way for House action.

We in Congress have the obligation to pass legislation that will help make our communities safe. If we do not meet the challenge, our law enforcement people and courts will be hard pressed to contain organized crime, drug smuggling, and other illegal activities, let alone turn the tide against it.

We should meet the task of protecting our communities head on with strength and sureness. Mr. President, I am pleased to be a sponsor of and urge its prompt adoption.●

● Mr. D'AMATO. Mr. President, 2 days ago, I spoke on the Senate floor in support of the "Comprehensive Crime Control Act of 1983." I am proud to be the first Senator, not a member of the Judiciary Committee, to cosponsor this historic "core package" of anticrime measures. I commend the Judiciary Committee for reporting this legislation prior to the summer adjournment, and I urge my colleagues to use the lull in legislative activity over the next several weeks to examine this package carefully. I hope that this prompt and intelligent action by the Senate Judiciary Committee will encourage the House to act with comparable decisiveness against crime.

It is my conviction that it is time to pay increased attention to the rights of society and of the victims of crime. I believe we are at an historic crossroads, where we have it in our power to make our communities safe again, if we will only make the commitment of will and resources necessary to do the job. I believe that striving for that goal is one of the noblest tasks an elected official can undertake. That is why I have used the term "statesmanlike" to describe the work of the Judiciary Committee in developing the Comprehensive Crime Control Act. Without violating the rights of the accused, the committee has reported legislation to the full Senate that serves the highest constitutional principle of insuring domestic tranquillity. For that reason, the act deserves to become law during the present Congress.●

● Mr. KENNEDY. Mr. President, I am pleased to join my colleagues on the Judiciary Committee in introducing the bipartisan crime package which was approved by the Senate Judiciary Committee as a new committee bill on July 21. I commend the chairman of the Judiciary Committee, Senator THURMOND, the ranking minority member, Senator BIDEN, and the chairman of the Criminal Law Subcommittee, Senator LAXALT, for their untiring efforts in developing this unprecedented and far-reaching bipartisan package.

We face a serious problem of crime in America, and there is an urgent need for effective leadership by the Federal Government. The bill which the Senate Judiciary Committee reports to the Senate today is a major anticrime package containing essential reforms with widespread bipartisan support in the committee and the full Senate.

In my view, the most important provisions in this legislation relate to sentencing and bail—the two areas where reform is most overdue. The bill replaces our haphazard approach to sentencing with a new system which establishes a commission to develop sentencing guidelines for judges, abolishes parole, and provides for appellate review of sentences. The sentencing provisions of this bill are identical to those in S. 668, which I introduced earlier this year and which is also being reported to the Senate today.

With respect to bail, the committee bill for the first time allows judges to consider the dangerousness of a defendant in determining whether and under what conditions to permit release on bail.

The bill also provides important weapons against drug trafficking and organized crime through stiffer penalties and stronger forfeiture statutes. The bill also provides procedures to deal with violent juvenile offenders. Finally, it gives desperately needed Federal assistance to State and local prosecutors.

This new bill embodies a unique consensus that has been developing in the judiciary Committee over several years to achieve reforms needed to wage a successful war against crime. But the bill is equally notable for three provisions that it does not contain—it excludes the highly controversial proposals to limit the exclusionary rule and heabeas corpus, and to reinstate the death penalty. Judiciary Committee Senators in both parties know that we cannot enact effective anticrime legislation unless we separate these controversial issues from the major effort. We have considered these issues separately in committee and Senators THURMOND, LAXALT, BIDEN and I have agreed to work together to keep them out of this crime package when it is debated by the full Senate.

The continued bipartisan cooperation that has brought us to this point is an unusual achievement for which many Senators deserve great credit. The measure before us is proof that Congress can adopt significant anticrime legislation, without jeopardizing the constitutional rights or the civil liberties of any citizen.

I look forward to early action by the Senate and the House on this committee bill and on S. 668, the separate sentencing bill.●

● Mr. CHILES. Mr. President, I am delighted to join with Senator THURMOND in sponsoring reform of Federal Intervention in State Proceedings Act which today was reported out of the Judiciary Committee. This bill addresses the need for reform of the Federal habeas corpus law.

A recent poll disclosed that over 70 percent of the American people have little or no confidence in the ability of our courts to convict and sentence criminals. I believe that this lack of public confidence in our criminal justice system is well founded, and that reform of our courts is essential to the fight against crime. One important aspect of this court reform must be the establishment of more finality in our criminal justice system. That means doing something about the endless number of appeals a prisoner is able to file under today's Federal habeas corpus statutes, notwithstanding the latest decision by the U.S. Supreme Court to encourage the adoption of better guidelines by appellate courts in this matter. That decision can be interpreted to only extend to death penalty cases so the need is still there with regard to all other cases.

Mr. President, a movement to reform our inadequate habeas laws has been growing nationwide. Attorneys general across the country have written and implored the Congress to act promptly to rectify this problem. Many other involved in our criminal justice system have for some time now called on us to act to restore the writ of habeas corpus to its original purpose.

The bill that I cosponsor with Senator THURMOND and the committee was designed to address some of the problems in the current system. The purpose of the bill is to give greater respect to orderly State court procedures; to assure that habeas corpus cases are considered in a timely manner; and to instill the notion of finality of judgment into our State criminal justice systems.

I believe that the current state of affairs is harmful to the effective func-

tioning of our courts. First of all, the easy availability of review after review is at odds with one of the most fundamental principles of our judicial system: the notion of finality. Habeas cases relitigate the facts and issues that were decided in the State courts. The current system operates in such a way as to suggest that a prisoner, duly convicted in a full and fair State proceeding, can challenge that conviction time and time again, for years or even decades after his State court conviction became final. Factual issues can end up being redetermined long after the crime was committed and the initial trial was held. In the meantime, evidence may have disappeared or key witnesses may no longer remember crucial details. The State is prejudiced by these long delays, and more importantly, the delays hurt the reliability of the factfinding process. Needless to say, extensive Federal court review of State court convictions can create unnecessary friction between the State court system and the Federal courts.

This lack of finality hampers the justice system in other ways as well. It erodes the deterrence factor in swift and sure punishment of the guilty. It erodes public confidence in the courts and in the criminal justice system to deal with crime and, in turn, fosters fear. Furthermore, the sheer volume of petitions filed is a strain on the limited resources of our courts. When our prosecutors, defense attorneys, and judges devote their time and efforts to reviewing and processing these petitions, we end up diluting the resources of the courts. We then add to the delay in bringing original criminal and civil cases to trial. Ironically, the flood of petitions may actually hurt those who have valid habeas claims.

I believe that if a person does not get a fair trial in the State courts, he should be entitled to one in the Federal courts. But I also believe that our criminal justice system cannot serve society if we allow any case to be reopened at any time, and on practically any grounds. These beliefs can be balanced. In today's system, however, they are not balanced. The bill that has just been reported and S. 117 which Senator NUNN and I introduced in January are attempts to strike a more equitable balance.

Mr. President, I urge the support of my colleagues for this legislation which represents a step toward expediting the dispensation of justice in our Nation.●

By Mr. MATHIAS, from the Committee on Rules and Administration:

Special Report on Allocation of Budget Totals (Rept. No. 98-210).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 1787: A bill to establish an office of the Director of National and International Drug Operations and Policy.

DRUG COORDINATOR

Mr. BIDEN. Mr. President, the Judiciary Committee has acted on and reported to the floor a bill which we believe will be a major step forward in improving the antidrug effort in this country.

This bill was passed by both the Senate and House of Representatives with overwhelming bipartisan support last year, only to be vetoed by the President at the close of the 97th Congress.

I am happy to say that we again have bipartisan support in the Judiciary Committee to move forward in establishing a cabinet-level office for coordination of our antidrug effort. The vote on this bill was 12 to 5 in the Judiciary Committee 2 weeks ago and the vote by the full Senate last Congress was 63 to 33.

Those of us who have been charged with oversight of the Federal narcotics control effort over the past three Congresses have come to the firm conclusion that lack of coordination is one of the most serious impediments to a more effective narcotics control program. Of course, the most tragic fact is that it is a self-inflicted wound that we had imposed upon ourselves and one that was repeated by the President's veto.

At the request of the New York Times I prepared a list of the examples of interagency turf wars that have foiled drug control, examples that had come to my attention while I was charged with oversight of the narcotics program in the 96th Congress.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, in summary, this article pointed to failures by DEA to follow up on cases provided it by Customs, duplication and inflation of seizure statistics by IRS, Customs, and DEA, unilateral withdrawal from narcotics intelligence collection by CIA and the failure to coordinate recent Reagan administration law enforcement programs with State Department.

We now have available a detailed report by the General Accounting Office concerning the lack of coordination of our drug enforcement effort. I shall just summarize a couple of general points that GAO and others charged with oversight of Federal narcotics policy have all been making for most of the last 20 years:

Fragmentation of the narcotics program has been a problem for most of the past two decades;

There have been as many so-called grand strategies for narcotics control during that period as there have been administrations, the most recent being issued last October—none has adequately defined the exact roles of each of the agencies or delegated specific tasks for the agencies. Indeed to call them strategies is gross exaggeration.

The so-called drug coordinator in the White House has no real authority to manage all Federal drug efforts so its not surprising that no real strategy has emerged.

This administration has proposed to deal with the coordination issue by creating new interagency coordinating entities. It has created 12 new task forces that we have learned in hearings before the Judiciary Committee will create about five new levels of bureaucracy through which decisions must pass before a task force investigator can get the go ahead to open an investigation. We are soon going to need coordinators to coordinate the coordinators.

It seems as though we are incapable of learning from our mistakes. But at least since 1972 various high-level policy reviews in past administrations, as well as the GAO, have pleaded for better coordination.

The opposition to the drug coordinator bill last Congress was based on bureaucrats concerned with protecting their turf. I still believe that to be largely the case. Although I have been gratified to hear that there were middle level career law enforcement officials who strongly support the creation of a cabinet level office. Several came forward to confidentially tell my staff and the GAO of their support.

This administration, like past administration's, has buckled to the pressures of the bureaucracy and have continued the process of decision by committee which leaves no one in charge, no one responsible and no consistency for planning, establishing or carrying out a coordinated drug enforcement effort.

Mr. President, at this time I believe it helpful if I place in the RECORD a response to some of the criticisms raised by the administration in their opposition to this bill last Congress.

1. Argument against: The authority of the Attorney General would be undermined.

Response: I made it clear throughout the discussions with the administration, including our meeting with the President last year, that I had no objection to the Attorney General serving the role as the chief coordinator.

2. Argument Against: This bill would bring the White House into day to day law enforcement decisions.

Response: I have made clear in the past, it was never our intent that this office be located in the White House. Indeed I am not certain where that idea came from in the first place. This bill would create an office in the executive branch of government not in the executive office of the President. Besides unlike White House staff this individual would be appointed with the advice and consent of the Senate and therefore would be appearing before the Senate committee on a regular basis.

3. Argument against: The bill would take away the individual authority of other cabinet members and agency heads.

Response: I have always thought that it was clear that such direction would be subject to an appeal to the President. As a practical matter that's how the DCI enforces tasking requirements upon the components of the intelligence community. For example, if the DCI orders the Secretary of Treasury to place its highest priority on collecting intelligence on the international banking activities of the Amtorg bank (an arm of the Soviet Government) and the Secretary of Treasury feels its more important to use the Department's resources to find out what Chase Manhattan has done in over-extending itself to the Mexicans the Secretary can appeal to the President.

4. Argument against: The Administration hasn't had a chance to explain their objections.

Response: The fact I am now listing arguments made by the Administration indicates their position is widely known. Let me list the times and places just in the last year in which the President or a member of the Executive Branch has commented on this proposal.

Department of Justice letter to the Chairman dated September 30, 1982.

The President's Memorandum of Disapproval in vetoing the Crime Bill dated January 14, 1983.

Countless news articles about the veto of the crime bill during the week of January 15th.

Testimony by the Attorney General and FBI Director Webster at an Organized Crime and Drug Trafficking Hearing on January 27, 1983.

Testimony by Carlton Turner, Director of the Office of Drug Abuse Policy on February 17, 1983 before the House Judiciary Committee Hearing entitled "Coodination of Drug Enforcement Efforts".

Senate Judiciary Hearing on S. 829 the Comprehensive Crime Control Act of 1983 on May 4, 1983 when the Attorney General and Rudolph Guiliani, former Associate Attorney General testified.

5. *Argument against:* The bill would create an unnecessary and costly layer of bureaucracy.

Response: This is the argument that most troubles me. The whole purpose of this bill is to give one person authority to cut through existing bureaucratic barriers to coordination. Indeed this Administration's answer, like those in the past, has been to create coordinating groups and councils. Indeed, we now have at least eight groups or councils or committees that purport to coordinate the activities of the 9 cabinet and 33 agencies involved in drug control and prevention. This is "decision by consensus" that leaves no one responsible and is not efficient. The public would like to know and Congress would like to know, who is in charge?

Congress concluded last session that Federal coordination of drug control is so complex a job that it requires the attention and responsibility of one person. Cabinet-level status is necessary for the job to have the clout needed to impose a truce on interagency feuding, to insure maximum participation. and to allocate budgetary resources for efficiency and economy. Since the new officer would be appointed by the President and confirmed by the Senate, the public would have one person to hold accountable for developing and implementing a specific effective Federal strategy.

Let us be serious. We are not talking here about more government—the office in question need not be large. Indeed, its responsibilities could be performed by personnel borrowed from existing agencies. Also, we could do away with some of these layers of coordinating groups and councils that only further confuse the policy-making process. We are talking about making the Government we have work right, and do the job it is supposed to do, not increasing its size.

I am afraid that laudable efforts by the administration to curb the drug problem will fail. They will fail like the long list of casualties under previous administrations because of the lack of central control and management. Look at the current status of the new drug task forces that were supposed to be the answer to better coordination. They are behind schedule, the case selection process is a bureaucratic nightmare, and the tightly controlled and highly targeted 12 regional strike forces announced by the President have turned into 70 uncoordinated entities.

Until somebody can say, this is the plan and these are the agencies needed to work these aspects of the problem, it will be business as usual: competition, duplication, and inefficiency.

By way of analogy, Mr. President, if we were going to legally distribute the amount of illegal drugs that are networked through this country by organized crime families and entrepreneurs in the drug trafficking business, there is not a single food chain in America from Grand Union to A&P to any of the ones we could name that if they were open around the clock, with their present number of outlets and their present staffing, that they would be able to legally distribute what is now illegally distributed.

The point I am trying to make is that the problem is awesome. Unless we are able to understand the need to coordinate all aspects of the Federal capability at one time, we are not going to make any significant impact upon what is, in my view, the No. 1 domestic problem facing the United States of America.

There are four aspects of the problem. One is the place in which the raw material is produced, the coca or the poppy. They are usually what we refer to as the source countries, like Pakistan, Afghanistan, Colombia, or Bolivia.

The second part relates to when that raw material is, in fact, made into the salable substance, whether it is a laboratory to purify heroin, to move poppy to morphine to heroin. These laboratories are located in places like Pakistan or in Sicily, or for cocaine, in Colombia or Bolivia.

The third part of the problem relates to the interdiction—that is, keeping it from getting from its destination into the United States of America.

The fourth part is what we do in the enforcement and investigation area when it gets here.

We need all elements of the Federal Government involved in the problem. The FBI, for instance, does not have jurisdiction beyond the borders of the United States of America; the State Department has jurisdiction on foreign policy; the CIA has access to information in other countries. The list goes on and on. The IRS, for example, is where the experts reside on how we could best trace the money.

Up to now, there has been an incredible lack of coordination because the fact remains that none of the bureaucracies is willing to allow their turf to be tread upon. The examples are many.

For example, there are examples where the CIA does not want to tell the Drug Enforcement Agency about a drug operation they stumble upon because, in fact, they are worried about compromising their sources and methods, as they call them. The DEA, up until very recently, and I suspect it is still continuing, has been reluctant to tell the FBI about their sources because they do not want the FBI to get all the credit for the arrests. The FBI does not want to talk to the State Department. The State Department does not want to talk about drugs. It goes on and on.

Mr. President, unless we have one person with the authority in the drug area similar to that of the Director of Central Intelligence in the intelligence area, we are not going to be able to make much progress. That is what this so-called drug coordinator bill is all about.

Mr. President, I ask unanimous consent to have added as a cosponsor, Senator HAWKINS of the State of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

[From the New York Times, Jan. 4, 1983]

TO END TURF WARS THAT FOIL DRUG CONTROL

(By Joseph R. Biden Jr.)

WASHINGTON.—Turf wars among Government agencies responsible for Federal control of narcotics, long a major obstacle to such control, would finally be eliminated by a bill that is awaiting President Reagan's signature. If he succumbs to bureaucratic arguments to veto it, he will invite a severe setback to his own commendable efforts to control drug trafficking and the crime it spawns in every corner of this country.

Both houses of Congress, by overwhelming majorities, on Dec. 20 passed legislation that could end the infighting. The measure would lodge in one individual, at the Cabi-

net level, the authority and responsibility for coordinating the narcotics-control efforts of the 10 Federal agencies that share that responsibility.

If Mr. Reagan vetoes the measure, as some newspapers have reported he may, many agencies almost certainly will continue to subordinate their responsibility for stopping illegal drugs to what they perceive as their primary duties. Recent history is studded with examples of how bureaucratic inertia and conflict can divert attention from the critical job of controlling the drug trade.

The Drug Enforcement Administration has failed at times to follow up on drug smuggling information provided by the Customs Service.

The Drug Enforcement Administration, Internal Revenue Service and Customs Service have inflated their statistics on Government seizures of profits from the narcotics trade. All have, on occasion, taken credit for seizing the same illicit proceeds.

Intelligence agencies have exhibited chronic, but not ill-founded, reluctance to collect information on drug trafficking for fear of getting enmeshed in court proceedings that might compromise their operations. (The Central Intelligence Agency, in 1979, unilaterally decided to reduce its commitment to the covert collection of narcotics intelligence abroad. There was virtually no one outside it with the authority and responsbility to protest.)

The State Department's Bureau of International Narcotics Matters was not even consulted before the President, in October, unveiled his major, new drug-enforcement program, which establishes 12 regional task forces to crack down on drug trafficking nationwise. Funds for the department's programs aimed at cutting drug programs abroad have been frozen despite the Attorney General's contention that a dollar spent abroad on such programs is worth $10 spent on domestic law enforcement.

Agency infighting already has taken its toll of the Reagan program while it is still in the planning stage. For example, the Justice Department and other agencies have squabbled over control of the program's budget, and there have been arguments in the department over who will conduct prosecutions. I am not convinced that adequate consideration has been given to how the new task forces would mesh with existing organized-crime task forces or with a dozen United States attorneys, each responsible for an existing task force region and pursuing investigations that may overlap into other regions.

I seriously doubt that the ad hoc interagency committees the Administration created to coordinate Federal narcotics policy will do more than add another arena for bureaucratic combat. The bill going to the President presents a better alternative.

Congress has concluded that Federal coordination of drug control is so complex a job that it requires the attention and responsibility of one person. Cabinet-level status is necessary for the job to have the clout needed to impose a truce on interagency feuding, to insure maximum participation and to allocate budgetary resources for top efficiency and economy. Since the new officer would be appointed by the President and confirmed by the Senate, the public would have one person to hold accountable for developing and implementing a specific, effective Federal strategy.

The agencies seem to be making two arguments for a veto. First, we are told, the new office would intimately involve the White House in day-to-day law-enforcement decisons. Actually, the office would have no police powers and could not be involved in individual law-enforcement decisions. Second, the public is told, still another bureaucracy would be created. But Congress was not envisioning more government; rather the new office would meet its responsbilities with personnel and resources borrowed from existing agencies.

The Government will not be able to significantly strengthen drug enforcement until it puts someone in overall charge—until business-as-usual in Federal narcotics control ends. To counter the drug traffickers who have put this nation under siege, America needs a well-planned, well-coordinated, centrally directed and single-minded attack.

Mr. SASSER. Mr. President, I am pleased to join today in cosponsoring a bill that would create a Cabinet-level office for the coordination of Federal drug-enforcement efforts.

The flow of illegal drugs is a major and growing problem in the United States. The General Accounting Office estimates drug trafficking to be an $80-billion-a-year industry in the United States. This figure would make it the second highest corporation in the country behind Exxon. The annual consumption of drugs in the United States is also staggering. For example, the annual domestic consumption of heroin is about 4 metric tons and cocaine consumption is estimated to be 40 to 48 metric tons.

Despite recordbreaking arrests and confiscation of illegal drugs in recent years, law enforcement agencies still estimate that they are able to stop only 5 to 15 percent of all the hard drugs flowing into this country. This statistic indicates to me that drug trafficking has been virtually untouched and is definitely on the rise. With the increase of drugs flowing into the country, there will also be an increase in another menace that all of us will have to face—crime. Law enforcement personnel are convinced that the recent surge of crimes committed across this country is mostly drug-related. These types of crimes—muggings, theft, robbery, murder—touch many peoples' lives. Many of the people who commit drug-related crimes are addicts and must support their habit through criminal activity.

Mr. President, with information as shocking as this, I feel that a coordinating office of this kind is essential to give order and direction to the Nation's drug enforcement efforts. These efforts are scattered throughout many different agencies and I see no signs that the administration has been successful in straightening out the confusion and bureaucratic snafu which has persistently hampered our drug enforcement efforts in the past.

In conclusion, drug trafficking is a relentless and despicable evil in our society today. Something has got to be done in order to upgrade our law enforcement agencies. I feel that this piece of legislation will definitely have a positive impact on the reducing of drug traffic in this country.

REFERRAL TO COMMITTEE—S. 1762

Mr. BAKER. Mr. President, this request has been submitted to the minority leader for his consideration also, I believe.

I ask unanimous consent that S. 1762, the Comprehensive Crime Control Act of 1983, be referred to the Committee on Foreign Relations until the close of business September 20, 1983, for the purpose only of considering part M of title 10 of the "political offense" and related provisions.

Mr. BYRD. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as United States Representative to the Food and Agriculture Organizations in Rome.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Millicent Fenwick.

Post: Rank of Ambassador, U.S. Representative to the Food and Agriculture Organization.

Contributions, amount, date, and donee.

1. Self, $250, 1980 or 1982, Representative James Jeffords (R-Vt.).

2. Spouse, $1,000, 198?, Dinner for President Ronald Reagan.

3. Children and Spouses Names: Mary and Kenneth Reckford, $900, joint contribution, 1982, Fenwick for Senate.

4. Parents Names: Leigh and Hugh Fenwick, $400, joint contribution, 1982, Fenwick for Senate.

5. Grandparents Names:

Leigh Fenwick, $200, 1982, Fenwick for Senate.

Hugh Fenwick, $250, 1982, Fenwick for Senate.

6. Brothers and Spouses Names: None.

7. Sisters and Spouses Names: None.

Peter Jon de Vos, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the People's Republic of Mozambique:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Peter Jon de Vos.

Post: Mozambique.

Contributions, amount.

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.
4. Parents names, none.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

Thomas Ostrom Enders, of Connecticut, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to Spain:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Thomas O. Enders.
Post: U.S. Ambassador to Spain.
Contributions, amount, date, and donee.
1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names, Ostrom Enders (father), last 3 years, less than $1,000 a year to various Republican candidates.

1982

Conn. Republican Party, Jan. 14, 1982, $250.
Russell Post for Governor, Feb. 25, 1982, $250.
Russell Post for Governor, April 9, 1982, $250.
Scheller Committee Campaign, Sept. 8, 1982, $100.
Janet Polinsky, Sept. 8, 1982, $100.

1981

Waterford Democratic Town Comm., Mar. 3, 1981, $36.
Avon Republican Comm., Apr. 25, 1981, $50.
Nicholas Schaus, Nov. 16, 1981, $250.
R. L. Post, Nov. 16, 1981, $250.

1980

Beatrice K. Murdoch, St. Rep., Jan. 28, 1980, $100.
Republican Nat. Comm., Feb. 13, 1980, $100.
R. L. Post for Senate Committee, Sept. 11, 1980, $50.
Janet Polinsky Committee, Sept. 15, 1980, $50.
Conn. Republicans—Ford Luncheon, Oct. 20, 1980, $500.
Schaus for House, Oct. 29, 1980, $100.
Barnes for House, Nov. 3, 1980, $100.
5. Grandparents names, none.
6. Brothers and spouses names, none.
7. Sisters and spouses names, none.

Thomas J. Pickering, of New Jersey, a Career Member of the Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to El Salvador:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Thomas R. Pickering, Nominated June 2, 1983.
Post: Ambassador, Republic of El Salvador.
Contributions, amount, date, and donee.
1. Self, none.
2. Spouse, none.
3. Children and spouses names:
Mr. and Mrs. Timothy Pickering, none.
Miss Margaret S. Pickering, none.
4. Parents names, Mr. and Mrs. Hamilton R. Pickering, none.
5. Grandparents names, deceased.
6. Brothers and spouses names, none.
7. Sisters and spouses names, Mr. and Mrs. Bruce Hunt, $25, Sept. 1982, Representative Robert Mrazek (D) 3rd District New York.

To be Members of the Board of Directors of the African Development Foundation:

William F. Pickard, of Michigan, for a term of six years;
Patsy Baker Blackshear, of Maryland, for a term of four years;
Chester A. Crocker, an Assistant Secretary of State, for a term of two years;
Francis Stephen Ruddy, an Assistant Administrator of the Agency for International Development, for a term of two years;
Charles G. Wells, of Illinois, for a term of four years;

To be Members of the Board For International Broadcasting:

Joseph Lane Kirkland, of the District of Columbia, for a term expiring April 28, 1984;
Arch L. Madsen, of Utah, for a term expiring April 28, 1984;
James Albert Michener, of Pennsylvania, for a term expiring April 28, 1984;
Clair W. Burgener, of California, for a term expiring April 28, 1985;
Malcolm Forbes, Jr., of New Jersey, to be a Member for a term expiring April 28, 1986.
Henry F. Schickling, of Pennsylvania, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985.

Mr. PERCY. Mr. President, I also report favorably a nomination list in the Foreign Service which appeared in its entirety in the CONGRESSIONAL RECORD of July 25, 1983, and, to save the expense of reprinting them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to request to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. LAXALT, Mr. KENNEDY, Mr. HATCH, Mr. DECONCINI, Mr. EAST, Mr. D'AMATO, Mr. CHILES, Mr. DOMENICI, Mr. ZORINSKY and Mr. COCHRAN):

S. 1762. A bill entitled the "Comprehensive Crime Control Act of 1983."; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. CHILES, Mr. ZORINSKY, Mr. SIMPSON, Mr. DOMENICI, Mr. HELMS, Mr. COCHRAN and Mr. MURKOWSKI):

S. 1763. A bill to reform procedures for collateral review of criminal judgments, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. HATCH, Mr. DOMENICI and Mr. ZORINSKY):

S. 1764. A bill to amend title 18 to limit the application of the exclusionary rule; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. LAXALT, Mr. DECONCINI, Mr. HATCH, Mr. GARN, Mr. HELMS, Mr. SIMPSON, Mr. TRIBLE, Mr. ZORINSKY, Mr. GRASSLEY, Mr. EAST, Mr. SPECTER and Mr. DOMENICI):

S. 1765. A bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. NUNN, Mr. QUAYLE Mr. DECONCINI, Mr. HEFLIN, Mr. SIMPSON and Mr. GRASSLEY):

S. 1766. A bill to amend Section 706 to Title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 1767. A bill to amend the Internal Revenue Code of 1954 to reform and simplify the individual income tax; to the Committee on Finance.

S. 1768. A bill to amend the Internal Revenue Code of 1954 to provide energy tax credits for equipment used aboard or installed on fishing vessels; to the Committee on Finance.

By Mr. DIXON (for himself, Mr. PERCY and Mr. CRANSTON):

S. 1769. A bill for the relief of Dennis Brutus; to the Committee on the Judiciary.

By Mr. GARN (for himself and Mr. HATCH):

S. 1770. A bill to extend the leaseterms of Federal oil and gas lease numbered U-39711; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 1771. A bill to extend temporary suspension of duties on certain clock radios until September 30, 1987; to the Committee on Finance.

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. SASSER and Mr. PELL):

S. 1772. A bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anesthetists; to the Committee on Finance.

By Mr. MATHIAS (for himself, Mr. HATFIELD, Mr. JACKSON and Mr. SARBANES):

S. 1773. A bill to amend the Internal Revenue Code of 1954 to permit the rollover of gain from the sale of farmland development rights to a State or a political subdivision thereof under a farmland preservation program, and for other purposes; to the Committee on Finance.

By Mr. PROXMIRE (for himself, Mr. LEAHY, Mr. METZENBAUM and Mr. CRANSTON):

S. 1774. A bill to amend the Federal Insecticide, Fungicide and Rodenticide Act to better protect the environment and man from the hazards of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOMENICI:

S. 1775. A bill to repeal the designation of the Georgia O'Keeffe National Historical Site; to the Committee on Energy and Natural Resources.

By Mr. DIXON:

S. 1776. A bill to document the vessel Odyssey as a vessel within a certain classifica-

tion; to the Committee on Commerce, Science, and Transportation.

By Mr. TRIBLE:

S. 1777. a bill to amend part D of title IV of the Social Security Act to require each State to develop, implement, and enforce a system of mandatory and immediate deductions from wages for the collection of child-support payments; to the Committee on Finance.

By Mr. QUAYLE:

S. 1778. A bill to provide for a block grant to States for health planning activities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PROXMIRE:

S. 1779. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to generate additional revenues for the Superfund to provide incentives for hazardous waste recycling and to provide for certain additional forms of assistance respecting releases of hazardous substances, to amend the Internal Revenue Code of 1954 to impose (in lieu of the Superfund taxes on petroleum and chemical feedstocks) an additional tax on hazardous wastes, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself and Mr. DOMENICI):

S. 1780. A bill entitled the "Solar Energy National Security and Employment Act of 1983"; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 1781. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

By Mr. KASTEN:

S. 1782. A bill to designate the United States Post Office Building in Oshkosh, Wisconsin, as the "William A. Steiger Post Office Building"; to the Committee on Governmental Affairs.

By Mr. BAKER (for Mr. GOLDWATER):

S. 1878. A bill to eliminate the congressional budget process, abolish the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instruction that if one committee reports, the others have thirty days of continuous session to report or be discharged.

By Mr. BYRD (for himself, Mr. HEINZ, Mr. LEVIN, Mr. SPECTER, Mr. MOYNIHAN, and Mr. MATSUNAGA):

S. 1784. A bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs; to the Committee on Finance.

By Mr. SASSER (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. JACKSON, Mr. EAGLETON, Mr. WARNER, Mr. TSONGAS, Mrs. KASSEBAUM, Mr. BUMPERS, Mr. COCHRAN, Mr. RIEGLE, Mr. MELCHER, Mr. HOLLINGS, Mr. BOREN, Mr. PRYOR, Mr. MATSUNAGA, Mr. BURDICK, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. GLENN, Mr. KENNEDY, Mr. DODD, Mr. BAUCUS, and Mr. ZORINSKY):

S. 1785. A bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill; to the Committee on Finance.

By Mr. MATHIAS:

S. 1786. A bill to amend title 5, United States Code, to provide Civil Service retirement credit for certain employees and former employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BIDEN (for himself, Mr. DECONCINI, Mr. PELL, Mr. KENNEDY, Mr. METZENBAUM, Mr. LEAHY, Mr. BAUCUS, Mr. CHILES, Mr. NUNN, Mr. ZORINSKY, Mr. SASSER, Mr. RANDOLPH, Mr. BURDICK, Mr. HOLLINGS, Mr. HEINZ, Mrs. HAWKINS, Mr. CRANSTON, Mr. MOYNIHAN, and Mr. EAGLETON):

S. 1787. A bill to establish an office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1788. A bill to change the term of the Chairman of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. LEAHY, Mr. ANDREWS, and Mr. ZORINSKY):

S. 1789. A bill to provide for the restructuring of the Farmers Home Administration water and waste disposal loan and grant programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND:

S. 1790. A bill to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 1791. A bill to amend Section 103(b)(3) of the Internal Revenue Code; to the Committee on Finance.

By Mr. LEVIN (for himself, Mrs. HAWKINS, Mr. RANDOLPH, Mr. JOHNSTON, Mr. MELCHER, and Mr. ZORINSKY):

S. 1792. A bill to amend title XIX of the Social Security Act to extend medicaid coverage of home care to certain disabled individuals over 18 years of age; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1793. A bill to amend the Internal Revenue Code of 1954 to prevent taxpayers from using certain straddles, foreign corporations, and other devices to avoid or defer payment of Federal income taxes, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. WEICKER and Mr. STEVENS):

S. 1794. A bill to require certain agencies to procure supplies or services from local commercial sources instead of from a multiple-award schedule of the Federal Supply Schedule under certain circumstances; to require the Administrator of General Services to remove contractors from multiple-award schedules under certain circumstances; and to increase the maximum amount of small purchases which may be made by such executive agencies from sums in an imprest fund for one transaction; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself and Mr. LEAHY):

S. 1795. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction; to the Committee on Labor and Human Resources.

By Mr. GORTON (for himself, Mr. ANDREWS and Mr. RUDMAN):

S. 1796. A bill relating to equality of rights under law regardless of sex; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1797. A bill to name the United States Post Office Building to be constructed in Fort Worth, Texas, as the "Jack D. Watson Post Office Building"; considered and passed.

By Mr. DECONCINI:

S. 1798. A bill to require the executive agencies of the Federal Government to identify all appropriate costs of operating, maintaining, leasing, and acquiring motor vehicles; to require all executive agencies to study the cost benefits of the use of outside private sector fleet management contractors as an alternative to the Interagency Motor Pool System and other existing systems, to require certain cost saving measures in current motor vehicle operations, to reduce the total amount spent for non-tactical, non-law enforcement motor vehicle operation, maintenance, leasing, acquisition, and disposal by $100,000,000 in fiscal year 1985, and for other purposes; to the Committee on Governmental Affairs.

By Mr. NUNN (for himself and Mr. HUDDLESTON):

S. 1799. A bill to provide financial assistance to States for training for unemployed individuals, especially long-term unemployed individuals and dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NUNN (for himself and Mr. HUDDLESTON):

S. 1800. A bill to amend the Internal Revenue Code of 1954 to provide tax-exempt accounts for job training, and for other purposes; to the Committee on Finance.

By Mr. NUNN (for himself and Mr. HUDDLESTON):

S. 1801. A bill to amend the Internal Revenue Code of 1954 to allow a credit for employee training expenses; to the Committee on Finance.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1802. A bill to amend the Housing and Community Development Act of 1974 to allow newly designated metropolitan cities to retain their former status, permitting a county which was an urban county to retain its status as an urban county; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR:

S. 1803. A bill to reduce paperwork in the administration of certain construction contract provisions of law relating to wage rates; to the Committee on Governmental Affairs.

By Mr. DOLE (for himself, Mr. BOREN and Mr. SYMMS):

S. 1804. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of foreign sales corporations; to the Committee on Finance.

By Mr. THURMOND:

S. 1805. A bill to permit the surviving spouse and unmarried children of a person interred in a cemetery located on a military installation to be interred in such cemetery; to the Committee on Veterans Affairs.

By Mr. BRADLEY:

S. 1806. A bill to recognize the organization known as the Jewish War Veterans to the United States of America, Incorporated; to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1807. A bill to amend the Internal Revenue Code of 1954 to clarify the taxation of certain income derived from agricultural commodities not grown in the United States in commercially marketable quantities; to the Committee on Finance.

By Mr. MATTINGLY (for himself and Mr. BOREN):

S. 1808. A bill to amend the Tariff Act of 1930 regarding the country of origin marking requirements for certain imported pipe, pipe fittings, and compressed gas cylinders; to the Committee on Finance.

By Mr. BAUCUS:

S. 1809. a bill to amend the Internal Revenue Code of 1954 to disregard the attribution between limited partners of stock of a publicly-owned investment company for purposes of determining whether such company is a personal holding company or regulated investment company; to the Committee on Finance.

By Mr. HUMPHREY (for himself and Mr. LEVIN):

S. 1810. A bill to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal years 1984 and 1985; to the Committee on Armed Services.

By Mr. NICKLES (for himself, Mr. EXON and Mr. ZORNISKY):

S. 1811. A bill to authorize the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. METZENBAUM:

S. 1812. A bill to provide work for long-term unemployed jobseekers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JEPSEN:

S. 1813. a bill to amend the Consolidated Farm and Rural Development Act, to require the Secretary of Agriculture to make and insure loans to certain farm supply businesses which have been adversely affected by the payment-in-kind program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PACKWOOD:

S. 1814: A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

By Mr. PACKWOOD:

S. 1815. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation corporations which acquire and manage real property for certain other exempt organizations, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 1816. A bill to amend the Textile Fiber products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products; to the Committee on Commerce, Science, and Transportation.

By Mr. SYMMS (for himself, Mr. MOYNIHAN and Mr. MATSUNAGA):

S. 1817. A bill to provide equitable rules for the tax treatment of fringe benefits; to the Committee on Finance.

By Mr. BRADLEY:

S. 1818. A bill to provide that a certain portion of the Hudson River shall be declared non-navigable; to the Committee on Environment and Public Works.

By Mr. EXON:

S. 1819. A bill to specify the manner in which uncompensated services provided by a skilled nursing facility or an intermediate care facility shall be calculated for purposes of titles VI and XVI of the Public Health Services Act, and to require the Secretary of Health and Human Services to promulgate regulations under section 1621(b)(1)(K) of the Public Health Service Act; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 1820. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide that an individual may meet the 20 weeks work requirement during either of their most recent base periods; and to provide that the entitlement for extended compensation shall continue for six months beyond the end of their benefit year; to the Committee on Finance.

By Mr. GARN (for himself and Mr. TOWER):

S. 1821. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1822. A bill to amend the Internal Revenue Code of 1954 to encourage investments in mortgage-backed securities through trusts for investments in mortgages, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 1823. A bill to provide for an alternative to the present adversarial rule making procedure by establishing a process to facilitate the formation of regulatory negotiation commissions; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. SYMMS):

S. 1824. A bill to amend the Internal Revenue Code of 1954 to remove the limitation on estate tax exclusions under section 2039; to the Committee on Finance.

S. 1825. A bill to amend the Internal Revenue Code of 1954 to revise the addition to tax for failure to pay estimated income tax; to the Committee on Finance.

By Mr. DANFORTH:

S. 1826. A bill entitled the "Hunger Relief Incentives Tax Act of 1983"; to the Committee on Finance.

By Mr. EAGLETON (for himself and Mr. DANFORTH):

S. 1827. A bill to authorize the Secretary of Energy to accept certain lands in St. Louis, Missouri to provide remedial action with respect to radioactive materials; to the Committee on Environment and Public Works.

By Mr. PACKWOOD (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, Mr. GORTON, Mr. CRANSTON, Mr. MATTINGLY, Mr. SARBANES, Mr. GOLDWATER, Mr. CHILES, Mr. GARN, Mr. BUMPERS, Mr. MURKOWSKI, Mr. GLENN, Mr. COHEN, Mr. MOYNIHAN, Mr. TRIBLE, Mr. NUNN, Mr. KASTEN, Mr. HEFLIN, Mr. HUMPHREY, Mr. STENNIS, Mrs. HAWKINS, Mr. DODD, Mr. EAST, Mr. BENTSEN, Mr. WEICKER, Mr. PELL, Mr. WILSON, Mr. LEVIN, and Mr. TSONGAS):

S.J. Res. 150. A joint resolution to designate August 4, 1984 as "Coast Guard Day"; to the Committee on the Judiciary.

By Mr. SPECTER:

S.J. Res. 151. A joint resolution to enact a moratorium on federally authorized access charges imposed on residential customers without regard to such customer's use of long-distance services; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN:

S.J. Res. 152. A joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week"; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 153. A joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York; to the Committee on the Judiciary.

By Mr. DIXON:

S.J. Res. 154. A joint resolution to recognize the contributions of the Illinois waterway to the development of the State of Illinois after 50 years of operation; to the Committee on the Judiciary.

By Mr. WILSON:

S.J. Res. 155. A joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week"; to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. PELL):

S.J. Res. 156. A joint resolution to designate the month of October 1983 as "International Youth Exchange Month"; to the Committee on the Judiciary.

By Mr. MELCHER (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. DIXON, Mr. DURENBERGER, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JACKSON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. MATTINGLY, Mr. MCCLURE, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. STAFFORD, Mr. WARNER, and Mr. WILSON):

S.J. Res. 157. A joint resolution designating November 13, 1983, as "National Retired Teachers Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS:

S. Res. 195. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1009; from the Committee on Governmental Affairs; to the Committee on the Budget.

By Mr. STEVENS:

S. Res. 196. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1513; from the Committee on Governmental Affairs; to the Committee on the Budget.

By Mr. HATCH:

S. Res. 197. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 242; from the Committee on

Labor and Human Resources; to the Committee on the Budget.

By Mr. BOSCHWITZ (for himself, Mr. GLENN, Mr. HART, Mr. PROXMIRE, Mr. HUMPHREY, Mr. HELMS, Mr. RIEGLE, Mr. FORD, Mr. PRESSLER, and Mr. DANFORTH):

S. Res. 198. A resolution expressing the sense of the Senate that nuclear reactor components should not be exported from the United States for India's Tarapur nuclear power station unless the Government of India provides stronger nonproliferation guarantees; to the Committee on Foreign Relations.

By Mr. PACKWOOD:

S. Res. 199. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2840; from the Committee on Commerce, Science, and Transportation; to the Committee on the Budget.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 200. A resolution to authorize testimony and the production of documents in the case of *State of Florida* v. *Charles H. Rogers, Jr.*, Cr. No. 83-14931; considered and agreed to.

By Mr. PRESSLER (for himself, Mr. PERCY, Mr. DOLE, Mr. SARBANES, Mr. GLENN, Mr. PELL, Mr. LEAHY, Mr. D'AMATO, Mr. GARN, Mr. HELMS, Mr. DOMENICI, Mr. ZORINSKY, Mrs. HAWKINS, Mr. WILSON, Mr. BOSCHWITZ, Mr. COHEN, Mr. DODD, Mr. BUMPERS, Mr. HUMPHREY, Mr. MURKOWSKI, and Mr. HATCH):

S. Res. 201. A resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union; to the Committee on Foreign Relations.

By Mr. BAKER (for himself, Mr. BYRD, Mr. MOYNIHAN, and Mr. DOLE):

S. Res. 202. A resolution to establish a Select Committee on Puerto Rico; to the Committee on Rules and Administration.

By Mr. BYRD (for Mr. HEFLIN (for himself and Mr. DENTON)):

S. Res. 203. A resolution to commend the past and present commissioners and employees of the Alabama Department of Agriculture and Industries; considered and agreed to.

By Mr. LEVIN:

S. Res. 204. A resolution to express the sense of the Senate concerning Raoul Wallenberg; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. NICKLES, Mr. D'AMATO, and Mr. MURKOWSKI):

S. Res. 205. A resolution to express the sense of the Senate in support of the principles of a flat rate individual income tax; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. TSONGAS):

S. Res. 206. A resolution urging the President to enter into negotiations with the Soviet Union to conclude a treaty providing for mutual cooperation to deal with the threat of accidental nuclear war caused by an act of terrorism; to the Committee on Foreign Relations.

By Mr. QUAYLE:

S. Res. 207. A resolution condemning the Governments of the Soviet Union, Afghanistan, Vietnam, and Laos for using, or condoning the use of, chemical and toxin weapons and expressing the sense of the Senate with respect to the pursuance of a policy for a comprehensive and effectively verifiable ban on chemical weapons, and for other purposes; to the Committee on Foreign Relations.

By Mr. CHILES (for himself, Mr. BYRD, Mr. DOMENICI, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. BURDICK, Mr. CRANSTON, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. EAGLETON, Mr. EXON, Mr. FORD, Mr. HART, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JACKSON, Mr. JOHNSTON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LONG, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. NUNN, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. ZORINSKY, Mr. DOLE, and Mr. ABDNOR):

S. Con. Res. 61. A concurrent resolution to commend Dr. Alice Mitchell Rivlin for her services as Director of the Congressional Budget Office; to the Committee on the Budget.

By Mr. MATTINGLY (for himself, Mr. KENNEDY, Mr. HUMPHREY, and Mr. CHAFEE):

S. Con. Res. 62. a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem; to the Committee on Finance.

By Mr. BAKER (for Mr. HELMS):

S. Con. Res. 63. a concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 3190; considered and agreed to.

By Mr. LEVIN (for himself, Mr. COCHRAN, Mr. HUDDLESTON, Mr. MELCHER, Mr. ANDREWS, Mr. BOREN, Mr. RIEGLE, Mr. CRANSTON, Mr. HOLLINGS, Mr. ZORINSKY, Mr. DECONCINI, Mr. NUNN, and Mr. WILSON):

S. Con. Res. 64. A concurrent resolution to express the sense of the Congress relating to agricultural marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN (for himself, Mr. BOSCHWITZ, Mr. CRANSTON, Mr. DOLE, Mr. HEINZ, Mr. MOYNIHAN, Mr. SARBANES, and Mr. TSONGAS):

S. Con. Res. 65. A concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Mr. NUNN, Mr. QUAYLE, Mr. DECONCINI, Mr. HEFLIN, Mr. SIMPSON, and Mr. GRASSLEY):

S. 1766. A bill to amend section 706 of title 5, United States Code, to strengthen the judicial review provisions of the Administrative Procedure Act by giving courts more authority to overturn unfair agency action; to the Committee on the Judiciary.

(The remarks of Mr. BUMPERS and the text of the legislation appear earlier in today's RECORD.)

By Mr. MITCHELL:

S. 1767. A bill to amend the Internal Revenue Code of 1954 to reform and simplify the individual income tax; to the Committee on Finance.

PERSONAL INCOME TAX REFORM ACT OF 1983

Mr. MITCHELL. Mr. President, the legislation that I am introducing today, the Personal Income Tax Reform Act of 1983, is a major step in reforming and simplifying the Tax Code. Most importantly, the bill reverses the trend set by recent Congressional actions and restores a more progressive distribution of the income tax burden.

We face a major challenge in reforming Federal tax laws. Recent public opinion polls reveal a disturbing trend: More and more people now feel that the income tax is the "most unfair" tax that they must pay. Such a finding is of great concern because the Federal Government relies on the personal income tax for almost half of the revenues it collects. This attitude no doubt contributes to the high level of dissatisfaction with the performance of the Federal Government, since the tax system is the means through which citizens most frequently come into contact with the Government.

Reforming the income tax can also play a major role in addressing the serious problems now besetting our economy. Economists have long recognized that excessively high tax rates can discourage work effort and distort saving and investment decisions.

Senator BRADLEY has offered the most comprehensive tax reform proposal to date. I commend him for the hard work he has performed in drafting his innovative proposal. My legislation is very similar to his in the changes in deductions, exclusions, and credits, but it differs in the schedule of tax rates proposed.

Under the provisions of my bill, a basic tax rate of 12 percent would apply to all taxpayers. Above $40,000 in annual income for married couples ($25,000 for single taxpayers), a progressive surtax would apply. The net result would be a 20-percent rate applied to income between $40,000 and $50,000 ($25,000 to $30,000 on single returns), 30 percent on income between $50,000 and $60,000 ($30,000 to $37,000 on single returns), and 36 percent on income above $60,000 (above $37,000 on single returns). In effect, the number of tax brackets would be reduced from 13 to 4.

The proposed range of the tax rates of 12 to 36 percent compares to 12 to 50 percent under current law.

Furthermore, the zero bracket amount—below which no tax is paid—for joint returns would be increased to

$4,600 from $3,400. The personal exemption would be raised to $1,500 from $1,000.

Complementing these tax reductions would be the elimination or modification of most exclusions, deductions, and credits. This assures that the simplified tax system would produce the same amount of revenues that the current system is expected to produce.

I do not believe that all deductions and exclusions should be eliminated. Because one of the central purposes of this proposal is to restore confidence in the tax system, it would be counterproductive to repeal these tax provisions that enjoy wide public support and serve valid purposes. Thus, my bill would retain the deduction for charitable contributions, which pays an important role in enhancing the voluntary spirit in our society. The bill would also continue the home mortgage interest deduction, which has helped produce one of the highest rates of private homeownership in the world.

Other provisions that my bill would continue include the deduction for State and local taxes, the exclusion for veterans' benefits, the exemption of interest on general obligation bonds, and the partial exclusion from taxation of Social Security benefits.

I feel very strongly that any new system should continue to be based on the ability to pay. That is, differences in tax liabilities should reflect differences in taxpayers' ability to pay their taxes. The share of a family's income that must be devoted to necessities declines as income rises. On that basis, our tax system has historically levied higher taxes on those most able to pay them, and lower taxes on those with lower income.

My belief in this approach explains why my bill is not a pure "flat tax" proposal. If adopted, a pure flat rate has the potential of even further undermining confidence in Government by eliminating all progressivity from the tax system. The very wealthy would have their taxes slashed, while the low- and middle-income taxpayers would end up paying more. That result would defeat the purpose of enacting comprehensive income tax reform.

Once the principle of ability to pay is accepted, the task is to determine what the tax rate schedule will be. In constructing this schedule, I believe that we should not overlook the effect of the 1981 tax cut on the distribution of the income tax.

In 1981, administration officials argued that their proposed across-the-board rate reductions were fair because all tax rates were reduced by the same percentage. In the absence of inflation and higher Social Security taxes, that argument might have been true. But both inflation and the scheduled Social Security tax increases raise the tax liabilities of low- and moderate-income individuals disproportionately. Thus, the net effect of the tax cut once those factors are considered, is to provide greater tax relief for the wealthy. By 1984, taxpayers earning more than $50,000, who in the aggregate contribute about one-third of all income taxes, will receive about two-thirds of the net tax cut.

To make up for the revenue lost by the 1981 tax cut, Congress, over the last 2 years, has resorted to raising excise taxes, which are not based on ability to pay. In last year's bill, the Tax Equity and Fiscal Responsibility Act, most of the taxes raised from individuals came from increases in several excise taxes. Since then, we have more than doubled the gasoline excise tax and have accelerated Social Security tax increases. All of these actions have contributed to the shift in the tax burden away from those most able to pay and onto middle- and lower-income households.

I believe that this result is unfair. Any tax reform that Congress enacts should achieve a more progressive distribution of taxes than current law will provide. My bill attempts to do that.

The benefits of my bill are obvious once the defects of the current system are examined. These defects are largely attributable to the pattern of tax legislation over the last few decades. Special preferences were carved out of the tax base one at a time, either as a result of sincere efforts to accomplish some specific policy objective, or as a result of lobbying by special interests to secure privileged treatment. Consequently, the tax base has shrunk relative to personal income. In 1982, for example, taxable income is expected to be only 60 percent of personal income.

To meet the Government's revenue needs, tax rates have had to remain high.

One result of this system is that middle-income workers are now subject to high marginal tax rates, as inflation has pushed these taxpayers into higher and higher brackets. In contrast, many upper income-tax payers have been able to shield themselves from the high statutory rates by taking advantage of tax shelters. Also, since most special tax breaks relate to investment income, wage earners have not been able to take advantage of the increasing number of tax preferences. Thus, working Americans, by and large, pay rates very close to the maximum rates set forth for them in the Tax Code, while wealthy Americans do not. Furthermore, these high rates discourage work effort and savings by middle-income workers.

A second problem with the current system is the complexity of determining one's tax liability. It is estimated that 40 percent of all taxpayers rely on professional help to fill out their tax returns. The confusion and costly compliance resulting from the existing individual income tax are far too great.

The current system erodes public confidence in basic Government functions and directs too many resources to complying with the tax system that could be devoted to productive uses.

Third, the tax system is widely perceived to be unfair. Most preferences are in the form of deductions or exclusions from income. Thus, the value of these preferences to each individual depends on his or her tax bracket. The higher one's income, the more valuable the tax preference. As tax breaks proliferate, progressivity declines and the perceived inequity of the Tax Code increases. Also, two taxpayers with identical incomes may pay very different amounts in taxes, depending on their sources of income or how they spend it. A fairer tax would strive to have all taxpayers with the same income paying the same amount in taxes.

Finally, tax evasion is encouraged by all these factors—a desire to avoid high tax rates, an increasingly complex Tax Code, and a perception by many taxpayers that they are paying more than their fair share. The IRS estimates that as much as $90 billion in revenues may be lost to tax cheating.

The appropriate response to these problems is a broader tax base accompanied by substantially lower tax rates. This simplified tax system would lower tax rates for the majority of middle-income Americans, encourage economic growth, reduce the cost of complying with the Tax Code, make the tax system more equitable, and reduce the incentives to evade taxes.

In summary, legislation that would broaden the tax base and reduce tax rates offers the most satisfactory approach to achieving the goal of tax reform. My bill will encourage economic growth and restore respect for the Tax Code while still recognizing the need to distribute the tax burden fairly.

By Mr. MITCHELL:

S. 1768. A bill to amend the Internal Revenue Code of 1954 to provide energy tax credits for equipment used aboard or installed on fishing vessels; to the Committee on Finance.

TAX CREDITS FOR EQUIPMENT INSTALLED ON FISHING VESSELS

Mr. MITCHELL. Mr. President, I am today introducing legislation establishing an energy tax credit program to provide incentives to American fishermen when they reduce the amount of energy which their vessels consume.

When the energy tax credit program was established in 1978, and later modified in 1980, its provisions were so specific that fishing vessel operators

were not eligible for tax credits when they invest in equipment to reduce fuel consumption.

When a fisherman installs expensive special equipment—for instance a "Kort" nozzle, a variable pitch or two-speed propeller, or a fuel flow meter—under my bill he will be eligible to receive a 10-percent investment tax credit. When added to the standard 10-percent investment tax credit, this means that one-fifth of the cost of the equipment may be written off by the purchaser.

Our national energy policies place commercial fisherman in a difficult competitive situation with fishermen in nations which have controlled fuel prices, such as Canada and Mexico.

My legislation will help them cope in the marketplace and will provide them with the same kinds of tax treatment enjoyed by land-based businesses which took direct action to conserve fuel.

I ask unanimous consent that the full text of my bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 48(1) of the Internal Revenue Code of 1954 (relating to property for which businesses may take an energy investment credit) is amended—

(a) by inserting after paragraph (2)(ix) the following new paragraph:

"(x) qualified harvesting vessel equipment,".

(b) by redesignating paragraph (17) as paragraph (18); and

(c) by inserting after paragraph (16) the following new paragraph:

"(17) QUALIFIED HARVESTING VESSEL EQUIPMENT.—The term 'qualified harvesting equipment' means equipment used aboard or installed on a vessel engaged in the harvesting of marine resources which reduces fuel (which can be oil, diesel fuel or gasoline) consumption, and is—

"(A) a fuel flow meter or fuel management digital microprocessor,

"(B) a hull speed meter,

"(C) a propeller thrust nozzle,

"(D) a variable pitch or two-speed propeller,

"(E) a large-bladed propeller,

"(F) a bow or side thruster,

"(G) a hull treatment,

"(H) a bulbous bow,

"(I) an on-board heat exchanger,

"(J) auxiliary sail equipment, or

"(K) automatic Loran C Navigational apparatus.".

(d) by adding at the end of the table contained in clause (i) of section 46(a)(2)(C) (relating to the amount of credit) the following new subsection:

"VIII. Qualified harvesting vessel equipment—property described in section 48(e)(17) . . . 10 percent . . . Jan. 1, 1983 . . . Dec. 31, 1985"

By Mr. DIXON (for himself, Mr. PERCY, and Mr. CRANSTON):

S. 1769. A bill for the relief of Dennis Brutus: to the Committee on the Judiciary.

RELIEF OF DENNIS BRUTUS

Mr. DIXON. Mr. President, I am pleased to introduce, together with Senators PERCY and CRANSTON, a private relief bill on behalf of Prof. Dennis Brutus of Northwestern University. The legislation is designed to grant him resident alien status in the United States.

Professor Brutus is a 59-year-old black South African exile, an intellectual, and a poet who teaches African literature in the English department of Northwestern University in Illinois. He has an international reputation as a poet and as an opponent of apartheid, the system of racial separation.

At the present time, Professsor Brutus is awaiting the decision of a deportation hearing which was held in Chicago last month. If the court orders him deported the consequences could be disastrous. Leaving the United States could actually jeopardize his life.

Professor Brutus last entered the United States on February 25, 1980, in order to continue his teaching assignment at Northwestern University. His visa status at that time was classified and approved by the Immigration and Naturalization Service as H-1; that is, "a person of distinguished merit or ability." Such visas are granted for a period not to exceed 1 year, and are renewable for increments of 1 year thereafter at the discretion of the Immigration and Naturalization Service.

At the time of his entry, Dennis Brutus, a native of Rhodesia, carried a British passport. In the spring of 1980 Rhodesia was granted independence and became Zimbabwe. At that time Britain canceled all passports that had been issued to natives of Rhodesia. Professor Brutus was unaware of this passport change until he applied for an extension of his visa at the Immigration and Naturalization Service in Chicago during January 1981. By the time the new Government of Zimbabwe had issued a passport to Brutus, he was late in applying for the extension of his H-1 visa.

During this period, Professor Brutus honored his commitment to Northwestern University, and he continued to teach in accordance with the terms of his contract. This decision placed him in violation of the Immigration and Naturalization Act which prohibits a nonresident alien from working without a valid visa. This violation can only be remedied by returning to Zimbabwe and reapplying for a visa.

Dennis Brutus and his supporters fear that should he be forced to return to Zimbabwe, he will become a target for assassination because of the lifelong battle that he has waged against racism and apartheid.

While this danger may be impossible to assess, we must keep in mind that another black critic of apartheid, Joe Gqabi, was assassinated in Zimbabwe in 1981, and Ruth First, an exiled white South African editor of a newspaper that Brutus once wrote for, was recently killed by a letter bomb at the University of Mozambique.

Senators PERCY, CRANSTON, and I are not the only ones who seek to protect the right of Professor Brutus to remain in the United States and who believe his case has merit. His case has attracted considerable attention in the press in my State. The Chicago Tribune and the Chicago Sun-Times, the largest daily newspapers in Illinois, have editorialized on his behalf. Vernon Jarrett, a very distinguished columnist with the Tribune, has also strongly urged that Professor Brutus be allowed to remain in the United States.

I submit that the United States, the home of refuge for millions of aliens, cannot play roulette with the life of Professor Brutus. As long as there is an outside chance that he will come to harm because of his fight against racism, we should not allow his deportation. Professor Brutus needs our help; he deserves our help. I urge my colleagues to see that he gets it by quickly enacting this bill.

Mr. President, I ask unanimous consent that a copy of the bill, the editorials from the Chicago Tribune and the Sun-Times, be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dennis Brutus shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

[From the Chicago Tribune]

DENNIS BRUTUS IN KAFKALAND

The trials and tribulations of Dennis Brutus, a college professor facing possible deportation by the U.S. Immigration and Naturalization Service, could have been dreamed up by Franz Kafka. It is a tale of bureaucratic mindlessness, of a machine-like government agency cranking a case through

its cogs and wheels without regard to justice or even to good sense.

Mr. Brutus is a poet and tenured professor of English at Northwestern University who is also an outspoken opponent of South Africa's apartheid policies. He was born in what was then Rhodesia and later went to South Africa where he was imprisoned for his political activism. In 1966 he escaped to Britain where he obtained a British commonwealth passport based on his Rhodesian birth. He came to America in 1970 and took up his teaching position at Northwestern.

Then began a Kafkaesque snarl, a tedious and avoidable series of mistakes and misunderstandings some of which were the fault of Mr. Brutus, some the fault of the INS.

The first mistake was for him to remain in the U.S. on a temporary visa, renewing it each year instead of applying for permanent resident status. Had he obtained a more regular status there would now be no problem.

The situation was next complicated by cremation of the Republic of Zimbabwe, which rendered his Rhodesian passport invalid. Without a passport he could not renew his temporary visa so he had to obtain a Zimbabwean passport, which he did. Then he applied for a visa renewal, but by then his old visa had expired. The INS, its ponderous machinery grinding along, said he would have to leave the country, apply for a new visa and wait for a decision to be made on whether, and under what terms, it would be issued. In effect, he was to be deported.

Mr. Brutus argues that the only country he can go to is Zimbabwe, and that he faces the possibility of reprisal—and even death—at the hands of South African agents there. The INS maintains that he can go to some country other than Zimbabwe. The whole dreary business is being argued out before a judge in Chicago.

But it need never have gone that far, and it should be stopped now. There are perhaps eight million illegal aliens living happily and relatively securely in this country (as many as 500,000 of them right here in Chicago). With so many people here in clearly illegal status it is illogical to hound out of the country a person whose legal status is merely in doubt—especially a scholar of the stature of Mr. Brutus.

There are several ways to short-circuit the process. The U.S. attorney general could do it. If the attorney general won't be bothered, a member of the Illinois delegation could introduce in Congress a private bill to resolve the matter.

However it is done, somebody somewhere should push the "stop" button on the witless bureaucratic machine and let Mr. Brutus go about his business.

[From the Chicago Sun-Times, July 21, 1983]

DON'T EXPEL BRUTUS

Dennis Brutus, the exiled poet now teaching at Northwestern University, is fighting in federal immigration court for the right to stay in the United States.

It's also a fight for his work—and his life.

Witness after witness has told Judge Irving Schwartz that Brutus faces the threat of assassination by South African terror squads if he's forced to return to his birthplace, Zimbabwe. He's threatened in any country but the United States, they say. They're quite probably right.

As an outspoken foe of apartheid, Brutus has become an international symbol of the struggle against South Africa's white racism. A colleague in the fight was recently machinegunned to death there. Even the State Department says Brutus' fears are "well-founded."

He has been jailed once by South Africa. He should be freed to live and flourish in the United States.

By Mr. MOYNIHAN

S. 1771. A bill to extend temporary suspension of duties on certain clock radios until September 30, 1987; to the Committee on the Judiciary.

SUSPENSION OF DUTY ON CLOCK RADIOS

Mr. MOYNIHAN. Mr. President, I am today introducing legislation extending the suspension of duties on certain clock radios from the current expiration date of September 30, 1984, until September 30, 1987.

The clock radios to which the temporary suspension of duties applies are not currently manufactured in the United States. As such, I expect this bill to be noncontroversial. Indeed, substantial benefits will accrue to American consumers as importers of the affected articles pass along their savings.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that item 911.95 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/30/84" and inserting in lieu thereof "9/30/87".

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. SASSER, and Mr. PELL):

S. 1772. A bill to amend title XVIII of the Social Security Act to provide for direct medicare reimbursement for services performed by registered nurse anethetists; to the Committee on Finance.

REIMBURSEMENT FOR CERTAIN ANESTHESIA SERVICES

Mr. MATSUNAGA. Mr. President, I am today introducing together with Mr. INOUYE, Mr. PELL, and Mr. SASSER legislation to modify the medicare reimbursement system with regard to anesthesia services in order to provide for more affordable care, cost efficiencies for the medicare system, and improved access to care in many parts of the country. The bill would provide for direct medicare part B reimbursement to certified registered nurse anesthetists (CRNA's).

There are presently 18,000 practicing CRNA's, in a profession which has been recognized for almost 100 years. The CRNA is a licensed professional nurse who has subsequently graduated from a nurse anesthesia educational program accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs or Schools, and who has passed a national examination for certification in the specialty administered by the Council on Certification of Nurse Anesthetists. The CRNA must also maintain certification through a recertification process administered by the Council on Recertification or Nurse Anesthetists. The recertification process requires that every 2 years, each CRNA demonstrate evidence of: First, current licensure as a registered nurse; second, active practice as a nurse anesthetist; and third, appropriate continuing education within the specialty.

The payment method for this service is such that reimbursement can be determined on the basis of prospective rates set by the type of case and diagnosis. Such a reimbursement method could provide a model for relating a specific service, anesthesia, to the newly established Diagnosis Related Group (DRG) hospital payment system.

Certified registered nurse anesthetists are highly educated, qualified licensed health professionals who have been providing a major portion of the anesthesia services within this country for nearly 100 years. Today, appropriately 18,000 active practicing CRNA's provide 70 percent of the anesthesia care in rural areas and 50 percent of such services across the Nation. Their practice is legally sanctioned through State laws and regulations in all 50 of the States and the territories. CRNA's are furthered identified in 34 of the States as expanded role professional nurses for practice in collaboration with physicians, dentists, and other health professionals legally authorized to render anesthesia services.

The median annual earnings of CRNA's is approximately $27,750 compared with anesthesiologists whose net median is $110,000 as reported by the Health Care Financing Administration. CRNA's practice in three ways: First, as hospital employees, second, as physician employees, or third, as self-employed professionals, billing directly under programs where it is permissible (private insurance and medicaid) and contracting with hospitals where it is not permissible. Currently, 57 percent of CRNA's are hospital employees, 28 percent are employed by physicians, 7 percent are self-employed, and 4 percent serve in or are employed by the military, with the remaining in an "other" category.

By recognizing CRNA's as directly reimbursable health professionals we would be taking advantage of a tested, cost-effective option in providing high quality anesthesia services at reduced costs. In fact, such recognition would inject the crucial element of economic competition into the delivery of anesthesia services, with resulting lower costs.

Over 30 percent of Blue Cross-Blue Shield plans reimburse CRNA's directly. There are eight (8) States that reimburse CRNA's directly through medicaid programs. Fifty-seven percent (57 percent) of private insurance plans surveyed indicate they can provide direct reimbursement to CRNA's for anesthesia services. Such reimbursement is also available under the CHAMPUS program covering active and retired military personnel and their dependents.

Medicare reimbursement was originally designed to conform with existing private, non-governmental insurance plans. Since the enactment of medicare, those plans have changed dramatically so that many private insurers make direct payments to a number of licensed health professionals on a charge basis for the services they deliver. Medicare has recently been amended with respect to hospital cost reimbursement to reflect current needs, and should be further modified to insure that medicare reimbursement to health professionals conform with current trends in nonmedicare programs such as Blue Shield and CHAMPUS.

A 1981 research report entitled, "Competition Among Health Practitioners," recently submitted to the Federal Trade Commission by Lewin & Associates, shows that current reimbursement practices regarding health professionals tend to limit innovation and promote inefficiency. Reimbursement policies that place CRNA's or other nonphysician health professionals at a competitive disadvantage interfere with the use of more innovative models of health care delivery and severely limit consumer choice. Where CRNA's are used only as physician complements rather than, in appropriate cases, substitutes, costs are likely to go up and productivity decline. Medicare part B reimbursement policy clearly creates these problems of inefficiency and costliness and is probably the greatest offender of all health care payors in this particular area. Trends in other insurance programs such as Blue Shield reflect the recognition by other insurors that it is efficient and sensible to provide for direct reimbursement to CRNA's.

The major arguments made against nonphysician direct reimbursement, such as the contention that direct reimbursement is hard to administer, that it results in poor quality care, and that it is costly, cannot be raised against CRNA's for the following reasons:

First. CRNA's provide a discrete, easily identifiable item of service which is presently listed separately as an item of charge under private plans and appears separately as a part of a physician's service under part B of medicare. To administer a direct reimbursement program for CRNA's is therefore quite simple.

Second. CRNA's must also always practice in a setting where a physician is present and supervising. In addition, hospitals also exercise quality control by virtue of their ability to grant or withhold hospital privileges to CRNA's.

Third. The services of CRNAs are not subject to limitless demand which the CRNA can stimulate since physicians control whether there will be a medical intervention requiring anesthesia services.

Anesthesia services may become less accessible in sparsely populated areas of the country with the advent of hospital reimbursement limits. Serious problems exist in some parts of the country where anesthesiologists do not practice and where hospitals are too small to efficiently employ CRNA's full time. Contracting with CRNA's for this service places a cost on the hospital budget which may not be affordable under hospital payment limits. Contracting entails another administrative cost which some hospitals indicate are much less acceptable. Direct reimbursement is, in these situations, the only method by which anesthesia services may be furnished by a CRNA and paid for by medicare.

Direct reimbursement to CRNA's would enable medicare to generate complete, accurate, and current data related to anesthesia care providers, the consumers they serve, and the costs associated with that care. In addition it would eliminate confusion on the part of consumers with regard to who provides their anesthesia care.

CRNA direct reimbursement presents a special case because the vast majority of their services are provided in hospital inpatient settings. Such a professional service therefore presents an opportunity to link professional service reimbursement to DRG-related prospective payment systems. Such reimbursement could be a model for relating part B professional service reimbursement to part A prospective payment. Reimbursement rates to CRNA's could be developed by utilizing such related factors as patient risk, complexity of medical intervention, essential anesthesia resource requirements, and so forth, in a manner allowing easier verification of appropriateness of charge or cost-based billings.

Mr. President, the bill which I am introducing with my three distinguished colleagues deserves early consideration by the Congress.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (11) through 14 as paragraphs (12) through (15), respectively;

(B) by striking out "and" at the end of paragraph (9);

(C) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and "; and

(D) by inserting after paragraph (10) the following new paragraph:

"(11) anesthesia services and related care provided by a registerd nurse anesthetist.".

(2) Section 1864(a) of such Act is amended by striking out "paragraphs (11) and (12)" and inserting in lieu thereof "paragraphs (12) and (13)".

(b) Section 1861 of such Act is amended by, adding after subsection (aa) the following new subsection:

"ANESTHESIA SERVICES PROVIDED BY A REGISTERED NURSE ANESTHETIST

"(bb)(1) The term 'anesthesia services and related care provided by a registered nurse anesthetist' means those services provided by a registered nurse anesthetist (as defined in pararaph (2)) which such nurse anesthetist is legally authorized to perform as such by the State in which such services are performed.

"(2) The term 'registered nurse anesthetist' means a registered nurse licensed by the State who meets such education, training, and other requirements relating to anesthesia services and related case as the Secretary may prescribe. In prescribing such requirements the secretary may use the same requirements as those established by a national organization for the certification of nurse anesthetists.".

(c) Section 1832(a)(2)(B) of such Act is amended by striking out "and" at the end of clause (i), by striking out "; and" at the end of clause (ii) and inserting ", and", and by adding at the end thererof the following new clause:

"(iii) anesthesia services and related care provided by a registered nurse anesthetist; and".

(d) Section 1833 (a)(1) of such Act is amended by striking out "and" at the end of subparagraph (F), and by adding at the end thereof the following; "(H) in the case of anesthesia services and related care provided pursuant to section 1861(s)(11), the amounts paid shall be 80 percent of the reasonable charge for such services which the Secretary determines to be consistent with efficient and high quality anestheia services, taking in account the prevailing rates for such services;".

(e) Section 1861(b)(4) of such act is amended by inserting before the semicolon the following: ", and anesthesia and related care provided by the registered nurse anesthetist".

(f) The amendements made by subsections (a) through (d) shall be effective with respect to services performed on or after January 1, 1984.

By Mr. MATHIAS (for himself, Mr. HATFIELD, Mr. JACKSON, and Mr. SARBANES):

S. 1773. A bill to amend the Internal Revenue Code of 1954 to permit the rollover of gain from the sale of farmland development rights to a State or a political subdivision thereof under a farmland preservation program, and

for other purposes; to the Committee on Finance.

FARMLAND PRESERVATION ACT

● Mr. MATHIAS. Mr. President, today I reintroduce the Farmland Preservation bill which would help protect our farmlands from the threat of macadamization. Increasingly, the growl of bulldozers is replacing the grind of tractors in our most fertile plains and valleys. The bill would not discourage growth and construction. But it would help cash-strapped farmers resist the tremendous pressures to sell their prime farmland for home construction or industrial parks.

Hearings were held on the bill last year in the Finance Committee. Since then, 3 million more acres of cropland have been lost. As all of my colleagues know, argiculture is the foundation of this country's prosperity. It employs over 17 million people, and it accounts for 1 of every 5 private sector jobs. The industry's assets are in excess of $900 billion—equal to almost 90 percent of the capital assets for all manufacturing firms. Farming employs more workers than the auto, steel, and transportation industries combined.

The importance of agriculture to both our domestic economy and international balance of trade cannot be overstated. In 1982, agricultural exports totaled $34.5 billion. Despite this performance, the United States continues to lose an alarming amount of prime farmland to urban sprawl. The incentives for farmers to sell their land to developers are currently much greater than the incentives for them to keep land in agricultural production. This trend must be reversed if we are to remain the breadbasket of the world.

Several State and local governments have attempted to slow the rapid loss of American's farmland. Farmers and State legislators have worked together to establish farmland preservation programs to help farmers resist the pressure to sell prime agricultural land to developers. Under these programs, the State or local government pays the farmer cash for an easement on the land that limits his or her rights to sell the land for development purposes. Although these programs have been very effective in helping to keep prime farmland in agricultural production, State and local governments can benefit from Federal assistance in making these programs more accessible and attractive.

The bill would provide Federal tax benefits to farmers who sell the development rights to their farms. Specifically, the bill would exempt from capital gains taxation the income the farmer gets from the sale of easement rights, provided it is rolled over into the purchase of new farmland or used for capital improvements in the existing farm. It would also grant a one-time capital gains exemption on the income if the farmer is over 55. Furthermore, since limited funds often require that the easement rights be sold at less than fair market value, the bill would allow the difference between the fair market value and the amount actually received to be deducted as a gift for tax purposes.

The bill would encourage farmers to participate in these programs and would foster the creation of similar plans in other regions across the Nation. By doing so, we will help preserve our Nation's most fertile land. The preservation of farmland near our cities, which is under the greatest pressure from developers, will reduce marketing and transportation costs and will prevent the destruction of many family farms.

But we must act quickly. In the 4 years since I first introduced this bill, we have lost roughly 12 million acres of fertile land to developers.

In the 5 minutes it has taken me to explain this bill, 30 acres of prime farmland have been plowed up and replaced by hot blacktop. I urge all of my colleagues to study the bill carefully and to join me in support of this measure to protect our Nation's greatest natural resource.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROLLOVER OF GAIN PERMITTED.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. ROLLOVER OF GAIN FOR SALE OF FARMLAND DEVELOPMENT RIGHTS.

"(a) NONRECOGNITION OF GAIN.—If a taxpayer sells farmland development rights to a State or a political subdivision thereof under a qualified farmland preservation program, and within the period beginning 18 months before the date of such sale and ending 18 months after such date, qualified farming property is purchased by the taxpayer, then gain on the development rights sale shall be recognized only to the extent that the amount realized by the taxpayer on such sale exceeds the taxpayer's cost of purchasing such qualified farming property.

"(b) DEFINITIONS.—For purposes of this section—

"(1) FARMLAND DEVELOPMENT RIGHTS.—The term 'farmland development rights' means the right of the owner of real property to use that property for purposes other than farming purposes.

"(2) QUALIFIED FARMLAND PRESERVATION PROGRAM.—The term 'qualified farmland preservation program' means a program which—

"(A) is established under the law of a State or a political subdivision thereof for the purpose of assuring that property currently devoted to farming purposes will continue to be devoted to such purposes, and

"(B) provides for the purchase of farmland development rights by the State or a political subdivision thereof in order to carry out that purpose.

"(3) FARMING PURPOSES.—The term 'farming purposes' shall have the same meaning as in section 2032A(e)(5).

"(4) QUALIFIED FARMING PROPERTY.—The term 'qualified farming property' means—

"(A) any real property,

"(B) any improvement on real property, or

"(C) any item chargeable to capital account,

which is used by the taxpayer for farming purposes.

"(c) RECAPTURE.—

"(1) IN GENERAL.—If a taxpayer who has claimed the benefit of subsection (a) in connection with the sale of farmland development rights—

"(A) devotes the property from which the farmland development rights were sold to a use other than farming,

"(B) sells or exchanges such property for a use other than farming, or

"(C) uses the qualified farming property purchased during the period described in subsection (a) for purposes other than farming purposes within the 5-year period beginning on the date of sale of such farmland development rights,

then there shall be included in the taxable income of the taxpayer for the taxable year an amount equal to the amount not recognized under subsection (a).

"(2) SALE OR EXCHANGE FOR USE OTHER THAN FARMING.—For purposes of paragraph (1)(B), a taxpayer shall be treated as having sold or exchanged property for a use other than farming if the taxpayer knew that the property was going to be devoted by the person acquiring such property, directly or through another party or transaction, to purposes other than farming purposes.".

"(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

"Sec. 1041. Rollover of gain from sale of farmland development rights.".

SEC. 2. ONE-TIME EXCLUSION OF GAIN FROM SALE OF FARMLAND DEVELOPMENT RIGHTS BY INDIVIDUAL WHO HAS ATTAINED AGE 55.

"(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 128 as 129 and by inserting after section 127 the following new section:

"SEC. 128. ONE-TIME EXCLUSION OF GAIN FROM SALE OF FARMLAND DEVELOPMENT RIGHTS BY INDIVIDUAL WHO HAS ATTAINED AGE 55.

"(a) GENERAL RULE.—At the election of the taxpayer, gross income does not include gain from the sale of farmland development rights (as defined in section 1041(b)(1)) to a State or a political subdivision thereof under a qualified farmland preservation program (as defined in section 1041(B)(2)) if—

"(1) the taxpayer has attained the age of 55 before the date of such sale, and

"(2) during the 5-year period ending on the date of the sale, the property from which the farmland development rights were sold has been owned and used by the taxpayer for farming purposes (as defined in section 2032A(e)(5)) for periods aggregating 3 years or more.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—The amount of the gain excluded from gross income under subsection (a) shall not exceed $100,000 ($50,000 in the case of a separate return by a married individual).

"(2) APPLICATION TO ONLY 1 SALE.—Subsection (a) shall not apply to any sale by the taxpayer if an election by the taxpayer or his spouse under subsection (a) with respect to any other sale is in effect.

"(c) ELECTION.—An election under subsection (a) may be made or revoked at any time before the expiration of the period for making a claim for credit or refund of the tax imposed by this chapter for the taxable year in which the sale or exchange occurred, and shall be made or revoked in such manner as the Secretary shall by regulations prescribe. In the case of a taxpayer who is married, an election under subsection (a) or a revocation thereof may be made only if the spouse joins in such election or revocation.

"(d) SPECIAL RULES.—

"(1) PROPERTY HELD JOINTLY; PROPERTY OF DECEASED SPOUSE.—For purposes of this section, the rules set forth in paragraphs (1), (2), (4), (6), and (8) of section 121(d) shall apply to sales to which this section applies.

"(2) PROPERTY USED IN PART FOR FARMING.—In the case of property only a portion of which, during the 5-year period ending on the date of the sale, has been owned and used by the taxpayer for farming purposes for periods aggregating 3 years or more, this section shall apply with respect to so much of the gain from the sale of such property as is determined, under regulations prescribed by the Secretary to be attributable to the portion of the property so owned and used by the taxpayer.".

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 128. One-time exclusion of gain from sale of farmland development rights by individual who has attained age 55.

"Sec. 129. Cross references to other Acts.".

SEC. 3. CHARITABLE CONTRIBUTION DEDUCTION ALLOWED FOR GAIN FOREGONE BY REASON OF SALE OF FARMLAND DEVELOPMENT RIGHTS.

Section 170 of the Internal Revenue Code of 1954 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

(i) SALE OF FARMLAND DEVELOPMENT RIGHTS.—In the case of a taxpayer who sells farmland development rights (as defined in section 1041(b)(1)) to a State or a political subdivision thereof under a qualified farmland preservation program (as defined in section 1041(b)(2)), the taxpayer shall be treated, for purposes of this section, as having made a charitable contribution to the State or a political subdivision thereof in an amount equal to the amount by which—

"(1) the fair market value of the property with respect to which the farmland development rights were sold (determined, as of the day before the date on which such rights were sold, on the basis of the highest and best permissible use of such property) minus the value of such property as farmland (determined as of such date), exceeds

"(2) the gain from the sale of the farmland development rights (determined without regard to section 1041).".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to sales occurring after December 31, 1983.●

By Mr. PROXMIRE (for himself, Mr. LEAHY, Mr. METZENBAUM, and Mr. CRANSTON):

S. 1774. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to better protect the environment and man from the hazards of pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. PROXMIRE on this legislation appear elsewhere in today's RECORD.)

By Mr. DOMENICI:

S. 1775. A bill to repeal the designation of the Georgia O'Keeffe National Historic Site; to the Committee on Energy and Natural Resources.

GEORGIA O'KEEFFE NATIONAL HISTORIC SITE

Mr. DOMENICI. Mr. President, this legislation is introduced at the request of Georgia O'Keeffe. Her letter, for which I ask unanimous consent to be included in the RECORD, is self explanatory.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ABIQUIU, NEW MEXICO,
July 29, 1983.

Senator Pete V. Domenici,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: As you may have heard by now, I have had some serious doubts about having my home become a national monument. I am afraid that after the Park Service has run it for a few months it will become a different place. Many people from the village of Abiquiu are also very worried about the tourist traffic that would be passing through. I think that what I have been able to give that is important has been my painting. This will be available for people to see on museum walls for many years. The landscapes that have meant most to me are also there for those who want to see them. Therefore, I have decided to ask you to rescind the bill that would have required the Government to maintain my Abiquiu home indefinitely.

I appreciate all that you have done and hope that this has not been too much of an inconvenience.

Wishing you the best.

Sincerely,

GEORGIA O'KEEFFE.

By Mr. DIXON:

S. 1776. A bill to document the vessel *Odyssey* as a vessel within a certain classification; to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO RECLASSIFY THE ODYSSEY

Mr. DIXON. Mr. President, I rise today to introduce legislation to reclassify an Illinois pleasure craft so it can receive a Great Lakes license and engage in coastwide trade.

The *Odyssey*, a 95-foot white yacht launched in 1975, is home ported in Chicago, Ill., and is owned by the DuPage Marine Corp. She recently underwent an extensive refurbishment program with virtually every system—mechanical, electrical, plumbing, air-conditioning, pumps and motors—being overhauled or replaced. The *Odyssey* is of U.S. registry and carries a crew of five. The yacht is documented by the Coast Guard as a U.S. vessel for use as a pleasure craft. However, in order for her owners to charter her out with a crew, a Great Lakes license is required.

The recently refurbished *Odyssey* does not qualify for this license, not because of any inability to pass a Coast Guard inspection or any violation of the Coast Guard's stringent standards. It fails to qualify for this type of license because its hull and superstructure were not constructed in the United States, but in New Zealand. However, all refurbishing of this vessel has been done in the United States.

The *Odyssey* is a fine vessel, capable of transoceanic voyages. She is completely seaworthy.

In the event of any emergency situation which might be encountered during any voyage, she is equipped with two eight-man inflatable life rafts, ample life preservers, and automatic and manual firefighting systems. These safety devices most certainly would safeguard the passengers of the *Odyssey* during a charter voyage on the Great Lakes.

Representative WILLIAM LIPINSKI, a member of the Illinois Congressional delegation and a member of the House Merchant Marine and Fisheries Committee, has introduced similar legislation to upgrade this vessel's classification.

Mr. President, I ask that the full text of the bill be reprinted in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding sections 110(d), 111(a)(2), 112(a)(2), and 113(a)(2) of the Vessel Documentation Act (46 U.S.C. 65 h, i, j, k), and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) the Commandant of the Coast Guard shall document the vessel *Odyssey*, official number 602326, owned by the DuPage Marine Corporation, as a vessel of the United States with the privilege of engaging in the coastwise trade and the fisheries, upon compliance with all other requirements of law.

By Mr. TRIBLE:

S. 1777, a bill to amend part D of title IV of the Social Security Act to require each State to develop, implement, and enforce a system of mandatory wage deduction for the collection of child-support payments; to the Committee on Finance.

THE IMMEDIATE CHILD SUPPORT ENFORCEMENT ACT—EFFECTIVE AND UNIVERSAL SUPPORT FOR OUR NATION'S SINGLE-PARENT FAMILIES

● Mr. TRIBLE. Mr. President, today I am introducing a bill to deal with a pressing national problem—the enforcement of child support payments. Our Government has no more important duty than maintaining the integrity of the family bond. Our law must assert every parent's responsibility to support his children.

Right now, our Nation is failing in this area. A Census Bureau report published this spring showed that 28 percent of the mothers owed child support during 1981 received nothing during that entire year. More than half of the women owed support did not receive the full amount they were owed. The children in over 2.15 million homes across the United States are being shortchanged and cheated.

For the mothers involved, it is an economic catastrophe. It is theft from defenseless children. It has contributed to the feminization of poverty. We now find that while some 14 percent of the population-at-large falls below the poverty line, among single mothers caring for children, the figure more than doubles to 35 percent.

In nearly all cases the mother lacks either the time or money to go back to court and enforce what is already legally due. When she does go back to court she faces delays and roadblocks. The time has come for a new system of enforcing what is already a legal and moral obligation.

In America the economic status of families maintained by a mother raising children by herself have been in steady decline. In 1969, 17 percent of such families lived below the poverty level. In 1981, this figure had climbed to a shocking 35 percent. The percentage had more than doubled in just 12 years, and was a full 21 points higher than the 14-percent rate of poverty in the population at large. As Greg J. Duncan of the University of Michigan's Survey Research Center concluded in a study issued in June 1982: "Divorce is economically disastrous for many of the women and children involved in it, accounting for much of the flows into and out of poverty."

The reason it is economically disastrous is detailed in a Census Bureau report published this year. In the spring of 1982, there were 6,186,000 women living with children under age 21 who had no husband present in their homes. There were an additional 2,201,000 women who had remarried, but were caring for the children of a previous marriage; 59.2 percent of all these women were supposed to receive child support in 1981. Less than three-quarters (71.8 percent) received any of the support due them; and less than half (46.7 percent) received the entire amount due.

In other words, 28 percent of those mothers with court orders requiring child support actually received nothing during the entire year. More than half did not receive the full amount owed. This is an economic catastrophe for the mothers involved, and amounts to theft from defenseless children.

In far too many of these cases, the present enforcement system has failed to provide for these children. Unlike most bad debt cases, a court has already entered a legal order concerning the obligation. Yet many times the order is ignored by the absent parent. To obtain payment, the custodial parent then has to go back to court, and here the process becomes an ordeal for the children and mothers involved. In most cases, the mother lacks the time and money to seek in court what is already legally and morally their due. Many times what little time and money they do have is wasted as the courts permit unconscionable delays. Frequently, the courts further compound the problem by reducing obligations already due the children, and reducing future obligations as well.

Two studies cited by Judy Mann in the Washington Post, July 15, 1983, emphasize the need for action:

A California study found the income level of women dropped 73 percent after divorce while the man's income rose 42 percent. A Denver study found that two-thirds of the fathers paid less in court-ordered child support than they spent on monthly car payments.

The studies and statistics show there is a widespread pattern of irresponsibility and callousness on the part of absent parents. The legal system has yet to meet the challenge of dealing with them. The Federal Government needs to establish an enforcement program which helps children and custodial parents before they are forced to depend upon the aid for families with dependent children program.

The bill I am introducing meets that need.

First, the bill is universal in its application. All children with legally ordered support obligations would be covered, not simply children who are receiving support from the aid for families with dependent children program.

Second, the bill creates an effective enforcement mechanism. Employers would be required to deduct the necessary child support payments, plus an administrative fee to cover the costs of collection, from the absent parent's pay. This money would be forwarded to the custodial parent by the State agency responsible for the program. This would insure the legal obligation to support one's children is met.

Third, the bill requires an alternative enforcement system for those absent parents who receive their income from self-employment or other sources that would not be reached by payroll deduction.

Fourth, the bill puts this enforcement mechanism into effect immediately. Children would have the full support and protection of this Federal system from the beginning, from the moment obligations are legally due.

Fifth, the bill includes strong protections for the absent parent to insure they do not suffer any unfair hardship because of this enforcement system.

Finally, the bill introduces the idea of each State setting a minimum support payment. State courts should have a standard to base their determinations on, and this standard should be spelled out.

Mr. President, I would like to ask unanimous consent that several descriptions of the problems we face in child support enforcement be printed in the RECORD preceding the text of the bill. These items include two case histories of mothers in Virginia who have suffered through the system. Their cases were included in the testimony of the northern Virginia chapter of the Organization for the Enforcement of Child Support before the Senate Finance Committee on June 21, 1983. A second item is an excerpt from "The Politics of Welfare," by Blanche Bernstein which describes the author's experience with a family court judge when she was serving as administrator of New York City's Human Resources Administration. A third item is a chart from the Census Bureau report on this problem. The fourth item is the testimony of the "For Our Children's Unpaid Support" group of northern Virginia which was presented before the House Subcommittee on Public Assistance and Unemployment Compensation of the Ways and Means Committee on July 14, 1983. The presence of Jerry Cannizzaro as a leader of that group is a reminder that while we usually talk in terms of absent fathers, there are cases of absent mothers neglecting their responsibility of child support as well. In addition, I would like to include the complete column by Judy Mann mentioned earlier.

Mr. President, I would like to ask unanimous consent that the text of the bill be printed following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Immediate Child Support Enforcement Act".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds and declares that—

(1) the "feminization of poverty" is an urgent and increasing problem as the ranks of our Nation's poor are increasingly filled by women and children;

(2) divorce and single-parent families account for much of the flow into and out of poverty in our Nation; and

(3) our present child support enforcement is inadequate, and the Federal Government should accept the basic duty of enforcing family support obligations.

STRENGTHENING STATE CHILD SUPPORT PROCEDURES

SEC. 3. Part D of title IV of the Social Security Act is amended by adding at the end thereof the following new section:

"COLLECTION OF CHILD SUPPORT THROUGH MANDATORY DEDUCTIONS FROM WAGES UNDER STATE LAW

"SEC. 466. (a) In order for any State to be eligible for payments pursuant to this title or title XIX for any calendar quarter, such State must have enacted and implemented a State law providing for the collection of child support through a system of mandatory deductions from wages which satisfies the requirements of this section, and must be effectively enforcing such law throughout the State during that quarter as determined in accordance with regulations prescribed by the Secretary.

"(b) A State system of mandatory deductions from wages shall satisfy the requirements of this section only if—

"(1) the system applies in every case where an individual residing in the State owes child support (as defined in subsection (c)) under an order of a court of such State, or under an order of an administrative process established by a law of such State, whether or not the obligation involved is one which has been assigned to the State under section 402(a)(26) or which has been (or could upon application have been) undertaken to be collected by the State under section 454(6);

"(2) the system provides for the deduction from the wages of the individual involved in any pay period (without regard to the nature of his or her employment or the manner in which the wages are paid) of an amount equal to any child-support payment or payments due from the individual during such pay period, plus an additional amount, if the individual owes any past-due child support, equal to 100 percent of such past-due child support or 25 percent of the individual's gross wages for such pay period (whichever is less); plus a reasonable amount to cover the costs of collection incurred by the employer and the State;

"(3) the system provides for the distribution of all amounts deducted from wages or otherwise collected pursuant to this section, under regulations which shall be prescribed by the Secretary within 60 days after the date of the enactment of this section, in the same manner as would have been required under the preceding provisions of this part if the support involved had been collected under those provisions and without regard to wage deductions; except that any fees or charges imposed to cover the costs of collection shall be paid by the individual from whom the amounts involved were deducted or otherwise collected;

"(4) the system provides for the utilization of the services and facilities which are otherwise available under this part in locating such individual, in administering the deduction process, and in distributing the amounts deducted, and for the establishment of such additional administrative requirements and procedures as may be necessary or appropriate (as determined under regulations of the Secretary) to carry out the purposes and objectives of this section;

"(5) the system provides for advance notice to each individual from whose wages deductions are to be made regarding the deduction that will occur and the procedures such parent must follow if he or she believes that the deduction (including the amount to be deducted) is not proper because of mistakes of fact or, if applicable, payment by such parent of the arrearage;

"(6) the system provides for adequate notice to the employer of the specific amount to be deducted and the additional amount which may be retained by the employer as a fee for administrative costs in accordance with criteria established by the Secretary;

"(7) the system provides for as simple a deduction and payment process as possible, including permitting an employer to combine all deducted amounts into a single payment to the State or designated agency;

"(8) the system provides for procedures to notify employers that deductions are to be terminated when child support is no longer payable, consistent with such circumstances as the Secretary by regulation may prescribe;

"(9) the system provides for protection of the employee's privacy against disclosure of the deduction, and provides for a fine against any employer who discharges from employment or refuses to employ an individual because of the existence of the wage deduction requirement and the obligation it imposes upon the employer;

"(10) the system provides that the employer must be held liable to the State for any amount which such employer failed to deduct (up to the amount of the arrearage) from wages following the employer's receipt of proper notice;

"(11) the system provides for giving notice to, and requesting the enforcement of a State support order entered against an individual by, the child support enforcement agency of any other State in which such individual is employed;

"(12) the system provides that under State law the support collection under this section has priority over any other legal process applied against the same wages;

"(13) the system provides for a minimum subsistence amount which shall be established by each State, based upon such State's determination, which shall be the minimum amount ordered as child support;

"(14) the system provides for administrative procedures for—

"(A) entering child support orders which shall have the same force and effect under the State's law as ordered by a court,

"(B) enforcing support orders entered through the use of judicial, quasi-judicial or administration procedures whether under the procedures of that or any other State, and

"(C) utilizing the State's generally applicable judicial procedures only for review of the orders entered or enforcement action taken, upon request for such review by a party or by the parent or guardian with whom the child is living; and

"(15) the State demonstrates to the satisfaction of the Secretary that it has taken all of the actions, made all of the arrangements, and entered into all of the agreements, which are necessary to extend its wage deduction system as described in subsection (d).

"(c) For purposes of this section—

"(1) the term 'child support' with respect to any individual means payments which are due from such individual under a court order (or an order of an administrative process established under State law) for the support and maintenance of a child or of a child and the parent with whom the child is living;

"(2) the term 'past-due child support' with respect to any period means any amount of child support which was due for a prior period but which remains unpaid; and

"(3) the term 'wages' means any and all remuneration for employment, determined without regard to any exclusions from or limitations on such term (or the term 'employment') which may be applicable under other provisions of this Act or under other Federal, State, or local laws.

"(d) Consistent with the preceding provisions of this section, each State shall—

"(1) take such actions as may be necessary to extend its wage deduction system so that such system will include deductions of child support from forms of income other than wages, or will include the imposition of bonding, the use of State tax collection or refund procedures, or other requirement in cases involving individuals whose income is from sources other than wages, in order to assure that child support owed by individuals in the State will be collected without regard to the types of such individuals' income or the nature of their income-producing activities; and

"(2) make such arrangements and enter into such agreements with other States as may be necessary to extend its wage deduction system so that such system will include deductions of child support owed by an individual residing in such State where the applicable court order or administrative order was issued in another State, in order to assure that child support owed by individuals in the State will be collected without regard to the residence of the child or spouse to whom the support is payable.".

EFFECTIVE DATE

SEC. 4. The amendment made by this Act shall become effective on the first day of the eighteenth month which begins after the date of the enactment of this Act; but any State may at its option place such amendment in effect at any time prior to such first day.

CASE HISTORY OF ALEXIS KURSTEINER OF RESTON, VA.

In September 1981, I left Michigan and moved to Virginia with my two girls, aged 11 & 13, because of my husband's continued abuse and threats. I retained a lawyer in Michigan who advised me to try to establish my six month residency in Virginia before filing for divorce. However, in late December my husband filed a divorce action against me in Michigan and in February 1982 the Friend of the Court (FoC) awarded me temporary custody and a weekly child support payment of $35/child. No child support was paid after this order, and after several contacts with the FoC a show cause hearing was scheduled in late May. At that hearing, the judge ruled that all arrearages would be held in abeyance until the final hearing in July, at which time the arrearages (approximately $1000) were forgiven and my ex-husband was ordered to begin paying child support from that time forward. Despite semi-weekly phone or letter correspondence with the FoC, I received only one child support payment until an-

other show cause hearing was scheduled in January 1983.

The January hearing was canceled, which I learned of after the fact, and my ex-husband was issued a one month continuance contingent on his meeting his support obligation during that time. We were both also required to submit proofs of our income and expenses—a questionaire, pay check stubs, and previously filed income tax forms—by a specified date. Although my ex-husband did not pay the support or meet the timeline, he was granted two extensions. At one point, when I contacted the FoC to voice my dissatisfaction at the delay, he explained that he was allowing my ex-husband ample time so that he could make an equitable decision and asked if I had considered reconciliation since I was having so much financial difficulty. Another show cause hearing was finally scheduled in April. At that time my ex-husband purposely did not appear in court even though his lawyer and mine were both present, and a writ of body attachment was issued for his arrest. Nevertheless, the writ was never served and my ex-husband appeared in court unbeknownst to my lawyer or myself the following week. He claimed he had never received notification of the hearing and was not found in contempt of court by the judge. Also at that time the judge, upon the FoC's recommendation, lowered the support payments to $25/week per child with an additional $20 per week to be paid toward arrearages which amounted to approximately $2,000. This readjustment was made despite the fact that my ex-husband had reported a gross salary over double my gross salary and $9,000 more per year after deducting his business expenses. Still no support payments were made except for one payment just before the girls left to spend the summer in Michigan. My ex-husband is currently $2,300 in arrears.

CASE HISTORY OF MELISSA OWENS, ALSO OF NORTHERN VIRGINIA

I was separated from my ex-husband (Robert D. Owens) in July of 1978 at which time I was five months pregnant. My son, Ryan Steven Owens, was born on 12 November 1978. In November of 1979, my divorce became final. My ex-husband was directed, by my attorney, to pay $150/month in child support. These payments came directly to me. For the most part, these payments were late in arriving. Back in March of 1982, he started falling behind in his payments—one to two months. As of the present time, he is seven months behind ($1,050). I have attempted to reach him (by telephone—he had his number changed to an unpublished number; by mail—certified mail was returned), but with no success. He recently sent me a brief note expressing his dilemma over finances and how in debt he was and that he would try to send me some money at the end of June. There was no return address on the envelope, but it was mailed from Lesage, West Virginia (his mailing address is Annandale, Virginia). I have received nothing from him. He has never asked nor shown any concern for his son, whom he has not seen since Ryan was five months old. I am a single working mother who has to watch every penny. I live from pay day to pay day, and Ryan's care while I'm at work runs me $200+ a month. Needless to say, his clothing and food costs set me back. He will be attending kindergarten in September of this year, and I desperately need financial assistance. I cannot afford an attorney, even though my divorce papers state that my ex-husband would be responsible for any legal fees required should he be delinquent in his payments. This occurred when I retained an attorney for my divorce. My ex-husband was supposedly responsible for one-half of the legal fees—he did not pay promptly, so I was asked to pay his part until such time as he could pay my attorney, whereupon I would be reimbursed this amount.

Where do I go from here?

EXCERPT

Excerpt from The Politics of Welfare by Blanche Bernstein, quoting from a memo she wrote to New York City Mayor Ed Koch following her visit to a family court judge, Judge Philip Roache. (The Politics of Welfare, Abt Books, Cambridge, MA, 1982, p. 79–80.)

Judge Roache indicated a lack of sympathy with the IV-D program and I shall try to give the flavor of a series of complaints he made as follows [Judge Roache's comments are in italics; mine are not]:

1. *What is the point of bringing in all these 18 or 19 year olds who have not seen their fathers for 15 years to try to establish paternity? It's an utter waste of time.* I then responded with the fact that there are very, very few such cases. The great bulk of cases dealt with are young children.

2. *What was the use of bringing the fathers into court since they are all on public assistance?* I said, on the basis of available figures, this clearly was not true. Most of the fathers were not on public assistance. Further, even when they were, we might want to establish paternity in case they later become self-supporting. But we did *not* try to obtain support while they were on public assistance.

3. *What is the use of bringing these men in for support since none of them are earning very much?* I said some were not earning much and others were earning enough to provide some support according to the state standard which allowed the "absent father" to retain enough income to maintain the Bureau of Labor Statistics lower level standard of independent living. Judge Roache rejected the state standard and said, he "knew better what a man could afford to contribute to the support of his child". . . .

I then moved into Court with Judge Roache and observed the procedure in three child support/paternity cases. Among the six people involved, all were young—somewhere in their twenties. None were married. The three children involved were all very young. The three men were working and all three readily admitted paternity. With respect to this latter point, I felt that Judge Roache in his efforts to inform the men of their right to deny paternity overstressed the burdens this could impose on them without any counterbalancing statement indicating that if they were the fathers of the children, they had a responsibility toward them.

More disturbing, was what could almost be called a farce in terms of determining what the father could afford to pay toward support. Judge Roache asked what they paid for rent, a question each was generally able to answer; whether accurately or not, one could not say. He then asked how much they spent on food and what other bills they had—questions which each of the

TABLE B.—CHILD SUPPORT PAYMENTS AWARDED AND RECEIVED IN 1981—WOMEN WITH CHILDREN PRESENT BY SELECTED CHARACTERISTICS

Characteristics of women	Total (thousands)	Percent awarded child support payments [1]	Supposed to receive child support in 1981			
			Total (thousands)	Actually received child support in 1981		
				Percent	Mean child support	Mean total money income
Total	8,387	59.2	4,043	71.8	$2,106	$11,747
Current marital status:						
Married [2]	2,201	77.8	1,298	66.7	1,909	9,081
Divorced	2,861	80.5	2,033	73.8	2,220	14,230
Separated	1,552	42.8	518	79.9	2,374	9,893
Widowed [3]	64	B	16	B	B	B
Never-married	1,708	14.3	178	62.9	1,015	5,555
Race and Spanish origin:						
White	5,977	69.2	3,443	72.5	2,180	12,198
Black	2,283	33.8	546	67.0	1,640	8,849
Spanish origin [4]	628	43.9	232	65.9	2,068	8,887
Years of school completed:						
Less than 12 years	2,386	42.9	762	58.9	1,677	6,869
High school: 4 years	3,971	63.2	2,048	71.7	1,909	10,819
College:						
1 to 3 years	1,385	67.9	802	77.6	2,309	13.255
4 years or more	644	76.6	431	84.0	3,089	18,973

[1] Award status as of spring 1982.
[2] Remarried women whose previous marriage ended in divorce.
[3] Widowed women whose previous marriage ended in divorce.
[4] Persons of Spanish origin may be of any race.

Note.—B = base less than 75,000. Women with own children under 21 years of age present from an absent father as of spring 1982.

Source: Child Support and Alimony: 1981, U.S. Census Bureau Advance Report, Special Studies, Series P–23, No. 124 p. 3.

three men found utterly confusing; clearly they had no idea. The three men respectively earned $91, $120 and $140 per week, net of taxes. In one case, the man offered to pay $15 per week, but Judge Roache decided that he should pay only $10; this was the man earning $120 a week who was living with his aunt and paying $25 a week for rent and board. The man earning $140 was already making a support contribution and the amount was not divulged or reviewed by the court.

I was later advised by staff who are frequently in Judge Roache's court that even the above sums, which are substantially below the state standard, were higher than he ordinarily allows and may have been due to my presence in court.

TESTIMONY ON THE ECONOMIC EQUITY ACT, H.R. 2090, TITLE V, CHILD SUPPORT ENFORCEMENT AND H.R. 2374, 926 AND 3354

Chairman Ford and Members of the Committee, I am Bettianne Welch, President and Co-Founder of F.O.C.U.S., For Our Children's Unpaid Support. My colleague is Gerald Cannizzaro, Vice President and Co-Founder. He is here to assist in responding to your questions. We are a citizen advocacy group, founded in July 1981, in Virginia. I am currently an Advisory Member of the Interstate Child Support Enforcement Study, being conducted by the Center for Human Studies, under a grant from the Social Security Administration. F.O.C.U.S. appreciates this opportunity to appear today in regard to the Child Support Improvement Act of 1983.

F.O.C.U.S. is founded on the premise that all children are entitled to the financial support necessary to meet their basic needs. This support is the moral and legal responsibility of both parents.

As you are aware, an alarming number of parents choose not to honor this responsibility. Instead of two parents providing support, the custodial parent is carrying the entire burden. Most often, the custodial parent is making the lesser salary, and the burden becomes unmanageable. At this point outside assistance must be sought, in the form of food stamps, subsidized housing, aid to dependent children and student aid for education. The taxpayer, in fact, picks up the burden of the parent who is delinquent in the support of its child. The most recent survey by the U.S. Census Bureau (June 1983) estimated $4 billion per year in delinquent support has not been collected.

We endorse any measures that will establish an improved national system of monitoring and collecting child support to be established.

We in F.O.C.U.S. are personally aware of the weaknesses in the present system of enforcement and collection of child support. The statistics that are being presented to your Committee overwhelmingly illustrate that unpaid child support is a problem of a national magnitude. Statistics often do not show us where the problems lie; only that they exist. Our personal experiences with child support collection may be helpful to you. For illustration, I will present, in brief sketches, three real cases.

(1) A custodial parent has experienced the phenomenon known to those of us "in the trenches" as "state-hopping." She has attempted collection of child support in five states in six years, with very little success. The procedure for obtaining a judgment in each new state is so lengthy that relocation occurs before collection. The new state will, of course, need to establish its own order for collection, and often waives prior arrearages. This has proven to be an effective method for the delinquent parent to avoid paying support.

(2) In another case familiar to our group, the custodial parent has attempted collection from a self-employed former spouse. Wages cannot be attached and true income cannot be proven. She has withdrawn from the child support system because it does not adequately address these problems. She is now grateful for the small amounts of support which are sporadically sent directly to her. She, as most custodial parents, makes no attempt to "budget in" her child support payments as a regular source of income. She receives each payment as a "bonus."

(3) Since 1979, the custodial parent of three children has been actively pursuing her case within the URESA system. She has received three payments to date. She holds five support orders, has had thousands of dollars in arrearages "held in abeyance," and has had the original support award reduced from $650 per month for three children to $400 per month to $300 per month and most recently to $100 per month. To date she has employed the intervention of two members of Congress, and the gratis intervention of two private attorneys. As stated, her three children have received three payments in four years. The documents in this latter case are available to the Committee at its request.

These cases vividly illustrate the inability of the current system to deal effectively with specific problems: self-employed non-custodial parents; the actual collection of Support Orders; and the "state-hopping" delinquent parent. Most custodial parents cannot afford private attorneys; they must depend on the Child Support System to obtain their payments. The pursuit of their cases within the system becomes frustrating and time consuming. With support officers handling 600-800 cases, and with the overcrowded court dockets, it is no wonder that these cases become a lengthy and often fruitless pursuit. It is also no wonder that many parents are forced to drop out of the system in despair. These families are no longer even a part of the national statistics on delinquent child-support. There are large "cracks" in the present system. Unfortunately, children are the ones falling down the "cracks."

As previously stated we believe the Child Support Enforcement Act is a very positive step in strengthening the effectiveness of our national child support collection efforts. However, the experience of our members has shown us that state jurisdictions do not always cooperate in collecting or enforcing child support awards. We have found that a lack of uniformity in state laws and judicial rulings lends itself to various interpretations of a child's basic rights and needs. Therefore, in many instances it is most difficult, if not impossible, for a spouse to collect child support payments when the non-paying spouse moves from state to state. The Act, as now written, will be most beneficial to those child support collection efforts based within an individual state. However, it will not solve the collection problems of thousands of spouses whose partners willingly move from state to state avoiding their child support obligations. In addition, if spouses who are collecting child support with the assistance of a state agency move to another state they create a nightmare of problems. Their new state of residency may delay or reduce their child support payments due to differences in its child support laws or in their collection agency's effectiveness and procedures.

F.O.C.U.S. believes that the only way to resolve the frustrating problems caused by interstate non-cooperation and legal differences is to make it a federal offense to willingly not pay or avoid basic child support payments. Making the failure to pay child support a federal offense would greatly help to eliminate the millions of dollars of lost support payments and, subsequent federal assistance money, that now escapes interstate collection loopholes.

Therefore, we urge the following recommendations be adopted as part of the Child Support Enforcement Act you are considering here today:

1. Establish a minimum Child Subsistence Payment level which must be paid to every custodial spouse for each dependent child regardless of parental, welfare or residency status. This payment should be an amount adequate to supply the dependent child with its basic needs (i.e., adequate food, clothing, education and medical aid, etc.) The creation of such a payment level would act as a standard for state courts to award and defend minimum child support payments. The creation of this minimum payment would not deny the requesting spouse from seeking a higher support award. It would however, disallow any reductions below this minimum at a later date. It would also provide the respective attorneys with a financial obligation that must be resolved prior to the final settlement of a child-related divorce or martial separation. We further recommend that this Child Subsistence Payment should be indexed on an annual basis according to the changes in the National Consumer Price Index. The federal government already has the adequate statistical resources and personnel to establish this minimum subsistance payment.

2. As previously stated, we believe that the federal government should make it a Federal offense to deliberately avoid paying child support. This offense should be punishable by a substantial fine, levied and enforced by the federal courts and revenue collection agencies. It is F.O.C.U.S. belief that the creation of a federal fine will be greatly instrumental in motivating those chronic nonpayers to recognize their parental responsibility.

3. We believe the federal government should offer its assistance and resources in helping State jurisdictions to attach both wages and property by honoring their valid support orders. This federal assistance would greatly help the state agencies in collecting child support payments due from non-paying spouses who hop from state to state to avoid their parental obligations. In addition, the use of federal resources coupled with a federal fine would make it more difficult for those non-paying "self-employed" spouses to avoid their support responsibilities.

We understand that there will be expenses incurred by the federal government in providing our recommended assistance. However, they would be more than offset by reductions in the amount of federal assistance payments now being paid to non-support receiving spouses. If the fedeal government does seek direct reimbursement for its services we urge that the non-paying spouse be charged and not the child supporting one. The burdens and frustration responsible spouses now endure in trying to raise their children with their own resources is ample reimbursement for any federal assistance.

In conclusion, we ask the federal govenment to enforce the payment of child support awards as aggressively as private industry pursues delinquent financial obligations for automobiles, homes and credit cards. The child support collection industry cannot remain a vehicle for employing people who only comfort those in misery. It must be an industry which becomes effective in ending the poverty and uncertainty now facing responsible spouses and their dependent children. In behalf of the millions of children who are not receiving support payments, we ask you to adopt the recommendations we have made today.

Addendum: Since July 14, FOCUS has investigated the precise figures they would suggest be used in determining a minimum level for child support. Based on U.S. Department of Agriculture figures and using 1982 dollars, the group suggest a national figure of $420 per month per couple for the first child, with a five percent reduction in the amount necessary for second and subsequent children. It is important to note their suggested figure encompasses the couple—it is not seen as just the responsibility of the absent parent.

[From the Washington Post, July 15, 1983]

NEWLY POOR

(By Judy Mann)

Gail Forsythe of Selmer, Tenn., is a single mother of two, and a teacher. She went to Capitol Hill yesterday to tell members of Congress just how tough it is for single mothers to collect child support from deadbeat fathers and just how rough it is on the children. She's seen it in her classroom and she's been through it at home.

"For years I have dealt with the children of mothers working in low-paying jobs who can't afford to leave work to care for sick children," she told the House subcommittee on public assistance and unemployment compensation. She told of single parents who couldn't afford optical and dental work for their children and of latchkey children who cared for younger siblings while their mothers worked.

She said she has seen cases in which mothers who have remarried have tolerated child abuse because they were afraid that leaving would plunge them into economic disaster.

And she testified about her own effort to support her family and to collect child support from her former husband, "a noted professor of nuclear physics at an Ivy League university," who "swore he would never pay a dime in child support." She testified that she went to court five times between 1972 and 1979, was forced to travel out of state and pay attorneys fees in an effort to collect. One trip, to Media, Pa., cost her $1,300 and while the court ruled in her favor including a $2,000 lump sum in arrears, her former husband did not obey the order.

Finally with the help of a district attorney in Tennessee, she tried to obtain support through the Federal Uniform Reciprocal Support Act. She testified that a court in Philadelphia, without notifying her of the hearing, reduced the support awarded months earlier by the Media, Pa., court, and allowed here former husband to pay off his arrears at $2 a week, "giving him 18 years to pay off." She testified she now receives $60 a week, "less than he was paying for psychological counseling and marriage counseling when we were living together."

Forsythe said she worked up to 85 hours a week until school was out, supplementing her full-time teaching income by teaching a night class and working nights and weekends at a department store. "I was off Christmas Day and Easter to be with my children," she said.

Forsythe is one of the 8.4 million American women raising children alone. The Census Bureau has estimated that 30 percent of those women and their children are living in poverty, and, while most should receive child support, more than half receive only partial payment or no payment at all. The Census Bureau has estimated that the children are cheated out of nearly $4 billion a year.

Margaret Heckler, Secretary of Health and Human Services, called it "a national disgrace" at the hearing yesterday, and she outlined an ambitious administration proposal to use Federal financial muscle to encourage States to collect child support from all delinquent parents.

Current state efforts to collect child support are erratic, she said, with only six of them doing a cost-effective job. The administration proposes to set penalties for the states that don't collect and a $200 million incentive pool to reward those that do. A significant breakthrough in the administration's proposal came during a meeting Wednesday afternoon between the Republican women in Congress. President Reagan and top administration officials. Rep. Marge Roukema (R-N.J.) argued persuasively that the incentive pool as well as other compliance efforts such as mandatory deductions from wages, should apply equally to the state's efforts to collect support from all delinquent parents not just those whose children end up on welfare.

Millions of mothers like Gail Forsythe, are struggling to raise children alone. The old image of the merry divorcee who keeps the house while her husband lives in a garret no longer applies. A California study found the income level of women dropped 73 percent after divorce while the man's income rose 42 per cent. A Denver study found that two-thirds of the fathers paid less in court-ordered child support than they spent on monthly car payments.

It is clear from both the administration proposals and the tenor of the hearing that the nation, faced with alarming data about the feminization of poverty, is about to take a long, hard look at the tolerance it has shown to deadbeat parents. "We have made a sea change of difference here." Said Roukema.

It's about time.●

By Mr. QUAYLE:

S. 1778. A bill to provide for a block grant to States for health planning activities, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PLANNING BLOCK GRANT ACT OF 1983

● Mr. QUAYLE. Mr. President, I introduce S. 1778, a bill to establish a block grant to the States to support health planning.

The latest authorization for the Federal health planning program expired at the conclusion of the last fiscal year. The program has been funded under a continuing resolution despite the fact that it has not been reauthorized. Health planning has been useful in many States in containing health care costs and assuring equitable access to health services. It is important that the Federal Government continue to encourage health planning on the State and local levels but the current health planning law should be replaced.

During the last session of Congress, I submitted a bill with Senators HATCH and HAWKINS to authorize a new health planning program. Our bill was less prescriptive than the existing Federal health planning law. It would have reversed the regulatory and bureaucratic burdens the existing health planning law imposed on the States and provided States with the flexibility to carry out the health planning function with a minimum of Federal intervention.

I joined attempts in the last session of the Congress to reach a bipartisan compromise on reform of the Federal health planning law. Unfortunately, these efforts did not lead to enactment of new health planning legislation. The failure of these efforts left us with the existing health planning law without authorized funding levels. The program under this law has continued under a continuing resolution as I pointed out. I believe that outlays for a program like this without appropriate authorizing legislation is bad public policy. When an authorization expires, Congress should evaluate the respective program and either give it renewed direction and funding or drop it from the books. This was not done in the case of the Federal health planning program.

Furthermore, operating a program, such as health planning without renewed congressional direction or appropriate authorizing language, leaves those responsible for implementing that program without a clear sense for its future. Officials in charge in State and local health planning agencies do not know how long Federal support for health planning is likely to continue or even from year to year whether it will be funded. This situation makes it difficult for them to plan and budget their activities and has the frequent side effect of causing many of their best and most sophisticated personnel to leave the programs because of this uncertainty.

These concerns should be resolved by the Congress. Efforts are now under way in the House of Representatives to reach a compromise on reform of the Federal health planning program. I commend these efforts and submit my bill to reflect interest in this body relative to a reauthorization of health planning. My bill will provide the direction needed for the application of health planning on the State and local levels and provide the States the resources and flexibility to develop the program most appropriate for specific health care marketplaces.

My bill repeals the current health planning law, title XV of the Public

Health Service Act, and replaces its function with a new block grant. The block grant will be included under title XIX of the Public Health Service Act with the other health block grants.

The bill authorizes funding through September 30, 1986. This date also marks the point at which capital costs for part A reimbursement under medicare will be integrated in medicare's new prospective payment methodology. The new payment mechanism will be different than the current pass through for capital costs now paid by medicare and should provide a sufficient disincentive for provider institutions to make unnecessary or uneconomic capital expenditures. Because of this change and its resulting effects on capital expenditures in the health care system, the start of this program provides a useful time at which to reassess health planning, at least as health planning pertains to the control of capital expenditures.

Under the block grant approach taken by my bill all funds for health planning would flow to the States with each given the discretion to design its own health planning programs, establish the role of its statewide health planning agency, and choose whether or not to continue or designate agencies at the regional or local levels. This approach allows States to limit health planning at the statewide and local levels to data collection, research, and the development of health plans or together with such activities to regulate capital expenditures of institutional health care providers through certificate-of-need type reviews. States also have the prerogative to experiment with alternative types of regulation to constrain unnecessary or uneconomic capital expenditures by institutional health care providers.

The usefulness of regulation to constrain such capital costs has varied from locale to locale. This bill recognizes this factor and gives States the option to develop nonregulatory experiments to reduce health care costs through the promotion of competition in the health care marketplace.

The existing health planning law was designed to contain health care costs by limiting excess bed capacity and duplication of services and to assure the availability of quality services to all Americans. My bill also would meet these objectives. It, however, avoids the needless imposition of Federal rules and regulations on those States which choose to have a health planning program.

We have created in this country the most advanced and sophisticated health care system in the world. This system has proven to be extremely expensive. Unless through better health planning and other means we are successful in checking the growth of the cost of this system, our preeminence in medical care will be threatened. To avoid this, I urge you to give strong consideration to this bill and other measures to help contain health care costs.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Planning Block Grant Act of 1983".

(b) Title XV of the Public Health Service Act is repealed.

(c) Title XIX of such Act is amended by adding at the end thereof the following new part:

"PART D—HEALTH PLANNING BLOCK GRANT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1941. For the purpose of allotments to States to carry out this part, there are authorized to be appropriated $40,000,000 for each of the fiscal years 1984, 1985, and 1986.

"ALLOTMENTS

"SEC. 1942. (a)(1) From amounts appropriated under section 1941 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to the total amount appropriated under such section for such fiscal year as the population of the State bears to the population of all States, except as provided in paragraph (2).

"(2) Notwithstanding paragraph (1), the allotment of any State in any fiscal year under this subsection shall not be less than $100,000. If, under paragraph (1), the allotment of any State in any fiscal year will be less than $100,000, the Secretary shall increase the allotment of such State to $100,000 and shall proportionately reduce the allotments of all other States whose allotment exceeds $100,000 in a manner that will insure that the allotment of each State in such fiscal year is at least $100,000.

"(3) For purposes of this part, the population of a State shall be determined on the basis of the 1980 decennial census.

"(b) To the extent that all the funds appropriated under section 1941 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 1945 for such fiscal year;

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(3) some State allotments are offset or repaid under section 1906(b)(3) (as such section applies to this part pursuant to section 1945(e));

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for such fiscal year without regard to this subsection.

"PAYMENTS UNDER ALLOTMENTS TO STATES

"SEC. 1943. (a) For each fiscal year, the Secretary shall make payments, as provided by section 6503(a) of title 31, United States Code, to each State from its allotments under section 1942 from amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"USE OF ALLOTMENTS

"SEC. 1944. (a) Except as provided in subsection (c), amounts paid to a State under section 1943 from its allotment under section 1942 for any fiscal year may be used at the discretion of the State for anyone or more of the following:

"(1) the compilation or conduct of studies and analyses, and the collection of data, by—

"(A) a State agency; or

"(B) local and regional public and private entities designated by the State,

with respect to the financing and delivery of health care in the State;

"(2) the development by a State agency of a plan for the allocation of health services and resources in the State;

"(3) the development by public or private entities designated by the State of local and regional plans for the allocation of health services and resources in the applicable locality or region;

"(4) activities carried out by a State agency to review and determine, to the extent deemed appropriate by the State, the need for—

"(A) capital expenditures by health care providers in the State;

"(B) the acquisition by health care providers of major medical equipment for use in the State; and

"(C) major expansions in the provision of institutional health care services in the State;

"(5) the participation of local and regional and public and private entities designated by the State in the reviews conducted, and the determinations made, by the State under paragraph (4);

"(6) experiments designed to demonstrate alternative regulatory strategies to limit the expenditures and services referred to in subparagraphs (A), (B), and (C) of paragraph (4); and

"(7) experiments designed to demonstrate nonregulatory strategies to promote competition in the financing and delivery of health care.

"(b) The secretary may provide technical assistance to States in planning and operating activities to be carried out under this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES; REQUIREMENTS

"SEC. 1945. (a) In order to receive an allotment for a fiscal year under section 1942, each State shall submit an application to the Secretary. Each such application shall be in such form and submitted by such date as the Secretary shall require. Each such application shall contain assurances that the legislature of the State has complied with the provisions of subsection (b) and that the State will meet the requirements of subsection (c).

"(b) After the expiration of the first fiscal year for which a State receives an allotment under section 1942, no funds shall be allotted to such State for any fiscal year under such section unless the legislature of the State conducts public hearings on the proposed use and distribution of funds to be provided under section 1943 for such fiscal year.

"(c) As part of the annual application required by subsection (a), the chief executive officer of each State shall—

"(1) certify that the State agrees to use the funds allotted to the State under section 1942 in accordance with the requirements of this part;

"(2) provide assurances that such chief executive officer will designate or establish a State agency to administer funds provided under this part;

"(3) agrees to cooperate with Federal investigations undertaken in accordance with section 1907 (as such section applies to this part pursuant to subsection (e) of this section); and

"(4) certify that the State agrees that Federal funds made available under section 1943 for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under that section and will in no event supplant such State, local, and other non-Federal funds.

The Secretary may not prescribe for a State the manner of compliance with the requirements of this subsection.

"(d) The chief executive officer of a State shall, as part of the application required by subsection (a), also prepare and furnish the Secretary (in accordance with such form as the Secretary shall provide) with a description of the intended use of the payments the State will receive under section 1943 for the fiscal year for which the application is submitted, including information on the programs and activities to be supported. The description shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during development of the description and after its transmittal. The description shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in the programs and activities assisted by the State under this part, and any revision shall be subject to the requirements of the preceding sentence.

"(e) Except where inconsistent with the provisions of this part, the provisions of section 1903(b), section 1906(a), paragraphs (1) through (5) of section 1906(b), and sections 1907, 1908, and 1909 shall apply to this part in the same manner as such provisions apply to part A of this title.

"DEFINITION

"SEC. 1946. For purposes of this part, the term 'State' means each of the several States and the District of Columbia.".

(d) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

(e) Effective October 1, 1986, part D of title XIX of the Public Health Service Act (as added by subsection (c) of this section) is repealed.●

By Mr. PROXMIRE:

S. 1779. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to generate additional revenues for the Superfund to provide incentives for hazardous waste recycling and to provide for certain additional forms of assistance respecting releases of hazardous substances to amend the Internal Revenue Code of 1954 to impose (in lieu of the Superfund taxes on petroleum chemical feedstocks) an additional tax on hazardous wastes, and for other purposes; to the Committee on Finance.

(The remarks of Mr. PROXMIRE on this legislation and the text of the legislation appear elsewhere in today's RECORD.)

By Mr. BUMPERS (for himself and Mr. DOMENICI):

S. 1780. A bill entitled the "Solar Energy National Security and Employment Act of 1983"; to the Committee on Energy and Natural Resources.

SOLAR ENERGY NATIONAL SECURITY AND EMPLOYMENT ACT OF 1983

Mr. BUMPERS. Mr. President, on February 25, 1983, Senator DOMENICI and I introduced the SENSE Act, which is intended to encourage the use of solar energy without requiring large Federal expenditures. That act was actually divided into several bills, according to their general thrust. Unfortunately, that treatment does not correspond with Senate committee jurisdictions, so it has been impossible to arrange for hearings. Consequently, I am introducing, for myself and for Senator DOMENICI, a redraft of some of the provisions of the SENSE Act which collects into a single legislative vehicle all of the provisions falling within the jurisdiction of the Senate Committee on Energy and Natural Resources. This new bill does not change the intent of the SENSE Act; it merely allows for appropriate hearings to be held.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

2. It extends the authorization of the Solar Energy and Energy Conservation Bank until 1990 and directs the Bank to fund active solar applications, to treat single and multifamily housing equally, and to allow entities other than the states (e.g., cities, credit unions, banks) to participate in the Bank program.

4. This provision provides clearer authorization for three complementary renewable energy information programs now conducted by the federal government. The Technical Information Program of the Solar Energy Research Institute (SERI) produces technical documents for the commercial renewable energy sector that draws on highly technical information from specific research activities. The Conservation and Renewable Energy Inquiry and Referral Service (CAREIRS) provides general information and business referrals to consumers, through a toll-free phone number as well as by mail. The National Appropriate Technology Assistance Service (NATAS) will provide technical assistance to individuals designing and building their own renewable energy systems or devices.

3. It allows a small portion of funds appropriated for energy aid to be used to create formal information exchanges among governments at all levels to improve the effectiveness of energy programs. Through meetings, publications exchanges, or other means, the states will be able to learn from one another's experiences and to enhance the effectiveness of their energy programs.

5. It expands the Small Business Innovation Act, which mandated that the Department of Energy and several other agencies set aside at least 1 percent of their research and development funds for small businesses, to guarantee that renewable energy businesses are included.

7. It requires all federal agencies to submit yearly reports of not more than 15 pages to Congress on their energy conservation and renewable energy program's impact on the production or use of renewable energy and energy conservation. In addition, it requires the Department of Energy in its Monthly Energy Review to include national statistics on energy conservation and renewable energy use as it does with other energy sources. Finally, the provisions requires information from the Department of Commerce on the impact of renewable energy exports on the international balance of payments of the U.S.; and the Department of Labor on the employment generation of the renewable energy and energy conservation industries in the U.S. and the Department of Energy on the imported petroleum displacement.

5. It reaffirms Congress' intentions to provide consumers with energy-efficiency labels on automobiles and appliances so they can make informed purchasing decisions. This provision also directs the Small Business Administration Energy Loan Program to fund small renewable energy businesses for the testing of their new products.

By Mr. KASTEN:

S. 1782. A bill to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; to the Committee on Environment and Public Works.

TRIBUTE TO WILLIAM A. STEIGER

Mr. KASTEN. Mr. President, today, I am introducing legislation which will designate the post office building in Oshkosh, Wis., as the "William A. Steiger Post Office Building."

In 1979, the Congress lost one of its finest Members with the death of Bill Steiger. I knew Bill Steiger for many years and was privileged to have had the opportunity to work with him in the House of Representatives for 4 years. Bill Steiger's integrity and commitment to good government was a tremendous inspiration to every Member of Congress.

When Bill Steiger was elected to the House in 1966, he became the youngest Member of Congress at age 28. He quickly became a respected member of the House and soon took a seat on the Ways and Means Committee. As a member of this committee, Steiger was at the forefront of many efforts in the area of tax reform. His work on capital gains tax reform was his highest achievement, and many of us in recent years have continued to make progress in this area because of the sound foundation Bill Steiger's work provided. Mr. President, if this legislation is enacted into law, the people of Oshkosh, Wis., will gain a lasting memorial to a truly great man, Bill Steiger. I urge

my colleagues to join me in cosponsoring this resolution today.

By Mr. BAKER (for Mr. GOLDWATER):

S. 1783. A bill to eliminate the congressional budget process, abolish the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives, and for other purposes; pursuant to the order of August 4, 1977, jointly to the Committee on the Budget and the Committee on Governmental Affairs.

ABOLISH THE CONGRESSIONAL BUDGET PROCESS

● Mr. GOLDWATER. Mr. President, I am presenting legislation today to eliminate the congressional budget process and to abolish the Senate and House Budget Committees.

Budget making by concurrent resolutions has been a failure. It has never worked and it will not work because of built-in defects.

Instead of Government by an orderly budget process, we have had Government by budget waivers and continuing appropriations resolutions. We have had nothing but higher spending and outrageous deficits. The budget is worse off today than it was in 1974, when the Budget Act was enacted, and the act effectively controls less than 40 percent of the budget.

WAIVERS

Time after time, we have ignored the procedures required by the Budget Act. This year alone we have agreed to five budget waivers in the Senate. Six others are waiting on the Senate Calendar and at least three more waiver requests are before the Budget Committee. It seems to be impractical or impossible to run the Government according to the strict schedule laid out in the 1974 law, and we evade that law by the waiver process repeatedly.

There are three forms of budget waivers set out in the 1974 law. First, there is a waiver to section 402(a), which states that it shall not be in order in either House of Congress to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that proposal is reported on or before May 15 preceding the beginning of the fiscal year. Since 1976, the Senate has approved 218 waivers under section 402.

Second, there is authority for a waiver of the budget law in section 303 of the 1974 Act. This section provides that it shall not be in order to consider any legislation, including amendments, which provides: First, new budget authority for a fiscal year, second, an increase or decrease in revenues to become effective during a fiscal year, third, an increase or decrease in the public debt limit to become effective during a fiscal year, or fourth, new entitlement authority for a fiscal year which is not provided for in advance by Appropriations Acts, until the first concurrent budget resolution for that fiscal year has been agreed to. Since 1976, the Senate has approved 31 waivers of section 303.

Third, from time to time the Senate has also waived various requirements of the Budget Act by means of a motion provided by section 904(b).

The proliferation of budget waivers indicates that there is a basic flaw in the Budget Act. The schedule required by the act is unrealistic. More often than not, Congress simply cannot or will not meet the timetable.

Stretching out the timetable is not the answer. The further apart in time we make the schedules, the less opportunity there will be of controlling the immediately succeeding fiscal year or having an orderly budget program. I do not believe we can predict economic conditions and governmental needs 2 or more years in advance with any more assurance than we can project budget deficits now. We will probably wind up with larger supplemental appropriations if we act for multiyear periods.

CONTINUING RESOLUTIONS

Then we come to the matter of continuing appropriations resolutions. When Congress fails to complete action on regular appropriations bills before the start of the fiscal year, it adopts a continuing resolution to continue the funding of necessary governmental operations.

If the Budget Act worked properly, there would be no need for continuing resolutions. We might occasionally need to enact a supplemental appropriation, but only for emergency circumstances.

For example, last October we enacted a continuing appropriations resolution for fiscal 1983 which applied to 12 out of the 13 regular appropriations measures Congress traditionally passes. This law, House Joint Resolution 599, covered the period from October 2, 1982, through December 17, 1982. In December of last year, Congress passed another continuing appropriations resolution for fiscal 1983, House Joint Resolution 631, which applied to seven major appropriations categories: Treasury; Foreign Assistance; Defense; Commerce; Justice; State; Labor-HHS; Interior; and Energy and Water Development.

Our action for fiscal year 1982 was no better. In October, we enacted House Joint Resolution 325, covering the period October 1, 1981, through November 20, 1981, and applying to all 13 major Appropriations Acts. House Joint Resolution 362 was enacted on November 23, 1981, and it continued appropriations through December 15, 1981, for 12 out of the 13 regular Appropriations Acts. House Joint Resolution 370, enacted on December 15, 1981, extended the continuing appropriations for 10 major appropriations categories through March 31 of 1982.

This record is hardly an improvement over the experience of Congress before the Budget Act of 1974. In some ways—in fact, in some significant ways—the situation has gotten much worse with the creation of the congressional budget process.

The pattern of usage of continuing resolutions has increased. The scope of these resolutions has increased. The Government operates for longer periods of time on continuing resolutions. And, the volume of continuing resolutions has increased, from a mere couple of pages in past years to 95 or more pages. Continuing appropriations resolutions have now become the equivalent of full blown separate appropriations acts.

ENTITLEMENTS

Not only do we fail to keep to the timetable established by the Budget Act, the budget process lacks effective controls on 60 percent of the budget, which is represented by entitlement programs, interest, and other mandatory spending.

For example, look at what happened earlier this year when Congress enacted sweeping amendments to the social security system. The social security measure makes enormous changes in taxing and spending programs for future years. We did approve a budget waiver for the part of that measure which affects fiscal 1984, but the waiver does not apply to fiscal 1994 or fiscal 2004, or beyond. Yet, the social security amendments do cover these future years and more. Thus, hundreds of billions of dollars of taxes and payments are untouched and uncontrolled by the Budget Act.

These are expected to be permanent appropriations and taxes, and I am not suggesting that we should reopen our decisions on the social security package. My point is that for most practical purposes, the budget process is irrelevant to a major part of the national budget and economy. We can repeal the Budget Act and not miss it.

While it may be impossible for any two Members of Congress to agree exactly on what all the purposes to be served by the Budget Act were, I think a majority of us will concur that one significant goal was to enable Congress to get a handle on the Federal budget. For those of us who viewed the budget process as a means for controlling runaway Government spending and for those of us who believed the budget process would offer a structure for having a national budget whose broad outline and designs would be known in advance, the process has been a colossal failure.

HIGHER SPENDING AND DEFICITS

Moreover, I believe the Budget Act results directly in higher spending, not controlled spending.

Budget Committees are just one more forum for advocates of higher spending to appeal before. If you can not get your pet program approved in the authorization committee, there is always the possibility of getting a line item addition to the budget resolution or to Budget Committee markup materials.

Let us look at the record. In fiscal year 1977, the first year of full implementation of the Budget Act, the final budget resolution set a spending ceiling of $409.2 billion. Compare this with the first budget resolution for fiscal year 1984, adopted on June 23, which raises the spending ceiling to $850 billion, or $859 billion if a special reserve fund is added.

The fiscal 1977 budget allowed a deficit of $52.6 billion, which was bad enough. The first budget resolution for fiscal 1984 projects a gigantic deficit of $179.3 billion with the reserve fund and $169.9 billion without the reserve fund. And we call this progress.

It is true that in 1981, the reconciliation procedure established by the Budget Act was used to limit total Government spending below previously approved levels. But the reconciliation approach is not well liked in Congress and I doubt if we will ever utilize it again in such a sweeping manner as was done in 1981.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Instead, we should act promptly on a balanced budget constitutional amendment. Rather than use a budget process which Congress constantly must avoid and evade with waivers, continuing appropriations resolutions and emergency legislation, such as the 1983 Social Security Amendments, we should operate under a compulsory system of budget and fiscal discipline mandated by the Constitution itself.

Such a constitutional amendment would be comprehensive and include not only regular Appropriations Acts, but the funding of entitlement programs as well. Of course, it would allow sufficient flexibility for the Nation to cope with national emergencies.

SUMMARY OF BILL

Mr. President, I will take just a moment to explain the provisions of the bill I am introducing. As the title indicates, the bill has two major purposes. First, it eliminates the congressional budget process, including the requirement that Congress adopt one or more concurrent resolutions on the budget to fix spending, revenue, deficit, and debt levels for each fiscal year. Second, it eliminates the jurisdiction and duties of the Committees on the Budget of the Senate and the House of Representatives.

The bill does not, however, affect the requirement that the President submit a budget for each fiscal year. Nor does the bill abolish the Congressional Budget Office. I would preserve the CBO and require that it provide the Congress with an analysis of the budget submitted by the President and provide committees of Congress in both Houses with budgetary information to assist them in carrying out their responsibilities. As under current law, the Congressional Budget Office would also be required to prepare a report on the costs of carrying out the provisions of any bill reported by a committee.

The bill preserves provisions of the 1974 Budget Act, which subjects new contract and borrowing authority to the appropriations process. The bill aslo retains the current restriction set forth in section 401(b)(1) on the consideration of legislation providing new entitlement spending authority, which would become effective before the first day of the next fiscal year.

Finally, it leaves in place the provisions of the Impoundment Control Act of 1974 that govern the disposition of proposed deferrals and rescissions of budget authority. Whatever the status of the legislative veto may be under that act in light of the Supreme Court decision in the Chadha case, my bill will not address or alter it at all, and is solely limited to the budget process.

Mr. President, I ask that the text of the bill may appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congressional Budget Process Repeal Act of 1983".

ELIMINATION OF THE CONGRESSIONAL BUDGET PROCESS

SEC. 2. (a) Title III of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 631 et seq.) is repealed.

(b)(1)(A) Rule XI of the Rules of the House of Representatives is amended by striking out subdivision (C) of clause 2(l)(1).

(B)(i) Subdivision (A) of clause 2(l)(1) of Rule XI of the Rules of the House of Representatives is amended by striking out "(except as provided in subdivision (C))".

(ii) Subdivision (B) of Clause 2(l)(1) of Rule XI of the Rules of the House of Representatives is amended by striking out "does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and".

(2)(A)(i) Clause 2(1)(3) of Rule XI of the Rules of the House of Representatives is amended by striking out subdivision (B) and redesignating subdivisions (C) and (D) as subdivisions (B) and (C), respectively.

(ii) Clause (7)(d) of Rule XIII of the Rules of the House of Representatives is amended by striking out "2(1)(3)(C)" and inserting in lieu thereof "2(1)(3)(B)".

(B) Clause (2)(1)(5)(B) of Rule XI of the Rules of the House of Representatives is amended by striking out "(C) and (D)" and inserting in lieu thereof "(B) and (C)".

(3) Rule XXIII of the Rules of the House of Representatives is amended by striking out clause 8 and redesignating clause 9 as clause 8.

(4)(A) The Rules of the House of Representatives are amended by striking out Rule XLIX and redesignating Rule L as Rule XLIX.

(B) Section 3101(b) of title 31, United States Code, is amended by striking out "through the congressional budget process described in Rule XLIX of the Rules of the House of Representatives or otherwise".

(c) Subparagraphs (i) 1, (i) 8, and (k)(1) 2 of paragraph 1 of Rule XXV of the Standing Rules of the Senate are each amended by striking out ", except as provided in the Congressional Budget Act".

(d)(1) Section 401(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(A) by striking out paragraphs (2) and (3); and

(B) by striking out "(1)".

(2) Clause 4(a) of Rule X of the Rules of the House of Representatives is amended by striking out subparagraph (2) and redesignating subparagraph (3) as subparagraph (2).

(3) Subparagraph (b) of paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by striking out subdivision 4.

(e) (1) Section 402 of the Congressional Budget Act of 1974 is repealed.

(2) Clause 1 (g) of Rule X of the Rules of the House of Representatives is amended by striking out subparagraph (2) and redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3), respectively.

(f) Section 1105 (a) (15) of title 31, United States Code, is amened to read as follows:

"(15) a separate statement on each of the following items:

"(A) the appropriate level of total budget outlays and of total new budget authority;

"(B) an estimate of budget outlays and an appropriate level of new budget authority for each major functional category, for contingencies, and for undistributed intragovernmental transactions, based on allocations of the appropriate level of total budget outlays and of total new budget authority;

"(C) the amount, if any, of the surplus or the deficit in the budget which is appropriate in light of economic conditions and all other relevant factors;

"(D) the recommended level of Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees; and

"(E) the appropriate level of the public debt, and the amount, if any, by which the statutory limit on the public debt should be increased or decreased by bills and resolutions to be reported by the appropriate committees.".

ABOLITION OF COMMITTEES ON THE BUDGET

SEC. 3. (a) Title I of the Congressional Budget and Impoundment Control Act of 1974 is repealed.

(b)(1)(A) Clause 1 of Rule X of the Rules of the House of Representatives is amended by striking out paragraph (e) and by redesignating paragraphs (f) through (v) as paragraphs (e) through (u), respectively.

(B) Subparagraphs (4) and (5) of clause 1(j) of Rule X of the Rules of the House of Representatives, as redesignated by subparagraph (A) of this paragraph, are each amended by striking out "1(p)(4)" and inserting in lieu thereof "1(o)(4)".

(2)(A) Clause 2(b)(1) of Rule X of the Rules of the House of Representatives is

amended by striking out "and the Committee on the Budget".

(B)(i) Clause 3 of Rule X of the Rules of the House of Representatives is amended by striking out paragraph (b) and redesignating paragraphs (c) through (h) as paragraphs (b) through (g), respectively.

(ii)(I) The matter following subparagraph (14) of clause 1(f) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1)(A) of this subsection, is amended by striking out "3(c)" and inserting in lieu thereof "3(b)".

(II) The matter following subparagraph (18) of clause 1(g) of Rule X of the Rules of the House hf Representatives, as redesignated by paragraph (1)(A) of this subsection, is amended by striking out "3(h)" and inserting in lieu thereof "3(g)".

(III) The matter following subparagraph (17) of clause 1(h) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1)(A) of this subsection, is amended by striking out "3(d)" and inserting in lieu thereof "3(c)".

(IV) The matter following subparagraph (17) of clause 1(k) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "3 (e)" and inserting in lieu thereof "3 (d)".

(V) The matter following subparagraph (12) of clause 1 (q) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "3 (f)" and inserting in lieu thereof "3 (e)".

(VI) The matter following subparagraph (2) of clause 1 (r) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "3 (g)" and inserting in lieu thereof "3 (f)".

(C) (i) Clause 4 of Rule X of the Rules of the House of Representatives, is amended by striking out paragraphs (b), (g), (h), and (i) and redesignating paragraphs (c) through (f) as paragraphs (b) through (e), respectively.

(ii) (I) The matter following subparagraph (5) of clause 1 (i) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "4 (c)" and inserting in lieu thereof "4 (b)".

(II) The matter following subparagraph (15) of clause 1 (j) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "4 (d)" and inserting in lieu thereof "4 (c)".

(III) The matter following subparagraph (1) of clause 1 (s) of Rule X of the Rules of the House of Representatives, as redesignated by paragraph (1) (A) of this subsection, is amended by striking out "4 (e)" and inserting in lieu thereof "4 (d)".

(IV) Clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, as redesignated by section 2(b)(2)(A)(i) of this Act, is amended by striking out "4(c)(2)" and inserting in lieu thereof "4(b)(2)".

(D) Clause 6(c) of Rule X of the Rules of the House of Representatives is amended by striking out ", except the Committee on the Budget,".

(E) Clause 2(b)(2) of Rule XI of the Rules of the House of Representatives is amended by striking out ", the Committee on the Budget,".

(F) Clause 2(i) of Rule XI of the Rules of the House of Representatives is amended by striking out "the Committee on the Budget,".

(G) Clause 4(a) of Rule XI of the Rules of the House of Representatives is amended by striking out "the Committee on the Budget on the matters required to be reported by such committee under Titles III and IV of the Congressional Budget Act of 1974;".

(H) Clause 5(a) of Rule XI of the Rules of the House of Representatives is amended by striking out "and the Committee on the Budget".

(I) Clause 6(a)(5) and clause 6(b)(4) of Rule XI of the Rules of the House of Representatives are each amended by striking out "and to the Committee on the Budget".

(J) Clause 6(d) of Rule XI of the Rules of the House of Representatives is amended by striking out "and the Committee on the Budget".

(K) Clause 3 of Rule XLVIII of the Rules of the House of Representatives is amended by striking out paragraph (c).

(c)(1)(A) Paragraph 1 of Rule XXV of the Standing Rules of the Senate, as amended by section 2(c) of this Act, is further amended by striking out subparagraph (e) and redesignating subparagraphs (f) through (p) as subparagraphs (e) through (o), respectively.

(B) Paragraph 1(b)1 of Rule XXV of the Standing Rules of the Senate is amended by striking out the comma and "except as provided in subparagraph (e)".

(2) (A) The table set forth in paragraph 3 (a) of Rule XXV of the Standing Rules on the Senate is amended by striking out the item relating to the Committee on the Budget.

(B) Paragraph 4 (h) of the Rule XXV of the Standing Rules of the Senate is amended—

(i) by striking out clauses (1), (2), and (3); and

(ii) by striking out "(4)".

(C) Paragraph 4 of rule XXV of the Standing Rules of the Senate is further amended by striking out subparagraph (j) and redesignating subparagraph (k) as subparagraph (j).

(D) Paragraph 4 (a) of Rule XXVI of the Standing Rules of the Senate is amended by striking out "and the Committee on the Budget".

(E) Paragraph 5 (a) of Rule XXVI of the Standing Rules of the Senate is amended by striking out "or the Committee on the Budget".

(F) The first sentence of paragraph 8 (a) of Rule XXVI of the Standing Rules of the Senate is amended—

(i) by striking out "Committees" and inserting in lieu thereof "Committee"; and

(ii) by striking out "and the Budget".

(G) Paragraph 11 (a) of Rule XXVI of the Standing Rules of the Senate is amended by striking out "and the Committee on the Budget".

(d) (1) Section 201 (a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 601) is amended by striking out "after considering recommendations received from the Committees on the Budget of the House and the Senate".

(2) (A) (i) Subsections (a) and (e) of section 202 of such Act (2 U.S.C. 602) are repealed.

(ii) Subsections (b), (c), (d), (f), and (g) of section 202 of such Act are redesignated as subsections (a) through (e), respectively.

(B) Section 202(a) of such Act, as redesignated by clause (ii) of subparagraph (A) of this paragraph, is amended to read as follows:

"(a) Assistance to Committees on Appropriations, Ways and Means, and Finance.—At the request of the Committee on Appropriations of either House, the Committee on Ways and Means of the House of Representatives, or the Committee on Finance of the Senate, the Office shall provide to such Committee any information which will assist it in the discharge of matters within its jurisdiction, including (1) information with respect to the budget, appropriation bills, and other bills authorizing or providing budget authority or tax expenditures, (2) information with respect to revenues, receipts, estimated future revenues and receipts, and changing revenue conditions, and (3) such related information as such Committee may request.".

(C) Section 202(c) of such Act, as redesignated by clause (ii) of subparagraph (A), is amended—

(i) by striking out the first sentence;

(ii) by striking out "other"; and

(iii) by striking out "(b) or (c)" and inserting in lieu thereof "(a) or (b)".

(D)(i) Section 202(d) of such Act, as redesignated by clause (ii) of subparagraph (A), is amended—

(I) by striking out "Committees on the Budget of the House of Representatives and the Senate" each place it appears and inserting in lieu thereof "the Congress", and

(II) by striking out "such Committees" in paragraph (2) and inserting in lieu thereof "the Congress".

(ii) The subsection heading of section 202(d) of such Act, as redesignated by clause (ii) of subparagraph (A), is amended by striking out "Budget Committees" and inserting in lieu thereof "The Congress".

(e) Section 136(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d(c)) is amended—

(1) by striking out "Committees" the first place it appears and inserting in lieu thereof "Committee";

(2) by striking out "and the Budget"; and

(3) by striking out "the Budget,".

(f)(1) Section 1104(c) of title 31, United States Code, is amended by striking out "and on the Budget".

(2) Section 1109(b) of such title is amended by striking out "Committees on the Budget of both Houses" and inserting in lieu thereof "Congress".

(3) Section 1112(c)(3) of such title is amended by striking out "and on the Budget".

(4) Section 3524(b) of such title is amended by striking out "the Budget and".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a) Section 2 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621) is amended by striking out paragraphs (1) and (2) and redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively.

(b) Section 3, of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(c) Section 606 of the Congressional Budget Act of 1974 (2 U.S.C. 661) is amended—

(1) by striking out "Committees on the Budget of" and inserting in lieu thereof "standing committees of";

(2) by inserting "those" before "agencies"; and

(3) by inserting "within the legislative jurisdiction of such committees" after "Federal Government".

(d) Section 703(a) of the Congressional Budget Act of 1974 (2 U.S.C. 623) is amended—

(1) by striking out "Committees on the Budget of the House of Representatives and the Senate" in paragraph (1) and inserting in lieu thereof "Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate"; and

(2) by striking out "The Committees on the Budget of each House" and inserting in lieu thereof "Each such committee".

(e)(1) Subsection (a) of the first section of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 note) is amended to read as follows:

"(a) SHORT TITLES.—This Act may be cited as the 'Budget Information, Fiscal Procedures, and Impoundment Control Act'. Titles I and II of this Act may be cited as the 'Budget Information and Fiscal Procedures Act of 1983', and title III may be cited as the 'Impoundment Control Act of 1974'.".

(2)(A) Clause 1(b)(4) of Rule X of the Rules of the House of Representatives is amended by striking out "Congressional Budget Act of 1974" and inserting in lieu thereof "Budget Information and Fiscal Procedures Act of 1983".

(B) Paragraph (p)(2) of clause 1 of Rule X of the Rules of the House of Representatives, as redesignated by section 3(b)(1)(A) of this Act, is amended by striking out "Congressional Budget Act of 1974" and inserting in lieu thereof "Budget Information and Fiscal Procedures Act of 1983".

(C) Paragraph (d) of clause 7 of Rule XIII of the Rules of House of Representatives is amended by striking out "Congressional Budget Act of 1974" and inserting in lieu thereof "Budget Information and Fiscal Procedures Act of 1983".

(D) Subdivision 3 of paragraph 1(b) of Rule XXV of the Standing Rules of the Senate is amended by striking out "Congressional Budget Act of 1974" and inserting in lieu thereof "Budget Information and Fiscal Procedures Act of 1983".

(E) Section 1105(a)(16) of title 31, United States Code, is amended by striking out "Congressional Budget Act of 1974" and inserting in lieu thereof "Budget Information and Fiscal Procedures Act of 1983".●

By Mr. SASSER (for himself, Mr. DURENBERGER, Mr. HEINZ, Mr. JACKSON, Mr. EAGLETON, Mr. WARNER, Mr. TSONGAS, Mrs. KASSEBAUM, Mr. BUMPERS, Mr. COCHRAN, Mr. RIEGLE, Mr. MELCHER, Mr. HOLLINGS, Mr. BOREN, Mr. PRYOR, Mr. MATSUNAGA, Mr. BURDICK, Mr. MOYNIHAN, Mr. RANDOLPH, Mr. GLENN, Mr. KENNEDY, Mr. DODD, Mr. ZORINSKY, and Mr. BAUCUS):

S. 1785. A bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill; to the Committee on Finance.

BENEFITS TO TERMINALLY III PATIENTS

● Mr. SASSER. Mr. President, for over 3 years now, there has been a tremendous amount of concern expressed in Congress over the Social Security Disability Program.

In 1980, Congress passed disability amendments which essentially tightened control over the administration and review of disabled beneficiaries in an attempt to curb the rising costs of the system. Since that time, however, increasing dissatisfaction with the way in which those changes have been administered and the attendant degree of individual despair and frustration which has resulted from such changes has led to some serious reexamination of the disability insurance system itself.

Indeed, I have instructed the general accounting office to undertake an exhaustive study of the need for major reform in the disability system and report its recommendations back to me by January 1, 1984. The need for reform was exemplified in last year's lameduck session by the passage of H.R. 7093, which contained important, although temporary, changes in the disability review process. At this very moment, the House Social Security Subcommittee is considering more permanent reforms, and this legislation should be before the Senate when we return from the August recess.

During deliberation on the 1980 amendments, there was extensive debate over one provision which is cause for my rising here today. The provision involved the elimination of the 5-month waiting period for disabled individuals diagnosed as terminally ill. This provision was adopted by the Senate by a vote of 70 to 23, however, it was consequently dropped in conference with the House and thus was never heard from again.

Today, I am pleased to join my distinguished colleague and friend from Minnesota, Mr. DURENBERGER, in introducing legislation which would serve the same purpose as the amendment offered by Senator Bayh and passed by the Senate in 1980.

At this time I would also like to add the following cosponsors to our bill: Senators JACKSON, HEINZ, RIEGLE, TSONGAS, EAGLETON, BUMPERS, MELCHER, HOLLINGS, BOREN, PRYOR, MATSUNAGA, BURDICK, MOYNIHAN, RANDOLPH, GLENN, KENNEDY, KASSEBAUM, DODD, COCHRAN, ZORINSKY, WARNER, and BAUCUS.

Mr. President, the bill that we are proposing is a simple one and it addresses what we feel is a fundamental inequity in the social security disability program. In essence, the bill eliminates the 5-month waiting period for individuals diagnosed as terminally ill, the bill stipulates that terminal illness be defined as a "medically determinable physical impairment which is expected to result in the death of such individual within the next 12 months and which has been confirmed by two physicians in accordance with regulations of the Secretary." By requiring that two physicians confirm the extent of the illness, the definition is necessarily restrictive in its application.

As it currently stands, disabled individuals must undergo a 5-month waiting period before the receipt of their disability benefits. In actuality, however, the beneficiary does not receive his or her first check until the seventh month, since benefits are paid for only the first full month after the waiting period. The waiting period concept was ostensibly designed to reduce the costs of the system. Now cost-saving measures, particularly in these times of exploding Federal budget deficits are certainly laudable, but there must be a line drawn between the benefits of reducing expenses and the costs in terms of human compassion and basic equity.

While no amount of money can ever replace the pain of a terminal illness or the fears of imminent death, the ability to collect rightfully owed compensation by virtue of a lifetime of contribution to the social security system can certainly work to ease the financial hardships and burdens facing those in the last months of their lives.

For those citizens who have paid into the social security system all of their working lives, who have contributed to our Nation through their labor and who expected to collect retirement benefits, it comes as a rude shock at the most trying time to discover that their Government has found a way to save money by withholding benefits for the first 5 months.

Sadder yet are statistics compiled by the Social Security Administration which show that over the past 3 years, the average person who is terminal and disabled will live for only 2½ months after that diagnosis.

For terminal patients with little means, the loss of income caused by the disabling condition coupled with escalating medical expenses can be particularly onerous. It is little comfort to know that the American Cancer Society estimates that 30 percent of us will have cancer, 855,000 this year alone. Two out of every three American families will have cancer afflict one of their family members.

For families with little savings in this country, the financial hardships caused by this disease and others can be absolutely devastating. On average, it costs $20,000 to die of cancer in this country.

When viewed in strictly monetary terms, the cost of our bill is large. The Congressional Budget Office unofficially estimates that the bill could cost from $200 million to $300 million per year. When viewed in terms of fairness and equity, however, the costs pale in comparison to the benefits gained.

In 1979, the distinguished former Senator from Indiana, and my good friend Mr. Bayh first introduced this

legislation. The bill took on significant importance because at the time his wife, Marvella, was dying of cancer. The Senator never has given up on his pledge to remedy this inequity in the social security system and I am honored to carry on that pledge before this body.

In 1980, the amendment enjoyed widespread and bipartisan support. It is my sincere hope that this bill will enjoy the same if not greater support at this time. I urge my colleagues to join me in cosponsoring this important and needed correction in the social security law.

At this time, Mr. President, I ask unanimous consent that the following correspondence from Mr. Birch Bayh, and Dr. Benjamin Byrd, Jr., who is clinical professor of surgery at Vanderbilt University, be inserted in the Record.

There being no objection, the material was ordered printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
New York, August 3, 1983.

Hon. JIM SASSER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SASSER: The elimination of the five month waiting period for collection of Social Security Disability Insurance benefits for the terminally ill is a goal that the American Cancer Society has long sought.

As a physician who treats cancer patients, I am intimately aware of both the financial and psychological hardships these patients encounter. When, in addition to the devastating effects of their disease, these people also discover that they will be unable to collect Social Security disability benefits from a system they have supported all their working lives they are frequently disillusioned, angry and further distressed at the financial problems they are creating for their families, additional distress they should not have to deal with during these often difficult last days.

As a past National President of the American Cancer Society, a member of its Board of Directors and of its Public Issues Committee, I believe I can speak for the Society when I express to you and to Senator Durenberger and your other colleagues who have joined you in this effort, my great appreciation for your leadership on this issue. The passage of this bill can do so much good for the terminal cancer patient and for his or her family.

The American Cancer Society urges your colleagues in the Senate to act on this measure as quickly as possible. The years of delay, years of injustice to the terminally ill, must end. We will do all in our power to help you achieve final passage of this legislation. Once again, thank you for your leadership in this important cause.

Sincerely,

BENJAMIN F. BYRD, Jr., M.D.,
Clinical Professor of Surgery.

BIRCH BAYH,
August 3, 1983.

DEAR JIM: I was very pleased both as a private citizen and as the representative of the American Cancer Society, to hear that you and Dave Durenberger are going to be taking the leadership role in the elimination of the five month waiting period for the collection of disability benefits for the terminally ill.

As you know, Marvella and I worked for several years to try to pass this legislation and with your help, came close in 1980. I was deeply gratified then that our colleagues in the Senate overwhelmingly agreed with us. I know the same will be true again.

Jim, as someone who has lived with cancer in my family more than once, I understand the outrage the terminal cancer patient feels when he or she realizes that the government is not going to come through at this critical time with benefits the applicant knows he is entitled to. After all, this is not a form of welfare. This is a legitimate Social Security claim by someone who has helped support the system through all the years of their employment.

I know you are aware that this is a very high priority item for the American Cancer Society. Please be assured that anything I or the ACS can do to be of assistance will be done. I wish you luck and thank you for taking up the gauntlet on this terribly important human issue.

Best regards,

BIRCH.●

● Mr. JACKSON. Mr. President, I am pleased to cosponsor legislation to allow terminally ill persons to receive social security disability benefits immediately upon verification of their claim. Under current law, disability benefits do not begin to accrue until 5 months after the onset of the disabling condition. Consequently, terminally ill individuals are unable to meet the high costs of medical care during the last months of their lives. Simply put, at a time when these persons are rapidly exhausting their financial resources because of the specialized care which they need, no assistance is forthcoming from the Social Security Administration.

Additionally, I would point out that there is a difference between individuals who are dying and those who are suffering from a long-term disability. The terminally ill are often at the end of a long and costly illness rather than at the beginning of a disability. Moreover, unlike other disabled persons, the terminally ill may be unable to collect any disability benefits at all, even though they have contributed to the social security system with the expectation that benefits would be provided if they became incapacitated.

In sum, fairness and compassion dictate that the current situation should be remedied. Every year thousands of Americans discover that they are afflicted with a terminal illness. They should not have to face the additional burden of dealing with a Federal agency which to them seems uncaring and unmindful of their plight.

When this issue was previously considered by the Senate as part of the Disability Amendments of 1980, 70 Senators voted to provide immediate disability benefits for the terminally ill. Unfortunately, this provision was deleted in conference with the House. I urge the Senate to give prompt and favorable consideration to this matter so that terminally ill persons will receive the benefits they deserve.●

By Mr. MATHIAS:

S. 1786. A bill to amend title 5, United States Code, to provide Civil Service retirement credit for certain employees and former employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Governmental Affairs.

RETIREMENT BENEFITS FOR CERTAIN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES

● Mr. MATHIAS. Mr. President, today I introduce legislation to provide a simple solution to a very pressing problem. It is designed to help a group of dedicated men and women who have, in effect, been deceived by the Federal Government.

These people, in search of rewarding careers following World War II, were encouraged to become members of the Special Services, a category of workers employed by the Federal Government to assist with activities designed to "enhance the morale, welfare and recreation of active and retired military and Coast Guard personnel and their dependents." Many of these positions were of a long-term nature, such as librarians, recreation center employees, and sports activity employees. Pamphlets urging young people, primarily young women, to submit Federal employee forms to the U.S. Civil Service Commission suggested that these positions would be paid on the GS scale, just like any other civil service position. In addition, the literature bore messages which led most applicants to believe that they were applying to the civil service, and indeed, joining the civil service. Certainly there was no thought that, as members of the civil service, they would not be entitled to the same benefits as other members of the civil service.

However, in 1952, the Congress enacted a law which exempted these employees from the laws pertaining to the civil service, including retirement, disability and death compensation provisions. The employees exempted by the 1952 statute included those whose positions were "conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Armed Forces," as well as those "compensated from nonappropriated funds of the Army and Air Force exchange service, Army and Air Force motion picture service, Navy ship's stores ashore, Navy exchanges, Marine Corps exchanges and Coast Guard exchanges." The statute was enacted "in response to a Defense request so that nonappropriated fund instrumentalities could establish personnel management systems competitive in cost and flexibility with those of

private, commercial retail operations and recreation activities."

It is clear from the legislative history of the 1952 statute that it was designed to cover the short-term employee who was involved in commercial work. Presumably, these commercial operations would have been hindered by the employees' inclusion in civil service laws, counteracting the inherently short-term and uncomplicated nature of these positions.

One of the side effects of this statute, however, was the inclusion of the long-term career employees of the Special Services within its provisions. This was done, in a sense, inadvertently; and as a result, the Special Services employees who are now retired or close to retirement are unable to credit those years with the Special Services toward a civil service retirement.

The bill that I introduce today would remedy this injustice by narrowing the description of employees covered under the 1952 statute to include only those "conducting commercial activities under the jurisdiction of the Armed Forces." This would not alter the current system for short-term, commercial employees. It would, however, allow the long-term employees who would otherwise qualify as civil service employees, to come under the civil service retirement system. These employees would then be in a position to apply their years with the Special Services toward a civil service retirement.

As I said before, this proposal embodies a simple solution to a passing problem. I would urge my colleague's support for the measure.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2105(c) of title 5, United States Code, is amended by striking out "under the jurisdiction of the armed forces conducted for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the armed forces" and inserting in lieu thereof "conducting commercial activities under the jurisdiction of the armed forces".

SEC. 2. Notwithstanding any other provision of law, for the purposes of subchapter III of chapter 83 of title 5, United States Code, an employee or former employee of instrumentalities of the United States under the jurisdiction of the Armed Forces paid from nonappropriated funds, other than employees to whom section 2105(c) of such title (as amended by the first section of this Act) applies, shall be entitled to credit only for service performed as an employee of any such instrumentality during periods for which such instrumentality did not provide a retirement system for such employees and only if such employee or former employee qualified as an employee during such service for the purposes of such subchapter and laws providing for Civil Service retirement as in effect during the time of such service.

SEC. 3. The appropriate nonappropriated fund instrumentality shall pay into the Civil Service Retirement and Disability Fund such amount as may be necessary to fund the increase in the unfunded liability of such Fund resulting from the credit given for service of an employee or former employee of such instrumentality by reason of this Act and the amendment made by this Act.

SEC. 4. This Act and the amendment made by this Act shall be effective with respect to service performed on or after June 19, 1952.●

By Mr. BIDEN (for himself, Mr. DECONCINI, Mr. PELL, Mr. KENNEDY, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. EAGLETON, Mr. LEAHY, Mr. BAUCUS, Mr. CHILES, Mr. NUNN, Mr. ZORINSKY, Mr. SASSER, Mr. RANDOLPH, Mr. BURDICK, Mr. HOLLINGS, Mr. HEINZ, Mrs. HAWKINS, and Mr. CRANSTON.

S. 1787. A bill to establish an Office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

NATIONAL NARCOTICS ACT OF 1983

Mr. BIDEN. Mr. President, the bipartisan crime bill I am introducing today together with Senators KENNEDY, THURMOND, and LAXALT, is the product of many years work in previous Congresses and hundreds of hours of work in this Congress by many of my colleagues. Nearly the entire bill passed the Senate last Congress and the major provisions passed the House. This bill will make substantial changes in many areas of Federal criminal law, most importantly in the areas of sentencing, bail, and forfeiture.

The proposed new sentencing procedures will, for the first time, establish a structure for the imposition of sentences—a structure which will include harsh sentences for repeat and violent offenders who cause a disproportionate number of crimes and prison sentences which will be served without early release on parole.

The bail reform proposals will give courts the power to protect the community from dangerous persons who have been arrested and are awaiting trial.

The forfeiture title of this bill is almost identical to the forfeiture provisions contained in the Violent Crime and Drug Enforcement Improvements Act of 1982 which passed the Senate by a vote of 95 to 1 on September 30, 1982.

It is also identical to the separate forfeiture bill, S. 948 (as amended by the Judiciary Committee) which I introduced along with Senators THURMOND, BAKER, NUNN, LAXALT, and LEAHY.

I have spent the last 3 years deeply involved in the forfeiture issue.

In July 1980, as chairman of the Senate Judiciary Subcommittee on Criminal Justice, I chaired hearings on the subject of the Government's efforts to obtain the assets of major drug traffickers. In April 1981, the General Accounting Office released a report that was done at my request entitled "Asset Forfeiture—A Seldom Used Tool in Combating Drug Trafficking." The central conclusion of both of these endeavors was that since enactment in 1970 of the racketeer influenced and corrupt organizations statute, commonly known as RICO, and the Comprehensive Drug Prevention and Control Act, which contained the first Federal criminal forfeiture statutes, the Federal Government's record in taking the profit out of organized crime, especially drug trafficking, has been far below Congress' expectations.

The forfeiture provisions of this bill are intended to serve two major purposes. First, they will serve as a signal to the Department of Justice that Congress is serious about forfeiture. In the last 2 years, due largely to pressure from Congress, the Department of Justice has begun to take forfeiture more seriously. For example, between 1970 and 1980 only $2 million in forfeited assets were turned over to the U.S. Treasury. But the Justice Department estimates that in 1982 alone $250 million in drug-related assets were forfeited or seized. Of course, compared to estimates that drug trafficking is an $80 to $90 billion a year business, we still have a long way to go.

The second purpose of the forfeiture title is to remove the legal snags that have stood in the way of forfeiture. The forfeiture provision will make it much easier to obtain forfeiture by clarifying and streamlining the laws and procedures, setting up a fund to finance forfeiture, and allowing the Government to get substitute assets when illegally obtained assets can't be found. At the same time, the requirements of due process are taken into account, including an amendment adopted by the Judiciary Committee to provide third parties with an opportunity to assert an interest in forfeitable property.

I still believe that a strong forfeiture statute that is actively implemented is the most effective weapon we have for breaking the backs of sophisticated drug traffickers. I believe the bill we are introducing today will serve that purpose.

This bipartisan package is also significant for what it does not contain. Many of us have bills we would like to have seen included in this package. My colleagues on both sides of the aisle have clearly demonstrated their commitment to moving a bipartisan pack-

age through the Senate by agreeing to move controversial bills separate from this package. A number of those bills have already been reported by the Judiciary Committee and are being reintroduced today as amended by the committee.

Today I am reintroducing one bill, recently reported by the Judiciary Committee, which I believe is essential to the Federal narcotics law enforcement effort. The bill establishes a Cabinet level position to coordinate and direct policy for the 9 Cabinet departments and 33 Federal agencies involved in the Federal narcotics effort.

That bill is not part of this package because it could slow or prevent enactment of the entire package. I urge my colleagues to support this bill as they did when it passed the Senate last Congress.

The Judiciary Committee has reported other crime bills which Senator THURMOND is reintroducing today. Those bills are not part of the bipartisan crime bill because there is not at this time a consensus that they should be enacted in their present form. Since these bills are before the full Senate for the first time I urge my colleagues to study them in detail.

I wish to commend Senators KENNEDY and LAXALT for their extraordinary efforts in bringing this truly bipartisan bill before the Senate. Improving Federal criminal law enforcement is not a partisan issue—it is a necessity. It is my sincere hope that we will pass the bipartisan bill in the very near future and that working together with our colleagues in the House we will see it enacted in this Congress.

Mr. President I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Narcotics Act of 1983".

SEC. 2. (a) The Congress hereby makes the following finding:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be a $80,000,000,000 a year industry in the United States.

(4) The annual consumption of heroin in the Unitcd States is in the range of four metric tons, and annual domestic consumption of cocaine is estimated to be forty to forty-eight metric tons.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per centum of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires a director of National and International Drug Operations and Policy with the responsibility for the coordination and direction of all Federal efforts by the numerous agencies.

(11) Such a director must have broad authority and responsibility for making management, policy, and budgetary decisions with respect to all Federal agencies involved in attacking this problem so that a unified and efficient effort can be made to eliminate the illegal drug problem.

(b) It is the purpose of this Act to insure—

(1) the development of a national policy with respect to illegal drugs;

(2) the direction and coordination of all Federal agencies involved in the effort to implement such a policy; and

(3) that a single, competent, and responsible high level official of the United States Government, who is appointed by the President, by and with the advice and consent of the Senate, and who is accountable to the Congress and the American people, will be charged with the responsibility of coordinating the overall direction of United States policy, resources, and operations with respect to the illegal drug problem.

SEC. 3. There is established in the executive branch of the Government an office to be known as the "Office of the Director of National and International Drug Operations and Policy" (hereinafter in this Act referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National and International Drug Operations and Policy (hereinafter in this Act referred to as the "Director"). There shall be a Deputy Director of National and International Drug Operations and Policy (hereinafter in this section referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

SEC. 4. (a) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than four years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. The Director shall be entitled to the compensation provided for in section 5313, title 5, United States Code. The Deputy Director shall be entitled to the compensation provided for in section 5314, title 5, United States Code.

(b) The Director shall serve as the principal director and coordinator of United States operations and policy on illegal drugs.

(c) The Director shall have the responsibility, and is authorized to—

(1) develop, review, implement, and enforce United States Government policy with respect to illegal drugs;

(2) direct and coordinate all United States Government efforts to halt the flow into, and sale and use of illegal drugs within the United States;

(3) develop in concert with governmental entities budgetary priorities and budgetary allocations of entities of the United States Government with respect to illegal drugs; and

(4) coordinate the collection and dissemination of information necessary to implement United States policy with respect to illegal drugs.

(d) In carrying out his responsibilities under subsection (c) the Director is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the temporary reassigning of Government personnel within the United States Government in order to implement United States policy with respect to illegal drugs;

(2) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rates of basic pay payable for the grade of GS-18 of the General Schedule;

(3) accept and use donations of property from all Government agencies; and

(4) use the mails in the same manner as any other department or agency of the executive branch.

(e) Notwithstanding any other provision of law, rule, or regulation to the contrary, the Director shall have the authority to direct each department or agency with responsibility for drug control to carry out the policies established by the Director consistent with the general authority of each agency or department.

(f) The Administrator of the General Services Administration shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

SEC. 5. The Director shall submit to the Congress, within nine months after enactment of this Act, and annually thereafter, a full and complete report reflecting United States policy with respect to illegal drugs, plans proposed for the implementation of such policy, and, commencing with the submisssion of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. For the purpose of carrying out this Act, there are authorized to be appropriated $500,000 for fiscal year 1984, and such sums as may be necessary for each of the four succeeding fiscal years, to be available until expended.

SEC. 7. This Act shall be effective January 1, 1984.

By Mr. ROTH:

S. 1788. A bill to change the term of the Chairman of the Board of Governors of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

TERM OF THE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. ROTH. Mr. President, today I am introducing legislation that would change the term of the Chairman of the Board of Governors of the Federal Reserve System in order to make it approximately coterminous with that of the President of the United States. The term would end 1 year and 11 days after the expiration of the term of the President making the designation. To do so would not compromise the independence of the Fed, relative to present law, but would help insure that the policies of the Fed complement those of the President.

When the citizens of this country vote for an administration, they have a right to a consistent expression of economic policy that is compatible with the philosophy and outlook of that administration. A mandate on economic policy should not be frustrated by fiscal and monetary policies that are contradictory.

While it is important for the Fed to maintain its independence, it makes little sense to continue a situation in which a new President could be forced to spend the first 2 or 3 years of his term with a Fed Chairman whose political and economic philosophies may be totally at odds with those of his administration.

If we have learned anything from this recession that we are now recovering from, it is the power of monetary policy to influence the economy. I believe each new President should be given the opportunity to appoint a Fed chairman who can be expected to keep the Fed's policies in tune with the President's economic program.

By Mr. HUDDLESTON (for himself, Mr. COCHRAN, Mr. LEAHY, Mr. ANDREWS, and Mr. ZORINSKY):

S. 1789. A bill to provide for the restructuring of the Farmers Home Administration water and waste disposal loan and grant programs; to the Committee on Agriculture, Nutrition, and Forestry.

THE RURAL WATER AND WASTE DISPOSAL PROGRAM IMPROVEMENT ACT OF 1983

Mr. HUDDLESTON. Mr. President, today I am joining several of my colleagues in introducing legislation to amend the Consolidated Farm and Rural Development Act to strengthen the Farmers Home Administration's rural water and waste disposal loan and grant programs.

A nationwide study, required under a provision of the Safe Drinking Water Act, found that almost two-thirds of rural households consume water that fails to meet one or more of the health standards set under that act.

This health hazard can be corrected only through upgraded or expanded community water and waste disposal systems. The Farmers Home Administration provides financing to rural communities otherwise unable to afford the water and waste disposal facilities they need to provide safe and sanitary water and waste disposal service.

Despite the pressing need for the rural water and waste disposal programs, over the last several years, program changes have been implemented that restrict the availability of Farmers Home Administration assistance for rural communities. Funding for the water and waste disposal programs has been reduced—intensifying the need for establishing funding priorities based on community need. Other changes included raising the interest rates and restricting access to the grant program.

Some changes in the programs were needed to more accurately reflect conditions in financial markets and to achieve budget savings. However, some of the administrative changes in the Farmers Home Administration programs have effectively eliminated the only source of financing for many low-income rural communities.

In addition, for most rural communities, the only Farmers Home Administration assistance available is a market rate loan, which will increase user costs to a level higher than many communities can afford.

To help address this problem, the Farmers Home Administration is using grant funds in a manner not intended by Congress. In effect, the agency is subsidizing interest rates by using grant funds to reduce payments for nominally market rate loans. About 77 percent of the loan funds obligated in fiscal year 1982 carried the market rate of interest and 66 percent of the grant funds were absorbed by projects carrying market rate loans.

Congress intended for grant funds to be used to aid the lowest income communities—not reduce interest rates for loans made at market rates. Communities not able to pay market rates of interest should be provided a lower interest loan rather than a grant.

The bill we are introducing is designed to make the changes necessary to restore the programs to their original purpose of helping rural communities obtain the drinking water and waste disposal services they need, but cannot otherwise afford. The changes include:

First, a graduated interest rate for the loan program, with more communities made eligible for lower interest rate loans.

Second, a grant distribution formula based on a community's size and median household income.

Third, a project selection system that uses three basic need factors in determining which communities get preference for the available assistance. These factors include: potential threats to community health, community size, and median household income.

Fourth, authorization for a technical assistance program to aid communities in obtaining impartial advice on the type and size of facilities needed. Small communities need impartial advice that is not available from engineering and consulting firms that will participate in the design and construction of a project.

Fifth, establishment of a predevelopment fund to help communities with special needs, such as locating a new, more pure water source.

This legislation will insure that limited grant and loan funds will be used to assist communities with the greatest needs. This legislation will alleviate the problems caused by the contradictory and complex Farmers Home Administration regulations that have made the water and waste disposal programs unworkable for many communities.

The only change we are proposing that has a budgetary effect is the change in the interest rate rules. Under current conditions, making more communities eligible for the lower interest rate loans will cost an estimated additional $3.3 million per year.

The interest rate provisions in this bill were approved by the Senate Agriculture Committee last year, but the legislation was not considered by the Senate. All of the amendments incorporated in the bill have been approved by the House of Representatives.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill and a short explanation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Water and Waste Disposal Program Improvement Act of 1983".

SEC. 2. Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by—

(1) adding at the end of paragraph (2) the following: "The Secretary shall fix the grant rate for each project in conformity with regulations promulgated by the Secretary that shall provide for a graduated scale of grant rates establishing higher rates for projects in communities that have lower community population and income levels and that are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the area in which the applicant is located for loans for similar purposes and periods of time: *Provided*, That the grant rate shall be the maximum rate permitted under this paragraph for any project in a community that has a population of fifteen

hundred or less inhabitants and a median household income level below 80 per centum of the statewide nonmetropolitan median household income and that is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the area in which the applicant is located for loans for similar purposes and periods of time."; and

(2) adding at the end thereof new paragraphs (16), (17), (18), (19), and (20) as follows:

"(16) In providing financial assistance for water and waste disposal facilities under this section, the Secretary shall use a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of preapplications) on the basis of relative need as reflected by (A) low community median income; (B) low population; and (C) severity of health hazards resulting from inadequate provision for the reliable supply of potable water or from inadequate means of disposing of waste. For purposes of the project selection system, each of these three factors shall be weighted equally.

"(17)(A) The Secretary may make payments to associations described in paragraph (1) of this subsection that are reasonably likely to receive financial assistance under paragraph (1) or paragraph (2) of this subsection for community water and waste disposal facilities, for predevelopment costs incurred in connection with the planning and design of such facilities. Such costs may include the costs of drilling test wells and of preparing alternative engineering designs to determine the most feasible and economical method to improve the water supply or waste disposal system of the community involved.

"(B)(i) The amount of any payment received under subparagraph (A) with respect to a project by an association that receives, before the expiration of the five-year period beginning on the date that such payment is received, a loan under paragraph (1) or a grant under paragraph (2) of this subsection to finance such project shall be treated as part of the amount of such loan or the amount of such grant, as the case may be.

"(ii) The amount of any payment received under subparagraph (A) with respect to a project by an association that does not receive, before the expiration of the five-year period beginning on the date that such payment is received, a loan under paragraph (1) or a grant under paragraph (2) of this subsection to finance such project shall be repaid to the Secretary as if such payment were a loan made under paragraph (1) unless the Secretary waives the repayment requirement with respect to all or part of such amount.

"(C) The total of payments made by the Secretary under subparagraph (A) for any fiscal year shall not be less than 5 per centum of any funds provided in appropriation acts to carry out paragraph (2) of this subsection for the fiscal year unless the applications for payments received by the Secretary from eligible associations for the fiscal year total less than 5 per centum of such amount.

"(D) For purposes of section 346 of this Act, each payment made under subparagraph (A) shall be deemed to be a loan unless and until such payment is offset against a grant or the Secretary waives the repayment of such payment.

"(18)(A) The Secretary may make grants to private nonprofit organizations for the purpose of enabling them to provide to associations described in paragraph (1) of this subsection technical assistance and training to—

"(i) identify, and evaluate alternative solutions to, problems relating to the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas;

"(ii) prepare applications to receive financial assistance for any purpose specified in paragraph (2) of this subsection from any public or private source; and

"(iii) improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

"(B) In selecting recipients of grants to be made under subparagraph (A), the Secretary shall give priority to private nonprofit organizations that have experience in providing the technical assistance and training described in subparagraph (A) to associations serving rural areas in which residents have low incomes and in which water supply systems or waste facilities are unhealthful.

"(C) The total of grants made by the Secretary under subparagraph (A) for any fiscal year shall not be less than 2 per centum of any funds provided in appropriation acts to carry out paragraph (2) of this subsection for the fiscal year unless the applications for grants received by the Secretary from eligible associations for the fiscal year total less than 2 per centum of such amount.

"(19) In the case of water and waste disposal projects serving more than one separate rural community, the Secretary shall use the median population level and the median community income level of all the separate communities to be served in applying the formulas provided in paragraphs (2) and (16) of this subsection and section 307(a)(3)(A) of this title.

"(20) In providing financial assistance for essential community facilities under this section, the Secretary shall use a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of preapplications) on the basis of the factors of (A) a community median household income level below 80 per centum of the statewide median household income, (B) a community rate of unemployment and underemployment that takes account of individuals employed on a part-time or seasonal basis, or both, and individuals not participating in the work force because of continued inability to find employment (commonly referred to as 'discouraged workers') and that exceeds the national nonmetropolitan average rate thereof by at least 10 per centum of such rate, and (C) a sudden economic dislocation the community has experienced or is about to experience resulting in a loss of jobs that is significant, both in terms of the number of jobs eliminated and the effect on the unemployment rate of the community. For purposes of the project selection system, each of the factors described in clauses (A), (B) and (C) of the preceding sentence shall be weighted equally.".

SEC. 3. Section 307(a)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(A)) is amended by—

(1) striking out "the poverty line prescribed by the Office of Management and Budget as adjusted under section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971(d)" and inserting in lieu thereof "80 per centum of the statewide nonmetropolitan median household income";

(2) inserting before the period at the end thereof the following: "; and not in excess of 7 per centum per annum on loans for such facilities that do not qualify for the 5 per centum per annum interest rate but are located in areas where the median household income of the persons to be served by the facilities does not exceed 100 per centum of the statewide nonmetropolitan median household income"; and

(3) adding at the end thereof the following: "The interest rate on loans for water and waste disposal facilities and loans for essential community facilities shall be the lower of (i) the rate in effect at the time of the loan approval, or (ii) the rate in effect at the time of the loan closing".

SEC. 4. The amendments made by this Act shall become effective on October 1, 1983, and shall apply to any association described in section 306(a)(1) of the Consolidated Farm and Rural Development Act without regard to whether the application for the loan or grant involved was made by such association before such effective date.

BRIEF EXPLANATION OF THE MAJOR PROVISIONS OF THE RURAL WATER AND WASTE DISPOSAL PROGRAM IMPROVEMENT ACT OF 1983

DEVELOPMENT GRANTS

Under existing law, the Secretary of Agriculture is authorized to award grants to rural communities to finance a portion of the cost involved in constructing rural water and waste disposal facilities. No grant can cover more than 75% of the development costs of a project. The bill will add new provisions to the law to require the Secretary to provide for a graduated scale of grant rates under which communities with lower populations and income levels and that can demonstrate a financial need will be eligible for grants that cover a higher percentage of development costs. The maximum grant rate (75% of costs) will be restricted to projects in communities with populations of 1,500 or less and a median household income level below 80% of the statewide nonmetropolitan median household income and that can meet a test for credit.

PROJECT SELECTION SYSTEM

The bill will require the Secretary to establish a project selection system for choosing among applicants for rural water and waste disposal facility loans and grants. The system will give equal weight to the factors of (i) low community income, (ii) low population, and (iii) health hazards resulting from lack of potable water or inadequate waste disposal systems.

PREDEVELOPMENT GRANTS AND TECHNICAL ASSISTANCE

The bill will authorize the making of advance payments to communities likely to receive rural water or waste disposal facility grants or loans to assist in meeting predevelopment costs. The bill will also authorize the making of grants to private nonprofit organizations for the purpose of enabling them to provide technical assistance and

training to communities likely to receive loans or grants.

LOAN INTEREST RATES

The bill will change the standard under which communities become eligible for five-percent water and waste disposal facility loans, from that limiting five-percent loans to rural communities having a median family income level below the Federal poverty line to a standard limiting five-percent loans to rural communities having a median household income level below 80% of the statewide nonmetropolitan median household income.

The bill will also establish a seven-percent maximum loan interest rate for rural water or waste disposal facility borrowers that do not qualify for five-percent loans but that have a median household income level not exceeding 100% of the statewide nonmetropolitan median household income.

By Mr. THURMOND:

S. 1790. A bill to authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia; to the Committee on Energy and Natural Resources.

THE ART BARN AND PIERCE MILL

Mr. THURMOND. Mr. President, today I am introducing legislation similar to a measure which I introduced in the 97th Congress, which will authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the Art Barn Association to assist in the preservation and interpretation of the Art Barn and Pierce Mill located in Rock Creek Park within the District of Columbia.

Rock Creek Park is an area of natural beauty and tranquillity within the confines of the District of Columbia, managed and administered by the National Park Service. For over a decade, the National Park Service has entered into annual agreements with the Art Barn Association, a group of individuals from in and around the District of Columbia, to use the carriage house of the old Pierce Plantation in Rock Creek Park as an admission-free gallery for local artists to display their work.

Through the dedicated, volunteer efforts of the members of the Art Barn Association, this carriage house, known as the Art Barn, has presented an unparalleled opportunity for local artists to display the product of their artistic craft. Similarly, the Art Barn provides an ideal setting in which residents of our Nation's Capital, as well as visitors, may view these fine, contemporary works of art. This concept has proven to be a resounding success. The association would now like to extend its efforts to the Pierce Mill located adjacent to the carriage house.

This bill would authorize the Secretary of the Interior to enter into a contract or cooperative agreement with the association in furtherance of this endeavor. Additionally, this measure would allow that agreement to run for more than 1 year, thus eliminating the necessity of renewing the contract annually.

It is contemplated that, under such an agreement, the National Park Service would continue to maintain these properties, with the Art Barn Association providing the management and supervision for the art exhibitions and other community outreach cultural programs.

Mr. President, by extending the authority of the Park Service in these two ways, to include the Pierce Mill, as well as to contract for more than 1 year, the Art Barn Association will be able to provide services to meet an increasing demand and plan exhibitions and programs with greater certainty. I commend this measure to my colleagues in the Senate. I believe it is a highly desirable objective to which the members of the association aspire. This will benefit the whole cultural community, including area residents and visitors to our Nation's Capital. I would therefore hope that this measure will receive prompt, favorable consideration. I ask unanimous consent that this bill appear in the RECORD immediately following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1790

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in furtherance of section 2(e) of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes.", approved August 21, 1935 (49 Stat. 656; 16 U.S.C. 462(e)), and in order to preserve for the benefit and inspiration of the people of the United States the Art Barn and the Pierce Mill located in Rock Creek Park within the District of Columbia, the Secretary of the Interior is authorized to enter into contracts or cooperative agreements with the Art Barn Association to assist in the preservation and interpretation of the barn and mill.

(b) Pursuant to subsection (a) and subject to such terms and conditions as the Secretary of the Interior may prescribe, funds appropriated to the Secretary of the Interior for operation and maintenance of the Art Barn and Pierce Mill may be made available to the Art Barn Association.

By Mr. MOYNIHAN:

S. 1791. A bill to amend section 103(b)(3) of the Internal Revenue Code; to the Committee on Finance.

AMENDMENT OF INTERNAL REVENUE CODE

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to amend section 103(b)(3) of the Internal Revenue Code. We have in New York a most unique situation that involves the New York Power Authority. Due to the nature of its power marketing arrangements, the authority is denied a Federal tax exemption on any new bond it may issue. This comes about because, unlike other public power agencies, the power authority does not own and is not authorized to own any distribution facilities. What I am proposing is a very narrow and specific change to section 103(b)(3) that will simply attain for the power authority equitable treatment under the law.

The power authority was created by State law in 1931 with the mandate to develop the hydroelectric resources of the St. Lawrence River. It was then New York Gov. Franklin D. Roosevelt's notion to harness the hydropower, as he said, "* * * for the great purposes of bringing more and cheaper electricity into the homes of the State, into small shops and small industries and into farms." Over the years the power authority's activities have expanded. Today the authority operates two hydroelectric generating facilities, two nuclear powerplants, one fossil fuel plant and a pumped storage facility.

While the authority operates a transmission network that connects with the statewide power grid, the authority does not own any distribution facilities. As such the authority markets much of the output from its generation facilities through private utility companies. Such power, it is essential to note, is delivered to the ultimate consumer at no markup in purchase price. IRS regulations, however, treat sales to utility companies for delivery to ultimate consumers as sales to "nonexempt persons." This is the case even if the power sold to such utilities is delivered to the end-use consumers at no markup in price. It is this definition of "nonexempt person" that disqualified the authority from issuing tax exempt bonds.

The power authority has no way to sell power to residential and commercial customers except through utility companies. Thus the bill I am introducing today will change the law to permit the power authority to make sales through private utilities without being denied a Federal tax exemption on its bonds. The bill does not involve any Federal guarantee of any authority bonds. The bill has no application outside New York.

Mr. President, I believe this to be a fair request. The bill provides only for a most narrow and equitable change in the law. I therefore urge my colleagues to support this bill so that it may be enacted into law.

Mr. President, I ask unanimous consent that the text of the legislation be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Application of section 103(b)(3) to certain entities. For the purposes of section 103(b)(3) of the Internal Revenue Code of 1954 (relating to the definition of "exempt person"), the term "exempt person" shall include a regulated public utility having any customer service area within a State served by a public power authority which was required as a condition of a Federal Power Commission license specified by an Act of Congress enacted prior to the enactment of section 107 of the Revenue and Expenditure Control Act of 1968 (Public Law 90-364) to contract to sell power to one such utility and which is authorized by State law to sell power to other such utilities, but only with respect to the purchase by any such utility and resale to its customers of any output of any electrical generation facility or any portion thereof or any use of any electrical transmission facility or any portion thereof financed by such power authority and owned by it or by such State, and provided that by agreement between such power authority and any such utility there shall be no markup in the resale price charged by such utility of that component of the resale price which represents the price paid by such utility for such output or use.

SEC. 2. The provisions of section 1 hereof shall apply to obligations issued on or after January 1, 1974 to finance any facility or portion thereof referred to in said section.●

By Mr. LEVIN of Michigan (for himself, Mrs. HAWKINS, Mr. RANDOLPH, Mr. JOHNSTON Mr. MELCHER, and Mr. ZORINSKY):

S. 1792. A bill to amend title XIX of the Social Security Act to extend medicaid coverage of home care to certain disabled individuals over 18 years of age; to the Committee on Finance.

MEDICAID COVERAGE OF HOME CARE

● Mr. LEVIN of Michigan. Mr. President, I am today introducing legislation to expand the community care program under medicaid so that persons over the age of 18 could be cared for in their homes without losing medicaid eligibility, at no added cost to the State or Federal Government.

You may recall the news accounts last summer about a little 3-year-old girl named Katie Beckett. Katie, who is suffering from the side effects of viral encephalitis, had been hospitalized since she was 4 months old because her family could not afford to care for her in their home. If they had cared for her there, they would have lost their eligibility for medicaid benefits. The rationale for this loss of benefits is the deeming requirement under medicaid. This requirement deems the total household income to be eligible for care if the individual is cared for at home. In the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Congress eliminated this deeming requirement for persons under the age of 18, thereby allowing people like Katie to return to their homes. Katie Beckett's hospital treatment was costing $12,000 to $14,000 a month. It now costs $2,500 to $3,000 a month to take care of her at home. There has been remarkable improvement in Katie's condition and doctors have advised her parents to enroll her in regular public school in the fall.

The legislation I am introducing today would remove this deeming requirement for all age groups. This would be logical expansion of the legislation which we passed during the last Congress. Congressman RALPH REGULA has introduced similar legislation in the House.

One of the major requirements of this legislation, as with the legislation included in TEFRA and in the Community Care Waivers of 1981 (section 2127) is that care in the home must be less expensive than care in the institution. Additionally, the total cost of community based care cannot exceed the cost of institutional care. The elimination of the age requirement combined with the maintenance of the cost limits would encourage States to expand their community care and not their nursing home. This would permit more people to receive care at no added cost to the State or Federal Government.

I am proud of Senators HAWKINS, RANDOLPH, JOHNSTON, MELCHER, and ZORINSKY as cosponsors of this much needed legislation.●

By Mr. MOYNIHAN:

S. 1793. A bill to amend the Internal Revenue Code of 1954 to prevent taxpayers from using certain straddles, foreign corporations, and other devices to avoid or defer payment of Federal income taxes, and for other purposes; to the Committee on Finance.

TAX STRADDLE REFORM ACT OF 1983

Mr. MOYNIHAN. Mr. President: I rise today to introduce legislation to close a tax loophole, one by which investors use corporations based in foreign tax haven countries to channel investment income earned in the United States around the Tax Code, specifically around provisions of the 1981 Economic Recovery Tax Act designed to regulate commodity transactions. And I am pleased to add, the Department of the Treasury stands in full and public concurrence that this loophole must be closed, and promptly.

In 1981, we passed legislation ending a pernicious abuse, by which investors were sheltering income from commodity and commodity future contract transactions, often indefinitely. The crucial aspect of this abuse centered on rolling-over short-term capital gains, so as to defer the tax liability at least past the 1-year threshold for long-term capital gains, while the deduction for the loss end of the straddle was promptly claimed. Under the major provision of this 1981 legislation, taxpayers who roll-over their future positions in the commodity markets became liable for tax on these positions, as well as realized gains and losses, at the end of the year and at a 32 percent rate (a rate between the maximum for long-term capital gains and that for ordinary income or short-term capital gains).

According to the Joint Committee on Taxation, certain investment firms have devised elaborate schemes built on loopholes in the Tax Code, to circumvent this provision. Essentially, the mechanism for tax deferral—and therefore, in an important sense, tax avoidance—has been moved off-shore. Under current law, a U.S. taxpayer can defer, and thereby reduce, his U.S. tax liability for earnings received through a foreign-based corporation until these earnings are distributed as dividends, or until the taxpayer liquidates his holdings in the corporation. When the foreign corporation is based in a tax haven country, which exacts little or no tax from the corporation on its earnings, this advantage is further enhanced.

Now we discover U.S. investment firms using these provisions to circumvent the commodity straddle provisions of the 1981 Economic Recovery Tax Act. One firm has organized two foreign-based corporations, one a wholly owned subsidiary of the other parent, and offers U.S. investors stock in the parent corporation. The subsidiary trades in commodity futures on the American commodity exchanges. The earnings from this trading, even though the subsidiary is incorporated offshore, should still be subject to the tax on U.S.-source accumulated earnings. Under this scheme, however, the subsidiary distributes all its earnings as dividends to its parent; in this way, the earnings become nontaxable foreign-source dividends. The investors escape tax on profits from commodity market trading, trading conducted wholly or largely on American commodity market exchanges, until they sell their investment, their stock, in the parent company. At that time, the long-term capital gains holding period requirement has been satisfied, and the investor reduces his liability on short-term income to a maximum tax rate of just 20 percent rather than the 32-percent rate prescribed in 1981 for taxpayers engaging in direct futures trading.

This arrangement also circumvents current law regarding a U.S. person's tax liability for earnings from the sale of stock in foreign investment companies. Under the foreign investment company rules in the Tax Code since 1962, gains attributable to untaxed corporate income are to be taxed as ordinary income. The problem: corporations trading in commodities and commodity instruments have not, thus far, been covered under these rules—because prior to the 1981 commodity straddle provisions, no foreign investment companies were trading in commodity instruments.

Under a related scheme promoted by another investment firm, American investors buy shares of a company, also incorporated in a tax haven country, which purchases U.S. Government-guaranteed debt instruments, such as Ginnie Mae certificates, on the American securities markets. At the same time, the investors, acting as individuals, enter into positions on the securities markets that offset the positions taken by the corporation. Under these arrangements, the foreign-based corporation escapes U.S. tax on its gains, so the investors' gain from the transactions go unrealized for tax purposes, while the investors claim tax deductions for the losses on their individually held offsetting positions. The investor gets the deduction for the loss from the offsetting position—while deferring tax on the correlative gains from the straddle until he sells his stock in the company, at which time the gain is liable only at long-term capital gains rates.

The legislation I offer today will prevent such flagrant abuses of the tax system. It removes the anomoly in the Tax Code that enables a U.S. person to avoid U.S. tax on gains from U.S. businesses, simply by conducting that business through a tax-haven corporation. It also removes the anomoly in current law that enables a U.S. person to circumvent the 1981 antiabuse rules on commodity straddle transactions by the simple device of transacting one leg of the straddle through a foreign-based corporation.

First, this legislation provides that a foreign corporation which engages primarily in trading in commodities or interests in commodities, and which is directly or indirectly at least 50 percent owned by U.S. persons, will be treated as a foreign investment company. Thus, when an investor sells his shares in such a corporation, the gains attributable to previously untaxed earnings will be treated as ordinary income rather than long-term capital gains.

This legislation also includes a new source-of-income rule to be applied with regard to the accumulated earnings tax. Under this provision, if more than 10 percent of a foreign-based corporation's earnings and profits are derived from U.S. sources, or effectively are connected to a U.S. trade or business, any dividends distributed directly from such a corporation, or through one of its entities, to a U.S.-owned foreign corporation will be treated as coming from U.S. sources. Under this provision, the term, "U.S. owned foreign corporation" refers to any foreign corporation of which 50 percent or more of the stock is owned, directly or indirectly, by U.S. persons. This provision will prevent U.S. persons from circumventing the accumulated earnings tax simply by interposing a holding company between the shareholders and a foreign corporation earning significant U.S.-source income.

The last provision of the legislation provides that, regarding loss-deferral rules under current law, that a limited category of stock will be treated as an offsetting position. The term, "offsetting position stock" is defined as any stock of a corporation formed or availed of to take positions in personal property that offset positions taken by such corporation's shareholders. This provision includes, then, "offsetting position stock" in the definition of property subject to the straddle rules.

How long can we expect the American taxpayer to pay his taxes when certain select investors can take advantage of ingenious and elaborate arrangements to circumvent the Tax Code and avoid paying a fair share? Not much longer, I expect. This legislation will eliminate one of the more transparent attempts to so evade the intent of Congress in the Tax Code.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Tax Straddle Reform Act of 1983".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. DEFINITION OF FOREIGN INVESTMENT COMPANY.

(a) GENERAL RULE.—Paragraph (2) of section 1246(b) (defining foreign investment company) is amended to read as follows:

"(2) engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in—

"(A) securities (as defined in section 2(a)(36) of the Investment Company Act of 1940, as amended),

"(B) commodities, or

"(C) any interest (including a futures or forward contract or option) in property described in subparagraph (A) or (B),

at a time when 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges (and distributions) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 3. TREATMENT OF CERTAIN DISTRIBUTIONS RECEIVED BY U.S. OWNED FOREIGN CORPORATIONS.

(3) GENERAL RULE.—Section 535 (defining accumulated taxable income) is amended by adding at the end thereof the following new subsection:

"(d) U.S. Income Retains Source Even Though Distributed to U.S. Owned Foreign Corporation.—

"(1) IN GENERAL.—For purposes of this part, if more than 10 percent of the earnings and profits of any foreign corporation for any taxable year—

"(A) is derived from sources within the United States, or

"(B) is effectively connected with the conduct of a trade or business within the United States,

any distribution received (directly or through 1 or more other entities) by a U.S. owned foreign corporation out of such earnings and profits shall be treated as derived by such corporation from sources within the United States.

"(2) U.S. owned foreign corporation.—The term 'U.S. owned foreign corporation' means any corporation 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or the total value of all classes of stock, was held directly (or indirectly through applying paragraphs (2) and (3) of section 958(a) and paragraph (4) of section 318(a)) by United States persons (as defined in section 7701(a)(30)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions received by a United States owned foreign corporation (within the meaning of section 535(d) of the Internal Revenue Code of 1954) on or after May 23, 1983, in taxable years ending on or after such date.

SEC. 4. TREATMENT OF OFFSETTING POSITION STOCK.

(a) GENERAL RULE.—Paragraph (1) of section 1092(d) (defining personal property) is amended by adding at the end thereof the following new sentence: "Such term also includes any offsetting position stock.".

(b) DEFINITION OF OFFSETTING POSITION STOCK.—Subsection (d) of section 1092 is amended by adding at the end thereof the following new paragraph:

"(6) OFFSETTING POSITION STOCK.—The term 'offsetting position stock' means any stock of a corporation formed or availed of to take positions in personal property which offset positions taken by shareholder.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to positions established on or after May 23, 1983, in taxable years ending on or after such date.

By Mr. D'AMATO (for himself, Mr. WEICKER, and Mr. STEVENS):

S. 1794. A bill to require certain executive agencies to procure supplies or services from local commercial sources instead of from a multiple-award schedule of the Federal supply schedule under certain circumstances; to require the Administrator of General Services to remove contractors from multiple-award schedules under certain circumstances; and to increase the maximum amount of small purchases which may be made by such executive agencies from sums in an imprest fund for one transaction; to the Committee on Governmental Affairs.

GSA BILL

Mr. D'AMATO. Mr. President, I am introducing legislation today that will

both save taxpayer dollars and assist the backbone of America's economy, small business. This legislation will alter the General Services Administration's (GSA) multiple award schedule program by requiring a more efficient enforcement of existing procurement procedures. My bill is a painless way of reducing Federal procurement costs, while simultaneously assisting the small business sector.

The multiple-award schedule program establishes a mechanism through which Federal agencies make their non-defense-related purchases. Agencies use the multiple-award schedule to purchase thousands of items ranging from copying machines and pencil sharpeners to furniture and appliances. Each year, firms throughout the country submit bids in an effort to be placed on the multiple-award schedule.

Dozens of firms, for example, bid for the right to be included on the fiscal year 1983 copy machine multiple-award schedule. The GSA then selected 23 of these firms and negotiated appropriate price discounts to be available for all Federal agency purchases. The hundreds of different copying machine products offered by those firms selected comprise the multiple-award schedule for copy machines. Agencies are free to select any copying machine off this schedule.

The GSA's role is to determine what firms deserve to be placed on the schedule and what prices will be offered. The type of items offered and the prices quoted, though, vary from product to product within each category. In fiscal year 1982 along, the GSA negotiated 3,500 contracts for the multiple award schedule program, which accounted for over $2.6 billion of sales to Federal agencies.

The effect of multiple contracting is to offer Federal agencies a wide variety of items from which to choose. Agencies are better able, through the multiple award schedule program, to find the products most suited to their needs. The multiple award schedule program provides sufficient diversity of services to meet the wide range of demands by Federal agencies.

The GSA is supposed to receive the lowest possible price from the firms with which it negotiates contracts. The GSA requires that the Federal Government must be considered the firm's "most favored" customer. In other words, the price the Government will be purchasing at must be either equivalent to or better than the price of the dealer's best customer. Nowhere should a product be offered by retail stores at a lower price than the price listed on the multiple award schedule program.

In addition, because the GSA negotiates contracts annually and offers a range of items in a given product category, the program is able to maintain the highest level of technology available from the private sector. The GSA is not locked into contracts with single firms that provide services which may become obsolete. Single-sourced contracting through a centralized supplier of a given product would eliminate the flexibility currently available in the multiple award schedule program. Agencies would be restricted from purchasing products that best match their needs. Moreover, small firms would be excluded in a single-source procurement process.

The success of the multiple award schedule program depends on the negotiation of low priced contracts. But, in a 1979 report to the Congress, the General Accounting Office (GAO) found that "there is little or no price competition in the negotiation or monitoring of the items ordered by the agencies and little or no assurance that suppliers offer items at prices that reflect the Government's volume purchase." In short, Federal agencies were purchasing overpriced products from the schedule and thus, were wasting taxpayer dollars.

The GSA's philosophy has been to provide the widest possible selection of products to Federal agencies. The GSA has supplied agencies with all necessary information and materials with which to conduct purchasing. The problem with the multiple award schedule program, however, rests not with the GSA's services, but with its negotiated priced. As pointed out by the GAO, the GSA has not emphasized and, therefore, has not received price discounts.

I recently reviewed the prices of several products listed on the multiple award schedule and found that the over-the-counter retail prices for these products were lower than the prices offered through the schedule. For instance, I priced a name-brand calculator listed on the schedule in a Washington, D.C., retail store. The retail price for one calculator was $19.90: The GSA procurement price was $25.56, or 33 percent higher. This is not an anomaly. I also called a small business in New York City and again found that the nondiscounted retail price for a calculator was significantly lower than the price for that same calculator listed on the schedule. I was quoted a price of $66.50 for a calculator that was listed on the GSA schedule for $79.96, a 20-percent penalty for Federal agency purchases.

What this means is that any individual can receive cheaper prices at the retail level than the Federal Government can obtain through the supposedly discounted multiple award schedule program. This significant price discrepancy, moreover, exists in varying degrees throughout the entire program. It is a disgraceful example of Government waste. The GSA has used taxpayer money to arduously conduct extended and expensive negotiations with suppliers for the right to receive higher prices. This is ludicrous.

Put very simply, the GSA has not kept procurement costs down. The GSA has not received discounted prices for bulk purchases. The Federal Government cannot be the firm's "most favored" customer if retail stores are able to undercut the GSA's procurement price. Overtaxed citizens can no longer afford to have the Government pay prices well above the generally available market price. In this $2.6 billion program, the Federal Government is annually wasting hundreds of millions of dollars.

It is abudantly clear that the American taxpayer is being taken for a ride. It is inconceivable that the Federal Government should annually make purchases through the multiple award schedule program of over $2.6 billion and not receive a volume discount. I can buy products cheaper at the local five and dime than the Federal Government can after expensive, protracted negotiations with suppliers.

In response to the 1979 GAO study, the GSA issued regulations that were intended to remedy this wasteful problem. One such regulation encouraged Federal agencies to purchase off-schedule from local firms when lower price could be obtained. However, the GSA has failed to enforce this regulation. Products thus continue to be purchased off the schedule at exorbitant prices. The open market is not accessed as a prime source for Federal agency procurement. The GSA has turned its back on waste and inefficiency.

My bill will simply force GSA to implement its own local purchasing regulation. Federal agencies will be forced to purchase products from local firms whenever both the price and the quality of a product are the same or better than comparable products listed on the schedule. Officials of Federal agencies will not be able to purchase items from the schedule unless they have determined that similarly or lower priced products of the same or better quality are not available from local distributors. If an agency determined that a product offered locally was of the same or better quality and price, then it would be required to purchase that product locally.

A better price, without comparable or better quality, would not be sufficient to require local purchasing. Similarly, better quality merchandise, without a comparable or lower price would also be insufficient grounds to make a purchase locally. Local merchants, therefore, will be required to equal or beat the multiple award schedule on both price and quality if they are to sell their products and services to Federal agencies.

Local purchasing will rectify a problem that has existed in the multiple award schedule for years. Although the problem has been pointed out to the GSA by the GAO and others, no concrete action has been taken. Consequently, congressional oversight of the GSA multiple award schedule program is clearly required.

Expressing congressional intent by mandating implementation of this provision, however, is not enough. Therefore, I am putting additional teeth into this legislation and the GSA local purchasing provision. Within 60 days after the enactment of this bill, the Administrator of the GSA must issue regulations implementing this local purchasing provision. And for each of the next 3 years, the Administrator must report to Congress on the progress of local purchasing by Federal agencies. The intent of this provision is to add force to existing GSA regulations.

Rather than simply paying lipservice to encouraging local purchasing, this legislation will require agencies to canvas the local market before purchases can be made from the schedule. This legislation does not outline specific regulations on how Federal agencies should survey and conduct local purchases, but it does instruct the Administrator of the GSA to issue the necessary and specific local purchasing guidelines.

The effects of the local purchasing provision will be twofold. First, Federal agencies will be able to painlessly reduce their procurement costs. Instead of complacently relying upon the multiple award schedule, agency officials will have to survey local firms when purchasing products. The open market will, thereby, be used as a cost saving alternative. Not only will the implementation of this provision have a specific, cost-cutting effect on each individual purchase, but local purchasing will have a general effect on the entire multiple award schedule program. Firms contracting with the Government will be forced to make their prices competitive, not only with other firms on the schedule, but also with noncontracting businesses throughout the country. The entire multiple award schedule program will inevitably become more competitive.

The second, and equally important, result of local purchasing will be its impact on small business. Small businesses comprise over 99.6 percent of the more than 4.9 million business establishments in the United States today. Moreover, more than three out of every four workers are involved in small enterprises. However, it is this segment of our economy that has had the most difficulty acquiring the necessary financial and physical resources to remain economically viable. Local purchasing by Federal agencies will provide a much needed infusion of revenues into the small business community.

Small business, though, has traditionally had difficulty entering the Federal procurement process. The multiple award schedule program inherently favors large firms with strong marketing forces. Although small businesses hold over 70 percent of all multiple award schedule contracts, these firms account for only 29 percent of the total dollar volume. Through enforcement of existing GSA regulations, local purchasing will provide an important opportunity for small firms to participate in the Federal procurement process. Small businesses will be brought into the Federal procurement process in a way in which the GSA has already approved, but failed to implement. This local, off-schedule purchasing, therefore, will both save tax dollars and aid small business.

Another section of my bill will remove firms from the multiple-award schedule program for 2 years if they had not made any sales under the program in the past 3 years. Because contracts are negotiated annually in the multiple-award schedule program, this provision will save the Government the cost of negotiating contracts with firms that provide no goods or services. In addition, the removal of these firms will open the schedule for other firms who may be better able to successfully sell to Federal agencies. Within 60 days before a contractor becomes ineligible for the multiple-award schedule program, the GSA Administrator must notify the contractor. If the company proves to the satisfaction of the Administrator that there were extraordinary and extenuating reasons why no purchases were made, then the contractor will not become ineligible.

Since 1970, the multiple award schedule program has more than quadrupled in size. The GSA has made some progress in reducing the number of participants in the schedule. By removing those firms from the program that provide no services, the GSA would be further streamlining the entire multiple-award schedule program. I have specifically suggested a 3-year period of nonsales so as to allow small firms a sufficient opportunity to make a sale. The marketing capabilities of small firms is much less than that of big business. However, a 3-year period of time should be adequate for small businesses.

The final provision of my legislation will increase the maximum amount that an agency can spend out of its imprest funds: petty cash used by agencies for small purchases. The current permissible level is $150 which was established in 1975. This provision will raise the imprest funds level to $500, and $650 under emergency circumstances. This level will be adjusted annually with changes in the Producer Price Index as announced by the Department of Labor.

The raising of the imprest funds level to $500 will have two important effects. First, it is necessary to maintain an inflation adjusted imprest funds level in current dollars and, second, the higher level will facilitate local purchases without the usually required redtape. Agencies will be able to better access the open market to the benefit of small business.

My legislation does not drastically alter the multiple-award schedule program. The purpose of my bill is to refine the program, without tampering with the favorable aspects of the schedule. I reject as unworkable the centralized procurement method favored by some. This would destroy the innovation inherent in the program, and hurt small business. Moreover, centralized procurement only will allow purchasing from a few large firms and will not save tax dollars. The multiple-award schedule program allows for a decentralized procurement method that provides for enough flexibility to adapt to both changes in technology and to the diverse needs of the various Federal agencies.

The legislation I am introducing today is an important measure that will promote both efficiency and fairness in Federal purchasing. The Congress must begin to examine the procurement methods of the Federal Government. This legislation will bring the enormous multiple aware schedule program under control. The bill will make certain that Federal purchasing is conducted at the lowest possible cost and accomplished in the most equitable and competitive fashion, while also serving to help the small business community.

Mr. President, I ask unanimous consent that this legislation be printed in the RECORD in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of this Act—

(1) the term "Administrator" means the Administrator of General Services;

(2) the term "executive agency" means any executive agency to which title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) applies;

(3) the term "imprest fund" means a fixed cash or petty cash fund which (A) is in the form of currency, coin, or Government check which has been advanced by an official Government disbursing office, without charge to a Government appropriation or fund account, to a duly authorized cashier for cash payment or other cash requirement purposes as specified in the designation or authorization of such cashier and (B) may be of a revolving type, replenished to a fixed

amount as spent or used, or of a stationary nature such as a fund from which change is made;

(4) the term "multiple-award schedule" means a multiple-award schedule of the Federal Supply Schedule;

(5) the term "product package", when used with respect to the procurement of supplies or services, includes price, installation, training, warranties, guarantees, maintenance provisions, and any other comparable terms and conditions applicable to such procurement; and

(6) the term "small purchases" means purchases in an aggregate amount not exceeding $10,000.

SEC. 2. (a) Under such regulations as the Administrator may prescribe, before any executive agency procures supplies or services from a multiple-award schedule, the officer or employee of the executive agency procuring the supplies or services shall determine whether the supplies or services are available from a private commercial source in the local area (as defined by the Administrator) where the supplies or services are to be used. If the officer or employee determines that the supplies or services are available from such a source in a product package which is of the same or a similar quality as the product package available under a multiple-award schedule and which has the same or a lower price as such product package, the officer or employee shall procure the supplies or services from the private commercial source in the local area.

(b) Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit to the Congress a report on the actions taken, including the promulgation of any regulations, to carry out the requirements set forth in subsection (a). At the end of each of the first three years after the date on which the report required by the first sentence is transmitted to the Congress, the Administrator shall transmit to the Congress a report on the actions taken, including the promulgation of any regulations, to carry out the requirement set forth in subsection (a) after the latest previous report transmitted to the Congress under this subsection.

SEC. 3. (a) Except as provided in subsection (b), if there are no purchases of supplies or services from a contractor under a multiple-award schedule contract during any three year period, the contractor shall not be eligible to be awarded a contract under any multiple-award schedule during the period of two years beginning on the date on which the latest multiple-award schedule contract with such contractor terminates.

(b) A contractor shall not be ineligible to be awarded a multiple-award schedule contract under subsection (a) if the Administrator finds that there were extraordinary and extenuating reasons that no supplies or services of the contractor were purchased during the applicable three-year period.

(c) Not later than 60 days before the date on which a contractor becomes ineligible to be awarded a multiple-award schedule contract pursuant to subsection (a), the Administrator shall transmit to the contractor a notice of the ineligibility. The notice shall include a statement that, within such period of 60 days, the contractor may submit information to the Administrator to support a finding described in subsection (b).

SEC. 4. (a) Subject to subsection (b), an executive agency may not use sums in any imprest fund to make small purchases in an amount exceeding—

(1) $500, or

(2) under emergency conditions, $650,

for one transation.

(b) On the date on which the Producer Price Index is published by the Department of Labor for a month beginning after the date which is one year after the date of enactment of this Act and on each date on which the Producer Price Index is published by the Department of Labor for the same month of the year in each year thereafter, the Administrator shall determine the percent increase or decrease, if any, in the Producer Price Index for such month over the Producer Price Index published by the Department of Labor for the same month of the preceding year. Effective on the first day of the first month beginning after the date on which the Administrator makes a determination under the preceding sentence, the maximum amounts specified in subsection (a) are increase or decrease, as the case may be, by the percent increase or decrease, as the case may be, if any, in the Producer Price Index determined under such sentence.

Mr. WEICKER. Mr. President, I am pleased to join with Senator D'AMATO and Senator STEVENS in introducing legislation which would implement basic reforms in the way Federal agencies procure goods through GSA's multiple-award schedule.

GSA annually procures products worth millions of dollars from its multiple-award schedule, which is simply a list of discount suppliers who have been placed on a schedule because they offer the Government a discount. Agencies select their particular product from the schedule which was intended to offer goods at prices lower than available through the open market.

In reality, according to a recent GAO report, this system does not result in the lowest price to the Government. GAO reports that although competition is recognized as the best means to achieve the lowest possible price, "such competition under the multiple-award program is virtually nonexistent."

GAO has concluded that most of the 4 million items on this schedule do not belong there and instead should be placed through competitive procurement. According to GAO, these problems are longstanding. GSA's management of the program has not made any substantive improvements, and legislation mandating action is needed.

Mr. President, the bill we are introducing today would insure competition by small businesses with firms on this multiple-award schedule and save the Government money by requiring Federal agencies to purchase products locally whenever both the price and quality of goods and services offered are the same or better than those listed in the multiple-award schedule. It would also remove from the schedule dormant firms that have not made any sales under this program in the last 3 years.

This legislation would help small businesses, the most innovative and productive segment of our economy, compete for Government procurement and bring competition into a system where currently there is none. The result should be that the Government should save substantial amounts of money and a procurement system fraught with abuse will finally be brought under control.

By Mr. MOYNIHAN:

S. 1795. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction; to the Committee on Labor and Human Resources.

FOREIGN LANGUAGE ASSISTANCE ACT OF 1983

Mr. MOYNIHAN. Mr. President, I offer today legislation to improve the foreign language proficiency of our Nation's students. The steady decline of foreign language skills in the United States has been well documented, most notably in three General Accounting Office studies over the last 10 years and in the 1979 report of the President's Commission on Foreign Language and International Studies. All of these investigations conclude that the decline of foreign language competency in the United States poses significant problems for the health of our economy, educational system, and foreign relations.

Lack of linguistic skills amongst Americans is indeed cause for concern. The President's Commission reported in 1979 that the number of high school students studying a foreign language had fallen to 15 percent from 24 percent in 1966. The Commission also noted that only "8 percent of American colleges and universities now require a foreign language for admission, compared with 34 percent in 1966."

The study of foreign languages bears directly on the quality of education that a student obtains. Educators have increasingly come to recognize the importance of foreign language study to the cognitive development of students. Writing in the February-March 1982 edition of Today's Education, Florence Barkin and Gail Gunterman stated:

> Numerous studies have acknowledged the important impact of acquiring a second language on the learning of English vocabulary, reading skills, self-concept, cultural enrichment, creativity, and communications—

Further adding that—

> students must display problem-solving skills and adaptability to "function" in new language, since the sociocultural situation as well as the linguistic forms are unfamiliar, complex, and often ambiguous to the learner. Nothing is so totally new to an American as is a foreign language.

In "A Nation At Risk," published last April, the National Commission on Excellence in Education recommended that foreign language instruction begin at the elementary grade levels because foreign language "introduces students to non-English-speaking cultures, heightens awareness and comprehension of one's native tongue, and serves the Nation's needs in commerce, diplomacy, defense, and education.

Just last March, in a proclamation declaring the week of March 5, "Foreign Language Week," President Reagan indicted his awareness of the need for greater emphasis on foreign language instruction when he asserted that:

The study of foreign language is vitally important to the basic education of American youth and adults. I urge parents and community and business leaders alike to join educators in encouraging our youth to begin the study of a foreign language at an early age and to continue the study of this language until a significant level of proficiency has been achieved.

My legislation, a companion measure to Representative PAUL SIMON's bill, H.R. 2708, is intended to serve as a catalyst for a national effort to address our language shortcomings. Summer institutes would provide training for exceptional language instructors and hone the skills of outstanding high school students. Elementary and secondary schools, as well as junior and community colleges, would receive assistance to develop foreign language curricula. Colleges and universities with language requirements would receive supplemental Federal aid, which aid would be expanded for programs offering less commonly taught languages, such as Russian, Chinese, or Japanese. Finally, overseas study combining language programs with courses in international business, diplomacy, or journalism would be funded. Total allocations would be $50 million annually.

This legislation takes into account the complexity of our foreign language needs. Programs for elementary students will help youngsters grow up with a language and thus promote lifelong fluency in a foreign language. Programs for secondary and postsecondary students will help provide for the short- and medium-term needs of our Nation's diplomacy and international trade. Through funding curriculums for both exceptional and typical children, the benefits of foreign language study are spread equally. In sum, the measure provides multiple solutions to a chronic and complex situation.

I would note, finally, that this is not the first time this issue has come before the Senate. On November 5, 1981, I introduced the Foreign Language Assistance Act (S. 1817). At that time, I said that:

The state of foreign language skills in the United States is damaging to our national welfare. Moreover, to paraphrase the report of the President's Commission, this welfare depends on the intellectual and psychological strengths derived from perceptive visions of the world beyond our borders. We now contemplate increases in defense spending, yet we fail to invest in a more elemental form of security: The ability to communicate with and understand not only our adversaries, but also our allies throughout the world. Our foreign language capability makes us an anomaly among nations, and is sadly paradoxical in this ethnically rich and culturally diverse land.

I made these observations 21 months ago. Since then, the urgency of the situation has only increased.

The need, I think, is obvious. I urge my colleagues to join me in support of this measure to improve our Nation's foreign language skills.

Mr. President, I ask unanimous consent that the full text of my remarks and the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act may be cited as "Foreign Language Assistance for National Security Act of 1983".

SEC. 2. The Congress finds that—

(1) the economic and security interests of this Nation require significant improvement in the quantity and quality of foreign language instruction offered in the Nation's educational institutions, and Federal funds should be made available to assist this purpose;

(2) many endeavors in both the public and private sectors involving such matters as international relations or multinational business transactions require the skills of individuals with knowledge of foreign language; and

(3) the educational institutions of the Nation should provide students with an understanding of the history and culture which influence the perspectives, values, and attitudes of the people of other countries, and foreign language instruction is one means of achieving this goal.

SEC. 3. (a) The Secretary shall make grants to State educational agencies whose applications are approved under subsection (b) in order that such agencies may fund model programs, designed and operated by local educational agencies, providing for commencement or improvement and expansion of foreign language study for students residing within their school districts. Any State whose application is approved shall receive an amount equal to the sum of (1) $50,000, plus (2) the product of $0.04 multiplied by the population of the State (as determined in accordance with the most recent decennial census). The amount described in the preceding sentence shall be made available to the State for two additional years after the first fiscal year during which the State received a grant under this section if the Secretary determines that the funds made available to the State during the first year of funding were used in the manner required under the State's approved application.

(b) Any State educational agency desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by local educational agencies, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected by the State educational agency for funding under this section;

(2) provides assurances that all children aged five through seventeen who reside within the school district of the local educational agency shall be eligible to participate in any model program funded under this section (without regard to whether such children attend schools operated by such agency),

(3) provides assurances that, if the application of the State educational agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the program is carried out as described in the application; and

(4) provides that the local educational agency will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State educational agency.

(c)(1) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and which meet the requirements of this section. Expenditures for educational services and arrangements pursuant to this subsection for children in private schools shall be equal (taking into account the number of children to be served and the needs of such children) to expenditures for children enrolled in the public schools of the State or local educational agency.

(2) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children from private schools as required by paragraph (1), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children which shall be subject to the requirements of this subsection. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State educational agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 4. (a) The Secretary shall make grants to State agencies whose applications are approved under subsection (b) for the purpose of providing assistance to model programs designed and operated by community and junior colleges providing for the

commencement or improvement and expansion of foreign language studies at those institutions. Any State whose application is so approved shall receive an amount equal to the sum of (1) $30,000, plus (2) the product of $0.01 multiplied by the population of the State (as determined in accordance with the most recent decennial census).

(b) Any State desiring to receive a grant under this section shall, through a State agency designated (in accordance with State law) for this purpose, submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No application may be approved by the Secretary unless the application—

(1) contains a description of model programs designed by community and junior colleges, and representing a variety of alternative and innovative approaches to foreign language instruction, which were selected by the State agency for funding under this section;

(2) provides assurances that, if the application of the State agency is approved, each model program described in the application shall have available to it sufficient funds from State and local sources, in addition to any funds under this section, to ensure that the problem is carried out as described in the application; and

(3) provides that the community and junior colleges will provide reliable and valid evaluations of pupils' proficiency at appropriate intervals in the program, and provide such evaluations to the State agency.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which State agencies may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 5. (a)(1) The Secretary shall make grants to institutions of higher education to reimburse such institutions for part of the costs of providing undergraduate foreign language instruction to students at such institutions. Any institution of higher education desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

(2)(A) An institution of higher education shall not be eligible for a grant under this section for a fiscal year unless—

(i) the sum of the number of students enrolled at such institution in qualified postsecondary language courses on October 1 of that fiscal year exceeds 5 per centum of the total number of students enrolled at such institution; and

(ii) such institution requires that such entering student have successfully completed at least two years of secondary school foreign language instruction or requires that each graduating student have earned two years of postsecondary credit in a foreign language (or have demonstrated equivalent competence in a foreign language).

(B) For purposes of subparagraph (A)(i), the total number of students enrolled in an institution shall be considered to be equal to the sum of (i) the number of full-time degree candidate students enrolled at the institution, and (ii) the number of part-time degree candidate students who are enrolled at the institution for an academic workload which is at least half the full-time academic workload, as determined by the institution in accordance with standards prescribed by the Secretary.

(3) As a condition for the award of any grant under this section, the Secretary may establish criteria for evaluating programs assisted with funds under this section and require an annual report which evaluates the progress and proficiency of students in such programs.

(b)(1) Any institution of higher education which submits an application under this section for a grant for any fiscal year, and which has sufficient undergraduate enrollment in postsecondary language courses and foreign language requirements as required under subsection (a)(2), shall be eligible to receive an amount equal to the sum of the following:

(A) To provide assistance for the costs of postsecondary foreign language instruction at the level of the first or second year of postsecondary study of a language, an amount equal to—

(i) $30, multiplied by

(ii) the remainder, if any, of—

(I) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year, minus

(II) the number of students equal to 5 per centum of the total number of students enrolled at such institution.

(B) To provide assistance for the costs of foreign language instruction above the level of the second year of postsecondary study of a language, an amount equal to—

(i) $40, multiplied by

(ii) the number of students enrolled in a qualified postsecondary foreign language course at such level on October 1 of such fiscal year.

(2) Any institution which is eligible to receive an amount under paragraph (1) shall be eligible to receive an additional amount equal to $40 multiplied by the number of students enrolled (at any level of instruction) in any foreign language instruction in languages determined by the Secretary to be less commonly taught.

(c) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which an institution of higher education may receive under subsection (b), the amount of such grants shall be ratably reduced.

SEC. 6. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer intensive language training institutes for exceptional secondary school students. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of students, not to exceed one hundred and fifty, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of intensive instruction, which may include, but is not limited to, the languages described in section 8(b)(1);

(2) provides adequate assurance that students from any Federal region who wish to participate will be selected on the basis of aptitude in that language, as determined by appropriate testing and verified by their teachers, and of motivation;

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified students in the institute; and

(4) provides assurances that the program of intensive instruction will be developed and operated in close cooperation with secondary school teachers and administrators.

(c) The Secretary shall encourage, to the extent possible, diversity in the languages taught in institutes during any summer with the United States.

(d) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(e) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(f) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 7. (a) The Secretary shall make grants to an institution of higher education (or a consortium of such institutions) in each Federal region whose application is approved under subsection (b) for the purposes of providing assistance to summer language training institutes for the professional development of the proficiency of elementary and secondary school language teachers. Any institution or consortium whose application is so approved shall receive an amount equal to not more than $3,000 multiplied by the number of teachers, not to exceed three hundred, enrolled in such institute.

(b) Any institution of higher education or consortium of such institutions desiring to receive the grant for its region shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of instruction;

(2) provides adequate assurance that teachers from any Federal region who wish to participate will be selected on the basis of recommendations from a principal or other supervisory official and a demonstrated commitment to the teaching of the language studied in the institute; and

(3) provides assurances that the institution of higher education will seek to enroll at least eighty qualified teachers in the institute.

(c) Awards under this section shall be made to institutes (or consortia) on the basis of excellence of the program proposed in the application, taking into consideration such elements as library resources, faculty achievement, and language learning facilities.

(d) Funds available to institutes under this section may be used to cover costs associated with enrollment in an institute, including tuition, fees, administration, and living expenses.

(e) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive

under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 8. (a) The Secretary shall make grants to institutions of higher education, or to consortia of such institutions, whose application is approved under subsection (b) for the purposes of providing assistance to enable advanced foreign language students to develop their language skills and their knowledge of foreign cultures and societies through study abroad. Such study abroad may be combined with an internship in an international business enterprise. Any institution or consortium whose application is so approved shall be eligible to receive a grant in an amount not to exceed one-half the cost of providing such assistance.

(b) Any institution of higher education or consortium of such institutions desiring to receive a grant under this section shall submit an application therefor to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require. No such application may be approved by the Secretary unless the application—

(1) contains a description of the proposed program of study abroad in any of the following areas:

(A) Latin America, the Caribbean, and Puerto Rico for the study of Spanish, Portuguese, and other major languages of that region;

(B) the Middle East for the study of Arabic and other major languages of that region;

(C) Japan for the study of Japanese;

(D) the People's Republic of China or the Republic of China for the study of Chinese;

(E) the Republic of Korea for the study of Korean;

(F) the union of Soviet Socialist Republics for the study of Russian and other major languages of that region;

(G) Africa for the study of major languages of that region;

(H) South Asia for the study of Hindi and other major languages of that region;

(I) Eastern Europe for the study of major languages of that region; and

(J) Southeast Asia for the study of major languages of that region;

(2) provides adequate assurance that those who wish to participate will be selected on the basis of demonstrated proficiency in the language, as shown by testing comparable to that conducted by the Foreign Service Institute of the Department of State; and

(3) demonstrates that the program will provide the opportunity to combine language study with the study of journalism, international business, finance, economic development, science, engineering, political science, international studies, or other related areas and is open to students majoring in those areas if they can qualify under paragraph (2).

(c) Funds available to institutions under this section may be used to cover costs associated with the study abroad program, including tuition, fees, administration, and living expenses.

(d) If sums appropriated to carry out this section are not sufficient to permit the Secretary to pay in full the grants which institutions of higher education may receive under subsection (a), the amount of such grants shall be ratably reduced.

SEC. 9. No grants shall be made or contracts entered into under this Act except to such extent, or in such amounts, as may be provided in appropriation Acts.

SEC. 10. For purposes of this Act:

(1) The term "institution of higher education" means any institution of higher education, as defined under section 1201(a) of the Higher Education Act of 1965, which is located within a State, but does not include a community or junior college.

(2) The terms "community college" and "junior college" mean any institution of higher education, as defined under section 1201(a) of such Act, which is located within a State and which provides a two-year program for which awards an associate degree or which is acceptable for full credit toward a bachelor's degree.

(3) The terms "local educational agency" and "State educational agency" have the same meaning given such terms under section 198 of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "qualified postsecondary foreign language course" means a course of foreign language instruction which (A) is scheduled to meet at least five days each week for at least fifty minutes each day, or (B) provides instruction each week for a period of time equivalent to the period described under clause (A).

SEC. 11. There are authorized to be appropriated for each of the fiscal years 1984, 1985, and 1986—

(1) $10,000,000 to carry out section 3 of this Act;

(2) $4,000,000 to carry out section 4 of this Act;

(3) $11,000,000 to carry out section 5 of this Act;

(4) $5,000,000 to carry out section 6 of this Act;

(5) $10,000,000 to carry out section 7 of this Act; and

(6) $10,000,000 to carry out section 8 of this Act.

By Mr. GORTON (for himself, Mr. ANDREWS, and Mr. RUDMAN):

S. 1796. A bill relating to equality of rights under law regardless of sex; to the Committee on the Judiciary.

EQUALITY OF RIGHTS UNDER LAW

Mr. GORTON. Madam President, I reintroduce today, for myself and Senators ANDREWS and RUDMAN, a bill designed to guarantee equality of rights under law to all persons, regardless of sex. This bill is a slightly modified version of what was Senate bill 2851 in the 97th Congress.

Madam President, as the Senate and the House move toward consideration of the equal rights amendment, I urge my colleagues to consider the prospect of affording the protection of the equal rights amendment during the ratification process through the vehicle of a bill such as this bill. It is not intended to be a substitute for the equal rights amendment. Rather, it is my intent that is serve as a bridge in the process; not only a bridge to provide the much needed substantive rights contained within it but an educational bridge as well.

Madam President, there are some people, who share in my hope for and support of the equal rights amendment, who fear that a statute such as this will undermine its passage and ratification effort. I do not share that fear. In fact, I believe a passage of this bill would enhance the ratification effort. To date, the biggest obstacle to ratification has been the fear that grows from ignorance about what the amendment will do. A statutory enactment of the substance of the amendment will educate all our citizens, and that fear will fade.

The embodiment in an amendment of the substance of an existing statute is not without precedent, Madam President. Section 1 of the 14th amendment was taken directly from the Civil Rights Act of 1866. That act became effective on April 9, 1866. During the debate on the 14th amendment in the House of Representatives which took place between May 10 to May 12, 1866, one of the strong supporters of the proposed 14th amendment, Representative James Garfield of Ohio, reponded to the query of Representative William Finck of Ohio regarding the need for an amendment on the same subject as the recently passed Civil Rights Act in the following way:

". . . [w]e propose to lift that great and good law above the reach of political strife, beyond the reach of the plots and machinations of any party, and fix it in the serene sky, in the eternal firmament of the Constitution, where no storm of passion can shake it and no cloud can obscure it. . . ."

And so it must be with the concept of equality of rights under law without regard to sex. We must lift that principle above the reach of political strife in the eternal firmament of the Constitution. But in our quest to do so, we must not lose sight of our underlying purpose. We must do all we can to aid those who now suffer the burdens of discriminatory treatment.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE AND FINDINGS

SECTION 1. (a) Congress finds and declares that—

(1) classifications based on sex have often resulted in individuals being relegated to an inferior legal status without regard to individual capability, worth or need; and

(2) classifications based on sex which are not necessary to achieve a compelling governmental interest tend to perpetuate the effects of past sex discrimination; and

(3) classifications based on sex are inherently invidious and suspect.

(b) In light of the findings contained in this section and in order to secure the equal protection of the laws for all persons regardless of sex, Congress, pursuant to the necessary and proper clause of article I of

the Constitution of the United States, and pursuant to section 5 of the fourteenth amendment to the Constitution of the United States, enacts this Act.

CLASSIFICATION BASED ON SEX

SEC. 2. (a) Each person has the right to be free from any classification based on sex and made by the United States unless such classification is necessary to achieve a compelling interest of the United States.

(b) No State shall make a classification based on sex unless such classification is necessary to achieve a compelling interest of the State.

(c) Every person who, under color of any Federal or State law, subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to a classification based on sex which is not necessary to achieve a compelling governmental interest shall be liable to the person injured in an action at law, suit in equity, or other proper proceedings for redress.

RELIEF

SEC. 3. (a) Any person aggrieved by a violation of this Act may bring a civil action in the appropriate district court of the United States for such legal and equitable relief as may be appropriate: *Provided*, That, no cause of action for damages may arise under this Act until one year after the date of enactment of this Act.

(b) The Attorney General may bring an action for declaratory or injunctive relief in any case in which the Attorney General determines that the rights of persons aggrieved under this Act will be served by bringing such action.

DEFINITIONS

SEC. 4. (a) The term "State" as used in this Act includes each of the several States, any Commonwealth or territory of the United States, and any political subdivision thereof.

(b) The term "law" as used in this Act includes any statute, ordinance, rule, regulation or the administration thereof, or any custom or usage.

(c) The term "classification based on sex" as used in this Act includes any de jure, gender-based classification including any classification based on pregnancy, childbirth, or related medical conditions and any law of the United States or of any State which has a disparate impact on individuals of different gender who are otherwise similarly situated.

APPLICATION

SEC. 5. (a) If any provisions of this Act or the application of this Act to any person or circumstance is judicially determined to be invalid, the remainder of the Act or the application of such provision to other persons or circumstances shall not be affected by such determination.

(b) This Act shall supersede any inconsistent provision of Federal law.

By Mr. DECONCINI:

S. 1798. A bill to require the executive agencies of the Federal Government to identify all appropriate costs of operating, maintaining, leasing, and acquiring motor vehicles; to require all executive agencies to study the cost benefits of the use of outside private sector fleet management contractors as an alternative to the Interagency Motor Pool System and other existing systems, to require certain cost saving measures in current motor vehicle operations, to reduce the total amount spent for non-tactical, non-law-enforcement-motor vehicle operation, maintenance, leasing, acquisition, and disposal by $100,000,000 in fiscal year 1985, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL ACT

Mr. DECONCINI. Mr. President, today I am introducing the Federal Motor Vehicle Expenditure Control Act of 1983, legislation that hopefully will lock into place some significant cost savings in fiscal year 1985 and subsequent years in the operation and maintenance of the Federal motor vehicle fleet.

Mr. President, the bill I am introducing today is similar to the one I introduced on July 27, 1982, almost 1 year ago to the day. Let me briefly tell my colleagues why I believe this legislation is absolutely essential if we are going to get serious about bringing down the cost of operating and maintaining our Federal motor vehicle fleet.

Back on April 7, 1981, I requested the General Services Administration and the General Accounting Office to collaborate on a study of the Federal motor vehicle fleet and its cost to the taxpayers. According to the March 1982 final report of the study team, the cost to own, operate, and maintain the Federal motor vehicle fleet is in excess of $1.1 billion a year—an increase of $959 million or 680 percent since 1954 and a jump of $724 million or 192 percent in just the last 10 years. To add insult to injury, the GSA study team found that the actual cost of Federal motor vehicle operations could be even higher than the $1.1 billion since some agencies apparently do not even identify all fleet operations costs. In fact, GSA's latest "Federal Motor Vehicle Fleet Report" indicates that in fiscal year 1982, the total cost of operating the Federal fleet had reached nearly $1,270,000,000.

Mr. President, the study also confirmed my suspicions that the number of nontactical motor vehicles used by Uncle Sam is excessive and must be pared back sharply. In 1980, for example, the number of federally owned vehicles had reached a staggering 445,000—almost double the number of federally owned vehicles in 1954. What makes this increase all the more astounding is that the Defense Department, our largest owner of motor vehicles, has actually reduced its fleet by 48,000 over the past decade. GSA's latest "Federal Fleet Report" shows, fortunately, that the total number of Federal motor vehicles has actually dropped slightly since the end of fiscal year 1980, with most of the drop coming in the U.S. Postal Service. But we still have a long way to go.

Mr. President, my legislation takes a number of essential "first steps" in bringing the size, cost, and management of the Federal motor vehicle fleet under control. I would hope that as the President embarks on his new attack on waste, fraud, and abuse entitled "Reform, 1988", he will lend his support to this bill—a bill that calls for, among other things, $100,000,000 in actual cost savings in fiscal year 1985. Specifically, here is what my legislation would do;

First. Instructs the Director of the Office of Management and Budget to direct each agency head to establish a central monitoring system for the oversight of agency motor vehicle operations and related activities.

Second. Instructs the Director of OMB to require each agency head to develop a system to identify, collect, and analyze data with respect to all costs incurred by the agency in operating motor vehicles, including Government-owned vehicles, leased vehicles, and privately owned vehicles used for official purposes, and to promulgate standards for the agencies to follow in establishing and identifying the costs associated with the Federal fleet.

Third. Directs the heads of all executive branch agencies to tell the Congress in their annual budget justifications the amounts spent or requested for motor vehicle acquisition, maintenance, leasing and operations and to justify why the existing and new motor vehicle operations requirements of the agency cannot be met by using the GSA motor pool system, or by using an outside private sector fleet management firm.

Fourth. Directs the President to report to the Congress a compilation of the agency reports on their motor vehicle operating costs.

Fifth. Directs each executive agency with motor vehicle fleets of at least 450 vehicles to conduct a detailed cost-benefit study of the feasibility of and possible cost savings to be realized by using a qualified private sector fleet management firm to handle the operation and maintenance of their respective motor vehicle fleets, as a possible alternative to the current use of the interagency motor pool at GSA.

Sixth. Directs the Director of OMB to require the head of each agency to identify opportunities for consolidating intra-agency motor vehicle facilities where shown to be cost effective, and to report to OMB on any possible impediments to such consolidations.

Seventh. Instructs the OMB Director, in cooperation with GSA, to require each agency to identify opportunities for consolidation of motor vehicle administration and maintenance between executive agencies of the Government where shown to be cost effective.

Eighth. Directs the head of GSA to take steps necessary to reduce motor vehicle storage and disposal costs and to improve the rate of return on motor vehicle sales through better reconditioning of vehicles on sale.

Ninth. Reduces the cost of operating and maintaining the Federal motor vehicle fleet governmentwide by $100 million in fiscal 1985.

Tenth. Directs OMB, GSA, and GAO to make various reports to the Congress on the implementation of the provisions and directives made in this legislation.

Mr. President, the time has come for Uncle Sam to take a top-to-bottom look at its billion-dollar motor vehicle program. But improving the management and reducing the cost of the Federal motor vehicle fleet is not going to happen overnight. It is not going to grab any headlines nor will it ever compete with taxes, the defense budget, El Salvador, or social security in dominating the time, attention, and energy of the Congress over the next few years. Improving this important general Government activity is mundane and will take a lot of hard work. But a systematic effort by OMB, GSA, the private sector, and the Congress to reduce the cost of the operation and maintenance of the Federal fleet has the potential to save hundreds of millions of tax dollars through better management and closer scrutiny by both the executive and legislative branches. Hopefully, this legislation will force OMB, the executive agencies, and—yes, the Congress, to roll up their sleeves and get this important job done.

Mr. President, in closing, I believe that this legislation presents the administration with a golden opportunity to kick off "Reform, 1988" and save the taxpayers a bundle of money. I applaud the President's waste, fraud, and abuse initiatives and look forward to working with him in making Government more efficient and less costly to the American taxpayer.

Mr. President, I urge my colleagues to support this legislation and to enact it as soon as possible. I ask unanimous consent that the text of the bill be included in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Director of the Office of Management and Budget shall direct the head of each executive agency to designate one office, officer, or employee of the agency to establish and operate a central monitoring system for the oversight of agency motor vehicle operations and related activities.

(b)(1) The Director shall require the head of each executive agency to develop a system to identify, collect, and analyze data with respect to all costs incurred by the agency in operating, maintaining, acquiring, and disposing of motor vehicles, including government-owned vehicles, leased vehicles, and privately owned vehicles used for official purposes. The Director shall promulgate standards governing the establishment and operation by executive agencies of the system required by the preceding sentence, including standards with respect to the uniform collection and submission of data.

(2) The head of each executive agency shall include with the requests for fiscal year 1985 and all subsequent fiscal years submitted under section 215 of the Budget and Accounting Act, 1921 (31 U.S.C. 23) a statement—

(A) specifying the total motor vehicle acquisition, maintenance, leasing, operating, and disposal costs incurred by such agency in such fiscal years and the previous two fiscal years, using the data standards promulgated under section (b)(1) above; and

(B) describing why the existing and any new motor vehicle acquisition, maintenance, leasing, operating or disposal requirements of the agency cannot be met through the Interagency Motor Pool System operated by the Adminstrator of General Services; or

(C) describing how the existing and any new motor vehicle acquisition, maintenance, leasing, operating, or disposal requirements of the agency could be met through a qualified fleet management firm or other contractor in the private sector.

(3) The President shall include with the Budget transmitted for fiscal year 1985 pursuant to section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), or in a separate written report to the Congress, a summary and analysis of the statements submitted by the heads of executive agencies pursuant to paragraph (2) above. Such summary and analysis should include, but not be restricted to, a review of the potential cost savings that could be achieved through the use of an outside fleet management firm or other private sector contractor as opposed to the use of the Interagency Motor Pool System operated by the Administrator of General Services, or other existing motor vehicle management systems.

(4) The head of each executive agency shall conduct a comprehensive, detailed cost benefit study of the feasibility of contracting with a qualified fleet management firm or other private sector contractor to meet its motor vehicle operation, maintenance, leasing, acquisition, and disposal requirements, as a possible alternative to their current motor vehicle operations and/or the use of the Interagency Motor Pool System operated by the Administrator of General Services. Such studies shall be submitted concurrently to the Director of the Office of Management and Budget and the Comptroller General of the United States, by no later than six (6) months from the date of enactment of this Act. The Comptroller General of the United States shall submit an analysis of these studies to the Congress by no later than one (1) year from the date of enactment of this Act.

(c)(1) The Director shall require the head of each executive agency to review motor pool, storage, maintenance, and other intra-agency motor vehicle facilities of the agency, to consolidate such facilities where feasible and cost-effective, and to submit to the Director a report identifying possible impediments to such consolidation, such as current accounting methods, budget processes, or organizational structures.

(2) The Director, in consultation with the Administrator, shall require the head of each executive agency to identify opportunities for consolidation among executive agencies of motor vehicle administration and maintenance facilities in order to reduce the cost of Government motor vehicle operations. The Director shall direct the heads of executive agencies to consolidate such facilities for interagency use whenever the Director and the Administrator determine that such consolidation will be cost-effective.

(d) The Administrator shall take such actions as may be necessary to reduce motor vehicle storage and disposal costs, including actions to increase the frequency of motor vehicle sales by public auction, to reduce presale storage costs, and to improve the rate of return on motor vehicle sales through a program of vehicle reconditioning prior to sale and other activities.

(e) Of the total amount of budget authority provided for fiscal year 1985 that would otherwise be available for the operation, maintenance, leasing, and acquisition of non-tactical, non-law enforcement motor vehicles, $100,000,000 of the amount intended for such purposes in the President's budget for fiscal year 1985, as amended, for any executive agency, department, or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure. The Director of the Office of Management and Budget shall report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Governmental Affairs of the Senate, and the Committee on Government Operations of the House of Representatives not later than three (3) months from the date of enactment of this Act, with respect to the implementation of this subsection.

(f) The Director and the Administrator of General Services shall closely cooperate in the implementation of the provisions of this Act, and shall report to the Congress not later than six (6) months from the date of enactment of this Act on the progress made in carrying out subsections (a) through (d) of this section.

(g) Not later than eighteen (18) months from the date of enactment of this Act, the Comptroller General of the United States shall prepare and transmit a report to the Congress on the activities of the Director, the Administrator, and executive agencies in carrying out this Act. After transmitting the report required by the preceding sentence, the Comptroller General shall make periodic reports to the Congress on the activities referred to in such sentence.

(h) For purposes of this Act—

(1) the term "executive agency" means an executive agency (as such term is defined in section 105 of title 5, United States Code), which operates at least four hundred and fifty (450) motor vehicles, except that such term does not include the Postal Service, the Postal Rate Commission, and the General Accounting Office;

(2) the term "Director" means the Director of the Office of Management and Budget;

(3) the term "Administrator" means the Administrator of General Services; and

(4) the term "Comptroller General" means the Comptroller General of the United States.

(i) This Act shall be cited as the "Federal Motor Vehicle Expenditure Control Act of 1983."

By Mr. NUNN (for himself and Mr. HUDDLESTON):

S. 1799. A bill to provide financial assistance to States for training for unemployed individuals, especially long-term unemployed individuals and dislocated workers, and for other purposes; to the Committee on Labor and Human Resources.

S. 1800. A bill to amend the Internal Revenue Code of 1954 to provide tax-exempt accounts for job training, and for other purposes; to the Committee on Finance.

S. 1801. A bill to amend the Internal Revenue Code of 1954 to allow a credit for employee training expenses; to the Committee on Finance.

JOB TRAINING LEGISLATION

Mr. NUNN. Mr. President, today I am introducing a series of bills designed to deal with the growing problem of long-term structural unemployment in this country. As I have stated before, even if we are fortunate enough to experience a sustained recovery over a period of years, there are factors at work that will, unless dealt with, maintain unemployment at painfully high levels. These factors are principally the acute and growing shortages of skilled labor, and the permanent displacement of labor in industries that are increasingly resorting to automation in their production processes.

According to the Department of Labor, throughout this decade we can expect an annual shortage of 57,000 positions in industrial machinery repair; 28,000 computer operators; 21,300 machinists; 30,000 computer systems analysts and technicians; 5,000 tool and diemakers; and 19,000 licensed nurses. By 1990, the Labor Department projects a cumulative skilled labor shortage of 2.5 million workers in just 13 occupations. Further, it is important to note that the skilled labor shortage may also impair our efforts to maintain or improve our national defense capabilities. The Pentagon has expressed concerns about whether the labor market will be able to supply the skilled labor needed for our ongoing defense efforts. In the preliminary findings of a congressionally mandated defense manpower study undertaken at my request last year, it appears that potential shortages may occur in 32 skilled occupations, including drafters, electrical and electronic technicians, mechanical engineering technicians, computer programers, and systems analysts.

At the same time, the changing structure of American industry is resulting in the permanent loss of jobs in many mature industries. According to the Congressional Budget Office, roughly 25 percent of those currently unemployed will not be able to continue working in the same job because those jobs are disappearing. According to researchers at the Robotics Institute at Carnegie-Mellon University, the present generation of robots now in use could, by 1990, replace about 1 million of the 9 million manufacturing workers currently employed in welding, painting, and operating machine tools. In addition, they found that another 3 million inspectors, packagers, assemblers, grinders, and electroplaters may be displaced by a new generation of robots that will be able to "see" and "feel."

In 1981 alone, the number of industrial robots increased by 30 percent, and the researchers at Carnegie-Mellon predict at least a tenfold increase in robot purchases by 1990. General Motors expects to increase its robot force from 1,400 to 14,000 over that same timeframe. To make matters worse, up to three-fourths of the workers most vulnerable to displacement were less than 45 years old in 1980. In short, we face a present and future labor displacement problem of massive proportions which will affect thousands of individuals during their prime working years.

Mr. President, in my opinion, to adequately address both the skilled labor shortage and labor displacement problems will require a long-term and significant Federal commitment, beginning now, to target our policies and to invest more heavily in programs that will improve the quality of our Nation's most precious resource—its people. This Federal commitment should be on a scale comparable to that Congress provided through the National Defense Education Act, enacted in the aftermath of Sputnik. This commitment must translate into policies that place a high premium on promoting marketable labor skills development through programs that can be implemented quickly, that are simple to administer, and that do not require the creation of resource-draining bureaucracies.

More specifically, this amendment must produce mechanisms that provide incentives for State governments to more actively seek-out those long-term unemployed in need of training or retraining, and to then enroll those individuals in job training programs at the earliest stages of their unemployment. At the same time we are making this commitment of Federal resources, it should be recognized that the scope of the labor market problems we face can only be handled by the massive job-creating capacities of the private sector. As such, any policy measures intended to address the problems of inadequate and obsolete labor skills must keep the private sector's needs in the forefront.

Mr. President, the package of legislation I am introducing today will, when enacted, provide the incentives needed to carry out the Federal leadership commitment I believe is necessary to get at the roots of the problem of growing structural unemployment. The package consists of three major proposals: first, establish a job training grants system designed to provide states with incentives and funds to encourage and facilitate getting the long-term unemployed that are collecting unemployment insurance to enroll in job training programs at the earliest possible stage of their unemployment; second, provide employers and employees with the option of establishing "individual training accounts" which would be available to workers to obtain any necessary training or retraining; and third, provide businesses a 25-percent tax credit to be applied against training expenditures above a firm's 3-year average training costs.

The primary objective of the training grants legislation is to establish incentives to encourage the States to develop programs specifically designed to place identified long-term unemployed individuals that are collecting unemployment insurance, in State-approved job training programs at the earliest possible stage of their unemployment. To my knowledge, there are no incentives currently in place that encourage hard-to-employ individuals that are drawing unemployment compensation to simultaneously enroll in training programs that will enhance their marketability in the labor force. The majority of long-term unemployed individuals are lacking in marketable jobs skills, and as a practical matter, unless these people receive training to develop needed skills, there is little chance they will ever obtain permanent and productive private sector work.

Under Federal law, no State may deny unemployment benefits to individuals who are enrolled in job training programs with State approval. However, unless the unemployed are actually enrolled in training programs with State approval, State law requirements relating to "availability for work", "active search for work", or "refusal to accept work" create a direct and powerful disincentive for the majority of unemployed people to enroll in job training programs, since they would forfeit their eligibility for unemployment compensation by doing so.

In fact, a very small proportion of those collecting unemployment benefits are actually enrolled in training programs. For example, according to the U.S. Department of Labor, of the 7 million unemployment insurance claimants nationwide registered with the Employment Service at any given time during fiscal year 1982, only 17,680, or one-quarter of 1 percent, were enrolled in training programs while collecting benefits. In Georgia, of the 190,000 unemployment insurance claimants registered with the Employment Service in fiscal year

1982, only 870, or less than one-half of 1 percent, were simultaneously enrolled in training. In Massachusetts, only 38 of the 148,022 insured unemployed registered with the Employment Service participated in job training, and in California only 1,140 of the average 546,140 insured unemployed were enrolled in training programs. So, it is clear that we as a Nation are failing miserably in doing anything significant to help the long-term unemployed develop new skills to improve their own chances of rejoining the active labor force.

While the States have been at the vanguard in promoting innovative job training programs, the scarcity of job training funds has limited the States' abilities to promote participation among the long-term unemployed in existing job training programs on a wide scale. At the same time, State employment agency personnel have little incentive to place unemployed individuals in job training programs, since their principal responsibility is successful job placements. Similarly, the main responsibility of the State unemployment insurance agencies is to disburse unemployment checks to qualified individuals, not to advise claimants on job training opportunities. As a direct consequence, and not surprisingly, no one is charged with the mandate, let alone the responsibility, to promote job training, and the number of unemployed people enrolled in training with State approval is tragically small.

The job training grants program proposed in the first bill will help reverse this state of affairs. Under my proposal, the Secretary of Labor, in coordination with the Secretary of Education, would be required to establish a grant program to help State governments finance the enrollment of the long-term unemployed in State-approved job training programs. Program participants would remain eligible to collect unemployment insurance benefits while in training, since individuals enrolled in these training programs would be in training with the approval of the State. Further, program participants who have exhausted their unemployment benefits, or who would exhaust them prior to completion of training, would be eligible to receive training payments for the duration of their training, subject to an overall time limit of collecting both unemployment compensation and training payments. The training payments would equal the dollar amount that would have been provided to that individual if they were to continue their eligibility under the State's unemployment insurance system, would be administered directly by the State UI agencies, and would be funded from Federal general revenues.

To be eligible for a grant under this bill, a State must adopt a plan acceptable to the Secretary of Labor demonstrating that the State:

Has established or will establish collaborative mechanisms to develop, monitor and, where appropriate, conduct the programs described in paragraphs (B) and (C) below. These collaborative mechanisms should at least involve private sector representatives, including business and labor, and the following State and local authorities: First, unemployment insurance agency; second, employment service; third, vocational/technical education systems; and fourth, economic development authorities.

Is designing or has designed training programs so that hard-to-employ and dislocated workers are enrolled in job training programs in the earliest possible stages of their initial eligibility to collect unemployment compensation under the State's existing UI program;

Is directly supporting or will directly support the design and implementation of special programs for the retraining of hard-to-employ and dislocated workers in identified skills-shortage areas;

Will not require the creation of new State agencies or bureaucracies.

Mr. President, let me emphasize that the fundamental premise of this training grants proposal is that it makes no sense to permit people who we know are unlikely to find jobs unless trained, to collect unemployment benefits for up to 65 weeks, and in the interim, do nothing to improve their chances of finding work by the time their unemployment benefits are exhausted. Yet this is exactly what we have permitted to happen. My proposals, particularly this grant program, is an effort to reverse the poor record of simultaneously training those who are collecting unemployment. In light of the limited existing participation in training by the long-term unemployed, I believe this proposal also introduced a degree of coordination to the current disjointed Federal and State efforts in dealing with structural unemployment.

By allowing a greater number of unemployed people to collect unemployment benefits and/or federally supported training payments while in training, my proposal encourages hard-to-employ people to develop skills that will permit them to obtain productive private sector jobs. Moreover, since the proposal makes it possible for a greater number of the unemployed to use their out-of-work time productively, and decreases the likelihood that they will return to the unemployment lines, it represents a much wiser use of taxpayer's money. In addition, since the training grants proposal would use existing State agencies and delivery systems, the creation of costly bureaucracies is avoided, and the program can be implemented very quickly.

As important for what this bill does, the program does not tamper with the Federal unemployment insurance system in any way. Training payments for job trainees who have exhausted all unemployment benefits would be funded out of Federal general revenues. As a result, providing subsistence funds for trainees would not drain the UI trust funds. At the same time, the program encourages a greater degree of cooperation among the State and local authorities and the private sector. In short, the training grants proposal represents a needed reorientation in our national priorities concerning investment in human capital, and by focusing on skills development, helps get to the root of the problem of growing structural unemployment.

Mr. President, the second bill in this legislative package builds on a concept developed by Mr. Pat Choate, senior policy analyst at TRW. It encourages the establishment of savings accounts to help workers finance the cost of needed retraining. As the structure of American industry continues to change, and the permanent displacement of labor grows in magnitude, the need for self-financing sources of training funds will also grow in importance. For example, heavy manufacturing industries, faced with rising labor costs, declining productivity, and stiff import competition, are permanently reducing the size of their labor forces and increasing the pace of investments in automation and technology. This process is just beginning and will likely continue through the remainder of the century. As a consequence, we face a tremendous labor displacement problem, with the majority of the displaced workers still in their prime working years. These displaced workers will have to receive training in skills that are, and will be, in demand by business in the future. The costs associated with these increased training needs will be enormous, and it is unrealistic to expect the Federal Government to finance all or even a significant portion of those training costs in light of the Federal budgetary situation.

To help finance these training and retraining costs, I propose allowing employers and employees to establish tax-deductible training accounts. Employers and employees would be allowed to jointly contribute up to $6,000 into these individual training accounts (ITA's), with the amounts contributed by each to be mutually agreed upon between the employer and employee. Under the proposal, contributions made by both parties into ITA's would be tax deductible, up to $1,000 per year, per party. Employees could use the accumulated ITA contributions to obtain retraining, and if necessary, to cover relocation and job-search expenses. The choice of the

training, and the provider, would be left up to the worker, and, as with the GI bill, the Federal Government would certify training establishments.

If the training account is not used by the time an employee retires, the money would revert, with the accumulated interest, to the employer and employee in proportion to their respective contribution. If the employee voluntarily leaves, the respective contributions into the ITA would be refunded to the employer and the employee. The employee could roll over his/her portion of the ITA contributions into a new ITA; if the employee does not roll over his/her portion into a new ITA, the funds would be treated as income to the employee, however.

Mr. President, in my view, the concept of allowing employers and employees to establish training accounts makes a great deal of sense, particularly in this era of changing industrial structure and scarce Federal funds. It is to our advantage individually, and as a society, to prepare ourselves for this change and dislocation, just as we should take it upon ourselves to prepare for our retirement years. By encouraging the establishment of individual training accounts, we could significantly ease this very difficult transition for millions of American workers involuntarily dislocated from their present jobs.

In addition to being self-financing, simple to understand and easy to administer, the financial burden of the ITA's on the employer and employee is limited, and if not used for training purposes, the funds could supplement the worker's retirement savings or estate. Further, the proposal has the added advantage of providing a high degree of flexibiilty. The certification process provides greater assurances of quality training, and since the worker would have an equity interest in the ITA, the funds would probably be spent more wisely. Moreover, widespread use of ITA's would further encourage savings that will aid the capital markets. Similarly, the strains on State unemployment insurance trust funds could be minimized because displaced workers with ITA's will be more financially able to enroll themselves in training programs of their own choosing to assist them in more quickly reentering the labor force. In anticipation of the changes that will be taking place in the U.S. labor market, encouraging the establishment of individual training accounts would be a prudent policy step.

The third bill in this series would provide businesses with an additional incentive to continually upgrade the skills level of their employees. Over the last 15 years, the U.S. economy has experienced a steady deterioration in its productivity growth. While disincentives to capital formation and investment have contributed to this decline in productivity, insufficient investment in our human capital is equally at the root of our poor productivity performance. Although the private sector spends over $30 billion a year on training, the speed with which the structure of the economy is changing will create training demands that will far exceed the private sector's current training activities. Consequently, many feel that incentives must be established that are specifically designed to encourage employers to provide training for upgrading labor's skills and/or obtaining new skills. To provide such an incentive, I am proposing that businesses be allowed to take a 25-percent tax credit, to be applied against training expenditures incurred above the previous 3-year average. This training tax credit would be the counterpart of the existing 25-percent tax credit for research and development spending that was enacted in the Economic Recovery Tax Act of 1981. The 25-percent training tax credit would be in addition to any other deduction allowed the taxpayer.

In my view, labor training expenses incurred by businesses should receive the same treatment as the Tax Code affords capital outlays on plant and equipment, research and development spending or accelerated depreciation. By allowing a training tax credit, business spending on labor training will be placed on the same basis as outlays on plant and equipment, and on R&D spending. Further, by providing for favorable tax treatment of training expenditures, the training credit institutionalizes the need to continually upgrade the quality of the American labor force. It should also be noted that since the training would be provided by and within the private sector, there would be greater assurance that the training received is immediately and productively used. In sum, with the strong likehood that structural unemployment will remain high throughout the decade, it makes sense to establish a tax incentive designed to encourage investments in the quality of our human capital, and help insure that the American work force can meet the Nation's changing industrial and national security needs.

As I indicated earlier, Mr. President, the bulk of the hiring necessary to significantly and permanently address this Nation's unemployment problem must be done in the private sector. Further, the greatest opportunity for significant private sector employment growth is in the small business community. I have already introduced bills that would increase the program levels for three highly successful programs at the Small Business Administration, including the "503" Certified Development Company program (S. 742); the Small Business Investment Company (SBIC) program (S. 743); and the Minority Enterprise SBIC (MESBIC) program (S. 744). These programs, through a partnership with the private venture capital sector, provide an additional source of needed capital for small business to assist them in their growth and development. Hearings have already been held in the Senate Small Business Committee on these bills, and they have been combined into an authorization bill favorably reported by the Small Business Committee (S. 1323). This bill is awaiting action by the Senate. Similar legislation has been introduced in the House, as well. These three proposals relating to increasing the opportunities for expanding the job creation potential in the small business sector, form an additional and important element of my total job training package.

While I have been working with the education, tax, labor, and small business communities in the development of these proposals, some of the ideas may need to be further refined. I would welcome constructive comments on the principles of this approach, and on the specifics of the three bills, from those who have an interest in, or a responsibility for, hiring and training.

Mr. President, Congress has already addressed a portion of the need for Federal assistance in job training through the enactment last year of the Job Training Partnership Act (JTPA), and I supported that bill. But as we pursue efforts to improve the viability of the American work force, I feel it is critically important to recognize the dilemma we face as a Nation. The task of successfully upgrading labor's skills will require an enormous Federal financial commitment at a time when we are incurring huge Federal budget deficits. Until those deficits are eliminated, we will not be able to commit the resources which I believe are necessary to adequately address the structural problems that exist today in the labor market. By the same token, however, we cannot afford to postpone any longer the beginning steps of coordinating the resources we are already commiting to job training.

The legislation I am introducing today with Senator HUDDLESTON will build on the work we have begun in this critical area by presenting a coordinated package of job training proposals that will maximize the efficient use of limited Federal resources, and increase the likelihood that those who receive training will be better able to perform the jobs of today, and be in a position to compete for the jobs of tomorrow.

Mr. President, I ask unanimous consent that fact sheets on these bills, as well as the text of the legislation, be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET ON JOB TRAINING GRANT PROPOSAL

THE PROBLEM

Currently, there are no incentives in place that encourage hard-to-employ individuals that are drawing unemployment compensation, to simultaneously enroll in training programs that enhance their marketability in the labor market. In 1982, 34% of the unemployed were out of work for over 15 weeks, and the majority of these long-term unemployed individuals are lacking in marketable jobs skills. As a practical matter, unless these people receive training to help them develop needed jobs skills, there is little chance that they will ever obtain permanent and productive private sector work.

Under Federal law, no state may deny unemployment benefits to individuals enrolled in job training programs with state approval. However, unless the unemployed are enrolled in training programs with state approval, state law requirements relating to "availability for work", "active search for work", or "refusal to accept work", create a direct and powerful disincentive for the majority of unemployed people to enroll in job training programs, since they would forfeit their eligibility for unemployment compensation by doing so.

In fact, a very small proportion of those collecting unemployment benefits are enrolled in training programs. For example, according to the U.S. Department of Labor, of the 7 million unemployment insurance claimants across the country registered with the Employment Service at any given time during FY 1982, only 17,680, or one quarter of one percent, were enrolled in training programs while collecting benefits. In Georgia, of the 190,000 unemployment insurance claimants registered with the Employment Service in FY 1982, only 870, or less than one half of one percent, were simultaneously enrolled in training. In Massachusetts, only 38 of the 148,022 insured unemployed registered with the Employment Service participated in job training, and in California only 1,140 of the 546,140 insured unemployed were enrolled in training programs. So, it is clear that we are failing to offer any significant help to the unemployed to improve their chances of rejoining the active labor force through retraining.

While the states have been at the vanguard in promoting innovative job training programs, the scarcity of job training funds has limited the states' abilities to promote participation among the long-term unemployed in existing job training programs on wide scale. At the same time, state employment agency personnel have little incentive to place unemployed individuals in job training programs, since their principal responsibility is successful job placements. Similarly, the main responsibility of the state unemployment insurance agencies is to disburse unemployment checks to qualified individuals, not to advise claimants on job training opportunities. As a consequence, the number of unemployed people enrolled in training with state approval is minuscule.

SUMMARY OF THE PROPOSAL

The proposal will provide an incentive to establish mechanisms to develop programs specifically designed to place identified long-term unemployed individuals in *state-approved job training programs at the earliest possible stage of their unemployment.* Under the bill, the Secretary of Labor, in coordination with the Secretary of Education, would be required to establish a grant program to help state governments finance the enrollment of the long-term unemployed in state-approved job training programs. Program participants would remain eligible to collect unemployment insurance benefits while in training, since individuals enrolled in these training programs would be "in training with state approval." In addition, program participants who have exhausted their unemployment benefits, or who would exhaust them prior to completion of training, would be eligible to receive training payments for the duration of their training, subject to an overall time limit of collecting both unemployment compensation and training payments. The training payments would equal the dollar amount that would have been provided under the unemployment insurance (UI) system, would be administered by the state unemployment insurance agencies, and funded out of Federal general revenues.

To be eligible for a grant under the bill, a state must adopt a plan demonstrating that:

A. It has established or will establish collaborative mechanisms to develop, monitor and, where appropriate, conduct the programs described in paragraphs (B) and (C) below. This collaboration should involve at least the following state and local authorities:

(1) Unemployment insurance agency;

(2) Employment service;

(3) Vocational/technical education system;

(4) Economic development authorities; and

(5) Private sector representatives, including business and labor.

B. It is designing or has designed training programs, so that hard-to-employ dislocated workers are enrolled in job training programs at the earliest possible point in their initial eligibility to collect unemployment compensation under that state's regular program.

C. It is directly supporting or will directly support the design and implementation of special programs for the retraining of hard-to-employ and dislocated workers in identified skills-shortage areas.

D. It will not require the creation of new state agencies or bureaucracies.

RATIONALE OF THE PROPOSAL

The fundamental premise of this training grants proposal is that it makes no sense to permit people we know are unlikely to find jobs unless trained to collect unemployment benefits for up to 65 weeks, and in the interim do nothing to improve their chances of finding work by the time their unemployment benefits are exhausted. Unfortunately, under existing conditions, this is exactly what happens.

By encouraging the states to develop and/or expand existing programs that are designed to quickly identify hard-to-employ and permanently displaced workers, and to then get those individuals enrolled in training programs at the earliest possible date, the proposal introduces a degree of coordination to the present disjointed manner in dealing with structural unemployment.

BENEFITS OF THE PROPOSAL

By allowing the unemployed to collect unemployment benefits and/or federally-supported training payments while in training, the hard-to-employ will be encouraged to develop skills that will permit them to obtain productive jobs in the private sector.

It represents a much wiser use of taxpayers' money since it makes it possible for the unemployed to use their time out of work productively, and decreases the likelihood that they will return to the unemployment lines.

It uses existing state agencies and delivery systems, thus avoiding the creation of new costly bureaucracies.

The program can be implemented quickly because it uses existing state agencies and delivery systems.

The program does not tamper with or change the unemployment insurance system in any way; also, since training payments for job trainees who have exhausted all unemployment benefits would be funded out of Federal general revenues, providing training payments does not drain the UI trust funds.

It represents a needed reorientation in our national priorities concerning investment in human capital; it places a premium on skills development, which helps gets to the root of the growing structural unemployment problem.

The program encourages the use of well-tested training programs that have been successfully piloted in many states.

It encourages a greater degree of cooperation among state and local authorities and the private sector, a necessary requirement to reduce structural unemployment.

FACT SHEET ON TAX CREDIT FOR BUSINESS TRAINING EXPENSES

THE PROBLEM

Over the last fifteen years, the U.S. economy has experienced a steady deterioration in its productivity growth. If this reduced productivity is not reversed, inflationary pressures will mount, the competitiveness of American business will continue to suffer, and the American standard of living will deteriorate. While disincentives to capital formation and investment have contributed to declining productivity, insufficient investment in our human capital stock is equally at the root of our poor productivity performance. Technological innovation, changing industrial structure and the maturation of many industries are placing a premium on greater productivity. Although the private sector spends over $30 billion a year on training, the speed with which the structure of the economy is changing will create training demands which will exceed the private sector's current training activities. Consequently, many feel that incentives must be established that are designed to encourage employers to provide training for upgrading and/or obtaining new skills.

SUMMARY OF THE PROPOSAL

The bill proposes that businesses be provided with a 25% tax credit to be applied against training expenditures above the firm's average training expenditures during the three previous years. This training tax credit would be the counterpart of the existing 25% tax credit for research and development that was enacted in the Economic Recovery Tax Act of 1981. The proposed 25% training tax credit would be in addition to any other deduction allowed the taxpayer.

RATIONALE OF THE PROPOSAL

Labor training expenses incurred by businesses should receive the same treatment in the tax code afforded to spending on plant and equipment, and on R&D spending. From a public policy standpoint, it makes just as much sense to encourage quality improvements in the human capital as it does

to promote quality improvements in plant and equipment. Given the strong likelihood that structural unemployment will rise throughout the decade, it makes even more sense to establish an incentive specifically designed to improve the quality and capability of the American labor force.

BENEFITS OF THE PROPOSAL

It places business spending on labor training on the same basis as spending on plant and equipment.

By providing more favorable treatment of training expenditures in the tax code, the proposal institutionalizes the need to continually upgrade the quality of the American labor force.

The training provided would be done by, and within the business sector, insuring that the training received could be immediately and productively used.

FACT SHEET ON INDIVIDUAL TRAINING ACCOUNTS PROPOSAL

THE PROBLEM

The structure of American industry is changing rapidly, causing severe dislocations in the labor market. Heavy manufacturing industries, faced with rising labor costs, declining productivity, and stiff import competition, are permanently reducing the size of their labor forces and increasing the pace of investments in automation and technology. This process is just beginning and will likely continue through the remainder of the century. As a consequence, we face a labor displacement problem of massive proportions, with the majority of the displaced workers still in their prime working years. These displaced workers will have to receive training in skills that, are and will be, in demand for the forseeable future. The costs associated with these increased training needs will be enormous, and it is unrealistic to expect the Federal government to finance even a significant portion of those training costs in light of its own budgetary situation.

SUMMARY OF THE PROPOSAL

To help finance these training and retraining costs, the bill proposes allowing employers and employees to establish tax-deductible accounts, earmarked for training and/or retraining. Employers and employees would be allowed to jointly contribute up to $6,000 into these Individual Training Accounts (ITAs), with the amounts contributed by each to be mutually agreed upon between the employer and employee. Under the proposal, contributions made by each party into ITAs would be tax-deductible, up to $1,000 per year each. Employees could use the accumulated ITA contributions to obtain training and to cover relocation and job-search expenses. The choice of the training and the provider would be left up to the worker, and, as with the G.I. bill, the Federal government would certify training establishments. If the training account is not used, the money would revert with interest to the employer and employee upon the employee's death or retirement. If the employee voluntarily leaves the job, the employer's contributions into the ITA would be refunded to the employer, with interest, and the employee could "roll over" his/her portion of the ITA contributions into a new ITA.

RATIONALE OF THE PROPOSAL

The structure of the U.S. economy will always be in a state of flux, and as a consequence, the demand for differing types of labor skills will also change. No one is immune from the impact of the changing structure of American industry. As a result, it is to our advantage as a society to prepare ourselves for these changes and worker dislocations by encouraging the establishment of self-financing mechanisms to help minimize the impact of dislocation when it does occur.

BENEFITS OF THE PROPOSAL

It is self-financing, and simple to understand and administer.

Since the worker has an equity interest in the training account, the funds will probably be used more wisely.

The financial burden to the employer and employee is limited, and the funds can supplement the worker's retirement savings or estate if unused.

Savings will be encouraged, which will aid the capital markets, especially during times of high federal borrowing.

The proposal provides a high degree of flexibility, and the certification process provides greater assurance of quality training.

Strains on the state unemployment insurance funds will be minimized since displaced workers with ITA's will more likely enroll in training course that will assist them to more quickly reenter the labor force.

S. 1799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Training for the Unemployed Assistance Act".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act—

(1) to support job training programs under which job training is furnished as quickly as possible to unemployed individuals, particularly long-term unemployed individuals and dislocated workers, and

(2) to strengthen the coordination between business concerns and State agencies and local offices responsible for unemployment compensation benefits, for employment services, for vocational education, technical education, and other job training activities within the State.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "dislocated workers" means individuals determined to be dislocated workers under section 302 of the Job Training Partnership Act, and additional individuals determined to be dislocated workers in accordance with criteria prescribed by the Secretary.

(2) The term "Governor" means the chief executive of the State.

(3) The term "local education agency" has the same meaning given that term by section 195(10) of the Vocation Education Act of 1963.

(4) The term "long-term unemployed individuals" means individuals who are unemployed for at least fifteen weeks.

(5) The term "postsecondary education institution" has the same meaning given that term by section 195(12) of the Vocation Education Act of 1963.

(6) The term "Secretary" means the Secretary of Labor.

(7) The term "State" means each of the several States and the District of Columbia.

(8) The term "State board" has the same meaning given that term by section 195(9) of the Vocation Education Act of 1963.

(9) The term "State educational agency" has the same meaning given that term by section 195(11) of the Vocation Education Act of 1963.

(10) The term "unemployed individuals" means individuals who are without jobs and who want and are available for work. The determination of whether individuals are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

JOB TRAINING ASSISTANCE PROGRAM AUTHORIZED

SEC. 4. (a) The Secretary is authorized, in accordance with the provisions of this Act and in coordination with the Secretary of Education, to make grants to States for job training programs for unemployed individuals, particularly for long-term unemployed individuals and dislocated workers.

(b)(1) There are authorized to be appropriated for the fiscal year 1984 and for each succeeding fiscal year thereafter such sums as may be necessary to carry out the provisions of this Act.

(2) Funds appropriated pursuant to paragraph (1) of this subsection shall remain available for the succeeding fiscal year.

USES OF FUNDS

SEC. 5. Grants under this Act may be used—

(1) for job training programs for unemployed individuals, particularly long-term unemployed individuals and dislocated workers, and support services;

(2) for training payments for unemployed individuals, including long-term unemployed individuals, paid in accordance with an approved State plan pursuant to section 7 of this Act;

(3) for improving the mechanisms under which—

(A) the State agency established pursuant to title III of the Social Security Act and local offices of that agency having responsibility for unemployment compensation services;

(B) the State agency and local offices of such agency furnishing employment services within the State;

(C) the State board with respect to vocational education component of job training program for which assistance is sought;

(D) the State educational agency and postsecondary educational institutions with respect to technical education and other educational components of the job training program for which assistance is sought; and

(E) business concerns;

will cooperate to carry out the job training program within the State; and

(4) such additional State services as may improve the provisions of job training programs within the State as is consistent with the approved State plan and the provisions of this Act.

STATE PLAN APPLICATIONS

SEC. 6. (a) Each State desiring to receive a grant under this Act shall submit a State plan application to the Secretary, at such time, in such manner and containing or accompanied by such information as the Secretary determines necessary. Each such application shall—

(1) designate an agency of the State to be determined by the Governor to administer the job training programs assisted under this Act;

(2) describe the purposes for which assistance is sought in accordance with section 5, with special emphasis on job training programs for retraining dislocated workers in skilled shortage job classifications;

(3) describe the arrangements for coordination and cooperation in the job training program between—

(A) the State agency established pursuant to title III of the Social Security Act and local offices of that agency having responsibility for unemployment compensation services;

(B) the State agency and local offices of such agency furnishing employment services within the State;

(C) the State board with respect to vocational education component of job training program for which assistance is sought;

(D) the State educational agency and postsecondary educational institutions with respect to technical education and other educational components of the job training program for which assistance is sought; and

(E) business concerns within the State;

(4) provide for the payment of training payments consistent with the provisions of section 7;

(5) describe the training activities to be furnished by local educational agencies and other agencies and organizations providing job training, including arrangements for the supervision of such training by the State board and the State educational agency;

(6) provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this Act.

(b) (1) The Secretary shall expeditiously grant approval of any State plan application which meets the requirements of subsection (a) of this section.

(2) Such approval shall be subject to the Secretary first obtaining the approval of the Secretary of Education for those elements of the application required by paragraphs 3 (C), 3 (D), and 5 of subsection (a).

TRAINING PAYMENT: LIMITATIONS

SEC. 7. (a) That portion of the grant to each State for training payments made under the State plan approved under section 6 shall be—

(1) deposited into a separate account within the unemployment trust funds of the State;

(2) made to individuals who are enrolled in training with State approval and only while actually enrolled in such training;

(3) made to individuals through the existing State agency responsible for distributing unemployment benefits; and

(4) made on a periodic basis equal to the period under which any individual who qualifies for unemployment benefits under applicable provisions of Federal and State law would receive such benefit.

(b) Training payments made under the State plan approved under section 6 may not exceed—

(1) for any unemployed individual who qualifies for unemployment benefits after the date of enactment of this Act, an amount equal to the weekly unemployment benefit available under the applicable provisions of Federal and State law to such individual for the length of the period of the job training minus the period during which such benefits are actually paid to such individual;

(2) for unemployed individuals who are receiving unemployment benefits on the date of enactment of this Act, an amount equal to weekly unemployment benefits available under the applicable provisions of Federal and State law to such individuals for the length of the period of job training minus the period during which such benefits are paid to such individual after the date of enactment of this Act; and

(3) for unemployed individuals who have exhausted unemployment benefits available under all applicable Federal and State laws, an amount equal to the weekly unemployment benefit previously paid to such individual for the period of the job training program.

(c) In no case may an individual receive a training payment under subsections (a) and (b) plus unemployment benefits paid pursuant to applicable Federal and State laws for a period in excess of 78 weeks.

(d) Any training payment is to be treated by an individual as unemployment compensation for purposes of section 85 of the Internal Revenue Code of 1954.

PAYMENTS

SEC. 8. (a) The Secretary shall pay to the State which has a plan approved under section 6 an amount equal to the amount needed for the purposes set forth in th State plan.

(b) Payments under this Act may be made in installments in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

WITHHOLDING

SEC. 9. Whenever the Secretary, after reasonable notice to any State and opportunity for hearing within the State, finds that there has been a failure to comply with any provision set forth in the State plan of that State approved under section 6, the Secretary shall notify the State that further payments will not be made under this Act until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made under this Act.

AUDIT

SEC. 10. The Comptroller General of the United States, and any of his duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any applicant and any contractee receiving assistance under this Act that are pertinent to the sums received and disbursed under this Act.

NONDISCRIMINATION PROVISIONS

SEC. 11. (a) No person shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of and under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) Whenever the Secretary determines that a State that has received a payment under this Act has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the power and functions provided by title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, as may be applicable; or (3) take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever, he has reason to believe that the State is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

ADMINISTRATION

SEC. 12. (a) (1) (A) Subject to subparagraph (B), the Secretary may delegate any function under this Act to any officer or employee of the Department of Labor.

(B) Subparagraph (A) shall not apply to—

(i) the making of regulations, and

(ii) the process by which the Secretary of Education approves State plan applications under section 6.

(2) The Secretary after consultation with the Secretary of Education shall issue regulations to carry out the provisions of this Act.

(3) The Secretary of Education shall issue such regulations as are necessary to carry out the provisions of this Act.

(b) In administering the provisions of this Act, the Secretary is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution, to the extent such services and facilities are otherwise authorized to be made available for such purpose, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(c) The Secretary shall establish procedures for Federal monitoring of State administration of programs assisted under this Act.

S. 1800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Training Act of 1983".

SEC. 2. ESTABLISHMENT OF TRAINING ACCOUNTS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by inserting after section 219 the following new section:

"SEC. 220. TRAINING ACCOUNTS.

"(a) ALLOWANCE FOR DEDUCTIONS.—

"(1) INDIVIDUAL TRAINING ACCOUNTS.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the contributions of such individual for the taxable year to an individual training account established for the benefit of such individual.

"(2) EMPLOYEE TRAINING ACCOUNTS.—In the case of an employer, there shall be allowed as a deduction for the taxable year an amount equal to the aggregate contributions of such employer to employee training accounts established for the benefit of employees of such employer.

"(b) LIMITATIONS.—

"(1) INDIVIDUAL TRAINING ACCOUNTS.—The amount allowable to any individual as a deduction under subsection (a)(1) for any taxable year shall not exceed the excess of—

"(A) $1,000, over

"(B) the amount of contributions made for the taxable year to any employee train-

ing account established for the benefit of such individual.

"(2) EMPLOYEE TRAINING ACCOUNTS.—The amount of contributions of any employer to an employee training account established for the benefit of any employee which may be taken into account under subsection (a)(2) for any taxable year shall not exceed the excess of—

"(A) $1,000 over

"(B) the amount of contributions made for such taxable year to any individual training account established for the benefit of such employee.

"(3) RECONTRIBUTED AMOUNTS.—No deduction shall be allowed under subsection (a) with respect to a qualified rollover contribution.

"(c) INDIVIDUAL TRAINING ACCOUNTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'individual training account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements.

"(A) Only cash contributions will be accepted.

"(B) Contributions will not be accepted for the taxable year in excess of the amount of such contributions for which a deduction is allowable under subsection (a)(1) for such taxable year.

"(C) No contribution (other than a qualified rollover contribution) will be accepted if, at the time such contribution is offered, the balance of funds in the trust equals or exceeds the excess of—

"(i) $6,000, over

"(ii) the balance of funds in any employee training account established for the benefit of such employee.

"(D) No distribution, other than a qualified individual development distribution or a qualified rollover contribution, shall be made from the trust to such individual until such individual—

"(i) attains 59½ years of age, or

'(ii) becomes disabled (within the meaning of section 72(m)(7)).

"(E) The trustee is a bank (as defined in section 401(d)(1)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this subsection.

"(F) No part of the trust assets will be invested in life insurance contracts.

"(G) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(H) The interest of such individual in the balance of funds in the trust is nonforfeitable.

"(I) The entire interest of an individual for whose benefit the trust is maintained will be distributed to him not later than the close of the taxable year in which he attains age 70½, or will be distributed, commencing before the close of such taxable year, in accordance with regulations prescribed by the Secretary, over—

"(i) the life of such individual or the lives of such individual and his spouse, or

"(ii) a period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse.

"(J) If an individual for whose benefit the trust is maintained dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in subparagraph (I) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, of applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under subparagraph (I).

"(2) QUALIFIED INDIVIDUAL DEVELOPMENT DISTRIBUTION.—The term 'qualified individual development distribution' means a distribution made to an individual from an individual training account established for the benefit of such individual—

"(A) upon furnishing to the trustee of such account a qualified training certificate which indicates the certified distribution amount for such individual, and

"(B) in an amount which does not exceed the sum of—

"(i) 50 percent of such certified distribution amount, plus

"(ii) the excess, if any, of—

"(I) 50 percent of such certified distribution amount, over

"(II) the balance of funds in any employee training account established for the benefit of such individual (determined prior to any qualified employee development distribution made with respect to such certificate).

"(3) LIMITATION.—Only one individual training account may be maintained for the benefit of any individual at any time. If more than one trust described in paragraph (1) is maintained for the benefit of any individual at any time, such individual shall designate (at such time and in such manner as the Secretary shall by regulations prescribe) which trust will be treated as the individual training account of such individual for purposes of this title.

"(d) EMPLOYEE TRAINING ACCOUNTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'employee training account' means a trust created or organized in the United States by an employer for the exclusive benefit of an employee, but only if the written governing instrument creating the trust meets the following requirements:

"(A) Only cash contributions from the employer who establishes the trust will be accepted.

"(B) Contributions will not be accepted for the taxable year in excess of the amount of such contributions for which a deduction is allowable to such employer under subsection (a)(2) for such taxable year.

"(C) No contribution (other than a qualified rollover contribution) will be accepted if, at the time such contribution is offered, the balance of funds in the trust equals or exceeds the excess of—

"(i) $6,000 over

"(ii) the balance of funds in any individual training account established for the benefit of such employee.

"(D) The only distributions which may be made to, or for the benefit of, such employee are qualified employee development distributions and qualified rollover contributions.

"(E) The balance of funds in the trust will be distributed to the employer who established the trust when such employee—

"(i) dies, retires, or

"(ii) voluntarily terminates employment with such employer.

"(F) The trustee of the trust—

"(i) in the case of an employee for whom an individual training account is maintained, is also the trustee of such individual training account, or

"(ii) in the case of an employee for whom no individual training account is maintained, is a bank (as defined in section 401(d)(1)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this subsection.

"(G) No part of the trust assets will be invested in life insurance contracts.

"(H) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) QUALIFIED EMPLOYEE DEVELOPMENT DISTRIBUTION.—The term 'qualified employee development distribution' means a distribution made to an employee from an employee training account established for the benefit of such employee—

"(A) upon furnishing to the trustee of such account a qualified training certificate which indicates the certified distribution amount for such employee, and

"(B) in an amount which does not exceed the sum of—

"(i) 50 percent of such certified distribution amount, plus

"(ii) the excess, if any, of—

"(I) 50 percent of such certified distribution amount, over

"(II) the balance of funds in any individual training account established for the benefit of such employee (determined prior to any qualified individual development distribution made with respect to such certificate).

"(3) QUALIFIED ROLLOVER CONTRIBUTION.—The term 'qualified rollover contribution' means—

"(A) a distribution of the entire balance of funds in an employee training account established for the benefit of an employee which—

"(i) is paid to the trustee of an individual training account established for the benefit of such employee, but only if—

"(I) such distribution is made after such employee has ceased to be employed by the employer who established such employee training account, and

"(II) such employment was not voluntarily terminated by such employee or terminated by reason of the death or retirement of such employee, or

"(II) is paid to the person designated in a trust agreement as the trustee of a trust which—

"(I) is established for the benefit of such employee (or will be so established upon such payment), and

"(II) meets the requirements of paragraph (1), or

"(B) a distribution of the entire balance of funds in an individual training account established for the benefit of an individual which is paid to the person designated in a trust agreement as the trustee of a trust which—

"(i) is established for the benefit of such employee (or will be so established upon such payment), and

"(ii) meets the requirements of subsection (c)(1).

"(4) LIMITATION.—Only one employee training account may be maintained for the benefit of an employee at any time.

"(e) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an individual training account or an employee training account shall be included in the gross income of the payee or distributee for the taxable year in which the payment or distribution is received. Notwithstanding any other provision of this title, the basis of any person in such an account is zero.

"(2) CERTAIN AUTHORIZED DISTRIBUTIONS.—Paragraph (1) shall not apply to any—

"(A) qualified individual development distribution,

"(B) qualified employee development distribution, or

"(C) qualified rollover contribution.

"(3) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an individual training account or an employee training account to the extent that such contribution exceeds the amount allowable as a deduction under subsection (a) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no deduction is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (c) shall be included in the gross income of the individual for the taxable year in which it is received.

"(f) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—Any individual training account or employee training account is exempt from taxation under this subtitle unless such account has ceased to be an individual training account or employee training account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of the individual for whose benefit an individual training account or employee training account is established, that individual engages in any transaction prohibited by section 4975 with respect to such account, such account shall cease to be an individual training account or employee training account as of the first day of that taxable year. For purposes of this subparagraph, the individual for whose benefit any account was established is treated as the creator of the account.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which an account ceases to be an individual training account or employee training account by reason of subparagraph (A) on the first day of any taxable year, subsection (e)(1) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an individual training account or employee training account is established uses such account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(g) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) UNAUTHORIZED DISTRIBUTIONS.—If a distribution from an individual training account or employee training account is made to the individual for whose benefit such account was established before such individual attains 59½ years of age, the tax liability of such individual under this chapter for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in the gross income of such payee or distributee for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year under subsection (f), his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(h) OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED TRAINING CERTIFICATE.—The term 'qualified training certificate' means a certificate issued to an individual by the Secretary of Labor under section 3(f) of the Training Act of 1983.

"(2) CERTIFIED DISTRIBUTION AMOUNT.—The term 'certified distribution amount' has the meaning given such term in section 3(g) of the Training Act of 1983.

"(i) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(j) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual training account or employee training account. For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(k) REPORTS.—The trustee of an individual training account or employee training account shall make such reports regarding such account to the Secretary, to the individual for whom the account is maintained, and to the employer of such individual with respect to contributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.".

(b) DENIAL OF BUSINESS EXPENSE DEDUCTION FOR CONTRIBUTIONS.—Section 162 of such Code (relating to trade or business expenses) is amended—

(1) by redesignating subsection (j) (relating to cross references) as subsection (k), and

(2) by inserting after subsection (i) the following new subsection:

"(j) CONTRIBUTIONS TO EMPLOYEE TRAINING ACCOUNTS.—No deduction shall be allowed under this section or section 212 for any contribution to an employee training account or to an individual training account.".

(c) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Section 62 of such Code (relating to adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) TRAINING ACCOUNTS.—The deductions allowed by section 220 (relating to training accounts).".

(d) EXCLUSION FROM INCOME AND WAGES OF EMPLOYER CONTRIBUTIONS TO EMPLOYEE TRAINING ACCOUNTS.—

(1) EXCLUSION FROM INCOME.—Part III of subchapter B of chapter 1 of such Code (relating to items excluded from gross income) is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

"SEC. 132. EMPLOYER CONTRIBUTIONS TO EMPLOYEE TRAINING ACCOUNTS.

"(a) IN GENERAL.—Gross income of an employee does not include amounts contributed by the employer pursuant to a qualified employee training program to an employee training account established for the benefit of such employee.

"(b) QUALIFIED EMPLOYEE TRAINING PROGRAM.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee training program' means a separate written plan of an employer to make contributions to employee training accounts for the exclusive benefit of his employees which meets the requirements of paragraphs (2) through (7).

"(2) DISCRIMINATION.—The contributions made under the program shall not discriminate in favor of employees who are officers, owners, or highly compensated (or their dependents).

"(3) ELIGIBILITY.—The program shall benefit employees who qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of employees who are officers, owners, or highly compensated, or their dependents. For purposes of this paragraph, there shall be excluded from consideration employees not included in the program who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and one or more employers, if there is evidence that training benefits were the subject of good faith bargaining between such employee representatives and such employer or employers.

"(4) PRINCIPAL SHAREHOLDERS OR OWNERS.—Not more than 25 percent of the contributions made by the employer to employee training accounts during the year may be provided for the class of individuals who are shareholders or owners (or their spouses or dependents), each of whom (on any day of the year) owns more than 5 percent of the stock or of the capital or profits interest in the employer.

"(5) NO FUNDING REQUIRED.—A program referred to in paragraph (1) is not required to be funded.

"(6) NOTIFICATION OF ELIGIBLE EMPLOYEES.—Reasonable notification of the availability and terms of the program must be provided to eligible employees.

"(7) STATEMENT OF EXPENSES.—The plan shall furnish to an employee, on or before January 31 of each year, a written statement showing the amounts contributed during the previous calendar year by the employer to an employee training account

established for the benefit of such employee.

"(c) DEFINITIONS AND SPECIAL RULES.— For purposes of this section—

"(1) EMPLOYEE TRAINING ACCOUNT.—The term 'employee training account' has the meaning given to such term by section 220(d).

"(2) EMPLOYEE—The term 'employee' includes, for any year, an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).

"(3) EMPLOYER.—An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of paragraph (3).

"(4) ATTRIBUTION RULES.—

"(A) OWNERSHIP OF STOCK.—Ownership of stock in a corporation shall be determined in accordance with the rules provided under subsections (d) and (e) of section 1563 (without regard to section 1563(e)(3)(C)).

"(B) INTEREST IN UNINCORPORATED TRADE OR BUSINESS.—The interest of an employee in a trade or business which is not incorporated shall be determined in accordance with regulations prescribed by the Secretary which shall be based on principles similar to the principles which apply in the case of subparagraph (A).".

(2) EXCLUSION FROM WAGES.—

(A) EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX.—Section 3121(a)(18) (relating to the Federal Insurance Contributions Act), section 3306(b)(13) (relating to the Federal Unemployment Tax Act), and section 3401(a)(19) (relating to collection of income at source on wages) are each amended by striking out "or 129" and inserting in lieu thereof ", 129, or 132".

(B) SOCIAL SECURITY ACT.—Subsection (q) of section 209 of the Social Security Act (42 U.S.C. 409) is amended by striking out "or 129" and inserting in lieu thereof ", 129, or 132".

(e) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "TRAINING ACCOUNTS," after "INDIVIDUAL RETIREMENT ACCOUNTS," in the heading of such section,

(2) by striking out "or" at the end of subsection (a)(2),

(3) by inserting after paragraph (3) of subsection (a) the following:

"(4) an individual training account (within the meaning of section 220(c)), or

"(5) an employee training account (within the meaning of section 220(d)),", and

(4) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO TRAINING ACCOUNTS.—For purposes of this section, in the case of an individual training account or employee training account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to such account exceeds the amount by which the amount contributed for the taxable year to such account exceeds the amount allowable as a deduction under section 220 for such taxable year. For purposes of this subsection, any contribution which is distributed out of such account and a distribution to which section 220(e)(3) applies shall be treated as an amount not contributed.".

(f) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR TRAINING ACCOUNTS.—An individual for whose benefit an individual training account or employee training account (within the meaning of section 220) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be such an account by reason of the application of section 220(f)(2)(A) or if section 220(f)(3) applies to such account.", and

(2) by inserting "or an individual training account described in section 220(c) or an employee training account described in section 220(d)" in subsection (e)(1) after "described in section 408(a)".

(g) FAILURE TO PROVIDE REPORTS ON TRAINING ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement accounts or annuities) is amended—

(1) by inserting "OR TRAINING ACCOUNTS" after "ANNUITIES" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 220(k) to file a report regarding an individual training account or employee training account at the time and in the manner required by such section shall pay a penalty of $10 for each failure unless it is shown that such failure is due to reasonable cause.".

(h) CONFORMING AMENDMENTS.—

(1) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 219 the following:

"Sec. 220. Training accounts.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, training accounts, certain 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or training accounts.".

(4) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the items following the item relating to section 128 and inserting in lieu thereof the following:

"Sec. 129. Dependent care assistance programs.
"Sec. 130. Certain personal injury liability assignments.
"Sec. 131. Certain foster care payments.
"Sec. 132. Employer contributions to employee training accounts.
"Sec. 133. Cross references to other Acts.".

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(2) EXCLUSION FROM WAGES.—The amendments made by subsection (d)(2) shall apply with respect to remuneration paid after December 31, 1982.

SEC. 3. CERTIFICATION FOR QUALIFIED INDIVIDUAL AND EMPLOYEE DEVELOPMENT DISTRIBUTIONS.

(a) IN GENERAL.—Upon application of an individual under subsection (d), the Secretary of Labor shall certify for such individual, in accordance with the provisions of this section, training activities, including basic and remedial education, institutional and on-the-job training, retraining, counselling, occupational training, preparation for work, and any other activities designed to provide employment for the individual.

(b) CERTIFICATION PROCEDURES.—In order to provide the certification required under subsection (a), the Secretary of Labor shall use existing accrediting institutions, including State approving agencies established under chapter 36 of title 38, United States Code, accrediting agencies assisting the Secretary of Education, and any other institution or agency engaged in approving training and courses of study in the field of employment training.

(c) PRIVATE INDUSTRY COUNCILS.—The Secretary may enter into agreements with private industry councils and other administering agencies receiving Federal financial assistance under the Comprehensive Employment and Training Act, or successor legislation for job training, to assist in carrying out the provisions of this section.

(d) APPLICATIONS FOR CERTIFICATION.—Each individual who has an individual training account or an employee training account (within the meaning of section 220 of the Internal Revenue Code of 1954) and who desires a distribution from that account shall make application to the Secretary of Labor at such time, in such manner, and containing or accompanied by such information, as the Secretary determines to be reasonably necessary.

(e) APPROVAL CRITERIA.—The Secretary of Labor shall establish uniform criteria for the approval of applications under this section.

(f) QUALIFIED TRAINING CERTIFICATE.—The Secretary of Labor shall furnish to each individual having an application approved under this section a qualified training certificate. The certificate shall—

(1) state that the individual is, or will be, a participant in any activity certified under subsection (a), and

(2) state the certified distribution amount for such individual.

(g) CERTIFIED DISTRIBUTION AMOUNT.—For purposes of this section, the term, "certified distribution amount" means the amount of expenses which the Secretary of Labor determines the individual has incurred, or will incur, with respect to any activity certified under subsection (a) in which such individual is, or will be, a participant.

S. 1801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYEE TRAINING CREDIT.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44H the following new section:

"SEC. 44I. EMPLOYEE TRAINING CREDIT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this

chapter for the taxable year an amount equal to 25 percent of the excess, if any, of—

"(1) the qualified training expenses of the taxpayer for such taxable year, over

"(2) the base period training expenses of such taxpayer.

"(b) QUALIFIED TRAINING EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified training expenses' means the aggregate amount of expenses paid or incurred by the taxpayer during the taxable year in connection with the training of employees under approved training programs.

"(2) Approved training programs.—The term 'approved training program' means—

"(A) any State or federally registered apprenticeship program,

"(B) any employer-designed program which meets such minimum requirements with respect to supervised on-the-job experience and classroom instruction as the Secretary of Labor shall by regulations prescribe,

"(C) any cooperative education programs of work and study (within the meaning of the Vocational Education Act of 1963 (20 U.S.C. 2301 et seq.), as amended),

"(D) any training program designated by the Secretary of Labor which is carried out under the supervision of an institution of higher education (within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141 (a))), or

"(E) such other programs as the Secretary of Labor shall designate.

"(c) BASE PERIOD TRAINING EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'base period training expenses' means the average of the qualified training expenses for each year in the base period.

"(A) IN GENERAL.—The term 'base period' means the 3 taxable years immediately preceding the taxable year for which the determination is being made (hereinafter in this section referred to as the 'determination year').

"(B) TRANSITIONAL RULES.—Subparagraph (A) shall be applied—

"(i) by substituting 'first taxable year' for '3 taxable years' in the case of the first determination year beginning after December 31, 1982, and

"(ii) by substituting '2' for '3' in the case of the second determination year beginning after December 31, 1982.

"(3) MINIMUM BASE PERIOD TRAINING EXPENSES.—In no event shall the base period training expenses be less than 50 percent of the qualified training expenses for the determination year.

"(d) LIABILITY FOR TAX.—The credit allowed by subsection (a) for any taxable year shall not exceed the amount of the tax imposed by this chapter for such taxable year reduced by the sum of the credits allowable under a section of this part having a lower number or letter designation than this section (other than the credits allowable by sections 31, 39, and 43). For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53 (a).

"(e) SPECIAL RULES.—For purposes of this section—

"(1) AGGREGATION OF QUALIFIED WAGES.—

"(A) CONTROLLED GROUP OF CORPORATIONS.—In determining the amount of the credit under this section—

"(i) all members of the same controlled group of corporations shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such member shall be its proportionate share of the increase in qualified training expenses giving rise to the credit.

"(B) COMMON CONTROL.—Under regulations prescribed by the Secretary, in determining the amount of credit under this section—

"(i) all trades or businesses (whether or not incorporated) which are under common control shall be treated as a single taxpayer, and

"(ii) the credit (if any) allowable by this section to each such trade or business shall be its proportionate share of the increase in qualified training expenses giving rise to the credit.

The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(2) ALLOCATIONS—

"(A) PASSTHROUGH IN THE CASE OF SUBCHAPTER S CORPORATIONS, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (d) and (e) of section 52 shall apply.

"(B) ALLOCATION IN THE CASE OF PARTNERSHIPS.—In the case of partnerships, the credit shall be allocated among partners under regulations prescribed by the Secretary.

"(3) ADJUSTMENTS FOR CERTAIN ACQUISITIONS, ETC.—Under regulations prescribed by the Secretary—

"(A) ACQUISITIONS.—If, after December 31, 1982, a taxpayer acquires the major portion of a trade or business of another person (hereinafter in this paragraph referred to as the 'predecessor') or the major portion of a separate unit of a trade or business of a predecessor, then, for purposes of applying this section for any taxable year ending after such acquisition, the amount of qualified training expenses paid or incurred by the taxpayer during periods before such acquisition shall be increased by so much of such expenses paid or incurred by the predecessor with respect to the acquired trade or business as is attributable to the portion of such trade or business or separate unit acquired by the taxpayer.

"(B) DISPOSITORS.—If, after December 31, 1982—

"(i) a taxpayer disposes of the major portion of any trade or business or the major portion of a separate unit of a trade or business in a transaction to which subparagraph (A) applies, and

"(ii) the taxpayer furnished the acquiring person such information as is necessary for the application of subparagraph (A),

then, for purposes of applying this section for any taxable year ending after such disposition, the amount of qualified training expenses paid or incurred by the taxpayer during periods before such dispositor shall be decreased by so much of such expenses as is attributable to the portion of such trade or business or separate unit disposed of by the taxpayer.

"(4) SHORT TAXABLE YEARS.—In the case of any short taxable year, qualified training expenses shall be annualized in such circumstances and under such methods as the Secretary may prescribe by regulations.

"(5) CONTROLLED GROUP OF CORPORATIONS.—The term 'controlled group of corporations' has the same meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(f) ADDITIONAL BENEFIT.—The credit allowable under this section with respect to qualified training expenses of the taxpayer shall be in addition to any deduction or credit allowed the taxpayer under any other provision of this chapter with respect to such expenses.".

(b) CONFORMING AMENDMENTS.—

"(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Employee training credit.".

"(2) Subsection (b) of section 6096 (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44H" and inserting in lieu thereof "44H, and 44I".

SEC. 2. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1802. A bill to amend the Housing and Community Development Act of 1974 to allow newly designated metropolitan cities to retain their former status, permitting a county which was an urban county to retain its status as an urban county; to the Committee on Banking, Housing and Urban Affairs.

ST. CLAIR AND MADISON COUNTIES, ILL.

Mr. PERCY. Mr. President, I am introducing legislation today, with my distinguished colleague from Illinois, Senator DIXON, which allow St. Clair and Madison Counties in Illinois to continue receiving community development block grant (CDBG) funds beyond fiscal year 1984. The CDBG program has been a vital source of funds for these two counties in the southern part of my State.

As a result of new regulations developed by the Office of Management and Budget and the Department of Housing and Urban Development, combined with the use of new census data, a very unfortunate and unanticipated situation has developed. These counties will no longer be eligible for the CDBG program because the cities of Belleville in St. Clair County, and Granite City and Alton in Madison County have been designated as "metropolitan cities." Under HUD's rules, the counties are no longer able to count the population of these cities as part of the county.

I do not believe that it was the intent of Congress in establishing this program, or of the administration in drafting these regulations to knock these counties out of the program. I should add that there are only three counties in the country—of the more than 90 urban counties in the program—that are affected this way. St. Clair and Madison Counties stand to lose over $3 million each as a result of these changes. Belleville, Alton, and

Granite City, along with these two counties in Illinois, want the counties to continue to be eligible for CDBG funds as urban counties.

Mr. President, I feel strongly that the cities and counties, together, should have the right to decide for themselves the best way to administer these funds. I know that my colleague, Senator DIXON, also feels strongly about this matter. Senator DIXON's hometown is Belleville in St. Clair County—he knows the importance of the program to this part of Illinois. For the past 3 years, St. Clair County has used its $11 million CDBG funds for senior citizen home construction, housing rehabilitation, sewer and water installation and repair, and other important projects. Madison County has made tremendous use of its funds for economic development, public works projects and housing rehabilitation, and loans.

Mr. President, while unemployment is dropping in Illinois, it is still higher than the national average. The unemployment rate in St. Clair County is 13 percent, and 15 percent in Madison County. Now would be the worst possible time to pull out the rug from under Madison and St. Clair Counties. I have been doing everything I can do to speed this recovery in Illinois. Just 2 months ago, I announced that Madison County was awarded a $2.5 million Federal urban development action grant which will create 300 new permanent jobs, 40 construction jobs, and a $24 million investment for Granite City.

The bill Senator DIXON and I am sponsoring will simply provide that when a county was previously eligible for the program, but has lost its eligibility because of the designation of a new metropolitan city, it may remain an urban county. Under the bill, the county can only retain its eligibility if the newly designated metropolitan city in the county decides not to be a metropolitan city, for the purposes of this program. This legislation will not cost the Treasury any additional funds over appropriations in fiscal year 1983.

Senator DIXON and I will fight for the continuation of this program in Madison and St. Clair Counties. We intend to offer this bill language as an amendment to the housing authorization bill, or other appropriate vehicles, when the Senate returns this fall.

Mr. DIXON. Mr. President, I am pleased to join my distinguished friend and colleague, the senior Senator from Illinois, Mr. PERCY, in offering legislation which is aimed at rectifying a situation that has placed in jeopardy the participation in the community development block grant (CDGB) program of two counties in my State.

Under changes drafted by the Office of Management and Budget (OMB) and implemented by the Department of Housing and Urban Development (HUD), the cities of Belleville in St. Clair County, and Alton and Granite City in Madison County, would be classified as "central cities" in their metropolitan areas. Because of the classification, the population of these cities will no longer be included in the total population of their counties.

That, in turn, would cause the population of the counties to fall below the level required for urban county participation in the CDBG program.

I have received notice from the mayors of the cities affected by the changes, informing me that they prefer to continue to have their counties undertake the essential community development and housing assistance activities. The county officials desire to continue to undertake these activities.

The purpose of this legislation is to permit just that. It would permit a city that becomes classified as a metropolitan city and whose population is already included in the population of the county, to defer the classification and to continue to have its population included in the population of the county.

According to HUD, it appears that the only counties affected by the change are the two in Illinois, one in New Jersey, and possibly one in California.

Mr. President, I sincerely hope that my colleagues will join us in attempting to remedy this problem.

By Mr. PRYOR:

S. 1803. A bill to reduce paperwork in the administration of certain construction provisions of law relating to wage rates; to the Committee on Governmental Affairs.

REDUCING THE PAPERWORK BURDEN ON FEDERAL CONSTRUCTION CONTRACTORS

Mr. PRYOR. Mr. President, I am today introducing legislation to reduce the paperwork burden on Federal construction contractors. The bill has a simple purpose. It would change the requirement that construction contractors on Federal building projects report weekly concerning wages paid. The weekly report has become an unnecessary paperwork burden, so I propose to require instead that reports be filed with the contracting agencies only at the beginning and the end of the contract period.

This measure is intended to do something concrete and meaningful about burdensome Government regulations—something that will actually provide relief to the individuals affected.

The Copeland Antikickback Act, originally passed in 1934, makes it illegal to ask workers on Federal construction projects to kick back or return a portion of their wages to the contractor as a means of circumventing the prevailing wage standards of the Davis-Bacon Act. The Copeland Act and Department of Labor regulations implementing it require contractors to furnish weekly statements with respect to wages paid each employee during the preceding week.

In 1958 the Senate Government Operations Committee approved legislation amending the original act to remove the requirement that the weekly statements be "sworn affidavit(s)," and substituted instead the word "statement," making it subject to the False Information Act and, therefore, liable to criminal sanction. The purpose of that action is the same as the purpose of this proposal—that is, to simplify the filing of payroll information without reducing its usefulness as an enforcement tool.

It is the intention of this proposal to eliminate the requirement for submission of the weekly statement of wages and the requirement for submission of weekly payroll records. This proposal is intended to mean the total elimination of weekly filing requirements on federally involved construction contracts.

The language of the Copeland Act directs the Secretary of Labor to make reasonable regulations in furtherance of its purpose. Under current regulations, contractors must send weekly payroll reports to the contracting agency or to a Department of Labor area representative. The prime contractor is made responsible for assuring that all subcontractors used on the project adhere to the requirements, and for certifying and transmitting the subcontractors weekly payrolls to the contracting agency. This is in addition to a requirement that payroll and other basic records be preserved by contractors for a period of 3 years after the work is completed.

The information which is required to be reported weekly includes the following: Name and address of the contractor, project and its location, or contract number, payroll number, week of filing; and for each employee: Name, address, social security number, number of withholding exemptions, number of hours worked each day of the week, rate of pay, gross earnings, FICA, withholding tax and other deductions, and net wages paid for the week.

Additional requirements include more certifications that no rebates have been made, and certifications about fringe benefits paid.

Theoretically, the weekly reports are examined by Department of Labor inspectors or other contract specialists, and the payroll information is compared to the prevailing wages prescribed by the Labor Department. However, Labor authorities have reported that real enforcement comes not from examination of these weekly payroll records submitted but rather from spot checking carried out by the

contracting agencies as well as the Department of Labor. When a worker reports an apparent violation, an onsite check is made.

Although it is difficult to pinpoint precisely the exact costs of complying weekly with the payroll reporting requirements, it is obvious that the paperwork involved is immense and the costs high.

Furthermore, the costs are not to the contractors alone. The monitoring requirement placed on contracting agencies is made burdensome and unwieldy when payrolls must be submitted weekly.

In a report released in 1979, the General Accounting Office estimated that the annual cost to contractors throughout the country is about $190 million. Although only a portion of this amount is directly attributable to the weekly reports required by the Copeland Act, I believe it to be a substantial portion.

My hope and aim is that Federal reporting requirements in this area will be amended to resemble the 1969 Arkansas law for public works construction. Section 14-635 of the Arkansas State Code requires simply that contractors and subcontractors keep records of the names, occupations, hours worked, and actual wages paid each workman, and that such records be available for inspection by the department which awarded the contract.

We, at the Federal level, can learn from this simple and reasonable approach.

By Mr. DOLE (for himself, Mr. BOREN, Mr. SYMMS and Mr. DANFORTH):

S. 1804. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of foreign sales corporations; to the Committee on Finance.

FOREIGN SALES CORPORATION ACT

Mr. DOLE. Mr. President, I am pleased to introduce the administration's Foreign Sales Corporation Act proposal to replace the Domestic International Sales Corporation (DISC). The introduction of this proposal is, I hope, the final chapter in a dispute with other signatories of the General Agreement on Tariffs and Trade (GATT), who have contended that DISC amounts to an illegal export subsidy. The DISC was enacted in 1971 in an effort to enable U.S. exporters to receive tax treatment of their export income comparable to that which many foreign countries have afforded to their exporters. The disadvantage faced by our exporters was largely of our own making, and reflected the differences between our system of taxing worldwide income and territorial systems of taxation which are common in Europe. Without mirroring these territorial systems, the DISC attempted to remove this export disincentive by conferring tax benefits which would be comparable to those afforded by territorial systems.

But several of our European trading partners filed complaints with the GATT arguing that DISC is an export subsidy which contravenes our commitment under the GATT. The United States also filed GATT complaints against certain export tax practices of Belgium, France, and the Netherlands. A GATT panel concluded that both the DISC and certain tax practices of the three European countries had some characteristics of an illegal export subsidy. In 1982, after years of negotiation and debate in the GATT, the GATT Council urged the United States to bring DISC clearly into conformity with the GATT. The European Community requested authorization from the GATT Council to take retaliatory action against the United States. In the interest of removing this continuing irritant to our trading relationship, the President made a commitment to the GATT Council in October 1, 1982, to propose legislation which would address the concerns of the GATT members.

The proposal I am introducing today is the result of the adminstration's substantial effort to replace DISC with a simpler, GATT-legal system which will not place American exporters at a competitive disadvantage. I am determined to defend the competitive posture of our exporters; our exporters must be permitted to meet their foreign competition on a level playing field. Neither DISC nor the administration's proposed substitute seeks to give American exporters any unfair advantage over their foreign competitors; rather these measures seek to compensate for the disadvantage which our exporters would face in the absence of such measures.

We shall examine this proposal carefully and work with the administration in making appropriate changes, if necessary. I ask unanimous consent to have a summary of the proposal and its legislative language printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE FOREIGN SALES CORPORATION ACT

Generally, the Foreign Sales Corporation Act provides tax rules for exports of goods and services. It repeals the present Domestic International Sales Corporation (DISC) rules, with an exception for small exporters, and forgives tax on DISC income that has already benefited from tax deferral. The DISC provisions would be replaced by rules which would exempt from tax 17 percent of the taxable income that a foreign sales corporation and a related party derive from an export transaction. Alternatively, up to 1.35 percent of the gross receipts from the transaction would be tax exempt.

A foreign sales corporation is a new kind of entity. It must be organized under the laws of a jurisdiction outside the U.S. customs area and must have at least one director who is not a U.S. resident. It must maintain an office outside U.S. customs territory, and it must keep tax records both at that office and in the United States. In addition, it must elect foreign sales corporation treatment.

The legislation applies to the export income of a foreign sales corporation if the corporation is managed outside the United States and if economic processes of the transaction take place outside the United States. In addition, the legislation provides special rules in income of small foreign sales corporations with up to $2,500,000 of export receipts.

To be managed outside the United States, a foreign sales corporation must have its shareholders' meetings, board meetings, and principal bank account outside the United States. To meet the economic process test, the foreign sales corporation or its agent must solicit, negotiate, or make the contract relating to the transaction outside the United States. In addition, half of the costs the foreign sales corporation incurs for advertising, handling orders, transportation, collection, and assumption of credit risk must be for performance outside the United States. Alternatively it may incur 85 percent of its costs for any two of these five activities for their performance outside the United States.

Some export transactions between foreign sales corporations and related U.S. taxpayers qualify for administrative transfer pricing rules. These administrative rules are available only if the foreign sales corporation or its agent performs all the activities of the economic process test. Under these rules, the foreign sales corporation generally earns the greater of 23 percent of the taxable income that it and its related party derive from the transaction or 1.83 percent of the gross receipts from the transaction.

The legislation exempts a portion of the export income of a foreign sales corporation from U.S. tax. If the transaction is subject to one of the administrative transfer pricing rules, this exempt portion is 17⅓ of the foreign sales corporation's income from the transaction. Otherwise, this exempt portion is 34 percent of its export income. The rest of export income is subject to U.S. tax. All investment income of a foreign sales corporation is also subject to U.S. tax. Dividends from export income of a foreign sales corporation to a U.S. corporate shareholder are tax exempt.

The legislation also provides tax deferral under the DISC rules for companies with up to $10 million of export receipts, but requires those companies to pay interest on the deferred tax.

In addition, the legislation requires that foreign sales corporations and DISC's have the same taxable year as their parent corporations. It provides that income from trade receivables of a related party is passive income subject to antiincorporated pocketbook and antitax haven rules. Finally, it treats accumulated DISC income as having been previously taxed.

S. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: AMENDMENT OF 1954 CODE.

(a) Short Title.—This Act may be cited as the "Foreign Sales Corporation Act of 1983".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. FOREIGN SALES CORPORATIONS.

(a) In General.—Part III of subchapter N of chapter 1 (relating to income from sources outside the United States) is amended by inserting after subpart B the following new subpart:

Subpart C—Taxation of Foreign Sales Corporations

"Sec. 921. Exempt foreign trade income excluded from gross income.
"Sec. 922. FSC defined.
"Sec. 923. Exempt foreign trade income.
"Sec. 924. Foreign trading gross receipts.
"Sec. 925. Transfer pricing rules.
"Sec. 926. Distributions to shareholders.
"Sec. 927. Other definitions and special rules.

"SEC. 921. EXEMPT FOREIGN TRADE INCOME EXCLUDED FROM GROSS INCOME.

"(a) Exclusion.—Exempt foreign trade income of a FSC shall be treated as foreign source income which is not effectively connected with the conduct of a trade or business within the United States.

"(b) Proportionate Allocation Of Deductions To Exempt Foreign Trade Income.—Any deductions of the FSC properly apportioned and allocated to the foreign trade income derived by a FSC from any transaction shall be allocated between—

"(1) the exempt foreign trade income derived from such transaction, and

"(2) the foreign trade income (other than exempt foreign trade income) derived from such transaction,

on a proportionate basis.

"(c) Denial of Credits.—Notwithstanding any other provision of this chapter, no credit (other than a credit allowable under section 32, 33(a), 39, or 901) shall be allowed under this chapter to any FSC.

"(d) Foreign Trade Income, Investment Income, and Carrying Charges Treated as Effectively Connected With United States Business.—For purposes of this chapter—

"(1) all foreign trade income of a FSC (other than exempt foreign trade income),

"(2) all interest, dividends, royalties, and other investment income received by a FSC, and

"(3) all carrying charges received by a FSC,

shall be treated as income effectively connected with the conduct of a trade or business conducted through permanent establishment of such corporation within the United States. Income described in paragraph (1) shall be treated as derived from sources within the United States.

"SEC. 922. FSC DEFINED.

"(a) FSC Defined.—For purposes of this title, the term 'FSC' means any corporation—

"(1) which—

"(A) was created or organized—

"(i) under the laws of any foreign country, or

"(ii) under the laws applicable to any possession of the United States,

"(B) has no more than 25 shareholders at any time during the taxable year,

"(C) does not have any preferred stock outstanding at any time during the taxable year,

"(D) during the taxable year—

"(i) maintains an office located outside the United States,

"(ii) maintains a set of the permanent books of account of such corporation at such office, and

"(iii) maintains at a location within the United States the records which such corporation is required to keep under section 6001,

"(E) at all times during the taxable year, has a board of directors which includes at least one individual who is not a resident of the United States, and

"(F) is not a member, at any time during the taxable year, of any controlled group of corporations of which a DISC is a member, and

"(2) which has made an election (at the time and in the manner provided in section 927(f)(1)) which is in effect for the taxable year to be treated as a FSC.

"(b) Small FSC Defined.—For purposes of this title, a FSC is a small FSC with respect to any taxable year if—

"(1) such corporation has made an election (at the time and in the manner provided in section 927(f)(1) which is in effect for the taxable year to be treated as a small FSC, and

"(2) such corporation is not a member, at any time during the taxable year, of a controlled group of corporations which includes a FSC unless such other FSC has also made an election under paragraph (1) which is in effect for such year.

"SEC. 923. EXEMPT FOREIGN TRADE INCOME.

"(a) Exempt Foreign Trade Income.—For purposes of this subpart—

"(1) In general.—The term 'exempt foreign trade income' means the aggregate amount of all foreign trade income of a FSC for the taxable year which is described in paragraph (2) or (3).

"(2) Income determined without regard to administrative pricing rules.—In the case of any transaction to which paragraph (3) does not apply, 34 percent of the foreign trade income derived from such transaction shall be treated as described in this paragraph.

"(3) Income determined with regard to administrative pricing rules.—In the case of any transaction with respect to which paragraph (1) or (2) of section 925(a) (or the corresponding provisions of the regulations prescribed under section 925(b)) applies, 17/23 of the foreign trade income derived from such transaction shall be treated as described in this paragraph.

"(b) Foreign Trade Income Defined.—For purposes of this subpart, the term 'foreign trade income' means the gross income of a FSC attributable to foreign trading gross receipts.

"SEC. 924. FOREIGN TRADING GROSS RECEIPTS.

"(A) In General.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of any FSC which are—

"(1) from the sale, exchange, or other disposition of export property,

"(2) from the lease or rental of export property for use by the lessee outside the United States,

"(3) for services which are related and subsidiary to—

"(A) any sale, exchange, or other disposition of export property by such corporation, or

"(B) any lease or rental of export property described in paragraph (2) by such corporation,

"(4) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(5) for the performance of managerial services in furtherance of the production of gross receipts described in paragraphs (1), (2), (3), or (4).

"(b) Foreign Management and Foreign Economic Process Requirements.—

"(1) In general.—Except as provided in paragraph (2)—

"(A) a FSC shall be treated as having foreign trading gross receipts for the taxable year only if the management of such corporation during such taxable year takes place outside the United States as required by subsection (c), and

"(B) a FSC has foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by subsection (d).

"(2) Exception for small FSC.—

"(A) In general.—Paragraph (1) shall not apply with respect to any small FSC.

"(B) Limitation on amount of foreign trading gross receipts of small FSC taken into account.—

"(i) In general.—Any foreign trading gross receipts of a small FSC for the taxable year which exceed $2,500,000 shall not be taken into account in determining the exempt foreign trade income of such corporation and shall not be taken into account under any other provision of this subpart.

"(ii) Allocation of limitation.—If the foreign trading gross receipts of a small FSC exceed the limitation of clause (i), the corporation may allocate such limitation among such gross receipts in such manner as it may select (at such time and in such manner as may be prescribed in regulations).

"(iii) Receipts of controlled group aggregated.—For purposes of applying clauses (i) and (ii), all small FSCs which are members of the same controlled group of corporations shall be treated as a single corporation.

"(iv) Allocation of limitation among members of controlled group.—The limitation under clause (i) shall be allocated among the foreign trading gross receipts of small FSCs which are members of the same controlled group of corporations in a manner provided in regulations prescribed by the Secretary.

"(c) Requirement That FSC Be Managed Outside the United States.—The management of a FSC meets the requirements of this subsection for the taxable year if—

"(1) all meetings of the board of directors of the corporation, and all meetings of the shareholders of the corporation, are outside the United States,

"(2) the principal bank account of the corporation is maintained outside the United States at all times during the taxable year, and

"(3) all dividends, legal and accounting fees, and salaries of officers and members of the board of directors of the corporation disbursed during the taxable year are disbursed out of bank accounts of the corporation maintained outside the United States.

"(d) REQUIREMENT THAT ECONOMIC PROCESSES TAKE PLACE OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—The requirements of this subsection are met with respect to the gross receipts of a FSC derived from any transaction if—

"(A) such corporation (or any person acting under a contract with such corporation) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(B) the foreign direct costs incurred by the FSC attributable to the transaction equal or exceed 50 percent of the total direct costs incurred by the FSC attributable to the transaction.

"(2) ALTERNATIVE 85-PERCENT TEST—A corporation shall be treated as satisfying the requirements of paragraph (1)(B) with respect to any transaction if, with respect to each of at least 2 paragraphs of subsection (e), the foreign direct costs incurred by such corporation attributable to activities described in such paragraph equal or exceed 85 percent of the total direct costs attributable to activities described in such paragraph.

"(3) DEFINITIONS—For purposes of this subsection—

"(A) TOTAL DIRECT COSTS—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the FSC attributable to activities described in subsection (e) performed at any location by the FSC or any person acting under a contract with such FSC.

"(B) FOREIGN DIRECT COSTS—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(4) RULES FOR COMMISSIONS, ETC.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (e) in the case of commissions, rentals, and furnishing of services.

"(e) ACTIVITIES RELATING TO DISPOSITION OF EXPORT PROPERTY.—The activities referred to in subsection (d) are—

"(1) advertising and sales promotion,

"(2) the processing of customer orders and the arranging for delivery (outside the United States) of the export property.

"(3) transportation from the time of acquisition by the FSC (or, in the case of a commission relationship, from the beginning of such relationship for such transaction) to the delivery to the customer.

"(4) the determination and transmittal of a final invoice or statement of account and the receipt of payment, and

"(5) the assumption of credit risk.

"(f) BURDEN OF PROOF REGARDING FOREIGN MANAGEMENT AND ECONOMIC PROCESS REQUIREMENTS.—

"(1) IN GENERAL.—In any judicial or administrative proceeding involving the issue of whether—

"(A) a FSC meets the requirements of subsection (c) for a taxable year, or

"(B) a transaction meets the requirements of subsection (d),

the burden of proof with respect to such issue shall be upon the Secretary if a written statement addressing such issue has been filed by an officer of such corporation under paragraph (2).

"(2) AFFIDAVIT.—An authorized officer of a FSC who is a citizen and resident of the United States may file with the Secretary (at such time and in such manner as the Secretary shall by regulations prescribe) a verified written statement made by such officer under penalties of perjury which—

"(A) declares that such corporation meets the requirements of subsection (c) for the taxable year and specifies how such requirements have been met, or

"(B) declares that specified transactions of such corporation for the taxable year meet the requirements of subsection (d) and specifies how such requirements have been met.

"(g) CERTAIN RECEIPTS NOT INCLUDED IN FOREIGN TRADING GROSS RECEIPTS.—

"(1) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS AND RECEIPTS FROM RELATED PARTIES EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a FSC from a transaction if—

"(A) the export property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of export property or services is required by law or regulation,

"(B) such transaction is accomplished by a subsidy granted by the United States or any instrumentality thereof, or

"(C) such receipts are from another FSC which is a member of the same controlled group of corporations of which such corporation is a member.

"(2) ONE-HALF OF RECEIPTS FROM MILITARY PROPERTY EXCLUDED.—The term 'foreign trading gross receipts' shall not include 50 percent of the gross receipts for the taxable year attributable to the disposition of, or services relating to, military property (within the meaning of section 995(b)(3)(B)).

"(3) INVESTMENT INCOME; CARRYING CHARGES.—The term 'foreign trading gross receipts' shall not include any investment income or carrying charges.

"SEC. 925. TRANSFER PRICING RULES.

"(a) IN GENERAL.—In the case of a sale of export property to a FSC by a person described in section 482, the taxable income of such FSC and such person shall be based upon a transfer price which would allow such FSC to derive taxable income attributable to such sale (regardless of the sale price actually charged) in an amount which does not exceed the greatest of—

"(1) 1.83 percent of the foreign trading gross receipts derived from the sale of such property by such FSC,

"(2) 23 percent of the combined taxable income of such FSC and such person which is attributable to the foreign trading gross receipts derived from the sale of such property by such FSC, or

"(3) taxable income based upon the sale price actually charged (but subject to the rules provided in section 482).

Paragraphs (1) and (2) shall apply only if the FSC meets the requirements of subsection (c) with respect to the sale.

"(b) RULES FOR COMMISSIONS, RENTALS, AND MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth—

"(1) rules which are consistent with the rules set forth in subsection (a) for the application of this section in the case of commissions, rentals, and other income, and

"(2) rules for the allocation fo expenditures in computing combined taxable income under subsection (a)(2) in those cases where a FSC is seeking to establish or maintain a market for export property.

"(c) REQUIREMENTS FOR USE OF ADMINISTRATIVE PRICING RULES.—A sale by a FSC meets the requirements of this subsection if—

"(1) all of the activities described in section 924(e) attributable to such sale, and

"(2) all of the activities relating to the solicitation (other than advertising), negotiation, and making of the contract for such sale.

have been performed by such FSC (or by another person acting under a contract with such FSC).

"(d) LIMITATION ON GROSS RECEIPTS PRICING RULE.—The amount determined under subsection (a)(1) with respect to any transaction shall not exceed 2 times the amount which would be determined under subsection (a)(2) with respect to such transaction.

"(e) TAXABLE INCOME.—For purposes of this section, the taxable income of a FSC shall be determined without regard to section 921.

"SEC. 926. DISTRIBUTIONS TO SHAREHOLDERS.

"(a) DISTRIBUTIONS MADE FIRST OUT OF FOREIGN TRADE INCOME.—For purposes of this title, any distribution to a shareholder of a FSC by such FSC which is made out of earnings and profits shall be treated as made—

"(1) first, out of earnings, and profits attributable to foreign trade income, to the extent thereof, and

"(2) then, out of any other earnings and profits.

"(b) DISTRIBUTIONS BY FSC TO NONRESIDENT ALIENS AND FOREIGN CORPORATIONS TREATED AS U.S. CONNECTED.—For purposes of this title, any distribution by a FSC which is made out of earnings and profits attributable to foreign trade income to any shareholder of such corporation which is a foreign corporation or a nonresident alien individual shall be treated as a distribution which is effectively connected with the conduct of a trade or business conducted through a permanent establishment of such shareholder within the United States.

"(c) FSC INCLUDES FORMER FSC.—For purposes of this section, the term 'FSC' includes a former FSC.

"SEC. 927. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) EXPORT PROPERTY.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'export property' means property—

"(A) manufactured, produced, grown, or extracted in the United States by a person other than a FSC,

"(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business, by, or to, a FSC, for direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to articles imported into the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation.

"(2) EXCLUDED PROPERTY.—The term 'export property' shall not include—

"(A) property leased or rented by a FSC for use by any member of a controlled group of corporations of which such FSC is a member,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, for com-

mercial or home use), good will, trademarks, trade brands, franchises, or other like property.

"(C) oil or gas (or any primary product thereof), or

"(D) products the export of which is prohibited or curtailed under section 7(a) of the Export Administration Act of 1979 to effectuate the policy set forth in paragraph (2)(C) of section 3 of such Act (relating to the protection of the domestic economy).

"(3) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, he may by Executive order designate the property as in short supply. Any property so designated shall not be treated as export property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(4) FUNGIBLE AGRICULTURAL PRODUCTS MARKETED THROUGH COOPERATIVES.—

"(A) IN GENERAL.—Fungible agricultural products which are marketed through pooling arrangements of a cooperative described in section 521(b)(1) shall be treated as meeting the requirements of paragraph (1)(B) to the extent that such products are sold for direct use, consumption, or disposition outside the United States, and each member of such pool shall be considered as a producer of such property to the extent of his ratable share of such products based upon his contribution of products to the pool.

"(B) SUBPARAGRAPH (A) SHALL NOT APPLY WHERE COOPERATIVE SELLS THROUGH FSC OR DISC.—Subparagraph (A) shall not apply to any products which are sold by the cooperative through a FSC or DISC.

"(C) COOPERATIVE AS AGENT.— A cooperative marketing the products of its patrons shall be treated as acting as the agent of such patrons, regardless of any formal transfer of title to the cooperative.

"(b) GROSS RECEIPTS.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'gross receipts' means—

"(A) the total receipt from the sale, lease, or rental of property held primarily for sale, lease, or rental in the ordinary course of trade or business, and

"(B) gross income from all other sources.

"(2) GROSS RECEIPTS TAKEN INTO ACCOUNT IN CASE OF COMMISSIONS.—In the case of commissions on the sale, lease, or rental of property, the amount taken into account for purposes of this subpart as gross receipts shall be the gross receipts on the sale, lease, or rental of the property on which such commissions arose.

"(c) INVESTMENT INCOME.—For purposes of this subpart, the term 'investment income' means—

"(1) dividends,

"(2) interest,

"(3) royalties,

"(4) annuities,

"(5) rents (other than rents from the lease or rental of export property for use by the lessee outside of the United States),

"(6) gains from the sale or exchange of stock or securities,

"(7) gains from futures transactions in any commodity on, or subject to the rules of, a board of trade or commodity exchange (other than gains which arise out of a bona fide hedging transaction reasonably necessary to conduct the business of the FSC in the manner in which such business is customarily conducted by others),

"(8) amounts includible in computing the taxable income of the corporation under part I of subchapter J, and

"(9) gains from the sale or other disposition of any interest in an estate or trust.

"(d) OTHER DEFINITIONS.—For purposes of this subpart—

"(1) CARRYING CHARGES.—The term 'carrying charges' means—

"(A) carrying charges, and

"(B) under regulations prescribed by the Secretary, any amount in excess of the price for an immediate cash sale and any other unstated interest.

"(2) TRANSACTION.—

"(A) IN GENERAL.—The term 'transaction' means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(3) UNITED STATES DEFINED.—The term 'United States' includes the Commonwealth of Puerto Rico.

"(4) CONTROLLED GROUP OF CORPORATIONS.—The term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(A) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears therein, and

"(B) section 1563(b) shall not apply.

"(5) POSSESSIONS.—The term 'possession of the United States' means Guam American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States.

"(e) SPECIAL RULES.—

"(1) SOURCE RULES FOR RELATED PERSONS.—Under regulations, the income of a person described in section 482 from a transaction giving rise to foreign trading gross receipts of a FSC which is treated as from sources outside the United States shall not exceed the amount which would be treated as foreign source income earned by such person if the pricing rule under section 994 which corresponds to the rule used under section 925 with respect to such transaction applied to such transaction.

"(2) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the exempt foreign trade income of a FSC for any taxable year shall be limited under rules similar to the rules of clauses (i) and (ii) of section 995(b)(1)(F).

"(f) ELECTION OF STATUS AS FSC (AND AS SMALL FSC).—

"(1) ELECTION.—

"(A) TIME FOR MAKING.—An election by a corporation under section 992(a)(2) to be treated as a FSC, and an election under section 992(b)(1) to be a small FSC, shall be made by such corporation for a taxable year at any time during the 90-day period immediately preceding the beginning of the taxable year, except that the Secretary may give his consent to the making of an election at such other times as he may designate.

"(B) MANNER OF ELECTION.—An election under subparagraph (A) shall be made in such manner as the Secretary shall prescribe and shall be valid only if all persons who are shareholders in such corporation on the first day of the first taxable year for which such election is effective consent to such election.

"(2) EFFECT OF ELECTION.—If a corporation makes an election under paragraph (1), then the provisions of this subpart shall apply to such corporation for the taxable year of the corporation for which made and for all succeeding taxable years.

"(3) TERMINATION OF ELECTION.—

"(A) REVOCATION.—An election under this subsection made by any corporation may be terminated by revocation of such election for any taxable year of the corporation after the first taxable year of the corporation for which the election is effective. A termination under this paragraph shall be effective with respect to such election—

"(i) for the taxable year in which made, if made at any time during the first 90 days of such taxable year, or

"(ii) for the taxable year following the taxable year in which made, if made after the close of such 90 days, and

for all suceeding taxable years of the corporation. Such termination shall be made in such manner as the Secretary shall prescribe by regulations.

"(B) CONTINUED FAILURE TO BE FSC.—If a corporation is not a FSC for each of any 5 consecutive taxable years of the corporation for which an election under this subsection is effective, the election to be a FSC shall be terminated and not be in effect for any taxable year of the corporation after such 5th year."

(b) DIVIDEND RECEIVED DEDUCTION FOR DOMESTIC CORPORATIONS.—

(1) IN GENERAL.—Section 245 (relating to dividends received from certain foreign corporations) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) CERTAIN DIVIDENDS RECEIVED FROM FSC.—In the case of a domestic corporation, there shall be allowed as a deduction an amount equal to 100 percent of any dividend received by such corporation from another corporation which is distributed out of earnings and profits attributable to foreign trade income (within the meaning of section 923(b)) for a period during which such other corporation was a FSC. The deduction allowable under the preceding sentence with respect to any dividend shall be in lieu of any deduction allowable under subsection (a) or (b) with respect to such dividend."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 246(b) (relating to limitation on aggregate amount of deduction) is amended by striking out "245" each place it appears and inserting in lieu thereof "subsection (a) or (b) of section 245".

(B) Subsection (d) of section 245 (relating to property distributions), as redesignated by paragraph (1), is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "this section".

(c) TREATMENT OF CERTAIN TRADE RECEIVABLES.—

(1) Subsection (a) of section 553 (defining foreign personal holding company income) is amended by adding at the end thereof the following new paragraph:

"(8) INCOME FROM TRADE RECEIVABLES OF RELATED PERSONS.—Income from an account receivable or evidence of indebtedness arising out of the disposition of property described in section 1221(1), or the performance of

services, by a related person (within the meaning of section 954(d)(3))".

(2) Subsection (b) of section 956 (defining United States person) is amended by adding at the end thereof the following new paragraph:

"(3) TRADE RECEIVABLES OF RELATED UNITED STATES PERSON.—Notwithstanding paragraph (2), the term 'United States property' includes an account receivable or evidence of indebtedness arising out of the disposition of property described in section 1221(1), or the performance of services, by a United States person who is a related person (within the meaning of section 954(d)(3))."

(d) CONFORMING AMENDMENTS.—

(1) Section 901 (relating to foreign tax credit) is amended by redesignating subsection (h) as subsection (i) and inserting after subsection (g) the following new subsection:

"(h) TAXES PAID WITH RESPECT TO FOREIGN TRADE INCOME.—No credit shall be allowed under this section for any income, war profits, and excess profits taxes paid or accrued with respect to the foreign trade income (within the meaning of section 923(b)) of a FSC."

(2) Section 902 (relating to credit for corporate stockholders in foreign corporation) is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

"(d) TAXES PAID WITH RESPECT TO FOREIGN TRADE INCOME.—No corporation shall be deemed to have paid any income, war profits, or excess profits taxes with respect to foreign trade income (within the meaning of section 923(b)) of a FSC by reason of any provision of this section."

(3) Paragraph (1) of section 904(d) (relating to application of section in case of certain interest income and dividends from a DISC) is amended—

(A) by striking out "and" at the end of subparagraph (B),

(B) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) taxable income attributable to foreign trade income (within the meaning of section 923(b)).

"(D) distributions from a FSC (or former FSC) out of earnings and profits attributable to foreign trade income (within the meaning of section 923(b)), and

"(E) income other than income described in subparagraph (A), (C), or (D)", and

(C) by striking out the heading and inserting in lieu thereof:

"(d) SEPARATE APPLICATION OF SECTION WITH RESPECT TO CERTAIN INTEREST INCOME AND INCOME FROM DISC, FORMER DISC, FSC, OR FORMER FSC.—".

(4) Subsection (b) of section 906 (relating to special rules) is amended by adding at the end thereof the following new paragraph:

"(5) No credit shall be allowed under this section for any income, war profits, and excess profits taxes paid or accrued with respect to the foreign trade income (within the meaning of section 923(b)) of a FSC."

(5) Section 951 (relating to amounts included in gross income of shareholders) is amended by adding at the end thereof the following new subsection:

"(e) FOREIGN TRADE INCOME NOT TAKEN INTO ACCOUNT.—The foreign trade income (within the meaning of section 923(b)) of a FSC and any deductions which are apportioned or allocated to such income shall not be taken into account under this subpart."

(6) Paragraph (4) of section 275(a) (relating to disallowance of deduction for certain taxes) is amended to read as follows:

"(4) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States if—

"(A) the taxpayer chooses to take to any extent the benefits of section 901, or

"(B) such taxes are paid or accrued with respect to foreign trade income (within the meaning of section 923(b)) of a FSC."

(7) Subsection (d) of section 1248 (relating to exclusions from earnings and profits) is amended by adding at the end thereof the following new paragraph:

"(6) FOREIGN TRADE INCOME.—Earnings and profits of the foreign corporation attributable to foreign trade income (within the meaning of section 923(b)) of a FSC."

(8) Section 934 (relating to limitation on reduction in income tax liability incurred to the Virgin Islands) is amended by adding at the end there of the following new subsection:

"(f) FSC.—Subsection (a) shall not apply in the case of a Virgin Islands corporation which is a FSC."

SEC. 2. INTEREST CHARGE DISC.

(a) INTEREST CHARGE ON DEFERRED TAX.—Section 995 (relating to taxation of DISC income to shareholders) is amended—

(1) by striking our subsections (e) and (f),

(2) by redesignating subsection (g) as subsection (e), and

(3) by adding at the end thereof the following new subsection:

"(f) INTEREST ON DISC-RELATED DEFERRED TAX LIABILITY.—

"(1) IN GENERAL.—A shareholder of a DISC shall pay for each taxable year interest in an amount equal to the product of—

"(A) the shareholder's DISC-related deferred tax liability for such year, and

"(B) the base period T-bill rate.

"(2) SHAREHOLDER'S DISC-RELATED DEFERRED TAX LIABILITY.—

For purposes of this subsection—

"(A) IN GENERAL.—The term 'shareholder's DISC-related deferred tax liability' means, with respect to any taxable year of a shareholder of a DISC, the excess of—

"(i) the amount which would be the tax liability of the shareholder for the taxable year if the deferred DISC income of such shareholder for such taxable year were included in gross income as ordinary income, over

"(ii) the actual amount of the tax liability of such shareholder for such taxable year.

Determinations under the preceding sentence shall be made without regard to carrybacks to such taxable year.

"(B) ADJUSTMENTS FOR LOSSES, CREDITS, AND OTHER ITEMS.—The Secretary shall prescribe regulations which provide such adjustments—

"(i) to the accounts of the DISC, and

"(ii) to the amount of any carryover or carryback of the shareholder,

as many be necessary or appropriate in the case of net operating losses, credits, and carryovers and carrybacks of losses and credits.

"(C) TAX LIABILITY.—The term 'tax liability' means the amount of the tax imposed by this chapter for the taxable year reduced by credits allowable against such tax (other than credits allowable under sections 31, 39, and 43).

"(3) Deferred DISC Income.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'deferred DISC income' means, with respect to any taxable year of a shareholder, the excess of—

"(i) the shareholder's pro rata share of accumlated DISC income (for periods after 1983) of the DISC as of the close of the computation year, over

"(ii) the amount of the distributions-in-excess-of-income for the taxable year of the DISC following the computation year.

"(B) COMPUTATION YEAR.—For purposes of applying subparagraph (A) with respect to any taxable year of a shareholder, the computation year is the taxable year of the DISC which ends with (or within) the taxable year of the shareholder which precedes the taxable year of the shareholder for which the amount of deferred DISC income is being determined.

"(C) DISTRIBUTIONS-IN-EXCESS-OF-INCOME.—For purposes of subparagraph (A), the term 'distributions-in-excess-of-income' means, with respect to any taxable year of a DISC, the excess (if any) of—

(i) the amount of actual distributions to the shareholder out of accumulated DISC income, over

(ii) the shareholder's pro rata share of the DISC income for such taxable year.

"(3) BASE PERIOD T-BILL RATE.—For purposes of this subsection, the term 'base period T-bill rate' means the annual rate of interest determined by the Secretary to be equivalent to the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period ending on September 30 of the calendar year ending with (or of the most recent calendar year ending before) the close of the taxable year of the shareholder.

"(4) SHORT YEARS.—The Secretary shall prescribe such regulations as may be necessary for the application of this subsection to short years of the DISC, the shareholder, or both.

"(5) Payment and assessment and collection of interest.—

The interest accrued during any taxable year which a shareholder is required to pay under paragraph (1) shall be treated, for purposes of this title, as interest payable under section 6601 and shall be paid by the shareholder at the time the tax imposed by this chapter for such taxable year is required to be paid."

(b) TAXABLE INCOME IN EXCESS OF $10,000,000 DEEMED DISTRIBUTED.—

"(1) IN GENERAL.—Subparagraph (E) of section 995(b)(1) (relating to base period export gross receipts) is amended to read as follows:

"(E) the taxable income of the DISC attributable to qualified export receipts of the DISC for the taxable year which exceed $10,000,000,".

(2) AGGREGATION OF RECEIPTS.—Subsection (b) of section 995 (relating to deemed distributions) is amended by adding at the end thereof the following new paragraph:

"(4) AGGREGATION OF QUALIFIED EXPORT RECEIPTS.—

"(A) IN GENERAL.—For purposes of applying paragraph (1)(E), all DISCs which are members of the same controlled group shall be treated as a single corporation.

"(B) ALLOCATION.—The dollar amount under paragraph (1)(E) shall be allocated among the DISCs which are members of the same controlled group in a manner provided in regulations prescribed by the Secretary."

(c) ELIMINATION OF CERTAIN DEEMED DISTRIBUTIONS RELATING TO TAXABLE INCOME OF DISC.—Subparagraph (F) of section 995(b)(1) (relating to distributions in qualified years) is amended to read as follows:

"(F) the sum of—

"(i) an amount equal to the product of—

"(I) the international boycott factor determined under section 999, multiplied by

"(II) one-half of the excess of the taxable income of the DISC for the taxable year (before reduction for any distributions during the year) over the sum of the amounts deemed distributed for the taxable year under subparagraphs (A), (B), (C), (D), and (E), plus

"(ii) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the DISC directly or indirectly to an official, employee, or agent in fact of a government, and".

(d) TREATMENT OF SALES THROUGH AGRICULTURAL COOPERATIVES.—Subsection (c) of section 993 (defining export property) is amended by adding at the end thereof the following new paragraph:

"(4) FUNGIBLE AGRICULTURAL PRODUCTS MARKETED THROUGH COOPERATIVES.—

"(A) IN GENERAL.—Fungible agricultural products which are marketed through pooling arrangements of a cooperative described in section 521(b)(1) shall be treated as meeting the requirements of paragraph (1)(B) to the extent that such products are sold for direct use, consumption, or disposition outside the United States, and each member of such pool shall be considered as a producer of such property to the extent of his ratable share of such products based upon his contribution of products to the pool.

"(B) SUBPARAGRAPH (A) SHALL NOT APPLY WHERE COOPERATIVE SELLS THROUGH DISC OR FSC.—Subparagrpah (A) shall not apply to any products which are sold by the cooperative through a DISC or FSC.

"(C) COOPERATIVE AS AGENT.—A cooperative marketing the products of its patrons shall be treated as acting as the agent of such patrons, regardless of any formal transfer of title to the cooperative.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 291 (relating to corporate preference items) is amended by striking out paragraph (4) and redesignating paragraph (5) as paragraph (4).

(2) Paragraph (1) of section 291(c) (relating to special rules for pollution control facilities) is amended by striking out "subsection (a)(5)" and inserting in lieu thereof "subsection (a)(4)".

(3) Subsection (a) of section 992 (relating to definition of DISC) is amended—

(A) by striking out "and" at the end of subparagraph (C),

(B) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new subparagraph:

"(E) such corporation is not a member of any controlled group of which a FSC is a member."

(4) Paragraph (3) of section 993(a) (relating to controlled groups) is amended by striking out "such term by" and inserting in lieu thereof "the term 'controlled group of corporations' by".

(5) Subsection (c) of section 999 (relating to international boycott factor) is amended by striking out "995(b)(1)(F)(ii)" each place it appears and inserting in lieu thereof "995(b)(1)(F)(i)".

(6) The table of subparts for part III of subchapter N of chapter 1 is amended by inserting after the item relating to subpart B the following new item:

"Subpart C. Taxation of foreign sales corporations."

SEC. 3. TAXABLE YEAR OF DISC AND FSC REQUIRED TO CONFORM TO TAXABLE YEAR OF MAJORITY SHAREHOLDER.

(a) IN GENERAL.—Subsection (b) of section 441 (relating to period for computation of taxable income) is amended—

(1) by striking out "or" at the end of paragraph (2),

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(4) in the case of a FSC or DISC filing a return for a period of at least 12 months, the period determined under subsection (h)."

(b) DETERMINATION OF TAXABLE YEAR.—Section 441 is amended by adding at the end thereof the following new subsection:

"(h) TAXABLE YEAR OF FSC'S AND DISC'S.—

"(1) IN GENERAL.—For purposes of this subtitle, the taxable year of any FSC or DISC shall be the taxable year of that shareholder (or group of shareholders with the same 12-month taxable year) who has the highest percentage of voting power.

"(2) SPECIAL RULE WHERE MORE THAN ONE SHAREHOLDER (OR GROUP) HAS HIGHEST PERCENTAGE.—If 2 or more shareholders (or groups) have the highest percentage of voting power under paragraph (1), the taxable year of the FSC or DISC shall be the same 12-month period as that of any such shareholder (or group).

"(3) SUBSEQUENT CHANGES OF OWNERSHIP.—The Secretary shall prescribe regulations under which paragraphs (1) and (2) shall apply to a change of ownership of a corporation after the taxable year of the corporation has been determined under paragraph (1) or (2) only if such change is a substantial change of ownership.

"(4) VOTING POWER DETERMINED.—For purposes of this subsection, voting power shall be determined on the basis of total combined voting power of all classes of stock of the corporation entitled to vote."

SEC. 4. EFFECTIVE DATE; TRANSITION RULES.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall apply to transactions after December 31, 1983, in taxable years ending after such date.

(2) TREATMENT OF CERTAIN TRADE RECEIVABLES.—The amendments made by section 2(c) shall apply to accounts receivable and evidences of indebtedness acquired by the foreign corporation after August 4, 1983, in taxable years ending after such date.

(b) TRANSITION RULES FOR DISC'S.—

(1) CLOSE OF 1983 TAXABLE YEARS OF DISC'S—

(A) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, the taxable year of each DISC which begins before January 1, 1984, and which (but for this paragraph) would include January 1, 1984, shall close on December 31, 1983.

(B) UNDERPAYMENTS OF ESTIMATED TAX.—To the extent provided in regulations prescribed by the Secretary of the Treasury or his delegate, no addition to tax shall be made under section 6654 or 6655 of such Code with respect to any underpayment of any installment required to be paid before April 13, 1984, to the extent the underpayment was created or increased by reason of subparagraph (A).

(2) EXEMPTION OF ACCUMULATED DISC INCOME FROM TAX.—For purposes of applying the Internal Revenue Code of 1954 with respect to actual distributions made by a DISC or former DISC after December 31, 1983, any accumulated DISC income of a DISC or former DISC (within the meaning of section 996(f)(1) of such Code) which is derived before January 1, 1984, shall be treated as previously taxed income (within the meaning of section 996(f)(2) of such Code).

(3) TIME CERTAIN DISTRIBUTIONS ARE DEEMED RECEIVED BY SHAREHOLDERS.—Notwithstanding section 995(b) of such Code, if a shareholder of a DISC elects the application of this paragraph (at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe by regulations) any distribution which such shareholder is deemed to have received by reason of section 995(b) of such Code with respect to income derived by the DISC in the taxable year of the DISC which begins in 1983 after the date in 1983 on which the taxable year of such shareholder begins shall be treated, for purposes of such Code, as received by such shareholder in 4 equal installments on the last day of each of the 4 taxable years of such shareholder which begins after the taxable year of such shareholder which begins in 1983. The preceding sentence shall apply without regard to whether the DISC exists after December 31, 1983.

(4) TREATMENT OF TRANSFERS FROM DISC TO FSC.—Except to the extent provided in regulations, section 367 of such Code shall not apply to transfers made before January 1, 1985 (or, if later, the date 1 year after the date on which the corporation ceases to be a DISC) to a FSC of qualified export assets (as defined in section 993(b) of such Code) held on August 4, 1983, by a DISC in a transaction described in section 351 or 368(a)(1) of such Code.

(5) DEFINITIONS.—For purposes of this subsection, the terms "DISC" and "former DISC" have the respective meanings given to such terms by section 992 of such Code.

Mr. DANFORTH. Mr. President, I am pleased to cosponsor the bill the distinguished chairman of the Finance Committee has just introduced. This bill, as I understand it, was worked out by the joint efforts of the staffs of the Finance Committee, the Joint Committee on Taxation, the Ways and Means Committee, and the administration.

Mr. President, I am and have been a firm supporter of the provisions of current law relating to Domestic International Sales Corporations, so-called DISC's. However, many of our trading partners who are signatories of the General Agreement on Tariffs and Trade (GATT) have complained that the DISC provisions, which provide income tax incentives to companies which increase their exports, provide export subsidies which are outlawed by the GATT. The administration, through the Office of the U.S. Trade Representative, has committed itself to address these complaints.

This proposal, which, in effect, replaces the Domestic International Sales Corporations with new Foreign Sales Corporations, is intended to provide essentially the same tax incentives to companies who increase their export activities as do the DISC provisions, while at the same time satisfying the requirements of the GATT. It is also intended to be revenue-neutral.

Mr. President, I applaud the efforts of the administration and the various

congressional staff who have put this proposal together. However, while I am cosponsoring the bill, I do not necessarily embrace it in its entirety.

In the coming months, as we study this proposal and the implications it has for our country's trade policy, I intend to look very critically at each provision of this bill. For example, there is some concern that the provisions of the bill may be overly burdensome on small businesses. Agricultural groups have indicated concerns about parts of the bill. In short, while I view this proposal as a good starting point, I do not necessarily see it as representing the best solution to the problem.

By Mr. THURMOND:

S. 1805. A bill to permit the surviving spouse and unmarried children of a person interred in a cemetery located on a military installation to be interred in such cemetery; to the Committee on Veterans Affairs.

BURIAL ON A MILITARY BASE

Mr. THURMOND. Mr. President, a few years ago, one of my constituents contacted me concerning his mother's request to be buried next to his father in a military cemetery. This was an unusual situation.

His father had died in 1940 and was buried in a church cemetery. Since that time, Fort Jackson annexed this property and made it a post cemetery. Since this cemetery is now a military cemetery, this lady could not be buried next to her husband because she did not meet the requirements spelled out in the provisions of an act entitled: "An Act to establish eligibility for burial in national cemeteries, and for other purposes," (62 Stat. 234; 24 U.S.C. 281). A private relief bill had to be passed to allow this lady to be buried next to her husband.

This situation has occurred twice in recent years for constituents of mine in South Carolina. Each time a private relief bill has to be passed by the Congress to allow a widow to be buried next to her husband at a military cemetery on the Fort Jackson Reservation.

Mr. President, there are other individuals in this same situation at Fort Jackson and other areas across the country. I do not believe a private relief bill should have to be passed in each such instance.

For this reason, I am introducing this bill which would allow any surviving spouse and unmarried children of a person buried in a post cemetery or the post section of a national cemetery located in the United States or any territory of the United States to be buried in the gravesite or the adjoining gravesite of such person.

Mr. President, I ask unanimous consent for this bill to be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in any case in which a military department has acquired lands in the United States on which there is a cemetery at the time such lands were acquired by such military department, the Secretary of such military department may authorize the interment in such cemetery of the surviving spouse and unmarried children of any person who was interred in such cemetery at the time such lands were acquired by such military department.

(b) The Secretary of a military department may also authorize the interment of the surviving spouse and unmarried children of any person interred in a post cemetery located on any lands in the United States under the jurisdiction of such Secretary.

SEC. 2. As used in this Act—

(1) The term "cemetery" includes any lands on which there is one or more burial plots.

(2) The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

By Mr. PERCY (for himself and Mr. DIXON):

S. 1807. A bill to amend the Internal Revenue Code of 1954 to clarify the taxation of certain income derived from agricultural commodities not grown in the United States in commercially marketable quantities; to the Committee on Finance.

TAXATION OF CERTAIN INCOME DERIVED FROM AGRICULTURAL COMMODITIES

Mr. PERCY. Mr. President, Senator DIXON and I are introducing legislation today to clarify the taxation of certain income derived from agricultural commodities not grown in the United States in commercially marketable quantities.

This bill is comparable to legislation introduced in the House of Representatives by my Illinois colleagues, Congressman ROSTENKOWSKI (H.R. 8110) in 1980 and Congressman RUSSO (H.R. 3581) in 1981, and my friend and distinguished colleague Senator DIXON and myself in 1982. There has been a hearing in the House Ways and Means Committee on this matter. As I will explain briefly below, our bill amends the law dealing with the operation of the Subpart F foreign tax rules and recognizes that certain business situations in foreign countries did not arise for the purpose of substantially reducing U.S. taxes. I hope my colleagues on the Committee on Finance will promptly schedule a hearing on this legislation.

The U.S. tax laws that have brought about this problem are complex, even for tax lawyers. However, the concepts involved are less complex. Generally, amounts earned by a foreign subsidiary of a U.S. company are not subject to tax in the United States until remitted to this country. However, certain classes of income derived by such a subsidiary are taxable currently in the year when realized even though not repatriated in that year. One type of income subject to current taxation is gain from the sale of personal property between related persons for use outside of the subsidiary's country of incorporation. These rules were designed to eliminate the use of foreign subsidiaries organized in tax haven countries to defer the U.S. tax on overseas income while it is retained abroad.

This treatment clearly is reflected in the taxation of agricultural commodities which are not grown in commercially marketable quantities in the United States. The Tax Reduction Act of 1975 amended the rules dealing with the taxation of tax haven income, or subpart F income, to exclude income from the sale between related persons of agricultural commodities which are not grown in the United States in commercially marketable quantities. It was thought by Congress that taxpayers deriving income from the growing or sale of agricultural commodities such as coffee and bananas were operating abroad not to avoid U.S. taxes but instead because these commodities would not otherwise be grown or marketed here. In other words we could not grow them here even if we wanted to. These situations are unlike other tax haven operations which could otherwise be operated in the United States. Furthermore, it was felt that an exception to the tax haven rules was appropriate since these type of commodities could not be marketed worldwide from the countries in which they typically are grown. Consequently, a subsidiary of a U.S. company operating overseas can trade in such non-U.S. type commodities, buying them from or selling them to related parties, without the trading income being currently subjected to U.S. tax under the subpart F (tax haven) rules.

It has come to our attention that although a foreign subsidiary of a U.S. corporation operating abroad may itself earn this non-U.S. type commodity income without current U.S. taxation, if the foreign subsidiary establishes another subsidiary which earns that income, and the latter pays all of the commodity income back to the former in the form of a dividend, there is triggered an immediate U.S. tax. This adverse result occurs merely because the form of the income has been changed from agricultural commodity income to dividend income, and even though the income would not have been taxed currently if the commodity income had been derived directly by the first-tier subsidiary rather than through the second-tier one. In other words if the first-tier

subsidiary had operated through a branch it would have been exempt from current tax but since it operated through a second-tier subsidiary, it is subject to immediate U.S. taxation on all income it receives by way of a dividend even though that dividend comes from otherwise tax deferred income. It is clear to us that the form of the transaction is dictating the way this income is to be taxed, instead of the substance dictating its taxation. It is a well-established U.S. tax principle that substance should be the key factor in determining taxation, and that form should be disregarded. This legislation goes back to these well-established tax principles.

Under this proposal, if a foreign subsidiary of a U.S. company receives a dividend from a foreign subsidiary of its own, that dividend will continue to be generally subject to immediate taxation back in the United States unless at least 70 percent of the income giving rise to that dividend is derived from the purchase or sale of agricultural commodities not grown in the United States in commercially marketable quantities; that is, this income would normally be exempted had it been earned directly by the receiving company.

This legislation would be effective for taxable years of foreign corporations beginning on or after January 1, 1984.

By Mr. MATTINGLY (for himself and Mr. BOREN):

S. 1808. A bill to amend the Tariff Act of 1930 regarding the country of origin marking requirements for certain imported pipe, pipe fittings, and compressed-gas cylinders; to the Committee of Finance.

IMPORTED PIPE, PIPE FITTINGS, AND CYLINDERS

Mr. MATTINGLY. Mr. President, I send a bill to the desk and ask that it be printed in the RECORD and appropriately referred.

Mr. President, today I am introducing a bill with Senator BOREN which would require imported pipe, pipe fittings, and cylinders be permanently marked with the country in which the pipe, pipe fittings, and cylinders were manufactured. The bill is intended to give American buyers better consumer information about the origin of the product they are purchasing.

To provide some brief background, in 1937 a list known as the J list cited certain products, mostly those with low import volumes, that would not need to be indelibly marked with country of original manufacture. Imported pipe and pipe fittings were included on that list.

According to the U.S. Department of Commerce, 28 percent of ferrous castings used in the United States were imported in 1982. As far as I know, of all those imported castings, only those iron and iron pipe fittings on the J list are excluded from the requirement that the casting be identified with country-of-origin markings.

As for imported compressed-gas cylinders, country of origin markings are required under current law with only two exceptions. This legislation eliminates those exceptions in a simple and clear manner which results in a concise and less complicated statute.

This legislation therefore gives the American consumer an opportunity to know what he is purchasing and the chance to buy American-made products if he wishes to do so. I believe the consumer deserves and has the right to know.

However, there are other reasons why I support this bill. First, the pipe fittings are used to construct systems which require a great degree of product reliability, such as natural gas distribution and fire protection systems. In these applications, quality assurance and traceability are of the utmost importance because of the tremendous potential loss of life and property should a failure occur. But because of country-of-origin marking exemptions allowed by schedule J, neither the country-of-origin nor the manufacturer can be traced.

Additionally, many customers of pipe, pipe fittings, and compressed gas cylinders would prefer, all things being equal, to buy American-made products for patriotic reasons. Others simply believe that American-made products have value added because they provide jobs and income for U.S. citizens and tax revenue for the U.S. Government.

By offering such legislation, I am not advocating protectionist trade barriers. The requirement to identify iron castings and compressed gas cylinders with country-of-origin works no hardship on anyone. The exclusion of iron or steel pipe and fittings of cast or malleable iron from the J list would not result in a nontariff barrier. It is, in fact, no barrier at all. The same is true for compressed gas cylinders. Cost is not a factor.

I am also not introducing legislation which suggests buy American provisions. My bill merely allows American consumers to be given the chance to choose whether or not to buy American products. If they care to do so is another matter and one they choose themselves.

In summary, I am not here to ask for trade restrictions or nontariff barriers. I am not against fair trade with other countries of the world. I want to support programs which will ultimately result in jobs for Americans, tax revenue for Americans, and a healthier American economy. Those Americans who wish to buy American-made products should be given that opportunity. They have that right. This bill will help secure these goals. I ask my colleagues, therefore, to favorably consider this bill. Thank you Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively;

(2) by inserting immediately after subsection (b) the following new subsections:

"(C) MARKING OF CERTAIN PIPE AND FITTINGS.—No exception may be made under subsection (a)(3) with respect to pipes of iron, steel or stainless steel, or to pipe fittings of steel, stainless steel, chrome-moly steel, or cast and malleable iron, each of which shall be marked with the English name of the country of origin by means of die stamping, cast-in-mold lettering, etching or engraving.

"(d) MARKING OF METAL PRESSURE CONTAINERS.—No exception may be made under subsection (a)(3) with respect to metal pressure containers designed and used for the transport and storage of compressed gases whether or not certified prior to exportation to have been made in accordance with the safety requirements of sections 178.36 through 178.68 of title 49 C.F.R., each of which shall be marked with the English name of the country of origin by means of die stamping, molding, etching, raised lettering, or an equally permanent method of marking."; and

(3) by striking out "subsection (c)" in subsection (f) (as so redesignated) and inserting in lieu thereof "subsection (e)".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered on or after date of enactment of this Act; except for such of those articles that, on or before such date of enactment, had been taken on board for transit to the customs territory of the United States.

Mr. BOREN. Mr. President, as a cosponsor of this bill, I rise in support of this legislation which requires country of origin markings on imported compressed gas cylinders, pipes, and pipe fittings.

Under current law, compressed gas cylinders, imported individually or sold by a distributor for resale to ultimate purchasers in the United States, must be permanently and legibly marked with the country of origin. There are two exceptions from the general country of origin marking requirements for imported compressed gas cylinders. If a compressed gas cylinder is imported directly from a foreign supplier for use by the importer and not intended for sale in its imported or any other form, the cylinder may be excepted from the country of origin marking, or if a compressed gas cylinder is imported directly from the foreign supplier by a contractor or other ultimate purchaser in the United States who will use it and not offer it for resale. The exceptions may be used if the importer can conclusive-

ly prove that the imported cylinders will not be sold during the life of the cylinder.

However, because the useful life of a cylinder is 30 years, it is virtually impossible to determine whether the initial purchaser of compressed gas cylinders will resell any of the cylinders imported in bulk within the useful life of the cylinders. Given the industry's widespread practices of reselling as well as leasing cylinders, a unique situation is presented to customs with regard to cylinders.

Even the U.S. Government practices a "turn over" policy. For example, there are currently many thousands of cylinders which have Army or Navy markings which were produced in the 1940's and sold to the U.S. Government; however these same cylinders—as a result of resale—are now in commercial service. Many foreign made cylinders are brought to this country and put into stock by the importer prior to being resold. Often, cylinders are leased—not resold—to end users. Thus, the end users of these articles will be unaware of the country of origin unless such labeling is permanently and indelibly imprinted on the compressed gas cylinder.

Mr. President, I believe that many Americans want to purchase or use American-made products. They have a right to know where any goods is manufactured. I see no reason to continue exceptions to the country of origin marking requirements for compressed gas cylinders.

Country of origin markings do not interfere with the operation or safety of compressed gas cylinders. Many compressed gas cylinders which are brought into this country are already required to have country of origin markings.

I commend this legislation to my colleagues and urge their support.

By Mr. BAUCUS:

S. 1809. A bill to amend the Internal Revenue Code of 1954 to disregard the attribution between limited partners of stock of publicly owned investment company for purposes of determining whether such company is a personal holding company or regulated investment company; to the Committee on Finance.

TECHNICAL CORRECTION IN THE TAX RULES GOVERNING REGULATED INVESTMENT COMPANIES

Mr. BAUCUS. Mr. President, today I am introducing legislation that makes a technical correction in the tax rules governing regulated investment companies. This correction reverses an IRS ruling that prevents companies from qualifying as regulated investment companies solely on the ground that they are considered personal holding companies because of stock attribution among limited partners.

BACKGROUND

Before 1935, Federal tax laws discouraged middle-income investors from joining together, to diversify risks and obtain expert advice, the way wealthy investors did with their individual portfolios. This discouragement occurred because a group of middle-income investors who formed an investment company to jointly manage their investments would end up being taxed twice—once at the corporate level and once at the individual level.

To eliminate this double taxation, Congress enacted provisions that essentially exempted regulated investment companies ("RIC's") from tax. (Revenue Act of 1936, sec. 13(a)(2), 48(e), 49 stat. 1648, 1665, 1669; I.R.C. sec. 851-53 (current version).) The basic concept underlying these provisions is that investment companies that "submit to public regulation and perform the function of permitting small investors to obtain the benefit of diversification of risks" should be exempt from tax at the corporate level. (H. Rep. 1681, 74th Cong., 1st sess. (1935), reprinted in 1939-1 C.B. (part 2) 642, 644 (letter from President Roosevelt to Congress; H. Rep. 2020, 86th Cong., 2d sess. 3-4 (1960).)

To qualify as a RIC, a company must meet several requirements. For example, it generally must be registered under the Investment Company Act of 1940, I.R.C. section 851(a)(1); must derive at least 90 percent of its income from investments, I.R.C. section 851(b)(2); and must distribute at least 90 percent of its annual investment income as shareholder dividends, I.R.C. section 852(1).

THE PERSONAL HOLDING COMPANY EXCLUSION

Another requirement is the one relevant here. Congress intended to deny tax-exempt RIC status to closely held corporations that were not diversifying risks for many investors but instead effectively serving as holding companies for one or a few investors. To accomplish this, it provided that a RIC must not be a "personal holding company" ("PHC") within the meaning of section 542. (I.R.C. sec. 851(a).) Generally, section 542 provides that a company is a PHC if at least 60 percent of its adjusted ordinary gross income is personal holding company income and more than 50 percent of its stock is actually or constructively owned by five or fewer people. (I.R.C. secs. 542(a), 544(a).) Since most investment companies automatically will meet the income test, the effect of the exclusion is to deny RIC status to investment companies which meet the stock-ownership test. A company meets the stock ownership test, again, if over 50 percent of its stock is actually or constructively owned by five or fewer people. For this purpose, a partner is deemed to constructively own any stock owned by other members of the same partnership. (I.R.C. sec. 544(a)(2).)

Turning to the specific problem, section 544(a)(2) does not distinguish between active and limited partners. Consequently, if any number of people owning 51 percent of the investment company's stock have limited partnership interests of any size in any of five totally unrelated limited partnerships, a literal application of section 544(a)(2) would prevent the investment company from qualifying as a RIC. Many other combinations could produce the same result.

To determine whether so literal a reading of section 544(a)(2) was correct, in 1979, an investment company asked the IRS whether the IRS could deny RIC status to investment companies which met the stock-ownership test only because of constructive ownership attribution among limited, rather than active, partners. In a private letter ruling, the IRS replied that it would not. In 1982, however, the IRS reversed its position, holding that, for RIC purposes, section 544(a)(2) requires stock ownership to be aggregated between limited partners in syndicated limited partnerships, without discussing the closeness of the limited partners' business relationship. (Rev. Rul. 82-107 82-1 C.B. 103.)

As a result of this ruling, the stock ownership partner-attribution test of present law can prevent a publicly owned investment company from qualifying as a RIC, if, unknown to each other, some of the shareholders of the company happen to invest in one or more unrelated limited partnerships.

This result is unintended and anomalous. Indeed, Assistant Secretary Chapoton recently wrote that:

> Treasury believes that the historical purpose of the RIC provisions—to permit small investors to obtain the benefits of investment diversification and professional management through a widely held investment vehicle taxed in a manner comparable to direct ownership of securities—is not served by denying RIC status to an investment company with a large number of unrelated individual shareholders merely because some of them have passive limited partnership investments in common.

PROPOSED LEGISLATIVE CHANGES

Mr. President, the legislation I am introducing today would amend section 542(c) of the Code to reverse the 1982 revenue ruling. That way, it would reflect Congress' original—and continuing—intent that the RIC provisions should not be available to certain closely held corporations. But, in contrast to current interpretation of the law, it would permit a company to qualify as a RIC if it has many shareholders and meets the current PHC test only because of constructive ownership attribution among limited, not active, partners.

Specifically, the bill provides that an otherwise qualifying RIC will not be a PHC (and will therefore continue to qualify as a RIC) if at all times during the last half of such corporation's taxable year it has at least 100 actual shareholders who are individuals (or organizations treated as individuals by IRS sec. 542(a)(2)) and does not satisfy the PHC stock ownership test applied without attribution of stock ownership to or from a limited partner.

Mr. President, this bill, which has the support of the Treasury Department, makes a technical correction in the RIC rules, without undermining any of the policies underlying those rules or creating any significant revenue loss. I hope that my colleagues will support the bill and help me enact it into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in full, immediately after this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 542 of the Internal Revenue Code of 1954 (relating to exceptions from the definition of personal holding company) is amended—

(1) by striking out "and" at the end of paragraph (8),

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(10) with respect to any taxable year, a regulated investment company (within the meaning of section 851 (a) but without regard to whether such company is a personal holding company) if, at all times during the second half of such taxable year—

"(A) such company has at least 100 shareholders (determined without regard to section 544) who are—

"(i) individuals, or

"(ii) organizations or portions of trusts treated as individuals under section 542 (a) (2), and

"(B) not more than 50 percent in value of such company's outstanding stock is owned (determined after application of section 544), directly or indirectly, by or for 5 or less individuals, except that in applying section 544 (a) (2), the term 'partner' shall not include any limited partner.".

(b) The amendments made by subsection (a) shall apply to taxable years ending on or after the date of the enactment of this Act.

By Mr. HUMPHREY (for himself and Mr. LEVIN):

S. 1810. A bill to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves, for fiscal years 1984 and 1985; to the Committee on Armed Services.

NAVAL PETROLEUM RESERVES

Mr. HUMPHREY. Mr. President, I am introducing a bill today on behalf of myself and Mr. LEVIN to authorize expenditures for the operation of the naval petroleum reserves.

The administration has requested $266.1 million for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves under chapter 641 of title 10, United States Code, during the fiscal years 1984 and 1985.

In 1976, Congress passed the Naval Petroleum Reserves Production Act. The act authorized production from naval petroleum reserves one, two and three.

The need for a petroleum reserve became obvious during the time of the Arab oil embargo 10 years ago.

Proceeds from the sales of oil produced from the naval petroleum reserves were to be deposited into a special account within the Department of the Treasury.

The funds were to be made available for administrative costs of operating and maintaining the stockpile of reserves. Additionally, these funds were to be utilized to build and fill a strategic petroleum reserve.

Mr. President, I support production from our naval petroleum reserves, because I am concerned about our Nation's ability to sustain our forces in time of conflict. After the upcoming August recess, my Subcommittee on Preparedness of the Senate Committee on Armed Services will conduct a series of hearings around the national strategic stockpile. The hearings will examine the capability of the United States to sustain operations in time of national emergency. The focus of the hearings will not be solely on fuel consumption and production from naval petroleum reserves. Other issues such as our dependence on limited stocks of strategic and critical materials, techniques such as barter to acquire additional materials for the national strategic stockpile, and management problems will also be reviewed. The primary purpose is to improve our current system of stockpiling.

By Mr. NICKLES (for himself, Mr. EXON, and Mr. ZORINSKY):

S. 1811. A bill to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

HIGH PLAINS STATES GROUND WATER DEMONSTRATION PROGRAM

Mr. NICKLES. Mr. President, the measure that I am introducing today is identical to H.R. 71 as passed by the House on June 20, 1983. Both this bill and H.R. 71, the High Plains States Ground Water Demonstration Program Act of 1983, will be the subject of a hearing before my Subcommittee on Water and Power on September 29, 1983. The hearing will be held in room SD-366 of the Dirksen Senate Office Building beginning at 10 a.m. For further information you may contact Russell Brown, professional staff on the subcommittee, at 224-2366.

Mr. President, this legislation embodies an exciting concept. As passed by the House on June 20, 1983, H.R. 71 authorizes a program of study and demonstration projects to investigate the potential of artificial aquifer recharge as a method of alleviating ground water shortages in the Western States. Although the physical aspects of the program to be authorized would be confined to the Western States, I am confident that what is learned will have application nationwide. The problems and solutions associated with ground water depletion in the arid West have equal application to those areas in the Eastern United States which face now, or in the future, ground water shortages.

The bill authorizes the appropriation of funds in two parts: First, $500,000 is authorized initially for the studies to be conducted pursuant to the measure, and second, $20,000,000 is authorized to carry out demonstration projects based upon those studies. I would point out that under the terms of the bill, non-Federal entities would be required to assume a 20-percent matching share for the demonstration projects. This share may be in the form of a cash contribution or inkind services.

All of us are familiar with the recent problems associated with efforts to authorize and construct water shortage projects. In many areas, the most economic sites for dams and reservoirs have already been developed. Other potential sites, which may be economically attractive, turn out to be unfeasible because of environmental or other reasons. Ground water recharge research and demonstration projects may point the way to future water storage without the need for massive dams and the ensuing costs—both economic and environmental—that such projects entail. It may be that our future reservoirs will be underground; with all the obvious advantages that such a method of storage would provide. This is an exciting concept and worthy of investigation.

As chairman of the Subcommittee on Water and Power, I would like to express my strongest support for this legislation and my hope is that this measure will receive the attention of the full Senate in the near future.

By Mr. METZENBAUM:

S. 1812. A bill to provide work for long-term unemployed jobseekers, and for other purposes; to the Committee on Labor and Human Resources.

LONG-TERM UNEMPLOYED ASSISTANCE ACT

Mr. METZENBAUM. Mr. President, in recent months the rate of unem-

ployment has declined from a peak of 10.8 percent in December 1982—the highest rate since World War II—to a level of 10.0 percent in June.

But despite this favorable economic trend, 11 million people remain out of work.

And it is increasingly clear that even if this economic recovery continues at a robust pace, it is not going to reemploy millions of those workers in the long-term future.

Today we are seeing a new problem, one not experienced in past recessions. It is the problem of long-term unemployment.

While the economic recovery is putting many people back to work, millions more are being left behind.

And the problem is especially acute for those people who have been out of work for the longest periods, some for 2 years or more. Those people are still not finding jobs, even with the recovery underway.

In June, testifying before the Joint Economic Committee, Dr. Janet Norwood, Director of the Bureau of Labor Statistics pointed out that the median duration of unemployment has continued to increase, even as the national rate of unemployment has started to decline.

According to Dr. Norwood, fully 25 percent of the total number of unemployed people have been out of work for 6 months or longer.

That 25 percent equals 2.8 million people who have been out of work for 26 weeks or longer.

Since May 1982, the percentage of the unemployed who have been out of work for over 26 weeks has actually increased from 15.7 percent to 25.3 percent today.

As Dr. Norwood stated:

As the economy begins to improve, the number of persons who become unemployed through layoff or job termination usually declines. Since December, the number of job losers has dropped by more than 500,000, and the short-term jobless, those employed from 1 to 4 weeks, has become a small proportion of the unemployed. In May, 32 percent of the unemployed were jobless for less than 5 weeks, down substantially from the proportions just prior to and in the early stages of the recession.

On the other hand, those who have been unemployed for long periods of time generally have more difficulty in finding jobs than the short-term jobless do. The first out are often the last to be recalled • • • with the short-term count declining and the long-term rising, the measures of average duration of unemployment have risen markedly.

This problem of long-term unemployment, defined as people who are out of work for 26 weeks or longer, is a new phenomenon.

As the following chart shows, we had only 535,000 people in this category in 1979, but in March, 1983, we have 2.7 million people. By June, that number of long-term unemployed had increased to 2.8 million people.

TOTAL UNEMPLOYMENT AND LONG-TERM UNEMPLOYMENT OVER LAST 10 YEARS

Year	Total average number of unemployed	Total unemployment rate (percent)	Unemployed for more than 26 weeks
1974	5,156,000	5.6	381,000
1975	7,929,000	8.5	1,203,000
1976	7,406,000	7.7	1,348,000
1977	6,991,000	7.1	1,028,000
1978	6,202,000	6.1	648,000
1979	6,137,000	5.8	535,000
1980	7,637,000	7.1	820,000
1981	8,273,000	7.6	1,162,000
1982	10,678,000	9.7	1,776,000
1st Qtr 1983	11,439,000	10.3	2,712,000

Sources: Economic Report of the President: 1983; tables B–34 and B–35. U.S. Department of Labor, Bureau of Labor Statistics.

Today I am introducing legislation to address the problem of long-term unemployment. This bill authorizes funds to be allocated to high-unemployment areas so those people out of work for 26 weeks or longer can be put back to work in their home community. Under this bill, 400,000 to 500,000 individuals who have been out of work for 26 weeks or more can be employed by local municipalities, counties, and school boards to work in the communities in which they live.

There have been many critics of public service employment programs in the past, and I have criticized former programs myself. This legislation incorporates reforms of past public service programs to insure that funds are spent as intended to help the long-term unemployed while aiding the community.

This bill has several provisions that are especially noteworthy.

First, this bill is targeted specifically to those who have been out of work for 26 weeks or longer. It is not a full-scale public service employment program, but one that is premised on the fact that those long-term unemployed are not finding employment in the private sector. They have suffered already for a long period of time. All of these people have either exhausted unemployment benefits or were never eligible for them in the first place. These people want work, and this bill provides them work in their community.

Second, this bill is within the budget for fiscal year 1984 recently passed by Congress. That budget resolution allowed room for authorization of a jobs program of $3.5 billion in the reserve account. This bill does not establish an entitlement program. Instead, it remains subject to funding under the appropriations process.

Third, this legislation helps those people most in need. It directs more funds to those areas with the highest levels of unemployment. Priority for hiring under this program goes to people who are heads of households, men and women, where there is no other income. It mandates that people will be hired to fill entry level positions, a provision that insures that wages will be lower on the average.

Fourth, this bill does not attempt to address all unemployment concerns. I have been an outspoken proponent of legislation to address unemployment in all sectors—youth, aged, displaced workers, and other categories. But this bill is limited in scope to addressing the specific problem of employing adults who have been out of work for 26 weeks or longer. I will soon introduce other legislation dealing with the specific issue of youth unemployment.

Fifth, this bill incorporates language that has previously been worked out in the House between cities and local unions to avoid the problem of substitution that has plagued past public service employment programs. This bill has been reviewed by Washington representatives of AFSCME (The American Federation of County, State, and Municipal Employees) and the AFL–CIO, and meets with their approval.

Sixth, funds allocated under this bill may be used for a wide variety of programs by the State and local governments. Any project eligible for funding under the community development block grant and revenue sharing programs is eligible for funding under this bill. This provision insures that funds will not be used only for brick-and-mortar construction programs, which tend to employ fewer people for the Federal dollar, and it encourages communities to hire women and minorities who have been out of work for 26 weeks or longer.

Seventh, 25 percent of the funds allocated will go to school boards around this country, so they may hire the long-term unemployed to assist in a variety of services, ranging from upgrading school facilities to employment in service positions throughout the school system.

Finally, this bill allocates about 30 percent of the total funds to State governments. It specifically earmarks 10 percent of funds to the States, but also includes a balance of State allocation that will put the States in charge of about 20–25 percent of the local programs in communities of less than 50,000 population. This insures the States will play an active role in developing service jobs to put long-term unemployed people back to work in rural areas and in State job positions.

Mr. President, in January, the Republican mayor of Cleveland, George Voinovich, testified before the Subcommittee on Employment and Productivity of the Senate Committee on Labor on Human Resources. I am ranking member of that subcommittee.

In that testimony, Mayor Voinovich, speaking on behalf of the National League of Cities, called for a public service employment program along

these lines to help people in Cleveland and other hardhit communities around the country.

"If putting additional employees to work in the public sector is philosophically upsetting to some, I would suggest that standing in a free cheese line or losing your house because you cannot afford the mortgage payments is a lot more upsetting to many more people," Mayor Voinovich testified.

"Let's put a limited PSE program back on the front burner."

I ask unanimous consent that the remarks of Mayor Voinovich pertaining to the need for a public service employment program be printed in the RECORD.

Mr. President, the economy has bottomed out, but the recession is not over for millions of Americans. I believe this program is targeted to help the right people at the right time in the right place. I urge my colleagues to join with me in support of this legislation.

There being no objection, the remarks of Mayor Voinovich were ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. GEORGE VOINOVICH, MAYOR OF CLEVELAND, OHIO

Mr. Chairman and members of the Subcommittee, I am George Voinovich, Mayor of Cleveland, Ohio and Second Vice President of the National League of Cities. I am here to testify on behalf of the League and the 15,000 cities it represents.

We appreciate the opportunity to discuss with you potential options for dealing with our nation's unprecedented unemployment problems early in this congressional session. The need for governmental action is clear. What is less clear is the appropriate course of action.

As a Harvard law professor recently stated in another context, "It's a peculiar American habit that we oscillate between panaceas." In the 1960's, public works construction was the apparent answer to unemployment; in the 1970's public service jobs; in the 1980's at least so far, many are looking to the private sector for answers. Each approach is legitimate, but none is perfect.

The League of Cities has no special wisdom and can offer no instant cure-all. The best we can do is examine what we see to be the context of the problem and suggest responses that, separately or in combination, are appropriate for this time.

As of last Friday, the national unemployment rate was 10.8 percent. In Cleveland, the most recent figure is 16 percent; in neighboring Lorain County it is 26 percent; in Rockford, Illinois, Gadsden, Alabama, and Duluth, Minnesota, it is nearly 20 percent. Furthermore, predictions are that these extraordinary rates are unlikely to decline substantially in the foreseeable future, certainly not before 1984 and perhaps even later. And we must never forget that these numbers really represent people, not statistics or charts.

We are also confronted with a stale economy that features interest rates that are still too high and a federal deficit that threatens our nation's economic recovery. The problem is compounded by what appears to be a significant structural change in American industries as well as changes in our workforce. What do we do with the millions of people who are not going back to work? What do we do with the one out of five workers in the current workforce who are functionally illiterate, the increasing number of women entering the labor force, and an aging workforce.

While the recently passed Job Training Partnership Act is a good and innovative piece of legislation, it addresses only a small part of the problems facing the American workforce. To those who say things are getting better, I say what is happening to our unemployed Americans who are suffering perhaps irreparable psychological and financial damage?

Since the federal deficit is of major concern to everyone, let me first touch upon the costs of any federal job creation initiatives. It is accepted theory, if not fact, that every one percent of unemployment costs the federal government $28 billion in lost revenues and increased expenditures. (There are no reliable estimates of the accompanying costs to states and local governments. I have no doubt, though, they are equally significant.)

On the other hand, if Congress provided $28 billion for a public service jobs program, employing 2.8 billion people who are now unemployed, the net reduction in federal revenue losses and outlays would be double that amount—$56 billion—and the unemployment rate would decline by 2.8 percent.

Let me add quickly that I am not proposing a $28 billion PSE program. It must be emphasized, however, that not every expenditure results in a net loss to the federal treasury or a net increase in the deficit.

The two most obvious approaches to alleviate unemployment are to create a new but traditional public works program and to reestablish a public service jobs program.

The arguments against a public works program, which have some legitimacy, are that the lag time between development of a legislative proposal and implementation is too long; there is too little net new job creation; and the jobs are too expensive. While the lag time argument is less relevant given current long term economic forecasts, the other arguments are generally valid. On the other hand, a PSE program is the quickest and least expensive method of job creation.

The question we've heard most often from Congress is, "can local governments gear up quickly?" The answer is an unqualified "yes", especially if we are talking about maintaining, repairing, and rehabilitating public buildings, installing ramps for the handicapped, repairing, and rehabilitating water systems, filling potholes, upgrading home security for the elderly, carrying out public health programs for the immunization of children, and the like. Such a program should be your first priority in this new session.

In Cleveland, a city that has been hit as hard as any by this recession, we developed such a model last year. By combining Community Development Block Grant funds, CETA Youth Employment funds, with in-kind services supplied by several city departments, we were able to employ 1,217 Clevelanders, chosen by lottery, for several months starting in April and ending in October.

This program led to the beautification and increased cleanliness of my city. Over 4,300 vacant lots were cleared of debris, cut and cleaned. 160 of them were barricaded to prevent further illegal dumping. That may not sound like much, but many of those employed were grateful for a chance to work and they worked very hard during the program. In an area that traditionally is viewed as "make-work" by most taxpayers, we received nothing but compliments by our citizens who were appreciative of the clean up effort by the city. Many of those employed expressed a desire to continue on in the program, which could not be accommodated due to limitations on the amount of money that was available.

In addition to simply cleaning up health hazards and unsightly lots, many of the workers were also assigned to our "Summer Sprout" program. The idea of urban gardens has been around for awhile, but we took the opportunity to expand the program far beyond its original scope. We turned 187 plots of land into production, ultimately harvesting 8.5 tons of produce. About one-half of the produce was turned over to Cleveland's Hunger Task Force for distribution to the various food kitchens that have sprung up this past year.

Other employees were assigned related tasks in other divisions, most important of which was a large contingent in the Department of Parks and Recreation. There, they performed such tasks as cutting grass, pruning trees and hedges, landscaping, tree planting and rubbish removal. Our parks have never look so good.

This was a small seasonal program, one that was made possible by a combination of federal and local dollars. But for 1,217 people it was one small measure of hope and self-esteem. It was put together relatively quickly, administered fairly, and resulted in a city that was able to take a small step back in the right direction. This is one type of light, short term public employment program I would recommend for your consideration.

Another seasonal program, funded by a combination of federal and private dollars is the City of Cleveland home weatherization program. Over the space of one year 1,000 homes will be weatherized by 16 individuals who, previous to the program, were unemployed. Not only does the program employ people, but it also saves the elderly money on their fuel bills. Interestingly, it also formed a meaningful bridge between the young people who were doing the work and the elderly who benefited from their labor. This is a good program that can be emulated across the country.

Up to this point I have only been talking about short term, seasonal type public employment programs.

Notwithstanding its unpopularity, however, I think Congress has got to reconsider its view on a longer term PSE-type program for areas of chronic high unemployment. Instead of a countrywide CETA PSE, I am suggesting it be limited to areas where unemployment exceeds eight percent. The legislation can have a fixed life of two or three years. I would also suggest that participants be paid wages consistent with those paid in the geographic area where the employment occurs. It should be administered locally by units of general purpose local governments.

In my city people need jobs—and my city administration needs their services. We appreciated PSE when it existed and were sorry when it ended. If putting additional employees to work in the public sector is philosophically upsetting to some. I would suggest that standing in a free cheese line or losing your house because you can't afford the mortgage payments is a lot more upsetting to many people.

Let's put a limited PSE program back on the front burner.

By Mr. JEPSEN:

S. 1813. A bill to amend the Consolidated Farm and Rural Development Act, to require the Secretary of Agriculture to make and insure loans to certain farm supply businesses which have been adversely affected by the payment-in-kind program; to the Committee on Agriculture, Nutrition, and Forestry.

AGRIBUSINESS LOAN ACT OF 1983

Mr. JEPSEN. Mr. President, this bill, entitled the "Agribusiness Loan Act of 1983," will enable those agribusinesses that have been adversely affected by the payment-in-kind (PIK) program to receive insured loans from the Farmers Home Administration at a lowered rate of interest.

Large surpluses of grain, reduced farm commodity prices, and high interest rates, are just a few of the problems that have been plaguing farmers in recent years. In response to these problems, our Government offered to help the American farmer by initiating the PIK program. Farmers overwhelmingly responded to this program by voluntarily setting aside 30 to 40 percent of their valuable land in hopes of improving the farm economy.

Many farmers have been able to hang on one more year because of the PIK program. However, the farmers' gain has been agribusiness' loss. Agribusiness has supported PIK even though a significant amount of their business has been lost. Nearly 83 million acres of productive farmland—nationwide—has been set aside under the 1983 PIK program. Estimates of the loss to American agribusiness attributable to this unique program range from $4.9 to $5.4 billion in sales.

Seed, fertilizer, pesticide, and farm machinery, manufacturers, distributors, wholesalers and retailers, have all suffered financially.

For example, according to the Economic Research Service of the U.S. Department of Agriculture, production expenses for seed are expected to decline by $0.6 billion. Expenses for fertilizer are expected to decline by $1.3 billion. Expenses for pesticides are expected to decline by $0.5 billion, for fuel by $1 billion, and for machinery purchases and repairs by $1.5 billion, all since 1982.

This is even more devastating when you total these reductions in demand on a percentage basis. Pesticide demand for 1983 is down between 12 and 15 percent from the 1982 level. Fuel demand is down from between 3 and 10 percent; fertilizer demand is down from between 12 and 14 percent; machinery is down about 3 percent; and machinery repairs are down 12 to 15 percent.

According to the Fertilizer Institute, the reduction in fertilizer is even higher than USDA estimates. The institute expects 1983 demand at a full 15- to 16-percent below the 1982 levels. In my own State of Iowa, the retail sales for fertilizer are 22 percent below last year's sales.

The Iowa Grain and Feed Association reports a more substantial decline—sales for fertilizer are down 30 to 33 percent and chemical sales are down 40 percent with the State. The Farm and Industrial Equipment Institute notes that two-wheel drive tractor sales are down 1.5 percent, four-wheel drive tractors are down 40 percent, and self-propelled combine sales are down 3 percent, all lower than the 1982 levels.

Additionally, according to Richard J. Mahoney, chief executive officer of Monsanto, overall agricultural input markets are expected to decline by between 4 and 5 percent this year, for a $5.4 billion reduction in sales.

In testimony before the House Small Business Committee this past April, L. W. Lowry, president of Nutra-Flo Chemical Co., a Iowa family-owned fertilizer business, noted the following:

PIK was thrust on the fertilizer industry at the beginning of the farming season. This disrupted pricing at all levels—manufacturing, wholesale, and retail.

Lowry went on to note that although the USDA estimates for fertilizer demand were at roughly only 12 to 14 percent below last year's level, demand in some States—for example, Nebraska—is expected to be down 25 to 50 percent. This reduction was attributed to a decline in irrigated farming. Lowry feels that the PIK program has placed agribusiness in one of the most disastrous situations ever, and poses one of the greatest challenges to the agribusiness community in years.

Most businesses have been able to survive so far, but they cannot withstand another year of reduced sales. If the 1984 farm program contains a PIK, or closely related set-aside program, agribusinesses will definitely need funds available at a reduced interest rate.

A community in Iowa has witnessed the closing of an implement dealer and the bankruptcy of a grain storage construction company. A farm supply elevator in this town gave out $600,000 in patronage refunds in their 1981-82 fiscal year. This fiscal year they are projecting they will finish in the red. There will not be any patronage refunds for 1983.

The problem will continue through next year. There is an extremely high inventory of grain. Fifty to sixty percent of this grain inventory is pledged to the 1983 PIK program. There will be a significant drop in the new grain crop coming in. This means that elevators may lose a large percentage of their income normally generated by drying and handling charges. The problems are continually building. If financial help is not provided, elevators in Iowa and everywhere across this Nation will all be in dire straits. Help can be provided through this initiative.

The Agribusiness Loan Act of 1983 will supply some immediate relief for affected agribusiness.

If a business shows sufficient need for loan money, it will be eligible for a maximum of $75,000. The rate of interest on the principal amount will be 3 percent less than the operating loan rate under the USDA's limited resource program. The repayment period will be 18 months, and the Secretary of Agriculture will be responsible for developing the guidelines for the program. This is not, however, a permanent program. It will be in effect beginning with the enactment of the bill and end September 30, 1984.

When money is needed, there must be a source to turn to. Banks may be able to help at their normal lending rate. The Small Business Administration has funds available but not all agribusinesses will qualify. This bill that I am proposing offers a reduced interest rate to farm industries. It does not require new funds to be appropriated. Money is available from the Farmers Home Administration business and industry loan program. The difference between a normal lending rate and the rate which I am proposing is 3 percent. This is a significant difference, and may contribute substantially to industries remaining in operation through the 1984 crop year.

The farm program in 1984 will determine the extent to which many businesses will need a loan program, similar to the one I am submitting today.

The Iowa Grain and Feed Association has reported that many of the farm supply businesses have been able to keep their heads above water, so far.

However, if demand for farm inputs and machinery continues to decline, financial assistance will make the critical difference in a business's survival.

I am sure that other Senators have heard similar concerns from those affected by the PIK program. PIK was designed to reduce the financial strain on the American farmer. It has accomplished this. However, the strain is equally great on other sectors of the farm economy. Without help, a total farm economic recovery can never occur.

The need for this bill is timely. Support and action on the measure is critical. I ask the Members of the Senate for their consideration and enthusiastic support for this bill.

Mr. President, I ask unanimous consent that a copy of my bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agribusiness Loan Act of 1983".

SEC. 2. Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small business which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of the borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed $75,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be eighteen months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Agribusiness Loan Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

By Mr. PACKWOOD:

S. 1814. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights based on a 60-month period; to the Committee on Finance.

TAX TREATMENT OF BUS OPERATING CERTIFICATES

Mr. PACKWOOD. Mr. President, today I am introducing legislation to provide tax treatment for bus route operating rights comparable to rules enacted in 1981 for truck route operating rights. This change is needed because of deregulation of intercity buses, enacted in 1982.

The issue for buses is identical to that facing the trucking industry following trucking deregulation in 1980. From 1935 to 1980 the Interstate Commerce Commission granted a limited number of certificates of operating authority to motor carriers. Persons wishing to enter the motor carrier business or expand an existing business often would purchase operating authorities from an existing trucking company. Substantial amounts were paid. The operating rights provided a substantial part of a carrier's asset structure, and a source of loan collateral.

Because of trucking deregulation, provided by the Motor Carrier Act of 1980, truck route operating rights issued by the ICC became virtually worthless. The tax rules applicable to loss of value of a Government license because of deregulation were not entirely clear in 1981. As a result, in 1981 Congress approved legislation allowing trucking companies to deduct over a 5-year period their basis in the operating rights.

The bill I am introducing today provides the same treatment for bus operating rights. In 1982, the President signed into law the Bus Regulatory Reform Act of 1982, which deregulated intercity buses. This important deregulation bill allows intercity bus companies to enter routes, expand routes, drop routes, and change routes without Federal barriers. Prior to bus deregulation, bus operators were required to acquire route operating rights prior to providing service on a particular route. Issuance of bus operating authorities was highly restricted. As with motor carrier operating rights, bus operating rights were bought and sold for significant sums, used as collateral for loans, and constituted an important part of the capital costs of the company.

The Bus Regulatory Reform Act changed that, By allowing virtually free entry of bus companies into routes of their choice, the existing route operating rights became virtually worthless.

The bill I am introducing today applies to owners of bus operating rights as of November 19, 1982—or persons who acquired the rights after that date as a result of a binding contract in effect on November 19—the date bus deregulation was signed into law by the President. It allows the owner of the operating right to deduct ratably over 60 months its adjusted basis in the bus operating authority. The bill requires proper adjustment to the carrier's basis in the operating authority. The bill also contains provisions assuring comparable treatment for noncorporate carriers, comparable to provisions applicable to motor carriers contained in the Technical Corrections Act of 1982.

Mr. President, I request unanimous consent that the text of the bill appear in the CONGRESSIONAL RECORD following these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION FOR BUS OPERATING AUTHORITY.

(a) GENERAL RULE.—For purposes of chapter 1 of the Internal Revenue Code of 1954, in computing the taxable income of a taxpayer who, on November 19, 1982, held one or more bus operating authorities, an amount equal to the aggregate adjusted basis of all bus operating authorities held by the taxpayer on November 19, 1982, or acquired subsequent thereto pursuant to a binding contract in effect on November 19, 1982, shall be allowed as a deduction ratably over a period of 60 months. Such 60-month period shall begin with the later of the month of November 1982 or the month in which acquired, or, if later, at the election of the taxpayer, the first month of the taxpayer's first taxable year beginning after November 19, 1982.

(b) DEFINITION OF BUS OPERATING AUTHORITY.—For purposes of this section, the term "bus operating authority" means—

(1) a certificate or permit held by a motor common or contract carrier of passengers and issued pursuant to subchapter II of chapter 109 of title 49 of the United States Code, or

(2) a certificate or permit held by a motor carrier authorizing the transportation of passengers over regular routes in intrastate commerce, and issued by the appropriate State agency.

(c) SPECIAL RULES.—

(1) ADJUSTED BASIS.—For purposes of the Internal Revenue Code of 1954, proper adjustments shall be made in the adjusted basis of any bus operating authority for the amounts allowable as a deduction under this section.

(2) CERTAIN STOCK ACQUISITIONS.—

(A) IN GENERAL.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which a corporation—

(1) on or before November 19, 1982 (or after such date pursuant to a binding contract in effect on such date), acquired stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) would have been able to allocate to the basis of such authority that portion of the acquiring corporation's cost basis in such stock attributable to such authority if the acquiring corporation had received such authority in the liquidation of the acquired corporation immediately following such acquisition and such allocation would have been proper under section 334(b)(2) of such code,

the holder of the authority may, for purposes of this section, allocate a portion of the basis of the acquiring corporation in the stock of the acquired corporation to the basis of such authority in such manner as the Secretary may prescribe in such regulations. The preceding sentence shall not apply if an election under section 338 of

such Code is in effect with respect to the corporation described in clause (i).

(B) TREATMENT OF CERTAIN NONCORPORATE TAXPAYERS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, and at the election of the holder of the authority, in any case in which—

(i) a noncorporate taxpayer or group of noncorporate taxpayers on or before November 19, 1982, acquired in one purchase stock in a corporation which held, directly or indirectly, any bus operating authority at the time of such acquisition, and

(ii) the acquisition referred to in clause (i) would have satisfied the requirements of subparagraph (A) if the stock had been acquired by a corporation.

then, for purposes of subparagraphs (A) and (C), the noncorporate taxpayer or group of noncorporate taxpayers referred to in clause (i) shall be treated as a corporation. The preceding sentence shall apply only if such noncorporate taxpayer (or group of noncorporate taxpayers) on November 19, 1982, held stock constituting control (within the meaning of section 368 (c) of the Internal Revenue Code of 1954) of the corporation holding (directly or indirectly) the bus operating authority.

(C) ADJUSTMENT TO BASIS.—Under regulations prescribed by the Secretary of the Treasury or his delegate, proper adjustment shall be made to the basis of the stock or other assets in the manner provided by such regulations to take into account any allocation under subparagraph (A).

(3) SECTION 381 OF THE INTERNAL REVENUE CODE OF 1954 TO APPLY.—For purposes of section 381 of the Internal Revenue Code of 1954, any item described in this section shall be treated as an item described in subsection (c) of such section 381.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to taxable years ending after November 18, 1982.

By Mr. PACKWOOD:

S. 1815. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation corporations which acquire and manage real property for certain other exempt organizations, and for other purposes; to the Committee on Finance.

REAL ESTATE INVESTMENTS BY CHARITABLE ORGANIZATIONS

Mr. PACKWOOD. Mr. President, today I am introducing a bill to help organizations tax exempt under section 501(c)(3) and pension funds diversify their real estate investments. This bill will be particularly helpful to colleges and universities, pension funds, and foundations with smaller endowments.

Foundations, private colleges and universities, and other institutions face severe financial pressure. Federal budget cuts and diminished tax incentives for certain contributions have reduced funds available to charities. We need to act to help these groups survive, especially the smaller ones. Facilitating diversification in real estate holdings is one way to help.

Increased real estate investments by these organizations can also help expand funds available for real estate construction and renovation.

This bill creates a new section 501(c)(24), based largely on existing section 501(c)(2), a relatively little known part of the tax rules for nonprofit organizations. Section 501(c)(2) makes tax free the income of certain corporations established to hold real estate for an exempt organization. To be tax free, all of the income of the section 501(c)(2) corporation must be derived from passive real estate investments, and must be turned over to an exempt organization after being collected. The purpose of new section 501(c)(24) is, in effect, to revise section 501(c)(2) to make it more workable for smaller tax-exempt entities.

Section 501(c)(2) states that the income must be turned over to "an organization." IRS interprets this today to mean that the income may not be given to two or more unrelated organizations. The effect of this interpretation is to block section 501(c)(2) organizations from serving more than one unrelated tax-exempt organization.

This has the harshest effect on exempt organizations with smaller endowments. Those groups may not have sufficient endowments to diversify real estate holdings. Diversification is made easier if several charities and pension funds are permitted to share in ownership of a section 501(c)(2) corporation. Diversification allows a sounder investment mix. For example, a university or a foundation may prefer to own 10 percent of 10 buildings than to own 100 percent of 1 building.

Under this bill, more than one 501(c)(3) organization or pension fund would be permitted to own stock in a new section 501(c)(24) real estate holding corporation.

The IRS, on occasion, has suggested that a section 501(c)(2) corporation must be created by an exempt organization. That interpretation thwarts use of section 501(c)(2) because it bars those tax exempt organizations not equipped to organize a section 501(c)(2) holding company from benefiting. Therefore, this bill provides that the 501(c)(3) organization or pension fund which is a stockholder in a 501(c)(24) need not organize it.

Also, this bill provides that section 501(c)(24) organizations will be eligible for the acquisition indebtedness rules enacted in 1980 for pension plans.

Mr. President, I request unanimous consent that the text of this bill be inserted in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 501(c) of the Internal Revenue Code of 1954 (relating to the list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(24) (A) Any corporation organized for the exclusive purposes of—

"(i) acquiring property and holding title to, and collecting income from, such property, and

"(ii) turning over the entire amount of income from such property (less expenses) to 1 or more organizations described in subparagraph (C).

"(B) A corporation shall be described in subparagraph (A) without regard to whether the corporation is organized by 1 or more organizations described in subparagraph (C).

"(C) An organization is described in this subparagraph if such organization is—

"(i) any qualified pension, profit-sharing, or stock bonus plan which meets the requirements of section 401 (a),

"(ii) a governmental plan (within the meaning of section 414 (d)),

"(iii) the United States, any State or political subdivison thereof, or any agency or instrumentality of any such governmental unit, or

"(iv) any organization described in paragraph (3).".

(b) Subparagraph (A) of section 514(c)(9) of the Internal Revenue Code of 1954 (relating to real property acquired by qualified trust) are amended by inserting "or an organization described in section 501(c)(24)" after "qualified trust".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

By Mr. THURMOND:

S. 1816. A bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products; to the Committee on Commerce, Science, and Transportation.

TEXTILE FIBER AND WOOL PRODUCTS IDENTIFICATION ACT

Mr. THURMOND. Mr. President, I am today introducing legislation that is directed at strengthening domestic law as it relates to country of origin labeling requirements for textile products.

There are presently several laws that require clear marking of textile products entering the United States as to their country of origin. The Textile Fiber Products Identification Act and the Tariff Act of 1930 provide that the country of origin be affixed to the textile product in a clear and conspicuous manner. Nevertheless, there have been increasing instances where textiles and apparel products are entering the United States in violation of domestic labeling laws.

One of the major problems in enforcement of existing law is the fact that labels are often placed in inconspicuous places. This bill would designate that the label be attached to the most conspicuous place as the inner side of the product. This will allow easy identification of the label by consumers and will help with enforcement of present textile agreements.

Mr. President, there is no requirement in present law for a label denoting domestic manufacture of a textile/apparel product. The consuming public must infer that a textile/apparel product is made in the United States if it does not specifically say it is manufactured in a foreign country on the garment label. The bill I am introducing today would require that the product be labeled as having been made in the United States if it were produced in this country. Studies have shown that U.S. consumers prefer to buy American-made textile products. By mandating that textile products made in this country be labeled to that effect, we will be helping consumers to identify textile goods made in this country.

Mr. President, another provision of the bill would require that both the textile product, as well as the package in which it is contained, be labeled as to country of origin. There have been numerous instances where bulk shipments have been made to the United States and the packages have been properly marked. However, once the packages are opened, the individual products have not been labeled and therefore have appeared on retail counters without required labeling. In the case of packaging that is transparent in nature where the label could be read through the package, it would not be required that the bulk container be marked as to the country of origin.

Mr. President, the final major feature of the bill would mandate that catalog sale descriptions and other advertisements for textile products contain country of origin information. While there has been FTC rulings to the effect that catalog sale offerings include country of origin material, it is not provided for in the statute itself, and the regulation in many cases has gone unenforced.

Mr. President, I realize that this is a complex subject and that my bill touches on only a few of the major problems that exist in the area of textile labeling. However, I feel that it is extremely important that the groundwork be laid toward resolving some of these problems. We must clarify our labeling laws in order to give consumers every opportunity to buy American-made products. I hope that this legislation will have a full and expeditious review at the committee stage, so that it can be considered by the full Senate in the near future.

By Mr. SYMMS (for himself, Mr. MOYNIHAN, and Mr. MATSUNAGA):

S. 1817. A bill to provide equitable rules for the tax treatment of fringe benefits; to the Committee on Finance.

FRINGE BENEFITS TAX ACT OF 1983

Mr. SYMMS. Mr. President, Mr. MOYNIHAN and Mr. MATSUNAGA and I are introducing the Fringe Benefits Tax Act of 1983, a bill intended to end the controversy over the proper tax treatment of fringe benefits.

This controversy has existed since the Department of the Treasury published a discussion draft of regulations in this area in 1975. It has continued since that time because Congress has failed to take decisive and permanent action with respect to the taxation of fringe benefits. Instead, the Congress continually extended a moratorium on the Department of the Treasury's ability to propose regulations. Extending that moratorium again, at the end of this year, is not a solution to the controversy.

The lack of a national uniform policy on the treatment of fringe benefits imposes costs, burdens, uncertainty, and inequity among taxpayers. These adverse consequences are beginning to be felt, and I believe the time has come to find a permanent solution to this problem.

While attempting to establish a uniform policy, the bill accommodates many existing practices of employers so that the current business and working environment will not be disrupted. I believe it is important to recognize the longstanding practices that are accepted business procedures in the private sector, but I also believe that we should establish certain guidelines and rules so that this issue will not be settled by the courts or the regulators.

One area of concern that is not addressed by this legislation is the so-called cafeteria plans. There are two reasons that this legislation does not address this issue. First, cafeteria plans are provided for by statute in the code and would, therefore not be affected by the expiration of the moratorium at the end of this year. Second, there has not been sufficient information gathered to determine if this is an area about which the Congress should be concerned. Consequently, I believe that it would be more appropriate to address this issue at a separate time after the Senate Finance Committee has had the opportunity to review the matter.

I urge my colleagues to carefully review the effects of my legislation, and then support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Fringe Benefits Tax Act of 1983."

SECTION 2. EXCLUSION OF CERTAIN FRINGE BENEFITS FROM GROSS INCOME.

(a) EXCLUSION OF CERTAIN FRINGE BENEFITS.—

(1) IN GENERAL.—Part III of subchapter B of Chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

SECTION 132. CERTAIN FRINGE BENEFITS.

"(a) EXCLUSION FROM GROSS INCOME.—Gross income shall not include any fringe benefit which qualifies as a—

"(1) no-additional-cost-service or discount property,

"(2) working condition fringe, or

"(3) de minimis fringe.

"(b) NO-ADDITIONAL-COST-SERVICE OR DISCOUNT PROPERTY DEFINED.—For purposes of this section, the term 'no-additional-cost-service or discount property' means any service or property provided or sold by an employer to an employee if—

"(1) such service is provided to customers in the ordinary course of the trade or business of the employer, and

"(2) the employer incurs no substantial additional cost in providing such service to the employee; or

"(3) such service or property is offered for sale to customers in the ordinary course of the trade or business of the employer and sold or provided to the employee at an amount by which—

"(A) the price at which such service or property is provided to the employee by the employer, is less than

"(B) the price at which such service or property being offered by the employer to customers who are not employees.

"(c) WORKING CONDITION FRINGE DEFINED.—For purposes of this section, the term 'working condition fringe' means any services or property if—

"(1) such services or property are provided primarily for the purpose of facilitating the employee's performance of service for the employer, and

"(2) substantially all of the use of the services or property can reasonably be expected to occur in connection with the employee's performance of services.

"(d) DE MINIMIS FRINGE DEFINED.—For purposes of this section the term 'de minimis fringe' means any service or property the value of which is so small as to make accounting for it unreasonable or administratively impracticable.

"(e) CERTAIN INDIVIDUALS TREATED AS EMPLOYEES FOR PURPOSES OF SUBSECTION (a)(1).—

"(1) SPOUSES, PARENTS, SURVIVING SPOUSE, AND DEPENDENT CHILDREN.—

"(A) IN GENERAL.—For purposes of paragraph (1) of subsection (a) the spouses, parents, surviving spouse or dependent child of the employee shall be treated as an employee.

"(B) DEPENDENT CHILD.—For purposes of subparagraph (A), the term 'dependent child' means any child (as defined by section 151(e)(3) of the employee who is a dependent of the employee. For purposes of the preceding sentence, any child to whom section 152(e) applies shall be treated as the dependent of both parents.

"(2) RETIRED, DISABLED AND DECEASED EMPLOYEES.—For purposes of paragraph (1) of

subsection (a), the term 'employee' includes, with respect to a trade or business of any employer, any individual (including spouse or surviving spouse) who was formerly employed by such employer in such trade or business and who separated from service with such employer in such trade or business by reason of retirement, death or disability.

"(3) AFFILIATED EMPLOYEES.—For purposes of paragraph (1) of subsection (a), the term 'employee' includes all employees of all corporations which are members of a controlled group of corporations within the meaning of section 1563 (a), except that—

"(A) "more than 50 percent" shall be substituted for "at least 80 percent" each place it appears in section 1563(a)(1), and

"(B) the determination shall be made without regard to subsection (a)(4) and (e)(3)(C) of section 1563."

"(4) MEMBERS OF THE BOARD OF DIRECTORS.—For the purpose of paragraph (1) of subsection (a), the term 'employee' includes, with respect to a trade or business of an employer, any individual who is currently serving as a member of the Board of Directors of the employer.

"(f) SPECIAL RULES.—

"(1) INTERCHANGE ARRANGEMENTS.—Exclusions under subsection (a)(1) shall apply to such fringe benefits extended by employers to employees of other employers in the same trade or business where such interchange arrangements have been authorized by federal law or regulations issued thereunder; or by tradition and custom within the same trade or business.

"(2) SPECIAL RULE FOR LEASED SECTIONS OF DEPARTMENT STORES.—For purposes of subsection (a) and paragraph (1) of subsection (f), in the case of a leased section of a department store—

"(A) such section shall be treated as part of the trade or business of the person operating the department store, and

"(B) employees in the leased section shall be treated as employees of the person operating the department store.

"(3) AUTO SALESMEN.—

"(A) IN GENERAL.—For purposes of subsection (c)(2), qualified automobile demonstration use shall be treated as use in connection with the employee's performance of service.

"(B) QUALIFIED AUTOMOBILE DEMONSTRATION USE.—For purposes of subparagraph (A), the term 'qualified automobile demonstration use' means any use of an automobile by an automobile salesman in the sales area in which the automobile dealer's sales office is located if there are substantial restrictions on the personal use of such automobile by such salesman.

"(4) ON-PREMISES GYMS AND OTHER RECREATIONAL FACILITIES.—

"(A) IN GENERAL.—Gross income shall not include the value of any on-premises recreational facility provided by an employer to this employees.

"(B) ON-PREMISES RECREATIONAL FACILITY.—For purposes of this paragraph, the term 'on-premises recreational facility' means any gym or other recreational facility—

"(i) which is located on the premises of the employer,

"(ii) which is operated by the employer, and

"(iii) substantially all the use of which is by employees of the employer, their spouses, and their dependent children within the meaning of subsection (e)(1)(B).

"(5) PARKING.—For purposes of this section, the term 'working condition fringe' includes providing parking to an employee.

"(6) FOOD SERVICES.—For purposes of this section, the term 'working condition fringe' includes providing food services (including a cafeteria) to an employee.

"(g) SECTION NOT TO APPLY TO FRINGE BENEFITS EXPRESSLY PROVIDED ELSEWHERE.—This section (other than subsection (d) shall not apply to any fringe benefit of a type the tax treatment of which is expressly provided for in any other section of this chapter.

"(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(2) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking out the item relating to section 132 and inserting in lieu thereof the following:

"Sec. 132. Certain fringe benefits.

"Sec. 133. Cross references to other Acts.".

(b) CONFORMING AMENDMENT TO EMPLOYMENT TAXES.—

(1) SOCIAL SECURITY TAXES.—

"(A) Subsection (a) of section 3121 of such Code (defining wages) is amended by striking out "or" at the end of paragraph (18), by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and by inserting after paragraph (19) the following new paragraph:

"(20) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 132."

"(B) Section 209 of the Social Security Act is amended by striking out "or" at the end of subsection (q), by striking out the period at the end of subsection (r) and inserting in lieu thereof "; or", and by inserting after subsection (r) the following new subsection:

"(s) Any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 132 of the Internal Revenue Code of 1954."

(2) RAILROAD RETIREMENT TAX.—Subsection (e) of section 3231 of such Code (defining compensation) is amended by adding at the end thereof the following new paragraph.

"(5) The term 'compensation' shall not include any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 132."

(3) UNEMPLOYMENT TAX.—Subsection (b) of section 3306 of such Code (defining wages) is amended by striking out "or" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; or", and by inserting after paragraph (14) the following new paragraph:

"(15) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 132."

(4) WITHHOLDING.—Subsection (a) of section 3401 of such Code (defining wages) is amended by striking out "or" at the end of paragraph (18), by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(20) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 132."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1984.

SECTION 3. EXCLUSION FROM GROSS INCOME OF CERTAIN REDUCTIONS IN TUITION.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1954 (relating to scholarships and fellowship grants) is amended by adding at the end thereof the following new subsection:

"(d) QUALIFIED TUITION REDUCTIONS.—

"(1) IN GENERAL.—Gross income shall not include any qualified tuition reduction.

"(2) QUALIFIED TUITION REDUCTION.—For purposes of this subsection, the term 'qualified tuition reduction' means the amount of any reduction in tuition provided by an organization described in section 170 (b)(1)(A)(ii) to an employee of such organization or to an employee of a similar organization under a reciprocal agreement or a portable tuition plan, for the education (below graduate level) at such organization of such employee.

"(3) CERTAIN INDIVIDUALS TREATED AS EMPLOYEES FOR PURPOSES OF SUBSECTION (D)(2).—

"(1) SPOUSE, SURVIVING SPOUSE, AND DEPENDENT CHILDREN.—

"(A) IN GENERAL.—For purposes of paragraph (1) of subsection (a), the spouse, surviving spouse or dependent child of the employee shall be treated as an employee.

"(B) DEPENDENT CHILD.—For purposes of subparagraph (A), the term 'dependent child' means any child (as defined by section 151(e)(3) of the employee who is dependent of the employee. For purposes of the preceding sentence, any child to whom section 152(e) applies shall be treated as the dependent of both parents.

"(2) RETIRED, DISABLED, AND DECEASED EMPLOYEES.—For purposes of paragraph (2) of subsection (d), the term 'employee' includes any individual (including the spouse or surviving spouse and dependent children) who was formerly employed by such employer in such trade or business and who separated from service with such employer by reason of retirement, death or disability."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to qualified tuition reductions (as defined in section 117(d)(2) of the Internal Revenue Code of 1954) for education furnished after June 30, 1954, in taxable years ending after such date.

SECTION 4. EXCLUSION FROM GROSS INCOME FOR THE VALUE OF CERTAIN LODGING.

(a) IN GENERAL.—Section 119 of the Internal Revenue Code of 1954 (relating to meals or lodging furnished for the convenience of the employer) is amended by adding at the end thereof the following new subsection:

"(d) LODGING FURNISHED BY CERTAIN EDUCATIONAL INSTITUTIONS TO EMPLOYEES.—

"(1) IN GENERAL.—There shall be excluded from the gross income of an employee of an educational institution described in section 170(b)(1)(A)(ii) the value of lodging—

"(A) located on campus of, or in the proximity of, such institution, and

"(B) furnished to the employee, his spouse, or any of his dependents by or on behalf of such institution.

"(2) RENT MUST NOT BE LESS THAN DIRECT COST OF LODGING.—Paragraph (1) shall not apply to the value of any lodging to the extent that the direct cost of such lodging to the educational institution exceeds amounts paid by the employee for the use of such lodging.

"(3) EMPLOYEES RESIDING IN UNIVERSITY HOUSING MUST NOT RECEIVE REDUCED COMPENSATION.—Paragraph (1) shall not apply to employees of an educational institution whose compensation is reduced because of their residence in lodging furnished by such institution."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

(c) TRANSITIONAL RULE.—

(1) IN GENERAL.—For purposes of the employment taxes, subsection (d) of section 119 of the Internal Revenue Code of 1954 (other than paragraph (2) thereof), as added by this Act, shall apply to all open taxable years beginning before January 1, 1982, if the education institution had a reasonable basis for not treating the value of lodging described in paragraph (1) of such subsection as being subject to such taxes.

(2) REASONABLE BASIS.—For purposes of paragraph (1), an educational institution shall in any case be treated as having a reasonable basis for not treating the value of lodging as subject to the employment taxes if the educational institution charged a reasonable rental amount for such lodging, taking into account such factors as—

(A) the necessary direct costs of such institution in furnishing the lodging,

(B) the value of the lodging to the employees to whom the lodging is furnished, and

(C) the institution's educational purposes in furnishing such lodging.

The reasonableness of the rental amount shall not be affected by the fact that the fair rental value of the lodging may have exceeded the rental amount.

"(3) DEFINITIONS.—For purposes of this subsection—

(A) The term "open taxable year" means any taxable year for which the assessment of a deficiency, or the allowance of any credit or refund, with respect to the employment tax involved is not barred by any law or rule of law, and

(B) the term "employment taxes" means the taxes imposed by subtitle C of the Internal Revenue Code of 1954.

By Mr. BRADLEY:

S. 1818. A bill to provide that a certain portion of the Hudson River shall be declared nonnavigable; to the Committee on Environment and Public Works.

CAVEN POINT LAND

Mr. BRADLEY. Mr. President, I am introducing legislation to declare a portion of the Hudson River nonnavigable. Actually, this is only a formality due to the fact that this portion of the Hudson has been dry land since the turn of the century. Nevertheless, congressional action is necessary since navigable waterways are the constitutional domain of the Federal Government.

This measure has been requested by both Governor Kean and by the city of Jersey City, N.J., so that plans may proceed with the development of Caven Point. This development will include construction of Route 185, an important thoroughfare for the area, and a private investment project including 700 housing units, a 300 to 500 room hotel, and 400,000 square feet of office space. Until Congress designates this parcel of land nonnavigable, these plans cannot be executed.

Since we rarely rely on 19th century geographic surveys, this process is infrequently required; however, this kind of legislative action is not without precedent. For example, in 1980 the Congress declared a parcel of land in Buffalo, N.Y., nonnavigable that used to be a part of Buffalo Harbor on Lake Erie. This is now Public Law 96-520 (H.R. 8228), signed on December 12, 1980.

Although this legislation I am introducing today will have absolutely no effect on the use of the Hudson, it is of considerable importance to the citizens of Jersey City, N.J.

I ask that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That portion of the Hudson River in the New York Bay lying within the following described area is hereby declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States:

All that piece or parcel of land, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly end of Caven Point Road, said point being located the following two courses from the intersection of the southeasterly right-of-way line of Caven Point Road with the northeasterly boundary line of the whole tract of land (course number 9 in Deed Book 3145, Page 439): (a) Along said line of Caven Point Road south 31 degrees 21 minutes 52 seconds west 359.61 feet to an angle point in the northeasterly right-of-way of Caven Point Road; (b) thence along same line south 52 degrees 42 minutes 47 seconds east 47.22 feet to the proper point of beginning;

Thence south 58 degrees 49 minutes 22 seconds east along a line 287.51 feet to a point;

Thence south 50 degrees 13 minutes 51 seconds east along a line 460.77 feet to a point;

Thence south 13 degrees 06 minutes 47 seconds east along a line 312.39 feet to a point;

Thence south 11 degrees 10 minutes 08 seconds east along a line 368.44 feet to a point;

Thence north 69 degrees 48 minutes 51 seconds east along a line 328.80 feet to a point;

Thence south 04 degrees 53 minutes 00 seconds west along a line 516.88 feet to a point;

Thence south 02 degrees 42 minutes 32 seconds east along a line 931.04 feet to a point;

Thence south 04 degrees 42 minutes 41 seconds west along a line 644.45 feet to a point;

Thence south 24 degrees 29 minutes 01 seconds west along a line 231.78 feet to a point in the southerly edge of an existing concrete pier (41.30 feet wide);

Thence south 44 degrees 26 minutes 38 seconds west along a line (being course number 28 in the above mentioned deed) 6.87 feet to a point;

Thence north 47 degrees 47 minutes 04 seconds west along a line (being course number 29 in the above mentioned deed) 231.00 feet to a point;

Thence south 44 degrees 16 minutes 49 seconds west along a line (being course number 30 in the above mentioned deed) 26.34 feet to a point;

Thence north 45 degrees 30 minutes 22 seconds west along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) and the projection of same 1,905.57 feet to a point;

Thence north 88 degrees 14 minutes 02 seconds west along a line 1,184.70 feet to a point in the southwesterly; boundary line of the whole tract (course number 33 of the above mentioned deed);

Thence north 49 degrees 07 minutes 25 seconds west along said boundary line 340.61 feet to a point in the southeasterly right-of-way line of New Jersey State Highway Route 185;

Thence along the same several courses and distances as recorded on the right-of-way plans for said Route 185 to the point or place of beginning, containing 108 acres, more or less;

Also that piece or parcel of land situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

Thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 774.30 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

Thence in a southwesterly direction along the several courses and distances along the right-of-way line of said Route 185 to the intersection with the northeasterly line of lands now or formerly of the Trustee of the Lehigh Valley Railroad;

Thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.27 feet to a point in the aforesaid southeasterly right-of-way of the Lehigh Valley Railroad Company;

Thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to the point or place of beginning, containing 18 acres, more or less;

Subject, however, to a right-of-way and access easement for ingress and egress granted to the U.S. Government, and slope and drainage easements granted to the New Jersey Department of Transportation.

By Mr. EXON:

S. 1819. A bill to specify the manner in which uncompensated services provided by a skilled nursing facility or an intermediate care facility shall be calculated for purposes of titles VI and SVI of the Public Health Service Act, and to require the Secretary of Health and Human Services to promulgate

regulations under section 1621(b)(1)(K) of the Public Health Service Act; to the Committee on Labor and Human Resources.

THE MADONNA BILL

Mr. EXON. Mr. President, today I am introducing a bill which will change the way Hill-Burton regulations apply to nursing homes. The Hill-Burton program began in 1946 as a way to provide Federal aid for the construction and modernization of hospitals and was made available to non-profit nursing homes in 1954. More than 500 nursing homes in virtually every State in the Nation have benefited from aid delivered through the Hill-Burton Act.

As a condition for receiving Hill-Burton aid, a facility must assure the government of two things: first, that it will provide a reasonable amount of free care for the poor and, second, that it will open its doors to persons living in the community served by the facility.

In 1979, the program regulations were significantly changed after very limited consultation with affected parties. The Department of Health and Human Services has told us that the primary target of these new regulations were hospitals that were failing to live up to their Hill-Burton promises. HHS has repeatedly admitted that these new rules were designed and imposed without taking the special needs of long-term care facilities—nursing homes—into account. And, in numerous letters to my office, HHS has conceded that the regulations, which replaced a reasonable set of requirements issued in 1972, have had an unintended damaging effect on nursing homes. Yet, the same regulations imposed on hospitals continue to be imposed also on nursing homes.

But a nursing home is not a hospital. It is not a place where a patient spends a few days but a residence where an elderly person may spend the rest of his or her life. A properly-run nursing home, such as most of those nonprofit homes that took advantage of Hill-Burton aid, provides a community setting which fills a patient's social needs while it ministers to his medical ailments.

Because a nursing home provides services unlike those of a hospital and to a different type of patient, it faces a different set of economic problems. The 1979 regulations, however, have forced nursing home to try to comply with financial requirements fundamentally unsuited to their mission. As a result, many have suffered, or will soon suffer, severe financial problems.

America's nursing homes are well aware of their obligations to care for the poor under the Hill-Burton Act. However, in 1979 the rules were changed in midstream. Because of the 1979 rules some homes have been forced to change their patient admissions rules and the way they calculate services provided to the poor. This has seriously damaged the financial underpinnings of the affected homes. They have also been forced to respond to the ill advised 1979 change by passing higher costs along to private patients. These private patients are not rich. They are retirees who have worked hard to accumulate social security benefits and modest pensions.

If we do nothing, these private patients will bear an even greater burden. But passing my bill will not cost the Federal or State governments an extra penny. In fact, by helping nursing homes maintain their financial stability, some elderly people may be able to afford nursing home care for a longer period without resorting to costly medicaid.

My bill would alleviate the current costly situation for the 548 nonprofit homes facing a further squeeze by permitting some technical changes which better reflect the ways in which nursing homes differ from hospitals.

First, my bill would require the Department of Health and Human Services to develop admissions standards for Hill-Burton nursing homes which mirror those already found adequate by HHS for all other medicaid and medicare-certified long-term care facilities under its jurisdiction. There is no legitimate reason why Hill-Burton homes should be treated more harshly than their sister institutions that participate solely in other Federal medical aid programs.

Second, this bill would allow Hill-Burton nursing homes to count, as uncompensated care for the poor, the different between their true costs and their Medicaid reimbursement for patients who have resided at the home for longer than an average hospital stay—12 days. The 12-day provision, I feel, is a suitable dividing line between short-term care and the long-term residency provided by nursing homes.

I believe that nursing homes that have benefited from the Hill-Burton program cannot and must not shirk their responsibilities to provide care for the indigent. However, I also believe Federal regulations must be interpreted in such a way that these non-profit homes can reasonably comply without putting their entire existence in financial peril. Inappropriate regulations, no matter how well-meaning, fail in their purpose if neither compliance nor enforcement are possible. That, I fear, has been the case with these Hill-Burton regulations, insofar as nursing homes are concerned.

Mr. President, let me conclude with these final arguments in favor of this legislation:

First. Non-profit nursing homes should be able to meet their Hill-Burton obligations as they existed at the time they accepted the financial assistance. The rules should not be changed after the fact.

Second. HHS has acknowledged that the 1979 regulations were not aimed at nursing homes, and that nursing homes will suffer because of the 1979 regulations. "We are aware that this issue is not adequately addressed in the regulations," HHS has written.

Third. Failure to take corrective action will result in shifting costs onto private paying patients, who cannot afford them, or in nonprofit nursing home bankruptcies, or both.

Fourth. Keeping non-profit nursing homes financially healthy will provide better access for paying and nonpaying patients alike. This legislation entails no cost to the Government.

I urge my colleagues to act promptly on this bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) with respect to whether a skilled nursing facility or an intermediate care facility which received assistance under title VI or title XVI of the Public Health Service Act (as such title XVI was in effect on September 30, 1979) has complied with the provisions of section 603(e)(2) or section 1604(b)(1)(J)(ii) of such Act (as such section 1604(b)(1)(J)(ii) was in effect on September 30, 1979)—

(1) the amount of services provided by the facility without compensation to an individual unable to pay therefor shall be equal to the difference between the reasonable cost of such services and the amount charged, and paid by or on behalf of such individual, for such services; and

(2) the amount of services provided by the facility without compensation to an individual unable to pay therefor shall include any portion of such reasonable cost in excess of the amount that the facility has received, or is entitled to receive, under Medicare or Medicaid.

(b) Subsection (a)(2) shall not apply to services provided by a skilled nursing facility or an intermediate care facility to an individual during any 12-day period which begins with the date on which such individual—

(1) initially receives such services; or

(2) first receives such services after a period of at least 30 consecutive days during which such individual did not receive such services.

SEC. 2. The Secretary shall promulgate regulations under section 1621(b)(1)(K) of the Public Health Service Act to establish requirements for admission by skilled nursing facilities or intermediate care facilities of individuals eligible for insurance benefits under title XVIII of the Social Security Act or of individuals eligible for aid or assistance under a State plan approved under title XIX of such Act which are identical to the requirements for such admissions specified in rules and regulations promulgated under section 1861(j) and section 1905(c) of the Social Security Act.

SEC. 3. For purposes of this Act—

(1) the term "skilled nursing facility" has the same meaning as in section 1861(j) of the Social Security Act;

(2) the term "intermediate care facility" has the same meaning as in section 1905(c) of such Act;

(3) the term "reasonable cost" means the cost of providing services to an individual in accordance with the cost determination principles and requirements under title XVIII of such Act;

(4) the term "Medicare" means the program of health insurance established under title XVIII of such Act; and

(5) the term "Medicaid" means the program of medical assistance provided under a State plan approved under title XIX of such Act.

By Mr. LEVIN:

S. 1820. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 to provide that an individual may meet the 20 weeks of work requirement during either of their two most recent base periods; and to provide that the entitlement for extended compensation shall continue for 6 months beyond the end of their benefit year; to the Committee on Finance.

EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL COMPENSATION

Mr. LEVIN. Mr. President, today I am introducing legislation which will deal with a problem which has arisen with respect to the receipt of Extended Benefits and Federal Supplemental Compensation.

Under current law, workers who have been fortunate to have been called back to work can be penalized if their callback turns out to be for only a short period of time, but, nevertheless, long enough to carry them outside of their benefit year. The benefit year refers to the year from the date on which an individual filed for State unemployment benefits.

The consequence of this situation is that these individuals may not resume receipt of extended benefits or Federal supplemental compensation even though they had not yet exhausted their entitlement to these benefits prior to their temporary callback. Furthermore, their temporary employment may not have lasted for at least 20 weeks, so they would not be eligible for a new entitlement to State benefits. These workers will thus have been penalized for having had the initiative to go back to work at the first chance open to them.

The legislation which I am introducing would provide assistance to these individuals by providing that the entitlement for extended benefits and Federal supplemental compensation shall continue for 6 months beyond the end of their benefit year. Therefore, for example, an individual who at the end of their benefit term still had 6 weeks remaining on their extended benefit entitlement and 10 weeks on their Federal supplemental compensation entitlement could receive their remaining entitlement after their callback had ended, instead, as under current law, of being laid off a second time with the prospect of neither qualifying for a new entitlement of State benefits nor resuming receipt of extended benefits or Federal supplemental compensation.

In addition, for the purposes of extended benefits and Federal supplemental compensation, this legislation would allow either of an individual's two most recent work periods to be considered in determining whether they meet the 20 week work requirement. This would provide an individual who has a steady work history with a greater opportunity to meet the 20 week work requirement.

Mr. President, I have recently brought this problem to the attention of the Senate Finance Committee in testimony before it on the extended benefit program. I offer this legislation to further assist the committee in its consideration of what might be done to rectify a situation which has left people embittered and disillusioned because it can act as a penalty to those who have eagerly sought to leave the unemployment rolls and to go on a payroll.

I ask unanimous consent that a copy of this bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by inserting "or in the base period immediately preceding such base period," and after "the base period with respect to which the individual exhausted all rights to regular compensation under State law,".

(b) Section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the conclusion of such subsection "An individual's entitlement to extended compensation which has not been exhausted by the end of such individual's benefit year shall continue for six months subsequent to the end of the benefit year."

(c) The amendments made by subsections (a) and (b) shall apply to compensation payable for weeks which begin after the date of the enactment of this Act.

By Mr. GARN (for himself and Mr. TOWER):

S. 1821. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 1822. A bill to amend the Internal Revenue Code of 1954 to encourage investments in mortgage-backed securities through trusts for investments in mortgages, and for other purposes; to the Committee on Finance.

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT AND THE TRUST FOR INVESTMENT IN MORTGAGES ACT

Mr. TOWER. Mr. President, today Senator GARN and I are pleased to introduce S. 1821, the Secondary Mortgage Market Enhancement Act of 1983 and S. 1822, the Trust for Investment in Mortgages Act of 1983. The time has come for legislation in this area. We discussed in our May 20, 1983, joint statement to the press that we intended to "write a comprehensive secondary mortgage market bill designed to encourage a broadening of the market through more extensive involvement of the private sector." Hearings held this spring convinced us of the importance of drafting this act.

Mr. President, I would like to give a brief historical perspective on these measures and submit a section-by-section analysis for my colleagues to study during the course of the recess. Further, we might add that we will be scheduling hearings in early September to discuss all of the policy considerations of these proposals. We look forward to receiving the bipartisan support of our colleagues. The positive support and assistance that has been received to date from members of the administration has been most gratifying.

HISTORICAL PERSPECTIVE

Assistance to housing has been preeminent in American public policy since our Founding Fathers pledged themselves to the pursuits of freedom and private property. Administrations since have supported the continuing dream of American generations—home ownership.

The disaster of the Great Depression saw the first major commitment of Federal capital dollars and guaranty ability. Subsidized interest rates, FHA insurance, and incentives for our depositary institutions provided a continual stimulus toward this goal. The great question during the Depression was to what extent can private capital play an important role in providing liquidity in the housing market. In 1938, President Roosevelt requested the FHA Administrator to establish the Federal National Mortgage Association as a subsidiary of the Reconstruction Finance Corporation. It is possible that had the banks, savings and loan institutions, and insurance companies formed their own national mortgage associations, as had been suggested during debate on the Housing Act of 1934, there would have been no need for the formation of Fannie Mae. However, before such private companies could start up, the economic recovery stumbled in 1937, building additional pressure to stimulate the

construction industry. The urgency of the time say the Federal Government enter the secondary market business.

It was 33 years later and the Congress was again faced with a crunch in the housing industry. In the spring of 1970, Senator John Sparkman was Senate Banking and Currency Committee chairman and our distinguished ranking minority member, Senator PROXMIRE, was then ranking majority member.

The Senate committee was deep in hearings regarding the Emergency Home Finance Act of 1970. Cost of housing to the American public was the key question—just as it is today. Freddie Mac was born out of this major housing legislation. In the words of Preston Martin, then Chairman of the Federal Home Loan Bank Board, this new corporation would deal in "conventional mortgages" originated by the members of the Federal Home Loan Bank system. Further, Chairman Martin proposed an amendment that would allow the bank board to deal in the mortgages of all FSLIC- and FDIC-insured institutions, as throughout the years Fannie Mae primarily dealt with the mortgage banking industry. In a discussion of this agency's creation, Arthur Burns, then Chairman of the Federal Reserve Board, in a March 16, 1970, letter to Chairman Sparkman, expressed his concern over creating yet another Federal agency exempt from taxation and with Federal borrowing ties. He questioned whether or not the "public benefits" would "outweigh the costs." Thus, even as a new agency was created, the impact of further intrusion of the Federal Government in the credit markets was critically questioned. This concern remains of ever more importance as we face severe strain on our Federal budget.

In his May 5, 1983 testimony before the Senate Subcommittee on Housing and Urban Affairs, Mr. Lawrence A. Kudlow, then Associate Director for Economics and Planning at the Office of Management and Budget, stated:

The avalanche of new Federal and federally-sponsored debt issues continuously offered to the market will keep interest rates higher than would otherwise be the case, forcing all private firms to shoulder more expensive financing costs and in many cases crowding out unsubsidized private borrowers who cannot absorb the higher interest expense.

By example, in the January 24, 1983 issue of Fortune magazine, Fannie Mae refinancing accounted for 15 of 50 largest "deals of the year." In dollar terms Fannie Mae debentures amounted to $12.2 billion of the $48.2 billion in total deals, which included such corporate landmarks as United States Steel's acquisition of Marathon, Occidental's purchase of Cities Service, and Allied's picking up of Bendix.

Mr. Kudlow elaborated the growth of Federal and federally sponsored agency borrowings since 1974:

In the recession of 1974, Federal and federally sponsored agencies borrowed a total of $24.4 billion, or 12.9% of the non-financial capital raised in U.S. credit markets. During the recession year of 1982, however, total funds raised by Federal entities jumped to $199.7 billion, or 48.9 percent of the non-financial domestic credit market. Hence, the Federal absorption rate has jumped by 36 percent, while the actual level of funds raised has increased by a staggering 725 percent. In the administration's view, unless these credit trends are reversed, the expectations of strong economic growth and low inflation in the 1980's will be particularly difficult to achieve.

CURRENT ENVIRONMENT

Since the dark days of the thirties Federal involvement in Housing has grown to huge proportions. Over 90 percent of all mortgages under the current Fannie Mae, Freddie Mac mortgage ceiling of $108,300 placed in the public secondary market are sold through the Federal agencies. At the end of 1982, Fannie held $70 billion in portfolio mortgages; and it had purchased $13 billion in mortgages and issued $11.5 billion in pool securities. Brother Freddie Mac during the same period held $5 billion in mortgages, 80 percent of which were conventionals. Additionally, the mortgage corporation bought $20 billion of conventional loans and sold some $22 billion of participation certificates (PC's). Approximately $43 billion in PC's were outstanding at the end of 1982.

The purely Government agency sister, Ginnie Mae, the Government National Mortgage Association, at fiscal 1982 yearend had approximately $114 billion of guaranteed mortgage backed securities (MBS) outstanding of the $135 billion issued from program inception in 1970.

As pointed out these Federal and quasi-Federal entities dominate the secondary market under the mortgage limit ceiling. Primarily, this is due to their ability to raise capital at agency costs or a relatively few basis points above comparable Treasury borrowing rates, and to use streamlined regulatory exemptions and their wide, national level marketing capabilities. A description of this preferential financing was outlined in testimony on May 5, 1983 before the Senate Housing and Urban Affairs Subcommittee by Lawrence A. Kudlow, of the Office of Management and Budget.

The special benefit afforded these agencies by the Federal Government provide them with highly significant advantages relative to their private sector competitors: the agencies can finance their operations at interest rates that are lower than comparably dated private issues—over the 1975–82 period 7-year FNMA bond yields averaged 16 basis points above 7-year treasury bonds but 63 basis points below AA-rated corporate bonds with 7–10 year maturities.

These agencies have been very innovative in providing liquidity to the housing markets. They are to be congratulated for their successful accomplishment of the public policy goals of housing support during periods of economic distress. However, in recent months a growing number of private sector firms have begun to make inroads in providing mortgages a route to the public secondary market, primarily in the high cost mortgages over $108,300. This is in addition to the many private placements of mortgage pools between savings and loans and mortgage bankers—both over and under the limit. However, in the total scheme of the market this activity is limited and regional in scope. As more and more demands are placed on the credit markets and mortgage lenders we must provide new outlets for originations of all sizes. The Federal agencies by their own admission will not be able to provide all the mortgage liquidity that will be needed over the next 10 years. These bills make a small contribution toward this effort—the effort of encouraging private sector firms to invest capital, create mortgage-backed securities, and serve these markets.

The two private players that one reads the most about are General Electric Credit Corp. and Residential Funding Corp., a subsidiary of Norwest Bancorporation. At year end 1982, nearly one-third of GECC's net receivables were related to housing activities. Its direct current investment of $3.5 billion is composed of manufactured housing loans—$1.7 billion—commercial real estate loans—$790 million—residential first mortgages—$100 million—and second mortgages—$760 million. Further, GECC services an additional $2.4 billion in loans owned by investors. GE and GECC have a firm commitment to housing and housing finance.

Residential Funding Corp. (RFC) continues to innovate in the markets with extremely flexibile products with both fixed and variable rates. Currently, Norwest Mortgage, Inc., services over $8 billion in loans and is the third largest mortgage banker in the Nation. Combining RFC's efforts with private mortgage insurors and a top Wall Street investment banking house, over 1,400 lender applicants have been attracted to their products. Those homebuyers served are those needing mortgage money substantially above the reach of citizens of moderate means. They are homebuyers whose mortgages exceed loan limits currently placed on our agencies. These are individuals far from needing Government assistance, But the interesting aspect of this phenomenon is that the gap between yield on Freddie and Fannie PC's and yield on pass through securities issued by GECC, RFC, Prudential

Bache and others has closed to as little as one-eighth of a percent. The intent of our bills is to close the gap entirely and make the private sector not only fully competitive but increasingly able to pick up the almost insatiable demand for mortgage credit in the secondary market. The following tables illustrate the size and cost related to mortgages issued in the upper tiers of the market:

TABLE I.—MORTGAGE LOANS ORIGINATED

[Percentage of dollar volume]

	Loans less than $110,000	Loans over $110,000
1982:		
June	94.1	5.9
July	92.8	7.2
August	93.4	6.6
September	92.6	7.4
October	92.1	7.9
November	92.2	7.8
December	93.6	6.4
1983:		
January	93.5	6.5
February	92.2	7.8

Source: Federal Home Loan Bank Board Survey, March hearing before the Banking Committee.

TABLE II.—QUALIFYING INCOME REQUIRED

	Loan amount	Interest rate (percent)	Monthly payment	Qualifying income
Home price:				
$70,000	$66,500	13.5	$762	$36,576
$80,000	76,000	13.5	871	41,808
$100,000	95,000	13.5	1,088	52,224
$114,000	108,300	13.5	1,204	59,520
$120,000	114,000	13.5	1,306	62,688
$140,000	133,000	13.5	1,523	77,104

Note: 95 percent loan-to-value ratio; 30-year fixed rate—fully amortized; 25 percent—principal and interest.
Source: The Federal Home Loan Mortgage Corporation.

It is our belief that this private sector growth should be nurtured and fostered. One should note that a great deal of research has been done on this issue of Federal agency dominance of the secondary markets. Now, we do not mean the countercyclical presence that has been dictated by the Government policies of the past. It has been important. Now we have opportunity before us to encourage growth of the private sector.

The President's housing commission report released April 29, 1982, studied this issue at length. It recommends that ultimately, over some well determined time frame, Fannie and Freddie should be weened of their agency benefits. However, the report points out that care should especially be taken with regard to any change to Fannie Mae. Due to this quasi-private entity's role as the historic purchaser of long-term, fixed rate mortgages, high interest rates have caused severe earnings troubles for the company. We are sensitive to this problem. Fannie Mae's countercyclical support of housing led its longtime Chairman Oakley Hunter to often claim that funding such a business was the world's largest floating crap game. In addition to the Commission's thoughts on the Federal agencies, this legislative proposal attempts to crystalize their recommendations for encouragement of private mortgage backed securities and the administration's TIM's proposal.

Further, the President's private sector survey on cost control led by Chairman Peter Grace, has recommended the same course of action, that is encouragement of the private companies with less dependence over the long term on the quasi-government agencies.

It should be of interest to my colleagues that encouragement of these private conduits has had the support in the past of both Fannie Mae and Freddie Mac. Acknowledging the size of the job to be done, David Maxwell, Chairman of Fannie Mae, in March 10, 1983, in testimony before the Senate Banking Committee:

Congress acted very prudently by creating Fannie Mae, FHLMC, and GNMA, but they cannot be expected to do the whole job. The private sector must be given greater incentives to develop its own secondary market institutions. Providing for the entry of these more private competitors is not easy, but it must be done.

Freddie Mac's testimony echoed this view:

The housing finance system will increasingly rely on the secondary mortgage market for the delivery of home mortgage credit. To understand fully how and why this will happen, it is useful to look more closely at the role of secondary markets in the delivery of mortgage credit. In so doing, an important point will become clear. The key to the ability of secondary market institutions to provide tremendous benefit to homebuyers, without congressional appropriation, is their interaction with, and reliance on, private financial market participants. (Statement of Kenneth J. Thygerson, March 10, 1983.)

As one can see in the foregoing discussion, the bills that we are introducing today, which are explained in more detail in an accompanying section-by-section analysis, come at a critical juncture in the emergence of a private secondary market. Deregulation of the financial community, which began in earnest a little over 2 years ago, produced material changes in requirements imposed on corporate borrowers and market makers. Shelf registration for securities issues, reduction in regulation T margin requirements and other important changes by both the Securities and Exchange Commission, the Federal Reserve Board and other regulators have stripped away some of the unnecessarily tough hurdles corporate securities must clear on their way to the market; moving them closer to the very smooth trip made by Federal agency securities. Deregulation coupled with resourcefulness, efficiency and commitment have seen passthrough mortgage securities issued by the likes of RFC, GE credit, Prudential-Bache and others begin to trade at interest rates closely approaching those on Fannie and Freddie passthroughs. One must compare this gain to the fact that such private securities were once trading as much as 2 percentage points (200 basis points) above Fannie and Freddie.

We are convinced that these bills will begin to close the gap further and, with the powerful economic tool offered by the TIM's proposal, enable the private sector to compete directly with Fannie Mae and Freddie Mac.

This legislative effort can best be characterized as an effort to achieve two goals: First, we want to remove any remaining regulatory impediments which prevent mortgage passthrough securities from trading at least as well as other corporate securities.

Second, we want to broaden investor interest in these securities, a goal toward which the TIM's proposal will have a particularly strong effect.

Mr. President, there is a title missing from this bill which is still under study and which raises a number of broad policy issues deserving further thoughtful debate. We have reached a point where Congress should legitimately rationalize the modern day role of Fannie Mae and Freddie Mac.

There can be no dispute that both corporations have been eminently successful in reaching the goals Congress originally set for them. We now have a fully functioning, impersonal, secondary market for conventional mortgages and have provided liquidity for investors in mortgage backed securities. Moreover, both corporations have contributed significantly to standardization of mortgage instruments and the procedures requisite to conducting an orderly securities market.

But, we are introducing these measures today precisely because of these successes and because the private sector now finds the incentives present to commit capital and other resources to a fully private marketplace for mortgage backed securities.

Thus, we can legitimately ask whether or not there is a need for two governmental agencies performing essentially the same functions and if not, how best do we make the transition to less reliance on the specific agency benefits necessary to meet their original purposes.

If we were going to argue in behalf of a set of contemporary goals for one of these corporations, we believe they would be as follows: to continue to meet the needs of the lower end of the mortgage market, Fannie's and Freddie's traditional business, until the private market can assume that demand—to continue a countercyclical presence in the mortgage market to assist the housing industry and homebuyers in recession periods—to innovate new mortgage instruments and markets for such instruments—to stabilize Fannie Mae's financial condition

which is highly interest sensitive due to its past practice of purchasing high volumes of mortgages for its own portfolio.

But none of these goals, collectively or individually, necessarily requires two or any government related corporations. And this is the substance of the debate. At what rate, under what scheme, and to what end may we wind down the reliance on these agencies in favor of a healthy, viable private sector. In the course of examining viable options for determining the future of the two corporations, we are guided by the intent of our bill, to foster a strong, totally private secondary market, fully capable of responding to the demand for mortgage related investor capital. While that capacity will require time to mature, we intend that our ultimate goal be that both Fannie Mae and Freddie Mac join the cadre of private sector players. Three options are currently under discussion, option No. 1 would entail the merger of Freddie Mac and Fannie Mae. Assuming that one governmentally chartered corporation is sufficient to meet the goals discussed before, this option would have the obvious advantage of providing a powerful solution to Fannie Mae's financial problems. The combination of Freddie Mac's very strong financial condition and its large earnings stream would provide an important infusion of resources to help offset the negative spread inherent in carrying Fannie's portfolio in high interest rate periods.

If this option is selected, the preferred course of action would be to establish a commission representing the boards of the two corporations and the public which would be charged to present to Congress, within a specified time, a plan to effect a merger which would be implemented by statute. While the actual structuring of the surviving corporation would be left to the commission to propose, certain conditions would seem appropriate.

First, such a merger would have to occur at no cost to the Government. Second, given Freddie Mac's traditional relationship to the thrift industry, provision would have to be made in the surviving corporation to service the special needs of thrifts in the post Garn-St Germain Act period. Third, it would seem appropriate that the surviving corporation be endowed with fewer indices of agency status than its predecessors and that the Commission would propose a plan which would convert the new corporation, over time, to a completely private status governed by the laws applicable to the private financial industry.

The second option currently under discussion would leave Fannie Mae intact but would transfer ownership of Freddie Mac to private status.

On the same theory that the need for two agencies is no longer as strong in the current environment, it has been proposed that Freddie Mac be moved to the status of a private corporation separated from all agency benefits. One version of this plan would initially see the stock currently owned by the bank board system sold to the thrift industry whereupon it would be eligile to be traded on the stock markets. As transition is made, a new board would be formed reflecting new ownership, but initially retaining bank board involvement, including current chairmanship for a specified period. A scheduled phaseout of agency benefits would occur including phaseout of tax exemption. Upon initial evolution of ownership to the thrift industry, any future sale of equity would be made to the general public with concomitant broadening of board representation. Limitations on control of ownership would be imposed.

The attractiveness of this proposal lies in the great financial strength of Freddie Mac. Because of its highly efficient, low risk role as a conduit for mortgages to the investor community and its strong capital base, it would have little difficulty in making the transition to a private status. Moreover, by initial sales of Freddie Mac to the thrift industry, thrifts would retain access to the benefits afforded them by Freddie and have more direct policy control over its operations. Moreover, while not all thrifts would purchase shares in a private Freddie Mac, they would be indirect financial beneficiaries of the sale by virtue of the return on investment realized by the Federal home loan banks which are in turn owned by member savings and loan associations.

The third option under consideration would leave both corporations essentially intact. However, it would be expressly understood that the principal objective with respect to Fannie Mae would be to stabilize its financial condition. We, in fact, believe that changes effected by current management in the way Fannie does business coupled with the development of new products and a less volatile interest rate environment, will, over time, correct Fannie Mae's asset/liability mismatch.

Freddie Mac's role under this scenario would see the corporation acting as an innovator for the creation of new mortgage instruments and acting as an adjunct to the Federal Home Loan Bank Board's efforts to help the savings and loan industry improve its asset-liability management.

It would be understood, however, that this option represents a new status for both corporations in that no additional powers would be obtained by either. Moreover, as the private market continues to expand its capacity to provide mortgage capital, the continuing role and status of each corporation as agencies of the government would be carefully reappraised as conditions warrant.

Mr. President, obviously each of these options raises important public policy issues which we believe should continue to be discussed over the next month and one half, then addressed formally when we hold hearings on the bills in September.

We have asked the housing and finanical industry to participate in the drafting of this bill which has contributed significantly to its quality. We will continue to ask the industry to participate in the policy discussions related to these options and will depend on our colleagues to contribute as well.

Now, Mr. President, I request unanimous concent that the section-by-section analysis and the text of the Secondary Mortgage Market Enhancement Act of 1983 be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

The title of the bill is: "The Secondary Mortgage Market Enhancement Act of 1983."

TITLE I

Title I contains a number of securities amendments that will remove technical impediments to trading and investing in mortgage-related securities. Many of these impediments exist merely because mortgage-related securities were not even conceived of when the securities laws and financial institutions investment statutes were enacted. Similarly, State restrictions concerning legal investments for various State-chartered or regulated institutions, pension funds, and trust managers have generally not specifically considered mortgage-related securities when they were enacted. The amendments in this title will allow flexibility in mortgage security transactions and expand the potential base of investors and thus substantially enhance the ability of private issuers of mortgage securities to provide liquidity to mortgage lenders and reduce the roots of mortgage credit for homebuyers.

Section 101 rewrites Section 4(5) of the Securities Act of 1933 to increase the applicability of the current exemption from security registration requirements for large transactions in mortgage securities issued by financial institutions. First, the current exemption only applies for traditional first mortgages on real estate. The rewrite would also apply for securities backed by second mortgages, cooperative housing loans, and manufactured home loans. Second, the type of allowable security is expanded to cover mortgage-related payment bonds in addition to notes directly secured by mortgages. Third, the exemption is made available to securities originated by any HUD-approved mortgagee (principally mortgage bankers) in addition to financial institutions. Fourth, the current minimum transaction amount of $250,000 is clarified to apply only to the initial purchase amount rather than the current interpretation which requires considerably larger initial amount to allow for future mortgage prepayments. Fifth, the 60-day limit for cash payment on the security is extented to 120 days. Finally, purchasers

are allowed to buy for another person's account.

Section 102 amends the Securities Exchange Act of 1934 so that broker-dealers may extend credit to buyers of mortgage-related securities on the same basis as they may for government agency securities.

Section 103 amends the net capital requirements applied to broker-dealers so that "investment grade" mortgage-related securities may be carried in the inventory of broker-dealers without adverse effect on the net capital they are required to have by the Securities Exchange Commission. Investment grade mortgage securities held in a dealer's inventory would only require the same amount of capital as government securities of comparable maturity.

Sections 104 and 105 will allow Federally-chartered financial institutions to invest in mortgage-related securities subject only to limitations that the appropriate regulator might impose. Currently, investment by national banks is statutorily limited as if the securities were only backed by the single issuer rather than a diverse pool of mortgages. Thus no more than 15 percent of unimpaired capital and surplus may be invested in an issuer's mortgage-related securities. Federally-chartered credit unions are not permitted currently to invest in mortgage securities at all. With the amendment, the regulators retain authority to specify appropriate characteristics of the securities such as geographic diversity in the underlying pool of mortgages.

Section 105 will allow national banks to underwrite and deal in investment grade mortgage-related securities. National banks already conduct these activities for housing revenue bonds and for GNMA guaranteed mortgage-backed securities. This section extends the same authority for privately issued mortgage securities.

Section 106 preempts State blue sky and legal investment laws and regulations so that investment grade mortgage-related securities may be purchased by State-chartered and regulated financial institutions, insurance companies, pension funds, trustees or other regulated entities as if they were Federal agency securities. Many current State provisions were written when mortgage-related securities did not generally exist. In consequence, these securities are adversely affected by investor limitations. States may reassert limitations on investment in mortgage securities if they find them necessary within 2 years from enactment of the bill. This preemption section would apply equally to mortgage-related securities issued by private entities or by FNMA and FHLMC.

Section 107 directs the Securities and Exchange Commission to permanently extend its experimental self registration rule, at least for securities which fall within the definition of Section 4(5) of the Act, beyond the current September 1983 expiration date.

TITLE II

Title II contains several purely technical amendments to the FHLMC and FNMA charter acts.

Sections 201 and 202 correct a technical oversight in the authority recently granted for FNMA and FHLMC to issue preferred stock. The correction requires any issuance to comply with the New York Stock Exchange rules and procedures regarding the rights of preferred stockholders.

Section 203 will allow FHLMC to purchase or deal in junior lien mortgages on the same basis as FNMA. Thus they need not be limited to loans which are used exclusively for home purchase or improvement.

Section 204 clarifies FHLMC's manufactured home loan authority to cover such loans even where the manufactured home may be considered personal or mixed property rather than strictly real property.

Section 205 clarifies the definition of conventional mortgage so it will include mortgages that are insured by a State agency. Thus these mortgages would be eligible for inclusion in FHLMC conventional mortgage programs.

Section 206 makes it clear that FHLMC may not guarantee securities issued by another entity. This preserves the status quo so that FHLMC may only guarantee (and implicitly extend the financial backing of the Federal Home Loan Bank System) its own securities.

S. 1821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary Mortgage Market Enhancement Act of 1983".

TITLE I—SECURITIES LAWS AMENDMENTS

REGISTRATION EXEMPTION

SEC. 101. Section 4(5) of the Securities Act of 1933 is amended to read as follows:

"(5) transactions involving offers and sales of one or more promissory notes—

"(A) which are directly secured by a first lien (or a second lien where the proceeds of the note were applied to the purchase of the security property or to improvements thereon) on—

"(i) a single parcel of real estate (including stock allocated to a dwelling unit in a residential cooperative housing corporation) upon which is located a dwelling or other residential or commercial structure, or

"(ii) a residential manufactured home, as defined in section 501(e) of the Depository Institutions Deregulation and Monetary Control Act of 1980,

and participation interests in such notes or mortgage related payment bonds secured by such notes or participation interests; and

"(B) where (i) the sales price for such note, participation interest, or mortgage related payment bond is not less than $250,000 or such note, participation interest, or mortgage related payment bond represents a participation interest or denomination which, if sold on the initial sale date, would have been sold for at least $250,000 based upon the percentage of principal represented by the initial sales price, (ii) the purchaser pays cash upon the earlier of (I) the date of delivery of such note, participation interest, or mortgage related payment bond, or (II) 120 days after the date upon which the purchaser committed to make such purchase, and (iii) such note or notes were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution which is supervised and examined by a Federal or State authority or were originated by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act.

For the purpose of subparagraph (A), a mortgage related payment bond means an obligation (which may be with or without recourse to the issuer thereof) which, by its terms, provides for payments of principal in relation to payments, or reasonable projections of payments, on notes meeting the above requirements or participation interests therein which are pledged as security for such obligation and which are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization.".

EXTENSION OF CREDIT

SEC. 102. Section 11(d) of the Securities Exchange Act of 1934 is amended by inserting "or securities described in section 4 (5) of the Securities Act of 1933" after "exempted security" each place it appears.

NET CAPITAL REQUIREMENT

SEC. 103. Section 15(c)(3) of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following: "In establishing such requirements, the Commission shall accord the same treatment to securities described in section 4(5) of the Securities Act of 1933 which are rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization as the treatment accorded in the case of securities described in section 3(a)(2) of such Act.".

INVESTMENT BY DEPOSITORY INSTITUTIONS

SEC. 104. (a) Section 5(c)(1) of the Home Owner's Loan Act of 1933 (12 U.S.C. 1464 (c)(1)) is amended by adding at the end thereof the following:

"(S) Mortgage backed securities.—

Investments in securities described in section 4(5) of the Securities Act of 1933, subject to such regulations as the Board may prescribe.".

(b) Section 107 of the Federal Credit Union Act (12 U.S.C. 1757) is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following:

"(15) to invest in securities described in section 4(5) of the Securities Act of 1933, subject to such regulations as the Board may prescribe.".

SECURITIES ACTIVITIES OF NATIONAL BANKS

SEC. 105. Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end of paragraph Seven the following: "The limitations and restrictions contained in this paragraph as to an association dealing in, underwriting, and purchasing for its own account investment securities shall not apply to securities described in section 4 (5) of the Securities Act of 1933, subject to such limitations as the Comptroller of the Currency may prescribe.".

PREEMPTION OF STATE LAW

SEC. 106. (a) Any person, trust, or organization created pursuant to or existing under the laws of the United States or any State shall be authorized to purchase, hold, and invest in securities which are described in section 4 (5) of the Securities Act of 1933, without regard to the requirement of subparagraph (B)(1) thereof, but which are registered under section 6 of such Act, to the same extent that such person, trust, or organization is authorized under any applicable law to purchase, hold, or invest in obligations issued by or guaranteed as to principal and interest by the United States or any agency or instrumentality thereof. Where State law limits the purchase, holding, or investment in obligations issued by the United States by such a person, trust, or organization, such securities described in section 4 (5) of the Securities Act of 1933 shall be considered to be obligations issued by the United States for purposes of the limitation.

(b) The provisions of subsection (a) shall not apply with respect to a particular

person, trust, or organization or class thereof in any State which, prior to the expiration of 2 years after the date of enactment of this Act, enacts a statute which specifically refers to this section and either prohibits or provides for a more limited authority to purchase, hold, or invest in such securities by such person, trust, or organization or class thereof than is provided in subsection (a). The enactment by any State of any statute of the type described in the preceding sentence shall not affect the validity of any contractual commitment to purchase, hold, or invest which was made prior thereto.

SHEIF REGISTRATION

SEC. 107. The Securities and Exchange Commission shall, by rule or regulation, provide for the registration pursuant to section 6 of the Securities Act of 1933 of securities which are to be offered on a delayed or continuing basis in the future, and which meet all the requirements of section 4 (5) of the Securities Act of 1933, except for the requirement of subparagraph (B) (i).

TITLE II—FEDERAL HOME LOAN MORTGAGE CORPORATION AND FEDERAL NATIONAL MORTGAGE ASSOCIATION AMENDMENTS

FHLMC PREFERRED STOCK

SEC. 201. Section 306 (f) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "Such preferred stock may have such rights as are permitted by the rules of the New York Stock Exchange in the case of securities listed on such Exchange".

FNMA PREFERRED STOCK

SEC. 202. (a) The first sentence of section 303(a) of the National Housing Act is amended to read as follows: "The corporation shall have common stock, without par value, which shall be vested with voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors.".

(b) Section 303 of such Act is amended by adding at the end thereof the following:

"(h) Any preferred stock of the corporation may have such rights as are permitted by the rules of the New York Stock Exchange in the case of securities listed on such Exchange.".

(c) Section 308(b) of such Act is amended by striking out the word "common" in the first sentence.

FHLMC PURCHASE OF JUNIOR LIENS

SEC. 203. The first sentence of section 302 (h) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "status as a first lien" and inserting in lieu thereof "priority of lien status".

FHLMC MANUFACTURED HOUSING LOANS

SEC. 204. Section 302(h) of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following: "The term 'residential mortgage' also includes loans or advances or credit secured by mortgages or other liens against manufactured homes whether the security property is real, personal, or mixed.".

FHLMC AUTHORITY TO PURCHASE STATE AGENCY INSURED MORTGAGES

SEC. 205. Section 302(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "a State or an agency or instrumentality of either" and inserting in lieu thereof "any of its agencies or instrumentalities".

FHLMC GUARANTEE OF MORTGAGE-BACKED SECURITIES ISSUED BY OTHERS

SEC. 206. Section 306 of the Federal Home Loan Mortgage Corporation Act is amended by adding at the end thereof the following:

"(h) The Corporation may not guarantee mortgage-backed securities other than mortgage-backed securities issued by the Corporation.".

Mr. TOWER. Mr. President, now, I would like to turn briefly to a discussion of our TIMS bill, specifically.

Mortgage-backed securities which are issued for sale by nonfederally sponsored entities are currently disadvantaged by the tax laws in their competition for funds with corporate obligations and federally related agency debt. This TIMS initiative is designed to remove the constraints in existing tax laws which control pooled asset investments which do not account for the characteristics of mortgages.

The problem with current tax law has been described as follows:

To avoid tax at the pool level, virtually all existing mortgage pools, including the mortgage-backed securities of FNMA, FHLMC and GNMA, are organized as "grantor trusts" issuing passthrough securities. However, the grantor trust has proven an inflexible and limited tool, severely constraining the ability of mortgage securities to compete in the capital markets. A grantor trust is, by definition, a passive vehicle with no ability for the trustee to manage assets—the cash flow on the mortgages is simply passed through to investors. The trustee has no investment discretion and little ability to manage cash flows. The grantor trust certificate holder merely has an undivided proportionate interest in the mortgage pool. This inflexible mechanism for pooling assets is particularly ill suited to mortgages because of the inability of the trustee to reinvest or manage cash flows. This makes it impossible to provide investors with protection against prepayment of "call' of the mortgages. Because investors cannot know the duration of their investment, they have no certainty as to maturity or yield. For most investors, this yield uncertainty and related reinvestment risks are unacceptable. In addition, since each certificate represents an undivided interest in all mortgages in the pool, each security must have a nominal maturity coincident with the payoff of the last pool mortgage. This limits mortgage securities to the long-term debt market.

To be competitive with other capital market participants, mortgage securities issuers must be able to pay their investors the net pretax yield on the mortgage pool. Yet, a general rule of tax law is that earnings of any actively managed business must be taxed at the business (or pool) level, and its after-tax cardinal rule of the mortgage securities market has been to avoid this double tax by not having a pool entity whose earnings are taxable.

The TIMS legislative proposal is intended to resolve the problems of the grantor trust by creating a new form of flowthrough entity for mortgage securities allowing for call protection and for multiple classes of securities.

Mr. President, recognizing that this important tax legislation affecting housing will be referred to the Finance Committee, we want to point out that the Banking, Housing, and Urban Affairs Committee will undoubtedly have formal recommendations regarding the importance of these matters for improving housing finance and the appropriate role for Government chartered entities in TIMS securities.

Now, Mr. President, I request unanimous consent that the section-by-section analysis and the next of the Trust for Investment In Mortgages Act of 1983 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 1 amends Subchapter M of chapter 1 of the Internal Revenue Code of 1954 by adding the following new part:

"PART IV—TRUSTS FOR INVESTMENTS IN MORTGAGES

Section 860A(a) defines the term TIM as a corporation, trust or association which is managed by one or more trustees or directors, where the beneficial ownership is evidenced by registered transferrable shares or certificates of beneficial interest, which would otherwise be taxable as a domestic corporation which is not a financial institution or an insurance company, and which meets the tests set forth in Section 860A (b), (c), (d), and (e).

Section 860A(b) describes the investment requirements for TIMs by setting forth a gross income test, a gross income test from qualified obligations, an asset test, and restrictions on gross income from certain types of assets.

Section 860A(c) requires that a TIM shall have no income from the active conduct of a trade or business, and clarifies that income from commitment fees and points received in connection with any qualified obligation shall not be treated as income from the active conduct of a trade or business.

Section 860A(d) sets forth the election and termination of election requirements for a TIM.

Section 860A(e) states that a TIM shall have only one class of stock or equity interest unless the TIM debt is 10 percent or less of the aggregate face amount of the assets of the TIM, and the par value of the other equity interest is equal to the aggregate of qualified obligations held by the TIM.

Section 860A(f) sets forth special rules for the application of this section.

Section 860A(g) provides that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are not eligible trustees, directors, or shareholders of a TIM.

Section 860B(a) states that a TIM is exempt from taxation.

Section 860B(b) requires that a TIM shall use the cash method of accounting, and use

the calendar year as its accounting period, for purposes of determining its taxable income for any taxable year.

Section 860C(a) requires that a TIM shareholder shall be treated as if the TIM were a partnership, and the shareholder were a partner.

Section 860C(b) describes the treatment of dispositions of Qualified Obligations. If the proceeds from the disposition by a TIM are distributed to any shareholder, that portion of the distribution which is allocable to the principle amount of the obligation shall be treated as a redemption of the shareholder's shares, except that the character of the gain from this redemption shall be the same as the character of the gain would have been if the gain had been taxable to the TIM. If the proceeds from the disposition by a TIM are used to acquire any other qualified obligation, then each shareholder shall be treated as having received a distribution of his pro rata share of such proceeds, and each shareholder shall be treated as having recontributed such amount to the TIM in exchange for shares having a par value equal to the face amount of the other qualified obligations.

Section 860C(c) sets forth special rules for shareholders owning 20 percent or more of a TIM and requires that any gain from the disposition of any qualified obligation which is allocated to such a shareholder be treated as ordinary income.

Section 860D(a) states that the basis in any qualified first or second mortgage received by a TIM in exchange for an equitable interest in such TIM shall be the fair market value of the mortgage at the time of the transfer.

Section 860D(b) sets forth the gain or loss rules for recognition by shareholders. In general, gain or loss shall be recognized by anyone transferring any qualified mortgage to a TIM to the extent such person's basis in such mortgage is greater (or less) then the fair market value of such mortgage. The gain or loss shall be recognized ratably over the remaining term of the qualified first or second mortgage. If any loss is treated as an ordinary loss, any gain from the sale or exchange of an equity interest in the TIM shall be treated as ordinary income to the extent of the loss.

Section 860E(a) defines a qualified obligation as a qualified first or second mortgage, qualified participation, cash-flow mortgage-backed bond secured by a qualified first or second mortgage, equity interest in a TIM, qualified repurchase obligation, or qualified income investment.

Section 860E(b) defines a qualified first or second mortgage as a first or second mortgage secured by a single family residence which is the principle residence of the mortgagee and which is used to acquire or to improve such residence. This definition includes cooperatives; it does not include construction loans or mortgages originated with an original issue discount. The mortgage amount may not exceed the value of the residence.

Section 860E(c) defines the term qualified participation as any participation in a mortgage or pool of mortgages if the mortgages would be qualified first or second mortgages held by a TIM, and the mortgagees of the mortgages remain the primary obligors.

Section 860E(d) defines the term qualified repurchase obligations as a qualified first or second mortgage subject to a repurchase agreement where the amount payable to the TIM does not exceed the payments due on the mortgage subject to the agreement, and the TIM purchases such mortgages for not more than their fair market value, and the amount paid for the repurchase is fixed at the time the agreement is entered into.

Section 860E(e) defines the terms qualified income investments as any security, letter of credit, certificate of deposit, surety, or other similar instrument which is acquired during an 18-month period beginning on the date the TIM is incorporated; and is acquired to provide cash to meet fixed obligations or to provide income to the TIM to offset income lost because of prepayment or liquidation. The qualified obligation shall be terminated after the earlier of 7 years following the incorporation of a TIM or the date on which the first one-third of the term of the TIM with a fixed term has expired.

Section 2 amends Chapter 44 of the Internal Revenue Code by adding the following new part:

"SEC. 4982. EXCISE TAX ON PROHIBITED TRANSACTIONS OF TIM'S.

Section 4982(a) states that on each prohibited transaction of a TIM a tax is imposed which is equal to the gain or loss allocable to such transaction.

Section 4982(b) defines the term prohibited transaction as a disposition of a qualified obligation held by the TIM for less than 3 years, or any qualified obligation held by a TIM for 3 years or more and described in Section 122(l).

Section 4982(c) states an exception from the prohibited transaction rules. A disposition from a TIM will not be treated as a prohibited transaction if it is in connection with the prepayment, retirement, or renegotiation of a qualified obligation; the disposition is of any defective qualified obligation, foreclosure property, or qualified short-term investment; or the disposition is in connection with the involuntary liquidation or dissolution of a TIM. Certain transactions described in this subsection will not be treated as prohibited transactions.

Section 4982(d) defines the term qualified short-term investments as a qualified obligation designated by a TIM as a qualified short-term investment on the date the obligation is acquired, is held by the TIM for less than 180 days or maturity and whose proceeds are used to acquire other qualified obligations or are distributed to the TIM's shareholders. Notwithstanding this rule, during the 18-month period beginning on the date a TIM is incorporated, proceeds from the disposition of a qualified short-term investment may be invested in other qualified short-term investments.

Section 4982(e) defines the term "TIM" and "qualified obligation" as set forth in part IV of subchapter M of chapter 1; the term "foreclosure property" is the same as set forth in section 856(e) without regard to whether such property is held by a real estate investment trust.

S. 1822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULES FOR TAXATION OF TRUSTS FOR INVESTMENTS IN MORTGAGES.

(a) IN GENERAL.—Subchapter M of chapter 1 of the Internal Revenue Code of 1954 (relating to taxation of regulated investment companies and real estate investment trusts) is amended by adding at the end thereof the following new part:

"PART IV—TRUSTS FOR INVESTMENTS IN MORTGAGES

"Sec. 860A. TIMS defined.
"Sec. 860B. Taxation of TIMS.
"Sec. 860C. Taxation of shareholders.
"Sec. 860D. Special rules for contributions of property to TIMS.
"Sec. 860E. Qualified obligations.

"SEC. 860A. TIMS DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'TIM' means a corporation, trust, or association—

"(1) which is managed by one or more trustees or directors.

"(2) the beneficial ownership of which is evidenced by registered transferrable shares, or by transferrable certificates of beneficial interest,

"(3) which (but for the provisions of this part) would be taxable as a domestic corporation,

"(4) which is not—

"(A) a financial institution to which section 585, 586, or 593 applies, or

"(B) an insurance company to which subchapter L applies, and

"(5) which meets the requirements of subsections (b), (c), (d), and (e).

"(b) INVESTMENT REQUIREMENTS.—A TIM meets the requirements of this subsection if—

"(1) GROSS INCOME TEST.—At least 95 percent of the TIM's gross income (excluding gross income from prohibited transactions) is derived from—

"(A) qualified obligations, and

"(B) cash, cash items (including receivables), and Government securities.

"(2) GROSS INCOME TEST FROM QUALIFIED OBLIGATIONS.—At least 75 percent of the TIM's gross income (excluding gross income from prohibited transactions) is derived from qualified obligations.

"(3) ASSET TEST.—

"(A) IN GENERAL.—At the close of each quarter of the taxable year, at least 85 percent of the TIM's total assets consists of qualified obligations (other than a commitment to purchase any such obligation), cash and cash items (including receivables), and Government securities.

"(B) CERTAIN FAILURES TO MEET ASSET TEST MAY BE CORRECTED.—Under regulations prescribed by the Secretary, rules similar to the rules of the two sentences following section 856(c)(5) shall apply.

"(4) RESTRICTION ON GROSS INCOME FROM CERTAIN TYPES OF ASSETS.—Not more than 20 percent of the TIM's gross income may be derived from the disposition of—

"(A) stocks or securities held for less than 1 year (other than a qualified short-term investment within the meaning of section 4982(d)), and

"(B) property in a transaction which is a prohibited transaction.

"(c) ACTIVE BUSINESS INCOME NOT PERMITTED.—

"(1) IN GENERAL.—A TIM meets the requirements of this subsection if such trust has no income from the active conduct of a trade or business.

"(2) TREATMENT OF FEES AND POINTS WHICH ARE NOT FEES FOR SERVICES.—For purposes of paragraph (1), income received from commitment fees and points in connection with any qualified obligation shall not be treated as income from the active conduct of a trade or business unless such income is for services performed by the TIM.

"(d) ELECTION; TERMINAION OF ELECTION.—

"(1) IN GENERAL.—A TIM meets the requirements of this subsection with respect to any taxable year if—

"(A) within 75 days of the date on which the TIM is incorporated or formed, the TIM elected to have this part apply, and

"(B) such election (or a subsequent election under paragraph (4)) remains in effect through the close of such taxable year.

"(2) FAILURE TO QUALIFY.—An election under paragraph (1) made by a corporation, trust, or association shall terminate if the corporation, trust, or association is not a TIM to which the provisions of this part apply for the taxable year with respect to which the election is made, or for any succeeding taxable year. Such termination shall be effective for the taxable year for which the corporation, trust, or association is not a TIM to which the provisions of this part apply, and for all succeeding taxable years.

"(3) REVOCATION.—An election under paragraph (1) made by a corporation, trust, or association may be revoked by it for any taxable year after the first taxable year for which the election is effective. A revocation under this paragraph shall be effective for the taxable year in which made and for all succeeding taxable years. Such revocation must be made on or before the 90th day after the first day of the first taxable year for which the revocation is to be effective. Such revocation shall be made in such manner as the Secretary shall prescribe by regulations.

"(4) ELECTION AFTER TERMINATION OR REVOCATION.—Except as provided in paragraph (5), if a corporation, trust, or association has made an election under paragraph (1) and such election has been terminated or revoked under paragraph (2) or paragraph (3), such corporation, trust, or association) shall not be eligible to make an election under paragraph (1) for any taxable year prior to the fifth taxable year which begins after the first taxable year for which such termination or revocation is effective.

"(5) EXCEPTION.—If the election of a corporation, trust, or association has been terminated under paragraph (2), paragraph (4) shall not apply if—

"(A) the corporation, trust, or association does not willfully fail to file within the time prescribed by law an income tax return for the taxable year with respect to which the termination of the election under paragraph (1) occurs;

"(B) the inclusion of any incorrect information in the return referred to in subparagraph (A) is not due to fraud with intent to evade tax; and

"(C) the corporation, trust, or association establishes to the satisfaction of the Secretary that its failure to qualify as a TIM to which the provisions of this part apply is due to reasonable cause and not due to willful neglect.

"(e) CLASSES OF STOCK.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a TIM meets the requirements of this subsection only if such trust has only 1 class of stock or other equity interest.

"(2) AUTHORITY FOR MORE THAN 1 CLASS OF EQUITY INTEREST.—A TIM may have more than 1 class of stock or other equity interest if at all times—

"(A) the debt of such TIM is 10 percent or less of the aggregate face amount of the assets of such trust, and

"(B) the par value of such stock or other equity interest equals the aggregate of qualified obligations held by such TIM.

"(f) SPECIAL RULES FOR APPLICATION OF THIS SECTION.—

"(1) CERTAIN TESTS NOT TO APPLY DURING PHASE-IN PERIOD OR FOR COMPLETE LIQUIDATION.—Paragraphs (2) and (4) of subsection (b) shall not apply—

"(A) to any taxable year which includes any portion of the 18-month period beginning on the date on which a TIM is incorporated or formed, or

"(B) under regulations prescribed by the Secretary, during the 6-month period beginning on the date of the adoption of a plan of complete liquidation of such TIM, but only to the extent necessary to carry out such liquidation.

"(2) QUALIFIED OBLIGATIONS HELD AS INVENTORY OR FOR SALE.—Gross income from the sale of any qualified obligation which, in the hands of the trust, is property described in section 1221(1) shall not be taken into account under subsection (b)(2).

"(g) INELIGIBLE TRUSTEES, DIRECTORS, AND SHAREHOLDERS.—The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation are ineligible to be trustees, directors, or shareholders of a TIM.

"SEC. 860B. TAXATION OF TIMS.

"(a) TRUSTS NOT TAXABLE.—A TIM is exempt from taxation under this subtitle.

"(b) ACCOUNTING METHOD.—For purposes of determining taxable income for any taxable year, a TIM shall—

"(1) use the cash method of accounting, and

"(2) have as its accounting period the calendar year.

"SEC. 860C. TAXATION OF SHAREHOLDERS.

"(a) IN GENERAL.—Except as provided in this part, any shareholder of a TIM shall, for purposes of this title, be treated in the same manner as if—

"(1) the TIM was a partnership, and

"(2) the shareholder was a partner.

"(b) TREATMENT OF DISPOSITIONS OF QUALIFIED OBLIGATIONS.—

"(1) ACTUAL DISTRIBUTIONS.—If the proceeds from the disposition by a TIM of any qualified obligation are distributed to any shareholder, that portion of such distribution which is properly allocable to the principal amount of such obligation shall be treated—

"(A) as if in redemption of the shareholder's shares or certificate, except that—

"(B) the character of the gain from such redemption shall be the same as the character of such gain would have been if such gain had been taxable to the TIM.

"(2) REINVESTMENT OF PROCEEDS.—if the proceeds from the disposition of any qualified obligation by a TIM are used to acquire any other qualified obligation—

"(A) each shareholder shall be treated as having received a distribution of the shareholder's pro rata share of such proceeds (and such distribution shall be treated as an actual distribution), and

"(B) each shareholder shall be treated as having recontributed such amount to the TIM in exchange for shares or certificates having a par value equal to the face amount of the other qualified obligations so acquired.

"(c) SPECIAL RULES FOR 20-PERCENT OR MORE SHAREHOLDERS.—

"(1) IN GENERAL.—In the case of any—

"(A) 20-percent sharehoder of a TIM who is a dealer in qualified obligations, or

"(B) financial institution to which section 585, 586, or 593 applies,

any gain from the disposition of any qualified obligation which is allocated to such shareholder shall be treated as ordinary income.

"(2) 20-PERCENT SHAREHOLDER DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term '20-percent shareholder' means any shareholder of a TIM whose equity and debt interest in a TIM at any time equals 20-percent or more of the total equity and debt interests in such TIM at such time.

"(B) RELATED PERSONS' INTERESTS TAKEN INTO ACCOUNT.—In determining the equity and debt interest of any shareholder under subparagraph (A), there shall be taken into account the equity and debt interests of any person related (within the meaning of section 103(b)(6)(C)) to such person.

"(d) SHAREHOLDER DEFINED.—For purposes of this section, the term 'shareholder' means any beneficial owner of a TIM.

"SEC. 860D. SPECIAL RULES FOR CONTRIBUTIONS OF QUALIFIED FIRST OR SECOND MORTGAGES TO TIMS.

"(a) BASIS OF TIM IN QUALIFIED FIRST OR SECOND MORTGAGES.—A TIM's basis in any qualified first or second mortgage received by the TIM in exchange for an equitable interest in such TIM shall be the fair market value of such mortgage at the time of the transfer.

"(b) GAIN OR LOSS RECOGNIZED BY SHAREHOLDERS.—

"(1) IN GENERAL.—In the case of an exchange described in subsection (a), gain or loss shall be recognized by the person transferring any qualified mortgage to the TIM to the extent such person's basis in such mortgage is greater (or less) than the fair market value of such mortgage.

"(2) TIME FOR RECOGNITION.—Any gain or loss described in paragraph (1) shall be recognized ratably over the remaining term of the qualified first or second mortgage.

"(3) ORDINARY LOSSES.—If any loss recognized by any person under this subsection is treated as an ordinary loss, any gain from the sale or exchange of such person's equity interest in such TIM shall be treated as ordinary income to the extent of such loss.

"SEC. 860E. QUALIFIED OBLIGATIONS.

"For purposes of this part—

"(a) IN GENERAL.—The term 'qualified obligation' means any—

"(1) qualified first or second mortgage,

"(2) qualified participation,

"(3) cash-flow, mortgage backed bond which is secured by any qualified first and second mortgage,

"(4) equity interest in a TIM,

"(5) qualified repurchase obligation, or

"(6) qualified income investment.

"(b) QUALIFIED FIRST OR SECOND MORTGAGES.—

"(1) IN GENERAL.—The term 'qualified first or second mortgage' means a first or second mortgage (whether or not insured) which—

"(A) is secured by a single-family residence which is (or can reasonably be expected to become) the principal residence of the mortgagor, and

"(B) is used (or can reasonably be expected to be used) to acquire, or to make a home and improvement in connection with, such residence.

"(2) SINGLE-FAMILY RESIDENCE; COOPERATIVES.—Under regulations prescribed by the Secretary, rules similar to the rules of paragraphs (9) and (10) of section 103A (1) shall apply.

"(3) MORTGAGE MAY NOT EXCEED VALUE OF RESIDENCE.—The principal amount of any qualified first or second mortgage on any residence, when added to the aggregate out-

standing principal amount of all previous such mortgages on such residence, shall not, on the date such mortgage is issued, exceed the fair market value of such residence on such date.

"(4) CONSTRUCTION LOANS NOT PERMITTED.—The term 'qualified first or second mortgage' shall not include any construction loan.

"(5) ORIGINAL ISSUE DISCOUNT.—Except to the extent provided in regulations prescribed by the Secretary, the term 'qualified first or second mortgage' does not include any mortgage originated with an original issue discount.

"(c) QUALIFIED PARTICIPATION.—The term 'qualified participation' means any participation in any mortgage or pool of mortgages but only if—

"(1) such mortgages would be qualified first or second mortgages if held directly by the TIM, and

"(2) the mortgages of such mortgages remain the primary obligors.

"(d) QUALIFIED REPURCHASE OBLIGATIONS.—The term 'qualified repurchase obligation' means any qualified first or second mortgage which is subject to a repurchase agreement under which—

"(1) any amount payable to the TIM does not exceed the payments due on the mortgage subject to the agreement.

"(2) such TIM purchases such mortgage for not more than the fair market value of such mortgage, and

"(3) the amount paid for repurchase is fixed at the time the agreement is entered into.

"(e) QUALIFIED INCOME INVESTMENTS.—

"(1) IN GENERAL.—The term 'qualified income investment' means any security, letter of credit, certificate of deposit, surety bond, or other similar instrument or device which—

"(A) is acquired during the 18-month period beginning on the date the TIM is incorporated or formed, and

"(B) is acquired—

"(1) to provide cash to meet fixed obligations of such TIM which cannot be met from investments in other qualified obligations, or

"(ii) to provide income to the TIM to offset income which is lost by reason of the prepayment or liquidation (other than by sale by such TIM) of any qualified obligation before maturity.

"(2) TERMINATION AS QUALIFIED OBLIGATION.—Any qualified income investment shall not be treated as a qualified obligation after the earlier of—

"(A) the date which is 7 years after a TIM is incorporated or formed, or

"(B) in the case of such a TIM with a fixed term, the date on which the first one-third of such term has expired.".

(b) CONFORMING AMENDMENT.—The table of parts for subchapter M of chapter 1 of such Code is amended by adding at the end therof the following new part:

"PART IV—TRUSTS FOR INVESTMENTS IN MORTGAGES.".

SEC 2. TAX ON PROHIBITED TRANSACTIONS OF TIMS.

(a) IMPOSITION OF TAX.—Chapter 44 of the Internal Revenue Code of 1954 (relating to excise tax on real estate investment trusts) is amended by adding at the end thereof the following new section:

"SEC. 4982. EXCISE TAX ON PROHIBITED TRANSACTIONS OF TIMS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on each prohibited transaction of a TIM a tax in an amount equal to the gain or loss allocable to such transaction.

"(b) PROHIBITED TRANSACTION DEFINED.—For purposes of this section, the term 'prohibited transaction' means the disposition by a TIM of—

"(1) any qualified obligation held by such TIM for less than 3 years, or

"(2) any qualified obligation which is—

"(A) held by the TIM for 3 years or more, and

"(B) described in section 1221(1).

"(c) EXCEPTION FROM PROHIBITED TRANSACTIONS.—

"(1) IN GENERAL.—A disposition shall not be treated as a prohibited transaction if—

"(A) such disposition is in connection with the prepayment, retirement, or renegotation of a qualified obligation,

"(B) such disposition is of—

"(i) any defective qualified obligation,

"(ii) foreclosure property, or

"(iii) qualified short-term investment, or

"(C) such disposition is in connection with the involuntary liquidation or dissolution of a TIM.

"(2) CERTAIN TRANSACTIONS NOT TREATED AS PROHIBITED TRANSACTIONS.—Paragraph (2) of subsection (b) shall not apply to any qualified obligation described in such paragraph for any taxable year if—

"(A) not more than 20 percent of the aggregate face amount of all such qualified obligations are disposed of during such taxable year,

"(B) not more than 50 percent of the aggregate face amount of all such qualified obligations are disposed of during taxable year, but not more than 5 obligations are disposed of during such taxable year, or

"(C) the disposition is—

"(i) pursuant to a bulk sale as part of a plan of complete liquidation, and

"(ii) by a TIM which has been a TIM for a least 3 taxable years before such disposition.

"(d) QUALIFIED SHORT-TERM INVESTMENTS.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified short-term investment' means any qualified obligation which—

"(A) is designated by a TIM as a qualified short-term investment on the date such obligation is acquired,

"(B) is held by a TIM for less than 180 days (or if longer than 180 days, is held to maturity), and

"(C) the proceeds of which are—

"(i) used to acquire other qualified obligations, or

"(ii) distributed by the TIM to its shareholders.

"(2) SPECIAL RULE FOR REINVESTMENT DURING PHASE-IN PERIOD.—Notwithstanding paragraph (1), during the 18-month period beginning on the date a TIM is incorporated or formed, proceeds from the disposition of a qualified short-term investment may be invested in other qualified short-term investments.

"(e) DEFINITION.—For purposes of this section—

"(1) TIM; QUALIFIED OBLIGATIONS.—The term 'TIM' and 'qualified obligation' have the same meanings as when used in part IV of subchapter M of chapter 1.

"(2) FORECLOSURE PROPERTY.—The term 'foreclosure property' has the same meaning given such term by section 856 (e) without regard to whether such property is held by a real estate investment trust.".

"(b) CONFORMING AMENDMENTS.—The table of sections for chapter 44 of the Internal Revenue Code of 1954 is amended—

(1) by inserting "AND TIMS" after "TRUSTS" in the heading thereof, and

(2) by adding at the end thereof the following new item:

"SEC. 4982. Excise tax on prohibited transactions of TIMS.".

By Mr. LEVIN:

S. 1823. A bill to provide for an alternative to the present adversarial rulemaking procedure by establishing a process to facilitate the formation of regulatory negotiation commissions; to the Committee on Governmental Affairs.

REGULATORY NEGOTIATION ACT OF 1983

Mr. LEVIN. Mr. President, I am pleased to introduce today a bill that provides for an alternative to the present adversarial rulemaking procedure by facilitating the use of a process called regulatory negotiation.

The current approach to regulatory policymaking has evolved into a very adversarial and litigious process. Affected businesses, interest groups, and regulatory agencies all tend to adopt antagonistic postures during the promulgation and implementation of Federal regulations. Thus, it is not surprising that the policies and regulations that result are often considered inappropriate and ineffective by both business and interest groups and that litigation and conflict have become an integral and inevitable part of the process. The resulting regulatory policy crisis has become so severe that innovative alternatives are needed to encourage a more cooperative and productive process, where as many common positions as possible can be reached and incorporated into regulations.

One of the most exciting and promising new approaches to the regulatory policy procedure is a process called regulatory negotiation. Regulatory negotiation operates on the premise that industry, government, and interested groups can sit down together and, with the aid of a mediator, attempt to fashion a consensus in areas of mutual concern. The basic notion is that if responsible people commit themselves to find points of agreement in a cooperative atmosphere, regulations can be designed which better meet true policy needs, and needless conflict and delay can be avoided.

The need for such an approach is apparent. Regulations often create anxiety among the parties who have an interest in their promulgation and implementation. Business often sees regulations as limiting its freedom to function as it desires. Other interested groups believe that the public welfare is sacrificed in the regulatory process and that interest groups are not represented and not heard. Legislators, who thought the problem was solved when they adopted legislation are faced with a continuing battle throughout the rulemaking and enforcement process.

If a party has little or no role in the formulation of a rule, it has little or no vested interest in following that rule.

Attempts to use regulatory negotiation as an alternative have been successful in several areas, most recently in the area of environmental issues.

The most recent environmental negotiation involved the Environmental Protection Agency (EPA), the steel industry and the Natural Resources Defense Council (NRDC).

In May 1982, the EPA proposed in "final" form a rather controversial regulation on the control of water pollution in the steel industry. The law set July 1984, as the deadline for companies to limit their water pollution to levels at or below those attainable with the "best available technology, economically achieveable." Of approximately 700 specifications outlined in the regulation, the industry challenged about 30 of them as being based on faulty information. In addiiton, the NRDC challenged the EPA's use of a "bubble" concept that would have allowed companies to make cost-saving tradeoffs among effluent sources so long as the aggregate pollution result was no worse. Inevitably the matter landed in the courts.

However, in October 1982, the parties began a negotiation process in an effort to avoid the delays and conflicts of litigation. On the one hand, industry was concerned about ending the uncertainty attendant to the incomplete regulatory process and on the other hand, the NRDC and the environmentalists were concerned with expediting matters because the steel industry regulations were to be the forerunners to many industrywide regulations.

In a settlement reached in late February of this year, the steel industry won concessions on the technical numbers, the NRDC and the environmentalists won a modification of the "bubble" provision, and costly and time-consuming litigation was avoided.

The most well-known regulatory negotiation success story is probably that of the national coal policy project (NCPP). The NCPP was an outgrowth of the recognition that it was important for the United States to shift from oil and natural gas to coal. In order to accomplish this, there had to be a reconciliation of environmental and industrial interests.

In July 1976, business representatives and environmentalists endorsed the regulatory negotiation concept and agreed to pursue important coal related environmental and energy policy issues using this approach.

The participants in the negotiations used the following principles known as the "rules of reason" to resolve differences and develop workable solutions:

First. Data should not be withheld from the other side.

Second. Delaying tactics should not be used.

Third. Tactics should not be used to mislead.

Fourth. Motives should not be impugned lightly.

Fifth. Dogmatism should be avoided.

Sixth. Extremism should be countered forcefully but not in kind.

Seventh. Integrity should be given first priority.

The Georgetown University Center for Strategic and International Studies (CSIS) served as the neutral meeting place for the project participants. It also raised funds and provided administrative support for the project. The project itself was financed by grants and contributions from foundations, Government agencies, and industry.

Five task forces were established to cover the following coal policy issues: mining, transportation, air pollution, fuel utilization and conservation, and energy pricing. The governing body for the project was called the plenary group and was made up of task force cochairmen and vice cochairmen. The duties of the plenary group were to define the nature and scope of the project, provide guidance, review and finally approve task force recommendations, and resolve task force disputes. Of the 200 task force recommendations 90 percent we unanimously achieved.

The NCPP report found that the project was very successful in dispelling stereotypes:

Quite apart from the substance of the recommendations, the project has been valuable in disspelling stereotypes. Those environmentalists who had previously regarded the position of industry on environment and energy issues as being monolithic and intransigent were rather quickly disabused of that notion. This was largely because of the differing perspectives of the industry members. For example, producers of fuel, regulated utilities and industrial users of large quantities of energy each tended to have different interests and views on questions of energy pricing.

In similar fashion, those industrialists who expected the environmentalists to be opposed to economic growth and to the introduction of new technology, and in favor of governmental rather than marketplace decisions on the allocation of resources, were pleasantly surprised to find that their suppositions were incorrect. The environmentalists opposed a pattern of growth that produced wasteful use of natural resources and an environmental impact which they felt was unacceptable; they did not oppose economic growth in itself. They welcomed new technology that would serve to increase efficiency and reduce adverse environmental impacts and demands on natural resources. They preferred marketplace decisions to economic regulation by government when markets are workably competitive; when this was not the case, or when important (external) environmental and social impacts were not properly valued in the market, the environmentalists were eager to explore methods of influencing the market (as with emission charges) so that the desired goals would be achieved while retaining the advantages of keeping detailed decisions in the private sector.

The report stated further that:

We are not proposing that the process of discussion and negotiation in which we have participated should replace the adversary process. Indeed many of the policy recommendations on which we have agreed would have to be implemented through the traditional adversary system; that is, they require action by legislative and judicial bodies . . . there are others that simply do not lend themselves to negotiated agreements.

We believe, however, that exclusive reliance on adversial processes is likely to produce decisions that are less desirable (from the point of view of either of the parties) than those in which a common position serving both interests could have been agreed to in a non-adversial context.

The NCPP recommendations have received agency support from the Office of Surface Mining (OSM) and the Federal Energy Regulatory Commission (FERC). OSM adopted word-for-word project recommendations regarding bonding concerns and operations. FERC adopted the coal generation and small power recommendations.

Two bill were also introduced in May 1980: H.R. 7464 and H.R. 7465, which adopted the recommendations that called for the use of incentives to develop pollution control technology and the development of plant siting procedures.

In addition to the two projects that I have just mentioned, regulatory negotiation has been tried in the environmental area of toxic substances. The Conservation Foundation was involved in this approach during the implementation of the Toxic Substances Control Act (TOSCA).

Specifically, approximately 13 business persons and environmentalists met to discuss the training of toxicologists, the testing of new chemicals and the prioritizing of what chemicals should be tested and the nature and scope of agency followup on the chemical after it reaches the market.

With respect to the testing of new chemicals, the Conservation Foundation's committee made four recommendations:

First. That a conceptual framework for a testing program be developed to test chemicals using a tier system.

Second. That all relevant aspects of the potential impact on human and animal health be tested, starting with inexpensive tests and ending with more complex tests.

Third. That the tests within the tier be required on a selective and necessary basis.

Fourth. That tier 0, the first tier, should be viewed as a minimal test—therefore, all substances should be tested under the first two tiers at a minimum.

The EPA is now developing guidelines—regulations—to effectuate the first recommendations.

In the area of labor relations, regulatory negotiations have also emerged. For example, the joint labor management-committee for the retail food industry utilized the process to reach an agreement on an OSHA regulation for protective equipment for employees in the meat department of supermarkets. This concensus took several months of hard work but once labor and management agreed, the two groups were able to reach an agreement with OSHA.

On July 29 and 30, 1980, the Subcommittee on Oversight of Government Management, of which I was the chairman, and the Select Committee on Small Business, of which I was a member, held a hearing on the regulatory negotiation approach. We received testimony from representatives of both the private and public sectors who have had specific experiences in regulatory negotiations, including the NCPP, the Conservation Foundation, and the EPA. These witnesses supported regulatory negotiation as a valuable aid to achieving more flexible and workable regulatory policy and suggested ways to strengthen the process.

The bill reflects many of these suggestions, as well as the suggestions of other experts in the private sector who have been involved in the regulatory negotiation process in several different areas. The bill also reflects some of the recommendations of Department of Transportation that is currently involved in regulatory negotiations between the FAA, the airlines, and pilot association on the subject of pilot flight time and scheduling.

Essentially the bill creates a process for establishing regulatory negotiation commissions. These commissions are composed of balanced interests in the area being reviewed. These commissions are to develop a proposed rule representing a consensus of the commissions' participants.

The bill gives the Administrative Conference of the United States (ACUS) and its Chairperson the responsibility of administering the program. A $1 million fund is authorized to fund the program for each of the 3 years beginning in 1985.

Specifically, an agency or interested party may request that the Chairman of ACUS conduct a preliminary investigation to determine the feasibility of using a regulatory negotiation commission to formulate a proposed rule. If the Chairman determines that a commission would be a viable means of developing a proposed rule, the Chairman will announce in the Federal Register, along with the agency involved, the intention to establish a regulatory negotiation commission. The Chairman will then accept applications for participation on the commission from interested parties. The Chairman may also suggest that an interested party seek a grant from the Conference if it is determined that the party is eligible for participation but unable to afford the expense of such participation. Grants would be available to not only assist participants, but also to cover the expenses of the operation of the commission. A commission could be established to develop a proposed rule in any area that is subject to Government regulation and conducive to resolution in the negotiation process; however, the decision to select a particular area for negotiation would be at the discretion of the Chairman with the advice of the agency involved.

The bill outlines the status and function of the parties during the process, and makes the agency an equal voting member. The commission would also have the responsibility of reporting to the agency, ONB, and the Congress on the results of the negotiation.

Upon receipt of the commission's report, the agency must comment on the report and is permitted to amend and modify the proposed rule, if it feels that amendments or modifications are necessary. However, it must give the commission and the public an opportunity to review and comment on the proposed rule and any amendments or modifications.

The NCPP and the environmental negotiations demonstrate the vital progress that can result from regulatory negotiation. Yet, despite the promise that this approach holds, its use has been limited. The failure to use regulatory negotiation more frequently stems in part from our traditional reliance on the adversarial proceedings and in part from the possible costs involved in the process.

Expanding the use of regulatory negotiation will require some encouragement from the regulators. Private parties need to know that there is a process and funds available to meet the cost of negotiation and facilitate the establishment of a workable negotiation mechanism. This will enable many parties in the private sector to participate in the process who would otherwise be left out and demonstrates that the Government will take the results seriously and insures that the negotiation will be fairly and impartially structured so that all points of view can be effectively represented.

The program envisioned in this bill will give the concept of regulatory negotiation impetus and the initial funding it needs and deserves. Moreover, in the next few years, several major regulatory policy decisions will be made in several areas. Certainly the time for a less adversarial and more productive approach to regulatory policymaking can be no more urgent than it is now.

I view this bill as a unique opportunity to foster more effective and appropriate regulations and to reduce conflict and delay in the regulatory process. I hope that you share this view and that you will join me in supporting it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Negotiation Act of 1983".

FINDINGS

SEC. 2. The Congress finds and declares that:

(1) Government regulation of the economy has increased rapidly since the enactment of the Administrative Procedure Act.

(2) Although this increase in regulation has had commendable purposes, it has been accompanied by a formalization of the rulemaking process which has frequently resulted in unjustifiably expensive, contradictory, and often counterproductive rules.

(3) The adversarial nature of the rulemaking process has often resulted in unnecessary regulations which have a significant adverse effect on the economy.

(4) In the current rulemaking process, the parties often assume antagonistic positions and the best solutions to the problems under consideration are often ignored by the parties since the parties act in a manner which maintains their bargaining positions.

(5) In the current rulemaking process, the parties rarely have the opportunity to meet as a group and communicate directly with each other, and the lack of this opportunity effectively limits the ability of the parties to reach agreement on a rule that fulfills the intent of Congress and is acceptable to all parties.

(6) The adversarial nature of the rulemaking process frequently limits the extent to which the expertise, technical ability, and great resources of persons working in a regulatory area are used to solve the problem under consideration.

PURPOSE

SEC. 3. The purpose of this Act is to establish an alternative rulemaking procedure which permits the establishment of regulatory negotiation commissions that can be used in appropriate circumstances to permit direct participation of interested parties in a rulemaking, the negotiation of regulatory policy by such parties, and the development of rules that represent a consensus of the members of the commission.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) the term "agency" has the same meaning as in section 551 (1) of title 5, United States Code;

(2) the term "person" has the same meaning as in section 551 (2) of such title;

(3) the term "party" has the same meaning as in section 551 (3) of such title;

(4) the term "rule" has the same meaning as in section 551 (4) of such title;

(5) the term "rule making" has the same meaning as in section 551 (5) of such title;

(6) the term "Conference" means the Administrative Conference of the United States;

(7) the term "Chairman" means the Chairman of the Administrative Conference of the United States;

(8) the term "consensus" means a unanimous agreement among all interests represented in the negotiation of a proposed rule under this Act, and does not mean a unanimous agreement among all individual members involved in the negotiation;

(9) the term "interest" means a position with respect to an issue that may be considered by a regulatory negotiation commission and that may be represented by one or more persons;

(10) the term "mediator" means the individual selected to mediate discussions between the members of a regulatory negotiation commission and to facilitate communications between such members in the development of a proposed rule;

(11) the term "member" means a person who is a member of a regulatory negotiation commission; and

(12) the term "regulatory negotiaton commission" means a voluntary group established by the Conference in accordance with this Act to consider issues for the purpose of reaching a consensus in the development of a proposed rule.

REQUEST FOR REGULATORY NEGOTIATION COMMISSION

SEC. 5. (a) An agency or a person who is qualified to represent an interest with respect to an issue may request the Chairman to determine whether to recommend to the agency having jurisdiction over the development of a proposed rule with respect to such issue that a regulatory negotiation commission be established to develop such a proposed rule. The request shall explain the reasons why the agency or person believes that the use of a regulatory negotiation commission would be an appropriate method of developing a proposed rule.

(b) The Chairman shall consider each request made under subsection (a) for the establishment of a regulatory negotiation commission to develop a proposed rule with respect to a particular issue. If the Chairman determines that there is a substantial likelihood that the agency having jurisdiction over the development of such a rule will seriously consider issuing a proposed rule relating to such issue, the Chairman may conduct an informal investigation with respect to the advisability of establishing a regulatory negotiation commission to develop such a proposed rule. In conducting such an investigation, the Chairman may consider and make determinations concerning—

(1) whether there are a limited number of interests which would be substantially affected by a proposed rule relating to the issue;

(2) whether persons can be selected as members of a regulatory commission who would represent the interests identified pursuant to paragraph (1), including recommendations for persons to be selected;

(3) whether the persons recommended for selection as members of a regulatory negotiation commission would be willing to make a commitment to negotiate in good faith to reach a consensus on a proposed rule concerning such issue;

(4) whether the agency having jurisdiction over the development of such a proposed rule would use the regulatory negotiation commission to develop such rule;

(5) the scope of the issues to be considered by the regulatory negotiation commission in developing such rule; and

(6) a preliminary schedule for the completion of the work of the regulatory negotiation commission.

(c) Within sixty days after receiving a request under subsection (a) with respect to the development of a proposed rule concerning an issue, the Chairman shall report to the Conference and the agency having jurisdiction over the development of such a proposed rule the determinations of the Chairman under subsection (b) and the recommendations of the Chairman as to whether a regulatory negotiation commission should be established to develop such a proposed rule.

(d) The Chairman, with the advice of the agency having jurisdiction over the development of a proposed rule with respect to an issue for which a request is submitted under subsection (a), shall have complete discretion in determining the subjects to be considered by any regulatory negotiation commission established to develop such a rule. Any determination by the Chairman with respect to the subjects to be considered by a regulatory negotiation commission shall not be subject to judicial review in any court.

USE OF REGULATORY NEGOTIATION COMMISSION

SEC. 6. (a) If, on the recommendation of the Chairman, an agency decides to use a regulatory negotiation commission, the agency shall publish in the Federal Register a notice concerning the proposed use of such commission in the development of a proposed rule. Such notice shall include—

(1) an announcement that the agency intends to use a regulatory negotiation commission in the development of the proposed rule;

(2) a general description of the subject matter to be considered by the regulatory negotiation commission; and

(3) a list of mediators compiled and approved by the Conference, from which persons applying for membership on the commission may select a proposed mediator.

(b)(1) For a period of at least thirty days after the date on which the agency publishes a notice with respect to a regulatory negotiation commission under subsection (a), the Chairman shall accept applications from persons who are qualified to represent an interest on the commission. Each such application shall specify—

(A) the name of the person submitting the application and a description of the interest such person will represent;

(B) the persons recommended for membership on the commission and the reasons of the applicant for such recommendations;

(C) whether a mediator will be needed by the commission, and, if necessary, the name of a proposed mediator;

(D) recommendations for the issues to be considered by the commission;

(E) recommendations for rules for the operation of the commission;

(F) a proposed organizational plan and a proposed agenda for the commission;

(G) a proposed schedule for completing the work of the commission; and

(H) a written commitment that the applicant will—

(i) negotiate the issues under consideration by the commission in good faith; and

(ii) produce a report on the negotiation within a time period appropriate to the issues under consideration.

(2) In order to ensure that all interests, including interests represented by public interest groups, have an adequate opportunity to participate in a regulatory negotiation commission, the Chairman may suggest that a person submitting an application under paragraph (1) request a grant under section 9 of this Act to pay the expenses that will be incurred by such person as a result of participation on the regulatory negotiation commission.

(c) during the period in which the Chairman is accepting applications under subsection (b)(1), an agency which published a notice under subsection (a) with respect to a regulatory negotiation commission shall submit to the Chairman a written statement specifying—

(1) the name and position of a senior official of the agency who will represent the agency or the commission;

(2) whether a mediator will be necessary for the commission, and, if necessary, the name of a proposed mediator;

(3) the persons recommended for membership on the commission and the reasons of the agency for such recommendations;

(4) recommendations for the issues to be considered by the commission;

(5) recommendations for rules for the operation of the commission;

(6) a proposed organizational plan and a proposed agenda for the commission;

(7) a proposed schedule for completing the work of the commission; and

(8) a written commitment that the agency will—

(A) negotiate the issue under consideration by the commission in good faith; and

(B) produce a report on the negotiation within a time period appropriate to the issues under consideration.

(d) After the period for applications for membership on a regulatory negotiation commission under subsection (b) has expired, the Chairman shall consider all of the applications submitted under such subsection and the statement submitted by the agency under subsection (c). If, after considering such applications and statement, the Chairman determines that all necessary interests will be represented on the regulatory negotiation commission for which the applications are made and that person representing such interests will have an opportunity to contribute to the negotiation of a proposed rule, the Chairman shall announce the establishment of such a commission in accordance with subsection (e).

(e) The Chairman shall announce the establishment of a regulatory negotiation commission for the development of a proposed rule through publication in the Federal Register and through notices in appropriate journals, newsletters, and other media. Such announcement shall include—

(1) a description of the issue to be considered by the commission;

(2) a tentative list of the subjects to be considered by the commission in negotiating with respect to the issue described pursuant to in paragraph (1);

(3) the name and position of the senior official of the agency having jurisdiction over the development of such a rule who is proposed to represent the agency on the commission;

(4) the name of each person proposed for selection as a member of the commission, and a specification of the interest to be represented by each such member;

(5) the name of a proposed mediator for the commission, if any;

(6) a proposed schedule for the completion of the work of the commission; and

(7) a request that members of the public comment on the proposed commission, including comments on—

(A) whether each appropriate interest will be represented on the commission;

(B) the persons selected to represent each such interest;

(C) the official proposed to represent the agency; and

(D) the issues to be considered by the commission.

(f) For a period of at least thirty days after the date on which the notice required under subsection (e) is published in the Federal Register, the Chairman shall accept comments from the public with respect to the matters specified in such notice. The Chairman, with the advice of the agency having jurisdiction over the proposed rule to be developed by the commission, shall consider all relevant matter and comments submitted, and may notify the proposal for the use of a regulatory negotiation commission specified in such notice with the agreement of the agency and the members proposed by the Chairman in such notice to represent the major interests on the commission.

(g) The agency shall publish in the Federal Register a final notice concerning the establishment of a regulatory negotiation commission to develop a proposed rule. The notice shall specify the matters described in paragraphs (1) through (6) of subsection (e) with respect to the regulatory negotiation commission that will be established.

PROCEDURES FOR REGULATORY NEGOTIATION COMMISSIONS

SEC. 7. (a) Each regulatory negotiation commission established pursuant to this Act shall consider the subjects specified by the Chairman for consideration by the commission and shall attempt to reach a consensus concerning a proposed rule with respect to such issues.

(b) The official representing the agency on a regulatory negotiation commission shall participate in the deliberations and activities of the commission as a voting member who is equal to all other members of the commission.

(c)(1) Any mediator selected by the Chairman for a regulatory negotiation commission shall—

(A) chair the meetings of the commission;

(B) assist the members of the commission in conducting discussions;

(C) keep the Congress informed of the activities of the commission; and

(D) assist in the deliberations of the commission.

a mediator shall not vote on any matter before the commission or participate in any agreement made by the commission.

(2) If the Chairman has not selected a mediator for a regulatory negotiation commission, the commission shall elect a chairperson from among its members to carry out the functions of a mediator described in paragraph (1). A chairperson elected under this paragraph shall be entitled to vote on any matter before the commission and participate in any agreement made by the commission.

(d) Whenever possible, not more than fifteen members of a regulatory negotiation commission shall participate in the deliberations of the commission at any one time. The total number of members of a regulatory negotiation commission may exceed fifteen.

(e) A regulatory negotiation commission may change its membership, rules, or agenda if a majority of the interests represented on the commission agree to such change and if the commission submits such change to the Chairman for review. If the Chairman determines that any such change will substantially impair the ability of the commission to carry out the purposes of this Act, the Chairman may—

(1) suggest additional changes in the membership, rules, or agenda of the commission in order to assure consistency with the purposes of this Act; or

(2) require that the commission, and any members thereof, repay the Government the amount of any grant provided under this Act which has not been obligated or expended.

The Chairman may not require a commission to make repayment under paragraph (2) of this subsection unless the Chairman determines that efforts by the commission to assure consistency with the purposes of this Act have failed.

(f) At the conclusion of negotiations, each regulatory negotiation commission shall prepare and transmit to the Chairman, the head of the agency participating in the commission, each committee of the Senate and House of Representatives having legislative jurisdiction over the subjects considered by the commission, and the Director of the Office of Management and Budget a report with respect to the negotiations conducted by the commission. If the commission reached a consensus and developed a proposed rule, the report shall contain the proposed rule developed by the commission and a concise general statement of the basis and purpose of that rule. If the commission did not develop a consensus and a proposed rule, the report shall specify the areas in which the commission reached a consensus, the areas of disagreement among the commission, and such recommendations and background material the commission may consider appropriate.

(g) Any meeting of a regulatory negotiation commission shall be open to the public, unless a majority of the members of the commission determine by vote that a closed meeting is necessary to achieve the purposes of the commission. Each open meeting shall be announced at least fifteen days prior to the date of the meeting in the Federal Register if possible, and a record shall be prepared of each such meeting.

(h)(1) A regulatory negotiation commission which developed a proposed rule shall be terminated—

(A) on the date on which the agency that participated in the commission publishes a notice of proposed rulemaking under section 8(a) for such proposed rule; or

(B) in any case in which the agency chooses not to publish a notice of proposed rule making for such proposed rule, on a date determined by the Chairman which occurs—

(i) after the commission has had an opportunity to comment on the agency action with respect to such proposed rule; and

(ii) after the commission has transmitted the report required under subsection (f) to the committees of the Senate and the House of Representatives referred to in such subsection.

(2) A regulatory negotiation commission which did not develop a proposed rule shall terminate fifteen days after the date on which the commission transmits the report required by subsection (f) to the committees of the Senate and the House of Representatives referred to in such subsection.

AGENCY ACTION

SEC. 8. (a) An agency shall publish in the Federal Register a notice of proposed rule making in accordance with section 553 of title 5, United States Code, for any proposed rule developed by a regulatory negotiation commission unless the agency determines that there is good cause for not publishing such notice. The agency may propose amendments to or modifications to the proposed rule developed by the regulatory negotiation commission and shall publish such amendments or modifications in the Federal Register with the notice of proposed rule making. The agency may publish with such notice such additional explanatory material as the agency considers appropriate.

(b) The agency shall make available the report transmitted under section 7(f) by the regulatory negotiation commission concerning the proposed rule developed by such commission.

(c) The agency shall allow a period of at least thirty days for the public to review and comment on—

(1) the notice of proposed rule making published under subsection (a);

(2) any amendments or modifications proposed by the agency under such subsection to the proposed rule developed by a regulatory negotiation commission; and

(3) any other material published under such subsection.

(d) The agency shall provide a regulatory negotiation commission which developed a proposed rule an opportunity to review and comment upon any material received by the agency pursuant to the notice of proposed rule making for such rule published under subsection (a) and an opportunity to participate in any additional proceedings the agency conducts with respect to such proposed rule.

GRANTS FOR REGULATORY NEGOTIATION COMMISSIONS

SEC. 9. (a) In order to carry out the purposes of this Act, the Conference, through the Chairman, shall make grants to—

(1) regulatory negotiation commissions for the payment of administrative expenses of such commissions; and

(2) members of a regulatory negotiation commission who are unable to afford to pay the costs of participation in the commission.

(b) The Chairman shall announce through publication in the Federal Register and through notice in appropriate journals, newsletters, and other media, the availability of grants under this Act, and shall take such other actions as may be necessary to provide notice to the public concerning the availability of such grants.

EXEMPTIONS FROM CERTAIN PROVISIONS OF LAW

SEC. 10. (a) The Federal Advisory Committee Act shall not apply to any regulatory negotiation commission established pursuant to this Act.

(b) Notwithstanding any other provision of law, no written or oral communication—

(1) between the members or staff of a regulatory negotiation commission and the staff of an agency;

(2) the members of a regulatory negotiation commission or their staff; or

(3) between any person and a regulatory negotiation commission and its staff;

shall be regarded as an improper ex parte communication subject to any sanction imposed by statute, regulation, or judicial precedent.

(c) Information or records submitted to a regulatory negotiation commission shall not be regarded as agency records for purposes of section 552(a)(3) of title 5, United States Code.

(d) The members of a regulatory negotiation commission and any mediator of such commission shall not be regarded as employees or agents of the United States solely be-

cause of their participation in the commission.

STAFF FACILITIES AND RESEARCH

SEC. 11. (a)(1) The Chairman of the Administrative Conference of the United States is authorized to—

(A) employ an individual to carry out the duties of the Chairman under section 5(b); and

(B) subject to paragraphs (2), (3), and (4), enter into contracts with individuals to serve as mediators for regulatory negotiation commissions.

(2) The Chairman may not enter into any contract under paragraph (1)(B) with an individual if such individual—

(A) may represent any interest with respect to the issue to be considered by a regulatory negotiation commission in developing a proposed rule; and

(B) is a member of, or is associated with, any organization which may represent such an interest.

(3) The Chairman may compensate any individual employed under paragraph (1)(B) at a daily rate equal to the maximum daily rate of pay for level 15 of the General Schedule under section 5332 of title 5, United States Code.

(4) The authority of the Chairman to enter into contracts under this subsection shall be to such extent or in such amounts as are provided in appropriation Acts.

(b) A regulatory negotiation commission is authorized to utilize the services and facilities of Federal agencies and public and private agencies and instrumentalities with the consent of such agencies and instrumentalities and with or without reimbursement to such agencies, and to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code.

(c) Members of a regulatory negotiation commission may agree to share the research and scientific and technical data available to such members.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. To carry out this Act, there are authorized to be appropriated to the Conference not in excess of $1,000,000 for each of the fiscal years 1985, 1986, and 1987.

By Mr. GRASSLEY (for himself and Mr. SYMMS):

S. 1824. A bill to amend the Internal Revenue Code of 1954 to remove the limitation on estate tax exclusions under section 2039; to the Committee on Finance.

REMOVAL OF LIMITATION ON ESTATE TAX EXCLUSIONS UNDER SECTION 2039

Mr. GRASSLEY. Mr. President, I rise to introduce a bill designed to remedy a problem caused by the Tax Equity and Fiscal Responsibility Act of 1982.

Under the Economic Recovery Tax Act of 1981, taxpayers were permitted to roll over pension accumulations into individual retirement accounts or annuities without estate tax liability upon their death. In TEFRA, we limited the estate tax exclusion on these accumulations to $100,000. Unfortunately, many taxpayers made this irrevocable election before TEFRA was passed. If the $100,000 estate tax exclusion had existed when they made the election, they would have made a different decision about the best use for these funds. While I have no quarrel with the conferees' decision to require pension beneficiaries to use these earnings for retirement savings, I feel retroactive application of this rule will cause undue hardship.

Consequently, I am proposing that Congress retain the full estate tax exclusion for those taxpayers who rolled over pension contributions into tax sheltered annuities or individual retirement accounts in reliance upon ERTA. Taxpayers acting after the conferees decision to limit the contributions to $100,000 of estate tax exclusion will be bound by current law. My intent is only to remedy the hardship caused by taxpayers making an irrevocable rollover decision before TEFRA was enacted.

By Mr. GRASSLEY (for himself and Mr. SYMMS):

S. 1825. A bill to amend to the Internal Revenue Code of 1954 to revise the addition tax for failure to pay estimated income tax; to the Committee on Finance.

ESTIMATED TAX SIMPLIFICATION ACT OF 1983

Mr. GRASSLEY. Mr. President, I rise to introduce this measure with Senator SYMMS to address many of the problems surrounding the estimated tax penalty.

The estimated tax provision has long been a source of concern to taxpayers. As currently written, the estimated tax penalty automatically applies if a taxpayers fails to make a quarterly filing. The Commissioner has no authority to waive this penalty, hence many innocent taxpayers are snared by this penalty each year even if they had no prior knowledge that the penalty or the obligation of file existed. Taxpayers commonly subjected to the penalty are workers who have had wage withholding their entire employment careers. Upon retirement, they often have a legal obligation to file quarterly statements but have no knowledge of this requirement. Many of these taxpayers consider their legal tax obligation to be an annual filing of a tax return. Suddenly, they find they have triggered a tax penalty for failure to file a return they never knew existed. Lifelong taxpayers who pride themselves on good compliance records are penalized for their lack of knowledge. Since the estimated tax penalty is a no fault penalty, even in the most sympathetic cases the Commissioner lacks the authority to waive the penalty.

Other taxpayers subject to this penalty are individuals who are unemployed or disabled and are unaware of their obligation to file quarterly. The penalty rate is equal to the statutory interest rate. The Treasury argues that taxpayers had the use of dollars rightfully owed the United States and should be responsible to pay interest on this loan. Unlike other creditors, taxpayers who have triggered the estimated tax penalty often have no knowledge that their bill is overdue. To penalize these taxpayers is not just.

My bill gives the Commissioner the discretion to waive the penalty for reasonable cause. The sponsors of this bill intend to define reasonable cause in the legislative history as those situations which I have chronicled above.

Also, my bill changes the penalty to an interest charge which is deductible by the taxpayer in the year paid or accrued. It retains the same safe harbors that exist in current law and redrafts the section to read more clearly.

It is my hope that this type of needed tax reform can be enacted swiftly. Arbitrary laws breed disrespect for our revenue collection system and enourage noncompliance. These modifications should improve taxpayer attitudes about their financial obligations to their Government.

By Mr. DANFORTH:

S. 1826. A bill entitled the "Hunger Relief Incentives Tax Act of 1983"; to the Committee on Finance.

HUNGER RELIEF INCENTIVES TAX ACT OF 1983

Mr. DANFORTH. Mr. President, I ask unanimous consent that the text of this bill, as well as the explanation of the bill, be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a. Section 170(e)(3) of the Internal Revenue Code of 1954 is amended to read as follows:

"(3) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF INVENTORY AND OTHER PROPERTY.—

"(A) QUALIFIED CONTRIBUTIONS, IN GENERAL.—For purposes of this paragraph, a qualified contribution shall mean a charitable contribution of property described in paragraph (1) and (2) of section 1221, by a corporation (other than a corporation which is an electing small business corporation within the meaning of section 1371(b)) to an organiazation which is described in section 170(c)(1) or to an organization which is described in section 170(c)(2) and is exempt under section 501(a) (other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 492(j)(3)), but only if—

"(i) the use of the property by the donee is related to its governmental purpose or function or to the purpose or function constituting the basis for its exemption under section 501 and the property is to be used by the donee solely for the care of the ill, the needy, or infants;

"(ii) the property is not transferred by the donee in exchange for money, other property, or service;

"(iii) the taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with the provisions of clauses (i) and (ii); and

"(iv) in the case where the property is subject to regulation under the Federal Food, Drug, and Cosmetic Act, as amended, such property must fully satisfy the applicable requirements of such Act and regulations promulgated thereunder on the date of transfer and for one hundred and eighty days prior thereto.

"(B) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD.—

"(i) IN GENERAL.—In the case of a charitable contribution of food, a contribution which otherwise meets the definition of a qualified contribution under subparagraph (A) shall not be disqualified solely because the taxpayer is not a corporation described in subparagraph (A), if such taxpayer is actively engaged in the trade or business of production or wholesale or retail marketing of food.

"(ii) DEFINITION OF FOOD.—For purposes of this subparagraph, the term "food" shall mean any agricultural product which is intended for, and at the date of contribution is suitable for, human consumption, and which is not subject to the federal excise tax on alcohol and tobacco under Chapters 51 and 52 of the Internal Revenue Code.

"(iii) GLEANING.—For purposes of this subparagraph, a charitable contribution of food shall include contributions of food which a donee organization described in subparagraph (A) has removed from the taxpayer's fields, if the contribution otherwise meets the definition of a qualified contribution under subparagraph (A).

"(iv) Notwithstanding any other provision, a contribution of food may qualify under this paragraph in spite of the donee-organization charging a fee to the ill or needy individuals or infants who receive the property from such organization if the fee is small or nominal in relation to the value of the transferred property and is not determined by its value, and the fee is designed to reimburse the donee-organization for its administrative, warehousing, or similar costs.

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF CERTAIN TRANSPORTATION SERVICES.—For purposes of this paragraph, a qualified contribution shall include the charitable contribution by a taxpayer of transportation services for the movement of food which is described in subparagraph (A) or (B), but only if—

"(i) the taxpayer receives from the donee a written statement representing that the property being moved is a qualified contribution, as defined in this paragraph, and

"(ii) the taxpayer is actively engaged in the trade or business of providing such services, or is the donor of such property.

"(D) AMOUNT OF DEDUCTION.—The deduction under the subsection (a) for any qualified contribution (as defined in this paragraph) shall be—

"(i) except as provided in clause (ii), in the case of a qualified contribution described in subparagraph (A) or (B), determined by limiting the reduction under paragraph (1)(A) to the sum of—

(a) one-half of the amount computed under paragraph (1)(A) (computed without regard to this paragraph), and

(b) the amount (if any) by which the charitable contribution deduction under this section for any qualified contribution (computed by taking into account the amount determined in subclause (a), but without regard to this subclause) exceeds twice the basis of such property.

"(ii) in the case of a qualified contribution of food, by a taxpayer which is not required to and does not use inventories to compute taxable income, 50 percent of the gross receipts the taxpayer would have realized if such food had been sold in the ordinary course of the taxpayer's business.

"(iii) in the case of a qualified contribution described in subparagraph (C), the least of—

(a) the fair market value of the services contributed,

(b) twice the incremental direct costs incurred by the taxpayer in providing the services, or

(c) such direct costs, added to one-half the amount of gain the taxpayer would have realized if the services contributed had been provided by the taxpayer at their fair market value.

"(E) This paragraph shall not apply to so much of the gain described in paragraph (1)(A) which would be long-term capital gain but for the application of sections 617, 1245, 1250, 1251, or 1252."

b. EFFECTIVE DATE.—The amendments made by this legislation shall be effective for qualified contributions made after the date of enactment.

EXPLANATION OF S. 1826

SUMMARY

This bill amends section 170(e)(3) of the Internal Revenue Code, which provides a special rule for certain charitable contributions of inventory and other property.

The general rule of present law, expressed in section 170(e)(1), provides that when a taxpayer contributes inventory (or other noncapital gain property), the deduction for the contribution is limited to the taxpayer's basis in the property, even though the value of the property may far exceed that basis. This rule was adopted in 1969; prior to that time, a deduction was allowed for the full value of the property.

In 1976, § 170(e)(3) was adopted. This section provides an exception to the general rule described above in the case of certain contributions of inventory to be used for the "care of the ill, needy, or infants." Under this exception, the taxpayer making such a contribution may deduct the lesser of twice its basis in the property, or basis plus one-half the profit which would have been realized from selling the property. This exception applies only to contributions made by corporations, to organizations described in section 501(c)(3).

This bill makes three basic changes to this section which are intended to encourage increased contributions of food by taxpayers to organizations, such as food banks, which are involved in feeding the needy.

First, the bill would clarify that governmental organizations, such as welfare departments, are eligible recipients of contributions under this section. Under current law, only organizations described in section 501(c)(3) are included, and that section excludes some governmental organizations.

Second, in the case of contributions of food to qualifying organizations, the bill would allow individuals, cooperatives, and other non-corporate taxpayers to take advantage of the enhanced deduction now available only to corporations. However, where the donor is on the cash basis of accounting for tax purposes (as many non-corporate farmers are), there will be no basis in the property. In such cases, the deduction is 50 percent of the gross receipts the taxpayers would have received from the sale of the property.

Third, the bill addresses what has been a serious roadblock to the successful implementation of the incentive of current law. This problem is the lack of transportation services to move contributed property from the point at which it is made available to the point at which it is needed. This bill would help alleviate this problem by giving taxpayers which contribute such services the same treatment as taxpayers contributing property. This special deduction would be limited to the incremental costs incurred by the taxpayers in transporting the qualifying property.

TECHNICAL DESCRIPTION

Expansion of eligible recipients of property under section 170(e)(3)

Under section 170(e)(3) of current law, qualifying contributions of property must be made to organizations described in section 501(c)(3). As a consequence, contributions to some governmental units do not qualify. Thus, for example, public housing authorities or welfare departments operating emergency food programs are not eligible to receive contributions of food deductible under this section. The bill would rectify this by amending section 170(e)(3) to allow contributions to any organization described in section 170(c)(1) (which covers federal, state and local governmental units) or section 170(c)(2) (which covers organizations described in section 501(c)(3)).

Special rule for contributions of food

Individual donors—Under current law, contributions of property may qualify for the special treatment of section 170(e)(3) only if the donor is a corporation. Thus, individual farmers and agricultural cooperatives are not eligible to make contributions under this section. The bill amends section 170(e)(3) to allow, in the case of contributions of food, any taxpayer which is actively engaged in the trade or business of the production or marketing of food to qualify. For purposes of the new provision, food is defined to mean any agricultural product which is intended for, and at the date of contribution is suitable for, human consumption and which is not subject to federal alcohol or tobacco excise tax under Chapters 51 or 52 of the Internal Revenue Code.

Gleaning—the bill specifically provides that a charitable contribution of food under this section shall include contributions of food which qualifying organizations remove from the fields of the taxpayer (such as crops which are left behind by traditional harvesting techniques.)

Fees—Under current law, a contribution will not qualify under section 170(e)(3) if the donee transfers the property it receives from the donor in exchange for money, other property or services. However, under Treasury Regulation Section 1.170A-4A(b)(3)(ii), a donee may charge a fee to another organization in connection with its transfer of the donated property, if the fee is small or nominal in relation to the value of the transferred property, is not determined by the value of the property, and is designed to reimburse the donee-organization for its administrative, warehousing, or other similar costs. The bill would allow donee-organizations to charge similar fees to the ultimate recipients of food under the same restrictions, i.e., that the fee be small or nominal in relation to the value of the property, not be based on that value, and be designed to reimburse the donee-organization for its administrative, etc. costs.

Contributions of transportation services

Under current law, contributions may qualify for the special treatment of section 170(e)(3) only if they are contributions of property. One of the most serious problems

faced by food banks and other organizations involved in feeding the needy is that of transporting donated food. To help resolve this problem, the bill allows contributions of transportation services to move food, the donation of which is a qualifying contribution, to qualify under section 170(e)(3). In order to qualify, the services must be contributed by a taxpayer which is actively engaged in the trade or business of providing such services, or by the donor of the food being transported. In addition, the taxpayer must receive from the donee a written statement representing that the property is a qualifed contribution.

Amount of deduction

Under current law, the amount of the deduction for contributions qualifying under section 170(e)(3) is the fair market value of the property, limited to the lesser of twice the taxpayer's basis in the property or that basis plus one-half the amount of gain the taxpayer would have recognized if the property had been sold. This rule will continue generally to apply to contributions made under the amendments to section 170(e)(3). However, in the case of a taxpayer which makes a qualifying contribution of food, and which, under its method of accounting, does not use inventories in computing taxable income, the amount of the deduction is 50 percent of the gross receipts the taxpayer would have realized from the sale of the food in the ordinary course of its business. (This rule would apply to most individuals engaged in farming because they are generally not required to use inventories). Further, in the case of contributions of qualifying transportation services, the deduction will be the fair market value of the services, limited to the lesser of twice the taxpayer's incremental direct costs incurred in providing the services or such direct costs plus one-half the amount of gain the taxpayer would have realized if the services had been provided by the taxpayer at their fair market value.

Effective date

The amendments made by the bill would be effective for qualifying contributions made after the date of enactment.

By Mr. PACKWOOD (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. INOUYE, Mr. GORTON, Mr. CRANSTON, Mr. MATTINGLY, Mr. SARBANES, Mr. GOLDWATER, Mr. CHILES, Mr. GARN, Mr. BUMPERS, Mr. MURKOWSKI, Mr. GLENN, Mr. COHEN, Mr. MOYNIHAN, Mr. TRIBLE, Mr. NUNN, Mr. KASTEN, Mr. HEFLIN, Mr. HUMPHREY, Mr. STENNIS, Mrs. HAWKINS, Mr. DODD, Mr. EAST, Mr. BENTSEN, Mr. WEICKER, Mr. PELL, Mr. WILSON, Mr. LEVIN, and Mr. TSONGAS):

S.J. Res. 150. Joint resolution to designate August 4, 1984, as "Coast Guard Day"; to the Committee on the Judiciary.

COAST GUARD DAY

● Mr. PACKWOOD. Mr. President, today I am introducing, along with 30 of my colleagues, a joint resolution to designate August 4, 1984, as "Coast Guard Day."

Since its founding in 1790, the Coast Guard has provided dedicated and often courageous service to the people of this Nation. We all are familiar with the Coast Guard's search and rescue function. Countless lives have been saved through these efforts. In addition, many lives have undoubtedly been saved by the Coast Guard's boating safety program.

The Coast Guard also has important responsibilities in the areas of merchant marine safety, aids to navigation, environmental protection, maritime law enforcement, and port safety. All Americans benefit either directly or indirectly from these services.

Mr. President, the men and women of the U.S. Coast Guard have a long and proud history of service to this Nation. I think it is most appropriate that we set aside one day in their honor.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.J. RES. 150

Whereas the United States Coast Guard is the oldest continuous seagoing service, its history tracing back to 1790;

Whereas the United States Coast Guard has made valuable contributions to our Nation in the areas of boating safety, search and rescue, aids to navigation, merchant marine safety, environmental protection, maritime law enforcement and port safety;

Whereas military and civilian personnel of the United States Coast Guard and its predecessors have displayed enthusiasm, excellence and courage since 1790 in serving the people of this Nation; and

Whereas the Nation relies on the readiness of the nearly 100,000 active duty and reserve military officers and enlisted personnel, cadets, civilian employees, and auxiliary volunteers of the United States Coast Guard to rescue victims, protect our environment, and defend our Nation if the need arises: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating August 4, 1984 as "Coast Guard Day", and calling upon all Federal, State and local government agencies and people of the United States to observe the day with appropriate programs, ceremonies, and activities.●

COAST GUARD DAY

Mr. STEVENS. Mr. President, I am particularly pleased to join Senator PACKWOOD and 29 other Senators in introducing this joint resolution to honor our oldest seagoing service by designating August 4, 1984, as "Coast Guard Day." I heartily concur with Senator PACKWOOD's remarks concerning the remarkable record of the Coast Guard in performing its many duties.

Nowhere is the courage and dedication of the Coast Guard better demonstrated than in my home State, Alaska, where search and rescue and other Coast Guard functions are often performed in the most hazardous of conditions. Alaskans take comfort in knowing that the Coast Guard is always ready to aid in marine emergencies.

Mr. President, we hope that this joint resolution will serve as a small token of our appreciation for a job well done.

By Mr. SPECTER:

S.J. Res. 151. Joint resolution to enact a moratorium on federally authorized access charges imposed on residential customers without regard to such customer's use of long-distance service; to the Committee on Commerce, Science, and Transportation.

ACCESS CHARGE JOINT RESOLUTION

Mr. SPECTER. Mr. President, I rise today to introduce a joint resolution to provide for a moratorium on implementation of the recent decision of the Federal Communications Commission imposing a flat monthly access charge on residential telephone customers.

For months, the divestiture of AT&T has caused speculation that the divestiture will spark a dramatic rise in telephone rates. In March 1982, I chaired a Judiciary Committee hearing to examine that question and received assurances from the FCC, that the divestiture would not create rate increases. Following that hearing, I introduced a resolution to insure that the Congress have available to it the information with which to assess those conclusions.

Today, 15 months later, without congressional input, the FCC has announced that as of January 1, 1984, an access fee of $2 per month will be imposed on all residential telephone customers. The FCC expects that this access fee would then be increased over the next 6 years to $6 to $8 per month. With an average residential bill for local service today just under $10, this would create an alarming 20 to 80 percent rise in residential rates. Equally alarming is the fact that, as of last week, the Chairman of the FCC, Mark S. Fowler, testified that the Commission did not know what the impact of this rate surcharge would be on the elderly and poor. Instead, Commissioner Fowler recommended "that Congress stay its hand on access charges until it can review the results of—an FCC—yearend investigation of the State rate situation" and stated that "If corrective legislation appears warranted then it can be enacted during 1984."

I suggest instead that it is the FCC, not the Congress, which should stay its action until the impact of this surcharge and state authorized rate hikes on consumers, particularly those economically disadvantaged are assessed.

The antitrust action against AT&T was brought by the U.S. Government to increase competition and thereby, lower costs. It would be a cruel irony if this action instead, resulted in sharply

increased costs for local users and a decline in universal service.

The recent access charges ordered by the FCC, however, appear to signal this very result. Judge Harold Greene, overseeing the AT&T divestiture, sharply disagreed with the FCC's action and observed:

Over 50 percent of the residential subscribers make only nominal use of long distance and 15 percent make no use of that service at all. Yet under the FCC policy all of them must pay for that access (to the long-distance network). It should be noted in this connection that 91 percent of all households now have telephones. As the FCC's access fee reaches $7, as it will in a few years, this is estimated to drop to 60 percent for very poor blacks, 65 percent for very poor living in rural areas, and 58 percent for very poor young people. That hardly sounds like universal service.

Greene concluded that imposing these access charges "undermines one of the assumptions underlying the court's approval of the decree that there would be no impairment of the principle of universal service."

The joint resolution I am today introducing would afford the Congress the opportunity to examine the necessity for the imposition of access surcharges and, to the extent some new surcharge is mandated, the best available structure for such surcharge. In addition to staying the FCC's action until January 1, 1985, the resolution would require that the FCC report to Congress on the impact of its access charge proposals and those of rate increase proposals pending before State authorities including an estimate of the numbers of customers who would be likely to discontinue service if such access charges and rate increases were imposed.

If the FCC surcharges are imposed on January 1, 1984, any adverse impact may be irretrievable if Congress later determines that such across-the-board access charges are incompatible with guaranteeing the availability of universal telephone service. On the other hand, if given an opportunity to address the issue, I am confident that the Congress can provide a rate solution for our restructured telephone network that will both fairly distribute costs and insure the continuation of universal service.

Mr. President, I ask unanimous consent the joint resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 151

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas it is in the interest of all Americans and the Nation that the public have access to reasonably priced, high quality telephone service;

Whereas 91 per centum of all American households now have telephones;

Whereas significant rate increases threaten a fifty-year effort to provide affordable, universally available telephone service to the American public;

Whereas significant rate increases could force many Americans, particularly the elderly, subsiding on low fixed incomes, the economically disadvantaged, and those living in high cost urban areas to discontinue telephone service;

Whereas the Federal Communications Commission has approved a plan that would require the payment of across-the-board access fees by all residential telephone customers as a substitute for long-distance subsidies generally reported to have been provided to defray the cost of local telephone service;

Whereas over 50 per centum of the residential subscribers make only nominal use of long-distance service and 15 per centum made no use of that service at all, rendering the general application of such fee discriminatory;

Whereas the impending divestiture of the Bell Telephone System should not provide an occasion for unfairly increasing rates for local telephone service; and

Whereas the establishment of a fair system of charges to telephone users requires attention to the public policy implications of any charge which creates a disparate impact upon users, particularly those who are elderly or poor: Now, therefore, be it

Resolved by the Senate and the House of Representatives, That no Federal authority, including the Federal Communications Commission, shall authorize or impose access charges (or other fees related to long-distance service) on residential telephone customers without regard to such customers' use of long-distance service; that within six months the Federal Communications Commission shall report to the Congress on the impact of its access charge proposals and those of rate increase proposals pending before State authorities, including its estimate of the numbers of customers who would be likely to discontinue local service if such access charges and rate increases were imposed.

By Mr. LEVIN:

S.J. Res. 152. Joint resolution to designate the week of May 6, 1984, through May 12, 1984, as "Batten's Disease Awareness Week"; to the Committee on the Judiciary.

BATTEN'S DISEASE AWARENESS WEEK

● Mr. LEVIN. Mr. President, I am submitting a joint resolution today proclaiming the week of May 6 through May 12 as "Batten's Disease Awareness Week."

Batten's disease is a neurological disorder which manifests itself in previously normal children between the ages of 3 to 8 and is characterized by a slow progression of clumsiness, stumbling, failure of vision, seizures, changes in personality, and dropping of scholastic grades. The disease eventually leaves its victims totally disabled and unable to care for themselves and usally ends in death within 1 to 10 years after the intial diagnosis. The disease may have an incidence as high as 1 in 12,500 births, similar to other common genetic disorders. One out of four offspring is at risk of inheriting Batten's disease if the mother and father are both carriers of, but not affected by, Batten's disease. The changes which occur in the brain, of these children are quite similar to the changes in the aging person. Thus, effective treatment for Batten's disease may also allow us to alter the process of senility in all people.

It has only been in the last few years that significant research on Batten's disease has been undertaken, largely as a result of the efforts of Dr. J. Alfred Rider, president of the Children's Brain Disease Foundation, a nonprofit, tax-exempt charitable organization which was started in 1968 primarily to determine the cause and cure of various progressively deteriorating brain diseases occurring in infancy and childhood. Since Batten's disease is a typical example of these conditions, the foundation decided to focus primarily on Batten's disease as its first objective.

The National Institutes of Health, in the last 4 years, has realized the importance of research in this area and has singled out Batten's disease for expanded research funding in the near future.

In fiscal year 1983 appropriations for NIH, $700,000 was made available to carry out research on Batten's disease.

In testimony presented to the Senate Appropriations Subcommittee on Labor, Health and Human Services April 29 of this year, Dr. Rider emphasized:

Research is the only way to solve this disease and prevent the devastating tragedy in families who have children so afflicted and effect tremendous savings to society as a whole. The cost of care for each child is enormous and may be as high as $50,000 to $100,000 a year. Thus, 10 children such as these would cost more per year than the funds, $700,000, we are requesting.

Dr. Rider went on to say:

In the last year, research has expanded and is progressing rapidly. This momentum must be maintained. * * * we are in the process of assisting with the development of two Batten disease centers, one at the University of Indiana and one at the University of Florida. * * * there are over thirty-four principal investigators from major universities, medical centers and institutes throughout the world involved in various phases of research pertaining to Batten's disease. If funding is provided, the chances of the development of a specific treatment program in the foreseeable future appear to be very good.

Mr. President, it is my hope that passage of this resolution will improve public understanding and awareness of the implications of Batten's disease, and encourage early diagnosis and care of children who inherit this fatal disorder. It is also my hope that setting aside a special week will attract attention to the need for further research into the treatment and cure of Batten's disease.

Lastly, Mr. President, but most importantly, I would like to say thank you to Jo Ann and Lawrence Gajor of Livonia, Mich., for making me aware of the devastation of Batten's disease. The Gajors have devoted much of their lives over the past 3 years to calling to the attention of the American people the human and economic costs of Batten's disease. The untiring efforts of the Gajors have promoted a greater awareness of the challenge we face in seeking treatment and cure of this disease.

Mr. President, I would like to share with my colleagues excerpts from the letter received from Jo Ann and Lawrence Gajor a few months ago:

Our son, Mark, is 6 years old and dying from Batten's disease. He has been sick for 3 years. Two of the five children who we know of in this area who had Batten's disease have already died, one is in a vegetable state, one is almost blind, and Mark is very severely affected.

We were hoping that you might help us in some way. * * * It is difficult to be brief in describing what has transpired during the last 3½ years, but we will try to do so. Our perfect, beautiful, little son started having small problems when he was 2½ years of age and suffered a seizure at 3 years of age. In the next 3 years he had speech tests, skin and muscle biopsies, spinal taps, blood tests, brain scans, EEG tests and many others. Truthfully, we can't even recall all the difficulties we have had in attempting to diagnose and help our little boy. Our worst fears were finally realized when our little boy reached the age of 4 years and we were told he would become blind, deaf, mentally impaired and die within a few years. It is very painful to watch him deteriorate when we want desperately to help him. He does not walk or talk, has a seizure disorder, and is rapidly becoming blind. He is severely mentally impaired and has been in a wheelchair for approximately 2 years.

We have contacted doctors and researchers in this country and other countries, but we have been told that there is no treatment.

I urge my colleagues to support this resolution and I hope it will win speedy passage.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S.J. Res. 153. Joint resolution to congratulate the people of the county of New York on the occasion of the tricentennial of the founding of the county of New York; to the Committee on the Judiciary.

300TH ANNIVERSARY OF THE FOUNDING OF THE COUNTY OF NEW YORK

Mr. MOYNIHAN. Mr. President, it is my pleasure to introduce, along with my distinguished colleague Senator D'AMATO, a joint resolution celebrating the 300th anniversary of the founding of the county of New York.

Known to most as Manhattan, the county of New York has a long and most celebrated history. Since its inception on November 1, 1683, New York County has been at the center of the life of both the Nation and the world. Three hundred years after its birth, the county of New York remains the financial, artistic, and cultural capital of the Nation. No small accomplishment.

Manhattan has also served as the port of entry to countless immigrants. Coming to the United States from the nations of Europe and the rest of the world, for many Manhattan was the first portion of this Nation that they saw. Its architecture and grandeur was a symbol of the wealth and power of a growing nation.

These immigrants, in turn, contributed to both the material and cultural wealth of Manhattan. On a few scarce miles would grow neighborhoods which reflected the variant cultures and peoples which combined to form the pastiche of this Nation. And New York served as a microcosm of the variety of the Nation.

Mr. President, I urge my colleagues to join Senator D'AMATO and myself in supporting this legislation. The 300th anniversary of the county of New York is most worthy of the congratulations of the Senate.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 153

Whereas November 1, 1983, is the 300th anniversary of the founding of the County of New York;

Whereas the founding of the County of New York was an important step forward in the development of a system of representative government and common law jurisprudence in what was to become the State of New York;

Whereas the County of New York and the City of New York were coterminous during the period beginning on November 1, 1683, and ending on December 31, 1897, and during such period the City of New York served as the marketplace of, and the gateway to, the Nation and grew to become the most populous and cosmopolitan city in the United States;

Whereas the County of New York was associated with many important events which occurred during the establishment and expansion of the Republic;

Whereas the County of New York, more widely known as Manhattan, grew to become, and has continued to be, the commercial, financial, and communications center of a great City and a great Nation; and

Whereas many individuals who immigrated to the United States entered the United States through the county of New York and many such immigrants established residence in the county of New York: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States, on behalf of all of the people of the United States, congratulates the people of the County of New York on the occasion of the tricentennial of the founding of such County.

Mr. D'AMATO. Mr. President, I am pleased today to join my friend and colleague, Senator MOYNIHAN, in sponsoring this resolution celebrating the 300th anniversary of the founding of the county of New York, more widely known as Manhattan. As Americans, we are extremely proud of the contributions of the citizens of this magnificent island, both to the Nation and the city of New York.

Manhattan has served as the gateway for the vast majority of our Nation's immigrants. As their first impression of America it touched all of their lives. The neighborhoods of New York reflect the various waves of immigrants to our Nation—Chinatown, Little Italy, Yorkville, and Spanish Harlem. One sees, feels, and senses the immigrant spirit throughout Manhattan.

Manhattan is the financial services, commercial, communications, and arts center of our Nation. The county contains 6 of the Nation's 10 largest banking institutions, the New York and American Stock Exchanges, and the largest stock brokerage houses in the world. These institutions all play a significant role in creating the capital essential for our Nation's economy.

Of the top industrial companies in the Nation, Manhattan has more than any State, let alone county. It contains 66 of the Fortune 500 industrial companies. Of the Fortune 500 service companies, Manhattan has 63, more than any city in the Nation.

The major radio and television broadcasting companies can also be found in Manhattan. New York County also has the first museum devoted to radio and television, the Museum of Broadcasting, which has radio and television tapes of the last half century.

The richest art treasures of the world can be seen in this county. Museums such as the Metropolitan, the Frick, the Museum of Modern Art, the Whitney, the Cloisters, and the Guggenheim are known by all visitors to New York City. In addition, there are such cultural treasures as Broadway, Radio City Music Hall, and the Lincoln Center for the Performing Arts which houses the Metropolitan Opera, the New York City Opera, the New York City Ballet, the New York Philharmonic Orchestra, and the Juilliard School of Music.

The county, through the United Nations, provides a place where representatives from nations around the world gather and discuss their concerns. The county provides protection for these diplomats and creates an atmosphere which permits the free interchange of ideas.

Mr. President, for all of these reasons I urge my colleagues to join us in paying tribute to Manhattan, and to its citizens, by recognizing the 300th anniversary of the establishment of New York County.

By Mr. DIXON:

S.J. Res. 154. Joint resolution to recognize the contributions of the Illinois Waterway to the development of the State of Illinois after 50 years of operation; to the Committee on the Judiciary.

ILLINOIS WATERWAY CORRIDOR

Mr. DIXON. Mr. President, it is with great pride today that I introduce a Senate joint resolution which will recognize the contributions of the Illinois Waterway to the development of the State of Illinois after 50 years of operation.

This resolution that I am introducing today is an appropriate complement to one introduced yesterday by my good friend and distinguished colleague, Senator RUSSELL LONG of Louisiana, which would designate the week of October 2-8, 1983, as "National Port Week."

Since its opening to commercial navigation in 1933, the Illinois Waterway has provided a low cost, safe, and efficient form of transportation and accommodated the movement of virtually billions of tons of cargo between the Great Lakes and the Mississippi River.

Illinois has long been regarded as the hub of our Nation's transportation system and the 350-mile Illinois Waterway provides an integral part of this country's waterborne traffic system.

The Illinois Waterway corridor has not only accommodated the growth and development of the State of Illinois, but has also enhanced the development of every community with goods to ship from the Great Lakes through the Mississippi River, down to the Gulf of Mexico.

As we set aside a week to recognize the important contributions of our Nation's ports, I hope that my colleagues will join me in acknowledging the contributions of the Illinois Waterway corridor to our Nation's economic development.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 154

Whereas the Illinois Waterway was opened for commercial navigation in 1933;

Whereas the year 1983 marks the fiftieth anniversary of that historic event;

Whereas the Illinois Waterway corridor, which bisects the State of Illinois for three hundred and fifty miles from Lake Michigan to the Mississippi River, has become one of the most heavily industrialized regions of the Nation and the leading agricultural producing region of the Nation;

Whereas the Illinois Waterway annually handles the shipment of about forty-five million tons of cargo in barges, including fifteen million tons of grain, six million tons of coal, four million tons of petroleum products, four million tons of sand and gravel and one and one-half million tons of iron and steel;

Whereas the availability of low-cost, safe and efficient barge transportation on the Illinois Waterway has been a major factor in the development of the economy of the State; and

Whereas the Illinois Association of Port Districts, a nonprofit corporation incorporated in the State of Illinois, is sponsoring a commemorative function to honor fifty years of continuous transportation service afforded by the Illinois Waterway: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Illinois Waterway is recognized for its contribution to the growth and development of the State of Illinois during fifty years of operation and all Federal agencies are encouraged to assist and cooperate with the Illinois Association of Port Districts in the planning of appropriate activities to commemorate the fiftieth anniversary of the Illinois Waterway.

By Mr. PERCY (for himself and Mr. PELL):

S.J. Res. 156. Joint resolution to designate the month of October 1983 as "International Youth Exchange Month"; to the Committee on the Judiciary.

INTERNATIONAL YOUTH EXCHANGE MONTH

Mr. PERCY. Mr. President, it gives me great pleasure to introduce a joint resolution which proclaims that the month of October, 1983, be named "International Youth Exchange Month."

Exchanges of young people between the United States and the other countries of the world make a lasting and valuable contribution to the search for world peace.

The international exchange of young people is especially valuable because it offers our young people an experience that will change their lives—to learn another language and about another society. And the same holds true for foreign students who can share their culture with American families and learn about the American way of life. These peole-to people programs enable us to see our fellow man more clearly and to listen more carefully to the concerns of other peoples.

I hope my colleagues will wholeheartedly support this joint resolution to name October, 1983, as "International Youth Exchange Month." This resolution will assist in giving national recognition to these valuable citizen-based programs which serve our nation's long-term national interests.

Mr. PELL. Mr. President, I fully support the statement of my distinguished chairman. The exchange programs, and especially youth exchange programs, are made possible by the tireless and dedicated support of thousands of volunteers in communities all across this country. These people open their hearts and homes to countless foreign students and visitors, giving them a chance to experience the warmth and vitality of the American people.

This joint resolution recognizes the generosity of these citizens who welcome foreign students into their community. It is also intended to promote and encourage expanded exchanges between the United States and other countries, an objective which I have sought to achieve through my amendment to the USIA authorization bill, doubling that Agency's funds for exchange programs, and through the introduction of a resolution specifically designed to expand exchange between the United States and the Soviet Union.

I wholeheartedly endorse proclaiming October, 1983, as "International Youth Exchange Month," and urge my colleagues to support this measure.

By Mr. MELCHER (for himself, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. DIXON, Mr. DURENBERGER, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JACKSON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. MATTINGLY, Mr. MCCLURE, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. STAFFORD, Mr. WARNER, and Mr. WILSON):

S.J. Res. 157. Joint resolution designating November 13, 1983, as "National Retired Teachers Day"; to the Committee on the Judiciary.

NATIONAL RETIRED TEACHERS DAY

Mr. MELCHER. Mr. President, on behalf of myself, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. BURDICK, Mr. CHILES, Mr. COCHRAN, Mr. DIXON, Mr. DURENBERGER, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. JACKSON, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. MATTINGLY, Mr. MCCLURE, Mr. MOYNIHAN, Mr. PELL, Mr. PRYOR, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. STAFFORD, Mr. WARNER, and Mr. WILSON I am today introducing a Senate joint resolution to designate November 13, 1984, as "National Retired Teachers Day."

With all of the attention being given currently to excellence in education, it seems altogether fitting that we recognize the contribution our retired teachers made to each of us and to all American citizens, regardless of age.

I believe each of us remembers especially one or two teachers who influence on our lives cannot be understimated. Whether as a strict but fair disciplinarian, a humorous master of subject matter, a vigorous proponent of true dedication to our American ideals, a coach who taught us fair play, or a person with all these gifts and more—we remember. Far too often we neglect

to tell them what they have meant to us.

This resolution in a small way, does exactly that.

I want to pay special tribute to Ms. Gladys Johnson of Great Falls, Mont., who first suggested this resolution to me. She never had the misfortune of having me as a pupil. But I know about her great contribution to learning, and to advancing the cause of the teaching profession. She was a great teacher; she still is a great person.

My thanks go to all of my teachers—those that are still alive and, to all of my teachers who have passed on, my thanks goes to them in Heaven. All of my former teachers who are deceased earned Heaven. I and a few of my classmates from time to time gave them enough trouble so their patience and kindness earned them their eternal heavenly reward. What they have contributed to me, I can never repay. My thanks and eternal respect is all I have.

Mr. WILSON. Mr. President, I have cosponsored this amendment because it is important to give credit where credit is due. Our Nation's retired teachers are deserving of recognition and thanks for their years of dedication to educating America's youth. Designating November 13, 1983 as "National Retired Teachers Day," is our way of expressing appreciation, and it is only fitting for us to do so.

With all the attention to teachers and education today, perhaps a moment of reflection upon past achievements of our Nation's educators is in order. When I think about the long-lasting effects that teachers have on their students, a specific quotation comes to mind: "A teacher affects eternity; he can never tell where his influence stops." I am pleased to recognize all those retired teachers who have indeed affected eternity, and I have therefore cosponsored and supported the proposal for National Retired Teachers Day.

AN EXAMPLE OF INTEGRITY

Mr. PRYOR. Mr. President, Coach Sam Coleman was head football coach in Camden, Ark., for many years throughout the 1940's and 1950's, and even after that. He was an example of integrity to many young men and boys who played football during those years, not only on the field but in classes as well. He was a taskmaster, a firm believer in hard work and the application of every young student to the assigned job at hand. I think of Coach Coleman many times when the subject of good teachers comes up. He was a man of few words, but what he said was important to students in his class. We know that he spoke from wide experience and with the good of his students always in mind.

To honor Sam Coleman and all other retired teachers, I am pleased to cosponsor this resolution.

Mr. WARNER. Mr. President, there are times in this venerable institution of the U.S. Senate when a Member conceives an excellent idea at just the right time. Our distinguished colleague from Montana, Mr. MELCHER, has done just that in introducing this resolution designating November 13, 1983 as "National Retired Teachers Day." I consider it a privilege to have been asked by him to be a cosponsor.

I am positive that every Member of the Senate, in fact every American, remembers with special fondness at least one teacher whose wise counsel changed the course of his or her life.

Mr. career was, indeed, directed by courageous decisions, unlimited patience, and the sacrific of many who followed the teaching profession. During my high school days, two beloved teachers joined to chart my professional life. One, Mr. Cubbage, a high school physics teacher, recognizing a latent ability in mathematics and science, encouraged me—instilled in me—the confidence to rise to the top of the class in these areas. The second was an admirable woman in every respect, Mrs. Smith, whose patience was unlimited. She finally recognized that foreign language was not my forté. Their wise counsel redirected my efforts from liberal arts to engineering. I shall be everlastingly grateful.

An equally farsighted individual entered my life. His name is Captain Eddy, USN, who created the program whereby thousands of young men learned the electronics skills to operate the sophisticated equipment aboard America's ships in World War II. He was unyielding in his discipline of teaching and accepted only excellence. His opening remarks to the class were, "either you or the man on your right or on your left will be flunked out." Indeed, 50 percent—or over half—failed to meet his standards and dropped out. These three teachers changed the direction of my life as a teenager.

This resolution honors the over 1½ million retired teachers in America. These individuals dedicated most of their working lives to the development of our Nation's youth and we all owe them a great debt of gratitude. It is fitting that a special day honors their contribution to America.

Mr. President, this day will bring special memories of all my teachers but, especially, Mr. Cubbage, Mrs. Smith, and Captain Eddy.

I urge my colleagues to join us in honoring these most deserving women and men.

Mr. BINGAMAN. Mr. President, I think it is safe to say that I have learned something about teaching by having lived next to it for so many years. My mother, my father, and my sister are teachers, and if this were a family gathering, I might bespeak their virtues for an hour, but it is not, and I think they would join me in what I am about to say.

In our society, good teachers are precious resources who deserve our sincerest thanks; great teachers are national treasures who deserve to be emulated, and honored and remembered. Today, permit me to honor and remember Mrs. Gladys Gruschus—for years the patient, enthusiastic mathematics instructor at Western High School in Silver City, N. Mex. Her success, I think, rested partly in her resilience and partly in the enthusiasm with which she pursued her subject. Her resiliency manifested itself in a wonderful sense of humor—a sense of humor which understood our adolescent personalities so thoroughly that she was able to guide, and shape, and teach without carping and without having to suffer an undue measure of teenage foolishness. At the same time, she took such intense interest in her subject that she ignited our curiosity and fueled our growing enthusiasm for the rudiments of trigonometry, algebra, and geometry. Some I am sure, merely learned her lessons and went home with her blessing but with those who showed even the faintest hint of additional interest, she was tireless in her efforts to stimulate, to inform, and to go beyond the normal curriculum and communicate all that their minds could accept.

Mrs. Gruschus is, in every way, a completely admirable human being. A widow with a family to support, she lived in a small, spare house, and worked hard to balance her life's requirements with her circumstances. I remember her with respect as a great teacher and with appreciation as a fine person.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. MATHIAS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

S. 474

At the request of Mr. COCHRAN, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 474, a bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings.

S. 476

At the request of Mr. LEVIN, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for

uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 764

At the request of Mr. WARNER, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 816

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maine (Mr. COHEN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 816, a bill to extend the Superfund legislation for 5 additional years, and for other purposes.

S. 836

At the request of Mr. PELL, the names of the Senator from New Jersey (Mr. BRADLEY) the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 918

At the request of Mr. HATFIELD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 918, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to provide greater protection to women under private pension plans.

S. 1113

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1145

At the request of Mr. DENTON, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1271

At the request of Mr. RANDOLPH, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. TRIBLE), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1285

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. KASTEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1434

At the request of Mr. D'AMATO, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1581

At the request of Mr. DOLE, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1581, a bill granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact.

S. 1623

At the request of Mr. DOLE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Arizona (Mr. DECONCINI), the Senator from Missouri (Mr. DANFORTH), the Senator from Florida (Mr. CHILES), the Senator from North Dakota (Mr. BURDICK), and the Senator from North Dakota (Mr. ANDREWS), were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1701

At the request of Mr. MCCLURE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1701, a bill to impose specific directions on the Bonneville Power Administration.

S. 1720

At the request of Mr. PELL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1720, a bill to amend the Federal Reserve Act to provide for increased representation of small business interests on the Board of Governors of the Federal Reserve.

S. 1724

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1724, a bill to designate the Federal Building in Las Cruces, N. Mex. as the "Harold L. Runnels Federal Building."

S. 1730

At the request of Mr. DIXON, the names of the Senator from Georgia (Mr. NUNN) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Carolina (Mr. EAST), the Senator from Kentucky (Mr. FORD), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Vermont (Mr. LEAHY), the Senator from Montana (Mr. MELCHER), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 119

At the request of Mr. HUMPHREY, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsoer of Senate Joint Resolution 119, a joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. ABDNOR, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 121, a joint resolution to designate November 1983 as "National Diabetes Month."

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the names of the Senator from North Carolina (Mr. EAST), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. SARBANES), the Senator from Missouri (Mr. EAGLETON), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 136

At the request of Mr. GLENN, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 136, a joint resolution to recognize "Volunteer Firefighters Recognition Day," as a tribute to the bravery and self-sacrifice of our volunteer firefighters.

SENATE JOINT RESOLUTION 145

At the request of Mr. LONG, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. PACKWOOD) were added as cosponsors of Senate Joint Resolution 145, a joint resolution to designate the week of October 2, 1983 through October 8, 1983, as "National Port Week."

SENATE JOINT RESOLUTION 149

At the request of Mr. HUDDLESTON, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Montana (Mr. BAUCUS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. CRANSTON), the Senator from South Dakota (Mr. ABDNOR), the Senator from New York (Mr. D'AMATO), the Senator from Michigan (Mr. RIEGLE), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. PRYOR), the Senator from Illinois (Mr. DIXON), the Senator from South Carolina (Mr. THURMOND), the Senator from Nebraska (Mr. EXON), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Joint Resolution 149, a joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50-cents-per-hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States.

At the request of Mr. BOSCHWITZ, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. BOREN), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Iowa (Mr. JEPSEN), the Senator from Utah (Mr. HATCH), the Senator from Kentucky (Mr. FORD), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Georgia (Mr. NUNN), the Senator from Georgia (Mr. MATTINGLY), the Senator from Michigan (Mr. LEVIN), were added as cosponsors of Senate Joint Resolution 149, supra.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from West Virginia (Mr. BYRD), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 182

At the request of Mr. DOLE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Resolution 182, a resolution expressing the sense of the Senate with respect to travel by Members of the Senate to the Soviet Union.

AMENDMENT NO. 1457

At the request of Mr. LEVIN, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Amendment No. 1457 intended to be proposed to S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

SENATE CONCURRENT RESOLUTION 62—RELATING TO THE SOCIAL SECURITY BENEFIT DISPARITY KNOWN AS THE NOTCH PROBLEM

Mr. MATTINGLY (for himself, Mr. KENNEDY, Mr. HUMPHREY, and Mr. CHAFEE) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON RES. 62

Whereas unforeseeable economic conditions have adversely affected the changes made by the Congress in 1977 in the social security retirement benefit formula;

Whereas those born in 1917 (and thereafter) whose work records are otherwise identical to work records of those born in 1916 will receive lower social security benefits under the present formula;

Whereas a simple repeal of the 1977 benefit formula would cost the Federal Old-Age and Survivors' Insurance Trust Fund approximately $7,000,000,000 and would adversely affect those who chose to retire in the 1979 through 1981 period at age sixty-two through sixty-four;

Whereas some compensatory alteration in benefit formulas is desirable to mitigate the benefit differential experienced by those who retired at age sixty-five in 1982; and

Whereas the National Commission on Social Security, after extensive investigation, found that this disparity in benefit amounts was unjust and that steps should be taken to resolve it: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Commissioner of Social Security and the Secretary of Health and Human Services should immediately develop a plan and report to Congress on the steps which Congress might consider for purposes of correcting the security benefit disparity known as the notch problem.

Mr. MATTINGLY. Mr. President, last year I introduced a resolution which called upon the Commissioner of Social Security and the Secretary of Health and Human Services to conduct a study on steps which might be taken by Congress to correct the social security disparity which has come to be known as the notch problem. Although the National Commission on Social Security found that the disparity in benefit amounts was unjust and that steps should be taken to resolve the notch problem, no action has been pursued which would accomplish that. Again today I bring the notch problem to the attention of my colleagues as I introduce a resolution similar to the one I offered last year.

The Social Security Amendments of 1983 which passed the Senate in March and were signed into law in April did not attempt to solve the notch problem. Although we in Congress have in effect ignored the problem, it is not easily ignored by those individuals who are victims of the notch. My office continues to receive requests from those social security beneficiaries who, despite the fact that their work records are identical to those of individuals who were born 1 year or even 1 month earlier than they, are receiving substantially lower benefit payments. The disparity in these benefits makes a real difference in the quality of life for these retirees.

Of particular concern to me is the fact that the benefit computation rules for these individuals, established by the 1977 social security amendments, actually penalize workers who continue in their employment past the age of 62, since the difference in benefits is greater for those who delay retirement beyond that age. I believe we should encourage or even reward those who are and have been willing to work after they reach 62 or even 65. After retirement they should not be penalized for having chosen to continue working and contributing to the

economic well-being of this Nation. Such a system is not just.

It is only right that Congress take immediate steps to rectify this indisputable inequity. I hope the finance committee will give this resolution its attention and I urge my colleagues to support its passage.

Mr. KENNEDY. Mr. President, I am pleased to join Senators MATTINGLY, CHAFEE, and HUMPHREY as sponsors of this concurrent resolution, which calls for an investigation by the Commissioner of Social Security and the Secretary of Health and Human Services into the so-called notch problem in the social security system.

In the effect to salvage the near-bankrupt social security system in 1977, Congress passed a series of cost-cutting reforms. Because the old system of determining benefits over-compensated for inflation, Congress enacted a new formula to calculate benefits for future recipients. The reforms permitted retirees born before 1917 to continue receiving benefits under the old formula. Persons born after 1921 were to be covered by the new formula. A transitional period was created for persons born between 1917 and 1921, who were permitted to calculate their benefits under a separate formula if the benefits were higher than under the new system.

In 1977, however, no one anticipated the high interest rates we have suffered in the past few years. As a result, the new program has created an unforeseen and unacceptable disparity under the transition formula for the treatment of retirees. Workers who were born only days apart, one on December 31, 1916, and another a day later, who hold the same jobs and who pay the same social security tax could receive benefits that vary by as much as $2,000 a year.

Congress clearly intended no such notch effect in 1977. Five years later, when the first retirees born in the transitional period turned 65 in 1982, thousands of them across the country began to write to Congress in protest. It is our responsibility now to investigate this disparity and to end this injustice. Those who have been unjustly penalized by the 1977 legislation deserve reconsideration and revision of the current formula. With 1.6 million new beneficiaries filing for social security each year, large numbers of people are already affected, or will soon be affected by this problem. In addition, there may also be a second unfortunate notch effect waiting in the future for retirees born after the transition, and I hope that the report of the Social Security Administration will also consider this question.

Social security is the cornerstone of economic justice in this Nation. It is the solemn commitment by this country and its Government to provide a secure retirement for workers and their families. As we have learned in recent years, there is no easy solution to the problems that face social security. However, I believe that Congress has a responsibility to remedy the unintended consequences of our actions in the 1970's, and to deal fairly with the critical problem that has suddenly confronted many senior citizens.

I urge my fellow Senators to join us in supporting this resolution. I look forward to the report of the Social Security Administration and I hope that together we can act promptly to restore equality and fairness for all our senior citizens.

SENATE CONCURRENT RESOLUTION 64—RELATING TO AGRICULTURAL MARKETING ORDERS

Mr. LEVIN (for himself, Mr. COCHRAN, Mr. HUDDLESTON, Mr. MELCHER, Mr. ANDREWS, Mr. BOREN, Mr. RIEGLE, Mr. CRANSTON, Mr. HOLLINGS, Mr. ZORINSKY, Mr. DECONCINI, Mr. NUNN, and Mr. WILSON) submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring),

Whereas agricultural marketing orders have been used successfully in the United States for almost half a century to promote the orderly marketing of agricultural commodities;

Whereas agricultural marketing orders help prevent unreasonable fluctuations in the supplies and prices of commodities such as vegetables, fruits, and milk;

Whereas quality control, research, and promotion programs operated under agricultural marketing orders have improved the quality of such commodities, thus benefiting both producers and consumers; and

Whereas agricultural marketing orders are especially needed today because of the financial hardships faced by farmers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the existing system of agricultural marketing orders contributes substantially to the well-being of the people of the United States and should be preserved; and

(2) decisions relating to the timing or manner of implementing agricultural marketing orders should be the responsibility of the Secretary of Agriculture, who should consult with the producers of the agricultural commodity subject to an order prior to issuing or revising an order.

SEC. 2. The Secretary of the Senate shall transmit a copy of this Resolution to the President and the Secretary of Agriculture.

Mr. LEVIN. Mr. President, today I am submitting a concurrent resolution that will maintain the integrity of the marketing order system. Marketing orders were created by the Congress in 1937 to provide a system to help growers and handlers of fresh fruits and vegetables assure quality products, to advertise fresh produce, and, in cases of unusually large crops, to control access to markets.

Under the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture is mandated to decide when a marketing order should or should not be issued—after two-thirds of those producing the product ask for such an order to be approved. Unfortunately, politics have recently gotten involved in the decisionmaking process. Last year, for example, the producers of tart cherries, experiencing a bumper year, asked that a marketing order be established that would allow for a reserve pool of 20 percent of the cherry crop. The Agriculture Department agreed that the creation of such a reserve pool was warranted under the guidelines governing the issuance of marketing orders—but the Office of Management and Budget forced Agriculture to abandon the plan. It has been estimated that Michigan farmers lost $25 million because of that decision. That may not be considered a lot of money by the Office of Management and Budget, but I can assure all my colleagues that it would have meant a lot to the cherry producers of Michigan and to the economy of my State.

The resolution that I am submitting today, with my colleagues Senators COCHRAN, HUDDLESTON, BOREN, MELCHER, ZORNISKY, HOLLINGS, ANDREWS, CRANSTON, RIEGLE, NUNN, DECONCINI, and WILSON, would assure that decisions on the worthiness of proposed marketing orders are made by the Agriculture Department on the merits of each individual case.

Mr. HUDDLESTON. Mr. President, I am pleased to join Senator LEVIN, Senator COCHRAN, and others in cosponsoring a concurrent resolution expressing support for the existing system of agricultural marketing orders. This resolution will make clear to the administration that Congress believes that the Department of Agriculture should continue to operate the agricultural marketing order program in accordance with historical policy.

This concurrent resolution addresses the concerns of farmers that the Department of Agriculture is being hampered in its efforts to effectively operate the agricultural marketing order program.

The Agricultural Marketing Agreement Act of 1937 requires the Secretary of Agriculture to administer the agricultural marketing order program for the benefit of both farmers and consumers. Historically, the marketing order program has been used by the Secretaries of Agriculture as a self-help program for farmers.

The program has enabled producers of a particular surplus commodity to work together to bring supply in line with demand, thereby preventing sharp fluctuations in prices. In that

way, the program has protected the interests of both farmers and consumers.

Marketing orders differ from other agricultural adjustment measures in several significant respects. Orders are generally initiated by a particular agricultural industry. Handlers in each industry bear the local costs of administering the program.

The existing agricultural marketing order program contributes substantially to the well-being of our Nation's people, and its operation should not be changed without congressional review and authorization. The Secretary of Agriculture is best qualified to oversee the agricultural marketing order program, and other Federal agencies should not interfere with his management of the program.

Our concurrent resolution will express the sense of Congress that the existing system of agricultural marketing orders should be preserved and that the responsibility for decisions relating to the timing or manner of implementing agricultural marketing orders should remain with the Secretary of Agriculture.

SENATE CONCURRENT RESOLUTION 65—RELATING TO SOUTH AFRICA'S "BLACKSPOT" POLICY

Mr. GLENN (for himself, Mr. BOSCHWITZ, Mr. CRANSTON, Mr. DOLE, Mr. HEINZ, Mr. MOYNIHAN, Mr. SARBANES, and Mr. TSONGAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 65

Whereas the Government and the people of the United States have recognized inherently and innately, as a natural extension of this Nation's founding principles and objectives, the rights of property owners and of their descendants to possess and occupy land which they have lawfully acquired and maintained;

Whereas violations of these rights within or outside the United States are considered a flagrant abuse of basic assumptions governing the conduct of civilized societies and cannot be condoned by the people or the Government of the United States;

Whereas the Republic of South Africa is systematically and forcibly removing millions of black South Africans from land they owned and farmed for generations, stripping them of their citizenship, and relocating them in racially segregated communities, in violation of the United Nations Charter and the Universal Declaration of Human Rights;

Whereas living conditions in the new black "homelands" are grossly inferior to those enjoyed by white South Africans, for example (1) there is only one doctor for every four hundred thousand people in the black "homelands", while white South Africans have a doctor for every three hundred and fifty people, and (2) the infant mortality rate in the black "homelands" is two hundred and eighty-two per one thousand births, while in white South Africa the infant mortality rate is twelve per one thousand births;

Whereas the "blackspot" policy toward blacks prompted Saul Mkhize to oppose the Republic of South Africa's attempts to force him to surrender land his family had owned for three generations;

Whereas this policy moved Saul Mkhize to write South African Prime Minister Botha stating, "We do not wish to be rebellious in any way, but only to continue to live our lives in our own environment."; and

Whereas this policy led to the shooting death of Saul Mkhize by the security police of the Republic of South Africa: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Government of the Republic of South Africa should comply with internationally recognized human rights, the United Nations Charter, and the Universal Declaration of Human Rights by ending the "blackspot" policy and allowing relocated South Africans to remain in or return to their legally acquired land and residences;

(2) the Government of the United States should continue its policy of not recognizing the sovereignty or independence of the so-called "homelands";

(3) at such times that any "homeland" official applies for a visa for travel to the United States, no such visa should be granted to such official unless such official holds a passport which is recognized as valid by the Government of the United States; and

(4) the President and his representatives should convey to the Government of the Republic of South Africa the concerns expressed in this concurrent resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Ambassador of the Republic of South Africa to the United States and to the Prime Minister of the Republic of South Africa.

Mr. GLENN. Mr. President, today I am introducing a new resolution expressing the sense of the Senate that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them. This new resolution is essentially the same as Senate Concurrent Resolution 45 which I introduced on June 15. The new resolution contains technical changes and the third resolved clause has been modified to clarify its meaning. The intent of the third resolved clause is to insure that the United States does not give any measure of recognition to the so-called independence of these South African-created homelands by granting visas to "homeland" officials on a "homelands" passport. We do not intend to prohibit all travel to the United States by officials of the homelands, either those which have been declared independent by South Africa or those which have not. However, we do want to insist that no U.S. visa be granted to any such official unless such official holds a passport which is recognized as valid by the Government of the United States. I believe the new language of the third resolved removes any ambiguities which may have been present in Senate Concurrent Resolution 45.

SENATE RESOLUTION 195—BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 1009

Mr. STEVENS, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 195

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1009. Such waiver is necessary because S. 1009 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority for the agencies of the U.S. Government.

S. 1009 provides an authorization for fiscal year 1984 of such sums as may be necessary for reauthorization of the Federal Physicians Comparability Allowances Program, first authorized in 1978.

SENATE RESOLUTION 196—BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 1513

Mr. STEVENS, from the Committee on Governmental Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 196

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1513. Such waiver is necessary because S. 1513 authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before the appropriate date required under section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority for the National Historical Publications and Records Commission.

S. 1513 provides an authorization for fiscal year 1984 of $4,000,000, as part of a five-year reauthorization totaling $23,000,000.

SENATE RESOLUTION 197—BUDGET WAIVER RELATING TO THE CONSIDERATION OF S. 242

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolu-

tion; which was referred to the Committee on the Budget:

S. RES. 197

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 242, to provide additional authorizations for labor intensive programs, to provide additional provisions for the dislocated workers program under Title III of the Job Training Partnership Act, to promote employment and training for recipients of federally financed unemployment benefits, to provie procurement targeting in labor surplus areas, and for other purposes. Such waiver is necessary because S. 242 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and which would first become available in fiscal year 1984 and such bill was not reported prior to the date required pursuant to section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by such date, and the enactment of S. 242 is necessary to meet the urgent needs of the unemployed.

SENATE RESOLUTION 198—RELATING TO THE EXPORT OF NUCLEAR REACTOR COMPONENTS

Mr. BOSCHWITZ (for himself, Mr. GLENN, Mr. HART, Mr. PROXMIRE, Mr. HUMPHREY, Mr. HELMS, Mr. RIEGLE, Mr. FORD, and Mr. PRESSLER) submitted a resolution; which was referred to the Committee on Foreign Relations:

S. RES. 198

Whereas halting the spread of nuclear weapons is one of the primary goals of United States foreign policy;

Whereas the United States, along with 117 nations, is a party to the Nuclear Nonproliferation Treaty;

Whereas the Congress in 1978 passed the Nuclear Nonproliferation Act which is designed to establish guidelines for the export of nuclear materials and technology;

Whereas the Government of India has made an urgent request to the United States for nuclear reactor components for its nuclear power station at Tarapur;

Whereas India is not a party to the Nuclear Nonproliferation Treaty and has not agreed to place its nuclear facilities under International Atomic Energy Agency safeguards;

Whereas the Government of India conducted a nuclear explosion in 1974 and has refused to rule out future nuclear tests;

Whereas there have been reports indicating that the Government of India is preparing for another nuclear test, which would require a cutoff of United States nuclear exports under the Nuclear Nonproliferation Act;

Whereas in order to provide the requested nuclear reactor components to India the President may have to waive the requirement for such a cutoff of United States nuclear exports;

Whereas the nuclear cooperation agreement between the United States and India provides that nuclear facilities supplied by the United States to India shall be subject to international safeguards; and

Whereas this agreement expires in 1993 and India has not agreed to extend its safeguard provisions in perpetuity; Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should not export or help arrange for other countries to export nuclear reactor components for the nuclear power station at Tarapur, India, unless the Government of India provides to the United States Government stronger nuclear nonproliferation guarantees. These guarantees should include, at a minimum—

(1) reliable assurances by the Government of India that it is not engaged in a program to develop nuclear weapons and will not explode additional nuclear devices; and

(2) agreement by the Government of India to extend the safeguards provisions in the United States-Indian nuclear cooperation agreement in perpetuity.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. BOSCHWITZ. Mr. President, I rise today, along with my colleague, Senator JOHN GLENN, to submit a resolution which reaffirms the commitment to the United States to halting the spread of nuclear weapons. This resolution, which, in addition to Senator GLENN, has been cosponsored by Senators PROXMIRE, HART, HUMPHREY, HELMS, PRESSLER, RIEGLE, and FORD, expresses the sense of the Senate that we should not export or help arrange for other countries to export nuclear reactor components to India for its nuclear power station at Tarapur unless India provides us with stronger nonproliferation guarantees.

Mr. President, it is interesting to note the broad spectrum of the cosponsors of this resolution. From among the most conservative Members of our body to the most liberal, this resolution, which has only been brought to the attention of Members a day or two ago, has already attracted a number of most meaningful cosponsors.

This response springs, of course, from the recognition that the proliferation of nuclear weapons is something that we must stop. Otherwise, it is not unlikely that in our lifetime we will indeed see the detonation of one of those weapons.

Actually, Mr. President, the likelihood of such a nuclear exchange between the superpowers is very remote, in my judgment. Both sides are simply too powerful. But if nuclear weapons proliferate among many nations, as they have begun to, and if we are not able to control and contain the spread of nuclear technology, we indeed are going to be heading down the road to trouble.

India has made an urgent request to the United States for spare parts for its nuclear plant at Tarapur. The problem at Tarapur is that its nuclear fuel has deteriorated and has contaminated the plant's coolant. There have been reports that workers in some areas of the plant are being exposed to high levels of radiation. It is not certain whether the spare parts India has requested from the United States, plus decontamination procedures, will be adequate to solve Tarapur's problem.

In any event, the Reagan administration has informed the Indians that it will make sure they receive the necessary parts for the plant, either from the United States or from alternative suppliers in Europe and Japan. While I can understand the administration's desire to be responsive to India's request, I also think we should gain meaningful concessions from India on the issue of nuclear nonproliferation before we rush to help them get the nuclear components they want.

Mr. President, the resolution we are introducing states that two of those concessions should be the following:

First, the Government of India should be required to assure us that it is not engaged in a program to develop nuclear weapons and will not explode another nuclear device. India detonated a nuclear explosion in 1974 and has refused to rule out further nuclear tests. In fact, it has recently been reported that India could be making preparation for a second nuclear test at the Rajasthan Desert test site. Given the threat that Pakistan may be attempting to acquire nuclear weapons, we have reason to worry that further nuclear testing by India may not be consistent with its pledge to use nuclear power for peaceful purposes.

Further, under the terms of the Nuclear Non-Proliferation Act of 1978, one of the cornerstones of U.S. nonproliferation policy, the United States may not export nuclear parts or technology to any nonnuclear weapons state engaged in nuclear explosive activities. The President may waive this prohibition, subject to congressional veto.

To date, the administration has not indicated whether President Reagan will use his waiver authority in this case. If he does, Congress veto power is, of course, in serious doubt due to the recent Supreme Court ruling against the legislative veto. It is therefore important for the Senate to speak out on this issue in advance. Our resolution does just that.

Second, Mr. President, this resolution states that as another condition for receiving the spare parts, India should agree to extend the safeguards provision in the United States-Indian nuclear cooperation agreement in perpetuity. Although the United States-Indian agreement first initiated in 1963 provides for International Atomic Energy Agency safeguards on U.S.-supplied nuclear facilities in India, this agreement lapses in 1993.

The United States interprets the agreement to mean that the safeguards provision extends in perpetuity, but the Indians contend that all provisions of the agreement lapse in

1993. If we want to make sure the nuclear installation at Tarapur, one we supplied, remains safeguarded indefinitely we must apply whatever leverage we have on India now. This is the message of our resolution.

Mr. President, the two items mentioned in this resolution, India's plan for another nuclear test and its disagreement with us over the nuclear cooperation agreement, are hardly the only disputes we have with India on the nonproliferation issue. We have chosen these two because sooner or later India must make these concessions if the United States is to legally cooperate with India in the nuclear field.

As I have already noted, U.S. nuclear exports are forbidden under the NNPA to any nonnuclear state involved in nuclear explosive activities. In addition, the NNPA requires that U.S. nuclear spare parts be exported only to safeguarded facilities. Therefore, Mr. President, all we are really asking India to do is allow the United States to comply with its own nonproliferation law.

However, the resolution does not say at all that we must limit ourselves to these two conditions. We should as a matter of policy require that India accept IAEA safeguards on all nuclear installations, not just the one at Tarapur. In addition, we could require that India not reprocess spent fuel from a U.S.-supplied facility without our consent, a position India does not now accept.

As you know, Mr. President, it is the reprocessing of spent fuel that produces plutonium, a material that can be used to make a nuclear weapon. But again, Mr. President, our resolution does not require these last steps I have mentioned, although neither does it preclude them. So we are approaching it in a reasonable manner.

Mr. President, there has lately been considerable public attention focused on the issue of strategic nuclear arms control. I certainly share the concern felt by the countless Americans about the nuclear arms competition between the United States and the Soviet Union.

There is unquestionably a need for the United States and the U.S.S.R. to reduce their nuclear arsenals, but I think there is another important aspect of the nuclear arms question which often gets lost in all the discussion about the nuclear freeze, the build down, and other proposals for strategic arms control. That is the issue of nuclear proliferation. That is an issue that should not get lost.

Therefore, Mr. President, when the Senate Foreign Relations Committee resumes it consideration of the various arms control proposals now pending before it, I will offer an amendment urging the United States to continue to press forward on the nonproliferation front.

Meanwhile, I am very pleased to join Senator GLENN and the rest of my colleagues in speaking out on the export of nuclear spare parts to Tarapur. In this we have an opportunity to strengthen the global nonproliferation system at one of its weakest points. We must not allow this opportunity to slip away.

Mr. President, in closing I would like to thank Senator GLENN and his staff for their cooperation on this issue. The Senator from Ohio has been a leader in the nonproliferation field for many years. I was pleased to vote with him in 1980 when he tried to stop for the Carter administration from shipping nuclear fuel to India despite the latter's failure to place all its nuclear facilities under safeguards. I look forward to working with him in the future on the vital and underpublicized question of nuclear nonproliferation.

Mr. President, I ask unanimous consent that an article entitled "Stop This Nuclear Sale," which appeared in the Washington Post of July 22, 1983, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1983]

STOP THIS NUCLEAR SALE

(By Rudy Boschwitz)

Although the debate about strategic nuclear arms control has dominated the news lately, the Reagan administration now has before it a true "test case" in a less publicized area of the nuclear arms question—nuclear proliferation. This case, India's request for reactor components for nuclear plan: at Tarapur (a city just north of Bombay) is important for two reasons.

First and foremost the manner in which the U.S. government responds to the Indian request will reveal the strength of our commitment to halting the proliferation of nuclear weapons. Second, this case demonstrates the potential impact on U.S. nonproliferation policy of the recent Supreme Court decision on the legislative veto.

India has made an urgent request to the administration for component parts for two reactors at Tarapur that have developed serious radiation leaks. In my opinion, it will be difficult for the administration to honor this request without violating U.S. nonproliferation laws. This law, the so-called Nuclear Non-Proliferation Act, passed by Congress in 1976 contains a provision banning exports of nuclear material to countries "engaged in activities . . . having direct significance for the manufacture or acquisition of nuclear explosive devices . . ." The problem is that there have been strong hints that India could be preparing for a second nuclear test, and Prime Minister Indira Gandhi has in fact refused to rule out further nuclear testing.

India first exploded a nuclear device in 1974, calling it a "peaceful nuclear explosion." However, Pakistan, with which India has been in deep dispute for over three decades, does not see it quite that way. Many proliferation experts fear that the Pakistanis are-clandestinely acquiring their own bomb-making capability.

Under NNPA, the president may waive the prohibition against unclear exports to India, but Congress may overturn this decision by passing a concurrent resolution within 60 days of his action. However, the congressional veto power granted to Congress in the NNPA, and many other laws, could now be invalidated by the recent Supreme Court ruling against the legislative veto. The uncertainty here is the breadth of the court's decision: the case involved a one-house veto, while the NNPA provides that both houses of Congress must vote to block a presidential action.

The NNPA's two-house veto was a useful nonproliferation tool three years ago when Congress nearly succeeded in blocking another ill-advised nuclear export deal to India by another administration. The facts of the case were these: under the Nuclear Non-Proliferation Treaty (NPT) of 1970, signed by 115 nations including the United States and the Soviet Union, the nuclear "have" nations agreed to supply the nuclear "have-not" nations with nuclear technology for peaceful purposes in return for a pledge from the non-nuclear states to forgo the acquisition of nuclear weapons and submit all their nuclear facilities to periodic inspections by the International Atomic Energy Agency, an arm of the United Nations. These inspections are called full-scope safeguards.

Unfortunately, a number of countries that are major proliferation risk—India, Pakistan, South Africa, Brazil and Argentina to name several—have not signed the treaty.

In order to exert pressure on these countries to allow inspection of all their facilities, Congress passed the NNPA, which in addition to the provision previously mentioned, contains another provision banning nuclear exports to countries that do not accept IAEA safeguards on all their facilities.

In 1980, President Carter wanted to continue to supply nuclear fuel to India even though the Indians do not accept full-scope IAEA safeguards. Carter exercised his authority to waive this ban granted to him by the NNPA. Although the House voted resoundingly, 298–98, to overturn the waiver, the Senate upheld Carter's action in a close vote, 48–46. On this vote I was pleased to join forces with my colleague, Sen. John Glenn, who led the fight against the fuel exports. Too bad we lost.

With our veto power now in doubt, it is all the more important for those of us in Congress to speak out loudly and try to influence public opinion on the proliferation issue. Regarding India's current request for reactor parts, the administration should not provide India with the parts it needs, nor should it arrange for other countries to do so. Instead, it should try to persuade all the major nuclear suppliers—mainly ourselves and our European allies—to withhold parts from the Indians until they: (1) make it clear that they are not planning another nuclear test and (2) accept full-scope IAEA safeguards. If we who are already in the nuclear business, either for civilian or military purposes, are really serious about wanting to stop proliferation, this is the kind of bold, forceful step that we have no choice but to take.

We must recognize that what drives countries like India and Pakistan to join the nuclear club is not some perverse affection for nuclear weapons but a much more human emotion—fear. They are afraid for their se-

curity in a hostile world. Just as our concern about Soviet military power and our desire to deter its use against us forces us to deploy nuclear weapons. Therefore, it is vital that we strengthen the international nonproliferation system, or regime, as it is sometimes called so that frightened countries will come to trust it as a way of removing the nuclear terror.

On June 7, 1981, Israeli fighter-bombers executed the first overt military attack in history on a nuclear facility, destroying Iraq's Osirak research reactor. The Israelis acted because they did not trust the peaceful intentions of a nuclear program being developed by an uncompromising enemy and because they had an equal distrust for the international nonproliferation regime. While many expressed alarm and outrage that military force was used to resolve this question, I think the Israelis did us all a favor by reminding us of our responsibility to countries afraid of a nuclear threat from hostile neighbors.

We can exercise that responsibility by taking a tough stand on the export of component parts to India. If we are not willing to take this type of action both now and in the future, we should not be surprised when another Osirak-style raid occurs by some other threatened nation, or, worse still, when one of these countries actually uses a nuclear weapon against an adversary. We have the power to prevent these horrible outcomes; the question is, do we have the will?

Mr. BOSCHWITZ. Mr. President, I also ask unanimous consent that other Senators who wish to file statements on this resolution during the course of the day be allowed to do so, and that their statements appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I am pleased to join Senator BOSCHWITZ in submitting this resolution concerning our nuclear nonproliferation policy toward India and its relation to the shipment of spare parts for the nuclear reactors at Tarapur. Once again, we are faced with an important decision that will determine whether the United States intends to live up to its nonproliferation commitments and the spirit of its laws in this area. Three years ago, the previous administration failed the first real test of its nonproliferation policy when President Carter made the decision to send fuel to Tarapur despite the refusal of the Indians to accept full-scope safeguards on their nuclear facilities as required under the Nuclear Nonproliferation Act of 1978. The House by a 2-to-1 margin, voted to overturn the President's decision, and the Senate came within two votes of doing the same. Only one of two pending shipments was then sent, with the second one scheduled to be delivered at a later time. The main arguments against the shipment were that the Indians had in the past refused to abide by clear U.S. understandings about the 1963 United States/India Agreement for Cooperation as well as the terms of a heavy-water sale agreement between the United States and India in 1956. Despite being told by the United States that the use of our heavy water in a nuclear explosives program would be contrary to the provisions of the sale agreement, the Indians went ahead and used our material in the reactor that produced the plutonium for their 1974 nuclear explosion. Subsequently, after the passage of the NNPA, the Indians refused to abide by the full-scope safeguards criterion for U.S. exports to nonweapon States. The previous administration argued that if we did not send fuel for Tarapur we risked having the Indians claim that we had abrogated the agreement—a claim, incidentally, that would be false since the Indians agreed in a 1971 amendment to the 1963 agreement to abide by all our export laws—and might then remove safeguards from previous U.S. exports including the accumulated spent fuel.

To the amazement of some, after the fight over the fuel shipment was resolved, the Indians began claiming publicly that they would have the right to remove safeguards from Tarapur after the United States-India agreement expired in 1993. They also began claiming publicly that they have the right to reprocess U.S.-origin spent fuel without our permission, even though the United States-India agreement clearly calls for "a joint determination on safeguardability" of the proposed reprocessing facility before any extraction of plutonium from U.S.-origin spent fuel can be processed. Such a joint determination has never been made.

In response to news reports suggesting that the Indians were seeking to terminate the agreement, I wrote to the President on February 5, 1981, suggesting that if the Indians wish to terminate their agreement with the United States, we should accommodate them with the understanding that such termination does not relieve them of any obligation with respect to either continued safeguarding of the reactors and the spent fuel or U.S. prior consent on the reprocessing of U.S.-origin spent fuel. I ask unanimous consent that this letter and the reply from the White House be placed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,
Washington, D.C., February 5, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recent press reports indicate that the Indian government is proposing an amicable end to its Agreement for Cooperation in nuclear matters with the United States. This issue has been an irritant in U.S.-Indian relations since 1974 when the Indians exploded a nuclear device using plutonium obtained from an unsafeguarded Canadian research reactor in which U.S. heavy-water was emplaced.

In an aide-memoire delivered by the U.S. State Department to India four years earlier, the U.S. position was made clear that we would consider use of our materials for nuclear explosive purposes as a contravention of the terms under which the material was supplied. Nonetheless, India proceeded with the explosion. That action was one of the factors that influenced the U.S. Congress to pass the Nuclear Nonproliferation Act of 1978 which provides that except for Presidential intervention, no U.S. nuclear materials would be exported to any non-weapon state which refuses to accept full-scope safeguards on its nuclear facilities.

It is important to understand that 111 non-weapons states, in return for receiving cooperation from nuclear suppliers, including the U.S., have accepted full-scope safeguards by virtue of their adherence to the Non-Proliferation Treaty. To send materials to nonsigners such as India, who refuse to honor this export criterion, is to undermine the Treaty.

The Indian issue is a complex one involving subtle legal arguments regarding the obligations of both the United States and India under the Agreement for Cooperation and the Fuel Contract pursuant thereto. It is not my intent to reiterate all those arguments. They were exhaustively examined during the Senate debate last fall on President Carter's decision to send the fuel, and I would be glad to discuss them with you at length at your convenience. Rather, the purpose of this letter is to inform you that if the official Indian attitude on the reprocessing of U.S.-origin spent fuel at Tarapur is as reported in the Washington Post of February 3, 1981 (and my staff has been told by a State Department spokesman that the quotes do represent official Indian attitudes), then a significant part of the rationale used to justify sending the fuel has been undercut. During the Senate debate, the proponents of the shipment argued that the shipment was necessary in order to ensure that the Indians could not claim breach-of-contract on the part of the United States. In that way, it was argued, the safeguards on the spent fuel at Tarapur and on the reactor itself would be maintained, and we could prevent the Indians from reprocessing the spent fuel since U.S. permission is required under the Agreement. Those arguments played a large part in convincing the Senate by a vote of 48–46, to uphold the President's decision. I argued against the decision on the grounds that the Indians had not shown good faith with the United States in terms of the discharge of Indian obligations under the previous heavy-water sales agreement; that India had refused to accept full-scope safeguards as required under the Nuclear Nonproliferation Act (NNPA) of 1978; that Prime Minister Gandhi had reiterated that the Indians would mount nuclear explosions whenever they felt it was in their national interest; and that it would be damaging to the U.S. to fail the first substantive test of the NNPA.

The Post article quotes Dr. V. N. Meckoni, Director of the Tarapur Nuclear Safety Group, as saying "There is no question of permission from the U.S. for the reprocessing of Tarapur fuel. The fuels belongs to us." This suggests that, despite our bending over backwards in order to show good will toward India in the nuclear area, the Indians may be prepared to violate the Agree-

ment for Cooperation and separate out plutonium from the spent fuel at Tarapur without our permission.

If the Indians take such action, we will be faced with a situation in which the United States publicly took a large step backwards in its nonproliferation stance to placate the Indians only to be subsequently and rudely thrust aside. This is hardly likely to enhance American prestige in the world community.

In my view, it would be most desirable and appropriate for the President to issue a strong statement regarding the United States' attitude on the nonproliferation of nuclear weapons, and on the United States' determination not to knuckle under to the threats of other countries that demand the export of our nuclear materials without satisfying the export criteria in our laws.

If the Indians wish an amicable end to our nuclear fuel contract rather than satisfying the legal export conditions designed to prevent the misuse of nuclear materials, I feel we should accommodate them with the understanding that termination of the contract does not relieve them of any obligation with respect to either the continued safeguarding of the reactors and the spent fuel or U.S. prior consent on the reprocessing of U.S.-origin spent fuel.

The Tarapur shipment approved last year was divided into two parts, only one of which has been sent. In light of the Indian statements I urge that you withhold sending the second part of the shipment until appropriate assurances are received from the Indians regarding the future disposition of our spent fuel and the maintenance of safeguards.

Finally, I continue to hold to the position that the issue in the Tarapur case is not what we can or cannot prevent the Indians from doing. Their large, unsafeguarded, indigenous program will eventually dwarf the Tarapur program in terms of production of weapons-usable materials. The issue, rather, concerns the impact that our decisions in this area will have on other nations. If the most flagrant nuclear violator can obtain nuclear materials with no concessions, the message to the signatories of the NPT is that the political commitment they made in order to receive nuclear assistance has been devalued. An equally unfortunate message is also sent to those countries that may be going down the path of developing a weapons option themselves and to suppliers who may be aiding them to do so. We should be resolute in our determination not to engage in nuclear trade with countries that are unwilling to allow effective full-scope safeguards on their nuclear facilities. To do otherwise is to guarantee failure in obtaining international consensus on strengthening and tightening the international safeguards system.

Best regards.

Sincerely,

JOHN GLENN.

DEPARTMENT OF STATE,
Washington, D.C., April 17, 1981.

Hon. JOHN GLENN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GLENN: The White House has asked me to reply to your recent letter about the future of US nuclear cooperation with India. We recognize your longstanding commitment to non-proliferation and appreciate having your views on the India issue at this stage.

As you know the Administration has been actively reviewing the situation with a view to deciding on a course of action that best serves our non-proliferation and foreign policy interests. I understand that you have been briefed by State Department officials to bring you up to date on developments in a number of areas of non-proliferation concern, including India. As you can appreciate, therefore, our discussions about the US-India nuclear relationship are at a very delicate stage.

While I cannot at this point predict the outcome of this review or of related discussions with representatives of the Indian Government, this is a matter of high priority to which we will be devoting considerable attention on the weeks ahead.

Sincerely,

ALVIN PAUL DRISCHLER,
Action Assistant Secretary
for Congressional Relations.

Mr. GLENN. Mr. President, unfortunately, these conditions were ignored when the United States subsequently allowed the Indians to sign an agreement for a new fuel contract with the French for Tarapur. Despite the history of contentiousness on key points concerning safeguards, the United States did not insist upon clarification of these points prior to giving its approval of the French/Indian agreement. In particular, the United States did not insist that the French/Indian agreement assure that perpetual safeguards shall apply to the fuel provided by France; did not assure that safeguards shall apply to any material derived from French-supplied fuel and to any facility through which such fuel passes; and did not assure that French-supplied fuel cannot be reprocessed without a joint determination on safeguardability of the reprocessing facility by the United States, the French, and the Indians.

As a result of the French/Indian agreement, the Indians will receive fuel for Tarapur without having to put all their nuclear facilities under safeguards, thus escaping a major aim of U.S. nonproliferation policy instituted under the NNPA.

Now, after all this history, the Indians have come back with a request for the United States to ship spare parts for the Tarapur reactors. And once again, an administration has seen fit to cave in before India's demands without requiring the least quid pro quo in return. This time, the argument for shipment of nuclear parts is based not just on the United States/Indian Agreement for Cooperation, but also on an ostensible desire to protect both nuclear plantworkers at Tarapur who are being excessively exposed to radiation, as well as Indian citizens living near the Tarapur reactors who could be exposed to radiation in the event of an accident.

That there is a safety problem at the Tarapur reactors is beyond question, but whether the spare parts will solve the problem is another matter entirely. In the meantime, sending the parts without any quid pro quo will put the United States once again in the position of having its nonproliferation policy undermined by countries with the worst records since the Nuclear Nonproliferation Treaty went into force nearly 15 years ago.

Reports that activities, including the sinking of shafts, are proceeding at the Rajasthan Desert test site plus the Indians' steadfast refusal to join the NPT or to put their entire nuclear program under safeguards renders hollow the claim that the United States would be forsaking a moral obligation if the spare parts were not delivered.

My view of this situation was conveyed to the White House in a letter I wrote to the President on July 7, 1983. I ask unanimous consent that this letter and the reply by the White House to it appear in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON GOVERNMENTAL AFFAIRS, SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES,
Washington, D.C., July 7, 1983.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I was recently informed, first via a wire story and subsequently through official channels, that Secretary of State Shultz has made, on behalf of your administration, a commitment to the Indians that the U.S. will aid them in obtaining certain spare parts for the Tarapur reactors. This aid will take the form of both approving the transfer of such parts from third parties, and exporting directly to India those parts which third parties cannot provide. I understand that extensive discussions have already taken place with Germany and Italy on the possibility of those countries supplying at least some of the desired equipment.

My views on this were recently solicited by Secretary Shultz through Senator Percy. I have been informed that a cable was sent to the Secretary informing him of my view, which is that I am opposed to providing the Indians with any help in obtaining these reactor items as long as the Indians maintain the position that the safeguards principles of "perpetuity" and "pursuit" do not apply to U.S. exports under the U.S./India Agreement for Cooperation of 1963, as amended in 1971.

I believe that, in aiding the Indian nuclear program under present circumstances, the administration is making a grave error that will undermine the nuclear nonproliferation regime in much the same way as the Carter Administration undid its own policy by sending fuel to Tarapur in 1980.

Some of my colleagues in the House and Senate have written to you about this issue and it is not my intention to reiterate their arguments. Rather, because it has been claimed that the transfer of spare parts is a "safety" and humanitarian issue that should override nonproliferation concerns, I wish to bring to your attention some information suggesting that such claims are misleading and obscure the true pricture of nuclear safety at Tarapur.

Nuclear experts in your administration have told my staff that the Tarapur reac-

tors are, from the standpoint of safety and independently of the spare parts, much worse than the worst operating plants in the United States. There have been serious fuel failures in the past few years in which significant amounts of radioactive materials have entered the primary coolant and been deposited in pipes, pumps, valves, and other equipment, thus resulting in high exposure levels to workers (30–50 rems/hour in some areas of the plant). These reactors are old and do not represent up-to-date design. They have not been retrofitted to bring them up to acceptable safety standards. Their emergency core cooling system (ECCS) equipment is out-of-date and marginal. Even under conditions of half power operation, these reactors release amounts of radioactive materials to the atmosphere that are 100 times greater than that allowed under U.S. regulations.

I have been told that if these reactors had been operating in the United States, the Nuclear Regulatory Commission would have shut them down years ago. Indeed, the only two U.S. reactors of this design, Dresden I and Humboldt Bay, were permanently shut down a few years ago because of problems with ECCS equipment and fuel element leakage in one case and the inability to meet new seismic requirements in the other. Neither plant had to face the new safety requirements imposed by the NRC after the Brown's Ferry fire or the TMI accident.

The bottom line of this litany, Mr. President, is that the basic safety problems of these plants appear to be so profound that the transfer of the spare parts would not adequately address them. It is hard to escape the conclusion that Indian workers at Tarapur would continue to be irradiated at high levels even if the parts were delivered and installed.

It thus appears, Mr. President, that the relationship of the spare parts to the status of safety at Tarapur is analogous to the relationship of a precancerous wart to the health of a terminally ill patient.

Nonetheless, some would argue that the U.S. has a moral obligation to do all it reasonably can to ensure that its exports, including nuclear reactors, are used safely. I don't disagree with this notion, but I also believe that the U.S. has a moral as well as a legal obligation to uphold and strengthen the international nonproliferation regime, whose failure would risk many more lives on this earth than would the failure of the reactors at Tarapur. When one adds to this the realization that the Tarapur reactors are so far off U.S. safety standards that it cannot be reliably estimated what accidents might happen if the reactors were to continue to operate with or without the additional spare parts, the case for the shipment of these parts in the absence of any reasonable concession by the Indians on safeguards evaporates.

I urge you to reverse the administration's unilateral concession to the Indians, and to link any assistance at Tarapur to concrete Indian actions aimed at ensuring the retention and expansion of safeguards within their nuclear program.

Sincerely,

JOHN GLENN,
U.S. Senator.

U.S. DEPARTMENT OF STATE,
Washington, D.C., July 28, 1983.

Hon. JOHN GLENN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GLENN: The White House has asked me to reply to your letter of July 7, 1983 in which you urged the President to oppose the export of certain spare parts to India for use in the Tarapur reactors.

As you know, Secretary Shultz during his recent visit to India told the Indian Government that if the necessary parts were not available from third country suppliers, President Reagan would be prepared to take the appropriate steps to see that they could be obtained in the United States. This was a very difficult decision, and the President's basic concern throughout was the health and safety of the people working at the reactors and living nearby. I can assure you that this decision was reached only after very long and, we think, careful consideration of all aspects of the case, including many of the same facts and problems you raised in your letter. We sincerely believe that we have not sacrificed our non-proliferation principles in making this accommodation.

The President has not yet decided what specific measures will be taken to permit the export of the parts to India, because we are waiting to find out exactly how many of the parts will be available from third country suppliers. We will, of course, keep you fully informed of developments as they occur.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Inter-Governmental Affairs.

Mr. GLENN. Mr. President, it should be noted that in Mr. Powell Moore's reply on behalf of the President, the White House does not dispute the claims made in my letter regarding the safety situation at Tarapur and the role that the spare parts can and cannot play in alleviating safety concerns.

The resolution offered by Senator BOSCHWITZ and myself is a very simple expression of a position whose reasonableness I challenge anyone to deny. It says that as a minimum condition for consideration of the delivery of spare parts to Tarapur, the Indians should give reliable assurances that they are not engaged in a program to develop nuclear weapons—and that includes "peaceful nuclear explosions"—and that they will not explode additional nuclear devices. It also requires that the Government of India extend the safeguards provisions in the United States/Indian Agreement for Nuclear Cooperation in perpetuity so that safeguards on all previous U.S. exports and on materials derived from those exports will not expire with the expiration of the United States/Indian agreement.

Mr. President, I believe it is time that the United States stop being spineless in its efforts to prevent the spread of nuclear weapons around the globe, and I also believe it is time that the administration began paying closer attention to the spirit of our nonproliferation laws in the United States. I urge my colleagues to support this resolution, which sends a clear message to the President that he would be ill-advised to proceed with the proposal to aid the Indians in obtaining the spare parts for Tarapur without obtaining substantial concessions from the Indians in the area of nuclear nonproliferation.

SENATE RESOLUTION 199—BUDGET WAIVER RELATING TO THE CONSIDERATION OF H.R. 2840

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 199

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 2840. Such waiver is necessary because H.R. 2840 authorizes the enactment of new budget authority which would first become available in a fiscal year and was not reported on or before May 15 of that year, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The authorizations contained in H.R. 2840 are necessary in order to permit the United States Government and the State of Alaska to proceed with the transfer of management of the Pribilof Islands. It was not possible for such authorizations to have been reported by the Committee on Commerce, Science, and Transportation prior to the statutory deadline for such authorizations because negotiations regarding the transfer had not been completed at the time of the deadline.

SENATE RESOLUTION 201—RELATING TO THE USE OF CHEMICAL WARFARE AGENTS BY THE SOVIET UNION

Mr. PRESSLER (for himself, Mr. PERCY, Mr. DOLE, Mr. SARBANES, Mr. GLENN, Mr. PELL, Mr. LEAHY, Mr. D'AMATO, Mr. GARN, Mr. HELMS, Mr. DOMENICI, Mr. ZORINSKY, Mrs. HAWKINS, Mr. WILSON, Mr. BOSCHWITZ, Mr. COHEN, Mr. DODD, Mr. BUMPERS, Mr. HUMPHREY, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 201

Whereas the accumulated evidence indicates that the Soviet Union is engaged in the use and/or provision of chemical warfare agents in Southeast Asia and Afghanistan;

Whereas this finding is based upon investigations conducted by the United States Government and by other governments and international organizations such as the United Nations and the governments of Canada and France; and,

Whereas such activities are in contravention of arms control agreements signed and ratified by the Union of Soviet Socialist Republics: Therefore, be it

Resolved, That it is the sense of the Senate that the United States should immediately seek to:

(a) urge that other governments carefully assess the evidence and, where possible, conduct their own independent investigations of suspected chemical warfare;

(b) assist the United Nations to gain unhindered access for United Nations investigators to areas where chemical and toxin weapons use is suspected; and,

(c) negotiate with the Soviet Union and other nations the strengthening of existing agreements on chemical, biological and toxin weapons so as to provide effective mechanisms for assuring compliance, to include provision for on-demand, on-site inspection when necessary.

YELLOW RAIN: RESOLUTION ON CHEMICAL AND TOXIN WARFARE

Mr. PRESSLER. Mr. President, today I offer a resolution on the use and/or provision of chemical and toxin warfare agents by the Soviet Union. Joining me as principal cosponsor is Senator PERCY. A large number of other Senators have joined as original cosponsors of the resolution, including Senators DOLE, SARBANES, GLENN, PELL, LEAHY, D'AMATO, GARN, HELMS, DOMENICI, ZORINSKY, HAWKINS, WILSON, BOSCHWITZ, COHEN, DODD, BUMPERS, HUMPHREY, and MURKOWSKI.

The Foreign Relations Subcommittee on Arms Control which I chair has held a series of hearings, beginning in 1981, on the suspected use and/or provision of chemical warfare agents. The tone of testimony received at the first hearing in November 1981, and at the last hearing in late February 1983, is dramatically different. Over that time period, the United States and other governments—including the United Nations—have intensified their efforts to gather evidence on reports of chemical warfare in Afghanistan and in Southeast Asia.

As the evidence and reports have grown, the case pointing to Soviet culpability has become compelling. We in the Senate must make our views known on this unacceptable situation. The victims of this form of combat are most often simply peasants. As Dr. Amos Townsend of the International Rescue Committee pointed out in testimony to the subcommittee on February 24, 1983, the very young and the old have suffered the most from chemical warfare.

Let me note that while opinion on U.S. Government charges of chemical warfare was highly divided at the November 1981 hearing, the new body of carefully analyzed evidence has convinced many former skeptics.

Doubters now can review alternative sources of analysis in addition to that provided by the Secretary of State in two extensive reports issued in March 1982 and in November 1983. The Canadian Government has issued a total of four reports to date. Its detailed conclusions have swayed the thinking of several witnesses who testified at our hearing in February. France has conducted its own investigation. While the French Government has chosen not to release a report at this time, Foreign Minister Claude Cheysson has stated that French investigators have confirmed the findings made by the United States. Cheysson delivered this statement in Bangkok on March 26, 1983. The Thai Government has adopted a parallel view.

The United Nations has investigated charges brought by the United States on the uses of chemical warfare for several years. Unfortunately, the U.N. team's efforts have been hampered by the interference of a senior Soviet United Nations official and by the refusal of the Governments of the Soviet Union, Vietnam, Cambodia and Laos to cooperate. Despite these obstacles, the U.N. investigatory team has produced an interim report, published at the end of last year. That report provides support for charges that chemical and toxin weapons are, indeed, being used in Southeast Asia.

In the wake of growing evidence that chemical warfare agents are being employed, the U.N.'s membership voted overwhelmingly in favor of continuing the investigation of these illegal and inhumane incidents. We should applaud the world community for acting as it has, despite Soviet and East bloc efforts to kill the investigation. Moreover, the United Nations, operating through the Secretary General, has moved to transfer control away from the Soviet Undersecretary General who sought to block the process. Henceforth, the investigatory effort will come under the direct guidance of the Secretary General. This will make it difficult for the Soviets to manipulate the process, and it will assure the quick and impartial consideration of charges of chemcial warfare.

Mr. President, the United States must now work with the United Nations and with other nations to assure that U.N. investigators gain unimpeded access to the areas where chemical warfare is reported.

It is important to note that this form of warfare is not only inhumane, but it is also outlawed by agreements signed by the Soviet Union. By using and/or providing chemical warfare agents, the Soviet Union is in flagrant violation of arms control agreements: the 1925 Geneva protocol and the 1972 Biological and Toxin Weapons Convention. Such action threatens the prospects for significant arms control. If we are to avoid nuclear destruction, we must have such accords, and all parties to international agreements must abide by their terms.

It is deplorable to find that many of those who advocate rapid progress at the negotiating table are silent on these treaty violations. Such silence in no way serves the interests of international security and of progress through negotiations. If arms control agreements are to have value, those who break treaties must, at a minimum, suffer the outrage of both domestic and international opinion. Internationally, this situation has improved as is evident by the Canadian and French findings and by the votes and report issued in the United Nations. But much remains to be done. Other governments must declare their outrage. If they are dissatisfied with our assessments, let them conduct their own independent inquiries. Domestically, those who wish to advance the cause of arms control must be outspoken on these incidents. Silence does not serve our interests.

At the last hearing on this issue, entitled "Yellow Rain: The Arms Control Implications," the testimony suggested to me that while the growing evidence on yellow rain should make us cautious in proceeding with arms control agreements with the Soviet Union, we must proceed toward arms control. What is needed in making arms control effective are stringent means for verifying compliance with treaties. In the case of the 1925 and 1972 agreements, there are no such verification provisions. It is this lack of verification requirements—including onchallenge rights of inspection—that allows the Soviet Union and its allies to continue this form of behavior with little check. We must urge that verification requirements for these accords be strengthened.

The best place to negotiate such arrangements is within the Committee on Disarmament in Geneva. That body includes representatives from the world's developing nations. These nations have every right to be involved in these negotiations, since these nations have been the battleground for the use of chemical and toxin weapons.

The use of chemical and toxin weapons continues to this day. There is little to indicate a reverse in this trend. Today, the Acting U.S. Permanent Representative to the United Nations will submit recently analyzed evidence on this deadly form of warfare to the Secretary General. I urge Senators to read this report.

Mr. President, the issue raised by this resolution must be the concern of every American and every Senator. The use of chemical and toxin weapons must stop. Protest against this unacceptable form of behavior is not an issue for partisan politics. It must be everyone's position that the use of yellow rain cease immediately. I urge every one of my colleagues to make their concerns known by joining as cosponsors of this important resolution.

Mr. President, I ask unanimous consent that the following materials be printed in the RECORD: The report

being submitted to the U.N. Secretary General together with the letter of transmission; a U.S. Government paper submitted on July 5, 1983, to the Committee on Disarmament on procedures for onsite verification of a chemical weapons ban; and an article from Science magazine summarizing the conclusions of the United States, Canadian, and United Nations yellow rain investigations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT COVER LETTER TO U.S. SECRETARY GENERAL—AUGUST 4, 1983

The Acting Permanent Representative of the United States of America has the honor to submit a further report on the use of chemical and toxin weapons which contains new evidence available to the United States. It is based on the scientific analysis of a series of blood samples drawn from victims of earlier toxic attacks in Laos that were frozen for future analysis, as well as blood samples drawn from victims of a toxic attack in Kampuchea in March of this year.

The United States, over the past three years, has submitted a series of reports presenting the evidence in detail and continues to be deeply concerned over the use of chemical and toxin weapons in flagrant violation of international conventions and international law. In view of the concerns of members of the United Nations as expressed in General Assembly resolutions 35/144C, 36/96C, 37/98D, and 37/98E, and in view of the study presently being conducted under your direction on means of dealing with allegations of use of chemical, biological, and toxin weapons, it is requested that the enclosed report be circulated at an early date as an official document of the General Assembly.

FURTHER REPORT ON USE OF CHEMICAL AND TOXIN WEAPONS—NEW EVIDENCE AVAILABLE TO THE UNITED STATES

The United States continues to receive and analyze disturbing evidence and reports of use of chemical and toxin warfare agents in Laos, Kampuchea and Afhganistan. The use of these weapons is a flagrant contravention of two major international agreements and customary international law.

In an ongoing effort to call world attention to the problem, and to secure a halt to the use of those weapons, the United States has periodically released its evidence. Over the past two years, biomedical samples (blood, urine, or tissue) from victims have been analyzed in American laboratories for the presence of T2 and HT2 trichothecene toxins. To date, biomedical samples from 20 victims of eight separate toxin weapon attacks in Laos and three separate attacks in Kampuchea have been shown to contain trichothecene toxins. Control samples, taken from similar individuals who had not been subjected to toxin agent attack, were negative. Additional samples from victims and controls have been collected over the past year and are currently under analysis employing newly developed, more sophisticated, increasingly sensitive, state-of-the-art techniques. The complexity of trichothecene analysis in biomedical samples has necessitated development of new techniques and analytical procedures, a lengthy and tedious process. The levels of trichothecenes detected cannot be attributed to any known natural phenomena. Previously reported analysis results of biomedical and other data may be found in earlier United States submissions.

The following is an account of the results of the analysis of four additional sets of blood samples.

* * * * *

On November 6, 1981, a Lao resistance fighter was injured by a toxic agent grenade in northern Vietiane Province of Laos. Following the blast he experienced severe eye irritation and tearing and was blinded for approximately 30 minutes. Within a few hours, and continuing over a period of several days, he experienced the development of hundreds of small (2 to 5 mm) fluid filled blisters on the exposed areas of his upper torso and edema of the head and neck.

He was assisted to the Nong Khai Hospital in Thailand where the camp physician and a U.S. physician examined him on November 11 (5 days after the attack) and noted the blisters and mild conjunctivitis in both eyes. Blood samples were drawn at that time, chilled and maintained on ice during transit to the U.S., and frozen for future analysis.* Two blood samples, analyzed at the U.S. Army Chemical Systems Laboratory for the presence of traditional chemical agents, were negative for such agents. Three blood samples were submitted to a private U.S. laboratory for analysis by gas chromatograph-mass spectrometer (GC-MS) technique for the presence of trichothecenes. Detectable levels of T2 and HT2, a metabolite of T2, were found in all three samples of the victims' blood as follows:

[In parts per billion]

	T-2	HT-2
Sample No.:		
1	9	6
2	10	6
3	9	5

* * * * *

On 24-26 March 1982, at the Nong Khai refugee camp in Thailand blood samples were drawn by U.S. and camp medical personnel from H'Mong refugees who reported symptoms as a result of exposure to aircraft-delivered toxic agent warfare attacks in Laos on the 3rd, 11th and 16th of January 1982.

Symptoms reported by the victims included: headache, nausea, vomiting with blood, diarrhea with blood, weakness, vertigo, drunklike sensations, and visual disturbances. As a result of the attacks, of 154 people involved, 44 died within 2 to 5 days of exposure. Analysis of a blood sample from one of the surviving victims, a 10-year old boy, for T2 and HT2 trichothecene toxins revealed the presence of 32 ppb HT2. This victim also was suffering from malaria and showed a depressed white cell count of 4,200. The blood samples were handled in the same manner as above, and analysis was performed at the same private U.S. laboratory using identical GC-MS techniques.

Also on 24-26 March 1982 at the Nong Khai camp, blood samples were drawn from four H'Mong who had been exposed to attacks on 15 February 1982 in Laos. The survivors reported that two attacks were directed against several villages with a collective death count estimated to be between 85-100 people. Most of the villager's chickens and half of their pigs also died. Rice, tapioca, and other crops were affected as well. Symptoms reported by the victims included: fever, headache, nausea, vomiting, diarrhea, double vision, coughing, chest pain, eye irritation and tearing, hearing difficulty, fatigue, and jaundice.

Blood samples from these victims were handled and analyzed as with the others, for the presence of T2 and HT2 trichothecene toxins. The blood of one of the victims showed the presence of 28 ppb T2 and 16 ppb HT2 toxin. This individual, a 35-year old male, had also been exposed to a previous toxic agent attack in mid-December 1981.

Blood was drawn at the same time from three control individuals in the camp who had not been subjected to a toxic agent attack. These control samples were analyzed for T2 and HT2 trichothecene toxins with negative results.

* * * * *

On March 20, 1983, at Khao Din refugee camp in Thailand, near the Kampuchean border, three young Kampuchean women aged 18, 19 and 25, complaining of effects of a toxic agent, were examined by physicians. The three victims complained of symptoms typical of past trichothecene toxin exposure victims. They had become ill on March 9 after passing through an area in Kampuchea reported to have been subjected to a toxic agent attack on March 4 and 5. Blood samples were drawn from each victim and from two control individuals who were living in the same area under the same conditions as the victims, but who had not been exposed to any toxic agent.

The blood samples were analyzed by a private United States laboratory for the presence of T2 and HT2 toxins. One of the victims still had detectable levels of both T2 and HT2 (19 ppb T2 and 32 ppb HT2 respectively) in her blood. Blood samples from both control individuals were negative for both toxins.

* * * * *

All samples were submitted on a blind, coded basis to a private United States laboratory. Blood samples were precipitated with acetone and filtered. The filtrate was evaporated to dryness, dissolved in methanol: water (1:19, v/v) and passed through a XAD-2 column. The 90 percent methanol eluate was collected and dried on a steam bath. The samples were analyzed on a HP-5985B gas chromatograph-mass spectrometer data system.

ILLUSTRATIVE ONSITE INSPECTION PROCEDURES FOR VERIFICATION OF CHEMICAL WEAPONS STOCKPILE DESTRUCTION

(Figures and charts do not appear in the RECORD)

I. INTRODUCTION

Procedures for destruction of chemical weapons, and for verification of the destruction, have been discussed in general terms in a number of working papers. A recent U.S. paper (CD/CW/CTC 28; 11 January 1983) contains U.S. views on general verification procedures.

However, the course of the negotiations has shown that a common approach to verification of stockpile destruction cannot be achieved through a discussion of concepts and general principles alone. It is necessary

*Due to the volume of samples received and the limited capacity of the laboratories conducting the analyses, it has been necessary to freeze some biomedical samples while higher priority samples were analyzed. Since only one victim was sampled in this attack, it initially received a low priority.

to understand how the approaches proposed would actually be carried out in practice.

The purpose of this paper is to facilitate further negotiations by illustrating in concrete terms how the U.S. approach to verification of stockpile destruction would work. For the purposes of illustration, we have chosen a specific destruction facility already operating in the U.S., the Chemical Agent Munitions Disposal System (CAMDS). The paper outlines possible verification measures for this facility.

The specific procedures outlined here are preliminary, illustrative, and tailored to a specific facility. While the concepts and general principles would be applicable to any facility, the actual procedures must take into account both the characteristics of a facility and of the items being destroyed. Thus, the procedures employed at another facility could be somewhat different.

II. OVERALL DESCRIPTION OF THE CHEMICAL AGENT MUNITIONS DISPOSAL SYSTEM (CAMDS)

The Chemical Agent Munitions Disposal System (CAMDS) is an industrial-size prototype facility for destruction of chemical weapons and storage containers filled with mustard agent or the nerve agents GB or VX. The facility is located on the grounds of Tooele Army Depot; the site is approximately 45 road miles southwest of Salt Lake City, Utah.

CAMDS, which began toxic operations in September 1979, is being used to develop and demonstrate technology for demilitarization of toxic chemical munitions and to obtain technical data from which other similar plants can be designed and built.

Current activities are devoted to completion of a Technical Data Package for use in the design and construction of the first full-scale U.S. disposal facility, to be located at Johnston Atoll in the Pacific. This planned facility, which might begin operations in the late 1980s, would have a destruction capacity two-to-five times greater than CAMDS.

CAMDS was designed to destroy mustard agent by incineration, GB by reaction with sodium hydroxide solution, and VX by treatment with chlorine. However, the experience obtained to date at CAMDS suggests that incineration is the method of choice for all three agents. Explosives and propellants are thermally destroyed. Inert components and metal parts are mechanically demilitarized and decontaminated by heat treatment. In view of the dangerous materials involved, the entire facility is highly automated and designed for remote handling of items being destroyed.

Figure 1 provides a diagram of the CAMDS facility.

III. INCINERATION OF CHEMICAL WEAPONS

Incineration has several advantages over other methods for destruction of mustard agent, GB, and VX. Use of a common destruction method can reduce costs considerably by eliminating the need for different sets of process equipment. Furthermore, incineration produces less salt waste products to be disposed of than the chemical treatment processes do. From an arms control standpoint, incineration is preferable since it destroys the characteristic carbon-phosphorus bond of the nerve agents, thereby ensuring that the salt product cannot be recycled.

Chemical agent can be incinerated without first draining it from a munition or bulk container. This approach, called *in situ* incineration, is used at CAMDS for destruction of mustard agent. In principle, GB and VX could also be destroyed by this method.

Alternatively, the chemical agent may be drained from a munition or container and then injected into an incinerator. The metal component would be passed through the incinerator or separate metal parts furnace. This approach allows greater control of the incineration process and is being investigated at CAMDS for destruction of GB an VX. A similar process was used for destruction of mustard agent at Rocky Mountain Arsenal (see document CCD/436).

Since the two incineration processes present somewhat different verification tasks, they are described in detail separately below. Illustrative verification procedures, based on U.S. experience at CAMDS, are outlined in Section IV.

A. In situ incineration

Figure 2 provides a schematic diagram for destruction of chemical weapons by means of in situ incineration. As indicated, the sequence of steps varies somewhat depending on whether the items being processed are in bulk storage (such as "ton" containers—commercial chemical shipping containers which hold approximately one ton of material), in munitions containing explosives, or in munitions without explosive components.

Munitions of all types and bulk containers are moved in a special van from a nearby storage area to a revetted munitions holding area on the CAMDS site. This holding area is designed to store approximately a one-day supply for destruction operations.

As needed, munitions are transferred with a special transporter vehicle from the munitions holding area to the unpack building area of CAMDS. Here munitions are removed from their shipping and storage containers and prepared for the demilitarization process. The unpack area at CAMDS has a number of different configurations for handling bulk containers and different munition types (i.e., 115mm rockets, mines, 105mm burstered projectiles—i.e., 105mm burstered projectiles containing an explosive charge to burst open the munition—105mm non-burstered projectives, 155mm burstered projectiles, 155mm and 8-inch non-burstered projectiles, 4.2-inch mortar cartridges).

From the unpack area, all munitions containing explosives travel to the explosive containment cubicle, where explosive components (e.g., propellant; fuse; burster) are removed. These components are destroyed by incineration in a deactivation furnace. Next, the munitions are transferred by conveyor to the projectile disassembly facility. Munitions without explosives are sent directly to this facility from the unpack area, bypassing the explosive containment cubicle.

In the projectile disassembly facility munitions are processed through a device which removes the nose closure from non-burstered projectiles and pulls the burster well from all items ("burster well removal machine"). It can also be used to drain GB and VX from the projectiles.

For in situ incineration, the projectiles coming from the projectile disassembly facility are loaded into an "egg-carton" tray. (This tray holds 48–75 items, depending on the type of item.) The projectile-filled tray is transferred into the metal parts furnace on a small charge car. Bulk items, which arrive directly from the munition holding area, are also placed on a wheeled platform ("charge car") for transfer into the furnace.

The metal parts furnace processing system includes a rotary hearth furnace, a primary fume burner, an auxiliary fume burner, and equipment for removing destruction products from the exhaust gases. The furnace is made up of three chambers: a punching chamber, a chamber for controlled volatilization of agent, and a final burnout chamber for incineration of any agent remaining on metal parts.

In the punching chamber, holes are made in a ton container to permit release of agent vapor during the volatilization process. Other bulk items and projectiles are handled without punching. The punching chamber serves only a vestibule in this case.

In the volatilization chamber the item is heated to 600–900 degrees Fahrenheit to vaporize the agent. An oxygen-deficient atmosphere is maintained to avoid combustion at this stage. After the temperature/air flow profile indicates that vaporization is complete, the charge car is moved to the burnout chamber. In this chamber metal parts are maintained at 1000 degrees Fahrenheit or higher for 1–4 hours to complete the destruction of any small remaining quantities of agent or degradation products.

Detoxified scrap metal parts are removed from the furnace by the discharge car and transferred to the cooling chamber. After the scrap is cooled and certified free from agent it is loaded into trucks using a remotely operated crane and hoist. (Although 115mm rocket casings are destroyed by sawing or shearing while being processed, most metal items emerge basically intact.)

Agent fumes from the punching chamber and the volatilization chamber are incinerated in the primary fume burner. This chamber is operated with a flue gas temperature of 1450–1600 degrees Fahrenheit and provides a minimum residence time of 0.5 second.

Fumes from the burnout chamber, as well as the flue gases from the primary fume burner, pass through the auxiliary fume burner. This burner operates with a flue gas temperature of 1600 degrees Fahrenheit; the minimum residence time is 0.5 second.

Flue gases from the auxiliary fume burner are processed through a scrubber system, which removes agent destruction products, and are eventually exhausted to the atmosphere. The scrubber solution is evaporated to dryness, leaving a salt residue which is stored in drums for future disposal.

B. Injection-method incineration

Tests of this method are currently being conducted at CAMDS for destruction of GB and VX. It differs from the in situ method in that metal parts and agent are incinerated separately. Figure 3 provides a schematic diagram.

Projectile processing is the same as for the in situ method until the point at which the burster well has been removed in the projectile disassembly facility. At this stage agent is removed through a suction probe lowered into the projectile. This agent is drained into an agent holding tank, while the metal parts are processed through the metal parts furnace system.

Bulk items arriving from the munition holding area are drained in the bulk item facility area of the projectile disassembly facility. The metal parts are subsequently processed through the metal parts furnace system, while the agent is piped into an agent holding tank.

Agent from the holding tank is injected into a furnace, through a probe, onto a hot metal surface. The agent flash vaporizes and is processed through a fume burner and scrubbing system very similar in situ incineration. (For the CAMDS tests the metal parts furnace is being used. However, the

Johnston Atoll destruction facility now being designed includes a separate liquid incinerator.)

IV. ILLUSTRATIVE ONSITE INSPECTION PROCEDURES

Previous discussions have led to agreement that verification procedures for destruction of declared stocks should be designed:

To confirm the identity and quantity of the materials destroyed; and,

To confirm that the materials have actually been destroyed. In this respect, it would be important to confirm that the process destroyed the materials completely and that nothing was diverted in lieu of being processed.

Specific onsite monitoring and inspection procedures which might be used at the CAMDS facility to carry out these verification tasks are discussed below. While these procedures are designed for a specific facility, they incorporate several general principles which are applicable to any process for chemical agent destruction:

A combination of human inspection and monitoring with sensors is necessary for effective verification;

A detailed engineering review of the facility by international verification personnel, including onsite inspection, is necessary before destruction operations begin:

Inspection must be continuous during periods in which destruction operations are underway;

Inspectors must be qualified personnel and have a comprehensive, up-to-date knowledge of the design and operation of the destruction facility;

Inspectors must be permitted to confirm the validity of all data used for verification purposes;

To ensure confidence, data used for verification should be as closely linked as possible to the actual destruction step;

Monitoring and inspection procedures should be designed to minimize interference with the operation of the destruction facility, while providing effective verification;

To the extent consistent with verification needs, monitoring and inspection procedures should make use of data generated during routine facility operations;

To the extent consistent with verification needs, common procedures should be used for different destruction processes within the same facility;

Close cooperation between international verification personnel and host state operating personnel is important for effective international verification.

In situ incineration at CAMDS

Figure 4 outlines the verification procedures discussed below.

For all liquid agents, including GB and VX the identity and purity of the material being destroyed could be confirmed by sampling it immediately before the item enters the metal parts furnace system and analyzing the sample automatically with an on-line, dual-column gas chromatograph. At CAMDS samples could be taken from munitions with the automatic drain probe already built into the machine used to remove buster wells and drain projectiles. For bulk items, a slight modification of the operating sequence would be needed. Rather than transporting the item directly from the munition holding area to the metal parts furnace, the item would go first to the area equipped for draining bulk items. A sample could be obtained using the draining lines. The sample would be analyzed automatically with an on-line, dual-columngas chromatograph. A different sampling procedure would be needed for mustard agent, since the pure agent is a solid up to about 15 degrees Celsius. One possibility would be to sample and analyze volatilized agent where it enters the primary fume burner. (This procedure would be unsuitable for the nerve agents since they already decompose at this stage.)

Since only one agent and one type of item would be processed during a given period, the same gas chromatograph could probably be used for all analyses, although it might have to be shifted from one part of the facility to another, depending on what was being destroyed. (Such an analytical system is not currently installed.)

The quantity of material destroyed could best be determined by weighing items (projectile-filled trays or bulk containers) immediately before and after passage through the metal parts furnace. The item to be weighed should be placed on a support containing an accurate load cell. The measured weight difference should be cross-checked against the value expected from the calculated content of the item. The number of items should be measured by mechanical or electronic item counters and visual observation at the same points as the weight is determined. (While current capability exists for counting the number of items, current weighing capability is only partial and approximate.)

Confirmation of actual agent destruction should rest on confirmation: (a) that the conditions in the destruction step are sufficient to destroy the material completely and (b) there are no pathways for diversion. In addition, the waste materials should be subject to sampling and analysis on a random basis to ensure complete destruction.

For CAMDS the key parameters of the agent destruction step which should be measured are the temperature-time profile of the volatilization chamber, the temperature of the primary fume burner, and the rate of the air flow through the primary fume burner (i.e., the residence time of agent). Temperatures would be measured by thermocouples; flow rates by orifice plates. These instruments are already used for process monitoring. The absence of diversion pathways could be confirmed by conducting an egineering inspection of the facility before destruction operations begin, television and direct surveillance of key process areas, particularly during shut-down and maintenance periods, and periodic reinspection.

Data from each sensor, including television cameras, would be transmitted to a central monitoring station in the control room and recorded to provide a permanent record.

To ensure that metal parts, such as shell casings, could not be reused, they should be destroyed by punching, sawing, or crushing. Confirmation would easily be obtained by visual observation of the scrap metal parts emerging from the destruction step.

Injection-method incineration

Figure 5 provides an outline of the verification procedures discussed below.

For this process the identity and purity of the material being destroyed should be confirmed by taking a sample close to the inlet of the liquid incinerator and analyzing the sample with an on-line, dual-column gas chromatograph. (Such a system is not currently installed.)

The quantity of agent being destroyed would be determined by using an accurate flowmeter near the inlet of the liquid incinerator. However, uncertainty exists about whether sufficient accuracy is possible. If not, it would be necessary to weigh items, using load cells, before and after they were drained and to establish, through inspection, that no diversion pathways existed. A system would be incorporated to detect efforts to cut into the agent drain line ("continuity check").

Methods for confirming actual destruction would be similar to those for the in situ process; thermocouples would be used to measure the time-temperature profile of incinerator, and the flow rate through it would be determined with an orifice plate. The destruction of metal parts would be monitored visually.

The measures necessary to ensure security of data, including the use of television surveillance systems at key points, are discussed in Section V below.

Inspectors

The verification procedures described above are intended to provide an optimum balance between monitoring with sensors and inspection by verification personnel. To some extent, use of sensors can reduce the inspection burden. However, continuous presence of inspectors during periods of destruction operations is essential for accomplishing certain technical tasks, particularly visual surveillance and ensuring that automatic sampling and analysis equipment is operating properly.

The functions described above would require a minimum of two inspectors to be present during each operating shift to monitor data from sensors and to conduct visual surveillance and at least one during each maintenance shift. During non-working shifts, sensors such as film cameras triggered by motion in the field of view or television cameras would suffice.

CAMDS has a 10-hour operating shift and a 10-hour maintenance shift, followed by a 4-hour non-working shift. Thus, for CAMDS, a minimum of three inspectors present for duty would be adequate. To accommodate illnesses and other absences from duty, a slightly larger number would have to be assigned to the facility.

The inspectors should all have technical backgrounds, be familiar with CW destruction operations, and receive special training as inspectors.

V. ENSURING THE VALIDITY OF DATA USED FOR VERIFICATION

If states are to have confidence that declared stockpiles have been destroyed, they must have confidence that the data used for verification are valid. To ensure validity of the data, inspectors at CAMDS would have to be able to inspect the facility before it began destruction operations and to participate in all calibration of thermocouples, load cells, flowmeters, gas chromatographs, and any other sensors, as well as observe closely their installation and daily operation. (Recalibration of instruments and reinspection of the process equipment would be required whenever the process is shutdown for an appreciable time.) Furthermore, safeguards must be incorporated in the sensor systems to protect against efforts to tamper either with the sensors themselves or the data transmitted from them.

Equipment security

The security of the monitoring equipment itself would be ensured by a tamper-detecting design of each item. In effect, certain key components, such as signal-generating circuitry, would be enclosed in a box which

protects the sensor against mechanical or electronic interference. Attempts to remove the box would disturb microswitches which would set off alarms to alert inspectors; if an attempt were made to cut off a segment of the protective containers without interfering with the microswitches, the tampering would be detected during the visual inspection of the equipment. Tampering with the microswitches would also cause the erasure of information used to "authenticate" the data. ("Authentication" is discussed below.)

Tampering with the sensors might also be attempted through electromagnetic radiation. Protection against this would be accomplished by placing proper shielding inside the tamper detecting enclosure.

For each sensor, the status of the protective container, as well as the operating status of the equipment, would be monitored electronically by inspectors from the CAMDS control room.

Data security

The volume of data generated from the various sensors and transmitted to the inspectors' monitoring station in the CAMDS control room would be small. Measurements would be made infrequently (for example, only once every few minutes). Therefore, a relatively simple data transmission system would be adequate. Either radio frequency or cable transmission links could be used.

To assure the integrity of the data during transmission, the data would be converted from analog to digital form whenever necessary and an "authentication" scheme would be adopted. Data would not be encrypted, but a unique identifier would be added to each group of data points transmitted. This identifying "tag" would be generated by the monitoring system. Any attempt to alter the data during transmission would be detected at the central monitoring station since it would cause a mismatch between the expected and received "tag". (Although encryption is not necessary in this case, it is a valuable method of ensuring integrity of data which may be useful under circumstances other than those described here.)

The availability of low-cost microprocessors means that such data authentication procedures can generally be carried out without substantially increasing the cost of the monitoring system. Inside the tamper-indicating enclosure of each sensor, a microprocessor would control the data collection function of the sensor, the authentication procedure, and the communications between each sensor and the central monitoring station.

However, in the case of television cameras, the amount of data generated is very large compared to that produced by other sensors. The cost of authenticating television images would be substantial. A less expensive solution to ensuring data integrity would be to enclose the television camera in a tamper-detecting box. This would ensure that the camera itself and its field of view are not tampered with. Proper shielding of the coaxial cable between the camera enclosure and the video recorder in the central monitoring station, along with a simple sensing circuit to detect attempts to cut into the cable, would be sufficient to detect any effort to interfere with data transmission.

Security of the central monitoring station would be achieved by enclosing data readout and recording devices in tamper-indicating containers when inspectors are not physically present.

Other data security considerations

The integrity of data from senors cannot always be ensured simply by ensuring the integrity of each sensor and of the transmitted data. For example, load cells and item counters could be manipulated mechanically to produce false data. A weight determination could be made either too high or too low by exerting force mechanically on a load cell when an item was being weighed. For this reason, visual surveillance of the weighing and counting equipment, using closed circuit television, is necessary.

Protection against deceiving a single sensor at a given time would be achieved by coordinating the operation of more than one sensor. For example, a projectile on a conveyor belt would trigger an item counter; in turn, signals from the counter would cause the activation of the television surveillance system at key points while also alerting other process monitors along the path of the projectile. Since it would be known what activities and data values are to be expected during the destruction process of the projectile, the appropriate sensors for these activities should give readings within a known range and time period.

Any sensor not recording the appropriate information within the normal time period would cause an alert in the monitoring system. Reactions to such alerts are part of the operating procedures of the inspectors. Such reactions would be determined by categorizing the various possible alerts into levels of significance. In turn, the significance of each alert would be related to the impact it has on the verification system.

Effective monitoring might also be prevented if a key sensor fails to work properly. Therefore, the overall data collection system for monitoring the destruction of chemical stockpiles must be designed either with redundancy of sensors or redundancy of coverage or both. Redundancy of coverage means that information about any process step can either be collected with the corresponding sensor or it can be deduced from information collected by sensors at other steps of the process; redundancy of sensors means that every sensor is duplicated. Sensor duplication is feasible for inexpensive items such as temperature sensors or flow meters; however, it becomes impractical for such large items as television systems and gas chromatographs. The preferable approach, which is the basis for the procedures described in this paper, is to have redundancy of coverage whenever feasible so that no single monitoring step becomes a critical one. The development, therefore, of the monitoring system involves two major components: secure and reliable sensors and an effective system design.

[From Science, Dec. 17, 1982]

A CLOUDBURST OF YELLOW RAIN REPORTS

(By Eliot Marshall)

(U.N. and Canadian investigators agree that chemical weapons are being used, but fail to endorse the U.S. discovery of mycotoxins.)

Two State Department officials lifted a large box onto the dais during a news conference on 29 November, pulled off a cardboard sheath, and revealed the most photogenic evidence produced so far in the investigation of chemical warfare in Asia. It was a Soviet gas mask, allegedly retrieved by a covert agent in Afghanistan in September 1981. The headpiece is apparently still contaminated with the fungal toxin T2, the suspected active ingredient in yellow rain.

The cameras clicked. The reporters murmured. And an official said no one need be afraid because the mask was sealed in an airtight container. One reporter gibed at the speaker, Robert Dean, deputy director of the Bureau of Politico-Military Affairs: "Why don't you slip it on for us, Bob?"

So went the latest and most disturbing briefing in America's effort to persuade the world that the Soviets are using outlawed chemical weapons in Southeast Asia and Afghanistan. It preceded by one week the release of a less dramatic United Nations (U.N.) report, the product of 2 years of research, titled, "Chemical and Bacteriological (Biological) Weapons Report of the Secretary General." The U.N. investigators found two charges to be "well supported." These were claims by refugees that "harassing agents" were used against resistance fighters in Afghanistan and that "some toxic material" was used against the Hmong people of Laos. The U.N. team found no proof that fungal poisons (mycotoxins) were involved. But it also rejected a Soviet thesis (Science, 2 July, p. 32) that mycotoxins spread through Southeast Asia after the United States seeded the area with elephant grass.

American officials expected the U.N. report to be equivocal, and they took pains to lay out their own strongest evidence a week in advance. Dean told the reporters that "all the relevant government agencies" are now convinced that the Soviets and their allies are engaged in chemical warfare. The government claims to have "conclusive evidence" that compounds forbidden by the 1925 Geneva Protocol and by the 1972 Biological and Toxin Weapons Convention—including the tricothecene toxin T2—are being used in Laos, Kampuchea, and Afghanistan. The Soviet Union signed the 1972 treaty, which forbids not just the use, but the possession of biological weapons. The latest attacks occurred as recently as October in Laos and Kampuchea, Dean said. The State Department called the press conference to display the gas mask, one of two recovered from Afghanistan, and to release a new report to Congress and the U.N.

The bulk of the 12-page report lays out new and old evidence collected by U.S. intelligence agencies, including some findings produced by the analysis of blood, urine, and tissue samples taken from victims of gas attacks in Laos and Kampuchea. (The gas masks are the only physical evidence of chemical warfare in Afghanistan: given their origin, it is impossible to check on their *bona fides.*) Biological samples from 33 alleged victims in Southeast Asia have been screened, according to the report. "Specimens from 16 of these individuals show the presence of tricothecene mycotoxins." T2 and other tricothecene toxins have been found together in environmental samples collected at battle sites, apparently in combinations never seen in nature. Canadian and U.S. experts have concluded independently that these deposits could not have occurred naturally. The report says, "The finding of T2 toxin and HT2 toxin . . . in the blood, urine, and issue of victims of these attacks provides unequivocal evidence of their use as weapons."

The Soviet response, issued by Tass the next day, was that all of this is a "brazen lie" and "a propaganda screen behind which the Reagan Administration is pressing forward its large-scale program of preparations for chemical and bacteriological warfare."

With the superpowers engaged in a verbal brawl such as this, it is all the more impor-

tant that disinterested experts intervene. The credibility of the U.N. and of the general effort to control weaponry hangs in the balance.

There are signs that the U.N. may be ready to become more actively involved than it has been. The recent investigation was hampered by inadequate laboratory facilities, staff turnover, and poor data collection. On 26 November, the General Assembly voted 106 to 14 to call a special conference "as soon as possible" to review the 1972 toxin treaty and to design a new system for investigating complaints and checking on compliance. On 29 November, the General Assembly voted 71 to 18 to ask the director general of the U.N. to give chemical and biological warfare questions more visibility in the bureaucracy. In the past, such matters have been passed down to the disarmament staff. Now the director general has been asked to draw up a standing list of laboratories and experts competent to study these charges and to appoint a new investigative group responsible directly to him. Among the nations opposing both resolutions were Afghanistan, Laos, Vietnam, and the Soviet Union.

The only other relevant investigation was conducted last spring by several Canadian officials led by Lieutenant Colonel G. R. Humphreys of the military surgeon general's office in Ottawa. With another officer and some diplomatic officials, he spent a month interviewing victims of gas attacks in refugee camps and hospitals along Thailand's border with Laos and Kampuchea. The Canadians also collected samples, but the analysis may not be available for some time, because, a laboratory official says: "We don't want any mistakes."

Based on interviews and a reading of medical records, the Canadians concluded that chemical or biological agents are being used against unprotected troops and civilians in Southeast Asia. At least two different materials are involved, Humphreys says. One of them may contain mycotoxins. The other is a "knockout" agent. The Canadians saw and collected samples of yellow rain themselves, and Humphreys can testify to its devastating effects on Hmong villagers.

The Canadian report differs from the State Department's in two important respects. First, the Canadians found the American description of yellow rain poisoning to be exaggerated. Rather than producing immediate vomiting, hemorrhaging, and death, as claimed by the Americans, yellow rain was slow to produce effects and they seemed reversible, according to Humphreys. Those who died were chiefly the very young and very old who, in the absence of good medical care, became dehydrated by 10 or more days of vomiting and diarrhea. The Canadian description is compatible with the observed effects of tricothecene poisoning in laboratory animals.

Second, the Canadians concluded that a closely analyzed battle near Tuol Chrey, Kampuchea, exposed Khmer Rouge soldiers to a "highly potent" incapacitating agent, not yellow rain. The Canadians did not exclude the possibility that some mycotoxins were mixed with the knockout agent. This chemical did not appear lethal, Humphreys says, but did put soldiers out of action for several days. Humphreys is unequivocal: the substance used against the Khmer Rouge soldiers was not yellow rain but a volatile material suitable for use where friendly and hostile forces must operate in the same environment. This contrasts with the U.S. report, which stressed that the blood and urine of the Khmer Rouge victims at Tuol Chrey contained the mycotoxin T2, an alleged ingredient of yellow rain.

The State Department's November paper also emphasizes the fact that high levels of T2 were found in the stomach and intestine of a soldier who died a month after being exposed to the gas attack at Tuol Chrey. Humphreys found it "impossible to exclude blackwater fever [a variety of malaria] as a possible cause of death." Malaria is rampant among these soldiers. Another factor confuses the case. Humphreys believes the Khmer Rouge may suffer from the misuse of atropine, a drug commonly given by Khmer Rouge medics to soldiers who have been in chemical attacks. Atropine is an antidote only for classic nerve agents. If used wrongly, as Humphreys suspects may be the case here, it can produce a variety of bad side effects. One is the retention of urine. Blackwater fever also produces kidney failure. The soldier from Tuol Chrey, according to the Canadian report, died "in acute renal failure."

Thus, while the Canadian and U.N. inquiries give strong support to the charge that toxic sprays are being used in Southeast Asia, they leave unconfirmed the charge that the poison is specifically a mycotoxin. That uncertainty may end when the Canadian laboratory finishes its analysis of the 200 or so samples collected during Humphreys' visit to Thailand. Perhaps not. It is a good sign, in any case, that other countries have begun to examine the evidence.

Mr. PERCY. Mr. President, I join today with Senator PRESSLER and with a bipartisan group of Senators in offering a resolution expressing the sense of the Senate on the use and/or provision of chemical warfare agents by the Soviet Union.

Chemical warfare, called yellow rain by its unfortunate victims, is outlawed by international agreements that were signed and ratified by the Soviet Government. Such activities are not only inhuman and demand the condemnation of every American and every nation on Earth, but they raise serious questions about the Soviet Union as a negotiating partner. Moreover, we are dealing here not only with an issue of arms control, but of the most basic human rights.

The victims of this heinous behavior are more often the innocent rather than combatants. These weapons have killed and injured women and children. The H'mong tribes people who have suffered so often from other people's wars are today suffering again from these weapons. These unfortunate people wish nothing more than to be left alone to tend their simple farms. Instead, they have been vicously attacked for being in the way on a shifting battlefield. The tragedy is today being repeated throughout Southeast Asia and, thousands of miles away, in Afghanistan.

Despite new theories that claim that the presence of toxins can be explained by the activities of bees or by environmental processes, it seems strange that deaths are reported only in two areas of the world, Southeast Asia and Afghanistan. The only common thread linking these two widely separated areas is that of a Soviet presence or of Soviet involvement in conflicts in these regions. Moreover, the deaths have been associated with specific incidents involving witnessed attacks.

The Foreign Relations Committee held hearings on this important issue in November 1981 and most recently in February 1983. In the period spanning these hearings, the evidence indicating Soviet involvement in this form of warfare has continued to grow. I must say that the evidence is of such a scale that the case against the Kremlin is compelling. I also ask that Senators recall the incident in 1979 in the Soviet city of Sverdlovsk, suggesting Soviet manufacture of anthrax. Manufacturing biological agents, just as using chemical and toxin weapons, is outlawed by solemn international agreements ratified by the Soviet Union.

In neither case, yellow rain nor anthrax, has the Soviet Union or its allies provided the United States, U.N., or other investigators the right to examine the sites where incidents have occurred. Unfortunately, neither the 1925 Geneva protocol nor the 1972 Biological and Toxin Weapons Convention requires onsite inspection. There is an important lesson to be gained here for effective arms control. Agreements that are reached for agreement's sake, lacking solid systems of accountability, do not serve any nation's interests.

These incidents have placed a dark cloud over the Soviet Union and its accomplices in Southeast Asia and Afghanistan. They make it clear that arms control must have strong and effective provisions of verification. Arms control is an act of security. It cannot be a matter based on trust.

Mr. President, I urge every Senator to carefully review the story of "Yellow Rain" and to read the recently published Foreign Relations Committee hearings entitled, "Yellow Rain: The Arms Control Implications." As I have stated, the evidence is compelling. It comes not only from the U.S. Government but also from the United Nations and the Governments of Canada, France, and Thailand. There are also reliable and detailed independent accounts. An important role has been played by Dr. Amos Townsend, who has been in Southeast Asia for several years for the International Rescue Committee. In testimony before the committee, Dr. Townsend summarized the situation succinctly:

> Although individual cases may be in question from time to time, there is no question in my mind that chemicals, of more than one type, have been, and are still being used against Lao-H'mong and Khmer in Southeast Asia.

Other assessments arrive at the same conclusion with regard to Afghanistan.

I beleive that this is a significant resolution, and I hope that my colleagues will support it.

Mr. D'AMATO. Mr. President, I am pleased to join with my distinguished colleagues as an original cosponsor of this important resolution expressing the sense of the Senate concerning Soviet use of chemical and toxin weapons and Soviet supply of these weapons to its allies for their use. The gravity of Soviet violations of both the 1925 Geneva Protocol banning the use of chemical and biological weapons and the 1972 Biological and Toxin Weapons Convention which prohibits the mere possession of toxin weapons, as well as their production and use, cannot be overstated. It bears directly upon our current efforts to negotiate fair and verifiable strategic and theater nuclear arms accords with the Soviet Union. Indeed, it has the most serious implications for the entire spectrum of our relations with the Soviet Union.

I strongly support our efforts to secure Soviet adherence to the 1925 Geneva Protocol banning the use of chemical and biological weapons and the 1972 Biological and Toxin Weapons Convention which prohibits the mere possession of toxin weapons.

The United States has adhered to a unilateral moratorium on chemical weapons production for 14 years. We have destroyed all biological and toxin material we possessed as required by the 1972 Convention. We have attempted to secure a negotiated agreement with the Soviet Union to ban all chemical weapon production and storage. We have held 12 formal bilateral negotiating rounds with the Soviet Union on this issue since the mid-seventies. The result of these talks was a joint progress report to the United Nations Committee on Disarmament in July 1980.

This report addressed the scope of the proposed chemical weapons ban, the timing for its implementation, and some compliance issues, but avoided the tough questions of verification. In January 1981, the United States decided to take the issue before the Chemical Weapons Working Group of the U.N. Committee on Disarmament. Those discussions have gone nowhere. Despite Soviet hints at a more relaxed and forthcoming position on verification, no substantive proposals have been produced.

This issue is now critical, because there is very strong physical and anecdotal evidence of Soviet and Soviet-surrogate use of Soviet manufactured and supplied lethal chemical and toxin weapons in Southeast Asia and Afghanistan. The United States has formally charged the Soviet Union with violations of both the 1925 protocol and the 1972 convention. Details of the charges may be found in State Department special reports No. 8 and No. 104. Independent scientific authorities in France, Canada, Thailand, and other countries have endorsed our findings.

Chemical weapons and biological and toxin weapons are weapons of mass destruction, just as nuclear weapons are. The Soviet Union and its surrogates are using these weapons against hostile groups in both Afghanistan and Southeast Asia, indiscriminately killing noncombatants, including defenseless women and children. These attacks are reported to be continuing unabated, without regard to international protests.

This resolution provides a vital opportunity for the Senate to restate its urgent concern over this issue. First, it states that the United States should urge other governments to assess the evidence of Soviet and Soviet-surrogate violations and, where possible, to conduct independent investigations on their own of suspected chemical warfare. Second, it states that the United States should assist the U.N. in gaining unhindered access to areas where chemical and toxin weapon use is suspected. Finally, it calls upon the United States to negotiate with the Soviet Union and other nations the strengthening of existing agreements on chemical, biological, and toxin weapons so as to provide effective mechanisms for assuring compliance and to include provision for on demand onsite inspection when necessary.

These are all vital points. The evidence of systematic, repeated, massive, the continuing Soviet violations of both the 1925 protocol and the 1972 convention continues to grow.

Lethal chemical and toxin weapons are now being used to kill hundreds of thousands of people. Innocent civilians in Afghanistan, Laos, and Kampuchea are being murdered by chemical and toxin weapons which they do not even understand. The evidence clearly shows these weapons are being produced by the Soviet Union and are being employed by Soviet troops and by Soviet surrogates. The world must awaken to this horror and act to halt it now.

Only by focusing world opinion on this matter can we ever hope to affect Soviet behavior. Independent assessments and investigations by other nations and by the United Nations are the best way to do this. The provisions of this resolution are timely and worthy of immediate endorsement.

Strengthening existing agreements to provide mechanisms for assuring compliance is, however, the central issue here. Providing for on demand onsite inspection is the only way to insure that substantial violations of existing international agreements do not recur. The underlying problem is that chemical, biological, and toxin weapons are weapons of mass destruction. They are of great military significance and their development and production can be disguised as legitimate civilian chemical production or biological research. These characteristics stress the verification provisions of any treaty concerning chemical, biological, and toxin weapons very severely.

In this regard, our confidence in the Soviet Union as a negotiating partner in arms control efforts must be guarded until the issue of Soviet compliance with existing treaties is resolved. If they will not only violate with impunity an international arms control agreement, but will also make massive and repeated use of the lethal toxin weapons developed and produced in violation of this agreement to indiscriminately kill noncombatant men, women, and children as well as the resistance fighters who are their presumed targets, how much of a basis of mutual trust is there upon which to build new arms control agreements?

This resolution, when energetically implemented by the executive branch, will provide the Soviet Union an opportunity to show that it will accept the verification measures its present behavior makes necessary. The United States and the other members of the international community can only be confident that Soviet protestations of good will and peaceful intent are worthy of trust and are not merely the deceptive cloak of lies hiding Soviet development of prohibited weapons in search of significant military advantage if adequate verification measures are included in all proposed agreements. Verification provisions must be certain in their operation. They must be open and they must produce convincing evidence which may be freely and fully shared with the public.

While I am not committed to any single method of verification, the experience with Soviet noncompliance with arms control agreements they solemnly entered into with other nations forces me to require comprehensive, strict, explicit, and demonstrably effective verification measures as a basis for my support for any future arms control agreements involving the Soviet Union.

In closing, I most strongly urge my colleagues to study this issue with care and reflect upon it deeply. Defense and foreign policy issues bearing directly upon our future security and upon the preservation of world peace are raised by Soviet violations of chemical and toxin arms control agreements. Resolving these issues must become a high administration priority.

SENATE RESOLUTION 204—RELATING TO RAOUL WALLENBERG

Mr. LEVIN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 204

Whereas Raoul Wallenberg accepted the request of the United States War Refugee Board and went to Hungary in the summer of 1944 as a Secretary of the Swedish legation;

Whereas Raoul Wallenberg, with unparalleled courage and selflessness, took creative and daring actions in rescuing nearly one hundred thousand Hungarian Jews from extermination at the hands of the Nazis;

Whereas the Soviet Union, after occupying Hungary, arrested Wallenberg on January 17, 1945, in violation of international law and the diplomatic immunity of Wallenberg, and without an explanation of the seizure and subsequent incarceration;

Whereas there is substantial evidence contradicting Soviet claims that Wallenberg died in 1947;

Whereas reports from former prisoners in the Soviet Union, suggest that Raoul Wallenberg is still alive; and

Whereas Raoul Wallenberg, on October 5, 1981, was only the second person ever granted honorary United States citizenship: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State should take all possible steps at all appropriate times to ascertain the whereabouts of Raoul Wallenberg and to secure his return to freedom.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that the President further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States.

Mr. LEVIN. Mr. President, today is Raoul Wallenberg's 71st birthday. Today we should be helping one of this century's greatest and most courageous humanitarians celebrate his 71st year. Larger than life, Mr. Wallenberg deserves a place of paramount respect in the annals of human history. But today, we do not even know where he is—we have not known what has become of him since his bogus arrest at the close of World War II. The lingering and haunting questions surrounding his life prompt me to introduce this resolution calling on the Soviet Union to provide accurate information about Mr. Wallenberg and to grant him his freedom.

Raoul Wallenberg was born in 1912 into a prominent Swedish banking family. As a young boy, he was afforded the luxuries of wealth, traveling extensively and receiving an excellent education. In 1935 he received an honorary degree in architecture from the University of Michigan. Upon his return to Sweden, Mr. Wallenberg began to pursue the family banking and commerce interests.

Working at a bank in Haifa, Israel, Raoul Wallenberg met Jews who had fled the terror and inhumanity of Nazi Germany. His perception of the Nazi horror was strengthened in 1944 when he was sent to Budapest to promote his family's business in exports. He soon learned that death was big business and that people, not goods, were being exported.

That same year, Mr. Wallenberg came to the attention of the U.S. War Refugee Board. Recognizing in him a rare combination of pragmatic businessman and moral idealist, the Board approached Mr. Wallenberg with a request. At their behest, he went to Hungary that summer ostensibly as a Secretary to the Swedish legation in Budapest. His real task was to oversee an operation whose purpose was to save as many Jewish lives as possible by any means possible.

Mr. Wallenberg entered into a world devoid of morality—a world where human life was an expendible commodity and extermination an accepted practice. He performed his task brilliantly in that depraved environment for less than a year, but he touched the lives of over 100,000 human beings. He created passports—paper pledges of protection issued in the name of the Swedish Government. He took those passports and distributed them to those who were about to be taken away, threatening the guards if they attempted to violate the protection that the passports promised. His schemes worked. People were pulled from cattlecars and death marches bound for concentration camps. They were escorted to a citywide network of houses and hospitals operating under the flag of the Swedish Government. Mr. Wallenberg made daily visits, and insured that ample supplies were provided.

During this period, Mr. Wallenberg did the impossible. He was possessed and inspired by vivid scenes of civilization turned inside out. As the Nazis stepped up their efforts to implement the "final solution," his resolve grew commensurately stronger.

His efforts did not end with the long-awaited defeat of the Nazis. Shortly after the Russian occupation of Hungary in January 1944, he met with high-level Russian officials. Hoping to persuade them to adopt this plan for rebuilding Budapest, both physically and psychologically, he arranged to talk with them. But there was no talk. But he was never allowed to lay his plan out. Instead he was arrested and imprisoned. No accusation, no trial, just a Moscow jail cell.

From scanty details, we have learned that the Soviets probably thought Mr. Wallenberg a spy, an agent of the American Government. They sought information from him—information he did not have. They sought confessions from him—confessions he could not make. And when they failed to get what they wanted, they decided to take what they could get. They decided to break him as they had broken so many others.

Consequently, he began a long journey which even now we do not totally understand. From scattered reports, it appears that he was transferred from one prison to another. But nobody could be sure because the Soviets refused to even acknowledge that they were holding him prisoner. As interest in his plight grew, however, pressure on the Soviets to account for him mounted.

Finally in 1957, they produced a document, signed by the current Foreign Minister of the Soviet Union, Andrei Gromyko. That document was intended to demonstrate that newly discovered records indicated that Wallenberg had been imprisoned but had died of a heart attack in July 1947. No death certificate could be produced and there was no explanation for his arrest. The document simply reported the death and blamed past misunderstandings and confusion on already discredited figures of the Stalinist regime.

Since then, the Soviets have held to their story and insist that they have no additional information.

But a substantial body of evidence has emerged that contradicts the official Soviet line. For years there have been reports of sightings, stories of meeting, and tales of conversations. In the late 1970's, a man named Jan Kaplan was released from a Soviet prison. In a phone conversation with his wife in Israel, he mentioned that he had seen a Swedish prisoner who had been held for over 30 years. Soviet authorities caught wind of Kaplan's conversation and he was arrested again. Repeated attempts by our Government to locate Mr. Kaplan have been obstructed. His crime appears to be that in making a casual comment about a Swedish prisoner, he had agitated the Soviets. The Kaplan comment raises the possibility that Wallenberg may have survived decades of Soviet abuse, that the Soviets have been nuturing a 25-year-old lie.

There are thousands of men and women who are alive today, here in the United States and abroad, because of Raoul Wallenberg. Michigan has an active and vibrant Hungarian community and many of its members were touched by Mr. Wallenberg's work. Evidence of his selflessness and devotion is around us everywhere. But the man is nowhere to be found.

Mr. President, the tragic irony is glaring. A man who fought so fearlessly for the freedom of others was denied his own freedom. I introduce this resolution today to continue the fight to win Raoul Wallenberg's freedom and hope that his next birthday will not be shrouded in darkness and lies.

SENATE RESOLUTION 205—RELATING TO THE FLAT RATE INDIVIDUAL INCOME TAX

Mr. HELMS (for himself, Mr. NICKLES, Mr. D'AMATO, and Mr. MURKOWSKI) submitted the following resolution which was referred to the Committee on Finance:

S. RES. 205

Whereas, the Internal Revenue Code of 1954 is a complex and cumbersome set of tax laws;

Whereas, the current system of high marginal tax rates imposed on a taxable income base that has been heavily eroded by special tax breaks and loopholes has given the tax system enormous complexity, gross inequities, and economic distortions;

Whereas, higher marginal tax rates distort optimal functioning of the economic system by introducing considerations other than efficiency and profitability, and stifle individual productivity and economic growth;

Whereas, lower marginal tax rates would draw economic activity out of the so-called "underground economy" and into taxable activity, and thereby foster economic growth and productivity; and

Whereas, a flat rate income tax would promote equity, remove the devastating effects of bracket creep, and reduce the complexity of the Internal Revenue Code: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Internal Revenue Code of 1954 should be amended to establish a flat individual income tax based on these principles:

(1) The tax system should be simple, understandable, and evenhanded.

(2) No income should be taxed more than once.

(3) All individual income subject to tax should be taxed at the same rate, and that rate should be as low as possible.

(4) The individual income tax base should be as broad as possible, with few, if any, special tax breaks in the form of credits, deductions, and exclusions.

(5) Personal exemptions should be provided so that the poorest households would pay no income taxes.

(6) The amount of overall tax revenues should be no greater than under the current tax system.

FLAT TAX RESOLUTION

Mr. HELMS. Mr. President, during my years in the Senate, I have made no secret of my desire to overhaul our Federal income tax system. Let us face it—the Internal Revenue Code of 1954 is a disaster. It is a complex and burdensome set of laws widely regarded as unfair, and correctly so.

The legislation I am introducing today would put the Senate on record in favor of changing the tax system. It is a nonbinding sense of the Senate resolution that makes certain findings of fact about our current system of taxation and endorses the basic principles of the so-called flat rate income tax.

During the 97th Congress, I offered the "Flat Rate Tax Act of 1982," which would have replaced part of our present income tax schedule with a 10 percent across-the-board flat rate tax on all personal income. By eliminating preferential tax treatment, my proposal would have made it possible for the average American taxpayer to file an income tax return the size of a regular postcard.

Mr. President, I am convinced the key to sustained and vigorous economic growth lies in the adoption of policies aimed at reducing marginal tax rates and stimulating investment in the private sector of our economy. I simply do not believe the current tax system offers much hope of attaining these ends. On the contrary, the system we have now tends to penalize productivity and encourage tax evasion.

The beauty of a flat rate personal income tax lies in its simplicity. If we simplify our tax system so that every American can fill out his or her income tax on the back of a postcard, we would put an end to the huge and burdensome tax avoidance industry.

The IRS estimates that as much as $100 billion disappears into the so-called underground economy each year because of widespread dissatisfaction with the system. I believe that many of the people who utilize the underground economy do so because the system encourages them. These are citizens who have been forced underground by oppressive taxation and an overly complex tax system.

Mr. President, the beauty of a flat tax is more than skin deep, as the adage goes. A flat rate tax would lower marignal tax rates for all Americans and put an end to inflation-induced bracket creep.

Economist Michael Evans recently performed an econometric computer analysis of the effects on work saving if we adopted a 17-percent flat rate income tax. He estimated that work effort would increase by 3.3 percent and saving and investment would increase by $64 billion per year. This would raise the productive capacity of the economy by about 5 percent, which would generate approximately $150 billion additional GNP at 1981 levels.

Mr. President, a flat rate income tax system would also promote equity. The current tax schedule attempts to accomplish socially oriented policy objectives by channeling income and investment into supposedly desirable activities. Unfortunately, built-in structural impediments make the system much less progressive than many people think. The result is nonsensical. Too many people spend their time and money seeking ways to avoid taxation. I firmly believe that wealthier taxpayers would pay more income taxes under a flat rate system, even at a lower rate.

Mr. President, the notion of a tax system that is simple, understandable, and even-handed is catching on. Opinion polls indicate growing discontent with the current system. As more attention focuses on the flat rate tax, its popularity builds. Congress has responded with a dazzling array or reform proposals. At last count, 11 bills aimed at simplifying the Internal Revenue Code were pending, eight in the House and three in the Senate. I am revising the proposal I introduced last year, and hope to have it ready early this fall.

Despite the mounting interest in flat rate reform, I am afraid too much attention has been given to differences in the various ideas, and too little attention has been given to their similarities. Disagreement of the fine print has paralyzed debate and obscured the genuine merit of the flat rate income tax.

I am offering this resolution to draw attention once again to the need for flat rate reform. It sets out certain findings about our current system, findings I believe most, if not all, Members of the Senate can agree with. Furthermore, it lays down certain principles that are common to many of the flat tax proposals that have been offered in Congress. The resolution makes no attempt to establish which, if any, deductions, credits or exclusion should be retained. Nor does it attempt to establish any particular flat rate. Once we get general agreement on the basics, I hope we can then fully discuss the specifics.

I urge my colleagues to consider this proposal and join me in working for its passage.

Mr. D'AMATO. Mr. President, I rise today in support of a resolution introduced by my distinguished colleague from North Carolina (Mr. HELMS). This resolution would express the sense of the Senate in support of the principles of a flat rate individual income tax.

The Internal Revenue Code contains a myriad of loopholes through which individuals can escape paying income taxes. The code is a complex and confusing set of regulations that provides no sense of equity. As it stands now, only the wealthy can afford to hire the necessary accountants and lawyers to discover ways of avoiding income taxes. The working class does not enjoy this luxury and, thus, pay more than their fair share of income taxes. A flat rate income tax would alleviate the problem of the less affluent carrying more of a burden than the wealthy.

In addition, a flat rate tax system would eliminate bracket creep. Bracket creep is a cruel tax borne primarily by the middle class. Inflation pushes the typical American worker into a higher marginal tax bracket because of the impact of inflation on wages. In the end, take home pay is diminished. The wealthy are unaffected but the little person is unduly burdened.

What has been the effect of an individual income tax system that provides no equity? A subterranean economy of immense proportions has developed. It is estimated that $100 billion of income annually goes unreported to the IRS. This is clearly a result of the general dissatisfaction with the current tax structure.

Since the Tax Code now encourages individuals to avoid taxes, policymakers have begun to look for ways to squeeze revenues from, heretofore, protected sources. Paramount in my mind are recent efforts to directly tax previously sacrosanct municipal bonds. This effort was initiated in the social security bailout package. In the bailout package, a ridiculous provision requires the inclusion of tax-exempt interest for determining taxation of social security benefits. This is just the first step leading to direct taxation of all State and local bonds. Taxation of municipal bonds will not occur if the Tax Code is changed to effectively and equitably raise the intended amount of revenues while providing equity.

Mr. President, passage of this resolution would put the Senate on record in support of a flat rate individual income tax structure. The prime beneficiaries of such a reform would be both the middle class and the Federal Treasury.

SENATE RESOLUTION 206—RELATING TO ACCIDENTAL NUCLEAR WAR CAUSED BY ACTS OF TERRORISM

Mr. GLENN (for himself and Mr. TSONGAS) submitted the following resolution which was referred to the Committee on Foreign Relations:

S. RES. 206

Whereas acts of international terrorism have taken place with increasing frequency in recent years; and

Whereas such acts have been committed at times by groups with no visible or traceable support to the government of any country; and

Whereas there is increasing concern that a terrorist group could obtain or fabricate a nuclear weapon; and

Whereas the detonation of a nuclear explosive device by a terrorist group within territories deemed essential by the United States or the Soviet Union to their national integrity or national security would dangerously heighten tensions and possibly trigger nuclear war; and

Whereas it is in the interests of both the United States and the Soviet Union to prevent the triggering of nuclear war: Now therefore, be it

Resolved, That the President should take the necessary steps to negotiate an agreement between the United States and the Soviet Union, either in conjunction with current arms control negotiations or through separate negotiations, providing for mutual cooperation to deal with the threat of accidental nuclear war caused by acts of terrorism.

Mr. GLENN. Mr. President, on behalf of myself and Senator PAUL TSONGAS I rise to introduce a resolution concerning the prevention of nuclear war stemming from terrorist activities. Mr. President, over a period of many years the United States and Soviet Union have searched for ways to reduce international tension and make the possibility of nuclear war less likely. The Partial Test-Ban Treaty, the treaty banning weapons of mass destruction from outer space, the Tlatelolco Treaty, the Seabed Treaty, the NPT, and Salt I, were all designed to move us back from the brink and to get some control over the ever widening arms race. More recently, the Salt II negotiations and the present START talks represent continuations of past activity to make war more distant. There is now widespread recognition of both sides that there will be no winners in a full scale nuclear exchange, and it is therefore in the interests of both superpowers to do everything possible to assure that such an exchange will never happen.

We have, in cooperation with the Soviets, established a communication link between us, the so-called hotline, so that we can exchange information quickly and efficiently concerning events that may be subject to misinterpretation. But as the numbers of warheads has risen and their accuracy has improved, concerns have been raised on both sides about counterforce capabilities, leading to the possible placing of nuclear forces on more of a hair-trigger than was the case previously. Under such conditions it is particularly important that the United States and the U.S.S.R. examine all contingencies that could conceivably lead to the launching of nuclear weapons by one side or the other. One such contingency that ought to be given more attention than it has in the past is that of nuclear terrorism.

It is becoming apparent that there is a growing interest in the malevolent use of nuclear materials in the world. The number of incidents involving nuclear threats of one kind or another has grown steadily. Within our borders, the United States has established the so-called nuclear emergency search teams (NEST), which are dispatched to look for nuclear weapons or nuclear materials in connection with a received threat. These teams have been called out at least 14 times since being established in 1974.

As we look at political conditions abroad, especially in some of the countries which we are most worried about in terms of the spread of nuclear weapons, it is clear that we cannot predict exactly in whose hands nuclear weapons may fall. One need only consider what might possibly have happened in the course of the rushed evacuation of the Shah and his supporters from Iran if nuclear weapons had been stockpiled there. For this reason, it is not in the realm of impossibility to suppose that subnational groups could be in possession of nuclear weapons at sometime in the future. Under such conditions, the potential for such groups to trigger nuclear war is considerably high.

We have had many periods of particularly high tension between the United States and the Soviet Union since the end of World War II. Imagine what could happen in the future if we were once again in such a period and during this time a subnational group, having come into possession of nuclear weapons, were to detonate a device in the United States or the U.S.S.R. or in an area deemed essential to the national security of either side. Could we be sure that the result of such an act would not be a nuclear exchange between the superpowers?

Some would argue that this is a hypothetical situation that is not likely to become a realistic threat for many years into the future. That may well be true, although there are disagreements among experts as to how long it will take before we see the first real nuclear threat by a subnational group. But in any case, I do not believe that we have the luxury of ignoring this possibility. Accordingly, my resolution calls on the President to initiate the negotiation of an agreement between the United States and the Soviet Union, either in conjunction with current arms control negotiations, or through separate negotiations, to provide for mutual cooperation in dealing with the threat of accidental nuclear war caused by acts of terrorism.

We will undoubtedly continue to have problems with the Soviets in many areas which, in some cases, could result in the heightening of tension between us, but we must do everything possible to insure that the ultimate step is not taken by either side. Both countries have had rational leadership which has enabled us to keep the peace since the end of World War II. We must insure that the activities of irrational elements are not able to take advantage of our nuclear fears and our lack of contingency planning to trigger World War III.

In a recent book entitled "Nuclear Hostages," the author, Mr. Bernard J. O'Keefe, who is chairman of the National Association of Manufacturers and chief executive officer of EG&G Inc., present a personal history of the development of the nuclear age in the United States, and has some important observations to make about arms control and the reduction of international tensions. In one passage, Mr. O'Keefe states that, "We, the citizens of the United States, must realize that we and the citizens of the Soviet Union are held together in mutual

bondage, as hostages to the nuclear threat.

Mr. O'Keefe is right on the mark. It is important that the threat be reduced and eventually eliminated. As part of that effort, we and the Soviets must have a common understanding of how we will avoid nuclear war as a result of terrorist activities exploiting our mutual hostage status. The resolution I am introducing, if adopted and acted upon by the President, would begin the process of achieving that understanding.

SENATE RESOLUTION 207—RELATING TO THE USE OF CHEMICAL AND TOXIN WEAPONS

Mr. QUAYLE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 207

Whereas, there is the strongest evidence that lethal and incapacitating chemical and toxin weapons have been used by the Soviet Union and its allies against innocent civilians in Afghanistan, Laos, and Kampuchea in violation of basic human rights;

Whereas, the Geneva Protocol of 1925 and customary international law prohibits the use of chemical weapons, and the Biological and Toxin Weapons Convention of 1972 bans the existence of toxin weapons;

Whereas, the use of chemical and toxin weapons is a clear violation of human rights, international law and arms control treaties, with the widest ranging implications: Now, therefore, be it

Resolved, that the Senate—

(1) condemns the Governments of the Soviet Union and its allies for using, or condoning the use of, inhumane and illegal chemical and toxin weapons; and

(2) declares its support for—

(A) the United Nations efforts to continue to investigate information concerning activities that may constitute a violation of the Geneva Protocol of 1925;

(B) the recommendation of the 37th United Nations General Assembly that the parties to the Biological and Toxin Weapons Convention of 1972 hold a special conference to strengthen that treaty's compliance procedures; and

(C) the President's efforts to negotiate, at the 40 nation Committee on Disarmament, a comprehensive and effectively verifiable multilateral treaty which bans the development, production, stockpiling, or transfer of chemical weapons, and which includes a comprehensive mechanism for ensuring compliance.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President, to the Secretary of State, to the Director of the Arms Control and Disarmament Agency, to the Secretary General of the United Nations, and to the President of the Soviet Union.

Mr. QUAYLE. Mr. President, the use of chemical and toxin weapons in Afghanistan, Laos, and Cambodia is a heinous crime against humanity. Though there are still some who refuse to acknowledge the fact that these weapons are being used, the evidence is irrefutable.

Today at noon the State Department released a new report that they are sending to the United Nations Secretary General outlining further scientific evidence that chemical and toxin weapons have been used in Laos and Kampuchea. This report is based on the scientific analysis of a series of blood samples drawn from victims of several different toxic attacks.

Attacks are described in the report where the death toll mounted to 44 within 2 to 5 days of exposure to the chemical agents. These particular attacks took place in January 1982 and were carried out by aircraft.

On February 15, 1982, another series of chemical attacks took place against several H'mong villages. An estimated 85 to 100 people died. Most of the villagers' chickens and half of their pigs also died.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT COVER LETTER TO U.N. SECRETARY GENERAL

I have the honor to submit, enclosed, a further report on the use of chemical and toxin weapons which contains new evidence available to the United States. It is based on the scientific analysis of a series of blood samples drawn from victims of earlier toxic attacks in Laos that were frozen for future analysis, as well as blood samples drawn from victims of a toxic attack in Kampuchea in March of this year.

We have, over the past three years, submitted a series of reports presenting the evidence in detail. The United States continues to be deeply concerned over the use of chemical and toxin weapons in flagrant violation of international conventions and international law. In view of the concerns of members of the United Nations as expressed in General Assembly resolutions 35/144 C, 36/96 C, 37/98 D, and 37/98 E, and in view of the study presently being conducted under your direction on means of dealing with allegations of use of chemical, biological, and toxin weapons, I request that the enclosed report be circulated at an early date as an official document of the General Assembly.

FURTHER REPORT ON USE OF CHEMICAL AND TOXIN WEAPONS—NEW EVIDENCE AVAILABLE TO THE UNITED STATES

The United States continues to receive and analyze disturbing evidence and reports of use of chemical and toxin warfare agents in Laos, Kampuchea and Afghanistan. The use of these weapons is a flagrant contravention of two major international agreements and customary international law.

In an ongoing effort to call world attention to the problem, and to secure a halt to the use of these weapons, the United States has periodically released its evidence. Over the past two years, biomedical samples (blood, urine, or tissue) from victims have been analyzed in American laboratories for the presence of T2 and HT2 trichothecene toxins. To date, biomedical samples from 20 victims of eight separate toxin weapon attacks in Laos and three separate attacks in Kampuchea have been shown to contain trichothecene toxins. Control samples, taken from similar individuals who had not been subjected to toxin agent attack, were negative. Additional samples from victims and controls have been collected over the past year and are currently under analysis employing newly developed, more sophisticated, increasingly sensitive, state-of-the-art techniques. The complexity of trichothecene analysis in biomedical samples has necessitated development of new techniques and analytical procedures, a lengthy and tedious process. The levels of trichothecenes detected cannot be attributed to any known natural phenomena. Previously reported analysis results of biomedical and other data may be found in earlier United States submissions.

The following is an account of the results of the analysis of four additional sets of blood samples.

On November 6, 1981, a Lao resistance fighter was injured by a toxic agent grenade in northern Vietiane Province of Laos. Following the blast he experienced severe eye irritation and tearing and was blinded for approximately 30 minutes. Within a few hours, and continuing over a period of several days, he experienced the development of hundreds of small (2 to 5 mm) fluid filled blisters on the exposed areas of his upper torso and edema of the head and neck.

He was assisted to the Nong Khai Hospital in Thailand where the camp physician and a U.S. physician examined him on November 11 (5 days after the attack) and noted the blisters and mild conjunctivitis in both eyes. Blood samples were drawn at that time, chilled and maintained on ice during transit to the U.S., and frozen for future analysis.* Two blood samples, analyzed at the U.S. Army Chemical Systems Laboratory for the presence of traditional chemical agents, were negative for such agents. Three blood samples were submitted to a private U.S. laboratory for analysis by gas chromatograph-mass spectrometer (GC-MS) technique for the presence of trichothecenes. Detectable levels of T2 and HT2, a metabolite of T2, were found in all three samples of the victims' blood as follows:

	Parts per billion	
	T-2	HT-2
Sample No:		
1	9	6
2	10	6
3	9	5

On 24-26 March 1982, at the Nong Khai refugee camp in Thailand blood samples were drawn by U.S. and camp medical personnel from H'Mong refugees who reported symptoms as a result of exposure to aircraft-delivered toxic agent warfare attacks in Laos on the 3rd, 11th and 16th of January 1982.

Symptoms reported by the victims included: headache, nausea, vomiting with blood, diarrhea with blood, weakness, vertigo, drunklike sensations, and visual disturbances. As a result of the attacks, of 154 people involved, 44 died within 2 to 5 days of exposure. Analysis of a blood sample from one of the surviving victims, a 10-year old boy, for T2 and HT2 trichothecene

* Due to the volume of samples received and the limited capacity of the laboratories conducting the analyses, it has been necessary to freeze some biomedical samples while higher priority samples were analyzed. Since only one victim was sampled in this attack, it initially received a low priority.

toxins revealed the presence of 32 ppb HT2. This victim also was suffering form malaria and showed a depressed white cell count of 4,200. The blood samples were handled in the same manner as above, and analysis was performed at the same private U.S. laboratory using identical GC-MS techniques.

Also on 24-26 March 1982 at the Nong Khai camp, blood samples were drawn from four H'Mong who had been exposed to attacks on 15 February 1982 in Laos. The survivors reported that two attacks were directed against several villages with a collective death count estimated to be between 85-100 people. Most of the villager's chickens and half of their pigs also died. Rice, tapioca, and other crops were affected as well. Symptoms reported by the victims included: fever, headache, nausea, vomiting, diarrhea, double vision, coughing, chest pain, eye irritation and tearing, hearing difficulty, fatigue, and jaundice.

Blood samples from these victims were handled and analyzed as with the others, for the presence of T2 and HT2 trichothecene toxins. The blood of one of the victims showed the presence of 28 ppb T2 and 16 ppb HT2 toxin. This individual, a 35-year-old male, had also been exposed to a previous toxic agent attack in mid-December 1981.

Blood was drawn at the same time from three control individuals in the camp who had not been subjected to a toxic agent attack. These control samples were analyzed for T2 and HT2 trichothecene toxins with negative results.

On March 20, 1983, at Khao Din refugee camp in Thailand, near the Kampuchean border, three young Kampuchean women aged 18, 19 and 25, complaining of effects of a toxic agent, were examined by physicians. The three victims complained of symptoms typical of past trichothecene toxin exposure victims. They had become ill on March 9 after passing through an area in Kampuchea reported to have been subjected to a toxic agent attack on March 4 and 5. Blood samples were drawn from each victim and from two control individuals who were living in the same area under the same conditions as the victims, but who had not been exposed to any toxic agent.

The blood samples were analyzed by a private United States laboratory for the presence of T2 and HT2 toxins. One of the victims still had detectable levels of both T2 and HT2 (19 ppb T2 and 32 ppb HT2 respectively) in her blood. Blood samples from both control individuals were negative for both toxins.

All samples were submitted on a blind, coded basis to a private United States laboratory. Blood samples were precipitated with acetone and filtered. The filtrate was evaporated to dryness, dissolved in methanol:water (1:19, v/v) and passed through a XAD-2 column. The 90 percent methanol eluate was collected and dried on a steam bath. The samples were analyzed on a HP-5985B gas chromatograph-mass spectrometer data system.

Mr. QUAYLE. Mr. President, these are documented cases with scientific evidence. What more is needed to convince the naysayers that these heinous crimes are taking place. I am not a scientist, but these findings combined with past scientific results as well as all the other information that is available leaves no doubt that these illegal weapons have been used. They were used against men, women, and children whose only crime is wanting to be left alone and not wanting to be dominated by repressive totalitarian regimes.

The United States has been outspoken in its call to bring these inconceivable horrors to the forefront of world opinion. Some countries and many people have said we should not be so bellicose in our outrage. Others have said it is an intelligence problem that should not be openly discussed, and still others wish that we would ignore these violations of human rights, international law, and arms control treaties. These people and countries are wrong.

The H'mong in the highlands of Laos have no constituency to cry out for them. The men, women, and children in the jungles and plains of Cambodia have no constituency to plead to world opinion to call a stop to these unwarranted attacks. And, the freedom fighters in Afghanistan have no constituency to stand up and say the Soviets have broken treaties and international law which they agreed to.

Mr. President, I submit to you that this Congress and this Government should be the constituency which speaks for these defenseless people. For too long there has been a deafening silence coming from these Chambers.

For this reason, I am introducing a resolution which condemns the governments of the Soviet Union, Afghanistan, Vietnam, and Laos for using or condoning the use of chemical and toxin weapons. The resolution also declares support for three initiatives that are presently underway.

The first is the United Nations efforts to continue investigating reported violations of the Geneva Protocol of 1925.

The second is the U.N. General Assembly recommendation to convene a special conference for the signatories of the Biological and Toxin Weapons Convention of 1972 to strengthen that treaty's compliance procedures.

And finally, it declares the Senate's support for the President's efforts to negotiate a comprehensive and effectively verifiable multilateral treaty banning the development, production, stockpiling, or transfer of chemical weapons.

Mr. President, there are reports filtering out of Laos, Cambodia, and Afghanistan that these weapons are still being used. On June 27 the Foreign Broadcast Information Service, FBIS, reported that there was an article in the Bangkok Post on June 25 stating that nearly 300 H'mong hill tribe people crossed the Mekong River, which separates Thailand from Laos, seeking shelter from "chemical bomb attacks."

The report says that a village on Phou Bai Mountain was attacked for 4 consecutive days by a Vietnamese plane which dropped poisonous chemical bombs.

In the July 13 FBIS there is another report describing a Laotian helicopter dropping yellow powder on to two Lao villages.

These are just two recently reported attacks. It is difficult to know exactly how accurate this information is, but when it is combined with our intelligence, it is enough to convince me that these attacks have not stopped.

At present there are two international treaties, the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention, which are supposed to protect the world from chemical, biological, and toxin weapons. From the amassed evidence, it is clear the Soviet Union and its client states: Afghanistan, Laos, and Vietnam are not abiding by these treaties. In fact, they are blatantly ignoring them.

Yet these treaties were reached because the majority of the nations of this world realized the danger of such potentially devastating and inhumane weapons of war. They were agreed to so the very atrocities that are happening in the mountains of Laos, the jungles of Kampuchea, and the rocky terrain of Afghanistan would never take place.

The 1925 Geneva Protocol was a direct result of the use of poisonous gases in World War I. To delve into history briefly, dusk was approaching on April 22, 1915, when the Germans let loose the first greenish cloud of chlorine gas. They had released 168 tons of it. The gas slowly drifted across the French lines at Ypres catching the soldiers in the trenches unaware. Panic ensued as the burning gas caused unspeakable pain and for many a slow and tortuous death. The number of dead and injured in that first attack range up to 15,000 injured, 5,000 of them fatally. During the course of the war, it is estimated about 1 million people suffered or died as a direct result of the use of chemical weapons.

The cries of agony from that war led to the Geneva Protocol which outlaws the use in war of "asphyxiating, poisonous, or other gases, and all analogous liquids, materials, and devices." It also bans bacteriological warfare. But, it does not prohibit the possession of any of these lethal agents. The Soviet Union, Vietnam, the United States and some 115 other nations have signed the protocol.

In 1969, President Nixon unilaterally decided to dispose of the U.S. stockpiles of biological weapons. Then on April 10, 1972, the "Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction," otherwise known as the 1972 Biological and Toxin Weapons Convention, was

signed in Washington, London, and Moscow. It was ratified by the Senate on March 26, 1975. The convention was signed by the Soviet Union, Afghanistan, Laos, Vietnam, and over 100 other countries. As the convention's title suggests, it bans the development, production, stockpiling, transfer or possession of biological and toxin weapons.

These two treaties are supposedly binding, yet even more important are the moral prohibitions against using these weapons. Perhaps President Franklin D. Roosevelt expressed it best when he said that their use "has been outlawed by the general opinion of civilized mankind."

The Geneva Protocol and the Biological and Toxin Convention exist to protect all nations from these heinous weapons. The ban on the use of chemical weapons has, by reason of the practice and affirmations of states, become a part of the rules of customary international law which are binding on all states. Yet today, the Soviet Union and a few of its client states are showing contempt for these international treaties and for human life and decency.

The reappearance of these weapons of terror came in 1975 when H'Mong tribesmen from the mountainous regions of Laos started fleeing to Thailand and describing a strange new phenomenon, "yellow rain." They described planes flying overhead and releasing yellow clouds that would fall upon them, landing like rain drops on their villages and fields, bringing death, illness, pain, and panic.

In 1978 similar reports began coming from Kampuchea and then in 1979 they started emerging from Afghanistan.

At first these reports were not taken seriously, but they should have been. What some tried to shrug off as a natural phenomenon, was in reality the result of a cold and calculated decision by the Soviet Union and its allies to use deadly and incapacitating chemical and toxin weapons against innocent men, women, and children.

Mr. President, we in Congress have been all too quiet on these clear violations of human rights, international law, and arms control treaties. This is why today I am introducing this resolution. It is time we as a body reaffirmed our abhorrence to these weapons, condemned the instigators and showed our support for what is being done to ban them from existence.

The first reports from H'Mong refugees describing yellow rain were scattered and generally ignored or not believed. But, as time passed the reports continued and evidence began to mount; this was true in Laos, then Kampuchea and finally in Afghanistan. Today, there is a preponderance of evidence that chemical and toxin weapons have been used as weapons of terror to drive H'Mong, Khmer, and Afghans from their homeland.

This convincing evidence comes from numerous sources that have been documented and verified. There are too many similarities in reports from refugees in Indochina and Afghanistan to ignore. They come from victims of the attacks as well as eyewitnesses.

Doctors treating survivors of attacks thousands of miles apart also report similar after-effects: hoarse voices, vision impairment, weakness, lung disorders, and skin lesions. The symptoms that are documented in these two different areas of the world are too alike to be coincidences.

Refugee workers and journalists, including Sterling Seagrave who wrote the book titled "Yellow Rain" have openly commented or written about the use of chemical weapons.

Since 1979, hundreds of physical and biological samples have been collected from Southeast Asia, and since May 1980 from Afghanistan. The physical samples include vegetation, viles of liquid and shell fragments, while the biological samples include skin tissue and body fluids. Many of these samples have been analyzed and tested by U.S. Government laboratories and by those of independent American universities.

The analysis of many of the samples reveal evidence of mycotoxins of the trichothecenem group. A toxin is a chemical poison which is usually produced in nature by living organisms, but also can be produced synthetically. The symptons generally associated with these toxins are severe itching, blistering, vomiting, and hemorrhaging. These are the same symptons reported by the victims of attacks in Southeast Asia and Afghanistan.

The evidence released today by the State Department is just further proof that chemical and toxin weapons are being used.

The United States is not alone in its investigation of these violations of human rights and international treaties, as the Canadian Government has been active. Several studies have been done on this issue. One was an independent Canadian investigation done by Dr. Harold Schiefer, chairman of the Toxicology Group at the University of Saskatchewan was asked to do the study. He went to Thailand in February 1982. His report states:

> It appears that a number of agents or a combination thereof have been employed, one being generally known as "Yellow Rain." Most of the features described with "Yellow Rain" are consistent with trichothecene mycotoxicosis.

Mr. President, suffice it to say the technical evidence is there for those who still have doubts. I know there are many naysayers. But, if they look at all the evidence, which includes the scientific analysis, sanitized intelligence, refugee reports, the reports from doctors, refugee workers, and journalists; I find it hard to believe they can still be doubters.

Now the question arises as to where these chemical and toxin weapons come from as neither Vietnam, Afghanistan, or Laos has the capability to develop or produce the majority of these sophisticated chemical agents and toxins. The obvious answer is that the Soviet Union supplies the countries with the weapons. In fact it is the only Communist country which has the industrial facilities and chemical warfare research capable of producing such weapons in such quantities.

Our intelligence links the Soviets to supplying and/or directly or indirectly using these chemical and toxin weapons in Afghanistan and Southeast Asia. There are also numerous Soviet military advisers in the countries where these weapons are being used. Some of the advisers are from the Soviet Chemical Corps.

These weapons are being used by the Soviets and their clients to end resistance movements which are operating from relatively inaccessible jungle or mountainous terrain. They provide a cheap and easy way to attack forces that have no protection from them and cannot retaliate in kind. These chemical agents can do more harm than conventional weapons and their use saves lives and material.

Soviet military doctrine even teaches that chemical weapons are an effective and acceptable means of warfare. Al Santoli's article in the July 26 edition of Parade magazine accurately describes this.

These weapons of terror can subdue entire villages by making the people sick immediately or over a period of time. They contaminate food supplies and water sources and cause both near- and long-term health problems. These weapons are indiscriminate in that they kill or injure innocent men, women, and children. The reports are that old people and children suffer the most and are most easily affected.

Mr. President, the use of these weapons not only violate the basic human rights of these poor people who are being gassed and attacked, but they also have a tremendous impact on arms control with implications that affect all arms treaties.

If the Soviets so callously violate these two treaties, how are they to be trusted with others? This is one of the reasons other countries are extremely hesitant to come out and openly support the U.S. contentions that chemical and toxin weapons are being used. They are afraid of the implications. Yet the Soviets must be made to abide by the agreements they sign.

One of the ways to do that is by continuing to focus world attention on what is happening and thus cause world opinion to weigh against the So-

viets. I do not believe this resolution will begin to do that, but it is a step in the right direction. It puts the Senate on record as condemning these actions, but as stated earlier, it also declares the Senate's support for three initiatives that the administration has undertaken in trying to stop the use and proliferation of these weapons.

First it declares the Senate's support for the U.N. efforts to investigate the allegations that chemical and toxin weapons are being used in Southeast Asia and Afghanistan. A report by the U.N. Experts Group concluded "It could not disregard the circumstantial evidence suggestive of the possible use of some sort of toxic chemical substance in some instances."

The United Nations has established a group of experts to investigate potential violations of these international treaties. They have had several meetings to coordinate future efforts and to provide acceptable guidelines. The members of this group are serious and I believe can provide a useful mechanism for carrying on an international investigation, provided they are allowed to do so by the countries that are accused of the violations.

This resolution also declares its support for the U.N. General Assembly's resolution which called for the signatories of the Biological and Toxin Weapons Convention of 1972 to reconvene to strengthen the treaty's compliance procedures.

Most importantly, this resolution supports the President's efforts to negotiate a comprehensive and effectively verifiable multilateral treaty which bans the development, production, stockpiling, or transfer of chemical weapons. This is being debated in Geneva at the 40 nation Committee on Disarmament. This treaty would include a comprehensive mechanism for insuring compliance.

Mr. President, it is only when such a treaty is accepted and ratified by the nations of the world that we will know we are safe from these weapons of pain and death. The men, women, and children of Afghanistan, Laos, and Cambodia have suffered and died from these weapons. The world will be forever haunted by the cries of these people unless an agreement is reached. Their anguished pleas to stop the yellow rain from falling must not be met with deaf ears.

Until such a treaty is reached, we in the United States must continue to speak out and provide the world with evidence of these crimes. I commend the State Department for releasing this new information, and I encourage them to continue with their efforts. There are many dedicated and unheralded genuine heros who have been responsible for getting out the information while others have preferred to stand mute. They have my utmost respect and admiration.

Mr. President, I hope my fellow Senators will join me as cosponsors of this resolution. If they are not convinced that these weapons are being used, then they should ask for briefings from the appropriate agencies. After these, I feel certain they will come to understand the true horrors that have been inflicted on innocent people.

These violations of human rights, international law, and arms control treaties must stop. We in the Senate must do our part. If we do not, we are not living up to our responsibilities as Senators, or as human beings.

AMENDMENTS SUBMITTED

DAIRY PRODUCT STABILIZATION ACT OF 1983

PRESSLER AMENDMENTS NO. 2117 AND 2118

Mr. PRESSLER submitted two amendments to the bill (S. 1529) to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion, to adjust the support levels for the 1983 and subsequent crops of tobacco, to make modifications in the tobacco production adjustment program, and for other purposes, as follows:

AMENDMENT No. 2117

On page 19, line 14, insert "(1)" after "(on)".

On page 19, line 18, insert after "productivity" the following: "and (2) the feasibility of imposing a limitation of the total amount of payments and other assistance a producer of milk may receive during a year under section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446 (d))".

AMENDMENT No. 2118

On page 20, line 21, insert ", and imported into," after "in".

On page 27, line 5, insert "and each person importing milk or milk products into the United States" after "the producer".

On page 27, line 8, insert "or by the importer" after "producer".

CRITICAL AGRICULTURAL MATERIALS ACT

PRESSLER AMENDMENT NO. 2119

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of quayule rubber, and to broaden such program to include other critical materials, as follows:

On page 11, line 23, insert "(1)" after "(b)".

On page 12, between lines 5 and 6, insert the following new paragraph:

(2) (A) As used in this paragraph, the term "family farm" means a farm which is operated only by a producer and the immediate family of the producer.

(B) If the Secretary exercises the authority provided in paragraph (1) with respect to the 1984 or 1985 crop of wheat, corn, upland cotton, or rice, in the case of a producer who operates a family farm or produces less than the maximum amount prescribed by the Secretary of such commodity in the crop year concerned, the Secretary may prescribe that the established price for the 1984 or 1985 crop of wheat, corn, upland cotton, or rice, as the case may be, used to make payments to such producer shall be no less than the minimum established price prescribed in the sections referred to in paragraph (1).

HYDROELECTRIC POWERPLANT AUTHORIZATION

HECHT AMENDMENT NO. 2120

Mr. BAKER (for Mr. HECHT) proposed an amendment to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes, as follows:

1. Section 1: On page 1, above line 3, insert the heading "Title I".

On page 1, line 3, delete the words "That the" and insert in lieu thereof "Sec. 101. The".

On page 2, line 5, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 7, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 11, after the word "of" insert the words "Title I of".

On page 2, line 13, delete the numeral "4" and insert in lieu thereof "104".

2. Section 2. On page 2, line 17, delete the numeral "2" and insert in lieu thereof "102".

On page 2, line 20, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 23, delete the numeral "4" and insert in lieu thereof "104".

On page 3, line 1, delete the words "or uprating".

On page 3, line 2, after the words "authorize in" insert "section 104 of".

3. Section 3: on page 3, line 3, delete the numeral "3" and insert in lieu thereof "103".

On page 3, line 4, after the words "authorize in" insert "section 104 of".

4. Section 4: On page 5, line 7, delete the numeral "4" and insert in lieu thereof "104".

5. Section 5: On page 6, line 9, delete the numeral "5" and insert in lieu thereof "105".

On page 6, line 10, delete the numeral "4" and insert in lieu thereof "104".

On page 6, line 14, after the words "provisions of" insert "Title I of".

On page 7, line 10, delete the numeral "4" and insert in lieu thereof "104".

6. Section 6 : On page 8, line 1, delete the numerals "6" and "4" and insert in lieu thereof "106" and "104" respectively.

7. Section 7: On page 8, line 6, delete the numeral "7" and insert in lieu thereof "107".

On page 8, line 8, delete the numeral "4" and insert in lieu thereof "104".

8. Section 8: On page 9, line 19, delete the numeral "8" and insert in lieu thereof "108".

On page 9, line 22, delete the numeral "4" and insert in lieu thereof "104".

On page 10, line 3, delete the numerals "2" and "3" and insert in lieu thereof "102" and "103" respectively.

On page 10, line 6, delete the numeral "4" and insert in lieu thereof "104".

9. On page 10, after line 14, insert the following:

SEC. 109. The provisions of this Title I shall not apply to any project authorized or affected by Title II of this Act.

TITLE II

SEC. 201. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter "Uprating Program"); and to improve parking, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter "Visitor Facilities Program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon Project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 202. (a) Clause (1) of subsection (c) of section 403 of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1543(c); 82 Stat. 894) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in Title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona Project;

(b) Clause (2) of said subsection (c) is revised by inserting immediately preceding the existing proviso:

"Provided, however, That for the Boulder Canyon Project commencing June 1, 1987, and for the Parker-Davis Project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona Project described in section 301(a) of this Act, the Secretary of Energy shall provide for such surplus revenues by including the equivalent of 4½ mills per kilowatt-hour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent of 2½ mills per kilowatt-hour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided, further,* That after the repayment period for said Central Arizona Project, the equivalent of 2½mills per kilowatt-hour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:"

SEC. 203. The Boulder Canyon Project Act of 1928 (43 U.S.C. 617 *et seq.;* 45 Stat. 1057), as amended and supplemented, is further amended:

(a) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(b) In section 3, by deleting "$165,000,000" and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the Uprating Program and the Visitor Facilities Program."

SEC. 204. The Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 *et seq.*, 54 Stat. 774), as amended and supplemented, is further amended:

(a) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a), and insert in lieu thereof "beginning June 1, 1937".

(b) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(c) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and", and by adding subsection (e) to read:

"(e) To provide revenues from and after June 1, 1987, for application to the purposes specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented."

(d) In section 2:

(1) By deleting the first sentence and subsection (a) and inserting in lieu thereof:

"All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations acts;" and

(2) By deleting existing section 2(e) and inserting in lieu thereof a new section 2(e) reading:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by Title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act."

(e) By deleting the final period and placing a colon at the end of section 6 and adding:

"Provided, That on appropriated funds advanced, respectively, for the Uprating Program and for the Visitor Facilities Program as defined in section 201(a) of [S. 268], the rate of interest for advances for each shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the initial advance for the particular program involved is made, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue."

(f) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

SEC. 205. (a) Capacity resulting from the Uprating Program and associated energy shall be allocated for use in Arizona, California and Nevada in the respective amounts specified in the applicable power marketing criteria promulgated by the Secretary of Energy. Such allocated capacity and associated energy shall be disposed of only pursuant to contracts effective June 1, 1987 and expiring on September 30, 2017, between the Secretary of Energy and purchasers in Arizona, California and Nevada eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act: *Provided, however,* That in the case of Arizona and Nevada, such contracts shall be made with the agency designated by state law as the agent of such state for purchasing power from the Boulder Canyon Project.

(b) The Uprating Program authorized under section 201(a) of this Act may be undertaken with appropriated funds or with funds advanced under contracts made with the Secretary of the Interior by non-federal purchasers described in subsection (a) of this section, or a combination thereof. Any funding provided by non-federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(c) Notwithstanding any other provisions of the law, funds advanced by non-federal purchasers for use in the Uprating Program shall be deposited in the Colorado River Dam Fund and shall be available for the Uprating Program.

(d) Those amounts advanced by non-federal purchasers shall be financially integrated as capital costs with other project costs for rate setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the Uprating Program.

SEC. 206. Reimbursement of funds appropriated for construction of facilities authorized under section 201(a) of this Act, inclusive of any funds advanced by non-federal purchasers, shall be a repayment requirement of the Boulder Canyon Project beginning with the first day of the month following completion of the installation, except that the costs of the Visitor Facilities Program as defined in section 201(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

SEC. 207. This Act shall not be construed to either support or prejudice:

(a) claims concerning the existence or scope of any right to renew a contract in effect on the date of this Act for purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program, or

(b) claims concerning the existence or scope of preference in the purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program.

GARN AMENDMENT NO. 2121

Mr. BAKER (for Mr. GARN) proposed an amendment to the bill, S. 268, supra, as follows:

In Title II, Sec. 207, add a new subsection (c) as follows:

(c) Any right to determine by arbitration or court proceedings any dispute or disagreement as to the interpretation or performance of any provisions of this Act or any other laws of the United States in effect on the date of this Act, or the Criteria or Regulations, either to be published or subsequently amended relating in any way to allocation of energy generated at Hoover Dam from capacity existing on the date of this Act or increased capacity resulting from the Uprating Program.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

HATCH AMENDMENT NO. 2122

Mr. BAKER (for Mr. HATCH) proposed an amendment to the bill (S. 1008) to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; as follows:

On page 32, line 18, beginning with "(a)" the first time it appears, strike out through "(c)" the first time it appears on line 3, page 33.

On page 33, line 3, strike out "such Act" and insert in lieu thereof "the Act of September 30, 1950 (P.L. 874, 81st Congress)".

On page 33, line 16, beginning with "Treating" strike out through the period the first time it appears on line 21.

JACK D. WATSON POST OFFICE BUILDING

STEVENS AMENDMENT NO. 2123

Mr. STEVENS proposed an amendment to the bill (S. 1797) to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building"; as follows:

At the end add:

SERVICE OF GOVERNOR UNTIL SUCCESSOR QUALIFIES

SEC. Section 202(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year."

DAIRY PRICE SUPPORTS

COCHRAN AMENDMENT NO. 2124

Mr. COCHRAN proposed an amendment to the joint resolution (S.J. Res. 149) to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States; as follows:

On page 1, line 2, strike out "November 1, 1983" and insert in lieu thereof "October 1, 1983".

COLUMBIA RIVER GORGE ACT OF 1983

GORTON (AND OTHERS) AMENDMENT NO. 2125

(Referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mr. JACKSON, and Mr. HATFIELD) submitted an amendment intend to be proposed by them to the bill (S. 627) to authorize the establishment of a National Scenic Area to assure the protection, conservation, enhancement, and management of scenic, natural cultural and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in achieving this objective, and for other purposes, as follows:

S. 627 is amended by adding at the end thereof the following new Title and renumbering the preceding sections accordingly:

"TITLE II

SEC. 201. TABLE OF CONTENTS.—

Sec. 201. Table of Contents.
Sec. 202. Findings, purposes and policies.
Sec. 203. Definitions.
Sec. 204. Description of area.
Sec. 205. Establishment of the Commission.
Sec. 206. Powers of the Commission.
Sec. 207. Timetable.
Sec. 208. Interim procedures.
Sec. 209. Management Plan for the area.
Sec. 210. Certification of Implemetation Plans.
Sec. 211. Acquisition.
Sec. 212. Federal lands within the area.
Sec. 213. Intergovernmental cooperation.
Sec. 214. Indian rights not impaired.
Sec. 215. Exemptions from the Act.
Sec. 216. Enforcement.
Sec. 217. Jurisdication of the Federal Courts.
Sec. 218. Appeals.
Sec. 219. Mitigation of local revenue losses.
Sec. 220. Authorization of applications.
Sec. 221. Acquisition fund.
Sec. 222. Compliance with Budget Act.
Sec. 223. Literal construction.
Sec. 224. Severability.

FINDINGS AND PURPOSES

SEC. 202. (a) FINDINGS.—The Congress finds that—

(1) the Gorge is a unique national and regional asset containing historic, cultural, community, biological, scientific, economic, geologic and transportation resources which must be maintained for the benefit of all citizens;

(2) the Gorge is an indivisible natural entity which should be viewed as one unit since management or development actions of one agency may have serious impacts on resources such as air and water quality, water flow, soil stability, fish and wildlife habitat and scenic beauty of areas of the Gorge within the jurisdiction of other agencies;

(3) there are more than fifty local, state and federal agencies presently exercising governmental authority in the Gorge which have widely divergent regulations and policies governing development, management and protection of the Gorge, and the existence of so many different and divergent governmental agencies functioning in two states within the Gorge has made unified management of the Gorge difficult;

(4) in order to protect natural, scientific, economic, cultural and other values of federal, state and local government lands and facilities located within the Gorge, there must be a real partnership between all jurisdictions within the Gorge through a management entity having the authority and financial resources to protect and enhance the Gorge's resources;

(5) the Gorge Area contains over 40,000 residents in cities, towns and rural communities. Their right to continue enjoyment of their homes and their economic well-being must be assured.

(6) the scenic, historic, recreational, archaeological, and scientific qualities of the Gorge, particularly those located in the most sensitive and critical lands within the Gorge, deserve identification and protection;

(7) the Gorge is an historic gateway between the Pacific Ocean and the interior of North America traveled by Native Americans, explorers, traders, and pioneers; evidencing human habitation for over 11,000 years, the Gorge Area contains a major navigable waterway used in interstate commerce and is today of commercial and economic importance to the Pacific Northwest and the Nation in terms of transportation, energy production, fishing, agriculture, and recreation;

(8) the Gorge is a spectacular canyon of compelling and majestic beauty formed by the Columbia River, cutting through the Cascade Range which contains magnificent scenic, natural, and recreational resources of regional, national and international significance;

(9) the botanical diversity of the Gorge, ranging from sagebrush and grasslands in the eastern portion to lush rain forests in the west, includes many threatened and endangered species and is unique in the Nation and the world;

(10) because of its unique resources, the Gorge is a natural area for tourism and recreation, and the highways, trails and scenic viewpoints in the Gorge Area are heavily used by residents of the nearby Portland-Vancouver metropolitan area and by visitors from throughout the Pacific Northwest, the Nation, and the world;

(11) competing uses of and human impacts on the Gorge include federal hydroelectric power development, state and interstate highway construction and intense development of port and navigation facilities, farms, orchards, forest production, cities, and towns;

(12) the possibility of urban and suburban development and the lack of coordinated planning and authority within the Gorge have given rise to the fear of a threat to the preservation of this unique natural resource;

(13) state and federal agencies and private parties undertake land management and development activities such as timber harvesting, development of energy and transmission facilities and highway construction which impact the physical appearance of the Gorge Area and have a substantial effect on interstate commerce;

(14) federal and state government agencies and local governments currently lack the financial and technical resources and areawide planning authority necessary to protect and enhance the unique resources of the Gorge and to resolve existing and potential differences between and inconsistent actions taken by those government agencies and citizens involved in developing, planning for, protecting and enhancing the Gorge;

(15) numerous comprehensive studies of the Gorge have been done by federal and state agencies and commissions detailing the resources of and threats to the Gorge Area which have concluded that unified management of the Area is essential to its continued viability;

(b) PURPOSES.—The purposes of this title are—

(1) to protect and enhance the scenic, cultural, and natural resources of the Columbia River Gorge, including sensitive habitats of threatened and endangered species of flora and fauna and critical and sensitive lands, while providing for public enjoyment, enhancement of local communities, and continued commerce;

(2) to protect, conserve, and enhance the scenic, natural, cultural and other values of existing federal, state and local government property located in the Gorge, including lands owned or controlled by the numerous Departments of the United States Government and the States of Oregon and Washington;

(3) to enhance the well-being of residents and encourage continued growth and vitality of existing municipalities, homes and businesses in the Gorge Area;

(4) to establish a single management entity charged with providing for and managing the public use and enjoyment of the Columbia River Gorge in a manner consistent with natural resource protection and maintenance of the existing landscape, including establishment, acquisition, maintenance, and operation of public recreation, natural areas, and tourist and interpretive facilities to meet the needs of the growing population and increased travel in the region;

(5) to establish a mechanism for effective cooperation in the Gorge by local, state and national interests through creation of a commission with authority and resources to develop, monitor and enforce a unified management plan for the Gorge which is binding on all governmental entities having authority over land and resources in the Gorge that will protect, preserve and enhance its unique resources;

(6) to establish a process by which critical and sensitive lands within the Gorge will be identified and a program to assure their protection and preservation will be established and maintained;

(7) to protect and preserve the historic and archaeological resources of the Columbia River Gorge and, where appropriate to make these resources more available to the public for educational and scientific purposes;

(8) to encourage and strengthen tourism and economic development efforts in the Gorge which rely on the natural resources and are compatible with the unique natural setting of the area;

(9) to foster and enhance the historical uses of the Gorge as a vital transportation corridor in interstate commerce and as an important source of regional power generation in the Pacific Northwest;

(10) to utilize to the fullest extent possible the land use planning and other resources and powers of local and state governments and existing federal agencies to develop and implement the management plan for the Gorge;

(11) to provide resources and assistance to state and local governments to foster the policies and realize the purposes of this Title;

(12) to provide for extensive public review and comment on Gorge management plans; and

(13) to provide funds to assist in the administration of this Title and for the purchase of critical and sensitive lands in the Gorge:

DEFINITIONS

SEC. 203. DEFINITIONS.—

(a) "Agency" or "Agencies" refers to all state and federal agencies, departments, commissions, boards, instrumentalities and quasi-governmental entities which have any authority to undertake, assist, regulate or grant any permit, license or other form of approval for any land management or development within the Gorge Area: *Provided*, "assist" as used herein refers to any grant, loan, loan guarantee, sale of flood insurance or any other form of direct or indirect financial or technical assistance to any other agency, person, corporation or private entity;

(b) "Columbia River Gorge," "Gorge," "Area" as used herein refers to the combined geographical area respectively defined on the effective date of this Title as the Columbia River Gorge by the Washington State Legislature in chapter 48, Laws of 1975, 1st Extraordinary Session, now codified as RCW 43.97.090 and by the Oregon State Legislature in chapter 482, Laws of 1977, now codified as ORS 390.460 and as legally described in Appendix A to this Title and depicted generally on the map entitled "Columbia River Gorge Vicinity, October, 1979," attached to this Title as Appendix B, both of which are incorporated herein by this reference;

(c) "Commission" refers to the Columbia River Gorge Commission established by section 5(a) of this Title;

(d) "Critical and sensitive lands" refers to lands or shorelines having any of the characteristics described in section 209(b)(2) of this Title;

(e) "Implementation Plans" refer to the plans developed by federal and state agencies and local governments pursuant to section 210 of this Title which shall govern and regulate land management and development within the Gorge Area;

(f) "Land Management or Development" or "Development" refers to projects and activities, or permits and approvals which allow projects and activities, which may impact, alter or modify the physical appearance, form or character of land or shorelines and the structures thereon within the Gorge Area, including but not limited to:

(1) Construction, expansion, modification or location of buildings, mobile homes, energy facilities, transmission and receiving facilities or other structures;

(2) Agency or local government approval of plans, zoning and other land use ordinances, subdivisions or other land use or building approvals or permits;

(3) Sales or conveyances by agencies of timber or timber lands, timber harvesting and application of forest practices regulations;

(4) Land clearing, grading and filling, except land cultivation for agricultural activities;

(5) Road or highway construction or expansion; and

(6) Sand, gravel or mineral extraction;

The term "Land" as used herein shall include "Shorelines," which shall refer to (i) all lands extending landward of the low water mark of, (ii) all wetlands, bogs, marshes and deltas associated with, and (iii) all lands which are subject to intermittent or periodic inundation with water from any river, stream or lake situated with the Gorge Area. If any part of a development is located within a shoreline, the entire development shall be subject to this Title.

(g) "Local Government," where uses in this Title, refers to any county, city, town, port or other municipal corporation or other governmental entity created by or pursuant to state law and located, in whole or in part, within the geographical area defined in section 203(b) of this Title.

(h) "Management Plan" refers to the management plan developed pursuant to section 209(a) and 209(b) of this Title.

ESTABLISHMENT OF AREA

SEC. 204. ESTABLISHMENT OF AREA.—The Columbia River Gorge Area is hereby established, consisting of all lands located within the geographical area described in section 203(b) of this Title.

ESTABLISHMENT OF THE COMMISSION

SEC. 205. (a) ESTABLISHMENT.—There is hereby established the Columbia River Gorge Commission which shall administer this Title, and which shall consist of 14 members, to be appointed as follows:

(1) one elected official each from Clark, Skamania, and Klickitat Counties in the state of Washington, or a local government within said Counties;

(2) one elected official each from Wasco, Hood River, and Multnomah Counties in the state of Oregon, or a local government within said Counties;

(3) four members-at-large who shall be residents of the state of Washington, at least 2 of whom shall be residents of the Gorge Area; and

(4) four members-at-large who shall be residents of the state of Oregon, at least two of whom shall be residents of the Gorge Area;

(b) NOMINATION AND APPOINTMENT.—Not more than thirty days after the effective date of this title, and thereafter within forty-five days if a vacancy occurs, the Governors of the states of Washington and Oregon each may provide to the President of the United States a list of nominations from such state for each of the state's positions and shall include such information about the nominees as the President may request. Within thirty days of receipt of the nominations, the President shall appoint the Commission members from each Governor's list of nominations for each state's positions, except that the President may decline to appoint for any reason any of a Governor's nominees for a position and shall so notify the Governor. The Governor may thereafter make successive nominations within thirty days of receipt of the notice until nominees acceptable to the President are appointed for each position. In the event the required nominations for any state position on the Commission are not received from the Governor of either state within the time specified for such nominations, the President shall appoint the Commission member or members for the positions specified in subsection (a) of this section.

(c) CHAIR AND VICE-CHAIR.—Each Governor may include in the lists of nominees submitted to the President pursuant to subsection (b) of this section one nominee each for the chair and vice-chair of the Commission. Such nominees shall be chosen from among the nominees for the member-at-large positions on the Commission. The President shall appoint the chair and vice-chair from among the nominees designated by the Governors, except that the President may decline to appoint for any reason any of a Governor's nominees for chair or vice-chair of the Commission and shall so notify the Governors. The Governors may thereafter make successive nominations for chair and vice-chair of the Commission within thirty days of receipt of such notice until nominees acceptable to the President are appointed for each position. The President shall decide whether the first chair will be from Oregon or Washington and the positions of chair and vice-chair shall alternate therafter between the staff every two years. The chair and vice-chair may not be residents of the same state. The vice-chair shall serve as the chair-elect.

(d) TERMS.—Members of the Commission shall be appointed for a term of four years, except that the initial appointment of the eight members-at-large shall be as follows: one from each state shall be appointed for a term of four years, and one from each state shall be appointed for a term of three years, and one from each state shall be appointed for a term of two years, and one from each state shall be appointed for a term of one year. Thereafter, all citizen members of the Commission shall be appointed for terms of four years. No member shall serve more than two full four-year terms, which shall not include partial terms served as a result of initial appointments or appointments to fill vacancies.

(e) NON-VOTING EX OFFICIO MEMBERS.—The President shall appoint as non-voting ex officio members of the Commission a representative of the United States Forest Service, the Bonneville Power Administration, the United States Army Corps of Engineers and such other federal or state agencies as may be deemed appropriate.

(f) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(g) HOLDOVER TERMS.—Any member may serve after the formal expiration of his or her term until a successor is appointed.

(h) QUORUM AND VOTING.—A quorum shall consist of eleven members. The Commission shall act only on an affirmative vote of a majority of those members present, except that a lesser number may, pursuant to rules established by the Commission, be authorized to hold hearings.

(i) COMPENSATION.—Commission members shall be allowed per diem compensation and travel expenses in the same manner as prescribed by sections 5702-5707 of Title 5, United Stated Code, as now or hereafter amended.

(j) MEETINGS.—

(1) the Commission shall meet at least once every three months and meetings of the Commission shall be held within the Columbia River Gorge Area. The Commission shall give notice of all regular meetings and hearings by publishing notice fourteen days in advance thereof in two or more newspapers of general circulation in the Gorge Area, one of which shall be published in Washington and one in Oregon. The notice shall state the date, time, place and agenda of the meeting. The Commission shall not be limited to considering items of business included on the published agenda. The Commission may call such emergency or special meetings as the chair or a majority of the members of the Commission deem necessary without having first complied with the notice provisions of this section, provided that the Commission shall make a reasonable attempt to notify the news media in the Gorge Area of such special or emergency meetings.

(2) all actions of the Commission shall be taken at open public meetings: *Provided*, That the Commission may hold executive sessions during a regular or special meeting: to consider matters affecting national security; to consider the selection of a site or the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; to consider the disposition of real estate by lease or sale, when publicity regarding such consideration would cause a likelihood of decreased price; to discuss pending or ongoing litigation; to consider the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The Commission also may exclude from any public meeting, hearing or executive session, during the examination of a witness on any matter, any or all other witnesses in the matter being reviewed or investigated by the Commission.

(k) COMMISSION OFFICE.—the Commission shall designate a principal office to be located within the Gorge Area and may designate other offices within or outside of the Gorge Area.

POWERS OF THE COMMISSION

SEC. 206. (a) AUTHORITY AND RESPONSIBILITY.—The Commission shall have the following powers and duties—

(1) it shall prepare, adopt, implement and enforce a unified Management plan for the Gorge;

(2) it shall identify critical and sensitive lands in the Gorge and develop, implement, and enforce a program to protect those lands;

(3) it shall review federal, state and local Implementation plans for compliance with the Management plan and certify such plans as are found to be in compliance;

(4) it shall prepare a biennial report to the President, the Congress, and the Governors and state legislatures of the states of Washington and Oregon advising them of the status of the Management Plan and its implementation;

(5) it is authorized to acquire any fee or less-than-fee interest in property pursuant to section 211 of this Title;

(6) it is authorized to exercise the power of eminent domain but only to acquire critical and sensitive lands and further subject to the provisions of section 211(b) of this title;

(7) it is authorized to make gifts or exchanges of land or interests therein or enter into contracts with other agencies, local governments or not-for-profit organizations for purposes of conveying or accepting fee or less-than-fee interests in land or providing for management of lands or interests in lands held by the Commission when the Commission determines that such gifts, exchanges or contracts will further the purposes of this title;

(8) it is authorized to acquire real and personal property or services in furtherance of the purposes of this title;

(9) it is authorized to make grants to agencies, local governments and not-for-profit organizations for purposes of purchasing fee or less-than-fee interests in land as set forth in section 211;

(10) it is authorized to review and recommend to Congress any alterations of the boundaries of the Gorge Area as may become necessary to achieve the purposes of this title;

(11) it is authorized to provide technical and financial assistance to federal agencies as well as to state agencies and local governments to carry out the purposes of this title;

(12) it is authorized to adopt such rules and regulations as it may deem necessary pursuant to the procedures established in section 553 of Title 5, United States Code; *provided*, adoption of the Management Plan and certification of Implementation Plans shall not constitute adoption of rules or regulations within the meaning of section 553;

(13) it is authorized to establish an executive committee and appoint subcommittees and advisory committees as needed;

(14) it is authorized to hear appeals pursuant to the procedures established in sections 554-557 of Title 5, United States Code, and this title;

(15) it is authorized to employ such staff as may be needed without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service. Employees of the Commission may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay for grade GS-15 of the General Schedule as it is established from time-to-time;

(16) it is authorized to procure professional, technical and other services, including legal counsel, to the extent deemed necessary and at rates determined by the Commission to be reasonable compensation for such services;

(17) it is authorized to nominate sites and objects of historic or archaeological significance for inclusion on the National Register of Historic Places;

(18) it is authorized to sue and be sued;

(19) it is authorized to initiate and approve such amendments to the Management Plan or Implementation Plans as the Commission deems necessary to implement the purposes and policies of this Title; and

(20) it is authorized to take such other actions as may be necessary to carry out the purposes and policies of this Title.

TIMETABLE FOR ADOPTION OF PLANS

SEC. 207. (a) APPOINTMENT OF COMMISSION.—Within thirty days after the effective date of this Title, the Governors of the states of Washington and Oregon may submit nominations to the President for appointment to the Commission and within sixty days after the effective date of this Title the President shall appoint the members of the Commission pursuant to the provisions of sections 205 (a) and (b) of this Title.

(b) MANAGEMENT PLAN.—Within eighteen months after appointment of its members, the Commission shall adopt the Management Plan pursuant to section 209 of this Title.

(c) IMPLEMENTATION PLANS.—Within twelve months after the Commission's adoption of

the Management Plan, all agencies and local governments covered by this Act shall submit implementation plans to the Commission pursuant to section 210 of this Title.

INTERIM PROCEDURES

SEC. 208. INTERIM REVIEW OF LAND MANAGEMENT OR DEVELOPMENT ACTIVITIES.—

(a) ACTIVITIES REQUIRING COMMISSION REVIEW.—Those land management or development activities which consist of sand, gravel or mineral extraction, subdivisions and short platting, and construction of commercial and industrial facilities shall not be undertaken, assisted, regulated or approved by any federal or state agency or local government, or any official or employee thereof, between the date the Commission members are appointed (but in any event no later than sixty days after the effective date of this Title and the date the Commission certifies an Implementation Plan for the agency or local government pursuant to section 210(b) of this Title, until sixty days have expired after the Commission receives notice of any proposal or application for such land management or development pursuant to section 208(b) below.

(b) PROCEDURE FOR COMMISSION REVIEW.—

(1) Prior to certification of its Implementation Plan, every agency or local government which proposes to undertake, assist, regulate, or which receives an application for those land management or development activities defined in section 208(a) above in the gorge shall give notice of the proposal or application to the Commission at the earliest possible time. The notice shall include a copy of the application and all plans, profiles, studies and other documents related to the proposal or application available to the agency or local government. In the case of an application received by an agency or local government, notice of the application shall be given to the Commission no later than seven days after the agency or government receives such application.

(2) Within sixty days after receipt by the Commission of the notice required in (b)(1) above, the Commission shall have the authority to review such proposal or application to determine whether it is consistent with the purposes of this Title, the Commission's interim guidelines when adopted, and the Management Plan when adopted. If the Commission determines that the proposal or application is inconsistent with such purposes, guidelines or Management Plan, it shall so notify the agency or local government submitting the proposal or application, setting forth the reasons for its decision in writing.

(3) In the event the Commission has made a written determination of inconsistency, said land management or development activity shall not proceed unless, upon resubmission of the proposal or application to the Commission, a determination of consistency is made. No proposal or application shall be resubmitted to the Commission unless it has been modified to eliminate the inconsistences found by the Commission. In the event the Commission makes no written finding of inconsistency as provided herein within sixty days of receipt by it of the notice required in (b)(1) above, the proposal or application shall be deemed approved. In the event the documents constituting notice described in (b)(1) above are not all received by the Commission on the same date, the sixty-day review period will commence on the latest of the submission dates.

(4) Upon certification by the Commission of an Implementation Plan pursuant to section 210 of this title, the requirements of this section shall cease to apply to the agency or local government for which an Implementation Plan has been certified; *Provided,* That nothing in this section shall be construed to prohibit the Commission from receiving and investigating complaints of noncompliance with such certified Implementation Plans or taking such actions as it deems necessary to enforce the provisions of this title, the Management Plan or any certified Implementation Plan.

(c) COMMISSION REVIEW OF ADDITIONAL ACTIVITES.—In addition to reviewing the activities specified in section 208(a) above, the Commission is authorized to initiate review of any other land management or development activity, as defined in section 3 above, (i) on lands which meet the criteria for critical and sensitive lands or (ii) which the Commission determines may cause an irreparable change inconsistent with the purposes of the title or which may have a significant adverse impact upon effectiveness of the Management Plan to be adopted. The Commission may initiate such review by written notice from the chair to the federal or state agency or local government proposing or which has received an application for such land management or development activity. After receipt of said notice from the Commission, the agency or local government shall provide the Commission with the applications, plans, profiles, studies and other documents relating to such activity and no such land management or development shall be undertaken, assisted or approved by any federal or state agency or local government until the Commission makes a written determination of consistency or inconsistency. The Commission shall make a determination within sixty (60) days after it receives the application and related documents and the Commission shall follow the procedures of section 208(b)(2) and (3) to the extent not inconsistent with this subsection.

(d) INFORMATION TO AGENCIES AND LOCAL GOVERNMENTS.—From time-to-time the Commission in its discretion may provide information or notice to agencies and local governments regarding the application of this title to land management or development undertaken, regulated or approved by said agencies or local governments, the requirements and procedures for interim review or any other matters relating to compliance with the Act and the rules, regulations or guidelines of the Commission; *provide,* no information or notice given shall affect the required submission of proposals or applications to the Commission under subsections (a) and (b) of this section or under section 210.

MANAGEMENT PLAN FOR THE AREA

SEC. 209. (a) PREPARATION.—The Commission shall prepare a Management Plan for conservation, use and development of the Area. In preparing the Management Plan, the Commission shall use, among other data and documents, the information and data developed in previous studies of the Gorge conducted by federal and state agencies and local governments. During the preparation of the Management Plan, the Commission shall hold public meetings and hearings to receive testimony from residents of the Area, representatives of governments and agencies potentially affected by the Management Plan, and citizens and representatives of groups interested in the development and preservation of the Gorge. The Commission shall give notice of the dates, times and locations of such public meetings and hearings as provided in section 205(h) of this title. Participation in meetings and hearings concerning the Management Plan shall be provided for and the Commission shall insure that the objectives of the Management Plan, the actions to be undertaken in the preparation of the Management Plan and the times when such actions are proposed to be taken are well publicized and openly discussed.

(b) CONTENT.—The Management Plan shall—

(1) be based upon such inventories, studies and analyses of the Gorge's resources, including but not limited to the archaeological, social, economic, forest, historical, natural, geological, botanical, recreational and scenic characteristics of the Area as the Commission deems appropriate;

(2) designate critical and sensitive lands within the Gorge Area which are essential to its protection, development and interpretive value including:

(A) lands which have unique or distinctive scenic features in the Gorge;

(B) lands containing rare or endangered wildlife or plants eligible for designation under federal or state authorities;

(C) lands which are or may qualify for designation as landmarks or natural heritage, historic places or archaeologic sites of State or national significance;

(D) lands needed to provide critical recreation and interpretative facilities and access to public lands for visitors to the Gorge including lands identified for park, recreation, open space, trails or natural areas pursuant to federal, state or local plans;

(3) contain a program for protection of the critical and sensitive lands identified by the Commission. This can be through land use controls, incentives and subsidies, land trades, less-than-fee acquisition, including scenic easements and development rights, fee title acquisition or other means pursuant to the provisions of section 211 of this Title.

(4) contain goals and guidelines which establish objectives for the treatment of resources in the Gorge, including urban, rural, and natural resource lands, that set forth appropriate residential, commercial, industrial, timber, agricultural, mining and recreational uses, practices and design standards;

(5) establish procedures for review of federal, state and local Implementation Plans, and amendments thereto, for conformance with the goals, guidelines and standards of the Management Plan;

(6) contain goals and guidelines to promote the economic viability of the communities within the Gorge Area in a manner consistent with the purposes of the Title;

(7) establish procedures for periodic amendments to the Management Plan and Implementation Plans.

CERTIFICATION OF IMPLEMENTATION PLANS

SEC. 210. (a) NOTICE AND LETTERS OF INTENT.—

(1) Upon adopted of the Management Plan, the Commission shall transmit a copy of the Management Plan to and notify each federal and state agency and local government which engages in, assists, regulates or issues permits or approvals for land management or development in the Gorge that an Implementation Plan shall be submitted within twelve months of the notice. Within sixty days after receipt of such notice, each agency and local government shall submit to the Commission a letter stating that it proposes to develop an Implementation Plan for land management and development with the Area in which it operates or has

authority and any ageny or local government may request assistance from the Commission in developing an Implementation Plan.

(2) If any agency or local government fails to submit a letter as provided in this section, or fails to submit an Implementation Plan in accordance with the time provided in this section, the Commission may issue to such agency or local government a notice and order pursuant to section 217 of this title and may adopt an Implementation Plan for that agency or local government.

(b) SUBMISSION OF IMPLEMENTATION PLAN.—Within twelve months after adoption of the Management Plan, all federal and state agencies and local governments required to submit letters of intent shall submit Implementation Plans to the Commission for review and certification. All such Plans shall provide for regulation of all land management and development within the Gorge Area which the agency or local government may engage in, assist, regulate, or for which it issues permits or approvals. The Implementation Plans shall recognize it is the responsibility of the agencies and local governments to enforce the Implementation Plan and utilize the full authority of the agencies and local governments to carry out the purposes of the title. The Implementation Plan shall be consistent with the Management Plan. The Commission may specify the format and types of provisions to be included within the Implementation Plans.

(c) COMMISSION REVIEW OF IMPLEMENTATION PLANS.—Implementation Plans shall become effective upon review and approval by the Commission. The Commission shall make a good faith effort to complete its review within six months of submission to it of an Implementation Plan. If the Plan is consistent with the Management Plan and the purposes to this title, the Commission shall so certify to the agency or local government submitting the Plan.

(d) EFFECT OF SUBMISSION OF INCONSISTENT IMPLEMENTATION PLAN.—If the Commission finds that an Implementation Plan is not consistent with the Management Plan or the purposes of this title, the Commission shall make a good faith effort to so notify the agency or local government submitting the Plan within six months of submission. The Commission shall state in detail the basis for that decision and shall submit to the agency or local government suggested modifications to the Plan to make it consistent with the Management Plan and the purposes of this title. The agency or local government shall have ninety days after it receives recommendations from the Commission to make modifications eliminating the inconsistencies and to resubmit the Plan to the Commission for approval. Any resubmitted Implementation Plan shall take effect when and in such form and content as is approved and certified to the local government or agency by the Commission. In the event that the Commission determines that a resubmitted Plan is not consistent with the management Plan or the purposes of this title, the provisions of section 210(a)(2) shall apply and the Commission may adopt an Implementation Plan for the agency or local government.

(e) LATER SUBMISSION BY FEDERAL, STATE OR LOCAL AGENCY OR GOVERNMENT.—

(1) In the event that an agency or local government has not complied with the requirements of this section, it may thereafter on written notice to the Commission elect to develop an Implementation Plan, in which event it shall comply with the requirements of this section. Upon certification of such Implementation Plan by the Commission, it shall supersede any plan that may have been adopted by the Commission for that local government or agency.

(2) Federal and state agencies and local governments not initially required to submit letters of intent and Implementation Plans to the Commission pursuant to subsections (a) and (b) of this section shall submit letters of intent within sixty days, and Implementation Plans within twelve months, of the occurrence of one or more of the following events:

(A) creation after the effective date of this title of an agency or local government which is authorized to undertake, assist, regulate or approve activities which constitute land management or development as defined in this title;

(B) additions to or changes in the functions or authority of an existing agency or local government which authorizes it to undertake, assist, regulate or approve activities which constitute land management or development as defined in this title; or

(C) a determination by an agency or local government which does not normally undertake, assist, regulate or approve activities which constitute land management or development as defined in this Act to do so.

(f) EFFECT OF CERTIFIED IMPLEMENTATION PLAN.—Upon certification by the Commission of an Implementation Plan, that Plan shall become the basis for all subsequent decisions by the agency or local government concerning all land management and development and shall overlay and supersede all conflicting or inconsistent statutes, laws, ordinances, plans, rules and regulations.

(g) AMENDMENTS OF IMPLEMENTATION PLANS.—Either the Commission or an agency or local government having a certified Implementation Plan may propose such amendments as it deems necessary from time-to-time. Proposed amendments shall be reviewed and approved or disapproved in conformance with the requirements of this section.

ACQUISITION

SECTION 211. (a) AUTHORIZATION.—The Commission is authorized to identify fee and less-than-fee interests in lands within the Gorge which shall be acquired and held in public ownership. In the event such lands are not acquired or held by existing federal or state agencies or local governments, then the Commission is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, lease, gift or to otherwise acquire fee or less-than-fee interests in any lands, including but not limited to air rights, water rights, mineral rights, development rights, and scenic and conservation easements, which the Commission determines are necessary or appropriate to achieve the purposes of this title. The Commission may hold and manage such property or may convey or lease such property under such convenants or other contractual arrangements as provided in section 6 above as will limit the future use of the property in accordance with the purposes of this title.

(b) EMINENT DOMAIN.—The Commission may exercise the power eminent domain but such power is (i) limited to acquisition of critical and sensitive land (ii) shall be exercised to acquire full fee title not a less-than-fee interest and (iii) shall be exercised only upon a determination that all other reasonable methods for protecting such lands, including but not limited to land use controls, incentives and subsidies, willing seller, less-than-fee or fee title acquisition, are unsuccessful, (iv) shall not be exercized to acquire owner-occupied, single family residences. The Commission shall separately approve by a two-thirds majority each exercise of the power of eminent domain by official action at a public meeting. Eminent domain proceedings initiated by the Commission shall be governed by the provisions of sections 257 and 258 of Title 40, United States Code, except to the extent inconsistent with the provisions of this title.

(c) CONSIDERATION OF AREA LANDOWNER OFFERS.—The Commission shall give prompt and careful consideration to all offers of sale or transfer made by persons owning real property or any interest therein within the Area, weighing any hardship to the owner which may result from delay in acquisition.

(d) ACQUISITION BY AGENCIES AND LOCAL GOVERNMENTS.—The Commission may recommend to any agency or local government the acquisition of particular lands and the fee or less-than-fee interest therein as appropriate to carry out the purposes of this title. Notwithstanding any other provision of law to the contrary, any agency or local government is hereby authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest or otherwise any fee or less-than-fee interests in any lands in the Gorge indentified by the Commission. The Secretary of Agriculture, through the United States Forest Service, may acquire through purchase, exchange or otherwise any land within the Gorge notwithstanding the proximity of such lands to be acquired to lands then owned or controlled by the Forest Service. The Commission may direct the United States Forest Service to make such exchanges of land as the Commission deems necessary to acquire critical and sensitive lands within the Gorge.

FEDERAL LANDS WITHIN AREA

SEC. 212. CONFLICTS WITH FEDERAL AGENCIES MANAGING LANDS WITHIN AREA.—Lands owned or managed by any agency of the United States shall remain subject to management and control by the appropriate federal agency and otherwise subject to the provisions of law applicable to managment of such lands. In the case of conflict between any provision of this title and any other provision of law applicable to federal management of lands within the Gorge Area, the provisions of this title shall govern.

INTERGOVERNMENTAL COOPERATION

SEC. 213. (a) RETENTION OF STATE AND LOCAL JURISDICTION.—Nothing in this title shall diminish, enlarge, or modify any right of the state of Oregon, the state of Washington or any local government of either state to exercise civil and criminal jurisdiction within the Area or to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters therein.

(b) STATE AND LOCAL LAND USE POWERS FULLY EXERCISABLE.—Nothing in this title shall be construed to prevent the enactment, adoption or implementation by any state or local government of any law, ordinance, rule or regulation, plan, land use control or other provision of law which is consistent with applicable state law and with the provisions of this title. In the case of conflict between any provision of this title and any other provision of state or local law

applicable to lands within the Area, the provisions of this title shall govern.

INDIAN TRIBAL RIGHTS NOT IMPAIRED

SEC. 214. INDIAN TRIBAL RIGHTS NOT IMPAIRED.—Nothing in this title shall be construed to alter, amend, repeal, impair, modify or otherwise affect any treaty or other right of an Indian tribe.

EXEMPTIONS FROM THE TITLE

SEC. 215. EXEMPTIONS FROM ACT.—The provisions of this title shall not apply to—

(a) The ongoing development of new locks at the Bonneville Dam;

(b) any emergency land management or development by an agency or local government which is essential to the protection of public health or safety or necessary for national security or defense;

(c) any land management or development which has commenced prior to the date of enactment of this title; *provided,* (i) for land management or development undertaken by or receiving assistance from agencies or local governments, "commencement" shall occur at such time as binding agreements or contractual obligations for the land management or development activity have been entered into and such agreements or obligations cannot be cancelled or modified without substantial monetary loss or penalty, or if no contract or binding agreement is used or required, at such time as actual physical modification of the land or shoreline has occurred; or (ii) for land management or development consisting of agency or local government approvals or permits for land management or development, "commencement" shall occur at such time as the agency or local government has issued all required permits and approvals for the land management or development activity.

(d) agricultural activity on lands used principally for agriculture purposes, and commercial forest activities conducted on forest lands as those lands are now or hereafter defined in the respective Forest Practice Acts of Oregon and Washington; excepting only where, upon completion of the agricultural or commercial forest activity, the lands will be converted to a different use.

ENFORCEMENT

SEC. 216. (a) INITIATION OF ENFORCEMENT PROCEEDINGS.—

(1) The Commission shall have authority to enforce this title through an administrative notice and order proceeding to be established pursuant to the standards set forth in subsection (2) below. Whenever the Executive Committee has reason to believe a use or condition exists in violation of the title, the Management Plan, an Implementation Plan, interim guidelines of a determination of the Commission pursuant to sections 208 and 210 of this title, the Executive Committee may direct the issuance of a notice and order to stop work, to assess a civil penalty in an amount not to exceed $500 per day, or to abate the violation and restore the land or shoreline, or any combination thereof. The effect of a notice and order to stop work shall be to require the immediate cessation of such work or activity until authorized by the Commission to proceed.

(2) Prior to issuing a notice and order, the Commission shall have adopted rules and regulations to implement this section which shall:

(A) establish standards and procedures for the issuance, contents and service of a notice and order to stop work and for civil penalties and abatement and restoration;

(B) provide that a notice and order to stop work shall be issued only when agencies or local governments have not commenced an enforcement action and where the Commission's Executive Committee determines (i) that a violation exists and the violation is causing or can reasonably be expected to cause significant, imminent environmental harm or an imminent danger to the health or safety of the public, or (ii) that more than thirty days have expired since the issuance of a notice and order to abate and restore and the abatement and restoration ordered therein have not been undertaken or completed;

(C) provide that where a notice and order has been issued pursuant to subsection (B) of this section, the owner, operator, person or agency upon whom the notice and order is served may, within thirty days of service thereof, apply to the chair or vice-chair for temporary relief from the notice and order to stop work. Within five days of receipt of such request for temporary relief, the chair or vice-chair shall issue a written decision granting or denying the requested relief or modifying the notice and order to stop work and stating the reasons for decision;

(D) provide for an administrative appeal of a notice and order pursuant to section 219 of this title.

(3) Any person adversely affected by a decision of the Commission rendered after an administrative appeal of an enforcement order may, within thirty days of the decision of the Commission, bring an action for review of such order as provided in section 219(e) of this title.

(b) JUDICIAL RELIEF.—Notwithstanding any other procedure of remedy provided for in this section, the Commission may bring an action for damages, punitive damages, injunctive, declaratory or other relief, including suspension or revocation of a permit or approval, in the United States District Courts of Oregon or Washington to prevent or correct any violation of this title, the interim guidelines, the Management Plan, an Implementation Plan, or a decision or an order of the Commission.

(c) CRIMINAL PENALTIES.—Any person who knowingly and willful violates any order of the Commission which is lawfully issued pursuant to subsection (a) above shall be fined no more than $10,000 or imprisoned no more than twelve months, or both.

(d) WITHHOLDING OF FEDERAL FUNDS.—In addition to the remedies provided for in subsections (a) through (c) of this section, no federal funds shall be granted, loaned, contracted for or in any manner committed or disbursed for or with regard to any land management or development as defined in this title which does not comply with the title, interim guidelines, the Management Plan, an Implementation Plan, or a decision or an order of the Commission.

JURISDICTION OF FEDERAL COURTS

SEC. 217. JURISDICTION OF FEDERAL COURTS.—The courts of the United States shall have exclusive jurisdiction of actions arising under this title, and venue shall be in the United States District Courts for Washington or Oregon.

APPEALS

SEC. 218. (a) DECISIONS APPEALABLE.—Any agency, local government or person aggrieved by a decision or order of the Commission made pursuant to sections 208 (including failure of the Commission to find inconsistency thereunder), 210, 211 and 217 of this Title shall be deemed final unless a written appeal stating the basis and arguments therefor is filed in the principal office of the Commission no later than thirty days after entry by the Commission of the decision or order being appealed. Rules and regulations adopted by the Commission shall not be construed as decisions or orders under this section.

(b) ADMINISTRATIVE LAW JUDGES.—Appeal hearings for the Commission shall be conducted by an independent administrative law judge who shall make findings and recommend actions to the Commission.

(c) HEARING PROCEDURE.—All appeal hearings shall be conducted pursuant to sections 554–557 of Title 5, United States Code.

(d) DECISIONS FINAL.—All decisions of the Commission shall be final unless within thirty days of the decision an action is brought in the United States District Courts for Washington or Oregon challenging the decision.

MITIGATION OF LOCAL REVENUE LOSSES

SEC. 219. MITIGATION OF LOCAL REVENUE LOSSES.—Any private lands acquired by the Commission under this Title, whether retained by the Commission or transferred to the administrative jurisdiction of any other department, agency, or instrumentality of the United States, shall be treated as entitlement land within the meaning of sections 1601 *et seq.* of Title 31, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 220. (a) IN GENERAL.—Effective for fiscal years commencing after September 30, 1983, there are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Title.

(b) LAND AND WATER FUND.—Effective for fiscal years commencing after September 30, 1983, amounts in the Land and Water Conservation Fund are authorized to be appropriated for the acquisition, in accordance with this Title and other applicable law of lands, waters, and interests therein within the Area.

(c) Effective for fiscal year that ends on September 30, 1984, there is authorized to be appropriated for the operation of the Commission and the initial implementation of this Title.

ACQUISITION FUND

SEC. 221. (a) ESTABLISHMENT.—There is established an acquisition fund for the acquisition of lands and interests therein within the Area. This fund shall be available without fiscal year limitation for expenses necessary for acquiring land and interests therein under section 211 hereof.

(b) INITIAL CAPITAL.—The initial capital of the fund shall consist of appropriations made for that purpose. The Commission is authorized to make such subsequent transfers to the fund as it deems appropriate in connection with activities to be carried on through the fund.

(c) APPROPRIATION.—There is hereby authorized to be appropriated a sum not to exceed as initial capital of the acquisition fund.

(d) DONATIONS.—The Commission may accept contributions or donations of money, services, and property, real, personal or mixed, for the management, protection, development, acquisition and conveying of the lands within the Area. Moneys received hereunder shall be credited to the acquisition fund.

COMPLIANCE WITH BUDGET ACT

SEC. 222. COMPLIANCE WITH BUDGET ACT.—No authority under this Title to enter into contracts or to make payments shall be effective except to the extent and in such

amounts as provided in advance in appropriations acts. Any provision of this Title which, directly or indirectly, authorized the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1983.

LIBERAL CONSTRUCTION

SEC. 223. LIBERAL CONSTRUCTION.—This Title is remedial in nature and shall be liberally construed to achieve the purposes set forth herein.

SEVERABILITY

SEC. 224. SEVERABILITY.—Should any section, subsection, paragraph, sentence, clause or phrase of this Title be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Title".

Mr. GORTON. Mr. President, I am pleased to join my distinguished colleagues, Senators JACKSON and HATFIELD, in introducing, at the request of Governor Spellman of Washington and Governor Atiyeh of Oregon, legislation regarding the future management of the Columbia River Gorge. This legislation is being introduced as an amendment to S. 627, the Columbia River Gorge Act of 1983, which is currently pending in the Energy and Natural Resources Committee.

The Governors have been working diligently over the last several months to develop legislation that sets forth a broadly based plan for the area which, when implemented, will protect the natural, scenic, and cultural resources of the Gorge, as well as protect and recognize the importance of economic development for the region.

This legislative proposal provides a solid framework from which to resolve longstanding concerns about the Gorge. It forges a local, State and Federal partnership by establishing a Columbia River Gorge Commission to provide unified management of the area.

I have always believed that land management plans for the area should be developed primarily by those people at the State and local level who are most directly impacted by and concerned about the planning process. For this reason, I commend this legislative initiative by the Governors of Washington and Oregon. I appreciate their recognition of the important interests of those people who reside in the Gorge and their encouragement of the continued growth and vitality of existing municipalities, homes, and businesses in the area.

The unique features of the Columbia River Gorge are recognized and appreciated by everyone who is familiar with the area. Although people may differ on the solution, I believe that we all have the same goal in mind and that is to preserve and protect the special features of the Gorge for future generations to enjoy and to appreciate as we have done. With all interested parties working together, I believe that a balance can be achieved to protect these unique features and to retain the area as a viable economic base for the region.

In March, I held a town meeting in Vancouver to discuss the future management of the Gorge with concerned citizens. The meeting was helpful to me to learn about the interests and concerns of those citizens living in the Gorge area. In the future, I look forward to further meetings and hearings in the Gorge to discuss with all interested parties their recommendations or suggestions for changes or modifications to this important legislation. I also intend to work closely with the congressional delegations from Washington and Oregon.

Mr. JACKSON. Mr President, on behalf of the Governors of Oregon and Washington, I am joining my colleagues Senator GORTON and Senator HATFIELD in the introduction of an amendment regarding the Columbia River Gorge.

Mr. President, the introduction of this amendment today fulfills a commitment that I made last year to Governor Spellman of Washington and Governor Atiyeh of Oregon to place before the Congress their recommendation for insuring the protection, conservation, enhancement, and management of scenic, natural, cultural and other resource values in the Columbia River Gorge. This legislation was transmitted to me and the other members of the Washington and Oregon congressional delegation on July 22, 1983. I ask unanimous consent that the letter of transmittal and the text of this proposed legislation appear in the RECORD immediately following my remarks.

Mr. President, I wish to congratulate the Governor of my State and Governor Atiyeh for coming together in this fashion. The Governors and their staffs have spent countless hours attempting to resolve the many issues that must be addressed in legislation such as this which directly impacts upon two States. These individuals have worked long and hard to reach the agreement which is embodied in the amendment we are introducing today. I think they should be commended for their efforts in this regard.

Having said this, Mr. President, I want to make it abundantly clear to my colleagues in the Senate as well as others interested in the Columbia River Gorge that I have taken no position relative to the merits of the Governor's proposal. I am joining in the introduction of this amendment as a courtesy to the chief executives of the two States involved so that their proposal may, in due course, be considered along with other measures that have or may be introduced regarding the Gorge. I would not want my introduction of this measure today to be construed by anyone as an endorsement of the provisions or the concepts embodied in it.

Mr. President, I welcome the Governor's Gorge proposal and look forward to working with them as well as all other interested parties in the months ahead.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
Salem Oreg., July 22, 1983.

Hon. HENRY M. JACKSON,
U.S. Senator,
Washington, D.C.

DEAR SCOOP: In March, we announced a series of principles which we believed must be the basis of any proposal to manage the Columbia River Gorge. This was a significant moment in the history of our two states.

In the intervening months, our offices have prepared and circulated drafts of proposed legislation that reflected those principles. Comments were sought out from every quarter of opinion in as many as 30 meetings and review of dozens of letters.

The proposal we are transmitting is our collective effort to meld these varied opinions, while preserving our original principles. You will note several major changes and, we hope, improvements. For example, the size, composition and appointment of the Commission is dramatically changed. Other segments have been refined as well.

In the near future, Pat Amedeo and Ed Devine will be contacting your office to explain the background of the legislation and to answer questions we are sure will arise. We hope that you will join with your colleagues from Oregon and Washington and jointly introduce this legislation.

Sincerely,

VICTOR ATIYEH,
Governor of Oregon.
JOHN SPELLMAN,
Governor of Washington.

Mr. HATFIELD. Mr. President, I am pleased to join today with my colleagues from the State of Washington, Mr. JACKSON and Mr. GORTON, in cosponsoring legislation to protect the Columbia River Gorge. The Governors of Oregon and Washington have developed this bill and asked that it be introduced.

On March 1, 1983, I joined with Senator PACKWOOD in introducing legislation that is similar to the bill I am cosponsoring today. I would note that I also cosponsored this legislation during the last session of Congress. Both Senator PACKWOOD and I have held hearings in Oregon this year on this matter and, I can say that there is a great deal of interest in this topic.

The approach espoused in the Governor's bill is somewhat different than has been promoted in earlier Columbia gorge protection measures. This bill, in my opinion, provides for more local control in the establishment of a Columbia Gorge protection plan, but is weak in protecting critical areas during the interim period before the final plan is adopted. The other bill I have sponsored gives the Commission

greater control over activities in the gorge management area, but has received a great deal of resistence from local residents. It is my hope that the Governor's bill will lead the way to the direction of molding a final protection measure for the Columbia River Gorge. I might also note that this is the first bill that has been cosponsored by Members from both Oregon and Washington, a positive step forward in molding a final gorge protection bill.

Mr. President, I continue to believe that some type of protection mechanism is necessary to insure future generations the opportunity to enjoy the beauty and splendor the Columbia River Gorge affords. It is my hope that this bill will lead the way to a final product and, more importantly, one that all citizens and interest groups can support.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENTREPRENEURSHIP AND SPECIAL PROBLEMS FACING SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business' Subcommittee on Entrepreneurship and Special Problems Facing Small Business, will hold a field hearing in Eau Claire, Wis. on "Special Problems Facing Small Business in the Midwest." The hearing will be held on August 22, 1983, starting at 10 a.m. at the county board room of the Eau Claire County Courthouse. For further information please contact Michael Morris of the committee staff at 224-5175. Senator KASTEN will chair.

SUBCOMMITTEE ON EXPORT PROMOTION AND MARKET DEVELOPMENT

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Export Promotion and Market Development will hold a field hearing in St. Paul, Minn. on "Small Business Exports and Export Financing." The hearing will be held on September 9, 1983, in the hearing chambers of the Metropolitan Council, 300 Metro Square Building, 7th and Robert St., starting at 2 p.m. For further information, please contact Anne Sullivan of the committee staff at 224-5175. Senator BOSCHWITZ will chair.

SUBCOMMITTEE ON THE FAMILY FARM

Mr. President, I would like to announce that the Senate Small Business's Subcommittee on the Family Farm, will hold a field hearing in Goshen, N.Y., on "The Effect of Canadian Imports on New York State Agriculture". The hearing will be held on August 19, 1983. For further information, please contact John McNamara of the committee staff at 224-2809. Senator D'AMATO will chair.

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to receive testimony on S. and H.R. 71, bills entitled the High Plains States Groundwater Demonstration Act of 1983. The hearing will be held on Thursday, September 29, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Subcommittee on Public Lands and Reserved Water, on Friday, September 23, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building. The subcommittee will receive testimony on S. 1090, to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

On Friday, September 30, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building, the subcommittee will receive testimony on S. 837, to designate certain national forest system lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Oral testimony will be limited to no more than 5 minutes. Witnesses may be placed in panels.

For further information regarding these hearings, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on Thursday, August 4, to hold a hearing on S. 979, Export Administration Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be deemed to have been authorized to meet during the session of the Senate on Thursday, August 4, to hold a hearing on Central America Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983

● Mr. WEICKER, Mr. President, on August 2, the Senate voted overwhelmingly to approve H.R. 1646, the Railroad Retirement Solvency Act of 1983. Since I was necessarily absent, I was unable to join my colleagues in supporting this vital piece of legislation. The passage of this measure was critical in averting a drastic reduction in benefits to the 1 million railroad retirees in this Nation; 6,000 of whom reside in Connecticut. This emergency legislation was necessitated by a serious shortfall in the railroad retirement account and the insolvency of the railroad unemployment insurance account. Had the Congress failed to enact legislation to shore up the financial integrity of these two accounts, current railroad retirement beneficiaries would have experienced a 40-percent reduction in tier 2 benefits on October 1.

The bill which was approved by both Houses in less than 24 hours is the result of negotiations between rail labor, management, and the administration over the last 6 months. Not unlike the social security legislation which the Congress approved earlier this year, H.R. 1646 produces solvency in the railroad retirement system and avoids drastic benefit reductions through a series of tax increases on labor and management, slower benefit growth, and general funds transfers. The bill also provides for repayment of nearly $1.8 billion to the windfall benefit account.

Under the circumstances, H.R. 1646 represents the only game in town to assure that rail retirees do not suffer a loss of benefits this year. However, I do have some deep reservations about the impact of this package on current retirees, small and regional carriers, and the commuter rail authorities in the Northeast. With respect to current beneficiaries, I am troubled by the cost-of-living adjustment offset, under which tier 2 benefits will be offset by

tier 1 COLA's dollar for dollar by up to 5 percent. On January 1, 1984, the social security cost-of-living increase of 3.5 percent for tier 1 will be deducted from tier 2 benefits. The other 1.5 percent could be taken out of tier 2 benefits in 1985. While this action was part of the package, I am deeply concerned about the impact of this change. Retirees rely on a fixed income and have little financial recourse available to them to protect against inflation. Therefore, I commend the Senator from Pennsylvania, Mr. HEINZ, for his request for a study which would evaluate the effect of this COLA offset on beneficiaries and the possibility of modifying the provision if the economy and rail employment levels improve.

I am further troubled by the impact of the tax increases on the commuter rail authorities which took over conrail's commuter service obligations under the Northeast Rail Services Act of 1981 and on the short line and regional rail freight carriers. While all carriers must share in the financial burden of shoring-up the railroad retirement system, I am concerned that these taxes will impose costs on freight carriers in my region which could in turn inhibit service on marginal branch lines down the road. I do not believe that adequate consideration was given to smaller railroads in the development of the tax structure in this bill, and I would hope that the impact of these taxes is carefully assessed over the next year, so that Congress is not faced with unnecessary reductions in service or the bankruptcy of certain lines.

Last, with respect to the commuter rail authorities, I would like to commend the Senator from New Jersey, Mr. BRADLEY, for his efforts on their behalf, including the Connecticut Department of Transportation, which in conjunction with Metro-North, provides commuter rail service to my constituents between New Haven and New York City. Per his request, the Department of the Treasury in cooperation with rail labor and the commuter agencies, will undertake a study to evaluate the commuter agencies participation in the railroad retirement system and railroad unemployment insurance system. The Department of Treasury will be asked to report to the Congress in early 1984. Our commuter rail authorities provide an essential transportation service in major metropolitan areas in the Northeast and already have before them the difficult task of providing service at affordable costs. Given the significant increase in taxes anticipated by this bill, I look forward to the findings of the study.

Mr. President, as I have mentioned here, all parties have made significant financial sacrifices in order to arrest the hemorrhaging of the railroad retirement system. In 1974, and again, in 1981, rail labor and management agreed to certain modifications which were intended to redress the financial problems of the system. There is no question that H.R. 1646 as approved by both Houses represents the most drastic overhaul of the railroad retirement system.

That the parties have been forced to revisit this issue and to accept major tax increases and benefit reductions is necessitated by the severe and unexpected decline in rail unemployment. In 2 years, the level has dropped 25 percent from 514,000 workers in 1981 to 388,000 in 1983. Few people here in Washington or in the industry could have predicted this devastating reduction in the rail sector. However, it is essential that Railroad Retirement Board which historically has been the watchdog of employment levels in the industry give the utmost scrutiny to future fluctuations in rail employment levels in order that legislation of this kind again not be forced upon rail labor, management and the Congress. I commend all the parties for working together to enact emergency legislation which will insure financial solvency of the railroad retirement system and to perserve the benefits of our many railroad retirees.●

THE PRESIDENT'S COMMISSION ON ORGANIZED CRIME

● Mr. D'AMATO. Mr. President, I am proud today to endorse with full enthusiasm the President's Commission on Organized Crime, announced last Thursday. President Reagan has given the Commission one of the great opportunities in our Nation's history: to lead a decisive and successful war against organized crime in this generation.

The Commission will conduct a series of public hearings between now and March 1, 1986, when it submits its final report. The model for this Commission is the highly successful series of hearings Senators Kefauver and McClellan conducted in the 1950's. More recently, the organized crime hearings conducted by the Senate Judiciary Committee under the leadership of Senators THURMOND and BIDEN have produced a wealth of new and significant information about organized crime.

The Commission will render its greatest contribution in two areas of vital importance: educating the public about the effects of organized crime on all our lives and developing the comprehensive strategy necessary to wage a successful war on crime.

I am especially proud that the President has chosen two New Yorkers to serve on this 20-member Commission.

The appointment of Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit to head the Commission is an excellent one. He was an assistant Federal prosecutor in New York from 1935 to 1940. Judge Kaufman was named to the U.S. District Court for the Southern District of New York in 1949. In 1960, as a Federal district court judge, he presided over the trial of organized crime figures who attended the famous Apalachin, N.Y., conference in 1957. In 1961, Judge Kaufman was named to the Court of Appeals for the Second Circuit. He became chief judge in 1973, a post he was forced to resign on his 70th birthday.

Another New Yorker appointed to this blue ribbon Commission is Frances A. Sclafani of the Suffolk County District Attorney's Office. She, too, is an excellent and knowledgable choice.

Mr. President, I spoke earlier of the possibility of breaking up organized crime in this generation. That is not an empty rhetorical statement. There have been approximately 1,400 Federal organized crime convictions in the last 2 years alone. We have scored major victories in this decade against the crime families of New York, Chicago, Philadelphia, New Orleans, and Cleveland.

Law enforcement agents are making the greatest breakthroughs in their history in infiltrating and in exposing organized crime's extensive involvement in international narcotics trafficking. Since 1982, when Attorney General William French Smith gave the FBI concurrent jurisdiction with the Drug Enforcement Administration to handle narcotics investigations, over 800 convictions have been obtained.

As I am confident the Commission will discover, organized crime is not limited to La Cosa Nostra. I heard ample and convincing testimony regarding the existence of newly emerging, nontraditional, organized crime groups when I joined Senators THURMOND and BIDEN at the Judiciary Committee's first field hearing on organized crime in New York City on July 11.

It was at that hearing that I also heard testimony from the brilliant U.S. attorney for the southern district of New York, Rudolph Guiliani. Mr. Guiliani testified as follows:

> We are at a turning point. If we could now redouble our efforts we could end La Cosa Nostra within this generation. In my view it can be done. The 12 new Task Forces established by President Reagan finally give us both the resources and the cooperation needed to infiltrate organized drug trafficking.

The Comprehensive Crime Control Act approved by the Senate Judiciary Committee, which I have wholeheartedly endorsed, contains numerous provisions that will aid us in our efforts against organized crime.

In the Commission on Organized Crime, we have the historic opportuni-

ty to add the major ingredients that have been lacking in all our efforts to combat organized crime to date: The development of a comprehensive strategy for an all-out war on organized crime and the mobilization of public opinion in support of that war.

Mr. President, in conclusion, I ask to have printed in the RECORD the report on the Commission and the biography of Judge Kaufman, which appeared in the July 29, 1983, New York Times.

The report follows:

PRESIDENT CHOOSES 20 AS MEMBERS OF ORGANIZED CRIME COMMISSION

(By Leslie Maitland Werner)

WASHINGTON, July 28.—President Reagan today named a 20-member commission that he said would spend nearly three years analyzing organized crime and recommend judicial and legislative changes to help fight it.

The commission, to be headed by Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit, will hold public hearings across the country and submit a report on March 1, 1986. It is part of an eight-point program for combating narcotics trafficking and organized crime that the President outlined last October.

In a ceremony in the steamy-hot White House Rose Garden today, President Reagan signed an executive order establishing the panel, to be formally known as the Commission on Organized Crime.

INVESTIGATIONS OF 1950'S CITED

The President compared the work of the commission to that of the racketeering investigations conducted in the 1950's by Senator Estes Kefauver and Senator John L. McClellan.

"Few weapons against organized crime have proven more effective or more important," Mr. Reagan said.

"I agree government cannot stop or abolish the human impulses that make racketeering profitable," he said. "But I also believe we have the capacity to break apart and ulimately destroy the tightly knit, regional and national networks of career criminals who live off of these activities."

According to Judge Kaufman, who participated in a press briefing with Attorney General William French Smith and the Director of the Federal Bureau of Investigation, William H. Webster, the commission will seek subpoena power from Congress.

"We've been given a broad mandate by the President, and we intend to exercise it," Judge Kaufman said. He said illegal narcotics trade alone accounted for $79 billion a year in untaxed money.

AIDES TO COMMISSION NAMED

Judge Kaufman, who said he did not yet know when or where the commission would hold its first hearing, noted after the briefing that he had asked Peter F. Vaira, the former United States Attorney in Philadelphia, to act as executive director of the commission. He said Alan J. Hruska, a partner in the New York law firm of Cravath, Swaine & Moore, had been asked to serve as general counsel.

The judge, who was praised by the President as "one of America's most distinguished jurists," said he did not intend to step down from the bench.

"If it gets too demanding, I'll have to do something to lessen my load," said the judge, who is 73 years old and stepped down as chief judge for the appeals court three years ago. He added that he would have to disqualify himself from any cases involving organized crime.

Among the other 19 members of the Commission are Senator Strom Thurmond, Republican of South Carolina, the chairman of the Senate Judiciary Committee, and his counterpart in the House, Peter W. Rodino Jr., Democrat of New Jersey. Potter Stewart, a former Associate Justice of the United States Supreme Court, who was named last week to serve on the President's National Bipartisan Commission on Central America, will serve on this one as well. The panel also includes several present and former local law enforcement officials, lawyers and law professors.

Thomas DeCair, press secretary to the Attorney General, said the Commission's budget of $500,000 for the rest of this fiscal year will come from the funds already granted to set up 12 new teams of Federal agents whose mandate is to focus on drug trafficking by organized crime.

After Mr. Reagan's speech last October announcing his program for fighting narcotics trafficking by organized crime, the Justice Department sought $2.5 million from Congress to finance the commission. But Congress turned down that request, approving $127.5 million of the $130 million the Department had sought for the task forces and the commission.

COMPARISON TO CANCER RESEARCH

At the briefing before the ceremony, Judge Kaufman said he thought the commission's mission should be likened to "cancer research," in that new answers were needed to fight the pervasive growth of organized crime throughout the country.

"We lack a comprehensive strategy for confronting this menance," the judge said, adding that even when crime leaders are tried and convicted, new ones simply replace them. He said the commission would strive for a "detailed understanding of how mobsters operate," and later vowed: "We shall not witchhunt, neither shall we whitewash."

In response to reporters' questions, the officials said they would not judge the propriety of the President's welcoming political support from the President has received from the International Longshoremen's Association and the Teamsters, whose former president, Roy L. Williams, was convicted last year of plotting to bribe United States Senator Howard Cannon, Democrat of Nevada, and of defrauding the union's pension fund.

The Attorney General replied that there were "remarkable ramifications" to the "suggestion" that "we should boycott an organization" because individuals connected with it have been convicted of crimes.

"Based on what has recently happened, there might be circumstances under which we would then have to terminate all of our relationships with Congress," Mr. Smith added, drawing laughs.

RESPONSE FROM CONGRESS

Later in the day three Democrats in the Senate, angered by Mr. Smith's quip, said he should apologize. In a joint statement, Senator Joseph R. Biden, Jr. of Delaware and Senator Robert C. Byrd of West Virginia said that "the criminal activities of certain Teamster and I.L.A. leaders are well documented," and that the Attorney General "should disclose what information, if any, he has indicating criminal activities by the 'leaders' of Congress." Senator Sam Nunn of Georgia said he was "shocked" and that Mr. Smith "should put up or shut up."

Those appointed to the commission were identified as follows:

Phyllis T. Aranza, a lieutenant in the Houston Police Department's Homicide Division.

Jesse A. Brewer Jr., deputy chief of the Los Angeles Police Department.

Carol Corrigan, a Deputy District Attorney in Alameda County, Calif., and an Assistant Professor of Law at the University of California's Hastings College of Law.

Justin J. Dintino, executive officer of the New Jersey State Police Department and a member of the Organized Crime Committee of the International Association of Chiefs of Police.

John F. Duffy, sheriff of San Diego County, Calif., and president of the Police Executive Research Forum.

Willaim J. Guste Jr., Attorney General of Louisiana.

Judith Richards Hope, a partner in the Washington law firm of Paul, Hastings, Janofsky & Walker and a former associate director of the White House Domestic Council.

Phillip Manuel of Alexandria, Va., president of the Phillip Manuel Resource Group, a consulting firm that assists in investigations of economic crimes, and a former chief investigator of the Senate subcommittee on investigations.

Thomas McBride, associate dean of the Stanford University Law School and former associate Watergate Special Prosecutor and former Inspector General of the Departments of Labor and Agriculture.

Eugene Methvin of McLean, Va., a senior editor of Readers Digest who writes on crime.

Edwin L. Miller Jr., District Attorney San Diego County, Calif., and former United States Attorney for the Southern District of California.

Manuel J. Reyes, a lawyer who served on the Miami Organized Crime Commission.

Charles H. Rogovin, professor of law at Temple University in Philadelphia and former president of the Criminal Justice Associates, the Police Foundation and the Massachusetts Organized Crime Council.

Barbara Ann Rowan of Manassas, Va., a lawyer with Rowan Associates and a former staff attorney for the House ethics committee's investigation of Korean influence-buying.

Frances A. Sciafani of the Suffolk County District Attorney's office.

Samuel K. Skinner, a partner in the Chicago law firm of Sidley & Austin and a former United States Attorney for the Northern District of Illinois.

HEAD OF U.S. CRIME COMMISSION—IRVING ROBERT KAUFMAN

WASHINGTON, July 28.—In nearly 34 years on the Federal bench, Irving R. Kaufman has rarely been content to be just a judge. The Commission on Organized Crime announced here today is the latest of a long list of panels and commissions Judge Kaufman has headed or served on.

At the age of 73, he has unflagging energy. There had been speculation that because of the post on the commission he would give up his active seat on the United States Court of Appeals for the Second Circuit and assume the reduced workload of a senior Federal judge. Some of his judicial colleagues even had private bets with one another on whether Judge Kaufman would "go senior," thus opening up a Second Cir-

cuit seat to be filled by the Reagan Administration.

Those who guessed correctly that Judge Kaufman would remain on active status counted on the fact that he has never been known to walk away from the action. Some recalled the reluctance with which he gave up the chief judgeship of the Second Circuit three years ago on his 70th birthday.

Under Federal law, chief judges must yield their titles and administrative responsibilities at 70. Judge Kaufman lobbied for a change in the law. At his prompting, Senator Daniel Patrick Moynihan introduced such an amendment, but it failed and Judge Wilfred Feinberg became chief judge.

Judge Kaufman has often handled cases involving organized crime. As a Federal district judge in 1960, he presided over the trial of 20 men who had attended the underworld conference in 1957 in Apalachin, N.Y. From 1935 to 1940 he was an assistant Federal prosecutor in New York.

Irving Robert Kaufman was born in New York City on June 24, 1910, the son of Herman and Rose Spielberg Kaufman. In 1931 he received his law degree from Fordham University Law School.

He spent several years in private practice but was drawn to public service. In 1947–48 he worked in Washington as a special assistant to the Attorney General and set up a Justice Department unit to control lobbying.

He was the youngest Federal judge in the country when President Truman named him to the United States District Court for the Southern District of New York on Oct. 15, 1949.

In 1951 he presided over the espionage trial of Julius and Ethel Rosenberg, who were charged with conspiring to steal and deliver atomic secrets to the Soviet Union. A jury convicted the couple, and on April 5, 1951, Judge Kaufman pronounced the only peacetime death sentence for espionage in United States history. The Rosenbergs were executed on June 19, 1953.

Critics of the sentence accused the judge of maintaining post-trial contacts with prosecutors and agents of the Federal Bureau of Investigation concerning sentencing.

CITES "CONTINUING HARASSMENT"

Controversy over the case has never ended. Judge Kaufman wrote in an article in The New York Times Magazine in 1975 that he had been subjected to "a continuing pattern of harassment because of a trial I presided over more than 20 years ago." In 1976 his friend Simon H. Rifkind, a New York lawyer and former Federal judge, set up a special subcommittee of the American Bar Association "to counteract unwarranted criticism" of Judge Kaufman.

In the years after the Rosenberg case, Judge Kaufman gained a reputation for liberal rulings involving civil rights and civil liberties. In 1961 he ruled that the city of New Rochelle in Westchester County had deliberately created and maintained a racially segregated school; it was one of the first decisions to apply the Supreme Court's 1954 decision in Brown v. Board of Education to the nominally integrated school district of a northern suburb.

Judge Kaufman was named to a new seat on the Court of Appeals in September 1961. He became chief judge through seniority in 1973.

He grew increasingly interested in judicial administration and introduced several procedural changes to expedite appeals. The Second Circuit, which includes New York, Connecticut and Vermont and is one of the busiest Federal circuits, won praise for keeping its calendar current year after year.

Judge Kaufman served as president of the Institute of Judicial Administration from 1969 to 1971 and has been the chairman of its executive committee since 1971. He headed a joint commission of the institute and the American Bar Association that produced 20 volumes of standards for juvenile justice.

MANY IMPORTANT CASES

He has continued to write opinions in important cases ranging from free speech to antitrust. He wrote the opinion in 1979 that overturned most of the $87 million antitrust judgment that Berkey Photo Inc. had won from the Eastman Kodak Company. Last year he wrote the majority opinion affirming the fraud and extortion conviction of Joseph M. Margiotta, then the Republican chairman in Nassau County.

Judge Kaufman and his wife, Helen, live in Manhattan. They have twin 41-year-old sons, James, an investment banker, and Richard, an accountant. Another son, Robert, died last year. They have four grandchildren.

Although many of Judge Kaufman's law clerks are intensely loyal to him, his ability to be a stern taskmaster is almost legendary in the Federal courthouse. Several young lawyers who have begun clerkships in his chambers have not completed the year, which is unusual for a highly prized Court of Appeals clerkship.

Lawyers who have argued cases before him praise his careful preparation and fairness.●

INDUSTRIAL DEVELOPMENT BONDS

● Mr. D'AMATO. Mr. President, I recently received a letter from Mr. Robert Dormer, president of the New York State Job Development Authority (JDA). Mr. Dormer wrote to illustrate a point I have emphasized previously on the Senate floor; the absolute importance of industrial development bonds (IDB) financing to the continued success of the Small Business Administration's section 503 certified development company program.

Mr. Dormer described 11 section 503 projects initialed in New York State since January 1 of this year. These projects, all of which utilized IDB financing, have created nearly 500 new jobs. For example, an SBA loan of $500,000, combined with a $440,000 IDB issue resulted in the creation of 121 private sector jobs in the manufacture of specialty optical products in Melville, N.Y. In another instance, an SBA loan of only $76,000, combined with an IDB of the same amount, permitted SAS Industries of Riverhead to acquire land and construct a building to manufacture rubber gaskets and seals, resulting in 25 new jobs.

Without the availability of IDB financing, these projects would not have been financed and 500 jobs would have been lost. These projects are typical of the impact of the 503 program, coupled with IDB financing, on local development. IDB's represent an extremely efficient use of a Federal tax exemption for job creation and retention that would not otherwise occur.

The success of the 503 program in New York was possible only because the job development authority was able to coordinate existing New York JDA programs and the 503 program with the use of small issue IDB's. My bill, S. 499, currently before the Senate Finance Committee, will insure that IDB's will continue to be available for use in conjunction with the 503 program beyond the current September 30, 1983, sunset date.

At a time of high unemployment, it is imperative that every possible opportunity to stimulate job creation be utilized. The continued use of IDB's in conjunction with the 503 program is a most effective means of achieving the administration's stated goal, the improvement of private sector opportunities through capital formation.

Mr. President, we must act—and act quickly—to pass S. 499.●

CLINCH RIVER BREEDER REACTOR

● Mr. McCLURE. Mr. President, I am pleased to note that the Senate has received an executive communication from Secretary of Energy Hodel announcing the administration's endorsement of the alternative financing plan for the Clinch River breeder reactor as well as strong support for the completion of the project. The President and his senior officials have pledged their support for the plan and will work to insure its acceptance.

As Secretary Hodel discusses in his letter, the financing plan has also been endorsed by the investment community and will raise $1 billion of private financing for Clinch River, thus significantly reducing the burden on the Federal budget. This figure represents 40 percent of the funds needed to complete the project.

Mr. President, the Energy and Water Development Appropriations Act, signed into law on July 14, does not include funds for the Clinch River breeder reactor. As Secretary Hodel states in his letter transmitting the alternative financing plan, the administration strongly urges the Congress to approve the proposal before the end of the fiscal year to insure predictable and continued funding with no interruption in current construction activities.

Mr. President, I ask that the Secretary's transmittal letter be printed in the RECORD.

The letter follows:

THE SECRETARY OF ENERGY,
Washington, D.C., August 1, 1983.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is the alternative funding plan for completing the Clinch River Breeder Reactor Plant Project recommended by the Administration for

consideration and action by the Congress. In the conference report (H. Rept. No. 97-980) accompanying the Further Continuing Appropriations Act for Fiscal Year 1983 (Public Law 97-377), Congress directed the Department of Energy to: ". . . vigorously explore proposals including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements for the Clinch River project or project alternative, and secure greater participation from the private sector. The Department is to submit its findings to the cognizant congressional committees for consideration by not later than March 15, 1983."

In response to this direction, a task force of utility and investment banking representatives was formed by the Breeder Reactor Corporation. The mission of this task force was to explore prospects for increased private sector financing of the Clinch River Project, thereby reducing the Federal budget requirements to complete the Project. A preliminary task force plan was transmitted to Congress by the Department of Energy on March 15, 1983. It was recognized at the time that further refinement would be necessary before either the Congress or the Administration could determine its acceptability.

Because the final plan was not ready when the Energy and Water Development Appropriations Bill, 1984, was considered by Congress, both Houses passed the bill (which became Public Law 98-50) without funds for Clinch River. As noted in the accompanying Appropriations Committee reports, this action was taken in the absence of a "viable and substantive alternative" financing plan and the Senate committee report clearly stated that "the Committee is deferring this matter without prejudice." Both committee reports took the position that (House wording) "If an alternative financing arrangement can be worked out, the Committee would consider appropriating funds to continue the project."

Since then, the task force has developed a detailed plan which was submitted to the Department on June 29, 1983. I have carefully evaluated this plan and strongly endorse it as a positive means of achieving the objectives of Congress and the Administration.

On July 21, 1983, representatives of the Breeder Reactor Corporation, a consortium of 753 electric utility systems, and the nuclear industry, labor, and investment banking firms presented the plan with their full backing to President Reagan and high-level Administration officials and the President emphasized his strong support for completion of the Clinch River Project. He and his senior officials are committed to support this plan and will work to ensure its acceptance.

The Clinch River Project is a critical element in this vital program to develop the breeder reactor, a technology that can help meet our electricity needs for thousands of years. The potential benefits to our economic future and national security that the breeder offers are enormous, and the prudent course of action would be to take advantage of this very attractive alternative financing plan.

The development of breeder technology is important within the framework of our national energy policy of developing a diverse mix of energy resources because of the strategic importance of electricity and the need to ensure future Americans will have adequate supplies of economic electricity. Industrialized economies are steadily becoming more electrified and this is particularly true in the United States. Over the past decade, while our use of all nonelectric forms of energy dropped by 15 percent, we increased our demand for electricity by 20 percent. Uranium is an important fuel for future growth in baseload electrical capacity, and a long term role for uranium in the Nation's energy mix requires availability of the breeder.

In addition to Clinch River's primary importance to the development of breeder technology, thousands of productive jobs are supported by the Project across the United States and it will enhance U.S. technological strength and nonproliferation influence worldwide. In order to support our nonproliferation objectives through influence on international development of nuclear technology, the United States must be a recognized leader and active participant in the nuclear technologies that other nations are pursuing. Completion of Clinch River will demonstrate to a skeptical world that the United States has the political will to complete its nuclear development commitments, contributing significantly to our negotiating strength.

The design, licensing, hardware fabrication, and site preparation activities required for the Project are all well advanced. All findings resulting from the licensing process regarding plant safety, site suitability, and environmental acceptability have been favorable, and we expect that the Nuclear Regulatory Commission will issue a construction permit and make it effective by December 1983. Construction of the plant is planned to begin immediately thereafter. The advanced stage of design and hardware fabrication combined with the stable funding provided by the alternative financing plan will permit the construction phase to proceed expeditiously towards plant completion in 1989. During the construction phase, peak construction manpower working on the project will be approximately 5,000 people. An additional 17,000 people will be productively employed on supporting Project activities across the United States.

Accordingly, I am submitting formally, with full Administration endorsement, the final task force plan for consideration and action by the Congress. This plan, endorsed by four leading investment banking firms, will raise $1 billion of private capital for the Project, which represents 40 percent of the funding needed to complete Clinch River, and will significantly reduce Federal budget requirements.

Since the Energy and Water Development Appropriations Act, 1984, did not include funds for the Project for fiscal year 1984, the Administration strongly urges the Congress to enact the legislation necessary to implement the Alternative Financing Plan as soon as possible. It is imperative that Congress conclude action prior to the end of the fiscal year in order to ensure that funds for the Project are available to avoid further costly disruptions and delays.

The Department of Energy is eager to work closely with Congress to develop the necessary appropriations language that will permit us to achieve that goal.

Sincerely,

DONALD PAUL HODEL.●

S. 1005—THE CORRECTIONAL FACILITY DEVELOPMENT ACT

● Mr. D'AMATO. Mr. President, on July 27, the Judiciary Committee Subcommittee on Juvenile Justice held a most important hearing on S. 1005, the Correctional Facility Development Act, and other proposals for Federal assistance to State and local law enforcement agencies. I commend Senator SPECTER for calling the hearing and for inviting me to testify and then join him on the panel.

I am very happy to report that all of the witnesses endorsed S. 1005. The witnesses included Thomas A. Coughlin, III, commissioner, New York State Department of Corrections; Robert Landon, director of corrections, Commonwealth of Virginia; James F. Palmer, director, Department of Corrections, Washington, D.C.; and Joseph Williams, administrative judge, Criminal Court, New York, N.Y.

S. 1005, which I introduced on April 7, 1983, authorizes the National Institute of Corrections to make grants of $1 billion per year for 3 years to help our States with their prison construction and rehabilitation projects. These grants will finance up to one-third of the total construction costs—excluding land acquisition—of State correctional facilities and facility improvements. This $3 billion in Federal spending, combined with $6 billion in State spending, could produce as many as 180,000 desperately needed new prison cells.

The record of the July 27 hearing, when released will answer in great detail any objections which may exist to the Federal Government's commitment of resources on a large scale to assist State prison construction efforts. I would like to address the three most important of those objections in this statement, namely, that:

First, we do not need more prisons;

Second, we cannot afford to build them;

Third, prison construction is the responsibility of the States.

With respect to the first objection, the national prison overcrowding crisis has been called our Nation's No. 1 criminal justice priority by both the National Governors' Association and the Attorney General's Task Force on Violent Crime. State prison populations have increased by 43,000 in the last 2 years alone. Despite all their efforts, however, the States have failed to keep pace with this increase. As a result, they are being forced to parole prisoners who are not rehabilitated. Last week, the Illinois system announced that in about 2 weeks it would have to stop admitting prisoners altogether. For a very limited amount of time the local jails will attempt to hold these prisoners. Then, as the DuPage County Sheriff says, "Who's going to blink first, I don't know." I ask that a New York Times article entitled, "Illinois Prisions Threatening to Turn Away Inmates," be printed in

the RECORD at the conclusion of this statement.

Clearly, there is a crisis and we are running out of time to address it. We must now face the fact that its solution requires an expenditure of money. This brings us to the second objection. My answer is that I can think of no better investment of public funds than prison construction and rehabilitation. Our mass transportation systems, for example, which I have worked so hard for, are unsafe. So are our parks, streets, and housing developments, into which we pour so many billions of public dollars. So I ask my colleagues: What good do we do with all our spending on these projects if the public is afraid to use them? What good are the hundreds of billions we spend on defense and foreign aid to secure a more peaceful world if we cannot secure peace at home? On July 26, Mr. President, we in the Senate voted a defense authorization level of close to $200 billion. The next day I attended the markup of the appropriations bill for the Department of Justice. We agreed to a level of approximately $3.3 billion.

I do not claim that prison construction will solve the crime problem. I do claim that securing the domestic tranquility our Constitution promises is an impossible task without it. I do believe, however, that an additional $3 billion over 3 years for the safety of our people, especially when considered in light of our defense and foreign aid spending levels, is not excessive.

If we compare, for example, the number of heroin addicts—500,000—to the estimated number of addicts in prison—between 100,000 and 200,000—we see that there are hundreds of thousands of addicts walking our streets today. Because there is only one way to support a heroin habit, these addicts have been aptly described as "walking crime machines." Collectively, heroin addicts are stealing tens of billions of dollars a year and committing hundreds of thousands of violent crimes to support their habits. It is time to take our streets back from these criminals.

The unpleasant truth is that we have a very large criminal population in this country. While we search for effective crime prevention and criminal rehabilitation solutions, we have the responsibility to separate these "bad actors" from the rest of society.

Unless we act soon, more States are going to be forced to follow Illinois' example and stop admitting prisoners altogether. Testimony from all of the witnesses at the July 27 hearing indicates that the New York, Virginia, and District of Columbia systems are in a desperate race to avoid such a situation. My statement accompanying the introduction of S. 1005 on April 7 details the prison overcrowding crisis that is pandemic throughout our Nation today.

The third major objection that has been raised to previous proposals for Federal assistance to State prison construction efforts is that law enforcement is primarily a State and local responsibility. Although there were once good reasons to support this argument, the reality of life in 1983 now undercuts it decisively.

One of the major responsibilities of the Federal Government is to prevent the smuggling of narcotics and other illegal drugs into this country. Yet there can be no doubt that the Federal Government is failing to meet this responsibility. Illegal drugs are an $80 billion a year business in the United States. Ninety percent of these drugs come from foreign countries. Because so much crime today is attributable to the flood of illegal drugs, the Federal Government has the responsibility to assist local governments bear the financial burdens resulting from its interdiction failures.

Mr. President, there is a national prison overcrowding crisis. If we order our priorities correctly, we can afford to meet this challenge successfully. Success in this effort demands the full partnership of all levels of government. For all of these reasons, I urge my colleagues to give S. 1005 their full support.

The article follows:

ILLINOIS PRISONS THREATENING TO TURN AWAY INMATES

CHICAGO, July 25.—For about two more weeks, Illinois state prisons will accept prisoners form county sheriffs if they phone ahead for reservations. After that, the state says, it will run out of beds.

Then, says the DuPage County Sheriff, Richard Doria, "Who's going to blink first, I don't know. But I can tell you this; I'm not at all happy that the state wants to give me its problems."

The crisis has developed since an Illinois Supreme Court ruling July 12 that halted the practice of alleviating overcrowding by giving prisoners extra time off for good behavior.

The law permits the state to free inmates three months early, but since the prisons reached their capacity in June 1980, said Nic Howell, a corrections department spokesman, release up to 11 months early has become routine. Over the last three years more than 10,000 felons have been released before their sentences expired, he said, adding that none of these had committed murder, rape or armed rubbery.

ALMOST 100 PERCENT TURNOVER

With the early release program no longer available as a mechanism for controlling the size of the prison population, Mr. Howell said, "We're almost at the point of 100 percent turnover." The prisons were built to hold 13,900 inmates, he said, and "Our projections are this year to get 13,000 new prisoners."

All parties—the Governor, state's attorneys, county sheriffs and state prison officials—have appealed to the public for money for new prisons. The sparring for an immediate solution found a temporary truce last week in the "space available" system, which, corrections officials said, has allowed for transfer of most prisoners.

After negotiating with the state, Cook County, which includes Chicago and many of its suburbs, sent 100 prisoners to state facilities last week, with an estimated few dozen remaining. The previous week the state accepted 90 of the 130 scheduled for transfer.

Philip Hardeman, director of the Cook County Department of Corrections, said that if the state did refuse to accept any more inmates after Aug. 5, the date the state expects to run out of space, "we could have 600 on the floor in four weeks" from lack of beds.

FOUR IN A CELL

Macon County Sheriff Stephen D. Fisher in Decatur said overcrowding was intense already in his 40-year-old jail. He said any proposal that kept more state prisoners in his system was out of the question. Currently, he said, build for 25.

Law enforcement officials trace the overcrowding to a decision in the 1970's not to build more prisons, to the reclassification of residential burglary as a more serious crime with stiffer penalties, and to stepped-up prosecutions and convictions throughout the state.

"More Federal dollars went into law enforcement, because that's what the public wanted," Mr. Howell said. "In 1977, 500,000 criminal cases were filed in Illinois courts. In 1981 that climbed to 700,000. That's one reason we're in a crisis."

Gov. James R. Thompson has thrown his energies into the problem, meeting with groups throughout the state. He has also been canvassing state legislators to see if he can gather enough votes to pass emergency relief measures.

EMERGENCY SESSIONS URGED

The Governor hopes to persuade the General Assembly to convene in an emergency session to make the flexible early release system legal, until a long-term solution can be found. Officials are also debating the feasibility of "modular housing" and of permitting more doubling up of prisoners in one-man cells.

Peter B. Bensinger, chairman of the Governor's Task Force on Prison Crowding, advocates as a temporary solution expanded work release, county supervision in some cases of releasees, and a broader parole system for lesser offenses.

For the long term, sheriffs and state's attorneys have called for building more prison space beyond the 4,000 new beds that are under construction or planned. Mr. Bensinger proposed a revenue sharing program under which county jails and corrections officials would handle the cases of lesser offenders. Some sheriffs are amendable to that, including Mr. Doria, who said he could find room, temporarily, for prisoners of the state if the price was right.

UNDER COURT ORDER

That would be impossible for Cook County, Mr. Hardeman said, because its already crowded facility is under a Federal court order limiting population.

"We don't want the money, we don't want the dollars," he said. "We're always hovering around the 4,500 limit. No amount of money is going to make up for our being in contempt of court."

Other county officials fear that they, too, could be breaking the law if the state does not accept their prisoners. "I can't hold anyone for more than a week, then I'll hear

from the judge," said Mr. Fisher. "If the Governor tells me he's not taking the prisoners, and my judge says deliver them to the Department of Corrections or I'll hold you in contempt, they're going to the Department of Corrections. I'm going to listen to the judge—he can put me in jail."●

FEDERAL CREDIT UNION WEEK

● Mr. DOMENICI. Mr. President, I am pleased to sign as a cosponsor of Senate Joint Resolution 84, designating the week beginning June 24, 1984, as "Federal Credit Union Week"; 1984 marks the 50th anniversary of the industry as it was instituted by the Federal Credit Union Act in 1934. Today's credit union is a good friend to the average American—a familiar, secure place for one's savings or convenient place to borrrow funds for that new "dream car." There are Americans from every walk of life who are members.

Since 1934, credit unions have increased greatly in number and size. Credit unions now outnumber all other financial institutions added together. At the end of 1979 there were 15,201 commercial banks, 4,709 savings and loan associations, and 463 mutual savings banks. Today, nationwide, there are some 22,000 State and Federal credit unions in operation serving 47 million members and controlling $76.6 billion in assets. In New Mexico, there are 95 credit unions as of the end of 1982. They represent nearly 270,000 members and control over a half billion dollars in assets. That the credit union has kept pace and collars such a sizable share of the financial community is no small feat in today's turbulent financial world.

The underlying motivation of the credit union movement was to establish mutual or cooperative associations of workers to provide an outlet for orderly savings and sources of small loans, As the industry has entered the 1980's, and while this remains an important part of the movement, the focus has broadened in the effort to compete successfully with other financial institutions and to best serve their members. Although services offered vary, all federally chartered credit unions may write mortgages as well as consumer loans, and can offer MasterCard and Visa credit cards. They pay 12 percent or more on passbook savings accounts and are offering individual retirement accounts. Some even offer the equivalent of money market funds and pool member's money to make stock market purchases at reduced brokerage commission rates.

Today's membership represents a fair cross section of the American working household, and continues to represent diverse groups of common interests. Most are occupationally oriented, but I know of a unique credit union serving a group of Arabian horse owners. Within New Mexico's borders, there is a credit union serving residents on several of the Indian reservations in the northwestern San Juan County. Also, a small group of business associates in Albuquerque have formed the "American Free Enterprise Federal Credit Union." Its membership—74—is the smallest in the State. However, its growth is indicative of the overall credit union expansion in New Mexico—assets have accumulated to $1½ million during the past 7 months. The Los Alamos Credit Union is the State's largest with 24,760 members, many of whom are associated with the National Labs. The State industry grew at a rate of 14 percent last year, and there is no doubt in my mind that it will continue as a vital financial force. The credit unions are a respectable competitor for our deposits and are a viable source of credit. Indeed, I salute 50 noble years of service and have the utmost confidence that the next 50 years will be as bright for credit unions.●

THE MADRID CONFERENCE

● Mr. D'AMATO. Mr. President, it appears likely that, after nearly 3 years of discussion, the Madrid Conference will soon conclude. As a member of the Commission on Security and Cooperation in Europe, I have followed closely developments at the Conference, called to review the implementatton of the Helsinki Final Act.

Despite its repeated profession of support for, and dedication to, the principles contained in the Helsinki Final Act, the Soviets have repeatedly and blatantly violated both the letter and spirit of the agreement. This has been particularly true with regard to Soviet treatment of members of the Jewish community.

The Greater New York Conference on Soviet Jewry recently compiled a report highlighting the Soviet human rights violations which have occurred during the Madrid Conference.

Mr. President, I encourage my colleagues to read this important report and I request that it be printed in the RECORD in its entirety.

The report follows:

THREE YEARS OF OPPRESSION

(The Greater New York Conference on Soviet Jewry, New York, Aug. 1, 1983)

For the past three years, representatives of the nations which signed the 1975 Helsinki Accords have been meeting in Madrid to review each other's compliance with them. During the same three years, the Soviet Union has intensified its oppression of Soviet Jews, in direct violation of commitments made in Helsinki. The Soviet violations are too numerous to catalogue here, but the sampling which follows is all that is necessary to document the pattern.

The events highlighted here, in a chronological fashion, represent merely the tip of a frightening iceberg. They are singled out not because they were unique, but rather because they are typical of the life of a committed Jew in the USSR today. When reviewed against the background of the Madrid Conference and the relevant language of the Helsinki Final Act, these Soviet violations raise fundamental questions about the future of what has become known as the "Helsinki process."

NOVEMBER 1980

Viktor Brailovsky, a distinguished Jewish scientist and co-founder of a samiadat publication called "Jews in the USSR," is arrested in Moscow on the eve of the Madrid Conference. He is charged with Article 190-1, which prohibits "the circulation of fabrications known to be false which defame the Soviet State and social system." The informal scientific seminars for refuseniks hosted by Brasilovsky and others are disrupted.

Emigration total: 789.

DECEMBER 1980

Hebrew teachers Bliyahu Kssar, Yuli Kosharovsky, Ze'ev Shakhnovsky and Crigory Kozenahtein are all threatened. A class of Kssar is broken up by KGB agents, who confiscate Hebrew books and issue warnings to his students. Telephones of several leading refuseniks are also disconnected.

Emigration total: 889.

JANUARY 1981

Roris and Medi Kun of Moscow are refused permission to emigrate for the 10th time. Aleksandr Magidovich, a young Jewish activist from Tula, is sentenced to 2½ years for violating Article 190-1.

Emigration total: 850

FEBRUARY 1981

The apartment of Moscow Jewish activist Aron Gurevich is searched. Six leading activists, including Kssar, Kosharovsky, and Vladimir Prestin, are called in by the KGB in connection with the investigation of Brailovsky. In Kiev, activist Vladimir Kialik is placed under close surveillance, and all mail to him is stopped.

Emigration total: 1,407.

MARCH 1981

More KGB pressure is directed against Kosharovsky and Hebrew teacher Favel Abramovich. Kosharovsky completes 10 years of living as a refusenik—his most recent refusal was based on work he was engaged in 13 years earlier.

Emigration total: 1,249.

* * * * *

SEPTEMBER 1981

The KOB conducts a series of raids in Kharkov, arresting Aleksandr Peritsky, a distinguished scientist and co-founder of an informal "university" for children of refuseniks. Lokshin and Taukerman are brought to trial and receive 3-year sentence.

Emigration total: 405.

OCTOBER 1981

Five Jews hoping to lay wreaths to mark the anniversary of a massacre of Jews at Babi Yar are detained. In Moscow, the KGB raids the homes of Kosharovsky, Abramovich, Natasha Khassins, and Leonid Tesmenitaky. In Leningrad, Zelichonok's phone is disconnected.

Emigration total: 368.

NOVEMBER 1981

80 Moscow Jews involved in teaching informal classes are threatened by the KOB in an attempt to discourage potential students. The KGB also conducts a series of raids of Jewish homes in Odesas, and an essay by Paritsky's young daughter is used to convict him. He received 3-year sentence.

Emigration total: 363.

DECEMBER 1981

OVIR imposes a new restriction on some applicants for visas, demanding that they produce a certificate proving they are not liable for military conscription. In Toilisi, new threats are directed against brothers Ysai and Grigory Goldshtoin. In Leningrad, the KGB scared some children and parents away from a Chanukah party hosted by refusenik Evgeny Matakin.

Emigration total 434.

Annual emigration total for 1981: 9,447 (compared to 21,471 in 1980 and 51,320 in 1979).

JANUARY 1982

Grigory Vasserman of Leningrad is beaten up and left semi-conscious in the street on his way home from a Hebrew tutorial, but no one is apprehended. Refuseniks claim that postal authorities are not delivering new invitations. Prisoner of Conscience Anatoly Shcharansky spends another birthday apart from his wife, Avital.

Emigration total: 290.

FEBRUARY 1982

A number of Soviet Jewish scientists, including Mikhail Fuks Rabinovich, Semion Katz, Yuri Medvedkov, Olga Medvedkova, Viktor Kipnis, Valery Soyfer and Aleksandr Paritsky, are arbitrarily stripped of their scientific degrees. Activists including Kosharovsky and Yehudit Ratner Dialy are warned to stop their activities. In Novosibirsk, KGB threats are directed against Felika Kochubiovsky, who has expressed interest in founding a USSR-Israel Friendship Society.

Emigration total: 283.

MARCH 1982

The KGB attempts to block plans for Purim celebrations. One celebration is disrupted when Aron Gurevich's apartment in Moscow is raided.

Emigration total: 289.

APRIL 1982

Young refusenik Mikhail Tsyvin is detained for holding up a banner in Red Square asking authorities to let him go to Israel. The KGB launches a new drive against Moscow's religious Jews, raiding homes and calling Grigory Kantorovich and others in for questioning. The mother of refusenik Alla Smeliansky issues an appeal from Israel, asking the Soviets to permit her daughter and daughter's family to join her there.

Emigration total: 288.

MAY 1982

In Moscow, Favel Abramovich is forcibly taken from a friend's home, interrogated for several hours, and told that if he continues to teach, he "could have an accident and break his legs." He decides to curtail his summer teaching. He also joins with Korharovsky and Khassina in an appeal to the KGB to return to Jewish materials previously confiscated. Former POC Ida Nudel, still denied permission to join her sister in Israel, is denied a residency permit for Moscow. Activists Lev Shefer and Vladimir Yelchin receive prison sentences. Also, invalids Vladimir and Izolda Tufeld are again refused visas to join their son in Israel. Both Tufelds are serously ill and bedridden.

Emigration total: 205.

JUNE 1982

Lov Ejbert is told he may have to wait 10 more years for a visa.

Emigration total: 182.

JULY 1982

Refusenik scientists continue to be dismissed from their professional posts; the latest is Venyamin Caniclin, a researcher at the Moscow Research Institute of Antihiotica. Polina Paritsky, wife of POC Aleksandr Paritsky, reports that Aleksandr has been asked to publicly retract his views or face additional punishment.

Emigration total: 186.

AUGUST 1982

Evgeny Lein, released from prison, is warned against renewing Jewish activities. Dr. Edward Nadgorny, a distinguished and brilliant physicist with 25+ years of service at the Academy of Science's Solid State Physics Institute (which he co-founded), is demoted after applying to emigrate. His salary is slashed, he is denied access to research facilities and forbidden to publish. When he suffers a heart attack shortly thereafter, he is refused care in the Institute's medical facility. His wife is also fired from her job.

Emigration total: 238.

SEPTEMBER 1982

Felike Roehubievsky is arrested in Novosibirsk. Activists Boris Kanyevsky, Ilys Coltser, and Valery Senderov, who conducted a study of discrimination against Jews at Moscow University, are arrested. POC Anatoly Shcharansky, completely isolated from his family, begins a hunger strike in prison on Yom Kippur. 69-year-old distinguished scientist and long-term refusenik Aleksandr Lerner, alone since his wife's death in July 1981, agrees to cut off all contact with the West under threat of arrest by the KGB.

Emigration total: 246.

OCTOBER 1982

The Leningrad OVIR advises emigration applicants to resign from their jobs before applying (perhaps to avoid criticism of Helsinki violations based on earlier firings). POC Aleksandr Paritsky, refusing to recant, is placed in solitary confinement and denied winter clothes. Jewish activist Yuri Tarnopolsky, frustrated by repeated refusals, begins a hunger strike. In Moscow, Inna Speranskaya's apartment is raided and she and her friend Iosif Begun are threatened.

Emigration total: 168.

NOVEMBER 1982

Hebrew teacher Tosif Begun is arrested for the third time. In Odesor, the KGB raids Ida Nepomnisrhchy's flat, and attempts to provoke a fight. Long-term refusenik Marat Osnia is refused again, this time because of "the general international situation" since his secrecy classification a decade earlier is no longer a valid excuse. Mikhail Kremen's flat is also raided, and postcards of Israel are among the materials confiscated.

Emigration total: 137.

DECEMBER 1982

Five refuseniks are questioned in Odessa. Several leading refuseniks, including Khasaine, Viktor Fulmakht, and Yakov Alpert, receive "final refusal's." Former POC Simon Shnirman is drafted again, and Rvgeny Lein is threatened with "parasitism," Kochubievsky receives a 2½ year sentence. After wandering from town to town, Ida Nudel finally receives permission to settle in the obscure Moldavian city of Bendery, far from any friends. Another former POC, Vladimir Slepak, returns to Moscow to resume the quest to emigrate he began in 1970.

Emigration total: 176.

Annual total for 1982: 2,688.

JANUARY 1983

POC Anatoly Shcharansky, seriously ill, ends his hunger strike. Simon Shnirman is arrested again. More "final refusals" are issued: recipients include Leningrad activists Iosif Radomyslasky and Grigory Vasserman. 87-year-old Ovssy Broitman, all alone in the USSR after the death of his wife, is still refused permission to join his son in Israel.

Emigration total: 81.

FEBRUARY 1983

The KGB calls in a number of scientists who signed a letter to the President of Israel, Natasha Khassina is threatened again, and Shnirman receives a 3-year sentence.

Emigration total: 125.

MARCH 1983

Yuri Tarnopelsky is arrested in Kharkov. Soviet interference with mail and telephone communications between Soviet Jews and their friends in the West continues.

Emigration total: 101.

APRIL 1983

Lev Elbert is called up by the military reserve. The Soviets begin to publicize a new "Anti-Zionist Committee," and a major new anti-Semitic media campaign links Zionism with Nazism, and attacks several Jewish activists by name.

Emigration total: 114.

MAY 1983

Lev Elbert is charged and sentenced to one year. In Moscow, refuseniks learn that invitations now must be renewed every six months, a virtually impossible task because of Soviet interference with mail from Israel.

Emigration total: 116.

JUNE 1983

The Anti-Zionist Committee declares that almost all Soviet Jews who wanted to leave have left, a statement denounced by the U.S. State Department as "patently false." Activist Leonid Volvovsky's apartment in Gorky is searched, and Odessa activists Yakov Mesh and Valery Povzner are questioned. Gennady Khassin's mother dies in Israel, but his request for a visitor's visa to go to her funeral is denied. Yuri Tsrnopolsky receives a 3-year sentence.

Emigration total: 102.

JULY 1983

Lev Elbert is accused of smuggling hashish into the labor camp and is briefly placed in isolation. Iosif Begun, still awaiting trial, is also accused of breach of discipline in prison.

Emigration total: 167.●

DOT CONFERENCE REPORT

● Mr. MATTINGLY. Mr. President, yesterday, I voted against the amendment offered by Mr. MATHIAS to the conference report on H.R. 3329 the Department of Transportation and related agencies appropriations bill. It dealt with a matter which clearly exceeded the jurisdiction of that report. Reference to the Office of Personnel Management's proposed Federal regulations, published in the Federal Register on July 14, 1983, was not made in either the Senate or the House-passed version of the transportation appropriations bill. I objected to the attempt to raise the issue of a temporary prohibition against the implementa-

tion of these regulations until October 15, 1983, on that conference report.

It is true that there has been a great deal of discussion and debate, one might even say controversy, over the package of proposed regulations which OPM published in March. It is also true, and significantly important, that substantial changes have been made in response to comments received from agencies, Members of this body, Federal employees themselves, and their unions. The changes embodied in the July 14 proposed regulations are in direct response to those comments and objections. The Office of Personnel Management has operated in responsible good faith. In addition, I believe OPM is pursuing the correct course in seeking changes in the Federal pay and promotion system. The present system needs revision. In September 1981, GAO published a study which criticized OPM for its lack of aggressive leadership in promoting a merit pay program. It has taken that leadership in endeavoring to establish a uniform system, and a system by which an outstanding employee can be recognized for his performance.

An editorial which appeared in the Milwaukee Journal on May 30, 1983, stated the issue well, "When good, bad, and indifferent workers are paid the same, and when job security rests on seniority alone, everyone's moral is deadened." In the Federal Government, as in the private sector, outstanding employees deserve to be rewarded for outstanding performance. The proposed regulations provide the mechanism by which this can be accomplished. Under the regulations, all employees with a rating of "fully successful" or above are eligible for career ladder promotions, with no minimum time within the grade required. Those with the highest summary ratings will be given first consideration. It should be noted as well, Mr. President, that approximately 98 percent of the 1.4 million members of the white-collar Federal work force, who are currently eligible to receive within grade increases on the basis of attaining an acceptable level of competence in their jobs, achieve the equivalent of a "fully successful" rating or better. Under the new OPM plan, an appraisal system is not permitted to pre-establish distribution of expected levels of performance. In addition, employees are given the right to request reconsideration of their performance ratings.

Since the effort to delay implementation was successful, it is my hope that all parties will work together to achieve a fair, reasonable, and timely compromise. A system which feeds low morale and which prevents the recognition of excellence is not fair either for hardworking Federal employees or for the American public. I am concerned about constant delay. In addition, Mr. President, I am convinced that the best way to perfect a program is first to allow it to operate. Where problems exist, they can be easily recognized and improvements made.●

MARTIN LUTHER KING, JR., HOLIDAY BILL

● Mr. SARBANES. Mr. President, I rise to commend the House of Representatives for its action Tuesday in passing H.R. 3706, a bill to establish a Martin Luther King, Jr., national holiday. As a cosponsor of the Senate Martin Luther King Holiday bill, I am very happy to see this substantial progress. I urge my colleagues in the Senate likewise to move forward.

I cosponsored similar legislation in the 97th Congress and in previous Congresses, and am proud to note that my own State of Maryland has celebrated Martin Luther King's birthday, January 15, as a legal holiday since 1974. Nineteen States now recognize a day as a legal holiday in honor of Dr. King. It is entirely fitting that the Nation now unite in setting aside a day for this purpose—a day for all Americans just as his dream is the American dream. It is long overdue.

Dr. Martin Luther King, Jr., was one of our Nation's greatest leaders in the ongoing struggle to achieve full equality and justice for all Americans. He has been an inspiration around the world for those who cherish freedom, peace, and the dignity of mankind. His vision of America's promise, his ability to impart that vision to others, and his power to inspire so many to follow him have truly wrought a change in America benefiting us all.

It is especially important that national recognition of Dr. King not be further delayed. Fundamental rights for which he strived and which we now recognize as guaranteed to all our people by the Constitution—including the right to participate in the democratic process, the right to open and decent housing, and the right to equality in education—are today threatened by insensitivity of government, intolerance among individuals, and by increasing poverty. In fact, one out of seven Americans and more than one out of three blacks now live below the poverty level—the highest rate of poverty in the United States since 1965, according to the most recent Census Bureau statistics reported in yesterday's newspapers. Such poverty threatens to erode the gains we have made and endanger our goals of equal opportunity for all—goals sought by Martin Luther King, Jr.

We need Martin Luther King's dream of America. By establishing a national holiday to commemorate his birthday, we create a greater awareness of his life and his contributions to our national character. This inspiration will help us to continue to move forward. I urge my colleagues to take up this matter at the earliest possible time.●

TRANS-ALASKA PIPELINE

● Mr. MURKOWSKI. Mr. President, to many in the lower 48, Alaska is only known for its oil pipeline. The 800-mile TransAlaska Pipeline from Barrow to Valdez was built with great fanfare and toil. The first oil reached Valdez and was loaded onto a tanker 6 years ago last Thursday, July 28, 1977. That pipeline was responsible for many changes in Alaska—an influx of people, of dollars, and of goods have fundamentally changed the lifestyle of many Alaskans. And it has changed the image of Alaska in the minds of many others.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article that appeared in the Anchorage Times on July 29, 1983, which describes the importance of the pipeline to Alaska on this, its sixth anniversary of operation.

The article follows:

VALDEZ ANNIVERSARY

Thursday shouldn't get too far beneath the horizon without some mention that it was the sixth anniversary of the day the first oil from Prudhoe Bay reached the end of the trans-Alaska pipeline at Valdez. That same day the first tanker headed south from Valdez to distribute the Alaska crude to markets throughout the nation.

In the six years since, 3,787 tankers have carried 3,018,697,623 barrels of oil that came through that pipeline from the rich pools on the state's north coast.

There is no question that more than 3 billion barrels of oil made a major impact on the nation's energy supply. Right now the North Slope provides 20 percent of domestic oil. The revenue to the state has contributed positively to the lifestyles and incomes of Alaskans.

That the long stretch of pipe has functioned well for six years with only minor problems is a tribute to its designers, its builders, its investors and the operators who have overseen the line since it came alive.

There were those who were nervous as July 28, 1977, approached. Relay teams had walked the 800-plus miles alongside the line as the oil made its first trip south.

The pipeline is a marvelous accomplishment. In the years to come, July 28 will be looked upon as a special date in the state's history.●

RADIO MARTI

● Mr. LEVIN. Mr. President, I voted to oppose cutting off debate on the motion to proceed to the proposal to establish Radio Marti. My opposition to Radio Marti is based on my strong opposition to the practices of the Castro goverment and on the need to effectively bring to the Cuban people the truth about current events and the policies of their government.

I am convinced that the administration's goals for Radio Marti can best be achieved through an expansion of the programing by the Voice of Amer-

ica directed at Cuba. An alternate proposal has been made by Senator ZORINSKY which would increase Voice of America programing directed at Cuba from 5½ to 14 hours, which is the same number of hours as have been proposed for Radio Marti. But because it would establish a "Cuban Service" within the current Voice of America and not a wholely separate entity such as Radio Marti, the Zorinsky proposal would not result in retaliation through Cuban jamming of U.S. broadcasts into Cuba or Cuban interference with radio broadcasts within the United States—including possibly some stations in my home State of Michigan. Furthermore, using the Voice of America would cost the Federal Government less than half of what it would cost to establish Radio Marti in fiscal year 1984.

Expanding the Voice of America service to Cuba would, thus, give us an option for broadcasting which would be effective instead of self-defeating; firm instead of provocative; and fiscally sound instead of wasteful.

TRIBUTE TO MARY ANN GSCHWIND

● Mr. DOMENICI. Mr. President, I have known of many persons in my life who have saved lives and become heroes in bringing back to life those who might otherwise have died, but this story of a Alamogordo nurse's heroism may have surpassed them all

Mary Ann Gschwind, who died tragically in an automobile accident July 21, completed the one last act of kindness she could still perform in this world following her death. Though she had seen little of her life at the tender age of 20, she had wisdom and sensitivity far beyond her years as her final request to her parents was that they donate any organs of her body for purposes of transplant.

Within moments after her death from a brain injury as a result of the accident at Beaumont Army Medical Center, her heart was flown to Tucson, where it was transplanted into David Butrum at the University of Arizona Hospital. Butrum, a 42-year-old janitorial executive, had only 6 weeks to live before the transplant and now has a new chance at life.

Mary Ann Gschwind's corneas are helping a 14-year-old girl and a 19-year-old girl see better. Both received the transplants at a San Antonio hospital.

And one of her kidneys was also transplanted successfully in San Antonio into a 35-year-old woman, so she too can have a chance at a normal life. The other kidney was flown to Japan for use in a kidney transplant operation there.

As a parent with children of my own, I too feel the anguish of her parents who saw their child's life tragically ended in an automobile accident. But Mary Ann Gschwind has given all of us, in her death, a courageous and heroic example of caring concern for her fellow man that few, if any, can match. She has selflessly given the chance for a new life to others through her kind donation.●

RECOGNITION OF DR. ERNEST E. JUST

● Mr. HOLLINGS. Mr. President, I ask Senate recognition of one of South Carolina's greatest scientists, Dr. Ernest E. Just, whose centennial of birth will be recognized at a symposium at South Carolina State College in the fall. Dr. Just was born on August 14, 1883 in Charleston, S.C. His father and paternal grandfather were wharf builders and erected some of the largest docks in the Charleston Harbor which still stand today. His father died when he was 4 years old. His mother supported the family by teaching school and by establishing a cooperative farm and industrial settlement named Maryville in her honor. After receiving his early education in his mother's school, Dr. Just then attended the Academy of South Carolina State College and Kimball Union Academy in Meriden, N.H. where he was editor of the school newspaper and the highest ranking student in his class. Dr. Just then entered Dartmouth University as a Rufus Choate Scholar and was elected to Phi Beta Kappa in his junior year. He earned the highest departmental honors in both history and biology and was awarded a B.A. degree magna cum laude. In the fall of 1907, Dr. Just joined the faculty of Howard University as an instructor in English. In 1908, he organized the first drama group at Howard University which led to the development of professional instruction in drama at Howard. In 1909, Dr. Just began graduate training at the Marine Biological Laboratory at Woods Hole, Mass. and received his Ph.D. in zoology in 1915 from the University of Chicago distinguishing himself in the fields of cellular physiology and experimental embryology. Although today Dr. Just is noted for his contributions of life sciences, he was rightfully disturbed, that as a black man, his value to the human race was viewed as limited. During the later years of his career, he spent several years doing his research in Germany, Italy, and France. In 1915 Dr. Just received the first Spingarn Medal awarded by the NAACP given "to the man or woman of African descent and American citizenship who shall have made the highest achievement during the preceding year or years in any honorable field of endeavor." Dr. Just later returned to the United States and served as the head of the Department of Zoology at Howard University. Dr. Just died in 1941. Perhaps the times in which he lived did not allow the fullest recognition of Dr. Just's scientific accomplishments, but I am proud that our society has advanced to the degree that we now rightly recognize Dr. Ernest E. Just, the great scientist and the great man.●

SURFACE MINING CONTROL AND RECLAMATION ACT

● Mr. SPECTER. Mr. President, yesterday I introduced S. 1755, a bill to amend the Surface Mining Control and Reclamation Act. A copy of that bill was not printed in the RECORD. I request that the bill be printed in today's RECORD.

The bill follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABANDONED MINE LAND PROGRAM.—Amend section 401 (30 U.S.C. 1201) to read:

"SEC. 401. (a) There is created on the books of the Treasury of the United States two trust funds to be known respectively as the Abandoned Surface Mine Reclamation Fund (hereinafter referred to as the "surface fund") and the Abandoned Underground Mine Reclamation Fund (hereinafter referred to as the "underground fund") which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds (State funds) generated pursuant to this title shall be established by each State pursuant to an approved State program.

"(b) The funds shall consist of amounts deposited in the fund, from time to time derived from—

"(1) the reclamation fees levied under section 402 of this Act: *Provided*, That an amount not to exceed 10 per centum of such reclamation fees collected for any calendar quarter shall be reserved beginning in the first calendar year in which the fee is imposed and continuing for the remainder of that fiscal year and for the period in which such fee is imposed by law, for the purpose of section 507(c), subject to appropriation pursuant to authorization under section 712: *Provided further*, That not more than $10,000,000 shall be available for such purposes;

"(2) any user charge imposed on or for land reclaimed pursuant to this title, after expenditures for maintenance have been deducted;

"(3) donations by persons, corporations, associations, and foundations for the purposes of this title; and

"(4) recovered moneys as provided for this title.

"(c) Moneys in the surface fund may be used for the following purposes:

"(1) reclamation and restoration of land and water resources adversely affected by past coal mining, including but not limited to reclamation and restoration of abandoned surface mining areas, abandoned coal processing areas, and abandoned coal refuse disposal areas; planting of land adversely affected by past coal mining to prevent erosion and sedimentation; prevention, abatement, treatment and control of water pollution created by coal mine drainage including restoration of streambeds, and construction

and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ;

"(2) for use under section 406, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the funds annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes;

"(3) acquisition of land as provided for in this title;

"(4) enforcement and collection of the reclamation fee provided for in section 402 of this title;

"(5) studies by the Department of the Interior by contract to such extent or in amounts as are provided in appropriation Acts with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this title;

"(6) restoration reclamation, abatement, control, or prevention of adverse effects of coal mining which constitutes an emergency as provided for in this title;

"(7) grants to the States to accomplish the purposes of this title;

"(8) administrative expenses of the United States and each State to accomplish the purposes of this title; and

"(9) all other necessary expenses to accomplish the purposes of this title.

"(d) Moneys in the underground fund may be used for the following purposes:

"(1) reclamation and restoration of land and water resources adversely affected by past underground coal mining, abandoned coal processing areas, and abandoned coal refuse disposal areas; sealing and filling abandoned deep mine entries and voids; planting of land adversely affected by past underground coal mining to prevent erosion and sedimentation; prevention, abatement, treatment, and control of water pollution created by coal mine drainage including restoration of streambeds, and construction and operation of water treatment plants; prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ; and prevention, abatement, and control of coal mine subsidence;

"(2) for use under section 406, by the Secretary of Agriculture, of up to one-fifth of the money deposited in the funds annually and transferred by the Secretary of the Interior to the Secretary of Agriculture for such purposes;

"(3) acquisition and filling of voids and sealing of tunnels, shafts, and entryways under section 409;

"(4) acquisition of land as provided for in this title;

"(5) enforcement and collection of the reclamation fee provided for in section 402 of this title;

"(6) studies by the Department of the Interior by contract to such extent or in such amounts as are provided in appropriation Acts with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this title;

"(7) restoration, reclamation, abatement, control or prevention of adverse effects of coal mining which constitutes an emergency as provided for in this title;

"(8) grants to the States to accomplish the purposes of this title;

"(9) administrative expenses of the United States and each State to accomplish the purposes of this title; and

"(10) all other necessary expenses to accomplish the purposes of this title.".

SEC. 2. DIRECT AML FUNDING TO STATES.—Amend section 401(d), (30 U.S.C. 1231(d)), to read:

"(d) Moneys from the fund shall be available for the purposes of this title, only when appropriated therefor, and such appropriations shall be made without fiscal year limitations.

"(1) Moneys from the fund allocated to the States and Indian tribes pursuant to section 402(g) shall be paid directly to the States and Indian tribes by the Secretary of the Treasury not later than ninety days following the end of each calendar quarter, without prior appropriation by Congress, for use by the States and Indian tribes as approved by the Secretary pursuant to section 405.

"(2) Moneys from the fund not allocated to the States and Indian tribes pursuant to section 402(g) shall be available for the purpose of this title only when appropriated therefor, and such appropriations shall be made without fiscal year limitations.

"(3) The Secretary of the Treasury shall pay interest to this fund quarterly at the prevailing rates of Treasury bills on the balance of moneys in the fund.".

SEC. 3. RECLAMATION THROUGH REMINING.—Amend section 711, (30 U.S.C. 1301), to read:

"SEC. 711. In order to encourage advances in mining and reclamation practices, to allow postmining land use for industrial, commercial, residential, or public use (including recreational facilities), or to encourage reclamation of abandoned mine lands and areas not reclaimed to meet the performance standards of this chapter, the regulatory authority with approval by the Secretary may authorize departures in individual cases on an experimental basis or by regulation for remaining of abandoned mine lands from the environmental protection performance standards promulgated under sections 515 and 516 of this Act. Such departures may be authorized if (i) the experimental or alternative remining practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.".●

THE ADMINISTRATION'S UNFAIR DEFENSE OF ITS "FAIRNESS"

● Mr. LEVIN. Mr. President, I should like to take this opportunity to include in the RECORD an article by Robert Greenstein which appeared in the June 19 issue of the Washington Post, entitled "Stockman Is Still Cooking the Numbers."

This article is both distressing and essential. It demonstrates that Mr. Stockman persists in using budgetary and economic data in a way that can generously be referred to as highly misleading. It is important that Americans know that the pattern of distortion continues and that the pronouncements of the Reagan administration must be viewed through a fine sieve of skepticism.

A couple of points raised by Mr. Greenstein should suffice to commend that it be read to its conclusion.

First, Mr. Stockman claims that spending for low-income benefit programs in fiscal years 1982 and 1983 were only 5 percent below the levels sought for those years in the last Carter budget. However, Mr. Stockman arrives at this conclusion by comparing the spending levels which Carter projected, assuming 7-percent unemployment, with the levels which Reagan pursued assuming 10-percent unemployment. Since the costs of a number of these programs increase as unemployment rises, the Stockman numbers utilize the recession to mask the depth of the Reagan cuts. I find it virtually impossible to believe that anyone crafty enough to manipulate data in this way could be unaware of how misleading is its presentation.

Second, the article focuses on the Stockman contention that the Reagan tax cut did not really do all that much for wealthy individuals. In order to arrive at this conclusion, Mr. Stockman only had to make two "minor" interpretations. First, he limits the definition of "wealthy" to people making $200,000 and above and he ignores any benefit which they received from the 25-percent income tax cut over 3 years. By only focusing on the portion of the Reagan tax bill which dropped the maximum tax rate on unearned income from 70 to 50 percent, Mr. Stockman chose to disregard the on-the-average of $22,000 which they received from the 3-year across-the-board tax cut.

The Director of the Office of Management and Budget has marshaled these and other arguments to refute any claim that this administration has been unfair. However, his need to resort to half-truths and ludicrous assumptions to make his case shows how far this administration has strayed from the path of simple equity.

I ask that the text of the article, "Stockman Is Still Cooking the Numbers," appear in full following my remarks.

The article follows:

[From the Washington Post, June 19, 1983]

STOCKMAN IS STILL COOKING THE NUMBERS—NOW HE WANTS US TO BELIEVE REAGAN IS FAIR

(By Robert Greenstein)

David Stockman is at it again.

After he confessed to rigging the computers in 1981 to make the prospective Reagan deficits shrink, one would have thought that the budget director had had his fill of numbers juggling. But it was not to be. This time, of all things, Stockman has been fiddling with figures in the hope of demonstrating how fair the Reagan administration really is in its treatment of rich and poor.

Stockman unveiled his latest statistical wizardry before the Congressional Joint

Economic Committee last month. He came fully equipped with charts, each to illustrate a remarkable assertion.

Claim 1: The poor have been affected only marginally by Reagan administration budget cuts. Indeed, if all of its proposed cuts for fiscal 1984 were enacted, Stockman contended, low-income benefit programs (food stamps, Medicaid, low income housing, child nutrition, Supplemental Security Income and Aid to Families with Dependent Children) would still be reduced only 5 percent below the levels sought by Jimmy Carter.

Claim 2: Large parts of programs for the needy weren't serving the poor anyway. Before the Reagan cuts, Stockman maintained, more than two-fifths of the benefits of low-income programs went to families with incomes exceeding 150 percent of the poverty line.

Claim 3: The wealthy really were not the big winners in the 1981 tax-cut act. In fact, he asserted, they had received less than 1 percent of the benefits.

It was an impressive performance, even if it was based on some peculiar evidence.

Start with Stockman's contention that actual spending for low-income benefit programs in fiscal 1982 and 1983—plus Reagan's proposed spending for fiscal 1984—is only 5 percent below the levels sought for these years in the last Carter budget.

Here Stockman has deftly made use of the high unemployment experienced under the Reagan administration in an effort to bolster his case. The costs of a number of these basis benefits programs vary with unemployment levels—when more people are out of work, the number of households qualifying for the programs multiplies and program costs rise. By one estimate, for example, food stamp costs rise about $600 million for every percentage-point increase in the jobless rate.

The Reagan budget numbers Stockman cited reflect the impact of 10 percent unemployment on the costs of these programs. By contrast, the Carter budget numbers used by Stockman were calculated back in 1981, based on projections that unemployment would average only about 7 percent in the budget stemming from higher unemployment to make Reagan's spending levels look closer to Carter's—thereby making the Reagan cuts appear smaller than they actually are.

Stockman was not content to stop his strange comparison there. Further manipulations occurred when he adjusted the Carter and Reagan budgets for inflation, converting both to "constant 1981 dollars."

To do this, Stockman adjusted downward both the actual Carter and the actual Reagan budget numbers for 1982, 1983 and 1984. He reduced the projected Carter spending levels for 1983 by 16 percent—since the Carter budget had projected that prices in 1983 would be 16 percent higher than in 1981. And he adjusted the Reagan numbers for 1983 downward by just 10 percent—the inflation level for 1981-1983 reflected in the Reagan budget. Since the Carter numbers were reduced by larger percentages that the Reagan numbers, this made Carter spending levels appear smaller in relation to Reagan's.

To be sure, such adjustments are valid in most cases—but *not* for two of the major programs, Medicaid and subsidized housing.

Medicaid budgets are based on projections of inflation in health care costs rather than on projections of the *overall* inflation rate. When you do the proper inflation adjustment—using health care costs rather than overall inflation—you discover that the Reagan Medicaid cuts are about $2 billion deeper for the 1982-1984 period—or more then double what Stockman indicated.

Equally egregious was Stockman's manipulation of the housing numbers. A substantial portion of federal outlays for subsidized housing consists of fixed costs under long-term contracts for construction or rehabilitation. These costs do not vary with inflation any more than a homeowner's fixed monthly mortgage payments do. Stockman had no business adjusting these fixed costs for inflation. However, Stockman adjusted these costs anyway, and reduced the fixed payments in the Carter housing budget by a greater percentage than he reduced the identical fixed payments in the Reagan budget.

This bit of legerdemain made it appear that Ronald Reagan—whose administration has cut billions from new appropriations for subsidized housing, raised rents for all 3.5 million families and elderly persons living in subsidized units, and reduced the number of new low-income housing units being constructed or rehabilitated by more than half—actually spent more on these programs over the past two years than Carter would have.

How significant are Stockman's manipulations? A new Congressional Budget Office analysis shows that as a result of the last two years of budget reductions, fiscal 1983 expenditures for the low income benefits programs were cut $5.2 billion below what they would have been had no changes been made by Congress. Stockman's chart, however, showed a reduction of only $1.7 billion. In other words, Stockman made two-thirds of the Reagan cuts disappear.

The administration's reductions, of course, would have been far deeper had all of its proposed cuts in aid to the poor been enacted. Of $20 billion requested last year in further cuts in these programs for the 1983-1985 period, Congress agreed to less than $4 billion.

Among the reductions rejected outright were administration proposals that would have doubled rents over several years for some of the poorest families living in subsidized housing, ended or reduced food stamps for more than 90 percent of the elderly who receive them, and sliced 700,000 low-income pregnant women and children from a food supplement program that has been proved to reduce infant mortality.

So much for Stockman Claim 1.

Next, Claim 2: That large chunks of benefits have been going to persons far above the poverty line. Indeed, Stockman maintains that before Ronald Reagan came to the rescue, average workers were being taxed to bring welfare families up to virtually the same standard of living as themselves.

Specifically, he contends that in 1981, 42 percent of all benefits in these programs went to families over 150 percent of the poverty line, and that 150 percent of the poverty line for a family of four that year was $13,390—or 92 percent of the medium annual income for employed workers.

The misuse of statistics is particularly striking here. First, Stockman has compared 150 percent of the poverty line for a family of four ($13,390) to the medium income for an individual worker. Sorry, but you can't do that. The real numbers go like so: The median income for a family of four in 1981 exceeded $26,000—not $13,390—and 150 percent of the poverty line is about half—not 92 percent—of the median income for a comparably sized family.

Then Stockman counted as part of the income of program beneficiaries the value of health insurance coverage provided by Medicaid and the benefits from living in subsidized housing—but he did not include in his median income figures for workers either the comparable fringe benefits for employer-paid health insurance or the tax subsidies for mortgage and medical payments that many middle-income families receive. This makes for a neat comparison of apples and oranges.

When you do these comparisons properly, you find that the income and benefits of those participating in the federal programs were far below the living standards of average American families—even before the Reagan budget cuts took effect.

Nor is Stockman's claim valid that 42 percent of low-income benefits went to families over 150 percent of the poverty line. While these figures are derived from Census data, Stockman misuses the evidence in ways that the Census Bureau itself warns against.

Drawing on the Census Bureau's work, Thomas C. Joe, a former Nixon administration welfare expert who now directs the Center for the Study of Social Policy, has prepared a devastating critique that shreds Stockman's claims on this issue.

A number of Stockman's "high-income" families were actually unemployed and receiving federal benefits for just a few months in 1981. Once back to work, they stopped receiving aid. But Stockman's figures reflect families' incomes for all of 1981 (rather than just for the months they actually received benefits), which enables Stockman to count many of these families as "high income" beneficiaries. The Census Bureau explicitly warns about this problem in the data, but Stockman ignored the admonition.

Similarly, the Stockman data distort income patterns when the composition of a household changes. The data attribute to households the income earned during the entire year by persons who were household members for only a small part of the year. Yet the absence of households members for part of the year (especially deserting fathers) may be the very reason that the remaining family members needed aid. The Census Bureau warns about this, too, stating that the data "may not always reflect the true economic status of the household during the year."

In short, the numbers Stockman uses have a major impact in exaggerating the number of high-income households receiving aid. When those distortions are removed, the picture is quite different. For example, Agriculture Department evidence that is free from these distortions shows that no more than three-tenths of 1 percent of food stamp benefits in 1981 went to families whose cash incomes exceeded 150 percent of the poverty line during the month they received food stamps.

While these manipulations are disturbing Stockman's numbers-juggling reaches its zenith in his description of administration tax policies.

The wealthy, according to Stockman, received all of their tax cut when the top tax rate was lowered from 70 percent to 50 percent. Since this change constituted less than 1 percent of the tax benefits from the 1981 tax act, Stockman tells us, the wealthy ended up with less than 1 percent of the largesse and can hardly be described as the prime beneficiaries.

These startling conclusions contrast sharply with the findings of virtually every independent study of the 1981 tax act. The Joint Congressional Committee on Taxation, for example, found that the wealthiest 5 percent of taxpayers would gain 35 percent of the benefits from the tax act. Congressional Budget Office studies have shown that in fiscal 1982 through 1985, the tax and budget changes enacted under the Reagan administration will take more than $20 billion in benefits away from households with incomes below $10,000 a year—while increasing the after-tax incomes of those making more than $80,000 a year by $64 billion.

How did Stockman get such different results?

First, his claim that lowering the top rate represented all of the tax cuts for the wealthy is nonsense. He simply ignores the plethora of new loopholes and expanded tax breaks incorporated into the 1981 act, such as the changes in estate taxes, IRA's and Keogh's, the All Savers Certificate and dividend reinvestment.

Second, Stockman carefully limited his definition of the wealthy (without informing his audience) to the top two-tenths of 1 percent of all taxpayers, those with incomes of more than $200,000 a year. This suited his purposes admirably: With so few taxpayers defined as wealthy, their aggregate tax benefits would not look so large. The sizable tax benefits going to the much larger number of taxpayers in the $50,000–$200,000 range were simply excluded from his calculations.

Moreover, Stockman omitted the fact that the elite group he did define as wealthy received, on average, a whopping $22,000 apiece just from the changes in tax rates—before even counting the new tax shelter opportunities. Ronald Reagan himself saved $90,000 on his taxes last year because of the 1981 act. His after-tax income went up almost as much as if his salary had doubled.

The final part of Stockman's tax presentation was an attempt to discredit independent studies showing that those with high incomes received very large tax breaks. The problem with the studies, Stockman declared, was that for the wealthy, tax gains or losses stem less from rate changes (which the studies focused on) than from changes in the extent to which income is diverted into tax-free investments (which most of * * *.)

Stockman's implication was that by reducing the top rates, tax shelters were being made less attractive—and that declining use of shelters would reduce the gains for the wealthy below the levels cited in the studies.

While lowering the top rate may, by itself, reduce the use of shelters, Stockman again failed to disclose all of the facts: The 1981 act created so many new shelter opportunities that use of shelters has exploded despite the reduction in the top rate.

Use of syndicated shelters grew 12.5 percent in 1982, far more than the rate of inflation. Moreover, preliminary data indicate that for the first quarter of this year, syndicated tax shelter use is up 50 percent from the comparable period last year. The burgeoning use of shelters, which confer the preponderance of their benefits on the affluent, suggests that tax benefits for the wealthy from the 1981 act are likely to be larger—not smaller—than previous studies and analyses have indicated.

Finally, there is the question of purchasing power. A favorite Stockman (and White House) theme is that the average American's purchasing power has increased sharply during the Reagan presidency because inflation has come down so much. Purchasing power, however, is not determined solely by prices—but by the interaction of prices and wages.

What the administration has failed to say is that wages have come down about as much as prices, leaving the average American with virtually no gain in real purchasing power.

What is widely regarded as the best measure of purchasing power—the Commerce Department's index of real per capita personal disposable income—shows that purchasing power under Reagan has increased at an annual rate of only four-tenths of 1 percent. This is well below the average rate of increase under every other president for the past 30 years.

The growth in purchasing power that did take place in the Reagan years occurred primarily from January 1981 until August 1981—before the Reagan economic program took effect. Since August 1981, when the Reagan tax and budget program was enacted, real per capita personal disposal income has declined. The average American's standard of living has fallen since the Reagan administration's program was enacted.

Stockman's manipulation of the numbers makes rational debate on these spending issues more difficult. But perhaps most significant is the new dimension that Stockman has added to the much-discussed "fairness" issue.

For what can raise more basic questions about whether this administration is fair than when one of its principal officials—with access to data, staff and resources that few others in this town possess—utilizes this power to rig the terms of the debate and misrepresent the nature of his administration's policies.

[Robert Greenstein is director of the Center on Budget and Policy Priorities, a non-profit research and analysis organization in Washington.]●

AMENDMENT TO SECTION 404 TO PROTECT STATE WATER RIGHTS

● Mr. WALLOP. Mr. President, on July 31 the Federal district court in Colorado decided the case of Riverside Irrigation District against Andrews. It held that the U.S. Army Corps of Engineers was properly, acting within its Federal police power authority when it denied a nationwide section 404 permit to plaintiff because of the proposed deleterious downstream effects the exercise of plaintiff's water rights would have on the habitat of the whooping crane. The authority under which the corps was properly operating was the Endangered Species Act as made operative by section 404 of the Clean Water Act.

In broad terms this means that Federal agencies are authorized to regulate the quantity of water discharged from private reservoirs. For reasons that will be explained, this precedent cannot be allowed to stand. I hereby announce my intention to introduce legislation to correct this holding, and I invite participation in development of that legislation by my colleagues and interested groups.

For some time now two great legal schemes which govern water resources in the West have been precariously balanced in relation to one another. On the one hand, we have State water allocation systems upon which agriculture, industry, and municipalities have long relied in determining the quantity of water which they may use now and in the future. On the other hand we have a number of interrelated Federal laws which serve the equally beneficial goals of protecting water quality, wetlands, and fish and wildlife. We have long known that careless expansion of one legal scheme could do serious injury to the other.

Within the context of individual projects and problems these two legal schemes have often conflicted. Solutions have been worked out through negotiation and compromise without doing violence to either system of law. However, if the decision of the court in the Riverside case is allowed to stand it will do far more than affect the parties involved. It will do serious violence to the entire system of State laws which has been established to allocate quantities of water.

For you to understand the far-reaching implications of the holding, I must first tell you the facts of this particular case. The Riverside Irrigation District and the Public Service Co. of Colorado propose to build a reservoir on Wildcat Creek which is an intermittent tributary of the South Platte River. The water will be used for a powerplant and irrigation.

The dam and reservoir are upland, away from the river. There are no allegations, by any party, that construction of the dam or reservoir will have any significant adverse effect on water quality, wetlands, fish and wildlife, or endangered species.

However, the Corps of Engineers and the Fish and Wildlife Service assert that exercise of Riverside's State water right, its withdrawal of water from the river through a pipeline, would reduce the flow of water in the river and thereby cause an adverse effect downstream. The adverse effect is to the habitat of the whooping crane, an endangered species. The habitat is located 250 to 300 miles downstream. The Corps of Engineers will only grant the section 404 permit necessary to construct the dam and reservoir if Riverside agrees to conditions. The conditions would require Riverside to put back in the river all or a part of the quantity of water which it plans to withdraw from the river to fill its reservoir.

Riverside brought suit against the Corps of Engineers contending that though the corps must consider the environmental effects of dam and reservoir construction, it could not con-

sider the effects of its consumptive use of water which was authorized under a State water permit. Riverside argued that the conditions imposed by the Federal agencies were contrary to the intent of Congress as clearly set forth in section 101(g) of the intent of Congress as clearly set forth in section 101(g) of the Clean Water Act. That section states that nothing in the act, "shall be construed to supercede or abrogate rights to quantities of water which have been established by any State."

The district court held that the Clean Water Act permits the corps to take into consideration adverse effects on the aquatic ecosystem, including fish and wildlife, even when those effects are far removed from the construction site. Because the corps may consider such effects before granting a section 404 permit, the court held that the Endangered Species Act requires that the effects be considered by the corps.

As for section 101(g) the court held that it was only an expression of congressional policy. Besides, the court reasoned, the corps is not taking away a State water right, it is only telling Riverside how it may exercise that right.

This is the fatal flaw in what is otherwise a well-reasoned decision. In fact, the only option the irrigation district and PSC now have is to put back into the river a quantity of water equal to all or a portion of the quantity which they are entitled to use under their State permit. It is clear that such a requirement attempts to supersede a right to a quantity of water which has been established by the laws of the State of Colorado. To characterize the action as regulation rather than prohibition is to seriously contort both the clear meaning of words and the express intent of Congress.

Many of my colleagues, particularly those from Eastern States, may ask what is the danger of giving the corps control over water rights? You may say that efforts to use and develop privately held land are often halted by a determination that the land is a valuable resource. Federal permits or assistance are often withheld if an endangered species or other protected resource would be adversely affected.

However, these restrictions are usually based on concerns over the environmental impacts on the land in question. These prohibitions and restrictions concerning land are somewhat predictable. But a similar restriction on the use or water, particularly in the West where water is scarce and land almost valueless without it, places more than a cloud over the water users at the source of the environmental concern. It clouds every water right from the area of concern all the way up to the headwaters, which may be over a thousand miles away.

In the West, we now allocate our scarce water resources through State agencies, under principles and laws established over the past 100 years, and under painstakingly negotiated interstate compacts. Congress and the courts have repeatedly recognized the unique and important role of western water law in all aspects of our economic, social, and political lives. Our statutes have consistently sought to preserve and protect that system from Federal interference.

If this district court decision is allowed to stand or is expanded, we may now see a dual system of water allocation with decisions of the Corps of Engineers and the Fish and Wildlife Service superimposed upon those of the States. Moreover, we may see a situation in which additional consumptive use of Platte River water for any purpose will be prohibited. No western river would be exempt from such a possible consequence.

This decision will most probably be appealed. The Tenth Circuit and perhaps the Supreme Court may be called upon to determine the issue. Perhaps they will disagree with the district court and moot the issue. Perhaps they will not. We should not take that chance and impose upon the people of the West the uncertainty that would prevail in the interim.

When Senator HART and I introduced the amendment that became section 101(g) of the Clean Water Act it was drafted in broad terms to address a general concern which we could not more clearly articulate at the time. Six years have now passed. The regulatory program and interagency procedures which implement the act have now been fully developed. We can now more clearly articulate the concerns which we have regarding the extent of the corps' jurisdiction. I intend to articulate those concerns in an amendment to the Clean Water Act which the Senate will consider this fall.

It is my intent to offer an amendment to section 404 of the act. The amendment will provide that in acting on permits, the corps and EPA shall not take into consideration effects of the diversion of quantities of water for beneficial use. Diversions covered by the provision would be those which are or are to be undertaken pursuant to a right to appropriate and use water granted by any State. The exception would not apply to projects which are designed to isolate water and wetlands and to convert them to dryland.

It is not my intent to do violence to the wetlands protection provisions of the Clean Water Act or to compromise the goals of the Endangered Species Act. My intent is to protect State water allocation systems which I believe are now in jeopardy under this most recent interpretation of the act. I announce my intentions now, before the August recess, as an invitation to my colleagues and to interested parties. It is an invitation to enter into a dialog concerning the most appropriate way to protect these two important systems of law while placing them back in the proper balance.

My colleagues who know me well know the depth of my concern over this issue. My intentions to address the problem are serious.

Therefore, I urge interested parties to contact me directly or to contact Ms. Terri Sneider of the Committee on Energy and Natural Resources. By working together we might develop a genuine solution rather than inviting a confrontation, and thereby better protect the goals of both these beneficial systems of law.●

REINSTITUTING THE DEATH PENALTY

● Mr. LEVIN. Mr. President, today the chairman of the Senate Judiciary Committee, Senator THURMOND, has reported a number of crime bills including a bill to reinstitute the death penalty for certain Federal offenses. Many of my colleagues already know of my views in opposition to capital punishment and know that should the bill be brought up, I intend to engage in lengthy debate on this issue. I am confident that a number of other Senators share my concerns about capital punishment and will join me in my effort to defeat the bill.

I hope that once the pros and cons of reinstituting the death penalty are considered, the Senate will follow the example of the British House of Commons, which resoundingly defeated an effort to restore capital punishment in Great Britain on July 13, 1983. According to the Washington Post, during the debate former conservative Prime Minister Edward Heath told members of the House that restoration of capital punishment would do nothing to enhance the safety of the people of the realm and that the annual debate on capital punishment in the House had prevented the legislators from giving real attention and resources to the problems of crime.

Mr. President, I happen to believe that no procedure for sentencing individuals to death would conform to the standards we hold sacred in this country. Our system is not foolproof and human error can lead to irreparable mistakes. Based on my experiences as a lawyer, I know that errors are made often and that innocent people are convicted of crimes. In order to maintain order in our society I suppose we all must accept these errors—at least where there is an opportunity to correct them. But when a person is executed the error can never be corrected.

Because of the risk that an innocent person will be executed, capital punishment should be rejected unless it can be shown that its benefits to society outweigh the risk of such errors.

The primary argument made by proponents of the death penalty is that the punishment deters those who would commit capital crimes, thereby protecting innocent people. I know of no persuasive studies which convince me that capital punishment has a greater deterrent effect than does a sentence of life in prison. In fact, a comparison of the FBI's statistics on homicide rates in America between 1962 and 1980 show that States with capital punishment have a higher average murder rate than States without it. During those years, States with the death penalty averaged 7 murders per 100,000 population, while States without the death penalty had a much lower average murder rate—4.5 murders per 100,000.

Mr. President, proponents of capital punishment argue that the new post-Furman procedures for determining whether a death sentence should be imposed limit the arbitrary and discriminatory nature of the death penalty which the Supreme Court found constitutionally objectionable when it struck down virtually every existing State statute in its Furman decision. But the death penalty continues to be imposed in an arbitrary and discriminatory manner today—disproportionately against the poor and the poorly represented. Studies conducted on imposition of the death penalty under the post-Furman statutes show that the race of the victim now figures predominantly in the jury's decision about whether to impose the death penalty.

There are a number of other compelling reasons why the Senate should firmly reject legislation to reinstitute the death penalty. All in all, after having done considerable research on the issue, I am convinced that the problems associated with capital punishment outweigh any possible benefit which society might derive from it and that is why I will do everything I can to see this bill defeated.

I also wanted to take this opportunity to insert in the RECORD a letter which was delivered to every Senator from the leadership of the religious community in strong opposition to S. 114, the death penalty bill reported by the Senate Judiciary Committee during the 97th Congress which was nearly identical to the bill placed on the calendar today.,

The letter follows:

SEPTEMBER 18, 1981.

DEAR SENATOR: We are writing to urge you to oppose S. 114, a bill to reinstitute the death penalty, which may come before the Senate in the not too distant future. We have serious concerns about any bill which sanctions the use of capital purnishment.

The religious traditions which we represent share a common belief that all human life is sacred. We believe that every individual has a unique worth and dignity which is given by God.

Government has the responsibility of protecting the lives of its citizens. We acknowledge this obligation and we reaffirm our interest in continued commitment to a society which is both safe and just. Our work brings us into touch with the deepest dimensions of the lives of both the victims and the perpetrators of crimes in our communities. We have witnessed the tragedy brought into the lives of victims of violent crime and also in the lives of those who commit such crimes. We believe that the death penalty fails to achieve the goal of protecting society and in fact perpetuates this tragic cycle of vengeance and violence.

While we support effective law enforcement measures within our criminal justice system, the irrevocable nature of the death penalty undermines our inherent respect for human life and eliminates any possibility of reform or of real restitution to society.

Both our experience and statistics bear witness to the disturbing reality that the death penalty is applied disproportionately to the poor, the uneducated, and minorities. This injustice frustrates society's goal of achieving an equitable judicial system.

Passage of this bill would represent a hollow victory for society in leading us to believe that we have "done something" about the real problems of crime and violence which plague our lives today. The taking of a human life should be reserved only to God—not to fallible human beings. We urge you to carefully consider our views and seek alternatives to the death penalty which respect the sacredness of human life.

Sincerely,

The Rt. Rev. John M. Allin, Presiding Bishop, The Episcopal Church (U.S.A.); Ross T. Bender, Moderator, Mennonite Church General Assembly; Bishop James R. Crumley, Jr., Lutheran Church in America; Arie R. Brouwer, General Secretary, Reformed Church in America; Rabbi Alexander M. Schindler, President of the Union of American Hebrew Congregations; Bishop H. Ellis Finger, Jr., President, Council of Bishops, The United Methodist Church; Avery D. Post, President, United Church of Christ; William P. Thompson, Stated Clerk of the General Assembly, United Presbyterian Church in the U.S.A.; Kenneth L. Teegarden, General Minister and President, Christian Church (Disciples of Christ); Stanley Bohn, Executive Secretary for Home Ministries, General Conference Mennonite Church; James E. Andrews, Stated Clerk, The General Assembly of the Presbyterian Church in the United States; Robert W. Neff, General Secretary of the General Board, Church of the Brethren; (Rev. Msgr.) Francis J. Lally, Secretary, Department of Social Development and World Peace, U.S. Catholic Conference; and Rev. Dr. O. Eugene Pickett, President, Unitarian Universalist Association of Churches in North America.●

SOVIET DAY OF SHAME

● Mr. DOLE. Mr. President, on August 21, 1983, we will join Americans of Czech and Slovak descent in sadly commemorating the 15th anniversay of the Soviet Day of Shame. On that day, 600,000 Soviet-led Warsaw Pact troops marched into Czechoslovakia and crushed the last hopes of furthering the progressive reforms initiated in the short-lived movement to institute Socialism With a Human Face; 15 years later, the Soviet presence continues to manifest itself in all aspects of Czechoslovak life. Even now, upwards of 80,000 troops police the Czechoslovak countryside.

The infamous Soviet invasion was provoked by the experimental reforms of Alexander Dubcek, then head of the Communist Party of Czechoslovakia. Dubcek's movements toward greater autonomy allowed the people of Czechoslovakia a taste of freedom. These reforms were quickly snuffed out by harsh orders from the ruling elite in Moscow, who could not accept any reversal of the so-called gains of socialism. Czechoslovakia was the first casualty of the infamous Brezhnev doctrine, which seeks to justify Soviet military intervention whenever and wherever the interests of socialism, as defined by the Kremlin, are threatened.

Specifically, the invasion was in violation of many key principles of international law in the charter of the United Nations. It violated the principles of self-determination of peoples and the sovereignty of a member state of the United Nations, and blatantly violated the article prohibiting the use of military force in the relations between individual members of the United Nations.

REPRESSIONS CONTINUE

Despite ongoing repressions, the peoples of Czechoslovakia continue to yearn for freedom. In recent years, two groups have voiced dissent, the Committee for the Defense of the Unjustly Prosecuted (VONS) and Charter 1977, petitioning the Czechoslovak Government to honor its commitments guaranteeing basic human rights under the Helsinki Final Act, both of these groups have been repeatedly harassed.

Under pressure from the Soviets, the Czechoslovak Government persecutes and imprisons intellectuals and dissidents. Within this past month, Mr. Ladislav Lis, VONS member and Charter 1977 signatory and spokesman, was sentenced to 14 months imprisonment and 3 more years internal exile on charges of incitement, this is but one of many unjust cases. The Czechoslovak regime has also pressured Catholic activists and arrested and imprisoned several members of the clergy.

As cochairman of the Commission on Security and Cooperation in Europe, I regret that these manifestations of noncompliance with the Helsinki Final Act continue. We must be careful not to assume that the peace and freedom of any nation can be

maintained as long as the Soviet Union retrains its present doctrines.

Mr. President, let us recognize and encourage the quest of the Czechs and Slovaks for true sovereignty, our resolute support for human rights must not fade. We shall never forget those who give of themselves in order to make the dreams of freedom a reality.

As Franklin D. Roosevelt, in his Four Freedoms speech, stated:

Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is in our unity of purpose.●

TERRORIST GROUPS AND THE UNITED NATIONS

● Mr. GRASSLEY. Mr. President, as a Member of the U.S. Senate, I am becoming increasingly concerned about the drain on U.S. resources being made by the United Nations each year. American taxpayers have provided more than $10 billion for the support of the United Nations and its affiliated agencies since 1964. Each year, the United Nations asks for more money, and hard-earned U.S. tax dollars are being pumped into the United Nations at a rate of more than $1 billion each year at present.

As pointed out in the following article by Allan Brownfeld, the United Nations uses substantial amounts of this money to help finance such terrorist groups as the Palestine Liberation Organization (PLO) and the South West Africa Peoples Organization (SWAPO), as well as the African National Congress (ANC). Each of these groups has been repeatedly identified by intelligence agencies in the United States and around the world as a pro-Soviet, anti-American terrorist organization exercising a kind of international "lynch law" to destabilize and destroy the pro-Western governments of friendly neighbors. In each instance, the ill-concealed hand of the Soviet Union may be seen providing military advisers, arms, training, and equipment for these terrorist groups.

The U.N. General Assembly, once described by a leading Washington Post columnist as an "institutional outrage," a "moral swamp," "that operates much of the time by the mob rule of the Third World in close alliance with the Soviet-bloc," has granted permanent observer status to SWAPO, PLO, and several other pro-Soviet terrorist organizations. These organizations receive financial support from the United Nations, and maintain independent offices in New York and other parts of the world to carry on their terrorist propaganda and plan their terrorist activities. And U.S. taxpayers are providing 25 percent of the money to subsidize these Soviet-sponsored terrorist campaigns.

Mr. Brownfeld calls to our attention that in Southern Africa, SWAPO is recognized by the United Nations as the "sole and authentic" representative of the Namibian people, even though there are many other political parties in Namibia. As the following item points out:

SWAPO, of course, is financed by the Soviet Union and its Cuban and eastern European surrogates. The United Nations and its specialized agencies have allocated $40 million to SWAPO for U.N. programs between 1977 and 1981 and new programs slated for the 1982-86 period.

My concern arises from the fact that U.S. national security is deeply involved in Namibia, which has become the focus of the global East-West struggle. South West Africa, which is generally referred to as Namibia, has the largest uranium mine in the world, and vast mineral resources such as copper, tin, lead, zinc, and many others. It is a major source of industrial and gem diamonds, and some geologist think it may have as much oil and gas as the Arabian peninsula. In addition, Namibia has deepwater ports capable of harboring the Soviet nuclear submarine fleet in a much improve position to bisect the oil and mineral lifeline from the Persian Gulf to the NATO countries of Western Europe and to the east coast of the United States.

Apparently the military strategies in the Kremlin have selected Namibia as the Southern Africa gateway for further Soviet empire expansionism in the Soviet mineral "resource war" to control the sources of such stragetic minerals as chrome, the platinum group, iridium, vanadium, and others which are critical to the U.S. national defense industrial base. It is no secret that the Soviets have proclaimed for years that if they can control the minerals from the Southern Africa area, they can bring the NATO countries and the United States to their knees in a matter of weeks, because of their dependence on these vital minerals to fuel the industrial activities which provide not only our national defense, but most of the defense materials for the Free world. In short, SWAPO control of Namibia will subject the United States to the risk of Soviet blackmail.

It is no secret that the Soviets expect to sell us the rope with which we will hang ourselves. By allowing the United Nations to use U.S. tax dollars to finance pro-Soviet terrorist groups bent on denying the U.S. access to vital strategic minerals, we are committing slow-motion suicide. We are contributing to our own destruction. I recommend the following article to the consideration of my colleagues in Congress and to all Americans whose personal safety is being put at risk by our continued and foolish support of a United Nations which has become an enemy of the people of our country.

The article follows:

[From the Washington Inquirer, June 24, 1983]

U.N.: A DREAM THAT FAILED

(By Allan C. Brownfeld)

It is becoming clear to more and more Americans, and others in the Western world, that the United Nations is clearly a dream that failed.

Why otherwise intelligent and worldly men believed that a lasting peace could truly be achieved by establishing a world organization—including in membership the very states which were most threatening to the peace—is difficult to understand. Other men with that same dream created the League of Nations. It ended in the devastation of World War II.

The record of the U.N. ever since its creation should convince anyone not blind to reality that the primary hope for the organization—that it would preserve the peace—was simply a twentieth century form of alchemy.

According to Article Four of the Charter of the U.N., "Membership in the U.N. is open to all peace-loving states which accept the obligations contained in the present Charter . . ."

Communist China was condemned by the U.N. for its aggressive role in Korea. The U.N. even went to war to protect South Korea against Communist aggression. Yet, by changing the definition found in Article Four to include Communist China in the U.N., that body has shown that its own charter is irrelevant to its real operating procedures. It has now embraced the concept of "universality," a phrase not found in the Charter, rather than the concept of "peace-loving," which is specifically set forth.

The U.N. version of "university," however, is quite selective. Israel has been expelled from a number of U.N. bodies. Taiwan was expelled from the U.N. itself. South Africa is not permitted to take its seat in the General Assembly—although South Africa was a founding member of the U.N. Where was "universality" when the U.N. placed an embargo against Rhodesia—although it was not guilty of invading the territory of any other sovereign state?

Beyond this, the U.N. was silent as freedom was destroyed in country after country. When the people of Hungary rose up in 1956 against Soviet oppression, the U.N. did nothing. When the Communists built the Berlin Wall in violation of international law and of the U.N. Charter itself, the U.N. did nothing. Czechoslovakia rose up against its Communist government and the U.N. remained silent.

In June, 1963, the U.N. accepted the credentials of the government the Soviet Union had forcibly imposed upon the people of Hungary. Discussing this action, the Assembly of Captive European Nations declared: "The approval of the credentials of the Kadar regime by the U.N. Credentials Committee will come as a great shock to the people of Hungary and other captive nations. The absence of any attempt to challenge the legitimacy of the representatives appointed by a regime the U.N. has branded as one established by Soviet military intervention will, we feel, be viewed as proof that to all practical purposes the question of Hungary has been dropped, as proof that sheer expediency and not principle determines the policies." At the present time the U.N. remains silent about the Soviet invasion of Afghanistan, and its use of chemical warfare against the innocent people of that

country. The U.N. has, for almost a decade, been deeply involved in supporting and promoting international terrorism. This attitude became clear in January, 1975 when Secretary General Kurt Waldheim permitted the Vietcong to open an office in Geneva, The Vietcong's Provisional Revolutionary Government was authorized by the Swiss Government at Mr. Waldheim's request to establish an office at the U.N.'s Geneva headquarters for contacts with world organizations and agencies there. Later, Yasir Arafat, carrying a gun, was welcomed to speak in the General Assembly.

Today U.N. refugee camps are being used by terrorist groups such as the Palestine Liberation Organization (PLO), the South West Africa Organization (SWAPO) and the African National Congress (ANC).

In southern Africa, SWAPO is recognized by the U.N. as the "sole and authentic" representative of the Namibian people, even though there are some 45 political parties in Namibia. SWAPO, of course, if financed and trained by the Soviet Union and its Cuban and Eastern European surrogates. The U.N. and its specialized agencies have allocated $40 million to SWAPO for U.N. programs begun between 1977 and 1981 and new programs slated for the 1982-86 period. Among these is the SWAPO-controlled Institute for Namibia, located in Zambia. Between 1977 and 1981, about $1 million a year in U.N. funds went to finance the Institute. In 1982 several U.N. member nations pledged an additional $2 million. The U.S. pledge of $500,000 for 1982 was by far the largest.

Why has the U.S. continued to pay one-fourth of the bills of an organization which works against our interests and those of peace—and which gives Moscow three votes to our one? Professor John Roche recently declared: "To put it bluntly, the U.N. has been taken over by a coalition of anti-democratic nations . . . The last time I looked the U.S. was putting in about a quarter of the money, to say nothing of the choice of location and other perks. Now I don't like anti-democratic organizations, but I am prepared to accept their existence—so long as I don't pay for their fun and games."●

THE COAST GUARD'S 193D BIRTHDAY

● Mr. MURKOWSKI. Mr. President, on August 4, 1983, the U.S. Coast Guard will celebrate its 193d birthday. Charged with maritime law enforcement and protection of lives and property at sea, the Coast Guard has been a vital arm of the Department of Transportation in times of peace and has served as part of the U.S. Navy in times of war.

Mr. President, as a former coastguardsman, I know full well how serious and difficult is the task the Coast Guard faces. As an Alaskan growing up in Ketchikan, I know firsthand how all-important the Coast Guard is to people whose lives are oriented to the sea. Their search and rescue missions have meant survival to thousands of Alaskans and other Americans.

I congratulate the Coast Guard on a job well done and wish it many happy returns of the day.●

LABELING OF FROZEN CHEESE PIZZAS

● Mr. D'AMATO. Mr. President, I rise to applaud the actions of the Department of Agriculture with respect to the labeling of frozen cheese pizzas. The American consumer is entitled to know precisely what contents are included in the food he or she purchases. Prior to the issuance of these regulations, the use of imitation cheese and cheese substitutes in frozen pizzas did not conform to those standards. I have pressed the Department to implement regulations similar to those proposed in New York and I am pleased to see that they have now done so.

These new regulations will require the manufacturer of frozen pizzas to indicate when a cheese substitute of equal nutritional value is used in the pizza by labeling it as "substitute" cheese, and when a less nutritious substitute is used by labeling it as "imitation." It is my hope that this action will enable the consumers of this Nation to make a better informed choice when purchasing food for their families. This is truly a change whose time has come.●

MARTIN LUTHER KING, JR., DAY, A NATIONAL HOLIDAY

● Mr. D'AMATO. Mr. President, I am proud today to add my name as a cosponsor of S. 400, which designates the birthday of Dr. Martin Luther King, Jr., as a national holiday. The passage of a similar bill by the House on August 2 was a welcome development. I support S. 400 because of my profound desire to see Dr. King's dream become a reality. I have reviewed all the arguments for and against this legislation, and concluded that support for S. 400 is the logical and moral choice.

Since Dr. King's assassination, we Americans have endured 15 years of painful and harmful divisions among ourselves. A national holiday in honor of a great leader who dedicated himself to joining people together could help us heal many of those divisions. It would encourage us to reflect and act with renewed dedication to further the fundamental American ideals of equality, justice, and brotherhood.

We should not ignore the special meaning such a day would have for black people, either. There is a very emotional and very human side to our decision to designate a Martin Luther King, Jr., Day. This day would mark our national commitment to racial equality in a way that would touch the lives of all Americans in a very specific way, in a way, I daresay, that all our legislation and court decisions do not and cannot.

I believe that Dr. King was not just a great man, but also a good man. Every time I hear his "I have a dream" speech, I again reflect upon the great contribution he made to all our lives. He helped bring us together; by his good and highly moral example, he showed us the way to brotherhood. Dr. King was a man of whom all Americans can be proud. I urge my colleagues to join me in support of S. 400 to honor this great American and to help keep his dream alive.●

A PRIZE-WINNING ESSAY ON NUCLEAR POWER

● Mr. BINGAMAN. Mr. President, a young constitutent of mine from Santa Fe, N. Mex., recently won the Civitan's Great Southwest District 1982-83 Citizenship Essay Contest with an essay entitled "On Nuclear Power in America's Future." Mr. Andrew Norris Carpenter is to be congratulated for his scholarship and very fine review of a highly complex issue. Mr. President, I ask unanimous consent that his essay be printed in the RECORD.

The essay follows:

ON NUCLEAR POWER IN AMERICA'S FUTURE

Nuclear power has been heralded as the shining hope for America's energy future. In 1973, the now defunct Atomic Energy Commission stated that by the year 2000 the United States could produce over fifty percent of its electricity and one-quarter of all its energy by nuclear energy. However, recent studies have concluded that nuclear power is uneconomical and unnecessary for the United States. This essay shall be devoted to the important question of nuclear energy's role in our nation's future.

People like to believe that problems are simple and easily solved. Unfortunately, this rationale is not valid. Problems often have multiple causes, multiple results, and multiple solutions. Solving a problem involves taking the course of action that will be the most beneficial for all interests involved—social, political, economic, and ecological. The problem of our nation's energy future is no different. The general welfare of our nation—indeed, the stability of the world—depends on the availability of economical and reliable sources of energy. Unfortunately, the United States is running out of the high-quality energy it has been using; there is a genuine energy problem that our country will have to face in order to survive. The most optimistic projections give us only a few hundred years of recoverable fossil fuels to use. Yet, oil, natural gas, and coal account for ninety percent of our nation's energy use. Clearly, something must be done. Nuclear power certainly looks like a solution to our energy problem. Nuclear fission produces electricity—at the rate of 139,000,000 kilocalories per kilogram of fuel—that can be used for much of what fossil fuels do today. Electricity cannot only heat our homes and run our electrical appliances, but can also form hydrogen gas out of water that would drive our cars. Nuclear fission's technology is well-developed, and breeder reactors can extend the useful supplies of uranium-235 almost indefinitely. There have been no major nuclear power accidents, and we are finding methods of containment and detoxification of nuclear wastes. We have invested 150 billion dollars in nuclear energy, and it seems that even

safer nuclear fusion can be commercially developed within the next fifty years. Although nuclear power presently produces only three percent of our nation's energy, we can clearly rely on nuclear power to take a leading role in America's energy future.

The question, however, is not whether nuclear power can take a dominant role in our energy future, but whether nuclear energy should take a leading role in it. It is clear that a major energy transition of some kind is inevitable. There is simply no way that we can maintain our present life style without developing new sources of energy. We have already seen that nuclear energy can become this new source of energy. However, we have not acknowledged the Faustian bargain that we strike by doing this.

The issue is not merely technical, but technical, social, and moral. Our nuclear fires have the potential to be extremely destructive as well as beneficial. Although a fission reactor cannot explode like an atomic bomb, it can blow up like a steam boiler because of the high pressures involved in the cooling and containment systems. A large-scale nuclear accident would be devastating: radioactive materials would be released into the environment that could kill or injure thousands of people and contaminate large amounts of land for thousands of years. Furthermore, spent nuclear fuel can be used to produce nuclear explosives or used as a toxin by terrorists. The technology for protecting ourselves from the radioactive waste is not developed enough to say that we will find a safe solution; our descendants may have to deal with this problem in a way that we do not like to think about. Spreading nuclear technology around the world runs the risk of allowing unstable governments to gain the technology to produce nuclear weapons. However, it is believed that we can make nuclear power safe and reliable—at a great cost. We can defend our present lifestyle, but we must decide if our present lifestyle is worth protecting.

America is not only the world's largest energy user; it is the largest energy waster. Eighty-five to ninety percent of the energy used in America could easily be saved if a more energy-efficient lifestyle were instituted. When one hears about the environmental movement, one thinks of having to make unbearable sacrifices. This is simply not true. The overall quality of life is the same or higher in Japan and most of the Western European nations than it is in America, yet those people use only one-half to one-third the energy per person as we do. Americans waste more fossil fuel than is used by two-third of the world's population; more energy is spent on American air-conditioning than is used in all of China. Conserving energy may simply mean not using a 5,000 pound automobile to drive one-half mile for a six-pack of beer, beer that will be drunk in energy-inefficient homes, and out of cans that will be thrown away. Conserving energy means understanding the laws of thermodynamics and their implications. We must take into account the entire cost of an energy source, not simply the initial cost. It does not take unjust sacrifices. It only takes thought. Why use fossil fuels that must be extracted, processed, transported, converted to electricity at a power plant, and transmitted simply to heat a home. We can wear warmer clothing and build houses that take advantage of the great influx of solar radiation that reaches all of us every day. Why build monuments to energy waste such as the 110-story World Trade Center in Manhattan, which uses as much electricity each year as a city of 100,000 persons? Why build glass buildings where not a single window can open and whose heating and cooling systems must operate 24 hours a day, seven days a week? The basic principle of ecology is that everything and everybody are all interconnected.

I feel that America's future does not lie in ignoring this fact, but by accepting it. If we do not, the quality and stability of life on our planet will surely be degraded. I am an optimistic person: I believe that Americans will operate with the same principles that our nation was founded on—reason and forebearance, and that we will be willing to give up a few things and change patterns of our lives in order to prevent a continuing decrease in freedom and in the quality of life for all.

Therefore, I say that America's future does not depend on nuclear power to maintain our present lifestyle at great political, moral, and ecologic costs, but lies in living with nature and ourselves. Nuclear power may play a role in our transition to such a sustainable earth society, but nuclear power—and the values it represents—alone is not the answer.●

IN MEMORY OF FRED B. BURKE

● Mr. RIEGLE. Mr. President, I want to express my gratitude for the life and work of Fred B. Burke, who for the last 20 years has been one of the chief architects of this Nation's public transportation policy. I am sure I speak for many other Senators who came to know and respect his labor on behalf of public transportation.

Mr. President, it is rare indeed that one individual can have the influence on a major area of public policy that Fred Burke has had on Federal mass transit policy. That is a measure of his unusual intelligence and determination.

Fred Burke was born on February 4, 1930 in Ionia, Mich. He attended the University of Michigan Law School and served as an administrative assistant to the commissioner in the Michigan State Highway Department. Fred was a son of whom his home State could be proud.

After serving his country for 2 years in the U.S. Army, Fred Burke came to Washington in 1958. My predecessor, Senator Phillip Hart, recognized Fred Burke's ability and asked Fred to serve as his campaign director in elections of 1958 and 1964. As a key member of Phil Hart's staff for 7 years, Fred Burke came to understand and love the workings of the Senate.

In 1965, Fred moved on to a high management position during the exciting early years of the Appalachian Regional Commission, and rose eventually to become the Commission's Alternate Federal Cochairman. He later served as the Deputy Assistant Secretary for Public Affairs in the Department of Transportation.

In 1969, he founded Fred B. Burke, Inc., as a transportation consulting firm, and over the next 14 years he became the driving force that turned fragmented support for public transportation into an effective nationwide coalition. Fred Burke possessed a unique ability to form transportation legislation that would fairly and equitably distribute Federal assistance. Because of his work, Congress was able to strike a delicate balance between the demands of urban areas and rural areas, between the needs of bus and rail systems, and between the interests of established transit systems and new agencies. Because Fred was able to create such a balance, Congress was able to provide significantly increased Federal assistance to mass transit across the country.

Mr. President, the chapel of one American college has a bronze plaque that reads: "Never take your college as a matter of course, because many people whom you may never know anything about have broken hearts to get it for you." Perhaps a similar thought could be addressed to those who depend upon public transportation—the elderly who rely on it for mobility, the poor who need it for access to jobs, the residents of large cities that would be unlivable without it, as well as the residents of many smaller communities that are also served by public transportation. Literally millions of people who may never hear the name of Fred B. Burke will benefit for decades to come from his efforts.

The many who do know his name, know that Fred Burke gave much of himself so that the Nation could have stronger public transit. During the last year of his life, major public transit legislation was moving through Congress. His skill and determination did much to make that legislation successful. His efforts were also taking a far larger toll on his body than most of us realized.

Fred B. Burke, who has been called the ultimate civil servant, made a major contribution to his country. He will be sorely missed.

Mr. President, I know that I speak not only for myself but for a number of my colleagues when I express profound gratitude for his life and sympathy to his family.

Mr. President, I ask that the text of a Washington Post article of June 14, 1983 be printed in the RECORD.

The article follows:

TRANSIT'S FRED BURKE, ULTIMATE CIVIL SERVANT

It became obvious at Fred B. Burke's funeral Friday night why he had been so successful at what he did, which was to put together the government programs that saved mass transit.

Everyone who counts was there: the key staff members from the key committees on Capitol Hill, some big wheels from the U.S. Conference of Mayors, close friends from the Urban Mass Transportation Administration and the American Public Transit Asso-

ciation, and representatives from big systems like New York's Metropolitan Transit Authority and Washington's Metro.

Even Walter Bierwagen, a gentle intellectual who rose from representing bus drivers in the old D.C. Transit System Inc. to become an international vice president in the Amalgamated Transit Union, showed up in a wheelchair while still recovering from a severe stroke.

The remarkable thing about Burke was that he understood all of those competing interests—authorizing committees and appropriating committees, labor and management, big city pols and their sometimes politically difficult transit authorities—and could talk to them all without losing the trust of any.

Burke invented legislative formulas that would work politically. Federal transit money over the years has been limited, with many cities competing for grants from the same pot. All of them were clients of Fred B. Burke Inc.

The transit community is no different from many other interests in Washington: its members share the love of federal money. They have conflicting goals, ranging from labor protections (which unions want and managements don't) to allocation formulas that favor little cities over big, or vice versa. Somebody has to bring it together, and that somebody isn't always officially in the government. Fred Burke was one of those somebodies, a former federal official turned consultant, but the ultimate civil servant.

The heart ailment that claimed Burke at 53 had been a major problem in recent months. When he should have been taking it easy, he worked furiously on Capitol Hill during last December's lame-duck session to protect transit interests in the legislation that increased the federal gasoline tax.

He helped write the deal that created, for the first time, a federal trust fund for transit programs similar to the one "the highway guys," as he called them, have had since 1956.

Then, when part of that deal began to come unglued after former transportation secretary Drew Lewis left town and the Office of Management and Budget began to rewrite history in the new Reagan budget, Burke went back to the hill to sort it out.

He was at least moderately successful. A newcomer to transit matters at OMB was asked recently how the program was going and he replied, "Well, there's this Fred Burke problem." He meant that, for the OMB's point of view, it wasn't going very well at all.

As Friday evening wore on, as condolences were expressed to family members, as the mood lightened a bit, labor began to talk to management; appropriations had a few words with authorization, reporters trolled. Government works that way in Washington, and Fred Burke understood that better than anyone.●

POOR SHOPPERS AT THE PENTAGON

● Mr. PRYOR. Mr. President, recently the Arkansas Gazette commented on the enormous prices being paid by the taxpayers for Defense Department tools and spare parts.

The Gazette suggested that the Secretary's nickname be changed from "Cap the Knife" to "Caspar the Claw Hammer" because his buyers at the Pentagon have been buying claw hammers for $435 each.

I commend the Gazette's editorial to my collegues and I ask that it be printed in the RECORD at this point.

The editorial follows:

POOR SHOPPERS AT THE PENTAGON

The fate of John Henry, the legendary gandy-dancer in the powerful folk ballad, should be administered to the Pentagon's purchasing procedures. "He died with the hammer in his hand, Lord. He died with the hammer in his hand."

Recent audits of the Pentagon's purchasing procedures turned up some interesting transactions. The horror stories were uncovered by various government agencies that decided there must be something wrong with the way the Defense Department was running its procurement system.

One group discovered the Department was paying $185 each for post tips—apparently the kind that might be on the legs of a kitchen chair—that contained 14 cents worth of plastic. Half-inch screws were billed at $9.47 each and a 12-foot measuring tape of the kind that might be found in any carpenter's tool chest cost the government $437. Gould Simulation Systems, Inc., of Melville, N.Y., charged the Navy $436 for a sledge hammer and $435 for a claw hammer.

In slightly larger deals, the Navy bought $80,284 worth of spare parts for flight simulators but, with no more attention than a grocery shopper would give to selecting a head of lettuce, it could have bought the same parts for $3,638. The Air Force spent $3.2 million for parts worth $883,000

Auditors have turned up hundreds of purchases that could have been made (with considerable savings) at the Wal-Mart or Target stores. In cases of specialized parts not normally available to off-the-shelf shoppers, there is little evidence to suggest the purchasing officials haggled over prices.

When the story began to emerge, the Navy fired an officer at the Orlando, Fla., naval center and reprimanded the commanding officer and a civilian purchasing agent.

Corrective action at one little naval center is meaningless. Defense Department suppliers from Florida to California know the price of hammers.

Measuring tapes and spare parts are like "crumbs from the table" in the Defense Departments purchases. The real horror stories are to be found in the planes, tanks, trucks, ships, and missiles that come in at twice the price originally estimated. In a military budget that exceeds $200 billion, the opportunities are abundant.

One little problem is that public perception is blunted by numbers that are beyond comprehension. When a plane that was supposed to cost $18 million comes in with a delivered price of $30 million, the garden-variety citizen may not give the deal a second thought. He hasn't bought an airplane recently and has no idea what one is supposed to cost; he does know the price of a claw hammer or a half-inch screw.

Back in the days when Caspar W. Weinberger was director of the Office of Management and Budget or secretary of Health, Education, and Welfare, he was known, deservedly, as "Cap the Knife." His proclivity for slashing recommendations for food stamps or other "social" programs obviously did not carry over to his current job as secretary of Defense. Now he can assure us, with a straight and innocent face, there is no waste in the Defense Department. We are down to the "muscle" and any cut in appropriations or even a failure on the part of Congress to increase the budget by the full 10 per cent (after inflation) recommended by President Reagan would be a disaster.

The solemn assurance that there is "no waste" in defense spending—and, therefore, no opportunity to tighten up the budget—has been absurd to the macroanalyst all along. Now the price of hammers has revealed the flaw in the ridiculous claim in terms anyone can understand.

Some months ago, President Reagan revealed his grasp of problems related to government spending and redoubling deficits when he cited an example (perhaps apocryphal) of a food stamp recipient who collected "change" from a grocery purchase and bought a bottle of gin.

"That's the problem right there," he said.

The implication was that if we could eliminate the gin purchases from the food stamp program we would solve the country's fiscal problems.

The Defense Department budget is some $200 billion larger than the food stamp budget. Admittedly, there is a potential for waste in all government—or, for that matter, private—spending. The opportunity increases with the size of the budget. The recent audits have shown that the Defense Department could be improved with more careful spending. We could not balance the budget by eliminating waste from the Department but we could make a dent in the shortfall.

Mr. Weinberger no longer deserves the name "Cap the Knife." Those who deal in such matters may elect to call him "Caspar the Claw Hammer."

When the Defense Department pays $435 for a hammer, there is no validity to the claim that waste has been eliminated from the armed forces.

The situation would be improved if the present no-bid procedure were permitted to "Die with a hammer in its hand."●

WORKING IN SAN QUENTIN IS SAFER THAN PHARMACY

● Mr. JEPSEN. Mr. President, as my colleagues know, I have been working for quite some time to get legislation making the robbery of a controlled substance from a pharmacy a Federal offense. In an effort to build a case for this legislation, I have from time to time placed articles in the RECORD pointing out why this legislation is so necessary.

Recently, an article came across my desk which is perhaps one of the most compelling stories about how serious this problem has become. The article, written by a 61-year-old pharmacist from San Rafael, Calif., tells how this man feels safer dispensing prescriptions at the San Quentin prison than he did serving the general public from his community pharmacy. I hope my colleagues can grasp the seriousness of this commentary. We must ask ourselves what kind of society have we when law abiding citizens feel safer in prison doing their life's work than out in the community.

I strongly recommend that my colleagues take a moment to read this amazing story. I think it will convince

many that the problem is so serious that it deserves Federal attention.

Mr. President, I ask that the article entitled "Working In San Quentin Is Safer Than It Used To Be in My Own Store" be printed in the RECORD at the end of my statement.

Mr. President, I am also placing in the RECORD, an editorial which appeared in the July issue of American Druggist magazine which asks the question "Could U.S. Law Make Crime Worse?" I think many of us may already know the answer to that question but I believe the editor, Mr. Stanley Siegelman, makes a very intelligent and rational argument as to why the pharmacy robbery legislation is necessary and will not make the crime worse. I recommend this article to any of my colleagues who may have some questions as to the necessity for the legislation I have introduced.

Mr. President, I ask that the July 1983 editorial entitled, "Could U.S. Law Make Crime Worse?" be inserted in the RECORD immediately following my remarks.

The material follows:

[From American Druggist, July 1983]

"WORKING IN SAN QUENTIN IS SAFER THAN IT USED TO BE IN MY OWN STORE"

(By Marianne Wilson)

Pharmacist Elvus Regalia, 61, operated a pharmacy in San Rafael, a suburb of San Francisco, for 25 years.

Today, he is one of two full-time pharmacists working at Newmiller Hospital, located inside San Quentin, maximum security prison. What's more, he actually feels safer inside the prision than he did in his own store!

Owning the San Rafael pharmacy wasn't always dangerous. Mr. Regalia, a soft-spoken man, looks back upon those days with pleasure:

"I really got to know my customers. I would recommend things to them and they were grateful for my interest and advice. That meant a lot to me. It was more than just a business."

The pharmacy was also the center of his family life: "My wife and all my children helped out. We enjoyed working together. We all put in long hours, but the business served us well. I got a lot of enjoyment from that store.

"It must have agreed with the children because my daughter, who is a nun, is director of pharmacy at a hospital in southern California. And my youngest son is thinking of entering pharmacy school in the fall."

PRIME TARGET

Mr. Regalia doesn't remember exactly when his enjoyment was replaced by fear. But his pharmacy, located in a downtown medical building, suddenly became a prime target for drug-hungry criminals. The owner installed ever more elaborate burglary systems, but they didn't help. The store was broken into six times, and Mr. Regalia was held-up at gun point three other times. All were drug-related crimes.

Though his family became increasinlgy concerned for his safety. Mr. Regalia was stubborn and refused to sell the business that had been his life's work. His store was robbed yet again, but this time the scenario was far more terrifying. He was held hostage at gunpoint for over three hours. Today, five years later, Mr. Regalia remembers every detail of his harrowing ordeal that spring day in 1978:

HOSTAGE

"I came up from the stockroom," Mr. Regalia recalls, "and all of a sudden this guy, who had been in the store for awhile but didn't look particularly suspicious, pulled out a gun. He forced me to tie up my salesperson and the one customer who happened to be in the store. Then I had to show him where all the drugs were. He kept warning me that he had a 'full-clip' in his gun and that he would blow all our heads off if he had to. He consumed an unbelievable amount of hard drugs. I couldn't understand how he was still standing, much less talking, after all that he took."

After much cajoling, the pharmacist was able to convince his assailant to set the other two hostages free.

"I knew that the customer I had tied up had a serious heart problem. One of my greatest fears was that she would suffer a heart attack. I kept telling the guy that if she did have a heart attack and die, he'd be held responsible for murder. He finally let them both go."

By this time, the outside of Mr. Regalia's pharmacy was awash with police, concerned friends, reporters and television cameras. The assailant spoke with the police on special phone lines they had set up. Inside, Mr. Regalia kept his cool.

Preoccupied with the police outside and the pharmacist's continuing conversation, the intruder put the gun down on a counter. Mr. Regalia grabbed it and ran out of the store. The police went in and got him.

Mr. Regalia has harsh words for the way in which the legal system dealt with the criminal:

"He spent seven months in a county jail waiting for his trial to come up. And then, because of plea bargaining, he got out with the only stipulation being that he report daily to a drug rehabilitation unit for five months. Five months! I saw how many, and what type, drugs that man consumed in just three hours. There was no way he could be completely rehabilitated in just five months. On top of it all, he had a previous conviction."

ONCE MORE

A while after that ordeal, Mr. Regalia's store was again burglarized. It was New Year's Eve, 1980, and the family was getting ready to have a party when the call came.

"It was one of those quick in-and-out type of break-ins," Mr. Regalia says. "They got the drugs they wanted and left. The robbers were gone by the time police arrived. No one was ever apprehended."

That break-in was the straw that broke the camel's back. For his own safety and sanity, not to mention his family's, Mr. Regalia sold the store.

"It was a hard decision, but I felt I was just pushing my luck the longer I stayed. The fund and enjoyment had long gone out of the business. Every time someone I didn't know walked into the store, I would think, 'this is it, he's going to be the one'. And at home, whenever the phone rang late at night or early in the morning, I would say, 'oh no, not again'. That's no way to live."

FINANCIAL PRESSURE

"Even with insurance, a pharmacy owner always loses out when there's a robbery or break-in." Mr. Regalia notes. "Insurance doesn't pay for everything. Broken window and locks, cleaning and sorting out the store—it all adds up. And who can ever remember everything that's been taken? There's also the added cost of all that lost time. If you want to testify at the trial, you have to have someone take your place. I was being nickeled and dimed to death each time there was a break-in. It was time to get out."

Even though Mr. Regalia sold his business two years ago, the feisty pharmacist was determined to protest against a legal system that, he says, "often seems to have more respect of the rights of the accused than the victim." He appeared as a witness last year before the President's Task Force on Victims of Crime. Mr. Regalia detailed to the committee the terror that had changed his life. He was the only pharmacist to appear.

As an aftermath, he was chosen, along with five other committee witnesses, to attend a private reception in the White House Rose Garden. Lois Herrington, chairperson of the Task Force and currently the U.S. Assistant Attorney General designee, recounted the personal story of each attending witness to a host of government dignitaries including President Reagan and Vice President Bush. After the reception, President Reagan chatted individually with all the witnesses.

"It was pretty thrilling, going to Washington and meeting the president," recalls Mr. Regalia. "But the important thing is I'm now more hopeful something good will come out of all that's happened not only to me, but to the countless other victims of crime."

DETERRENTS

Mr. Regalia feels legal deterrents are the most effective crime fighting weapons. He urges all pharmacy owners to prosecute robbers and follow through on all pretrial and trial activity. He does not advocate, however, pharmacists using guns to protect themselves.

The former pharmacy owner is a strong supporter of currently proposed pharmacy crime legislation.

"I really do believe that if the robbery or the attempted robbery of drugs from a pharmacy was a Federal crime, many would-be criminals would stop and consider what they were getting themselves into. If the crime carried with it a more severe punishment, it would act as a deterrent. If criminals were made to pay a bit more for their crimes, I think the number of crimes would decrease."

In the two years since Mr. Regalia sold his pharmacy, the number of drug-related pharmacy crimes in Marin County has increased.

SAN QUENTIN

Describing his job in the prison, he says: "The lines are drawn inside. You know what to expect, and that's a lot easier to take than the surprise element I had to face every day on the outside. It is pretty ironic that I ended up working with hardened criminals. But I'm a lot less vulnerable to attack behind bars than I was behind the counter."

Helen Regalia, the pharmacist's wife, agrees that he is safer behind prison walls. She is glad that her son seems more interested in hospital pharmacy than he does in owning a drug store.

"It's sad to say, but pharmacists are just very vulnerable to crime these days," Mrs. Regalia says. "At least hospitals seems a bit safer."

[Editorial]

COULD U.S. LAW MAKE CRIME WORSE?

(By Stanley Siegelman)

The above headline, published in another pharmacy magazine, asks an intriguing question—one that deserves an answer. It reflects a sentiment that emerged at a hearing held by the House subcommittee on crime.

At that hearing, subcommittee chairman William H. Hughes (D., N.J.) asserted that a Federal law which addressed itself to pharmacy crime is unnecessary, because existing law (the Hobbs Act) already covers the subject. At the same time, Rep. Hughes contended a new law might even exacerbate pharmacists' problems. He conceded that the U.S. government had not prosecuted many robberies under the Hobbs Act, which is a generically worded statute against violence committed by organized crime.

Cobwebs surround the 40-year-old Hobbs law. It has atrophied through virtual nonuse. Recommending its application may be likened in another context to a physician saying vaguely "Let's try an antibacterial," instead of saying specifically "Let's try cefaclor." By brandishing Hobbs, Mr. Hughes raises hob.

Rep. Henry J. Hyde (R., Ill.), sponsor of H.R. 1255, controlled substances robbery legislation, calls the Hobbs Act "a statutory monkey wrench—a clumsy, general-purpose statute which is ill-suited to the task at hand." Asking the Justice Dept. to prosecute under that Act, he says, "is like asking a skilled mechanic to overhaul an entire automobile engine with a monkey wrench."

Rep. Hyde's automotive metaphor is most apt. "We must give the Justice Department the proper tool if we expect Federal prosecutors to do a proper job," he explains. H.R. 1255 would be such a tool. By contrast, the Hobbs Act is rife with quirky imperfections—to the extent that the Justice Department is leery about invoking it.

The answer to the question-in-the-headline, then is, "no." A new law that pointedly makes drug-related violence against pharmacies and other DEA registrants a Federal crime is both desirable and necessary. It would not make the situation "worse."

How much worse could matters get, anyway? Reports pouring in to American Druggist show no abatement in crimes against pharmacies; if anything, they are more numerous and more vicious.

The cries of pharmacists are voices in the wilderness. Few outside the profession appreciate the trauma of being exposed to the daily possibility of murder at the hands of drug-hungry criminals.

Even those officials who are sympathetic do not seem to grasp the singularity of the pharmacist's plight. James Knapp, deputy assistant attorney general in the Justice Department's criminal division, for example, sees no difference between an assault on a drug store and an assault on a grocery. Most pharmacy robberies, he said, "are indistinguishable from those of liquor stores, convenience food outlets, or service stations . . ."

He misses the point. Only the pharmacist has been entrusted with the burden of dispensing controlled substances. Only the pharmacist has become the target of a singularly malevolent breed of specialized criminal. Logic and equity dictate that the pharmacist be protected by the same government that singled him (her) out for unique responsibilities.

U.S. authorities are quick to prosecute community pharmacists for infractions of regulations involving controlled substances, but do not take similar punitive action against any other type of retailer—or against criminals who hold up drug stores. The situation smacks strongly of nonjustice, if not injustice.

Rep. Hyde sees the situation with exceptional clarity. In a letter to Mr. Hughes, he says, in part: "Pharmacists do not desire merely to display printed cardboard signs in their stores (stating the pharmacy is protected by the Hobbs Act). Cardboard offers little protection from flying bullets. Neither do they want a few 'show' Federal prosecutions.

"They do not expect Federal authorities to investigate and prosecute every controlled substances robbery. As taxpayers, pharamacists recognize the need for efficient use of Federal resources.

"What pharmacists do want is some consideration by the national government. . . . They recognize that Federal resources are finite and that Federal jurisdiction is not a panacea to their problem. They do believe, however, that . . . our FBI and DEA agents are, on the whole, better trained and equipped to deal with some of these difficult cases.

"Pharmacists believe that some criminals share this view and will be deterred by the prospect of Federal prosecution, even if the number of such prosecutions is limited . . .

"In short, pharmacists believe that Federal investigation and prosecution of controlled substances robberies is appropriate, particularly in those cases where there are complexities that require the sophisticated resources available in the Department of Justice. . .

"In the last Congress, 187 of our colleagues co-sponsored my bill. After only three months more than one hundred of our colleagues in this Congress who have cosponsored H.R. 1255 believe that Federal controlled substances robbery legislation will help protect those who manufacture and dispense such substances. The Justice Department agrees.

"How can we refuse even to consider this legislation in committee and on the floor of the House, in view of a very clear need, and such strong support?"

Well said, Mr. Hyde!●

RADIO MARTI

● Mr. PRYOR. Mr. President, I can sympathize with the concerns of the supporters of Radio Marti and share their dismay that the Cuban Government has so successfully kept from its people basic information about what is happening not only around the world but in Cuba itself.

I do not believe, however, that Radio Marti is the answer.

The Voice of America, it seems to me, can fill the role meant for Radio Marti. The administration may want to increase broadcast hours of VOA, raise the strength of its signals into Cuba, or adjust the content of its programing somewhat to meet our objectives toward the Cubans, but I think we should take advantage of the recognized success and credibility of VOA rather than creating what could be a very troublesome issue in the Caribbean.

I am also convinced that the Cuban Government has the means and the will to interfere with American broadcasts if we estabish Radio Marti. We have already had a taste of the power of Cuba's "megastation," which reaches all the way to Salt Lake City. Many Arkansas broadcasters have spoken to me about this matter, and it appears that several stations in my State would be affected by Cuban jamming.

For these reasons I will vote against the bill to establish Radio Marti as reported by committee and urge my colleagues to do the same.●

NATIONAL NURSING HOME EMPLOYEES WEEK AUGUST 21-27

● Mr. PRYOR. Mr. President, there are few issues in this country today that are as important to us as providing services and care for our elderly. And no aspect of this care is more important than in nursing homes.

If any of you have worked in a nursing home, as I have, even for 1 day, you would be able to appreciate the problems the staff faces and the remarkable degree of dedication to the job that makes it possible for them to stay in the work.

National Nursing Home Employees Week is August 21-27, and I think it is fitting that we say thank you to the many excellent nursing home employees nationwide during this week. There are 700,000 employees who provide long-term care for 1.4 million Americans. They certainly deserve our recognition.

By 1990 projections show that we will need 300,000 additional nursing home beds. To provide the care for these beds, this means we will need 21 percent more employees; 15,000 additional persons in administration, physician services, and therapy; 14,000 nurses; 18,000 licensed practical nurses; and 90,000 nurses aides.

We are becoming an aging society, and the quality of our employees largely will determine the quality of life for our elderly who need long-term care. For the first time in the history of the United States, there are more people over 65—11.7 percent—than teenagers—11.3 percent. In fact, the number of elderly are growing twice as fast as the rest of the population—by the year 2020, those over 65 will outnumber teenagers 2 to 1.

National Nursing Employees Week is an appropriate reminder of the important contributions employees provide to society.●

MARXIST REVOLUTIONARY TERRORISM IN EL SALVADOR: OVER 20,000 VICTIMS

● Mr. SYMMS. Mr. President, the research done for my remarks was made

available to me by the Council for Inter-American Security. I thank them for their help in preparing my remarks.

MARXIST TERRORISM IN EL SALVADOR: OVER 20,000 VICTIMS

SUMMARY

Mr. President, the foreign press has long been an excellent source of objective data on terrorism and human rights abuses by the Marxist-Leninist revolutionary guerrillas in El Salvador. Foreign reports of guerrilla atrocities have not been systematically analyzed by the U.S. executive branch, however, and have been largely ignored by the U.S. media.

But foreign press reports available from the U.S. Government's Foreign Broadcast Information Service (FBIS) show that from October 1979 to June 1983, over 21,900 citizens of El Salvador were killed, wounded, kidnaped, or held hostage by Communist terrorists. Moreover, during the same period there were over 1,500 acts of violence against civilian property in El Salvador by the revolutionary terrorists.

The methodology used to derive these statistics is straightforward. The foreign press reports of Marxist terror were merely tabulated over time, with duplicative reports excluded. Many of the reports came from Marxist media sources themselves.

The following brief new study raises an important question: why have the executive branch and the U.S. media ignored for so long the obvious evidence of Marxist terrorism in El Salvador?

INTRODUCTION

Mr. President, it has become an accepted "public fact" that the democratically elected Government of El Salvador is responsible for most of the death and destruction that has occurred in that country since 1979. During the House of Representative's late July 1983 debate on the Boland-Zablocki bill, for example, one Congressman said:

> In El Salvador, the abuse of human rights is legend. Killing and torture are the pattern and practice of the "security forces." The military in El Salvador is a clear and present danger to human life and constitutes the major impediment to much needed economic and social reform.

But the facts are quite different, and it is my intent to make these facts available to the American public.

When the reform-minded military leaders of El Salvador staged a successful coup on October 15, 1979, they made a series of promises to the people of El Salvador not unlike the promises the Sandinistas in neighboring Nicaragua made when they had come to power 4 months earlier—respect for human rights, free elections, economic and social pluralism. Unlike the Sandinistas in Nicaragua, however, the junta in El Salvador has kept their stated public promises to the citizens of their country. Economic and constitutional reform have proceeded in El Salvador. Parties and politics flourish, there is a free press, free universities, and free trade unions in El Salvador. Moreover, free elections were held in March 1982 in which over 80 percent of the Salvadoran population participated and were judged by hundreds of international observers to have been fair elections. Democracy, though fragile, has taken root in El Salvador. This is a stark contrast to the Marxist-totalitarian regime taking root in Sandinista Nicaragua, which has denied all elections.

Mr. President, it has not been easy. The response of the Communist terrorists in El Salvador to these reforms has been to conduct a campaign of armed insurrection and terrorism against the people and property of El Salvador. As Lenin said, the purpose of terrorism is to terrorize. The deliberate use of terrorism as a tactic of destabilization is a consistent aspect of so-called wars of liberation. Terrorism is employed to produce repression by the government under attack, to intimidate the population, and to produce anger at the inability of the government to provide order and security, thus weakening its authority and legitimacy, and creating a revolutionary situation.

The assumption that the Government of El Salvador is responsible for the death and destruction in that country cannot continue to go unchallenged. The data presented here represents a description of Communist terrorist activities in El Salvador from October 1979 through June 1983. It is not a complete record, because there may be some gaps in the coverage. The daily reports contained in the Latin American edition of the Foreign Broadcast Information Service (FBIS) do provide, however, an accurate account of the violence perpetrated by the Communist guerrillas in El Salvador. These FBIS reports reveal the shocking results of serious and repeated terrorist activities seldom given adequate, if any, coverage in the United States and the Western press. FBIS contains reports from a wide variety of sources, including radio reports from various stations ranging from Radio Cadena in San Jose, Costa Rica, to Radio Venceremos—the guerrilla station started in early 1981—Radio Sandino, Radio Havana, various Central American newspapers, and Central American wire services such as Latin Reuters and ACCAN-EFE.

It is virtually impossible to precisely quantify terrorism. How can one measure fear, how can one measure disorientation, intimidation, grief, and anguish? Exact statistics, even if available, would not measure these consequences. But if terrorism cannot be precisely quantified, it can be described using numbers as an approximation of the reality of terrorism.

The Communist guerrillas in El Salvador have killed, kidnaped, intimidated, bombed, burned, sabotaged, forcibly occupied churches, schools, hospitals, radio stations, attacked embassies, buses, villages, homes, cars, streets, and citizens causing widespread death, destruction, terror, and refugees.

ILLUSTRATIVE PRESS REPORTS

The following are some illustrative narrative descriptions of terror culled from FBIS. The attacks by the Communist guerrillas on innocent citizens, trying to pursue their lives in normal ways—driving in a car, broadcasters in radio stations, government workers at their jobs, people praying in church, people sitting in their living rooms plunged into darkness without electricity, peasants harvesting—the very people the guerrillas claim they desire to liberate—give evidence of the systematic, deliberate, and uninhibited use of violence against the innocent.

On January 4, 1980, it was reported by Paris AFP radio service that:

> Members of the clandestine Farabundo Marti Popular Liberation Forces (FPL) today seized five local radio stations. The FPL occupied the radio stations to broadcast to the nation what they termed a revolutionary New Year message, in which they made an appeal for national insurrection. . . . The radio stations seized were Radio Senorial, Radio Cadena Central, Circuito, Radio Sonora and Radio 1080.

El Diario de Hoy reported on March 20, 1980:

> Several automobiles were burned yesterday when subversive groups armed with submachineguns and pistols stopped cars at traffic lights and hurled Molotov cocktails at them. Similar actions against innocent drivers were reported in other sectors of the capital.

On January 13, 1980, Buenos Aires Latin reported:

> Some 20 members of the subversive organization, the People's Revolutionary Bloc (BPR), seized the metropolitan cathedral this morning while San Salvador Archbishop Oscar Arnulfo Romero was about to finish his homily, a church spokesman said. The prelate had criticized kidnapings and the taking of hostages, specifically mentioning the occupation of the Panamanian Embassy, the kidnaping of South African Ambassador Archibald Gardner Dunn and the capture of a national guardsman in Arcatao, 130 km north of here. Archbishop Romero asked for mercy for the hostages during the homily. He told the BRP group that, if they truly represent the people, they should not torment people who have no responsibility whatsoever for the events taking place in this convulsed country.

On April 16, 1980, Panama City ACAN radio service reported:

> Six persons died Monday in Soyapango, 6 km east of San Salvador, when the town was "taken" by a guerrilla commando group. That morning a large number of guerrillas of the Armed Forces of National Resistance (FARN) arrived on the scene, and an armed

clash ensued. Four civilians were killed in the 90 minute clash. None of these four victims had any relationship with the guerrilla group, and it is believed that they were caught in the crossfire.

According to FBIS reports, the mayor of San Salvador on April 15, 1980 stated:

The destruction of small businesses, factories, banking and financial institutions, ambulances, state agricultural equipment, mass transit and private automobiles by bombs, arson, and looting is reducing the capability for providing public services and leads to mass unemployment which generates poverty, Julio Adolfo Rey Presndes, Mayor of San Salvador, told newsmen yesterday.

Radio Cadena's report of August 7, 1980:

Spokesman of Berlin municipality in Usulutan Department told this station today that some 1,000 people who have fled the violence in nearby cantons are in Berlin. The municipal spokesman said that most of the refugees are women and children from the cantons of Corozal, Corozalito, La Union and (Las Cielitas). . . . It has also been reported that in San Augustin, Usulutan Department, there are some 1,500 refugees who have fled from the political violence in the rural areas.

Over 3,500 people—working at the Salvadoran Education Ministry, the Spanish Embassy, the National Commercial School, the General Francisco Mendez National Institute, the Panamanian Embassy, the Agriculture and Livestock Development Bank, the National Waterworks and Sewers Administration, the Labor and Social Welfare Ministry, the Salvadoran Foreign Trade Institute, the Office of the Teachers Welfare Board, the Jose Simeon Canas Central American University, the Central Market Administrative Office, all of which were forcibly occupied—were held hostage in the month of February 1980, alone.

In February 1981, a report from El Mundo state:

Another general power outage in the east was caused by another dynamite attack at 0275. In this way, San Miguel returned to its situation of the previous days and nights . . . It was also said that it had been known that the area affected is larger than the previous one, since it includes a part of Usulutan, Morazan and La Union Departments. For the time being, it was said the San Miguel, which was just beginning to recover from a recent outage, has returned to a disastrous situation and the citizens fear that the situation might be worse this time.

Over 25 separate bombings of highway machinery, restaurants, stores, private homes, banks, high tension wire, supermarkets and branch banks were reported in September 1981 alone.

October 8, 1980 reports from San Jose Radio Noticias stated:

A new state of the liberation struggle waged by the revolutionary organizations against the Salvadoran regime has begun. Some 300 guerrillas made the first reported appropriations of stable grains and export products. In La Haciendita, in the northern part of the country, revolutionary columns carrying automatic weapons and dressed in olive drab seized a significant amount of corn yesterday. They urged us to help them load the cereals and then left, a peasant said. A young women who arrived with the guerrillas emphasized that the people need the food to continue the war.

As Aleksandr Solzhenitsyn has so directly pointed out:

Let us not forget that violence does not and cannot exist by itself; it is invariably intertwined with the lie. They are linked in the most intimate, most organic and most profound fashion; violence cannot conceal itself behind anything except lies, and lies have nothing to maintain them except violence. Anyone who has once proclaimed violence as his method, must inexorably choose the lie as has principle.

The violence and the lies regarding El Salvador must be exposed, challenged, and understood for what they are. El Salvador is a country that is under attack by externally supported terrorists whose goal is to gain power in order to implement a totalitarian dictatorship over the people of that country. This report is a description of the means—the use of terror—they are employing to achieve that goal.

(See Annex B for 1983 press reports.)

THE BATTLE FOR THE MEDIA

In the fall of 1981, Nicaraguan Sandinista and Salvadoran Marxist guerrilla leaders were quoted in a U.S. newspaper as saying that the Marxist revolutionary war for Central America would be fought and won in the U.S. press.

The world renowned Soviet dissident, Dr. Andrei Sakharov, stated in the current issue of Foreign Affairs:

Here one must take into account that, in the countries of the West, *pro-Soviet propaganda* has been conducted for quite a long time and is very goal-oriented and clever, and that *pro-Soviet elements have penetrated many key positions, particularly in the mass media.* (Italic added.)

This is a very interesting statement from a Soviet dissident widely respected throughout the world.

These two statements, together with what role we know that the U.S. press played in our loss of the Vietnam war, indicate clearly the national security problem America faces today. The Soviets seem to be trying, through their apparent attempts at manipulation of the U.S. press, to inhibit U.S. political leaders from even describing the nature of the revolutionary problem in Central America, let alone outline an effective solution. The war in Central America is being fought here and now in the battle for American public opinion. Unfortunately, Senators who dare to present the objective facts on Marxist terrorism in El Salvador do so in defiance of the U.S. media's apparent bias, and at their own political risk. Suppression of objective free debate on Central America is even more insidious than revolutionary Marxist terror striving for political power out of a gun barrel.

Marxist revolutionary terror in El Salvador [1]

1979:	
Dead	32
Wounded	31
Kidnapped	3
Hostage	401
Violence against property	51
Total	518
1980:	
Dead	2,990
Wounded	935
Kidnapped	12
Hostage	3,527
Violence against property	215
Total	7,679
1981:	
Dead	5,172
Wounded	583
Kidnapped	8
Hostage	100
Violence against property	716
Total	6,579
1982:	
Dead	3,033
Wounded	1,100
Kidnapped	196
Hostage	952
Violence against property	410
Total	5,691
1983:	
Dead	1,643
Wounded	623
Kidnapped	83
Hostage	521
Violence against property	197
Total	3,067
5 Years:	
1979	518
1980	7,679
1981	6,579
1982	5,691
1983	3,067
Total	[2]23,534

[1] Over 20,000 victims.
[2] 21,945 involved people and 1,589 involved violence against property.

Source: U.S. Government FBIS reports.

Marxist orientation of Sandinista revolutionaries. The guerrillas in El Salvador are receiving direct support from the Sandinista revolutionary regime in Nicaragua. There is explicit testimony that the Sandinistas are Marxist-Leninists. Comandante Humberto Ortega, Minister of Defense in a speech on August 25, 1981, stated the following to the Sandinista military:

. . . Marxism-Leninism is the scientific doctrine which guides our revolution, the instrument of analysis of our vanguard to understand the historical process and to create the revolution; Sandinismo is the concrete expression of the historical development of the struggle in Nicaragua. Without Sandinismo we cannot be Marxist-Leninists and Sandinismo without Marxism-Leninism cannot be revolutionary, and because of that they are indisoluably united and be-

cause of that our moral strength is Sandinismo, our political strength is Sandinismo and our doctrine is that of Marxism-Leninism.

Thus there is direct evidence that the Sandinistas are Marxist, beyond the clear material support they receive from the Cubans and the Soviets. The Salvadoran guerrillas, who are at the end of the Kremlin's pipeline, are also Marxists.

The Sandinista National Anthem has the following third verse:

"los yanquis,
los enemigos de la humanidad"

"the yankees,
the enemies of mankind"

This evidence shows that the revolutionary guerrillas of Central America are also anti-U.S.A.

Annex A and Annex B follow:

ANNEX A: FURTHER EVIDENCE OF SANDINISTA ESPOUSAL OF MARXISM FROM FBIS

TORRES: MARXIST-LENINIST PRINCIPLES GUIDE FSLN

PA231550 Managua Domestic Service in Spanish 1200 GMT 23 Apr 82.

[Text] The 112th birthday of Vladimir Ilich Lenin was commemorated at the Jose Benito Escobar workers federation last night.

The event was headed by Brigade Commander Hugo Torres, member of the General Staff of the Sandinist Peoples Army; Soviet Ambassador German Shlyapnikov; Socorro Galan, president of the Nicaraguan Association of Friends of the Socialist Countries; and the members of the Executive Committee of the Nicaraguan Labor Coordination Organization, as well as delegates from the diplomatic corps of the socialist countries accredited to our country.

In greeting the birth of the leader of the working class, Galan stressed the importance of integrating the peoples to the efforts for peace, friendship and solidarity as set by Lenin's fruitful life.

In his speech, Shlyapnikov referred to the giant boost that the October Revolution, led by Lenin, gave to the peoples of the world. He said that the winds of the revolutions and the Leninist ideas continue to blow the sails of social progress and the hopes of humankind are based on them.

In the final part of his speech, the Soviet ambassador emphasized that his government, faithful to the Leninist postulates for peaceful coexistence, recently proposed a summit between Ronald Reagan and Leonid Brezhnev. This meeting, he added, could be held in Switzerland or Finland this year to discuss the problems of disarmament but this proposal has not received an answer from the White House yet.

Meanwhile Torres said: The principles of Marxism-Leninism, wisely applied to the reality of our society, guided the revolutionary actions of the FSLN, the Nicaraguan people's vanguard, to the victory over the dictatorship. Through Lenin, Torre continued, we learned of a different world as explained by Carlos Fonseca and German Pomares. Lenin said that the people needed a vanguard in order to succeed and the Nicaraguan people succeeded because they had the FSLN which knew how to interpret the people's will and their best aspirations and how to study the relationship between the oppressors and the oppressed, he noted.

Torres stressed that the Nicaraguan vanguard, through Sandino and Fonesca, knew how to apply the principles of the international revolution by adjusting them, in a creative manner, with the country's reality. He also emphasized that the existence of the Soviet Union and the socialist sphere have prevented imperialism from unleashing all its aggressive potential in the world.

He concluded by saying that it is not possible to talk about the defense of the revolution if it is not carried out through the joint action of workers, students and peasants as prescribed in the Leninist doctrine.

TIRADO LOPEZ ON ROLE OF MARXISM IN FSLN STRATEGY

PA270308 Managua Radio Sandino in Spanish 1830 GMT Feb 83.

[Text] Commander of the Revolution Victor Tirado inaugurated a Marxist economy course at the Nicaraguan Public Administration Institute, INAP, in homage to the 100th anniversary of the death of Karl Marx, founder of scientific socialism. At the ceremony, Tirado said that our history and the Somozist dictatorship line made us believe that armed struggle was the center of an unquestionable way of struggle recommended by Marxism.

Commander Tirado, who is also coordinator of the committee for activities to commemorate the 100th anniversary of Marx's death, added that in the process of creating the FSLN our brilliant leader Carlos Fonseca taught us to examine the country's economic structure and to learn about the people's idiosyncrasies, psychology and feelings in order to arrive at solutions based on real facts, which is applying Marxism to our reality. This is why the FSLN outlined a government plan and prepared itself for a predominant role in government, he said. Not only is it necessary to know how to achieve power, but also to know what will be done afterwards; this, too, is applying Marxism to Nicaragua's reality, he added.

Here is part of Commander Tirado Lopez' INAP speech: [Begin recording] (?Inspired) by Marx, the FSLN outlined its strategy and program tactics, The first thing that this eminent thinker took into consideration was the idea that in order to work out a revolutionary plan, it is necessary to start from the roots, from our most advanced and [word indistinct] traditions. This is what Lenin, Fidel Castro and all the revolutionary men of our time, as Carlos Fonseca, have done. One of Fonseca's greatest merits was that he managed to consolidate the country's revolutionary ideas [words indistinct]. Because, in order to perfect a revolutionary strategy, it was first necessary to determine what had become of our country, its conditions at the time and its future possibilities. Fonseca discovered our country's situation at the time and what could be done in the future. He studied Nicaragua's reality and first decided where to center the efforts aimed at overthrowing the tyranny, getting rid of Yankee imperialism's domain over our country and establishing a new government. As we all know, the efforts centered on the armed struggle, as this was the conclusion of the Marxist analysis: To center on the struggle of Sandino's teachings, which Fonseca picked up and consolidated with [words indistinct]. [end recording]

ANNEX B: FURTHER PRESS REPORTS OF TERRORIST VIOLENCE IN 1983

COFFEE FACILITY SABOTAGED

PA111502 (Clandestine) Radio Venceremos in Spanish to El Salvador 0230 GMT 11 May 83.

[Text] Our army is mobilizing throughout the country. It continues to increase the number of zones and towns under its control. More people are now joining our ranks and there is no objective that we decide to seize that we cannot seize.

On Monday, 9 May, our forces made an incursion into Chinameca, in San Miguel Department, where they gained control over the northern sector near the road which, from this position, leads into Nueva Guadalupe. A harsh blow was dealt to the obligarchy's war economy with this action, by keeping the dictatorship from turning a good many dollars into weapons and ammunition to be used against our people.

During this action, we sabotaged the important Montealegre coffee processing plant, owned by the oligarchic (Libes) family. In this processing plant, we destroyed six vehicles, the coffee-processing machinery, the maintenance shop, and the offices. The gasoline station and over 20,000 quintals of coffee were burned down. We also recovered several weapons, including several 44-Magnum rifles.

In Chinameca we also sabotaged three electrical transformers located in the central part of town. We thus reaffirm Vides Casanova's incapacity. His troops never showed up to carry through the braggart defense minister's challenge. Many may be missing General Garcia who, compared with useless Vides Casanova, was not as incapable as he seemed.

RIGHTIST DEPUTY ATTACKED

PA101746 Havana International Service in Spanish 0000 GMT 10 Jan 83.

[Text] Salvadoran Col Jorge Alberto Jarquin is in serious condition after several armed men intercepted him last night in San Salvador and threw a grenade at the car in which he was riding. Jarquin, a deputy of the extreme rightist Nationalist Republican Alliance, was riding in the car with two bodyguards, who were also seriously wounded.

HAVANA REPORTS ON SITUATION WITHIN COUNTRY

REGIME BOMBINGS, FMLN ACTIONS

PA310009 Havana International Service in Spanish 1800 GMT 30 Dec 82.

[Text] Air Force planes and artillery of the Salvadoran regime army indiscriminately bombed Los Laureles and Las Colinas in San Vicente Department, where, according to an official report, guerrilla forces have been regrouping. Press dispatches state that the bombing is so intense that it can be heard in the department's capital and in neighboring municipalities.

Radio Venceremos, the official voice of the FMLN said guerrilla commandos again occupied Nueva Esparta, La Union, where they held a meeting with the townspeople and distributed propaganda before leaving. Nueva Esparta is one of the five towns that were under guerrilla control at the end of November during the Heroes and Martyrs of October campaign.

Radio Venceremos also revealed the names of nine prisoners of war that the FMLN captured on 22 December along the northern main road in Chalatenango Department. The rebel station asked relatives of the pow's to immediately get in touch with the International Red Cross, as they fear the government could take reprisals.

BOMB EXPLOSIONS IN CAPITAL

PA020323 Havana International Service in Spanish 0000 GMT 2 Jan 83.

[Text] Central American radio stations have reported that on Friday night FMLN combatants exploded three bombs in San Salvador, leaving one third of the capital without electricity.

Two of the bombs destroyed several electric posts, and a third bomb damaged a telephone exchange box. One person was injured as a result of the explosions.

The army has established strict vigilance at strategic points in the city. In addition, it was learned that troops from garrisons in eastern El Salvador are gathering to begin a counterinsurgency operation in La Paz, San Vicente and Usulutan Departments in the next few hours.

In an interview granted to Radio Farabundo Marti, Cayetano Carpio, member of the FMLN general command, said that the positive results of FMLN actions during 1982 allow the beginning of the decisive stages for the strategic annihilation of the enemy.

SUPPORT WEAPONS BATTALION DESCRIBED

PA191906 (Clandestine) Radio Venceremos in Spanish to El Salvador 0230 GMT 19 May 83.

[Excerpts] The support weapons battalion that downed the U.S-made A-37 plane has been organized step by step. from victory to victory, until it has become a specialized unit that effectively accompanies the columns and battalions of the Commander Rafael Arce Zablah Brigade.

The creation of the Amilcar Hernandez Support Weapons Battalion dates back to 1980, when the people's force fighting the dictatorship was beginning to launch those heroic and bold attacks on the enemy's headquarters. It was in January 1980, during a heroic attack on the national guard's central headquarters, that the first artillery piece appeared, built through the revolutionary forces' creativity. It caused the first enemy casualties, as well as significant damages to the national headquarters. We have been improving our weapons ever since.

In November 1982, the Amilcar Hernandez, alias Commander Adan, Support Weapons Battalion reached its maximum power, when our military forces seized from the troops in Gotera two .50-cal machineguns and two 120-mm mortars. Now we have support weapons of all kinds. We can open any type of fire on any target. Now we can satisfy the desire of the dictatorship's troops; all they have to do is approach our positions to receive any fire they may want. We have stopped enemy advances, disorganizing their ranks, making them disperse, inflicting numerous casualties.

Now the Amilcar Hernandez, alias Commander Adan, Support Weapons Battalion, which has become a powerful and effective support force, is getting ready to deal new blows to the enemy and to obtain new victories for the people.

ARMY, EXTREMISTS CLASH; BLACKOUT REPORTED

PA201357 San Salvador El Mundo in Spanish 18 May 83 p 3.

[Excerpt] San Miguel, 18 May—For 1 and ½ hours, during a storm and in the dark of night, members of the 3d Brigade fought a large number of extremists in Hacienda Monte Grande. According to the reports, the fighting began at 2200, 2 km from this place on the Pan-American Highway. No reports have been released on the number of casualties suffered during the long clash, which ended at 2330.

The terrorists also blew up three high voltage towers near the Cuscatlan Bridge. This caused a blackout that will probably continue, unfortunately, because three other big blasts were heard last night in the area between Mercedes Umana and Villa El Triunfo.

COPREFA REPORTS REBEL ATTACK ON TENANCINGO

PA220344 San Salvador El Diario De Hoy in Spanish 21 May 83 pp 4, 15.

[Text] A group of terrorists dressed in uniforms similar to those used by army soldiers invaded Tenancingo 2 nights ago and robbed the citizens. The Armed Forces Press Committee [Coprefa] reported that the guerrillas entered town at 2100 and sacked local stores. They took food, money and household items.

The terrorists led the people to believe that they were soldiers, but military sources said that soldiers never carry out actions against the people and that their discipline is very strict. In addition, Coprefa added that a group of guerrillas machinegunned a Red Cross vehicle when it was traveling through a place known as a La Pedrera in Usulutan.

The same terrorists harassed Jiquilisco for several hours, but this attack was repelled by armed forces troops who forced them to flee. No army casualties were reported. It was reported from San Francisco Gotera that two terrorists surrendered to the authorities with their rifles, seeking the protection of the amnesty law issued recently.

Many terrorists are turning themselves in to the authorities in various parts of the country. According to Coprefa, the guerrillas have said that they are tired of wandering aimlessly in the mountains, going hungry, and enduring humiliations from their foreign commanders.

EAST-WEST ECONOMIC RELATIONS

● Mr. GARN. Mr. President, two recent articles concerning the issue of East-West economic relations have been brought to my attention, and I would like to share them with my colleagues.

First Mr. Elliott Hurwitz, a Special Assistant to the Undersecretary of State for Economic Affairs, has reviewed the historical record with respect to the Soviets' use of economic measures to bring pressure upon governments whose policies they find objectionable or threatening. As Mr. Hurwitz notes in his article, "Soviets Use Sanctions With Great Effect,"

Although they have recently cultivated an image among their Western trading partners as a "reliable supplier," the Soviets have used economic measures in six major attempts (as well as several lesser efforts) since World War II to compel changes in the policies or actions of other nations.

The implications for increased Western European dependence on Soviet energy supplies as a consequence of the Siberian natural gas pipeline should be clear.

Jack Anderson, in his article, "Moscow: The New Pharaohs," points out the link between the misguided technology transfer policies of the West and the Soviet abuse of human rights. Anderson writes that:

Soviet repression is currently being perpetuated by the West's enthusiastic export of high technology to the Soviet Union. This allows the Kremlin planners to forge ahead with their grandiose industrial and public works projects, which increase the need for more slave workers in the face of the nation's chronic labor shortage.

Again, the Siberian pipeline project has a bearing on this issue, and I commend the efforts of my colleague from Colorado, Senator ARMSTRONG, for his efforts to bring this to the attention of the public.

Mr. President, upon our return from the upcoming recess, we will be considering the reauthorization of the Export Administration Act. The issues raised in the articles I am submitting for the RECORD should be kept in mind as we endeavor to address this legislation and move to stem the flow of technology to the Soviet Union and its allies. I ask that the articles by Messrs. Hurwitz and Anderson be printed in the RECORD.

The articles follow:

MOSCOW: THE NEW PHARAOHS

(By Jack Anderson)

The world press follows a double standard in reporting on Soviet and U.S. embarrassments. Any misstep by the U.S. government, however trivial, attracts the withering glare of the media's spotlight. Yet the Soviets are allowed to operate in the shadows, safe from embarrassing publicity.

From time to time, therefore, I have tried to illuminate events on the dark side of the planet. Today, I want to focus on what should be the Kremlin's greatest humiliation: its hopeless dependence on slave labor to keep its economy from collapsing.

The whole Soviet system would be crushed under the weight of its ideological and bureaucratic baggage if it weren't for the enforced labor of millions of criminals and political prisoners in the work camps of the Gulag Archipelago.

Unfortunately, the West, through a combination of greed and naivete, has been encouraging the ghastly slave-labor system for decades—by providing the markets and technology that keep the unworkable Soviet system afloat.

Soviet repression is currently being perpetuated by the West's enthusiastic export of high technology to the Soviet Union. This allows the Kremlin planners to forge ahead with their grandiose industrial and public works projects, which increase the need for more slave workers in the face of the nation's chronic labor shortage.

The sale of high-tech items for the natural gas pipeline from Siberia to Western Europe is compounded folly. When the pipeline is completed, it will earn billions in badly needed hard currency, thus permitting the Soviets to pay for their huge military machine and their foreign adventures.

It is a cruel irony that many of the Soviet Union's 4 million slave laborers are reportedly at work on the very pipeline project that will forge their chains even tighter.

My associates, Dale Van Atta and Michael Binstein have investigated the Soviets' ex-

ploitation of slave labor. Over a period of several months, they have interviewed numerous U.S. officials and other experts on the subjects. They were given access to secret U.S. intelligence reports.

Their conclusion was grim: the use of forced labor in the Soviet Union will accelerate in the next five or six years.

As Alexander Solzhenitsyn chronicled it so memorably, the forced labor system reached its peak under Stalin. Millions of Soviet citizens were shipped off to prison camps in Siberia and arctic Russia, where they were literally worked to death.

After a decline immediately following Stalin's death, the number of prisoners began inching up again in Nikita Khrushchev's waning days. The threat of labor camp sentences was chiefly political, a club to keep dissidents under control. But in recent years Soviet administrators have come to realize that slave labor is now a necessity. Consider these vignettes compiled by the International Society for Human Rights from interviews with Russian exiles:

Work quotas at a labor camp for women near the town of Kungur were eight times higher than in non-prison Soviet factories, according to Julia Vosnessenskaya, a 42-year-old poet who drew a two-year sentence for joining an independent writers' group. The camp, located near the pipeline route, housed more than 2,000 women in space built for 800.

She spent 12 hours a day sewing clothes for pipeline workers. "The women consider it a great misfortune to be situated near a 'Great Economic Project,'" she said, "for in Russia things are built the way the pyramids were—not so much with knowledge and technology, but with the use of hordes of slaves."

On-the-job safety at the camps is minimal or nonexistent, according to several exiles. Machinery fails, fingers are severed, workers are blinded by drills and polishing machines that lack protective screens.

Peter Bergman, 62, was sentenced in the late 1970s for trying to emigrate to Israel. He was taken in handcuffs by helicopter to a camp at Tymen, also on the pipeline route. He learned that defying camp regulations or even failing to meet the production quota brought beatings, hunger rations and solitary confinement.

Despite myriad firsthand accounts, West European governments, eager to get Siberian natural gas, have demanded proof that slave laborers are working on the pipeline. In fact, the CIA and State Department have indisputable evidence that 90 to 100 prison camps are close to the pipeline route. Logically, they must be supplying at least some services or direct labor for the project.

SOVIETS USE SANCTIONS WITH GREAT EFFECT

(By Elliott Hurwitz)

The North Atlantic Treaty Organization foreign ministers met recently in Paris to discuss issues of common concern, and one area of discussion was the security implications of East-West economic relations. Part of the reason for their interest was a concern that a possible increase in Western dependence on trade with the Soviet Union may create vulnerabilities that could permit the Soviets to exert economic pressure in order to achieve political goals.

It might be useful to examine past instances in which the Soviets have used economic measures in an attempt to gain political advantages from other nations.

Although they have recently cultivated an image among their Western trading partners as a "reliable supplier," the Soviets have used economic measures in six major attempts (as well as several lesser efforts) since World War II to compel changes in the policies or actions of other nations. For the most part they have used economic weapons in instances in which the target nations were highly dependent on the Soviet Union for their economic and industrial development. Indeed, four of the six major episodes were directed against fraternal communist allies:

In 1948, in response to Yugoslavia's establishment as an independent communist state, the Soviets and their Eastern European allies recalled their technical experts, canceled a loan commitment and then severed all trade and economic assistance. At the time, Yugoslavia was dependent on the Soviet Union and its allies for more than half its trade, and was completely dependent for technical assistance and credits.

In 1958 Yugoslavia was once again the victim of Soviet economic sanctions when Yugoslav insistence on taking an independent view of various international issues (including the 1956 Hungarian uprising) caused Moscow to effect an across-the-board reduction of trade.

In 1958, when a Soviet diplomat in Australia defected, his wife attempted to do the same but became involved in an airport scuffle with Soviet security men and Australian police. When the woman decided to seek asylum along with her husband, the Soviets broke diplomatic relations with Australia and terminated all purchases of Australian wool, reducing trade between the two countries by more than 95 percent.

In 1958, when one party in Finland's Parliament changed its position to a less pro-Soviet line, the Soviets canceled existing trade contracts, withdrew their ambassador and held up promised discussions of Soviet aid.

In 1960 ideological differences with China induced the Soviets to withdraw their technical experts, on whom the Chinese were significantly dependent, and reduce trade between the two neighboring nations by more than 75 percent.

The Soviet Union's most blatant use of economic weapons was against Albania in 1960. The Albanians had supported the Chinese at a conference of communist states, and in retaliation the Soviets delayed trade negotiations and cut back on loans and technical assistance. When the Albanians had the temerity to accept an industrial-development loan from China in 1961, the Soviets broke diplomatic relations, canceled all aid and severed all trade. These actions were of no small importance to the Albanians, since about half their total trade and most of their loans and technical assistance came from the Soviets.

More recently the Soviets have used economic pressures and threats of a lesser magnitude than those just cited:

In 1967, to deal with what they viewed as objectionable Cuban policies, the Soviets reduced their supply of fuel to Cuba until the following year, when Havana relented and brought its foreign policy closer into line with Moscow.

In 1981 the Soviets threatened Poland with a cutoff in supplies of oil and other raw materials unless the Solidarity movement was halted.

Late last year an Italian business delegation to Moscow was warned that Italian commercial interests would suffer if Italy did not take politically significant steps toward "economic normalization."

These instances do not decisively demonstrate that the Soviets will invariably wield economic weapons against their present or future trading partners. They do show, however, that the Soviet Union (as other nations are) quite capable of using economic measures in areas in which it has leverage and in which it sees the promise of political gain outweighing the short-term economic costs.

The Soviet Union has most often used economic sanctions, complemented by other measures, to try to reverse or counter what it has seen as objectionable policies or political positions. Soviet ideology emphasizes the political consequences of economic relations, and Moscow would view it as naive to try to divorce the two. The structure of the Soviet state—with production and foreign trade as government monopolies, and with a strong capability to impose economic costs on an uncomplaining population—has made it easier for the Soviets to use economic weapons in instances in which they have chosen to do so.

External economic relations clearly bring benefits to the Soviets, and they will certainly take these benefits into account before they use economic weapons against their trading partners. But past Soviet behavior shows that where there is a dependency they may well judge the potential political gains to be worthwhile.

Nations that place increasing reliance on Soviet supplies of energy or on Soviet purchases of manufactured goods should take into account the demonstrated Soviet willingness to use economic measures to extract political gain.●

RE: HABEAS CORPUS REFORM

● Mr. NUNN. Mr. President, on many occasions I have risen in this Chamber to address my colleagues on the need to restore a sense of finality to our criminal justice system, in part by reform of our Federal habeas corpus laws. Under those laws as they now stand, our courts have been burdened, time and again, with needless and repetitive habeas corpus petitions.

I have consistently sponsored or cosponsored reasonable legislation designed to address the need for habeas corpus reform. Specifically, during this session of Congress, I have cosponsored S. 117, the Crime Control Act of 1983, and S. 217, the Finality of Criminal Judgments Act, both of which contain many of the desired reforms. These bills would serve to streamline current habeas corpus procedure in several important ways. They would prevent Federal habeas corpus relief where: One, the issue was not raised in State court, or two, was disposed of on the merits in a collateral proceeding unless the petitioner establish prejudices and other exceptional circumstances. They provide for specific statutes of limitations on the filing of habeas corpus petitions. Finally, they assign binding authority to State court determinations of certain issues absent a showing of special circumstances by the petitioner.

I was pleased by the Senate Judiciary Committee's recent action on July

26, 1983, in favorably reporting a substitute bill for S. 217 which would reform current habeas corpus laws to limit Federal judicial interference in State criminal proceedings. It is my understanding that this legislation incorporates some of the reforms which I have previously advocated, including a statute of limitations for individuals in State custody to seek Federal habeas corpus relief. The bill also provides that a Federal court will not reopen issues if the defendant received a full and fair review of that issue in State court. Finally, the bill places rigid restrictions on the ability of a defendant to raise an issue in a Federal habeas corpus proceeding which was not previously raised in State court.

While on a recent trip to Georgia, I was again reminded of a shocking and tragic incident which occurred over 10 years ago in Donalsonville, Ga., which resulted in the brutal and senseless death of six innocent family members. This incident, and the subsequent 9½ years of legal proceedings which have followed, provide an excellent example for the need to reform Federal habeas corpus law and procedure.

During the afternoon of May 14, 1973, four individuals, three of whom had recently escaped from a Maryland prison, burglarized the Donalsonville home of Jerry Alday. While the burglary was in process, Jerry Alday and his father, Ned Alday, unsuspectedly arrived at Jerry's residence. Upon their arrival, Jerry and his father were taken into the house at gunpoint. They were then shot in the head at close range; Ned Alday was shot seven times while Jerry Alday was shot four times.

Shortly thereafter, Jerry Alday's brother, Jimmy, also arrived at the Alday residence and was killed by a handgun fired at close range. Jerry Alday's wife, Mary, was the next family member to arrive at the residence. After being robbed of $1, she was locked in the bathroom of the house due to the arrival of yet two more members of the Alday family, Jerry's uncle Aubrey and brother, Chester. Aubrey and Chester were then taken into the Alday home and slain in similar fashion.

Mary Alday was then led from the bathroom into another portion of the house and raped by at least two of the individuals while her husband, father-in-law and other members of the Alday family lay dead. She was then taken to a wooded area where she was again raped by two of the individuals, beaten when she refused to commit oral sodomy and had her breasts mutilated. She was then killed with two shots from a handgun.

Several days later, Carl Isaacs, Billy Isaacs, George Dungee, and Wayne Carl Coleman were apprehended and arrested for the slayings. Billy Isaacs confessed his role in the slayings and pled guilty while the remaining defendants pled not guilty. In January 1974, a jury found the trio guilty of the Alday slayings. Additionally, the jury found the existence of statutory aggravating circumstances and fixed punishment at death. The defendants immediately appealed their convictions and death sentences on a number of grounds, including an allegation that prejudicial pretrial publicity denied them of their right to a fair trial. In July 1976, the Georgia Supreme Court affirmed the conviction and sentence of the defendants and in November 1976, the U.S. Supreme Court denied the defendants writ of certiorari. The defendants then filed an application for a State writ of habeas corpus and received an evidentiary hearing. In August 1977, the Superior Court of Georgia denied the defendants' petition for a writ and in April 1978 the Georgia Supreme Court affirmed the judgment of the superior court. In October 1978, the U.S. Supreme Court declined to review the State's denial of the defendants application for a writ of State habeas corpus.

In May 1979, the defendants filed an application for a writ of Federal habeas corpus in Federal District Court for the Southern District of Georgia. In October 1981, over 2 years after the petition was filed, the district court denied the requested relief. In December 1981, the defendants appealed this decision to the U.S. Court of Appeals in Atlanta, Ga. Oral argument was conducted approximately 18 months later in October 1982. The court of appeals recently remanded the case back to the district court in order to develop further evidence on the issue of pretrial publicity. I point out that this issue of pretrial publicity is essentially the same issue which was raised, litigated, and decided on direct appeals in the State courts approximately 7 years ago.

It has now been approximately 9½ years since the defendants were convicted of these heinous crimes. Since that time, the Georgia Supreme Court has affirmed their conviction, the U.S. Supreme Court has refused to review their conviction, the Georgia Superior Court and the Georgia Supreme Court have both refused to grant State habeas corpus relief, the U.S. Supreme Court has refused to review this denial and the Federal District Court has refused to grant a writ of Federal habeas corpus. Yet the case goes on in degradation of the opinions of the Georgia courts.

The Alday case is a classic example of the frustrating and unnecessary delays which too often characterize our criminal justice system. This lack of finality has been generated both by abuse of habeas corpus procedures as well as our lengthy appeals processes. It is for this Congress to take steps to end this abuse and restore a sense of credibility to our criminal justice system. With the Alday case vividly in mind, I urge the Senate to quickly consider the proposals for habeas corpus reform which are now pending before us.●

THE ORIGINAL CLINCH COST SHARING PLAN: A MODEL IGNORED

● Mr. HUMPHREY. Mr. President, last December the Congress agreed in conference to ask the Department of Energy (DOE) to "vigorously explore proposals, including a reconsideration of the original cost-sharing arrangement that would reduce Federal budget requirements for the Clinch River project." DOE has settled on a plan that would simply have the Government lend money to itself through the sale of Government guaranteed bonds to spread out the spending on the Clinch River project.

What is disturbing about this plan and the study DOE has done at a cost of $1 million is that they simply ignore Congress instructions. We asked for a proposal that would increase industry's share of the project's cost and risk, we got a plan that ironically increases Government's risks and costs. I have already submitted a detailed analysis in the July 29 RECORD as to why the plan DOE has been asked to back is unsound.

At first it is difficult to understand how DOE could get behind such a plan. But, then, when you look at who DOE asked for help, the Breeder Reactor Corp. (BRC), it is not so difficult to fathom. This corporation, after all, stopped soliciting for utility contributions to the Clinch River project back in 1977, nearly 6 years ago, and is unwilling to solicit now for fear of being rejected. Under these pressures, it is not surprising that BRC came up with a plan that provides industry with Government guarantees against any risk and that asks for no further investment of industry venture capital.

For the same reason, DOE carefully avoids complete reference to Congress instructions when claiming it answered Congress request. Rather than cite the full instructions for DOE to "vigorously explore proposals, including a reconsideration of the original cost-sharing arrangement, that would reduce Federal budget requirements for the Clinch River project," DOE and BRC cite these instructions with a conveniently placed ellipsis that eliminates any reference to reconsidering the original plan.

This is no accident. There is nothing in the plan DOE is now backing that is any way remotely similar to the original cost-sharing plan, which at first had industry paying for most of the project and that was finalized in 1973

with industry paying at least 40 percent of the project's cost without it getting any equity share or ownership in the plant itself. Had the BRC or DOE reconsidered this original plan, Congress would have a plan before it today with some semblence of true cost sharing in it.

DOE and the BRC, though, were unwilling even to discuss the project's original cost sharing plan in their studies. I, therefore, asked the Congressional Research Service (CRS) to detail this plan and to describe the history of the project's private sector participation in general. The study that CRS filed, "Private Sector Participation in the CRBR Project," is quite sound.

This history correctly notes that the Clinch River breeder reactor project originally was publicly understood to be what it in fact is, a demonstration project. Thus, it was known not as the Clinch River breeder reactor project, but as the breeder demonstration program. Also, when the project was first authorized in 1970, the Federal Government treated it as a demonstration similar in character to the light water reactor demonstration effort of the 1950's. The Federal Government assumed that the private sector—the nuclear utilities and the nuclear vendors—would pay for nearly all of the project out of their pocket and Government would only help by affording its research facilities and nuclear fuel to the project.

Mr. President, before the Senate votes in September on a plan DOE claims answers Congress request for true cost sharing in the spirit of the original proposals agreed to in the early 1970's, it is essential that it know what these earlier cost-sharing agreements were. I ask that the full text of the CRS study be placed in the RECORD.

The material follows:

BRIEF HISTORY OF PRIVATE PARTICIPATION IN THE CLINCH RIVER BREEDER REACTOR PROJECT

The fiscal year 1984 Energy and Water Development Appropriation Act (Public Law 98-50) has been signed into law, without any funding for the Clinch River Breeder Reactor Project (CRBR). However, appropriations committee reports from both houses of Congress (H. Rept. 98-217 and S. Rept. 98-153) note that FY84 funding for CRBR might be provided if an arrangement that increases the amount of private financing for the project can be approved. It is likely that Congress will be asked to consider such an arrangement shortly. As an aid in the consideration of new proposals for private financing of the Clinch River Breeder Reactor Project, this report reviews the history of private financial contributions to the project and what the private sector was to get in return.

EARLY HISTORY OF THE BREEDER REACTOR DEMONSTRATION PROJECT [1]

Public Law 91-44 (The Atomic Energy Commission Authorization Act for fiscal year 1970), Section 106, authorized the Atomic Energy Commission (AEC) to participate in the Project Definition Phase of a Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Program under cooperative arrangements with reactor manufacturers and others in accordance with criteria that had been previously reviewed by the Joint Committee on Atomic Energy (JCAE). These criteria, titled "Statutory Criteria for Fourth Round Arrangements Under the Commission's Power Reactor Demonstration Program," envisaged limited AEC assistance to the private sector in building a demonstration LMFBR. The program was conceived as an extension of earlier AEC assistance programs that led to the commercialization of light water reactors.

The criteria established a two-phase program. Under the first, or Project Definition Phase, the AEC entered into a number of contracts with reactor manufacturers with the objective of determining whether sufficient bases existed for a definitive cooperative arrangement. Under the second phase of the program the AEC undertook negotiations with reactor manufacturers and utilities that eventually led to contracts to construct and operate an LMFBR demonstration plant.

The criteria listed several types of assistance that the Government was prepared to consider providing to such demonstration projects. In general, the assistance corresponded to that furnished under earlier cooperative demonstration projects. It was contemplated that the demonstration plant would be financed and owned by a utility, or group of utilities, and that governments assistance would be strictly limited as to type and amount.

In June 1970 Congress approved the fiscal year 1971 AEC Authorization Act (P.L. 91-273), which authorized the AEC to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of an LMFBR powerplant in accordance with the Statutory Criteria previously submitted to the JCAE. The AEC was authorized to provide financial assistance to the project totaling $50 million minus the costs of the Project Definition Phase; supply up to $10 million worth of fuel free of charge; and provide the project with up to $20 million in the form of services, facilities, or equipment otherwise available to the AEC under its civilian base program.

At that time the demonstration LMFBR was estimated to cost about $400 to $500 million. As negotiations between the AEC, reactor manufacturers, and utilities proceeded, it became apparent that additional Government funds above the $80 million authorized in P.L. 91-273 would be needed to gain private participation in the project.

In a June 4, 1971 message to Congress on energy, President Nixon stressed the importance of demonstrating breeder reactor technology and requested that an additional $50 million be authorized for the demonstration LMFBR. Congress went beyond that request, in the FY 1972 AEC Authorization Act (Public Law 92-84) by raising the authorization for direct assistance to the project to $100 million and removing the $20 million limit on indirect assistance provided from the base program in favor of a limit of 50 percent of the capital cost of the plant.

By 1971 the form that private participation in the project might take had become less clear. Utility ownership of the plant was still envisaged as the principle source of private funding, but other sources were now anticipated as well. According to AEC testimony before the JCAE: [2]

"The financial participation of the electric utilities is expected to be of two principle forms. An owner utility or group of utilities are expected to participate financially on a basis consistent with the value of the plant as an electric power producer over the projected useful lifetime of the plant. Although the specific basis for determining this value is yet to be worked out, this direct financial participation could be in the range of $75 to $150 million and even as high as $200 million. . . . Additionally, it is expected that the owner utilities, other utilities throughout the Nation, and others in the energy-related equipment industry, would be prepared to participate in (a) the cost of research and development, (b) first-of-a-kind costs, and (c) the financial uncertainty associated with the availability of this plant as a power producer."

During 1971, the utility industry organized a fund-raising campaign for the demonstration LMFBR with a goal of raising $250 million. At the AEC's request the Edison Electric Institute (EEI), American Public Power Association (APPA), and National Rural Electric Cooperatives Association (NRECA), surveyed member utilities as to their interest in owning and managing the demonstration LMFBR. In January 1972, the AEC accepted a proposal from Commonwealth Edison (CE) and the Tennessee Valley Authority (TVA) as the basis for negotiations of a definitive arrangement.

As these negotiations continued, it became apparent that the utility financial contribution—both of the utility industry as a whole and those of TVA and CE—were to be limited in amount, and the utility industry was not willing to underwrite any additional risk including liability. If the project was to proceed, the AEC would have to assume the open-ended risk of project cost overruns and other financial risks.

After lengthy negotiations between the JCAE, and AEC, and officials of CE and TVA, the project participants signed contracts in 1973 under which the Government agreed to accept the open-ended financial risks from the project (see below). However, neither the program authorization nor the Statutory Criteria were changed until 1975 to recognize this very basic change from the ground rules on government assistance.

ORIGINAL CONTRACTS FOR THE LMFBR DEMONSTRATION PLAN

The basic contracts for the breeder demonstration project were signed by five parties on July 25, 1973. The signatories represented the Atomic Energy Commission; the

[1] This section is adapted from a letter from Robert C. Seamans, Jr., Administrator, Energy Research and Development Administration to Hon. John Pastore, Chairman, Joint Committee on Atomic Energy. Reprinted in U.S. Congress. Joint Committee on Atomic Energy. Modifications in the Proposed Arrangements for the Clinch River Breeder Reactor Demonstration Project. Hearings, 94th Cong., 2d Sess., Apr. 14 and 29, 1976. Washington, U.S. Govt. Print. Off., 1976. p. 58.9

[2] U.S. Congress. Joint Committee on Atomic Energy. AEC Authorizing Legislation Fiscal Year 1972. Hearings, 92nd Cong., 1st Sess., Mar. 4, 1971. Washington, U.S. Govt. Print. Off., 1971. p. 702.

Tennessee Valley Administration; Commonwealth Edison Company; the Project Management Corporation (PMC), which was established to provide overall management and coordination for the project; and the Breeder Reactor Corporation (BRC), which was organized to represent the interests of a large number of utilities that pledged to contribute funds.

The main contract was a 4-party agreement between the AEC, TVA, CE, and PMC (contract number AT(49-18)-12), which set out the responsibilities and authority of the parties to participate cooperatively in the design, construction, and operation of a demonstration LMFBR plant. PMC and BRC simultaneously signed a contract, which established how utility funds would be made available, and the AEC and BRC signed a contract (AT(49-18)-14), which defined their relations.

Project resources

Paragraph 7 of the 4-party agreement sets specific limits on the resources to be supplied to the project by the utilities (through BRC), TVA, and CE. The utilities agreed to provide approximately $250 million in ten equal yearly installments. TVA agreed to provide the site for the plant, power transmission facilities, $2 million (above contributions through BRC), and the availability of top management for project guidance. CE also agreed to provide $2 million and the availability of top management. Reactor manufacturers were not party to the agreements, but the AEC expected manufacturers to contribute about $20-40 million to the project.[3]

Additional resources to be made available to the project included, income from the sale of electricity produced during the first five years of operation, plutonium bred during that period, and any funds from the sale of the plant or part of its property. TVA agreed to purchase the electricity produced during the first five years at the highest incremental cost of generating the electricity that it otherwise would have used. At the end of the 5-year demonstration period, TVA would have the option to purchase the plant under a pricing formula specified in the 4-party agreement. The AEC agreed to accept custody and ownership of the plant upon termination of the contract; or upon its expiration, if TVA did not exercise its purchase option.

All remaining resources for the project were to be supplied by the AEC. The AEC agreed to provide funding pursuant to its authority under PL. 92-84, discussed above. Furthermore, the AEC agreed that if at any time the resources available to the project appeared to PMC to be insufficient to conduct project activities it would make a good faith effort to obtain additional legislative authorization and funds. In addition, the AEC agreed to indemnify TVA, Commonwealth Edison, and PMC against claims and liabilities of third parties arising out of project activities.

When the contracts were executed, in 1973, the cost of the plant and the first five years of operation was estimated to be $730 million. Estimated project resources as of July 1973 in millions were:[4]

Utility contributions	$254
Reactor manufacturers	20-40
AEC direct assistance	92
AEC base program	320
AEC furnished fuel	10
Revenue from electricity sale	31
Total	727-747

Possible revenue from the sale of the plant at the end of the five year demonstration period was not included in the above estimate, but as noted above the 4-party contract specified that any such revenue would be available to the project.

Utility benefits of project participation

The major benefit that the utilities expected to receive from their contributions to the breeder reactor demonstration program was realization of the projects principal objective of furthering the development of the LMFBR as an energy conversion option. Additional benefits included participation in the definition and management of the project and free access to all information and patents produced as a result of project activities.

The 4-party contract vested overall project management authority in the PMC, through its Board of Directors and a Project Steering Committee (PSC). The Board established the general policies of the project and had oversight over all activities. It consisted of 2 members selected by TVA, 2 members selected by CE, and one member selected by BRC. According to the 4-party contract the AEC was to seek the necessary legislative authority to permit two of its officials to serve on the PMC Board. However, Congress never granted that authority.

The responsibility for day-to-day management of the project was given to the PSC, which was composed of one representative each from TVA, CE, and the AEC. However, lead roles for various aspects of the project were assigned to the participants. The AEC had the lead role for the nuclear steam supply system (i.e. the reactor and associated equipment), TVA had the lead role for plant operation, and PMC and its staff had the lead role for the balance-of-plant and for integration of over-all plant activities.

The contracts established an appeal mechanism to resolve disagreements among the parties. Appeals proceeded from the steering committee to the PMC Board and then, upon the request of any steering committee or Board member, to the heads of TVA, CE, and the AEC. Unanimous agreement was needed at the last level before a problem could be resolved.

In addition to their input to project management, the utilities were given broad access to information. The contract specified that all patent rights, and ownership of all other information produced as a result of project activities including, drawings, specifications, technical data, and reports would belong to the Government. However, BRC, PMC, and the electric utilities which contributed to the project would be afforded royalty-free rights to use the information, inventions, and patents produced.

In addition, participating utilities were given the right to assign personnel to observe and engage in project activities and receive training. BRC was to be kept informed of all significant matters affecting the project and was to transmit this information to the participating utilities and to the public.

Several conditions for termination of the project are established in the 4-party agreement, including such reasons as failure to receive the necessary permits for the construction or operation of the plant, or the existence of insufficient resources to permit the effective conduct of the project. In the event of termination, the contributing utilities are entitled to receive as settlement any unpledged funds in a proportionate ratio to their contributions. There is no contractual provision for refund of utility contributions to BRC.[5]

1975-76 CHANGES IN THE STATUTORY CRITERIA AND PROJECT CONTRACTS

By February 1975, within 1½ years of the signing of the contracts for the breeder demonstration program, the estimated net cost of the project (after subtracting projected revenues from electricity sales during the 5-year demonstration period) had increased from $699 million to $1,736 million.[6] The relatively fixed utility and manufacturers contribution to the project was then estimated at about $268 million. Hence, it became apparent that under the existing contracts the Government would be responsible for the great majority of the project costs. In response to this new funding situation, Congress revised the project authorization and approved new Statutory Criteria to allow for broader Government financial participation in the project. The contracts between the project participants were also modified to give the Government increased control of the project to go along with its increased funding.

Revised authorization and statutory criteria

Following the increase in project cost estimates in 1975, significant opposition to the breeder demonstration project (which was now named the Clinch River Breeder Reactor Project—CRBR) began to appear in Congress. Nevertheless, Congress authorized continuation of the project in Public Law 94-187, the fiscal year 1976 authorization act for the Energy Research and Development Administration (ERDA).

That act provided for substantial increases in the Federal share of the CRBR project. Specifically, Public Law 94-187: (1) eliminated the Government spending limit of 50 percent on the capital cost of the plant; (2) authorized new spending of $181.5 million on the CRBR above the $100 million previously authorized; (3) provided for yearly project spending authorization; (4) removed the previous distinction between direct project funding and funding for CRBR from the base breeder program; and (5) specified a procedure under which the Joint Committee on Atomic Energy (JCAE) could approve of new Statutory Criteria for revised contract negotiations for the project.

In addition, Public Law 94-187 for the first time authorized the provisions already included in the project contracts under which the Government indemnified the other project participants against third party claims. The act also authorized ERDA to acquire ownership of the CRBR plant.

ERDA gained additional freedom to broaden its participation in the CRBR project on April 29, 1976, when the JCAE approved the "Amended Statutory Criteria

[3] U.S. Congress. Joint Committee on Atomic Energy. Modifications in the Proposed Arrangements for the Clinch River Breeder Reactor Demonstration Project. Hearings, 94th Cong., 2d Sess., Apr. 14 and 29, 1976. Washington, U.S. Govt. Print. Off., 1976. p. 365.

[4] Ibid.

[5] U.S. Library of Congress. Congressional Research Service. Overview of Legal Issues Governing Contract Liability in the Event of Termination under the Private Participation Contracts for the Clinch River Breeder Reactor Project. Memorandum, by Robin Jeweler, Sept. 28, 1982. Washington, 1982. 8 p.

[6] JCAE Hearings on Modifications in the Proposed Arrangements, op. cit., p. 71.

for Fourth Round Arrangements Under the Energy Research and Development Administration's Power Reactor Demonstration Program," which had been proposed by ERDA in February 1975.

The amendments to the Statutory Criteria: (1) changed provisions calling for "maximum industrial and utility participation" in the project to "meaningful industrial and utility participation"; (2) removed provisions limiting ERDA equipment funding to first-of-a-kind equipment; (3) provided for the first time for ERDA funding of construction of buildings and related facilities; and (4) provided for ERDA to modify the project contracts to assume PMC's responsibilities for overall project management.

Modified project contracts

The JCAE approval of the amended Statutory Criteria allowed ERDA to execute new contracts with the CRBR project participants in accordance with negotiations that had been proceeding for more than a year. The purpose of the new contracts was to increase the ERDA role in overall management of the project to be more in line with its share of the funding, while preserving the utilities rights to royalty-free use of inventions and information and their right to assign personnel to the project. On May 4, 1976, modifications to the 4-party contract and the other project agreements were executed.

The major change in the new contracts was that responsibility to manage the project was shifted from the PMC to ERDA. ERDA was to establish an "integrated project management organization" comprised of PMC, industry, and Government personnel under ERDA direction. Significant project matters were still to be referred to the PSC, but for review only rather than decision. The appeal mechanism for disagreements among the participants on significant matters was retained, but the Administrator of ERDA was given the authority to decide matters upon which the heads of ERDA, TVA, and CE could not reach unanimous agreement.

ERDA's freedom to direct the project, though substantial, was somewhat constrained by contract provisions requiring the agency to design and build the LMFBR demonstration plant in conformance with a specified reference design and to follow certain principal project objectives. ERDA's failure to do so could be grounds for termination of the agreements.

Another major change made in the new contracts was that ownership of the demonstration plant was shifted from PMC to ERDA, subject to TVA's rights to future ownership following the 5-year demonstration period.

No significant changes were made in the agreements regarding the private sector financial contributions to the project, their access to any information or patents produced, or their right to place personnel in key project positions.

THE CURRENT SITUATION

The 1975/76 Statutory Criteria and Contracts are still in effect and govern the private sector contributions and benefits from the project. The Department of Energy (DOE) has taken over the responsibilities given to ERDA.

DOE's most recent estimate is that it will cost a total of $3.9 billion to complete the project. Of that total, about $1.5 billion has been spent. Thus far the private sector has contributed about $150 million to the project. According to current agreements, the total private sector contribution, including interest, is estimated to be about $325 million. However, a BRC Task Force has developed a plan to modify financing for the CRBRP.[7] The Reagan Administration supports the plan and is preparing a legislative proposal to implement it.

ADDENDUM—SUMMARY OF KEY EVENTS RELATING TO PRIVATE PARTICIPATION IN THE CLINCH RIVER BREEDER REACTOR DEMONSTRATION PROGRAM

DATE, EVENT, STATUS OF PRIVATE PARTICIPATION

July 11, 1969, P.L. 91-44—AEC authorized to begin project definition for a cooperative LMFBR demonstration program under criteria which specify limited Government assistance to a utility owned facility.

June 2, 1970, P.L. 91-273—AEC authorized to enter into a cooperative arrangement to build and operate a demonstration LMFBR. Up to $80 million in Federal assistance authorized for a privately owned project estimated to cost $400-500 million.

March 4, 1971, JCAE hearing—AEC testified that anticipated private funding for the LMFBR includes up to $200 million from a utility owner and additional contributions from other utilities throughout the nation.

Early 1971—The electric utility industry organized a fund-raising campaign with a goal of obtaining $250 million from utilities with no ownership interest in the LMFBR plant.

August 11, 1971, P.L. 92-84—Congress authorized up to $100 million in direct assistance and additional indirect assistance (exclusive of end capital items) up to a total of 50 percent of the capital cost of a utility-owned LMFBR demonstration plant.

July 25, 1973, Contracts for LMFBR demonstration signed—Utilities agreed to provide $254 million, a site, and additional services to the demonstration project. AEC agreed to provide all additional funding for the estimated $699 million project. PMC established to control the assets and manage the project under joint utility and AEC direction.

February 1975—Estimated project costs escalate to $1,736 billion. Private sector pledges estimated at $268 million.

Dec. 31, 1975, P.L. 94-187—Government funding for the demonstration project put on a yearly basis with no overall (e.g. 50% of capital cost) spending limit. JCAE empowered to approve new program criteria with increased ERDA participation. ERDA ownership of the plant authorized.

May 4, 1976, New project contracts signed—Ownership of the facility and overall project management shifted from PMC to ERDA.

Aug. 1, 1983—$1.5 billion of total estimated project cost of $3.9 billion spent. $150 million of total estimated private contribution of $325 million received. Plan for additional private sector participation under development by DOE.●

[7] BRC Task Force. Financing the Clinch River Breeder Reactor Project. June 23, 1983. 27 p.

ADDRESS BY DR. JAMES H. BILLINGTON

● Mr. HATCH. Mr. President, for the benefit of my colleagues I should like to have printed into the RECORD an address by Dr. James H. Billington, the director of the Woodrow Wilson Center for Scholars. Dr. Billington's speech, which is entitled "The Adventure of Liberal Education," was presented at the inauguration ceremony of Rev. Frank R. Haig as president of Le Moyne College on January 22, 1982. Dr. Billington states that in his view, the biggest failure of American higher education in the last 15 years is its renunciation of its traditional role of transmitting moral, spiritual, and intellectual values from one generation to another. Dr. Billington's reflections are concise and thought provoking, and I commend his address to my colleagues.

The address follows:

THE ADVENTURE OF LIBERAL EDUCATION

(By Dr. James H. Billington)

(An address on the occasion of the Inauguration of the Reverend Frank R. Haig, S.J., as President of Le Moyne College.)

Nothing may be more important—and less understood—in our civilization than liberal education. No other country in human history has given so much of it to so many as has America since World War II. Yet liberal education is largely seen by students as a kind of cerebral salad bar for random nibbling at low calorie ideas between beer parties; by faculties as rhetorical camouflage for their preferred pursuits of narrow specialization within a tenured sanctuary and utopian kibitzing at those outside; and by the public as an increasingly expensive, possibly subversive diversion from preparing for a job.

Webster defines liberal education as "intended to bring about improvement, discipline, or free development of the mind or spirit." It is thus a process, not a product—and it is crafted by and for that magnificent, troublesome thing we call the human mind. If you are bothered, as a classmate of mine once was, that education encourages putting the brains in charge consider my old professor's reply: "What other part of the anatomy would you suggest?"

The dictionary sees liberal education combining freedom and discipline. And these two qualities are inseparable from each other and indispensable to liberal democracy.

Liberty is the core value of our civilization—the distinctive battle cry of the American revolution, which sought to promote individual freedom and limit central authority—in contrast to most later revolutions that have only intensified the power of government over people by creating the secular idols of blood nationalism or repressive communism.

In out time, the horizons of freedom remain unlimited only in the life of the mind and spirit. In the material world today resources are limited, while appetites, expectations, and conflicting claims are everywhere on the rise. Only in the life of the mind does one man's pursuit of happiness not threaten another's. For the mind's highest happiness is the pursuit of truth; truth is bigger than all of us; and one man's discovery can be another's gain.

But freedom did not come into being and will not survive without responsibility. Inner discipline is the Siamese twin of external freedom—the guardian of liberal democracy as well as liberal education. Higher civilization in Europe and America grew gradually from the deepening discipline of

the classical call to exercise the mind rather than just indulge the body, and of the Judeo-Christian call to grope for goodness rather than just grasp for goods.

The special discipline of a liberal education begins with learning to use words and numbers—the languages of quality and quantity, respectively. Then, at a higher level, comes the discipline of digesting experience and experiments from the past. One cannot innovate without learning first what was thought before in the library, or tried in the laboratory.

A leaf may seem most free when it breaks loose from the tree; but it is in fact enslaved at that very moment—to every passing gust of wind—and to the certainty of descent and decomposition. Societies that survive do not shed their leaves every year—and they keep their roots alive not only in historical tradition, but in such unchanging realities as divine creation and objective moral order.

Democracy in America was rooted in a covenant before it flowered into a constitution. It may, however, go to seed without discipline. And if it does, a large amount of the responsibility will fall on the educational system—the largest and freest in the world, which has slipped into an incoherence that may pose an even graver threat to liberal education from within than do economic pressures from without. The coherence provided by maintaining a core of common courses here at Le Moyne suggests that shared values can still be imparted with a liberal education—and that mind and spirit can coexist harmoniously as they do in Webster's definition.

More lethal to liberal democracy than the fanaticism of the few is the indifference of the many. Apathy is the hidden killer in our midst; and apathy seems pretty far advanced these days. I am told that when students on an American college campus were polled recently on whether they thought students were too apathetic, 5 percent said yes, 5 percent said no, and the other 90 percent were apathetic.

Rheinhold Niebuhr once said of democracy that man's capacity for good makes it possible; his capacity for evil makes it indispensible. Perhaps our capacity for apathy will make it unsustainable.

For free men, the antidote to apathy is adventure: moving out, seeking clues, asking questions. Liberal education at its best is always an adventure; and if you embark on it, you will find that familiar sights acquire new qualities—as historic landmarks or scientific signposts—often pointing to unexpected destinations.

In epic antiquity, Aeneas lost Troy that he might found Rome. In the real-life epic that opened the modern era, the Italian Columbus looking for Asia on behalf of Spain discovered America. Euler, a famous 18th-century German plotting troop movements across seven bridges in a Baltic town opened up the new science of topology. An unknown 20th-century Russian seeking fuel amidst a civil war recovered perhaps the most haunting picture of Christ ever painted: a 14th-century icon of Rublev. We are all enriched because someone hazarded a new theory amidst a humdrum task, because someone recognized the face on the firewood.

The classical liberal education involved—as the adventure should today—both scientific and artistic truth, both Euler's formulae and Rublev's form, both order and beauty. For the mind seeks not just to grasp general laws, but also to reach out for that which is special about each individual: to find, as Yeats once put it, "In all poor foolish things that live a day Eternal beauty wandering on her way."

The liberally educated person in our time must be open to that which is unique, often strange, sometimes beautiful about other cultures and religions. Those who do not learn to listen to other people when they are whispering their prayers may have to contend with them later when they are howling their battle cries.

The adventure of liberal learning involves not just the world outside, but also the world within. Beyond Socrates' call to "know thyself" lies Augustine's invitation to discover that self within us that is deeper than we are ourselves.

In my view, the greatest and least acknowledged failure of American higher education to the broader society in the last 15 years is its quiet but unmistakable renunciation of its historic function of transmitting moral and spiritual as well as intellectual values and standards from one generation to another.

It has, of course, been part of the American genius to separate the churches from the state and to keep the authorities of either at some distance from the structures of education. But one cannot separate the mind from the spirit in the process of liberal education. Some moral standards and even ultimate beliefs are necessarily imparted along with secular technique. Freedom *of* religion in the societ has all too often been misinterpreted as implying freedom *from* religion within the academies—leading to what David Riesman has called "the bigotry of the enlightened"—with ideology or methodology often becoming a surrogate for religion itself.

There may be something a little bit implausible about localizing and limiting the exalted American ideal of liberal education to the pedestrian confines of any college campus: these green zones for late adolescents which seem closer to animal house than to the angel hosts; these ivied islands so far removed from the mainland of life.

But it is not so presumptuous, perhaps, if we think of the liberal arts college as the starting place for an adventure—providing an island of poverty as a prelude to the prose of life.

Some of those very first settlers to bring English language and culture to our country were thrown up on the island of Bermuda before they got here. This image of Captain John Smith's party landing briefly on an enchanted island before proceeding on to fulfill his main mission appears to have fascinated—and may have directly inspired—the greatest poet of our language as he was writing his final play.

Shakespeare's *Tempest*, you will recall, tells how fantasy aided self-discovery during an interlude on an island among people cast up by a storm who then return more wisely to the larger world. Shakespeare through the aged Prospero tells us near the end that the value of the play enacted there lay not in any "insubstantial pagent faded" but in the discovery that "we are such stuff as dreams are made on."

Man has the capacity to dream as well as reason, to embark on adventure for its own sake even if it may fail. When the same Jesuit order that founded this college left China in the early 18th-century, after a remarkable century of the most nearly successful effort in history to build a bridge between that ancient Eastern culture and the Christian West, they left behind a haunting epitaph:

> Go away, voyager,
> Congratulate the dead,
> Console the living,
> Pray for everyone,
> Wonder and be silent.

You have here at Le Moyne world enough and time not just to learn, but also to wonder and be silent, following perhaps yet another poet, Philip Larkin, who in our own time, punctuates his work as a university librarian by visiting a half-deserted nearby church "to stand in silence."

> A serious house on serious earth it is.
> In whose blent air all our compulsions meet.
> Are recognized, and robed as destinies.
> And that much never can be obsolete.
> Since someone will forever be surprising
> A hunger in himself to be more serious.
> And gravitating with it to this ground,
> Which, he once heard, was proper to grow wise in.

You have built on solid ground here. You have a wonderfully good captain for your adventure. He has sung for you today; he has already summonded a chorus into being, and he may just be able to keep you whistling even in troubled times. Since his schoolboy days, when I was first privileged to know him, Father Haig has always combined demanding intellectual discourse with spirited good humor. His distinguished scholarly career shows equal concern for both physics and metaphysics. He is a pilot who has been on the bridge before—and can steer by the stars as well as by modern instruments.

Perhaps he and you—perhaps even a new generation in American liberal education—can rediscover those links between the natural and the human sciences that were present in the original liberal arts curriculum of the trivium and quadrivium. Forging such a connection anew represents an adventure of the mind and spirit that the contemporary French philosopher, a former navigator, Michel Serres, has brilliantly compared to the earlier effort of explorers from the age of Father Le Moyne himself to find a northwest passage from the Atlantic to the Pacific.

But, whatever the course of your individual explorations, I hope you find here under this good leader some of the sense of shared purpose that is as essential to liberal learning as it is to liberal democracy. Whatever tempests lie ahead, never be ashamed to dream—and even to look back beyond Shakespeare's final fantasy to Dante's—to that alta fantasia in the last canto of the Divine Comedy, which was both a beatific and a geometric vision. And do not be afraid to look ahead beyond the incoherence of the moment in the knowledge that the left and right halves of the brain come together in one fragile human mind, just as the hemispheres—East and West, North and South—are united in one planet.●

INEQUITABLE DAIRY ASSESSMENTS

● Mr. BAUCUS. Mr. President, the ill-fated dairy assessments do not address the problems of our growing dairy surpluses and they are inherently inequitable. The first 50-cent assessment is being collected from all producers, not only from those that currently contribute to the CCC-owned surplus stocks.

The only result of taxing all dairy producers at the 50-cent-per-hundredweight rate is to force even greater production. Producers must do this to offset the direct loss of income.

I had intended to introduce an amendment to S. 1529. My amendment would have limited the milk assessment and diversion program to areas in which Federal milk marketing orders are in effect. This would have corrected what I see as a gross inequity in the compromise dairy bill as passed by the Senate Agriculture Committee.

If Montana dairymen and dairymen from non-surplus-producing areas are forced to pay a 50-cent assessment they give up more than producers under Federal marketing order areas. For example, Montana dairymen receive a full $1.65 less for their milk than do producers under Federal marketing orders.

If Agriculture Secretary Block follows through with his plans to impose the second 50-cent assessment in September 1, Montana dairymen will be hard pressed to cover their cost of production. I am pleased to support Senate Joint Resolution 149; it would express the sense of the Congress that a second 50-cent assessement be delayed until November 1. I hope, along with many of my colleagues, that the Senate will be able to make the necessary adjustments in the existing program in a fair and equitable manner.

Under the current assessment and the proposed second 50-cent assessment, Montana falls into a chaotic milk marketing system. I would hope that we could return to a more orderly marketing system under which dairy farmers can receive a reasonable price for their product and consumers are assured of an adequate supply of dairy products at reasonable prices.●

INGENUITY OF PRIVATE ENTERPRISE

● Mr. TOWER. Mr. President, I rise to remind my colleagues of one of our country's most treasured assets—the ingenuity of private enterprise. This American attribute has historically responded to dynamic economic situations and contributed to our Nation's success. I call on my colleagues to reinforce and encourage this basic American advantage so that we might continue to lead the world in every way.

We have observed the responsiveness to changing economic and social trends of private enterprise. Certainly, we have witnessed a shift from a material producing society to an information-producing society, and I firmly believe that the flexibility and ingenuity of private enterprise has facilitated this transition. There is no sector of our economy that does not benefit from the possibilities brought on by this ingenuity. Recently, the example of a Texas firm's high-technology response to the marketing needs of the agricultural sector has been brought to my attention. That firm, the National Rancher's Registry, has established a computer center out of San Antonio that provides a network to bring together agriculture buyers and sellers from across the Nation. Through the use of this technology, the National Rancher's Registry has opened up new doors for increasing the marketing efficiency of agricultural goods from livestock to farm equipment, commodities to farm produce.

Mr. President, I further maintain that it is the ingenuity exemplified by private enterprises that provides the greatest assurance of continued American preeminence. Capitalism affords the incentives to provide a product or service cheaper, faster, and better, and this American characteristic has historically distinguished the United States as the leader on every front. We must maintain for future generations these incentives and I call on my colleagues to rise to the important challenge of preserving the concepts of enterpreneurship. Finally, Mr. President, I commend those individuals in all States who have declared their lives to providing the ideas necessary to preserve the authority and position of the United States of America.●

THE ST. LOUIS AREA BACKSTOPPERS

● Mr. EAGLETON. Mr. President, I rise today to commend an outstanding organization in my home State of Missouri which will mark its 24th anniversary on September 11, 1983. I refer to the Backstoppers, a nonprofit organization which offers financial assistance and counseling services to widows and children of St. Louis metropolitan area law enforcement officers and firefighters who were killed in the line of duty.

Currently, the Backstoppers, comprised of approximately 600 concerned men and women, are providing much-needed assistance to 52 widows and 70 children in the Greater St. Louis area.

Police and fire department members in the city of St. Louis, St. Louis County, Jefferson County, St. Charles County, and Franklin County all are covered by the Backstoppers.

The Backstoppers goal is a simple yet generous one: to provide for the survivors of those who have given their lives in the performance of their duty.

The Backstoppers provide for both the immediate needs of survivors and, at an appropriately early date, Backstopper officers meet with the widow and review the family's financial condition. The Backstoppers assume all existing debts, including home mortgage payments or rent.

Concern and support for survivors does not end with the initial crisis. A committee of Backstoppers counsels families on employment and educational opportunities, and in emergency situations. Where there is inadequate health insurance, the Backstoppers offer prepaid hospitalization to the families they assist. In the event that other assistance is not available, they provide educational aid and interest-free loans.

A highlight of the year is a Christmas party at which the children are entertained and presented with gifts, including a $100 U.S. savings bond.

Mr. President, police officers and firefighters who lose their lives in the line of duty have given the ultimate gift. Through their fine, generous work, the Backstoppers let surviving families know day in and day out that they are cherished members of the community.

The Backstoppers and the families they assist deserve our warmest thanks and appreciation.●

HUNGER IN AMERICA

● Mr. GLENN. Mr. President, earlier this week President Reagan discovered that Americans were going hungry. According to news accounts, President Reagan said he was perplexed about hunger, because he thought government was taking care of those in need.

Government is not—thanks to the President's cuts in nutrition programs. Almost 6 months to the day after proposing a fiscal year 1984 budget that would cut $1.5 billion from food programs for families and children, President Reagan appointed a commission to recommend a national program to the White House within 3 months.

The fact is that we do not need another commission to develop a national program. What we need is an administration that will use the programs we have.

The President's February budget message asked Congress to cut $1.1 billion from the food stamp program, and $400 million from school breakfast and summer feeding programs. More than 1 in 3 poor families would lose more than $280 a year in benefits as a result of such cuts.

These proposals came on the heels of budgets which reduced the food stamp program by more than $2 billion—or nearly 20 percent—in fiscal year 1982 and fiscal year 1983, and slashed the school lunch fund by more than $1.5 billion—or about 38 percent—over the same period. As a direct result of these actions, last year the food stamp program served nearly 1 million fewer Americans, while 2 million children dropped out of the school lunch program. Even though unemployment rose to almost 11 percent late in 1982 and despite the fact

that 34.4 million Americans—or a staggering 15 percent of our population—lived in poverty last year, participation in the food stamp porgram did not increase beyond the level of 22 million people.

The report released by the Census Bureau on August 2 shows who is really paying for the President's program. In the last 5 years, 10 million Americans have been forced below the poverty line. But these overall figures only mask the devastation among black and Hispanic Americans. Nearly 4 in 10 blacks live in poverty, as do nearly 3 in 10 Hispanics. Nearly 1 in 5 children live in poverty, and half the families below the poverty line are headed by single women; 1982 represented the third year in a row that poverty in America increased. The administration does not need a commission to tell them that this disturbing trend guarantees increased hunger. Instead of putting America's hungry on hold for 3 months, the President could act now to alleviate human suffering.

The 1984 budget resolution contained authorizations for reserve funding of $450 million in the food stamp program, $300 million in the WIC program, and $150 million for the school lunch program. When Congress returns from recess in September, I will submit legislation to appropriate increased funding for these programs and the Older Americans Nutrition Program. The Older Americans Nutrition Program has not received funding increases to match inflation and is not expanding to serve new senior citizens in need.

Three months from now, the President's commission could well propose some worthy initiatives, and I would welcome any constructive proposals. In the meantime, Presidential commissions and public relations offensives will do little to alleviate hunger in America, and I urge President Reagan to give my proposals his support.●

THE TARGET PRICE FREEZE

● Mr. ABDNOR. Mr. President, I should like to engage the distinguished chairman of the Agriculture Committee in a discussion about an amendment I had planned to offer to the target price freeze. Because the Senate failed to act on the target price freeze in an expedious manner, time has grown too short to permit adequate attention to my amendment.

Although I will refrain from offering my amendment at this time, I ask the committee to study it carefully so that it might be considered for future action on the target price program.

Under my amendment the Secretary of Agriculture will be permitted to implement an acreage reduction program using the 1983 target prices. The Secretary will continue to have the discretion to design a program that he deems appropriate and my amendment will not alter the basic program established by the Secretary.

My amendment will, however, provide producers a choice either: To enter into the program established by the Secretary and receive the 1983 target price, or to enter into the program established by the Secetary and also agree to limit their marketings as well thereby receive the 1984 and 1985 target prices. Producers who choose the higher target must agree to participate in the acreage reduction program specified by the Secretary and, further, to reduce their marketings accordingly. The required reduction in marketings would be calculated by using a simple algebraic formula which eliminates an unfair slippage factor.

Slippage represents the additional acreage each producer must remove from production in order to comply with the program. It reflects the error which occurs when USDA uses acreage reductions instead of marketing limitations. The error occurs because some producers elect not to participate in the program; others comply with the letter but not the spirit of the program by taking poor and marginal land out of production, thereby reducing their acreage but not their production; and still others simply farm more intensively on the fewer acres they are allowed to plant under the program. In any event, despite the intent of the program to reduce production, there remains every incentive for producers to maximize their yield.

The net result for the Nation is apparent in that yields have soared and near-record production levels have been achieved despite PIK, setasides, paid diversions, and every good intention of USDA to try to bring supply into better alinement with demand. The result for individual farmers which is not so apparent is that producers who comply in good faith with the spirit as well as the letter of the program, and actually do reduce production, are penalized because they must reduce their production by an additional 30 percent to offset production by those who do not reduce. Obviously, that is not fair to producers nor is it good policy for the Nation.

My amendment will correct this basic inequity and provide the needed incentive for a more effective supply management program. Since producers who elect to receive the higher target prices must certify that their marketings have been reduced, and not just their acreage, the incentive to overproduce which is inherent in the existing program will be reduced.

Hopefully, with this requirement we will no longer see acreage reductions resulting in a mere fractional proportionate reduction in production or, as was the case in 1982, even a slight increase in production from a 15-percent set-aside for wheat, for example. Furthermore, producers will be more apt to participate in the program due to the incentive of the higher target prices.

In short, under my amendment those who participate in good faith in the spirit as well as the letter of the program will be rewarded and those who do not will be penalized, rather than the reverse, which is the case under the existing program.

Mr. HELMS. Mr. President, I thank my distinguished colleague from South Dakota for bringing his amendment to my attention. Very definitely we are at a turning point in farm policy. Many of our present farm programs have failed farmers as much as they have failed taxpayers. Now is the time to look for new directions. I assure my colleague that I shall carefully consider his amendment as Congress moves toward developing more equitable farm legislation.

Mr. ABDNOR. I thank the chairman for his consideration.●

ATTITUDINAL PROBLEMS FACING ORGAN TRANSPLANTATION IN OUR SOCIETY

● Mr. KENNEDY. Mr. President, on Tuesday, August 2, Senator ANDREWS and I introduced S. 1728, the National Task Force on Organ Procurement and Transplant Reimbursement Act, to help address the problem that America lacks a national network for coordinating organ transplants. I know my colleagues are well aware that at the present time patients in need of organs for transplantation have often had to resort to public appeals through the mass media to find a compatible organ. I hope that the proposed task force will find viable alternatives to the difficult process which patients and their families now undergo.

I believe that America is capable of solving the medical and technical problems of organ transplantation given the concerted effort that a body such as the task force would make. However, I believe that there is a problem of attitudes toward organ transplantation which can be addressed by the Nation as a whole, as well as the task force. Earlier this year, the National Kidney Foundation (NKF) received "Attitudes and Opinions of the American Public Toward Kidney Donations," a study prepared by the Gallup Organization, which characterized American attitudes toward kidney transplantation. It showed that while 93 percent of the Americans polled said that they have heard or read something about organ transplants, most are reluctant to par-

ticipate personally in organ donation. Approximately 72 percent of those who heard of organ donation said that they were very likely to give permission to have the kidneys of a loved one donated after that person's death, and 50 percent said that they would very likely donate their own child's kidney, should the child die accidentally. Yet the significant fact is that only 24 percent of those polled said that they are very likely to want their own kidneys donated after their death. Thus, 76 percent of those polled said that they did not desire to have their kidneys donated after their death. If this number is representative of America at large and for organs in general, then this is a real obstacle to an effective national network of organ transplantation.

If individuals do not want their own organs donated after their death, this message may be communicated to their families; once communicated, it would be difficult for grieving relatives to donate the organs of the deceased. Furthermore, donor cards which give specific intention of donation will be left unsigned; in fact, the NKF study found that while awareness of organ donor cards is very high (76 percent of those interviewed), only 18 percent of those aware of organ donor cards have signed one. Even more distressing is the fact that among those likely to want their own kidneys donated, only 31 percent have signed a card; furthermore, less than half (41 percent) have told their family members that they want their own kidneys donated after their death, and still less (18 percent) have told close friends. Finally, only 5 percent of those likely to want their kidneys donated have told their doctor, and hardly 4 percent of those polled have indicated their intentions to donate their own kidneys after death in wills.

I hope that members of this august body will give full support to S. 1728. The National Task Force on Organ Procurement and Transplant Reimbursement Act which Senator ANDREWS and I have proposed will permit the addressing of the problem of American attitudes toward organ transplantation and its impact on the availability of donor organs. The task force will explore the important medical and technical impediments to a more compassionate and effective organ transplantation process in America. But, each American will have to personally address the question of being a donor.

Mr. President, I ask to have printed in the RECORD the executive summary and several tables from the Gallup Organization's study prepared for the National Kidney Foundation.

The material follows:

EXECUTIVE SUMMARY

Awareness of organ transplants is high—Most Americans have heard or read something about organ transplants, with 93% of a nationally representative sample of those age 18 years or over saying that they had. This level of awareness is relatively constant across all demographic variables except race, where 95% of white respondents have heard of organ transplants but only 84% of black respondents.

Most believe that someone has to give permission for their own kidney to be donated in order to have kidneys available—Among those aware of organ transplants, most (89%) believe, correctly, that somebody has to have given permission for their kidney to be donated after their death in order for a kidney to be transplanted into someone who needs it.

Most believe that a doctor cannot order kidney removal—Equally, most (88%) believe, correctly, that a doctor cannot give permission to remove the kidney of someone who has just died.

Many fewer believe that a relative of someone who died can give permission—A smaller proportion, but still a substantial majority (64%) believe, correctly, that a relative of someone who has died can give permission to have that person's kidneys donated.

More people are likely to give permission for donation of kidneys of a loved one or of own child than are likely to want their own kidneys donated—Almost three-quarters (72%) of those aware of organ transplants say they are very likely to give permission to have the kidneys of a loved one donated after that person's death, and half say they are very likely to donate their own child's kidneys in the event of accidental death of the child. However, only 24% say they are very likely to want their own kidneys donated after their death.

Those who are more likely to want their own kidneys donated after death are more educated; with higher income; whites rather than blacks—Those who are most likely to want their own kidneys donated after their death are those who have completed more formal education and are in higher income brackets (two interactive variables). Blacks are much less likely than whites to want their own kidneys donated (10% vs. 27%). These same demographic characteristics distinguish those more likely to give permission for the kidneys of a loved one or their own child to be donated.

When added to rate various reasons for not wanting their own kidneys donated, the leading response was that "I never really thought about it"—About one in five (20%) say that a very important reason for not wanting to have their kidneys donated after their death is that "I never really thought about it".

Dislike for idea of being cut after death cited as "very important" by one in five—about the same proportion (20%) as "very important", the reason "I don't like the idea of somebody cutting me up after I die". No other reason was cited by that large a proportion of respondents as being "very important".

Few say that religious reasons or complicated permission procedures are very important—Only 7% say either that the reasons "it is against my religion" or that "it is complicated to give permission" are very important reasons for not wanting their own kidneys donated after their death.

Dislike for the idea of being cut up after death is the reason which most sharply differentiates those more and less likely to want own kidneys donated—The greatest difference between those more and less likely to want their own kidneys donated is in their response to the reason: "I don't like the idea of somebody cutting me up after I die". Only 5% of those who say they are very/somewhat likely to want their own kidneys donated characterized that reason as being "very important", compared with 44% of those who are not very/not at all likely, more than twice the difference of each of the eight other reasons presented.

Few have taken actions to implement their interest in having their own kidneys donated after their death—Less than half (41%) who say they are very/somewhat likely to want their own kidneys donated after their death have told family members about their desires. Even fewer (31%) have signed an organ donor card; told close friends (18%); told a doctor (5%); or put it in their will (4%).

Awareness of organ donor cards is very high—Seventy-six percent of those interviewed say they have heard of organ donor cards. Even among those not likely to want their own kidneys donated. 76% had heard of the cards; almost two-thirds of blacks interviewed (65%) had heard of them.

A small proportion of those aware of organ donor cards have signed them—Only 18% of those aware of organ donor cards have signed one. Even among those likely to want their own kidneys donated, only 35% have signed a card.

Most correctly assess consequences of signing organ donor cards—Virtually all aware of organ donor cards and virtually all who say they have signed an organ donor card believe, correctly, that the following two statements are false:

"If you signed a card, someone can force you to give up one of your kidneys when they need one for a transplant."

"Once you have signed a card, you cannot change your mind."

Very high level of belief that a central file of card signers exist—Almost two-thirds of those aware of cards, and half of those who have signed cards believe, erroneously, that the following statement is true:

"There is a central file of people who have signed donor cards which is made available to doctors or others who are trying to locate a kidney donor."

About one-third believe there are kidney banks, as there are blood banks—About one-third (31%) of those aware of organ transplants believe, erroneously, that there are kidney banks, just as there are blood banks. This is equally true of those more or less likely to want to have their own kidneys donated. Those who have signed an organ donor card are less likely (23%) to believe this is true.

Virtually no one believes that donated kidneys are "always" available, "often" available, or "never" available—Those respondents with an opinion split about equally between believing that donated kidneys are "sometimes" available (44%) or "rarely" available (41%).

TABLE 1.—*Awareness of organ transplants*

Have heard of organ transplants:	*Percentage*
Yes	93
No	5
Don't know/no answer	2
	100

Note.—Number of interviews=1,574.

TABLE 2.—*Actions taken by those very and somewhat likely to want own kidneys donated* [1]

Action taken:	[2] Percent
Told family members	41
Signed organ donor card	31
Told close friends	18
Told doctor	5
Put it in will	4
None of these	50

[1] Base equals 1,488; those aware of organ transplants.
[2] Total exceeds 100 percent due to multiple responses.

TABLE 3.—OPINIONS ABOUT EXISTENCE OF "KIDNEY BANKS JUST LIKE BLOOD BANKS"

	Percent saying:				
	True	False	Don't know	Total	Number of interviews
Population type:					
Aware of organ transplants	31	47	21	100	1,488
Very/somewhat likely to permit donation of own kidney	31	52	17	100	610
Not very/not at all likely to permit donation of own kidney	32	42	27	100	452
Signed organ donor card	23	60	17	100	221

●

LEGISLATIVE VETO

● Mr. KASTEN. Mr. President, I have developed a proposal to replace the legislative veto over Federal Trade Commission rules that was recently invalidated by the Supreme Court. I am a firm believer in the legislative veto as an essential element in our arsenal of weapons for regulatory reform. Along with congressional and executive branch oversight, legislative veto authority provides Congress an important opportunity to insure that an agency's exercise of its delegated legislative power is consistent with congressional intent. I believe that veto is necessary in order to shift the real power of Government away from the bureaucracy and back to the elected Congress.

My proposal would provide a joint resolution of disapproval mechanism for FTC rules. Under the proposal, newly issued FTC rules would have to be submitted to Congress. The rule could become effective after 30 days unless: First, within 30 days the House or Senate Commerce Committee report a joint resolution of disapproval—or the committee is discharged—and second, within another 60 days the joint resolution of disapproval is enacted into law.

Like the legislative veto provision previously in effect for the FTC, the proposal calls for expedited congressional consideration of disapproval resolutions: First, committees may be discharged after a 20-day period through a privileged motion on the Senate floor; second, the disapproval resolution itself is also privileged on the Senate floor; and debate on the resolution is limited to 2 hours. Even if this proposal were not enacted into law, Congress could still disapprove an FTC rule through enactment of a joint resolution. The significance of the proposal is therefore: First, that it calls for a systemmatic submission of new FTC rules to Congress; and second, that it provides for expedited congressional consideration of disapproval resolutions.

This approach is considered to be constitutional, because it utilizes a joint resolution—which is presented to the President—rather than a concurrent resolution—which is not. Except for certain minor changes necessary to tailor the proposal to the FTC Act, this joint resolution of disapproval mechanism is identical to S. 1650 introduced on July 20, 1983, by Senators LEVIN, BOREN, GRASSLEY, DECONCINI, and KASTEN.

I call attention to this proposal and would be interested in receiving comment from my colleagues in the Senate and from the general public.

The material follows:

CONGRESSIONAL REVIEW OF RULES

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 26, as added by section 10 of this Act, the following new section:

"SEC. 27. (a)(1) On the day the Commission forwards to the Federal Register for publication a recommended final rule, the Commission shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive a recommended final rule under this subsection whether the appropriate House is in session, stands in adjournment or is in recess.

"(2) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule, the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

"(b)(1) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives. If, before the expiration of such thirty-day period, either appropriate committee orders reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

"(A) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this subparagraph if within such sixty-day period a joint resolution with respect to such rule has become law;

"(B) any time after either House of Congress has rejected a joint resolution with respect to such rule; or

"(C) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this subparagraph if—

"(i) a period of thirty days has not expired since the date on which such rule was received by the appropriate committees; and

"(ii) within such thirty-day period, a joint resolution with respect to such rule has become law.

"(2) For purposes of this subsection—

"(A) the term 'days' means only days of continuous session of Congress;

"(B) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(C) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the thirty-day period referred to in this subsection if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to in this subsection if the adjournment is for more than fifteen days.

"(c) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the Commission to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(d) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(e) Congressional inaction on, or rejection of, any resolution of disapproval concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of the Commission with the requirements of this section, including any determination by the Commission under this section, shall not be subject to judicial review of any kind.

"(f)(1) If a recommended final rule of the Commission is disapproved under this section, the Commission may issue a recommended final rule which relates to the same acts or practices as the disapproved rule. Such recommended final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the recommended final rule disapproved by the Congress; or

"(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Commission, in accordance with section 553 of title 5, United States Code, in any case in which the Commission determines that it is necessary to supplement the existing rulemaking record; and

"(B) may reflect such changes as the Commission considers necessary or appropriate, including such changes as may be appropriate in light of congressional debate and consideration of the resolution of disapproval with respect to the rule.

"(2) After issuing a recommended final rule under this subsection, the Commission shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (a)(1) of this section, and such rule shall only become effective in accordance with this section.

"(g) The provisions of this subsection, subsections (a)(2), (d) and (g) through (k) of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions, and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same

manner and to the same extent as in the case of any other rule of that House.

"(h) Except as provided in subsection (k) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(i)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within 20 days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within 30 days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. An amendment to the motion is not in order.

"(j)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader, or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(k) If a joint resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If, prior to the disposition of a joint resolution of one House, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.

"(l) For purposes of this section—

"(1) The term 'appropriate committee' means either the Committee on Energy and Commerce of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate, as the case may be.

"(2) The term 'rule' means any rule promulgated by the Commission pursuant to this Act, other than any rule promulgated under section 18(a)(1)(A) of this Act and any interpretive or procedural rule.

"(3) The term 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the Senate and the House of Representatives disapprove the rule entitled————, transmitted to the Congress by the Federal Trade Commission on————, 19—.', the blank spaces being filled with the appropriate title of the rule and the date of transmittal of the rule to the Congress, respectively.".

(b) The amendment made by subsection (a) of this section shall be effective on the date of enactment of this Act, except that any rule promulgated by the Federal Trade Commission after June 23, 1983 and before such date of enactment shall be transmitted by the Federal Trade Commission on the date of enactment of this Act to the Secretary of the Senate and the Clerk of the House of Representatives, in accordance with subsection (a)(1) of section 24 of the Federal Trade Commission Act, as added by subsection (a) of this section. Any such rule shall have no force and effect except in accordance with such section 24.●

SYNTHETIC FUELS

● Mr. HATCH. Mr. President, Senator GARN and I are delighted to endorse the measure introduced by Senator DOMENICI, S. 1396, particularly insofar as it would promote development of this country's vast synthetic fuels resources. Because Utah holds vast reserves of coal, oil shale, and tar sands, we have long been aware of the potential these resources have for alleviating our national energy problems. We are equally aware of the tremendous difficulties associated with bringing them into production.

Incentives provided by Congress over the last decade have prompted scientists and engineers in our corporations and universities to develop and—in some cases—perfect recovery technology. At the beginning of 1980 it appeared as though we were on the verge of a major synthetic fuels boom. This boom never materialized, and judging from the number of recently abandoned projects, perhaps it never will. Why?

Have we solved the energy problem? No. Are we still vulnerable to the vicissitudes of foreign supplies? Yes. Is our technology base inadequate? No. Then, why?

A major share of the answer lies in the worldwide economic recession, with the reduced demand for energy supplies among industrialized nations. But part of the answer also lies in the inconstancy of our Government's energy policy. The truth of the matter is that a temporary glut in oil supplies has become a pretext for abandoning a prudent long-term energy policy that was years in the making.

The legislation we are considering helps remedy this situation in two important ways of particular significance to Utah. First, it extends the affirmative commitment for synthetic fuels projects which allows investors in these risky but vital ventures to recover a portion of their investment in tax savings. Second, it extends the energy investment tax credit to tar sands property—a correction of an oversight by Congress 6 years ago. Since it now appears that several tar sands projects are close to commercial production, this additional investment incentive is critical.

Data supplied to our offices by one of the companies involved in these projects indicate that revenues lost to the Treasury in the form of credits will be made up more than tenfold by taxes and royalties recovered during the construction and initial operating stages. More important, a new sector of basic industry with both national and global significance will have been born. Perhaps, for once, we will be ready for the next energy crisis before it is upon us. We sincerely hope so. The last decade has shown us that a synfuels industry cannot be achieved over night regardless of circumstances or how badly it is needed.

Senator GARN and I commend Senator DOMENICI and Senator WALLOP for their foresight and diligence in advancing this legislation.●

GENERAL HUGH ROBINSON

● Mr. PRYOR. Mr. President, last Friday, July 29, Maj. Gen. Hugh Robinson, Southwest Division Engineer for the U.S. Army Corps of Engineers, retired from active service in ceremonies at Dallas, Tex. In his last command with the Army, General Robinson was in charge of five engineer districts, including the Little Rock district. It was in this capacity and in relation to his work in Arkansas that I came to know General Robinson.

General Robinson is one of those truly extraordinary individuals whose

leadership abilities brought him to the forefront of his peer group at an early stage of his career and sustained him through the remarkable heights he attained. I am sure that the training he received at the U.S. Military Academy nurtured a talent and drive that was already his. General Robinson was unique among military men in his understanding of the sometimes delicate relationships between the military and civilian communities. In my opinion General Robinson would have been successful in comparable degrees in any career he might have chosen, and our Nation must be glad that he chose to serve his country.

The friendships that Hugh Robinson developed in Arkansas during his last tour of duty will remain lasting and will serve him well in the future. I can assure him of that. I personally feel that Hugh Robinson had a lot more to contribute to this Nation and I regret that he chose to terminate his active duty status at this time. His new duties with the Southland Corp. will, no doubt, enable him to continue to compete and contribute in new and innovative ways. I wish him well in all of his future endeavors.●

THE MEANING OF FREEDOM

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. GOLDWATER. Mr. President, over the past several weeks, Senator BAKER and others of my distinguished colleagues have aired their views on the legislative process as it functions now. All of us who read our constitutent mail and who talk with the folks back home, know that there is increasing dissatisfaction about the way we operate. Unfortunately, one of the biggest problems we have is that we often legislate in the duress of a special interest group instead of in the national interest. This particular phenomenon has given rise to what George Will calls "iron triangles." In a speech prepared for the 10th Annual Sol Feinstone Lecture at West Point, Will characterized these iron triangles as the "three-sided relationship that exists between the congressional committee that authorizes a particular program, the executive bureaucracy that administers that program, and the client group in the country that benefits from it." George Will goes on to develop a very strong case that this particular type of legislating is robbing us of our most precious heritage—freedom. Mr. President, because this speech is so appropos to what we are doing here, I ask that the entire speech be printed in the RECORD, and I hope that my colleagues will read and benefit from the lessons in Mr. Will's speech.

The speech follows:

THE MEANING OF FREEDOM

(By George F. Will)

I have had essentially two careers. My current profession is as a journalist, commenting on the day's news. My training is as a political philosopher. I want to try, with your indulgence, to combine these two pursuits; to briefly survey the political climate of this country in the 1980s; and then to say what I think is alarming about it and why I think it derives from a difficult, ambiguous, and perhaps wrong idea of freedom—a four-century-old error now that represents a kind of wrong-turning in the American, and indeed the Western, tradition of political philosophy. Which is to say, I'm going to be mildly depressing. That's all right; I subscribe to the Ohio-in-1895 theory of history, so named by me for the little known fact that in Ohio in 1895 there were just two automobiles, and they collided.

I have a strong sense that things go wrong in America because of certain wrong ideas about freedom and the political order and what we owe to our society. This country is increasingly at the mercy of hostile forces and increasingly finding it difficult to defend itself. I believe that we have for too long subscribed to the belief that freedom is the absence of restraints imposed by others. And I believe that a natural corollary to that erroneous belief is the erroneous belief that government exists simply to facilitate, to the maximum extent possible, the unrestrained enjoyment of private appetites. This is a political philosophy flowing directly from a concept of freedom that I take to be, in the long run, disastrous; and to the extent that our country is founded on it, our country is ill-founded. I shall come to that gloomy conclusion, and perhaps an optimistic coda, a few pages hence.

Let me begin by telling you where we are and then try to relate where we are, in our political and economic argument, to what, indeed, I take to be our philosophic roots.

The place to begin to understand the political climate of the 1980s is with the only recent political benchmark, the 1980 presidential election. The Republicans, after they won that election, set about doing what the winner of every election does systematically and aggressively, which is to misconstrue the results, to wring from the results an alleged mandate to do precisely what the person winning wanted to do anyway. In this case, the winners said that the 1980 election was that most unusual of American experiences: a positive, forward-looking affirmation of the winner's political philosophy. I see no evidence in any of the election analysis to confirm that. It seems to me reasonably clear that it was a classic, normal American election, which is to say that someone lost it, not that someone won it; indeed, the 1980 national election was a repudiation of its immediate predecessor. And if you look at the results, it wasn't as astonishing as most people thought. It was the case, I believe, that the President's margin of victory, although substantial, was only the ninth largest margin of victory in this century. Further, although the Republicans won substantial Senate gains (12 seats), Democratic candidates to the Senate won more votes in 1980 because, while Republicans were winning close victories in small states, Glenn in Ohio and Cranston in California, for example were winning tremendous victories for the Democratic Party.

My point is simply that the mood of the American people was divided and remains divided today. It is in this division that we see the root of the structural, systemic, political problems in this country: a problem in defining and, because of the problem in defining, a problem in defending freedom.

In the last two years, we have seen the divisions in the American mind writ large. We have, I think, learned three important lessons. The first is that the American people talk a very different (you might say, a very much more conservative) game than they are prepared to have their government play. The second lesson is that the American middle class, the broad mass of the country, which is the articulate, organized, intense complainer about big government, is incomparably the biggest beneficiary of big government and is determined to use all its wiles and guiles to remain so. And the third lesson of the last two years—the most amusing to some and the most alarming to others—is that the conservative agenda for the United States costs more money than the liberal agenda.

Let me go over these briefly to set the stage for how we got to this peculiar argument about our politics.

When Ronald Reagan won the presidency, people said that his victory marked the end of an era. Ronald Reagan was going to melt, or so the theory was, the iron triangles that have dominated our politics in Washington, lo these many years. By "iron triangle" I mean the three-sided relationship that exists between the congressional committee that authorizes a particular program, the executive bureaucracy that administers that program, and the client group in the country that benefits from it. There are 10,000 iron triangles in this interest-group-brokered liberalism we practice in Washington.

It is, indeed, the nature of our politics, of our political philosophy, to justify organizing into private groups to bend public power to private purposes. I have often said that if you want to understand the American government, do not read the Constitution; that has precious little to do with it. Read instead the Washington telephone directory, and especially those pages that carry the listings "National Association of . . ." There you will find some of the 2200 trade associations and other lobbies that are, after government and then publishing in all its forms, the third largest employer group in Washington. You know the big ones: the National Association of Manufacturers, the National Association of Broadcasters. You may not have heard of the National Crushed Stone Association, or the National Ice Association or the National Truck Stop Association. Every interest group, every economic group in the country, is organized to bend the public power to its purposes.

And, indeed, why not? Listen as we go through an election year: There is one word you will hear over and over again—"responsive." Candidate after candidate pledges that he or she will be a "responsive" officeholder. It is my thesis that what ails our government is that it is "responsive" to a fault, that it has a hair trigger to every organized and intense interest group, that it is big but not strong. It does not have the internal strength to say "no."

A few years ago, Burger King ran a television commercial in which Burger King's claim to fame was that at Burger King, unlike at McDonald's, they would take the pickle off your hamburger if you didn't want it. They had a jingle that went, "Hold the pickle, hold the lettuce. Special orders don't upset us. . . . Get it your way at Burger King." Government is a giant Burger King. Everyone comes to place his

order and, to the extent possible, the brokered government simply delivers favors.

This is not, by the way, a partisan observation. The Republicans are just as guilty as the Democrats. Indeed, the clearest example of this degradation of the democratic dogma, this purely responsive government, is the doctrine of democracy that leaves no room for leadership. Leadership, after all, has been called the ability to inflict pain and get away with it (short-term pain for long-term gain, it is hoped). Leadership is getting people to do something they'd rather not do at the moment. It surely is the job of government to have a longer view than the average individual has, to get people to look to the future and provide for the national strength.

When Gerry Ford became President, he conducted a press conference at which he was asked if he favored a stiff tax on a gallon of gasoline as a form of price rationing to dampen demand. His answer was, and it was exactly, this: "Today I saw a poll that shows that eighty-one percent of the American people do not want to pay more for a gallon of gasoline. Therefore," said the President, "I am on solid ground in opposing it." Well, all ground seems solid when your ear is to it; and, as Churchill said, "It is very difficult to look up to someone in that position."

But it is increasingly the philosophic position of the democracies that democracy exists to do nothing more than read the latest polls and act accordingly.

Well, how do you do that if you're looking at the divided opinion of the American electorate today, the American people who complain bitterly about big government? The American electorate is comprised of people, one in seven of whom is a Social Security recipient, Social Security being incomparably the biggest component of big government, and incomparably the most sacrosanct. One in six Americans who work off the farm works for government. And 48 or 49 percent of America's families this year will receive some form or other of transfer payment from the government about which they merrily complain, the day long.

The President says we must get government off the backs of the American people. Who does he think put it there? It was put there by legislators, elected and reelected. The Congress of the United States passed 3,500 laws in the decade of the seventies. That's nearly one law a day, seven days a week, for ten years. It couldn't happen, of course, if Congress had a simple rule that said you cannot vote for a bill you have not read. But the state legislatures, which are ostensibly more responsive to the real desires of the American public, are worse. The state legislature of New York passed 9,500 laws in one decade. The 50 state legislatures combined passed a quarter of a million.

They are not doing so because the legislators, who are professional politicians, get up in the morning and say, "How today can I be obnoxious to my voters?" They are doing it because the American people have a voracious appetite for public services. They also have a negligible willingness to pay for them which accounts for our inflationary bias. Indeed, someone has said that today's conservatism is, in many cases, the prayerful belief that it is time to cut thy neighbor's subsidy.

Of course, the great American middle class is the primary beneficiary of this largess, not surprisingly. Most Americans are in the middle class; most benefits go to the middle class. This explains why, once Congress got done cutting means-tested welfare programs last year, the will to cut further evaporated.

Now we come to the most alarming note of all for conservatives, namely, that their agenda for the country costs more than the liberal agenda, because it begins by accepting 95 percent of the liberal agenda: most of Social Security, most of Medicare, Medicaid, and Food Stamps. The arguments we've been having with such great fanfare and rolling of drums in Washington is about the very margins of the modern welfare state.

Ronald Reagan and the Republican Party were perceived as accepting the basic American consensus for the welfare state, a consensus that has been growing steadily since 1932. For 50 years now the American government has grown at a constant pace in a constant direction under both parties. If Ronald Reagan and the Republicans had not been seen as accepting this growth, Reagan would have lost, not won, 44 states. On top of everything else, the Republicans are adding, or trying to add (and the question is very much open), $1.5 trillion for national defense, $8 billion for new prisons, and a $5 billion revenue loss for tuition tax credits. As Everett Dirksen once said, "A billion here, a billion there, it adds up to real money." And it is adding up very fast.

We see in the United States today a kind of despair, a kind of cultural and political despair about the inability of the American people to, on the one hand, cut the demands they make on government or, on the other, pay the taxes necessary to pay the bills for the services they manifestly demand politically.

Where then does this leave us? It leaves us in a crisis. We, like all other Western, developed industrial democracies, have built an enormous welfare state. We have come to a consensus, which I think is by and large correct, that it is humane and, in many cases, efficient to purchase a number of things collectively: some pensions, some medical care, some housing. In the great postwar period of economic growth, our economy was strong, and the going was easy, and the growth came fast, and the gusher of revenues to the government at constant tax rates made building a welfare state effortless. In that great 25-year period roughly between 1948, the beginning of the Marshall Plan, and 1973, the Yom Kippur War and the consequent revolution in energy prices and the slowdown of growth throughout the industrial world, we made a whole series of promises to ourselves—promises of entitlements that constitute claims on the future wealth of this country, promises made on the assumption that the economic growth of those 25 years was the norm for the foreseeable future. But that was an economic growth we have not seen since and do not know today how to restore.

As we enter the middle 1980s, then, the American political system is being asked to do something it has no experience in doing, something no one went into politics to do, no one knows how to do, and no one wants to learn. And that is to break promises or to raise taxes, to break promises or to impose pain and get away with it. We have a uniquely difficult time now in the 1980s. We are being asked not to think as individuals but to think collectively, not to think as isolated, self-interested people but to think as citizens, something we have rarely been required to do in the past, as a reading of those pages in the Washington telephone directory will tell you. Generally, Americans relate to their government as individual or organized claimants. Now we are being asked to think about giving back, or enduring pain.

There is one other thing that illustrates the divided mind of the American people today. As we enter the middle of this decade, the peculiarity of politics is that rarely in America has there been such a clear consensus for one overriding public goal. That goal is a balanced budget. The goal is clear, and there is no intellectual mystery about how to achieve it. If you want to balance the budget, do the following four things: end the deductibility for tax purposes of mortgage interest payments; tax entitlement programs as income; lower the indexing of entitlement programs; and tax employer-paid health insurance as compensation. With these steps you would more than balance the budget. At any given time there are only 537 people in Washington because they were elected; and if we did these four things, we would end the careers of 537 politicians—because, loudly though the American people clamor for a balanced budget, they will reject every one of the four measures just suggested that together would bring about what they say they desire. We have for the past 50 years had a government devoted to inflaming appetite and facilitating consumption to the point at which we now have a deeply underfunded economy; naturally, consuming too much, we save too little. Having lost the habit of deferring gratifications, we have lost the habit of thrift and investment. The American people today are saving five percent of their disposable income—approximately half of what the Germans are saving, approximately a third of what the Japanese are saving. We have been living for a long time off the seed corn of our future, and now we are beginning to pay for it.

How did we become an improvident people? The answer, I think, like the answer to all great questions of human life, is an idea. History is the history of the human mind. And our problem is deeply rooted in a doctrine of what government is for, and that doctrine derives from a concept of freedom that I think is mistaken.

We have today a government that is, as few governments ever have been, omnipresent and omniprovident. And, as the government has become more and more solicitous, it has become less and less respected—a great paradox of modern life. Never has government tried harder to do more; never has it been less respected.

In this regard, conservatives have talked themselves into a terrible dilemma. On the one hand, they preach the doctrine that the government is too clumsy and too stupid, too venal and too poorly motivated, to do anything much to help, say, Cleveland. But, the next moment, the conservatives turn around and say to the country, "Give us $1.5 trillion for national defense and give us your young men and women." Now a government that is too incompetent to help Cleveland cannot make those kinds of claims on the American people.

How did we get to this incoherence about the point of government? It is in the history of our political philosophy that we must seek the answer. The history of Western political philosophy divides, not altogether neatly but reasonably neatly, into two periods, the ancient and the modern—the modern period beginning and turning, really, with Machiavelli and Hobbes. And between the ancient and the modern doctrines, one thing stands out; a different definition of natural right and of freedom.

To the ancient, the idea of freedom was this: A person is free when he lives as human beings are supposed to live, when he lives as is appropriate for this kind of creature, when he lives in the way that is by nature right. There were certain patterns of noble behavior. And it was the duty of government, as ancients understood it, to so draw the laws to shape the citizens so that they could, in the end, be worthy of the good society. The basic doctrine of ancient political philosophy was that men and women are biological facts. But ladies and gentlemen suited for free government are social artifacts, creatures of the law—difficult to bring about.

This was the controlling doctrine of Western political philosophy from its inception in Plato to the Renaissance. It obviously is a doctrine of politics as a branch of education. Indeed, the book that launched Western political philosophy, Plato's "Republic," is a book about education.

Then, with Machiavelli and Hobbes, something changed, Machiavelli lived in the tumult, the constant, angry civil strife of Italy, populated by warring city-states. Hobbes lived in the decay of Tudor institutions in England, a civil war looming and sometimes raging. To these two men, the political problem was different. It was order. "Stop being so ambitious," they said. "Don't try to make men more noble. Look at them square and look at them whole. Take them as they are and make them behave. That is the only political problem. Do not—repeat, do not—try to improve them. Indeed, if you look at man," they said, "he is a simple, not very noble creature." And the very simplicity of man—the fact that, if left alone, mankind is under the sway of a few simple strong passions—makes him very easy to control. Hobbes said that man is under the sovereign mastery of pain and pleasure. He's afraid of death, and he desires fame and security. Fine. Give him that, and he will behave. Others said that people are inherently self-interested: "Give them a commercial country. Subsume all human passions in getting and giving and gaining. We shall have a commercial republic in which all the energies that have hitherto made political societies tumultuous will be channeled into commerce. It's not noble. It's not pretty, but it solves the political problem. After all," they said, "natural right is not living as it is naturally appropriate for man. Natural right shall henceforth be defined as a right to those things toward which our strongest passions incline us."

Generally, it was a revolution of self-interestedness. Mankind was to be viewed as a self-interested animal—not attractive, not noble, but manageable. And so we got modern political philosophy. And we came to the founding of the first modern nation, the first militantly, proudly, self-consciously modern nation, the United States. We came to the revolution in democratic theory, wrought by the most creative political philosopher we have produced, James Madison.

Before the United States was founded, all political philosophers had agreed about one thing: If democracy is possible, it is only possible in a small, face-to-face society—Pericles' Athens or Rousseau's Geneva. For when you have a large society, you have factions, and factions are the enemy of democracy. Madison took that theory, turned it on its head, and turned it inside out. He said, "Not true; the more factions the better." Madison said that we must have an extensive republic.

You can state the Founding Fathers' political philosophy in a kind of catechism: What is the great problem in politics? The answer is tyranny. To what tyranny is a democracy prey? The tyranny of the majority. How do you prevent that? By not having any majorities. By having only minorities. So that any majority at any given time will be just a shifting, unstable coalition of minorities, constantly changing kaleidoscopically.

Therefore, we must expand the country, not have a small democracy but a huge one. When the Founding Fathers met in Philadelphia, however, this was a country of only 3 million free souls, and eighty percent of them lived within 20 miles of tidewater, strung out along the fringe of an unexplored continent. But what did they call the congress that they convened in Philadelphia? They called it the Continental Congress. That is chutzpah.

They called it the Continental Congress because they knew where they were going. Roughly, they were going to California, but, basically, they were going west. They were going to have a huge democracy filled with factions because, that way, they would avoid a tyrannical majority.

So it came to pass that James Madison—in what I take to be the two great documents on American political thought, Federalist Papers 10 and 51—pointed the way. In Paper 10, he said that we must have the saving multiplicity of factions. And in Federalist Paper 51, in a sentence crucial to the thrust of his thought, he said, "We see throughout our system the process of supplying, by opposite and rival interests, the defect of better motives."

This was a country founded, to a remarkable and, I increasingly find, an alarming extent, on the expectation that no one would operate from public-spirited motives. Everyone would operate from factional motives. But, because there would be so many factions pursuing their self-interest, and the government would be restricted to simply an umpire's role keeping the competition and the factionalism peaceful, there would be no tyrannical majority.

Well, I think it works. If all the country has to worry about is the absence of a tyrannical domestic majority, then it works. And, at that point, when we were surrounded by protective oceans, months away from Europe, instead of 30 minutes away from Moscow by missile, that might have been an adequate philosophy of freedom and an adequate conception of government. It is, I suggest, no longer so, because what we have is the need, increasingly, to have better motives.

It is perfectly understandable why the 18th century fell for this particular doctrine of philosophy. The 18th century discovered astronomy. The 18th century, in a sense, discovered modern physics, too, and fell in love with both subjects. The heavens at that time looked like a marvelous clockwork of orderly planets. We now know from better telescopes and other instruments that there is a lot of wobbling and banging about among the planets, and it's not so tidy as it appears. But it looked then as though the universe itself was run by a benevolent clockmakergod, and that the same principle could be applied to politics.

Hence, the doctrine of separation of powers. Hence, the checks-and-balances system of the American government. Rival institutions with rival interests would be held in equipoise, just like the solar system—all parties acting self-interestedly but holding one another apart in preempting tyranny.

And so we came, in this country, to define the public interest as whatever results from this maelstrom of private interests. One might call it the Cuisinart theory of government: You just stir things up, and out comes a kind of puree, something to be called, by semantic fiat, "the public interest."

Well, it's not that simple. It's not that effortless. It leaves you, as I've said, with a doctrine of merely responsive government. And, if I am right in my definition of leadership as the ability to inflict pain and get away with it, it leaves you, technically, disarmed. It leaves you unable to have even a doctrine of, let alone the fact of, leadership.

It leaves us with a country with enormous disintegrative forces. It leaves us with those pages in the Washington telephone directory. It leaves us with brokered government. It leaves us with brokered government. It leaves us a society given over to the instant satisfaction of demands. It leaves us with a society incapable of deferring gratifications. It give us, for that reason, an economy perennially underinvesting, an economy consuming more money than it is generating in revenues, and an economy about to produce, in the middle of this decade, a serious turning, I believe, on the defense budget.

This last point is so, I think, because when a country is asked to pay for its national security, it is being asked to look to the future. It is being asked to think collectively. And we have no habit of that, we have no history of that, and we decreasingly have an ability to do that, because we have no public philosophy that tells us to do that.

After all, we are a country in which we see, throughout our system, a process of supplying, by opposite and rival interests, a "defect of better motives." And we are in a decade when, preeminently, we need good motives.

Well, what, then, are we to do about it? To me it seems clear that in order to defend freedom in the late 20th century, we need to define it correctly. We need to go back from whence we came. We need to go back to Greece and Rome. We need to go back to the understanding that freedom is not just the absence of restraints imposed by others. Someone operating in the absence of restraints can be governed by passion, can be enslaved by appetite.

Consider those words. They are not careless metaphor. They are the language of politics: "governed" by passion, "enslaved" by appetite. We are not free when we are unable, either individually or collectively, to control our passional, appetitive side.

To that end, the redefining of freedom, I suggest there is a place to which we can turn—the beginning. If you've taken a wrong turn early in the road, you wind up very far from where you want to be, and you have to go back. I would suggest that we go back to Socrates. In "The Crito", one of "The Dialogues," Socrates is about to die. He has been sentenced to death by Athens for corrupting the youth. Whether or not he did so, I shall not dwell upon here. He has been duly tried and sentenced, and some of his friends come to him and say, "We will help you escape; it has been an unjust trial; it is an unjust law. You're innocent. We will get you out. You will not have to drink the hemlock and die." And Socrates says, "No, I shall not leave. Because I would thus be untrue to my parents. Because," he says, "the laws of Athens are my parents. They shaped my parents who made me. They brought my parents together in matrimony, they sustain the family, they sustain life.

The laws of the community make us. We do not make the community."

That is Socrates' view of the world. What is ours? Ours is captured in the idea of a social contract. That concept is the fiction behind modern politics: that we came together one day as a people and decided it served our individual interests to contract to set up a society. Historically the idea of a social contract is quite preposterous, but it continues to be an analytic metaphor expressing the doctrine of modern politics, and doctrine of self-interest.

Well, now I ask you to justify conscription. I ask you to justify having any army to defend a social contract. No one risks his or her life to defend a contract that he or she entered into voluntarily simply for convenience. If all our institutions and all our laws represent nothing more than the momentary calculation of convenience by disparate, self-interested individuals, then they are not only undefended, they are, in a way, indefensible.

We need a longer view of the social order. We need what the Greeks had, what Socrates had, what Western political philosophy had until we made a wrong turn about 400 years ago. We need a sense that we are bound and obligated to our society because we are not free without laws. We are not free without the restraints imposed on us by the law. We are not free, we are unformed. We are governed by passion and enslaved by appetite until we become not just men and women, but gentlemen and ladies; not just biological facts, but social artifacts.

Amplification of this idea was provided by Abraham Lincoln. Lincoln took on the great topic of freedom: To what extent is the law of a community legitimately concerned with the inner life of man?

The reason we had a civil war can be perhaps best articulated by reference to a single episode: Lincoln was debating Stephen Douglas for a Senate seat in 1858 in Illinois. Lincoln, of course, would lose. Douglas, at one point, said, "What we should do about the question of slavery in the territories [whether Kansas and Nebraska should be free states or slave territory] is let them vote. Put it to the test. Let them decide what it is in their interest to do." And Lincoln said, "No, there are limits." He said, "There are limits to the sway of self-interest." He said, "Stephen Douglas is preaching the doctrine that there is no test of right or wrong but self-interest."

And on that issue, this republic nearly foundered in the middle of the last century. And on the subject of the primacy of the doctrine of self-interest, it can again be threatened and, indeed, can founder.

In a speech at the Wisconsin state fair at approximately the same time, Lincoln told a story. He said there was an oriental despot who summoned together his wise men and challenged them to invent a sentence to be carved in stone, to be forever in view, and to be always true. The wise men went away and came back after a while and said, "We've got the sentence." It was: "This, too, shall pass away." And Lincoln, on the eve of the Civil War, when it was very possible that the American experiment in democracy would pass away, went on to say, "If we attend to the cultivation of not only the physical world around us, but of the moral world around us, we can endure." To adopt another phrase of his, it was the duty of government not just to minister to self-interestedness, but to summon, as he said, "the better angels of our nature."

It is the purpose of government not just to tantalize self-interest, but to call people above it. This was an echo, in our 16th President, of the ancient political philosophy and the ancient political vision to which I think we need to recur. That, I think, is the challenge for everyone in the United States who understands that leadership is about sacrifice.

Obviously, the good society is a society that allows an enormous range of private freedom. I'm not questioning that. Obviously, the good society has an enormous sphere in which we are not told what to do. But that sphere is not without limits. This is not a popular message. And I know all the arguments. It is said, for example, that the sale of pornography should be viewed as a private transaction; the law should treat it as a private transaction between an individual buyer and an individual seller. Indeed, the law can so treat it, but the law cannot make the results, which include Times Square and a billion-dollar pornography industry, a private phenomenon. That's public. That has to do with the quality of our lives.

Abortion is an issue on which honorable men and women of good will disagree. The law can treat an abortion as a private transaction between an individual and her doctor. The law can treat it that way, but nothing can make 1.7 million abortions a year a private phenomenon. That's a public phenomenon that has to do with the way we live, the way we treat sexuality, and life, and relations between the sexes.

We are, like it or not, involved in our laws, in shaping our own inner lives. Statecraft is, inevitably, soulcraft. The question is whether it will be good soulcraft or bad soulcraft. My point is that the doctrine of self-interestedness is self-fulfilling. Treat people as being purely self-interested and, sooner or later, you get people capable of nothing higher.

We need to recur, as Lincoln did, to a grander rhetoric, to the politics of exhorting people and, indeed, to laws—conscription being, I believe, one of them—that stipulate and embody the principle that we, like Socrates, are the creatures of our laws, and, as they give us life and character and freedom and restraints and virtues, so too we have a debt to pay back.●

ENDANGERED SPECIES

● Mr. GLENN. Mr. President, one need not reach far back into history to recall examples of injustice and inhumanity. The past reminds us that minorities in various countries may be made scapegoats and targets for cruelty—and this cruelty has made up a tragic part of the Jewish legacy, often taking the terrible shape of anti-Semitism. Today, it is deplorable that anti-Semitism and injustice still exist around the world: In parts of Central America, in various Arab countries, and in the Soviet Union Jews constitute an endangered species.

In the U.S.S.R., anti-Semitism may be traced from Alexander III's policies through Stalin's campaign to destroy Jewish culture to present Soviet policies of harassment. And today, the Soviet Jew faces a new crisis: Emigration is virtually at a standstill. In 1979, Jewish emigration reached a high-point of 51,320. In 1982, the number plummeted to 2,688. This year, a mere 637 Soviet Jews have been allowed to emigrate. We now look upon a Soviet Union that allowed more Jews to leave in the single month of February 1979, than in the past 12 months.

As disturbing as these numbers are, it is even more unsettling to learn of the hardships facing those Soviet Jews who simply apply for exit visas. Their first step is to acquire an invitation from first degree relatives—immediate family members—living outside the U.S.S.R. But often contacts with hopeful relatives are made impossible. Mail stops and phone lines are severed. Applicants are routinely threatened and dismissed from work. Their families become social outcasts and their children are abused and assaulted in school. Many are arrested, imprisoned or exiled. Soviet officials, in addition, frequently fabricate catagories and charges—insufficient kinship or "possession of state secrets" are reasons listed in application denials. Most recently, in direct violation of the Helsinki accords, the U.S.S.R. has informed many Jews that they will accept no further applications.

Many Jewish members of the Soviet intelligensia applying for exit visas have not only been denied, but have been stripped of academic degrees—as if such action might erase vast knowledge and wisdom. It is even becoming increasingly difficult for Soviet Jews to attain quality educations. They are systematically refused access to top universities despite equal or superior qualifications.

And the teaching of Jewish culture has been made nearly impossible. The Soviet Union has the third largest Jewish population of any nation, but it is a country unwilling to permit open Jewish worship or the recognition and enjoyment of Hebrew culture. Of the 60 synagogues in the Soviet Union, only 3 are known to have rabbis. Small group study is prohibited. Even kindergarten classes teaching the Hebrew alphabet have been subjected to KGB threats.

Mr. President, we must recognize the vicious turn that Soviet policy has taken. In April of this year, the Government organized an official anti-Zionist committee to renounce Zionism, hasten forced assimilation and foster anti-Semitism. The committee claims that all the Jews wishing to leave the Soviet Union have done so, and they maintain that any proof to illustrate otherwise is the juggling of figures by Zionist propaganda. But such representation is clearly contrary to the facts. All Members of Congress are aware of the hundreds of thousands of Soviet Jews who wish to emigrate and are frustrated in their efforts. The more notable names—Shcharansky, Sakharov, Begin, Brailovsky, Nudel, Wallenberg—represent untold more who have suffered and yearn to be free. As many as 380,000 of the nearly

2 million Soviet Jews reportedly wish to emigrate. And today, there are 16 Jewish activists serving prison sentences; 2 currently await trial. Their only crime is the belief that Jewish dignity and identity must—at all costs—be maintained.

Under the guise of anti-Zionism, anti-Semitic articles have increased in the Soviet press in an attempt to cut through the very fiber of the Jewish culture. The most outlandish attempt to break the will and spirit of the Jewish people purports that Soviet Jews collaborated with the Nazis during World War II. And such propaganda invokes chilling analogies—these are indeed ominous forces at work in the Soviet Union.

The Soviets, Mr. President, now appear to believe they are somehow punishing the United States for its hard-line policies. Moscow maintains Washington's tough-talk rhetoric has seriously harmed United States-Soviet relations. And in reaction to the current East-West chill, the Soviets have frozen shut the emigration door. Today, I believe we must make the Soviet Union understand we will never forget the Soviet Jew. We must make them understand that a relaxation of emigration restrictions will immediately bolster United States-Soviet relations. And we must, in addition, never unnecessarily escalate tensions with our principal adversary—for such escalation affects the very lives of those forcibly contained within Soviet borders.

It is time for the Soviets to end their use of Jews as political pawns and to respect their rights as human beings. It is time for the Soviets to treat the Helsinki accords as something more than a political thermometer. And it is time for the Soviet Union to look inside itself and recognize the injustice and inhumanity within its own society.

Mr. President, as I mentioned earlier, this injustice and anti-Semitism also exists in other parts of the world. Many Jews living as tiny minorities in certain Arab countries share an underlying fear of the future and live quietly among shadows of the past. Their fears spring from memories of religious discrimination in traditional Yemen, from the persecution of Jews by revolutionary regimes in Iraq and Syria, and from the outbreak of anti-Jewish violence in countries such as Morocco and Tunisia. Of the nearly 800,000 Jews living in the Arab world in 1947, only 35,000 remain today. And numbers continue to decline as Jews living as minorities in certain countries continue to suffer.

In Syria, the entire Jewish population of 4,500 is currently prohibited from emigrating. In the past, Jews caught trying to flee the country were sentenced to prison under unbearable conditions—if successful, the escapee's relatives were often tortured. Every aspect of Jewish life was controlled by the Syrian Government. In 1976, as a result of international protests, many of the worst excesses of Jewish mistreatment were curbed. Yet today, the Jew in Syria is still harshly discriminated against.

In Iraq, the 2,700-year-old Jewish community has endured perhaps the worst discrimination since the Nazis came to power in Germany. Persecution was at its worst in the late 1960's, when secret trials, torture, and hangings were commonplace. Today, improvement is negligible—the only bright spot for Iraq's 300 Jews is that international pressure eventually convinced the Government to quietly allow some 2,500 fellow Jews to emigrate in the early 1970's, even while other restrictions remained in place.

And we must remember that this discrimination is not only found in some parts of the Arab world. Current PLO policy in Latin America and Africa, for example, not only seeks to encourage violence and upheaval, but attempts to spread falsehoods and propaganda concerning Jews. In Nicaragua, there are reports that almost the entire small Jewish community has been terrorized and frightened into exile. Nuevo Diaro, a newspaper that often reflects the policies of the Sandinista government, has been filled with anti-Semitic propaganda—an article published a year ago referred to "synagogues of Satan." The Nicaraguan Government, and others in the region, repeatedly ignore the rights of minorities and crush the concept of religious freedom.

Mr. President, it is a sad fact that the Jew today suffers many of the hardships and injustices he has endured for thousands of years. Around the world, this sad legacy of the Jewish past must be interrupted. Anti-Semitism must be extinguished. And we must continue to stand up for the principles of human rights and religious freedom by which this Nation was created.●

PHARMACY CRIME PROBLEM WORSENS

● Mr. JEPSEN. Mr. President, the Philadelphia College of Pharmacy and Science recently completed a study on the occurrence of pharmacy crime. This study was made possible by a grant from the National Association of Chain Drug Stores. To my knowledge, this is the most comprehensive survey ever conducted and I must say, the findings are alarming.

The study was conducted by sending a mail questionnaire to 2,000 randomly selected community pharmacies located throughout the United States. Responses were received from pharmacies located in urban, suburban, and rural locations. For this reason, I think the study represents a good cross section of the pharmacy community.

The researchers discovered that almost 50 percent of all pharmacies, regardless of where they were located, had been the target of either a burglary or a robbery. I would point out, Mr. President, that the survey covered only the last 5 years. I would fully expect that if we asked the same questions but covered the past 10 years, we would find that even more pharmacists had been either burglarized or robbed.

One other fact from the survey I should like to bring out, because I believe it is something that is often overlooked, is the actions taken by pharmacists themselves to reduce the number and severity of these crimes. Perhaps the most disturbing trend is the decision by pharmacists to discontinue stocking of controlled substances. Last month, Mr. President, I placed an article in the RECORD which talked about the plight of many cancer patients who find it difficult to obtain the pain-killing drugs they need to live at home.

I do not blame pharmacists for taking this drastic step. I am sure they believe it is the only thing they can do. We in Congress must recognize the seriousness of this problem and act to correct this situation.

For over 4 years, I have been working to get pharmacy robbery legislation enacted by Congress. Although my colleagues in the Senate have been very supportive of these efforts, final passage has always run into one roadblock after another. I want my colleagues to understand that I will not back down from my quest for enactment of pharmacy robbery legislation.

Mr. President, I ask that an article appearing in American Druggist magazine entitled "Pharmacy Crime Problem Worsens, New Study Finds" appear in the RECORD at the conclusion of my remarks. This article lays out the actual statistics found by the researchers and does an excellent job of explaining the relevancy of some of these statistics.

The article follows:

PHARMACY CRIME PROBLEM WORSENS, NEW STUDY FINDS

This article was written by three faculty members of the Philadelphia College of Pharmacy & Science: Maven J. Myers, J.D., Ph.D., professor of pharmacy administration and associate dean for pharmacy; and assistant professors of pharmacy administration Larry D. Grieshaber, Ph.D., and David B. Brushwood, J.D. Their work was made possible by a grant from NACDS.

There is no doubt that crime is one of the major concerns of today's community pharmacy practitioner. Contemporary pharmacy publications contain numerous reports of crimes against pharmacies, pharmacists, and pharmacy employees. Both the property and safety of pharmacists are in jeopardy in today's high crime environment.

Within their communities, pharmacists have been vocal in expressing their concern, and national pharmacy leaders are fighting for stiffer penalties to be imposed against perpetrators. There is, however, surprisingly little data available which substantiate the magnitude of pharmacy crime and which describe the nature and severity of these incidents.

The best data available come from statewide studies of pharmacy crime. State boards of pharmacy occasionally include crime-related questions on their licensure renewal applications. In 1977, Joseph L. Fink III and Maven J. Myers published the results of a study of pharmacy crime in Pennsylvania. A similar study of Mississippi was conducted and reported by Helen Wetherbee and Dewey Garner in 1979. In 1977, the National Association of Retail Druggists conducted an informal national survey. In recognition of the importance of having a comprehensive national data base on the occurrence of pharmacy crime, the Philadelphia College of Pharmacy and Science was awarded a grant by the National Association of Chain Drug Stores to do a national study of this problem. The preliminary data from this study are presented here.

SCOPE

The study was conducted by sending a mail questionnaire in March, 1983 to a systematic random sample of 2,000 community pharmacies. Responses were received from 641 (32 percent of the sample. Pharmacies in urban, suburban and rural locations replied. Table 1 shows a location breakdown of respondent pharmacies.

Pharmacists were asked to indicate whether their pharmacies had been the target of a burglary or robbery in the five year period beginning January 1, 1978. Table 1 indicates that over 45 percent of pharmacies in all locational categories (47 percent overall) had been the target of at least one burglary or robbery. It should be noted that in this study, the ubiquitous problem of shoplifting was not classified as a pharmacy crime.

TABLE 1.—LOCATIONAL ANALYSIS OF SURVEY RESPONDENTS

Type of area	Number of respondents	Percent of total respondents	Number of respondents reporting one or more crimes	Percent of respondents in category
Urban	228	35.6	114	50.0
Suburban	242	37.7	115	47.5
Rural	150	23.4	68	45.3
Location not reported	21	3.3	9	42.8
Total	641	100.0	306	47.7

There is an interesting statistic to be noted in the locational breakdown: In the minds of many people, high crime rates and urban settings go hand in hand. However, the percentage (50.0 percent) of urban pharmacies reporting the occurence of a crime is only slightly higher than the percentage of (45.3 percent) of rural pharmacies reporting such occurance. The problem of pharmacy crime is apparently universal; no pharmacy is risk-free.

INCIDENCE

Respondents reported the incidence of robbery and burglary they experienced from 1978 to 1982 inclusive. for purposes of this study, robbery was defined as the taking of property from a person or in his presence by means of force (*i.e.*, while the pharmacy was open). A burglary was defined as breaking and entering while the premises were unoccupied (*i.e.* while the store was closed).

Table 2 summarizes the data on the incidence of robberies and burglaries. It comes as no surprise that the total number of robberies and burglaries (both completed and attempted) has steadily increased over the years in question. In only one category (attempted robbery) was the incidence relatively unchanged over the years.

TABLE 2.—TYPE OF CRIME REPORTED BY YEAR OF OCCURRENCE

Year of occurrence	Attempted burglary	Burglary	Attempted robbery	Robbery	Total crime incidents in the year
1978	8	38	1	16	63
1979	9	45	2	22	78
1980	15	54	5	25	99
1981	10	57	3	34	104
1982	15	72	3	35	125
Year not reported	6	29	2	10	47
Total	63	295	16	142	516

CRIMINALS

For the victim of a crime, the criminal act is the beginning of an odyssey through the criminal justice system. The victim works with law enforcement personnel (which may involve many hours over the days, weeks, and even months following the crime) to help in the apprehension of the criminal. If the criminal is apprehended, then the victim is required to spend additional time with the judicial process as prosecutors seek to secure a conviction. Table 3 indicates that apprehension and conviction rates are disappointingly low. Only about one in four burglars who successfully burglarize a pharmacy are apprehended. Of those who are apprehended, 65 percent are convicted. Only 16 percent of those who successfully burglarize a pharmacy are eventually convicted. These odds are certainly in the criminal's favor.

Pharmacy robbers appear to be slightly less successful. Forty percent of robbers are apprehended. Fewer than a quarter of those who rob pharmacies are eventually convicted. Of course, robbery tends to be a riskier crime because there are witnesses, there is frequently a shorter getaway time, and some victims are uncooperative with the robber. In any case, the would-be pharmacy burglar or robber is more likely successfully to complete and get away with his/her crime than not.

PREVENTION

Pharmacists are not passively sitting back and accepting the rising crime rate. They have taken many different measures to combat or prevent the problem. These measures are summarized in Table 4. As the percentage tabulation shows, many pharmacists have increased their security measures in more than one way.

TABLE 3.—APPREHENSION AND CONVICTION RATES OF PHARMACY CRIMINALS

[In percent]

	Attempted burglary (n=63)	Burglary (n=295)	Attempted robbery (n=16)	Robbery (n=142)
Perpetrators apprehended	38.1	25.4	37.5	40.1
Perpetrators convicted	15.9	16.6	37.5	24.6

TABLE 4.—STEPS PHARMACISTS HAVE TAKEN TO DETER DRUG-RELATED CRIMES

	Number reporting	Percentage of respondents (n=641)
Installed silent alarm	295	46.0
Discontinued stocking some controlled drugs	262	40.9
Installed audible alarm	233	36.3
Installed stronger locks	190	29.6
Installed bars on doors and/or windows	138	21.5
Now keep a gun in the pharmacy	81	12.6
Shortened hours	73	11.4
Now screen employees more carefully	62	9.7
Installed better safe	42	6.6
Discontinued after-hours emergency service	35	5.5
Installed closed circuit TV	29	4.5
Hired security guards	28	4.4
Hired more employees	15	2.3
Other	58	9.0

The traditional forms of prevention (alarms, locks, bars on entry points) are well represented in the responses. There are, of course, limits to how much these measures may reasonably be improved. Once these preventives have been installed, they may be updated. However, there comes a point at which the amount of protection provided by these devices is outweighed by their cost. It is difficult to cost-justify Fort Knox-like security in the community pharmacy. When these devices fail to deter crime, pharmacists must institute less traditional measures.

One of the most striking findings of this survey is the extent to which community pharmacies are no longer stocking some controlled drugs that are the targets of drug-related burglaries or robberies. Over 40 percent of respondents reported reducing their inventory of these items. This finding has serious implications for the drug distribution system. How can patients who legitimately require these drug products gain access to them if community pharmacists refuse to carry them? How can society expect pharmacists to stock these products when its law enforcement and criminal justice systems have failed to make it reasonably safe to do so? These questions raise ethical and public policy issues that must be addressed by the profession and by agencies of public policy establishment.

The increasing abandonment of after-hours emergency service is a similar issue.

In spite of repeated warnings against doing so by law enforcement professionals, a significant number of pharmacists are seeking protection by arming themselves with guns in their pharmacies.

It can only be reiterated that doing so puts the inexperienced (and/or frightened) gunman-pharmacist at serious risk during a robbery.

It also increases the chances of injury to innocent bystanders. Anyone who considers arming himself should carefully consider these disadvantages.

IMPACT

The findings of the study underscore the magnitude of the pharmacy crime problem and indicate it is continuing to grow rapidly. The data also suggest that in spite of attempts by pharmacists to protect themselves, the crime problem is becoming increasingly worse.

This may be because criminals are likely to succeed in their robbery or burglary attempts and will probably not be convicted of their crimes.

These disheartening statistics suggest several systemwide steps that need to be pursued.

First, pharmacists must continue to work among themselves and with law enforcement personnel to find more effective ways to prevent the occurrence of drug-related crime.

Second, the problem needs to be attacked at its point of origin; i.e., substance abuse programs need to be strengthened to decrease the number of addicts and thus the street value of many controlled drugs.

Finally, the law enforcement and criminal justice systems need to be more effective so that those penalities that do exist will have a chance to function as deterrents.

WHAT SURVEY FOUND ABOUT CRIME

Rural pharmacies are hit with surprising frequency.

Apprehension and conviction of criminals continue low.

Robberies, burglaries rise.

More RPh's eliminate controlled drugs from inventory.

Drug stores beef up security.

RPh's arm themselves with guns.●

THE GOOD SAMARITAN VOLUNTEER MILEAGE BILL

● Mr. ARMSTRONG. Mr. President, is the Government making volunteerism a luxury that few Americans can afford?

This question was posed at a congressional hearing and struck with lightning bolt force. Lightning then struck twice when the answer came back loud and clear: Yes, Government policy does discourage volunteerism.

I have introduced Good Samaritan legislation to reverse this policy.

The facts are indisputable. Though social needs are greater than ever, fewer and fewer Americans are financially able to deliver meals to shut-ins, visit the sick, take scouts on camping trips, drive a cancer-stricken child to daily treatments, or help conduct the local Special Olympics.

This decline is at least partly the fault of Federal tax policy which prevents proper reimbursement for volunteer costs. Although costs of owning and operating a car exceed 24 cents a mile, volunteers can deduct from their taxes only 9 cents for each volunteer mile driven, or about one-third of the actual costs.

The result? Americans no longer just volunteer; they have to pay to volunteer.

The Good Samaritan Volunteer Mileage bill I have just introduced will correct this problem. It is simple. Volunteers would be able to deduct the same mileage costs as businessmen and Government workers, who use cars in their work: 20 cents a mile.

The justice of this bill is clear. Consider the following cases: A State volunteer director attends a weeklong volunteer covention in Hawaii. As long as most of the day is spent in volunteer meetings, the trip—airfare, meals, lodging, sightseeing, and so forth—is fully deductible. When the director returns, and resumes work driving about the State coordinating volunteer activities, only 9 cents a mile is deductible.

A Salvation Army volunteer who comforts the sick can deduct only 9 cents a mile for driving to the hospital. Yet a salesman calling on that same hospital to sell medical supplies not only earns a salary but deducts 20 cents a mile from his Federal tax return.

A Red Cross volunteer reporting to a disaster shelter during a flood is allowed by the Federal Government to deduct ony 9 cents a mile to get there. Yet a paid employee of the Federal Emergency Management Agency is reimbursed 20 cents a mile to drive to the same shelter.

Or consider neighbors who band together to establish neighborhood citizen watches to patrol their streets. They can deduct only 9 cents a mile, but a security guard hired to patrol the same neighborhood can deduct 20 cents a mile.

Or consider the chairman of the Denver chapter of the American Red Cross who each year drives more than 2,300 volunteer miles. Though he is allowed a deduction of only 9 cents a mile, the actual cost for owning and running his car exceeds 25 cents per mile.

More than 92 million Americans volunteer their time, services, skills, and cars to help the needy, the victims of natural disasters, the homeless, the sick, the imprisoned, the homebound. The total value of these services exceed $64 billion, according to the Gallup Organization.

These volunteers are essential to our national well-being. Without them, there is a real question about whether our less fortunate could even survive. Neighbors helping neighbors is an American tradition; it is something that the Federal Government should encourage, not tax.

But voluntarism is becoming a luxury that too few Americans can no longer afford because Federal policy is horribly out of date.

The volunteer mileage deduction became law in 1958. Then the deduction was 7 cents a mile, gasoline sold for 29 cents a gallon, and oil was 15 cents a quart. Today, gasoline costs upward of $1.29, and oil exceeds a $1 a quart—increase of more than 300 percent and 500 percent.

And what can volunteers deduct for their mileage?

Only 9 cents a mile, just a 28-percent increase in 25 years.

It is no surprise, then, that volunteer leaders report their frustration in trying to recruit and retain volunteers and their cars:

The Junior League of Denver reports a sharp drop in school volunteers, especially low-income urban areas where mothers must drive crosstown to reach their children's schools.

The director of the Colorado Office of Volunteerism reports that three seniors programs are threatened because the low mileage deduction allowed by the IRS makes it impossible for seniors to fit volunteer work and expense into their budgets.

The District of Columbia Retired Senior Volunteer program reports that "volunteers are unable to continue volunteering as a result of high costs of driving their car."

Contact, a youth community communications hotline in Syracuse, N.Y., reports increasing resistance from volunteers to requests for participation in workshops away from volunteers' homes.

Montgomery County, Md., reports a dramatic decrease in willingness of volunteers to provide cars to deliver services. It is so serious the country is considering loaning county cars to volunteers, at considerable expense to the county.

These and other case histories underscore why this legislation is urgently needed. High gasoline costs and the refusal of the Federal Government to allow volunteers an adequate deduction for mileage costs in computing their Federal income taxes jeopardize the quality—and in some cases, the very existence—of many vital volunteer programs.

Congress should not want responsibility for the decline in volunteerism.

To help the spirit of volunteerism to prosper, I urge quick enactment of the Good Samaritan Volunteer Mileage bill.

Mr. President, I have recently chaired hearings on this Good Samaritan legislation. The testimony by the Junior League, American Legion, and Volunteer: The National Center for Citizen Involvement, was thoughtful and compelling. I urge my colleagues to spend a few minutes and read their remarks, which I ask to be printed at this point in the RECORD.

The material follows:

TESTIMONY IN SUPPORT OF S. 1167 AND S. 1579—VOLUNTEER MILEAGE EQUITY LEGISLATION

Thank you, Mr. Chairman and members of the subcommittee, for this opportunity to testify on the very important topic of mileage equity for volunteer drivers. I am John Chromy, a volunteer myself, and a member of the board of directors of Volunteer: The National Center for Citizen Involvement.

Volunteer is the only national voluntary organization that exists for the sole purpose of encouraging the more effective involvement of all citizens in community problem-solving. We serve as a national advocate for volunteering and work to improve the effectiveness of volunteer management skills by providing a variety of information-sharing, training and technical assistance services to local, community-based volunteer groups.

Volunteer maintains a close working relationship with the over 300 local Volunteer Centers and Volunteer Clearinghouses that place more than 250,000 new volunteers in community agencies each year. We serve an

additional 6,000 local, state and national organizations through our Associates program and our magazine and we provide training and information services to over 10,000 volunteer leaders annually.

I am here today, Mr. Chairman, on behalf of our chairman, Governor George Romney, who sends his regrets at not being with you as you address this important issue. Governor Romney feels very strongly about the unique contributions of volunteers in our society and about the need to provide those volunteers with continuing incentives, as well as with the recognition they so rightly deserve.

On behalf of Governor Romney, the entire board of Volunteer and 92 million American volunteers, I strongly urge the passage of legislation to equalize the tax deductions for volunteer drivers. This legislation would relieve a portion of an increasing financial burden which is being shouldered by volunteer drivers and would provide a visible means for our government, the Congress and our society to recognize the enormous contributions of the volunteers who so willingly serve this country.

The volunteer community—those individuals who give their time and energy to help meet our country's needs—is broad and far-reaching. A 1981 Gallup survey highlighted the amazing fact that over half of the adults and half of the teenagers in this country are volunteers. These volunteers are from every social, economic, ethnic, age, cultural and religious group in our country. There are 92 million American volunteers. They work in hospitals, libraries, day care centers, nursing homes and neighborhood organizations. They serve on boards of directors and on community councils. They staff our fire departments and our ambulance services. They council troubled youth, work with 4H-ers and train young athletes.

They raise the funds that fight cancer, combat birth defects and battle heart disease. They are always there to stack the sandbags, staff the shelters and rescue the stranded during floods, fires and other disasters. They work with their local churches and support the arts in their communities. They fight for the rights of others. They feed the elderly, help the disabled and transport the injured. They supply needed services and work for the benefit of others and the communities in which they live. Volunteers give in excess of 11 billion hours of service each year, service which has been valued at a record-high of $64.5 billion annually.

Hundreds of thousands of miles are driven each year by these volunteers. Although there are no national surveys on the use of personal automobiles for volunteer work, local statistics speak for themselves. A study coordinated by the Volunteer Bureau in Montgomery County, Maryland estimated that volunteers had driven over 800,000 miles in one year. In Minnesota, a Board on Aging survey of transportation programs for seniors revealed that over three million miles were driven by their volunteers in that great state.

Maryland Lung Association estimates that their board of directors alone drive over 36,000 miles each year to support a program which does so much to fight lung diseases. In Dallas, Texas, volunteer Big Brothers and Big Sisters drove in excess of 250,000 miles in 1982 to support troubled boys and girls in that city. The American Red Cross has estimated that individual Red Cross volunteers across the country are driving from between 2,000 and 12,000 miles each year while providing the assistance that our medical services, our disaster services and, indeed, our military services could not do without.

The director of the District of Columbia Retired Senior Volunteer Program, a part of a national network of over 200,000 volunteers, recently told us that many of their volunteers are unable to continue volunteering as a result of the high costs of driving their cars. This problem is further complicated since many senior volunteers share rides to volunteer assignments. Many other volunteers feel similar economic strains. Fortunately, many of them just dig deeper into their pockets and continue their service, but many volunteers may not be able to continue.

The value of volunteer time cannot be expressed in figures and statistics alone. Why do Americans volunteer? They volunteer partly because it's an American tradition. Indeed, it is the way in which our country was founded, developed and built into the great nation it is today. Americans also volunteer because they are a fundamentally generous, helpful and caring people. They also volunteer because they have been asked, because they are needed and because they know that others care about what they do. But, most of all, they volunteer because they know that it is right to do so!

Stop for a moment, Mr. Chairman, and consider where our nation would be without its volunteers—the elderly shut-in waiting for a hot meal that would never come, the scout troops that would never take another camping trip, the child with leukemia who would never get to her cancer treatment center, or the accident victim who might never receive his emergency medical treatment. Our world would be a much different place than it is now, Mr. Chairman. In fact, if volunteers ever stopped caring and giving, American life as we know it would cease to exist.

Sydney Harris, the syndicated columnist for the Chicago Sun Times described the contributions of the American volunteer when he participated in the 1981 National Forum on Volunteerism. He said, "one of the sectors has money, one has power and we have people. . . . The money and the power can't do much without the people. . . ."

We have recognized that the contributions made by our nation's volunteers are invaluable, Mr. Chairman. We have gladly accepted the hours of service they have given and acknowledged the many miles they have driven in providing those services. And, yet, the federal government has chosen to place a lower value on those contributions than they do on those made by the paid worker. While the paid government social worker is allowed to claim 20¢ per mile for driving to a hospital to visit a sick patient, a volunteer is only allowed to deduct 9¢ per mile for making that same visit. The medical supply salesman who uses his car in the course of his work is allowed to deduct 20¢ per mile, but his neighbor will only be allowed to deduct 9¢ per mile for transporting cancer patients to and from their treatment centers.

The Treasury Department has estimated a revenue loss of $100 million if this legislation were to pass. Compare this figure with the enormous value of the contributions of our nation's volunteers. Do these contributions mean less to our country than those of its paid workers? The symbolic implication of this inequity is hard to explain to the 92 million Americans who give their time and energy for others and for their communities. In addition, let me remind you that the current dollar value of volunteer activity in this country is $64.5 billion. I think you will agree, Mr. Chairman, that these facts, when combined with the potential for increased volunteer activity, make the revenue loss seem relatively small indeed.

The United States government has a long-standing tradition of encouraging charitable giving through its tax laws. The enactment of the recent charitable contributions legislation has made current deductions available to all taxpayers. As a result, passage of volunteer mileage equity legislation is now even more important since it affects volunteers at every economic level. We would stress, Mr. Chairman, that government leaders have increasingly turned to the volunteer community to provide needed services. It is a contradiction that this same government does not encourage and support these activities with its tax laws.

The American Automobile Association has released recent figures that estimate the cost of operating an automobile at 23.8¢ per mile. Although lower than in previous years, we would emphasize that this cost is nearly 4¢ per mile more than the current rates allowed to business and government drivers and 15¢ per mile higher than the current rates allowed volunteer drivers.

There is no justification for this inequitable treatment. Volunteers play a unique role in our country. Their contributions can be measured in dollars and in the economic, social and ideological well-being of our society. Volunteer commends the efforts of Senators Armstrong and Durenberger and of Congresswoman Mikulski to equalize the mileage tax deduction allowed volunteers. This is a necessary step to ensure equity toward the value of the work performed by all our citizens. It will encourage our volunteers to continue the very important service they perform. And, in addition, it will provide recognition for the special contributions of America's volunteers. It will show that the President, the Congress and all of American society also cares about the work of these special people. This legislation, like the service of our volunteers, is not only needed and important, it is right and just! Thank you.

STATEMENT OF JOSEPH E. MILLER, JR., ASSISTANT DIRECTOR, NATIONAL LEGISLATIVE COMMISSION, THE AMERICAN LEGION

Mr. Chairman and Members of the Subcommittee on Taxation and Debt Management, The American Legion is pleased to appear before you today to present its views in support of S. 1167 and S. 1579, proposed legislation that would amend the Internal Revenue Code of 1954 to increase the volunteer mileage deduction to the same level enjoyed by persons engaged in using privately owned vehicles (POV) for business and government activities. The American Legion, perhaps the nation's largest volunteer organization, strongly encourages the enactment of the proposals of Senator Durenberger and Senator Armstrong to correct an inequity in the treatment of volunteers who use their POV's for volunteer related activities.

Since the birth of our organization on March 17, 1919, The American Legion has been actively involved in this country's volunteer efforts. In fact, one of the primary goals of our initial meeting was to create, "a fraternity dedicated to the equitable treatment of all veterans, particularly the disabled, their widows and orphans". Six

months later, meeting in St. Louis, The American Legion finalized its preamble which concluded with the mission "to consecrate and sanctify our comradeship by our devotion to *mutual helpfulness*" (italics added).

Since those early days, The American Legion has expanded its volunteer activities to include athletic events (like Special Olympics), scholarship funds, blood donor programs and a multitude of community based volunteer activities too numerous to cite here. To illustrate our involvement, we would like to ask that several documents which explain Legion programs and activities be included for the record. In addition, we would like to submit for the record a copy of the 1982 Consolidated Posts Report indicating the degree of involvement of American Legion Posts in volunteer programs and activities at the community level. Today, there are 58 Departments and more than 16,000 American Legion Posts in this country and overseas. In addition, there are nearly 12,000 American Legion Auxiliary Units worldwide. Together, the Legion and its Auxiliary represent more than 3.6 million members who serve their communities and fellow Americans without pay. Our membership looks to the federal government to recognize their contributions and services and for equitable treatment. National Volunteer Week is but one way the government had recognized the achievement of volunteers. Many of our members also depend on the volunteer mileage tax deduction to deduction to defray a portion of the cost of providing their services to charitable activities.

The deduction volunteers take for miles driven is not compensation. Rather, it is to help offset the expense of operating an automibile which is being used to conduct volunteer activities. More importantly, however, it is the individuals who are helped by the Legion's, as well as other volunteer organization programs who are the real beneficiaries of the volunteer mileage tax deductions, for without an adequate reimbursement, the programs aiding Americans in need might be greatly curtailed.

Presently, an inequity exists that threatens to deny beneficiaries those services that they desperately need. To illustrate the burden facing the volunteer driver today we would like to submit copies of two letters received by the Legion's Legislative Division. The inequity that we are referring to is between the allowable mileage rate tax deduction which can be taken by persons driving for business and the deduction which can be taken by those persons who use their automobiles to conduct charitable activities. Mr. Chairman, the correction of this inequity is long overdue. Given the state of the economy and the ever increasing reliance on volunteers to conduct programs once supported by federal revenues, the perpetuation of a dual reimbursement rate can no longer be supported by arguments of cost to Federal Treasury, enforceability or that the current mileage rate is adequate to cover the incremental costs directly attributable to the rendering of charitable services.

In April of 1982 this Subcommittee was presented with a table showing the anticipated revenue loss from a bill, S. 473, that like S. 1167, was introduced by Senator Durenberger. The Treasury estimated that the loss in federal revenues for FY 82 at $7 million; for FY 83 at $55 million; for FY 84 at $102 million; for FY 85 at $115 million; for FY 86 at $135 million and for FY 87 at $159 million. A total of $573 million in lost revenues from FY 82 through FY 87. Please notice that the anticipated loss for FY 82 to FY 83 increased by $48 million with a loss increase from FY 83 to FY 84 of $47 million. But, the loss increase from FY 84 to FY 85 is only $13 million and for the FY 86, $20 million and FY 87 the loss increase was projected at $24 million.

Clearly, something dramatic would have to be at work in order to account for these increases which gradually level out in Fiscal Years 84 through 87. There are several possibilities for the dramatic increases during the early fiscal years as shown by the Treasury's chart. First, there could be a substantial increase in the use of POV's for charitable purposes. Second, there could be a substantial increase in the use of POV's for charitable purposes and a corresponding increase in the number of individuals claiming the charitable mileage deduction. And third, the number of charitable miles driven annually might remain constant and thus the increased allowance will simply reflect the added cost per mile allowed as well as an increased number of people claiming the deduction. But, even the maximum anticipated revenue loss of $159 million during FY 87 would represent an investment of less than two one-hundredths of one percent of the total federal expenditures for that year, based on current out year projections.

Assuming that the third possibility is representative of what will actually occur, then we are left with the perplexing problem of explaining the mammoth increases projected by the Treasury for FY 83, a rate which is double the projected increases for each of the remaining out years. Since, even nonitemizers are now permitted to claim a deduction for charitable mileage, the increase can not be attributed solely to an increase in the number of people claiming exemptions, unless there is a corresponding increase in the number of miles driven on behalf of charitable activities. If there is a corresponding increase in the number of miles driven on behalf of charitable activities then S. 1167 and S. 1579 will have been successful in increasing the level of private sector volunteer participation which, in turn, will further decrease the demand for federal revenues. More importantly, however, is the added support to America's communities and citizens in need that the enactment of S. 1167 and S. 1579 will help to bring forth.

Another argument that has been advanced in opposition to the increase in the volunteer mileage deduction is that "of the difficulty in identifying and quantifying the amount of indirect costs in operating POV's for charitable purposes that are properly attributable to the charitable endeavors". The problem with this argument, as we see it, is that it assumes a difficulty that would not, in fact, be present since the volunteer mileage rate deduction would be tied to the business/federal employee mileage deduction rate. Further, the terms identification and quantification imply some sort of rule making requirement on the part of the Treasury that would be difficult to develop. Yet, no such regulations would be necessary. Indeed, S. 1167 and S. 1579 will simplify the regulatory burden of the Treasury Department because there will be one rate and one formula to determine that rate. Likewise, arguments regarding "enforceability" are groundless unless it can be shown that volunteers are somewhat less honest than persons taking business related deductions for private automobile use. We doubt that such is the case since a 1981 survey by the Gallup Organization indicates that approximately 84 million Americans, 52 percent of the adult population, typically donate some part of their time as volunteers.

Moreover, arguments which argue current law, as opposed to arguments which examine the merits of the proposed change, are not really arguments but rather statements in support of the maintenance of the status quo. But, the status quo is currently sending the wrong message to volunteers. The current mileage deduction differential between business/government and volunteers is telling the men and women who support community based volunteer programs that their services are not as valuable as the services of business and government employees. Yet, the Gallup study referred to earlier revealed that the estimated value of goods and services attributable to non-profit organizations during 1981 was nearly $64 billion. In 1980 another survey, by a different organization, estimated the value of non-profit services and products at $45 billion. The magnitude of this increase, $20 billion in one year brings the contribution of the non-profit community into proper focus. Volunteers and volunteer organizations have not been content with maintaining the status quo, indeed, they are actively seeking to increase their commitments to America's needy. But they need help.

Clearly, Mr. Chairman, non-profit organizations through the use of volunteers, including the Legion, have responded to the President's call for increased assistance to Americans in need from the private sector.

But, Mr. Chairman, let's look for a moment at the maintenance of the status quo. In 1957, the year prior to the institution of the volunteer mileage tax deduction, the average cost of a gallon of gasoline in the United States was $.309, and the allowable tax deduction was $.07 per mile. During 1983 the average cost of a gallon of gasoline has been $1.27 and the allowable tax deduction is $.09 per mile.

Looking at these figures in another way, we see that during the last 25 years the allowable deduction for charitable POV use has increased by 28.6 percent. While, during the same period, motor fuel has increased by 241 percent. Likewise, in 1957, the allowable deduction represented 22.7 percent of the cost of a gallon of gasoline but by 1983 the allowable deduction represented only 7 percent of the cost of a gallon of gasoline. For today's driver to maintain parity with the volunteer driver of 1958, in terms of percentage of cost, he would need an allowable deduction of $.28 a mile.

But, Mr. Chairman, the volunteer community is not asking that the volunteer mileage deduction be raised to $.28 a mile. Instead, the volunteer community is only asking for parity with persons who, today, use their automobiles for govenment and commercial purposes. We believe that this is not only a fair request, but a responsible request as well.

TESTIMONY OF THE ASSOCIATION OF JUNIOR LEAGUES, INC. BEFORE THE SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT OF THE SENATE COMMITTEE ON FINANCE IN SUPPORT OF S. 1579 AND S. 1167

SUMMARY

The Association of Junior Leagues urges the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance to support S. 1579 and S. 1167, legislation which would allow volunteers to

take the same mileage deduction as businessmen or set the mileage deduction for volunteers at the rate allowed government employees as reimbursement when they use their vehicles for government business.

The Association's testimony is supported by the Independent Sector and the United Way of America.

I. The association

A. International women's voluntary organization.

B. 243 Junior Leagues; 148,000 individual members in the United States.

C. Promotes the solution of community problems through voluntary citizen involvement, and trains Junior League members to be effective voluntary participants in their communities.

II. Volunteer mileage deduction should be computed on the same basis as reimbursement granted government employees

A. Volunteers such as Junior League members contribute many hours to a wide range of valuable community projects, often traveling long distances to their volunteer assignments. The low mileage deduction allowed to volunteers is especially detrimental to the elderly—many of whom wish to volunteer but are living on a fixed income which restricts their financial activities.

B. The high costs of operating a car and the Internal Revenue Service's refusal to allow volunteers an adequate deduction for mileage costs have forced many volunteers to reduce their volunteer commitment, thus jeopardizing the existence of vital community projects.

C. Denying volunteers the same mileage deduction as that granted businessmen or the mileage reimbursement rate allowed government employees indicates that government does not consider volunteers' services to be of equal value to those provided by paid employees.

D. It is especially important at this time of federal funding cutbacks that government policies encourage, not discourage volunteer work.

I am Sandra Crawford, of Gladwyne, Pennsylvania, chairman of the Association of Junior League's Public Policy Committee and a past president of the Junior League of Philadelphia. I appreciate this opportunity to appear before you today to express the Association's strong support for S. 1579, sponsored by Senator William Armstrong (R-CO), and S. 1167, sponsored by Senator David Durenberger (R-MN), legislation which would recognize the contributions of volunteers by allowing volunteers to take the same mileage deduction as that allowed businessmen or setting the mileage deduction for volunteers at the rate allowed government employees as reimbursement when they use their vehicles for government business. We supported similar legislation in the last two sessions of Congress. We are here today to reaffirm our support of this legislation because it reflects the Association's belief in the importance of volunteer work and acknowledges the rising costs incurred by volunteers in providing their services. I also am submitting for the record letters from two other major voluntary organizations, Independent Sector and the United Way of America, in support of the Association's statement.

Junior League volunteers

The Association of Junior Leagues is an international voluntary organization with 243 member leagues in the United States, representing approximately 148,000 individual members. Junior Leagues promote the solution of community problems through voluntary citizen involvement and train their members to be effective voluntary participants in their communities. Every active Junior League member must make a commitment to a volunteer position. In addition, Junior Leagues develop projects and raise funds for community programs. During 1981–82, Junior Leagues sponsored 1,740 projects in their communities and netted more than $14 million from various benefits and ongoing money raisers such as thrift shops, cookbooks, auctions, and sponsorship of cultural and sporting events.

The money raised by these Junior League fundraisers is used to support projects in the community such as services to children and their families, adolescents, the aged and populations experiencing special problems, e.g., drug abusers, alcoholics and battered women, as well as programs concerned with the arts, urban conservation and the protection of the environment. These programs are made possible by Junior League volunteers who often drive long distances to their volunteer jobs.

In larger metropolitan areas, it is not uncommon for a Junior League member to make a 50-mile round trip to her volunteer assignment. However, Junior Leagues, like many other volunteer organizations, are finding that their members are increasingly reluctant to make firm commitments to regular volunteer placements which are many miles from their homes. High gasoline costs and the refusal of the Internal Revenue Service to allow volunteers an adequate deduction for mileage costs in computing their federal income taxes jeopardize the quality and, in some cases, the very existence of many vital programs. Faced with the high cost of driving, a volunteer may cut her involvement with a program from once or twice a week to once every two weeks or even once a month. This could harm programs such as Meals on Wheels or tutoring programs which require brief but frequent time commitments.

In fact, the difficulty in recruiting and keeping volunteers for the Meals on Wheels programs served as the catalyst for passage of Colorado's volunteer mileage deduction legislation. When the Junior League of Denver sought a sponsor for the legislation in 1981, it turned to State Representative Eunice Fine, a Republican from Greeley, Colorado, whose blind mother receives deliveries from Meals on Wheels. At that time, the Meals on Wheels program in Greeley was having difficulty recruiting volunteers because of the cost of driving and the low mileage deduction allowed volunteers. Representative Fine could not travel to Denver to attend sessions of the legislature unless her mother, who lives alone in Greeley, received her meals. Knowing firsthand the importance of the volunteer mileage deduction, Representative Fine agreed to sponsor the legislation. The decline in the number of drivers for Meals on Wheels also was a factor in the decision of the Volunteer Bureau of Des Moines, assisted by the Junior League of Des Moines, to launch its successful campaign for passage of state volunteer mileage deduction legislation in 1981. Junior Leagues in Arkansas, North Carolina and Maryland also supported the passage of volunteer mileage legislation in their states. The Junior League of Portland, Oregon, and the National Council of Jewish Women organized support for volunteer mileage deduction legislation in Oregon, but the bill was not reported out of committee.

Volunteers should receive equal consideration

The mileage deduction allowed volunteers is based on what the Internal Revenue Service considers out-of-pocket expenses, i.e., gasoline and oil. The mileage deduction allowed businessmen and the reimbursement rate granted government employees, however, are based on the computation of the average costs of depreciation, maintenance, repairs, tires, gasoline and its related taxes, motor oil, insurance and registration fees. Currently, businessmen are allowed a deduction of 20 cents per mile, and government employees are allowed reimbursement at the rate of 20.5 cents per mile. Volunteers, however, are only allowed to deduct nine cents per mile.

We believe that the volunteer mileage deduction should be computed on the same basis as that used for computing the deduction allowed businessmen or the reimbursement rate granted government employees. However, the Department of the Treasury refuses to do this because it considers volunteers' automobiles primarily personal vehicles and refuses to allow consideration of a proportionate share of general maintenance, general repairs, depreciation or fixed costs, such as insurance or registration fees, in computing the volunteer mileage deduction. Yet, we want to emphasize that gasoline and oil costs alone are not the sole cost of driving . . . even for the volunteer who already has a car.

The federal government's refusal to allow volunteers the same mileage deduction as that granted businessmen not only is a failure to focus on the actual costs of operating a car such as wear and tear on the tires, engine and exhaust system; it also indicates that the government does not consider the services of volunteers to be of equal value to society as those provided by paid employees. Furthermore, we believe the government's refusal to grant volunteers the same mileage deduction as that allowed businessmen is totally inconsistent with the Administration's stated policy of encouraging voluntarism.

Some justify the IRS position by pointing out that government officials and businessmen pay taxes on the salaries they earn while using their cars. However, volunteers make an equally important contribution to society: they provide their time without pay to those persons and institutions most in need. Discouraging volunteer work with such policies as refusing to increase the volunteer mileage deduction will only lead to increased costs for the public sector if it is forced to assume services now provided by unpaid volunteers. It is especially important at this time of massive cutbacks in federal funding for social services, the arts and education that volunteers be encouraged, not discouraged, to provide their valuable services.

It is true that increasing the volunteer mileage deduction would take away some revenue from the federal budget. The Association's response to this argument is that the cost of the volunteer mileage deduction is far outweighed by the value of the contributed time. Last year, for instance, the members of the Junior League of Minneapolis contributed 203,000 volunteer hours. At the minimum wage, this contribution was worth $682,500—certainly a great deal more than the amount of tax revenues that would be lost because of the volunteer mileage deduction.

High costs of operating a car

Although the price of gasoline has dropped in recent months, the rate set for the volunteer mileage deduction by the IRS is still lower than the estimates of operating costs provided by the American Automobile Association (AAA). The AAA estimates the operating costs to be 25.9 cents per mile for a six-cylinder standard car which is driven 15,000 or more miles per year. The cost per mile rises if the car is driven less—as many cars are. For example, the cost per mile for the same car would be 34.5 cents per mile if it is driven 10,000 miles a year.

Use of automobile

We also question the government assumption that all cars used for business or government purposes are solely business vehicles. Persons with part-time jobs may have purchased their cars well before becoming employed, yet all their business driving is calculated at the higher mileage deduction rate allowed businessmen or the reimbursement rate allowed government employees.

Furthermore, the Internal Revenue Service's policy regarding the volunteer mileage deduction discriminates against the volunteer who is not employed outside the home—housewives or retired persons of both sexes. Elderly persons on fixed incomes are especially adversely affected by the nine cent volunteer mileage deduction. The director of the Colorado Office of Voluntarism, which operates under the aegis of the governor's office, reports that the activities most directly affected by the refusal of the IRS to raise the volunteer mileage deduction are the Senior Volunteer, Foster Grandparent and Senior Companion programs. Many of the participants in these programs are eager to volunteer, giving of their time to assist others provides them with a sense of accomplishment and a meaningful way of using their empty hours. However, the low mileage deduction often makes it impossible for them to accommodate volunteering into their limited budgets. We know, from the Association's experience with Volunteers Intervening for Equity (VIE), a national project that organized and trained older volunteers for community service, that retired persons make effective, caring volunteers. In turn, volunteering gives them a sense of accomplishment and being needed by their communities.

The experience in Colorado with the volunteer mileage deduction also highlights the need for the deduction among all volunteer groups. Colorado's legislation is restricted to those volunteering in health, nutrition or medical endeavors. These volunteers are allowed to deduct an additional 11 cents per mile from their Colorado state income tax. The Office of Volunteers in Colorado reports that the volunteer campground groups, which act as hosts at the state parks, are having difficulty in recruiting volunteers. Prospective volunteers for the campground programs hesitate to pledge their time because of the high cost of traveling long distances coupled with the fact that the state mileage deduction is not available to them.

The Junior League of Denver also cites an adverse effect on volunteers in education. There has been a drop in school volunteers, especially in low-income areas and in urban areas such as Denver where mothers must drive across town to reach their children's schools. Today's high cost of living makes it necessary for many parents of young children to live on very tight budgets which allow little room for the costs of volunteering. It is important to recognize that there are additional expenses unrelated to driving connected with volunteering, such as child care, meals and telephone calls. The cumulative effect of these costs serves as a disincentive to voluntarism. This could be partially modified by the legislation being considered here today.

Last year, when we appeared before this committee, we cited a question posed by the Junior League of Eugene, Oregon, at a meeting of Junior Leagues in the northwest. We think that statement is still relevant:

"Will * * * voluntarism become a luxury that many of our members can no longer afford? Even as we sit here today we are confronted with the fact that our hours of labor donated to our communities are not evaluated on the same plane as the hours of labor put in by the businessman or businesswoman. While we altruistically give of our time the businessperson's time yields monetary gains. Mileage incurred on our "job" may be deducted at 9 cents per mile while the businessperson deducts 20 cents per mile. Child care comes straight from the pocket of the volunteer with young children while the businesswoman takes a tax credit for child care expenses incurred during her work day * * *."

The Association of Junior Leagues is committed to ensuring that voluntarism does not become a luxury for its members or any other member of our society. We believe our society would be gravely impaired by a loss of the sense of caring and serving that voluntarism encompasses. We urge this subcommittee to help the spirit of voluntarism flourish by recommending passage of legislation to make the volunteer mileage deduction equal to that granted a businessman or the reimbursement rate set for government employees who use their own cars on government business. We strongly believe that it is unfair for the federal government to place increasing demands on volunteers without providing recognition and support for their work. An adjustment in the volunteer mileage deduction is long overdue. We urge this subcommittee to take the leadership on this issue by reporting out the volunteer mileage legislation.

Thank you for this opportunity to appear before you today.

SANDRA CRAWFORD,
Chairman, Public Policy Committee,
The Association of Junior Leagues, Inc.

INDEPENDENT SECTOR,
JULY 28, 1983.

MS. DEBORAH SEIDEL,
Executive Director, Association of Junior Leagues, Inc., New York, N.Y.

DEAR DEBORAH: Independent Sector, on behalf of its 500 members which include national voluntary associations, foundations, and business corporations, strongly endorses the testimony of the Association of Junior Leagues, Inc. on S. 1167 (Durenberger, R-MN) and S. 1579 (Armstrong, R-CO). The legislation is important because it permits volunteers who use their private automobiles for charitable activities, to receive the same tax deduction that businesspersons or government employees recieve for use of their personal automobiles in business or government activities.

The need for this legislation is clear. Recent cuts in Federal funding have placed an enormous strain on nonprofit organizations to increase their services. The total reduction in federal dollars for human service programs over the five-year period FY82-86, will be $108 billion below 1980 levels, after adjusting for inflation. Of that amount, nonprofits stand to lose $27.8 billion, over the same time period. In the face of these massive cuts, many people are turning to nonprofit organizations for services which had formerly been funded by public dollars. However, voluntary groups are facing serious problems in recruiting volunteers to perform services which require those volunteers to use their private automobiles.

Several studies, one by Montgomery County, Maryland and the other by the National Center for Citizen Involvement, have documented the problem in recruiting volunteers to carry out activities where the volunteers are expected to use his/her private automobile. They have found that the $.09 per mile deduction permitted by current law to taxpayers who use their cars for volunteer work is wholly indequate. This is best illustrated by information from the American Automobile Association which estimates that per mile driving costs are $.32 per mile for those who drive under 10,000 miles per year and $.24 per mile for motorists driving 15,000 miles per year.

Volunteers contribute time which is valued at $64.5 billion each year. More than 84 million Americans volunteer each year in this nation. In view of the recent cuts in Federal funding of human service programs, it is exceedingly important that everything possible be done to continue encouraging people to volunteer their services. We strongly urge that volunteers be permitted the same deduction for the use of their private automobiles in carrying our volunteer activities, as is permitted government employees and businesspersons.

Sincerely,

BRIAN O'CONNELL,
President.●

H.R. 3549, A BILL TO AMEND THE BANKRUPTCY RULES WITH RESPECT TO PROVIDING NOTICE

Mr. THURMOND. Mr. President, H.R. 3549 is a simple measure designed to correct an inconsistency in one of the Bankruptcy Rules which went into effect on August 1, 1983.

Rule 2002(a) and rule 2002(b) involve the mailing of certain notices by the bankruptcy clerk. In both instances, the rules permit this function to be performed as well by "some other person as the court may direct." However, in connection with certain "other notices," rule 2002(f) mentions only the bankruptcy clerk and does not authorize mailing by "some other person as the court may direct." H.R. 3549 could correct this difference, which appears to be merely an inadvertent inconsistency, by adding language which would conform with that used in rules 2002 (a) and (b).

Mr. President, I have been advised that this change will facilitate cost-efficient operations by the bankruptcy courts. I am not aware of any objections to H.R. 3549 and I hope that we will be able to pass it promptly, just as the other body did this morning.

EXECUTION OF BAHA'IS IN IRAN

Mr. PERCY. Mr. President, once again the Government of Iran has

demonstrated its utter disregard and contempt for the most basic human rights. Sixteen members of the Baha'i community in Iran were executed by the Iranian Government on June 20. The reason given by the authorities for this vile act was that the victims refused to renounce their religious beliefs.

The civilized world should not and cannot remain silent as the Iranian Government systematically persecutes this peaceful religious minority that flourishes in scores of other countries including the United States, without harassment or fear of physical abuse against its members. Certainly, the Baha'is have had difficult times before, but the intolerance and cruelty of the present Iranian authorities cannot be condoned.

This disregard for international standards of decency is an unfortunate illustration of the way which the current Iranian Government conducts itself. It has repeatedly provided support for acts of international terrorism and appears to rule out no action, however ruthless, so long as it serves the Government's goals. The Ayatollah and his followers have interfered in the internal affairs of their neighbors and have brutally mistreated prisoners of war.

In Lebanon, many believe that the Iranian Government was associated with the bombing of our Embassy in which Americans and Lebanese died. Hundreds of Iranian Revolutionary Guards are now in the Bekaa Valley and on several occasions they have attacked units of the Lebanese Army.

Lebanon is not only country to suffer from Iranian interference. In Bahrain, more than 60 dissidents trained in Iran were arrested before they could carry out an attack on the central government. Car bombs, reportedly placed by Iranians or their agents, have killed or injured dozens of innocent people in several Middle Eastern cities. Acts of intimidation by Iranian agents against outstanding Iranian nationals opposed to Khomenini's brutal regime have occurred in the West.

In light of these abhorrent actions and the Iranian Government's basic disregard for principles of international law and comity, I strongly believe that the U.S. Government should reassess from the ground up its attitude toward Iran. For example, I was troubled to learn that Iran imported U.S. goods and services totalling more than $100 million last year, including spare parts for aircraft. While it is not the policy of our Government to encourage trade with Iran, we must ask ourselves whether it makes sense not to discourage trade that may contribute to the staying power of the current regime.

As my distinguished colleagues know, I am a firm supporter of increased open trade and the expansion of American markets abroad. But there are other considerations, one being a decent respect for the right to live one's life in peace and to practice the religion of one's choice without fear of death, injury, or harassment. Another consideration should be the willingness of the trading to develop and maintain acceptable relations with that country. The Government of Iran has failed on both of these counts. I am deeply concerned that by continuing the current level and kind of trade with Iran, it may perceived that we are willing to tolerate the criminal behavior of the Iranian Government.

The time also has arrived to reexamine the basis on which the Iranian Government maintains its interests section in this country. By the presence of Iranian Government officials in Washington, we appear to give legitimacy to their government's repugnant actions. Moreover, Iran and Libya are the only two countries on earth from which the U.S. representatives are without reciprocal privileges in those countries.

Given my concerns, I am writing to Secretary of State to ask him to undertake an official review of United States-Iranian relations in the context of Iran's disrespect for basic human rights and the rule of international law, and to call upon other countries to do likewise. I believe it is imperative that this matter be addressed at the highest levels in our Government to insure that present policy reflects the wishes of the American people and our strong interests in the stability of that troubled region of the world.

FORMER SENATOR LEN JORDAN

Mr. SYMMS. Mr. President, it has been just over 1 month since we learned of the death of a distinguished former Member of this body, Senator Len Jordan, but the tributes to his accomplishment as a public servant, to his strength and wisdom have not ebbed. I did not have the honor of working with him during his service as a Member of the Idaho congressional delegation, but those of us who were represented by him as a U.S. Senator, as a Governor, as a political counselor, know the great sense of loss we feel for this great man.

I have listened as my distinguished colleagues on both sides of the aisle have taken the floor of the Senate to eulogize Len Jordan, and to share their memories of him. Senator STENNIS remembered the inspiration and sustenance he received from the Jordans. Senator MATHIAS recounted his sense of right and wrong, exemplified by the courage he displayed in fending off a would-be attacker. Senator STEVENS, like many Members of this body, counted on his sound advice, good judgment, and admired his independence, determination, spirit, knowledge, and sense of public service. The senior Senator from Idaho (JIM MCCLURE) who was selected by the voters of Idaho to fill the shoes of a retiring Len Jordan, characterized him as being "what God meant for a man to be."

As a public servant, an able member of the armed service, or as an Idaho legislator, Governor, or U.S. Senator, Len Jordan displayed the exalted character, unfailing honesty, and indomitable courage for which he is so fondly remembered. He had a diligence and sense of integrity common to those who have lived off the land. No matter what task he undertook, whether it was digging post holes or mastering the intricacies of water issues, Len Jordan would tackle the task with the same sense of dedication. Idaho was fortunate to have a large chapter of its history dedicated to the talents and accomplishments of Len Jordan.

To his wife Grace, who is herself an inspiration, I offer my heartfelt condolences and my very best wishes. Len Jordan never accepted anything—whether it was the news of a victory at the polls, an award for outstanding service, or the praise of an admirer—without first sharing the credit with Grace. That is itself both a tribute to her contributions and support and to Len's humility and understanding.

We will all miss Len Jordan's courage and wisdom. He was a truly great man.

Mr. President, at this time, I ask unanimous consent that a number of editorials and articles on Senator Jordan be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Mountain Home News, July 7, 1983]

LEROY PAYS TRIBUTE TO LATE SENATOR JORDAN

(By David H. Leroy)

Only rarely does any state have so fine a private man and so forceful a public servant as Idaho found in Len Jordan. His words, his deeds, and the lives he touched are legacies from Len to the people of Idaho and the state he loved.

"He hammered endlessly for better roads, better government at less cost, return to the counties of some functions that the state has usurped, more flexibility in school reorganization, and more money for schools," in his 1950 campaign for governor, according to Grace, his wife, in her book The Unintentional Senator.

In his first message he told the legislature, "I am not a person who speaks in generalities; I shall tell you plainly what I think. . . . By their ballots, the people of this state have brought us in session here and have assigned to us the trust of conducting their government through these important and troubled times. May we be given the fortitude and the integrity to do what is right, in the best light that is granted us."

As he retired from the United States Senate, in 1972, he responded to the tributes of his colleagues by saying, "Will Rogers said he never saw a man he did not like, and that goes for me, too. In the world of politics a man is not better than his friends give him a chance to be."

In January of 1974, private citizen Jordan told the Idaho Newspaper Association that "most of the problems we have encountered in the past could have been better solved if proper planning had discovered the middle ground, and if we had been wise enough to follow it. Now I know that hindsight is the clearest vision we poor humans have, but I also know that men of wisdom can often have 20-20 foresight. . . . With the efforts of dedicated men in industry and government, with the cooperation of the American public, with the understanding of the press and respected community leaders, Idaho and America will work their way out from under the current problems. The inner environment, the places we live and work, will continue to be comfortable and adequate; while the outside environment which supplies us with all of our needs will remain to provide for our children. Such a world is within our power to achieve. I am convinced that we can and will achieve it!"

As a friend, as a father, and as a figure in public affairs, Len Jordan's position in Idaho history is secure. But of even greater importance to him and to us, he has influenced the future of this state permanently and positively.

(Len Jordan was co-chairman of both Leroy's 1978 Campaign for Attorney General and his 1982 effort for Lt. Governor. Dave and Helen Leroy named their daughter, now 3½ years old, "Jordan" in honor of Len and his wife Grace.)

[From the Independence Enterprise, July 6, 1983]

LEN JORDAN OF IDAHO

Len Jordan was one of the greatest!

As other political figures eulogized the former Idaho Governor and U.S. Senator as serving well his nation and the world, the west can proudly claim Len Jordan as their own. A native of Utah, he resided there, in Idaho and in Oregon. Yes, he became known nationally and internationally in his lifetime. But we will always remember the quiet man who, regardless of the size of a crowd, appeared to be speaking directly to each and every person.

His introduction to politics is reported to have been caused when he found votes could be bought and sold. Len Jordan didn't like that—so he ran for the legislature and won a seat. Never could it be said this man could be bought!

Jordan's life was characterized by honestly and integrity. He was a tower of strength and always sought to do the right thing for Idaho. He fought many battles for his adopted state—perhaps the greatest was to make Hells Canyon dam claims on water of the Snake, subordinate to upstream irrigation and domestic needs.

A long-time associate of Jordan's said the man's primary concern in determination of any issue was, "Is it honest? Is it right? Is it good for Idaho?"

In this day of modern politics where integrity and honesty are often lost in the shuffle, we can only wish that there were more men and women made in the mold of Len Jordan. The nation and the world could use a few.

[From the Parma (Idaho) Review, July 7, 1983]

FAREWELL WITH RESPECT AND AFFECTION

One of Idaho's truly outstanding citizens, former Governor and U.S. Senator, Len B. Jordan, was honored in memorial this week at funeral services held on Tuesday. He and his wife, Grace, are close to the hearts of people in both political parties. He was indeed, an example of the sincerety and dedication we would hope for in all who seek public office and his ability to work with members of both parties was a great gift.

Statements of admiration and respect have come from all who knew him including neighbors and friends along with those who have served with him in the highest political offices.

We, too, would add our sentiments, respect, and affection for the Jordans who were leaders in the Republican party in our younger years.

We need more of his quality in public office. The standards he set will be missed but his contributions will not be forgotten, as they have become a part of Idaho's history.

M.E.G.

[From the Lewiston Morning Tribune, July 2, 1983]

LEN JORDAN: AN ADMIRABLE POLITICIAN

Ask Cal Wright what he thinks of Len Jordan and he'll tell you that he has never met a more admirable man.

And if you had asked Len Jordan about Cal Wright, he would have told you the same.

What makes that mutual admiration society so remarkable is that Jordan and Wright ran against each other for governor of Idaho in 1950. Jordan won. And not only did they emerge from the campaign without the usual hard feelings and grudges but with a deepened respect for one another. Wright says it was an honor to be in the same campaign with Jordan. Of course, the comment says as much about Wright as about Jordan, but even between the best of candidates, that is most unusual. A campaign does not ordinarily cement a new friendship.

But others will understand how Len Jordan, who died Thursday, could produce so warm a response from an adversary. One who could is Frank Church. The two served together in the U.S. Senate for 10 years. Those were the salad days of the Idaho congressional delegation, the most impressive and effective that delegation has ever been. At one time, three of the four members of the delegation—Church, Jordan and Congressman Orval Hansen—were Phi Beta Kappa. More important, they quickly set aside the usual petty little wars within the delegation. And though Church was a liberal Democrat and Jordan a conservative Republican, they developed almost a father-and-son relationship.

Jordan and Church had a significant trait in common: They were both western individualists who read their own hearts far more often than their political labels in deciding how to vote. Church differed bluntly at times with the Democratic administration of Lyndon Johnson and Jordan with the Republican Nixon administration.

The product of the affection and admiration between those two competent legislators was practically anything they jointly asked for Idaho. Both were respected in the Senate but it added clout to their requests that they were working together from opposite sides of the aisle. They put the bipartisan stamp on a lot of legislation, not the least of which, in these parts, was the conservation of Hells Canyon.

And no man had more right to participate in the future of Hells Canyon. Jordan and his family gave nine years of their lives to a ranch in that hard and remote gash. And that canyon, with its Snake River, symbolized a lot of what Len Jordan was and would be. For instance, he had been denied an opportunity after college to go on with graduate work, partly because his professors dismissed his proposed thesis as a crackpot scheme. He had proposed a thesis that would outline a plan to build a series of navigation dams on the Columbia and Snake, making Lewiston-Clarkston a year-around seaport. What a silly notion that was.

And if nine years in the Snake's meanest canyon didn't tell the strength of Jordan's character then one incident did. Miles from relief for a rotten, throbbing tooth, he took a pair of pliers and pulled it himself. No wonder years later when attacked by a mugger in Washington, the old senator was able to defend himself, knocking the young thug to the ground with one punch.

Jordan scuffled more often with Lewiston. The town never forgave him his leadership role in closing Lewis-Clark State College. Moreover, he had an appallingly stingy record on financial support for the public schools. Indeed, the wonder about Len Jordan is that, by most yardsticks, he was one of the worst governors and one of the best senators in Idaho history. Perhaps that is because he was elected governor with a scant two years of government experience. He had been a one-term legislator. Not even that bright a man could learn enough that fast about an entire government.

But he learned and grew as a senator. And he became not only something of a power in the Senate, but a moral leader as well. He became the standard in the Senate for ethical conduct. And no one who ever served Idaho in the Senate has given the people of the state more reason to be proud.

Characteristically, Len Jordan ended his career in the Senate in an unconventional way—neither by defeat nor feet first. He voluntarily retired though there is little question that he would have been massively re-elected had he tried.

But he said he had seen too many of his colleagues hang on too long, deteriorating from great men to mumbling vegetables while still in office. Len Jordan said he wanted to retire on top, his reputation intact and his name well remembered. How well he succeeded in that goal.—B.H.

[From the Lewiston Morning Tribune, July 2, 1983]

LEN JORDAN IN RETROSPECT: CALL IT INTEGRITY

One of the state office buildings closest to Idaho's Statehouse is known to most people in the areas as the LBJ Building. In any other state, that would probably make visitors wonder why a state building is named after a former U.S. President.

It isn't, of course, and Idahoans don't need to be told that. It's a tribute to Len B. Jordan that a building named after him could be known by his initials only.

Now that the former legislator, governor and U.S. senator is dead, tributes are the order of the day. But because I didn't know him, I can't write one. And because many of

the others I have seen don't tell us much about Jordan's career, I talked Friday with a few people who are familiar with that career, and learned a few reasons behind the words of praise we now hear.

Had Jordan died before he went to the Senate, the praise might not be effusive. In Lewiston, for example, Governor Jordan was the man who presided over the temporary closure of what is now Lewis-Clark State College, which hardly earned him a spot in the hearts of many of his north central Idaho neighbors.

Residents of other communities also found reason to quarrel with the relatively inexperienced politician occupying the governor's office. As a Pocatellan, Perry Swisher once visited Jordan to seek some help with Pocatello's tax base, and returned unimpressed.

The problem, the current public utilities commissioner recalled, was that state law stripped the city's tax base by distributing its utility valuation. But when Swisher as a freshman legislator tried to seek Jordan's help, the governor told him he should be talking to local governmental officials instead.

"He missed the whole point, I felt, and that was charateristic," Swisher said.

When Sen. Henry Dworshak died in the summer of 1962, Swisher, then a Republican, was among those who opposed Jordan's nomination to succeed Dworshak at the state GOP convention.

"Anybody but Jordan was our approach," he said, explaining that to his forces Jordan's supporters were "fellows we thought of as the Boise Cascade gang."

That opinion changed after Jordan became a senator, and by the time he left the Senate, Swisher was so impressed he said Friday Jordan "may have been the sanest voice in the entire Senate on land use."

"He wasn't just a bright man," Swisher said. "He was way above average in intelligence and over time he just got better and better."

Intelligence alone didn't earn Jordan the respect of so many contemporaries. When Democrat Calvin E. Wright began campaigning against the one-term legislator for governor, Wright had not met his opponent. But the two candidates met often on the same platform, "and I was always favorably impressed," Wright said.

"We had a fine, high-level campaign," said Wright, who recalled that when it was over, Idaho Statesman Political Editor John Corlett wrote that the race was remarkable for its lack of acrimony.

Jordan won a narrow victory, with each candidate carrying 22 of Idaho's 44 counties. Wright said he thinks Jordan's concentration on issues probably contributed most to the outcome.

"I guess my campaign was more-or-less generalized, where he expressed himself more adequately than I did on the problems of the day," Wright said.

Corlett, now retired from the Statesman, said it wasn't oratory that sold the Jordan candidacy to voters, though.

"I can still see him on the campaign trail . . . with cards in his hand," Corlett said, "He spoke very softly and earnestly about the ideas he was trying to put across."

Ideas sometimes cross political lines, of course, and when they did, Jordan was willing to follow, even if it meant siding with his fellow Idaho senator, Democrat Frank Church.

"Philosophically, Church and Jordan were pretty far apart," Corlett said, but the two senators frequently voted together on issues ranging from diversion of Idaho water to the Southwest to conservation of the state's wild lands and rivers.

Corlett said when he visited Washington, Jordan would often invite him to a lunch or dinner party "and more often than not Frank Church was at these things."

"He had a lot of friends, and I considered him a friend," Corlett said.

Although Jordan was not one to make many enemies, his independence invited the wrath of those who were in power during the Nixon administration, remembered Jim Jones. Jones, now Idaho's attorney general, was Jordan's legislative assistant during his last three years in the Senate.

Although Jordan usually voted as a conservative Republican would be expected to, his personal study of issues at times led him to oppose Nixon's positions, Jones said. One of those times was during the confirmation battle over Clement Haynesworth's nomination to the U.S. Supreme Court.

"He took a lot of heat for that," Jones said, although many senators who criticized Jordan of opposing the nomination later conceded he was right.

Jordan also fought Nixon's impoundment of some monies already appropriated by Congress and his attempt at welfare reform known as the Family Assistance Plan. Jones said he was in Jordan's office when Elliot Richardson, secretary of Health, Education, and Welfare, called the senator to lobby for the plan.

"Mr. Secretary, I'll do anything I can for you," Jones recalls Jordan saying, "except vote for your plan."

Bill Hall, editorial page editor of the Lewiston Tribune, said he learned during a visit to Washington of what was jokingly referred to as the "Jordan rule."

The rule held that Idaho's junior senator would vote the opposite of the way he was being pressured to. It originated when Jordan objected to Vice President Spiro Agnew's practice of leaving his post as president of the Senate to lobby members just before an important vote.

Jordan had told Agnew, Hall said, that if he then voted the administration's position, he would appear nothing more than a puppet. That left the strong temptation to take the other side.

You could call it perversity, I suppose, but the people I talked to called it integrity.

Jordan's last act as a public figure was to retire voluntarily after one partial and one full term in the Senate, although he almost certainly would have been re-elected. Jones and Hall both think he wanted to run again, but decided against it because his age might begin to slow him down.

To Jones, who is no stranger to the lure of election fever, that may have been Jordan's toughest decision. As he said, "It takes a lot of will power to resist the temptation."

[From the Idaho Daily Statesman, July 1, 1983]

JORDAN REMEMBERED FOR INTEGRITY, COURAGE

(By John Corlett)

There was something about Len Jordan that attracted people to him. Those who became close to him learned fast that it was his integrity and a courage of his own convictions that made up part of the attraction.

As I look back to Len Jordan's advent into and continuation in public life, it is rather amazing how easy it was for him to win elections to the two highest offices the state offers.

I first remember him as a soft-spoken freshman representative out of Idaho County who learned fast, did his homework and speedily drew respect from his colleagues. That was 1947. His major interest was to improve the highways of the state.

Although he lost his bid for reelection in 1948 to a Democrat in a Democratic county, his friends remembered him in 1950, and at their urging he ran for governor. He won the Republican nomination over a strong field of party pros and went on to win election.

I reported on his administration during his four years as governor. Of his many activities, three bear the mark of historical perspective.

Firstly, he successfully guided through a stormy legislative session his recommendation to abolish the old normal schools at Lewiston and Albion.

As it turned out, Albion stayed closed and the Lewiston institution later was reopened as a satellite of the University of Idaho.

Despite bitter opposition from the environs of the two schools, and several newspapers, including The Idaho Statesman, he never wavered from his stand that the schools were costly and anachronisms.

Secondly, he opposed the federally funded high Hells Canyon Dam on the middle Snake River, a project dear to the heart of liberal Democrats nationwide. I heard him testify at congressional and other hearings that if Idaho Power Co.'s three dams were to be built, the water for power there must be subordinated to upstream domestic and irrigation purposes. His request prevailed.

Thirdly, as governor, he finally won from the Legislature creation of an Idaho Highway Board to take construction of roads out of politics.

I remember the trials of Len Jordan at the Republican National Convention in 1952. The Idaho delegation was committed to Sen. Robert Taft. He realized that Gen. Dwight D. Eisenhower had the inside track, but I can still see him casting the delegation's vote for Taft.

But Eisenhower got to know Jordan when he opened his campaign for the presidency on the Statehouse steps in August 1952, and when Jordan's term ended in 1955, Eisenhower appointed him as chairman of the U.S. section of the then-International Joint Commission.

Jordan gave up the IJC post after several years, and his public life was in limbo for a time.

But in 1962, he was appointed to the U.S. Senate when Sen. Henry Dworshak died. And his friends rallied to him during the primary election that year to complete Dworshak's term. Jordan won the GOP nomination at a meeting of the Idaho Republican state central committee at Pocatello.

His opponent in the general election was the immensely popular 1st District U.S. Rep. Gracie Pfost. Although she won the northern counties, Idaho's southern counties voted overwhelmingly for Jordan, and he won handily. That was for a four-year term, and he won a six-year term easily in 1966.

Jordan was no orator. He spoke at rallies almost conversationally. He had a gift of appearing to be talking one-on-one to the crowds who came to hear him. He was easy to interview. More important, I enjoyed talking with him person-to-person instead of reporter-to-governor and/or senator.

I wrote once that his public life was exemplary. The work applies, I think to his private life as well.

[From the Post Register, July 7, 1984]

SENATOR LEN JORDAN, A STATESMAN WHO SERVED THE PEOPLE

Although he spent 21 years as a public servant, Len Jordan did not fill the role of a career politician. He spent 11 of those years as a U.S. senator, a job he did not at first seek on his own—he was appointed by the Republican party and then Gov. Robert Smylie.

He grew up and ranched on the Snake River near Hells Canyon in Oregon and Idaho. And it was both the development and protection of the Snake River that combined to be one of Jordan's greatest contributions to Idaho. That and the development of the Idaho Highwey Board, the very reason he got into politics at the late age of 50 in the first place.

Jordan died last Thursday at 84. He was buried Tuesday with all the tributes that he so deserved, not only from relatives, friends, and state leaders past and present, but past presidents as well.

Jordan was a lot of things—among them a Phi Beta Kappa scholar, college football player, successful businessman, politician, sheep rancher and chairman of an international commission negotiating agreements with Canada. But he will be remembered most as a public servant and a statesman from Idaho.

Few others have been able to see both ends of the spectrum in the uses of the Snake River. Although he worked toward development of the river and protection of water resources, he fought against flooding the Middle Snake and Hells Canyon.

He and former Sen. Frank Church, D-Idaho, authored the 7-year moratorium preventing licensing of dams on the Middle Snake from Asotin, Wash., to the Hells Canyon Dam upriver.

The moratorium also prevented the building of the High Mountain Sheep Dam just above the mouth of the Salmon River and other dams proposed below the mouth of the Salmon River that would have further impeded and virtually stopped migrating fish runs. No dams have been built on that reach since.

On this, like on many other issues, he could find a common middle ground on which to work out solutions. He and Church proposed the Sawtooth National Recreation Area to "preserve and manage this outstanding area."

He wrote legislation to protect fragile terrain by restricting the use of bulldozers and other mechanized earthmoving equipment in mineral prospecting. He also came up with a plan requiring employers to make an approved basic health care plan available to their employees.

As governor, he fought for better roads and, despite opposition, for consolidation of higher education facilities in the state. Jordan ran for state representative because he did not like politics in the Idaho Legislature being mixed with Idaho road construction.

He said his greatest accomplishments as governor were in government reform and "moving away from the spoils system where the party in power cleaned the payrolls at every election." As a conservative and businessman, he wanted efficiency. He did that through commissions and through use of the merit pay system in state departments, notably the highway and fish and game departments.

Fittingly, Jordan was not defeated while in office. He retired and did not run for reelection.

He was neither flamboyant nor an orator. He was soft spoken and modest. But he was decisive and made judgments that will be beneficial to all of Idaho far into history.

Jordan played the role of a politician as most people would envision it should be played. He accomplished many of the things most Idahoans over the years have expressed they favored and left the state as they wanted it.

Out of politics for 10 years now, Jordan in his death could stand as a symbol of statesmenship and for the state as the majority of people would have it.

[From the Post Register, July 1, 1983]

IDAHO STATESMAN LEN JORDAN DIES AT AGE 84

BOISE.—Former Idaho governor and U.S. Senator Len B. Jordan died in a hospital here Thursday night after suffering a stroke two days before, hospital officials and family members said.

Jordan, 84, was battling cancer and coronary disease when he entered St. Luke's Regional Medical Center on June 17. He had originally been expected to leave the hospital by the end of this week. A hospital representative said he died at 7:25 p.m.

Funeral services are scheduled for 2 p.m. Tuesday at the First United Methodist Church of Boise.

Jordan spent 25 years in public life; as a member of the Idaho House of Representatives from 1947 to 1949; governor of Idaho from 1951 to 1955; as chairman of the U.S. Section, International Joint Commission from 1955 to 1957; as a member of the International Development Advisory Board from 1958 to 1959; and as a Republican U.S. Senator from Idaho from 1962 to 1973.

GREAT LOSS

"Idaho has lost a great, great leader—a great statesman," Idaho Gov. John Evans said in a telephone interview Thursday night. "His service to the people of Idaho in protecting their water resources and developing their natural resources will be remembered for generations to come."

Jordan was born May 15, 1899, in Mt. Pleasant, Utah, and grew up in Enterprise, Ore., near Hell's Canyon on the Idaho-Oregon border.

He graduated from high school at 16 and went to work as a ranch hand and laborer until the U.S. entered World War I. He enlisted in the Army at the age of 18 and earned an officer's commission during his service.

In 1919 he entered the University of Oregon on a football scholarship. He worked his way through his undergraduate years with summer jobs in lumber camps and on ranches. He played varsity halfback, earned a Phi Beta Kappa key and graduated in 1923 with a bachelor's degree in business administration.

He married Grace Edgington of Hood River, Ore., in 1924. He began graduate work in economics but gave it up for a job as an accountant in Portland.

He soon returned to ranching and was foreman of a large eastern Oregon ranching operation when the depression hit and wiped out his savings.

Boise insurance executive William S. Campbell was Jordan's political confidant and longtime personal friend.

"Len's personal qualities made him an extraordinary public servant and treasured personal friend."

Meanwhile, Idaho political leaders say Len B. Jordan was a man of integrity who exemplified what the West stands for.

The man who succeeded Jordan in the U.S. Senate 11 years ago, Sen. James McClure, R-Idaho, said, "Few will leave their mark on Idaho and the nation as did Len Jordan."

He described the former Senator as "a great man and a true pioneer."

"His service to all of us is immeasurable," he said.

Idaho's other U.S. Senator, Republican Steve Symms, said the state was fortunate to have Jordan.

"He had a diligence and sense of integrity common to those who have lived off the land," said Symms.

"He had a natural sense of ease about him. Len relished hard work, whether it was digging post holes or mastering the intricacies of water issues," Symms said.

THE ECONOMY AND THE BUDGET

Mr. DOMENICI. Mr. President, before we adjourn for the August recess, I would like to call to the attention of my colleagues the very fragile state of our Nation's economy. During the past few months, the economic news has been generally good, in fact, very good.

Perhaps, I should be more sanguine about these happy events but the fact is that I am deeply disturbed. I am disturbed because in the midst of all these blessings of economic growth is an unmistakable, significant, and persistent trend toward higher interest rates.

We have been down this long, discouraging road before. A burst of growth, a surge of optimism, some improvement in unemployment, all brought to a halt under the bridle of high interest rates. In early 1980 and again in 1981, economic expansion ran headlong into sharply rising interest rates.

Then, there was plenty of blame to go around: a new monetary policy experiment, a new fiscal policy experiment, an oil price shock, a decade of inflation, and so on.

Now, if we do not act to fulfill the promise of fiscal responsibility we set out in the current budget resolution, we will have no one to blame for the sorry consequences but ourselves. There is an old saying: once, shame on you; twice shame on me.

It is now apparent to all of us that the economy is growing more rapidly than anyone thought possible even a few months ago. Auto sales in July were at an annual rate of 7.2 million units, almost 40-percent higher than a year ago.

Sales of other durable goods are also up sharply. Retail sales, an important measure of consumer spending have risen rapidly through June. And con-

sumer confidence, an important indicator of consumer's willingness to spend, is near a postwar high.

In fact, the real economy, over all, grew 8.7 percent last quarter. This growth was 2 percentage points higher than Commerce Department analysts predicted in June. Seventy-five percent of this growth was accounted for by consumer spending. Consumer spending exceeded the growth in consumer income, and the personal savings rate fell to 3.3 percent in the second quarter, the lowest quarterly savings rate in the history of the data series.

Certainly, by all indications, this appears to be the beginning of a boom.

But let us look at the darker side.

Since the end of May, the 3-month Treasury bill rate has risen a full percentage point and the 10-year Treasury note rate is up almost 2 percentage points.

More important, mortgage interest rates are also up a full percentage point since May to 13.6 percent and commercial paper rates, an important measure of automobile financing costs, are up by more than a percentage point.

The harsh fact is, Mr. President, that when mortgage interest rates rise from 12 to 13 percent, the proportion of families who are able to afford even a mortgage of $40,000 drops from 48 percent or just under one-half, to 36 percent or slightly more than one-third. At 13-percent mortgage rates, only about one-quarter of all families can afford a mortgage of $50,000, roughly the mortgage necessary to buy a $67,000 house. This is about the national average selling price.

Rising interest rates are also devastating for car sales. Merrill Lynch Economics, Inc., estimates that a 1 percentage point increase in auto financing costs will reduce sales by 200,000 units per year. If interest rates go back up across the board, auto sales could fall by a million units or more.

Of course, I should also add that rising interest rates in the United States are also devastating to the world economy. Already the U.S. Government, together with several Western European nations, has had to intervene in foreign exchange markets to keep the U.S. dollar from moving still higher in value on the speculation that U.S. interest rates are going up. If U.S. interest rates are not brought back down, the dollar will remain very strong and other countries may, themselves, have to raise interest rates. A strong dollar and higher interest rates abroad would reduce world demand for U.S. exports just at the time when it appears that a recovery in world trade is at hand.

It is important to remember that 40 percent of the decline in real GNP during the recession just past was due to declining U.S. exports. Moreover, the total decline in GNP since 1980 is more than accounted for by the decline in exports during that period.

The United States cannot grow unless its trading partners also grow. The second quarter GNP data is a case in point. While the rest of the economy grew very rapidly, the foreign trade sector continued to deteriorate. Simply put, the weakening of exports and the increase in imports subtracted $10.3 billion from our Nation's output last quarter. If the foreign trade sector had held ground in the second quarter, that is, if the second quarter trade balance had been the same as the first quarter level, the real economy would have grown by over 11 percent instead of the 8.7 percent as reported.

Already, real interest rates in the United States are higher than our trading partners' rates and the recent increase in U.S. rates has taken them still higher. We cannot afford to intervene indefinitely. We cannot afford the losses in growth and jobs that come from a continued downtrend in our exports.

In short, we cannot afford higher interest rates at home. We cannot afford higher interest rates abroad.

Certainly, one reason interest rates are rising, is that monetary policy is now less accommodative than it was earlier in the year. As the recovery progresses, that is to be expected. But, both the statements and the actions of Chairman Volcker indicate that the Federal Reserve intends to move with caution. All of the indicators of monetary policy suggest that this is the case.

But it is also clear that the prospect of massive Federal deficits are pushing interest rates still higher. As Chairman Volcker indicated in his semiannual testimony before the House Banking Committee, "There exists the urgency of further action to reduce the budgetary deficit to make room for the credit needed to support growth in the private economy. Left unattended, the situation remains the most important single hazard to the sustained and balanced recovery we want."

This is not only an economic reality. It is a political reality. The American people understand that this country cannot grow under the burden of $200 billion budget deficits.

What should be done? The Congress has already laid the groundwork for the answer in passing the first budget resolution for fiscal year 1984. This budget plan cuts the structural budget deficits in half by fiscal year 1986.

But at the moment this budget resolution is only a plan. The actual implementation of this plan is contained in reconciliation instructions to five committees in the Senate and eight committees in the House to reduce spending and increase taxes. Congress must comply with these actual changes in law for future deficits to come down. More plans will not enhance the flexibility of the Federal Reserve to keep interest rates as low as prudently possible. We need action.

Now, I know there are some Members who are not happy with this budget plan. There are some Members who believe there should be more spending cuts. In fact, if I alone could construct a budget resolution along the lines of budget plans that I have proposed in the past, there would be more spending cuts in the current budget resolution.

But I, as one Senator, cannot work my will on the majority. During the debate of the current budget resolution, the majority of the Senate, whether right or wrong, rejected the notion of significantly deeper budget cuts by a margin of more than four to one. This is an unequivocal statement. While I personally may regret that result, I see nothing in the economic or political outlook to change it.

I say to you that savings prescribed by the current budget resolution will be hard enought to obtain. While Senate committees are now working on legislation to cut spending, House committees are working on legislative proposals to increase spending. I, for one, am deeply concerned that the Congress will fail to meet the commitment that it imposed on itself just 5 weeks ago to take legislative action to reduce future budget deficits.

Can this Congress stand by a commitment to fiscally responsible budget actions only in times of crisis?

Or is the current, crystal-clear warning from financial markets going to be enough? Because it is only a warning. But it is a clear warning of tough times to come.

It is a warning, very much like the warning I received recently with regard to my own health; that crisis is possible. In fact, without action, crisis is inevitable.

I say to my colleagues, what I have said to myself, personally, many times in the past 2 weeks. We have been given a chance. We have an economic recovery that holds more promise for growth, for jobs, and for stable prices, than many of us dared hope possible. But this chance is clearly threatened by high interest rates. These interest rates can be brought down and will stay down if we act responsibly. If we do not heed the warning, we have only ourselves to blame. Once shame on you, twice, shame on me.

Mr. President, I will conclude by saying we better reduce the deficit in the outyears. There is only one plan around, the budget resolution. We better do what it says, both on the spending and the tax side. If we do not want to, we better find another plan because without some significant commitment to deficit reduction, it need

not be this year or next, without some reduction, starting in the 1985-86 cycle, the part of my statement about there being a darker side might indeed become a reality.

The first time around, shame on you; twice around, shame on me. I apply that collectively to our legislative body.

CONGRESSIONAL AWARD APPOINTEES

Mr. BYRD. Today, as minority leader of the U.S. Senate and a member of the Joint Leadership Commission of the Congressional Award, it is my privilege to appoint four people to the Congressional Award Board of Directors. These outstanding Americans have agreed to work on behalf of the U.S. Congress to continue to fulfill the mission of Public Law 114, to make the Congressional Award available to all young Americans.

My appointees are: Shirley A. Chisholm, professor at Mount Holyoke College and former Member of Congress; Cathy Lee Crosby, president, CLC Productions, Inc., Beverly Hills, Calif.; Donald R. Keough, president and chief executive officer of the Coca-Cola Co., in Atlanta, Ga.; and S. Lee Kling, chairman of Landmark Bankshares Corp., St. Louis, Mo.

As the Congressional Award begins its national expansion, I would like to take this opportunity to thank the Founding Board for their efforts in guiding the program through its pilot phase. John G. McMillian, chairman, and W. Clement Stone, founding chairman, along with the rest of the Board have contributed their time and expertise to develop this program and I salute their continuing commitment to the Congressional Award.

MAJ. GEN. LEONARD HOLLAND: A CAREER OF EXCELLENCE

Mr. PELL. Mr. President, one of Rhode Island's most outstanding leaders, State Adj. Gen. Leonard Holland, will retire from public service on August 6 after 22 years as commander of the State National Guard. During this period, Major General Holland has been a key adviser to five different governors and has successfully coped with countless storms, strikes, and gasoline shortages as well as orchestrating State inaugurations and other public observances. General Holland is a consumate leader, equally proficient in his dual role as the State's director of emergency management and as the head of the 4,500-member Rhode Island National Guard.

Under his stewardship, former Navy land at Quonset Point has been developed into a 79-acre Army and Air National Guard facility, replacing what had been a 3½-acre facility at the State's airport. General Holland has greatly increased the professionalism of the National Guard, and will be particularly remembered for the literally thousands of young people he helped to nurture and train, and also helped to find jobs in industry as a result of the skills they learned in the National Guard. General Holland became the senior adjutant general in the 50 States, and is a recognized leader in Guard and Reserve affairs—one whose voice is frequently heard and vastly respected at the Pentagon.

The people of Rhode Island will never forget the strong presence and leadership he projected during a succession of blizzards, storms, power blackouts, and public employee strikes. As the State's top military man and also the director of emergency programs, General Holland, through the years, became a legendary, "larger than life" public figure. General Holland is one of those leaders who can never truly be replaced, but the people of Rhode Island will be very well served by his successor and long-time assistant, Brig. Gen. John W. Kiely, a former career Army officer.

Mr. President, General Holland best captured his own career when he said in announcing his retirement: "I've done everything I possibly can; I've visited with heads of state, I've met queens and all the Presidents we've had. I've been in the Oval Office discussing defense posture." As he leaves the public scene at the age of 67 to spend more time with his wife Bernice and his three sons, General Holland departs with the gratitude of the people of Rhode Island and the respect and trust of his fellow professionals in the military.

Mr. President, I ask unanimous consent that the text of an editorial entitled "The State's Top Military Man Steps Down," which appeared in the Providence Journal on June 21, 1983, be printed in the RECORD at this point, together with a feature article entitled "General Holland Salutes the R.I. Guard's Honor," written by Wayne Worcester, which appeared in the Providence Journal on August 3, 1983:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE STATE'S TOP MILITARY MAN STEPS DOWN

Hardly anyone who knows Maj. Gen. Leonard Holland can picture him fading away, as old soldiers supposedly do. Nevertheless, the state's irrepressible adjutant general for the past 22 years has announced he will retire Aug. 6, to be succeeded by his assistant, Brig. Gen. John W. Kiely, who also will take over command of the Rhode Island National Guard. Capable though General Kiely, a former Army career officer, appears to be, he has an exceedingly tough act to follow.

During his long tenure, General Holland achieved almost legendary stature as the state's top military man. His reappointment since 1961 by a succession of governors of both parties was a tribute to the professionalism he brought to the two posts that previously had been part of the political patronage system. The general enjoyed respect at the Pentagon, too, not only as the senior adjutant general in the 50 states, but for his constant support of a strong national defense—a goal he advanced here by keeping up Rhode Island's Army and Air National Guard units.

The Guard's readiness was shown constantly when local emergencies occurred, such as blizzards, storms, power blackouts and public-employee strikes. Its vigorous response on these occasions mirrored that of its commanding officer. Whatever the crisis, General Holland's own wisecracking, cigar-smoking presence on the scene invariably made everything seem more manageable.

"He has no equal in his ability to handle all situations with humanity and with humor," Governor Garrahy said of him. "His has been a career of excellence." Now, at age 67, General Holland says he just wants to be with the family, play golf and tennis and dabble in real estate. If anyone has earned a more leisurely life, he has.

[From the Providence Journal, Aug. 3, 1983]

GENERAL HOLLAND SALUTES THE R.I. GUARD'S HONOR

(By Wayne Worcester)

PROVIDENCE.—The memorabilia was gone, not the memories.

In 22 years as Rhode Island's adjutant general and commanding general of the national Guard, Leonard Holland had collected enough awards, citations, commendations, plaques and mementoes to fill 35 cardboard boxes. His aides had packed and carried them off. In the general's big office inside the red-brick dinosaur of an armory up on North Main Street, all that remained now were a few charts, a couple of tables, a desk, three flags and the general himself. He is retiring Saturday, precisely 42 years after entering the military, and it's not particularly easy.

"I'm not sad," he said, and then he said it again, as if to convince himself. "I'm not sad. I'm happy, and I'm proud to have been a leader of men and women. The National Guard in Rhode Island has actually reached out and helped people.

"I've been in the company of governors and presidents and kings and queens, but I think one of the best moments of all came in 1979. There was a state employees' strike at the Institute for Mental Health, and the Guard went in there and ran everything for 10 days straight. We went in and took care of everybody. We did the cooking and the washing, you name it—everything. We bathed, fed and dressed the inmates and when the strike ws over it was like the 'Bogey March' scene from 'The Bridge on the River Kwai.'

"We gathered all the units outside the IMH to march off the grounds, and you know, every one of those inmates who could stand, walk or crawl came out to see us off, to say goodby. That was something.

"There was the blizzard of '78. We set up landing sites all over Rhode Island and brought in supplies and then helped the state dig out. I don't know how many dialysis cases we transported. I didn't know there were so many in Rhode Island.

"When parts of the state were without electricity, the Guard's been there with generators. When there's been a water problem, we've been there with the 'water buffaloes' bringing fresh water.

"I think the Guard has touched everyone in Rhode Island at one time or another. I'm happy and proud to have been a part of that."

Holland's public accomplishments as the leader of 4,400 people—3,000 in the Rhode Island Army National Guard, another 1,400 in the Air National Guard—have been thoroughly chronicled; the biggest will be commemorated Saturday in changing-of-the-guard ceremonies at the National Guard Base in Quonset, 79 acres which Holland, almost single-handedly, secured from the federal government for his people.

By virtue of his office and Pentagon contacts that he had cultivated and maintained, Holland wangled a Department of Defense level meeting with military and government officials and lawyers, walked into the room, locked the door behind him and announced. "Nobody gets out of here until we get an agreement for 79 acres." It took Holland 7½ hours, but he got his way—plus about $22 million to pay for the conversion of the property to an Air National Guard base.

No mean feat, to be sure. Yet, it is probably the smaller unheralded accomplishments for which he will be best, if quietly, remembered.

Some time ago, an elderly woman called to ask if Holland could do something to help her get a military funeral for her husband. He had wanted a military funeral, but he had never fought for the United States. He had served England in World War I, and been awarded the Victoria Cross. Holland called in some favors. When he was done, the man was buried with all of the military honors that the emissaries of two countries could muster.

There was the distraught woman who called him after her son had been paralyzed in an accident in New Hampshire. He needed to be rushed home for surgery. Could the National Guard help? It was "sort of a gray area" for the Guard, but not for Holland. He personally had the young man airlifted home.

Six months ago, a young woman who had completed her first year of Brown University's Program in Medicine walked into Holland's office and said she wanted to be an Army doctor. He checked her records, had them sent to Washington, and then called the Pentagon.

"What do you mean read her jacket?" the brass said. "We've got 2,500 jackets for about 25 scholarships."

"I don't care how many you've got," Holland said. "I'm telling you this woman wants to be an Army doctor, and her jacket is worth reading."

The young woman got a four-year scholarship.

Holland has served five governors, been in office longer than any state adjutant general in the United States, "and when Rickover retired, I became the oldest man in military uniform," he said.

I'm 67 . . . and a half, but I feel young," Holland said.

"If I have any regrets, it's not having spent enough time with my wife, Bernice, and my children in the early years. There have been long stretches when I've worked day and night. At one point, I'd worked 198 straight days, and 196 nights. I'm going to try to make up for that.

"You know," the general said, "it's a small state and you're supposed to be able to show up for everything. I guess I have, on my own and representing the governor, too. I've been to Newport three times in one day, sometimes. And I've been to thousands of funerals and listened to the eulogies, the nice things being said, and it has occurred to me that the person in the coffin can't hear them, and the person can't smell the flowers that have been sent, either. And I've thought, 'That's too bad.' I realized that I didn't want that for myself.

"I'm going out while I'm on top, when I can still hear the nice things being said, if they're appropriate—and while I can still smell the flowers."

R. BUCKMINSTER FULLER

Mr. PELL. Mr. President, Our "Spaceship Earth" lost a unique and truly original talent last month with the death of R. Buckminster Fuller.

Bucky Fuller, as he was known to all of us who were honored to be his friends, was perhaps best known for his invention of the geodesic dome as an architecturally efficient system for enclosing space. But he was much more than a builder or an engineer, or an inventor. He was also by his own reckoning a philosopher and poet, mathematician, and cosmogonist—and much more.

He was in fact a renaissance man and a universal man. After an unlikely beginning as a Harvard dropout, factory worker, Navy officer, meat packer, and sales manager, he paused to let his natural talents take over and devised his own theory of the universe. He became convinced that technology could solve all problems and that "There is absolutely nothing that cannot be done."

For all his eccentricities, Bucky Fuller's theories worked, and he became a prophet honored in his time. It is perhaps symbolic of his genius that he will be remembered for the technology of soaring geodesic domes to enclose ever increasing volumes of space: The 200 foot high dome pavillion of the U.S. exhibition at Expo 67; a 384 foot maintenance structure for railroad cars in Louisiana without a single interior support; a proposal for an air-conditioned dome covering 646 acres at the 1964 Worlds Fair in New York. And he had a vision of a dome 3 miles high covering most of Manhattan.

Bucky Fuller died suddenly at age 87 last month while visiting his wife of 65 years who was critically ill in a Los Angeles hospital. Within 36 hours, Anne Hewlett Fuller died also, ending a long partnership that not only pushed forward the frontiers of architecture but enlivened and enriched the climate of social thinking for several generations and more to come.

Mr. President, I ask unanimous consent that articles from the New York times of July 3, entitled "R. Buckminster Fuller, Futurist Inventor, Dies at 87" and "An Apostle of Technology," and from the New York Times of July 4, entitled "Anne Hewlett Fuller, 87, Dies; Widow of Futurists Architect," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

R. BUCKMINSTER FULLER, FUTURIST INVENTOR, DIES AT 87

(By Albin Krebs)

R. Buckminster Fuller, the forward-looking inventor best known as the father of the geodesic dome, died of a heart attack Friday in Los Angeles at the Good Samaritan Hospital while visiting his wife, who is critically ill. He was 87 years old, and lived in Pacific Palisades, Calif.

As he put it himself, with his customary cheerful immodesty, Mr. Fuller was an "an engineer, inventor, mathematician, architect, cartographer, philosopher, poet, cosmogonist, comprehensive designer and choreographer."

He was also a thoroughgoing original, who for many years was dismissed by many as something of a crackpot. But by the 1950's, having stubbornly refused to abandon his beliefs that through technology "Man can do anything he needs to do" and that "man can create miracles," he had attracted a cultlike following.

Well into his 70's, Mr. Fuller yearly flew tens of thousands of miles, giving college lectures, some of which extended to a nonstop five or six hours. He was enormously popular among young people, whom he counseled to "reform the environment instead of trying to reform man."

"The young world," as he called modern youth, listened raptly as the somewhat disheveled, stockily built Mr. Fuller, his arms waving excitedly, his eyes flashing behind thick glasses, told of his dreams of a better tomorrow.

CALLED NAIVE BY DETRACTORS

And he gave this advice to the young: "Bite your tongue. Get a cinder in your eye. When you feel good, you feel nothing."

He ignored detractors who called him a megalomaniac, "an inspired child" and a naive romanticist, garrulously proclaiming his vision that man, through technology and planning, could become superman.

"The entire population of the earth," he would say, "could live compactly on a properly designed Haiti and comfortably on the British Isles."

Mr. Fuller envisioned mile-high floating cities that could house tens of thousands in an environment free of air pollution and noise. Mid-Manhattan, he predicted, would one day be covered by a huge plastic dome, three miles in diameter.

SOME IDEAS PRACTICABLE NOW

Those, he admitted, were projects for the future, but independent architects said timidity and lack of imagination in others prevented immediate adoption of some Fuller ideas that were practicable, such as his proposal to cover 646 acres of the 1964–65 New York World's Fair with an air-conditioned dome.

Although he had neither an architect's formal training nor an architect's license, and his geodesic dome blueprints had to be signed by a licensed associate, he was acclaimed by architects and designers. Nathaniel Owings, of Skidmore, Owings & Merrill, called him "the most creative man in our field."

But Mr. Fuller was much more than just an architect and builder. His ideas took in the whole of man's environment and experience and potentialities, and he believed with

crotchety single-mindedness that "there is absolutely nothing that cannot be done."

Frank Lloyd Wright called him "a man with more absolute integrity than any man I have ever known."

HELD MORE THAN 2,000 PATENTS

Mr. Fuller, who held more than 2,000 patents at his death, was elected in 1979 as one of the 50 members of the American Academy and Institute of Arts and Letters.

Earlier this year, President Reagan presented Mr. Fuller with the Presidential Medal of Freedom, saying he "reminds us that America is a haven for innovators."He had also been awarded 39 honorary doctorates in fields ranging from the fine arts to engineering.

Mr. Fuller was the author of 25 books, including three acclaimed volumes of free verse and "Operating Manual for Spaceship Earth," in which he compared the earth to a large mechanical device that, like an automobile, periodically must be tuned. He said each inhabitant must become familiar with its mechanics to keep it operating.

Two years ago, Mr. Fuller was given a surprise birthday party at the Science Museum of the Franklin Institute in Philadelphia. He had been drawn there under the pretext of taking Ellen Burstyn, the actress, on a private tour of a new exhibit.

When he opened the door, he was greeted by a crowd of journalists and friends, such as Merce Cunningham, the dancer; John Cage, the composer; Harris Wooford, the former president of Bryn Mawr, and Barbara Marx Hubbard, one of the country's leading futurists.

FINDING FUNDAMENTAL TRUTHS

During the celebration, which continued at the home of a curator of the museum, Mr. Fuller spoke of his discovery in his early 30's of certain fundamental truths that later guided his creativity, and said he had made a commitment never to use that knowledge for personal gain or power.

"My life has been, as a result, one miracle after another," he said.

In 1979, after four Pennsylvania universities had announced they could no longer afford the $80,000 a year they had been chipping in to help support Mr. Fuller's research projects in Philadelphia, he said, "I want people to get over the idea that I need some kind of charity."

He said that while he had to scramble for support money, he had grossed $250,000 in the previous year and expected to do the same in 1979.

Mr. Fuller was descended from a distinguished New England family. Born July 12, 1895, in Milton, Mass., a Boston suburb, he was the son of a Boston merchant, Richard Buckminster Fuller, after whom he was named, and the former Caroline Wolcott Andrews. He attended the Milton Academy, where he excelled in mathematics and science and did poorly in English and Latin.

Since there had been five generations of Harvard men in the family, Bucky Fuller, as he called himself, was expected to matriculate at Harvard, and he did, in 1913. But he said years later, "I cut classes and went out quite deliberately to get into trouble, and so naturally I got kicked out."

The Fuller family packed off its black sheep to Canada to work in a factory that made machinery. He found the experience exhilarating.

"It was an all-important phase of my life," he said. "I came to know shop foremen, molders, machinists and their respective tools and the beginnings of metallurgical procedures in general. Sometimes I succeeded in designing better parts. So well did I enjoy and therefore carry out my new phase of learning that I was invited to return to Harvard and quickly accepted. But I cut classes and got fired again."

After a variety of jobs in New York, Mr. Fuller joined the Navy and was sent to the Naval Academy in Annapolis, Md., for training in scientific methodology. He was commissioned an ensign and was a lieutenant (j.g.) on his discharge in 1919. For the next three years he worked for a meat packer and as sales manager for a trucking company.

Mr. Fuller, who had married the former Anne Hewlett in 1917, formed a company in the Middle West with his father-in-law, James Monroe Hewlett, an architect, to promote a building-block method of construction developed and patented by the two men. Soon after the business started in 1922, the Fullers' daughter, Alexandra, died on her fourth birthday.

Devasted emotionally, Mr. Fuller began drinking heavily. For the next five years he drank all night, he said years later, and worked 12 to 15 hours a day for the company. In 1927 his father-in-law was forced to sell his stock in the business, and the new majority stockholders dismissed Mr. Fuller.

This rock-bottom point in his career came shortly after the birth of his second daughter, Allegra. He began to believe that his life was such a mess that the only way out was suicide.

"YOU BELONG TO THE UNIVERSE"

He rejected the idea, however, and 1927 became the critical year of his life. He discovered, he said, that he had "a blind date with principle," and one night he found himself standing on the shore of Lake Michigan and telling himself: "You do not have the right to eliminate yourself. You do not belong to you. You belong to the universe."

"I made a bargain with myself that I'd discover the principles operative in the universe and turn them over to my fellow men," he said.

Mr. Fuller embarked on an intense program to completely reshape his thinking. He stopped drinking and cut himself off from his old associates.

For more than a year he did not speak ("even to my wife"), as he wished to teach himself to express ideas "without depending on modes of communication borrowed or absorbed from others." Ideas raced through his mind with such rapidity and insistence, he said, that he felt it necessary to learn to subsist with only two hours' sleep in 24, thus giving himself maximum time for thinking.

TECHNOLOGY TO "SAVE THE WORLD"

Technology, he soon became convinced, "could save the world from itself, provided it is properly used." Man's inventions and his industrial developments (such as strong new alloys) could enable him to improve his environment to a point where, ultimately, machines could take over all work and man could devote himself to learning still more ways of "doing more and more with less and less." In short, Utopia was not unattainable.

He concluded that the universe was governed by relatively few principles and that its essence was not matter but design. What gave the atom and therefore all matter its individual character was simply the patterning of its component protons and electrons. Man himself was "a complex of patterns," he said.

With the acceleration of technological expertise, Mr. Fuller reasoned, mankind was on the threshold of great achievements but was stymied because men were wedded to old molds of thinking. Change, he said, would have to become the norm.

DESIGNED DYMAXION HOUSE

He determined to turn his own new thinking toward the industry he knew best, building, and his first design was the Dymaxion House. It had rooms hung from a central mast and had outer walls of continuous glass. Independent of its location, it could be moved easily. The house was equipped with automatic vacuum cleaners and a shower that could use a quart of refiltering water for 10 minutes. A working model of the house was displayed in a Chicago department store.

In May 1928, Mr. Fuller offered to assign full proprietary rights to his patents covering the Dymaxion house to the American Institute of Architects. The institute rejected the offer, and at its annual meeting in 1929 it passed a resolution damning all prefabricated building concepts: "Be it resolved that the A.I.A. establish itself on record as inherently opposed to any peas-in-a-pod-like reproducible designs."

Mr. Fuller no doubt recalled that rebuff with some amusement when, in 1970, the institute presented him its gold medal for his contributions to architecture.

Three prototypes of the Fuller Dymaxion three-wheeled automobile were produced between 1933 and 1935. The auto could turn in its own length and reach a speed of 120 miles an hour, using a standard 90-horsepower engine.

In 1935, one of the cars collided with a sedan in Chicago, and both vehicles overturned. By the time reporters arrived, the other car, which belonged to a city official, had been towed away. The driver of the Dymaxion car was killed, and under headlines such as "Three-Wheeled Car Kills Driver," newspaper accounts did not mention that another car had been involved.

Even after the facts had been established several weeks later, interest in the three-wheeled car remained cool, and it was never put into production.

In 1943 Mr. Fuller designed the Dymaxion Airocean World Map, the first cartographic system to receive a United States patent. It was the first of his inventions to win the serious interest of other scientists. It showed the earth's entire surface in a single flat view without the visible distortion on other maps.

Mr. Fuller's Wichita House, a new version of the Dymaxion circular unit, went into prototype production in 1944, when the Federal Government agreed to release high-priority aluminium alloys for its deployment. The hope was that mass production of the houses, to sell at $6,600 each, would provide employment for workers no longer needed to build warplanes and would serve as a stopgap solution to the postwar housing shortage. But the building industry did not show interest, and the Wichita House was scrapped.

PATENTED GEODESIC DOME

The geodesic dome, which Mr. Fuller patented in 1947, was the discovery that brought him fame and wealth. For a time, all geodesic domes were manufactured by his two companies, Geodesics Inc. and Synergetics Inc., but some years ago he began licensing others to manufacture and assemble the domes under his patent.

Mr. Fuller's first commercial customer for a dome was the Ford Motor Company, which installed a 93-foot plastic and aluminum shell over the Rotunda Building in Dearborn, Mich., in 1952. In 1955 he began producing geodesic "radomes" to house the listening devices of the Air Force's Distant Early Warning Line, the 3,000-mile strip of radio installations along the northern edge of Canada and Alaska.

Thousands of Fuller domes have been erected throughout the world. They range in size from small living units, such as Mr. Fuller's plywood home in Carbondale, Ill., to a huge maintenance shed for tank cars in Baton Rouge, La., that is 384 feet in diameter, with not a single interior column.

KHRUSHCHEV WAS ENTHUSIASTIC

When Nikita S. Khrushchev, the Soviet leader, had his first look at Mr. Fuller's dome for the American National Exhibition in Moscow in 1959, he could not suppress his enthusiasm. "This dome is very interesting, very good, worth copying many times over in the Soviet Union," he said.

Referring to him as "J. Buckingham Fuller," Mr. Khrushchev said he "should come here to lecture our engineers on his invention."

The State Department responded quickly. Mr. Fuller was flown to Moscow for lectures under the lozenge-patterned mesh of his own roof.

Perhaps best-known and most admired of the Fuller domes is the one that housed the United States pavilion at Expo 67 in Montreal; it was given to the Canadian Government when the world's fair closed. Beautiful and colorful, it was also the most imposing structure on the fairgrounds.

The structure of the Fuller geodesic dome is basically a sphere composed of pyramid shapes with four sides, including the base, known as tetrahedrons. Encompassed in the design principle are two mathematical truths: (1) the sphere, of all geometrical forms, encloses the most space with the least surface and is strongest against internal pressure, and (2) the tetrahedron encloses the least space with the most surface and best withstands external pressure. Thus design, not weight, gives the domes their great strength.

In the realm of ideas, the man who called himself a "comprehensive thinker" jousted with long-entrenched theories.

He rejected the Malthusian concept of man's being in danger of reproducing himself so uncontrollably that eventually he would not be able to feed himself. And in an interview in 1970, he said those who warned of a world population explosion were "ignorant people."

"The world population will be stabilized without radical birth-control programs by 1985," he predicted then. "Besides, man has the capability, through proper planning and use of natural resources, to forever feed himself and house himself and live in workless leisure."

Mr. Fuller disapproved of modern educational methods on the ground that few learned anything by them.

"Every child is born by a genius," he said. "It is my conviction, from having watched a great many babies grow up, that all of humanity is born a genius and then becomes de-geniused very rapidly by unfavorable circumstances and by the frustration of all their extraordinary built-in capabilities."

In presenting his ideas, Mr. Fuller often resorted to coining words and phrases such as "livingry" and "killingry" and "toing and froing," because, he said, there were no existing words to convey his precise meaning.

In later life, the energetic Mr. Fuller did not seek a traditional retirement, but rather spent as much time as he could "toing and froing" about the world, preaching his optimistic gospel that man could save mankind.

Mr. Fuller is survived by his wife, his daughter Allegra and a grandson, Jamie Synder, according to Ruth Scott, the nursing supervisor of Good Samaritan Hospital.

Ron Landsman, a spokesman for the Friends of Buckminister Fuller Foundation, said yesterday that Mr. Fuller had asked to be buried in his family's plot in Cambridge, Mass. Mr. Landsman said that funeral services would probably be held there, but that the arrangements were incomplete.

AN APOSTLE OF TECHNOLOGY

(By Paul Goldberger)

R. Buckminster Fuller was a preacher as much as an architect, a town crier as much as a scientist. He was among this century's first minds to see that every aspect of man's physical environment was connected to every other; he believed that out of simple geometric truths we might build whole worlds, and he saw his mission as spreading the gospel of this realization.

To Mr. Fuller, technology could solve all problems, but he was a far cry from the technocrats of the modern industrial age.

Buckminster Fuller had no part in the vast corporate establishment. He was an original, who operated best on his own, by himself, thinking through problems with a remarkable mix of common sense and what can only be called a religious faith.

The religion he espoused was that of technology and rational planning, and it had even come to him in a kind of epiphany. He recalled that when his fortunes were low, in the 1920's, he pulled himself back from the brink of suicide by deciding "to discover the principles operative in the universe and turn them over to my fellow men."

FAITH IN SIMPLE PRINCIPLES

In numerous cases, Mr. Fuller's faith in simple principles led to works of genius. His Dymaxion House, of 1927, was as important a break with conventional architecture as any created by the modernist master architects. Indeed, it might be said that Mr. Fuller went further in one way than Frank Lloyd Wright or Le Corbusier, for he broke not only with the old styles of architecture but also with the very idea of building as it had been done before.

For where the houses of Le Corbusier were really conventionally made buildings intended to express the idea of modern technology, Mr. Fuller's creation actually used that modern technology to the fullest.

The Dymaxion House was prefabricated, a radical idea in the 1920's, and it was intended to be able to be erected anywhere. With rooms hung from a central mast and outer walls of continuous glass, it used a minimum of materials, and it was designed with an eye to energy efficiency.

Today, it still has a certain freshness—the taut, tensile form of the Dymaxion House seems to reverberate with confidence in a new world.

The problem with Mr. Fuller's architecture was that it worked as well as it did by ignoring so much of what architecture really was about. There was no room in the Dymaxion House, for example, for individual variation; private demands simply did not fit into Mr. Fuller's system-oriented thinking. One could not make a city of Dymaxion Houses, for these round, flying saucer-like objects, handsome as they were, did not come together to create the greater whole that all urban buildings must do.

SEARCH FOR ABSOLUTES

Architecture as art did not particularly interest Buckminster Fuller; there are no absolute truths there, and it was absolutes that Mr. Fuller sought. Still, his designs did manage to have a considerable beauty to them—there is great presence and spatial power to the 200-foot-high geodesic dome that served as the United States Pavilion at Expo 67 in Montreal for example, and numerous other Fuller-designed domes have succeeded as housings for equally specialized functions.

The geodesic dome, the dome made up of tetrahedrons assembled into a sphere, the design for which Mr. Fuller was to be best known, emerged out of crystal-clear logic of structure. But that logical structure, like that of the Dymaxion House, was neither very flexible nor very successful as a building intended to relate to other buildings.

Many of Mr. Fuller's designs worked best as critiques of the existing state of affairs, not as practical projects. For example, his proposed dome over midtown Manhattan, if technically possible, would have been absurd, rendering the city even more cut off from nature than it already is.

But what better way than this huge, all-encompassing dome to make the point that all of midtown, indoors and out, is really a kind of interior—and to criticize what Mr. Fuller surely saw as the helter-skelter quality of the city's overall design?

POTENTIAL OF "SPACESHIP EARTH"

In his last years, Mr. Fuller became even less the designer and even more the preacher, traveling about the world and talking ever more excitedly about the potential of life on "Spaceship Earth," as he liked to call the planet.

The phrase summed up his own thinking—to Buckminster Fuller, the earth was but a speck in a larger universe, capable of survival only if it organized itself with the rigor and discipline of a space capsule.

His belief in the value of rational planning made Buckminster Fuller a somewhat curious cult figure for this moment in history, when our culture has lost much of its faith in the ability to solve problems by any means, rational or otherwise. Mr. Fuller never gave up the faith—for more than half a century he saw salvation in the patterns of the universe, and he devoted his life to explaining those patterns to the world.

ANNE HEWLETT FULLER, 87, DIES; WIDOW OF FUTURIST ARCHITECT

(By Ari L. Goldman)

Anne Hewlett Fuller, the widow of the furturist, inventor and architect R. Buckminster Fuller, died early yesterday morning at Good Samaritan Hospital in Los Angeles, just 36 hours after her husband's death.

Mr. Fuller, the creator of the geodesic dome, was stricken with a fatal heart attack late Friday while visiting the bedside of his wife of 65 years. They both were 87 years old.

Mr. Fuller had been admitted to the hospital 10 day ago, after complications arose from a stomach operation. She was in a coma when her husband visited her Friday, according to a spokesman for the Friends of Buckminster Fuller Foundation.

"She did not know of his death," said the spokesman, Ron Landsman.

ANNIVERSARY JULY 12

The couple, who lived in Pacific Palisades, Calif., would have celebrated their 66th wedding anniversary July 12.

Mr. Fuller once observed: "When two people as diametrically different as Anne and I get married, it either cracks up right away, or it turns out to be fantastically good—the way it has been for us."

Mrs. Fuller dabbled in architecture. In the 1930's, she designed their home in Darien, Conn. In 1967, the couple spent their 50th wedding anniversary in Montreal at the opening of one of Mr. Fuller's creations—the geodesic dome at Expo 67.

Mrs. Fuller, the daughter of James Monroe Hewlett, an architect, was born in Brooklyn Heights Jan. 9, 1896. She married Mr. Fuller in 1917 at the Hewlett family residence, Rock Hall, in Lawrence, L.I.

CONSTRUCTION COMPANY FORMED

Soon after the marriage, Mr. Fuller and his father-in-law formed a company to promote a building-block method of construction developed and patented by the two men.

Often accompanied by Mrs. Fuller, the inventor traveled extensively promoting his creations and ideas.

Mrs. Fuller is survived by their daughter, Allegra Fuller Snyder, a professor of dance at the University of California at Los Angeles, and two grandchildren, Alexandra Snyder of New York and Jaime Snyder of Pacific Palisades. She also leaves three sisters, Lawrence Hewlett Bowker of Lloyd Neck, L.I., Hope Hewlett Watts of Del Rey Beach, Fla., and Hester Hewlett Stearns of Huntington, L.I.

The family was planning a joint funeral service for the couple. No date has been set, according to Mr. Landsman, but, at the family's request, the services will be private.

AMBASSADOR ADRIAN FISHER

Mr. PELL. Mr. President, over the past several weeks, I have worked on a number of arms control related matters. Tomorrow marks the 20th anniversary of signature in Moscow of the Limited Test Ban Treaty, which was the cornerstone of an arms control regime which endures to this day.

Many Americans have given much of their time, energy and talent in creating that arms control regime. Their experience should serve us to show that if we have the will and the perseverance we can move on in arms control until we have succeed in halting the nuclear arms race and reducing the threat of nuclear war. No public servant toiled more diligently and devotedly to the cause of arms control than Ambassador Adrian Fisher. The Ambassador died in March after long and successful work inside and outside the Government. With regard to his work in arms control, he helped draft the legislation that established the Arms Control and Disarmament Agency in 1961, and he was the Agency's first Deputy Director. He played a leading role in assisting Ambassador Averell Harriman in negotiating the Limited Test Ban Treaty in 1963. He was centrally involved in the negotiations of the Nuclear Nonproliferation Treaty of 1968.

In 1977, President Carter nominated, and the Senate confirmed, Butch Fisher to be Ambassador to the Conference to the Committee on Disarmament in Geneva where he brought his broad experience to bear on a number of issues of arms control in that major forum.

Mr. President, I came to know, respect and admire Ambassador Fisher. He appeared before the Committee on Foreign Relations on a number of occasions, and he was known for his ability to give thoughful and useful testimony. He was a man of wide-ranging interests and considerable depth, who was able to inform without being overbearing. He brought wit and grace to his quest for a world which might be freed from the threat of nuclear war.

Mr. President, I ask unanimous consent that the Ambassador's obituary in the March 19, 1983, New York Times be printed in the CONGRESSIONAL RECORD, together with a remembrance by Lucius Battle, which appeared last March in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 19, 1983]

ADRIAN S. FISHER, 69, ARMS TREATY NEGOTIATOR

(By Philip Shenon)

Adrian S. Fisher, a leading arms control negotiator and former dean of the Georgetown University Law Center, died of cancer yesterday at his home in Washington. He was 69 years old.

Mr. Fisher was the first deputy director of the United States Arms Control and Disarmament Agency and a leading American negotiator of the 1963 Limited Test Ban Treaty, which barred nuclear testing in the atmosphere, in outer space and underwater.

He was appointed deputy director of the arms control agency by President Kennedy in 1961, the year the agency was formed.

In his eight years at the agency, which is an autonomous Government body that is required to coordinate its policies with the State Department, Mr. Fisher helped in numerous negotiations but perhaps none more important and more successful than the conferences that led to the Test Ban Treaty and the 1968 Treaty for the Nonproliferation of Nuclear Weapons.

SET TESTING RESTRICTIONS

The 1963 test ban treaty was eventually approved by 120 nations. It limited testing of nuclear weapons by prohibiting the release of detectable radioactivity beyond the national borders of the country conducting the tests. That restriction effectively limited the size of bombs that could be detonated.

In appearances before Congressional committees in 1963, Mr. Fisher was called on to defend the test ban. In an appearance in March of that year, Mr. Fisher said the United States had nuclear superiority over the Soviet Union and cautioned, "Unlimited testing without an agreement could facilitate Soviet 'equality' with the United States."

He also participated in negotiations in New York and Geneva that produced the nonproliferation treaty.

Mr. Fisher left the arms control agency in 1969 to become dean at Georgetown's law school, known as the Law Center, and a professor of international law.

As dean, Mr. Fisher was known for his efforts to improve the law school's financial situation and for recruitment of minority students and prominent faculty members.

In 1977, Mr. Fisher was given the rank of ambassador by President Carter and was appointed a member of the United States Mission to the United Nations. In the job, he directed the American delegation to the Geneva conference on disarmament, which was organized to control chemical weapons and produce a comprehensive test ban treaty.

Mr. Fisher's commitment to arms control lasted until his death. Just last August, Mr. Fisher was among six former arms negotiators who joined together to call on the Reagan Administration to resume talks with the Soviet Union on a comprehensive nuclear test ban.

From 1979 to 1982, Mr. Fisher was a law professor at George Mason University, in Fairfax, Va.

He held more than a dozen Government jobs in a career that began in Washington in 1938, when he became a Supreme Court law clerk to Justice Louis D. Brandeis. The following year he was named a clerk to Justice Felix Frankfurter.

Among his other Government posts: in 1944, assistant to the Assistant Secretary of War; in 1945 and 1946, technical adviser to the American judges at the Nuremberg trials; in 1947 and 1948, solicitor of the Department of Commerce; in 1949, general counsel of the Atomic Energy Commission, and from 1949 to 1953, legal adviser to the State Department.

Mr. Fisher was out of the Government during the Eisenhower Administrations, when he served as a member of the Washington law firm of Covington & Burling. He also was a vice president and counsel of The Washington Post Company in that time.

Adrian Sanford Fisher was born in Memphis on Jan. 21, 1914. At Princeton University, Mr. Fisher, 200 pounds and 6 feet, 1 inch tall, was a guard on the football team. He graduated from Princeton in 1934 and was a 1937 graduate of the Harvard Law School. He served in the Air Force as a navigator.

Surviving are his wife, the former Laura Graham, and their daughters, Laura Donelson Chandler, of Bethesda, Md., and Louise Sanford Fisher, of Pinecliffe, Colo.

[From the Washington Post, March 1983]

ADRIAN FISHER

(Adrian Fisher, diplomat, law school dean and one-time counsel for The Washington Post, died Friday at the age of 69. Here an old friend and colleague, Lucius Battle, remembers him:)

In a yet unsung era, the Truman-Acheson administration, it was my great fortune to share struggles and foxholes with Adrian Fisher. Reverence and nostalgia for that administration would come later. But it had not come thus far. We received more stones and arrows than bouquets. And the search for right answers on a day-to-day basis was unglamorous and sometimes rugged stuff. Adrian—we called him Butch—was a worthy associate. He searched doggedly for truth and clearly established the enemy, and the identity of both seemed apparent to him, even when it was we ourselves on whom he

turned the harsh lights. His was the cruel pursuit of the best in all of us. Some had much to give. Others not so much. He was one of those with much to give.

His judgment of his fellows was fair but firm and tough. He would not tolerate deceit or sham, and I never knew him to engage in either. There was simple honesty and humility about him found in few people.

Ambition, if it conflicted with a higher order of obligations, was not for him. He was always in the mainstream of the big events but happy to stay out of the limelight and off the top rung of history.

But he had a part in the Nuremberg trials, was a fighter of Joseph McCarthy, helped defend the presidency in the firing of Gen. Douglas MacArthur, struggled to fulfill the need for sensible disarmament, taught humane law, defended the oppressed and underpriviledged—not a bad agenda all that.

Butch was a special mixture of the grandeur and simplicity of the human spirit. He had a clear sense of direction, a set of consistent convictions, a remarkable mind, boundless energy. And was, above all, a loyal friend.

CENTRAL AMERICA

Mr. DODD. Mr. President, I wish to call the attention of my colleagues to an article by my good friend from Rhode Island and ranking Democrat on the Foreign Relations Committee, Senator PELL.

In an insightful essay, printed in the Los Angeles Times of July 29, Senator PELL exposes some of the contradictions in the Reagan administration's Central American policy and warns us of the dangerous possible consequences, while himself suggesting credible alternatives. Accurately, Senator PELL points out the incongruity of both supporting the mediation efforts of the Contadora group—a meritorious first step toward a negotiated, political settlement in Central America, and at the same time dispatching troops to the region—a decision which clearly suggests that the President has, in fact, opted for a policy of military intimidation.

I share with my colleague the concern that as a result, the Contadora group may despair of the peace process, and that anti-Sandinista guerrillas, encouraged by the size of the anticipated U.S. presence in Honduras, will step up its efforts to overthrow the Sandinista Government.

The unrest in Central America is fundamentally a function of the deplorable, indigenous economic, social, and political conditions which have existed far too long throughout most of the region. Military force is not a solution to the problems generated by these conditions. The way to effectively protect our interests in Central America is through a political and diplomatic process, but as Senator PELL notes, even the depth of commitment implied in the President's diplomatic efforts is "called into question by the administration's preference for saber-rattling." Senator PELL's approach, with which I agree, is the more realistic and practical one, calling for conciliatory gestures on both sides.

Mr. President, I ask unanimous consent that the complete text of Senator PELL's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THERE IS A WAY OFF "THE SLIPPERY SLOPE"—LATIN AMERICA CRISIS NEEDS CONCILIATORY GESTURES ON BOTH SIDES

(By Claiborne Pell)

President Reagan's press conference Tuesday exposed a basic contradiction in his Administration's policy toward Central America that, if not corrected, will lead to the Americanization of the conflict in that area.

On the one hand, the President supported the mediation efforts of the so-called Contadora group (the governments of Mexico, Colombia, Venezuela and Panama), and said that he was "encouraged by some recent statements from Nicaragua and Cuba that seem to indicate that they, too, now recognize the merit to regional negotiations."

On the other hand, he defended the dangerous course of gunboat diplomacy on which he has embarked, and he refused to rule out the use of U.S. troops against Nicaragua.

Despite his rhetoric in support of a negotiated solution to the turmoil in Central America, the President's actions in dispatching ships and troops to the area suggest that in fact he has opted for a policy of military intimidation instead of diplomatic conciliation.

His show of military force can only be interpreted as a repudiation of the Contadora group's most recent proposal for negotiations and a dismissal of Nicaragua's willingness, for the first time, to engage in multilateral negotiations that would include discussion of arms flows to Salvadoran rebels. Two consequences harmful to U.S. interests are possible:

First of all, I fear that the Contadora group may quietly withdraw from the scene. And Nicaraguan hard-liners, sensitive to the thought of negotiating under the shadow of U.S. guns, may force a retraction of the Sandinista government's offer. Reviving the possibility of negotiations under those circumstances would be difficult, if not impossible.

Second, I fear that the presence of U.S. ships and 4,000 U.S. troops in Honduras could serve as a protective cover for a serious attempt, by force sympathetic to the former Somoza regime, to overthrow the Sandinista government. And one misstep at sea or on land could lead to direct involvement of U.S. forces in a conflict in which the American people clearly want no part.

Even if these dire consequences do not occur the Administration's show of force is unlikely to achieve anything except to raise questions about what the next U.S. military move will be and how long our friends in the region will tolerate such action.

However, it is one thing to criticize what the Administration is doing. It is quite another to present credible alternatives. So what is to be done?

Most immediately, the Administration should scale down the size of the planned exercises to conform more nearly to those that have taken place in the area since 1965. This should be the prelude for a test of the sincerity of Nicaragua and Cuba: an invitation to participate in a conference under the auspices of the Contadora group.

If this effort fails, the question of Nicaraguan transgressions and the appropriate regional response should be placed before the Organization of American States. That is what was done quite successfully during the Cuban missile crisis of 1962. We only court the enmity of our neighbors in the hemisphere by going it alone.

Similarly, in El Salvador, we should be fostering a totally unconditional dialogue between the government and the guerrillas—a dialogue not restricted to the question of participation in elections. In view of past U.S. actions to overthrow democratically elected Marxist governments in Chile and Guatemala, it would not be unreasonable for the guerrillas to want to talk about more than the details of elections.

In the longer term, we must face up to the fact that the basic security problems in Central America—and in all Latin America, for that matter—are primarily economic, social and political, not military. Furthermore, these problems are indigenous to each country in the area, and are not imposed from outside. Even the most diehard opponents of the Castro and Sandinista regimes cannot deny that they were internally nurtured responses to domestic problems.

The solutions to the region's problems are, logically, economic and social development, serious attention to human rights and political dialogue—including the resumption of formal diplomatic relations between the United States and Cuba. Even where there is external support for insurgency, as in El Salvador, the underlying problems are domestic, and no amount of military aid or adivsers can remove the problems on which the insurgents feed.

The Administration's Caribbean Basin Initiative and the Kissinger commission are welcome, although belated, responses to these problems. But the depth of commitment to the approaches implied in these initiatives is called into question by the Administration's preference for saber-rattling.

The need to shift the focus of U.S. policy in Central America does not mean that we should be blind to the external forces that are exploiting the misery and repression in the area for their own ends. There is a need, as the President has said, to provide a "shield of democracy."

But, as with Vietnam, the American people will not bear the burden for such a shield if the threat to democracy is exaggerated and if alternatives to military action have not been seriously pursued.

FAREWELL TO HOWARD LIEBENGOOD

Mr. STEVENS. Mr. President, when the Senate reconvenes in September, we will have a new Sergeant at Arms at the helm of the Senate. Howard Liebengood will be experiencing his last regular session day as Senate Sergeant at Arms this week. The Senate will miss him greatly and we owe him a debt for his service in his capacity as Sergeant at Arms over the past 3½ years.

Howard joins a select club of former Sergeants at Arms for the Senate. Since 1789, only 25 men have held that position. Without a doubt,

Howard Liebengood has held the position with effectiveness and dignity. He and his staff have consistently performed in a superior fashion during his tenure.

Our system of government holds in high regard the concept of open government. Only in rare circumstances does the Senate floor or a committee hearing become closed. In my opinion, one of the key reasons why this practice has carried throughout our history is because elected legislators feel safe in the performance of their duty, thanks to the Sergeant at Arms. Howard Liebengood has maintained the tradition of proper and adequate safety for the Members of the Senate, while maximizing the openness of the Senate to the public. His service has been exemplary.

Howard has had jurisdiction over many facets of the Senate that many times go unnoticed until we are faced with an emergency. The smooth operation of this body is a direct function of Howard's effective management and the implementation of his innovative ideas.

We will miss Howard Liebengood. But, I am certain we will still frequently see him in his new capacity in the private sector.

SECOND ANNUAL LAND OF LINCOLN CONFERENCE

Mr. PERCY. Mr. President, Illinois Republican leaders recently gathered in Springfield, Ill., for the second annual Land of Lincoln Conference. This conference, inspired by the Tidewater conference attended by many of my congressional colleagues, gave us an opportunity to debate important national issues in a relaxed setting.

As I did last year following the first Land of Lincoln Conference, I am communicating the texts of the resolutions passed by the participants to President Reagan and I am also sharing these with my colleagues in the Senate and in the House of Representatives.

In just 2 years this gathering has become an important way for our Illinois leaders to test consensus on issues vital to all citizens. Many participants who attended the first conference returned this year and many others joined us for the first time. Again, I was pleased to have the cosponsorship of Illinois Gov. Jim Thompson and State Party Chairman Don Adams.

The conference considered five draft resolutions prepared after polling Republican leaders on their choices for the key issues facing Illinois and the Nation. Presentations pro and con were delivered at the conference followed by informal discussions in small groups gathered around tables named for famous Illinois Republican leaders of the past. Amendments were ofered by spokespersons for the small groups and vigorous floor debate followed. While the final resolutions do not reflect the uncritical approval of every word by each participant, they do reflect a general consensus that provides us with a useful yardstick on how a cross-section of Illinois Republican leaders measure these issues.

A struggle to determine the proper role of government in the life of our Nation lies at the heart of resolutions on economic recovery, job opportunities, defense spending in Illinois, and social policies. There was strong feeling that Federal intervention is not always the best solution to these problems, that Government should encourage wherevery possible the hand of State and local government and the initiatives of private citizens. Where the Federal Government is involved, steps must be taken to assure that Americans get full value for their tax dollars and effective controls over costs.

The Land of Lincoln conferees also strongly reflected this year, as last year, a belief that the President has implemented sound fiscal policies that have started us well on the way to economic recovery. Interest rates are down, inflation has been drastically cut, more capital is flowing into investments that will spur growth and these trends must be sustained. They had a clear message for congressional leaders: tax indexing must be retained, the President's third year tax cut must stand, Federal spending is too high, and efforts must be made to bring the Federal budget into balance and reduce the high deficits.

I was especially encouraged by our consideration of the President's arms reduction proposals. I shared with the conferees President Reagan's letter to me about the nuclear build-down proposal and they solidly supported this concept in arms reduction. The United States and the Soviet Union must sharply reduce the level of arms, they said, and the renewed emphasis must be placed on finding ways to halt the proliferation of nuclear weapons to other nations.

Mr. President, I believe the party leaders attending the Land of Lincoln Conference made a substantial personal contribution to important national issues. I ask unanimous consent that the texts of the resolutions along with the names of the participants be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY THE SECOND ANNUAL LAND OF LINCOLN CONFERENCE

RESOLUTION 1: SUSTAINING ECONOMIC RECOVERY

Whereas, inflation stood at 18 percent only three years ago but had been reduced to 3.9 percent in 1982 and to an annual rate of less than one percent during the first quarter of 1983; and

Whereas, the prime interest rate soared as high as 21.5 percent in 1980 but has been steadily reduced to approximately 10 percent and is forecast to continue this downward trend; and

Whereas, the tax burden that was reaching historic levels has been reduced from 21 percent of GNP to less than 19 percent of GNP in the last two years thereby freeing capital for private investment and job creation; and

Whereas, it is acknowledged that problems still exist in the level of interest rates and with unemployment

Whereas, Federal spending is too high despite two years of spending cut legislation; and

Whereas, Federal recession-related spending such as unemployment compensation will decline only as the recovery proceeds: Now, therefore, be it

Resolved, That the Congress should take steps to sustain the President's Economic Recovery Program that is now taking hold across the nation. Sustained recovery depends on retaining a moderate level of taxation, low inflation, incentives for savings and investment, and continued emphasis on lower spending rates at all levels of government. Tax indexing, set to start in 1985, should be retained as an historic government commitment to honesty and tax fairness for all Americans, especially low and middle income taxpayers. The third year of the personal tax cut—the final 10 percent of the 25 percent reduction—should be preserved for equity and to maintain the recovery's momentum. Government spending and deficits should be controlled by passage of the Balanced Budget Amendment, proposed by President Reagan, to insure a permanent rein on the tendency of Congress to spend and tax beyond our means. The Reagan Administration's debt collection efforts should be sustained and reinforced. Any turn away from these principles and policies will jeopardize re-establishment of a healthy economy for all Americans: Now, therefore, be it further

Resolved, That the American people, and particularly American business, to show their faith in our economy by moving forward with investment in a growing America.

RESOLUTION 2: EXPANDING DEFENSE SPENDING AND EXPORTS ILLINOIS DEFENSE SPENDING

Resolved:

1. That the State of Illinois and its Congressional Delegation in Washington adopt as an immediate, high-priority objective the achievement of a significant increase in the level of Federal defense dollars spent in the State.

2. The Illinois Congressional Delegation and State and local officials should collectively pursue a five-part strategy to achieve this goal, including:

a. Preserving, and wherever possible expanding, the military base structure in Illinois;

b. Direct intervention with Defense Department officials whenever a defense contact of significant benefit to Illinois is pending;

c. Sponsoring defense procurement conferences to educate Illinois businesses on how to compete and win in the defense marketplace;

d. Continuing efforts to communicate to high Administration officials the unacceptability of the current disparity in tax revenues paid by the State versus Federal defense dollars returned; and

e. Developing a "defense business" strategy in cooperation with business and labor leaders to address the problems caused by the migration of business to the Sunbelt through a comprehensive program of tax incentives, abatements, worker retraining, economic assistance, improvements in transportation infrastructure, and increased competitiveness in Illinois wage rates.

f. Expanding research and development programs undertaken at laboratories and universities throughout Illinois.

RESOLUTION 3: SOCIAL POLICY AND ENTITLEMENT PROGRAMS

Whereas, federal entitlement programs make up almost 50 percent of the total federal budget; and,

Whereas, total entitlement spending grew at an annual rate of 13 percent a year between 1976 and 1981, faster than the rate of inflation; and,

Whereas, entitlement spending rose from $65 billion in 1970 to $389 billion in 1983; and,

Whereas, 86 federal programs are indexed to rise with the cost of living and indexing accounted for about one-half the growth of the entitlement costs between 1970 and 1980; and,

Whereas, in a period of high interest rates of inflation the only group of citizens who are insulated from the ravages of inflation are the recipients of entitlement benefits, small business persons, wage earners and welfare recipients historically do not keep even with inflation, but entitlement recipients automatically are kept whole; and,

Whereas, the federal government is facing huge federal deficits in the decade ahead; and

Whereas, Congress cannot limit the costs of entitlement programs through the annual appropriations process: Now, therefore, be it

Resolved, That to maintain the integrity and insure equity within federal entitlement programs, Congress working with state and local officials should:

Vigorously pursue development of reforms in our health care programs—one of the fastest growing spending areas—that focus on isolating waste, denying payment for unnecessary care and most important, changing incentives to induce providers to offer services in an efficient way and to encourage beneficiaries to seek cost-effective care, without arbitrary service cutbacks or benefit restrictions, and to examine other methods by which the government adjusts for costs of health care;

Devise long-range strategies for alternative to costly institutionalization for those in need of long-term care, such as home health services and incentives for in-home care;

Reexamine the policy of automatically indexing federal programs to the increase in the cost of living, and consider among other alternatives indexing to the average wage increase paid;

Not consider at this time any expansion of existing entitlement programs, nor the creation of any new entitlement programs;

Gradually revise military retirement extending the pay in period beyond the present 20 years and eliminating receipt of retirement benefits until at least age 55;

Such changes be made in the law or the Constitution as would be necessary to subject all entitlement programs, except the social security system, to the Annual Appropriation Process;

Take steps to reduce federal entitlement program expenditures so that they do not exceed the percentage of the total federal budget which is spent on defense;

Strongly support the workfare concept and urge its increased use. Where community service jobs are not available or when retraining of displaced employees is desirable, education or retraining requirements should be employed as an extension of the welfare concept.

Require that scholastic qualifications be considered as well as in awarding educational assistance grants and loans and that beneficiaries maintain minimum grade levels for graduation;

Promptly restructure the public assistance program to reduce abuses and to encourage recipients to return to the mainstream including the aggressive pursuit of placement in the work force.

Encourage personal savings and investment programs in addition to those already existing by removing taxes which discourage those savings and investment programs, in order that individual citizens will be able and preserve resources to care for their medical and social needs;

Without affecting any existing federal personnel but only future employees extending the pay in period beyond the present 20 years and eliminate receipt of retirement benefits until at least age 55;

Expand personal retirement savings programs by annually indexing the contribution levels of IRAs.

RESOLUTION 4: NUCLEAR ARMS LIMITATIONS

To express the sense of the land of Lincoln Conference that the United States and the Soviet Union should engage in substantial, equitable, and verifiable reductions of their nuclear weapons in a manner which would contribute to peace and stability.

Whereas, a nuclear war would kill or injure millions and millions of people and threaten the survival of the human race;

Whereas, there can be no assurance that a nuclear war, once initiated, would remain limited in scope;

Whereas, there exists the ever-present risk that nuclear weapons might be employed through accident or miscalculation;

Whereas, the American people, who are people of peace, maintain nuclear armaments only in the defense of freedom and yearn for world conditions in which they could do far more to lift the burdens of human privation and despair;

Whereas, the current nuclear force imbalance is destabilizing and could increase the likelihood of nuclear war;

Whereas, sizeable and verifiable mutual reductions of Soviet and U.S. nuclear forces to an equal and far-lower level would enhance stability and the maintenance of peace; and

Whereas, President Reagan, on November 18, 1981, stated that the United States "will seek to negotiate substantial reductions in nuclear arms which would result in levels that are equal and verifiable": Now, therefore, be it

Resolved by the Land of Lincoln Conference assembled, That

1. We strongly support the President's efforts to achieve substantial reductions in the nuclear arsenals of the United States and the Soviet Union at the strategic and intermediate-range nuclear forces negotiations in Geneva;

2. The United States should propose to the Soviet Union in the context of the relevant negotiations that both sides conclude an agreement to a reciprocal builddown of nuclear warheads, subject to agreed procedures of verification and compliance;

3. The United States should propose to the Soviet Union a mutual and verifiable nuclear force freeze at equal and sharply reduced levels of forces;

4. The United States should propose to the Soviet Union practical measures to reduce the danger of nuclear war through accident or miscalculation and prevent the use of nuclear weapons by third parties, including terrorists;

5. The United States should challenge the Soviet Union to join in this historic effort to channel the genious of our two peoples away from the passing of nuclear armaments and to focus the energy and resources of both nations on attacking the ancient enemies of mankind-poverty, hunger, and disease;

6. The United States should continue to press month after month, year after year, to achieve balance, stabilizing the reductions, looking, in time, to the elimination of all nuclear weapons from the world's arsenals;

7. To maintain stability and continuity while these strategic arms reduction negotiations are conducted, the United States should propose to the Soviet Union that both Parties avoid actions that would under-cut previously negotiated SALT agreements;

8. The U.S. should propose that the people of the Soviet Union be heard on this issue;

9. The threshold Test Ban Treaty should be passed;

10. Means should also be found to control proliferation of nuclear weaponry in other countries capable of producing nuclear weapons; and

11. Research and development of conventional weaponry should be encouraged;

12. We strongly endorse the President's decision to pursue the research and development of a comprehensive Anti-Ballistic Missile System and encourage the Congress to make the research development of such a system possible.

RESOLUTION 5: JOB OPPORTUNITIES FOR THE 1980's

Whereas, the economy of the State of Illinois has historically been built on a broad-based foundation of agriculture, manufacturing, financial and service-related industries, and,

Whereas, traditional manufacturing industries of Illinois have grown slowly or even declined in recent years while the energy, high-tech, service areas have expended elsewhere, and,

Whereas, the strong position of Illinois Agriculture has suffered greatly as a result of past policies of embargo related disruptions of the market and the instability of interest costs to agricultural producers, and,

Whereas, the unemployment rates in the State of Illinois have recently exceeded the national rate, in part because of the recession's impact on traditional manufacturing, and,

Whereas, the slow-down and decline in traditional manufacturing have led to other undesirable consequences, including: involuntary displacement of highly skilled workers, shrinking local tax bases, and the deterioration of neighborhoods and larger areas,

Now therefore be it resolved that:

The Historic diversity of the Illinois economy and its job-creating capacity be restored and expanded; and,

The following be recommended and endorsed as being strategic for reducing unemployment and enhancing the Illinois economic base:

1. A continuation of the successful economic recovery program of the Reagan Administration;

2. Enactment of the proposed Enterprise Zone legislation;

3. Aggressive and creative pursuit by local officials of existing federal economic development programs such as the Urban Development Action Grants (UDAGs) which promote the successful partnership of locally devised economic development or redevelopment strategies with appropriate private sector investments;

3a. A massive publicity campaign be undertaken jointly by the educational community, private industry labor unions and all levels of government asserting the need for and means by which employees in traditional manufacturing industries can be and should participate in retraining programs to insure or secure continued employment in a changing work force;

4. Maximum use of training and retraining programs, which emphasize private sector involvement authorized by the Job Training Partnership Act signed by President Reagan last year, so that every effort is made to retain Illinois' pool of highly skilled workers as a resource;

5. Cooperation among parent-teacher organizations, local school boards, state and local governments and, where appropriate, the federal government, to guarantee that our educational system is adequately preparing students in the skills required by the job markets of the 1980's and 1990's to encourage minimal competancy exams for teachers in the secondary schools so they can provide the quality education necessary; test of achievement should be widely utilized throughout our State educational system to ensure levels of academic achievement as a requirement for advancement in the system;

6. Expansion of current efforts in the State to: (a) develop a high-tech corridor in Illinois; (b) expand foreign markets for Illinois exports; (c) increase the marketability of Illinois coal; (d) develop a greater demand for value added agriculture products abroad; (e) promotion of research for additional food and energy uses of agricultural products; (f) the maintaining of comparitatively low tax rates to insure the competitive advantage for Illinois versus other states in attracting new business; increase research, development and production defense contracts in Illinois; and,

7. Enactment of marginal "two-tier" minimum wage to encourage the employment and training of youth who are otherwise priced out of the market; improve the economic climate in Illinois by continuing to make workers' compensation and unemployment insurance benefits more competitive with other states, insist that appropriate federal expenditures to states be weighed in favor of states with higher unemployment and declining heavy industry.

Now therefore be it further resolved that:

Providing and attractive employment climate is the responsibility of all groups involved including federal and state government business and labor organizations.

RESOLUTION 6: CALL FOR THE NEXT LAND OF LINCOLN CONFERENCE

The conferees unanimously commended Senator Percy for calling the Second Annual Land of Lincoln Conference and recommended that planning for next year's Third Annual Conference commence as soon as possible.

RESOLUTION 7: APPRECIATION TO CONFERENCE ENTERTAINERS

The Conferees unanimously expressed their thanks to and praised the talent of Mr. Bob Berry, who played the organ Friday evening, and Mrs. Georgia Luttrell and the members of the Springfield Southeast High School Swing Choir, who performed Saturday evening.

CONFEREES: SECOND ANNUAL LAND OF LINCOLN CONFERENCE, MAY 13-14, 1983

Adams, Don, Chairman, Illinois Republican State Central Comm.

Alleman, Darrel, Chairman, Putnam Country Republican Central Comm.

Anderson, Gary, Mayor, City of Decatur, Illinois.

Anderson, Jane.

Armstong, Drexellen, Oak Park Township Committee woman.

Armstrong, David.

Aradt, Mary Jo, State Central Committeeman—6th District.

Askew, Homer, Chairman, Williamson County Republican Central Comm.

Askew, Mary.

Atwood, William, Vice Pres., Southern Illinois Univ.

Bartlett, Sandra I., Lake Villa, Illinois.

Benson, Regina, 1st VP, Illinois Federation of Republican Women.

Benson, Walter.

Bertini, Cathy, Cand. For Congress—1982.

Balsko, Joan, Springfield—Land of Lincoln Conference Page.

Bushnell, Mary, Chairman, Ogle County Republican Central Committee.

Campbell, Fritz, Chairman, Marshall County Republican Central Co.

Campbell, William (Sid), Chairman, Cass County Republican Central Committee.

Churchill, Robert W., State Representative.

Clark, Howard E., Chairman, Jasper County Republican Central Committee.

Coop, Louise, Chairwoman, Morgan County Central Committee.

Corcoran, Tom, Congressman, 14th District.

Dammeier, William, State Central Committeeman (11th) and Norwood Park Township Committeeman.

DeAngello, Lois, Illinois Republican Party.

Dunn, Ralph, State Representative.

Farris, Billy, Chairman, Moultrie County Republican Central Comm.

Findley, Hazel, Palos Township Committeewoman.

Follett, Robert, State Central Committeeman (7th).

Follett, Nancy.

Gassman, Henry, Chairman, Richland County Republican Central Committee.

Gassman, Pat.

Gibson, Camille, Chairman, Peoria County Republican Central Committee.

Gjertsen, Edward, Republican Nationalities Council.

Glynn, John, Candidate for State Senate—1982.

Glynn, Elizabeth.

Gravenhorst, Sugar, Republican State Central Committeewoman—10th Dist.

Grotberg, John, State Senator and Kane County Chairman.

Gustine, Frank, Chairman, Knox County Republican Central Committee.

Hahn, Ralph, University of Illinois Trustee.

Hahn, Jane.

Hale, Joseph, Republican State Central Committeeman—22nd District.

Hall, Harber, Republican State Central Committeeman—15th District.

Hall, Robert, President, Illinois Young Republican Organization of Illinois.

Harris, Nancy.

Harvey, Crete, Republican National Committeewoman for Illinois.

Hendron, Carter, Secretary of State's Office.

Hendron, Diane.

Hess, Judi, Champaign County Republican Chairwoman.

Hoellen, John, Republican Ward Committeeman—47th Ward.

Hoellen, Mary Jane.

Houston, Michael, Mayor for City of Springfield, Illinois.

Houston, Carolyn.

Huisman, Hannelore, Republican State Central Committeewoman—17th District.

Hurleg, Pat, Illinois Republican Party.

Jackson, Mary, Jacksonville, Illinois—Guest of Louise Coop.

Jones, Marvin, Chairman, Douglas County Republican Central Committee.

Jourdan, Albert, Chairman, McHenry County Republican Central Committee.

Jourdan, Carolyn.

Kerr, William, Young Republican Organization of Illinois, Cook County Chairman.

Killey, Frances, President, Illinois Federation of Republican Women.

Killey, Ralph, Former Chairman, Warren County Republican Central Comm.

Koehler, Judy, State Representative.

Landon, Virginia, Office of Senator John Grotberg.

Larson, Richard, Republican State Central Committeeman—14th District.

Larson, Irma.

LasCola, Susan, Republican Ward Committeewoman—11th District.

LasCola, James.

Lehr, Dorothy, Chairman, Union County Republican Central Committee.

Liddell, Charles, Republican Ward Committeeman—9th District.

Lindley, Maralee, Sangamon County Auditor.

Luck, Gale, Decatur, Illinois.

Luck, Sue.

Machado, Edward, Republican Hispanic Organization.

Manuel, Vernita, Republican Ward Committeeman—24th District.

Murray, Milly, 2nd Vice Pres., Illinois Federation of Republican Women.

Murphy, Deborah, Republican State Central Committeewoman—13th Dist. and Lyona Township Republican Chairwoman.

Myers, Ralph, Chairman, Alexander County Republican Central Committee.

Neumann, Gary, Member, Putman County Board.

Neal, Robert, Chairman, Lake County Republican Central Committee.

Neal, Pat.

Neff, Clarence, State Representative.

Nelson, Diana, State Representative.

Nystrom, Ron, Rockford, Illinois.

Oksas, Casimir, President, Republican Nationalities Council.

Paul, Becky, Chairman, Women's Division, Illinois Republican State Central Committee.

Percy, Charles H., United States Senator.

Percy, Loraine.

Peters, Connie, Wheeling Township Republican Committeeman.

Peters, John.
Peterson, Mark, Aide to Representative Churchill.
Peterson, William E., State Representative.
Ragsdale, Dr. Edward, Chairman, Madison County Republican Central Committee.
Ragsdale, Meredith.
Reilly, Jim, State Representative.
Rossetti, Marjorie, Chairwoman, Marshall County Republican Central Comm.
Scannell, William, Republican State Central Committeeman—2nd District.
Schell, Lois, Republican State Central Committeewoman—2nd District.
Schell, Herman.
Shafer, Earl T. "Buck", Chairman, Stark County Republican Central Committee.
Sharp, Sharon, Chairman, Women's Division, Cook County Republican Central Comm.
Seidel, Tom, Chairman, Bureau County Republican Central Committee.
Smith, Harold B., Jr., Republican National Committeeman for Illinois.
Smith, Ronald, Republican State Central Committeeman—13th District.
Sodaro, Dean, Oak Park Republican Township Committeeman.
Sodaro, Jean.
Spoor, Rick, Candidate for City Council, Normal, Illinois.
Stewart, William, Republican State Central Committeeman—1st District, and Republican Ward Committeeman—1st Ward.
Stokes, Inese, Republican Nationalities Council.
Street, Marceine, Republican State Central Committeewoman—1st District.
Tate, Michael, State Representative.
Thompson, George (Bud), Chairman, Whiteside County Republican Central Comm.
Thornton, Edmund, Chairman, LaSalle County Republican Central Comm.
Totten, Don, Schaumberg Township Republican Committeeman.
Vilar-Roth, Marlen, Republican Hispanic Organization.
Watt, Eleanor, Rich Township Republican Committeewoman and Republican State Central Committeewoman—4th Dist.
Wendt, Wilma, Niles Township Republican Committeewoman.
Wendt, George.
Wilson, Reed, Staff Assistant to Congressman Corcoran.
Wire, Lorraine, Republic State Central Committeewoman—21st Dist.
Wire, Richard.
Worthington, Glenn, Chairman, Brown County Republican Central Comm.
Worthington, Evalyn.
Yeates, Patricia, Republican State Central Committeewoman—4th District.
Zwick, Jill, State Representative.

STEEL MOVES WEST

Mr. PERCY. Mr. President, the administration recently acted to give the specialty steel industry some breathing space from imports. This was a welcome decision for the specialty steel community and for those of us in the Congress who had urged President Reagan to make this decision.

I should like to especially recognize my distinguished colleagues, the senior Senators from West Virginia and Pennsylvania, Senator RANDOLPH and Senator HEINZ, for their many hours of hard work on behalf of the specialty steel industry. I have enjoyed working on the Senate Steel Caucus with Senator HEINZ, who is Chairman of the Caucus, and with Senator RANDOLPH, who is Vice Chairman, and they are both to be commended for their efforts on the specialty steel initiative which is so important to the national security.

Illinois is a major center of specialty steel manufacturing, which is in turn a major component of the U.S. steel industry as a whole. It is about our steel industry, and especially its efforts in the Midwest, that I wish to talk today.

The American steel industry is one of our most important basic industries. According to 1980 figures, it employed 400,000 people. In 1981, the U.S. steel industry produced 120 million net tons of steel or more than 15 percent of total world production. The productive capacity maintained by the industry is also substantial and is absolutely essential to our national security and, by connection, to the defense of the entire free world.

However, as we all know, the steel industry is suffering from the combined effects of a recession, increased competitiveness from foreign steel, and a shortage of capital for investment and modernization.

But I believe that the steel industry is turning the corner toward revitalization. As in other American industries, the recession has led to cost cutting and increased productivity which will in the long run have a beneficial effect on the steel industry.

An especially encouraging development is the increased cooperation between management and labor which we have seen over the past 18 months. The collaboration between these two groups is a great achievement. Labor and management are working together to help solve the problems of the steel industry, problems which are of critical importance for the country as a whole.

In addition, the President's economic program has assisted the steel industry. The accelerated cost recovery system inaugurated under the Economic Recovery Tax Act, for example, has provided increased incentive for steelmakers to invest in their capital plants and to modernize operations. Further, the current economic recovery will give a strong boost to the steel industry as capital spending in the economy picks up and as sales rise in critical sectors such as automobiles.

One of the more remarkable developments in the American steel industry during the postwar years is its movement into the center of the country from the older eastern steelmaking areas. There is no doubt that the heart of American steelmaking is now solidly ensconced in the Chicago-Gary, Ind., district.

Mr. President, it is a little known fact, outside the iron and steel community, that the Chicago steel district, which includes the mills of northwest Indiana, is responsible for 30 percent of the Nation's iron and steel production. In fact, the production in the Chicago district equals the production of Pittsburgh, Cleveland, and Detroit combined. In the week ending July 9 of this year, the Chicago district produced 474,000 net tons of raw steel and steel products out of a total U.S. production for the week of 1,581,000 net tons.

Mr. President, I ask unanimous consent that a copy of national steel production statistics, provided to my office by the American Iron and Steel Institute, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Steel production by district [1]

[Thousands of net tons of steel]

North east coast	156
Buffalo	32
Pittsburgh	179
Youngstown	81
Cleveland	137
Detroit	137
Chicago	474
Cincinnati	96
St. Louis	69
Southern	135
Western	85
Total	1,581

[1] For week ending July 9, 1983.

Mr. PERCY. Mr. President, the Illinois-Indiana Bi-State Commission, which has studied the Chicago steel area steel industry, notes that fully one-third of all U.S. steel employees are employed in the Chicago district, making it not only the steel production capital of the United States, but also our country's center of skilled ironworkers as well. In addition, the United Steelworkers of America estimates that for every worker involved in steelmaking, another three are employed in allied industries dependent on steel.

Anyone who has ever driven down the Skyway from Chicago into Indiana knows that the magnitude of the industrial complex which lines that road is truly awesome. It is the steel industry which forms the backbone of much of this manufacturing. Likewise, the strength and richness of the Chicago steel industry—and indeed of the city itself—can be seen if one goes down to Lake Calumet in South Chicago. Huge ships loaded with iron ore sail into Lake Calument to unload at the steel plants which line its shore.

The dominance of the Chicago area steel industry is due to a number of factors.

Geographically, the district is favored in several ways. Chicago's central location means that it can supply steel to our domestic markets with greater ease than other parts of the

Nation. The district is also close to the great iron ore sources to the north as well as the coal mines which ring it to the south. This coal supply—some of which also comes from Illinois—accounts for over 60 percent of the energy sources driving the steel mills of Chicago, steel executives tell me.

In addition, as everybody knows, Chicago is also the hub of the Nation's railroad system which allows area steelmakers unequaled access both to markets and to resources. As one of the leading manufacturing States in the Union, Illinois is itself a primary market for Chicago steel, along with the other States of the East North Central region.

An important and determining factor in the leadership of Chicago district steelmakers is due to initiative on the part of the steel producers themselves. The companies which make steel in the Chicago-Gary area have made special efforts to invest in and modernize their plants in the area. Firms such as United States Steel, Inland, Bethlehem, Republic, Jones & Laughlin, and Interlake, among others, have all made substantial improvements in many of the plants which they operate there. Over the past 4 to 5 years tens of millions of dollars have been invested in Chicago steel plants in a conscientious effort to retool and increase productivity.

For instance, Bethlehem Steel's Burns Harbor plant in Indiana is well known for being among the most modern plants in the world, employing the latest technology of basic oxygen furnaces. In 1980, Inland Steel dedicated its No. 7 blast furnace in East Chicago, the largest in the Western Hemisphere. United States Steel also announced several years ago that it will make every effort to invest in its South Works plant in South Chicago, and is planning to build a $30 million rail mill at the plant.

One final development which I would like to talk about is the continuance of entrepreneurship in the steel industry. Across the country, groups of investors have been purchasing old plants, installing new equipment, hiring steelworkers, and adding to America's steel strength.

One of these new plants is the E. C. Thomas Works in Lemont, Ill. It was founded by Mr. Robert Thomas who worked in the steel mill which he now owns soon after it was built in 1959. His father, Edwin C. Thomas, was vice president of the corporation which owned the mill before his death in 1979.

When the mill's former owners decided to sell or close the Lemont mill, Robert Thomas took action to save the jobs of his many friends and neighbors. He sat down with union leaders to come up with a plan to make the plant profitable. Then he sat down with the bankers to persuade them that he could operate a steel mill which would be a good investment. Mr. Thomas laid out a modernization scheme to install modern continuous casting equipment, and he outlined an aggressive marketing plan.

The result is that 300 people in Will County, Ill., are now working in the E. C. Thomas Works because of the efforts of Mr. Robert Thomas.

Mr. President, I believe that the example set by the E. C. Thomas Works is one which holds great meaning for those interested in the future of the steel industry in America. The steel industry does have many problems; and it is going to be a long road back to profitability and sustained growth. But, through the efforts of men like Robert Thomas, both in the big companies and the small; with the cooperation and assistance of the workers' unions; and, finally, with the help of government, the steel industry is coming back.

I commend the members of the American steel industry, and I am especially proud of the steel businessmen and steelworkers of the Chicago area, who have made our region the cutting edge of the indispensable manufacturing sector.

THE ODD COUPLE

Mr. SIMPSON. Mr. President, I should like to invite the attention of Senators to an occurrence that I find quite remarkable. We are all aware that there has been some rich degree of controversy generated from Secretary Watt's assertion that limited oil and gas development on wildlife refuges could be allowed to take place—if it has been determined by the professional land managers that such acitivities are compatable with other refuge uses. We are also aware of the sometimes shrill and vociferous attacks made on Secretary Watt by various environmental groups since Secretary Watt made this assertion.

As one who enjoys the political arena, I have come to appreciate—and enjoy—the ironies of political jousting. Something will always come back to bite you on the rump. I have had it happen. On this issue of oil and gas development in wildlife refuges, I have come upon what I consider to be a real classic.

I have been provided with a very interesting article from the Eastern Shore News that details how the Audubon Society has entered into an agreement with Conoco to develop an oil and gas well inside of its own private wildlife refuges in Louisiana. The article describes how the Audubon Society has leased 6,800 acres of prime wetlands for exploratory drilling. The Audubon Society has already received over $2,700,000 in rental and bonus payments from Conoco. That is good business.

I am certainly enamored by this scenario whereby the Audubon Society and the environmental defense fund are presently petitioning the Interior Department to reconsider oil and gas leasing activities on U.S. wildlife refuges while at the same time engaging in the same activity. This incident should demonstrate to reasonable people that oil and gas development can be compatible with other uses, even in areas with ultrasensitive wetland ecosystems. Why does a fine and well respected organization like the Audubon Society object to oil and gas rental fees, royalties, bonuses, and other revenues coming into the U.S. Treasury while the Audubon Society is engaged in receiving millions of dollars by participating in the very activity it publicly opposes? I trust that future criticism of the Secretary of the Interior might be tempered by the acknowledgment that the Audubon Society's very successful experience may lend support to what Secretary Watt is honestly trying to do.

I request unanimous consent that my remarks and the attached articles from the Eastern Shore News and the wall street journal be printed in the RECORD together with a copy of the letter from Secretary Watt to the society.

There being no objection, the material was orderd to be printed in the RECORD, as follows:

[From the Eastern Shore News, July 5, 1983]

CONOCO, AUDUBON ARE ODD COUPLE

(By Curtis Badger)

The conservation movement of the late 1960s and early 1970s produced many organizations whose goals were to preserve America's wildlife and natural resources. One of the best known conservation groups today is the Audubon Society which was active long before wildlife conservation became fashionable. Although the scope of the organization expanded in the 1970s—it is no longer just a society of birdwatchers—it remains one of the largest and most respected conservation organizations in the country. Thousands of people have joined its ranks, adopted the conservation pledge, and subscribed to the society's slick bimonthly magazine.

So how come the Audubon Society is traipsing hand-in-hand through the Louisiana bayou with one of America's largest producers of petroleum products?

Why is there a Conoco drilling rig six miles deep in the heart of Audubon territory, a place of wild marshlands preserved as a sanctuary for the thousands of waterfowl that winter in South Louisiana?

CONSERVATION GROUP LEASES WETLANDS FOR OIL DRILLING

The answer in a word is money. Conoco has leased 6,800 acres of prime Louisiana wetlands from the Audubon Society and has paid the organization $2,762,000 to date in rental and bonus payments. Conoco is drilling exploratory wells on the Audubon refuge, and if the wells go into production, the society stands to make even more

money through subsidiary production payments.

Oil exploration on an Audubon refuge? Has one of America's most respected conservation organizations sold out?

We get a lot of criticism because of our relationship with the oil company," admits Lonnie Lege, superintendent of the Audubon's Rainey refuge since 1963. "But the arrangement has benefited both the wildlife and the oil industry. The refuge is better off now than it was before the Conoco lease. There have been no problems."

It is, perhaps, naive to believe that conservation groups are above dealing in mondane matters such as business. but conservation of wildlife and resources costs money, and conservation organizations are increasingly filling their ranks with men and women with backgrounds in law and business administration.

"They call the process nitigation," says Lege, "but I call it good old fashioned horse trading. If an oil company comes in here and wants to drill a hole, we tell them, 'OK, if you bring your barge in here you're going to destroy three acres of wetlands. What are you going to give us in return?' "

In the case of Mardill No. 6, Conoco built about $40,000 worth of water control structures for the refuge, in addition to the lease payments it makes to Audubon, Conoco's rig took three acres," says Lege, "but with the water control structures they built we created 100 additional acres of wetlands."

Lege is a bear of a man, a Cajun well over six feet tall who grew up in the bayou 20 miles from the Audubon refuge. He has thick black hair and skin the color of weak tea. He speaks in the slow, high pitched, lilting dialect of the bayou, and he probably knows the marsh better than anyone in the parish.

"In any dealing with the oil company, we consider the critters and the habitat first," he says. "The wildlife won't lose. The critical word is prime habitat. We're trying to copy the system that mother nature created here 100 years ago."

Lege's plan is to make the marsh more productive by building water control structures and by digging ditches in critical areas of the marsh to link ponds. Although preservationists disagree with the plan to alter the natural process of the wetlands, Lege says the system works. "The marsh is more productive biologically because of the ditch system and the water control, but dues from society members couldn't have paid for what we're doing here. We have our critics, but we've made the marsh more productive, and Conoco has paid for it.".

[From the Wall Street Journal, Aug. 4, 1983]

RED-CRESTED DERRICKS?

Interior Secretary James Watt has just sent a letter to the chairman of the National Audubon Society, Thomas W. Keesee Jr., congratulating him for realizing "energy production and wildlife can exist side by side." Strangely enough, Audubon officials aren't pleased.

Mr. Watt discovered that the Audubon Society is tapping the energy reserves of its 26,000-acre Rainey Wildlife Refuge in Louisiana. Under leasing agreements with Audubon, Consolidated Natural Gas is producing gas and petroleum liquids on the property and Conoco recently conducted some exploration work that turned up a dry hole. Audubon is using the leasing revenues to maintain Rainey and other wildlife areas.

Of course, it's only natural for any landholder in the Louisiana wetlands to search around for possible oil or gas reserves. People who own land and have a need for income like to get some productive use out of their property. But, of course, the Audubon folks and others in the environmental movement haven't always been tolerant of others who want to put wild lands to more productive use. Certainly they haven't been tolerant of Mr. Watt's rather limited efforts to reduce restrictions on such use.

The latest issue of the Audubon magazine, for instance, carries a 43-page article, replete with photographs, about how Mr. Watt is trying to despoil the nation's wildlife refuges. "The refuge system," it says, "is in the hands of a development-oriented administration that seems determined to wring out every last dollar it can."

You would think that Mr. Watt would have been offended to hear such criticism from an organization that is itself wringing a few petrodollars out of its own wildlife habitats. But in his letter to the Audubon Society, Secretary Watt says he understands the belief that "there is something inherently incompatiable about allowing oil and gas activities in wildlife areas." In good spirit he adds; "In the real world, however, it is heartening to see, when self-serving politics are not exploited, that the National Audubon Society shows leadership in energy production when it realizes its economic self-interest and overall benefit to resources."

"As you recognize at the Rainey sanctuary," he says, "some refuge lands can safely and beneficially be opened to certain kinds of mineral uses and . . . be better off because of it."

Glen Paulson, Audubon Society vice president in charge of its sanctuaries, didn't much care for Mr. Watt's "cleverly written" letter, terming some parts "sophistry." The Audubon Society, he said, is looking only for gas and light petroleum liquids, which is not the same as searching for crude oil. He didn't say, and we didn't have the heart to ask, what the society would do if, in looking for gas, it accidentally discovered another Prudhoe Bay.

Mr. Paulson also differentiates between refuge areas, such as the ones in which Audubon conducts grazing, trapping and commercial energy production, and "wilderness," which environmentalists have argued should be locked up untouched by human hands for the benefit of posterity.

For example, he contrasts the "resiliency" of many environments in the lower 48 states, which presumably include the wetlands once described to us by environmentalists as fragile, with the tundra of "resource-rich" Alaska, where "the greatest threat of inappropriate resource exploitation looms." Mr. Paulson also insisted that Audubon puts care of the wildlife and the natural environment ahead of any commercial considerations and that Mr. Watt's priorities are the reverse.

But in his letter, Secretary Watt suggests the Audubon Society might take a lesson from the mighty strict federal environmental safeguards about energy development. "It would appear," he says, "that the standards for protecting the resources at Rainey are less stringent than those we employ on Federal lands." That ain't so, says Mr. Paulson.

Despite this difference of opinion, however, Secretary Watt pledged to Audubon Chairman Keesee that "I will join with others to defend you against executives of your own organization or any others who oppose your exploitation of the Rainey sanctuary for oil and gas production."

And in his best it-seems-only-fair manner, Mr. Watt adds, "I will appreciate your efforts to keep the National Audubon Society from criticizing the Reagan administration for policies it obviously so thoroughly embraces for itself."

Who wants to bet on the chances of that?

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 27, 1983.

Mr. THOMAS W. KEESEE, Jr.,
Chairman of the Board, National Audubon Society, New York, N.Y.

DEAR MR. KEESEE: I have just read an article which brought to my attention again the marvelous job you have done in successfully and safely developing an oil field in your Rainey Wildlife Refuge in Louisiana. Your realization that energy production and wildlife can exist side by side, and your commonsense understanding of how even fragile wetland areas such as Audubon's Rainey sanctuary can sometimes tolerate a variety of uses without harmful effects, are worthy of commendation and support. The July 5, 1983, Eastern Shore News story about Audubon leasing its Rainey sanctuary to Conoco is enclosed.

As you know, many people believe there is something inherently incompatible about allowing oil and gas activities in wildlife areas. In the real world, however, it is heartening to see, when self-serving politics are not exploited, that the National Audubon Society shows leadership in energy production when it realizes its economic self-interest and overall benefit to resources.

I will appreciate your efforts to keep the National Audubon Society from criticizing the Reagan Administration for policies it obviously so thoroughly embraces for itself.

We at Interior have not made and will not make a large scale use of national wildlife refuges for mineral development. Indeed, we are very cautious in determining precisely which lands may be open to any public or economic use. But, as you recognize at the Rainey sanctuary, some refuge lands can safely and beneficially be open to certain kinds of mineral uses and, as your refuge spokesman said in the Eastern Shore News article, be better off because of it.

I note that the oil revenues produced from your wildlife sanctuary are used to enhance the Rainey area and other Audubon lands. Federal revenues from public and economic activites on national wildlife refuges are distributed to benefit local governments as well as the refuges.

I am particularly proud of the outlook for the National Wildlife Refuge System because today's Federal refuge system has better operation and maintenance funding and management than at any time in history. At a time when government is being reduced, the National Wildlife Refuge System is enjoying substantial increases in funding. Morale is up, too, because Fish and Wildlife Service refuge managers realize that the Administration will never let the refuge system deteriorate.

The refuge system is the world's largest and most successful collection of lands devoted to wildlife, and I am determined to keep it that way. For that reason, I have asked Congress for an additional $22.7 million for fiscal year '84 to better care for the system.

Be assured that I will join with others to defend you against executives of your own

organization or any others who oppose your exploitation of the Rainey sanctuary for oil and gas production, even though it would appear that the standard for protecting the resources at Rainey are less stringent than those we employ on Federal lands.

I urge you to follow through on your wise decision to permit oil and gas activity on your Audubon sanctuary by inviting the public to visit Rainey in Louisiana to see first hand how properly managed economic activities can beneficially coexist with wildlife.

Sincerely,

JAMES WATT,
Secretary.

Enclosure.

POWELL MOORE

Mr. NUNN. Mr. President, this Friday the Government will be losing a remarkably skilled official: Powell Moore, the Assistant Secretary for Legislative and Intergovernmental Affairs. Powell is leaving the State Department to become vice president for legislative affairs of the Lockheed Corp.

His friends and associates know Powell Moore as an articulate and thoughtful man who harbors a profound respect for the democratic process. I have known Powell and his family for many years, and I know that he, like his predecessors and his forefathers, has the very best interest of this Nation as his guiding principle. His parents were extremely close to another American who shared that vision, my great-uncle Carl Vinson, also of Milledgeville, Ga.

As a graduate of the Henry W. Grady School of Journalism at the University of Georgia and as a former newspaper editor in my State, Powell is intimately familiar with the critical role that communication plays in Government decisionmaking. It is a measure of Powell's talent that in the last 17 years he has been the person both legislators and Presidents have called upon to facilitate this vital communication link.

In this administration, moreover, it was Powell Moore who President Reagan and Secretary Shultz entrusted with the important task of informing and consulting with Congress on foreign policy.

Powell's background equipped him well for the challenging tasks he encountered during his tenure with the Reagan administration. Powell first came to Washington as an aide to Senator Richard B. Russell of Georgia in 1966 after serving as a U.S. Army officer for more than 3 years. Senator Russell considered bipartisan statesmanship to be an inviolate principle, and Powell, while working closely with Senator Russell, absorbed this invaluable lesson at the same time he was learning the issues.

When Senator Russell died in 1971 Powell became the Deputy Director of Public Information for the U.S. Department of Justice. Powell's superior performance in this job brought him to the attention of President Nixon, and he joined the White House staff in the Office of Legislative Affairs. Both the Nixon and Ford administrations relied on Powell's exhaustive knowledge of the legislative process, and by the time Powell left the White House staff in 1975, he had risen to the position of Deputy Special Assistant to the President.

Powell returned to Government service in 1980 after working for 6 years as a private consultant on Government relations for various corporations and associations. As a member of the national campaign staff for Ronald Reagan, Powell was widely acknowledged among his associates as an expert on political Washington, and when President Reagan was first elected one of his earliest appointments to the transition team was Powell Moore as Assistant Director of Congressional Relations. The association became permanent with Powell's appointment as Deputy Assistant to the President for Legislative Affairs.

As the Assistant Secretary of State for Legislative and Intergovernmental Affairs, Powell Moore has played an instrumental role in fostering a spirit of bipartisanship in the conduct of our foreign policy. We face crucial challenges in this area, and an effective partnership between the executive branch and Congress is essential as we make vital decisions. Powell recognizes this tenet better than most people in Washington, and he has worked to develop the two-way street that is essential for the proper implementation and long-term continuity of a sound foreign policy. Powell's frequent contact and consultation with Congress has, I believe, assisted the development of this partnership, and our Nation is in debt to him for his dedication to his job.

I have worked closely with Powell Moore since I came to Washington, and I value his judgment highly. He has been a diligent representative of the Reagan administration, both as a White House staff member and in his present position. Powell's candor and integrity have made him a welcome presence on Capitol Hill, and, although the Government is losing a highly effective official, I am delighted that Powell and Kathy, his lovely wife, will stay in Washington. I note, too, that as Powell leaves the State Department another highly qualified and distinguished Georgian, Ambassador Tapley Bennett, will take his place. I congratulate Powell on his challenging new job, and I look forward to continued association with him.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I think we are now ready to take up the other matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE BANKRUPTCY RULES WITH RESPECT TO PROVIDING NOTICE

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 3549, a bill to amend the bankruptcy rules with respect to providing notice.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3549) to amend the bankruptcy rules with respect to providing notice.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3549) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOMENICI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Now, Mr. President, we are ready to proceed to the matters I spoke of earlier, Senate Joint Resolution 149, and then a subsequent measure, H.R. 3190. I believe the people involved in those matters are here.

TEMPORARY SUSPENSION OF AUTHORITY RELATED TO MILK PRICE-SUPPORT PROGRAM

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Senate Joint Resolution 149.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 149) to temporarily suspend the authority of the Secretary of Agriculture, under the Milk Price Support Program, to impose a second 50 cents per hundred weight deduction from the proceeds of the sale of all milk marketed commercially in the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. COCHRAN. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

AMENDMENT NO. 2124

Mr. COCHRAN. Mr. President, I send an amendment to the desk, on behalf of Mr. HUDDLESTON and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN), for himself and Mr. HUDDLESTON, proposes an amendment numbered 2124.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 2, strike out "November 1, 1983" and insert in lieu thereof "October 1, 1983".

Mr. COCHRAN. Mr. President, this simply changes the date in the joint resolution from November 1, 1983, to October 1, 1983.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2124) was agreed to.

Mr. HUDDLESTON. Mr. President, I am pleased that the Senate has agreed to consider Senate Joint Resolution 149, a measure I introduced along with several of my colleagues yesterday. The resolution will suspend the authority of the Secretary of Agriculture to collect the second 50-cent fee on all milk marketed, as authorized by the ominibus budget reconciliation act of 1982, until Congress has an opoportunity to complete action on S. 1529.

Many Senators and Members of the House have worked to achieve a compromise on dairy legislation that would reduce the amount of surplus production, lower the cost of the milk price support program, and provide some stimulus to consumption by lowering the support price. Unfortunately, it now appears likely that the compromise—embodied in S. 1529—will not come to a vote before the Secretary imposes the second of two 50-cent fees authorized by the 1982 Omnibus Budget Reconciliation Act.

I note that the Secretary has announced that he would begin to collect the second fee effective September 1. If he takes this action, the deduction from the proceeds of sale of all milk sold commercially would increase, to a total of $1 per hundredweight, beginning in September.

The Secretary's action to increase the deduction will require the department of agriculture to establish a refund program for milk producers who reduce commercial milk marketings. To qualify for refunds of the second 50-cent fee, producers must reduce commercial milk marketings for the period September 1, 1983, through September 30, 1984, by 8.4 percent from the average of the 2 marketing years that began October 1, 1980.

Mr. President, it would be unfortunate and costly if the Secretary were to proceed with his plan to collect the second 50-cent fee and Congress then repealed the authority for the fees, as would be the case if the pending dairy legislation—contained in S. 1529—were enacted shortly after the August recess.

Senate Joint Resolution 149 would delay the Secretary's action until congress has time to consider and vote on the dairy compromise bill. The dairy program authorized by S. 1529 would be more beneficial to both dairy producers and consumers than would be the imposition of a second 50-cent fee.

As introduced, the resolution would have prohibited the Secretary of Agriculture from implementing the second 50-cent fee prior to November, 1983. To meet possible objections to the resolution under the Budget Act, I will join Senator COCHRAN in an amendment to change the date to October 1, 1983.

Mr. President, this resolution will provide additional time for the consideration of pending dairy legislation. I urge my colleagues to support Senate Joint Resolution 149.

Mr. PRYOR. Mr. President, I am pleased to be a cosponsor of the resolution introduced by the Senator from Kentucky (Mr. HUDDLESTON) and I hope it can be quickly adopted by the full Senate. This resolution simply postpones the Secretary of Agriculture's authority to make the second 50-cent assessment under the dairy program until November 1, 1983. This delay, which is only temporary, will give us time to consider the dairy legislation after we return from the August recess.

Mr. President, it is unfortunate that we have not been able to consider the dairy legislation, which was overwhelmingly endorsed by the Senate Committee on Agriculture, Nutrition, and Forestry. The Subcommittee on Agricultural Production, Marketing and Stabilization of Prices, chaired by the Senator from Mississippi (Mr. COCHRAN) held hearings on the dairy program. I think it is safe to say that while the witnesses discussed a variety of options, they were united in one respect—all of them were opposed to the assessment authority contained in existing law. This authority, which was included in the Budget Reconciliation Act last year, has been used to impose a 50-cent assessment on milk marketings currently, and plans are underway to impose the second 50-cent assessment around September 1. This bill only delays that assessment for a 60-day period to allow us to pass a dairy bill when we return.

Mr. President, there is a real need for us to do something about the dairy program, and I hope that shortly after we return in September we can act on the bill which has been reported by the Senate Agriculture Committee. The dairy farmers of the State of Arkansas, and other States in this country, need to know what the program will be. They have plans to make, and I hope that we do not continue to delay once we return.

Therefore, Mr. President, I support this measure and I commend the Senator from Kentucky, the ranking Democratic member on the Agriculture Committee for bringing this before the Senate.

Mr. D'AMATO. Mr. President, I rise today to cosponsor this joint resolution expressing the concern of the Congress over the imminent imposition of the second 50-cent assessment on milk. It would be a devestating blow to the rural economy of this country and my State if the onerous 50-cent assessment were to be doubled because Congress was unable to approve a substitute plan before it adjourned this summer.

The dairy industry is the only segment of the agricultural community being asked to bear a real cut under the farm programs now being considered by the two Houses of Congress. It would be adding insult to injury to collect this assessment while the almost certain prospect of that further cut looms on the horizon. I urge my colleagues to adopt this joint resolution.

Mr. DOMENICI. Mr. President, I commend the sponsor of this joint resolution on the change that was made. With the 2 months as previously stated, it is my assessment that it would be subject to a point of order under the Budget Act. For 1 month, however, since it lies all in fiscal year 1983, it is not. Therefore, I will not object and will not raise the point of order. In fact, I join in supporting the amendment.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (Senate Joint Resolution 149) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, prior to October 1, 1983, the Secretary of Agriculture may not implement, under the provisions of section 201(d)(3) of the Agricultural Act of 1949, a second deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AN IMPROVED PROGRAM FOR EXTRA LONG STAPLE COTTON

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of H.R. 3190, the Extra Long Staple Cotton Act of 1983, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered, and the committee is discharged.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3190) to establish an improved program for extra long stable cotton.

The Senate proceeded to consider the bill.

Mr. HELMS. Mr. President, I support enactment of H.R. 3190, the Extra Long Staple Cotton Act of 1983. The purpose of this measure is to provide producers of extra long staple cotton a more market-oriented program, reduce Government costs, reduce Government-held inventory, and restore our overseas competitiveness for this product.

Extra long staple cotton is a specialty-type cotton with an individual fiber length of at least 1⅜ inches. The only extra long staple cotton grown in this country is American pima cotton. Recently ELS cotton has been grown only in three States—Arizona, New Mexico, and Texas—with annual production, for last year, totaling 99,000 bales. This compares to last year's upland cotton production of 11.9 million bales.

The current extra long staple cotton program is entirely different from the upland cotton program because production is strictly controlled through acreage allotments and marketing quotas. The loan level is currently established at a minimum of 175 percent of the upland cotton loan.

The carryover from the 1982 crop is estimated to be 104,000 bales which is the largest carryover since 1969. Approximately 45,000 bales of this amount are uncommitted CCC inventory. Since CCC cannot sell its stocks of ELS cotton at less than 115 percent of the loan rate plus carrying charges, stocks are likely to continue to build and Government outlays will increase.

Mr. President, under existing law, the 1984 ELS cotton national marketing quotas and national acreage allotment must be determined and proclaimed by not later than October 15, 1983. In order to give the public time to comment on these items a notice of the proposed determination needs to be filed in the Federal Register by not later than August 15, 1983.

If this legislation is not enacted prior to the scheduled August recess, USDA will have to proceed with these public rulemaking procedures. Then, if legislation is enacted after the recess but prior to October 15, USDA would have expanded its limited resources in a very unproductive exercise. If the legislation was not enacted prior to October 15, USDA would have to proclaim the 1984 quota and allotments and then rescind them if the new bill is later passed. In addition to being burdensome and time consuming, this situation would be very confusing to producers and under current market conditions would be extremely disruptive.

It is due to these factors and others that I agree that the Committee on Agriculture, Nutrition, and Forestry should be discharged from further consideration of H.R. 3190 in order for the Senate to favorably act on the measure prior to the scheduled August recess.

H.R. 3190 would reduce the 1984 loan level for ELS cotton substantially—from 96.25 cents per pound to 82.50 cents per pound for the 1984 crop. Equally important the measure authorizes the sale of CCC owned ELS cotton for unrestricted use at such price levels as the Secretary of Agriculture determines appropriate to maintain and expand domestic and export markets. Since this provision would be effective upon enactment some 45,000 bales of CCC owned ELS cotton would be available for immediate sale at competitive prices. This is another compelling reason for the Senate to pass the bill prior to the pending recess.

Mr. President, the current ELS program has resulted in U.S. ELS cotton prices which are not competitive in world markets. This has resulted in substantially increased imports of foreign grown ELS cotton and, we are finding correspondingly larger forfeitures of U.S. ELS cotton to the CCC. The demand for ELS cotton now exceeds current supply available at competitive prices in the United States and additional imports of lower priced foreign cotton are inevitable if we fail to complete action on this legislation prior to the August recess. I have already heard from several mills in North Carolina that this will happen if we do not enact H.R. 3190.

Although the original version of H.R. 3190 that was proposed by the administration did not include a target price provision, the administration indicated during House hearings they would not oppose a reasonable target price level. I believe that the target price provisions found in H.R. 3190 are reasonable. They will provide a measure of income stability that is needed for producers as they adapt to program changes.

Mr. President, this legislation has the potential to enhance both international and domestic demand for ELS cotton grown in the United States. It will provide producers the opportunity to better respond to changing market conditions, it will reduce Government interference, and bring a savings to the Federal Government of almost $27 million over the next 5 years. H.R. 3190 is fully supported by ELS cotton growers, the textile industry, and the administration. I know of no opposition to the measure, and I urge my colleagues to adopt this measure.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from USDA Secretary John R. Block supporting H.R. 3190, a brief explanation of the bill, a congressional budget office cost estimate, and a section-by-section analysis of H.R. 3190.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BRIEF EXPLANATION OF H.R. 3190

Effective for the 1984 and subsequent crops of ELS cotton, the bill:

1. Repeals provisions for marketing quotas and acreage allotments for extra long staple cotton.

2. Lowers the minimum loan rate from 175 to 150 percent of the upland cotton loan rate.

3. Establishes a 10-month loan period with an optional 8-month extension at the discretion of the Secretary, similar to upland cotton.

4. Establishes a target price for ELS cotton at 120 percent of the ELS loan rate. The target price would be used to compute deficiency payments, which would be subject to the overall $50,000 limit on payments as under the programs for wheat, feed grains, upland cotton, and rice.

5. Provides the Secretary with discretion to make advance deficiency payments to producers who agree to comply with the acreage limitations program. Advance payments cannot exceed 50 percent of the projected payment rate as under the upland cotton program.

6. Provides for farm program acreages, derived from a national program acreage, and farm program yields to be used to determine deficiency payments, but limits payments to the acreage actually planted to the crop. These are similar to provisions for upland cotton.

7. Authorizes an acreage limitation program, if needed, for ELS cotton, similar to upland cotton, in which case producers must comply with the acreage limitation program to be eligible for program benefits.

8. Provides for the acreage limitation to be achieved by applying a uniform percentage reduction to an acreage base for the farm equal to the average acreage planted and considered planted to ELS cotton for harvest in the three crop years immediately preceding the year previous to the year for which the determination is made.

9. Establishes an acreage base reserve for each of the 1984, 1985, and 1986 crops equal to five percent of the total of the farm acreage bases established for such crops. The reserve would be used by county committees for making adjustments to correct inequities and to prevent hardships, and for establishing bases for farms on which no ELS cotton was planted during the preceding four years.

10. Authorizes a paid land diversion program, similar to upland cotton, if needed. Such payments would be included in the overall $50,000 payment limitation.

11. Authorizes, effective upon enactment, the sale of CCC-owned ELS cotton for unrestricted use at such at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton. Currently, the minimum sale price is 115 percent of the loan rate plus carrying charges.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1983.

Hon. JESSE A. HELMS,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, United States Senate, Washington, D.C.

DEAR JESSE: H.R. 3190, The Extra Long Staple Cotton Act of 1983, a bill to establish an improved program for ELS cotton is now pending before your Committee. Recent developments reflect a new urgency in the need for this legislation.

It is my understanding that domestic mill demand for ELS cotton now exceeds the supply available at competitive prices in the U.S. and that additional imports of lower priced foreign growths are inevitable if Congress fails to complete action on the proposed legislation prior to the August recess.

As you know, the current price support program for ELS cotton establishes a minimum loan level at 175% of the loan rate for upland cotton. Loans at this level have resulted in U.S. ELS cotton prices which are not competitive in world markets or with synthetic fibers. As a result, imports of foreign growths have increased and large volumes of U.S. ELS cotton have been pledged as collateral for price support loans and are being forfeited to CCC.

Current law prohibits the resale of CCC owned ELS cotton at less than 115% of the loan rate plus carrying charges and thus precludes the sale of this cotton in the present situation.

H.R. 3190 would lower the loan level for 1984 crop ELS cotton from 175% to 150% of the upland cotton loan rate or from 96.25 cents per pound to 82.50 cents per pound—a level we believe to be competitive. But more important to the immediate problem, H.R. 3190 would upon enactment authorize the sale of CCC owned cotton for unrestricted use at such prices as the Secretary determines appropriate to maintain and expand domestic and export markets for ELS cotton.

The 1984 ELS cotton national marketing quota and national acreage allotment must be determined and proclaimed by not later than October 15, 1983. In order to give the public time to comment on these items a Notice of Proposed Determination needs to be filed in the Federal Register by not later than August 15. If new legislation is not enacted by mid-August, USDA will have to proceed with the public rulemaking procedures. Then, if new legislation is enacted prior to October 15, another notice would need to be published reflecting the new legislation. Or, if the new legislation was not enacted until after October 15, USDA would have to proclaim the 1984 quota and allotment then rescind it after the new bill was passed. In any event, in addition to being burdensome and time consuming, this would be very confusing to producers and the industry. It could be avoided by prompt consideration and action by the Senate.

In light of these developments, I urge the Committee to discharge the legislation so the Senate can act prior to the August recess.

Sincerely,

JOHN R. BLOCK,
Secretary.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

JUNE 21, 1983.

1. Bill number: H.R. 3190.

2. Bill title: The Extra Long Staple Cotton Act of 1983.

3. Bill status: As ordered reported by the House Committee on Agriculture, June 16, 1983.

4. Bill purpose: This bill lowers the loan rate for extra long staple (ELS) cotton and the price at which the Secretary of Agriculture may sell Commodity Credit Corporation-owned ELS cotton stocks. It also establishes target prices and authorizes deficiency payments for producers. The Secretary is authorized to establish acreage limitation as a condition for deficiency payments and loan eligibility, and to make diversion payments to further reduce acreage.

21. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Estimated budget authority	−12	−7	5	−5	−2
Estimated outlays	−12	−7	−5	−5	−2

These savings fall within budget function 350.

Basis of estimate: Estimated budget impact is based on Department of Agriculture estimates. The following table shows estimated changes in net commodity lending, storage costs, receipts from the sale of CCC-owned inventory, and deficiency payments.

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Net lending	0.8	−2.3	−4.9	−1.5	
Sale of inventory	−15.8	−6.2	−2.1	−1.6	
Storage	−0.6	−0.9	−1.0	−1.4	
Deficiency payments	3.7	2.3	2.5	2.2	
Total	−11.9	−7.1	−5.5	−2.3	

Beginning in fiscal year 1986, net commodity lending is projected to fall below baseline levels under H.R. 3190, because the bill would reduce the loan rate from 96.25 cents per pound to 82.5 cents per pound. However, net commodity loan outlays are expected to increase in fiscal year 1985 in anticipation of lower loan rates for the subsequent crop years. No sales of CCC-owned stocks are projected under current law; however, the lower sale prices authorized by H.R. 3190 would permit the sale of an estimated 40 thousand bales in crop year 1985, 15 thousand bales in 1986, 5 thousand bales in 1987, and 4 thousand bales in 1988. This reduction in inventories would result in reduced storage costs, as CCC inventories of ELS cotton are projected to decline by 59,000 bales below the baseline levels bay the end of fiscal year 1988.

6. Estimated cost to State, and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Howard Conley (226-2860).

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

[From House Report 98-256]

SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the bill may be cited as the "Extra Long Staple Cotton Act of 1983".

Section 2. This section repeals section 347 of the Agricultural Adjustment Act of 1938 and section 101(f) of the Agricultural Act of 1949 effective beginning with the 1984 crop of extra long staple cotton. Section 347 of the 1938 Act contains provisions relating to marketing quotas and lease and transfer of acreage allotments for extra long staple cotton, while section 101(f) of the 1949 Act contains current provisions of law relating to price support for extra long staple cotton.

Section 3. This section makes the following sections of the Agricultural Adjustment Act of 1938 inapplicable to the 1984 and subsequent crops of extra long staple cotton: Section 342—National Marketing Quota: Section 343—Marketing Quota referendum; Section 344—Acreage Allotments; Section 344a—Sale, Lease and Transfer of Allotments; Section 345—Farm Marketing Quotas; Section 346—Marketing Quota Penalties; and Section 377—Preservation of Unused Acreage Allotments.

Section 4. This section amends section 103 of the Agricultural Act of 1949 by adding a new subsection (h) to provide a new program for extra long staple cotton beginning with the 1984 crop.

Subsection (h)(1) defines extra long staple cotton as cotton (i) produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, (ii) having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of such varieties or types, and (iii) ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes. This is the same definition as contained in the current program for extra long staple cotton.

Subsection (h)(2) requires the Secretary, upon presentation of warehouse receipts reflecting accrued storage charges of not more

than sixty days, to make available to producers nonrecourse loans a term of ten months from the first day of the month in which the loan is made at a level which is not less than 50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States. It also authorizes the Secretary, upon request of the producer during the tenth month of the loan period for the cotton, to extend the loan for an additional eight-month period. The loan level for any crop of extra long staple cotton must be announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level may not thereafter be changed.

Subsection (h)(3)(A) provides for target price payments for each crop of extra long staple cotton on the same basis as under the upland cotton program. The payment rate would be equal to the amount by which the higher of—

(i) the average market price received by farmers for extra long staple cotton during the first eight months of the marketing year for the crop, or

(ii) the loan level for the crop, is less than the target per pound. The payment would be computed by multiplying (i) the payment rate, by (ii) the farm program acreage for extra long staple cotton (but in no event on a greater acreage than the acreage actually planted to extra long staple cotton for harvest), and by (iii) the farm program payment yield for extra long staple cotton.

Subparagraph (B) provides that the target price for each crop of extra long staple cotton shall be 120 per centum of the loan level.

Subparagraph (C) provides that if the Secretary establishes an acreage limitation program for a crop of extra long staple cotton and determines that deficiency payments will likely be made for such crop, the Secretary may make advance deficiency payments for the crop available to producers who agree to participate in the acreage limitation program. Any such advance payments must be made available to producers as soon as practicable after the producer files a notice of intention of participate in the acreage limitation program and in such amount as the Secretary determines appropriate to encourage adequate participation in such program. The advance payments may not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary. In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary, is less than the amount paid to the producers as an advance deficiency payment, the producer must refund an amount equal to the difference. If the Secretary determines that no deficiency payments are due producers on a crop, the producers who received advance payments on such crop must refund the payments received. If a producer fails to comply with the acreage limitation program requirements after obtaining an advance deficiency payment, the producer must immediately repay the amount of the advance, plus interest in such amount as the Secretary prescribes.

Subsection (h)(4) requires the Secretary to establish for each crop of extra long staple cotton a national program acreage on the same basis as for upland cotton. The national program acreage must be announced by the Secretary not later than November 1 of the calendar year preceding the year for which such acreage is established. The Secretary may revise the national program acreage so announced for the purpose of determining the allocation factor under paragraph (5) if the Secretary determines it necessary based upon the latest information. The Secretary must announce the revised national program acreage as soon as it has been made. The national program acreage is established as the number of harvested acres the Secretary determines (on the basis of the estimated weighted national average of the farm program payment yields for the crop for which the determination is made) will produce the quantity (less imports) of extra long staple cotton that the Secretary estimates will be utilized domestically and for export during the marketing year for the crop. The national program acreage is subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply and the stocks not accounted for by official domestic consumption and export data, so as to provide for an adequate but not excessive total supply of extra long staple cotton for the marketing year for the crop for which such national program acreage is established. In no event may the national program acreage be less than 60,000 acres.

Subsection (h)(5) requires the Secretary to determine a program allocation factor for each crop of extra long staple cotton by dividing the national program acreage for the crop by the number of acres that the Secretary estimates will be harvested for such crop.

Subsection (h)(6) sets forth the method for computing the individual farm program acreage for each crop of extra long staple cotton on the same basis as for upland cotton. It is to be determined by multiplying the allocation factor by the acreage of extra long staple cotton planted for harvest on each farm for which individual farm program acreages are required to be determined. The farm program acreage may not be reduced by application of the allocation factor if the producers reduce the acreage of extra long staple cotton planted for harvest on the farm from the acreage base established for the farm by at least the percentage recommended by the Secretary in the announcement of the national program acreage. The Secretary must provide fair and equitable treatment for producers on farms on which the acreage of extra long staple cotton planted for harvest is less than the acreage base established for the farm, but for which the reduction is insufficient to exempt the farm from the application of the allocation factor. In establishing the allocation factor for extra long staple cotton, the Secretary may make such adjustment as the Secretary deems necessary.

Subsection (h)(7) provides for determination of the farm program payment yield for each crop of extra long staple cotton on the same basis as for upland cotton. It would be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields must be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary must provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available. The Secretary must, however, take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields may be reduced under other provisions of this paragraph. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payments yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields must balance to the national, State, or county program payment yields.

Subsection (h)(8) authorizes an acreage limitation program as a condition of eligibility for program benefits and a paid diversion program. Subparagraph (A) authorizes the Secretary to establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency. Such limitation is to be achieved by applying a uniform percentage reduction to the acreage base for each extra long staple cotton-producing farm.

The subsection provides that producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm would be ineligible for extra long staple cotton loans and payments with respect to that farm.

The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of an acreage limitation program is the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For this purpose, acreage planted to extra long staple cotton for harvest would include any acreage which producers were prevented from planting to extra long staple cotton or other nonconserving crops lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

This subsection establishes for each of the 1984, 1985, and 1986 crops an acreage base reserve equal to 5 percent of the total of the farm acreage bases established for the crop. The reserve would be in addition to the total of the farm acreage bases and would be used by the county committees, in accordance with regulations of the Secretary, for making adjustments of farm acreage bases to correct inequities and prevent hardship, and for establishing bases for farms on which no extra long staple cotton was planted during the preceding four years.

The subsection also requires, as in the case of upland cotton, that there be devoted to conservation uses, in accordance with regulations issued by the Secretary, to assure protection of such acreage from weeds and wind and water erosion, a number of acres

on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the acreage limitation program. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely. If an acreage limitation program is announced for a crop of extra long staple cotton, paragraphs (4), (5), and (6) of subsection (h) would not be applicable to such crop, including any prior announcement which may have been made under such paragraphs with respect to such crop. The individual farm program acreage is the actual acreage planted on the farm to extra long staple cotton for harvest within the permitted extra long staple cotton acreage for the farm as established under this paragraph.

Subparagraph (B) authorizes the Secretary to make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that land diversion payments are necessary to assist in adjusting the total national acreage of extra long staple cotton to desirable goals. Land diversion payments would be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary must take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The total acreage to be diverted under agreements in any county or local community must be limited so as not to affect adversely the economy of the county or local community. The provision is comparable to the provision contained in the upland cotton program.

Subparagraph (C) authorizes the reduced acreage and the diverted acreage to be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out this purpose. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

Subsection (h)(9) requires an operator of a farm desiring to participate in the target price program to execute an agreement with the Secretary providing for such participation not later than a date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

Subsection (h)(10) requires the Secretary to provide for the sharing of payments under this subsection for any farm among the producers on the farm on a fair and equitable basis.

Subsection (h)(11) requires the Secretary to provide adequate safeguards to protect the interests of tenants and sharecroppers.

Subsection (h)(12) provides that if the failure of a producer to comply fully with the terms and conditions of the extra long staple cotton program precludes the making of loans and payments, the Secretary may, nevertheless, make loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State ASC committees to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

Subsection (h)(13) authorizes the Secretary to issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

Subsection (a)(14) requires the Secretary to carry out the program through the Commodity Credit Corporation.

Subsection (h)(15) makes the provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act (relating to assignment of payments) applicable to payments made under the extra long staple cotton.

Subsection (h)(16) prohibits the Secretary from requiring compliance on a farm with the terms and conditions of any other commodity program as a condition of eligibililty for loans or payments under this subsection.

Subsection (h)(17) requires the Secretary to make recourse loans available to producers of extra long staple cotton on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act.

Subsection (h)(18) provides that references made in sections 402, 403, 406, 407, and 416 of the Agricultural Act of 1949 to the terms "support price", "level of support", and "level of price support" shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms "price support", "price support operations", and "price support program" in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.

Section 5. This section amends section 407 of the Agricultural Act of 1949 to provide that beginning upon the date of enactment of the bill, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton. Under current law, such sales may not be made at less than 115 percent of the current loan rate plus reasonable carrying charges.

Section 6. This section amends section 1101(1) of the Agriculture and Food Act of 1981 to all extra long staple cotton to the $50,000 payment limitation on payments that a person may receive under one or more of the annual programs under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, and rice.

Mr. COCHRAN. Mr. President, I introduced in the Senate S. 1548, the original administration proposal for a new extra long staple cotton program. This proposal establishes a production-marketing program far more sensitive to market supply and demand conditions than the current program. Furthermore, in doing so it will reduce Government costs of the extra long staple cotton program.

This legislation is widely supported. It has strong backing by the administration, producers, and users. At this time however, the most important consideration is for this legislation to move forward and be signed into law so the Department of Agriculture and the ELS cotton industry can have the benefits of a much improved and more efficient program this marketing year. The means available to accomplish this objective is for the Senate to consider and move to final passage H.R. 3190, a House-passed version of the administration proposed legislation. The one difference in H.R. 3190 and the administration proposal is a target price provision that the administration has indicated they would not oppose. The target price provision included in H.R. 3190 is reasonable and I believe will serve to stabilize producer income.

Passage of H.R. 3190 by the Senate before the August recess is very important for continued growth of ELS cotton production in the United States. Currently, domestic mill demand for ELS cotton exceeds domestic supply available at competitive prices. Since foreign ELS cotton is available at lower prices, domestic mills will be forced to import their additional needs. This legislation will allow the Secretary of Agriculture to competitively price CCC owned ELS cotton and thereby make domestic cotton available to U.S. mills. If the Senate fails to complete action on H.R. 3190 prior to the August recess the Government will lose a great opportunity to begin reducing excessive stocks of ELS cotton.

Since its formation in 1953, the ELS cotton growers association, Supima Cotton Association of America, has financed through annual contributions of $3 per bale by grower members, an extensive research and promotion program. The association is currently involved in the most aggressive and potentially effective promotion program since it started. Also, several domestic mills currently have promotion programs for extra long staple cotton products. As a result of the combined

efforts of the promotions conducted by growers and mills there is a significant increase in the demand for U.S. grown ELS cotton. Mr. President, I see no other way to satisfy this demand with U.S. grown ELS cotton on a timely and competitive basis than the Senate moving to final passage of H.R. 3190 before the August recess. This legislation will allow the Secretary of Agriculture to reduce the Government cost of the ELS program in general and specifically by reducing CCC inventory currently owned. I urge my colleagues to support passage of H.R. 3190.

Mr. DECONCINI. Mr. President, first, Mr. President, I would like to thank the chairman of the Senate Agriculture Committee, Senator HELMS, for his assistance in bringing H.R. 3190, the Extra Long Staple Cotton Act of 1983, to the Senate floor in such an expeditious manner. This legislation is vital to the extra long staple (ELS) cotton producers in my State and I am most appreciative of the chairman's help and support.

As you may know, ELS cotton is a specialty cotton which is grown in Arizona, New Mexico, and west Texas. Historically, it has been used in sewing thread and for military fabrics. However, recently its use has been expanded to include high quality knits, sheets, towels, and fine home furnishings. The existing ELS cotton program has worked well over the years. However, a number of factors have coalesced to render the program ineffective and increasingly expensive for the Government to operate—the recession, the strong U.S. dollar, reduced exports, and the decision of the Governments of Egypt and Sudan—our major competitors—to reduce the price of their ELS cotton by 25 to 30 percent.

Current law provides for acreage restrictions through allotments, quotas and penalties and price support by means of nonrecourse loans. In addition, current law prohibits the Commodity Credit Corporation from selling its surplus stocks of ELS cotton at less than 115 percent of the loan rate plus carrying charges. At that rate, ELS cotton is noncompetitive. It will prevent the sale of this surplus cotton far into the future, resulting in ever-increasing Government outlays. Clearly, the current program is in need of an overhauling.

The legislation before us today will resolve our existing ELS cotton surplus problems, will establish a more market-oriented program and will reduce Government outlays. It is supported by the administration and producers alike.

The bill, effective for the 1984 and subsequent crop years of ELS cotton, will:

First, repeal authority for marketing quotas.

Second, suspend provisions relating to acreage allotments and penalties.

Third, lower the minimum loan rate from 175 to 150 percent of the upland cotton loan rate.

Fourth, establish a 10-month loan period with an optional 8-month extension at the discretion of the Secretary, similar to upland cotton.

Fifth, establish a target price for ELS cotton at 120 percent of the ELS loan rate. The target price would be used to compute deficiency payments, and would be subject to the overall $50,000 limit on payments under the programs for wheat, feed grains, upland cotton and rice.

Sixth, provide the Secretary with discretion to make advance deficiency payments to producers who agree to comply with the acreage limitation program. Advance payment cannot exceed 50 percent of the projected payment rate as under the upland cotton program.

Seventh, provide for farm program acreages, derived from a national program acreage, and farm program yields to be used to determine deficiency payments, but limit payments to the acreage actually planted to the crop. These are similar to provisions for upland cotton.

Eighth, authorize an acreage limitation program, if needed, for ELS cotton, similar to upland cotton.

Ninth, provide for the acreage limitation to be achieved by applying a uniform percentage reduction to an acreage base for the farm equal to the average acreage planted and considered planted to ELS cotton in the three crop years immediately preceding the year previous to the year for which the determination is made.

Tenth, establish an acreage base reserve for each of the 1984, 1985, and 1986 crops equal to 5 percent of the total of the farm acreage bases established for such crops.

Eleventh, authorize a paid land diversion program, similar to upland cotton, if needed. Such payments would be included in the overall $50,000 payment limitation.

Twelfth, authorize, effective upon enactment, the sale of CCC-owned cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.

This legislation will result in increased demand for ELS cotton both at home and abroad, will reduce Government inventories and outlays, and will provide income protection to producers. It has been very carefully crafted and I am convinced that it will be an effective program. I urge my colleagues to adopt it.

Again, Mr. Chairman, I would like to reiterate my thanks for your assistance and support.

The PRESIDING OFFICER. If there are no amendments, the question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTIONS IN THE ENROLLMENT OF H.R. 3190

Mr. BAKER. Mr. President, I send to the desk a concurrent resolution to make corrections in H.R. 3190, and I ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill (H.R. 3190).

Mr. BAKER. Mr. President, I ask for the immediate consideration of the concurrent resolution.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The resolution (S. Con. Res. 63) was agreed to, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3190) to establish an improved program for extra long staple cotton, the Clerk of the House of Representatives shall make the following corrections:

(1) In the eleventh sentence of the proposed subsection (h)(8)(A) of section 103 of the Agricultural Act of 1949, contained in section 4 of the bill, strike out "such provision" and insert in lieu of thereof "such production".

(2) In proposed subsection (h)(9) of section 103 of the Agricultural Act of 1949, contained in section 4 of the bill, strike out "paragraph (3)" and insert in lieu thereof "paragraph (8)".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, there may be a few other odds and ends we can deal with, but while those things mature, if they do, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A TRIBUTE TO ATLANTA PHYSICIANS

Mr. NUNN. Mr. President, I would like to take a few minutes today to share with my Senate colleagues the unique contributions of a group of dedicated physicians from Atlanta, Ga., to the people of the Caribbean Island of Haiti.

Since 1956, the members of the Peachtree Orthopaedic Clinic have been providing orthopedic care in Haiti through a unique cooperative program with three institutions on the island. Each of the partners of the Peachtree Orthopaedic Clinic has spent 12 to 15 days every 4 months holding clinics, performing surgery and providing other consultative orthopedic services to these institutions.

Dr. James Funk, senior partner of the Peachtree Orthopaedic Clinic, initiated this cooperative program in 1954 when he visited St. Vincent's School, a school for children with visual, hearing, and orthopedic handicaps. At this time, Dr. Funk met with Sister Joan Margaret, an Episcopal nun and professional physical therapist who founded the school, and assisted in the development of a brace shop and an outpatient treatment program for orthopedically handicapped children.

On a return visit the following year, Dr. Funk met with Dr. and Mrs. W. L. Mellon who were planning the development and construction of the Albert Schweitzer Hospital in the Artibonite Valley, a medically underserved area about 90 miles from Port au Prince. This hospital was opened in 1957 and is now a full-service, 50-bed institution that offers a wide range of outpatient services as well as an intensive community health and preventive medicine program. The Mellons live at the hospital and direct its activities.

On the north shore of Haiti is the House of Hope, the third of the cooperating institutions. This convalescent facility for children with postoperative conditions was founded by Miss Caroline Bradshaw, a Baptist missionary and nurse.

The orthopedic conditions treated at these institutions include tuberculosis of the bone, delayed effects of infections, unusual congenital abnormalities, and some complications of trauma that are not commonly seen in orthopedic practice in this country.

Dr. Joseph H. Dimon, III, Dr. Jeffrey T. Nugent, and Dr. Robert E. Wells have worked with Dr. Funk in providing the three-times-per-year rotation to these institutions.

This unique program offers a rewarding opportunity for these dedicated professionals to provide specialized care in a corner of the world where the need is unusually great. I commend and thank these physicians for their unselfish service to the people of Haiti and for the example they have set for all of us.

CENTRAL AMERICA: THE REAL LEGACY OF VIETNAM

Mr. QUAYLE. Mr. President, critics of President Reagan's Central American policy warn, with increasing urgency, that he is leading us down the same bloody, unwinnable, tragic road that we experienced in Southeast Asia nearly 20 years ago.

Certainly some broad comparisons can be made between Southeast Asia then and Central America now. In both instances we were faced with societies torn apart by war, afflicted with grinding poverty and bereft of democratic institutions and democratic traditions. In both instances democratic forces have tried against immense odds to gain a foothold while a brutal left and a brutal right, caught up at least in part in great power politics, struggle for control of the country and the souls of the people.

But, variations on this theme have been present in many Third World upheavals since the end of World War II and we better resign ourselves to the fact that they will be present and threatening to American interests for a long time to come. None of this means that all roads necessarily must end in the same place. The strengths and variety of the contending forces, the proximity of the upheavel to the United States and U.S. interests, the type and level of outside support, the degree of support contending forces have within the population, the terrain, resources, commitment, intelligence and many other variables make a significant difference.

Mr. President, the legacy of Vietnam is not that we are necessarily doomed to repeat the same tragedy in Central America. The real legacy of Vietnam is that it has so paralyzed our thinking that rational debate is virtually impossible. Vietnam has made us paranoid, it has terrorized us, it has blinded us to our own interests. We are afraid, halfhearted, unable to act in our own self interest and the interests of our friends. Mostly because of Vietnam we have all but lost the ability to use the principal tools of policy formation—economic, political, diplomatic, and military tools—with finesse and judiciousness as well as with determination and purpose.

Does this mean that Vietnam and Southeast Asia have nothing to teach us about Central America? Certainly not. We have, or should have, learned many things. We should have learned that economic reform, pacification of the countryside, social justice, and the establishment of democratic institutions cannot be accomplished overnight. In short, Mr. President, we should have learned that nation building, especially in the Third World, is a long, tedious, agonizing process. We should have learned, too, that even if—or when—we tire of the challenge, the flow of refugees will not stop or the hunger, killing, disenfranchisement, and terror will come to an end. In fact, if the triumph of totalitarianism in Southeast Asia has taught us anything, it has taught us exactly the opposite. The refugee camps have swollen, hunger stalks the landscape, killing is commonplace, disenfranchisement is the political reality, and terror is rampant. Somehow, Mr. President, when the comparisons between Southeast Asia and Central America are made, this aspect is conveniently forgotten.

We have deep and abiding interests in Central America, not only to help arrest the spread of Communist revolution, but to help foster the growth of democratic institutions, encourage improvements in human rights and social justice, and aid in economic development. Our goals must be clearly laid out and clearly understood. But, Mr. President, we cannot help foster a better life in Central America on the cheap. Shortcuts will not work. We must be prepared to use all the foreign policy tools at our disposal. We cannot take up the challenge blindly or halfheartedly. We must not provide just enough economic diplomatic and military aid to assuage our consciences and not enough to do the job properly. That is a prescription for disaster in Central America and a sure way to catapult us into another Vietnam. We must recognize that the problems we face in Central America will require a long-term, demanding commitment. We must not tire of the challenge halfway through and then recoil into isolationism cloaked as pious, self righteous indignation. That is exactly what our enemies in Central America, Cuba, and the Soviet Union expect. And, why not? History and the American political process give them good reason to hope.

Mr. President, we need the military shield in Central America—used properly it is a legitimate foreign policy tool. Let us not be naive, the military pressure is critical, without it the incentive to negotiate is greatly reduced. This applies not only to the exercises off the coast of Nicaragua and in Honduras, but also aid to the anti-Sandinista rebels and to the friendly governments in the area. The military pressure has just begun to work—Nicaragua, Cuba and the insurgents in El Salvador seem to be more amenable to negotiations now than any time in the

past. That, Mr. President, is exactly why the action by the House of Representatives to cut off aid to anti-Sandinista rebels earlier this month is so terribly ill-timed and ill-conceived. What signal does it send? Even if the Senate holds firms, the House action is not only a political and psychological defeat for the administration, more importantly it could set back chances for a negotiated settlement throughout the area. The House action must give Managua and Havana pause to wonder—"maybe if we hang tough, maybe if we string the Americans along they will tire of the challenge, maybe they will lose their nerve over the long haul." Certainly the precedent is there, and the House's action has reinforced it. And, unfortunately, Mr. President, the Boland amendment is a woefully inadequate substitute. The $80 million it provides over 2 years in overt aid is a drop in the bucket; it will have little effect in aiding friendly governments to interdict the flow of arms to the insurgents in El Salvador. Once again, Mr. President, a prescription for failure—just enough money to assuage our consciences, but not enough to do the job. If anything will drive us toward another Vietnam, it will be exactly this kind of action. The Department of Defense estimates that it would cost $300 million the first year and $100 million every year thereafter to interdict arms effectively over so large an area.

In the final analysis, however, the question is no longer overt aid versus covert aid. Once covert aid is publicly known, it ceases to be covert. The real question, Mr. President, is whether or not we are going to supply aid to those forces that are in the best position to interdict arms and help pressure the Sandinista Government and the insurgents in El Salvador to come to the negotiating table. If these are indeed our goals, then clearly we as legislators must continue for the time being not only to support friendly governments in the area but to support rebel forces in Nicaragua and our own maneuvers. Not only does an adequate military shield provide the best chance for negotiations, it may provide the only chance we have to persuade Cuba and Nicaragua to stop exporting revolution, to encourage political and social reform, and to make large scale economic aid viable.

The PRESIDING OFFICER (Mr. EAST). The majority leader.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two matters which have been considered by the minority leader and he has indicated to me that they meet with his approval. I will state them now for the consideration of other Members.

TO PROVIDE FOR THE OPERATION OF CERTAIN FOREIGN-BUILT VESSELS IN THE COASTWISE TRADE OF ALASKA

Mr. BAKER. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1372, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1372) to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 1372) was ordered to a third reading, was read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR THE COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON AUGUST 15 TO ACCOMPANY S. 675

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services have from 9 a.m. until 3 p.m. on August 15 to file a conference report to accompany S. 675, the DOD authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

FLOOR MANAGEMENT OF FARM BILL

Mr. HELMS. Mr. President, as we move to recess, I want to express my appreciation to those Senators who have assisted in the management of the farm legislation which we had hoped to pass during this past week.

Of course, I as chairman and Senator HUDDLESTON as ranking minority member of the committee share the principal duty for the management of the bill. But, as is our usual practice with farm bills involving a number of commodities, Senators with a particular interest in one commodity or the other have taken major responsibilities for management of that section of the bill.

The senior Senator from Kansas (Mr. DOLE) and the senior Senator from Indiana (Mr. LUGAR) are the two ranking majority members of the Agriculture Committee and they have a strong interest in legislation and policies relating to wheat and feed grains. The senior Senator from Iowa (Mr. JEPSEN) is one of the principal authors—along with Senator HUDDLESTON—of the target price compromise embodied in the committee amendment which we were unable to consider. All three of these Senators have a strong interest in this kind of legislation, and I am pleased at the major role they have played in dealing with these matters.

I might say parenthetically, Mr. President, this is the procedure we have followed throughout my tenure as chairman of the Agriculture Committee and prior to that when the distinguished Senator from Georgia Mr. Talmadge was chairman.

The Senator from California (Mr. WILSON) offered in committee that part of the bill relating to the cotton PIK program, and the Senator from Mississippi (Mr. COCHRAN) expressed strong support for that provision of the bill.

The senior Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Vermont (Mr. LEAHY) have demonstrated significant leadership in dealing with the dairy issues, and as principal authors of the dairy compromise embodied in the bill, we are pleased at their able assistance in handling dairy matters.

Senator HUDDLESTON and I have authored the tobacco provisions in close association with our colleagues in the House of Representatives and we were prepared to handle all details relating to tobacco in this bill, which was delayed in its consideration.

It goes without saying all of these Senators and the other members of the committee have had an active interest in the entire bill, and I will say with deep gratitude, Mr. President, that no chairman of any committee in the Senate is blessed with a more conscientious and able membership than is the Senator from North Carolina. I am grateful to each member of the committee. I will say to them, thank you for your teamwork, and, when we return here in September, we will resume our efforts to enact the legisla-

tion which we were not able to have considered this week.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have discussed with the minority leader the procedure that I am about to suggest to deal with the House passed bill, H.R. 3409, which is at the desk after first reading and pending second reading in the next legislative day pursuant to the provisions of rule XIV.

Mr. President, I believe that this matter is cleared on both sides, and is is my intention in a moment to ask that the Chair lay before the Senate H.R. 3409.

It is my understanding that at that time the distinguished Senator from Kansas (Mr. DOLE) who has been in negotiations with the chairman of the committee, with the Senator from Ohio (Mr. METZENBAUM) and with goodness know how many others for the last hour and a half, will offer an amendment to this bill to the House passed bill which will incorporate certain provisions of the bill on our calendar.

As far as I can tell we have cleared our whole process and are ready to proceed in that way.

FEDERAL SUPPLEMENTAL COMPENSATION ACT AMENDMENTS

Mr. BAKER. Mr. President, at this time I ask unanimous consent that the Senate turn to the consideration of H.R. 3409, which is at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3409) to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2126

Mr. DOLE. Mr. President, I send an amendment to the desk in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), on behalf of himself, Mr. HEINZ, and Mr. BOSCHWITZ, proposes an amendment numbered 2126.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out subsections (a) and (b) of the bill, redesignate subsection (c) as subsection (d), and insert in lieu of subsections (a) and (b) the following:

(a) Subparagraph (B) of section 602(e)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(B) If the applicable limit for a State, as determined under clause (ii) of subparagraph (A), for the week beginning July 24, 1983, was a number equal to or less than such State's applicable limit for the week beginning March 27, 1983, under this paragraph (as in effect for such week) reduced by four, the applicable limit for such State shall not be less than the applicable limit for the week beginning July 24, 1983, for any week after the week beginning after July 24, 1983.

(b) The amendment made by subsection (a) shall apply to weeks beginning after July 24, 1983.

(c)(1) In the case of an account established before the week beginning June 5, 1983, the applicable limit under section 602(e)(2)(A)(ii) of the Federal Supplemental Compensation Act of 1982 shall in no event be less than the number of weeks applicable to such State for the week beginning March 27, 1983, under section 602(e)(2) of such Act (as in effect for such week) reduced by four.

(2) Paragraph (1) shall apply only to compensation for weeks of unemployment beginning on or after the date of the enactment of this Act.

In subsection (d) as so redesignated, insert "or the provisions of subsection (c)" after "the amendment made by subsection (a)" each place it appears.

SEC. . Effective October 1, 1983, the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98-8; 97 Stat. 35 and 36) is amended by—

(1) in section 201, striking out "the Act" and inserting in lieu thereof "this Act";

(2) inserting, after section 201, a new section 201A as follows:

"ELIGIBLE RECIPIENT AGENCIES

"SEC. 201A. As used in this Act, the term 'eligible recipient agencies' means public or nonprofit organizations that administer—

"(1) activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;

"(2) school lunch programs, summer camps for children, and other child nutrition programs providing food service;

"(3) nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals;

"(4) activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973;

"(5) activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or

"(6) disaster relief programs;

and that have been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this Act.";

(3) amending section 202(a) to read as follows:

"SEC. 202. (a) Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation's agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Commodity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the 'Secretary') determines, in his discretion, are in excess of quantities needed to—

"(1) carry out other domestic donation programs,

"(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(3) meeting international market development and food aid commitments, and

"(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.";

(4) in section 202(b)—

(A) in the first sentence, striking out "shall" and inserting in lieu thereof "may"; and,

(B) in the second sentence, striking out "December 1, 1983" and inserting in lieu thereof "October 1, 1985";

(5) inserting, after section 203, new sections 203A, 203B, and 203C as follows:

"INITIAL PROCESSING COSTS

"SEC. 203A. The Secretary may use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program established under this Act into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

"FEDERAL AND STATE RESPONSIBILITIES

"SEC. 203B. (a) The Secretary shall, as expeditiously as possible, provide the commodities made available under this Act in such quantities as can be used without waste to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under sections 203 and 203A of this Act.

"(b) State agencies receiving commodities under this Act shall, as expeditiously as possible, distribute such commodities, in the quantities requested (to the extent practicable), to eligible recipient agencies within their respective States. However, if a State agency cannot meet all requests for a particular commodity under this Act, the State

agency shall give priority in the distribution of such commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

"(c) Each State agency receiving commodities for individual household use under this Act shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

"ASSURANCES; ANTICIPATED USE

"SEC. 203C. (a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this Act will provide such commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under this Act will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may, substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

"(b) Commodities provided under this Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this Act in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.";

(6) in section 204—

(A) designating the last sentence as subsection (c);

(B) inserting, after the first sentence, a new subsection (b) as follows:

"(b) There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than 20 percent of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: *Provided*, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency."; and

(C) in subsection (c), as so designated by subclause (A) of this clause, striking out "this appropriation" and inserting in lieu thereof "appropriations made or authorized under this section";

(7) in section 205—

(A) amending the heading to read as follows:

"RELATIONSHIP TO OTHER PROGRAMS";

(B) inserting "(a)" after the section designation; and

(C) adding, at the end thereof, a new subsection "(b)" as follows:

"(b) Except as otherwise provided in section 203A of this Act, none of the commodities distributed under this Act shall be sold or otherwise disposed of in commercial channels in any form.";

(8) amending section 209 to read as follows:

"SEC. 209. Section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out "amount appropriated for the provision of commodities to State agencies" and inserting in lieu thereof "sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to State or local agencies for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants";

(9) in section 210—

(A) inserting "(a)" after the section designation; and

(B) adding, at the end thereof, new subsections (b) and (c) as follows:

"(b) In administering this Act, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

"(c) With respect to the commodity distribution program under this Act in effect during the fiscal years ending September 30, 1984, and September 30, 1985, the Secretary shall, not later than October 1, 1983, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the first twelve months of the program; and, prior to the beginning of the fiscal year ending September 30, 1985, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the second twelve months of the program under this Act: *Provided*, That the actual types and quantities of commodities made available by the Secretary under this Act may differ from the estimates."; and

(10) inserting, after section 210, new sections 211 and 212 as follows:

"FINALITY OF DETERMINATIONS

"SEC. 211. Determinations made by the Secretary of Agriculture under this Act and the facts constituting the basis for any donation of commodities under this Act, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"PROGRAM TERMINATION

"SEC. 212. The provisions of this Act, with the exception of 207, shall terminate September 30, 1985.".

SEC. . Section 4(c) of the Agriculutre and Consumer Protection Act of 1973 is amended by inserting "Temporary" before "Emergency Food Assistance Act of 1983".

Mr. DOLE. Mr. President, do I have listed as cosponsor the distinguished Senator from Ohio (Mr. METZENBAUM).

The PRESIDING OFFICER. He is not listed.

Mr. DOLE. First, let me yield to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Mr. President, this amendment is, in essence, the same as that which passed the Senate on March 15. At that time, Senator HATFIELD and Senator DOLE offered an amendment which I supported to consolidate the thrust of S. 17 which had been reported from the Committee on Agriculture, Nutrition, and Forestry with funding provided for such activities in the emergency jobs bill appropriation.

The Senate amendment provided for a program in both fiscal years 1983 and 1984. However, House conferees insisted on eliminating the fiscal year 1984 authority, thereby leaving all authority for a mandatory distribution expiring at the end of the present fiscal year, September 30, 1983.

This amendment again adopts that consolidated approach. I have agreed with the prime sponsors of the concept to agree to reducing the amount of money provided from $100 million annually in the earlier version to $50 million. Simultaneously, I have agreed to include an authorization for both fiscal years 1984 and 1985. This is consistent with our committee's budgetary concerns. Obviously, the net cost is the same. Of course, unlike the earlier amendment, no appropriation is included.

While this legislation goes a bit further than that approved by the committee, as I noted in March, it is consistent with the desires of both committees to improve the distribution system for surplus commodities.

Additionally, the Secretary's discretionary use of the food security wheat reserve has been changed such that he may use not more than 300,000 metric tons of wheat rather than 500,000 metric tons.

In other respects, the provision is very similar to that which earlier passed the Senate. It provides for a continuation of that effort, and I commend it to the Senate as a part of this package.

Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section summary of the legislation as well as a description from the Senate report accompanying S. 17.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF TEMPORARY EMERGENCY FOOD ASSISTANCE ACT OF 1983, AS AMENDED BY COMMODITY DISTRIBUTION AMENDMENT TO H.R. 3409

SHORT TITLE

Section 201 provides that the Act may be cited as the "Temporary Emergency Food Assistance Act of 1983".

ELIGIBLE RECIPIENT AGENCIES

Section 201a defines eligible recipient agencies as public or nonprofit organizations that administer—

(1) activities and projects, including those operated by charitable institutions and food banks, providing nutrition assistance to re-

lieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;

(2) school lunch programs, summer camps for children, and other child nutrition programs providing food service;

(3) nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home delivered meals;

(4) activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973;

(5) activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or

(6) disaster relief programs; and that have been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under the Act.

AVAILABILITY OF CCC COMMODITIES

Section 202(a) provides that the Secretary of Agriculture shall make certain Commodity Credit Corporation commodities available, without charge or credit, for use by eligible recipient agencies for food assistance. Those commodities which shall be made available are those acquired by the Commodity Credit Corporation which the Secretary determines, in his discretion, are in excess of quantities needed during the fiscal year to—

(1) carry out other domestic donation programs,

(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

(3) meet international market development and food aid commitments, and

(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act.

Section 202(b) provides that, if wheat stocks acquired by the Commodity Credit Corporation are not available for purposes of the Act, the Secretary may use up to 300,000 metric tons of wheat from the food security wheat reserve for purposes of the Act. Any wheat from the food security wheat reserve used for this purpose must be replenished with an equivalent quantity of wheat in accordance with the provisions of section 302(b) of the Food Security Wheat Reserve Act of 1980 by such date as is practicable, but before October 1, 1985. Under section 302(b) of the Food Security Wheat Reserve Act of 1980, the reserve may be replenished through designation of existing stocks of wheat acquired by the Commodity Credit Corporation or through purchases. However, use of funds for purchases of wheat to replenish the food security wheat reserve must be authorized in appropriation Acts.

PROCESSING AGREEMENTS

Section 203 provides that, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary, the Secretary shall encourage consumption thereof through agreements with private companies under which the commodity is processed into end-food products for use by eligible recipient agenices, with the expense of the processing to be borne by the recipient agencies.

INITIAL PROCESSING COSTS

Section 203A provides that the Secretary may use funds of the Commodity Credit Corporation to pay costs in initial processing and packaging of commodities to be distributed under the program established under the Act into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

FEDERAL AND STATE RESPONSIBILITIES

Section 203B(a) provides that the Secretary shall, as expeditiously as possible, provide the commodities made available under the Act in such quantities as can be used without waste. These commodities shall be provided to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under Sections 203 and 203A of the Act.

Section 203B(b) provides that each State agency receiving commodities under the provisions of the Act shall, as expeditiously as possible, distribute those commodities in the quantities requested to eligible recipient agencies within the State. If a State agency cannot meet all requests for a particular commodity distributed to it under the Act, the State agency shall give priority to requests from nonprofit organizations that relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

Section 203B(c) provides that each State agency receiving commodities for individual household use under the Act shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

ASSURANCES; ANTICIPATED USE

Section 203C(a) provides that the Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under the Act will provide such commodities to persons served by the recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under the Act will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

Section 203C(b) provides that commodities provided under the Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under the Act in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

AUTHORIZATIONS AND APPROPRIATIONS

Section 204(a) appropriates for the period ending September 30, 1983, $50,000,000 for the Secretary to make available to the States for storage and distribution costs. Of this amount not less than $10,000,000 shall be made available for paying the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit organizations providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. The section also provides that in no case shall such payments exceed five percent of the value of commodities distributed by any such agency.

Section 204(b) provides that there are authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs. Of this amount not less than 20 percent of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. The section also provides that in no case shall such payments exceed five percent of the value of commodities distributed by any such agency.

The levels authorized are to be made available for paying the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit organizations providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons. However, such payments shall not exceed 5 percent of the value of the commodities distributed by any such agency. The remainder of the authorization would be available only for the costs of the States in storing and distributing such commodities to these "emergency relief" organizations. Thus, it is a continuation of the authority initiated in the jobs bill, Public Law 98-8.

Section 204(c) provides that the value of the commodities made available under this Act and the funds of the Commodity Credit Corporation used to pay the costs of initial processing, packaging (including forms suitable for home use), and delivering commodities to the States shall not be charged against appropriations made or authorized under this section.

RELATIONSHIP TO OTHER PROGRAMS

Section 205(a) provides that section 4(b) of the Food Stamp Act of 1977 shall not apply with respect to the distribution of commodities under the Act. Section 4(b) prohibits, with certain exceptions, the distribution of federally donated foods to households in jurisdictions where the food stamp program is in operation.

Section 205(b) provides that, except as otherwise provided in section 203A of the Act (relating to payment by the Secretary using Commodity Credit Corporation funds of the costs of initial processing and packag-

ing of commodities to be distributed under the program), none of the commodities distributed under the Act shall be sold or otherwise disposed of in commercial channels in any form.

COMMODITIES NOT INCOME

Section 206 provides that, notwithstanding any other provision of law, commodities distributed under the Act shall not be considered income or resources for any purposes under any Federal, State, or local law.

PROGRAM SAFEGUARDS

Section 207(a) provides that the Secretary shall obtain such assurances as the Secretary deems necessary that any eligible recipient agency receiving commodities under the Act will provide such commodities to persons served by the recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also obtain such assurances as the Secretary deems necessary that commodities made available under the amendment will not displace commercial sales of such commodities or the products thereof.

Section 207(b) provides that commodities provided under the Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under the Act in excess of anticipated usage, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

RELATIONSHIP TO THE FOOD STAMP ACT OF 1977

Section 208 provides that section 4(b) of the Food Stamp Act of 1977 shall not preclude the commodity distribution program authorized under the Act. Section 4(b) prohibits, with certain exceptions, the distribution of federally donated foods to households in jurisdictions where the food stamp program is in operation.

COST REIMBURSEMENT LIMITATION

Section 209 of the Act amends section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 to provide that, for fiscal years 1984 and 1985, the reimbursement of administrative costs incurred by State and local agencies in the operation of the commodity supplemental food program shall be no more than 15 percent of the sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to State or local agencies for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants. Previously, the reimbursement limit was set at no more than 15 percent of the amount appropriated for the provision of commodities to State agencies.

REGULATIONS

Section 210(a) requires the Secretary to issue regulations to implement the Act within 30 days.

Section 210(b) provides that the Secretary, to the maximum extent practicable, minimize the regulatory, recordkeeping and paperwork requirements imposed on eligible recipient agencies.

Section 210(c) requires that no later than October 1, 1983, the Secretary publish in the Federal Register an estimate of the types and quantities of commodities he anticipates are likely to be available during the first twelve months of the program and that prior to the beginning of fiscal year 1985, he publish an estimate of the types and quantities he anticipates are likely to be available during the second twelve months of the program. The section specifies that the actual types and quantities of commodities made available may differ from the Secretary's estimates.

FINALITY OF DETERMINATIONS

Section 211 provides that determinations made by the Secretary of Agriculture and facts constituting the basis for any donation or amount of donation, when officially determined in conformity with applicable regulations prescribed by the Secretary, shall be final and conclusive and not reviewable by any other officer or agency of the Government.

PROGRAM TERMINATION

Section 212 provides that all the provisions of the Act terminate on September 30, 1985 except for section Sec. 207 which specifies penalities for misuse of commodities.

TECHNICAL CORRECTION

Section 4(c) of the Agriculture and Consumer Protection Act of 1973 is amended by inserting "Temporary" before "Emergency Food Assistance Act of 1983."

Mr. HELMS. Mr. President, as I said earlier, I am pleased to cooperate with the distinguished Senator from Kansas, Senator DOLE, in expediting Senate consideration of this amendment.

Obviously, the Senate has already adopted this general approach previously, during the consideration of the so-called jobs bill.

The Senator from Kansas has done an excellent job in introducing this legislation, and shepherding it through the committee process. He has held hearings on the subject, including followup hearings very recently. He has a concern that the program work well.

I believe he shares my concern that this is a temporary answer to a temporary situation. We simply cannot establish a permanent program—neither because of the costs to the taxpayers nor because of the implications for dampened farm prices that such an action would imply.

Under the amendment, the substance of S. 17, as reported by the Committee on Agriculture, Nutrition, and Forestry, is incorporated into the bill.

The amendment is really a repeating of the earlier Senate action. The Senate amendment to the jobs bill provided for commodity distribution in both fiscal years 1983 and 1984. However, House Appropriation Committee conferees limited the provisions to fiscal year 1983. This action will therefore restore the previous Senate position for fiscal year 1984 and add fiscal year 1985.

Under the amendment, $50 million is authorized to provide administrative funding to assist in commodity distribution for States and various organizations that have been designated by State agencies, or the Secretary of Agriculture, and which have been approved by the Secretary.

The amendment includes the provision recommended by the Appropriations Committee during jobs bill consideration to specify that organizations that provide food assistance to low-income and unemployed persons—such as food banks, soup kitchens, and church related, and other private initiatives to help the poor—would receive priority in receiving the surplus commodities. A specified amount of 20 percent of appropriated funds is set aside to assist such organizations with local distribution costs. However, in no event may such reimbursements exceed actual costs; nor may they exceed 5 percent of the value of the commodities.

The remainder of the funds are to be available to pay for the State costs in distributing the commodities. He is required, however, to provide funding only for the emergency relief outlets cited above, although the commodities themselves will be available to all eligible organizations.

Mr. President, I think this amendment is a fair, comprehensive approach. I did not support some of the provisions included in this consolidated approach when the Agriculture Committee considered this legislation. Standing on their own, I would oppose some of them. However, the amendment, as a whole, is a responsible approach. It will complement the efforts initiated by President Reagan and Secretary of Agriculture John Brock.

I supported the use of these surpluses for foreign humanitarian purposes, and I think this amendment establishes a fine domestic program to distribute these temporary surpluses.

I would emphasize that all these donations are temporary. We must strengthen American agriculture and simultaneously encourage exports of farm products not sold in domestic markets.

I believe the amendment's focus is appropriate with its emphasis on assistance to organizations serving the poor. I have been impressed and gratified by the efforts of so many Americans who have volunteered to assist their fellow citizens, disadvantaged by temporary economic conditions. These efforts should be encouraged.

I ask unanimous consent that the following excerpts from the Senate Report 98-21 to accompany S. 17 be printed at this point in the RECORD to outline the background and explanation of the new commodity distribution program to be established.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

BACKGROUND

Commodities available.—Although commodities used in various commodity donation programs are popularly spoken of as one broad category, there are two distinct types of commodities which are distributed by the U.S. Department of Agriculture.

These types of commodities are acquired and donated under different authorities.

The first category of commodities are those which are acquired under the price support programs of the Department. These are the commodities affected by S. 17, as reported by the Committee. The Department of Agriculture uses two principal methods of supporting farm prices: (1) nonrecourse loans to farmers and (2) Government purchases of commodities. In the case of nonrecourse loans, price-supported commodities are acquired by the Commodity Credit Corporation (CCC) when a farmer forfeits the crop used as collateral for the loan (generally when market prices are below the amount of the loan plus accrued interest).

The following are commodities which are "price supported" through nonrecourse loans and which may be acquired by the CCC: wheat, rice, barley, corn, grain sorghum, oats, rye, soybeans, honey, upland and extra long staple cotton, peanuts, tobacco, and sugar. (Only price-supported commodities which can be used for food use are covered by S. 17.) Section 416 of the Agricultural Act of 1949 authorizes donation of price-support commodities acquired by the CCC.

The second method of supporting commodity prices—through direct Government purchases in the market—is used primarily to support the price of milk.

In recent years, actual CCC acquisitions of price-supported commodities have been primarily dairy products. Approximately 67 percent of the $5 billion value of CCC stocks at the beginning of fiscal year 1983 were dairy products. Rice, wheat, corn, grain sorghum, soybeans, honey, and some nonfood commodities (e.g., cotton) comprised the remaining existing stocks held by the CCC. A substantial portion of price-supported commodities, especially corn and wheat, are held in farmer-held reserves and are not available to the CCC for donation.

The following table outlines commodities (currently committed and uncommitted) held by CCC for the week ending February 25, 1983:

CCC COMMODITY INVENTORY ACTIVITY [1] FOR WEEK ENDING FEBRUARY 25, 1983

Commodity/million units [2]	Feb. 23, 1983		Committed	CCC-owned inventory		Total
	Outstanding under loan	Farmer-owned reserve		Unavailable for disposition [3]	Available for disposition	
Butter (pound)	0	0	45.2	([4])	430.7	475.9
Cheese (pound)	0	0	64.9	([4])	783.3	848.2
Nonfat dry milk (pound)	0	0	179.5	([4])	1,163.0	1,342.5
Barley (bushel)	33.1	82.2	[5] 2.7	0.3	2.1	5.1
Corn (bushel)	307.2	2,600.1	[5] 44.3	14.4	401.1	459.9
Grain sorghum:						
(Bushel)	15.9	453.2	[5] 28.0	1.4	18.5	47.9
(Hundredweight)	(8.9)	(253.8)	(15.7)	(0.6)	(10.3)	(26.6)
Oats (bushel)	5.4	4.3	0	0	0.7	0.7
Rye (bushel)	1.3	0	0	0	0.04	0.04
Soybeans (bushel)	378.0	0	0	1.1	16.0	17.1
Wheat (bushel)	95.5	1,109.5	[6] 147.0	5.3	34.1	186.4
Rice (hundredweight)	55.3	0	0	3.0	16.8	19.8
Honey (pound)	86.6	0	0	0	26.0	26.0
Upland cotton (bale)	6,987,900	0	0	0	86,576	86,576
ELS cotton (bale)	75,300	0	0	0	4,013	4,013
Peanuts (pound)	[7] 175.5	0	0	0	0	0
Tobacco (pound)	[7] 767.7	0	0	0	0	0

[1] Open-market purchases for specific donations excluded.
[2] Cotton in single units.
[3] In transit, etc.
[4] Not available.
[5] Disaster Reserve.
[6] Food Security Wheat Reserve.
[7] As of Feb. 18, 1983.

The second category of commodities donated by the Department are perishable agricultural commodities. The commodities in this category are primarily meat, poultry, fruits, and vegetables. Under section 32 of the Act of August 24, 1935, the Secretary of Agricultural is permitted to purchase perishable commodities to remove surpluses of those commodities in the markets. These commodities are subsequently donated, under section 32 and other authorities, to schools for use in the national school lunch program and to certain other regular Department of Agriculture feeding programs. These commodities are often described as "section 32 commodities" or "surplus removal" commodities, and are not affected by the provisions of S. 17, as reported, although it is intended that the existing policy of purchasing and donating specific surpluses under section 32 authority will continue.

The existing system.—Commodity donations for two types of outlets are mandated by law. The National School Lunch Act (section 6) requires that a minimum level of commodities (or, in some limited instances, cash in lieu of commodities) be provided to child nutrition programs. In fiscal year 1982, the minimum mandated level of commodity support for school lunch and child care food programs was 11 cents per meal served. Total Federal commodity support amounted to approximately $440 million in fiscal year 1982 (including approximately $30 million in cash in lieu of commodities). This was in addition to approximately $2.8 billion in cash assistance to the various child nutrition programs.

(Note: Section 8 of the Child Nutrition Act of 1966 also specifically authorizes donation of commodities to schools. Section 14(a) of the National School Lunch Act permits the use of section 32 and CCC funds to purchase commodities for the school lunch program.)

In addition, section 311 of the Older Americans Act of 1965 requires that a minimum level of commodity support (or, cash in lieu of commodities) be provided to elderly nutrition projects assisted under that Act. In fiscal year 1982, the support level was 51.5 cents per meal served, and Federal assistance of this type totaled approximately $94 million, with the majority ($85 million) made up of cash in lieu of commodities.

Regular commodity support for other types of outlets is authorized by section 4 of the Agriculture and Consumer Protection Act of 1973. Under this authority, the Department of Agriculture is authorized, using direct appropriations, to purchase commodities to maintain traditional levels of commodity support for Indians, commodity supplemental food programs (serving women, infants, children, and the elderly), charitable institutions, summer camps for children, the Trust Territory of the Pacific Islands, and disaster areas. Section 32 of the Act of August 24, 1935, and section 416 of the Agricultural Act of 1949 supplement this authority by authorizing donations to these outlets of commodities acquired through surplus removal of price-support operations. Approximately $180 million in regularly programmed commodities were provided to these outlets in fiscal year 1982, including certain dairy donations to charitable institutions not charged to appropriations.

The commodities provided to these regular outlets are a mixture of section 32 commodities described earlier and those price-supported commodities acquired by the Commodity Credit Corporation. In fiscal year 1982, some 80 percent of the mandated commodities to schools and those provided to the outlets described above—$400 million of the $500 million total—was made up of section 32 commodities while the remainder was composed of price-supported commodities, such as dairy products, (wheat) flour, peanut butter, rice, and soybean oil, made available under section 416 of the agricultural Act of 1949.

Commodities furnished under these authorities are usually referred to as mandated or entitlement commodities, particularly with reference to the commodities provided for the child nutrition programs, such as the national school lunch program.

In addition to the authorities requiring commodity donations, the Secretary has discretionary authority to donate what are termed "bonus commodities". These bonus commodities may consist of both section 32 commodities or those acquired by the CCC through its price-support activities.

Historically, the Secretary of Agriculture has chosen to donate bonus commodities to the same types of outlets or organizations

that receive commodities under the mandated programs (i.e., schools and elderly nutrition projects) and those described as section 4 outlets—Indian tribes, the commodity supplemental food program, summer camps for children, disaster areas, and the Trust Territory of the Pacific Islands. As noted earlier, most mandated commodities are furnished from section 32 commodities. Most bonus commodities are furnished from price-supported commodities.

Section 1114 of the Agriculture and Food Act of 1981 provides additional authority to donate CCC-acquired commodities to child and elderly nutrition programs and to a new category of outlet: food banks serving needy persons.

Section 1335 (a) of the same Act amends section 5 of the Agriculture and Consumer Protection Act of 1973 to provide for the establishment of two pilot projects to distribute food commodities to low-income elderly persons via the commodity supplemental food program.

Finally, section 116 of the Omnibus Budget Reconciliation Act of 1982 amended section 416 of the Agricultural Act of 1949 to allow the Secretary to donate CCC-held dairy products for aid to needy persons without regard to the type of outlet.

During fiscal year 1982, bonus commodity donations in excess of regularly programmed or mandated levels of support totaled about $800 million in value—over 500 million pounds of commodities. Approximately $300 million in bonus commodities (primarily section 416 commodities) were donated to regularly supported types of outlets schools, elderly nutrition projects, etc. An additional $500 million in CCC-held dairy products (primarily cheese and butter) were donated to food banks, soup kitchens, and other outlets serving needy persons.

(Note: Section 769 of the Food and Agriculture Act of 1965 authorizes the Secretary to use CCC funds to purchase sufficient supplies of dairy products for schools and certain other organizations when there are no surplus CCC dairy stocks. However because of large surpluses of CCC dairy stocks in recent years, the authority is not being used.)

The donation of bonus CCC commodities, whether to regular outlets or to new special outlets such as food banks, is, as a practical matter, discretionary with the Secretary of Agriculture. Release of commodities held by the Commodity Credit Corporation under section 416 authority depends on the Secretary's judgment as to the potential for waste if they are not disposed of in normal channels or sold abroad, the possibility of displacing normal food purchases, and the effect this would have on the need for further price support acquisitions. Release of commodities held by the CCC under section 1114 of the Agriculture and Food Act of 1981 is required, but only for those CCC stocks of commodities that are, in the Secretary's judgment, not likely to be sold or otherwise used in programs of commodity sale or distribution.

In effect, the Secretary has much discretion over when bonus commodities are donated, and the types and amounts to be donated, under the various provisions of present law.

In addition, discretionary authority for the Secretary to pay for processing, packaging, storing, and transporting bonus commodities is provided in the various authorizing laws. The Secretary has discretion over how much money will be spent for these purposes and typically pays for initial processing (e.g., wheat to flour), packaging (into usable sizes appropriate to the outlet), and storing and transporting to State-designated receiving points. The Secretary does not usually pay for end-product processing and packaging (e.g., flour to bread) or the storage and transportation costs within a State, unless large volumes of commodities are going to a particular final destination.

The Secretary's discretion to specify the types of outlets that may receive various bonus CCC commodities is controlled by legislation. Under the various laws authorizing commodity donations, CCC commodities of all types can, in effect, go to any type of outlet, regardless of whether the outlet is a meal-service program (e.g., schools, elderly nutrition projects, soup kitchens) or an outlet distributing food (not meals) directly to needy persons. However, section 4(b) of the Food Stamp Act of 1977 has the effect of dictating which outlets can get which commodities.

Section 4(b) prohibits the direct distribution of CCC commodities (as opposed to the institutional provision of commodity-supported meals) in areas where the food stamp program is in operation—i.e., virtually everywhere in the United States and its possessions. The prohibition has been waived by legislation only for (1) Indian reservations; (2) disaster relief projects; (3) commodity supplemental food programs; (4) food banks; and (5) dairy product distribution.

Recent efforts.—The special dairy product distribution program was initiated by President Reagan on December 22, 1981, to reduce surplus, inventories of cheese and butter in CCC storage. Under that program, cheese and butter are donated to needy persons through food banks and other outlets. State distribution agencies for the program determine the eligibility of the agencies carrying out the distribution and also the eligibility criteria for persons receiving the foods.

The initial allocation of cheese for the program was 30 million pounds. This amount was increased by 70 million pounds on March 9, 1982, and by another 120 million pounds on June 15, 1982, for a total of 220 million pounds in calendar year 1982. In addition, 50 million pounds of butter was authorized for similar distribution on July 23, 1982.

The special dairy product distribution program has been extended through calendar year 1983. The amount of cheese authorized for distribution in the program has been increased to 500 million pounds and the amount of butter authorized for distribution has been increased to 125 million pounds.

Through January 28, 1983, 183.3 million pounds of cheese—valued at $248 million—had been distributed since the program began. Another 101 million pounds has been ordered for distribution. Orders for distribution and actual deliveries account for 57 percent of the total cheese—500 million pounds included in the announced distribution.

Again, through January 28, 1983, some 24.4 million pounds of butter had been distributed, valued at $39 million; an additional 56.9 million pounds had been ordered for distribution. Orders and deliveries account for 65 percent of the total reserved for distribution.

Three States—Washington, Minnesota, and Florida—have been participating in the nonfat dry milk distribution pilot program. Recently, distribution was expanded to include Wayne County (Detroit), Michigan. The Secretary has been analyzing data collected from the pilot areas to determine what effects the distribution of nonfat dry milk may have on local milk markets.

It is these kinds of efforts that the Committee intends S. 17 to expand.

PURPOSE AND NEED

Need to expand domestic commodity distribution

The purpose for this legislation is to establish an effective program to increase the amount of commodities owned by the Commodity Credit Corporation that are distributed for domestic nutrition purposes, particularly to emergency relief organizations providing assistance to needy persons.

The cornerstone of the program is to use existing surpluses as supplemental food assistance for needy persons during the current economically distressed period and for other nutrition programs historically assisted through commodity donations.

At the same time, the Committee emphasizes that this is a temporary program to utilize only those commodities that are in temporary surplus. It should not be the policy of the Federal Government to encourage the acquisition of surpluses that will dampen farm prices or to establish an expectation that such surpluses will be available in future years for distribution to organizations, though worthwhile, that are defined as eligible recipient agencies under the bill. During fiscal years 1983 and 1984, the program is meant to supplement the other feeding and nutrition programs operated by the Department of Agriculture, which are to remain the primary means of permanent Federal support for nutrition.

The program is designed to build upon existing, discretionary authority which the Secretary has been exercising in attempting to reduce the amount of commodities held by the CCC.

The Committee commends the voluntary and local public commitment that has been so important to the success of the special dairy product distribution program, and wants to provide for further expansion of these efforts with existing surplus commodities, including dairy.

Requirement for increased commodity donations

Concerns about the Secretary of Agriculture's existing discretionary authority to release CCC bonus commodities have centered around the contention that more and different commodities could be made available and distributed, especially to organizations and agencies serving the needy.

As noted earlier, approximately two-thirds of the commodities held by the Commodity Credit Corporation at the beginning of fiscal year 1983 were dairy products—cheese, butter, and nonfat dry milk.

S. 17, as reported by the Committee, outlines a priority system which the Secretary of Agriculture is to use in determining whether stocks of a particular commodity are in excess of quantities needed during the fiscal year, and therefore are required to be made available for purposes of domestic commodity distribution.

Under the bill, the Secretary is to assess the domestic obligations that are likely to be incurred during the fiscal year that will require use of CCC held commodities.

On January 11, 1983, the Secretary of Agriculture announced a payment-in-kind (PIK) land diversion program for the 1983 crops of wheat, corn, grain sorghum, cotton, and rice. Under the program, a farmer who

takes additional acres out of production over and above those which he agrees to take out under existing programs will receive, as payment, a certain amount of the commodity he would be expected to have grown on those PIK acres. Commodities for the PIK program will come from farmer-owned reserve, regular loan, or CCC-owned stocks.

The bill requires that the Secretary take into account a PIK land diversion program before determining what commodities are in surplus.

Additionally, the Secretary is to take account of the likely requirements of existing commodity distribution programs, such as those outlined in the background portion of this report.

Further, the Secretary is to assess the international market development commitments that may require the use of CCC-held commodities. For instance, the Secretary recently announced the sale of 1 million tons of wheat flour to Egypt. The sale arrangement involves the use of approximately 36 million bushels of CCC-owned wheat to reduce the effective price of the flour. The committee marked up several bills on March 2 and 3 which contained export payment-in-kind provisions. These are the types of market development uses of commodities which would be encompassed in the Secretary's assessment.

The Secretary is to assess the international food aid commitments requiring CCC-held commodities. These would include commitments under P.L. 480.

Those commodities which the Secretary determines will not be needed to fulfill the obligations and commitments discussed above would be required to be made available for distribution under the provisions of S. 17. The Committee expects that S. 17 will result in an expansion of the types and amounts of commodities held by the Commodity Credit Corporation that are donated for domestic distribution.

S. 17 also permits the Secretary to process and distribute up to 500,000 tons of wheat from the food security wheat reserve if the CCC is unable to provide other wheat stocks for use for the commodity distribution program established by the bill. The food security wheat reserve currently contains 4 million tons of wheat which may be used for international humanitarian purposes.

If the Secretary does use wheat from the food security wheat reserve, the reserve must be replenished before October 1, 1984. The reserve may be replenished through designation of stocks of wheat acquired by the CCC or through purchase. However, if purchasing of wheat is the method used to replenish the reserve, use of funds for such purposes must be authorized in appropriations acts.

Eligible recipient agencies

S. 17, as amended, provides that public or nonprofit organizations may be eligible to receive the available surplus commodities if such organizations administer—

(1) Activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;

(2) School lunch programs, summer camps for children, and other child nutrition programs providing food service;

(3) Nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home delivered meals;

(4) Activities and projects that are supported under section 4 of the Agriculture and Consumer Protectin Act of 1973 (these include the commodity supplemental food program as well as commodity distribution for the U.S. Trust Territory of the Pacific Islands and Indians);

(5) Activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or

(6) Disaster relief programs.

In addition to meeting the criteria outlined above, the organizations or agencies must be designated by the appropriate State agency, or by the Secretary, and be approved by the Secretary for participation in the commodity distribution program established in the bill. The Secretary may establish such approval criteria as he deems relevant for administration of the program. Designation or approval may be withdrawn from any agency which fails to meet, or fails to maintain, the established criteria.

Priority consideration in the distribution of commodities under the bill is to be given to organizations that administer activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons. This is to be accomplished by requiring State agencies that coordinate commodity requests to give priority consideration to such organizations. Such organizations include nonprofit food banks, soup kitchens and churches and other private initiatives that serve needy persons.

As noted earlier, there is an extensive food distribution system already in place for the distribution of commodities authorized by other statutes. It is intended that existing State food distribution systems be used to the extent they can be used efficiently, rather than setting up a separate system for the additional commodities provided and distributed under the bill.

Generally, the commodities will be furnished to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies. However, the Secretary may provide the commodities directly to the recipient agencies. . . .

FEDERAL COSTS

Commodities acquired by the Commodity Credit Corporation that the Secretary determines are in excess of other needs designated in the bill, and thus eligible for distribution under the bill, are typically in a form suitable for bulk storage. Some commodities are stored in the form the farmer produces them—that is, unprocessed grains. Dairy products are delivered to the Commodity Credit Corporation in forms suitable for bulk storage—e.g., cans of butter, 40 pound wheels of hard cheddar cheese, and 10 pound bags of nonfat dry milk. These commodities cannot be distributed for domestic consumption without some degree of processing or packaging.

According to the Department of Agriculture, the costs of processing or packaging dairy products, the major bonus commodity donated up to this point, into forms suitable for donation have averaged about 12.5 cents per pound. Some examples of the processing of dairy products include the processing and packaging of cheddar cheese into smaller packages of processed cheese, and the processing and packaging of nonfat dry milk into smaller packages of instantized nonfat dry milk which can be mixed with water for immediate use.

In existing commodity distribution programs, the Department has usually given away the commodity in processed form. However, this has not always been the case, and the Department has not been required to process the commodity before giving it away. S. 17, as reported, requires that the Department provide the commodities which are to be given away in forms suitable for institutional or home food use and to pay for the necessary processing. To the extent that the commodities are to be used by institutions, such as schools, the commodities shall be furnished in forms suitable for institutional use. At the option of those organizations that provide food assistance to needy persons, including low-income and unemployed persons, the Department will be required to process or package such commodities into units suitable for home use. The Department will also pay these processing or packaging costs. The following table outlines recent costs of CCC commodities.

FEDERALLY SUPPORTED COMMODITIES AND ASSOCIATED PROCESSING COSTS

	Repackaging or reprocessing cost (dollars)
Cheddar cheese	0.12 per lb.
Butter	0.05 per lb.
Nonfat dry milk	0.14 per lb.
Wheat	4.50 per cwt. for 5/10/25 lb. bags.
Corn	4.50 per cwt. for 5/10/25 lb. bags.
Rice	4.50 per cwt. for 5/10/25 lb. bags.
Honey	15 cents per lb. (5 lb. can).
Soybeans	12 cents per lb. (1 gal. can).

Source: U.S. Department of Agriculture.

The Secretary of Agriculture is also to pay the costs of transporting the commodities to State-designated distribution points for subsequent distribution to eligible recipient agencies. The Agricultural Stabilization and Conservation Service (ASCS) estimates that under the current commodity distribution programs the Department spends about 5 cents for the transportation of each pound of CCC commodities which is delivered to the States. . . .

According to the Department, storage costs amount to approximately .7 cents per pound per year.

Under existing commodity distribution programs, including the special dairy distribution and section 416 commodity donations to schools, the Department of Agriculture typically ships surplus food commodities to central distribution points in States at no cost to the States. Under S. 17, this procedure would continue. State distributing agencies which have been designated by the State Governor, the State legislature, or by proper Federal authorities, and approved by the Department, enter into agreements with the Department whereby they arrange for further storage, transportation, and distribution to the eligible recipient agencies within the States. These further costs are generally borne by the States or the recipient agencies.

S. 17, as introduced would have established a formula for providing Federal payment of the costs of distribution within the States. During mark-up of the bill, Deputy Secretary of Agriculture Richard Lyng, representing the Administration, voiced opposition to the suggestions that the Department be required to assume these costs. He pointed out that States and volunteer organizations have responded well to the special dairy product distribution program, in which they bore the costs of distribution within the States. Several Committee mem-

bers expressed concern that additional bureaucracy would result from the introduction of Federal funding for local distribution costs. They also indicated that local agencies, including volunteer agencies, were doing a commendable job which should be encouraged and continued.

Secretary Lyng pointed out that the Department pays for the commodity provided, the initial processing, and the transportation to the States, and he stated further that this should be a sufficient Federal contribution. Secretary Lyng noted that, in the special dairy product distribution, it is the Department's current practice to deliver without charge, a full truckload of cheese, which is comprised of 36,000 pounds, to individual recipient agencies that can handle that quantity. He noted that the Department "probably would deliver 18,000 or 12,000 pounds" to such individual agencies. He also pointed out that Federal assumption of the costs for distribution within the States would reduce the amount of money available to pay for processing of the commodities made available under the bill. Several Senators stated that the $100 million should be used, to the maximum extent possible, to pay for processing and distributing commodities to the States, in order to maximize the amount of commodities which could be made available for distribution . . .

The Secretary may use funds to pay the costs associated with transporting large quantities of commodities to individual participating agencies or organizations, as he does in other commodity distribution programs. Additionally, the Secretary may, in his discretion, use . . . funds not needed for Federal costs or that he determines appropriate . . . to make payments to States and eligible recipient agencies for storage and distribution expenses incurred within the States.

[The following description was not included in the Committee report on S. 17, but reflects the content of the amendment:

The amendment to H.R. 1718 incorporates a concept included in the Appropriations bill, but not by the Agriculture Committee, which would set aside $10 million specifically for local distribution costs of nonprofit organizations that serve low income and unemployed individuals. This would provide funding for such worthwhile volunteer organizations as food banks, soup kitchens, and other church and private initiatives to assist in feeding low income individuals.

The amendment provides that the Secretary may pay up to an amount equal to five percent of the value of the commodities received by such organizations for this purpose. This provision should provide sufficient funds and sufficient flexibility to allow the Secretary to pay some of the distribution costs incurred by these agencies.]

SUBSTITUTION OR DISPLACEMENT IMPACT

An important purpose of S. 17, in addition to providing food to needy persons, is to assist in reducing Government stocks of price-supported commodities by distributing such commodities to outlets, and ultimately to individuals, who would not otherwise purchase them. Several safeguards have been included in the bill to ensure that the commodity distribution program meets this objective, rather than resulting in the displacement of food which would otherwise be purchased. If displacement or substitution occurs, there will be no net reduction in Government held stocks.

For example, if a recipient agency or individual recipient that currently purchases $40 worth of a commodity per month were provided the same amount of the commodity, and this is the only amount of the commodity that is desired, the program merely supplants normal market purchases of the commodity. Because the CCC stands ready to buy future dairy surpluses or to acquire other commodities through price-support activities, the Government may simply give away commodities with one hand and be forced to purchase or acquire additional stocks with the other.

The impact on agriculture of donating surplus commodities to needy households and organizations depends upon (1) whether donated commodities displace commodity purchases by the intended recipients or (2) whether the donated commodities increase the food consumption of recipient households and organizations.

Displacement of commercial sales of commodities distributed under S. 17 is a concern of the Committee. The bill requires the Secretary to obtain such assurances as he deems necessary that recipient agencies will not diminish their normal expenditures for food by reason of the commodity donations made under the bill. The Secretary is also to obtain such assurances as he deems necessary that commodity donations (to organizations or through organizations to individuals) will not displace commercial sales of such commodities or the products thereof.

Under a provision of the bill requiring the Secretary to pay for processing the commodities into a form suitable for institutional or home food use, the Secretary is permitted to pay for such processing "in kind"—that is, through payment in commodities to the processors. However, in so doing, the Secretary is to ensure that such payments-in-kind will not displace commercial sales of such commodities. The Committee accepted assurances from the Department of Agriculture that it would continue to move cautiously in providing payment-in-kind to commodity processors.

WAIVER OF FOOD STAMP ACT PROHIBITIONS

Under the Food Stamp Act of 1977, a commodity distribution program may not operate in areas in which the food stamp program is in effect. As noted in the background portion of this report, this situation has been waived by legislation only in the cases of Indian reservations, disaster relief, commodity supplemental food programs, food banks receiving CCC commodities, and the special dairy product distribution program, thereby limiting the types of outlets that may participate in commodity distribution activities.

S. 17 includes a provision to exempt this new program from the prohibition contained in the Food Stamp Act of 1977 and, in so doing, expands the types of outlets that may receive bonus commodities. Under the bill, commodities furnished to individuals may be granted in addition to any available food stamp benefits. As noted earlier, the Committee intends that this new program be a temporary complement to existing programs, including the food stamp program.

In addition, the bill includes language, similar to that in the Food Stamp Act of 1977, which states that the commodities received shall not be treated as income or resources under any Federal, State, or local law.

PENALTIES FOR WRONGDOING

During mark-up of the bill, several Senators expressed concern that commodities distributed under the bill would not reach the intended eligible recipients, but rather might be diverted for financial gain by agencies and other individuals. Concerns were expressed that abuses exist in the present special dairy distribution program.

As reported by the Committee, S. 17 contains antifraud criminal penalties to discourage this type of abuse and to penalize those who might engage in it. The penalties applicable to commodities distributed under the bill are the same as those applicable to other commodity distribution programs operated by the Secretary of Agriculture. These penalties are included within the Agriculture and Consumer Protection Act of 1973, as amended by the Agriculture and Food Act of 1981.

These penalties include a fine of up to $1,000 or imprisonment for up to 1 year, or both, for wrongdoing in obtaining or using commodities valued at less than $100 and a fine of up to $10,000 or imprisonment for up to 5 years, or both, for wrongdoing in obtaining or using commodities valued at $100 or more.

PROCESSING AGREEMENTS

In most States, State agencies that receive commodities on behalf of existing recipient agencies, primarily schools, enter into inventory agreements or contracts with companies that process the commodities received into a more usuable end product.

For example, cheese distributed to the agency can be processed, in combination with other ingredients, for use in the school lunch program into the form of pizza or tacos, according to testimony received by the Nutrition Subcommittee.

However, some States have not established such processing agreements. In the absence of such agreements, commodities often are not requested, or if requested, the commodities are delivered to the State agencies which then distribute them to the schools. Schools in these States have sought to enter into such inventory agreements with the Federal Government. Under such contracts, the commodities could be delivered first to the processor, thereby saving transportation and storage costs currently incurred by the States or the schools.

The Secretary of Agriculture announced his intention to implement such a plan in May of 1982. However, regulations to permit such processing agreements have not been issued. The Committee supported the establishment of such agreements in legislation, S. 3074, last fall, which did not pass the Senate during the post-election session of the 97th Congress.

Such agreements may be used at the option of the State agency, with the processing costs to be borne by the recipient agencies. Such processing agreements would provide schools, and institutions with additional options for using free, bonus commodities, including, but not limited to, those provided under S. 17. The provision places no obligation on individual schools or States. It is expected that this system will result in an expansion of surplus commodity usage and would benefit many participants in all the Department's food assistance programs.

Mr. HELMS. Mr. President, I would like to give a summary of the provisions which were not contained in either S. 17, as reported, or the appropriations bill, as reported.

STATE CHARGES

The amendment also addresses a concern raised by Senator BOREN after

the markup of S. 17, regarding charges by States to recipient agencies.

I have concerns about including this provision in the pending amendment, but will not object at this time.

Under the Boren provision, States would be prohibited from charging any recipient agency more than the costs associated with storing and transporting the commodities to the recipient agencies less any amount the Secretary may choose to provide the States for the costs of storing and transporting such commodities.

Under current practice, some States charge some recipient agencies for the costs relating to delivery of commodities from State distribution points to individual agencies, such as schools.

The Nutrition Subcommittee heard testimony from the representative of the American School Food Service Association opposed to this practice, specifically with concern to schools. However, neither the subcommittee nor the full committee have had an opportunity to hear from the States on the basis for these charges or to examine whether, in fact, the charges currently made are unreasonable.

Indeed, we have no information that any State that currently charges for distribution would be affected by the provision. As far as I know, States have portrayed these charges as those necessary to cover transportation and storage costs within their States. These State charges, if assessed, vary a good deal, as I understand it, depending on a number of factors.

Also if there are legitimate charges other than those necessary to cover storage and transportation, we may find that States will not make requests for commodities, because to do so would cause the States to incur costs which they would be prohibited from passing on to the ultimate recipient agencies.

Additionally, we may need to monitor the situation on charges. I am concerned that though the intent of the author is to limit charges, the exact opposite may be the result—that is, that States not now assessing a charge may opt to do so in the future.

Because of these concerns, I would urge that this provision be accepted only on a tentative basis. Our committee may need to hear from States, in order to learn their position on the Boren provision, especially if any of the current charges, in fact, do exceed those necessary for storage and transportation of the commodities.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Mr. President, also included in this amendment is a provision offered on behalf of Senator LEVIN. This provision would modify the administrative funding formula for the commodity supplemental food program by amending section 5(a) of the Agriculture and Consumer Protection Act of 1973.

The commodity supplemental food program provides commodities to women, infants, and children who are likely to suffer from malnutrition because of low income and poor health conditions. The participants in the program receive one of five available food packages. Each package is geared to meet the nutritional needs of its target group—either infants, children, or women, the food packages includes infant formula, rice cereal, canned juice, milk, canned meat or poultry, egg mix, dehydrated potatoes, peanut butter, or dry beans.

"Bonus" commodities have been made available by USDA to the commodity supplemental food program projects. Bonus commodities are those made available to CSFP projects in addition to the commodities purchased with funds appropriated for the program. Some of the bonus commodities are a part of the USDA approved commodity supplemental food program food package and others are not. Those that are part of the food package will be included in determining administrative funding under this amendment.

The administrative funding formula for the commodity supplemental food program is determined according to the amount of funds appropriated for the program. However, the donation of commodities by USDA over and above those purchased with appropriated funds has increased the amount of commodities handled by projects receiving the bonus commodities.

This provision would modify the administrative funding formula to take into account the value of the bonus commodities being distributed by CSFP projects which are a part of the approved food package. An amount not to exceed 15 per centum of the value of commodities donated by USDA for use in the commodity supplemental food program as part of the food package will be made available to CSFP projects.

Based on fiscal year 1982 data, this amendment would make approximately $500,000 available for additional administrative expenses resulting from the donation of bonus commodities. The amount of funds available for food purchases for use by the commodity supplemental food program will be reduced by this amount. The appropriation level is unaffected.

In fiscal year 1982, the commodity supplemental food program operated in 12 States at 26 local sites. Those States operating a commodity supplemental food program were: District of Columbia, one site; Colorado, six sites; Iowa, one site; Nebraska, six sites; South Dakota, one site; Michigan, one site; Minnesota, one site; Kentucky, one site; Tennessee, five sites; North Carolina, one site; Louisiana, one site; and California, one site.

Participation in the commodity supplemental food program is heavily concentrated in five cities—Denver, Detroit, New Orleans, San Francisco, and Washington, D.C. For fiscal year 1981, these areas accounted for approximately 67 percent of the entire participation in the commodity supplemental food program and approximately 68 percent of the costs. Detroit represented 30 percent of the program in that year.

During fiscal year 1982, the total value of commodities distributed in the commodity supplemental food program was $29.44 million. Of this total, commodities valued at $22 million were purchased from funds appropriated to the program and commodities valued at $7.44 million were purchased using other funds. Of these "bonus" commodities, cheese represented $4.090 million of the total value and nonfat dry milk represented $3.353 million of the total value. Nonfat dry milk is a component of the CSFP food package; cheese is not. Applying the proposed administrative cost formula in fiscal year 1982, $502,950 would have been available for administrative funding, in addition to payments made to distributing agencies totaling $3.82 million.

Under the new legislation passed by the Senate today; the Secretary's discretion is final.

The legislation includes a provision designed to protect the Secretary's discretionary authority. His decisions with respect to such things as the amount of commodities to be made available, the eligibility of recipient agencies, the criteria for participation, and distribution of Federal funds among the States are solely at his discretion. This is to insure that this program is not subject to extensive litigation.

DISPLACEMENT PRECAUTIONS STRENGTHENED

Like all Government programs, this one is not without its problems. I understand that some States have been lax in setting criteria for those eligible to receive commodities. This has resulted in the distribution of some commodities—particularly cheese—to those who are not in need. When nonneedy can receive cheese for the price of a brief stand in line, they will not purchase cheese products from their local grocery store. This results in displacement of regular retail market sales of cheese. Even more importantly, this impact on retail sales ultimately affects purchases of dairy products by the Commodity Credit Corporation—financed by the taxpayers. Obviously, it does little good to give away millions of pounds of cheese—or other commodities—with one hand if, in doing so, we consequently displace, and therefore buy through the CCC, millions more with the other hand.

It should be emphasized that the issue of displacement carries with it the clear implication that nonneedy individuals are being served. Obviously, if the poor were the sole recipients, there would be little displacement. However, it is when higher income citizens—who might otherwise buy the product—begin participating that displacement becomes a counterproductive influence.

For instance, in my own State of North Carolina at one time individuals over age 60 were eligible for the commodities without regard to their income status. I have had countless stories told to me of very well-off citizens who decided to take advantage of the free cheese precisely because there were no income standards for participation.

Because of these concerns about displacement, I have asked the General Accounting Office to prepare a report on the extent of the displacement factor—and particularly to include an analysis of displacement relative to eligibility criteria in the various States being examined.

Because of these concerns about displacement, a provision was added to require States to determine which persons in the State shall qualify as needy persons eligible for such commodities. The Secretary maintains ultimate discretion to approve or disapprove the State's submissions of criteria.

I want to emphasize that the States should have sufficient flexibility to establish appropriate eligibility guidelines to insure that the poor are the ones served by this program. We have already received complaints about the lack of a means test for income in some areas. This has held up the program to ridicule and criticism.

Additionally, it is implicit in the legislation that the Secretary of Agriculture has the authority to establish some maximum eligibility criteria for distribution. If he deems it necessary, he has the authority by regulation to define needy persons. For instance, during recent hearings it was suggested that perhaps those who met food stamp eligibility guidelines should be served, but not those with income above that level. Such a restriction, it was suggested, would not require that individuals participating in commodity distribution be on the food stamp program, but that at a minimum they have incomes within food stamp eligibility.

I hope that the States will administer this program in a responsible way.

We have already had complaints that loose eligibility criteria have resulted in considerable commercial displacement—indicating that more than just the poor are participating in the program.

The legislation contains explicit language instructing the Secretary to take appropriate safeguards to insure against displacement. A key component of the program is the desire to reduce CCC surplus commodities. If displacement occurs in commercial markets, the CCC simply buys more surplus commodities and there is no net reduction in commodities held by the CCC.

PUBLIC PERCEPTION

One last point that needs to be made. There seems to be a widespread perception that USDA storehouses are bulging with surplus commodities—as is so often stated in the media and elsewhere.

The problem is that, to the extent there are any bulges, they are almost exclusively in dairy products—cheese, butter, and nonfat dry milk. There simply are not surpluses of many other farm commodities. There is some rice and cornmeal, and these are being made available by USDA.

But the notion that somehow there are massive quantities of commodities being withheld from the American people is absolutely false. Those who spread such information—knowing it to be false—are doing a great disservice to the American public—taxpayers, and recipients alike.

PRIORITY FOR NONPROFIT ORGANIZATIONS

As noted previously, it should be clear that this legislation does not provide any mandatory reimbursement for distribution costs of various organizations except food banks, soup kitchens, and other emergency relief organizations. Those outlets that have traditionally participated in surplus commodity distribution—such as schools—may receive the commodities made available, but may not receive Federal reimbursement for their distribution cost. They have historically borne the costs of such distribution, and this legislation does not alter that system.

Only organizations that are clearly intended to help exclusively the needy are those that are to be assisted with distribution cost. Additionally, State costs associated with delivering such commodities to these emergency relief organizations may be reimbursed, but not State costs associated with other organizations.

This is the approach for administrative funding that was adopted in the jobs bill and is the one this bill intends to maintain. The purpose is clearly to assist private, nonprofit organizations, not governmental or public organizations.

Mr. President, let me commend the Senator for his initiative. I am particularly pleased that the distribution costs provided at both the local and State level is restricted to costs associated with food banks, soup kitchens, and other charitable organizations serving the needy. The Department's current regulations have done a good job in insuring that these are the organizations that are eligible for such funding, rather than other outlets which have historically participated in the program.

Mr. DOLE. I agree with the Senator that this is a limited temporary program. It is for the needy. Funding for participation is not to be used on behalf of organizations and agencies that have traditionally requested and received commodities at their own expense. Rather, it is targeted to those agencies and organizations that provide assistance to low-income and unemployed persons.

Mr. HELMS. Again, let me commend the Senator from Kansas (Mr. DOLE) for his outstanding leadership on this issue.

He has identified a need and a solution in a responsible way. I am pleased to be able to accommodate his initiative.

While I recognize that this is being added to a bill under the jurisdiction of the Finance Committee, it is my hope that the House will concur with the bill as passed without the need for further deliberations.

I thank the Chair, and I thank the Senator from Kansas for yielding to me.

Mr. DOLE. Mr. President, I thank the distinguished chairman of the Agriculture Committee for his cooperation with regard to the commodities portion of this amendment. The legislation has been cleared for consideration at this time. I understand the Senator from Colorado has some questions he may wish to ask. He is on his way to the Chamber.

There are a number of cosponsors to be added to the amendment for the commodities portion and for the unemployment portion. Let me first discuss very briefly the unemployment compensation provision.

Mr. President, this amendment provides needed relief to States which have experienced prolonged unemployment but whose insured unemployment rates (IUR) have dropped very rapidly. The amendment reduces the cost of the House-passed bill substantially, from $208 to $56 million. Basically, the amendment limits the weeks of unemployment compensation supplemental benefits which may be lost due to falling insured employment rates in the various States. For example, under current law, if the benefit duration in a State had been 14 weeks prior to the week of July 24, 1983, as a result a falling IUR, the State's unemployed workers could have been entitled to only 8 weeks of benefits the very next week. That State's benefit duration would be 10 weeks; in other words, a loss greater than 4 weeks could not occur. This provision will be especially helpful in States in which the extended benefits program has

triggered off while long-term unemployment persists.

The amendment also restores weeks of benefits to the individuals in States affected by an earlier Department of Labor erroneous interpretation of the original grandfather clause contained in the Social Security Amendments of 1983. As many of my colleagues know, for a number of weeks the Department applied the grandfather clause incorrectly, causing some individuals to anticipate the receipt of more weeks of benefits than they actually could have received. The amendment allows such individuals to receive the extra benefits on a retroactive basis, provided they are still unemployed as of the date of enactment of this bill.

That is the extent of the Federal supplemental compensation amendment.

ADDITIONAL COSPONSORS

Mr. President, I want to comment briefly on what we have included in the bill, which was, at one time, S. 17. I ask unanimous consent to have added as cosponsors a number of names of Senators on both sides of the aisle who are cosponsoring this legislation. It is a total of some 37 Members of the Senate.

Cosponsors of commodity distribution amendment:

Senators DOLE, HUDDLESTON, HATFIELD, EAGLETON, DANFORTH, LEAHY, BOSCHWITZ, PRYOR, JEPSEN, BOREN, DOMENICI, HOLLINGS, ANDREWS, GORTON, METZENBAUM, SPECTER, RIEGLE, LEVIN, MATSUNAGA, DIXON, PRESSLER, WILSON, CHAFEE, HART, PERCY, DECONCINI, ABDNOR, FORD, STAFFORD, BENTSEN, LUGAR, HEINZ, BUMPERS, and PELL.

Cosponsors of Federal supplemental compensation amendment:

Senators KENNEDY, METZENBAUM, and BOSCHWITZ.

The PRESIDING OFFICER. Without objection it is so ordered.

INTRODUCTION OF SUBSTITUTE TO S. 17

Mr. DOLE. Mr. President, as part of the Senate amendment we are including a substitute to S. 17, the Domestic Commodity Distribution and Food Assistance Act of 1983. S. 17, as it stands on the calendar, was reported from the Agriculture Committee last March, and the Temporary Emergency Food Assistance Act, modeled after the original bill as introduced, went into effect as a Hatfield-Dole amendment to the jobs bill. The current program expires at the end of September, and there is strong bipartisan support in the Congress to extend this program beyond the end of this fiscal year.

It seems very important that we pass this bill before the recess so that those who depend on these supplies will know that there is going to be a continuation of the program.

EXTENSION OF JOBS BILL PROGRAM

Because the jobs bill program represented a different approach to domestic commodity distribution than S. 17 as reported from committee, it is thought advisable to extend a program that would essentially reflect the basic structure of the temporary emergency food assistance program enacted under the jobs bill.

Although the Senator from Kansas realizes that the Secretary of Agriculture is making a good-faith effort to distribute surplus agricultural commodities to soup kitchens, food banks, and other eligible recipient agencies who provide food assistance to needy Americans, there is also a strong feeling in the Congress that there should be legislation to provide certain guidelines under which the administration should carry out this kind of commodity distribution program.

PROVISIONS OF SUBSTITUTE

Mr. President, this substitute to the provisions of S. 17, as reported from the Agriculture Committee, would essentially provide for a more detailed and improved program to continue the Temporary Emergency Food Assistance Act, passed under the jobs bill last March, it would require the Secretary of Agriculture to distribute surplus commodities that he determines are in excess of domestic and foreign commitments. The types of commodities that are available are about 90 percent dairy products, like cheese, butter, and nonfat dry milk, but there is also wheat, corn, rice, soybeans, and honey available—or whatever stocks the commodity credit corporation has in storage. The jobs bill legislation expanded the category of bonus commodities to include things other than dairy products. Although the Secretary is required to announce estimates of what commodities he expects will be available for any given 12-month period, in order to help States with their planning, the Secretary is not required to issue the release of market-sensitive information.

Like the jobs bill, this legislation would also include an authorization for appropriations of $50 million in administrative funds to go to the States to help them pay for intrastate distribution and storage costs. At least $10 million of this would be set aside to help local recipient agencies with their distribution and storage expenses.

This substitute would authorize a 2-year extension of the commodity distribution program. It is not the intent of the Senator from Kansas, in introducing this substitute to S. 17, to create a new entitlement, but it certainly makes a lot of sense to give surplus commodities, which are in excess of our other foreign and domestic commitments, to soup kitchens, food banks, and other charitable organizations that are engaged in efforts to feed the poor.

This amendment should in no way reduce the amount of bonus commodities that schools and other traditional commodity outlets would otherwise receive. Also, this program is not intended to replace efforts of other existing food programs. It is merely intended to complement the food stamp, child nutrition, and WIC programs.

NEED FOR PROGRAM

Just recently, the Subcommittee on Nutrition held an oversight hearing to determine whether or not there is really a need to extend the Temporary Emergency Food Assistance Act beyond September, and whether the current program is effective in providing food assistance. Although there have been problems with the logistics involved in distribution and even with some market displacement in certain areas, there seems to be a general consensus that this kind of commodity distribution program is definitely worthwhile in addressing hunger problems in local communities.

Mr. President, while the rate of unemployment remains high, despite other signs indicating that the economy is headed for recovery, there is still a lot of suffering around the country as a result of the economic climate. Soup kitchens are feeding more people than ever before, and food banks are also doing a lot of business. In addition, the food stamp program is serving more households than at any time in its history—23.4 million households are participating in the program, as opposed to the late 1970's when participation was under 21 million.

Because of the assets limits and other food stamp elegibility requirements, it is possible that many recently unemployed persons cannot qualify for food stamps. What often happens in these instances is that people spend most of their available income on housing and energy costs, and there is not enough left over for adequate food. Under these circumstances, families and individuals are able to receive food assistance from churches and other local charitable organizations which fill a vital need in communities throughout this country.

FEDERAL NUTRITION PROGRAM NETWORK

Certainly the food stamp program is a good economic barometer. Every 1 percent rise in unemployment adds about $600 million in food stamp program expenditures. More Federal dollars are now being spent on this program than ever before—a total of about $12 billion. Back in 1979, food stamp costs totalled about $7 billion, and total Federal food program expenditures were about $11 billion. The Federal Government is now spending about $17 billion on nutrition programs.

Mr. President, in addition to the food stamp program, there are many child nutrition programs, as well as

the special supplemental food program for women, infants, and children, known as WIC. There are also separate programs that serve the nutritional needs of the elderly—like the congregate meals program and Meals on Wheels. Given this comprehensive nutrition program structure, we hope that, somehow, some part of it will be able to reach a majority of individuals who need food assistance. Still, regrettably, there continue to be individuals who seem to fall between the cracks of the regular nutrition program structure, and a commodity distribution program that helps soup kitchens and other local organizations who feed the needy can be very helpful. There are people who are homeless who cannot qualify for food stamps, because they simply have no address. Soup kitchens and churches play a valuable role in these cases.

PROBLEMS ENCOUNTERED IN PROGRAM ADMINISTRATION

Mr. President, as with the implementation of any new program, there are always certain aspects that may not go as smoothly as we would wish. In a program like a nationwide commodity distribution program, the logistics involved are very complex. The Department of Agriculture's capacity to process commodities in time to keep up with the demand is limited, and this inevitably results in delays in delivering processed commodities to the States. This legislation would permit States to request unprocessed commodities, and make their own arrangements for processing at the State level. Secretary Block, on August 1, made an announcement that the Department would be very willing to increase the quantities of commodities released, and provide funds to the States to help them process more commodities. Iowa has already had a lot of experience in this area, and has actually saved money by this approach.

Additionally, there have been reports of commercial market displacement in certain areas, which most likely has been caused by Government-distributed cheese getting into the hands of the nonneedy. However, this market disruption has not occurred on a nationwide basis, and the problem could probably be solved by improved monitoring and State administration of the program in areas where market displacement has been noticed.

PARADOX IN LAND OF PLENTY

Mr. President, there is a serious need for food assistance within our society due to the hardship created by the prolonged nature of the economic recession from which we are beginning to recover. Last January, on the first legislative day of the 98th Congress, this Senator introduced S. 17, the Domestic Commodity Distribution and Food Assistance Act of 1983. At that time, and for many months previous to that, the Senator from Kansas had been deeply concerned about the huge quantities of agricultural surpluses which the Government was paying millions of dollars to maintain in storage, while there were increasing reports of hunger programs on the rise in this country.

It made little sense then, and it makes little sense now, to keep these commodities in storage while people in local communities are in need of food. We still have huge quantities of surpluses in storage—especially dairy products like cheese, butter, and nonfat dry milk. In addition, there is wheat, rice, corn, soybeans, and even some honey, which people might find useful as food products.

While the Commodity Credit Corporation continues to maintain these huge supplies, there is no reason why charitable organizations who are engaged in community efforts to feed the needy should not be able to utilize them. We have always been a generous Nation, and in times of need, our people have always responded to the best of their ability. We are currently facing a paradox in this land of plenty, where two serious needs should be linked together. Our agricultural surpluses provide ample evidence of this Nation as a major world food producer. For this reason, it is intolerable to most Americans that there are people going hungry in this country while agricultural surpluses are overloading our capacity to store them. At the same time that this country has the potential to feed the world, we are having problems making certain that Americans have enough food to eat.

While these agricultural surpluses exist, in excess of our foreign and domestic commitments, we should continue to make them available to low-income and unemployed Americans who are in need of food through local organizations such as food banks, soup kitchens, and other charitable groups.

Mr. President, 37 of my colleagues have joined me in this effort, representing broad-based bipartisan support. A similar bill, H.R. 1590, passed the House by a vote of 389 to 18, under the distinguished leadership of Congressmen PANETTA and EMERSON. I ask my colleagues to support a continuation of this very worthwhile commodity distribution program that was initiated in the jobs bill as the Temporary Emergency Food Assistance Act.

Mr. President, I just want to make certain that the Senate understands the importance of expediting this legislation, because the authority does expire in September. This legislation provides a 2-year extension. The package before us, I might say, has been very carefully crafted in order to get the full support of the administration. We have also been working with Members on the House side, particularly the distinguished Congressman from California (Representative PANETTA) who shepherded similar legislation through the House. He concurs in the changes we have made.

I will say one thing we do not want to create with the surplus commodity program is another entitlement program. We want the American farmer to stop producing surpluses for that purpose. I believe, and others believe, that the food stamp program, as the basic Federal nutrition program, if properly administered and fully funded, will serve the needs of people in distress and that we should not initiate another food program, on a permanent basis. We have more than 10 different food programs now.

I would also say that an area that Representative PANETTA was concerned about was the so-called "hold harmless" clause which would protect schools and other traditional outlets who receive bonus commodities. That is not in the language itself. I have included that in my statement. But this amendment should in no way reduce the amount of bonus commodities that schools would otherwise receive.

Also, the program is not intended to replace the efforts of other food programs.

We have provided, as suggested by the House, for advanced funding to recipient agencies so the program can be carried out. I think that is a constructive change.

Mr. President, I suggest that there is a need for this program. We appreciate the cooperative efforts made by the administration. We appreciate the good faith efforts made by the Secretary of Agriculture just a couple of days ago, indicating his willingness to add more commodities. We have tried to allow one Secretary adequate discretion. We are trying to avoid lawsuits—everybody taking the Secretary of Agriculture to court because they may think he does not distribute certain amounts of commodities. We want a surplus distribution program, but we are not trying to tie the hands of the administration, or make the program more bureaucratic. We hope we have left enough flexibility for the Secretary to make certain that those in need will receive the benefits this kind of program will provide.

Mr. President, I ask the forebearance of Senators not to tamper with the package.

As the primary sponsor of this legislation, I believe that it does carry out original purposes intended in S. 17, as introduced, and with that reported by the Senate Committee on Agriculture, Nutrition, and Forestry.

I am hopeful that the House will be able to concur with this language before the recess.

This is a responsible package, and I urge its adoption by the Congress at this time. It has taken so many

months to come this far, and I thank my colleagues for their continued support.

Mr. President, I yield to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, let me first commend the distinguished Senator from Kansas, without whose leadership and effort in connection with this matter there would be no bill before us this evening. He has worked diligently and arduously to bring up this package, and kept the Senate in session long enough so it might be enacted.

At the same time, I wish to commend the majority leader, whose patience has gone beyond what would normally be expected. He had indicated very strongly that he expected to put the Senate out by 6 o'clock this evening. I guess he is rather impatiently waiting for us to conclude these remarks so he can, indeed, do just that.

I do want to say that I cannot think of any more appropriate measure that could bring the Senate to a close before the August recess than this one. What we are doing is combining legislation to help unemployed workers in 14 States from losing weeks of unemployment benefits.

Mr. President, the bill that extended the FSC program last April provided that no State should suffer more than a 4-week reduction in benefit weeks. Initially the Department of Labor interpreted the language to mean that no State could ever lose more than 4 weeks of benefits from the levels they were receiving prior to April. Then, on June 10, the Department reinterpreted the legislative language and decided that it only applied to States that would lose more than 4 weeks immediately on April 1.

Now there still is a difference of opinion as to what the conference committee that inserted that language intended. But the fact is that many States with high levels of unemployment have lost, or will soon lose, more than 4 weeks of benefits from the levels they received on April 1.

Since April, Ohio's unemployment rate has remained fairly constant, just below 13 percent. But unfortunately the number of weeks of unemployment benefits that Ohioans are eligible to recieve has dropped and dropped and dropped.

In April 653,000 Ohioans were eligible to recieve 53 weeks of benefits.

On May 14, the number of Ohioans unemployed rose to 664,000 but the weeks of benefits were reduced by 15.

In June, yet another 8,000 Ohioans joined the unemployment lines, while Ohio lost another 2 weeks of benefits.

Although Ohio's unemployment rate is expected to remain at about 12.8 percent, Ohio will soon lose yet another 2 weeks of benefits.

This measure before us will not do all that it should, Mr. President.

Unless Congress acts before September 30, the Federal supplemental compensation program will expire, and Ohio will lose an additional 8 weeks of benefits. In fact, as of October 1, Ohio, with unemployment hovering around 13 percent, will qualify for no Federal unemployment benefits at all.

Mr. President, I believe that Congress will reauthorize the Federal supplemental benefits program before it expires. I certainly hope that by that time, a program will be developed that will eliminate the anomaly that permits States with increasing unemployment to suffer reductions in unemployment benefits. But, in the mean time, I believe that it is unfair to permit States like Ohio to suffer yet further reductions in benefit levels.

The measure before the Senate will prevent further reductions in benefits in Ohio and in other States which have already lost substantial weeks of benefits.

This measure is combined with the amendment of the Senator from Kansas, of which I am a cosponsor, to provide $50 million for further distribution of surplus agricultural products stored in this country. Hopefully, more and more of the cheese, butter, and other commodities that are available will be made available to feed hungry Americans. What could be more appropriate as the final act of this body before we go into our August recess?

● Mr. KENNEDY. I am pleased to join with Senator DOLE and Senator METZENBAUM in this important measure to help the unemployed in Massachusetts and 13 other States across the country.

An unfortunate error by the Department of Labor resulted in a broken promise to thousands of Massachusetts workers. These men and women were told, when they came into the unemployment office, early last June, that they could count on an unemployment check for the next 10 weeks. Then the Department of Labor discovered their mistake and corrected it. But fixing their mistake cost the workers of Massachusetts 2 weeks of benefits.

The bill we are considering today restores those benefits and mends the broken promise.

I applaud this action and commend the leadership of the Senators from Kansas and Ohio for their efforts to make that possible.

I look forward to working with them to consider further extension of the supplemental benefits program which expires in September.●

● Mr. HUDDLESTON. Mr. President, I urge adoption of the amendment. The amendment amends and extends the Temporary Emergency Food Assistance Act of 1983. It provides similar authorities to those contained in S. 17, a bill I cosponsored with Senator DOLE and several of our colleagues. S. 17 was reported by the Committee on Agriculture on March 9. The amendment will provide food assistance to jobless workers and other citizens in need. This legislation will assure continued assistance for families experiencing economic difficulty.

The amendment contains provisions similar to those of the emergency jobs bill, Public Law 98-8 enacted by Congress earlier this year. Under the amendment, the authority for such provisions would be extended through fiscal year 1985. Too, the amendment is similar to the bill, H.R. 1590, that passed the House of Representatives June 16.

Under the amendment, the Secretary of Agriculture will facilitate the distribution of surplus agricultural commodities to the needy.

Needy individuals and families, farmers, and all taxpayers will benefit from the distribution of Government-owned surplus food that is currently filling warehouses and costing millions of dollars in storage fees.

With today's double digit unemployment and growing numbers of people depending on soup kitchens and food banks, the Nation needs a practical and effective program to provide emergency food aid to the jobless, low income elderly, and other citizens in need.

Also, farmers will benefit from the program because commodity prices will improve if the record level of surplus food commodities is reduced.

While there are indications that the economy is beginning to recover from the severe recession of the last year and a half, millions of U.S. citizens remain out of work and are in need of temporary emergency assistance as provided by the amendment.

We must do everything we possibly can to stimulate the creation of jobs; and we must provide food and other humanitarian aid to jobless workers and other citizens in need. The amendment accomplishes these objectives and I urge my colleagues to support it.●

● Mr. HEINZ. Mr. President, I support this amendment, which will provide additional funding to expand the commodity distribution program. I believe this program is an important and essential part of this Nation's national food policy.

We have all read the accounts of hungry Americans standing in line for food. At a time when this country is paying millions of dollars in storage fees for surplus commodities, it is unconscionable that Americans are suffering from hunger. It is imperative that Congress make every effort to see that these surplus commodities are

provided to the needy in an efficient and equitable manner.

I have supported the commodity distribution program since its inception because of its significant impact on those Americans devastated by unemployment and the recession. As chairman of the Special Committee on Aging, I am especially concerned that the elderly of our country, who have worked their whole lives, not suffer from the indignities of hunger.

In 1981, the dairy distribution program was initiated to give cheese and butter to the needy by utilizing the surplus inventories stored in the Commodity Credit Corporation (CCC) facilities. Under this program, each State determines their need and demand for the surplus; the actual distribution is carried out by food banks, soup kitchens, and other emergency relief organizations. Although the Emergency Jobs Act of 1982 provided additional funds for the needy, this emergency food program expires on September 30, 1983.

The passage of this amendment insures that the most vulnerable of our society will have access to our agricultural abundance. Not only will dairy products be given away, but now the program will expand to include wheat, rice, corn, and other surplus commodities. This 2-year program will be funded at $50 million per year. The Secretary of Agriculture is given the authority to use the funds to pay for transporting commodities to individual participating agencies. In addition, the Secretary may use the CCC funds to make payments to the States and eligible recipient agencies for storage and distribution expenses incurred within the States.

It is my hope that this proposal will help alleviate conditions of hunger that continue to plague our inner cities and rural areas.

At this time, I would also like to point out that Pennsylvania is among the leading States in furnishing butter and cheese to its needy citizens. Over a million families in Pennsylvania have benefited from this program through the assistance of selfless volunteers from charity and nonprofit organizations. I would like to take this opportunity to commend the praiseworthy achievements of these volunteers. Without their commitment, the success of the program in Pennsylvania would not have been possible.●

Mr. METZENBAUM. Mr. President, I would like to have a very brief colloquy with the distinguished manager of the bill on the question of Secretary Block's management of the surplus commodities program.

Under this measure, we are not giving the Secretary the right to cut back if he can show some displacement anywhere in the United States. I understand there is nothing in this measure or in this amendment that would in any way authorize any cutbacks of surplus commodities by the Secretary of Agriculture.

Mr. DOLE. The Senator is correct.

Mr. METZENBAUM. I thank the Senator from Kansas. Again I commend him for his leadership in bringing about this result in the last hours of this session before we recess.

Mr. DOLE. Mr. President, I thank the Senator from Ohio.

Let me state to those who have an interest in doing this that, first of all, I would assure the Senators on both sides that we have been working very closely with a number of people who have been directly interested in this and with the administration as recently as 4 o'clock. I then had a phone discussion with the distinguished Director of the Office of Management and Budget, David Stockman. I really believe that we have been able to fashion a program on the commodity side that will make it flexible, that will take out some of the rigidity and make certain that we are not tying the hands of the Secretary or anyone else.

But I am also advised that if we do not move quickly on the Senate side, the House is about ready to leave their Chamber. I would hope that we could pass this legislation as quickly as possible.

Mr. METZENBAUM. Mr. President, just one further word.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I would like to publicly acknowledge the cooperation that the Senator from Massachusetts, Senator KENNEDY, gave us in connection with drafting the unemployment parts of this measure. As the Senator from Kansas knows, he, the Senator from Massachusetts, and I did meet on this subject yesterday.

Mr. DOLE. I also want the RECORD to reflect that without the approval of the Senator from North Carolina, Senator HELMS, and his staff we would not be on the floor right now with this proposal. So I think there has been a display of good will all around the Chamber.

Again, I would suggest that what we have done is to reduce the cost of the House-passed unemployment bill from $208 million to $56 million. We have reduced not the thrust of the commodity program but the expense of the commodity program substantially. I think it is a good proposal and should be passed.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I commend Senator DOLE and all the cosponsors of this legislation for using our commodities which are available to help people who are hungry and who can use the food. I think the provisions of his proposal are not only needed, are not only well-thought-out, but are a great step forward in fulfilling our obligation to share the abundance of food we have here in America with those who are unfortunate enough not to have enough to eat.

This proposal carries with it the opportunity for all the various nutrition groups throughout the United States to participate in the use of the commodities.

I particularly want to take note in its passage that it is doing not only a good thing to help all these nutrition programs and the individuals who participate in them, but we are helping to do the neighborly thing in utilizing our churches and our good will organizations—the Salvation Army and many others—which donate so much of their time and energy to helping the less fortunate people.

I very much endorse the bill. I very much applaud its passage.

Mr. PRYOR. Mr. President, enactment of this amendment is a vital step in our efforts to provide food and other humanitarian aid to jobless workers and other citizens in need.

The amendment has provisions similar to both H.R. 1590 and S. 17. I cosponsored S. 17 along with Senator DOLE, Senator HUDDLESTON, and many of our colleagues, and the measure was reported favorably by the Senate Agriculture Committee in March. H.R. 1590 passed the House of Representatives by an overwhelming margin on June 16. Clearly the provisions of this amendment have widespread support.

Too, the emergency jobs bill, Public Law 98-8, provided for implementation of activities specified in S. 17.

The amendment is designed to use our surplus agricultural commodities to the fullest extent possible and to improve the domestic distribution of the surplus and price-supported commodities. The amendment would make available all Government-owned food commodities such as dairy products, rice, soybeans, and honey, at no cost, to eligible State and local agencies through the Commodity Credit Corporation.

In addition, the amendment would provide administrative money to assist States in the distribution of the commodities and provide administrative money to food banks and other nonprofit organizations to help with the distribution, transportation, processing, and storage of donated commodities.

The $50 million in funds will be made available to carry out the program, of which not less than 20 percent will be made available for paying the actual costs incurred—by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit organizations providing nutrition assistance—in addressing situations of emergency and distress through the provisions of food to

needy persons, including low-income and unemployed persons.

I believe that farmers and taxpayers—as well as the needy—can be winners in this instance. Using our abundant supplies to help needy people is far preferable to simply storing the commodities in Government warehouses. Moreover, millions of dollars in storage costs would be saved.

I urge my colleagues to support this amendment. It will help our farmers as well as the needy of our country.

Mr. BOSCHWITZ. Mr. President, I am cosponsoring this bill because I feel very strongly that the surplus stocks owned by the Federal Government should be used to help the needy.

The Nutrition Subcommittee that Senator DOLE chairs and that I am a member of has taken a long, hard look at the problems of hunger in America. We have also looked hard at the programs designed to alleviate hunger.

Unforunately, although it seems incomprehensible that with the most efficient and productive agriculture in the world, we still find example after example of hungry, undernourished, or poorly nourished Americans. Clearly, we must take steps to reverse this.

That is why this bill is so important. By continuing the surplus commodity distribution program for 2 more years and by providing funds to assist communities or emergency food centers with transportation and storage costs, we can continue helping people battle back from the recession.

Earlier this year I introduced a resolution entitled "Preventing Hunger at Home" to express my commitment to insure adequate funding levels for the Federal nutrition programs. My resolution attracted 58 cosponsors who recognized as I did that we need to fund these programs at a level that allows them to effectively respond to the nutritional needs of Americans.

Today, we have another opportunity to recognize these needs. The surplus commodity distribution program, while experiencing some problems I think we can work out—such as displacement of American cheese, has overall done an excellent job of servicing low-income people and the unemployed. We are coming out of the recession, but the problems of hunger and nutrition will linger on. It only makes good sense to continue to use surpluses to help these people out.

Mr. President, the cost involved is very small, only $50 million, compared to the good that has been and will be accomplished. Well over 400,000 Minnesotans have been aided by this program and contributions of time and resources by volunteers has been extraordinary.

I strongly support this program and this bill and I urge my colleagues to do the same.

Mr. BOREN. Mr. President, I rise in support of this amendment, offered by my distinguished colleague from Kansas, Senator DOLE. This amendment would provide for a 2-year extension of the commodity distribution program which was authorized temporarily in Public Law 98-8, the Emergency Jobs Supplemental Appropriations Act, earlier this year. Under this program, the Secretary of Agriculture distributes surplus agricultural commodities to eligible domestic recipient agencies, food banks, schools, churches, and other organizations that provide food to low-income and unemployed persons.

The problem of hunger continues to be a great concern of many of us in the Senate. Over the past year, the demand for food aid has increased dramatically as a result of the overall economic condition in our economy. In a recent study by the Center on Budget and Policy Priorities, the number of persons served by 181 soup kitchens, food pantries, and other emergency food programs increased by more than 50 percent from February 1982 to February 1983. Additionally, the study showed that a larger number of unemployed individuals, families with children, and those whose food stamps had run out sought aid from these programs than in the previous year. This study shows that the problem of hunger continues to be a problem for many in this country.

At a time when we are storing in this country 60 percent of the world's surplus food, it saddens me to think that we are allowing some people in this Nation to go hungry. Yet, this is occurring despite the social programs that were set up years ago to combat this problem.

Mr. President, this amendment will allow for the continuation of the commodity distribution program that has been implemented to attempt to fill a gap that has surfaced in our traditional nutrition programs. This amendment will allow us to continue to channel our commodity surpluses to those who are truly in need of food.

I want to commend the Senator from Kansas for all his efforts to insure that all Americans receive an adequate diet.

I have been concerned about the limited amount of commodities that have been made available, and ask unanimous consent that at the conclusion of my remarks, the recent letter which I sent to Secretary Block concerning the commodity distribution program be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 22, 1983.

Hon. JOHN R. BLOCK,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: The recent cutback in the level of cheese and butter being given to the States for distribution has had an adverse effect on many Oklahomans who are truly needy.

The Oklahoma Department of Human Services has recently been notified that its allocation of cheese and butter for the remainder of the fiscal year has been cutback dramatically. On an average, the Oklahoma department had been distributing 1.5 million pounds of cheese and 800,000 pounds of butter per month. The notification the department received it that its allotment of cheese for the remainder of the fiscal year was cutback to a mere 345,390 pounds, and butter was reduced to 210,000 pounds.

I recognize the concerns that USDA has expressed that the dramatic increase of cheese and butter distribution has had an adverse effect on usual sales of these products. However, the average number of persons unemployed in the fourth quarter of 1982 in Oklahoma was 95,000. During the same quarter, 390,575 persons had an income below the poverty level. Clearly, the amount of cheese and butter now provided to the State of Oklahoma for distribution for the remainder of the fiscal year is inadequate to distribute to the truly needy persons in Oklahoma. At best, the Oklahoma department estimates that only 32,000 persons, with incomes at or below the poverty level, will be able to be served with the current allocaton.

I would appreciate receiving information as to how this specific allocation cut was determined for Oklahoma and why such a small amount was given to the State of Oklahoma when the unemployment figures and numbers of persons living beneath the poverty level are so high. I would also like to know what USDA's current plans are for future allocations of cheese and butter, and whether any figures are available on whether actual displacement of cheese and butter sales has occurred anywhere in Oklahoma.

It seems incomprehensible that persons, not having the money to purchase cheese and butter, are not given these commodities at a time when the storage of cheese and butter is costing the government millions of dollars.

I strongly believe that the cutback in cheese and butter distribution should not be nationwide. If there appears to be displacement or fraud in some areas, then those areas should be monitored carefully to ensure that only the truly needy receive the free commodities.

I urge you to quickly reverse your previous decision in this matter.

Sincerely yours,

DAVID BOREN,
U.S. Senator.

● Mr. RIEGLE. Mr. President, as an original cosponsor of S. 17 and a strong supporter of the temporary commodity distribution program that was contained in the emergency jobs appropriations of 1983, I heartily support the amendment to extend the commodity distribution program offered by my distinguished colleague from Kansas to this target support bill. The value of this program has

been proven and it deserves to be continued.

Included last March in the Senate passed version of the emergency jobs bill was language to require the USDA to provide administrative funding for the commodity supplemental feeding program (CSFP) for distributing bonus commodities. Prior to enactment of the emergency jobs bill, CSFP operators did not receive administrative funding for these bonus commodities and, as a result, were incurring large operating deficits through no fault of their own. Language contained in the jobs bill corrected this situation, but only until the end of this fiscal year.

Today, included as a part of the Dole amendment is language to extend the requirement that the USDA provide administrative funding for the distribution of bonus commodities by CSFP operators. Without this amendment, beginning in fiscal year 1984, CSFP operators will once again face staggering operating deficits, not of their own making, simply because they accept and distribute bonus commodities. This amendment addresses this potential problem.

I wish to again reiterate as I have on many previous occasions, that the commodity supplemental feeding program is a Federal program that works—and works well. It is deserving of our continuing support, and I urge my colleagues to support this amendment.●

● Mr. JEPSEN. Mr. President, I was an original cosponsor of my good friend and colleague Mr. DOLE's bill, S. 17, the Domestic Commodity Distribution and Food Assistance Act. I now fully support this amendment now being offered as an amendment to the Federal Supplemental Compensation Amendments of 1983.

The thrust of this legislation is to put more surplus farm commodities on the plates of those in genuine need of food. I supported the original bill during markup in the Senate Agriculture Committee. The bill we reported out of committee is a good bill.

This great Nation of ours is a land of plenty. But at the same time, in the midst of this, there are those who are going hungry. This should not be occurring.

This legislation is designed to divert our surplus commodities to those in need—to those suffering from hunger.

These surpluses will be given to food banks, churches, and other organizations already providing some food to low income and unemployed persons.

We need to supplement nutrition programs already on the books. This legislation will fill the gap, assuring that those in need receive food assistance.

This amendment is a commonsense piece of legislation. We have surpluses we need to get rid of and people in need of a better diet.

I am pleased that the Department of Agriculture plans to resume distribution of cheese and other commodities to the needy. I am also pleased that President Reagan has appointed a task force to produce a no-holds-barred study on food assistance programs to determine whether they are meeting the needs and how they can be improved.●

Mr. DOLE. Mr. President, I ask unanimous consent that a letter from Senator DOMENICI in support of this legislation be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., August 3, 1983.

THE PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I congratulate you on your recent announcement creating a Task Force on Food Assistance. I understand it will examine America's hunger problem, determine those factors that may be responsible for the apparent increase in hunger, and most importantly, develop specific recommendations to combat hunger. This comes at a critical time with reports of increasing hunger in America, and the latest Census Bureau report showing increased persons in poverty last year.

It is my firm belief that, to the extent hunger exists in this country, it is both deplorable and without justification. A bountiful country that can afford to reduce agriculture production on 80 million acres this year, cannot at the same time permit any child or adult to go to bed hungry. I stand ready to serve you in this endeavor.

I support the administration's recent decision to increase the distribution of surplus agricultural products. I note, however, that even with the proposed increases, the federal government will continue to purchase butter at nearly five times the distribution rate (12 million pounds distributed versus approximately 60 million pounds purchased monthly). While I believe direct commodity distribution programs may not be the most efficient means to feed poor people, with nearly 500 million pounds of butter, 1.0 billion pounds of cheese, and 1.2 billion pounds of nonfat dry milk in government storage, we should at least expand our current commodity distribution programs to reduce these burdensome stocks. I also suggest that the government, working with private industry, develop procedures to process dairy and grain stocks into more palatable food products.

A bill introduced by Senator Dole and myself earlier this year provided fiscal year 1983 funds to state and local governments for the transportation, storage, and processing of surplus agricultural products. I was pleased that this bill became a major component of the Emergency Jobs Act (P.L. 98-8). It is imperative that we continue to fund these commodity distribution activities next year. Your support of our legislative efforts in this regard would be appreciated.

In his latter years, Thomas Jefferson wrote his friend, and earlier enemy, John Adams, "I hope we shall prove how much happier for man the Quaker policy is, that the life of the feeder is better than that of the fighter . . . let this be our office." We obviously cannot remove ourselves from budget constraints and often competing policy objectives. Within the imprecise arena of balancing priorities, however, we can heed Jefferson's call to look to our responsibility to provide food assistance to all needy Americans. I again congratulate you on this leadership and stand ready to support you in this most important activity.

I have the honor of remaining.

Most respectfully yours,

PETE V. DOMENICI.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2126) was agreed to.

Mr. BOSCHWITZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. EAGLETON. Mr. President, with warehouses filled with surplus commodities and with a persistent problem of hunger existing in our country that has been compounded by the recent recession, I am pleased that we are today acting on legislation to extend the commodity distribution assistance program of the jobs bill. It makes absolutely no sense to continue to spend hundreds of millions of dollars to store surplus commodities when those commodities can be put to use helping to feed the hungry of our Nation.

Mr. President, the legislation before us requires the Secretary to make available surplus commodities for food assistance that are not needed for mandatory domestic donation programs, other domestic obligations and for international market development and food aid commitments. In addition, it authorizes a 2-year extension of payments to States and local food distribution programs for the costs they incur in storing and distributing surplus commodities.

I agree with the President that no American should have to go hungry, that hunger should not be an issue in our country and that if even one American is denied the dignity of proper nutrition, it is a national tragedy. It is ironic, however, Mr. President, that at the same time the Reagan administration is embarking on their public effort to address hunger, those of us who are involved in trying to get an appropriations bill enacted to fund the current nutrition programs are having to deal with an administration which believes that we are spending too much for feeding the hungry.

We have been told that we are proposing too much for the special supplemental feeding program for women, infants, and children (WIC), too much for child nutrition, too much for the

elderly feeding program, and too much for the food stamp program.

If the President is sincere about his effort to address hunger, he should amend his fiscal year 1984 budget to provide for full funding of the nutrition programs including no reduction in participation in the WIC program.

The distribution of surplus commodities cannot substitute for the basic Federal nutrition programs, but it can certainly help fill in the gaps—gaps that have been caused largely by the recent recession and the reductions made in these programs over the past 2 years.

I urge my colleagues to support this legislation.●

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further amendments, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (H.R. 3409) as amended, was passed.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 12, 1983

Mr. BAKER. Mr. President, no other matter is cleared for action by either side. The time for the transaction of routine morning business has long since expired, as has the patience of most Senators.

In view of that, Mr. President, I move, in accordance with the provisions of House Concurrent Resolution 153 the Senate now do adjourn until September 12 at 12 noon.

The motion was agreed to; and the Senate, at 7:03 p.m., adjourned until Monday, September 12, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 4, 1983:

Department of State

Robert Hopkins Miller, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

In the Army

The following-named Army Medical Department officers for appointment in the U.S. Army to the grades indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Thomas M. Geer, xxx-xx-xxxx, Medical Corps, U.S. Army.
Col. Philip K. Russell, xxx-xx-xxxx, Medical Corps, U.S. Army.
Col. Darryl H. Powell, xxx-xx-xxxx, Medical Corps, U.S. Army.
Col. Connie L. Slewitzke, xxx-xx-xxxx Army Nurse Corps, U.S. Army.
Col. Girard Seitter III xxx-xx-xxxx, Medical Corps, U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 4, 1983:

African Development Bank

Donald T. Regan, of New Jersey, to be Governor of the African Development Bank for the term of 5 years.

Department of Energy

William Patrick Collins, of Virginia, to be Under Secretary of Energy.

Department of Housing and Urban Development

Warren T. Lindquist, of Maine, to be an Assistant Secretary of Housing and Urban Development.

Department of State

Thomas Ostrom Enders, of Connecticut, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Thomas R. Pickering, of New Jersey, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

Department of Education

A. Wayne Roberts, of Massachusetts, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

U.S. International Trade Commission

Seeley Lodwick, of Iowa, to be a member of the U.S. International Trade Commission for the term expiring December 16, 1991.

Environmental Protection Agency

Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Alvin L. Alm, of Massachusetts, to be Deputy Administrator of the Environmental Protection Agency.

Nuclear Regulatory Commission

Frederick M. Bernthal, of Tennessee, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1988.

The Judiciary

James F. Merow, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years.

Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years.

Marvin Katz, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

James McGirr Kelly, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

Thomas N. O'Neill, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

Department of the Treasury

Thomas J. Healey, of New Jersey, to be an Assistant Secretary of the Treasury.

In the Army

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Robert O. Bugg, xxx-xx-xxxx.
Brig. Gen. James E. Harrell, xxx-xx-xxxx.
Brig. Gen. Walter K. Tagawa, xxx-xx-xxxx.

To be brigadier general

Col. James D. Ball, xxx-xx-xxxx.
Col. Edwin Cox, xxx-xx-xxxx.
Col. Jackson L. Flake, Jr., xxx-xx-xxxx.
Col. Daniel W. Fouts, xxx-xx-xxxx.
Col. Rudolph E. Hammond, xxx-xx-xxxx.
Col. Jefferson S. Henderson, II, xxx-xx-xxxx.
Col. Alvin W. Jones, xxx-xx-xxxx.
Col. John W. Knapp, xxx-xx-xxxx.
Col. Michael A. Schulz, Jr., xxx-xx-xxxx.
Col. Robert P. Sy, xxx-xx-xxxx.
Col. Robert L. Wick, Jr., xxx-xx-xxxx.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provision of title 10, United States Code, sections 593(a), 3385, and 3392:

To be major general

Brig. Gen, William J. Jefferds, xxx-xx-xxxx.
Brig. Gen, Lawrence A. Keller, xxx-xx-xxxx.
Brig. Gen, Edward W. Waldon, xxx-xx-xxxx.

To be brigadier general

Brig. Gen, Dayle E. Williamson, xxx-xx-xxxx.
Col. Robert L. Blevins, xxx-xx-xxxx.
Col. Robert C. Dechert, xxx-xx-xxxx.
Col. James D. Delk, xxx-xx-xxxx.
Col. Larry H. Della Bitta, xxx-xx-xxxx.
Col. Averill E. Hawkins, xxx-xx-xxxx.
Col. Robert L. Helmer, xxx-xx-xxxx.
Col. John V. Hoyt, xxx-xx-xxxx.
Col. Dan E. Karr, xxx-xx-xxxx.
Col. Joseph G. Martin, Jr., xxx-xx-xxxx.
Col. Patrick J. McCarthy, xxx-xx-xxxx.
Col. James M. Miller, xxx-xx-xxxx.
Col. Curtis W. Milligan, xxx-xx-xxxx.
Col. Robert B. Pettycrew, xxx-xx-xxxx.
Col. James A. Ryan, xxx-xx-xxxx.
Col. Harry R. Taylor, xxx-xx-xxxx.
Col. Teddy E. Williams, xxx-xx-xxxx.

Col. Bobby G. Wood, [redacted].

IN THE AIR FORCE

Air Force nominations beginning Howard L. Alford, and ending Philip M. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1983.

IN THE ARMY

Army nominations beginning Robert O. Abney, and ending Carl Sundstrom, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 28, 1983.

IN THE NAVY

Navy nominations beginning Steven C. Cox, and ending Peter L. Washburn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1983.

Navy nominations beginning Johnny F. Barfield, and ending William A. Wood, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 25, 1983.

HOUSE OF REPRESENTATIVES—*Thursday, August 4, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We gather in grateful appreciation for the opportunities we have to serve in this place. We thank You, O God, that we can use our abilities in ways that contribute to the common good, that we can do our best to discover the path of truth, and that we can use all our talents as good stewards of Your many priceless gifts. We are grateful for this forum for discussion and we pray that our actions may be guided by Your Spirit, that we may truly be servants of justice and partners in peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BATEMAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BATEMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 42, answered "present" 8, not voting 41, as follows:

[Roll No. 321]

YEAS—342

Addabbo	Bereuter	Brown (CA)
Akaka	Berman	Brown (CO)
Albosta	Bethune	Broyhill
Anderson	Bevill	Bryant
Andrews (TX)	Biaggi	Burton (CA)
Annunzio	Bilirakis	Byron
Archer	Bliley	Campbell
Aspin	Boehlert	Carney
AuCoin	Boland	Carper
Badham	Boner	Carr
Barnard	Bonker	Chandler
Barnes	Borski	Chappie
Bartlett	Bosco	Cheney
Bateman	Boucher	Clarke
Bates	Breaux	Clinger
Bedell	Britt	Coelho
Beilenson	Brooks	Coleman (MO)
Bennett	Broomfield	Coleman (TX)
Collins	Hughes	Myers
Conyers	Hunter	Natcher
Cooper	Hutto	Nelson
Corcoran	Hyde	Nielson
Courter	Ireland	Nowak
Coyne	Jeffords	O'Brien
Crane, Daniel	Jenkins	Oakar
Crane, Philip	Johnson	Obey
Crockett	Jones (NC)	Ortiz
D'Amours	Jones (OK)	Owens
Daniel	Jones (TN)	Oxley
Daschle	Kaptur	Packard
Daub	Kasich	Panetta
Davis	Kastenmeier	Parris
de la Garza	Kazen	Pashayan
Derrick	Kemp	Patterson
DeWine	Kennelly	Paul
Dicks	Kildee	Pease
Dingell	Kindness	Penny
Donnelly	Kogovsek	Perkins
Dowdy	Kolter	Petri
Duncan	Kostmayer	Pickle
Dyson	Kramer	Price
Early	LaFalce	Pursell
Edgar	Lantos	Quillen
Edwards (AL)	Latta	Rahall
Edwards (CA)	Leath	Rangel
Edwards (OK)	Lehman (CA)	Ratchford
English	Lehman (FL)	Ray
Erdreich	Leland	Regula
Erlenborn	Lent	Reid
Evans (IL)	Levin	Ridge
Fascell	Levine	Rinaldo
Fazio	Levitas	Ritter
Feighan	Lewis (FL)	Robinson
Ferraro	Livingston	Rodino
Fiedler	Lloyd	Roe
Fish	Loeffler	Rose
Flippo	Long (LA)	Rostenkowski
Florio	Long (MD)	Roth
Foglietta	Lott	Roukema
Foley	Lowery (CA)	Rowland
Fowler	Lowry (WA)	Rudd
Frank	Lujan	Russo
Franklin	Luken	Savage
Frost	Lundine	Sawyer
Fuqua	Lungren	Scheuer
Garcia	Mack	Schneider
Gaydos	MacKay	Schulze
Gekas	Madigan	Schumer
Gephardt	Marlenee	Sensenbrenner
Gibbons	Marriott	Shannon
Gilman	Martin (IL)	Sharp
Glickman	Martin (NC)	Shaw
Gonzalez	Martinez	Shumway
Gore	Matsui	Shuster
Gradison	Mavroules	Siljander
Gramm	Mazzoli	Simon
Gray	McCain	Sisisky
Green	McCandless	Skeen
Guarini	McCloskey	Skelton
Gunderson	McCurdy	Slattery
Hall (IN)	McEwen	Smith (FL)
Hall (OH)	McGrath	Smith (IA)
Hall, Ralph	McHugh	Smith (NE)
Hall, Sam	McKernan	Smith, Robert
Hamilton	McKinney	Snowe
Hammerschmidt	McNulty	Snyder
Hance	Mica	Solarz
Hansen (ID)	Michel	Solomon
Hansen (UT)	Mikulski	Spence
Harrison	Miller (CA)	Spratt
Hartnett	Mineta	Stangeland
Hatcher	Minish	Stark
Hefner	Moakley	Stenholm
Hertel	Molinari	Stratton
Hightower	Mollohan	Studds
Hiler	Montgomery	Stump
Holt	Moody	Sundquist
Hopkins	Moore	Swift
Horton	Moorhead	Synar
Howard	Morrison (CT)	Tallon
Hoyer	Morrison (WA)	Tauke
Hubbard	Mrazek	Tauzin
Huckaby	Murtha	Taylor
Thomas (CA)	Vucanovich	Wolf
Thomas (GA)	Walgren	Wolpe
Torres	Weaver	Wortley
Torricelli	Weiss	Wright
Towns	Wheat	Wyden
Udall	Whitehurst	Wylie
Valentine	Whitley	Yatron
Vander Jagt	Whittaker	Young (FL)
Vandergriff	Whitten	Young (MO)
Vento	Winn	Zablocki
Volkmer	Wirth	Zschau

NAYS—42

Burton (IN)	Fields	Richardson
Coats	Forsythe	Roberts
Conable	Frenzel	Roemer
Coughlin	Gejdenson	Rogers
Craig	Goodling	Sabo
Dannemeyer	Harkin	Schaefer
Dickinson	Hawkins	Schroeder
Dixon	Leach	Shelby
Dorgan	Lewis (CA)	Sikorski
Dreier	Lipinski	Smith, Denny
Durbin	Markey	Staggers
Eckart	Miller (OH)	Walker
Emerson	Murphy	Yates
Evans (IA)	Patman	Young (AK)

ANSWERED "PRESENT"—8

Conte	Lagomarsino	Olin
Dymally	Martin (NY)	Wise
Jacobs	Oberstar	

NOT VOTING—41

Ackerman	Ford (TN)	Pritchard
Alexander	Gingrich	Roybal
Andrews (NC)	Gregg	Seiberling
Anthony	Heftel	Smith (NJ)
Applegate	Hillis	St Germain
Boggs	McCollum	Stokes
Bonior	McDade	Traxler
Boxer	McDonald	Watkins
Chappell	Mitchell	Waxman
Clay	Neal	Weber
Dellums	Nichols	Williams (MT)
Downey	Ottinger	Williams (OH)
Dwyer	Pepper	Wilson
Ford (MI)	Porter	

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 46) entitled "An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, 'Shipping'."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2355) entitled "An act to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 505. An act to designate the Federal building to be constructed in Savannah, Ga., as the "Juliette Gordon Low Federal Building";

S. 1148. An act to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, in docket numbered 10-81L by the U.S. Court of Claims, and for other purposes; and

S. 1625. An act to amend the District of Columbia Retirement Reform Act.

EDUCATION, HOUSING AND WELFARE OF PAGES

(Mr. MINISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINISH. Mr. Speaker, I address the House today on the important issue of our pages.

The pages who come to the House of Representatives are entrusted to us by their parents for their educations, housing and welfare. This is a special trust.

The House Page Board, since its creation last November, has taken great strides to honor that special trust. With the full support of the Speaker and the rest of the House leadership, the most dramatic and—the Board believes—the most beneficial changes in the page program since it began in the early 1800's have been implemented.

To respond to the problem of after-hours supervision of the pages, the Page Residence Hall was established in Annex No. 1 and opened on February 1. The Residence Hall provides the pages for the first time with a model dormitory facility. The Board also put into effect a code of conduct for the pages.

No system can guarantee that problems will never occur, but the Board sincerely believes every reasonable step has been taken to provide for after-hours supervision of the pages and their general well-being.

The final step in improving the page program is to guarantee every page a quality education.

To this end, the Board held education hearings and established a permanent education task force to advise the Board on educational matters. The task force is composed of Mr. WHITEHURST of Virginia, designated by the Board as the chairman, the executive directors of the National Association of State Boards of Education, the National Association of Secondary School principals, and the Association for Supervision and curriculum development and the Doorkeeper, the manager of the majority cloakroom and the minority chief page.

The task force's report to the Board, as well as past evaluators, have criticized the Capitol Page School. Evaluators have found among other things that the pages' SAT scores have declined and are now the lowest in the metropolitan area.

Consequently, in June the Board unanimously adopted a new page education program recommended by the task force and the Board unanimously decided that from now on the Board would provide educational services for the pages as the best way to implement the new page educational program and monitor page education to insure its quality. To carry out these decisions, the House was requested to adopt House Resolutions 234 and 279 and did so.

The House of Representatives Page School has now been established and classes will begin on September 6. The principal, Dr. Robert F. Knautz was hired last week. Dr. Knautz is from Illinois and has impressive academic credentials and extensive experience as an educator. I have absolute confidence that Dr. Knautz will do an excellent job as the leader of the House Page School.

I want to thank the members of the Board and the task force for their dedication and contributions to improvement of the page program.

In closing, let me state that the objective of the Board and, I believe, all concerned, is that the living conditions and education of our pages be exactly what we would want for our own children. The Board has never deviated from that objective and everyone should be on notice that we never will.

COMMENDING DR. ALICE MITCHELL RIVLIN FOR HER SERVICE AS DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE

Mr. JONES of Oklahoma. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 154) to commend Dr. Alice Mitchell Rivlin for her service as Director of the Congressional Budget Office, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 154

Whereas Dr. Alice Mitchell Rivlin has served with dedication and distinction as the first Director of the Congressional Budget Office since 1975;

Whereas under the leadership of Dr. Rivlin, the Congressional Budget Office has become an indispensable, professional, nonpartisan organization that has consistently supplied Congress with timely and objective forecasts of economic conditions, projections of Federal spending and revenues, options for reducing the Federal deficit, and objective analyses of important public policy issues;

Whereas the direction by Dr. Rivlin of the Congressional Budget Office has fulfilled the intent of the framers of the Congressional Budget Act to create a capability within Congress to analyze budgetary information independently from the executive branch, thereby making the Office a vital support agency of the Congress;

Whereas Dr. Rivlin is nationally recognized as an eminent authority on economic and budgetary issues, has earned the respect and admiration of her colleagues in business and Government, and has brought credit to herself, the Congressional Budget Office and the Congress: Now, therefore, be it

Resolved by the House of Representatives, (the Senate concurring), That the Congress of the United States expresses gratitude to Dr. Alice Mitchell Rivlin for her dedicated service as Director of the Congressional Budget Office and wishes her continued success.

SEC. 2. The Clerk of the House shall transmit a copy of this resolution to Dr. Alice Mitchell Rivlin.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, this resolution is being offered on behalf of the gentleman from Ohio (Mr. LATTA), the ranking Republican on the House Committee on the Budget, and myself. An identical resolution is being offered in the other body by Senator CHILES, the ranking Democrat of the committee, and Chairman DOMENICI of the Senate Budget Committee.

As is pointed out in the resolution, Dr. Rivlin was the first and only Director of the Congressional Budget Office. She is now leaving that position and will be replaced by Dr. Rudolph Penner, who was recently appointed by the Speaker and the President of the Senate.

Dr. Rivlin has brought great credit to this position and has supplied indispensable, independent information to the Congress and has launched this particular office in a very professional way that has been a credit to public service.

This resolution merely expresses our gratitude and commends her for this performance.

● Mr. DERRICK. Mr. Speaker, today, the House of Representatives approved House Concurrent Resolution 154 commending Dr. Alice M. Rivlin on her outstanding service to the Congress as the first Director of the Congressional Budget Office and wishing her well in her new endeavors.

I want to take this opportunity to express my personal best wishes and thanks to Dr. Rivlin for her tireless dedication in insuring that the Congressional Budget Office provided such excellent, bipartisan information and support to the Congress on economic and fiscal policy matters since CBO's beginnings. This independent analysis organization has gained a reputation for fairness and responsibility

due in large measure to Alice Rivlin's conscientious leadership.

Her competence and integrity will long serve as an example to those who follow in providing direction to this agency so vital to the congressional budget process. Her guidance will certainly be missed and she is most deserving of our gratitude and applause for a job well done.●

● Mr. FAZIO. Mr. Speaker, I rise in tribute to Alice Rivlin, Director of the Congressional Budget Office. It is with mixed feelings that I stand before you, for while I know that Ms. Rivlin is leaving this post to join the prestigious Brookings Institution, it is with regret that we see her leave CBO.

As the first Director of the Congressional Budget Office, she has been instrumental in making the congressional budget process a credible one. She took a fledgling entity and molded it into an effective and highly reputable organization. This is evidenced by the fact that time and again during these recently tumultuous political years, it has been CBO, under Alice Rivlin's directorship, which have made the soundest economic projections.

Prior to my appointment to the House Budget Committee, I had occasion to work with Ms. Rivlin in my capacity as chairman of the Legislative Branch Subcommittee of the House Appropriations Committee. As this subcommittee is responsible for the CBO budget, I have watched the method in which Ms. Rivlin has grappled with sometimes difficult budget and policy matters. She has always handled these issues in a professional manner and has been highly successful in improving the overall operation of CBO.

As she departs to pursue other career opportunities, she can point with pride to her accomplishments. She leaves behind a strong, viable, and respected organization. She will be missed.●

● Mr. DONNELLY. Mr. Speaker, I join my colleagues today in commending Alice Rivlin of the Congressional Budget Office for her outstanding work in her tenure as CBO Director. Dr. Rivlin's tenure as Director of the Congressional Budget Office has been marked by her nonpartisan professionalism, competency, and acumen. The work of the Congressional Budget Office under Alice Rivlin has been invaluable, not only to the Budget Committee, but to the entire Congress.

It is in large part due to Dr. Rivlin's leadership that the Congressional Budget Office has been able to establish its reputation as a credible organization of impeccable integrity. It has been a pleasure to have the opportunity to work with Alice Rivlin. She has served Congress admirably, and we will miss her.

I congratulate Dr. Rivlin on her new position at the Brookings Institution, and I am confident that due to her proven ability she will be most successful there. I wish her the very best as she moves into the next phase of her remarkable career.●

● Mr. MINETA. Mr. Speaker, I rise in enthusiastic support of House Concurrent Resolution 154, which expresses the gratitude of the Congress to Dr. Alice Mitchell Rivlin for her outstanding and dedicated service as Director of the Congressional Budget Office.

As a member of the House Budget Committee for 6 years, I was fortunate to have the opportunity to work closely with Dr. Rivlin. Her economic analysis and projections were indispensable to me and all of the Congress.

As the first Director of the CBO Dr. Rivlin was faced with the awesome challenge of creating an independent source in Congress for economic and bubget analysis. Dr. Rivlin was an unqualified success in meeting this challenge. As a result of Dr. Rivlin's work the CBO quickly gained a reputation as probably the Nation's most respected source for U.S. budget and economic projections. It's hard to comprehend how quickly we all took the expert assistance of the CBO for granted and that CBO did not even exist 10 years ago. The fine tradition Dr. Rivlin established at CBO is proof that Government organizations can work efficiently and effectively. Also, as this resolution attests to, the CBO is a living testament to one of this Nation's greatest public servants, Dr. Alice Mitchell Rivlin. Dr. Rivlin has made an important contribution to this Nation through her work at CBO and she deserves the sincere thanks and best wishes of all Americans.

On a personal note, I would like to thank Dr. Rivlin for her assistance to me and extend to her my best wishes for her work in the future.●

● Mr. LEHMAN of Florida. Mr. Speaker, it gives me great pleasure to join with my colleagues in recognizing the many accomplishments of Dr. Alice M. Rivlin as the first Director of the Congressional Budget Office and in thanking her for her excellent service to Congress.

It is hard to imagine the CBO without Alice Rivlin at the helm, but the fine staff she assembled and the high standards she set for professional and nonpartisan economic and budgetary analysis assure that Congress will continue to receive first-rate information to guide our policy and funding decisions. Her successor, Rudy Penner, is highly qualified, but he will find Alice a hard act to follow.

I first came to know Alice Rivlin when I served on the Budget Committee; she has since provided information and testimony to the Subcommittee on Transportation Appropriations, which I chair, on some of the critical issues which face us, particularly the Federal Aviation Administration's national airspace system plan. I have the highest regard for Alice as an economist, but I am also privileged to count her among my friends.

Mr. Speaker, I congratulate Alice Rivlin on a job very well done, and on her MacArthur Foundation grant, which she richly deserves. I wish her all happiness and success at the Brookings Institution, and I hope she will not become a stranger on the Hill.●

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in conjunction with the resolution expressing our gratitude to Dr. Rivlin.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REAGAN AND WOMEN

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, our President has done it again—put his foot right into the gender gap. Speaking to the International Federation of Business and Professional Women's Clubs yesterday, he astonished 1,200 women with a lame attempt at humor about women's place. He was greeted with well-deserved silence.

The White House likes to pretend that the gender gap—the greater opposition of women to Reagan policies—is a creation of raving, radical women—not mainstream American women. They are wrong.

I have spoken in recent months to women in sales, to advertising women, to home economists. None of these very mainstream groups feel women are getting a fair shake from this administration.

Just the other day, I saw an American Bar Association poll on how lawyers feel about Mr. Reagan.

The poll showed that 51 percent of male lawyers think the President is doing a good job. But just 24 percent of female lawyers agreed with them. That is not just a gap. It is a chasm.

As the former president of a women's bar association, I also know that until very recently our members simply did not become involved in politics. All that is changing now and I for

one hail this new consciousness. Women's place in our society is everywhere.

□ 1030

INTRODUCTION OF LEGISLATION TO ASSIST LOCALITIES BURDENED BY TAX-EXEMPT PROPERTIES

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, today I am introducing legislation to help localities which are significantly burdened by the presence of Federal facilities and installations within their jurisdictions.

Real property taxes are the core of local tax bases—they account for 78 percent of all local taxes collected. Yet the country's largest real property owner, the Federal Government, is exempt from local property taxes. Contrary to popular belief, 75 percent of these holdings consist of buildings and structures located in nonopen spaces within local jurisdictions and not in parks or open lands.

A Federal Government presence does bring benefits to localities, but we should remember that the Federal Government enjoys essential and significant benefits from local services. Often, there is an imbalance and local governments suffer as a result.

For example, the city of Portsmouth, Va., loses 51 percent of its total assessed property value to Federal tax-exempt real property. At the same time, 63 percent of the 16,000 Federal employees who work in Portsmouth live elsewhere.

Inequities as substantial as these must be addressed. Help is needed and it is needed now. I am not proposing that we need or should require a Federal payment in lieu of taxes for all Federal real property. We cannot afford that nor should we expect it.

But we can and must help those localities which suffer from a substantial loss in their tax base. That is what this legislation will do and I ask your support for it.

DISCRIMINATORY PRACTICES ALLEGED AGAINST BRITISH FIRM IN NORTHERN IRELAND

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues a serious matter which may involve the British Government misleading the Congress of the United States.

The specific matter involves a British-run company, Short Bro., Ltd., of Belfast Northern Ireland. They are expected to file a formal bid with the Air Force for a $40 million contract for 18 transport aircraft. I and other members of the Ad Hoc Congressional Committee for Irish Affairs as well as the Irish National Caucus have been opposed to this sale because of Short Brothers record of discrimination against Catholic employees.

In an effort to defuse these concerns, the British Ambassador to the United States, Mr. Wright, in a May 10 letter to certain Members of Congress contended among other things that Short Brothers had in place an affirmative action hiring program. However, in response to a letter from Father Brian Brady from Northern Ireland—the chairman of the Fair Employment Agency of Northern Ireland said that as of June 30 the Short Brothers affirmative action plan was still in the discussion stage.

That is a big discrepancy and since the final decision on the contract is imminent, an investigation is needed to get the real facts. It would be patently wrong for our Government to do business with any firm which practices discrimination—and with any government which would try and deceive the fact that they permit such discrimination.

CONTINUED BIPARTISANSHIP URGED TOWARD PASSAGE OF MARTIN LUTHER KING BIRTHDAY HOLIDAY BILL

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, on Tuesday of this past week, in one of the rare moments of true bipartisanship spirit, Republicans and Democrats joined together and passed the Martin Luther King holiday bill. I think it was symbolic, because we take this floor so often and attack each other because we are of different parties or because we believe this or that.

I just want to make it very clear to my colleagues on both sides of the aisle that there were some eloquent statements made that day, and I think the gentleman from Arkansas (Mr. BETHUNE), the gentleman from New York (Mr. KEMP), the gentleman from California (Mr. LUNGREN), and the gentleman from New Jersey (Mr. COURTER), were very clear and concise in their feelings about Martin Luther King.

I would hope that we would be able to take what we have done in this House and transpose that same feeling to the Senate so that we can get a bill passed over there and so that the President would then have an opportunity to sign it.

Mr. Speaker, for all of those Members who supported our provision and even for those who may have had a difference of opinion, we are deeply appreciative because it was truly bipartisan and in the true spirit of America.

CENTRAL AMERICAN CRISIS RAISES POSSIBILITY OF CALLING CONGRESS BACK

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as everyone knows, hopefully today we will adjourn for the August break. I think all of us are ready for this. I must say that I leave for adjournment with mingled emotions.

I very, very much want during the August break to be able to spend time with my own children in a little more civilized manner, and yet, as we see this escalation of activity in Central America, I have grave feelings about what is going to happen down there during this interim period.

My understanding is that we no longer adjourn subject to the call of the Chair because the other body would not accept that arrangement.

The 500-plus parents of the young people called out of Fort Carson, Colo., to go to Honduras, yesterday are very worried about this adjournment. I hope the leadership will assure them that if something happens in Central America we will be called back into session.

We owe it to America's young people, to the parents of this country, and to everyone else to say that we do not want to see that escalation of exercises in Central America get out of control while we are out of town.

AMERICA'S PROGRESS TOWARD CIVIL RIGHTS REFORM

(Mr. PATTERSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, on Tuesday, the House voted overwhelmingly to honor the birthday of Martin Luther King. Were Dr. King here today to witness our consideration of H.R. 2230, I wonder if he would be encouraged by our progress over the past two decades in civil rights reform.

Today, when we consider this bill to reauthorize and extend the authority of the Civil Rights Commission, I hope all of my colleagues will consider the amendment to be offered by the gentleman from California (Mr. EDWARDS). This is a compromise amendment to try to depoliticize this very important Commission.

Mr. Speaker, I urge the Members to oppose all amendments to weaken the Edwards compromise and to vote to extend the life of the Civil Rights Commission for the next 5 years. It is very important, and we owe that to

our country and to Dr. King's memory.

HEALTH INSURANCE FOR THE UNEMPLOYED

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, yesterday the House passed a bill creating a program of health insurance for the unemployed.

Under existing programs, we subsidize or provide health care for the elderly and poor in our country. Through tax policy, we subsidize health insurance for middle-income families. Health care is no longer considered a luxury in our country or a benefit which should depend on a person's wealth.

If we were to rewrite our Bill of Rights today, does anyone doubt that the right of access to quality health care would be high on the list of things Americans value the most?

With hospital insurance for the unemployed, we make a step in the right direction to help the helpless, but both sides of the aisle should concede that we are walking backward into a consistent and reasonable national health policy.

We in Congress can no longer ignore the need for a national debate on health care. We avoid this issue at the expense of our own budget and at the expense of ignoring an item of major concern to our Nation.

THE COMMUNIST PRINTING PRESS IN LATIN AMERICA

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, a constituent of mine recently wrote and asked me what our country is doing about Soviet publications on communism in Latin America. She noted that the Soviets spread their propaganda literature all over the world.

The U.S. Information Agency responded to my inquiry with some startling figures on the full-scale public opinion war being waged against America in our own hemisphere.

For instance, in book form alone, some 12.5 million copies of anti-American, pro-Communist literature are published in Spanish in the Soviet Union each year. That does not include the Soviet support to indigenous publishers, and the many leaflets and pamphlets we know about.

Our Government has a modest program, but it is grossly inadequate by comparison. The U.S. Information Agency has expressed to me its interest in expanding these efforts, and Congress should do its part to support this outreach to our neighbors in Latin America.

If we fail to get the truth across about America, the other side will gladly shape our image for us.

THE LONE RANGER AND TONTO

(Mr. HOPKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOPKINS. Mr. Speaker, my colleague from Massachusetts has seen fit to draw an analogy between the President of the United States and the Lone Ranger and has further stated on national news that he is not going to be his Tonto. I want to assure an uneasy Nation that my colleague from Massachusetts is not being considered for that position.

I further want to say that I remember the Lone Ranger, and he selected a member of the minority, and together they stamped out untruth in this country, and they protected those who were unable to protect themselves.

So to the modern-day Lone Ranger, I would say, "Hi-yo, Silver! Keep up the good work, Kemo Sabe." To my colleague from Massachusetts, I would recommend that he consider talking his mentor, a Member of the other body, into reconsidering running for President, if they are so unhappy with the policies of this country. In that unlikely event, because of the overwhelming lack of support, I would humorously suggest that they consider putting a bill in to withdraw Massachusetts as a member of this Union so that they would secede from this country, which I believe I would support and which I think would have overwhelming support in this country.

COMMITTEE ACTION ON COAL LEASES IN MONTANA AND NORTH DAKOTA

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, your party apparently is not content with its 100-vote majority, not content with having the chairmanship of all the committees, and not content with stacking the committees without regard to the party ratios.

Must the Democrats resort to altering committee records to look good? Must your party disregard the rules of the committees? Must you manipulate parliamentary procedures?

Yesterday, the committee chairman of the House Interior Committee and the committee Democrats passed a resolution to immediately withdraw leases to be sold for coal development in the Fort Union area of Montana and North Dakota.

Out of fear of embarrassment, they limited debate and instead engaged in a flimflam. The action they took was capricious. The action may be unlawful. They subverted, distorted, and circumvented due process.

The chairman, and the Democrats insulted the general public because they did not allow the Representatives of the people to speak or legislate.

A sad day for the credibility of the Interior Committee. A commentary on the abuse of dictatorial power to achieve a very, very partisan end. A sad day for the people of this country.

□ 1045

SUMMER INTERNS

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, each summer the Congress is fortunate to welcome as interns many fresh young faces to its Members' offices. I look forward to their arrival and am grateful for the energy, diligence, and creativity they display during the short time they spend with my staff.

Many interns arrive with little knowledge of the work that is done here. Some, political science or government majors, know in theory how the entire process is supposed to work. I think that very few leave without finding out something of the reality, complexity, and delicacy of the machinery of our Government. This is an invaluable lesson which they learn. It will serve them throughout their future careers.

I take this opportunity to state how thankful I am to the six young men and women who provided much-needed assistance in my office. I hope they all enjoyed the opportunity to spend part of their summer vacations on the hill.

Lisa Auerbach, Lisa Kim Davis, Blair Effron, Carol DeMilo, Timothy Foster, and Beverly Lindh all contributed importantly, and I trust each received an interesting insight into the workings of our Government. I hope that when they are back home or at their respective campuses, they will occasionally reflect on their time here and be as well pleased as I am with their jobs well done.

VOTE AGAINST DOD CONFERENCE REPORT AND NERVE GAS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, we hear that the DOD conference report will include the authorization for nerve gas. We do not need the artillery

shells. That has been established. DOD has even admitted we do not need those until 1990. The only other item under consideration is the Big Eye bomb and tests show that it does not blow up on the enemy, it blows up on us; so these are weapons that we do not need. These are weapons that do not work. It does not make sense.

If the conference report does come here and does have that in it, there are those of us who are going to fight it. I intend to object, and others do, to any request for early consideration of the conference report; but if it does come here and if it does have that in there, then all Members should know that it will be their opportunity to stand up and vote for the conference report and then go home and say, "I voted for everything that President Reagan asked for in the defense budget," because this is the only weapons system that he has asked for that he has not gotten; so if you vote for that conference report, you are then saying to the public that you support everything that he has asked for, every weapons system that he has asked for, and you could not even find one to cut out, even one that does not work and one that we do not need. If you cannot cut one like that out that will save $6 billion, what are you going to cut out?

NATIONAL DRUNK AND DRUNK DRIVING AWARENESS WEEK DECEMBER 11 THROUGH 17

(Mr. HANSEN of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Utah. Mr. Speaker, today Congressman BARNES and I are introducing a resolution to make the week of December 11 through 17 National Drunk and Drunk Driving Awareness Week. The resolution enjoys the support of 240 cosponsors.

Last year's awareness week was an enormous success. According to the National Safety Council, the number of traffic deaths over the 3-day New Year holiday was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981.

I believe the efforts of Congress have a strong influence on the reduction in fatalities. We hope to make this awareness week an annual event.

Over 26,000 Americans are killed by drunk drivers each year and 750,000 receive permanent injuries. With strict enforcement and increased public awareness, other nations have been able to reduce drunk driving deaths and injuries by almost half.

I firmly believe that if we put our minds to it, Americans can prevent the deaths of 13,000 of our fellow Americans each year. We must give this our best efforts in this struggle to obtain this goal.

THE CAGEY BEES ARE IN REALITY KGB'S

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, this morning the U.S. Representative to the United Nations has submitted to the Secretary General further evidence of the usage of tricothecene toxin in Southeast Asia.

This evidence based on blood samples of victims irrefutably undercuts one of the least credible scientific hypothesis ever presented by the American scientific community—the notion that innocent Third World citizens are dying because of the effects of bee excrement rather than Soviet supplied biochemical agents.

If there ever were a scientific theory deserving of nomination for a Nobel Prize in reverse, it is the bee excrement hypothesis. The bee excrement theorists of 1983 are the skeptics who might have sat next to Isaac Newton five centuries ago and suggested that just because the apples in Newton's lap had fallen down, that did not mean that the apples in an adjoining tree might not fall up.

Science, to be respected, cannot be divorced from morality. It may be true that the effects of chemical and biological warfare have a tendency to be exaggerated by those who have witnessed its use, but paradoxically it appears to be ignored by civilized people who have difficulties facing up to uncivilized behavior.

It might be unfair to make analogies to World War II, but as much as decent people in America and on the Continent mobilized almost unanimously against Hitler, few believed or at least faced up to the scale of inhumanity implied by Auschwitz and Buchenwald. So, too, with biochemical warfare today. Ironically, we have by quantum magnitudes more information about the genocide of Southeast Asians such as H'mong than that of Polish Jews in 1944. But where are America's campus humanists?

The perspective that defies skepticism is that a number of biochemical agents have been experimented with in remote parts of the world in recent years. Among the agents are three-independently identified tricothecene toxins. One is a blood, one is a blister, and the third is a vomit agent. Their effects on living creatures cannot be described without asking what modern science has wrought, what man is willing to do to other men.

The reality is that the cagey bee alleged to exist in Southeast Asia today by several U.S. scientists is actually a three letter ministry—the K.G.B., and we have no choice but to take note.

Now we're faced with another enormously expensive arms race that no one can win. At the risk of presumption, my advice to scientists in America today is to put their wits to developing techniques for verifying chemical and biological weapons conventions rather than new sophistries for denying tragic truths. There are times countries need to reap the fruits of positivism rather than dwell on the seeds of skepticism. This is one.

CONGRESS MUST TAKE PRESIDENT'S LEAD ON ORGAN DONOR PROGRAMS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, as we debate the many controversial issues of this past week, I think the news of the lifesaving liver transplant surgeries last week in four infants has brought the light of hope into the lives of many people around our Nation. Certainly we must applaud President Reagan's urgent pleas alerting all citizens to the critical situations facing several children.

But we cannot forget the plight of those familes who have not yet found donors. Last year alone, some 450 children died from severe liver ailments, while more than 1,000 youngsters lost their lives in traffic accidents. Surely, a coordinated organ donor system could have saved the lives of those afflicted children.

I think it is now up to us in the Congress to take the President's lead in focusing national attention on organ donor programs. Several options can and must be explored.

Almost each and every one of us, as adults, through our State's driver's license has the option on the back of that license to sign a universal donor program. That does not help us, however, to solve the problem of young children.

During the recess I would call upon each of my colleagues and all people throughout this country: First, to call attention to the universal donor program; and second, to work with me and my office in developing some method of providing a similar automatic donation of organs by our young minors.

DESIGNATING POST OFFICE IN OSHKOSH, WIS., AS THE WILLIAM A. STEIGER POST OFFICE BUILDING

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today I am introducing legislation which would designate the post office in Oshkosh, Wis., as the William A. Steiger Post Office Building.

Congressman William Steiger, my predecessor, passed away on December 4, 1978, at the age of 40. I was a personal friend of Bill's for over 20 years. He was a fine family man and a true statesman. Bill had a reputation in Congress as being bright, honest, full of energy, and very personable. These qualities were acknowledged from both sides of the aisle.

Bill may be most remembered for spearheading the drive to reduce taxes on capital investments and capital gains. He also played major roles in proposing legislation aimed at providing for workers' safety on the job, reforming the House committee system, establishing a voluntary army, and helping poor people to gain fair access to our court system.

As a humble tribute to a great man, I believe it is fitting to name the post office building in Bill's hometown as the William A. Steiger Post Office Building.

ABANDONMENT OF DEMOCRATIC PROCESS FOR TOTALITARIAN TACTICS

(Mr. BROWN of Colorado asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, yesterday the House Interior Committee passed a resolution cutting off coal leasing. The action was taken without permitting testimony on the subject, without permitting amendments, without permitting debate, without even permitting some Members to make opening remarks. Valid points of order were denied. Proper motions were not even accorded the courtesy of a vote.

Mr. Speaker, there were no winners yesterday. The abandonment of our democratic process in exchange for totalitarian tactics makes all of us poorer.

All Americans, both Democrats and Republicans, both conservatives and liberals, have sacrificed for this country's democratic process. Let us not cast it aside for blind partisanship.

THE DEMOCRAT'S LANGUAGE PROBLEM

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LUNGREN. Mr. Speaker, today's Washington Post reports that a Democratic Presidential candidate, the senior Senator from my home State, has apologized for calling President Ronald Reagan a tyrant.

While this apology should be accepted, it should be pointed out that his remark is in the Jimmy Carter tradition.

You might recall that during the presidential campaign of 1980, Carter indulged in abusive language about Ronald Reagan. It became so bad that Carter had to suffer the ultimate indignity: He was publicly scolded by Barbara Walters on national television.

I can understand Senator CRANSTON's frustrations. The economy is improving, President Reagan's popularity is up and the Senator's candidacy is not exactly soaring in the polls.

But this is no excuse for a repeat of Carterisms.

May I suggest that at each debate of the Democratic candidates the moderator comes equipped with a bar of soap to wash out the mouth of each candidate who indulges in Carterisms. That should keep the rhetoric clean.

IF YOU LIKE LAWS AND SAUSAGE, DON'T WATCH EITHER BEING MADE

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Mr. Speaker, it was said about a hundred years ago, "If you like laws and sausage, don't watch either of them being made."

I did not intend to go to the well this morning to speak, but after having heard the gentleman from Arkansas holding the defense department authorization bill up to a higher standard than all others, I was compelled to do so. The gentleman is suggesting that unless you agree with every single system in that legislation, you should vote against it.

I think if we held all pieces of legislation, whether it be environmental, health, whether it be related to the Justice Department of the State Department, up to that standard of perfectability, we would be in essence casting away the legislative process, the give and take that must occur in this body and this body would be reduced to anarchy.

MORE DELAY ON THE IMMIGRATION REFORM AND CONTROL ACT

Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we have reached the eve of our summer recess and I would like to extend to each and every one of my colleagues a very happy recess and fine times with their families. That is the happy note.

The sad note is that we have reached this point in the development of the legislative history of the 98th Congress without having taken under consideration the Immigration Reform and Control Act. This represents the third year that the gentleman from Kentucky and other Members of the Judiciary Committee and the Congress on both sides of the Capitol have worked on this bill.

We have had no opportunity, at this point, to consider the question of the exploitation of the undocumented workers which continues. We have had no consideration of the unemployment of U.S. citizens because of competition from undocumented workers. That continues.

We have not taken into consideration the detention of true refugees and the freeing of economic migrants, which continues. All these things are dealt with in the Immigration Control and Reform Act.

I would suggest and recommend and hope that the House will upon its return to duty in September release to the floor for consideration the Immigration Reform and Control Act.

In the words of Father Theodore Hesburgh, who chaired the panel on the subject of immigration reform, "Unless the back door is closed, and that is the door through which the undocumented enter, the front door, which is the door through which the immigrants and the refugees enter, will not be kept open."

□ 1100

AMENDING THE BANKRUPTCY RULES WITH RESPECT TO PROVIDING NOTICE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 3549) to amend the Bankruptcy Rules with respect to providing notice, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rule 2002(f) of the Bankruptcy Rules, as proposed by the United States Supreme Court in the order of April 25, 1983, of the Court, shall take effect on August 1, 1983, except as otherwise provided in section 2.

SEC. 2. (a) Rule 2002(f) of the Bankruptcy Rules, as proposed by the United States Supreme Court in the order of April 25, 1983, of the Court, is amended by inserting ", or some other person as the Court may direct," after "clerk".

(b) The amendment made by subsection (a) shall take effect on August 1, 1983.

The SPEAKER pro tempore. The gentleman from Kansas (Mr. GLICKMAN) is recognized for 1 hour.

Mr. GLICKMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3549 would merely modify rule 2002(f) of the bankruptcy rules to clarify that the present system of issuing notices in bankruptcy cases can continue to be used. Under the current system, the clerks of the bankruptcy courts have used contract work for issuing notices required in bankruptcy proceedings. Using that approach, the cost of issuing notices has been covered from the estates in question. If the present rules go into effect, the clerks will have no choice but to issue the notices themselves and that would have to be paid from tax dollars.

Over 400,000 bankruptcy cases are filed each year requiring anywhere from 10 to 1,000 notices. Paper alone for the issuance of each notice is approximately 8 cents per notice according to one of those who does the processing now, not to mention the additional staff that the clerks would have to hire to carry out this new workload.

H.R. 3549 does not mandate that the clerks use contract services; it merely clarifies that they have that authority.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. For purposes of debate only, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, H.R. 3549 is simply designed to perfect an inconsistency in the proposed bankruptcy rules which went into effect August 1. Proposed rule 2002(a) permits the bankruptcy clerk, "or some other person as the bankruptcy court may direct," to notify interested parties in a bankruptcy matter of the scheduled date for a meeting of the creditors.

Likewise, the language "or some other person as the court may direct," is contained in the requirement in subsection (b) of rule 2002 that the clerk notify all interested parties of the closing date for objections to any proposed repayment plan under chapter 13 of the Code.

Unfortunately, proposed subsection (f) of rule 2002 omits "or some other person as the court may direct" from the parallel requirement that the bankruptcy clerk notify interested parties regarding other elements of the bankruptcy case, such as the order of relief, a possible dismissal of the case, and other matters which might directly affect them. This bill merely adds the quoted language to proposed rule 2002(f) and thereby permits the clerk to assign this responsibility to a third party, just as the proposed rules permit him to do under subsections (a) and (b).

Since this bill amends rules which go into effect this week, it is necessary to consider now, today, under unanimous consent. We on this side of the aisle have no objection to the adoption of H.R. 3549. Similar action was taken on June 9 in the Senate, also under unanimous consent, and has been incorporated in the supplemental appropriations.

Mr. GLICKMAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CIVIL RIGHTS COMMISSION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 273 and rule XXIII, the Chair declares the house in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2230.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2230) to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, August 3, 1983, all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Commission Act of 1983".

EXTENDING LIFE OF COMMISSION

SEC. 2. Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by striking out "1983" and inserting "1998" in lieu thereof.

AUTHORIZATION LEVELS

SEC. 3. Section 106 of the Civil Rights Act of 1957 is amended—

(1) by striking out "$12,600,000" and inserting "$13,000,000" in lieu thereof;

(2) by striking out "1981" and inserting "1984" in lieu thereof; and

(3) by striking out the period at the end and inserting ", and such sums as may be necessary for the fiscal year ending September 30, 1985, and the succeeding fiscal year.".

Mr. EDWARDS of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 8, strike out "$12,000,000" and insert in lieu thereof "$12,600,000".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: Page 2, line 2, insert "(a)" after "SEC. 2".

Page 2, line 4, strike out "1998" and insert "1988" in lieu thereof.

Page 2, after line 4, insert the following:

(b) Section 104(c) of the Civil rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by adding at the end the following: "During the period which begins on the date of the enactment of the Civil Rights Commission Act of 1983 and ends on September 30, 1988, the President may remove a member of the Commission only for neglect of duty or malfeasance in office.".

Mr. SENSENBRENNER. Mr. Chairman, pursuant to the rule, I demand a division of the question.

The CHAIRMAN. The question can be divided at the proper time, the Chair will say to the gentleman from Wisconsin.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SENSENBRENNER. When would that time be?

The CHAIRMAN. The gentleman has made his demand, and at the time the question is put, we will be alert to protect the gentleman's rights.

The gentleman from California (Mr. EDWARDS) is recognized for 5 minutes in support of his amendment.

Mr. EDWARDS of California. Mr. Chairman, this amendment would shorten the extension of the Commission from the 15 years currently in H.R. 2230 to 5 years, which is the same length of time given the Commission in the previous three extensions. The amendment would also insert a provision that a Commissioner may only be removed "for cause."

I will address the two provisions of the amendment separately and will begin with the proposal to extend the Commission for 5 years.

When the Commission was created in 1957, it was established for a period of 2 years. In 1961, it was given a 2-year extension and in 1963, its life was continued for only 1 year. Its first extension for a longer period of time was in 1964 when it was granted an additional 4-year continuance. It was not until 1967 that the Commission received its first 5-year extension. Since that time it has been granted two additional 5-year continuances.

The 15-year extension in H.R. 2230 was proposed as a way of sending a signal to the Nation of our continuing commitment to the important work of the Commission. The need for a long-term extension was one that was shared by civil rights groups and by the President.

However, the current attempt to remove sitting Commissioners has raised serious, bipartisan concern regarding the ability of the Commission to maintain the independence crucial to its mission. This concern has not been raised previously because the Commission's independence and integrity has been respected by all Presidents, both Democrats and Republicans, since it was created in 1957.

Many Members of both parties have suggested various ways in which the current crisis might be addressed. Since H.R. 2230 would extend the life of the Commission by 15 years, it has been suggested that we set specific, or staggered, terms for the Commissioners so that future Presidents would not feel compelled to remove Commissioners in order to to name their own nominees.

While the intent of those raising this proposal is to be commended, any suggestions for amending the Commission's charter raises serious questions for the committee and for civil rights advocates. Such a proposal would alter the historical structure and integrity of the Commission without strong evidence of the need for such a change. Thus, rather than proceed with the plan to give the Commission its longest extension, we believe it is best to amend the bill to provide for a 5-year extension. As mentioned earlier, the 5 years provided by this amendment would equal the length of continuance given the Commission during the previous three extensions.

By accepting this amendment, the need for specific or staggered terms is eliminated.

The second provision of the amendment would state that during the 5-year extension period, the President may only remove a Commissioner for "neglect of duty or malfeasance in office." Mr. Chairman, I propose this amendment only because in our view it does not in any way change the structure or integrity of the Commission. While it is true that the Commission's charter does not explicitly address the issue of removal, the U.S. Supreme Court has stated that a power of removal cannot be inferred from the mere fact that a position is filled by Presidential appointment since under the Constitution, all officers of the United States must initially be chosen or nominated by the President. *Buckley* v. *Valeo*, 424 U.S. 1, 120-37 (1976).) Where the statute creating a Commission or other public office is silent regarding the President's removal power, the Court has stated that that question must be resolved in light of the congressional purpose in establishing that agency or function.

A review of the legislative history of the Commission's legislation and of confirmation hearings for nominees to the Commission will show clearly that Congress intent has always been that the Commission be an independent, factfinding body.

Although I believe that the President does not currently have the legal authority to remove sitting Commissioners, I recognize the concerns of those who believe this position should be made clearer. Accordingly, this amendment makes explicit that which many of us believe has been implicit throughout the history of the Commission.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent Mr. SENSENBRENNER was allowed to proceed for 5 additional minutes.)

Mr. SENSENBRENNER. Mr. Chairman, I would urge the Members of the Committee of the Whole to vote down both parts of the amendment that has been offered by the gentleman from California.

Rather than strengthening the Commission and preserving its independence, as the gentleman from California claims, the adoption of this amendment will weaken the Commission, politicize its actions even more than the present time, and perhaps even jeopardize the continued existence of the Commission, which will go out of business unless this legislation is enacted into law prior to September 30, 1983.

The original bill introduced by the gentleman from California (Mr. EDWARDS) and others, providing for a 15-year extension of the life of the Civil Rights Commission. President Reagan's recommendation was for a 20-year extension of the life of this Commission.

However, the amendment of the gentleman from California reduces the 15 years to 5 years.

When Ralph Neas, the executive director of the Leadership Conference on Civil Rights, spoke before the Subcommittee on Civil and Constitutional Rights on March 24, 1983 he stated as follows:

> Mr. Chairman, the Leadership Conference also believes that the proposed 15-year extension would help guarantee the effectiveness and independence of the Commission. It would allow the Commission to plan ahead and provide a needed continuity with respect to its long-range problems.
>
> Perhaps more importantly, such a 15-year extension would send a strong signal to the entire country that the Congress recognizes the problems of discrimination that still exist and that it remains totally committed to the Nation's goal of providing equal opportunity for all its citizens.

After those ringing words from the spokesman of the premier civil rights organization that 15 years is necessary to preserve the independence of the Commission, and to send a strong message to the country, my friend from California has introduced an amendment to chop that down to 5 years which, using Mr. Neas' own words, would not preserve that independence and would send the message to the country that we are not as firm in our resolve for civil rights as the Leadership Conference on Civil Rights itself advised the subcommittee last March.

But perhaps more disturbingly is that part of the gentleman from California's amendment that provides for removal only for neglect of duty or malfeasance in office. This is a not too subtle attempt to grandfather and grandmother in the existing Civil Rights Commissioners whose replacements have been nominated by the President of the United States, and whose confirmation is pending in the other body.

To try and dictate to the President of the United States, any President of the United States, who will be appointed to executive branch agencies is an infringement on executive power that any President of the United States would not put up with. And if this provision ends up being put in the bill that is sent to the President, we are inviting a Presidential veto, and since the life of the Commission expires on September 30, 1983, jeopardizing the very existence of this useful Commission that has received support on both sides of the aisle.

I will tell my friends who support this amendment that if you do not like the three nominees the President has made to replace existing Commissioners, fight that battle out in the other body when those nominees are up for confirmation. Do not interject this issue into the extension legislation, given the fact that this Commission has less than 2 months to go before its expiration date, and the Congress will be in recess for 5 weeks out of that period of time.

I would point out, Mr. Chairman, that the history of the Civil Rights Commission very clearly indicates that every time there has been a change of administration, in the first years of the Commission the members of the Commission automatically tendered their resignations to the incoming President.

When Lyndon Johnson assumed the Presidency in 1963 those resignations were submitted and Mr. Johnson asked that the Commissioners stay on in office. Upon his reelection in 1964 to a full term Mr. Johnson requested the resignations of all of the members of the Civil Rights Commission.

□ 1115

One was hesitant in submitting that resignation but, nonetheless, the rest of the commissioners complied with the request of the newly elected President of the United States.

Was there a hue and cry that the Commission's independence was being jeopardized at that point in time? My friend from California was in Congress then. I do not recall anything about it.

So, I do not think what President Reagan is doing is unusual, given what Lyndon Johnson did, both in 1963 and in 1964.

Finally, I point out that any attempt to attempt to bring in the issue of the nominees into the extension of the life of the Civil Rights Commission is going to bring bipartisan condemnation as well as bipartisan praise.

I have in my possession a letter dated July 15 from Albert Shanker, president of the American Federation of Teachers, AFL-CIO, to Senator BIDEN which states in part:

Rarely have I been as outraged at the behavior of a fellow Democrat as I was watching you on the evening news Wednesday. Your performance at the Senate Judiciary Committee hearings on the Civil Rights commission nominees may as well have been bought, paid for and delivered by the Republican National Committee. Do you really believe, Senator Biden, that Democrats or fair minded people anywhere are going to think you a fit representative for telling the nation that you've made up your mind how you're going to vote on a nomination before you've heard one word of testimony from the nominees? Do you think that blacks in Wilmington are going to imagine you a hero by refusing to even listen to a man who stood side-by-side with Martin Luther King, Jr., when to do so risked his very life and the safety of his family?

I would like to see control of the Senate returned to the Democrats next year. I think fairness is going to be a very big issue in that election. The President is going to be campaigning with a lot of voters who helped elect him last time on a perception gap platform. The American public doesn't like to see its president treated with disrespect. When you come on television and tell people that you—the junior Senator from Delaware—are going to dictate to the President of the United States whether or not he has the right to nominate people to an executive branch commission, you lose thousands of votes for all Democrats in the next election.

Your anti-quota and anti-busing rhetoric at the hearing will not mask your action on these nominations. I can imagine no finer candidates for the Civil Rights Commission than Morris Abram, John Bunzel and Robert Destro—your only complaint against them must be their opposition to quotas and some forms of busing. You could not have more clearly revealed the true basis of your opposition than when you announced to the press that you also intended to vote against confirmation of Linda Chavez, my assistant, to be staff director. No one is being removed so that Chavez can take office; she fills a vacant post. But Chavez, like Abram, Bunzel and Destro, opposes quotas, even though she endorses affirmative action to recruit and train minorities and women, and she has serious reservations about busing. I would think that with your own experience with busing, you would be eager to have pro-civil rights advocates on the Commission who could understand what the people of Wilmington and elsewhere have had to go through. The current commissioners, whom you are doing all in your power to retain, have made it clear that they think that "the mandatory reassignment of students" (read busing) is "the most effective remedy for desegregating the public schools."

Senator Biden, you have before your committee four excellent nominees with impeccable civil rights credentials. You will irreparably harm yourself and other Democrats next year if you insist on obstructing action on these nominees. You give Ronald Reagan an excellent issue on which to run next year if you and your colleagues insist on protecting the pro-quotas, pro-busing interests and attacking staunch civil rights veterans like Abram, Bunzel, Destro and Chavez.

Now what this amendment that the gentleman from California (Mr. EDWARDS) is proposing is to grandfather in and grandmother in the people that Mr. Shanker, the president of the American Federation of Teachers, and who is no member of the Republican Party, is writing Senator BIDEN about.

I would urge that we protect the integrity and the independence of the Civil Rights Commission, protect this bill from a veto by voting down both parts of the Edwards amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as an original sponsor of the Civil Rights Commission legislation, one who sat on the committee during its hearings, its deliberations and participated in debate, I can attest to the fact that one thing we wanted to be assured of was that the Commission would be an independent factfinding body that would make recommendations and that would oversee the enforcement of the Civil Rights laws of our country.

I believe that it is incumbent upon us as members of the committee which has responsibility in this area, to clarify any question that there may be in the minds of any as to whether or not we were looking to assure the independence and the integrity of the Commission.

I believe that the gentleman from California is to be commended for bringing to the attention of this body the need to support this clarifying amendment, so that we will have a 5-year extension which is in keeping with the previous extensions of this Commission, and then to assure that any President, does not remove from office without cause. I think the words that are written into this amendment, "because of failure to exercise proper duty or malfeasance of office," to describe when a person may be removed are proper. To do otherwise would be to weaken the structure of a Commission that has served this country so well. I think all this amendment does is clarify the initial congressional intent and strengthen the purposes of this Commission.

The Commission should not be undermined in any way. I think it would be undermining the independence of the Commission if its members felt that a President who did not agree with some of the statements made or with some of the views expressed by Commissioners might then be in a position to remove them.

I do not think this was the intent of the original legislation, nor should it be the intent of the legislation that we now consider.

This Commission has always been a source of objective factfinding. It has done a job of which we can all be proud.

It has been strongly supported in a bipartisan manner, by Republicans, Democrats and Independents.

Certainly no one thought that when a President was given the power to appoint that he might willy-nilly remove someone because he disagreed with them. As a matter of fact, if one were to look back at the hearings that took place back in 1958 before a committee of the other body, the questions were expressly put, and that committee stated explicitly that the nominee to that Commission was to understand that he would not be removed and that when he was appointed he would be an independent voice.

All members of the Commission were appointed with that kind of an understanding. And I believe that this amendment certainly deserves the support of all of those who are interested in preserving the life of this Commission in a manner that will permit it to act with integrity, with independence and to preserve the high standards that it now enjoys.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. SENSENBRENNER. I thank the gentleman from New Jersey for yielding.

Mr. Chairman, I listened with interest to his comments about the Commission. How then does the gentleman from New Jersey comport that statement with the fact that following the 1964 election, President Johnson demanded and received the resignations of all of the existing members of the Civil Rights Commission? There was one of the members who was a little reluctant to go along with that, but nonetheless the commissioners did tender resignations and the resignations were rejected.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SENSENBRENNER and by unanimous consent, Mr. RODINO was allowed to proceed for 2 additional minutes.)

Mr. RODINO. I thank the gentleman.

I respond to the gentleman by saying that during the formative years of the Commission and up through the end of the term of office which President Johnson filled out after President Kennedy's assassination, the Commissioners routinely submitted their resignations as a formality. The resignations were routinely not accepted except for personal reasons. Resignations were never sought and this is the important part to remember, for political purposes or because of ideological differences.

So, I am not going to try to determine, to look into the minds of any of the individuals who may have asked for resignations or may in the future consider asking for resignations. I think it is our responsibility to make clear what the law is to be and should be and what the original intent of the legislation was and that this Commission should be an independent body, maintain that kind of independence and only be removed for cause, for neglect of duty.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman.

Mr. SENSENBRENNER. In other words, what the gentleman is saying is that the first President that did not request the resignation of the existing Commissioners was Richard Nixon and following that every incoming President has followed the Nixon example in not requesting resignations of the entire Commission when he took office?

Mr. RODINO. As I told the gentleman; I am merely calling to the attention of this body what it now needs to do because of circumstances that have arisen and in order to insure the integrity and independence of this body we should write this language into this Commission's authority that they should not be removed except for lack of duty or malfeasance of office.

Mr. McCAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 2230. When the Commission on Civil Rights was created, it was charged with the duty of objectively monitoring the civil rights policies of the Federal Government. I need not remind this body of the excellent work the Commission has done to educate the public regarding the problem of discrimination in the United States and more importantly the attainment of equal rights for all Americans. The Commission has served as a voice constantly calling for equity and justice.

Since the creation of the Commission over 25 years ago, Congress has wisely extended the Commission's life and expanded the class of protected persons under its jurisdiction. The Commission has done a great deal to raise the consciousness of American society to the problems facing black Americans. It is, however, imperative that the Commission recognize the need to focus more attention on the civil rights problems confronting this Nation's fastest growing minority, Hispanics, and this Nation's most overlooked minority group, the Indians.

With regard to the Hispanic community, I believe it is important to note that the committee report on this bill calls on the Commission to focus more attention on the problems faced by Hispanics. Between 1970 and 1980 the U.S. Census Bureau reports that the Hispanic community increased by 61 percent. Accompanying this significant population growth was a growth in the civil rights concerns of Hispanics.

The population growth mentioned brings with it growing opposition to Hispanics from American society. As has historically been the reaction to immigrants, particularly non-Anglo groups, Hispanics are encountering major civil rights problems. Due to the ignorance most Americans have of Hispanics and to the general neglect shown to Hispanic concerns, we have a major population group which feels removed from the mainstream of society. This must be changed.

I would like to commend the Commission on the efforts it has made to date regarding Hispanic concerns, but I would like to emphasize that this work must be followed up with additional efforts. Areas which should be pursued are school segregation studies, discrimination in higher education, and the constant civil rights violations of migrant farmworkers. This is not an all inclusive list but rather examples of what must be considered if American society is to benefit from the full participation of the Hispanic community.

In addition, I am pleased to note that the Civil Rights Commission has in recent years done fine work concerning one of the least understood minorities in our society; American Indians. In June 1981, the Commission issued a report entitled Indian Tribes: A Continuing Quest for Survival." This report provides a cogent summary and analysis of situations which have exacerbated existing civil rights problems of Indian citizens, particularly those who live on or near the more than 260 reservations in the United States. While the report has provided a basis for constructive actions by the executive and legislative branches of Government, it has, I think more importantly, served to enhance the understanding of everyone who has read it, such work by the Commission has and should continue.

By permitting the Commission to continue to focus public attention on the important issues affecting the freedoms of Indians, Hispanics, and other minorities in the United States, whose conditions and problems are not well understood by the majority of Americans, we pay respect to the wisdom of Thomas Jefferson, who stated, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

□ 1130

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Edwards amendment.

Mr. Chairman, I really want to compliment both the full committee chairman and the subcommittee chairman, the gentleman from New Jersey (Mr. RODINO) and the gentleman from California (Mr. EDWARDS) on their support of the Edwards amendment. And I think all Members should understand that this amendment is the way we preserve the Civil Rights Commission, the way it has evolved, and the way we want it to remain.

Let us go back and look at the history, because that is what people have been talking about.

As we know, when the Commission first started up, it was a new idea. And, of course, when you impliment a new idea lots of lots of time is spent trying to find out what it should do and how it should function.

The Commission has never had enforcement powers. It has been considered a regulatory agency. It has always been considered an independent agency that would do much of what we would want a camera to do, takes a picture of us, shows the facts as they are. Now we all know as politicians sometimes cameras make us mad for showing the facts as they are. And we would like to change the camera. And I think sometimes the Civil Rights Commission has made Presidents in both parties mad because they have reported facts the way they are. But that is a very, very, very vital function and the only function that it has in this society. And we certainly do not want to jeopardize the Commission's independence, for it would be like trying to change lenses of a camera so that things look rosier or better.

We really want to make sure the Commission remains firm and strong and independent. This amendment does that.

There is no question during the early formative years of the Commission sometimes resignations were routinely submitted, but the very important point to make is that no one has

ever been fired before by any President. No one. And even at the time in 1964 when President Johnson requested resignations, one of the Commissioners and one of the most distinguished Commissioners this country has ever had, Dean Irwin Griswold of the Harvard Law School said he felt requesting resignations was a mistake, that to do that would be to acknowledge that they were not an independent agency, but merely a part of a Presidential staff, holding office at the President's pleasure. He said he did not think that was factual or the legal situation. After 1964 and Commissioner Griswold's statement that was the last time a President asked for routine resignations.

Even in 1964 Commissioners were asked for a routine resignation. No one was fired. No one has ever been fired. And in 1964, when that transpired, Dean Irwin Griswold did the legal and factual analysis saying he did not think that was what the Congress intended, that ended the routine requests for resignations.

In the Edwards amendment we are agreeing with Griswold that resignations are not what the Congress intended. It had never intended it and it does not intend it now. The Commission is an independent agency and that is the vision that they had back in 1964.

I point out, too, that the 5-year extension makes an incredible amount of sense because it continues the tradition that was started in 1967. Again in 1967 we decided that every 5 years we should reappraise and renew and look at the Commission again. In the Edwards amendment we continue the 5-year approach.

So I urge Members to move to do this. This is terribly important. The country needs it very much.

We had an eloquent speech about the plight of native Americans, Hispanics, Asians, blacks, women, children, all sorts of people that the Civil Rights Commission has done an excellent job of reviewing their status and reminding this country that we must continue on to work to make sure that opportunities are open for all and that there are equal chances for everyone to excel.

That has been the Commission's mission in the past, that should be its mission in the future. And it will only be its mission if we see to it that it remains independent and remains vigorous.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I would like to associate myself with the gentlewoman's remarks. I think the amendment is extremely important.

Mr. Chairman, I rise in support of H.R. 2230, the U.S. Civil Rights Commission extension, and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, the protection of civil and constitutional rights is one of our paramount duties as Members of Congress. The U.S. Commission on Civil Rights, established by Congress as an independent, bipartisan, factfinding agency of the Federal Government, was established under the Civil Rights Act of 1957. It assists this body in the furtherance of protection of freedoms by investigating deprivations of those rights, by serving as a clearinghouse of information in respect to denials of equal protection of laws, and by evaluating the laws and policies of the Federal Government concerning discrimination. The Commission reports its activities, findings, and recommendations to Congress and to the President.

Discrimination on the basis of color, race, religion, sex, age, handicap, or national origin is still pervasive in American society and around the world. The issues of human rights and political, social and economic self-determination of a person or class of people are central to our foreign policy. It is therefore incumbent upon us to insure that these issues are at the forefront of our domestic policy.

In supporting this legislation, I also wish to join my colleagues in expressing my support for the independence of the Commission by objecting to the President's recent efforts to replace members of the Commission. While I do not question the integrity or qualifications of the President's nominees, I oppose the attempt to subvert criticism of the administration's record on civil rights.

The effectiveness and continued success of the Commission can only result from its ability to carry forth its congressional mandate without fear of retribution. I submit that the movement to reconstitute the Commission's makeup would seriously compromise the agency's independent oversight responsibility and would establish a dangerous precedent for all independent Federal agencies.

I am particularly distressed that the President's action would remove the only Hispanic member of the Commission. These sentiments have been echoed by a number of my constituents in the Southwest.

Continuation of the Commission is especially critical today with the current administration's constant neglect of the civil rights of the poor, the elderly, women, and the minority groups of this country.

I urge my colleagues to join me in reaffirming our responsibility for maintaining the civil and constitutional rights of all people in this country.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on July 19, I, along with 17 Republican colleagues, wrote a letter to the President to state that we would be proposing an amendment to the Civil Rights Commission authorization bill.

We did this out of a variety of concerns. We were concerned about what we perceived to be the increasing politicalization of the Commission, the controversy surrounding the appointment of three new Commissioners and the firing of three others. We did it because we felt that there was a need to resolve apparent ambiguities about th terms, about the grounds, on which members could be asked to resign or be fired.

And, finally, frankly, because we felt that this President was perhaps being somewhat unfairly stigmatized as a racist or bigot or insensitive to civil rights concerns.

So we wrote the President indicating that we were going to offer an amendment to call for staggered terms and to provide standards for the removal of Commissioners.

Since that time, I think it has become increasingly apparent that the overriding priority with regard to this Commission is to insure that it is indeed reauthorized, and the need I think to act promptly to achieve that reauthorization.

I happen to believe that staggered terms deserves consideration in a restructuring of the Commission, but I think that to involve a debate over the staggered term provision at this point in time could jeopardize reauthorization of the Commission, which is clearly not in the interests of the country. It is clearly not the objective of this Congress. We do want to see a reauthorization of the Commission.

Consequently, we will not offer the amendment that we had written to the President about.

Instead, I rise in support of the proposed amendment to H.R. 2230, the Civil Rights Commission Act of 1983, being offered by the gentleman from California, the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, Mr. EDWARDS. He has shown strong leadership in bringing this important legislation to the floor before the August recess, thereby giving the Senate and the President sufficient time to act on the reauthorization before the Commission's statutory authority expires on September 30.

As you know, Mr. Chairman, in 1957, President Eisenhower created the Commission on Civil Rights for the express purpose of monitoring and investigating, in an objective manner, the civil rights policies of the Federal Government. The legislative history which

surrounds the initial establishment of the Commission reflects a strong desire on the part of Congress that the Commission be an independent, factfinding agency. As a result, I believe the Edwards amendment, which establishes appropriate legislative standards for the removal of members of the Commission by the President, provides the Commission members the necessary environment to carry out its congressional mandate. The issue of fixed terms of office for the Commissioners to act as a safeguard for the Commission's independence should be addressed; however, I believe it should be debated in a deliberative manner, rather than in a hasty, heated exchange here on the House floor.

I urge my colleagues to defeat the Sensenbrenner amendment and support the Edwards amendment which insures the integrity of a vitally important component of this Nation's commitment to equal justice for all.

□ 1140

If I might, I would ask the distinguished chairman if he would enter into a colloquy about some of the intent.

Given the recent controversy surrounding the structure and independence of the Civil Rights Commission, I would like to ask the gentleman some questions.

As I understand it, the gentleman's amendment would extend the life of the Commission for 5 years and provide it with a 3-year authorization; is that correct?

Mr. EDWARDS of California. If the gentleman will yield, the gentleman is correct. The amendment also clarifies the fact that a Commissioner may only be removed for cause, that is, for neglect of duty or malfeasance in office.

Let me add that I also wish to thank the gentleman from Pennsylvania and his colleagues on that side of the aisle for their efforts in assuring a bipartisan bill which reinforces the independence of the Commission.

Mr. CLINGER. I thank the gentleman.

The Civil Rights Commission, over the years, has provided the Congress, as well as the executive branch, with an objective view of the discriminatory impact which our programs may have.

In light of the concerns that many of us on both sides of the aisle have about the continued independence and effectiveness of the Civil Rights Commission, I would ask the subcommittee chairman if his subcommittee would examine the structure of the Commission, including the concept of fixed or staggered terms, and make appropriate recommendations upon the expiration of the Commission's authorization under H.R. 2230.

Mr. EDWARDS of California. In response to the gentleman's inquiry, I will say that the gentleman's points are well taken. I concur with the gentleman's remarks that it is necessary to preserve not only the Commission's survival, but also its ability to function as a truly autonomous, factfinding agency.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. CLINGER) has expired.

(On request of Mr. EDWARDS of California and by unanimous consent, Mr. CLINGER was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of California. In view of this exchange, I will recommend to the subcommittee that oversight hearings be held prior to the next reauthorization of the Commission.

Mr. CLINGER. I thank the chairman.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Wisconsin.

(On request of Mr. SENSENBRENNER and by unanimous consent, Mr. CLINGER was allowed to proceed for 2 additional minutes.)

Mr. SENSENBRENNER. I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, the subcommittee did study the issue of fixed staggered terms during the course of this reauthorization. And I am going to be proposing an amendment in the nature of a substitute at the proper time to do just that. This is not my idea. This was the suggestion that was made, again, by Ralph Neas, the executive director of the Leadership Conference on Civil Rights at the subcommittee hearing on March 24.

He says:

The one major gap in assuring the independence of the agency is in the failure of Congress to provide fixed terms of office, as it does with regulatory agencies. Because the agency was viewed as temporary, no terms were specified, and the Commissioners have served at the pleasure of the President.

Now, it seems to me that unless we address this issue here and now, we are going to go on for 5 years or 15 years or 20 years, or whatever comes out of this, without addressing the real fundamental problem, and that is that under the present law, the President can get rid of them all in one fell swoop, and the only way to address that problem is to provide for fixed terms of office on a staggered basis so that the terms of two commissioners expire every 2 years.

Now, again, this is not my idea or the idea of the minority. This was the idea of the Leadership Conference on Civil Rights, as was the 15-year extension. And I think it is really strange that the gentleman from Wisconsin has been fighting for what the Leadership Conference on Civil Rights told us to do in the hearing on March 24, and my friends from California and New Jersey and, regrettably, from Pennsylvania, have been going against everything Mr. Neas said.

Mr. CLINGER. I thank the gentleman for his comments. I can only say that I am sympathetic to the objectives that the gentleman seeks to achieve. I happen to believe that staggered terms definitely deserve consideration in the restructuring of the Commission. I am, however, persuaded that to include those provisions in the authorization bill at this time would in fact jeopardize the chances for reauthorization of the Commission by the deadline.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I think one of the important things we ought to point out in all this is that the testimony we keep hearing about was really in answer to questions by the committee, and there were other alternatives he threw out.

And, second, that testimony was made before all the controversy about the firings and the new appointments.

So I think this is an evolutionary process where if the gentleman being quoted were here today, he would be in total agreement with the Edwards amendment. It is only fair to point that out for the record.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield again?

Mr. CLINGER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Just very briefly, the quotes that I made just recently, and also during the course of my prepared remarks, were from the prepared statement that Mr. Neas filed with the subcommittee prior to the hearing on March 24. It was not in response to a question.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I just wanted to clarify that the March hearing of the subcommittee was held before the firing of the Commissioners on the Civil Rights Commission. And before all of this transpired. I want to make that perfectly clear for the record. The statements being given were made at a hearing before all this transpired.

I thank the gentleman from New York for letting me interfere in his time.

Mr. GARCIA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. EDWARDS).

Historically, for 25 years, the U.S. Civil Rights Commission has not been the handmaiden of either political party, whether in or out of power. I think the gentleman's amendment will continue this tradition. Each President now has the opportunity to appoint new members to the Commission. Mandating fixed terms would politicize the period of time for which Commissioners serve. The long tradition of independence which has enabled Commissioners to speak without fear or favor when criticizing shortcomings or praising progress in the field of civil rights would be ended.

Unlike most other Federal agencies, a majority of appointees may not by law be from a single party: they do not resign when administrations change.

This unique character of the Commission stemmed from a recognition by Congress in 1957 that race discrimination was a deeply entrenched national problem that called for unusual and creative Government action. I believe that the Commission's record over the years has vindicated this judgment and has demonstrated why it cannot be a part of any administration.

There is no need for further legislation simply because one administration disagrees with the current legislation and its legislative history. The Commission now operates independently because the inherent prohibition against Commission stacking is already law. The Commission has functioned smoothly and efficiently for 24 years: the questions of tenure have only been raised because the administration has attempted to circumvent the current process.

The Nation today needs a U.S. Commission on Civil Rights with the unshackled ability to conduct its own factfinding and to speak its mind, about what should be done to make equal opportunity a living reality. I urge my colleagues to make sure that this need is met by voting against any effort to bring the Commission under the control of the executive branch.

Ms. SNOWE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California, Mr. EDWARDS. The May 25 firing of three Civil Rights Commissioners has drawn attention away from the Commission and the reauthorization at hand, and centered public debate on the Commissioners themselves. At the heart of this matter, has been, and remains, the independence of the Civil Rights Commission and not the qualifications of the three administration appointees. As the Republican cochair of the Congressional Caucus on Women's Issues, I have worked with my colleagues to keep this distinction clear. I want to commend Mr. EDWARDS for his efforts to address the valid concerns raised by our colleagues on both sides of the aisle, and urge this body to vote in favor of the amendment he is offering here today.

Since its inception in 1957, the Civil Rights Commission has served the administration, the Congress, and the people of this country as the only bipartisan, independent agency in the Federal Government primarily responsible for overseeing civil rights enforcement. Of foremost importance has been its continual appraisal of Federal laws and policies to insure the absence of discrimination in their enactment and enforcement. We have come far in the struggle to protect the rights of all Americans over the past 25 years, but let me assure you, this struggle is far from won. At a time when hard-won gains for women and minorities are being challenged, today's reauthorization of the Civil Rights Commission is as critical as at any time in its long and proud history.

The recent firings have unfortunately turned what should have been a reaffirmation of the important work of the Civil Rights Commission into a political debate on the Commissioners. With the objective of insuring that this type of politicization of the Civil Rights Commission does not reoccur, a number of measures have been proposed to establish terms for the Commissioners. However, this type of restructuring of the Commission was already rejected by the Judiciary Committee during consideration of H.R. 2230. While such restructuring may in fact be advisable at some point in the Commission's future, I believe such debate should be separate from the politics of the day. Therefore, I urge my colleagues to vote in favor of the Edwards amendment to reauthorize the Commission for 5 years, the length of time given in each of the three previous extensions, and to explicitly provide that the President may only remove a Commissioner for cause.

□ 1150

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. ANDREWS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. ANDREWS of Texas. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Edwards amendment. President Reagan's recent firing of three members of the U.S. Civil Rights Commission for opposing his policies on affirmative action and busing mocks the original purpose of the Commission. The U.S. Civil Rights Commission was established in 1957 as the only bipartisan independent body in the Federal Government with the exclusive role of overseeing the enforcement of our civil rights laws. But not only is the Commission a bipartisan body—of its six members, three must be Democrats, and three Republicans—past Presidential support of the Commission has been bipartisan as well, that is, until Ronald Reagan came to office.

The very reason why this body is so indispensable to the Congress—and should be to President Reagan—is precisely because it does provide an independent and informed appraisal of the policies and laws we generate and implement. Apparently, the President values the Commission only insofar as its members reinforce his own beliefs. Mr. Chairman, the Civil Rights Commission was not established to tell us what we want to hear.

That is why we should support the Edwards amendment to the Civil Rights Commission Extension bill. The amendment, in addition to extending the Commission the usual 5 years and authorizing funds for its operations for 3 years, specifies that the President can only remove a member for neglect of duty or malfeasance in office. The amendment is a bipartisan one and will guarantee against the politization of this vital independent voice.

The Reagan administration has failed to measure up to its task as the guardian of our civil rights statutes. The President speaks against bigotry and sexism, yet fails to vigorously enforce many of the laws which protect against them. He has repeatedly failed to encourage the Department of Justice to prosecute civil rights violations. A telling example of the administration's thinking is its decision last year to allow tax credits to schools that practice racial discrimination as a matter of policy. Another is the administration's so-called constructive engagement policy which has been ineffective against South Africa's systematic repression of its people and its aggression against its neighbors. Still another is the administration's reversal of past bipartisan policy on the interpretation of title IX of the 1972 educational amendments, allowing discrimination on the basis of sex in an educational program within a federally funded institution if that program itself does not receive Federal funds.

These are only a few of the many good reasons why it is so important to insure the Civil Rights Commission's independence. I urge my colleagues to vote for the Edwards amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Michigan.

Mr. Chairman, I rise in strong support of the amendment to H.R. 2230 offered by my distinguished colleague from California, Mr. EDWARDS, to extend the U.S. Commission on Civil

Rights for 5 years and to provide that the President may only remove Commissioners for neglect of duty or malfeasance in office. I commend my colleague for offering this important amendment to preserve the integrity and independence of the Civil Rights Commission.

President Reagan recently fired three Civil Rights Commissioners because he did not like what they had to say. He did not want to hear that his policies were turning back the hands of time on the progress we have achieved in the area of civil rights. His chosen replacements are not an issue—they are fine candidates. The issue is the continued independence of the Commission. The Edwards amendment will simply make certain that the Commission's statements are unbiased and impartial observations of the status of civil rights in this Nation and not colored by the administration's political views.

For 26 years, Hispanics, native Americans, and other minorities have looked to the Commission as the only independent, nonpartisan Government agency that works to protect their civil rights and to assure that they are afforded the same privileges as all Americans. I am hopeful the Commission will adhere to the language in the committee report on this bill and not only continue to take special notice of civil rights violations against Hispanics but to also incorporate Hispanic concerns in studies which more generally examine discrimination against women and minorities.

Mr. Chairman, it may be disheartening to some in the White House that we have a long way to go before we reach the goal of equality under the law for every American. But this Nation will not realize its true potential for greatness until this goal is achieved. Without a strong, free, unbiased, and independent U.S. Commission on Civil Rights, I am not confident we can achieve our ultimate goal.

Earlier this week, we voted to make Dr. Martin Luther King's birthday a national holiday. With that vote we sent a message across this Nation and around the world that America wants to make Dr. King's dream of equality come true. I urge my colleagues to vote for the Edwards amendment so that this dream can have a chance of becoming a reality.

Mr. LUKEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from California (Mr. EDWARDS).

Mr. Chairman, I will not take the full 5 minutes, by any means, but I do rise to congratulate the gentleman from California (Mr. EDWARDS) on working out an amendment here which has the general support, I believe, bipartisan support, of the Members of Congress. I know it has taken a great deal of effort and consultation in arriving at it.

Mr. Chairman, I rise in support of the bipartisan amendments to H.R. 2230, the Civil Rights Commission Act of 1983. In my view this is a major step forward in our efforts to restore the independence of the Civil Rights Commission from the executive branch of Government. That historic independence has been threatened ever since President Reagan attempted to oust three members of the Commission without cause.

Following the President's action earlier this year, I and many other Members responded by offering a legislative solution to make the Commission truly independent. Thirty House Members cosponsored my bill to provide for firing for cause only and to fix terms for Commissioners. In addition, my legislation would attempt to retain the seats of the sitting members of the Commission.

This amendment serves to provide some insulation from political pressures for the Commissioners by making clear that the President cannot remove them except for neglect of duty or malfeasance in office. Thus, the Commissioners do not have to shy away from taking a difficult or controversial stand on an issue for fear of losing their positions and can feel free to call them as they see them. After all, that is the very purpose of this institution, to serve as the American conscience on matters dealing with civil rights. People serving on such an entity should not have to look over their shoulders to make sure that their jobs are not in jeopardy every time they speak their minds.

Independence for the Commission has never been a partisan issue. It's been supported by every President since Eisenhower and has not been threatened seriously before this administration. That is why I am particularly pleased that this amendment is offered as a bipartisan effort to provide some measure of protection for incumbent Commissioners from arbitrary firing.

By reducing the extension of the Commission's charter to 5 years from 15 years in the original bill, the author of the amendment guarantees that there will be a thorough review of this issue following enactment of this year's authorization. We will then have the opportunity to consider other possible formulations for setting the terms of office for Civil Rights Commissioners.

It is imperative that this Congress go on record as supporting a Commission which retains independence from the President. There is no purpose served by an institution which serves as a mere rubberstamp for any administration's policies. There are enough people within the bureaucracy doing that already.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I will be glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman from Ohio aware of the fact that, in effect, we are locking in people who are presently serving on the Commission for over 5 years, until September 30, 1988, regardless of what they may do, unless they should voluntarily resign?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I would be glad to yield to the author of the amendment, the gentleman from California, for a response.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, nobody is being locked in by this bill. If the nominations over in the Senate go through before the effective date of this bill, then the present selections will go through.

Mr. SENSENBRENNER. If the gentleman will yield further, what if they do not? What if a hold is placed on the nominees over in the other body and this bill makes it through prior to September 30?

Mr. EDWARDS of California. In the event the Senate, which is controlled by the other party, I believe, does not complete the confirmations by the time this becomes law, then at least two or three of the members will not be able to be removed except for cause, which I think is entirely proper.

Mr. LUKEN. That was my impression. I just wanted to make sure that that was the author's intent. I have no problem. As a matter of fact, I would like to grandfather in those members that the President has attempted to discharge arbitrarily.

Mr. SENSENBRENNER. If the gentleman will yield to me further, I have a copy of a letter that Mr. Shanker, the president of the American Federation of Teachers, sent to the junior Senator from Ohio (Mr. METZENBAUM), and I would like to read at last a paragraph of it.

> The AFT union gave massive support to your reelection last year. I was profoundly disappointed at your behavior at the Senate Judiciary Committee hearings on Wednesday. How am I to explain to my members in Ohio that the person we helped reelect prefers Mary Berry to Morris Abrams?

Then Mr. Shanker goes on and quotes that many AFT members remember Mary Berry for her famous China speech.

Mr. LUKEN. Mr. Chairman, I would like to reclaim my time. I am familiar with Mr. Shanker's position and I respect his position, but what we want to accomplish is not to determine the relative qualifications of these members,

but by this action to guarantee some independence for the Commission.

That is the important thing that the President has threatened, and if he is allowed to carry it off without our taking action, the independence of the Commission will be totally shorn away?

Mr. SENSENBRENNER. If the gentleman will yield further, I think one of the things that has characterized the civil rights movement in the past is that it has risen above personalities and has risen above partisan politics. I do not equate the independence of the Commission with three individuals whose nominations for replacement have been sent in to the other body. I think that debate ought to go on in the other body on the confirmation of the new nominees, rather than attempting to change the law on a Commission that expires at the end of next month, to say that if this bill passes before the other body takes action on those nominees, then the nominees that the President has sent up are out of luck. Let us confine the debate to those people over there.

Mr. LUKEN. Mr. Chairman, if I may reclaim my time, the gentleman can get his own time.

Mr. Chairman, if the nominees the President sends up are out of luck, that is perfectly fine with me. I have introduced legislation and have stated that the purpose of that legislation would be to grandfather in these current members.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. LUKEN) has expired.

(By unanimous consent, Mr. LUKEN was allowed to proceed for 1 additional minute.)

Mr. LUKEN. Mr. Chairman, I think the members who are now serving who have been arbitrarily relieved of duty by the President should continue, and I do not think we want to get into personalities, and that is why I am not going to respond to Mr. Shanker. I am afraid Mr. Shanker has gotten into personalities in supporting one of those who has been nominated by the President.

But those considerations should be aside. I think the important thing is the independence of the Commission. I think the amendment offered by the gentleman from California will provide a modicum of independence and will attempt to reverse what the President has done, and that is what I want to do.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members, if we listen to the debate on the floor today, it is clear on three things.

One, the amendment offered by the gentleman from California has bipartisan support, supported by the Black Caucus, the Women's Caucus, the Hispanic Caucus, and many of the Republicans.

Two, it would certainly make clear the independence of the Commission, and that members could only be discharged for cause.

Three, it is a 5-year term, which is consistent with other reauthorization legislation, which will give us plenty of time to examine suggestions and testimony that has been given about terms.

Mr. Chairman, I urge an "aye" vote.

□ 1200

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The Chair will inquire, does the gentleman from Wisconsin (Mr. SENSENBRENNER) ask for a division of the question?

Mr. SENSENBRENNER. Mr. Chairman, I ask for a division of the question.

The CHAIRMAN. The Chair would point out to the gentleman that the amendment really contains three parts, the second being, on page 2, line 4, to strike out "1998" and insert "1988".

The first part is, on page 2, line 2, to insert "(a)" after "SEC. 2."

Then the third part is the insertion of a new subsection (b) dealing with the removal of commissioners before the term of office.

The Chair would propose to put the question first only on the date change, and then on the remainder of the amendment which constitutes in effect one proposition.

Mr. SENSENBRENNER. That is fine, Mr. Chairman.

The CHAIRMAN. The question now is on that portion of the amendment offered by the gentleman from California (Mr. EDWARDS) dealing with the date change from "1998" to "1988."

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 400, noes 24, not voting 9, as follows:

[Roll No. 322]

AYES—400

Ackerman	Bartlett	Borski
Addabbo	Bates	Bosco
Akaka	Bedell	Boucher
Albosta	Beilenson	Boxer
Alexander	Bennett	Breaux
Anderson	Bereuter	Britt
Andrews (NC)	Bethune	Brooks
Andrews (TX)	Bevill	Broomfield
Annunzio	Biaggi	Brown (CA)
Anthony	Bilirakis	Brown (CO)
Applegate	Bliley	Broyhill
Archer	Boehlert	Bryant
Aspin	Boggs	Burton (CA)
AuCoin	Boland	Burton (IN)
Barnard	Bonior	Byron
Barnes	Bonker	Campbell
Carney	Hall (OH)	McKinney
Carper	Hall, Ralph	McNulty
Carr	Hall, Sam	Mica
Chandler	Hamilton	Mikulski
Chappell	Hammerschmidt	Miller (CA)
Chappie	Hance	Miller (OH)
Cheney	Hansen (ID)	Mineta
Clarke	Hansen (UT)	Minish
Clay	Harkin	Mitchell
Clinger	Harrison	Moakley
Coats	Hatcher	Molinari
Coelho	Hawkins	Mollohan
Coleman (MO)	Hefner	Montgomery
Coleman (TX)	Hertel	Moody
Collins	Hightower	Moore
Conable	Hiler	Moorhead
Conte	Hillis	Morrison (CT)
Conyers	Holt	Morrison (WA)
Cooper	Hopkins	Mrazek
Corcoran	Horton	Murphy
Coughlin	Howard	Murtha
Courter	Hoyer	Myers
Coyne	Hubbard	Natcher
Craig	Huckaby	Neal
Crockett	Hughes	Nelson
D'Amours	Hunter	Nichols
Daniel	Hutto	Nowak
Daschle	Hyde	O'Brien
Daub	Ireland	Oakar
Davis	Jacobs	Oberstar
de la Garza	Jeffords	Obey
Dellums	Jenkins	Olin
Derrick	Johnson	Ortiz
Dickinson	Jones (NC)	Ottinger
Dicks	Jones (OK)	Owens
Dixon	Jones (TN)	Oxley
Donnelly	Kaptur	Panetta
Dorgan	Kasich	Parris
Dowdy	Kastenmeier	Pashayan
Downey	Kazen	Patman
Dreier	Kemp	Patterson
Duncan	Kennelly	Paul
Durbin	Kildee	Pease
Dwyer	Kindness	Penny
Dymally	Kogovsek	Pepper
Dyson	Kolter	Perkins
Early	Kostmayer	Petri
Eckart	Kramer	Pickle
Edgar	LaFalce	Porter
Edwards (AL)	Lagomarsino	Price
Edwards (CA)	Lantos	Pritchard
Edwards (OK)	Latta	Pursell
Emerson	Leach	Rahall
English	Leath	Rangel
Erdreich	Lehman (CA)	Ratchford
Erlenborn	Lehman (FL)	Ray
Evans (IA)	Leland	Regula
Evans (IL)	Lent	Reid
Fascell	Levin	Richardson
Fazio	Levine	Ridge
Feighan	Levitas	Rinaldo
Ferraro	Lewis (FL)	Ritter
Fiedler	Lipinski	Roberts
Fields	Livingston	Robinson
Fish	Lloyd	Rodino
Flippo	Loeffler	Roe
Florio	Long (LA)	Roemer
Foglietta	Long (MD)	Rogers
Foley	Lott	Rose
Ford (MI)	Lowery (CA)	Rostenkowski
Ford (TN)	Lowry (WA)	Roth
Fowler	Lujan	Roukema
Frank	Luken	Rowland
Franklin	Lundine	Roybal
Frenzel	Lungren	Rudd
Frost	MacKay	Russo
Fuqua	Madigan	Sabo
Garcia	Markey	Savage
Gaydos	Marlenee	Sawyer
Gejdenson	Marriott	Scheuer
Gekas	Martin (IL)	Schroeder
Gephardt	Martin (NC)	Schulze
Gibbons	Martin (NY)	Schumer
Gilman	Martinez	Seiberling
Gingrich	Matsui	Shannon
Glickman	Mavroules	Sharp
Gonzalez	Mazzoli	Shaw
Goodling	McCain	Shelby
Gore	McCloskey	Shuster
Gradison	McCurdy	Sikorski
Gramm	McDade	Siljander
Gray	McDonald	Simon
Green	McEwen	Sisisky
Guarini	McGrath	Skeen
Gunderson	McHugh	Skelton
Hall (IN)	McKernan	Slattery

Smith (FL)	Taylor	Whitten
Smith (IA)	Thomas (CA)	Williams (MT)
Smith (NE)	Thomas (GA)	Williams (OH)
Smith (NJ)	Torres	Wilson
Smith, Denny	Torricelli	Winn
Smith, Robert	Towns	Wirth
Snowe	Traxler	Wise
Snyder	Udall	Wolf
Solarz	Valentine	Wolpe
Spence	Vander Jagt	Wortley
Spratt	Vandergriff	Wright
Staggers	Vento	Wyden
Stangeland	Volkmer	Wylie
Stark	Walgren	Yates
Stenholm	Watkins	Yatron
Stratton	Waxman	Young (AK)
Studds	Weaver	Young (FL)
Swift	Weiss	Young (MO)
Synar	Wheat	Zablocki
Tallon	Whitehurst	Zschau
Tauke	Whitley	
Tauzin	Whittaker	

NOES—24

Badham	Hartnett	Schaefer
Bateman	Lewis (CA)	Sensenbrenner
Crane, Daniel	Mack	Shumway
Crane, Philip	McCandless	Solomon
Dannemeyer	Michel	Stump
DeWine	Nielson	Sundquist
Dingell	Packard	Vucanovich
Forsythe	Quillen	Walker

NOT VOTING—9

Berman	Heftel	St Germain
Boner	McCollum	Stokes
Gregg	Schneider	Weber

□ 1220

The Clerk announced the following pairs:

Mr. LEWIS of California changed his vote from "aye" to "no."

Messrs. PARRIS, SKEEN, and CHAPPIE, and Mrs. JOHNSON changed their votes from "no" to "aye."

So that portion of the amendment dealing with the date change from "1998" to "1988" was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LEVITAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEVITAS. Mr. Chairman, I understand the vote that was just taken was on the first part of a divided question. My inquiry is: Is it in order at this time for there to be any further debate on the second portion of the question that has been divided?

The CHAIRMAN. The Chair will advise the gentleman that further debate would be in order under the 5-minute rule until the Chair puts the question.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I only regret that it could not be made retroactive.

I think that the recent performance of the President in dismissing the members of the Civil Rights Commission because they did not agree with his philosophy is totally inappropriate and defeats the entire purpose of a Civil Rights Commission. If the Commission were an enforcement or regulatory Commission I would feel differently. But that is not the case. What is the Commission? If it is to be anything, it is to be the gadfly of the conscience, not only of an administration, but of the entire Nation on matters of this sort.

When we are comfortable with what we are hearing from the Commission, then it probably is not doing the job it ought to be doing.

I do not happen to agree with the philosophy expressed by the Commission in many areas, but I do think we need to have those views heard from this forum.

We do not need a group of trained seals on a Civil Rights Commission. While the new appointees may not be simply trained seals, they should not give the appearance of being so by accepting these appointments under the circumstances of their predecessors' firings. In fact, I agree with views of some of the new nominees, and they have good civil rights records. But the circumstances of their appointment is wrong. It is for that reason that I would support the amendment.

I only wish it could be made retroactive.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I want to congratulate the gentleman on his remarks and I simply would like to associate myself with the gentleman's remarks in the spirit of this amendment.

Mr. LEVITAS. I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to take about 30 seconds just so that the membership is clear. This is the second part of the Edwards amendment that in effect states that the members of the Civil Rights Commission can be removed only for cause.

If this legislation containing this language is enacted into law prior to the time the other body votes on the confirmation of the three nominees the President sent up a couple of months ago, the President will be effectively precluded from appointing those three individuals to the Civil Rights Commission.

I think that if this part of the amendment is adopted, this bill is going to become prime veto bait because, in effect, the Congress will be telling the President who is to serve on an executive branch Commission.

Since the Commission's life expires on September 30, 1983, this is a game of chicken that I do not think we should play, since if no legislation is passed the Commission will go out of business completely.

I ask for a no vote and yield back the balance of my time.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask for a no vote on this for one very important reason. There seems to be some criticism of some of the President's actions with respect to the appointment of three people on the Commission and a new executive director.

There does not seem to be much disagreement, at least in the hearings that have been held in the other body, with respect to the qualifications of those three appointees. In fact, some in the other body have said that it is irrelevent whether those people are qualified or not.

The question I think becomes very important for this reason: It seems to me that for too long a period of time we have somehow equated those who support civil rights goals with one particular political philosophy and one particular agenda for achieving those goals. I speak of questions such as busing, affirmative action, quotas, and so forth.

I think that does a disservice to all of us who have a commitment to civil rights. It seems to me one of the things we should wish to have happen with respect to the Civil Rights Commission is that they have people whose commitment to the goal of civil rights is unquestioned but who might have some differences of opinion with respect to the achievement of those goals. In that way, we might have some dialog, we might have some enlightened argumentation with respect to how we achieve those goals. Thus we might move this country a little further on the path toward achieving those goals.

I would suggest that if we follow this amendment we will reject an opportunity to do that and perhaps not move anywhere closer to where we all want to be.

Mr. Chairman, I must say the intolerance of some Members to even discuss this issue ought to be a sore point with the general membership here. This is an important issue. It deals with an important question, the question of how we achieve civil rights in this country.

If we are going to say that one party or one political philosophy has the corner on the achievement of those goals we are doing a disservice to the American people because we are saying to a great number of American people who may not happen to agree with busing, who may not happen to agree with specific quotas or certain types of affirmative action, "You are cut out of the process of civil rights in this country."

I think that puts us in a wrong position and makes it far less likely that

we will achieve the goals to which we all ascribe.

The CHAIRMAN. The question is on the remaining portion of the amendment offered by the gentleman from California (Mr. EDWARDS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 128, answered "present" 1, not voting 18, as follows:

[Roll No. 323]

AYES—286

Ackerman	Dwyer	Kogovsek
Addabbo	Dymally	Kolter
Akaka	Dyson	Kostmayer
Albosta	Early	Lantos
Alexander	Eckart	Leach
Anderson	Edgar	Leath
Andrews (NC)	Edwards (CA)	Lehman (FL)
Andrews (TX)	English	Leland
Annunzio	Erdreich	Lent
Anthony	Evans (IA)	Levin
Applegate	Evans (IL)	Levine
Aspin	Fascell	Levitas
AuCoin	Fazio	Lipinski
Barnard	Feighan	Lloyd
Barnes	Ferraro	Long (LA)
Bates	Fish	Long (MD)
Bedell	Flippo	Lowry (WA)
Beilenson	Florio	Luken
Bennett	Foglietta	Lundine
Bereuter	Foley	Markey
Berman	Ford (MI)	Martin (IL)
Bethune	Ford (TN)	Martinez
Bevill	Fowler	Matsui
Biaggi	Frank	Mavroules
Bilirakis	Frenzel	Mazzoli
Boehlert	Frost	McCain
Boggs	Fuqua	McCloskey
Boland	Garcia	McCurdy
Bonior	Gaydos	McEwen
Bonker	Gejdenson	McGrath
Borski	Gekas	McHugh
Bosco	Gephardt	McKernan
Boucher	Gibbons	McKinney
Boxer	Gilman	McNulty
Breaux	Glickman	Mica
Britt	Gonzalez	Mikulski
Brooks	Gore	Miller (CA)
Brown (CA)	Gradison	Mineta
Brown (CO)	Gray	Minish
Broyhill	Green	Mitchell
Bryant	Guarini	Moakley
Burton (CA)	Hall (OH)	Mollohan
Carper	Hall, Ralph	Montgomery
Carr	Hall, Sam	Moody
Clarke	Hamilton	Morrison (CT)
Clay	Hance	Mrazek
Clinger	Harkin	Murphy
Coelho	Harrison	Murtha
Coleman (TX)	Hawkins	Natcher
Collins	Hefner	Neal
Conable	Hertel	Nelson
Conte	Hightower	Nowak
Conyers	Horton	Oakar
Cooper	Howard	Oberstar
Courter	Hubbard	Obey
Coyne	Huckaby	Olin
Crockett	Hughes	Ortiz
D'Amours	Ireland	Ottinger
Daschle	Jeffords	Owens
Davis	Jenkins	Panetta
de la Garza	Johnson	Patman
Dellums	Jones (NC)	Patterson
Derrick	Jones (OK)	Pease
Dicks	Jones (TN)	Penny
Dingell	Kaptur	Pepper
Dixon	Kastenmeier	Perkins
Dorgan	Kazen	Petri
Dowdy	Kemp	Pickle
Downey	Kennelly	Porter
Durbin	Kildee	Price
Pritchard	Shannon	Udall
Pursell	Sharp	Valentine
Rahall	Sikorski	Vandergriff
Rangel	Simon	Vento
Ratchford	Sisisky	Volkmer
Ray	Skelton	Walgren
Regula	Slattery	Walker
Reid	Smith (IA)	Watkins
Richardson	Snowe	Waxman
Ridge	Solarz	Weaver
Rinaldo	Spratt	Weiss
Rodino	Staggers	Wheat
Roe	Stark	Whitley
Roemer	Stenholm	Williams (MT)
Rose	Stratton	Wilson
Rostenkowski	Studds	Wirth
Rowland	Swift	Wise
Roybal	Synar	Wolpe
Russo	Tallon	Wright
Sabo	Tauke	Wyden
Savage	Tauzin	Yates
Scheuer	Thomas (GA)	Yatron
Schneider	Torres	Young (MO)
Schroeder	Torricelli	Zablocki
Schumer	Towns	
Seiberling	Traxler	

NOES—128

Archer	Hartnett	Paul
Badham	Hiler	Quillen
Bartlett	Hillis	Ritter
Bateman	Holt	Roberts
Bliley	Hopkins	Robinson
Broomfield	Hunter	Rogers
Burton (IN)	Hutto	Roth
Byron	Hyde	Roukema
Campbell	Kasich	Rudd
Carney	Kindness	Sawyer
Chandler	Kramer	Schaefer
Chappell	LaFalce	Sensenbrenner
Chappie	Lagomarsino	Shaw
Cheney	Latta	Shelby
Coats	Lewis (CA)	Shumway
Coleman (MO)	Lewis (FL)	Shuster
Corcoran	Livingston	Siljander
Craig	Loeffler	Skeen
Crane, Daniel	Lott	Smith (NE)
Crane, Philip	Lowery (CA)	Smith (NJ)
Daniel	Lungren	Smith, Denny
Dannemeyer	Mack	Smith, Robert
Daub	Madigan	Snyder
DeWine	Marlenee	Solomon
Dickinson	Marriott	Spence
Donnelly	Martin (NC)	Stangeland
Dreier	Martin (NY)	Stump
Duncan	McCandless	Sundquist
Edwards (AL)	McDade	Taylor
Edwards (OK)	McDonald	Thomas (CA)
Emerson	Michel	Vander Jagt
Erlenborn	Miller (OH)	Vucanovich
Fiedler	Molinari	Whitehurst
Fields	Moore	Whittaker
Forsythe	Moorhead	Williams (OH)
Franklin	Morrison (WA)	Winn
Gingrich	Myers	Wolf
Goodling	Nichols	Wortley
Gramm	Nielson	Wylie
Gunderson	O'Brien	Young (AK)
Hammerschmidt	Oxley	Young (FL)
Hansen (ID)	Packard	Zschau
Hansen (UT)	Parris	

ANSWERED "PRESENT"—1

Hoyer

NOT VOTING—18

Boner	Jacobs	Schulze
Coughlin	Lehman (CA)	Smith (FL)
Gregg	Lujan	St Germain
Hall (IN)	MacKay	Stokes
Hatcher	McCollum	Weber
Heftel	Pashayan	Whitten

□ 1240

Mr. NICHOLS changed his vote from "aye" to "no."

Mr. LENT changed his vote from "no" to "aye."

So the remaining portion of the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 2, after line 15, add the following new section: Section 4. It is the Sense of the Congress that the Civil Rights Commission should undertake a study of minority youth employment opportunities. Such a study shall attempt to define whether federal programs, laws, regulations or rules are having an adverse or negative impact on the creation and maintenance of minority youth employment opportunities. The Commisison should, not later than September 30, 1984, report back to the Congress on the results of the study, together with its recommendations on how to increase minority youth employment opportunities by reducing or eliminating any adverse impact of Federal programs, laws, regulations or rules.

Mr. EDWARDS of California. Mr. President, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, this amendment suggests to the Civil Rights Commission that they undertake a study of minority youth employment opportunities.

We have examined this amendment on this side. It is a recommendation. It does not order the Civil Rights Commission to do anything.

We have no objection to it on this side. We compliment the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman from California.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the minority accepts this amendment. It is a constructive addition.

Mr. WALKER. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SENSENBRENNER: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Civil Rights Commission Reauthorization Act of 1983".

ESTABLISHMENT OF TERMS FOR MEMBERS OF THE COMMISSION

SEC. 2. Section 101 of the Civil Rights Act of 1957 (42 U.S.C. 1975) is amended by adding at the end thereof the following:

"(f)(1) Upon vacancies in the Commission after the date of the enactment of this subsection, members of the Commission shall be appointed for a term of six years except

that, of the members first appointed to such vacancies—

"(A) two, not affiliated with the same political party, shall be appointed for a term of two years;

"(B) two, not affiliated with the same political party, shall be appointed for a term of four years;

"(C) two, not affiliated with the same political party, shall be appointed for a term of six years.

"(2) After the date of the enactment of this subsection, an individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed to the unexpired term of the member such individual succeeds.

"(g) A commissioner may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office.".

EXTENDING THE LIFE OF THE COMMISSION

SEC. 3. Section 104(c) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(c)) is amended by striking out "1983" and inserting "2003" in lieu thereof.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 106 of the Civil Rights Act of 1957 (42 U.S.C. 1975e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 106. There are authorized to be appropriated to carry out this Act $13,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for each of the following nineteen fiscal years.".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1250

Mr. SENSENBRENNER. Mr. Chairman, this amendment greatly strengthens the manner in which the Civil Rights Commission will operate if it is reauthorized.

My amendment would extend the life of the Commission for 20 years, which is 5 years longer than H.R. 2230; would provide that future members of the Civil Rights Commission be appointed for specific 6-year staggered terms as is currently the case with the EEOC, the Federal Election Commission, and similar agencies; and would provide that future Commissioners be removed for inefficiency, neglect of duty or malfeasance in office. This is boiler plate language which governs the Merit System Protection Board in addition to other boards and commissions.

The fixed term and removal for cause provisions insure the independence of the Civil Rights Commission, whose duties are to make recommendations to Congress and the executive branch on civil rights policies and laws. Fixed terms would insure the infusion of new ideas and approaches for solving civil rights problems. Fixed terms would regularize the period of time for which Commissioners serve. In the past, some members have served for periods as short as 1 year; others have served for periods as long as 17 years. A 6-year term is the average length of time that the 23 Commissioners who have been appointed since 1957 have served. A 6-year term would also preserve the continuity of policymaking by providing for only two vacancies at any one particular time. It would insure the infusion of new ideas and approaches for solving civil rights problems. It would give each President the opportunity to appoint new Commissioners on a regularized basis.

Fixed terms and a long extension period are both concepts whose time have come. The removal for cause provision provides an extra layer of insulation to preserve independence.

My amendment suggests a better approach than the Edwards amendment, which only provides for a 5-year extension with a removal for cause provision. Let us not kid ourselves about the need for a long-term authorization for the Civil Rights Commission. Four months ago, the gentleman from California and the civil rights community supported extending the Commission for 15 years. Now they are slashing this figure by 10 years. If the need to extend the Commission for 15 years existed 4 short months ago, it still exists today. My amendment is the only approach which is realistic. It recognizes the Commission is not a temporary agency but a semipermanent one. A 20-year extension, with staggered terms and removal for cause recognizes reality.

I strongly urge your support for this amendment. It is the best approach for insuring continuity, independence, and lack of political pressure.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Before recognizing another Member to speak, the Chair would like to make a statement.

Regardless of the effect that pending legislation may have on proceedings in the other body, reference to actions or proceedings in that body or remarks critical of Members of that body are not in order under the rules and precedents of the House.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding to me.

Mr. Chairman, it seems that we are now in the situation—and tell me if I am correct—that after we voted down the 15-year term, we now have a substitute that would go to a 20-year term?

Mr. EDWARDS of California. Nineteen years.

Mr. CONYERS. Nineteen years.

Mr. EDWARDS of California. That is correct. We have already voted against a 15-year term, and now the gentleman from Wisconsin is asking us to approve a 19-year term.

Mr. CONYERS. And that would mean that the budget would go to a 20-year period?

Mr. EDWARDS of California. That is correct.

Mr. CONYERS. I thank the chairman.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the distinguished chairman of the Judiciary Committee.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, the House has already voted and expressed its sentiment regarding this legislation. This is absolutely inconsistent with the action that has already been taken. For the very reasons that we recited in adopting the Edwards amendment, which provided for 5 years and for removal for cause, which was overwhelmingly supported by the House, I would suggest that the House turn down this amendment.

Mr. EDWARDS of California. I thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Sensenbrenner amendment and in support of the Edwards amendment.

Mr. Chairman, in a perfect world, we would not need to be considering this legislation. Discrimination would not exist. We would not need a Civil Rights Commission to oversee the enforcement of civil rights in the United States.

That perfect society does not exist, and even in today's more enlightened society, sensitive and responsive to the needs and rights of minorities, we do need an independent Civil Rights Commission.

The independence and integrity of the Commission, its freedom from political pressures, are all the more important because the Commission has no enforcement power, except that of public exposure of injustice. Its independence and its 25-year-old reputation for impartially and for accuracy give the Commission its influence.

President Reagan wants to replace five of the six Commissioners. If he succeeds, he will destroy the Commission's independence, which is the source of much of its effectiveness.

Apparently, the President does not like the message of the Commission. Change the Commissioners, change the message. The Commission, however, does not develop policies. It does

not choose among options. It reports the realities of discrimination in the United States. If the President does not like the reports of the Commission, he should work to eradicate the discrimination which exists in this country, and which is the subject of more reports.

I support the Edwards-Fish bipartisan amendment to insure the Commission's independence. The amendment is reasonable. It provides for a limited 5-year reauthorization, rather than the 15-year reauthorization provided in the original bill. I support the Edwards amendment which limits the authority of the President to remove Commissioners for only two causes: Malfeasance in office or neglect of duty.

If there are structural problems with the Commission, Congress can consider carefully necessary changes at a later time. We must not allow, this President, or any President to reverse historical precedent and reconstitute the Commission by firing five of the six Commissioners. President Reagan should never have questioned the independence of the Commission. Having done so, he has required Congress to act forcefully to reaffirm that Commissioners should be fired only for cause.

I urge an overwhelming vote for the bipartisan amendment and for final passage of the reauthorization.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Wisconsin's amendment would fundamentally alter the structure of the Commission absent evidence of a need for such a change. For this reason, I oppose my colleague's amendment.

Underlying my strong opposition to the proposed amendment is its provision for 6-year staggered terms for the Commission's members. The question is not "what's wrong with setting terms," but rather "what is the need to set terms?" Currently, the Commission's members have open-ended terms, but historically their tenures have averaged 6 to 7 years. This natural turnover has afforded the Commission a certain amount of continuity and stability, while at the same time allowing for new and fresh perspectives to be added. Thus, because the current system has worked well over the 25 years that the Commission has been in existence, we see no need to modify an already well-functioning process. This view is reflective of the majority of the witnesses who testified before our subcommittee who urged caution in making any changes to the Commission's statutory authority. As the gentleman from Wisconsin has himself recognized in his "Dear Colleague" of July 28, the need for fixed and staggered terms has not demonstrated itself in the past because of the length of the extension periods of the life of the Commission.

A 5-year extension is in keeping with the congressional intent of a strong and independent Commission; it is also consistent with the time period given the Commission in the previous three extensions. To change the historical nature and structure of the Commission in the absence of evidence that such a change is needed is inappropriate.

The staggered terms concept has also been promoted as a way of guaranteeing that the Commission maintain the independence which the Congress intended it to have. However, this issue of independence has only become a problem because this administration has made it so. The Commission's independence has been respected by both Democratic and Republican Presidents since 1957. This administration has taken the unprecedented step of attempting to replace five of the six Commissioners.

Similarly, I oppose the open-ended authorization for 19 years, as outlined in the proposed amendment, because it denies the Judiciary Committee a role in the Commission's budget process and eliminates any element of fiscal accountability.

Lastly, the gentleman's amendment calls for the removal of Commission members for inefficiency, neglect of duty or malfeasance in office. While we support the objective standards of neglect of duty and malfeasance in office, inefficiency is a subjective standard subject to political use, and thus is contrary to Congress intent that the Commission remain an independent, bipartisan body.

In sum, then, because the proposed changes are unnecessary and inappropriate, I urge rejection of this amendment.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chariman, the most critical consideration in establishing guidelines for the operation of the Civil Rights Commission is that we maintain the independence of the Commission. Since its formation the Commission has built a reputation for providing solid documentation of discrimination in our society. Its work has been pivotal in advancing the cause of civil rights.

My reason for opposing the Sensenbrenner substitute is that I fear its adoption would undermine the independence which has made the Commission so effective. I certainly support the language barring any President from removing any Commissioner except for cause, and on first glance, the idea of fixed 6-year terms sounded sensible as well.

On closer inspection, however, I concluded that fixed terms may substantially compromise the independence of Commissioners whose terms were set to expire. We all know too well that the pressures of election year cause us to give greater weight to political considerations in making decisions. Just this morning, a radio reporter, in giving a wrapup of this session of Congress so far, made the point that when Congress returns in September, the pressures of a Presidential campaign season, and I would add our own reelection campaign, will dictate much of what happens here.

I am concerned that if this amendment passes, Commissioners who are up for reappointment will be looking over their shoulders to see whether the President might approve of this or that action. Even if Commissioners did not alter their views or tone down reports of injustice, their actions would be more subject to interpretation in light of their interest in being reappointed which would cast a political pall over the Commission's activities.

The progress that this country has made on civil rights in the last quarter century is one of the proudest chapters in our history, and the Civil Rights Commission has played an heroic role in the struggle. I urge my colleagues to vote for the continued independence of the Commission, and to oppose the amendment offered by the gentleman from Wisconsin.

Mr. DEWINE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to engage the author of the amendment in a colloquy.

Would the gentleman tell us where the idea originated for lengthening the authorization extension?

Mr. SENSENBRENNER. If the gentleman will yield, it originated in the White House. The President of the United States sent a message to the Congress earlier this year, specifically asking for a 20-year extension.

Mr. DEWINE. Was the gentleman present when any testimony was taken in the Judiciary Committee or the Judiciary Committee Subcommittee concerning what groups supported lengthening of the term?

Mr. SENSENBRENNER. As I quoted in my remarks during the debate on the rule last night and on the Edwards amendment today, Ralph Neas, the executive director of the Leadership Conference on Civil Rights, specifically endorsed the 15-year term as necessary to preserve the long-range planning capability of the Commission, so they would not have to be dropping everything they did very frequently to determine whether their life would be extended by an act of Congress.

Mr. DEWINE. So the support at that point at least came from persons in the civil rights community.

Mr. SENSENBRENNER. Yes.

Mr. DEWINE. Moving to another area, I want to make sure I understand the actual status of the bill now if the gentleman's amendment is not in fact approved. I have looked through this, but I may be misunderstanding.

Is it my understanding that if the current status of the bill goes through without the gentleman's amendment, people appointed on the Commission would have life tenure?

Mr. SENSENBRENNER. If this bill is signed before the other body takes action on the President's nominations, then the existing members of the Commission would remain in office unitl September 30, 1988, which is the expiration date of the Commission under the Edwards amendment, and could only be removed for malfeasance in office or neglect of duty. That is an effective grandfathering or grandmothering in of the existing Commissioners.

Mr. DEWINE. But irrespective of when the bill is signed, looking at this thing prospectively, is it my understanding that without any fixed terms and with the change that has been proposed, we would have, basically, life tenure, that a person could only be removed for cause?

Mr. SENSENBRENNER. The gentleman is correct.

□ 1300

Mr. DEWINE. Is there any precedent for this, other than Federal judges, which is written into the U.S. Constitution; any other precedent for life tenure?

Mr. SENSENBRENNER. Not to my knowledge.

Mr. CARPER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Chair has recently made the following statement:

> Regardless of the effect that pending legislation may have on proceedings in the other body, references to actions or proceedings in that body, or remarks critical of Members of that body, are not in order under the rules and precedents of the House.

I simply want to rise to thank the Chair for that statement and to express my own regret over the insertion in the RECORD earlier today of a harshly worded letter from American Federation of Teacher's president, Albert Shanker, to U.S. Senator JOSEPH R. BIDEN, of Delaware.

It is my belief, sir, that the insertion represents a technical violation of the rule of comity. I simply wanted to rise to be on record to express my regret that it was inserted.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment in the nature of a substitute was rejected.

● Mr. FAUNTROY. Mr. Chairman, I urge support of H.R. 2230 and the amendment by my colleague, Congressman DON EDWARDS, which would extend the Civil Rights Commission for 5 years, and provide that the President may only remove a Commissioner for "cause" such as neglect of duty or malfeasance in office.

This legislation is necessary if the Commission is to remain independent and function with integrity as our Nation's conscience on civil and human rights.●

● Mr. KOGOVSEK. Mr. Chairman, I rise in support of the Edwards-Clinger amendment which in my opinion underscores the legislative history and intent of the U.S. Commission on Civil Rights as an independent entity. It was intended to be free of executive and legislative interference and had managed to remain in this situation until recently. It is truly unfortunate that because the Commission has complied with its mandate of providing independent and objective monitoring of civil rights in this country, its independence is being undermined. I believe this bipartisan amendment is explicit in its intent that Commissioners were not and are not to be removed without just cause.

In addition, I believe that over the 5-year reauthorization period cooler heads will prevail and a thorough discussion, analysis, and assessment can and will be made as to whether structural changes; that is, fix terms, stronger terms, national subpena, et cetera, in the Commission will either enhance the Commission's independence and objectivity or result in the erosion of these important traits. I believe this is a very prudent way to go and perhaps Mr. EDWARDS' Subcommittee on Civil and Constitutional Rights can even hold field hearings on the subject.

In closing, I was pleased to know that the Judiciary Committee report indicated a concern that the Commission establish better outreach and assessment of the civil rights conditions facing Hispanics. I believe the Commission has and should do the best it can for all population groups facing difficulties. However, I was especially pleased that Hispanics were mentioned for they are the fastest growing population group in this country, a phenomenal growth of 61 percent from 1970 to 1980. As a native of Colorado and of the Southwest I have a strong sensitivity and interest in the plight of Hispanics in this country.●

● Mr. STARK. Mr. Chairman, I support the efforts of the gentleman from California (Mr. EDWARDS) to minimize the Reagan administration's damage to the Civil Rights Commission.

But I fear that the President's assault on the independence of the Commission is just one of the many-pronged attacks on the entire concept of civil rights and the duties of the National Government.

The President has said that he is not a racist. In last Thursday's Washington Post, Mr. William French Smith, the Attorney General, attempted to defend the President's civil rights record. He did it, not by any substantive explanation to the contrary, but by a vitriolic attack on "politically motivated criticisms and irresponsible journalism."

Our colleague from New York, Mr. GARCIA, was good enough to point out in his House speech on that same day the sum total of what Mr. Reagan has done against the cause of freedom in this country—a list so depressing I need not repeat it.

I should just like to point out what Mr. Thomas Atkins, general counsel for the NAACP said in May, speaking before the House Subcommittee on Civil and Constitutional Rights. He asked them to abolish the Civil Rights Division of the Justice Department. Testifying in concert with Mr. Atkins was Mr. William Taylor, who represented the Leadership Conference on Civil Rights, a coalition of 165 organizations representing women, minorities, labor, the handicapped, and civic groups.

At first I thought I was reading a misprint, Mr. Speaker, and indeed, I wish I had. But Mr. Atkins pointed out, in all seriousness, that to allow the Justice Department to continue putting its "policy of defiance of the law into action" is an insult to the victims of discrimination.

It seems the leaders of our Nation's most respected civil rights groups have decided that if the foxes have seized the henhouse, then we would all be better off if we just burned the whole henhouse down.

Indeed, we have a Justice Department which opposes school busing, and encourages school desegregation even in communities where the issue has long been settled. The Justice Department has not filed a new school desegregation suit since President Reagan took office, nor has it brought one lawsuit involving a mental health or mental retardation facility in more than 2 years.

And we have an Assistant Attorney General, Mr. William Bradford Reynolds, who not only opposes affirmative action, but refers to it as "morally wrong."

Well, Mr. Speaker, I find it morally reprehensible that the Federal agency charged with insuring justice is unjust.

Mr. Atkins went on to say that he deemed it a tragedy that he could not think of a single civil rights matter in

which he would welcome the participation of the Justice Department.

Mr. Speaker, Mr. Atkins is right. It is a tragedy. But even worse for America, it is a predictable tragedy. For the sullying of the U.S. Justice Department is just one more ugly metamorphosis in which heretofore decent Government agencies have become corrupt under Mr. Reagan's administration.

After the scandal and resignations at the EPA, in light of the misconduct of Anne Burford and company, and not forgetting the continuing escapades of Secretary Watt and his "fire sale" mentality when it comes to our natural resources and wonderlands, what more are we to expect?

More of the same, unfortunately.

We can forgive the errant Dr. Jekyll a time or two, but when Mr. Hyde becomes his dominant ego, something must be done. The Federal Government, under Mr. Reagan, is turning into the embodiment of Mr. Hyde.

Among the latest straws which have broken any remaining faith in the good will of this administration toward equal rights have been the President's Freudian slips about "the place of women" and additional "token" appointments of women, and his defense of Thomas Ellis as a man with a "reputation for honor that (he) has always possessed." The word "honor" should turn to ashes in the mouth when used to describe a leading American supporter of the South African "slavocracy," one who funded research seeking to prove racial inferiority, and who distributed racist literature against President Ford in support of Mr. Reagan.

Ms. Kathy Wilson is an honorable woman. And a staunch Republican. Ms. Wilson grew up in a Republican family, married a Republican, and plans to stay a Republican. She is also chair of the National Women's Political Caucus. She has some advice for what Mr. Reagan can do to help women: he should not run for reelection.

When it comes to women's rights, said Ms. Wilson, Mr. Reagan is a "dangerous man." She pointed out in Sunday's Washington Post the farcical state of Mr. Reagan's alleged attempts to resolve the gender gap in his administration. The task force on legal equality doesn't even have a staff or authority. "They simply present what they believe to be discriminatory laws—most of which has been better done in a Civil Rights Commission study in 1978," she said.

Ms. Wilson also had little praise for Mr. Reagan's "50 States program," in which women's groups were promised a State-by-State approach toward equality. "The only thing that's been done," she said, "is a review of the discriminatory statutes of the States, but to further demonstrate the futility of the program, 40 States had already done so anyway. The trick had never been in identifying the discriminatory statutes. The trick has been in getting legislators to do something about them."

Ms. Wilson's frustrations and the ineptitude of the Reagan administration was most cogently addressed in her summation: "If we'd gone State-by-State for the vote, women in Mississippi would still not be voting."

The Congress may legislate until it is blue in the face on the issue of civil rights, but if the heart of the administrators of the law is against the law, there will be little justice in the land.●

● Mr. EVANS of Illinois. Mr. Chairman, I rise in support of H.R. 2230, the bill to extend the life of the Civil Rights Commission. For the past 26 years, this Commission has played a vital role in bringing to the foreground discrimination in employment and in all sectors of our society.

Since its inception in 1958, the Commission has provided a great service to the entire country by investigating discrimination claims and recommending suitable solutions to those problems. That voice for equal rights must remain strong and independent, despite attempts to regulate its action by the arbitrary dismissal and appointment of Commission members.

The U.S. Commission on Civil Rights was established with the intent that it remain an independent, bipartisan, fact-finding agency. Recent events have demonstrated the need to maintain the independence of the Commission. In its efforts to replace three Commissioners, the Reagan administration has only reminded us of the need to remain ever vigilant against encroachments on the objectivity and independence of this Commission.

The Civil Rights Commission should take orders from no one. President Reagan has violated the spirit of the Civil Rights Commission by firing Commissioners Saltzman, Berry, and Ramirez. In order to build enough conservative support to carry out the administration's policies President Reagan appointed more conservative members. The Reagan administration is clearly trying to stack the deck in its favor by influencing the recommendations of this important Commission.

Our Nation has a commitment to equal protection and treatment of all its citizens. The Commission on Civil Rights serves as a symbol of the U.S. Government's determination to meet that commitment. It also serves as an active monitoring agency of potential civil rights issues, informing both the President and the Congress of public views on these issues.

We must recognize the imperative need for continued independent operation of this body. With our ever-growing population, civil rights problems will surely continue to confront more and more areas of jurisdiction. The continuation of a bipartisan makeup is essential in order to maintain the commitment of this Nation to guarantee and protect equal rights for all Americans.

All of us are affected by civil rights violations regardless of our sex, religious beliefs, or race. The Civil Rights Commission was designed to be a representative body, which would investigate areas of major concern and monitor the developments of various civil rights matters.

The Commission has served as an important voice for equal rights in this country, a voice in support of an equitable and just system of representation. The issues handled by this Commission are not going to disappear. In fact, I think we can safely assume that they may be ever more prominent in the future. We must assure American citizens of our continued commitment to equal rights by voting to extend the life of the Civil Rights Commission, and by remaining vigilant toward attempts to damage its independence.●

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 2230, extending the life of the Civil Rights Commission, and in support of the bipartisan amendment sponsored by Mr. EDWARDS.

The Civil Rights Commission prefaces each of its reports with the following explanation of its duties: "The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 * * *." H.R. 2230 and the Edwards amendment conform to this description. They retain the Commission as temporary—authorized for 5 years—independent—providing for removal of Commissioners only "for cause"—and bipartisan.

Our colleague, Mr. SENSENBRENNER, is sponsoring an amendment that would extend the authorization for 20 years. This proposal, indicating strong congressional support for the Commission, would also entail creating fixed terms for the Commissioners. This step has not been necessary in the past because of the Commission's limited authorization term. Since we have had succcess in the past with the 5-year authorization cycle, with 23 Commissioners serving an average of 6½ years, the need to extend authorization to 20 years and implement fixed terms seems somewhat questionable.

The Commission's express purpose is to objectively monitor and investigate the Federal Government's civil rights policies. Since its creation, it has provided over 700 reports. Congress has given serious consideration to Commission reports in civil rights legislation. The Commission has functioned during seven administrations, including the Eisenhower, Johnson, and

Nixon. Until now, its independence has never been questioned. Although congressional intent insures the Commission's independence, the Edwards amendment would clearly define the conditions for removal of a Commissioner, in language less broad than Mr. SENSENBRENNER'S.

Mr. Chairman, this body just passed legislation commemorating the birthday of the Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. Due to the work of Dr. King and others like him, and due to private and Government Commissions like the Civil Rights Commission, we have made significant strides toward Dr. King's dream. It would be sadly inappropriate to turn our backs on civil rights now. In Dr. King's words:

It is a dream deeply rooted in the American dream that one day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal. Now is the time to make real the promises of democracy.

Now is the time. I urge my colleagues to support the Edwards amendment to H.R. 2230.●

● Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 2230, reauthorizing the Civil Rights Commission. I also rise in support of the Edwards amendment, limiting the authorization to 5 years, and allowing removal of Commissioners for cause. The NAACP, the Leadership Conference on Civil Rights, and many other groups support the Edwards amendment as the best way to continue the autonomy of the Commission.

Currently, Mr. Chairman, the equal opportunity oversight authority in the Federal Government is divided amongst many Federal agencies. In my judgment, Mr. Chairman, an effort to coordinate these efforts under one agency, perhaps under the Civil Rights Commission, would be a worthwhile endeavor. For now, I commend H.R. 2230, and urge its passage.●

● Mr. SIMON. Mr. Chairman, I rise in support of the bill, H.R. 2230, the Civil Rights Commission Act of 1983. It is essential that the Commission on Civil Rights be extended and that its independent status be retained. I support the amendment which my friend and colleague from California, the distinguished chairman of the Subcommittee on Civil and Constitutional Rights, will offer to extend the life of the Commission for 5 years and to provide for the removal of the members of the Commission only when neglect of duty or malfeasance in office has been demonstrated.

The latter amendment is particularly crucial because the President is attempting to replace three current members of the Commission because he disagrees with the Commission's position on several issues. Establishing the Commission as an independent, bipartisan, factfinding agency was a deliberate act of the Congress. The Commission reports to both the Congress and the President. The President does not have to agree with the findings and recommendations of the Commission, nor does the Congress. Whether we agree or disagree with the Commission is not the issue. Whether we have an independent adviser on civil and human rights issues is. If the President has his way, the independence of the Commission will be violated and forever destroyed.

My colleague from California and I have recently seen the benefit and contribution of having it perform its role as investigator of civil rights issues, gadfly and conscience of the executive branch and Congress, and adviser to the Nation on where we ought to be going and what we ought to be doing to insure the civil rights laws and the individual rights of all Americans are enforced and respected. His subcommittee and the Subcommittee on Postsecondary Education, which I chair, held joint hearings on the administration's enforcement of the Civil Rights Act of 1964—title VI—title IX of the Education Amendments of 1972 sex discrimination, and section 504 of the Rehabilitation Act of 1973. These hearings provided us with a unique opportunity to hear from the Justice Department and the Education Department civil rights officials and from the U.S. Commission on Civil Rights on Federal civil rights enforcement in higher education. It is not the first time Commission members and staff have contributed to the work of our committee on important issues.

The Commission's work is respected and responsible. Let us keep them in business. I urge my colleagues to vote aye on H.R. 2230.●

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2230) to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes, pursuant to House Resolution 273, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill, H.R. 2230 to the Committee on the Judiciary with instructions the Committee report the bill back forthwith with an amendment as follows:

"On page 2, after line 4, insert the following after "duty" on line 6 of the amendment of Mr. EDWARDS of California, "inefficiency"."

The SPEAKER pro tempore. Does the gentleman desire recognition on his motion?

Mr. SENSENBRENNER. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the

Union for the consideration of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1310

The SPEAKER pro tempore. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 274 provides for the consideration of H.R. 2867, the Hazardous Waste Control Enforcement Act of 1983. The resolution allows 1 hour of general debate, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Energy and Commerce. This is an open rule, allowing any germane amendment to be offered under the 5-minute rule. At the conclusion of the bill's consideration, a motion to recommit with or without instructions is in order.

The rule makes the committee amendment in the nature of a substitute in order as original text for amendment purposes. The resolution also waives points of order under clause 5(a) of rule XXI against consideration of the substitute. This largely technical waiver was granted because the nature of the Superfund authorized under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 involves reprograming of funds already appropriated.

Mr. Speaker, H.R. 2867 reauthorizes and amends the principal law governing the disposal of solid and hazardous waste—the Solid Waste Disposal Act commonly known as the Resource Conservation and Recovery Act.

The bill authorizes $154 million in fiscal year 1984, $162 million in fiscal year 1985, and $168 million in fiscal year 1986, to carry out the responsibilities under the Solid Waste Disposal Act. The bill also amends the act to require the Environmental Protection Agency to promulgate a variety of standards within statutorily set deadlines. The bill addresses several loopholes that exist in the Resource Conservation Recovery Act—specifically: Small quantity generators; land disposal of hazardous waste; and, the injection of hazardous waste in or around drinking water supplies. In addition, the bill confers on citizens a limited right to sue to abate an imminent and substantial endangerment. This right can only be exercised if the Administration fails to file an action.

Mr. Speaker, this legislation was sequentially referred to the Judiciary Committee for its review of several sections contained in the bill. As reported from the Energy and Commerce Committee, EPA investigators are granted the authority to: Carry firearms; execute, and serve warrants, summons, and subpenas; administer oaths; and make arrests without warrants for offenses against the United States committed in their presence, and for felonies if they have reasonable grounds to believe that the person to be arrested has committed or is committing a felony. In addition, the Administrator of the EPA is directed to request the Justice Department to file and represent the EPA in civil enforcement actions under RCRA. Once a referral has been made by the Administrator, the Attorney General would have 30 days to initiate action. If the Attorney General does not do so, the Administrator can appoint EPA attorneys to represent the Agency in civil enforcement action. The Judiciary Committee reported out committee amendments to strike these last mentioned sections of the legislation. I would like to point out that this open rule affords the Judiciary Committee the opportunity to offer the amendments which were reported from the Judiciary Committee to these sections.

Mr. Speaker, H.R. 2867 addresses several important issues regarding the disposal and management of hazardous wastes. I urge my colleagues to adopt this open rule, House Resolution 274 so that the House may consider the Hazardous Waste Control Act of 1983.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, this is a controversial bill, but I know of no controversy on the rule itself.

I would like to point out that there is a provision in the bill that regulates small generators of waste. This provision could affect 1,400,000 small businesses, which produce a small amount of waste for disposal. I think that provision is most bureaucratic. All it is going to do is throw a bigger burden on EPA and make them add more staff to do the investigation and enforcement of the act. Something should give, and an amendment which will be offered, should be adopted to lessen that effect.

Mr. Speaker, there is also a section in the bill which provides that any officer or employee of EPA shall be authorized to carry firearms, make arrests, serve warrants, and administer oaths. We can imagine this horde of EPA employees going into place with two guns on their hips and intimidating our people. I understand there is going to be an amendment to limit that, and I hope the amendment passes.

Mr. Speaker, as I said, I know of no opposition to the rule. We all know that this act has to be extended. I think in the end, after it is amended, that the House will agree.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, we have no requests for time, and I move the previous question on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 2867.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2867), to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, with Mr. BARNARD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. FLORIO) will be recognized for 30 minutes, and the gentleman from New York (Mr. LENT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House today considers H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. This bill, if enacted, would reauthorize and substantially strengthen the Resource Conservation and Recovery Act (RCRA), the statute which governs the treatment, storage, transportation,

and disposal of hazardous wastes and which regulates, to a large degree, the recycling and disposal of solid wastes.

Last year, the House overwhelmingly passed an RCRA reauthorization bill, H.R. 6307, with many of the same provisions contained in this year's measure. Unfortunately, the other body, under considerable pressure from the administration, failed to pass any bill, depriving Congress of the early opportunity to correct the deficiencies in the current law. The casualties of the year's delay have been the American people, who are afraid, legitimately afraid, of toxic contamination resulting from improper disposal of hazardous waste.

Hearings before my subcommittee both last year and this year have confirmed that toxic waste threatens the health of millions of Americans across this country. Each year, we generate about 250 million tons of hazardous waste—over 2,000 pounds for every man, woman, and child in America.

The disposal of much of this waste is unregulated. Improperly disposed hazardous waste threatens the air, surface water, and drinking water. The threat to ground water is especially acute. Americans depend upon ground water for their drinking water, often using wells without any treatment equipment whatsoever. One EPA study of underground drinking water supplies in 954 cities showed contaminated water in almost 300 municipalities, each with a population over 10,000.

Not surprisingly, one of the major causes of contaminated ground water is America's continued reliance on land disposal in landfills or in pits, ponds, and lagoons. This is a shortsighted approach since it is virtually impossible to build a land disposal facility that can contain waste for as long as that waste threatens public health. My subcommittee, during extensive hearings on March 22 and 24 of this year, learned that safer alternative forms of disposal are available and their capacity is underutilized. We must create incentives to shift disposal from the land to other technologies.

It has also come to light that many land disposal facilities do not even comply with current law. A recent EPA study found that 109 of 171 sites studied were violating RCRA regulations.

Recently, much attention has been focused on the Superfund law and the problems it was designed to solve, namely, what to do with abandoned hazardous waste facilities that threaten public health. Yet, without improvements in current law, we are creating tomorrow's Superfund sites today.

The Office of Technology Assessment has concluded that cleaning up a leaking dump and compensating its victims could cost 10 to 100 times the cost of disposing of the waste safely. According to EPA, the current cost of disposing of hazardous waste in accordance with RCRA is $90 per ton. On the other hand, the cost of cleaning up improperly disposed waste is approximately $2,000 per ton. More significantly, once an aquifer becomes contaminated by hazardous waste, it can never be cleaned up.

This bill will help prevent these expensive and, as in the case of aquifers, sometimes irreparable problems. Among other things, H.R. 2867 will ban some of the most toxic wastes—such as arsenic and cyanide—from land disposal. In addition, the bill provides for greater enforcement powers, including stiffer criminal penalties for those who deliberately violate RCRA.

Because the American public has lost faith in the ability of its Government agencies to protect them from hazardous waste, it is practically impossible to build new hazardous waste facilities without incurring tremendous and often overwhelming public opposition. By improving RCRA, we can begin to restore the public trust and get on with the task of proper treatment, recycling, and disposal.

This is one of the most important environmental bills the House will consider in this Congress. It provides protection against improper disposal of hazardous waste that is desperately needed, and strengthens the ability of EPA and citizens to prohibit improper disposal. I urge my colleagues to support the bill.

□ 1320

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in general support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, which reauthorizes the Resource Conservation and Recovery Act. This measure substantially strengthens RCRA in a number of important respects.

While, on balance, I believe that H.R. 2867 deserves the support of this body, there is one provision which in my view needs revision. That is section 3 which will, for the first time, bring over 600,000 small businesses, such as dry cleaners and service stations, under the RCRA regulatory system. The way section 3 is currently drafted, it carries with it the strong potential to seriously disrupt the ongoing RCRA regulatory program by forcing these small businesses to comply with a confusing and potentially unenforceable system of regulations.

Therefore, Congressman SHELBY and I will be offering an amendment to section 3 of H.R. 2867 which adopts, word for word, a compromise agreement arrived at earlier this year by major environmental and small business organizations such as:

Environmental Defense Fund; Sierra Club; National Audubon Society; American Council on Education; American Retail Federation; Chamber of Commerce of the United States; Furniture Manufacturers Associations; National Association of Manufacturers; National Oil Jobbers Council; and Printing Industries of America.

Our amendment does two things: First, it removes the hammer now contained in section 3 which requires small generators to comply with regulations designed for much larger, more sophisticated generators if EPA fails to act in a timely fashion. Second, our amendment raises from 25 kilograms per month to 100 kilograms per month the requirement that small generators notify transporters that their waste is hazardous.

Since the EPA rarely, if ever, meets congressionally imposed deadlines, why should small businesses be penalized by EPA's inefficiency? Our amendment will insure that these small businesses are not unfairly penalized by having to comply with complex and costly larger generator regulations. At the same time, our amendment requires that the small generator waste be manifested and sent to a hazardous waste disposal facility if EPA fails to act. Thus, our amendment insures environmental protection without inflicting undue punishment on the small business community.

On the notification provision, I believe that leaving the notification at 25 kilograms per month presents a greater environmental threat than raising it to 100 kilograms per month. Why? Simply because of this: When a landfill discovers that the waste it is receiving is hazardous, I think the landfill will turn it away at the gate. If there were thousands of permitted subtitle C or hazardous waste facilities in this country, I do not think we would have a problem. But there are very few of these facilities and will likely be even fewer in the future. So what is a small businessman to do if the nearest facility willing to take his 25-kilogram carton is several hundred miles away in another State?

I hate to say it but I think I know the answer, and the answer is a real threat to public health. The material will go down a drain, off a bridge, or into a field or a river. There will be massive resistance to the regulations we are writing. And the threats to public health and the environment will grow, not diminish. And that we should all be very concerned about today.

So I urge your support for the Shelby-Lent amendment when it is offered and urge your opposition to any amendments which may be offered to it.

As I said earlier, I believe that, with the exception of section 3, H.R. 2867 is on balance a very worthwhile measure.

It provides important new safeguards for human health and the environment, including an agency review of practices of burning and blending of hazardous waste which may be dangerous; a ban on the underground injection of hazardous wastes into or above underground sources of drinking water; and a prohibition on the disposal of bulk liquids in landfills, an extremely dangerous practice.

Further, H.R. 2867 calls on the EPA to begin reviewing certain hazardous wastes for the purpose of determining whether they should be banned from one or more methods of land disposal. For too many years in this country, we have permitted the practice of dumping hazardous wastes in the land to go virtually unchecked. Even now that the EPA is requiring landfills to be lined, I do not feel confident that these liners will remain secure in the long term. Therefore, I believe it is appropriate for the Congress to intervene at this time and to establish a new policy which calls for a review of known hazardous wastes and a determination whether these wastes are appropriate for land disposal.

In sum, I would reiterate that, on balance, H.R. 2867 is worthy of this House's endorsement. However, it does need to be changed in one important respect—to section 3. I urge your support for the Shelby-Lent amendment to section 3.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. RICHARDSON), a member of the subcommittee, who has been very helpful in the formation of this bill.

Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983. This bill, of which I am a cosponsor, would reauthorize the Resources Conservation and Recovery Act of 1976 and in doing so would close or reduce many of the loopholes that exist in the current law.

Mr. Chairman, this bill is a product of several days of hearings held in March in the Commerce, Transportation and Tourism Subcommittee, chaired by the gentleman from New Jersey (Mr. FLORIO). At our hearings, we learned that RCRA is not functioning properly to carry out its stated purpose of regulating hazardous waste from the cradle to the grave. In fact, RCRA, as implemented by the Environmental Protection Agency, is leaking like a sieve. EPA has dragged its feet on the listing of hazardous wastes. RCRA was passed in 1976, yet it was not until the week before our hearings began that EPA began to list any wastes. In the meantime, 7 years had passed. That is unconscionable.

The current law is full of structural loopholes. Untreated hazardous wastes, for example, may be dumped into an industrial drain that is hooked up to a municipal sewer system without regard for whether the municipal sewer system has the technology to treat the waste properly before they dump the waste as sludge. There are many more examples, Mr. Chairman, but I will simply summarize by pointing out that a recent Office of Technology report on hazardous waste found that 255 to 275 million tons of hazardous wastes are generated each year but only 40 million tons of that waste is currently subject to Federal regulation.

The bill currently before the House makes important progress in making RCRA what it should be: a comprehensive Federal regulatory concept that really does control hazardous wastes at every step in the industrial process. This bill authorizes needed funds so that EPA can carry out our mandate. It prohibits injection of hazardous waste into underground sources of drinking water; requires EPA to issue regulations within 6 months to prohibit the landfilling of noncontainerized wastes. The bill gives EPA exclusive authority over civil enforcement actions when the Justice Department fails to act, and the criminal penalties under RCRA have been beefed up.

These are important improvements of current law, Mr. Chairman, but the most important provision in this bill is the section dealing with small generators. Under current law, those generators producing 1,000 kilograms of hazardous wastes each month are exempt from regulation. This exemption, which is supposed to benefit small business, is actually open to anyone. And large corporations are lobbying just as hard as anyone to keep the current exemption. The point, however, is not whether the beneficiary is large or small. The point is that the waste is just as hazardous and harmful if it is generated at a rate of 1,000 kilograms a month than if it was generated at 1 million kilograms a month.

This bill takes an important step toward eliminating that loophole by reducing the level of generation for the exemption to 100 kilograms a month. Those above the 100 kilogram level would now be subject to regulation. Those generating more than 25 kilograms a month would have to provide certain labeling information for offsite shipment and disposal.

Mr. Chairman, I do not wish to suggest that the bill would completely eliminate hazardous wastes being placed in landfills, where there is substantial likelihood of seepage into the ground and possibly the groundwater table. Certain types of hazardous wastes will still end up in landfills under this new bill.

It is for this reason that I introduced H.R. 2627, a bill to place a tax on hazardous waste generators to provide a direct economic incentive not to landfill the wastes, but rather to dispose of the waste through proper and safe and effective methods of incineration or chemical treatment. The bill would also reauthorize and extend the life of Superfund, something which will clearly be needed if we do not close all of the loopholes.

Let me conclude, Mr. Chairman, by commending the gentleman from New Jersey for his important work in this area. H.R. 2867 is an important step in the right direction, but I must tell my colleagues that I believe we need to go further in this area and I suspect we will have to revisit this question in the near future.

□ 1330

Mr. LENT. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Chairman, I thank the ranking minority member for giving me this time.

Mr. Chairman, I rise in basic support of the bill but in opposition to section 3, the small generator provisions as they currently exist.

We are on the verge of promoting a tremendous amount of regulation, needless regulation, I think, on nearly 700,000 to 800,000 small businesses in our country.

To give you an idea of who the type of businesses are that would come under the legislation as it is currently written, we would have garden supply stores, paint stores, retail nurseries, general merchandise stores, automotive dealers, grocery stores, motorcycle dealers, fuel and ice dealers, boat dealers, hotels, motels, laundry, dry cleaning and garment services, shoe repair and cleaning, electrical repair, museums, newspaper or any printing industry, furniture, metal plating, plastics.

As you can see, it is a wide variety of businesses that are going to be affected.

Under the current small generator provision as it stands in the bill, within 18 months if EPA has not put forth new regulations for small generator businesses, the types of businesses I just mentioned, they will come under the full effect of RCRA, which is where duPont and Dow and the other major chemical companies fall, all in an effort to try to regulate an extremely small percentage of the hazardous wastes that are generated on an annual basis.

I am in support of the Shelby-Lent amendment and I think it is absolutely necessary that we pass that amendment so that we can give EPA time to complete their survey of over 50,000 businesses so that they can put forth regulations that will meet the needs of the small business community.

I intend to offer an amendment to the Shelby-Lent amendment which

would phase in the reporting requirements for those generators of hazardous wastes between 100 kilograms and 1,000 kilograms.

My amendment would say that 270 days after the bill becomes law, all small business generators who generate between 250 and 1,000 kilograms would begin to report their hazardous wastes; and then 570 days after enactment of the bill those generators who generate between 100 kilograms and 250 kilograms would then have to report.

What this amendment does is it gives these paint stores and garden supply stores and drug stores and service stations time to understand what the bill is so that they can meet the law, which is what they all want to do.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. HILLER. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I have great concerns about H.R. 2867.

I want to identify two provisions of this bill that cause my constituents in the land disposal business a great deal of concern.

First, they are greatly disturbed by the stringency of the section 5(d). The maximum of 54 months given to EPA for assessment of the list of over 500 suspected toxic materials creates a significant amount of difficulty for the U.S. waste disposal businesses.

Unless adjustments are made in this legislation, EPA will be forced, under 5(d), to ban land disposal of a large number of materials about which little is known. The problem is one of technology. My constituents inform me that, as professionals, they do not believe EPA has the technology needed to decide on the safety of the items on this list. By forcing EPA to ban disposal because the Agency cannot meet its burden of proof under the deadlines by H.R. 2867, Congress would be guaranteeing that the industries which produce these materials must be shut down because alternative disposal technologies are either prohibitively expensive or nonexistent.

The second problem stems from the statutory requirements on land disposal that are found in section 21(k)(1). Examining these provisions, one finds that Congress would be requiring land disposal operations to be double-lined. My constituents note that such procedures may be desirable in the Eastern United States, but that conditions may justify other, more cost-effective control techniques in other parts of the country. For example, one disposal site in my district sits 600 feet above the water table in a region that receives minute amounts of rainfall each year. Given the possibility of establishing sound control criteria without requiring EPA to be inflexible on the strategies it must adopt, it would seem better to grant EPA the discretion to adjust disposal site requirements according to the facts and circumstances governing individual sites. More important, giving EPA clear discretion would allow the agency to encourage new, superior control techniques that could be utilized as technology develops. There is no reason to discourage new control techniques by identifying one approach as superior as a matter of law.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes and 30 seconds to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, 1975 was an important year in my life. It was the year that I became chairman of the natural resources committee in the Louisiana State Legislature. It was also a year as chairman of that committee when we made a startling discovery in Louisiana. It was that our State was a net importer of hazardous wastes.

We also learned why that condition existed. It existed because our State was absent any regulations whatsoever governing the diposition and handling, storage and disposal of hazardous wastes within our borders.

In 1975 we commissioned a special subcommittee chaired by a State representative, Mannie Fernandez of St. Bernard Parish in Louisiana, and that subcommittee produced one of the first pieces of hazardous waste legislation I think this country saw.

In 1975 we adopted in Louisiana a comprehensive piece of legislation governing the handling, storage, disposal of hazardous wastes from the generator through transportation, eventually to the disposal site.

Since 1975 we have experienced problems with that act. We have had to come back and amend it and revise it again in order to close loopholes and to correct deficiencies in the act.

One of the glaring deficiencies we noticed was that in fact the Nation needed a comprehensive national program that would complement each individual State's effort in controlling this serious and troublesome problem in our environment.

Additionally we discovered, as we went along, that we had to do something about the problem of existing disposal sites containing numerous and unknown hazardous materials.

It was not long after passage of our act, for example, while disposing some materials into a current site one of our young citizens was overcome by fumes and died as a result. This heightened in the minds of our citizens their anxiety over hazardous waste disposal, and I think in a large measure contributed to our efforts to revise and improve upon our act.

I want to compliment the chairman of our subcommittee, the gentleman from New Jersey (Mr. FLORIO) for his ongoing efforts to improve upon the 1976 actions of this Congress in adopting a comprehensive national system for controlling hazardous wastes.

The effort has been ongoing. The chairman has been relentless in his pursuit of making sure the act is comprehensive and covers all of the problems that are envisioned by our citizens. This current bill proposed by him and the subcommittee is I think a very far-reaching and very important step in the direction of making sure the national act works well and works to complement the efforts of our various States in controlling this problem.

There are some areas in this bill today where we hope to improve upon the act. The small generator problem is one that we will address and which I will have other comments on.

I will be offering two additional amendments, one to deal with the special situation of mines and the disposition of materials left over from the mining process, mainly rock and other materials, and the other to deal with the problem with impoundments of liquid hazardous wastes in land disposals, which is a serious one.

Under current conditions we can only find out that a leak is occurring in one of these impoundments when it has impacted upon a water system or when it has already done something harmful to drinking water supplies.

The amendment I will propose will require EPA to do a better job of determining when in fact those leaks occur, before a water supply is contaminated.

I again wish to add my voice in great support for the action of the gentleman from New Jersey (Mr. FLORIO) and the subcommittee.

Mr. LENT. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. RITTER.)

□ 1340

Mr. RITTER. Mr. Chairman, I agree that the Resource Conservation Recovery Act (RCRA) enacted in 1976 is in definite need of revision. We need to close existing loopholes in the law in an effort to further protect the American people, the environment; and there are many provisions in H.R. 2867 which address those concerns.

However, I do not agree with all the means used to accomplish those ends. As a member of the Commerce, Transportation and Tourism Subcommittee I have spent a fair amount of time on the legislation.

I voted in subcommittee and in full committee to pass this legislation although I did have serious reservations which were expressed in the minority views which accompanied the bill. Let me outline a few. They are founded on a basic concept. I feel strongly that we should not here in this Congress, mostly lawyers and politicians, be in the business of regulation. Congress

should provide adequate guidelines to the executive branch to enable compliance with the law, but Congress should not write detailed instructions on how to comply with the regulations in legislation. The means of accomplishing the goals set forth in the law should be left to the experts.

Two examples of regulation via legislation contained in 2867 are the provisions for small generators of hazardous waste and the complete prohibition of land disposal of hazardous waste. The small generators provision in section 3 regulates by imposing the full weight of the RCRA program on small companies if EPA fails to act within a specified time.

The second example, land disposal provision, section 5, presents provisions which automatically prohibit waste from all forms of land disposal if the Administrator has not made a negative finding, again within a certain period of time.

I submit these are unprecedented provisions and they set precedents of requiring negative findings and they contain absolute deadlines by which the agency must act or prohibitions take place by law.

This can be referred to as "regulation by operation of law." The interest in promoting regulation statutorily if deadlines are missed has come about because if and when Congress set unrealistic guidelines in administrative laws then we have in this body delayed and delayed in so many different cases or even sometimes when the deadlines were realistic and EPA failed to meet them. The result was that affected industries, workers and products are punished with a legislative requirement that lacks technical basis, when the culprits might really be Congress and/or EPA. I am reminded of a similar approach to legislation which was attempted, not successfully, in the last Congress in the proposed amendment to section 112 of the Clean Air Act dealing with hazardous air pollutants. It also required negative findings and contained absolute deadlines by which the agency had to act or prohibitions would have taken place by operation of law.

The problem is that science and the development of a science base to these regulations is not as neat and as tidy as we politicians or lawyers would like them to be.

The Administrator in this case was required to determine whether or not each of 37 listed pollutants was a harzardous pollutant. There was a lot of questions about where these 37 came from. If such a determination was not made within a year, it was to be listed as a hazardous waste by operation of law and the full regulatory structure would have to come into play. This type of approach to legislation is dangerous because politicians are assuming the role of technical and medical scientific experts in drafting legislation. And I submit we in Congress do not have the technical expertise to declare such prohibitions merely because EPA is missing an arbitrary deadline.

We have go to give the expert agency guidelines and then flexibility to address the important questions.

I do not feel the affected industries, in any event, whatever we may think about the performance of EPA, I do not feel industries should be penalized by effective prohibition when a technical basis is lacking because Congress set certain deadlines that EPA has not met, whether it is on a technical or otherwise basis.

My colleagues, we have a chance in these very controversial subjects to take a view which understands that we are in the 20th century, we are very much involved with the products of the 20th century and we must not turn off individually, one by one, those valves, one of them is a vital chemical industry in this country, those valves which provide the basis of our prosperity.

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. Thank you very much, Mr. Chairman.

Mr. Chairman, I rise in support of this legislation to reauthorize the Resource Recovery Act. I would like to compliment the subcommittee chairman, the gentleman from New Jersey, as well as the ranking minority, the gentleman from New York, in arriving at this bipartisan improvement of the recovery resource legislation.

Ladies and gentleman of the House, we often hear a lot about the horror stories and disasters that focus on the inappropriate disposal of hazardous waste. We are all familiar with the horror stories of the Love Canals and the Times Beaches. We also then know the enormous amount of resources that goes into Superfund cleanups when the law is either deliberately not obeyed, or ignored.

The resource recovery legislation is a framework of prevention. It is one of the most important pieces of legislation that we have in terms of the environmental issues before us. It provides the framework for preventing disasters, for preventing those horrible situations that end in Superfund cleanups, that are both costly in terms of the financial resources of our Government, as well as costly in terms of its human impact.

This legislation does close the loopholes which have emerged in the past. We also make some very important steps forward. We limit the opportuities for midnight dumpers to endanger our communities and we provide the framework for appropriate monitoring of the sunshine unloaders to make sure they comply with the laws. One particular aspect that I am very proud this legislation includes a mechanism for EPA to be involved with the citizens in a responsible way.

One of the things which emerged in our hearings is that often the people who have been affected in communities with hazardous waste are treated as if they are the problem, rather than the midnight dumpers and those who improperly dump hazardous waste.

This legislation sets up a one-stop shop in EPA where citizens can go with their concerns, with their complaints, for answers based on a scientific inquiry about whether dangers exist in their community or not.

This legislation provides a good framework for business to be able to comply and yet at the same time protect our public safety and allow citizens the opportunity, the right to know the conditions in their community.

I am going to vote for this legislation. I look forward to the passage of this bill.

I yield back the balance of my time.

Mr. LENT. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, during consideration of H.R. 2867 in June, following sequential referral from the Committee on Energy and Commerce, the Judiciary Committee made a couple of significant changes which we on our side believe should be adopted by the whole House. Chairman RODINO and the Democratic membership of the Judiciary Committee feel likewise.

First, in subcommittee, we struck section 11(d) from the bill. This section would have set up specific timeframes within which the Attorney General would have to file a civil action in Federal court upon the request of the Administrator of the Environmental Protection Agency (EPA). If the Attorney General fails to notify the Administrator of his or her intention to file within 150 days after the transmittal of the request, the EPA would then have the exclusive authority to commence and conduct litigation, except in the Supreme Court of the United States.

We believe that while the concern which brought about section 11(d) is understandable, it is a move which sets an unfortunate precedent and represents an enormous overreaction to last fall's problems. Even current EPA Administrator William Ruckelshaus, who well knows the interrelationship between the Department of Justice and the EPA, having served in top positions within both agencies, vigorously opposes the shift in litigation control which H.R. 2867 would permit. In testimony during his recent Senate confirmation hearings, and again in a letter to Chairman RODINO, dated June 14, 1983, Mr. Ruckelshaus under-

scored the importance of "centralized and coordinated litigation by the Department of Justice of all matters to which the United States is a party." If this section remains intact, it will doubtless be a signal to others to follow suit, and efficient management of Government litigation will no longer exist.

Mr. Ruckelshaus has consistently pledged to make the EPA an effective environmental voice in this country once again, and I have great faith in his ability to follow through in his promise. I also have no doubt that if the transfer of litigating authority were necessary to achieve this goal, he would be the first to encourage it. In fact, he has done just the opposite, and I believe that the House should follow his judgment in so important a matter.

In sum, I believe it is significant that EPA is not requesting this shift in authority, and that every one of the witnesses who testified before the Subcommittee on Monopolies and Commercial Law opposed the inclusion of section 11(d) in the bill. The timetable which section 11(d) sets forth creates deadlines which are arbitrary, in the opinion of both agencies, and would be unworkable and unrealistic in the context of normal litigative procedure. Moreover, not one witness has come forward to indicate that the Department of Justice has performed in other than a professional manner with respect to EPA's referrals.

The subcommittee also struck the law enforcement authority which the bill would grant to EPA agents. Section 11(e) provides that any officer or employee of the EPA would be authorized to carry firearms, execute and serve warrants, subpenas and summonses, make arrests without warrants, and administer oaths. Needless to say, the Department of Justice opposes this provision as well. If the EPA believes it has any difficulties with being able to make arrests at toxic waste sites, arrangements can always be made with the Department of Justice to designate EPA officials as temporary deputy U.S. marshals.

It is noteworthy that EPA's concerns about the safety of its officers has been the topic of discussion in meetings held by FBI Director William Webster. He and the Bureau have made it clear that they intend to cooperate fully with the EPA and its mission. We simply cannot allow each independent agency in the Government to have its own police force, with all the authority associated thereto. If we do, we are asking for complete and utter chaos, and effective law enforcement, which is what we say we want, will inevitably suffer.

Both of these amendments were adopted by voice vote in the subcommittee, and seconded by the full committee. When the time comes, I will urge my colleagues to endorse them on the floor of the House as well.

Last, my colleague, TOM KINDNESS, offered a clarifying amendment to the criminal sanctions contained in section 11(h). The Committee on Energy and Commerce has for some unexplained reason failed to include the word "knowing" in some, but not all, of the violations enumerated in section 11(h), thereby leaving the impression that knowledge of the alleged offense would no longer be necessary in some instances. The Kindness amendment clarifies the law, and I support it also.

□ 1350

Mr. FLORIO. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Chairman, I commend the gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT) for this bill and I urge passage by the House.

Mr. Chairman, the legislation pending before us today is of great importance to our Nation.

Public interest and concern over the health problems created by hazardous wastes continues unabated. H.R. 2867 will reauthorize the Solid Waste Disposal Act through 1986. It also makes a number of changes to the law in order to address these concerns.

No one can dispute that the purpose of the Solid Waste Disposal Act is a solid one; that is, the establishment of a safe and reliable method of providing tracking and disposal of hazardous wastes. If this goal is achieved, we can be reassured that the health and well-being of our people from the dangers of hazardous wastes is being protected.

This bill provides authorization levels of $154 million for fiscal year 1984; $162 million for fiscal year 1985 and $168 million for fiscal year 1986. H.R. 2867 deals with three major concerns: First, the fact that approximately 40 million metric tons a year of hazardous waste escapes the existing provisions of the law. Second, the need to provide incentives to develop alternatives to land disposal of these wastes. Third, a recognition that the nature of the problem requires swifter action by EPA against violators.

Although this legislation is controversial because of its scope and severity in dealing with the disposal of hazardous wastes, who amongst us would question it if there were imminent danger to our families and neighborhoods? The quantities of wastes which are considered hazardous continue to grow each year. We must insure that the danger to the public health and safety resulting from hazardous wastes is controlled to the maximum extent possible.

In Puerto Rico the danger presented by hazardous waste is compounded by our condition as an overpopulated, industrialized island. Funding under the Resources Conservation and Recovery Act has allowed the Puerto Rico Environmental Quality Board (EQB) to carry on its work insuring the well-being of our population.

For fiscal year 1983, the EQB will receive $486,371 for the purpose of developing programs, issuing permits and compliance enforcement. In addition, we have submitted to EPA our State plan under section 3012 of the law. The application is for $88,000 during fiscal year 1983 to allow us to inventory and establish priorities among sites to be cleaned up. The EPA is in the process of evaluating the application and I am confident that it will be approved in the near future.

For these reasons, I urge my colleagues to support H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983.

Mr. BREAUX. Mr. Chairman, I would first like to commend the chairman of the subcommittee, the gentleman from New Jersey (Mr. FLORIO), for the outstanding work that his committee has done in bringing this bill to the floor. It indeed is a marked improvement over the previous RCRA regulations that we have enacted in the Congress.

I would also like to commend the gentleman from New York (Mr. LENT) for the work that they have done and for working together to bring this bill to the floor.

I would also like to personally mention the gentleman from Ohio (Mr. ECKART) for the work that he has done in coming up with a good plan.

Mr. Chairman, it is with pleasure and a sense of great anticipation that I rise in support of the bill before the House, H.R. 2867, providing authorizations for fiscal year 1984, 1985, and 1986 for title III of the Solid Waste Disposal Act. The law that this bill amends, commonly referred to as the Resource Conservation and Recovery Act of 1976 or RCRA, has been, for a number of years, the primary Federal regulatory program for the disposal of this Nation's hazardous waste.

As has become abundantly clear during the past several months, however, a number of problems have arisen with respect to the current regulatory scheme and its implementation by the Environmental Protection Agency. To their credit, the leadership of the Committee on Energy and Commerce, particularly the chairman of its Subcommittee on Commerce, Transportation and Tourism, Mr. FLORIO, the ranking minority member of the subcommittee, Mr. LENT, and Mr. ECKART, have devoted the greater part

of 3 years in an effort to amend this basic statute to better protect the health and welfare of the American people and our environment.

Generally, the bill currently before the House is a sound piece of legislation and deserves its full support. As the distinguished floor manager, Mr. FLORIO, has indicated, the bill before us would:

First, require EPA to regulate hazardous waste from those generators, currently exempted from coverage under RCRA, that manufacture a total quantity between 100 and 1,000 kilograms of hazardous waste per month;

Second, require EPA to regulate fuels derived from hazardous waste;

Third, correct several deficiencies in the existing statute concerning the regulation of interim status facilities including limitations on the amount of allowable growth under existing permits, basic permit duration and the implementation of reasonable schedules for final permit submissions by industry and permit decisions by EPA;

Fourth, require the Administrator to regulate the use, reuse, recycling, and reclamation of hazardous waste;

Fifth, decrease the required contribution for Superfund sites owned by States from 50 percent to 10 percent;

Sixth, amend the provisions for listing and delisiting of hazardous waste to deal with deficiencies identified in the existing EPA program;

Seventh, establish a fixed reference date for a State wishing to be authorized to show that the State program is equivalent to the Federal program; and

Eighth, specify the inspection frequency for landfills and other privately owned and operated treatment, storage, and disposal facilities.

The bill also strikes new ground with respect to the problem of managing the treatment and ultimate disposal of hazardous waste, particularly liquid hazardous waste. Among the provisions contained in the bill are two that would: First, prohibit the injection of hazardous waste into or above underground sources of drinking water; and second, require EPA to promulgate final regulations to both minimize the disposal of containerized liquid hazardous waste into landfills and prohibit the landfilling of bulk liquid hazardous waste.

While these provisions go a long way to address some of the concerns that the American public has expressed over our current waste management practices, I believe that more stringent guidelines for the placement of liquid hazardous waste into certain types of land storage, treatment, and disposal facilities are fully justified. When one reviews the list of Superfund sites and the accompanying documentation pointing out the inherent health dangers caused by the migration of such wastes, we cannot justify the continued placement of liquids into these facilities.

As the Members are aware, Mr. FORSYTHE and I introduced legislation earlier this year, H.R. 1700, cosponsored by a number of other Members of the House, which would have banned, at the end of a 5-year period, all forums of land and ocean disposal of liquid hazardous waste. During the interim period, it would have been incumbent upon the generator of these hazardous wastes to prove to the satisfaction of EPA that no technologically feasible alternative exists for the disposal of such wastes, or if there were such an alternative, that it was less protective of human health and the environment than the method of land disposal proposed by such generator.

We believed that such a dramatic change in Federal disposal policy for liquids was necessary if we are to force the full development of alternative waste management technologies currently in existence, but which are vastly underutilized. These alternatives include chemical fixation, biological treatment, neutralization, stabilization, and thermal conversion, to name just a few.

It became evident during the course of hearings on this bill before the Subcommittee on Fisheries and Wildlife Conservation and the Environment, which I chair, that many experts agree that a phased reduction in the land disposal of hazardous waste, with a definite cutoff point in the future, is the correct approach for our Nation to adopt.

In point of fact, the bill before the House contains language developed by Congressman ECKART which would accomplish, in large measure, many of the same goals sought by H.R. 1700. Thus, section 5 would prohibit the land disposal of 12 specific waste streams, all but one of which are liquid hazardous waste, within 12 months of enactment unless the Administrator determines that the prohibition on one or more land disposal method with respect to a particular waste is not necessary to protect human health and the environment.

Section 5 of the bill also requires EPA to develop a schedule for reviewing all other hazardous wastes, both liquid and solid, to determine whether a prohibition on the land disposal of these wastes is warranted. A waste so reviewed shall be prohibited from one or more method of land disposal—

If it may reasonably be anticipated that such method of land disposal may not be protective of human health and the environment for as long as the waste remains hazardous, taking into account the long-term uncertainties associated with land disposal, the goal of managing waste in an appropriate manner in the first instance, and the persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous wastes and their toxic constituents.

All reviews and determinations are to be completed within 4½ years of enactment.

If the Administrator of EPA fails to make a determination on any waste within the specified time, such waste shall automatically be prohibited from all means of land disposal. The provision also allows the Administrator to delay the effective date of any prohibition for up to 42 months in the event adequate capacity for alternative management is not available. In the case of prohibitions for which an effective date is not extended due to lack of alternative capacity, the Administrator may grant a case-by-case variance for up to 6 months, renewable twice, upon a showing by the generator of severe economic hardship.

Mr. Chairman, I would submit this phased reduction in traditional land disposal practices is entirely defensible and should be supported by every Member of this body. In fact, there are many of us, including myself, who would have argued for an even shorter timeframe—as was proposed in H.R. 1700. While I am willing to yield to the judgment of my colleagues on the Energy and Commerce Committee that this provision will accomplish our common objective, I do not believe that the House should accept any weakening of this schedule when it conferences this bill with the one being developed in the other body.

Further, I will be offering, at the appropriate time, an amendment that is designed to address my concerns with this section of the bill. Generally, the amendment would further limit the discretion of the Administrator in certain instances and statutorily prohibit the placement of liquid hazardous waste into certain land facilities. Specifically, the amendment would:

First, ban, not later than February 1, 1984, the placement of containerized liquid hazardous waste into salt dome formations, underground mines or caves. The amendment would also prohibit, by February 1, 1984, the placement of bulk or noncontainerized liquid hazardous waste into unlined landfills, salt dome formations, underground mines and caves. I believe this action, which is consistent with current EPA policy, should be statutorily proscribed by Congress;

Second, ban, effective 6 months after the date of enactment, the placement of bulk or noncontainerized liquid hazardous waste into any landfill. EPA has admitted that all landfills leak. This provision would allow generators and/or disposers of these wastes 6 months to clean all liquids out of their existing landfills;

Third, require the Administrator of EPA to develop regulations minimizing, to the extent technologically feasible, the placement of containerized liquid hazardous waste. This provision

is intended to allow the continued landfilling, until such time as alternative management capacity is available, of small containers, commonly referred to as lab packs, that result from ongoing research at medical and other educational institutions;

Fourth, ban, effective 1 year after enactment, the placement of any liquid, whether hazardous or not, into a landfill containing hazardous waste. It makes no sense for EPA or the Congress to determine that the placement of liquid hazardous waste into landfills is a bad practice because of the problems associated with the migration of such wastes and not to proscribe the commingling of solid hazardous waste with other liquids; and

Fifth, establish a timeframe for the issuance of final permits to existing interim status surface impoundments. Such final permits must contain a compliance schedule for the retrofitting of those impoundments that do not meet the double liner standard established for new surface impoundments by section 21 of the reported bill.

The amendment also prohibits the placement of nonliquid hazardous waste into salt dome formations, underground mines or caves until the Administrator of EPA issues permit standards for the placement of these hazardous wastes into such facilities and the facility receives a permit pursuant to such standards.

As I indicated, current EPA policy generally prohibits the placement of bulk hazardous waste containing free liquids into unlined landfills and containerized bulk waste containing free liquids into any landfills. Thus, the amendment stipulates that until EPA has time to promulgate final regulations defining the term liquid hazardous waste, as set forth in the amendment, or promulgate final regulations minimizing the placement of containerized liquid hazardous waste in landfills, the existing regulations will remain in effect.

Mr. Chairman, as I indicated, the committee reported bill also contains a mechanism by which the Administrator of EPA can decide to allow specific liquid hazardous waste to be placed in certain land disposal facilities. It is my understanding that the intent of the committee was not to allow the Administrator to overturn its determination concerning liquids in landfills. I certainly share that belief and have included in my amendment a provision that would so restrict the Administrator's discretion.

Mr. Chairman, there are three other significant provisions to the amendment that I will offer that should be noted at this time. They are:

First, a provision that will restrict the ability of Government agencies to obtain the so-called capacity waiver for alternative waste management to a period no longer than 18 months, rather than the 42 months allowed private industry. Unanimous testimony received by our committee indicates the appropriateness of having the Federal Government lead the way to the full utilization of alternative waste management practices;

Second, a provision that requires EPA to promulgate air emission monitoring and control regulations within 2 years for land storage, treatment and disposal facilities; and

Third, require Federal agencies, within 1 year, to undertake annual inspections of their land storage, treatment and disposal facilities.

This provision has been carefully drafted to fill in the remaining gaps of a generally comprehensive bill that will, as I have previously indicated, go a very long way to insuring the long-term health of the American people and their environment.

The issue of hazardous waste disposal is one that should be, as we are doing today, fully and openly debated in the House. It is certainly well past the time that all of us should come to understand the extent of the problem we have created by the existing out-of-sight, out-of-mind philosophy with respect to liquid hazardous waste. We must understand that if it is at all possible, and it is, to destroy or treat the hazardous waste that we are generating, we must do so.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. SHELBY).

Mr. SHELBY. Mr. Chairman, many Members of this body and I agree that we should do the best we possibly can to protect human health and the environment from the potential mismanagement of hazardous wastes. We should approach this task, however, in a fair-minded and evenhanded fashion bearing in mind that overregulation ill serves the interests of all parties involved—from those who regulate, to those who are regulated, to the public at large.

I have several concerns about H.R. 2867, section 3, relating to generators of small quantities of hazardous waste. The gentleman from New York, (Mr. LENT), and I will be offering an amendment to section 3 of the bill designed to bring into better balance the needs of environmental protection and the need to maintain a reasonable regulatory and financial cost to small business.

Mr. Chairman, our Nation's small businesses are the backbone of American society; they are the source of the greatest number of jobs and they are the key to a sustained economic recovery. In this light, it is vital that we look very closely at the potential negative ramifications on small business embodied in the bill before us. It has been estimated that some 1.4 million small businesses will be affected by new requirements in H.R. 2867 which significantly alter their liabilities for the proper disposal of hazardous waste; 1.4 million small businesses—this is a terrific number of enterprises to bring under the Environmental Protection Agency's police power. Are EPA's limited resources adequate to meet the demands of such increased regulatory powers? Are small businesses, including dry cleaners, auto dealers, schools, hospitals, and hardware stores prepared to meet their responsibilities for managing this waste? Can they devote an adequate amount of their productive time to compliance measures without incurring extensive losses? Will they even be educated as to what the new Federal requirements are, at what stage dramatically new and onerous Federal regulations will apply to them? All of these questions must be answered with a resounding yes before provisions as called for in the Florio bill should stand as written.

We do not feel that these questions have been appropriately dealt with and we feel that section 3 is an overzealous attempt to regulate businesses who produce at most 7 percent of the total quantity of hazardous waste generated in this country. The EPA even questions their own ability to regulate such generators under RCRA and is currently conducting a study of alternative methods for regulating small quantity generators of hazardous waste—due to be completed in June 1985.

At the time Mr. LENT and I offer our amendment, I will delve further into the merits of our amendment to section 3 regarding small generators. Until that time, I urge my colleagues to remember that in pursuing our worthy goal of managing hazardous waste—overregulation of enterprises which cannot physically bear the burdens may result in no regulation at all. The balance must be struck, or we all suffer the consequences.

□ 1400

Mr. FLORIO. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I appreciate the distinguished and capable chairman of the subcommittee for yielding, and I would like to take this time to enter into a colloquy with the gentleman.

My State has urged me to ask for the committee's definition of "equivalency" as utilized in section 3006(b) of the Resource Conservation and Recovery Act.

It is my understanding that this yardstick by which States are judged to be eligible for authorization is currently being interpreted by the Environmental Protection Agency as being synonymous with "identical."

Since little report language on floor debate addressed this important crite-

rion during the 1976 and 1980 consideration of this act, I am interested in the chairman's interpretation.

Mr. FLORIO. Mr. Chairman, the gentleman's inquiry is certainly welcome. I, too, have detected confusion surrounding this word. As you know, regardless of which word Congress might have chosen to gage a State's program against the Federal program for authorization, a word with no congressional guidance could be misunderstood.

For that reason, I would like to take a few moments to clarify the committee's intent.

States offer a unique set of experiences in the practical administration of this Nation's hazardous waste program. As evidenced by amendments under consideration today, State programs have evolved over the years into more sophisticated programs in response to issues and problems raised by hands-on experience. For example, 20 out of 45 States recently surveyed already regulate small generators more stringently than EPA.

Moreover, California's ban on land disposal of certain chemicals serves as a prototype for this bill.

This realm of experience should be brought to bear in the hazardous waste program under subtitle C of RCRA, rather than removed from its consideration.

Mr. DAUB. I have an additional question: How is the administration to forge unique State program elements with the Federal program?

Mr. FLORIO. State provisions can differ as long as they address the Federal program requirements, and include State requirements at least as stringent as those of the Federal program. State requirements should be equivalent in overall effect to the Federal program, without the necessity of showing point-by-point equivalence.

Certainly, the committee agrees with the Environmental Protection Agency's statement in the Final Authorization Guidance Manual released June 10, 1983, that section 3006(b) does not mean that States have to implement their programs in exactly the same way that EPA does. It was not Congress intent to require States to Zerox the Federal programs.

Mr. DAUB. Mr. Chairman, the gentleman's answers are most appreciated because I had spent, in my own right, 2 years on the environmental control board in our State, and having dealt with this very difficult problem of deciding how our State could be in compliance has been a problem. I appreciate the definition that the record will now show on this point, and I want to again express my appreciation to the chairman of the subcommittee for his colloquy.

Mr. FLORIO. I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I want to commend the gentleman from New Jersey (Mr. FLORIO), for the commitment and energy he has devoted to getting this bill before the House today. I think there is general agreement that illegal and unregulated hazardous waste disposal is one of the most serious and shocking threats which exist to the public health today, and without the leadership of the gentleman from New Jersey, we would not have a Federal program to address this nationwide problem.

I want to also thank the gentleman for taking the time last year to spend a day in Ohio and examine a novel situation where PPG Industries proposed to convert a 2,000-foot deep abandoned limestone mine as a permanent disposal site and also a temporary storage site for hazardous wastes.

With respect to the legislation before us today, is it the intent of the committee to the maximum extent feasible to require treatment or processing of wastes so that they are reduced to their least hazardous form before they are permanently stored or disposed of?

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, the gentleman is correct. That is the clear intent of this legislation so as to discourage inappropriate disposal means. At the site the gentleman refers to, we saw a good example of a hybrid system that combined storage and disposal for which there is really no clear regulatory system; so the gentleman is correct. Circumstances such as the proposed underground minesite require specific standards for facility operation and restrictions on the types of wastes that can be placed in the facility.

Mr. SEIBERLING. I support the legislation before the House today, but I would like to address another issue to the gentleman from New Jersey with respect to the types of disposal which would be regulated by this legislation under RCRA. By land disposal did the committee intend to include any and all forms of land disposal, including disposal in underground mines and caverns?

Mr. FLORIO. If the gentleman would yield, the clear intent of this legislation is to apply the full array of land disposal regulation to all forms of land disposal, including disposal in deep minesites and natural underground caves and caverns.

Mr. SEIBERLING. So if any such facility were to be developed, to be eligible for a permit as a land disposal facility, would it have to comply with all the public health and safety regulations, including the regulations which govern the method of disposal and which limit the types of waste which could be disposed of in such an underground land disposal facility?

Mr. FLORIO. The gentleman is correct.

Mr. SEIBERLING. I thank the gentleman for clarifying this point.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BROYHILL), the distinguished ranking minority member of the Committee on Energy and Commerce.

Mr. BROYHILL. I appreciate the gentleman yielding.

Mr. Chairman, there are several provisions of this bill which I think could be amended to make more workable. One of the concerns I have in a bill of this kind is that we are throwing too much at the agency all at once, and we have already found that in the reorganization of the agency, that we are finding problems with not only carrying out the laws that are on the books but in doing this in a timely fashion. It does concern me that we may be, here again, throwing far more on their regulatory table.

One of the sections of the bill that I have concerns about is section 3. This would for the first time bring hundreds of thousands of small businesses, such as retail stores and service stations, under the waste management system. I do not think anyone can argue with the fact that we are going to have to do this eventually. I think what the concern is, is that we are forcing small businesses in a very short time to comply with a very confusing system of regulations. We are also forcing the agency to take from its valuable resources those resources necessary to revise the regulations or to write the regulations that will be applicable to these hundreds of thousands of businesses.

Now, we do know for a fact that 95 percent of the waste is being generated by larger businesses, and we are only talking about 5 percent of the waste in this particular circumstance. I would hope that the House would join us in supporting an amendment that is going to be offered by the gentleman from Alabama (Mr. SHELBY) and the gentleman from New York (Mr. LENT). This compromise amendment maintains the essential environmental elements of a sound hazardous waste program. It would regulate small business, but it would do so in a far more reasonable way.

There are other concerns I have about this bill. I understand that the gentleman from New York (Mr. FISH) has addressed some of these concerns. One is the enforcement authority under RCRA which has been granted to the Environmental Protection Agency. The Department of Justice is now the central litigation agency for the U.S. Government, and I feel that

they should maintain the primary litigation authority under RCRA.

The bill contains some unrealistic deadlines about which I am concerned that EPA is not going to be able to meet. There are many technical requirements. There is a great deal of time required for adequate public participation. My understanding is that a compromise will be offered here, and I would urge its adoption.

I would like to point out for my colleagues some of the provisions of the bill which are objectionable and in need of amendment.

Most significant of these is section 3 of the bill which will, for the first time, bring hundreds of thousands of small businesses, such as retail stores and service stations, under the Federal hazardous waste management system. Unfortunately, as currently drafted, section 3 contains the strong potential to seriously disrupt the ongoing RCRA program as well as the affairs of these small businesses by forcing them to comply with a confusing, unenforceable system of regulations.

I urge my colleagues to join me in supporting an amendment to this section of the bill which will be offered by Mr. SHELBY and Mr. LENT. This compromise amendment, which was worked out between representatives from small business and national environmental organizations protects small businesses from overly burdensome Federal regulation, while maintaining the essential environmental elements of a sound hazardous waste program. It is crucial that businesses regulated under this amendment be treated consistently; therefore, I also urge you to reject the Florio amendment to Shelby-Lent, lowering notification requirements.

A second area of the bill which must be amended concerns enforcement of RCRA. There are two objectionable provisions in this area: The first grants enforcement authority under RCRA to the Environmental Protection Agency. The Department of Justice is the central litigation agency for the U.S. Government and should maintain primary litigation authority under RCRA. Both EPA and DOJ oppose this shift of authority. The second provides EPA criminal investigators with full law enforcement authority including the use of weapons and arrest powers. EPA does not want these additional authorities for its investigators and has stated that no need for these authorities has been demonstrated at this time. I urge my colleagues to support an amendment which will be offered by members of the Judiciary Committee which will delete these two provisions.

Finally, the bill contains several unrealistic deadlines which EPA cannot possibly meet because of the complex issues involved, technical requirements, and the time required for adequate public participation. I understand that the two primary sponsors of the bill, Mr. FLORIO and Mr. LENT, have been working with EPA on this issue and an amendment extending deadlines will be offered. I commend the two gentlemen for taking this action.

Mr. Chairman, these and other concerns have been raised by the administration in its statement of policy on H.R. 2867. I urge my colleagues to support the amendments I have discussed and I hope that the other concerns raised by the administration can be resolved in conference.

□ 1410

Mr. FLORIO. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from New Jersey. I wish to ask two questions.

One of my greatest concerns in section 3 has been the impact this legislation could have on small businesses. As the gentleman from New Jersey is aware, the Subcommittee on Energy, Environment and Safety of the Small Business Committee, which I chair, held a hearing on this subject a little over a week ago. The testimony indicated that in most cases and for most purposes, the so-called Shelby-Lent amendment satisfied small businesses who are willing to do more than their share to protect the environment. One industry, however, would be particularly hard hit by the possible interpretation of the legislation before us. I refer the gentleman to the testimony presented to the subcommittee by the Cleaning and Laundry Association Executives Association and the Laundry Cleaning Council.

They provided us with a clear and convincing statistical analysis showing that drycleaning pricing is price inelastic. By this I mean that the consumer considers drycleaning a luxury and has in the past cutback on drycleaning use as the price rises. The drycleaners, which average about six employees per plant, cannot then simply pass along the increased cost of waste disposal to their customers.

They also provided testimony which tends to prove that their costs will increase from $4,000 to $7,000 to dispose of 2 to 3 gallons of actual hazardous material per year. This is because the bulk of their waste is inert and only a small portion is actually hazardous. Some of the waste, for example, is contained in a cartridge filter, similar to an oil filter in a car. If this weight is included, then I fear that we are placing a heavy, and perhaps unjustifiable burden on the drycleaners.

I would, therefore ask the gentleman, what is the basis for regulatory action here?

Mr. FLORIO. If the gentleman will yield to me, it is my understanding that EPA does not include the weight of the container in determining the total weight of a generator's monthly hazardous waste production. Thus, in the industry you mentioned, the weight of the drycleaning solvent rather than the cartridge, container, or other inert, nonhazardous material would determine whether section 3 of the bill would apply to an individual drycleaner.

I would add further that we should direct the Administrator to pay particular attention to the drycleaning industry to see what the concentrations of the liquid hazardous waste really are and to take those concentrations into account in his recommendation for regulation.

I would also note that in a directive suggested and forwarded to me from the Neighborhood Cleaners Association, Mr. Seitz, the director, indicates that:

> Although our organization supports the Shelby/Lent amendment to section 3 of your bill, we also support your amendment requiring generators who produce hazardous waste in quantities of more than 25 kilograms per month to provide notice that their waste is hazardous.

Mr. SKELTON. Under section 5, wastes such as the perc which is used extensively throughout the dry cleaning industry, must in all probability be disposed of in an EPA approved incinerator. Since this compound is a halogenated organic, the banning of land disposal would take place in 12 months. However, the Administrator would be empowered to exempt the drycleaners' solvents for up to 42 months more if an alternative to land disposal did not exist. The drycleaners testified before the subcommittee I chair that the United States currently does not have the capacity to incinerate this waste in anything close to a cost-effective manner. This is especially true for those dry cleaning establishments which, because of transportation costs do not have access to any approved alternative. I ask the gentleman if the intent of the exemption authority which his bill confers on the Administrator is broad enough, so that situations, such as this one which will be created for the drycleaners, can be dealt with. In other words, can EPA be flexible enough to take in to account the particular problems of an industry, such as drycleaners, while still performing their job to protect the public health?

Mr. FLORIO. In response to the gentlemen's question, the answer is "yes."

What we call "California wastes" in other words, those wastes which are extremely hazardous and are banned

by law in California would be banned by the law we now have under consideration in 12 months after its enactment. Halogenated organics constitute one of the waste streams on the California list. The gentleman is correct, however, that the Administrator is given the flexibility to delay this ban for up to 42 months so that he can take in to account the realistic needs of the industry and the capacity available for alternative disposal. In the case of the drycleaners, I would recommend that the Administrator pay special attention to the ability of these small businesses to meet the requirements of the law and to take cognizance of their efforts to solve their waste problems.

Mr. LENT. Mr. Chairman, I yield myself 1 additional minute to ask a question of the subcommittee, the gentleman from New Jersey. I was interested in the colloquy that just took place with respect to container weight, that container weight was not included in the weighing or the total consideration of the package.

Can I ask the gentleman if he has checked with EPA on that, because it is my understanding that in many instances the weight of the container is included in the overall weight determination for purposes of regulation.

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, EPA currently permits the placement on landfills of specially designed lab packs containing liquid waste. These are the containers in this particular field.

The gentleman's previous question was with regard to containers in the drycleaning field. It is my understanding that the policy of EPA is not to compute the weight of the nonhazardous container in evaluating whether someone qualifies under the small generator exemption.

Mr. LENT. It is true that in some instances, is it not, the weight of the container is included in the determination of the overall weight? It is indistinguishable from the hazardous waste.

Mr. FLORIO. If the gentleman would yield, it is our understanding that EPA has a policy of not computing the weight of containers if the containers themselves are nonhazardous.

Mr. LENT. Mr. Chairman, I would like to inquire how much time I have remaining on this side.

The CHAIRMAN. The gentleman from New York (Mr. LENT) has 5½ minutes remaining, and the gentleman from New Jersey (Mr. FLORIO) has 3 minutes remaining.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the distinguished chairman of the subcommittee on the issue of lab packs.

I have a concern about the impact of the prohibitions on land disposal in section 5 on the ability of colleges, universities, and high schools to dispose of laboratory wastes. Would these laboratories be allowed to continue to use lab packs? Laboratories produce small quantities of many different wastes. The recycling or treatment options for these laboratory wastes are uniquely limited by both their diversity and the very small volumes of each type of waste produced. Many laboratories place their waste in lab packs which are then sent to secure landfills. A lab pack, as you know, consists of small containers of wastes, both solid and liquid, packed inside a sealed large drum with sufficient compatible absorbent material to absorb any spills resulting from breakage of the inside containers.

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, despite a general restriction on land disposal of containerized liquid hazardous waste now in effect, EPA currently permits the placement in landfills of specially designed lab packs containing liquid wastes, including those that contain hazardous waste in the categories specifically restricted under section 5(c) and 5(d) of our bill. For those wastes specifically restricted, the Administrator is directed under section 5(e) to set the effective date for prohibition of land disposal on the basis of the earliest date on which adequate capacity for alternative management will be available. Because lab packs may contain many different kinds of waste, the availability of alternatives is uniquely dependent upon an infrastructure to manage such a large diversity of waste, such as bulk handling and transfer facilities. To extend the effective date beyond the 12-month period after enactment which is specified in section 5(c)(2), the Administrator may make a finding that the existing system or infrastructure does not allow for alternative management of those wastes. In any case, the effective date cannot be later than a total of 54 months after enactment of this act.

Mr. LENT. Mr. Chairman, I am also concerned that section 104(c)(3)(C)ii of Superfund is being interpreted to mean that a 50-percent cost share is required for the following types of releases: Discharging PCB's along roadways in North Carolina; accumulation of PCB's or heavy metals in harbors; and State and Federal permitted releases of heavy metals and other hazardous substances into streams, rivers or other bodies of water. As one of the primary authors of Superfund, can the gentleman from New Jersey clarify the application of section 104(c)(3)(C)ii under these types of circumstances?

Mr. FLORIO. If the gentleman will yield further, section 104(c)(3)(C)ii's intent is that the required State cost share is 10 percent for those facilities which were owned by the State, but not used primarily for treatment, storage, or disposal. When State land is contaminated with hazardous materials, and that land was primarily used for treatment, storage, or disposal, the cost share is 50 percent. The fact that the State permitted a specific release to water does not make that facility a 50-percent State cost share. State-owned land that was not permitted to accept hazardous substances such as municipal landfills, but which is nevertheless creating an environmental problem, still requires a 50-percent State cost share.

Mr. LENT. I thank the gentleman.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. LLOYD).

Mrs. LLOYD. I thank the gentleman for yielding.

Mr. Chairman, I have a question for the chairman of the committee, and I would like to commend him for bringing this legislation to the floor. I do rise in support of this legislation, and also the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

I would like to ask the chairman a question. Is it the intent of this legislation that Federal agencies comply with the regulations enforced by this legislation?

Mr. FLORIO. If the gentlewoman will yield, the answer is unequivocally yes.

Mrs. LLOYD. I thank the gentleman for his comment.

Mr. Chairman, one of the more insidious problems with toxic waste disposal is the potential for contamination of important underground aquifers which are used by many people for drinking water, irrigation, and for other domestic purposes.

In my own district in Tennessee, as in many other locations throughout our nation, we have a potential problem from groundwater contamination that should be studied and evaluated in terms of the impact on public health and safety. My Subcommittee on Energy Research and Production recently held a hearing near the site of the Oak Ridge National Laboratory in Tennessee. This hearing brought attention to potential groundwater contamination problems from the use of out-moded pollution control measures at the Oak Ridge complex. We will make recommendations regarding these problems in a forthcoming report which I hope will be considered by the committee in September.

If we need national policies to address this potential pollution problem, then this groundwater commission will help in recommending them to the Congress and the administration. I, therefore, urge my colleagues to join me in supporting this amendment.

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The CHAIRMAN. The time of the gentlewoman from Tennessee (Mrs. LLOYD) has expired.

The gentleman from New Jersey (Mr. FLORIO) has 2 minutes remaining.

● Mr. MARKEY. Mr. Chairman, I rise today to support H.R. 2867, reauthorizing the Resource Conservation and Recovery Act. I rise today to support a bill this country needs to insure protection of our environment. This bill contains tough language for hazardous waste generators and disposers. This language is needed and I urge my colleagues to support H.R. 2867 and defeat any weakening amendment to this much needed bill.

As a member of the Engery and Commerce Committee, I have worked closely with the sponsor of this legislation, my friend and colleague, JIM FLORIO, to establish a comprehensive system to address the hazardous waste problem. The Resource Conservation and Recovery Act forced many firms to dispose of their waste in an appropriate manner, ending some of the hazardous waste disposal practices which endanger many communities. This body should be proud to have enacted such tough and enlightened legislation on hazardous waste before the issue was on page 1 of the newspapers.

RCRA established a cradle-to-grave system for hazardous waste generated by large producers. This law has pushed many generators to incorporate the environmental and social cost of hazardous waste into their business decisions. As a result, we have seen more firms doing just what the law states: Recovering and conserving their hazardous resources. Consequently, our disposal problem is not as severe as it would be if this body had not had the foresight to enact RCRA. My colleague from New Jersey deserves some credit for that success, and today we consider legislation which completes the cradle-to-grave system. We should pass this legislation and show the same fortitude and foresight this body exercised when passing RCRA.

Many Members have expressed concern about the provisions affecting small waste generators. These groups contend that the provisions of H.R. 2867 present an unfair burden on these small quantity generators. The problem with this argument is that hazardous wastes can be dangerous in any amount, and up to 1,000 kilograms represents a substantial threat to people as well as the environment. I support the move to include generators of wastes between 100 and 1,000 kilograms under the purview of RCRA. I want to call the attention of my colleagues to the carefully constructed language of the bill. By giving the EPA 18 months to draft regulations uniquely appropriate to small quantity generators, the bill recognizes the position of small quantity generators and defers to the EPA on the proper regulations. The bill does, however, not just depend on the good will of the EPA to promulgate such regulations. By subjecting small quantity generators to the tough provisions affecting large generators, if there are no EPA regulations in 2 years, there is clear incentive for small quantity generators and EPA to expeditiously draft small quantity generator regulations. In plain terms, the carrot and stick system is established, matching incentives with interest.

Mr. Chairman, there are two other important provisions I want to call to the attention of my colleagues. The first is the provisions on enforcement. In many conversations with chemical and waste generators, the one thing I hear repeated is that we do not need new laws; we just need better enforcement.

Well, I cannot say that I agree with them on the former point, but the argument that we need better enforcement cannot be denied. EPA needs increased enforcement powers, and EPA needs the ability to take offenders to court if the Justice Department does not act quickly. It is important to keep some enforcement power with the EPA, for frequently the Justice Department has been slow or unwilling to act. In those circumstances, the EPA, if the case warrants it, can move forward on their own with a suit.

We should not tie the hands of the EPA on enforcement. As a member of the Energy and Commerce Subcommittee on Oversight and Investigations, I have witnessed claims that EPA would act on a suit, but they cannot without the Justice Department. Some of the cynical among us may suggest that the Justice Department presented a convenient answer for EPA employees. I will not draw any such conclusions. I do know that the next time the situation arises, this provision will enable this Member to ask, Where is the suit?

In addition, the bill grants EPA employees investigative and enforcement powers. If we expect EPA to be thorough and diligent in enforcing the provisons of RCRA, as I am confident all Members do, then we must give EPA employees the powers to carry out their charge. To deny investigators the power to execute and serve warrants or summons, or to make arrests for offenses is a disservice to the EPA employees and creates illusory enforcement at best.

The other important provision of the bill I want to comment on, Mr. Chairman, is the restrictions on land disposal of hazardous waste. Landfills, waste piles, and impoundment ponds are ugly monuments to our inefficient, if not dangerous handling of hazardous wastes. In a nation with as much open land as we enjoy, I think many people believe that all you have to do is take your trash a few miles out into the country and dump it on some empty lot, and it won't hurt anybody. Incredibly enough, dumping hazardous substances in open pits or in some empty fields has been the accepted practice of industry for the past 100 years. This practice has produced sites which emit such a stench no one will move near, and produced leaks into water supplies no one will drink. The original RCRA language moved us toward more environmentally sound disposal of hazardous wastes. But it did not go all the way. This bill will close many of the loopholes left open by RCRA and will begin phaseout dumping in landfill and waste piles.

In conclusion, Mr. Chairman, I want to urge my colleagues in the strongest terms to support this legislation and oppose any weakening amendments. This bill is a matter of the utmost urgency, and we must see that hazardous wastes no longer threaten our citizens. As a member of the Energy and Commerce Subcommittee on Oversight and Investigations, I was involved in a most thorough investigation of the EPA and their mismanagement of the hazardous waste program. I am convinced more than ever that we must enact tough standards for hazardous waste generators, and we must give EPA the ability to carry out the law. This bill closes many of the loopholes in RCRA, and gives EPA the power to enforce the law we have passed. This bill deserves the support of my colleagues for it offers enforcement of present law and tough restrictions on unsound dumping. The past several months have demonstrated to all Members the seriousness of our hazardous waste problem and the potential for abuse. I urge my colleagues to support this bill and make a strong statement for control of hazardous wastes.●

● Mr. FRENZEL. Mr. Chairman, continued reliance on land disposal of hazardous wastes is a dangerous policy which threatens the health of Americans now and in the future.

As more and more contaminated sites are being discovered and people are displaced from hometowns such as Times Beach and Love Canal, the mandate for legislative and administrative action to set forth guidelines for the disposal of hazardous wastes becomes clearer and clearer.

H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, outlines a plan for managing the country's 250 million tons of hazardous waste generated each year. In my judgment, the bill is a good start, but there are some provisions with which I take issue.

Dry cleaners, gas stations, hospitals, painters, and other small generators of wastes will be severely burdened and

perhaps put out of business if we allow them to be subjected to the regulations now governing larger generators just because the EPA failed to write the small generator regulations within the statutory deadline. The hammer provision should be removed from section 3 of the bill. The Shelby-Lent amendment would provide for the removal of the hammer. It should be supported.

Requiring notification manifests for 25 kilogram/month producers while the regulation requirement threshold is 100 kilogram/month is confusing and burdersome. The enforceability of the manifest provision is questionable. Representatives SHELBY and LENT should be supported in their attempt to readjust the requirement so that both the manifest requirement and the generation provision will be consistent at 100 kilogram/month.

Mr. Chairman, the members of the House Energy and Commerce Committee and the House Judiciary Committee are to be commended for their work on this bill. Hazardous waste management is not an issue that is easily resolved.

I intend to support the bill, whether or not it is improved by the Shelby-Lent amendment. This bill is too important and too long overdue. It must be passed now.●

● Mr. FAUNTROY. I rise in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983.

H.R. 2867 reauthorizes and enhances the Resource Conservation and Recovery Act (RCRA) which governs the treatment, storage, transportation, and disposal of hazardous waste.

Toxic waste is a threat to the health and well-being of all Americans in our great Nation. Each year, our industries generate approximately 250 million tons of hazardous waste. Alarmingly, the disposal of a great proportion of this waste is unregulated.

Mr. Chairman, on December 16, 1982, my colleague, the distinguished chairman of the Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce, and I requested the General Accounting Office to determine the correlation between the location of hazardous waste landfills and the racial and economic status of the surrounding communities.

We asked them to focus their review on offsite landfills—those not part of or contiguous to an industrial facility—found in the eight Southeastern States comprising the Environmental Protection Agency's Region IV. We also asked for information on site location standards, public participation requirements for siting offsite hazardous waste landfills, and EPA's class permit proposal which addresses the permitting, as a group, less complex waste management facilities such as storage tanks.

The General Accounting Office found that:

There are four offsite hazardous waste landfills in Region IV's eight States. Blacks make up the majority of the population in three of the four communities where the landfills are located. At least 26 percent of the population in all four communities have income below the poverty level and most of this population is black.

This study confirmed our suspicion that those who are both poor and black are being forced more than others to live with the potential health risks posed by hazardous waste landfills.

This is yet another example which illustrates that the problems which affect all Americans are most acutely reflected in the black experience.

There is a compelling national interest in improving strong legislation such as that before us that would make the land disposal of hazardous waste inappropriate.

No one—black, white, Hispanic, or Native American, poor or affluent—should be forced to live near a hazardous waste landfill. There is no such thing as a "safe" hazardous waste landfill.

I am in agreement with the holding of H.R. 2867 that safer alternative forms for disposal are available and their capacity is being underutilized. Incentives must be created to shift disposal from the land to other technologies. Most disturbing is the finding that many land disposal facilities do not even comply with current law. A current EPA study found that 109 of 171 sites examined were in violation of RCRA regulations.

Mr. Chairman, H.R. 2867 is deserving of support because it conveys "a clear and unambiguous message to the regulated community and the Environmental Protection Agency: Reliance on land disposal of hazardous waste has resulted in an unacceptable risk to human health and the environment."

Under this legislation, land disposal would be authorized only as a last resort and only under conditions which would insure the full protection of human health and the environment.

I urge support of this most important legislation.●

● Mr. UDALL. Mr. Chairman, I appreciate the cooperation of the gentleman from Pennsylvania (Mr. EDGAR) and the manager of the bill, the gentleman from New Jersey (Mr. FLORIO) in considering my concerns with respect to the National Groundwater Commission.

The amendment which Mr. EDGAR sponsored would establish a National Groundwater Commission. The Commission is assigned the duty of examining 21 specific matters relating to ground water quality and quantity which are listed in subsection 26(b). The Commission is to report to the President and each House of Congress its findings and recommendations for legislation and administrative actions no later than October 30, 1985.

Some of the matters which the Commission will address, and relating to which it may be expected to recommend legislation, are matters which are within the legislative jurisdiction of the Committee on Interior and Insular Affairs.

For example, the Commission is to assess generally the engineering and technological capability to recharge aquifers.

I would call your attention to the fact that the House has recently passed and sent to the Senate H.R. 71, a bill which would establish a program within the Department of the Interior for the construction of demonstration plants to test various techniques for ground water recharge. H.R. 71 was reported to the House by the Committee on Interior and Insular Affairs.

The Committee on Interior and Insular Affairs has jurisdiction over interstate compacts relating to water. The Commission will have the duty to assess the use and effectiveness of interstate compacts to address ground water protection from contamination.

Water research programs have traditionally been within the legislative jurisdiction of the Committee on Interior and Insular Affairs, and the Commission is to assess the adequacy of ground water research and determine future research needs.

The Committee on Interior and Insular Affairs also has jurisdiction over the U.S. Geological Survey which has an ongoing program of assessing the amount and locations of the Nation's ground water resources. The amendment would assign a similar duty to the Commission.

In fact, of the 21 duties assigned to the Commission, at least 8, numbers 1, 6, 7, 8, 12, 19, 20, and 21, listed in subsection 26(b) in the amendment, are matters which would fall within the legislative jurisdiction of the Committee on Interior and Insular Affairs.

As originally drafted, I noted that the Commission, which would consist of 17 members, would have included 4 members appointed by the Speaker of the House, 2 of whom were to be members of the Committee on Public Works and Transportation, and 2 of whom shall be members of the Committee on Energy and Commerce. In view of the interests of the Committee on Interior and Insular Affairs, which I have pointed out, I felt that this committee should also be represented on the Commission. I am pleased that my colleagues agreed to modify this amendment to include two members from the Committee on Interior and Insular Affairs and I thank them for their courtesy in considering this change.●

● Mr. LAFALCE. Mr. Chairman, I rise in support of H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983.

Although we have several amendments to debate before we vote final passage, I believe that the resulting legislation will be a significant improvement over current law.

H.R. 2867, and amendments thereto, does away, I believe, with the presumption that the landfill disposal of hazardous wastes is protective of human health and the environment. As we have seen over and over again at hazardous waste sites thoughout the country, we cannot guarantee—scientifically or politically—that the hazardous wastes disposed of in the ground will remain safely segregated from the environment for extended periods of time.

H.R. 2867 prohibits the landfill disposal of noncontainerized liquid hazardous wastes and requires that the land disposal of containerized liquid hazardous wastes be minimized to the extent technologically possible. The bill also directs EPA to review the safety of all hazardous wastes regulated under RCRA and to issue regulations regarding the landfill disposal of such wastes. If EPA fails to meet this deadline, all methods of land disposal would be prohibited. This so-called hammer provision is, in light of EPA's past record in promulgating regulations under RCRA, most important.

H.R. 2867, as amended by the Shelby-Lent amendment, will bring small quantity generators under RCRA's regulatory umbrella. Presently, generators producing less than 1,000 kilograms of hazardous waste per month are exempted from RCRA requirements. Under Shelby-Lent, those that generate between 100 and 1,000 kilograms per month will be subject to special regulations designed to safely handled such wastes while taking into account the economic effect of regulation on the small business community.

Mr. Chairman, the Shelby-Lent compromise amendment provides a workable solution to the small quantity generator problem, one that is supported by both the environmental and business communities.

I would also like to note my strong support for an amendment that will be offered by the gentleman from New York (Mr. LENT) to restore the original congressional intent of enabling a State that received credit for its expenditures prior to enactment of Superfund to apply that credit toward the State share of Superfund-related costs at other abandoned hazardous waste dumpsites.

What this amendment says is that we will stop punishing States that moved forward to clean up abandoned hazardous waste sites before the Federal Superfund scheme was in place. And that we will allow these States to use funds spent before Superfund was enacted to meet the State share requirements of the Superfund law.

I will also support an amendment to be offered by the gentleman from Pennsylvania (Mr. EDGAR) to establish a National Ground Water Commission. As a cosponsor of his bill, and a Member whose district is the focus of an extensive EPA-sponsored ground water monitoring study, I can attest not only to the need to protect our ground water resources, but also to the need to have a rational program to protect this vital resource. The Commission will fill a troublesome void in our environmental protection effort.

I also want to voice my support for the provisions of the bill that extend EPA's enforcement powers. H.R. 2867 gives EPA exclusive authority over civil enforcement actions. EPA is empowered to litigate civil cases if, and let us not forget this if, the Department of Justice fails to act in a timely fashion. The bill also authorizes EPA criminal investigators to carry firearms, execute and serve warrants, summonses, and subpenas, administer oaths, and make arrests without warrants for offenses committed in the investigator's presence or for felonies.

The bill also contains provisions that would allow citizens the right to sue, if EPA fails to do so, to stop actions that present an imminent and substantial endangerment to health and the environment.

Mr. Chairman, these two provisions, coupled with Congress' continuing oversight responsibilities, will provide sufficient checks to insure that our hazardous waste management laws are brought to bear on real problems without the delay and confusion that has characterized action to date.

In summary, we have before us a bill that strengthens our Federal hazardous waste management program. I urge all my colleagues to support H.R. 2867; to breathe renewed life into our attack on the improper management of the hazardous wastes that abound in our society.●

● Mr. WALGREN. Mr. Chairman, I am pleased to support the Hazardous Waste Control and Enforcement Act which will require further progress in containing hazardous waste. We should not have to live in fear that Love Canal or Times Beach could happen in our own community. We must do all we can to keep hazardous substances out of the food and water we depend on.

Without this bill, an estimated 4 million tons of hazardous waste are disposed of each year with no accounting or control. As a result of this kind of practice, EPA now estimates that there are as many as 34,000 sites in the country that are a threat to human health, from dumps to playgrounds. The types of substances this bill addresses are clearly toxic to people like arsenic, cadmium, chromium, lead, mercury, and PCB's. H.R. 2867 will close the gaps in coverage of the present law, that will push industries to better contain or neutralize wastes, and will give the Environmental Protection Agency more effective authority to assure proper disposal of hazardous wastes.

In my view, our society should seriously question the continued land disposal of hazardous wastes. If we can find ways to dispose or neutralize hazardous waste instead of dumping it in the ground, we should. Ground disposal is inherently dangerous because subsequent contamination of liners in landfills can be penetrated with underground water. There are other ways to dispose of wastes that we should turn to like incineration, chemical fixation, and biological treatment and stabilization. This bill moves us in that direction.

In the past several years, two highly visible incidents have roused public awareness on hazardous waste problems. In the Love Canal area near Niagara Falls uncontrolled disposal of dioxin and other contaminants, like benzene, DDT, chloroform, arsenic, and mercury, forced widespread evacuation.

In Times Beach, Mo., the soil was contaminated with dioxin, from material sprayed on unpaved streets for dust control. EPA has now agreed to pay to move the town, a rather costly cleanup.

Chemicals are a part of everyday life in a modern society. Yet as chemicals become more ever present, our measures to contain them must become more absolute. The EPA Superfund has started some cleanups, but progress has been slow. I hope that EPA, with its new leadership, will move faster in implementing environmental laws. But, as always, we should emphasize prevention. In that sense, the direction of this bill is most important.●

● Mr. SCHAEFER. Mr. Chairman, I wish to take this opportunity to express my full support for the amendment offered by my colleagues on the House Subcommittee on Government Activities and Transportation. As the representative of thousands of residents who live near a hazardous waste disposal site that has been closed since July 12, 1982, because it is unsafe, I am well aware of the consequences of improper handling of toxic materials. Today, we still do not know the severity of the situation at Lowry, although it is currently being studied.

What we do know about other waste sites used by illegal transporters of waste products may be even more dangerous. According to the record generated by our subcommittee hearings, practically any citizen could be ex-

posed to the risks associated with improper disposal of all types of hazardous wastes. We have learned that materials are dumped in vacant city lots and on rural backroads with impunity. One of the major reasons for this problem is the assumption of honesty, which lies beneath our transportation enforcement statues.

The American people have every right to Federal protection against both willful and unknowing violators of Federal laws governing the transportation of hazardous materials. While the Environmental Protection Agency and the Department of Transportation do have enforcement programs, honest officials in both agencies admit that they do not even know for sure what firms are involved in transporting hazardous wastes.

It is while these substances are in transit that they represent the most serious threat to public health and safety. At generator and disposal sites there is an awareness of the types of material and the associated risks. However, on the road, these wastes can be dumped illegally for large profits.

The amendment before us is an attempt to establish a better working relationship between DOT and the EPA. It is designed to heighten the awareness of agency officials of the role of transportation in the problems we are attempting to address through passage of this bill. Without higher standards and greater responsibility in the waste transportation industry, our overall goals will be thwarted.●

● Mrs. SCHNEIDER. Mr. Chairman, I rise in strong support of H.R. 2867, the reauthorization of the Resource Conservation and Recovery Act that provides cradle to grave Federal management of the generation, transportation and disposal of hazardous wastes. The bipartisan leadership of the House Energy and Commerce Committee has labored long and hard to produce a bill that all of us should be proud to support. In particular, the leadership of Mr. FLORIO and Mr. LENT, the chairman and ranking minority member, respectively, of the House Commerce and Transportation Subcommittee deserve our recognition and gratitude for guiding this important legislation to the floor.

The bill takes strong steps in improving the current law by bringing hitherto unregulated hazardous wastes under Federal management; by pressing the Environmental Protection Agency to identify those wastes unsuited to land disposal; and by increasing the Agency's enforcement powers. I urge my colleagues' support for the provisions in H.R. 2867 that drop the floor on Federal regulation of hazardous waste from 1,000 to 100 kilograms per generator per month. My own State of Rhode Island is one of five out of six New England States that regulate hazardous wastes in amounts at least as low as 100 kilograms per month. We have had no serious complaints of excessive redtape from Rhode Island's small businesses, which have been particularly conscientious in complying with the State law. The amount of waste produced by small generators—about 4 million tons per year—is simply too large to leave unmanaged.

If we support the Shelby-Lent amendment, which gives the EPA more reasonable deadlines by which to implement the new requirements affecting companies generating between 100 and 1,000 kilograms per month, we will have put in place a small generator program that is both flexible and realistic. The Shelby-Lent amendment should, however, be strengthened first by striking its provision waiving the notification requirements for companies generating more than 25 kilograms per month. The notification requirement simply asks the generator to identify the type and quantity of hazardous waste shipped to disposal sites—no additional regulation is required unless the company produces more than 100 kilograms per month. Too many waste disposal workers have been injured—burned by hydrochloric acid in unmarked containers, for example—to allow this situation to continue without at least a labeling requirement.

I am pleased to join Mr. BONIOR in offering an amendment to authorize $10 million to subtitle D of the RCRA program, which requires the States to develop solid waste management plans. Half of the 115 abandoned waste sites identified by the EPA as the worst in the country were former solid waste landfills, into which hazardous materials had been diverted. The Congress has insisted with good reason on the development of State solid waste management plans to prevent city or county dumps from becoming loopholes for anyone seeking to avoid the stricter regulations established for hazardous waste disposal facilities. Unfortunately, congressional concern has not extended to providing funding for subtitle D. The $10 million authorized by the Bonior amendment will enable the States to resume work on the open dump inventories that are the first step in devising solid waste management plans.

While RCRA provides for safer management of hazardous waste, it has not acted to discourage the land disposal of hazardous waste. The bill before us today attempts to tighten regulations in a way that promotes the safer, more permanent disposal of hazardous waste, through alternatives such as recycling, incineration, and stabilization. These regulatory efforts deserve our support, but according to the Office of Technology Assessment, they do not provide the one element missing in our Federal hazardous waste management program: a direct economic disincentive for the land disposal of hazardous waste.

It is a fact that 4 out of every 5 tons of hazardous waste our society generates is headed for a landfill, because it remains the cheapest disposal option. Clearly, RCRA's strong regulatory framework for the management of hazardous waste must be supplemented by economic incentives that encourage alternatives to land disposal.

That is why Congressman WYDEN and I have joined 80 of our colleagues in sponsoring H.R. 3129, the Hazardous Waste Reduction Act. By establishing a fee system on the land disposal of hazardous waste, H.R. 3129 provides a direct, bottom-line pocketbook incentive for those who generate hazardous waste to employ recycling, incineration, or process changes—all of which are exempt from the fee—to produce less waste.

A recent Wall Street Journal article notes that disposal experts doubt that even the best of today's landfills will be up to the job. Though plastic sheeting and clay are the most common barriers used to keep hazardous waste from seeping into our water supplies, as one corporate manager admitted:

> An impermeable, thick clay barrier is "probably OK" but admits to squeamish feelings about "depending on plastic membranes for eternity." Landfills can also settle, cracking or breaking the clay seal.

H.R. 3129 offers a deceptively simple solution. Why not reauthorize the Superfund through a fee on the land disposal of hazardous waste? Toxic waste would be taxed at $75 per ton and nontoxic hazardous waste at $25 per ton. Alternatives to land disposal, such as recycling, treatment, or incineration would not be taxed.

The revenues raised under the waste-end fee would be used to continue the Superfund cleanup of abandoned waste sites and to fund EPA's grants to States for hazardous waste enforcement. The Office of Technology Assessment estimates that economic disincentives, such as those established by H.R. 3129 could reduce the landfilling of hazardous waste by as much as 50 percent.

Mr. Chairman, in addition, I am pleased to join today with my distinguished colleague from Michigan (Mr. BONIOR) in offering an amendment to strengthen H.R. 2867 by increasing funding for subtitle D, a small but vitally important component of the RCRA program. Briefly summarized, subtitle D, as authorized in 1980, provides funding to assist the States in developing the solid waste management plans mandated by the RCRA statute. Why are the States so important? Half of the 115 abandoned hazardous waste sites identified by the EPA as the most immediately threat-

ening to the public health were once solid waste facilities. These sanitary landfills often operated as county or municipal dumps that received significant quantities of hazardous waste as part of their solid waste stream. Subtitle D was intended—with good reason—to give States the means to inventory their solid waste facilities to find out how many more had been used as a dumping ground for hazardous waste, and to develop statewide management plans to minimize the diversion of hazardous substances into solid waste facilities in the future.

If there is one thing we should have learned after 13 years of environmental regulation, it is that hazardous waste, like water running downhill, will follow the path of least resistance. If we cannot keep hazardous waste from being diverted to the city or county dump, then we will have left a potentially serious loophole in the Federal laws that guide the disposal of hazardous waste. As the Federal funding for subtitle D has gradually been eliminated over the past 3 years, the State's open dump inventory has essentially stopped, and State management plans are on hold. The Bonior amendment, which authorizes $10 million for subtitle D for each of the next 3 fiscal years, will restore the States to full partnership with the Federal Government in the management of hazardous wastes.●

Mr. FLORIO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the substitute committee amendment recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 2867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Hazardous Waste Control and Enforcement Act of 1983".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Authorization for fiscal years 1984 through 1986.
Sec. 3. Small quantity generator waste.
Sec. 4. Interim control of hazardous waste injection.
Sec. 5. Land disposal of hazardous waste.
Sec. 6. Burning and blending for energy recovery.
Sec. 7. Interim status; permits.
Sec. 8. Reuse, recycling, and reclamation.
Sec. 9. Size of certain facilities.
Sec. 10. Hazardous waste facilities owned by States or political subdivisions.
Sec. 11. Enforcement.
Sec. 12. Findings and objectives of Solid Waste Disposal Act.
Sec. 13. Listing and delisting of hazardous waste.
Sec. 14. Recovery and recycling of used oil.
Sec. 15. State authorization.
Sec. 16. Effective date of regulations.
Sec. 17. Prior releases.
Sec. 18. State operated landfills.
Sec. 19. Availability of information.
Sec. 20. Ombudsman.
Sec. 21. Design and performance standards.
Sec. 22. Management of used oil.
Sec. 23. Use of recovered materials by Federal agencies.
Sec. 24. Mandatory inspections.
Sec. 25. Clerical corrections.

(b) Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Solid Waste Disposal Act.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will read.

The Clerk read as follows:

AUTHORIZATIONS FOR FISCAL YEARS 1984 THROUGH 1986

SEC. 2. (a) GENERAL AUTHORIZATION.—Section 2007(a) is amended by striking out "and $80,000,000 for the fiscal year ending September 30, 1982" and substituting $80,000,000 for the fiscal year ending September 30, 1982, $57,000,000 for the fiscal year ending September 30, 1984, $61,000,000 for the fiscal year ending September 30, 1985, and $61,000,000 for the fiscal year 1986.".

(b) STATE HAZARDOUS WASTE PROGRAMS.—Section 3011(a) is amended by striking out "and $40,000,000 for the fiscal year 1982" and substituting "$40,000,000 for the fiscal year 1982, $50,000,000 for the fiscal year 1984, $55,000,000 for the fiscal year 1985, and $60,000,000 for the fiscal year 1986".

(c) HAZARDOUS WASTE SITE INVENTORY.—Section 3012 (relating to the hazardous waste inventory) is amended by—

(1) redesignating such section (and the corresponding reference thereto in the table of contents) as "Sec. 3012A."; and

(2) by striking out "$20,000,000" in subsection (c)(2) and inserting in lieu thereof "$25,000,000 for each of the fiscal years 1984 through 1986".

(d) DEVELOPMENT AND IMPLEMENTATION ASSISTANCE.—Section 4008(a)(1) is amended by striking out "and $20,000,000 for fiscal year 1982" and substituting "$20,000,000 for the fiscal year 1982, and $10,000,000 for each of the fiscal years 1984 through 1986".

(e) IMPLEMENTATION ASSISTANCE.—Section 4008(a)(2)(C) is amended by striking out "and $10,000,000 for fiscal year 1982" and substituting "$10,000,000 for fiscal year 1982, and $2,000,000 for each of the fiscal years 1984 through 1986".

(f) SPECIAL COMMUNITIES.—Section 4008(e)(2) is amended by striking out "and $1,500,000 for each of the fiscal years 1981 and 1982" and substituting "$1,500,000 for each of the fiscal years 1981 and 1982, and $500,000 for each of the fiscal years 1984 through 1986".

(g) ASSISTANCE TO STATES FOR RECYCLED OIL PROGRAMS.—Section 4008 is amended—

(1) by redesignating the second subsection (f) (relating to assistance to municipalities for energy and materials conservation and recovery planning activities) as subsection (g); and

(2) in paragraph (4) of subsection (f) (relating to assistance to States for discretionary programs for recylcled oil) by striking out "and $5,000,000 for fiscal year 1983" and substituting ", $5,000,000 for fiscal year 1983, and $5,000,000 for each of the fiscal years 1984 through 1986".

(h) DEPARTMENT OF COMMERCE FUNCTIONS.—Section 5006 is amended by inserting after "1982" the following "and $1,500,000 for each of the fiscal years 1984 through 1986".

(i) CRIMINAL INVESTIGATORS.—Section 2007 is amended by adding the following new subsection at the end thereof:

"(e) CRIMINAL INVESTIGATORS.—There is authorized to be appropriated to the Administrator $3,246,000 for the fiscal year 1984, $2,408,300 for the fiscal year 1985, and $2,529,000 for the fiscal year 1986 to be used—

"(1) for additional officers or employees of the Environmental Protection Agency authorized by the Administrator to conduct criminal investigations (to investigate, or supervise the investigation of, any activity for which a criminal penalty is provided) under this Act; and

"(2) for support costs for such additional officers or employees.".

AMENDMENT OFFERED BY MR. BONIOR OF MICHIGAN

Mr. BONIOR of Michigan. Mr. Chairman, I offer an amendment to section 2.

The Clerk read as follows:

Amendment offered by Mr. BONIOR of Michigan: Page 4, line 7, strike out "$2,000,000" and substitute "$10,000,000".

Mr. BONIOR of Michigan. Mr. Chairman, I would like to commend the members of the Energy and Commerce Committee for their hard work and their fine result, H.R. 2867, the reauthorization of the Resource Conservation and Recovery Act.

With the gentlewomen from Rhode Island (Mrs. SCHNEIDER), and the gentlemen from New York (Mr. DOWNEY and Mr. MOLINARI), I am offering an amendment to strength H.R. 2867 by increasing funding of subtitle D assistance to States and smaller units of government from $2 to $10 million from 1984 to 1986. Subtitle D provides funds to implement solid waste management plans and conduct inventories of active and abandoned open landfills, among other activities.

I want to commend all involved for the bipartisan effort reflected in this amendment. As I understand it, there is no opposition to the amendment from either side of the aisle.

This Nation has long realized the problems we face in addressing landfills and identifying abandoned dumpsites. Furthermore, for decades we have been trying to establish healthier and sanitary methods for disposing of municipal wastes. While the solutions to these problems must be developed by individual communities, Congress has previously established these communities' right to depend on financial and technical assistance from the Federal Government.

Funding was authorized and appropriated under RCRA for this purpose in fiscal year 1978 through fiscal year 1982. In 1982, money was zeroed out of

the budget. The Association of State and Territorial Waste Management Officials conducted a survey in May of 1983 to determine the impact of this cut. The States have simply not been able to meet the funding gap.

In Michigan, 150 or more illegal dumps continue to operate. Nationally, 3,000 such dumps are estimated to be in operation. Their implications for our future are disturbing. Of the original 115 interim priority Superfund sites, 65 were open landfills—precisely the focus of this funding.

If we fail to address sites now, the cost of cleaning them up later will be astronomical. The health consequences will be overwhelming. We do have an alternative, and a cost effective alternative, to poisoned ground water. It is contained in subtitle D.

The amendment is supported by the Association of State and Territorial Solid Waste Management Officials, the Sierra Club, the Natural Resources Defense Council, the Environmental Defense Fund, and the National Audubon Society.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would just commend the gentleman from Michigan (Mr. BONIOR). He obviously recognizes the important interrelationship between solid waste and hazardous waste. A good percentage of the hazardous waste dump sites that are Superfund sites were formerly solid waste sites.

So the gentleman's amendment is very good, I support it, and I believe the minority does also.

Mr. LENT. Mr. Chairman, if the gentleman will yield, the minority has looked at this amendment, and we have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BONIOR).

The amendment was agreed to.

The CHAIRMAN. Are there any other amendments to section 2?

If not, the Clerk will read.

The Clerk read as follows:

SMALL QUANTITY GENERATOR WASTE

SEC. 3. Section 3001 is amended by adding the following at the end thereof:

"(d) SMALL QUANTITY GENERATOR WASTE.—(1) Effective twenty-four months from the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, hazardous waste generated by any generator generating a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month shall be subject to the same requirements under this subtitle as hazardous waste produced by a generator in amounts greater than one thousand kilograms during a calendar month, until the standards referred to in paragraph (2) of this subsection have become effective.

"(2) Not later than eighteen months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate standards under sections 3001, 3002, 3003, and 3004 for hazardous waste generated by a generator generating a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month. Except as provided in paragraph (3), such standards, including standards applicable to the legitimate use, reuse, recycling, and reclamation of such wastes, may vary from the standards applicable to larger quantity generators but must be sufficient to protect human health and the environment.

"(3) Standards promulgated under paragraph (2) shall at a minimum provide that—

"(A) onsite storage of hazardous waste generated by a generator generating a total quantity of hazardous waste greater than one hundred kilograms but less than one thousand kilograms during a calendar month, may occur for up to one hundred and eighty days without the requirement of a permit;

"(B) all other treatment, storage, or disposal of hazardous wastes generated by such generators shall occur at a facility with a permit under this subtitle; and

"(C) any hazardous waste generated by such generators which is shipped off the premises on which such waste is generated, shall be accompanied by a manifest, except that the specific requirements for entries on such manifest may vary from those applicable to the manifest required for larger quantity generators.

"(4) No later than ninety days after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, any hazardous waste which is part of a total quantity generated by a generator generating greater than twenty-five kilograms but less than one thousand kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency Uniform hazardous waste manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the United States Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers;

"(D) the quantity of waste being transported.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest shall apply only if determined necessary by the Administrator to protect human health and the environment.

"(5) Except as provided in paragraphs (1) through (4), nothing in this subsection shall be construed to affect or impair the validity of regulations of the Administrator promulgated prior to the date of enactment of the Solid Waste Disposal Act Amendments of 1983 with respect to hazardous waste generated by generators of less than one thousand kilograms per calendar month.

"(6) The Administrator may promulgate regulations under this subtitle which establish special standards for, or exempt from regulations, hazardous wastes which are generated by any generator who does not generate more than one hundred kilograms of hazardous waste per calendar month.

"(7) Nothing in this subsection shall be construed to affect or impair the validity of regulations promulgated by the Secretary of Transportation pursuant to the Hazardous Materials Transportation Act.

"(8) Nothwithstanding the last sentence of section 3010(b), no regulation promulgated by the Administrator as provided in this subsection may take effect before the date twenty-four months after the date of the enactment of this subsection.".

Mr. SHELBY (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was not objection.

AMENDMENT OFFERED BY MR. SHELBY

Mr. SHELBY. Mr. Chairman, I offer an amendment to section 3, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. SHELBY: Page 5, strike out line 20 and all that follows down through line 11 on page 9 and substitute:

SMALL QUANTITY GENERATOR WASTE

SEC. 3. Section 3001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(d) SMALL QUANTITY GENERATOR WASTE.—(1) Effective 30 months from the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, unless the Administrator promulgates standards as provided in paragraph (2) of this subsection prior to such date, hazardous waste generated by any generator in a total quantity greater than one-hundred kilograms but less than one-thousand kilograms during a calendar month shall be subject to the following requirement until the standards referred to in paragraph (2) of this subsection have become effective:

"(A) in addition to the notice requirements of paragraph (4) of this subsection the information provided in the form shall include the name of the waste transporters and the name and address of the facility designated to receive the waste;

"(B) except as provided in paragraph (3)(A) of this subsection, the treatment, storage or disposal of such waste shall occur at a facility with interim status or a permit under this subtitle;

"(C) generators of such waste shall file manifest exception reports as required of generators producing greater amounts of hazardous waste per month except that such reports shall be filed by January 31, for any waste shipment occurring in the last half of the preceding calendar year, and by July 31, for any waste shipment occurring in the first half of the calendar year; and

"(D) generators of such waste shall retain for three years a copy of the manifest

signed by the designated facility that has received the waste.

Nothing in this paragraph shall be construed as a determination of the standards appropriate under paragraph (2).

"(2) Not later than eighteen months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate standards under sections 3002, 3003, and 3004 for hazardous waste generated by a generator in a total quantity of hazardous waste greater than one-hundred kilograms but less than one-thousand kilograms during a calendar month. Except as provided in paragraph (3) of this subsection, such standards, including standards applicable to the legitimate use, reuse, recycling, and reclamation of such wastes, may vary from the standards applicable to larger quantity generators but must be sufficient to protect human health and the environment.

"(3) Standards promulgated paragraph (2) shall at a minimum provide that:

"(A) on-site storage of hazardous waste generated by a generator generating a total quantity of hazardous waste greater than one-hundred kilograms but less than one-thousand kilograms during a calendar month, may occur for up to 180 days without the requirement of a permit;

"(B) all other treatment, storage, or disposal of hazardous wastes generated by such generators shall occur at a facility with interim status or a permit under this subtitle; and

"(C) any hazardous waste generated by such generators which is shipped off the premises on which such waste is generated, shall be accompanied by a manifest, except that the specific requirements for entries on such manifest may vary from those applicable to the manifest required for larger quantity generators.

"(4) No later than 180 days after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, any hazardous waste which is part of a total quantity generated by a generator generating greater than 100 kilograms but less than one-thousand kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the EPA Uniform Hazardous Waste Manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers; and

"(D) the quantity of waste being transported.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest form shall apply only if determined necessary by the Administrator to protect human health and the environment.

"(5) Except as provided in paragraphs (1) through (4), nothing in this subsection shall be construed to affect or impair the validity of regulations of the Administrator promulgated prior to the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983 with respect to hazardous waste generated by generators of less than one-thousand kilograms per calendar month.

"(6) the Administrator may promulgate regulations under this subtitle which establish special standards for, or exempt from regulations, hazardous wastes which are generated by any generator who does not generate more than one-hunded kilograms of hazardous waste per calendar month.

"(7) Nothing in this subsection shall be construed to affect or impair the validity of regulations promulgated by the Secretary of Transportation pursuant to the Hazardous Materials Transportation Act.

"(8) The last sentence of section 3010(b) shall not apply to regulations promulgated under this section.

"(9) The Administrator shall undertake activities to inform and educate the waste generators of their responsibilities under this section during the period within thirty months after the enactment of this section to help assure compliance.".

Mr. SHELBY. Mr. Chairman, the single most critical factor in the shaping of our hazardous waste laws has been the element of balance—a balance between the need to protect human health and the environment from the potential mismanagement of hazardous waste and the need to keep down excessive societal expense for controlling too little of that waste. Given the public policy significance of this balance, Congress has a responsibility to base its laws on a design that has the best potential for keeping the scales even. A vital part of this responsibility relates to how much complex regulation should be required of small business as part of the overall balance.

Mr. Chairman, many of us are concerned with the very real possibility that thousands of small businesses from drycleaners to small manufacturers will have to comply with RCRA regulations designed for the sophisticated, large generators of hazardous waste. Under section 3 of H.R. 2867, EPA has 18 months within which to formulate and issue new regulations for generators that produce between 100 and 1,000 kilograms of hazardous waste per month. These are the small generators, businesses which, because of their low production levels, are now exempt from the full force of RCRA regulations. Small generators are required to meet standards tailored to their characteristics.

In the language of H.R. 2867, if EPA fails to issue new rules for small generators within 18 months, then at the 24th month, all existing large generator regulations would fall upon any generator over 100 kilograms/month. EPA created these stringent regulations to govern the hazardous waste management of giant enterprises because they produce 95 percent of the total amount of hazardous waste in this country. That leaves somewhere between 1 to 7 percent of the remainder of hazardous waste generated is done so by small business. When EPA originally promulgated the small generator and large generator regulations, it proceeded under a cost-benefit guideline and concluded that the enormous number of small generators, if brought entirely within the regulatory system, would far outstrip the limited resources available to effectively implement the act. The administrative and economic burden of managing the small amount of waste from these generators was seen to be simply impractical, inefficient and counterproductive.

EPA has yet to meet a statutory deadline. Odds predict that they cannot possibly meet the 18 month deadline for crafting and issuing such complex and far-reaching regulations. Hence, section 3 holds small business hostage to EPA's ability to meet regulatory deadlines. Not only do we believe it implausible that EPA will act quickly to promulgate new regulations, but we feel it unlikely that the small generators will have time within the 24-month period to inform themselves of the intricacies and complexities of the RCRA laws. A small businessperson does not have the extensive manpower, resources or time to even attempt to comply with large generator regulations. Regulatory excesses of this degree do not serve the purpose for which they were intended.

EPA is having trouble policing the 70,000 or so large generators of hazardous waste now, H.R. 2867 adds an additional 130,000 more generators to EPA's checklist. The results will likely be sporadic enforcement and ineffective results.

H.R. 2867 also requires small business to complete manifests before shipping hazardous waste offsite. Within 90 days after enactment, any establishment generating more than 25 kilograms/month must identify themselves and provide a written list of their hazardous wastes to the collector. If residential dwellings were not now covered by separate waste regulations, this requirement could easily apply to your home and mine. Conceiveably, this provision could affect any business that produces about 2 pounds of hazardous waste a day. While the manifest requirement may be less inclusive than those required by the large generator, there is the potential that EPA could require information that may be beyond the ability of a small businessperson to provide without incurring in appropriate costs and consuming disproportionate amounts of time.

Mr. Chairman, the amendment I offer along with my colleague from New York (Mr. LENT) is a compromise approach and a far more reasonable and workable alternative. Small business and environmental groups have combined efforts in a unique attempt to achieve the elusive balance of often competing interests. This amendment satisfies the need to protect the envi-

ronment without so encumbering small enterprises with needless regulation as to sap their profitability.

Our amendment retains the notice requirement in H.R. 2867 for businesses generating between 100 kilograms and 1,000 kilograms per month of hazardous waste, but eliminates the applicability of the notice requirement down to 25 kilograms per month. The notice/manifest requirement is effective 180 days after the bill's enactment, instead of 90 days. Our amendment, like H.R. 2867, directs EPA to develop new regulations for small generators, but allows EPA a total of 30 months within which to do so, instead of 24. Most importantly, the Shelby-Lent amendment removes the possibility of sophisticated, large generator regulations falling on small generators because of EPA's failure to act. Certain additional requirements including biannual exception reporting and 3-year recordkeeping will be imposed upon small generators should EPA fail to issue rules within 30 months.

Lastly, our compromise amendment includes a vital feature missing from the committee bill—a provision calling on the EPA to engage in education activities that will help the small quantity generators learn what their responsibilities are.

I urge my colleagues to look closely at the potential for great harm to small business and likely adverse consequences for public health and the environment, encouched in section 3 of H.R. 2867. I urge your support of a consistent, enforceable system of regulation for small quantity generators which provides maximum environmental protection as represented in the Shelby-Lent amendment.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SHELBY. I am glad to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I rise in support of the Shelby-Lent amendment to H.R. 2867. Ten days ago, the Energy, Environment and Safety Subcommittee of the Small Business Committee which I chair held a hearing on H.R. 2867. At the hearing it was established that the Environmental Protection Agency estimates that 130,000 businesses would come under regulation if the threshold for the small quantity waste generation exemption is dropped from 1,000 kilograms/month to 100 kilograms per month. Both Shelby-Lent and the Florio bill lower the threshold to this level. The Florio bill, however, provides a reporting requirement for hazardous waste generators down to a level of 25 kilograms per month. EPA estimates that an additional 560,000 generators would fall under this provision but that only one-fourth of 1 percent of all hazardous waste produced would be added to the control system. Most testifying businesses felt that this is too much regulation for too little benefit. The EPA already has jurisdiction to lower the threshold where a danger exists—down to zero kilograms per month if need be—and has exercised this jurisdiction for certain ultrahazardous wastes.

The Florio bill also provides that the promulgation of special regulations for new small quantity generators by EPA must take place within 18 months or the full weight of the Resource Conservation and Recovery Act regulations would be applied to small generators at 24 months. EPA informed us that they could not meet this deadline regardless of the manpower employed. Our small businesses felt that it was unfair for them to be expected to pay the price for EPA's inabilities and to force them to meet the same technical reporting and disposal requirements that major chemical companies—for example—must comply with. The Shelby-Lent amendment provides the EPA with the additional time they requested to identify and study the best ways to regulate individual small quantity generator waste streams. We feel this follows the best intentions of the Regulatory Flexibility Act and therefore endorse this approach.

The Shelby-Lent amendment is still not a panacea. It still provides very tough environmental standards. Indeed, some of the businesses who presented testimony felt the standards were too tough and unenforceable. On the other hand, others felt that they were too lenient and that the Florio bill should prevail. We applaud the Shelby-Lent compromise as an effort by environmentalists to reach an acceptable middle ground with industry. Most of the witnesses that testified at our hearing—even if they offered their own perfecting amendments to Shelby-Lent—believed that it was a step in the right direction.

Small businesses have been in the forefront of environmental concern and scientific advancements to solve our waste problems, and are best served, we feel, by the Shelby-Lent amendment.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. SHELBY) has expired.

□ 1430

Mr. LENT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to join in offering the Shelby-Lent amendment to section 3 of H.R. 2867.

This amendment will protect hundreds of thousands of small businesses from facing a confusing, complex, and costly system of regulation, while insuring a high level of environmental protection for the American people.

Section 3 now contained in H.R. 2867 will, for the first time, bring over 600,000 small businesses such as drycleaners and service stations under the RCRA regulatory system. These businesses generate only between 1 to 3 percent of the hazardous waste in this country. Unfortunately, the way section 3 is drafted, it carries the strong potential to seriously disrupt the ongoing RCRA regulatory program by forcing these small businesses to comply with a confusing and potentially unenforceable system of regulations. It does this in the following way.

Under current regulations, all those who generate in excess of 1,000 kilograms per month of hazardous waste are subject to the full RCRA regulatory system. Those generating less than 1,000 kilograms per month are exempted from RCRA regulations, except for acutely hazardous wastes which are regulated to one kilogram per month. Section 3 of H.R. 2867 lowers the small generator exemption from 1,000 kilograms per month to 100 kilograms per month and directs the Environmental Protection Agency to write regulations tailored to smaller generators of hazardous waste. However, section 3 also says that if the EPA fails to act within the prescribed statutory deadline the small generators are automatically subject to the large generator regulations. The small generators accurately characterize this provisions as "the hammer" because it hits them hard if the EPA fails to act in a timely fashion. Since EPA rarely meets statutory deadlines, I do not believe it is right for the Congress to hold small businesses hostage against EPA's inability to meet arbitrary legislative deadlines.

Another problem with section 3 is that it requires any business that generates more than 25 kilograms per month of hazardous waste to manifest such waste, for purposes of notification to transporters only, each time it is shipped offsite. One industry is pushing this notification requirement, the solid waste disposal industry. Over 500,000 additional businesses, covering numerous industries, would be affected such as hardware, grocery, and retail stores, colleges and universities, high schools, photofinishing operations, amusement parks, bowling alleys, car washes, horse tracks, carpet cleaners, barber shops, painting contractors, and many other. It makes no sense to bring hundreds of thousands of additional small businesses into the Federal regulatory process at the request of one industry. Furthermore, the amount of waste generated by these over-500,000 additional businesses is less than three-tenths of 1 percent of the total hazardous waste generated in this country.

Finally, and most importantly, this notification requirement down to 25 kilograms per month will have adverse environmental and health effects. Why? First of all, many solid waste

transporters may refuse to pick up materials that are accompanied by a form stating they are hazardous. Second, even if picked up and carried to a sanitary landfill, the landfill operator may very likely refuse to accept the waste, especially in these times of high awareness of the problems of land disposal of hazardous wastes.

If there were thousands of permitted subtitle C hazardous waste facilities in this country, this would not be a problem. The waste would simply be disposed of in another nearby location. But that is not the way RCRA works. There are very few subtitle C facilities and I expect there will be even fewer in the future. What is the small businessman to do if the nearest facility willing to take his 25 kilogram carton is several hundred miles away in another State? I hate to say it, but I think I know the answer, and the answer is a real threat to public health. The material will never get packaged. It will never be turned over to a transporter. It will never get to a landfill. It will go down a drain, or into a ditch or off a bridge. There will be massive resistance to the regulations we are writing. They will be largely ignored. And the threats to public health and the environment will grow, not diminish.

Mr. Chairman, read in its entirety, with notification down to 25 kilograms per month and regulation to 100 kilograms per month, section 3 creates a confusing, unworkable and unenforceable regulatory program. It will likely adversely affect public health and the environment.

However, Mr. Chairman, balancing proper environmental controls on the hazardous waste from small generators with a reasonable regulatory and financial cost to small business is possible. The Shelby-Lent amendment to section 3 achieves this result. Let me describe how:

First, it removes the hammer from section 3 but provides that small generator waste be disposed of properly if EPA fails to act in a timely fashion. Thus, it retains the essential environmental protection elements of RCRA but relieves the small generators from many of the burdensome and costly requirements designed for larger, more sophisticated hazardous waste generators.

Second, it raises the notification level from 25 kilograms per month to 100 kilograms per month so that the regulatory requirements on small generators will be more consistent and less confusing. Illegal or midnight dumping will be discouraged.

In my view, this amendment will insure a workable, enforceable and environmentally sound program.

Mr. Chairman, the Shelby-Lent amendment adopts word for word a compromise agreement arrived at earlier this year by major environmental, business and academic organizations such as:

Environmental Defense Fund.
Sierra Club.
National Audubon Society.
American Council on Education.
American Retail Federation.
Chamber of Commerce of the United States.
Furniture Manufacturers Associations.
National Association of Manufacturers.
National Oil Jobbers Council.
Printing Industries of America.

These groups felt the language of our amendment was reasonable and workable. I agree with them and see our amendment as the logical next step in regulating small generators of hazardous waste. It dramatically increases environmental protection while not overburdening the RCRA regulatory system to the point that it breaks down entirely.

Once we get this next step in effect and allow some time for the system to absorb these new responsibilities, we then can look to see if further Federal regulation is necessary or appropriate. In any event, the Shelby-Lent amendment preserves EPA's authority to regulate generators who generate less than 100 kilograms per month as they see fit for protection of human health and the environment.

Also, in order to prevent further environmental disasters such as that in Times Beach, Mo., the EPA has proposed to list dioxin contaminated waste as an acutely hazardous waste. Once regulated, which should be very shortly, dioxin contaminated waste will be strictly regulated in quantities greater than 1 kilogram per month—RCRA's tightest level of control. Therefore, any small generator notice requirement under RCRA would not apply to dioxin contaminated waste.

The CHAIRMAN. The time of the gentleman from New York (Mr. LENT) has expired.

(By unanimous consent, Mr. LENT was allowed to proceed for 2 additional minutes.)

Mr. LENT. In sum, I believe that the Shelby-Lent amendment offers you a chance to support our Nation's small business community while insuring a high level of environmental protection for the American people. The amendment preserves a delicately balanced compromise agreement reached by the environmental community and the small business community. I urge you to vote for the Shelby-Lent amendment and against any amendments which seek to change it.

AMENDMENT OFFERED BY MR. FLORIO TO THE AMENDMENT OFFERED BY MR. SHELBY

Mr. FLORIO. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLORIO to the amendment offered by Mr. SHELBY: Page 3, strike out line 23 and all that follows down through line 22 on Page 4 and [Paragraph (4) of the Shelby amendment] and substitute:

"(4) No later than 180 days after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, any hazardous waste which is part of a total quantity generated by a generator generating greater than 25 kilograms but less than 1,000 kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency Uniform Hazardous Waste Manifest form signed by the generator. This form shall contain the following information:

"(A) the name and address of the generator of the waste;

"(B) the United States Department of Transportation description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;

"(C) the number and type of containers; and

"(D) the quantity of waste being transported.

If subparagraph (B) is not applicable, in lieu of the description referred to in such subparagraph (B), the form shall contain the Environmental Protection Agency identification number, or a generic description of the waste, or a description of the waste by hazardous waste characteristic. Additional requirements related to the manifest form shall apply only if determined necessary by the Administrator to protect human health and the environment. In the case of the most ignitible, corrosive, reactive, or toxic types of hazardous wastes identified or listed under section 3001, where such waste is part of a total quantity generated by a generator generating 25 kilograms or less during one calendar month and shipped off the premises on which such waste is generated, the Administrator shall promulgate regulations requiring appropriate notice (including a description of the waste and the identity of the generator) to be provided to the transporter and to the owner or operator of any treatment, storage, or disposal facility to which such waste is transported.

Page 5, in line 7 [Paragraph (6) of the Shelby amendment] after "exempt from regulations" insert "(other than regulations under paragraph (4))".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. BROYHILL. Reserving the right to object, Mr. Chairman, I am not sure which amendment this is. I just want some clarification.

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, this is my notification amendment to the Shelby-Lent amendment. It has not been printed in the RECORD.

Mr. BROYHILL. Is this the one where it requires notification down to zero?

Mr. FLORIO. No, no, 25 kilograms.

Mr. BROYHILL. As I understand the amendment that I saw, if it is the same one, it would go down from 25 kilograms or less, where it is saying it is down to zero.

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, I will be happy to explain the amendment.

Mr. BROYHILL. I just want to make sure this is the right amendment.

Mr. FLORIO. Yes, that is the amendment.

Mr. BROYHILL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey (Mr. FLORIO) that the amendment be considered as read and printed in the RECORD?

There was no objection.

□ 1440

Mr. FLORIO. Let me at the outset commend the gentleman from Alabama (Mr. SHELBY) and the gentleman from New York (Mr. LENT) for their amendment. Their amendment is good, but with one exception.

I am convinced that this amendment will perfect their amendment in a way that will make it possible that all can easily support their amendment.

I think it is important to note that the opponents of the small generator exemption removal last year have come a long way because they have acknowledged that the small generator exemption is totally inappropriate, that we should be dealing with this problem that involves 10 percent of the total amount of toxic wastes that are generated in this country.

The amendment offered by the gentleman from Alabama (Mr. SHELBY) and the gentleman from New York (Mr. LENT) is a good amendment with this one proviso.

I would say, by the way, that one of the concerns that we have about what is in the committee bill is the thought that after a certain period of time, if the regulations that the EPA says that they want to put into effect are not put into effect, the fact of the matter is that the full scope of the regulations would go into operation, the so-called hammer that was put into this bill from last year and earlier in this year when many of us expressed publicly our concern about the performance at EPA under previous leadership.

That leadership obviously has changed.

I am prepared to accept the Shelby-Lent amendment if modified with this amendment because I just last week met with the new Administrator, Mr. Ruckelshaus. He has provided me with the assurances that he will make a good faith effort to comply with the terms of the committee draft which is identical to the Shelby-Lent amendment.

I am willing to accept the new administrator's representation that he will make a good faith effort. So I am convinced that this is a good change, with one provision in it that this amendment embodies.

I would now just like to take a minute to address what my amendment does.

The deficiency in the Shelby-Lent provision is that it removes the notification provisions which are in the committee bill.

The Shelby-Lent amendment removes this key provision which is necessary to protect the public from improper disposal of hazardous waste. Under the Shelby-Lent amendment, small generators are not required to provide notification that their waste is hazardous if they generate less than 100 kilograms—220 pounds—per month. The public is put at risk because these toxic, and sometimes explosive, wastes will be disposed of in any way the generator chooses without anyone knowing that the waste is hazardous—until it is too late. My amendment provides that they must notify where they are putting it.

The Shelby-Lent proposal assumes that there is no safety problem presented by waste generated in this quantity. That is simply not the case.

The contamination of Times Beach, Mo., was caused by the disposal of under 50 pounds of dioxin. Under the Shelby-Lent amendment, that could go on today, and the generator would not even have to tell anyone it was dioxin. My amendment would require a simple disclosure that the waste is hazardous. Five weeks ago, three solid waste workers in Lexington, Ky., were hospitalized from the effects of breathing fumes from a 5-gallon container of hydrochloric acid. Bottles of potassium hydroxide, another toxic chemical that EPA lists as a hazardous waste, were found nearby. Over 35 such incidents have been reported in 1983 alone, jeopardizing hundreds of lives.

A simple notice provided by the generator would have prevented each of these incidents. I would like to ask whether any of the opponents of this provision—if they could put themselves, for a moment, in the position of a transporter or a solid waste landfill operator—whether they would rather know, or not know, whether the wastes they are handling are toxic? The most basic considerations of safety, to the workers involved in this business, should compel us to retain this provision.

As importantly, this waste is being dumped in landfills and other places, and no one even knows it is being put there. There is an obvious harm to the environment which we will pay the price for in years to come. At least, we should require generators to notify others that their waste is hazardous.

I would like to mention one other element of the notification provision, the paperwork burden. For each shipment of hazardous waste, the generator would have to fill out one simple form. The information is limited to:

First, name and address of generator.

Second, identification of the waste. This can usually be done by a single number of the hazard classification or a generic description of the waste.

Third, the number and type of containers.

Fourth, the quantity of waste.

This is not a burdensome, time consuming obligation, particularly when you consider the health and safety of thousands of sanitary landfill workers and transporters, and the protection of the public from disposal in landfills which were never designed for hazardous waste. Without this amendment, we are jeopardizing our environment, the lives of those exposed to these wastes, and the public. I urge you to perfect the Shelby-Lent amendment by voting for this amendment.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. FLORIO) has expired.

(By unanimous consent Mr. FLORIO was allowed to proceed for 3 additional minutes.)

Mr. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I will be happy to yield to the gentleman from New York.

Mr. MOLINARI. I thank the gentleman from New Jersey for yielding.

I think we get a little confused when we talk about kilograms. A lot of us have been raised in the old system and we do not know what kilograms are.

But the gentleman mentioned 48 pounds of dioxin. I think we all know what happened in Times Beach, Mo., with 48 pounds of dioxin.

Will the gentleman be able to tell us what in kilograms 48 pounds of dioxin amounts to?

Mr. FLORIO. Let me just put it this way: The threshold we are talking about, below which there would be no need for notification at all, is 100 kilograms; 100 kilograms is 220 pounds per month, which on an annual basis is 1 ton. That means 1 ton of dioxin on a yearly basis could be disposed of, and as you point out, 48 pounds of dioxin caused the whole problem in Times Beach, Mo.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. Would the gentleman clarify on the 48 pounds of dioxin, or 48 kilograms of dioxin, or whatever it was? Maybe it was 42 pounds.

Mr. FLORIO. Forty-eight pounds, not kilograms.

Mr. LENT. It is my understanding that the amount of waste that was involved at Times Beach was far in excess of even the 1,000 kilogram per month large quantity generator limit, currently established by EPA regulations. Therefore lowering this cutoff to 25 kilograms a month would have had no effect whatsoever on the Times Beach situation.

That is because while there may have been 42 pounds of dioxin at Times Beach, that dioxin existed in the parts per million level in wastes from the production of 2,4,5 TCP, trichloralphenol; is that not correct?

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. FLORIO) has again expired.

(On request of Mr. LENT and by unanimous consent, Mr. FLORIO was allowed to proceed for 3 additional minutes.)

Mr. FLORIO. Let me respond to the gentleman's question with regard to Times Beach. And I will defer to those from the State of Missouri who will tell you that the whole problem in the State of Missouri flowed from 48 pounds of dioxin that was mixed in waste oil and spread across the roads of a number of different towns. So this amount that we are talking about certainly would be under the threshold of 100 kilograms per month and therefore there would be a need for notification under my amendment.

Mr. LENT. If the gentleman will yield further, the 42 pounds of dioxin was mixed in with over 100,000 kilograms of waste from the production of 2,4,5 TCP; is that not correct?

Mr. FLORIO. The waste oil per se is not hazardous. What we are talking about, and another part of the bill deals with that particular problem, we are talking about hazardous wastes—and no one disputes the fact that dioxin is a hazardous waste—not being required to be reported were in fact mixed in this waste oil and spread across the roads.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey.

This amendment simply calls for small generators of hazardous waste to notify the waste disposer that they are in fact disposing of hazardous waste, albeit a small quantity.

Small quantities do not lessen the potential hazard to the public and in particular to the waste disposers. If the waste disposer knows that it is hazardous waste being disposed of, then he or she can take the necessary precautions. Absent any simple notification requirement, the horror stories of explosions, fires, acid spills, and water contamination in ordinary sanitary landfills will continue.

This amendment does not impose recordkeeping or reporting requirements on small generators. It simply requires that offsite shipments of hazardous waste be accompanied by the EPA uniform hazardous waste manifest form.

The information required of the small generator only requires the generator's name and address, a description of the waste, the number and type of containers and the quantity of the waste being transported. There is certainly nothing onerous in that.

The amendment proposes what most of us must certainly consider an eminently reasonable expectation—that those generating waste inform those who are disposing of it what it is they are handling.

I urge adoption of the gentleman from New Jersey's amendment.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I am happy to yield.

Mr. SHELBY. I know the distinguished chairman of the subcommittee is familiar with the EPA proposed rule that was first noticed in the April 4 Federal Register that would list dioxin-contaminated waste as an acutely hazardous waste, and it would be strictly regulated in quantities greater than 1 kilogram per month.

□ 1450

In other words, it is my understanding that dioxin, assuming that EPA goes through what they are doing, would not be subject to RCRA anyway.

Mr. FLORIO. If the gentleman would yield, the gentleman is pointing out a very important thing. As of this moment while we stand here dioxin is not a hazardous waste according to EPA. The regulatory process has not gone forward. I think that violates common sense and medical and scientific knowledge.

That makes all the more important the fact that we have these notification provisions, not just for dioxin but for all the other materials that are by definition hazardous and detrimental to the environment and to public health. That is what the amendment would do, would notify us.

Mr. SHELBY. Mr. Chairman, would the gentleman yield further?

Mr. FLORIO. I yield to the gentleman.

Mr. SHELBY. Would not this EPA regulation on dioxin go ahead and preempt this? In other words, would any small generator notice requirement not apply to dioxin-contaminated waste?

Mr. FLORIO. If in fact that regulation ever goes into effect that is the case with regard to dioxin. But as the gentleman knows there is a very long list of equally and in some respects more hazardous contaminants that are not covered by regulation that we would have some ability to know where it is that they are going to.

Mr. SHELBY. If the gentleman will yield further, I believe it is going into effect at EPA, we have some real leadership in EPA now.

Mr. FLORIO. Well, I am sure you do. And that is why I am inclined to support the gentleman's amendment if we can have this additional provision in it.

(On request of Mr. VOLKMER and by unanimous consent, Mr. FLORIO was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, would the gentleman yield to me?

Mr. FLORIO. I yield to the gentleman.

Mr. VOLKMER. I would just like to ask a couple of questions so I understand completely what the gentleman's amendment applies to as small generators of hazardous waste. This means that they have to keep a record of who they give the hazardous waste to to transport?

Mr. FLORIO. My particular amendment would require there be notification as to what it is that was sent, what hazardous wastes were given and who they were given to.

Mr. VOLKMER. Right.

Mr. FLORIO. And that is all.

Mr. VOLKMER. So, if I can follow it up, later we would know in the event it became necessary to determine where that hazardous waste went to, we could determine that?

Mr. FLORIO. That is correct. I think it is important to say that it may very well be some would say "Does that mean we are notified where it went to; but if somebody wanted to dump it in the street you would not know about it?"

The answer is, unfortunately, this provision from 100 kilograms per month down does not require appropriate disposal. All it requires is that we know where it is going.

Mr. VOLKMER. That is necessary because as you mentioned in my State the dioxin problem, the dioxin occurs not only in Times Beach, that is where it got a lot of notoriety, but it is spread all over various and sundry parts of Missouri, that dioxin.

For that reason I think we should have your amendment because we need to know. That has been one of the big problems in the State of Missouri because we cannot find out where all of it went to. It has been like looking for a needle in the haystack to find out where the dioxin went. So I would support the gentleman's amendment.

Mr. FLORIO. I thank the gentleman for his comments. And again, I would just conclude by saying that this is an extremely modest amendment, that is the minimum amount of awareness

that we should have with regard to where these materials are going.

Mr. VOLKMER. I would like to point out that in my own State of Missouri, the State of Missouri right now, for this purpose, for notification, is zero. In other words, in our State we say if you do any, you have to notify us.

Mr. FLORIO. Let me close by saying I would like to emphasize that point. Some would say this is a radical new thing. There are 20 States in the Union that already have regulations far in excess in terms of restrictions, more than EPA does.

(On request of Mr. BREAUX and by unanimous consent, Mr. FLORIO was allowed to proceed for 1 additional minute.)

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I thank the gentleman for yielding.

I just say that while we can talk about all the problems that the small generators of toxic hazardous wastes are going to have if we regulate them, I know that Louisiana has no exemption for small generators. No one is crying, no one is coming to us saying they absolutely need it to stay in business. They have learned to live with it. The community and the health of the country is a lot better as a result of it. No one has gone out of business. We have had no exemption whatsoever for small generators.

Mr. FLORIO. I would thank the gentleman for his comments. New Jersey is in the same situation as are 18 other States; no dry cleaners are closing, no service stations are closing.

(On request of Mr. LENT and by unamimous consent, Mr. FLORIO was allowed to proceed for 2 additional minutes.)

Mr. LENT. Mr. Chairman, will the gentleman yield to me?

Mr. FLORIO. I yield to the gentleman.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I ask the gentleman from Louisiana (Mr. BREAUX) if he can give us his assurance that all of the small generators in Louisiana are aware of these regulations and are complying with these regulations.

Mr. FLORIO. I yield to the gentleman from Louisiana.

Mr. BREAUX. I would be glad to respond. I am not sure whether they are or not. I know there is no exemption. They are bound by it. Of course, enforcement is a separate issue.

Mr. LENT. We are advised that these regulations are not well observed, not well-known about and they have absolutely no beneficial effect insofar as the environment is concerned.

I would like to get back to the 42 pounds of dioxin that was involved in Times Beach, Mo., because the gentleman cites that as his main reason for proposing this amendment.

It is my understanding, and I would ask the gentleman to straighten me out if I am wrong, that 42 pounds of dioxin existed in parts per million level in wastes from the production of 2,4,5 TCP, which is called trichlorophenol, of which there was over 100,000 kilograms and that the 100,000 kilograms, containing 42 pounds of dioxin, was then mixed in waste oil and that was what contaminated the area in Times Beach. The point is that the gentleman's amendment would not have any bearing whatsoever here because the waste at Times Beach already was covered as a large generator of hazardous wastes, over 1,000 kilograms.

Mr. FLORIO. The gentleman almost makes my point. Let us assume the gentleman is correct and I do not believe he is, the people from Missouri seem to be emphasizing 48 pounds as the appropriate number, but if we get down to 48 pounds, what I am suggesting is that the notification provisions included in my amendment would require that we know where that 48 pounds went to. If we do not have those notification requirements, there would be no ability to track that and to know where it went.

Mr. GRAMM. Mr. Chairman, would the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Texas.

Mr. GRAMM. The point that Mr. LENT is making is there never was a 48 pounds, you have basically created the impression here that we had 48 pounds of dioxin and that that was mixed with other waste and spread on the streets. The point is it was a residual pollutant in byproducts used for that purpose. No one ever mixed 48 pounds of dioxin with anything because it was never refined out. It was never a pure product. That creates a very misleading interpretation in the total debate.

Mr. FLORIO. If the gentleman will yield so that I may respond to the gentleman, I have been working under the assumption that everyone knows dioxin itself is a byproduct of a process, particularly for making herbicides and pesticides. So the product dioxin is a waste byproduct. Is that amount of dioxin that has resulted in the problem we have by virtue of mixing those wastes and spreading them along the roads of Missouri.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words.

If I may have the attention of the gentleman from New Jersey, the gentleman from New Jersey knows full well that pure dioxin has never been made except in the laboratories. Dioxin is only an unwanted trace contaminant found in the manufacture of certain products. So pure dioxin has never been manufactured nor made, it is only found in some other product that might be manufactured. As far as I know, no products are being manufactured that contain dioxin today.

Now the gentleman well knows too that the EPA is proposing regulations to regulate those products that might contain dioxin are those waste sites that may contain trace elements of dioxin.

The gentleman also knows that dioxin is also a byproduct of combustion of coal, combustion of wood. So dioxin comes from a number of sources.

Mr. FLORIO. I would be happy to respond to the gentleman if he would yield.

The gentleman talks about traces of dioxin. The EPA and all other health authorities have said that any amount of exposure to dioxin in excess of 1 part per billion is hazardous to health.

Mr. BROYHILL. No, it does not say that.

Mr. FLORIO. What we are talking about is that by staying under this restriction contained in Shelby-Lent, you can generate and dispose of as a waste product or a byproduct up to 220 pounds per month and not be required to tell anybody where you are putting it. I do not think that is a good situation.

□ 1500

Mr. BROYHILL. The gentleman is comparing apples and oranges because when you are talking about parts per billion you would have to have literally hundreds of thousands of pounds of a material to be able to generate mathematically that type of size. As far as I know, no one has ever seen that kind of quantity of dioxin. You may have eye droppers full that have been made in a laboratory, but the gentleman does not know that. I would be glad to send him the literature on this.

Mr. FLORIO. If the gentleman will yield further, EPA felt the exposure of 500 parts per billion was of sufficient gravity to spend $33 million to buy a whole town in Missouri.

So I think we are talking about small amounts that constitute a great hazard. And the amendment of the gentleman from Alabama would allow up to 220 pounds per month of this material to be disposed of without notice to anyone.

Mr. BROYHILL. That is the point that I am trying to make is that no one is talking about disposing of any 25 pounds of dioxin because there is nothing that I know of, any products that are made in that kind of quantity, it is infinitesimally small.

Mr. Chairman, I will yield to the gentleman from Pennsylvania (Mr. RITTER), who is far better able than I

to explain this from the standpoint of his background in science.

Mr. RITTER. I thank the gentleman for yielding.

I doubt if I am going to cure anybody of their fanciful flights today.

The dioxin we are dealing with is a byproduct of pesticide manufacture. Those wastes are already—and particularly in the case of Times Beach—that waste, in the hundreds of thousands of kilograms—I think over 100,000 kilograms—is already covered under the 1,000 kilogram threshold.

In addition, it was mixed in with waste oils which increased the weight of the dioxin containing hazardous waste.

So the example is not a correct example for the disposal of less than 25 kilograms.

The only potential correct item of the gentleman from New Jersey is that if the 25 kilograms contained a part per billion of dioxin, potentially it would then be covered under his amendment, which on the second page, actually is going to cover the most so-called ignitable, corrosive, reactive or toxic types of hazardous wastes identified or listed under section 3001, where such waste is part of a total quantity generated by a generator generating 25 kilograms or less.

Now, this has not yet come out as to the tune of the gentleman from New Jersey's amendment, but this amendment could cover just about everything that qualifies under the current definition of hazardous waste down to zero.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

Mr. RITTER. Mr. Chariman, I move to strike the requisite number of words.

Mr. Chairman I would like to, just for the sake of an intelligent debate, separate out the definitions here. People are using the term "toxic" and "hazardous" interchangeably. Now that is incorrect. I know it makes a good of a rhetorical point to do that, but it is simply not correct. There are four categories in the hazardous waste characterization.

One is flammable. If it burns, it is hazardous. It may or may not be toxic.

Two, it is corrosive, which means if it rusts something it is hazardous. That is not necessarily toxic. A corrosive liquid can behave like vinegar.

Three, it is reactive, which means there can be some kind of chemical activity with its surrounding's.

And four, it is hazardous it is toxic. And I would appreciate it if my colleagues would not use the terms toxic and hazardous interchangeably because that clouds the issue. And before we lump all things that burn, or corrode, or that react with something, as being toxic, that we go back to the original definition of hazardous.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Let me see if I can get this correct. The gentleman said that there are four classifications of hazardous wastes: ignitable, corrosive, reactive, and toxic?

Mr. RITTER. Yes, that is true.

Mr. HILER. So essentially in reading the second page of this amendment that has been offered, then that would say that all hazardous waste would then come under the 25-to-0 kilogram level.

Mr. RITTER. It would conceivably. The language used on line 6 of page 2, is that in the case of most ignitable, corrosive, reactive, or toxic types of hazardous wastes less than 25 kilograms would be regulated.

But there is going to be an enormous amount of judgment calls here. We are going to end up, not with 500,000 additional businesses, which is what is going to be covered from 100 to 25 kilograms, we are going to conceivably end up with just about any installation that has anything to do with any kind of chemical whatsoever, perhaps an additional 500,000 notices.

Ms. MIKULSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Florio amendment.

I just want to make three basic points. First of all, I would like to remind my colleagues that the Florio amendment is supported by the League of Women Voters, the Cleaning and Laundry Executives Association, the National Association of Solid Waste Management and the League of Cities. So it enjoys substantial support.

The amendment would create no regulations or a paperwork burden. It is simply a notification. This requirement is neither confusing nor burdensome.

And last, but not at all least, many States, such as California, Rhode Island, Missouri, and Massachusetts, already require some form of notice for these quantities of hazardous waste and in no way have impeded the flow of commerce, profitmaking or the ability to run your business the way you want.

It does require this particular notification.

I would urge the adoption of the Florio amendment.

Mr. HILER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am extremely concerned that when we take the notice requirement from 100 kilograms to 25 kilograms we are imposing a burden upon hundreds of thousands of small businesses in this country that they will not be able to meet.

Recently a subcommittee of the Small Business Committee conducted a hearing on this very bill and on section 3 addressing the kind of issue that the particular Florio amendment addresses.

Mr. Lee Thomas, the Assistant Administrator for Solid Waste Emergency Response at the U.S. Evnironmental Protection Agency, a new appointment, made these remarks.

We agree with the goal of informing waste handlers such as transporters and disposal site personnel about the hazardous nature of the wastes they are handling. However, we oppose the application of this requirement to generators of between 25 and 100 kilograms per month because we feel that it will be impossible to educate the hundreds of thousands of affected generators as to their reporting responsibilities.

□ 1510

He goes on to say:

The most important aspect of implementing this provision is fostering voluntary compliance through a broad educational campaign, working with the trade associations to alert the affected community of their duties and responsibilities. We believe that many of the affected generators will likely be small businesses which in the past have had little familiarity with the RCRA regulations. These businesses may not even be aware that they are generators of hazardous waste, much less be able to identify their wastes sufficiently for purposes of completing the notice.

We will depend heavily on education to obtain compliance with this requirement. We envision taking enforcement actions when we receive reports of non-compliance from waste handlers. To conduct occasional inspections of even a small percentage of small quantity generators will be very resource intensive for EPA and the States given the enormous size of the regulated community. Some States may, of course, have the capability to undertake a more aggressive enforcement program.

What EPA is saying is that they are not going to have the capability to: First, enforce the notification of generators between 25 to 100 kilograms; and second, it is going to take a major educational effort to notify these people.

Now, with this amendment we not only go to 25, but we go from 25 down to zero for a broad-based classification of hazardous waste.

Mr. FLORIO. Mr. Chairman will the gentleman yield?

Mr. HILER. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I will just say that the concern the gentleman has with regard to the potential authority to go down to zero is unfounded because the EPA already has the authority under existing law to go down to zero for certain types of highly hazardous wastes.

Mr. HILER. Which are not the wastes that the gentleman lists.

Mr. FLORIO. The gentleman is pointing to the fact that there is the potential authority to go down to zero.

I am suggesting that EPA has the ability as it sees fit, to define what constitutes particularly hazardous waste, and go all the way down to zero.

The gentleman's concerns about education are going to be addressed——

Mr. HILER. If I may reclaim my time, if in fact, then—and there is no question—EPA has that ability now, let us just strike page 2 because there is no need for it. In fact, what the gentleman's amendment does, it broadens that classification of hazardous waste to such an extent that EPA is going to be hamstrung by an inability, with such a large mass, to try to enforce.

Mr. FLORIO. If the gentleman will yield for just one additional moment, the difficulty is, what we are talking about is by definition "hazardous waste." Everything that is being dealt with under this law EPA has already determined to be hazardous.

If the gentleman's main concern is education of the small business people, the vast majority of whom will undoubtedly abide by the law, the gentleman from Missouri (Mr. SKELTON) is going to have a proposal, which I am prepared to accept, which provides for an educational funding program to get this information out. I think that should resolve the problem.

Mr. HILER. I do not think it will resolve the problem. I intend to offer an amendment after the Florio amendment is taken care of that will extend the time period before this law takes effect. But the fact of the matter is, if EPA already has the ability to do what the gentleman would like to do in the second page of his amendment, let us just strike the amendment. In fact, the gentleman is asking EPA, requiring EPA, to do far more than what currently exists under RCRA.

Mr. SHELBY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Florio amendment.

Mr. Chairman, there is an inclination, when speaking of hazardous waste management in this country, to lose sight of the big picture, to become emotionally submerged in the cause of regulating every potentially dangerous form or degree of hazardous waste in existence. In this instance, I feel it critically important that Members pause and take a step back from the emotionalism of small generators' management of hazardous waste and look at the possible ramifications of imposing such requirements on over half a million small businesses.

First of all, the Florio amendment would create a confusing dual system of notification and regulation for generators which produce under 1,000 kilograms per month of hazardous waste. The amendment would create a scheme whereby the small generator of 100 kilograms per month or less would be subject to simple notification requirements, and those generators between 100 and 1,000 kilograms per month would fall under a different compliance schedule for regulations. What would emerge from the dual compliance standards is an entirely unworkable situation.

The Florio amendment seems to say that within just 3 months of the bill's enactment, hundreds of thousands of small businesses across the country, from retail and grocery stores to car washes, barbershops and painting contractors will, with the wave of a hand, know their full responsibilities when it comes to manifesting as little as 2 pounds of hazardous waste a day. The amount of waste generated by these under 100 kilograms per month generators is less than three-tenths of 1 percent of all the hazardous waste generated in this country. Members should know that many small generators are not regulation-free on the State level and it has been shown that they are, by and large, unfamiliar with their own State hazardous waste regulations. How can they possibly be expected to comply with federally imposed regulations if they are not receiving word now of their State responsibilities?

The answer is they will not comply—No. 1, because Government nor industry will be able to educate these hundreds of thousands of additional small businesses on these requirements. Even if it is possible to inform some small percentage of these businesses of their duties, many generators will resist the formal manifesting because they simply cannot devote the precious, productive time nor manpower to compliance duties. As a result, instead of placing the hazardous waste material in the trash to be taken to a landfill, the waste will never even get to a transporter, and will end up in a ditch or down some river. We risk the potential of illegal dumping to such a degree as this country has never experienced. The adverse consequences on the environment and public health, precisely what we wish to protect, are staggering.

Many solid waste transporters may refuse to pick up materials that are manifested as "hazardous." Then what happens? Even if the labeled waste is picked up, where will it be taken? Will the landfill operator accept it? If not, what is the alternative? Is there a close-by subtitle C facility to handle these small amounts of hazardous wastes? Many of these questions cannot be answered affirmatively or definitively—we owe the public answers to these questions before we act hastily on this amendment.

Both the Environmental Protection Agency and the Association of Solid Waste Management Officials have testified before Congress in support of the 100 kilograms per month limit as a reasonable limit at this time. EPA already has the authority, if they choose, to regulate waste at any level they deem appropriate. However, they have concluded that the enormous number of small generators if brought entirely within the regulatory system would far outstrip the limited resources available to effectively implement the act. Apart from this determination, EPA makes no distinction in applying RCRA requirements to generators of acutely hazardous waste. The full weight of RCRA regulations apply to any generator that produces more than 1 kilogram of acutely hazardous waste per month. EPA is in the process of issuing a rule under this authority for the regulation of dioxin contaminated waste.

Mr. Chairman, we must approach this issue from a rational, not emotional perspective. Bringing hundreds of thousands of small businesses into the Federal regulatory process in one fell swoop, under the flimsy premises provided, is simply no way to create regulatory policy. I urge my colleagues' opposition to the amendment.

Mr. LENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from New Jersey (Mr. FLORIO). One of the principal purposes of the Shelby-Lent amendment is to establish a single system of notification and regulation of small generators of hazardous waste. This is done by requiring that all generators of 100 kilograms per month or more of hazardous waste comply with RCRA regulations to be promulgated by EPA. Current law exempts all generators below 1,000 kilograms per month.

Mr. FLORIO's amendment would destroy this consistent system of regulation.

That is why a large number of organizations, including environmental organizations, have gone on record in support of the exact language of the Shelby-Lent amendment. They do not want it tampered with. And I am including the Environmental Defense Fund, I am including the Sierra Club, the Audubon Society, as well as a number of business organizations.

I would like to detail for my colleagues the reasons why this amendment is ill-advised. Further, I wish to comment on the arguments in favor of the amendment which were included in an extension of remarks published by Mr. FLORIO on July 29.

The Florio amendment to Shelby-Lent would create a confusing dual system which would be unworkable and unenforceable. It would do this by requiring any business that generates more than 25 kilograms per month of hazardous waste to manifest such

waste, for purposes of notification to transporters, each time it is shipped offsite. Different compliance schedules, therefore, would be established for notice—down to 25 kilograms per month—and regulations—down to 100 kilograms per month.

When I finally saw the amendment of Mr. FLORIO today, I realize that it requires notification for generators below 25 kilograms a month, as well. If a generator's waste is ignitable, corrosive, reactive, or toxic, that generator will have to notify the waste transporter that his waste is hazardous, even if it is below 25 kilograms a month—down to zero kilograms a month.

One industry is pushing this amendment, the solid waste disposal industry. Over 500,000 additional businesses, covering numerous industries, would be affected such as hardware, grocery, and retail stores, colleges and universities, high schools, photofinishing operations, amusement parks, bowling alleys, carwashes, horse tracks, carpet cleaners, barbershops, painting contractors, and many others.

It makes no sense to bring hundreds of thousands of additional small businesses into the Federal regulatory process at the request of one industry. Furthermore, the amount of waste generated by these over-500,000 additional businesses is less than three-tenths of 1 percent of the total hazardous waste generated in this country.

Finally, and most importantly, this notification requirement down to 25 kilograms per month will have adverse environmental and health effects. First, many solid waste transporters may refuse to pick up materials that are accompanied by a form stating they are hazardous. Second, even if picked up and carried to a sanitary landfill, the landfill operator may very likely refuse to accept the waste, especially in these times of high awareness of the problems of land disposal of hazardous wastes. There will likely then be no other place for the waste to go. There are very few subtitle C facilities in the country. What is the small businessman to do if the nearest facility that will accept his waste is hundreds of miles away?

We can easily guess what will happen. The material will never get manifested, will never get to a transporter and will never get to a landfill. It will be poured down a drain, or into a ditch, or off a bridge. There will be massive resistance to these regulations, and neither Government nor industry will be able to educate these hundreds of thousands of additional businesses on these requirements. The threats to public health and the environment will grow, not diminish.

A close examination of the arguments used in support of the Florio amendment shows further that the amendment is ill-advised. The first example that Mr. FLORIO uses to support his amendment is an incident in Kentucky where three refuse workers were hospitalized after picking up a 5-gallon container of hydrochloric acid. This incident is unfortunate, but in no way could it be prevented by Mr. FLORIO's amendment.

Twenty-five kilograms is approximately 55 pounds. Five-gallons of hydrochloric acid is approximately 40 pounds, which is less than 25 kilograms. So the Florio amendment would not address the problem here, the hydrochloric acid involved would not be covered.

Turning to the list of examples of problems with small quantities of waste that was compiled by the National Solid Waste Management Association (NSWMA), the same observation can be made. This list compiles a vague picture of purely anecdotal evidence of unfortunate instances due to hazardous wastes, but the vast majority of these instances would not be helped by the Florio amendment. Where the quantities are even known in these examples, most are either under 25 kilograms or over 100 kilograms, therefore, they are either not regulated by Florio or will already be regulated under Shelby-Lent.

It is also interesting to note that there is no consistent pattern to these instances. In 3 years time, only 44 instances were reported out of millions of pounds of disposed hazardous waste. The nature of the solid waste disposal industry is to haul away items that people do not want. Haulers have a contractual relationship with customers and can negotiate safeguards. Many everyday trash items are potentially dangerous; there must be a limit on how far the Federal Government should go to regulate these practices.

□ 1520

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. LENT. I am happy to yield the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, the calculation of 500,000 or 600,000 additional businesses being covered under the reduction from 100 kilograms to 25 kilograms is changed by this Florio amendment.

Mr. LENT. So the point the gentleman is making is that it would be more than 500,000 businesses.

Mr. RITTER. If the gentleman will yield further, we do not know, having read the language, that notice must be given perhaps to amounts well below 25 kilograms, perhaps even down to zero. I submit that that is not necessarily the intent of the gentleman from New Jersey, but that is exactly what the language says.

The language says, "In the case of the most ignitable, corrosive, reactive or toxic types of hazardous waste, the notification would have to occur," and I paraphrase, at less than 25 kilograms. Now, at which point does this amendment cut off? I submit, there is no cutoff; 500,000 businesses may seem like a small number in comparison to the reality of how many are covered.

Mr. LENT. In conclusion, Mr. Chairman, I do not believe that we should regulate over one-half million additional small businesses by adopting the Florio amendment, based on limited anecdotal evidence submitted by one industry. I am also bothered that this evidence was not presented for the record to the Energy and Commerce Committee. On closer inspection of this evidence, one can see why it was not submitted. Of the 35 incidents cited in 1983, the quantities of waste involved breaks down as follows. In only two incidents, was the quantity involved between 25–100 kilograms, the quantity covered by the Florio amendment. The rest were either below 25, over 100—covered by Shelby-Lent—unknown or too vague to say. This is hardly a record on which to build an amendment.

Furthermore, in testimony before the Small Business Committee, NSWMA did not even know if workmen's compensation claims for its members had dropped in States with a lower notification requirement.

You can see why the Florio amendment is not appropriate. I urge my colleagues to support a consistent, enforceable system of regulation for small quantity generators which provides maximum environmental protection. I urge you to support the Shelby-Lent amendment as drafted, and reject the Florio amendment to bring over half a million additional businesses under Federal regulation.

Mr. ECKART. Mr. Chairman, I rise in support of the Florio amendment.

Mr. Chairman, let me try to address a couple of issues that have been raised in the recent debate.

First of all, it is important to underscore that the authority to go to zero already exists in current law. This is not a new provision; it is a restatement of existing law.

Second, we have not heard the tales of woe that have been predicted in the course of this debate on the Florio amendment yet this afternoon about problems occurring in Missouri, California, Louisiana, New Hampshire, Massachusetts, or Rhode Island where this notice provision already exists. There has been no demonstrable evidence that any of the small businesses, the woes of which have been predicted for them with the adoption of this amendment, have suffered in these other States which already have similar or more stringent provisions.

The issue is one perhaps of a paper trail. It is best probably to reflect

upon how we got where we are with this bill today.

We do not know where this stuff comes from, we do not know where it is going, and we do not even know how many dumps we have in the United States, and that is partly because we have failed to have provisions such as this which can at least create the kind of evidence that can give us a sound basis for sound decisionmaking in the future.

One of the problems in hazardous waste management has been the unknown, and with the Florio notification amendment we will eliminate that problem.

Let us take a look at one of the proponents of the Shelby-Lent substitute suggested, and I support every other provision of it, and particularly would be supportive of it if the Florio amendment and my amendment is included.

Landfills may refuse to accept this waste if they know what is in their trucks. I think nothing speaks more eloquently in favor of a notice requirement than that simple statement. The reason they might not accept it is because they would realize that they are accepting dangerous, hazardous substances for which they, under other provisions of the law, might very well be liable. In this instance, the opponents of the Florio amendment wish to tell you that silence is golden. Well, it may be golden for those who wish to profit from other people's misery and to continue to provide for the unmitigated dumping, in no matter what quantities we are talking about, of substances that are dangerous, and which have caused injury and harm to untold people across this Nation.

This is not a small-business-against-the-EPA bill. If anything, perhaps the Florio amendment could also be properly named the Garbage Collection Protection Amendment of 1983. There are literally dozens of people who collect solid waste in this Nation. There are literally dozens of municipalities that dispose of this waste that are fearful of the accumulation of these substances, the synergistic effects of which can threaten ground water and pose untold hazards for us in the future.

The question is not only one of amount, but type, and the ability of the people of this Nation, of residential communities that are near these dumpsites, to make an informed, intelligent decision about what goes into the ground in their neighborhoods and communities. Without the Florio amendment, we cannot do that.

I urge adoption. Let us discover any more of these things by accident.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I would be happy to yield to gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his very learned evaluation.

Let me point out one additional thing. As I indicated before, there are 20 States that already have small-generator modifications below the Federal law. A number of States already have the notification provisions that we are advocating having on a uniform national basis—Rhode Island, Massachusetts, Louisiana, Missouri, New Hampshire, California, and so on. I do not know how many individuals in any of those States can oppose this effort to apply that uniformly, because, as we know, one of the things we are trying to protect is ground water, and to the degree that aquifers do not know State boundaries, we can have my State or your State doing the right thing, and not having the adjacent States, with notification requirements, allowing for inappropriate disposal, having those chemicals work their way into the ground water that is polluting the State that does require notification. This is a national problem that requires a national uniform response, and a minimum response is to know where toxic materials are going.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I would be happy to yield to my friend, the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, did I understand the gentleman to indicate that the Florio amendment simply restates existing law, that the EPA Administrator would promulgate regulations governing the transport of hazardous waste?

Mr. ECKART. It has the authority under existing law to go down to zero.

Mr. LENT. I think the gentleman is correct that the EPA Administrator does have that authority. My point is that he is not mandated under existing law.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(On request of Mr. LENT and by unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. LENT. But the Florio amendment would direct the EPA Administrator to promulgate regulations down to zero. My point is that the Florio amendment does go further than what is presently in the law. It directs the EPA to promulgate regulations.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Florio amendment.

Mr. Chairman, I think the debate on both amendments here has been very good. There have been good reasons raised on both sides of the argument.

We have heard the questions of the burdens that would be put upon businesses, and I am concerned about that. We have also heard about the difficulty of compliance, and whether indeed it is possible to be able to effectuate compliance with this RCRA bill as amended by the Florio amendment.

□ 1530

I suggest this to you, that while it may be difficult to effectuate compliance, that if we were to be able to get say 25 percent compliance within 1 year or 2 years, look at the progress that we would have made. I do not suspect that we are ever going to get 100 percent compliance or anywhere near it.

The question that we have to look at is where is the country today? We do know that there are responsible people out there, responsible small businessmen and there are the others. I think they are the ones that we are attempting to reach today with this amendment.

We talk about the classifications of hazardous substances and, yes, indeed, the gentleman from Pennsylvania (Mr. RITTER) listed the four categories. We must remember that the one I guess we are most concerned about is the one that deals with toxic chemicals.

I think the time has come that we have to face up to the problem. If it causes an additional burden to the businesses of this community, the small businesses, I think that is a price that we are going to have to pay in society for what we hope to gain. We only look back to the last year or two and study the record. I must say that at hearings we held by the small business committee in New York about a year or a year-and-a-half ago, we heard horror story upon horror story about what was occurring in the small business industry.

Mr. Chairman, I urge strong support for the Florio amendment.

Mr. MACKAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, like most Members of the freshman class, I have not felt it appropriate to become involved on every issue that has come before this Chamber. However, I have substantial background on the hazardous waste issue, and hope that the insights I have gained from that experience may be of assistance to other Members in considering the impact of this legislation in their own districts.

I served for 2 years as chairman of the Governor's Hazardous Waste Policy Commission in Florida, and have studied and helped deal with numerous hazardous waste crises which occurred during that time.

In working at both the State and local levels, I have discovered a number of surprise endings in the effort to manage the hazardous waste problem. It is my belief that there are

a number of lessons to be learned from our experience to date with RCRA and I believe the Shelby/Lent amendment will enable us to avoid repeating in the 1980's the mistakes we have already made in hazardous waste management in the 1970's.

The hazardous waste (HW) issue is a clear example of a Federal policy that mandated a massive new set of responsibilities on State government, and then failed to follow through with either the technical or the monetary assistance necessary to enable the States to comply with these mandates. The result has been delay, confusion, and unnecessary ill will.

States' hazardous waste programs are relatively new and many are still in the process of getting EPA certification. In Florida, our department of environmental regulation is only now getting its program in place under RCRA. At the same time, it is contending with an escalating series of crises from weekly discoveries of uncontrolled dump sites, and polluted water supplies.

Today, with the proposal to substantially eliminate the "Small Generator" exemption, we run the risk of doing the very same thing to small businesses in the 1980's, as the original RCRA legislation did to State governments and big business in the 1970's.

One of the first surprises is who the small generators are. In contrast to large-quantity generators, which are almost entirely from the manufacturing sector, over 89 percent of the small generators are from the nonmanufacturing sector. They are basically our small business constituencies, operating in such diverse areas as construction, printing, schools, automobile repair garages, and any number of other areas not normally associated with hazardous waste.

Nationwide, it is estimated that businesses now exempt as small generators account for less than 10 percent of the hazardous waste being generated. But that statistic, like many others, is not accurate across the board. In States like Florida, which are not heavily industrialized, small generators account for a far greater percentage of the total hazardous waste problem. The best estimates in Florida are that the small generator is responsible for a quarter to a half of all our hazardous waste. I believe those statistics are typical of nonindustrial States.

We knew at the outset that small businesses do not have the financial and technical resources to comply with RCRA. What we discovered, however, is that there are no permitted sites in which they can legally dispose of thier hazardous wastes.

It has thus far not been politically possible to establish new hazardous waste disposal sites in Florida. So, there are only a few sites, hundreds of miles apart. This means small businesses could not comply even if they wanted to, unless they are prepared to haul their wastes hundreds of miles.

Small businesses are unable to achieve economies of scale by hauling in truckload lots, but Florida has not permitted transfer stations to enable these small shipments to be pooled before transferring them long distances.

I have mentioned Florida a great deal, but testimony from EPA indicates Florida is typical of most other nonindustrial States. Shelby-Lent deals with these problems by allowing treatment, storage, and disposal at interim facilities, and by providing a realistic amount of time to get permitted facilities in place.

Further, Shelby-Lent adopts realistic timeframes to allow time to educate local governments and small businesses as to their responsibilities, and it directs EPA to undertake education programs for local governments and small businesses.

In summary, Mr. Chairman, unless we adopt the Shelby-Lent amendment, we are on the verge of putting small businesses in a classic double bind. They will face enormous new responsibilities with no realistic way to comply with the law.

The lesson of the 1970's is that an unrealistic law creates an unnecessarily adversary atmosphere, and strong incentives toward illegal dumping. It is my hope that we will not have to learn that same lesson again in the 1980's.

The Shelby-Lent amendment is a reasonable step toward regulating and educating small generators without placing excessive burdens on State and local governments. I urge my colleagues to support its adoption.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Florio amendment.

Mr. Chairman, I think it is important that this point be answered about how can it hurt things if we promulgate new regulations, if we pass a law. It is argued that most people are law abiding and some people will comply with it. Even if 25 percent comply with it, are we better off than we are now?

It seems to me that is the real question we are talking about here. That is, at what point do we optimize the degree of environmental protection that we are getting?

Now, clearly, if your objective is to have good environmental laws on the books, rather than a good environment, then you want to support the Florio amendment because you are going to be able to open the lawbooks, should this become law, and there it will be. On the books we are going to be able to regulate down to zero the actions of small business in disposing of hazardous wastes in some circumstances, down to 25 kilograms in others.

But the real questions are whether this proposal is feasible, whether the law is enforceable, and whether or not its passage will help the environment.

Now, what the Shelby-Lent amendment does is make a substantial change in current law. We are going down from 1,000 kilograms to 100 in our level of regulation. We are asking small business to adjust to this. Now, forget the cost to small business for a moment. That argument has been made over and over. It is an argument that ought to carry a lot of weight here, but it does not.

The point is this: For people to be law abiding, No. 1, the law must be feasible to comply with, and No. 2, people have got to believe that it is reasonable. If we reach the point where the people who are required to comply with the law do not believe it is reasonable, if they cannot find disposal sites at prices they can afford to pay, what is going to happen? Yes; maybe we will get 25 percent who find it feasible to comply. But what if we induce a situation where a substantial number of people simply take the hazardous wastes and flush them down the toilet? Are we not worse off then than we are now, at least the waste is now going to landfills.

We are finally getting people to view the new requirements we are imposing as being reasonable. We are trying to educate them in terms of being concerned about the impact of waste generation, but if we move so far that they view the requirements as being ridiculous, then we are going to induce them to be more irresponsible than they currently are being under existing law. Whether we are, in fact, better off with tighter standards depends on the behavior those standards trigger.

I submit that with the Florio amendment we are likely to trigger very irresponsible behavior. We are likely to discover this waste, not in the local dump where we have chemical reactions and the waste dissipates before it leaks through, but scattered through our communities. We may create a situation where the local laundry, the local college, or local car wash simply has the guy who normally does the job say, "Oh, the hell with it. I'll flush it down the toilet."

I submit that there is a very real danger here.

Second, we are not going to commit the whole Treasury of the United States of America to the EPA. I am sure there are those who would like to do that and there are many here who know no bottom line in the expenditure of the taxpayers' money, but that is not going to happen. We have a lot of other political groups who are not going to allow that to happen because they want the money.

So what do we do by imposing these constraints? We take the limited resources EPA has and rather than using those resources to try to deal with big problems, we force them to run around trying to look inside every can at every filing station in America.

I submit that this is not a reasonable policy. I think, quite frankly, that the gentleman from Alabama (Mr. SHELBY) and the gentleman from New York (Mr. LENT) have taken this move about as far as it is prudent to take it at this point and that their proposal makes a great deal more sense. Can we not move from a thousand kilograms to a hundred, monitor the result, begin the education process, allow EPA—which everyone agrees has got the power to do these things now—to accumulate data and decide where we go from there?

Mr. Chairman, I urge my colleagues to look at two points, quite aside from the cost to small business:

First, are we going to induce people to disregard law because they think it is unreasonable?

Second, do we really have or are we going to commit to EPA the resources that would really make it possible for us to enforce this proposed law?

Surely it is a well-known principle to those who serve in the Congress that in order for a law to produce desirable results, it must be perceived as reasonable. I submit that this proposal will not be perceived as reasonable and that we are going to induce businesses in the best of conscience to act irresponsibly because they are going to think that we have been unreasonable, arbitrary, capricious, and plain stupid. I am concerned, quite frankly, that they are going to be right, but I am also concerned they are going to react in a way that might be harmful to us all.

□ 1540

Mr. GORE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment. I think it is fair to say this is the key vote on this bill this year. This is the key hazardous waste vote in this Congress.

The issue is pretty simple. Are we going to allow someone who is dumping 1 ton of dioxin per year to be able to do it without even telling anyone where it has been dumped?

If you are for that, then vote against the amendment. If you are against that, and you want to at least know where it has been dumped, then vote for the amendment.

My colleague who has just spoken, my respected and esteemed colleague, the gentleman from Texas (Mr. GRAMM) has said that if this amendment is passed we might see a wave of violations on the part of small business throughout this country. I just think that is wrong.

We have laws in 20 States already relating to small generators. We have five State laws which are much tougher than this proposed amendment, and there is no evidence that small business is violating them. They are not irresponsible. They are going to abide by this law.

In fact, there is a growing awareness all through this country that the time for talk and rhetoric about hazardous waste has long passed. People want us to get serious about this problem. They want to see it solved and they know there are some trade offs involved.

They know it is going to be tough to solve this problem.

But this is the key vote. Are we interested in solving the problem or are we interested in just talking about it and agreeing when our constituents say yes, this is a terrible problem?

If you want to help solve the problem, vote for the Florio amendment.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. GORE. I will be glad to yield.

Mr. GRAMM. I would just like to make two points.

First of all, we have been debating for an hour here before the gentleman came on the floor about this use of 1 ton of dioxin. The point we have tried to make over and over again is that those kinds of quantities of dioxin in 100 percent form do not exist anywhere except in laboratories, so those kinds of examples are misleading at best.

Mr. GORE. Reclaiming my time for a moment, first of all, the dioxin that was dumped at Times Beach amounted to less than 50 pounds. Second of all, you could use several different examples. Someone could be dumping 1 ton of cyanide per year and you would not even have that person be required to tell where he is dumping the cyanide.

Mr. GRAMM. Will the gentleman yield further?

Mr. GORE. I will be glad to yield.

Mr. GRAMM. In fact, in the Times Beach case the 42 pounds of dioxin was contained in 100,000 kilograms of a byproduct of 2-4-5 TCP and never existed in a pure form to be mixed.

The second point I wanted to make was that in fact we have had surveys in the States that have passed these tight laws and these surveys tend to show that small business is not even aware that the standards exist.

So I do not buy the idea that we have clear evidence yet as to what is going on in these States. I think it is important that we know what we are doing if we are going to jump from 1,000 kilograms to zero all at once when we have a reasonable, moderate, rational proposal before us to go from 1,000 to 100.

Mr. GORE. Reclaiming my time, the gentleman and I have had the opportunity to debate this issue on several occasions and before the debate became framed around this narrow dispute over the Florio amendment the gentleman has opposed every single suggestion from the majority side to try to get at this problem.

Before it got down to this near compromise on the Florio amendment the gentleman as opposed to doing anything about it.

Mr. GRAMM. Will the gentleman yield?

Mr. GORE. I yield to the gentleman.

Mr. GRAMM. I am here today supporting the amendment of the gentleman from Alabama (Mr. SHELBY), from the Democratic side, to drop the requirements form 1,000 to 100.

Mr. FLORIO. Will the gentleman yield?

Mr. GORE. I yield to the gentleman from New Jersey.

Mr. FLORIO. I would just like to commend the gentleman from Texas who since last year has developed a great sense of sophistication. I recall last year the gentleman was opposing any modification to the small generator exemption and asking that we study it. So I am very pleased to welcome him to the idea that the small generator exemption is against the public interest.

I think the gentleman has moved forward dramatically.

Mr. GORE. Reclaiming my time, I would just add that I would hope the gentleman would come one more reasonable step further and support the Florio amendment which will give the American people the right to know where hazardous waste is being dumped.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Florio amendment.

Mr. Chairman, I think it is important that we view the Florio amendment in connection with the Shelby-Lent amendment which I also support.

Absent the Shelby-Lent amendment and the Florio amendment added to it, the condition of the bill would provide for an extensive application of regulations upon small generators.

Not only would small generators have to meet a notice requirement; that is, to fill out a form as to what the chemicals would be, what would be transported and disposed of from their generation facility, be it a retail outlet or what have you, but also that generator would be subject to another number of other EPA requirements provided under RCRA.

In fact, absent Shelby-Lent, absent the EPA doing its jobs, as sometimes it has failed to do, and to meet the deadlines of this Congress, absent meeting their requirements to promulgate reg-

ulations within I believe 18 months, the full weight of RCRA requirements would fall upon the small generator, the full regulatory burden of the Federal Government would fall upon the small generators.

Now, the gentleman from Alabama (Mr. SHELBY) and the gentleman from New York (Mr. LENT) have cured that. The hammer of the full weight of the RCRA requirements falling on small generators has been removed by Shelby-Lent, and I hope we support it for that reason.

Additionally, Shelby-Lent makes sure that in regard to those regulations that would fall on small generators, including the separation of materials and intricate regulations of that nature, are not imposed upon the small generator from 100 kilograms down to 25. The limit is 100, and I applaud the Shelby-Lent effort in that regard.

What the gentleman from New Jersey, (Mr. FLORIO) is suggesting is that in this minimum area of notice, in this minimum area of providing that a generator simply notice the disposition of hazardous materials above 25 kilograms a month, in this minimum area that would be the only case between 100 kilograms and 25 kilograms of generation that the EPA regulations would apply.

The the gentleman from New Jersey, (Mr. FLORIO) does one additional thing. He does mandate the EPA promulgate regulations in regard to the most toxic of all chemicals that have been identified under RCRA. He does require that that be done.

The opponents of the Florio amendment will tell you that that means that EPA must therefore regulate down to zero in these categories. That is not so.

It means that EPA must in fact promulgate regulations and the current law allows EPA to go to zero.

But the Florio amendment, as I understand it, does not mandate that EPA regulate down to zero. It can regulate anywhere in between, but it must promulgate regulations in regard to the most toxic of chemicals identified, and must do so, and has the authority to go to zero if it so chooses. That is our interpretation of the Florio amendment and I believe that is correct.

Let me say something in regard to why I think this simple requirement of notice on the generation of materials, 25 kilograms or more, is important.

Louisiana has an act similar to RCRA. We are a qualified State under the Federal program, which means that we have a program which is as stringent or more stringent than the Federal program.

Our laws require notice at that level, and our laws require even additional regulations below the level of 100 kilograms.

How well that law is being enforced is something we have been debating in Louisiana at this time. But no one has appealed to the Louisiana Legislature to change that law. No one has asked us to raise those limits because it is driving them out of business. No one has asked us, in effect, to repeal that law that would protect the public by simply giving notice of what chemicals are being produced and where they are being sent.

The chairman of the subcommittee has made an awfully valid point and that is when an underground aquifer is polluted it is polluted forever. We have lost it forever.

We in Louisiana have several important underground aquifers. Some of them flow from Arkansas into our State. Some flow from Mississippi. One of the largest ones flows from Mississippi.

It is important, in my view, and in the view of many of us here that we have a national standard in regard to knowing where hazardous wastes are going. It does not matter whether the hazardous waste is accumulating in large groups or small groups. If it is accumulating somewhere and has the potential prominently of permanently polluting or contaminating invaluable water supplies in our Nation then it deserves national attention; it deserves a program that insures in every State surrounding a State with a program, that there will be similar requirements and similar protections for the public.

That is why the Florio amendment is important.

□ 1550

Let me say again, the Florio amendment added to the Shelby amendment will not impose a whole generation of regulations upon the small generators. It will not do so. If it did so, I could not support it, because that would certainly be unreasonable and certainly that would probably require small generators to have less than the proper respect for the law. But all we are doing is saying if Shelby-Lent passes that massive regulation is not applicable to small generators; if it passes with the Florio amendment, the small generator simply has to notice. Let me show you the form.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ECKART and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. This is a form, a one-page form. It requires the name of the company, an identification of the chemical that is being disposed of and generated from that facility. It is not as complicated as an IRS form, not even the simplest of IRS forms, it is the simple paper that identifies hazardous waste going out somewhere in somebody's community and may in fact 1 day accumulate to damage someone's environment or their life, because we have lost life in our State at a hazardous waste site. There is nothing more impressive, I think, to the people of our State and this Nation when a young boy had to die when we did not do our job in past years in regulating this area. It does not matter whether it accumulated in large groups or small groups, that young man died because we did not do our job. I think we have to do our job today. In doing our job by requiring a small notification it seems to me is the least we can do.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman.

Mr. RITTER. I thank the gentleman.

Is the gentleman aware of the coverage that is extended when the threshold is lowered from 1,000 to 100?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. RITTER and by unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman.

Mr. RITTER. I thank the gentleman for yielding further.

Is the gentleman from Louisiana aware of the extent of coverage of businesses and organizations, institutions that are covered by the decrease in the threshold from 1,000 to 100 kilograms?

Mr. TAUZIN. If the question is, if I am aware of the number of businesses that would be affected, yes, indeed, I am. We have those businesses in our State. We have had no threshold limit in our State.

Mr. RITTER. OK. There is 130,000 to 140,000 new institutions that are covered.

Now, that in an EPA that is trying to get its act together, to move forward, to do the job, that is a powerful and substantial addition to their workload.

Is the gentleman aware, with the additional number of covered institutions under the 1,000 to 25 and really to zero, is the gentleman aware of the numbers that we are talking about there, that we are talking 5 to 600,000 additional covered institutions just to go to 25 kilograms and, Lord knows, what we are talking about go from 25 to 0.

Mr. TAUZIN. Let me reclaim my time.

Not only does the Lord know what we are talking about, I think this House knows what we are talking

about. We are talking about the notice requirement, not the full application of the EPA regulation. So, if you want to cite numbers to me, which generate between 1,000 and 25 kilograms of hazardous materials who are not now notifying us of the fact that they are doing it, my answer is we ought to know, this House and this country and citizens of this country ought to know.

Having them fill out a one-page form saying who they are and what they are sending into our communities, it seems to me not a difficult burden for EPA to administer.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman.

Mr. RITTER. I thank the gentleman.

We are talking here now, to go down to 25 kilograms, talking about retail stores, grocery stores, hardware stores, photofinishing, colleges and universities, elementary and high schools, amusement parks, horse tracks.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. RITTER and by unanimous consent, Mr. TAUZIN was allowed to proceed for 2 additional minutes.)

Mr. RITTER. Will the gentleman yield further?

Mr. TAUZIN. I yield to the gentleman.

Mr. RITTER. I thank the gentleman.

Bowling alleys, car washes, auto body shops, printers, copying services, barber shops, beauty salons, carpet cleaners, drycleaners, construction and paint contractors, landscaping and horticultural services. I think what we are talking about every month, if it is just to 25 kilograms, is an additional half-million forms. Now the forms go from the generator to the shipper, they go from the shipper to the disposal. We are talking, just to go to 25 kilograms of a humongous new impact of forms. This is just a half-million. But if you go from 25 to zero, what happens in the household, what happens with your kid's chemistry lab?

Mr. TAUZIN. Reclaiming my time.

Mr. RITTER. If we are going to have 1 million forms a month.

Mr. TAUZIN. If you are asking me to consider the fact that we are talking about 500,000 new forms that will travel between the generators of hazardous waste, the transporter and the disposer of hazardous waste, I would ask you in turn to consider the 500,000 times 25 kilograms of hazardous material that is now at least 25, maybe up to 1,000, times 500,000 generators that is now flowing through out society from generators through transporters to heaven knows where. We simply do not know about them. Multiply 500,000 times 100, 150, perhaps 999 kilograms of hazardous materials that is now floating through our society that we do not know how it is being generated or where it is being generated, more importantly where it is being disposed of and may ultimately do damage to our citizens.

Then I am more concerned, I assure you, than I am worried about 500,000 pieces of paper.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. FLORIO and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman.

Mr. FLORIO. I think we have to come back to reality. If the cutoff point for the notification is 100 kilograms, I defy anyone in this room to describe the barber shop as a business that is generating a ton a year of hazardous waste, or the small mom and pop drycleaner that is generating a ton a year of hazardous waste. That is just a fantasy, that is just not happening.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman.

Mr. HILER. In terms of the mom and pop drycleaner today, the average dry cleaner generates 125 kilograms per month. So there would be no question that they would fall under this provision.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Florio amendment.

Mr. Chairman, I am not enthusiastic about getting into this debate because I do not have the expertise of the previous speakers who are mainly members of the committee. But I have listened intently to the facts recited here, to the fact that we are talking about possibly another 500,000 to 600,000 small businesses that might be involved in a reporting requirement, and to the rather substantial amount of wastes involved which I think probably is in the order of several hundred thousand tons per year of toxic chemicals of one sort or another that would be regulated. I want to make just a couple of points: Of this 500,000 to 600,000 small businesses that would be involved, this several hundred thousand tons of toxic chemicals that would be involved, 10 percent of those are in the State of California, 50,000 to 60,000 of those businesses and a very large number of tons of toxic waste are being disposed of in California, which I have the privilege to represent.

I can assure the gentlemen who have expressed concern about the adverse impact upon small business, that California, which has this program in effect now, is not experiencing that kind of results.

Of all of the problems that small businessmen come to me with, this is the least. I have had zero complaints from small business about the application of these regulations.

We are very sensitive to this kind of regulatory problem in California, just as we are sensitive to the problems of environmental contamination.

I will speak on that point a little bit later on in the debate.

So, I would say to my friends who are concerned about the possible political impact stemming from this overreaching of regulation that if our experience in California is any indication, you have nothing to worry about here. Small businessmen have other things far more important to worry about, such as whether they stay in business or not, than whether or not they have to report the amount of toxic waste which they are generating.

□ 1600

There is one other point that I would like to make. Some of the speakers on this subject have acted as if they were resisting an unnecessary regulatory evil, that they had to maintain the sanctity of the right of small business to dispose of a certain amount of toxic waste on into the future.

Believe me, that is not the case. We are not going to be able to continue to dispose of toxic chemicals into the environment, no matter how small the quantities, for very much longer into the future. We are now in the process of developing the technologies which are involved in neutralizing or disposing or handling these wastes in more satisfactory ways than disposing of them into the environment.

There are new businesses, new industries, being created to do this and it is absolutely essential that we prepare to face the fact that we are no longer going to be able to dispose of these toxics into the environment. There are just too many facts indicating that this is one of the factors which is endangering the future of America's health and that we are not going to be able to continue to do it.

So for these reasons I am urging that we support the Florio amendment. I do not think it is onerous. I do not think it has political penalties. I think it is inevitable that we move down this course and I would think that this rather modest step, which the gentleman from New Jersey (Mr. FLORIO) is proposing, is the next reasonable step to take.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Florio amendment.

Mr. Chairman, I have studied this amendment and I am as concerned as

others here are about what additional burdens there may be imposed in terms of filling out the short, one-page form that the gentleman from Louisiana has called to our attention.

On the other hand, after he made his comments, I did a little calculation. And found out that what we are talking about is not knowing where 12,500,000 kilograms of hazardous waste material would be going in this country.

And if that is the case I really wonder what the debate is about. What is the alternative that the opponents of the Florio amendment offer us? Is it to remain in doubt; is it not to know; is it to let these hazardous materials accumulate until they explode or become ignited or poison our communities? I do not think anybody wants that. Small businessmen are at least as concerned about their communities as anyone else. I am sure nobody wants that.

I could not support this bill without the Shelby-Lent amendment attached thereto because it significantly strikes a balance between relieving the burdens on small business and providing adequate regulation of the disposal of hazardous waste. But for us to adopt the policy, a conscious and deliberate policy of saying we do not want to know where 12,500,000 kilograms of hazardous waste go each year, borders on the absurd.

And it is for that reason and for the reason that on balance the burden of filling out a form saying where the waste comes from and what it is, is not onerous when compared to the deadly consequences on the basis of burden and risk assessment, I come out in favor of the Florio amendment and in strong support of the Shelby-Lent amendment. And I urge my colleagues to adopt both of them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. FLORIO) to the amendment offered by the gentleman from Alabama (Mr. SHELBY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LENT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 236, noes 180, not voting 17, as follows:

[Roll No. 324]

AYES—236

Ackerman	Bates	Bosco
Addabbo	Bedell	Boucher
Albosta	Beilenson	Boxer
Anderson	Berman	Breaux
Andrews (TX)	Biaggi	Brooks
Annunzio	Boehlert	Brown (CA)
Applegate	Boggs	Bryant
Aspin	Boland	Burton (CA)
AuCoin	Bonior	Carper
Barnard	Bonker	Carr
Barnes	Borski	Clarke
Clay	Jenkins	Perkins
Coelho	Johnson	Pickle
Coleman (MO)	Jones (NC)	Price
Coleman (TX)	Jones (OK)	Pursell
Collins	Kaptur	Rangel
Conte	Kastenmeier	Ratchford
Conyers	Kennelly	Regula
Courter	Kildee	Reid
Coyne	Kogovsek	Richardson
Crockett	Kolter	Rinaldo
D'Amours	Kostmayer	Rodino
Davis	LaFalce	Roe
de la Garza	Lantos	Roemer
Dellums	Leach	Rostenkowski
DeWine	Lehman (CA)	Roukema
Dicks	Lehman (FL)	Roybal
Dixon	Leland	Russo
Donnelly	Levin	Sabo
Downey	Levine	Savage
Durbin	Levitas	Scheuer
Dwyer	Livingston	Schneider
Eckart	Long (LA)	Schroeder
Edgar	Long (MD)	Schumer
Edwards (CA)	Lowry (WA)	Seiberling
Evans (IA)	Lundine	Shannon
Evans (IL)	Madigan	Sharp
Fascell	Markey	Shaw
Fazio	Martin (NC)	Sikorski
Feighan	Martinez	Simon
Ferraro	Matsui	Slattery
Fish	Mavroules	Smith (FL)
Florio	McCloskey	Smith (IA)
Foglietta	McCurdy	Smith (NJ)
Foley	McDade	Snowe
Ford (MI)	McGrath	Solarz
Forsythe	McHugh	Spratt
Fowler	McKernan	Staggers
Frank	McKinney	Stark
Frost	McNulty	Studds
Garcia	Mica	Swift
Gejdenson	Mikulski	Synar
Gephardt	Miller (CA)	Tauke
Gibbons	Mineta	Tauzin
Gilman	Minish	Torricelli
Glickman	Moakley	Towns
Gonzalez	Molinari	Traxler
Goodling	Mollohan	Udall
Gore	Moody	Vento
Gray	Moore	Volkmer
Green	Morrison (CT)	Walgren
Guarini	Mrazek	Watkins
Hall (IN)	Murphy	Waxman
Hall (OH)	Murtha	Weaver
Hall, Sam	Natcher	Weiss
Hamilton	Neal	Wheat
Hance	Nelson	Williams (MT)
Harkin	Nowak	Wilson
Harrison	Oakar	Wirth
Hawkins	Oberstar	Wise
Hertel	Obey	Wolpe
Hillis	Ortiz	Wright
Horton	Ottinger	Wyden
Howard	Owens	Wylie
Hoyer	Panetta	Yates
Huckaby	Patman	Young (FL)
Hughes	Patterson	Young (MO)
Jacobs	Pease	Zablocki
Jeffords	Pepper	

NOES—180

Akaka	Coats	Fields
Andrews (NC)	Conable	Flippo
Anthony	Corcoran	Franklin
Archer	Coughlin	Frenzel
Badham	Craig	Fuqua
Bartlett	Crane, Philip	Gaydos
Bateman	Daniel	Gekas
Bennett	Dannemeyer	Gingrich
Bereuter	Daschle	Gradison
Bethune	Daub	Gramm
Bevill	Derrick	Gunderson
Bilirakis	Dickinson	Hall, Ralph
Britt	Dingell	Hammerschmidt
Broomfield	Dorgan	Hansen (ID)
Brown (CO)	Dowdy	Hansen (UT)
Broyhill	Dreier	Hartnett
Burton (IN)	Duncan	Hatcher
Byron	Dyson	Hefner
Campbell	Edwards (AL)	Hiler
Carney	Edwards (OK)	Holt
Chandler	Emerson	Hopkins
Chappell	English	Hubbard
Chappie	Erdreich	Hunter
Cheney	Erlenborn	Hutto
Clinger	Fiedler	Hyde
Ireland	Moorhead	Siljander
Jones (TN)	Morrison (WA)	Sisisky
Kasich	Myers	Skeen
Kazen	Nichols	Skelton
Kemp	Nielson	Smith (NE)
Kindness	O'Brien	Smith, Denny
Kramer	Olin	Smith, Robert
Lagomarsino	Oxley	Snyder
Latta	Packard	Solomon
Leath	Parris	Spence
Lent	Pashayan	Stangeland
Lewis (CA)	Paul	Stenholm
Lewis (FL)	Penny	Stratton
Lipinski	Petri	Stump
Lloyd	Porter	Sundquist
Loeffler	Pritchard	Tallon
Lott	Quillen	Taylor
Lowery (CA)	Rahall	Thomas (CA)
Lujan	Ray	Thomas (GA)
Luken	Ridge	Torres
Lungren	Ritter	Valentine
Mack	Roberts	Vander Jagt
MacKay	Robinson	Vandergriff
Marlenee	Rogers	Vucanovich
Marriott	Rose	Walker
Martin (IL)	Roth	Whitehurst
Martin (NY)	Rowland	Whitley
Mazzoli	Rudd	Whittaker
McCain	Sawyer	Whitten
McCandless	Schaefer	Williams (OH)
McDonald	Schulze	Winn
McEwen	Sensenbrenner	Wolf
Michel	Shelby	Wortley
Miller (OH)	Shumway	Yatron
Montgomery	Shuster	Zschau

NOT VOTING—17

Alexander	Early	Mitchell
Bliley	Ford (TN)	St Germain
Boner	Gregg	Stokes
Cooper	Heftel	Weber
Crane, Daniel	Hightower	Young (AK)
Dymally	McCollum	

□ 1620

Mr. STRATTON and Mr. HYDE changed their votes from "aye" to "no."

Mr. MOORE changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HILER TO THE AMENDMENT OFFERED BY MR. SHELBY, AS AMENDED

Mr. HILER. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. HILER to the amendment offered by Mr. SHELBY as amended: Page 4, after line 22, insert:

"(45) Nothwithstanding paragraph (4)—

(A) no later than 270 days after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, any hazardous waste which is part of a total quantity generated by a generator generating greater than 250 kilograms but less than 1,000 kilograms during one calendar month and which is shipped off the premises on which such waste is generated shall be accompanied by a copy of the Environmental Protection Agency Uniform Hazardous Waste Manifest form signed by the generator;

(B) no later than 540 days after the enactment of such act, the same requirement shall apply to generators generating greater than 100 kilograms but less than 1,000 kilograms during one calendar month; and

(C) no later than 810 days after the enactment of such Act, the same requirement shall apply to generators generating greater

than 25 kilograms, but less than 1,000 kilograms during one calendar month.

Mr. HILER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILER. Mr. Chairman, what this amendment does is enable the small business community a sufficient amount of time to become aware of the regulation and to become aware of what the requirements of the regulation are. It does not change the amendment that was just passed in the sense that the 25 kilogram notice requirement is maintained.

What the amendment does is phase in the notice requirements over a period of 810 days, as opposed to the 180 days in the Florio amendment as just passed.

What would happen is that those generators of hazardous waste that exceed 250 kilograms but are less than 1,000 kilograms would have 270 days to begin compliance. Those generators of between 100 and 250 kilograms would have 540 days, and those generators of greater than 25 kilograms and less than 100 kilograms of hazardous waste would not come into effect for 810 days.

The reason this amendment is offered is because to a very substantial extent it is going to require voluntary compliance for this measure to be met by small business.

I would once again like to read a statement that was given by Lee Thomas, the Assistant Administrator for Solid Waste and Emergency Response, in a hearing on July 26 before the Subcommittee on Energy and the Environment on special issues affecting small business:

The most important aspect of implementing this provision"—and we are talking about the notice provision—"is fostering voluntary compliance through a broad educational campaign, working with the trade associations to alert the affect communities of their duties and responsibilities. We believe that many of the affected generators will likely be small businesses which in the past have had little familiarity with the RCRA regulations. These businesses may not even be aware that they are generators of hazardous waste, much less be able to identify their waste sufficiently for purposes of completing the notice.

We will depend heavily on education to obtain compliance with this requirement. We envision taking enforcement actions when we receive reports of noncompliance from waste handlers. To conduct occasional inspections of even a small percentage of small quantity generators will be very resource-intensive for EPA and the States, given the enormous size of the regulated community. Some States may, of course, have the capability to undertake a more aggressive enforcement program.

□ 1630

What my amendment would do would be to allow a sufficient amount of time for that educational process to take place. I think it is an amendment that is necessary if we are to have any measure of compliance with the 25 and 100 kilogram notice requirements.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. FLORIO. Mr. Chairman, I think it is sufficient to say that the gentleman is going to substantially modify the terms of the agreement that has been entered into with the gentleman from Alabama (Mr. SHELBY), the gentleman from New York (Mr. LENT), and all of the various groups that have signed on to the Shelby-Lent agreement; the gentleman is stretching out the delay for notification from 180 to 270 days, all the way up to 1,000 kilograms.

I think it is appropriate to note that everyone who is affected by this has already signed on and agreed that 180 days is feasible.

Mr. Chairman, I am happy to yield to the gentleman from New York (Mr. LENT), who I trust feels his agreement is something that is not required to be modified in the way the gentleman from Indiana is modifying it.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding, since my name was mentioned as one of the coauthors of the Shelby-Lent amendment and I have not spoken to my colleague from Alabama; but I can say that with the passage of the Florio amendment, the Shelby-Lent amendment insofar as the notice provision, as opposed to regulation, is completely modified.

I want to commend the gentleman from Indiana. I think this is a very reasonable approach. It gives the small businessmen more time to work out their problems.

Mr. FLORIO. Reclaiming my time, Mr. Chairman, the gentleman knows that my amendment had nothing to do with 250 kilograms to 1,000 kilograms, and yet that is what is being modified, among other things, and stretching out the compliance time from 180 days to 270 days; so the amendment of the gentleman dramatically modifies the essence of what the Shelby-Lent agreement involves.

Mr. HILER. Mr. Chairman, will the gentleman yield at that point?

Mr. FLORIO. I am happy to yield.

Mr. HILER. Now, I certainly cannot speak for probably any of the groups that worked to put this Shelby-Lent amendment together; but when one of the groups appeared before our Small Business Committee—that is, the Chamber of Commerce—they were categorically opposed to the 25 kilogram notice.

Now, the gentleman has added that into the Shelby-Lent with this amendment. It would seem to me that as soon as that provision was added, the house of cards is going to start to fall.

Mr. FLORIO. Mr. Chairman, if I can reclaim my time, the point of the gentleman's amendment is that the vast majority of toxic waste that is covered by the full small business general exemption modification is in the range of 250 kilograms to 1,000 kilograms. A thousand kilograms, by the way, is a ton a month.

What the gentleman is doing is substantially expanding the Shelby-Lent amendment by allowing an extension of time for that category of the greatest volume of waste covered by this whole subject.

Mr. HILER. Mr. Chairman, if the gentleman will yield once again, it would seem to me that the agreement that was reached on Shelby-Lent fell apart when it was offered by the gentleman's amendment, because of the 25 kilogram notice, and somehow to say that now this amendment is against the spirit of Shelby-Lent is to defy the fact that the gentleman's amendment is against the spirit of Shelby-Lent.

Mr. FLORIO. Well, I would reclaim my time and just indicate that that is not my perception. I do not think that under any reasonable view that what was done in any way violates what Shelby-Lent accomplishes from 100 to 1,000 kilograms.

The gentleman's amendment does, in fact, substantially modify what Shelby-Lent has done between 100 and 1,000 kilograms; accordingly, I oppose it.

Mr. HILER. Mr. Chairman, will the gentleman yield further?

Mr. FLORIO. Certainly.

Mr. HILER. Reasonable men can disagree.

Mr. FLORIO. Yes.

Mr. RITTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we should all recognize the irony here. To criticize the gentleman from Indiana for violating the spirit of Shelby-Lent, when the Florio amendment completely changes the meaning and the acceptability of Shelby-Lent, I would just like to point out to the Members who are here and those watching on television that if they think that their small business community is beyond Shelby-Lent as modified by Florio, I think they have got another guess coming. I urge them to check, because what Florio does to Shelby-Lent is to completely change its emphasis by adding the new requirements.

Let me point this out that while the amendment does change the amount of time that small business has to deal with certain quantities above the 100-kilogram threshold, those businesses also deal with substances below 100 kilograms and 25 kilograms and below as well.

I say to the gentleman from New Jersey that small businesses are going to be bollixed up by his amendment and perhaps the amendment of the gentleman from Indiana is relevant to simply give some time and additional capacity to deal with what is a very, very different charge coming out of Shelby-Lent as amended by Florio.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

I will not take my entire 5 minutes, but I do want to clarify one major point of disagreement in this amendment.

I think in light of the Florio amendment, which passed, but which no one, at least not this Member, had strong opposition to the intent of—what we are now saying in the Hiler-Stenholm amendment is that we need additional time in order to implement the amendment of the gentleman from Missouri, which I certainly will support, in recognizing the need for education of our small businesses in order to comply with the much-needed environmental rules of this country today.

This amendment purely says that we have additional time for those many thousands of additional businesses that must now come into compliance with the Florio amendment to the Shelby-Lent amendment.

All we are saying is recognize the needed extra time to gain compliance and then everyone will comply with Shelby-Lent, as amended by Florio. It is strictly saying give time to the small businesses to come into compliance after being educated to the law.

Mr. ECKART. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Very briefly, what is trying to be passed off here as an amendment to protect small businesses really is a giant trapdoor through which the entire protection envisioned by this section would disappear. By extending waivers and extending time limits to over 2½ years to a business that can generate over 1 ton of hazardous waste a month, no longer is the debate around a few kilograms of waste a month, but generating almost 1 ton of waste a month would allow thousands of businesses that are generating untold amounts of hazardous waste to slip through a gigantic loophole for which this provision was never intended.

This is a mischievous amendment. It would do untold harm to the section. I urge its rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILER) to the amendment offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HILER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, not voting 23, as follows:

[Roll No. 325]

AYES—218

Albosta	Hance	Olin
Anthony	Hansen (ID)	Oxley
Archer	Hansen (UT)	Packard
Badham	Hartnett	Parris
Barnard	Hatcher	Pashayan
Bartlett	Hefner	Paul
Bateman	Hiler	Penny
Bennett	Hillis	Petri
Bereuter	Holt	Pickle
Bethune	Hopkins	Porter
Bevill	Horton	Pursell
Bilirakis	Hubbard	Quillen
Boehlert	Hunter	Rahall
Britt	Hutto	Ray
Broomfield	Hyde	Regula
Brown (CO)	Ireland	Ridge
Broyhill	Jacobs	Ritter
Burton (IN)	Jenkins	Roberts
Byron	Johnson	Robinson
Campbell	Jones (TN)	Rogers
Carney	Kasich	Roth
Chandler	Kazen	Roukema
Chappell	Kemp	Rowland
Chappie	Kindness	Rudd
Cheney	Kolter	Sawyer
Clinger	Kramer	Schaefer
Coats	Lagomarsino	Schulze
Conable	Latta	Sensenbrenner
Conyers	Leach	Shaw
Cooper	Leath	Shelby
Corcoran	Lent	Shumway
Craig	Levitas	Shuster
Crane, Philip	Lewis (CA)	Siljander
D'Amours	Lewis (FL)	Sisisky
Daniel	Lipinski	Skeen
Dannemeyer	Lloyd	Skelton
Daschle	Loeffler	Smith (NE)
Daub	Lott	Smith, Robert
Davis	Lowery (CA)	Snyder
de la Garza	Lujan	Solomon
DeWine	Luken	Spence
Dickinson	Lungren	Spratt
Donnelly	Mack	Stangeland
Dorgan	Madigan	Stenholm
Dowdy	Marlenee	Stratton
Dreier	Marriott	Stump
Duncan	Martin (IL)	Sundquist
Durbin	Martin (NC)	Tallon
Dyson	Martin (NY)	Tauke
Edwards (AL)	Mazzoli	Taylor
Edwards (OK)	McCain	Thomas (CA)
Emerson	McCandless	Thomas (GA)
English	McDade	Udall
Erdreich	McEwen	Valentine
Erlenborn	McGrath	Vander Jagt
Fiedler	McKinney	Vandergriff
Fields	McNulty	Vucanovich
Fish	Michel	Walker
Flippo	Miller (OH)	Watkins
Forsythe	Mollohan	Whitehurst
Franklin	Montgomery	Whitley
Frenzel	Moody	Whittaker
Fuqua	Moore	Whitten
Gaydos	Moorhead	Williams (OH)
Gekas	Morrison (WA)	Wilson
Gingrich	Murphy	Winn
Goodling	Myers	Wolf
Gradison	Neal	Wortley
Gramm	Nelson	Wylie
Gunderson	Nichols	Young (FL)
Hall, Ralph	Nielson	Young (MO)
Hall, Sam	Nowak	Zschau
Hammerschmidt	O'Brien	

NOES—192

Ackerman	Andrews (NC)	Aspin
Addabbo	Andrews (TX)	AuCoin
Akaka	Annunzio	Barnes
Alexander	Applegate	Bates
Bedell	Gray	Patman
Beilenson	Green	Patterson
Berman	Guarini	Pease
Biaggi	Hall (IN)	Pepper
Boggs	Hall (OH)	Perkins
Boland	Hamilton	Price
Bonior	Harkin	Pritchard
Bonker	Harrison	Rangel
Borski	Hawkins	Ratchford
Boucher	Hertel	Reid
Boxer	Howard	Richardson
Breaux	Hoyer	Rinaldo
Brooks	Huckaby	Rodino
Brown (CA)	Hughes	Roe
Bryant	Jeffords	Roemer
Burton (CA)	Jones (OK)	Rostenkowski
Carper	Kaptur	Roybal
Carr	Kastenmeier	Russo
Clarke	Kennelly	Sabo
Clay	Kildee	Savage
Coelho	Kogovsek	Scheuer
Coleman (MO)	Kostmayer	Schneider
Coleman (TX)	LaFalce	Schroeder
Collins	Lantos	Schumer
Conte	Lehman (CA)	Seiberling
Coughlin	Lehman (FL)	Shannon
Courter	Leland	Sharp
Coyne	Levin	Sikorski
Crockett	Levine	Simon
Dellums	Livingston	Slattery
Derrick	Long (LA)	Smith (FL)
Dicks	Long (MD)	Smith (IA)
Dingell	Lowry (WA)	Smith (NJ)
Dixon	MacKay	Snowe
Downey	Markey	Solarz
Dwyer	Martinez	Staggers
Eckart	Matsui	Stark
Edgar	Mavroules	Studds
Evans (IA)	McCloskey	Swift
Evans (IL)	McCurdy	Synar
Fascell	McHugh	Tauzin
Fazio	McKernan	Torres
Feighan	Mica	Torricelli
Ferraro	Mikulski	Towns
Florio	Miller (CA)	Traxler
Foglietta	Mineta	Vento
Foley	Minish	Volkmer
Ford (MI)	Moakley	Walgren
Ford (TN)	Molinari	Waxman
Fowler	Morrison (CT)	Weaver
Frank	Mrazek	Weiss
Frost	Murtha	Wheat
Garcia	Natcher	Williams (MT)
Gejdenson	Oakar	Wise
Gephardt	Oberstar	Wolpe
Gibbons	Obey	Wright
Gilman	Ortiz	Wyden
Glickman	Ottinger	Yates
Gonzalez	Owens	Yatron
Gore	Panetta	Zablocki

NOT VOTING—23

Anderson	Gregg	Rose
Bliley	Heftel	Smith, Denny
Boner	Hightower	St Germain
Bosco	Jones (NC)	Stokes
Crane, Daniel	Lundine	Weber
Dymally	McCollum	Wirth
Early	McDonald	Young (AK)
Edwards (CA)	Mitchell	

□ 1650

Messrs. McCURDY, VOLKMER, and SCHEUER changed their votes from "aye" to "no."

Messrs. ALBOSTA, LEVITAS, MOODY, BARNARD, and ZSCHAU changed their votes from "no" to "aye."

So the amendment to the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. For what purpose does the gentleman from New Jersey (Mr. FLORIO) rise?

Mr. FLORIO. Mr. Chairman, for the information of the body, it is the intention of myself and Mr. LENT to complete section 3, which would entail

two or three, I believe, noncontroversial amendments, and at that point to rise.

I thank the Chair.

AMENDMENT OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. SHELBY, AS AMENDED

Mr. SKELTON. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. SKELTON to the amendment offered by Mr. SHELBY, as amended: Page 5, line 20, after the period in paragraph 9 of the Shelby-Lent amendment insert: "There is authorized to be appropriated for purposes of this paragraph, $500,000 for each of the fiscal years 1984 through 1986".

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. LENT (during the reading). Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENT. Mr. Chairman, have we had a vote on the Shelby-Lent amendment?

The CHAIRMAN. The Chair will inform the gentleman that that vote is still pending.

Mr. SKELTON. Very briefly, Mr. Chairman, this deals with the authorization of $500,000 to support the education.

I would like to propose two amendments to Mr. SHELBY and Mr. LENT's compromise.

I would like to amend that section requiring EPA to develop and implement a program to educate waste generators about their responsibilities. During a hearing held last week in my small business subcommittee, we found that all small businesses were concerned about the health of our environment and are willing to assume the responsibilities of proper disposal. Since most of these small quantity generators are mom and pop shops such as paint stores, drycleaning establishments, and service stations, most do not know they produce hazardous waste or how to properly dispose of it. Most will not know until they are either educated or caught for noncompliance and fined. That is why the education of waste generators is so important. I commend Mr. SHELBY and Mr. LENT for including instructions to the Administrator to educate these small businesses. But, I feel that in the case of small businesses, just having someone available is not enough. You have to publicize the requirements, you have to reach out and instruct them on what is required of them. For this reason I feel that $500,000 should be authorized to EPA for the establishment of a small quantity generator education program. With this money they could start a small program perhaps with seminars or newsletters or some effective means to inform small quantity generators about what will be expected of them and how to comply with the law. Without this program I am afraid that EPA will be unable to allocate staff and resources to get the job done.

While asking for compliance of laws placed on small businesses I feel it is equally our responsibility to provide for education of those requirements since most do not have easy access to the information they need to meet the requirements. The only time they will learn that they are breaking the law is when they are caught and punished. If we are going to hold them to these strict standards we owe it to them to provide them with the knowledge of what they are going to be expected to do.

□ 1700

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's amendment is very important. It has already been referred to in previous discussions about educational opportunities for small businessmen.

Mr. Chairman, I accept the amendment.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend from Iowa.

Mr. BEDELL. Mr. Chairman, for quite some time now, I have been involved with the Resource Conservation and Recovery Act. Throughout my involvement, I have worked to seek a reasonable balance between environmental protection and the special concerns of small generators of certain hazardous wastes.

In February of last year, the Small Business Committee's Energy and Environment Subcommittee, which I chaired at that time, held hearings on the subject of waste oil recovery. We sought to learn why more used oil is not being recovered in this country. A great amount of used oil is being burned indiscriminately, emitting harmful pollutants into the environment. This is particularly distressing considering the incredible potential for conservation by recycling this waste oil.

Recognizing the significant health and safety problems caused by improper disposal of waste oil, we investigated just what EPA was doing about this problem. Unfortunately, we discovered that EPA had not yet formulated certain waste oil regulations that were required by law to have been issued by October 1981. As you all know, EPA has yet to issue these regulations and, in fact, will not be required to issue them until 24 more months after this legislation we are discussing is enacted. That is 4 years later than the regulations were supposed to have been issued. In the meantime, EPA's failure to act promptly has left those in the waste oil reprocessing and lubricant manufacturing industries in limbo. Tens of millions of dollars in investments are being held up while the industry waits for EPA to issue its regulations. these businesses can play a vital role in our efforts to encourage the recycling of waste oil. It is a shame that they are being penalized by EPA's tardiness.

Everybody wants these regulations—the used oil recycling industry, the waste oil generators, State and local regulators, the Congress, and even other Federal agencies—everyone wants EPA to issue regulations and clarify what will be the Federal rules for proper handling and disposal of waste oil.

From our hearing, I became aware of a very important program at the National Bureau of Standards which is necessary for the encouragement of the recycling of waste oil in the United States. I feel it is in our best interests to continue the funding for this program.

Working together with Mr. WALGREN's Science and Technology Subcommittee, I sought the continuation of the program at NBS to set uniform test standards for re-refined waste oil. Recent environmental disasters, including the one involving dioxin in Missouri, demonstrated that the worst can happen if waste oil remains unregulated.

Last year, the administration proposed to discontinue the NBS research even though it was in its final and most crucial phase. Completion of this research, which includes base stock consistency, equivalency and verification studies, is of vital importance to the oil recovery industry and to the oil consuming public. Unless verification of crucial engine sequence tests is completed, past research and development tests will not be proven and past funding of $6.2 million will have been wasted.

I am pleased to report that the House Science and Technology Committee approved the NBS funding for the program until the end of fiscal year 1984, which is when the program is expected to be completed.

During the consideration of the RCRA bill last year, I engaged in a colloquy with Mr. FLORIO about the need to encourage the recycling of certain wastes with inherent value. At that

time, we agreed that when used oil collected by service stations is properly recycled and adequate invoice records are kept, these stations are not intended to be subject to additional reporting requirements under RCRA. I am pleased to see that this year's bill also recognizes the value of recyclable wastes and encourages their collection to the fullest extent possible.

The record last year showed that service stations do not function as generators in the usual sense with regard to used batteries and solvents. Many service stations employ commercial cleaning services that in most cases retain title to the materials and solvents that they use in cleaning the service station. As is the case with waste oil, it is the collectors of these waste products that will be deemed responsible for complying with the rules of RCRA. The service station need only keep a copy of the contract it has with a licensed collector or reprocessor, plus records of when and how much of the waste actually changes hands. I am glad to see that this is also the case in this year's bill.

I have been working on RCRA this year with Mr. FLORIO's subcommittee of the House Energy and Commerce Committee. It is important that we do not discourage the important role in the recycling process of service station operators by imposing burdensome recordkeeping requirements on them. Service stations, acting as collection points for used waste oil, batteries, and solvents, have shown their good faith by properly recycling these wastes and not disposing of them in an improper manner.

Additional pressure should be put on EPA by the committee to issue their long-awaited waste oil regulations. It is simply outrageous that we have had to wait this long.

I would also like to commend my colleague, Congresswoman MIKULSKI from Maryland, for her efforts regarding section 22 of this bill. Her efforts to encourage the recycling of used motor oil, while at the same time, minimizing the regulatory burden on the small generator who contracts for its proper disposal, are greatly appreciated. This constructive approach won the support of many in the small business community.

I must say that I am quite pleased with the final version of H.R. 2867. The bill strikes an appropriate balance between environmental protection and the needs of smaller generators of certain wastes. I would expect that EPA's rules for small quantity generators will include a short, one-page manifest requirement to minimize small businesses' notification requirements.

I want my colleagues to know that I plan to enter into a colloquy with Mr. FLORIO during the debate on the reauthorization of RCRA. We hope to clarify certain provisions of the bill regarding solvents, waste containers, and onsite burning of waste oil by service stations.

At present, some service stations use commercial space heating units to burn waste oil on premises. Two years after enactment of H.R. 2867, the EPA is required to: One, promulgate standards regulating facilities which burn hazardous waste; and two, develop standards for commercially marketed equipment like those space heaters. In the meantime, existing equipment can remain on the market. Once the standards are issued, older units may have to be upgraded or replaced.

We will also clarify the intent of H.R. 2867 to exclude the weight of containers which carried the waste when calculating the weight of the hazardous waste for regulatory purposes. This is a very important issue with many small quantity generators, and I am particularly thankful to Mr. FLORIO and his subcommittee staff for their cooperation on this and other matters.

In summary, there are three points I would like to make. First, we realize that the materials we are discussing here have already been identified as hazardous. Second, it is reasonable to expect in the final RCRA bill that all hazardous waste are to be disposed of in federally permitted facilities. And third, recordkeeping requirements must be kept at a minimum for small generators. Some degree of regulation is in the best interests of small quantity generators. Without a doubt, in the next decade, there will be many lawsuits against hazardous waste generators. It is important for small business to satisfy some Federal requirements to prove they have been complying with state-of-the-art methods to dispose of their waste.

Mr. Chairman, I urge the support of H.R. 2867 because it provides an excellent vehicle by which this country can govern the disposal of hazardous waste in a safe and sensible manner from "cradle to the grave". This bill shows that it is possible to balance environmental controls on the hazardous waste from small generators with acceptable regulatory and financial cost to small business.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Alabama.

Mr. SHELBY. Mr. Chairman, I have no objection to the amendment to my amendment.

I urge its support.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, we have no objection on this side and support the amendment.

PARLIAMENTARY INQUIRY

Ms. FIEDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. FIEDLER. Mr. Chairman, some of the Members are on very tight schedules trying to catch planes and they were wondering whether or not the comments made a moment ago by the gentleman from New Jersey (Mr. FLORIO) meant they do not expect any further recorded votes between now and the conclusion of the session today.

The CHAIRMAN. The Chair will advise the gentlewoman that that is not an inquiry the Chair can answer.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON) to the amendment offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The amendment to the amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. SKELTON TO THE AMENDMENT OFFERED BY MR. SHELBY, AS AMENDED

Mr. SKELTON. Mr. Chairman, I offered an amendment, to the amendment as amended.

The Clerk read as follows:

Amendment offered by Mr. SKELTON to the amendment offered by Mr. SHELBY, as amended: Add the following new paragraph to the Shelby amendment:

"( ) The Administrator shall cause to be studied the existing manifest system for hazardous wastes as it applies to small quantity generators and recommend within 30 months of the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983 whether the current system shall be retained or whether a new system should be introduced. The study shall include an analysis of the cost versus the benefits of the systems studied as well as an analysis of the ease of retrieving and collating information and identifying a given substance. Finally, any new proposal shall include a list of those standards that are necessary to protect human health and the environment.".

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I am offering an amendment to the Shelby-Lent amendment that I believe should be acceptable to most everyone. My amendment calls for the EPA to study and make recommendations whether to keep the current manifest system or establish a new manifest system.

I think this is vitally important to the integrity hazardous waste control. At the moment, we are creating so much paper and so much confusion that no one will know what to fill out, how to fill it out, and then who to give

it to. Once they are filed, my subcommittee has found in its investigations that it is virtually impossible to dig the information out of the hundreds of thousands of papers that are stored.

Keeping track of these wastes is very important. My subcommittee has heard from State governments, witnesses, and the CRS that there are better ways to keep track of such information. They are easier, less expensive, and provide the capability to retrieve and collate the required information quickly. Most importantly, if we are asking small businesses to comply with these new reporting requirements, we must come up with a system that they can use easily and that we can get information from quickly when needed.

I do not pretend to have the expertise to pick the best system for EPA. My amendment, which does not authorize any funds, merely directs the Administrator to conduct a search, if you will, for a better system that is easier to use, provides more benefits relative to the cost and still protects human health and the environment. There are such systems out there. This is not beyond our capability.

Mr. SHELBY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Alabama.

Mr. SHELBY. I thank the gentleman for yielding.

Mr. Chairman, we have no objection to the amendment. We have read it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Did I understand the gentleman to say his amendment provides for a no-cost EPA study of the manifest system?

Mr. SKELTON. It calls for a study of the manifest system—I cannot say it is a no-cost.

Mr. LENT. Mr. Chairman, I have no objection. I think it is a good amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON) to the amendment offered by the gentleman from Alabama (Mr. SHELBY), as amended.

The amendment to the amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. SHELBY) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MRS. COLLINS

Mrs. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS: Page 9, line 11, strike out the closing quotation marks and period.

Page 9, after line 11 insert:

"(9) Not later than 18 months after the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator, in conjunction with the Secretary of Transportation, shall prepare and submit to the Congress a report on the feasibility of easing the administrative burden on small quantity generators, increasing compliance with statutory and regulatory requirements, and simplifying enforcement efforts through a program of licensing hazardous waste transporters to assume the responsibilities of small quantity generators relating to the preparation of manifests and associated recordkeeping and reporting requirements. The report shall examine the appropriate licensing requirements under such a program including the need for financial assurance by licensed transporters and shall make recommendations on provisions and requirements for such a program including the appropriate division of responsibilities between the Department of Transportation and the Environmental Protection Administration.".

Mrs. COLLINS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS. Mr. Chairman, Mr. FLORIO and his subcommittee are to be commended for attempting to address the improper disposal of hazardous waste by unregulated companies and individuals.

The Government Activities and Transportation Subcommittee, which I chair and of which Mr. MCGRATH is ranking minority member, has been holding oversight hearings on the enforcement of hazardous materials transportation regulations. We are aware of the grave need that exists for regulation of small quantity waste generators.

As currently written, H.R. 2867, reduces the threshold for manifest requirements from 1,000 kilograms-per-month to 100 kilograms-per-month. Now, this may sound like the easy answer, but in fact, it is not. This provision in H.R. 2867 is flawed because it is unenforceable.

Currently, 50,000 generators are regulated under RCRA. The proposed RCRA reauthorization would bring an additional 200,000 companies under regulation, a 400-percent increase in the size of the regulated community. The proposed legislation for regulating small-quantity generators gives no indication as to how the law is to be carried out.

My judgment is that the new class of regulated generators would clog the manifest system with an avalanche of paper. H.R. 2867, if unchanged, could hamper enforcement efforts. The manifest system is a valuable tool to the EPA and should be protected.

Studies have shown that in States which have laws with lower small-quantity thresholds on their books, compliance is lax. Most small-quantity generators are not even aware of the law. Those few who have no fear of it because enforcement is so weak.

Compliance with this bill's provisions will be difficult primarily because there is no industry in existence which is capable of the wastes of small-quantity generators that exists.

If the small-quantity generator provision is passed without amendment, thousands of additional inspectors to enforce the law will be needed. If these newly regulated companies complied with the law, the Government would be inundated with millions of notifications, manifests, annual reports, exception reports, inspection reports, et cetera.

Do we really intend to give EPA not only thousands of inspectors but also an army of clerks and a computer budget equal to that of the Social Security Administration? Are we really going to allow our many small business constituents to be harassed with the complex RCRA regulations with which even the largest corporations have difficulty in understanding and complying?

I am sure we intend nothing of the kind. We want to avoid writing yet another meaningless law—one that creates 200,000 violators and does nothing for the environment.

This amendment will help to make H.R. 2867 workable.

The amendment mandates the study of the feasibility of creating a class of licensed hazardous waste haulers to specialize in handling the waste of small-quantity generators. These licenses would be issued by EPA which would write regulations governing their issuance and withdrawal. These regulations would cover: First, the character of the hauler; second, bonding to assure compliance with the law; third, the condition of the vehicle; and fourth, requirements for knowledge of hazardous waste and the law.

The program I envision is that small-quantity generators would not be required to turn its waste over to a licensed hauler. However, by doing so, it would be relieved of complying with all other provisions of RCRA. Notifications, manifests, annual reports, and all other reports would be handled by the licensed hauler who would make the decision as to where to bring the waste. He would be responsible for keeping all records ordinarily maintained by the small-quantity generators.

This amendment is the necessary first step in creation of a class of licensed haulers who will have a vested interest in seeing that small-quantity

generators comply with the law. Haulers in turn will be bonded to insure that they comply with the law. In this way we regulate a few thousand haulers instead of a few hundred thousand small businesses. Although the small businessman will have to pay the cost of adequate disposal of his hazardous waste, he will be spared any other hassle.

I urge my colleagues to support the Collins-McGrath amendment.

Mr. McGRATH. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I wish to echo the sentiments expressed by the distinguished chairwoman of the Government Activities and Transportation Subcommittee. The efforts of the gentleman from New Jersey, to improve public health and safety, through this legislation are commendable. I fully realize the difficulties in seeking the broad consensus necessary for approval of this legislation. Chairman FLORIO, and my colleague from New York, have persisted in this difficult task, to produce this important bill.

I would like to briefly comment, on the findings of our Government Operations Subcommittee, as they relate to the issue before us today. In a hearing held July 18, in New York, on hazardous materials transportation, which includes hazardous wastes, the fire marshall of Nassau County, made a comment I found most troubling. He stated that his office had been contacted on several occasions, to assist in handling spills, or other emergencies involving hazardous wastes. When asked to recommend a qualified firm to remove the material, he was at a loss to name one, and he replied, "There are 'people' in New Jersey who 'take care' of those problems."

In testimony provided by the National Tank Truck Carriers, for our Washington hearing on hazardous materials transportation, the Department of Transportation, is criticized for failing to enforce authority, over intrastate carriers of hazardous materials, particularly hazardous wastes, which are often handled by small firms, with lax safety compliance, and sometimes total disregard, for Federal transportation and environmental laws and regulations. Closer investigation—would probably show—that these firms do cross State lines.

Congress has given the Department of Transportation, authority to regulate these intrastate carriers, in the Hazardous Materials Transportation Act of 1975, however, it is not exercised. By designating the Department of Transportation as the enforcement arm for certain sections of the Resource Conservation and Recovery Act, the Environmental Protection Agency at least recognizes that a potential for serious environmental consequences exists if hazardous wastes are improperly handled, or illegally disposed, during transportation. A sound knowledge of the transportation industry, and familiarity with shipping documents, are needed to track the movement of hazardous wastes. Our staff investigators, have seen firsthand, the manner in which unscrupulous firms take wastes from a generator acting in good faith, illegally dump them, and substitute similar materials, which are disposed under the original generator's manifest. This type of abuse must be halted, and a coordinated effort by DOT and the EPA, must be undertaken to address the situation.

Until our investigation was initiated, EPA had not even provided its list of waste carriers to DOT, even though the latter agency was supposed to play a major role in enforcement effort. This failure to provide the most basic inforcement tool, a list of regulated firms, was inexcusable.

Our amendment is aimed at establishing a higher standard in the waste disposal industry to protect the public. The language before us, is not strong as I would have liked; but it is an attempt to get the EPA and DOT to realize and address their responsibilities to protect the public, while hazardous wastes are transported.

While both agencies will say that the States have enforcement capabilities, and regulations, to bolster Federal efforts, a look at the industry, and compliance with State laws, indicates a strong Federal presence is necessary, if we are serious about solving the problems caused by illegal transporters.

Again, referring to our subcommittee hearing, the chairman of the New York State Senate Select Committee on Crime, brought out a typical example of the interstate nature of hazardous waste transportation. A load of a chemical known as MEK or methyl ethyl ketone began a trip from New Jersey, to a West Virginia disposal site, according to the shipping manifest, required under Federal and State law. That truck mysteriously wound up in a Long Island parking lot, where it overturned with the hatch covers opened, in the middle of the night. The chemical polluted Long Island's aquifer, the sole source of drinking water for nearly 3 million people. For those of you unfamiliar with the geography of the Northeast it was necessary to go approximately 50 miles east from New Jersey, crossing three bridges to reach Long Island, and that same trip would have to be repeated, to get back on the road to West Virginia.

This is only one example, of incidents uncovered during our investigations, which covered Baltimore, Chicago, and the New York metropolitan area, and it underscores the need for continued Federal involvement.

No enforcement mechanism is perfect, however, the EPA and DOT have a lot of work to do, to improve the current situation. I hope our amendment will emphasize—what I see as a need for greater supervision over transporters of hazardous wastes.

Mr. FLORIO. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the gentlewoman's study which is authorized here is very important. It is something that we have discussed.

Mr. Chairman, I support it and I urge support for the amendment.

Mrs. COLLINS. I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, we have no objection and accept the amendment.

Mrs. COLLINS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. COLLINS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 3?

Mr. FLORIO. Mr. Chairman, I have no further amendments to section 3.

Mr. CHAIRMAN. The Clerk will read section 4.

The Clerk read as follows:

INTERIM CONTROL OF HAZARDOUS WASTE INJECTION

SEC. 4. (a) NEW SECTION 7010.—Subtitle G is amended by adding the following new section at the end thereof:

"INTERIM CONTROL OF HAZARDOUS WASTE INJECTION

"SEC. 7010. (a) UNDERGROUND SOURCE OF DRINKING WATER.—No hazardous waste may be disposed of by underground injection—

"(1) into a formation which contains (within one-quarter mile of the well used for such underground injection) an underground source of drinking water; or

"(2) above such a formation.

The prohibition established under paragraph (2) shall not apply if the person injecting such hazardous waste establishes to the satisfaction of the Administrator, or the State in the case of a State which has assumed primary enforcement responsibility under the Safe Drinking Water Act (title XIV of the Public Health Service Act) for enforcement of such prohibition, that the injection will not cause hazardous waste to migrate into drinking water sources or otherwise endanger drinking water sources. The prohibitions established under this subsection shall take effect six months after the enactment of this section except in the case of any State in which identical prohibitions are in effect before such date under the Safe Drinking Water Act.

"(b) ENFORCEMENT.—Except as provided in subsection (c), the prohibitions established under subsection (a) shall be enforced by the Administrator under section 3008 and 7003 of this Act and shall be treated (for purposes of section 7002) as requirements which have become effective pursuant to this Act.

"(c) SAFE DRINKING WATER ACT.—The prohibitions established under paragraphs (1) and (2) of subsection (a) shall be enforceable only under the Safe Drinking Water Act in any State—

"(1) which has adopted indentical prohibitions under part C of the Safe Drinking Water Act and which has assumed primary enforcement responsibility under that Act for enforcement of such prohibitions; and

"(2) in which the Administrator has adopted identical prohibitions under the Safe Drinking Water Act and is exercising primary enforcement responsibility under that Act for enforcement of such prohibitions.

"(d) The terms 'primary enforcement responsibility', 'underground source of drinking water', 'formation' and 'well' have the same meanings as provided in regulations of the Administrator under the Safe Drinking Water Act.".

(b) TABLE OF CONTENTS.—The table of contents for such subtitle G is amended by inserting the following new item at the end thereof:

"Sec. 7010. Interim control of hazardous waste injection.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BARNARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS MEMBERS OF DELEGATION TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN SEOUL, REPUBLIC OF KOREA

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276A-1, as amended by Public Law 95-45, the Chair appoints as members of the delegation to attend the Conference of the Interparliamentary Union to be held in Seoul, Republic of Korea on October 4 through October 12, 1983, the following Members on the part of the House:

Mr. PEPPER of Florida, chairman;
Mr. HAMILTON of Indiana, vice chairman;
Mr. HAWKINS of California;
Mrs. BOGGS of Louisiana;
Mr. LEVITAS of Georgia;
Mr. HALL of Ohio;
Mr. SMITH of Florida;
Mr. PRITCHARD of Washington;
Mr. HYDE of Illinois;
Mr. MCGRATH of New York;
Mr. BATEMAN of Virginia; and
Mr. BOEHLERT of New York.

ADDITION OF NAME OF MEMBER AS COSPONSOR TO H.R. 1758

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be added as a cosponsor to H.R. 1758.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, on Monday, August 1, 1983, I was unavoidably absent when the House was considering H.R. 1646, the Railroad Retirement Solvency Act of 1983. Had I been present, I would have voted in favor of this important legislation, which averts a drastic benefit cut by means of a compromise between rail labor and management to insure the solvency of railroad retirement.

H.R. 1646 is crucial for preserving the retirement benefits of many senior citizens and the future benefits of railroad employees; I would have joined the vast majority of my colleagues in voting for it.

PROVIDING FOR CONSIDERATION OF H.R. 3520, EXTENDING AND IMPROVING THE REHABILITATION ACT OF 1973

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 283

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor, and the first reading of the bill shall be dispensed with. All points of order against the bill for failure to comply with the provisions of section 303(a)(4) and section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1710

The SPEAKER. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 283 is an open rule providing for the consideration of H.R. 3520, a bill to extend and improve the Rehabilitation Act Extension of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. It also provides that the bill shall be read for amendment by titles instead of by sections, and each title shall be considered as having been read.

House Resolution 283 also waives points of order against consideration of H.R. 3520 for failure to comply with section 303(a)(4) or section 402(a) of the Congressional Budget Act of 1974. Section 303(a)(4) of the budget act prohibits consideration of a bill providing new budget authority which becomes effective in a fiscal year for which the first concurrent resolution on the budget has not been adopted. H.R. 3520 is technically in violation of this section because the level of the basic vocational rehabilitation state grant entitlement is increased in fiscal year 1985 and the 3 subsequent years and these increases technically constitute new entitlements for these years.

Section 402(a) of the Budget Act prohibits consideration of bills or resolutions authorizing appropriations for a fiscal year unless the legislation is

reported by May 15 prior to the start of that fiscal year. Since H.R. 3520 authorizes appropriations for fiscal year 1984 but was not reported by the Committee on Education and Labor until July 14, 1983, section 402(a) must be waived to allow consideration of this legislation.

Finally, House Resolution 283 provides for one motion to recommit.

Mr. Speaker, H.R. 3520 extends and revises a number of Federal efforts to help provide vocational rehabilitation services for handicapped Americans. Central to these efforts is the basic program of grants to States. These grants have helped State agencies provide a broad range of rehabilitation services since the adoption of the Smith-Fess Act in 1921. I know of few programs which have so completely fulfilled the potential for a true partnership between Federal and State Governments, and few programs which have provided as much benefit to the citizens of this Nation. H.R. 3520 extends the authorization for this State grant program for 5 years and increases the funding level to $1.04 billion in fiscal year 1984 and to $1.43 billion by fiscal year 1988.

Besides providing for the extension of this State grant program and for a number of other rehabilitation programs, H.R. 3520 institutes steps to improve the Federal effort in the rehabilitation area by establishing a national commission to review and make recommendations to the President and Congress on the whole array of Federal programs which assist persons with disabilities.

The bill also removes the national council on the handicapped from the administrative jurisdiction of the Department of Education so that the council will be better able to meet its congressional mandate to serve as an independent source of advice to the President and Congress on all matters in the Government affecting handicapped individuals.

In addition to these and other provisions relating to Government efforts to assist individuals with disabilities, H.R. 3520 increases the authorization level for fiscal year 1984 for a number of other programs within the jurisdiction of the Committee on Education and Labor.

Mr. SPEAKER, I think most members know there has been some controversy over whether the amendment to increase the authorization levels for these programs was properly considered and reported by the Committee on Education and Labor. I do not want to get into that controversy except to point out that it is not relevant to the rule we are considering here today. The controversy concerned an amendment to H.R. 2461, while this rule provides for the consideration of H.R. 3520 which, without question, has been properly considered and reported by the Committee on Education and Labor.

Mr. Speaker, I hope my colleagues will confine themselves here to the merits of this rule and adopt House Resolution 283 so that the House may proceed to the consideration of the important substantive policies addressed in H.R. 3520.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rehabilitation section of this bill is most important. We all know that we must take care of those who need help, and we should always lend a helping hand. We must always be human, we must always be considerate. Nothing should be spared in this regard.

However, there are other sections of the bill which need a lot of scrutiny. For instance, the whole cost of this bill, when it is debated on the floor, should it pass, is $3.4 billion over the President's request—budget busting—to say the least.

I think it can be honed into a useful bill we all can support. It is controversial, and I sense that there is some controversy developing on the rule.

For that reason, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I would like to take this opportunity to inform my colleagues about H.R. 3520.

H.R. 3520 reauthorizes the Rehabilitation Act which is due to expire September 30, 1983. If the sole purpose of H.R. 3520 had been to extend rehabilitation programs which assist handicapped Americans achieve more independence, enter our work force, and become taxpayers, this bill may have already passed the House. In fact, it may have already been signed into law by the President. However, the inclusion of title IV in H.R. 3520 under the euphemism "Other Authorizations, Modification of Certain Reconciliation Act limits," threatens the timely enactment of the Rehabilitation Act reauthorization. We may be dangerously close to October 1, or even passed that date before we have final resolution on this measure.

Title IV increases the fiscal year 1984 authorization ceilings for 10 programs, totally unrelated to rehabilitation, by about $1.6 billion over the fiscal year 1984 ceilings for these programs set in the Omnibus Reconciliation Act of 1981. The 10 programs in title IV of H.R. 3520 are: Chapter I of ECIA, (Education Consolidation and Improvement Act), impact aid, education for the handicapped, vocational education, adult education, arts and humanities, museum services, low-income energy assistance, and WIC (women, infants and children feeding program). The combined increase for fiscal year 1984 for these 10 programs represents 15 percent more than their fiscal year 1983 appropriations. Compared to the combined fiscal year 1984 level for these programs in the Omnibus Reconciliation Act, the increase represents a 17 percent jump. Since the Congressional Budget Office estimated that approximately a 5-percent inflation factor should be used to calculate the maintenance of current levels for function 500 programs in fiscal year 1984, a 15- to 17-percent increase appears excessive. OMB Director Stockman concurs. He indicated in a letter of July 12, 1983, that if the Rehabilitation Act reauthorization bill contains title IV, he will recommend that the President not sign it.

The inclusion of title IV in H.R. 3520 establishes a negative precedent that we should not tolerate or condone, a negative precedent which transcends a threat to the Rehabilitation Act, and a negative precedent that challenges the integrity of the legislative process and the institutional order of this House. If we allow title IV to remain in H.R. 3520, we will be saying that:

It is no longer necessary to consider programs on their individual merits when the aim is to increase authorization ceilings of several programs.

Challenges to germaneness may be put aside if a legislative vehicle is available for expeditious consideration of such increases.

It is appropriate to use every means available to restore the pre-1974 power of the authorizing committees, and to circumvent the constraints imposed by the Congressional Budget Act.

As Members of this House, we must work together to insure that programs continue to be considered on their individual merits, that omnibus legislation remains a special-case legislative vehicle; and that provisions of the Budget Act be honored and preserved.

During its 63-year history the Rehabilitation Act has benefited from strong bipartisan support. Republicans and Democrats have recognized its cost effectiveness and its value in human terms.

It is very refreshing to me when Republicans and Democrats can work in a spirit of bipartisan cooperation on a piece of legislation. Such cooperation was reflected in the subcommittee markup of the reauthorization of the Rehabilitation Act. I was very distressed, however, when that spirit was disregarded in a cavalier fashion by the unwarranted addition of title IV, accomplished through a blatantly partisan rollcall vote in full committee. Later when objections were raised to title IV on grounds of nongermaneness, the legislation was reintroduced with title IV, so that objections based on nongermaneness could no longer be raised.

We have a responsibility, and an obligation to restore H.R. 3520 to its original intent by striking title IV. The open rule that is before us today will

allow us to do just that. States receive 80 percent of their rehabilitation funds through Federal appropriations. If we do not strike title IV from H.R. 3520, State Vocational Rehabilitation Agencies, that serve 1 million handicapped Americans a year, will be faced with an unparalleled fiscal crisis on October 1 of this year. I do not want that on my conscience. Do you? When H.R. 3520 is up for floor consideration, I hope you will support an amendment to strike title IV.

□ 1720

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. JONES) for purposes of debate only.

Mr. JONES of Oklahoma. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to take this opportunity to discuss the importance of the point of order under the Budget Act which would apply to H.R. 3520 if it were not waived by this rule.

My concern, and that of other Members, is that the bill violates a seldom-waived provision of the Budget Act, section 303(a)(4). This section is designed to enhance Congress control over spending by prohibiting the creation of new entitlement programs or an increase in existing entitlement programs for future fiscal years. The theory of this provision is that Congress should not lock in new entitlements before it has decided on a budget plan in some future year, because to do so would further reduce the area of budget control we have over the appropriations process.

Mr. Speaker, this provision is so important that it has rarely been waived in the history of the Budget Act. The situations in which the budget committee has supported these waivers fall into 4 categories:

First, technical waivers to allow an amendment to be offered which cures the Budget Act violation;

Second, waivers for certain agriculture bills because the peculiarities of price support programs, which relate to crop years rather than fiscal years, make technical compliance impossible;

Third, waivers for legislation for a fiscal year in which the House has adopted the budget resolution but where final action on the conference report has been delayed; and

Fourth, waivers for entitlement legislation which due to its nature requires leadtime for regulations to be developed implementing the program or for legislation which in total cost actually reduces entitlement spending in future fiscal years.

But in all cases in which the Budget Committee has supported waivers of section 303(a)(4) the spirit of the provision has been adhered to. Regrettably, H.R. 3520 falls outside the spirit of the above exceptions.

To put my concern in perspective, and why we are concerned in this particular instance, approximately three-quarters of Federal spending is uncontrollable by the annual budget and appropriations process. Entitlement and other mandatory programs constitute the bulk of that amount. The remaining one-quarter of Federal spending is the only portion which Congress controls through its annual appropriations process, and half of that amount is devoted to national defense. As presently drafted, H.R. 3520 would increase the so-called uncontrollable portion of the budget by expanding an entitlement in the future years.

I am very supportive of the vocational rehabilitation program and recognize the positive influence it has had on handicapped individuals throughout the country. In fact, the recently adopted budget resolution provides substantial increases over amounts provided in fiscal year 1983 in budget authority for programs which assist the handicapped. However, H.R. 3520 expands this entitlement program for each of the next 3 fiscal years by approximately twice the increases in the Consumer Price Index assumed in the budget resolution. Therefore, increases in entitlement spending beyond congressional control would be built into the spending base for fiscal year 1985 through 1988. Therefore I oppose this rule because of the Budget Act waiver.

But, if the rule is adopted I will be offering an amendment for myself and several members of the Budget Committee to H.R. 3520 which would make the bill consistent with the Budget Act and the assumptions contained in the recently adopted budget resolution.

Mr. QUILLEN. Mr. Speaker, this measure is so important to the handicapped people of this Nation, I hope that the bill itself can be honed into a satisfactory measure where it can be signed into law.

With that in mind, keep in mind, all of you, that it is an open rule; that these controversies can be debated on the floor of the House when the measure is taken up.

At this time, Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Speaker, I rise with a certain urgency to call to the attention of this House the dangerous precedent that would be set by the adoption of title IV in the Rehabilitation Act. I suppose the rule may be technically correct to put title IV in order, but in fact title IV would be setting an extremely dangerous precedent for this House and would be jeopardizing the lives of approximately 1 million Americans who could be and would be otherwise assisted by the Rehabilitation Act.

What title IV does is to impose 10 unrelated other programs of additional spending of $1.3 billion, programs that are totally unrelated to the Rehabilitation Act, even though the act itself spends less than $1 billion in authorizations.

I might bring the House up to date. As we all know, the Rehabilitation Act itself is a 63-year-old piece of legislation that has served this country well, that is bipartisan, that, until this session, has always been bipartisan in nature.

The Rehabilitation Act serves over 1 million Americans who are disabled and it assists them in leading productive and satisfying lives in getting back into the work force. It has a 25-percent-plus effective rate in bringing people back into productive lives.

When this bill comes before the House, there will be an attempt, there will be a necessity, to strike title IV from the bill. If title IV is left in the bill, it indeed threatens the passage of the 63-year-old bipartisan Rehabilitation Act. There is no question in my mind or anyone's mind that the Rehabilitation Act would already have been passed and signed into law.

□ 1730

It was passed out of committee in May and we are still dealing with it and now we have to put off until after the recess. There is no doubt that those 1 million Americans would have been saved if it were not for the inclusion of the extraneous, though perhaps technically germane nature of title IV.

What is especially sad, Mr. Speaker, is that the Rehabilitation Act contains no forward funding, so if this House is still debating and the Congress has not acted and we do not have the Rehabilitation Act enacted into law, October 1, those 1 million Americans will not have forward funding and will not be included in the law at that point.

Further, Mr. Speaker, title IV in this act in its present form violates both the intent and the letter, as the chairman of the Budget Committee has said, of the Budget Act. If at any time the House wishes, for example, to increase funding for museum services or community services or any of the other 10 programs, this House could do so at any time with ample opportunity, but we should not do so at the expense of disabled Americans.

Most importantly, Mr. Chairman, not as important as the jeopardy of a rehabilitation act, but this House needs to consider the dangerous legislative precedent that would be set here, because if title IV is not removed from the bill, then any committee with a shifting majority from day to day could simply adopt nongermane additions to any bill before that committee, pass it out of committee in a nongermane form and then reintro-

duce the bill, technically germane, containing clearly extraneous matter.

If you believe in the Rehabilitation Act, if you believe that this Nation can and ought to continue to help those 1 million disabled Americans per year that this act helps, if you believe in the legislative process of this House, I would urge this House to strike title IV when this bill comes before it.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I ask support for the rule providing for the consideration of H.R. 3520, the Rehabilitation Act Amendments of 1983.

The purpose of this measure is to extend and strengthen existing programs under the Rehabilitation Act that have proven themselves extraordinarily successful. In the case of the basic State grant program—which is a capped entitlement—our chief objective is to restore a level of funding which more adequately meets the needs of millions of disabled persons who wish to be taken off of support roles and put onto employment roles.

Congress has been consistent in its bipartisan support for the vocational rehabilitation program, throughout its 63-year history. In the past 2½ years, with help from both sides of the aisle, we have rejected proposals to put the program into a block grant and have maintained its funding, rather than decreasing it by as much as 30 percent, as the administration proposed.

But we must recognize that we have lost ground over the past several years, and that the number of handicapped persons we were able to rehabilitate last year was actually lower than it has been in 14 years. Since 1979, the loss in purchasing power of this program—due to both inflation and actual cuts, including sharp reductions in the SSI and SSDI rehabilitation dollars available to the program—has been more than 31 percent.

In addition, the last two times it has renewed this legislation, Congress has made the rehabilitation of the most severely handicapped a priority. It cost 2½ times as much to rehabilitate a severely handicapped individual. Because persons with severe handicaps are more dependent on public support and far less likely to find employment without rehabilitation services, it is important to maintain this priority. But, we must also provide adequate resources so the law may be implemented as Congress intended—so that handicapped persons need not be placed on indefinite waiting lists for services, or be told that there are only enough funds to purchase services for those with the most severe handicaps, as is happening in Pennsylvania and many other States today.

Since fiscal year 1979, the drop in both severely and nonseverely handicapped cases being served shows a clear decline in States' ability to serve eligible applicants. In an effort to reverse that decline, the funding levels for the basic State grant program in H.R. 3520 phase in, over a 4-year period, the amounts necessary to restore the purchasing power the program had in fiscal year 1979.

As it has been since 1954, this program remains a capped entitlement, with specific ceilings set by Congress. To the best of my knowledge, in only 3 years since 1954—years in which there were continuing resolutions—has Congress failed to provide the full amount of the entitlement. This would indicate a strong recognition of the extremely important Federal responsibility in this area.

The entitlement provision enables State legislatures—including those with biennial sessions—to plan their budgets to match these Federal dollars. It also allows the State to work with its private and public agencies to develop the capacity to serve the State's handicapped population. Without the knowledge of funding availability over an extended period of time, planning—the most critical element in the effective delivery of services to persons with handicaps—is not possible.

The 1980 census shows that more than 12 million adult Americans describe themselves as having a work disability; about 8 million of these persons are not working. Yet nationwide, the vocational rehabilitation program last year was able to provide services to fewer than 1 million of these potentially employable persons. I would ask my colleagues to consider the wasted human potential, as well as the cost to all forms of government represented by these figures, when we know that the total cost of the entire rehabilitation program is repaid within 4 years, and that the benefits in terms of client earnings are more than $10 for every $1 expended.

Although there have been objections raised to provisions of this resolution it is subject to votes on any amendment. I ask support for this rule and for the provisions of H.R. 3520, in order that we may reverse the downward spiral of available rehabilitation resources for the many Americans who need them.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of the rule for consideration of H.R. 3520. This legislation has two purposes: To extend the Rehabilitation Act and to raise the authorization of appropriations for certain other education and social programs to conform them to the budget resolution.

Mr. Speaker, for both of these reasons, this legislation is absolutely essential. First, we must extend the Vocational Rehabilitation Act beyond this fiscal year so that we might continue helping disabled Americans become employable. Currently this program serves over 226,000 disabled persons, over half of whom are severely disabled. Vocational rehabilitation is also one of the most cost-effective Federal programs; for each dollar spent, we get a return of approximately $11 from each individual who becomes employed.

So, it is vital that we sustain and expand this program in future years, since right now we are serving only about 1 of 20 disabled Americans.

Second, it is crucial that we raise the authorization ceilings for 10 of the programs within the jurisdiction of the Committee on Education and Labor, if we are to carry out the budget resolution already adopted by both Chambers.

The first concurrent budget resolution for fiscal year 1984 includes additional funding of $1 billion for education programs. It also calls for increases in other social programs under the Education and Labor Committee's jurisdiction. However, unless we take further action to raise these authorizations, the Appropriations Committee will not be able to provide additional funding for many of these programs.

This is because of the Omnibus Budget Reconciliation Act of 1981, known as "Gramm-Latta II," placed limits on the authorizations for certain programs for fiscal years 1982, 1983, and 1984. In general, these limits allowed for little or no growth above the 1982 funding levels, and in some cases were lower than actual spending in previous years.

The provision which I added to this bill would authorize the following amounts for the following 10 programs:

Chapter 1 program for disadvantaged children: $3,830,000,000.

Education for the handicapped: $1,500,000,000.

Impact aid: $505,000,000.

Vocational education: $825,000,000.

Adult education: $112,000,000.

Arts and humanities: $273,900,000.

Museum services: $10,800,000.

Community services: $398,000,000.

Low-income energy assistance: $2,250,000,000.

Special feeding program for women, infants, and children: $1,360,000,000.

All of these are worthy programs that deserve a fair share of the increases targeted in the budget resolution. But without this provision, we cannot fulfill our commitment to restore the funds that were cut from these programs, and the budget resolution will be an empty shell. Without this provision, the hands of the Appro-

priations Committee will be tied by the ropes of Gramm-Latta II.

I urge my colleagues to join with me in supporting this open rule, so that we might steer this necessary piece of legislation to passage.

□ 1740

Mr. DERRICK. Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 137, not voting 45, as follows:

[Roll No. 326]

YEAS—251

Ackerman	Dixon	Jenkins
Addabbo	Dorgan	Jones (TN)
Akaka	Downey	Kastenmeier
Albosta	Duncan	Kazen
Alexander	Durbin	Kemp
Andrews (NC)	Dwyer	Kennelly
Annunzio	Dyson	Kildee
Anthony	Eckart	Kogovsek
Applegate	Edwards (AL)	Kolter
Aspin	Erdreich	Kostmayer
AuCoin	Evans (IL)	LaFalce
Barnard	Fascell	Lantos
Barnes	Fazio	Leath
Bedell	Feighan	Lehman (CA)
Beilenson	Ferraro	Lehman (FL)
Bennett	Flippo	Leland
Berman	Florio	Levin
Bevill	Foglietta	Levine
Biaggi	Foley	Levitas
Boehlert	Ford (MI)	Lipinski
Boggs	Fowler	Lloyd
Boland	Frank	Long (LA)
Bonior	Frost	Long (MD)
Bonker	Garcia	Lowry (WA)
Borski	Gaydos	Luken
Boucher	Gejdenson	Markey
Breaux	Gibbons	Martinez
Britt	Gilman	Matsui
Brooks	Glickman	Mavroules
Brown (CA)	Gonzalez	Mazzoli
Burton (CA)	Gore	McCloskey
Byron	Gray	McCurdy
Carper	Green	McDade
Carr	Guarini	McEwen
Chappell	Hall (IN)	McHugh
Clarke	Hall (OH)	McNulty
Clay	Hall, Ralph	Mica
Clinger	Hall, Sam	Mikulski
Coelho	Hamilton	Miller (CA)
Collins	Hance	Mineta
Conte	Harkin	Minish
Conyers	Harrison	Mitchell
Cooper	Hatcher	Moakley
Coyne	Hawkins	Mollohan
Crockett	Hefner	Montgomery
Daniel	Hertel	Moody
Daschle	Hopkins	Mrazek
Davis	Horton	Murphy
de la Garza	Howard	Murtha
Dellums	Hoyer	Myers
Derrick	Hubbard	Natcher
Dickinson	Hughes	Neal
Dicks	Hutto	Nichols
Dingell	Jacobs	Nowak
Oakar	Russo	Synar
Oberstar	Sabo	Tallon
Obey	Savage	Tauzin
Ortiz	Scheuer	Thomas (GA)
Ottinger	Schneider	Torres
Panetta	Schroeder	Torricelli
Pashayan	Seiberling	Towns
Patman	Shannon	Udall
Patterson	Sharp	Valentine
Pease	Shelby	Vandergriff
Penny	Sikorski	Volkmer
Pepper	Siljander	Walgren
Perkins	Simon	Waxman
Pickle	Sisisky	Weaver
Price	Skelton	Weiss
Quillen	Slattery	Wheat
Rahall	Smith (FL)	Whitehurst
Rangel	Smith (IA)	Williams (MT)
Ratchford	Smith (NJ)	Williams (OH)
Ray	Snowe	Wilson
Regula	Snyder	Wirth
Reid	Solarz	Wise
Richardson	Spence	Wolpe
Rinaldo	Spratt	Wright
Rodino	Staggers	Wyden
Roe	Stark	Yates
Rose	Stratton	Yatron
Rostenkowski	Studds	Young (MO)
Rowland	Sundquist	Zablocki
Roybal	Swift	

NAYS—137

Andrews (TX)	Hansen (ID)	Nielson
Archer	Hansen (UT)	O'Brien
Badham	Hiler	Olin
Bartlett	Hillis	Oxley
Bateman	Holt	Packard
Bereuter	Huckaby	Parris
Bethune	Hunter	Paul
Bilirakis	Hyde	Petri
Brown (CO)	Ireland	Porter
Broyhill	Jeffords	Pritchard
Burton (IN)	Johnson	Ridge
Campbell	Jones (OK)	Ritter
Carney	Kasich	Roberts
Chandler	Kindness	Robinson
Chappie	Kramer	Roemer
Cheney	Lagomarsino	Rogers
Coats	Latta	Roth
Coleman (MO)	Leach	Roukema
Conable	Lent	Rudd
Corcoran	Lewis (CA)	Sawyer
Coughlin	Lewis (FL)	Schaefer
Courter	Livingston	Schulze
Craig	Loeffler	Sensenbrenner
Crane, Philip	Lott	Shaw
Dannemeyer	Lowery (CA)	Shumway
Daub	Lujan	Shuster
DeWine	Lungren	Skeen
Donnelly	Mack	Smith (NE)
Dreier	MacKay	Solomon
Edwards (OK)	Madigan	Stangeland
Emerson	Marlenee	Stenholm
English	Martin (IL)	Stump
Erlenborn	Martin (NC)	Tauke
Evans (IA)	Martin (NY)	Taylor
Fields	McCain	Thomas (CA)
Fish	McCandless	Vander Jagt
Franklin	McGrath	Vucanovich
Frenzel	McKernan	Walker
Gekas	McKinney	Whittaker
Gephardt	Michel	Winn
Gingrich	Miller (OH)	Wolf
Goodling	Molinari	Wortley
Gradison	Moore	Wylie
Gramm	Moorhead	Young (FL)
Gunderson	Morrison (WA)	Zschau
Hammerschmidt	Nelson	

NOT VOTING—45

Anderson	Edwards (CA)	Morrison (CT)
Bates	Fiedler	Owens
Bliley	Ford (TN)	Pursell
Boner	Forsythe	Schumer
Bosco	Fuqua	Smith, Denny
Boxer	Gregg	Smith, Robert
Broomfield	Hartnett	St Germain
Bryant	Heftel	Stokes
Coleman (TX)	Hightower	Traxler
Crane, Daniel	Jones (NC)	Vento
D'Amours	Kaptur	Watkins
Dowdy	Lundine	Weber
Dymally	Marriott	Whitley
Early	McCollum	Whitten
Edgar	McDonald	Young (AK)

□ 1750

Messrs. PHILIP CRANE, ANDREWS of Texas, CAMPBELL, SAWYER, GEPHARDT, and YOUNG of Florida changed their votes from "yea" to "nay."

Mr. TAUZIN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3502

Mr. PETRI. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3502.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3391, TRADE ACT OF 1974 AMENDMENTS

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 299

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of sections 401(b)(1) and 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) and clause 5(a) of rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the following amendments: (1) amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment except the amendment printed in the Congressional Record of September 12, 1983, by, and if offered by, Representative Frenzel of Minnesota, which shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Frenzel and a Member opposed thereto, and all points of order against the amendments recommended by the Committee on Ways and Means now printed on page 9 of the bill for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived; (2) the amendments printed in the Congressional Record of September 12, 1983, by, and if offered by, Representa-

tive Frenzel of Minnesota, and said amendments shall not be subject to amendment but shall each be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Frenzel and a Member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1800

Mr. FRENZEL (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. The Chair will advise the gentleman that the Clerk is reading the resolution and he has to presume that other Members are reading the resolution along with him. Some of them probably out loud.

Mr. FRENZEL. Mr. Speaker, I withdraw my unanimous-consent request.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 299 provides for the consideration of H.R. 3391, the worker and firm trade adjustment assistance program. Trade adjustment assistance has provided important aid over the years to workers and firms which have been directly and adversely affected by changes in U.S. trade policy resulting in increased imports or in the relocation of U.S. firms abroad.

To proceed to the consideration of H.R. 3391 in an orderly and efficient manner, House Resolution 299 provides for a modified closed rule, allowing 1 hour of general debate. After debate has ended, the bill will be considered under the 5-minute rule and is to be considered as read.

The Committee of the Whole will then consider amendments to be offered by the Committee on Ways and Means. Although the rule does not specify the order of consideration of amendments, under the rules of the House, committee amendments are the first item of business in the amendment process.

Under the rule, the Ways and Means Committee amendments will not be subject to amendment themselves except by an amendment offered by Representative FRENZEL and printed in the CONGRESSIONAL RECORD of September 12, 1983. This amendment maintains the special account in section 7 of the bill, but reduces the funding provided. The Frenzel amendment will be debatable for 30 minutes. The time will be equally divided between Representative FRENZEL and a Member who is opposed.

House Resolution 299 makes in order additional amendments to be offered by Representative FRENZEL and printed in the RECORD on September 12, 1983. Representive FRENZEL testified before the Rules Committee that he wished to offer three additional amendments. Each of these is an amendment to the bill, rather than to the committee amendments. They include an amendment which deletes the special account in section 7 of the bill and replaces it with a direct authorization; an amendment which also deletes the special account and replaces it with a direct authorization, but retains the existing entitlement with respect to cash benefits; and an amendment which expands eligibility to workers in secondarily impacted firms. None of these amendments is amendable. Each shall be debated for a period of time not to exceed 30 minutes, and again, the time will be equally divided and controlled by Representative FRENZEL and a Member who is opposed.

In addition, the rule waives section 401(b)(1) of the Congressional Budget Act, which prohibits new entitlement authority from taking effect prior to October 1 of the year in which the bill is reported. Section 1 of the bill would amend secton 222 of the Trade Act of 1974 to expend the coverage of workers who may be certified as entitled to receive entitlement payments. An expansion of an existing entitlement creates new entitlement authority for purposes of the Budget Act. Therefore, since the bill was reported in calendar year 1983 and since the provision technically could be effective prior to the first day of fiscal year 1984, the bill would violate section 401(b)(1) of the Congressional Budget Act.

The rule further waives section 402(a) of the Budget Act which prohibits the consideration of authorizing legislation if that measure is not reported by May 15 of the calendar year preceding the fiscal year in which it is to be effective. Various sections of the bill would authorize the enactment of new budget authority for fiscal years 1983 and 1984. Since the bill was not reported by the May 15 deadline for either fiscal year, it would violate section 402(a) of the Budget Act.

The rule waives all points of order against the bill for failure to comply with clause 5(a), rule XXI, which prohibits appropriations in a legislative bill. The waiver is necessary because section 7 provides for a special account into which revenues from Customs duties will be appropriated. Also, section 9 sets up an account into which loan repayments from firms will be paid. Therefore, this is considered an appropriation and requires a waiver. In addition, the bill waives points of order against both the Ways and Means Committee amendments and amendments to be offered and printed in the RECORD by Representative FRENZEL to these committee amendments, for violations against clause 5(a), rule XXI. The waiver against the amendments is necessary because they change the amount of appropriations contained in section 7 of the bill.

Finally, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 3391 extends the authorization of the trade adjustment assistance program for workers and firms for 2 years, and it shifts emphasis of the program toward worker retraining.

The bill extends benefits to two new groups of workers—to those who have been laid off from firms supplying key inputs to import-damaged industries, and to those who lost their jobs due to the relocation of production overseas.

The bill further encourages greater participation in retraining programs by creating an elective voucher system to pay for on-the-job training by adding supplemental assistance of $15 a day for workers in training who are not eligible for other benefits and by removing bureaucratic obstacles that would deny or shorten training due to a lack of program funds or administrative delays in approving training. Under the bill, displaced workers would receive more assistance in their job search and relocation efforts.

H.R. 3391 also provides assistance to firms and industries suffering from increased import competition. These firms would receive both technical and financial assistance. They would retain the current, less restrictive standard which states that imports need only be important—but not the most important—contributor to the firm's decline.

Mr. Speaker, the need for this program is even greater now, in the mid-eighties than it was in 1962 when it was created. We are experiencing a transformation into an international economy, and our domestic industries are being confronted by a whole new host of international competitors.

If we believe that free trade is good for this country, then, unless we are willing to overlook large segments of the American work force, we must be willing to assist the workers who are caught in this transition. During debate on the floor of the House just this past week, we heard from several Members representing regions where the unemployment rate remains significantly—and stubbornly—above the national average.

The outlook for these unemployed workers is grim. Many of the smokestack industries which have been responsible for a great many of the unemployed, have permanently shrunk in the face of the new competitive re-

alities. These workers lost their jobs for the economic good of the entire Nation, and we cannot abandon them now.

Mr. Speaker, I urge my colleagues to adopt this rule and move forward to consider H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LONG of Louisiana. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, I just wanted to call to the gentleman's attention the fact that he said that the Frenzel amendments were printed in the RECORD of September 15, 1983. I do not think the gentleman meant September 15. I just wanted the gentleman to correct the RECORD.

Mr. LONG of Louisiana. I think I said——

Mr. KAZEN. September 15.

Mr. LONG of Louisiana. I said May 15 when I was speaking of the Budget Act and perhaps I did say it.

Let the record show that the date is September 12, 1983.

Mr. KAZEN. May 12, 1983. Not September 12.

Mr. LONG of Louisiana. I am talking about the amendments. They will be printed in the RECORD on that day. That is what the rules provides.

Mr. KAZEN. My understanding is that this bill will be debated on Monday, the 12th of September.

□ 1810

Mr. LONG of Louisiana. It will be debated on the 12th, and that is the day that they will be printed in the RECORD.

Mr. KAZEN. All right, Mr. Chairman, if that is what you mean.

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may use.

Madam Speaker, I would like to have seen an open rule granted on this measure because the bill is controversial.

H.R. 3391 reauthorizes for 2 years the trade adjustment assistance programs for workers and firms under the Trade Act of 1974 with a greater emphasis on the retraining of displaced workers.

Members should be aware that the administration is firmly opposed to this bill for a variety of reasons. As this bill comes to the House floor, it is a likely candidate for a Presidential veto.

There are serious objections to this bill because it expands substantially the eligibility criteria and benefits. This is compounded by other provisions in the bill which create an entitlement by specifying conditions under which benefits must be provided to workers.

Finally, the bill creates a special trust fund out of customs duties. This reinforces the entitlement aspect and could remove the programs from the appropriations process.

Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. COATS).

Mr. COATS. Madam Speaker, I rise in support of this resolution to provide for consideration of H.R. 3391, a bill to improve worker training programs under the Trade Act of 1974.

Just yesterday, my office received new evidence of the desperate need to modify the trade adjustment assistance program. We were advised by the Department of Labor that the employees of the Corning Glass Works plant ins Bluffton, Ind., have been denied eligibility to apply for worker adjustment assistance. As some of my colleagues are aware, the Bluffton Corning plant was closed last month, due in large part to the influx of color television imports from Japan, Taiwan, and South Korea. The plant was shut down despite an affirmative finding of dumping against the Japanese in the early 1970's. More than 500 people have been affected by this closing.

I should explain that the Bluffton Corning plant manufactured the glass envelopes which are made into color television picture tubes. Needless to say, their business was directly and adversely affected by the importation of fully assembled foreign-made color TV sets.

Under existing trade assistance law, however, the Department of Labor cannot take into consideration this cause-and-effect relationship. It is confined by law to consider only articles, "like or directly competitive with" articles produced by the employees who are applying for trade adjustment assistance. Thus, the Department of Labor could only have granted the application for trade adjustment assistance if they had found significant imports of glass envelopes, otherwise called faceplates and funnels. But we know that there were not significant imports of glass envelopes because most color televisions are being imported with their picture tubes fully assembled.

I would like to share with my colleagues just two short paragraphs from the Department of Labor's decision.

> Petitioners allege that increased imports of color television sets and color television picture tubes have contributed importantly to declines in sales, production and employment at the Bluffton plant of Corning Glass Works. Although imported color television sets incorporate picture tubes which utilize faceplates and funnels in their manufacture, imports of the whole product are not like or directly competitive with their component parts. Imports of faceplates and funnels must be considered in determining import injury to workers producing those products at the Bluffton plant of Corning Glass Works.
>
> A Department of Labor survey revealed that customers purchasing the predominant portion of the Bluffton plant's sales did not purchase imported faceplates or funnels. Customers accounting for a minor portion of sales reported some import purchases. However, these customers either reduced their import purchases in 1982 compared to 1981 and in the first quarter of 1983 compared to the same quarter in 1982, or imports comprised a negligible portion of the customer's total faceplate and funnel purchases.

It goes without saying that the former employees of the Bluffton Corning Glass Works are frustrated and angry, and I share their frustration. We are prevented by legalities from addressing the obvious and severe effects of foreign imports. Obviously, we cannot provide trade assistance to every concern which has the least little connection with color television picture tubes. But this should not stop us from assisting those whose product is unique and uniquely affected. I know that H.R. 3391 contains certain modifications to the current trade assistance standard which we have just discussed and I am anxious for the full House to have the chance to consider these changes.

I, therefore, urge adoption of the rule.

Mr. LONG of Louisiana. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KOSTMAYER).

Mr. KOSTMAYER. Madam Speaker, there may be a congressional district in the country that needs this measure more than mine, but it seems unlikely. I represent the largest facility, the United States Steel Corp., the Fairless Works, in Bucks County, Pa. The little bit of money we have left that was not cut in 1981 ends on September 30.

Madam Speaker, I rise in support of the rule on H.R. 3391, and want to commend the gentleman from Ohio (Mr. PEASE) for his diligence and hard work on the Ways and Means Committee in bringing this important legislation out of committee in a timely fashion. The trade adjustment assistance program is an important source of protection for workers and their families who are impacted by imports.

Since 1974 trade adjustment assistance has been available for any industry where imports make an "important contribution" to injury to the industry. The trade adjustment program paid a supplement to unemployment benefits for displaced workers and also provided funds for retraining and job hunting.

This assistance has been particularly important in my congressional district, Madam Speaker, where unemployed workers in the steel industry—most from the Fairless Works in Fairless Hills—are currently certified by the Labor Department as being affected by imports.

Unfortunately, the Gramm-Latta budget reconciliation bill passed by

the Congress in 1981 slashed trade adjustment assistance by over 90 percent and phased it out entirely as of September 30, 1983. It is therefore important that the House act expeditiously on H.R. 3391, which extends the program for an additional 2 years, and makes numerous important improvements in the training sections of the program. Earlier this year I introduced legislation, H.R. 2870, which calls for a 5-year extension of the program. While I would have preferred that the Ways and Means Committee approve an extension longer than 2 years, I support this bill because I realize that lack of support from the Reagan administration requires compromises.

The important point, Madam Speaker, is that imports are having a devastating impact in certain industries, and the innocent victims, the workers and their families need this help. I urge my colleagues to support this rule, and to support H.R. 3391, so that unemployed workers in import sensitive industries are given this import protection.

Mr. QUILLEN. Madam Speaker, I yield 7 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Madam Speaker, when the Clerk was reading this resolution, I suggested that we might abandon reading it. The reason that I did so was because no printed copy of it was available until about an hour ago in the House. I was not sure that anyone was interested in reading the resolution. It is as described by the distinguished gentleman from Louisiana (Mr. LONG).

However, I think the description needs some amplification. Hearings on this resolution in the Rules Committee were not announced until the very end of last week. At that time I was asked to come to the Rules Committee and to provide a few amendments for a bill so that the Rules Committee could vote out a closed rule.

That was a bit of a shock to me, since the Ways and Means Committee had voted to ask the Rules Committee for an open rule without waivers, and the chairman of the Ways and Means Committee had written the Rules Committee with that request.

Nevertheless, the Rules Committee met on Tuesday. At that time the chairman of the Ways and Means Committee repeated his request. However, at the request of the distinguished gentleman from Ohio (Mr. PEASE), who has been a persistent and extraordinarily effective advocate of the legislation in question, the Rules Committee instead of giving what the Ways and Means Committee asked for, which was an open rule, which many Members of this House always ask for too, decided to grant a closed rule. It made in order four amendments which by that time I had hastily put together, at least in concept, to try to amend this bill to a point where it would make some sense to those who believe that fiscal order and discipline still ought to be the rule in this House.

The Rules Committee granted the rule, that is, a closed rule which allows for four amendments. However, worse than the closing of the rule and the restricting of the debate is the feature in this rule that waives rule XXI, clause 5, that is, appropriating on a legislative bill.

This bill sets up a brandnew entitlement without a cap, sets up a separate trust fund, and, in fact, appropriates from the revenues of the United States into a special account which cannot be spent for any other purpose than the purpose of this act.

In addition, there are two waivers required to the Budget Act. I do not specifically object to those, except that in general I think it is bad practice to waive the Budget Act at any time in this House.

So, Madam Speaker, we have a situation where we have two waivers of the Budget Act, two waivers that destroy the appropriations process, and will in fact give this House the opportunity to create a new entitlement program which will further erode whatever vestiges of fiscal discipline may remain in this House.

Therefore, I urge the Members to vote against the rule if they have any respect for the procedures of this House.

Over the last couple of weeks we have been engaged in a set of procedures which must seem very unusual to those who watch our proceedings on television. We have voted on amendments without debate and without understanding. We have shifted from one item of business to another in an apparently whimsical fashion. When this rule has been dispatched, we will probably consider some items, by unanimous consent, that most of us have not seen. In this case, we are going to vote on a rule which waives the most fundamental and fiscally important rules of this House.

I would like to talk a little bit about the bill, Madam Speaker. I have indicated that the bill creates a new entitlement program. It appropriates certain customs revenues from the general fund of the Treasury into a trade adjustment assistance special account. Now, expenditures from that account would be subject to appropriation. Nevertheless, the moneys in that account, as specified in the bill, could not be used for any other purpose during the year.

Under such an arrangement, we would be obliged to borrow more money because those reserved funds would not be available for regular spending. Clearly, it is appropriating on a piece of legislation. That is why the Rules Committee found it necessary to grant a waiver.

If we accept this particular rule, we bless another new entitlement. And again, I would point out that the entitlement has no cap to it. Whoever turns up to be available for these benefits will get them as a matter of right.

Mr. CONABLE. Madam Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. I would just like to say that I think the gentleman from Minnesota (Mr. FRENZEL) is making a very important and strong statement. His position is correct. I want to support him all the way on it. I hope the Members will listen to him.

Mr. FRENZEL. Madam Speaker, I thank the gentleman for his support. If the membership listens to me on this item, they will be repudiating a precedent strongly set in the last week.

Madam Speaker, if I may continue, we are establishing a new entitlement program and one that has no cap. If we underestimate the number of claimants, we will simply have to pass additional supplemental appropriations to make up the difference.

We are creating a new trust fund. We are undoing the reconciliation efforts of the last 2 years to achieve a special purpose here. It is a worst mistake to spend extra, duplicative money at a time when the country is beginning the tortuous process of struggling back to economic recovery and economic prosperity.

It will require the expenditure of several hundred millions of dollars of the taxpayers' money for purposes that we decided we did not need over the past 2 years. Worse, it duplicates the benefit of the Partnership Training Act for which the administration has asked $220 million for fiscal year 1984. This bill asks us to double up on that amount and to do it in an entitlement.

Madam Speaker, I believe that the House would be well advised not to agree to the waivers provided in the rule, not to agree to appropriate on a legislative bill, and to defeat the rule.

□ 1820

Mr. LONG of Louisiana. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR) for purposes of debate.

Mr. OBERSTAR. I thank the gentleman for yielding this time to me.

Madam Speaker, the arguments of my colleague from Minnesota fall a little hollow on the question of this rule. A couple of weeks ago when the rule on the Caribbean Basin Initiative came up as a closed rule, the gentleman made no objection and fully supported it. This week the rule provides for him alone to offer amendments to

correct those very deficiencies which he sees in the bill and to which he has addressed himself, so there will be opportunity for the body to address the concerns that the gentleman from Minnesota has proclaimed.

This legislation is vital if we are going to sustain a trade policy that the country now has in effect and which has been in effect since the Kennedy round of negotiations. If we are to open our doors to goods from other countries, to participate fully in free international trade, then we have to provide some means for protecting those who will fall victim to unfair competition from abroad, which has struck our shores in a wide gamut of commodities ranging from steel to shoes.

If we are to avoid an overprotectionist policy of trade that defends every last item produced in the United States, when we must provide some cushion for those whose jobs will be affected, those industries will be affected by that kind of open and vulnerable trade policy.

This Trade Adjustment Assistance Act, which has been in effect since 1962, had not worked well until the amendments of 1974, and has literally fallen by the wayside since the Reconciliation Act of 1981. This legislation will correct those deficiencies and put us on a sound track.

Mr. GIBBONS. Madam Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Madam Speaker, I agree with the gentleman from Minnesota (Mr. OBERSTAR).

Mr. GEPHARDT. Madam Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Missouri.

Mr. GEPHARDT. I thank the gentleman for yielding.

Madam Speaker, I agree with his every comment and ask for support.

Mr. GAYDOS. Madam Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania

Mr. GAYDOS. I thank the gentleman for yielding. Madam Speaker, I fully support the gentleman.

Mr. OBERSTAR. Madam Speaker, this trade adjustment assistance is mediocre and puny in comparison to the trade adjustment assistance provided by the European Economic Community to workers in those countries which were rebuilding their industry after World War II. They provided for a far greater range of assistance and protection, job training, relocation assistance and compensation for people whose jobs were lost. We ought to do at least as much. This bill will put us on the road toward that goal.

I urge support of the rule.

Mr. LONG of Louisiana. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. I thank the gentleman for yielding this time to me.

Madam Speaker, I rise in support of this bill and will be very brief because I know that time is short.

If we have a policy of free trade in this country, there are going to be victims who lose their jobs because of imports. This bill helps those thousands of people in the industries of autos, steel, textiles, and shoes with retraining opportunities. It is a very important part of our process of trying to help victims of free trade policy.

It is not an unusual rule. It allows amendments by the gentleman from Minnesota (Mr. FRENZEL) so he can express his opinion on the bill in amendment form.

I urge very much support of the bill.

Mr. KASICH. Madam Speaker, will the gentleman yield?

Mr. PEASE. I yield to my colleague, the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Madam Speaker, I would like to associate myself with the remarks of my colleague from Ohio.

In Ohio we are in a very unique situation, with tremendous structural unemployment problems and we are in great need of this kind of assistance.

Again, I would support my colleague in his efforts.

Mr. LONG of Louisiana. Madam Speaker, I yield 1 minute for purposes of debate to the gentleman from Texas (Mr. SAM B. HALL, JR.)

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Madam Speaker, I would like to associate myself with the sentiments and statement of the gentleman who just spoke from Ohio.

In my area of Texas, we have many problems facing the manner in which we are talking about trying to help these people get retrained. It is something that they are looking forward to. It is something that they have been led to expect that they would have, and I think this is the proper time and place to carry out the promise that we have for the structurally unemployed people.

So I certainly join with the gentleman from Ohio and hope that this matter goes in this direction.

Mr. LONG of Louisiana. Madam Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore (Ms. FERRARO) announced that the ayes appeared to have it.

Mr. FRENZEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 132, not voting 68, as follows:

[Roll No. 327]

YEAS—233

Akaka	Gore	Ottinger
Albosta	Gray	Panetta
Alexander	Guarini	Patterson
Andrews (NC)	Hall (IN)	Pease
Andrews (TX)	Hall (OH)	Penny
Annunzio	Hall, Ralph	Pepper
Anthony	Hall, Sam	Perkins
Applegate	Hamilton	Pickle
Aspin	Hance	Price
AuCoin	Harkin	Rahall
Barnard	Hatcher	Rangel
Barnes	Hawkins	Ratchford
Bates	Hefner	Ray
Bedell	Hertel	Regula
Beilenson	Hillis	Reid
Bennett	Howard	Richardson
Berman	Hoyer	Rinaldo
Bevill	Hubbard	Rodino
Biaggi	Huckaby	Roe
Boehlert	Hughes	Rogers
Boggs	Jones (OK)	Rose
Boland	Jones (TN)	Rostenkowski
Bonior	Kasich	Rowland
Bonker	Kastenmeier	Roybal
Borski	Kazen	Sabo
Boucher	Kemp	Savage
Britt	Kennelly	Sawyer
Brooks	Kildee	Scheuer
Burton (CA)	Kogovsek	Schneider
Byron	Kolter	Schroeder
Carper	Kostmayer	Seiberling
Carr	LaFalce	Shannon
Chappell	Lantos	Sharp
Clarke	Leath	Shelby
Clinger	Lehman (CA)	Sikorski
Coats	Lehman (FL)	Simon
Coelho	Leland	Sisisky
Collins	Levin	Skelton
Conyers	Levine	Slattery
Cooper	Levitas	Smith (FL)
Coyne	Lipinski	Smith (IA)
Crockett	Lloyd	Smith (NJ)
Daschle	Long (LA)	Snowe
Davis	Long (MD)	Solarz
de la Garza	Lowry (WA)	Spratt
Dellums	Luken	Staggers
Derrick	MacKay	Stark
Dicks	Markey	Stratton
Dingell	Martinez	Studds
Donnelly	Matsui	Swift
Dorgan	Mavroules	Synar
Downey	Mazzoli	Thomas (GA)
Duncan	McCurdy	Torres
Durbin	McDade	Torricelli
Dyson	McEwen	Towns
Eckart	McHugh	Udall
Edgar	Mica	Valentine
Erdreich	Mikulski	Vandergriff
Evans (IL)	Miller (CA)	Vander Jagt
Fascell	Miller (OH)	Volkmer
Fazio	Mineta	Walgren
Feighan	Minish	Watkins
Ferraro	Mitchell	Weaver
Fields	Moakley	Weiss
Foglietta	Mollohan	Wheat
Foley	Moody	Williams (MT)
Ford (MI)	Mrazek	Williams (OH)
Ford (TN)	Murphy	Wilson
Fowler	Natcher	Wirth
Frost	Neal	Wise
Garcia	Nelson	Wolpe
Gaydos	Nichols	Wright
Gejdenson	Nielson	Wyden
Gephardt	Nowak	Wylie
Gibbons	Oakar	Yates
Gilman	Oberstar	Yatron
Glickman	Obey	Young (MO)
Gonzalez	Olin	

NAYS—132

Archer	Brown (CO)	Coleman (MO)
Badham	Broyhill	Conable
Bartlett	Burton (IN)	Conte
Bateman	Campbell	Corcoran
Bereuter	Carney	Coughlin
Bethune	Chandler	Courter
Bilirakis	Chappie	Craig
Breaux	Cheney	Crane, Philip

Daniel	Kindness	Paul
Dannemeyer	Kramer	Petri
Daub	Lagomarsino	Porter
DeWine	Latta	Pritchard
Dickinson	Leach	Quillen
Dreier	Lent	Ridge
Edwards (AL)	Lewis (CA)	Roberts
Edwards (OK)	Lewis (FL)	Robinson
Emerson	Loeffler	Roemer
English	Lott	Roth
Erlenborn	Lowery (CA)	Roukema
Evans (IA)	Lujan	Rudd
Fish	Lungren	Schaefer
Franklin	Mack	Schulze
Frenzel	Madigan	Sensenbrenner
Gekas	Marlenee	Shaw
Gingrich	Martin (IL)	Shumway
Goodling	Martin (NC)	Shuster
Gradison	Martin (NY)	Skeen
Gramm	McCain	Smith (NE)
Green	McCandless	Spence
Gunderson	McGrath	Stangeland
Hammerschmidt	McKernan	Stenholm
Hansen (ID)	McKinney	Stump
Hansen (UT)	Michel	Sundquist
Hiler	Molinari	Tallon
Holt	Montgomery	Tauke
Hopkins	Moore	Tauzin
Horton	Moorhead	Taylor
Hunter	Morrison (WA)	Thomas (CA)
Hutto	O'Brien	Vucanovich
Hyde	Oxley	Walker
Ireland	Packard	Whittaker
Jacobs	Parris	Wolf
Jeffords	Pashayan	Wortley
Johnson	Patman	Zschau

NOT VOTING—68

Ackerman	Forsythe	Pursell
Addabbo	Frank	Ritter
Anderson	Fuqua	Russo
Bliley	Gregg	Schumer
Boner	Harrison	Siljander
Bosco	Hartnett	Smith, Denny
Boxer	Heftel	Smith, Robert
Broomfield	Hightower	Snyder
Brown (CA)	Jenkins	Solomon
Bryant	Jones (NC)	St Germain
Clay	Kaptur	Stokes
Coleman (TX)	Livingston	Traxler
Crane, Daniel	Lundine	Vento
D'Amours	Marriott	Waxman
Dixon	McCloskey	Weber
Dowdy	McCollum	Whitehurst
Dwyer	McDonald	Whitley
Dymally	McNulty	Whitten
Early	Morrison (CT)	Winn
Edwards (CA)	Murtha	Young (AK)
Fiedler	Myers	Young (FL)
Flippo	Ortiz	Zablocki
Florio	Owens	

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Addabbo for, with Mr. McCollum against.

Messrs. HERTEL of Michigan, SAWYER, and NEILSON of Utah changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRIBUTE TO RALPH VINOVICH

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Madam Speaker, in keeping with my respect for the good backup support we have here in the Congress, both in the House and Senate, from some of our distinguished professional staff members, I would be remiss if I did not make mention of the fact that my chief of staff, Ralph Vinovich, will retire after 16 years of service in the House tomorrow after a total of nearly 30 years of service on Capitol Hill.

Ralph has long been known on both sides of the aisle and both sides of the Capitol as a man whose personal qualities of dedication and integrity have made him one of the most valued members of our House family.

Neither Ralph nor I go for public displays of emotion, so I am going to make it very short and sweet.

Ralph, we are going to miss you around here. From the days you served as a key aide to our old mentor, the late Senator Everett McKinley Dirksen, to this very day you have really helped define the word "class."

There are volumes more to be said, but Ralph's career of service to this House and this country says it all.

May your tee shots be right down the middle of the fairway, and your putts most always roll straight for the cup.

I am sure all our Members will join me in wishing you all the best Ralph, in all that you choose to do.

Mr. OBERSTAR. Madam Speaker, I, too, would like to join in the tribute by the minority leader to Mr. Vinovich, with whom I had the pleasure of serving for several years as a member of the staff of this august body.

I wish him well in his new endeavor.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills, a joint and a concurrent resolution of the House of the following titles:

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 2895. An act to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and U.S. Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice;

H.R. 3549. To amend the Bankruptcy Rules with respect to providing notice;

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program;

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H. Con. Res. 154. Concurrent resolution to commend Dr. Alice Mitchell Rivlin for her service as Director of the Congressional Budget Office.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2840. An act to provide for the orderly termination of Federal management of the Pribilof Islands, Alaska.

The message also announced that the Senate had passed bills, joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 268. An act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes;

S. 1008. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes;

S. 1015. An act to clear certain impediments to the licensing of the vessel La Jolie for employment in the coastwise trade;

S. 1186. An act to clear certain impediments to the licensing of the yacht Dad's Pad for employment in the coastwise trade;

S. 1192. An act to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1984, and for other purposes;

S. 1365. An act entitled the "Harry Porter Control Tower";

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette. Ind., as the "Charles A. Halleck Federal Building";

S. 1689. An act to clear certain impediments to the licensing of the vessel Endless Summer for employment in the coastwise trade;

S. 1724. An act to designate the Federal Building in Las Cruces, New Mexico as the "Harold L. Runnels Federal Building";

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

S.J. Res. 136. Joint Resolution to recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters;

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commericially in the United States; and

S. Con. Res. 63. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill (H.R. 3190).

REQUEST FOR PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL 5 P.M. WEDNESDAY, AUGUST 31, 1983, TO FILE REPORT ON H.R. 2755, AUTHORIZING APPROPRIATIONS FOR THE FEDERAL COMMUNICATIONS COMMISSION

Mr. WIRTH. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until 5 o'clock p.m. on Wednesday, August 31, 1983 to file a report to

accompany the bill, H.R. 2755, to authorize appropriations for the Federal Communications Commission.

The SPEAKER pro tempore (Mr. GRAY). Is there objection to the request of the gentleman from Colorado?

Mr. DANNEMEYER. Mr. Speaker, I object.

Mr. WIRTH. Mr. Speaker, it has been cleared with the gentleman's side of the aisle, I would say to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, this Member from California objects.

The SPEAKER pro tempore. Does the gentleman reserve the right to object?

Mr. DANNEMEYER. The Member from California objects.

The SPEAKER pro tempore. Objection is heard.

AUTHORIZING THREE ADDITIONAL ASSISTANT ADMINISTRATORS OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1696) authorizing three additional Assistant Administrators of the Environmental Protection Agency, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the distinguished chairman whether this is the bill requested by the Administrator of EPA for three assistants and whether this has been cleared with the minority on the gentleman's committee.

Mr. FORD of Michigan. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman.

Mr. FORD of Michigan. We are doing this at the request of the White House and Mr. Ruckelshaus, and I understand that it has been cleared by both sides. All five committees of jurisdiction over here have cleared it.

Mr. Speaker, S. 1696, a bill to authorize three additional Assistant Administrators of the Environmental Protection Agency, is legislation which was requested by the administration.

Today the EPA is headed by an executive level II Administrator, current salary $69,800. He is assisted by a level III Deputy Administrator, $68,400 and seven level IV Assistant Administrators, $68,400. This bill would authorize three additional level IV Assistant Administrators. These three new positions would be designated Assistant Administrator for Planning and Evaluation, Assistant Administrator for Enforcement, and Assistant Administrator for Research and Development.

We are all too familiar with the problems which have beset the EPA during this administration. Although the Committee on Post Office and Civil Service, generally, would not permit legislation such as this to be taken up until it had been considered by the committee in the normal legislative process, an exception is warranted in this case in order that the new EPA Administrator can get on with the task of setting the EPA back on course to address the significant environmental issues which face us today.

The bill has been cleared by the ranking member of my committee (Mr. TAYLOR) and by the chairman of the subcommittee with legislative jurisdiction over executive level positions (Mr. ALBOSTA). I am advised that the other committees with legislative and oversight jurisdiction over the EPA have no objection to the consideration of the bill.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President, by and with the advice and consent of the Senate, may appoint three Assistant Administrators of the Environmental Protection Agency in addition to—

(1) The five Assistant Administrators provided for in section 1(d) of Reorganization Plan No. 3 of 1970 (5 U.S.C. Appendix) (hereinafter in this Act referred to as the "Reorganization Plan.");

(2) The Assistant Administrator provided by section 25(g) of the Toxic Substances Control Act (15 U.S.C. 2625(g)); and

(3) The Assistant Administrator provided by section 307(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 6911a).

(b) Each Assistant Administrator appointed under subsection (a) shall perform such duties as the Administrator of the Environmental Protection Agency may prescribe.

SEC. 2. (a)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Administrator of the Environmental Protection Agency.".

(2) The second sentence of section 1(b) of the Reorganization Plan is amended by striking out ", and shall be compensated at the rate now or hereafter provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313)".

(b)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Deputy Administrator of the Environmental Protection Agency.".

(2) The first sentence of section 1(c) of the Reorganization Plan is amended by striking out ", and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314)".

(c)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new items:

"Assistant Administrator for Toxic Substances, Environmental Protection Agency.

"Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

"Assistant Administrators, Environmental Protection Agency (B).".

(2)(A) Section 26(g)(2) of the Toxic Substances Control Act is amended by striking out "(A)" and ", and (B) be compensated at the rate of pay authorized for such Assistant Administrators".

(B) Section 307(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out ", and shall be compensated at the rate provided for Level IV of the Executive Schedule pay rates under section 5315 of title 5, United States Code".

(C) Section 1(d) of the Reorganization Plan is amended by striking out ", and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315)".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAMING U.S. POST OFFICE BUILDING IN FORT WORTH, TEX., THE "JACK D. WATSON POST OFFICE BUILDING"

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 1797) to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building."

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. FORD of Michigan. Mr. Speaker, reserving the right to object, and I shall not object, I would ask the gentleman from Missouri to explain the bill.

Mr. YOUNG of Missouri. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Missouri.

Mr. YOUNG of Missouri. Briefly, Mr. Speaker, Jack Watson has hired as a temporary employee with the Postal Service in 1945. He rose through the ranks with the Postal Service and, until his retirement in 1980, served for 14 years as postmaster of the Fort Worth Post Office.

Mr. Speaker, title I of this bill is identical to H.R. 3151 which was passed by the House on June 13, 1983.

Mr. Speaker, the Senate added one other provision to the bill which would allow a member of a postal governing board to stay on for another year providing no successor is appointed.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New Jersey.

Mr. COURTER. I understand that our side does not have an objection but I would feel more comfortable if through the noise I could hear what the unanimous-consent request is or what the resolution does.

Mr. FORD of Michigan. The first part of the resolution names a post office in Fort Worth, Tex., for a former postmaster who is deceased.

The second part, and that is the reason for the joint jurisdiction for our committee, is an amendment put on in the other body by Senator STEVENS for the postmaster and the Postal Board of Governors.

Mr. COURTER. I thank the gentleman for his explanation. We have no objection, Mr. Speaker.

Mr. FORD of Michigan. I want to express my support for this bill which will name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building". This bill originally was introduced by the distinguished majority leader, Mr. WRIGHT, and it is through his diligence that this legislation is before us today.

The other body has added a provision which addresses a problem the Postal Service has experienced since its creation. Under existing law, a Presidentially appointed Governor of the Postal Service may not serve beyond his designated term even if a successor has not been appointed and qualified. This often causes a situation where there will be vacancies on the Board and, as the Members can understand, the lack of a full Board membership can greatly inhibit the ability of the Board of Governors to perform its functions.

The provision which has been added would insure that such situations cannot occur in the future. Similar provisions apply with respect to many other boards and commissions. This provision permits a Governor to continue in office for not more than 1 year until a successor is available to take his or her place. The 1-year limitation is identical to the language in section 3601(b) of title 39 which provides for holding over by Postal Rate Commissioners until their successor qualifies. A successor has qualified under the meaning of this language when he or she assumes the office, after being nominated and confirmed and after the formal appointment is issued.

I think the provision is extremely worthwhile, and I am pleased to see this problem being addressed.

Mr. FORD of Michigan. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri,

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building to be constructed in Fort Worth, Texas, at the intersection of Meacham Boulevard and the Mark IV Parkway, shall hereafter be named and designated the "Jack D. Watson Post Office Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Jack D. Watson Post Office Building.

SERVICE OF GOVERNOR UNTIL SUCCESSOR QUALIFIES

SEC. 2. Section 202(b) of title 39, United States Code, is amended by adding at the end thereof the following sentence: "A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year."

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1850

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1696, the Senate bill passed earlier.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY ON WEDNESDAY, SEPTEMBER 14, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday, September 14, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, September 12, 1983, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 13, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 12, 1983, it adjourn to meet at 10 a.m. on Tuesday, September 13, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

TEMPORARILY SUSPENDING CERTAIN AUTHORITY OF THE SECRETARY OF AGRICULTURE RELATIVE TO THE MILK PRICE SUPPORT PROGRAM

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 149) to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MICHEL. Mr. Speaker, reserving the right to object, in order that we might expedite proceedings here, I am quite sure this gentleman from Illinois knows what the gentleman from Texas is attempting to do here is do the Senate resolution that would for all practical purposes delay the imposition of that second 50 cents per hundredweight tax that would, under the current law, go into effect September 1, delay it until October 1, the theory being that while Members of the Congress are away, and no opportunity to either affirm or turn that decision around, it would go into effect.

Now, our problem here is that we bring these agriculture bills up here

under suspension one at a time, nickel-and-diming us.

Now you got another bill here that is going to cost you $60 million in 30 days, $60 million. And the point is the whole theory of that last agricultural act was to get these milk people around to accepting a lower price support than what we have currently prevailing.

We want to see an agriculture bill our here under an open rule where the House can work its will and we can debate this thing and quit nickel-and-diming us with these agriculture bills, whether it is cotton, tobacco or what under suspension on a piecemeal basis. We have to deal with this thing in the aggregate and I get a little distressed with what I see going on here that is why I reserved the right to object.

Does the gentleman want me to yield?

Mr. JEFFORDS. Will the gentleman yield briefly?

Mr. MICHEL. I yield to the gentleman.

Mr. JEFFORDS. I would just like to point out that the Agriculture Committee itself passed a bill out of here in May. It was requested by the administration in order that they could try to put together a bill in the Senate putting various parts together, including the most desired aspect, from their perspective, of a target price freeze on grains. The dairy bill has been waiting there, over there in the Senate.

Unfortunately, the administration was unable to attain their desired goal. Thus, the dairy bill was unable to get over here in time for people to work their will on it. I personally have requested a rule that would allow people to work their will on it. I am hopeful that when we come back in September, an opportunity will be given to people to work their will on that bill.

On the other hand, to put this bill—not to allow this to go, we would have the whole process go into effect and then, regardless of who wins on working their will, that would have to be undone in October and would create chaos and would provide a hardship on the dairy farmers and confusion in the whole system. So, I would urge the gentleman that he not object because I am confident myself because of the pressure that will be put on us when we get back by the October first deadline that we will have a bill that we can work our will on, I will support that effort and I believe Members have an opportunity to do so.

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, and I take the remarks of the gentleman in good faith; I know there are some Members here who have actually tried, in good faith, to do what is the right thing. It kind of burns me that, however, the whole process is being sidetracked from time to time by coming up piecemeal through this suspension process. And I just have to express my resentment at that kind of consideration, haphazardly, of agriculture bills.

I am happy to yield to my friend from Illinois (Mr. MADIGAN) under my reservation.

Mr. MADIGAN. I thank the gentleman for yielding.

I think the point that we want to be sure is clear here is that there is no argument with the gentleman from Vermont that the Agriculture Committee reported a bill but they reported it to the floor here under suspension. And I think the point the distinguished minority leader is making is that he wants to know when a bill is coming to the floor under an open rule that will allow people some opportunity to offer alternative suggestions as to a resolution of this dairy problem. And I am sure that the gentleman from Illinois would like to have some assurances from the managers of these bills as to the prospect for having on the floor perhaps early in September when we come back here a bill under an open rule that would give us an opportunity to legislate.

Mr. JEFFORDS. If the gentleman will yield.

Mr. MICHEL. I yield to the gentleman.

Mr. JEFFORDS. I would point out that you know the complications this bill has undergone which are totally unrelated to the problems of dairy which have made it very difficult for this bill to come to the House floor. That is that the administration's approval is conditioned upon, an attachment of the unrelated matters relative to grain. If that aspect can be straightened out such that it can go on its own merits and not have that complicating factor, I am sure that we could get to the bill on the floor expeditiously as an open rule. And I would hope that would occur.

Mr. MADIGAN. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. MADIGAN. If a dairy bill comes out and deals only with dairy, then the Parliamentarian has advised us that no amendment would be in order other than an amendment dealing with dairy.

Now if the bill comes here under an open rule that deals only with dairy, no attempt can be made to attach something to that dealing with feed grains. That is my understanding of what the Parliamentarian has said.

What is at issue here is whether or not we can have an open rule on a dairy bill that would allow gentlemen on both sides of the aisle some opportunity to offer alternative suggestions with regard to dairy. And that is the point of the minority leader.

And I think with all due respect to the gentleman, perhaps the managers of the bill on the majority side of the aisle would like to respond to the minority leader about the schedule in September for this particular question.

Mr. MICHEL. That raises a very good question. I have to ask the distinguished chairman of the committee if perchance there were no objection raised to this movement at this time, and then we are up to October 1, then what is the scenario? What do we expect to happen? Because this is a temporary stay of that 50 cents per hundredweight tax, I recognize that. What would happen after that?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. DE LA GARZA. The plan is of course to move the legislation which has been approved by the committee. Needless to say, it is a very fragile compromise because this is a very complicated issue.

The reason, as has been mentioned, that we have not moved it is because the administration insisted on tying other matters to it.

We thought the matter could be resolved in the Senate so we waited. The Senate was not able to resolve the issue. This is what they have sent back which takes care for the immediate future something that will transpire when we are not here, the extra 50 cents assessment. The legislation repeals that. Now, I know the gentleman, both my friend from Illinois, all I can tell you is that our committee has been responsive to the will of the Members. I cannot make an omnibus bill out of a tobacco bill if that is the only thing we have before us. And I hope as a good legislator I have tried to expeditie, as a good chairman, to use the most feasible, expeditious manner in which to pass legislation, which has been passing the committee unanimously. And that is the reason for utilizing the suspension system; no other reason. But if we have a bill which requires a rule then all I can say is that we are subject to whatever rule we get from the Rules Committee. But I have no objection to an open rule or to in any way to frustrate the ability of a Member to exert his influence or to offer alternatives. We have no objection to that.

□ 1900

I would like to tell the distinguished minority leader that in this issue related to target price freeze and the dairy, we invited, in an usual move, in the midst of markup, the Secretary of Agriculture to come and again present his view. The committee did not approve it.

As much as I would like to accommodate my distinguished colleague from Illinois, the minority leader, the votes

were not there and no one frustrated the effort except the number of votes that were cast yea and nay.

But the gentleman has my assurance, one, that in no way have I as chairman or any other Member spoken to me about frustrating the effort of any Member, except that a chairman is trusted to move legislation from his committee in the most expeditious manner.

Mr. MICHEL. Further reserving my right to object, Mr. Speaker, that we might proceed here and recognizing some of those nuances that go on in that Agriculture Committee, but certainly not all of them, but knowing the character of the gentleman from Illinois, who now serves as our ranking member, a very conciliatory member, one who has been noted for being able to forge a compromise and to work with members of the opposition, I would trust to his good judgment and I want to yield to the gentleman here to respond, if he would like in any way, to the remarks that the chairman of the committee has just made.

Mr. MADIGAN. I appreciated very much the gentleman yielding.

And I want again to try to emphasize that what we are talking about here is not tying different things together. What we are talking about is whether or not the dairy bill reported from the Agriculture Committee is going to be considered on the floor of the House with an open rule.

And specifically what I suggest that the gentleman from Illinois is interested in is whether or not the gentleman from Texas can make some commitment to the Members of the House here this evening about whether he would be willing to ask the Rules Committee to report an open rule for that dairy bill and get it on the floor here early in the month of September, when we come back from our recess.,

Mr. MICHEL. And I have to say to the gentleman that is what we have got to have. And that is what this dialog is all about. In the absence of it, we just maybe have no recourse but to object.

Now is the time to fish or cut bait. You mean what you say, or are we going to get horsed around again when the time comes?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield to me, there has never been any attempt to horse around or to get around the gentleman from Illinois or the other gentleman from Illinois.

Mr. MICHEL. I was using a figure of speech.

Mr. DE LA GARZA. As a matter of fact, now that the gentleman has——

Mr. MICHEL. In this case it was just cowing around a little bit. Then there is some bull attached once in a while.

Mr. DE LA GARZA. We are all being cowed around. They are just pumping more milk than we can handle. That is why we are here tonight.

The very masterful presentation of the distinguished gentleman, the minority leader, we will avail ourselves of the mastery of my distinguished minority ranking member in a conciliatory process and so on at every available opportunity.

All I can say is that we move the legislation in the most expeditious manner possible. If the members of the committee want an open rule, we ask for an open rule. If they want a modified, we ask for a modified.

The gentleman knows that a chairman no longer has the authority of years past and you have to work with consensus and within the art of the possible. A chairman is instructed basically by his committee and I can assure the gentleman of one thing that I will ask the advice and consent of the full committee as to what route they wish to take when we go to the Rules Committee on this dairy legislation, which I hope is promptly after we reconvene in September. And that is all of the assurances that I can give the gentleman within my discretion.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Louisiana.

Mr. MOORE. I thank the gentleman for yielding.

I think this has been an interesting discussion. I for one would support an open rule. I want to support an amendment that is going to be offered by the gentleman from New York (Mr. CONABLE) that will do precisely what the gentleman from Illinois, our minority leader, is suggesting, that we reduce the price support. I want to support that.

That is not really the issue before us right now. And I say to my distinguished minority leader and to any other of my colleagues who are contemplating objecting, the whole point in the 50-cent assessment was to reduce the amount of milk being produced. It has not worked. The Secretary of Agriculture in my presence has said publicly, and there are other Members here on the floor who can ascribe to that fact, it has not worked. As a matter of fact, it has caused dairy farmers to produce more milk to offset the tax that they are paying.

He has then stated that the real value in this assessment is to keep our feet to the fire, since that is not a good program and our farmers do not like it, to force the Congress to come to terms with the issue and come up with something better.

Therefore, that is what we are talking about, is using this 50-cent assessment, and now a second 50-cent assessment that will go into effect while this Congress is not in session. We are using that to force the Congress to come to terms to meet the issue head on. It is not fair to make the poor farmer back home pay the additional 50 cents when his Congress and Congressman are not in session and cannot meet the issue head on.

It is not the farmers who have been dragging their feet, it is the Members of the House and Senate who have not come to grips with the issue.

And therefore, I do not think it is right during a recess to up the ante on them, the farmer. Let us come back here in September. If we cannot address the issue then the second 50 cents will go into effect on October 1. But let us not beat the farmer down. Let us give the Congress a chance in September to address the issue. If they do not, then OK, up the ante to the second 50 cents.

So I would ask the gentleman or any gentleman who is contemplating objecting not to object because the farmer cannot do anything in this situation and we are leaving here tonight. Nobody else can do anything in this situation until we get back here in September.

Mr. MICHEL. The gentleman from Louisiana makes a good point. I have always had some reservations about moves that take effect while the Congress is not in session, where normally they would be so sensitive as to get an immediate response out there in the country when the effective date takes place and Members of Congress would be so notified. I have a reservation about that.

I might be willing to go along with another 30 days, but I will tell you that issue has then got be joined on October 1 and what I am saying again is, we want that opportunity to fully aerate that subject at that time. And admit it. I know the gentlemen who have so much dairy farming in their district. Under no circumstances can they be for anything but an increase support price and all the rest. Now some of them may have a reservation about that and those Members are going to have to have their say and do their thing that in my judgment, overall, looking at our budget deficit, the comparative cost of agricultural programs out there, I think the whole House wants an opportunity to work its will.

And, Mr. Speaker, I will withdraw my objection here under my reservation, having carried on this dialog with the hope that we have alerted some people to the fact that we are going to have a hassle on our hands October 1 if we do not come to grips with this.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. de la GARZA)?

Mr. LUNGREN. Reserving the right to object, Mr. Speaker, I would direct my remarks to the attention of the chairman.

Obviously I am surrounded by a number of Members who do not want any objection here. Who are pleading very desperately that they need this at this time.

My question is a simple one: Why do we come to this point in time when virtually nine-tenths of all the Members of Congress have left this town, bring this up under unanimous consent to take an action that admittedly is going to cost all of our taxpayers $60 million under the excuse that we are not going to be here?

□ 1910

As I recall, we voted an adjournment resolution last week setting today as the day. This has not come as a surprise to anybody. We all knew we were going to leave today. And now we are being pleaded with to not do this to the dairy farmers. What are we doing to the taxpayers? Sixty million dollars.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I would like to inform the gentleman that the hour is not of our making or of our choosing. This is the time the other body sent the legislation to us.

Mr. JEFFORDS. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Under my reservation of objection, I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, first I would like to point out that $60 million is not coming from the taxpayers. The $60 million comes from the farmers.

Mr. LUNGREN. In other words, it was money that was supposed to go to the Treasury as an effort to try and reduce production, which has not succeeded thus far?

Mr. JEFFORDS. That is correct. And the problem right now is that production is increasing.

The compromise that we worked out would: First, reduce production; and second, reduce the cost to the taxpayer.

We have been waiting very patiently to bring what I think is a very excellent compromise, although there is disagreement on that, before this House. We thought as late as perhaps 2 or 3 o'clock this afternoon we would have that compromise here.

I would have to say, in fairness, also, that my office itself, and others, we have held meetings with all of the legislative assistants, we have notified every office of the contents of that compromise.

What we do not want to see now is an opportunity for that to come back to us, even under an open rule or otherwise, in September, having it all destroyed in the sense of having everybody put through horrendous difficulty, another 50-cent assessment, and then come back and take it away, and undo it, and cause all of the confusion that is going to go on on the dairy farms because we are out on vacation. And that is the way it is going to look to them. We are going to be asking them to ship another $60 million down here because we are not around to correct a probem which we thought as late as 2 o'clock this afternoon we would have corrected.

So I really ask the gentleman to certainly not object.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Under my reservation of objection, I yield to the gentleman from New York.

Mr. CONABLE. Mr. Speaker, I would like to conform what the gentleman from Vermont has said. This money is not paid by the taxpayers. It is paid by the farmers. It is an assessment directly against them on their milk production.

Mr. LUNGREN. I appreciate that. Under my reservation of objection, I would like to ask the gentleman one thing: What does this program cost the taxpayers on an annual basis?

Mr. CONABLE. It cost the consumers money because we are maintaining the support price for milk, and then having the farmers pay to the Treasury the 50 cent or dollar assessment that is made against them if they continue to have that support price.

Now, the gentleman from Vermont and I disagree about the right way to handle this. Rather than have a special tax paid to the Treasury by the farmers, I would like to see the support price of milk reduced and the benefit of the reduced support price go to the consumer and a clear signal sent to the farmers that we are not going to continue to pay $13.10 a hundredweight support for milk.

Now, that is a disagreement. The important thing is that we get it resolved. And it ought to get resolved in September. If we are going to postpone the second 50-cent assessment on the farmers, we ought to do it under a clear understanding that this disagreement cannot continue, that one way or another we get the issue of milk resolved so that we can send a clear signal to the farmers, for one thing, as to what they should do relative to their herds, rather than have this Mickey Mouse kind of thing where we leave the support price high and then tax them specially under the assessment procedure that we are having.

So I would like to see, actually, this 30-day delay go through with an understanding that everybody in the Agriculture Committee, whether or not they agree with the assessment procedure or the support price procedure, we get it out here on the floor and get it settled.

Mr. LUNGREN. Mr. Speaker, continuing my reservation of objection, I would just suggest to the gentleman that we heard some of these same arguments in the last couple of years when we were dealing with the specific dairy program. We were told we were going to give clear signals to the dairy farmers to cut their production, we established a program. It has not done that. It has cost the consumers and the taxpayers more. And I think that it ill-suits this institution for us to bring up this subject at this particular time, with virtually nobody here, and say, "Just one more month," and somehow that is going to give an indication to the farmers to respond in the proper manner. I would be constrained to object.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, could I ask the distinguished chairman of the Agriculture Committee, a committee on which I enjoyed my service under the chairman immensely, that I fully understand the changes in the committee structure that have occurred over the last few years and the relatively circumscribed role that the chairman has versus past chairmen, and certainly the chairman cannot bind the committee, especially when there are Republicans and Democrats from dairy States on that committee.

All I would ask from the chairman is if he would assure me, as far as he is concerned, that, as far as the gentleman from Texas is concerned, as far as the chairman of the Agriculture Committee is concerned, he would work for—his position would be an open rule on the dairy bill. Would the gentleman from Texas, the chairman of the committee, at least go that far?

Would the gentleman from California yield to the chairman to respond?

Mr. LUNGREN. Under my reservation of objection, I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, the gentleman from Texas has no objection to asking for an open rule if it were the sole discretion of the gentleman from Texas. The gentleman knows that I can say I would want an open rule but if the committee would want me to act otherwise, I would have to oblige them.

But the gentleman has the assurance, for whatever it is worth, that the gentleman from Texas has no objection to an open rule.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield further to me under his reservation of objection?

Mr. LUNGREN. I yield to the gentleman from California.

Mr. THOMAS of California. Will the gentleman from Texas support an

open rule rather than merely indicate there is no objection?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield under my reservation of objection, but it is getting close to the time to object.

Mr. DE LA GARZA. I would like to accommodate my good friend, but the gentleman from Texas cannot place himself in a position of going to the Rules Committee and saying that I personally would like an open rule but that the committee has instructed me to ask for a different rule.

But I think that possibly all of the anxieties of the Members, as far as being able to propose amendments with their specific ideas, this issue I think will be handled properly and everyone would be given an opportunity to present their viewpoints.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield to me one more time?

Mr. LUNGREN. Under my reservation of objection, I yield to the gentleman from California.

Mr. THOMAS of California. To the distinguished chairman of the Agriculture Committee, the request I make of the distinguished chairman of the Agriculture Committee is not that he go before the Rules Committee and indicate he is personally in support of an open rule, but rather, during the time of the committee hearing, does the gentleman indicate that his position would be, in working with his colleagues on both sides of the aisle in the committee, that his position is support of an open rule? And I try this now for the third time because I am having difficulty indicating what is of some concern to this Member on some assurance that we have a reasonable chance to get an open rule.

I have observed the chairman of the Agriculture Committee and his tremendous ability to convince people to do what is right, and all I am looking for is the assurance of the chairman that his commitment is to support an open rule within the committee structure and work for it. Clearly, the committee has to work its will. But I am confident that there is an excellent chance that the committee's will will be an open rule if the chairman supports it in the committee process. That is my question.

Mr. LUNGREN. Mr. Speaker, I will be happy to yield to the chairman of the Committee on Agriculture, under my reservation of objection.

Mr. DE LA GARZA. I inform my distinguished colleague, the gentleman from California, the committee has already acted. The legislation is out of committee. We are waiting to go to the Rules Committee.

But I will assure the gentleman that I will call a meeting of the committee, assure the committee that I support and open rule, and then let the committee work its will.

Mr. HUCKABY. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Speaker, the chairman of the committee has said that he would work for a consensus within the full Agriculture Committee to obtain an open rule. Even if he should, by some reason, not be able to get that, I feel very comfortable by stating that I think the consensus of the committee would be at least to have all of the major competing factions, such as the Conable amendment, in order. I cannot imagine a dairy bill coming to the floor that would not let the various competing interests—and there are varied interests on the different sides of the question—and I would urge the gentleman not to object. The dairy industry is bleeding like it never has been in our lifetime. It is time we resolved this issue. Many of us on the Agriculture Committee have been offering to work with the Secretary of Agriculture for a compromise as far as his feed grain target price, not only to reduce costs, but also to move this dairy legislation that is so vital to this industry throughout the Nation. We are just simply going to have to act when we come back, and I think this October 1 will put more pressure on the entire Congress to act.

I would urge the gentleman not to object.

Mr. LUNGREN. I appreciate the gentleman's remarks.

Mr. MARTIN of New York. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from New York.

Mr. MARTIN of New York. I thank the gentleman for yielding.

Mr. Speaker, I want to respond to the gentleman's original question as to why this comes here at this hour, as the gentleman says, with Members leaving town, and I wanted to explain to the gentleman. The gentleman raises a very good question because I do not think anybody appreciates the circumstances under which it comes here.

□ 1920

But I can say, as someone who has been following this on a day-to-day basis for weeks, and the hard work of the people on the committee, trying to get a bill here so that we can work or will, that the problem was the other body. That came over from the other body today, and that is not the fault of the people here who are trying to get this bill to the floor and work their will.

I want to say one other thing to the gentleman, because I know he is concerned, as he has expressed on a number of occasions, about what such a minimal delay of 30 days is going to cost the taxpayers. I would point out to the gentleman that when the bill comes to the floor, however, it is worked out and whatever the unpleasant alternatives are going to be for the dairy industry, this second 50-cent tax going on this group of farmers for this period of time is going to be undone in any event as part of the new program.

So I would ask the gentleman if he would, while this House is not in session, if we could reserve that back 30 days, only 30 days, I think the gentleman appreciates that everyone here from dairy or nondairy is interested in resolving this problem as soon as possible.

Because it was not the fault of this body, I would ask the gentleman if he would accommodate us for just that 30-day period of time.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Further reserving the right to object, I yield to the gentleman from Louisiana.

Mr. MOORE. I appreciate the gentleman from California yielding.

Mr. Speaker, I respect the gentleman's concern about the deficit spending. I share those same concerns. I come from a district that does have some dairy cows. The dairy farmers in my district do not want to see a big price support program, and there are a number of us in that situation.

You are going to find us coming from dairy areas that are going to support an amendment, the Conable amendment, that is going to reduce their price supports, not create new programs, not create set-asides, but do it in the way it ought to be done, like I think the gentleman from California will vote.

The situation is, as I think a lot of progress has been made here tonight, thanks to the gentleman from California and the distinguished minority leader, who had a reservation before you, the chairman of the Committee on Agriculture, as I understand his remarks, and I think he will ask to be yielded to if I quote him incorrectly, has stated that he will call a meeting of the committee, he will personally say he is in favor of an open rule, he will see to it that the bill gets to the floor as soon as possible in September so this House can work its will.

The gentleman from Louisiana, my colleague, and others, have indicated that even if there is a modified closed rule, which I will not support, even if there is such a rule it will make in order the Conable amendment, which I think is the way the gentleman from California would vote and I would vote, so I think what we have gotten here tonight is the assurance this

thing is going to be taken care of in September.

I think that is an accomplishment. I think it is a step forward. I thank the gentleman for seeing to it that is done, because the dairy industry across the country would like to get it resolved.

I, for one, will not support another delay. I head the gentleman from New York (Mr. CONABLE) say the same thing a moment ago. We are asking for one extension, just one, and the only one, and I would ask the gentleman to indulge us to give the dairy farmer the chance to have this worked out on his behalf, rather then seeing that tax doubled while the Congress is not in session and cannot address that issue.

Mr. LUNGREN. I appreciate the gentleman's remarks.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Further reserving the right to object, I yield to the gentleman from Texas.

Mr. STENHOLM. I thank the gentleman for yielding.

Mr. Speaker, the discussion has been very fruitful. I hope the gentleman from California (Mr. LUNGREN) paid particularly close attention to the original statement of the gentleman from Louisiana (Mr. MOORE) that he made concerning the workability of what we are talking about in order to attack the budget problems, that the majority on this committee, and I sense the majority in the House, and certainly those who are still here tonight who are interested in dealing with the cost of the dairy program.

In my judgment, if the gentleman paid particular attention to the gentleman from Louisiana (Mr. MOORE) the best way to get at what you are thinking about objecting to would be to allow a 30-day reprieve and to give the committee and this body the chance to work when we come back. I hope you will pay particular attention to what Mr. MOORE said.

Mr. LUNGREN. I appreciate the gentleman's remarks.

Further reserving the right to object, I would ask the gentleman, is he of the same mind, as expressed by the chairman of the Committee on Agriculture, to support a request for an open rule when the Agriculture bill gets to the floor?

Mr. STENHOLM. If the gentleman will yield further, I have tried my best to follow the leadership of the gentleman from Texas, the chairman of the Committee on Agriculture, on matters as serious as what we are talking about, and I certainly would intend to back my chairman.

Mr. LUNGREN. Well, I appreciate that, but do I understand the gentleman to say that he would, in fact, support and argue for, within that meeting of the Committee on Agriculture, an open rule?

Mr. STENHOLM. Yes; I would.

Mr. LUNGREN. I appreciate that.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. LUNGREN. Further reserving the right to object, I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I compliment the chairman of the Committee on Agriculture on his commitment to work for an open rule. I have supported and open rule on this legislation. Our State of Minnesota has a very keen interest in it. I have written the Speaker urging that when that bill comes to the floor that it come under an open rule, and I have so written to the chairman of the Committee on Rules, and will continue to work for that.

I think it is vitally important that we do so. So I hope the gentleman would not object.

Mr. LUNGREN. I appreciate the gentleman's remarks.

Further reserving the right to object, I just suggest I am not trying to limit this to just one particular part of agriculture or this few people in this institution. As a Member who does not represent agriculture, and I will admit that freely, and does not represent dairy interests, I am concerned about the continuing cost of these programs. I have heard time and time again the promises that the programs that we have orchestrated through compromises involving everybody, including the dairy industry, were going to accord the necessary compromise in that we were going to help the dairy producers such that they would not be going out of business, but we were also going to save the taxpayers and consumers of America reasonable amounts of money.

Now, everybody admits that is not happening. The problem is, most of us who are not on the Committee on Agriculture do not get an opportunity to really deal with those issues because of the form of the rule by which these bills are brought before us. I would just suggest that those of us have virtually no leverage except at times such as these to exercise our influence with respect to a problem that affects every single person and every single district.

Mr. OBERSTAR. If the gentleman will yield further, I share that view. I do not serve on the Committee on Agriculture. That is one of the reasons I have argued for an open rule. I am confident that with what has transpired tonight that that will take place.

Mr. PENNY. Mr. Speaker, I rise in support of the bill directing the Secretary of Agriculture to delay collection of the second 50-cent assessment on dairy production.

We know that the assessments do not reduce the milk surplus. We know that the assessments merely increase the pressure on dairy farmers to add to production because an assessment reduces a farm's cash flow. With fixed costs, farmers must increase production to meet expenses.

This is no way to solve the dairy surplus problem. We know that the first 50-cent assessment added to production. We should not repeat that mistake by imposing another 50-cent assessment.

By delaying the implementation of the second assessment until October, we give Congress time to craft a dairy plan that will work, a dairy plan that reduces the surplus, costs less for the Government, and, most importantly, does not drive family farmers out of business.

I had hoped that we would not be in this situation. I had hoped that we would have developed a better dairy plan for farmers by now. Because we have not, we should at least eliminate the second 50-cent assessment, to give Congress time to develop something better.

I urge my colleagues to support this delay of the second dairy assessment.

● Mr. KASTENMEIER. Mr. Speaker, I rise in support of Senate Joint Resolution 149, which will prevent the Secretary of Agriculture from implementing a second assessment of 50 cents per hundredweight against all milk sold commercially by dairy farmers prior to October 1, 1983.

This measure is the very least we must do with regard to the dairy situation before recessing for the August district work period. Since Agriculture Secretary Block has announced his intention to begin the second 50 cents per hundredweight assessment on September 1, 1983, it is imperative that we approve this joint resolution so that the House and Senate may act on the compromise dairy agreement upon our return to session after Labor Day.

The fact is this 11th-hour action would not be necessary at all if the administration would have agreed to consideration of the compromise dairy proposal on its merits, without demanding that the Congress first approve a 2-year freeze in feed grain target prices. Their unwillingness to support consideration of changes in the dairy program has hardly been in the spirit of compromise which has dominated congressional action on this matter.

We must approve this joint resolution to prevent the needless, harmful, and costly imposition of an additional assessment on the Nation's dairy farmers. They are already suffering dearly from the current 50 cents per hundredweight assessment, or milk tax, which is costing the average dairy farmer in my district more than $250 a month. For many dairy farmers, that is a sizable portion of their monthly net income. If the assessment is allowed to increase to $1 per hundred-

weight, many milk producers will not be able to stay in business.

I urge support for this joint resolution in the hopes that the dairy price support situation can be resolved when we return in September.●

Mr. LUNGREN. Mr. Speaker, I would just say that I will withdraw my reservation based on the understandings that I believe are on the record as a result of the statements of the chairman of the Committee on Agriculture and other members of that committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. DE LA GARZA)?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, prior to October 1, 1983, the Secretary of Agriculture may not implement, under the provisions of section 201(d)(3) of the Agricultural Act of 1949, a second deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 3190, EXTRA LONG STAPLE COTTON ACT OF 1983

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 63) providing that in the enrollment of the bill (H.R. 3190) to establish an improved program for extra long staple cotton, the Clerk of the House of Representatives shall make certain corrections.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I will provide the distinguished chairman of the Committee on Agriculture the opportunity to explain to the Members still here assembled exactly what this does.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. I appreciate my distinguished colleague yielding.

Mr. Speaker, this resolution affects H.R. 3190, which was passed by this House. A word was misspelled and a cross-reference number was erroneously omitted. This allows the Clerk to correct the misspelled word and the mis-cross-reference.

Mr. MADIGAN. Further reserving the right to object, I would yield further to the gentleman from Texas so he may advise me if this technical correction involves substituting the word "production" for "provision" and changes the bill only in form and not in substance.

Mr. DE LA GARZA. If the gentleman will yield further, it does not change the bill in any way whatsoever. It is just that the word was misspelled.

Mr. MADIGAN. I thank the gentleman for his explanation.

Mr. Speaker, I withdrew my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 3190) to establish an improved program for extra long staple cotton, the Clerk of the House of Representatives shall make the following corrections:

(1) In the eleventh sentence of the proposed subsection (h)(8)(A) of section 103 of the Agricultural Act of 1949, contained in section 4 of the bill, strike out "such provision" and insert in lieu of thereof "such production".

(2) In proposed subsection (h)(9) of section 103 of the Agricultural Act of 1949, contained in section 4 of the bill, strike out "paragraph (3)" and insert in lieu thereof "paragraph (8)".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 63 and on Senate Joint Resolution 149, both previously approved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any States.

□ 1930

DESIGNATING SEPTEMBER 26, 1983 AS "NATIONAL HISTORICALLY BLACK COLLEGES DAY"

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 85) to designate September 26, 1983, as "National Historically Black Colleges Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, and I shall not object, I commend the committee for bringing this resolution to the floor and commend my colleague, the gentleman from Tennessee (Mr. FORD), who along with myself offered the House bill. I think it is most worthy.

I believe all Members, had they realized what this was, would have joined in sponsorship of this legislation.

Mr. Speaker, it is with great pleasure that I rise to support Senate Joint Resolution 85, which designates September 26, 1983, as "National Historically Black Colleges Day" to recognize the contributions that have been made by the black colleges and universities of this Nation. This legislation is a companion to House Joint Resolution 105, which I introduced, and I urge the adoption of the resolution.

I would like to thank my distinguished colleague, HAROLD FORD, who joined me in the introduction of this bill and who has worked very hard toward its passage. Furthermore, I would like to recognize the members of the Committee on the Post Office and Civil Service for their interest and assistance in this matter. Finally, I thank all of my colleagues who supported this resolution by cosponsoring it.

The 103 historically black colleges and universities in the United States have contributed monumentally to the progress of education among blacks over the last century and a half. I am especially pleased to have seven of these fine institutions in my State: Allen University, Benedict College, Claflin College, Clinton Junior College, Morris College, South Carolina State College, and Voorhees College. These schools, along with their counterparts in 19 States, the District of Columbia, and the Virgin Islands, graduate more than 30,000 young black Americans each year in every field of education. In fact, over 85 percent of the black doctors and lawyers in this Nation are graduates of one of these postsecondary institutions.

History attests to the many achievements of those who have excelled in the area of black education. Unfortunately, history also attests to the struggles through which these individuals and institutions have gone. Some have been forced to succumb along the way, but the wills of many prevailed and we can now, as the Nation's legislative body, say to those who put forth the supreme effort: "Yours is a dream fulfilled!"

● Mr. FORD of Tennessee. Mr. Speaker, I rise in support of Senate Joint Resolution 85, which authorizes President Reagan to declare September 26, as "National Historically Black Colleges Day."

Congressman CARROLL CAMPBELL and I jointly introduced this resolution to pay special tribute and recognition to the vital achievements and goals of the historically black colleges and universities in America.

There are 103 historically black colleges and universities located across the Nation. Many of these institutions are well over 100 years old. These institutions have a rich heritage and have played a prominent role in American history. They have produced upward of 70 percent of all black graduates since the birth of our Nation. They are a vital national resource, and have been the breeding ground which has nurtured much of America's black leadership.

In the future, they will produce in excess of 300,000 college graduates every 10 years. Their record is beyond comparsion, more than 50 percent of the Nation's black business executives and elected officials are graduates of our historically black institutions, and I am proud to include myself in that statistic, as I am a product of two historically black universities, Tennessee State University and Howard University.

Additionally 75 percent of black Americans with Ph. D. degrees, 75 percent of black military officers, 80 percent of black Federal judges, and 85 percent of black physicians are graduates of historically black insitutions.

These graduates attest to the quality education they received and many have gone on to attain recognition for distinguished accomplishments in their chosen professions.

I have had firsthand experience regarding the important role these institutions have played, for I am a graduate of two historically black universities. They continue to be of vital importance. They have championed the cause of equal opportunity and quality education and have provided this opportunity to those who were denied it, or could not afford it. The Nation's historically black colleges and universities have assumed leadership roles in the development of techniques for overcoming handicaps of the educationally disadvantaged, served as custodians of archives of black Americans, and as centers of the study of the rich cultural contributions of blacks to America.

I am a strong supporter of this legislation, not just as a Member of Congress who happens to be black, but also because, as I mentioned previously, I am a product of these institutions myself, and I sincerely believe that these historically black colleges and universitties deserve this day of recognition, which is a small tribute in comparison to their longstanding contributions to this Nation.

I want to thank all of my colleagues who joined in sponsoring this resolution, and I urge its adoption.●

Mr. CAMPBELL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 85

Whereas there are one hundred and three historically black colleges and universities in the United States; and

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society; and

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history; and

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 26, 1983, is designated as "National Historically Black Colleges Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that day by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING WEEK BEGINNING AUGUST 7, 1983, AS "NATIONAL CORRECTIONAL OFFICERS WEEK"

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 295) to designate the week beginning August 7, 1983, as "National Correctional Officers Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Reserving the right to object, Mr. Speaker, and I will not object, this matter has been debated in the subcommittee. A number of Members on our side of the aisle are in favor of its passage. I just wanted the other side to know that the minority has no objection.

● Mr. TRAXLER. Mr. Speaker, I rise in complete support of House Joint Resolution 295, which seeks to declare the week of August 7, 1983, as "National Correctional Officers Week."

I want to take this opportunity to thank the gentle lady from Indiana, Mrs. HALL, the chairperson of the Subcommittee on Census and Population of the House Post Office and Civil Service Committee for moving this measure so quickly following my obtaining the required number of cosponsors for this bill's consideration.

Mr. Speaker, correctional officers are an extremely important part of our society. They have a job that very few people want. They have to deal with criminals on a daily basis, and in doing so they are making valiant efforts to help those convicted obtain an important sense of respect, both for themselves and for the law.

The American Correctional Association, which was founded in 1870, boasts over 12,000 members across the country. These individuals are correctional officers and administrative personnel in all of our rehabilitative facilities. There are about 6,000 correctional facilities in the country at the State and local level, with about 20 percent of these facilities being for the correction of juvenile offenders. Over 4,100 of the 6,000 facilities are local ones, operated by county and municipal governments, and according to recent surveys, all of these institutions house about 600,000 convicted individuals.

Many people think of the correctional officer as the hardened, uncaring individual that we saw in many of the prison movies of the thirties and forties. While this representation may make for an entertaining movie, it does not accurately reflect the dedicated professionals who are our Nation's correctional officers. The years of training and retaining, the strain of trying to help offenders reform, and the bitter sorrow when these efforts fail all take their toll on correctional officers. But this does not turn them into callous individuals. In fact, it is testimony to the fact that correctional officers do care. To work in the face of such difficult tensions shows that these individuals are truly professionals of the highest order.

The American Correctional Association has over 60 member organizations, including the American Association of Correctional Officers which is holding its convention in Chicago later this week. Mr. Speaker, this organization which has several thousand members is very interested in our activities here. This is one of those times when we must take a moment out of our daily lives to say "thank you," and to honor those who do those things that are important to our entire society, even though few want to undertake these very difficult tasks. It is for this reason—to thank those individuals who so unselfishly have undertaken an important and risky profession—that I have introduced House Joint Resolution 295, and ask for its immediate approval by our colleagues.

I also ask unanimous consent that the list of cosponsors of House Joint Resolution 295 be printed in the RECORD at this point.

COSPONSORS OF HOUSE JOINT RESOLUTION 295

Mr. Ackerman, Mr. Addabbo, Mr. Akaka, Mr. Albosta, Mr. Alexander, Mr. Anderson, Mr. Andrews of North Carolina, Mr. Andrews of Texas, Mr. Annunzio, Mr. AuCoin, Mr. Barnard, Mr. Barnes, Mr. Bateman, Mr. Bates, Mr. Bennett, Mr. Bereuter, Mr. Berman, Mr. Bevill, Mr. Biaggi, Mrs. Boggs, Mr. Boner of Tennessee, Mr. Bonior of Michigan, Mr. Boucher, Mrs. Boxer, Mr. Britt, Mr. Brooks, Mr. Broomfield, Mr. Brown of California, Mr. Broyhill, Mr. Bryant, Mr. Campbell, Mr. Carper, Mr. Carr, Mr. Chappell, Mr. Chappie.

Mr. Clarke, Mr. Conte, Mr. Conyers, Mr. Corcoran, Mr. Corrada, Mr. Daniel B. Crane, Mr. Crockett, Mr. Coughlin, Mr. D'Amours, Mr. Daniel, Mr. Daub, Mr. Davis, Mr. de Lugo, Mr. Dickinson, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Duncan, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Edgar, Mr. Emerson, Mr. English, Mr. Fascell, Mr. Fauntroy, Mr. Fazio, Ms. Ferraro, Mr. Fish, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Forsythe.

Mr. Fowler, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Gekas, Mr. Gibbons, Mr. Gilman, Mr. Gramm, Mr. Gray, Mr. Green, Mr. Gunderson, Mr. Sam B. Hall, Jr., Mr. Hammerschmidt, Mr. Hance, Mr. Hansen of Idaho, Mr. Harkin, Mr. Harrison, Mr. Hatcher, Mr. Hefner, Mr. Heftel of Hawaii, Mr. Hertel of Michigan, Mr. Hightower, Mrs. Holt, Mr. Horton, Mr. Hoyer, Mr. Hughes, Mr. Hutto, Mr. Hyde, Mr. Jeffords, Mr. Jenkins, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Kasich, Mr. Kastenmeier, Mr. Kazen.

Mr. Kemp, Mr. Kildee, Mr. Kolter, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lantos, Mr. Leath of Texas, Mr. Lehman of Florida, Mr. Leland, Mr. Lent, Mr. Levin of Michigan, Mr. Levine of California, Mr. Livingston, Mr. Long of Maryland, Mr. Luken, Mr. Madigan, Mr. Markey, Mr. Martin of New York, Mr. Martin of North Carolina, Mr. Martinez, Mr. Matsui, Mr. Mavroules, Mr. Mazzoli, Mr. McCollum, Mr. McDonald, Mr. McEwen, Mr. McGrath, Mr. McHugh, Mr. McNulty, Mr. Mica, Mr. Mineta, Mr. Moakley, Mr. Mollohan.

Mr. Moore, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Murtha, Mr. Myers, Mr. Natcher, Mr. Neal, Mr. Nichols, Mr. Nielson of Utah, Mr. O'Brien, Mr. Oberstar, Mr. Ortiz, Mr. Ottinger, Mr. Owens, Mr. Panetta, Mr. Pashayan, Mr. Patman, Mr. Patterson, Mr. Pepper, Mr. Price, Mr. Pritchard, Mr. Pursell, Mr. Rahall, Mr. Rangel, Mr. Ratchford, Mr. Reid, Mr. Richardson, Mr. Roberts, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Roemer, Mr. Rowland, Mr. Sabo.

Mr. Sawyer, Mr. Scheuer, Mrs. Schneider, Mr. Schumer, Mr. Shaw, Mr. Shumway, Mr. Siljander, Mr. Simon, Mr. Skelton, Mr. Robert F. Smith, Mr. Smith of Florida, Mr. Smith of Iowa, Mrs. Smith of Nebraska, Mr. Smith of New Jersey, Mr. Snyder, Mr. Solarz, Mr. Spence, Mr. Stangeland, Mr. Stark, Mr. Stokes, Mr. Stump, Mr. Sunia, Mr. Tallon, Mr. Tauke, Mr. Tauzin, Mr. Thomas of Georgia, Mr. Torricelli, Mr. Towns, Mr. Udall, Mr. Valentine, Mr. Vandergriff, Mr. Vander Jagt, Mr. Vento, Mr. Watkins, Mr. Waxman, Mr. Weaver, Mr. Weiss, Mr. Wheat, Mr. Whitley, Mr. Whittaker, Mr. Whitten, Mr. Williams of Montana, Mr. Williams of Ohio, Mr. Wilson, Mr. Winn, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Young of Alaska.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. FAZIO. Reserving the right to object, Mr. Speaker, and I will not object, I wish to commend the committee for bringing this very noteworthy and long awaited resolution to the floor.

I would like to commend my colleague the gentlewoman from Indiana and my colleague the gentleman from Michigan for focusing much-deserved attention on the achievements of this Nation's correctional officers. I am a cosponsor of the gentleman's resolution (H.J. Res. 295) to proclaim the week of August 7, 1983, as "National Correctional Officers Week" and am pleased that this measure is now before us for consideration.

The entertainment industry often paints a picture of correctional officers which portrays them as callous and inhumane. However, the perpetuation of such myths does a great disservice to the hard working and dedicated officers who daily perform a service which is vitally needed by our society and who do so under highly stressful and even life-threatening circumstances. They do a tough, sometimes dangerous, job for all of us.

California's Fourth Congressional District, which I represent, directly benefits from the skills and devotion of correctional officers, since two State correctional facilities—Folsom Prison and Vacaville Medical Facility—are located there. The employees of these facilities and their families are valued participants in the life of their communities. They have contributed to a public attitude that considers the location of these prisons to be a local asset. It is my experience that the correctional officers at those facilities, as well as those who work at the county level in local jails, are top-notch individuals committed to the utmost professionalism in their jobs. It is fitting that we set aside a week to provide national recognition and praise to correctional officers across the Nation.

Mr. FAZIO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 295

Whereas American correctional officers who work in our jails and prisons are currently responsible for the containment and control of over six hundred thousand prisoners;

Whereas correctional officers must protect inmates from violence while encouraging them to develop skills and attitudes that can help them become productive members of society following their release;

Whereas the morale of correctional officers is affected by many factors, and the public perception of the role of correctional officers is more often based upon dramatization rather than factual review;

Whereas good job performance requires correctional officers to absorb the adverse attitudes present in confinement while maintaining themselves as professionals in order to have their actions appreciated and accepted by the public at large;

Whereas the American Association of Correctional Officers will be holding its annual convention August 5-6, 1983; and

Whereas the attitude and morale of correctional officers is a matter worthy of serious congressional attention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning August 7, 1983, hereby is designated "National Correctional Officers Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING THE MONTH OF SEPTEMBER OF EACH YEAR AS "NATIONAL SEWING MONTH"

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 218) to designate the month of September of each year as "National Sewing Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 218

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandizing, design, patternmaking, and textiles have had their geneses in the home and in elementary school home economics classes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September of each year is designated "National Sewing Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike "that the month of September of each year is designated" and insert in lieu thereof "that the month of September of 1983 is designated".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GARCIA).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENTS OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Strike "to designate the month of September of each year as 'National Sewing Month'" and insert in lieu thereof "To designate the month of September of 1983 as 'National Sewing Month'".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

DESIGNATING WEEK OF SEPTEMBER 4, 1983, TO SEPTEMBER 10, 1983, AS "YOUTH OF AMERICA WEEK"

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 116) to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I reserve the right to object to ask the gentleman from New York a question under my reservation.

I would like to ask the gentleman whether this matter was brought up a week ago or a couple weeks ago?

It is my understanding it was brought up at that time and people made comments in the RECORD.

Why is it brought up again today?

I yield to the gentleman.

Mr. GARCIA. Mr. Speaker, if the gentleman will yield, my response is that I really do not know. I was not the one charged with this on the floor when it was brought up the last time, so I cannot respond.

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COURTER. Mr. Speaker, some people spoke so eloquently a couple weeks ago when this was brought up before, brought up by unanimous consent.

Can those comments that were placed in the RECORD by the people who were here a couple weeks ago be inserted in the RECORD at his point?

The SPEAKER pro tempore. By unanimous consent

Mr. COURTER. Mr. Speaker, I ask unanimous consent that those comments I just referred to may be placed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

S.J. RES. 116

Whereas the children of our Nation are the most valuable natural resource for the future of the country;

Whereas the sharing of knowledge, experiences, and wisdom by adults with children will help to nurture the development in our youth of democratic principles and strong moral and spiritual values, so important to the survival and future betterment of our Nation; and

Whereas all of the people of the United States can be involved in the development of such important principles and values in the youth of America; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 4, 1983, through September 10, 1983, is designated as "Youth of America Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

DESIGNATING OCTOBER 2 THROUGH OCTOBER 9, 1983, AS NATIONAL HOUSING WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 98) to designate October 2 through October 9, 1983, as "National Housing Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Reserving the right to object, Mr. Speaker, under my reservation I would like to ask the gentleman from New York as to why this is put on the calendar for today? We were given four items and this did not appear as one of those items. I was wondering whether this was an oversight as to why it is brought up today, what the significance is? I have not really heard too much about this.

I yield to the gentleman from New York.

Mr. GARCIA. Mr. Speaker, if the gentleman will yield, I just was told by counsel that this just came over from the Senate 20 minutes ago. Again, I am just, as the gentleman knows, I no longer chair this committee. I am doing this as a favor to the chairwoman of this committee.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. COURTER. Under my reservation, I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Speaker, the statement of the gentleman from New York is absolutely correct. It has just recently, in a matter of minutes came over from the Senate.

This declares a "National Housing Week" from October 2 through 9. If the Congress does not pass it now, because of the recess, obviously, there will not be time to issue a proclamation and have the various machinery take place to make it effective; so we have before us a resolution supported by the administration, cleared by the OMB and, in fact, HUD has been soliciting cosponsors of the resolution.

I would hope Members would support it.

Mr. COURTER. Under my reservation, Mr. Speaker, I just make the observation, particularly in lieu of the fact that the housing market has now turned around with increased starts outperforming last year and the year before, which I think is indicative of the resurgence of the economy.

Mr. GARCIA. Mr. Speaker, I thank the gentleman.

Mr. COURTER. Mr. Speaker, I certainly have no objection and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. CRAIG. Reserving the right to object, Mr. Speaker, and I will not object, I think it is appropriate that we move as expeditiously as we can on Senate Joint Resolution 98, designating October 2 through 9 as "National Housing Week." I certainly join with my colleague in echoing that the housing industry in this Nation is making a major comeback; but anything this body can do to assist in drawing to the attention of the American public the importance of the housing industry on giving them a national week in which to have that opportunity, not only to express their enthusiasm, but I think also to express their concerns, that even as of last week we saw interest rates move up a full point, which at that time caused a lot of shudders in the industry, both in the housing industry and in the real estate industry, and that this body by this action ought well to recognize the importance of housing, and I think we do so.

Mr. CRAIG. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 98

Whereas housing is helping to lead the Nation out of recession creating jobs for the unemployed, tax revenue for Government and raising economic confidence throughout America;

Whereas the construction of between one million four hundred thousand and one million six hundred thousand housing starts in 1983—a dramatic increase from 1982—will create millions of worker-years of employment in construction and construction-related industries, billions in wages and billions in tax revenue for local, State and Federal governments;

Whereas an upturn in home sales and housing production has triggered every economic recovery since World War II;

Whereas to sustain this housing-led recovery, it is essential that interest rates continue to fall to increase housing affordability;

Whereas homeownership and decent housing instill pride and contribute to the stability and vitality of communities throughout America;

Whereas it is appropriate to reaffirm our Nation's historic commitment to housing and homeownership as a national priority and to recognize and sustain the role that housing plays in the economic recovery: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 2 through 9, 1983, be declared "National Housing Week" and that the President of the United States be authorized and requested to issue a proclamation calling upon all people of the United States to observe this week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE ESTABLISHMENT OF A COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 118) to provide for the establishment of a Commission on the Bicentennial of the Constitution, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established a Commission on the Bicentennial of the United States Constitution, hereinafter referred to as the "Commission".

FINDINGS

SEC. 2. The Congress finds that—

(1) the bicentennial of the Constitutional Convention's adoption of the Constitution occurs on September 17, 1987;

(2) the Constitution enunciates the limitations on government, the inalienable rights, and the timeless principles of individual liberty and responsibility, and equality before law, for the people of the United States of America;

(3) this document has set an enduring example of representative democracy for the world; and

(4) the maintenance of the common principles that animate our Republic depend upon a knowledge and understanding of their roots and origins.

PURPOSE

SEC. 3. It is the purpose of this Act to establish a Commission to promote and coordinate activities to commemorate the bicentennial of the Constitution.

MEMBERSHIP

SEC. 4. (a) The Commission shall be composed of sixteen members as follows:

(1) thirteen members appointed by the President, three of whom shall be appointed from among the recommendations made by the Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives), three of whom shall be appointed from among the recommendations made by the president pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate, and three of whom shall be appointed from among the recommendations made by the Chief Justice of the United States;

(2) the Chief Justice of the United States, or his designee;

(3) the President pro tempore of the Senate, or his designee; and

(4) the Speaker of the House of Representatives, or his designee.

(b) Each of the individuals making recommendations to the President regarding appointments shall seek to achieve a balanced membership representing, to the maximum extent practicable, the Nation as a whole. The Commission members shall be chosen from among individuals who have demonstrated scholarship, a strong sense of public service, expertise in the learned professions, and abilities likely to contribute to the fulfillment of the duties of the Commission.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) The Commission shall select a chairman from among its members who shall serve as Chairman for the life of the Commission.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(f) A vacancy in the Commission resulting from the death or resignation of a member shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

ADMINISTRATIVE PROVISONS AND POWERS

SEC. 5. (a) The Commission shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level I of the Executive Schedule pursuant to section 5312 of title 5, United States Code.

(b) The Commission is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this title. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate of pay for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(c) Subject to the provisions of this subsection, the Commission may appoint and fix the pay of such additional personnel to be paid out of private donations. An individual appointed to a position funded in such manner shall be so designated at the time of such individual's appointment. The Chairman may appoint such additional personnel as he deems appropriate, not to exceed thirty staff members. If the Chairman deems it appropriate to make appointments in excess of such thirty-person limit, he shall notify the Chairman of the Committee on Post Office and Civil Service in the House of Representatives and the Chairman of the Committee on the Judiciary in the Senate. If neither House Committee disapproves the appointments in excess of the limit by an affirmative vote of the full committee within sixty days after receiving notice of the appointments, the personnel appointed in excess of the limit to be paid out of private donations shall become permanent personnel.

(d) Each member of the Commission shall serve without being compensated as a member of such Commission, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses

incurred by them in the performance of their duties.

(e)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

(f) The Commission is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts or are donated pursuant to subsection (h) of this section.

(g) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

(h)(1) The Commission is authorized to accept, use, solicit, and dispose of donations of money, property, or personal services.

(2) The Commission shall prescribe regulations under which the Commission may accept donations of money, property, or personal services, except that under such regulations, the Commission may not accept donations—

(A) the value of which exceeds $25,000 annually, in the case of donations from an individual; or

(B) the value of which exceeds $100,000 annually, in the case of donations from a corporation, partnership, or other business organization.

(1) plan and develop activities appropriate to commemorate the bicentennial of the Constitution, including a limited number of projects to be undertaken by the Federal Government seeking to harmonize and balance the important goals of ceremony and celebration with the equally important goals of scholarship and education;

(2) encourage private organizations, and State and local governments to organize and participate in bicentennial activities commemorating or examining the drafting, ratification, and history of the Constitution and the specific features of the document;

(3) coordinate, generally, activities throughout all of the States; and

(4) serve as a clearinghouse for the collection and dissemination of information about bicentennial events and plans.

(b) In planning and implementing appropriate activities to commemorate the bicentennial, the Commission shall give due consideration to—

(1) the historical setting in which the Constitution was developed and ratified, including such antecedents as the Federalist Papers, the Articles of the Confederation, and the ratification debates in the States;

(3) The regulations prescribed under this subsection shall include procedures for determining the value of donations of property or personal services.

(4) The limitations set forth in this subsection shall not apply in the case of an organization if it is an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)), and exempt from taxation under section 501(a) of such Code.

(i) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(j) The Commission shall have the authority to design and use a logo as the official emblem of the bicentennial. The Commission shall issue rules and regulations, including penalties for unauthorized use, regarding the use of such logo, except that under those regulations, the Commission shall be prohibited from selling, leasing, or otherwise granting to any corporation or private person the right to use the logo in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall—

(2) the contribution of diverse ethnic and racial groups;

(3) the relationship and historical development of the three branches of the Government;

(4) the importance of activities concerning the Constitution and citizenship education throughout all of the States regardless of when such State achieved statehood;

(5) the unique achievements and contributions of the participants in the Constitutional Convention of 1787 and the State ratification proceedings;

(6) the diverse legal and philosophical views regarding the Constitution;

(7) the need for reflection upon both academic and scholarly views of the Constitution and the principle that the document must be understood by the general public;

(8) the substantive provisions of the Constitution itself;

(9) the impact of the Constitution on American life and government;

(10) the need to encourage appropriate educational curriculums designed to educate students at all levels of learning on the drafting, ratification, and history of the Constitution and the specific provisions of that document; and

(11) the significance of the principles and institutions of the Constitution to other nations and their citizens.

(c) The Commission shall seek the cooperation, advice, and assistance from both private and governmental agencies and organizations, including the National Endowment for the Arts, the National Endowment for the Humanities, the Library of Congress, the Smithsonian Institution, the National Archives, the Department of the Interior, State and local governments, learned societies, academic institutions, and historical, patriotic, philanthropic, civic, and professional groups, and bar associations.

(d) The Commission may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implemeting this Act.

(c) Within two years after the date of enactment of this Act, the Commission shall submit to the President and each House of the Congress and the Judicial Conference of the United States a comprehensive report incorporating specific recommendations of the Commission for commemoration and coordination of the bicentennial and related activities. Such report shall include recommendations for publications, scholarly projects, conferences, programs, films, libraries, exhibits, ceremonies, and other projects, competitions and awards, and a calendar of major activities and events planned to commemorate specific historical dates. Each year after such comprehensive report, the Commission shall submit an annual report to the President, each House of the Congress, and the Judicial Conference until such Commission terminates.

TERMINATION

SEC. 7. The Commission shall terminate on December 31, 1989.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated to carry out the purposes of this Act $300,000 for fiscal year 1984 and such sums as may be necessary for the subsequent fiscal years through fiscal year 1989.

EFFECTIVE DATE

SEC. 9. This Act shall become effective on the date of enactment.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA:

Page 2, lines 16–17, strike out "sixteen" and insert in lieu thereof "twenty-three".

Page 2, line 18, strike out "thirteen" and insert in lieu thereof "twenty".

Page 2, line 19, strike out "three" and insert in lieu thereof "four".

Page 2, line 22, strike out "three" and insert in lieu thereof "four".

Page 3, line 1, strike out "three" and insert in lieu thereof "four".

Page 3, strike out lines 20–22 and insert in lieu thereof the following:

(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

Page 3, line 23, strike out "Eight" and insert in lieu thereof "Twelve".

Page 5, line 2, strike out "thirty" and all that follows thereafter through the period in line 12, and insert in lieu thereof "forty staff members.".

Mr. GARCIA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection of the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GARCIA).

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) is recognized for 1 hour.

Mr. GARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 118 passed the Senate unanimously on July 18, 1983. This bill would establish a Presidential Commission for the expressed purpose of planning and conducting a meaningful national celebration to mark the 200th anniversary of the drafting and ratification of the U.S. Constitution and the Bill of Rights.

The President is fond of telling audiences that America is the last best hope for mankind. If we are, it is because our Constitution guarantees all men and women equality. In addition, it secures rights and freedoms un-

matched anywhere else in the world. That is why the people of this Nation have reposed great faith in the principles which the Constitution embodies.

The constitutional bicentennial presents an unique opportunity to instill in our citizenry a greater sense and understanding of the rights, privileges, and opportunities afforded by the Constitution.

I will forgo a lengthy review of the bill's provisions but I would like to highlight a few major items contained in the Senate-passed bill.

As passed by the Senate, the Commission will be composed of 16 members appointed by the President. Congress and the Judiciary shall each recommend to the President an equal number of members to be appointed by the President.

The bill caps the number of staff that may be hired from either private or donated funds. Furthermore, the bill places an annual limitation on the amount individuals or businesses may contribute to the Commission, and it also precludes the use of the official logo for any private, commerical, or promotional endeavor.

There is authorized to be appropriated $300,000, for fiscal year 1983 and such sums as are required in subsequent fiscal years.

Finally, the Commission terminates on December 31, 1989.

Since Senate passage of S. 118 last month, the White House has requested certain amendments. They have asked for an increase in the size of the Commission and in the number of direct Presidential appointments; the authority to select the Chairman of the Commission; and certain changes relating to staff employment. The requested changes are acceptable to the committee as well as Senate sponsors. I will explain each amendment in further detail at the appropriate time.

Mr. Speaker, there is an urgent need to get the necessary planning for this historic anniversary underway as soon as possible. The administration knows this and, in fact, is poised to establish a Commission by Executive order if we fail to act before we adjourn for the August distict work period. By failing to act, Congress, as a coequal branch of the Government, would be relinquishing to the Executive, its right to participate directly in an event celebrating the formation of our Government. That is not only unwise, but foolish.

I urge my colleagues to support this legislation, and I include a summary of the major provisions of S. 118, as passed by the Senate, at this point in the RECORD.

SUMMARY OF MAJOR PROVISIONS OF SUBSTITUTE AMENDMENT FOR S. 118

(PASSED THE SENATE ON JULY 18, 1983)

Section 1: Establishes a Commission on the Bicentennial of the Constitution of the United States.

Section 2: Sets forth Congressional findings regarding the U.S. Constitution and the need for a Commission to commemorate the bicentennial of the Constitution.

Section 3: States that the purpose of the Act is to establish a Commission to commemorate the bicentennial of the Constitution.

Section 4: Establishes a 16-member Commission which shall, to the maximum extent practicable, be representative of the nation. Thirteen members shall be appointed by the President. The Speaker of the House of Representatives and the President pro tempore of the Senate shall each recommend three (3) members to the President to be appointed. In addition, the Speaker, Senate President pro tempore and the Chief Justice of the United States or their designees shall serve as members of the Commission.

Members shall be appointed for the life of the Commission and shall elect a Chairman from among the members of the Commission.

Section 5: Provides for the appointment of a staff director and five additional staff to be paid from public funds.

An additional thirty persons may be appointed to the staff provided they are paid from donated funds. The Chairman of the Commission may hire additional personnel in excess of the thirty-person limit. However, the House and Senate Committees of jurisdiction must be notified of such additional appointments. Either Committee may, within 30 days after receiving such notice, by affirmative vote of the full Committee, disapprove the appointment of the additional personnel.

The Commission is authorized to accept not more than twenty persons detailed from federal agencies.

This Section also limits the amount individuals and businesses may donate to the Commission annually. In the case of an individual, the limit is $25,000; a business is limited to a $100,000 annual donation. These limitations do not apply to not-for-profit organizations exempt from taxation under the Internal Revenue Code.

The Commission is barred, under this section, from leasing, selling, and otherwise granting to any person, the right to use the Commission's official logo in connection with any commercial related activity.

Section 6: Enumerates the duties of the Commission which are essentially to plan appropriate activities and encourage nationwide participation in the bicentennial commemoration.

Within two years of enactment, the Commission is directed to submit to the President, Congress and the Judicial Conference of the United States, a report with specific recommendations for commemorating the bicentennial of the Constitution.

Section 7: Commission terminates on December 31, 1989.

Section 8: Authorizes $300,000 for fiscal year 1983 and such sums as are necessary for subsequent fiscal years.

Section 9: Act takes effect upon enactment.

EXPLANATION OF AMENDMENTS

Mr. Speaker, this amendment has three parts. First, the size of the Commission would be expanded from 16 to 23 members. The amendment provides the President with an additional four appointees. The Speaker, Senate President pro tempore, and the Chief Justice would each recommend one additional member of the Commission to the President for appointment.

The second part of the amendment would permit the President to name the Commission's Chairman.

The final part of the amendment eliminates a provision in S. 118 relating to the appointment of staff paid from donated funds. The bill would have required the Chairman of the Commission to notify both House and Senate oversight committees of the appointment of any staff in excess of the 30-person limit. Either committee could have, within 30 days after receiving such notice, disapproved the appointment of such additional staff by an affirmative vote of the committee. This provision appears to violate the recent Supreme Court decision which invalidated legislative vetoes. Accordingly, this provision is deleted and replaced with an absolute staff ceiling. Although there is an increase of 10 staff positions this should be viewed as a maximum limit on the size of staff employed by the Commission and paid from donated funds. No changes are made with respect to the number of employees to be paid from appropriated funds.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to my colleague from New Jersey.

Mr. COURTER. Mr. Speaker, I rise in support of S. 118 to establish a Presidential Commission on the Bicentennial of the Constitution.

This legislation would provide for the appointment by the President of the United States a 23-member Commission with representation from each of the three branches of Government, charged with developing a plan for the appropriate celebration of events leading up to the signing of the Constitution and the subsequent ratification process. The Commission will undertake a limited number of Federal projects but is also directed to encourage State, local, and private participation in planning activities. While the Federal involvement is necessary for a variety of reasons, S. 118 recognizes the important role which State and local governments and the private sector can contribute. The intent of this legislation is not for the Federal Government to solely plan the events celebrating and commemorating the 200th birthday of our Constitution.

The primary function of the Bicentennial Commission will be to educate, evaluate, and rededicate Americans to our constitutional Republic. The U.S. Constitution is at the center of American political life and there exists today a dire need to educate our young people about our system of constitutional freedoms. The public's understanding of the Constitution is at a low ebb.

This bicentennial offers an opportunity to correct this educational problem and foster a better understanding of our representative Government. Also this bicentennial will offer the opportunity to evaluate the successes of our governing institutions since their inauguration in 1787.

Our Constitution grows and becomes more effective over time not through a process of change and evolution but instead through a process of study and application of its unchanging principles.

The growth and effectiveness of the Constitution is most evident in the dedication of Americans to its changless tenents. The Constitution has proven durable—not because it is an evolving or flexible document but because it addressed principles that were enduring and because it created institutions which have made our country second to none.

As we begin the third century of our existence under this great document, the American people should renew their knowledge about our heritage and should rededicate themselves to the maintenance of a republic under the Constitution.

The primary purpose of the Commission will be to establish a new awareness and knowledge of our Constitution in the mind of the American people. It is for these reasons that I urge my colleagues to support this legislation which would develop a Presidential Commission on the Bicentennial of the Constitution.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding and I wish to compliment the gentleman and the committee on bringing forth this very fine piece of legislation establishing the Commission for the Bicentennial celebration of the drafting and the signing of the Constitution.

I trust that it will pass in a very splendid fashion so that we can get on with the business of the preparation for this important date in our history.

Mr. GARCIA. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FRANCO-AMERICAN WAR VETERANS

(Mrs. JOHNSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON. Mr. Speaker, today I have the privilege and the honor of introducing legislation to recognize a veterans organization known as the Franco-American War Veterans, Inc. Founded over 50 years ago in Massachusetts, and chartered in my own State of Connecticut in 1957, this fine organization of over 2,000 American veterans of French descent has since established itself as a valuable asset to the many communities it serves. Franco-American Veterans perform a vast variety of volunteer services for VA hospitals, local senior citizen centers, and other nursing and home-care programs, and donate supplies such as wheelchairs and air mattresses to comfort bedridden patients. In addition, the group donates funds raised through weekly events to needy community service organizations and sponsors such successful endeavors as the home service center program, the visiting nurses association, and the rehabilitation center for the blind. The Franco-American Veterans group has been particularly active in support of the rehabilitation center for the blind and taken the lead in its promotion. Furthermore, the organization offers scholarships to talented students who would otherwise be unable to afford the rising cost of higher education.

My legislation seeks to recognize the Franco-American War Veterans, Inc., and grant this distinguished organization a Federal charter, giving these veterans the recognition they deserve for their many years of unselfish, dedicated service to our communities and our veterans. This national recognition would serve to help the organization expand its membership and voluntary services, which are provided without charge to the American public. This proposal reflects our appreciation for those who have sacrificed so much for our country as well as our support for the exemplary goals of this compassionate, dedicated, and patriotic organization. I urge my colleagues to join me by adding your names as cosponsors to this well-deserved recognition bill.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION EXTENSION

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3409) to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read thetitle of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out lines 3 to 12, inclusive, and insert:

That (a) subparagraph (B) of section 602 (e)(2) of the Federal Supplemental Compensation Act of 1982 is amended to read as follows:

"(B) If the applicable limit for a State, as determined under clause (ii) of subparagraph (A), for the week beginning July 24, 1983, was a number equal to or less than such State's applicable limit for the week beginning March 27, 1983, under this paragraph (as in effect for such week) reduced by four, the applicable limit for such State shall not be less than the applicable limit for the week beginning July 24, 1983, for any week after the week beginning after July 24, 1983.

(b) The amendment made by subsection (a) shall apply to weeks beginning after July 24, 1983.

(c)(1) In the case of an account, established before the week beginning June 5, 1983, the applicable limit under section 602 (e)(2)(A)(ii) of the Federal Supplemental Compensation Act of 1982 shall in no event be less than the number of weeks applicable to such State for the week beginning March 27, 1983, under section 602(e)(2) of such Act (as in effect for such week) reduced by four.

(2) Paragraph (1) shall apply only to compensation for weeks of unemployment beginning on or after the date of the enactment of this Act.

Page 2, line 1, strike out "(c)" and insert "(d)".

Page 2, line 2, after "subsection (a)" insert "or the provisions of subsection (c)".

Page 2, line 8, after "subsection (a)" insert "or the provisions of subsection (c)".

Page 2, after line 14, insert:

SEC. 2. Effective October 1, 1983, the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98-8; 97 Stat. 35 and 36) is amended by—

(1) in section 201, striking out "the Act" and inserting in lieu thereof "this Act";

(2) inserting, after section 201, a new section 201A as follows:

"ELIGIBLE RECIPIENT AGENCIES

"SEC. 201A. As used in this Act, the term 'eligible recipient agencies' means public or nonprofit organizations that administer—

"(1) activities and projects providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons;

"(2) school lunch programs, summer camps for children, and other child nutrition programs providing food service;

"(3) nutrition projects operating under the Older Americans Act of 1965, including congregate nutrition sites and providers of home-delivered meals;

"(4) activities and projects that are supported under section 4 of the Agriculture and Consumer Protection Act of 1973;

"(5) activities of charitable institutions, including hospitals and retirement homes, to the extent that needy persons are served; or

"(6) disaster relief programs; and that have been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this Act.";

(3) amending section 202(a) to read as follows:

"SEC. 202. (a) Notwithstanding any other provision of law, in order to complement the domestic nutrition programs, make maximum use of the Nation's agricultural abundance, and expand and improve the domestic distribution of price-supported commodities, commodities acquired by the Commodity Credit Corporation that the Secretary of Agriculture (hereinafter referred to as the 'Secretary') determines, in his discretion, are in excess of quantities needed to—

"(1) carry out other domestic donation programs,

"(2) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(3) meet international market development and food aid commitments, and

"(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

shall be made available by the Secretary, without charge or credit for such commodities, for use by eligible recipient agencies for food assistance.";

(4) in section 202(b)—

(A) in the first sentence, striking out "shall" and inserting in lieu thereof "may"; and,

(B) in the second sentence, striking out "December 1, 1983" and inserting in lieu thereof "October 1, 1985";

(5) inserting, after section 203, new sections 203A, 203B, and 203C as follows:

"INITIAL PROCESSING COSTS

"SEC. 203A. The Secretary may use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program established under this Act into forms, and in quantities, suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by individual households or for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the Food Security Wheat Reserve may not be used to pay such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

"FEDERAL AND STATE RESPONSIBILITIES

"SEC. 203B. (a) The Secretary shall, as expeditiously as possible, provide the commodities made available under this Act in such quantities as can be used without waste to State agencies designated by the Governor or other appropriate State official for distribution to eligible recipient agencies, except that the Secretary may provide such commodities directly to eligible recipient agencies and to private companies that process such commodities for eligible recipient agencies under sections 203 and 203A of this Act.

"(b) State agencies receiving commodities under this Act shall, as expeditiously as possible, distribute such commodities, in the quantities requested (to the extent practicable), to eligible recipient agencies within their respective States. However, if a State agency cannot meet all requests for a particular commodity under this Act, the State agency shall give priority in the distribution of such commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

"(c) Each State agency receiving commodities for individual household use under this Act shall distribute such commodities to eligible recipient agencies in the State that serve needy persons, and shall, with the approval of the Secretary, determine those persons in the State that shall qualify as needy persons eligible for such commodities.

"ASSURANCES; ANTICIPATED USE

"SEC. 203C. (a) The Secretary shall take such precautions as the Secretary deems necessary to assure that any eligible recipient agency receiving commodities under this Act will provide such commodities to persons served by the eligible recipient agency and will not diminish its normal expenditures for food by reason of the receipt of such commodities. The Secretary shall also take such precautions as the Secretary deems necessary to assure that commodities made available under this Act will not displace commercial sales of such commodities or the products thereof. The Secretary shall not make commodities available for donation in any quantity or manner that the Secretary, in the Secretary's discretion, determines may, substitute for the same or any other agricultural produce that would otherwise be purchased in the market.

"(b) Commodities provided under this Act shall be distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this Act in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.";

"(6) in section 204—

(A) designating the last sentence as subsection (c);

(B) inserting, after the first sentence, a new subsection (b) as follows:

"(b) There are hereby authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1984, and September 30, 1985, for the Secretary to make available to the States for storage and distribution costs of which not less than 20 percent of the amount appropriated under this subsection in any fiscal year shall be made available for paying or providing advance payments to cover the actual costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similiar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons: *Provided*, That in no case shall such payments exceed five per centum of the value of commodities distributed by any such agency."; and

(C) in subsection (c), as so designated by subclause (A) of this clause, striking out "this appropriation" and inserting in lieu thereof "appropriations made or authorized under this section";

(7) in section 205—

(A) amending the heading to read as follows:

"RELATIONSHIP TO OTHER PROGRAMS";

(B) inserting "(a)" after the section designation; and

(C) adding, at the end thereof, a new subsection

"(b)" as follows:

"(b) Except as otherwise provided in section 203A of this Act, none of the commodities distributed under this Act shall be sold or otherwise disposed of in commercial channels in any form.";

(8) amending section 209 to read as follows:

"SEC. 209. Section 5(a)((2) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended by striking out "amount appropriated for the provision of commodities to State agencies" and inserting in lieu thereof "sum of (A) the amount appropriated for the commodity supplemental food program and (B) the value of the additional commodities donated by the Secretary to State or local agencies for use in such program which are provided without charge against funds appropriated for such program and are included in food packages distributed to program participants";

(9) in section 210—

(A) inserting "(a)" after the section designation; and

(B) adding, at the end thereof, new subsections (b) and (c) as follows:

"(b) In administering this Act, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

"(c) With respect to the commodity distribution program under this Act in effect during the fiscal years ending September 30, 1984, and September 30, 1985, the Secretary shall, not later than October 1, 1983, publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the first twelve months of the program; and, prior to the beginning of the fiscal year ending September 30, 1985, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available during the second twelve months of the program under this Act: *Provided*, That the actual types and quantities of commodities made available by the Secretary under this Act may differ from the estimates."; and

(10) inserting, after section 210, new sections 211 and 212 as follows:

"FINALITY OF DETERMINATIONS

"SEC. 211. Determinations made by the Secretary of Agriculture under this Act and the facts constituting the basis for any donation of commodities under this Act, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

"PROGRAM TERMINATION

SEC. 212. The provisions of this Act, with the exception of 207, shall terminate September 30, 1985.".

SEC. 3. Section 4(c) of the Agriculture and Consumer Protection Act of 1973 is amended by inserting "Temporary" before "Emergency Food Assistance Act of 1983".

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I would like to yield to the distinguished chairman to explain the nature of the bill before us.

Mr. ROSTENKOWSKI. Will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the Federal supplemental compensation program (FSC) provides additional weeks of unemployment compensation to individuals who have exhausted their regular State benefits and any extended benefits to which they were entitled. The program was originally enacted as part of the last year's Tax Equity and Fiscal Responsibility Act and was due to expire on March 31, 1983. The number of weeks of benefits paid under the original 6-month program ranged from 8 to 16, depending on the insured unemployment rate in a State.

We extended the program, from April 1, 1983, through September 30, 1983, as part of the Social Security amendments of 1983. Under this extension, the maximum number of weeks of benefits ranged from 8 to 14, and the trigger rates for determining how many weeks an individual could receive in any given State were amended. Because of these changes, the maximum number of FSC weeks payable in a number of States was reduced on April 1, 1983.

The insured unemployment rate (IUR) is used to determine how many weeks of FSC benefits are payable in a State. The IUR is the number of individuals claiming regular State benefits divided by the number of people who are working in jobs covered by the States' unemployment insurance law. It bears limited relation to the total unemployment rate in the State. The 1981 Reconciliation Act made changes in the calculation of the IUR which has had the result of lowering dramatically the insured unemployment rate in a number of high unemployment States. Because of this rapid drop in the IUR, 25 States have lost more than 4 weeks of FSC benefits, compared to the number of weeks payable under the original program. Between now an September 30, 1983, as many as seven more States will experience a similar loss.

H.R. 3409 as amended would limit the loss of FSC weeks. In most of the effected States, this will mean an additional 2 weeks of benefits for long-term unemployed individuals.

The bill before us is a compromise agreement between both Houses that has passed the Senate. I urge this body to understand that this legislation, as modified by the other body, is reduced in cost to a range of $51-55 million from an orginal level estimated by the Department of Labor to be $200 million.

In light of the continuing hardships faced by the long-term unemployed, who are precisely the jobless workers the FSC program was designed to help. It is imperative that we pass this bill.

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Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from California, the author of the "hitchhiker" that comes along with the gentleman from Illinois' bill.

Mr. PANETTA. I thank the gentleman for yielding. Also attached to this bill is the emergency food assistance and commodity distribution bill, similar to H.R. 1590, which was adopted by this House by an overwhelming vote of 389 to 18 and provided for administrative funding for the distribution of commodities. A similar bill in the other body S. 17 has been reported by the Senate Agriculture Committee and was pending action on the Senate floor. The administration had initially opposed the measure. But as a result of the President's actions with regard to hunger this last week, the appointment of a hunger task force, and the announcement by the Secretary of Agriculture that he was expanding the distribution of commodities, the administration also supports now the legislation that is included in this measure and supports the additional administrative funding that is now provided.

As a result of that and in cooperation with Members from the other body we developed a compromise which is consistent with the basic thrust of H.R. 1590.

Mr. Speaker, I do not particularly like the lateness of the time or the process in doing it in this manner, but it is important, nevertheless, to adopt this legislation.

The administration has announced an expanded commodity distribution program. If that program is to be effective, administrative funding is needed and this bill provides that funding. So, I would urge the Members to support the legislation as included in this bill.

Mr. FRENZEL. Further reserving the right to object, I yield to the distinguished coproponent, the gentleman from Missouri (Mr. Emerson).

Mr. EMERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the commodity distribution bill, and associate myself with the remarks of the gentleman from California.

Mr. Speaker, I rise in support of this compromise on the extension of the commodity distribution bill. It makes sense to me that surplus commodities held by the Government should be shared with needy people. The lengthy recession and unemployment have caused suffering—no one disputes this. There are positive signs that the economy is turning around—but while this occurs there are people in need. There are Federal food assistance programs designed to help people in need by providing food stamps, school lunches, and other food benefits. These programs subsidize in whole or in part over 95 million meals per day for needy people.

However, at this time it appears that the need for food exceeds the benefits provided under Federal programs. At the same time the Federal Government is storing surplus commodities. That is why, in my mind, if the need for food is present and surpluses are available—distribution should be made to help families who are in need.

The primary purposes of this compromise are:

To continue the surplus commodity distribution program, as contained in the jobs bill, for 2 years.

To require the Secretary to distribute surplus commodities, in excess of domestic or foreign commitments.

To provide reimbursement for actual administrative costs of transporting, handling and storing surplus commodities at the State or local level. Administrative cost reimbursement cannot exceed $50 million.

To have commodities to be processed into forms suitable for home or institutional use.

At a time when our country is struggling to get back on its economic feet, I believe we should make every effort to help our needy and jobless. This legislation would provide for processing surplus farm commodities into food products, pay for transportation to eligible agencies which will distribute the food, and reimburse the States for the administrative costs involved.

In addition to helping the needy, this program will aid farmers by decreasing the surpluses which have depressed farm prices and it will also reduce the Government costs for storing these surpluses.

I urge Members to support this bill.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, when the FSC bill was before the House I objected to it very strenuously. I still oppose that bill with great vigor and think it is a terrible mistake for this House to ratify a mistake of an agency of this Government.

However, the House passed that bill by a very heavy majority.

The principal sponsor, a very able and effective gentleman from Massachusetts (Mr. SHANNON) has convinced me that it would be mean spirited and curmudgeonly of me to object at this time for it would simply delay the arrival of benefits by 30 days which are

going to be there anyway and are needed sooner rather than later.

For that reason, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

SAVINGS RATE TRICKLES DOWNWARD

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the administration has been making a lot of noise in the past few weeks about the supposed "economic recovery"; amid this blustering clamor, let me sound a note of caution. The savings rate represents the percentage of disposable income that Americans put away for rainy days. That rate has now hit its lowest point since 1950, declining steadily from 7 percent in 1981 to 5.4 percent in the first quarter of this year, and dropping to a dismal low of 3.3 percent in June. All this after the great tax cuts, which were supposed to magically enable the American people to increase their savings, but have instead produced the greatest Federal deficits ever.

In the last day or two we have all read the saddening reports stating that the poverty level has reached 15 percent—the highest point since 1965—meaning that 34.4 million Americans are living in absolute squalor, from hand to mouth. It is not too surprising that this group of Americans has not yet had a chance to save. And things are hardly better for the middle class—among people who are living in relative security. Perhaps it is among the rich, who seem to get so much sympathy from the administration these days, that the tax cuts have proven to be a savings incentive. But this is just run-of-the-mill inequity. When the effects of this unimaginable deficit become apparent, that's when the real injustice will begin.

The single home mortgage rate is on the rise again—up from 12 percent in May to a current 14 percent. When the combined effects of a low savings rate and a huge deficit begin to take hold, we will see the mortgage rate really skyrocket. The lowered savings rate means that the available pool of money for loans is scarce to begin with. With the Federal Government swallowing up the majority of this money in a desperate attempt to keep up with its mushrooming deficit, precious little is left for the average citizen who wants to buy a home—and that small amount will be going for a very high rate.

Already the housing market is feeling the pressure. There was a decline of 52,000 housing starts, on an annual basis, from May to June. The rate of sales of new homes has gone down. The unsold housing inventory rose from April to May, and again from May to June. Most alarming, though, are reports from around the country which indicate a big drop in the number of people applying to banks and savings and loans institutions for mortgages. This makes the housing industry nervous; it knows that in an economic climate where every penny counts, it takes only a slight increase in interest rates to shut business down.

And consumers are nervous. With interest rates on the climb again, working people feel that to own a home and gain some measure of real economic security is an impossible dream—a fairy tale. They have no incentive to save for the future. No longer do Americans view their Nation as the land of economic opportunity. People are beginning to lose hope as the economic policies of the administration begin to push up interest rates.

Now it is all most Americans can do to live on a day-to-day basis. And that is a very tough way to live. We must be realistic—the 11.1 million men and women who are unemployed cannot save because they are struggling to survive. They are treading water—trying to keep afloat in stormy economic seas. They cannot save while struggling to stay afloat. Only when we give them the economic lifesaver of jobs and lower interest rates will we see a rise in the savings rate. Then Americans will be back on the dry land of prosperity.

A FEDERAL RESERVE BOARD ANALYSIS RELATING TO PROPOSED FINANCIAL INSTITUTIONS DEREGULATION ACT OF 1983

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ERDREICH. Mr. Speaker, one issue which Congress will be called to take action upon in the very near future will be the question of nonbanks, engaging in the delivery of financial services; and nonbanking activities in which banks have begun to engage. To date, there has been legislation introduced calling for a moratorium on the nonbanking activities of financial institutions; and there has been legislation calling for the deregulation of financial institutions.

The financial services industry has experienced enormous changes over the past decade as a response to market demand. Technological advances have changed the very nature and substance of banking activities. Consequently, the statutes enacted to regulate the activities of financial institutions are in need of revision. The administration has submitted such a revision—the Financial Institutions Deregulation Act of 1983. This legislation is, of course, highly complex and extremely controversial.

In order to help facilitate a proper review of the bill, I requested that Federal Reserve Board Chairman Paul Volcker prepare a side-by-side analysis of what restrictions the measure lifts, what restrictions remain in place, and what restrictions are altered by the legislation. The Chairman's response is most thorough and I would like to submit it in the RECORD for review. It will I believe, help expedite consideration of this matter and I would urge my colleagues to use it as a resource in the upcoming debate.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., *August 3, 1983.*

Hon. BEN ERDREICH,
House of Representatives,
Washington, D.C.

DEAR MR. ERDREICH: Chairman Volcker has asked me to respond to your letter of July 18, 1983, in which you requested an outlne of current restrictions on the nonbanking activities of bank and thrift holding companies that would be eliminated, altered, or unchanged by the Administration's proposed Financial Institutions Deregulation Act of 1983.

I am pleased to provide the enclosed table which compares, in chart form as you requested, the regulation of nonbanking activities under existing law and the proposed bill. We have added a category of "new restrictions imposed" since the bill would impose new restrictions in certain areas. The Board's staff would be pleased to modify this table in any manner desired. Please let me know if I may be of any further assistance.

Sincerely,

DONALD J. WINN,
Assistant to the Board.

REGULATION OF NONBANKING ACTIVITIES OF BANK & THRIFT HOLDING COMPANIES UNDER THE FINANCIAL INSTITUTIONS DEREGULATION ACT OF 1983

	Current restrictions remaining	Current restrictions eliminated	Current restrictions altered	New restrictions imposed
Nonbanking activities permissible for bank holding companies.	Bankholding companies could continue to engage in activities that FRB determines by order or regulation to be closely related to banking.	Bank holding companies would be authorized to engage in activities that FRB determines by regulation to be "of a financial nature," in addition to the following expressly authorized activities that are currently prohibited:. General insurance underwriting and brokerage activities. Real estate investment, development, and brokerage (limited to 5% of primary capital). Operating a mutual fund; underwriting and selling shares of a mutual fund (through a separate subsidiary only) dealing in and underwriting municipal revenue bonds (through a separate subsidiary only). Operating a nonfailing thrift institution Any activity authorized as of July 1, 1983, by the FHLBB for multiple S&L holding companies (other than real estate investment and development).	FRB would be authorized to prescribe limitations on the conduct of activities consistent with financial, managerial, safety and soundness, and other criteria. In prescribing permissible activities, FBB would be required to promote competition between bank holding companies and all other companies engaged in such activities.	Within one year of formation of a securities affiliate by a holding company, all subsidiary banks or thrifts of the holding company would be required to cease any activity authorized for a securities affiliate.
FRB approval of individual proposals to engage in nonbanking activities.	.....	Prior FRB approval of proposals to engage in nonbanking activities would be eliminated.	.....	60-day prior notice to FRB of proposed activities would be required; FRB could issue a notice of disapproval of a proposal.
Criteria for FRB evaluation of individual proposals to engage in nonbanking activities.	.....	Public benefits test (i.e. balancing of public benefits, such as increased competition, gains in efficiency, against adverse effects, such as conflicts of interests and undue concentration of resources) would be eliminated, but FRB could consider certain adverse effects of a proposal in diciding whether to disapprove an activity. Hearing requirement would be eliminated		
	FRB could disapprove an activity for financial or managerial reasons.	.....	Decreased or unfair competition, undue concentration of resources, and conflicts of interest criteria would be replaced by "any practice or arrangement that may adversely affect the independence or impartiality of an affiliated bank in the provision of credit or other services or the terms on which such credit and services are made available or the availability of such credit.". Safety and soundness criteria would be altered from "unsound banking practices" to "any material adverse effect on the safety and soundness or the financial condition of an affiliated bank or banks.".	In considering financial and capital adequacy, FRB would be required to give due consideration to financial resources and capital of others engaged in similar activities and could not impose capital standards higher than those required by state or federal regulations applicable to other companies engaged in such activities, unless circumstances warranted a higher capital level.
Judicial review	.....	Right of competitors to seek judicial review of FRB decisions not to disapprove bank holding company proposals to engage in nonbank activities would be eliminated.		
Supervision and examination	FRB's authority to require reports of and to examine bank holding companies would be unchanged.	.....	FRB's authority to require reports of nonbank subsidiaries generally would be limited to kinds of reports that a publicly held corporation would be required to file with SEC, except where circumstances warranted additional information. FRB is directed "to the extent feasible" to limit examination of nonbank subsidiaries by utilizing reports of other supervisory authorities and if possible by focusing examinations on activities of nonbank subsidiaries that affect the financial condition of an affiliated bank.	
Jurisdiction	A company that owns both a bank and a thrift would continue to be subject to jurisdiction of both FRB and FHLBB.			
Transactions with affiliates	.....	Restrictions applicable to thrifts on transactions with affiliates would be eased and same restrictions applicable to banks would apply.	.....	New restrictions would be imposed on transactions with affiliates (e.g., all covered transactions between a bank and its holding company affiliates must be on nonpreferential terms).
State authorized nonbank activities	States would not be prohibited from authorizing state banks to engage in activities not permissible for bank holding companies..	.....	.....	States may not prohibit affiliations of national banks or federal thrifts with companies engaged in activities permissible under BHC Act or S&LHC Act, respectively.
Definition of "bank"	"Bank" would continue to encompass any institution that accepts demand deposits or transaction accounts and engages in the business of making commercial loans. Federally insured thrifts and certain other institutions (e.g., Edge corporations) would continue to be exempt..	.....	.....	"Bank" would be redefined to include any bank that is federally insured or eligible for federal insurance (if it accepts deposits other than in a fiduciary capacity).
S&L holding companies	.....	S&L holding companies would be authorized, subject to FHLBB review, to engage in activities authorized by FRB for bank holding companies, including specifically export trading companies, securities affiliates, and the operation of an insured bank (currently not permitted for multiple S&L holding companies)..	.....	Unitary S&L holding companies would be subject to restrictions applicable to multiple S&L holding companies (which essentially parallel those of bank holding companies). Real estate investment and development authority of multiple S&L holding companies would be limited to 5% of primary capital (currently unlimited). FRB, rather than FHLBB, would have jurisdiction over securities affiliates. S&L holding companies would be required to provide 60 days prior written notice of activities to the FHLBB (currently no notice required for unitary S&L holding companies); FHLBB may apply same criteria for reviewing individual proposals as apply to bank holding company proposals.

REGULATION OF NONBANKING ACTIVITIES OF BANK & THRIFT HOLDING COMPANIES UNDER THE FINANCIAL INSTITUTIONS DEREGULATION ACT OF 1983—Continued

	Current restrictions remaining	Current restrictions eliminated	Current restrictions altered	New restrictions imposed
Service corporations				Bank and S&L service corporations would be required to limit their activities to providing clerical, data processing, and other administrative services to other depository institutions and could no longer deal with the public.

A PETITION ON CENTRAL AMERICA

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. LOWRY of Washington. Mr. Speaker, I take this time to insert into the RECORD a petition that was being circulated by interns in the House on some of their individual concerns about Central American policy.

Under the rules of the House that I had not been familiar with prior to this, our interns cannot do that. I do not rise to quarrel with that rule. I think I might do that at some other time. That is not the point of my statement.

An excellent employee in my office had been working on this, and I would like to put into the RECORD what their petition stated as their individual concerns about our policies in Central America.

Mr. Speaker, the petition is as follows:

AUGUST 1983.

PRESIDENT REAGAN: During the past few years, the political instability in Central America has raised serious concerns in our country. We, the undersigned Congressional and Government Interns, wish to express our opposition to several of your Administration's actions in Central America:

(1) Increased U.S. military involvement;

(2) U.S. military support of governments that blatantly violate fundamental human rights;

(3) U.S. violation of national and international laws; and

(4) continuing U.S. efforts to overthrow the Nicaraguan Government.

These actions are increasing the probability of direct U.S. troop involvement in a full-scale regional war.

We believe these actions stem partly from a misguided perception of events in Central America as little more than an outgrowth of the international competition between the United States and the Soviet Union. This overemphasis on the Soviet influence in Central America diverts attention from the history of political and economic oppression which is the principal cause of the current unrest. Moreover, your Administration's policy in Central America is consistent with your actions that increase the disparity of wealth between the rich and poor peoples of the world.

Believing that these policies can only undermine both the interests and ideals of the United States and that negotiations provide that best means to the establishment of peace, democracy and justice in Central America, we therefore present the following petition:

WHEREAS, the Reagan Administration has violated the Boland Amendment, the Rio Treaty, and O.A.S. Charter, and the U.N. Charter by providing military assistance to groups attempting to overthrow the Nicaraguan Government; and

WHEREAS, in the past six months the political death toll in El Salvador has risen twelve percent over the previous six month period, to 1,054 deaths, according to the U.S. Embassy estimate, (Tutela Legal, the Salvadoran Catholic Church and Amnesty International document 2,527 deaths or disappearances in the same period, making the total for the last four years more than 38,000); and

WHEREAS, the U.S. has deployed combat troops in Honduras and three task forces led by the carriers *Ranger, Coral* and the battleship *New Jersey* off the Nicaraguan coasts; and

WHEREAS, direct U.S. intervention in the internal conflicts in Latin America has led to the imposition of brutally repressive regimes in those nations (e.g. Nicaragua, 1933; Guatemala, 1954; Chile, 1973);

Therefore, we call for the following actions:

(1) Cease all U.S. military aid to Central America;

(2) End U.S. "covert" destabilization efforts against Nicaragua;

(3) Grant extended voluntary departure status to Central American refugees until they can safely return to their homelands;

(4) Make human rights a priority in the formulation of your policy toward all of the nations of Central America; and

(5) Support the proposals of the Contadora Group.

Sincerely,

Name and permanent address.

.....

.....

.....

.....

Please return to Clayton Lewis in 1206 Longworth (5-3106) by 10 on Friday, August 5.

RECONCILIATION UPDATE

(Mr. PANETTA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, I would like to place in the RECORD another update on reconciliation action taken by House committees. Five of the seven committees given reconciliation instructions in the first budget resolution have now reported legislation in response to those instructions. The two committees that have not yet acted, Energy and Commerce and Ways and Means, have until September 23 to submit their reconciliation legislation.

Obviously, I recognize that it is difficult to meet the revenue instructions without the cooperation of the White House and the Senate. But the House and particularly, the Ways and Means Committee has always responded effectively to reconciliation instructions. With the size deficit being projected, it is essential that action be taken.

The following table shows that each committee was asked to cut in spending, and, in the case of the Ways and Means Committee, raise in revenue, and what action has been taken so far, including the official CBO cost estimates of legislation reported by the five committees which have finished their work.

Mr. Speaker, the update on reconciliation is as follows:

House committee	Reconciliation instructions (fiscal years)			
	1984	1985	1986	1984–86
Armed Services: [1]				
BA	$253	$360	$621	$1,234
O	253	360	621	1,234
Energy and Commerce: [2]				
BA				
O	400	500	800	1,700
Foreign Affairs: [3]				
BA				
O	3	4	9	16
Post Office and Civil Service: [4]				
BA	1,619	2,332	3,235	7,186
O	1,900	2,841	4,144	8,885
Small Business: [5]				
BA	139	555	544	1,238
O	287	466	443	1,196
Veterans' Affairs: [6]				
BA	228	139	141	508
O	226	138	140	504
Ways and Means:				
Savings: [7]				
BA				
O	400	500	800	1,700
Revenues: [8]	12,000	15,000	46,000	73,000

[1] H.R. 2969, the DOD Authorization Act, passed the House on July 27th. It included a six month delay on the COLA for military retirees. This represents a savings of $252 million in BA and O for fiscal year 1984 and is a permanent delay. In addition, the bill delays the active duty pay raise for 3 months. Savings in both these programs could also be achieved through the legislative link with civilian personnel in the jurisdiction of the Post Office & Civil Service Committees.

[2] On July 18, the Subcommittee on Health and Environment held hearings on possible ways to meet their reconciliation instructions. No further action has been taken to date. The Committee has until Sept. 23rd to report their savings to the Budget Committee.

[3] These savings are incorporated in the reconciliation action taken by the Post Office & Civil Service Committee.

[4] On July 19th, the Committee reported their reconciliation savings, which are scored as saving: (1) 4% Pay raise in October 1983—BA: FY 1984, $795; FY 1985, $1,369; FY 1986, $1,985; total, $4,149. O: FY 1984, $800; FY 1985, $1,405; FY 1986, $2,041; total, $4,246. Savings assume extension of 4% pay raise in fiscal years 1985 and 1986. (2) Delay Retirement COLA until January and move the adjustment period—BA: FY 1984, $248; FY 1985, $363; FY 1986, $530; total, $1,151. O: FY 1984, $534; FY 1985, $727; FY 1986, $1,218; total, $2,479. Total: Committee Reconciliation Amount—BA: FY 1984, $1,053; FY 1985, $1,732; FY 1986, $2,515; total, $5,300. O: FY 1984, $1,334; FY 1985, $2,132; FY 1986, $3,259; total, $6,725.

[5] On July 21, the Committee reported their reconciliation savings of $139 million in BA and $287 million in, O in fiscal year 1984 and their out-year savings as well. These savings are achieved by providing a cap on the SBA disaster loan program.

[6] On June 3, by delaying the COLA for veterans' compensation and making a small change in the GI bill, the Committee reported the following savings: BA: FY 1984, $216; FY 1985, $234; FY 1986, $240; total, $690. O: FY 1984, $214; FY 1985, $233; FY 1986, $237; total, $684.

[7] No action to date on legislative savings.

[8] July 19–21, the Committee held hearings on possible ways to raise the revenues called for in the Budget Resolution. No further action has been taken. The Committee has until Sept. 23 to report to the Budget Committee.

HUMAN RIGHTS VIOLATIONS IN EL SALVADOR

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. SILJANDER. Mr. Speaker, a great deal of confusion exists over the question of political violence and human rights abuses in El Salvador. Thousands of people have been killed, wounded, kidnaped and taken hostage, but who are the victims and who are those who perpetuate the violence?

It has become an accepted public fact that the democratically elected government of El Salvador is responsible for the death and destruction that has occurred in the country since 1979. The facts, however, indicate shared responsibility by the insurgents.

When the reformist military coup of 1979 succeeded in El Salvador the leaders made promises not unlike those made by the Sandinistas. They promised: One, respect for human rights; two, free elections; and three, economic and social pluralism. Unlike the Sandinistas, the Government of El Salvador is keeping its promises. Land reform and the development of a constitution have begun, there is a free press, free universities, free trade unions and of course, there has been an internationally accepted free and fair election.

The Communist guerrillas have, through a campaign of terror, fought each of these reforms every step of the way. As Lenin said, "the purpose of terrorism is to terrorize." Terrorism is deployed to create a repressive government, to intimidate the population, and removing the hope of the citizens for peace without change. The guerrillas have done their utmost, with the help of Nicaragua, Cuba and the Soviet Union, to destabilize the Government and demoralize the people.

The report which will appear at the conclusion of my remarks gives a quick summary of a 500-page report compiled by the Council for Inter-American Security documenting the 21,948 citizens killed, wounded, kidnaped or held hostage by the Communist guerrillas in El Salvador since 1979. The large report was submitted to the House Foreign Affairs Committee when it held hearings on the Presidential Certification of El Salvador yesterday. If you wish to have an objective opinion on what may prove to be our Nation's greatest domestic crisis, I urge you to weigh the findings of this report.

Revolutionary Terrorism in El Salvador Over 20,000 Victims

(Prepared by the Council for Inter-American Security, August 2, 1983)

TERRORISM IN EL SALVADOR

It has become a given, a "public fact", that the democratically elected Government of El Salvador is responsible for the death and destruction that has occurred in that country since 1979. During last week's House of Representative's debate on the Boland-Zablocki bill, for example, one Congressman said: "In El Salvador, the abuse of human rights is legend. Killing and torture are the pattern and practice of the "security forces". The military in El Salvador is a clear and present danger to human life and constitutes the major impediment to much needed economic and social reform." But the facts are quite different, and it is our intent to make these facts available to the American public.

When the reform-minded military leaders of El Salvador staged a successful coup on October 15, 1979, they made a series of promises to the people of El Salvador not unlike the promises the Sandinistas in neighboring Nicaragua made when they had come to power four months earlier—respect for human rights, free elections, economic and social pluralism. Unlike the Sandinistas in Nicaragua, the junta in El Salvador has kept their stated public promises to the citizens of their country. Economic and Constitutional reform have proceeded. Parties and politics flourish, there is a free press, free universities, free trade unions in El Salvador. And, of course, elections were held in March 1980 in which over 80 percent of the population participated and were judged by hundreds of international observers to have been fair elections. Democracy, though fragile, has taken root in El Salvador.

It has not been easy. The response of the communist terrorists in El Salvador to these reforms has been to conduct a campaign of armed insurrection and terrorism against the people and property of El Salvador. As Lenin said, the purpose of terrorism is to terrorize. The deliberate use of terrorism as a tactic of destabilization is a consistent aspect of so-called "wars of national liberation." Terrorism is employed to produce repression by the government under attack, to intimidate the population, and to produce anger at the inability of the government to provide order and security, thus weakening its authority and legitimacy, and creating a "revolutionary situation."

The assumption that the Government of El Salvador is responsible for the death and destruction in that country cannot continue to go unchallenged. The data presented today represents a description of communist terrorist activities in El Salvador from October 1979 through June 1983. It is not a complete record because full and accurate information is difficult to obtain in the United States. The daily reports contained in the Latin American edition of the Foreign Broadcast Information Service (FBIS) do provide, however, a more than accurate account of the violence perpetrated by the communist guerrillas in El Salvador to reveal the shocking results of serious and repeated terrorist activities seldom given adequate, if any, coverage in the Western press. FBIS contains reports from a wide variety of sources, including radio reports from various stations ranging from Radio Cadena in San Jose, Costa Rica to Radio Venceremos (the guerrilla station started in early 1981), Radio Sandino, Radio Havana, various Central American newspapers, and Central American wire services such as Latin Reuters and ACCAN-EFE.

It is virtually impossible to quantify terrorism. How can one measure fear, how can one measure disorientation, intimidation, grief, and anguish? Exact statistics, even if available, would not measure these consequences. But if terrorism cannot be quantified, it can be described.

The communist guerrillas in El Salvador have killed, kidnapped, intimidated, bombed, burned, sabotaged, forcibly occupied churches, schools, hospitals, radio stations, attacked embassies, buses, villages, homes, cars, streets, and citizens causing death, destruction, terror and refugees.

FBIS reports, alone, report that from October 1979 to June 1983, 21,948 citizens of El Salvador were killed, wounded, kidnapped or held hostage by communist terrorists.

The following is a description of terror. The attacks by the communist guerrillas on innocent citizens, trying to pursue their lives in normal ways—driving in a car, disk jockeys in radio stations, government workers at their jobs, people praying in church, people sitting in their livingrooms plunged into darkness without electricity, peasants harvesting—the very people the guerrillas claim they desire to liberate—gives evidence of the systematic, deliberate and uninhibited use of violence against the innocent.

On January 4, 1980, it is reported by Paris AFP radio service that "Members of the clandestine Farabundo Marti Popular Liberation Forces (FPL) today seized five local radio stations. The FPL occupied the radio stations to broadcast to the nation what they termed a revolutionary New Year's message, in which they made an appeal for national insurrection. . . . The Radio stations seized were Radio Senorial, Radio Cadena Central, Circuito, Radio Sonora and Radio 1080."

El Diario De Hoy reports on March 20, 1980 "Several automobiles were burned yesterday when subversive groups armed with submachineguns and pistols stopped cars at traffic lights and hurled Molotov cocktails at them. Similar actions against innocent drivers were reported in other sectors of the capital."

A January 13, 1980, Buenos Aires Latin reports: "Some 20 members of the subversive organization the People's Revolutionary Bloc (BPR) seized the metropolitan cathedral this morning while San Salvador Archbishop Oscar Arnulfo Romero was about to finish his homily, a church spokesman said. The prelate had criticized kidnapings and the taking of hostages, specifically mentioning the occupation of the Panamanian Embassy, the kidnaping of South African Ambassador Archibald Gardner Dunn and the capture of a national guardsman in Arcatao, 130 km north of here.

"Archbishop Romero asked for mercy for the hostages during the homily. He told the BRP group that, if they truly represent the people, they should not torment people who have no responsibility whatsoever for the events taking place in this convulsed country."

On April 16, 1980, Panama City ACAN radio service reports: "Six persons died Monday in Soyapango, 6 km east of San Salvador, when the town was "taken" by a guerrilla commando group. That morning a large number of guerrillas of the Armed Forces of National Resistance (FARN) arrived at the mayor's office and killed the

mayor, Jose Atilio Estrada, and a member of his staff. When government soldiers arrived on the scene, an armed clash ensued. Four civilians were killed in the 90 minute clash. None of these four victims had any relationship with the guerrilla group, and it is believed that they were caught in the crossfire."

The mayor of San Salvador on April 15, 1980: "The destruction of small businesses, factories, banking and financial institutions, ambulances, state agricultural equipment, mass transit and private automobiles by bombs, arson, and looting is reducing the capability for providing public services and leads to mass unemployment which generates poverty, Julio Adolfo Rey Presndes, mayor of San Salvador, told newsmen yesterday."

Radio Cadena's report of August 7, 1980: "Spokesmen of Berlin municipality in Usulutan Department told this station today that some 1,000 people who have fled the violence in nearby cantons are in Berlin. The municipal spokesman said that most of the refugees are women and children from the cantons of Corozal, Corozalito, La Union and (Las Cielitas). . . . It has also been reported that in San Augustin, Usulutan Department, there are some 1,500 refugees who have fled from the political violence in the rural areas."

Over 3,500 people—working at the Salvadoran Education Ministry, the Spanish Embassy, the National Commercial School, the General Francisco Mendez National Institute, the Panamanian Embassy, the Agriculture and Livestock Development Bank, the Branch office in Usulutan of the Farming Development Bank, the National Waterworks and Sewers Administration, the Labor and Social Welfare Ministry, the Salvadoran Foreign Trade Institute, the Offices of the Teachers Welfare Board, the Jose Simeon Canas Central American University, the Central Market Administrative Office, all of which were forcibly occupied—were held hostage in the month of February 1980, alone.

In February 1981, a report from El Mundo: "Another general power outage in the east was caused by another dynamite attack at 0275. In this way, San Miguel returned to its situation of the previous days and nights. . . . It was also said that it had been known that the area affected is larger than the previous one. since it includes a part of Usulutan, Morazan and La Union Departments. For the time being, it was said that San Miguel, which was just beginning to recover from a recent outage, has returned to a disastrous situation and the citizens fear that the situation might be worse this time."

Over 25 separate bombings of highway machinery, restaurants, stores, private homes, banks, high tension wire, supermarkets and branch banks were reported in September, 1981 alone.

October 8, 1980 reports from San Jose Radio Noticias: "A new state of the liberation struggle waged by the revolutionary organizations against the Salvadoran regime has begun. Some 300 guerrillas made the first reported appropriations of stable grains and export products. In La Haciendita, in the northern part of the country, revolutionary columns carrying automatic weapons and dressed in olive drab seized a significant amount of corn yesterday. They urged us to help them load the cereals and then left, a peasant said. He added that a young woman who arrived with the guerrillas emphasized that the people need the food to continue the war.

As Aleksandr Solzhenitsyn has so directly pointed out: "Let us not forget that violence does not and cannot exist by itself: it is invariably intertwined with the lie. They are linked in the most intimate, most organic and most profound fashion: violence cannot conceal itself behind anything except lies, and lies have nothing to maintain them except violence. Anyone who has once proclaimed violence as his method, must inexorably choose the lie as his principle." The violence and the lies regarding El Salvador must be exposed, challenged, and understood for what they are. El Salvador is country that is under attack by externally supported terrorists whose goal is to gain power in order to implement a totalitarian dictatorship over the people of that country. This report is a description of the means—the use of terror—they are employing to achieve that goal.

[Graphs on revolutionary terrorism in El Salvador during 1979, 1980, 1981, 1982, and 1983 not printed in the RECORD.]

WHOLESALE DESTRUCTION OF FIRST AMENDMENT BY THE SEC

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIELSON of Utah. Mr. Speaker, I have become aware of a problem relating to the Securities and Exchange Commission that should be of interest to my fellow Members. In 1940 Congress passed the Investment Advisors Act, designed to prevent fraud and stock scalping by those handling money on behalf of others.

This is a good law, except that there is a group of publishers who believe that the first amendment applies to the whole press, not just part of the press. Hundreds of financial newsletters, which handle no money whatsoever and have no fiduciary relations with their subscribers are being forced to seek licenses before they can publish or be faced with Federal felonies and fines. What has happened is nothing less than the wholesale destruction of the first amendment by the SEC.

The SEC has the power to obtain copies of the complete lists with subscribers with no judicial protection for any of the normal considerations of privacy between author, publisher, and reader. This action can occur without any showing of any criminal, or even suspicious, activity. Additionally, all financial records of these publications must be handed over to the SEC. In fact, these publications may not even sell their businesses without the prior approval of the SEC under the theory that the subscription list is a regulated asset.

The first amendment is being seriously damaged by this licensing and prior restraint of publication by the SEC. I urge you to read the column by Stephen Chapman which appeared in the Chicago Tribune on April 21, 1983, and which I am inserting in the CONGRESSIONAL RECORD, as follows:

[From the Chicago Tribune, Apr. 12, 1983]

THE SEC AND PRESS FREEDOM

(By Stephen Chapman)

Censorship. Prior restraint. Licenses to publish. These are the familiar tools of foreign dictators—but also of our own Securities and Exchange Commission, which operates on the assumption that the 1st Amendment doesn't mean what it says.

But that assumption is being challenged. The agency's authority to restrict what investors may read, and by whom it may be written, is disintegrating under judicial scrutiny. A recent court descision dramatized the essential point: The SEC's rules are incompatible with a free press.

The case involved one Christopher Lowe, a registered investment adviser distinguished only for his convictions for everything from theft to tampering with evidence. Taking a dim view of that record, the SEC revoked his registration, making it illegal for him to publish his investment newsletters. But U.S. District Court Judge Jack Weinstein of New York ruled that, under the 1st Amendement, it cannot prevent Lowe from publishing.

That decision may be the beginning of the end of these restrictions. Since 1940, the SEC has had broad powers over investment advisers, including anyone giving advice "either directly or through publications or writings."

Those who fail to register with the agency can be imprisoned for five years and fined $10,000—even if they are doing nothing more than exercising what look suspiciously like 1st Amendment rights. Besides giving the SEC the effective right to license publishers, the law allows it to regulate the content of such publications and to restrict the sale of the publisher's assets.

To give the appearance of complying with the 1st Amendment, Congress exempted "the publisher of any bona fide newspaper, news magazine or business or financial publication of general and regular circulation." But the distinction won't wash—as the case of SEC v. Lowe suggests.

Who would imagine that the constitution would allow similar rules for ordinary newspapers? A criminal conviction may be reprehensible, but it isn't—and shouldn't be—a legal obstacle to putting out a newspaper. As Geoffrey Stone, a law professor at the University of Chicago, puts it, "Prohibiting someone from engaging in future speech because of his past transgressions is about as clear a violation of the 1st Amendment as any restriction could be."

The theory behind the 1st Amendment is that the reading public is the best judge of the press. Bad ideas and even false information may get propagated in a free marketplace of ideas, but competition among different voices is the public's best protection—far better than letting the state dictate what may be written and read.

The SEC assumes the investing public can't distinguish good advice from bad, or honest advisers from criminals. But investment publishers face the same imperative as newspapers: to please their readers. Because its readers judge it by the strictest and simplest of standards—whether or not it makes them richer—an investment newsletter is probably more vulnerable than a newspaper, not less.

If it consistently recommends what turn out to be poor investments, it won't have many subscribers. If it provides fraudulent information, it will be liable for damages to the victims.

The SEC's rules have always rested on sand, surviving only because they have rarely been challenged in court. As a recent article in Reason magazine pointed out, "The one time the SEC actually received a court ruling on the issue of whether a financial publication must register as an investment adviser, it lost." Make that two times.

In this case, the agency argued that "commercial speech" has always gotten less protection than other types of speech. "To be sure, the investment publisher has a financial motivation to disseminate his analyses and recommendations," said Judge Weinstein, "but so may the literary publisher or political pamphleteer." Investment newsletters, he concluded, are more like newspapers than like commercial advertisements. Hence they should be protected like newspapers.

That is a long step, though hardly the last one, toward making the 1st Amendment operable for the press in all its forms. In considering the SEC's powers, the courts should keep in mind what a lawyer once told the Supreme Court: "The commandment of the 1st Amendment is simply: Thou shalt not abridge. And it is not, 'You may abridge, but please try to keep it reasonable.'"

IN MEMORY OF JUANITA DUGGAN ROBERTS

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. GONZALEZ. Mr. Speaker, I would like to pay tribute to the memory of a truly remarkable woman and friend, Juanita Duggan Roberts.

She will be remembered for her dedicated service to her country, her commitment to her beloved State of Texas, and her loyalty to President Lyndon Baines Johnson.

Mrs. Roberts served as Johnson's principal secretary and as a military aide during much of his political career. They had first met around 1938, and she joined Johnson's congressional staff in 1953, continuing to work for him throughout his years in public office.

Mrs. Roberts performed her tasks with unwavering skill and devotion. President Johnson often referred to her as "Miss Efficiency." Those who worked with her describe her as "extraordinarily competent." George Reedy, Johnson's Press Secretary, said of her: "She could take a terribly confused situation and make it manageable." Johnson trusted her to carefully handle many of the important and sensitive problems of the time.

Juanita Roberts and Lyndon Johnson continued a close friendship with each other right up to his death. Her devotion and skill went into formulating a dietetic program for then U.S. Senator Johnson when he suffered his first heart attack in 1955. Mrs. Roberts' early experience was as a county home demonstration agent at Nacogdoches following her graduation from Texas State College for Women (now called Texas Woman's University) at Denton with a bachelor's degree in foods and institutional management.

During World War II Mrs. Roberts served on active duty from 1942 to 1946, later becoming a staff officer in the Pentagon headquarters of the Joint Chiefs of Staff. She was a member of the first class of officers commissioned into the Women's Army Auxiliary Corps. She attained the rank of Colonel and held several distinguished decorations, including the Legion of Merit and the Oak leaf Cluster.

Those who knew Mrs. Roberts remember her dedicated work in organizing the Lyndon B. Johnson Library at Austin. As far back as the 1950's, Mrs. Roberts had wanted to preserve a lasting record of Johnson's papers. As Johnson's secretary, she kept an account of the Senator's daily activities and continued to do so when he became Vice President, and then President.

Mike Gillette, director of the oral history program at the LBJ Library, said that Juanita was responsible for getting an expert from the Library of Congress to set up a filing system to preserve Johnson's papers.

Mrs. Roberts worked in especially close cooperation with Lady Bird Johnson in creating the library. George Reedy, and others who know of her efforts, praise her organization of the project. Reedy said: "In a very real sense, Juanita was the foundation of the Lyndon Baines Johnson Library."

Mrs. Roberts demonstrated personal qualities of warmth and kindness that endeared her to the many people who came to know her. I was one of those people. A long time good friend of Juanita's, Washington reporter Sarah McClendon, summed it up perfectly, "she was a wonderful person."

She was devoted to her fellow Texans in Washington, and earlier this year, shortly before her death, the Texas State Society of Washington honored her for her many years of distinguished service.

As an admirer and friend of Juanita Roberts I extend my heartfelt sympathies to her many friends in Washington, in Austin, and in Port Arthur where she was reared and once served for 5 years as president and general manager of a fashion shop and tea room.

Also my condolences go to her cousins and friends at Yazoo City, Miss., the original home of the Duggan family.

A memorial service is planned for September 9 here in Washington at 2 p.m. at the United Church, 1920 G Street, Northwest.

Let all of us pause a moment to pay tribute to the memory of this wonderful person, this great American who contributed greatly to our country, and whose life made this world a better place.●

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation:

COMMITTEE ON PUBLIC
WORKS AND TRANSPORTATION,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 3, 1983.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Building Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on August 3, 1983:

An amended resolution providing for construction of a Federal Building in Long Beach, California.

11(b) Resolution, Newark, New Jersey.
11(b) Resolution, St. Louis, Missouri.
11(b) Resolution, Paterson, New Jersey.
11(b) Resolution, Baltimore, Maryland.

R&A PROSPECTUSES

Federal Building, New Orleans, Louisiana.
Post Office Building, Pittsburgh, Pennsylvania.

CONSTRUCTION PROSPECTUSES

Federal Building, Knoxville, Tennessee.
Federal Office Building, Portland, Oregon.

The original and one copy of the authorizing resolutions are enclosed. Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

The SPEAKER pro tempore. Without objection, the communication is referred to the Committee on Appropriations.

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the subject of the special order speech today by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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U.S. FISHERIES DEVELOPMENT CORPORATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 15 minutes.

● Mr. FORSYTHE. Mr. Speaker, today I introduced the U.S. Fisheries Development Corporation Act which

would establish a Corporation to promote the development of the U.S. fishing industry. The Corporation would bring together in one place the financial assistance and other services which are essential if the U.S. fishing industry is to take its rightful place of prominence in the international community.

While fantasy would have the American fishing industry succeed merely by dint of the resolve of men who go down to the sea in ships, a more pragmatic appraisal reveals that not only is the industry multifaceted, but the achievement of its development objectives requires a sophisticated blending of a variety of skills, funding sources, and services. The Corporation would provide that blend.

The sea was a vital factor in the exploration and development of the United States, but the Federal Government's commitment to its continued preeminence in ocean affairs has been inconsistent at best. In particular, the Federal commitment to the future of the American fishing industry has been inadequate, as has the faith of the Government in the ability of the industry to take full advantage of a helping hand. I believe we must break with past practice and give high priority to the nourishment of that industry.

It is clear that full utilization of the vast and valuable fishery resources off our shores will only be achieved as a result of a partnership among all parties concerned in which the Federal Government serves as a primary catalyst. Certainly the Government cannot do the whole job, and I would not propose that it try, but equally the Federal Government cannot shirk its obligation to an industry which laid a substantial part of the economic foundation for America's greatness.

Seven years ago, the United States expanded its fishery jurisdiction to 200 miles off its coasts in an effort to realize for the United States the benefits from the substantial resources in that zone. While that extension of jurisdiction has certainly benefited the domestic fishing industry, it would still be appropriate to say that the industry is only on the threshold of its full potential.

I believe strongly that the fishery resources off our shores can provide the foundation for a resurgence of the U.S. fishing industry to a position of world leadership. Achievement of that goal will require us to overcome a number of obstacles—but clearly the will is there. What is needed is to translate that will into tangible results through a creative partnership between the Federal and State governments, the investment community, and all sectors of the fishing industry.

The potential rewards of such a partnership are enormous. Of course, the effort will involve some risks—most things that are worthwhile do. But, I am convinced that the individuals involved in all phases of the industry have shown that they are prepared to bear some of that risk. It is up to the Government to bear some of that risk as well because it can be profitable both for the industry and for the Nation.

Too often in the past we have sought solutions to the industry's needs through a piecemeal approach. This has led to a maze of Government programs which have made it difficult for fishermen, processors, marketers, and investors to communicate their needs to responsible agencies, to identify the sources of assistance, and to take full advantage of them. This situation must not be allowed to continue.

I believe the Corporation envisioned in the bill I introduced today could form the nucleus for the creative partnership I mentioned earlier and could channel the vitality of the U.S. fishing industry toward achievement of its goals.

Virtually all major fishing nations have established government-sponsored institutions to assist their fishing industry. These include such institutions as the United Kingdom's Sea Fish Industry Authority, the Japan External Trade Recovery Organization—or JETRO, as it is commonly known, the Fisheries and Port Development Bank of Mexico, and the New Zealand Fishing Industry Board. Although the cultural, political, and economic contexts of each country are different, the impediments facing their industry are, in many ways, similar to the problems confronting the U.S. fishing industry. Therefore, the degree to which foreign nations have successfully turned to quasi-government institutions similar to the Corporation I am proposing is instructive. The extent to which the United States has turned to quasi-government institutions to assist other domestic industries, such as agriculture, housing, transportation, and communications, also suggests that this approach can be highly beneficial to the U.S. fishing industry.

Let me first emphasize that I am not talking about the creation of an enlarged Federal bureaucracy with all that entails. Rather, I am talking about creating an institution directed by the fishing industry with the goal of designing and administration programs to serve that industry. I am also not talking about casting the fishing industry adrift to fend for itself without Federal help. Rather, I am talking about redirecting Federal dollars now devoted to a plethora of industry programs, and adding to those funds substantial moneys which Congress has long indicated should be devoted to the fishing industry, plus income earned through the provision of necessary services and borrowing authority from the Treasury.

Like every corporation, this one will require a Board of Directors. To insure balanced representation of all segments of the industry, the voting members of the Board would be drawn from knowledgeable and experienced individuals from the harvesting, processing, and marketing sectors of the domestic fishing industry. Each of these three sectors would be represented on the Board by eight Directors who are residents of each of the regions over which the Regional Fishery Management Councils established under the Fishery Conservation and Management Act of 1976 have jurisdiction. To facilitate communications with relevant Federal agencies, the Board would also have three nonvoting members, including the Secretaries of Commerce and State and the Special Trade Representative of the President, or their designees.

The voting members of the Board of Directors would number 25, all of whom would be appointed by the President by and with the advice and consent of the Senate. Not more than 13 voting members could be members of any 1 political party. The Chairman of the Board, who would need to be knowledgeable and experienced in business affairs, would also be appointed by the President. All members of the Board would be eligible for reappointment for any number of terms, and could be removed from the Board by the President only for neglect of duty or malfeasance in office. All actions of the Board would have to be by a majority vote of all members, including the adoption or amendment of bylaws, policies, and administrative provision necessary to the functioning of the Corporation and consistent with the provisions of the act. Compensation for each Board member would be limited to $5,000 per year.

Because of the broad scope of financial responsibilities of the Corporation, there would also be established a Financial Affairs Committee for the purpose of advising the Board as to policies and procedures relating to: The investment of money; the initiation or operation of financial assistance programs the Corporation may administer or consider initiating; the initiation or operation of insurance programs; and such other financial matters as the Board determines are appropriate for its review. The Committee would consist of five members knowledgeable and experienced in financial affairs relevant to the Corporation's responsibilities. The members, including the Chairman, would be appointed by the President and serve at his pleasure. Like the Board of Directors, the Committee members could be compensated for their services up to $5,000 per year.

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In order to provide the Corporation with the maximum flexibility to carry out its responsibilities, the Board of Directors would have the power to select, employ, and fix the compensation and benefits of such officers, employees, attorneys, and agents as shall be necessary for the performance of the Corporation's duties. If the Board determines it is necessary to fix the compensation of any individual in excess of that prescribed for level V of the Executive Schedule—$63,800—the Board would be required to transmit a recommendation to the President, whereby it would become effective shortly thereafter, unless disapproved by the President. This employment and compensation procedure would allow the Corporation to attract the best talents to serve the U.S. fishing industry. There is, of course, the possibility that the Board would wish to employ individuals who are now employed by the National Marine Fisheries Service in capacities relating to the implementation of some programs which would be assumed by the Corporation. There is nothing in this legislation which would prohibit such action by the Corporation. In fact, I would hope that the Corporation and the Department of Commerce could cooperate, where appropriate, to facilitate the shift of employees to the Corporation or the detailing of certain employees to the Corporation where requested.

The legislation makes it clear that no political test or political qualifications shall be used in selecting, appointing, promoting, or taking any other personnel action in the Corporation, or in selecting any grantee, contractor, or other person or entity receiving financial assistance under the act. The bill also encourages the Corporation to make such arrangements or agreements for cooperation or mutual assistance with Government agencies as are practicable and consistent with the law in order to avoid unnecessary expense and duplication of functions. In doing so, the Corporation may, on a reimbursable basis, utilize the facilities or services of any department, agency, or establishment of the United States, or of any State or political subdivision of a State, including the services of any of its employees, with the lawful consent of that department, agency, or establishment.

The financial disclosure provisions of the Ethics in Government Act of 1978 would be applicable to officers and employees of the Corporation compensated at a rate equivalent to that payable to a grade GS-16 or above of the General Schedule. In order to insure that the decisions of the Corporation are not unduly influenced by the financial interests of individual Directors, the bill contains a provision requiring that no Director shall vote on any matter in which the Director or his immediate family, or an organization other than the Corporation in which the Director is serving as an officer, Director, trustee, partner, or employee, or any person or organization with whom the Director is negotiating or has an arrangement concerning prospective employment, or has a financial interest. Action by a Director contrary to this prohibition would be cause for removal, unless the Director first advises the Board of Directors of the nature of the matter in which he proposes to participate and makes full disclosure of his financial interest, and the Board of Directors determines by a majority vote that the financial interest is too remote to affect the integrity of the Director's services for the Corporation in that matter.

Because the Board of Directors is expected to serve a policy role similar to that of the boards of typical American corporations, rather than a day-to-day management function, the bill provides that the Board of Directors may delegate to an Executive Director the functions, powers, and duties assigned to the Corporation. The Chief Executive Officer similarly may delegate the functions, powers, and duties assigned to him to such other officers or employees of the Corporation as the Executive Director deems appropriate.

In order to carry out its responsibilities, the Corporation is specifically given a number of powers. These powers include, but are not limited to, the power: To make agreements and contracts with individuals and private or governmental entities; to lease, purchase, accept gifts or donations of, or otherwise to acquire or dispose of property; to sue and be sued; to make provisions for and designate such committees, and the functions thereof, as the Board may deem necessary or desirable; to use the U.S. mails on the same terms and conditions as executive departments of the U.S. Government; to retain and use earnings without fiscal year limitations; and to determine the character, manner, and necessity of expenditures, except in specific cases where revenues from certain programs must not exceed revenues necessary for operation and administration of these programs; and to exercise all other lawful powers necessary or reasonably related to the establishment of the Corporation and the carrying out of the Corporation's functions under the act.

In order to maximize the opportunity for the Corporation to be of substantial benefit to the domestic fishing industry in its efforts to achieve full development, the Corporation is provided with a variety of means to target assistance to promote revitalization of the industry. The thrust of this legislation is the provision of capital formation assistance to the domestic fishing industry through the provision of loans and indirect incentives in the form of credit guarantees, as well as through grants intended to stimulate innovative research in areas which show promise of being assumed totally by the private sector.

The Corporation's principal authority granted by its character to promote full development of the domestic fishing industry falls into five categories: Loans, loan guarantees, equity investments in joint ventures, grants, and export transaction assistance.

First, the Corporation would have the power to make loans, under certain conditions, to U.S. citizens, to assist them to: Finance the cost of purchasing or constructing new U.S. fishing vessels or fisheries facilities; finance the cost of purchasing, reconstructing, or reconditioning used U.S. fishing vessels or used fisheries shoreside facilities; and finance the purchase of fishing gear for new or used U.S. fishing vessels.

Second, the Corporation would have authority to guarantee debt obligations under the same general terms and conditions as set forth for loans, except that the guarantee authority is to be utilized where application of the standard economic soundness criteria considerations mitigate against the use of the loan authority. The maximum aggregate contingent liability of the Corporation outstanding at any one time with respect to such guarantees could not exceed $500,000,000.

Third, the Corporation would be able to promote capital investment and stimulate innovative approaches to the development of the industry through the authority to participate as an equity investor in fisheries development projects. The Corporation's participation in a joint venture would be restricted to limited partnership status. In such a joint venture project, the Corporation may not directly undertake the construction and operation of the project, and the Corporation shall not finance more than 60 percent of the total costs of the project as estimated by the Corporation as of the date of the execution of the project agreement. As noted earlier, Corporation participation in any such venture would be limited to financial participation only, and could not include any direct role in the construction or operation of fishing vessels or shoreside facilities or primary responsibility for management of the joint venture.

Fourth, the act provides that the Corporation may, subject to appropriations, make grants for innovative research where there is a high probability that the private sector is prepared to commit sufficient resources to continue the project beyond a certain date. Each grant would be limited to no more than $200,000 and would have to proceed in three phases. The

purpose of phase one would be to conduct feasibility related experimental or theoretical research on the proposed innovative idea or approach. Phase 2 would be the principal research effort; only those receiving phase 1 awards would be eligible for phase 2 funding. The third phase, to be conducted by the private sector, would be funded from a third party source through the exercising of a follow-on funding commitment. In effect, phase 3 would be to pursue commercial objectives following the Corporation-supported research carried out in phases 1 and 2. Phase 3, the development phase to pursue commercial applications of the project, would not be funded by the Corporation. The objective of the above approach would be to increase the incentive and opportunity for undertaking cutting edge, high risk, or long-term research that has a high potential payoff if the research is successful. Major innovations often require high risk front-end investment which effectively lowers the risk for follow-on investors. It is hoped that Corporation support of front-end research on new ideas, often the highest risk part of the innovation process, would provide sufficient incentive for the private sector to pursue such research.

Fifth, the Corporation is empowered to facilitate, through loans, guarantees, and insurance—including coinsurance and reinsurance, those export transactions which offer sufficient likelihood of repayment to justify the Corporation's support. Such assistance could include export credit guarantees and other types of assistance now offered to agricultural commodities by the Commodity Credit Corporation. The aggregate of any loans, plus the contracted liability of guarantees and insurance outstanding at any one time for export transactions, may not exceed $500,000,000. This limit is separate from $1,500,000,000 in borrowing authority from the Federal Financing Bank described later.

In addition to the above forms of financial assistance, the Corporation would be assigned the responsibility to:

One identify, and undertake a continuing analysis of the effects of, the economic, physical, legal, institutional, and social constraints that inhibit the full development of the harvesting, processing, and marketing sectors of the U.S. fishing industry;

Two, undertake studies and experiments, on a contractual basis, in cooperation with Federal and State agencies and appropriate private institutions, to determine the effectiveness of concepts with the potential of advancing innovation in each sector of the U.S. fishing industry;

Three, identify those aspects of the U.S. fishing industry and those areas of the U.S. economy which, if addressed, could make a significant contribution to the welfare of the U.S. fishing industry and the economy;

Four, establish and maintain an information service for the collection, analysis, and dissemination of information useful to the U.S. fishing industry;

Five, enter into arrangements with foreign nations and institutions for the exchange of data and information relating to foreign fishing industry development, and provide appropriate translation services;

Six, assist U.S. citizens in the generation, evaluation, and development of new entrepreneurial ventures to expand the U.S. fishing industry;

Seven, provide, upon request, general technical assistance and advisory services to the U.S. fishing industry;

Eight, provide insurance services if the Board determines that such insurance cannot be obtained on reasonable terms and conditions from insurance carriers authorized to do business in any State and if such insurance can be offered by the Corporation with due regard to principles of risk management; and

Nine, through trade offices required to be established in foreign countries, carry out programs consistent with the legislation to increase the effectiveness of export promotion for products of the U.S. fishing industry.

In carrying out the above functions, the Corporation would be required to charge a reasonable fee.

In addition to the above mandatory functions, the Corporation would be empowered to carry out the following discretionary functions:

One, on a contractual basis, aid in the expansion of domestic markets, or in the development of new and additional foreign markets, for the products of the U.S. fishing industry through the provision of appropriate services, both within the United States and abroad, such as, but not limited to—(a) appropriate business, management, legal, engineering, architectural, and other professional services; (b) financial, transportation, informational, and any data-based services; and (c) communication services.

Two, on a contractual basis, provide management and program services to a national fisheries products marketing board, or to one or more regional fisheries marketing boards, to enable such boards to establish a coordinated program of research, education, and promotion to expand the domestic markets for the products of the U.S. fishing industry;

Three, on a contractual basis, provide specialized technical assistance and advisory services sought by members of the U.S. fishing industry;

Four, extend export credit with respect to the products of the U.S. fishing industry; and

Five, enter into contracts to enhance the research and development capability of developing foreign nations with respect to fishery-related activities, except that such contracts may not prejudice activities of the Corporation for the benefit of the U.S. fishing industry and may be entered into only after consultation with the Secretary of State.

Financing of the Corporation to enable it to carry out all the functions enumerated above would come from a variety of sources. At the outset the Secretary of Commerce would be required to transfer to the Corporation 60 percent of all funds appropriated to the Secretary, but unobligated as of October 1, 1984, from the Saltonstall-Kennedy fund and all funds appropriated to the Secretary, but unobligated as of October 1, 1984, from the Fisheries Loan Fund. If the sum of the above amounts is less than $100,000,000, there is authorized the appropriation of the difference. Subsequent receipts from foreign fishing fees are also to be transferred to the Corporation, first to be used to establish and maintain trade offices in foreign nations and second to reduce the charges imposed by the Corporation with respect to certain industry services. The Saltonstall-Kennedy funds transferred at the outset, or subsequently appropriated, are to be devoted to the grants program provided for in the bill.

For the purposes of carrying out the functions of the Corporation, to the extent such functions are not funded by appropriations, not covered by fees, charges or premiums imposed and collected by the Corporation, or by revenue otherwise accruing to the Corporation, the bill provides that the Corporation may: (1) issue for purchase by the Secretary of the Treasury, obligations which may at any one time not exceed $1,500,000,000; and (2) either sell its guaranteed loans or guaranteed obligations to the Federal Financing Bank or retain them as security for the issuance of mortgage-backed securities for sale either through the Federal Financing Bank or in the private market. The Secretary of the Treasury is required to purchase any obligations of the Corporation issued under the Corporation's authority as described in (1) above.

The Federal Financing Bank (FFB) is an off-budget entity which currently accounts for over 95 percent of the current estimate for offbudget spending. The FFB finances all of its transactions by borrowing from the Treasury. The FFB conducts three distinct kinds of spending transactions. First, the FFB purchases the debt securities of Federal agencies. This kind of transaction converts agency debt into Treasury borrowing, thereby removing that agency debt from competition with Treasury borrowing. This reduces

the total interest cost of Federal borrowing. Second, the FFB purchases loan assets from Federal agencies. This kind of transaction shifts the direct loan outlays of onbudget Federal agencies offbudget. Finally, the FFB purchases loans guaranteed by Federal agencies. This kind of transaction effectively converts a federally guaranteed loan into an offbudget direct loan.

Mr. Speaker, I believe the Corporation's structure, financing procedures, and range of functions will provide a sound basis for the Corporation to make a substantial contribution to restoring the U.S. fishing industry to a preeminent position in world fisheries. Enactment of this legislation would signal to the industry that the Federal Government recognizes the current and potential contribution of that industry to the Nation's economy, and is prepared to offer its full support to the realization of that potential.●

LEGISLATION FOR A RESEARCH CONSERVATION PROGRAM IN THE ST. JOHN RIVER BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. SNOWE) is recognized for 5 minutes.

● Ms. SNOWE. Mr. Speaker, I am pleased to introduce legislation to authorize a major resource conservation and cropland irrigation project in northern Maine's St. John River basin.

The St. John basin in Aroostook County covers nearly one-quarter of Maine and represents 85 percent of the truck crops—primarily potatoes, grown in all New England. As you know, Mr. Speaker, for over 8 years the Maine potato industry has battled with the unfair trade practices of the Canadian Government. As a result of a vast array of Canadian agricultural subsidy programs, imports of Canadian potatoes into the United States have increased by more than 700 percent since 1976, causing serious economic hardship on the industry. As these trade problems have persisted, Maine farmers have also been forced to cope with the ongoing problems of soil erosion which has further reduced farm income.

In recent years, the overall health of the Maine's potato industry has been severely impaired by the lack of sufficient conservation practices on croplands. Consequently, over 75 percent of the 180,000 acreas of cropland in potato rotation is polluted from an annual 1 million tons of eroding topsoil, pesticides, insecticides, and fertilizers. The harsh reality of this major agricultural industry in Maine faltering as a result of inadequate conservation measures is cause for serious concern.

In view of Maine's pressing agricultural problems, the Army Corps of Engineers in 1980 proposed the St. John River basin resource demonstration project for cropland irrigation and conservation for farmers to utilize cost-effective conservation measures to improve the quality of their croplands. The potential strength of this project lies in its ability to reduce soil erosion by 59 percent and increase crop yields by 65 percent which will significantly improve the net income of potato producers in the region.

Unfortunately, in the 2½ years that the project has been proposed, State and local agricultural officials have not been able to garner sufficient financial support to implement the project, and therefore greatly need Federal assistance. This bill offers a vehicle for Federal aid by authorizing $1.8 million in fiscal year 1984, $820,000 in fiscal year 1985, and $785,000 in fiscal year 1986 to implement the St. John River basin resource conservation project.

Mr. Speaker, in an effort to greatly improve the quality of Maine's croplands and insure the economic livelihood of Maine's 1,200 commercial potato producers, I urge my colleagues to support this legislation and I urge its prompt consideration by the House.

H.R. 3844

A bill to authorize the United States Army Corps of Engineers to undertake a program of research demonstration in the Saint John River Basin, Maine

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England Division Engineer, dated May 1980, for the Saint John River Basin, Maine.

SEC. 2. For the purposes of this Act, there is authorized to be appropriated to the Secretary the sums of $1,825,000 in the fiscal year ending September 30, 1984, $820,000 in the fiscal year ending September 30, 1985, and $785,000 for the fiscal year ending September 30, 1986, such sums to remain available until expended.●

MILITARY AND POLITICAL DEVELOPMENTS IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, military and political developments in Central America have quickened in pace and intensity in the last few weeks and with them the debate in this body over the direction of U.S. policy toward the region.

As one Member of the minority who believes that an effective foreign policy demands a delicate balance of bipartisan support as well as bipartisan criticism, I urge the administration at this critical strategic juncture to assure the Congress and the American people by its actions as well as its words that the momentum which appears to be building toward war will not eclipse the momentum which is also building toward peace, and that the snowball of war will not be allowed to overwhelm the snowball of peace.

I realize those assurances may not be easy to grant. In the past several weeks, Congress and the American public have been confronted almost daily with headlines reporting military maneuvers and exercises in which U.S. Armed Forces will be intimately involved in Central America. Some 4,000 U.S. troops are to be committed to joint ground exercises in Honduras. Naval deployments to the region will involve aircraft carriers, destroyers, and even the battleship *New Jersey.* Contradictory stories deny, on the one hand, the likelihood of a blockade against Nicaragua and, on the other, through reports of "practice" blockades, fuel fears of such action. Administration determination to support the secret war against Nicaragua has alarmed many and the threat of provocation of a direct military exchange between the Honduran and Nicaraguan Armed Forces hangs over the region.

In the judgment of many Latin experts there is a real possibility that rather than securing stability for Honduras, U.S.-supported actions along the Nicaraguan-Honduran border and training of Salvadoran troops within Honduras may sabotage the future viability of that fledgling democracy. The shadow of full-scale regional war in Central America has seldom been more ominously cast.

At the same time, however, negotiating initiatives appear to hold equally compelling promise that a peaceful, political settlement to the tensions of the region can still be achieved. Special Envoy Richard Stone's meeting with Ruben Zamora of the FMLN/FDR of El Salvador should be applauded as a concrete step toward building a viable negotiating base for ending the civil war in that country. The Contadora group's efforts have won broad support of regional governments including constructive responses from the Governments of Nicaragua and Cuba.

There is no doubt that the present moment holds vast potential for peace as well as for war. Even as the United States mounts a major show of military force in the region, there is increasing evidence that we may well be on the threshold of a breakthrough in meaningful negotiations which may draw us all—friends and adversaries alike—back from the precipice of confrontation.

My concern is that miscalculations in displays of U.S. military might, with all that they are intended to imply, may have the ultimate effect of sabotaging the current peace efforts. There is an ever-present danger that U.S. credibility may be seriously impaired if our Government—faced with an unanticipated challenge to its military might—finds itself unable or unwilling to up the ante and thus comes to be perceived as backing down. That prospect is not so remote if one measures the lack of support for the administration's latest maneuvers in the Congress as well as among the American public. Serious miscalculation by the administration in engaging in military bluster could call into question the political will of the United States and undermine the effectiveness of such deployments for political ends in the future. A too aggressive effort to prove the alleged debilitating aspects of a Vietnam war syndrome are behind, and could reinforce rather than undermine the political strength of those Americans who are skeptical of new U.S. military entanglements abroad.

No one can dispute the President's right, in his capacity as Commander in chief, to authorize certain military actions, as long as such actions are conducted in compliance with the requirements of the Constitution, the Boland amendment, and the War Powers Act. All must acknowledge that there may be limited occasions when positive political benefits may be derived from a selective flexing of military muscle. There may be certain advantages in engaging in a show of force and in leaving an adversary uncertain as to whether bellicose rhetoric may have the potential of fulfillment. However, the administration must understand that displays of military force carry significant liabilities as well, especially if not matched by a credible and equally public commitment to the peace process in Central America.

Here, Congress should be prideful of its role in suggesting that a special envoy be named to meet with all parties to the conflict in the region and that a bipartisan commission be established to reassess the thrust of our Central American foreign policy. The public response to these initiatives, particularly the appointment of the Special Envoy, indicates that it is neither unpopular nor imprudent to stress publicly the second track, the negotiating dimension of our foreign policy.

As for the role of the bipartisan commission, it would seem to provide an ideal opportunity to examine the full implications of our policy in the region. For example, it would appear that little planning introspection has occurred on the question of what happens if the "contras" gather significantly more support, even to the point, with or without our direct intervention, of overthrowing the Government of Nicaragua. What then?

Is not the violence simply likely to escalate? Even if the "contras" or U.S. Marines capture Managua, the capital, would not the civil war almost certainly go on? Nicaragua could become another El Salvador, with the leftists better armed, better trained, and better financed. Under these circumstances, the United States could well become complicitous in sparking a civil disorder without definable resolution.

More perplexing than the strategic issues involved in our Nicaragua policy are the legal ones. Four hundred and eleven Members of this body—Republicans, Democrats, moderates, liberals, and conservatives—voted unanimously in December 1981 for the Boland amendment. Unequivocally, it must be concluded that this Gulf of Tonkin resolution in reverse is now being violated. As Members of Congress posited with the primary obligation to craft law, we have a special responsibility to insure that American foreign policy conforms to the rule of law. Many of us have concluded in this respect that the contra-led covert operation has exceeded its intent and justification under U.S. statute and that, therefore, as a symbol of jurisprudence as well as prudence, U.S. support for the contras should be terminated.

One of the most incomprehensible features of American diplomacy over the last several years has been how little effort has been made to sit down with the Nicaraguans to talk seriously about our differences. Administration spokesmen have painstakingly listed the occasions on which they have attempted to initiate talks with the Sandinistas, beginning in August 1981 and followed by other efforts in the spring and fall of 1982. However, the unadulterated facts are that for a period of nearly 18 months, this great country's pride and diplomatic strategy were such that, on many occasions, we refused to meet with the representatives of the Sandinistas in spite of the fact that we have formal diplomatic relations with that government.

One does not have to assume the Nicaraguans are Eagle Scouts to come to the conclusion that the Nicaraguan Government, like the United States, has a vested interest in peace. Furthermore, while the latest statements emanating from Managua have been heralded as a sudden shift in the position of that government, they are, with several exceptions, not all that different from those made by Nicaraguan officials when Congressman SOLARZ and I visited the country in January. They were beseeching the United States, then as now, for negotiations. It would be misleading to now assume that these latest statements are the direct or exclusive result of administration demonstrations of military force. Waving the flag may impel potential enemies to reconsider their actions. It may also force them into stronger alliances with parties we would not prefer and cause them to build up further internal preparations for war. It is not at all clear which effect has been stronger in Nicaragua.

We must remind ourselves as we escalate our involvement in the region that just as we request regional governments to demonstrate diplomatic flexibility and not become trapped in political rhetoric, we too have an obligation to be vigilant lest we become captives of our own rhetoric.

The momentum of peace is much more difficult to sustain than the pace of military preparation. Timing has become the all-decisive element. There may be temptation among some administration officials to advocate military gestures rather than commit this country to less confrontational diplomatic negotiations. But the great challenge confronting policymakers at this moment is to so construct a decisionmaking process that opportunities for deescalating tension and maximizing opportuntiles for peace are able to prevail over opportunities for further saber-rattling that may lead to unintended results.

It is relevant to call to mind in this context the revelations in Henry Kissinger's recently released memoirs. In an extraordinary strategic acknowledgment, Mr. Kissinger revealed that a decision had been reached early in the administration to bring the Vietnam war to an end. Peace with honor was the goal. It was never obtained. The Nixon administration threatened Hanoi with a blockade of Haiphong harbor and an escalation in bombing of the North if it did not yield to our demands to negotiate. Hanoi refused and the President and his minions—whose pride would not permit their threats to go unfulfilled—proceeded to escalate our involvement.

Of the lessons to be gleaned from analogies between the Vietnam war and the conflicts now underway in Central America, one stands out: that relating to the domino theory of decisionmaking, whereby one miscalculation and one bad decision is followed by still others without the ability of politicians to recommend.

If negotiations are not immediately forthcoming, does the administration intend to blockade Nicaragua, authorize bombing runs to assist the Contras, and/or breach directly Nicaragua's border? And if so, will this likely be more effective than the mining of Haiphong, bombing of Hanoi, and encroachment of Cambodia? How relevant, after all, is the deployment of the battleship *New Jersey* to the Gulf of Mexico?

The risks the administration has assumed as the result of its recent ac-

tions are enormous, and, I suspect, unnecessary. It would be wiser for this great country to invest our awesome energies and resources in the pursuit of peace rather than in the pursuit of violence. We can begin by bringing the gunboats and military personnel home and committing our best diplomats to the peace processes now underway. As the president of Stanford University, David Starr Jordan, said in 1916 when hostilities between the United States and Mexico seemed imminent: "If we must intervene * * *, of which I am not so sure, let us intervene with schoolteachers and educators and doctors, but let us leave our guns and cannons behind." We would do well to heed Dr. Jordan's counsel today.

FLAWS IN MINNESOTA'S TAXPAYER FUNDING OF ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 30 minutes.

● Mr. FRENZEL. Mr. Speaker, the Committee on House Administration's Task Force on Elections has held a series of hearings this summer on campaign financing. A number of witnesses have testified with great affection on behalf of extending taxpayer financing to congressional elections.

I believe it is most often informative and revealing to receive testimony from those who at the State level have had experience with similar types of laws. One such witness, Bruce Willis, general counsel of the Independent Republican Party in Minnesota was particularly informative. In his testimony, he made several salient observations. First, 14 candidates who were unopposed received over $51,000 in taxpayer funds. They in turn made contributions totaling $25,912 to other candidates, legislative caucuses, and to media funds. Most of the candidates who received these contributions had already received their share of taxpayer moneys.

Additionally, Mr. Speaker, participation in the checkoff has also fallen from a high in 1977 of 27.1 percent to 15.6 percent in 1981.

Proponents of public financing usually cite as a goal the reduction of the influence of special interest money as a reason to support raiding the Treasury. I would like to point out that in the Minnesota experience, special interest money increased by 217 percent from 1978–82. So much for lofty goals.

An article summarizing Mr. Willis' testimony appeared in the July 20 edition of Politics in Minnesota. I commend it to my colleagues.

[From Politics in Minnesota, July 20]

TESTIMONY GIVEN ON ABUSES OF MINNESOTA PUBLIC CAMPAIGN FINANCING LAW

Testimony was presented to an Election Law Task Force of the U.S. House of Representatives Administration Committee in Boston earlier this month that made some devastating revelations about allowable abuses taking place under Minnesota's public campaign financing laws. The testimony was presented by noted Minneapolis attorney Bruce Willis, general counsel of the IR Party of Minnesota.

Willis pointed out to the Congressmen that 14 legislative candidates in last year's election, who were unopposed, received over $51,000 in public monies.

"Those same 14 candidates," Willis testified, "made contributions totaling $25,912 to other candidates, to legislative caucuses, and to media funds. One contribution was made to a candidate for federal office, but the vast majority of the money was transferred to other state candidates who had already received their shares of public financing," Willis noted.

Willis gave the Committee an example drawn from the records of State Senator Doug Johnson (DFL-Cook), powerful Chairman of the Senate Tax Committee. Johnson, who was unopposed in both the primary and general elections, received a total of $5,540 in public dollars. Johnson's committee reported $5,561 in campaign expenditures, about what he got from public funds. But, because of their own fund raising efforts, Johnson's committee also reported transferring a total of $11,835 to other candidate committees—more than twice what they spent on their own effort.

Willis, who did not identify Johnson by name in his testimony, took pains to point out that this was not illegal under existing state law.

Examples of other abuses:

A. A candidate who received $175 from his political party, raised only $25 in individual contributions, yet received $1,926 in public financing.

B. A candidate who raised a total of $575 but received $3,196 in public monies.

We've had public financing in Minnesota for the general elections held since 1976. Taxpayer participation in the checkoff system hit its peak in 1977 when 27.1 percent of state taxpayers designated payments into the campaign fund. That dropped to 15.6 percent in 1981, the most recent year for which figures are available.

Willis' revelations are no surprise to those experienced in Minnesota campaigns. For the past few years we've seen both parties and caucuses scramble to find candidates in all districts, even where they had no chance of winning, so that they could get the public funding and funnel the money to others from the same party in districts where they had a chance. Without some type of reform and tightening of some of the requirements, however, Minnesota's voters will become disillusioned with public financing and the participation figures for campaign checkoff will drop even further in the years to come.●

THE 300TH ANNIVERSARY OF KING JAN III SOBIESKI'S VICTORY AT THE BATTLE OF VIENNA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, September 12, 1983, marks the 300th anniversary of the Battle of Vienna, at which the beloved elected King of Poland, Jan III Sobieski, courageously won a decisive victory over invading Turkish forces. I rise today not only to commemorate this historic battle which removed a grave threat to the freedom of all Europe, bu also to pay tribute to the many achievements of Jan III Sobieski which have made him an enduring hero not only in Poland but throughout the world.

King Jan III, the descendant of an illustrious and respected Polish family, was born in the summer of 1629. In his early twenties he began to distinguish himself as a brilliant leader both on the battlefield and in the political arena. He participated in the Polish-Swedish wars beginning in 1655, and was appointed Grand Marshal of the Polish Diet in 1665. One year later, he became Field Hetman—field commander—of the Polish army. In this capacity he displayed outstanding abilities as a Polish leader and patriot, dedicating his life to maintaining an independent Poland, free from outside aggressors.

In 1667, with an army only a fraction in size compared to the opposing forces, he soundly defeated the Tatars and Cossacks, and the following year he was appointed Grand Hetman—commander in chief—of the entire Polish army. His name struck terror in the hearts and minds of all men who opposed a free Poland.

Having earned a reputation as defender of the Polish people in his repeated victories against Cossack, Tatar, and Turkish armies, Jan was elected King of Poland in May 1674. He then embarked on the twin foreign policy objectives of returning his country to prominence and compensating Poland for its earlier territorial losses to the Turks. He continued to win battle after battle in his effort to secure and maintain Polish territorial integrity, self-determination, and freedom.

In the spring of 1683, it became clear that the Turkish armies would once again strike, this time in the heart of the Holy Roman Empire in Vienna, and in the next few months, Pope Innocent XI urgently requested the King of Poland to lead his forces in defense of Western civilization and values. King Jan III willingly complied and began to move his army toward Vienna, a city which had been under siege for months. He then engaged the enemy on September 12 and won an overwhelming victory, the 300th anniversary of which we are now observing.

Mr. Speaker, at this point in the RECORD, I would like to include an excerpt from an article describing the Battle of Vienna, written by Louis Koncza, noted student and researcher of Polish history, which appeared in the Polish American Congress Newsletter of July 1983. The excerpt follows:

On the morning of September 6th, the bridges on the Danube were finished and the Christian armies, approximately 70,000 strong crossed the river within two days. After a study of the surrounding terrain, it became apparent that the mountain slopes on the side of Vienna were covered by forests and vineyards with numerous deep ravines and stone walls and could be conquered only step by step.

The King called the War Council and established the "Ordre de la Bataille." The infantry had to attack in the front line with cavalry and artillery closely behind, until they would reach the plains at the foot of the mountains. Then the cavalry would move forward. The Imperial Austrian forces were on the left wing under the command of Prince of Lorraine, he had 2,800 of Polish troops under Prince Lubomirski with him. The German armies were in the center under Prince of Waldeck and the Polish forces were on the right wing. Great Hetman Jablonowski was on the far right. General Katski with the infantry and artillery in the center of the Polish wing and Field Hetman Sieniawski on the left. The Polish forces had to cross the longest and most difficult mountain terrain before reaching their positions.

Kara Mustafa did not believe until the last day that John III himself would appear with the Polish Army. When the Austrian commanders observed from the top of Kahlenberg the enormous fields of the Turkish encampment and expressed doubt in the possibility of an attack with their relatively small forces, the King stated: "The commander, who in spite of the approach of our army, did not gather his forces and did not fortify his encampment, is foredoomed to loss."

On September 12th, in the early morning the Austrian forces were closest to reach the enemy lines and Prince Charles of Lorrain started the attack on the left wing. The Turks were pushed out from the strategic position at Nussberg. The King was personally there and served at the Holy Mass celebrated by the Papal Envoy to give thanks for the first success. At about 1:00 P.M., General Katski's artillery reached the top of the hills and the King started the infantry assault and routed the enemy from the vineyards on the mountain slopes in hard fought separate battles. The Tartars massed their forces and staged a lightning attack with thousands of cavalry directed at the flank of the Polish right wing. Jablonowski quickly regrouped and successfully repulsed the attack. At about 4:00 P.M. all passes to the plain of the Turkish camp were in the hands of the Allies. When the Grand Vizir saw the mass of Polish troops emerge from the forests on the mountain slopes, he realized that the main danger was approaching from this side and issued orders to move a great portion of his army to the south in order to form a strong front against the Polish wing.

King John, who at the beginning of the battle had expected for the decisive engagement to develop only on the second day, observed from a hill-top the feverish movements of large enemy masses blocking each other's way in the narrow passages between the camp tents. He also notices the first signs of disorder, groups of auxiliary troops breaking out from the enemy camp and galloping away to safety. The King came to the conclusion that the enemy should not be given time to regroup and ordered the Polish and German cavalry to assemble for the final assault. To find out how suitable the ground conditions were for a cavalry attack, he sent a squadron of hussars first. The squadron came back with heavy losses, but the King was certain that a cavalry attack was possible.

Masses of newly assembled Turkish cavalry rushed against the Christian forces. In the meantime, the King and his cavalry of close to 20,000 horsemen formed in his own special chessboard formation—hussar blocks in the front line with saber, and carbine-equipped armored cavalry stationed at intervals of a hundred paces behind; the heavy reiters of Sieniawski's left wing and the royal lead center were reinforced farther back by dragoons and flanked to the northeast by Sachsen-Lauenburg's regiments and to the southwest by Jablonowski's corps. In the lead, astride a handsome Podolian charger, was John III himself in luxurious garb, upon his head the cap with feathers held by a priceless jewel-clasp and body armor covered by a dark blue robe. Close by were a herald and a hussar, bearing the crown escutcheon and the royal sign—a white falcon's wing mounted high on a lance. The first lines of hussars lowered their 16 foot lances as the wind uplifted the eagles's wings and the leopard and wolf pelts attached to their shoulders. The polished and gleaming armor plates, visible from afar caused the German infantry on the far left to pause briefly and a loud cheer echoed through the vineyards. The German cavalry attached to the right wing was making an attack in full gallop for the first time in riding shoulder to shoulder with the elite of the Polish gentry. Slowly they picked up speed. The Turks staged repeated counterattacks and the roar of the battle resounded time after time like rolling thunder. At about 6:00 P.M. Jablonowski's hussars reached the Grand Vizir's camp. Kara Mustafa made one last attempt to resist. All his staff and body-guards fell and he was able to save only his private treasure.

The victory was complete. The Turkish camp with all tents, artillery and uncounted riches were left by the fleeing enemy. Sobieski was enthusiastically greeted by the people of Vienna and declared "The Savior of Christendom" by the Pope. The victorious campaign brought new international pride to the Polish King and attracted the eyes of the whole world to the Republic.

Aloysius Mazewski, national president of the Polish American Congress, has appointed a PAC Observance Committee to plan and coordinate national activities to commemorate this important battle and historic day in Polish history. Dr. Edward C. Rozanski, national vice president of the Polish American Congress, is chairman of this committee, and other members include: Harriet Bielanski, Alfred Szebel, Leon S. Kawecki, Henry Archacki, and Prof. S. Smolenski. I congratulate President Mazewski and the members of his committee for the outstanding job they are doing in planning and coordinating an impressive schedule of events commemorating the 300th anniversary of King Jan III's momentous victory at the Battle of Vienna which preserved freedom for all of Europe.

Mr. Speaker, it gives me great pleasure to join with Polish Americans in the 11th Congressional District of Illinois, which I am honored to represent, and Poles throughout the world, in observing the 300th anniversary of this great battle. The heroic efforts of King Jan III Sobieski still serve today as a source of strength and inspiration for all who strive to free themselves from the yoke of oppression.●

THE CURRENT WAR COURSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I am very sorry that the gentleman preceding me a few minutes ago, for whatever exigencies of the moment, required him to suspend it, because what he was saying I consider to be extremely important. And be that as it might, it was right in line with what I felt impelled to rise and speak forth.

It is true, we are all anxious to get away, but the House has taken action here that in effect will create the very situation—and I am no prophet and I do not have to be a prophet to say that during the time we are away we will have developments that will take place that will encumber this House and Members of the Congress with heavy responsibilities upon our return and an accomplished fact that I do not think the Congress will be able to do anything about—and I am speaking about the current war course that the President has instituted with respect to Central America, the Caribbean in particular, and south of our border.

The gentleman, as I understood some of his words awhile ago, was pointing out that this whole situation is frought with great danger that though there is a potential for us to pluck out of this nettlesome situation this flower of peace that the danger is just as great and may be greater, because if I understood him correctly he said the course of action the President has instituted in the last few days jeopardizes the self-same peace efforts. I believe they do. I believe worse. I believe that in a matter of days we will have developments that will just render the course of events immutable.

I really feel that the President has embarked on an adventure for political purposes in the guise of a Maggie Thatcher of England, where the Falklands, it was said, in June, during the elections held in Britain, was the main reason for her overwhelming victory.

I hope I am dead wrong, but I do not think I am. And what I am saying is that all during the debate that the House entertained last week and the week before with respect to the resolutions that impacted on the Central American and the Latin American situation generally were at best deficient in presenting the perspective that has

to be ultimately recognized by our leaders and by the Congress.

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For example, the actions just reported, which are just fragmentarily reported and are not reported in full, some of the activities, in turn, have been reported to me by our Armed Forces on the seas and on land actually involving us in intervention in a form of war in some of these countries that are sovereign in their own right.

Under the impulse of the so-called charges of a Cuban-Russian takeover, in particularly Nicaragua, and with that environment unchallenged, the House barely scraped through a resolution that had to do with our defining the role of our intelligence agencies and bringing them to rein. They talk about the Sandinistas and the fact that they are unfriendly to the United States.

And recently there was an article by a former AID director, in which he stated the often repeated charges that this country, our country, offered help, proffered help, gave some help, but that it was refused or turned down or unappreciated by Nicaragua or the so-called Sandinistas.

At this point I would like to insert into the RECORD a summary, an interpretation of the situation, by a priest who has just returned from Nicaragua. He has been there a considerable amount of time. And I speak of a priest who is dedicated, a great man, Father William James Callaghan, and who on my request has given me a written report and authorized me to disseminate it as I see fit. So at this point I include in the RECORD a summary entitled "A Flawed Tale," which also encloses a complete rebuttal to this former AID official of our country in the statements he made in the Washington Post editorial page.

But above all, Father Callaghan goes beyond just referring to that particular aspect, and he tells us why it is that no matter how many arms, how many soldiers, American soldiers, we bring into Nicaragua, we will not succeed.

And at this point, as I said, and repeat, I offer this statement:

A FLAWED TALE

Mr. Lawrence E. Harrison, who arrived after the revolution to direct USAID programs in Nicaragua writes a flawed tale (W. Post, 9/30) of apparent naivete and cultural insensitivity.

Mr. Harrison gives the impression that the U.S. Government approached Nicaragua after the revolution extending the glad hand of friendship, only to be rebuffed by a hostile, leftist government.

How unaware he seems that USAID, which with its reputed inteiligence agents and its task as a principal executor of U.S. foreign policy, would hardly be welcomed by Nicaraguans as a white knight from the north.

He lacks a sense of the suffering of the Nicaraguan people, and writes by anecdotes taken from his upper class contacts, without a hint of the context for his examples.

When the Sandinistas overthrew Somoza and routed his hated National Guard, it was not just Somoza they replaced. The Nicaraguans hailed victory as breaking free from the whole Somoza system and from the U.S. institutions and policies for which Somoza was a puppet.

The Nicaraguan view had strong justification. It was the U.S. which instituted the National Guard, presided over by the elder Somoza, to control Nicaragua when U.S. marines were withdrawn in the early 1930's after 20 years of almost uninterrupted occupation.

The Somoza family, through the National Guard dominated, exploited and brutalized Nicaragua for the next 45 years. In return for total support of U.S. policies in international matters, the Somozas were free to rule and loot Nicaragua. They even took the $88 million in U.S. aid sent to rebuild Managua after the terrible earthquake of 1972.

During the 1978-79 revolution, the U.S. tried to save Somoza. When that effort failed the U.S. fought to keep the National Guard structure intact. The Sandinistas rejected all these efforts and swept away the whole system.

Subsequent to the revolution the U.S. government sought to regain control by channeling aid to the private sector. As the Sandinistas strengthened their position, the U.S. cut off food aid, blocked aid through multilateral institutions such as the IMF, World Bank, and the Interamerican Development Bank. In 1981, before Mr. Harrison left Nicaragua, the signs grew obvious that the U.S. CIA had begun to organize a fighting force among former members of the hated National Guard who had fled to Honduras. Cross border incidents began to occur in mid-1981 and have continued to escalate. Did Mr. Harrison know it then? Does he recall it now?

His examples bear little scrutiny.

1. Peace Corps teachers—Nicaragua's tremendous drive for Literacy training in early 1980 sought teachers from many lands, including the U.S. The Cubans, who have great experience with such teaching methods were warmly welcomed. All were accepted on two conditions—that they respect the revolution—that they respect the religious beliefs of the Nicaraguan people.

Mr. Harrison offered a program through the U.S. Peace Corps. The Nicaraguans, viewing it as do many in the developing world, as a cover for U.S. intelligence agents, resisted it as "inappropriate." Mr. Harrison persisted and obtained Mr. Robelo's support on the junta.

Insisting that US teachers enter Nicaragua under an official program like the Peace Corps was obviously viewed as a U.S.-government move to counter the influence of the Cubans, not a move to help Nicaragua.

Imagine how our U.S. revolutionary government in 1783, might have responded to a British complaint about too much French influence coupled with an offer to send teachers to educate illiterate Americans!

2. National anthem—The Sandinista anthem does indeed contain the line "We shall fight against the Yankee, enemy of humanity," about which Mr. Harrison often complained.

The Nicaraguan history, with repeated invasions or occupations by U.S. interests, including almost continuous occupation by U.S. Marines from 1912-1933, is a history of U.S. control and exploitation of Nicaragua and its resources.

By the time Mr. Harrison was leaving Nicaragua, the first signs were growing obvious that U.S. CIA operatives were arming the former Somoza guards in Honduras to attack Nicaragua, as well as plotting among the Miskito Indians. Mr. Harrison's article appears when these U.S.-backed forces have escalated to 7,000 people.

How naive of Mr. Harrison for urging changes when the Reagan Administration was doing everything it could to redominate Nicaragua. Would Mr. Harrison suggest that we acknowledge British sensibilities and drop our own national anthem's celebration of victory over the British?

3. Elections—The Sandinistas, as they clearly stated in their early days, made national reconstruction a priority. Somoza left the country in shambles with a debt of $1.5 billion and only $3 million in reserves.

The Sandinistas, in 1980, announced elections for 1985, after a Law of Parties was constructed. The time frame was said to allow growth in popular participation at the grassroots level, building experience upward toward national elections.

Whether we consider it too slow or not, this plan is proceeding apace. Popular participation at the local levels through the Sandinista Defense Committees (CDS's), the neighborhood watches, the voluntary militia, education programs, "face the People" programs of the national leadership, newspaper sections which encourage speaking out, and the extensive programs of volunteering to harvest the crops, have brought an enormous upsurge in popular participation and discussion since the revolution.

4. Dissent—Mr. Harrison's cultural naivete appears most strongly in his frustrations to explain U.S. style "dissent" to the Sandinistas, a frustration he would have with nations including many U.S. allies. He should try explaining it to the governments of Chile, El Salvador, Guatemala, South Korea, Taiwan, Saudi Arabia, Uruguay, Brazil, Israel, the Philippines.

Dissent is a sophisticated practice for a few nations where mediating structures exist for dealing with differences, and where there is a welcome, however modest, for preserving free speech. If Mr. Harrison recalled U.S. attempts to repress dissent during the Vietnam days, he might be a little less patronizing of the slowness of others.

5. "Revolutionary truth . . . is what serves the ends of the revolution"—There is no need to be an apologist for the Sandinista revolution. Its achievements in the fact of extreme pressures from the U.S. and from the extreme poverty and depredations of the Somoza system can make its own case of mistakes and triumphs.

However revolutions, in their early years, typically have a zeal, fervor and excesses that later wisdom moderates.

After the U.S. revolution, many colonists who had been sympathetic to continued English rule, fled, or were forced to flee to Canada. Slavery was accepted for a good part of the nation, a choice that would be resolved only 80 years later in a bloody, internal war.

The French revolution was marked with enormous excesses, as would be the Russian revolutions and a host of other revolutions that followed.

It is to the Sandinista credit, that excesses of violence, infringement of human rights and personal freedoms, have been among the very lowest recorded for any armed revolution. Is Mr. Harrison aware of that?

6. August 1980 completion of literacy campaign—Mr. Harrison's comparisons of the scene to the Hitler youth meetings, again suggests his limited sense of history, and of Nicaragua.

The shouting of "consignes" or revolutionary chants, has long been a way of educating and coordinating mass, popular where literacy is low and recently acquired.

If Mr. Harrison were to move through a Nicaraguan crowd and associate with them freely, he would find both an enjoyment of the chanting, and a warmth and amiability especially toward Americans, that are vastly removed from the fierce ideology and preaching of moral superiority of the Nazis.

In 1980, U.S. legislators meeting with the Sandinistas and talking about elections had joked of the challenge of holding honest elections in the U.S. Our intense struggle to overcome racial barriers to fair elections is not yet over in the U.S., as the recent Reynolds trip to Mississippi illustrates. Many an hispanic constituent of mine could tell similar tales.

Fair elections are an unknown experience for Nicaraguans where the troops took away the ballot boxes when Somoza-backed candidates ran into trouble.

That the Reagan Administration urges elections so fiercely in Nicaragua, while making no such urgent demands on Pinochet of Chile, Uruguay, S. Korea, Taiwan, Guatemala, etc., justifiably appears hypocritical to Nicaraguans. The memory of U.S. involvement in manipulating elections in Chile, San Salvador and other lands is enough to give the leaders of any small land great pause.

7. Genesis II—Few people seem to know exactly what happened with Genesis II, a program to promote grassroots programs. There seems some evidence that Mr. Macias was unfairly treated. Mr. Harrison sheds no light on it.

The Maciases left the country feeling bitter about the revolution and have continued to speak as sharply against the revolution as the quote shared by Mr. Harrison, in which they accuse the Sandinistas of mirroring the Somoza practices of rape, torture, disappearances, murders, threats, community control.

However, anyone who experienced the Somoza days and compares them with the present days will reflect just how extremist and false are their charges. The systemic corruption and violence of Somoza cannot be compared to the basically honest and struggling nature of the Sandinista government which even under intense U.S. pressure has stoutly resisted the Marxist route of Cuba.

Nicaragua, despite the pressures and austerity, has been attempting an independent, national way between Cuban style Marxism, and U.S. style capitalism.

The harsh public attacks by the Maciases on Nicaragua should make it no surprise that former Washington friends who strongly support Nicaragua should not seek their company. Mr. Harrison once again displays a seeming ingenuousness that raises questions about his article.

9. Most Nicaraguans like Americans—Mr. Harrison here gives witness to what most U.S. visitors to Nicaragua experience—Nicaraguans like Americans.

At no time does a U.S. visitor experience an attempt to paint Americans as devils. The focus is precisely on the U.S. government and U.S. policies. However, U.S. programs often must face suspicion of harboring U.S. intelligence agents. This would have been especially true in late 1980 in the area of Puerto Cabezas, the area of the "Red Christmas" plot to separate that part of Nicaragua from the rest of the country and to seek U.S. protection. It was a time of great tension between the Sandinistas and the Miskito leaders.

Revelations of U.S. CIA covert operations among the Miskitos and the ex-National Guard of Somoza, show just how justified have been the suspicions of the Nicaraguan leaders.

10. National Guard—Mr. Harrison again shows his naivete in his description of the sentencing of former Lieut-Colonel Byron Pineda. The supposedly non-combatant officer was tried and sentenced to 11 years, although claiming he had done nothing wrong.

His statement may be true, but in general, the officers corps of the National Guard was so shot through with corruption and had so shared in the violence done to the Nicaraguan people, (50,000 deaths in 18 months, equivalent to 5 million deaths on a population the size of the U.S.) that few officers could have reached the position of Lieut-Col. without being touched by that corruption and violence.

A striking feature of the Sandinista revolution is that so little retribution was exacted on the former National Guard. Easy escape through the northern border was deliberately set up for many of the national guard. The death penalty outlawed. The longest sentences (received by few) were 30 years. The retribution on leaders has been far less than that which the U.S. and its allies visited upon the Nazi leaders after World War II.

11. U.S. Academic reactions to the Nicaraguan revolution—

Mr. Harrison's deepest pain seems to arrive in two stories of supporters of Nicaragua's revolution being cheered in academic circles, while critics were "booed and jeered."

It is clear, even from Mr. Harrison's account, that the Latin American scholars were applauding the success of the Nicaraguan revolution and were hostile to people, such as Mr. Cheek and Mr. Harrison, who were attacking the revolution.

At the time, late 1980, Mr. Cheek, as deputy assistant secretary of state for Latin America, was a principal U.S. spokesperson defending the U.S. policies in El Salvador, where Archbishop Romero had recently been assassinated, and where the first 10,000 people had been murdered at the hands of forces allied to the U.S. Two U.S. AIFLD advisers and four U.S. women missionaries would soon be murdered by these same forces.

If Mr. Cheek, as Mr. Harrison alleges "had played a crucial role in U.S. disengagement from Somoza as far back as 1974", that role had been carefully hidden. To most observers it seems that the U.S. supported Somoza right into 1979 when it sought to have a multinational OAS force take over the situation. Failing this, the U.S. sought a compromise which would lead to Somoza's departure while preserving in place the hated National Guard and the system known as "Somocismo."

That Mr. Harrison places last, in a position of emphasis, the account of how badly received by scholars, were his own accusations of the Nicaraguan government, suggests the deepest roots of his article. Were the scholars perceiving the same naivete and cultural insensitivity that the W. Post article displays.

Throughout his article Mr. Harrison quotes no one who is poor. His examples are personal contacts with leaders of the U.S. and Nicaragua, with upper class people, or accounts of his own painful personal experiences.

Perhaps if the USAID Director had managed more contact with the poor of Nicaragua he might have sensed what so many who visit Nicaragua experience—that in the face of terrible limits and pressures, in the face of inexperience, youth and mistakes, the Sandinista have tried to redirect the resouces of Nicaragua to benefit the poor majority of that land. That they to do so in the face of U.S. backed military and economic pressures.

Mr. Harrison gives no hint of this. His selection of events hint of nothing good. Perhaps it is no surprise that his objectivity appears questionable.

The Sandinistas are not friendly toward the United States. Let us not make any mistake about it. In fact, the very name "Sandino" and "Sandinistas" is one that invokes anti-American activity. General Sandino was resisting the marine invasion of his country. He is a hero throughout all Latin America in history and literature. Marine intervention in Nicaragua for that period of time was resisted, and I think the lesson we ought to learn is that the Marines never caught him, any more than General Pershing ever caught Pancho Villa when we made a similar incursion into Mexico.

It was the United States that intalled a Somoza regime and unswervingly supported it through decades of repression and terror, the worst of anywhere in the world.

Nicaraguans have plenty of reason to dislike and mistrust the United States. After all, it was a U.S. action that installed in their country and maintained one of the most rotten regimes not only in Latin America but throughout the whole globe, one that eventually fell more of its own weight than by the combined exertion of these so-called Sandinistas.

Today the Reagan administration is trying to huff and puff and blow the Sandinistas' house down. That is not likely to happen. But before that finally comes through, I am afraid the price in treasure and blood is going to be great unless our leaders are somehow persuaded into a more realistic and justified course of action.

The Sandinistas are tough. And the reason they are tough is the reason why they can distribute arms at will. Every housewife, every peasant has an automatic machine. If the government were afraid of its people, they would not be armed the way they are. And they are going to stand up and they are going to fight. They are tough. And so far at least this can be determined and reflected in the good priest's report. They are popular and they enjoy popular support.

What should the American policy be? First we have to understand that

in Nicaragua and elsewhere in Central America it will take a long time to cure the ills brought about by corruption, poverty and bad government. There will be no quick fix, in the favored words of the President.

Second, we have to understand that we have neglected Latin America in general and Central America in particular. Our Government has not really done much to help resolve the problem of poverty, ill health or repression. It will take time to convince people that we really want to help.

Third, we have got to quit pretending that we can wish or bluff rebellions out of existence. Rebellions reflect real grievances, real injustices, and they are the products of despair.

Fourth, our policy ought to be constructive and foresighted. We want liberty for ourselves, and we ought to work with people who want liberty for themselves. We want decent jobs, homes, health and schools for ourselves, and we ought to support programs that help others obtain these for themselves. We want a government that stands with us, not on top of us, and that is the kind of government that we ought to support in Central America.

Do we want Nicaragua to trust us? Then we would do better to send doctors, teachers, farmers, tradesmen than to mount military maneuvers. They want us to help them raise standards of living, not raise armies. Thus far, our policies and actions have done nothing but prove the claim of the Sandinistas: The United States cares more about Somoza-style stability than the hopes and aspirations of Nicaraguans.

If we really want to win over the people of Nicaragua, it is time to recognize that close to a century of bad policy will take a whole lot of time to undo. Somoza might have produced stability, but he surely left a bitter legacy. We are paying the price now, and the current policy is only making that cost higher.

TRIBUTE TO FORMER REPRESENTATIVE AARON FORD

● The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, it is my sad duty to inform the House of the death of one of its former Members, Representative Aaron L. Ford, who represented the old Fourth District in my State of Mississippi.

He died in July as a result of injuries suffered in an auto accident on the Natchez Trace Parkway. He was 80.

Representative Ford was elected as a Democrat to the House in 1934 and served four terms before losing in 1942 to Representative Thomas Abernethy. After serving in this Chamber, he practiced law in Washington before going home to Jackson, Miss.

While in Congress, he was a member of the Foreign Affairs Committee and the Ways and Means Committee, where he was regarded as an expert on revenue legislation. Aaron Ford served his State and this Nation well in the House of Representatives.

Mr. Speaker, I want to offer this article, from the July 10 edition of the Jackson, Miss., Clarion-Ledger, concerning the death of Representative Ford.

[From the Jackson, Miss., Clarion-Ledger, July 10, 1983]

FORMER REPRESENTATIVE AARON FORD

(By Robert Ourlian)

Former U.S. Rep. Aaron L. Ford, who was sent to Congress from the state's old 4th District in the midst of the Great Depression, was killed Friday in an automobile accident.

Ford, 80, died about 8:45 p.m. at the Mississippi Baptist Medical Center in Jackson after the accident on the Natchez Trace Parkway about 40 miles northeast of Jackson, according to Staff Park Ranger Ron Medford.

Medford said Ford was a passenger in a car driven by his attendant, Billy Dotson, who lived with Ford at 3834 Eastover Drive.

The two were southbound on the Natchez Trace near Carthage when their car angled off the highway, crossing the northbound lane and hitting a tree on the east side of the road. Medford said Dotson was not seriously hurt.

Hinds County Coroner Robert Martin said Ford died of a skull fracture, and said he suffered many injuries to the head and face. He said an autopsy would be performed on the remains at the request of family doctors.

A native of Potts Camp in Marshall County, Ford attended law school at Cumberland University in Lebanon, Tenn. He began his practice in 1927 in Aberdeen and moved to Ackerman later in the year.

Ford was elected district attorney of the 5th Circuit District in 1931, and was elected as a Democrat to Congress in 1934, defeating 12 year incumbent Jeff Busby. He was reelected in 1936, 1938, and 1940, then lost in 1942 to Thomas G. Abernethy, who held the seat for the next 30 years. Ford practiced law in Washington for a time before returning to Mississippi where he opened a law practice in Jackson.

Former Gov. J. P. Coleman received an early taste of politics through Ford when he took part in Ford's first congressional campaign and later served as an aide to the Congressman. "He waged a strenuous campaign—we made a speech in every schoolhouse in the district," Coleman recalled Saturday, adding that the Depression stimulated interest in politics. "We could announce a campaign speech somewhere in the interior of Calhoun County and we'd get a crowd."

Gov. William Winter remembered Ford as a "very aggressive campaigner who supported President Roosevelt's New Deal programs during the Depression.

"He left a mark in Congress that is still remembered by the people of that district," said Winter, whose father was friends with Ford.

Coleman recalled Ford as a charismatic public official who knew how to ply his constituents.

"He was a prodigious worker," Coleman said. "When he put his hands on the plow, he was one of the most effective politicians you ever saw."

Coleman recalled leaving the Congressional office in 1940 to begin his law practice. That was after the 1938 election campaign, during which Ford went to Europe and "didn't even campaign," winning nonetheless.

"If he had really maintained his love for politics and public office and public service, he probably would have been elected in 1941 for the Senate when Sen. (Pat) Harrison died," Coleman said.

Services for Ford are at 12:30 p.m. Monday at Wright and Ferguson Funeral Home Chapel with burial at noon Tuesday at Cuthbert, Ga. Visitation is 4–8 p.m. today and after 11 a.m. Monday at Wright and Ferguson Funeral Home.

He is survived by his wife, Mrs. Gertrude Ford; brother, Howard C. Ford of Sardis; and one niece.●

COSPONSORSHIP OF BILL TO PROVIDE FAIRNESS IN WINE TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, to quote from an Associated Press article,

A bottle of wine that retails for a modest $4 in California sells for $18 in Japan—just one example from the State's billion-dollar wine industry of protective trade barriers against wine from the United States.

Indeed, as that article so vividly points out,

It takes 21 pages to detail the complicated taxes, add-ons and mind-boggling label conditions and other roadblocks foreign countries put in the path of U.S.-made wines. The United States, by contrast, is virtually an open market for wines from the rest of the world.

These paragraphs sum up the frustrating and economically disadvantageous position our country's vintners have been placed in as a result of these restrictive and apparently punitive foreign trade barriers—barriers that I hope we can replace with equity and fairness through the proposed Wine Equity Act of 1983. The sole purpose of this legislation is to encourage export of U.S.-produced wines by achieving harmonization, reduction and elimination of tariff and nontariff trade barriers so that American wines will be admitted into a foreign country on the same fair and equal basis as the wines of those countries are admitted into the United States.

The current trade situation is not only unfair and unjust, it is intolerable. Consider that despite American-produced wine achieving worldwide recognition among wine experts, everywhere the American winegrowers seeks to market his or her product abroad they are faced with a maze of restrictive and prohibitive tariff and nontariff barriers. In 1982, for exam-

ple, foreign wines with a value of $781 million were imported into the United States while the value of U.S. wine exports amounted to only $38 million, resulting in a trade deficit for wine alone of $743 million—2.1 percent of the entire U.S. trade deficit. U.S. residents consumed 122.1 million gallons of imported wine in 1982 while U.S. winegrowers sold merely 9.1 million gallons of American wine to foreign markets, almost half of which went only to Canada.

Mr. Speaker, this is hardly a recent problem. Historically, there has been a substantial imbalance in international wine trade resulting from the easy accessibility enjoyed by foreign wines in the American market, which is in direct contrast to the export position of the American wine industry in virtually every existing or potential foreign wine market.

Unlike the wine industries in many foreign nations, the U.S. wine industry receives no government aid or subsidy. The United States imposes no nontariff trade obstacles to the entry, distribution and sale of foreign wines. Foreign wines move freely in the American market subject only to the same laws and regulations which apply to American wines and to payment of the lowest duties assessed anywhere in the world by a significant wine-producing country on imported wine. Nearly 91 percent of imported wine is subject to duties ranging from 37½ cents per gallon to as low as 21 cents per gallon. By contrast, many other countries impose duties on American-produced wines at least double that of the United States, ranging as high as Japan's $4.80 per gallon.

To correct this situation, our legislation provides the President the authority and remedies needed to eliminate tariff and nontariff trade barriers so as to provide U.S. produced wines fair and equal access to foreign markets. Under this legislation, the President is authorized, if he finds a country refuses to eliminate its barriers to American wine, to impose on wines imported into the United States from that country the same tariff and nontariff restrictions that are applied by that country to U.S. wine exports.

Again, all we ask for in this legislation is a means by which to put into effect a concept that should be the cornerstone of foreign trade: fairness.●

A TRIBUTE TO BISHOP W. B. McNEIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

● Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Bishop W. B. McNeil on the occasion of his 20th anniversary as pastor of The Holy Cross Remnant Church of Jesus in Brooklyn, N.Y.

Bishop McNeil's calling began in Brooklyn in July 1963 with the founding of Holy Cross. Beginning with but seven followers his flock has grown and he now provides spiritual guidance and community service to some 250 parishioners. From the very beginning Bishop McNeil has returned his time and talents to the community through his leadership at Holy Cross. One of his first acts was to open a community cafe serving one free meal a day to the poor and needy. He has also established a summer lunch program, and through these efforts demonstrated a commitment to integrate the work of the church with the needs of the community.

The services and work Bishop McNeil has rendered over his 20 years cannot be fully described in this short space. From his work with the Bradford Street Block Association to his involvement with the local community board he has served as an inspiration to many. He has counseled the youth of our community, helped the sick and the poor and through his ceaseless efforts improved the quality of life in my congressional district for many people.

I want to offer my heartiest congratulations to Bishop W. B. McNeil on his upcoming 20th anniversary on Sunday, August 21.●

HUNGARIAN MINORITY IN ROMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

● Mr. LANTOS. Mr. Speaker, in January I visited several East European countries with a House delegation of 13 of my colleagues. During a brief stopover in Bucharest, Romania, I had an opportunity to discuss with the Romanian leadership the treatment of that country's approximately 2 to 2.5 million Hungarian minority. This is not an issue that receives the amount of international attention it deserves. For my colleagues' information I submit a somewhat abbreviated version of a "Memorandum" and "Program Proposal" prepared by a group of leading intellectuals of the Hungarian minority in Romania. It was sent to the government delegations to the Madrid Conference reviewing the implementation of the Helsinki Final Act.

Last November several Hungarian intellectuals, including the well-known poet Geza Szocs were arrested in Rumania. They were accused of being authors of this document and severely beaten during interrogations.

These people took serious risks in turning to our Government in seeking implementation of an international agreement that we are party to and whose implementation we strongly favor. This fact reinforces our interest and responsibility in this matter.

The text of the document follows:

MEMORANDUM TO THE PARTICIPANTS OF THE MADRID CONFERENCE REVIEWING ADHERENCE TO THE PROVISIONS OF THE HELSINKI FINAL ACT

The forced Rumanianization of Transylvania and the suppression of our culture are being carried out with unprecedented vehemence. Masses of Rumanians from beyond the Carpathian Mountains are being resettled into regions with a predominantly Hungarian population and into purely Hungarian communities, mainly cities. At the same time, according to official nationwide population statistics, the number of Hungarians remains stagnant. The Hungarian-language school system is gradually being destroyed. More and more obstacles are created to hinder the publication of Hungarian books and periodicals. Our language, in truth, has been forced out of public life entirely. The effort to seclude us from Hungarians living elsewhere is being carried out with increasing vigor. (Relations between Hungary and Rumania are at a sub-minimum level in all respects.)

All conceivable means are employed to thwart the natural development of our identity. Successive Hungarian generations are brought up in an atmosphere of chauvinism which denigrates our heritage and preaches the superiority of Rumanian history and culture, without allowing those Hungarians an opportunity to learn about their own ethnic background, or even the true history of Transylvania. The state powers treat us, especially intellectuals and workers, as if we were the enemies within. Terror on the part of the security forces is the order of the day. If we speak out in defense of our heritage, it is we who are called chauvinists. We live as second-class citizens in Rumania, whose possibilities for career advancement are also limited by the fact that we are Hungarian.

We lack any means of self-protection. The individual is defenseless in the face of the tyranny of the state, and since 1949—when the Hungarian People's Alliance was liquidated—there has been no organization to safeguard our collective interests. Thus, our situation is characterized by the denial of not only our individual rights, but our collective rights as well, which two sets of rights are inseparable in our case.

The fact that existing international agreements do not deal with the collective rights of minorities bears profoundly upon the possibilities for bringing about a change in our situation. The focus on individual human rights, which constitutes the prevalent approach to this problem in the international arena, fails to take into consideration the shared values critical to a national minority as a collective entity—values which evolved through tradition and are carried on through a national minority's unique culture and the group identity of its members. These values would require special legal protection. While for the majority—due to its larger size and dominant position—the medium for the expression of its unique values exists as a natural given, for the minority to achieve the same purpose would require a means of collective self-protection. For this reason, regardless of the underlying motive, the effort to secure human rights for minorities, without taking into ac-

count their nature as collective entities, can actually place them at the mercy of the majority.

Having taken the above into consideration, we believe that in order to alter our present deprived condition, it would be of fundamental importance that the international agreements reached in Madrid establish on the record our right to survive, and in doing so, define those human rights which would insure the preservation of our culture:

1. Allow us to regard ourselves as bound by unbreakable bonds to the entire Hungarian people, and grant the same right to all national minorities.

2. Grant us the right to preserve our ethnic identity and collective values.

3. Allow us to establish an independent organization to protect our interests.

4. These rights—in our view—could acquire real validity only if an independent, unbiased international commission were formed which would examine our situation, act as arbitrator and also have supervisory authority.

Attached to this memorandum is a program proposal in which we endeavored to formulate the most important of our demands of the Rumanian government in the interest of ameliorating our situation.

Transylvania, September 1982.

By the editors of the samizdat periodical ELLENPONTOK (Counterpoints), whose continued anonymity in present-today Rumania—where critics of the regime disappear without a trace or become "accident" victims—unfortunately need not be explained.

PROGRAM PROPOSAL PRESENTED BY THE EDITORS OF THE PERIODICAL ELLENPONTOK (COUNTERPOINTS) IN THE INTEREST OF IMPROVING THE DEPRIVED CONDITION OF THE HUNGARIANS IN RUMANIA

The Hungarians of Transylvania, and of Rumania in general, are presently experiencing a more critical period of threat to their existence than perhaps ever before. Legal provisions protecting their survival exist only for the sake of appearances; they serve only to veil practices and realities which are diametrically opposed to the formulations contained in ceremonial speeches and official declarations.

To the practitioners of this system of thought, the mere idea of someone actually demanding a right is a complete absurdity. Even the simplest petition in Rumania must take the form of a more or less humble entreaty, clad in official phraseology and supported by the "principles" which happen to be in style. It is unthinkable for any request to be fulfilled without the support of an influential member of some central body of authority, and the granting of a request is always akin to the benevolent gesture of a feudal lord, awarding a well-behaved subject. (The dispenser of awards to the citizen is the state; to the minorities, the dominant Rumanian nation.) The graceful gesture has nothing to do with the rights of the petitioner, merely with the merits of the gift-giver.

As it is our conviction that two ethnic groups can live next to, and indeed together with, each other only if they regard one another as equal partners, we demand that the Hungarians of Rumania be granted the fundamental freedom to voice demands regarding the protection of their rights and opportunities.

We are also aware that, given present conditions in Eastern Europe, it is unrealistic to expect that a demand of this kind will be met. But since our situation is growing worse each day, we feel obligated to take action because we cannot afford the luxury of waiting for a miracle to change these conditions.

For these reasons:

I. We demand that we be considered an inseparable part of the entire Hungarian people, and that as such, and as citizens of Rumania, we be permitted to maintain unhindered contacts with the Hungarian People's Republic, on both the institutional and the individual levels!

Allow every citizen of Rumania to travel to the Hungarian People's Republic without restrictions.

Repeal the regulation which forbids the accommodation of friends from abroad in our homes. (This regulation affects us, Hungarians, most of all.)

Until the Transylvanian Hungarian universities are restored, permit Hungarian students from Rumania to study in Hungary. Upon their return, allow them to function according to the qualifications they have obtained.

Stop the practice by Rumanian customs officials of arbitrarily confiscating Hungarian-language publications.

Allow us to subscribe to any and all newspapers and periodicals published in Hungary. See to it that such publications are, in fact, delivered to the subscribers by the postal service.

II. We demand that cultural autonomy and institutionalized forms of self-protection be guaranteed to the Hungarians of Rumania, as an ethnic community!

Expand paragraph 22 of the Constitution to grant minorities the right to form an organization to protect their interests, the officers of which are democratically elected.

Allow this organization the right to direct Hungarian cultural activity and education policy, to supervise cadre-policies affecting Hungarians, to maintain Hungarian historical monuments and to seek legal redress for minority grievances.

Publish the history of the Hungarian People's Alliance, and make known the true circumstances of its termination in 1949.

Publicly rehabilitate all formerly imprisoned leaders of the Hungarian People's Alliance, as well as all others who have been sentenced during the past 35 years for defending the interests of Hungarians, and declare their sentences null and void.

Re-open the Hungarian-language kindergartens and schools, granting every Hungarian child the opportunity to attend a Hungarian-language kindergarten or school. In all Hungarian-inhabited counties, make high school education in the humanities and the various trades available in Hungarian.

Establish Hungarian-language orphanages and schools for the handicapped, putting an end to the practice of placing Hungarian-speaking orphans and handicapped children in the respective Rumanian institutions—a practice uses as a tool of Rumanianization.

Reduce the minimum quota of children required to form a class, in order to prevent the elimination of Hungarian village schools. Enact legislation in Rumania similar to the exemplary nationality statute in Yugoslavia which requires a minimum of nine children in order to establish a school In this regard, any quotas should apply to Rumanian and Hungarian children equally.

Reestablish the Hungarian universities, and establish Hungarian-language institutions of higher education in all trades.

Allow the Hungarian-language press, and the Hungarian-language radio and television programs, to discuss the actual and real problems of the Hungarians in Rumania.

The Rumanian authorities should, once and for all, stop the practice of treating Hungarian intellectuals as suspicious elements, and of subjecting them to constant police surveillance and harassment solely because they are Hungarian.

Insure true freedom of worship, and grant the Hungarian churches real internal autonomy.

III. For regions inhabited predominantly by Hungarians, we demand self-administration and an equitable share in the country's government!

In the villages inhabited predominantly or exclusively by Hungarians, stop the practice of appointing ethnic Rumanians to leadership positions (Chairman of the Village Council, Chairman of the Farm Cooperative, Party Secretary, policeman).

Allow Hungarians to be represented according to their percentage of the total population not only as Party members and representatives to the Grand National Assembly, but also among the managers of the economy, in the Party leadership at all levels, and in the government.

IV. We demand an immediate end to measures aimed at artificially altering the ethnic composition of Transylvania (including historic Transylvania, the territories west of it, and the Banat region)!

Terminate the massive and forced resettling of peoples from Moldavia and Wallachia into Transylvania.

Stop experimenting with the ethnic composition of purely Hungarian villages, trying to create a mixed population in those villages.

Stop the practice of assigning recent Hungarian graduates (especially physicians and engineers) to Moldavia and Wallachia, against their will.

V. We demand the opportunity for the Hungarians in Rumania to develop and cultivate their identity!

With regard to the past:

Allow the Hungarian pupils studying in their native tongue to learn the true history of their own ethnic group, and allow Rumanian pupils as well to become acquainted with that history, at least in broad outline.

Discuss the history of Transylvania objectively in historical publications. Stop using materials placed on museum display to conceal or trivialize the significance of Hungarians in the past, or their presence in Rumania today.

With regard to the present:

Make public, and accessible to all, detailed statistical data regarding the present situation of the national minorities.

Allow anyone who so desires, to engage in sociological research pertaining to the national minorities, without police harassment against those who express an interest in this line of research.

Let schools, regardless of their language of instruction, teach their pupils an awareness of the country's national minorities and their culture.

VI. We demand that in all areas of greater Transylvania inhabited by Hungarians, the Hungarian language be treated as equal to the Rumanian language in official as well as everyday use!

Grant, in practice, the right provided for in paragraph 22 of the Constitution to use the Hungarian language in administrative offices and before the various authorities, and to submit to those offices documents

written in that language. Make identification cards, passports, official form letters, etc., bilingual.

Within the regions described, require workers employed in the fields of health care, commerce and public services to be familiar with the Hungarian language.

In these areas, make the inscriptions of place-names and street-names, the signs on shops, factories, museums and public institutions, and the inscriptions on consumer products, etc., bilingual.

VII. We demand the same career opportunities for the Hungarians of Rumania as the Rumanians have!

Terminate the practice whereby job hiring and professional advancement are determined primarily according to ethnic background rather than professional expertise. Discontinue the practice of applying the proportion of Hungarians nationally to determine the number of Hungarians hired locally, even in firms located in overwhelmingly Hungarian areas.

VIII. We demand the preservation of the environment which reflects our historic and cultural past!

Preserve the traditional townscape of Transylvanian cities.

Stop tearing down the buildings which are significant for cultural or historical reasons.

Register as protected cultural properties all items deserving that title.

IX. We demand that the Hungarian-speaking natives of Moldavia, the Csángós—whom official statistics have declared to be Rumanian, without exception—be permitted to declare themselves Hungarians again, and to participate in Hungarian cultural life!

Permit them to join the organization representing Hungarian nationality interests.

Permit them free use of their native Hungarian language.

Reopen their Hungarian-language schools.

Grant them the right to conduct religious services in the language of their choice.

Put an end to the forced isolation of the Csángós, the obstruction of their contacts with Hungarians from elsewhere and the persecution of visitors to Csángós villages.

X. We demand that an impartial international commission (whose members would also include Hungarians and Rumanians) examine our situation and make decisions in the issues which bear upon our fate!

The foregoing, which was written on behalf of two million Hungarians, provides only a partial cross-section of the country's problems: those affecting the Hungarians (and even those only in a summary and incomplete fashion). We are quite aware that the solution to these problems cannot be isolated from the more general set of questions. Our primary purpose, however, is to identify these problems, since if we do not do so, no one will do it for us. As far as calling attention to the general issues affecting all of us, this is not our responsibility alone, and perhaps not even ours primarily; it would first and foremost be the responsibility of the Rumanian people.

Nevertheless, we do not consider this act of ours premature. The wall of silence must at last be broken from somewhere on the inside, as must that enormous, motionless and seemingly immovable block of tyranny and deprivation of rights which weighs nightmarishly on every inhabitant of Rumania (except for those who profit from it) and which is ultimately responsible for the totally catastrophic condition in which the country finds itself. In this regard, it is our conviction that our program proposal, which may be considered by "some" to be directed against the Rumanian people, actually supports their interests, because any increase in the respect for human rights would necessarily lead to an increase in their rights as well.●

GASOHOL AND HIGHWAY TRUST FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, today I am introducing legislation to ensure that the progress our Nation has made in reducing oil imports through the increased consumption of gasohol will not be unintentionally impeded.

The damaging of U.S. dependence on insecure foreign energy supplies was starkly demonstrated during the OPEC embargo of 1973 and the Iranian crisis of 1979. The congressional response to reduce this vulnerability included the exemption of gasohol from the Federal excise tax on gasoline. Several States, particularly those States with excess farm production capacity, followed suit by providing some level of State excise tax exemption to encourage gasohol usage.

The results have been astounding. In January 1982 slightly more than 100 million gallons of gasohol were sold. One year later, in January 1983, gasohol consumption had risen to nearly 350 million gallons monthly, at a time when overall gasoline consumption declined.

The results in some States are particularly noteworthy. In my home State of Indiana, for example, gasohol sales now represent nearly 25 percent of all motor fuel sales.

This dramatic success has not occurred without an unintended consequence. Many States have found that their increased gasohol sales have resulted in a reduction in their allocation from the highway trust fund.

The Congress provided, in the Surface Transportation Assistance Act of 1982, that no State can receive from the highway trust fund less that 85 percent of its tax payments to the fund. States such as Michigan, California, Texas, Ohio, and Indiana are receiving this minimum allocation. Their increased consumption of gasohol, with its lower tax rate, has reduced their payments to the trust fund and has therefore caused them to suffer a significant loss of Federal funding for highway programs. For Indiana will translate into a loss of nearly $28 million in 1984, or 12 percent less than Indiana would receive had there been no reduced tax on gasohol.

One result has been a decision by four of the five States to reduce State excise tax exemptions for gasohol. Another has been to generate pressure on Congress to remove the Federal exemption.

Clearly, this unfortunate byproduct of the tax exemption was not intended. I support the continued exemption of gasohol from 5 cents of the 9-cent Federal excise tax. However, we cannot allow the effort to decrease our dependence on foreign oil to undermine our willingness and ability to commit resources to repair and rehabilitate our highways and bridges.

The corrective legislative I am introducing today simply allows for the 85-percent minimum to be calculated based upon what a State's contribution to the highway trust fund would have been if all gasohol, like gasoline, had been taxed at the 9-cent-per-gallon level. In other words, for purposes of the minimum funding level, I propose that we not discriminate against gasohol but treat it as if it were gasoline.

This correction would not reduce the share of other States. It only makes adjustments for those States already below the minimum level, because the total available for allocation to the States exceeds the actual allocation by an amount in excess of the adjustments made by this legislation.

I urge my colleagues to join me in sponsoring this remedial measure to insure that the goals of energy independence can be pursued without penalty.●

MARTIN LUTHER KING HOLIDAY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

● Mr. CONYERS. Mr. Speaker, on August 2 this body took a major step in the continuation of the great civil rights struggle which has brought meaning to the words of our Constitution for blacks and other minorities in this country. By passing the Martin Luther King, Jr., legal public holiday bill we have established an enduring beacon which will guide all Americans.

It is with much disappointment, on the eve of my departure for the Soviet Union, that I read the words of the Soviet News Agency, Tass and the criticism it expresses in the passage of this bill.

The Martin Luther King Holiday victory must be put in proper perspective. It is a peoples victory—the result of a 14-year legislative effort and peoples movement which is much older than that. It is an effort which is marked by the Montgomery bus boycott of 1955 led by Ms. Rosa Parks, the great March on Washington of 1963 led by Dr. King, the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the peace movement of the 1960's and 1970's, and the upcoming 20th anniversary march on Washington which takes place on

August 27 of the year. The King Holiday is already marked on so many American calendars and the U.S. Congress has finally decided to catch up.

On one count, however, the Tass News Agency is correct. The passage of this bill is not evidence that blacks are equally honored in the United States. They are also correct in pointing out that the plight of black America is far worse than it has been in several decades. But Tass should rest assured, the black community is not so naive as to have their votes and loyalties held captive or bought off by the passage of a single piece of legislation. Our long history of struggle for the goals and ideals which Dr. King died for will not be relinquished so easily.

Contrary to the Tass report, these ideals and the bill are not violently opposed in the U.S. Senate. Both Democratic and Republican leaders in the Senate support the bill and the majority leader has placed it on the calendar for consideration this year.

I hope to discuss the great significance of a King holiday with the people of the Soviet Union in my upcoming visit to that country.

The comments of the Tass News Agency are set forth below:

Moscow.—A bill passed by the U.S. House of Representatives to make Martin Luther King's birthday a national holiday is no more than a scheme to win black votes in the next election, the Soviet Union said Thursday.

"The hostile attitude of the U.S. authorities to King himself, to the ideas that he gave his life for, is manifest in the present-day racist, anti-people policy of the Reagan administration," the official Tass news agency said.

In a report from Washington, Tass said that American blacks "were brought to despair by the racist policy of the Reagan administration, with Congressmen having more than once obediently followed that policy."

Now that election campaigns are coming up, Tass said, they want blacks to see them in "a noble light."

Tass said the House decision to make January 15 a national holiday honoring the assassinated civil rights leader has little meaning.

"The decision by no means signifies that such a holiday will really be marked in the American calendar," Tass said. "Such a proposal is being violently opposed in the Senate."

Tass accused the U.S. media of describing the bill as evidence that blacks are equally honored in the United States. "There is nothing further from the truth," the agency said.

As a result, Tass said, "the plight of the black American population is now the heaviest in the past decades."●

● Mr. GILMAN. Mr. Speaker, I commend my distinguished colleague, the gentleman from Michigan (Mr. CONYERS) for reserving this special order to discuss the Soviet's critical comments about legislation passed this week by the House which creates a national holiday in memory of the Reverend Dr. Martin Luther King, Jr. As a cosponsor of this legislation and as one who has worked during past Congresses to secure favorable consideration of similar measures by the Committee on Post Office and Civil Service, of which I am a member, I share the gentleman from Michigan's indignation about today's report in the official Soviet News Agency, Tass, that the bill to commemorate Dr. King "is no more than a scheme to win black votes in the next election." The UPI Wire Service report continues that "Tass said the House decision to make January 15 a national holiday honoring the assassinated civil rights leader has little meaning."

Mr. Speaker, I acknowledge that the Soviet Union is well recognized for its uncanny ability to distort the news to best fit the needs of its worldwide propaganda machine. This latest exercise, however, has reached new heights of hypocrisy and blatantly malicious reporting.

I personally resent the fact that we in the House are characterized as dupes of a purported scheme to use Dr. King's memory for temporary political gain. As one who has witnessed the sincere efforts of many of my colleagues who have worked long and hard on civil rights issues and on this legislation, I can wholeheartedly state that passage of the measure was based on an overwhelming feeling in the House of respect and admiration for Dr. King and for his accomplishments in the civil rights area.

Moreover, who but the Soviet Union, could so unabashedly point an accusing finger at another nation's actions in support of civil rights. The Soviets have unquestionably the most abominable human rights record and a worldwide reputation for brutally supressing any call to minimally respecting human rights. The flow of those wishing to emigrate for reunification of their families has dropped to barely a discernable trickle.

Accordingly, I join my colleagues in responding to this singularly objectionable commentary on the legislation to create a national holiday in memory of Dr. King. Having nothing to show which demonstrates a positive approach to basic human rights in their nation, the Soviets are now reduced to the level of resorting to distorting and maliciously characterizing this significant progress made—due in large measure to the work of Dr. King—in the United States in strengthening our civil rights.●

FOREIGN SALES CORPORATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, at the request of President Reagan, the Honorable BARBER B. CONABLE, Jr., and I, today are introducing the administration's legislative proposal to repeal the Federal income tax deferral for Domestic International Sales Corporations (DISC's) and provide, in its place, an exclusion from income for certain foreign income of Foreign Sales Corporations (FSC's). I want to clearly state that I am not endorsing the administration's specific legislative proposal. However, I hope that introduction of the bill will further public discussion of this important issue and utlimately contribute to a solution to the problems now presented by DISC.

The Congress first enacted DISC in the Revenue Act of 1971 to insure that the U.S. tax system did not lead to reduced exports. In general, a DISC is a U.S. corporation that derives substantially all of its income from the export of U.S. goods and whose assets are substantially all export related. If a corporation qualifies as a DISC for a taxable year, it is not taxed by the Federal Government, but a portion of its income is taxed to its shareholders. The remainder of the income may be retained by the DISC. Tax on the retained portion is deferred until the income is actually or constructively distributed, or otherwise realized by its shareholders.

From the beginning, the DISC provisions have been controversial. The General Agreement on Tariffs and Trade (GATT), as well as the subsidies code negotiated pursuant to GATT, contain various obligations regarding the use of export subsidies. In 1972, European member countries filed a formal complaint in the GATT charging that the DISC violated these provisions. However, the United States has never conceded this point.

In 1976, separate GATT panels found that certain tax practices of the United States, France, Belgium, and the Netherlands had characteristics of illegal subsidies. DISC was cited among the violative practices. In December of 1981, the United States agreed to the adoption of these panel reports pursuant to a formal understanding among the parties stating that signatories are not required to tax export income outside their territorial limits. This agreement did not entirely sanction DISC, and the issue remained a stumbling block preventing discussions of important trade matters in sessions of the GATT Council. Debate over the applicability of the 1981 understanding to DISC occupied much of the first part of 1982.

Because of the continued controversy, the administration made a commitment to the GATT Council on October 1, 1982, to propose legislation which would address concerns regarding the legality of DISC under GATT rules. The administration has therefore proposed that the Congress repeal the ex-

isting DISC provisions and replace them with the Foreign Sales Corporation (FSC). The intent of this substitute proposal, as I understand it, is to shift much of the export activity overseas through new foreign management and economic process requirements.

Mr. Speaker, I am concerned about the growing American trade deficit. I also believe that we must put the DISC controversy behind us in our GATT discussions. For these reasons, I am introducing the administration's FSC legislation at the request of President Reagan. However, significant tax and trade policy questions surrounding this proposal remain unanswered. For instance, the proposal raises questions regarding the exporting of jobs associated with managing the FSC.

As proposed, the bill might well encourage the use of tax havens, providing them with an economic benefit, even when those tax havens do not cooperate in providing information to assist with the administration of U.S. tax and other laws. In addition, it may be questionable to permit taxpayers to shift the burden of proof to the Secretary of the Treasury with respect to the foreign presence test and other tax related issues merely by filing a written affidavit. The proposal also raises questions regarding sales by agricultural companies as well as small business concerns. Another vital concern is the revenue impact of the proposal, including the appropriate treatment of any accumulated tax-deferred income of a DISC.

Perhaps the most critical question is whether this new version of DISC is indeed acceptable to GATT countries, clearing the path for productive discussion of world trade issues and their resolution. However, it is important that we begin the difficult task of reviewing these controversial issues. I am hopeful that introduction of the administration's proposal will facilitate and hasten that process.

I am attaching a brief description of the act at the conclusion of this statement:

FOREIGN SALES CORPORATION ACT OF 1983

The Foreign Sales Corporation Act provides tax rules for exports of goods and services. Under these rules, 17 percent of the taxable income that a foreign sales corporation and its related party derive from an export transaction is tax-exempt. Alternatively, up to 1.35 percent of the gross receipts from the transaction are tax-exempt. The bill repeals the present Domestic International Sales Corporation (DISC) rules, with an exception for small exporters, but it forgives tax on DISC income that has already benefitted from tax deferral.

A foreign sales corporation is a new kind of entity. It must be organized under the laws of a jurisdiction outside the U.S. customs area. It must have at least one director who is not a U.S. resident. It must maintain an office outside U.S. customs territory, and it must keep tax records both at that office and in the United States. It must elect foreign sales corporation treatment.

The bill applies to the export income of a foreign sales corporation if it is managed outside the United States and if economic processes of the transaction take place outside the United States. In addition, the bill applies to the export income of small foreign sales corporations with up to $2,500,000 of export receipts.

To be managed outside the United States, a foreign sales corporation must have its shareholders' meetings, board meetings, and principal bank account outside the United States. To meet the economic process test, the foreign sales corporation or its agent must solicit, negotiate, or make the contract relating to the transaction outside the United States. In addition, half of the costs the foreign sales corporation incurs for advertising, handling orders, transportation, collection, and assumption of credit risk must be for performance outside the United States; alternatively, it may incur 85 percent of its costs for any two of these five activities for their performance outside the United States.

Some export transactions between foreign sales corporations and related U.S. taxpayers qualify for administrative transfer pricing rules. These administrative rules are available only if the foreign sales corporation or its agent performs all the activities of the economic process test. Under these rules, the foreign sales corporation generally earns the greater of 23 percent of the taxable income that it and its related party derive from the transaction or 1.83 percent of the gross receipts from the transaction.

The bill exempts a portion of the export income of a foreign sales corporation from U.S. tax. If the transaction is subject to one of the administrative transfer pricing rules, this exempt portion is seventeen twenty-thirds (17/23) of foreign sales corporation's income from the transaction. Otherwise, this exempt portion is 34 percent of its export income. The rest of export income is subject to U.S. tax. All investment income of a foreign sales corporation is also subject to U.S. tax. Dividends from export income of a foreign sales corporation to a U.S. corporate shareholder are tax-exempt.

The bill provides tax deferral under the DISC rules for companies with up to $10,000,000 of export receipts, but requires those companies to pay interest on the deferred tax.

The bill requires that foreign sales corporations and DISC's have the same taxable year as their parent corporations. It provides that income from trade receivables of a related party is passive income subject to anti-incorporated pocketbook and anti-tax haven rules. It treats accumulated DISC income as having been previously taxed.●

● Mr. CONABLE. Mr. Speaker, the Honorable DAN ROSTENKOWSKI and I are today introducing, by request of the President, the Foreign Sales Corporation Act of 1983. This bill is intended to terminate a longstanding controversy over this country's Domestic International Sales Corporations (DISC's). The controversy started after the Internal Revenue Code was amended to permit the establishment of DISC's, in 1971. Various countries have asserted since then that these provisions were inconsistent with our obligations under the General Agreement on Tariffs and Trade (GATT).

The United States made a commitment to the GATT to modify or replace the existing DISC provisions so as to eliminate any possibility of inconsistency. The bill being introduced today was developed by the Treasury Department and the U.S. Trade Representative with the aim of keeping it consistent with our obligations under the GATT while attempting at the same time to provide benefits for taxpayers which are comparable to those provided under existing DISC provisions.

This legislation represents a significant change from the DISC provisions which require the use of a domestic corporation but no activity outside the United States. Under the bill, taxpayers will be entitled to an exemption from income only if they use a foreign entity referred to as a Foreign Sales Corporation (FSC), and only if they meet certain specified requirements which are designed to insure that a minimal level of business activity, principally administrative procedures, take place outside the United States in order to qualify as an FSC and escape the GATT prohibition against granting a tax or other subsidy to a domestic industry for the purpose of boosting exports. A description of the bill follows my statement.

There are several aspects of this bill which I believe should receive special attention as it proceeds through the legislative process. First, as it was drafted, it does provide a relatively complex set of rules under which taxpayers must operate in order to obtain the benefits of the FSC provisions. I believe that we should review carefully the complexity as well as the substance of these rules and consider the possibility of simplifying them. Second, I wish to point out that, under the bill, U.S. taxpayers could be establishing operations in low tax jurisdictions, that is, tax havens, at the same time that the Treasury Department is pursuing a treaty negotiating policy intended to minimize the use of tax havens by U.S. taxpayers. I recognize that, in trying to balance tax policy considerations with trade policy considerations, we do have to confront dilemmas and deal with very sensitive situations. I only wish to alert my colleagues to this potential difficulty at the outset.

It is extremely important for the Congress to modify or replace the DISC provisions as soon as possible and practical. We have made such commitments, in effect, to the international trading community and we must do all we can to follow through expeditiously. Resolving the DISC controversy will permit the United States to deal more effectively with other key trade issues which are of vital importance to U.S. exporters. At this point I include the following:

DESCRIPTION OF THE FOREIGN SALES CORPORATION ACT OF 1983

The Foreign Sales Corporation Act provides tax rules for exports of goods and services. Under these rules, 17 percent of the taxable income that a foreign sales corporation and its related party derive from an export transaction is tax-exempt. Alternatively, up to 1.35 percent of the gross receipts from the transaction are tax-exempt. The bill repeals the present Domestic International Sales Corporation (DISC) rules, with an exception for small exporters, but it forgives tax on DISC income that has already benefitted from tax deferral.

A foreign sales corporation is a new kind of entity. It must be organized under the laws of a jurisdiction outside the U.S. customs area. It must have at least one director who is not a U.S. resident. It must maintain an office outside U.S. customs territory, and it must keep tax records both at that office and in the United States. It must elect foreign sales corporation treatment.

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Some export transactions between foreign sales corporations and related U.S. taxpayers qualify for administrative transfer pricing rules. These administrative rules are available only if the foreign sales corporation of its agent performs all the activities of the economic process test. Under these rules, the foreign sales corporation generally earns the greater of 23 percent of the taxable income that it and its related party derive from the transaction or 1.83 percent of the gross receipts from the transaction.

The bill exempts a portion of the export income of a foreign sales corporation from U.S. tax. If the transaction is subject to one of the administrative transfer pricing rules, this exempt portion is seventeen twenty-thirds (17/23) of foreign sales corporation's income from the transaction. Otherwise, this exempt portion is 34 percent of its export income. The rest of export income is subject to U.S. tax. All investment income of a foreign sales corporation is also subject to U.S. tax. Dividends from export income of a foreign sales corporation to a U.S. corporate shareholder are tax-exempt.

The bill provides tax deferral under the DISC rules for companies with up to $10,000,000 of export receipts, but requires those companies to pay interest on the deferred tax.

The bill requires that foreign sales corporations and DISC's have the same taxable year as their parent corporations. It provides that income from trade receivables of a related party is passive income subject to anti-incorporated pocketbook and anti-tax haven rules. It treats accumulated DISC income as having been previously taxed.●

● Mr. FRENZEL. Mr. Speaker, today my colleagues Chairman ROSTENKOWSKI and Representative CONABLE, the ranking Republican on the Committee on Ways and Means, have introduced legislation designed to replace the Domestic International Sales Corporation provisions—DISC—in the Internal Revenue Code with a new, GATT-legal export program. The new export program, which has been introduced at the request of, and after close consultations with, the administration, would create Foreign Sales Corporations, FSC's.

Almost since the day DISC was enacted 12 years ago, it has been under attack by our trading partners as not being in conformity with our treaty obligations under the General Agreement on Tariffs and Trade, GATT. In October 1982, the United States made a commitment to the GATT council to propose legislation which would address the GATT conformity concerns the other GATT members had raised with DISC.

This bill introduced today, the Foreign Sales Corporation Act of 1983, is designed to fulfill that commitment.

The proposal is the result of a process which was initiated late last year, and involved the participation of the Treasury, the USTR, the Department of Commerce. Members of both the House and the Senate, and representatives of the business community. It represents a lot of hard work by all of the parties involved, and all are to be commended for putting together such a complicated proposal in such a short period of time.

While it is generally a good proposal, however, there are several provisions which I think deserve the Members attention during further deliberations on the bill. Under current law, individuals, as well as corporations, are permitted to use the DISC. The new proposal, while continuing to permit individuals to use FSC, does not allow individuals to directly receive any tax benefits from such use. All Members recognize the important role small businesses—which are usually not corporations—play in developing new export markets. I think that the Congress should move very cautiously before it enacts any proposal which will deny small businesses that are not corporations the benefits provided for in this bill.

The bill also extends FSC benefits to farm cooperatives. While Co-ops are permitted to use DISC under current law, they are not permitted to pass on any benefits from DISC to their members. The bill attempts to address this problem by allowing FSC benefits to be passed through to co-op members. However, it is unclear as to exactly what the impact of the provision in the bill might be. There is a possibility that the provision may be overly broad, or may create inequities in the commodities markets that do not currently exist. I think that the Congress should examine this issue very carefully before any changes from current law are made.

The bill also contains ambiguities as to exactly what is meant in the foreign presence requirements, specifically as to what must be done in order to meet the requirements set forth in the bill. I do not believe that Congress should leave this issue up to the Department of Treasury to solve by regulation, and I would hope that additional detail could be included in the bill before it is enacted into law.

Other problems, including the availability of FSC treatment for computer software, and whether sales pursuant to the export credit programs of the Commodity Credit Corporation will qualify for FSC treatment, are left unanswered by the bill. They, too, will have to be discussed during further consideration of this legislation.

On the whole, however, the bill introduced is a good bill, and represents a good step toward resolving the GATT problems which currently exist with the DISC program. I urge all of my colleagues to examine this proposal closely, and make their views known to the Ways and Means Committee as the bill is considered.●

TRIBUTE TO AMERICAN POLITICIAL SCIENCE ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. FOLEY) is recognized for 5 minutes.

● Mr. FOLEY. Mr. Speaker, I rise to congratulate the American Political Science Association on the 30th anniversary of its congressional fellowship program.

Since 1953, the APSA has sent nearly a thousand scholars, Federal executives, and journalists to the Congress for an opportunity to learn about the institution while absorbing an education on the legislative process that can only be acquired firsthand.

For those who may not be familiar with the program, the fellows are selected for year-long appointment during which they serve as professional staff assistants for Members of Congress and congressional committees. They serve half their fellowship in the House of Representatives and half in the Senate.

It is a testament to the value of the program that fellows have served in 350 different offices over the 30-year history of the program and that the 40–50 fellows a year have little trouble finding an office to assist. As many of my Republican colleagues can attest, the strength of this program also is

apparent in the fact that many Members of both parties participate in it.

The program's success and value can also be illustrated in the achievements of the fellows' program participants in their years after their fellowships. Alumni of the program include Members of Congress; university presidents, vice presidents, deans, department heads, and university professors; newspaper and magazine editors, columnists and reporters; Federal bureaucrats, a number at supergrade and assistant secretary heads; foundation and business executives; and congressional committee and office staff.

The program has been excellently administered during its recent history by Thomas Mann, Fred Holborn, and Catherine Rudder. It is a testament to their considerable skills that the program has flourished.

I highly recommend the program to all Members and again congratulate the APSA on creating and maintaining the finest program of its kind.●

PRIVATE LEGISLATION FOR THE RELIEF OF MR. THOMAS J. SCANLON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation for the relief of Mr. Thomas J. Scanlon for the loss of personal property while in the service of the U.S. Govenment.

Mr. Scanlon, who presently resides in my congressional district, served as an economic/commercial officer attached to the U.S. Embassy in Reykjavik, Iceland, in the fall of 1979. On September 10, 1979, Mr. Scanlon was directed by U.S. Ambassador Richard A. Ericson to meet two Federal Aviation Agency [FAA] consultants arriving at Keflavik Airport the following morning and transport them to the Embassy. The sole purpose of the trip was to pick up the FAA officials.

Unable to secure a Government car for the trip, Mr. Scanlon was forced to rely on his own car, a 1977 Mercedes-Benz sedan. On the morning of September 11, while on the way to Keflavik Airport, Mr. Scanlon's car struck a patch of ice, causing it to travel out of control and over an embankment. Damage to the car was beyond repair. The car, estimated to have been worth $9,400, was not insured against an accident of that kind.

Accordingly, Mr. Scanlon filed a claim with the Claims Section of the State Department's Office of Operations for the loss of his car. Investigations conducted by both local police and the State Department held that the accident was not the result of any negligence on the part of Mr. Scanlon. The Claims Section, however, denied Mr. Scanlon's claim on the basis of a provision (paragraph 315f of volume 6) of the Foreign Affairs Manual which states that employee claims are not payable for any damages or loss of a privately owned motor vehicle incident to its operation. The Department's Employee's Grievance Board dismissed an appeal filed by Mr. Scanlon, ruling that the Board lacked jurisdiction.

Mr. Scanlon's request for compensation is minuscule against the backdrop of Federal budgets approaching a trillion dollars annually. Yet I hasten to add that the loss of a car represents a formidable setback for most American families. That Mr. Scanlon's car was lost while being used for the benefit of the U.S. Government and not as the result of negligence, makes his claim all the more compelling.

Mr. Speaker, this body has traditionally offered citizens, after all avenues of administrative recourse have been exhausted, a final means of resolving claims with the U.S. Government. We ought not allow an arbitrary regulation prevent a dedicated public servant from recovering the loss of personal property destroyed while in the service of the U.S. Government.

Accordingly, I am introducing private legislation authorizing the payment of $9,400 for the uncompensated loss of Mr. Scanlon's car.

Following is the text of my bill:

H.R. 3855

A bill for the relief of Thomas J. Scanlon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Thomas J. Scanlon of Monterey, California, the sum of $9,400, which sum represents the uncompensated loss of personal property sustained by Mr. Scanlon on September 11, 1979, while assigned to the United States Embassy in Reykjavik, Iceland.

(b) The payment made pursuant to subsection (a) shall be in full satisfaction of all claims which Mr. Scanlon has against the United States for compensation for the loss described in subsection (a).

SEC. 2. No part of the amount provided for in the first section of this Act in excess of 10 per centum thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with the claim described in the first section, and the payment or receipt in excess of 10 per centum of the amount provided for in the first section shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.●

LEGISLATION DEALING WITH INDEXING PROCEDURES IN TAX CODE AND ENTITLEMENT PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, today, I am introducing two bills which deal with indexing procedures in both the Tax Code and entitlement programs. These bills are not the only way to begin to regain control over the budget and to reduce the horrendous deficits which we face. Instead my intent is to start a debate on the issue of indexing and to increase the level of concern about what to do about the budget deficits. These bills are not answers to our budgetary problem but, instead, simply represent initial steps toward framing the issue. It is my hope that these bills will enable concerned Members from both sides of the aisle to work together toward developing a bipartisan solution to the budgetary crisis which we face.

The first bill, H.R. 3800, would repeal indexing in both the Tax Code and also in the non-means-tested entitlement programs in which benefits are tied to the Consumer Price Index. In its place, the Congress would assume responsibility for deciding each year in light of current economic conditions what tax adjustments and benefit increases are appropriate. The revenue gain over the period, fiscal years 1985–88, from a repeal of indexing in the Tax Code would be $88.2 billion. On the spending side, the cost savings of indexing in non-means-tested entitlement programs over the period, fiscal years 1985–88 would be $84.35 billion.

The second bill, H.R. 3790, would reduce the indexing in the income tax and in non-means-tested entitlement programs by 2 percentage points each year during the period, fiscal years 1985–90.

The justification for these bills is that the indexation of individual income tax for inflation which was enacted in the Economic Recovery Tax Act of 1981 is a major cause of the extremely rapid rise in the projected structural budget deficit in the Federal budget throughout this decade and beyond. The revenue loss from indexing rises from $6 billion in 1985 to $39 billion by 1988 and continues to grow thereafter. The explosion of the structural deficits, and the apparent lack of political will to address them, is a major factor in high and rising interest rates today. Thus, tax indexing, even before it becomes effective, is already a potent force in damaging and distorting our economy.

I am well aware of the theoretical arguments that can be made for indexing as a principle of tax policy. Indeed, in normal times, with the budget under control, I would have some sympathy with those arguments. But these are not normal times. The demands being placed upon our fiscal capacity by the rapid rise in defense spending, the sharply increasing proportion of elderly citizens in the popu-

lation, and the inexorable rise in medical costs, suggest to me that it is unlikely that we will see normal fiscal circumstances in the foreseeable future. As a matter of fiscal sanity, we must not budget on a business-as-usual basis when we are, in fact, in a fiscal crisis.

Indexing reduces taxes across the board and it increases spending benefits for entitlements. Reducing indexing will not be politically popular. However, the economic sacrifices necessary for budgetary control needs to be widely shared if it is to be effective. But, I would like to point out that the argument about the relative benefits of indexing for low- and middle-income taxpayers is often overstated. In fact, indexing provides a 0.63-percent increase in after-tax income for families of four with $100,000 in income, a similar 0.62-percent increase for families with $50,000 of income, but only a 0.23-percent increase for families with incomes of $20,000 per year. The $20,000 family gets a $43 tax benefit from indexing, while the $100,000 family gets a $490 benefit. So the argument that only the little guy benefits from indexing really has no foundation in fact.

The budgetary effects of my proposal to modity indexing temporarily by reducing it by 2 percentage points each year as follows:

Revenue increases

Fiscal years:	*Billions*
1985	$2.4
1986	6.6
1987	11.4
1988	17.0

In conjuction with a revision of the tax code, H.R. 3790 would also make a temporary change in annual COLA adjustments for non-means-tested programs including social security, civil service retirement, military retirement, Federal employee compensation, and the social security equivalent of railroad retirement benefits (tier I). Like the Tax Code, adjustments during fiscal years 1985-90 for these programs would be based on the CPI less 2 percentage points rather than the full CPI. This limitation would expire at the end of fiscal year 1990. At that point, the Congress could reassess the issue in light of the economic and budgetary situation at that time. The Congressional Budget Office estimates that spending savings of $40.15 billion would be achieved in fiscal years 1985-88 from this proposal.

Outlay savings

Fiscal years:	*Billions*
1985	$3.25
1986	7.70
1987	12.30
1988	16.90

I want to emphasize that both bills continue full COLA's for entitlement programs serving the poor in which benefits are tied to the Consumer Price Index. Given the impact of Budget reductions made in means-tested entitlement programs, during the last Congress and the limited ability of this group of persons to absorb the impact of inflation, it is important that full inflation protection be granted. In particular, the continuation of full indexing in the supplemental security income (SSI) program insures that low-income elderly and disabled persons will receive full protection against inflation.

The tremendous struggles that we all have experienced the past few years in determining Federal spending priorities has highlighted the fact that we as a Congress have very little control over how our budget dollars are spent. Currently, 41 percent of the Federal budget is automatically indexed. Without any action by Congress, Federal program spending continues to increase each and every year. It is no wonder that we have had such difficulty in putting our fiscal house in order. While this proposal would not do away with the automatic nature of indexing, it would serve to help limit the increase. I am convinced that this is imperative if we are to bring down soaring future deficits which will only serve to stifle or even eliminate economic growth.

If the Congress were to take no action, the CBO estimates that deficits between $200 and $300 billion would persist for the remainder of this decade. This is simply unacceptable. The First Budget Resolution for Fiscal Year 1984 does assume spending constraint and revenue increases by the Congress reducing the deficit to $179.35 billion. But more needs to be done. My bill tries to do it in a way that asks modest sacrifice from a large number of people. The sacrifice would be made by those who are in the best position to absorb it, namely taxpayers and recipients of Federal benefits programs not based on financial need. Non-means-tested entitlement programs now account for approximately 33 percent of all Federal spending.

A contributor toward this increase in Federal spending has been the rapid rise in health care cost. This bill does not affect medicare because the program is not indexed. Nevertheless, I strongly believe that health care costs must be brought under control and am pleased that the Congress this year made substantial progress toward this goal. Included in the Social Security Act Amendments of 1983 was a new reimbursement system which will serve to control program costs without hurting beneficiaries. The First Budget Resolution for Fiscal Year 1984 assumes savings of $400 million in medicare next year.

In conclusion, I believe that it is essential that any modification to annual adjustments for benefits be linked to a modification of the Tax Code. For equity's sake, it is important that everyone share in the sacrifice. It would be unfair for the disabled and elderly who must depend on these Government programs to shoulder all of the sacrifice. If we all sacrifice a little then we all will help a lot and share in the fruits of a solid, growing economy.●

THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. HARKIN) is recognized for 30 minutes.

Mr. HARKIN. Mr. Speaker, pesticides are vital tools to U.S. agriculture, and help protect consumers, farmers, property, and domestic animals from literally thousands of different pests. For 3 years now, serious deficiencies in the Federal statute regulating pesticides have been surfacing. The nature and extent of pesticide regulatory bottlenecks, loopholes, and unrealistic standards has become increasingly obvious. In addition, we are all paying too high a price for the public health protection actually gained. We are, in effect, gambling like overconfident children with extremely toxic chemical agents if we fail to act now to rectify the many well-documented deficiencies in pesticide regulation.

For this reason, I am introducing, today, the Federal Insecticide, Fungicide, and Rodenticide Reform Act. I am joined in introducing this legislation by the distinguished chairman of the subcommittee with jurisdiction over this statute. My friend and colleague, Hon. GEORGE E. BROWN, JR., has patiently and systematically explored that complex area of pesticide regulation in hearings before the Department Operations, Research, and Foreign Agriculture Subcommittee. Under Chairman BROWN'S able and steady leadership, the subcommittee has developed much of the factual record supporting the reform measures I am introducing today.

The Federal Insecticide, Fungicide, and Rodenticide Reform Act is an important piece of legislation. It responds in a realistic fashion to a broad range of concerns. The provisions of this bill are modest and straightforward. No abrupt changes would be forced upon the industry or the Environmental Protection Agency (EPA), and no new major program activities or expenditures would be necessitated. Indeed, a major thrust of the bill is to simplify the mandates and procedures governing the pesticide program so that essential steps needed to protect the public health can and will be taken. We can no longer afford a statute that inadvertently squanders so much time and such a great portion of the Agency's resources. The inefficien-

cy of the program is no great surprise to those who have studied the reams of regulations promulgated to implement the FIFRA statute. It is easy to understand why so many observers complain about the indecisiveness of the pesticide program.

I share the concerns of my colleagues and the pesticide industry that all regulatory programs should be reasonable, cost effective, and equitable in their impacts. But I strongly reject the notion that the basic goal of these programs—protecting the public health—should be compromised, if not abandoned altogether, in overlapping efforts to create and administer fair or cost-effective regulatory procedures and decisions. My bill is designed to simplify the pesticide program and help EPA accomplish its basic mandates. I believe it is in everyone's best interest—and especially our agricultural producers and the pesticide industry—to support passage of these reform measures so that the public will continue to perceive the use of hazardous pesticides as an acceptable risk and a net benefit to society. The future cost to American agriculture, and the severity of public health hazards associated with inadvertent and misguided pesticide applications, are ominous if we fail now to take the steps desperately needed to place the pesticide program back on solid footing.

Before presenting a brief explanation of the Federal Insecticide, Fungicide, and Rodenticide Reform Act, I would like to direct attention to some of the critical problems addressed by the bill. In my opinion, and in the view of many experts, the most severe obstacle to protecting the public health from pesticides is the lack of solid, modern scientific information on pesticides. Beginning in 1972 with the passage of a major reform of the pesticide statute, Congress has tried many times and in many ways to compel the Agency to reregister older pesticides which came onto the market three or four decades ago. A key step in taking a new, hard look at old pesticides is requiring the manufacturers of these products to upgrade the base of safety and health data on these pesticides in compliance with modern data requirements applicable to newer pesticides. Such a requirement has been widely accepted for over a decade as only fair, and obviously prudent. It came as a great surprise to me to learn earlier this year that the vast majority of major pesticides still have not been adequately tested in compliance with the EPA's data requirements. According to an indepth investigation by the staff of the Department Operations, Research, and Foreign Agriculture Subcommittee, considerably less than one-half of a sample of 60 major pesticides has been tested in compliance with modern data requirements imposed to estimate the potential cancer hazards of pesticides. I need not remind my colleagues of the frightful toll this disease exerts on society each year. Recent scientific advances in many disciplines are clarifying the subtle ways that minute quantities of environmental contaminants can initiate or promote cancer in man. These are sound scientific reasons to be more concerned than ever before about cancer-causing pesticides.

The Federal Insecticide, Fungicide, and Rodenticide Reform Act contains a straightforward provision which would cause pesticide data gaps to be filled as quickly as the scientific research can be conducted. This is absolutely vital. The pesticide regulatory program has been trapped in regulatory grid lock on literally dozens of major pesticides over the last decade. Unless the registrants voluntarily agree, the EPA cannot restrict or substantially modify the uses of an older pesticide without valid significant evidence demonstrating that a pesticide poses hazards to man. With diseases like cancer, it is simply unreasonable to expect epidemiological research to detect and prove a casual link between a given pesticide and an increase in human cancer in the general population. Epidemiology does have an important contribution to make in detecting adverse health effects in isolated populations involving occupational exposure to pesticides. The recent preliminary finding in chemical manufacturing workers exposed to dioxin over three decades ago could have a very substantial impact on all regulatory programs. Since dozens of major pesticides still widely used contain trace amounts of dioxin, there may be reason to significantly tighten regulations on dozens of products. This bill will facilitate a timely and prudent response to this emerging area of concern.

There are other major areas where the pesticide data base is inadequate. The same study mentioned earlier found that over three-quarters of major pesticides have not been adequately tested for genetic mutation and birth defects. A regulatory statute and program which proposes to protect the public health and welfare through a balancing of risks and benefits is simply a charade when bureaucratic doubletalk and indecision makes it essentially impossible to credibly estimate risks. The Federal Insecticide, Fungicide, and Rodenticide, and Rodenticide Reform Act would resolve this problem in a simple, equitable, and efficient manner by mandating all existing data gaps to be identified and filled as soon as the research can be completed following sound scientific procedures.

The Federal Insecticide, Fungicide, and Rodenticide Reform Act also will promote a fair and effective regulatory program by closing a number of loopholes in the statute. For good reasons, Congress has provided the Administrator of the EPA with statutory provisions in sections 18 and 24 of FIFRA designed to provide him with the ability to respond to emergency situations and special local pest control problems that arise from time to time in certain States. Unfortunately the streamlined registration process and reduced regulatory requirements of these sections of FIFRA have been eagerly exploited by the pesticide industry during the last few years. Well meaning statutory provisions have become loopholes that threaten to totally undermine the integrity of the FIFRA statute. As evident throughout the brief explanation of the bill, which follows, the Federal Insecticide, Fungicide, and Rodenticide Refort Act strives to close, or at least markedly narrow, literally dozens of loopholes in a straightforward and equitable manner. Few, if any, new resources will be required to implement these important corrective measures. I think it is clearly advisable for Congress to adopt these amendments now before public sentiment threatens the very existence of these special provisions of the law.

Mr. Speaker, I would like to point to one other primary thrust of the bill I am introducing today. In the last few years, there has been a systematic and concerted campaign by individual chemical companies and pesticide industry trade associations to close the public out of the pesticide regulatory process. The EPA has been compliant, bordering on solicitous, in responding to the requests of industry for "regulatory relief" measures that are, in all candor, unlawful procedural hurdles designed to insulate major changes in EPA policy from public scrutiny and criticism.

Several Congresses have built into the FIFRA statute avenues for members of the public who wish to contribute information during the course of formulating regulatory decisions. To meaningfully participate in the process, though, members of the public obviously need to have access to timely information pending regulatory actions and must be able to review the scientific data available to EPA for estimating pesticide risks and benefits. The right of the public to oversee and participate in the regulatory process is of great importance if EPA is to restore public confidence in the prudence and advisability of its actions. I am pleased and encouraged that Mr. William Ruckelshaus, the new Administrator of the Environmental Protection Agency, has made so clear and decisive a commitment to openness. I urge him to carefully consider and support the many sections of the Federal Insecticide, Fungicide, and Roden-

ticide Reform Act which would foster constructive public participation in the pesticide program.

Mr. Speaker, I urge my colleagues to cosponsor and support this bill. I recognize that there are some important issues which it does not adequately address; however, I am sure that the bill can and will be improved as it progresses through the legislative process. But it is critical to American agriculture and to the public that Congress act now before the end of the session to correct the longstanding, statutory problems that will continue to undermine this important area of environmental protection.

A basic explanation of the Federal Insecticide, Fungicide, and Rodenticide Reform Act follows:

BRIEF EXPLANATION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT

Section 1 contains the title of the bill. Section 2 states that all amendments altering an existing statute refer to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), unless otherwise specified.

Section 3 contains several changes in definition of basic terms in FIFRA. An additional clause is added to the definition of "active ingredient," stating that the definition shall include an ingredient of a pesticide which will endanger human beings. The primary intent of this change is to allow the Administrator to require data on inert ingredients, to consider potential adverse impacts from inert ingredients in reading regulatory decisions under FIFRA, to list inert ingredients on the label, and to state and enforce pesticide use restrictions specified because of the potential toxicity of inert ingredients. (Several other sections of the "Pesticide Hazard Prevention Act" contain other amendments to FIFRA clarifying how specific provisions of FIFRA shall apply to inert ingredients.)

Section 3 also changes the definitions of "certified," "private," and "commercial" applicators. In all three cases, a clause is eliminated that allows a certified applicator to "supervise the use of" a restricted use pesticide applied by another person. The definition specifying what it means to apply a restricted use pesticide "under the direct supervision of a certified applicator" is deleted. Accordingly, all applicators of restricted use pesticides must be certified under the provisions of section 4 of FIFRA.

The definition of "ingredient statement," which must appear on pesticide labels, is extended to include the name of toxic inert ingredient, in addition to the name and percentage of active ingredients. The definition does not require the percentage of each inert ingredient to be specified in order to help protect from potential competitors the exact formula of pesticide products.

The definition of "unreasonable adverse effects on the environment," the basic standard governing nearly all regulatory decisions under FIFRA, is changed by deleting references to adverse effects on man. The "adverse impacts" standard would still apply to environmental impacts. Elsewhere in this Act, a "will endanger human health" standard is specified for adverse effects on man.

A definition of the term "data gap" is added to the statute. A "data gap" exists when a data requirement prescribed by the Administrator applicable to a given active ingredient or pesticide product has not been satisfied by pesticide registrants through submission of a valid study which has been conducted according to an experimental design judged to be acceptable in response to the data requirement. The definition also specifies the criteria of the Administrator shall apply in judging whether a given study satisfies a data requirement. These include the study protocols, documentation of the conduct and analysis of the study, and the results of the study.

Section 4 contains a number of extensive amendments to section 3 of FIFRA. Section 4(a)(1) of this Act alters the provision stating the Administrator "shall revise" the guidelines specifying what data shall be required in support of a registration to "may revise." This change is intended to grant the Administrator greater discretion. A provision is added which clarifies what information that the Administrator shall require in support of pesticide registrations. "Pursuant to the standards in this Act," the Administrator shall require sufficient information to assess the risks and benefits of pesticides. Such data requirements shall be applied uniformly and consistently to the extent practicable. Waivers or variation in data requirements may be granted only if the advisability of the waiver or variation is clearly established, taking into account public comments received pursuant to a notice proposing such an action. The term "he" is replaced througout this paragraph by "the Administrator."

Subsection 4(a)(1)(D) of this Act changes the provisions of FIFRA pertaining to the disclosure of information submitted to the Administrator in support of a pesticide registration. Under current law, the Administrator is required within 30 days of granting a registration to make available to the public, subject to the provisions of section 10 of FIFRA, the data submitted by registrants relevant to the registration actions. This Act establishes elsewhere a 90 day comment period after receipt of an application for registration of a pesticide containing a new active ingredient or a changed use pattern of previously registered active ingredient. Section 4(a)(1)(D) of this Act specifies that the Administrator shall make available to the public in an expeditious manner the data submitted in support of such registration applications, or petitions to establish tolerances, Hence, data would be disclosable subject to the provisions of section 10 prior to granting registrations or establishing tolerances during the period the Administrator is evaluating the pertinent applications.

Subsection 4(a) (2) of this Act contains a substantial rewrite of section 3(c)(2)(B) of FIFRA. The amendment is substantially identical to the language contained in H.R. 5203, the bill which passed the House August 11, 1982. This section of FIFRA specifies the procedures and provisions governing the joint development and sharing of "defensive data" as required by the Administrator to fill a data gap. The new provisions would:

(1) Allow registrants 120 days to respond to an EPA data request, rather than the present 90 days;

(2) Require, rather than permit, registrants to enter into joint data development arrangements, unless all registrants agree otherwise;

(3) Establish a cost-sharing arrangement under which each of the joint data developers would pay an initial cost of $100,000 or divide equally 25 percent of the estimated total cost, whichever is less, and pay the balance of the costs as needed on a pro rata basis, according to individual United States market share of the pesticide in question. Each participant's share would be determined by an independent auditor, based on the most recent available sales figures;

(4) Provide for suspension of the registration of any registrant that fails to enter into a joint data development arrangement for the products for which the additional data are requested, and make such arrangement enforceable in a Federal district court action instituted by any of the participants;

(5) Expand the scope of hearings provided for registrants who appeal such suspensions to allow consideration of whether the Administrator had a valid and reasonable basis for requiring the additional data. Now such hearings are restricted to considering whether the registrant has failed to take the action required to provide the requested data and whether the suspension order provides for disposition of existing stocks consistent with the Act. Other hearing provisions would be unchanged;

(6) Provide a 15-year period of protection for defensive data, following the date the data were submitted, during which time any party could obtain the right to use defensive data by joining the joint data development group and reimbursing the previous members of the group. The new member would pay a share of the total data cost in proportion to the number of persons sharing in such cost. The payment then would be distributed among the previous group members according to the amount of their contribution;

(7) Provide for data submitted by a registrant after September 30, 1978, to replace previous data that are deemed scientifically insufficient by generally accepted standards to be treated in the same way as defensive data requested by EPA, except that other registrants would be entitled, but not required, to participate in joint data development arrangements; and

(8) Provide a transition between current procedures and the new procedures of this amendment by giving persons, who had received notices from EPA asking for additional data to support existing registrations, the right to compel joint data development with other registrants currently performing testing. This option must be exercised within 120 days after enactment of the bill.

Subsection 4(a)(3) of this Act extends the comment period from 30 to 90 days for persons wanting to comment on applications for registration. Subsection 4(a)(4) adds a requirement that the Administrator shall, when registering a pesticide, make a written determination with respect to the active and inert ingredients of a pesticide. Another change specifies that the determination shall be that the pesticide, when used in accordance with widespread and commonly recognized practices, "will not cause unreasonable adverse effects on the environment," instead of "will not generally cause . . ." as under existing law. A new subparagraph (E) is added establishing the new "will endanger" standard applicable to a pesticide's potential hazards to man. The Administrator is further directed to consider a full range of potential chronic health effects in determining whether a pesticide "will endanger" human beings.

Subsection 4(a)(b) of this Act eliminates the Administrator's existing authority to waive efficacy data requirements. A new provision is added requiring the Administrator to publish in the Federal Register a summary of the factual basis supporting

registration actions. Persons adversely affected or opposed to registration actions are granted the same remedies to initiate judicial review of the action as specified in section 6(b) of FIFRA.

Subsection 4(a)(5) of this Act removes the Administrator's discretionary authority to deny registrations when the basic requirements of paragraph (5) are not met. The clause "the Administrator may refuse to register a pesticide" is changed to "the Administrator shall . . .".

Subsection 4(a)(6) of this Act alters when the Administrator may grant a conditional registration for a pesticide under section 3(c)(7) of FIFRA. The new provision prohibits the Administrator from granting a conditional registration for a use of a pesticide which has previously been cancelled or suspended. The same prohibition applies if a registration was voluntarily withdrawn, if the Administrator determines that the voluntary withdrawal was associated with concern over potential adverse effects of the pesticide. Another provision is added requiring the Administrator to make available to the public, subject to section 10 of FIFRA, the data submitted in support of a conditional registration, along with a list of outstanding tests to be performed on the pesticide and the timetable governing completion and submission of the tests.

Subsection 4(a)(7) of this Act strikes the so-called "Grassley-Allen" amendment pertaining to the conditions which must be met before initiating an interim administrative review (formerly known as an RPAR review, now called a Special Review). The Grassley-Allen amendment prohibits the Administrator from initiating a Special Review, unless the Administrator has "a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or the environment."

Subsection 4(b) amends the provisions pertaining to classification of pesticides under section 3(d) of FIFRA. The Administrator may classify a pesticide for general use when it "will not cause unreasonable adverse effects. . ." rather than when it "will generally not cause. . .". The Administrator is further directed in all decisions pertaining to classification to consider the potential contamination of groundwater in determining whether a pesticide should be classified for restricted use. The allowance in section 3(d)(1)(ii) that a restricted use pesticide may be applied "under the direct supervision" of a certified applicator is eliminated.

Subsection 4(c) amends the "miscellaneous" provisions in section 3(f) of FIFRA. Under current law, a pesticide registration is prima facie evidence that a pesticide is in compliance with the Act, unless a cancellation proceeding is in effect. This provision is amended to provide that registration of a pesticide constitutes such evidence only if the active ingredient has been registered after enactment of this Act or re-registered since October 21, 1972, and provided that a cancellation proceeding is not in process and that no required studies are outstanding. The Administrator is granted authority to consult any state, in addition to other federal agencies, in connection with regulatory actions under FIFRA.

Subsection 4(g) extensively amends the provision of FIFRA requiring that pesticides be re-registered "in the most expeditious manner practicable.". The new provision requires the Administrator to publish in the Federal Register a list of pesticide active ingredients not re-registered since September 30, 1978, in order of their priority for re-registeration. The list is to be published by 120 days after the date of enactment of this Act. In establishing the order of the list, the Administrator is directed to give highest priority to pesticides used in high volumes on food or feed crops, and to pesticides shown to cause mutagenic effects in an appropriately designed study using a bacterial test system. The establishment of the list shall not be subject to judicial review.

Following the same schedule, the Administrator is required to also publish in the Federal Register a list of all data gaps by active ingredient. Within one year of publication of the list of active ingredients and data gaps, the Administrator is required to initiate steps under section 3(c)(2)(B) to fill the data gaps as expeditiously as possible.

Subsection 4(g)(4) requires the Administrator to issue a notice of intent to suspend a pesticide's registration if there are outstanding data gaps on the pesticide and the Administrator has failed to include the ingredient on the re-registration priority list. Subsection 4(g)(5) stipulates that a registrant must conduct studies to fill data gaps and report the results of the studies to the Administrator within three years after the publication of the list and data gaps under paragraph (3) above. Data gaps shall be filled according to the schedule specified in the 3(c)(2)(B) letters sent to registrants. When a short-term study is needed to establish appropriate dosage levels in a chronic feeding study, up to an additional year is provided for reporting the results of the chronic study to the Administrator. The Administrator is directed to issue a notice of intent to suspend a pesticide'e registrations if the prescribed schedule for filling data gaps is not followed.

Subsection 4(e) adds a new subsection 3(h) dealing with inert ingredients. The Administrator is required to issue regulations specifying what tests shall be undertaken on inert ingredients. Information on inert ingredients may be disclosed under the provisions of section 10, provided that the Administrator may not disclose the percentage of each toxic inert ingredient unless such disclosure is necessary in the public interest.

Section 5 changes the requirements that must be met by persons seeking certification to apply restricted use pesticides. The amendment eliminates the existing clauses that prohibit a state from requiring a written examination as part of the certification process.

Section 6 of this Act restricts the Administrator from granting an experimental use permit for a use of a pesticide under section 5(a) of FIFRA if the use has previously been cancelled, suspended, or voluntarily withdrawn for health or environmental reasons (unless there are no available alternatives). The discretion of the Administrator to suspend an experimental use permit if the terms of the permit are violated or inadequate to avoid unreasonable adverse effects on the environment is eliminated by changing "may revoke" to "shall revoke." In addition, the Administrator is required to revoke a permit if he finds that the permit will not yield data useful in satisfying section 3 registration requirements.

Section 7 of this Act amends the administrative review and suspension provisions contained in Section 6 of FIFRA. A new subsection (3) is added to the section 6(a) of FIFRA. This provision authorizes the Administrator to immediately issue a notice of intent to cancel a pesticide's registrations, or revoke tolerances, if it appears to the Administrator that false, misleading, or inaccurate information has been submitted in support of the registrations or tolerances. If a hearing is held pursuant to the notice, the issues for resolution shall be limited to whether false, misleading, or inaccurate information was submitted to the Administrator. The Administrator is prohibited from cancelling a registration or revoking a tolerance if other valid data has been submitted to the Agency to replace the questionable data. The hearing shall be concluded within 90 days of issuance of the notice, and the Administrator's final decision is required 30 days after completion of the hearing.

Subsection 7(b) of this Act amends section 6(b) of FIFRA. The term "generally" is struck in the provision stating that the Administrator may issue a notice of intent to hold a hearing or cancel a pesticide's regulation because it appears to the Administrator that a pesticide "generally causes unreasonable adverse effects" when used in accordance with widespread and commonly recognized practices. The "will endanger" standard applicable to human health effects is added in the provision discussed previously in this paragraph, with specific mention of potential harm to children permitted to work in areas treated with pesticides. The "may issue a notice of intent . . ." is amended to read "shall issue. . .". The standing of a citizen, company, or public interest group to initiate and participate in a hearing under FIFRA section 6(a) or 6(b) is restored by adding a clause clarifying that a "person adversely affected by the notice" may include pesticide users, pesticide registrants, or a member of the public with or without an economic interest in the terms of the cancellation notice. Subsection 7(c) of this Act restricts the scope of a hearing held to consider data not available to the Administrator either when the registration of a previously cancelled use of a pesticide to cancellation hearing was terminated or when the cancellation decision was issued.

Subsection 7(d) adds a new section entitled "Effect of Cancellation, Suspension, or Withdrawal" of a pesticide registration. When a use or uses of a pesticide have been cancelled, suspended, or voluntarily withdrawn because of health or environmental concerns, such use or uses shall not be eligible for registration under sections 3, 5, or 24(c) of FIFRA, unless there are no alternatives to control new or expanding pest infestation. The Administrator must also have data demonstrating that the pesticide will effectively control the pest infestation.

Subsection 8 of this Act amends the reporting requirements applicable to pesticide applicators as specified in section 11 of FIFRA. The Administrator is authorized to issue regulations requiring commercial applicators to maintain records and file annual reports with the Agency regarding the time, place, quantities, and mixtures of pesticides applied, and any other information the Administrator determines is necessary.

Section 9 repeals the indemnification provisions of FIFRA which require the Administrator to compensate persons who suffer loses as a result of a suspension or cancellation of a pesticide (except for any current cases in which the indemnification procedures have already been initiated).

Section 10 of this Act establishes a private right to sue for damages or equitable relief, or both in the district courts of the U.S. A suit may be brought against a person, company, government agency, or the Administrator. An action may not be commenced under this section against a person or com-

pany, other than the Administrator, prior to sixty days after notice of the alleged violation has been made to the Administrator, the state, and the defendant. An action may also not proceed if the Administrator or state has commenced and is diligently prosecuting a civil or criminal action on the alleged violation. Legal provisions pertaining to the location, timing, and nature of unlawful acts subject to private suits under this section are specified. A court may award the costs of litigation to a prevailing party, other than the U.S. A governor of a state is granted authority to sue the Administrator under this section.

Section 11 of this Act amends the "Imports and Exports" section of FIFRA. The section 17(b) foreign government notification requirement is extended to include cases where a pesticide's registration has been voluntarily withdrawn.

Section 12 of this Act extensively amends the "Emergency Exemption" provision contained in section 18 of FIFRA. The Administrator is authorized to grant an exemption to a state or federal agency from the provisions of FIFRA when such an exemption is necessary to prevent or substantially mitigate an imminent and substantial danger to public health or welfare. An exemption for a use of a pesticide may not be granted if there is an efficacious registered pesticide available to fill the pest control need for which the exemption is sought, or if an alternative pest control technology is available.

Subsection 12(c) of this Act limits the time period for an emergency exemption to one year, and allows for no more than two renewals. The Administrator is required to publish notice in the Federal Register within 10 days of applications for emergency exemptions, and to consider public comments received on the applications, unless the Administrator determines that it is necessary to grant an exemption within 48 hours of receipt of the application because of extraordinary emergency circumstances. The Administrator is further directed to disclose to the public all information contained in an application for an emergency exemption within 30 days of receipt of a request for such information. The Administrator is also required to publish in the Federal Register in a timely manner his decision and the reasons therefor.

Subsection 12(g) of this Act states that in no case may section 18 of FIFRA authorize an unregistered use of a pesticide without the prior approval of the Administrator. In extraordinary emergencies, the Administrator must act on an application for an emergency exemption within 48 hours of receipt.

Section 13 of this Act amends the research and monitoring provisions contained in section 20 of FIFRA. The amendment contains additional specificity regarding the content of the national monitoring plan called for in section 20(b) of FIFRA. The plan shall be proposed by rule not later than June 1, 1984, and effective not later than October 1, 1984. The Administrator is further required to assure the quality of data collected pursuant to the plan, and is authorized to make available the monitoring data to the public in a timely and useful way.

Section 14 of this Act amends Subsection 21(b) of FIFRA requiring that the Administrator "shall", rather than "may, at his discretion", solicit the views of all interested parties on actions taken under this Act.

Section 15 of this Act transfers responsibility for regulating occupational exposure to pesticides to the Occupational Safety and Health Administration.

Section 16 of this Act amends Section 24(b) and (c) of FIFRA pertaining to the authority of States to regulate the sale and use of pesticides. A state is authorized to impose or continue in effect requirements for pesticide labelling or packaging in order to enforce a prohibition on the use of a federally registered pesticide or device in the state. The Administrator must be notified of such requirements, and keep a record of them available for public inspection.

Section 24(c) of FIFRA is amended to refer to "pesticides which are registered under paragraph (5) or 7(A) of section 3(c) . . .", rather than to "federally registered pesticides . . .". The effective date for a registration under section 24(c) is changed to ninety days after the date on which the Administrator is notified by a state of the state's intention to issue the registration, assuming the Administrator does not disapprove the use during the ninety day period. The clause prohibiting the administrator from disapproving a section 24(c) registration on the grounds of a lack of essentiality is eliminated. The Administrator is also authorized to deny a section 24(c) registration if the pesticide use is unnecessary to meet special local needs. The Administrator's discretion to disapprove a special local need registration that is inconsistent with the Federal Food, Drug, and Cosmetic Act is eliminated by changing "may immediately disapprove the registration" to "shall immediately disapprove. . .".

Subsection 16(b)(3)(D) specifies that a rebuttable presumption shall arise that a special local need for a pesticide does not exist if five or more states seek the same pesticide for the same special local need. The discretion of the Administrator to suspend the authority of a state to issue registrations under section 24(c) is eliminated when the Administrator determines a state is not capable of exercising adequate controls to assure that state registrations are granted in accordance with the provisions of FIFRA. This change is brought about by changing "may suspend the authority" to "shall suspend . . ." A new subsection is added stipulating that special local need registrations shall expire after five years, and may be reissued in accord with this subsection.

Section 17 of this Act amends the provisions pertaining to the appointment of members to the Scientific Advisory Panel. The amendment directs the Administrator to appoint the seven panel members from several different disciplines, and to stagger the three year terms so that the terms of no more than three panel members expire in any year.

Subsection 17(b) of this Act establishes a new requirement that the Administrator promulgate within one year regulations concerning the safe use of pesticides. The regulations shall require measures that protect individuals in the vicinity of pesticide applications, including steps to guard against exposure to pesticide drift from aerial applications. Posting areas where pesticides are to be applied, and other warnings are among the protective measures the Administrator should consider.

Section 18 of this Act amends the provisions delegating to states primary responsibility for carrying out programs to enforce FIFRA. States are required to administer an enforcement program "at least as stringent as sections 12 and 25" of FIFRA. This change would allow states to impose enforcement provisions and regulations more stringent than required by federal law. A new subsection (d) is added which grants states two years to adopt an enforcement program responsive to the new requirements and regulations established pursuant to the National Pesticide Hazard Prevention Act.

Section 19 of this Act adds a new section 32 to FIFRA. This section directs the Administrator to collect fees for registration actions under FIFRA. The fees shall be set at a level sufficient to make the pesticide program self-supporting.

Section 20 of this Act introduces another new section to FIFRA addressing the protections governing employees who have commenced actions, testified, or otherwise participated in an enforcement action or complaint under FIFRA. Remedies patterned after employees protection provisions in other statutes are specified, including the right to file and pursue a complaint with the Secretary of Labor.

Section 21 of this Act authorizes the Administrator "to establish and enforce standards for indoor human exposure to pesticides."

Section 22 of this Act contains several changes in the FIFRA statute's table of contents necessitated by the "Federal Insecticide, Fungicide, and Rodenticide Reform Act."

CONGRESSIONAL INTERNS FIND CENTRAL AMERICAN POLICY UNACCEPTABLE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, 3 weeks ago a group of approximately 40 congressional interns began meeting independently to discuss pressing national issues. Out of deep concern over the increasing U.S. military involvement in Central America, they cooperated in writing a petition urging the President to seek a peaceful and productive solution to the conflict. The petition will be presented to the President next week.

A copy of the petition was presented to me today by two of the interns, Kathleen Dillon and Robin Richardson, in my office. The 150 interns who have already signed this petition are a very diverse group. Additional signatures are expected. They speak as individuals from every area of the country. They have different goals and backgrounds. The group is bipartisan. Yet all agree with the concerns expressed in this petition.

These interns will not leave their concern for Central America on Capitol Hill but will take it with them to their respective college campuses in the fall.

Mr. Speaker, I believe our colleagues would be most interested in the Central America concerns of this large group of interns. Therefore, I am offering a copy of the text of the petition for inclusion in the RECORD following these remarks:

AUGUST 1983.

PRESIDENT REAGAN: During the past few years, the political instability in Central America has raised serious concerns in our country. We, the undersigned Congressional and Government Interns, wish to express our opposition to several of your Administration's actions in Central America:

(1) Increased U.S. military involvement;

(2) U.S. military support of governments that blatantly violate fundamental human rights;

(3) U.S. violation of national and international laws; and

(4) Continuing U.S. efforts to overthrow the Nicaraguan Government.

These actions are increasing the probability of direct U.S. troop involvement in a full-scale regional war.

We believe these actions stem partly from a misguided perception of events in Central America as little more than an outgrowth of the international competition between the United States and the Soviet Union. This overemphasis on the Soviet influence in Central America diverts attention from the history of political and economic oppression which is the principal cause of the current unrest. Moreover, your Administration's policy in Central America is consistent with your actions that increase the disparity of wealth between the rich and poor peoples of the world.

Believing that these policies can only undermine both the interests and ideals of the United States and that negotiations provide the best means to the establishment of peace, democracy and justice in Central America, we therefore present the following petition:

Whereas, the Reagan Administration has violated the Boland Amendment, the Rio Treaty, the O.A.S. Charter, and the U.N. Charter by providing military assistance to groups attempting to overthrow the Nicaraguan Government; and

Whereas, in the past six months the political death toll in El Salvador has risen twelve percent over the previous six month period, to 1,054 deaths, according to the U.S. Embassy estimate, (Tutela Legal, the Salvadoran Catholic Church and Amnesty International document 2,527 deaths or disappearances in the same period, making the total for the last four years more than 38,000); and

Whereas, the U.S. has deployed combat troops in Honduras and three task forces led by the carriers *Ranger, Coral,* and the battleship *New Jersey* off the Nicaraguan coasts; and

Whereas, direct U.S. intervention in the internal conflicts in Latin America has led to the imposition of brutally repressive regimes in those nations (e.g. Nicaragua, 1933; Guatemala, 1954; Chile, 1973);

Therefore, we call for the following actions:

(1) Cease all U.S. military aid to Central America;

(2) End U.S. "covert" destabilization efforts against Nicaragua;

(3) Grant extended voluntary departure status to Central American refugees until they can safely return to their homelands;

(4) Make human rights a priority in the formulation of your policy toward all of the nations of Central America; and

(5) Support the proposals of the Contadora Group.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEBER (at the request of Mr. MICHEL), for today, on account of personal reasons.

Mr. STOKES (at the request of Mr. WRIGHT), for today, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimnous consent, permission to address the House following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BATEMAN) to revise and extend their remarks and include extraneous material:)

Mr. FORSYTHE, for 15 minutes, today.

Ms. SNOWE, for 5 minutes, today.

Mr. LEACH of Iowa, for 60 minutes, today.

Mr. PHILIP M. CRANE, for 20 minutes, today.

Mr. FRENZEL, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Ms. OAKAR, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today.

Mr. CLARKE, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. EVANS of Illinois, for 5 minutes, today.

Mr. PENNY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PENNY, during the debate on Senate Joint Resolution 149 in the House today.

Mr. OLIN, after discussion on dairy bill.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. ROGERS.

Mr. FORSYTHE.

Mr. RUDD.

Mr. COURTER.

Mr. DANNEMEYER IN TWO INSTANCES.

Mr. MILLER of Ohio in three instances.

Mr. BILIRAKIS.

Ms. SNOWE.

Mr. RINALDO.

Mr. HUNTER.

Mr. MYERS in three instances.

Mr. PARRIS.

Mr. TAUKE.

Mr. DAUB.

Mr. KEMP in three instances.

Mr. RITTER in two instances.

Mr. WOLF in two instances.

Mr. MOORHEAD.

Mr. GINGRICH in four instances.

Mr. LAGOMARSINO in two instances.

Mr. SILJANDER.

Mr. MORRISON of Washington.

Mr. CAMPBELL.

Mr. GOODLING.

Mr. YOUNG of Alaska in two instances.

Mr. HOPKINS.

Mr. CONTE.

Mr. EDWARDS of Oklahoma.

Mr. FIELDS.

Mr. GILMAN in two instances.

Mr. DUNCAN.

Mr. SMITH of Oregon.

Mr. MADIGAN.

Mr. SMITH of New Jersey in two instances.

Mr. ROTH.

Mr. RITTER in two instances.

Mr. SAWYER.

Mr. CORCORAN.

Mr. BARTLETT.

Mr. HOPKINS.

Mr. BATEMAN.

Mrs. SCHNEIDER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. SHARP.

Mr. GUARINI in four instances.

Mr. ROYBAL in two instances.

Mr. FEIGHAN.

Mr. SISISKY in two instances.

Mr. NICHOLS.

Mr. MARKEY in three instances.

Mr. DYSON in three instances.

Mr. MURTHA.

Mr. CLARKE.

Mr. PEASE.

Mr. KOSTMAYER.

Mr. AUCOIN.

Mr. VENTO in two instances.

Mr. BORSKI in two instances.

Mr. COELHO.

Mr. COLEMAN of Texas in three instances.

Mr. VALENTINE in two instances.

Mr. RANGEL in five instances.

Mr. FAZIO.

Mr. FRANK.

Mrs. BYRON in two instances.

Mr. STARK.

Mr. EDGAR.

Mr. ENGLISH.

Mr. ORTIZ.

Mr. ROSTENKOWSKI.

Mr. FUQUA in two instances.

Mr. HERTEL of Michigan.

Mr. OTTINGER in three instances.

Mr. ZABLOCKI.

Mr. DE LUGO.

Ms. COLLINS in two instances.

Mr. TORRICELLI in two instances.

Mr. UDALL.
Mr. WON PAT.
Mr. EVANS of Illinois.
Mr. LIPINSKI in two instances.
Mr. LUNDINE.
Mrs. SCHROEDER.
Mr. BATES in three instances.
Mr. MINETA.
Mr. WEISS in 10 instances.
Mr. FASCELL in four instances.
Mr. ADDABBO in two instances.
Mr. LAFALCE.
Mr. SMITH of Florida.
Mr. MAZZOLI.
Mr. PANETTA.
Mr. LEHMAN of Florida.
Mr. PEPPER.
Mr. FAUNTROY in three instances.
Mr. GORE.
Mr. DELLUMS.
Mr. MILLER of California in two instances.
Mr. DOWNEY of New York.
Mr. ACKERMAN.
Mr. DIXON.
Mr. HOYER in two instances.
Mr. RAHALL.
Mr. TRAXLER.
Mr. LEHMAN of California.
Mr. DONNELLY in two instances.
Mr. LOWRY of Washington.
Mr. KOLTER in two instances.
Mr. CHAPPELL.
Mr. FLORIO.
Mr. LANTOS in two instances.
Mr. DORGAN.
Mr. SOLARZ.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 268. An act to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1015. An act to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

S. 1148. An act to to provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, in docket numbered 10-81L by the United States Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1186. An act to to clear certain impediments to the licensing of the yacht Dad's Pad for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

S. 1365. An act entitled the "Harry Porter Control Tower"; to the Committee on Public Works and Transportation.

S. 1465. An act to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building; to the Committee on Public Works and Transportation.

S. 1625. An act to amend the District of Columbia Retirement Reform Act; to the Committee on the District of Columbia.

S. 1689. An act to clear certain impediments to the licensing of the vessel *Endless Summer* for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

S. 1724. An act to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building"; to the Committee on Public Works and Transportation.

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building"; to the Committee on Public Works and Transportation.

S.J. Res. 136. Joint resolution to recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2355. An act to establish an emergency program of job training assistance for unemployed Korean conflict and Vietnam-era veterans, and for other purposes;

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes;

H.R. 3394. An act to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance; and

H.R. 3564. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

Mr. BROWN of Colorado. Mr. Speaker, I have a privilged motion. I move the House adjourn.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, pursuant to House Concurrent Resolution 153, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 153 of the 98th Congress, the House stands adjourned until 12 o'clock meridian, Monday, September 12, 1983.

Thereupon (at 8 o'clock and 20 minutes p.m.), pursuant to House Concurrent Resolution 153, the House adjourned until Monday, September 12, 1983, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Livingston	3/25	3/27	Mexico		150.00		169.00		83.39		402.39
	3/27	3/28	Peru		75.00						75.00
	3/28	3/31	Brazil		354.00		(3)				354.00
Hon. Eldon Rudd	3/25	3/26	Mexico		150.00		322.66		83.39		556.05
Committee total					729.00		491.66		166.78		1,387.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Travel by military aircraft at invitation of Secretary of Treasury.

JAMIE L. WHITTEN, Chairman, July 29, 1983.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Nelson [3]	6/2	6/4	El Salvador		150.00						150.00
	6/4	6/5	Nicaragua								
	6/5	6/5	Costa Rica		75.00						75.00
	6/5	6/5	Guatemala								
Military transportation, Department of the Air Force.							4,696.69				4,696.69
Committee total					225.00		4,696.69				4,921.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] This report supersedes the consolidated report of foreign travel submitted on July 13, 1983.

JAMES R. JONES, Chairman, July 27, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ron Marlenee	4/29	5/1	El Salvador	585	150.00	172.24	44.16				194.16
Transportation provided by Department of Defense.							6,351.20				6,351.20
Committee total					150.00		6,395.36				6,545.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, July 29, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry M. Patterson	3/26	4/2	China		1,499.97				465.77		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Hon. Esteban E. Torres	3/26	4/2	China		1,499.97				465.77		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Hon. Stanford E. Parris	3/26	4/2	China		1,499.97				465.77		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Hon. Edwin R. Bethune	3/26	4/2	China		1,499.97				465.77		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Jan W. Shinpoch	3/26	4/2	China		1,499.97				465.77		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Mark Constantine	3/26	4/2	China		1,499.97				465.76		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.57		5,734.72
Nancy S. Robinson	3/26	4/2	China		1,499.97				465.76		1,965.74
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.56		5,734.72
James C. Orr	3/26	4/2	China		1,499.97				465.76		1,965.73
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.56		5,734.71
Gregory Wilson	3/26	4/2	China		1,499.97				465.76		1,965.73
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.56		5,734.71
James C. Sivon	3/26	4/2	China		1,499.97				465.76		1,965.73
	4/2	4/5	Hong Kong		390.00		[3] 5,166.15		178.56		5,734.71
Jan W. Shinpoch	5/12	5/16	Kenya		300.00		[4] 2,289.00				2,589.00
Hon. George Wortley	6/2	6/4	El Salvador		150.00						150.00
	6/4	6/5	Nicaragua		[5]						
	6/5	6/5	Costa Rica		75.00						75.00
	6/5	6/5	Guatemala		[5]		4,696.69				4,696.69
Hon. Norman Shumway	6/2	6/4	El Salvador		150.00						150.00
	6/4	6/5	Nicaragua		[5]						
	6/5	6/5	Costa Rica		75.00						75.00
	6/5	6/5	Guatemala		[5]		4,696.69				4,696.69
Hon. Buddy Roemer	6/16	6/19	El Salvador		221.15		[3] 1,090.35				1,311.50
Committee total					19,870.85		64,434.23		6,443.32		90,748.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial air.
[5] Information not available from State Department.

FERNAND J. ST GERMAIN, Chairman, July 30, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. William Clay	6/1	6/6	Switzerland		344.00		3,281.00				3,625.00
Rep. John N. Erlenborn	6/19	6/21	Switzerland		258.00		1,322.46				1,580.46
Donald M. Baker	6/9	6/23	Switzerland		1,118.00		1,718.00				2,836.00
Edith C. Baum	6/14	6/20	Switzerland		602.00		833.00				1,435.00
Committee total					2,322.00		7,154.46				9,476.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CARL D. PERKINS, Chairman, July 26, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dingell, John D	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Ottinger, Richard L	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Wirth, Timothy E	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Swift, Al	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Shelby, Richard C	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Lent, Norman F	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Madigan, Edward P	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Tauke, Thomas J	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Potter, Frank M., Jr	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
									133.00		133.00
Kitzmiller, Wm. M	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Robbins, Anthony	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
McCabe, Wm. M	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Woo, Michael T	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Davis, Sharon	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Benson, Kathleen	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Aylward, David	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Barrett, Michael F	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Mathews, Nancy	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Sikorski, Gerry	3/26	3/28	Japan		450.00						450.00
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Bryant, John	3/26	3/28	Japan		450.00						450.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/29	4/6	China		600.00						600.00
	4/6	4/7	Hong Kong		260.00						260.00
Military							7,550.83				7,550.83
Transportation			Japan				762.18				762.18
Communications			Japan						23.53		23.53
Control room			Japan						1,162.18		1,162.18
Transportation			China				4,657.65				4,657.65
Transportation			Hong Kong				624.27				624.27
Departure charges			Hong Kong						104.40		104.40
Employee and control room			Hong Kong						573.16		573.16
Benson, Kathleen	5/28	6/2	Switzerland		516.00		3,382.00		736.71		4,634.71
Collins, Cardiss	5/28	6/2	Switzerland		516.00		3,382.00				3,898.00
Florio, James J.	7/5	7/9	Italy		581.00		4,148.00				4,729.00
Luken, Thomas A. (this is a supplemental to 2d quarter, 97th Congress 2d session).							13.27				13.27
Committee total					27,813.00		167,986.97		2,732.98		198,531.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman, Aug. 1, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Barnes, M. D.	5/20	5/22	Venezuela		248.00						248.00
Commercial transportation							1,060.00				1,060.00
Chambers, F. M.	4/4	4/5	United Kingdom		98.00						98.00
Commercial transportation							3,947.00				3,947.00
Chester, J. C.	3/29	3/30	Indonesia		174.00						174.00
Dunman, T. E.	5/20	5/22	Venezuela		248.00						248.00
Commercial transportation							1,060.00				1,060.00
Friedman, E.	5/26	6/6	China (PRC)		[3] 1,110.00						1,110.00
Commercial transportation							4,242.80				4,242.80
Gulick, L.	5/26	6/6	China (PRC)		[3] 695.85						695.85
Commercial transportation							4,242.80				4,242.80
Hyde, H. J.	4/22	4/27	Finland				815.00				815.00
Johnson, V. G.	5/20	5/22	Venezuela		[3] 172.95						172.95
Commercial transportation							1,060.00				1,060.00
Committee subtotal					2,746.80		16,427.60				19,174.40
Kostmayer, P. H	4/4	4/5	United Kingdom		98.00						98.00
Commercial transportation							3,977.15				3,977.15
	6/2	6/3	Israel		100.0						100.00
	6/2	6/2	Lebanon				76.11				76.11
	6/3	6/5	Syria		250.00						250.00
Commercial transportation							975.00				975.00
Lagomarsino, R. J.	5/20	5/22	Venezuela		248.00						248.00
Commercial transportation							1,060.00				1,060.00
Mica, D. A.	6/2	6/4	United Kingdom		202.00						202.00
Commercial transportation							1,224.00				1,224.00
Reid, H.	5/28	5/30	Saudi Arabia		280.00						280.00
	5/30	6/1	Israel		266.00						266.00
Commercial transportation							3,906.00				3,906.00
Committee subtotal					1,444.00		11,218.26				12,662.26
Roth S.	5/26	5/31	Israel		[3] 199.00						199.00
	5/27	5/28	Lebanon		128.00		179.85				307.85
	5/28	5/29	Saudi Arabia		280.00						280.00
Commercial transportation							4,338.26				4,338.26
Schlundt, V. M.	5/3	5/4	Canada		170.00						170.00
Commercial transportation							280.00				280.00
Sloan, L. S.	5/26	6/6	China (PRC)		[3] 357.00						357.00
Commercial transportation							4,242.80				4,242.80
Solarz, S. J.	5/26	6/1	Israel		399.00						399.00
	5/27	5/28	Lebanon		128.00		179.85				307.85
	5/28	5/30	Saudi Arabia		280.00						280.00
Commercial transportation							5,684.00				5,684.00
Weiss, T.	5/26	6/3	Israel		898.00						898.00
	6/2	6/2	Lebanon				76.11				76.11
Committee subtotal					2,839.00		14,980.87				17,819.87
Weiss, T. (continued)	6/3	6/5	Syria		250.00						250.00
Commercial transportation							2,306.00				2,306.00
Committee subtotal					250.00		2,306.00				2,556.00
Grand total											52,212.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds made in country.

CLEMENT J. ZABLOCKI, Chairman, July 29, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
William Carney, M.C.	4/29	5/1	El Salvador	585	150.00	172.24	[3] 44.17				194.17
John L. Dentler	5/10	5/13	Canada		275.00		250.00				525.00
Jack Fields, M.C.	6/16	6/19	El Salvador		222.15		[4] 26.05		[5] 7.60		255.80
Norman D. Shumway, M.C.	6/2	6/4	El Salvador		150.00						
	6/4	6/4	Nicaragua								
	6/4	6/5	Costa Rica		75.00						
	6/5	6/5	Guatemala				[6]				225.00
Jacquelyn M. Westcott	4/18	4/19	South Africa				2,713.00				
	4/30	5/3	South Africa	375.84	348.00	19	[7] 17.59				3,078.59
Committee total					1,220.15		3,050.81		7.60		4,278.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Ground transportation; military provided transportation DC/El Salvador/DC.
[4] Ground transportation; military provided transportation DC/El Salvador/PC.
[5] Pro rata share rental of photocopier.
[6] Military provided transportation DC/El Salvador/Nicaragua/Costa Rica/Guatemala/DC.
[7] Ground transportation.

WALTER B. JONES, Chairman, July 26, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Howard, James J., Cong	5/27	5/30	Ireland	267.56	339.00					267.86	339.00
	5/30	6/2	France	2,807.20	393.00					2,807.20	393.00
Air transportation only			Germany			9,215.68	3,716.00			9,215.68	3,716.00
Roe, Robert, A., Cong	5/27	5/30	Ireland	267.56	339.00					267.86	339.00
	5/30	6/1	France	1,938.20	262.00					1,938	262.00
Air transportation only			Germany			8,906.70	3,591.00			8,906.70	3,591.00
Smallen, David M.	5/27	5/30	Ireland	267.56	339.00					267.86	339.00
	5/30	6/2	France	2,807.20	393.00					2,807	393.00
Air transportation only			Germany			9,215.68	3,716.00			9,215.68	3,716.00
Nowak, Henry J., Cong	5/27	6/1	France	5,816.40	786.00					5,816.40	786.00
Military air							2,496.72				2,496.72
Traynham, David	5/27	6/1	France	5,816.40	786.00					5,816.40	786.00
Military air							2,496.72				2,496.72
O'Hara, John P	5/27	6/6	France	7,755.20	1,048.00					7,755.20	1,048.00
Air transportation only			Germany			9,114.00	3,672.00			9,114	3,672.00
Shuster, Bud, Cong	5/27	5/27	France	969.60	131.00					969.60	131.00
	5/30	6/2	Italy	533,062	358.00					533,062	358.00
	6/2		France	3,877.40	524.00					3,877.40	524.00
Air transportation only			Germany			9,781.12	3,941.00			9,781.12	3,941.00
Butler, Kenneth W	5/27	5/27	France	969.60	131.00					969.60	131.00
	5/30	6/2	Italy	533,062	358.00					533,062	358.00
	6/2	6/6	France	3,877.40	524.00					3,877.40	524.00
Air transportation only			Germany			9,781.12	3,941.00			9,781.12	3,941.00
de Lugo, Ron, Cong	5/28	6/1	France	3,877.40	524.00					3,877.40	524.00
	6/1	6/5	Italy	532,516	356.00					532,516	356.00
Air transportation only			Germany			5,319.60	2,145.00			5,319.60	2,145.00
Wolf, Frank R., Cong	6/16		El Salvador	877.50	222.15					877.50	222.15
Military air							1,090.35				1,090.35
Committee total					7,813.15		30,805.35				38,616.94

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES J. HOWARD, Chairman, July 29, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fuqua	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Carney	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Lowery	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Mineta	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
			Hungary					3,031.08	72.74	3,031.08	72.74
Poore	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Ketcham	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Tate	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Branscome H	5/26	6/1	France	6,806.76	917.00	27,209.52	[3] 3,672.00			34,016.28	4,589.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Williams	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Taylor	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Crossfield	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Heitowit	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Irons	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
Schwartz	5/26	6/1	France	5,822.40	786.00	18,500.70	[3] 2,496.00			24,322.70	3,282.00
						1,263.70	[4] 170.54			1,263.70	170.54
			Hungary					3,031.08	72.74	3,031.08	72.74
McGrath	6/16	6/20	El Salvadore	877.50	222.16	4,306.88	1,090.35	102.89	26.05	5,286.77	1,338.56
Committee total					11,357.16		39,597.91		1,044.41		51,999.48

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Airfare. [4] Ground.

DON FUQUA, Chairman, July 28, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Denny Smith	6/16	6/19	El Salvador		222.16						222.16
Department of the Army—prorated share							1,090.35				1,090.35
Hon. Bob McEwen	6/16	6/19	El Salvador		222.16						222.16
Department of the Army—prorated share							1,090.35				1,090.35
Committee totals					444.32		2,180.70				2,625.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

G. V. MONTGOMERY, Chairman, July 27, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Deychakiwsky, Orest	4/17	5/7	Spain		1,500.00		2,105.00				
Sletzinger, Martin	4/17	5/17	Spain		1,500.00		2,285.20				
Davidson, Lynne	4/17	5/20	Spain		2,550.00		1,343.00				
Oliver, R. Spencer	5/4	5/12	Spain		675.00		3,397.00				
Finerty, John J	5/8	6/30	Spain		4,050.00		2,115.00				
Wise, Samuel G	5/15	6/30	Spain		2,925.00		1,898.00				
Sletzinger, Martin	5/26	5/29	Austria		318.00		2,854.00				
	5/30	6/3	Hungary		375.00						
	6/4	6/8	Madrid, Spain		450.00						
Oliver, R. Spencer	5/26	6/1	Madrid, Spain		450.00		4,061.00				
	6/2	6/5	Portugal		300.00						
	6/6	6/11	Madrid, Spain		450.00						
	6/12		England		105.00						
Hoffmann, Myron	6/2	7/2	Spain		2,325.00		2,115.00				
Oliver, R. Spencer	6/29	7/16	Spain		1,350.00		3,427.00				
Committee total					19,323.00		25,600.20				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman, July 22, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Norman Y. Mineta			Central America		75.00						75.00
Hon. Dave McCurdy			Central America		75.00						75.00
Hon. G. William Whitehurst			Central America		75.00						75.00
Hon. C. W. Bill Young			Central America		75.00						75.00
Hon. Bob Stump			Central America		75.00						75.00
Mr. James O. Bush, Staff			Central America		75.00						75.00
Mr. Herbert Romerstein, Staff			Central America		75.00						75.00
Committee total					525.00						525.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, July 29, 1983.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1677. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies and commodities provided by the Berlin Magistrate and under German Offset Agreement for the quarter April 1, 1983 through June 30, 1983, pursuant to section 719 of Public Law 97-377; to the Committee on Appropriations.

1678. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of plans to study the conversion from inhouse operation to contractor performance of various functions at sundry locations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

1679. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's plans to initiate the study of potential conversions from inhouse operation to commercial contract of various activities at sundry locations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

1680. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the shelf stocking function at the branch commissary store, Patuxent River, Md., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1681. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles and services to Lebanon (Transmittal No. 83-57), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1682. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles and services to the United Kingdom (Transmittal No. 83-50), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1683. A letter from the Chief of Staff, Defense Mapping Agency, U.S. Naval Observatory, transmitting notice of the Agency's decision to convert the operation of the mail room function at the DMA Hydrographic/Topographic Center, Brookmont, Md., to private contractor performance, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1684. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report on the operations of the Bank for fiscal year 1982, pursuant to section 9(a) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1685. A letter from the Secretary of Energy, transmitting a report entitled, "The Domestic Impact of Reliance on Market Forces During a Substantial Petroleum Supply Disruption," pursuant to section 6(a) of Public Law 97-229; to the Committee on Energy and Commerce.

1686. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the months of April and May, 1983, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

1687. A letter from the Vice President of Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the months of April and May 1983, on the average number of passengers per day on board each train operated, and ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

1688. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Lebanon (Transmittal No. 83-57), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1689. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to the United Kingdom (Transmittal No. 83-50), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1690. A letter from the Secretary of State, transmitting notice of the President's intention to exercise his authority under section 506(a) of the Foreign Assistance Act of 1961 in order to authorize the furnishing of certain emergency military assistance to Chad, pursuant to sections 506(b)(1) and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1691. A letter from the Assistant Secretary of the Treasury (Administration), transmitting notice of a revised records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1692. A letter from the Deputy Administrator, General Services Administration, transmitting a report on a proposed Presidential archival depository to be known as the Carter Presidential Library, pursuant to 44 U.S.C. 2108(a); to the Committee on Government Operations.

1693. A letter from the Acting Assistant Secretary of the Interior for Land and Water Resources, transmitting copy of an application by the Oakdale Irrigation District, Stanislaus County, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act, as amended; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITTEN: Committee on Appropriations. Report on subdivision of budget totals for fiscal year 1984, pursuant to section 302 of the Congressional Budget Act of 1974 (Rept. No. 98-349). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (for himself, Mr. ACKERMAN, Mr. BIAGGI, Mr. GARCIA, Mr. HORTON, Mr. LAFALCE, Mr. MCGRATH, Mr. NOWAK, Mr. OTTINGER, Mr. RANGEL, Mr. SCHUMER, Mr. TOWNS, Mr. WORTLEY, Mr. CONYERS, Mr. FAZIO, Mr. HERTEL of Michigan, Mr. LANTOS, Mr. LELAND, Mr. LEVINE of California, Ms. MIKULSKI, Mr. RATCHFORD, Mr. ROE, Mr. SMITH of Florida, and Mr. STOKES):

H.R. 3781. A bill to establish an Interagency Committee on Arson Control to coordinate Federal anti-arson programs, to amend various provisions of the law relating to programs for arson investigation, prevention,

detection and prosecution, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. BEREUTER:

H.R. 3782. A bill to amend title 5, United States Code, to provide that not more than nine holidays may be observed by the Federal Government during any calendar year; to the Committee on Post Office and Civil Service.

By Mr. BIAGGI:

H.R. 3783. A bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Mr. FAZIO, Mr. MILLER of California, Mr. BOSCO, Mr. PRITCHARD, Mr. LELAND, Mr. EVANS of Illinois, Mr. TORRICELLI, Mrs. HALL of Indiana, Mr. OTTINGER, Mr. HARKIN, Mr. MOODY, Mr. MARKEY, and Mr. LEVINE of California):

H.R. 3784. A bill to establish a program to promote military parts procurement cost savings, and for other purposes; jointly to Committees on Small Business Armed Services, and Government Operations.

By Mr. BROOKS:

H.R. 3785. A bill to suspend for 1 year duty on catalytic naphtha; to the Committee on Ways and Means.

Mr. BROWN of California:

H.R. 3786. A bill to authorize a grant to the Willard Frank Libby Foundation for energy and science related research grants, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Science and Technology.

By Mr. BROWN of Colorado:

H.R. 3787. A bill to amend the National Trails System Act by adding the Oregon-California Trail to the study list; to the Committee on Interior and Insular Affairs.

By Mr. BRYANT:

H.R. 3788. A bill to designate various areas as components of National Wilderness Preservation System in the national forests in the State of Texas; to the Committee on Interior and Insular Affairs.

By Mr. DAUB:

H.R. 3789. A bill to provide equitable rules for the tax treatment of fringe benefits; to the Committee on Ways and Means.

By Mr. JONES of Oklahoma (for himself, Mr. CAMPBELL, Mr. MARTIN of North Carolina, Mr. LIVINGSTON, Mr. ANTHONY, Mr. BROWN of Colorado, Mr. MCCURDY, Mr. BARTLETT, Mr. ROEMER, and Mr. SLATTERY):

H.R. 3790. A bill to amend the Internal Revenue Code of 1954 to provide that for calendar years 1985 through 1990 the cost-of-living adjustment for the individual income tax rates and the personal exemption shall take into account only inflation in excess of 2 percent per year and to provide a similar limitation on cost-of-living adjustments in benefits under certain entitlement programs; jointly, to the Committees on Ways and Means and Government Operations.

By Mrs. BURTON of California:

H.R. 3791. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of acupuncturists' services; to the Committee on Energy and Commerce.

H.R. 3792. A bill to provide benefits under part B of the medicare program with respect to acupuncture treatment in States which license or certify individuals jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3793. A bill to require commercial passenger-carrying aircraft to be equipped with comprehensive, manually operated fire extinguishing systems, to require newly built commercial passenger-carrying aircraft to be equipped with all available comprehensive fire protection technology, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 3794. A bill to amend section 312(c) of the Federal Aviation Act of 1958, relating to research and development, to require the Secretary of Transportation to assure the development of a collision avoidance system for use on all civil and military aircraft of the United States in the interest of air safety; jointly to the Committees on Public Works and Transportation and Science and Technology.

By Mr. COELHO (for himself, Mr. THOMAS of California, Mr. HORTON, Mr. FAZIO, Mr. CONTE, Mr. MATSUI, Mr. WRIGHT, Mr. UDALL, Mr. LOEFFLER, Mr. VANDER JAGT, Mr. LOTT, Mr. GEPHARDT, Mr. PANETTA, Mr. DIXON, Mr. CHAPPIE, Mr. LAGOMARSINO, Mr. DREIER of California, Mr. BOSCO, Mr. LEHMAN of California, Mrs. BOXER, Mr. BROYHILL, Mr. EDWARDS of Oklahoma, Mr. ALEXANDER, Mr. LONG of Louisiana, Mr. JONES of Oklahoma, Mr. MCHUGH, Mr. OBEY, Mr. SIMON, Mr. HANCE, Mr. DOWNEY of New York, Mr. RANGEL, Mr. STARK, Mr. PICKLE, Mr. JENKINS, Mr. SHANNON, Mr. MURTHA, Mr. LATTA, Mr. BROOMFIELD, Mr. HYDE, Mr. MADIGAN, Mr. FISH, Mr. BROOKS, Mr. ZABLOCKI, Mr. PRICE, Mr. HOWARD, Mr. MINETA, Mr. LEWIS of California, Mr. ANDERSON, Mr. PASHAYAN, Mr. TORRES, Mr. SHUMWAY, Mr. ADDABBO, Mr. LENT, Mr. OTTINGER, Mr. MCGRATH, Mr. TOWNS, Mr. CARNEY, Mr. ANDREWS of Texas, Mr. WILSON, Mr. VANDERGRIFF, Mr. MCDADE, Mr. GEKAS, Mr. WALKER, Mr. KOSTMAYER, Mr. DICKS, Mr. LOWRY of Washington, Mr. SWIFT, Mr. PRITCHARD, Mr. CHANDLER, Mr. OLIN, Mr. SISISKY, Mr. BOUCHER, Mr. DANIEL, Mr. PARRIS, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. BEVILL, Mr. ERDREICH, Mr. FLIPPO, Mr. NICHOLS, Mr. SHELBY, Mr. BERMAN, Mrs. BURTON of California, Mr. MARTINEZ, Mr. DELLUMS, Mr. BROWN of California, Mr. LEHMAN of Florida, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. GINGRICH, Mr. HANSEN of Idaho, Mr. CRAIG, Mr. BARNARD, Mr. FOWLER, Mr. THOMAS of Georgia, Mr. ROWLAND, Mr. RAY, Mr. LEVITAS, Mr. HATCHER, Mrs. BOGGS, Mr. BREAUX, Mr. TAUZIN, Mr. ROEMER, Mr. HUCKABY, Mr. ACKERMAN, Mr. MYERS, Mr. SLATTERY, Mr. ALBOSTA, Mr. WOLPE, Mr. CONYERS, Mr. CROCKETT, Mr. HERTEL of Michigan, Mr. FORD of Michigan, Mr. DINGELL, Mr. TRAXLER, Mr. LEVIN of Michigan, Mr. KILDEE, Mr. CARR, Mr. BONIOR of Michigan, Mr. DOWDY of Mississippi, Mr. MONTGOMERY, Mr. BOLAND, Mr. STUDDS, Mr. DONNELLY, Mr. EARLY, Mr. MOAKLEY, Mr. MAVROULES, Mr. MARKEY, Mr. FRANK, Mr. WHITTAKER, Mr. ROBERTS, Mrs. VUCANOVICH, Mr. REID, Mr. WILLIAMS of Montana, Mr. D'AMOURS, Mr. KOGOVSEK, Mrs. SCHROEDER, Mr. WIRTH, Mr. KRAMER, Mrs. KENNELLY, Mr. MORRISON of Connecticut, Mrs. JOHNSON, Mr. RATCHFORD, Mr. LOWERY of California, Mr. WAXMAN, Mr. LANTOS, Mr. HAWKINS, Mr. DYMALLY, Mr. EDWARDS of California, Mr. BADHAM, Mr. HUNTER, Ms. FIEDLER, Mr. MOORHEAD, Mr. ZSCHAU, Mr. PACKARD, Mr. BATES, Mr. MCCANDLESS, Mr. ROYBAL, Mr. PATTERSON, Mr. MILLER of California, Mr. BEILENSON, Mr. DUNCAN, Mr. GORE, Mr. JONES of Tennessee, Mr. FORD of Tennessee, Mr. COOPER, Mr. CHAPPELL, Mr. TAYLOR, Mrs. LLOYD, Mr. FASCELL, Mr. IRELAND, Mr. MACKAY, Mr. NELSON of Florida, Mr. SMITH of Florida, Mr. AKAKA, Mr. HEFTEL of Hawaii, Mr. SAVAGE, Mr. BEREUTER, Mr. ANNUNZIO, Mrs. COLLINS, Mr. EVANS of Illinois, Mr. BEDELL, Mr. HARKIN, Mr. EVANS of Iowa, Mr. SNYDER, Mr. ROGERS, Mr. HUBBARD, Mrs. BYRON, Mr. MITCHELL, Ms. MIKULSKI, Mr. DYSON, Mr. HOYER, Mr. LONG of Maryland, Mrs. HALL of Indiana, Mr. JACOBS, Mr. MCCLOSKEY, Mr. STANGELAND, Ms. SNOWE, Mr. MCKERNAN, Mr. MOORE, Mr. LIVINGSTON, Mr. PURSELL, Mr. DAVIS, Mr. GILMAN, Mr. SOLOMON, Mr. MOLINARI, Mr. MARTIN of New York Mr. WORTLEY, Mr. BOEHLERT, Mr. PENNY, Mr. SIKORSKI, Mr. OBERSTAR, Mr. SABO, Mr. VENTO, Mr. SKELTON, Mr. YOUNG of Missouri, Mr. WHEAT, Mr. RICHARDSON, Mr. OXLEY, Mr. RIDGE, Mr. JEFFORDS, Mr. BRYANT, Mr. STENHOLM, Mr. KAZEN, Mr. LEATH of Texas, Mr. COLEMAN of Texas, Mr. FROST, Mr. LELAND, Mr. ORTIZ, Mr. SENSENBRENNER, Mr. GUNDERSON, Mr. ROTH, Mr. ASPIN, Mr. MOODY, Mr. DE LUGO, Mr. FAUNTROY, Mr. MCCAIN, Mr. LUJAN, Mr. SKEEN, Mr. COLEMAN of Missouri, Mr. EMERSON, Mr. MARLENEE, Mr. GREGG, Mr. LIPINSKI, Mr. DURBIN, Mr. RUSSO, Mr. BIAGGI, Mr. STRATTON, Mr. SOLARZ, Mr. SCHUMER, Ms. FERRARO, Mr. GARCIA, Mr. SCHEUER, Mr. OWENS, Mr. NOWAK, Mr. LUNDINE, Mr. LAFALCE, Mr. MRAZEK, Mr. CLARKE, Mr. JONES of North Carolina, Mr. NEAL, Mr. ENGLISH, Mr. MCCURDY, Mr. SYNAR, Mr. BORSKI, Mr. COYNE, Mr. YATRON, Mr. WALGREN, Mr. MURPHY, Mr. EDGAR, Mr. FOGLIETTA, Mr. HARRISON, Mr. GAYDOS, Mr. GRAY, Mr. KOLTER, Mr. RITTER, Mr. WEAVER, Mr. GEJDENSON, Mr. MCNULTY, Mr. RUDD, Mr. HAMMERSCHMIDT, Mr. WILLIAMS of Ohio, Mr. ANTHONY, Mr. YOUNG of Alaska, Mr. DWYER of New Jersey, Mr. GUARINI, Mr. SAWYER, Mr. HUGHES, Mr. MINISH, Mr. RINALDO, Mr. SMITH of New Jersey, Mr. ROE, Mr. TORRICELLI, Mr. AUCOIN, Mr. WYDEN, Mr. DENNY SMITH, Mr. ECKART, Mr. FEIGHAN, Ms. KAPTUR, Ms. OAKAR, Mr. SEIBERLING, Mr. STOKES, Mr. WYLIE, Mr. DEWINE, Mr. ANDREWS of North Carolina, Mr. BRITT, Mr. ROSE, Mr. HEFNER, Mr. MARTIN of North Carolina, Mr. DORGAN, Mr. MOLLOHAN, Mr. WISE, Mr. STAGGERS, Mr. RAHALL, Mrs. SCHNEIDER, Mr. HARTNETT, Mr. TALLON, Mr. DASCHLE, Mr. BONKER, Mr. PORTER, Mr. LEWIS of Florida, Mr. FORSYTHE, Mr. KINDNESS, Mr. HILER, Mr. O'BRIEN, Mr. BURTON of Indiana, Mr. ROBERT F. SMITH, Mr. SAWYER, and Mr. MCKINNEY):

H.R. 3795. A bill to harmonize, reduce, and eliminate barriers to trade in wine on a basis which assures substantially equivalent competitive opportunities for all wine

moving in international trade; to the Committee on Ways and Means.

By Mr. CONTE:

H.R. 3796. A bill to amend chapter 44 (relating to firearms) of title 18 of the United States Code to provide mandatory penalties for the use of armor-piercing bullets in offenses involving handguns, and for other purposes; to the Committee on the Judiciary.

H.R. 3797. A bill to amend the Internal Revenue Code of 1954 to allow a credit against tax for expenses incurred in the care of elderly family members; to the Committee on Ways and Means.

By Mr. DANNEMEYER (by request):

H.R. 3798. A bill to restructure the Federal employees health benefits program to strengthen financial control over the program and enhance competition among participating health benefits plans, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA (for himself and Mr. ORTIZ):

H.R. 3799. A bill to amend the Lacey Act Amendments of 1981; to the Committee on Merchant Marine and Fisheries.

By Mr. JONES of Oklahoma (for himself, Mr. ANTHONY, and Mr. MCCURDY):

H.R. 3800. A bill to amend the Internal Revenue Code of 1954 to repeal the cost-of-living adjustment for the individual income tax rates and the personal exemption and to provide that no cost-of-living adjustment shall take effect on or after October 1, 1984, under certain entitlement programs; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. LONG of Louisiana (for himself, Mr. WHITTEN, Mr. JONES of Tennessee, Mr. HIGHTOWER, and Mr. MOLLOHAN):

H.R. 3801. A bill to amend the trade laws of the United States to provide a remedy for unfair trade practices resulting in injurious imports into the United States; to the Committee on Ways and Means.

By Mr. DORGAN:

H.R. 3802. A bill to amend the Internal Revenue Code of 1954 to permit small businesses to reduce the value of excess inventory; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. JACOBS):

H.R. 3803. A bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 3804. A bill entitled: "The Interstate and Foreign Commerce Development Act"; to the Committee on Energy and Commerce.

By Mr. ROSTENKOWSKI:

H.R. 3805. A bill to make technical corrections in certain recent legislation dealing with the tax and social security laws; to the Committee on Ways and Means.

By Mr. FORSYTHE (for himself, Mr. BREAUX, and Mr. BIAGGI):

H.R. 3806. A bill to establish a fisheries corporation to stimulate the full development of all sectors of the U.S. fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL:

H.R. 3807. A bill to repeal the requirements that only U.S.-built and documented vessels may be used in the trade between points in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GEPHARDT:

H.R. 3808. A bill to amend the Internal Revenue Code of 1954 to provide an alternative test for qualification for the credit for rehabilitated buildings; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 3809. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSTENKOWSKI (for himself and Mr. CONABLE) (by request):

H.R. 3810. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of foreign sales corporations; to the Committee on Ways and Means.

By Mr. GORE:

H.R. 3811. A bill to recognize the organization known as the American Gold Star Mothers, Inc.; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 3812. A bill to amend the Federal Election Campaign Act of 1971 to provide for financing of general election campaign for the House of Representatives; to the Committee on House Administration.

By Mr. GUARINI (for himself and Mr. FRENZEL):

H.R. 3813. A bill to amend the International Coffee Agreement Act of 1980; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. FORSYTHE, Mr. HOWARD, Mr. FLORIO, Mr. ROE, and Mr. RINALDO):

H.R. 3814. A bill to amend the Internal Revenue Code of 1954 to include certain tax-exempt organizations as eligible recipients of scientific property for purposes of the special computation of the charitable contribution deduction for such property; to the Committee on Ways and Means.

By Mr. GUARINI (for himself and Mr. RANGEL):

H.R. 3815. A bill to establish a White House Conference on the Homeless and the Hungry; jointly, to the Committees on Agriculture and Banking, Finance and Urban Affairs.

By Mr. GUNDERSON:

H.R. 3816. A bill to provide for the establishment of an independent commission to set appropriate levels of compensation for Members of Congress; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. HANCE (for himself and Mr. FRENZEL):

H.R. 3817. A bill to apply for a 5-year period a lower rate of duty on ethyl and methyl parathion; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. BROWN of California, Mr. HEFTEL of Hawaii, Mr. BEILENSON, Mrs. BOXER, Mr. BERMAN, and Mrs. BURTON of California):

H.R. 3818. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to better protect the environment and man from the hazards of pesticides, and for other purposes; to the Committee on Agriculture.

By Mr. HERTEL of Michigan:

H.R. 3819. A bill to authorize the Secretary of Housing and Urban Development to assist homeowners in taking corrective measures with respect to urea formaldehyde foam insulation in their homes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JENKINS (for himself, Mr. FOWLER, Mr. GEPHARDT, Mr. FRENZEL, Mrs. KENNELLY, Mr. MATSUI, and Mr. FLIPPO):

H.R. 3820. A bill to amend the Internal Revenue Code of 1954 to permit qualified retirement trusts and certain educational organizations to invest in working interests in oil and gas properties without incurring unrelated business taxable income; to the Committee on Ways and Means.

By Mrs. JOHNSON:

H.R. 3821. A bill to recognize and grant a Federal charter to the Franco-American War Veterans, Inc., to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 3822. A bill to extend the Federal Supplemental Compensation Act of 1982 for 6 months and to increase the number of weeks for which compensation is payable under such act; to the Committee on Ways and Means.

H.R. 3823. A bill to extend the Federal Supplemental Compensation Act of 1982 for 6 months, to increase the number of weeks for which compensation is payable under such act, and for other purposes; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 3824. A bill to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. KOGOVSEK:

H.R. 3825. A bill to establish a boundary for the Black Canyon of the Gunnison National Monument, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOSTMAYER:

H.R. 3826. A bill to amend the Internal Revenue Code of 1954 to provide that a charitable organization may recoup certain costs when distributing food or other property without violating the requirements of section 170(e)(3)(A)(ii) of such code; to the Committee on Ways and Means.

By Mr. LANTOS:

H.R. 3827. A bill to provide for requirements and procedures applicable to automobile warranties; to the Committee on Energy and Commerce.

By Mr. LEVITAS (for himself, Mr. JENKINS, Mr. BARNARD, Mr. FOWLER, Mr. HATCHER, Mr. GINGRICH, Mr. MCDONALD, Mr. RAY, Mr. ROWLAND, and Mr. THOMAS of Georgia):

H.R. 3828. A bill to provide for the striking of medals commemorating the 250th anniversary of the founding of the State of Georgia; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCCANDLESS:

H.R. 3829. A bill to amend the Domestic Volunteer Services Act of 1973 to eliminate the chronological age requirement with respect to foster grandparent services provided for mentally retarded individuals; to the Committee on Education and Labor.

By Mr. MADIGAN (by request):

H.R. 3830. A bill to extend the authority of the Secretary of Agriculture to collect fees to cover U.S. Government costs incident to services rendered in connection with the enforcement of plant and animal quarantine laws, laws governing humane care, treatment, and transportation of animals, and for other purposes; to the Committee on Agriculture.

By Mr. MILLER of Ohio:

H.R. 3831. A bill to amend title 38, United States Code, to provide for a 15-year delimiting period for a veteran to complete a pro-

gram of education; to the Committee on Veterans' Affairs.

By Mr. MOODY (for himself, Mrs. BOGGS, Mrs. SCHROEDER, Mr. LELAND, Mr. DIXON, Mr. DYMALLY, Mrs. KENNELLY, Mr. WYDEN, Mr. TOWNS, Mr. BOUCHER, Mr. LAFALCE, Mr. LANTOS, Ms. FERRARO, Mrs. BOXER, Mr. BARNES, Mr. EDWARDS of California, Mr. GREEN, Mr. FEIGHAN, Mr. MORRISON of Connecticut, Ms. MIKULSKI, Mr. YATES, Mr. HEFTEL of Hawaii, Mr. LONG of Maryland, Mr. MINETA, Mr. BEDELL, Mr. GEJDENSON, Mr. RATCHFORD, Mr. HOWARD, Mr. CLAY, Mrs. COLLINS, and Ms. OAKAR):

H.R. 3832. A bill to establish the National Commission on Women's Business Ownership; jointly, to the Committees on Banking, Finance and Urban Affairs; Government Operations; and Small Business.

By Ms. OAKAR (for herself and Mr. PEPPER):

H.R. 3833. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. OWENS:

H.R. 3834. A bill to provide for fair and nonpartisan administration of Federal elections; to the Committee on House Administration.

By Mr. PETRI (for himself, Mr. ASPIN, Mr. GUNDERSON, Mr. KASTENMEIER, Mr. MOODY, Mr. OBEY, Mr. ROTH, Mr. SENSENBRENNER, and Mr. ZABLOCKI):

H.R. 3835. A bill to designate the U.S. Post Office Building in Oshkosh, Wis., as the "William A. Steiger Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.R. 3836. A bill to amend part A of title IV of the Social Security Act to make retrospective accounting and monthly reporting optional with the States under the program of aid to families with dependent children; to the Committee on Ways and Means.

H.R. 3837. A bill to amend title XVIII of the Social Security Act to provide medicare coverage of hepatitis B vaccine for end stage renal disease patients; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3838. A bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RINALDO:

H.R. 3839. A bill to establish in the Department of Health and Human Services an Office on Board and Care Activities to coordinate Federal responsibilities in the field of board and residential care more effectively and to encourage more effective regulation by States of group living arrangements for SSI beneficiaries; to the Committee on Ways and Means.

By Mr. RITTER (for himself and Mr. FUQUA, Mr. WINN, Mr. BROWN of California, Mr. WALGREN, Mr. GREGG, Mr. MARTIN of North Carolina, and Mr. ZSCHAU):

H.R. 3840. A bill to establish coordinated interagency research and demonstration projects for improving knowledge and use of risk assessment by those Federal agencies concerned with regulatory decisions related to protection of human life, health, and the environment; to the Committee on Science and Technology.

By Mr. RODINO:

H.R. 3841. A bill to restrict the relocation of professional sports teams, to require that certain local governments be notified of such relocation, and to clarify the application of the antitrust laws; to the Committee on the Judiciary.

By Mr. SHARP:

H.R. 3842. A bill to amend title 23, United States Code, to provide that for purposes of determining the minimum allocation paid to any State, the amount of taxes treated as paid into the highway trust fund with respect to gasohol and certain methanol and ethanol fuels shall be determined as if such fuels were taxed as gasoline; to the Committee on Public Works and Transportation.

By Mr. SISISKY:

H.R. 3843. A bill to provide for payments in lieu of taxes to be made by the United States to local governments for property exempt from property taxation under Federal law which is located within the jurisdiction of the local government and owned by the United States, a foreign government, or an international organization; to the Committee on Government Operations.

By Ms. SNOWE:

H.R. 3844. A bill to authorize the U.S. Army Corps of Engineers to undertake a program of research demonstration in the Saint John River Basin, Maine; to the Committee on Public Works and Transportation.

By Mr. STANGELAND (for himself and Mr. EVANS of Iowa):

H.R. 3845. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act to improve procedures for the selection of ASCS county and local committees; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mr. STANGELAND, Mr. ANDREWS of North Carolina, Mr. BADHAM, Mr. BARNARD, Mr. BARTLETT, Mr. BATEMAN, Mr. BETHUNE, Mr. BROOMFIELD, Mrs. BYRON, Mr. CAMPBELL, Mr. CHAPPIE, Mr. CHAPPELL, Mr. CHENEY, Mr. CORCORAN, Mr. CRAIG, Mr. PHILIP M. CRANE, Mr. DANIEL, Mr. DANNEMEYER, Mr. DICKINSON, Mr. DREIER of California, Mr. EDWARDS of Alabama, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FORSYTHE, Mr. FRANKLIN, Mr. FRENZEL, Mr. GIBBONS, Mr. GRAMM, Mr. GINGRICH, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HARTNETT, Mrs. HOLT, Mr. HUCKABY, Mr. HUTTO, Mr. IRELAND, Mr. JENKINS, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. KRAMER, Mr. LATTA, Mr. LEATH of Texas, Mr. LOEFFLER, Mr. LUJAN, Mr. LUNGREN, Mr. MCCAIN, Mr. MCDONALD, Mr. MARTIN of North Carolina, Mr. MOLINARI, Mr. MONTGOMERY, Mr. NIELSON of Utah, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PARRIS, Mr. PORTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROSE, Mr. RUDD, Mr. SAWYER, Mr. SHAW, Mr. SHUMWAY, Mr. SILJANDER, Mr. SKEEN, Mr. DENNY SMITH, Mr. SPENCE, Mr. STUMP, Mr. SUNDQUIST, Mr. THOMAS of California, Mr. VALENTINE, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WEBER, Mr. WALKER, Mr. WINN, Mr. WHITTAKER, Mr. WHITLEY, Mr. WOLF, and Mr. YOUNG of Florida):

H.R. 3846. A bill to amend the Davis-Bacon Act and related statutes in order to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, to reduce unnecessary paperwork and reporting requirements, to clarify the definition of prevailing wages, and for other purposes; to the Committee on Education and Labor.

By Mr. TRAXLER:

H.R. 3847. A bill to prohibit smoking on board passenger-carrying aircraft; to the Committee on Public Works and Transportation.

H.R. 3848. A bill to provide that operators of commercial motor vehicles who are licensed under State law need not meet requirements of Federal law which establish standards for eyesight as a qualification for operation of such a vehicle; to the Committee on Public Works and Transportation.

By Mr. UDALL:

H.R. 3849. A bill to provide for the movement of coal, including the movement of coal over public lands, by coal pipeline; jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

By Mr. WAXMAN (for himself and Mr. LAFALCE):

H.R. 3850. A bill to amend the Public Health Service Act to provide assistance for the initiation and expansion of children's preventive health programs; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. MADIGAN, Mr. LUKEN, Mr. WALGREN, Mr. SIKORSKI, Mr. OTTINGER, Mr. LELAND, and Mr. BLILEY):

H.R. 3851. A bill to amend the Federal Food, Drug, and Cosmetic Act to remove the prohibition against stating in the labeling and advertising of a drug that it has been approved under that act; to the Committee on Energy and Commerce.

By Mr. WOLF (for himself, Mr. BARNES, Mrs. HOLT, Mr. HOYER, Ms. OAKAR, Mr. PARRIS, Mr. WHITEHURST, and Mr. FAZIO):

H.R. 3852. A bill to amend title 5, United States Code, to provide for the reimbursement of certain moving expenses incurred by Federal employees who are transferred or reassigned in the interest of the Government from one official station or agency to another for permanent duty; to the Committee on Government Operations.

By Mr. WYDEN (for himself, Mr. MORRISON of Washington, Mr. ROBERT F. SMITH, Mr. BONKER, Mr. AUCOIN, Mr. FOLEY, Mr. WEAVER, Mr. SWIFT, Mr. PRITCHARD, Mr. DICKS, Mr. LOWRY of Washington, and Mr. CHANDLER):

H.R. 3853. A bill to authorize the establishment of the Columbia River Gorge Commission for the purpose of insuring the protection, conservation, enchancement, and management of scenic, natural, cultural, and other resource values in the Columbia River Gorge, to establish national policies to assist in achieving this objective, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. BOXER (for herself and Mr. JONES of North Carolina):

H.J. Res. 342. Joint resolution to designate August 4, 1984, as "Coast Guard Day"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself, Mr. ZABLOCKI, Mr. BROOMFIELD, and Mr. GILMAN):

H.J. Res. 343. Joint resolution to designate the month of October 1983 as "Internation-

al Youth Exchange Month"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. BURTON of Indiana):

H.J. Res. 344. Joint resolution designating July 20, 1984, as "National P.O.W.-M.I.A. Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. HANSEN of Utah (for himself, Mr. BARNES, Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ARCHER, Mr. BARNARD, Mr. BARTLETT, Mr. BATEMAN, Mr. BEILENSON, Mr. BENNETT, Mr. BEREUTER, Mr. BETHUNE, Mr. BEVILL, Mr. BIAGGI, Mr. BLILEY, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BONKER, Mr. BOSCO, Mrs. BOXER, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHANDLER, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLINGER, Mr. COATS, Mr. COELHO, Mrs. COLLINS, Mr. CONABLE, Mr. CONYERS, Mr. CRAIG, Mr. D'AMOURS, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DEWINE, Mr. DICKINSON, Mr. DINGELL, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ENGLISH, Mr. EVANS of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GOODLING, Mr. GRAY, Mr. GREGG, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HANSEN of Idaho, Mr. HARTNETT, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HILER, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mrs. JOHNSON, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KEMP, Mrs. KENNELLY, Mr. KOGOVSEK, Mr. KOLTER, Mr. KRAMER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEACH of Iowa, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LLOYD, Mr. LOEFFLER, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. MCCAIN, Mr. MCCOLLUM, Mr. MCEWEN, Mr. MCGRATH, Mr. MCHUGH, Mr. MCKINNEY, Mr. MCNULTY, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICA, Mr. MICHEL, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MOODY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. NEAL, Mr. NELSON of Florida, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OTTINGER, Mr. OXLEY, Mr. PARRIS, Mr. PASHAYAN, Mr. PATTERSON, Mr. PEPPER, Mr. PORTER, Mr. PRITCHARD, Mr. RAHALL, Mr. RATCHFORD, Mr. REID, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROTH, Mr. RUDD, Mr. SAWYER, Mr. SCHAEFER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SEIBERLING, Mr. SHAW, Mr. SHUMWAY, Mr. SIKORSKI, Mr. SILJANDER, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. SNYDER, Mr. SOLARZ, Mr. SPENCE, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STUDDS, Mr. STUMP, Mr. SUNIA, Mr. SYNAR, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. THOMAS, of Georgia Mr. TOWNS, Mr. VANDERGRIFF, Mr. VENTO, Mr. WALGREN, Mr. WALKER, Mr. WAXMAN, Mr. WEAVER, Mr. WEBER, Mr. WEISS, Mr. WHEAT, Mr. WHITEHURST, Mr. WIRTH, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WRIGHT, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Alaska, Mrs. BYRON, Mr. BERMAN, and Mr. LUNDINE):

H.J. Res. 345. Joint resolution to designate the week of December 11, 1983, through December 17, 1983 as "National Drunk and Drugged Driving Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MATSUI:

H.J. Res. 346. Joint resolution designating August 13, 1983, as "Sacramento Pacific Legacy Day" to commemorate the 21st annual birthday celebration of Sacramento, Calif.; to the Committee on Post Office and Civil Service.

By Mr. BARTLETT (for himself, Mr. ERLENBORN, Mr. LOTT, Mr. GOODLING, Mr. EDWARDS of Oklahoma, Mr. NIELSON of Utah, Mrs. JOHNSON, and Mr. PACKARD):

H. Con. Res. 155. Concurrent resolution expressing the sense of the Congress that it is the national policy that the Federal Government encourage excellence in education as a national priority; to the Committee on Education and Labor.

By Mr. MARKEY (for himself, Mr. OTTINGER, Mr. KEMP, Mr. UDALL, Mr. FISH, Mr. JEFFORDS, Mr. OBERSTAR, Mr. TOWNS, Mr. RATCHFORD, Mr. SEIBERLING, and Mr. MORRISON of Connecticut):

H. Con. Res. 156. Concurrent resolution expressing the sense of the Congress that nuclear reactor components should not be exported from the United States for India's Tarapur nuclear power station unless the Government of India provides stronger nonproliferation guarantees; to the Committee on Foreign Affairs.

By Mr. MILLER of California (for himself), Mr. PERKINS, Mr. HAWKINS, Mr. FORD of Michigan, Mr. WILLIAMS of Montana, Mr. WEISS, Mrs. SCHROEDER, Ms. OAKAR, Mr. ACKERMAN, Mr. BARNES, Mr. BROWN of California, Mr. DELLUMS, Mr. DERRICK, Mr. EDWARDS of California, Mr. ECKART, Mr. EVANS of Illinois, Mr. FOGLIETTA, Mr. FRANK, Mr. HARRISON, Ms. KAPTUR, Mr. LANTOS, Mr. MARTINEZ, Ms. MIKULSKI, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. RATCHFORD, and Mr. SMITH of Florida):

H. Con. Res. 157. Concurrent resolution urging the Secretary of Education to postpone further action on reorganization of certain programs in the Department of Education until a study by the General Accounting Office determines that such reorganization would not reduce the ability of the Department of Education to achieve the goals intended by Congress when it authorized the affected programs; to the Committee on Education and Labor.

By Mr. SUNDQUIST:

H. Con. Res. 158. Concurrent resolution expressing the sense of Congress with respect to fishing licenses for senior citizens; to the Committee on Merchant Marine and Fisheries.

By Mr. LAGOMARSINO (for himself, Mr. BROOMFIELD, Mr. HYDE, Mr. BEREUTER, Mr. SOLOMON, Mr. ZSCHAU, and Mrs. JOHNSON):

H. Con. Res. 159. Concurrent resolution expressing the sense of the Congress in support of the President's stated support for the peace initiative of the four-nation Contadora Group; to the Committee on Foreign Affairs.

By Mr. BATES:

H. Res. 304. Resolution dismissing the election contest against James McClure Clarke; to the Committee on House Administration.

By Ms. OAKAR:

H. Res. 305. Resolution dismissing the election contest against Ron Packard; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 3854. A bill to clear certain impediments to the licensing of the vessel *Endless Summer* for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. PANETTA:

H.R. 3855. A bill for the relief of Thomas J. Scanlon; to the Committee on the Judiciary.

PRIVATE RESOLUTION

By Mr. BURTON of Indiana:

H.J. Res. 347. Joint resolution to waive certain provisions of law and request the President to award the Congressional Medal of Honor to Kenneth Koon; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of August 3, 1983]

H.R. 2468: Mr. O'BRIEN and Mr. SUNDQUIST.

H.R. 3244: Mr. OBERSTAR, Mr. PANETTA, Mr. REID, Mr. RODINO, Mr. ROYBAL, Mr. SABO, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHARP, Mr. SOLARZ, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. SYNAR, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WIRTH, Mr. WOLPE, Mr. WYDEN, Mr. ZABLOCKI, Mr. FASCELL, Mr. OWENS, Mr. WORTLEY, Mr. NOWAK, Mr. ASPIN, Mr. MORRISON of Connecticut, Mr. SIKORSKI, Mr. SLATTERY, Mr. LELAND, Mr. ADDABBO, Mr. BERMAN,

Mr. STAGGERS, Mr. SEIBERLING, Mr. HARKIN, and Mr. BARNES.

[Submitted August 4, 1983]

H.R. 58: Mr. ADDABBO, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BENNETT, Mr. BEVILL, Mr. CHAPPELL, Mr. COELHO, Mr. CORRADA, Mr. CROCKETT, Mr. D'AMOURS, Mr. DANIEL, Mr. DE LA GARZA, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. ECKART, Mr. FISH, Mr. FORSYTHE, Mr. FROST, Mr. GLICKMAN, Mr. HALL of Ohio, Mr. HANCE, Mr. HANSEN of Idaho, Mr. HIGHTOWER, Mr. HILER, Mr. HUCKABY, Mr. HUGHES, Mr. JACOBS, Mr. JONES of North Carolina, Mr. KOGOVSEK, Mr. LEATH of Texas, Mrs. LLOYD, Mr. MCGRATH, Mr. MACKAY, Mr. MAZZOLI, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NATCHER, Mr. PANETTA, Mr. PEPPER, Mr. PRITCHARD, Mr. RATCHFORD, Mr. ROSE, Mr. RUSSO, Mr. SIKORSKI, Mr. SIMON, Mr. SOLOMON, Mr. STENHOLM, Mr. SUNIA, Mr. SYNAR, Mr. TALLON, Mr. TAUZIN, Mr. VENTO, Mr. WHEAT, Mr. WINN, and Mr. WON PAT.

H.R. 180: Mr. HILLIS.

H.R. 507: Mr. DICKINSON, Mr. DIXON, and Mr. CARR.

H.R. 659: Mrs. BURTON of California.

H.R. 765: Mr. GUNDERSON and Mr. COUGHLIN.

H.R. 881: Mrs. HALL of Indiana, Mr. PENNY, Mr. BRITT, Mr. OWENS, Mr. RANGEL, Mrs. BURTON of California, Mr. DORGAN, Mr. JONES of Tennessee, Mr. MURTHA, Mr. PURSELL, and Mr. WEBER.

H.R. 897: Mr. KINDNESS and Mr. GILMAN.

H.R. 947: Mr. WIRTH.

H.R. 953: Mr. MITCHELL.

H.R. 1092: Mr. COELHO, Mr. YOUNG of Missouri, and Mr. TORRICELLI.

H.R. 1159: Mr. SHELBY.

H.R. 1242: Mr. BROWN of California and Mr. MARKEY.

H.R. 1279: Mr. WIRTH.

H.R. 1376: Ms. FERRARO, Mr. STOKES, and Ms. OAKAR.

H.R. 1392: Mr. PEASE.

H.R. 1397: Mr. KOGOVSEK, Mr. AKAKA, Mr. BARNES, and Mr. MATSUI.

H.R. 1403: Mr. EVANS of Iowa, Mr. LAGOMARSINO, Mr. ZABLOCKI, Mr. PRITCHARD, and Mr. BARNARD.

H.R. 1408: Mr. PACKARD.

H.R. 1415: Mr. PERKINS, Mr. COLEMAN of Missouri, Mr. KINDNESS, Mr. VOLKMER, Mr. SMITH of Iowa, Mr. ANNUNZIO, Mr. MURTHA, Mr. CHENEY, Mr. BETHUNE, Mr. SKELTON, Mr. LEATH of Texas, Mr. SPENCE, Mr. PARRIS, Mr. LATTA, and Mr. CORCORAN.

H.R. 1540: Mr. PATMAN.

H.R. 1554: Mr. SIKORSKI.

H.R. 1595: Mr. BRYANT, Ms. MIKULSKI, Mr. MAZZOLI, Mr. TORRES, and Mr. VENTO.

H.R. 1758: Mr. CLAY.

H.R. 1800: Mr. CLINGER, Mr. COLEMAN of Texas, Mr. DICKS, Mr. IRELAND, Mr. LEHMAN of California, Mr. LIVINGSTON, Mr. LUKEN, Mr. MOORE, Mr. SCHAEFER, Mr. SHUSTER, Mrs. SMITH of Nebraska, and Mr. THOMAS of Georgia.

H.R. 1880: Mr. CROCKETT, Mr. DYMALLY, and Mr. HOYER.

H.R. 1942: Mrs. SCHROEDER.

H.R. 1952: Mr. ANDREWS of Texas, Mr. SIKORSKI, Mr. ROSE, and Mr. YOUNG of Missouri.

H.R. 1959: Mr. BERMAN, Mr. LELAND, Mrs. BOXER, Mr. HORTON, Mr. HOWARD, Mr. CROCKETT, Mr. MAVROULES, Mr. MINETA, Mr. SOLARZ, Mr. WON PAT, Mr. DUNCAN, Mr. LONG of Louisiana, Mr. STOKES, Mr. RATCHFORD, Ms. FERRARO, Mr. MARTINEZ, Ms. KAPTUR, Mr. STARK, and Ms. MIKULSKI.

H.R. 1961: Mr. RIDGE and Mr. FIELDS.

H.R. 2036: Mr. FORD of Tennessee.

H.R. 2076: Mrs. ROUKEMA.

H.R. 2088: Mr. CARPER and Mr. TORRES.

H.R. 2090: Mr. SCHEUER, Mr. ROYBAL, and Mr. BONIOR of Michigan.

H.R. 2093: Mr. FRANK, Mr. SWIFT, Mr. BRITT, Mrs. BURTON of California, Mr. WHEAT, and Mr. BERMAN.

H.R. 2098: Mr. LOWRY of Washington.

H.R. 2126: Mr. BERMAN and Mr. COUGHLIN.

H.R. 2127: Mr. STANGELAND, Mr. BEREUTER, and Mr. COUGHLIN.

H.R. 2161: Mr. LONG of Maryland.

H.R. 2169: Mr. SISISKY, Mr. RICHARDSON, and Mr. EVANS of Illinois.

H.R. 2240: Mr. YOUNG of Florida.

H.R. 2242: Mrs. BURTON of California, Mr. WHEAT, and Mr. STANGELAND.

H.R. 2243: Mr. SHANNON.

H.R. 2262: Mr. KOSTMAYER and Mr. DASCHLE.

H.R. 2374: Mr. MRAZEK, Mr. DEWINE, and Mr. OBEY.

H.R. 2382: Mr. PENNY, Mr. RUDD, and Mr. WOLF.

H.R. 2410: Mr. STANGELAND, Mr. EVANS of Iowa, Mr. BERMAN, Mr. ROYBAL, and Mr. BONIOR of Michigan.

H.R. 2411: Mr. EVANS of Iowa, Mr. BERMAN, Mr. ROYBAL, and Mr. BONIOR of Michigan.

H.R. 2420: Mr. TALLON, Mrs. HOLT, Mr. BARTLETT, and Mr. ROGERS.

H.R. 2468: Mr. COUGHLIN.

H.R. 2491: Mr. COELHO and Mr. SYNAR.

H.R. 2495: Mr. BARNES, Mr. SPRATT, Mr. DYSON, and Mr. SWIFT.

H.R. 2543: Mr. MORRISON of Washington.

H.R. 2567: Mr. BOUCHER, Mr. REID, and Mr. FLORIO.

H.R. 2583: Mr. GRAY, Mr. FORD of Tennessee, Mr. COELHO, Mr. HERTEL of Michigan, Mr. EDGAR, Mr. BOSCO, Mr. FAZIO, Mr. SOLARZ, Mr. TALLON, Mr. LEVINE of California, Mr. FISH, Mr. MORRISON of Connecticut, Mrs. BOXER, and Mr. MARTINEZ.

H.R. 2584: Mr. MCHUGH, Mr. STENHOLM, Mr. ROTH, and Mr. EVANS of Iowa.

H.R. 2595: Mr. PORTER, Mr. MCCANDLESS, Mr. KOGOVSEK, Mr. LEWIS of Florida, Mr. SIMON, and Mr. BERMAN.

H.R. 2696: Mr. MITCHELL, Mr. ACKERMAN, Mr. LANTOS, Mr. WOLPE, Mrs. COLLINS, Mr. SMITH of Florida, and Mr. BIAGGI.

H.R. 2697: Mr. MITCHELL, Mr. ACKERMAN, Mrs. BOXER, Mr. LANTOS, Mr. LOWRY of Washington, Mr. WOLPE, Mr. PASHAYAN, Mr. CHENEY, Mr. PANETTA, Mrs. COLLINS, Mr. COEHLO, Mr. SMITH of Florida, Mr. BIAGGI, and Mr. WYDEN.

H.R. 2698: Mr. MITCHELL, Mr. ACKERMAN, Mr. LANTOS, Mr. WOLPE, Mrs. COLLINS, and Mr. BIAGGI.

H.R. 2752: Mr. GINGRICH and Mr. JENKINS.

H.R. 2762: Mr. HOWARD, Mrs. BURTON of California, Mr. SOLARZ, and Mrs. COLLINS.

H.R. 2763: Mr. HOWARD, Mrs. BURTON of California, Mr. SOLARZ, and Mrs. COLLINS.

H.R. 2772: Mr. DAVIS, Mrs. BOXER, Mr. FAZIO, Mrs. COLLINS, Mr. LEWIS of Florida, and Mr. ANDREWS of Texas.

H.R. 2778: Mr. TORRICELLI and Mr. PEPPER.

H.R. 2815: Mr. MARTINEZ.

H.R. 2837: Mr. BEVILL, Mr. WILLIAMS of Montana, Mr. HUGHES, Mr. VENTO, Mr. MCGRATH, and Mr. SKELTON.

H.R. 2839: Mr. BOUCHER, Mr. BOSCO, Mr. TRAXLER, Mr. BRITT, Mr. ANDREWS of North Carolina.

H.R. 2841: Mr. GINGRICH, Mr. HOYER, and Mr. FRANK.

H.R. 2902: Mr. ENGLISH and Mr. SIMON.

H.R. 2916: Mr. MCCOLLUM and Mr. PATTERSON.

H.R. 2945: Mrs. COLLINS.

H.R. 2946: Mrs. COLLINS.

H.R. 2996: Mr. WOLF and Mr. AKAKA.

H.R. 3009: Mr. GUARINI, Mr. LEVINE of California, Mr. CLINGER, Mr. FLORIO, Mr. GONZALEZ, Mrs. COLLINS, and Mr. SKELTON.

H.R. 3010: Mr. CORCORAN, Mr. MOORHEAD, Mr. GUARINI, Mr. LEVINE of California, Mr. CLINGER, Mr. SOLOMON, Mr. FLORIO, Mr. GONZALES, Mr. STARK, Mrs. COLLINS, Mr. SKELTON, and Mr. EVANS of Iowa.

H.R. 3016: Mr. RICHARDSON, Mr. MARTINEZ, and Mr. SAWYER.

H.R. 3026: Mr. PORTER.

H.R. 3050: Mr. DAVIS, Mr. GRAY, and Mr. STUMP.

H.R. 3072: Mr. SAWYER.

H.R. 3082: Mr. BREAUX, Mr. HUGHES, and Mr. HUTTO.

H.R. 3091: Mr. HILER

H.R. 3101: Mr. OTTINGER and Mr. BEREUTER.

H.R. 3106: Ms. MIKULSKI.

H.R. 3176: Mr. MITCHELL.

H.R. 3178: Mr. CONYERS, Mr. LEHMAN of California, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. WILLIAMS of Montana, and Mr. WORTLEY.

H.R. 3193: Mr. HORTON.

H.R. 3224: Mr. CARR, Mr. WIRTH, Mr. MORRISON of Connecticut, and Mr. STOKES.

H.R. 3245: Mr. PEPPER.

H.R. 3282: Mr. BARNES, Mr. COUGHLIN, Mr. STOKES, Mr. DIXON, Mr. KAPTUR, Mr. WEISS, Mr. JONES of Oklahoma, Mr. ECKART, Mr. DE LUGO, Mr. LEHMAN of Florida, and Mr. SCHEUER.

H.R. 3309: Mr. GRAY.

H.R. 3338: Mr. STENHOLM and Mr. FORSYTHE.

H.R. 3371: Mr. SAVAGE, Mr. DAVIS, Mr. MOLLOHAN, Mr. BENNETT, and Mr. PEPPER.

H.R. 3381: Mr. MCKERNAN, Mr. WHITEHURST, Mrs. BOXER, Mr. FAZIO, Mr. HUGHES, Mr. HUTTO, Mr. SPRATT, Mr. SUNIA, Mr. WON PAT, Mrs. MIKULSKI, Mr. PEPPER, Mr. MCNULTY, and Mr. STOKES.

H.R. 3400: Mr. WORTLEY, Mr. BEILENSON, Mr. WON PAT, Mrs. BOXER, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. BARNES, Mr. CORRADA, Mr. DOWNEY of New York, Mr. MARTINEZ, Mr. YATES, Mr. BERMAN, Mr. OTTINGER, Mr. LELAND, Mr. BRYANT, Mr. BOEHLERT, Mr. LEVINE of California, Mr. FAZIO, Mr. EDGAR, Mr. SCHEUER, Mr. RANGEL, Mr. OBERSTAR, Mr. MCGRATH, Mr. MRAZEK, Mr. TOWNS, Mr. WEISS, Mr. TALLON, Mr. ACKERMAN, Mr. DIXON, Mrs. SCHNEIDER, Mr. BATES, Mr. SEIBERLING, Mr. ST GERMAIN, Mr. PANETTA, Mr. LONG of Maryland, Ms. FERRARO, Mr. ROYBAL, Mr. MACKAY, Mr. MCHUGH, Mr. BORSKI, Mr. FAUNTROY, Mr. GRAY, Mr. OWENS, Mr. MOLINARI, Mrs. KENNELLY, Mr. GARCIA, Mr. MINETA, Mr. MATSUI, Mrs. BURTON of California, Mr. DELLUMS, Mr. STARK, Mr. LANTOS, Mr. LEHMAN of California, Mr. HAWKINS, Mr. DYMALLY, Mr. TORRES, Mr. PATTERSON, Mr. GEPHARDT, Mr. KOSTMAYER, Mr. FOGLIETTA, Mr. COELHO, Mr. BROWN of California, Mr. SCHUMER, Mr. HORTON, Mr. OBEY, Mr. CROCKETT, Mr. PEPPER, Mr. RATCHFORD, Mr. MORRISON of Connecticut, Mr. STUDDS, Mr. MILLER of California, Mr. ADDABBO, Mr. FRANK, Mr. GEJDENSON, Mr. BIAGGI, Mr. TORRICELLI, and Mrs. JOHNSON.

H.R. 3420: Mr. PACKARD, Mr. FEIGHAN, Mr. SHAW, Mr. MARTINEZ, Mr. BROWN of California, and Mr. EDWARDS of Oklahoma.

H.R. 3434: Mr. TRAXLER, Mr. MCEWEN, Mr. GAYDOS, Mr. FISH, Mr. FROST, Mr. KOLTER, Mr. MOLLOHAN, Mr. RAHALL, Mr. WILSON, Mr. MURPHY, Mr. HORTON, Mrs. JOHNSON, Mr. FORSYTHE, Mr. ENGLISH, Mr. FEIGHAN,

Ms. FERRARO, Mr. GEKAS, Mr. APPLEGATE, Mr. YATRON, Mr. KOSTMAYER, Mr. RICHARDSON, Mr. CLINGER, Mr. WON PAT, Mr. BROOMFIELD, Mr. ALBOSTA, Mr. VANDER JAGT, Mr. HYDE, Mr. O'BRIEN, Mrs. HOLT, and Mr. HILLIS.

H.R. 3456: Mr. OBERSTAR.

H.R. 3457: Mr. BEVILL, Mr. DANIEL B. CRANE, Mr. FRANKLIN, and Ms. KAPTUR.

H.R. 3464: Mr. D'AMOURS.

H.R. 3478: Mr. DASCHLE, Mr. MARTIN of New York, Mr. EVANS of Illinois, Mr. MURTHA, Mr. PANETTA, Mr. GILMAN, Mr. MCCAIN, Ms. KAPTUR, Mr. RICHARDSON, Mr. LAFALCE, Mr. DICKS, Mrs. BOXER, Mr. TORRICELLI, Mr. BIAGGI, Mr. LELAND, Mr. HARRISON, Mr. WORTLEY, Mr. SMITH of New Jersey, Mr. WOLF, Mr. KINDNESS, Mr. NEAL, Mr. WON PAT, Mr. BONIOR of Michigan, Mr. ACKERMAN, Mr. LEVINE of California, Mr. WATKINS, Mr. ZABLOCKI, Mr. FORSYTHE, Mr. WEAVER, Mr. SMITH of Florida, Mr. ROE, Mr. HUGHES, Mr. BATES, Mr. TALLON, Mr. GONZALEZ, Mr. WALGREN, Mr. JACOBS, Mr. LEWIS of California, Mr. FOGLIETTA, Mr. WHITEHURST, Mr. BEILENSON, Mr. STOKES, Mr. GREEN, Mr. RATCHFORD, Mr. BENNETT, Mr. LONG of Maryland, Mr. FAUNTROY, Mr. DAUB, Mr. MCGRATH, Mr. APPLEGATE, Mr. RAHALL, Mr. BOEHLERT, Mr. LANTOS, Mr. FROST, Mr. COATS, Mr. OWENS, Mr. LAGOMARSINO, Mr. OLIN, Mr. AKAKA, Mr. MONTGOMERY, Mr. SEIBERLING, Mr. MCCLOSKEY, Mr. MADIGAN, Mr. MARTINEZ, Mr. LOWRY of Washington, and Mr. BRITT.

H.R. 3500: Mr. WEISS, Mr. MORRISON of Connecticut, and Mr. WILLIAMS of Montana.

H.R. 3505: Mr. KASTENMEIER, Mr. SUNIA, Mr. ROE, Mr. KEMP, Mr. MCEWEN, Mr. EVANS of Illinois, Mr. MITCHELL, Mr. FRANK, and Mr. TOWNS.

H.R. 3512: Mr. HATCHER.

H.R. 3554: Mr. CORRADA, Mr. MCCOLLUM, Mr. BEREUTER, Mr. GRAY, Mr. MICA, and Ms. SNOWE.

H.R. 3557: Mr. STOKES, Mr. CROCKETT, Mr. FERRARO, Mr. SMITH of Florida, Mr. WILLIAMS of Montana, Mr. ECKART, Mr. NICHOLS, Mr. COYNE, Mr. RICHARDSON, Mr. FEIGHAN, Mr. MOLLOHAN, and Mr. HATCHER.

H.R. 3574: Mr. HYDE and Mr. OBERSTAR.

H.R. 3575: Mr. WEISS, Mr. STOKES, Mr. FEIGHAN, Mr. BEVILL, Mrs. MARTIN of Illinois, and Mr. LOWRY of Washington.

H.R. 3581: Mr. PASHAYAN and Mr. STARK.

H.R. 3584: Mr. STENHOLM, Mr. BADHAM, Mr. GREEN, Mr. FRANKLIN, Mr. SUNDQUIST, Mr. RAY, Mr. BILIRAKIS, and Mr. DAUB.

H.R. 3587: Mr. FASCELL, Mr. MINETA, Mr. YOUNG of Florida, Mr. FAZIO, Mr. WON PAT, Mr. LEHMAN of Florida Mr. MICA, Mr. SHAW, Mr. MCCANDLESS, Mr. MACK, Mr. BOXER, and Mr. PASHAYAN.

H.R. 3591: Mrs. BOXER, Ms. FERRARO, Mr. JACOBS, and Mr. MINISH.

H.R. 3605: Ms. KAPTUR.

H.R. 3616: Mr. REGULA, Mr. FRANK, Mr. RODINO, Mr. SUNIA, Mr. HARRISON, Mr. SABO, Mr. HANCE, Mrs. BOXER, Mr. OBERSTAR, Mr. GEJDENSON, Mr. CROCKETT, Ms. KAPTUR, Mr. LEHMAN of Florida, Mr. RATCHFORD, Mr. SMITH of Florida, Ms. FERRARO, Mr. BERMAN, and Mr. FASCELL.

H.R. 3621: Mr. KASTENMEIER, Mr. MILLER of Ohio, and Mr. OBERSTAR.

H.R. 3635: Mr. PORTER.

H.R. 3636: Mr. WHITEHURST, Mr. BOUCHER, Mr. BATEMAN, Mr. WOLF, Mr. ROBINSON, Mr. OLIN, Mr. MARRIOTT, Mr. SMITH of Florida, Mr. STOKES, Mr. TOWNS, and Mr. MITCHELL.

H.R. 3642: Mr. BARNES, Mr. JENKINS, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. GUARINI, Mr. FASCELL, Mr. SABO, Mr. BONER of Tennessee, Mr. PICKLE, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. MOAKLEY, Mr. CHAPPELL, Mr. HARRISON, Mr. BEDELL, Mr. BRYANT, Mr. PEASE, Mr. CARPER, Mr. GRAY, Mr. LONG of Maryland, Mr. REID, Mr. SWIFT, Mr. BROWN of California, Mr. VANDERGRIFF, Mr. MORRISON of Connecticut, and Mr. CONYERS.

H.R. 3643: Mr. TRAXLER, Mr. HORTON, Mr. SOLOMON, Mr. LONG of Louisiana, Mr. STANGELAND, and Mr. PETRI.

H.R. 3647: Mr. MOAKLEY, Mr. MITCHELL, Mr. TOWNS, Mr. GRAY, Mr. CROCKETT, and Mr. DELLUMS.

H.R. 3665: Mr. CORCORAN.

H.R. 3680: Mrs. BOXER, Mr. BEDELL, Mr. CROCKETT, Mr. DELLUMS, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FRANK, Mr. GARCIA, Mr. LELAND, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. SIMON, Mr. STUDDS, Mr. TORRICELLI, Mr. TOWNS, Mr. WALGREN, Mr. WAXMAN, and Mr. WEAVER.

H.R. 3734: Mr. SAWYER, Mr. MOORE, Mr. GREEN, Mr. WINN, Mr. WHITEHURST, and Mr. DREIER of California.

H.R. 3737: Mr. PEASE, Mr. LEVIN of Michigan, Mrs. SCHROEDER, Mr. EVANS of Illinois, Mr. MITCHELL, Mr. REGULA, and Mr. GINGRICH.

H.R. 3747: Mr. GREEN.

H.R. 3777: Mr. FUQUA.

H.J. Res. 20: Mr. DICKS, Mr. PERKINS, Mr. ROWLAND, Mr. DONNELLY, Mr. DURBIN, Mr. DOWNEY of New York, Mr. WYDEN, Mr. CLAY, Mr. BROYHILL, Mr. DIXON, Mr. BROOKS, Mr. REID, Mr. ROBINSON, Mr. ROYBAL, Mr. MOAKLEY, Mr. DYSON, and Mr. MADIGAN.

H.J. Res. 93: Mr. PEPPER, Mr. BIAGGI, Mr. JENKINS, Mr. LOWERY of California, Mr. WEISS, Mr. SMITH of Florida, Mr. OLIN, Mr. YOUNG of Alaska, Mr. MATSUI, Mr. BROWN of California, and Mr. CROCKETT.

H.J. Res. 100: Mr. MOLLOHAN.

H.J. Res. 103: Mr. BRITT.

H.J. Res. 132: Mr. APPLEGATE, Mr. BROOMFIELD, Mr. COLEMAN of Texas, Mr. CONYERS, Mr. COYNE, Mr. DAVIS, Mr. DEWINE, Mr. HARKIN, Mr. MOORE, and Mr. SAWYER.

H.J. Res. 179: Mr. MILLER of California, Mr. ROSE, Mr. DUNCAN, Mr. MOLLOHAN, Mr. MCKERNAN, Ms. FERRARO, Mr. BADHAM, Mr. DERRICK, and Mr. EDWARDS of Oklahoma.

H.J. Res. 206: Mr. WYLIE, Mr. HORTON, Mr. LIPINSKI, Mr. WHITTEN, Mr. SUNIA, Mr. WORTLEY, Mr. DYSON, Mr. BATEMAN, Mr. GIBBONS, Mr. HOWARD, Mr. SIMON, Mr. WISE, Mr. BRYANT, Mr. BEVILL, Mr. WHITTAKER, Mr. FAZIO, Mr. BROWN of California, Mr. GOODLING, Mr. HUTTO, Mr. ANTHONY, Mr. DUNCAN, Mr. MOLLOHAN, Mr. VOLKMER, Mr. WON PAT, Mr. FRANKLIN, Mr. MCCANDLESS, Mr. KAZEN, Mr. PATTERSON, Mr. WILSON, Mr. SHANNON, Mr. BARNES, Ms. KAPTUR, Mr. LONG of Maryland, Mr. FAUNTROY, Mr. RAHALL, Mrs. HOLT, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. ROE, Mr. KINDNESS, Mr. FRENZEL, Mr. BEVILL, Mr. BARNES, Mr. BRYANT, Mr. FROST, and Mr. BIAGGI.

H.J. Res. 225: Mr. STUMP.

H.J. Res. 227: Mr. MOORE, Mrs. BOGGS, and Mr. SKEEN.

H.J. Res. 236: Mr. ALEXANDER, Mr. ANNUNZIO, Mr. BADHAM, Mr. BLILEY, Mr. BROOKS, Mr. BOEHLERT, Mr. BILIRAKIS, Mr. BARTLETT, Mr. COYNE, Mr. CARNEY, Mr. CHAPPELL, Mr. COURTER, Mr. PHILIP M.,CRANE, Mr. DICKINSON, Mr. DE LUGO, Mr. DEWINE, Mr. DAVIS, Mr. EMERSON, Mr. FROST, Mr. FISH, Mr. FOLEY, Mr. GLICKMAN, Mr. GRAMM, Mr. GAYDOS, Mr. GINGRICH, Mr. GILMAN, Mr. HERTEL of Michigan, Mr. HAWKINS, Mr. HANCE, Mr. HARTNETT, Mr. HYDE, Mr. JONES of Tennessee, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LOTT, Mr. MITCHELL, Mr. MOLLOHAN, Mr. MONTGOMERY, Mrs. MARTIN of Illinois, Mr. MCKINNEY, Mr. MARTIN of New York, Mr. MCHUGH, Mr. MCEWEN, Mr. MINISH, Mr. NEAL, Ms. OAKAR, Mr. OBERSTAR, Mr. PERKINS, Mr. PASHAYAN, Mr. PENNY, Mr. RATCHFORD, Mr. RANGEL, Mr. RINALDO, Mr. RICHARDSON, Mr. ROSTENKOWSKI, Mr. RITTER, Mr. RIDGE, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. STENHOLM, Mr. SKEEN, Mr. SWIFT, Mr. SCHAEFER, Mr. SABO, Mr. SPENCE, Mr. TALLON, Mr. TOWNS, Mr. TAUKE, Mr. TORRICELLI, Mr. THOMAS of California, Mr. VANDERGRIFF, Mr. VENTO, Mr. VANDER JAGT, Mr. WEAVER, Mr. WHITEHURST, Mr. WEBER, Mr. WOLF.

Mr. WILLIAMS of Ohio, Mr. WEISS, Mr. WRIGHT, Mr. WOLPE, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. YATRON, Mr. ZABLOCKI, and Mr. ZSCHAU.

H.J. Res. 253: Mr. FROST, Mr. MINISH, Mr. DANIEL, Mr. LEWIS of California, Mr. YOUNG of Alaska, Mr. LEVIN of Michigan, Mr. KASICH, Mr. JACOBS, Mr. WON PAT, Mr. CARNEY, Mr. KOGOVSEK, Mr. PANETTA, Mr. SOLOMON, Mr. TOWNS, Mr. CARR, Mr. GILMAN, Mr. DEWINE, Mr. RUSSO, Mr. MAVROULES, Mr. FORSYTHE, Mrs. COLLINS, Mr. ADDABBO, Mr. SOLARZ, Mr. BREAUX, Mr. SILJANDER, Mr. BONIOR of Michigan, Mr. MARTINEZ, Mr. DOWNEY of New York, Mr. PRICE, and Mr. PRITCHARD.

H.J. Res. 260: Mrs. HOLT, Mr. BEILENSON, and Mr. MOORE.

H.J. Res. 289: Mr. FAZIO, Mr. HYDE, Mr. NEAL, Mr. SMITH of Florida, Mr. HUGHES, Mr. HOYER, Mr. JEFFORDS, Mr. WEISS, Mr. GILMAN, Mr. GEJDENSON, Mr. BEDELL, Mr. CHANDLER, and Mr. REID.

H.J. Res. 292: Mr. HANCE, Mr. KASTENMEIER, Mr. YATRON, Mr. COYNE, Mr. MARRIOTT, Mr. VANDER JAGT, Mr. DANIEL, Mr. FOGLIETTA, Mr. GOODLING, Mr. ROEMER, Mr. MAVROULES, Mr. WIRTH, Mr. RAHALL, Mr. PANETTA, Mr. MARTIN of New York, Mr. MARKEY, Mr. CONTE, Mr. COELHO, Mr. LANTOS, Mr. BRYANT, Mr. SKEEN, Mr. LEWIS of California, Mr. CORCORAN, Mr. WHITTAKER, Mr. WOLPE, Mr. LUKEN, and Mr. NOWAK.

H.J. Res. 313: Mr. EDWARDS of Oklahoma.

H.J. Res. 327: Mr. FRANK, Mr. FORSYTHE, Mr. HORTON, Mr. VANDERGRIFF, Mr. JEFFORDS, Mr. HUGHES, and Mr. RATCHFORD.

H.J. Res. 331: Mr. GEPHARDT, Mr. YOUNG of Alaska, Mr. WON PAT, Mr. DASCHLE, Mr. ACKERMAN, Mr. MATSUI, Mr. MURPHY, Mr. PRITCHARD, Mr. MCDADE, Mr. DICKS, Mr. VANDER JAGT, Mr. HEFTEL of Hawaii, Mr. PICKLE, Mr. WYDEN, Mr. TRAXLER, Mr. ROE, Mr. BROYHILL, Mr. KASICH, Mr. MAZZOLI, Mr. CARR, Mr. FORD of Tennessee, Mr. WHITLEY, Mr. CLARKE, Mr. BOEHLERT, Mr. O'BRIEN, Mr. LAFALCE, Mr. OLIN, Mr. NICHOLS, Mr. BROOMFIELD, Mr. BROOKS, Mr. DOWNEY of New York, Mr. CLINGER, Mr. VANDERGRIFF, Mr. BORSKI, Mr. MORRISON of Washington, Mr. HOWARD, Mr. DENNY SMITH, Mr. ANTHONY, Mr. BONER of Tennessee, Mr. FLIPPO, Mr. ANDREWS of North Carolina, Mr. TORRICELLI, Mr. WOLPE, Mr. ANDERSON, Mr. AKAKA, Mr. KOGOVSEK, Mr. HEFNER, Mr. SWIFT, Mr. WINN, Mr. HAMMERSCHMIDT, Mr. HARRISON, Mr. HATCHER, Mr. BROWN of California, Mr. YATRON, Mr. SMITH of New Jersey, Mr. WHITEHURST, Mr. WATKINS, Mr. MARTIN of North Carolina, Mr. HUGHES, Mr. KOLTER, Mr. BOSCO, Mr. ASPIN, Mr. PEPPER, Mr. SAWYER, Mr. STUMP, Mr. SHELBY, Mr. DAUB, Mr. MOORE, Mr. HOYER, Mr. LENT, Mr. EMERSON, Mrs. MARTIN of Illinois, Mr. FUQUA, Mr. DIXON,

Mr. FIELDS, Mr. JONES of North Carolina, Mr. BIAGGI, Mr. BENNETT, Mrs. BOXER, Mr. BATES, Mr. DANIEL B. CRANE, Mr. FOLEY, Mr. RAHALL, Mr. RITTER, Mr. GEJDENSON, Mr. DOWDY of Mississippi, Mr. ORTIZ, Mr. FISH, Mr. ROBINSON, Mr. MCHUGH, Mr. HARTNETT, Mr. PARRIS, Mr. BARNES, Mr. MCEWEN, Mr. MARTINEZ, Mr. BRITT, Mr. SPRATT, Mr. WILSON, Mr. WILLIAMS of Ohio, Mr. LONG of Maryland, Mr. DURBIN, Mr. YOUNG of Missouri, Mr. MOODY, Mr. PACKARD, Mr. STANGELAND, Mr. WHITTAKER, Mr. SMITH of Florida, Mr. GORE, Mr. WIRTH, Mr. LIVINGSTON, Mr. AUCOIN, Mr. GAYDOS, Mr. QUILLEN, Mrs. BOGGS, Mr. STARK, Mr. BEVILL, Mrs. VUCANOVICH, Mr. CHAPPIE, Mr. DEWINE, and Mr. MCNULTY.

H.J. Res. 333: Mr. GILMAN, Mr. ROE, Mr. MCGRATH, Mr. BOEHLERT, Mr. MARTIN of New York, Mr. SMITH of Florida, Mr. SOLARZ, Mr. OTTINGER, Mr. PANETTA, Mr. BERMAN, Mr. FAUNTROY, and Mr. DIXON.

H.J. Res. 341: Mr. ANDREWS of Texas, Mr. CHAPPIE, Mr. CHENEY, Mr. DANIEL B. CRANE, Mr. DAVIS, Mr. EDGAR, Mr. EDWARDS of California, Mr. FORSYTHE, Mr. GINGRICH, Mr. HANSEN of Idaho, Mr. HYDE, Mr. KASICH, Mr. KEMP, Mr. KRAMER, Mr. LOTT, Mr. MCCAIN, Mr. MCDONALD, Mr. MADIGAN, Mrs. MARTIN of Illinois, Ms. MIKULSKI, Mr. PORTER, Mr. QUILLEN, Mr. ROEMER, Mr. SOLOMON, Mr. STUMP, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, and Mr. WHITTAKER.

H. Con. Res. 93: Mr. TORRICELLI.

H. Con. Res. 111: Mr. MCGRATH, Mr. LIPINSKI, Mr. FAZIO, Mr. HORTON, Mr. RANGEL, Mr. GREEN, Mr. GUARINI, Mr. OTTINGER, Mr. REID, Mr. MORRISON of Washington, Mr. MCKINNEY, Mr. FORSYTHE, Mr. WAXMAN, Mr. CARPER, Mr. BROWN of Colorado, Mr. LEVINE OF CALIFORNIA, Mr. STOKES, and Mr. MCCAIN.

H. Con. Res. 119: Mr. LAGOMARSINO and Mr. PATTERSON.

H. Con. Res. 136: Mr. MCDONALD, Mr. KASTENMEIER, Mr. MCCANDLESS Mr. HILLIS, Mr. JEFFORDS, Mr. SHARP, and Mr. MYERS.

H. Con Res. 139: Mr. SUNIA, Mr. CORRADA, Mr. ROE, Mr. HORTON, Mr. KEMP, Mr. LAGOMARSINO, Mr. BROYHILL, Mr. HYDE, Mr. OLIN, Mr. FORSYTHE, Mr. FROST, Mr. RATCHFORD, Mr. MORRISON of Washington, Mr. EMERSON, Mr. RIDGE, Mr. WHEAT, Mr. BARNES, Mr. BOSCO, Mr. DE LA GARZA, Mrs. ROUKEMA, Mr. RAHALL, Mr. WON PAT, Mr. CHAPPELL, Mr. SMITH of Florida, Mr. MCGRATH, Mr. MINISH, Mr. PASHAYAN, Mr. EDWARDS of Oklahoma, Mr. SMITH of New Jersey, and Mr. YOUNG of Missouri.

H. Con. Res. 140: Mr. MORRISON of Connecticut, Mr. MITCHELL Mr. EVANS of Illinois, Mr. WALGREN, Mr. HOYER, Mr. LOWRY of Washington, and Mr. STUDDS.

H. Con. Res. 146: Mr. WHITEHURST, Mr. TALLON, Mr. WEBER, Mr. MCGRATH, Mr. ECKART, Mrs. MARTIN of Illinois, and Mr. BILIRAKIS.

H. Con. Res. 151: Mrs. BOXER, Mr. EDWARDS of California, Mr. MILLER of California, Mr. MCHUGH, Mr. ACKERMAN, Mr. PRITCHARD, Mr. HARRISON, Mr. MORRISON of Connecticut, Mr. DELLUMS, Mr. CROCKETT, Mr. HUGHES, Mr. SEIBERLING, Mr. RICHARDSON, Mr. ROE, Mr. EVANS of Illinois, Mr. DOWNEY of New York, Mr. RATCHFORD, Mr. FRANK, Mr. GEPHARDT, Mr. RAHALL, Mr. MITCHELL, Mr. REGULA, Mr. TOWNS, Mr. FAUNTROY, and Mr. OTTINGER.

H. Res. 190: Mr. BROOMFIELD.

H. Res. 255: Mr. LAGOMARSINO, Mr. DELLUMS, Mr. PATTERSON, Mr. WAXMAN, Mr. ZSCHAU, Mr. MCCANDLESS, Mr. MINETA, Mr. FAZIO, Mr. LEVINE of California, and Mr. SHUMWAY.

H. Res. 278: Mr. HORTON, Mr. DAUB, and Mr. CLINGER.

H. Res. 281: Mr. HAWKINS, Mr. STUDDS, Mr. CONTE, Mrs. BURTON of California, Mr. ECKART, Mr. LEWIS of Florida, Mr. EDWARDS of California, Mr. TORRES, Mr. ST GERMAIN, Mr. FRANK, Mr. SIMON, Mr. SCHEUER, Mr. LEHMAN of Florida, Mr. WYDEN, Mr. OBERSTAR, Mr. TOWNS, Mr. TALLON, Mr. FORD of Michigan, Mr. D'AMOURS, Mr. CORRADA, Mr. OTTINGER, Mr. BARNES, Mr. CROCKETT, Mr. LOWRY of Washington, Mr. WON PAT, Mr. KOGOVSEK, Mr. RATCHFORD, Mr. WEISS, Mr. STARK, Mr. SMITH of Florida, Mr. PATTERSON, Mr. EDGAR, Ms. KAPTUR, Mr. HERTEL of Michigan, Mr. MORRISON of Connecticut, Mr. BROWN of California, Mrs. BOXER, Ms. MIKULSKI, Mr. BONIOR of Michigan, Mr. MITCHELL, Mr. BERMAN, Mr. SEIBERLING, and Mr. MARTINEZ.

H. Res. 287: Mr. GLICKMAN, Mr. SUNIA, Mr. WHITEHURST, Mr. MADIGAN, Mr. WALKER, Mr. DRIER of California, Mr. MORRISON of Connecticut, Mr. WISE, Mr. DENNY SMITH, Mr. DEWINE, Mr. O'BRIEN, Mr. NIELSON of Utah, Mrs. MARTIN of Illinois, Mr. GREGG, and Mr. ROBERT F. SMITH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3502: Mr. PETRI.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

187. By the SPEAKER: Petition of the Synod of the Piedmont, Presbyterian Church (U.S.S.), Baltimore, Md., relative to Nicaragua; to the Committee on Foreign Affairs.

188. Also, petition of the city council, Rochester, Mich., relative to general revenue sharing; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. TAUZIN:

—Page 18, after line 2, insert:

EARLY LEAK DETECTION SYSTEMS

SEC. 5A. Section 3004 is amended by adding the following new subsection at the end thereof:

"(1) Not later than 12 months after the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983, the Administrator shall promulgate regulations requiring that facilities used for the storage or disposal of liquid hazardous waste or hazardous waste containing free liquids on or in the land shall be required to utilize approved leak detection systems and technologies. For purposes of this subsection, the term 'approved leak detection systems and technology' means a system or technology which the Administrator determines, on a case-by-case basis, to be capable of detecting and locating leaks of hazardous waste at the earliest practicable time.".

Make the necessary conforming changes in the table of contents.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1983:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

	QUARTER			
P	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

Organization or Individual Filing	Employer/Client
A-K ASSOCIATES, INC., 1225 8TH STREET, STE 590 SACRAMENTO, CA 95814	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT
Do	NATIONAL AIR TANKERS ASSN
ADVANCED COMMUNICATIONS, INC., 561 BOYLSTON STREET BOSTON MA 02116	AMERICAN HOT DIP GALVANIZED ASSN
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN INTERNATIONAL GROUP
Do	FARM LABOR ALLIANCE
Do	PUROLATOR, INC
Do	WEST INDIES RUM & SPIRITS PRODUCERS ASSN
Do	WESTERN GOVERNORS POLICY OFFICE
GEORGE PAUL ALEXA, 5021 SEMINARY ROAD ALEXANDRIA VA 22311	
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	BECHTEL POWER CORPORATION
Do	LUCASFILM LTD.
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195	
AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036	
AMERICAN VIDEO RIGHTS COALITION, INC, 2899 WEST 26TH STREET ERIE PA 16506	
JOEL E. AMKRAUT, 1620 SEABRIGHT AVENUE P.O. BOX 2247 SANTA CRUZ CA 95063	NATIONAL RIGHT TO MAIL COMMITTEE
JAN S. AMUNDSON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN
ANDERSON, HIBEY, NAUHEIM & BLAIR, 1605 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	INSTITUTE OF FINANCIAL FISCAL STUDIES OF CURACAO, ET AL.
PATRICK S. ANTRIM, 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INDIANA ASSOCIATES
Do	INTELSAT
Do	SITMAR CRUISES, INC
Do	TOYOTA MOTOR CORPORATION
ARMSTRONG, TEASDALE, KRAMER & VAUGHAN, 611 OLIVE STREET, #1900 ST. LOUIS MO 63101	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	INEXCO OIL CO
ARTER, HADDEN & HEMMENDINGER, 1919 PENNSYLVANIA AVENUE, NW, #400 WASHINGTON DC 20006	AD HOC COMM OF AMER VINYL DISTRIBS & FINISHED VINYL GOODS MF
ASSOCIATION FOR BROADCAST ENGINEERING STANDARDS, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036	
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	CONSOLIDATED EDISON CO OF NEW YORK
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	HOLCOMB INVESTMENTS, INC
L. A. BAFALIS, 99198 OVERSEAS HIGHWAY KEY LARGO FL 33037	PROVIDENT LIFE & ACCIDENT INSURANCE CO
DAVID BAKER, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION
WILLIAM S. BAKER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
DELMAR K. BANNER, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	BEAR STEARNS & CO
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC
Do	SINGAPORE AIRLINES, LTD
BASKINS AND SEARS, P.C., 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA
BARBARA BAUMAN, 1990 M STREET, NW, #480 WASHINGTON DC 20036	DETROIT EDISON COMPANY
JEFFREY L. BEARD, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
RONALD L. BEEBER, 1660 L STREET, NW WASHINGTON DC 20036	GENERAL MOTORS CORPORATION
MARK BELANGER, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN
FREDERICK S. BENSON III, 1625 EYE STREET, NW, #902 WASHINGTON DC 20006	WEYERHAEUSER COMPANY
BILLIG SHER & JONES, 2033 K ST., NW WASHINGTON DC 20006	'PORT USERS'
Do	AMERICAN BAKERS ASSN
BINGHAM, DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	VISA U.S.A., INC
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA BANKERS ASSN
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY
EDWARD J. BLACK, TENDLER, BLACK & BIGGINS 1110 VERMONT AVENUE, NW WASHINGTON DC 20006	COMPUTER & COMMUNICATION INDUSTRY, ASSOCIATION
SAMUEL H. BLACK, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	BOWMAN CONNER TOUHEY & THORNTON
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	GLOBAL COMMUNICATIONS
Do	LINEAR AIR MOTORS
Do	NETCO
Do	PRIMARK CORPORATION
Do	SAFEKEEPER SYSTEMS, INC.
Do	SAFLOK
Do	U.S. MANUFACTURING COMPANY
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	TEXAS EASTERN TRANSMISSION COMPANY
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN
Do	FLOATING POINT SYSTEM
Do	VIDEOTEX INDUSTRY ASSN
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC
BOOTHE, PRICHARD & DUDLEY, 4103 CHAIN BRIDGE RD. FAIRFAX VA 22030	R. F. & P. RAILROAD
WAYNE A. BOUTWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	ACCOUNTS MANAGEMENT CORPORATION
Do	AUSTRIAN, LANCE & STEWART, P.C
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	SOUTHERN ARIZONA WATER RESOURCES ASSN
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN INDEPENDENT REFINERS ASSN
PATRICIA L. BRAND, 1110 VERMONT AVENUE, NW, #430 WASHINGTON DC 20005	HELICOPTER ASSOCIATION INTERNATIONAL
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: AMERICAN POSTAL WORKERS UNION)
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS)
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS COMPANY)
NANCY B. BROFF, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SCHOCHET ASSOCIATES
E. PHILIP BUSH, 2700 REPUBLIC BANK TOWER DALLAS TX 75201	TAYLOR & MIZELL
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NEW MEXICO PUBLIC SERVICE COMMISSION/ENERGY & MINERALS DEPT
Do	PHILADELPHIA FACILITIES MANAGEMENT CORP
M. CALDWELL BUTLER, P.O. BOX 720 ROANOKE VA 24004	ELECTRONIC PROCESSING, INC
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AD HOC COMMITTEE OF FLOOR BROKERS
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVENUE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND MUTUAL LIFE INSURANCE CO
ROBERT E. CAMPBELL, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT
RUTH CAPLAN, 1346 CONNECTICUT AVENUE, NW, #731 WASHINGTON DC 20036	ENVIRONMENTAL ACTION, INC
J. PHILIP CARLSON, SUITE 935, WASHINGTON BUILDING 1435 G STREET, NW WASHINGTON DC 20005	EUGENE L. STEWART AND ROSES, INC
WILLIAM E. CASSELMAN II , SUITE 675 NORTH 1800 M STREET, NW WASHINGTON DC 20036	DORSEY & WHITNEY (FOR: NORTHROP UNIVERSITY)
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS)
CHADBOURNE, PARKE, WHITESIDE & WOLFF, 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	BERENERGY CORPORATION
Do	CRINCO INVESTMENTS, INC
Do	MANUFACTURERS LIFE INSURANCE COMPANY
Do	MONEGON LTD.
Do	NATIONAL ASSN OF BROADCASTERS
Do	SOLAREX CORPORATION
Do	WASHINGTON PSYCHIATRIC SOCIETY
CHAMBERS ASSOCIATES, INC, 1411 K STREET, NW, #500 WASHINGTON DC 20005	APACHE CORPORATION
Do	MANVILLE CORPORATION
Do	STATE OF OREGON, DEPT. OF HUMAN RESOURCES
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	LAURANCE S. ROCKEFELLER
CHAPMAN, DUFF AND PAUL, 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANNUAL CHARGES POLICY GROUP
STEPHAN E. CHERTOFF, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD ASSN
CLEARY, GOTTLIEB, STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	FORMALDEHYDE INSTITUTE
COALITIONS FOR AMERICA, 721 SECOND STREET, NE WASHINGTON DC 20002	
COFFEE, SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048	
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	BENNINGTON COLLEGE
DANIEL L. COHEN, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC
COMMITTEE FOR FAIR INSURANCE RATES, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	
COMMUNICATIONS MANAGEMENT, INC, 1925 NORTH LYNN STREET, #1140 ARLINGTON VA 22209	NATURAL GAS SUPPLY ASSN
PAULA J. CONNOLLY, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO

Organization or Individual Filing	Employer/Client
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	GC SERVICES CORP
WILLIAM C. COPP, 510 21ST STREET, NW, #308 WASHINGTON DC 20006	HALE FOUNDATION
GORDON R. COREY, 2511 PARK PLACE EVANSTON IL 60201	COMMONWEALTH EDISON COMPANY
EDWARD B. COTTINGHAM, GOLDBERG COTTINGHAM EASTERLING & NAPIER P.O. BOX 655 BENNETTSVILLE SC 29512	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	HOUDAILLE INDUSTRIES, INC
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	ALASKA LUMBER AND PULP
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOME OWNERS WARRANTY CORPORATION
Do	NATIONAL ASSN OF MANUFACTURERS
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106	
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN
Do	STOCKTON TERMINAL & EASTERN RAILROAD
DANIELS, HOULIHAN & PALMETER, P.C., 1819 H ST., NW WASHINGTON DC 20006	KOREAN TRADERS ASSOCIATION
A. JOAN DANNELLEY, P.O. BOX 269 ELIZABETHTOWN PA 17022	AMERICAN ASSN OF MEAT PROCESSORS
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GENERAL LIFE INSURANCE CO
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN CAN CO
Do	AMERICAN STOCK EXCHANGE, INC
Do	BROWNING FERRIS INDUSTRIES, INC
Do	DAMSON OIL CORP
Do	PANHANDLE EASTERN PIPE LINE CO
Do	VELO-BIND, INC
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS
Do	NATURAL GAS SUPPLY ASSN
DUNCAN, ALLEN & MITCHELL, 1575 EYE STREET, NW WASHINGTON DC 20005	COLORADO RIVER ENERGY DISTRIBUTORS ASSN
DUNCAN, WEINBERG, & MILLER, SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	STATE OF NEVADA
DUNNELLS, DUVALL, BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG, 1920 N STREET, NW, #100 WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC
Do	TOTAL PETROLEUM, INC
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WALTON & SON, STEVEDORING COMPANY
Do	WESTERN FUELS ASSOCIATION, INC
JOHN M. EDSALL, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC
PHYLLIS EISEN, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
J. BARRY EPPERSON, P.O. BOX 42464 HOUSTON TX 77242	ASSOCIATED WIRE ROPE FABRICATORS
EPSTEIN, BECKER, BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	CREDIT UNION NATIONAL ASSN
MICHAEL I. FANNING, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
FARNSWORTH, MARTIN & GALLAGHER, 1823 JEFFERSON PLACE, NW WASHINGTON DC 20036	MONEGON, LTD
DONALD M. FEHR, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	DIRECT BROADCAST SATELLITE CORP
Do	M/A-COM DEVELOPMENT CORP
Do	STROMBERG-CARLSON CORPORATION
Do	TDI WINSTON NETWORK, INC
Do	TRANSIT ADVERTISING ASSN, INC
Do	TRT TELECOMMUNICATIONS CORP
Do	TURNER BROADCASTING SYSTEM, INC
L. RICHARD FISCHER, MORRISON & FOERSTER 1920 N STREET, NW WASHINGTON DC 20036	MASTERCARD INTERNATIONAL, INC
WAYNE A. FLETCHER, 200 W. MADISON STREET, #1600 CHICAGO IL 60606	NATIONAL FUTURES ASSOCIATION
R. D. FOLSOM, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	R. DUFFY WALL & ASSOCIATES, INC (FOR: WESTERN FOREST INDUSTRIES ASSN)
FORESIGHT, INC, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	CONSORTIUM OF SOCIAL SCIENCE ASSNS
Do	SOCIETY FOR AMERICAN ARCHAEOLOGY
RICHARD C. FORTUNA, 4201 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20016	HAZARDOUS WASTE TREATMENT COUNCIL
FRANCIS & MCGINNIS ASSOCIATES, INC, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN
LESLIE C. FRANCIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
Do	GRAY AND COMPANY (FOR: NATIONAL BRADDCASTING COMPANY)
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	UNIVERSAL MARITIME SERVICE CORPORATION
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	HOTEL INVESTORS TRUST
Do	SAMUEL GARY OIL PRODUCER, INC
Do	SANTA ANITA REALTY ENTERPRISES, INC
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP
JOSE A. GEMEIL, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP
Do	HERCULES, INC
Do	LOCKHEED-GEORGIA COMPANY
Do	PROFESSIONAL INSURANCE AGENTS
Do	TURNER BROADCASTING SYSTEM, INC
Do	U.S. CANE SUGAR REFINERS' ASSN
GLOBAL USA, INC, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	FANUC, LTD
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	GLOBAL COMMUNICATIONS
Do	LINEAR AIR MOTORS
Do	NETCO
Do	PRIMARK CORPORATION
Do	SAFEKEEPER SYSTEMS, INC
Do	SAFLOK
Do	U.S. MANUFACTURING COMPANY
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)
CHARLES E. GOODELL, 1225 19TH STREET, NW WASHINGTON DC 20036	KING & SPALDING (FOR THOMSON-CSF, INC)
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION)
DANIEL GOODWIN, ONE IBM PLAZA, #3700 CHICAGO IL 60611	FINANCIAL INVESTMENT ASSOCIATES, INC
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: EXECUTIVE COUNCIL ON FOREIGN DIPLOMATS)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
Do	GRAY AND COMPANY (FOR: GRUMMAN CORPORATION)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH
RODMAN D. GRIMM, 600 WATER STREET, SW WASHINGTON DC 20024	DGR INVESTMENT CORP (FOR: RIO BLANCO PROPERTIES)
HOWARD M. GROEDEL, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	COLORADO-UTE
Do	SOUTHERN CALIFORNIA EDISON COMPANY
RICHARD A. GROSS, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	ASSOCIATION OF AMERICAN CANCER INSTITUTES
Do	COOLEY'S ANEMIA FOUNDATION
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	INTERNATIONAL CHIROPRACTIC ASSN
Do	ST. JOE MINERALS CORPORATION
JOHN REED HAINES, P.O. BOX 1102 READING PA 19603	MERIDIAN BANCORP, INC
MICHAEL L. HALL, 1015 15TH STREET, NW, #201 WASHINGTON DC 20005	
KIMBERLEY C. HALLAMORE, 1725 K STREET, NW WASHINGTON DC 20006	REPUBLIC OF SOUTH AFRICA, EMBASSY

Organization or Individual Filing	Employer/Client
SEYMOUR HALPERN, 540 MADISON AVE. NEW YORK NY 10022	BARON/CANNING AND COMPANY, INC (FOR: REPUBLIC OF KOREA)
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	SKYLINK CORPORATION, INC
HANNAFORD CO., INC., SUITE 750 1225 19TH STREET, NW WASHINGTON DC 20036	COMMITTEE FOR FAIR INSURANCE RATES
Do	ROCKWELL INTERNATIONAL
HANNAFORD INTERNATIONAL, INC, SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	LEBANESE INFORMATION & RESEARCH CENTER
GILBERT HARDY, WALD, HARKRADER & ROSS 1300 19TH STREET, NW WASHINGTON DC 20036	NATIONAL CONFERENCE OF BLACK MAYORS
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: ECOLOGICAL PROFESSIONAL INDUSTRIES, INC)
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPT, AFL-CIO
JOHN W. HAZARD JR., WEBSTER, CHAMBERLAIN & BEAN 1747 PENNSYLVANIA AVENUE, NW, #1000 WASHINGTON DC 20006	DIAGNOSTIC/RETREIVAL SYSTEMS, INC
ROBERT M. HEINE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO, INC
NOEL HEMMENDINGER, 1300 19TH STREET, NW WASHINGTON DC 20036	WALD, HARKRADER & ROSS (FOR: JAPAN IRON & STEEL EXPORTERS' ASSN)
ALBERTA L. HENDERSON, 1100 15TH STREET, NW, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSOCIATION
HERON, BURCHETTE, RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA
Do	CALIFORNIA ALMOND GROWERS EXCHANGE
Do	FARM LABOR ALLIANCE
Do	IMPERIAL VALLEY ASPARAGUS GROWERS ASSN
Do	NATIONAL ASSN OF INSURANCE COMMISSIONERS
Do	SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT
Do	SUN-DIAMOND GROWERS OF CALIFORNIA
Do	SUNKIST GROWERS, INC
BARBARA V. HESS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN
Do	NATIONAL HOSPICE ORGANIZATION
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	LIBERTY CORPORATION
HOSPITAL CORPORATION OF AMERICA, 2000 L STREET, NW, #200 WASHINGTON DC 20035	
HOVING GROUP, 2550 M STREET, NW, #695 WASHINGTON DC 20037	EAGLE-PICHER INDUSTRIES
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
EDWIN T. C. ING, CADES SCHUTTE FLEMING & WRIGHT 1001 22ND STREET, #740 WASHINGTON DC 20037	HAWAIIAN ELECTRIC COMPANY, INC
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U.S. RECREATIONAL SKI ASSOCIATION
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS, BEDFORD CONSULTANTS BUILDING BOX 605 BEDFORD NY 10506	
INTERNATIONAL BUSINESS & ECONOMIC RESEARCH CORPORATION, 1819 H STREET, NW WASHINGTON DC 20006	KOREAN TRADERS ASSOCIATION
INTERNATIONAL GOLD CORPORATION LIMITED, 645 FIFTH AVENUE NEW YORK NY 10022	
INTERSTATE CARRIERS CONFERENCE, 1616 P STREET, NW WASHINGTON DC 20036	
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 111 N. GADSDEN STREET TALLAHASSEE FL 32301	AMERICAN PETROLEUM INSTITUTE
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	GLOBAL COMMUNICATIONS
Do	LINEAR AIR MOTORS
Do	NETCO
Do	PRIMARK CORPORATION
Do	SAFEKEEPER SYSTEMS, INC
Do	SAFLOK
Do	U.S. MANUFACTURING COMPANY
LESLIE A. JANKA, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION)
JENNER & BLOCK, ONE IBM PLAZA CHICAGO IL 60611	AMUSEMENT & MUSIC OPERATORS ASSOCIATION
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY
NANCIE S. JOHNSON, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONOCO, INC
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
WALLACE E. JOHNSON, MOFFET, LARSON & JOHNSON, P.C. 1925 NORTH LYNN STREET, #700 ARLINGTON VA 22209	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION
WILEY N. JONES, 1828 L STREET, NW WASHINGTON DC 20036	SOUTHERN PACIFIC CO. & AFFILIATES
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
KENDALL & ASSOCIATES, 1750 NEW YORK AVENUE, NW, #210 WASHINGTON DC 20006	CLADOUHOS & BRASHARES (FOR SMITH BARNEY HARRIS UPHAM & CO)
Do	CLADOUHOS & BRASHARES (FOR TOYOTA MOTOR SALES, USA)
Do	CARL M. FREEMAN ASSOCIATES, INC
Do	HELLER, EHRMAN, WHITE & MCAULIFFE
Do	MANVILLE CORPORATION
Do	WASHINGTON PSYCHIATRIC SOCIETY
Do	WORLDWIDE INFORMATION RESOURCES, INC
CORNELIUS B. KENNEDY, 4801 MASSACHUSETTS AVENUE, NW, #400 WASHINGTON DC 20016	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW SUITE 300 WASHINGTON DC 20006	CFS CONTINENTAL
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL
DANIEL T. KINGSLEY, 1730 NORTH LYNN STREET, #400 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSN
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	INTERNATIONAL GOLD CORPORATION LIMITED
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)
KARL R. KLINGELHOFER, 5417 THETFORD PLACE ALEXANDRIA VA 22310	ROBERT P. WILL
JOAN M KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)
JEFFREY KRAUSS, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	M/A-COM, INC
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
JOSEPH L. LACH, 1025 CONNECTICUT AVENUE, NW, #214 WASHINGTON DC 20036	MANVILLE SERVICE CORPORATION
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES
STEPHEN L. LANDE, MANCHESTER ASSOCIATES, LTD. 1155 15TH STREET, NW, #811 WASHINGTON DC 20005	INVESTMENT COUNCIL OF PANAMA
LANDIS, COHEN, SINGMAN AND RAUH, 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COMMUNITY REDEVELOPMENT AGENCY
Do	CONTINENTAL WINGATE COMPANY
Do	DRIFTWOOD DAIRY
ELIZABETH LAWSON, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	EXPRESS FOODS CO., INC
PAUL A. LENZINI, CHAPMAN, DUFF AND PAUL 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CHR. BJELLAND & CO., INC.
Do	INDUSTRIAL SIDERURGICA, INC.
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PLYWOOD ASSOCIATION
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55480	NORWEST CORPORATION
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	CITY GAS COMPANY
Do	IOWA DEPARTMENT OF TRANSPORTATION
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS
ALAN W. LONG JR., 500 W. 22ND STREET NEW YORK NY 10011	
DONALD C. LUBICK, 1776 F STREET, NW WASHINGTON DC 20006	BUFFALO PHILHARMONIC ORCHESTRA
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS
M/A-COM, INC, 1350 PICCARD DRIVE, #304 ROCKVILLE MD 20850	
LEIGH U. MADDUX, 3600 NORTH 36TH ROAD ARLINGTON VA 22207	CERTAINTEED CORPORATION
CHARLES MAGUIRE, 3315 P STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC
MICHAEL MAHDESIAN, 1514 17TH STREET, NW, #306 WASHINGTON DC 20009	ARMENIAN NATIONAL COMMITTEE
MAJOR LEAGUE BASEBALL PLAYERS ASSN, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BKK CORPORATION
Do	CALIFORNIA VISION SERVICE PLAN
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC
Do	DEPARTMENT OF WATER & POWER OF THE CITY OF LOS ANGELES
Do	GENERAL AMERICAN LIFE INSURANCE CO
Do	HOME LIFE INSURANCE COMPANY
Do	LOS ANGELES RAPID TRANSIT DISTRICT
Do	PACIFIC MUTUAL LIFE INSURANCE COMPANY

Organization or Individual Filing	Employer/Client
Do	PROVIDENT MUTUAL LIFE INSURANCE COMPANY OF PHILADELPHIA
Do	SHAH & ASSOCIATES, INC
Do	STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA
Do	SYSTEMS & APPLIED SCIENCES
Do	UCI, INC
FRANK MANKIEWICZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)
DONALD R. MARKLEY, 10880 WILSHIRE BOULEVARD LOS ANGELES CA 90024	WHITTAKER CORPORATION
VILMA S. MARTINEZ, 612 S. FLOWER STREET, 5TH FLOOR LOS ANGELES CA 90017	MUNGER, TOLLES & RICKERSHAUSER (FOR: SPANISH INTERNATIONAL COMMUNICATION CORP)
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	STEPAN CHEMICAL COMPANY
TERENCE R. MCAULIFFE, MCAULIFFE & ASSOCIATES 812 D STREET, NE WASHINGTON DC 20002	NATIONAL ASSN OF INSURANCE COMMISSIONERS
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ESTATE OF CHARLES G. BLUHDORN
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	FEDERAL KEMPER LIFE ASSURANCE CO
Do	KEMPER CASUALTY CO
Do	KEMPER INVESTORS LIFE INSURANCE
Do	SPRINGFIELD MARINE BANK (FOR: ESTATE OF GEORGE W. BUNN)
PATRICIA G. MCGINNIS, 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE
JOSEPH M. MCGUIRE, 1815 N. FT. MEYER DR., ARLINGTON, VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	PAN-ALBERTA GAS LTD.
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	COLT INDUSTRIES
Do	GENERAL MILLS
Do	HARRIS CORPORATION
Do	METROPOLITAN INSURANCE
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)
MID-CONTINENT TELEPHONE CORPORATION, 100 EXECUTIVE PARKWAY HUDSON OH 44236	
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE ST., NW WASHINGTON DC 20006	JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY
Do	MUTUAL LIFE INSURANCE COMPANY OF NEW YORK
Do	NEW YORK LIFE INSURANCE COMPANY
Do	PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSOCIATION
EDWARD J. MILNE JR., 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING COMPANY
MINNESOTANS FOR PEACE IN CENTRAL AMERICA, 920 NICOLLET MALL, RM. 300 MINNEAPOLIS MN 55402	
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, 1825 EYE STREET, NW WASHINGTON DC 20006	HOUGHTON MIFFLIN COMPANY
TERRENCE W. MODGLIN, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	AMERICAN INSTITUTE OF MERCHANT SHIPPING
KENNETH E. MOFFETT, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN
JOHN B. MONAHAN JR., 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL PASSENGER TRAFFIC ASSN
MARY MONROE, 1919 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	INTERNATIONAL AIRLINE PASSENGERS ASSN, INC
LYLE J. MORRIS, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	FORESIGHT, INC (FOR: CONSORTIUM OF SOCIAL SCIENCE ASSNS)
Do	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	PUBLIC SERVICE COMPANY OF NEW MEXICO
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CLEVELAND CLIFFS IRON CO
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO
Do	FREEPORT MINERALS CO
Do	IRON ORE LESSORS ASSOCIATION
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
Do	MUTUAL BENEFIT LIFE
Do	NATIONAL COUNCIL OF COAL LESSORS, INC
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO
Do	PENN MUTUAL LIFE INSURANCE CO
D. MICHAEL MURRAY, MURRAY AND SCHEER 2550 M STREET, NW WASHINGTON DC 20037	CONNECTICUT MUTUAL LIFE INSURANCE CO
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
Do	MUTUAL BENEFIT LIFE
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO
Do	PENN MUTUAL LIFE INSURANCE CO
JULIA NANAY, C/O GINSBURG, FELDMAN, WEIL & BRESS 1700 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CHARTER OIL CO
JOHN L. NAPIER, 232 EAST CAPITOL ST. WASHINGTON DC 20003	FLUE CURED TOBACCO STABILIZATION CORPORATION
Do	GENERAL MILLS CORPORATION
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC
Do	TURNER BROADCASTING SYSTEM, INC
PHILIP NASH, 399 OAK AVENUE MAYWOOD NJ 07607	WASHINGTON COALITION ON REDRESS
NATIONAL ASSN OF PHARMACEUTICAL MANUFACTURERS, 747 THIRD AVENUE NEW YORK NY 10017	
NATIONAL CITIZENS' LOBBY, INC, 934 FIRST CAPITOL DRIVE ST. CHARLES MO 63301	
NATIONAL PRINTING EQUIPMENT & SUPPLIES ASSN, INC, 6849 OLD DOMINION DRIVE, #200 MCLEAN VA 22101	
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BUSINESS DEVELOPMENT CORPS
DOUG NETHERCUT, 2124 GARFIELD AVENUE, #10 MINNEAPOLIS MN 55405	MINNESOTANS FOR PEACE IN CENTRAL AMERICA
W. F. NICHOLAS, 69 CANNON STREET LONDON E C4 ENGLAND	LONDON CHAMBER OF COMMERCE AND INDUSTRY
JAMES O. E. NORELL, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORPORATION
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	COOK INLET REGION, INC
Do	INTERSTATE NATURAL GAS ASSN OF AMERICA
Do	TRUST FOR PUBLIC LANDS
RICHARD T. O'CONNELL, RICHARD T. O'CONNELL & ASSOCIATES, INC 3208 TRAVELER STREET FAIRFAX VA 22030	CHOCOLATE MANUFACTURERS ASSN OF THE USA
Do	NATIONAL CONFECTIONERS ASSN OF THE U.S.
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	DOUGHERTY, DAWKINS, STRAND & YOST
Do	INSURANCE ASSN OF CONNECTICUT
Do	MILLER & SCHROEDER MUNICIPALS, INC
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BRIGHAM AND WOMEN'S HOSPITAL, INC
JOSEPH N. ONEK, ONEK, KLEIN AND FARR 2550 M STREET, NW, #250 WASHINGTON DC 20037	MAJOR LEAGUE BASEBALL PLAYERS ASSN
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS
GENE E. OVERBECK, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN AIRLINES
HENRY H. PAIGE, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY
PETER J. PANTUSO, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	NATIONAL CONFECTIONERS ASSN OF THE U.S.
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	ALUMINUM COMPANY OF AMERICA
Do	ARMCO, INC
Do	BASIC INDUSTRIES COALITION, INC
Do	COMPUTER DEALERS & LESSORS ASSOCIATION, INC
Do	MEAD CORPORATION
Do	STEPHENS, INC
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC
GEORGE C. PENDLETON, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN
PERITO, DUERK, CARLSON & PINCO, P.C., 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PROTESTANT HOSPITAL ASSN
G. STEPHEN PERRY, 115 D STREET, SE, #G-8 WASHINGTON DC 20003	U.S. TELEPHONE, INC.
BRIAN T. PETTY, 1901 L STREET, NW, #702 WASHINGTON DC 20036	INTERNATIONAL ASSN OF DRILLING CONTRACTORS
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	OKLAHOMA NATURAL GAS COMPANY
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	NL INDUSTRIES
RONALD L. PLESSER, BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	AMERICAN NEWSPAPER PUBLISHERS ASSN
Do	VIDEOTEX INDUSTRY ASSOCIATION
WILLIAM J. POTTS JR., HALEY, BADER & POTTS 2000 M STREET, NW, #600 WASHINGTON DC 20036	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC
Do	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS OF THE U.S.
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	ANNE M. BURFORD
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY CO
Do	AMERICAN INSURANCE ASSOCIATION
Do	CITY OF CINCINNATI
Do	CITY OF LAKEWOOD
Do	CITY OF SCOTTSDALE
Do	CITY OF ST. LOUIS
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY
Do	LUMMI INDIAN BUSINESS COUNCIL

Organization or Individual Filing	Employer/Client
Do	STATE OF ALASKA
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	ELKEM METALS COMPANY
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	R. J. REYNOLDS TOBACCO COMPANY
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	FORUM COMMUNICATIONS
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20002	ASSOCIATED NATURAL GAS COMPANY, ET AL
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO
MARYALYCE REILLY, 9300 LIVINGSTON ROAD FORT WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN
ALAN K. RICHARDS, 1709 NEW YORK AVENUE, NW, #303 WASHINGTON DC 20006	BLUE CROSS & BLUE SHIELD ASSOCIATION
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	ALASKA LUMBER AND PULP
Do	SIKORSKY AIRCRAFT
RIDDELL, FOX, HOLROYD & JACKSON, P.C., 723 WASHINGTON BLDG. WASHINGTON DC 20005	ASSOCIATES CORPORATION OF AMERICA
Do	KIDDER, PEABODY & CO, INC
MARK ALAN RILLING, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN
RICHARD Y. ROBERTS, PAPPANASTOS SAMFORD ROBERTS & BLANCHARD ONE COURT SQUARE, #311 MONTGOMERY AL 36102	NATURAL GAS SUPPLY ASSN
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	MORRIS & GWENDOLYN CAFRITZ FOUNDATION
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	GENERAL MILLS, INC
DAVID A. ROSEMOND, 750 N.W. 15TH STREET, #3 MIAMI FL 33136	
MIRIAM A. ROSENBERG, ONE DUPONT CIRCLE, NW, #610 WASHINGTON DC 20036	AMERICAN ASSOCIATION FOR COUNSELING AND DEVELOPMENT
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A.
TIMOTHY R. RUGH, 7900 WESTPARK DRIVE, #514 MCLEAN VA 22102	CHOCOLATE MANUFACTURERS ASSN OF THE USA
RONALD A. SARASIN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN
THOMAS J. SCANLON, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	J. ARMANDO BERMUDEZ
RICHARD H. SCHECK, 1650 FITZGERALD LANE ALEXANDRIA VA 22302	
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	BARRY UNIVERSITY
Do	NORTHWESTERN UNIVERSITY
Do	RENSSELAER POLYTECHNIC INSTITUTE
RICHARD P. SCHWEITZER, 700 N. FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY
M. FRANK SELLERS, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
WILLIAM H. SHAWN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT
SHEA PRODUCTS, INC, P.O. BOX 184 CLAWSON MI 48017	
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP
CLIFFORD E. SIMS, 3021 FLAMINGO DRIVE ST. CHARLES MO 63301	NATIONAL CITIZENS' LOBBY, INC
DAVID B. SINGER, 1050 17TH STREET, NW, #1100 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC & SUBSIDIARIES
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	TRANSCO ENERGY COMPANY
Do	TRICENTROL U.S., INC
AMY SKILBRED, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC
SLOVER & LOFTUS, 1224 17TH ST., NW WASHINGTON DC 20036	EASTERN COAL TRANSPORTATION CONFERENCE
DAVID S. SMITH, 1701 PENNSYLVANIA AVE., NW, #1102 WASHINGTON DC 20006	MARTIN, BECK & SMITH
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	SAN FRANCISCO P.V.C.
DON S. SMITH, THE SMITH FIRM 1120 20TH STREET, NW, #S-700 WASHINGTON DC 20036	
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	AMERICAN WATERWAYS OPERATORS, INC
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS
SQUIRE, SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BROWN & ROOT, INC
Do	COMMITTEE FOR AD VALOREM EQUITY
Do	EMPLOYEE STOCK OWNERSHIP ASSN
Do	TEXAS & SOUTHWESTERN CATTLE RAISERS ASSN
Do	TEXAS CATTLE FEEDERS ASSN
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BRAZILIAN COFFEE INSTITUTE
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BRAZILIAN COFFEE INSTITUTE)
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	GA TECHNOLOGIES, INC
NANCY M. STIMPFLE, 1441 OAKVIEW DRIVE MCLEAN VA 22101	CITIZENS FOR A NUCLEAR FREEZE
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	DREYFUS CORPORATION
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	CAVALIER CLOTHING
Do	DALE FASHIONS
Do	LONDON CHAMBER OF COMMERCE AND INDUSTRY
Do	MAJOR CLOTHING CO
Do	SOUTH JERSEY CLOTHING
THOMAS M. SUSMAN, ROPES & GRAY 1001 22ND STREET, NW WASHINGTON DC 20037	ECONOMIC DEVELOPMENT & INDUSTRIAL CORP OF BOSTON
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	GENERAL MOTORS CORPORATION
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)
Do	TAFT, STETTINIUS & HOLLISTER (FOR: RCA GLOBAL COMMUNICATIONS, INC)
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)
TAYLOR & MIZELL, 2700 REPUBLICBANK TOWER DALLAS TX 75201	
ROBERT C. TAYLOR, 2700 REPUBLICBANK TOWER DALLAS TX 75201	TAYLOR & MIZELL
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: ALPHA DATA)
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SOUTHEASTERN EXPORTERS)
ALAN J. THIEMANN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC
ROBERT J. THOMPSON, UTICA TOWER, SUITE 912 1924 SOUTH UTICA TULSA OK 74104	THOMPSON & CO. AND GRAY & COMPANY
THOMPSON, HINE & FLORY, 1920 N ST., NW WASHINGTON DC 20036	MID-CONTINENT TELEPHONE CORPORATION
HAROLD A. THORNTON & ASSOCIATES, 1301 15TH STREET, NW WASHINGTON DC 20005	COMMITTEE TO IMPROVE PUBLIC SCHOOL LIBRARIES
SARA THURIN, 1730 RHODE ISLAND AVENUE, NW, #500 WASHINGTON DC 20036	NATIONAL COALITION OF INDEPENDENT COLLEGE & UNIV. STUDENTS
MICHAEL M. TIERNAN, 1815 NORTH FORT MYER DRIVE ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202	
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC
U.S. HOUSING REFORM MOVEMENT, P.O. BOX 28347 WASHINGTON DC 20005	
U.S. RECREATIONAL SKI ASSOCIATION, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	
JOSEPH UEHLEIN, 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	TIMET TITANIUM
THOMAS C. UNIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)
THOMAS C. UNIS, P.C., 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)
LIONEL VAN DEERLIN, 2945 FRUITLAND DRIVE VISTA CA 92083	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE
LAURA VAN ETTEN, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	CASTLE & COOKE, INC
Do	JOSEPH SEAGRAM & SONS, INC.
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE
M. DAVID VAUGHN, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSN OF AMERICA
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE
DAVID VIENNA, 510 C ST., NE WASHINGTON DC 20005	HORSEMEN'S BENEVOLENT & PROTECTIVE ASSN
DENNIS C. VIERRA, VIERRA ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
Do	METROPOLITAN TRANSPORTATION AUTHORITY
Do	NIAGARA FRONTIER TRANSPORTATION AUTHORITY
MICHAEL F. VIGIL JR., 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	SOUTHERN HOTEL DEVELOPMENT CO
Do	YANKEE RESOURCES, INC
DOUGLAS P. WACHHOLZ, 7002 BRIGHT AVENUE MCLEAN VA 22101	WEST INDIES RUM & SPIRITS PRODUCERS' ASSN

Organization or Individual Filing	Employer/Client
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ANHEUSER-BUSCH COMPANIES, INC.
Do	NATIONAL PAYMENT SYSTEMS COALITION
R. DUFFY WALL & ASSOCIATES, INC, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	WESTERN FOREST INDUSTRIES ASSN
DONALD L. WALLACE JR , 232 E. CAPITOL ST. WASHINGTON DC 20003	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC
MAVIS A. WALTERS, 900 17TH STREET, NW, #1010 WASHINGTON DC 20006	INSURANCE SERVICES OFFICE
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE
HERBERT C. WAMSLEY, 1800 M STREET, NW, #1030N WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC
ERNEST R. WARNER JR , 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE DE CONST DE MOTEURS D'AVIATION)
WASHINGTON COALITION ON REDRESS, 316 MAYNARD AVENUE SOUTH SEATTLE WA 98104	
KENNETH W. WATSON, 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED
WEBSTER, CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MILLER BREWING COMPANY
Do	MUTUAL PROTECTION TRUST
WILLIAM J. WELCH, 2899 WEST 26TH STREET ERIE PA 16506	AMERICAN VIDEO RIGHTS COALITION, INC
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES
JOHN F. WETZEL JR., 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ASSOCIATION OF AMERICAN RAILROADS
WEXLER, REYNOLDS, HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	ASSOCIATION OF AMERICAN RAILROADS
Do	NEW YORK POWER AUTHORITY
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY
GEORGE E. WHITE JR., P.O. BOX 61000 NEW ORLEANS LA 70161	MIDDLE SOUTH SERVICES, INC
RICHARD C. WHITE, 499 S. CAPITOL STREET WASHINGTON DC 20003	ARMCO
Do	BUSINESS ROUNDTABLE
Do	EMERGENCY COMMITTEE FOR AMERICAN TRADE
Do	NATIONAL MACHINE TOOL BUILDERS
Do	PETROLEUM EQUIPMENT & SUPPLY ASSN
DONALD W. WHITEHEAD, SUITE 335 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	APPALACHIAN COMMUNITY SERVICE NETWORK
Do	HAHN AND MATKOV
WHITTLESEY & O'BRIEN, P.C., 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	U.S. CRUISES, INC
ANN R. WIESENECK, 900 17TH STREET, NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORPORATION
ROBERT E. WILBUR, 2700 REPUBLICBANK TOWER DALLAS TX 75201	TAYLOR & MIZELL
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC
Do	CLEAR CHANNEL BROADCASTING SERVICE
Do	NATIONAL ASSN OF BROADCASTERS
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	U.S. TELEPHONE, INC
THOMAS N. WILLESS, 700 N. FAIRFAX STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS
ROBERT R. WILLIAMS, 2400 VIRGINIA AVENUE, NW, #628 WASHINGTON DC 20037	SHEA PRODUCTS, INC
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	APACHE CORPORATION
WOJDAK ASSOCIATES, INC, 8 PENN CENTER, #1000 PHILADELPHIA PA 19103	MEDICAL COLLEGE OF PENNSYLVANIA
Do	ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN
EDWARD A. WOOLLEY, BEDFORD CONSULTANTS BUILDING P.O. BOX 605 BEDFORD NY 10506	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC
ANDREW YOOD, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE
ROBERTA LYNN YOUMANS, 1016 16TH STREET, NW, #800 WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH
KATHRYN ELEANOR YOUNG, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
ZIMMER & CARNAVOS, 2501 M STREET, NW, #370 WASHINGTON DC 20037	COLORTYME, INC
ZUCKERT, SCOUTT, RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	GOVERNMENT EMPLOYEES INSURANCE COMPANY
9TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMMITTEE, 1120 MICHIGAN BOULEVARD DUNEDIN FL 33528	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1983:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY, 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			123.02
ROBERT J. AAGRE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,425.00	125.00
PAUL C. ABENANTE, SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	945.00	4.50
THOMAS G. ABERNETHY SR , 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN	1,000.00	183.34
GEORGIA ABRAHAM, 2033 M STREET, NW, #905 WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SHERMAN ABRAHAMSON, SUITE 370 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	60.00	12.00
ACACIA MUTUAL LIFE INSURANCE CO, 51 LOUISIANA AVENUE, NW WASHINGTON DC 20001			9,000.00
ACTION, INC., 2025 EYE STREET, NW, #1022 WASHINGTON DC 20006	AMERICAN HOME ECONOMICS ASSN		
Do	NATIONAL CONGRESS OF AMERICAN INDIANS		
CHARLES F. ADAMS, SUITE 700 1899 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF ADVERTISING AGENCIES	2,500.00	750.00
JOHN J. ADAMS, 1919 PENNSYLVANIA AVE, NW, #700 WASHINGTON DC 20036	VEPCO		
HOBSON H. ADCOCK,, 700 ANDERSON HILL RD. PURCHASE NY 10577	PEPSICO, INC.		
V. J. ADDUCI, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	10.50	
AEROSPACE INDUSTRIES ASSN OF AMER, INC, 1725 DESALES ST., NW WASHINGTON DC 20036		17,823.99	17,823.99
AFL-CIO MARITIME COMM, 100 INDIANA AVE., NW WASHINGTON DC 20001		2,640.00	3,512.82
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC.	5,846.17	63.00
ROBERT S. AGMAN, 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	4.60
HERBERT ALLEN AILSWORTH, SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC.		37.00
AIR CONDITIONING & REFRIGERATION INSTITUTE, 1815 N. FT. MYER DR. ARLINGTON VA 22209		21,000.00	10,600.00
AIR PRODUCTS & CHEMICALS, INC, 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			1,170.00
RANDOLF H. AIRES, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	4,950.00	88.97
MICHAEL A. AISENBERG, 8301 PROFESSIONAL PLACE LANDOVER MD 20785	DIGITAL EQUIPMENT CORP.	10,300.00	
AKIN, GUMP, STRAUSS, HAUER & FELD, SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION		
Do	ALLIED TUBE & CONDUIT CORPORATION	100.00	
Do	AMERICAN INTERNATIONAL GROUP	2,550.00	
Do	AMERICAN SOYBEAN ASSN	1,600.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO.	300.00	
Do	ARCHER DANIELS MIDLAND COMPANY	750.00	
Do	BENEFICIAL CORPORATION	5,425.00	
Do	COALITION OF SERVICE INDUSTRIES, INC.	2,125.00	
Do	COASTAL CORPORATION		
Do	COMMITTEE FOR PRUDENT DEREGULATION	24,850.00	4,558.19
Do	E & J GALLO WINERY	975.00	
Do	FARM LABOR ALLIANCE	28,750.00	
Do	GOLDMAN SACHS & CO.		
Do	LEGGETT & CO		
Do	LONE STAR INDUSTRIES, INC.		
Do	LONE STAR STEEL	10,275.00	
Do	MAPCO INC.		
Do	MARRIOTT CORPORATION		
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	10,450.00	
Do	MILITARY ACCESSORIES SERVICE ASSN., INC.	250.00	
Do	MOTION PICTURE ASSN OF AMERICA, INC	19,475.00	
Do	NATIONAL FOOTBALL LEAGUE	4,175.00	
Do	NATIONAL SOYBEAN PROCESSORS ASSN	300.00	
Do	NORTHWEST ENERGY COMPANY	16,375.00	
Do	OSTEOPATHIC MEDICAL CENTER		
Do	PIPELINE INDUSTRY ADVANCEMENT FUND	4,050.00	
Do	PUROLATOR, INC.		
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	RIVIANA FOODS, INC.	450.00	
Do	SHEARSON/AMERICAN EXPRESS, INC.		
Do	TEXAS AIR CORPORATION	2,650.00	
Do	VALERO ENERGY CORPORATION	1,600.00	
Do	VOLUNTARY HOSPITALS OF AMERICA		
Do	WEST INDIES RUM & SPIRITS PRODUCERS ASSN.	4,025.00	
Do	WESTERN GOVERNORS POLICY OFFICE	1,200.00	
ALASKA LUMBER & PULP COMPANY, INC, P.O. BOX 1050 SITKA AK 99835		312,921.56	312,921.56
JAMES J. ALBERTINE, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
JOHN M. ALBERTINE, SUITE 209 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	1,750.00	212.70
H. MEADE ALCORN JR., ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
FREDERICK K. ALDERSON, 1730 M STREET, NW, #607 WASHINGTON DC 20036	ARIZONA PUBLIC SERVICE CO.	480.00	1,072.99
GEORGE PAUL ALEXA, 5021 SEMINARY ROAD ALEXANDRIA VA 22311			
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	BALDWIN-UNITED CORPORATION	50.00	
Do	BECHTEL POWER CORPORATION	340.00	
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	60.00	
Do	DISABLED AMERICAN VETERANS	20.00	
Do	EASTERN AIR LINES, INC.	10.00	
Do	LUCASFILM LTD.	70.00	
Do	MERRILL LYNCH LIFE AGENCY, INC.		
KAREN D. ALEXANDER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	110.00	
WILLIS W. ALEXANDER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	559.34
MAXTON ALLCOX, 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	13,812.26	
ROBERT G. ALLEN, 511 C STREET, NE WASHINGTON DC 20002	C.A.R.E.		
ALLIANCE FOR IMMIGRATION REFORM, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		3,000.00	
ALLIANCE OF AMERICAN INSURERS, 1501 WOODFIELD ROAD, #400 WEST SCHAUMBURG IL 60195			4,247.00
ALLIANCE TO SAVE ENERGY, 1925 K ST., NW SUITE 507 WASHINGTON DC 20006			3,693.41
PETER ALLSTROM, 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	2,000.00	55.37
JOSEPH C. ALLWARDEN, DANIEL WEBSTER HIGHWAY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO.		
HARVEY ALTER, 1615 H STREET., N.W. WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
RICARDO R. ALVARADO, 2550 M STREET, NW, #600 WASHINGTON DC 20037	SIGNAL COMPANIES, INC.	3,590.00	
SUSAN E. ALVARADO, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	609.00
AMALGAMATED TRANSIT UNION, AFL-CIO, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			8,000.00
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689, 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
AMERICAN ACADEMY OF FAMILY PHYSICIANS, 1740 WEST 92ND ST. KANSAS CITY MO 64114		9,884.88	9,888.93
AMERICAN ADVERTISING FEDERATION, 1225 CONNECTICUT AVE., NW #401 WASHINGTON DC 20036			321.04
AMERICAN ARTS ALLIANCE, 424 C ST., NE WASHINGTON DC 20002		20,290.75	74,751.30
AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304		27,701.14	20,572.00
AMERICAN ASSN OF BLOOD BANKS, SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF CROP INSURERS, 499 SOUTH CAPITOL STREET, SE WASHINGTON DC 20003		6,000.00	6,000.00
AMERICAN ASSN OF EQUIPMENT LESSORS, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF MEAT PROCESSORS, P.O. BOX 269 ELIZABETHTOWN PA 17022		101.08	3,522.81
AMERICAN ASSN OF PORT AUTHORITIES, INC, 1612 K ST., NW WASHINGTON DC 20006		1,000.00	24,166.07
AMERICAN AUTOMOBILE ASSN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036		42,792.40	42,792.40
AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
AMERICAN BUSINESS CONFERENCE, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036		900.00	2,768.06
AMERICAN COUNCIL FOR CAPITAL FORMATION, SUITE 520 1850 K ST., NW WASHINGTON DC 20006		7,495.75	4,563.90
AMERICAN COUNCIL OF LIFE INSURANCE, INC, 1850 K ST., NW WASHINGTON DC 20006			14,984.44
AMERICAN FARM BUREAU FED, 225 TOUHY AVE PARK RIDGE IL 60068		114,053.00	114,053.00
AMERICAN FED OF LABOR AND CONG OF INDUSTRIAL ORGANIZATIONS, 815 16TH ST., NW WASHINGTON DC 20006			131,160.81
AMERICAN FEED MFRS ASSN, 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,240.00	3,240.00
AMERICAN FROZEN FOOD INST, 1700 OLD MEADOW ROAD MCLEAN VA 22102			6,000.00
AMERICAN HONEY PRODUCERS ASSN, PO BOX 368 MINCO OK 73059			
AMERICAN HOSPITAL ASSN, 840 N. LAKE SHORE DR. CHICAGO IL 60611		48,925.97	48,925.97
AMERICAN HOTEL & MOTEL ASSN, 888 SEVENTH AVE. NEW YORK NY 10019		17,702.74	12,054.88
AMERICAN INST OF MERCHANT SHIPPING, SUITE 1000 1625 K ST,. NW WASHINGTON DC 20006			1,449.50
AMERICAN INSURANCE ASSN, 85 JOHN ST. NEW YORK NY 10038		3,022.00	3,022.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM, #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		83,409.00	95,899.08
AMERICAN LAND TITLE ASSN, 1828 L ST., NW WASHINGTON DC 20036			7,345.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		30,277.50	23,746.70
AMERICAN LIBRARY ASSN, 50 E. HURON ST. CHICAGO IL 60611		1,116.71	4,292.00
AMERICAN LOBBY FOR PRES. REAGAN'S BALANCED BUDGET AMENDMENT , 2307 RIVIERA DRIVE VIENNA VA 22180		135.00	614.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AMERICAN MEAT INSTITUTE, PO BOX 3556 WASHINGTON DC 20007			
AMERICAN MEDICAL ASSN, 535 NORTH DEARBORN ST. CHICAGO IL 60610		944.89	944.89
AMERICAN METAL DETECTOR MANUFACTURERS' ASSN, P.O. BOX 446 SWEET HOME OR 97386		1,190.00	34,313.58
AMERICAN MOVERS CONFERENCE, 400 ARMY-NAVY DR. ARLINGTON VA 22202			494.00
AMERICAN NATIONAL STANDARDS INSTITUTE, 1430 BROADWAY NEW YORK NY 10018			
AMERICAN NEWSPAPER PUBLISHERS ASSN, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		1,125.00	1,125.00
AMERICAN NUCLEAR ENERGY COUNCIL, 410 1ST ST., SE WASHINGTON DC 20003		225,861.50	57,297.16
AMERICAN NURSES' ASSN, 2420 PERSHING RD KANSAS CITY MO 64108		19,990.00	19,990.00
AMERICAN OPTOMETRIC ASSN, C/O DR. JOHN D. TUMBLIN SUITE 400E 600 MARYLAND AVE., SW WASHINGTON DC 20024		58.06	485.31
AMERICAN ORTHOTIC AND PROSTHETIC ASSN., 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PAPER INST, INC, 260 MADISON AVE. NEW YORK NY 10016			12,839.66
AMERICAN PARATRANSIT INSTITUTE, P.O. BOX 340276 CORAL GABLES FL 33134			
AMERICAN PETROLEUM INST, 2101 L ST., NW WASHINGTON DC 20037		232,868.00	246,487.00
AMERICAN PODIATRY ASSN, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			23,489.08
AMERICAN POSTAL WORKERS UNION, AFL-CIO, 817 14TH ST., NW WASHINGTON DC 20005		4,321,451.17	239,401.44
AMERICAN PUBLIC TRANSIT ASSN, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036			20,768.44
AMERICAN PULPWOOD ASSN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN REFUGEES IN AMERICA, P.O. BOX 1274 GREENFIELD MA 01302			
AMERICAN SCIENCE AND TECHNOLOGY CORP, 600 WATER STREET, SW, #207 WASHINGTON DC 20024			
AMERICAN SEED TRADE ASSN, SUITE 964 1030 15TH ST., NW WASHINGTON DC 20005			11,350.00
AMERICAN SHORT LINE RAILROAD ASSN, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION, SUITE 510 600 MARYLAND AVE., S.W. WASHINGTON DC 20024		17,775.00	10,163.93
AMERICAN SURVEYS, EMBASSY SQUARE (SUITE 901) 2000 N ST., NW WASHINGTON DC 20036	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSN OF AMERICA	512.25	446.76
AMERICAN TRADE AND FINANCE COMPANY, 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		72,780.00	67,130.97
AMERICAN TRUCKING ASSNS, INC, 1616 P ST., NW WASHINGTON DC 20036		10,290.06	75,208.17
AMERICAN VETERANS OF WORLD WAR II, KOREA & VIETNAM (AMVETS) , 4647 FORBES BOULEVARD LANHAM MD 20706		6,950.47	6,950.47
AMERICAN VETERINARY MEDICAL ASSN, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			100.00
AMERICAN VIDEO RIGHTS COALITION, INC, 2899 WEST 26TH STREET ERIE PA 16506		100.00	1,000.00
AMERICAN WATERWAYS OPERATORS, INC, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		2,208.00	1,570.33
AMERICAN WATERWAYS SHIPYARD CONFERENCE, 1600 WILSON BOULEVARD, #500 ARLINGTON VA 22209			
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
MORRIS J. AMITAY, P.C., SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	NATIONAL SATELLITE CABLE ASSN	5,000.00	
Do	NORTHROP CORP	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	4,500.00	
JOHN G. AMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
JAN S. AMUNDSON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
EDWARD ANDERSEN, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
ANDERSON & PENDLETON, SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	CANNED & COOKED MEAT IMPORTERS' ASSN	13,676.50	30,510.93
ARNE ANDERSON, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPOLOYEES	8,235.43	
BETTE B. ANDERSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
GWEN A. ANDERSON, SUITE 704 1200 18TH STREET, NW WASHINGTON DC 20036	SMALL BUSINESS ON-PREMISE SIGN FOUNDATION		
JAMES A. ANDERSON JR., 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		300.00
ROBERT L. ANDERSON, JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
STEVEN C. ANDERSON, 1700 OLD MEADOW RD. MCLEAN, VA 22101	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON, 1629 K ST., NW WASHINGTON DC 20006	NABISCO, INC	5,000.00	535.48
WILLIAM C. ANDERSON, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		222.50
ANDREWS & KURTH, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT ANGEL, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
JACK R. ANGELL, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	1,080.00	1,108.00
JAY ANGOFF, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	5,000.00	
J. DONALD ANNETT, 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC	500.00	
TOBIAS ANTHONY, 1612 K ST., NW WASHINGTON DC 20006	RESEARCH-COTTRELL, INC		
APARTMENT & OFFICE BUILDING ASSOC. OF METROPOLITAN WASH.D.C., SUITE 600 1413 K ST., NW WASHINGTON DC 20005.			
JOHN D. AQUILINO JR , 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
JOHN CHRISTIAN ARCHER, 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN ARCHER, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
LESLIE ARENDS, 4815 DEXTER STREET, NW WASHINGTON DC 20007	W.C.I.A.		
ARENT, FOX, KINTNER, PLOTKIN & KAHN, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	118,770.33	6,346.21
Do	GUARDIAN LIFE INSURANCE CO. OF AMERICA	25,000.00	
Do	INDIANA ASSOCIATES		5.00
Do	INTELSAT		880.96
Do	LARS KROGH & CO A/S	30,348.93	1,231.76
Do	MOTOR & EQUIPMENT MANUFACTURERS ASSN		
Do	SITMAR CRUISES, INC	26,600.00	8,280.60
Do	TOYOTA MOTOR CORPORATION		184.73
ARKANSAS 2000, INC, P.O. BOX 1776 RUSSELLVILLE AR 72801			
JOHN A. ARMBRUSTER, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
ARMSTRONG, TEASDALE, KRAMER & VAUGHAN, 611 OLIVE STREET, #1900 ST. LOUIS MO 63101	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN	9,000.00	2,696.33
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO	1,348.00	9.84
Do	FLUOR CORPORATION	2,512.50	
Do	INEXCO OIL CO	330.00	9.00
Do	WERNER FLEISCHMANN	1,421.50	45.00
CARL F. ARNOLD, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	360.00	
Do	AMERICAN IRON & STEEL INSTITUTE	900.00	
Do	AMERICAN PETROLEUM INST	11,250.00	
Do	CORPORATE PROPERTY INVESTORS	500.00	
Do	MEAD CORPORATION	120.00	
Do	MORTGAGE GUARANTY INSURANCE CORP	233.00	
Do	NATIONAL REALTY COMMITTEE	400.00	
Do	QUINTANA PETROLEUM CORP	468.75	
Do	QUINTANA REFINERY COMPANY	468.75	
Do	SECURITIES INDUSTRY ASSN	350.00	
Do	SECURITY FIRST GROUP, INC	375.00	
SANDY ARNOLD, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
H. L. ARONSON JR., 1511 34TH STREET, NW WASHINGTON DC 20007	NORTHWEST PIPELINE COMPANY	6,000.00	109.00
ASBILL & JUNKIN, SUITE 401 419 7TH STREET, NW WASHINGTON DC 20004	COALITION ON SMOKING OR HEALTH	18,976.25	15,268.87
LUD ASHLEY, P.C., 1735 NEW YORK AVENUE, NW, 6TH FL. WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC	4,402.50	
Do	FEDERAL HOME LOAN MORTGAGE CORP	25,000.00	
Do	GENERAL PUBLIC UTILITIES, INC	10,000.00	807.43
Do	SAVINGS BANK OF PUGET SOUND		
Do	WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, P.C		
JOSEPH ASHOOH, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT L. ASHWORTH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
ASIAN PACIFIC ECONOMIC EDUCATIONAL CULTURAL ORGANIZATION, P.O. BOX 891 MANILA, PHILIPPINES			
ASPHALT ROOFING MANUFACTURERS ASSOCIATION, 6288 MONTROSE ROAD ROCKVILLE MD 20852			
ASSOCIATED BUILDERS & CONTRACTORS, INC, 729 15TH ST., NW WASHINGTON DC 20005		7,500.00	
ASSOCIATED CREDIT BUREAUS, INC, P.O. BOX 218300 16211 PARK 10 PLACE HOUSTON TX 77084			2,731.00
ASSOCIATED EMPLOYERS, INC, SUITE 315 A 1222 N. MAIN SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA, 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR BIOMEDICAL RESEARCH, 400-2 TOTTEN POND ROAD SUITE 200 WALTHAM MA 02154		48,875.00	9,425.58
ASSOCIATION FOR BROADCAST ENGINEERING STANDARDS, INC, 2000 M STREET, NW, #600 WASHINGTON DC 20036			
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER, 10 BROADWAY ST.LOUIS MO 63102			1,254.75
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P.O. BOX 8068 WASHINGTON DC 20024		1,945.38	20.51
ASSOCIATION OF AMERICAN LAW SCHOOLS, ONE DUPONT CIRCLE, NW, #370 WASHINGTON DC 20036			
ASSOCIATION OF AMERICAN PUBLISHERS, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		8,769.26	8,769.26
ASSOCIATION OF AMERICAN RAILROADS, AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036.		88,554.25	88,554.25
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES, SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, 1300 NORTH 17TH ST. SUITE 300 ARLINGTON VA 22209			421.50
ASSOCIATION OF GOVERNMENT ACCOUNTANTS, SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			3,641.00
ASSOCIATION OF TRIAL LAWYERS OF AMERICA, 1050 31ST ST., NW WASHINGTON DC 20007		32,998.33	32,998.33
ASSOCIATION OF URBAN UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		12,000.00	10,411.08
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
JOHN MCELROY ATKISSON, 1717 K STREET, NW, #502 WASHINGTON DC 20036	WESTINGHOUSE	15,106.25	
ATLANTIC RICHFIELD CO, 515 SOUTH FLOWER STREET LOS ANGELES CA 90071			1,696.19
LLOYD G. ATOR JR., 1120 CONNECTICUT AVE., NW WASHINGTON, DC 20036	AMERICAN BANKERS ASSN	1,500.00	726.22
FRITZ E. ATTAWAY, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC.		
AUDIO RECORDING RIGHTS COALITION, P.O. BOX 33705 WASHINGTON DC 20033		69,750.00	85,814.21
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
AUTOMOTIVE PARTS REBUILDERS ASSN, 6849 OLD DOMINION DRIVE MCLEAN VA 22101			
JOHN S. AUTRY, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	2,200.00	1,100.00
AVENEL ASSOCIATES, INC, P.O. BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSN		
Do	FLORIDA DEFENDERS OF THE ENVIRONMENT	5,000.00	671.09
Do	HOLCOMB INVESTMENTS, INC	1,950.00	54.64
GEORGE C. AXTELL, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, INC	6,000.00	39.50
WILLIAM H AXTMAN, RM. 160 950 N. GLEBE RD. AARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS		
WALTER C. AYERS, VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL RD. RICHMOND VA 23230	AMERICAN PETROLEUM INST	560.00	373.34
CRAIG H. BAAB, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.50
JED L. BABBIN, 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	
PATTI JO BABER, SUITE 400 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	27.75
DALE R. BABIONE, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	338.00	
BAENEN, TIMME, DE REITZES & MIDDLETON, 1049 30TH STREET, NW WASHINGTON DC 20007	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RESER		
Do	NANA REGIONAL CORPORATION, INC		
Do	SHEE ATIKA, INC		
L. A. BAFALIS, 99198 OVERSEAS HIGHWAY KEY LARGO FL 33037	PROVIDENT LIFE & ACCIDENT INSURANCE CO	1,500.00	198.00
JOAN N. BAGGETT, 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN	4,800.00	267.30
BEVERLY J. BAILEY, 1101 17TH STREET, NW, #1002 WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
GEORGE F. BAILEY JR , P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PAUL C. BAILEY JR., 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC	225.00	446.19
WILLIAM W. BAILEY, 1050 17TH ST., NW SUITE 650 WASHINGTON DC 20036	MERCK & CO., INC	1,000.00	423.00
JUDITH L. BAIRD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	200.00	
JOHN BAIZE, CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	1,225.00	236.08
EDWARD R. BAJER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY	1,000.00	
Do	PENNZOIL CO		
Do	ROTAN MOSLE, INC		
Do	TEXAS INTERNATIONAL AIRLINES, INC		
BAKER & HOSTETLER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
Do	FEDERAL CARTRIDGE CORP		
Do	TIMKEN FOUNDATION		
DAVID BAKER, 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION	2,923.80	57.87
EMIL F. BAKER, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
JAMES JAY BAKER, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	775.00	260.75
KEITH L. BAKER, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
WALDON L. BAKER, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
ALBERT L. BALDOCK, 1050 17TH ST., NW WASHINGTON DC 20036	RICHARDSON-VICKS INC	140,000.00	
DONALD BALDWIN, SUITE 804 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL LAW ENFORCEMENT COUNCIL		
H.R. BALIKOV, THORNALL STREET EDISON NJ 08818	J. M. HUBER CORP		979.66
JACQUELINE BALK-TUSA, 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14,900.00	
W. ALLEN BALL, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY		
BALLARD, SPAHR, ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN CAN COMPANY		
Do	DELAWARE RIVER PORT AUTHORITY		271.77
Do	ENERGY TERMINALS, INC		
Do	PENNSYLVANIA ASSN OF INDUSTRIAL DEVELOPMENT AUTHORITIES		
Do	PHILADELPHIA PORT CORPORATION		163.06
Do	PORT OF WILMINGTON, DELAWARE		54.36
Do	SOUTH JERSEY PORT CORPORATION		54.36
Do	U.S. COMMITTEE FOR UNICEF	4,275.20	15.75
Do	WEST VIRGINIA INDUSTRIAL DEVELOPMENT ASSN		
JOEL RICHARD BANDER, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
BANK OF BOSTON CORPORATION, 100 FEDERAL ST. BOSTON MA 02110			
PATTY BANKSON, SUITE 408 1725 K STREET, NW WASHINGTON DC 20006	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS	143.49	
DELMAR K. BANNER, 1800 MASSACHUSETTS AVENUE, NW, #604 WASHINGTON DC 20036	FARM CREDIT COUNCIL		
JUDY BARDACKE, 11 DUPONT CIRCLE,NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER, 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	
THOMAS H. BARKSDALE JR., 2101 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,500.00	410.57
DONNA R. BARNAKO, SUITE 1100 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	940.00	243.11
JOHN H. BARNARD JR , 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORP		
BARNES RICHARDSON & COLBURN, SUITE 400 1819 H ST., NW WASHINGTON DC 20006	FLORIDA CITRUS MUTUAL		
Do	UNIROYAL, INC		84.16
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	AMERICAN SCHOOL FOOD SERVICE ASSN	19,361.50	1,691.48
Do	CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL		
Do	FARM CREDIT BANKS		
Do	FLORDIA FRUIT AND VEGETABLE	15,699.65	
Do	FLORIDA TOMATO EXCHANGE	10,624.59	
PAMELA H. BARNETT, 100 MARYLAND AVE., N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC.	5,500.02	
BARNETT, YINGLING, & SHAY, SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A.	1,080.00	32.00
Do	CROCKER NATIONAL BANK		
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
JAMES C. BARR, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2555 M STREET, NW, #100 WASHINGTON DC 20037	ALLIED TUBE & CONDUIT CORPORATION	3,348.75	746.77
Do	ENERGY CONSUMERS AND PRODUCERS ASSN	6,000.00	1,112.23
Do	NATIONAL MEDICAL ENTERPRISES, INC	6,000.00	2,183.75
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG, 1201 PENNSYLVANIA AVENUE, NW, #821 WASHINGTON DC 20004	BEAR STEARNS & CO		
Do	COFFEE, SUGAR & COCOA EXCHANGE, INC		
Do	CSC CLEARING CORP		
Do	HUGO NEU & SONS, INC		
Do	IRVING TRUST COMPANY		
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NEW YORK FUTURES EXCHANGE, INC		
Do	SINGAPORE AIRLINES, LTD	17,041.00	303.10
ROBERT W. BARRIE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	2,500.00	
HARVEY BARRISON, 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
JOHN BARRY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	3,500.00	342.47
LINDA LEIGH BARTLETT, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	5,000.00	20.00
RICHARD A. BARTON, 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MARKETING ASSN	1,400.00	
BASKINS AND SEARS, P.C., 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	EMBASSY OF THE REPUBLIC OF SOUTH AFRICA	10,000.00	5,650.00
DIANE BATEMAN, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	10,000.00	2,213.63
ROBERT E. BATES JR , 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
DAVIS M. BATSON, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	1,800.00	
LAURIE C. BATTLE, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,250.00	
LYNNE D. BATTLE, 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST	1,500.00	597.85
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN		
BARRY H. BAUMAN, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	34.69
JAMES R. BAXTER, 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH, TABBERT & CAPEHART, SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	ALLIED FIDELITY CORP		
Do	AMERICAN CANCER SOCIETY	14,000.00	10,990.00
Do	CUMMINS ENGINE CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL BASKETBALL ASSOCIATION	7,000.00	475.00
Do	NEW ENERGY CORPORATION		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	1,200.00	200.00
Do	SUGAR USERS GROUP	6,000.00	400.00
Do	WARNER COMMUNICATIONS, INC		
Do	FRANK W. WINNE & SON, INC	6,000.00	825.00
TINA MARTS BEACH, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	84.00	
BRUCE A. BEAM, SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER SERVICE CORP	198.00	76.05
THERESA E. BEARMAN, 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,000.00	334.62
DONALD S. BEATTIE, 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	2,891.95	
CHRISTINE T. BEATTY, 1730 RHODE ISLAND AVE., NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORP	7,500.00	169.28
HUBERT BEATTY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY, 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	340.20	12.60
EDWARD A. BECK III, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ROBERT J. BECKER, SUITE 204 3077 W. JEFFERSON JOLIET IL 60435	JOINT COUNCIL OF ALLERGY & IMMUNOLOGY		
WILLIAM W. BEDDOW, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	925.00	
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
ROBERT M. BEERS, 2101 E STREET, NW WASHINGTON DC 20037	AMERICAN FOREIGN SERVICE ASSN	4,850.00	78.00
EDWIN L. BEHRENS, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	172.50	
MAX J. BEILKE, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	2,426.50	
CAROL M. BEIM, LUMBER EXCHANGE BUILDING MINNEAPOLIS MN 55401	NATIONAL AUDUBON SOCIETY		813.00
MARK BELANGER, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
ALEXANDER B. BELL, 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	191.98
BELL BOYD & LLOYD, THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	BOISE CASCADE CORP		
HOWARD H. BELL, 1225 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL, P.O. BOX 26543 LAS VEGAS NV 89126			
BENCHMARK TECHNOLOGIES CORPORATION, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			552.40
C. THOMAS BENDORF, 3615 OVERCREEK DR. COLUMBIA SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	950.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KENNETH U. BENJAMIN JR., 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	127.67
W. M. BENKERT, 1625 K ST., NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	1,250.00	9.75
BEVERLY L. BENNETT, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE	500.00	
MEREDITH BENNETT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
WILLIAM C. BENNETT JR., 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	420.00	
JOHN C. BENNISON, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	7,000.00	
BENOIT, SMITH & LAUGHLIN, 2001 JEFFERSON DAVIS HIGHWAY SUITE 501 ARLINGTON VA 22202	ECONOPURE		
Do	HUGHES AIRCRAFT COMPANY		
NANCY C. BENSON, 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID CO	374.00	45.25
JAMES E. BENTON, N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	225.00	187.25
REBECCA J. BERG, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	400.00	189.22
O. M. BERGE, 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES		
EDWIN M. BERGSMARK, THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY		
PAUL C. BERGSON, 2550 M ST., NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,115.00	50.00
JANE W. BERGWIN, SUITE 290 1050 17TH ST.,NW WASHINGTON DC 20036	CONSUMERS POWER CO	200.00	
JASON S. BERMAN, SUITE 250 2020 K ST., NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	11,493.98
RICHARD B. BERMAN, P.O. BOX 222102 DALLAS TX 75222	STEAK & ALE RESTAURANTS OF AMERICA, INC		
WILLIAM R. BERMAN, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARY E. BERNHARD, 1090 VERMONT AVENUE, N.W. SUITE 500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	31.06	
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN	6,000.00	
RACHELLE B. BERNSTEIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,200.00	97.11
MAX N. BERRY, 3213 O ST., NW WASHINGTON DC 20007	AMERICAN IMPORTERS MEAT PRODUCTS GROUP		
Do	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		3,888.14
FRANK S. BESSON III, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	1,450.00	
ROBERT L. BEVAN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,200.00	147.88
BEVERIDGE & DIAMOND, P.C., 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE		
Do	NEW ENGLAND ELECTRIC SYSTEM		
Do	UNION MINES		
Do	UNITED CHURCH OF CHRIST		
MOE BILLER, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	7,600.14	
BILLIG SHER & JONES, 2033 K ST., NW WASHINGTON DC 20006	'PORT USERS'		370.00
Do	ADHERENCE GROUP, INC	1,000.00	16.00
Do	AMERICAN BAKERS ASSN		11.00
Do	PRIVATE TRUCK COUNCIL OF AMERICA, INC	1,000.00	11.00
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS		
Do	STEAMSHIP CONFERENCES	9,000.00	400.00
LEON G. BILLINGS, INC., SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	16,500.00	
BINGHAM, DANA & GOULD, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSOCIATION	1,120.00	
Do	VISA U.S.A., INC	2,170.00	14.25
P. RICHARD BIONDO, 9 WEST 57TH STREET NEW YORK NY 10019	AVON PRODUCTS, INC		
BIPARTISAN BUDGET APPEAL, P.O. BOX 9 BOWLING GREEN STATION NEW YORK NY 10004		65,823.00	316,118.68
BIRCH HORTON BITTNER PESTINGER & ANDERSON, SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASCOM, INC		
Do	ALASKA PACIFIC BANCORPORATION		
Do	ALASKA POWER AUTHORITY		
Do	AMERICAN BUS ASSN		
Do	CALISTA CORP		
Do	COOK INLET REGION, INC		
Do	FIRST FEDERAL SAVINGS & LOAN ASSN OF ALASKA		
Do	HARZA ENGINEERS		
Do	SEALASKA CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
BONNIE G. BIRD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
WILLIAM J. BIRKHOFER, 1015 - 15TH STREET, N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
WILLIAM H. BIRTCIL JR., SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,000.00	
H. RADFORD BISHOP, P.O. BOX 52163 THE EXCHANGE ATLANTA GA 30355	NATIONAL HEALTH CARE FINANCING ASSN		
RICHARD A. BISHOP, 1616 H STREET, NW, #813 WASHINGTON DC 20006	INTERNATIONAL TELEPHONE & TELEGRPAH CORP		
PHIL M. BITTER, 1700 K STREET N.W. SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	420.00	
NEAL R. BJORNSON, 1840 WILSON BLVD. ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,950.00	83.25
SPENCER BLACK, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB		
TOM G. BLACK, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
BLACK, MANAFORT & STONE, INC., 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	363.67
Do	TOSCO CORPORATION	21,500.00	875.20
BEV D. BLACKWOOD, 1899 L STREET, N.W. STE. 1100 WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C., 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	2,187.50	26.37
BOWEN BLAIR JR., 1306 MAIN STREET VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
DAVID A. BLAIR, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORTAION	247.00	
HELEN BLANK, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	3,056.00	35.25
KENNETH T. BLAYLOCK, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	21,850.57	4,408.78
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY		2,188.41
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	AMERICAN PRESIDENT LINES		
Do	CONOCO, INC		
Do	FLUOR CORP		
Do	GOVERNMENT OF AMERICAN SOMOA		
Do	MARLINE OIL CORP		
Do	NORTHERN VIRGINIA SAVINGS & LOAN ASSN		
Do	OASIS PETROLEUM CO		
Do	WESTWOOD ENERGY, INC		
VIRGINIA B. BLISS, 1725 K STREET, NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JERALD BLIZIN, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
ELLEN BLOCK, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	882.75	
L. THOMAS BLOCK, ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	1,000.00	1,295.00
PETER L. BLOCKLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,200.00	
HOLTON E. BLOMGREN, 1015 15TH STREET, NW, #1220 WASHINGTON DC 20005	NATIONAL MANUFACTURED HOUSING FEDERATION	18,750.00	
DOUGLAS M. BLOOMFIELD, 444 NORTH CAPITOL ST, NW #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	15,499.98	
MARK BLOOMFIELD, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	1,000.00	
JOHN B. BLOUNT JR., 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	344.27
BLUM & NASH, SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	GENERAL ELECTRIC CO		
Do	MERCK & CO., INC		
Do	TIME, INC		
JARED O. BLUM, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	176.94
CHARLES R. BLUMENFELD, BOGLE & GATES THE BANK OF CALIFORNIA CENTER SEATTLE WA 98164	PACIFIC SEAFOOD PROCESSORS ASSN		
WAYNE F. BOAN, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
BOAT OWNERS ASSOCIATION OF THE U.S., 880 S. PICKETT ST. ALEXANDRIA VA 22304		30,000.00	21,806.28
DAVID A. BOCKORNY, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	343.35
ROBERT SPURRIER BOEGE, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
DONALD P. BOGARD, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORPORATION		
TIMOTHY A. BOGGS, 2020 K STREET, NW, #250 WASHINGTON DC 20006	WARNER COMMUNICATIONS, INC	11,250.00	8,231.78
ROBERT Z. BOHAN, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	29.81	1,654.90
PATRICIA BOINSKI, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	50.00	
RICHARD O. BOLGER, 1010 WISCONSIN AVENUE, NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,650.00	
BERNADETTE BOLTON, 400 FIRST ST., NW SUITE 800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
A. DEWEY BOND, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
SHARON LEE BONITT, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
KATHLEEN BONNER, 600 WATER STREET, SW, #207 WASHINGTON DC 20024	AMERICAN SCIENCE AND TECHNOLOGY CORP		
BONSIB, INC, P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER, 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
MICHAEL BOOS, 251 S. REYNOLDS STREET, #M201 ALEXANDRIA VA 22304	YOUNG AMERICANS FOR FREEDOM, INC	5,500.00	
EDWARD T. BORDA, 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
LAURENCE D. BORY, SUITE 802 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	750.00	
G. STEWART BOSWELL, 1611 NORTH KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	3,237.00	161.24
MARION L. BOSWELL, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
CHARLES G. BOTSFORD, SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,200.00	144.00
JOHN E. BOUCHARD, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	231.00	
MARY M. BOURDETTE, 4TH FLOOR 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND OF THE WASHINGTON RESEARCH PROJECT	2,116.40	
WAYNE A. BOUTWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	351.21	
FRANK J. BOWDEN JR., ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
M. STEPHANIE BOWER, 102 LYNNMOOR DRIVE SILVER SPRING MD 20901	UNITED FARM WORKERS OF AMERICA, AFL-CIO	2,275.00	1,644.39
RODNEY A. BOWER, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DAVID W. BOWERS, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
ROBERT R. BOWERS, WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST	440.00	361.79
BOWERY SAVINGS BANK, 110 EAST 42ND STREET NEW YORK NY 10017			236.00
BOWMER COURTNEY BURLESON & PEMBERTON, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		562.92
JIM D. BOWMER, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JOAN COSTAIN BOWYER, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
JOHN G. BOYD, 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	663.38	21.00
VAN R. BOYETTE, 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN PETROLEUM REFINERS ASSOCIATION		
THURMAN L. BOYKIN, 1800 N. KENT STREET, #901 ARLINGTON VA 22209	AGRISTORE SYSTEMS COMPANY		
Do	ARKANSAS 2000, INC		
STEPHEN S. BOYNTON, 1015 MOOREFIELD HILL GROVE VIENNA VA 22180	AMERICAN FUR RESOURCES INSTITUTE	500.00	10.00
BRACEWELL & PATTERSON, SUITE 1200 1825 EYE ST., N.W. WASHINGTON DC 20006	ACCOUNTS MANAGEMENT CORPORATION		
Do	AUSTRIAN, LANCE & STEWART, P.C	405.00	161.60
Do	CLC OF AMERICA, INC		
Do	COMDISCO, INC		
Do	DRESSER INDUSTRIES	700.00	279.30
Do	HOUSTON NATURAL GAS CORP		
Do	PENNSYLVANIA NATURAL GAS ASSOCIATES		
Do	SOUTHDOWN/PELTO OIL COMPANY		
Do	U.S. TUNA FOUNDATION		
Do	VALERO ENERGY CORPORATION	800.00	319.20
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	CALIFORNIA NICKEL CORP	15,000.00	16,037.00
Do	CITY OF TUCSON	7,000.00	5,391.00
Do	ENERGY ABSORPTION SYSTEMS, INC	8,000.00	6,871.00
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	5,175.00
Do	SOUTHERN ARIZONA WATER RESOURCES ASSN	2,000.00	2,089.00
FRANK W. BRADLEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	2,700.00	
WAYNE W. BRADLEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	500.00	53.80
DENNIS M. BRADSHAW, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY, 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
HUGH S. BRADY, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
CARREN BRAGG, 1901 L STREET, NW, #303 WASHINGTON DC 20036	COLT INDUSTRIES, INC		
CHARLES G. BRAGG, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER		
RAYMOND F. BRAGG JR., 114 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN PETROLEUM REFINERS ASSOCIATION		
STUART J. BRAHS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,071.14	1,821.90
ROBERT M. BRANDON, 1300 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,850.00	101.10
RICHARD D. BRANNICK, R.D. #2, BOX 108 DEXTER NY 13636	NATIONAL BORDER PATROL COUNCIL	415.20	835.50
GERALD M. BRANNON, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
ROY BRAUNSTEIN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	12,353.57	888.51
PETER ELLIOT BRAVEMAN, SUITE 2200, 10100 SANTA MONICA BLVD. SUITE 555 LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)	17,000.00	627.40
NOEL BRAZIL, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORPORATION	1,000.00	
JOHN HENRY BREBBIA, ALSTON MILLER & GAINES 1800 M ST., NW, #1000 WASHINGTON DC 20036	BOARD OF TRADE CLEARING CORP		
Do	RCA GLOBAL COMMUNICATIONS, INC		
ROY S. BREDDER, SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
BREED, ABBOTT & MORGAN, 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	ASSOCIATED HOSPITAL SERVICES OF NEW YORK		
Do	DAMSON OIL CORPORATION		
BRENDA I. BREGMAN, 100 MARYLAND AVENUE , N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	3,450.00	
BREGMAN, ABELL & KAY, SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AFL-CIO	2,500.00	
Do	AIR TRANSPORT ASSN OF AMER		
Do	AMERICAN CAR RENTAL ASSN	1,250.00	
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC	500.00	
Do	NORTON SIMON, INC	5,000.00	
Do	ROADWAY EXPRESS, INC		
Do	RYDER SYSTEMS, INC	2,000.00	
Do	TRANS WORLD AIRLINES, INC	2,500.00	
Do	TRANS WORLD CORPORATION	2,000.00	
Do	TRUCK RENTING & LEASING ASSN	1,250.00	
MICHAEL J. BRENNAN, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	707.91
MILES H. BRESEE JR , 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		32.00
ALAN E. BRIAN, P.O. BOX 130 LEVIS, QUEBEC, CANADA	DAVIE SHIPBUILDING LIMITED		
BELVA B. BRISSETT, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	359.00
ELIZABETH Y. BRITTON, 2550 M STREET , N.W. WASHINGTON DC 20037	RJR INDUSTRIES, INC	268.84	119.92
ELLEN BROADMAN, 1146 19TH STREET, NW WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC	100.00	
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: COUNCIL OF MICHIGAN FOUNDATIONS)	9,775.00	1,665.44
Do	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: MICHIGAN CONSOLIDATED GAS COMPANY)	3,637.50	330.62
DAVID A. BRODY, 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	1,400.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NANCY B. BROFF, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN	1,727.29	197.25
PHILLIP J. BROMAN, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	124.80	
MICHAEL D. BROMBERG, 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MARY E. BROOKS, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,783.08	47.35
DAVID W. BROOME, 1800 M ST., NW, #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
DANIEL T. BROSS, 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	1,000.00	186.56
MARIO BROSSI, 1730 M STREET, NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSN		
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		32,800.00	59,495.92
DONALD G. BROTZMAN, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RUBBER MFGRS ASSN	10,000.00	
BEN JARRATT BROWN, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC	19,000.00	
DAVID S. J. BROWN, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	600.00	332.37
ELLEN B. BROWN, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS		
HOWARD C. BROWN JR , 1919 PENNSYLVANIA AVE., NW, #702 WASHINGTON DC 20006	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC		
JAMES F. BROWN, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	355.00	
JESSE B. BROWN, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	45.08	
JESSE P. BROWN JR., 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA	1,221.23	
RALPH BROWN, SUITE 107 701 S. 22ND STREET OMAHA NB 68102	M.O.A.A.I.O.A. & SUBS, INC	10.00	
VINCENT D. BROWN, NEBRASKA PETROLEUM COUNCIL P.O. BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST	1,500.00	1,155.38
WILLIAM E. BROWN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	87.75	171.26
WILLIAM R. BROWN, 499 SOUTH CAPITOL STREET, SW SUITE 412 WASHINGTON DC 20003	COUNCIL OF STATE CHAMBERS OF COMMERCE	220.00	
BROWN, ROADY, BONVILLIAN & GOLD, 1300 19TH STREET, NW, #300 WASHINGTON DC 20036	CITIZENS FOR GAULEY RIVER		
Do	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION		
Do	KANSAS CITY SOUTHERN RAILWAY	16,392.00	2,166.12
Do	LOUISVILLE & NASHVILLE RAILROAD		
Do	METROPOLITAN TRANSIT AUTHORITY	4,221.76	714.60
Do	NORTHEASTERN INTERNATIONAL AIRWAYS, INC	5,542.50	817.06
Do	SMITH DAWSON ASSOCS (FOR SAN FRAN. PUBLIC UTIL. COMMISSION)	821.31	178.69
Do	WESTERN RIVER GUIDES ASSN	700.00	
DONALD T. BROWNE, 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
STANLEY R. BROWNE, SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
THOMAS N. BROWNELL, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY		
BROWNSTEIN ZEIDMAN & SCHOMER, SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
Do	CANADIAN FINANCIAL CORPORATION		
Do	INTERNATIONAL FOODSERVICE MANUFACTURERS ASSOCIATION		
Do	INTERNATIONAL FRANCHISE ASSN		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
Do	REMCO ENTERPRISES, INC		
DAVID BRUBAKER, P.O. BOX 329 B-110 EPHRATA PA 17522	PENNAG INDUSTRIES ASSOCIATION		
JOHN R. BRUCH, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
WALTER W. BRUDNO, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	12,499.98	
Do	TEXASGULF, INC	12,499.98	
JAMES W. BRUNER JR , 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	10,500.00	
KATHRYNE M. BRUNER, 2021 K ST., NW, #709 WASHINGTON DC 20006	GENERAL ATOMIC CO	750.00	88.59
WILLIAM K. BRUNETTE, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	399.81	439.53
ROBERT O. BRUNNER, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	457.69	
J. CHARLES BRUSE, SUITE 802 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ALLSTATE INSURANCE GROUP	1,480.00	246.45
HARVEY F. BRUSH, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC		
JOHN S. BUCKLEY, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,000.00	25.00
MICHEAL W. BUCKNER, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
ROBERT D. BUEHLER, 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20009	NATIONAL PARKS AND CONSERVATION ASSN	80.00	
DOUGLAS W. BULCAO, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	1,500.00	38.75
DARREL D. BUNGE, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INSTITUTE	100.00	
LAWRENCE E. BURCH, 1735 JEFFERSON DAVIS HWY, #903 ARLINGTON VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH, SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,200.00	40.95
DAVID G. BURDEN, 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL CO		
PAUL F. BURDETT, 10 EMERSON COURT SEVERNA PARK MD 21146	MERRELL DOW PHARMACEUTICALS INC		47.00
CLAIR W. BURGENER, 530 BROADWAY, #1018 SAN DIEGO CA 92101	G A TECHNOLOGIES, INC	11,000.00	4,827.29
GERARD P. BURKE, SUITE 400 1707 H STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC		
J.J. BURKE JR , 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		215.30
PAUL T. BURKE, 1050 17TH STREET, NW, #500 WASHINGTON DC 20036	TEXACO, INC		
SALLY J. BURKE, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS		
BURLEY & DARK LEAF TOBACCO EXPORT ASSN, 1100 17TH ST., NW WASHINGTON DC 20036		38,751.60	1,360.65
BILL D. BURLISON, 499 SOUTH CAPITOL STREET, SE, #103 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	465.00
Do	MCDONNELL DOUGLAS CORPORATION	8,750.00	1,007.50
Do	PLANNING RESEARCH CORPORATION	250.00	66.05
CHARLES S. BURNS, 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
GERRIE BJORNSON BURNS, 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO	100.00	
TIMOTHY F. BURNS, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
BURR PEASE & KURTZ, INC, 810 N ST. ANCHORAGE AK 99501	EKLUTNA, INC		
B. KENT BURTON, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	8,000.00	170.82
BUSBY, REHM & LEONARD, 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO CO., INC		
Do	AUTOMOBILE IMPORTERS OF AMERICA, INC	7,430.00	165.00
BARBARA L. BUSH, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
ROBERT W. BUSHA, 6811 KENILWORTH AVE. P.O. BOX 517 RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSN		
BUSINESS PRODUCTS COUNCIL ASSN., P.O. BOX 53964 FAYETTEVILLE NC 28305			
BUTLER & BINION, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ASBESTOS WORKERS' UNION, LOCAL NO. 14		
Do	BROWARD COUNTY, FLORIDA	5,611.25	38.70
Do	CITY OF HOUSTON/DEPT. OF AVIATION	3,832.50	96.00
Do	CITY OF PHILADELPHIA		
Do	NEW MEXICO PUBLIC SERVICE COMMISSION/ENERGY & MINERALS DEPT	14,234.51	765.49
Do	PENINSULA AIRWAYS, INC		
Do	PENNSYLVANIA SHIPBUILDING CO		
Do	PEOPLE EXPRESS AIRLINES, INC	1,874.00	32.00
Do	PHILADELPHIA PORT CORP		
Do	SEATTLE & NORTH COAST RAILROAD CO	16,807.50	2,848.00
WILLIAM A. BUTLER, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	5,000.00	150.00
ARKIE BYRD, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
THOMAS D. BYRNE, 2111 JEFFERSON DAVIS HIGHWAY, 917 NORTH ARLINGTON VA 22202	STONE CONTAINER CORP		
JOHN F. BYSET, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
C & B ASSOCIATES, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	CLADOUHOS & BRASHARES (FOR: TOYOTA MOTOR SALES,USA)	500.00	
Do	CLADOUHOS & BRASHARES (FOR SECURITIES GROUP)		
Do	CLADOUHOS & BRASHARES (FOR SMITH, BARNEY, HARRIS & UPHAM CO)	250.00	
Do	CARL M. FREEMAN ASSOCIATES, INC		
Do	HELLER, EHRMAN, WHITE & MCAULIFFE		
Do	LOCKHEED CORPORATION		
Do	MANVILLE CORPORATION	300.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES (FOR STATE OF MONTANA)	100.00	
C.A.R.E., 511 C STREET, NE WASHINGTON DC 20002			
CABLE, MCDANIEL, BOWIE & BOND, 900 BLAUSTEIN BLDG. BALTIMORE MD 21201	CROWN CENTRAL PETROLEUM CORP		
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	GENERAL DYNAMICS CORPORATION		
Do	KWAJALEIN ATOLL CORP		
Do	MOCATTA METALS CORP		
Do	PHILADELPHIA STOCK EXCHANGE, INC		
Do	SHELL OIL CO		
ROY C. CAHOON, 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN		

SENATE—*Tuesday, September 13, 1983*

(Legislative day of Monday, September 12, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"He's got the whole world in His hands."

Father God, we thank Thee for the profound truth in this simple Negro spiritual. We recall our first view of the Earth from space—like a colorful marble—a speck floating in vastness. Isaiah the prophet declared, "Behold the nations are as a drop in the bucket, and are counted as the small dust of the balance * * *. All nations are before Thee as nothing * * *" (Isaiah 40: 15, 17).

We boast Lord, we strut, we flaunt ourselves as we make our brief appearance on the stage of life. We act as though we are the center of the universe. Help us to see ourselves as Thou dost see us, infinitesimal by comparison to the universe around us—yet infinitely precious to Thee—so loved by Thee that Thou didst sacrifice Thy son that we might enjoy eternal fellowship with Thee. In the name of Him who is incarnate, unconditional, impartial, universal love. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there will be a very brief period for the transaction of routine morning business, and then the Senate will resume consideration of the motion to proceed to the consideration of S. 602, which is the Radio Marti bill.

I am advised that the items in controversy between the parties have been resolved and it is probably possible to dispose of that matter in a fairly brief time beginning at 2 p.m. this afternoon.

Mr. President, the hotline system on our side and perhaps on the minority leader's side has advised Senators that there will be a briefing by the Secretary of State in our secure briefing room at 10:30 a.m.

Mr. President, in order for Members to attend that briefing, I shall ask unanimous consent that at 10:30 a.m. the Senate stand in recess subject to the call of the Chair.

Mr. BYRD. Mr. President, the majority leader I am sure has reasons for recess subject to the call of the Chair. But would it be agreeable with him to set a time certain?

Mr. BAKER. Yes.

Mr. President, I do not know how long it will take, and I am confident that the Chair would not reconvene the Senate except at the request of the leadership. The reason for that was so that we could provide maximum flexibility for Members. But let me do this. The point is a good point, of course. Since we are going to go out at 12 o'clock for the caucuses I think it might be as well to just go ahead and recess at 10:30 a.m. until the hour of 2 p.m.

Mr. BYRD. I thank the majority leader.

Those of us who are very desirous of attending the briefing will not have to be concerned about the Senate being called into session.

Mr. BAKER. Yes. The point is well taken.

Mr. President, we are talking about only a few moments and since I am advised that the Radio Marti matter cannot be taken care of until about 2 p.m.

Mrs. HAWKINS. I have a statement on drugs I wish to put in morning business.

Mr. BAKER. Let me change the order this way. I withdraw the previous request.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business to extend from that time until the hour of 10:30 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. BAKER. Mr. President, I further ask unanimous consent that at 10:30 a.m. the Senate stand in recess until the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I remind Senators that when we resume consideration at 2 p.m., the time for the transaction of routine morning business having ended, the Senate will resume consideration of the motion to proceed to the consideration of the Radio Marti bill.

Once again I hope and expect that that measure is going to be disposed of in fairly short order.

I see the distinguished Senator from Florida giving me a crossed finger sign. I will keep my fingers crossed, too. If that is the case, if we are lucky enough to dispose of that issue in a short period of time, whether we are or not, after we dispose of Radio Marti, the Senate will automatically turn then to the consideration of the Interior appropriations bill, which is also an item of unfinished business.

I might say to the minority leader and for the benefit of other Senators, as I indicated yesterday, I wish to go to the Department of Defense authorization conference report today, which is privileged, unless there is some strong reason why we should not do so. One strong reason I can think of is if the pieces fall in place on the Interior appropriations bill, if we can devote some time to finishing that measure, since it is one of the regular appropriations bills, we should do so.

But I still entertain the hope that we can get to the DOD authorization conference report today and dispose of it today.

Now, for the benefit of my chairman of the Policy Committee, Senator TOWER, who may be listening in his office, and who is also chairman of the Armed Services Committee, and was chairman of the conference on the disagreeing vote of the two Houses on the defense authorization bill, I indicated to him yesterday that I plan to take up the DOD conference report at 2 p.m. We will slip that now a little but it is still my plan to take up the DOD conference report during the day today and hopefully to conclude it.

Mr. President, tomorrow we will be on Interior appropriations or the DOD authorization conference report, as the case may be. There are other matters that can be taken up this week, but before I make a further announcement, I wish to attend my caucus at 12:30 p.m. and to discuss matters dealt with in that caucus and perhaps mat-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ters discussed in his caucus with the minority leader.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, I have no further need of my time if any remains under the standing order, and I yield the floor.

Mrs. HAWKINS addressed the Chair.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I say to the gentle lady from Florida that I do not expect to utilize my full 10 minutes, and I will be glad to yield to her the remaining time after I have taken care of a couple of matters.

"MISS COY" HAS LEFT US

Mr. BYRD. Mr. President, people all over Washington and throughout the State of Mississippi were saddened last month by the death of Mrs. Coy Hines Stennis, wife of the distinguished senior Senator from Mississippi. On August 20, after a long illness, Mrs. Stennis passed away in the Kemper County Hospital in DeKalb, the Stennis' hometown and the community in which Mrs. Stennis first met her husband more than 53 years ago.

Following Senator STENNIS' election to the U.S. Senate in 1947, Mrs. Stennis accompanied her husband to Washington. Here, she achieved fame on her own as one of this city's most gracious and accomplished hostesses. By Presidents, First Ladies, Senators, Congressmen, and Cabinet members alike, she was known as Miss Coy, a charming, beautiful, and intelligent woman whose talents perfectly complemented her husband's abilities. Attendance at social events at the Stennis home was cherished as a sample of Old South and fabled Mississippi hospitality.

Mrs. Stennis was born in 1901. After studying home economics at the Uniersity of Southern Mississippi, she became a home economist with the Mississippi Cooperative Extension Service, and was first stationed in Kemper County where her future husband was a young lawyer.

After her marriage to Senator STENNIS in 1929, Mrs. Stennis continued sharing her abilities and energy with others through special programs for women and work with 4-H groups and as a Cub Scout den mother. And as her husband's political career advanced, Mrs. Stennis' contributions to her State and country multiplied, winning for her a growing circle of friends and admirers. Over the years, she served as president of the Senate Wives Club and was an active member of the Mississippi Women's Luncheon Club, the Mississippi State Society of Washington, and other organizations in Washington and Mississippi.

I know that I speak for my wife, Erma, and all of our colleagues on both sides of the aisle in offering condolences to Senator STENNIS, to his son, John Hampton, and daughter, Margaret Jane, and to their families in the loss of such an extraordinary wife, mother, and beloved family member. Mrs. Stennis was a bright, thoughtful, lovely woman whose gifts and graciousness enriched lives wherever she went, and all of her friends and admirers will miss her.

Mr. BAKER. Mr. President, will the minority leader yield to me briefly?

Mr. BYRD. Gladly.

Mr. BAKER. Mr. President, I wish to join the minority leader in my expression of grief at the loss of Mrs. Stennis.

When I received word she had passed away, I tried to reach Senator STENNIS at his home in Mississippi by telephone, and I was not able to do so.

The closeness between them was so well known to me that I wanted to tell Senator STENNIS, when I first learned on yesterday, how very much my wife and I were moved by the passing of Mrs. Stennis.

I am sure I speak for every Member on this side of the aisle when I say that one of our greatest Members has lost a great mate and a great helpmate. We wish him well.

Mr. BYRD. Mr. President, I thank the distinguished majority leader for his comments, and I am sure they will be much appreciated by Senator STENNIS.

(Later, Mr. WARNER addressed the Senate, as follows:)

Mr. WARNER. Mr. President, I rise to join my colleagues in expressing my condolences to Senator STENNIS and his family.

While I was not privileged to know Mrs. Stennis well, I can recall the many times I have been in the presence of Senator STENNIS when he always lovingly expressed regard for his wife. He would untiringly make trips back to his home to join his wife with such regularity as possible in view of his heavy responsibilities to our Nation's national defense.

The relationship between Senator STENNIS, his wife, and family, will always serve as a challenge and inspiration to other Members of Congress whose duties compete heavily with family life.

Mr. RANDOLPH. Mr. President, in sadness I offer condolences to my esteemed colleague, Senator JOHN STENNIS and his family, on the passing of his beloved wife, Coy.

They have served this Nation well, each in different roles, America is the better for her contributions as partner and helpmate.

JOHN has been a tower of strength for more than a half century of public service, 36 of those years as a stalwart Member of U.S. Senate.

Coy Stennis stood by and stood for her husband during 54 years of devoted marriage. Children and grandchildren know of their warm and wonderful life together.

In the inevitable trials and tribulations of life, we stress the serenity and inner strength of Coy and JOHN.

S. 1784—REFORM OF THE UNEMPLOYMENT INSURANCE SYSTEM

Mr. BYRD. Mr. President, I ask unanimous consent that a statement which I made this morning before the House Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means in support of S. 1784, which is a bill introduced by Senator HEINZ, myself, and others—I am trying to recollect if the Presiding Officer was a cosponsor——

The PRESIDING OFFICER (Mr. WARNER). At this moment, yes.

Mr. BYRD. This bill would reform the unemployment insurance system—I ask unanimous consent that that statement plus certain information in support thereof be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR ROBERT C. BYRD OF WEST VIRGINIA

Mr. Chairman and distinguished Members of the Subcommittee:

Let me begin by expressing my appreciation for the opportunity to testify before you today. Mr. Chairman, I particularly appreciate your invitation to appear here, and of your including in the agenda for this hearing the unemployment insurance bill that I and Senator HEINZ introduced on August 4 in the Senate.

The work this subcommittee does in the next week to ten days will be critical to determining the future course of unemployment insurance in this nation. Yours is a major challenge, but also a significant opportunity. I am hopeful that my comments today will aid you in your efforts.

The economic indicators signal that we have begun to climb out of the depths of the recession in which we have been mired since July of 1981. As the long-awaited recovery materializes, however, we must not forget that recovery will be a very long time coming to many millions of Americans who lost their jobs and, in many cases, their possessions and homes as well during the past two years.

Unemployment still is at a terribly high level on a nationwide basis. The national unemployment rate in August, the latest month for which the Department of Labor has announced figures, was 9.5 percent.

No public official should rest while we have over 10.7 million persons in the American work force who are idle; while 5.8 million are working part time because they cannot find full time work; and while 1.7

million are still so discouraged as a result of their unsuccessful search for work that they have dropped out of the labor force altogether, and are not counted among the officially unemployed.

And the picture is even bleaker in some of the states that have been hardest hit by the recession. In June, the last month for which the U.S. Labor Department has compiled comprehensive figures, my state of West Virginia had a 17.5 percent unemployment rate. Michigan had a 14.6 percent unemployment rate. Ohio had a 12.8 percent rate. All told, 27 states and the District of Columbia had rates 9 percent or higher.

It also is important to note that those who have been laid off in this recession are remaining unemployed longer than in previous recessions. In May of this year, one million, five hundred, and fifty thousand workers had been unemployed for a full 12 months, and this does not count the structurally unemployed who have not worked in recent years.

It is all too clear to those of us who have seen their plight first hand, who have talked to them in the communities in our states and districts, and who receive letters and calls from them on a daily basis, that these unemployed workers and their families are the hapless victims of our nation's economic illness.

The saga of the unemployed worker and his or her family has been repeated countless thousands of times. Tragedy is not too strong a term to apply here.

As I have noted, unemployment insurance usually is available as a partial cushion. However, the unemployment insurance system currently is not functioning to provide the degree of cushioning that I believe the Congress intended. This is true primarily with respect to programs of additional benefits beyond those available through the basic U.I. programs operated by the states. The system simply was overcome by the severity of this recession and the magnitude of unemployment we have experienced and continue to experience, and by flaws that this severe testing of the system has revealed starkly.

Presently, although 28 of the 53 states and other jurisdictions have unemployment rates of 9 percent or greater, and the national unemployment rate is 9.5 percent—very severe unemployment by historical standards—only 2 states are eligible for Extended Benefits—the second of three tiers of benefits available through the unemployment insurance system. This unacceptable situation is primarily the result of the use of the Insured Unemployment Rate (the I.U.R.) as the sole state eligibility determinant for the Extended Benefits program.

In 1981, the Congress made two changes in the use of the I.U.R. The first change increased the level of the I.U.R. a state must have to qualify. The second change omits from the computation of the I.U.R. any person receiving benefits beyond regular state benefits. The I.U.R. continues to omit in its computation all persons who have exhausted all U.I. benefits, as it did before 1981.

Even had these changes not been made, however, use of the I.U.R. as the sole state eligibility determinant for the Extended Benefits program was badly flawed. States that are hardest hit by unemployment—particularly where the average duration of unemployment is highest—are substantially disadvantaged, because a greater proportion of their unemployed populations are not counted in the I.U.R. This distorting effect generally is greatest as a state's unemployment rate peaks and begins to fall but still remains very high—as currently is the case in many states. My own state of West Virginia provides a vivid example: while its total unemployment rate currently is 17.5 percent, its I.U.R. is only 7.19 percent.

In addition to this unacceptable situation with the Extended Benefits program, we are facing another crisis in the Supplemental Compensation program—the third or last tier of benefits. This tier expires again on September 30. It is absolutely unthinkable that Congress will fail to continue providing a number of weeks of benefits at least equal to the number now available, counting the weeks of Supplemental Compensation. And yet we must go through the motions to be sure that the program is reauthorized again, and avoid an interruption that could be devastating for the unemployed and their families who are dependent on these benefits while they still cannot find work.

There is yet a third major problem with the portions of the unemployment insurance system that are superimposed on top of the basic state U.I. programs. This problem is the confusion, distress, and cynicism that result from one of the most complicated programs operated at any level of government in this nation—that result from a program that is supposed to help those who have fallen upon hard times, but, instead, often stymies and boggles the mind. It defies understanding by the workers it is designed to protect, by the employers who pay into its trust funds, by the taxpayers who finance some of its benefits through general revenues, and, indeed, by the members of Congress who are its creators, and the federal and state administrators who are charged with operating it.

The Extended Benefits and Supplemental Compensation programs are crying out for repair. The basic idea of such additional benefits is sound; it is, in fact, essential. But these programs must be reformed so that they actually will provide the protection they were intended to provide. They must be reformed so they will be dependable. And they must be reformed so that those who need benefits beyond those provided in basic state programs, those who pay the costs, and those who operate the programs can understand what help is available, how to obtain it, how much it costs, and how to operate the programs providing it efficiently.

These are not minor repairs. They cannot be accomplished by tinkering with the programs. It is time for a real overhaul of the system beyond the basic benefit programs at the state level.

It seems clear to me that now—when major revisions in the Extended Benefits program are required, and when the Supplemental Compensation program expires in three weeks—now is the time to make sense out of this confusion by combining these two programs so that they no longer exacerbate each other's flaws. There are a number of changes that need to be made. I wish to highlight the most important.

First, rather than having two programs that operate according to inexplicably conflicting state eligibility standards and result in incomprehensible durations of benefits, there should be only one program providing benefits beyond those available through the basic programs operated by the states.

Second, rather than having, as in the current Extended Benefits program, state eligibility requirements that dictate a state is eligible for "all or nothing" of the current 13-week benefit period, the program should be structured as the Supplemental Compensation program now is structured—so that states with the highest levels of unemployment are eligible for the greatest number of weeks of benefits, and those benefits stage down as unemployment rates are lower.

Third, the use of the Insured Unemployment Rate as the sole determinant of eligibility no longer is acceptable. It is well known that the Total Unemployment Rate compiled each month by the Bureau of Labor Statistics is based on a national sample, and that the probability of significant error is high with respect to states with smaller populations because the sample size is so small there. Admittedly its use is not ideal. But surely it is apparent that use of the I.U.R. also is far from ideal.

This past Friday, the Brookings Institution published a study containing a striking empirical fact. During 1982, only 45 percent of unemployed workers received unemployment insurance benefits, compared to 78 percent during the recession year of 1975. One of the principal reasons cited by the study's author is that the I.U.R. no longer is accurate in measuring how difficult it is for unemployed workers to find jobs, and consequently is not desirable as a trigger for benefits beyond those in a state's basic program.

As a practical matter, we should not tolerate a methodology that causes a state with 15 percent unemployment to receive only a very few weeks of benefits beyond those in the basic program. So, although efforts should be redoubled to find a "better mousetrap", in the meantime we should employ the Total Unemployment Rate to assure that states and their long-term unemployed workers are treated fairly.

Fourth, and finally, the financing of the program should be arranged so that, as a state's unemployment rate increases, the federal government will pay an increasing share of the benefits in that state. This can be justified on the grounds that it is extremely likely that unusually heavy unemployment in any state will be largely the result of economic circumstances beyond its borders and control. It also is necessary in order to minimize future additions to the heavy debts that have been incurred by the trust funds of those states that have been hit hardest by unemployment in the current recession. To ignore this situation may result in ever-increasing employer taxation and thereby serve as a disincentive to private sector hiring—with the greatest increases in taxes falling in the states that have had the worst unemployment and are in greatest need of new hiring.

I was pleased to join with Senator Heinz and four cosponsors in introducing legislation—S. 1784—that will do precisely these things which badly need to be done, and which will make other changes of a more technical nature that also are very important. Mr. Chairman, if I may, I would like to submit for the record a summary of the purposes of this bill, a chart showing the distribution of benefits and financing mechanisms it provides, and a brief summary of its provisions.

At a time when we all are hopeful that the corner has been turned toward national economic recovery, we must not forget those who are the victims and remain the victims of this sad episode in our nation's economic history. We must take steps to assure that the cushion of unemployment assistance actually is available to those who need it. Just as important, we should act now, while the

failings of the U.I. system are fresh in our minds, to assure that the system will operate more fairly, dependably, and efficiently in the future.

I commend to your consideration the bill which Senator HEINZ and I, with cosponsors from both parties, introduced in a spirit of bipartisan cooperation. We believe it could solve the major problems that have confronted the U.I. system in recent months.

I hasten to add that we do not claim that every one of the detailed provisions of our bill is the perfect approach. Surely there is room for improvement, and this Subcommittee's expertise should be brought to bear on that challenge. In particular, the Subcommittee may wish to investigate some alternative to sole use of the Insured Unemployment Rate as the state eligibility determinant other than use of the Total Unemployment Rate. Our bill requires the Department of Labor to undertake a study with this objective, but the Subcommittee may wish to use a different device even now. The Subcommittee also may wish to modify the schedule determining how program costs will be divided between the state and federal governments. It may be desirable to incur slightly greater federal costs in order to assure that hard-pressed states will not have to bear a larger fiscal responsibility at some benefit duration levels.

But I am hopeful that this Subcommittee will act boldly to set in place (1) a logically constructed, single program of benefits beyond state basic programs; (2) with benefits determined by unemployment level; (3) available permanently to states whenever they have high unemployment; (4) with federal financial responsibility increasing as unemployment worsens; and (5) with use as the state eligibility determinant of a more accurate reflector of the difficulty of finding employment than the Insured Unemployment Rate.

Again, I thank you for the opportunity to talk with you today. I offer my respect and my best wishes as you grapple with the problem of making the U.I. system both more rational and more effective in meeting need. If I can be helpful in any way, I hope you will call on me.

Mr. Chairman, I believe the dilemma of my schedule has been communicated to you previously. A caucus of all Senators is scheduled to begin momentarily to provide a briefing on the circumstances surrounding the Soviet attack on the Korean Airlines plane. Consequently I must depart immediately. Again, I thank you for being able to talk with you and your Subcommittee members about this vital program so much in need of major repair.

I also want to thank Congressman Stark for introducing in the House yesterday the bill Senator Heinz and I introduced earlier in the Senate. I am advised that Congressman Stark was joined by Congressman Pease, who also serves as a member of this Subcommittee, and by Congresswoman Kaptur who will be testifying before the Subcommittee today.

It is very encouraging to see this level of concern among the Subcommittee's members about the problems that I described in my testimony today, which Senator Heinz and I have sought to address in our bill. I am very hopeful this means the Subcommittee will take the present opportunity to make some of the structural changes in the Unemployment Insurance system that are so badly needed.

I am honored to be joined at this hearing today by the distinguished Senior Senator from Pennsylvania, Senator Heinz, who introduced S. 1784 with me in the Senate in August. He has been a leader in the Senate in seeking recognition of the problems of the unemployed and legislation to address those problems. We want to emphasizes together today that we believe major reform to the Unemployment Insurance system now is both necessary and possible, and to highlight the fact that the bill we introduced together, with cosponsors from both parties, was in fact a bipartisan effort to address the deficiencies of the current system.

I regret having to leave before he makes his comments, and ask his forebearance as I ask the Committee for its understanding. I commend his comments to you.

TABLE OF BENEFITS UNDER S. 1784

When State IUR equals (percentage)	Or	State TUR equals (percentage)	Unemployed persons receive this many weeks of benefits [1]
0 to 3.99		0 to 8.99	0
4 to 4.99	And IUR is greater than average in prior 6 years [2].	9 to 9.99	10
5 to 5.99	do.[2]	10 to 10.99	20
6 to 6.99	do.[2]	11 to 11.99	25
7 and above	do.[2]	12 and above	30

[1] When the national total unemployment rate equals or exceeds 10 percent, unemployed persons in States in the 0 to 3.99 percent IUR category will be eligible for 5 weeks of benefits under the bill, and 5 additional weeks will be paid—beyond the number listed—for each other category

[2] In the 4 to 4.99 percent IUR category, a State must have an IUR that is 130 percent or greater of the average in the prior 6 years in order to qualify on the basis of its IUR. In the other categories, a State must have an IUR that is 105 percent or greater of the average in the prior 6 years in order to qualify on the basis of its IUR.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The minority leader has approximately 6 minutes.

Mr. BYRD. I thank the Chair, and I yield 6 minutes to the gentle lady from Florida.

Mrs. HAWKINS. I thank the Senator from West Virginia.

PARENTS JOIN PBS IN NATIONWIDE TV CAMPAIGN AGAINST DRUG ABUSE

Mrs. HAWKINS. Mr. President, The National Federation of Parents for Drug-Free Youth, which was founded by my friends Bill and Pat Barton of Naples, Fla., has joined with Public Broadcasting Service station WQED/Pittsburgh and 26 professional and civic groups across the country to spearhead a landmark community outreach project called The Chemical People. First Lady Nancy Reagan and Dr. Carlton Turner, White House Drug Policy Adviser, will host the two 1-hour specials aimed at combating adolescent drug and alcohol abuse.

Nearly 300 PBS stations nationwide will carry the programs on November 2 and 9, 1983 at 8 p.m. e.s.t. NFP executive board member, Robert Kramer is a consultant for "The Chemical People" and will be featured in the programs, sharing what parents have done and what parents can do.

In the spring of 1982, WQED/Pittsburgh, producers of "The Chemical People" joined forces with a regional coalition of parents and community leaders to launch a local campaign targeting the epidemic of youthful drug and alcohol abuse. From that successful effort, over 12,000 people attended local town meetings, the national awareness campaign and two-part television series have evolved.

Communities will be encouraged to hold town meetings concurrently with the broadcast of the two programs. The first program is designed to inform and motivate viewers to examine the scope of the problem and to give the viewers and community leaders a forum for discussion.

The second hour of "The Chemical People" will feature successful community programs and demonstrate to viewers that they are not helpless—that they can join together to fight this problem. The ultimate goal is for the audience to organize itself into a community task force.

"The Chemical People" project is one of the most exciting and promising projects ever in the area of drug abuse prevention—it also presents an incredible opportunity for parents. As Mary Jacobson, NFP president remarks,

Never before has such a massive assault been launched against the wall of denial parents often encounter when trying to educate their communities about young people and drugs. Parents must be at the forefront of the local effort. The stakes are high. "The Chemical People" has the potential to truly stun America into action. Please get involved becuase you and I agree that this is one battle America can't afford to lose.

I ask unanimous consent that a June 1983 Reader's Digest article by Peggy Mann entitled "Parents Against Pot" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, June 1983]

PARENTS AGAINST POT—IT STARTED IN NEIGHBORHOOD LIVING ROOMS AND EXPANDED INTO A POWERFUL NETWORK THAT MAY BE THE NATION'S BEST HOPE OF WINNING THE BATTLE AGAINST YOUTH DRUG ABUSE

(By Peggy Mann)

School authorities often refuse to face the problem; government drug-abuse agencies have done all too little to inform the public about it; many physicians still seem unaware of it when they examine teen-agers. As a result, parents may still be the last to know that their children have fallen victim to the drug epidemic that has been raging for more than a decade among America's youth. In a 1980 survey of a middle-income Cincinnati suburb, 38 percent of the sixth grade and 89 percent of the senior class said they used drugs and/or alcohol; 38 percent of the parents thought their children used alcohol, but only 8 percent thought their children used drugs.

Fortunately, there is a new force at work against this epidemic—a nationwide movement of more than 4000 parent groups

formed to expose and battle drug use among teen-agers and preteens. The groups, ranging in size from 15 members to more than 800, have different approaches and widely varying rates of success. Yet this parental crusade is the only major force in the country to have taken active, organized and effective steps aimed at stopping marijuana use.

Why the concentration on marijuana? Because it is the illegal drug most used by kids. According to the 1982 National High School Senior Survey, 44 percent of U.S. high-school seniors had smoked pot during the year, and one out of seven of these were daily or near daily smokers.

Moreover, in 1982, sociologists Richard Clayton and Harwin Voss reported a dose-related connection between pot smoking and subsequent use of cocaine and heroin by young men. Of those who had smoked pot fewer than 100 times, seven percent had graduated to cocaine, four percent to heroin. But of those who had smoked pot at least 1000 times, the equivalent of once a day for three years, 73 percent had gone on to cocaine, and one out of three had graduated to heroin. (Although heroin use among high-school seniors is minimal—0.6 percent in the past year—multi-drug use is "in.")

Parent groups have found that by stopping their kids from smoking pot, they almost automatically stop all other illegal drugs—and cut down on alcohol use as well. The High School Senior Survey's statistics show that heavy pot smokers tend to be heavy drinkers, while those who do not use pot tend not to drink heavily.

Since virtually all over the country teenage "partying" has come to mean "getting smashed and getting stoned"—on anything from pot to pills to hashish, LSD, angel dust and alcohol—some parent groups hone in on the partying aspect. Parents Who Care (PWC) was started in November 1979 by 15 Palo Alto, Calif., parents who were upset by stories of druggy senior proms. They held talk sessions with their children and learned, as founder Joann Lundgren observed, that most of them had never been to a party where the main activity was not getting high.

The parents solution: workshops showing kids how to give successful drug- and alcohol-free parties. Says Margery Ranch, PWC director, "We've seen a change in attitude. Young people are feeling more comfortable saying no."

Founding Mother. The parent movement began in Atlanta in 1976 at a back-yard birthday party for Kathy Manatt,[1] age 13. Her mother, Marsha, grew suspicious when a boy lurched into the kitchen and asked a girl, "Did they bring the stuff?" Then Manatt noticed that many of the youngsters appeared to be stoned. But they were only 12 and 13 years old!

At 1 a.m., the party over, Marsha Manatt and her husband crawled around the back yard with flashlights. They found dozens of marijuana butts, empty beer cans, wine bottles. "I felt absolutely sick," she recalls.

Next morning Manatt started phoning the guests' parents. Reactions ranged from disbelief to hostility. But one mother, Karen Hardy, told her, "If you really want to know what's going on with the kids, let's talk." Her son had just overdosed on a marijuana joint laced with angel dust.

With Karen Hardy's help, 15 couples agreed to meet in the Manatts' living room. Their children ranged in age from 11 to 14. At first the room bristled. One mother maintained, "My boy isn't involved in any of this. He told me so."

"I hate to disillusion you," a father answered, "but your son sells pot to mine in the woods behind my house before school."

As the parents pooled information, some felt shock, but there was also a sense of relief. Many had experienced guilt and shame; now they learned, as Karen Hardy's 12-year-old son put it, "Every kid has a drug problem the minute he walks out the front door, because drugs are all around."

The parents determined to research this marijuana world. They interviewed school-bus drivers, teachers chaperones at dances. At the next parents' meeting, they agreed on a concept that was to become a cornerstone of the national movement: parent peer pressure to combat teen peer pressure.

Manatt's group set down rules: Rock concerts and the drug-hang-out pinball parlor were off limits. There would be an eleven-o'clock curfew on weekends. All telephone callers would have to identify themselves. Spending would be watched. Parents would chaperone all school functions and monitor school-bus stops and the homes of parents who worked late.

Parents who "waffled" and tolerated exceptions made little headway. But those who stuck to the rules found that the pressure worked, and their teen-agers' resentment subsided because peers were subject to the same rules. Many seemed strangely relieved. Within six months, virtually all the children of the parents who had organized were drug-free—and remained that way.

By 1982, when Kathy Manatt's younger sister, Emily, entered eighth grade, she reported, "There's no one in my class I know of who does drugs. We think it's gross to be drunk or stoned."

Pride of Parents: In August 1977, Marsha Manatt met Thomas Gleaton, a Georgia State University professor of health education who had run the Southeast Drug Conference. While some professionals had been extremely hostile to Manatt when she tried to get support for parent involvement in drug-abuse programs, Gleaton listened. Out of their five-hour meeting two important ideas were born. The next Southeast Drug Conference in 1978 would be devoted to parents and to the new marijuana research. Also, an organization would be formed to disseminate information about marijuana. This became PRIDE, National Parents' Resource Institute for Drug Education.

Within two years, PRIDE has run workshops for parents, teachers and counselors from 144 schools in an around Atlanta. PRIDE also organized 20 regional, state and county conferences and two national conferences that proved a stimulus to new parent groups. By 1983, Manatt and Gleaton had addressed 500 emerging parent groups. Many adopted PRIDE's name, and spawned more groups.

Hidden Camera: Each new organization was triggered by parental anguish. In 1978, for example, Pat Barton, a mother in Naples, Fla., saw a report of PRIDE's conference and called Marsha Manatt. The Barton's 15-year-old daughter Bonnie, had been dating a drug dealer and smoking marijuana. Her parents threatened the drug dealer with legal action (he moved away) and put Bonnie under strict surveillance. But when Bonnie had shrieking tantrums, Pat and Bill Barton wavered, wondering if what they were doing was wrong. "Our kids seem to know everything about drugs," Pat Barton told Manatt. "We know nothing! *Is* marijuana harmful?

Marsha Manatt promptly mailed off a packet of information that provided the Bartons and their friends with enough background and courage to name themselves Naples Informed Parents (NIP). Then the parents asked the high school principal to "do something" about drugs in the school parking lot. When the school authorities appeared unable to cope with the problem, Bill Barton went to the sheriff, and for three weeks a detective hidden in a van photographed illegal drug use in the parking lot. Among those subsequently arrested was Barton's son Nick.

All that summer the parents worked with the schools, business and police, and when kids returned to Naples High that fall, they were issued a revised handbook setting forth a stricter code: "No drug or alcohol on school grounds or at any school function." During the same summer, the Bartons, as Pat put it, "went through sheer hell with Bonnie." But Bonnie did stay off drugs and returned to the sunny, spirited A-student she once had been. Nick was so impressed by this change that he too decided to get off pot.

By 1980 the Bartons' NIP had grown to 500 members. They collected scientific data on marijuana and brought it to schools, men's clubs, PTAs, doctors and their own children. It became evident to all involved that the students at Naples High had a healthier, more optimistic attitude. Their SAT scores improved, they dressed and looked better and showed more enthusiasm for everything. The situation continues to be on the upswing to this day.

There are now parent groups in over 80 Florida communities. "The message I give them," says Pat Barton, hired by the state in 1980 to "network" existing partent groups and encourage new ones, "is don't feel guilty, but do feel responsible.

"Because We Must." In the meantime, other pioneers recognized the need for a national organization to serve the parent groups engendered by PRIDE and others that had started spontaneously in over 30 states. The National Federation of Parents for Drug-Free Youth (NFP) was born in April 1980, and Bill Barton was elected president. The movement then represented some 350 parent groups. One year later, there were 3000. By March 1983, the NFP network was in touch with some 4000 parent groups and was meeting numerous requests for its step-by-step manual to aid parents in setting up new groups.

The affiliates retain their own identities. COPE (Concerned Organization of Parents to Educate), FACT (Family Action Council of Texas), HIP (Houston's Informed Parents), IDEA (Illinois Drug Education Alliance) . . . behind most of these acronyms lie heart-rending stories. Many groups have their own approaches to the local problem. Families Anonymous in Van Nuys, Calif., concentrates on "the hurting parents." The Millburn (N.J.) PTA Drug Awareness Committee aims at drug prevention among grade-school children. An all-black group, Parents and Youth Against Drug and Alcohol Abuse, in Washington, D.C., provides inner-city teen-agers with wholesome alternatives to drugs and alcohol, including ball games, talent shows, plays.

The first conference of the NFP was held in Washington, D.C., last October and attended by over 500 parent-group leaders

[1] Names of all children and some adults have been changed.

from 46 states. Speakers included First Lady Nancy Reagan, who was honorary chairperson of the conference.

Mary Jacobson, co-founder of PRIDE-Omaha and president of NFP, summed it up for all of them: "If each affected element in our society joins with the parents—schools, physicians, business, government—if we put blame and shame behind us, and forge ahead, we will win the battle. Because we must."

Mrs. HAWKINS. Mr. President, I yield my time to the minority leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, does the Senator from Montana wish me to yield him any time?

Mr. MELCHER. I thank the Democratic leader but I do not.

Mr. BYRD. I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. If the minority leader will withhold——

Mr. BYRD. I will withhold my suggestion.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 10:30 a.m. during which time Senators may speak for no longer than 5 minutes each.

Mr. BYRD. I thank the Chair, and I renew my suggestion with reference to the absence of a quorum.

The PRESIDING OFFICER. The clerk will now call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF H. W. CLOSE

Mr. THURMOND. Mr. President, I would like to take this opportunity to note the passing of a dedicated textile executive and a close personal friend, H. William "Bill" Close, Jr.

Bill Close, who died at the age of 63 in New York City on August 17, 1983, was chairman of the board of Springs Industries. He was a business graduate from the University of Pennsylvania. Upon completion of his college education, he entered the Navy and served in the Pacific theater during World War II. In 1946, Close joined Springs Industries as a sales trainee, and he subsequently worked in all facets of the company.

In 1969, he was named chairman of the board. During his tenure as board chairman, Bill Close guided the growth of Springs Industries into the fifth largest textile company in the Nation. Springs Industries, based in Fort Mill, S.C., employs over 18,000 people, of whom some 14,000 are South Carolinians, including large numbers of minorities and women. Springs also operates subsidiaries in Wisconsin and Paris, France.

Bill Close was able to maintain these high levels of employment in the face of many serious hardships confronting the textile industry today. Not only did he have to contend with the recent recession, but he was forced to compete with cheaply produced and often subsidized foreign imports.

Mr. Close was dedicated to the continued improvement of Springs Industries and to the betterment of living and working conditions for his employees. The textile industry, the State of South Carolina, and the Nation will miss Bill Close and the contributions he made to society.

Mr. President, I would like to extend my deepest sympathy to the members of Mr. Close's family of whom he was so proud. His wife, Anne; sons, William, Jr., Leroy, Derrick, and Elliot; and his daughters, Mrs. Crandall Bowles, Mrs. Francis Hart, Mrs. Patricia Hastings, Miss Katherine Close and Miss Martha McKee.

TIME RIPE FOR NUCLEAR TEST BAN RATIFICATION

Mr. PROXMIRE. Mr. President, on August 7 the Washington Post carried a remarkable article by Walter Pincus headlined: "Has Dr. Strangelove Made His Last Nuclear Bomb." What was so remarkable about this story? Two elements.

First, Pincus maintained that while negotiations between the U.S.S.R. and this country might not stop or even slow the nuclear arms race, the limits of technology might do exactly that. What a happy possibility: The scientists and their military collaborators on all sides stopped by the laws of nature. Pincus is a top flight reporter. But who will believe that given its head science will not continue to refine and make nuclear weapons ever more deadly. Oh, sure, for a few months science might run into some kind of a roadblock—maybe even for a few years—but a permanent limitation on any new nuclear weapons? Prove it—Walter—and take your time doing it. Pincus does not come close to proving it in this article. He quotes Roy Woodruff, assistant director of Livermore in charge of strategic weapons development, but a couple of days later Mr. Woodruff disavows much of what Pincus claims in a letter to the Post.

Nevertheless it seems that Pincus is indeed on to something here. There seem to be kinds of limitations imposed by science on the significance of the size of nuclear bombs and their megatonnage. And of course for a long time the basic theme of those everywhere who would limit the nuclear arms race was that you can only blow up the world once, why spend billions to assure yourself that you can blow it up 5 or 10 or 100 times over. Both the Soviet Union and the United States have the number of warheads, the megatonnage, the accuracy, and the delivery capability to utterly demolish the other. Sure, we can modernize, refine, improve accuracy even more, reduce the vulnerability of weapons and guarantee their accurate delivery. In fact this Congress will spend about $50 billion a year for each of the next 5 years to do all these things. The Soviets will do the same. Our weapons on both sides will be better, that is, more accurate, surer to pentrate any enemy defenses, better able to survive an enemy attack. But the results will be the same old thing: the destruction of civilization.

The second reason this was a remarkable story is because Pincus suggests what policy his conclusions lead to. Pincus proposes that we should ratify the 1974 threshold test ban treaty which both the United States and the Soviet Union have accepted and for some 9 years have respected, but have not ratified. Pincus argues that we should ratify it, and then proceed to build on it. The treaty is on the Senate calendar. Chairman PERCY of the Foreign Relations Committee has, according to Pincus tried to get President Reagan's support for it. At the instigation of David Emery, the Deputy Director of the Arms Control Agency, an interagency group is now studying the treaty and the White House is expected to reconsider its previous opposition to the treaty and possibly support it.

Why would the Senate ratification of a treaty that has been in effect for 9 years advance arms control? Answer: It would provide the basis for a reduction in the current 150 kiloton limit to 50 kilotons or less. With no significant tests for several years the arms race would meet a truly serious and effective limitation. With this kind of limitation, and further action such as proposed by Senators PERCY, NUNN, and COHEN to sharply reduce the number of strategic, nuclear warheads to 5,000, we could begin to turn the arms race around. Without the test ban firmly inplace, however, any warhead reduction could be illusory. We know, for instance, that a sharp reduction in megatonnage can be offset by a corresponding increase in accuracy. Similarly a considerable reduction in the number of warheads will not mean a less devastating nuclear power if the accuracy and reliability of the smaller number of warheads has been increased. Testing is essential to the improvement of a nuclear arsenal. Therefore an effective ban on testing, together with a verifiable reduction in the number of nuclear weapons would indeed stop the arms race.

Mr. President, I ask unanimous consent that the article to which I have referred by Walter Pincus in the August 7 Washington Post be printed in the RECORD, together with letters to the Post commenting on Mr. Pincus' article by Associate Director R. D. Woodruff and Deputy Associate Director W. F. Scanlin of the Lawrence Livermore Laboratory, and also a letter from David C. Morrison, research analyst, Center for Defense Information.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAS DR. STRANGELOVE MADE HIS LAST NUCLEAR BOMB?

(By Walter Pincus)

LIVERMORE, CALIF.—If the policy planners and politicians in Washington would spend more time at the laboratories where America's nuclear weapons are fashioned, they might begin to grasp a remarkable fact: Neither the Soviet Union nor the United States need worry any longer that the other might come up with some fundamentally new nuclear weapon.

Similarly, if those toiling to legislate a nuclear weapons freeze would also study the facts, they would discover that they might accomplish far more by redirecting their energies to seek severe limits on the size of underground nuclear tests. If such limits were accomplished—and a treaty has already been negotiated to impose them—the dangers of nuclear war could indeed be reduced.

What the hardliners and softliners both would discover here at Lawrence Livermore Laboratory and at its older sister lab in Los Alamos, N.M., is that a different kind of freeze is already taking shape—a technological freeze, a limit imposed by science, not man. Discussions here and in Los Alamos with the scientists who make our bombs point to this conclusion: They have gone about as far as they can go in developing new nuclear weapons.

Yes, research continues on further nuclear advances, but these undertakings are essentially on marginal efforts, such as getting a bigger or more specialized bang from a smaller amount of nuclear material. And, yes, we can still expect new and exotic nonnuclear weapons such as laser and particle beams.

But 38 years to the week after the first two atomic bombs were dropped on Japan, the experts suggest that the basic development cycle of nuclear weaponry is complete.

Roy Woodruff, assistant director of Livermore in charge of strategic weapons development, will tell you that America's newest strategic and tactical hydrogen bombs, now in production, are probably the last nuclear bombs we need to build. He also believes that we may be at the end of designing significantly new missile warheads, adding: "There are no modern systems required with a yield over a megaton." (The bomb dropped on Hiroshima was 0.0125 megaton.)

This country's newest missiles are one piece of evidence suggesting there is nothing new to be done. An older basic design is being used for the warheads on both the new MX intercontinental ballistic missile, being developed here at Livermore, and the planned Trident II submarine-launched ICBM, which Los Alamos will put together. Scientists reckon they cannot significantly improve on the existing design.

William F. Scanlin, who directs the design of Livermore's short-range nuclear systems—including the controversial neutron artillery shells—delivers a similar message. The neutron represents "the end of nuclear artillery shells," he remarks. He also agrees with Woodruff that our latest strategic bomb, the B-83, "was the last bomb we ever do."

These men are hardly nuclear disarmers. Woodruff is looking at new defensive nuclear weapons in space, Scanlin at "safer" warheads, both are believers in continued research for new devices. But their personal beliefs cannot alter the fact that America is near the end of the line in basic warhead design, accuracy and types of delivery systems.

There seems little doubt, for example, that we have run out of new ways to base intercontinental nuclear missiles on land and at sea, and space basing of offensive weapons is already prohibited by treaty.

As for the size of weapons, we learned years ago that the more accurate we made our delivery systems, the smaller the nuclear warhead yield necessary to destroy any target.

The Reagan administration and its allies like to stir up fears with talk about the size and power of Soviet weapons. But scientists have long known that making more powerful nuclear weapons is less effective militarily than making more accurate ones.

The experts still accept the 20-year-old formula that says if you make a nuclear warhead twice as accurate, it can have one-eighth the explosive yield and still do the same damage to a target. The Soviet explosion in 1962 of a 50-megaton hydrogen device (equal to 50 million tons of TNT) was impressive but foolhardy. No target needs that big an explosive.

The biggest Soviet ICBM, the SS18, carries 10 separate warheads, each with a yield of more than 600 kilotons. Although it is perhaps one-third larger than the proposed U.S. MX ICBM, the smaller American missile's 10 warheads, each with a yield of about 500 kilotons, will be just as militarily effective because of the superior MX guidance system. At explosive yields of those levels, the only difference between the damage done to a target is the size of the dust particles in the radioactive crater.

The increasingly evident limit on technological advances in nuclear weaponry opens the door to the tantalizing possibility of a safer world where what already is known about nuclear devices is all there is, and the unseen need no longer be frightening.

It now is possible for politicians and world leaders, who are trying to find some means of halting the arms race, to drop the idea that one side or the other will suddenly come up with the ultimate nuclear bomb.

While senior scientists at Livermore and Los Alamos do not speak in exactly these terms, some of them do see a new possibility: moving toward limiting the size of underground tests to a point where neither superpower could have total faith in the reliability of its deployed and stockpiled arms.

If we do not need a new bomb, a new delivery system, a new artillery shell, after all, why would we need large-scale testing anymore? As for the Soviets, they have long urged a reduction in the permitted size of nuclear explosions. There is no risk in seeing if they will put their bombs where their mouth is.

Livermore's Woodruff, for example, is a firm advocate of the first step needed if we are to move in this direction: ratification of the 1974 threshold test ban treaty, the agreement signed by then-President Richard Nixon limiting both Washington and Moscow to underground weapons tests of devices with yields of 150 kilotons (0.15 of a megaton) or less.

Although both countries have agreed to abide by the treaty's limits, neither has ratified the treaty. Ratification is needed to clear the way for further agreements that could reduce the size of permitted tests still further.

The problem is that key Pentagon officials believe some Soviet tests conducted since the threshold treaty was signed have exceeded the existing 150-kiloton ceiling. Last year, when Sen. Charles H. Percy (R-Ill.), chairman of the Senate Foreign Relations Committee, tried to get President Reagan's support for ratification, the Pentagon led the opposition.

In May, Livermore scientists had the opportunity to talk to the new deputy director of the Arms Control and Disarmament Agency, David F. Emery, a former Republican congressman from Maine and an electrical engineer by profession, who visited the lab while awaiting confirmation to his post.

Emery was shown classified data the lab has developed on Soviet underground tests. The evidence, according to Woodruff, showed that there was no solid proof of Soviet cheating on the unratified treaty. Beyond that, Woodruff argues, even if the Soviets had done what Pentagon officials claimed, the small variance above the 150-kiloton limit "would not give them any military advantage in weapons building."

At Emery's initiative, an interagency group is now restudying the threshold treaty issue, and the White House is expected to reconsider in October its opposition to ratification. Arms control advocates within the administration believe the president will change his mind—not out of conviction, but as part of a major administration arms control offensive this fall aimed at aiding deployment of medium-range missiles in Europe.

Woodruff, moreover, says he already has briefed some Reagan administration officials on the Livermore view that the treaty should be ratified, and he plans to be available for testimony on Capitol Hill of additional hearings are held.

His support of the threshold limitation fits comfortably into the concept of the coming technological "freeze." If the United States has no plans or need to build bigger weapons, he says, why not also close out that option to the Soviets through a treaty obligation, whose increased weight would force them to stay in the 150-kiloton range for underground tests.

Moreover, he remarks, a formal limit to 150 kilotons would prevent building larger-yield warheads, because scientists are not convinced you can "scale up" devices tested at lower yields.

Scaling up means testing a device at, say, 10 kilotons and then designing a weapon with 10 times the test sample. Theoretically, the result would be a 100-kiloton bomb, but scientists at the nuclear labs don't believe you can safely assume that the bigger version would work as well as the small one, particularly with a weapon whose use has such extraordinary implications.

"Scaling up" is one of the many Washington myths in nuclear weaponry. This particular myth was used by liberals as an argument against ratification of the threshold test ban during the Carter administration; they claimed that the 150-kiloton limit

would have no effect because of the ability to "scale up." They were pushing for a comprehensive test ban treaty that would stop all underground tests. In the end they got neither.

If the 150-kiloton treaty were ratified, the next logical step would be for both countries to drive the level down to 50 kilotons, or even 5 kilotons. That surely would put a cap on any significant new nuclear weapons development and provide a further push toward the inevitable technical freeze.

Monitoring a 5-kiloton threshold test ban treaty would be easier than verifying a comprehensive agreement that bars each side from any nuclear tests, because inspectors on both sides would not get hung up on ambiguous small explosions. Moreover, any variation discovered would have little significance because such low-level tests would be too small to help develop new weapons concepts.

After a period of years in which no significant tests were permitted, both superpowers would have to begin wondering about the reliability of their respective arsenals. Of course, most of their thousands of bombs would probably still work, but with each passing year, doubts would have to grow. Eventually, generals and scientists on both sides would no longer be able to guarantee to their political leaders that their nuclear arsenals were fully reliable. So the leaders would have significant scientific grounds for worrying that a large part of their nuclear forces might not work as intended. At that point, neither side could rationally contemplate the first use of nuclear weapons—and we would have a considerably safer world.

It is time for government leaders, politicians and the public that has concerned itself with halting the arms race to take a serious look at pushing ratification of the threshold treaty as an easy first step toward a meaningful freeze. The agreement is already on the Senate calendar and could be called up for a vote when Congress returns in September.

Vocal public and congressional pressure at that time would surely force a favorable response from the White House, which needs to put its best arms control face forward as the Pershing II and ground-launched cruise missile deployments begin in December in Western Europe.

At the same time, the administration, which is uncomfortable with the 150-kiloton level (because it thinks the Russians are cheating on it) could be pushed to drive the threshold down lower.

It would be interesting to see how the numbers negotiations at the U.S.-Soviet arms control talks in Geneva would be affected by movement in the areas governed by the technological freeze.

After all, if you are not certain your weapons work, what difference does it make to serious people how many your enemy has?

THE LAST OF DR. STRANGELOVE?

Walter Pincus ["Has Dr. Strangelove Made His Last Nuclear Bomb?" Outlook, Aug. 7] reached a number of very inaccurate conclusions. While he is certainly entitled to his opinions, we deeply regret any inference that our interviews contributed to his reaching these conclusions or that we personally support them.

In particular, Mr. Pincus has used quotations from our interviews, out of context, to support his views, while omitting significant statements that did not suit his purposes. As an example of this, Mr. Pincus developed the idea that there is nothing new possible with respect to the design of nuclear weapons and that we are on the verge of a "technological freeze," i.e., one imposed by the limits of science and technology. Nothing could be further from our views.

We are described as "hardly nuclear disarmers. Woodruff is looking at new defensive nuclear weapons in space, Scanlin at safer warheads; both are believers in continued research for new devices." Later in the article Mr. Pincus states, "His [Mr. Woodruff's] support of the threshold limit fits comfortably into the concept of the coming technological 'freeze.'" We find this a remarkable (and incorrect) conclusion by Mr. Pincus, either with or without the information we provided him in our interviews. Mr. Pincus chose to ignore our discussion of such concerns as future mission requirements, testing restrictions, stockpile life of nuclear systems and survivability of current systems—all of which could generate requirements for new weapons that could not be provided under a freeze.

With regard to the issues concerning the Threshold Test Ban Treaty (TTBT), we expressed support for a 150-kiloton limit on testing and believe that the evidence, because of its statistical nature, can neither prove nor disprove Soviet violations of this yield limit, which has been "in effect" since March 31, 1976. But this certainly does not imply that such support "fits comfortably into the concept of a coming technological 'freeze.'" Further, Mr. Pincus refers to "the Livermore view that the [Threshold Test Ban] treaty should be ratified." We made clear to him that we were expressing our personal opinions; there is no official laboratory position or "Livermore view" regarding either the TTBT or any of the other topics we discussed.

In conclusion, we would like to reiterate that neither we nor presumably the Soviets are near technological limits in nuclear design technology. The idea that policy planners and politicians need no longer worry about either side's being able to come up with some fundamentally new weapon could have very serious consequences if it were used to guide our actions and planning. We know of no way of ensuring an equitable, verifiable means of limiting technological advance in either nuclear warhead design or in the design of the delivery systems. A continuing vigorous research and development program is therefore essential if technological surprise is to be avoided.

R.D. WOODRUFF,
Associate Director, Nuclear Design.
W.F. SCANLIN,
Deputy Associate Director, Military Applications, Lawrence Livermore Laboratory.
Livermore, Calif.

Walter Pincus' article holds out the comforting—albeit illusory—prospect that the Dr. Strangeloves at the Lawrence Livermore National Laboratory "have gone about as far as they can go in developing new nuclear weapons" and so embrace ratification of a stringent Threshold Test Ban Treaty.

While further refinement of fission (atomic) and fusion (hydrogen) weapons has indeed become "marginal," Lawrence Livermore is pushing ahead with the "third generation" of nuclear weapons. These would enhance such specific nuclear effects as directed plasma, electromagnetic pulse or X-ray lasing. For this very reason, Lawrence Livermore physicists and their overseers at the Department of Energy have steadfastly resisted any significant curtailment of the U.S. nuclear testing program.

In 1979, as negotiations on the Comprehensive Test Ban neared completion, Los Alamos National Laboratory director Harold Agnew and Lawrence Livermore director Roger Batzel successfully urged Jimmy Carter not to introduce the treaty. Reportedly, their arguments were based on the need to develop the coming third generation of nuclear weapons.

Only last March, Mr. Batzel testified before the procurement and military nuclear systems subcommittee of the House Armed Services Committee that, "We are still convinced that we need nuclear tests . . . and I would emphasize again that the advanced technologies [third generation] deserve a lot of attention and significant resources."

It is precisely because we have not reached the "technological freeze, a limit imposed by science, not man" that a Comprehensive Test Ban is so urgently needed. But it should be obvious by now that the impetus for such a ban will have to come from the American people and Congress, not from those in the national laboratories who continue to dedicate themselves to refining and enhancing the destructive power of the atom.

DAVID C. MORRISON,
Research Analyst,
Center for Defense Information.
Washington.

KINDNESS IN THE MIDST OF HORROR

Mr. PROXMIRE. Mr. President, in speaking for the ratification of the Genocide Convention, I have often referred to the horrible consequences of the Holocaust and its devastating impact on the personal lives of millions of innocent people. Today, I wish to draw your attention to a handful of fortunate individuals who survived the Holocaust thanks to the extraordinary generosity of two people. A recent article in the New York Times describes their story:

Forty-four years ago Mrs. de Rothschild and her husband, James de Rothschild of the international banking family, arranged for the rescue of 30 boys, ranging from 6 to 14 years in age from a Jewish school in Frankfurt am Main as Europe prepared for war.

They were brought to England in 1939 by emissaries of Mr and Mrs. de Rothschild with the family that cared for them in Frankfurt. They were put up on the edge of the family's 6,000-acre estate at Waddeson in Buckinghamshire, England, in an eight-bedroom house called the Cedars.

For more than 5 years the Cedar Boys, as they were called by the villagers who welcomed them into their schools and homes, lived without word of their families left behind in Germany. By the end of the war most of the boys learned that the war had orphaned them and they scattered to both sides of the Atlantic to start new lives.

The Cedar Boys married, had families, and became ambassadors, professors, engineers, and bakers. Yet, none forgot the kindness of their benefactors. Last month, 15 of the Cedar Boys traveled from the United States, Canada, Israel, and Great Britain to the home of Dorothy de Rothschild in

order to pay tribute to her. "Without her," one of the participants noted, "all of us would have been just a statistic of the Nazi death camps."

The Rothschilds can only be commended for their role in preserving the lives of these men. However, the tragic overtones behind the story of the Cedar Boys cannot be ignored. For every Cedar Boy that survived, 200,000 other Jews perished. Even the Rothschilds were powerless to alter this gruesome fact. No individual can singlehandedly halt the horrors of a campaign of mass annihilation.

For this reason, I urge the Senate to ratify the Genocide Convention. The Genocide Convention defines those actions which, when committed with intent to destroy an ethnic, national, racial, or religious group, consititute the crime of genocide. In addition, it calls on all nations ratifying this convention to make genocide a crime in their own criminal code, consistent with their constitution and legal practice.

With the support of the United States, the Genocide Convention has the potential to accomplish what the Rothschilds could not do: Deter a man such as Hitler from ever again attempting to destroy a people. I urge the Senate to ratify the Genocide Convention.

HONEY IMPORT PROBLEM AND HONEY LOAN PROGRAM

Mr. PRESSLER. Mr. President, recently a group of beekeepers from around the country and I met with Secretary of Agriculture John Block to discuss the honey import problem and the future of the honey loan program. We had a productive meeting, but several statements were made which clearly indicate that Congress must continue to be active in issues concerning the honey industry.

The meeting focused on honey imports and the need for an International Trade Commission investigation of the impact of honey imports on the domestic honey industry. In 1982, over 90 million pounds of honey were imported by the United States, and in the first 6 months of 1983, approximately 50 million pounds of honey have been imported. This is up from 24 million pounds in 1974 and 49 million pounds in 1980. In 1982, domestic producers forfeited over 75 million pounds of domestically produced honey to the Commodity Credit Corporation. This is up substantially from no forfeitures in the 1971 to 1979 period and 6 million pounds in 1980. These statistics illustrate the adverse impact of honey imports on the domestic industry and the need for a section 22 International Trade Commission study of these imports. Unfortunately, the Department of Agriculture does not agree with this assessment.

The Department of Agriculture continues to hold the questionable view that the cause of domestic honey forfeiture is domestic overproduction. USDA argues that support programs encourage overproduction. In most cases, a high support rate may encourage farmers to increase production, but this is not the case in the bee industry. There is a limited amount of flowers or forage from which bees can produce honey. As a result of changes in farming techniques and the loss of farmland and wilderness to development, the areas available to bees are decreasing. Beekeepers also continue to face problems of bee kill caused by the use of crop pesticides. These factors have led to a honey production decline—from an average annual production of approximately 250 million pounds in the 1960's, to production of 199 million pounds in 1980 and 185 million pounds in 1981; 1981 was the last year that production figures were kept, so the exact production for 1982 is not known. However, USDA statistics clearly show that domestic honey production has declined, rather than increased. These statistics would lead us to believe that the honey loan program has not caused honey producers to increase production.

Another response USDA has given beekeepers is that they can increase their pollination fees to compensate for income lost if the honey loan program were eliminated. The fact of the matter is that over 90 percent of the beekeepers in the United States do not receive any pollination fees. Almost all crops are pollinated by bees free of charge. The reason that pollination fees are so unusual is that the flight of bees cannot be controlled. It is hard to calculate appropriate pollination fees. If one farmer hires a beekeeper to pollinate his crop, then the surrounding fields also may receive pollination benefits. There is no way to determine which farmers specifically benefit from which bees. An increase in beekeepers' pollination fees is not a feasible alternative to the honey loan program.

The Department of Agriculture's responses only confirm the need for an International Trade Commission study to determine the degree of adverse impact of honey imports and to make an action recommendation. A study by USDA on the actual working of the honey industry might also be advised. I share the administration's concern about the increased cost of the program—as do the beekeepers—but the answer to the problem is not the elimination of the honey loan program. The elimination of the program would only rapidly accelerate the decline in the number of beekeepers and bee colonies in the United States. That decline would then have a severely negative impact on the production of nearly 100 different crops in the United States. It is not known how many bees are needed to pollinate all of these crops, but experts predict that if there is any further decline in bee numbers, we will also see a decline in the production of many crops in the United States because of inadequate pollination. In short, we can import honey, but we cannot import the pollination benefits. We must maintain a strong beekeeping industry if we are to maintain a strong agricultural economy.

I urge my colleagues to join me in our efforts to call an International Trade Commission investigation of the impact of honey imports and to maintain the honey loan program.

KOREAN WAR MEMORIAL

Mr. PRESSLER. Mr. President, during the August recess, I held a veterans workshop in South Dakota with Senator SIMPSON and the Korean war memorial was mentioned by numerous veterans. I have always supported such a memorial and I urge my colleagues to join in making this a reality.

Earlier this year I cosponsored Senate Joint Resolution 97, a resolution to authorize the building of a Korean war memorial on public grounds in the District of Columbia or its environs. It seems only fitting that the many courageous men and women who served in Korea be recognized for their dedicated service. Without their countless sacrifices, the defense of democracy in Korea would not have been possible.

The United States joined 15 other United Nations countries in committing troops to defend South Korea. We were also one of 41 countries to provide equipment and supplies. The United States provided over 90 percent of the troops, military equipment, and supplies. The Korean war was one of the bloodiest wars ever fought. Approximately 580,000 United Nations and South Korean soldiers were killed, wounded, or reported missing. Of the 6.8 million Americans who served in Korea, over 54,000 were killed and more than 100,000 were wounded.

Mr. President, over 5.7 million Korean war veterans reside in the United States today with no national memorial to commemorate their tremendous sacrifices, nor those of their fallen comrades in arms. In years past, I spoke out frequently in favor of a memorial for our Vietnam veterans. This dream was realized with the dedication of the Vietnam Veterans Memorial in November 1982. It is time we now focus our efforts on seeing that our Korean war veterans receive the recognition they so richly deserve.

MEDICAL SCHOOLS KEY TO VETERANS HEALTH

Mr. PRESSLER. Mr. President, in August, I had the privilege of hosting a veterans workshop in Rapid City, S. Dak. Joining me for this important event was Senator ALAN SIMPSON, chairman of the Senate Veterans' Affairs Committee. We were personally advised of many South Dakota veterans concerns and heard excellent presentations from veterans of Foreign Wars, American Legion, and Disabled American Veterans representatives.

One of the most significant events of the day was University of South Dakota Medical School Dean Dr. Robert Quinn's briefing on the ties between the USD Medical School and South Dakota's VA medical centers at Fort Meade, Hot Springs, and Sioux Falls. The text for Dr. Quinn's briefing was written by the USD Medical School's western South Dakota representative, Dr. Joseph Hamm. Mr. President, the crucial role played by the USD Medical School and medical schools around the country in veterans health care should be recognized by all. Without it, our often spartanly staffed VA centers would surely suffer.

Mr. President, I ask unanimous consent that the text of the presentation made by Dr. Quinn at the workshop be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS FROM THE UNIVERSITY OF SOUTH DAKOTA SCHOOL OF MEDICINE PRESENTED AT THE VETERANS WORKSHOP CONDUCTED BY SENATOR LARRY PRESSLER AND SENATOR ALAN SIMPSON

The Veterans Administration is affiliated with over 1,000 educational institutions. Since 1946, the affiliation of VA health care facilities with educational institutions has been a shared responsibility for insuring the maintainance of high quality health care to veterans. During the year of 1982, 132 VA health care facilities and 40 outpatient clinics were affiliated with 100 medical schools. Affiliation agreements between VA medical centers and medical schools are implemented through deans committees which advise the medical center directors and the Chief Medical Director on the education and research programs of VA facilities.

The School of Medicine of the University of South Dakota benefited greatly from the support of the VA when the school expended to a four-year, degree granting curriculum in 1974. An affiliation agreement was executed between the school and the VA Medical Center in Sioux Falls, S.D. promptly after the conversion to a four-year program. A Deans committee was appointed to implement the affiliation agreement. As teaching sites were established in western South Dakota, affiliation agreements were implemented at the VA health facilities at Fort Meade and Hot Springs.

The major contribution of the school is the recruitment and retention of highly qualified physicians to provide optimal care for the veteran patients. Teaching institutions tend to attract outstanding physicians to the more rural areas such as South Dakota. As a result more sophisticated diagnostic and treatment modalities are available at a local level. Less travel is required and there is less disruption of the life of the families and patients. Significant saving of time and money is effected. While the impact of the affiliation is more apparent at the Sioux Falls center where it was first established, similar benefits are developing at the VA centers in western South Dakota. Four fully trained specialists from the University of South Dakota School of Medicine now serve as staff physicians at one center.

The school highly values the resources of the VA facilities as teaching resources, and includes them in long range plans. Full-time faculty of the school make regular visits to the VA facilities for teaching sessions, and are available for consultation by telephone as well. A teleconferencing capability has been developed conjointly by the VA and the School of Medicine. Administrative as well as educational programs are conducted on a regular basis. This program has been proven both functional and cost effective.

Many medical students took advantage of a tuition waiver granted by the State of South Dakota for students who practiced in designated sites within the state following graduaiton and training. VA facilities have been included as designated sites for this prupose. This tuition waiver program has been discontinued.

The complexity of a school of medicine make long-range planning imperative. The School must be permitted to participate in the planning of institutions where its educational programs are conducted. This is particularly true at VA medical centers in South Dakota where a continuing and hopefully expanding affiliation is anticipated. Inexpected changes in mission and services provided to patients have serious consequences for the School as well as for patient care. The school offers continued support for the affiliated facilities, and hopes to continue on-going dialogue pertaining to mutual interests with them. To implement these plans, the school respectfully requests a participating role in the planning process of the affiliated VA medical centers.

TRIBUTE TO B. C. INABINET, JR.

Mr. THURMOND. Mr. President, in today's rapidly moving society, it is sometimes difficult to measure the impact of one person's life. While there are many people who reach high levels of achievement, few are irreplaceable.

It is with deep sadness that I note the loss of my dear friend, B. C. Inabinet, Jr., of Columbia, S.C., who passed away August 7, 1983. He was a man who, judged by his contributions to society, cannot be replaced. I rise today to express my deepest sympathy to his family and friends.

This man possessed an enthusiasm and aggressiveness which matched his imposing stature. The full scope of B. C. Inabinet's life is immeasurable, for he touched so many people in so many different walks of life.

Mr. Inabinet first made his presence known on the playing fields of Dreher High School in Columbia during the 1950's. It was immediately recognized that this young man was going places. With a vigor and style that exemplified his approach to life, B. C. Inabinet boosted the team to an undefeated season and a State championship title in 1951.

From there he donned the uniform of the Clemson Tigers and, under the tutelage of the great coach Frank Howard, soon became one of the greatest athletes in the history of that institution.

Clemson was to become one of the main objects of this man's promotional abilities. He saw a great need to boost not only the athletic program, but the academic program as well. His efforts gained him the title of Clemson's first "ambassador at large." He was also selected as chairman of the Richland County IPTAY Club, an athletic booster group; president of the Columbia Clemson Club; and Clemson Man of the Year.

In business, Mr. Inabinet likewise excelled. He founded Defender Industries, an industrial maintenance firm, which today employs more than 8,000 people in 22 States and is recognized as the Nation's largest firm of its type.

Mr. Inabinet was also active in civic affairs and served as a member of the Greater Columbia Chamber of Commerce and the South Carolina Chamber of Commerce. He was a board member of the Columbia YMCA, the United Community Service, and the Columbia Touchdown Club.

He additionally sought to play a role in the direction of government by actively serving in several Republican political campaigns. I always valued his political advice and called on him frequently for counsel.

Mr. President, I take this opportunity to pay tribute to this exceptional American, who will always be remembered as a kind and compassionate citizen who placed the good will of others first.

In an effort to share the story of this man's life with my colleagues, I ask unanimous consent that an article from the Columbia, S.C., State newspaper be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, Aug. 14, 1983]

INABINET'S HALLMARKS: GENEROSITY, GENIALITY

Many of Frank Howard's football players at Clemson have become his lifelong friends. But none was closer to the old coach than B. C. Inabinet. The big tackle from Columbia was almost family to Howard.

They had lots of laughs on the banquet circuit. "Me and ole B.C." is the way Howard would start the stories. Among his favorites was this one.

"Me and ole B.C. went to a pizza parlor and he ordered a giant-sized one. When the waitress brought it to him, she asked him if he wanted it cut in four or six pieces. 'Better make it four,' B.C. replied. 'Don't know if I could eat six or not.' "

A rube he wasn't, but the big fellow who managed the largest industrial maintenance firm in the world enjoyed being Howard's straight-man. "I kidded him a lot," Howard said the other day, "but I loved that old boy and admired him. He was a self-made somebody.

"Some people inherit their businesses. B.C. built his. He started out real small and ended up real big. He was the best salesman there ever was. You just couldn't hardly say no to him."

DEVOTED FAN

Inabinet died last Sunday at age 49. "He was at the peak of life," reflected Howard. "He had everything, most of all a lot of friends. B.C. was nice to everybody."

Inabinet was founder and chairman of Defender Industries, which employs 8,000 persons with offices in 22 states. "I never knew a harder worker," declared Howard. "He had it all, but he didn't take enough time off to enjoy it."

One thing Inabinet did not allow work to interfere with was football at Clemson. He wouldn't dare miss a game, home or away. There never has been a more devoted Tiger fan or more generous contributor to Clemson causes. If anything, he may have been too supportive of sports.

He simply wanted Clemson to be the best in sports and in all fields. He was Tiger Rag, Tiger Paw, Orange and White from head to toe, Mr. Clemson, but also a man of good cheer who numbered scores of Carolina grads among his friends.

B.C. never had time to get mad at anybody. He was too busy liking people. If he had a fault it may have been that he was naive about this crusty old world and its inhabitants. He thought we were all supposed to get along and enjoy life.

MEETING PLACE

The Holiday Inn is Frank Howard's favorite hangout in Clemson. He entertains employees and guests daily. He often met Inabinet there.

"If I got there first, I'd pull up two chairs and tell him to sit down in them when he arrived," Howard recalls.

Big was the descriptive word for Inabinet, the one that captured him. He was big in body, in business, in the community and the state and in the heart.

Generosity and geniality were his hallmarks. He enjoyed a laugh as much as anybody ever has, and he'd give the shirt off his back to anyone who needed it.

He lettered in football at Clemson and made his mark in the business world. But he will be remembered most as a likeable fellow and compulsive contributor to worthy causes. Frank Howard and many other South Carolinians mourn his loss.

[From the State, Aug. 8, 1983]

DEFENDER INDUSTRIES FOUNDER DEAD AT 49

Columbia businessman and former Clemson University football star B. C. Inabinet Jr., 49, died Sunday at Duke University Medical Center in Durham, N.C.

Inabinet was the founder and chairman of Defender Industries, which he started in the late 1950s and which has grown into the largest industrial maintenance firm in the nation.

But Inabinet perhaps was more widely known for his role with Clemson University, where he was one of the largest football tackles in the school's history at the time, and he was an equally large supporter of Clemson athletics after his graduation.

He was born in Columbia, the son of former Columbia police detective Benjamin C. Inabinet and Sarah Abrams Inabinet. He graduated from Dreher High School, where he was a High School All-America in football.

He graduated from Clemson University in 1956, where he was an honorable mention All-America tackle. He was a fourth-round draft choice in 1956 of the Baltimore Colts of the National Football League and played with the Hamilton Tiger-Cats of the Canadian Football League.

But an injury forced Inabinet to the sidelines, and he returned to Columbia and founded Defender Industries. The company handles industrial maintenance for major firms. It has 8,000 employees in 22 states, and 1980 annual sales reached $30 million.

Among Defender's clients are Du Pont, J. P. Stevens, Dow Chemical, Milliken & Co., Kelly Springfield and General Tire.

Defender Industries also spawned many subsidiaries, and Inabinet was constantly on the go developing businesses.

He was also head of Defender Chemical Co. in Columbia and of Resort Data System, Links Golf & Racquet Club and Beach House Golf & Racquet Club, all in Myrtle Beach. He owned The Bounty Restaurant off U.S. 378 east of Columbia.

"He has done an awful lot for Clemson, Columbia and the state of South Carolina," said Thomas B. McTeer, former chairman of Clemson University's board of trustees and who attended Clemson with Inabinet.

"He was in a lot of things," said McTeer, adding that Inabinet was a big contributor "in time spent and involvement" as well as the money he put forth to back various activities.

"It's a big loss to a lot of people," he said.

"He was one of our outstanding successes," said Clemson University President Bill L. Atchley. "He was a kind person. He will be missed by us all."

Inabinet and Clemson were almost inseparable.

After returning to Columbia, he established the Greater Columbia Clemson Club, which grew from a small group to one of the largest Clemson clubs in the nation.

He continually aided Clemson's athletic and academic scholarship programs.

He was the first Ambassador At Large for Clemson University and was a "Clemson Man of the Year." He was a member of the Clemson Alumni Association and past chairman of Richland County IPTAY, a Clemson athletic booster organization.

He was also active in local civic affairs, including the Greater Columbia Chamber of Commerce and the Committee of One Hundred, the private-sector promotional arm for the Columbia area Economic Development Commission.

He was chairman of the South Carolina Employers' Support for the Guard and Reserve. He was on the board of the Columbia Civitan Club, the Columbia YMCA, United Community Service and the Columbia Touchdown Club.

In 1963, he was South Carolina's nominee for the nation's Outstanding Men in America. He was a member of the Elks Club. He was a member of the Columbia Scottish Rite Temple and Omar Shrine Temple. He was also a member of Columbia Country Club.

He served on the campaign staffs for Sen. Strom Thurmond, R.-S.C., former Gov. James B. Edwards and former 2nd District Congressman Albert Watson. He served as finance chairman for Thurmond in several political campaigns.

He was a member of Shandon United Methodist Church.

Surviving are his widow, Kathryn Caughman Inabinet; daughters, Mrs. Kathy Chrisley and Miss Dixie Inabinet of Columbia; a son, Benjamin C. Inabinet III of Columbia; a brother, Ralph Inabinet of Columbia; and a sister, Sarah Ann Inabinet of Columbia.

Services will be at 3 p.m. Tuesday at Shandon United Methodist Church with burial in Greenlawn Cemetery.

Pallbearers will be Ed Bartos, William Barr, Hollis Cone, John Earl Dennis, James Hurtenstein, Henry Jaudan, Charles Kronenwetter and Roy Shriver.

Honorary pallbearers will be Sen. Strom Thurmond, R-S.C.; Rep. Floyd D. Spence, R-S.C.; former Clemson football coach Frank Howard; current Clemson football coach Danny Ford; Clemson Athletic Director William McLellan; Ken Stiles, Paul Lohman, Byrnes Bryant, Don Kelley and Carl Brazell.

Memorials may be made to Carolina Children's Home, the Heart Fund, the Kidney Foundation and the Shriners Hospital for Crippled Children in Greenville.

Dunbar Funeral Home, Devine Street Chapel, is in charge.

[From the Greenville News, Aug. 8, 1983]

B. C. INABINET WAS CLEMSON'S "BIGGEST" FAN

Whenever the name B. C. Inabinet was mentioned, most people immediately thought of tiger paws, orange and white and "Death Valley."

Although Inabinet founded Defender Industries and built it into the largest industrial maintenance firm in the nation, it often seemed just a sideline for the Columbia native. His main "occupation" was following and supporting Clemson athletics.

There wasn't anything fake about Inabinet's devotion to the Tigers. Unlike many a philanthropist whose donations are given with self-serving aims in mind, Inabinet had a genuine interest in Clemson; a love affair, really.

He was jokingly known as one of Clemson's "biggest" supporters because of his size. He stood 6-7 and tipped the scales at more than 400 pounds at his heaviest. He became a straight man for many of the quips from Clemson's legend in residence, Frank Howard. While the weight brought some laughs, Inabinet also knew it brought some problems, too. So less than a year ago, he decided to try to shed around 150 pounds.

He underwent treatment at Milledgeville, Ga., but had to be flown to the Duke University Medical Center in late June after complications from gastric bypass surgery. He died there yesterday at age 49.

To say Clemson will miss B. C. Inabinet is to make one of the decade's understatements. But others outside the Clemson community will miss him, too. Those who knew him as a good-natured, jovial guy who always seemed to have time for a friendly chat will find it hard to believe that he's no longer around.

Although Inabinet was understandably proud of his business accomplishments, his work in the community and his support of the Tigers, he probably would rather be remembered most as a football player. In view of his other accomplishments, many people often forgot that he once played the game and was pretty good at it, too.

A TIGER FOOTBALL PLAYER

The story of B. C. Inabinet, football player, began back in the early 1950s when he was a lineman at Dreher High School. Then a mere 245-pounder, he was one of the reasons the Blue Devils went undefeated in 1951 and claimed the state championship.

It was a talented team that also featured Joel Wells, later a star as a halfback at Clemson, and Carl Brazell and Crosby Lewis, both future standouts at the University of South Carolina.

From Dreher, Inabinet headed to Clemson, where Frank Howard was in the midst of abandoning the single-wing formation for the T. It was rough going for a while as the Tigers won a total of five games during the 1952 and 1953 seasons.

In 1954, things began to change. Clemson split 10 games, but the victory total included an upset of a good Florida team. "Florida was supposed to kill us that year," Inabinet once recalled. "But we went down there and beat them 14-7, and coach Howard still calls it one of the best victories he ever had."

That same season also saw Inabinet, a tackle, play probably his best game ever in Clemson's 32-20 win over Wake Forest. Howard called the 59-minute head-to-head duel with Wake's highly touted Bob Bartholomew one of the best performances ever by a Clemson player.

But it was his senior season (1955) that Inabinet used to remember most fondly.

FINALLY BEATING THE GAMECOCKS

The '55 squad represented a turning point for Tiger football, laying the foundation for a Clemson winning tradition that did not end until 1964. With Inabinet as a starter, the Tigers went 7-3, whipped Georgia handily, challenged for the ACC title and, for the first time since 1948, defeated South Carolina, 28-14.

"That was a great thrill, beating South Carolina that year," Inabinet said a few years ago. "We kinda figured we turned the series around for a while. I think Clemson won five of the next six with the Gamecocks."

After the season, Inabinet participated in the Blue-Gray game and the East-West Shrine Game in San Francisco. He may have been the only guy to play in both the High School Shrine Game in Charlotte and the College Shrine Game.

When an injury halted any thoughts of a pro career after he spent the 1956 season in the Canadian Football League, Inabinet returned to Clemson to do some graduate work and helped coach the Tiger freshmen team to an undefeated season. A few years later, he was on his way to business success with Defender Industries.

"I don't guess I've done too badly for an old country boy from Swansea," Inabinet used to say, laughing his big laugh.

That laugh was infectious. It will be missed.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, there is an order for the Senate to recess at 10:30 a.m. Morning business would continue until that hour. I see no one seeking recognition, however.

Let me say if there is a need for further time for the transaction of routine morning business, I will ask the Senate to make that provision later in the day.

In light of that, I ask unanimous consent, Mr. President, that the Senate now stand in recess, in accordance with the order previously entered, until the hour of 2 p.m. today.

There being no objection, the Senate, at 10:23 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

RADIO MARTI

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, will the Chair please state the pending business?

The PRESIDING OFFICER. The pending business is a motion to proceed to the consideration of S. 602.

Mr. BAKER. Mr. President, I hope this matter can be resolved in a fairly short period of time. Senators on both sides of the aisle have been in caucuses, as we always are on Tuesdays, and the principals in this controversy are not on the floor at this moment. They will be here shortly. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LUGAR). Without objection, it is so ordered.

Mr. EXON. Mr. President, here we are once again debating the issue of whether or not to establish Radio Marti—a proposal which is ill advised from just about any standpoint I can imagine.

Congress and the rest of out Government are supposed to solve the problems of our country, not create them. Last December several of us made our objections known to the Senate regarding the proposal and we succeeded in killing the legislation. Unfortunately, we are being asked again to approve Radio Marti even though the proposal has changed very little from last year's version. Radio Marti was not in the best interest of our country in 1982 and it is not in our interest in 1983. I have two principal objections.

First, on foreign policy grounds, Radio Marti is another example of the administration's propensity for picking the wrong time and place to appear tough. Mr. President, I strongly oppose Fidel Castro and all he represents. I think everyone in the Senate shares that view and our degree of disdain for the Government of Cuba is not an issue here. I support our longstanding economic embargo of Cuba as well as other steps to counter Castro's attempted export of revolution in our hemisphere, as well as in Angola and Ethiopia.

Given that background, why do we want to challenge Castro in one of the few areas where he can effectively strike back at us? Why are we proposing to hand him a victory over the United States on a platter? Let us follow the scenario out to its logical conclusion: The United States begins Radio Marti broadcasts to Cuba. Castro effectively jams the broadcasts with assets he already has in place. I will discuss the effects of Cuban jamming later in my remarks. The United States protests, to no avail of course, because we began the radio war escalation. Castro refuses to stop jamming Radio Marti. What do we do then? What means, short of the use of force, do we utilize at that point to solve this problem we created?

You see, Mr. President, the proposal is not well thought out because its proponents have not and cannot explain what will occur at the end of a predictable chain of events begun by the United States.

The Cubans have jammed U.S. AM radio broadcasts for years on a periodic basis. Last summer, probably as a reaction to the Radio Marti proposal, they turned up the volume of the jamming and disrupted our stations one night. We need to negotiate an end to this kind of interference and there are some cautious signs that we are making some progress in this area. The U.S. Government is supposed to be a beacon of strength for the free world. Let us not sink down to Fidel Castro's level by playing a macho game of seeing which country can outdo the other in radio interference. This becomes evident especially when we consider that Castro will dispose of Radio Marti through jamming in short order. The Cuban people will never hear it.

Even if my foreign policy objections were somehow successfully dealt with, the ramifications to our own citizens as a result of Radio Marti lead to my second set of objections. If the proposal is approved, we will end up hurting our listening public much more than we will hope to inform the Cuban people. As I have indicated, Castro can and will jam Radio Marti broadcasts.

Mr. President, the AM radio broadcasting spectrum is already crowded and directional antennas are already necessary due to the high demand for space on the AM band. Our people, and especially our farming communities, rely heavily on radio broadcasts. The State Department held lenghty negotiations with the National Association of Broadcasters and the issue of interference and jamming could not be resolved. Despite this impasse, however, the administration has chosen to press ahead anyway, and now supports a set of cosmetic changes added to this bill during recent congressional action.

I am referring to the provision in the bill before us to provide $5 million in compensation for broadcasters for facility adjustments required to overcome Cuban interference. I find this most interesting, Mr. President. Especially since between 1,200 and 2,000 U.S. radio stations are likely to suffer substantial interference and revenue losses as a result of stepped-up Cuban interference.

First, this provision acknowledges that there will be substantial interference problems which are unresolved and which will be exacerbated by Radio Marti. Second, with all of the radio stations which can and will be affected adversely by this proposal, $5 million will not even come close to doing the job. So the proponents are making a half-hearted and wholly inadequate attempt at mitigating this problem. How much are we willing to pay our own broadcasters just to try to harass Castro a little bit with a scheme that will not even work?

In short, Mr. President, this is one of the most ill-advised proposals I have seen since I have been a Member of the Senate. It will not accomplish its stated objective. Instead it will only hurt our own radio listening public. If we really want to better inform the Cuban people, then there are better ways to accomplish that goal and I will be supporting measures such as expanding the current Voice of America broadcasts. Our hemispheric image and best interests would be better served in this manner and the American people will be better served as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the motion pending before the Senate, I believe, is the motion to proceed to the consideration of Radio Marti, is it not?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I am hopeful there will be no further dispute on that motion. I would inquire of Senators if they have further statements to make pursuant to rule XXII on that measure, otherwise I am prepared for the Senate to put the question on the motion to proceed.

Mr. WEICKER. Mr. President, reserving the right to object, I wonder if I might just consult for a moment with the majority leader before I accept the motion?

Mr. BAKER. Mr. President, I would urge Members to consider whether they have further matters to discuss in respect to the debate on the motion to proceed to the consideration of this item. Otherwise I am prepared for the Chair to put the question.

The PRESIDING OFFICER. The question is on agreeing to the motion. [Putting the question.]

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations with an amendment:

On page 5, after line 15, insert:

FACILITY COMPENSATION

SEC. 6. The Board for International Broadcasting Act of 1973 is amended by adding a new section 13 at the end thereof:

"SEC. 13. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

"(b) Accordingly, the Board for International Broadcasting shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred or will incur in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

"(c) The Board for International Broadcasting shall issue such regulations and establish such procedures for carrying out this section as the Board finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

"(d) There are authorized to be appropriated to the Board for International Broadcasting, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

"(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

"(f) This section shall enter into effect on October 1, 1984.".

So as to make the bill read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

DECLARATION OF ADDITIONAL PURPOSES

SEC. 2. Section 2 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871) is amended—

(1) by inserting "(a)" immediately after "SEC. 2."; and

(2) by adding at the end of the section the following:

"(b) The Congress further finds and declares—

"(1) that, consonant with this policy set out in subsections (a) (1) and (2), radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

"(2) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.".

ADDITIONAL FUNCTIONS OF THE BOARD

SEC. 3. Section 4 of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2873) is amended by adding at the end thereof the following:

"(c) In order to further carry out the purposes set forth in section 2 of this Act, the Board is authorized to provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. The Board may carry out this subsection by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Board determines will most effectively carry out the purposes set forth in section 2. With respect to grants to or leases or contracts with a separate entity or other means of carrying out broadcasting to Cuba, the Board shall have the same authorities as those detailed in section (a) of this section.

"(d) Radio broadcasting to Cuba under this Act shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

"(e) Any broadcasting to Cuba in accordance with subsections (c) and (d) on the amplitude modulation (AM) band (535 kHz to 1605 kHz), other than that conducted by means of leasing time on commercial or noncommercial educational radio broadcasting stations, shall be limited to the frequency used by the Voice of America for its broadcasts from the facilities located at Marathon, Florida. In the event that broadcasting is conducted on the frequency used by the Voice of America, the Voice of America broadcasting facilities located at Marathon, Flordia, may also be used for the purposes of this Act.".

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 4. The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following:

"ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 12. In order to assist the Board in carrying out the purposes set forth in section 2 of this Act, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Board. Support and services shall be provided on a reimbursable basis, which reimbursement shall be credited to the appropriation from which the property, support, or service was derived.".

MERGER OR BOARDS OF DIRECTORS

SEC. 5. (a) Section 11 of the Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following:

"(c) No grant may be made under this Act to Radio Broadcasting to Cuba, Incorporated, or any other corporation established to provide radio broadcasting to Cuba, unless such corporation provides in its certificate of incorporation that—

"(1) the Board of Directors of such corporation shall consist of the members of the Board for International Broadcasting and no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of such corporation and shall appoint and fix the compensation of such managerial officers and employees of such corporation as it deems necessary to carry out the purposes of this Act.

Compliance with the requirements of this subsection shall not be construed to make such corporation a Federal agency or instrumentality.".

(b) The section heading for section 11 of the Board for International Broadcasting Act of 1973 is amended to read as follows:

"MERGER OF BOARDS OF DIRECTORS"

FACILITY COMPENSATION

SEC. 6. The Board for International Broadcasting Act of 1973 is amended by adding a new section 13 at the end thereof:

"SEC. 13. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

"(b) Accordingly, the Board for International Broadcasting shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred or will incur in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

"(c) The Board for International Broadcasting shall issue such regulations and establish such procedures for carrying out this section as the Board finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

"(d) There are authorized to be appropriated to the Board for International Broadcasting, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

"(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

"(f) This section shall enter into effect on October 1, 1984.".

Mr. BAKER. Mr. President, I do not expect this is going to take very long, and I urge Members to keep their presentations as brief as possible because we are going to take a fair amount of time yet today on the next measure, which is the Department of Defense authorization conference report.

I thank all Senators for cooperating and making it possible to reach this measure at this time in this manner, and I yield the floor.

AMENDMENT NO. 2131

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida (Mrs. HAWKINS), for herself and others, proposes an amendment numbered 2131.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAWKINS. Mr. President, I would like the RECORD to reflect that I am sending this amendment to the desk on behalf of myself, Senator CHILES, Senator BAKER, Senator ZORINSKY, Senator WEICKER, and Senator GRASSLEY.

The PRESIDING OFFICER. The amendment is a complete substitute for the bill and it is not in order until the committee amendment has been disposed of.

Mr. BAKER. Mr. President, are there committee amendments?

The PRESIDING OFFICER. One committee amendment.

Mr. BAKER. Will the Chair then put the question on the adoption of the committee amendment?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is it one amendment or is it amendments en bloc?

The PRESIDING OFFICER. One amendment.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, just so everybody understands, the compromise reached on this matter is an amendment to the committee amendment, and I assume now the committee amendment—was there a unanimous-consent request that it be treated as original text for the purpose of further amendment?

The PRESIDING OFFICER. There was not such a request, but it would not be required at this point.

Mr. BAKER. This would be a second-degree amendment?

The PRESIDING OFFICER. This would be a complete substitute for the bill.

Mr. BAKER. Very well. I thank the Chair and I once more yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Florida.

The bill clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) for herself and others proposes and amendment numbered 2131.

Mrs. HAWKINS, Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

SEC. 2. The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide new commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate,

balanced, and which present a variety of views.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized provided that no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from non-governmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs, provided that not less than 30 percent of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of P.L. 80-402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 percent or more than the average daily jamming or interference in the 12 months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or non-commercial educational AM band radio broadcasting stations. The Federal Communication Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 percent of the programing broadcast shall be regular Voice of America broadcast with particular emphasis on news and programs meeting the requirements section 503(2) of P.L. 80-402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America. Radio Marti Program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed 150 days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

BOARD FOR RADIO BROADCASTING TO CUBA

SEC. 5. (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of 9 members, appointed by the President by and with the advice and consent of the Senate, of whom not more than 5 shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate 3 members to serve for a term of three years, 3 members to serve for a term of two years, and 3 members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advise and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency shall make payments to the United States radio broadcasting station licenses upon their application for expenses which they have incurred before, on, or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984 and $11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

SEC. 9. The United States Information Agency shall arrange, by contract if necessary, an independent evaluation of Cuba Service programming, the results of which

are to be set forth in a report to be prepared and transmitted to the Agency 18 months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than 30 days after the date of receipt of such report, transmit to the Congress such report, together with any recommendations for legislative action.

Mrs. HAWKINS. Mr. President, we have been involved in a fight over the idea of radio broadcasting to Cuba for almost 2 years. Those who favor the proposal see a great need for the Cuban people to have access to an alternative to Cuban Government propaganda. As I have said on other occasions, no practical, effective alternative currently exists. The Cuban people have for 20 years now been forced fed a steady diet of whatever it is that Fidel Castro wants them to know.

We here in the United States are proud of our tradition of freedom. One of the crowning gems is the freedom of the press. For without this, many of our other freedoms are meaningless. Mr. President, unless people have access to a variety of views and ideas, unless they have a means of getting the truth, they cannot develop independent conclusions. This is the purpose behind Radio Marti. It gives the Cuban people a chance to develop their own views about the events that effect their lives.

Those who have expressed concern over Radio Marti have done so for a variety of reasons. Some are concerned about its effect on domestic broadcasting. Others are concerned about the nature of its programing and its foreign policy implications.

Mr. President, this amendment addresses the concerns that have been raised while at the same time maintaining the integrity of Radio Marti. The course has not been easy. Both sides have defended their positions well, and what we have before us now is a compromise, a compromise in which both sides believe that they have protected their vital interests.

I would like to explain the elements of this compromise for the benefit of those Senators and their staffs who were not able to sit in on the negotiations. The amendment combines features of a Voice of America proposal suggested by Senator ZORINSKY, and my bill, S. 602.

I have introduced and can support the amendment before us because it allows us to further our essential goal—broadcasting accurate, objective, and comprehensive programing to the people of Cuba, a mission that I believe has already been met by existing Voice broadcasts. It is not an ideal amendment. I still believe that it is more appropriate to place Radio Marti, a surrogate home broadcast station, with the other Government-operated surrogate home broadcast stations, Radio Free Europe and Radio Liberty, in the Board for International Broadcasting.

On a practical level, however, there are a number of attractive features of this amendment. Within the USIA, Radio Marti will be able to build on the reputation for accuracy and reliability that USIA programs already have among the Cuban people. This will decrease dramatically the problems that would have faced Radio Marti had it had to begin building its reputation on its own. So, by placing Radio Marti within the USIA we increase the speed with which Radio Marti becomes effective. In other words, we eliminate some of the difficulties in building a consistent listening audience.

In addition, this amendment contains important funding increases to insure that both the USIA and Radio Marti have the resources to carry out their legislative mandates.

Furthermore, the amendment enhances the standing of Radio Marti's broadcasts by establishing a Presidential commission to advise the President and administrative officials on Radio Marti programing and broadcasts. It would be a high level commission requiring a Presidential nomination and the advice and consent of Congress. I believe that this is an important factor in enhancing the quality and prestige of Radio Marti broadcasts.

The amendment also contains a provision to protect Radio Marti broadcasts from Cuban jamming. If Cuban jamming exceeds a low threshold, measured as a 25 percent increase above the average daily levels over the last year, then the station can expand its broadcasts through the leasing of commercial or noncommercial time. The interference levels will be determined by the Federal Communication Commission.

Finally, this amendment offers a means of getting Radio Marti on the air fast, including the option of using shortwave broadcasts in addition to 1180 on the AM dial. We have been debating Radio Marti now for over a year. This is a year in which Radio Marti could have been beaming reliable programing to the people in Cuba, but instead the legislation was bogged down in Congress. This amendment offers a practical and reasonable way out of this impass. It offers a means by which, at long last, the Cuban people can receive an alternative to Communist propaganda.

I hope that those who have supported Radio Marti in the past will support this amendment now. I believe that this amendment allows us to make the Cuban people aware of the costs to them of Castro's mismanagement at home and adventurism abroad, and provide them with information needed to hold their Government accountable.

Under this amendment, Radio Marti can provide credible, verifiable information and programs similar to those broadcasts by Radio Free Europe (RFE) and Radio Liberty (RL). Radio Marti can serve as a surrogate "home service" and break the Cuban Government's monopoly on news and information.

Mr. President, I thank the Senators who have worked with me during these long hours and many, many weeks. I urge my colleagues to join us in this important amendment.

Mr. SYMMS. Will the Senator yield?

Mrs. HAWKINS. Yes.

Mr. SYMMS. I thank the distinguished Senator from Florida for yielding. I wish to compliment her on her leadership in accomplishing this most important effort.

I inquire of the Chair, have the yeas and nays been ordered on final passage?

The PRESIDING OFFICER. They have not been ordered.

Mr. PERCY. Mr. President, today the Senate will consider a compromise substitute for S. 602, the Radio Broadcasting to Cuba Act.

The purpose of this substitute is to establish within the Voice of America a Cuba Service which will broadcast news, commentary and other information about events in Cuba in an effort to promote the cause of freedom in Cuba. It is the intent of this substitute to conform these broadcasts to all the Voice of America standards which insure that such programs are objective, accurate, balanced and comprehensive.

This substitute will create a nine-member advisory board which can make recommendations to the President, the U.S. Information Agency and the Voice of America concerning the effectiveness of the Cuba Service. Under this proposal, the Cuba Service may utilize the 1180 AM frequency currently used by Voice of America broadcasts, shortwave or off-band noncommercial AM frequencies. In the event of jamming, the Cuba Service may lease, on a limited basis, time on commercial or noncommercial AM band radio broadcasting stations.

For commercial AM radio stations which have sustained interference from Cuban broadcasting, the proposal mandates that the U.S. Information Agency compensate such stations in accordance with regulations issued by the Federal Communications Commission. Approximately $5 million is authorized for compensation purposes.

Finally, the substitute will authorize $14 million in fiscal year 1984 and $11 million in fiscal year 1985 to create the Cuba Service and $54.8 million in fiscal year 1984 and 1985 to complete the Voice of America's modernization plans proposed by the President over a year ago.

Mr. President, this substitute is far different from the bill (S. 602) reported from the Foreign Relations Committee. That bill would have created under the oversight of the Board for International Broadcasting an independent broadcasting station for Cuba. The purpose of that station would have been to make the Cuban people more aware of the costs to them of Castro's mismanagement at home and adventurism abroad, and to provide them with information needed to hold their Government more accountable. It was the intent of the committee to establish a station which would provide credible, verifiable information and programs similar to those broadcasts by Radio Free Europe and Radio Liberty to the people behind the Iron Curtain. Radio broadcasting to Cuba was intended to serve as a surrogate home service and break the Cuban Government's virtual monopoly on news and information. Half of Cuba's population is under 25 and Castro has been in power for 24 years. All information given to these young Cubans about their country and the world has been controlled by Castro's Communist regime.

Mr. President, I realize that Senators BAKER, HAWKINS, WEICKER, GRASSLEY, and ZORINSKY have worked long and hard in fashioning this compromise and I will support it. However, I have some serious concerns. As we all know, the mission of the Voice of America is clearly set forth in its charter. It is a mission quite different from that of Radio Free Europe and Radio Liberty or from the mission envisaged by the President for radio broadcasting to Cuba. In addition to the charter's mandate that VOA broadcast accurate, objective and comprehensive news, the Voice must reflect American interests, society, institutions and official policies, and it is specifically prohibited from representing any single segment of American society and the concept of balance is a key aspect. In contrast, radio broadcasting to Cuba's most important mission would be to act as a surrogate radio station for Cuban citizens who are unable to obtain information about developments inside Cuba because of the rigid controls over the Cuban media.

It is my hope that the conflict in these missions will not adversely affect the credibility of the Voice of America nor unduly restrict the flexibility and effectiveness of radio broadcasting to Cuba. I strongly support the goals of the Voice of America and the establishment of a home broadcasting service for Cuba.

Let me assure my colleagues that as chairman of the Foreign Relations Committee I will closely monitor the implementation of this legislation to insure that the Voice of America remains a strong and viable operation and that the Cuba Service will be an effective voice of truth for Cuba. I urge my colleagues to support this compromise amendment.

Mr. ZORINSKY. Mr. President, it has taken over 1½ years for us to reach this point of compromise on the issue of radio broadcasting to Cuba. After many hearings in the Foreign Relations Committee and various discussions on the floor of the Senate, we finally have a proposal which is acceptable to all the principals.

During our consideration of the administration's proposal last December, I told some of my colleagues that I was confident that with some hard work we could come to an agreement which would result in a measure expanding radio broadcasting to Cuba. I, as an opponent of the original Radio Marti proposal, also believed that broadcasting news and information to Cuba was appropriate. With this compromise, my confidence has been vindicated. Due to the hard work and dedication of a number of Senators and their staffs, we now have a bill which satisfies the concerns of both the proponents and opponents of the original proposal. From the perspective of all, it is far from perfect, but it seems to me very important that we have been able to achieve a consensus on two central points: First, that it is U.S. policy to support the right of the people of Cuba, in accordance with article 19 of the Universal Declaration of Human Rights, to seek, receive and impart information through any media and regardless of frontiers; second, that all U.S. broadcasts authorized by this act shall be Voice of America broadcasts and subject to all VOA regulations and legislative guidelines.

Mr. President, this legislation does not create a separate entity to broadcast information to Cuba. It does create a separate Cuba Service within VOA for the purpose of expanding VOA broadcasts to Cuba. With that understanding, I support it.

I wish to take this opportunity to thank the majority leader and the minority leader for their courtesy shown throughout the many months of debate on the floor of the Senate in addition to the honoring of all their commitments during the debate of this issue.

Mr. WEICKER. Mr. President, I rise in support of the substitute amendment now before the Senate. I learned a long time ago that a good compromise leaves everyone a little unhappy. From what I can ascertain from the other Senators involved in the negotiations on this matter on both sides, this proposal meets that test.

For my part, the pending amendment makes substantial improvements in the original S. 602 which make it acceptable. First, radio broadcasting to Cuba under this proposal would be conducted under the auspices of and in conjunction with the programing of the Voice of America. We are not creating a separate broadcasting entity to accomplish the purpose of getting more information into Cuba. We are utilizing existing facilities and frequencies for that purpose. Second, we are increasing broadcasts to Cuba only in accordance with the established rules and legislative guidelines of the VOA. We are not creating a propaganda station, but an accurate, objective, and balanced source of news. As a whole, this amendment, by embracing the VOA option suggested by Senators ZORINSKY and PELL, maximizes the effectiveness of additional broadcasting and minimizes the resultant risks to U.S. broadcasters.

Mr. President, I also want to state for the record that we are fooling ourselves if we believe that this bill constitutes a foreign policy toward Cuba.

Proponents of the misguided policies which have dictated United States-Cuban relations for the past quarter century like to think they have succeeded in cutting the Cubans off from the rest of the world. What they have really succeeded in doing is isolating the United States among world powers. Most of our closest allies not only recognize the Castro government but do business with it as well. The technology that drives the Cuban economy—cares for its ill, bottles its rum, runs its factories and farms its fields—comes not just from the Soviet bloc but from Canada, Great Britain, West Germany, Japan, and on down the list. There can be no doubt that once inside Cuba, American products and technology would speak for themselves—and for the advantages of our economic system.

The President condemns critics of his Central American policies for advocating passivity in the face of Communist subversion. I, for one, feel passionately the need for an activist U.S. role, not as propagandist, however, or as hemispheric policeman. Our role must be that of a nation dedicated to principle, a nation which by force of its example and its accomplishments, rather than its arms, contributes to the peace and prosperity of its neighbors.

You do not have to be a fan of the Cuban form of government—I most definitely am not—to recognize that Fidel Castro has been in power for 25 years and that he is likely to remain there for some time to come. It is high time we fashioned a new policy for dealing with him and his regime. Invading Cuba proved a colossal mistake. Ignoring it has worked no better.

I want to express my appreciation to the majority leader for his efforts to bring us to this point and to all the Senators involved for the effort expended to hammer out this arrangement.

Mr. GRASSLEY. Mr. President, for well over a year, I have been working for a solution to the problems created for broadcasters by the the proposal for radio broadcasting to Cuba. This effort has involved innumerable hours of hearings, debate, and negotiations. There were offers for cosmetic changes, but there was little interest in making the necessary substantive, alterations to avoid transforming our domestic commercial frequency spectrum into a "chessboard" for foreign policy. And as I have stated before, I was dismayed with the apparent lack of good faith on the part of some of the principle negotiators for the administration. It was getting to the point that I felt that Congress was going to refuse to address the concerns of our Nation's broadcasters and their listening audiences. It is with this backdrop that I stand here today in near disbelief that we have finally developed a satisfactory compromise to the principles involved.

As with any compromise, there are changes that I would have preferred. On the whole, however, this compromise should minimize the potential of harm to our broadcasting interests while at the same time meeting the objectives of providing information to the people of Cuba about the domestic and international affairs of their government.

Frankly, I am still concerned about this proposition in that whatever risk it brings, it will be carried by our private sector. The Soviet grain embargo should have taught us a lesson. As we have seen during the past several years, the United States and Cuba has been unable to resolve their problems relating to interference. We can hardly expect this proposal to enhance the prospects of any resolution.

Notwithstanding my dismay with the past deliberations and negotiations, and my continued reservations, I believe that this present compromise has come a long way from where we were last year. Consequently, I lend my support to this amendment as the best possible compromise. I urge my colleagues to join in this support.

Mr. PELL. Mr. President, the compromise reached by the principals involved on this issue of radio broadcasting to Cuba is a measure, although less than perfect, which I believe satisfies the concerns that have been voiced in this year and a half by proponents and opponents of the concept.

My opposition to the original Radio Marti concept was based on my belief that the radio would become a loud propagandistic organ of the anti-Castro exile community and would precipitate a real radio war which American broadcasters believed could be avoided. Last year and earlier this year, I proposed an amendment in the Foreign Relations Committee which would have avoided these problems by expanding the existing programing of the Voice of America. I advocated such an approach because incorporating radio broadcasting to Cuba under the Voice of America would insure that the broadcasting would be heard and the broadcasts would be accepted as credible by the Cuban listenership because it would meet the VOA's high standards for accuracy and objectivity. Broadcasting through the VOA minimizes the chances for provoking Cuban retaliation against U.S. radio stations, which would set off a full-scale radio war. Moreover, the VOA option would help promote a negotiated settlement of the radio interference problem which both the United States and Cuba want to resolve.

I am extremely happy to see that the compromise worked out on radio broadcasting to Cuba is based on my original proposal to place the broadcasting within the framework of the Voice of America. The compromise, which is a version of Senator ZORINSKY's modification of my original amendment, along with concepts embodied in Senator HAWKINS' bill, satisfies my concerns.

The compromise does not create a separate Radio Marti. It does add some 14 hours of programing to existing Voice of America broadcasts to Cuba. Although carried out by a separate Cuba service, these additional program hours are an integral part of the Voice of America. They are subject to all Voice of America statutory requirements and regulations for accuracy, balance, objectivity, and diversity of news. Unlike a potentially propagandistic Radio Marti, the additional hours will have the great credibility of the Voice of America. It is incumbent on the Voice of America and its able director, Kenneth Tomlinson, as well as on the oversight committees of Congress to insure that this credibility is not compromised.

With this extended consideration by the Senate of the issue of broadcasting to Cuba over, I look forward to seeking ways of improving relations with Cuba. While our countries are as far apart as ever from normalizing relations, there are some areas which could be closer to resolution, namely, immigration—including the return of the excludables of the Mariel exodus—and the aforementioned radio interference problem. I enthusiastically support proposals emanating from the Contadora leaders which would bring Cuba into the peace process which will hopefully succeed in Central America. We have succeeded in reaching a compromise between groups that were very far apart on the broadcasting to Cuba issue. This gives me hope. This was achieved because it serves the U.S. national interest. May our future policies toward Cuba and the rest of Latin America and the Caribbean serve our best national interests as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida (Mrs. HAWKINS).

The amendment (No. 2131) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHILES. Mr. President, I rise in support of S. 602, the Radio Broadcasting to Cuba Act. This measure enjoys wide bipartisan support in both Houses of Congress. It has also been endorsed by the AFL-CIO and is strongly supported by the administration.

The establishment of Radio Marti and the broadcasting of information to the people of Cuba is an idea whose time has arrived. I am proud to be an original cosponsor of this legislation that will provide the Cuban people with an alternative to the controlled information they are currently receiving. We can no longer ignore the fact that the Cuban people have a right to the truth, and that Radio Marti is the best method to provide them with the truth.

As we once again take up consideration of Radio Marti, we hear the familiar cry warning us of the repercussions that will befall the United States if such a measure is approved. We are cautioned by opponents of Radio Marti not to antagonize the Cuban Government. They say that the proposed radio station will only provoke Castro into interfering with our own radio stations, that Radio Marti will be the cause of a total breakdown in communications with the Cuban Government, and that the United States will be pursuing a confrontational policy that will close the door to future negotiations.

In other words, while Cuba transmits weekly 280 hours of programs to North America and the Caribbean, the United States cannot set up a radio station which would transmit objective information to the Cuban people. While Cuba pursues destabilizing policies around the world, assists in drug trafficking, and stages offensive amphibious military drills off its coast, the United States cannot set up this radio station because it will appear confrontational and lead to a breakdown in communications. I do not agree with this double standard.

For over 15 years, south Florida broadcasters have been experiencing interference from the island of Cuba. Up until recently, the government of Fidel Castro has been unresponsive toward efforts to reach a solution over a problem it itself created. Today, we see headlines that read, "Cuba Would

Negotiate if Marti Plan Is Killed." In other words, the Cuban Government is now willing to negotiate over the question of interference as long as it can use Radio Marti as a bargaining chip. The diplomatic double standard has been coupled with diplomatic double talk.

Fidel Castro's do as I say, not as I do philosophy has no place in the formulation of this Nation's foreign policy. We need to address the issue of Cuban interference on our radio broadcasts, but this is totally separate from the establishment of Radio Marti. Allowing Cuba to claim the absurd—that Radio Marti is the cause of such interference—would belie the fact that this interference has been around long before any mention of the proposed radio station. Radio Marti has become a very convenient excuse for Cuba's direct violation of our international broadcasting laws.

In the mid-1960's, the Cuban Government was already in the process of redesigning its domestic AM broadcasting system. The purpose of this redesign was Cuba's intention to broadcast directly into the United States and other countries. In 1979, before any mention of Radio Marti, new Cuban plans surfaced which sought to increase significantly the number and power of its AM radio stations. In November 1981 at the International Telecommunications Union Western Hemisphere Conference the Cubans walked out after their proposed plan requesting 48 changes to their radio inventory was rejected.

Cuban interference will continue whether we have a Radio Marti or not. I do not believe that Radio Marti should be made the scapegoat, when it has been years of Cuban neglect and intransigence that has brought about this interference problem.

The Cuban Government has threatened to jam our radio stations if we go ahead with plans to establish Radio Marti. While I am sensitive to the broadcasters' concern, how much more of a loss it would be to have this country's foreign policy determined via the threats and whims of a country the likes of Cuba.

Those concerned over the Cuban threat of jamming forget that such action is not without cost for the island of Cuba, financially and diplomatically. It has been pointed out that sustained jamming and counterbroadcasting will require a substantial amount of electricity from Cuba's limited and expensive power generating capabilities. Also, counterbroadcasting will not only affect the United States but also neighboring Central and South American countries with which Castro wants to maintain good relations. Cuba's threats should not be seen as reason to retreat from our foreign policy objectives.

During previous consideration of this measure, opponents recommended several changes which they felt needed to be made to the bill. These changes are now part of the legislation. The bill has also been amended to include a facility compensation package for broadcasters adversely affected by any increase in interference.

Mr. President, we have gone a long way to meet all the concerns expressed. The compromise reached by the opposing sides on this issue provides that Radio Marti will be incorporated as part of the Voice of America. Frankly, I do not feel that this is the most desirable of formats for Radio Marti. I believe the Cuban people deserve much more than this. While I would have preferred to see a Radio Marti, as envisioned in the original legislation, the compromise reached does provide a way to resolve the impasse we have encountered during consideration of S. 602. It is important that this legislation continues to acknowledge the need for additional broadcasts to Cuba, that is, in addition to the broadcasts already being provided by the VOA.

The purpose of the VOA's Radio Marti program will not be to inform the Cubans about American thoughts and institutions. It will be to inform the Cubans about themselves, about their Government's policies. This is the information they have been lacking for so long.

As we continue to debate this issue, we need only to look at the success of our currently operating Government-sponsored radio stations. Who would question the responsibility of our Radio Free Europe broadcasts to the people of Poland in their current strife against the oppressive Polish Government. There is no reason to assume that Radio Marti will not abide by the same high standards which have been the trademark of Radio Free Europe, Radio Liberty, and the Voice of America: Providing objective and reliable information.

Fidel Castro does not want his people to hear the truth. And that is exactly what Radio Marti is proposing to broadcast. I am not advocating the airing of propaganda. It is not propaganda to inform the Cuban public that there are Cuban troops in Angola, Ethiopia, and South Yeman. It is not propaganda to inform the Cuban people that their Government is involved in the shipping of arms to Central America. And it is not propaganda to inform the Cuban people that their Government and its officials have been strongly implicated in the illicit drug trade.

VOA's Radio Marti program will not succeed as a half-hearted effort. Its success will come when we realize that it is a viable foreign policy objective. It is a peaceful alternative which proposes to enhance the exchange of information to a people who have been deprived of the truth for far too long.

In establishing the Radio Marti program, we will be providing the Cuban people with the information they yearn for, to the truth to which they have a right.

● Mr. BENTSEN. Mr. President, as a cosponsor of legislation to establish the Cuba Service of the Voice of America, I commend my colleagues from Florida and other Members of the Senate for their efforts and for working out a compromise which can be accepted by all parties concerned with this issue, and I join them in urging the passage of S. 602.

We are all conscious of the need to combat communism, particularly in our own hemisphere. To that end we are spending hundreds of billions of dollars every year on national defense; we are devoting additional billions of dollars to military and economic assistance for our friends and allies around the world.

I would submit, however, that we have a tendency to overlook one of the most powerful and effective weapons in the arsenal of democracy; the truth. We focus our attention and resources on the arms race and turn our backs on the information race.

Mr. President, the Soviet Union outspends the United States 7 to 1 in the area of international broadcasting and information. In Latin America, the Soviet Union and Cuba outbroadcast the United States by a ratio of 5 to 1. Even the insurgents in El Salvador have a powerful radio station—Venceremos—which broadcasts their particular brand of distortion to people of the region.

Unlike our adversaries in Havana and Moscow, the United States is not afraid of the truth; it is an important asset of democracy. I think, and I hope my colleagues will agree, that we have an obligation to get Radio Marti on the air and get our message of truth to the people of Cuba and this hemisphere. I do not want to see the United States of America losing the information in our own backyard.

Radio Marti would be a medium for providing the truth to Cuba's citizens. The people of Cuba, like the people of Eastern Europe, cannot depend on their government-controlled media for accurate news about the world, much less about their own country and their leader. Radio Marti would give Cubans honest information about the mismanagement of the Cuban economy, the needless deaths of their countrymen in Africa; they will hear about Castro's deep involvement and the squandering of Cuba's resources on international subversion and adventurism.

Armando F. Valladares, a poet recently released after 20 years in Cuban jails, said:

The Cuban media * * * is a doctrinaire press, not an information press. The Cuban people, as is the case with the Czechs, the Poles, the Russians and others under Communism, have a need for a radio station that would broadcast especially for them, as is the case with Radio Liberty and Radio Europe. The Cubans await anxiously the day in which these broadcasts would start; as if it was the day of their liberation.

Radio Marti would constitute a small investment in a brighter future for Cuba, the United States, the Western Hemisphere, and the world. It is designed to serve as a "consistently reliable and authoritative source of accurate, objective and comprehensive news." The truth, Mr. President, is powerful medicine, and the people of Cuba deserve to know the truth. Radio Marti can help bring it to them, and I hope the Senate will agree to provide the necessary funds and authority to get the American message on the air.●

Mr. THURMOND. Mr. President, I rise in support of S. 602, the Radio Broadcasting to Cuba Act of 1983.

The principal purpose of S. 602 is to improve communications of accurate information and ideals to the uninformed and misinformed people of Cuba. The bill would establish a Board for International Broadcasting and grant it the authority to develop the actual broadcasting system to Cuba. Once established, the radio broadcasting system would be responsible for delivering reliable, accurate, objective, and comprehensive news from the free world to the people of Cuba.

Mr. President, for over two decades, the citizens of the island nation of Cuba have been subjected to Communist propaganda and untruths, without any factual information to counterbalance the Communist line. Cubans have grown up without knowing the real meaning of the words "freedom" and "democracy." They have never had the opportunity to listen to an objective news broadcast in order to decide for themselves which side of an issue they will support. Today in Cuba there is no alternative view of the Castro government and its actions.

The Soviet Union has long benefited from the process of propagating its ideology and philosophy, with emphasis on radio broadcasting aimed at specific countries. The Soviet Union outspends the United States by a ratio of 7 to 1 in the area of international broadcasting. The Soviets and their surrogate Cuba outbroadcast the United States in Latin America, in terms of hours on the air, by a ratio of 5 to 1. We are clearly losing the war of words in our hemisphere. The people in Havana, as in all closed societies, thirst for the truth. If we ever hope for lasting stability and peace in this hemisphere, we must provide the facts to those who are willing to listen. We must allow the Cuban people to learn about the domestic mismanagement and continued failures of their government, as well as about the promotion of subversion and international terrorism worldwide by Castro. We must inform the Cuban people of what these activities cost in terms of reduced standards of living for themselves and their children.

Mr. President, the establishment of this radio broadcasting system is a proper step toward diminishing Castro's stronghold over his people. By reducing Castro's power in this area, we can decrease his ability to export subversion throughout the Western Hemisphere. At the same time, we can provide the enlightenment which will be necessary to enable the Cuban people to eventually throw off the shackles of communism and regain their precious freedom.

Mr. KASTEN. Mr. President, we have heard a great deal of debate during the past year and a half on the merits of Radio Marti. That debate has usually dealt with abstractions. But in the past few days, we have had an object lesson that brings this debate into sharp focus and makes us realize in concrete terms just what Radio Marti is all about.

The Korean Airlines tragedy has given us a textbook example of how a totalitarian society controls the flow of information. The Soviet people were not told for a week about the massacre. Once they did hear about, it they were told that their armed forces had shot down an American spy plane. To this day, the people of the Soviet Union have not been told by their own leaders about the enormity of the crime that was committed in their name.

But that should not be surprising, because lies, evasions, and misinformation are the tools that Communist countries use with great skill to control their peoples. That is what goes on in Cuba, an unhappy land just 90 miles from our shores. There, people very much like ourselves live under a Soviet-style regime. But the Cubans do not simply live in slavery. They also provide the resources that allow their leader, Fidel Castro, to subvert democratic nations throughout the world. It is imperative that we try to neutralize Castro's troublemaking, and that is where Radio Marti comes in.

Radio Marti is one of the few peaceful options we have for dealing with Castro. It will act as an alternative to the government-controlled media now available to the Cuban people. It will provide them with news and information they could not otherwise get. We can use Radio Marti to bring the cost of Castro's adventurism home to Cubans in a way Castro cannot ignore. The realization that his people know the full costs of his schemes may be just enough to give Castro pause before embarking on more conquests. That alone would make Radio Marti worthwhile.

I am proud to be a cosponsor of legislation to set up Radio Marti. I am glad to see that we have reached a compromise that clears the way for this vital program. I congratulate my colleague from Florida, (Mrs. HAWKINS) for her tenacity on this important issue, and I urge all my colleagues to support the revised Radio Marti proposal.

I hope we will soon be hearing Radio Marti on the air, breaking the infromation blockade under which the Cuban people suffer.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

The bill (S. 602), as amended, was passed as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

SEC. 2. The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interst.

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide news commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present of variety of views.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided*, That no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs. *Provided*, That not less than 30 percent of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 percent or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 percent of the programming broadcast shall be regular Voice of America broadcast with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti Program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed one hundred fifty days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

BOARD FOR RADIO BROADCASTING TO CUBA

SEC. 5. (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio intereference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on, or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission for carrying such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this session shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984 and $11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

SEC. 9. The United States Information Agency shall arrange, by contract if necessary, an independent evaluation of Cuba Service programming, the results of which are to be set forth in a report to be prepared and transmitted to the Agency eighteen months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than thirty days after the date of receipt of such report, transmit to the Congress such report, together with any recommendations for legislative action.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank all Members for their cooperation in bringing this matter to a conclusion. It has been a long and sometimes difficult debate that necessitated the invocation of cloture. I believe a good result has been reached.

I wish especially to congratulate the Senator from Florida (Mrs. HAWKINS), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Iowa (Mr. GRASSLEY), the Senator from Connecticut (Mr. WEICKER), and others who were intimately involved for bringing this matter to a successful conclusion.

Mr. President, as I indicated earlier, I would like the Senate to turn next to the consideration of the DOD conference report. I understand that the distinguished minority manager is on his way to the floor.

Mr. President, I believe I will wait until Senator NUNN reaches the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll,

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised that the Senator from Georgia (Mr. NUNN) is on his way to the floor and will arrive momentarily. After consulting with the minority leader, I am prepared now to ask the Senate to turn to the consideration of the DOD conference report but we will not proceed with any statement or any action at all until Senator NUNN arrives.

DEPARTMENT OF DEFENSE AUTHORIZATIONS, 1984—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 675 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 12, 1983.)

Mr. BAKER. Mr. President, I believe we will be able to arrive at a time agreement on this measure. We are not prepared to do that at this moment, but I think we will shortly.

While we await further negotiations on that subject and the arrival of the minority manager, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed in the consideration of the conference report on S. 675 be limited to 4 hours, to be equally divided between the Senator from Georgia and the Senator from Texas or their designees.

Mr. BYRD. Mr. President, reserving the right to object, this matter was discussed in our conference today. There was no objection. We have subsequently contacted all Members via the hotline and, in particular, the soon to be formally recognized ranking member of the Armed Services Committee, and others, and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, the majority and minority leaders have conferred and have agreed that we should stay on this matter until it is completed today.

I expect that there will be a record vote, so if all time is consumed that vote would occur at 10 minutes to 7. After conferring with my colleagues, I doubt that we would consume that much time, so my colleagues should be on notice that a record vote could occur any time from an hour to 2 hours from now.

Mr. President, I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I am pleased to report the conference report on S. 675, the defense authorization bill for fiscal year 1984.

My colleagues will recall that when the House and Senate passed their respective bills in late July, after extended periods of debate on the floors of both Houses, it was not clear that a conference could be completed prior to the August recess. Indeed, most observers felt that completing the conference prior to the recess would be impossible given the number and complexity of the funding issues that had to be resolved. Nevertheless, the managers on both sides asked the conferees to make a special effort to insure that, once started, the conference was not held over beyond the recess. The conferees responded with remarkable energy, working through the weekend of July 29 and late into the evenings of the following week, reaching compromise on nearly 1,000 items in disagreement. From a narrow, institutional perspective, the amount of time and effort invested in this conference report should alone be sufficient to secure the support of the Senate.

Nevertheless, Mr. President, the substance of the report is, of course, central to its acceptability in both Houses. Before discussing these specifics, I would like to review for the Senate congressional action on the defense budget during the past 2 years.

The Reagan administration deserves much credit for having proposed and implemented vital improvements to our national defense. In this effort they have been both assisted and hindered by the Congress.

The Congress is providing steady real growth in defense, but not enough to reverse the ominous trends in the military balance. In fiscal year 1982 the administration requested $228 billion in budget authority and the Congress approved $218 billion, a reduction of $10 billion. In fiscal year 1983 the administration requested $263 billion and the Congress approved $244 billion, a reduction of $19 billion. For fiscal year 1984 the administration requested $281 billion and the budget resolution provides for only $269 billion, a reduction of $12 billion.

In real terms the President proposed 15-percent growth in fiscal year 1983; he got less than 7. In fiscal year 1984 he proposed about 10 percent; he will be lucky to get 5 percent. I hope this kind of review will temper the judgment of those who mistakenly believe that this bill somehow represents congressional rubberstamping of massive defense increases.

The conference report now before the Senate reflects the determination of the Congress to hold real growth in the national defense function to approximately 5 percent over fiscal year 1983. It authorizes $187.5 billion for the Department of Defense for procurement, research and development, operation and maintenance, and civil defense programs under the Federal Emergency Management Agency. The conference report reflects a reduction of $10.5 billion from the President's request, an addition of $1.7 billion to the Senate-passed bill. When combined with action already taken on the military programs of the Department of Energy and the military construction bill, the defense-related reductions in fiscal year 1984 will total approximately $11.9 billion—the amount called for in the first concurrent budget resolution.

In procurement, the administration requested $94.1 billion and the conferees approved $88.3 billion, a reduction of $5.8 billion.

The conferees approved $27.3 billion in research and development, down $2.3 billion from the request.

For operation and maintenance, the conferees approved $71.8 billion, a reduction of $2.2 billion from the request.

On a more specific level, there were several issues of interest to the Senate which deserve special note:

INFLATION ASSUMPTIONS

The Senate accepted revised economic estimates contained in the administration's midsession review, which were the basis of a $3.4 billion reduction in the Senate bill. The House bill contained only part of this reduction. The conferees agreed to recommend incorporation of the entire fuel adjustment of $1.3 billion and to split the difference on the remaining inflation assumptions.

MX

Conference action on the MX and ICBM modernization programs included acceptance of the Senate provisions establishing a completion date for the environmental impact statement of January 1984, an initial operational capability of December 1986, a description of the characteristics of the small, mobile ICBM, and a link between the deployment of MX and the expeditious development of the small, mobile ICBM. The conferees also endorsed the substance of the Gore, Aspin, and Price amendments in the House which included a reduction in MX procurement from 27 to 21 missiles in fiscal year 1984.

BINARY CHEMICAL MUNITIONS

The conferees approved the administration's request of $114.5 million for facilities and procurement of binary chemical munitions. However, the conferees included the Senate provision which proscribes the assembly of components prior to October 1985, and no assembly thereafter unless the President certifies that this is essential to the national interest. The conferees also agreed to the House provision which requires the retirement of one older chemical weapon for each new one entering the inventory, thus freezing the size of the current arsenal.

RESERVE COMPONENTS

During the conference a considerable amount of time was given to discussion about the expanding role of the Reserve components; and the conference report contains numerous initiatives in this area. Among these are an increase of nearly 10,000 in Reserve component end strength, authorization of up to $12 million in bonuses, and the designation of a new Assistant Secretary of Defense for Reserve Affairs.

SPARE PARTS

The conferees responded swiftly to reports of excessive prices allegedly charged by some contractors for aircraft spare parts. The conference report contains specific guidance on near-, mid-, and long-term actions to be directed toward more effective management of spare parts. This will take some time. However, Secretary Weinberger and the service secretaries have already taken steps to change the DOD practices that have created this problem.

A final issue of special note is the conference action regarding pay raises. During consideration of the first concurrent budget resolution the Congress indicated its intention to provide a 4-percent pay raise to Federal employees for some portion of the next fiscal year. However, even though the Department of Defense is one of the Government's largest employers, the issue of Federal pay will not be decided in this bill, but in a reconciliation bill to be reported by the Committee on Governmental Affairs.

The conferees have taken two steps to minimize the financial disruption in the appropriation process caused by these unprogramed increases to the defense budget: First, the conference approved overall reductions in defense spending which are, for the most part, sufficient to fund a pay raise and still achieve the target ceiling in the budget resolution. Second, the conference report includes a provision which will tie the effective date of the military pay raise to that established by the Committee on Governmental Affairs for other Federal employees.

Mr. President, this conference report is one of the most detailed and comprehensive pieces of legislation that the Senate will address this year. We consider it at a critically important time in light of a series of recent international developments.

The 5 weeks since completion of the conference have seen major military exercises in Central America and the Middle East; the deployment of American arms and assistance to Chad in opposition to Libya's invasion; the death of U.S. marines in Lebanon; and the Soviet's brazen shooting down of a unarmed civilian airliner with the tragic loss of all 269 people aboard. I can think of no comparable period in the recent past which more vividly demonstrates the dangers we face in today's world, the contrasting values and ideals which separate us from our adversaries, and the certain responsibilities we must shoulder in the pursuit of peace.

Every Senator who believes that our military forces are necessary tools of foreign policy, and that they can and should be used to promote stability and to resist aggression, should vote for this conference report.

To be sure, this bill contains some provisions which will be objectionable to various Members of the Senate. But the lamentable events of past weeks will, I hope, focus the Senate's attention on the broader issue of whether or not at this important time this legislation makes a positive contribution to our standing among both allies and adversaries. I believe it does.

Of equal importance are the consequences of its rejection. The Appropriation Committees stand ready to mark up their respective defense bills. With less than 20 days left in the fiscal year, we must not delay them. There is a slight chance that we may avoid the institutional embarrassment that annually accompanies a continuing appropriations bill. For my part, I am determined that the authorization process should not delay passage of a regular defense appropriations bill.

The arguments in favor of this conference report are numerous and compelling and I urge its adoption.

Mr. President, I would be remiss if I failed to say that this conference report, in significant measure, is a product of the work, and the effort, and the dedication of our late colleague Scoop Jackson. I think that his stamp is to be seen in every major piece of defense legislation that has been passed in Congress over the course of his tenure on the Armed Services Committee.

No one had a better perspective on the defense needs of our country. No one had a better understanding of the threat that confronts the security of the United States and her vital interests abroad. No one better understood

better the need to balance the requirements of defense against the requirements of our citizenry in the domestic area. He was a man with a truly broad perspective and one who did much to assure the security of this country. I think no single man in my career in this body has done more not only to promote the security of the United States but also to promote the quest for peace, and stability, and justice throughout the world.

Much of the work we have done in establishing defense policy will be an enduring monument to him.

My sadness is tempered by the fact that he will be succeeded by a very, very distinguished Senator from Georgia, in the tradition of another great Georgian under whom I served on that committee, Richard Russell; a man already strongly steeped in knowledge of national defense and what it should be used for; a man with a good grasp of what national security policy should be, and one who I know is going to perform very ably in his role to come as the ranking minority member of the Armed Services Committee—Senator NUNN.

I am prepared to yield the floor to my distinguished colleague.

The PRESIDING OFFICER (Mr. DURENBERGER). The Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from Texas for the generosity of his remarks.

I also commend him on the conference report. No one worked more diligently to try to produce this conference report, in terms of timing and in terms of substance.

I also want to add my voice, very briefly, to that of the Senator from Texas in commending Senator Jackson not just for his role in producing this conference report but also for his role, during 30 years in the U.S. Senate, in protecting the security of our Nation.

I commend Jim Roche, the minority staff director, and all the staff on our side, basically put together by Senator Jackson, for their excellent work.

I assure the majority side that I will be just as diligent in trying to facilitate cooperation and a bipartisan spirit on this committee as was Senator Jackson and certainly as were Senator STENNIS and my predecessor, Senator Russell.

Mr. President, it is with a great deal of sadness that I present these views on the conference report, not because of the conference report itself or its contents, but because all of us had expected our beloved colleague, Senator Jackson, to be standing here today to present the ranking minority views.

Senator Jackson's untimely death was a major loss to the Armed Services Committee, where he was an influential member for all his Senate career. We will sorely miss his intellectual leadership, his experienced judgments and advice, and his warm friendship. Scoop, as we are all painfully aware, is simply irreplaceable. I will be joining my colleagues on the floor later in paying special tribute to this remarkable person. I, again, as I have in recent days, thank the voters of Washington State for sending this unique individual to serve among us and to uphold the freedom and security of our Nation.

I am especially pleased that President Reagan announced last Friday that the next Trident submarine, which will be launched on October 15, 1983, will be named the U.S.S. *Henry M. Jackson.* This major addition to our strategic deterrence will be based in Scoop's beloved Washington State, at the Bangor Trident Base; and I think all my colleagues will join me in applauding that action by the President of the United States.

Mr. President, the conferees worked diligently on this conference report in a short period of time—less than a week. This situation was unfortunate but unavoidable unless we wanted the appropriations markups to start without any authorization guidance. I certainly share the view of my chairman in believing that it is not the correct procedure to begin appropriations markup without an authorizing bill. The differences in the House bill and the Senate bill were substantial. But I believe the conference report represents a reasonable compromise. The chairman has provided the contents of the conference report in sufficient detail, so I would like to make just a few general observations.

BUDGET CONSIDERATIONS

The conference report is generally faithful to the guidance provided in the first concurrent resolution on the budget. I commend the chairman on that, because it is not easy, when you have watched a budget put together and you have gone through all the hearings, to be presented then with a mandate for a very substantial reduction. That is precisely what occurred in this case. We had to make major reductions in the defense authorization bill.

The chairman approached this with a great deal of dedication, a sense of reality, a sense of duty, a sense of looking at the Senate as a whole. Even though he would not have made these reductions, he guided the committee so as to comply with the budget resolution. I believe this is an example for other committees, if we truly are going to try to get our fiscal house in order.

This report represents a reduction of $10.5 billion in budget authority from the $198 billion requested for defense and civil defense programs covered by this authorization. However, it will still require the anticipated reductions in the military construction and Department of Energy military programs to meet the overall $11.9 billion reduction in national defense functions in the budget resolution. In addition, the conferees accepted certain revised assumptions on inflation which anticipate lower than budgeted prices for Pentagon goods and services and account for about 10 percent of the reduction to the administration's request.

Mr. President, I have reservations about this procedure. I understand why it occurred. But I do believe that we have for so long gone over the inflation estimates that it would be a breath of fresh air for the Nation if we could come under the inflation estimates and by taking this step we make that less likely although not impossible.

This is neither the time nor place for a detailed discussion on the overall defense budget, the appropriate levels, and the congressional budget process. Suffice it to say there are significant problems that the Congress and Executive must address both from an organizational and a policy standpoint.

And I say to my colleagues here today, as I have in the past, that one of the big questions we are going to have to address in the near term is whether we can afford the time and the effort both of Congress and of the executive branch in continuing to both authorize and appropriate in a defense function. In these defense functions we are spending weeks and even months preparing a defense authorization bill. Our colleagues on the Appropriations Committee are doing the same thing with the same witnesses coming before them. The executive branch, of course, is repeating this not only in the Senate but in the House of Representatives. We are all behaving as if it were 100 years ago and we had ample time to do our duties.

I believe we have to eliminate some redundancies and duplications in this institutions, and I believe one of the places we should start is in the dual function of authorizing and appropriating.

There is no magic solution. I suggest that we need to go to 2-year authorizations and perhaps even 2-year appropriations, and I suggest that we begin thinking seriously about this subject.

I will not go into further detail today, but I am preparing some legislation that at least that I hope will kick off a long overdue debate about our own procedures.

The conference report provides for a 4-percent pay raise for military and civilian personnel in the Defense Department beginning on January 1, 1984. Since the President's budget provided for no pay raise, this action adds about $1.8 billion to the defense budget as proposed by the President. Thus, the conferees, have in fact reduced the programs requested by the administration by about $12.3 billion.

About $2 billion of the reductions proposed in this conference report are in the area of investment for strategic nuclear forces—75 percent of these reductions in this area are the result of the administration's revised MX program. About $2.5 billion was taken out of the operation and maintenance accounts which are the accounts traditionally associated with readiness. The conferees also recommended changes in personnel policies and end strengths which should produce an additional $.5 billion in savings. The remaining $6 plus billion of reductions are generally being made in the area of conventional force programs.

In addition to the question of the appropriate balance in key accounts like strategic nuclear, conventional forces, and readiness, the Congress will be faced in the next several years with a continual growth in the percent of defense outlays resulting from prior years appropriations. When this is coupled with the large increases in the investment accounts and a constant, if not growing, strategic account, significant additional pressures will be created on readiness and conventional forces. In my judgment, this is a situation that must be addressed in future considerations of defense programs and budgets, and I hope that that kind of careful examination is now occurring in the Department of Defense in preparing next year's budgets.

STRATEGIC PROGRAMS

In the strategic nuclear area, the conference committee accepted the Price-Aspin amendment from the House bill which links MX deployment to the administration's commitment to the recommendations of the Scowcroft Commission on both strategic modernization and arms control. It also included the Warner-Nunn Senate provision that links any future deployment request for the MX missile to a justification based on the strategic balance and stability as well as arms control. In my judgment, these two provisions help preserve the coupling of future considerations of the MX to arms-control matters and the Scowcroft recommendations.

BINARY CHEMICALS

The issue of binary chemical munitions was a particularly difficult one in the conference.

And I am sure that my colleague and friend from Arkansas will have observations on this point.

The principal intent of the conference agreement is to provide our country with the negotiating leverage necessary to reach an agreement with the Soviet Union on the limitation and eventual banning of all chemical weapons. In addition, it recognizes the need to enhance the U.S. deterrent now undermined by an increasingly obsolete munitions stockpile.

The proposed conference compromise on binaries does not authorize final assembly of these weapons, any more than did the original Senate provision. The conferees adopted multiple restrictions from both the Senate and House bills including: Prohibiting final assembly of any chemical munitions until October 1985; requiring that even thereafter one existing chemical shell be destroyed for each new binary weapon produced; and mandating Presidential certification prior to final assembly that any such production is in the national interest. Congress will have many more opportunities to decide on final production.

155 NUCLEAR ARTILLERY SHELL

The conferees also took a major step in recognizing the diminishing contribution of short-range nuclear artillery and directed termination of the 155-millimeter nuclear artillery shell program. This reflected action taken in the Senate to delete this program and to redirect funds to conventional munitions. The conferees linked the termination or the 155 program with a major emphasis on the joint conventional programs designed to improve our ability to deter, detect, and if necessary, destroy and defeat Warsaw Pact aggression. I was pleased that the joint tactical fusion, joint tactical missile, and joint surveillance and attack radar systems were fully supported by the conference. The conferees also agreed to conduct an unprecedented joint House-Senate hearing in the area of conventional weapons capability and the deep strike/second echelon concept later this fall. The conferees also are requiring some major studies and recommendations on the overall issue of improving the conventional posture as well as reexamining the tactical nuclear posture. These are all indications of the conferees' strong support for improving NATO's conventional capability.

MANPOWER

In the manpower area, there were several significant developments, but I will highlight just one. The conferees agreed to substantial cuts in the administration's request for additional active-duty end strength. The administration requested an increase of 37,300 above the fiscal year 1983 level and the conference only approved an increase of 8,500. This action was taken in large part due to the conferees' belief that a better integrated Active and Reserve Force would yield a less costly yet combat-effective force structure. Truly Ready Reserve forces are perhaps the best defense bargain available and the depth of feeling by the conferees in this area should not be underestimated by those who are concerned in the Department of Defense.

DEFENSE ORGANIZATION

Finally, Mr. President, a few words about efficiency and management. It is becoming increasingly difficult to give DOD the benefit of the doubt when dealing with inefficiency and ineffectiveness of expenditures. Recent stories about the exorbitant costs of spare parts and weapons that do not work as expected have done little to improve the image of the Department. On the contrary, they continue to erode the hope of sustaining the long-term consensus on improving our overall defense capabilities.

Nothing is more damaging to the consensus on national security than has been built so painfully after the Vietnam war than reading reports of gross inefficiency in procurement procedures.

The conferees adopted several initiatives which hopefully would improve the Department's ability to deal with some of these longstanding problems.

One is a compromise establishing a Director of Operational Testing and Evaluation in DOD. This will be an independent office and should help insure that our weapons are subject to rigorous and objective testing prior to the commitment to procure these expensive systems.

I commend my colleague, Senator PRYOR, for his leadership in this regard, also the Senator from Delaware, my colleague, Senator ROTH. I think they have made a real contribution and I think all of us need to follow the implementation of this provision with a great deal of care.

Just for the information of the Senator from Arkansas, I have heard in recent days allegations that this provision is going to slow down the whole procurement process, that we are going to see a lot more delays and, therefore, cost overruns, and so forth.

I do not share those views, and I think that many of those who are spreading this need to understand that the provision puts this management under the Secretary of Defense. This is not over in the Library of Congress or somewhere in the legislative branch. This is an independent cost evaluator under the overall supervision and direction of the Secretary of Defense.

So I certainly hope that in implementing this the Department would understand that this is not intended to delay but to assure that we are truly going to get a nonbiased independent evaluation of a weapons system before production.

I hope that some of the existing procedures can be shortened and some of the inevitable duplications which will occur, if nothing changes, can be avoided. We are not trying to overlay this on all the existing management. We are trying to say "Cut out some of what you have got now and let us have a truly independent evaluation."

So I think there will be a number of us who will be looking very carefully at how the Department of Defense im-

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plements this, and I certainly hope they implement it in good faith and with a view in mind that we want to not bog down the process but make it much more effective. I am sure the Senator from Arkansas would share those views. We will hear from him later on. Again I commend him for his leadership.

The conferees also approved a provision requiring that the Secretary of Defense consider an independent cost estimate before the Department can proceed with full-scale development, or production and deployment of a major weapon system. This was an amendment that I authored in the committee and it did go through the conference. This requirement in the cost area is trying to do what the Senator from Arkansas' provision has done in the operation, testing, and evaluation. This requirement builds on an existing regulatory framework that already exists in the Department of Defense, and I commend the Department of Defense for what they have already done in moving in this direction. But this new provision should give greater weight to the cost conclusions of the independent cost analysis groups. Again I will be following that internal defense procedure with a great deal of interest. More accurate and more independent cost estimating is critical to having a credible weapon acquisition process.

The conferees approved two initiatives focused specifically on the spare parts area where much more focus is needed. One is for an extensive report and the other accepts Senator LEVIN's amendment requiring the issuance of certain regulations dealing with spare parts costs.

The conferees also directed a 5-percent reduction in the number of military and civilian personnel in the Office of the Secretary of Defense and the headquarters of each of the services. This hopefully should result in a leaner, more efficient headquarters element.

Mr. President, although none of us might agree on each and every part, and although the trends in certain areas are disturbing, I think we are going to have some real struggles in the next couple of years in the overall defense trying to make certain we can maintain a reasonable defense program without adversely impacting the readiness of our present forces, and that is going to be the real challenge.

In spite of these anticipated possible problems in the future I believe this conference report represents a fair portrayal and a fair compromise between the House and the Senate bills in an area of vast importance and an area with a great deal of complexity with respect to our national security program.

Again I commend Senator TOWER and the majority for a diligent, excellent job in getting this bill before us now. Without the strong dedicated leadership of the Senator from Texas we could well have the conference extend through the month of September and even into October. But he did a yeoman's job in pushing this bill to a conclusion, and I commend his staff, led by Jim McGovern and others, for working with the minority. We, of course, look forward to that continuing kind of bipartisan effort.

Mr. President, I know some of my colleagues on this side of the aisle would like to be heard, but at this point I will yield the floor.

Mr. TOWER. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the conference report for S. 675, the Department of Defense authorization bill for fiscal year 1984.

My distinguished colleagues will note that the total dollar figure is about $12 billion less than the total for the Senate omnibus defense bill previously considered by this body.

The reason for this decrease is the deletion of the military construction and Department of Energy authorization requests. The military construction conference has been completed and the conference report will be filed in the near future. The conference on military construction recommends approximately $7.3 billion in new authorization for fiscal year 1984.

Mr. President, I would also like to commend the distinguished chairman of the Armed Services Committee, Senator JOHN TOWER of Texas, for his tireless efforts during review of the defense budget and during the joint conference.

It is also proper to note that the Armed Services Committee will sorely miss the leadership of Senator Henry M. "Scoop" Jackson. Additionally, designation of our fifth Trident class submarine as the U.S.S. *Henry M. Jackson* is a fitting tribute to one of America's greatest modern day patriots.

Mr. President, one of the strengths of our Nation is the unity of purpose that surfaces when America faces grave challenges. Recent events have underscored the seriousness of the threat that the Soviet Union poses for the Free world.

No nation in history can match the atrocities perpetuated by the Soviets as they have trampled human decency under the boot of totalitarian rule. Their recent actions are not out of character and should remind us that military strength and national will are our only deterrents to Soviet aggression.

Mr. President, I urge all of my colleagues to join me in unanimous support of this conference report. Such a vote will serve notice that the United States cannot be intimidated by threats or murder.

Mr. President, in closing I want to observe that the distinguished Senator from Georgia (Mr. NUNN) has been selected as the ranking Democrat on the Armed Services Committee. I have known Senator NUNN for a long number of years, since he came to the Senate, and he has done a magnificent job in defense and other matters, and I think we are fortunate to have him in this key role. I am certain that he will cooperate, as Senator Jackson did, in standing for a strong defense, and that he will pursue a course that will be in the best interests of our Nation.

Mr. NUNN. I thank my colleague from South Carolina who has been a stalwart in national security for his entire career, I thank him for his kind words, and I want to assure him that I look forward to continuing to work with him in these important areas.

Mr. President, I do not know whether we have anyone on this side of the aisle who would like to be heard at this time. I understand Senator GOLDWATER—Senator STENNIS.

Mr. STENNIS. Mr. President, if the Senator will just yield to me, I am certainly giving my strong support to this conference report. I also salute the Senator from Georgia for his role here, an important role. I repeat that I support the conference report entirely.

Mr. TOWER. Mr. President, I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. I thank my chairman.

Mr. President, before I proceed with the few comments I have on this report, I wanted to compliment the Senator from Texas for a very outstanding job during this conference. I was not able to attend much of the conference because of personal health problems, but I observed what he did, I observed how he did it.

I have watched him all the years since he has been in the Senate working on the Armed Services Committee and I can tell my colleagues that without the leadership of Senator TOWER our defenses would not be in the state they are in today.

I am very happy to see Senator NUNN move up in rank, and I look forward to continuing my service with him.

I would like to join my other colleagues in the comments that have been made about the late Senator Jackson of Washington. He and I came to this body as classmates a long, long time ago, and we served together on the Armed Services Committee almost the entire time we have been here. His

contributions to America are going to be sorely missed.

Now, Mr. President, in general, I am in favor of the provisions of the conference report on the Department of Defense Authorization Act for 1984. Under this administration, we have made significant progress in certain areas of the Defense Department which needed strengthening. Unfortunately, I was not able to be present during all of the conference on this year's defense bill. As a result, I feel a strong obligation to state opposition to the provision in the conference report which provides that the Secretary of the Army cannot make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

As my colleagues may recall, the position which the Senate Armed Services Committee, and indeed the entire Senate, took on this issue was quite in contrast to the conference report. The Senate Armed Services Committee report encouraged the Army to continue its evaluation of the feasibility of establishing a second production source for the AGT-1500 M-1 tank engine. We suggested that in addition to expanding the engine mobilization/production base, that the second source initiative appeared to have merit as an incentive toward future price competition and as a basis for improving delivery stability, engine quality, and technical performance.

The position of the House of Representatives, on the other hand, was to prevent the Army from second sourcing the M-1 tank engine. There has been substantial confusion on this issue. Much of this confusion has been cleared by a letter forwarded to Mr. ADDABBO, the chairman of the Defense Subcommittee on Appropriations in the House of Representatives. This letter, dated August 10, 1983, was signed by the Assistant Secretary of the Army for Research and Development, and firmly established the Army's position on a second production source for the M-1 tank's engine. The Army Assistant Secretary, in his letter to Mr. ADDABBO, spelled out the results of their analysis of firm, fixed price offers from three potential second source contractors for 1,170 engines.

The lowest price proposal, including Government-furnished equipment, provided a unit price in fiscal year 1986 constant dollars which was $10,000 per engine less than their most recent proposal from AVCO, the current engine manufacturer. The Army judged the savings available by awarding a second source contract to be in excess of $300 million considering the procurement of about 4,000 life cycle spare engines/equivalents beyond fiscal year 1989. These spare engines would support the Army's tank fleet of over 7,000 tanks during its anticipated 20-year lifespan. The low offer provides approximately $67 million in savings when compared to a sole source multiyear contract with AVCO over the period fiscal year 1985-89.

In addition to Assistant Secretary Sculley's certification to the House Appropriations Committee, the Under Secretary of the Army, Mr. Ambrose, and the Secretary of Defense both discussed this subject with the press at news conferences. Needless to say, both the Secretary of Defense and the Under Secretary of the Army are firmly opposed to what appears to be an obvious congressional effort to prevent competition.

As a result of my concerns over this issue, I have asked the General Accounting Office to provide an independent analysis as to the reliability of the data which the Army used in arriving at their position of affordability. Likewise, I have asked the Inspector General for the Department of Defense, a newly created independent agency, to provide an assessment of the Army's feasibility analysis. Although these independent assessments are not yet available, I expect to receive them soon.

Contrary to the position taken by the House of Representatives on this subject, competition almost always drives the price down. Granted, there must be sufficient quantities of the product produced to provide a saving and we all understand that. Serious questions should be asked of the Department of Defense when they indicate an intention to second source any weapons system or part of a weapons system. But, outright prohibition of second source procurement is ludicrous. We continue to harass the Defense Department in encouraging them to provide competition in the procurement process and now we are turning around and banning their effort to even seriously consider a second source. We have not even provided the Army an incentive to pursue second source in future weapons procurement but, in fact, have provided a disincentive.

There is no reason that Congress cannot reverse or override decisions by any of the military departments should they decide to second source a particular weapons system but, in my view, we do a serious disservice to the taxpayers by not even letting the Army try to create some competition in this situation.

Mr. President, I would not contend for a moment that the Army has handled this situation perfectly. There have been shortages of engines, at various times, for M-1 tanks. In all probability, some of the shortages were created by the contractor, AVCO, and some by the Army themselves. That, however, is not the pertinent issue in this case. The issue here is whether or not we are even going to consider competition which can provide a price reduction overall. Likewise, it is probably true that second sourcing was considered because of the earlier, poorer performance of AVCO in delivering engines to the Army. Even if we take as fact the indications that AVCO is now producing engines of much better quality and in a timely fashion, I still see no reason why we should not look at the competition aspect and the potential savings to the Department of the Army.

Mr. President, I oppose this particular provision of the conference report and, at the appropriate time—probably during the consideration of the appropriations bill—I will offer an amendment to change this and will recommend to my colleagues that they support the original Senate position. That is the only way, in my view, that we can continue to urge the services to improve their procurement process and to provide real competition in the purchase of the many costly weapons systems in the defense budget.

Mr. President, I ask unanimous consent that the letter from the Honorable J. R. Sculley, the Assistant Secretary of the Army for Research, Development, and Acquisition, to Representative ADDABBO, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GOLDWATER. Mr. President, in closing, I wish to second what the distinguished Senator from Georgia has said in warning this body about the almost stupid procedures that we have to proceed under now with the way we hold appropriations from the opening of the Senate until we finally are able to act on them after other committees have had to act on them and then go to conference with the House, come back here for this vote, and then have the matter go once again to two different committees, neither one of them with any real expertise in the field of military procurement or military judgment. And I say this advisedly and without disrespect to these committees.

But to have to go through the budget process and then to have to go through the appropriations process—I do not know if this Chamber realizes it or not but I do not think we have had an appropriations bill on defense here in 2 or 3 years—as the Senator from Georgia has indicated, it is a waste of time and it is a waste of effort. If we are going to have three different committees consider our defense spending and what we need, I think we should seriously consider eliminating two of them and coming down with one because we are wasting time.

Mr. President, once again, I want to pay my respects to the Senator from Texas. I think it is almost a tragedy

that a young man like this has decided to go back to Texas. I do not question his judgment in leaving the body, but going back to Texas causes me some concern. [Laughter.]

I yield the floor.

EXHIBIT 1

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., August 10, 1983.

Hon. JOSEPH P. ADDABBO,
Chairman, Defense Subcommittee, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Army recently completed its evaluation of establishing a second production source for the M1 tank's AGT 1500 gas turbine engine. This letter provides information on the results of that analysis in accordance with the fiscal year 1983 House Appropriations Committee Report 97-943 which requires that the Army submit engine second source proposal data to the authorization and appropriations committees.

In response to a February, 1983 request for proposal, the Army received firm-fixed-price offers in June 1983 from three potential second source contractors for 1170 engines. The results of our analysis of these offers indicate that establishing an engine second source is affordable and cost effective. The lowest price proposal, including government furnished equipment, equates to a unit price in fiscal year 1986 constant dollars which is $10,000 per engine less than the most recent proposal from AVCO, the current engine manufacturer.

The savings generated by awarding a second source contract will be in excess of $300 million considering the procurement of about 4,000 life cycle spare engines/equivalents beyond fiscal year 1989. The spare engines will be used to support the 7058 tank fleet during its anticipated 20 year life span. The low offer amounts to approximately $67 million in savings when compared to a sole source multi-year contract with AVCO over the period fiscal year 1985-1989.

While there is a requirement to adjust funding in specific years, no net additional funds must be applied to the M1 tank program to support engine second sourcing. The Army's fiscal year 1985-89 POM program for the M1 has not been increased to accommodate engine second sourcing.

In summary, the Army has determined that establishing a second production source for the M1 tank engine is affordable, cost competitive and in the best interest of national defense. However, based on the results of the Joint Authorization Conference, it appears now that the Army will not be able to award a second source contract.

Sincerely,

J. R. SCULLEY,
Assistant Secretary of the Army (Research, Development, and Acquisition).

Mr. NUNN. Mr. President, with the permission of the young man from Texas, I yield to my colleague from Arkansas such time as he may need. Would 15 minutes be appropriate?

Mr. PRYOR. Fifteen minutes would be more than enough.

Mr. NUNN. I yield 15 minutes to the Senator from Arkansas.

Mr. PRYOR. I thank my colleague from Georgia for yielding to me at this time, Mr. President.

First, I echo the sentiments of our colleague from Arizona, Senator GOLDWATER, in his comments about our friend—I almost said our departed or late friend from Texas, but I will not quite go that far. He has had a tremendous impact on our national defense and this body will miss him sorely.

Mr. President, I also wish to thank the distinguished Senator from Georgia, Senator NUNN, for his generous statements about some of my efforts—our efforts, I should say—with regard to the creation of the independent Office of Operational Testing. I think that this reform will make our entire weapons system more efficient.

I am hopeful that it will hold down costs, and certainly it should bring about more efficient weapons—weapons that work. That is not too much to ask.

I am somewhat concerned about the reluctance that has been alluded to by the distinguished Senator from Georgia, implying Pentagon claims that this system might not work, might slow down the procurement process. But be that as it may, Mr. President, I think we have to try something.

I am very, very appreciative of the conferees looking at this matter and accepting basically the language that we adopted in the Senate, language that was authored by the distinguished Senator from Delaware, the chairman of the Senate Governmental Affairs Committee, myself, and several of my colleagues.

Especially, Mr. President, do I appreciate the support of Senator NUNN in this matter. He has long been interested in this matter, and his support without question was instrumental in passage of this section and its inclusion in the conference report we deal with today.

Mr. President, time, circumstances, and events generally control, to a great degree, legislation that we consider on this floor. This debate is certainly no exception. Time, circumstances, and events of the past 12 days present us with deep sorrow with regard to what I call the savage massacre of the passengers of an unarmed Korean airliner, by the Soviet Union. It also presents us with a great deal of irony that we have at this moment in this body, the responsibility of authorizing the largest single appropriation bill for defense and national security in the history of this country, only 12 days after that international tragedy.

Mr. President—and this may be somewhat personal—in looking over some experiences I have had in certain offices and positions of public trust, being a State legislator, a U.S. Congressman, a Governor, and now a Member of this very distinguished body, I think many times when we legislate in a period of deep emotion, when the American people basically are angry and frustrated, many times, Mr. President, we might find some wisdom if we would remember that we must look at long-range events before us as well as events immediately behind us.

I think it is ironic, Mr. President, that today with this particular bill before us, this Defense Department conference report, that we are basically embarking on some programs that might not have survived the test of this body or the other body had the vote come before, rather than after, the Korean plane disaster. But once again, time, circumstances, and events have come together and placed us here at this time with this legislation before us, and now it must be our duty to act on it up or down.

There is one particular area that I am most concerned with that the conferees sent to this body, and that is the issue of our once again embarking into the production stages of chemical weapons, commonly known as nerve gas.

I think my colleagues have known my long opposition to the production of nerve gas, doing away with a 13-year moratorium against the production of chemical weapons, totally turning our backs on the decisions of several Presidents and on several votes relative to the production of chemical weapons.

I oppose chemical warfare, and I will oppose it tomorrow as I oppose it today for several very simple reasons:

I do believe that we have an adequate supply. I sincerely believe that that supply is more than adequate to kill every man, woman and child on the face of the Earth 50 times over.

I do not believe that supply has deteriorated to the extent that it renders us helpless to defend ourselves or to wage successful chemical warfare in a battlefield situation.

Also, Mr. President, I oppose chemical weapons production because I feel that it will do nothing to enhance the possibility of finding agreements with the Soviets or any other country which might be tempted to engage in chemical warfare, which, in my opinion and, I think, in the opinion of America, is the most repugnant of all acts of war.

Mr. President, I oppose chemical weapons and their production because we find no country today that has come forward and said that it would be willing to store this new supply, called binary on its soil.

That is very understandable because when this supply is stored any place in the world, that particular land, that particular soil, becomes an immediate target and becomes immediately vulnerable to the horrible effects that could be visited upon the citizens of that area, the civilian population

which would be unprotected and unprepared.

Mr. President, in general, it is my opinion that nerve gas does not necessarily kill soldiers. Soldiers will be equipped with nerve gas suits and protective gear; however, nerve gas can wipe out millions and millions of unarmed civilians. I hope our soldiers will be protected, but today we have no adequate protection for the civilian population.

I am hopeful, Mr. President, that this issue of chemical warfare and the production of chemical weapons will not become our monument to the 269 dead people of the Korean Air Line tragedy.

I, too, Mr. President, look at what we are doing in this particular conference report with the MX missile, with the B-1 bomber, with chemical weapons, and perhaps other new embarkations in the area of defense. I am just hopeful, Mr. President, that we do not find ourselves slipping very quickly into a philosophy which proclaims to build more and more of everything in order that we might eventually have less. I hope that is not our posture.

Mr. President, I have been in politics a good while, and I consider myself somewhat pragmatic. I know today that if I went back to July 13, my vote would be unchanged. As the President will recall, on that particular day we had the vote in this body on the production or nonproduction of chemical weapons in our country.

That vote was tied 49 to 49.

The Vice President, Mr. BUSH, broke that tie, making it 50 to 49. The House of Representatives had defeated the idea of the production of nerve gas by some 15 votes. Therefore, we find ourselves today once again in a position of irony because we find that in neither body have we found a majority of the Senators or the Members of the House of Representatives supporting the idea that we should once again proceed to the production of chemical weapons, and yet production is authorized in this conference report. And in a few hours, or perhaps a few moments, we will vote up or down on this conference report, and we will see that our country is committing itself to the production of chemical weapons.

There is one final opportunity, Mr. President, that I and other Senators who feel as I do will avail ourselves of, and that is not in the authorization process, which we conclude today, but is the appropriations process. When we try to act with some degree of wisdom, commonsense, and what is truly in the best interests of our country and this world, once again I will propose, at the proper time and the proper place, to strike the moneys committed in this conference report today to the production of nerve gas.

Mr. President, I have taken a few moments to share some of my feelings about this conference report. I wish that we had waited a week or two, or perhaps even three, before taking it up, but I am not going to ask my colleagues today to once again take a vote at this very emotional time on the issue of nerve gas production. That time will come later, perhaps at a time when we can see things more clearly and when our perspective is somewhat better.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. The Senator from Massachusetts is on the floor. May I inquire of the Senator how much time he would like?

Mr. KENNEDY. I do not expect to use more than 15 minutes, perhaps less.

Mr. NUNN. I yield 15 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to join my colleagues in paying tribute to Senator Henry "Scoop" Jackson, who died suddenly and tragically last week. I will take the opportunity to speak at greater length about his contributions both to this body and to our Nation, but I think as has been appropriately pointed out earlier in this debate, no discussion of national security items or defense issues, particularly on this defense authorization, would be complete without recognizing Senator Jackson's extraordinary contribution to this body and to our Nation. I will welcome the chance to elaborate on this tomorrow during the time that has been designated by the majority and minority leaders.

I also want to recognize the chairman of our Armed Services Committee (Mr. TOWER), who has announced his decision to retire. He certainly will be missed in this body. Although Senator TOWER and I have seen a number of major issues from different perspectives, I have a real abiding respect for his capabilities and expertise on national defense and his commitment to the Nation's interests. Our debates on the floor will be less spirited, less lively because of his retiring. We will have lost one of our best sources of information and insight about national security policy.

Mr. President, I am reluctantly voting against the 1984 Defense Authorization Conference Report. This bill does not meet the most basic test of any defense authorization—to maximize our national security through the wisest use of our limited resources.

When the defense authorization was before the Senate in July, I opposed the bill because it allocated billions to wasteful, inefficient, and destabilizing weapons systems such as the B-1 and the MX. The bill was also the product of blatant budgetary manipulation. These flaws fatally infected the Senate bill, and were not remedied in conference.

The story of Budget Director Stockman's statistical trickery is familiar to most of my colleagues, and I will not repeat it here.

Let me just say that I was appalled by this budgetary flim-flam. I regard these actions as bad defense policy, bad budgetary policy, and an insult to the intelligence of the Senate. I believe that it is fundamentally shortsighted to cut from readiness, manpower, and tactical warfare programs in order to preserve wasteful and destabilizing strategic and naval programs.

I reject the notion that simply spending more will lead to greater national security. The MX missile is the product of such thinking. Touted as the answer to the "window of vulnerability," this multibillion-dollar multiwarhead nuclear weapon is less survivable than the Minuteman it is designed to replace and its deployment will further escalate the arms race with no increase in our national security. I believe in maintaining a strategic nuclear triad that includes a survivable land-based leg—not one that is obsolete before it is even built.

When the Congress agreed to authorize the MX, President Reagan indicated a willingness to alter his negotiating position in the START talks. The American people are entitled to more than a bland assurance of the President's good faith in arms control. It is all too easy to promise action in return for congressional approval of MX, but the proof must come at the bargaining table. The Congress ought to be skeptical of such promises, given the President's opposition to every arms control agreement signed by the United States and the Soviet Union in the past 20 years.

I also strongly object to the inclusion in this bill of funding for the development and production of lethal chemical binary weapons. It has been the policy of the last three administrations, both Republican and Democratic, to oppose the production of new chemical weapons, and now is no time to reverse that policy. A majority of the House of Representatives rejected the Reagan administration's request to build new weapons and voted instead to support arms control negotiations with the Soviet Union to eliminate chemical weapons from the arsenals of the superpowers. I regret the

conferees failed to take advantage of the opportunity to halt a senseless and dangerous continuation of the chemical arms race. I believe that my colleague from Arkansas has reviewed that for the record in a very persuasive way.

I support a national defense that is second to none. I also support real growth in the defense budget. But real growth in defense must address real problems in our defense posture. We must also consider other urgent national needs, including importance of reducing the massive Federal deficit.

We can, as a Nation, fashion an effective defense at an affordable cost. There is no more important responsibility before us. But this task requires that we reorder our defense priorities and reexamine what is militarily necessary and effective—a task which this conference report fails to do.

I want to mention at this point one or two issues that were debated previously.

The Senate has addressed the issue of binary nerve gas, but I believe that this issue will not be resolved by this defense authorization legislation but will continue to be before this body in the weeks and months to come. I believe it should be.

I want to commend the Senator from Arkansas again for his excellent presentation during the formal consideration of the defense authorization. In addition, the help and assistance he gave to those of us who were conferees was greatly appreciated.

At this point, I also want to acknowledge the consideration that was given to those who had supported the position of the Senator from Arkansas. We want to express our appreciation to the Senator from Georgia, who, although he did not support our position, was instrumental in permitting those of us who had a differing position to have a discussion and a debate in the conference and to have a rollcall vote in the conference.

As a Member of this body, I want to draw attention not only to his courtesy, but also to his consideration of the views of those with whom he might differ; but, in the proud tradition of this institution, he was willing to assure that those views were going to be given a fair consideration and a vote.

I do not wish to take up much time. The Senator has covered these items. There are three or four issues which I think are basic to the whole debate on the binary gas issue, and I should like to address these to the Senator from Arkansas.

The first is the issue of the current stockpile. I know he has addressed that issue in the past. Arguments have been made that the existing weapons are outmoded and dangerous, prone to leakage. The question has been asked whether, on safety grounds, we really need to replace our existing stockpile. Those arguments were made in the course of the conference; and as we address this final conference report, we should address them briefly this afternoon.

I ask the Senator from Arkansas, who I consider to be the foremost expert in this body on this issue—he has spent a great deal of time on this, and the record of this body over a period of years would indicate that—if he will respond.

(Mr. SPECTER assumed the chair.)

Mr. PRYOR. Mr. President, I appreciate my friend from Massachusetts raising these concerns.

I really get to where I start worrying a great deal about myself—I have mentioned this to my colleague—because I am afraid I am becoming an authority on only one subject—nerve gas. People walk up and start to talk about nerve gas, and it weighs heavily on me after a while. I am concerned about it and I think the Senator has raised some pertinent points.

As to the adequacy of our stockpile, we have done extensive research on this question. We have looked at the reports of the General Accounting Office, for example. The reports from the GAO, dating back as far as 3 or 4 years ago, relative to the existing stockpile, indicate to me, at least, that that stockpile is adequate and that the leakers, as they call them, are very few, considering the massive number of artillery shells that are now filled with the lethal nerve gas.

Second, we have taken testimony on several occasions in the Armed Services Committee and as individual Senators, listening to Dr. Matthew Meselson, of Harvard University, having discussions with him and reading papers he has written. He is certainly one of the foremost authorities in this field, and I think he is without peer in this whole area.

We have looked at various other studies and reports and findings by groups to which we would certainly give great credibility that our stockpile is adequate, has not deteriorated, is ready for active use, and could be called upon in a very quick time in the event it were needed.

Mr. KENNEDY. Another issue raised in the conference is that binary munitions are safer than the present unitary chemical weapons. I wonder if the Senator from Arkansas would accept that argument.

Mr. PRYOR. I must say that I know what the Senator's question is, and I know where he is coming from. I must say that in my opinion—and it is a layman's opinion—the transportation itself, the movement from one place to the other, of this form of binary nerve gas might be safer than the system we have now.

The downside of this whole argument on the issue of transportation and of safety is that it may become so safe that it could be utilized in many conditions and many environments. In the end, we would be more likely to witness the utilization of binary nerve gas by Third World countries, and so forth.

So I think that, in many cases, the safety might be a blessing and in some it might really be a very dangerous thing in the long run.

Of course, the two nonlethal elements combining to make a lethal element is the whole structuring process that distinguishes the new binary production proposal from the existing supply of nerve gas.

In some respects it could be safer, but the safety itself may mean that it would be more accessible to far too many people.

Mr. KENNEDY. The distinguished Senator has followed not only the chemical issue but the whole range of different issues on arms reductions and the past agreements, both those which have been ratified and those which have been at least debated and discussed, and perhaps not submitted to the Senate. Therefore, let me ask my distinguished colleague, does the Senator from Arkansas believe that the action that is included in the conference report about committing this Nation to renewed production of chemical weapons is going to be an important bargaining chip for the United States in its negotiations on arms limitations with the Soviet Union? Is there anything in the past that from his own understanding and awareness of the nature of the negotiations that would suggest or recommend to him or to this body that such a bargaining chip will be created and that it will enhance our ability to really slow or halt the arms race?

Mr. PRYOR. To answer my distinguished friend and colleague, I would say that I think that this would deter any immediate hopes for an improved bargaining position because it would once again indicate that we are reversing a policy of 13 years and going back into the production of chemical weapons.

I also believe that, in going back into production of this particular type of lethal, and I must say repugnant, type of weapon, I do think that we are sending a signal out to the rest of the world that once again we are falling into a trap and accepting the dangerous argument that we ought to produce more and more so that we can eventually have less. Somehow or other maybe one of my colleagues can convince me that that is the right thing to do, but at this point I am not convinced, especially when we have such an enormous stockpile which is ready and available for use. For us to

simply add to that stockpile makes no economic sense. This is going to be a $4 to $6 billion program before we know it, and we are just duplicating a stockpile that we already have.

If I might, I wish to add one thing relative to the safety features of this production of binary and chemical warfare.

The Senator posed that question very succinctly a moment ago, and in answer to that question I failed to point out to my colleagues that a large portion of the $116 million in this defense authorization report goes to what is known as the Big Eye bomb. The Big Eye bomb was built originally, if I am not mistaken, for the U.S. Navy to utilize. The Big Eye bomb is a bomb that will utilize the binary concept. Third, it is a bomb that has failed in several of its tests, exploding prematurely in at least one and perhaps more of its tests. For that reason I think that the safety features of the binary system are less compelling.

Mr. KENNEDY. I welcome the comments of the Senator from Arkansas about the Big Eye bomb.

Finally, I wonder if the Senator is not troubled as I am, that, after the House of Representatives effectively dismissed the arguments of the President on this issue, and after the Senate of the United States sided with the President only after the Vice President voted to break the tie, a better compromise might have been realized. One House voted to eliminate new chemical weapons production, and the other body essentially tied on it, and then the conference itself came back with a recommendation for full funding.

I am just wondering, as someone who has been in this body and has been in conferences over a long period of time, whether the Senator is not troubled as I and I know other members of this conference are that we did not really respond to what I would consider to be our obligations. One such obligation is to find a truly responsible, reasonable, and rational compromise between positions which have been expressed by the majority vote in the House of Representatives and also by at least a number of Members of the Senate, a tie vote by the voting Members of the Senate, broken by the vote of the Vice President of the United States.

Mr. PRYOR. Let me answer my friend from Massachusetts by saying, if a ninth grade civic student asked this Senator, can Congress pass a piece of legislation without a majority of its Members supporting that legislation or that amendment or that bill, I would say no.

But what we have here is to the contrary. The House of Representatives defeated the production of chemical weapons. The Senate tied. The Vice President broke the tie, on July 13, 1983, I believe. It went to the conference. The conferees put it in the report, and now it is before us today without a majority of Congress itself supporting it.

Possibly some researcher or some political scientist could tell us whether or not that has established a new precedent, whether that has ever happened in Congress before. I do not know of a precedent for it. I am not demeaning or criticizing the conferees in any way. I am saying that there is a little strange quirk in our system today that I think certainly needs to be looked at because it could establish for the future very dangerous precedents.

Mr. KENNEDY. Finally, let me ask the following question for the benefit of the Members and I think also for millions of American people: Is it the intention of the Senator from Arkansas to continue this battle in the appropriations process and to continue to give Members of this Senate an opportunity to express their views on this issue and to continue to attempt to educate the American people about the real facts on this issue? Is it the intention of the Senator from Arkansas to continue that battle that he has waged so effectively over the period of these recent years?

Mr. PRYOR. The Senator is very kind and generous. The answer is yes; I do plan to. I plan at the proper time and the proper place to give our colleagues another opportunity to express themselves on the issue of chemical weapons and their production—on the appropriations bill.

I hope that by the time we will again be considering this issue it will be in a time when we will be legislating not in a period of great turmoil or great crisis but when we can objectively look at the long-range implications of our decision. When that occurs, I have enough hope in our system to believe that we will make a decision based upon commonsense and wisdom.

I thank the very distinguished Senator from Massachusetts for posing these questions and for being so deeply committed to preventing the production of lethal chemical agents and for the leadership he has demonstrated at every turn.

Mr. KENNEDY. I thank the Senator from Arkansas.

I will look forward to working with him on this issue in the days and months ahead.

I thank the ranking minority member and if there is any time remaining, I yield it back.

Mr. TOWER. Mr. President, I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. Thank you, Mr. President.

Mr. President, I rise to indulge in some personal observations. The pending business before us is the conference report. It may not be amended. It may only be praised or disagreed with, but it provides the opportunity for someone who has experienced his first conference to render some judgments based upon that vast experience, and I must say the experience was one that left me optimistic.

This recess has been a period that brought sad news. First, of course, the death of our respected and beloved colleague, Senator Jackson. Tomorrow is the appointed time for placing in the RECORD comments about Scoop Jackson, but it would be inappropriate to discuss this measure without taking note of the enormous contribution he made not just to this report and to this legislation but throughout his 30-year career in the Senate and his 44-year career in the Congress. But suffice it to say for the moment that Henry Jackson was a great U.S. Senator, a true defense expert and, at least as important, one who exercised his expertise and considerable experience in truly bipartisan fashion.

Born of conviction that the democracy he understood and loved had as its first duty survival, the understanding underlying that as a corollary was that the most destabilizing flaw that could beset that democracy was weakness.

The legislation that we will vote on in a few moments does not spend as much for defense as I believe we should, but I must say I think it is a remarkable price of legislation. The comments that have preceded mine indicate that men and women of good faith and real conviction are almost bound to differ. This legislation represents, as do all conference reports, an exercise at compromise. It has been a successful effort, and while it does not in my view spend enough of our treasure to see that we remain strong enough to achieve peace for ourselves in our lives, it is nonetheless a remarkable testimonial to two men in particular. I have mentioned Senator Jackson, I have spoken of the truly remarkable bipartisan exercise of his natural assets, the wisdom and experience he brought to this floor.

But as Scoop Jackson I think would be the first to concede the primary duty falls upon the Senator who manages this legislation. I see in the distinguished manager for the minority, the Senator from Georgia, someone whom I think will wear the mantle of a successor of Scoop Jackson in bipartisanship, and I think he would agree, as would Senator Jackson, that this legislation will reach through it because of the bulldog, Churchillian tenacity of the manager, the Senator from Texas who, through late hours in the evening, at great cost to his own per-

sonal energy, has I think conducted a rather remarkable exercise. I knew him by reputation before I was privileged to come to this Chamber. I had an affection based upon that reputation, and the respect which he had earned is deserved, having experienced my first conference, and I must say that I think he is due all that and a great deal more.

So to the Senator from Georgia, I give my thanks; to the manager of the legislation and the chairman of this committee I give my thanks, and a highly deserved "well done."

I think this legislation will do much to honor and memorialize the traditions of Scoop Jackson, who believed in a strong America. This legislation will achieve safety for us in a time when recent events have indicated the need for strength if we are to in fact allow our democracy to survive.

Mr. President, I thank the Senate for these few moments. My congratulations, in particular, to the manager, the Senator from Texas.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time. It is my understanding the Senator from Ohio (Mr. METZENBAUM) would like to make some remarks. I know of nobody else who wants to speak on the measure, so I would advise my colleagues that we could come to a vote very shortly on this issue.

Mr. NUNN. Mr. President, I share the Senator from Texas' hopes and aspirations about an early vote. I understand the Senator from Ohio (Senator METZENBAUM) is on his way. He would like to speak, so while we are awaiting his arrival, I suggest the absence of a quorum.

Mr. TOWER. I ask unanimous consent the time consumed be charged equally to both sides.

The PRESIDING OFFICER. Without objection. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, may I inquire of the Senator from Ohio how much time he would desire?

Mr. METZENBAUM. Very little. I just intend to ask a couple of questions.

Mr. NUNN. Mr. President, I yield to the Senator from Ohio such time as he may need.

Mr. METZENBAUM. Mr. President, I rise to commend the chairman of the committee as well as the ranking minority member of the conference committee for addressing themselves to the issue in conference having to do with the matter of leasing.

As this body knows, I have raised this issue, the matter was included in the bill after considerable debate, and then went to conference.

In the conference I want to commend the managers on the part of the Senate, both the majority and the minority, for seeing to it that the substance of the language remained in the bill, and I rise for that purpose.

But I rise for an additional purpose, and that is it is my understanding that as the measure left here there was a cutoff date with respect to military leases that was changed from June 14 to December 1. It is my further understanding that the language provided that the Secretary of Defense was to notify the Congress in connection with such leases made between June 14 and December 1.

It is my understanding that the language itself seems to indicate that the notification can be made after the lease has been completed, but I believe it to be the position of the conferees and the intent of the conferees that the notification is actually to be made by the Department of Defense to the Congress prior to the lease being executed.

Mr. TOWER. If the Senator will yield to me to respond, it was the intention of the conferees that the DOD should report prior to entering into such contract. It was not the intention of the conferees that the DOD could take advantage of this for any new program. The House insisted on this date because they believed it would take that much time for DOD to comply with the requirements.

But it is our intention that if there is any such contract that they intend to enter into they should notify us prior to entering into that contract. It is our understanding there will be no such contract.

Mr. METZENBAUM. I thank the distinguished chairman of the Armed Services Committee. I wish to commend him both for his actions in handling this matter in conference as well as for his seeing to it that the Congress will be notified in advance of any leases. As I understand his response, at the moment he does not anticipate any leases will actually be entered into between January 14 and December 1.

Mr. TOWER. That is correct.

Mr. METZENBAUM. I thank the chairman of the Armed Services Committee.

Mr. TOWER. Mr. President, I am prepared to yield back my time. Mr. President, I yield back my time.

Mr. NUNN. Mr. President, I am prepared to yield back time on this side of the aisle, unless some other Senator wants to be heard. I know of no other Senator desiring to be heard. I yield back all time remaining.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUYE (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the Senator from Colorado (Mr. HART). If he were present and voting, he would vote "nay." I have already voted "aye." Therefore, I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. HATFIELD) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—83

Abdnor	Exon	Murkowski
Andrews	Ford	Nickles
Armstrong	Garn	Nunn
Baker	Goldwater	Packwood
Baucus	Gorton	Percy
Bentsen	Grassley	Pressler
Bingaman	Hatch	Pryor
Boren	Hawkins	Quayle
Boschwitz	Hecht	Randolph
Bradley	Heflin	Riegle
Bumpers	Heinz	Roth
Burdick	Helms	Rudman
Byrd	Huddleston	Sarbanes
Chafee	Humphrey	Sasser
Chiles	Jepsen	Simpson
Cochran	Johnston	Specter
Cohen	Kassebaum	Stafford
D'Amato	Kasten	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Lugar	Thurmond
Dodd	Mathias	Tower
Dole	Matsunaga	Trible
Domenici	Mattingly	Wallop
Durenberger	McClure	Warner
Eagleton	Melcher	Wilson
East	Mitchell	Zorinsky
Evans	Moynihan	

NAYS—8

Hollings	Levin	Proxmire
Kennedy	Metzenbaum	Tsongas
Leahy	Pell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, for

NOT VOTING—8

Biden	Glenn	Long
Cranston	Hart	Weicker
Danforth	Hatfield	

So the conference report was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized

Mr. BAKER. Mr. President, I once again take this opportunity to commend two Senators especially for their excellent handling of an important and difficult matter. I refer, of course, to the managers of this conference report, Senators TOWER and NUNN.

It is a big report. It is important and controversial. We did the conference report in less than 2 hours. I wish to express my gratitude and appreciation to both managers, Senators TOWER and NUNN and, of course, to the minority leader for his unfailing cooperation in moving the necessary business of the Senate.

(Later the following occurred:)

Mr. BAKER. Mr. President, I am told that there is one housekeeping detail that might be attended to at this time. It has been brought to my attention that the other body, in sending the defense authorization bill to conference, inadvertently failed to amend the title of the bill.

Mr. President, I propose now to amend the title of the bill in the form that I submit to the minority leader.

Mr. BYRD. Mr. President, I see no appropriate reason for objecting to the request.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the title of the bill S. 675 be amended in the form which I now send to the desk.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The title of the bill (S. 675), as amended, reads as follows:

"An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strenghts for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purpose.".

Mr. BAKER. Mr. President, I might say for the record, for the benefit of those who are not directly involved in the consideration of this measure, that apparently when the bill was passed by the House the title reflected that it also included MilCon appropriations and DOE appropriation matters which were removed from the bill before it was finally adopted. This change simply reflects an amendment to the title to show that those two items are no longer in the bill.

● Mr. MOYNIHAN. Mr. President, I voted today in favor of the defense authorization conference report as an act of support for the leadership of the Senate and the Armed Services Committee in a time of great international difficulty. This bill, of course, authorizes funds for the deployment of the MX missile in Minuteman silos. I opposed the bill on these grounds when it was first before the Senate. The Senate and the House and now the Senate-House Conference have decided otherwise. My vote, today, could not change that outcome. I remain, however, utterly opposed to what I deem to be a senseless, and wildly dangerous decision. I would ask colleagues to consider how much greater would the tension between the Soviet Union and the United States have been following the brutal Soviet destruction of KAL flight 007 if both sides had intercontinental ballistic missiles deployed in a launch-on-warning mode. I will continue my opposition when the matter reaches the appropriation stage. I will continue until that day—if it comes—when the missiles are lowered into those silos. For the moment, however, I think it best to support the leadership of the Congress.●

● Mr. LEVIN. Mr. President, I have reluctantly voted against this conference report on the fiscal 1984 Defense Authorization Act because I think it underfunds needed improvements to our conventional forces while overemphasizing the development and procurement of strategic nuclear weapons which are not necessary for our security.

This conference report does represent some improvement over the Senate version of the fiscal 1984 defense authorization, which robbed our conventional forces even more than the House bill to fund redundant strategic nuclear programs. Unfortunately, those improvements are not sufficient to overcome the basic deficiencies in Congress latest efforts to strike a proper balance in allocating our scarce defense dollars.

This conference report does not yet represent such a proper balance.

I am gratified that the conference report includes increased funding for several Army programs which the Senate version of the bill reduced unwisely. The authorization of 120 additional M-1 main battle tanks, 153 more Patriot air defense missiles, 80 more command post vehicles, 66 more field artillery ammunition support vehicles and 16 more advanced attack helicopters are prudent, cost-effective increases.

The conference report also restores some of the funding cut by the Senate in the combat readiness accounts that are part of the other procurement programs for the Army and Navy. Furthermore it authorizes 10 C-130H tactical airlift aircraft not originally approved by the Senate for the Air National Guard and Air Force Reserve.

Having outlined these improvements, however, I am saddened that their inclusion cannot overcome the basic faults of this bill. These deficiencies do not contribute to maintaining and improving America's military capabilities; instead they weaken our ability to defend ourselves by diverting our resources away from more militarily cost-effective investments.

In the strategic arena, two programs which do not adequately help us to maintain and improve our deterrent to nuclear war and diplomatic blackmail—the MX missile system and the B-1B bomber—are authorized. The MX missile, to be deployed in a nonsurvivable basing mode contrary to repeated congressional and executive branch statements in the past, is a particularly dangerous waste of our defense resources.

The B-1B bomber simply cannot compare with the advanced technology, or Stealth, bomber in terms of long-term survivability and military effectiveness against the improving Soviet air defenses. Because of these deficiencies, the B-1B also is an unnecessary and unwise program.

Deployment of MX means we are asking the taxpayers to pay $22 billion for 10 to 70 surviving warheads, which is an absurd cost for such a minimal gain in retaliatory and deterrent capability. The B-1B will cost about $40 billion for 100 bombers whose survivability is questionable shortly after it is deployed fully.

Finally, this conference report authorizes production of components for a new generation of nerve gas weapons, the binary artillery shells. This production is militarily unjustified according to the testimony of our own Secretary of Defense, and the money for it could be better spent to further improve our chemical warfare defenses.

Proceeding now with binary production also plays directly into the hands of the Soviet propaganda machine and hands the Soviets a public relations victory. Not only could this further interfere with the willingness of some of our allies to cooperate with the United States on other politically sensitive and important defense programs, but it could undermine current allied support for the American position in the ongoing chemical arms control talks.

Mr. President, on balance, the negatives still outweigh the positives in this conference report, and they force me to vote against its final passage.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, at this moment I believe that the unfinished business will be the Interior appropriations bill. Before the Chair lays that measure before the Senate, let me announce that there will be no more record votes tonight. I expect to ask the Senate to turn to the consider-

ation of that measure in a moment, or to ask the Chair to lay it before the Senate, but before I do there are two or three schedule readjustments that I would like to make.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

Mr. McCLURE. Mr. President, reserving the right to object, and I do not object, is it possible to include in that a request that the standing committees that have meeting tomorrow will be able to meet until 12 noon?

Mr. BYRD. Mr. President, I personally know of no objection, but I would have to clear that. I hope the leader will not include it in his request.

Mr. McCLURE. I understand. I have no objection.

Mr. BYRD. I will be glad to check on it and, if possible, to come back on it later.

Mr. BAKER. Very well. In view of that, I will make a subsequent request to permit committees to meet until 12 noon, but I do not now include that in the request which is pending before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, I hope that before the day is out, we can clear the request suggested by the distinguished Senator from Idaho for permission for committees to meet.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, there be a brief period for the transaction of routine morning business until 10 a.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATOR JACKSON AT 10 A.M.

Mr. BAKER. Mr. President, may I inquire of the Chair, is it not so that there is already an order entered that at 10 a.m. tomorrow the Senate will embark on a time for eulogies and tributes to our late colleague, Senator Henry M. Jackson, of the State of Washington?

The PRESIDING OFFICER. The order is that that will occur at the close of morning business.

Mr. BAKER. Very well. Do I interpret correctly that in the formulation I have just provided that would happen at 10 a.m.?

The PRESIDING OFFICER. The leader is correct.

ORDER FOR ADDITIONAL PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is also a request for additional time tomorrow for a special purpose by the minority leader and others, and that is for 2 hours beginning at 12 noon for statements in respect to the situation in Lebanon.

Mr. President, I ask unanimous consent that beginning at 12 noon tomorrow there be an additional period for the transaction of routine morning business of not more than 2 hours in length in which Senators may speak for not more than 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the purpose of those speeches is not limited in this order, but it is being provided so there will be an opportunity for Members to speak on that subject.

Mr. BYRD. Yes.

Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I thank the majority leader for his courtesy in providing for the 2 hours.

I should like to alert the Members of the Senate on both sides of the aisle that the subject on which I will be speaking—and I will speak for only a small portion of that time—will be the War Powers Act and its application to today's circumstances in the Middle East. I hope Senators on both sides of the aisle will feel free to speak on the matter. I hope we will hear from those who feel, as I do, that the act is applicable. But I just want to give Senators notice of this.

Mr. BAKER. I thank the Senator.

Mr. President, there is at this point, then, a conflict between this order and an order previously entered that the Senate would proceed to the consideration of the Korean plane resolution at 12 noon.

CONSIDERATION OF KOREAN AIR LINES RESOLUTION AT 2 P.M.

I ask unanimous consent now that that order be modified so that we return to the consideration of the Korean plane resolution at 2 p.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, with respect to the Korean plane resolution, it is my hope that we can further provide for a limitation of time for debate on that measure and perhaps a provision for a restriction on amendments, or, in the alternative, a time certain for the consideration of amendments. That is not material at this point, and I may have a further statement to make.

Mr. BYRD. Mr. President, may I report to the majority leader that, in my explorations on this side of the aisle, I find an inclination to withhold the offering of amendments if the other side of the aisle will do the same.

Mr. BAKER. I thank the minority leader. He had previously advised me of that privately, and I thank him for his reiteration of that view.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS, 1984

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The PRESIDING OFFICER. The McClure amendment, No. 2110, to the committee amendment is pending.

Mr. BAKER. Mr. President, I observe the Senator from Idaho in the Chamber. I am willing to ask the Senate to remain as long as it serves any purpose for the debate of this measure. I am prepared to suggest that we resume consideration of this matter on tomorrow.

Mr. McCLURE. Mr. President, the pending matter before the Senate generated some prolonged debate, and I am told that that prolonged debate will continue. I think it is unlikely that we will be able to resolve that issue in the time remaining to us this evening, and under those circumstances it might be just as well that we defer the resumption of the debate until we have more time than we have at this point.

Mr. BAKER. Mr. President, in view of that, I will not urge Members to resume consideration of this appropriation bill at this time. I hope we can do that tomorrow and the remainder of this week and get it out of the way.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend no longer than 5:30 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the

Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1714. A communication from the Director of the Office of Pesticide Programs, Environmental Protection Agency, transmitting, pursuant to law, the agency's final rule establishing procedures for the conditional registration of pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1715. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a final environmental impact statement on the Saginaw River and Tributaries of Shiawassee Flats, Mich. project; to the Committee on Appropriations.

EC-1716. A communication from the Assistant Secretary of the Interior for Land and Water Resources transmitting, pursuant to law, certification of an adequate soil survey and land classification for the San Felipe Division, Central Valley Project, Calif. development; to the Committee on Appropriations.

EC-1717. A communication from the Acting Director, office of Legislative Affairs, Agency for International Development transmitting, pursuant to law, the 1983 report on AID program allocations; to the Committee on Appropriations.

EC-1718. A communication from the President of the United States transmitting a request for supplemental appropriations for the District of Columbia for fiscal 1983; to the Committee on Appropriations.

EC-1719. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on three new deferrals of budget authority for fiscal 1983; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Energy and Natural Resources, and the Judiciary.

EC-1720. A communication from the Acting Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to extend certain benefits to civilians employed by or accompanying the armed forces abroad; to the Committee on Armed Services.

EC-1721. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, the 1982 annual report of the Securities Investor Protection Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1722. A communication from the Secretary of the Interstate Commerce Commission transmitting, pursuant to law, a report on the extension of time for completion of evidentiary proceedings in Utility Fuels, Inc. against Burlington Northern Railroad Co., Fort Worth and Denver Railway Co., and Atchison, Topeka and Santa Fe Railway Co., to the Committee on Commerce, Science, and Transportation.

EC-1723. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Uncertainties Surround Future of U.S. Ocean Mining"; to the Committee on Energy and Natural Resources.

EC-1724. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report on the receipt of project proposals under the Small Reclamation Projects Act for a loan to Preston-Whitney Irrigation Co., Idaho in the amount of $26 million; to the Committee on Energy and Natural Resources.

EC-1725. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, a report on the receipt of project proposals under the Small Reclamation Projects Act for a loan to the Santa Ana Watershed Project Authority, Calif. in the amount of $14,917,000; to the Committee on Energy and Natural Resources.

EC-1726. A communication from the members of the Railroad Retirement Board transmitting, pursuant to law, the Board's budget request for fiscal year 1985; to the Committee on Finance.

EC-1727. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, the text of an agreement on defense and economic cooperation between the Government of the Hellenic Republic and the Government of the United States of America, with a related annex; to the Committee on Foreign Relations.

EC-1728. A communication from the Director of the Arms Control and Disarmament Agency transmitting a draft of proposed legislation to upgrade certain key ACDA executive positions; to the Committee on Foreign Relations.

EC-1729. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, a report on country allocations of 1983 supplemental appropriations funds for military assistance, foreign military credit sales, and international military education and training; to the Committee on Foreign Relations.

EC-1730. A communication from the Congressional Budget Office transmitting, pursuant to law, a report entitled "The Federal Government in a Federal System: Current Intergovernmental Programs and Options for Change"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-354. Joint resolution adopted by the legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION NO. 38—RELATIVE TO A NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS POLICY

"Whereas, Radio telecommunication is the principal medium of command and control for those agencies which are charged with the maintenance of the public safety; and

"Whereas, There are insufficient radio spectrum frequencies allocated to land mobile radio service in the public safety area; and

"Whereas, The fierce competition for remaining frequencies best suited for public safety communications has resulted in fragmentation and congestion of those frequencies; and

"Whereas, The existence of fragmented communication capabilities inhibits effective delivery of police, fire, and paramedic services for day-to-day operations and impedes service in emergency situations while making tactical coordination between agencies almost impossible; and

"Whereas, The Communications Act of 1934, which is the Federal Communications Commission's charter, requires that those services which provide for the protection of life and property have priority over all other applicants and user groups in the assignment of sufficient spectrum; and

"Whereas, The Federal Communications Commission continues the licensing of other services to frequencies suitable of public safety which is rapidly eliminating the last possible chance for public safety to obtain a broadcast spectrum having the required propagation characteristics capable of meeting present and future needs; and

"Whereas, The Federal Communications Commission has not sufficiently recognized the necessity for the assignment to public safety of contiguous, sufficient, and appropriate frequencies for current and future needs and, what is more, the Commission has assigned frequencies to public safety which are spread over the entire radio spectrum to the extent that it may require up to eight different radios for public safety or law enforcement agencies to intercommunicate during emergencies; and

"Whereas, The Federal Communications Commission has assured Congress that it is adequately providing for public safety and law enforcement, while in fact it is proceeding to license those few remaining frequencies to the televison service; and

"Whereas, There is a need to establish a national public safety telecommunications policy with specific priorities in order to address the issues confronting public safety communication; and

"Whereas, These issues have been previously submitted to the Federal Communications Commission and are supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the California Peace Officers' Association, the National Association of Public Safety Communications Officers, the California Public Safety Radio Association, and the National Association of Police Planning Officers; and

"Whereas, The California Legislature, in cooperation with the Marin County Sheriff's Department, has resolved to support in principle the petition submitted to the Federal Communications Commission by the Sheriff of Los Angeles County, in the interest of all public safety organizations in the United States; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to take appropriate action to ensure that oversight hearings are held regarding the vital need for public safety communication, and to ensure that the Communications Act of 1934 is amended for the purpose of establishing a national public safety telecommunications policy; and be it further

"Resolved, That the Congress is respectfully requested to enact, and the President to sign, federal legislation to create a national public safety telecommunications policy that would set forth the following priorities for the issuance of telecommunications licenses by the Federal Communications Commission:

"(a) First priority—Those services which directly provide for the national defense (military and support agencies), as provided for by the Interdepartmental Radio Advisory Committee.

"(b) Second priority—Those services which directly provide for the protection of life and property (police, fire, certain government and private agencies).

"(c) Third priority—Those services which directly provide activities essential to the continued well-being of the populace (utilities, public transportation, certain public agencies).

"(d) Fourth priority—Those services which directly contribute to the effective continuance of commerce and the economic well-being of the nation (business radio, experimental technology).

"(e) Fifth priority—Those services which provide information, instruction, and entertainment to the populace (broadcast radio and television).

"(f) Sixth priority—Those services which are primarily recreational in nature; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-355. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 38

"Whereas, Radio telecommunication is the principal medium of command and control for those agencies which are charged with the maintenance of the public safety; and

"Whereas, There are insufficient radio spectrum frequencies allocated to land mobile radio service in the public safety area; and

"Whereas, The fierce competition for remaining frequencies best suited for public safety communications has resulted in fragmentation and congestion of those frequencies; and

"Whereas, The existence of fragmented communication capabilities inhibits effective delivery of police, fire, and paramedic services for day-to-day operations and impedes services in emergency situations while making tactical coordination between agencies almost impossible; and

"Whereas, The Communications Act of 1934, which is the Federal Communications Commission's charter, requires that those services which provide for the protection of life and property have priority over all other applicants and user groups in the assignment of sufficient spectrum; and

"Whereas, The Federal Communications Commission continues the licensing of other services to frequencies suitable for public safety which is rapidly eliminating the last possible chance for public safety to obtain a broadcast spectrum having the required propagation characteristics capable of meeting present and future needs; and

"Whereas, The Federal Communications Commission has not sufficiently recognized the necessity for the assignment to public safety of contiguous, sufficient, and appropriate frequencies for current and future needs and, what is more, the commission has assigned frequencies to public safety which are spread over the entire radio spectrum to the extent that it may require up to eight different radios for public safety or law enforcement agencies to intercommunicate during emergencies; and

"Whereas, The Federal Communications Commission has assured Congress that it is adequately providing for public safety and law enforcement, while in fact it is proceeding to license those few remaining frequencies to the television service; and

"Whereas, There is a need to establish a national public safety telecommunications policy with specific priorities in order to address the issues confronting public safety communication; and

"Whereas, These issues have been previously submitted to the Federal Communications Commission and are supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the California Peace Officers' Association, the National Association of Public Safety Communications Officers, the California Public Safety Radio Association, and the National Association of Police Planning Officers; and

"Whereas, The California Legislature, in cooperation with the Marin County Sheriff's Department, has resolved to support in principle the petition submitted to the Federal Communications Commission by the Sheriff of Los Angeles County, in the interest of all public safety organizations in the United States; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to take appropriate action to ensure that oversight hearings are held regarding the vital need for public safety communication, and to ensure that the Communications Act of 1934 is amended for the purpose of establishing a national public safety telecommunications policy; and be it further

"Resolved, That the Congress is respectfully requested to enact, and the President to sign, federal legislation to create a national public safety telecommunications policy that would set forth the following priorities for the issuance of telecommunications licenses by the Federal Communications Commission:

"(a) First priority—Those services which directly provide for the national defense (military and support agencies), as provided for by the Interdepartmental Radio Advisory Committee.

"(b) Second priority—Those services which directly provide for the protection of life and property (police, fire, certain government and private agencies).

"(c) Third priority—Those services which directly provide activities essential to the continued well-being of the populace (utilities, public transportation, certain public agencies).

"(d) Fourth priority—Those services which directly contribute to the effective continuance of commerce and the economic well-being of the nation (business radio, experimental technology).

"(e) Fifth priority—Those services which provide information, instruction, and entertainment to the populace (broadcast radio and television).

"(f) Sixth priority—Those services which are primarily recreational in nature; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-356. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION CONDEMNING ATROCITIES COMMITTED AGAINST MEMBERS OF THE BAHA'I FAITH

"Whereas, at exactly noon on the ninth day of July in the year nineteen hundred and eighty-three, memorial services were held all over the world to commemorate the execution of the revered founder of the Baha'i Faith which took place at the noon hour on a day in the year eighteen hundred and fifty; and

"Whereas, during a previous year more than twenty-two thousand members of the Baha'i Faith were executed; and

"Whereas, in June of this year, the year nineteen hundred and eighty-three, sixteen members of the Baha'i Faith were executed in Iran by hanging; and

"Whereas, the Baha'i Faith is represented by its members who live in many parts of the world, and is founded upon the precepts of brotherhood, peace, equality among men and women; and

"Whereas, the members of the Baha'i Faith have suffered indelibly in Iran because of their religious conviction; now therefore be it

"Resolved, That the Massachusetts Senate hereby wholly condemns any religious persecution or repression because of religious belief and calls upon the citizenry to be vigilant against the perpetration of any such atrocity; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the Speaker of the United States House of Representatives and the President pro tem of the United States Senate."

POM-357. A resolution adopted by the Republican Hispanic Assembly of California supporting the policies of the administration in support of the national independence and freedom of all the nations of Central America; to the Committee on Foreign Relations.

POM-358. A resolution adopted by the General Assembly of the State of Ohio; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, The horror of a nuclear holocaust is universally acknowledged, as the United States and the Soviet Union presently possess more than 50,000 nuclear weapons that can destroy each society many times over and threaten all life on earth; and

"Whereas, The United States and the Soviet Union plan to build more than 20,000 new nuclear warheads, including a new generation of super-accurate, first-strike capable weapons; and

"Whereas, The increased accuracy of these new weapons will, for the first time in the history of the arms race, threaten the retaliatory capability of each side's missile forces, and pressure each side to adopt a

hair-trigger 'launch on warning' policy creating a substantially greater risk of accidental nuclar war; and

"Whereas, The continuation of the nuclear arms race will, if not stopped, increase chances of a massive nuclear exchange during this time when economic difficulties, political dissension, revolution, and competition for energy supplies are on the rise worldwide; and

"Whereas, The increasing sums of money devoted to creating weapons of destruction are depriving our economy of resources which, if transferred, would develop a healthy job-productive economy and could be used for social services; and

"Whereas, Ohio cities are in desperate need of jobs and the U.S. Bureau of Labor Statistics reported in 1982 that military spending creates substantially fewer jobs per $1 billion expended than civilian and service industries; and

"Whereas, The threat of nuclear war is already having an adverse psychological effect on the citizens of our nation and is especially crippling our children; and

"Whereas, Rather than permit this dangerous future to continue, the United States and the Soviet Union should adopt the immediate, mutual, and verifiable freeze on all further testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons; and

"Whereas, The U.S. Department of Defense in its annual report in fiscal year 1982 testifies as follows: "The United States and the Soviet Union are roughly equal in strategic nuclear power"; and

"Whereas, Stopping the production of nuclear weapons and weapon-grade material would increase the incentive of other countries to adhere to the Nonproliferation Treaty, renouncing their own nuclear weapons, and would help prevent the spread of unclear weapons to other countries; and

"Whereas, Balanced and verifiable reductions in the nuclear arsenals of the United States and the Soviet Union, following the first step of a freeze, will further lessen tensions and further decrease the chances of nuclear war; and

"Whereas, Both a freeze and subsequent reductions can be satisfactorily verified by existing national technical means; now therefore be it

"Resolved, That the members of the Senate and the House of Representatives of the 115th General Assembly of the State of Ohio hereby memorialize the Congress and the President of the United States and Chairman Yuri Andropov of the Communist Party and the Politburo of the U.S.S.R. to seek the adoption of the following proposal, that:

"(1) As an essential first step toward lessening the risk of nuclear war, the United States and the Soviet Union should adopt an immediate, mutual, and verifiable freeze on the testing, production, and further deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons;

"(2) Proceeding from this freeze, the United States and the Soviet Union should pursue major, mutual, and verifiable reductions in nuclear warheads, missiles, and other delivery systems, through annual percentages or equally effective means, in a manner that enhances stability;

"(3) All funds that would otherwise have gone to these weapons programs should be redirected to help create a healthy, job-productive economy and provide needed social services; and be it further

"Resolved, That the Clerk of the Senate tramsit duly authenticated copies of this Resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the members of Ohio's Congressional Delegation, and to the President of the United States."

POM-359. A resolution adopted by the Senate of the Commonwealth of Massachusetts; to the Committee on Labor and Human Resources:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR A COMPREHENSIVE CATASTROPHIC ILLNESS MEDICAL SERVICE PLAN

"Whereas, health care costs have escalated to uncontrollable levels which are far beyond the ability of citizens to pay; and

"Whereas, health care providers, insurance companies, hospital service corporations and health maintenance organizations continue to increase rates and fees for medical services; and

"Whereas, litigation involving doctors, hospitals and other medical professional groups has increased dramatically in recent years resulting in increasing rates for medical malpractice insurance; and

"Whereas, the majority of our citizens cannot meet the financial burden of new lifesaving medical procedures and are thereby denied the benefits of such services; and

"Whereas, many individuals find their entire net worth depleted by charges for medical services after a single serious illness; now therefore be it

"Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to enact legislation providing for a "comprehensive catastrophic illness medical service plan" which shall provide for the payment of all medical charges in excess of twenty per cent of an individual's net worth as determined by commonly accepted methods of valuation and financial accounting for the purposes of providing necessary medical care and lifesaving procedures to all persons requiring such care; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, to the Presiding Officer of each branch of Congress and to the Members thereof from the Commonwealth."

POM-360. A resolution adopted by the Association of Pacific Island Legislatures; to the Committee on Energy and Natural Resources:

"RESOLUTION NO. GA-2-5

"Whereas, the people of Micronesia have learned in recent decades that the assistance of legal counsel is essential for the protection of their employment, land, fishing and personal rights, and for participation in the economic and social life of their societies; and

"Whereas, although a small group of citizens have the financial means to afford legal counsel, the majority of people have inadequate means to retain counsel on legal problems; and

"Whereas, the United States government has recognized that absence of legal counsel in civil matters denies a person the opportunity to exercise basic rights and has provided low income persons with access to necessary legal counsel by the legal services offices throughout the United States and Micronesia; and

"Whereas, several governments in Micronesia have assisted legal services offices to assure that their citizens have access to legal assistance; and

"Whereas, the legal services offices in Micronesia, just as those in the United States, are necessary elements of democratic societies; and

"Whereas, the United States Legal Services Corporation stands as a proud accomplishment of what a just society can do at comparatively little cost; and

"Whereas, the affiliation of the Micronesian Legal Service Corporation with the United States Legal Services Corporation with the United States Legal Services Corporation is important to members of the Association of Pacific Island Legislatures; and

"Whereas, funding for legal services in the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau is scheduled to end when the Trust Territory of the Pacific Islands is terminated; now, therefore, be it

"Resolved, That the Association of Pacific Island Legislatures hereby urges that upon the termination of the Trusteeship Agreement, the United States government should continue to make available to the citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau the legal services program in the same manner as it is available in Guam, the Northern Mariana Islands, the Virgin Islands, Puerto Rico and each state of the United States; and be it further

"Resolved, That the President certify and the Secretary attest to the adoption hereof, and that copies of the same be thereafter transmitted to the chief executive of each member nation or territory of the Association of Pacific Island Legislatures; to U.S. Senators Lowell P. Weicker, Jr.; Thomas F. Eagleton; and Daniel K. Inouye; to U.S. Representatives John F. Sieberling; Cecil Hefter; and Daniel K. Akaka; and to the Executive Director of the Micronesian Legal Services Corporation."

POM-361. A resolution adopted by the Association of Pacific Island Legislatures; to the Committee on Energy and Natural Resources.

"RESOLUTION NO. GA-2-9

"Whereas, due to a bilateral agreement between the United States and Japan, the people of Guam have been excluded from pursuing reparations from Japan for injuries to the island during World War II; and

"Whereas, the people of Guam have documented the damages to persons and property; and

"Whereas, the people of Guam are presenting these claims to the U.S. Congress through the War Reparations Commission; and

"Whereas, the passage of time has not lessened the suffering caused by loss of life and possessions; and

"Whereas, when the U.S. government signed the bilateral agreement with Japan waiving claims for war reparations, it assumed responsibility for injuries to the people of the island of Guam; now, therefore, be it

"Resolved, That the Association of Pacific Island Legislatures urges the U.S. Congress to appropriate necessary funds to compensate for the losses suffered by the people of Guam at the hands of the Japanese during World War II; and be it further

"*Resolved,* That the President certify and the Secretary attest to the adoption hereof, and that copies of the same be thereafter transmitted to the Speaker of the House of Representatives; to the President Pro Tempore of the U.S. Senate; the Secretary of the Department of Interior; to the "Governor of Guam; to the Chairperson, War Reparations Commission on Guam; and to the chairman of the United Nations Decolonization Committee."

POM-362. A resolution adopted by the Association of Pacific Island Legislatures; to the Committee on Energy and Natural Resources:

"RESOLUTION NO. E-2-10

"Whereas, the Pacific Basin, especially the American Pacific Territories and the Trust Territory of the Pacific Islands, is likely to grow in geopolitical and military importance for the security of the United States and its Pacific allies; and

"Whereas, despite the strong U.S. geopolitical and military interest in the Pacific Basin, exemplified by the major U.S. military presence and political control of the American Pacific Territories and the Trust Territory of the Pacific Islands, the United States has never had any comprehensive economic policy equal in significance and importance; and

"Whereas, it is in the best interest of the United States and the Pacific Basin island nations and territories for the United States to adopt a comprehensive economic policy similar in scope to the Caribbean Basin Initiative and designed to mobilize, on a long-term basis, private section resources to assure economic development; and

"Whereas, the Caribbean Basin Initiative, among other things, provides these benefits and assistances to the Caribbean nations and islands—(1) duty free treatment for nearly all Caribbean exports to the United States; (2) tax incentives and credits for U.S. investors in the Caribbean Basin; (3) short-term credit guarantees by the U.S. Export-Import Banks to Caribbean exporters to the United States; and (4) $350 million in the first year of a multi-year economic and financial program to help Caribbean economies; now, therefore, be it

"*Resolved, by the Association of Pacific Island Legislatures,* That the United States is hereby requested to adopt a comprehensive economic policy, similar in scope to the Caribbean Basin Initiative for Guam, American Samoa, the Northern Marianas, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshalls; and that such an economic policy be formulated only after full consultations with the respective island governments of the American Pacific territories and the Trust Territory of the Pacific Islands; and be it further

"*Resolved,* That the Executive Committee of the Association of Pacific Island Legislatures is hereby directed to prepare a draft proposal for such a policy to include, among other things, the following:

"(1) duty free treatment of exports from the respective territories and nations to the United States;

"(2) tax incentives, exemptions and credits for investors in the island nations and territories;

"(3) credit guarantees and loans by the U.S. Export-Import Bank and the U.S. Overseas Investment Corporation;

"(4) creation of a Special Economic Assistance Fund to assist economies of the island nations and territories; and, be it further

"*Resolved,* That the draft proposal be submitted to the chief executives and legislatures of the island nations and territories and to business organizations and other interested institutions for review before adoption at the next or special meeting of the Association of Pacific Island Legislatures; and be it further

"*Resolved,* That the President certify and the Secretary attest to the adoption hereof, and that copies of the same be thereafter transmitted to the President and presiding officers of the United States Congress; the chairman of the U.S. Committee on Energy and Natural Resources; to the U.S. House Committee on Interior and Insular Affairs; to the Secretaries of the Departments of Interior, Commerce, Agriculture and State; to the chief executives and legislatures of Guam, the Northern Marianas, American Samoa, the Republic of Palau, the Federated States of Micronesia, and to the Republic of the Marshalls."

POM-363. A joint resolution adopted by the Legislature of the State of California; to the Committee on Small Business:

"ASSEMBLY JOINT RESOLUTION NO. 69

"Whereas, there are over 2 million small businesses in California which employ more than 10 million Californians; and

"Whereas, 87 percent of all new jobs are created by small businesses; and

"Whereas, it is clear that small businesses are the stabilizing force in the economy; and

"Whereas, small businesses often lack meaningful access to the legislative process that large firms enjoy; and

"Whereas, the White House Conference on Small Business in 1980 attracted 1,682 delegates and 3,600 observers, and produced 60 specific recommendations in 12 issue areas to improve the position of small business in the economy; and

"Whereas, many of the legislative recommendations of the conference have already been enacted into law, including changes to the tax code, reduced regulatory requirements, and new public and private initiatives to assist small business; and

"Whereas, California has taken action based on these recommendations which resulted in the Equal Access to Justice Act, the California Regulatory Fairness Law, and the State Late Payment Act; and

"Whereas, this conference brought together for the first time a broad-based, bipartisan coalition of thousands of small business men and women to give them the chance to decide for themselves solutions to the significant problems they face; and

"Whereas, Senator Lowell Weicker (R-Connecticut), Chair of the Senate Small Business Committee was joined by 51 of his colleagues in a bipartisan letter urging the President to reconvene the 1980 conference; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reconvene the 1980 White House Conference on Small Business to give small business the voice it needs in government; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-364. A resolution adopted by the National Society of the Sons of the American Revolution relating to Soviet Arms Control Violations; to the Committee on Foreign Relations.

POM-365. A resolution adopted by the National Society of the Sons of the American Revolution relating to the Monroe Doctrine; to the Committee on Foreign Relations.

POM-366. A resolution adopted by the National Society of the Sons of the American Revolution relating to the Nuclear Freeze; to the Committee on Foreign Relations.

POM-367. A resolution adopted by the National Society of the Sons of the American Revolution urging the government of the United States to utilize every means, conventional and unconventional, to locate and rescue all survivors and the remains of service personnel for return to the United States; to the Committee on Foreign Relations.

POM-368. A resolution adopted by the National Society of the Sons of the American Revolution relating to the crewmen of the ketch "Intrepid"; to the Committee on Armed Services.

POM-369. A resolution adopted by the National Society of the Sons of the American Revolution relating to the George Rogers Clark Commemorative Postage Stamp; to the Committee on Governmental Affairs.

POM-370. A resolution adopted by the National Society of the Sons of the American Revolution relating to the Sons of the American Revolution 100th anniversary commemorative stamp; to the Committee on Governmental Affairs.

POM-371. A resolution adopted by the National Society of the Sons of the American Revolution relating to the United States Merchant Marine; to the Committee on Commerce, Science, and Transportation.

POM-372. A resolution adopted by the National Society of the Sons of the American Revolution relating to George Washington's Birthday; to the Committee on the Judiciary.

POM-373. A resolution adopted by the Council of the City of Tucson, Arizona, relating to the equal rights amendment; to the Committee on the Judiciary.

POM-374. A resolution adopted by the Commission of the City of Miami, Florida, relating to the human rights of those 23 persons who arrived in this country on July 21, 1983, after fleeing from Caibarien in the Country of Cuba; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1832. A bill to amend the Civil Rights Act of 1957 to extend the life of the Commission on Civil Rights; to the Committee on the Judiciary.

By Mr. CHILES:

S. 1833. A bill to amend title 38, United States Code, to authorize the VA to furnish each veteran with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability: to the Committee on Veterans Affairs.

By Mrs. HAWKINS:

S. 1834. A bill to authorize the Secretary of the Army to make modifications in certain water projects in Florida; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 1835. A bill to provide for the relief of local prosecutors and sheriffs; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. COHEN):

S. 1836. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Finance.

By Mr. GORTON (for himself and Mr. EVANS):

S. 1837. A bill to designate the Federal Building in Seattle, Wash., as the "Henry M. Jackson Federal Building"; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1832. A bill to amend the Civil Rights Act of 1957 to extend the life of the Commission on Civil Rights; to the Committee on the Judiciary.

EXTENSION OF COMMISSION ON CIVIL RIGHTS

Mr. SPECTER. Mr. President, today I introduce a bill to provide for reauthorization of the Commission on Civil rights on a permanent basis and to establish 6-year staggered terms for members of that Commission.

Considerable public concern has arisen over the nominations by President Reagan of Mr. Morris Abram, Mr. John Bunzel, and Mr. Robert Destro to replace Rabbi Murray Saltzman, Dr. Mary Frances Berry, and Dr. Blandina Cardenas Ramirez as members of the Commission.

Two extensive hearings have been held before the Senate Judiciary Committee on the nominations submitted by President Reagan. A question has been raised as to the President's legal right to replace members of the Commission. In reviewing the precedents, it has been my legal opinion that the President is not precluded, as a matter of law, from replacing members of the Commission. Assuming that legal conclusion to be correct, then the relevant issue presented would appear to be the qualifications of the nominees.

During the course of the two hearings, I have been concerned about the overriding consideration of the "institutional independence" of the Commission which is separate and distinct from the President's legal right to replace Commissioners and the qualification of the President's nominees.

Since the time that the President has made the nominations, especially during the August recess, I have heard considerable comment in my travels around Pennsylvania on the propriety and wisdom of having one President replace five members of the Commission. While I do not believe that the President has any intention of impairing the "institutional independence" of the Commission, there is justification for the public perception that the replacement of five members of the Commission by a single President would, in fact, undermine the "institutional indepenence" of the Commission.

In my judgment, the reauthorization of the Commission is directly linked to the question of the pending appointments, and I believe that Congress should consider both issues together.

The legislation which I am proposing would resolve the outstanding issue on the right of the President to replace Commission members. This bill would eliminate the contention that a Commission member should serve indefinitely or for life by imposing the limit of a 6-year appointment. At the same time, this bill would limit the President's power to remove only on conditions of neglect of duty or malfeasance in office.

As the 6-year terms would work out, the President would be entitled to an additional appointment at that time because the term of one Commissioner, considering that all sitting Commissioners have 6-year terms, would expire in January 1981. This would permit the President to appoint his lead nominee, Mr. Morris Abram, whose extraordinary qualifications have been established during the course of the Judiciary Committee's hearings.

In my judgment, it is unfortunate that positions have become polarized on the important issue relating to the Civil Rights Commission. Civil rights issues, which is so fundamental to equal justice in our society, should be resolved in a calm unemotional way on a nonpartisan basis without the polarization which unfortunately is emerging.

By letter dated July 29, 1983, I wrote to the President on the subject as follows:

U.S. SENATE,
Washington, D.C., July 29, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As a result of listening to many witnesses at Judiciary Committee hearings and reflecting on the matter, I am writing to urge you to reconsider your three nominations for the U.S. Civil Rights Commission.

I do so for these reasons: (1) the confidence of the American people in civil rights enforcement requires it; (2) your policy on civil rights has been badly misunderstood; (3) this bold move, which would be a sharp reversal of your present position, would restore public confidence in your civil rights position.

As the record will show at the two hearings before the Judiciary Committee, I stated for the record that I believed you had the right to replace Commission members and the sole question before the Committee was the independence and qualification of your nominees. As the hearings progressed, there was no significant challenge to the qualification and independence of the nominees.

Based on that analysis, it was my initial conclusion that the nominees should be confirmed. However, in this unique situation, the whole is greater than the sum of the parts.

In a context where you would be replacing five of six Commission members in an unprecedented manner during the 26 year life of the Commission, there is substance to the objection raised by so many witnesses that the character of the Commission is being inappropriately reshaped by one Administration which is contrary to the intent of Congress and the continuity of independence of the Civil Rights Commission. The substance, as well as the perception, is that the institutional independence of the Commission would be altered.

Such a bold move on your part would, in my opinion, give additional strength to your Presidency and to your commitment on civil rights. There is real value to listening and hearing and changing your mind.

It is my considered judgment that it is in the national interest generally and the enforcement of the civil rights law specifically for you to withdraw the three nominations.

Sincerely,

ARLEN SPECTER.

This letter has not been released to the public or the news media pending a response from the President. I have since been advised that the President intends to stand by his nominees; and by letter dated September 12, 1983, the President wrote me as follows:

THE WHITE HOUSE,
Washington, D.C., September 12, 1983.

Hon. ARLEN SPECTER,
Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR ARLEN: The Senate Judiciary Committee will soon be voting on the nominations of Morris Abram, John Bunzel and Robert Destro to be members of the United States Commission on Civil Rights, and Linda Chavez as Staff Director for the Commission. I am writing to you today to reiterate my strong support for and belief in these outstanding Americans.

In nominating these citizens to the Civil Rights Commission, I took particular care to select individuals whose dedication to the principle of equality was not only unquestioned, but demonstrably evident. They have, along their separate paths, devoted their lives to the civil rights of all people, regardless of race, color, creed, gender or national origin. Further, I chose them for their quality of independence of judgment. These nominees have made it clear to the White House, to the Senate and to the American people that they intend to continue exercising that independence as members of the Commission.

I know you share my deep concern for the future of civil rights in this country. I strongly urge you to vote for these four dedicated individuals when you meet in Executive Session this week.

Sincerely,

RONALD REAGAN.

I am introducing this bill at this time because the nominations and the issue of reauthorization will be before the Judiciary Committee later this week. It is my hope that this proposed legislation can provide a basis to resolve this complex issue.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Civil Rights Act of 1957 is amended as follows:

SEC. 2. Section 101 of the Civil Rights Act of 1957 (42 U.S.C. 1975) is amended by adding at the end thereof the following new subsection:

"(f) Except as provided in subsection (h) below, upon vacancies in the Commission occurring after the date of the enactment of this subsection, members of the Commission shall be appointed for a term of six years except—

(A) each member holding office on January 1, 1983, shall serve until his total years service on the Commission equals six years; or

(B) any member to fill a vacancy shall serve for the remainder of the term for which the member's predecessor was appointed.

"(g) A member of the Commission may continue to serve on the Commission after the expiration of his term until his successor has taken office as a member of the Commission.

"(h) The President may remove a member of the Commission only for neglect of duty or malfeasance in office."

SEC. 3. Section 104(c) of the Civil Rights Act of 1957 is amended to read as follows:

"(c) The Commission shall submit reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable."

SEC. 4. (a) Section 104(d) of the Civil Rights Act of 1957 is repealed.

(b) Subsections (e), (f), and (g) of section 104 of the Civil Rights Act of 1957 are redesignated as subsections (d), (e), and (f), respectively.

SEC. 5. Section 106 of the Civil Rights Act of 1957 is amended to read as follows:

"SEC. 106. There are authorized to be appropriated $12,180,000 to carry out the provisons of this Act for the fiscal year 1984, and such sums as may be necessary for each succeeding fiscal year.".

By Mr. CHILES:

S. 1833. A bill to amend title 38, United States Code, to authorize the VA to furnish each veteran with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability; to the Committee on Veterans' Affairs.

PROVIDING MEDICATION FOR SERVICE-CONNECTED DISABILITIES

● Mr. CHILES. Mr. President, today, I am introducing legislation to address a problem that has surfaced concerning the Veterans' Administration authority to provide medication to service-connected veterans who have had medicines prescribed by private physicians.

Until recently, service-connected disabled veterans who sought medical attention for their disabilities from private physicians could receive medications and have prescriptions filled by the Veterans' Administration. A legal opinion supplied to the Chief Medical Director of the Veterans' Administration questioned the statutory authority for this procedure and prompted the subsequent decision by the Veterans' Administration to stop providing medication to service-connected veterans not being treated in VA facilities or on a fee card basis. Veterans in Florida who have been utilizing this procedure in the past will soon be notified of the Veterans' Administration's decision. Veterans will either have to receive medical care at a Veterans' Administration facility in order to receive medications from the Veterans' Administration, or continue treatment by private physicians and assume full cost of prescription and other medications associated with their disabilities.

I have discussing this question with the Veterans' Administration during the last few months and feel it is the responsibility of Congress to insure the continuation of the past policy of distributing medications to service-connected veterans.

Whether statutory authority exists for the Veterans' Administration to continue its present policy of furnishing medications to service-connected veterans is still subject to debate. It is my understanding the Senate Committee on Veterans' Affairs is currently reviewing this situation. I am introducing this bill today for two reasons. First, I feel it is important that service-connected veterans realize that Congress recognizes the problems that exists and is willing to do something to rectify it. Second, in the event it is determined that legislation is, in fact, necessary to clarify the Veterans' Administration authority in this regard, my bill will specifically authorize the VA to furnish medication prescribed by private physicians for veterans with compensable service-connected disabilities.

I hope my colleagues in the Senate will join me and others in working to resolve this situation and to insure the continuation of providing medications to service-connected veterans.●

By Mrs. HAWKINS:

S. 1834. A bill to authorize the Secretary of the Army to make modifications in certain water projects in Florida; to the Committee on Environment and Public Works.

EVERGLADES RESTORATION ACT OF 1983

Mrs. HAWKINS. Mr. President, south of Lake Okeechobee, bordered on the west by the Big Cypress National Preserve and on the east by the Atlantic Coastal Ridge, lies the Everglades, a shallow depression some 40 miles wide extending 100 miles southward from Lake Okeechobee to the mangrove and coastal glades near Florida Bay. Just a swamp? Not at all. The Everglades National Park is one of the world's most precious, one-of-a-kind natural resources. The park has a worldwide constituency and has been cited by the United Nations as one resource that the world cannot afford to lose.

In addition to providing an essential water supply to southeast Floridians, and a unique wildlife habitat for all of south Florida, the Everglades is a fragile and complex ecosystem with immense practical value. The fate of the Everglades National Park is closely linked with the fate of our entire population in south Florida. The park is a vital recharge zone for the Biscayne Aquifer which provides fresh water to millions of residents living along our south coast. Federal action has played an important part in making the development of south Florida possible. Further Federal action is now needed to preserve that considerable investment.

This proposal would authorize the Army Corps of Engineers to conduct an experimental program for delivery of water to the Everglades National Park in an attempt to reestablish the proper and natural flow of water into the park. Further, the legislation will direct the Secretary of the Army to acquire whatever lands are necessary to effect the improvements to the park and to construct the necessary flood protection structures needed to protect homes in the areas affected by the restoration of a natural waterflow.

Mr. President, the importance of a healthy Everglades National Park to Florida and the world is hard to measure. It will take the combined efforts of the National Park Service, the Florida State government, the South Florida Water Management District, and Congress to obtain complete restoration. I urge my colleague to join me in saving one of this Nation's greatest natural resources.

Mr. President, I ask that a brief description of the Everglades environment be printed in the CONGRESSIONAL RECORD immediately following a printing of the bill itself. this description is part of a larger study prepared by the Dade County Planning Department in 1980.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army (hereafter in this Act referred to as the "Secretary") is authorized, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park re-

quired by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

(b) The Secretary shall, as soon as practicable, make such modifications in the comprehensive plan for flood control and other purposes, central and southern Florida, authorized by the Flood Control Act of 1948 and subsequent Acts of Congress, as may be necessary to restore the natural flow of water to the Everglades National Park. The Secretary is further authorized to acquire such interests in lands as are necessary to permit the natural flow of water to the Everglades National Park. The Secretary shall acquire any interest in land under this subsection at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) of this section and before any modification is made to the schedule for delivery of water to the Everglades National Park under such subsection and before the restoration of such natural flow. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule or by the restoration of such natural flow.

By Mr. D'AMATO:

S. 1835. A bill to provide for the relief of local prosecutors and sheriffs; to the Committee on the Judiciary.

LOCAL PROSECUTORS AND SHERIFFS RELIEF ACT OF 1983

● Mr. D'AMATO. Mr. President, today I am introducing legislation to help local governments meet the onerous financial burdens that often result from the extraordinary security costs necessitated by special circumstances. The classic example of such a case is the Brink's murder and robbery trial now pending in Orange County Court in New York. A parallel case, until recently, was being tried in Federal District Court in Manhattan.

Both cases involve the holdup of a Brink's armored truck and the murder of a security guard and two local policemen on October 20, 1981. Both cases have received national publicity. Defendants in both cases are identified with a number of radical and revolutionary groups, including the Weather Underground, the Black Panthers, the White Panthers, and the Black Liberation Army. Defendants in both cases have also stated that the ultimate purpose of the holdup was the creation of a black nation out of five Southern States. Clearly, then, the Orange County trial is no ordinary local matter.

This extraordinary case has generated extraordinary expenses. Total costs to Rockland County, which, as the place of original venue, must bear the full brunt of these costs, are expected to exceed $5 million. That is a crippling amount for a small county, whose population barely exceeds 250,000. Most of these costs are directly attributable to the round-the-clock courthouse and jailhouse security precautions the notoriety of the defendants has made necessary.

Rockland County did receive a $500,000 LEAA grant last year. Unfortunately, the expiration of LEAA's authorization has deprived the county of any additional Federal assistance from this source. We are left, therefore, with a situation in which, although the principle of Federal assistance in this case has been upheld, there is no mechanism for funding that principle. The bill I introduce today will remedy this defect.

The grant procedure created by this legislation is simple and straightforward. It gives the Attorney General broad discretionary authority to choose which applications will be funded.

Mr. President, the solution I propose today is not a new one. It is merely the return to a procedure that was in place until very recently. The Brink's trial is a clear example of the need to reinstate that procedure. For that reason, and in the interest of fairness and equity, I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the legislation be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Local Prosecutor's and Sheriff's Relief Act of 1983".

SEC. 2. The Attorney General, in his sole discretion, is authorized to make grants to State or local governments for the purposes set forth in section 3, if he deems an application made by a State or local government to merit payment under this Act.

SEC. 3. Grants under this Act may be made to assist State and local governments—

(1) to meet the expenses of prosecuting a defendant or defendants,

(2) to meet the expenses of maintaining courtroom security, or

(3) to meet the expenses of maintaining a defendant or defendants safely and securely in custody,

when a Federal interest is served by the vigorous prosecution of such defendant or defendants.

SEC. 4. The Attorney General is authorized to prescribe such rules as are necessary to carry out this Act, including rules regarding the disposition and accounting of funds granted under this Act.

SEC. 5. The Attorney General may approve in whole or in part, or deny, any application for a grant under this Act.

SEC. 6. Grants under this Act may be made in advance or by way of reimbursement.

SEC. 7. Grants under this Act may be made to reimburse costs incurred at any time after June 1, 1981.

SEC. 8. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $10,000,000 for fiscal year ending September 30, 1984, $10,000,000 for fiscal year ending September 30, 1985, and $10,000,000 for fiscal year ending September 30, 1986.●

By Mr. D'AMATO (for himself and Mr. COHEN):

S. 1836. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Finance.

FRESH VEGETABLE AND POTATO TRADE ACT OF 1983

● Mr. D'AMATO. Mr. President, I rise today to introduce the fresh vegetable and potato trade act of 1983. This legislation is of vital importance to our Nation, as well as to our vegetable producers, for farmers comprise the economic backbone of our country.

We now face a very real threat from across our northern border. The increased importation of perishable produce from Canada has reached staggering proportions. Growers in the northern States have been hard hit by competition from farmers who are subsidized by the Canadian Federal and provincial treasuries. The rise in Canadian potato imports, for instance, was 300 percent over the last 3 years. These imports are depressing prices at the market and forcing many American farmers out of business. And while our Government has taken action to protect the specialty steelmakers, no similar action seems forthcoming to help our farmers.

Vegetable farmers, in particular, often compete with subsidized produce from foreign countries and are, therefore, frequently faced with a flooded market. As a solution to this problem, this legislation would establish a commodity surtax designed to be imposed only for limited periods, and only when agricultural imports are injuring a specific commodity for a certain time period.

Economic injury often results when subsidized commodities are imported during periods of heavy U.S. production. Since the declared value of a shipment at the point of entry into the United States often is not accurate, it is necessary to provide, periodically, a temporary surtax on commodities when an increased volume of imports is ruled by the Agriculture Department to have resulted in depressed domestic market prices.

My legislation requires the Agriculture Department to monitor various commodities, including cabbages, carrots, celery, lettuce, red and yellow onions, potatoes, and radishes. However, any fresh vegetable may be added to this list by petitioning the Secretary and securing a declaration that economic injury is being caused or threatened by subsidized imports.

The Agriculture Department will determine, by examining volume and prices, the extent of the economic impact on our domestic growers. Should injury be determined for a par-

ticular commodity, a surtax system would be put into effect.

There will be times, Mr. President, when such a surtax will not be necessary. At other times, however, a surtax can provide the difference that will allow our farmers to compete on a more equal footing than is now possible.

The vegetable industry has been suffering severely. The flight of our Northeastern farmers who must compete with subsidized produce from a foreign country must not be overlooked. While our farmers receive no governmental assistance, Canadian produce is subsidized in several ways, including low-interest loans to farmers, substantial transportation subsidies, stabilization payments for crop production, and an export promotion program designed to garner a greater share of the produce market in the Northeast.

I believe that this agricultural surtax system is a fair method of insuring that our agricultural economy is eroded no further by imported vegetables and potatoes. Though we cannot control nature and eliminate droughts, floods, and other natural disasters, we can rectify the problem of falling prices caused by the deliberate subsidization by competing nations.

Mr. President, I ask unanimous consent that my legislation be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fresh Vegetable and Potato Trade Act of 1983".

SEC. 2. As used in this Act:

(1) The term "article" means a specific vegetable category commodity entered into trade in a terminal market.

(2) The term "benchmark price" means, with respect to articles in a vegetable category, a price, computed for each month within the applicable marketing season, that equals—

(A) 85 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the thirty-six-month period immediately preceding the month for which such computation is made; or

(B) if the Secretary considers that the benchmark price computed under subparagraph (A) is abnormally high or low because of harvest variations, 90 per centum of the average monthly market price for domestic and imported articles in that category for the same month during the sixty-month period immediately preceding the month for which such computation is made.

(3) The term "imported articles" means articles that have been entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(4) The term "market price" means the sale price at which imported articles in a vegetable category are bought and sold in the course of trade at the three terminal markets having the heaviest volume of imports of such articles. The market price shall be based on such quantity of measure as the Secretary deems appropriate for purposes of carrying out this Act.

(5) The term "marketing season" means the marketing season in the United States for vegetables, that are produced in the United States, of a kind like those in a vegetable category, as determined by the Secretary.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "terminal market" means a marketing area in the United States at which major shipments of imported articles in a vegetable category are introduced into domestic commerce.

(8) The term "vegetable category" means each of the following classifications, identified by reference to the appropriate item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), of vegetables, if fresh:

(A) Cabbages provided for in item 135.30.

(B) Carrots provided for in items 135.41 and 135.42.

(C) Celery provided for in items 135.60 and 135.61.

(D) Lettuce provided for in item 136.60 and 136.61.

(E) Red onions and yellow onions, of the type produced for storage holdings, provided for in item 136.93.

(F) Potatoes provided for in items 137.25, 137.26, 137.28, and 137.29.

(G) Radishes provided for in item 137.40.

The Secretary, for the purposes of this Act, may add for the duration of a marketing season any classification of fresh vegetable provided for in such Schedules as a vegetable category if a United States producer of vegetables of that kind petitions the Secretary for such addition and the Secretary concludes that economic injury is being caused or threatened to United States producers of articles in that category after applying the criteria in section 3(a) and (b)(2).

SEC. 3. (a) During each week of the marketing season, the Secretary shall monitor the market prices paid for articles in each vegetable category. If the Secretary finds, on the basis of such monitoring, that the average market price paid for articles in any vegetable category during a week does not equal 90 per centum of the average price for such category for such week in the immediately proceeding three years, the Secretary shall, within five working days, publish notice thereof in the FEDERAL REGISTER designating that vegetable category as a depressed vegetable category.

(b) The Secretary shall, with respect to articles in each vegetable category designated as a depressed vegetable category under subsection (a)—

(1) monitor on a daily basis the market prices paid for articles in such category; and

(2) monitor on a weekly basis the volume of imported articles in such category that is sold in commerce at terminal markets.

(c) If the Secretary determines, on the basis of the monitoring required under subsection (b) regarding a vegetable category that is depressed, that—

(1) the average market price for articles in that category for any week in the marketing season was below the benchmark price for such category; and

(2) the volume of imported articles in that category that was sold in commerce at terminal markets during such week exceeds by 5 per centum or more the volume of imported articles in that category sold at terminal markets during the equivalent seven-day period in calendar year 1978;

the imported articles in that vegetable category shall be presumed to be causing, or threatening to cause, economic injury to United States producers of like vegetables.

SEC. 4. (a)(1) Within two working days after making a determination under section 3(c) regarding imported articles in a vegetable category, the Secretary, by publication of notice thereof in the Federal Register, shall (A) issue notice of such determination, and (B) establish a surtax period for such category which shall be the one hundred and eighty-day period commencing on the next Thursday which occurs not less than five days after the date on which such determination was made. The Secretary shall at the time of such publication notify the exporting countries of articles in such category of such establishment.

(2) The Secretary may extend a surtax period established under paragraph (1) by an additional ninety days if he determines that the conditions which led to the establishment of the initial one hundred and eighty-day surtax period are still in effect at the close of the initial period.

(b)(1) There is imposed on all articles in a vegetable category to which a determination under section 3(c) applies that are entered, or withdrawn from warehouse for consumption, in the customs territory of the United States during each week within the surtax period a surtax for that week, the amount of which shall be computed on a weekly basis in accordance with subsection (c) by the Secretary on the basis of the applicable market prices.

(2) A surtax imposed under this Act shall be treated for all purposes of the customs laws which is in addition to any other duty imposed on the entry or withdrawal from warehouse of articles in the vegetable category concerned.

(c)(1) For purposes of this section—

(A) The term "computation period" means the seven-day period that ends on a Wednesday in the two weeks before the week in which a surtax week begins.

(B) The term "surtax week" means each seven-day period, beginning on a Thursday, that is within a surtax period established under subsection (a).

(2) The surtax imposed under subsection (b) for each surtax week on imported articles within a vegetable category shall be determined on the basis of the relationship between the average daily market price paid during the applicable computation period for articles in such category, and the applicable benchmark price for such article, as follows:

(A) If there is no difference between such market price and benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week; or

(ii) the surtax for the surtax week shall be the same as the surtax, if any, in effect for the immediately preceding surtax week.

(B) If such market price is below the benchmark price, the surtax for the surtax week shall be—

(i) an amount equal to the difference between such prices, if there is no surtax in effect for the immediately preceding surtax week, or

(ii) an amount equal to such difference plus the amount of any surtax in effect for the immediately preceding surtax week.

(C) If such market price exceeds such benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week, or

(ii) the surtax for the surtax week shall be the amount of the surtax in effect for the immediately preceding surtax week reduced by the amount of such excess (but not below zero).

(3) For purposes of determining under paragraph (2) the surtax to be imposed during the first surtax week in any surtax period, a surtax shall be determined under paragraph (2)(B) on the basis of the findings of the Secretary under section 3(c)(1) on the imported articles concerned and such surtax shall be treated as being in effect during the week before such first surtax week.

(d) The Secretary shall certify to the Secretary of the Treasury the surtax, or absence thereof, as determined under subsection (c) for each surtax week within the surtax period established for a vegetable category. The Secretary of the Treasury shall take such action as may be necessary or appropriate to levy and collect any such surtax so certified, including the requirement of additional bond to secure payment of a surtax.

SEC. 5. The Secretary and the Secretary of the Treasury shall each issue such regulations as may be necessary and appropriate to carry out this Act.●

By Mr. GORTON (for himself and Mr. EVANS):

S. 1837. A bill to designate the Federal building in Seattle, Wash., as the "Henry M. Jackson Federal Building"; to the Committee on Environment and Public Works.

HENRY M. JACKSON FEDERAL BUILDING

● Mr. GORTON. Mr. President, I am honored to introduce a bill with Senator EVANS to designate the Federal office building in Seattle, Wash., as the "Henry M. Jackson Federal Building." It is with a deep sense of personal loss and sadness that I introduce this bill today, but I believe it is entirely appropriate that we name the Federal office building after a man who played such an important role for so many years in our Federal Government and in the State of Washington.

Senator Jackson was a statesman who served the State of Washington and the Nation with distinction, pride, and honor. His life's work was motivated by his deep love for his country, its people, and its insitutions. His impressive career in the U.S. Congress, spanning more than 42 years, was dedicated to improving and protecting our great Nation. Over the last week, we have been reminded of the magnitude of Senator Jackson's accomplishments.

The Henry M. Jackson Federal Bulding will be a living memorial to the people and institutions Senator Jackson valued so deeply. I urge my colleagues to join me in promptly enacting this legislation as a tribute to a great man who dedicated his life to serving his country.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 337

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 551

At the request of Mr. ROTH, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 551, a bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans.

S. 555

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 555, a bill to stop the proliferation of "cop killer" bullets.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oklahoma (Mr. NICKLES), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 1004

At the request of Mr. D'AMATO, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1004, a bill to amend the Federal employees health benefits plan provisions of chapter 89, title 5, United States Code, to assure adequate mental health benefit levels and otherwise limit benefit reductions.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1271

At the request of Mr. RANDOLPH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1305

At the request of Mr. PACKWOOD, the names of the Senator from Oklahoma (Mr. BOREN), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1419

At the request of Mr. SARBANES, the names of the Senator from Michigan (Mr. LEVIN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1668

At the request of Mr. D'AMATO, the names of the Senator from Missouri (Mr. DANFORTH), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 1668, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

S. 1785

At the request of Mr. SASSER, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from Maryland (Mr. SARBANES), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1794

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1794, a bill to require certain agencies to procure supplies or services from local commercial sources instead of from a multiple-award schedule of the Federal supply schedule under certain circumstances; to require the Adminis-

trator of General Services to remove contractors from multiple-award schedules under certain circumstances; and to increase the maximum amount of small purchases which may be made by such executive agencies from sums in an imprest fund for one transaction.

S. 1795

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1795, a bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. BAUCUS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. LONG, the names of the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Georgia (Mr. NUNN), the Senator from Oregon (Mr. HATFIELD), the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maryland (Mr. SARBANES), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. WILSON), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 145, a joint resolution to designate the week of October 2, 1983 through October 8, 1983, as "National Port Week."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the names of the Senator from Maine (Mr. COHEN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE JOINT RESOLUTION 157

At the request of Mr. MELCHER, the names of the Senator from Ohio (Mr. GLENN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 157, a joint resolution designating November 13, 1983, as "National Retired Teachers' Day."

SENATE JOINT RESOLUTION 158

At the request of Mr. BENTSEN, his name was added as cosponsors of Senate Joint Resolution 158, a joint resolution condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Airlines flight 007 with the loss of 269 innocent lives.

At the request of Mr. DURENBERGER, his name was added as cosponsor of Senate Joint Resolution 158, supra.

At the request of Mr. BAKER, the name of the Senator from Mississippi (Mr. STENNIS), was added as cosponsor of Senate Joint Resolution 158, supra.

At the request of Mr. FORD, his name was added as cosponsor of Senate Joint Resolution 158, supra.

At the request of Mr. BYRD, the names of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Joint Resolution 158, supra.

At the request of Mr. DOMENICI, his name was added as cosponsor of Senate Joint Resolution 158, supra.

SENATE JOINT RESOLUTION 160

At the request of Mr. BYRD, the names of the Senator from Idaho (Mr. SYMMS), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 160, a joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week."

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. HOLLINGS, the names of the Senator from Illinois (Mr. PERCY), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution to provide that it is the sense of the Congress that the national policy of the United States be that the Federal Government contribute to the support of education in the United States.

AMENDMENTS SUBMITTED

RADIO MARTI

HUMPHREY AMENDMENT NO. 2130

(Ordered to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (S. 602) to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes; as follows:

At the bottom of page 7, add the following:

INDEPENDENT EVALUATION OF RADIO MARTI PROGRAMING

SEC. 7. The Board for International Braodcasting shall arrange, by contract if necessary, an independent evaluation of Radio Marti programming, the results of which are to be set forth in a report to be prepared and transmitted to the Board 18 months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Board shall, not later than 30 days after the date of receipt of such report, transmit to the Congress such report, together with any recommendations for legislative action.

HAWKINS (AND OTHERS) AMENDMENT NO. 2131

Mrs. HAWKINS (for herself, Mr. CHILES, Mr. BAKER, Mr. ZORINSKY, Mr. WEICKER, and Mr. GRASSLEY) proposed an amendment to the bill S. 602, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:
That this Act may be cited as the "Radio Broadcasting to Cuba Act".

FINDINGS; PURPOSES

SEC. 2. The Congress finds and declares—

(1) that it is the policy of the United States to support the right of the people of Cuba to seek, receive, and impart information and ideas through any media and regardless of frontiers, in accordance with article 19 of Universal Declaration of Human Rights;

(2) that, consonant with this policy, radio broadcasting to Cuba may be effective in furthering the open communication of accurate information and ideas to the people of Cuba, in particular information about Cuba; and

(3) that such broadcasting to Cuba, operated in a manner not inconsistent with the broad foreign policy of the United States and in accordance with high professional standards, would be in the national interest.

(4) that the Voice of America already broadcasts to Cuba information that represents America, not any single segment of American society, and includes a balanced and comprehensive projection of significant American thought and institutions but that there is a need for broadcasts to Cuba which provide news commentary and other information about events in Cuba and elsewhere to promote the cause of freedom in Cuba.

ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida and the

1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized, provided that no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba. Time leased from non-governmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs, provided that not less than 30% of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 percent or more than the average daily jamming or interference in the 12 months preceding September 1, 1983, the Director of the United States Information Agency may lease time on commercial or non-commercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 percent of the programming broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements section 503(2) of Public Law 80-402.

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti Program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Director of the United States Information Agency may, for the period in which the facilities are inoperable but not to exceed 150 days, use other United States Government-owned transmission facilities for Voice of America broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. The Director of the United States Information Agency shall establish within the Voice of America a Cuba Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The Director of the United States Information Agency shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the Director and the Associate Director for Broadcasting of the United States Information Agency.

BOARD FOR RADIO BROADCASTING TO CUBA

SEC. 5. (a) There is established within the Office of the President the Advisory Board for Radio Broadcasting to Cuba (hereafter in this Act referred to as the "Board"). The Board shall consist of 9 members, appointed by the President by and with the advice and consent of the Senate, of whom not more than 5 shall be members of the same political party. The President shall designate one member of the Board to serve as Chairman.

(b) The Board shall review the effectiveness of the activities carried out under this Act and shall make such recommendations to the President, the Director and the Associate Director for Broadcasting of the United States Information Agency as it may deem necessary.

(c) In appointing the initial voting members of the Board, the President shall designate 3 members to serve for a term of three years, 3 members to serve for a term of two years, and 3 members to serve for a term of one year. Thereafter, the term of each member of the Board shall be three years. The President shall appoint, by and with the advise and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor hs been appointed and qualified.

(d) The head of the Service shall serve, ex officio, as a member of the Board.

(e) Members of the Board appointed by the President shall, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio member of the Board shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The Board may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the Board shall remain in effect indefinitely.

(h) There are authorized to be appropriated $130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the United States Information Agency in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Agency may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Agency determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) It is the intent of the Congress that the Secretary of State should seek prompt and full settlement of United States claims against the Government of Cuba arising from Cuban interference with broadcasting in the United States. Pending the settlement of these claims, it is appropriate to provide some interim assistance to the United States broadcasters who are adversely affected by Cuban radio interference and who seek to assert their right to measures to counteract the effects of such interference.

(b) Accordingly, the Agency shall make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on, or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment (replaced less depreciation) and associated technical and engineering costs.

(c) The Federal Communications Commission shall issue such regulations and establish such procedures for carrying out this section as the Federal Communications Commission finds appropriate. Such regulations shall be issued no later than one hundred and eighty days after enactment of this Act.

(d) There are authorized to be appropriated to the Agency, $5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

(e) Funds appropriated for implementation of this section shall be available for a period of no more than four years following the initial broadcast occurring as a result of programs described in this Act.

(f) It is the sense of the Congress that the President should establish a task force to analyze the level of interence from the operation of Cuban radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

(g) This section shall enter into effect on October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated for the United States Information Agency $14,000,000 for fiscal year 1984 and $11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the United States Information Agency in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

(b) In addition to amounts otherwise authorized to be appropriated to the Agency for the fiscal years 1984 and 1985, there are authorized to be appropriated to the Agency $54,800,000 for the fiscal year 1984 and $54,800,000 for the fiscal year 1985, which amounts shall be available only for expenses incurred by essential modernization of the facilities and operations of the Voice of America.

(c) Amounts appropriated under this section are authorized to be made available until expended.

INDEPENDENT EVALUATION OF THE CUBA SERVICE

SEC. 9. The United States Information Agency shall arrange, by contract if necessary, an independent evaluation of Cuba Service programming, the results of which are to be set forth in a report to be prepared and transmitted to the Agency 18 months after the date of enactment of this Act and at intervals of one year thereafter for the following three years. The Agency shall, not later than 30 days after the date of receipt

of such report, transmit to the Congress such report, together with any recommendations for legislative action.

TRANSFER OF CERTAIN LAND IN SOUTH CAROLINA

HOLLINGS (AND THURMOND) AMENDMENT NO. 2132

(Ordered to be referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. HOLLINGS (for himself and Mr. THURMOND) submitted an amendment intended to be proposed by them to the bill (S. 566) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land conveyed to the South Carolina State Commission of Forestry and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to such commission; as follows:

On page 1, line 3, strike all that follows through page 4, line 13 and insert in lieu thereof the following:

"That, with respect to 1.99 acres of land in Sumter County, South Carolina, described in section 2 of this Act, the Secretary of Agriculture, on behalf of the United States, shall release the South Carolina State Commission of Forestry for the State of South Carolina, without consideration, from the condition contained in a deed dated June 28, 1955, between the United States and the State of South Carolina granting certain lands in Sumter County, South Carolina, of which the described lands are a part, that requires that the lands so granted be used for public purposes and provides for a reversion of such land to the United States if at any time it ceases to be so used: *Provided*, That such release shall in no way affect the interests of the United States in coal, oil, gas, and other minerals (not outstanding or reserved in third parties) reserved by the United States in the described lands.

"SEC. 2. The 1.99 acre tract described in section 1 of this Act is more particularly described as follows: Beginning at an iron pipe located on the west side of the Old Kings Highway and being south 18 degrees and 35 minutes east and 2519.2 feet from Manchester State Forest monument number 2314; thence south 3 degrees 19 minutes east 417.22 feet to an iron pipe; thence south 86 degrees 41 minutes west 208.64 feet to an iron pipe; thence north 3 degrees 19 minutes west 199.97 feet to an iron pipe; thence north 3 degrees 32 minutes west 214.05 feet to an iron pipe; thence north 85 degrees 47 minutes east 209.27 feet to an iron pipe, the same being the point of beginning.".

Amend the title so as to read: "A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Sumter County, South Carolina.".

DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

HELMS (AND OTHERS) AMENDMENT NO. 2133

(Ordered to be printed and to lie on the table.)

Mr. HELMS (for himself, Mr. SYMMS, and Mr. ARMSTRONG) submitted an amendment intended to be proposed by them to the joint resolution (S.J. Res. 158) condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines flight 007 with the loss of 269 innocent lives; as follows:

At the end of the joint resolution, add the following new section:

SEC. 2. It is the sense of the Congress that the President should—

(1) recall the United States Ambassador to the Soviet Union for urgent consultations and reduce the number of Soviet diplomats accredited to the United States to the number of United States diplomats accredited to the Union of Soviet Socialist Republics;

(2) conduct a comprehensive reappraisal of the complete spectrum of United States-Soviet relations, including arms control, human rights, East-West trade, and regional issues;

(3) report to the Congress on the record of Soviet compliance or non-compliance with the letter and spirit of all existing strategic arms limitation talks (SALT) agreements and other arms control agreements to which the Soviet Union is a party;

(4) direct the United States negotiators at the strategic arms reduction talks at Geneva to link the possible success of such talks with the willingness of the Soviet Union to abide by international law as a responsible member of the community of nations, paying specific attention to the KAL 007 massacre, Soviet violations of the Helsinki accords, the Soviet invasion and subjugation of Afghanistan, the repression of Poland and its free labor movement, and the use of chemical and biological weapons in contravention of existing treaties;

(5) re-emphasize the inconsistency of the Soviet military presence in the Western Hemisphere with the Monroe Doctrine;

(6) declare Poland in default on all or a part of the debt owed to the Commodity Credit Corporation, recognizing that Poland is an integral part of the Soviet economic empire and that financial credit is an element of national strategy;

(7) tighten substantially the foreign policy and military controls over the export of machine tools, high technology products, and equipment for the development of Soviet oil and gas resources; and

(8) direct the Secretary of the Treasury to use existing statutory authority to prevent the import of any product or material produced in the Soviet Union unless the President certifies that it was produced without the use of forced labor.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy and Mineral Resources to receive testimony on S. 1634, to amend the Mineral Lands Leasing Act of 1920, and for other purposes. The hearing will be held on Tuesday, October 18, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar or Mr. Robert Terrell at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. TOWER. Mr President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 13, at 2 p.m., to receive a briefing on Lebannon.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, September 13, at 10 a.m., to hold a hearing on the National Security Decision Directives '84.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND TERRORISM

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Security and Terrorism, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, September 13, to receive testimony.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 14, at 2 p.m. to hold a hearing on S. 1432, a bill relating to the President's budget to request information regarding major capital investment programs in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 14, at 3 p.m., to meet in executive session with the Norway Defense Committee members.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 14, at 10 a.m., to receive a top secret briefing on the arms control update.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 14, at 5 p.m., to hold a code-word level briefing on the Korean jetliner incident.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 14, at 10 a.m., to consider trade reorganization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 14, to hold a hearing on private sector initiatives to feed America's poor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATUS REPORT ON THE BUDGET

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1983 pursuant to section 311 of the Congressional Budget Act.

Since my last report the Congress has completed action on the Railroad Retirement Solvency Act of 1983 (Public Law 98-76) and amendments to the Federal Supplemental Compensation Act of 1982 (Public Law 98-92).

The report follows:

(Report No. 83-9)

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET

(Status of the fiscal year 1983 Congressional Budget Adopted in H. Con. Res. 91)

REFLECTING COMPLETED ACTION AS OF SEPT. 9, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Revised 2d budget resolution level	877,200	807,400	604,300
Current level	869,180	806,980	604,131
Amount remaining	8,020	420	0

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $8,020 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 91 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $420 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 91 to be exceeded.

REVENUES

Any measures that would result in revenue loss exceeding $0 million for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 91.●

ERA HEARINGS CONTINUE IN SENATE

● Mr. KENNEDY. Mr. President, the Senate Judiciary Committee's Subcommittee on the Constitution continued hearings today on Senate Joint Resolution 10, the equal rights amendment. The focus of today's hearing was the relationship of the ERA to education.

We were fortunate to have as one of our witnesses Dr. Donna E. Shalala, president of Hunter College of the City University of New York. In addition to her responsibilities as professor of political science and head of the largest college in the city university system, President Shalala is also a governor of the American Stock Exchange and a director of the American Council on Education, the Social Science Research Council, the Charles F. Kettering Foundation, the Institute for International Economics, the National Women's Law Center, the Children's Defense Fund, the Citizens Council on Women Education, and a Trustee of the Committee for Economic Development.

President Shalala spoke eloquently of the need for the ERA to assure equal rights and opportunities at all levels in public and private education. Her testimony provides valuable assistance to the subcommittee as we continue our deliberations of this important issue, and I commend it to the attention of the full Senate.

Mr. President, I ask that the text of President Shalala's testimony be printed in the RECORD.

The testimony follows:

TESTIMONY ON THE EQUAL RIGHTS AMENDMENT AND EDUCATION BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION OF THE COMMITTEE ON THE JUDICIARY OF THE U.S. SENATE

(Presented by Donna E. Shalala)

Good morning. I am Donna Shalala, President of Hunter College of the City University of New York. I am here today to speak in favor of the Equal Rights Amendment. That Amendment would finally make it unconstitutional to deny any individual's equal rights on account of sex in any area of government action. No longer would women be required to rely on the patchwork of antidiscrimination laws to enforce their rights to equal opportunity and equal treatment; nor would they bear the substantial risk that the claim for equality is unenforceable, because the government does not stand behind it, or insupportable because of some exception in the laws.

In no area of public life is the ERA more important than in education. In virtually every aspect of education, both public and private, sex discrimination continues to exist. Today, I am here to discuss the extent of that discrimination and its impact on women.

I need not elaborate on the importance of education in determining one's life opportunities. By denying equal access to education to a woman, we narrow her choices and options in employment, income and mobility.

The ERA is central to ensuring women's equal right to education. It will provide women with a permanent constitutional basis to assert that right. It will provide an important constitutional backdrop to the statutes designed to ensure equality and, thus, eliminate any necessity for such statutes to be liberally construed to achieve equality. It will insulate women's rights from political pressures. It will end efforts to repeal existing antidiscrimination statutes; to create special exceptions to the equality principle in antidiscrimination statutes; and to limit the remedies or means to enforce equality. Finally, it would free this Congress to implement women's equality in an efficacius and cost effective manner.

I. SEX DISCRIMINATION IN EDUCATION

Discrimination based on sex in educational institutions creates a host of problems for female students and employees on every level. While women now have better access to education (helped substantially by Title IX) they still face the heavy burden of proving themselves in many areas. The resulting patterns are evident in employment of women in education, admissions, courses of study and athletics. Without a constitutional amendment, the gains women have won are vulnerable to political whim.

Admission and Course of Study for Women

In its 1981 report Title IX: The Half Full, Half Empty Glass, the National Advisory Council on Women's Educational Programs described some of the discrimination that limits women's educational opportunities. The following examples illustrate widespread sex discriminatory policies:

Because it had few dormitories for women and would not permit them to live off

campus, the University of North Carolina accepted only one-quarter of the women who applied for admission while admitting half of the male applicants.

At the New York State College of Agriculture at Cornell, women were required to have SAT scores 30 to 40 points higher than those of entering men.

A male applicant at Penn State was five times more likely to be admitted than a female.

Although Title IX outlawed these particular discriminatory practices especially in professional and graduate programs, the percentages of women enrolled in certain courses of study still fall short of full access to these programs. In 1980, the proportion of women in medical school was 26 percent; in law school 34 percent; in dental school 17 percent; and in veterinary school 39 percent. Women earned only 30 percent of doctorate awarded in 1980.

The problems in secondary and postsecondary education are even more severe, almost half of all programs are still overwhelmingly segregated by sex. Seventy-two percent of all women in vocational education in 1978 were still enrolled in predominantly female clerical programs or in home economics classes. The percentage of women enrolled in training that leads to higher paid typically male skills is still quite low. Seventeen percent in agricultural programs, 18 percent in trade and industrial programs, and 20 percent in technical programs.[1] These figures overstate the progress because these broad job categories include predominately female trades such as, cosmetology.

The importance of skill training for women for high paid jobs, usually reserved for men, cannot be underestimated. One half of all women in this country work, and two-thirds of them work out of economic necessity. With rising divorce rates, the economic cushion of a spouse's income can no longer be assumed. As noted by the National Advisory Council on Economic Opportunity, "Poverty among women is becoming one of the most compelling social facts of this decade. If the proportion of the poor who are in female-headed families were to increase at the same rate as it did from 1966–1977, the poverty population would be composed solely of women and their children in the year 2000."

Occupations historically reserved for women are undergoing enormous change. An estimated 80 percent of women currently working are now concentrated in occupations which are rapidly declining or becoming obsolete as a result of technological advances. Jobs such as bank teller, telephone operator and clerical worker are undergoing major changes. These changes will result in dramatically fewer available jobs in fields in which women have been concentrated and greater technological skill requirements in the remaining jobs. An unskilled woman will be displaced and may become permanently unemployed.

Moreover, a variety of forces have kept women out of predominantly "male" jobs. First and foremost is the fact that many jobs—e.g., plumber, electrician, auto mechanic—are still performed almost exclusively by men in our society. This fact alone deters many teenage girls from even considering such fields, or from employment even if they have been trained. Just as teenage girls do not try out for the high school football team or seek to join a "boys' only" school club or extracurricular activity, many do not even enroll for the auto mechanics course that only boys take.

Not only are there subtle societal norms that give young women implicit messages, girls are expressly discouraged from pursuing certain educational opportunities. Discriminatory counselors believe and tell girls that "dirty" work is not appropriate for them. Many counselors warn girls to avoid jobs in which they could face harassment (verbal and physical) rather than counseling them how to avoid the harassment. The result is that those girls who achieve academically despite this discouragement are likewise excluded from and discouraged in the job market. Women are harassed in many job environments, and many employers refuse to consider hiring females for "male" jobs, such as plumbers, electricians, etc.[2]

The failure actively to recruit female students into traditionally male courses is sex-based discrimination in recruiting and training. It effectively endorses and perpetuates the pattern of discrimination that has kept women out of high-paying blue-collar skilled craft jobs. The notion that a girl should be discouraged or not encouraged in acquiring the special skills demanded by these changes, unless she herself exhibits an intense desire to do so, is economically catastrophic to women and fails to recognize the depth of the forces deterring her.

Women are also discouraged from courses of study in math and science with virtually the same force as they are discouraged from skilled jobs and vocational training. The sterotype that women are not good at math and science is still widely indulged even though these are extremely important areas of future employment. The result of this historic unfair exclusion of women from math and the sciences has proven difficult to overcome.[3] It is reflected in the counsel that girls receive as they choose a course of study.

There are severe consequences to the cultural bias that math and science are properly in the male domain. In 1981, only half of college-bound girls, compared to two-thirds of college-bound boys, had completed four years of high school math. The gap in enrollments, especially in advanced courses, persists despite the assistance of Title IX.

A study of math enrollments by the Project on Equal Educational Rights of the NOW Legal Defense in Education Fund in 113 schools districts in Michigan in the fall of 1981 confirmed this pattern. Boys outnumbered girls two to one in computer math courses. In one school district the percentage of girls in computer math was as low as 22 percent. Girls were 40 percent of the students in calculus and 43 percent of the students in trigonometry. Advanced science courses had enrollments as low as 19 percent female.

This difference in course-taking is chiefly responsible for the lower achievement rates of girls that many studies have reported. While boys and girls tend to do equally well in math at elementary school levels, girls' math scores drop behind in junior high and fall further behind at the high school and college level. The disparity between boys' and girls' scores disappears, however, when the data are controlled for years of math taken in school. These findings confirm that it is primarily lack of exposure and practice that keeps girls behind boys' achievements in math and other technical studies.

The problem of women's exclusion from math training and their resultant loss of opportunity is exacerbated by the fact that sex segregated schools at the elementary and secondary level are tolerated under both Title IX and the equal protection clause of the Fourteenth Amendment. In 1977, the U.S. Supreme Court upheld on an equal protection challenge the exclusion of a Philadelphia girl from the all-male Central High,[4] one of the city's two academic high schools, and the one with the best reputation and the most prestigious graduates. The other academic school, the all-female Girls High, was good but, not quite on a par with "Central." The appellate court ruled in favor of "separate but equal", emphasized that Central and Girls High were comparable in quality, academic standing and prestige—and ignored the superior science facilities and reputation of Central. Last month, a Pennsylvania state court ordered Central High to admit girls. However, that decision was based in part on the state Equal Rights Amendment.[5]

Schools for boys typically offer superior math and science opportunities. Girls, therefore, are often barred from entering programs in which math and science learning is required. The evidence confirms that girls, like most people, gain confidence in their ability to perform a difficult task only after they have tried it.[6] The exclusion from a superior program of education can be fatal to any woman's development of interest and abilities in math and science.

Judging from the educational programs that prepare future professionals in these fields, women are likely to stay substantially underrepresented in scientific and technical fields. While the trend has been slightly upward over the last decade, young women are still enrolling in education for these fields in significantly smaller numbers than are men. For example, in 1980, only 30 percent of all college graduates specializing in computer and information sciences were women. There have been modest recent gains, but women are still a small minority in educational programs in these fields. In 1976, while women were 40 percent of the labor force, they held only 13 percent of the jobs in math, computer and life science. Women have historically been missing from other expanding career fields as well. In 1976, women held only 7.5 percent of the jobs in the physical sciences and one percent of the jobs in engineering.[7]

The implications of these statistics for the nation's future are staggering. At a time when our society is moving into an advanced technological era, we need to develop every citizen's ability to contribute. Instead, half the population is effectively excluded from these fields.

Sports and physical activity are another important area of student life that would be affected by the equal rights amendment. The strongly held stereotypes about women's athletic abilities have begun to be challenged. Today girls and women have more opportunity to participate in athletics—either for recreation or in competition—than they did before the passage of Title IX. But we have a long way to go.

Title IX has to date been interpreted to require institutions to provide a selection of sports and a level of competition that effectively accommodate the interests and abilities of both sexes. Women and men, boys and girls, must be provided comparable equipment and supplies, travel and per diem allowances, opportunity to receive coaching and academic tutoring, publicity, scheduling of game and practice times, scholarship aid, medical, housing, and dining facilities. Since

[1] Footnotes at end of statement.

the passage of Title IX the increase in womens' and girls' enrollment in athletic programs reflects the active desire that girls and women had for sports participation that was denied to them. However, the current data on girl's participation in athletics shows how far we have to go before programs reflect full and fair participation for women:

Last year only 35 percent of the high school varsity athletes were girls.

In 1980, the average budget for a woman's athletics program was 16.4 percent of the total athletics budget.

During the 1977-78 school year, the average Big 10 school athletic budget for women was between $250,000 at smaller schools and $750,000 at larger schools. In the same year, however, the average men's Big 10 athletic budget was 3 million dollars.

While women still have a long way to go to achieve equality of opportunity in athletic participation, the gains in athletics for women are at risk today. The current Administration wants to severely limit Title IX in a way that would virtually eliminate althletics from coverage by that Act. For women to lose these gains would not only deny talented women careers in athletics. It would deny all young women the health, wellbeing and emotional and physical development that comes with sports and a full range of physical education participation. It would also guarantee that all women must continue to labor under the stereotype that women are innately weak, because as women continue to be denied opportunities for physical development and the incentives for that development, the stereotypes remain unchallenged and the talented athletic woman remains an aberration.[8] For girls, as much as for boys, physical development through athletics is a crucial part of their education. Today, we continue to deny our girls and women this access to a full eduation.

Women's Employment in Education

My own experience is illustrative of the blatant discriminatory treatment of women employed in education until the very recent past. When I was a graduate student in the late sixties my department head informed me that there would be no financial aid for me. He argued that his statistics demonstrated that women doctoral students do not complete their degrees. I had to find financial assistance from other sources within the university in order to earn my degree.

In the early 1970's, when I became assistant professor in another college the chair of my department counseled me that I need not work so hard since the department had never and would never grant a woman tenure. My publications and teaching record, which he conceded were distinguished, would make no difference whatsoever. I left that institution to go to another institution that awarded me early tenure. Many other women were not so lucky.

With such active discouragement and stereotypic treatment of women in professional training, it is not surprising that the number of women teaching in higher education is low and many fewer of them are tenured. In the humanities, women are one third the number of men (14,500/42,200), and only 49.8 percent of those women are tenured. By contrast, the percentage of tenured males in the humanities is 76 percent. In the category of males aged 46 or older, 90.22 percent of those men are tenured in the humanities while, of all academically-employed female Ph.Ds aged 46 or over, only 68.7 percent are tenured. The situation is similar in the sciences. The number of women teaching in the sciences is one fifth the number of males (24,200/157,000), and only 37.6 percent of women as compared with 64.6 percent of men are tenured. Of all academically-employed male Ph.Ds aged 46 or older, 87.3 percent are tenured, while only 63.4 percent of women in that category are tenured.

The breakdowns do not change markedly for professors in the younger categories. For the humanities, in the age category 36 to 45 in which many would have become eligible for tenure in the last ten years, there are 17,700 males of whom 73.5 percent are tenured, and only 5,900 women of whom 45.7 percent are tenured. In the sciences, for the age category 36 to 45, there are 60,800 men who are academically employed, and 66.5 percent of them are tenured. Only 41 percent of the 9,200 women employed in the sciences are tenured. In the under 35 category, many have not yet come up for tenure. The humanities employed men (4,100) nearly twice as many than women (2,500). Furthermore, only 21 percent of the men are on nontenure tracks compared to 32 percent of the women. In the sciences, there are 31,200 men under 35 and 7,700 women. Of these, 30.4 percent of the men are on nontenure tracks compared to 40.4 percent of the women.[9]

Another way to examine the status of women's employment opportunities in higher education is to look at the percentage of women on full-time instructional staff during the period 1972 to 1983. There have been a small gain, mostly among women in the lower ranks. Women lecturers increased by 12 percent (from 34.4 to 47.1 percent); woman instructors increased by 13 percent (39.9 to 53.3 percent); woman assistant professors increased by 12 percent (23.8 to 35.9 percent); and women associate professors increased by 5 percent (16.5 to 21.5 percent). But women full-professors increased by only 1 percent (9.8 to 10.8 percent). In all ranks combined the number of women increased by only five percent.[10] I speak from first-hand experience and observation when I say that even for the last ten years, the disparities are the product of continuing discrimination against women in higher education opportunities and employment.

The impact of these statistics is the loss of role models for young women and leaders for all women and lower wages [11] and job security for women.

The pattern in higher education is not unique. Similar patterns are found in the employment of women in elementary and secondary education. A brief selection of the data will illustrate my point:

While seventy percent of classroom teachers are female, only one percent of all head administrators of schools are female.[12]

Male classroom teachers earn, on the average, $3,000 more per year than do female teachers.[13]

Ninety-nine percent of school superintendents are male.[14]

Women elementary school principals have decreased from fifty-five percent of all such principals in 1928 to eighteen percent in 1978.[15]

Twenty-one percent of all vocational education administrators are women.[16]

We need the equal rights amendment to supplement the protections afforded by Title VII to women employed in educational institutions. Discrimination in professional employment, particularly in the granting of academic promotion and tenure is the most difficult area to challenge under current employment discrimination law.

II. EXISTING LAWS PROHIBITING SEX DISCRIMINATION IN EDUCATION

At the present time, the principal laws relied on to redress sex discrimination in schools include Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-86, Title VII of the 1964 Civil Rights Act, equal rights amendments in state constitutions, and the Fourteenth Amendment to the U.S. Constitution. All of these provisions have major gaps in their coverage. Title IX provides "(n)o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." It covers most areas of school life including admissions, access to courses, counseling and testing, scholarships and awards, health and insurance benefits, treatment of unmarried students and students who are parents, access to housing and other facilities and employment. Title IX has been seen as the primary remedy for sex discrimination in schools and is largely responsible for beginning the important process of change toward equality for women in these aspects of eduction.

What are rarely addressed are the major gaps in Title IX's reach. Its provisions apply only to the admissions practices of vocational education, professional education, graduate higher education and to public undergraduate higher institutions.[17] In other words, the statute does not prohibt sex-based discrimination in admissions—whether a complete bar to women's enrollment, a quota, or a demand for higher qualifications—in all the nation's elementary and secondary schools, private colleges, and even public colleges, if they have always excluded persons on the basis of sex. These are not minor exceptions. They go to the heart of discrimination in eduation. Girls and women can be denied equal access with boys and men to all educational opportunities at certain institutions even with Title IX. The statute now precludes a Title IX claim against sex-segregated elementary and secondary schools, or against a school district that imposes different entrance requirements on the basis of sex.[18]

Sex segregation in schools can be extremely detrimental to girls and boys, reinforcing sex stereotypic roles which artificially limit the options of both. The *Vorchheimer* case showed Philadelphia reserving its best science preparation for the boys who could attend "Central"—those who could be future leaders of the nation.[19] The girls attending "Girls High" presumably did not need science instruction. Similarly, the all-female Winthrop College in South Carolina was set up to prepare women for:

". . . stenography, typewriting, telegraphy, bookkeeping, drawing, . . . designing, engraving, sewing, dressmaking, millinery, art, needlework, cooking, housekeeping, and such other industrial arts as may be suitable to their sex and condusive to their support and usefulness".[20]

Men at the companion state college, The Citadel, are prepared for careers in engineering and the military. When the University of Virginia at Charlottesville was reserved for men, great disparities between the state's male facilities and the female facilities were revealed in litigation.[21] The men's college offered the highest average faculty salaries in the state. The state ap-

propriation per student at the men's college was more than double that at each of the two women's colleges. Men had access to sophisticated astronomy and science facilities; women did not. Men could take degrees in astronomy, Latin-American studies, and nine foreign languages—all unavailable to women. The men's college offered a far greater variety of courses in almost every department, especially in government, astronomy, economics, English, history, physics, geology, geography, sociology and anthropology. In short, the lawyers showed in detail that the state reserved its highest-quality educational facilities "For Men Only."

Yet these kinds of blatant violations are immune from attack under Title IX.

The primary weakness of Title VII to redress discrimination against academically employed women is the reluctance of federal judges to closely examine university, hiring, promotion and tenure procedures. While I do not advocate a judicial takeover of academic decision making, the equal rights amendment would require closer judicial scrutiny of these procedures. It would force colleges and universities to examine their own polices and affirmatively to remove artificial barriers to women's employment and advancement.

Other major laws concerning equality for women in education are state equal rights amendments. Only sixteen states[22] have equal rights provisions in their constitutions. The cases under state ERAs demonstrate that the federal ERA will be an effective tool for all women seeking an equal education.

The United States Constitution as it is presently interpreted is of only limited utility to overcome sex discrimination. For example, the Supreme Court did strike down the exclusion of men from a state university nursing school, but it did so with a closely divided court.[23]

The charter of Mississippi University for Women underscores the sex stereotypic nature of the school:

"The purpose and aim of the Mississippi State College for Women is the moral and intellectual advancement of the girls of the state by the maintenance of a first-class institution for their education in the arts and sciences, for their training in normal school methods and kindergarten, for their instruction in bookkeeping, photography, stenography, telegraphy, and typewriting, and in designing, drawing, engraving, and painting, and their industrial application, and for their instruction in fancy, general, and practical needlework, and in such other industrial branches as experience, from time to time, shall suggest as necessary or proper to fit them for the practical affairs of life.[24]

This example also serves to demonstrate that sex discrimination is often a two-edged sword. When men's opportunities are limited, there is usually accompanying discrimination that limits women based on cultural stereotypes about their abilities. With the Equal Rights Amendment, unless the purpose of sex segregation is to implement principles of affirmative action and to create equal access to full educational opportunities, single sex schools that deny women access to any educational facilities and teaching would be outlawed. Of course, in private educational institutions where sex segregation serves specific religious principles or purposes (as distinguished from educational purpose), the equal rights amendment would not abrogate the First Amendment right to freedom of religion.

III. THE EQUAL RIGHTS AMENDMENT ELIMINATES THE OPTION OF DISCRIMINATION ON THE BASIS OF GENDER IN EDUCATION AND IN OTHER AREAS OF PUBLIC LIFE

The effect of the Equal Rights Amendment on education is simple. The choice of whether to discriminate on account of sex in education will no longer be an option.

This means that unless educational policies are justified by principles of affirmative action, schools must treat males and females the same. Every legislator, federal and state executive and administrator, every educational policy-maker, every school board, every educator and teacher will receive the clear and final message that discrimination on account of sex will not be permitted. The ERA will establish equality on a permanent basis in a way not subject to the vagaries of administration policy. This is important since the alternative of prohibiting sex discrimination statute by statute, as Congresswoman Barbara Mikulski says, "is a little like eliminating slavery plantation by plantation."

The ERA will do much more than any statute to ensure enforcement. Although Title IX was passed in 1972, it was not fully enforced by the government as was contemplated. For years, HEW, now the Department of Education, failed to comply with regulatory requirements of prompt resolution of complaints, and compliance reviews were often incomplete. In 1974, a lawsuit was brought against HEW and the Department of Labor for failure to enforce laws prohibiting sex discrimination in schools. That suit resulted in an order requiring strict enforcement time frames.[25] After a contempt motion, the order was reaffirmed and strengthened, but this Administration is challenging it on appeal. In short, federal enforcement of Title IX has never been rigorous.

The ERA will provide a constitutional backdrop to statutory provisions against sex discrimination as well. This constitutional backdrop has much more than symbolic value. One court has held that women's rights under Title IX are due lesser consideration and enforcement than rights guaranteed under Title VI, because, the court reasoned, Title VI is premised on the Constitution while Title IX is merely statutory.[26]

The ERA will also afford each woman a right to unqualified equality. A statute, like Title IX, is the product of political tradeoffs, and the resulting statutory scheme is riddled with exceptions and limitations on remedies. With the ERA, a woman's right to equality will no longer be part of the bargain. The result: Congress will no longer be assailed by lobbyists to minimize women's rights particularly in education.

Finally, the ERA will blunt the initiative of those who would reject the equality principle and lock women into second place in education and elsewhere. I mentioned that Title IX was not vigorously enforced by prior national administrations and that, fortunately, individuals were able to assert their rights by private lawsuits. Now women face more than neglect in the government's enforcement of Title IX. Officials of the current administration have launched a concerted effort to severely limit the scope and effectiveness of Title IX, by revising the Department of Education regulations enforcing Title IX, by the Department of Education's refusal to appeal an unfavorable court interpretation of that statute,[27] and, finally, by advocating the extremely narrow interpretation in the Department of Justice brief to the Supreme Court in *Grove City College* v. *Bell*, now pending.

This administration's objective is to subject to Title IX only those institutions that receive federal funds earmarked for narrowly defined specific educational "programs", and to exclude from coverage institutions that receive federal aid for more general purposes. For example, this administration has claimed that federally guaranteed school loan funds no longer trigger an obligation to comply with Title IX. These moves represent a clear strategy to turn back the clock on women's rights by reducing the number of schools covered by Title IX, and limiting educational opportunities and activities which women are guaranteed access to by statute. Many academic programs, including athletics, will be hard hit by the proposed interpretation of Title IX.

Senators, the Equal Rights Amendment would make women's right to equality no longer a political football. For those of you who share the view that women are entitled to equality, the ERA would free you and your colleagues in the House, and members of executive and legislative branches in most states throughout this nation, to debate the most efficacious and cost effective means to implement women's right to equality, not whether they are entitled to that equality. That I believe, is what the vast majority of you would like to do and what the vast majority of Americans, would like you to do.

FOOTNOTES

[1] National Center for Educational Statistics, Department of Education, 1980.

[2] For an in-depth analysis of the various factors in operation, see R. Friedman & T. Huling, "Their Proper Place: A Report on Sex Discrimination in New York"—exploring the forces that lead to continued de facto segregation of New York City's vocational high schools once the explicit legal bars were dropped.

[3] National Research Council, "Climbing the Ladder: An Update on the Status of Doctoral Women Scientists and Engineers" (National Academy Press, 1983).

[4] *Vorchheimer* v. *School District of Philadephia*, 532 F. 2d 880 (3rd Cir., 1976) aff'd by an equally divided court, 430 U.S. 703 (1977).

[5] *Newberg* v. *Board of Public Education* (Court of Common Pleas No. 5822, August 30, 1983).

[6] See, e.g., MacDonald, An Experiment in Mathematics Education at the College Level, in "Women and the Mathematical Mystique," 115 (Fox, Brody & Tobin, eds., 1980).

[7] Among those areas of employment growing at a rapid rate are ones requiring math and computer training. The Bureau of Labor Statistics projects 48,250 openings in the mathematics/computer sciences field each year through 1990. The demand for electrical and computer engineers will exceed supply by almost 40,000 by 1985, according to the National Engineering Manpower Project of the Electronic Industries Association. The U.S. will experience a shortage of 577,000 computer operators, systems analysts and technicians by 1990.

[8] The popular support for participation of girls and women in athletics is quite strong. A study by Seventeen magazine showed that 99.9 percent of all high school girls surveyed now participate in some form of athletic activity. A recent Harris poll demonstrated that 93 percent of parents of high school students want their sons and daughters to participate in sports. For a more thorough discussion, see United States Commission on Civil Rights, "More Hurdles to Clear: Women and Girls in Competitive Athletics" (July, 1980).

[9] See, National Academy of Sciences/National Research Council, Science, Engineering, and Humanities Doctorates in the United States, 1981 Profile (1982), reprinted in Scientific Manpower Commission, "Professional Women and Minorities," Tables 5-12, 5-13 at 113 (June, 1983).

[10] See Scientific Manpower Commission, "Professional Women and Minorities, Table 5-25 at 125 (June, 1983) (statistics from National Center for Education Statistics).

[11] Female higher education faculty earn an average of $4,000 less per year than male faculty according to the 1980-81 salary survey in the "Chronicle of Higher Education."

[12] American Association of School Administrators, 1980.

[13] National Education Association, 1979.

[14] American Association of School Administrators, 1980.

[15] National Association of Elementary School Principals, 1978.

[16] Office for Civil Rights, 1979.

[17] See 20 U.S.C. Section 1681 (a)(1). See also 34 CFR Section 106.15.

[18] A additional federal statue is the Equal Educational Opportunities Act, 20 U.S.C. Sections 1703-1758, whose general purpose is to ensure that all children enrolled in public schools are given "equal educational opportunity without regard to race, color, sex, or national origin . . . ." 20 U.S.C. Section 1701 (a). However, another section prohibits race segregation of students, but not sex segration of students, and there is thus a conflict in the courts as to whether sex segregation is forbidden by that statute. Compare *Vorchheimer* v. *School District*, 532 F. 2d 880 (1976) aff'd men, by an equally divided court, 430 U.S. 703 (1977), with *United States* v. *Hinds County School Board*, 560 F. 2d 619 (5th Cir. 1979). Accordingly, this federal statute does not clearly address still very important areas of sex discrimination.

[19] Judge Marutani, in the recent Pennsylvania state court decision admitting girls to Central High, emphasized the vast superiority to "Central's" facilities over those at Girls High. *Newberg* v. *Board of Public Education*. (Court of Common Pleas, No. 5822, August 30, 1983)

[20] *Williams* v. *McNair* 316 F. Supp. 134 (D.S.C. 1970).

[21] *Kirsten* v. *Rector and Board of Visitors of the University of Virginia*, 309 F. Supp 184 (E.D. VA. 1970)

[22] The states are Alaska, Alaska Const. Art. I, Section 3; Colorado, Colo. Const. Art. II, Section 29; Connecticut, Conn. Const. Art. I, Section 20; Hawaii, Hawaii Const. Art. I, 512; Illinois, Ill. Const. Art. I, Section 18; Maryland, Md. Const. Art. 46; Massachusetts, Mass. Const. Part 1, Art. I; Montana, Mont. Const. Art. II, Section 4; New Hampshire, N.H. Const., Part 2, Art. II; New Mexico, N.M. Const. Art. II, Section 18; Pennsylvania, Pa. Const., Art. I, Section 28; Texas, Tex. Const., Art. I, Section 3; Utah, Utah Const. Art. IV, Section 1; Virginia, Va. Const. Art. I, Section 11; Washington, Wash. Const. Art. XXXI, Section 1; and Wyoming, Wyo. Const. Art. VI, Section 1.

[23] *Mississippi University for Women* v. *Hogan*, 102 S. Ct. 331 (1982).

[24] Miss. Code Ann. Section 37-117-3 (1972).

[25] *Women's Equity Action League* v. *Califano*, No. 74-17220 (D.D.C. Dec. 29, 1977).

[26] *Hillsdale College* v. *Department of Health, Education and Welfare*, 696 F.2d 418, 429 (6th Cir. 1982).

[27] *University of Richmond* v. *Bell*, 543 F. Supp. (E.D. Va., 1982).●

EXPULSION OF AN AMERICAN DIPLOMAT

Mr. D'AMATO. Mr. President, yesterday, the Soviet Union announced the expulsion of Vice Consul Lon David Augustenborg and his wife on charges that the couple had been engaged in some form of spying. This incident represents only the latest in a series of expulsions of American diplomatic personnel by the Soviets. These actions have been designed to divert attention away from their own illegal and criminal activities. Today, the communist leadership of the U.S.S.R. is engaged in an unprecedented campaign designed to discredit the United States.

The time has come to unmask those who would hide under the cloak of diplomatic immunity. Judge William Webster, Director of the Federal Bureau of Investigation, recently revealed that nearly 40 percent of the 3,000 East European diplomats currently stationed in the country are involved in operations designed to transfer our military and industrial secrets to Moscow and the other Communist capitals of Eastern Europe.

Earlier this year, more than 20 different nations expelled Soviet diplomats who had been caught spying. These Soviet nationals are part of an international network which has been established for purposes of diverting high technology to the East. While the Soviets have displayed a desire for a wide-variety of technology, they have placed particular importance on acquiring those high-technolgoy secrets which have potential military application. The theft of these secrets poses a clear threat to our national security and must be stopped.

I call upon Judge Webster and other Government officials to initiate a full-scale investigation of this incident in order to determine the extent of espionage activities being undertaken by diplomatic personnel from the Communist nations of Eastern Europe. We must take appropriate action to deter this unlawful activity.●

THE PROUD RECORD OF THE TOWN OF NORTH PROVIDENCE

● Mr. PELL. Mr. President, the past decade has been a trying and difficult period for most local governments across the United States. In most communities, inflationary cost increases have outrun tax and revenue growth with results ranging from huge property tax increases, taxpayer revolts, and financial turmoil. In some cases, governments have teetered on the edge of default and bankruptcy.

During this same period, however, the town of North Providence, R.I., under the leadership of its distinguished mayor, Salvatore Mancini, has achieved a remarkable record of tax stability and financial management.

While many other communities have faced property tax increases of 20 percent or more in recent years, the town of North Providence is now looking toward its fourth consecutive fiscal year without a property tax increase.

With a long-term debt of only $3.8 million, the town ended its last fiscal year with a $2 million surplus. While its annual budget has nearly doubled during the past decade to maintain its fine municipal services, the town's tax rate has increased only 35 percent since its last property revaluation 9 years ago.

This admirable record has been achieved, under Mayor Mancini, by careful control of spending, wise development policies, and a thoughtful use of Federal general revenue sharing funds.

Mr. President, I believe Mayor Mancini, the members of the town council, and the residents of North Providence are to be commended on this record of financial stability.

In the very near future, the Senate will be considering the question of continuing the general revenue sharing program. I believe the experience of the town of North Providence indicates that Federal revenue sharing, combined with good local government management, can and does play an important part in maintaining the health and vigor of local governments. It is for this reason that I am proud to be a cosponsor of legislation to extend the general revenue sharing program.

Mr. President I ask that an article from the Providence (Rhode Island) Sunday Journal of September 4, 1983, entitled "North Providence Keeps Property Tax Stable" be printed at this point in the RECORD.

The article follows:

NORTH PROVIDENCE KEEPS PROPERTY TAX STABLE

Property owners in Rhode Island, especially those who see the mailman arrive every summer with a bigger property-tax bill, should take a hard look at the Town of North Providence.

This community of 29,188 on the northwest border of Providence has no land, just a meager 5.7 square miles. Only Central Falls—with 1.2 square miles—has less of this precious ingredient.

Nor does North Providence have any industry. Less than 2 percent of the property tax in North Providence comes from industrial properties.

And forget about malls, race tracks, or classy, low-rise industrial parks like those found in East Providence, Lincoln and Middletown. None of that modern tax relief in this densely-populated, bedroom community.

Owners of residential property in North Providence should be hurting.

But not so.

For the last nine years, North Providence has chalked up a remarkable performance in the high-priced arena of the property tax.

Under the no-nonsense control of Mayor Salvatore Mancini—a full-time, elected mayor for the last 10 years—North Providence has used a triple combination of fiscal toughness, multi-family housing and federal revenue sharing to ease the tax burden on property owners.

And none of this at the expense of municipal services, which easily match or improve upon those found in the state's other 38 communities.

This year, for the third year in a row, the tax rate in North Providence will be $39 per $1,000.

That's three years of no increase in the property tax, provided of course that an owner made no improvements, which raise taxes by raising assessed values.

In North Providence, the tax rate has risen only once in the last six years. That increase came in the 1981 tax bill, when the rate rose $3.40, which is a 9.6-percent increase from the $35.60 in place since 1978.

(Tax rates or the percentage at which assessments or book values are taxed are usually expressed in Rhode Island in dollars

per $1,000 of assessed value. A $39 tax rate means a tax of $39 for every $1,000 of assessment.)

When assessments remain constant year to year, tax rates can be used to measure an increase or (very rare) an easing of the property tax. In a non-revaluation year a community gets more revenue from either new construction or by raising the tax rate.

Tax rates, however, aren't much use in townwide revaluations when assessments are updated to either 100 percent or a uniform percentage of market value. In revaluations, tax rates are often dramatically lowered, because a community has a bigger value pie to tax.

The lower, revalued tax rate doesn't necessarily mean lower taxes. In some cases, the lower rate can hide a hefty tax increase.

Since its townwide revaluation in 1975, the $28.80 tax rate in North Providence has risen by only $10.20 or 35.4 percent in nine years. Only Cranston and Lincoln—both with considerably more land and industry—can compete with this record.

Meanwhile, those nine years saw the total budget of North Providence almost double from $10.1 million in 1975 to $18.8 million for the current 1983/1984 fiscal year.

That's a spending increase of 86 percent, but only a 35-percent hike in property taxes—an outstanding achievement.

In most Rhode Island communities, property owners have watched their property taxes bite deeper each year.

This year alone, tax rates in West Greenwich and Richmond soared 23 percent. In Charlestown, the 1983 rate jumped 19 percent over last year. In 1982, Pawtucket socked its property owners with a $94.92 rate, a 24 percent increase over the $76.60 of the 1981 tax roll.

In only seven years, the Barrington 1977 revalued tax rate of $30.60 jumped 41.8 percent to $43.40 on the current roll. In eight years, Newport raised its rate 70.6 percent from $43 in 1975 to $73.40 for the 1982 roll. (Newport's current 1983 rate of $18.85 is a result of a townwide revaluation.)

Meanwhile, the $39 tax rate in North Providence looks good for a fourth year.

"The $39 tax rate looks good for next year," said Mayor Mancini. "I can't see any problem with holding the $39 tax rate next year."

Mancini can afford to be confident. North Providence ended its fiscal year June 30 with a $2-million surplus.

Mancini deserves much of the credit for the 9-year record of the property tax in North Providence. "We hold down our spending and we stay within our budget," said Mancini.

The town has only about $3.8 million in long-term debt and has not been forced to borrow in the short-term note market since 1980. In Mancini's words: "We don't have to borrow to operate."

In place of borrowing long in the bond market, Mancini has insisted on using federal revenue sharing for capital projects as opposed to using that money for general-fund expenses.

Some of the capital projects which North Providence has paid for with revenue sharing in recent years are:

$1-million renovation and addition to town hall in Centerdale.

$750,000 for a new fire station on Fruit Hill Avenue.

$200,000 to remodel the fire stations on Mineral Spring and Douglas Avenues.

$200,000 for two new pumper fire trucks.

$80,000 to overhaul two ladder trucks.

$400,000 for six recreation areas, such as the new Twin River project on Douglas Avenue which has a beach, two tennis courts and a ball field.

$310,000 to purchase the skating rink on Mineral Spring Avenue and eventually another $400,000 to renovate the building into a town library.

$150,000 for new lighting and concession stands at four Little League fields.

Not only does North Providence not have to borrow to operate, but the town expects to earn $275,000 this year in interest on investments of its surplus funds.

Active in R. I. Democratic politics, Mancini is secretary of the Democratic State Committee and a close ally of Warwick Mayor Joseph W. Walsh, who is preparing to challenge Gov. J. Joseph Garrahy for the 1984 Democratic nomination for governor.

However, Mancini is one Democrat who shatters a popular image that Democrats are big spenders.

Mancini has line-item veto power over the town budget and a sure "three votes" on the seven-member town council. This means Mancini's budget vetoes are rarely overturned by the required five votes.

(Mancini does not sit on the council.)

Tax Assessor Rudolph Caranci best describes the fiscal austerity of Mancini.

"He acts like the money is his," said Caranci.

Other than routine or trivial items, Mancini signs every purchase order. Last week he held up an asphalt bill for $990 from the pubic works department and an order for $38.50.

"And he looks at every one," said Madeline Ferrante, Mancini's able finance director.

Mancini didn't sign the asphalt bill because some delivery pickup slips were missing and he was puzzled by the $38.50 for a "Trail Maker Snow White" for the sanitation department.

"I want to find out what that is," said Mancini.

Mancini is equally frugal in watching teacher contracts and the town payroll. For example, North Providence has only 26 full-time firemen, not counting the fire chief.

For nights and weekends, the town uses a "callman system of 148 men who resemble a volunteer force, but who sleep at the fire stations.

The town pays only for the clothing and equipment of the "callmen," which results in substantial savings. The "callmen" item is only $170,050 in the current budget.

Finally, the decision of the town council 12 years ago to welcome multi-family housing—apartments and condominiums—gave North Providence the additional tax base to pay for and even increase services while keeping property taxes under control.

The 1980 census counted 2,049 multi-family housing units in the 10-or-more-unit category. This is an increase of 429-percent over the 387 multi-family units counted in the same category in the 1970 census.

It is these apartment complexes clustered off Mineral Spring Avenue that have helped North Providence add $51.7 million to its total assessed value of real property (land and buildings) in the last nine years.

Automobiles, another growth item linked to apartments, have added another $23.8 million in assessed value to the tax base in the same period. (Autos are taxed at the same rate as real property.)

The latest multi-family development has just begun at Louisquisset Golf Course.

In the next five years, Downing Associates of Providence plans to build 619 condominiums on the 120-acre part of the golf course that lies in North Providence.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS, Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Ms. Mary Grace Lucier, of the staff of Senator HELMS to accompany him to a conference in Seoul, South Korea, from September 1 to 3, 1983, to participate in a conference commemorating the 30th anniversary of the United States-Korea Mutual Defense Treaty.

The committee has determined that participation in the conference by Ms. Lucier, at the expense of the Asiatic Research Center of Korea University, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Senator JESSE HELMS to participate in a program in Seoul, South Korea, from September 1 to 3, 1983, sponsored by Korea University.

The committee has determined that participation by Senator HELMS in the program in Seoul, South Korea, to discuss U.S.-Korean relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Miss Elise Paylan, a member of the staff of Senator KASTEN, to participate in a program sponsored by the Chinese Cultural University, in Taipei, Taiwan, from August 16 to 24, 1983.

The committee has determined that participation by Ms. Paylan in the program in Taiwan, at the expense of the Chinese Cultural University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Lamar Smith of the staff of Senator GARN, to participate in a program sponsored by the Chinese Cultural University in Taipei, from August 16 to 24, 1983.

The committee has determined that participation by Mr. Smith in the program in Taipei, Taiwan, at the expense of the Chinese Cultural University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Charles Goolsby of the staff of Senator McCLURE, to participate in a program sponsored by the Chinese Cultural University in Taipei, Taiwan, from August 20 to 28, 1983.

The committee has determined that participation by Mr. Goolsby in the program in Taipei, at the expense of the Chinese Cultural University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Dr. James P. Lucier of the staff of Senator HELMS to participate in a program in South Korea, from September 1 to 3, 1983, sponsored by Korea University.

The committee has determined that participation by Dr. Lucier in the program in South Korea, at the expense of Korea University, to discuss United States-South Korean relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Charles N. Atkins of the staff of Senator BOREN to participate in a program sponsored by Tunghai University in Taipei, Taiwan, from August 9 to 16, 1983.

The committee has determined that participation by Mr. Atkins in the program in Taipei, at the expense of Tunghai University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Miss Susan Schwab of the staff of Senator DANFORTH, to participate in a program sponsored by the Chinese Culture University in Taipei, Taiwan, from August 16 to 24, 1983.

The committee has determined that participation by Miss Schwab in the program in Taipei, at the expense of the Chinese Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Timothy N. Bergan, of the staff of Senator BOSCHWITZ to participate in a program sponsored by the Government of Sweden, in Sweden, from August 18 to 27, 1983.

The committee has determined that participation by Mr. Bergan in the program in Sweden at the expense of the Government of Sweden, to discuss United States-Sweden trade policies, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Robert J. Shapiro of the staff of Senator MOYNIHAN to participate in a program sponsored by the China Culture University in the Republic of China, from August 16 to 31, 1983.

The committee has determined that participation by Mr. Shapiro in the program in the Republic of China, at the expense of the China Culture University, to discuss United States-Taiwan relations, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Mr. Timothy N. Bergan, of the staff of Senator BOSCHWITZ to participate in a program sponsored by the Swedish Institute, a nonprofit educational institution, in Sweden, from August 18 to 27, 1983.

The committee had determined that participation by Mr. Bergan in the program in Sweden at the expense of the Swedish Institute to discuss United States-Sweden trade policies, is in the interests of the Senate and the United States.

The select committee has received a request for a determination under rule 35 which would permit Senators ORRIN HATCH and EDWARD ZORINSKY to participate in programs sponsored by Korea University in Korea and the Chinese National Association of Industry and Commerce in Taiwan, from September 2 to 6, 1983.

The committee has determined that participation by Senators HATCH and ZORINSKY in the programs in Korea and Taiwan, at the expense of Korea University and the Chinese National Association of Industry and Commerce, is in the interests of the Senate and the United States.●

DEFEAT OF THE AIRLINE PROTOCOLS

● Mr. HOLLINGS. Mr. President, on March 7, 1983, during the Senate's debate on the Montreal Protocols, I made the unfortunate mistake of stating that the International Law Association (ILA) had recommended unlimited liability for personal injuries or death to individual passengers as a result of an airline crash during an international flight. It has since been brought to my attention that the ILA had not made this recommendation; rather, it was a working draft proposed by the chairman of the ILA's Air Law Committee Prof. Bin Cheng.

I would like to clarify for the record the fact that the ILA has taken no formal action on the principle of unlimited liability other than to have its Air Law Committee continue its efforts to formulate an integrated system of airline liability which includes, as one of its principles, the concept of unlimited liability. Also, while Professor Cheng's proposal has received considerable support from scholars within the ILA, there are those who have opposed his position of favoring unlimited liability. One such individual opposed to the concept of unlimited liability is Prof. Nicolas Matte, current president for the ILA. Professor Matte informs me that five other members of the ILA have also officially disassociated themselves from Professor Cheng's proposal.

I regret any inconvenience I may have caused by associating all the members of the ILA with the proposal by Professor Cheng. However, despite the fact that I have learned of some of the ILA member's opposition to the concept of unlimited liability, I remain its most ardent supporter. As I mentioned in debate on the Montreal Protocols, unlimited liability is a necessity—it insures fair compensation to airline crash victims and provides an incentive for airline safety.

In an effort to remind my colleagues of the basis of my opposition to the Montreal Protocols and my position in favor of the concept of unlimited liability, I ask that the following article be printed in the CONGRESSIONAL RECORD as follows:

[From Trial Magazine, May 1983]

DEFEAT OF THE MONTREAL PROTOCOLS: VICTORY FOR AIRLINE PASSENGERS

(By Senator Ernest F. Hollings)

The United States Senate recently refused to ratify two very obscure treaties that would seriously impair the basic rights of more than 27 million U.S. citizens who annually embark on international airline flights.

The defeat of these treaties was necessary to ensure the right of every American to secure adequate and just compensation for personal injuries or death caused by the negligence of an international airline. The treaties struck at the very heart of the well-developed U.S. common law principle that a culpable tort-feasor be responsible for fully compensating a victim. The treaties, because they would place a strict limit on liability, would do serious harm to the high level of safety that we have come to expect from air travel. Finally, the treaties would impose a costly system of liability insurance that is inadequate to meet the needs of today's international air traveler and is, therefore, no more than a rip-off of the flying public.

LIMITED LIABILITY AND THE WILLFUL MISCONDUCT EXCEPTION

The Montreal protocols are extensions of the now-outmoded Warsaw Convention of 1929. In a day when aviation was considered miraculous and mysterious it was considered prudent to guarantee passengers a recovery in the event of an accident, and at the same time limit the liability of an infant industry, thereby ensuring its growth.

Airlining has come of age with the passage of time. The efforts to protect the growth of the fledgling airline industry have now come to fruition—the aim of the original Warsaw Convention has been accomplished. We can all take pride in the system of air travel that has emerged, but we must realize that the limits imposed by the Convention can no longer be justified today.

Yet, the Montreal protocols would continue to provide the international airline industry the protection of limited liability. The protocols, in amending the Warsaw Convention, would raise the limitations a small amount to $109,000. An airline would be strictly liable for provable economic damages up to this amount. However, the protocols would eliminate the potential of unlimited liability on the part of an airline by removing the "willful misconduct" section currently in effect under the Warsaw Convention.

Let us stop for a moment to consider what the effect of the elimination of this willful misconduct exception to limited liability means. Two cases immediately come to mind. Recently a Japanese aircraft crashed with loss of life because the pilot, who had been drinking and had a history of psychiatric problems, deliberately flew the plane into the ground. Were this flight subject to the Warsaw Convention the conduct clearly would have constituted willful misconduct, and any limitation on recovery would have been set aside. Under the protocols, however, even such a gross example of negligence would have been protected—that is, the limitation would not be broken under any circumstances.

Another example is the fiery crash last July 19 of a Pan American World Airways 727 in New Orleans, which took the lives of all 146 passengers, some of whom, 18 Americans included, were flying on international tickets. Had such an accident occurred under the proposed treaties, surviving families of those victims flying on domestic tickets could have received compensation commensurate with their loss—while families of victims holding international tickets would have been limited to settlements of $109,000 or less from the airline, even though pilot error may have contributed to the crash.

These cases demonstrate the absurdity of probable outcomes had these treaties been ratified.

SAFETY CONSIDERATIONS

The investigatory process, which is inherent in the litigation of the issue of fault, has proven on many occasions to be beneficial to airline safety, and to the development of safety procedures now in use by the airlines.

No one wants plaintiffs putting their feet to the fire, so to speak; they are afraid of the examination into their alleged fault, which is inherent in our tort system. This has a most salutory effect and maximizes business practices designed to ensure the utmost safety in the operation of airlines everywhere, not just our domestic airlines, which operate at the highest level of safety.

Being scrutinized and having to open one's files can be embarrassing to say the least. An example that we all remember was the uncovering of a devastating memorandum in the Paris DC-10 air crash.

There, one of the aircraft manufacturer's engineers had drawn attention to the "inherent catastrophic failure mode" of the DC-10 and predicted that during the life history of the aircraft one would come apart killing everyone on board. This is precisely what happened when the Turkish airplane disintegrated over Paris. Will it make airline travel any safer to remove the potential for such an examination? I think not.

Proudly, I am from the trial lawyer discipline. If you want to see the forerunner of the Occupational Safety and Health Administration it is we trial lawyers who, over the past years and years and years, have brought care and concern and safety to the workplace. Trial lawyers attempt to do the same for the flying public as well.

To remove from potential discovery the carelessness—or even recklessness—of airlines, both foreign and domestic, is to thwart one of the two primary goals of the American tort system: prevention. To limit the possible recovery of an American family is to destroy the other goal of our tort system: compensation. The Montreal protocols are unique in that they would nullify both goals simultaneously.

SUPPLEMENTAL INSURANCE PLAN

The protocols would require the creation of a mandatory passenger insurance program. Proponents of the protocols insist that this supplemental compensation plan, coupled with the airlines' liability limit of $109,000, would adequately compensate 85 percent of the claimants involved in airline disasters over the past six years. This assertion is clearly suspect because of the lack of independent scrutiny and the obviously dubious documentation of the statistics.

Presently, airlines carry unlimited liability insurance for every passenger transported. The airlines themselves purchase this insurance and pass this expense on to the passenger as part of the cost of the ticket. The cost is 53 cents for an international round-trip flight. Thus, the protocols not only would shift the liability burden to the airline passenger, but they also would do so at a quadrupling of the price and perhaps even more.

This outrageous provision is a monumental rip-off. Why should an airline passenger be forced to pay up to eight times the amount airlines currently pay for unlimited liability insurance, and get so little insurance coverage in return? There was never a showing by the airlines or insurance companies at any Foreign Relations Committee hearing that the present system of insurance coverage was inadequate to meet the needs of the airlines at a reasonable rate. On the contrary, insurance experts assure me that the insurance market is as strong as ever and very capable of meeting the requirements of the airline industry.

What motivated the protocols' architects to design this obnoxious plan? By eliminating the insurance cost to international airlines and requiring the passenger to pay a higher fee for a diminished product, our U.S. airline travelers would be forced to subsidize the international airlines. I thought the object of these treaties was to protect the interests of the U.S. airline passenger, not those of foreign airlines, the majority of which are nationalized to boot.

To add insult to injury, in order to realize the insured $200,000, the passenger would be bound legally to establish provable damage up to that limit. Such a plan will not eliminate the red tape involved in a settlement. It will create more of it for the claimant.

Proponents of the treaties called this plan the second tier in a three-tiered passenger compensation system. In truth, it would slow the speed and certainty of recovery it was designed to accomplish and it would destroy the claimant's right to be fully compensated. This plan did nothing more than create another hurdle to jump before compensation could be received. A claimant would have to prove damages first to the airlines, then to Prudential, and finally to a private insurance carrier, if there are any. The supplemental compensation plan is not as advertised.

Furthermore, the legal validity of the plan is highly questionable. In 1977, the Civil Aeronautics Board (CAB) approved the supplemental compensation plan. This approval was immediately challenged in the U.S. Court of Appeals for the District of Columbia, and a motion to reconsider its approval was made to the Board. The basis of the challenge was twofold. First, it was alleged that the CAB lacked the statutory authority to require airline passengers to purchase airline accident insurance. Second, and not surprisingly, it was alleged that the CAB used erroneous statistics on which to base its decision and had not held proper on-the-record evidentiary hearings as required by the Federal Aviation Act.

What were the problems with the study on which the CAB made its decision in 1977? First, it relied on accident recoveries during the 1960 to 1974 time frame, and these statistics would be hopelessly out of date in light of the inflation and higher recoveries that have occurred over the past 10 years. Second, independent researchers found that the CAB's methodology was flawed because it excluded many of the higher recovery figures during the time period studied. It has never been rebutted.

The CAB has never answered the motion to reconsider the approval or the challenge in court.

Thus, it is obvious that the supplemental compensation plan recently sought by proponents of the protocols was not the security blanket it was made out to be. If we had adopted the protocols, we would have established a most dubious institutional precedent. Instead of being presented with the facts and rationale behind the development of an adequate plan, we would have been giving the President and the CAB carte blanche authority to decide on a plan themselves.

If we want to protect the Senate's role as an adequate check against the executive branch, we simply could not rubberstamp these treaties. We owe it to ourselves as Senators and representatives of U.S. citizens who are international air travelers to demand an updated plan. The CAB has the authority and capacity to provide us with a viable, up-to-date, truly compensatory plan. We cannot forgo our duty, our responsibility, to require such a verifiable and reasonable plan for consideration before we are asked to ratify these treaties. Withholding ratification is our only way to ensure that such a plan will be put in place to benefit U.S. citizens.

INADEQUACY OF RECOVERY UNDER THE PROTOCOLS

It is most obvious that the American international airline passenger would have been disadvantaged by these anachronistic treaties. The average American family would receive grossly inadequate damages if its breadwinner were killed on a flight governed by these treaties. A wage earner's lifetime earnings would far exceed the limitation of recoveries contained in the Montreal protocols.

As flawed as the present system is, by threatening to take their case to a jury on willful misconduct grounds in recent years, surviving families with a strong case often have received more than $600,000 in settlements from the airlines. Domestic flight settlements not covered by the international conventions limits have consistently averaged over $400,000, and individual settlements often exceed $1 million.

The trial lawyers have done a magnificent job of bringing safety to industry through their practices here in America. I have been

in these cases. I have seen them. I can tell you as a trial lawyer that people have come to me long after the adjuster has totally ignored them and tried to settle a case where the family knew something was wrong and they deserved far more. That has been the success of the trial practice and the individual protection, if you please, for the disadvantaged or the economically disadvantaged—let us say poor.

ATTORNEY'S FEES

I deeply share the concern regarding excessive attorney's fees. I deplore any attorney who would abuse a client by charging unreasonable and excessive fees. However, the isolated instances of outrageous and unethical charges for attorney's fees are no grounds for imposing restricted or limited liability. The courts and bar associations can restore a client who has been excessively charged for legal fees, but they generally cannot increase monetary recovery potential when it has been limited by law.

Furthermore, the average attorney's fee in airline disaster cases normally runs around 17 percent and drops with multiple cases; fees in excess of 20 percent are highly atypical. In addition, under the contingency fee arrangement, poor claimants as well as wealthy claimants have no difficulty arranging representation.

That is fundamental in the legal practice and in our society over many years. I will be glad to debate about the contingency fee. It sounds good at the clubhouse or on the Senate floor about getting a percentage, but when the client comes in you take that risk with him or her, and many times there is no recovery, even though there has been a trial. The client cannot pay for the investigatory fees and charges. He or she cannot pay for the inquiries and discoveries that take place, not just the lawyer's time. He or she cannot pay for the printing of the briefs and transcript of the record to go up on appeal.

I can go right into the tremendous investment that goes into the trial lawyer's case on a contingency basis. That must be understood and appreciated.

JUDICIAL COMPLICATIONS FOR THE PROTOCOLS

Let us assume for a moment that the protocols are ratified by the Senate. Proponents have stated that speed and certainty of settlement recovery is assured an injured claimant. This is something to look into thoroughly. On the contrary, the treaties would delay settlements, not expedite them.

A claimant would have two options. First, the claimant could sue the manufacturers of the component parts of the airplane. Second, he or she could sue the U.S. government.

The claimant procedurally joins the manufacturers with the airline as defendants, and the burden is usually shifted to the individual defendants to prove themselves innocent of culpability. Because manufacturers and airlines often have mutual insurance carriers, the end result is typically a proration of the liability according to culpability of the manufacturer's percentage of its composition of the aircraft. The judicial maze confronting the claimant is readily apparent. However, with the new liability limits imposed, the judicial wrangling among the component manufacturers will make claim settlements all the more difficult.

Recent case law decisions have developed a backdoor suit against the government on constitutional "unjust taking" grounds.

A recent U.S. Court of Appeals decision indicates that the U.S. government would very likely be subject to a plaintiff's claim for damages in excess of those limited by the protocols. In August 1982, the court in In Re Aircrash in Bali, Indonesia, on April 22, 1974, held that the plaintiffs had a right to compensation from the U.S. government if their claims had been unreasonably impaired by the $75,000 cap that the Warsaw Convention put on the airline's liability. The court further held that whether the recovery limitation imposed by the treaty consituted an unconstitutional taking without just compensation was a question within the jurisdiction of the Court of Claims.

Had the protocols been ratified, the international airlines would receive two subsidies: one from the passenger with mandatory supplemental insurance; the other from the U.S. government, which would pick up the inevitable excess liability. Can it truly be said that our protocols negotiators were looking out for our best interests?

On February 15, 1983, a U.S. district court decision was handed down that radically affects the liability limitation currently imposed by the Warsaw Convention. In the case of In Re Aircrash at Kimpo International Airport, Korea, on November 18, 1980, the court held that the current airline liability limitation set by the Warsaw Convention was not enforceable. The court found that the Warsaw Convention established the liability limit in terms of a gold standard that is so uncertain and ambiguous as to prevent enforcement of the limitation. Parties to the convention had used four different methods of converting the limitation's gold standard into their currency, which resulted in obvious disparities. Because there was considerable international disagreement on the basic conversion unit creating the liability limit, there could be no agreement as to the limit, and thus it was unenforceable.

The Kimpo court was the first to hold that a personal injury claim was not subject to the Convention's liability limits. It had been foreshadowed by a similar court holding involving the cargo liability limitations imposed by the Convention.

These recent cases effectively eliminate the Warsaw Convention. With the convention unenforceable, where does that leave the international airlines? Subject to unlimited liability.

Perhaps the rush to ratify the treaties during the lame-duck session was with an eye toward the Kimpo decision. You never heard mention of this scenario by the proponents of the protocols.

U.S. PRESTIGE IMPAIRED?

Instead of focusing on the needs of the U.S. citizen, emphasis has been placed on the need to protect national prestige.

I do not think there is anything prestigious about this nonsense. I am embarrassed by it.

Proponents acclaimed the treaties for their importance in maintaining our national prestige as the international leader in aviation.

We would become the international leader in a rip-off of the American traveling public, that is, the majority of passengers involved. We would be sending more foreign aid to the national governments that run these airlines.

They are all national entities. They all have national procurement plans. Here we would now be subsidizing those governments. What we need is an American desk at the State Department to look at the interests of the American citizenry and hear the American traveling public.

The United States would not have needed to twist the arms of foreign countries to get them to join these treaties. On the contrary, the foreign countries—for limited liability and lower insurance costs—would have been perfectly delighted to jump into these treaties immediately.

Foreign nations are purposely hesitating to act on the protocols. In doing so, they give U.S. proponents the ammunition for the "national prestige" argument. We must not let ourselves be fooled by this rhetorical appeal to a sense of national pride.

There is no embarrassment in rejecting these treaties. On the contrary, every Senator should be proud to have done so. We were elected to protect America's national interest, not to pawn it away.

UNIFORMITY

Protocols supporters would ratify the treaties, they say, for the sake of uniformity. Each year Americans constitute 50 percent of the international air-traveling public. Americans annually generate more than one-half the revenues that the international airlines receive. Yet what will Americans have to show for it under the protocols?

The poor widow whose husband has been killed in an air crash is not consoled by the "uniformity" provided by the protocols. This uniform means of limiting the monetary liability of negligent airlines is of no comfort to her. Americans, with one of the highest standards of living in the world, would be uniformly forced to settle just claims for less compensation than justified, less compensation than they would dare settle for here in the domestic market.

EXPANDED COURT JURISDICTION QUESTIONABLE

Proponents of the protocols vigorously argued the necessity of ratification on the basis of expanded jurisdiction that a claimant would get under the treaties. This sounds attractive, but the argument lacks any real substantive merit.

Under the Warsaw Convention a claimant presently can sue a defendant airline in four alternative places. These four options include: the domicile of the carrier; the carrier's principal place of business; the carrier's place of business through which the contract was made; and the place of destination, not of the flight, but of the entire transportation shown on the ticket.

The Montreal protocols would add a fifth place where a passenger could sue—the place of domicile, provided the airline has an establishment there. The illusory nature of this provision is obvious. In the overwhelming majority of cases, a passenger buys a ticket in the place of his or her domicile, where, under the above options provided in the Warsaw Convention, the passenger already has the right to sue. In nearly every case, it should be obvious that this added forum under the Montreal protocols would have a minimal positive impact on a claimant's case.●

OUTSTANDING FORT CAMPBELL EMPLOYEE

● Mr. SASSER. Mr. President, I want to take the opportunity today to commend Gary R. Petsch for being selected as the Department of the Army Handicapped Employee of the Year.

Petsch, a small engine mechanic at Fort Campbell, Ky., won the Army-level award over 19 other command

representatives and automatically becomes the Army's nominee for the outstanding Handicapped Federal Employee of the Year.

In October, Gary and his wife, Kelly, will be coming to Washington where he will receive a well-deserved meritorious civilian service award in a ceremony to be held at the Pentagon. Although totally blind due to complications from diabetes and glaucoma, Gary has accomplished many things. His courage and perseverance have allowed Gary to maintain a high degree of personal pride, despite his burden. He has become a major influence in hiring other handicapped persons at Fort Campbell.

In spite of poor health during his childhood, Gary graduated from high school and enrolled in a community college where he made the dean's list. Unfortunately, he had to withdraw due to failing eyesight.

He then began laser surgery treatment to correct his vision, but suffered a fall which resulted in permanent blindness. Gary enrolled in the Kentucky Rehabilitation Center for the Blind where he learned to read Braille and to deal with the emotional aspects of being blind.

After studying computer science at Brigham Young University for 2 years, Gary enrolled at Arkansas Enterprises for the Blind where he learned to repair small engines. During his study there, he invented a method to allow the blind to time engines without any aid. This step-by-step procedure has been very successful: It has been incorporated into the Kentucky Rehabilitation Center's training and has been the subject of articles in several magazines.

Mr. Petsch presently works in the maintenance and service department of the directorate of engineering and housing at Fort Campbell. His knowledge in the assembly and repair of gasoline engines is exceeded only by his character and good will. He works the same hours as his coworkers and is scarcely distinguishable except for his seeing eye dog, Valiant.

His supervisor and coworkers consider Gary an inspiration. His supervisor says that "one of the things that impressed me about Gary is the fact that he has taken the opportunity to do many worthwhile things with his life despite his handicap. He is doing a tremendous job, and we are all better people for having him work with us."

Aside from his work, Gary is active in community and church affairs. He is a member of, and served as, a Sunday school teacher at the Church of Jesus Christ of Latter Day Saints. He also enjoys golf, weightlifting, and bicycling. Gary Petsch is truly an extraordinary person.

The commendation follows:

MERITORIOUS SERVICE COMMENDATION

Mr. Gary R. Petsch is commended for his meritorious service as a Small Engine Mechanic, Directorate of Engineering and Housing, Fort Campbell, Kentucky. He has demonstrated perseverance, determination, and professionalism in the performance of his duties in spite of the loss of his vision. He performed in a superior manner in the repair of gasoline-powered mower engines, removing and replacing parts, timing gears, and performing tune-ups using the hand tools common to the trade. Utilizing his skills, he developed a method that allows the blind to time engines without aid. This method has been used in the training program at Arkansas Enterprises for the blind. He has been an inspiration to others and a positive influence toward enhancing opportunities for handicapped persons within the Federal civil service. In recognition of his outstanding achievements, Mr. Petsch is designated as the Department of the Army Handicapped Employee of the Year for 1983.●

ACID RAIN

● Mr. DOMENICI. Mr. President, over the last year, public concern has risen over the serious problem of acid rain. The heightened awareness of the issue has brought forth an onslaught of legislation to address the problem. Some of these proposals merit serious consideration by the Congress. Others may lead us down a path of folly.

On August 12 the Washington Post ran an op-ed piece by Paul Portney, a senior fellow at Resources for the Future. Mr. Portney has analyzed acid rain legislation introduced by Congressmen SIKORSKI and WAXMAN. His article points out some serious problems with the bill, and I ask that the full text of Mr. Portney's piece be printed in the RECORD.

The article follows:

HIGH-PRICE CURE FOR ACID RAIN

The federal government has a choice between two strategies to reduce the damage done by acid rain. One would cost a great deal more than the other. Congress seems to be moving toward the more expensive method, on grounds that it will save jobs in eastern and midwestern coal mines. But the price of protecting those jobs would be high, and the number of jobs at stake is small.

The case for prompt legislation to diminish acid rain appears increasingly strong.

The National Academy of Sciences and the administration's own Interagency Task Force on Acid Precipitation have pointed in recent reports to the apparent seriousness of the acid rain problem and to its likely causes. Congress now seems ready to reject th "do more research and pray" approach and pass a bill to force utilities to cut back emissions of the sulfur and nitrogen oxides that are thought to be the precursors of acid rain. Fixing attention on existing coal-fired electric power plants (which account for 65 percent of sulfur dioxide emissions in the United States), there are two ways to achieve the large reductions needed. These plants could install mechanical devices known as scrubbers which filter out the sulfur dioxide released when coal is burned in the boilers. (All new power plants built in the United States already face this requirement.) Or they could shift to coal with a lower initial sulfur content and thus address the problem at an earlier stage.

Neither approach is cheap. A scrubber would account for about $200 million of the $1 billion or so it takes to build a new 1,000-megawatt power plant. Retrofitting the very large, older plants built before scrubbers came along can be even more expensive. On the other side, low-sulfur coal, because of its environmental advantages and because some of it must be shipped from western mines to the East and Midwest, can be expensive. In fact, depending on its location, a power plant might have to spend an additional $15 a ton for low-sulfur coal, not a trivial sum to a plant burning several million tons a year.

But while the two means of sulfur removal are expensive, they are not equally so. If forced to reduce sulfur dioxide emissions by a fixed amount, some power plants would voluntarily choose scrubbers. But the overwhelming majority would find it more economical to shift to lower-sulfur coal.

One would think, then, that this presents no problem to those designing a plan to control acid rain. The plan should involve only three simple steps. First, decide the total amount by which annual sulfur dioxide emissions should be reduced. Second, apportion the desired reduction among existing plants. Finally, let each plant decide for itself how best to achieve its share of the cutback, allowing each to trade emission reductions with others as under EPA's current offset policy. Since each plant would choose the least expensive alternative, the total costs of the sulfur reduction program would be minimized. This "least-cost" approach would be good regulatory policy by either Republican or Democratic lights.

But not so fast. Take a look at H.R. 3400, introduced by Reps. Gerry Sikorski (D-Minn.) and Henry Waxman (D-Calif.), now destined to be the leading candidate among the competing acid rain bills Congress is considering. It would take an unfortunate step beyond the approach suggested above and force the 50 "dirtiest" power plants in the country to install scrubbers to meet their cutbacks even though most would prefer to go the low-sulfur coal route.

Forcing the installation of scrubbers would be about $1.6 billion per year more expensive than allowing these plants to chose for themselves, and it would produce no additional environmental benefits. These added costs would be borne by households all across the country, because another section of the Sikorski-Waxman bill would impose a tax on the generation of all nonnuclear electricity in the United States to help subsidize the installation of the scrubbers. (Why it would not be levied directly on the emission of sulfur dioxide is a mystery—it is that, not electricity, which causes acid rain.)

Why should the United States spend $1.6 billion more than necessary to guard against acid rain? Several justifications now floating around are too weak to bear repeating. There is, however, one very legitimate concern—the job losses that might result among the miners of high-sulfur coal if existing power plants are allowed to use low-sulfur coal instead of scrubbers as part of an acid rain control plan.

Even among those used to the boom-and-bust nature of coal mining, involuntary unemployment can be a bitter pill to swallow. But many of the miners would be re-employed in the same or nearby areas, since low- and high-sulfur coal are often found close together. In Appalachia alone, for in-

stance, many more mining jobs would be created than would be lost. At most, net job losses in the eastern United States under the least-cost approach would amount to about 2,000.

Since H.R. 3400 would cost $1.6 billion more than the least-cost approach, it would soon be forcing Americans to spend $800,000 a year for each mining job it saves, roughly 30 times what each of these miners could be expected to earn in a year. This sort of foolishness begs for a better solution—and one is at hand. Why not simply use some of the considerable savings possible under the least-cost approach to retrain or help relocate any miners and their families?

In fact, a scheme to compensate the unemployed could be created—one like the assistance given to loggers who lost their jobs when the Redwood National Park was expended. Under such a plan, miners involuntarily unemployed might receive their full pay for a period of five years or so with the payments gradually being reduced as new employment opportunities present themselves.

There is a good reason for Congress to be concerned about both acid rain and job losses. But the attempt to address both in H.R. 3400 does a disservice to environmental policy and employment policy alike.●

AEROSPACE EDUCATION FOUNDATION NAMES NEW JERSEY JUNIOR ROTC NATIONAL WINNER

● Mr. LAUTENBERG. Mr. President, on the opening day of the annual convention of the Air Force Association, the Air Force Junior ROTC unit at Scotch Plains-Fanwood High School in Scotch Plains, N.J., was honored as the winner of the annual Aerospace Education Foundation theme contest. I want to take this opportunity to call the performance of this unit to the attention of the Senate, because, remarkably, its successful entry came in the unit's first year of organization.

Junior ROTC units around the United States were asked to address themselves in 1983 to the theme "How We Prepare Ourselves for Leadership in America's Future." The cadets from Scotch Plains-Fanwood High School produced a videotape depicting a cadet's reflections on the meaning of leadership and the enty swept both its category and the overall prize.

As the winner of this annual Aerospace Education Foundation contest, Scotch Plains-Fanwood High received a distinctive plaque and a check for $2,000. But as a unit, these New Jersey cadets received a great lesson in life. They showed leadership and imagination and cooperation in their efforts.

Cadet 1st Lt. Randall Mazzullo, Cadet 2d Lt. Christopher Evans, and Cadet Sgt. Andrew Gibbs traveled to Washington to accept the plaque and check on behalf of their unit September 12. All three gave great credit to the other 140 participants in the Scotch Plains-Fanwood Junior ROTC program, but they had special expressions of gratitude and appreciation for their aerospace education instructors, Lt. Col. Leon D. Gordon and Chief M. Sgt. Robert Rybitski, and school principal, Dr. Terry Reigel.

I know that all of my colleagues will want to join in taking note of the example the Scotch Plains-Fanwood High School Air Force Junior ROTC unit has set in its first full year of organization. Cadets of the 821st know that this was no beginner's luck. They know they applied their skills and intelligence together to accomplish a meaningful task. In doing so, they have set a high standard for the unit and for themselves.

The Air Force Association has honored others from New Jersey at its national convention. AFA State president Frank S. Kula received both a Membership Achievement Award and a Medal of Merit. George Bochenek, Jack Carnicelli and Marvin Jones accepted Membership Achievement Awards on behalf of the New Jersey AFA chapters they head as presidents. And James P. Grazioso received a special AFA Presidential Citation for his work for the national, nonprofit association. I applaud this service and accomplishment toward a strong national defense.●

SUPER SENIOR SUNDAY 1983

● Mr. WILSON. Mr. President, September 25 marks Super Senior Sunday 1983, for the San Francisco Bay area. It is a fact-filled day of fun for senior citizens from the nine bay area counties. The event has a dual purpose. It provides senior citizens with a variety of information designed to better senior life and to help them remain independent. Super Senior Sunday also provides an opportunity for organizations serving senior citizens to meet and compare notes. Nothing as large or as comprehensive as this event exists in California.

Last year over 14,000 people attended Super Senior Sunday. They collected over 280,000 pieces of information on issues of interest to seniors. Due to last year's success, The American Association of Retired People and Lions Clubs in northern California are helping to make this year even more successful.

Mr. President, Super Senior Sunday has set a fine record. It provides an informative day for the senior population in northern California and a great opportunity to set up a vital information network not only for seniors, but for those who serve them.●

A TENNESSEAN VIEWS THE VIETNAM VETERANS MEMORIAL

● Mr. SASSER. Mr. President, ever since its dedication last November in Constitution Gardens, the Vietnam Veterans Memorial has been the object of a degree of reverence and attention seldom seen or sensed in American society.

No one has really captured just what it is that is responsible for this combination of factors and the extent to which the memorial has touched so many of us.

Recently, however, someone has come close. Joe Sweat, my friend and the director of the Tennessee Municipal League—the association representing the interest of the State's municipal governments—visited Washington, D.C. and came away with an impression of the memorial and the person responsible for its establishment, Jan Scruggs, a Vietnam veteran himself. Joe devoted an editorial column in a recent issue of Tennessee Town and City, the municipal league's weekly newspaper, to the memorial.

As one who earlier this year introduced legislation calling for the issuance of a commemorative stamp honoring the memorial, I am only too aware of the special impact this most recent of landmarks is having. Nearly half the Senate, for instance, cosponsored the legislation almost immediately; the Postal Service has a Vietnam Veterans Memorial commemorative stamp on its schedule of 1984 commemorative issues. Scores of thousands of Americans visit the memorial daily.

I believe that everyone will have a better feel for the meaning of the memorial and for the man who conceived of it when they share with me Joe Sweat's impressions. I ask that his editorial be printed in the RECORD at this point.

The editorial follows:

[From the Tennessee Town and City, Aug. 8, 1983]

SKYLINE

(By Joseph Sweat)

We could see lights cutting through the oppressive heat of the Washington night. Some were beams of light, others were flickers. And we knew instinctively that something was either very wrong or very right. Something important had people out using small lights on a very hot, muggy night.

The story of those weak, tiny lights in the Washington night is one I shall long remember. It is a story that says much about America, about the kind of nation we have fashioned for ourselves, our wonderful ability to correct our wrongs and keep the hope in our hearts as we continue the process.

On this particular evening my fiancee, Marilyn Edwards, and I had been to dinner in a Washington suburb. We had been the guests of Paul and Gertrude Corbin, a gracious and charming couple who have been at the heart of so much that is vital to the politics and government of this capital city for the past quarter of a century. Paul, earlier in the day, had been in charge of an impressive ceremony at the U.S. Supreme Court where the American Institute for Public Service bestowed its annual Jefferson Awards.

The nine recipients of the awards had ranged from the famous—like Paul Volcker, Kirk Douglas and Helen Hayes—to the not

so famous. One of the latter was young Jan Scruggs, and it is because of him that I shall never forget those tiny shafts and flickers of light on that hot night in Washington.

Jan Scruggs was an infantryman in Vietnam. He still carries nine pieces of shrapnel in his back to remind him of that far-off war, the war fought by so many men and women who too many in this country wanted to forget.

But Jan Scruggs would not let us forget. He conceived the idea of a memorial to the veterans of our nation's most controversial war. And he fought and fought and fought—in ways different from Vietnam, but with just as much energy—to convince Congress and over 500,000 contributors (who gave over $7 million) that we must have a memorial to our Vietnam veterans, that we must not forget.

And thereby hangs the tale of the tiny lights in the night.

Marilyn had suggested that we stop by the Lincoln Memorial that evening as we returned from the Corbins. That massive, white marble likeness of the 16th President always has a way of lifting one's spirit, turning one inward on the underlying quality of America's soul.

After standing in the hush of the marble, with the tourists seeming to almost tiptoe in and out, we decided—almost on a whim—to strike off through the trees toward the White House, in search of the memorial we had heard Jan Scruggs talk about so eloquently earlier in the day at the Supreme Court.

Soon, however, we discovered what everyone learns when seeking out this memorial at night; it has not one light to show it off, not even small lights on the paths leading to it.

In the daytime, you see quite readily that the memorial is a long, black marble wall. Upon this wall are etched the names of every single man or woman who died in our armed forces during that conflict in Southeast Asia. But the Vietnam Veterans Memorial, perhaps symbolically, is cloaked in darkness when the sun goes down.

And suddenly it dawned on us. With the kind of stab to the emotions that brings tears to the corners of your eyes, we realized the reasons for all the tiny lights in the muggy, Washington night: Americans with flashlights and matches and cigarette lighters were searching for the names of their dead.

As we got closer we could make out their forms. There were mothers and fathers, sisters and brothers, friends and schoolmates of the fallen, all searching in the night for names etched on the wall. Several were on their knees, trying to find names close to the ground. One man eagerly offered his leftover book matches to a woman searching for the name of her son.

As I stood there, watching this scene—really feeling it more than just watching it—I thought back to the events of the day and recalled how Jan Scruggs had said that this black marble monument he created was a memorial to the men and women who served in Vietnam, not to the war itself.

Perhaps it would be good for those of us devoted to building better cities to keep focused on the work of Jan Scruggs and why the institute honored him for the "Greatest Public Service by an Individual Thirty-five or Under." The type person that can create a monument which will send people into the hot night with matches looking for names is the same type person that can clear away slums and attract new industry and improve schools and stop pollution and make traffic flow.

Outfits like the American Institute for Public Service convince me there are so many people like Jan Scruggs out there in America, waiting for the call to help build a better America. And building a better America has got to begin with the building of better cities.

These were the things we thought about as we recalled Jan Scruggs saying he wanted the memorial to "begin the healing process and forever stand as a symbol of national unity." These were the things we thought about as we watched those little lights in the night.●

PROTECTION OF AMERICANS FROM EXTORTION AND VIOLENCE: THE CASE OF WALTER MUNGOVAN

● Mr. EAST. Mr. President, this last February, Senator GRASSLEY introduced S. 462, a bill that would amend the Hobbs Act by making clear Congress intent to punish those who resort to extortion and violence during labor disputes. Passing a bill of this sort has become necessary because in *United States* v. *Enmons*, 410 U.S. 396 (1973), the Supreme Court held that the Hobbs Act did not cover such violence. Let me say here that I firmly believe in the importance of collective bargaining, and that I believe that we should excuse minor, unavoidable incidents during legitimate strikes. I believe just as firmly, however, that a free society presupposes an orderly community. Congress must take action to preserve our freedom from fear.

On March 23, the Subcommittee on Separation of Powers held hearings on S. 462, and on July 19, it favorably reported the bill to the Committee on the Judiciary. During the hearing I was appalled to hear of some of the violent acts that have been committed with impunity because of the Enmons decision. Since that time, however, I have learned of a case that should add to the impetus for passage of S. 462. Walter Mungovan, a Vietnam war hero and successful custom homebuilder in Hawaii, has been subjected to a constant stream of death threats and to an attempted kidnaping. He is now in hiding under Federal protection. Yesterday an interview with his wife, Cher Mungovan, appeared in the Washington Times illustrating the indignities that have resulted from the Enmons decision.

Mr. President, I ask that this interview be printed in full in the RECORD at the conclusion of my remarks.

The interview follows:

[From the Washington Times, Sept. 12, 1983]

Q & A: Family Pays Price in Federal Witness Program

CHER MUNGOVAN ON UNION VIOLENCE AND THE FEDERAL WITNESS PROTECTION PROGRAM

(Walter Mungovan, a decorated Vietnam veteran, entered the federal witness protection program on the advice of the government earlier this year. His wife, Cher Mungovan, was interviewed by Washington Times columnist and national reporter Tom Diaz. The following is an edited version of that interview.)

Q. Mrs. Mungovan, you've not been able to see your husband, Walter, since the middle of May. Why?

A. He's in the government's Federal Witness Protection Program because of threats and fear for his life after he testified against two business agents from the AFL-CIO Carpenters and Joiners Union in Hawaii.

Q. How has your husband being in the witness program changed your lives?

A. It's completely split our family apart. In December 1980, my husband was probably the most successful custom home builder in Hawaii, with 20 employees. Since then, we've lost everything and my husband—who committed no crime—now must live like a hunted animal.

I had a choice at the time, I could have gone into the witness program. But we decided that I should stay out because we have civil suits in federal and state court, and if I were in the witness program there would be no way of pressing those suits. We also feel it's important to make Americans aware of the union violence going on in their own country.

Q. Do you know where your husband is?

A. No, I have no idea.

Q. Do you have any way of finding out?

A. No. Because it would break security for me to know.

Q. Do you communicate with him at all?

A. I'm only able to write letters. And once in a while he calls me. He's allowed to call me.

Q. Do you have children?

A. I have one son who's 12.

Q. Is he with you, or with him?

A. He's with me.

Q. How did you go from a normal, successful life in the state of Hawaii to this situation?

A. My husband was a union carpenter for 13 years. In 1979, he got his contractor's license and started building custom homes. Then the union targeted him. They tried to get him to sign a contract and told him that they would picket us if we didn't sign up. One union official told my husband that he was going to get another non-union contractor to sign up, no matter what—even if he had to torch his job.

Q. Torch his job?

A. Torch his job. When my husband came home and told me that, I said, "This is America. Why should we have to sign a contract if we don't want to?" We weren't paying wages below the union wage. We always paid them as much, or more, than union rates, plus benefits. So I told him to take his micro-cassette recorder and record the conversations. Because if they're going to set fire to one of our houses, they're not going to leave a note. We need some evidence. He started carrying a tape recorder, and after a few months of recording conversations we realized that we had them on perjury. That was when we started to use the tapes.

Q. How did you use the tapes?

A. After we refused to sign, they picketed three of our jobs. We went to the National Labor Relations Board in Honolulu and demanded an election to decide whether our employees wanted to be in the union. It was unanimous against the union. In fact, half of our employees at the time were already

holding union books and they didn't want the union to control our company.

Then we went to federal court and asked for an injunction to get the union off of our job. We had to go back twice. The first time the judge ruled that he couldn't decide the case, because the NLRB hadn't filed all of my husband's affidavits, although they had filed all of the union's. The second time the judge ruled basically that the case was double jeopardy, that we had brought the union back in on the same charges again, and he dismissed the case.

Now, up until this time, nobody knew we had the tapes, which we'd kept in a safety deposit box. We took them to the NLRB, with transcripts, and they got us another court date. We were sure that we would get our injunction because the tapes proved that the affidavits that they had filed in federal court and the statements and affidavits that they had filed with NLRB were lies. The NLRB sent copies of the transcripts of the tapes over to the union office on Friday morning. At lunch time, the union went in and said they wanted to settle our case.

The "settlement" the NLRB sgreed to was that the union would stay away from our jobs for 30 days—retroactive. So we got nothing out of the whole thing. We were so angry. The NLRB said that it was cheaper for them to settle it than it was to go to court.

Q. What more happened with the tapes?

A. We were so angry with the NLRB that we took the tapes to the Organized Crime Strike Force. They sent us to the FBI, who investigated and got prejury indictments against two union officials and an employee of a concrete company who had signed an affidavit on behalf of the union. All three were convicted and sentenced to six months in prison.

Q. One would think that was a happy ending to the story.

A. They all are out on appeal. The appeal will probably take a year. So nothing has changed. Nothing has changed as far as the impact it has had on our state.

Q. How did you go from there to your present situation?

A. Ever since we were first picketed, we've had threats made against us—particularly against my husband—threatening phone calls. We're going to kill you. You're a dead man. That type of thing. Our vehicles were vandalized. We had tools and lumber stolen. My family received threats. My brother had to go around denying that he was even related to me and Walter.

The FBI determined that there was sufficient reason for Walter to protect himself, and they had the police department issue him a permit to carry a .357 magnum, which he later changed to a .45 automatic. He carried that for the last year. Walter was in Vietnam in '65 and '66, a sergeant in the infantry. He came home with a lot of medals. He was a war hero, a disabled veteran. He said to me at one point, I didn't fight in Vietnam in the jungle for over a year to come back and be killed in a Maui canefield and not know who did it.

Q. How did it come about that he entered the witness program?

A. I really don't know exactly why the government suggested it. You know I'm not told everything. I really don't want to know everything. But during the trial we were staying under an assumed name in a hotel room, which the government got for us. We were in the room one day when two men came to the door posing as FBI agents and said that they had to take us off downtown for the office.

Q. Did you go with them?

A. Yes.

Q. What then?

A. I can't say.

Q. OK, anything you don't want to say, I don't want you to say.

A. There's a reason for it, the pending investigation.

Q. I see.

A. But after that, the FBI moved us into another hotel and put us under 24-hour guard. The next thing I knew the U.S. Attorney's Office had requested the marshals put him under the witness-protection program. There's a possibility that they will be bringing him back to Hawaii for further testimony. They want to make sure that he's alive.

Q. This has changed your life so that it will never be the same again, hasn't it?

A. It's completely disrupted our lives since the day it happened. Maybe it would have been easier to sign a union contract. It would probably have put us out of business the same way. We couldn't have competed back then, being a small construction company against the large union companies. The union knew that. The problem was, and the thing I want to make clear, was that they never made any attempt to encourage our employees to join the union. They weren't interested in our employees joining the union. They wanted our company to sign up. And then we would have had to let go all the people who worked for us, and gone to the union and hired new carpenters. And if those carpenters wanted jobs, they would have had to go to the union and pay the initiation fees and monthly dues.

Q. Why are you in Washington?

A. I've come here as last resort. The public has to become aware of the need to amend the Hobbs Act—the federal anti-extortion law—to make unions liable under federal law. The average American doesn't know what the Hobbs Act is, let alone the Hobbs amendment. And there's really no reason why they should know. It's only when something happens which directly affects you that you find out that you can't prosecute them.

Q. What is the Hobbs Act?

A. The Hobbs Act is the federal anti-extortion and violence law. But in 1973, the Supreme Court ruled in the Enmons case that it doesn't apply to unions. That case started when the Electrical Workers' Union had a dispute with a company in Louisiana. When the owner refused to negotiate, one of his substations was blown up and rifles were fired at his equipment. A federal judge said that because the union was "furthering legitimate union objectives" unions were exempt from the law. The Supreme Court agreed. So since 1973, union officials and employees have been able literally to get away with murder.

Sen. Charles E. Grassley, R-Iowa, has introduced an amendment to the Hobbs Act so it will cover union violence. I'm hoping that when Congress comes back from vacation, I can get appointments with each member of the Senate Judiciary Committee to make them aware that we desperately need this bill and this amendment. I also hope to be able to meet with President Reagan, to enlist his support.

Q. What sort of feeling do you have for the legislative system? Do you think it's going to work?

A. I think that it's very hard for senators and congressmen. They listen to testimony and they're given piles of documented information. It's impossible for them to sit and read all this. There are more than 3,000 separate cases of union violence recorded in the United States, including some where people have died. But there's no way that each member of these committtees can sit down and read all this documented information. I have absolutely nothing against unions per se, and the union members, because I don't believe that 90 percent of the time they know what the hierarchy is doing. It's the union officials that bother me. If unions could sell unionism on its own merits, then I wouldn't be here, my family wouldn't be in the position that it's in, and neither would a lot of other people in the United States.●

CONGRATULATIONS TO WILLIAM D. HUSSEY

● Mr. CHILES. Mr. President, I ask the Senate today to pay tribute to a man who, over the past quarter century has played a key role in the growth and development of Florida's financial services sector, and through whose good works the economy of Florida has been strengthened significantly.

William D. Hussey joined the Florida Savings and Loan League 25 years ago. He was fresh out of college at the time and the Savings and Loan League job was the first of his professional career. Bill remains with the Savings and Loan League today, having risen through the ranks of executive assistant, secretary, executive vice president and finally, in 1975, to president, the position he holds today.

Over the 25-year time span, Florida's savings and loan institutions' assets have grown from $2.2 billion in 1958 to $64 billion today. That is what I meant when I said Bill has contributed not only to his business, but to the economy of our State as well. Such phenomenal growth in savings and loan assets is a reflection of general economic growth. Since savings and loans are primarily in the business of mortgage lending, you can see by those numbers that jobs have been created in the construction industry and related industries, and the Floridians who sought to own their own homes were able over those 25 years to do so. There is tremendous public respect for and confidence in Florida's savings and loan business, and Bill Hussey can take major credit for that fact.

During my days as a member of the Florida Legislature and as a U.S. Senator, I have gotten to know Bill Hussey well. He has visited with us often, and as a trade association executive he has served his constituency with dedication. But in serving that constituency, Bill has never lost sight of the larger picture—the general well-being of all Floridians. It has been that attitude which has earned Bill the respect of so many in government, as well as of so many of Bill's colleagues among other trade association executives. This re-

spect has been demonstrated by his election to terms as president of the Florida Society of Association Executives, and the Savings Association Trade Executives, a national organization.

Bill has served on numerous task forces and committees of the Federal Home Loan Bank Board, the U.S. League of Savings Institutions and the Florida State Comptroller's Office as well as the Orlando/Winter Park Chamber of Commerce and the Florida Chamber of Commerce. Despite all of this activity, he has found time to author newspaper and magazine articles, as well as to be active in various other professional, governmental, and social groups along with his wife, Elizabeth, and sons William Jr., and Jeffrey.

I ask my colleagues to join me in congratulating Bill Hussey on his 25 years of service to the savings and loan business and the economy of Florida, and in wishing him every success in his future undertakings.●

JOHN E. PFRIEM

● Mr. WEICKER. Mr. President, Connecticut journalism lost one of its true leaders last week. John E. Pfriem, the president and publisher of the Post Publishing Co. of Bridgeport, died at age 60. He had been associated with the Bridgeport Telegram and Post since 1946 and had served as president of the company for the past 12 years. During his tenure, Mr. Pfriem orchestrated major technological innovations at the newspapers and witnessed their emergence as important and independent news sources in southwestern Connecticut.

On several occasions, I had the opportunity to visit Mr. Pfriem's office and discuss the affairs of Connecticut and the world with him. His insights into a vast array of issues impressed me as did his special affection for his hometown—Bridgeport.

Mr. President, I ask that the following editorial from the September 8, 1983, Bridgeport Post depicting Mr. Pfriem's distinguished journalistic career and his dedication to his community be printed in the RECORD.

The editorial follows:

JOHN E. PFRIEM

On Wednesday, John E. Pfriem died. We at The Post Publishing Co. have lost a highly capable leader and a true friend.

Mr. Pfriem unabashedly loved the newspaper business. A modest, self-effacing man, he had an extraordinary tenacity of purpose. Fate decreed that he become president of The Post Publishing Co. in 1971 when newspapers throughout the country were confronted by a multitude of problems, not the least of which was a shortage of newsprint.

Applying the business acumen he had acquired as vice president of the company when it was under the direction of his uncle, the late Walter R. Flicker, Mr. Pfriem coped with the challenges by establishing policies which were fair to readers and advertisers.

A man of quiet mien, Mr. Pfriem, through example, inspired and motivated employees. With dedication to the principles of journalism, he sought to have The Bridgeport Post, The Telegram, The Sunday Post and Saturday meet the prime obligation of a good newspaper—to serve its readers.

With this goal uppermost in his mind, Mr. Pfriem faced the most revolutionary advance in publishing since the 15th Century—the printing of newspapers by utilization of computer, video display terminals and other highly technical equipment. The Post Publishing Co. disposed of its "hot-type" machinery late in 1977. New offset presses were installed and existing units remodeled so that the newspapers would be attractive and easy to read.

It was characteristic of Mr. Pfriem to take pride in the fact that his mother, the late Alma F. Pfriem, an executive of the company for 40 years, took part in all major decisions related to the entry of The Post Publishing Co.'s newspapers into a new era.

At the same time, he personally launched programs designed to improve the content of the newspapers. The newsroom staff was increased and bureaus were expanded in neighboring communities to bring about better coverage of the greater Bridgeport area.

Conservative by nature, Mr. Pfriem sought professional and impartial judgment of his innovations. An extensive readership survey completed earlier this year showed clearly that the changes were more than well received by readers.

This native of Bridgeport studied at the Junior College of Connecticut (the forerunner of the University of Bridgeport), Boston University and the University of Kentucky. After serving with the U.S. Signal Corps in the South Pacific during World War II, he joined The Post Publishing Co. His first assignment was as a reporter. He covered Bridgeport politics and the General Assembly in Hartford. During this period, he developed a lively interest in government, which he maintained throughout his life.

In fact, early in 1974 at a Connecticut Daily Newspapers Association meeting, he volunteered to arrange and host a gubernatorial debate in Bridgeport in October. The session, featuring the late Gov. Ella T. Grasso and former U.S. Rep. Robert H. Steele, was hailed as the liveliest encounter of the campaign that year.

After gaining reportorial skills in the 1940s and early 1950s, Mr. Pfriem worked in several departments, including the composing room. In later years, this first-hand-experience proved extremely beneficial.

Though he maintained a low profile, Mr. Pfriem was deeply devoted to his native city. He was a generous benefactor of the Boys' and Girls' Clubs, plus several other organizations and institutions that he believed contributed to the well-being of the Park City. He never sought the limelight or public acclaim for his deeds.

As a member of the Library Board for 15 years, Mr. Pfriem did not take his responsibilities lightly. At meetings, he would not speak merely to hear his own voice. He knew that Bridgeport's library system was held in high regard by authorities in the field. Expenditures by the city for its libraries, he contended, were excellent investments in the future. This point he underscored through the years. Despite the fact that he was not a man who sought confrontations, Mr. Pfriem never backed away from any mayor or politician who sought to shortchange the libraries.

Confident that Bridgeport would someday become a thriving urban center, Mr. Pfriem vigorously supported construction of a new Route 25. Directly, he made his feelings known to three governors. The tendency of the General Assembly to finance newer highway programs in other parts of the state, he often lamented, was unfair to Bridgeport and its neighbors.

At the Post Publishing Co., there was a special empathy between Mr. Pfriem and his employees especially the men and women with many years of faithful service.

In 1973, he established the 25-Year Club to pay tribute to people whose labors and loyalties he sincerely appreciated. At the initial gathering and subsequent parties, it was not possible for Mr. Pfriem to mask his feelings—the genuine gratitude he harbored for their efforts.

The same was true when he hosted dinners for heads of departments and senior employees. Mr. Pfriem took special delight in announcing the names of the four employees with the longest terms of service. He invited these veterans of the trade to join him at the head table. These get-togethers were filled with good, old-fashioned fun. The tone of these delightful events was always set by Mr. Pfriem.

A firm believer in an open-door policy, Mr. Pfriem was readily available to employees, advertisers and readers. To keep all employees up-to-date on happenings, he started a company newspaper in 1973 which he personally named The Six Star Final.

Despite the internal demands on his time and talents, Mr. Pfriem shared his business discernment with the Connecticut National Bank (CNB) as a member of its Board of Directors from 1971 until October of 1982 when CNB merged with Hartford National Bank. He was appointed to the Hartford National Corp. Board, the panel which establishes policy for CNB and its subsidiaries. With assets of $4.4 billion, it is the second largest financial institution of its kind in the state. Not once in the past 11 months, did he travel to Hartford for a session without adequately preparing himself to address every item on the agenda. In Connecticut business circles, he was recognized as a man who carefully gathered all available information and staked out his position on the basis of salient facts.

Fellow publishers elected him president of the Connecticut Daily Newspapers Association and later appointed him to the Executive Committee. His opinions were sought and respected by his colleagues in Connecticut.

No editorial about John E. Pfriem would be complete if it did not note his avocation—sailing. A member of Fayerweather Yacht Club and a former commodore at Black Rock Yacht Club, he was a cruising-yacht racer. Whenever he raced, Mr. Pfriem was viewed as a formidable competitor who accepted the glories of victory graciously and the disappointment of defeat with style and grace.

As a youth, he began sailing on Long Island Sound—the body of salt water which Daniel Webster aptly named "The American Mediterranean." To Mr. Pfriem, the opportunity to sail on the Sound on weekends throughout the season was a reward for his labors of the previous workdays. Sailing was much more than a means of relaxation. It was a classical and invigorating experience.

During the week, he enjoyed luncheons at the Algonquin Club where his humor was

never meant to wound, but rather to provoke smiles. And he could take a joke in good nature.

The death of Mr. Pfriem at age 60 this particular year can be interpreted as proof that there is truth in the statement: Life is unfair. This is the Centennial Year of The Bridgeport Post. On February 7, 1883, The Daily Post was printed and circulated by George W. Hills. It survived and prospered. By 1918, The Telegram and The Sunday Post had come into existence. The potential of The Post Publishing Co. newspapers was envisioned by a newspaper executive in Washington and Cincinnati. Edward Flicker (a grandfather of Mr. Pfriem) purchased the company and the papers have remained in the family.

As a publisher and president since 1971, Mr. Pfriem held fast to the essential values of good journalism and sound business. With reluctance, a few years ago, he accepted from the University of Bridgeport Alumni Association a special award for his contributions to journalism. He sought no plaudits. John E. Pfriem did what he loved and loved what he did.

In truth, it can be said that he had many admirers and no enemies.●

GENERAL REVENUE SHARING

● Mr. SASSER. Mr. President, general revenue sharing, a program that is essential for the well-being of a great number of towns and communities throughout this country, may expire September 30 if it is not reauthorized promptly. We must take action to reauthorization general revenue sharing.

Revenue sharing is a well-established program that has proven to be very effective over the past 10 years. It is the least bureaucratic of the Federal programs; it has the lowest overhead cost per dollar of aid ever created by the Federal Government. This is a program we cannot just suddenly abandon.

The current debate regarding renewal of this program comes at a time when revenue sharing is needed most. In the wake of the recent recession, the State's revenue positions are suffering. The tax systems that States have, placing emphasis on income and sales taxes rather than property and excise taxes, are dependent on the health of the economy, an economy which has been suffering from a major recession. Since 1981, growth in the economy has slowed, unemployment has increased, and consumers are spending less. These events, along with a substantial reduction in Federal aid, have put the States' revenue positions in a terrible bind. If revenue sharing is not renewed to at least the current level, the fiscal problems of many local governments will increase considerably.

Mr. President, a great deal of comment has been made on the revenue sharing program, but no one speaks as graphically to the issue as the people who run local governments and use those revenue sharing checks to fund services and programs in their communities. Last month, I conducted a series of meetings with various local government officials from my State of Tennessee. During these meetings, we discussed five basic questions.

I ask that these questions and their respective replies be printed in the RECORD following my remarks.

The material follows:

Q. I. How much higher would your tax note be today if you had not had revenue sharing for the past 10 years?

A. 1. The tax rate would have been an average of 27 percent higher per year provided there was no revenue sharing. Lewisburg, Tenn., John Derryberry, Mayor.

A. 2. Rutherford County's tax rate would be approximately 25¢/100 of assessed valuation this year and for each of the past ten (10) years without revenue sharing. Rutherford County, John B. Mankin, county executive.

A. 3. In 1983-84 Coffee County experienced a 32.5 percent increase in property taxes, and without Federal revenue sharing the increase would have been 39 percent.

In 1982-83 Coffee County increase its sales tax and increase its revenue sharing from interest on investments and spent $783,000 in Federal revenue sharing on schools. Had revenue sharing not been available the tax rate would have been increased by 42 cents or 34 percent.

For prior years availability of Federal revenue sharing has meant an average of 10¢ on the tax rate each year. Coffee County, Don J. Darden, County Executive.

A. 4. Tullahoma receives approximately $215,000 per year in general revenue sharing. The tax rate would average from .30 to .60. Currently, it amounts to 29 cents for hundred of assessed value. Tullahoma, George Orr, Mayor.

Q. II. What programs has your government paid for with revenue sharing money since the program began?

A. 1. Revenue sharing has helped to maintain quality ambulance service and education. Woodbury, Tenn. Nolan Northcutt, County executive.

A. 2. With revenue sharing, Lebanon has been able to keep its fire and police equipment up to date. We have been able to keep our streets in much better repairs, paving a large percentage of them. Senior citizens have been provided a new home with some help from Federal revenue sharing. Waterlines have been extended. Maintenance on city hall, fire and police buildings has been accomplished.

Most of the projects would have been impossible without revenue sharing. City of Lebanon, Willis H. Maddox, Mayor.

A. 3. Revenue sharing has been used to renovate the heating and cooling system at the county hospital, for operating expenses in the general fund, paving rural roads, and schools' operating expenses. Coffee County.

Q. III. If revenue sharing is canceled, how much of a tax increase will probably be necessary to maintain essential services?

A. 1. For fiscal year 1984-85 approximately 25¢/100 of assessed valuation. Rutherford County, John B. Mankin, County Executive.

A. 2. If the revenue sharing funding was discontinued this year the city would be forced to increase the tax rate 20 percent for fiscal year 1983-84. Lewisburg, Tennessee, John Derryberry, Mayor.

A. 3. If revenue sharing is not extended, it would require a 45 to 50 percent increase in our property taxes to maintain the present operating level. Lebanon, Tennessee, Willis Maddox, Mayor.

Q. IV. What is the most important aspect of revenue sharing for your county?

A. 1. The most important aspect of revenue sharing is that we can provide what we perceive as important services to our citizens without bureaucratic influence. It can be used to provide many basic services.

A. 2. Revenue sharing keeps the county tax down and helps provide funds for essential services. Cannon County, Woodbury, Tenn., Nolan Northcutt, County Executive.

A. 3. Ability to defray local property.

We feel like this is about the only direct effect most citizens get on an ongoing basis from Federal Government. Rutherford County, John Mankin, County Executive.

Q. V. What aspects of this program should we change?

A. 1. One revenue sharing aspect we feel should be changed is the removal of the Davis/Bacon wage/hour requirements from the revenue sharing bill. Lewisburg, John Derryberry, Mayor.

A. 2. None. Cannon County, N. Northcutt, County Executive.

A. 3. If anything add more to Rutherford County's share. Rutherford, J. Mankin, Mayor.

S. 864—BUDGET ESTIMATE, FISCAL YEAR 1983

● Mr. McCLURE. Mr. President, with regard to S. 864, a bill to amend the Volunteers in the Parks Act of 1979, and for other purposes, the Committee on Energy and Natural Resources does not intend that this measure authorize any additional budget authority for fiscal year 1983 than that already available to the Department of the Interior. The committee intends that any fiscal year 1983 expenses incurred from the bill will be absorbed within funds otherwise available.●

DRUG TRAFFICKING AND DRUG ABUSE

● Mr. HELMS. Mr. President, the Foreign Relations Subcommittee on Western Hemisphere Affairs, which it is this Senator's privilege to chair, has been holding a series of hearings on drug smuggling into the United States. We have held hearings in Elizabeth City, Wilmington, and Raleigh, N.C., as well as Miami, Fla. Other hearings are planned.

Mr. President, it would be impossible to overstate the enormity of the drug problem facing this country. Estimates are that illegal drug trade is an $80 billion a year business in the United States. It is so bad in some coastal areas that we have even had reports of artificially high real estate prices resulting from the laundering of drug money.

One of the most striking elements of the drug problem is that it involves all socioeconomic strata of our society. For example, an article in the September 12 Wall Street Journal gives a rare insight into the use of cocaine by those in high positions in our Nation's

financial centers. I commend this article to the attention of my colleagues and the public as an example of the scope of the problem we now face.

This Senator is firmly committed to doing whatever is necessary to bring this matter under control. Getting a handle on the drug trade and eliminating the ill effects to our society will be cheap at any price.

Mr. President, I ask that "Use of Cocaine Grows Among Top Traders in Financial Centers," from the September 12, 1983, Wall Street Journal be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Sept. 12, 1983]

HIGH FLIERS: USE OF COCAINE GROWS AMONG TOP TRADERS IN FINANCIAL CENTERS

PROBLEM IS RARELY DISCUSSED, AN EXPERT SAYS, FOR FEAR OF REACTION BY INVESTORS

Mike is 28, a bond trader with a major Wall Street firm, and makes more than $100,000 in a good year. He likes his job. He likes cocaine too, off the job and sometimes on it.

He claims he isn't addicted to the costly white powder (at least $100 a gram); he just enjoys, he says, the sense of omnipotence it gives him. Mike buys most of his own but occasionally is given a gram or two by brokers who want to keep his friendship—and business.

"Sometimes, say when I've just made the company $20,000, I tell myself: You deserve a treat today," Mike says. "It makes me feel mildly indestructible and gives me a shot of energy, sort of like a bull snorting and hoofing the ground ready to attack a matador."

Interviews with dozens of users (whose real names aren't given, at their request) and professionals who monitor drug abuse reveal that cocaine use is extensive, accepted and steadily growing in financial centers from coast to coast. Employers in the securities, commodities and financial-services industry either don't want to acknowledge the problem, possibly out of fear that public trust in their employees' judgments will be damaged, or try to minimize it. But it is clear that the increasing use of the drug is exacting a price.

WRECKED CAREERS

Some of the brokers, dealers, traders, lawyers and executives snorting it—most of them young males with high-pressure jobs and high incomes to match—are making costly mistakes in business judgment. Sometimes they end up wrecking promising careers. Sometimes they end up dead.

Like Timothy Anderson, a whiz at trading Treasury bond futures in Chicago for Donaldson, Lufkin & Jenrette Securities Corp. He left the firm early last December to become an independent order-filler at the Chicago Board of Trade, and seemed to be doing well. But on Jan. 14 Mr. Anderson died from "acute cocaine toxicity," according to the Cook County medical examiner. Mr. Anderson was 26.

Cocaine first became the drug of choice in the financial community in the middle to late 1970s. Some users and others believe its use was declining—or was less visible—until the 1982-1983 bull market. With volume up and the market climbing, there has been a lot more money around (along with increased stress and tension) and thousands of new, young brokers and dealers to spend it.

SURVEYS ON WALL STREET

"There isn't any question that cocaine use is spreading even among more conservative and corporate types," says Douglas S. Lipton, deputy director for research and evaluation of the New York State Division of Substance Abuse Services. His office has done street checks and surveys that indicate a high degree of cocaine use among white-collar workers on Wall Street.

"We're talking about the core of the financial structure of this country," Mr. Lipton says. "But the banks and brokerage houses close their eyes to the problem and are loath to share information even informally because of the vast amounts of public money being invested and the real fear that any publicity would undermine confidence. Would you invest your money if you knew your broker was stoned more than half the time?"

Peter, the head of corporate finance at one New York securities firm, says, "Every trading desk on Wall Street is full of cocaine." Peter himself spent nine weeks at an expensive New York clinic to kick his $1,500-a-week habit. Prior to treatment, his typical day started with an early-morning snort to get going, frequent use during the day to keep up his energy and "social" use in the evening, usually while entertaining clients.

MISPLACED CONFIDENCE

"There's a lot of pressure in carrying big stock positions, and I wasn't a disciplined guy," says Peter, who really wasn't aware that cocaine had begun to fog his trading decisions. "The market could go down 15 points in one day, and I'd be out a million dollars. Yet I was still confident that I was doing the right thing, losses or no losses."

In Chicago, cocaine use is spreading in the city's commodities trading and financial centers. "A few people take a toot before the trading session and maybe a few times during the day," says one member of the Chicago Board of Trade, himself a user. "It's like drinking coffee." He estimates that 10% of the traders and brokers he knows use cocaine on the job.

Several Chicago-area psychiatrists specializing in drug abuse say that cocaine now trails only alcohol as an addictive substance and that securities professionals account for a significant portion of their practices. In New York, psychiatrist Richard Resnick adds: "I'm seeing more and more businessmen, particularly stockbrokers."

At the Lutheran Center for Substance Abuse in Park Ridge, Ill., the steady admission of traders and brokers enables medical director Donald W. Sellers to assemble a profile of a typical securities professional with a cocaine problem. He says nearly all are male, married, 30 to 45, and "very energetic, very imaginative and very intelligent . . . highly ambitious, competitive and self-confident."

(Cocaine isn't the only problem. In addition to alcohol and marijuana, users often take coke in combination with other illicit drugs, including Quaaludes, amphetamines and barbiturates. Heroin also seems to be taking hold in the financial community. "They get too frenzied and hyper if they don't cut cocaine with a sedative, and heroin appears to be the sedative of choice," says one researcher.)

Cocaine is a powerful energizer, and users describe a "rush" of sensory arousal that lasts for about 10 to 30 minutes, as well as a feeling of Herculean stamina and a surge of self-assuredness. While the drug isn't physically addicting like heroin and other opium derivatives, it can quickly become psychologically addicting, a crutch.

IT'S SHOWTIME

"You go to war every day in this business," says Richard, a former brokerage-house officer and reformed cocaine user who has a background in stocks, options and commodities. For him, cocaine was strength. "You do a line (of cocaine) and you think, 'It's showtime! I'm ready, fans!' " he says.

Samuel, an ex-user who worked for a half-dozen West Coast brokerage firms in less than a decade, says cocaine was widely used at each. While it initially seemed to help him and others think more clearly, says Samuel, before long more and more was needed to achieve the same effect—and occasional use turned into compulsive habit. That habit can eventually ruin the addict's career and his life.

"I have seen 20 guys blow themselves out of this business because of cocaine," says the head of a small New York brokerage firm. Several West Coast users concede that snorting cocaine until 3 or 4 in the morning means that they are in no shape to get up at 5 to be at their desks in time for the New York market openings.

STRANGE ALLERGIES

Paul, a 41-year-old former partner in a risk arbitrage firm, sought help a few years ago when his cocaine-centered drug habit was costing him about $2,500 a week. "Money wasn't ever a problem," he says. "But I began missing about two days of work a week, telling everyone I had a lot of allergies. That was easy, with all the sneezing I was doing."

Paul says he lost "millions" for his firm because of his drug-clouded judgment, part of it in last year's takeover battle for Marathon Oil Co. by U.S. Steel Corp. (Arbitragers buy and sell securities in different markets to take advantage of small differences in prices, and takeover fights can generate tidy profits for them.) "I set up a lot of funny strategies with put and call options, and they became pretty hard to unwind," he adds.

Paul dropped out of the securities business before he was ruined financially, but he has been suffering from unstoppable weight loss and rising blood pressure. There was a painful separation from his wife, and he isn't sure he has permanently controlled his cocaine habit.

RASH DECISIONS

Under the influence of the drug, brokers and traders may make rash decisions and refuse to alter them because they cannot believe they could be wrong. "When a position goes against you, you may double your exposure rather than get out of the market," says Frank, a professional trader in Chicago who speculates for his own account. Good money chasing after bad recently cost another trader $8,500 in 15 minutes. "Adding to a losing trade violates the No. 1 rule of trading," this man says, "but I was real coked up."

The habitual, heavy user may eventually descend into the paranoia called cocaine psychosis. The characteristic gregariousness of a trader, for example, often turns to suspicion and isolation. The once-manageable expense of his habit balloons out of control.

Jack, a former brokerage official who is currently undergoing psychotherapy to help him stay off cocaine, alcohol and other drugs, was consuming a quarter-ounce of cocaine daily—about $500 worth. Indebted to his supplier, he collateralized his exchange

membership to get a bank loan and lost the seat when the bank foreclosed.

There are lots of people like Jack, but it doesn't seem to matter. Cocaine is in. "It's a calling card, a way of saying, 'I'm cool, I'm hip, I'm successful,'" says a broker. It is used at Christmas parties from brokerage firms with a view of the Battery to those with a view of the San Francisco Bay. In Chicago, traders use the edges of their plastic identification badges to chop up "lines" of cocaine on the tops of toilet-paper dispensers in exchange bathrooms. Others use rolled-up dollar bills or hollowed-out Bic pens. And some snort it right on the exchange floor through nasal inhalers that don't hold medicine.

Cocaine has become a medium of exchange itself, as good as and sometimes better than cash. Business inducements—sometimes outright bribes—are given in the form of cocaine. In Chicago, a financial futures trader tells of commodity executives who use cocaine to entice business from New York-based institutional portfolio managers. In New York, a puckish bond trader says he wants to set up an independent company to cater to trader's whims. He would call it "Limos, Bimbos & Lines," providing, as he claims securities firms do informally, a limousine, a woman in a hotel room, and cocaine for customers.

Sometimes the coke passes in the opposite direction, from traders to securities dealers. "I have seen people get discounts on commissions through a passing of the bindle" (a folded piece of paper containing cocaine), says a former West Coast broker.

INDUSTRY'S INDIFFERENCE

For the most part, the reaction of the securities industry to growing drug abuse seems to range from indifference to ostrich-like denial. There are exceptions, such as the Los Angeles securities firm that recently called in undercover police to catch a suspected cocaine user-dealer among its brokers, but mostly the industry doesn't want to know what's happening or pooh-poohs the extent of cocaine abuse—at least publicly.

Four years ago the Chicago Board Options Exchange, the nation's largest stock-option marketplace, expressed anger at law enforcers when 30 federal agents arrested 10 suspected cocaine dealers on the trading floor as television crews filmed the action. Subsequent arrests by Chicago police of dealers from the CBOE and other exchanges have occurred away from the trading floors in a cooperative attempt to minimize bad publicity that could chase business away.

At the Chicago Board of Trade, the world's largest commodity exchange, Executive Vice President George Sladoje says, "We don't feel we have a problem." Anyone using cocaine at the exchange, he says, is a low-level clerical employee. But interviews with users make it clear that the cocaine trade flourishes among professionals even on the exchange floors, with dealing a profitable sideline for some clerks and runners who deliver orders and messages. Buying cocaine is "like ordering a pizza," says a financial futures trader. Chicago police agree. A recent undercover investigator at a major exchange was able to make a cocaine connection on his first day.

ATTENTION ON CLERKS

New York's largest securities firms deny in chorus that drug use is a major problem. The New York Stock Exchange has fired several employees in the past year because of on-the-job drug use, but a spokesman maintains that cocaine abuse there isn't any greater than in society at large. American Stock Exchange officials agree, although the Amex has taken steps to prevent drug use on the trading floor. And the Securities Industry Association, the largest trade group, is sponsoring a drug abuse and prevention seminar next month—but says the program is mainly a response to growing drug use among clerical employees.

Kingsley Barham, a former broker and reformed cocaine abuser, says the securities industry is deluding itself if it thinks the problem either is negligible or only affects lower-level employees. "They talk about a 'Know Your Client' rule, but they don't know their own brokers," he says. "In a sense, that protects the firms and exchanges, but it perpetuates the cocaine abuse; they would rather discharge a broker than try to salvage him."

Mr. Barham recently organized a basketball marathon in San Francisco as a way to raise both money and public awareness about cocaine abuse. But the event lost money, mainly because the expected support from the securities industry and other businesses never materialized. Undaunted, Mr. Barham says he will try again next year.●

AUTHORITY FOR FLOWERS IN THE CHAMBER

Mr. BYRD. Mr. President, I have discussed this with the distinguished majority leader and with Senator McCLURE.

There is a prohibition against flowers being brought into the Senate Chamber. I now ask unanimous consent that that prohibition be waived and that flowers be permitted in the Senate Chamber tomorrow during the eulogies which will be delivered with respect to the late, great Senator Henry Jackson. Those flowers will be placed on this table, which is where he sat when he was among us.

I make that request.

Mr. BAKER. Mr. President, reserving the right to object, and, of course, I will not object; rather, I reserve only for the purpose of gaining an opportunity to agree with the minority leader in his request. I think it is most appropriate and fitting, and I urge the respective caucuses of the two parties to consider formalizing that arrangement in the future.

I think it is a good practice, a good policy, and I thank the minority leader for making the request at this time.

Mr. BYRD. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR HELMS AMENDMENT TO SENATE JOINT RESOLUTION 158 TO BE PRINTED IN THE RECORD

Mr. HELMS. Mr. President, I have a proposed amendment to Senate Joint Resolution 158 which I wish to have printed.

As the Chair knows, generally the policy is not to have amendments printed, but in this case the subject matter being of the importance that it is, I desire to have the amendment printed tonight so that it will be available on the desks of Senators tomorrow.

I might add, Mr. President, that it is my intent on tomorrow to have available to me each of the proposals—and there are eight of them identifiable under section 2 of the amendment—available to be submitted one by one.

So I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are a few items in our folder for unanimous-consent requests that appear to be cleared for action on both sides. They also appear to be routine in nature. I believe the minority leader is aware of them, and if he is prepared now, I will state these requests in sequence.

Mr. President, first a budget waiver. I would propose to call up the budget waiver to accompany S. 1729, and then pass the bill, if the minority leader has no objection.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the minority leader.

BUDGET WAIVER

The resolution (S. Res. 194) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1729, was considered, and agreed to, as follows:

S. RES. 194

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration

of S. 1729, to strike medals for the widow of Roy Wilkins, the Louisiana World Exposition, the families of American personnel missing in Southeast Asia, and Danny Thomas. Such waiver is necessary to permit consideration of an additional fiscal year 1984 authorization of appropriations for the Department of the Treasury to carry out the purposes of S. 1729.

Such waiver is necessary because S. 1729 was not reported by May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974.

STRIKING AND PRESENTATION OF MEDALS

The bill (S. 1729) to provide for the striking and presentation of medals was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, to Aminda Badeau Wilkins, the widow of Roy Wilkins, a gold medal of appppropriate design in recognition of the incomparable contribution of Roy Wilkins to the struggle for civil rights and equality for all Americans. For such purpose, the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury. There are authorized to be appropriated not to exceed $24,000 to carry out the provisions of this subsection.

(b) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(c) The medals provided for in this section are national medals for the purpose of section 5111 of title 31, United States Code.

SEC. 2. (a) In commemoration of the Louisiana World Exposition to be held at New Orleans, Louisiana, in 1984, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike and deliver to Louisiana World Exposition, Incorporated, a nonprofit corporation, not more than seven hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition corporation. The medals, which may be disposed of by the corporation at a premium, may be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck by the Secretary after December 31, 1984.

(b) The Secretary shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

(c) The medals authorized to be struck and delivered under this section shall be struck in gold, silver, or bronze and of such size or sizes as shall be determined by the Secretary in consultation with the corporation.

(d) The medals provided for in this section are national medals for the purpose of section 5111 of title 31, United States Code.

SEC. 3. (a) The Congress finds and declares that—

(1) two thousand four hundred and ninety-four Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the families of those Americans retain the hope that they will return home and the loyalty, hope, love, and courage of these families inspire all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for, and release of, all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

(b) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an intheater Vietnam veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury shall strike bronze medals. There are authorized to be appropriated not to exceed $24,000 to carry out the provisions of this subsection.

(c) The Secretary of the Treasury may cause miniature duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(d) The medals provided for in this section are national medals for the purpose of section 5111 of title 31, United States Code.

SEC. 4. (a) The Congress finds and declares that—

(1) Danny Thomas founded the Saint Jude Children's Research Hospital, a nonprofit hospital dedicated to helping grievously ill children of all faiths and races, children living and children yet unborn;

(2) Danny Thomas founded ALSAC, Aiding Leukemia Stricken American Children, an organization which annually holds a teenagers' march to raise the $12,000,000 needed in annual maintenance costs incurred by the hospital;

(3) Pope Paul VI presented Danny Thomas with one of the highest honors he could bestow upon a layman—Knight Commander with Star in the Equestrian Order of the Holy Sepulchre of Jerusalem;

(4) The National Conference of Christians and Jews selected Danny Thomas as their Man of the Year;

(5) Danny Thomas was presented by the American Medical Association with its Layman Award, the highest honor it can bestow upon a nonmedical man and only the sixth such award given since 1948;

(6) Danny Thomas has given command performances for five Presidents—Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson;

(7) Danny Thomas gave of his time during World War II to entertain United States troops in North Africa, Italy, and the Philippines; and

(8) Danny Thomas has helped to alleviate the suffering of many children throughout the world and given them hope for a brighter future.

(b) The President of the United States is authorized to present, on behalf of the Congress, to Danny Thomas a gold medal of appropriate design in recognition of his humanitarian efforts and his outstanding work as an American. For such purpose, the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary. There are authorized to be appropriated not to exceed $24,000 to carry out the provisions of this subsection.

(c) The Secretary of the Treasury may cause duplicates in bronze of such medal to be coined and sold, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(d) The medals provided for in this section are national medals for the purpose of section 5111 of title 31, United States Code.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARAVAIPA CANYON WILDERNESS ACT

Mr. BAKER. Next, Mr. President, I would propose to go to S. 626, which is Calendar Order 352, if the minority leader agrees.

Mr. BYRD. There is no objection.

Mr. BAKER. I thank the minority leader.

The Senate proceeded to consider the bill (S. 626) to designate the Aravaipa Canyon Wilderness in the State of Arizona, which had been reported from the Committee on Energy and Natural Resources with amendments; as follows:

On page 2, line 19, strike "and", through and including "et seq)" on line 22;

On page 4, strike line 12, through and including line 19, and insert "and April 28, 1971, are hereby repealed";

So as to make the bill read:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aravaipa Canyon Wilderness Act".

SEC. 2. The Congress finds that—

(a) the Aravaipa Canyon, situated in the Galiuro Mountains in the Sonoran desert region of southern Arizona, is a primitive place of great natural beauty that, due to the rare presence of a perennial stream, supports an extraordinary abundance and

diversity of native plant, fish, and wildlife, making it a resource of national significance; and

(b) the Aravaipa Canyon should, together with certain adjoining public lands, be incorporated within the national wilderness preservation system in order to provide for the preservation and protection of this relatively undisturbed but fragile complex of desert, riparian and aquatic ecosystems, and the native plant, fish, and wildlife communities dependent on it, as well as to protect and preserve the area's great scenic, geologic, and historical values, to a greater degree than would be possible in the absence of wilderness designation.

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) certain public lands in Graham and Pinal Counties, Arizona, which comprise approximately six thousand six hundred and seventy acres, as generally depicted on a map entitled "Aravaipa Canyon Wilderness—Proposed" and dated May 1980, are hereby designated as the Aravaipa Canyon Wilderness and, therefore, as a component of the national wilderness preservation system.

SEC. 4. Subject to valid existing rights, the Aravaipa Canyon Wilderness shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness. For purposes of this Act, any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture with regard to administration of such areas shall be deemed to be a reference to the Secretary of the Interior, and any reference to wilderness areas designated by the Wilderness Act or designated national forest wilderness areas shall be deemed to be a reference to the Aravaipa Canyon Wilderness. For purposes of this Act, the reference to national forest rules and regulations in the second sentence of section 4(d)(3) of the Wilderness Act shall be deemed to be a reference to rules and regulations applicable to public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, 1702).

SEC. 5. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map and a legal description of the Aravaipa Canyon Wilderness with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in the legal description and map may be made. The map and legal description shall be on file and available for public inspection in the offices of the Bureau of Land Management, Department of the Interior.

SEC. 6. Except as further provided in this section, the Aravaipa Primitive Area designations of January 16, 1969, and April 28, 1971, are hereby revoked.

Mr. BAKER. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were considered and agreed to en bloc.

Mr. GOLDWATER. Mr. President, the bill before us, S. 626, the Aravaipa Canyon Wilderness Act, sets a precedent by bringing the first public land under the Bureau of Land Management jurisdiction under the protection of the wilderness system. Specifically, the proposal designates Arizona's Aravaipa Canyon an additional 2,626 acres of adjoining public lands as wilderness.

Located in southern Arizona, the 4,044 acre, 7½ mile long canyon, was in 1969 and 1971, set aside as the Aravaipa Canyon Primitive Area, creating BLM's first primitive area. Situated at the east and west entrances to the canyon is about 6,000 acres of land owned in fee by the Defenders of Wildlife Trust for the George Whittell Wildlife Preserve at Aravaipa Canyon ("Aravaipa Trust"). The trust manages an additional 20,000 or more acres, under State and Federal grazing leases, at the entrances to the canyon and on the plateau south of the canyon. The Bureau of Land Management holds title to the canyon itself.

The canyon, whose multicolored cliffs rise as high as 1,000 feet above the canyon bottom, has been referred to as the miniature Grand Canyon of Arizona. Supporting more than 158 species of bird and also bighorn sheep, mule, deer, fox, mountain lion, coyotes, bobcats, javelina, and other small animals, the canyon also has a permanent stream running about 15 miles.

President Reagan, last fall, recommended to Congress that this area be designated as wilderness. This is a noncontroversial bill, having the support of the surrounding community residents, local and national environmental organizations. The Energy and Natural Resources Committee has unanimously reported the bill and I hope, Mr. President, that my colleagues will see fit to join me in support of S. 626.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REMOVAL OF INJUNCTION OF SECRECY—TAX CONVENTION WITH THE KINGDOM OF DENMARK (TREATY DOCUMENT NO. 98-6)

Mr. BAKER. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with the Kingdom of Denmark (Treaty Document No. 98-6), which was transmitted to the Senate by the President of the United States on September 8, 1983; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Estates, Inheritances, Gifts and Certain Other Transfers, signed at Washington on April 27, 1983.

The Convention is the first of its kind to be negotiated between the United States and Denmark. It will apply, in the United States, to the Federal estate tax, the Federal gift tax, and the Federal tax on generation-skipping transfers and, in Denmark, to the duty on inheritances and gifts.

A principal feature of the Convention is that the country of the transferor's domicile may tax transfers of estates and gifts and generation-skipping transfers on a worldwide basis, but must credit tax paid to the other State on the basis of location or *situs* of specified types of property.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *September 8, 1983.*

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 9:30 a.m.

After the recognition of the two leaders under the standing order, there will be a brief period for the transaction of routine morning business until 10 a.m.

The Senate will devote the time between 10 a.m. and 12 noon to tributes and eulogies to our late colleague, Senator Henry M. Jackson.

At 12 noon, there will be an additional period for the transaction of routine morning business in which Senators may speak for not more than 15 minutes each, in which it is anticipated that a number of Senators will wish to speak on the situtation in Lebanon and perhaps particularly as that relates to the War Powers Act.

At 2 p.m. tomorrow, the Senate will resume consideration of the Korean plane resolution.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of nothing else to bring before the Senate today. I inquire of the minority leader if there is any measure he wishes to address.

Mr. President, I see no other Senator seeking recognition, and, indeed, I believe the time for the transaction of routine morning business has now expired. Therefore, I move, in accordnace with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to: and, at 5:32 p.m., the Senate recessed until Wednesday, September 14, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1983:

THE JUDICIARY

Kenneth W. Starr, of Virginia, to be U.S. circuit judge for the District of Columbia Circuit, vice George E. MacKinnon, retired.

Sherman E. Unger, of Ohio, to be U.S. circuit judge for the Federal Circuit, vice Robert L. Kunzig, deceased.

Morton R. Galane, of Nevada, to be U.S. district judge for the district of Nevada, vice Roger D. Foley, retired.

John F. Keenan, of New York, to be U.S. district judge for the southern district of New York, vice Lloyd F. MacMahon, retired.

John P. Vukasin, Jr., of California, to be U.S. district judge for the northern district of California, vice Stanley A. Weigel, retired.

Bruce D. Beaudin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice John D. Fauntleroy, retired.

HOUSE OF REPRESENTATIVES—*Tuesday, September 13, 1983*

The House met at 10 a.m.

Rev. James A. Patrick, St. David's Episcopal Church, Columbia, S.C., offered the following prayer:

Dear God, ruler of the nations, whose will is good and gracious, and whose law is truth, guide the leaders of our land, that we may be a people of peace among ourselves, strong advocates of world peace, and a blessing to other nations of the world.

To the President and all in administrative authority, grant wisdom and grace.

To the lawmakers, the Senate and this House of Representatives, now assembled, give courage, wisdom, and foresight to provide for the needs of all our people and to fulfill our obligations in the community of nations.

To those serving our courts, give integrity and understanding that human rights may be safeguarded and justice served.

Teach our people to rely on Your strength, accept their responsibilities to fellow citizens by electing trustworthy leaders for the well-being of our society and the world. May each of us serve You faithfully and honor Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BLILEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 18, answered "present" 4, not voting 113, as follows:

[Roll No. 328]

YEAS—298

Ackerman	Albosta	Anderson
Addabbo	Alexander	Andrews (TX)
Annunzio	Ford (TN)	McKernan
Anthony	Fowler	McKinney
Archer	Frank	McNulty
Badham	Frenzel	Michel
Bartlett	Frost	Minish
Bateman	Fuqua	Moakley
Bates	Garcia	Molinari
Bedell	Gaydos	Mollohan
Beilenson	Gekas	Montgomery
Bennett	Glickman	Moody
Bereuter	Gonzalez	Moore
Berman	Gore	Moorhead
Bethune	Gradison	Morrison (WA)
Bevill	Gregg	Mrazek
Biaggi	Gunderson	Murphy
Bilirakis	Hall (IN)	Murtha
Bliley	Hall (OH)	Myers
Boehlert	Hall, Ralph	Natcher
Boggs	Hall, Sam	Nelson
Boland	Hamilton	Nichols
Boner	Hammerschmidt	Nielson
Bonior	Hansen (UT)	Nowak
Bonker	Harrison	O'Brien
Borski	Hatcher	Oakar
Bosco	Hawkins	Olin
Boucher	Hefner	Owens
Boxer	Hertel	Packard
Britt	Hightower	Panetta
Brooks	Hiler	Parris
Broomfield	Hillis	Patman
Brown (CA)	Hopkins	Pease
Brown (CO)	Horton	Penny
Burton (CA)	Hoyer	Perkins
Byron	Huckaby	Petri
Carney	Hughes	Pickle
Carper	Hunter	Price
Carr	Hutto	Pursell
Chandler	Hyde	Quillen
Chappell	Ireland	Rahall
Chappie	Jeffords	Ratchford
Cheney	Jenkins	Ray
Clarke	Jones (OK)	Regula
Clinger	Jones (TN)	Reid
Coats	Kaptur	Richardson
Coelho	Kasich	Ritter
Coleman (MO)	Kastenmeier	Robinson
Coleman (TX)	Kazen	Rodino
Conable	Kennelly	Rose
Conte	Kildee	Roth
Cooper	Kindness	Rowland
Courter	Kogovsek	Roybal
Coyne	Kostmayer	Rudd
Crane, Philip	Kramer	Russo
Daniel	LaFalce	Savage
Dannemeyer	Lagomarsino	Sawyer
Daschle	Lantos	Schaefer
Daub	Latta	Scheuer
Davis	Leach	Schneider
de la Garza	Leath	Schulze
DeWine	Lehman (CA)	Sensenbrenner
Dicks	Lehman (FL)	Sharp
Dingell	Levin	Shaw
Dixon	Levine	Shelby
Dorgan	Lewis (FL)	Shumway
Dowdy	Livingston	Shuster
Downey	Loeffler	Siljander
Dreier	Long (LA)	Sisisky
Duncan	Lott	Skelton
Dwyer	Lujan	Smith (FL)
Early	Luken	Smith (IA)
Edgar	Lundine	Smith (NE)
Edwards (AL)	Lungren	Smith (NJ)
Edwards (CA)	MacKay	Smith, Denny
Edwards (OK)	Markey	Smith, Robert
English	Marriott	Snowe
Erdreich	Martin (NC)	Solarz
Erlenborn	Martin (NY)	Solomon
Evans (IL)	Matsui	Spence
Fascell	Mavroules	Spratt
Fazio	Mazzoli	Staggers
Ferraro	McCandless	Stark
Fiedler	McCloskey	Stenholm
Fields	McCollum	Stratton
Fish	McCurdy	Studds
Foley	McEwen	Sundquist
Synar	Watkins	Wirth
Tallon	Waxman	Wise
Tauzin	Weaver	Wolf
Taylor	Weber	Wolpe
Thomas (CA)	Weiss	Wortley
Thomas (GA)	Wheat	Wright
Torres	Whitehurst	Wyden
Traxler	Whitley	Wylie
Valentine	Whittaker	Young (MO)
Vandergriff	Whitten	Zablocki
Vento	Williams (OH)	Zschau
Volkmer	Wilson	
Walgren	Winn	

NAYS—18

Coughlin	Gejdenson	Roemer
Dickinson	Harkin	Sabo
Durbin	Jacobs	Schroeder
Emerson	Miller (OH)	Sikorski
Evans (IA)	Mitchell	Walker
Forsythe	Roberts	Yates

ANSWERED "PRESENT"—4

McCain	Obey
Mica	Porter

NOT VOTING—113

Akaka	Gray	Ortiz
Andrews (NC)	Green	Ottinger
Applegate	Guarini	Oxley
Aspin	Hance	Pashayan
AuCoin	Hansen (ID)	Patterson
Barnard	Hartnett	Paul
Barnes	Hayes	Pepper
Breaux	Heftel	Pritchard
Broyhill	Holt	Rangel
Bryant	Howard	Ridge
Burton (IN)	Hubbard	Rinaldo
Campbell	Johnson	Roe
Clay	Jones (NC)	Rogers
Collins	Kemp	Rostenkowski
Conyers	Kolter	Roukema
Corcoran	Leland	Schumer
Craig	Lent	Seiberling
Crane, Daniel	Levitas	Shannon
Crockett	Lewis (CA)	Simon
D'Amours	Lipinski	Skeen
Dellums	Lloyd	Slattery
Derrick	Long (MD)	Snyder
Donnelly	Lowery (CA)	St Germain
Dymally	Lowry (WA)	Stangeland
Dyson	Mack	Stokes
Eckart	Madigan	Stump
Feighan	Marlenee	Swift
Flippo	Martin (IL)	Tauke
Florio	Martinez	Torricelli
Foglietta	McDade	Towns
Ford (MI)	McGrath	Udall
Franklin	McHugh	Vander Jagt
Gephardt	Mikulski	Vucanovich
Gibbons	Miller (CA)	Williams (MT)
Gilman	Mineta	Yatron
Gingrich	Morrison (CT)	Young (AK)
Goodling	Neal	Young (FL)
Gramm	Oberstar	

Mr. MOODY and Mr. SAM B. HALL, JR., changed their votes from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1020

REV. JAMES A. PATRICK

(Mr. SPENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SPENCE. Mr. Speaker, it gives me great pleasure to present to the House of Representatives a constituent of mine, the Reverend James A. Patrick of Columbia, S.C., who is with us today to lead the House in the opening prayer.

Father Patrick is now serving as the first vicar of St. David's Episcopal Church in Columbia. Organized in April 1982, St. David's is the newest Episcopal Church in the Diocese of Upper South Carolina.

Prior to coming to St. David's, Father Patrick served as vicar of Trinity Episcopal Church of Abbeville, S.C.. He is a graduate of the school of theology of the University of the South at Sewanee, Tenn., and was ordained, first as a deacon and then as a priest, in the Episcopal Church at Trinity Cathedral in Columbia.

Before undertaking his commitment to the Christian ministry, Father Patrick was engaged in private practice as a certified public accountant in Winnsboro, S.C.. He holds a bachelor of science degree in business administration from the University of South Carolina and is a former member of the U.S. Marine Corps.

Since his ordination, Father Patrick has devoted his energies, in particular, to the special needs of senior citizens, serving on the bishop's Task Force on Ministry to the Aging. Both as a trustee of the Diocese of Upper South Carolina and as vicar of St. David's he has provided wise and compassionate counsel to his congregation in the challenging work of establishing and building their new church home.

It is with deep pride and honor, then, that I welcome Father Patrick and his family to Washington on this occasion and commend to this body his words of blessing and devotion.

● Mr. CAMPBELL. Mr. Speaker, it is with special pleasure that I join my colleague, Congressman SPENCE, in welcoming to the House of Representatives the Reverend James A. Patrick, his lovely wife, Pauline, and their son, James III. I came to know this fine family through their daughter, Cindy, who is my public information director and a valued member of my staff.

Father Patrick came to the ministry after a successful career as a certified public accountant. He and his family sacrificed a great deal so that Pat could graduate from the School of Theology, University of the South, as a master of divinity in 1980. Subsequently, he was ordained deacon of the Episcopal Church in June 1980, and priest in May 1981 at Trinity Cathedral in Columbia. Pat served as vicar of Trinity Episcopal Church in Abbeville until May 30, 1982, and is now establishing St. David's Episcopal Church in Columbia.

It is not surprising that Pat is taking on the enormous responsibility of establishing a new church, for his energy, enthusiasm, and dedication are unparalleled. And, there is no doubt in my mind that St. David's will rank as one of the finest Episcopal Churches in South Carolina with Father Patrick at its head.

Mr. Speaker, the willingness and ability to change careers in midlife says a great deal about a person's character—and that of his family. I am proud to call Pat, Pauline, James, and Cindy friends, and I thank Pat for his inspiring words this morning.●

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I rise for the purpose of making reference to the program for this week and next week. I trust that all Members have copies of the printed program schedule for this week.

Today we hope we will be able to conclude the Rehabilitation Act amendments on the education bill. Tomorrow, if things work well, we would take up amendments to improve the Worker Training Act.

Thursday we have scheduled the Coal Pipeline Act, all bills of significance.

In addition to this, there may be—and Members need to know this—there may be a unanimous-consent request from the chairman of the Committee on Foreign Affairs for immediate consideration either on Wednesday or Thursday of a resolution expressing the sense of Congress with respect to the disaster committed by the Soviet Union in shooting down the Korean passenger aircraft. That may come Wednesday or Thursday of this week.

Also the Members should be on notice that the conference report on the Defense authorization bill was filed yesterday and it would be eligible for consideration as early as Thursday and may be brought up then.

Next week's legislation will be announced as usual at the end of this week's business. However, Members should know that we expect votes on Monday next, September 19.

In addition to various suspensions, we expect to take up the State-Justice appropriation bill. So Members would be well advised to make their plans accordingly.

We will try to roll votes on suspensions, depending on the number that we have, so to the extent that it is reasonably possible, our votes might fall midafternoon or later. But I think it is important to put Members on notice that there will be votes on next Monday.

On Tuesday of next week we expect the probability of a resolution concerning the presence of American forces in Lebanon.

Additional programs will be announced later, but I think Members really ought to recognize that since Friday of this week and Friday of next week both have been promised as no business and in fact no session, it puts a strain on us to complete all that needs to be done in the other days. So there will be a Monday session and in addition to that we probably expect to stay fairly late on the days we are in session.

In addition to certain appropriation bills we may be considering, we probably will be faced with a continuing resolution which will have to pass the Congress before the 30th of this month, which is only 2 weeks from this coming Friday.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Of course I yield to the gentleman from Mississippi.

Mr. LOTT. With regard to Thursday, the gentleman pointed out that the Coal Pipeline Act is scheduled at this time and there may be perhaps even the defense authorization bill that would be eligible to be brought up. But does the gentleman have any idea on Thursday as to what time we might expect to wrap it up, because I understand there may be a memorial service for our former colleague from Georgia.

Does the gentleman have any idea about the time on Thursday afternoon?

Mr. WRIGHT. As I understand it, the plane is expecting to leave at 5 o'clock and, of course, an effort would be made to accommodate Members who desire to attend the memorial service.

Let us talk further as the week progresses and see if we can achieve some mutual agreements with respect to that question. We will try to cooperate and accommodate our colleagues who desire to attend that memorial service.

But the Members really need to be on notice that we need to accomplish a lot in the remainder of this month.

□ 1030

WHO WERE THESE "SPIES"?

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, the blatant killing and destruction of the South Korean commercial airliner was one of the most brutal and immoral acts against innocent victims. The Soviet Union has offered no remorse and will not make any form of restitution to the American victims. They claim this plane was on a spy mission. But who were these so-called spies? Let us look at the list.

Was Sammy Ariyadej, 8 months, a spy, who was killed on this plane, were the teenagers Christian and Elizabeth

Carasco spies, was Celita Chuapoco, age 3, a spy, was the infant T. Guevara a spy, was Christa Metcalf, age 3, a spy, was her sister Rita, age 7, a spy? How about Corazon or Cicilia Ocampo, aged 2 and 4, who were also on this plane; how about Graham Park, age 2 and Sarah Park, age 4? These innocent children were killed.

Mr. Speaker, I believe the United States should take further action beyond the President's recommendation. I would set a halt in sending pipeline equipment and technology to the Soviet Union. I would like to see the Soviet shipments that are coming into this country that are affecting jobs in my State of Ohio, like the shipments of ferro-alloys from the Soviet Union dismissed and put a halt to so that we would finally do something to show that we mean business and we will not tolerate the Soviet Union's callous actions.

THE SOVIETS SHOULD NEVER BE ALLOWED TO FORGET THIS ILLEGAL AND COWARDLY ACT

(Mr. SAM B. HALL, JR., asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM B. HALL, JR. Mr. Speaker, Funk and Wagnalls Standard Dictionary defines "base" as low in sentiment, morals—low in rank, cheap, contemptible, degraded, despicable, ignobile, infamous, low minded, mean, miserable, shabby, sneaking, sordid, squalid, vile, worthless, wretched.

Those are only a few of the words that express my utter contempt and revulsion for the Soviet Union by reason of their dastardly and inhuman action in shooting down Korean flight 007. The Soviets should never be allowed to forget this illegal and cowardly act.

I would hope that every Soviet leader in the United States and those around the world would read the CONGRESSIONAL RECORD of this Congress in order that they might learn firsthand just how low in esteem they are held by this Congress and by the people of the United States of America.

RUSSIA MUST NOT BE TREATED AS WE TREAT OTHER NATIONS

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, in the 12 days since the Soviet Union shot down an unarmed commercial airliner with 269 civilians aboard, including a distinguished Member of this body, the world's revulsion and horror have scarcely abated. It is difficult to find words harsh enough to condemn the barbaric mind-set which brought about this despicable act.

Around the world, we continue to hear expressions of outrage and anger. In the U.N. Security Council, nations of the Third World have voiced their condemnation of this terrorism, and no one outside the Soviet sphere of domination has said a word in attempting to defend the illegal and uncivilized actions.

The Soviets have managed to shock even the sensibilities of those who had begun to accept their invasion of Afghanistan and repression in Eastern Europe—by engaging, first, in a barrage of lies about their actions, and then, when confronted with the evidence, by dismissing the Korean airliner as an American "spy mission."

A nation which is capable of applying the term "sacred" to its borders, but which expresses only lukewarm "regret" over the innocent passengers whose bodies are now washing ashore from the wreckage, cannot be treated as we treat other nations. There must be firm sanctions if we are to maintain our integrity as a responsible government in a civilized society.

A REASONED COURSE OF ACTION PREFERRED OVER SERIOUS CONFRONTATION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the national sense of outrage over the Korean Air Line massacre shows no signs of subsiding. People all over the world including nations in the Soviet bloc, continue to condemn the Soviets for their heinous acts of murder against 269 defenseless men, women, and children.

The civilized world has again seen the contempt for morality and decency so much a part of Soviet policy. They stand naked for all the world to see them as they really are. The Soviets have earned their title of "outlaws in the community of man" through their wanton disregard for international law and morality. The savagery of this particular action was only compounded by their arrogance in trying to cover up their obvious culpability in the matter.

I am in full agreement with the response by President Reagan. I consider it to be a rational and effective way to react to this most provocative of actions. His strong rhetoric and imposition of sanctions have prompted a series of unprecedented actions by the Soviets including unheard of public press conferences involving some of their most sensitive military officials. Yet none of these steps has changed anyone's mind relative to the responsibility of the Soviet Union for this crime against humanity.

To go beyond the President's reasoned course of action is to invite a more serious confrontation between our two nations. That would be the wrong step at this time.

CONGRESS AND THE PEOPLE MUST BE MORE INVOLVED IN FOREIGN POLICY

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, current developments in Latin America and in the Far East demonstrate very inconsistent American policies.

A high ranking Defense Department official is publicly calling for a military solution in Central America and denouncing negotiation, and the administration is about to announce more advisers in that strife torn part of the world.

Meanwhile, in Lebanon our forces are being authorized to call in American air strikes as three more Marines are wounded. A few weeks ago we were calling for all foreign troops to get out of Lebanon. Today our forces may be engaging the local Christians and Moslems. Moreover, we have just completed a mammoth unconditional grain deal with the Soviets, and at the same time we have moved to cut off grain to Nicaragua because it is a Communist client of Russian.

The conclusion I draw is that Congress and the American people must be more involved in trying to bring order into American foreign policy.

TRIBUTE TO THE LATE HONORABLE HENRY M. JACKSON

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, our Nation, this Congress, and the people of the State of Washington have lost a great leader with the death of Senator Henry M. Jackson on September 1. Scoop Jackson was a man of principle and a man of vision. Many of us in the Congress knew him through his views on national defense and on relations between the United States and the Soviet Union. He was truly a realist in the sense that he was deeply concerned about maintaining the balance of power between the world's two superpowers. But Scoop Jackson was also aware of the need to protect Government programs that aid the less fortunate, the elderly, and the unemployed. Clearly he favored a strong America, but his vision of a strong nation was one which emphasized being militarily strong as well as economically strong. A nation adequately armed, with full employment and a strong economy is best able to withstand challenges from the outside, and

Scoop Jackson's legislative legacy clearly reflects that total context of a strong America. But Scoop Jackson was more than the national leader we saw here in the Nation's Capital. At 3 days of services for him last week in his hometown of Everett, Wash., people came from near and far to mourn a good friend; one who always stopped on a streetcorner to offer a kind word; who never failed to mark a birthday, an anniversary, or send a get-well card to a list of personal friends numbering in the thousands. He was a neighbor, a good friend, and "our Senator" for all of us in Washington State, and we will miss him very much.

His death also represents the loss of more than 30 years of experience and seniority in the U.S. Senate, which will be impossible to restore soon. It is truly a loss for the people of Washington State, but it is also something that affects me very deeply. From the time when I was a Senate staff member 15 years ago, Scoop was always there to offer counsel and advice; and most recently to offer his strong support for legislative measures we joined forces on in Congress. No one can replace the influence that Scoop Jackson had on me, and certainly no one can replace his leadership of the Washington congressional delegation.

ENTREPRENEURSHIP

□ 1040

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, many of you know I am a proud product of vocational education. My background in vocational agriculture and involvement with the Future Farmers of America, the organization for agriculture students contributed to my being here today. I represent one of the most economically weakened rural areas of the country where agriculture is still the dominant industry. We desperately need other types of business and industry in this depressed area in order to build up our economic base.

As you might assume, business and industry is not overly anxious to locate in an economically questionable area. Therefore, any industry that comes to this area must be grown and cultivated with careful planning and training in mind. To do this, we need a great deal of help from vocational education.

Vocational education has assisted the citizens of Oklahoma in two ways: One is by providing training in those skill areas for new and expanding industries, and two, by encouraging the entrepreneur or that person who is interested in opening his/her own small business. I will not quote for you the statistics on new businesses opening and the percentage of those businesses that fail within 2 to 5 years of opening. Rather, it is important for you to know that vocational education through its secondary and adult programs is turning these statistics around and is serving as a tool through which students can be alerted to the opportunities of self-employment as well as providing actual training for the potential and existing small business owner. This becomes extremely important in a rural State like Oklahoma where we must encourage all of our creative people to transfer their talent to meaningful, productive businesses. And, thus leading toward economic productivity for themselves and their families and, of course, the citizens of Oklahoma.

I was pleased to learn that in at least 50 percent of the States, vocational education is now working in conjunction with local or State development agencies, local and State chambers of commerce and local governments to bring industry to these States. Vocational education provides the assurance to industry that the skilled workers needed for new industry will be available. And, that vocational programs across the Nation are infusing entrepreneurship or training for self-employment into all vocational programs.

In order to continue these efforts, increased Federal funding is necessary. State and especially local areas are not able to finance startup costs of these programs.

As a colleague, I urge you to support the increase in the funding ceiling for vocational education so that these efforts can continue to be possible.

CLOSER CONGRESSIONAL SCRUTINY NEEDED ON CENTRAL AMERICAN POLICIES

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, I was amazed at the remarks of the third ranking official in the Defense Department who called this week for a military victory in Central America saying that negotiations alone cannot resolve current conflicts there.

He also suggested that the lukewarm congressional support for President Reagan's program of economic and military aid could force the United States to deploy troops in the region "as in Korea or West Germany."

The administration has consistently ignored the will of the Congress. They have not consulted with us, they have evaded the laws we pass, and now they seek to blame us for the failure of their policies.

The failure of Reagan's military approach is clear; the problem is that he is frozen into a policy of confrontation, and can only seem to respond with military escalation. President Reagan has painted us into a corner and his response is to ask us for more paint.

What the administration must realize is that military violence is not the answer in Central America; it is the root of the problem. By feeding and funding the violence the administration radicalizes the region and derails the peace initiative.

This apparent lack of restraint in the administration calls for much closer congressional scrutiny of the course of our Central American policies.

UNITED STATES MUST MAINTAIN STRONG NATIONAL SECURITY POSTURE

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, the dastardly, despicable and totally uncalled for shooting down of an unarmed South Korean airliner by a Soviet fighter resulting in the deaths of 269 innocent civilians cannot go unchallenged by the free world. This act of wanton murder must be punished.

I fully understand those who want to punish the Soviet Union by breaking relations, walking out of arms control negotiations, or imposing trade restrictions. But as much as we are all revolted by this act, we must keep our perspective and remain focused on what is best for U.S. national interests.

I commend President Reagan for his measured and careful handling of this crisis, but urge him to continue to demand that full restitution be made to the families of those killed and to the South Korean Government for the destroyed aircraft.

The Soviet Union, by this act, has shown the world its callous disregard for human life and its reliance on military force. It has clearly demonstrated once again the need for the United States to continue to maintain a strong national security posture.

THE NEW U.S. AUTO INDUSTRY

(Mr. CARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARR. Mr. Speaker, one out of every seven people employed in America today works in or around and for the American auto industry. Yet, in recent years the American auto industry has been much maligned because of its lack of competitiveness with the Japanese and other foreign imports.

I am here today to tell the Members that there is a new, a brandnew, auto industry out there where labor/management relations are keyed to coop-

eration and quality. I am also here to tell the Members that there is a new auto industry which is designing cars in a new way and building them in a new way.

Yesterday in Pontiac, Mich., and then again in Los Angeles, Calif., the Pontiac Motor Division unveiled a brandnew, newly designed, newly manufactured product called the Fiero. It is a two-seater, midengine sports car, made of a fiberglass, plastic body skins, and a space frame.

Mr. Speaker, I am proud to say that the United Auto Workers and the Pontiac Motor Division have brought 12 of these automobiles to Capitol Hill today. And I extend an invitation to all of my colleagues and their staff to view the automobiles outside, rain or no rain, we will be driving cars and we want all to come and see the new U.S. auto industry.

A TRIBUTE TO GLENWOOD CREECH

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I would like to take a few minutes today to honor an individual who has made a major contribution to higher education in south Florida. Dr. Glenwood Creech retired from the presidency of Florida Atlantic University this past July, but not before he had dramatically changed the face and future of the university. Under Dr. Creech's outstanding leadership, FAU gained a new identity as a center of academic excellence, cultural awareness, and community pride.

As an alumnus of Florida Atlantic, I am deeply grateful to Dr. Creech for his vision and practical ability. As Representative from Florida's 14th Congressional District, I am proud to recognize the presence of an educational institution growing in excellence and credibility every year.

Glenwood Creech leaves Florida Atlantic University 10 years after he arrived, having offered skill, judgment, and creativity to help the young university establish a pattern of growth and stable development. Among his extraordinary accomplishments, Dr. Creech has been instrumental in the following areas:

The establishment of five Eminent Scholar Chairs at $1 million each;

The authorization for doctoral programs in engineering and business;

Authorization for the development of a lower division;

Opening of a new engineering building;

The establishment of an art gallery and botannical garden funded with private donations;

Opening of a 2,400 seat auditorium to serve the university and the community;

Steady growth in enrollment; and

Continuous program development.

These reflect the tangible accomplishments of Glen Creech. But they do not say enough about his impact at FAU. Glen and Martha Creech brought warmth and grace with them to the university. They offered personal, as well as professional strength and vitality to the university and the community. They are true friends of all of us who care deeply about the future of Florida Atlantic University.

I join other students, alumni, and friends of Florida Atlantic University in thanking Dr. Creech for his contributions to the quality of higher education in Florida. His strength and personal integrity have left an indelible stamp on FAU.

OUTRAGE EXPRESSED OVER SOVIETS' SHOOTING DOWN OF FLIGHT 007

(Mr. GRADISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRADISON. Mr. Speaker, I rise to express my outrage over the Soviet Union's unprovoked and barbaric annihilation of Korean Air Lines flight 007. The incident of August 31 is unjustifiable, and for the Soviets to plead self-defense is ludicrous.

While I support the initial actions taken by the President, I remain convinced that the most effective measures—those which will have the most impact on the Soviets—can only be exerted in concert with the world community. Seldom have we seen such a tremendous outpouring of revulsion over one incident and only the combined efforts of the civilized world against this uncivilized act will have a significant and long-lasting impact on the Soviet dictatorship.

This inhuman behavior reinforces my longstanding distrust of the U.S.S.R. It has, I believe, important lessons for any dealings we have with them. In particular, U.S. negotiators must approach arms control talks with this clear evidence of the Soviet's disregard for the norms of international behavior.

Mr. Speaker, I also take the opportunity to express my condolences to the family of our colleague, Larry McDonald, and to the families of the other 268 victims of flight 007.

NO, SAMANTHA, THEY ARE NOT JUST LIKE US

(Mr. PHILIP M. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILIP M. CRANE. Mr. Speaker, I, as I am sure everybody else in this body, was descended upon by the media upon the news of the barbaric act perpetrated by the Soviet Union in the predawn hours of September 1. Many of them asked me if I were shocked or surprised by this act. And I responded by saying how could anyone be shocked or surprised by such an atrocity committed by those gangsters who preside over that dung hill called the Soviet Union.

The fact of the matter is, the man who rules that country stands accused before the court of world opinion right now for having authorized the assassination attempt upon Pope John Paul II. As a result, why should anyone who would authorize an attempted assassination of the Pope be at all reticient about taking 269 innocent civilians on that flight? He is also the man who presided over the butchery of Budapest in 1956; he is the man who presided over the persecution of Prague in 1968. So why should anyone be surprised that he would authorize the shooting down of 269 unarmed civilians? He is the man who helped to orchestrate the invasion of Afghanistan and who sanctions in violation of all international law the use of chemical and biological weapons. So why should anyone be shocked or surprised by this latest atrocity? No, Samantha, they are not just like us.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 212

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable LAWRENCE P. MCDONALD, late a Representative from the State of Georgia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message also announced that the Vice President, pursuant to Public Law 91-551, appointed Mr. SASSER as a member, on the part of the Senate, of the Board of Regents of the Smithsonian Institution, effective September 12, 1983.

□ 1050

TRUE SOVIET GOVERNMENT CHARACTER REVEALED

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, on August 31 my office received a press

release from the Consulate General of the Soviet Union in San Francisco regarding the visit of nine of our U.S. Senators to Moscow last month.

The release stated:

> Talking with them, Yuri Andropov has characterised (sic) the present-day state of relations between the U.S.S.R. and the United States as tense virtually in every field. They have become such not because the Soviet side has chosen so. The Soviet Union would like to have with the United States a level of concord ensuring normal, stable and good relations in the mutual interest of both sides and to the great benefit of world peace.

These words might suggest to some that the Soviet Union has good intentions of a commitment for peace and global disarmament. Why 24 hours later, in a fiery flash, would a Soviet fighter callously and unmercifully shoot down a defenseless commercial airliner with 269 people aboard, including our colleague, Larry McDonald? Larry stood as a vocal opponent of the practices of the Soviet Union. Perhaps no other Member of Congress lectured as consistently and forcefully against the aggression of the Soviets, and in a final ironic turn his verbal foe became his physical opponent. If the Soviet Union felt justified in downing a commercial airliner, why have the Soviet people not been told that 269 people died? It is clear that the Soviet leadership does not subscribe to the same rules of conduct that we do.

Let us hope that the American people will not be fooled by good wishes of good will that we hear uttered from the leadership of the Soviet Union, blaming any problems in the world today on our leadership. Let it be crystal clear that it is not the United States but, rather, the Soviet Union that is the reason we have not engaged in a successful arms negotiation to this point. It is the Soviet Union, not the United States, that stands as a barrier to freedom in this world. It is the Soviet Union, not the United States, that is the threat to the world. These things we should keep in mind as we negotiate with them, as we must. However, we should not be at the bargaining table with any Pollyannish ideas about their acceptable behavior or their standards or their values.

NICARAGUA VOTES AGAINST U.N. CONDEMNATION OF SOVIET UNION

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, yesterday the world spoke to the issue of the shooting down of the Korean airliner. The world spoke in the United Nations. Nine nations voted to condemn the Soviet Union for their actions; two nations voted against that condemnation. Two nations voted to say that we should not even have a slap on the wrist of people who shoot down civilian airliners and kill 269 people; two nations said that that act of barbarism is a perfectly acceptable way to behave in the world. Two nations, the Soviet Union, of course, being one. They have already shown their stripes. But the other nation was Nicaragua, a nation that we have heard an awful lot about on this House floor over the last few weeks. Two nations, the Soviet Union and Nicaragua, said you should be able to behave like barbarians and get away with it in the world community.

RUBEN F. ORTEGA JR. ASSISTS IN BRINGING AID TO DISPLACED PEOPLE OF EL SALVADOR

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, yesterday I indicated on the floor of this Chamber my admiration for the actions of our colleague, BILL MCCOLLUM of Florida, in bringing aid to the displaced people of El Salvador. During the first week in August the gentleman from Florida successfully delivered and distributed some 5,000 pounds of free medical supplies to the desplezados in that nation, and presently is ironing out the logistics for future, similar deliveries.

But I would be remiss, Mr. Speaker, if I did not mention that the gentleman from Florida has been ably assisted in his efforts by a member of my staff, Ruben F. Ortega, Jr. Ruben is a native of Douglas and a longtime resident of Sierra Vista, both of which are in Cochise County, Ariz., in my district.

When Mr. MCCOLLUM made the decision to deliver an initial 2½ tons of medical supplies to El Salvador, he received complete cooperation from the American Embassy in San Salvador as well as the coordinator of the supply lift, Project Hope. But he was concerned that he and his staff might need additional assistance with the language barrier they were sure to encounter in Spanish-speaking El Salvador. Congressman MCCOLLUM and his staff had known Ruben on a social and professional level for some months, and were aware of his proficiency with the Spanish language. He was thus a natural choice to accompany them on their mission.

I know, Mr. Speaker, that the opportunity to assist the gentleman from Florida in his exception and commendable mission was an exciting and valuable experience for Ruben Ortega. I hope my colleagues will join me today in paying tribute to his role in this most humanitarian venture.

TRIBUTE TO THE LATE HONORABLE HENRY M. JACKSON

(Mr. PRITCHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRITCHARD. Mr. Speaker, last week our State and our Nation lost a great public servant. Henry M. Jackson, who we all thought was indestructible and who had served this Nation for 44 years here in the Capitol, passed away. He was known as "Scoop" to everyone in our State and to everyone in the Capitol. A magnificent public servant, who had strong views, and always stayed very loyal to his views, no matter how the wind was blowing in a particular year for political viewpoints.

Scoop Jackson had friends all over our State. He was the son of a Norwegian family. He came from a mill town—Everett. He is mourned by all our State, those who voted for him and those who voted against him. And I can tell you as a politician there were not many who voted against Scoop.

His service in the House and in the Senate has left an imprint on America, an imprint that will be felt down through the years. He was sensitive and caring, not only in public life, but also as a family man. I know that the delegation from the State of Washington and all other Members in Congress wish his wife, Helen, son Peter, and his daughter, Anna Marie, our heartfelt sympathy in this very difficult time.

America will miss Scoop Jackson.

TRIBUTE TO THE LATE HONORABLE HENRY M. JACKSON

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I take the well to join my colleagues from Washington and others in expressing my deep sorrow at the death on September 1 of this year of Senator Henry M. Jackson. Senator Jackson served for over four decades in the Congress of the United States, six terms in the House and the remainder of his service in the U.S. Senate. He was an extraordinary man, extraordinary in his commitment to those values which brought him to the Congress and which he expressed so cogently and eloquently at every level of our politics, including the national level where he sought twice the Democratic nomination for President.

In a time when one colleague said that some of us in the Congress have short attention spans, Senator Jackson maintained a steadfast and coherent expression of belief in a strong national defense and in a secure America, but not just in military terms. He

never lost his commitment to the view that the Government can and should be a consistent instrument for the improvement of the life of all Americans and particularly for those who need that support and concern.

Senator Jackson was to those who have had the honor to serve on his staff—as I did—a teacher, a teacher mostly by example, a teacher whose steadfastness, whose honesty and whose integrity are a model for everyone who engages in public service.

In the words of George Will, the national columnist and a friend of Senator Jackson, "He was the finest public servant I have known." This is the judgment that many will make. It is a judgment that I share. I extend, as all of us I know wish to do, our condolences to Mrs. Jackson and to Peter and Anna Marie.

Last night the House adjourned out of respect for Senator Jackson, after enacting a resolution of condolence which parallels that expressed by the U.S. Senate.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman yield?

Mr. FOLEY. I yield to the distinguished chairman of the Committee on Education and Labor.

□ 1100

Mr. PERKINS. First let me state to the distinguished gentleman from Washington that I had the privilege of serving with Senator Jackson in the 81st Congress. I have never served with a more capable and able gentleman than Senator Jackson. He took the lead back in 1949 in the enactment of the Marshall plan, where we had destroyed much of Central Europe by our own bombers, to give those countries economic assistance.

He was a leader all through that session until he went to the Senate. He was one of the most pleasant gentlemen that anyone ever served with. He was truthful. One could go to him and talk to him and he would tell you his views very frankly and forthrightly.

I know not only the State of Washington but the whole United States will miss this great statesman.

Mr. FOLEY. I thank the distinguished gentleman from Kentucky.

Mr. Speaker, I would advise Members that a special order will be arranged for next week.

WE WILL ALL MISS SCOOP JACKSON

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, of course the whole Nation and the whole world as well as the State of Washington has lost a great leader in Henry Jackson. The services for Senator Jackson showed just how much this man meant to everyone. The dean of our delegation, TOM FOLEY, gave one of the finest talks I have every heard in my life, and so did our colleague, AL SWIFT, representing the Second Congressional District, from Everett, from where Scoop Jackson had started and put in so much of his time. Everyone in this House would have been very proud to have seen the job done by them.

Scoop Jackson's two children, 17-year-old Peter, and 22-year-old Anna Marie, really were the testimony to what a man as an individual Scoop Jackson was. If you could have seen the way they stood and talked about what their father had meant to them as a father, it really lets you know the quality of the human being we have lost.

It was 1970, when I was a young Democrat, that Scoop Jackson first helped me. There is not actually a young Democrat in the State of Washington who could not stand up and tell that same story. As TED KENNEDY said at the eulogy in Everett, Wash., Scoop Jackson was for a strong national security but he never once wanted to pay for it out of the mouths of hungry children or out of costing unemployed chances to get jobs or out of education programs. He was for a strong America in all ways.

PRECIPITOUS ACTION IN SYRIA IS A MISTAKE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, Congress returns this week to face the perplexing question of what the U.S. policy toward Lebanon should be.

Mr. Speaker, I think three points are clear: First, the United States will never be able to put all the pieces together in Lebanon. The country has so many different factions, religious, political, and cultural, that for us to try and create a unified Lebanon is a task far beyond our power.

Having said that, the second point, I think, is also clear: the U.S. immediate withdrawal from Lebanon will be interpreted not only by the people of the Middle East but also by the rest of the world as an immediate defeat for the United States and as a victory for the Syrians.

Given these two points, the third point that it would behoove all of us to pay attention to is that precipitous action in the Middle East usually fails. The United States never should have placed troops in Beirut in the first place. It was a precipitous action, not a thoroughly thought-out policy. Had we not forced Israel to curtail her activities at that point and entered the conflict ourselves, I think that Lebanon itself would have been in a lot better shape than she is today.

To act precipitiously again would be a major mistake.

DOWNING OF SOUTH KOREAN AIRLINER WAS ACT OF BARBARITY

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, Americans of all political persuasions and people throughout the world continue to express indignation over the Soviet Union's wanton shooting down of a South Korean airliner with 269 persons aboard.

The downing of this unarmed civilian airliner was an act of barbarity, whether a calculated Soviet policy decision or the isolated act of an individual commander.

As the lies continue to flow out of Moscow, it becomes apparent that the Soviet military commanders intentionally were responsible for the massacre of 269 innocent civilians. These revelations clearly illustrate a number of terrible truths about the Soviet Government and its system:

First, the Soviets do not share, nor do they care, for the basic human values that distinguish a civilized society;

Second, the Soviet military is capable of monstrous actions regardless of the innocent mistakes or lack of maliciousness on the part of others;

Third, a frightening ineptness and incompetence marks the highest levels of the Soviet military command; and

Fourth, the Soviet leadership believes that it can disdainfully treat the rest of the world with the same arrogance and contempt it exercises toward its own people.

These lessons must always be taken into account when dealing with the Soviets. Whether we like it or not, we must negotiate over crucial issues such as nuclear arms control with this other great superpower. We must never forget, however, that we are doing business with a ruthless regime whose values are contrary to ours.

I hope that the many well-meaning but gullible people in our Nation and in other countries will remember the Soviets for what they really are and not for what they would like them to be.

IT IS "PUT UP OR SHUT UP" TIME ON EDUCATION

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today the House will be considering H.R.

3520, amendments to the Rehabilitation Act. I strongly support this legislation and urge its adoption by the House.

It is put up or shut up time. Are we willing to fund education or not? It is fine to say the burden must shift to State and local governments, but they are simply not able to take up the slack. Faced with cuts in Federal assistance and declining tax revenues due to the recession, local governments are in difficult straits financially. It is just not practicable to say they should shoulder more of the burden.

Throughout the last decade, educational spending comprised about 2.3 or 2.4 percent of Federal spending. Under President Reagan's budget that portion would drop by half, to 1.2 percent by 1988.

I cannot understand how anyone can object to the obviously reasonable and necessary levels in H.R. 3520. Spending money in and of itself may well not solve problems; but refusing to spend money, especially in education, hardly counts as a long range, thoughtful solution either.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KAZEN) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5, rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 3:20 p.m. on Monday, September 12, 1983 and said to contain a message from the President whereby he transmits proposed legislation entitled, "National Productivity and Innovation Act of 1983."

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

(For message, see proceedings of the Senate of Monday, September 12, 1983, at page S11983.)

□ 1110

EXTENDING AND IMPROVING THE REHABILITATION ACT OF 1973

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3520.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, September 12, 1983, all time for general debate had expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SHORT TITLE

SECTION 101. This title may be cited as the "Rehabilitation Act Amendments of 1983".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

SEC. 102. (a)(1) Section 100(b)(1) of the Rehabilitation Act of 1973 (hereinafter in this title referred to as "the Act") is amended by inserting at the end thereof the following: "There is further authorized to be appropriated for such purpose $1,037,800,000 for fiscal year 1984, $1,141,100,000 for fiscal year 1985, $1,254,600,000 for fiscal year 1986, $1,379,400,000 for fiscal year 1987, and the amount determined under subsection (c) for fiscal year 1988.".

(2) Section 100(b)(2) of the Act is amended—

(A) in the first sentence by striking out "and" immediately before "$60,000,000" and by inserting immediately before the period at the end of such sentence ", and such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986"; and

(B) by striking out all of the second sentence.

(3) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three" and inserting in lieu thereof "fiscal year 1984, and each of the two".

(4) Section 100(c)(2) of the Act is amended to read as follows:

"(2)(A) If in fiscal year 1987 the percentage change published under paragraph (1) indicates an increase in the price index, then the amount authorized to be appropriated under subsection (b)(1) for fiscal year 1988 is the amount authorized to be appropriated for fiscal year 1987 increased by such percentage change.

"(B) If in fiscal year 1987 the percentage change published under paragraph (1) does not indicate an increase in the price index, then the amount authorized to be appropriated under subsection (b)(1) for fiscal year 1988 is the amount authorized to be appropriated for fiscal year 1987.".

(b) Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

(c) Section 112(a) of the Act is amended by inserting "and no less than $3,500,000 for fiscal year 1984 and each of the two succeeding fiscal years," after "fiscal years,".

(d) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR AND REVISIONS IN RESEARCH AND TRAINING

SEC. 103. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years".

(b) Section 201(a)(2) of the Act is amended by striking out "$50,000,000" and all that follows through the end of such paragraph and inserting in lieu thereof "such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 204(b)(1) of the Act is amended by inserting at the end thereof the following:

"Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority and grants shall not be prohibited from including faculty support for teaching of credit and other courses offered by the institutions of higher education affiliated with the center.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR AND REVISIONS IN SUPPLEMENTARY SERVICES AND FACILITIES

SEC. 104. (a) Section 301(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986" and by striking out "1983" and inserting in lieu thereof "1987".

(b) Section 302(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

(c)(1) Sections 304(a) and 304(c) of the Act are amended by inserting "qualified" immediately before "personnel" where it first appears in each such subsection.

(2) Section 304(b) of the Act is amended by striking out "will be" and all that follows through "institutions, to" and inserting in lieu thereof "shall be targeted on areas of personnel shortage which may".

(3) Section 304(c) of the Act is amended by inserting at the end thereof the following: "The Commissioner shall submit annually (together with the budget submission for the forthcoming year for the Rehabilita-

tion Services Administration) a report indicating and justifying in detail how the current year's training funds are allocated by professional discipline and other program areas. The report shall also identify specifically the Commissioner's shortage findings, how funds proposed for the succeeding year would be allocated under the President's budget proposal, and what findings of shortage of personnel justify such allocations.".

(4) Section 304 of the Act is amended by redesignating the second subsection (d) as subsection (e).

(5) Section 304(e) of the Act (as so redesignated) is amended—

(A) by striking out in the first sentence "$34,000,000" and all that follows through the end of such sentence, and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986."; and

(B) by striking out the second sentence.

(d) Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for the two succeeding fiscal years".

(e) Section 310(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

NATIONAL COUNCIL ON THE HANDICAPPED

SEC. 105. (a)(1) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

(2)(A) On the effective date of the Rehabilitation Act Amendments of 1983, the National Council on the Handicapped shall be an independent agency within the executive branch and shall not be an agency within the Department of Education or any other department or agency of the United States.

(B) There are transferred to the Chairman of the national Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of this Act. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of this Act.

(C) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

(b) Section 401 of the Act is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) inserting after paragraph (6) the following new paragraph:

"(7) provide to the Congress, on a continuing basis, such advice, recommendations, and additional information as are considered appropriate by the Council or the Congress.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 106. Section 502(i) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR EMPLOYMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

SEC. 107. (a) Section 617 of the Act is amended by striking out "$35,000,000" and all that follows through the end of such section and inserting in lieu thereof "such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(b) Section 621(a)(1) of the Act is amended by inserting ", designated State units," after "individual employers".

(c) Section 623 of the Act is amended by striking our "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

SEC. 108. Section 731 of part E of the Act is amended—

(1) in subsection (a) by striking our "$80,000,000" and all that follows through the end of such subsection, and inserting in lieu thereof, "such sums as may be necessary for fiscal years 1984, 1985, and 1986."; and

(2) in subsection (c)(1) by striking out "the fiscal year ending September 30, 1979," and all that follows through the end of paragraph (1), and inserting in lieu thereof "fiscal years 1984,1985, and 1986.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 109. (a) Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

(b) Section 204(b)(3) of the Act is amended by striking out "303(b)" and inserting in lieu thereof "311".

(c) Section 731 of part E of the Act is amended by redesignating such section as section 741.

EFFECTIVE DATE

SEC. 110. This title shall take effect October 1, 1983.

AMENDMENTS OFFERED BY MR. WILLIAMS OF MONTANA

Mr. WILLIAMS of Montana. Mr. Chairman, I offer amendments to title I.

The Clerk read as follows:

Amendments offered by Mr. WILLIAMS of Montana: Page 2, strike out lines 12 through 17, and insert in lieu thereof the following:

is amended by inserting "(A)" after "(b)(1)" and by inserting at the end thereof the following: "There is further authorized to be appropriated for such purpose $1,037,800,000 for fiscal year 1984, and the amount determined under subsection (c) for each of the four succeeding fiscal years.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985, 1986, 1987, and 1988. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4).".

Page 3, after line 19, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(c) Section 110(a) of the Act is amended—

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section 100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of all the States.".

Page 3, strike out lines 5 through 17.

Mr. WILLIAMS of Montana (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. WILLIAMS of Montana. Mr. Chairman, the amendment I am offering this morning is a compromise between the amendment circulated by my Budget Committee chairman, Mr. JONES, and the bill reported by the Education and Labor Committee and its Select Education Subcommittee on which I serve. My amendment maintains the entitlement nature of the program through fiscal year 1988. It maintains the fiscal year 1984 authorization of $1,037,800,000 in the bill as reported and increases the authorization for fiscal years 1985–88 by the consumer price index for all urban consumers (section 100(c)(3)) as defined in current law. It maintains these out year authorizations as an entitlement as defined in current law. This amendment satisfies the section 303(a) violation of the Budget Act.

Where my amendment differs from the amendment circulated by my Budget Committee chairman is that it provides an additional second-tier "such sums as necessary" authorization for fiscal years 1985–88. This authorization provides the proper discretionary authority to the Appropriations Committee and is not part of the entitlement. These funds would be allocated to States as an amount which bears the same ratio to the amount so appropriated as that State's entitlement allotment bears to the sum of such allotments to all States.

This compromise amendment comes about as a result of discussions between staff of the Education and Labor Committee, the Budget Committee, the Speaker's office, and my office. Perhaps this is a true compromise since both of my committees are not completely thrilled with the result.

I urge my fellow members of both the Education and Labor and Budget Committees to support this amendment.

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the chairman of the Budget Committee.

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentleman from Montana (Mr. WILLIAMS) on his efforts to work out this compromise. I think this is an acceptable compromise from the standpoint of the Budget Committee and the Budget Act.

My personal objection was not to the substantive content but to the fact that the bill as it came out of committee took the entitlement and expanded it beyond the projected consumer price index increases. That would have tied the hands of future Congresses to that level. I think this compromise clearly takes care of the Budget Act violation, and it clearly points out that the entitlement nature of this program is not to be changed from that which presently exists in current law.

A lot of people, myself included, are concerned about indexing of entitlement programs and think that there should be changes in this, but I do not believe we should deal with this on a piecemeal basis. I think we should deal with indexing and with entitlements on an across-the-board, general basis, and I hope that later this month we will be able to do that with some legislation of mine that is now pending that would restrain the growth of indexing entitlement programs.

But, Mr. Chairman, I think this compromise is perfectly acceptable. It meets the budget resolution that was passed by Congress, and I urge support of the gentleman's amendments.

Mr. WILLIAMS of Montana. Mr. Chairman, I appreciate the support of the chairman of the Budget Committee.

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has expired.

(On request of Mr. MURPHY, and by unanimous consent, Mr. WILLIAMS of Montana was allowed to proceed for 5 additional minutes.)

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the chairman of the Select Education Subcommittee.

Mr. MURPHY. Mr. Chairman, I would like to give some background to my colleagues concerning the reasoning that went into the funding levels H.R. 3520 provides for the basic State grant entitlement for rehabilitation services.

A great deal has already been said on both sides of the aisle about the cost effectiveness of vocational rehabilitation. Most Members seem to be well aware of the fact that it actually costs the Government more not to rehabilitate persons with handicaps than it does to invest in the services they need to become employed, productive citizens.

This is, in fact, one of the relatively few Federal programs in which we cannot only count on a rapid return on our investment—with repayment in full within just 4 years—but can also take pride in our method of doing it. This program has been so free of scandal over its 63-year history, and so well accepted by the States and the disabled community, that many Members probably never hear about the rehabilitation act until it is due for reauthorization. For a $1 billion Federal program, that lack of notoriety is surely a mark of success.

But in reviewing this enormously successful program this year, our committee found a serious problem which is jeopardizing the continued effectiveness of the States in serving their handicapped constituents: That is, a decline in the resources available to provide services, and a consequent serious reduction in the number of persons with handicaps being served and rehabilitated.

While more than 1,240,000 handicapped persons were being provided the services they needed to become employed in 1975, last year there were almost 300,000 fewer handicapped persons being served—a decline of 23 percent.

The number of successful rehabilitations declined between 1974 and last year by more than 134,000, a 37-percent reduction.

These declines in service levels directly correspond to the loss of purchasing power in the program, which began in 1976, with significant losses of more than 30 percent between 1979 and 1982.

Although most States now provide far more than the required 20-percent match for these Federal dollars, the fiscal strains of the past few years have brought about drastic cuts in State rehabilitation personnel, a reduction in the numbers of handicapped persons being brought into the program, and the imposition in 33 States of selection processes that place restrictions, based on severity of disability, on those who are eligible for service.

This situation could become a spiral of decline very difficult to reverse if Congress does not quickly begin to restore the lost purchasing power of the program and allow States to regain lost ground.

The funding levels in H.R. 3520 recognize that the most serious losses began in 1979, and that after 1979 the numbers of even the most severely disabled clients—those who have a priority under the act—began to decline. For this reason, the bill phases-in, over a 4-year period, a restoration to the fiscal year 1979 purchasing power level.

The number of persons with work disabilities is increasing each year—not decreasing. Spinal cord injuries alone occur at the rate of approximately 10,000 annually. In the blink of an eye a friend or relative of any of us could become a candidate for rehabilitation services.

I would ask my colleagues to consider these facts, and to consider whether it would be responsible action to keep rehabilitation at a status quo that is lower than it has been in 14 years.

Guaranteed cost-of-living increases may protect programs from further decline, but for a program which is so greatly in need of restoration, I hope you will agree that the status quo is not sufficient.

□ 1120

With great reluctance, Mr. Chairman, I accept the amendment offered by the gentleman from Montana (Mr. WILLIAMS), because, being realistic, I have talked to many of my colleagues yesterday and again this morning. I believe that the clause that we put in to escalate those services to what I believe is a sufficient level perhaps would not pass. But the gentleman from Montana allows the Budget Committee, allows this House, allows the Appropriations Committee in the coming years to take into consideration the recommendations on funding we made in H.R. 3520. I hope that "such sums as are necessary" in future years will meet our intended goals for this very important act.

Mr. WILLIAMS of Montana. I thank the subcommittee chairman and I join him in his support for adequate funding this year and in the out years. As he knows, I was a somewhat reluctant participant in this compromise but believed that this was the best that this House could do.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to my colleague and a member of the committee, the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding and for his amendment.

I have several inquiries.

First, would this amendment only affect titles I, II, and III or the rehabilitation sections of the bill?

Mr. WILLIAMS of Montana. The gentleman's understanding is correct.

Mr. BARTLETT. Second, my understanding of this amendment is that it would in no way establish some sort of a funding floor. Does the gentleman concur that this does not put a floor but in fact continues with authorization?

Mr. WILLIAMS of Montana. That is correct. It maintains the out year authorization as an entitlement as defined in current law and therefore

does not violate the floor requirements of the Budget Act.

Mr. BARTLETT. So the gentleman's amendment would essentially leave open above the Consumer Price Index so that such sums language so that the Appropriations Committee could appropriate more than the Consumer Price Index but they would not be required to do so?

The CHAIRMAN. The time of the gentleman from Montana (Mr. WILLIAMS) has again expired.

(On request of Mr. BARTLETT and by unanimous consent Mr. WILLIAMS of Montana was allowed to proceed for 1 additional minute.)

Mr. WILLIAMS of Montana. The gentleman is correct with regard to the flexibility that is historically accepted here and with regard to the Appropriations Committee's ability to fund above the CPI. But, of course, the rights of both the minority and the majority are protected for those years and we, of course, can go to the Appropriations Committee and encourage whatever levels we wish.

Mr. BARTLETT. I would have no objection to the gentleman's amendment and I commend the gentleman for his amendment.

Mr. WILLIAMS of Montana. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Montana (Mr. WILLIAMS).

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

SEC. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

AUTHORIZATION OF THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

SEC. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title.

(c) The purposes of the Center are as follows:

(1) To provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual.

(2) To train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals.

(3) To conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the Center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the Hosue of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title for fiscal year 1984 and each of the four subsequent fiscal years. Such sums shall remain available until expended.

(b) Any appropriation Act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the Center.

DEFINITIONS

SEC. 206. For purposes of this title—

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means any individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller Natioinal Center.".

(b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—NATIONAL COMMISSION ON FEDERAL ASSISTANCE TO DISABLED AMERICANS

SHORT TITLE

SEC. 301. This title may be cited as the "National Commission on Federal Assistance to Disabled Americans Act".

FINDINGS

SEC. 302. The Congress finds that—

(1) an extensive Federal investment is made in disabled Americans through entitlement and discretionary programs;

(2) given the increased emphasis on community-based services, on fuller integration in schools and the work place, and on greater independence and the reaffirmation of the right to dignity of disabled Americans, Federal programs which assist disabled Americans must be targeted in an appropriate and coordinated manner to complement this emphasis;

(3) Federal programs that assist the disabled have overlapping, contradictory, unique, and sometimes restrictive requirements that prevent coordination of, limit access to, and constrain the potential of such programs;

(4) before the Congress can consider statutory options which, to the extent appropriate, redirect the emphasis of programs and remove barriers to the individual and collec-

tive effectiveness of programs, a careful and comprehensive review of the issues must be made; and

(5) a national commission is needed to review and debate the issues and then make recommendations to the President and Congress regarding necessary statutory revisions in existing Federal legislation which assists disabled Americans.

PURPOSE

SEC. 303. It is the purpose of this title to establish a select commission—

(1) to examine Federal legislation which helps disabled Americans through education, income support, rehabilitation, training, medical assistance, housing, transportation, and food acquisition programs;

(2) to focus national attention on the need to identify and remove unwarranted barriers to the effectiveness of such programs given the national emphasis on community based services for and the integration and independence of disabled Americans; and

(3) to provide Congress and the President with specific statutory recommendations for improving current legislation.

ESTABLISHMENT

SEC. 304. There is established a select commission to be known as the National Commission on Federal Assistance to Disabled Americans (hereinafter in this title referred to as the "Commission").

DUTIES

SEC. 305. The Commission shall—

(1) review all statutes pertaining to Federal programs which assist disabled Americans;

(2) make a priority listing of such programs based on the number of disabled Americans they assist and the Federal costs of such programs;

(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for disabled Americans, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals; and

(4) recommend to the President and the Congress legislative mechanisms for increasing incentives and eliminating disincentives in Federal programs assisting disabled Americans.

REPORTING

SEC. 306. The Commission shall—

(1) submit to the Congress and the President an interim report of its recommendations within twelve months of its first meeting; and

(2) submit to the Congress and the President a final report of its recommendations not later than eighteen months after its first meeting.

MEMBERSHIP

SEC. 307. (a) The Commission shall be composed of sixteen members as follows:

(1) one member appointed by the Secretary of Education;

(2) one member appointed by the Secretary of Health and Human Services;

(3) one member appointed by the Secretary of Labor;

(4) one member appointed by the Secretary of Transportation;

(5) one member appointed by the Attorney General;

(6) one member appointed by the Secretary of Agriculture;

(7) one member appointed by the Secretary of Housing and Urban Development;

(8) one member appointed by the chairman of the Committee on Finance of the Senate;

(9) one member appointed by the ranking minority member of the Committee on Finance of the Senate;

(10) one member appointed by the chairman of the Committee on Labor and Human Resources of the Senate;

(11) one member appointed by the ranking minority member of the Committee on Labor and Human Resources of the Senate;

(12) one member appointed by the chairman of the Committee on Education and Labor of the House of Representatives;

(13) one member appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives;

(14) one member appointed by the chairman of the Committee on Ways and Means of the House of Representatives;

(15) one member appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives; and

(16) the Chairman of the National Council on the Handicapped (or a delegate).

(b) Members shall be selected for appointment based on their knowledge of or direct experience with Federal programs which assist disabled Americans.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f) The Chairman of the National Council on the Handicapped shall act as chairman until the first meeting of the Commission when the Commission shall elect a chairman from among the members.

(g) Members shall be appointed within ninety days after the date of enactment of this title.

(h) The first meeting of the Commission shall be held not later than one hundred and twenty days after the date of enactment of this title. The Commission shall meet as often as is necessary to carry out its duties under this title. The date and time of all meetings of the Commission shall be at the call of the chairman or a majority of its members.

EXECUTIVE DIRECTOR AND STAFF

SEC. 308. (a) The Commission shall have an executive director who shall be appointed by the chairman of the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule.

(b) Subject to such rules as may be prescribed by the Commission, the chairman of the Commission may appoint and fix the pay, at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule, of such additional personnel as the chairman considers appropriate.

(c) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 ans subchapter III so chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-18 of the General Schedule.

(d) Subject to such rules as may be prescribed by the Commission, the chariman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-18 of the General Schedule.

(e) Upon request of the Commission, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out this title.

POWERS

SEC. 309. (a) The Commission may, for the purpose of carrying out this title, hold such hearings and conferences, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) Any member or agency of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department of agency of the United States information necessary to enable it to carry out this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TERMINATION

SEC. 310. The Commission shall cease to exist ninety days after its final report is transmitted to the President and Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 311. There is authorized to be appropriated such sums as may be necessary to carry out this title. Any sums appropriated under the authorization contained in this section shall remain available until expended.

EFFECTIVE DATE

SEC. 312. This title shall take effect October 1, 1983.

The CHAIRMAN. Are there amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—OTHER AUTHORIZATIONS

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

SEC. 401. (a) Subject to subsections (b) and (c), there are authorized to be appropriated for fiscal year 1984 for programs under the jurisdiction of the Committee on Education

and Labor such funding levels as are assumed under the first budget resolution (H. Con. Res. 91, as it passed the House on March 23, 1983) for fiscal year 1984.

(b) The authorizations of appropriation established under subsection (a) of this section supersede, and are not in addition to, the authorizations of appropriations (or the limitations thereon) established under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), but the authorizations of appropriations established under subsection (a) do not supersede (and are not in addition to) any authorization of appropriations enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981.

(c) For the purposes of subsection (a), the programs under the jurisdiction of the Committee on Education and Labor for which funding levels are assumed, and the levels which are so assumed, in the first budget resolution for fiscal year 1984, shall be deemed to be the following:

(1) The compensatory education program under chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,830,000,000.

(2) The impact aid program under the Act of September 23, 1950 (Public Law 815, 81st Congress), and the Act of September 30, 1950 (Public Law 874, 81st Congress), $505,000,000.

(3) The education of the handicapped programs under the Education of the Handicapped Act, $1,226,000,000.

(4) The vocational education program under the Vocational Education Act of 1963, $825,000,000.

(5) The adult education program under the Adult Education Act, $112,000,000.

(6) The arts and humanities programs under the National Foundation on the Arts and Humanities Act of 1965, $273,900,000.

(7) The museum services program under the Museum Services Act, $10,800,000.

(8) The community services program under the Community Services Block Grant Act, $398,000,000.

(9) The low-income energy assistance program under the Low-Income Home Energy Assistance Act of 1981, $2,250,000,000.

(10) The special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, $1,360,000,000.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 25, strike lines 5 through 7, redesignate succeeding subparagraphs, and insert thereafter the following:

EDUCATION OF THE HANDICAPPED ACT

SEC. 402. Notwithstanding any other provision of law, there are authorized to be appropriated $1,500,000,000 to carry out the education of the handicapped programs under the Education of the Handicapped Act.

Mr. ERLENBORN. Mr. Chairman, I move to strike the last word.

I take this time to direct a question to the chairman of the committee. My recollection does not include that the committee adopted any amendments in committee before we reported this bill but my memory may be incorrect. I am uncertain as to this amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. PERKINS. The gentleman's recollection is not correct. The committee amendment increases the funding for the education of the handicapped as offered by the gentleman from Pennsylvania (Mr. MURPHY).

Mr. ERLENBORN. It was adopted in the committee?

Mr. PERKINS. It was adopted in the committee.

Mr. ERLENBORN. I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Strike out line 1 on page 24, and all that follows through line 5 on page 26.

Mr. BARTLETT. Mr. Chairman, it is with some sense of sadness that I approach the debate here today, sadness for the lives of those disabled Americans who are depending on the continuation of the Rehabilitation Act which is in jeopardy today; sadness that the House would even consider playing politics with those lives; and sadness for other Americans in the economy that this House would add so cavalierly $1.6 billion, a 34-percent increase, to 10 unrelated programs without the benefit of hearings or authorization levels or committee markups or any further consideration.

Mr. Chairman, what the Bartlett amendment would do would be to simply restore the Rehabilitation Act to the purposes of rehabilitation, to delete those 10 unrelated programs that range from museum services to chapter 1 that are unrelated to each other and that are unrelated clearly to the purposes of retraining and rehabilitating 1 million disabled Americans that can be and expect to be rehabilitated and allowed to rejoin the economy with productive lives.

These 10 programs, Mr. Chairman, are unrelated but they all have certain things in common. Cumulatively the addition of these 10 programs in title IV would have in common that they would place the Rehabilitation Act in jeopardy and those lives of those 1 million Americans that are served by rehabilitation, of which statistically 26 percent, or over a quarter of a million, are fully rehabilitated and restored to productive lives, one of the most successful Federal, State, and local partnerships in existence, a 63-year bipartisan history that would go down the tubes today. For every $1 invested in a handicapped individual through rehabilitation programs the person's earning power increases by $10. Title IV would jeopardize this important investment.

□ 1130

The other thing these 10 programs have is that the cumulative effect of this 34-percent increase, both in the $1.6 billion in increases as well as the signal that we would send to Americans that we are not serious about Federal spending, we are not serious about the deficits, we are not serious about interest rates and we are not serious about the unemployed, these increases, and no one disputes the underlying programs, because my amendment would not have any effect on the underlying 10 programs, many of which are very popular in this House.

But those programs would continue on their present course and with their present authorization, legislation, without title IV and even if the Bartlett amendment passes. But the issue for those 10 amendments is the precipitous and unwarranted and ill-conceived increases without a hearing, without a markup and circumvention of the process.

These 10 amendments in title IV also have in common the damage that they would do to the House procedures, the manipulation of the House rules to add extraneous amendments and to make them technically germane, and the damage to the economy and they all have in common the damage and the jeopardy to the lives of those persons awaiting rehabilitation. Some would make education the issue, but education is not the issue today, because all of the programs are not education-related. But even those that are, these education programs are not in jeopardy; only rehabilitation is in jeopardy. Education is not the issue.

Make no mistake, a vote for the Bartlett amendment to delete title IV is not a vote against education. These programs would continue. But a vote for the Bartlett amendment is a vote for rehabilitation and for those of us in the House that believe in rehabilitation and believe that the Rehabilitation Act can help very real people who need our help, I would urge them to vote for the Bartlett amendment.

Now the Bartlett amendment, the speakers that will speak for it today, it is not just those of us in the House that are concerned, but the rest of the economy and the rest of the country, beginning with those 35 million disabled Americans and the 1 million disabled Americans that would be helped, the U.S. Chamber of Commerce, National Taxpayers Union, National Federal of Independent Business, have all urged this Congress, for the sake of rehabilitation and the continued growth of this economy to oppose title IV and to support the Bartlett amendment.

Perhaps most significantly the message came from the National Rehabilitation Coalition that says clearly this title is not relevant to the Rehabilitation Act or the rehabilitation program.

With this one vote the House today can prove that the House cares about the economy, that we care about deficits, that we care about interest rates and at the same time we can prove that we care about rehabilitation and the rehabilitation of those 1 million Americans who are watching our vote today.

I thank the House and urge adoption of the amendment.

Mr. HAWKINS. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment.

Mr. Chairman, I find it a little resentful that anyone would suggest that those who support education in this Nation of ours is in any way jeopardizing the economy and dealing in unnecessary spending that is unwise and not truly effective.

The interest that I personally have in opposing this amendment is that I believe that it is unreasonable to expect that chapter 1, formerly title I of the Elementary and Secondary Education Act, would be cut the way that it has been cut by those who have supported the Gramm-Latta concept.

The importance of educating the most disadvantaged children in our Nation should be of concern to all of us. It seems to me to be very unwise to continue the cuts that have been made.

Since Gramm-Latta has been operating.

Chapter 1 has proved to be a very successful program. These disadvantaged children are now beginning to show success, to show improvement in their ability to understand simple language and to do simple arithmetic.

I think it is unreasonable to say that in a nation such as ours, which is competing with other nations of the world, particularly the industrialized nations that are spending much more on education and on training than are we, that in some way we should preserve these cuts.

The other day I happened to run across a little item of interest, I think, in connection with this, in terms of the economy.

In 1982, for example, excess interest costs in the Federal budget amounted to $60 billion which is about one-third of the deficit.

Now, it seems to me, rather than talking about reducing assistance in many instances of only a few million dollars in most desirable programs, those who want to help the economy shoud be addressing this excessive interest cost.

In 1982 alone this $60 billion was more than twice what we spent for the total amount spent in education. Now, certainly one cannot say that those who benefited from this excess interest cost are to be served by this body rather than those who benefit from education.

Reference has been made to manpower programs. Well, in that same year we spent only $3.4 billion for all of the manpower programs, for all of the employment and training programs, to put people to work, to train them and to make them productive American citizens, along with education.

And yet, we spent more than 15 times this amount on interest costs. So, it seems to me rather than attacking these simple but highly desirable programs, including title I, which is to serve the most disadvantaged young people, that we should be attacking the policy that has permitted the Federal Reserve Board, a creature of this body, to hike up interest rates and to serve only a few special interest groups.

I think that this amendment is certainly not well thought out, with all due regard to the gentleman and his motives which I know to be certainly of the highest order, but it just seems to me that the time has come when we should address why we have all of this excess spending, why it is that we have a hugh deficit and to put the blame where it belongs and not attempt to whittle away at vital domestic programs that are causing us, I think, to move backward rather than forward as a progressive nation.

I think the amendment is certainly unwise and not only is chapter 1 jeopardized, but impact aid, adult education, education of the handicapped and many of the other educational programs that over the years we have seen fit to enact in this body.

I therefore urge opposition to the amendment.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think the Members should understand what title IV is and the effect of striking title IV.

A little historical perspective is in order. In 1980 we had a Presidential election. President Reagan was elected on a promise to try to bring some rationality to the fiscal structure of our Nation. That had great appeal and was considered by most to be the prime reason for his success in that election.

In 1981 the Congress, though divided between the one House and the other in its political control of those Houses, still was able to gather the votes in this House, as well as the other body, to implement the policies that had been espoused by President Reagan when he was the candidate in 1980.

The result of that was that the utilization of the budget process; a budget resolution highly controversial, highly partisan but yet gathering a majority of the votes in this Chamber was adopted. To implement that budget resolution, to reduce spending of the Federal Government under some sort of control, the Reconciliation Act of 1981 was adopted.

□ 1140

In that act appropriation levels for these as well as other programs were established, not just for fiscal 1982, which was the subject of that bill primarily and the subject of the budget resolution primarily, but also for the out years, for fiscal 1983, fiscal 1984. We are now talking about fiscal 1984 and the budget levels established in that Reconciliation Act.

What title IV in the bill, as reported by the committee, does is to make a blanket attack on the judgment made in the 1981 reconciliation bill.

Now I listened to my good friend and colleague from California (Mr. HAWKINS) and he said that the amendment to title IV had not been well thought out. Let us look at title IV itself and see how well thought out that has been.

The genesis of title IV was a very simple amendment adopted in committee to a successor bill, not to this bill, but one that was the Rehabilitation Act reported under another number earlier.

Without notice to anyone, without any hearings, without debate to any great extent, an amendment was adopted that said in effect all programs under the jurisdiction of the Education and Labor Department will have set as their authorized level the figures included in the 1984 budget resolution. that is all it said. It did not specify an individual program, it did not specify any dollar figure, it did not result from any judgment by the Education and Labor Committee, but merely said it will be set, all of these authorizations will be set at the level established in the 1984 budget resolution.

The literal interpretation of that would have required reductions of some authorizations and increases in others, depending upon what version of the 1984 budget resolution one referred to, and the amendment adopted by our committee was silent on that point. Was it the House passed version, the Senate passed version or the version finally adopted after the conference committee had reached agreement? That amendment, that well-thought-out amendment by our chairman did not even say which version.

We all know, I think, from the publicity attendant afterward what happened to that amendment. Without authorization someone on the committee and I do not blame the staff, I am certain it was done at the instruction of members. They took this simple

amendment amounting to some 65 words approximately and turned it into an amendment that was over 200 words, 250 words, and specified programs and specified dollar amounts, did not include any of the reductions, but only the increases.

Now that is the thoughtful process, the thoughtful process that is behind title IV in this bill, so thoughtful, so in violation of the rules, as a matter of fact, that the Rules Committee did not give a rule to that bill, we have this H.R. 3520 as the successor bill, repeating now in title IV what had been drafted in the dark of the night after the first committee action.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 5 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, let me say at this point that I have been deeply disappointed that we have not had voices, more voices in this Chamber and in our committee and on particularly the other side of the aisle speaking up for the integrity of the legislative process to condemn that sort of action, to change a bill after it was reported by the committee and before it was reported to the House.

I do not think anyone did this with malice, I really do not believe that. I think it is a reflection of the fact that this Chamber has been controlled by one party for so long and that every committee of this House has been controlled by this same party for so long that they no longer think that they are constrained by the rules, that they can do just about anything they want without reference to the Members, without action by the committee.

I do not think anyone really who was involved in this process did it with any malice whatsoever. It was so blatant. It was so obvious that I do not think anyone thought they could slip it through. They just thought they did not need to ask because whatever was done because it was done by the majority party, would be supported by the majority party and, unfortunately, they were proven right. Unfortunately for the integrity of this body they were proven right that it has been supported by every Member of the majority party in our committee when they again reported out the bill with the spurious amendment now made legitimate by including it in H.R. 3520.

But to get back to our historical perspective what we are being asked to do here today on the basis of this history is to throw out the results of the work in 1981 to try to get our budget under control. We were facing in 1981 less than a $100 billion deficit and we were all worried. Last year during the campaign—and I had a primary challenge and I remember being very vocal in this—we were facing the possibility of a $100 billion deficit and people were concerned. Both liberals and conservatives.

We are now facing the reality of a $200 billion deficit for fiscal 1984, the reality of a $200 billion deficit, and that concern does not seem to exist any longer among my colleagues on the other side of the aisle because they want to take actions like this to increase authorizations, to increase spending, and on the basis of this kind of thoughtful record of no hearings, no debate, and drafting in the dark of night.

I do not think anyone who is at all serious about trying to get our fiscal house in order could support title IV. I think anyone who really believes that we want to maintain the economic recovery that has recently begun will support the amendment to strike title IV, would support amendments or bills individually after hearings and after discussion possibly to adjust appropriation levels or authorization levels, but not in a blanket fashion like this, without any due consideration.

It is for these reasons that I believe that the amendment of the gentleman from Texas should be adopted.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. HAWKINS. I thank the gentleman for yielding.

Reference is made to 1981 and the budget level of 1981. It is not true that this amendment is in conflict with the recently passed budget resolution which we passed just a few months ago and that title IV, as it is now drafted, would actually implement the position this body has already taken with respect to these authorizations?

Mr. ERLENBORN. Well, I understood that it was up to our committee to determine these authorization levels. Usually authorizing committees do that. I understood that the usual process was to introduce legislation, to have hearings, to give an opportunity for the public and the administration to be heard, for Members on both sides of the aisle to debate the question and then to make a thoughtful determination.

I am just saying that the gentleman may be right, this may repeat what has been done in another piece of legislation, but it certainly is not the proper legislative process for setting authorization levels.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(At the request of Mr. HAWKINS and by unanimous consent, Mr. ERLENBORN was allowed to proceed for 1 additional minute.)

Mr. HAWKINS. If the gentleman will yield further, the gentleman seems to be defending Gramm-Latta, which was a position worked out by amendment on the floor here, not by the Education and Labor Committee.

So that now it would seem to me if that is what the gentleman is defending, the gentleman is in a sense refuting his position that the most recent budget resolution was a process of floor action rather than committee action.

□ 1150

But it seems to me there is an inconsistency that the most recent actions of this body did approve the very authorized levels that title IV would implement. And the Bartlett amendment would destroy, in effect, what we did a few weeks ago in the adoption of that budget resolution.

So it seems to me that if there is any thoughtful thinking, it is on this side rather than on that side.

Mr. ERLENBORN. If I could recapture my time to answer by good friend, let me say that I supported and voted for Gramm-Latta in 1981, as did the majority of the Members at that time.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

(By unanimous consent, Mr. ERLENBORN was allowed to proceed for 1 additional minute.)

Mr. ERLENBORN. And let me say that if there are changes in Gramm-Latta to be made, I think they should be made in a thoughtful manner, after hearings and after discussion and after debate within our committee, not in this blanket fashion. That is the point that I am making.

I am not saying that I would be opposed to any changes and every change suggested—I might support some and oppose others—if they were done in a thoughtful manner; but just take this approach in having a blanket increase in these authorized levels is not thoughtful and proper way to legislate.

Let me also say that it has to be done in the context of the fiscal and economic conditions that we face today. And I believe that this approach flies in the face of proper fiscal management.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, would the gentleman then concur with the chairman of the committee in his memorandum where he says on page 2 that "it is important to note that the budget resolution is not binding below the budget function"?

In fact, the first budget resolution establishes spending levels for broad categories, but not down to the detail of each program.

Mr. ERLENBORN. That is exactly right. We have only broad figures, not down to this detail.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the authorization increases provided in this act are essential for all of the people who are directly involved with the programs and for this country. Never have we needed these programs as badly and as immediately as we need them now. The President has been saying this over and over in the last few weeks. And it would appear that members of his own party, who have justified all sorts of unusual behavior in the last couple of years here by saying they were following the President, choose not to follow what he is clearly indicating to the American people at the present time and has been since he discovered a few months ago that the American people are deeply concerned about our ability to train and retrain and continue to train the people in our American educational system.

And ironically the bulk of the money we are talking about in this title goes to State programs, the very people that the President has suggested should be assuming greater responsibility in improving the quality of education and training for everyone.

Now, I would like to make a couple of points about title IV, which Mr. BARTLETT attempts to strike, and suggest to you that the striking of this title really guts this bill, if I can use indelicate language. It is absolutely essential that this bill move now, that we meet with the Senate, that we get a bill completed before the end of this month, because the vocational rehabilitation program that is reauthorized by this bill will otherwise expire.

Let me turn to title IV which Mr. BARTLETT wishes to strike. First, it has been alleged here that the 10 authorization increases were not the product of careful deliberation. The gentleman who preceded me in the well repeated that several times. Well, I do not know of any time in my 10 terms on the Education and Labor Committee when I have seen a particular part of any bill given more careful and thoughtful consideration and actually being acted upon by the committee and by this body more times before the issue is brought before the House.

The fact is that all of these increases, with the exception of that for the handicapped children, were debated, discussed, and approved by the Education and Labor Committee on three separate occasions, once when the committee authorized the programs prior to Gramm-Latta.

I find it ironic to have somebody citing Gramm-Latta and then talking about not changing Gramm-Latta unless you do it carefully and thoughtfully. Is there anybody in this country who still believes there was anything careful or thoughtful about the way in which this body acted on Gramm-Latta? No one, not even its strongest proponents, knew what it looked like at the time that we voted on it. And if that is an example of careful and thoughtful consideration, it may be one of the reasons why some of us hope fervently that people like that will not be in the majority in this body in the future.

The second time that the committee considered this title was when the committee adopted its recommendations for the first budget resolution earlier this year. There was a considerable amount of debate in the committee at that time.

And then again when the committee approved this bill.

Now, that is three times within the committee. In addition to that, the Budget Committee considered these numbers, and the House considered them. If you look at the 1984 first budget resolution, you will find that all of the increases here are consistent with what the House has already committed itself to. And, I might add, it is consistent with what the other body has already committed itself to in the first budget resolution.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has expired.

(By unanimous consent, Mr. FORD of Michigan was allowed to proceed for 3 additional minutes.)

Mr. FORD of Michigan. It seems to me that what we come down to is really very simply this: We have been making a slow but sure effort to recapture and rehabilitate some of the programs that were crippled by the ill-considered, ill-timed, and unfortunate Gramm-Latta resolution and the reconciliation that came out of it, and that our committee knew at every stage of consideration of this legislation that this was one small step toward repairing some of the damage that was done when all these programs were lumped into the total budget during the consideration of Gramm-Latta.

Now, if this bill was coming to the floor at some new quantum leap into the future, with somebody's pie-in-the-sky idea of what we ought to be spending on programs on the basis of just trying to add more money to existing programs, I could understand the logic of the arguments being made from the other side. But when you examine this in the context of the actions already taken by this House and already taken by the Senate, you will find that these authorization increases are a responsible response that says: "All right, we have decided that Gramm-Latta went too far in putting the brakes on these programs. We have decided also that the current status of the economy in this country and the valued efforts being made by the people of this country and business and industry, as well as our institutions, toward an economic recovery ought to be encouraged. And one small way in which we can encourage that recovery is at least to demonstrate that we are not taking this step to back off on the kind of support services that are necessary to underpin a real recovery, not a temporary recovery for some people, but a real recovery for the country that will make us once again a viable and strong economic factor in the world.

□ 1200

I think that nothing is more essential that we are going to do this year on this floor than to send to the people a message that we are in favor of a postive response to the questions raised by the President and others by the passage of this bill intact.

I urge my colleagues to vote against the effort to gut the bill by striking title IV.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, assume if you will for just a second that Halloween has arrived early this year; and assume if you will, or if you can believe, that there were no commission reports on education in this country in 1983; that instead of a public outcry in support of education in this country, there has been a public outcry against education and all education funding.

If you would add those 2 events together, you would probably come up with a scenario like we have here today—which would say that we will try to masquerade in on a very innocent, legitimate, bipartisan, bill reauthorizing rehabilitation programs for the disadvantaged Americans among us. Now, you are going to try to sneak into that bill a little bit of funding for some education programs, because you assume such funding cannot stand on its own merits and you know there is no public support for it in this country.

That is exactly what we are doing here this afternoon. Take a look, if you will, at the process that got us here, mentioned by the gentleman from Illinois earlier.

This bill, or its predecessor, was considered by the subcommittee, it was considered by the full committee, and went to the Rules Committee with this strange amendment, known as title IV. The amendment was so strange that the Democratic Rules Committee said, "Come on, guys; this is too much. It cannot work. It is not fair. It is not at all proper to the bill."

So they had to go back and start over. They had to go back and rewrite the bill, reintroduce a new bill so that they could come up here today and debate this, try this Halloween event,

without being called nongermane in their amendment on title IV.

Take a look, if you will, at the bill in front of you. Title I, amendments to the Rehabilitation Act of 1973. Title II, reauthorization of the Helen Keller National Center for Deaf-Blind Youths and Adults. Title III, National Commission on Federal Assistance to Disabled Americans.

Is there anybody who disputes any of that? In the 63 years that this bill has been in effect, there has never been controversy, there has never been anything but bipartisan support for this particular proposal until now, September 13, 1983, when we see this little game being played at the jeopardy of 1 million disabled Americans in this country.

Let us understand a couple of things. The question is not at all the funding of the programs in title IV of this bill that is being debated. Every program in title IV of this bill is already authorized and is going to be around regardless of what we do with title IV today. They are going to be here. If you want to debate funding for those programs, you want to debate funding for education for fiscal year 1984, my friends, do it when we get to the HHS appropriation bill or do it when we get to the continuing resolution. That is where we ought to have the litmus test this year as to what our commitment at the Federal level will be for funding of education programs.

Second, let us understand that there is nothing in this amendment which constitutes a litmus test on education. Somehow or other we are getting the impression out here today that either you are for or against education, depending on how you vote on the amendment on title IV.

I did a little work, taking a look at some of the numbers that we have. The fact is, if you would take the 1983 appropriation levels for the 10 programs in title IV and you would take not the Democrat but the Republican budget recommendations on those numbers, you would find that the Republicans, the minority, have called for a minimum increase of between $350 million and $400 million just in those 10 programs.

If you want to make it even more stark in the contrast, the fact is, if you take a look at those numbers, what the Republicans have recommended for these 10 programs is over $2 billion more than the President requested for fiscal year 1984.

There is nobody in this body today, it ought to be clearly understood, who is saying let us cut these 10 programs, or even let us hold them at their own level. We have indicated elsewhere and we will indicate in the proper process through appropriations bills or continuing resolutions what that funding level ought to be.

The real question that we are debating here today with this particular amendment is: What are we going to do with 1 million disabled Americans in this country, those people whose program expires on October 1 of this year?

At the very worst, if title IV is kept in the bill and the bill passes this House and goes to conference, we are going to have a long, acrimonious conference between the House and the Senate. One of the speakers before me, one of my colleagues, said this has always been bipartisan. Let me tell you what is bipartisan in the Senate.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. GUNDERSON) has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 3 additional minutes.)

Mr. GUNDERSON. Let me tell you what is bipartisan in the Senate. The Senate has passed a clean Rehabilitation Act reauthorization with nothing like title IV. They have already come down where they are at on this thing. So, if we go to conference with them, the whole debate is going to be over title IV, which does not belong in this bill, which certainly will delay it beyond October 1, and even if the conference committee comes out with title IV in it, we have a Presidential veto.

So then, all of a sudden we have to come back to the drawing board and start all over and do it without title IV. We have, somehow this year, been fairly successful in this body and in this Congress to be able to pass appropriations bills and authorization bills thus far that the administration and the Congress have been able to agree on, despite I think, for prospects for such success expected earlier on this year.

So the real question we get at then is: What are we going to play today? As I said yesterday to those of you who were here, play politics if you want with budgets. That is legitimate. It is part of the process in this body. Play politics, if you want, with tax policy. That is part of the process. Play politics, if you want, with education and with education votes. We expect that in this body. Play politics, if you want, with foreign affairs.

But I do not think there is one of us, not a one of us in this body, who has the right to play politics with the future and the lives of 1 million disabled Americans, and that, my friends, is what we are going to do if we do not remove title IV from this bill.

PERFECTING AMENDMENT OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. LAFALCE: Page 26, after line 5, insert the following new section:

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT

SEC. 403. Notwithstanding any other provision of law, there are authorized to be appropriated $28,000,000 for fiscal year 1984 to carry out the National Technical Institute for the Deaf Act.

Mr. LaFALCE. Mr. Chairman, I offer this amendment on behalf not only of myself, but also on behalf of Representatives CONABLE and HORTON.

In 1965, Congress passed the National Technical Institute for the Deaf Act. Something else happened in that year also. There was a great rubella epidemic. If we substract 1965 from 1983–84, it will be realized that that rubella epidemic means that the number of people knocking on the entrance door to the National Technical Institute for the Deaf has increased tremendously because of the rubella epidemic that took place years ago.

□ 1210

As a matter of fact, last year there were approximately 300 students entering NTID, as it is called, and this year there are close to 600 students entering NTID.

Now, the Gramm-Latta resolution authorized $26,300,000. That clearly would have been grossly inadequate in fiscal year 1984. We need more money. Yet the chairman of the Appropriations Subcommittee with jurisdiction over this is reluctant, understandably, to appropriate more than is authorized. The Reagan administration, recognizing the need for additional money, has requested not $26.3 million but $28 million.

The amendment offered by myself and by the gentleman from New York (Mr. CONABLE) along with the gentleman from New York (Mr. HORTON), simply authorizes $28 million, a 6.5-percent increase, to bring the authorization in line with what the appropriation request of the Reagan administration is. It is a minimal increase in comparison to the tremendous increase in the number of new entrants this year in NTID.

Mr. CONABLE. Mr. Chairman, will the gentleman yield to me?

Mr. LaFALCE. I am delighted to yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I appreciate the gentleman's taking the leadership on this amendment. The National Institute for the Deaf is actually in my district, although it adjoins that of the gentleman very closely. It is a tremendously constructive institution.

OMB itself favored a $28 million appropriation in order to reflect the increased demand for the services of this institution as a result of the rubella epidemic in the early 1960's, and it has been simply a technical omission, a technical problem, that has kept the full $28 million from being authorized.

The gentleman's amendment, as I understand it, would correct that.

Mr. LAFALCE. That is correct.

Mr. CONABLE. Mr. Chairman, I would like to identify myself with the effort the gentleman is making here, which I believe has support from the administration, as well as from Members on both sides of the aisle, because of the obvious need clearly demonstrated and accepted by all parties. I thank the gentleman for the leadership he has taken on this issue.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I am delighted to yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for yielding, and I commend him and his colleagues, the gentleman from New York (Mr. CONABLE) and the gentleman from New York (Mr. HORTON), for their joint participation in this amendment.

Clearly this is another illustration where Congress is acting in a thoughtful way. Although rubella was part of our American history, its consequences continue.

Mr. LAFALCE. Mr. Chairman, I think this would be a case of both Congress and the administration acting in concert in a thoughtful way.

Mr. BIAGGI. Mr. Chairman, that is clearly the case.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the distinguished committee chairman.

Mr. PERKINS. Mr. Chairman, the current authorization ceiling set by Gramm-Latta for the National Technical Institute for the Deaf, NTID, for fiscal year 1984 is $26,300,000. NTID has presented evidence that this level of funding is insufficient to accommodate those students who are enrolling this fall.

To date, NTID has 578 paid freshman registrations for this fall compared to 340 in a normal year and a projected enrollment of nearly 1,250 students as compared to 993 last year.

The LaFalce-Conable-Horton amendment increases the authorization level for NTID for fiscal year 1984 to $28,000,000. This is an increase of only $1,700,000 over the fiscal year 1983 current funding level.

Mr. Chairman, we accept the amendment on this side. We feel that it is an excellent amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Chairman, may I inquire, was the gentleman's amendment an amendment to the Bartlett amendment which is currently under consideration?

Mr. LAFALCE. Mr. Chairman, it is a perfecting amendment, and if my amendment is accepted, it is my understanding that we would immediately go back to the consideration of the gentleman's amendment. It would in no way negate the amendment offered by the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. I understand.

Mr. LAFALCE. It would be just an intervening amendment to perfect title IV.

Mr. BARTLETT. So it is not an amendment to the Bartlett amendment?

Mr. LAFALCE. It is a perfecting amendment ot title IV itself.

Mr. BARTLETT. Mr. Chairman, I commend the gentleman, and we accept his amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Rehabilitation Act Amendments of 1983. But, unfortunately, I have been told by many that what we have done in title IV is done primarily to embarrass the President, realizing that, of course, he would have to veto the bill and realizing that next year is the Presidential election year.

That is politics, and I guess that is normal. But I also resent it because it really embarrasses me. There is not any Member in the last 2 years, I do not believe, on my side of the aisle at any rate, that has stood more, and many times alone, in trying to do the very best we possibly could for title I or chapter 1 or education for the handicapped or vocational education or WIC, and there is not any Member who would be more receptive to trying to do something logically and under careful consideration for all of those programs at this point.

But basically what we have done here is make the handicapped hostage to all other interests. We are holding them hostage to all other interests.

I am sure that most everybody understands that with title IV the bill would have to be vetoed, and then, of course, as I indicated, the work that needs to be done at the present time in relationship to the Rehabilitation Act goes down the drain.

I would like to again caution my colleagues that just throwing money at educational problems from the Federal level is not going to solve those problems. What we need to do with all of the programs that are included in title IV is to look very carefully at those programs and see what we can do to improve them. We cannot do that in the manner in which my committee did it and in the manner in which we are doing it now.

So I would hope that we could take those issues in title IV separately. We have time to do that. With the speed with which title IV was adopted in committee, it is obvious to me that we could use that same kind of speed and look at each one individually, provide the necessary increases and the necessary improvements, and get the cooperation of the local school districts and the States so that we in fact may do a better job.

Again, let me say that what we are doing here is basically holding the handicapped hostage to all the other interests, and we are going to kill the effort for this reauthorization of the Rehabilitation Act. So I would hope that my colleagues would think seriously about what we have done in committee in relationship to title IV, and that we do what we have to do, which is basically to pass the Rehabilitation Act Amendments of 1983 and then look expeditiously at the other programs and see how we can improve those programs, which in all probability would include some increased funding.

Again I would plead with my colleagues not to cause the Rehabilitation Act Amendments of 1983 to go down to defeat eventually because of a veto and to handle that issue now and then very deliberately handle the other issues that are included in title IV, because, as I said, there is no stronger supporter of most of those programs than I.

Let us look at another item in title IV—impact aid. How much consideration have we given to it? None. The impact that we presently have is not being addressed by the Congress of the United States. We are still focusing on an old impact aid program that in many instances is no longer needed or necessary and in other instances is needed. But the real impact, of course, is in the area of the new refugees that have come into the areas such as Dade County and California and many other places.

I have introduced legislation, and we have had a bipartisan effort along that line, but we have done nothing basically to help those people.

That is why I say it is so important that we look at each issue in title IV separately and do the kind of things that have to be done to improve the educational system in our country. But let us not destroy the Rehabilitation Act Amendments of 1983 simply because we are trying to embarrass someone or simply because we think this is the way to go without giving it very much thought.

Mr. Chairman, let us pass the Rehabilitation Act Amendments of 1983, and then let us deal deliberately and as quickly as possible with those items that are in title IV.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the perfecting amendment.

Mr. Chairman, I rise in strong support of the amendment offered by my friend from New York which increases the fiscal year 1984 authorization level

for the National Technical Institute for the Deaf to $28 million.

NTID is an outstanding example of our efforts to provide quality educational opportunities to the handicapped so that they can compete in the job market. Historically, the unemployment and underemployment rate for deaf Americans has run very high, which led to the establishment of NTID by the Congress in 1965. As a branch of the Rochester Institute of Technology, NTID serves both men and women while allowing them access to the broader educational facilities of the RIT campus.

Each year approximately 3,000 deaf students are graduated from high schools nationwide, of which NTID is able to admit 350. Due to the Rubella epidemic that swept the United States between 1963 and 1965, there will be over 7,200 deaf 19-year-olds this year. This fall's admission level for the entering class of NTID is nearly 600, almost twice the number normally accepted. Clearly, Congress must recognize the impact of the Rubella epidemic by authorizing these desperately needed funds for NTID.

I would point out to my colleagues that the President understood the severity of NTID's problem when he recommended $28 million in funding for the Institute. Additionally, the other body has passed authorizing legislation setting funding at $28 million.

I urge my colleagues to recognize the needs of the hearing impaired by supporting this important amendment.

□ 1220

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the LaFalce amendment.

I would just make one point. If the Bartlett amendment is passed, which deletes titles IV, I would then move to add the LaFalce amendment as a separate title so that this National Institute for the Deaf amendment would still be adopted by this House.

I yield back the balance of my time.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from New York (Mr. LAFALCE).

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words and rise to oppose the Bartlett amendment.

Mr. Chairman, I am really disappointed over the questioning of motives on this bill. We even heard the expression "playing politics."

I personally am convinced of the sincerity on both sides of the aisle and certainly among the members of this committee. I am, as I say, disappointed that we would question motives.

For all of my professional career as a teacher, and my 18 years in the legislative career, I have fought hard for vocational rehabilitation and I am fighting hard for that today. I do not diminish my fight when I also try to take care of these other programs that were emasculated by Gramm-Latta.

So let us not question sincerity. I do not question your sincerity over there and I would not question ours over here.

We have heard that there has been a lack of hearings on this bill. There were no hearings, zero hearings, when you brought out that big New York telephone directory size Gramm-Latta bill. There was no hearing on that, yet we were urged to vote for that.

In my 18 years of legislative experience I have never seen greater violence done to the legislative process than was done in Gramm-Latta, and we are trying to repair the results of that violence today.

We are being very consistent in trying to execute that repair. Our procedure on H.R. 3520 is most faithful, follows the rules, and is extremely faithful when we compare it to that legislative debacle in 1981.

I want to point out, too, that this body is the body that is always fresh from the people. Every 2 years every Member of this body has to give an accounting of his or her stewardship. We gave an accounting of our stewardship subsequent to the passage of Gramm-Latta in 1981 and the people spoke and they spoke loud and clear. I think we are trying to respond to the words they spoke to us and we are trying to restore some of the damage that was done in Gramm-Latta.

You say no hearings. We have had countless hearings. You have been there; I have been there. I go to hearings. I have here a long list of hearings on these components in title IV.

We had weeks of hearings. We had hearings on title I. We had hearings from March 23 through April 21 on title I. That is like an eon of hearings compared to the zero hearings on that which we are seeking to repair: Gramm-Latta.

So do not fault us for a procedure. The violence to procedure is what has led to what we are trying to do right now, to restore these programs. All we are doing in restoring these programs is keeping our own word as expressed by both Houses of Congress. We are trying to raise these levels to the levels presumed in the first budget resolution, no more than that.

Did we mean it when we passed that first budget resolution? I meant it. I am sure the Republican-controlled Senate meant it.

If we meant it let us follow through on that declared intention. So let us not really question sincerity. Let us not question certainly procedure when we are trying to undo the damage of that procedure in Gramm-Latta.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I will be glad to yield.

Mr. GUNDERSON. I only rise to ask a couple of questions for clarification. If we are going to talk about procedure, if we are going to assume that, No. 1, there are all kinds of hearings in our committee on title IV, and I do not ever recall any organized hearings on title IV as it is written, but let us assume they were there, I think the gentleman would have to admit also then that we ought to assume that the Budget Committee had all kinds of hearings on the President's proposed budget which was the beginning of Gramm-Latta.

Would the gentleman not agree that there were hearings then?

Mr. KILDEE. I absolutely do not. I do not think that they took the input from our committee. They gave us a short time and then Gramm-Latta did not listen to our input.

That was written in Dave Stockman's shop, not here. It was written at the other end of the avenue. I deny what the gentleman says. He is wrong.

Mr. GUNDERSON. Then I guess the gentleman is in disagreement?

Mr. KILDEE. Totally; absolutely.

Mr. GUNDERSON. Would the gentleman yield further?

Mr. KILDEE. I would be glad to yield.

Mr. GUNDERSON. I think the second point that needs to be brought out here, we hear the charge about the fact that nobody knew what was in Gramm-Latta. I was here when we debated Gramm-Latta and I was here when that whole budget resolution came up. I recall very correctly that there was a major effort to print Gramm-Latta as a substitute to the budget resolution brought to the floor and, if I recall, the majority would not let us do it.

We had to defeat the rule in order to bring that up and get it printed and that is why no one knew what was in it.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. KILDEE) has expired.

(By unanimous consent Mr. KILDEE was allowed to proceed for 1 additional minute.)

Mr. KILDEE. In response to the gentleman, we certainly know that no one knew what was in it unless they were omniscient, which is reserved to the Almighty, and no one could know all that was in Gramm-Latta. But let me remind the gentleman that you do not have to eat a whole egg to know that it is rotten. There was enough in there to let us know that it was not to be voted for. I yield back the balance of my time.

Mr. LOTT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of H.R. 3520 and the Bartlett amendment.

Mr. Chairman, I really did not realize that we were going to get into this much of a debate on Gramm-Latta or on procedures. We could, certainly, have an interesting discussion on the procedures that have been involved in getting this bill to the floor of the House, particularly the curious way it was handled in the Education and Labor Committee, without casting aspersions on any member of the committee.

It was also interesting in the Rules Committee. The bill had to go before the Rules Committee twice before it was granted a rule.

I think that, to say the least, the gentleman from Texas (Mr. BARTLETT) has done an outstanding job in presenting his amendment and on the facts involved and surrounding this amendment. There are a lot of questions as to whether or not the bill and the committee's amendment was handled properly from a germaneness standpoint.

There is a question about having this omnibus legislation brought to the floor of the House instead of just the rehabilitation legislation that we expected.

Also, we are talking about additional funds in a bill that was already pretty substantial. This bill authorizes $6.2 billion over 5 years for rehabilitation programs.

But I want to emphasize just a couple of points. I do not want to get into procedure. I think the Members need to know that it was a very unorthodox way that this legislation was brought to the floor.

I want to talk a little bit about what we are doing here and the risks we are taking. This is a very popular program. It has bipartisan support.

The Rehabilitation Act amendments would pass overwhelmingly with few objections. It is a good program.

But now, through this unorthodox procedure, we have the addition of $1.6 billion for the number of other programs, admittedly most of them very good programs, many of which I have supported. We are talking about the additional amount for impact aid, a 30-percent increase for education to the handicapped, a 13-percent increase for vocational education, and 18-percent increase for adult education—all wonderful, good programs. But it is not as if they did not already have some authorization. This is additional authorization.

This is obviously an attempt to go back and rehash Gramm-Latta and try to recoup some of the responsible savings that have been made over the past 2 years.

The thing that is interesting to me is that we have just returned here to the House after a long recess. I have talked to Members on both sides of the aisle and I have heard them say "Oh, while I was at home I heard a lot of talk about Lebanon and I heard a lot of talk about the Korean passenger airline incident, and I heard talk about Central America," but every Member heard talk about the economy.

□ 1230

There was an underlying comment at every meeting, about the economy, concern about interest rates, and the deficit. And I am sure we all decried the deficit when we were back in our districts. We said it was horrible and that it can be the one thing that could lead to higher unemployment, to inflation going backup, and to higher interest rates; we said we ought to do something about it.

My colleagues on the other side of the aisle say that the way to deal with it is to raise more taxes. Well, I did not have a single person tell me while I was home that we should raise more taxes to reduce the deficit. Nobody said, "Hey, I am undertaxed." They said, "Your people need to go up there and get your house in order. You should find ways to reduce spending."

They did not limit it to social programs or education programs, I am sure they would apply it across the board. "You do a better, more responsible job of reducing spending to reduce the deficit."

So, we come back here to the House and we are going to deal with these problems that we heard about when we were back home. What is the first thing we do? We take up a bill, a good one, but through this unusual procedure we have a title that would add an additional $1.6 billion. The first act we take in the House of Representatives, after having been home for this district work period, is to add more spending, more money to the deficit.

So, I ask my colleagues to look seriously at the Bartlett amendment. Let us pass the Bartlett amendment and then let us go on and reauthorize the Rehabilitation Act as it should be passed, as an individual, clean bill.

Now, the second part of what I wanted to say here today is my concern about the callous way, really, that we are dealing with this very important program. You have to admit that we run the risk of this program being altered substantially in the Senate, or maybe being held up in the Senate, because of what is included in title IV. Even if it should get through the Senate and through the conference it runs the risk of a veto. Why would we take the risk of this important, good legislation being vetoed and having to comeback to the floor of the House, to fight another battle and delay this good program?

Let us pass the Rehabilitation Act amendments clean.

We could deal with these other issues and we will deal with these other issues as the year progresses.

So, I have to question the procedure, although I am sure it was done with good intentions on both sides of the aisle. This is not the way to do it. We are flirting with danger in risking the passage of this legislation, as it should be.

The leadership urges the membership to support the Bartlett amendment.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the Bartlett amendment.

I think it is unfortunate that we confuse procedure with substance and the merit of the bill. The question of procedure, however, deserves some attention. It is not the first time it was raised on the floor. As a matter of fact it was raised in committee, it was raised before the Rules Committee, it was raised in the press releases, the type of which I think performed a disservice to the members of the committee.

Comments were made that the bill was not given any thought, title VI, at least, was not given any thought. I wonder if people understand what the full implication of that statement is. It impugns the committee, it casts reflection on the chairman, and it diminishes the efforts that we collectively make.

"Title IV without any thought"? You have heard that we have had hearings, extensive hearings on the individual issues and they have been sustained.

But you have also heard that the House is responsible for so many problems of overspending. It is said this side of the aisle has controlled the House over the years. I think that is a condemnation or at least it was intended to be a criticism of the people of this country who have sent these Representatives to the House.

I do not think that people would apologize for their choices because over the years the increases have been made to provide additional benefits to the educational community. And if I recall correctly, in the seven terms that I have been on that committee, even the gentleman from Illinois (Mr. ERLENBORN) for whom I have the greatest respect and admiration, because his contribution is substantial and very meaningful, we disagree oftimes and there are times of agreement, but if I recall correctly, he voted for many of these bills to come out of committee.

So, if he is about to charge that we are spending too much for education, I would suggest that he look to his own record. I do not think he should look to it with shame or apology; I think he should look to it with pride because he has responded to the needs of our country.

The statement was made the legislation was considered in the dark of night. How ominous a statement that is. But that is in the record. The gentleman from Illinois made that statement. I wonder sometimes if emotion does not take full sway. "In the dark of the night" makes it sound so surreptituous, so evil, so clandestine, when nothing could be further from the truth.

I talk to this in terms of the criticism of procedure because we are here today at the moment of truth, if you will, to have manifested our respective opinions.

Also reference was made to the Rules Committee.

Senator CLAUDE PEPPER, the chairman of that committee, said there was some controversy and he suggested that we return. It is not the first time it has been done. It has been done many times. It was done in order to eliminate the controversy, as best we could. A whole new bill was offered and reconsidered and passed.

That is the bill we are talking about today. And the Rules Committee gave us that rule. So, when we talk about procedure I would suggest clearly that we put that aside, put it aside; it is a strawman that has no place in our deliberations. Let us talk about the merits.

Let us talk about title IV with some programs, very, very essential programs that have been proven to be cost-effective and they work, and they work.

Only they work because we continue to put them forward, yes, even on a bipartisan basis. And I respect the other Members on the other side of the aisle who are on the committee who worked very diligently and the author of this amendment is one of those gentlemen. And I disagree but I certainly respect his right to offer it and to make his point.

But, with every review, every review of these 10 items proves that they are cost-effective and they work.

Now, Gramm-Latta is held out to be the sacrosanct, alpha and omega provision that this Congress enacted a number of years ago. Perhaps that was the temper of the times.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 3 additional minutes.)

Mr. BIAGGI. Some people who voted for that resolution at that time have since come to regret it. And Congress, this year, in March of this year, with the first budget resolution, voted for an additional $1 billion.

This vehicle provides us with an apportunity to provide additional moneys. I do not believe the President will veto this bill, I really do not. Ofttimes it is offered as an argument to diminish the advocates of the legislation but more often that threat fails to materialize.

I know the President is concerned about education. I am pleased with his approach to the quality of education. He could not find fault with these 10 programs, clearly not find fault.

Someone suggested we are playing power-play politics. I could not disagree more.

Those are extraneous, irrelevant matters, those are just arguments offered in the form of criticism but not dealing with substance.

Yes, the major thrust of the bill is vocational rehabilitation, which no one questions. The 10 provisions in title IV, I do not believe anyone questions. They just question perhaps the additional funding. Well, the Congress spoke in the early part of this year, the Congress allowed $1 billion additional; it is important that we pass this legislation and important that we pass it fast because next week the Appropriations Committee will be dealing with this matter.

□ 1240

And if we fail to pass it today, they will not have the authorization to appropriate. And failing in this authorization legislation we will have performed a disservice.

I regret having to take the floor against the gentleman's amendment, but I feel very strongly about it, and I think when all is said and done, and this legislation is passed by the House, and hopefully by both parties, that my judgment will be vindicated and that the President will, in fact, sign the bill.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

I respect the gentleman from New York a great deal and we have worked together on a number of different items. I would simply remind the gentleman no one on this side of the aisle that I have heard has spoken against these 10 programs, but against a 34-percent increase in these programs is such a precipitous manner. There is no one over here who has spoken against chapter 1 or the museum services, but we have spoken against a $1.6 billion increase that is suddenly presented onto a bill that is only $1 billion in the first place.

Mr. BIAGGI. I could not agree with the gentleman more. I know that. And I know the gentleman's sentiment and I know the sentiment of many Members on the gentleman's side of the aisle, but clearly, the undeniable fact is there is not one on the gentleman's side who has ever offered to increase the authorization. I think these programs deserve additional funding.

Mr. BARTLETT. I thank the gentleman.

Mr. MURPHY. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

The gentleman from Mississippi wondered how we got into Gramm-Latta. Well, perhaps he was not on the floor when the gentleman from Illinois mentioned historical perspective and said that in 1981 Gramm-Latta brought rationality to our fiscal structure.

That rationality produced a $210 billion national deficit with continued high unemployment in his district and in mine, a national deficit $140 billion higher than any prior administration's top level of deficit.

And yet at the same time in that summer of 1981 $50 billion annually, for the entire duration of this administration, $50 billion was cut from programs to help Americans, to be spent in America, and to help American programs.

How do you account for a $50 billion annual cut, many of them in public education, and yet hand us the bill of goods that it was fiscal rationality?

And following the $50 billion annual cut, now going well into the third year, the President came out with a Commission on Excellence in Education, which produced for him the results that we have been hearing in the Education Committee since the summer of 1981. Yes, there is criticism against public education. And my good friends on the other side say, you cannot throw money at a problem and solve it, but I tell my colleagues you cannot continue to take away billions of dollars in Federal support for public education and all of the programs that are included in title IV and thrust that burden upon our local school districts. In Pennsylvania, in my district, that is what I heard when I was home. Every school district millage had increased and the answer is obvious, the more we cut from the Federal responsibility and the more money we send overseas for a number of projects that are not related to the welfare of Americans, the more that is going to be thrust back on our local school districts.

Five of these 10 programs are directly connected with public education, chapter 1, impact aid, vocational education, adult education and handicapped education. Two more, raising it to seven, are closely tied to education, the arts and the humanities and museum services. Well over the billion of the $1.3 billion that is being asked for are for educational programs to aid a deteriorating situation that is recognized by the minority, the President and the majority. Clearly we have to do something.

I tell my friends in the handicapped community that when this amendment was offered I specifically asked my chairman for a meeting of all of

the subcommittee chairmen. Yes, I am concerned with the handicapped in this bill in titles I, II, and III.

And following that meeting I was convinced that our handicapped bill was not in jeopardy, but that we faced a very serious time element, as pointed out by the gentleman from New York, that we had to do something for these other programs to give the Budget Committee and give the Appropriations Committee some credence to their work.

Now we are accused of sneaking in bills without consideration that cannot stand on their own and of taking action in the dark of the night. Well, I offer the gentleman an option. Withdraw his amendment and introduce 10 separate amendments and we will consider each one of these separately and the gentleman will see on rollcall votes in this House how each one of these educational programs can and would stand on their own.

No, they have chosen to have a group amendment to strike them all and then point to the least popular and say this just is not the time and this just is not the way to do it.

It was not done in the dark of the night, although my committee staff thanks the gentleman for the compliment that they worked late at night to draw these amendments. And I know the staff of the gentleman from Kentucky (Mr. PERKINS) works late in the night, but I submit to all the Members of the House how this came about.

We had meetings of our subcommittee members. Hearings have been held consistently for 2½ years on the educational needs by our committee. We have voluminous testimony and we are convinced that these programs are valid.

We then offered an amendment by the chairman before the full committee. The full committee debated acrimoniously for well over 2 hours on the first day that the amendment was offered. I was there and heard the debate.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. MURPHY) has expired.

(By unanimous consent, Mr. MURPHY was allowed to proceed for 4 additional minutes.)

Mr. MURPHY. Mr. Chairman, following that debate a rollcall vote was held by full committee, in daylight, and the measure was passed.

We went before the Rules Committee some weeks later and it was again vigorously debated by both the majority and the minority on its germaneness and the chairman and I asked the Rules Committee to fully consider it. They did. And we ordered them, that because of the dissatisfaction of our minority Members and to give the minority every opportunity to reexamine the figures we would take the matter back to full committee.

A new bill was drafted. A new full committee meeting was held. All of the statistics were present and read. It was the only measure in my 7 years here in the House that I have seen debated twice before the full committee and twice before the Rules Committee because we wanted it to be done in the light of day and, yet, these accusations persist.

I can only hope that the gentleman from Texas will reconsider my offer and withdraw his amendment and offer a separate amendment for each one of the subtitles in title IV and let us consider on a rollcall vote each measure. Then the gentleman will no longer have any doubt. I assure the gentleman that this body favors every small item in title IV. It will not even restore us to 1979 funding levels for our public educational program. This country, this Congress, and this President, will be shirking from our duty if we do not aid and assist our local school districts in the serious plight of education today.

□ 1250

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment. I want to note, however, that my support for this amendment does not in any way diminish my strong support for the impact aid program.

I do plan to support the authorization levels for inpact aid contained in the Department of Defense authorization conference report. These levels which are higher than those contained in H.R. 3520, represent a much more realistic committment to helping local school districts compensate for revenue lost due to the presence of Federal facilities.

The district which I represent provides an excellent example of the problems faced by communities where the presence of Federal facilities both diminishes local tax revenue and increases the demand for educational and other local services.

York County and the cities of Hampton, Newport News and Poquoson serve as the headquarters for the Army's transportation and training commands, as well as the home of the Tactical Air Command, the Naval Weapons Station and NASA's Langley Research Center. These facilities are an integral and welcome part of the peninsula community. However, unlike their private industry counterparts, these Federal installations take land out of the tax base and at the same time create a greater demand for local services.

Adequate impact aid funding is an absolute necessity if areas which support a large Federal presence are to continue to deliver quality education.

I am supporting this amendment because I feel that these increased authorizations should not be attached to this important piece of legislation. As the gentleman from Texas who serves on the Education and Labor Committee has pointed out, legitimate, responsible improvements in services and opportunities available to disabled Americans should not be "held hostage" by inclusion of matters which are not directly related. If certain of these programs deserve increased authorizations, and some of them such as improved aid may well deserve increased support, then separate authorization legislation should be brought before the House and Members should be given the opportunity to examine each program on its own merits.

Mr. HARRISON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to speak briefly in response to two arguments that have been made here by the gentlemen on the other side. We were told by one gentleman that we must pass the Bartlett amendment because title IV—and I think this is a direct quotation—makes a blanket attack on the judgment made in the 1981 budget resolution.

By the same logic, Mr. Chairman, I would suggest that to pass the Bartlett amendment makes a blanket attack on the judgment already made in the 1983 budget resolution. And intervening between 1981 and 1983 was a thing called the 1982 election, and that somewhat changed the composition of this House. Some of the people who supported the judgment of the 1981 budget resolution are no longer here because their constituents also made a blanket attack on the 1981 budget resolution.

That leads me to a few words on what I consider the most bizarre argument that has been made in opposition to title IV. That is the argument that because title IV is part of the Rehabilitation Act and because an expression has been put forth by the Director of the Office of Management and Budget that he would recommend a veto of the Rehabilitation Act if title IV is included when it reaches the President's desk, that somehow or other we must take title IV out because otherwise the bill will be vetoed, and if the bill is vetoed we will be responsible for 1 million handicapped people losing the benefits of the Rehabilitation Act.

I submit, Mr. Chairman, that the person who would be responsible for a veto depriving 1 million handicapped persons of the benefits of the Rehabilitation Act is the person who uses the pen to sign the veto. Mr. Chairman, when I was taught about American Government, more years ago than I want to remember, I was taught that the two branches of Government, the

executive and the legislative, were coequal and that the legislative must exercise its best judgment and the executive must exercise its best judgment.

So I submit, Mr. Chairman, that the legislature has exercised its best judgment. The other body and we have passed the 1983 budget resolution. All title IV seeks to do is authorize levels contained in that resolution.

Now to say to us that you cannot do that because the executive disapproves, that somehow or other you will be responsible because the executive will veto the bill, is to deny the equality between the branches of Government and to suggest a relationship that was fairly common between the French monarchy and the estates general, that the legislature could do only that which the executive approves, but is not and should not be indicative of the relationship between the coequal branches of the Federal Government. I think that we today should continue in the best judgment of this Congress, should defeat the Bartlett amendment and sustain title IV. And then the executive will have to exercise his best judgment. If the 1 million handicapped people of this country are denied the benefits of the Rehabilitation Act, let it be known that the hand that signed the veto caused the harm.

Mr. KOGOVSEK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I stand in opposition to the amendment offered by the gentleman from Texas (Mr. BARTLETT) to strike title IV. Congress has once already approved an increase in funding for education programs through the first budget resolution passed not too long ago. We approved an increase in the budget for education because we have come to realize that our previous cuts have severely hurt hundreds of thousands of people dependent upon them.

We are only dealing with the most important and most effective education programs in the title IV increases. The chapter 1 program, which has been hailed as the most successful elementary education program the Federal Government has ever established. It has helped thousands of disadvantaged children gain a proper education. The education for the handicapped program, which assists local schools with the expensive process of educating the handicapped. The vocational education program and the adult education program, which is particularly important today because of the unemployment situation in our country.

Title IV will allow the Appropriations Committee to make increase in these programs, if they see fit, and not violate Gramm-Latta ceilings. Congress has once already voiced its support for increases in education, we must continue our support for education again today. I urge my colleagues to vote "no" on the Bartlett amendment.

Mr. PENNY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I note with interest some of the statements in support of this amendment. On the one hand, we are told that we should not decide the issue of authorizations for these various programs in this bill, that we should instead debate these items during the appropriations process or that we should debate these as we consider the second budget resolution for this year.

The fact remains that the first budget resolution of this year has decided the issue of our commitment to quality education, and the provisions of title IV of this bill simply ratify that commitment to education reflected in the first budget resolution.

We are also told time and again that those who support striking title IV really stand in support of most, if not all, of the sections of title IV, but they just feel that as a package we must oppose it and debate those programs separately. If they support those programs, if they support in fact increases in those programs separately, why then can they not support title IV in its entirety?

Others have spoken eloquently on our side of the aisle in defense of title IV and all of the programs contained therein. I want to elaborate on just one of those programs.

Title IV of the vocational rehabilitation amendments, H.R. 3520, provides the authorization for a program which is unfortunately often seen as unimportant, arts and the humanities.

I believe that the product of a quality education is a fully educated individual. In order to be fully educated, one must not only be proficient in "reading, writing, and arithmetic," but must also have broadened perspective by studying such areas as the arts and humanities. Through studies of the humanities one learns to understand the past, which is necessary in order to appreciate the present and anticipate the future. Familiarity with the cultural aspects of our society increases tolerance, acceptance, and understanding of opposing opinions, customs, and factions.

The importance of the arts and humanities is well-recognized. In the words of John Fitzgerald Kennedy: "* * * art establishes the basic human truths which must serve as the touchstone of our judgment."

H.R. 3520 provides an opportunity to nurture cultural development throughout our country. Most of these arts and humanities dollars are administered by the National Endowment for the Arts and National Endowment for the Humanities. These funds are then awarded as State grants.

It is interesting and important to note that this authorization increase will simply leave arts and humanities funding at last year's appropriation level.

I appreciate the opportunity to vote in support of title IV of H.R. 3520 by opposing the Bartlett amendment. A vote of support for quality education is a "no" vote on the Bartlett amendment.

PERFECTING AMENDMENT OFFERED BY MR. GREGG

Mr. GREGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. GREGG: On page 25, after line 25, insert the following new subsection:

"(d) No education funds authorized pursuant to this title shall be expended in any school district or other political subdivision responsible for education unless such school district or political subdivision has a procedure for determining functional literacy as a condition for graduation from secondary public schools."

Mr. GREGG. Mr. Chairman, I introduce this amendment for the purpose of addressing the issue of why we are spending all this money. It is clear to me that there is a commitment in this House to spend a considerable amount of money at the Federal level on education. It is also clear to me that we should be asking for and getting in return for that expenditure something besides the failure of education which we have gotten over the last 20 years.

The recent report of the President's Commission has clearly shown that we are a nation which has serious problems with our educational system. One of those problems is that we are producing in many school districts students who leave their high school, after their high school education, receive a diploma and yet do not have a functional level of literacy. To say the least, they certainly do not have even the type of literacy which we need if we are going to be an expanding economy and for them to be competitive in the economy.

That is not fair to the students and it is not fair to the taxpayers who are footing the bills to pay for those students.

Thus, my amendment is really quite simple. It just asks and calls on those school districts to be more responsive to the needs of the taxpayer when he expends those dollars on education by requiring that there be a functional literacy test at the secondary school graduation level so that we will have a return for our dollars which is identifiable as versus vague as it has been over the last 20 years, which return over the last 20 years has unfortunately produced the shallow and ineffective education system which we find ourselves confronted with today.

So this is a simple amendment. I do not see why it should be controversial, and I would hope that it would be accepted by the majority.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

First, Mr. Chairman, let me say that I regret to oppose the amendment. I know the gentleman offers the amendment in good faith, but this amendment is nothing but a Federal control amendment. We never would, in the first instance, have enacted any of our school legislation if we had put this type of amendment in the bills.

In fact, it violates the prohibition against Federal control of education, section 432 of the General Education Provisions Act: No provision of any applicable program shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over the curriculum, program of instruction, administration, personnel, or any educational institution, school or school systems or over the selection of library resources, textbooks, and so forth and so on.

We, in all of our legislation since 1949, have never put a provision of Federal control in any of our legislation. It is so simple. The gentleman is in good faith. We all want to see functional illiteracy eliminated just as soon as we possibly can, but I do not think that we could assist the States or the local school districts much from Washington by depriving them all of funds in this instance.

It would be my suggestion that we vote down this amendment, Mr. Chairman.

Mr. GREGG. Mr. Chairman, reclaiming my time, I find it exceptional if not incredible that the chairman of the Committee on Education and Labor would oppose an amendment which requires simple functional literacy as a return for the $1.6 billion of extra money which the taxpayers are being asked to foot over here.

The taxpayers of this country have been paying for one of the most expensive educational systems in the world, and what have they gotten for that? Well, according to the recent commission, they have not gotten what they should be getting. They have found that their return on that dollar has not been very strong. So why should we not, as a Congress, in addressing a national policy of education, which I believe is the position of both parties, that we should have a national policy on education, at least ask as a minimum that functional literacy be the return for the tax dollars that are being spent.

I just cannot believe that this Congress is willing to expend $1.6 billion and essentially throw it out there and say, "Well, we do not really care whether we get back for that any sort of value, any sort of education." That is not fair to the students.

The CHAIRMAN. The time of the gentleman from New Hampshire (Mr. GREGG) has expired.

(By unanimous consent, Mr. GREGG was allowed to proceed for 2 additional minutes.)

Mr. GREGG. That is not value for the taxpayers, and it is certainly not fair to the students. The students have a right to know that there is going to be some standard by which they are going to be tested once they graduate from that secondary school.

We do not tell the secondary schools the standard. We do not direct the books. We do not do any of the things in the sections just read by the chairman. All we say is, very simply, that there be some sort of procedure, and the procedure is left up to the local school districts, to determine functional literacy.

Is that an onerous requirement? No, it is not an onerous requirement. It is a very simple, reasonable requirement which I think we, as the representatives of the taxpayers whose dollars we are shepherding, should at least ask as a minimum for the expenditure of those dollars.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I would be happy to yield to the chairman, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, let me say that I think everybody agrees with the gentleman in principle, but this is simply a matter for the States and the local school districts, and we have no business trying to tell those people what to do and exercise Federal control in an area of this type.

Mr. GREGG. Mr. Chairman, if I may reclaim my time, I find it difficult to believe that what the chairman is saying is consistent with the amendment as proposed. The fact is that the amendment does not tell the local school districts how to determine functional literacy. It does not tell the States how to determine functional literacy. It just says, "Please, set up a procedure where we who are spending the money and paying for this education can have some feeling that we are getting a return on that investment, that we are going to get functional literacy out of the students which we are paying for."

That is not demand or directing a great deal out of any school district in the country.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment.

Mr. Chairman, I rise in favor of title IV of H.R. 3520.

In a March 1983 speech, Secretary of Education, Terrence Bell, remarked that upgrading the Nation's schools is up to the individual States. "The State legislatures must levy the taxes and appropriate the money," he lectured the Michigan educators.

If the States had listened to Secretary Bell, we quite possibly would not be debating this bill. But the Republican-controlled State legislature in Colorado, for example, missed that lecture. And Colorado school students will suffer for it.

Since 1977, the State legislature has reduced income tax to the point where, recently, the Governor was suddenly informed that the State faced a $88 million shortfall. Rather that slow or stop the tax rate reduction, the legislature recommended a $55 million reduction in all State budget functions, $22.5 million to be taken from public education. For Denver Public Schools, this translated into a possible loss of $3 million above the $18 million deficit the school system already faced.

I am sure Colorado is not the only State to shirk its responsibility and ignore the recommendations of several administration-inspired national education studies about how to achieve excellence in the schools. Excellence, these reports conclude, means dedicated teachers, competent administrators, wise curriculum planning, and yes, money from all levels of government.

The Federal portion of total school revenue is a mere 7.7 percent, hardly a lavish Federal giveaway. Title IV does not seek to significantly alter that funding ratio. Nor does it forget our fiscal responsibility. We took the Gramm-Latta 3-year budget reduction medicine for 2 years and lived with a reduced Federal role of education funding. But that budget restriction assumed State ability and willingness to pick up the funding slack left by Congress.

Obviously, States are not doing that. What makes this so tragic is that the slack means hundreds of thousands of children will go poorly educated and professionally unprepared.

One program title IV seeks to strengthen that illustrates the dangers of this funding slack is compensatory education. Denver's share of compensatory money for the 1983-84 school year is $5 million to help teach over 5,000 students in elementary and secondary schools. Compensatory education there is used to improve reading skills, language skills, and math skills.

These skills are exactly what the President's Commission on Excellence in Education called "the foundation of success for the after-school years and, therefore, forms the core of the modern curriculum."

For the Federal Government to ignore the needs of students abandoned by State legislatures is to build their foundation of success on quicksand.

Mr. Chairman, I urge passage of H.R. 3520.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the Bartlett amendment. I think that, in fact, this discussion was settled sometime earlier this year with the passage of the budget resolution when this Congress, in responding to the elections, repudiated the horrendous cuts that were made by Gramm-Latta in the education programs of this country. To simply suggest that we should put it on automatic pilot and we should proceed from Gramm-Latta forward, I think, is an argument that cannot hold up to scrutiny.

What disturbs me most is the kinds of programs that the amendment would seek to cut funding from are those programs that are the very most effective programs the Federal Government funds with respect to education.

□ 1310

And that is not so because I say so. That is so because by all of the audits from previous administrations and by this administration, and by the testimony of the Secretary of Education directly telling this committee that he could not quarrel with the results, the effectiveness, or the impact of chapter 1, it was proved, but he simply did not want to spend the money. But he agreed in fact that the children did read better, they computed better, and they retained longer than those disadvantaged children who were not able to participate. He did not quarrel with that.

The Under Secretary of Agriculture and Mr. Stockman did not quarrel with the fact that for every dollar we spend in WIC, we save $3 in Federal hospital costs because we have healthy children and we have healthy births. The only question was whether or not we were going to engage in that kind of preventive activity. But again, they did not want to spend the money.

They acknowledged that there were tens of thousands of women who have been certified by the medical profession to be at nutritional risk and have a great likelihood of giving birth to a low-birth rate baby, with all that entails in the trauma to the child, to the mother, and to the family, and in cost to the taxpayers. They did not deny that, and in fact the program is effective.

They did not deny that millions of children who are handicapped have been helped because of our expenditures in education to the handicapped who used to receive their education in boiler rooms and in basements or who in fact were barred from public schools. They did not deny that those children are now receiving an education from which they were barred or that their opportunities for employment are enhanced. Not at all.

So what we are doing is we are taking the very programs that are designed to help the constituency which this Federal Government has made a commitment time and again to protect and to make sure that they had access to that education, and we are now seeking to turn the clock back and deny them the access to that education. I think it would be a terrible mistake for the Congress to go on record as doing that.

We have in fact repudiated the stands of Gramm-Latta with respect to educational expenditures. There is nobody in the national discussion on education who believes that we can get a better quality education by applying less money.

There certainly needs to be many reforms, and I think the gentleman from New Hampshire has addressed one. But each and every State is struggling with the issue of literacy, with graduation requirements, with course subjects, with longer school days, and with teacher proficiency requirements. But that is a proper role for the State departments of education; that is not the role for the Federal Government. I think that is the determination that has come out of the great 3-week debate that we had on the National Agenda on Education, that it is for the States to engage in the policies of reform and the policy of such requirements.

Mr. Chairman, I hope that the Bartlett amendment is voted down.

Mr. BARTLETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Gregg amendment.

Mr. Chairman, I rise to support the Gregg amendment because if today we want to reauthorize, as the other side seems determined to do, 10 unrelated programs to rehabilitation, then the Gregg amendment is a logical extension of that reauthorization.

The House is beginning to realize, as we are watching the debate, that we have now drifted away from rehabilitation, where we should have been, and drifted into a debate on each of the other 10 programs.

One of the Members whom I respect very much a few moments ago made an eloquent defense of arts and humanities, which is a terribly good program. The issue today is, and ought to be, the jeopardy that title IV places on the prospects for 1 million Americans to be restored to productive lives. The amendment of title IV has nothing whatsoever to do with rehabilitation.

The Gregg amendment sort of brings us up short and says that if we are going to look at these other 10 programs, these are the kinds of amendments and considerations that perhaps our committee and other committees—and perhaps there will be other amendments on this floor—will offer to amend these 10 unrelated programs, because the House will want to do its will.

Let me bring us up short and talk about the numbers and the precise dollar amounts in both sets of the Rehabilitation Act. The Rehabilitation Act itself represents a spending for State grants of $1.037 billion, about a billion dollars. We struggled with that. We have had hearings since April. We increased the funding for rehabilitation by 9.9 percent, and yet, Mr. Chairman, this comes to us on the last day. We have heard the procedures recited on both sides, and there is no doubt as to the facts. Perhaps it was not in the dark of night, but it was in the dark of 9 a.m. before very many members of the committee saw this title IV. We added in $1.6 billion in increases to 10 unrelated programs.

Mr. Chairman, the point is that this committee in title IV adds more in increases than the original Rehabilitation Act proposed in the first place. Perhaps we have our priorities confused. Perhaps the committee should have debated the priorities, and perhaps we should have said, "Well, wait a minute. Perhaps disabled Americans would deserve a 34-percent increase, and we should have the other programs have a 9.9-percent increase." But we never debated that.

The Gregg amendment, Mr. Chairman, in short, demonstrates conclusively why title IV should be deleted, because amendments and propsals and thoughts such as the Gregg amendment should be considered by this House through the committee process and by the House as we would debate purely on the Gregg amendment. The argument has drifted all day, but it comes back to the jeopardy of the economy and the total jeopardy of those 1 million disabled Americans who are depending on this House to do the right thing on their behalf by passing a rehabilitation act that can become law by October 1.

The CHAIRMAN. The Chair will state that unless there are other Members who wish to speak to the Gregg amendment, the Chair will put the question on the Gregg amendment.

For what reason does the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), rise?

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

First, Mr. Chairman, let me ask the minority if they are serious about having a vote on the Gregg amendment. Is that what those gentlemen are wanting to do right now?

Mr. GREGG. Mr. Chairman, if the gentleman will yield, it is my intention to ask for a vote on this amendment, yes.

Mr. PERKINS. Mr. Chairman, as far as I am concerned, we can vote now on the Gregg amendment but not on the Bartlett amendment.

Is the Gregg amendment an amendment to the Bartlett amendment? Or is it a perfecting amendment?

The CHAIRMAN. The gentleman will suspend for just one moment. The Chair could not hear the gentleman from Kentucky and requests that he use the microphone.

Mr. PERKINS. Mr. Chairman, if I understand the Gregg amendment, it is a perfecting amendment to title IV, is that correct?

Mr. GREGG. Mr. Chairman, if the gentleman will yield, that is correct, as I understand it. That is what I submitted it for, and I assume the Chair has ruled to that effect.

Mr. PERKINS. Mr. Chairman, I certainly do not understand it as a perfecting amendment, and we are not through with debate on title IV.

If the Chair wishes to put the question on the so-called perfecting amendment, I have no objection.

Mr. GREGG. Mr. Chairman, if the gentleman will yield, I believe there are other Members who wish to address the Gregg amendment prior to the vote.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Gregg amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. ERLENBORN) is recognized for 5 minutes.

Mr. ERLENBORN. Mr. Chairman, I do not intend to take the full 5 minutes.

Let me just say, Mr. Chairman, that the chairman of my committee has made the point that the Gregg amendment would violate the current law against Federal control of education. He read the section of law to which he had reference. I certainly agree with the philosophy behind that section and with the wording of that section, and in my opinion the Gregg amendment in no way violates that section or the philosophy behind it.

In no way would the amendment, offered by the gentleman from New Hampshire (Mr. GREGG), tell any school district what the course, curriculum, textbook, or any other content of their educational program must be. The amendment merely says, as the gentleman has indicated, that for the billions of dollars that this Federal Government is investing in State and local educational programs we ask merely that they establish a procedure for determining the functional literacy of our high school graduates before they are given their diplomas.

I think that is the least that we can expect for the Federal effort in our educational system, that our educational systems will make as a precedent to graduation from high school that the graduates be functionally literate. We know from all the literature that has come out in recent years that unfortunately that is not the case today. For anyone to support an additional $1.6 billion over the other billions of dollars of Federal funds we are already spending, without wanting to get in return for that at least functional literacy from our educational system, is to me, the height of folly and impossible to understand.

□ 1320

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I will be happy to yield to my colleague from Illinois.

Mr. HYDE. I thank my colleague for yielding.

Is the gentleman, and I am sure he is, familiar with the six R's that our high schools and colleges are spending too much time in teaching? Remedial 'riten, remedial reading and remedial 'rithmetic?

It seems to me the purpose of the Gregg amendment is not to establish a process nor to mandate a method, but to establish a goal, a very general but very important goal: simply to have graduates who can read and who can write and who can add a simple column of figures, functional literacy.

To say in setting that as a goal, as we supply the millions of dollars we are asked to supply, is somehow an encroachment that seems to me to be overkill.

I certainly think the Gregg amendment has great merit to it in simply setting the goal that we hope to attain in the dim, distant future of functional literacy for our graduates, and I thank the gentleman for yielding.

Mr. ERLENBORN. I thank the gentleman for his contribution. I agree with his remarks.

I think we have had, since the report of the Commission on Excellence in Education, a very good national debate on what our educational system should be and the goals that we should have for the system. I think this is one of the very minimal goals that we should establish. This certainly is not the end of our Federal attention to our educational system, but certainly we should begin setting these Federal goals and this is one of the very basic goals.

I would hope the amendment would be adopted.

Mr. FORD of Michigan. Will the gentleman yield for a question?

Mr. ERLENBORN. I am happy to yield to the gentleman.

Mr. FORD of Michigan. Perhaps the gentleman could help us. Everybody is using the term functionally literate over there like it was an exact. I know what two and two used to be. It comes out four no matter how you do it.

How does the gentleman define functional literacy for the purpose of this amendment?

Mr. ERLENBORN. I will be happy to answer the gentleman.

I think in the educational literature it is defined, but my understanding is that we are giving high school diplomas to people who are unable to read and fill out simple applications for jobs, are unable to read the instructions that would allow them to perform those jobs, are unable to read railroad timetables, are unable to function in the society because they do not have those skills of reading and writing and communication that are the very basics.

I think that a system that has been promoting students from one grade to another merely because of time spent in class and giving a certificate or a diploma indicating that they have achieved a certain level of education when they have not achieved at least functional literacy is a disservice not only to these children, these millions of children and adults even today who are functionally illiterate and unable to operate in our society, but to society as a whole.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I am a little bit surprised at the gentleman from Illinois because I know he has been on the committee for a long time and that he has been an outstanding student of the American educational system during his years on that committee and he knows well that you cannot find anywhere in this Capital or anywhere else a piece of educational literature, as he described it, that would define the term "functional literacy" beyond saying that functional literacy is that literacy which is adequate to make a person capable of the function which you ask them to perform or react to.

By that test, for example, a kid who is still alive on the streets of New York or Chicago or Detroit in the toughest part of the city at 15 is presumptively by some standards functionally literate or he would not still be alive on the street.

By that same standard, a person who is perfectly functionally literate for an oral examination, "Do you want to take this job as a laborer on this job where you have to rake up, clean up, and pick up" would not be functional-

ly literate if he was applying for a job as an apprentice computer operator.

So functional literacy is not defined by the educational system. It is defined by the function that a person confronts and the literacy necessary to perform that function to carry out the responsibilities.

We are living in an age where many people function very well in our major cities with such things as street signs, directions on expressways, and so on. We have found a few years ago that people function even though they could not read. But they had learned how to memorize certain words, the shapes of signs, and we have, as a matter of fact, adopted a system of international signs now that tell you pretty completely whether you can read or not exactly what it is you are supposed to do or not supposed to do.

To suggest that the U.S. Department of Education, for the implementation of this amendment, would be able to write a regulation that would tell a local school district, either a major school district with hundreds of thousands of students or a small rural school district with 50 or 60 students, they they can define functional literacy by anticipating what these kids that are coming out of their system will be confronted with for all time in the future is to suggest that they have the wisdom over there when they have finished that minor task to decide how many angels can dance on the head of the pin.

I suggest that the regulation that would be necessary to keep from cutting off funds from every educational institution, whether local, county, or State, in the country would be so complex that the Internal Revenue Code would pale in its complexity by comparison.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

Mr. HYDE. I tend to agree with the gentleman from Michigan. I think the word "functional" does cast an ambiguity around what we are really driving at. Illiterate or illiteracy is pretty clear.

Mr. FORD of Michigan. Would the gentleman be so good as to define a person who is so pretty clearly illiterate?

Mr. HYDE. By illiterate, by my definition, it is one who cannot read or write and that would be an illiterate person.

Mr. FORD of Michigan. At what level of comprehension?

Mr. HYDE. At any level of comprehension, a person who cannot read or write. But notwithstanding that, I would suggest a definition for pornography once used by a Supreme Court Justice might apply. I cannot define it, but I know it when I see it.

Mr. FORD of Michigan. I thank the gentleman for his expert testimony on pornography.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I rise in opposition to the amendment, with all due respects to my colleague from New Hampshire.

There are two things involved. One is the procedural question: Do we simply on the spur of the moment bring up an amendment that has all kinds of complications, or do we go through the committee process and examine this?

If this is to be a legislative body that functions effectively, the committee system ought to work. That is No. 1.

The second question is the substance question and here it may be that what the gentleman from New Hampshire offers is sound. It may be.

We have a problem in this country, and frankly we have hidden this problem. We have 23 million functionally illiterates, and I hope my friend from Michigan (Mr. FORD) will forgive me for using the phrase, 23 million functionally illiterate adult Americans.

I was concerned enough about it that I had subcommittee hearings on the problem. I called an informal meeting with the Secretary of Education and the wife of the Vice President, Mrs. Bush, and some others, to talk about it. We had a couple of breakfast meetings and I am pleased to say that what the President announced the other day emerged from those breakfast meetings.

It is a problem and it may be that this is the proper answer.

But I suggest that no one here knows if this is the right answer, including my good friend from New Hampshire.

What we ought to do is that we ought to hold some hearings on the subject and I think my friend, the chairman of the full committee, who has provided leadership in so many areas, would readily agree to hold hearings on this kind of an approach.

I do not want to be speaking for the gentleman from Kentucky but would the gentleman agree to that?

Mr. PERKINS. Will the gentleman yield?

Mr. SIMON. I yield to the chairman.

Mr. PERKINS. I certainly would agree. No Member has ever been denied the opportunity for a hearing before the committee, and we would certainly invite the gentleman from New Hampshire if he is serious about this amendment, or any other amendment, to come before the committee on any occasion. We will set a special day at his convenience.

□ 1330

Mr. SIMON. I think what the gentleman has done, the gentleman from New Hampshire, is to make a contribution here. We have agreed there should be hearings on the subject. We ought to tackle it. I hope the gentleman from New Hampshire either will withdraw his amendment with that assurance or, if he does not withdraw it, I hope the House will reject the amendment with the understanding that it is a problem of major dimensions that has to be tackled by this body eventually.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I would be pleased to yield to the gentleman.

Mr. GREGG. I thank the gentleman for yielding.

Mr. Chairman, it appears to me there is an agreement here that there is functional illiteracy within the terms of what most of us perceive here, perceive that term to represent, for a large segment of the American population.

The gentleman (Mr. SIMON) refers to 23 million. I assume from the hearings that that is probably a fairly valid figure. That is 10 percent of the people in this country.

That means that 10 percent of the people in this country went through a public school system which delivered them to functional iliteracy.

It seems to me we do not have to have hearings on that. We do not have to have any more hearings on that than we have to have on the $1.6 billion we are about to spend. What we do have to have is some action. We in the Congress have to have a responsibility to react to the needs and demands of the taxpayers out there who are footing that $1.6 billion. To say then you are not going to spend that money, we are not going to spend another $1.6 billion and throw it down the drain as we have done with so much money before this.

So I believe the time has come for us to fish or cut bait, to make a decision right here, right now as to whether we stand for something in our educational system or whether we are going to just continue to throw money at that system.

Mr. SIMON. I respect my colleague from New Hampshire and he is right when he says we ought to have action, but we ought to have action based on knowledge. We ought to know what we are doing. It may be that in throwing this dart out here the gentleman (Mr. GREGG) is going to hit the target, but it may be that it will be going very, very far from the target.

The CHAIRMAN. The time of the gentleman (Mr. SIMON) has expired.

(By unanimous consent, Mr. SIMON was allowed to proceed for 2 additional minutes.)

Mr. SIMON. Before this House moves precipitously, on the spur of the moment, on something that in-

volves billions of dollars in this country, before we move on that, let us find out where we are; let us hold the hearings, let us examine the problem.

Let us grapple with it, let us have action, yes, but let us know what we are doing.

Mr. CHENEY. Mr. Chairman, I rise in support of the Gregg amendment.

Mr. Chairman, I had not planned to speak on this bill today or on this issue but I must say the gentleman from New Hampshire, I thought, made an extremely telling point. I am surprised, frankly, that the majority did not seek simply to accept the amendment as basically a sound idea and to proceed from there. I hear a lot of discussion about the fact that somehow this provision has been offered at a time on sort of a surprise basis, without adequate hearings, on a bill that really deals with rehabilitation. Although we all know the bill itself is not accurately labeled, that most of us are prepared to support a bill which reauthorizes the Rehabilitation Act, but what we do not like are all of the add-ons that deal specifically with education.

I believe the suggestion that we ought to wait now, somehow, and proceed with hearings before we move to something that is simple, suggesting that the States and local units of government ought to have a local requirement for some method by which we determine literacy, begs the question.

For nearly 20 years the Federal Government has been providing billions of dollars to assist with education at the elementary and secondary levels.

I am not a member of the committee. I cannot claim to be expert on the workings of all those programs but I have seen enough, and I think all Americans have seen enough, to have very serious doubts about the way in which those funds are being spent.

There is no question about the desire of all Americans to try to improve our educational system. I am certain that is true of the gentleman from Kentucky, the distinguished chairman of the committee, and the other Members who serve on the committee.

But I find it difficult to believe that after 20 years we find ourselves, having expended billions, prepared to authorize billions more in this legislation without having any idea at all whether or not the programs work. And now we suggest a very minimal, simple test such as a requirement that those individuals who progress through the programs, who have been the beneficiaries of the funds that we provide, who have supposedly received an education, pass a basic fundamental literacy test. The suggestion that we somehow should not do that is appalling. It strikes me we have every reason to have confidence in our local school boards.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I will be happy to yield in a moment to the distinguished chairman.

We have every reason to have confidence in our local school boards and States, that they are perfectly capable of determining and establishing requirements that have to be met before somebody is granted a high school diploma. We do no one, least of all our children, a favor when we put them through an educational system that perpetrates the fraud that somehow they are competent and educated and able to cope with modern society and get a job and prosper as an important part of our American system when in fact they are not able, even, to read or write.

It strikes me that the amendment that the gentleman from New Hampshire suggests is eminently reasonable. All it suggests is, before these funds are expanded, local jurisdictions should have established a way to make certain that people who are graduating from high school have in fact achieved a basic minimal level of literacy—a perfectly simple proposition.

I would urge my colleagues in the House to approve the amendment.

I would at this time be happy to yield to the distinguished chairman of the committee.

Mr. PERKINS. I thank the gentleman for yielding.

Mr. Chairman, let me first say that within the committee system, and many times on the floor of the House, functional illiteracy has been discussed for the past 30 years. I recall back when we first enacted the adult basic education bill in the early 1960's, the real purpose of it was to take care of functional illiteracy insofar as adults were concerned.

Concerning the local boards of education, the school districts throughout the Nation, I would venture to say you would only find a handful that do not presently have procedures set up to determine those who are functionally illiterate; for example, if they cannot read or write, that is one way they used to define it.

But be that as it may, to come in here and tell the State agencies and local school agencies and WIC people and everybody else that they cannot receive money under title IV is unreasonable, the way this amendment is constructed.

The CHAIRMAN. The time of the gentleman (Mr. CHENEY) has expired.

(By unanimous consent, Mr. CHENEY was allowed to proceed for 2 additional minutes.)

Mr. CHENEY. Mr. Chairman, I yield further to the chairman of the committee.

Mr. PERKINS. It is unreasonable and I would think if you and Mr. GREGG and others who want some constructive amendment adopted, would come before the committee, and if we could work out some language without interferring with the local school districts' authority, I would be delighted to cooperate with the gentlemen.

But to just add on Federal control and say that is it will hamstring our educational process and programs throughout the country.

You are going to bring about more illiteracy, by denying youngsters whom we are serving the title I money.

Mr. CHENEY. Mr. Chairman, if I may reclaim my time.

Mr. PERKINS. I say to you that this is a bad amendment.

Mr. CHENEY. Mr. Chairman, I would like to reclaim my time.

Mr. PERKINS. This amendment should not be considered, should be withdrawn at this time or else voted down.

The CHAIRMAN. The gentleman will suspend. The time belongs to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. I thank the Chairman.

If I might respond to the distinguished gentleman from Kentucky, it seems to me it is even more irresponsible for us to continue to spend the kind of funds which have been expended without any idea whether or not it is going to produce a result.

The gentleman suggests there may be in fact the screening and testing systems out there now, but whatever they are, somehow, 23 million Americans have gotten through that screen, have been the recipients, if you will, of inadequate educations.

This body is derelict in not having carried out its responsibilities to see to it that in fact we produce the result we claim we want for all of our children.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I would be glad to yield to the gentleman from Louisiana (Mr. ROEMER).

□ 1340

Mr. ROEMER. I thank the gentleman from Wyoming for yielding.

Mr. Chairman, I want to compliment my friend and colleague from New Hampshire for his amendment because it puts the focus on what the money is all about.

Now as I understand the amendment of the gentleman from New Hampshire, he sets no rigid scale or standard that the local school districts have to meet. He asks rather that they have a procedure to determine the extent of the problem to which this money is directed.

Now it seems strange to me that those of us on my side of the aisle who generally support quality education and often support funds such as these

for such programs do not stand up and address and support the issue raised by our colleague from New Hampshire. If we ask America's taxpayers to keep spending money on public education, which I think we ought to do, then why should we not ask the local school districts, who take this money willingly, to set some standards and procedures to determine functional illiteracy.

I compliment the gentleman once again.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Kentucky (Mr. PERKINS) is recognized.

There was no objection.

Mr. PERKINS. Mr. Chairman, first let me state that we have many studies evaluating the effectiveness of title I funds. They show reading achievement gains for title I target groups, for the last 10 years between 1971 and 1980. The percentage of correct responses in a national reading assessment was 38.4 for the low achieving 9-year-olds in 1971. And in 1980 it was 47.2, a change of 8.8 percent. And black 9-year-olds scores rose from 49.7 to 59.6 in 10 years, up 9.9 percent. Disadvantaged urban 9-year-olds' scores rose from 52.8 to 58.0, up 5.2 percent. And on and on.

But this money, the bulk of this money in title IV, about $350 million, is going to be spent on chapter 1, which primarily helps children below the fifth grade. And think about how foolish it is to punish these disadvantaged youngsters throughout America with an amendment of this type.

We have all of these gains and achievements. I believe you thought up this amendment to take up time. Of course we will work out something constructive if the law needs to be amended, but to kill time in this manner and try to punish disadvantaged youngsters is a terrible situation.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I would just point out and again I recognize the sincerity of the gentleman from New Hampshire and we do have a problem with teenage and adult illiteracy. But, for example, and I have just read the amendment for the first time, I have read the amendment and I know that in some States a procedure exists where mentally retarded young people with limited skills, but who have learned certain skills and because they have learned certain skills not including the ability to read and write, they are given a graduation certificate.

Now, if this amendment is adopted, the Congress is going to say to those States, you either have to take away from those young people any kind of graduation certificate, the heavy hand of the Federal Government, or you do not get any Federal funds.

That is one of many kinds of complications that I see in this amendment.

The gentleman has called our attention to a real problem. We ought to focus on the problem. But to come up on the spur of the moment with this kind of an answer, just is not the way we ought to be legislating. We ought to be looking at things carefully and I hope we do so. I hope the amendment is rejected.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because I think it is premature. We were debating before the consideration of an amendment to strike title IV and I think that title IV is germane in terms of the amendment that has been offered here about functional illiteracy.

We are talking about imposing new regulations, new requirements on the States at a time when we have eroded the basic infrastructure of the educational program. What we were trying to do with the title IV programs, most of which deal with education, is to put back some of the funds needed to rebuild that educational infrastructure.

What you are asking is that a new requirement be imposed on the States. I do not speak for my State of New York because we already have a requirement of a basic competency test which high school youngsters must pass before they can receive a diploma. That is in place.

One of the results of that, however, is that large numbers of youngsters do fail the test and they still want to get a high school diploma. Where do they have to go after that? Most of them go into adult education programs seeking some kind of additional training to come back to take the test again in order to qualify for a diploma.

So the burden is shifted to the adult education programs and we have here today under consideration in the title IV portion of the package funding for the adult education program, a mere increase of $12 million, which incidentally is less than the cost of one Army attack helicopter, which is about $13 million.

So, for a small amount of money that is included in the title IV package as one of the components we would be providing more money for adult education. And that kind of money would be needed to pick up the burden that would be created by the large numbers of youngsters who would still be seeking a high school diploma through some other means if they are thrown into the situation where they failed to pass a functional illiteracy test.

There are all kinds of functional illiteracy considerations that school boards and people in the education field are concerned with. They are concerned with computer literacy and they are concerned with information literacy. There are a number of different kinds of literacy which they are talking about. And the big problem is—and the great frustration is—they cannot any more begin to realistically meet the goals in any one of these areas because of the tremendous cuts that have been imposed by the Gramm-Latta bill before.

The impact of the Gramm-Latta cuts are just beginning to come home dramatically back in the districts. I have heard many speakers say that the title IV package does not have public support. The title IV package does not have priority. It has great public support, great public concern, all of these programs in the title IV package which deal with education are very much on the minds of my constituency and I think they are very popular programs throughout the country. I found people are very concerned about when the action will happen behind the President's talk about education. When is the money coming to restore some of these programs? When is the money coming for the new programs. We need money for computers to enhance computer literacy. They assume that if the President is talking about some new initiatives and some new importance, new values that are being assigned to education, that this is a priority of the President. It is a priority certainly of the President, it is a priority of Congress, it is a priority of the whole country. So we should deal with these priorities first before we talk about imposing some new kinds of regulations and new kinds of requirements on the States.

I think it is very important to note that when we talk about public concern for these programs that I received a call yesterday from the chairlady, Mrs. Rachell Mitchell, of one of the school boards in my district and her call said, "Fight for the title IV programs." At the time I was not in the office and I did not talk to her. So I did not know that she was in the hospital. But this morning I received a call which said that same chairlady of the school board was dead. She called from her intensive care hospital bed. Mrs. Mitchell considered these programs that important.

And I think that is not an unusual example in terms of people who are related to education, whether they are teachers or parents or school board members. They are worried about the erosion of the programs that exist already. They are worried about the fact that the impact of the Gramm-Latta

cuts are coming home and because there is a great deal of talk about education and yet there is no action. I think that this action this morning to try to move forward with education programs as envisioned in the title IV package is an action which is consistent with what we are saying.

□ 1350

We are not frustrating people by saying things and offering no action and no funding behind them. On the other hand, the amendment at hand runs counter to what we have been trying to do. At the same time, it proposes no new funds, no new initiatives and no programs, really, to go with the requirement, it wants to impose a new set of regulations and new set of requirements on the local school boards and local educational structure without funding.

I am against the amendment. I hope we will move hastily to vote the amendment down.

Mr. CHANDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I very reluctantly speak against the amendment, but I am just fresh from 3 days of town hall meetings on the subject of education in my district in the State of Washington, and people there are as concerned as they are throughout the rest of the country about the quality of education. One of the themes I heard over and over, especially from the educators there was: "We are drowning in paperwork."

And the question was raised about a Fortune Magazine article—I think it was the month prior—that raised the question about the enormous expenditure for administration in education and how that has increased, not decreased, but increased over the last few years, both in numbers of people and in expenditures.

The concern that I have for this amendment is that, once again, here we are at the Federal level trying to fix education, not with any dollars to do it with, but again a regulation, a stipulation that passes down to the local school district the requirement for compliance. And whenever you have a requirement for compliance you have people out there forcing that compliance.

I believe that you would end up with more people working to process paper than you would in the classroom, and that is not where we need people in education. We need them in the classroom.

I would urge my colleagues on that point alone to vote down this amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the issue here is literacy. I would suggest that perhaps we need a little bit of that right here on the floor, because it is apparent to me that not very many people have bothered to read the amendment who are speaking on it and are speaking in opposition to it.

First, this imposes no regulations, this imposes no procedures. All the amendment says is that there has to be some kind of procedure in place. That can be any kind of procedure. It does not say the students are either going to pass or to fail the procedure, or whatever the test might be that they establish for this. All it says is that if you are going to expend Government money, if you are going to expend Federal money, you have got to have some sort of way of measuring whether or not you have had a successful educational effort.

When you hear the people talking, out across the country, about education, what they are concerned about is the failure in our schools. When they measure failure, they are saying that failure is there because people cannot read and write who are graduating from high school. And there is something awfully wrong about that. I do not think there is a Member of this body who does not agree that there is something wrong when you have kids graduating from school, getting a diploma, who can neither read nor write.

Now, if we are going to have an expenditure of lots of Federal money, then it seems to me that what we ought to be doing is saying that there ought to be some goals achieved. And basic among those goals is reading and writing. That is all this amendment is really talking about. Let us make certain that out there in the country-side where they are expending all of the money that they have got some way of measuring whether or not they got anything for the money, namely, did they get a process in place that brought about more reading and writing. And that ultimately benefits parents because parents then have some way of measuring school districts; they have some way of knowing whether their school district is doing as well as the one next door; they have a way of telling whether or not the schools of their State are doing as well as the schools in other States. It gives them an opportunity to have more effect on the process in the local realm. I think that is a plus for education.

I am also rather amazed to hear people suggest that all of this may be well and good but what we have got to do is to allow the committee process to work in this kind of instance, that we should not be out here on the floor debating these kinds of issues, we should not take them up here, let the committee process work.

Well, this whole bill that we have before us raises questions about the committee process. This is the bill, remember, that the first time out never got through the Rules Committee because it was rewritten after the committee had acted and it was brought to the Rules Committee in such form that there were no committee deliberations of the material that was ultimately in the bill. So it had to be recalled back to the committee, and I guess they had a couple hours of hearings and then produced a new bill. That is not the committee process at work. There was no chance for hearings on some of the things that have been raised by the gentleman from New Hampshire. And now we hear it said, "Well, he can come before the committee and talk about these things later on." Well, later on we will have passed this bill, we will be down the road, the money will be expended, and we will not have resolved whether or not people should read and write in our schools.

So I would hope that anybody who thinks that ultimately one of the goals that we ought to be achieving in education in this country should be to give basic assurance to parents that their children when graduating from our schools can read and write will vote for the Gregg amendment.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, I am one of the Members who did read the amendment, and it does require that there be in place a test to tell whether the students are achieving or not in education.

Now, what assurance can the gentleman give us that all 300 school districts in the State of Washington are going to apply and will have a meaningful test if there is not some kind of compliance requirement from the Federal level?

Mr. WALKER. If the gentleman would take a look at the amendment again—and serving with the distinguished gentleman on at least one committee, I know well he reads, and reads very well—I would say there is nothing in here about a test program. All it says is that a school district or political subdivision have a procedure for determining functional literacy as a condition for graduation from secondary public schools. It does not say that there has to be a test. It does not recommend any procedure. It simply says that such a procedure must exist.

Now, I would assume that some places may use a test, some places may figure out innovative ways of coming to this same procedure. But all this requires is in general that there has to be something of that type.

Mr. CHANDLER. But that was the point I was trying to make. In my view, either this requirement becomes

meaningless or, if you have some kind of compliance program, that school districts will just be able to tell you, "Why, sure, we are doing it," and, believe me, they have proven they can do that in other ways.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, I yield further to the gentleman from Washington.

Mr. CHANDLER. I appreciate the gentleman's courtesy.

Mr. Chairman, I am just concerned that once again we are trying at the Federal level to fix something that we would be much better off to leave alone to those people who cared enough to come out to the town hall meetings in my district who are very concerned, who are working with their school boards, who are working on all aspects of education. I know how well-meaning this is. I do think we are voting against literacy if we vote against this amendment. But I do think we are voting against what would become a burdensome requirement.

Mr. WALKER. If I may regain my time, I understand the gentleman's concern. But there is nothing in this amendment that sets up those kinds of regulations. All it says here is that some procedure has to exist. So it seems to me that what we really are voting on is the substance of the amendment, whether or not you think that schools that accept Federal money should in some way address the issue of literacy.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment before us, while it might have some merit, in my opinion is rather deleterious because it detracts from the amendment that we are focusing on, and that is whether or not we will fully fund this bill.

In 1816, Thomas Jefferson wrote: "If a nation expects to be ignorant and free, it expects what never was and never will be." This statement is particularly apt as we debate H.R. 3520. This proposal, which has my strong and unequivocal support without the amendment that guts it, or the one immediately before us that detracts from it, is an important and vital component of any national plan to remedy the inadequacies of our educational system. These shortcomings have all too often been placed on the back burner of our national agenda. This year, however, has been unofficially designated "The Year of Education" and now we have the opportunity to pay more than lipservice to our own rhetoric.

This legislation not only reauthorizes a number of very necessary programs which assist the disabled in entering the work force, but also restores much needed funds to many critical instructional and supportive educational programs. H.R. 3520 brings the authorizations of these programs in line with the first budget resolution which passed this House just 3 short months ago. For example, the proposal calls for $1.36 billion to put food into the mouths of indigent women, infants, and children and also funds compensatory education programs covered under chapter I of the Education Consolidation and Improvement Act with $3.83 billion to assist disadvantaged children.

My colleagues on the other side of the aisle have, in voting for H.R. 3520, the opportunity to affirm their commitment to the improvement of our schools and educational programs.

□ 1400

To vote for the amendment that detracts from it or the one that guts it would be to condemn millions of schoolchildren to educational mediocrity at best, and a lifetime of ignorance and failure in the job market at worst. Certainly, money alone cannot be a panacea for the many maladies that confront our educational and instructional system, but without adequate funding we would find our schools unable to educate.

This is not a Democratic or a Republican issue; it is an issue for a special interest group. That special interest group is our children, the future of this great country. It is an issue with which we can demonstrate our dedication and commitment to making education the highest priority. We can demonstrate to our constituents that we recognize the improvements that are needed in the classrooms of this Nation. And most important, we can send a message to the White House and to the Nation that this House is willing to put its money where its mouth is.

Thomas Jefferson realized the national interest in education almost 200 years ago. It is time, my colleagues, to reaffirm your commitment. I urge you to defeat both amendments and vote for the bill.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

Mr. Chairman, the gentleman opened his statement and he closed his statement quoting or referring to Thomas Jefferson and his famous quote about ignorance and freedom.

I would submit to the gentleman that he has made a case for why we have to have functional literacy, or at least some way to evaluate whether we are addressing the issue of functional literacy.

The opposite of ignorance would probably be literacy, and functional literacy would be a lesser degree of that. Clearly, Jefferson, who was our leading writer of letters and political thought in the history of this Nation would be aghast to think that 10 percent of this country is going through the public school system and graduating as functionally illiterate. We, as a nation, have an obligation to address that issue.

Mr. ACKERMAN. I agree with the gentleman that Thomas Jefferson might be aghast at a prospect of 10-percent illiteracy, but he would be turning over in his grave at the prospect of the Federal Government imposing such restrictions and regulations upon the States.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire. A couple of quick points.

It seems that we are back only 2 days and we have another awkward and awful moment in the House of Representatives where we meet head on with two conflicting desires: First, to provide a sound fiscal policy for America such that interest rates can go down and job opportunities can go up; and on the other hand the need to deal with the very best education we can provide for our children.

In this bill today those two goals and dreams run head on. It seemed to me, on first hearing the amendment of the gentleman from New Hampshire that his amendment was a chance to bridge the two divergent dreams to allow for increased funding for education which the gentleman from New York and others so eloquently spoke for, and I agree with them. On the one hand, to allow for that increased funding, but on the other to allow the taxpayer, who is concerned about high interest rates, who is concerned about a blanket approach to specific problems, to allow them to hope that functional literacy will be the goal of our expenditures. I am for more money for education. I think most people here in their hearts are.

But this amendment offered by the gentleman from New Hampshire gives us a chance to, yes, call on the American taxpayer to give more, and many feel they give too much already, but at the same time assuring him and her that their tax money will have minimal standards of procedure to determine functional literacy.

What if the only thing we got from this amendment was a targeted assessment of where our problem is in Louisiana or Texas or Tennessee or Mississippi? The name of this game is not

who gets the money. The name of this game is not which side of the aisle wins. The name of this game is to give our children the very best, and that means an education system designed not to keep people at work in some department, but designed to make our children have the very best opportunity to read and write.

Thomas Jefferson was right. A nation that expects to be both free and ignorant expects what never was and never will be. He said it in 1803, and it is true today. I think the gentleman from New Hampshire has given us a chance to do both things: Tell America that we are willing to spend more money for the very best; but tell them also that we are willing to set functional literacy as our goal.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I would be glad to yield to the gentleman from Louisiana.

Mr. HUCKABY. I thank the gentleman for yielding.

Mr. Chairman, many States today have requirements that the local States have established, and even some school districts have established within a State their own requirements for testing. I agree with the thrust of what the gentleman from New Hampshire is trying to do, but I have a problem with the Federal Government once again intervening and dictating to our State educational systems another thing that they have to do.

How do you reconcile that, because I think the gentleman has basically the same philosophy that I do in this area? Other than discrimination, what other areas does the Federal Government now have a mandate such as this would be in order to be eligible for Federal funding.

Mr. ROEMER. Mr. Chairman, if I may reclaim my time, let me respond by saying that, although I guess I would be called a fiscal conservative in that I would shepherd our dollars wisely and well, I hope, I think there is a place for Government in our lives. It says so in the Constitution. It says so in the spirit of the way I act.

One of the legitimate places seems to be a relationship with our various branches of Government toward quality education. It does not take a great stretch of the imagination to see that if we are going to spend an additional $1.6 billion of our dollars that we require the minimum kind of procedure to determine performance on the part of our local school districts.

The principle of responsible standards of usage for tax money provided is necessary and often applied in Federal programs.

The CHAIRMAN. The question is on the perfecting amendment to title IV offered by the gentleman from New Hampshire (Mr. GREGG).

The question was taken; and on a division (demanded by Mr. GREGG) there were—ayes 17, noes 37.

□ 1410

Mr. GREGG. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1420

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New Hampshire (Mr. GREGG) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Kentucky (Mr. PERKINS) is recognized for 5 minutes.

There was no objection.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the Bartlett amendment.

Let me state first that if we do or do not defeat the Bartlett amendment and I certainly hope we do defeat the Bartlett amendment, this afternoon conferees will be appointed and I will do everything possible to get a conference with the other body early next week. So I do not want anyone to feel that we are here trying to do anything to delay reauthorization of vocational rehabilitation. We are here to help vocational rehabilitation.

We are just carrying out the budget resolution today and our amendment is within the budget resolution, and these programs that we increased need these increases in title IV to bring them back from the cuts of the last few years.

Let me state that I firmly believe the President of the United States will sign this bill. He has stated time and time again this year that we should do something about education in this country.

The House Committee on Education and Labor surveyed the members that constituted the President's Commission on Excellence, and 10 out of those 12 members of the President's commission stated that we needed more Federal money.

This debate has not been going along those lines this afternoon. This amendment, in one sense of the word, would hamstring the spending on the programs that have been doing so much for the disadvantaged youngsters of this country and for vocational education.

I think the $350 million that we increase title I is well justified. We are only serving about 47 percent of the eligible title I children throughout the Nation today, primarily children up through about the fifth grade. I would think that many of you, since we cut back on title I here in the early June days of 1981, in the Gramm-Latta II, have received calls from your districts about title I teachers being laid off who teach the disadvantaged youngsters, and their achievement scores and levels show that we are making much progress in this area.

I would think that the modest increase that we gave you in vocational education in this bill is very much needed.

There is not a vocational school in this country today that has not had to cut back its operations because of the Gramm-Latta vote in 1981. We are only trying to keep up with inflation and deal with all of the unemployment we have in this country and the thousands of students in practically every area of America who cannot enter vocational school to learn some kind of a trade or craft.

This is what we are voting on here today and I say to you in my humble judgment, when the President looks at the vocational rehabilitation bill and looks at these programs, he will sign this bill because this is what he has been talking about for the last 6 months.

There was no other feasible way, my friends, to get this bill before you today, to get these increases before you. We would never have gotten them to conference with the other body had we proceeded one by one. It would have been impossible to go to conference in the other body.

□ 1430

The CHAIRMAN. The time of the gentleman (Mr. PERKINS) has expired.

(By unanimous consent, Mr. PERKINS was allowed to proceed for 1 additional minute.)

Mr. PERKINS. So, we have had these omnibus bills for many years, coming out of our committee and coming from the Senate committee. It is true enough, originally some of these programs were not germane because we did not introduce a clean bill.

I did not think that there would have been this much "hooray" when we went before the Rules Committee.

And then when that turned out to be so, there was only one thing for us to do, to introduce a clean bill so that all of the educational programs and other programs would be germane to the vocational rehabilitation bill. And we did that immediately.

And we come before you today with a good bill, a bill that I think the President of the United States will sign and a bill that every Member of this Chamber should vote for. We cannot afford to let all of our good vocational teachers go or title I teachers go and that is what we are doing unless we support this bill.

Mr. HARTNETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Bartlett amendment.

I yield to my colleague, the gentleman from Texas (Mr. BARTLETT), so he may explain where we are with regard to title IV of this bill.

Mr. BARTLETT. I thank the gentleman for yielding, because it seems to me as we have been here for the last several hours, that this debate has in too many ways shifted the focus away from what should be, and should have been for these last 5 months, the real focus of the reauthorization of the Rehabilitation Act, and that is the rehabilitation of those 1 million Americans in fiscal year 1984 who are counting on this program.

The Rehabilitation Act, in fact, would be reauthorized in the first three titles with what one could describe and is, as the chairman, the distinguished chairman described, a modest increase of 9.9 percent in the increase for rehabilitation. The difficulty is in title IV of 10 other unrelated programs. Title IV would propose an immodest increase of 34 percent, for a larger increase in these other unrelated programs than is in the rehabilitation program all together. I would bring the House's attention to some points that have been made but really we need to think about as we go into vote. Most important is that without a doubt title IV threatens the continuation of the rehabilitation program. Its passage has already been delayed by 5 months. There is no forward funding provided past October 1. By adding the extraneous material in title IV with its procedural defects and $1.6 billion increase the future of the Rehabilitation Act is politicized and is threatened and is in jeopardy. No. 2, title IV represents a precedent-setting manipulation of the House rules. If title IV is successfully passed by this body and is not deleted then a precedent will have been established where a majority may adopt nongermane amendments at the committee level and reintroduce the reported bill to make that extraneous matter technically germane but inherently extraneous.

Title IV represents in a nutshell the use and a misuse of a popular, bipartisan effort to facilitate consideration of other unrelated legislative initiatives. The Rehabilitation Act has received strong bipartisan support through its 63-year history. This represents a departure from that. Title IV inappropriately converts single-focus legislation, the reauthorization of one piece of legislation, the Rehabilitation Act, to omnibus legislation.

Title IV adds $1.6 billion in new spending above the 1984 reconciliation levels of those 10 programs. Title IV forces this House to choose between support for the rehabilitation program and support for responsible fiscal policy. The people in this country, we heard them in our districts during the recess, are crying out for reduced deficits, reduced interest rates, for reduced unemployment, for a Congress that will respond to the needs and the wants of its people, to be able to go back to work, reduce interest rates, and that can only be done not by increasing Federal spending by $1.6 billion, by 34 percent on our first day back, but by examining those programs and by, in fact, considering each program on its own and by putting that restraint, keeping the restraint on the increases in Federal programs. Title IV intrudes on the authority of the Budget Committee. The House Budget Committee has the authority to prepare budget resolutions, and, once passed by the House, conference with the Senate. But title IV dictates specifically fiscal year 1984 authorization ceilings in the program for title IV and it is unclear whether the authorization levels in title IV are program level targets which the Appropriations Committee must accept. Title IV has already today, and in the last 5 months, has diverted floor debate from where we should have been debating and that is where we could have contributed to the substantial substantive and bipartisan legislative history of rehabilitation.

Title IV makes the rehabilitation program and title IV subject to and liable for Presidential veto. Whether or not the President vetoes this bill, title IV has already delayed the act to well beyond October 1. It has made consideration with the Senate more difficult and a conference much more costly and delayed.

I would urge this House on this day to vote with a heart for the lives of those 1 million Americans who are placed in jeopardy today, and to vote with our head at the same time for continued, careful and specific consideration of those 10 programs for a sound economy that will allow Americans to go back to work, for reduced interest rates, by reduced Federal spending and reduced deficits.

I thank the gentleman for yielding.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to this amendment.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my distinguished friend, the gentleman from Illinois.

Mr. SIMON. I thank the majority leader for yielding.

Mr. Chairman, I simply want to join in his expression of support for H.R. 3520 and simply point out to my colleagues in the House that today Switzerland and Japan have a higher average income than the United States and it is not because of any huge, vast resources thay have; it is because they have invested in their human resources. And that is what we want to do. I commend my colleague, the majority leader.

Mr. WRIGHT. I thank the gentleman for his, as always, well reasoned statement.

It seems to me that this particular vote is the best test we are likely to have as to whether we are truly serious about responding to the President's Commission on Education and to the genuine needs of education in America.

It is a really very interesting thing: The President appointed a commission to report on the needs of America's educational system. That Commission reported that we need to spend more money on education; that we are short changing education in our scale of priorities.

To hear the President and others representing the administration respond to that mandate by the Presidential Commission, one would think it had made up such recommendation at all. The President has embraced the issue in rhetoric, but his deeds belie his words.

Let us get a clear picture of the badly deranged state of priorities which have existed in this country in these last 2 years following adoption of the Gramm-Latta bill of 1981.

In the past 2 years we have reduced all social programs by some $47 billion annualized. We are spending $47 billion less this year than we were in 1980 on these domestic needs.

Yet, we have increased military spending by approximately $100 billion a year. And we have reduced Government revenues by about $135 billion a year through the excesses of the 1981 tax cut.

Now, for anybody to suggest that the amounts we are restoring for badly needed educational programs in title IV of this bill amount to excessive spending, or that the deficit might be blamed somehow upon education, would be thoroughly outrageous.

□ 1440

During a 3-year period in which annual expenditures for military

goods and hardware have increased by 40 percent, expenditures for educating America's young people have been reduced by 20 percent.

This year for the first in many, many years the number of young Americans in colleges, as a percent of those of the age group eligible to be attending college, has not increased. It has decreased. That is social retrogression.

I suggest to my colleagues that we shall not be first in defense, it matters not how sophisticated our weapons systems may be, if we settle for second best in education. We are not going to be first in the competition among the nations, no matter how sophisticated may be our machines of production, unless we continue to be first in education.

And what has been the President's response? The President's response has been try to do away with the Department of Education, to reduce funding for student loans whereby students of modest economic circumstances can afford to attend college, to reduce vocational education, to reduce adult education, to reduce compensatory education, to reduce research, to reduce public educational support in general.

Compensatory education has been reduced by 17 percent. Vocational education has been cut by 12 percent, and the President's budget request this year would have had us reduce it by an additional 39 percent below the already inadequate level of last year's spending. Guaranteed student loans have been cut by 27 percent. Job training programs, by 35 percent.

Now the amounts of money contained in title IV are wholly encompassed within the budget resolution that the Congress adopted earlier this year. By no stretch of the imagination can anyone call this a budget buster. With the adoption of the Williams amendment earlier today this bill has been brought absolutely into conformity with the budget resolution. It is within the budget. It simply restores to a somewhat more humane level our investment in the education of our young.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(At the request of Mr. PERKINS and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. WRIGHT. Mirabeau B. Lamar, one of the early Presidents of the Republic of Texas before that area which the gentleman who is the author of the amendment (Mr. BARTLETT) and I represent in Congress, became a State, said that, "The cultivated mind is the guardian genius of democracy."

We see that same truth expressed weekly on the masthead of Newsweek magazine, wherein we read the slogan, "A well informed public is America's greatest security."

And of course the Holy Scripture gives us the same assurance when it tells us, "You shall know the truth and the truth will make you free."

I think what all of those things say is that education and democracy must advance hand in hand. They are inseparably interlinked. You just simply cannot have a long-term advance in education without political freedom and you simply cannot maintain political freedom without education. You can no more have a nation that is half educated and half illiterate than you can have an egg that is half good and half rotten.

The education of all of America's children is the grand promise that we held out. We set out to create a nation in which everybody could have a piece of the action and to that end we strove to make it possible for the humblest youngster to have access to a first-class education as his or her birthright.

It seems to me that we indulge a dangerous folly when we reduce our investment in education; if in the name of national defense we increase our investment in defense weaponry without recognizing the correlation between the two.

Last year we graduated some 56,000 young Americans from our universities in scientific, mathematical, and engineering disciplines. Japan, with only half our population, was graduating about 77,000. Russia was graduating some 300,000 young people with what they called engineering degrees. I will acknowledge that their engineering degree is not equivalent to ours.

But surely it must behoove us to do those things necessary to restore our commitment to making this Nation of ours first among the nations in the education of its citizenry, else we shall not be first in anything else.

It is not good enough simply to say we will take money from the public schools and give it to those parents who can afford to send their children to private schools; and it is not good enough simply to say we are going to restore prayer in the public schools. As much as I am for the latter, the point is this: We must not merely pray for better education, we must be willing to pay for better education, otherwise we shall not have better education.

And this vote is the test of whether we are willing to pay for better education. So therefore, if you would pass that test I suggest that you vote "no" on the Bartlett amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I came today prepared to support my good friend, the chairman of this fine committee and their work for the very reasons that the majority leader just outlined, because the majority leader is right, education is the key to our future and it does not come cheap, nor does it come without some debate and some reason and some priorities.

But in listening to today's debate, I find that this bill is not about education so much as it is about money, power, and politics. Read the Democratic Study Group's print about this bill. I read to my colleagues from page 3:

> The bill increases FY 1984 authorization for 10 programs that are under the jurisdiction of the Education and Labor Committee, but are unrelated to rehabilitation.

Those are not my words, those are the Democratic Study Group's words.

And look at the 10 programs. I can support without equivocation increases in half or more of the 10. Take them in line. WIC. Our colleague from California (Mr. MILLER) was correct when he said the program pays dividends. It ought to be increased in its funding, not decreased or even hold the line.

Take chapter 1, title I, as it is often called, to help the disadvantaged among us. It ought to be increased. You could take these programs and increase title I by 10 percent. Increase WIC by 10 percent. Increase handicapped education by 10 percent. Increase vocational education by 5 percent, adult education by 5 percent, and yet spend only one-third what this bill spends in an increase.

What does the bill have in it? What does it have in its blanket omnibus 10-percent increase? Money for low-income energy assistance. Maybe that is a worthy program, but under the topic of education?

I said earlier on the floor today that this is one of those awkward and awful moments where when you read the legislation and believe the dream for better education you find that the reality just does not hold a candle to what is being said.

It seems to me and I will repeat it, it was said earlier, that Thomas Jefferson was right when he said that a nation that expects to be both free and ignorant expects what never was and never will be.

What did we do together in committee? We rejected the one amendment that would bridge the gap between the need for better education and the desire to hold a strong fiscal policy.

□ 1450

That was the amendment from the gentleman from New Hampshire which puts functional literacy at the heart of this increased money.

I told my friend, the chairman, that I would be willing to vote for the increased money if we knew that functional literacy was the goal and the

target of that increase. But what did we do in our wisdom—not just yours, I was part of it—in our wisdom? We said "no" to the gentleman from New Hampshire. And what do we have left? A bill that is comprised mainly of nonrehabilitation money under the guise of a decent and quality education.

Let me say now that I will be willing to vote tomorrow or next week for increased money for title I, for increased money for vocational education. We need that. But I voted against Gramm-Latta 2 years ago. I voted against it because I do not believe in the policy of legislation without reason. I do not believe in the policy of omnibus spending without rhyme or reason, as we have done here.

I now yield to my chairman.

Mr. PERKINS. Mr. Chairman, let me say to my distinguished colleague from Louisiana that I appreciate his sincerity. But in this bill we increase the money for the disadvantaged youngsters $350 million. We increase vocational education practically $100 million. And I am sure if the gentleman feels that we are too high, he could offer an amendment to reduce those amounts. But I see nothing here contrary to the gentleman's views, since he supports more money for vocational education and more money for title I for the disadvantaged. And that is where the bulk of the money happens to be in this bill.

Mr. WILLIAMS of Montana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unlike my colleague, the gentleman from Louisiana, who came prepared to support this bill today, I came prepared to oppose it if need be, despite the fact that I am an educator and a member of the Select Education Subcommittee. But I also, like all of my colleagues here in the House and as a member of the House Budget Committee, believe that the discipline of the budget must have a high authority in our actions on authorization and spending bills.

And so it was that this morning I offered my amendment which brought this bill into line with the House budget. That amendment, to my surprise, was accepted without vote, accepted by the House Budget Committee chairman, accepted by both the full Education Committee chairman and the Select Education Subcommittee chairman and accepted by the minority.

This bill is now clearly within the budget.

My colleague from Louisiana is correct: This bill is not just about education, it is about money and power and politics. Let us try to run the schools in this country without money. Let us try to help the disadvantaged, those who need vocational education, the handicapped, without appropriate spending at not only the Federal level but at the State and local level. It cannot be done. It is an impossibility. And those who claim it has have been proved by history to be wrong time and time again.

Yes; this bill is not only about money, but it is about power. And in passing this bill today and in rejecting the amendment that is now before us, the Congress of the United States will be responding to the power of the American people, who are insisting that more, not less, money be spent on education. The latest national and accepted poll that we have before us shows that 70-percent-plus of the American people are asking for more, not less, money for education.

And is this bill about politics? Yes. This place and this country is about politics, the will of the people, and education cannot be separated from it.

Ms. OAKAR. Mr. Chairman, will the gentleman yeild?

Mr. WILLIAMS of Montana. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I would like to just mention to my friend, the gentleman from Louisiana, that the WIC program indeed is an educational program. Beyond nutritional programs for children and pregnant women, it does give nutritional education and health care to pregnant women, and it gives that same kind of education and care to children under 5.

I am a former teacher. No one can ever tell me that there is not a relationship between a child being hungry or being malnourished and getting a good education.

In addition, the handicapped children of our country are blatantly discriminated against. This bill attempts to fill that void and that gap. There are 36 million handicapped people in this country, and the parents of handicapped children—who really never get the fair share and the full share for their child so that the handicapped child can be educated to his or her capacity—always feel slighted and cheated. I think that this bill attempts to correct this inequity.

I cannot understand how that part of title IV is not an educational program. So I certainly want to join my colleague in urging defeat of what is a very disrupting and gutting amendment to the entire bill.

Mr. WILLIAMS of Montana. I thank the gentlewoman, and I would remind her of something of which she is well aware, and that is that ever since the Presidency of John Fitzgerald Kennedy, with one slight exception, the children in this country have moved out of poverty at the rate of about 713,000 children per presidential term, with the exception of this administration, which is now only three-quarters finished, and we find 2 million more children have slipped back into poverty. That slippage is as unprecedented as it is tragically unnecessary. We need to redirect America's compass, and this bill will help to do that.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Bartlett amendment.

Mr. Chairman, I certainly am not going to take 5 minutes, but I think a couple of things have to be said. Someone once said you cannot be too rich and you cannot be too thin, and I agree with both of those comments, for very obvious reasons. And you cannot put too much money in education. And I agree with that. Although some oversight as to how it is spent and who gets it and how accountable they are is important.

I recall reading in the newspapers in my area in Chicago over the weekend that the teachers' union has found over 1,000 jobs on the Chicago Board of Education that never showed up on their budget. And they found them because they were federally funded, and nobody really knew they were there. Of course, the teachers' union is upset because they think that this is money that could go for their pay raises, and well it might, for all I know.

Now, rehabilitation for those who are disabled is an important program and goal and aspiration that Congress for many years in a bipartisan manner has supported, and this program, this Rehabilitation Act, deserves the full support of both sides of the aisle.

But what has happened here is that we are learning from the other body that you can take a bill that has a noble purpose and Christmas-tree it and add other baggage to it because the strength of the main purpose will have to carry the other baggage. But in doing that—it is clever politically—you are trivializing, you are denegrating, you are eroding the main purpose, which is the Rehabilitation Act.

Now, I agree with my dear friend from Cleveland (Ms. OAKAR), for whom I have enormous admiration and respect, that the women's and infants' and children's program deserves all the support it can get, and it does have an aspect of education somewhere in there. But the low-income energy assistance program ought to be able to stand on its own two feet. It ought not to have to be thrust under the umbrella of the Rehabilitation Act. I am for low-income energy assistance, but I am not for burdening a bill that is useful and needed with what undoubtedly will invite a veto because of these additions totaling $1.6 billion, authorizations that have already been adopted by this body in lesser amounts.

The National Foundation on the Arts and Humanities, gee, that is wonderful, but it has nothing to do with rehabilitation of disabled persons.

□ 1500

I suggest to the people of conscience and concern and compassion that they are trivializing rehabilitation to put all of this baggage on this bill and, therefore, I must support and will support the Bartlett amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTLETT).

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 12, noes 24.

RECORDED VOTE

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 283, not voting 26, as follows:

[Roll No. 329]

AYES—124

Archer	Hansen (ID)	Packard
Badham	Hansen (UT)	Parris
Bartlett	Hartnett	Paul
Bateman	Hiler	Porter
Bilirakis	Hillis	Regula
Bliley	Hopkins	Ritter
Breaux	Huckaby	Roberts
Broomfield	Hunter	Robinson
Brown (CO)	Hyde	Roemer
Broyhill	Jeffords	Roth
Burton (IN)	Kasich	Rudd
Campbell	Kemp	Sawyer
Chappie	Kindness	Schaefer
Cheney	Kramer	Schulze
Clinger	Lagomarsino	Sensenbrenner
Coats	Latta	Shaw
Coleman (MO)	Lewis (CA)	Shumway
Conable	Lewis (FL)	Shuster
Courter	Livingston	Siljander
Crane, Daniel	Loeffler	Skeen
Crane, Philip	Lott	Smith, Denny
Daniel	Lowery (CA)	Smith, Robert
Dannemeyer	Lujan	Snyder
DeWine	Lungren	Solomon
Dickinson	Mack	Spence
Dreier	Madigan	Stangeland
Edwards (AL)	Marlenee	Stenholm
Edwards (OK)	Marriott	Tauzin
Emerson	Martin (NC)	Taylor
Erlenborn	McCain	Thomas (CA)
Fiedler	McCandless	Vander Jagt
Fields	McCollum	Vucanovich
Forsythe	McEwen	Walker
Franklin	Michel	Weber
Frenzel	Miller (OH)	Whitehurst
Gekas	Montgomery	Whittaker
Goodling	Moore	Winn
Gradison	Moorhead	Wortley
Gramm	Myers	Wylie
Gregg	Nielson	Zschau
Gunderson	O'Brien	
Hammerschmidt	Oxley	

NOES—283

Ackerman	Biaggi	Clarke
Addabbo	Boehlert	Coelho
Akaka	Boggs	Coleman (TX)
Albosta	Boland	Collins
Alexander	Boner	Conte
Anderson	Bonior	Conyers
Andrews (TX)	Bonker	Cooper
Annunzio	Borski	Coughlin
Anthony	Bosco	Coyne
Applegate	Boucher	Crockett
Aspin	Boxer	D'Amours
AuCoin	Britt	Daschle
Barnard	Brooks	Daub
Barnes	Brown (CA)	Davis
Bates	Bryant	de la Garza
Bedell	Burton (CA)	Dicks
Beilenson	Byron	Dingell
Bennett	Carney	Dixon
Bereuter	Carper	Donnelly
Berman	Carr	Dorgan
Bethune	Chandler	Dowdy
Bevill	Chappell	Downey
Duncan	Leach	Richardson
Durbin	Leath	Ridge
Dwyer	Lehman (CA)	Rinaldo
Dymally	Lehman (FL)	Rodino
Dyson	Leland	Rose
Early	Lent	Roukema
Eckart	Levin	Rowland
Edgar	Levine	Roybal
Edwards (CA)	Levitas	Russo
English	Lipinski	Sabo
Erdreich	Lloyd	Savage
Evans (IA)	Long (LA)	Scheuer
Evans (IL)	Long (MD)	Schneider
Fascell	Lowry (WA)	Schroeder
Fazio	Luken	Schumer
Feighan	MacKay	Seiberling
Ferraro	Markey	Shannon
Fish	Martin (NY)	Sharp
Florio	Martinez	Shelby
Foglietta	Matsui	Sikorski
Foley	Mavroules	Simon
Ford (MI)	Mazzoli	Sisisky
Ford (TN)	McCloskey	Skelton
Fowler	McCurdy	Slattery
Frank	McDade	Smith (FL)
Frost	McGrath	Smith (IA)
Fuqua	McHugh	Smith (NE)
Garcia	McKernan	Smith (NJ)
Gaydos	McKinney	Snowe
Gejdenson	McNulty	Solarz
Gephardt	Mica	Spratt
Gibbons	Miller (CA)	Stark
Gilman	Mineta	Stokes
Glickman	Minish	Stratton
Gonzalez	Mitchell	Studds
Gore	Moakley	Sundquist
Gray	Molinari	Swift
Green	Mollohan	Synar
Guarini	Moody	Tallon
Hall (IN)	Morrison (CT)	Thomas (GA)
Hall (OH)	Morrison (WA)	Torres
Hall, Ralph	Mrazek	Torricelli
Hall, Sam	Murphy	Towns
Hamilton	Murtha	Traxler
Harkin	Natcher	Udall
Harrison	Neal	Valentine
Hatcher	Nelson	Vandergriff
Hawkins	Nichols	Vento
Hayes	Nowak	Volkmer
Hefner	Oakar	Walgren
Hertel	Oberstar	Watkins
Hightower	Obey	Waxman
Horton	Olin	Weaver
Hoyer	Ortiz	Weiss
Hughes	Ottinger	Wheat
Hutto	Owens	Whitley
Ireland	Panetta	Whitten
Jacobs	Patman	Williams (MT)
Jenkins	Pease	Williams (OH)
Johnson	Penny	Wilson
Jones (NC)	Pepper	Wirth
Jones (OK)	Perkins	Wise
Jones (TN)	Petri	Wolf
Kaptur	Pickle	Wolpe
Kastenmeier	Price	Wright
Kazen	Pritchard	Wyden
Kennelly	Pursell	Yates
Kildee	Quillen	Yatron
Kogovsek	Rahall	Young (FL)
Kolter	Rangel	Young (MO)
Kostmayer	Ratchford	Zablocki
LaFalce	Ray	
Lantos	Reid	

NOT VOTING—26

Andrews (NC)	Heftel	Roe
Clay	Holt	Rogers
Corcoran	Howard	Rostenkowski
Craig	Hubbard	St Germain
Dellums	Lundine	Staggers
Derrick	Martin (IL)	Stump
Flippo	Mikulski	Tauke
Gingrich	Pashayan	Young (AK)
Hance	Patterson	

□ 1510

The Clerk announced the following pairs:

On this vote:

Mr. Pashayan for, with Mr. Derrick against.

Mr. Craig for, with Mr. Young of Alaska against.

Mr. Corcoran for, with Mr. Tauke against.

Messrs. CONTE, SAM B. HALL, JR., MOLINARI, McGRATH, and LENT changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1520

(By unanimous consent, Mr. PICKLE was allowed to speak out of order.)

DEAR ABBY AND THE NOTCH

Mr. PICKLE. Mr. Chairman, my colleagues, and especially "Dear Abby" readers, one thing we have all learned in the past week is that something written in "Dear Abby" is faster than a telegram and more powerful than the evening news. When "Dear Abby" says to write your Congressman, people do not just listen, they act.

Unfortunately, the letter on the social security notch in a recent "Dear Abby" column was partially wrong and somewhat misleading.

As a result of the 1977 social security amendments, there is a difference in benefits between people born before and after January 1, 1917. Everyone born after that date will receive lower social security benefits than they would have gotten if we had not passed those amendments in 1977. Pure and simple, this is the "notch" that the "Dear Abby" letter complained about.

There will not be a $100 difference in benefits between those born in 1916 and 1917 except in a limited number of cases at the maximum benefit levels.

The change does not affect only those born between 1917 and 1921. It affects everyone born after these dates as well.

And, finally, there is no correction available for the notch because the notch is not the problem.

As many of you know, the Congress decided in 1972 to index social security benefits to the cost of living; in other words to give social security beneficiaries a cost-of-living increase every year. I might add that at the time we thought this was a conservative measure.

What we did not realize then was that each time we gave retirees a raise we were also increasing amounts in the benefit table used to compute benefits for new and future retirees. At the same time, the workers whose future benefit would be based on this increased benefit table were also getting wage increases on their jobs.

The result was that new retirees began receiving benefits that reflected the same period of inflation twice: through the increased benefit table and through increases in their earnings that had occurred at the same time. This double-whammy benefit increase, combined with the very high inflation of the 1970's, meant that overall benefit levels increased far

more than anyone had ever anticipated, and the system was rapidly going broke. If this system had been left in place, many people would be getting benefits higher than what they earned while they were working.

In 1977, then, Congress did the right and logical thing: we decoupled this system and put in the formula we have today which affects people born after 1916. This formula provides benefits which keep pace with wage increases over the person's working lifetime, and that keep pace with price increases once the person retires. But the new formula by itself was not enough to solve the financing problem.

You may remember in March we passed a social security financing bill that solved a long-term financing deficit of 2.09 percent of taxable payroll. Well, in 1977, the long term deficit we faced was over 8 percent of payroll, four times as high, and caused primarily by the very high benefits from this flawed benefit calculation. By 1977, benefits had already gotten so high that we could not afford to pay all future beneficiaries at that rate, and we had already raised taxes as much as we thought possible.

So, when we put the new formula into effect in 1977 we lowered overall benefit levels by about 5 to 7 percent. Everyone who turns 62 after 1978 is going to get lower benefits than they would have gotten if we had not passed the law. This may not be a pleasant fact, and not very many people are going to be happy about it. But the alternatives were steeper tax increases or a bankrupt system.

The "Dear Abby" letter was particularly confusing in its reference to the 1917-21 group. People born in these years do come under a transition formula—but this only gives them possibly higher benefits than they would receive under the new formula. Everyone born in 1922 or later is under the new formula. The new formula provides steady benefit levels which, for a worker with average earnings, will equal about 41 percent of their final wages.

If we want to go back and fix this so-called problem now by raising benefits back up, it would cost at least $9 billion in the first year probably $20 billion the second year, and much more each year after that. The Congress has just barely finished work on the Social Security Amendments of 1983, in which we raised revenues and reduced benefits for a total of $169 billion over the next 7 years. I must honestly say that I do not believe the public, upon reflection, is going to ask Congress to go back and raise an additional similar amount in order to pay benefits that soon would be higher than preretirement earnings.

It is unfortunate that we have had this occurrence, which has caused much consternation among Members and the public alike, and I hope we can set it aside as quickly as it has reared its head.

□ 1530

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORHEAD: Page 25, line 20, strike out "(8)" and insert in lieu thereof "(8)(A)".

Page 25, line 22, strike out the period and insert in lieu thereof the following:

", except that for the fiscal year 1984, 25 percent of a State's allotment percentage shall be the percentage of the total amount authorized to be appropriated under such Act which a State is eligible to receive for such year based on the low-income home energy costs in such State during the fiscal year 1983.

"(B) For purposes of this paragraph—

"(i) the term 'low-income home energy costs' means the total amount of expenditures for home energy by low-income households, and

"(ii) the term 'low-income households' means households with incomes which do not exceed an amount equal to 125 percent of the official poverty line which is applicable to the State in which such household is located.

"(C) The Secretary (after consultation with the Secretary of Energy) shall compile information as necessary to compute allotment percentages under subparagraph (A) and shall compute such percentages."

Mr. MOORHEAD. Mr. Chairman, I rise to offer an amendment to the low-income energy assistance program which would make more equitable the formula for distributing whatever funding level is ultimately given to the program.

The Committee on Energy and Commerce which shares jurisdiction with the Committee on Education and Labor was tentatively scheduled to mark up its version of the authorization for this program. Evidently today's action on the floor preempts my committee from working its will. As you know, our committee has two energy subcommittees, each of which marked up bills on the low-income energy assistance program.

There were differences and these were scheduled to be worked out in the full committee. One of the changes that would have been proposed was this amendment to both update and make more equitable the formula for distributing LIEAP funds.

The actual text of this amendment, along with the analysis supporting it, is the product of a joint effort by Democratic and Republican staffs of the Subcommittee on Fossil and Synthetic Fuel.

Mr. CORCORAN, our colleague from Illinois, the ranking Republican of that subcommittee, who could not be here today, had worked out an agreement with Mr. SHARP to pursue this formula change in the full committee.

Hopefully it will gain the support of the full House. This may be our only opportunity to make this necessary change.

Let me explain my amendment. The LIEAP program currently allocates its funds based upon formulas which incorporate the ability of the poor to pay energy costs only as a minor factor. The major data used are heating-degree days and total residential energy costs, factors which are relevant to energy expenditures as a whole but not to low income consumers.

This amendment would reform the formula so the ability to pay, or in this case the inability to pay, is as much a factor as the weather.

The amendment requires that 25 percent of the formula be based on low-income energy costs. In other words, the formula must reflect the actual history of expenditures for home energy by the poor in each State.

When one compares how this formula change affects the distribution of the funds noted in the charts I have made available, and reproduced in the RECORD at the conclusion of my remarks, an interesting thing happens: The money goes where it is needed. If we are to have this program at all we owe it to ourselves to put the money in the hands of the most needy.

Another interesting thing happens and that is that money is not distributed to States which year after year show unused allocation of funds.

Mr. PERKINS. Mr. Chairman, will the gentleman from California yield to me?

Mr. MOORHEAD. I will be happy to yield to the chairman.

Mr. PERKINS. The gentleman from California showed me a copy of the amendment a few minutes ago. Perhaps I should state that both the Ways and Means Committee and the Committee on Energy and Commerce have jurisdiction along with the House Committee on Education and Labor over this program. But in the change of formula, if I understand it, you propose to shift funds under the low-income energy program more toward States which rely on natural gas instead of oil for heating, is that correct?

Mr. MOORHEAD. It makes the use of natural gas by the poor a factor as much as the use of oil by consumers in general. In other words, under the present formula in the bill, the people that use natural gas, the poor people in those areas get very little assistance; whereas they would get more under this change.

However, in my amendment 75 percent of the formula would still remain exactly as it is in the bill.

I would change only 25 percent to say that the money would go where

the poor are actually spending the money for their fuel.

Mr. PERKINS. Under regular procedure, I would have objection to the amendment but inasmuch as the House Committee on Ways and Means and the Committee on Energy and Commerce are very much interested in the formula, and I have had very little opportunity to do much studing about the situation, I would hope that the gentleman would defer consideration of the amendment until these gentlemen come to the floor.

How does the gentleman feel about deferring consideration of it?

Mr. MOORHEAD. I would really like to have it considered today.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. COATS and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 3 additional minutes.)

Mr. MOORHEAD. I would, Mr. Chairman, of course, be willing to work out these formula changes with the chairman and with other committees involved. I think there is no other opportunity, however. Our committee, the Committee on Energy and Commerce, was going to consider this issue. I think this amendment that I have would have been adopted in the Commerce Committee but the bill is going to be past us. We will no longer have a chance.

Mr. PERKINS. Do the other committees knows that you are introducting this change in the formula today?

Mr. MOORHEAD. The members of my committee I think do, at least a substantial number of them do.

It was going to be offered by another person. I agreed to take it on upon my return from our latest trip to our districts.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. COATS. I thank the gentleman for yielding.

Mr. Chairman, I wonder, the chairman expressed an interest in working to adjust the formula and the gentleman from California indicated that both the energy subcommittees of the Committee on Energy and Commerce are dealing with this, in fact, through quite an involved process, and are working toward a solution to this. We feel constrained to offer the amendment today because the money has been included in the Rehabilitation Act and this may be our only chance. I am wondering if the chairman would agree to withdraw the funding for this particular program which is a long way from the Rehabilitation Act's original purpose so we could address that and perhaps work with him in finding a proper solution to this.

□ 1540

Mr. PERKINS. If the gentleman will yield, this bill concerns the funding aspects of the Low Income Energy Assistance Act. Many members on the committee were interested in this particular provision. It would be my hope however that we could defer consideration of the formula change until a later date.

Mr. MOORHEAD. When could it come up so that any change would not already be foreclosed?

Mr. PERKINS. The authority for the program does not expire until next year. And it has got to come up within the foreseeable future—I would think this year or early next year. We will cooperate with the gentleman along this line and get the bill out.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman for yielding.

I would hope the gentleman would consider deferring it because this does make very major changes and ones which, by and large, affect the most northerly coldest States. My own State, New York, would lose almost $45 million under this change in formula. And as I go down the list I see States like Connecticut, Idaho, Maine, Massachusetts, Minnesota, and Montana.

The CHAIRMAN. The time of the gentleman from California (Mr. MOORHEAD) has expired.

(At the request of Mr. GREEN and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 5 additional minutes.)

Mr. GREEN. If the gentleman will yield further, and going down the list, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. By and large, it is the coldest States in the country that are getting hurt under this amendment. And while I understand the gentleman's concern at the very rapid escalation of natural gas prices, it seems to me that a change in the formula which makes such marked impact on some States and no States which at first blush would seem to have the greatest energy problems because of their cold climates, really deserve more consideration than we are going to be able to give the ins and outs of this formula on the floor this afternoon in consideration of this bill.

Mr. MOORHEAD. Actually more than half of the States and most of the big States—not counting New York—do benefit from the change. But a lot of the States that lose from the change have not been spending the money that has been allocated to them under the low energy assistance.

The States that are getting the benefits under this program, the poor, have actually been spending money in the same ratios that my formulas call for. And, for that reason, they have a need for the money. There will not be that money just lying fallow there in States that cannot find a place to expend it. We will be able to use it and it will be much more equitable.

There is 75 percent of this money that is going to go under the old formula, which is very complicated; 25 percent will go to the poor for which the present program does not provide, putting to use money which would otherwise go unused. In fact, this change reduces the opportunity for abuse of this LEAP money. You cannot object to the poor who need the money getting it in the proportion that they are spending the money for energy.

Mr. GREEN. Again, I am really not equipped to deal with the ins and outs of this formula at this time and I doubt that many Members here are. But the problem I see is that the gentleman has a very marked change in where the money is going from the coldest parts of the country to the warmer parts of the country. And it seems to me that any change in a low-income energy assistance program, which by and large takes money from the colder States where the high energy costs have fallen most heavily on the poor, is something that certainly deserves more examination than it is going to get here on the floor this afternoon.

And in view of the fact that two other committees, frankly, whose jurisdiction in this area and whose expertise in this area is greater than the committee whose bill is on the floor this afternoon, are looking at the subject matter, it would seem to me that that is the place where the complications of this formula, which the gentleman in the well has pointed out, really ought to be dealt with.

Mr. MOORHEAD. I would love to have it decided in those committees, but we are on the floor with a bill at the present time and that bill will in due course go to conference and will become law, I would assume. Unless we make these changes, the chances are they will never be made.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

The gentleman from California makes exactly the right point. The two committees with the greatest ability to decide what the formula ought to be and to make it fair and equitable, who have held the hearings and heard the testimony, were attempting to work out a solution to the formula, but we are not precluded from doing that because the authorization is here before us today on a nonrelated bill

that has nothing to do with low-income energy assistance and I think we all know that if this goes through today we will probably have no opportunity to adjust that formula.

And further, in response to the gentleman from New York, it is not the transfer of money from the cold States to the warm States. It is a change in the formula which will better compensate those people that are most impacted by heating costs.

Let me read some of the States that more money will go to, States that now are not adequately funded. Alaska, I do not call that a warm State. Colorado, Illinois, Indiana, Maryland, Michigan, Ohio, West Virginia, Wyoming, Kentucky, the State of the chairman, those are the States that would benefit from this formula change.

What we are simply trying to do is on only 25 percent of the formula shift some funds to areas that are impacted by natural gas costs, costs that have risen dramatically, while oil costs have fallen. The State of New York, for instance has not been able to use all of its energy assistance. In fact, last year the State which received 13 percent of the total assistance available only was able to spend 79.2 percent. We are not denying any assistance to any family in need in New York State.

The CHAIRMAN. The time of the gentleman from California (Mr. MOORHEAD) has again expired.

(At the request of Mr. COATS and by unanimous consent, Mr. MOORHEAD was allowed to proceed for 1 additional minute.)

Mr. COATS. If the gentleman will continue to yield, we are not denying any energy assistance to lower income people in the State of New York. We are simply saying that since they have not been able to spend it all and therefore have transferred it to other programs, let us shift that money to low-income people in other States that are underfunded because the formula is skewed toward the use of oil and away from the use of natural gas. We are not denying oil users assistance. We are simply saying let us balance it out and give those low-income people who have been impacted the most in the last few years with natural gas costs rising a little share of the money that is available here. And again, this is our only opportunity to do it. Unfortunately, this comes up under a bill that has nothing to do with energy assistance, but we have to address it here because that is our only opportunity.

Mr. MOORHEAD. Mr. Chairman, in closing I would like to point out that this amendment compensates the poor for the recent rise in natural gas prices; the current formula does not.

The amendment sends the money where the poor spends its money on energy. The current formula sends money to the States which are often in serious surplus.

The amendment more fairly distributes the proceeds of the program based on where the need is, where the poor are, where expenses for energy are the highest. It would, I think, give us a better formula and I ask for an "aye" vote.

The chart referred to follows:

LOW-INCOME ENERGY ASSISTANCE PROGRAM

[Distribution of funds]

	Percent share current law formula	Dollars at $1.975 billion (fiscal year 1983)	Dollars at $2.25 billion (current)	Moorhead amendment	
				Percent share new 75/25 formula	Dollars at $2.25 billion (new)
Alabama	0.86	16,985,000	19,350,000	1.18	26,443,057
Alaska	0.55	10,862,000	12,375,000	0.56	12,667,949
Arizona	0.42	8,295,000	9,450,000	0.47	10,489,407
Arkansas	0.66	13,035,000	14,850,000	0.81	18,117,473
California	4.61	91,047,500	103,725,000	4.79	107,668,733
Colorado	1.61	31,797,500	36,225,000	1.68	37,820,176
Connecticut	2.10	41,475,000	47,250,000	1.80	40,527,009
Delaware	0.28	5,530,000	6,300,000	0.33	7,520,543
District of Columbia	0.33	6,517,500	7,425,000	0.38	8,642,725
Florida	1.36	26,860,000	30,600,000	2.05	46,189,860
Georgia	1.08	21,330,000	24,300,000	1.50	33,700,788
Hawaii	0.11	2,172,500	2,475,000	0.10	2,350,681
Idaho	0.63	12,442,500	14,175,000	0.50	11,204,351
Illinois	5.81	114,747,500	130,725,000	6.43	144,688,727
Indiana	2.63	51,942,500	59,175,000	2.79	62,673,504
Iowa	1.86	36,735,000	41,850,000	1.71	38,500,357
Kansas	0.86	16,985,000	19,350,000	0.90	20,316,056
Kentucky	1.37	27,057,500	30,825,000	1.58	35,630,578
Louisiana	0.88	17,380,000	19,800,000	1.10	24,683,855
Maine	1.36	26,860,000	30,600,000	0.94	21,166,658
Maryland	1.61	31,797,500	36,225,000	2.27	51,162,295
Massachusetts	4.20	82,950,000	94,500,000	3.57	80,242,375
Michigan	5.51	108,822,500	123,975,000	5.84	131,480,211
Minnesota	3.97	78,407,500	89,325,000	3.24	72,813,682
Mississippi	0.74	14,615,000	16,650,000	0.90	20,310,576
Missouri	2.32	45,820,000	52,200,000	2.03	45,742,064
Montana	0.74	14,615,000	16,650,000	0.58	13,043,737
Nebraska	0.92	18,170,000	20,700,000	0.82	18,452,239
Nevada	0.20	3,950,000	4,500,000	0.25	5,559,082
New Hampshire	0.79	15,602,500	17,775,000	0.61	13,748,997
New Jersey	3.90	77,025,000	87,750,000	3.82	85,903,729
New Mexico	0.52	10,270,000	11,700,000	0.40	9,049,383
New York	12.72	251,220,000	286,750,000	10.73	241,500,045
North Carolina	1.90	37,525,000	42,750,000	2.23	50,071,766
North Dakota	0.80	15,800,000	18,000,000	0.61	13,798,539
Ohio	5.14	101,515,000	115,650,000	5.60	126,104,757
Oklahoma	0.79	15,602,500	17,775,000	1.06	23,841,926
Oregon	1.25	24,687,500	28,125,000	1.00	22,547,761
Pennsylvania	6.84	135,090,000	153,900,000	6.16	138,583,608
Rhode Island	0.69	13,627,500	15,525,000	0.56	12,564,290
South Carolina	0.68	13,430,000	15,300,000	0.87	19,650,620
South Dakota	0.65	12,837,500	14,625,000	0.52	11,681,342
Tennessee	1.39	27,452,500	31,275,000	1.63	36,739,908
Texas	2.26	44,635,000	50,850,000	3.26	73,237,982
Utah	0.75	14,812,500	16,875,000	0.61	13,694,449
Vermont	0.60	11,850,000	13,500,000	0.41	9,279,015
Virginia	1.96	38,710,000	44,100,000	2.53	57,035,161
Washington	2.05	40,487,500	46,125,000	1.75	39,293,160
West Virginia	0.91	17,972,500	20,475,000	0.97	21,781,489
Wisconsin	3.58	70,705,000	80,550,000	3.24	72,897,360
Wyoming	0.30	5,925,000	6,750,000	0.30	6,848,464

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because I do not think this is the bill on which we should be making a major adjustment in the low-income energy assistance formula. Plainly the Education and Labor Committee did not presume to do that; it simply moved forward with additional funding under a formula which already exists. It is letting the committee which has more expertise in the energy area continue to do its work on what is an appropriate adjustment, if any, in this formula.

The fact that the States that benefit under the existing formula have taken advantage of the option in the low-income energy assistance program to use the funds they get under the formula to help the poor in other ways than the specific mechanism provided in the statute simply reflects the fact that the low-income energy assistance program provides essentially a crude mechanism for helping the poor.

□ 1550

So, recognizing that the poor suffer from higher energy costs in a whole variety of ways, in addition to those that are directly associated with housing, the law currently allows States to exercise an option to help low-income people, who plainly have been the worst sufferers from the very high energy costs we have faced since 1973, by providing assistance to them in other forms than the direct mechanism in the low-income energy assistance law. To use the fact that under their circumstances and with their low-income families they have done just what this Congress contemplated they would do to try to make this statute workable, to use that as an excuse for diverting large amounts of funds away from those States principally in the coldest part of the country largely to States in the warmer part of the country seems to me to misunderstand past congressional intent with respect to this legislation and to be a very real travesty of justice.

So again I would urge my colleagues not to use this afternoon, when we are involved with matters primarily relating to education and the handicapped, to try to rewrite a very complicated formula, particularly when another committee with more expertise on this subject is actively engaged in that endeavor and when there will be ample opportunity, as already has been made clear, to deal with the formula problem under circumstances when the House will better be able to consider it.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have the utmost respect and affection for the gentleman from California, the author of the amendment. He is a fine and able and valued Member of this body. It is with some regret that I rise in opposition to the amendment.

I would observe to my colleagues that my own State gets a significant benefit under this. I think that that is very desirable and appealing. The amount of money that Michigan and Michigan citizens would receive under this amendment is a highly desirable thing from the standpoint of both our State and the citizens of our State. But the harsh fact of the matter is that the allocation of resources inside this country for weatherization, for low-income assistance and for other matters is a very complex and a very difficult matter. It is one which requires very careful attention to assure fairness and to meet the very legitimate and real concerns of the poor and to meet the concerns of conservationists who are desirous of seeing to it that our national purse is well spent for the purposes of meeting the needs of the poor and the impoverished and also for providing for weatherization to deal with the problems of making more heat and cooling efficient the homes of the persons in our country. And that is a point which should be well borne in mind as this body considers this particular amendment.

It should be observed, with all respect for my dear friend, the author, that at no point have adequate hearings or consideration been given to the points which are raised in the amendment.

Beyond that, it should be observed, with a very limited number of Members on the floor on a Tuesday, at 4 o'clock, when the business of the House has been chronicled as involving relatively limited matters of controversy, that adequate notice to Members who would be affected by the outcome of this particular amendment has not been made available.

In consequence, I cannot offer to my colleagues, as the chairman of the committee that deals with this issue, assurances that there are not unforeseen surprises and glitches inherent in this amendment, because it shifts massive sums of money around the country from one State to another, from one region to another, with consequences that cannot altogether be understood both by the body at this particular time and by individual Members as they try to analyze and understand the amendment.

Now, I do not want it said that the gentleman from California has not made a fair presentation or that he has not presented to the body documents which indicate a shift in the allocation of formulas amongst the several States. But the precise consequences of this amendment are not fully understood by this body, cannot in the limited amount of debate which will take place.

I would observe that it was with considerable surprise that I found that this amendment was on the floor. I was at the time the amendment was offered headed for my office to meet with persons on matters relative to committee business. But I am compelled to simply observe to the House the concern that I feel for writing this kind of legislation at this time in this fashion and under these circumstances and to observe that the fixing of formulas on complex and difficult questions of this kind should be dealt with in committee, with careful analysis and with a full appreciation of all of the consequences.

Now, the legislation which this amendment would amend expires within a year, and there will be an abundance of time for the House and for the Congress to again address the question of how the moneys should be spent, how they should be allocated, whether there should be more funds or less funds made available. A cold-weather State like New York loses enormous amounts of money. The entire New England region will lose significant amounts of money.

Now, perhaps we should get down to this business of beggaring our neighbor and quarrelling over the amounts of money available under a constrained budget, or perhaps it should be that the House in a more wise fashion should see to it that we have a formula which not only allocates the money well, on the basis of reasoned and careful hearings, but also that the House should see to it that adequate funds are made available to address the entirety of the question and see to it that we have enough money to meet the needs of the poor and to provide for the conservation responsibilities, which are very important here, of assuring that there are sufficient amounts of money available in all places, not only to meet the needs of the poor, but also to see to it that we share the money for heating and cooling and for making efficient the dwellings and the conservation practices of this country in an appropriate fashion and in an appropriate manner.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(On request of Mr. COATS and by unanimous consent, Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. COATS. If the gentleman will yield, I wonder if I could ask the distinguished chairman of the Commerce Committee a question, or at least just make a statement. I appreciate the fact that perhaps there is a better forum for this formula to be debated, but I wonder if the chairman could

also appreciate the fact that perhaps there is a better legislative vehicle for these funds to be authorized, because it certainly cuts out those members of the two appropriate subcommittees that have worked long and hard and who have been attempting to provide meaningful energy assistance for low-income people. It does not give us an opportunity to properly present our case.

Mr. DINGELL. Mr. Chairman, the gentleman raises a very good point. The two energy subcommittees of the Commerce Committee have worked long and hard to try to resolve this issue, and they are still working together trying to get down to a decent set of figures that will satisfy them. And this will, of course, short circuit that undertaking. The gentleman raises a very good point, and I commend him for it.

Mr. COATS. I thank the gentleman.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. MOORHEAD. There is one question concerning New York. They had $251 million given to them, as I understand it, under the bill.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has again expired.)

(By unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. I yield further to the gentleman from California.

Mr. MOORHEAD. They had $251 million appropriated for 1983 and spent $209 million. Under this formula they would have $241 million. I do not understand how they can be losing money if they are going to have considerably more than they are going to be able to spend.

Mr. DINGELL. Well, I think that is a question that should be responded to after we have had adequate hearings, to go into it, to find out all of the reasons and understand the questions and achieve a formula which is basically fair.

I am sure the gentleman means the very best in offering this amendment, and I certainly do not want any of my comments to reflect in any way adversely on the gentleman. But this is just not the way that this kind of an amendment should be done. It should be considered in committee, a full understanding should be able to be presented to the body so that everybody understands what the amendment does.

Mr. MOORHEAD. If the gentleman will yield further, the whole section that we are now taking up that this would amend has been adopted the same way, and our committees have not had an opportunity to work on them either.

Mr. DINGELL. I am fully prepared to address that question in committee as soon as the subcommittees are able to come to an understanding over the allocation of these funds. As I pointed out to the House, this is a very difficult question, and it is not one which can be easily handled here.

Mr. NIELSON of Utah. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

□ 1600

Mr. Chairman, I sit on both the Committee on Education and Labor and the Committee on Energy and Commerce. The weatherization bill came before both committees. The gentleman from Illinois (Mr. ERLENBORN) successfully amended the bill to reduce the amount from $3 million to $2¼ million, in line with the budget resolution of the House of Representatives.

In the Committee on Energy and Commerce, we have not yet taken the bill, but we have been negotiating for months. Representative OTTINGER and Representative SHARP have been negotiating on this formula for some time. It has gone before the Energy and Conservation and Power group and it is not just a new item. It has been under discussion for some time in that committee.

The fact is, most of the States which the gentleman from New York (Mr. GREEN) has mentioned had money left over and did not use their allocation. Other States had run out of money some time ago.

I am surprised that the chairman of the Committee on Energy and Commerce could be so gracious in this particular regard because his committee has been undercut by putting this bill in, as it is, with the rehabilitation bill. This is one reason why the Bartlett amendment should have been adopted, because of these title IV parts which have not had their consideration either in that committee or in any other committee.

I am also surprised that the gentleman could be so gracious as to give back the money Michigan dearly needs because of its high coal and natural gas costs.

I would like to be just as gracious. Utah would lose under this amendment. But Utah did not use all the money it was allocated and had money to give back.

I think we ought to get a formula which is fair and right. The Committee on Energy and Commerce members worked very hard to have a formula which is better than the one we have now, and while I agree with the gentleman from Michigan (Mr. DINGELL), that we ought to do this in committee and not on the floor, we have not been allowed that privilege since the Bartlett amendment did not pass and, therefore, I support the amendment as an improvement over what we have now.

Mr. SWIFT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. As a member of the Committee on Energy and Commerce, it seems to me that we need to clarify something that has become confused here.

The bill that the Committee on Education and Labor is bringing out does not extend the authorization of this program, as I understand it; it merely increases the authorized amount for the remainder of the existing authorization of the program. It does so with the existing formula. Therefore, it seems to me that it is not the Committee on Education and Labor that is bringing to the floor a formula that has not had the opportunity to be thoroughly considered by the committee; it is the people who are proposing the amendment who are bringing it to the floor and not giving it the opportunity to be fully heard in committee.

The fact is that this program is going to have to be reauthorized within a year anyway, at which time the three committees which hold jurisdiction are going to have to speak to it, including the Committee on Energy and Commerce, at which time any formula change would be appropriately considered. It is totally inappropriate to bring it up now.

I stress again, it is not the Committee on Education and Labor that is proposing a change in the formula; it is this amendment that is proposing a change in the formula without adequate hearings and without an opportunity for the committees with the greatest expertise to be heard.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to this amendment. Without any hearings, indeed without any notice to me that this amendment was going to be brought up, this would attempt to change the formula for low-income energy assistance, making vast changes in what the various States receive.

We work very closely with the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS) and in view of the fact that different versions of this bill were reported out by two subcommittees of jurisdiction on our committee, agreed that the best way to go would be with the Committee on Education and Labor increase in funds and leave the very complicated and contentious questions of formula changes to later determination. That determination ought to be made with great care and

after full hearings. It ought not to be made on the basis of an amendment that is offered at the last minute on the floor, with none of the interested parties having any notice or opportunity to be heard whatsoever.

For those reasons, Mr. Chairman, I very strongly oppose the amendment of the gentleman from California.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

I can speak for the needs of the poor under this program.

In the last 3 years, I have put over $1.5 billion back into low income energy that the administration proposed to cut. I follow this program closely and know a little bit about it.

The truth of the matter is that there have been a number of proposals this year to change the formula. The administration has proposed one that would benefit the North Frost Belt States.

Mr. SHARP and Mr. MOORHEAD have proposed one that would benefit more Southern States.

Mr. OTTINGER has proposed one that would deal with natural gas.

The truth of the matter is that we do not at this point know enough about what formula would be better than the one we have now, if any would be.

I am concerned about this situation, and particularly concerned about our lack of information.

In fact, in this year's Labor-HHS education appropriations bill, I have included report language requiring much more collection of data than we have done for any year since 1981. It is my hope that this information will allow informed decisions next year, when we have to consider reauthorization of the program.

Right now, however, we are shooting in the dark. We know that low income energy assistance reaches only about 40 percent of those who are eligible. To pretend that we know enough to take from some poor people and give to others is preposterous.

This amendment should be defeated and the issue should be considered with much more deliberation as part of the reauthorization process next year.

Mr. MICHEL. Mr. Chairman, I support this amendment because it enables us to more effectively allocate the low income energy assistance funds to where the real needs are.

The amendment would require that actual energy costs to low income people be taken into account. In other words, States where such costs are higher would receive more funds. My own State of Illinois, for instance, would receive an additional $14 million.

In addition, the amendment would take into account current heating costs in the allocation of funds, not heating costs of the late 1970's. The existing formula, in other words, does not take into account the substantial rise in natural gas prices that has taken place during the past year.

In my own district, natural gas prices have gone up by more than 70 percent. A formula that does not take these changes into account cheats the poor of assistance they need and are entitled to.

If ever there was a fairness amendment, this it is. I urge its adoption.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the gentleman from California, in view of all the colloquy here this afternoon, if he would be willing to withdraw the amendment at this time.

Mr. MOORHEAD. If the gentleman would yield, I would really prefer voting on it today.

Mr. PERKINS. All right, let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MOORHEAD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COATS. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a recorded vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 330]

Ackerman	Boland	Coats
Addabbo	Boner	Coleman (MO)
Akaka	Bonior	Coleman (TX)
Albosta	Bonker	Collins
Alexander	Borski	Conable
Anderson	Bosco	Conte
Andrews (TX)	Boucher	Cooper
Annunzio	Boxer	Coughlin
Anthony	Breaux	Courter
Applegate	Britt	Crane, Daniel
Archer	Brooks	Crane, Philip
AuCoin	Broomfield	Crockett
Badham	Brown (CA)	D'Amours
Barnard	Brown (CO)	Daniel
Barnes	Broyhill	Dannemeyer
Bartlett	Bryant	Daschle
Bateman	Burton (CA)	Daub
Bedell	Burton (IN)	Davis
Beilenson	Byron	de la Garza
Bennett	Campbell	DeWine
Bereuter	Carney	Dickinson
Berman	Carper	Dicks
Bethune	Carr	Dingell
Bevill	Chandler	Dixon
Biaggi	Chappell	Donnelly
Bilirakis	Chappie	Dorgan
Bliley	Cheney	Dowdy
Boehlert	Clarke	Downey
Boggs	Clinger	Dreier
Duncan	Lehman (CA)	Ray
Durbin	Lehman (FL)	Regula
Dymally	Leland	Reid
Dyson	Lent	Richardson
Early	Levin	Ridge
Edgar	Levine	Rinaldo
Edwards (OK)	Levitas	Ritter
Emerson	Lewis (CA)	Roberts
English	Lewis (FL)	Robinson
Erdreich	Livingston	Rodino
Erlenborn	Lloyd	Roemer
Evans (IA)	Loeffler	Rose
Evans (IL)	Long (LA)	Roth
Fascell	Lott	Roukema
Fazio	Lowery (CA)	Rowland
Feighan	Lowry (WA)	Roybal
Ferraro	Lujan	Rudd
Fiedler	Luken	Russo
Fields	Lundine	Sabo
Florio	Lungren	Savage
Foglietta	Mack	Sawyer
Ford (MI)	MacKay	Schaefer
Ford (TN)	Madigan	Schneider
Fowler	Markey	Schroeder
Franklin	Marlenee	Schumer
Frenzel	Marriott	Seiberling
Frost	Martin (NC)	Sensenbrenner
Fuqua	Martin (NY)	Shannon
Garcia	Matsui	Sharp
Gaydos	Mavroules	Shaw
Gejdenson	Mazzoli	Shelby
Gekas	McCain	Shumway
Gephardt	McCandless	Shuster
Gilman	McCloskey	Sikorski
Glickman	McCollum	Siljander
Gonzalez	McCurdy	Simon
Goodling	McDade	Sisisky
Gore	McEwen	Skeen
Gradison	McGrath	Skelton
Gramm	McHugh	Slattery
Gray	McKernan	Smith (FL)
Green	McKinney	Smith (IA)
Gregg	McNulty	Smith (NE)
Guarini	Mica	Smith (NJ)
Gunderson	Michel	Smith, Denny
Hall (IN)	Miller (OH)	Smith, Robert
Hall (OH)	Mineta	Snowe
Hall, Ralph	Minish	Snyder
Hall, Sam	Mitchell	Solarz
Hamilton	Moakley	Solomon
Hammerschmidt	Molinari	Spence
Hansen (ID)	Mollohan	Spratt
Hansen (UT)	Montgomery	St Germain
Harkin	Moody	Staggers
Harrison	Moore	Stangeland
Hartnett	Moorhead	Stark
Hatcher	Morrison (CT)	Stenholm
Hawkins	Morrison (WA)	Stokes
Hayes	Mrazek	Stratton
Hefner	Murphy	Studds
Hertel	Murtha	Sundquist
Hightower	Myers	Swift
Hiler	Natcher	Synar
Hillis	Neal	Tallon
Hopkins	Nelson	Tauzin
Horton	Nichols	Taylor
Hoyer	Nielson	Thomas (CA)
Huckaby	Nowak	Thomas (GA)
Hughes	O'Brien	Torres
Hunter	Oakar	Torricelli
Hutto	Oberstar	Towns
Hyde	Obey	Traxler
Ireland	Olin	Valentine
Jacobs	Ortiz	Vander Jagt
Jeffords	Ottinger	Vandergriff
Jenkins	Owens	Vento
Jones (OK)	Oxley	Volkmer
Jones (TN)	Packard	Vucanovich
Kaptur	Panetta	Walgren
Kasich	Parris	Walker
Kastenmeier	Patman	Watkins
Kazen	Paul	Weaver
Kemp	Pease	Weber
Kennelly	Penny	Weiss
Kildee	Pepper	Wheat
Kindness	Perkins	Whitehurst
Kogovsek	Petri	Whitley
Kolter	Pickle	Whittaker
Kostmayer	Porter	Whitten
Kramer	Price	Williams (MT)
LaFalce	Pritchard	Williams (OH)
Lagomarsino	Pursell	Wilson
Lantos	Quillen	Wirth
Latta	Rahall	Wise
Leach	Rangel	Wolf
Leath	Ratchford	Wolpe

Wortley	Yates	Young (MO)
Wright	Yatron	Zablocki
Wylie	Young (FL)	Zschau

□ 1620

The CHAIRMAN. Three hundred eighty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. COATS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will announce that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 174, not voting 33, as follows:

[Roll No. 331]

AYES—226

Akaka	Fiedler	McCain
Albosta	Fields	McCandless
Alexander	Ford (MI)	McCloskey
Anderson	Fowler	McCollum
Andrews (NC)	Franklin	McCurdy
Andrews (TX)	Frost	McEwen
Annunzio	Fuqua	McNulty
Anthony	Gibbons	Mica
Applegate	Glickman	Michel
Archer	Gonzalez	Miller (OH)
Badham	Gore	Mineta
Barnard	Gradison	Montgomery
Bartlett	Gramm	Moore
Bateman	Hall (OH)	Moorhead
Bennett	Hall, Ralph	Myers
Bethune	Hall, Sam	Natcher
Bilirakis	Hamilton	Neal
Bliley	Hammerschmidt	Nelson
Boggs	Hansen (ID)	Nichols
Boner	Hartnett	Nielson
Bosco	Hatcher	O'Brien
Boucher	Hawkins	Oakar
Boxer	Hefner	Olin
Breaux	Hertel	Ortiz
Britt	Hightower	Oxley
Brooks	Hiler	Packard
Broomfield	Hillis	Panetta
Brown (CO)	Hopkins	Parris
Broyhill	Huckaby	Patman
Bryant	Hunter	Paul
Byron	Hutto	Pease
Campbell	Hyde	Pepper
Carper	Jacobs	Perkins
Carr	Jenkins	Pickle
Chappell	Jones (OK)	Porter
Chappie	Jones (TN)	Price
Cheney	Kaptur	Pursell
Clarke	Kasich	Quillen
Coats	Kazen	Ray
Coleman (TX)	Kildee	Regula
Cooper	Kindness	Reid
Crane, Daniel	Kramer	Richardson
Crane, Philip	Lagomarsino	Roberts
Daniel	Lantos	Robinson
Dannemeyer	Latta	Roemer
Davis	Leath	Rose
de la Garza	Lehman (CA)	Rowland
DeWine	Levitas	Roybal
Dickinson	Lewis (CA)	Rudd
Dixon	Lewis (FL)	Russo
Dowdy	Lipinski	Sawyer
Dreier	Livingston	Schaefer
Duncan	Lloyd	Sharp
Durbin	Loeffler	Shaw
Dymally	Long (LA)	Shelby
Dyson	Long (MD)	Shumway
Eckart	Lott	Siljander
Edwards (AL)	Lowery (CA)	Simon
Edwards (CA)	Luken	Sisisky
Edwards (OK)	Lungren	Slattery
English	MacKay	Smith (FL)
Erdreich	Madigan	Snyder
Evans (IL)	Marriott	Spence
Fascell	Martin (NC)	Spratt
Fazio	Matsui	Stenholm
Feighan	Mazzoli	Sundquist
Synar	Vandergriff	Winn
Tallon	Vucanovich	Wolf
Tauzin	Watkins	Wolpe
Thomas (CA)	Waxman	Wright
Thomas (GA)	Whitehurst	Wylie
Torres	Whitley	Yates
Traxler	Whittaker	Young (FL)
Udall	Whitten	Zschau
Valentine	Williams (OH)	
Vander Jagt	Wilson	

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Ackerman	Green	Petri
Addabbo	Gregg	Pritchard
Aspin	Guarini	Rahall
AuCoin	Gunderson	Rangel
Barnes	Hall (IN)	Ratchford
Bates	Hansen (UT)	Ridge
Bedell	Harkin	Rinaldo
Beilenson	Harrison	Ritter
Bereuter	Hayes	Rodino
Berman	Horton	Roth
Bevill	Hoyer	Roukema
Biaggi	Hughes	Sabo
Boehlert	Ireland	Savage
Boland	Jeffords	Scheuer
Bonior	Johnson	Schneider
Bonker	Kastenmeier	Schroeder
Borski	Kemp	Schumer
Brown (CA)	Kennelly	Seiberling
Carney	Kogovsek	Sensenbrenner
Chandler	Kolter	Shannon
Clinger	Kostmayer	Shuster
Coleman (MO)	LaFalce	Sikorski
Collins	Leach	Skeen
Conable	Lehman (FL)	Skelton
Conte	Leland	Smith (IA)
Coughlin	Lent	Smith (NE)
Courter	Levin	Smith (NJ)
Coyne	Levine	Smith, Denny
Crockett	Lowry (WA)	Smith, Robert
D'Amours	Lujan	Snowe
Daschle	Lundine	Solarz
Daub	Mack	Solomon
Dicks	Markey	St Germain
Dingell	Marlenee	Staggers
Donnelly	Martin (NY)	Stangeland
Dorgan	Martinez	Stark
Downey	Mavroules	Stokes
Dwyer	McGrath	Stratton
Early	McHugh	Studds
Edgar	McKernan	Swift
Emerson	McKinney	Taylor
Erlenborn	Minish	Torricelli
Evans (IA)	Mitchell	Towns
Ferraro	Moakley	Vento
Fish	Molinari	Volkmer
Florio	Mollohan	Walgren
Foglietta	Moody	Walker
Ford (TN)	Morrison (CT)	Weaver
Frank	Morrison (WA)	Weber
Frenzel	Mrazek	Weiss
Garcia	Murphy	Wheat
Gaydos	Murtha	Williams (MT)
Gejdenson	Nowak	Wirth
Gekas	Oberstar	Wise
Gephardt	Obey	Wortley
Gilman	Ottinger	Yatron
Goodling	Owens	Young (MO)
Gray	Penny	Zablocki

NOT VOTING—33

Burton (CA)	Forsythe	Miller (CA)
Burton (IN)	Gingrich	Pashayan
Clay	Hance	Patterson
Coelho	Heftel	Roe
Conyers	Holt	Rogers
Corcoran	Howard	Rostenkowski
Craig	Hubbard	Schulze
Dellums	Jones (NC)	Stump
Derrick	Martin (IL)	Tauke
Flippo	McDade	Wyden
Foley	Mikulski	Young (AK)

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. Burton of Indiana for, with Mr. Roe against.

Mrs. Martin of Illinois for, with Mr. Howard against.

Mr. Pashayan for, with Mr. Forsythe against.

Mr. Stump for, with Mr. Young of Alaska against.

Mr. Corcoran for, with Mr. Tauke against.

Mr. Craig for, with Mr. McDade against.

Mr. Gingrich for, with Mr. Schulze against.

Messrs. CHANDLER and HERTEL of Michigan changed their votes from "aye" to "no."

Messrs. BRITT, ANNUNZIO, CARR, HERTEL of Michigan, and LIPINSKI, Ms. OAKAR, and Messrs. EDWARDS of California, GIBBONS, and ROSE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Add at the end of the bill the following new title:

TITLE V—SPECIAL IMPACT AID FOR IMMIGRANT CHILDREN EDUCATION

SHORT TITLE

SEC. 501. This title may be cited as the "Emergency Immigrant Education Act of 1983".

DEFINITIONS

SEC. 502. As used in this title—

(1) The term "immigrant children" means children who were not born in a State and who have been attending schools in any one or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 503. (a) There are authorized to be appropriated for each of the fiscal years 1984, 1985, and 1986, such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 504.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the vent that funds become available for making payments under this title for any period after allocations have been made under paragaph (1) of this subsection for such period, the amounts reduced under

such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 504. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

SEC. 505. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under such title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under such title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under such title, or payment by the State educational agency under such title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 506. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1984, 1985, and 1986 for the purpose set forth in section 507.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least 500; or

(B) at least 5 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purposes specifically because of the refugee, parolee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 507. (a) Payments made under this title to any State may be used in accordance with applications approved under section 508 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 506(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services, and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 508. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 507;

(3) provide assurances that such payment will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 506(b)(1), adjusted to reflect any reductions imposed pursuant to section 506(b)(3) which are attributable to such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform his functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title of any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educa-

tional agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 509. (a) Except as provided in section 503(b), the Secretary shall pay to each State educational agency having an application approved under section 508 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 508(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

Mr. WRIGHT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. ERLENBORN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. ERLENBORN) will state his point of order.

□ 1640

Mr. ERLENBORN. Mr. Chairman, I make the point of order against the pending amendment on the grounds that section 503 of the pending amendment violates section 402(a) and 303(a) (1) and (2).

In addition, Mr. Chairman, I make a point of order against the amendment in that section 503(b)(1) violates sections 303(a)(4) and 401(c)(2) of the Budget Control Act.

Now, Mr. Chairman, section 303(a) of the Budget Control Act states that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution or amendment thereto which provides: First, new budget authority for a fiscal year; or second, an increase or decrease in revenues to become effective during a fiscal year.

Mr. Chairman, 503(a) of the pending amendment creates new budget authority in that it states that there are authorized to be appropriated for each of the fiscal years 1984, 1985, and 1986 such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 504.

Mr. Chairman, the effect of section 503(b)(1) and later provisions of this amendment, the amendment providing for $500 per pupil entitlement under this bill for this new impact act program to be funded jointly from 503(a), which is the direct budget authority, and 503(b)(1) which authorizes transfers from other existing budget authority, violates 401(c)(2) in that it creates new entitlement authority.

For these reasons I believe that the pending amendment violates these provisions of the Budget Act and is subject to this point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. WRIGHT) wish to be heard on the point of order?

Mr. WRIGHT. Yes, Mr. Chairman, I would like to be heard.

As I understand the gentleman's point of order, he argues that this amendment would not be in order because it would create a new entitlement and because it would be contrary to and excessive of the budget resolution.

With respect to the latter, I should simply point out that this does not create any entitlement which would be triggered absent an appropriation. There would have to be an appropriation in order for these moneys to be made available to the school districts which the amendment would make eligible for said moneys.

503(a), Subsection b, provides that to the extent the Congress should fail to appropriate adequate funds, there would be a rateable reduction to each of the States otherwise made eligible.

In other words, by its own provisions it contains a means of restraining the entitlement that otherwise would be created within the amounts that are appropriated by Congress.

Nothing thus far has been appropriated. This is simply an authorizing proposal. It is no more violative of the provisions cited by the distinguished gentleman from Illinois than are other provisions already adopted in this legislation in title IV in that they also create, just as this new title would create, an additional eligibility for Federal assistance.

Inasmuch as the Supreme Court has ruled that it is the responsibility, under the Constitution, of every school district to provide educational opportunity for all of the children residing within that district, whether legally or not, then quite clearly, it falls within the responsibility of the Federal Government to be able, if the Congress in its wisdom so determines, to provide assistance to those school districts upon whom this burden has been imposed by decree of the Supreme Court.

The CHAIRMAN. Does the gentleman from Kentucky (Mr. PERKINS) desire to be heard on the point of order?

Mr. PERKINS. I do, Mr. Chairman.

Mr. Chairman, I concur in the argument made by the gentleman from Texas that the amendment is germane. It is not an entitlement. This amendment creates no entitlements. The program is purely an authorization of appropriations. All grants are subject to reduction if appropriations are not sufficient.

There is nothing here that is nongermane about this amendment. The amendment is germane.

Mr. ERLENBORN. Mr. Chairman, I would submit, respectfully, that the arguments of the gentleman from Texas and the gentleman from Kentucky neither of them addressed the issue of violation of section 303(a) of the Budget Control Act which prohibits the consideration of bills or amendments creating new budget authority until the first concurrent resolution on the budget for such year has been agreed to, pursuant to section 301.

And the provisions of this amendment create new budget authority for fiscal years 1984, 1985, and 1986.

I might also state in support of my point of order, Mr. Chairman, that the amendment may well also—depending upon the interpretation of the Parliamentarian—violate section 402(a) of the Budget Control Act, which prohibits the consideration of bills or resolutions creating new budget authority unless they are reported before May 15.

Now, I submit that this bill was not reported before May 15.

There is a waiver for the bill, but there is no waiver in the rule for amendments to the bill.

Now it could be argued, Mr. Chairman, that because the rule does not prohibit the consideration of an amendment, but only bills and resolutions, that therefore this does not apply.

I would submit, however, that if this amendment is adopted, we will then, in further consideration of the bill, be considering a bill which at that time after the adoption of this amendment would contain new budget authority that had not been reported in the bill before May 15. So that is one additional reason for the sustaining of my point of order.

Mr. WRIGHT. Mr. Chairman, very briefly I would like to be heard. In the first place, it is my distinct impression, and I believe would be confirmed by a reading of the act, that section 402(a) of the Budget Act does not apply to amendments, but only to bills.

Second, that a waiver of that section has been obtained with respect to this bill.

□ 1650

Third, that the language proposed in this amendment provides nothing by way of educational spending authorization beyond that which already has

been done in the bill itself and that inasmuch as this bill is permitted to come before the House and is being considered by the House under a waiver of section 402(a), and since section 402(a) has no application whatsoever, by its own terms, to an amendment per se, then the amendment is germane and the amendment would be in order.

The CHAIRMAN. The Chair is prepared to rule.

On the first question that the gentleman from Illinois raised with respect to the amendment, an amendment is not covered by the May 15 reporting deadline in section 402(a) of the Budget Act and, therefore, that point of order is not sustained.

With regard to the issue of budget authority, the Chair would rule that the amendment contemplates that budget authority would rest in an appropriations bill. This is an authorization proposal that is being put forth by the gentleman from Texas.

Now, with respect to the third question that was raised by the gentleman from Illinois on the question of an entitlement, the Chair will read the Congressional Budget Act definition of "entitlement," in section 401(c)(2)(C) of that act, and I quote:

> . . . to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments. . . .

Now, the Chair would point out that in section 503(b)(1) of the amendment by the gentleman from Texas, language pertaining to ratable reduction is being offered by the gentleman from Texas, which negates the entitlement features which the gentleman from Illinois alludes to by giving discretion to the Appropriation Committee and, therefore, the Chair would rule that indeed it does not constitute an advance entitlement that the gentleman referred to. The point of order is overruled.

The Chair will recognize the gentleman from Texas to speak on his amendment.

Mr. WRIGHT. I thank the Chair.

Mr. Chairman, first, let me acknowledge my debt and gratitude to my distinguished colleague from Texas (Mr. DE LA GARZA) who assisted in the drafting of this amendment and who has been working on this project for a very long while.

This corrects an inequity that was inadvertently placed upon many school districts throughout the United States by the ruling of the U.S. Supreme Court to the effect that the Constitution requires that a school district must provide education for all children residing within that district whether or not they be there legally or illegally.

I do not find fault with the Supreme Court's ruling. I think, surely, it is far better that these young people shall be in school learning the English language than that they should be out upon the streets furtively seeking to avoid detection.

But as all of us know, there has been a great influx of immigrants into this country, some legal and a great many illegal. I do not know how many undocumented workers there are in the country. I do not think anybody has any accurate count of them.

I have had the pleasure during this recent recess period and previously of attending some schools, some elementary schools and some middle schools, which are undertaking the herculean task of trying to teach young people of disparate racial and linguistic backgrounds the English language and trying to give them a mastery or our language in the shortest period of time possible in order that they then would be equipped to cope with the subject matter and stay abreast of their fellow students in their regular classes.

I have been deeply impressed by the dedication and the capacity of some of the teachers who have given their time and their energies to trying to bring out of these young minds an understanding of the English language and an ability to function as residents of this land of ours.

I have been impressed by the ability of little Vietnamese children, as well as little Hispanic children, and one little Chinese boy, who have been so proficient in learning the English language that now they are assisting their other little colleagues to learn.

But it costs a very great deal of money to provide this specialized training because it cannot be done in large classes. One must take these children in small groups and try to bring them along in the rapidity with which they have a capacity to assimilate a working knowledge of the English language. Without that, they are going to be mental cripples on our society and they are going to be crippled in their capacity to be functioning citizens and human beings.

So it is truly a humane thing that is being done. But the tragedy is that it costs a very great deal of money to provide this kind of education. And the tragedy is further compounded by the fact that in many instances the greatest numbers of these children fall within those neighborhoods and, therefore, in those school districts which, unfortunately, have the lowest tax base and, therefore, are the least affluent to provide on their own and without the benefit of some Federal assistance this kind of specialized training.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Yes, I yield to my friend, the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I rise in support of the amendment offered by my colleague Mr. WRIGHT. Last year, the Supreme Court ruled that local school districts must educate children of aliens. Regardless of how one feels about this decision, there is no doubt that this left the States, the local school districts, and the local taxpayer with a heavy financial burden to bear. As a result of the recession and of limits on spending abilities, States and local governments are already scraping the bottom of the barrel without having the additional financial burdens of this decision placed solely on their shoulders.

The cost of educating alien children is estimated at $2,500 per child. In my own State of Colorado, where it is estimated that roughly 5,000 alien children are attending public schools, this education is costing the State approximately $12 million.

The Federal Government has a clear responsibility to help in providing these children with an education. This amendment will do that as well as relieve part of the financial burden these States and local communities and taxpayers are facing. The amendment would provide $500 to local school districts each year for each alien child enrolled—only one-fifth of the financial burden these schools must bear. This is a fair and effective solution, and I urge my colleagues to support this amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my distinguished friend from Texas (Mr. DE LA GARZA), the cosponsor of this amendment.

Mr. DE LA GARZA. I thank the majority leader for yielding and for taking the lead in this very important national issue, which is the education of our children. I would like to state that the majority leader has very succinctly proposed a solution or a part solution to a very intricate and troublesome problem.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(On request of Mr. DE LA GARZA and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. DE LA GARZA. Eventually, the intricacies of the educational problem come down to one point: financing.

I only take it to my area of Texas, that possibly we could take care of the children that have impacted on our schools, but with one exception, that no funds are allocated by the State of Texas for buildings. All of the buildings have to be by the local school districts. And these districts that have been impacted are many of the poor-

est of the poor, and this is one way to assist them. In order parts of the country, the assistance may be of a different nature; but in my area, it is because there is no facility within the constitutional framework, and the imposition has come from the Federal Government, from our Supreme Court, and therefore this will be of tremendous assistance.

Again, I thank the distinguished majority leader and also the chairman of the committee who has been very cooperative throughout the process.

Mr. PERKINS. Mr. Chairman, will the distinguished majority leader yield?

Mr. WRIGHT. I promised that I would yield to the gentlewoman from California (Mrs. BOXER), and then, of course, I would be delighted to yield to the distinguished chairman of the Committee on Education and Labor.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, for the purpose of creating legislative history, I would like to ask a question of the gentleman from Texas.

Referring to the part of the amendment headed "Uses of Funds," section 507, do I understand that the term "overhead costs" in that part would include necessary costs for the local education agency in counting the children covered under this program and in monitoring the activities required under the bill and administering the program?

□ 1700

Mr. WRIGHT. Yes, the gentlewoman from California is entirely correct in her interpretation of the meaning of the term "overhead costs." Clearly it would include costs incurred by local school systems in making child counts and in monitoring the activities under the bill and administering the program.

I appreciate the interest the gentlewoman has expressed in this legislation.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I surely will yield to my friend, the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

The Chairman, I asked the majority leader to yield just to make the point that during my argument against title IV in the manner in which we did it was the fact that, for instance, we were reauthorizing an impact aid program that is many, many years behind its time and has really nothing to do with the real areas that are impacted at the present time.

If we would take that bill and correct it, as some of the legislation that we have passed would do, then the problem the gentleman is talking about would also be handled in the manner in which we gave it a lot of consideration.

Mr. WRIGHT. I would say to the gentleman that he makes a point in that regard, but I think this is a separate matter that has come along with such force and rapidity in the last few years that it has virtually inundated some school systems in States like New York, California, Florida, Texas, Illinois, Michigan, and other States.

It is a widespread problem, but it tends to be isolated in certain school districts and is a very specialized problem.

Mr. GOODLING. And this is what we tried to do with the impact program which we got passed in the House. Unfortunately, it had never gone the entire route. That is my argument against reauthorizing in title IV without giving consideration to the real areas that are impacted, such as Texas, California, Miami, et cetera.

Mr. WRIGHT. I appreciate the gentleman's contribution.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from New York.

Mr. FISH. I thank the majority leader for yielding.

Mr. Chairman, this question, as the gentleman rightly said, has come to a head because of a Supreme Court decision about the issue of the impact of children of illegal aliens. Those who would benefit from the provisions of the Simpson-Mazzoli Act, the targeted assistance provisions in the Refugee Authorization Act which is pending, demonstrate that in a broader context this has been a matter of great concern to the Subcommittee on Immigration and Refugees and International Law of the Committee on the Judiciary of the House.

As I look at the amendment offered by the gentleman from Texas, I do have some questions over its scope because if I understood him, the reason he brought this up was because of the Supreme Court decision dealing with the children of illegal aliens.

Section 502, under definitions, says the term "immigrant children" means children "who are not born in a State." So I take it that the status of the child is totally irrelevant.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(On request of Mr. FISH and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. FISH. Mr. Chairman, by defining the covered class as children "who were not born in a State," we then can be including, along with illegal aliens, the children of permanent residents, refugees, and indeed U.S. citizens who were born abroad of American parents.

Mr. WRIGHT. I would say the bill defines immigrant children as those children born outside of the United States and its territories, if they have not completed 3 years of schooling in the United States.

I think it was necessary to have as broad a definition as possible, I would say to my friend from New York, in order to accommodate all cases. There are cases involving legal as well as illegal immigrants to the United States which are equally deserving if you look at the child from the standpoint of that child's needs, and I think that is what we seek to do here, as the Supreme Court decision impels us to do, in fact, in that it rests upon the most fundamental constitutional guarantees of equal rights.

Since that is the case, yes, I think that is true. I think we have to be just as broad in our application as we possibly can.

Mr. FISH. If the majority leader would yield further, then, I just want the Members of this body to understand that the children of immigrants to the United States have been educated as long as we have had public education. If the rationale for this amendment is a Supreme Court decision that deals with the children of illegal aliens, that is not what this amendment addresses. It addresses something far, far broader than the rationale, the basis on which it is brought up.

I have no idea, and I do not think anybody else in this Chamber can enlighten me, as to how many children this would cover, but we know for every 1 million it would cost a half a billion dollars.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the majority leader for yielding.

Mr. Chairman, I would like first to respond to the question posed by the gentleman from New York (Mr. FISH).

If I am not mistaken, the decision by the Supreme Court in Texas was that it made no difference and, in fact, was irrelevant whether the children were children of illegal aliens, legal aliens, or any other children. In fact, all children were entitled to the same right to an education.

So the premise on which I think the gentleman was questioning the language of the amendment of the gentleman from Texas is not valid because it was not that only illegal aliens' children were entitled, but all children were to be treated in exactly the same fashion.

Now, with reference to this amendment, let me please support the gentleman from Texas on the amendment. For these reasons, which transcend, in fact, merely the language of

the amendment itself, and let me go to the heart of the economic issue.

Ladies and gentlemen, we will be called upon over the years to continue funding not only education but all processes in the social service area. Do not think of the short-term costs to the United States of educating these children; think of the long-term cost if, in fact, we do not pay for the education of these children. We are consigning these young people into a life that will ultimately lead them to the kind of situation where we will have to fund greater dollars in the criminal justice system, fund greater dollars in our crime system in general, and all those other social welfare agencies which will be impacted when they who are disadvantaged and remain disadvantaged do not have the opportunity to participate at this very early level.

More appropriately, when we have this kind of situation with children, what we are doing is denying what we in the United States were founded upon, what our belief has been since the very first day that this country was founded, in that all men are created equal and that the opportunity to be there, in fact, as an equal is extended. It is not merely lip service that we ought to pay to the Constitution of this country; it is, in fact, the practical effect of what the Constitution says.

We in Florida have many of the problems that are inherent in the solutions that are being sought by the majority leader through this amendment. We would urge the adoption because—remember also, and my final point, whether we fund the money from the Federal Government, which I think is the appropriate way, or whether we allow the States to do it because the courts are going to mandate it, someone eventually, the taxpayer, is going to have to pay the bill.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Mr. SMITH of Florida and by unanimous consent, Mr. WRIGHT was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Florida. Mr. Chairman, if the gentleman will yield further, whether we fund the money here or have to fund it locally, eventually it will have to be paid.

The question is: Shall the local communities continue to be asked to pay for a problem that is national in scope as opposed to something that the community itself created? I believe that your answer, if you understand the scope of this problem, is that it is a national problem and should be paid for out of the National Treasury because it is a national solution that needs to be given, and I would urge the adoption of the gentleman's amendment and commend him for bringing it to the floor.

Mr. WRIGHT. I thank the gentleman.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida (Mr. SHAW).

□ 1710

Mr. SHAW. Mr. Chairman, I thank the majority leader for yielding.

Mr. Chairman, I would like to compliment the gentleman from Texas for what I believe to be a very fine amendment, addressing a most difficult problem. It is a difficult problem both for Texas and Florida and for many other States, as the gentleman from Texas enumerated in his opening comments.

In Florida we have no control, nor does any State, over who crosses our borders. This is a Federal responsibility. Over the years we have seen our immigration law erode to a great degree. We have found that this body has a great deal of difficulty dealing with this issue because of the many interests and the many people who are involved and who are also affected by what this body might do in this particular area.

Nonetheless, I think the gentleman from New York (Mr. FISH) was quite correct when he said we are talking about an extraordinary amount of money. However, we are not talking about money that is not going to be spent; we are talking about money that is going to be spent by State and local governments if this body does not address the problem.

This is a Federal responsibility. It is a problem that has been brought about by Federal action. It is a problem that is Federal in nature, and it is the Federal responsibility, as set forth in the Constitution, to determine the immigration policy of this country. And lately, the Texas Supreme Court has spoken out on this particular issue.

Mr. Chairman, now it is time for the Congress to act, and act correctly, by making this authorization and following it up by the proper appropriation in order to fulfill this funding.

Mr. Chairman, I certainly support the gentleman's amendment.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I simply want to rise in support of the gentleman's amendment. This has been a long time in coming. We have discussed this problem in this Congress for many, many years.

I know that the gentleman from Texas (Mr. WRIGHT) has raised this issue many times. It is a question of fairness. We want to be fair to the children because they certainly should be educated, and we also want to be fair to the taxpayers.

The fairness in this is that the local school district that is impacted by a problem that is not of its own making should not be the sole one to have to bear the burden. That is the fairness in this thing. It is a national issue, and it ought to be addressed as the gentleman from Texas seeks to address it.

Mr. Chairman, I commend the gentleman for his amendment.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman from Florida (Mr. FASCELL).

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the distinguished leader for yielding.

I would just simply like to say to the gentleman that I think he has made a very persuasive case, and he obviously has strong support for the amendment. But to me it seems like this is putting the cart before the horse, because with the gentleman's amendment we do attend to a problem but we do not solve the underlying cause of that problem.

The underlying cause is that we do not have a national immigration policy. The underlying cause is that we have a border which is honored more in the breach than in the observance. It is porous, it is open to passage back and forth, and I think until this Nation and this Congress are willing to take up the nettlesome topic of immigration reform which has been pending for the last 3 years we are going to have more and more opportunities for the gentleman to offer amendments to other bills, trying to solve problems which affect his State and other States in the South and the Southwest.

It seems to the gentleman from Kentucky that a much more orderly process would be to take up the immigration reform bill which offers some hope and some opportunity to curtail the illegal flow into the States like the gentleman's State. That to me would be the orderly process.

Again let me say that I do not have any illusions about the gentleman's amendment and its popularity, but it does strike the gentleman from Kentucky that at some point this Congress, whether it likes it or not, and whether it seeks to avoid controversy or not, will have to take up the bill which is pending before the Rules Committee in order to give some comprehensive solution to the problem of the illegal entry into this Nation which has become an absolute flood. Of course, the gentleman from Texas is a leader of the Congress and will have a great deal to say about whether this Congress takes up that legislation.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. WRIGHT) be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. LUNGREN. Mr. Chairman, reserving the right to object, a moment ago I heard a number of calls for a vote here, and I am afraid that at the termination of the gentleman's talk there is going to be rather quick action here. There are a number of us who have a slightly different point of view on this subject.

I would hope that the rest of the Members would indulge us to allow the gentleman's time to be terminated at some reasonable time. If they want to speak for 5 minutes, they can take time on their own.

I do not object at this time, but I think that common courtesy would allow some of the rest of us to speak.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Chairman, may I respond very briefly to the comments of the gentleman from Kentucky (Mr. MAZZOLI), and then I surely will yield to my friend, the gentleman from Texas (Mr. DE LA GARZA).

I agree with the gentleman that this bill does not come to grips with the underlying cause of the problem, which is the fact that we lack an adequate immigration policy. I further agree with the gentleman that Congress should come to grips with this problem by taking action on an immigration reform bill. To that end, I have expressed to the gentleman privately, and will now express to him publicly, my desire to see that legislation considered on this floor.

But I would say that to cause the children to wait for educational opportunity or to cause the school districts impacted by these children who suffer the extra burden which they must assume and cannot in many cases financially afford until we have made an entirely new immigration policy for the Nation would be manifestly unfair to the children and to the school districts. This proposal, while it does not solve the root cause of the problem, at least addresses itself to the problem from that standpoint.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield to me for just 30 seconds?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. WRIGHT. Mr. Chairman, let me yield to the gentleman from Texas. I promised that I would yield to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, very briefly, first let me say that the gentleman from New York (Mr. FISH) knows that this has not been brought up just because there was a Supreme Court decision. The gentleman from Texas has been working on this problem long before that. The Supreme Court decision has compounded the issue.

Second, let me say to the distinguished gentleman from Kentucky (Mr. MAZZOLI) that this has nothing to do with the pending legislation and the immigration practices which allowed for more people with youngsters to come in, and that is true whether we have a new bill or do not have a new bill.

Let me say also that my staff and some of the rest of us have attempted to address this issue within the immigration legislation, and we have received no cooperation. We finally gave up.

We do not know if that bill would pass. Let me say also that if the gentleman from Kentucky thinks that these new immigration amendments are going to stem the flow, he is living in wonderland.

Finally, let me say that the only issue addressed in the so-called immigration reform is in this amnesty, and, yes, there is provision for children if there is amnesty granted. Otherwise the problem was that more children, because of State law or because of Federal law, were being taken into local school districts with no additional funds being provided for the exceptional needs of these children.

Regardless of the immigration law, regardless of anything else, the laws of the State and the rules of modern society say that we have to educate the child. We say, yes, we are willing to do that, but where is the money going to come from?

Ms. FIEDLER. Mr. Chairman, will the gentleman yield on that point?

Mr. WRIGHT. I am glad to yield to the gentlewoman from California. I will yield to the gentlewoman from California, then I will yield to the gentleman from Texas (Mr. KAZEN). I would then like to relinquish the floor because I know there are others who want to speak.

Ms. FIEDLER. Mr. Chairman, I would make just one point on that.

The gentleman knows that I was formerly a member of the Los Angeles School Board. We have many, many thousands of children in that school system who are in the system after having come here illegally.

There are a whole host of special funds which benefit those students, and I want to remind the Members of the House of that. We receive bilingual funds which assist those who need language assistance. We also receive the title I funds which help to provide some assistance to those who are disadvantaged from an economic standpoint.

So I want to remind the House that there are additional resources which the Federal Government is providing to students who are disadvantaged and also to those students who have some special language needs. I want the Members to consider that as they listen to the debate.

We are not without resources. We have some resources. The question in my mind is whether or not there are enough resources in this country to provide an additional $500 for children of illegal aliens when we may not be able to provide those kinds of additional resources for the children of the average taxpaying citizen.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my friend, the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me commend the gentleman from Texas (Mr. WRIGHT) for having introduced this amendment along with my other colleague, the gentleman from Texas (Mr. DE LA GARZA).

This problem has been worked on for years. It has been worked on for years in this Congress. I come from one of those districts that this amendment would help tremendously.

I may agree with the gentlewoman from California (Ms. FIEDLER), but I know of no program that will give us brick-and-mortar money, and this is what is needed more than anything else.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

□ 1720

Mr. KAZEN. Will the gentleman continue to yield?

Mr. WRIGHT. I yield to my friend from Texas.

Mr. KAZEN. I know of no program that will give my school districts that were forced to take and educate these children that we speak of, either legal or illegal aliens, and my taxpayers locally, and remember, I remind the gentleman that this is a national program and a problem, as the gentleman from Florida stated a while ago. But I am very, very sensitive to this amendment because I represent the metropolitan area with the highest unemployment in this country. I have no tax base. We have done everything we can locally by bond issues to build new schools to house these children that through no fault of ours, in our localities, were placed in our schools.

So, therefore, since this is a Federal problem, certainly we should have a Federal solution.

As far as the gentleman from Kentucky is concerned on his bill, it has absolutely nothing to do with what we are talking about at this particular stage. The problem is with us. The school year has just begun.

My schools are under tremendous pressure. We do not know where in the world we are going to get the money and certainly the quicker we get this amendment adopted the quicker we get aid to those schools and the better off those children are going to be.

I commend my colleague for this amendment and rise to very strongly support it.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to my colleague from New York.

Mr. WEISS. I thank the gentleman for yielding and want to commend him for offering this very important amendment. I rise in strong support of the amendment.

Mr. FISH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard some very fine words about the problems and the needs of these children. I do not think there is anybody who can dispute that or disagree.

I also think there is another principle involved that we have adhered to in the past and that is that these types of issues should be dealt with in comprehensive legislation. The gentleman from Kentucky spoke a few minutes ago, and we have before us pending in this Congress, pending in the last Congress, the only legislation that will reach the roots of the problem that this amendment is attempting to deal with and that is the Simpson-Mazzoli Immigration Reform and Control Act. Until that is adopted you are never going to arrest the surreptitious entry into the United States; you are never going to discourage it, and these problems will be with us.

I say this is an opportunity for us to recognize that that is the basic need that we face here.

I think there are a few things that even though this amendment obviously is very popular should be on the record and known by all of the Members of the House before we vote. In the first place, the situation that arose in Texas is unique in that there the legislation was attempting to distinguish between the children of legal and illegal aliens and that it is not typical in other States. The court there very properly said that this was not a proper action.

But here we are bunching the two together as if we had never educated the children of immigrants. There is not a person in this room who is not the descendent of a child of an immigrant who was educated at public expense in the United States.

In order to deal with a very narrow problem we are making a very fundamental change. I suggest that the legal immigrants that are brought in under the formula in the definition in this bill, are not here as a result of a failure of national policy. It is entirely different to lump lawfully admitted permanent residents, refugees that are the result of consultation between the Congress and the Executive and those that come here illegally and are a burden, we all understand fully well, on the local taxpayers and local government.

I suggest that the appropriate place for this legislation to be considered is in the context of our immigration policy and not on this bill that is before us this afternoon.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. FISH. Surely I yield.

Mr. DE LA GARZA. I appreciate my friend yielding.

I just want to clarify the issue as I stated before, that this problem had arisen in many areas of the United States, not necessarily in Texas, and I had introduced legislation to this effect before the court decision in Texas and eventually the Supreme Court decision with relation to illegal aliens and the impact in our district was before this legislation.

I would like to inform the gentleman that I introduced legislation and the Education and Labor Committee has had hearings on my legislation. It has been documented and every possibility has been explored.

The problem has been that there has been no elementary, secondary education bill within that timeframe.

This is the first vehicle that we have had available to us to bring this legislation.

But it is not like we just came up today with an amendment that has not been studied and no hearings have been had.

Mr. FISH. I am sure it is not and, as my friend well knows, in the Refugee Act reauthorization we were well aware of the impact on 40 counties in 10 States and have a targeted assistance provision.

In the Simpson-Mazzoli bill, anticipating the vast numbers in the legalization process, there is an education assistance provision targeted on that.

Now we have another group and the gentleman is as concerned as I am about the education of these illegal aliens or we would not be, both of us, in support of legalization. We want to make them productive people, so obviously we have to educate them.

I would say to the gentleman, if he will support the Simpson-Mazzoli bill, then I will support an amendment to the Simpson-Mazzoli bill if the gentleman sponsors it that there is targeted to the very group we are talking about, which is the children of illegal aliens, and not children that would be as broad as including American citizens.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise as a Member representing an area that probably, outside of those communites that are directly on the United States-Mexican border in Texas, is affected more than any other. We have as many refugees in my district as any.

My hometown, it has been said, has more Cambodians living in it than any place outside of Phnom Penh. We have Vietnamese. We have all types of people from Southeast Asia. We have a large number of Hispanics from south of the border, Mexico, and many other areas.

I have been requested by people in my district to support this amendment. I will not support this amendment, however, because this is another example of Congress' ad hoc approach to a major issue that is before this Congress. And it is consistently before this Congress.

I am not going to embarrass any Members who have spoken in support of this amendment by asking whether they will support a comprehensive immigration bill. This is not the place for that.

Nonetheless, I find it rather ironic that some who have worked rather diligently in the past so that we would not have a final serious consideration of the immigration bill in a previous Congress come forward now and say this is a Federal responsibility. These people are here because the Federal Government has not done the job. We have not had an opportunity to deal with this question; therefore, the taxpayer must pay, and pay, and pay, and pay.

I understand why we have not dealt with the immigration bill here. I have been beset by the many interests involved in it. There are certain members of the business community who do not want to have an immigration bill because they utilize the system of a sub rosa foreign job program where they use illegal aliens to their economic benefit.

I understand why some labor unions do not want to deal with this, because they think that this will interfere with their ability to unionize workers. I do not believe that to be the case but they feel that to be the case.

I understand how other Members do not want to deal with the issue of legalization because that is a controversial issue and you cannot really get a political benefit, no matter what you do, on it.

And so what do we do? We do absolutely nothing on the comprehensive

approach, and time and time again people come up with little pieces of the problem and say the solution is money, money, money, money, money.

We have an impact aid program. It is dealt with in this bill in title IV. We tried to deal with that just a few minutes ago on this floor and we were denied by a vote of the majority.

□ 1730

It was a vote taken here. That is the will of the majority not to delve into that question.

We are not even going to question whether the impact aid program now on the books works in conjunction with the new realities, including the fact that we have a large number of undocumented aliens in this country and many of them children going to our schools. We are not going to deal with that. We are going to raise money on the impact aid program but we are not going to deal with it and we will deal it over here.

We have a regfugee assistance program that deals with the assistance. Under the terms of this, this would be a double bonus to my area, because they would get the refugee assistance, and, under the gentleman's definition, the refugees as long as they have not been here more than 3 academic years would also qualify as immigrant children.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield after I have concluded my remarks.

The gentleman had about a half hour to talk about it.

Mr. WRIGHT. That is right.

Mr. LUNGREN. We also have certain defense programs here where you impact it. Now, under the terms of this bill, you are an immigrant child if you happen to be born outside the States of the Union. Let us say you were with your parents, your parents happened to be servicemen or women overseas, you come back on assignment and you would qualify under this bill.

We have permanent resident aliens who come into this country under the regular procedure to begin on their way to citizenship who presumably have a dedication to this country and are on the regular road to citizenship and participation in taxation in this country; as long as they have been here less than 3 years, they would qualify.

The point is we are attacking it from many different discordant ways. We are not dealing with the issue as a whole. The Simpson-Mazzoli bill deals with it.

I am not saying just because many of us worked for 5 years on it. In point of fact, we have looked at it and we have recognized you are not going to deal with the issue unless you deal with it in a comprehensive fashion.

If we bite off a piece here, there is all the less reason for other Members to compromise in a comprehensive approach to the bill. All we do is allow the continuation of the flood across the border, and I tell my colleagues in March of this year, in just the San Diego section, the Chula Vista sector, somewhere between 50- and 70-mile section of that 1,960-mile border, we had 50,000 apprehensions in 1 month. People on the border will tell you that for every apprehension, between two and four successful entries are made.

So, just in the San Diego area, we had between 100,000 and 200,000 successful entries. We will have over 1 million people who will be apprehended by our Government this year for being here illegally. That means between 2 and 4 million successful entries are made.

What do we do with it? We pass out a bill out of our committee on May 27, we then send it to four other committees; we still do not have a commitment that bill is going to be on the floor, we do not have a commitment we are going to be given time to deal with this issue. What do we do in the meantime? Bleed the taxpayer a little more; the taxpayer, allow him or her to believe that as long as we spend money here or there.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. What are we going to do? We are going to tell the taxpayer, just spend $500 more per individual that is defined in this category.

Now, we have heard that this does not just deal with illegal aliens or undocumented aliens. That is absolutely true. But what is the purpose of the bill?

The purpose of the bill, at least as far as the Governor of Texas is concerned in letters that he sent to Members is to take care of the problems that are created by giving education to those who are here as undocumented aliens. Now, maybe the Governor of Texas is wrong in that. But I think we know that is the general purpose of it.

I assume the reason the bill is written this way is because it would be very difficult to construct language that would be limited to just those who are here illegally. Why? In most cases, it is against the law to ask them whether they are here legally or illegally. Therefore, we cast a huge net designed to bring in many, many people already covered by other special programs. I suppose, as I say, I should be happy. You are trying to foist upon me and my constituents extra Federal moneys, because we are going to get assisted by the refugee program; on top of that, we are going to be assisted by this program; to the extent we have military installations here, we are going to be assisted by that program, and I have some military installations in my area. But I have discovered that the Federal taxpayer is also the local taxpayer and the State taxpayer. You can look high and low for that special species of homo sapiens called the Federal taxpayer, but it turns out to be the same point. At some point in time, I think they are going to ask us, "Why are you paying four or five times for certain individuals when we are having trouble on the local school district level applying it just to those individuals?" These programs are set up so that money has to go to those programs to assist those people.

Additionally, as one gentleman just reminded me, we have the bilingual program which does assist those who are here under this category by and large.

And my question is, why do we deal with it this way? Why do we continue to deny the American people a vote on an extremely important issue, that of immigration reform, and instead deal with it this way?

I know the gentleman from Texas said this is not going to stem the flow. I agree with him. But why deal with this after you have the problem? Let us try and stem the flow and deal with it in the legislation we have.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. First, I have no quarrel with the gentleman's sentiments and with his feelings on this legislation.

Mr. LUNGREN. I hope the gentleman will help us in supporting this bill.

Mr. DE LA GARZA. I would like, though, to clarify for the record that, no, the bill was not drafted for the illegal, in relation to the Supreme Court decision. This gentleman from Texas had introduced this legislation long before that, because the problem existed at that time.

Second, this amendment does not provide for a double bounty.

On the contrary, it provides that it shall be reduced, if the school district receives from the refugee program, parole asylee, or other immigrant status, if there is any other program already providing, then this would not apply.

Mr. LUNGREN. To the extent they would receive refugee assistance if they wanted to get more, they would qualify for it.

Mr. DE LA GARZA. They would not under this—they would not under this.

The problem is that the educational problem did not fit. Every time we had a refugee act here, I got up and spoke, I said, "You are helping the refugee, fine—I will go along with that; but we

have another category that does not fit in." And again I would like to emphasize to my colleagues that, no, it is not related to whether our immigration system is working or not working, the illegals are coming or the illegals are not coming.

The basic problem is that the flow of legitimate, legal immigrants has been such in the postwar years that it has added to the burden of the local school districts. Many of them cannot—under the State on local financing, are unable to provide for it.

Mr. LUNGREN. May I ask the gentleman a question on that? The gentleman says they will not receive assistance under this if they receive it in another way. If the bilingual program, as I understand, is to assist those students who have difficulty with the major language in this country, English, if that is being directed at those who have that difficulty, does not that make more sense then to have one merely at those who qualify by virtue of where they were born, whether or not they have no difficulty with English; whether or not their parents being here are taxpaying members of that society?

The CHAIRMAN. The time of the gentleman (Mr. LUNGREN) has expired.

(On request of Mr. DE LA GARZA and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman.

Mr. DE LA GARZA. That is what is so complicated about this particular issue, you see.

The problem of nonproficiency in the English language applies in my area to citizens. So the bilingual problem is unrelated to noncitizens, to legals or illegals.

Mr. LUNGREN. I understand that.

Mr. DE LA GARZA. That is a separate problem.

Mr. LUNGREN. Would the gentleman also acknowledge, however, that those who are here illegally by and large have difficulty with the language as well?

Mr. DE LA GARZA. Yes. And in many instances, as rare it may be, not as much, because the minute they cross that border, they try and get into the norm.

Mr. LUNGREN. So as the gentleman suggests they need assistance less then the American citizens here?

Mr. DE LA GARZA. No, no, I am not going into who needs more or less. All I am saying to the gentleman is that—trying to correct the record—that this legislation provides that if you are receiving, because of the immigration provision, that because of the refugee parole asylee, or other immigrant status of the individual served by such funds shall be reduced by the amount made available for such fiscal year under any other Federal law for expenditure within the State. So, it is not like you are going to get a double.

□ 1740

Mr. LUNGREN. Would the gentleman then answer another question, that is, if we do pass the Simpson-Mazzoli bill, which allows for legalization of many people who obviously would qualify under this, they would not be considered refugees, parolees, asylees, but rather would be considered—and not regular immigrants, they would be under an entirely new category which would be legalized temporary resident aliens, then permanent resident aliens—do they qualify under this or not?

Mr. DE LA GARZA. The provision provides "or other" immigrant status under the Rodino bill, Simpson-Mazzoli—whatever we are calling it now—it leaves them in a limbo. It does not provide for permanent and it does not provide for the amnesty. It leaves them in a limbo.

The amendment says "or other" immigrant status. I do not think that it is apropos for a discussion of the technicalities of the immigration bill because the educational aspects that we are trying to address are unrelated to whether you stem the flow or not stem the flow. The issue is here now already.

Mr. LUNGREN. If I may reclaim my time to just ask the gentleman, then the gentleman would not support the amendment that is now in the Simpson-Mazzoli bill authored by the gentleman from California (Mr. EDWARDS) that would give 100 percent reimbursement to the locality for those individuals involved in the legalization program, but would prefer the $500 allotment contained in this; is that correct?

Mr. DE LA GARZA. It is two different issues.

The CHAIRMAN. The time of the gentleman from California (Mr. LUNGREN) has expired.

(At the request of Mr. DE LA GARZA and by unanimous consent, Mr. LUNGREN was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. It is two different issues. the gentleman from California (Mr. EDWARDS) says we are giving you this status so therefore we are imposing upon a local school district so therefore we are giving you this amount. The issue which we address is unrelated to that.

Mr. LUNGREN. I appreciate that. And if I might just make one thing clear, when I said they were doubling up I did not mean that it would necessarily be entirely on money they already are getting, but rather that it would give a double bonus in a sense, a double protection, to particular communities, because there has been an argument every year as to what the absolute amount of money should be in the refugee program. This would be, in essence, a double protection into those jurisdictions that once we thought that the refugee program was on its way and these students either did not need any more support or would get less than $500, they would be doubly protected by this definition which, although it was not directed specifically to refugees, would include them in the larger net by the larger definition.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

This, it seems to me, is a temporary anesthetic that defers and misdirects our attention from a time bomb. If you are going to solve this problem, let us solve it comprehensively and not keep putting on the chemicals that make the pain go away because it will come back worse next week. Let us deal with the immigration problem comprehensively and stop the Anacin and the aspirin and pretending it is not there.

The Members who want this are actually deferring addressing this very explosive problem.

The CHAIRMAN. The time of the gentleman from California (Mr. LUNGREN) has again expired.

(At the request of Mr. COLEMAN of Texas and by unanimous consent, Mr. LUNGREN was allowed to proceed for 1 additional minute.)

Mr. COLEMAN of Texas. Mr. Chairman, if the gentleman will yield, I think the point needs to be made because continually I have heard about this double enrichment and unjust enrichment to those school districts across this country that are now under the obligation and under the duty to educate the children of undocumented workers.

I think it needs to be pointed out that this amendment, which I support very strongly, unfortunately does not come anywhere near, in fact, it comes to about one-sixth of what it takes to educate one of those children. So this amendment, while you suggest it may be taking in more children than necessary, absolutely does not expend more money than is necessary. In fact, in my view, it certainly spends a great deal less. And I think that point needs to be made.

Plus the other gentleman who just spoke suggested that somehow we have got to solve the immigration problem with this amendment.

That is not the intent of this amendment.

Mr. LUNGREN. If I may reclaim my time that was not the gentleman's suggestion. He was suggesting that when we deal with a band-aid approach we

never come around to the major approach.

It really astonishes me that the rule could allow this amendment to be brought forward and be within the rule of this bill and yet the Rules Committee, for whatever reason, cannot act on the immigration bill and have us at least deal with that in a comprehensive fashion.

Mr. PERKINS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Wright amendment.

Mr. Chairman, first, let me assure the Members that I will not take the 5 minutes.

We all admit that we have this problem and I think we all feel that we should do something about the problem. The local educational agencies certainly cannot cope with the problem of this size when the illegal aliens in 99 percent of the cases neither have money nor property, no resources.

The amendment offered by the gentleman from Texas (Mr. WRIGHT) is a very modest one. If there is any other legal aliens involving the $500 figure, the money will be deducted, and I think the amendment has been well thought out.

So far as I know, there is no opposition to the amendment on this side. I am hopeful, Mr. Chairman, that the amendment will be adopted.

This amendment creates a new Federal program aiding in the education of legal and illegal alien children. It is necessary because:

First, the U.S. Supreme Court has ruled that school districts must educate illegal alien children even though most illegal alien parents own no property and pay few, if any, local taxes.

Second, there is currently no Federal program aiding in the education of illegal alien children although the Federal Government is really responsible for them having entered the country.

Third, this program is modest—providing only $500 for each child. The average per pupil expenditure in the United States today is $2,900; and many of these alien children need extra bilingual and remedial aid on top of the usual cost of education.

Mr. MAZZOLI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full time, but we have been involved in a very interesting debate. And I think a few points have been very soundly made. And one is that we have deferred the major event, we hope only deferred it. Some might say that we have delayed it to the point of death.

And the major event, of course, is the full fledged debate on immigration reform.

We are talking today about one of the effects but not the cause. The cause of this problem is the fact that we have no border control. The cause of this problem is that we have a free and porous entry into this Nation and that does cause difficulties to States like Texas and the border States.

But to solve it this way does not solve the underlying problem.

Second, I think there is a kind of implicitness in the discussion of the fact that the people who have come in without documents, who have illegally entered this Nation, are somehow impoverished and somehow net takers and net dependents. And that is not always the case.

These people have come into this Nation for one reason and one reason alone and that is to work and work they do. And in many cases they are contributing taxes. And in many cases they are leaving their sales taxes in the stores.

And I, having chaired 3 years of hearings on the immigration reform bill, still have not had presented to me a persuasive case that these people do not in the end product contribute in a plus factor to the economy, which would in effect say that they are already paying for their cost of education, they are already paying for their cost of health care and social services.

And we had hearing after hearing on this topic and it is a very difficult thing to analyze, I will admit, but the data that we had put before us does not make a persuasive case that these people, these undocumented workers, as they have been adequately and aptly called, are net takers which suggests that they do pay into the States and which suggests that the States do not have any qualms and no compunction about taking this money now and yet the States continue to come in and ask for more, for more payments, more waivers and for more opportunities to have reimbursements.

I do not again suggest that the State of Texas and other States do not have specific problems, but they are dealt with, we think, very correctly and in a comprehensive fashion in the immigration reform bill and to deny that immigration bill the opportunity to be heard and perhaps to solve these problems, at least to advance a comprehensive approach to these problems, is to simply put off until later what one of the other gentlemen has said is a ticking time bomb. And we think we are prepared today to take up the major bill and we think that is the way the problem ought to be dealt with.

□ 1750

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made several very good points. As the gentleman knows, as the chairman of the Subcommittee on Immigration on which I serve, and of whom I am very proud, I have been a long-time advocate and in somewhat disagreement with the gentleman over the issue of direct and 100-percent reimbursement of the States' educational costs for refugees and also for those who come in here if we legalize anybody.

But I think that this amendment is too broad. I think it is inappropriately offered at this time. I think it is much better that we deal with the issue in the immigration bill and in the refugee bill that are up before this Congress and that we target the type of reimbursement that we give to those that we put into some form of legalized umbrella.

We have got a lot of illegals in here today, in this country. Nobody knows exactly how many. We have got a lot more people who may or may not be illegal who will be encompassed by this amendment. One thing is for certain. If we do give the 100-percent reimbursement to the States—and it is a national problem. I know the gentleman and I have had many discussions on that. We may disagree on the fine points of that. But I believe that it is a national problem and the Federal Government does need to reimburse. And yet at the same time, it is my agreement with the gentleman that this amendment should be defeated, that we should address this problem in a much more narrow forum and focus on the bill.

Mr. MAZZOLI. Let me salute the gentleman from Florida and say to him that there is no one in this entire House who has worked harder and more indefatigably than the gentleman from Florida in trying to move an immigration reform bill. So I thank him for his help in the past, and I look forward to working with him.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Texas, the majority leader.

Mr. WRIGHT. I guess I understand what the gentleman from Kentucky and the gentleman from New York and one or two others are trying to do. They are trying to hold any help for the school districts hostage to get votes for the immigration bill. I have already told you I am going to do what I can to schedule the immigration bill. But we are dealing with two entirely different subjects. One is the subject of how do you stem the illegal flow of immigration. That is one subject. Maybe somebody has got a broken arm, maybe at the same time he has a very bad case of a heart attack. You do not postpone dealing with one until you can deal with the other.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. MAZZOLI) has expired.

(On request of Mr. WRIGHT and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. WRIGHT. The gentleman is entirely incorrect when he suggests that school districts and States are enriching themselves by the presence within the borders of their geographical confines of illegal immigrants, in that those people pay sales taxes. Sales taxes are not what support schools. It is property taxes that support the schools in almost every jurisdiction.

These people, for the most part, who have come in illegally do not own property. Therefore, they are not on the property rolls. Therefore, the schools are not getting any payment.

All we are trying to do is address a very simple problem that exists. About $500 per student is certainly not unjust enrichment for a school district which undertakes the responsibility of spending about $2,500 or $2,600, on an average, to provide the very specialized training that will assist that child. This is directed to the child. It is not directed to the law. It is not directed to the border. It is not directed to some high-blown new system of reforming our immigration policy. This is directed to reality. There are children in the streets who need to be in the schools, and those children who are in the schools need to be educated. That is what this directs itself to, and it does not make any difference whether we do or do not pass the immigration reform bill, that problem is still going to remain. And if you want to hold this simple amendment hostage until you can pass some broad immigration reform that satisfies you, you may never address the problem.

I suggest it is a way of putting off the problem rather than addressing the problem. I suggest it is as simple as the Presidential proposal of addressing a problem by appointing a commission to study the problem, as the President appoints a commission to study hunger, why people are hungry. Everybody knows why they are hungry. They are hungry because they do not have enough to eat. And usually they do not have enough to eat because they do not have a job. It is just that simple.

These young people need education, they need specialized education. It costs money. The Supreme Court has said our local school districts must provide that service. We have the responsibility to help them.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. MAZZOLI) has again expired.

(By unanimous consent, Mr. MAZZOLI was allowed to proceed for 2 additional minutes.)

Mr. MAZZOLI. Mr. Chairman, I certainly do not want to delay my colleagues in getting home tonight, but this is an important issue. I just want to answer the gentleman from Texas, who is an eloquent speaker and makes a very strong point.

I would just like to say that the gentleman from Kentucky has no intention of holding any bill hostage, like this, for example, or the children of the State of Texas. What is being held hostage, the gentleman from Kentucky would assert, is the immigration reform bill which affects 220 million Americans, not just the people in Texas, not just the people in California.

So if anything is being held hostage, in the judgment of the gentleman from Kentucky, it is the overall approach, not necessarily the version which is pending in the Rules Committee because, as I have said many, many times in the past, it is imperfect, but I would contend it is the least imperfect bill that we have before us at this time and, under the rules that any assembly operates on, that is the kind of thing which ought to come out as the mechanism for this Congress to make its mind up and exercise its wisdom.

The House may decide that the gentleman from Kentucky is absolutely wrong, in which case, fine, it passes whatever bill it wishes. But all the gentleman from Kentucky is saying is that this effort, which in effect nibbles at the problems but does not get at the underlying root causes, is not the logical and symmetrical way to approach the problem.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Chairman, I again would like to say that this amendment should not be held hostage to any other kind of program, but this amendment should be part of a discussion of impact aid and how we revise impact aid and how we make existing impact aid effective. That is what we are talking about.

These children are impacting the school districts. I have an awful lot of impact aid that comes to my district that has nothing to do with any impact, but that is the way the formula is written. And it is about time we take issue with the impact aid problem that we are faced with and do the kinds of things that have to be done to help Texas, to help Florida, to help California. But to do it piecemeal, no one knowing exactly what they are doing, certainly is not going to solve the problem.

I would like to make one other comment.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. MAZZOLI) has again expired.

(On request of Mr. GOODLING and by unanimous consent, Mr. MAZZOLI was allowed to proceed for 1 additional minute.)

Mr. GOODLING. In most States, financing public education is done, to a great extent, by a flat income tax in that State and by an employment tax on the local level, an income tax on the local level. We are getting away rather rapidly in many States from that impact being on property taxes. So let us handle this with the entire impact aid problem that we are faced with.

We talk about it every year, the nine that I have been here, but we do not do anything about it. I have money coming to my district that should not be coming there. It should be going to the impact that you are talking about, it should be going to Dade County, Fla., and to some other places. But we never tackle that problem. We just add additional programs rather than really tackling the serious problem that we are faced with.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

Mr. HAYES. Mr. Chairman, today in my first appearance before this body, I would like to rise in support of a very important program, the Rehabilitation Act Amendments of 1983 (H.R. 3520) which extends and improves the vocational rehabilitation programs for disabled Americans. As was debated yesterday, title IV of this bill increases the authorization of appropriations for 10 major education and social services programs in order to implement the higher funding levels assumed for these areas in the fiscal year 1984 budget resolution.

I would like to encourage this body to support the Rehabilitation Act and title IV. Without title IV, the important and necessary work done by the Budget Committee on education and social service programs would be lost. In the budget resolution, Congress assumed extra funds for these programs. The need in our communities for additional assistance in areas such as compensatory education, vocational education, adult education, impact aid, education of the handicapped, low-income energy assistance, the community services block grant, and feeding programs for women, infants, and children is obvious.

The Budget Committee saw this need when it provided the extra funds in the budget resolution. The Education and Labor Committee saw this need when it introduced the Rehabilitation Act and included title IV. I see the need when I look at the city of Chicago and see those people who utilize these programs. This body should also see the need, and support those who are truly needy, by voting to pass this bill.

● Mr. FAUNTROY. Mr. Chairman, I want to take this opportunity to express my support for the Rehabilita-

tion Act Amendments (H.R. 3520). The bill would authorize $1,037.8 million in fiscal year 1984, $1,141.1 million in fiscal year 1985, $1,254.6 million in fiscal year 1986 and $1,379.4 million in fiscal year 1987 for the basic State vocational rehabilitation entitlement program under the Rehabilitation Act of 1973. H.R. 3520 would authorize an amount for fiscal year 1988 based upon increases in the Consumer Price Index of the previous fiscal year.

The bill would remove the fiscal year 1984 authorization ceilings set by the Omnibus Reconciliation Act of 1981 for programs under the jurisdiction of the Education and Labor Committee and authorize levels assumed by the first budget resolution for fiscal year 1984 for the following programs:

Chapter I (compensatory education) of the Education Consolidation and Improvement Act of 1981.

Impact Aid.

Vocational education.

Adult education.

Arts and humanities.

Museum services.

Community service block grant.

Low income energy assistance.

Special supplemental feeding program for women, infants, and children (WIC).

The fiscal year 1984 first concurrent budget resolution targeted a $1 billion increase for education funds over the current fiscal year 1983 $15.3 billion funding level. In order for the Appropriations Committee to have the flexibility to fund education programs at the budget resolution level, the authorization ceilings for chapter I, vocational education, adult education, impact aid, and the Education of the Handicapped Act must be raised.

The National Commission on Excellence in Education's report, "A Nation At Risk," has challenged the education community to better meet the educational needs of our children. I believe that insuring these minimal funding levels for existing highly successful programs is the first step toward meeting this challenge.●

● Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 3520, the Rehabilitation Act reauthorization, which provides for the continuation and progression of a program that has given new life to those among us who are physically disabled.

This legislation contains provisions that incorporate all sectors of disabled services in a coordinated manner. The bill will help all the disabled, including those with multiple disabilities, become more productive members of society. An important section in this measure will sever the National Council of the Handicapped from the Department of Education and establishes the Council as an independent agency within the executive branch, that would regularly advise Congress.

Specifically, the reauthorization includes an annual increase in funding of 9.9 percent for the next 4 years, returning the act to its 1979 real funding level. Thereafter, starting in fiscal year 1988, funding will increase according to the Consumer Price Index to preserve this real level. The primary purpose of these funds is for vocational rehabilitation. However, the bill also provides for research and development of new technologies and training methods, demonstration projects to improve service systems, training and employment projects with industry, and also independent living programs, which is the last step for a disabled person to fully adjust to normal life. Another important aspect of H.R. 3520 is to provide information and advice to clients and applicants regarding the types of aid available under this act. Without this service the programs would be worthless if those eligible are ignorant of the benefits available to them.

This bill also establishes the temporary National Commission on Federal Assistance to Disabled Americans. That commission would be charged with identifying problems and making specific statutory or regulatory recommendations. These would be embodied within a report that would be submitted to both the President and the Congress. The report would provide a one-time indepth study of the services available to the disabled and note either incentives or disincentives within these programs that affect community integration or community based services.

One of the many institutions that will benefit from the adoption of H.R. 3520, is the Helen Hayes Hospital located in my congressional district. Established in 1900, it is the second oldest hospital service in New York State for the treatment of physically disabled individuals. The Helen Hayes Hospital offers complete medical, surgical, social, vocational, and educational services for children and adults who are or who are likely to become physically disabled or handicapped.

The Helen Hayes Hospital offers rehabilitative services for stroke, amputation, paraplegia, and metabolic bone disease victims. The outpatient department sees over 1,200 patients each month with specialized clinics in orthopedics, cerebral palsy, arthritis, stroke, head injury, spinal injury, and sports medicine. This facility is able to take a patient from the time of a diagnosis or occurrence of a debilitating disease or injury, through to the rehabilitation of that patient so that he or she may reenter the work force and participate as a functioning, contributing member of society. The Helen Hayes Hospital is just one of hundreds of similar institutions that depend upon the funds and services made available through the Rehabilitation of the Handicapped Act.

Mr. Chairman, this reauthorization is an investment in America. The resource it continues to develop will bring real meaning to lives which might otherwise be lost to despair. The benefits will be reaped in the lives of those who receive the aid and those of us who are fortunate enough to be associated with them.●

● Ms. KAPTUR. Mr. Chairman, I rise today to support H.R. 3520, the Rehabilitation Act Amendments of 1983. This is one of the most important proposals this body will consider this year. By passing H.R. 3520, we will reaffirm the commitment of the Federal Government to meeting the educational needs of all our citizens, and especially the needs of the disabled, the disadvantaged, and the poor. This renewal and rededication is necessary in a time when important education and other assistance programs have seen their support slip away.

Title I of H.R. 3520 would reauthorize the Rehabilitation Act of 1973, which is due to expire on October 1. This landmark legislation established programs to assist our mentally and physically handicapped people. The largest component of this effort has been the State grant program, which provides funds for vocational rehabilitation services to help handicapped persons gain employable skills.

The Rehabilitation Services Administration which administers the Rehabilitation Act, has estimated that every dollar invested in rehabilitation services returns $10 to the public coffers as rehabilitated persons become taxpayers, grow less dependent on public support, and begin to live independent lives free of institutional care. And this return is accomplished in as little as 4 years after training is completed.

H.R. 3520 contains other provisions of vital importance to handicapped Americans. Under this proposal, programs for independent living, training of rehabilitation professionals, and critical research would be continued. The Helen Keller Center for Deaf-Blind Youths and Adults, the only facility of its kind, would be given the independent status it has long deserved. The same would be done for the National Council on the Handicapped. And the proposed National Commission on Federal Assistance to Disabled Persons is sorely needed. The House needs to stand firmly behind its commitments to disabled Americans.

Title IV of H.R. 3520, would raise the fiscal year 1984 authorization ceilings for compensatory education (chapter I), vocational, adult, and handicapped education, low-income energy assistance, community services block grants, the women-infants-chil-

dren nutrition program, and other important services.

Earlier this year, the Congress held out a promise to those Americans who depend on these programs. This body approved the conference agreement on the first concurrent budget resolution for fiscal year 1984 on June 23 by a vote of 239-186. That spending plan balanced demands for various Federal programs and permitted increased funding for various Federal programs, and was the result of over 2 months of deliberation and debate.

The hope and the promise of the proposed fiscal year 1984 budget are devoid of meaning unless we support title IV of H.R. 3520. During consideration of the budget resolution, we know that to fulfill its promise the authorization ceilings on certain programs would have to be raised. That time has come. Today we either keep our word, or hide behind the stringent authorization ceilings passed 2 years ago in the Omnibus Budget Reconciliation Act of 1981—Public Law 97-35—which turned its back on needy Americans.

Can anyone argue on the merits against the need for increased authorization levels? The programs involved have proven their worth time and again. The chapter 1 compensatory education program has been lauded by the Secretary of Education; and the success of the vocational education program is beyond question. The administration has tacitly acknowledged the existence of poor nutrition in this country by its appointment of a task force on hunger.

Can anyone argue that more funds are not needed for the programs addressed in title IV? I don't think so. Chapter 1 currently serves only 47 percent of the eligible children; the WIC program needs $1.36 billion in fiscal year 1984 just to meet current service levels. The authorization enacted 2 years ago is only $1.126 billion. And the Education for All Handicapped Children Act, which has done so much to bring these children into society's mainstream, has fallen short of its original goal of funding 40 percent of the national average per-pupil expenditure for each handicapped child. This year, that act has funded only 9 percent of such expenditures. And this year, only 36 percent of eligible households received assistance under the low-income energy assistance program. Title IV would maintain the current level of assistance under this program and provide funds to further help the truly needy.

Mr. Chairman, I have carefully examined the arguments advanced by those opposed to title IV. Those arguments do not criticize either the programs or the need for higher authorization ceilings. Rather, they protest based on procedural grounds, and they invoke the specter of Presidential veto. The procedural argument involves germaneness, the proper authority of the Budget Committee, and the grouping of these programs in a single bill. Mr. Chairman, the Budget Committee, in its work on the first concurrent budget resolution, endorsed higher spending for these programs. And, the authorization ceilings we seek to raise were established in an omnibus bill that affected these and other programs. In short, title IV is not the unprecedented, revolutionary proposal which its opponents claim it to be.

Finally, Mr. Chairman, the entire matter should be placed in its proper perspective: Title IV commits no money to any program. It merely gives the Appropriations Committee the widest possible flexibility in its consideration of the funding levels for these programs in view of the first concurrent budget resolution and the effects of the recession. The funding recommendations of that committee will still be scrutinized and debated by the Congress as they arise.

Mr. Chairman, I support the Rehabilitation Act Amendments of 1983, and I urge my colleagues to fulfill the promises we held out to the American people this spring by passing H.R. 3520.

Thank you.●

● Ms. OAKAR. Mr. Chairman, today the House is considering H.R. 3520, a piece of legislation which is essential if we are to attack seriously and not just rhetorically the education crisis in our Nation. The viability of vital vocational rehabilitation programs for disabled Americans, as well as 10 crucial programs for the disadvantaged under title IV, rests on passage of H.R. 3520. All of the programs we are considering today were victims of the Gramm-Latta II cuts. If we do not pass this measure today, we would be denying these programs the increases endorsed by the Congress in the budget resolution.

The programs in which we will be investing more money are those which have proven to be highly successful. At a time when our economy is in need of revitalization because of severe unemployment, many of these programs would provide a saving grace for many States and localities hard-hit by layoffs and cutbacks. In Ohio, where unemployment for the month of June was 12.8 percent and in my district where unemployment for the same month was 11.3 percent, an increase in support for vocational education is crucial; vocational training and training programs at the secondary, postsecondary, and adult levels are essential to putting Clevelanders and Ohioans back to work and revitalizing our crumbling economy. Approximately 600,000 students have been turned away from vocational training and as many as 7,000 instructors have been laid-off across the country as a result of budget cuts.

Another area which directly affects my district is the low-income assistance program, which was originally created to respond to the energy needs of low-income households and our elderly affected by high energy costs. This program has provided much-needed assistance to Ohio State residents in meeting home heating and cooling costs as well as energy-related crisis intervention.

The WIC program is another area affected by this legislation. WIC is a supplemental food program for low-income women, their infants and children serving approximately 2.35 million families a year. Additionally, WIC provides nutrition education and health care to pregnant women, nursing mothers, and children under 5. While funding for this program has been maintained at a relatively even level for the past several years, it is estimated that 7 million additional families are eligible to receive the benefits of WIC but are not being served because funding is not kept up to a pace with inflation. If current funding levels are maintained for fiscal year 1984, approximately 115,000 additional families will not be able to receive the benefits from WIC. The positive results of the WIC program are well documented. A study conducted at the Harvard School of Public Health found that WIC caused a marked reduction in the incidence of low birthweight infants. Low birth weight is the eighth leading cause of death among children and necessitates extended and expensive neonatal hospital care. The study concluded that every $1 spent for WIC actually averts $3 in hospital costs.

We cannot overlook the importance of chapter 1 when considering this measure. Earlier this Congress, we were all shocked when the administration cut back this program after stating that it has been an extremely successful one. The number of children being served by this program is far below the actual number in need.

For some time now, we have concerned ourselves with the need for improving our educational machine. In order to even begin to improve our educational system, we must insure the minimal funding levels for the programs under H.R. 3520.●

● Mr. SIMON. Mr. Chairman, I rise today in support of the reauthorization of the programs under the Rehabilitation Act of 1973. Since 1917, the Federal Government has recognized that it is important to support those programs which help to train or retrain handicapped individuals. The bill that is before us now, H.R. 3520, continues that long history of support and amends the current legislation to

make rehabilitation programs more effective.

Some of the new provisions in H.R. 3520 include:

Improves the targeting of training grants and contracts to areas in which there are documented shortages of qualified rehabilitation personnel;

Clarifying the eligibility of State rehabilitation agencies to compete for Projects with Industry grants;

Establishing a separate authority for the Helen Keller National Center for Deaf-Blind Youths and Adults;

Removing the National Council on the Handicapped from the Department of Education and established it as an independent body;

Allowing Rehabilitation Research and Training Center grants to be awarded to comprehensive multiple disabilities facilities; removing the automatic funding termination requirement at the end of project periods; making training of rehabilitation personnel within the centers a priority; and allowing faculty support for teaching within the centers;

Creating the National Commission of Federal Assistance to Disabled Americans to review the coordinating aspects of Federal programs affecting the disabled and to make recommendations to eliminate overlapping, contradictory, and restrictive requirements in current legislation where they exist.

H.R. 3520 also increases spending levels for rehabilitation programs by 9.95 percent over a 4-year period. Since 1979, there has been a significant drop in the rehabilitation of handicapped individuals. This bill restores funding for the Rehabilitation Act to the fiscal year 1979 equivalent. In 1982, the number of rehabilitations were the lowest in 12 years. Between 1974 and 1982, there was a 37.2-percent drop in total rehabilitations, and overall, from 1979 to 1982, there has been a 31-percent decrease in purchasing power in the funding levels for rehabilitation programs.

In my own State of Illinois, $31,167,794 in Federal moneys was spent in fiscal year 1982, compared to $29,802,591 in fiscal year 1979. For those dollars, 7,080 people were rehabilitated and 46,983 were served in fiscal year 1982. By comparison, 9,642 rehabilitations were recorded in 1979. With the increases allowed in H.R. 3250, the State of Illinois will receive approximately $3 million more than it did in 1982 and the State rehabilitation services program will be able to assist over 4,000 additional individuals.

The cost-effectiveness of rehabilitation programs has been proven time and time again. It is currently estimated that for every $1 spent to rehabilitate a handicapped person, over $10 is eventually returned to the Government in the form of taxes or reduced welfare dollars. Alice Rivlin, Director of the Congressional Budget Office, stated in a May 8, 1981, letter:

Since expenditures for vocational rehabilitation are associated with offsetting savings in other government programs, a reduction in funding for rehabilitation * * * would generate increases in other parts of the Federal and State budgets.

Frankly, rehabilitation makes sense. It makes sense in terms of what it means for handicapped people to be given the opportunity to be productive citizens and it makes sense in terms of what it means to the country. It is a cost-effective Federal program that gets the job done.

As most of my colleagues know, title IV of the bill also increases the authorizations for several education and other programs under the jurisdiction of the Committee on Education and Labor. These increases are absolutely essential to meet the Congress commitment to education expressed in the fiscal year 1984 budget resolution. The authorization increases will permit the Appropriations Committees and the Congress to decide how much funding should be made available to each program or activity. Without taking this first step, however, the committees and this House will be unable to work its will.

Some of my colleagues, on the other side of the aisle, have characterized this bill as an attempt to circumvent the rules or as a partisan attempt to manipulate the House rules. Others have said that the rehabilitation reauthorization has become an "omnibus" bill addressing unrelated issues. H.R. 3520 is none of these—it is simply the most important education bill in the 98th Congress.

VOCATIONAL EDUCATION

Federal funding for vocational education in Illinois has dropped substantially in the last 3 years.

Vocational education funding dropped 13 percent from fiscal year 1981 to fiscal year 1982. The next year, funding dropped an additional 2.8 percent. Enrollment for this fiscal year is expected to increase by 12 percent. Yet there is a 3.8-percent overall loss in students served in Illinois from fiscal year 1981 to fiscal year 1982.

There are waiting lists of students who want to attend area vocational schools. Comprehensive high schools send students to area vocational schools, for which the high schools must pay tuition. Eight to ten thousand more students could be served by area vocational schools if the comprehensive schools could afford the tuition. But they cannot. Many Illinois parents have asked that they be able to send their children to the area vocational schools and pay the tuition out of their pockets. State law forbids it.

In fiscal year 1979, the Federal share of vocational education training in Illinois was 3.8 percent. By fiscal year 1982, that percentage had dropped to 3.1.

Despite the lower unemployment rates of vocational education graduates and the need for a more highly trained work force, Illinois was forced to deny more than 36,000 students vocational training in fiscal year 1981 and fiscal year 1982; enrollments dropped from 842,000 students to 804,878.

Because of lowered funding for vocational education, Illinois also had to eliminate specific offerings in the vocational education curriculum. Last year, more than 40 programs were eliminated. Without increased funding, high technology programs, which are more expensive to set up and run, will not be introduced.

CHAPTER I (TITLE I, AID TO DISADVANTAGED CHILDREN)

Title I is the most important Federal education program. It attempts to correct the educational and cultural inequities that poverty and race impose on children.

Based on the 1980 census, there are 344,928 children in Illinois who are eligible for chapter aid to disadvantaged children. The reductions in appropriations since fiscal year 1980 for chapter I has meant that fewer children are being served in Illinois. In fiscal year 1981, 165,218 children were served by chapter I funds; in fiscal year 1982, the number fell to 142,768, a 13.8 percent loss which eliminated 22,450 children from the program.

If additional funding is not allowed in the fiscal year 1984 appropriation, there is a possibility that an additional 24,000 students will be eliminated from the program.

WOMEN, INFANTS, AND CHILDREN (WIC)

There are 2.8 million low-income women, infants, and children participating in this program and receiving food supplements each month. If the authorization ceiling remains as is and only $1.126 billion is appropriated for WIC in fiscal year 1984, the 500,000 poor, pregnant women, infants, and children who have been determined by a medical professional to be at nutritional risk would have to be dropped from the program.

In Illinois, the WIC program serves 103,530 women and children. This year, Illinois is receiving $45,234,257 from the Federal Government to support this needy group. However, WIC is reaching only 21 to 22 percent of eligible women and children in Illinois, which is 3 to 4 percent lower than the national average.

There are 347,153 women and children in Illinois who fit current eligibility requirements—185 percent of the poverty level.

The caseload in Illinois is rising at the rate of about 6 percent a year. At that rate, the cost to maintain the program in fiscal year 1984 would be

$50,142,638. The cost to maintain the caseload at current levels will rise more than $620,000: $45,853,440.

If the authorization level for the WIC program is not raised, 20,000 to 21,000 participants will have to be dropped from the Illinois program.

I urge my colleagues to join me in supporting this bill and in supporting education.●

● Mr. DERRICK. Mr. Chairman, today my colleagues will be considering amendments to H.R. 3520, Rehabilitation Act Amendments of 1983. This is one of the most important education bills this body will be considering this year, for it addresses our need to educate and rehabilitate disabled and nondisabled individuals and provides essential assistance for basic human service programs. I would like to take this opportunity to urge this body to support this bill as it was presented by the Committee on Education and Labor.

Title I of this measure provides for a 10-percent increase in funding for vocational rehabilitation programs for the next 4 fiscal years and an increase equal to inflation for fiscal year 1988. Although these increases violate section 303(a)(4) of the Budget Act, which forbids increases in entitlement programs—except for increases due to inflation or other uncontrollable factors—for years a budget resolution has not been adopted, House rules provide a waiver for this section. As you may recall, the House overwhelmingly adopted the rule on August 4 which waived section 303(a)(4) of this bill by a vote of 251 to 137.

Vocational rehabilitation is one of the most successful Federal programs. In my home State of South Carolina, the rehabilitation rate was 265 persons rehabilitated per 1,000 persons taken into the program, the highest in the Nation in 1982. However, since 1979, there has been a 31-percent reduction in the purchasing power of vocational rehabilitation agencies as a result of funding cuts imposed by the Federal Government. To return to the fiscal year 1979 spending level and to allow States to plan in advance for vocational rehabilitation programs, specific budget levels for the "out years" are necessary.

The return on investment in the past year has been at least a 10-percent return on every dollar spent for State rehabilitation programs due to increased taxes paid and decreased dependence on Government assistance. It is in the best interest of the Federal, State, and local government, and the business community as well as the individual taxpayer, for State rehabilitation programs to be provided with the level of funding in H.R. 3520.

Additionally, I challenge my colleagues to support the authorization increases for adult, vocational, and special aid programs incorporated in this measure. Over the last several months, both the public and private sectors have been emphasizing the need to focus function and a local responsibility, the Federal Government also has a role and an interest in the development of human resources. The Republican-controlled Senate and this body both demonstrated their support for education earlier this year by approving a budget resolution which increased education funding by $1 billion next year. Now is the opportunity for us to follow through on that commitment.

I urge each of you not to allow any procedural objections to this legislation to distract you from the real issue involved here: whether we are going to provide an adequate level of funding for these crucial and effective programs.●

● Mr. LEHMAN of Florida. Mr. Chairman, I am pleased to rise in support of H.R. 3520 and its provision to maintain vital nutritional and health care services to low-income pregnant women, infants, and children under the special supplemental food program for women, infants, and children (WIC) of the Child Nutrition Act.

As chairman of the Prevention Strategies Task Force of the Select Committee on Children, Youth, and Families, I have heard consistent evidence on the benefits and cost effectiveness of WIC. It has helped to reduce infant mortality rates and the incidence of low-birthweight babies among program participants. It yields substantial savings in the short and long run by providing pregnant women, their babies, and young children a healthier start.

If we fail to pass H.R. 3520, hundreds of thousands of poor pregnant women, infants, and children would have to be dropped from this valuable and cost saving program. I urge you not to let that happen.

In my own district, I have seen the benefits of quality preventive services many times. Service and research programs at the Mailman Center for Child Development in Miami, for example, have helped many children and families prevent or cope more successfully with disabilities and lead more productive lives.

WIC is indeed one of our most effective preventive strategies and deserves the strong support of us all.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 3520 to reauthorize programs under the Rehabilitation Act of 1973 and to increase the fiscal year 1984 authorization for 10 important education and assistance programs. I want to commend Chairman PERKINS and Chairman MURPHY for their leadership and hard work in bringing this much needed legislation to the floor.

First, this legislation reauthorized the State grant program for vocational rehabilitation through fiscal year 1988 increasing from $1.04 billion in 1984 to $1.38 billion in 1987 with the 1988 increase to be determined by the increase in the Consumer Price Index. The State grant program is by far the largest program under the Vocational Rehabilitation Act. The Federal Government provides 80 percent of the funds under this program and the State government provides 20 percent. This Federal-State partnership in the vocational rehabilitation program began with legislation enacted by the Congress in 1920, and has proven to be successful in providing employment opportunities to the disabled population of this country for the past 63 years. Furthermore, Federal contributions to this program is money well spent. According to the Rehabilitation Services Administration, for every dollar spent on rehabilitation there is a return of $10.40 as the disabled become independent and productive taxpaying citizens.

Mr. Chairman, the increased authorizations through fiscal year 1987 for the State grant program are necessary to restore the program's purchasing power to the fiscal year 1979 level and to insure the program's continued cost effectiveness and ability to enable the Nation's largest minority, the disabled, to decrease their dependence on social welfare services and income maintenance programs and to increase their feelings of self-reliance and self-worth.

Second, title IV of this legislation increases the authorization ceilings for 10 programs under the jurisdiction of the education and labor committee. These funding increases are necessary to bring the funding for these programs up to the levels assumed in the first concurrent budget resolution for fiscal year 1984.

The current ceilings are a result of the Gramm-Latta Budget Reconciliation Act of 1981. A recent report by the nonpartisan Congressional Budget Office (CBO) stated that the budget cuts endorsed by President Reagan had fallen harshly and disproportionately on low-income Americans. The CBO report documents that the recent increase in hunger and poverty in America are a direct result of the Reagan administration's economic policies.

One program that title IV would increase funding for is the chapter 1, Federal education program for disadvantaged students. The Secretary of Education has stated that the chapter 1 program is a very successful federally funded program. This program has proven to be effective in improving the achievement levels of poor and minority children. Title IV of H.R. 3520 would also increase the authorization for the special supplementary feeding program for women, infants, and children (WIC). The low-income energy

assistance program and other programs to assist the poor and elderly.

Mr. Chairman, this authorization increase is necessary to allow the Appropriations Committee to adequately fund these important programs and to insure that the Nation's less fortunate do not continue to bear the brunt of the President's budget cuts.

I urge my colleagues to vote for this much needed legislation.●

● Mr. ALEXANDER. Mr. Chairman, we are approaching one of the most important votes of the 98th Congress. Many have described this as the single most important vote on education this year. Through this legislation we will have an opportunity to support vocational rehabilitation in this country.

We will have an opportunity to support a program which, as Chairman PERKINS so correctly suggested, is one of the most noble and helpful programs for the disabled people of the Nation.

We will have an opportunity, with title IV of the bill before us, to support important education programs ranging from general vocational education to impact aid to adult education, among others.

Mr. Chairman, as the President's own Commission on Excellence in Education found, education is important and vital to our Nation's future.

Our political system needs educated citizens to fulfill democratic responsibilities.

American business needs over a million skilled workers to fill jobs that are open today.

Our elementary, secondary, vocational-technical schools, and universities need the educators to teach the young. Our economy needs the engineers and scientists to research the new products that will enable American business to meet foreign competition.

In fact, Ph. D.'s in the science are down from the levels of the 1970's. In physics, chemistry, computer science, and other fields they are down between 25 and 40 percent.

Not long ago, the Winthrop Rockefeller Foundation suggested once again that education will be one of the most important factors to the economic development of my home State of Arkansas.

It has been said that when you give a person a fish, you feed that person for a day, but when you teach people how to fish, they can feed themselves for a lifetime.

Chairman PERKINS and his colleagues from the committee have traced the history of the vocational rehabilitation program:

The number of persons rehabilitated each year has grown from 58,000 in 1949 to over 226,000 in fiscal 1982.

Fifty-one percent of these people were severely handicapped.

And the program is cost effective: It has been estimated that every dollar spent for rehabilitation has brought back $10 when those people became employed, paying taxes and ending or reducing their need for public assistance.

We also have an opportunity to support title IV of the bill before us, which would authorize spending, as provided for in this year's budget resolution, for a number of education programs.

For example, vocational education has been reduced by 16 percent from 1980 to 1982, eliminating 7,000 teachers and turning away 600,000 students.

In fact, in the President's proposed budget for fiscal year 1984, Arkansas alone would lose $3.2 million in vocational and adult education assistance, a 35-percent cut that would deny more than 12,500 Arkansans vocational, technical, and adult education training.

By undermining Arkansas efforts to improve vocational and technical education programs, these budget proposals will erode Arkansas opportunities to compete for jobs in the rapidly growing high technology fields.

Today, by supporting title IV, we can renew our commitment to programs such as vocational and adult education. infants and children; and the chapter 1 program, which Secretary Bell has described as a major success, which has helped elementary and secondary school students raise their reading achievement scores.

For Arkansas alone, enactment of title IV would mean at least an additional $13,420,000 for the programs included in the title.

Mr. Chairman, the stakes are high for the American economy.

Education is an investment, not a luxury.

It is an investment in our children, our economy, our security, and our future.

We are facing intense foreign economic competition.

Our military increasingly uses sophisticated weaponry and needs more educated personnel.

We must not neglect the investment of education in a world of foreign competition, fast-paced change, and technological advance.

The Japanese Ministry of International Trade and Industry released a document describing Japanese plans for the 1980's. The document stated:

It is extremely important for Japan to make the most of her brain resources, to develop creative technologies of her own, to maintain and develop her industries international superiority.

Mr. Chairman, education and training have been a major part of the Japanese success story. They should be a greater part of ours.

Most of us have made speeches about the need for education. The President has made it a major theme. The voters are watching. I urge my colleagues to support the bill before us, to continue our commitment to excellence in education, and to renew our support for full access to education for all Americans through the programs included in title IV.●

● Mr. BONKER. Mr. Chairman, I would like to take this opportunity to voice my strongest support for H.R. 3520, legislation to extend and improve the Rehabilitation Act of 1973.

The goal of all handicapped individuals is to lead independent productive lives, and the vocational rehabilitation program has played a vital role in this process. Thirty years ago, the funding for vocational rehabilitation was $19 million; today it is over $1 billion. These funds have helped to fully rehabilitate over 226,000 individuals annually. Without these funds, millions would have been denied services which have aided them in developing into vital, contributing citizens.

As reported by the committee, the bill reauthorizes the major rehabilitation programs serving this Nation's physically and mentally handicapped at a level of over $1 billion annually through fiscal year 1987. The bill also provides for operation of the Helen Keller National Center for Deaf-Blind Youths and Adults and establishes a National Commission on Federal Assistance to Disabled Americans.

Few Federal efforts have resulted in the outstanding record of success achieved by our rehabilitation programs. Thousands of men and women have used these programs, and the vocational rehabilitation program in particular, to help them become respected, productive members of our society. For every Government dollar spent on rehabilitation, $10 has been returned to the Government in the form of tax revenues and reduced dependence upon public assistance programs.

All of us considering H.R. 3520 today realize that title IV of the bill has become extremely controversial in that it extends the fiscal year 1984 authorization of 10 programs unrelated to rehabilitation. Many of my colleagues are arguing that these unrelated reauthorizations are inappropriate in H.R. 3520. I do not agree. Without this bill, many important programs will be tied to authorization levels set by the Budget Reconciliation Act of 1981, rather than those assumed in the first budget resolution for fiscal year 1984. For many of our Nation's citizens served by these programs, the result could be disastrous.

As chairman of the Aging Committee's Subcommittee on Housing and Consumer Interests, I am particularly interested in assuring that the low income energy assistance program is authorized and funded at the level rec-

ommended by the Committee on Education and Labor.

The Department of Health and Human Services has informally estimated that at least 40 percent of low-income energy assistance recipients are over the age of 65. Since the elderly are especially susceptible to both hypothermia and hyperthemia, these energy assistance payments are often life sustaining.

There is no reason to believe that the growing need for energy assistance is dwindling. In fact, all the evidence points to a growing demand. We know that older Americans pay a much higher proportion of their incomes on low-income energy than other Americans, as much as 35 percent in the coldest parts of the country. This situation can only worsen for the elderly poor as their incomes continue to lag behind the pace of inflation.

The increased authorization recommended by the committee is $175 million above the fiscal year 1983 appropriated level of $2.075 billion. The increase is barely sufficient to fund individuals already in need of program benefits let alone those whose needs have not been met. Compliance with the 1981 Reconciliation Act's authorization level of $1.85 billion would place an undue hardship on too many older Americans. I hope all of my colleagues in the House will keep this fact in mind as consideration of H.R. 3520 continues today.●

● Mr. WEISS. Mr. Speaker, today the House has an opportunity to reaffirm its commitment to reviving the economy while assisting this Nation's handicapped, poor, and disadvantaged. Without the passage of H.R. 3520, the Vocational Rehabilitation Act Amendments of 1983, our efforts to reverse some of economically and socially debilitating effects of the "drop dead" Reagan budget and Gramm-Latta II will be for naught. The Congress has endorsed funding increases for education and social service programs in the first concurrent budget resolution for fiscal year 1984. However, if we do not increase authorization levels for the programs included in H.R. 3520, the budget resolution will become a symbol of false hope to the potential beneficiaries of these rehabilitation, social service, and education programs.

The effects of cutbacks in human service programs during Ronald Reagan's first 2 years in office are increasingly evident. Unemployment is at 9.3 percent and amount youths, it is 22.8 percent; poverty and malnutrition are on the rise; our public schools are in a state of crisis. H.R. 3520 can begin, slowly, to address some of these problems.

The Vocational Rehabilitation Act has successfully trained handicapped people so they can work. Furthermore, within 4 years of completing the program, the average trainee/worker has paid for the program through his or her income taxes. Vocational rehabilitation, along with adult and vocational education, whose authorization levels are raised in this legislation, contributes to rejuvenating the lives of handicapped Americans as well as our economy, and reducing the rate of unemployment.

One of the most successful programs to address the effects of proverty is the WIC—Women, Infants and Children—nutrtion program. Studies document WIC's central relationship to reduced infant mortality and its role in diminishing the number of infants who need hospitalization and their attendant costs. If the WIC authorization level is not increased, 500,000 pregnant mothers, infants, and young children at risk will be cut from the program in fiscal year 1984.

Finally, at a time when this country is concerned about the quality of its education system, we have an opportunity to increase our commitment to two exceptional education programs: Chapter I and the education of all handicapped children. Both of these programs provide essential assistance for children who have traditionally been overlooked by the education system. The education of disadvantaged and handicapped children is a high-return investment in this country's future.

Reaganomics and Gramm-Latta II have not produced the promised economic recovery. Instead we are faced with the largest Federal budget deficit in U.S. history. Borrowing against our children's future is the same as borrowing against the future of this country. We must provide the foundation for a stronger economy that can support all our people, not just the wealthy few. H.R. 3520 tests the House's will to begin to lay this foundation and to right the errors of the Reagan administration. I urge my colleagues to vote for H.R. 3520.●

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor, pursuant to House Resolution 283, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

□ 1800

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill, H.R. 3520, to the Committee on Education and Labor with instructions to report the same back forthwith with the following amendment: On page 25, after line 25, insert the following new subsection:

"(d) No education funds authorized pursuant to this Title shall be expended in any school district or other political subdivision responsible for education unless such school district or political subdivision has a procedure for determining functional literacy as a condition for graduation from secondary public schools."

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ERLENBORN) is recognized for 5 minutes in support of his motion to recommit.

Mr. ERLENBORN. Mr. Speaker, the amendment included in the motion to recommit is identical with the Gregg amendment that was offered earlier in the Committee of the Whole House on the State of the Union, on which there was not a vote ordered. It is my intention to ask for the yeas and nays on the motion to recommit that would include these instructions to adopt the Gregg amendment.

Mr. Speaker, I do not think that we need to debate that amendment again. This is a simple provision that says that the funds expended under the authority of title IV, as far as they apply to education funds, may not be expended in any school district unless they have in place a system for determining functional literacy as a condition for graduation from secondary public schools.

I think the debate earlier in the day made it clear that there are some of us who think that we should get some results for the Federal funds that have been and will be expended in the future for education. We have had the

national debate on education, and I think that one of the minor—I should not say "minor"; it is a very important—but the very simplest of those goals for educational systems ought to be to produce functional literates from our high schools, and this amendment would establish that as a Federal goal.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding.

Mr. Speaker, as I understand, the purpose of the gentleman's motion is simply to provide this House with an opportunity to vote on the earlier amendment to require a literacy requirement offered by the gentleman from New Hampshire (Mr. GREGG) and to provide this House with an opportunity to have a recorded vote on that amendment.

Mr. ERLENBORN. The gentleman is correct.

Mr. PERKINS. Mr. Speaker, I rise in opposition to the motion to recommit with instructions to include the Gregg amendment.

Mr. Speaker, in the history of education legislation Congress has prohibited Federal officials from control over local school policy. The Gregg amendment would impose Federal control on the States and local school districts by barring any of these funds unless school districts have functional literacy tests.

This will just cause an unrest throughout the whole country and it will destroy our Federal programs throughout the country because State legislatures in many States will not have time to comply. The States certainly will never accept an amendment of this type involving this heavy-handed Federal control. It will work differently in different parts of the country.

I would ask all the Members to vote against Federal control, which this amendment imposes. We have never done it in the history of Federal aid legislation. These gentlemen in my judgment themselves do not believe in this amendment. They just want to stop the flow of Federal funds, in my judgment, and this is just what this amendment will do. I urge everybody to vote against it.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank my chairman for yielding.

Mr. Speaker, I rise in opposition to this amendment to recommit this important legislation.

During the early growth of this Nation, the institutions that aided this growth, such as education, were highly valued by the people of this land. Life was simpler then and so too was the world of work and the Nation's economy. Job skills could be easily acquired in the workplace through apprenticeship since our technological sophistication was then also relatively simple.

Advances in our technological sophistication led not only to the enjoyment of a high standard of living but also to increasing compartmentalization of work. Job skills became more and more fragmented, resulting in the need for more formalized job skills training. Vocational education was this Nation's response to that need and for many years we have trained much of America's work force in vocational education classrooms across this great land. And this training has contributed significantly to our developing status as a world leader.

Rapid change in technology, in manufacturing, in trade strategies—in fact, in all aspects of economic life—has become the benchmark of modern times. But this change has not proceeded evenly on all fronts. For example, over the past several years, some Americans have begun to take their educational system for granted, displaying less and less willingness to support and fund the kinds of innovative changes that are needed to keep this system up to date and capable of adequately supporting the high standard of living we currently enjoy.

As a consequence of that lack of universal support, America's educational system has suffered—so much so that some say the Nation is at risk. While not all the votes are in on just how much at risk we are, it is clear that if we are to continue to prosper, if we are to continue to lead the world, if we are to maintain our defensive capabilities, education, and vocational education, must be advanced to top priority status at all levels of government.

Vocational education is a critical component of our overall education effort. At a time when high unemployment rates are becoming common, when industrial and technological skills are undergoing rapid transitions and when survival depends on quality education, it would be disastrous to be pennywise and pound foolish. I urge my colleagues to support this bill (H.R. 3520) so that vocational education and other key educational initiatives will begin to receive the funds needed to provide Americans with quality education.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 128, nays 275, not voting 30, as follows:

[Roll No. 332]

YEAS—128

Archer	Green	Oxley
Badham	Gregg	Packard
Bartlett	Hansen (ID)	Parris
Bateman	Hansen (UT)	Paul
Bereuter	Hartnett	Porter
Bilirakis	Hiler	Regula
Bliley	Hillis	Ridge
Breaux	Hopkins	Ritter
Broomfield	Hunter	Roberts
Brown (CO)	Hutto	Robinson
Broyhill	Hyde	Roemer
Bryant	Kemp	Roth
Burton (IN)	Kindness	Rudd
Campbell	Kramer	Sawyer
Carney	Lagomarsino	Schaefer
Chappie	Latta	Sensenbrenner
Cheney	Lent	Shaw
Clinger	Lewis (CA)	Shumway
Coats	Lewis (FL)	Shuster
Coleman (MO)	Livingston	Siljander
Conable	Loeffler	Skeen
Conte	Lott	Smith (NE)
Coughlin	Lowery (CA)	Smith, Denny
Crane, Daniel	Lujan	Smith, Robert
Crane, Philip	Lungren	Solomon
Dannemeyer	Marriott	Spence
Daub	Martin (NC)	Stangeland
Dickinson	Martin (NY)	Stenholm
Dreier	McCain	Tauzin
Edwards (AL)	McCandless	Thomas (CA)
Edwards (OK)	McCollum	Vander Jagt
Emerson	McDade	Vucanovich
Erlenborn	McEwen	Walker
Evans (IA)	McGrath	Weber
Fiedler	McKernan	Whitehurst
Fields	Michel	Whittaker
Fish	Miller (OH)	Winn
Forsythe	Molinari	Wolf
Franklin	Montgomery	Wortley
Gekas	Moore	Wylie
Goodling	Moorhead	Young (FL)
Gradison	Myers	Zschau
Gramm	Nielson	

NAYS—275

Ackerman	Bonior	Dicks
Addabbo	Bonker	Dingell
Akaka	Borski	Dixon
Albosta	Bosco	Donnelly
Alexander	Boucher	Dorgan
Anderson	Boxer	Dowdy
Andrews (NC)	Britt	Downey
Andrews (TX)	Brooks	Duncan
Annunzio	Brown (CA)	Durbin
Anthony	Burton (CA)	Dwyer
Applegate	Byron	Dymally
Aspin	Carper	Dyson
AuCoin	Carr	Early
Barnard	Chandler	Eckart
Barnes	Chappell	Edgar
Bates	Coleman (TX)	Edwards (CA)
Bedell	Conyers	English
Beilenson	Cooper	Erdreich
Bennett	Courter	Evans (IL)
Berman	Coyne	Fascell
Bethune	Crockett	Fazio
Bevill	D'Amours	Feighan
Biaggi	Daniel	Ferraro
Boehlert	Daschle	Florio
Boggs	Davis	Foglietta
Boland	de la Garza	Foley
Boner	DeWine	Ford (MI)

Ford (TN)	Long (MD)	Roybal
Fowler	Lowry (WA)	Russo
Frank	Luken	Sabo
Frenzel	Lundine	Savage
Frost	Mack	Scheuer
Fuqua	MacKay	Schneider
Garcia	Markey	Schroeder
Gaydos	Marlenee	Schumer
Gejdenson	Martinez	Seiberling
Gephardt	Matsui	Shannon
Gibbons	Mavroules	Sharp
Gilman	Mazzoli	Shelby
Glickman	McCloskey	Sikorski
Gonzalez	McCurdy	Simon
Gore	McHugh	Sisisky
Gray	McKinney	Skelton
Guarini	McNulty	Slattery
Gunderson	Mica	Smith (FL)
Hall (IN)	Miller (CA)	Smith (IA)
Hall (OH)	Mineta	Smith (NJ)
Hall, Ralph	Minish	Snowe
Hall, Sam	Mitchell	Snyder
Hamilton	Moakley	Solarz
Hammerschmidt	Mollohan	Spratt
Harrison	Moody	St Germain
Hatcher	Morrison (CT)	Staggers
Hawkins	Morrison (WA)	Stark
Hayes	Mrazek	Stokes
Hefner	Murphy	Stratton
Hertel	Murtha	Studds
Hightower	Natcher	Sundquist
Horton	Neal	Swift
Hoyer	Nelson	Synar
Huckaby	Nichols	Tallon
Hughes	Nowak	Taylor
Ireland	Oakar	Thomas (GA)
Jacobs	Oberstar	Torres
Jeffords	Obey	Torricelli
Jenkins	Olin	Towns
Johnson	Ortiz	Traxler
Jones (NC)	Ottinger	Udall
Jones (OK)	Owens	Valentine
Jones (TN)	Panetta	Vandergriff
Kaptur	Patman	Vento
Kasich	Pease	Volkmer
Kastenmeier	Penny	Walgren
Kazen	Pepper	Watkins
Kennelly	Perkins	Waxman
Kildee	Petri	Weaver
Kogovsek	Pickle	Weiss
Kolter	Price	Wheat
Kostmayer	Pritchard	Whitley
LaFalce	Pursell	Williams (MT)
Lantos	Quillen	Williams (OH)
Leach	Rahall	Wilson
Leath	Rangel	Wirth
Lehman (CA)	Ratchford	Wise
Lehman (FL)	Ray	Wolpe
Leland	Reid	Wright
Levin	Richardson	Wyden
Levine	Rinaldo	Yates
Levitas	Rodino	Yatron
Lipinski	Rose	Young (MO)
Lloyd	Roukema	Zablocki
Long (LA)	Rowland	

NOT VOTING—30

Clarke	Hance	Pashayan
Clay	Harkin	Patterson
Coelho	Heftel	Roe
Collins	Holt	Rogers
Corcoran	Howard	Rostenkowski
Craig	Hubbard	Schulze
Dellums	Madigan	Stump
Derrick	Martin (IL)	Tauke
Flippo	Mikulski	Whitten
Gingrich	O'Brien	Young (AK)

□ 1820

The Clerk announced the following pairs:

On this vote:

Mr. Corcoran for, with Ms. Mikulski against.

Mr. Madigan for, with Mr. Derrick against.

Mr. Schulze for, with Mr. Roe against.

Mr. Pashayan for, with Mr. Howard against.

Mrs. Martin of Illinois for, with Mr. Craig against.

Mr. TAUZIN changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. PERKINS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will announce that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 79, not voting 30, as follows:

[Roll No. 333]

YEAS—324

Ackerman	Downey	Jones (NC)
Addabbo	Duncan	Jones (OK)
Akaka	Durbin	Jones (TN)
Albosta	Dwyer	Kaptur
Alexander	Dymally	Kasich
Anderson	Dyson	Kastenmeier
Andrews (NC)	Early	Kazen
Andrews (TX)	Eckart	Kennelly
Annunzio	Edgar	Kildee
Anthony	Edwards (AL)	Kindness
Applegate	Edwards (CA)	Kogovsek
Aspin	Emerson	Kolter
AuCoin	English	Kostmayer
Barnard	Erdreich	LaFalce
Barnes	Evans (IA)	Lantos
Bates	Evans (IL)	Leath
Bedell	Fascell	Lehman (CA)
Beilenson	Fazio	Lehman (FL)
Bennett	Feighan	Leland
Bereuter	Ferraro	Lent
Berman	Fiedler	Levin
Bethune	Fish	Levine
Bevill	Florio	Levitas
Biaggi	Foglietta	Lewis (CA)
Boehlert	Foley	Lewis (FL)
Boggs	Ford (MI)	Lipinski
Boland	Ford (TN)	Livingston
Boner	Fowler	Lloyd
Bonior	Frank	Long (LA)
Bonker	Frost	Long (MD)
Borski	Fuqua	Lowery (CA)
Bosco	Garcia	Lowry (WA)
Boucher	Gaydos	Lujan
Boxer	Gejdenson	Luken
Breaux	Gephardt	Lundine
Britt	Gibbons	MacKay
Brooks	Gilman	Markey
Broomfield	Glickman	Marlenee
Brown (CA)	Gonzalez	Martin (NC)
Brown (CO)	Goodling	Martin (NY)
Bryant	Gore	Martinez
Burton (CA)	Gradison	Matsui
Byron	Gray	Mavroules
Campbell	Green	Mazzoli
Carney	Guarini	McCain
Carper	Gunderson	McCloskey
Carr	Hall (IN)	McCollum
Chandler	Hall (OH)	McCurdy
Chappell	Hall, Ralph	McDade
Chappie	Hall, Sam	McEwen
Clinger	Hamilton	McGrath
Coleman (MO)	Hammerschmidt	McHugh
Coleman (TX)	Harkin	McKernan
Conte	Harrison	McKinney
Conyers	Hatcher	McNulty
Cooper	Hawkins	Mica
Coughlin	Hayes	Miller (CA)
Coyne	Hefner	Mineta
Crockett	Hertel	Minish
D'Amours	Hightower	Mitchell
Daschle	Hillis	Moakley
Daub	Horton	Molinari
Davis	Hoyer	Mollohan
de la Garza	Huckaby	Moody
Dicks	Hughes	Moore
Dingell	Hutto	Morrison (CT)
Dixon	Ireland	Morrison (WA)
Donnelly	Jacobs	Mrazek
Dorgan	Jenkins	Murphy
Dowdy	Johnson	Murtha
Natcher	Roukema	Synar
Neal	Rowland	Tallon
Nelson	Roybal	Tauzin
Nichols	Russo	Taylor
Nowak	Sabo	Thomas (GA)
Oakar	Savage	Torres
Oberstar	Scheuer	Torricelli
Obey	Schneider	Towns
Olin	Schroeder	Traxler
Ortiz	Schumer	Udall
Ottinger	Seiberling	Valentine
Owens	Shannon	Vander Jagt
Oxley	Sharp	Vandergriff
Panetta	Shelby	Vento
Parris	Sikorski	Volkmer
Patman	Simon	Walgren
Pease	Sisisky	Watkins
Penny	Skeen	Waxman
Pepper	Skelton	Weaver
Perkins	Slattery	Weber
Petri	Smith (FL)	Weiss
Pickle	Smith (IA)	Wheat
Price	Smith (NE)	Whitley
Pritchard	Smith (NJ)	Williams (MT)
Pursell	Snowe	Williams (OH)
Quillen	Snyder	Wilson
Rahall	Solarz	Wirth
Rangel	Spence	Wise
Ratchford	Spratt	Wolf
Ray	St Germain	Wolpe
Regula	Staggers	Wright
Reid	Stangeland	Wyden
Richardson	Stark	Wylie
Ridge	Stokes	Yates
Rinaldo	Stratton	Yatron
Rodino	Studds	Young (FL)
Rose	Sundquist	Young (MO)
Roth	Swift	Zablocki

NAYS—79

Archer	Gregg	Porter
Badham	Hansen (ID)	Ritter
Bartlett	Hansen (UT)	Roberts
Bateman	Hartnett	Robinson
Bilirakis	Hiler	Roemer
Bliley	Hopkins	Rudd
Broyhill	Hunter	Sawyer
Burton (IN)	Hyde	Schaefer
Cheney	Jeffords	Sensenbrenner
Coats	Kemp	Shaw
Conable	Kramer	Shumway
Courter	Lagomarsino	Shuster
Crane, Daniel	Latta	Siljander
Crane, Philip	Loeffler	Smith, Denny
Daniel	Lott	Smith, Robert
Dannemeyer	Lungren	Solomon
DeWine	Mack	Stenholm
Dickinson	Marriott	Thomas (CA)
Dreier	McCandless	Vucanovich
Edwards (OK)	Michel	Walker
Erlenborn	Miller (OH)	Whitehurst
Fields	Montgomery	Whittaker
Forsythe	Moorhead	Winn
Franklin	Myers	Wortley
Frenzel	Nielson	Zschau
Gekas	Packard	
Gramm	Paul	

NOT VOTING—30

Clarke	Hance	Pashayan
Clay	Heftel	Patterson
Coelho	Holt	Roe
Collins	Howard	Rogers
Corcoran	Hubbard	Rostenkowski
Craig	Leach	Schulze
Dellums	Madigan	Stump
Derrick	Martin (IL)	Tauke
Flippo	Mikulski	Whitten
Gingrich	O'Brien	Young (AK)

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Dellums for, with Mr. Corcoran against.

Ms. Mikulski for, with Mr. Craig against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Kentucky?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would inquire of the chairman, because we could not hear on this side of the aisle, as to what the request was.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, all I am trying to do is to go to conference, I will inform the gentleman from Texas.

Mr. BARTLETT. The purpose of the gentleman from Kentucky is to send this bill on to conference as quickly as possible?

Mr. PERKINS. That is correct.

Mr. BARTLETT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rehabilitation Amendments of 1983".

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. (a) Section 7(7) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by adding at the end thereof the following new paragraph:

"(C) The term 'individual' with respect to a handicapped individual means, for the purposes of title I, any individual who has attained sixteen years of age.".

(b) Section 7(12) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, type of services provided, types of facilities or agencies which furnished services and whether each such facility or agency is public or private, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. (a) Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluation required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

(b) Section 14 of the Act is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Not later than September 30, 1984, the Secretary shall evaluate, in accordance with the standards required under section 621(a)(3) and section 711(e) of this Act—

"(1) the effectiveness of the projects with industry program authorized under section 621 of this Act; and

"(2) the effectiveness of, and alternative means of financing for, Independent Living Services and Centers authorized by section 711 of this Act.

The Secretary shall prepare and submit to the Congress interim reports every ninety days and a final report of the evaluations required by this subsection not later than December 31, 1984.".

ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitative Services".

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Education".

(b)(1) Section 202(q) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such Act is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows:

"(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $993,900,000 for the fiscal year 1984, $1,047,600,000 for the fiscal year 1985, and $1,103,000,000 for the fiscal year 1986.".

(b) The first sentence of section 100(b)(2) of the Act is amended to read as follows:

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

ADDITIONAL PAYMENTS REPEALED

SEC. 112. (a)(1) Section 110(b) of the Act is repealed.

(2) Section 110 of the Act is amended by redesignating subsection (c) as subsection (b).

(b) Section 111(a) of the Act is amended—

(1) by striking out "(including any additional payment to it under section 110(b))";

(2) by striking out "(and its additional payment under subsection (b), if any)"; and

(3) by striking out ", and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act".

(c) The repeals and amendments made by this section shall take effect October 1, 1986.

CLIENT ASSISTANCE

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (g), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than September 30, 1985, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State;

"(2) is not administered by the State Vocational Rehabilitation Agency; and

"(3) is independent of any agency which provides treatment, services, or rehabilitation to handicapped individuals under this Act.

"(c) The Governor shall designate a public or private agency to conduct the client assistance program required by this section and be accountable for the proper use of funds appropriated for its use.

"(d)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (e).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"(e) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

"(f) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this Act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The program shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of the program, including appropriate recommendations.

"(g) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.".

(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

SEC. 114. The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including—

"(1) programs to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

PART B—RESEARCH

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. Section 201(a) of the Act is amended to read as follows: "There are authorized to be appropriated $36,000,000 for the fiscal year 1984, $38,000,000 for the fiscal year 1985, and $40,000,000 for the fiscal year 1986 to carry out the provisions of this title.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 122. (a) Section 202(a) of the Act is amended by striking out "health, education, and welfare" both times it appears and inserting in lieu thereof "education" each such time.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

RESEARCH

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation-related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.".

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311(b)".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single payment under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed five per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987".

VOCATIONAL TRAINING

SEC. 132. (a) Section 302(a) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986".

(b) Section 302(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) No grant under this subsection shall be continued for more than two years unless the project meets standards relating to employment and earnings prescribed by the Commissioner or unless the Commissioner determines that acceptable remedial measures have been taken by the grantee.".

TRAINING

SEC. 133. (a)(1) Section 304(a) of the Act is amended—

(A) by inserting "(A)" after "including" the second time it appears;

(B) by inserting after "placement services" a comma and the following: "(B) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance programs,"; and

(C) by inserting "(C)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.

(b) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" each time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may include".

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.".

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

(2) The first sentence of section 304(e) of the Act (as redesignated by paragraph (1)) is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $26,800,000 for the fiscal year 1985, and $28,300,000 for the fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134. Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

SEC. 135. Section 310(a) of the Act is amended—

(1) by inserting after "313" the following: "and section 316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new sentence: "The Director of the National Institute of Handicapped Research may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations for spinal cord injuries.".

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence: "The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsections:

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for applying new types or patterns of services for individuals with mental retardation to enter into the labor force.

"(2) Services under this subsection may include—

"(A) jobs-search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advance-learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(d)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperative efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advance-learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

HELEN KELLER NATIONAL CENTER AUTHORIZATION OF APPROPRIATIONS

SEC. 137. (a) Section 313(e) of the Act is amended by striking out "such sums as may be necessary for each fiscal year before October 1, 1982" and inserting in lieu thereof "$3,700,000 for fiscal year 1984, $3,900,000 for fiscal year 1985, and $4,100,000 for fiscal year 1986".

SPECIAL RECREATIONAL PROGRAMS AUTHORIZATION OF APPROPRIATIONS

SEC. 138. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

SEC. 141. Section 400 of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the executive branch of the Federal Government".

DUTIES

SEC. 142. Section 401 of the Act is amended—

(1) by striking out "Commissioner, the appropriate Assistant Secretary of the Department of Health, Education, and Welfare" in clause (3) and inserting in lieu thereof "President and the Congress";

(2) by striking out "the Secretary, the Commissioner" in clause (5) and inserting in lieu thereof "President and the Congress";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

STAFF

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1984".

PART F—EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units".

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) The Commissioner shall develop and publish standards to assure satisfactory performance under agreements entered into under this subsection not later than July 1, 1984. No standards may be established under this paragraph unless the standards are approved by the National Council on the Handicapped.

"(4)(A) The Commissioner shall continue to provide financial assistance under each agreement of this section if—

"(i) the parties to that agreement include provisions for agreement which are at least as stringent as the standards established under paragraph (3); and

"(ii) the Commissioner determines that the parties to that agreement have substantially met the performance standards set forth in the agreement.

"(B) The parties to each agreement receiving assistance under this section in the fiscal year in which this paragraph is enacted shall continue to receive assistance until October 1, 1984, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

EQUITABLE DISTRIBUTION

SEC. 163. Section 621 of the Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. Section 623 of the Act is amended by striking out "of this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621 $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

PART G—SERVICES FOR INDEPENDENT LIVING

EVALUATION

SEC. 171. Section 711 of the Act is amended by adding at the end thereof the following new paragraphs:

"(e)(1) The Commissioner shall, not later than July 1, 1984, develop and publish standards to review and evaluate the operation of independent living centers receiving assistance under this title and make recommendations for the improvement and continuation of each such center and for the support of new independent living centers. No standards may be established under this paragraph unless the standards are approved by the National Council on the Handicapped.

"(2) In the development of the standards required by this subsection the Commissioner shall obtain the recommendations of independent living centers and professionals and associations serving handicapped individuals, particularly associations engaged in rehabilitation research.

"(f) Each independent living center receiving assistance under this title in the fiscal year in which this subsection is enacted shall continue to receive assistance until such time as the final evaluation report required by section 14 has been submitted to the appropriate committees of the House of Representatives and Senate, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 172. (a)(1) Section 731 of the Act the second time it appears is redesignated as section 741.

(2) The table of contents of the Act is amended by striking out "SEC. 731" after part E and inserting in lieu thereof "SEC. 741".

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for each of the fiscal years 1984, 1985, and 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

TITLE II—DEVELOPMENTAL DISABILITIES

ADMINISTRATIVE AMENDMENT

SEC. 201. Section 102(11) of the Developmental Disability Assistance and Bill of Rights Act (hereafter in this title referred to as the "Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 202. The first sentence of section 113(b)(2) of the Act is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $8,400,000 for fiscal year 1984.".

UNIVERSITY AFFILIATED FACILITIES

SEC. 203. (a) Section 123 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

SEC. 204. Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

SEC. 205. Section 145(f) of the Act is amended to read as follows:

"(f) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves to strike all after the enacting clause of the Senate bill, S. 1340, and to insert in lieu thereof the provisions of the bill H.R. 3520, as passed, as follows:

TITLE I—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SHORT TITLE

SECTION 101. This title may be cited as the "Rehabilitation Act Amendments of 1983".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

SEC. 102. (a)(1) Section 100(b)(1) of the Rehabilitation Act of 1973 (hereinafter in this title referred to as "the Act") is amended by inserting "(A)" after "(b)(1)" and by inserting at the end thereof the following: "There is further authorized to be appropriated for such purpose $1,037,800,000 for fiscal year 1984, and the amount determined under subsection (c) for each of the four succeeding fiscal years.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985, 1986, 1987, and 1988. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4).".

(2) Section 100(b)(2) of the Act is amended—

(A) in the first sentence by striking out "and" immediately before "$60,000,000" and by inserting immediately before the period at the end of such sentence ", and such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986"; and

(B) by striking out all of the second sentence.

(3) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three" and inserting in lieu thereof "fiscal year 1984, and each of the two".

(b) Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

(c) Section 110(a) of the Act is amended—

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section

100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of all the States.".

(d) Section 112(a) of the Act is amended by inserting "and no less than $3,500,000 for fiscal year 1984 and each of the two succeeding fiscal years," after "fiscal years,".

(e) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR AND REVISIONS IN RESEARCH AND TRAINING

SEC. 103. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years".

(b) Section 201(a)(2) of the Act is amended by striking out "$50,000,000" and all that follows through the end of such paragraph and inserting in lieu thereof "such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 204(b)(1) of the Act is amended by inserting at the end thereof the following:

"Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority and grants shall not be prohibited from including faculty support for teaching of credit and other courses offered by the institutions of higher education affiliated with the center.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR AND REVISIONS IN SUPPLEMENTARY SERVICES AND FACILITIES

SEC. 104. (a) Section 301(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986" and by striking "1983" and inserting in lieu thereof "1987".

(b) Section 302(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

(c)(1) Sections 304(a) and 304(c) of the Act are amended by inserting "qualified" immediately before "personnel" where it first appears in each such subsection.

(2) Section 304(b) of the Act is amended by striking out "will be" and all that follows through "institutions, to" and inserting in lieu thereof "shall be targeted on areas of personnel shortage which may".

(3) Section 304(c) of the Act is amended by inserting at the end thereof the following: "The Commissioner shall submit annually (together with the budget submission for the forthcoming year for the Rehabilitation Services Administration) a report indicating and justifying in detail how the current year's training funds are allocated by professional discipline and other program areas. The report shall also identify specifically the Commissioner's shortage findings, how funds proposed for the succeeding year would be allocated under the President's budget proposal, and what findings of shortage of personnel justify such allocations.".

(4) Section 304 of the Act is amended by redesignating the second subsection (d) as subsection (e).

(5) Section 304(e) of the Act (as so redesignated) is amended—

(A) by striking out in the first sentence "$34,000,000" and all that follows through the end of such sentence, and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986."; and

(B) by striking out the second sentence.

(d) Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for the two succeeding fiscal years".

(e) Section 310(a) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

NATIONAL COUNCIL ON THE HANDICAPPED

SEC. 105. (a)(1) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

(2)(A) On the effective date of the Rehabilitation Act Amendments of 1983, the National Council on the Handicapped shall be an independent agency within the executive branch and shall not be an agency within the Department of Education or any other department or agency of the United States.

(B) There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of this Act. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of this Act.

(C) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

(b) Section 401 of the Act is amended by—

(1) striking out "and" at the end of paragraph (5);

(2) striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) inserting after paragraph (6) the following new paragraph:

"(7) provide to the Congress, on a continuing basis, such advice, recommendations, and additional information as are considered appropriate by the Council or the Congress.".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 106. Section 502(i) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR EMPLOYMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

SEC. 107. (a) Section 617 of the Act is amended by striking out "$35,000,000" and all that follows through the end of such section and inserting in lieu thereof "such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(b) Section 621(a)(1) of the Act is amended by inserting ", designated State units," after "individual employers".

(c) Section 623 of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

SEC. 108. Section 731 of part E of the Act is amended—

(1) in subsection (a) by striking out "$80,000,000" and all that follows through the end of such subsection, and inserting in lieu thereof "such sums as may be necessary for fiscal years 1984, 1985, and 1986"; and

(2) in subsection (c)(1) by striking out "the fiscal year ending September 30, 1979," and all that follows through the end of paragraph (1), and inserting in lieu thereof "fiscal years 1984, 1985, and 1986.".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 109. (a) Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

(b) Section 204(b)(3) of the Act is amended by striking out "303(b)" and inserting in lieu thereof "311".

(c) Section 731 of part E of the Act is amended by redesignating such section as section 741.

EFFECTIVE DATE

SEC. 110. This title shall take effect October 1, 1983.

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

SEC. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Govern-

ment to be the primary source of such support.

AUTHORIZATION FOR THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

SEC. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title.

(c) The purposes of the Center are as follows:

(1) To provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual.

(2) To train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals.

(3) To conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the Center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated such sums as may be necessary to carry out the purpose of this title for fiscal year 1984 and each of the four subsequent fiscal years. Such sums shall remain available until expended.

(b) Any appropriation Act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the Center.

DEFINITIONS

SEC. 206. For purposes of this title—

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means an individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller National Center.".

(b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

TITLE III—NATIONAL COMMISSION ON FEDERAL ASSISTANCE TO DISABLED AMERICANS

SHORT TITLE

SEC. 301. This title may be cited as the "National Commission on Federal Assistance to Disabled Americans Act".

FINDINGS

SEC. 302. The Congress finds that—

(1) an extensive Federal investment is made in disabled Americans through entitlement and discretionary programs;

(2) given the increased emphasis on community-based services, on fuller integration in schools and the workplace, and on greater independence and the reaffirmation of the right to dignity of disabled Americans, Federal programs which assist disabled Americans must be targeted in an appropriate and coordinated manner to complement this emphasis;

(3) Federal programs that assist the disabled have overlapping, contradictory, unique, and sometimes restrictive requirements that prevent coordination of, limit access to, and constrain the potential of such programs;

(4) before the Congress can consider statutory options which, to the extent appropriate, redirect the emphasis of programs and remove barriers to the individual and collective effectiveness of programs, a careful and comprehensive review of the issues must be made; and

(5) a national commission is needed to review and debate the issues and then make recommendations to the President and Congress regarding necessary statutory revisions in existing Federal legislation which assists disabled Americans.

PURPOSE

SEC. 303. It is the purpose of this title to establish a select commission—

(1) to examine Federal legislation which helps disabled Americans through education, income support, rehabilitation, training, medical assistance, housing, transportation, and food acquisition programs;

(2) to focus national attention on the need to identify and remove unwarranted barriers to the effectiveness of such programs given the national emphasis on community based services for and the integration and independence of disabled Americans; and

(3) to provide Congress and the President with specific statutory recommendations for improving current legislation.

ESTABLISHMENT

SEC. 304. There is established a select commission to be known as the National Commission on Federal Assistance to Disabled Americans (hereinafter in this title referred to as the "Commission").

DUTIES

SEC. 305. The Commission shall—

(1) review all statutes pertaining to Federal programs which assist disabled Americans;

(2) make a priority listing of such programs based on the number of disabled Americans they assist and the Federal costs on such programs;

(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for disabled Americans, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals; and

(4) recommend to the President and the Congress legislative mechanisms for increasing incentives and eliminating disincentives in Federal programs assisting disabled Americans.

REPORTING

SEC. 306. The Commission shall—

(1) submit to the Congress and the President an interim report of its recommendations within twelve months of its first meeting; and

(2) submit to the Congress and the President a final report of its recommendations not later than eighteen months after its first meeting.

MEMBERSHIP

SEC. 307. (a) The Commission shall be composed of sixteen members as follows:

(1) one member appointed by the Secretary of Education;

(2) one member appointed by the Secretary of Health and Human Services;

(3) one member appointed by the Secretary of Labor;

(4) one member appointed by the Secretary of Transportation;

(5) one member appointed by the Attorney General;

(6) one member appointed by the Secretary of Agriculture;

(7) one member appointed by the Secretary of Housing and Urban Development;

(8) one member appointed by the chairman of the Committee on Finance of the Senate;

(9) one member appointed by the ranking minority member of the Committee on Finance of the Senate;

(10) one member appointed by the chairman of the Committee on Labor and Human Resources of the Senate;

(11) one member appointed by the ranking minority member of the Committee on Labor and Human Resources of the Senate;

(12) one member appointed by the chairman of the Committee on Education and Labor of the House of Representatives;

(13) one member appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives;

(14) one member appointed by the chairman of the Committee on Ways and Means of the House of Representatives;

(15) one member appointed by the ranking minority member of the Committee on Ways and Means of the House of Representatives; and

(16) the Chairman of the National Council on the Handicapped (or a delegate).

(b) Members shall be selected for appointment based on their knowledge of or direct experience with Federal programs which assist disabled Americans.

(c) Members of the Commission shall be appointed for the life of the Commission.

(d) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties of the Commission.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f) The Chairman of the National Council on the Handicapped shall act as chairman until the first meeting of the Commission when the Commission shall elect a chairman from among the members.

(g) Members shall be appointed within ninety days after the date of enactment of this title.

(h) The first meeting of the Commission shall be held not later than one hundred and twenty days after the date of enactment of this title. The Commission shall meet as often as is necessary to carry out its duties under this title. The date and time of all meetings of the Commission shall be at the call of the chairman or a majority of its members.

EXECUTIVE DIRECTOR AND STAFF

SEC. 308. (a) The Commission shall have an executive director who shall be appointed by the chairman of the Commission and who shall be paid at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule.

(b) Subject to such rules as may be prescribed by the Commission, the chairman of the Commission may appoint and fix the pay, at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule, of such additional personnel as the chairman considers appropriate.

(c) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-18 of the General Schedule.

(d) Subject to such rules as may be prescribed by the Commission, the chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS-18 of the General Schedule.

(e) Upon request of the Commission, the head of any department or agency of the United States is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out this title.

POWERS

SEC. 309. (a) The Commission may, for the purpose of carrying out this title, hold such hearings and conferences, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) Any member or agency of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

TERMINATION

SEC. 310. The Commission shall cease to exist ninety days after its final report is transmitted to the President and Congress.

AUTHORIZATION OF APPROPRIATIONS

SEC. 311. There is authorized to be appropriated such sums as may be necessary to carry out this title. Any sums appropriated under the authorization contained in this section shall remain available until expended.

EFFECTIVE DATE

SEC. 312. This title shall take effect October 1, 1983.

TITLE IV—OTHER AUTHORIZATIONS

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

SEC. 401. (a) Subject to subsections (b) and (c), there are authorized to be appropriated for fiscal year 1984 for programs under the jurisdiction of the Committee on Education and Labor such funding levels as are assumed under the first budget resolution (H. Con. Res. 91, as it passed the House on March 23, 1983) for fiscal year 1984.

(b) The authorizations of appropriation established under subsection (a) of this section supersede, and are not in addition to, the authorizations of appropriations (or the limitations thereon) established under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), but the authorizations of appropriations established under subsection (a) do not supersede (and are not in addition to) any authorization of appropriations enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981.

(c) For the purposes of subsection (a), the programs under the jurisdiction of the Committee on Education and Labor for which funding levels are assumed, and the levels which are so assumed, in the first budget resolution for fiscal year 1984, shall be deemed to be the following:

(1) The compensatory education program under chapter 1 of the Education Consolidation and Improvement Act of 1981, $3,830,000,000.

(2) The impact aid program under the Act of September 23, 1950 (Public Law 815, 81st Congress), and the Act of September 30, 1950 (Public Law 874, 81st Congress), $505,000,000.

(3) The vocational education program under the Vocational Education Act of 1963, $825,000,000.

(4) The adult education program under the Adult Education Act, $112,000,000.

(5) The arts and humanities programs under the National Foundation on the Arts and Humanities Act of 1965, $273, 900,000.

(6) The museum services programs under the Museum Services Act, $10,800,000.

(7) The community services program under the Community Services Block Grant Act, $398,000,000.

(8) (A) The low-income energy assistance program under the Low-Income Home Energy Assistance Act of 1981, $2,250,000, except that for the fiscal year 1984, 25 percent of a State's allotment percentage shall be the percentage of the total amount authorized to be appropriated under such Act which a State is eligible to receive for such year based on the low-income home energy costs in such State during the fiscal year 1983.

(B) For purposes of this paragraph—

(i) the term "low-income home energy costs" means the total amount of expenditures for home energy by low-income households, and

(ii) the term "low-income households" means households with incomes which do not exceed an amount equal to 125 percent of the official poverty line which is applicable to the State in which such household is located.

(C) The Secretary (after consultation with the Secretary of Energy) shall compile information as necessary to compute allotment percentages under subparagraph (A) and shall compute such percentages.

(9) The special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, $1,360,000,000.

EDUCATION OF THE HANDICAPPED ACT

SEC. 402. Notwithstanding any other provision of law, there are authorized to be appropriated $1,500,000,000 to carry out the education of the handicapped programs under the Education of the Handicapped Act.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF ACT

SEC. 403. Notwithstanding any other provision of law, there are authorized to be appropriated $28,000,000 for fiscal year 1984 to carry out the National Technical Institute for the Deaf Act.

TITLE V—SPECIAL IMPACT AID FOR IMMIGRANT CHILDREN EDUCATION

SHORT TITLE

SEC. 501. This title may be cited as the "Emergency Immigrant Education Act of 1983".

DEFINITIONS

SEC. 502. As used in this title—

(1) The term "immigrant children" means children who were not born in a State and who have been attending schools in any one

or more States for less than three complete academic years.

(2) The terms "elementary school", "local educational agency", "secondary school", "State", and "State educational agency" have the meanings given such terms under section 198(a) of the Elementary and Secondary Education Act of 1965.

(3) The term "elementary or secondary nonpublic schools" means schools which comply with the applicable compulsory attendance laws of the State and which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) The term "Secretary" means the Secretary of Education.

AUTHORIZATIONS AND ALLOCATION OF APPROPRIATIONS

SEC. 503. (a) There are authorized to be appropriated for each of the fiscal years 1984, 1985, and 1986, such sums as may be necessary to make payments to which State educational agencies are entitled under this title and payments for administration under section 504.

(b)(1) If the sums appropriated for any fiscal year to make payments to States under this title are not sufficient to pay in full the sum of the amounts which State educational agencies are entitled to receive under this title for such year, the allocations to State educational agencies shall be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amounts so appropriated.

(2) In the event that funds become available for making payments under this title for any period after allocations have been made under paragraph (1) of this subsection for such period, the amounts reduced under such paragraph shall be increased on the same basis as they were reduced.

STATE ADMINISTRATIVE COSTS

SEC. 504. The Secretary is authorized to pay to each State educational agency amounts equal to the amounts expended by it for the proper and efficient administration of its functions under this title, except that the total of such payments for any period shall not exceed 1.5 per centum of the amounts which that State educational agency is entitled to receive for that period under this title.

WITHHOLDING

SEC. 505. Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is failure to meet the requirements of any provision of this title, the Secretary shall notify that agency that further payments will not be made to the agency under such title, or in the discretion of the Secretary, that the State educational agency shall not make further payments under such title to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under such title, or payments by the State educational agency under such title shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

STATE ENTITLEMENTS

SEC. 506. (a) The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1984, 1985, and 1986 for the purpose set forth in section 507.

(b)(1) Except as provided in paragraph (3) and in subsections (c) and (d) of this section, the amount of the grant to which a State educational agency is entitled under this title shall be equal to the product of (A) the number of immigrant children enrolled during such fiscal year in elementary and secondary public schools under the jurisdiction of each local educational agency described under paragraph (2) within that State, and in any elementary or secondary nonpublic school within the district served by each such local educational agency, multiplied by (B) $500.

(2) The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, is equal to—

(A) at least 500; or

(B) at least 5 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever number is less.

(3)(A) The amount of the grant of any State educational agency for any fiscal year as determined under paragraph (1) shall be reduced by the amounts made available for such fiscal year under any other Federal law for expenditure within the State for the same purpose as those for which funds are available under this title, but such reduction shall be made only to the extent that (i) such amounts are made available for such purposes specifically because of the refugee, parollee, asylee, or other immigrant status of the individuals served by such funds, and (ii) such amounts are made available to provide assistance to individuals eligible for services under this title.

(B) No reduction of a grant under this title shall be made under subparagraph (A) for any fiscal year if a reduction is made, pursuant to a comparable provision in any such other Federal law, in the amount made available for expenditure in the State for such fiscal year under such other Federal law, based on the amount assumed to be available under this title.

(c)(1) Determinations by the Secretary under this section for any period with respect to the number of immigrant children shall be made on the basis of data or estimates provided to the Secretary by each State educational agency, unless the Secretary determines, after notice anbd opportunity for a hearing to the affected State-educational agency, that such data or estimates are clearly erroneous.

(2) No such determination with respect to the number of immigrant children shall operate because of an underestimate or overestimate to deprive any State educational agency of its entitlement to any payment (or the amount thereof) under this section to which such agency would be entitled had such determination been made on the basis of accurate data.

(d) Whenever the Secretary determines that any amount of a payment made to a State under this title for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this title, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

USES OF FUNDS

SEC. 507. (a) Payments made under this title to any State may be used in accordance with applications approved under section 508 for supplementary educational services and costs, as described under subsection (b) of this section, for immigrant children enrolled in the elementary and secondary public schools under the jurisdiction of the local educational agencies of the State described in section 506(b)(2) and in elementary and secondary nonpublic schools of that State within the districts served by such agencies.

(b) Financial assistance provided under this title shall be available to meet the costs of providing immigrant children supplementary educational services, including but not limited to—

(1) supplementary educational services necessary to enable those children to achieve a satisfactory level of performance, including—

(A) English language instruction;

(B) other bilingual educational services; and

(C) special materials and supplies;

(2) additional basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services, and

(3) essential inservice training for personnel who will be providing instruction described in either paragraph (1) or (2) of this subsection.

APPLICATIONS

SEC. 508. (a) No State educational agency shall be entitled to any payment under this title for any period unless that agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

(1) provide that the educational programs, services, and activities for which payments under this title are made will be administered by or under the supervision of the agency;

(2) provide assurances that payments under this title will be used for purposes set forth in section 507;

(3) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of children counted with respect to such local educational agency under section 506(b)(1), adjusted to reflect any reductions imposed pursuant to section 506(b)(3) which are attributable such local educational agency;

(4) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this title without first af-

fording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

(5) provide for making such reports as the Secretary may reasonably require to perform his functions under this title; and

(6) provide assurances—

(A) that to the extent consistent with the number of immigrant children enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of these children secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children;

(B) that the control of funds provided under this title and the title to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property; and

(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization; and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds.

(b) The Secretary shall approve an application which meets the requirements of subsection (a). The Secretary shall not finally disapprove an application of a State educational agency except after reasonable notice and opportunity for a hearing on the record to such agency.

PAYMENTS

SEC. 509. (a) Except as provided in section 503(b), the Secretary shall pay to each State educational agency having an application approved under section 508 the amount which that State is entitled to receive under this title.

(b) If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 508(a)(6), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of the title. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with section 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor."

A motion to reconsider was laid on the table. A similar House bill (H.R. 3520) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1340

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to the Senate bill S. 1340 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. BARTLETT. Mr. Speaker, reserving the right to object, the amendment that the House would be insisting on would be which amendment?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I yield to the chairman.

Mr. PERKINS. The bill that we just passed today.

Mr. BARTLETT. Is that including that the House conferees will be required to insist upon all of the bill that we just passed?

Mr. PERKINS. Yes, that is correct.

Mr. BARTLETT. Would that include title IV?

Mr. PERKINS. The usual conference.

Mr. BARTLETT. Further reserving the right to object, Mr. Speaker, would it not be in order for us to go to conference and to begin the elaborate conference that that bill is going to require and then come back to this House with the report at some future time?

Mr. PERKINS. Let me say that when we go to conference, any conferee can vote his convictions. We are not tying the hands of any of the conferees here today. We are just going to conference on the bill that we just passed here this afternoon.

Mr. BARTLETT. Further reserving the right to object, is the gentleman's request, then, to instruct or tie the hands of the conferees?

Mr. PERKINS. No instruction, no indeed.

Mr. BARTLETT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? The Chair hears none and, without objection, appoints the following conferees: Messrs. PERKINS, FORD of Michigan, BIAGGI, ANDREWS of North Carolina, SIMON, MILLER of California, MURPHY, CORRADA, WILLIAMS of Montana, KOGOVSEK, ERLENBORN, BARTLETT, GOODLING, GUNDERSON, and COLEMAN of Missouri.

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unable to respond to the motion on approving the Journal earlier today. Had I been present, I would have voted "yea" on rollcall No. 328.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT ON WEDNESDAY, SEPTEMBER 14, 1983

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Wednesday, September 14, 1983, for the purpose of marking up two bills:

H.R. 2353—A bill to amend the Deepwater Port Act of 1974 and for other purposes; and

H.R. 2883—A bill to admit certain passenger vessels to the coastwise trade (Cunard Princess and Cunard Countess).

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE) and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER) have been apprised of the markup date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Tranpsortation; which was read, and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., August 5, 1983.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee On Public Works and Transportation approved a project for the Department of Commerce, National Oceanic and Atmospheric Administration, on August 3, 1983.

The original and one copy of the authorizing resolution is enclosed

Every best wish.

Sincerely,

JAMES J. HOWARD, *Chairman.*

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I did not hear the request.

The SPEAKER pro tempore. The gentleman from Kentucky will repeat his request.

Mr. PERKINS. I ask unanimous consent that all Members who may desire to do so may have 5 legislative days in which to extend and revise their remarks on the bill just passed, H.R. 3520.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1840

NATIONAL HISPANIC HERITAGE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RICHARDSON) is recognized for 60 minutes.

Mr. RICHARDSON. Mr. Speaker, for the past 15 years we have celebrated the third week in September as National Hispanic Heritage Week. In recognition of the importance of this date and in honor of the celebration of National Hispanic Heritage Week, I have called for today's special order on the floor of the House to give all Members of Congress an opportunity to reflect on the important contributions the Hispanic community has made to the history, culture, and development of this country.

I yield to the distinguished gentleman from Texas (Mr. KAZEN.)

Mr. KAZEN. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, it is an honor and a pleasure for me to participate on this important occasion of honoring our Nation's Hispanic community and underscoring the inportance of the many contributions Hispanics have made to our country.

I commend my colleagues of the Congressional Hispanic Caucus for their leadership during National Hispanic Heritage Week. In particular, I appreciate their tireless work in cooperation with the Census and Population Subcommittee during hearings this week which will bring a great number of important issues clearly into focus.

I would urge all of my colleagues to take a long, hard look at these issues involving Hispanics, because I assure you they can no longer be ignored. Hispanics have always been a vital part of our Nation, and they are now recognized as a powerful force in determining its future direction.

Working within the system as patriotic Americans, Hispanics have achieved excellence and influence in all areas of endeavor. They continue a tradition of doing whatever is necessary at the call of this Nation, and they ask for nothing more than an even break. Unfortunately, all too often they are not getting that even break.

When I asked for assistance in fighting unemployment in the area of highest unemployment in the Nation, I was speaking primarily of Hispanic unemployment on the Texas-Mexican border.

When I have asked for emergency help in responding to the effects of the peso devaluation on our border, I have been speaking in large measure of help to Hispanics and Hispanic small business people, who have for a year now seen their ranks dwindle as economic conditions close door after door forever.

The people of Laredo and Eagle Pass and San Antonio and Uvalde consider their jobs and their businesses just as important as those in New York and Detroit, but they look at the response from the Federal Government and begin to wonder if their Government agrees.

Hispanics across the Nation appear to be disproportionately affected by economic problems, and this situation will remain a troubling issue until it is dealt with openly and honestly.

So, I appreciate the opportunity given by the National Hispanic Heritage Week to emphasize that these problems still exist, and that it is time to address them.

I am also pleased to have the opportunity to salute the Hispanic Heritage and all that it means to our country. We are talking of hard-working, family-oriented Americans.

I come from a congressional district made up of over 50 percent Mexican-Americans. They are in the mainstream of American life—business, education, culture, politics, and across the entire spectrum of the life of the community. The vast majority of my mayors, councilmen, school board members, judges, sheriffs and other officeholders are able and efficient persons of Mexican-American descent.

I was born in the barrio, and Spanish was my first language. I feel that I know these proud people as well as anyone here, and I can tell you that they will never ask for anything more than an opportunity to contribute on an equal basis with everyone else.

Throughout my career as a legislator on the State and Federal level, I have worked to achieve better educational opportunities and improved vocational training in order that these fine people will not forever be disadvantaged in competing in a complex society.

In time of war, they have conducted themselves as patriotic Americans, and many are on the rolls of those who went far beyond the call of duty in our defense. Men like Cleto Rodriguez, Lucian Adams, Marcario Garcia, Alfredo Gonzalez, and Roy Benavidez are authentic American heroes as recipients of the Congressional Medal of Honor.

Many of our south Texas military personnel did not return from battle, and they are honored through our memories. Others who sacrificed and survived their ordeal should be given the opportunity not only to help themselves, but to help this Nation.

Those who were willing to die—but who through the grace of God were spared—should have the right and the opportunity to live as first-class Americans for in this country there should be no second-class citizens. That is all we are talking about—an opportunity that is their birthright.

Mexican Americans are assuming important roles of leadership in politics, business, science, and the arts, and they along with the rest of the country are beginning to recognize the vast potential of Hispanics in a free country.

All of us have profited from this heritage that we salute this week and there is no question in my mind that much greater achievements and even more valuable contributions are on the horizon.

□ 1850

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas (Mr. DE LA GARZA), the distinguished chairman of the Committee on Agriculture, who for many years has been a leader on Hispanic issues in this country.

Mr. DE LA GARZA. Mr. Speaker, I appreciate my colleague yielding, and I would like to join my colleagues who have spoken and those who will speak for the purpose of making just a very few remarks concerning Hispanic Heritage Week.

Mr. Speaker, in this great country of ours, a nation of immigrants, every individual who came made an imprint, from whichever corner of the world he or she came. Collectively, specific groups have impacted upon our noble history. One of these groups is the one called Hispanic.

In the beginning, when the New World was discovered, it was the Spaniard who came across the vast oceans to explore, to settle, and to bring the faith in the name of the Kingdom of Spain. As they then settled through-

out this hemisphere and in other parts of the world, the mixture of the Spaniard and the indigenous population has now evolved into what we call the Hispanic.

In 1493, just a year after Columbus discovered this vast New World, the Queen of Spain sent the first seeds of wheat, rice, vines, citrus fruits, as well as cattle, sheep, goats, horses, and fowl to the New World. I have for many years, and now that I have the privilege of being the chairman of the Committee on Agriculture, reminded our group and all of us that we have this vast agricultural productivity in this country, and it is well that we know that it was the original Spaniards who first began the process in this country of ours.

So from then until now our Nation has profited from our contributions, and it is well that periodically we should stop and take a look at these contributions. This is the purpose of Hispanic Heritage Week. I will leave it to other of my colleagues to more fully discuss our contributions, but as for this intervention of mine, I would only like to say that I am proud to belong to a group which, along with many other groups, has contributed to bringing us to the stage where we are now, the greatest Nation in the world, composed of immigrants, ours being one group, if not the first, to reach the shores of this now great Nation of ours.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the distinguished gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. I thank the gentleman for yielding.

Mr. Speaker, it is a particular pleasure for me to join in the special order honoring the Hispanic community's contributions to our Nation during National Hispanic Heritage Week, because I represent a congressional district which includes some of the earliest and most historic monuments to this heritage.

Just as this nation was coming into being, in fact, Spanish settlers were moving into such areas of south central Texas as Mission Bay, where the mission Our Lady of Refuge was founded in 1793, and to Refugio, where it was reestablished 2 years later. And 50 years before the Declaration of Independence was written, the mission La Bahia del Espiritu Santo was bringing European culture and language to the Indians in the Matagorda Bay area. The importance of these missions in the history of Texas is tremendous. These pioneering efforts in gaining a foothold in the new world are comparable to those of the Pilgrims in New England.

Later, such Mexican impresarios as Martin de Leon settled families on the Guadalupe River; and soon the town of Guadalupe-Victoria was founded—later to become Victoria, the largest city in my district.

Other Hispanics were among the first settlers of the gulf coast of Texas, and they are remembered today in any map of the area. From San Felipe to Brazoria, from Seguin to Palacios, Texas cities and towns reflect the Hispanic origin of these early settlements. They serve as constant reminders of the central role which Hispanics have played in the pioneering, the progress and the prosperity of Texas—a role which continues to enrich our State and our Nation today, and which is certain to grow in influence in the 21st century as it did in the 18th.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the distinguished chairman of the Congressional Hispanic Caucus, a man who has been a dynamic leader for the caucus in the Congress of the United States, who has given the Hispanic Caucus a sense of commitment, a legislative agenda, visibility, a new face that for many years had been lacking, the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. I thank my colleague from New Mexico, also a member of the Caucus, who has given a great deal of new life to the Congressional Hispanic Caucus in this year 1983.

What I would like to do, with the permission of the gentleman from New Mexico, is to spend a few minutes in describing what the Hispanic community in America is really all about. It is magnificent and wonderful that we this week celebrate the Hispanic Heritage Week, with the annual congressional dinner to be held on Thursday of this week at the Washington Hilton, with the many luncheons for women and other Hispanic groups which will be held here on Capitol Hill tomorrow. The bottom line is that it is all well and good that 1 week a year we celebrate Hispanic heritage; but to those of us who are of Hispanic background, all I can say is that there are another 51 weeks in this year, and I would hope that those same people would understand that the needs of our community are vast and great.

I would like to start with some demographics. In 1970 the population of the Hispanic community in America, according to the Bureau of Census, was 9.1 million; in 1980 it was 14.6 million; and in 1983 the population stands at 15.9 million, which is a substantial increase of close to 7 million people during the course of those 13 years.

The population growth of the various Hispanic ethnic groups is as follows: In the total Hispanic community, our growth has increased by 61 percent from the year 1970 to the year 1980. For those of Mexican-American background, the population has increased by 93 percent; for those of Puerto Rican background, 41 percent; for those of Cuban background, 47 percent; and 19 percent for all those others who fall within the Hispanic category. Coupled with that, there was a decrease in the population other than of Hispanic origin.

Now, where is the Hispanic community today? The State of Texas has approximately 20 percent of the Hispanic population in America; the State of California, 31 percent; Arizona, Colorado, and New Mexico combined, 9 percent; the State of Illinois, 4 percent; the State of Florida, 6 percent; the State of New York, 11 percent; and the remainder of the United States has 18 percent.

The percentage of total population of Hispanics by specific areas: In the year 1970, 4 percent of the United States, according to the census—and every figure I am giving you now is a figure that was provided by the Bureau of the Census—was of Hispanic background. In 1980 it was 6 percent.

□ 1900

In New Mexico, the percentage of Hispanic population in 1970 was 30 percent, and in 1980, 37 percent.

The Hispanic population of Texas was 16 percent in 1970. In 1980, it was 21 percent.

The State of California in 1970 had a Hispanic population of 12 percent. In 1980, a population of 19 percent.

In the State of Arizona, 15 percent of that population was Hispanic in 1970, and 16 percent in 1980.

In the State of Colorado, 10 percent of that population in 1970 was Hispanic, and 12 percent of that population in 1980 was Hispanic.

In Florida in 1970 the Hispanic population was 6 percent, and now, in 1980, 9 percent.

In the State of New York, 7 percent Hispanic in 1970, 9 percent Hispanic in 1980.

The State of Illinois had 4 percent in 1970. It has 6 percent of that State in 1980.

There was an increase of 1 percent throughout the country.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Speaker, I appreciate my colleagues pointing out the contribution and importance of Hispanic Heritage Week. Unfortunately, I did not hear the earlier part of your discussions here.

I got into this whole area of the problems and the potential of the Hispanic population back some years ago when I was representing a rural area in southern Illinois in the State legislature and accidentally found myself

as a spokesperson for migrant laborers and started digging in. The next thing I knew, I was involved in taking a look at where we were and where we were going.

There is no question that Hispanics are numerically growing. They are contributing more and more. There is at the same time no question that we are not doing what we can to utilize that potential as a Nation. I mean utilize not in the bad sense of using people, but developing and giving people opportunity.

When we look at the dropout statistic in schools, particularly for the Puerto Rican portion of the Hispanic population, when we look at the numbers that are going on to higher education, the numbers are improving but we have a long way to go, and the sooner all of us work together, Anglos and Hispanics, in moving on these problems, recognizing the potential, the better off we are all going to be and the better off we are going to be as a Nation.

I simply want to join in commending all of you for your leadership here. Any way I can help, I want to help.

Mr. GARCIA. I thank my colleague from Illinois, and I would like to say to my colleague that there has been no finer gentleman and no person on this floor who has fought more for the rights of Hispanics in America than he has, and I am particularly delighted that he took time out of his busy schedule to be with us today because this is a very important week for Hispanics. I want the gentleman to know, on behalf of the Congressional Hispanic Caucus, how much we appreciate all his work over all these years on our behalf.

Mr. SIMON. I thank my colleague.

Mr. GARCIA. Mr. Speaker, I would like now to talk about some statistics as it relates to our age. There is no question that we are the youngest community in America.

From age zero to age 29, 64 percent of all Hispanics fall into that category, and I say that to my colleague from New Mexico so that he would appreciate and understand, as well as those persons who may be with us this evening, that ours is the youngest community in America, which means that over the next several decades, there is no question of a wider and broader participation by Hispanics as it pertains to this country.

I would like to proceed, if I may, with some other statistics.

Families in America which are maintained by women, a very important statistic, 23 percent of Hispanic families in America are maintained by women, as opposed to 15 percent of those families in America who do not fall into the Hispanic category.

The educational attainment of Hispanics, that is, those persons aged 25 to 34, 40 percent of those persons graduated or had 4 years of college or more in the year 1970. In the year 1983, that has increased to 48 percent.

Voter registration among Hispanics: In 1972, those who were registered, and I would say to all my colleagues that this is the job that many of us have to do over the next several years, in 1972 44 percent of the Hispanics in America who were eligible to vote were registered to vote. In the year 1980, that dropped off to 36 percent. I say that because while we are giving the statistics as it relates to our community, there is no question that that is the vital statistic as well.

The labor force participation, that is, the rate of the labor force by Hispanic women, in 1973, 41 percent of Hispanic women were part of the labor force. In 1982, it is 49 percent. But the interesting statistic there, to my colleague from New Mexico is, that in 1982 the participation in our labor force of women non-Hispanic jumped up to 53 percent.

We have heard a great deal about all that is happening on behalf of Hispanics. Everybody is saying how much they are doing. Very specifically, from the administration they appointed yesterday a woman as Treasurer of the United States, and I think that is wonderful and we commend her and we wish her well, but let us call it the way it is, and here is the way it is.

In 1979, the unemployment rate of Hispanics averaged a little above 6 percent. In 1982, that has climbed up almost double to 11 percent.

In 1980, the median family income of Hispanics by various categories, for those persons of non-Hispanic background, the median income in 1982 was approximately $23,907. For the Hispanic community, it averaged out about $14,000 to $15,000, which is a discrepancy of almost $10,000 per household.

I say that because it is important that we understand that in the year 1979 the median income, and I think I may be repeating myself but I will say it again, was $18,842 for the Spanish-origin families. That has dropped off. In the year 1982 it was $16,227.

But before you get excited, just let me say what the non-Hispanic family income was. In 1979, it was $26,553, and in 1982 that dropped to a little below $24,000.

□ 1910

Mr. Speaker, I am glad that my colleague, the gentleman from New Mexico (Mr. RICHARDSON), has taken this time because we must place on the record the facts, not as the gentleman and I conceive them, but the facts as given to us by the Bureau of the Census and all the statistics gathered through the power of that Bureau.

The rate of poverty in 1972 of those persons of Hispanic origin was 22.8 percent. In 1979 it dropped to 21.8 percent, a full percentage point. But now we are in 1983, and that has escalated to 30 percent of the Hispanic community which is today living or considered to be living under poverty conditions.

Now, the poverty rates for households: For the Hispanic-origin households, it is 21 percent, and I think that that is very, very important in view of what people are saying about how much they have done for Hispanics, especially the administration.

Now, where do Hispanics live? The statistics are very clear that the overwhelming majority of Hispanics today live in America's inner cities. Fifty percent of the Hispanic community in America lives in the inner city; 27 percent of our community lives in what we call the standard metropolitan area, which is an SMSA area, surrounding a metropolitan area, with a small percentage of our community living in rural areas.

Now, the per capita income is very interesting, and I believe I gave that statistic already.

Let me just say to my colleague, the getleman from New Mexico, that this is a very important week for us. I do not know how many Members are in their offices watching this dialog betwen us as Hispanics, but I would say to my colleagues that when things are done properly, we are not afraid to give credit where credit is due. But I really feel as a Hispanic that the last 2 years or the last 2½ years have been an absolute disaster. And that is not something I am saying from a political point of view. It is something that is based on facts not provided by this caucus, the Congressional Hispanic Caucus, but provided by the Bureau of the Census. If there is an argument anyone has from anything that was said by us today, then let them argue with the Bureau of the Census, not with us, because what I provided here has been directly from what the Bureau of the Census reported to us today.

Mr. Speaker, I would hope that my colleagues who will read these remarks in the CONGRESSIONAL RECORD tomorrow understand that the Hispanic community is not looking to walk taller. We are not looking to walk in front of anybody; all we are doing is trying to walk alongside. I think that is no different than any other group that has come into the United States.

I believe it is important to understand that we are not looking for a handout, but we are really looking for a handup. We are not looking for anything in terms of charity. All we are trying to put together is to have them at least give us some parity in this society. It is extremely important.

Again, Mr. Speaker, I congratulate my colleague, the gentleman from

New Mexico (Mr. RICHARDSON). I am sorry if I took too much of the time of my colleague, but I believe that this hour is an hour well spent because it will be a part of this CONGRESSIONAL RECORD for the many, many years to come in the future.

Mr. RICHARDSON. Mr. Speaker, again I wish to commend the gentleman from New York (Mr. GARCIA), because if any Member of this body has done anything to promote the cause of Hispanics in this country in the last 2 years since he assumed the chairmanship of the Hispanic Congressional Caucus, it has been the distinguished gentleman from New York.

Mr. Speaker, I yield to the gentleman from California (Mr. TORRES), a man who also for many years has been a leader in the Hispanic community, who, under the last administration, the Democratic administration, was a top policymaker in the Hispanic community and Special Assistant to the President for Hispanic Affairs, who also served in the very distinguished capacity as our ambassador to UNESCO, and who has been a leader in the labor movement for many years and is now a member of the Congressional Hispanic Caucus and a distinguished Member of this body.

I yield to the gentleman from California.

Mr. TORRES. Mr. Speaker, I want to commend my colleague, the gentleman from New Mexico (Mr. RICHARDSON), for calling this special order today.

Mr. Speaker, on September 16, 1870, Mexico declared independence from Spain. In recognition of this important date and in celebration of Hispanic Heritage Week, I am proud to pay tribute to the Hispanic community and to the many contributions they have made to the development and enrichment of this great Nation.

Hispanics are receiving considerable attention these days. The media has hailed the eighties as the decade of the Hispanics. Demographers have called Hispanics the fastest growing segment of American society. Corporations have developed advertising campaigns to capture the Hispanic consumer market. And, political leaders and officeholders are courting the Hispanic vote and expressing interest in Hispanic problems and needs.

But, while this recent attention is flattering, it belies the fact that Hispanics have played an integral role in this Nation's illustrious history. Many Hispanics have ancestors that began settling this country half a century before the Pilgrims landed on Plymouth Rock. There are many parts of the Southwestern United States that have enjoyed over 200 years of Hispanic culture and history. Hispanics bravely fought against the British during the American Revolution. Hispanics were among the defenders of the Alamo. And, Hispanics were the most decorated ethnic group of World War II, including the highest decoration our country can bestow—the Congressional Medal of Honor.

Today, Hispanics are providing a new spirit and force in America which will help shape the future course of this Nation. Hispanic activism and political activity has already left its mark on the political landscape. Hispanics provided the margins of victory for Gov. Tony Anaya in New Mexico, for Gov. Mark White in Texas, and for Mayor Harold Washington in Chicago. Hispanic mayors have also been elected in San Antonio, Miami, Denver, and Santa Fe. And, with Hispanic registration and voting rates increasing, Hispanics could make the difference in the 1984 Presidential election as well as several key congressional and statewide races.

Americans are proud of the cultural and political diversity that has made this country great. Hispanic culture, Hispanic entrepreneurs, and Hispanic leaders have greatly contributed to this diversity. Hispanic Heritage Week provides a unique opportunity for all of us to not only reflect on these contributions, but to learn more about and become more responsive to the important issues facing Hispanic Americans.

I invite my collegues to join the Hispanic community in celebration of our proud heritage, and in recognition of the contributions Hispanics have made and will continue to make in shaping the future of this Nation.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman from California (Mr. TORRES).

I now yield to another leader in this body, a Member who for many years has given service to the Hispanic Congressional Caucus and been involved in Hispanic issues throughout this country, the distinguished gentleman from Puerto Rico, (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I thank the gentleman for yielding, and I commend him for taking the time for this special order.

Mr. Speaker, I am pleased to join my colleague BILL RICHARDSON in this special order honoring the many contributions Hispanic Americans have made to our great Nation.

Let me begin by saying how proud I am to be a Puerto Rican and an American and one of the Hispanic members of the U.S. Congress. To me it is quite an honor to be able to represent the interests of the Hispanic community and to speak to the many accomplishents of our people which have enriched the quality of life for all of us in the United States.

The impact of the Hispanic community is growing from year to year, as seen by Census Bureau figures which show that 15 States have Hispanic populations of 100,000 or more. While three-fifths of the U.S. mainlanders 14.6 million Hispanics reside in California, Texas, and New York, Hispanics are becoming a significant political influence in many congressional districts, and a factor to be reckoned with in the upcoming Presidential elections.

As we celebrate Hispanic Heritage Week, it is fitting that we take these moments to reflect on the participation of our people in our society, our communities, and our culture.

I am proud to note that the Hispanic community has produced many outstanding citizens whose lives have been dedicated to excellence and whose energies have extended to the search for equality and fairness for all. Some are quite well known, and need little or no introduction to you—José Ferrer, for example, the Oscar-winning actor who also serves as a member of the board of directors of the Museum of Graphic Arts of New York, or Roberto Clemente, baseball star of the Pittsburgh Pirates, who died in a plane crash enroute to a mercy mission to the earthquake victims of Nicaragua, or Luis Ferré, former Governor of Puerto Rico, founder of the Ponce Art Museum, industrialist and philanthropist. These individuals span all disciplines of achievement, and all strata of society, yet they all have a common bond in that they have returned to our country full measure for the fame they have received.

Media figures such as Geraldo Rivera, who was named broadcaster of the year for his exposé of an institution for the mentally retarded and José Feliciano, winner of two Grammy Awards for his music, are famous Hispanics whose achievements reflect their seriousness of purpose and their commitment to the community of Hispanics. While Rivera frequently uses his position as a television journalist to expose fraudulence and abuse of the poorer segments of our society, Feliciano frequently donates his talents to charity benefiting the handicapped and other worthy causes.

Although it is perhaps not so well known, Hispanics are well represented in the scientific arena—Pedro Barbosa, native of Puerto Rico, is a leading authority on the gypsy moth, and heads the University of Maryland's forest entomology efforts at abating the spread of this destructive insect, while Luis Alvarez, winner of the Nobel Prize in physics for his work on subatomic particles, the Einstein Medal, and the California Scientific of the Year Award, leads his colleagues as professor emeritus at the University of California, Berkeley.

These are but few of the outstanding Hispanics which have come to play a role in our life and whose contributions will long be remembered by the American Nation.

In a recent interview, Gen. Leo Márquez, highest ranking Hispanic in the U.S. Air Force, was asked to reflect on his heritage and its impact on career development. He replied that:

Our forefathers helped by giving shining examples and by passing on their values. It would be tragic indeed if we were unable or unwilling to be even better. We have the ability, the endurance and the numbers. The question now is, do we have the will to persevere, to persist, and to overcome a few obstacles? We must stop belaboring what has been and move forward now to what can be a very promising future.

This statement can perhaps give us some insight into the special contribution Hispanics are making to our country, by embueing their sons and daughters with a real sense of values which translate into practicabilities, along with a desire to move ahead through personal effort and sacrifice.

History has recorded that more than 270,000 Puerto Ricans have served gallantly and without reluctance in the U.S. armed services alongside their fellow Americans since 1917. Thousands of Puerto Ricans have died or have been wounded in wars involving the United States. During the Korean war, the death and casualty rate ranked us Puerto Ricans third among all States and territories in proportion to our population. The enlistment of volunteers in all branches of the U.S. armed services in Puerto Rico far exceeds the national average, just one indication of our willingness to accept the responsibilities our American citizenship brings.

To exemplify our deep commitment to the ideals of democracy and liberty, we must recognize the Puerto Ricans who went beyond the call of duty and in acts of heroism gave their lives to save others. Let no one forget the uncommon valor of Pfc. Fernando Luis García during the Korean conflict who was the first Puerto Rican to receive a Congressional Medal of Honor, the highest military award. Nor the deeds of Capt. Euripides Rubio, Pfc. Carlos Lozada, and Héctor Santiago Colón during the Vietnam war that earned them the Congressional Medal of Honor, all given posthumously.

More recently, Puerto Rico lost one of its sons to the military peacekeeping mission in Beirut, when Marine Corps Cpl. Pedro Valle Ramos was killed during an attack on American positions last week. I personally met with his parents in Puerto Rico, to express my sympathy on the loss of their son. I am pleased to say that his father's reaction was that of a true American, as he told me that while he was deeply saddened by the death of Pedrito he was proud to lose a son in the defense of his country. What more shining example could there be of the citizenship and patriotism of my fellow Hispanics?

Mr. Speaker, Hispanic-Americans have made solid, meaningful contributions to the principles of democracy and to the well-being of our country. They have brought a cultural richness to the fabric of American society, and an awareness of how different peoples can work in harmony to improve our Nation. I commend each and every Hispanic-American for his or her personal part in this endeavor and look forward to the aggressive development and strengthening of a partnership through the increase of Hispanic participation in decisionmaking processes in State and Federal Governments, in our legislatures, in our Armed Forces, in our judicial branch, in the private sector, and in every institution in our Nation dedicated to the fostering of our aspirations, ideals, and freedom.

□ 1920

Mr. RICHARDSON. Mr. Speaker, we have heard through these distinguished gentlemen of the U.S. Congress the success stories and the growth and the enthusiasm of the Hispanic community in this country, whether it be in the neighborhoods of New York, the Puerto Rican Americans, or the barrios in the Southwest or the areas in Florida where Cuban Americans are trying to find a way of life.

One senses in the Hispanic community in this country an air of excitement, an air of potential, potential because for many, many, many months we have heard that this is the decade of the Hispanic.

What does that decade of the Hispanic mean besides what the distinguished chairman of the Hispanic Caucus said in terms of numbers? The decade of the Hispanic means that for the first decade in history this country's Hispanics will have real political power. It means elections, successful elections of mayors, not only in Santa Fe and Denver and cities like San Antonio, but it means the increase in Hispanic elected officials at the lower levers of government.

It means that now, under the direction of the chairman of the Hispanic Caucus, instead of their being 7 congressional Hispanic Caucus members there are now 11.

It means the creation of a force of Hispanics called Hispanic Force 84 led by the Governor of New Mexico, Toney Anaya, whose objective is to register millions of Hispanic voters in time for the 1984 elections.

It means a tremendous amount of growth not only in population but in culture, in the arts, in business, and economic development, as the gentleman from Puerto Rico has stated.

□ 1930

Today, in the next few days are the initiation of Spanish Heritage Week and we will celebrate and proudly exhibit our culture. But our culture and the issues that affect us have to go simultaneously. And the fact is that Hispanics are among the poorest minorities in this country. This is not attempted to be a political speech, but nonetheless when the President of the United States travels to every city that has a large Hispanic population and says he is concerned about Hispanics and consumes the enchiladas and tacos and puts on the hats and tells Hispanics that they are important, but nonetheless when his administration's policies reflect that so-called importance, we see the record being nothing more than rhetoric.

Mr. President, I say to you: "Where are those jobs that you have promised Hispanics? What about those budget cuts that have affected Hispanics in this country, whether they be in health care, education, training, or for the ghettos of New York, or the rural areas of New Mexico? What about those vetos for many jobs programs that would have put many Americans, not just Hispanics, back to work?

"What about this Civil Rights Commission that you have appointed?" Not one Hispanic on this Commission. You want a Commission, Mr. President, that says, "I want that Commission to reflect my thinking and my thinking is that I do not believe in affirmative action and quotas. So, that is what I wanted to stack this Commission with, a Commission that is going to reverse significant civil rights progress in this country."

"We want to have adventurism in Central America instead of negotiating and using our Central American neighbors to negotiate a cease fire and peace and economic development." And looking at Central Americans as one country, what we do instead? We have a military policy of gunboat diplomacy which attempts to scare everybody into accepting our point of view.

Hispanics, like everyone else, do not want Marxism in Central America, we do not want militarism in Central America, we want our Hispanic brothers in Central America to develop on their own, based on their decisions. It is important to the Hispanic community because Hispanics and blacks and those in minorities are the most patriotic in this country, if you measure the statistics of casualties and those who go to fight these wars first.

So, we deeply care about using our culture to be a bridge to Central America. Hispanics in Latin America, why not more of that contact?

Mr. Speaker, and the many who are listening tonight, we as Hispanics do not want any special categories of privilege; we as Hispanics do not want to be treated differently; we as Hispanics do not want special privileges or special jobs; we want to be part of the mainstream in this country. And as part of the mainstream in this

country, what that means is jobs; it means equality, it means a chance to be policymakers in this country; it means a chance to eat and live a decent life, to have education. That is all we are asking for.

Yes, we have glory in our pride as Hispanics, but we want to be part of this great American mainstream. We want to have millionaires as Hispanics, we want to have more political leaders that are Hispanics, through elective processes, through the fair competition of ideas. But we very desperately want anybody that is going to be casting a vote, that is a Hispanic in the 1980's, that the most important thing is to register to vote, to participate in the process, because the future for our generations of children that are Hispanics are being made right today.

Luckily we have leaders like the chairman, ROBERT GARCIA of New York. Luckily we have many other leaders like Tony Anaya of New Mexico, and Henry Cisneros, in San Antonio, a man who has demonstrated that he can run a city, but also attract that American dream, business development, high technology, better than any other mayor in this country. We have a tremendous potential to show that we as Hispanics can be an integral part of this country. But this celebration is not just a cultural one; it has to be one that accentuates the jobs and needs of our community.

I join my colleagues today in celebrating National Hispanics Heritage Week and I ask all those who are listening tonight to look at the deeds of those politicians who go around saying that all it takes is Hispanic awareness and more Hispanics attending political events that is going to show who will do more for Hispanics. Hispanics should not take any political party for granted but they should look at the record of where those men and women who over the years have done the most for the Hispanic community have come from. John F. Kennedy, Lyndon Johnson, Jimmy Carter, ROBERT GARCIA, BALTASAR CORRADA, HENRY GONZALEZ in housing, KIKA DE LA GARZA, men and women who through anonymity may have labored for many years, but whose records are there to show.

Mr. Speaker, for the past 15 years, we have celebrated the third week in September as National Hispanic Heritage Week.

Mr. Speaker, on September 16, 1810, Mexico, our great neighbor to the South, declared independence from Spain. It was on that day that Father Miguel Hidalgo Costilla urged the citizens of the small town of Dolores to take up arms against the oppressive Spanish rule. Like the proclamation of our own Declaration of Independence, "el grito de Dolores" of 1810 inspired the revolt that brought freedom from European domination.

In recognition of the importance of this date and in honor of the celebration of National Hispanic Heritage Week, I have called for today's special order on the floor of the House of Representatives to give all Members of Congress an opportunity to reflect on the important contributions the Hispanic community has made to the history, culture, and development of this country.

Mr. Speaker, it is projected by the year 1990, Hispanics will become the largest minority in the United States. It has been said time and time again that the 1980's are the "Decade of the Hispanics." Such projections and statements have caused a positive chain reaction among a people who share a common language and heritage. It is a special time of year for Hispanics to examine the many contributions they have made to the American way of life, from the Cuban success stories of Florida, to the progress of Puerto Ricans in the Northeast, in the Mexican-American neighborhoods in the Southwest and from the many urban centers where Central and South Americans have congregated.

One senses an air of excitement in these Hispanic communities across the country. By our actions, we are charting a course which can only help to build a better America. There is a sense of unity among Hispanics which characterizes, "La Familia." We are a people demanding to have our full rights, recognized for better educational and employment opportunities, for improved health care services and for insuring that our housing needs are met.

Hispanics have always believed in the American dream and the better way of life that this country has to offer. We as a people have kept our families together through love, our strong belief in hard work, and through our heritage. All of these characteristics have helped to strengthen the American way of life. Many Americans are still unaware of dedicated Hispanic participation in the Revolutionay War and in the defense of the Alamo.

Because of the enormous growth of Hispanics in the past decade, there is growing interest in the rich and colorful history of the Hispanic community in America. Mr. Speaker, I represent the Third Congressional District of New Mexico. My district has an almost 50 percent Hispanic population. It is an area steeped in tradition and filled with the cultural influences brought to the area by early Hispanic settlers. Sante Fe, a city in my district, has the distinction of being the oldest capital city in the United States—founded in 1610—10 years before the Pilgrims landed at Plymouth Rock.

To this day the Hispanic influence in Santa Fe, is substantial, having an almost 60 percent Hispanic population. On January 17, 1983, the City Council of Santa Fe, Granada, Spain, passed a resolution declaring sisterhood with my city of Santa Fe, N. Mex. That resolution reaffirms the ancient ties between the old and new worlds. Santa Fe today retains and promotes with pride its deep Spanish roots which have made the city an internationally known place of unparalled art, architecture, history, and culture.

Hispanic leaders in my State serve as Governor, in our Congress, as speaker of the State House of Representatives, and on many State and Federal courts.

Today, we as Hispanics are making our political presence felt throughout the Nation. Prior to 1982 there were only 7 Hispanics serving in the House of Representatives—today there are 11. Three of the largest cities in the Nation are led by Hispanic mayors. Additionally, Hispanics are making gains in statewide elections all across the country.

It is increasingly clear that the Hispanic vote is crucial to the contenders for the Presidency in 1984. There are roughly 3½ million registered Hispanic voters today. In my State of New Mexico, 31 percent of the voting age population is Hispanic which is the largest statewide percentage of eligible Hispanic voters in the Nation.

The Southwest voter registration project is currently seeking to greatly increase the number of registered Hispanics for the 1984 election. Their efforts are sure to inspire other groups across the United States. Hispanics could well make the difference in the 1984 Presidential race as well as deciding key congressional contests across the country.

Politicians of both parties are keenly aware of this growing political influence and are actively courting the Hispanic vote. Politicans will find a far more sophisticated Hispanic voter this time around. Those aspiring to public office will find they will have to demonstrate by word and deed that they are dedicated to reversing a national pattern of neglect, exclusion, and indifference. Hispanics today are rightfully expecting action and they are keeping close watch on the track record of politicans. Advances have been painfully slow, but those keeping track of the record during the past 2 years of the Reagan administration can only be dismayed.

Although President Reagan has suddenly expressed support for bilingual education programs—his record says otherwise. Since he took office he has repeatedly attempted to cut the bilingual education program and to change the program's directives and diminish its effectiveness. While the President hails the economic recovery, unemployment stands at 12.3 percent among Hispanics—roughly 3 percent

higher than before Reagan took office. The President continues to rely on military solutions to the political problems in Central America, raising many Hispanic parents' concerns that their sons will someday be fighting other Hispanics.

Additionally, Hispanic small businesses are being crushed by this administration's economic program. Over 90 percent of Hispanic businesses are classified as small businesses and small business closings in 1982 totaled approximately 25,700—roughly four times higher than the 1979 total.

The President's economic policy of tax cuts for the rich and budget cuts for the programs that serve the poor and elderly has had a severe negative impact on Hispanics. Due to high unemployment, discrimination, and reduced Federal assistance, roughly 30 percent of Hispanics live at or below the poverty level. For these less fortunate Americans, the President's cuts in food, housing, and medical assistance programs are threatening their ability to properly feed and care for their children. We can no longer tolerate these skewed national priorities that divert billions of dollars from human assistance programs to a wasteful and bloated Defense Department.

Hispanics know that their efforts to improve their standard of living and the quality of their lives have made precious little progress under this administration. I expect Hispanics to link arms and make a significant difference in 1984. Hispanics have historically banded together to fight for their rights. So it will be in 1984—but with new force, new vigor, and with a new sense or urgency.

Those of us fortunate enough to be Hispanic, and fortunate enough to be in public life, will continue to call for substance over shadow. It is imperative to talk plainly of the concerns which many have, but most are reluctant to speak. We will continue to increase the pressure for economic expansion and full employment. We dare not lessen our efforts for this administration, like others, will partly be the product of the pressures upon it.

Those of us who are advocates of change must not and will not be content with labels, symbols, and small consolations. We simply will not be a cheering section for tinkling symbols signifying nothing. We will not agree to substitute rhetoric for compassionate values. Further, we seek to call our country to a higher standard.

Hispanic Force 1984 will carefully examine the Presidential candidates and issues. The Congressional Hispanic Caucus will continue to look out for the best interests of America's Hispanics. The more than 80 organizations dealing with all aspects of Hispanic life from politics to economics, from social issues to educational programs will intensify their efforts to improve the quality of life for all citizens of Hispanic heritage.

Mr. Speaker, I would appreciate it if Members could continue to insert their remarks in the RECORD for a period of 10 days; 5 legislative days in which to revise and extend their remarks.

● Mr. DAUB. Mr. Speaker, I am pleased to have this opportunity to join my colleagues, during National Hispanic Heritage Week, to commemorate the valuable contributions of the Hispanic community to our Nation's heritage, and the Hispanic community in my district is a shining example of these contributions.

Approximately 12,000 individuals of Hispanic heritage make their homes in the Omaha, Nebr., metroplitan area. A number of Hispanic community service organizations in Omaha, such as the Omaha Chapter of the American GI Forum, the Chicano Awareness Center, the League of Urban Latin American Citizens, and churches such as Primera Iglesia Bautista, Our Lady of Guadalope, and Salem Lutheran Church, have made major contributions to the quality of life for all residents in the Omaha community.

For example, the Omaha Chapter of the American GI Forum take their motto—"Education is our freedom; freedom is our business"—very seriously. Each year, they provide college scholarships to high school graduates, they host an annual senior citizen dinner and party, they provide assistance to needy elderly individuals, and they have donated flags for such occasions as the dedication of the Omaha Civic Center. In service for over 15 years, the Omaha chapter has built its membership to 500 strong, and on August 13, 1983, they were named "Outstanding Chapter of the Year" at the National American GI Forum Convention.

Omaha can also point proudly to individual achievements in our Hispanic community. Joseph K. Juarez, of Omaha served two terms as national chairman of the American GI Forum and served, as well, on the staff of former Congressman John Y. McCollister of the district which I am now privileged to serve.

In addition, Omaha has been the home of two Hispanic Congressional Medal of Honor recipients, Edward "Babe" Gomez, and Miguel Keith. Both were remembered by the Omaha American GI Forum's dedication of a bronze plaque in their honor at the dedication of the Omaha Civic Center.

Another member of the Hispanic community in Omaha, James Carmona, has been named as one of the youngest adjutant generals ever to serve.

Once again, I was pleased for this opportunity to point to a few of the many achievements of the Hispanic community in Omaha, Nebr.—which truly serves as an example for our Nation—and should stand out as we celebrate National Hispanic Heritage Week.●

● Mr. GUARINI. Mr. Speaker, it is with great pleasure that I take part in this special order commemorating National Hispanic Heritage Week. This week represents a golden opportunity for highlighting the contributions, past and present, of Hispanic Americans.

Mr. Speaker, in this regard, I would like to bring to your attention the work of the Liceo Cubano José Martí, an organization established in 1959 in Union City, N.J., to serve the Cuban-American community. For 24 years, this group has served its people extremely well. It has attracted a solid core of successful and dedicated members of the community.

One distinguished member of the Liceo Cubano José Martí has been signled out by his own membership for specific recognition. This member, Manny Perez-Hernandez, has been an adviser to the board of directors of the Liceo Cubano José Martí for the past 14 years.

Recently, the remarkable achievements of Mr. Perez-Hernandez in the business arena has gernered him well-deserved attention. The business success of Manny Perez-Hernandez, who left Cuba in 1960 at the age of 13, has been so striking that the two publications, New Jersey Monthly and Entrepreneur magazine, featured the West New York, N.J., businessman in their September editions. Entrepreneur magazine, a publication of the American Entrepreneur Association, named him "Entrepreneur of the Month" in September.

Mr. Speaker, with your permission, I would like to reprint in the RECORD the article that appeared in the September 1983 edition of New Jersey Monthly on Manny Perez-Hernandez. It is a story that reflects the fact that vision and perseverance are still rewarded in our society for those who are willing to make the needed sacrifices and decisions.

[From New Jersey Monthly, September 1983]

THE CORNER OF MADISON AND BERGENLINE AVENUES: BY WAY OF CUBA AND WALT DISNEY STUDIOS, AN ARTIST SETS UP HIS OWN AD AGENCY—IN UNION CITY

(By Mike Geczi)

Bergenline Avenue in West New York never has been confused with Manhattan's Madison Avenue area, the home of all those successful—and powerful—national advertising agencies.

Just east of Bergenline, however, on 67th Street, is West New York's unlikely contribution to the world of slogans, touting, and puffery. It's a seven-year-old advertising agency—The Graphic Arts Production Studio (GAPS)—which clearly is flourishing despite its lack of a prestigious address. It's flourishing because of Manny Perez-Hernandez, a creative and business talent of un-

canny and unquestioned abilities. Business is expected to top $1 million a year by the end of 1983.

"When we started up the agency in 1976, we had a good idea of what we wanted to do—walk before we ran," says Hernandez, who runs the agency with the help of his wife, Sally, as well as regional sales associates and freelance artists. "We didn't want to take big steps that might cause us to fall.

"We had a programmed future."

That Hernandez was as careful and as cautious as he was is a reflection of his background, unique for the ad business. Born in Cuba, the young Hernandez has been a gifted artist from the first time he attempted to put an image down on paper. By the time he was eleven, in fact, three of his paintings were hanging in the Fine Arts Wing of Havana's National Museum.

Like many Cubans less than overjoyed with Fidel Castro's rule of the island, his family fled to the U.S. in 1960. At the age of thirteen Hernandez found himself living in West New York and attending grammer school. But his love for art survived the move and Hernandez' yearbook from Memorial High School—which he keeps to this day in GAPS' office—exhibits several of the young artist's works.

In any case, during this period Hernandez also began to exhibit other talents. An ambitious 12th grade science project—"The Behavior of a Mouse in Flight Under Zero Gravity," not exactly a common endeavor among high school students—won him first place in the Hudson County contest. A resulting trip to Dallas for an international competition brought him fourth-in-the-world honors.

These honors enabled Hernandez to receive some scholarship money, which he quickly decided to put to use at the Academy of Aeronautics at La Guardia Airport. "At the same time that I was spending so much time on art, I also liked aviation," says Hernandez, who favors three-piece suits even on the hottest days. "So I thought I would be able to combine both by studying airplane design."

A fine plan, but little did Hernandez realize that the strict mathematical regime of the engineering/aerospace courses would be more than he bargained for. "The math got to me," he says now, laughing at the remembrance. "My brain is built for creativity and art, not for math."

Saying "thanks, but no thanks," he left the academy, and set out on another pursuit—as a newspaper reporter for the Hudson Dispatch. It was at the paper, where he stayed for five years, that Hernandez began to realize the potential he had in the advertising business.

"I could see the possibilities, so I decided to learn more about it," he says. To do that, Hernandez gave up West New York and moved to Florida, where he enrolled in the University of Miami. Nothing in Hernandez' career happens in a straight line, however, and his experiences in Florida weren't run-of-the-mill either.

That's because, while at Miami, Hernandez hooked up with Hansen Publications, a little local unit that was involved with Walt Disney Productions. Hernandez' special talents quickly were recognized, and soon he was illustrating books for Disney's music publishing subsidiary.

Hernandez stayed with Disney for four and a half years, during which he illustrated more than three dozen publications, which today still carry his name in their copyright notices. (Any person who keeps his high school yearbook in his office also keeps some of his early credits: Hernandez' office walls carry covers from such memorable titles as "Minnie's Magic Melody" and "Goofy's Romping Rhythm.")

Besides getting Minnie and Goofy down on paper, Hernandez also spent a lot of time on airplanes, especially jetting between Orlando and Los Angeles, Disney's two main locations. Those hours on the plane gave him a great deal of time to think, especially about his wife and two young children (there's a third now.)

"The Disney experience was great, it opened a lot of doors," he says. "For a single person, the life would be great, but it wasn't so great to be living your life on airplanes when your family was at home."

In 1976, then, Hernandez and his wife decided to return to New Jersey and set up GAPS. They bought a brick home on 67th Street and had half of it remodeled into a plush office that would do any Madison Avenue ad agency proud. They set up housekeeping in the other half.

Putting all his experiences together, Hernandez decided that it would be best to concentrate solely on industrial advertising. Soon after opening his doors, he had his first client, a small metal-working concern that went by the name of Milo Manufacturing. It since has been acquired by Sweden's SECO Tools AB, which now is a client.

"We had prospects, of course, when we first started, but we didn't have any clients," Hernandez recalls. "But we began to pick them up. When I would walk in and show my portfolios, they immediately would know that I was on the level.

Within a year, GAPS was profitable. But even now, with his prospects glowing, Hernandez has deliberately kept GAPS small. The agency handles just twelve accounts, primarily in the metropolitan areas, although he does do business with English, Spanish, Swedish, Japanese and Canadian clients. He also has moved GAPS into other lines of business, chiefly the design and manufacture of booth exhibit and displays for trade shows and conventions. These activities, which comprise about 20 percent of GAPS' business, involve setting up at about a dozen shows a year.

While Hernandez clearly has been successful with GAPS, he is in no hurry to build the company into a huge organization. On the contrary, he would rather it stay just as small as it is now.

"It's not a good policy to be adding people and growing too fast," he says. "This is a very cyclical business and all you end up doing is laying off people later on. There's also no point in having your hard-earned profits dissipate in salaries and overhead during slack periods."

In addition, Hernandez maintains that his clients also would lose out if GAPS were to become more than it is now. "When you get too big, the principal of the agency can't keep control," he says. "I want us to stay the size where I still can have a personal rapport with my clients.

"They know that if they call me on the phone, I'll be there to talk."

It's not that way on Madison Avenue. But, then again, Bergenline Avenue and Madison Avenue never have been confused for one another. As far as Hernandez and his clients are concerned, that's just fine.

RAKING THE GARDEN

Because Jim O'Higgins knows a good beer when he drinks one, and Ed Williams knows a good business opportunity when he sees one, the New Jersey market has been graced by a new brew, Duvel.

Technically, it's an ale, and Duvel (which is brewed in Belgium) also is Europe's most expensively brewed ale. The cost, apparently, is worth it: beer authority Michael Jackson, in "The Pocket Guide to Beer," calls Duvel "one of the world's great beers" and gives it his highest (five stars) rating.

Now, as for O'Higgins and Williams. It seems the former, a Rahway native who attended college just outside Belgium, developed a taste for Duvel when he was abroad. He later decided to look into the possibility of importing it into the states.

At the time, O'Higgins was working in a Manhattan commodities house, and Williams was his supervisor. One morning after O'Higgins showed up late for work, Williams got mad and inquired as to why the tardiness had occurred.

Hearing the tale of Duvel, Williams immediately became intrigued. That's because he was a bit of an entrepreneur himself, and had experience in marketing packaged goods. The two of them got a distributor, B.N. Distributors of Newark, and were on their way.

"We want to fill the void for a quality brewed ale for residents in New Jersey, Pennsylvania, Maryland and upstate New York," says beer baron O'Higgins. "I think this venture is, in many ways, even more exciting than placing large investments in commodities because you can see, feel and taste the product.

"And the taste is superb."●

● Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to salute Americans of Hispanic descent. Their many cultural contributions, particularly in the Southwest, have added to the rich diversity of this Nation. This has been especially noticeable in southern California, where probably a majority of our place names, including those of our streets, our rivers, and our cities reflect the Spanish heritage in their names; the city of San Bernardino and the Santa Ana River, in my own district, among them. It is hard to imagine California without the Spanish missions and the Mexican restaurants that make southern California so distinctive. The way we dress, act, and perceive things would change drastically were it not for this influence.

From the bravery of the Mexican-Americans during the American Revolutionary War, to their participation in defending the Alamo, their heritage has been linked to this country. As our Founding Fathers represented American independence, so did Miguel Hidalgo, parish priest of Dolores, personify Mexican independence by leading the revolt against Spanish oppression. National Hispanic Week marks a time for us to reflect not only on this noble heritage, but on continued Hispanic participation and leadership in our Government. Looking to the future, we can only perceive, and welcome, the growing strength of the Hispanic influence in our society, and the enrichment of our pluralistic culture which this represents.●

● Mr. LIPINSKI. Mr. Speaker, I am proud to join my esteemed colleague from the State of New Mexico, BILL RICHARDSON, in this special order celebrating Mexican independence and honoring the important contributions of the Hispanic community in this country.

Throughout America, the Hispanic community is making its presence felt. The Hispanic constituency in my congressional district is one of the largest in the State of Illinois, and its positive affect on my district is quite evident. The 26th Street Businessmen's Association, one of the many active Hispanic organizations in my district, has worked to foster community pride and improve the local business climate. Last Sunday, September 11, the 26th Street Businessmen's Association sponsored the annual gala parade in recognition and celebration of Mexican Independence Day. They sponsor fairs and various events that promote community solidarity and pride.

There are organizations such as this all over the country. They are evidence of the pride and joy with which Hispanics view their country. They are proof that Hispanics are involved, concerned citizens, always ready to work for the common good.

Hispanic participation in America dates back to our country's beginning. Like the immigrants from Eastern Europe and other parts of the world, Hispanics are hardworking, loyal, and dedicated. Their culture, initiative, and leaders have been important in making America great.

The Congressional Hispanic Caucus, of which I am proudly a member, is an effective voice for Hispanic Americans. This week, the caucus held a series of issue forums addressing the concerns of Hispanic Americans.

I am happy to join with BILL RICHARDSON and my other colleagues in celebrating the contributions of the Hispanic community to the betterment of the America. We should all look upon the contributions of the Hispanic community with pride and gratitude, and look forward to their future contributions with anticipation.

Thank you.●

● Mr. McNULTY. I rise in recognition of "el dieciseis de septiembre"—the 16th of September, which commemorates Miguel Hidalgo y Costilla's 'Grito de Independencia.' This cry of rebellion, given over 170 years ago in a small peasants' village in Guanajuato, Mexico, was a cry for justice by Mexico's oppressed, indigenous peoples seeking liberation from the Spanish regime. Some say the struggle continues to this very day for all Hispanic people in this hemisphere, a struggle for full participation in political and social systems, to obtain a fair share of the wealth and responsibilities which are the trademarks of a free society. This struggle also continues for the 16.5 million Hispanic citizens of this country who seek to establish as a practical reality the full participation of Hispanic citizens in the economic and social arenas of our great Nation.

National Hispanic Heritage Week celebrates the contributions made by the various Hispanic cultures in this country, allows us to assess the opportunities allowed Hispanics, to examine and articulate, once again, the social and political concerns of the Hispanic community.

I am encouraged by the gains made by Hispanics in achieving political and social parity in our society. The awakening of the sleeping giant is evidenced by the election of an Hispanic Governor in New Mexico, of Hispanic mayors in San Antonio, Sante Fe, and Denver, and in increasing Hispanic representation in local and State governments.

Yes, gains have been made, and yet many still remain to be realized. We, the citizens of this country, the Members of this House, and this administration, can ill afford to ignore the noted changing demographics and increased politicization of this, the fastest growing minority in our Nation. The concerns of this community—educational achievement, employment opportunities, healthcare, equitable representation in business, academic, and political communities—are concerns for each and every one of us. It is my hope that the awareness recently witnessed in the media and in the rising crescendo of rhetoric heard in political "'84 is around the corner" speeches will lead to substantive legislative redress of the concerns the Hispanic community has been articulating for the past 20 years.

I salute the cry for independence of Miguel Hidalgo, I salute the continued efforts of the Hispanic community toward greater achievements in this, the decade of the Hispanic.

Viva la Virgen de Guadalupe! Viva Mexico! Viva la Independencia!●

● Mr. ROYBAL. Mr. Speaker, although Hispanic Heritage Week has been celebrated for a number of years, not until recently has it gained widespread attention. This country has been very slow to recognize just how much those of Hispanic heritage have contributed to this country.

Mexican and Spanish immigrants began settling this country long before the Pilgrims landed at Plymouth Rock, establishing such cities as St. Augustine, El Paso, and Santa Fe. Many areas in the Southwest United States can point to over 200 years of Hispanic culture and history. Historians, however, have not given proper credit to this aspect of American history. Few people realize that Hispanics played an active role in the American Revolution, fighting against the British in the South. Few people realize that Hispanics were present among the defenders of the Alamo or that Hispanic and Anglo troops fought side by side during the Texas revolution against Mexico. And hardly anyone is aware that an estimated 75,000 black Americans escaped slavery by fleeing to Mexico, where they were easily assimilated into the Mexican culture.

In spite of all this, Hispanics, soon to become this Nation's largest ethnic minority, have not received full recognition for their political, cultural, and economic force. All that is changing, due in no small part to the efforts of such organizations as the Congressional Hispanic Caucus, which have insisted that Hispanic contributions be realized and appreciated. We have pointed to the inroads made by Hispanic workers in all levels of the government and private sector, often reaching these positions only after surmounting tremendous educational and cultural barriers. We have pointed with pride to the fact that 35 Hispanics hold the Congressional Medal of Honor, more than any single ethnic group in the United States.

And, perhaps most importantly, we have cited the growing political participation of the Hispanic community at all levels of government. We have Hispanic mayors, Hispanic Governors, Hispanic Congressmen, countless Hispanic councilmen and State representatives. We have an effective network of Hispanic advocacy organizations, fighting for those issues which touch closely upon the Hispanic community—civil and voting rights, bilingual education, immigration, social programs. And we have had many successes.

Clearly, the political establishment is beginning to listen to the Hispanic voice and to court the Hispanic vote. With good reason—it has been estimated that our vote could swing the 1984 election results in key States. We have come a long way.

It is in celebration and recognition of these accomplishments, often achieved against overwhelming odds, that we observe Hispanic Heritage Week. We can look with pride on our heritage, while eagerly anticipating an illustrious future. I invite you all to join in this celebration and self-discovery.●

● Mr. LELAND. Mr. Speaker, it is an honor for me to join with my colleagues today in commemorating the invaluable contributions Hispanics have made to the life of our Nation and in the enrichment of our national heritage, by recognizing the third week in September as National Hispanic Heritage Week.

It should be no surprise that the Hispanic community has achieved national prominence during the past decade, expanding rapidly not only in traditional Hispanic communities, but also in growing new communities

across this country, giving the United States the seventh largest Hispanic population in the world. It is with pride that I note that the population of Texas is 21 percent Hispanic and shares a history and heritage greatly enriched by the Hispanic culture.

As a result of a very diverse, growing population, we see an increasing involvement of Hispanics in America's political life, with registration and voting participation growing from 36 percent to 54 percent and from 30 percent to 44 percent, respectively. This increase in participation coincides with the expanded emphasis on education in the Hispanic community.

The expanding role of Hispanic Americans is evidenced by the prominence of, and the quality of leadership provided by, the growing number of Hispanic public officials. We need only to look at the distinguished Governor of New Mexico and the mayors of San Antonio, Miami, Denver, Santa Fe, and many other cities, and the substantial contributions made by our Hispanic colleagues in the House to see the growing influence of the Hispanic community and its importance to our society.

I commend my distinguished colleague, the gentleman from New Mexico, for his effort in making possible this opportunity to celebrate, and express our gratitude for, the great contributions of our Hispanic brothers and sisters. I appreciate the opportunity to participate in recognizing these great Americans.●

● Mr. RANGEL. Mr. Speaker, I rise to express my full support for National Hispanic Heritage Week. This tribute to our Nation's fastest-growing minority is long overdue, and I am confident that this Heritage Week is the beginning of an ongoing recognition of Hispanic achievement.

I want to point out today, Mr. Speaker, that the 15 to 18 million citizens of Hispanic descent have in many ways become a forgotten community. They have been left out of the political and cultural mainstream of American society, and we see very few government initiatives that focus on issues that most affect Hispanics. For example, little has been done to encourage bilingual education or to curb instances of language-based employment discrimination. This is despite the fact that the language barrier is probably the most significant hindrance to equal access for Hispanics.

Much attention has been given to the recent heightening of political awareness among black voters, and rightly so. However, only 60 percent of eligible Hispanic voters are registered to vote. This figure is below the national average, and indicates that the political clout of Hispanics has yet to be tapped. I would not like to see this trend continue, because it has been the recent experience of black Americans that minorities can have a significant impact on election day—but only if we get out and flex our political muscles at the polls. As the minority population increases, it is incumbent upon public officials to be responsive to minority issues.

Much needs to be done, Mr. Speaker, because the Hispanic heritage is now an integral part of the American heritage.●

● Mr. EVANS of Illinois. Mr. Speaker, I thank the gentleman from New Mexico for yielding and extending to us the opportunity to speak on National Hispanic Heritage Week.

The history of Hispanics in this country is one of proud achievement and courageous struggle against injustice. Like the earlier waves of newcomers to America's shores, Hispanics have often fled poverty and oppression in their native lands.

With them, they brought a rich cultural heritages of art, music, cuisine, and craft as well as a strong devotion to family life, a pride in community and church, and a respect for their older community members.

In the 1960's and 1970's, the burgeoning Hispanic population made great strides of progress through successful direct actions and boycotts, through hard work and determination to succeed in many fields. Hispanic leaders were at the forefront of the ongoing quest for economic justice for farmworkers. They also waged a proud struggle for quality bilingual education.

In the 1980's, we are seeing the emergence of strong voter turnout in the Hispanic community as the best way to express their collective will and aspirations in America. Several major American cities are presently being headed by Hispanic mayors, including San Antonio, Denver and Miami.

Organizations such as the League of United Latin American Citizens (LULAC) and the Mexican America Legal Defense and Education Fund (MALDEF) are playing important roles during our deliberations on important issues of the day such as immigration reform and policies in Central America. They are also fighting to reaffirm the civil rights of all our citizens and the responsibilities of our government to its citizens.

The United States is a land of great cultural diversity—a diversity that has made this country stronger and enriched our way of life. Hispanic culture has greatly contributed to this diversity. This is in the great tradition of the assimilation of so many groups into American life, while consciously maintaining their distinct cultural identity. This is a great source of pride to us all. National Hispanic Heritage Week is a recognition of these contributions.

Mr. Speaker, again I want to express my appreciation to the gentleman from New Mexico for this opportunity to speak.●

● Mr. FAUNTROY. Mr. Speaker, I wish to congratulate my colleague, Congressman BILL RICHARDSON, for providing the opportunity to participate in this special order reflecting on the important contributions of the Hispanic and Latino communities to our Nation on the occasion of National Hispanic Heritage Week which will be officially celebrated next week.

In the District of Columbia, we are especially fortunate to benefit from the contributions of a pluralistic Hispanic and Latino community, one which reflects the full diversity of the peoples of the Caribbean, and Central and South America.

While many of the 50,000-plus Hispanic and Latino residents of the District are relative newcomers to our Nation's Capital, they have already contributed richly to the economic, social, and political life of the District of Columbia and our Nation.

The Office of Latino Affairs, under the able direction of its Director Mr. William Vazquez, is presently involved in easing the transition of our newer community residents to life in the District of Columbia and our Nation.

The contributions of Latino and Hispanic entrepreneurs and organizations, such as the Iberian Chamber of Commerce, are especially noteworthy. These businessmen provide a full range of business services and unique opportunities for our city's residents and visitors to enjoy diverse cultures and experiences. At the same time, they produce jobs and revenue for our city and our Nation.

I am especially grateful for the contributions of the Hispanic and Latino communities to the 20th anniversary Mobilization of the March on Washington 1983 and look forward to the contributions they will be making to the New Coalition of Conscience as we seek to advance the specific legislation agenda on which we are united in pursuit of jobs, peace, and freedom.●

● Mr. SUNIA. Mr. Speaker, while my district does not have a large number of Hispanics currently noted by the last census, their role has been considerable and could be even greater in the future of American Samoa.

I want to commend my colleague Congressman BILL RICHARDSON from New Mexico for thinking of and sponsoring this special order saluting the contributions of the Hispanic population in our respective districts.

In reality there have been few Hispanics involved with American Samoa unless you consider one of the first discoverers of the islands, the Spanish navigator Quiros, to have been instrumental in bringing the existence of our islands to the outside or Western World. We must firmly state that we did in fact exist, for more than 2,000

years, some historians say, before the palagi (Caucasian) discoverers came our way. In any case, these Hispanic sailors and seamen were instrumental in opening up our world to the new ideas and cultural exposure of the West which has culminated in my presence before this House now in the ever-unfolding saga of our political evolution. In this regard the Hispanic influence has been most considerable.

But in a larger measure, we Samoans, hope to emulate the paths of our Hispanic brothers in our involvement in and participation within the United States fabric of government. We know that we, at this time, perhaps are considered next to come along after the Hispanics in the melting pot that is the United States of America but their achievements and successes are really ours yet to be realized and we can only salute their successes and accomplishments and give them a hearty Malo (well done).

I wish to thank BILL RICHARDSON for allowing me to submit these remarks and fully support his efforts in this special order honoring the Hispanic population of all our districts. Thank you, Mr. Speaker.●

Mr. RICHARDSON. Mr. Speaker, I would yield to the distinguished chairman of the Hispanic Caucus to conclude this special order.

Mr. GARCIA. I thank my colleague.

I think what had to be said was said. I believe it is very important. I know that we are laboring late into the evening but we must establish a record, we must put forth those areas that concern us as Hispanics. With that, I would like to say again to my colleague from New Mexico I think this has been a most important special order.

GENERAL LEAVE

Mr. RICHARDSON. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

CONDEMNATION RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 5 minutes.

● Mr. WALKER. Mr. Speaker, earlier today I mistakenly identified the nation of Nicaragua as the country which yesterday voted with the Soviet Union on the question of condemnation for the shooting down of Korean Air Lines flight 007. In fact, Nicaragua aided the Soviet Union only by abstaining in the face of world condemnation of that barbarism and did not cast its vote.

The other vote against the resolution, not surprisingly, came from Poland, further demonstrating that government's aversion to basic human rights. But Nicaragua did not vote against the resolution. The Sandanista government decided not to vote at all. Abstinence in the face of evil is no better than committing the evil, but the record with reference to my remarks should stand corrected.●

CONGRESSIONAL GOLD MEDAL IN HONOR OF LARRY McDONALD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PHILIP M. CRANE) is recognized for 5 minutes.

● Mr. PHILIP M. CRANE. Mr. Speaker, among the 61 Americans on board Korean Air Lines flight 007 was our colleague Larry McDonald of Georgia. I first met Congressman McDonald in Ann Arbor, Mich., over 20 years ago. I was impressed with his dedication and his integrity on that occasion and over the years I was continually impressed by these characeristics. Frankly, I was surprised that Larry would forgo his successful career in medicine for the frustrations and burdens of a political career, but I later realized that he had merely turned his talents from saving lives to a larger task—that of saving the Republic. And as we all know, for nearly a decade Larry McDonald dedicated his life, his talents, and his intelligence to that end. He fought with all his strength the sickness and inhumanity of world communism, and ironically, it was because of the barbarism and terrorism of world communism that his life ended so suddenly. Larry became one more casualty in the struggle for human freedom.

Superficial media personalities have tried to compartmentalize Larry McDonald as simply anti-Communist. But such shallow stereotyping fails to recognize his profound commitment to the preservation of the highest ideals of Western civilization: Individual liberty, the dignity of man, limited constitutional government, a free economy, and preservation of our Nation's strength as the last, best hope of mankind.

Today, I am introducing legislation to award the McDonald family with a Congressional Gold Medal, to honor Larry.

I urge my colleagues to join in honoring a truly great American, Lawrence P. McDonald.●

THE OUTER CONTINENTAL SHELF LANDS ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

● Mr. WEAVER. Mr. Speaker, yesterday I introduced a bill to amend the Outer Continental Shelf Lands Act of 1978.

In July of 1982 Secretary of Interior James Watt established his 5-year management program for the Outer Continental Shelf. The program calls for expedited leasing of over 1 billion acres of OCS lands. This amounts to 25 times the average acreage made available to the oil and gas industry in the entire history of the off-shore leasing program.

By so doing, Secretary Watt has shown himself to be single-mindedly dedicated to offering virtually the entire OCS for lease to the industry and at break-neck pace. At the same time he has revealed his nearly complete insensitivity to the fisheries, biological, scenic, and other enduring values of the most precious and fragile portions of our Nation's coastal zone.

Secretary Watt is proud of having streamlined the OCS leasing process. However, according to the record presented before the Subcommittee on Mining, Forest Management, and Bonneville Power Administration in a San Francisco hearing last month, this streamling is little more than a euphemism for systematically reducing knowledge of and effective participation in the leasing process by States and local officials and by the public at large.

Take, for example, the case of "Lease Sale 73," which covers most of central and northern California OCS. Interior Department's distortion of the procedures for scoping, for public comment period, for public hearings, and for the environmental impact statement for Lease Sale 73 all indicate a profound disrespect for open, lawful decisionmaking.

No preliminary meetings were upheld, despite dozens of requests from members of the public and State and local officials. Preliminary meetings are specifically encouraged by regulations of the Council of Environmental Quality which guide the preparation of environmental impact statement (EIS's) of all Federal agencies.

The mandated 60-day public comment period for the draft EIS, far from being extended as logic would have dictated considering the complexity of the issues being considered, was actually cut short. Protests over this cavalier treatment were ignored by the Department. To make matters worse, three public hearings were held simultaneously at one location, an inland town removed from the environmental effects of the leasing program.

Interior Department's draft EIS also failed to identify the tracts being offered for lease sale, thereby handicap-

ping any attempts at careful review by citizens. In addition, the draft EIS failed to consider reasonable resource-protective alternatives to the lease sale, failed to discuss a worst-case scenario, and failed to consider the cumulative impacts of proposed oil and gas development in conjunction with existing development and in relation to other coastal activities.

Perhaps even more dismaying was the failure to identify key mitigation measures—to be applied as stipulations in the lease sale—until the final notice of sale. Vague references to mitigation contained in the draft EIS hardly provided adequate opportunity for thorough public scrutiny and comment.

Such flaws in the public participation process are all too symptomatic of Secretary Watt's environmental analysis of OCS lease offerings. They have resulted in a flood of court suits against his 5-year program. According to a report issued by the Subcommittee on Oversight and Investigations of the House Interior and Insular Affairs Committee, five coastal States: Alaska, California, Washington, Oregon, and Florida; three local governments: two in Alaska, one in California; and seven environmental organizations have filed lawsuits challenging the Watt program. A sixth State, Massachusetts, filed an amicus brief in support of the suits. The OCS areas affected by the litigation include the North Atlantic, northern and central California, North Aleutian Basin, St. George, Norton Sound, Barrow Arch, and Daipir Field.

In the consolidated case before the U.S. Court of Appeals for the District of Columbia, in addition to the coastal States already mentioned, petitioners included the city of Los Angeles, the North Slope Borough, the Yukon-Kuskokwim Coastal Resources Service Area Board, the Natural Resources Defense Council, the Sierra Club, Friends of the Earth, the National Wildlife Foundation, the National Audubon Society, the Conservation Law Foundation of New England, and Trustees for Alaska. This case was decided July 5, in an opinion that did little to clarify the issues.

Other legal challenges to specific lease sales have occurred against two off-shore California sales—since decided, and against sale No. 57 in Norton Sound, No. 52 in Georges Bank, and No. 70 in the St. George Basin. Serious delays have resulted from these suits, particularly in the case of the ninth circuit court requiring Secretary Watt to prepare consistency determinations in compliance with the Coastal Zone Management Act.

In brief, Secretary Watt's 5-year program poses a quadruple threat. First, the helter-skelter approach to leasing abdicates his responsibility to give serious consideration to the objections raised by the States, local governments, concerned organizations, and individuals. Second, he jeopardizes the oil and gas industry's need for an orderly, predictable progression of events. Third, he depletes revenue from bonus payments by dumping huge numbers of lease offerings on a sluggish market. Fourth, he places at risk a national treasure of irreplaceable resources located in environmentally sensitive areas of the OCS.

The magnificent sweep of the California coast, reaching all the way from my home district on the Oregon border south to the Mexican border holds incomparable values—economic, environmental and scenic. The full extent of the spectacular Big Sur coast, the last major California coastal area free of the industrial boom-bust syndrome, is perhaps its best known feature, together with the Channel Islands Marine Sanctuary, Santa Barbara, Santa Monica Bay, and the coastal area from Laguna Beach south to the Mexican border.

These tremendously popular areas of California's shore are now fully exposed to the hazards of oil and gas development under Secretary Watt's 5-year management program. The California Coastal Commission and State of California have identified areas where off-shore petroleum leasing and development should not take place, consistent with the California Coastal Act, as follows:

Santa Monica Bay (sales 35, 48, 68); the Coast Guard designated vessel precautionary area off-shore of the Ports of Los Angeles and Long Beach (sales 48, 68); the ecological preserve seaward of the city of Santa Barbara (sale 68); areas within 6 nautical miles of the Santa Barbara Channel Islands, now the presidentially-designated Channel Islands Marine Sanctuary; areas off-shore the rural, scenic and undeveloped coastal areas of Mendocino, Sonoma, Marin, San Mateo, and Santa Cruz Counties (sale 53); areas within 6 miles of 22 significant marine mammal and seabird resources areas, and within 20 miles of 7 special scenic areas along the central and northern California coasts (sale 53); areas in Federal marine sanctuaries for the Point Reyes Farallon Islands area, and proposed Monterey Bay sanctuary; and areas within 12 miles of the range of the threatened sea otter (sale 53).

These waters provide the habitat for 27 known species of great and small whales, including the endangered populations of white whales and gray whales. They also shelter six species of other marine mammals and many species of seabirds. The sea otter population, of all this adverse creation perhaps the most vulnerable to oil pollution, could easily be wiped out by one large oil spill.

Our ignorance of how oil and gas drilling and production affect this enormously rich and extensive community of beings is positively awesome, especially when one realizes there are eleven species which were completely unknown until recently. One authority, Thomas E. Radford, in a critique of the Mineral Management Service's drive to lease oil and gas tracts, has stated that the environmental studies conducted by MMS are insufficient to be useful in predicting the level of harm to the environment of such development.

In economic terms, the risk to California's fishing industry, valued at approximately $1 billion per year, and to the State's tourism, said to be worth upwards of $15 billion annually, must be weighed in the balance against the benefits of exploiting the oil and gas potential of California's OCS.

If it is true that the average life of an oil field is 30 to 40 years, the usual estimate, then any long-term calculation must consider the indefinite longevity of the co-existing fishery, when protected from harm. It is doubtful that Secretary Watt has seriously attempted to make such a comparison.

In granting injunctive relief in March 1983 to citizens of Massachusetts who sued to stop sale 53 on the Georges Bank, Judge Mazzone stated the problem rather succinctly when he ruled as follows:

> The amount of oil to be found on Georges Bank * * * represents an insignificant contribution to overall United States consumption * * *. By contrast, the fishery located on the Georges Bank region is of known value and great significance, both to the region and the nation, as a source of food and a mainstay of local industry. Weighing the interest of the public in the development and preservation of these two important resources, I must conclude that proceeding hastily with oil exploration in this region presents an unnecessary risk of harm of potentially indefinite duration, for an unacceptably small benefit.

Section 18(a)(3) of the Outer Continental Shelf Lands Amendments Act requires the Secretary to "select the timing and location of leasing, to the maximum extent practicable, so as to obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas and the potential for adverse impact on the coastal zone." In his race to lease virtually the entire remaining OCS, Secretary Watt has failed to secure this balance.

The Watt OCS management program will effectively transfer most of the Nation's $1.3 trillion off-shore petroleum resource to the private sector under procedures which minimize competition, favor large companies and reduce the amount of information through which Interior Department evaluates bids. Ironically, the program may actually delay OCS development further by requiring a substantial shift of industry capital to massive

land acquisition (through leasing bonuses) and away from development and production activities.

In the long run Secretary Watt's OCS policies squander our Nation's natural wealth, both renewable and nonrenewable, in the interest of short-term gain. Mr. Speaker, this policy is both foolhardy and insane.

In a hearing in San Diego held September 12 by the subcommittee, testimony indicated that Admiral Foley, commander in chief, Pacific, felt the OCS development in the San Diego area was detrimental to naval operations.

Nothing in the Outer Continental Shelf Lands Amendments Act requires or allows the Secretary to sell off OCS resources as rapidly as possible to help balance the Federal budget, or for any other reason. I believe that Americans for generations to come will pay dearly for Secretary Watt's myopic vision of the future.

My bill aims to restrict the Secretary's discretionary authority by amending section 18 of the Outer Continental Shelf Amendments Act of 1976 so as to:

Require the designation of specific geologic basins and petroleum entrapment areas in planning for lease sales;

Restore the former procedure for nomination of tracts and restrict the leasing of tracts having a negative State recommendation;

Mandate consideration of the effect which proposed oil and gas development will have on adjacent or affected OCS areas;

Require consideration of cumulative onshore and offshore effects of OCS development;

Require that the timing, extent, and location of lease sales minimize the risk of environmental damage or adverse effect on coastal zones;

Require acceptance of a coastal State Governor's recommendation when it provides a balance between the national interest and the well-being of the State's citizens;

Substitute a substantial evidence test for the arbitrary and capricious test on appeal;

Postpone lease sales in frontier areas; and

Encourage studies of the effect of seismic activity on OCS development.

In addition, my bill would declare a moratorium on the leasing of oil and gas tracts in certain environmentally sensitive areas on the California and Massachusetts OCS.●

THE 18TH ANNUAL VON STEUBEN PARADE IN CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, September 17 is the 253d anniversary of the birth of Gen. Friedrich Wilhelm von Steuben, professional soldier, military expert, Inspector General of the Continental Army, and American patriot. A native German, von Steuben was second only to General Washington in his contribution to the cause of American independence and in converting the Continental Army into a disciplined fighting force.

On Saturday, September 17, it will be my genuine pleasure to join with the United German-American Societies of Greater Chicago in their 18th Annual General von Steuben Parade to commemorate the birth of this great Revolutionary War hero. The colorful pageantry of the grand parade will step off at noon from Wacker Drive and Dearborn Street, and then proceed to the reviewing stand located at the Richard J. Daley Center in downtown Chicago. Not only will the event be a tribute to this great soldier, but also it will be an occasion to promote the many contributions of German-Americans throughout the entire history of our country.

The Honorable Eugene Schulter, alderman of the 47th ward, will serve as the honorary grand marshal of the parade. This year, the capable and energetic Karl C. Laschet again is serving as general chairman and grand marshal. Norbert Holzinger is serving as vice chairman and parade marshal, and Erich Himmel is serving as vice chairman.

Born into a military family, von Steuben led a solider's life from age 16. He served in the Prussian Army with distinction, and in high tribute to his professional standing King Frederick the Great appointed him to general staff duty at the royal headquarters.

General von Steuben, taken by the cause of American independence arrived in this country late in 1777, after having been recruited in Paris by Benjamin Franklin. He was received with high honors by the Continental Congress at York, Pa., in January 1778. Reporting to Gen. George Washington at Valley Forge the next month, von Steuben sustained the courage and spirit of his men during a time of great disappointment and hardship for the Continental Army, since it seemed that the frigid winter could have delayed indefinitely America's hope for independence. Through the fortitude and discipline of General von Steuben, the Continental Army was able to emerge from this winter as an outstanding fighting force. For his efforts, Washington obtained for von Steuben the appointment of Inspector General with the rank of major general.

During the winter of 1778–79, von Steuben wrote an all-important manual on the basics of drill and field service regulations for the American citizen-solider which was entitled, "Regulations for the Order and Discipline of the Troops of the United States." This publication, known as the blue book, served as the official Army manual until 1812. In appreciation for his services, the State of New York awarded General von Steuben a 16,000-acre estate, and Congress granted him a pension of $2,500 for the rest of his life.

The members and officers af all the German American Societies of Greater Chicago are outstanding and dedicated citizens, who have been vital in their leadership roles in their individual communities, and I congratulate them on their efforts and their achievements. I also extend my warmest congratulations to Karl C. Laschet, general chairman and grand marshal of the parade, and to all the members of the 18th annual General. von Steuben parade committee, who have been working so diligently to insure that this year's parade and salute to German-Americans is an overwhelming success. The names of the parade's leadership and committee membership follows:

Norbert Holzinger, first vice chairman and parade marshal; Erich Himmel, second vice chairman.

Committee: Josef Anetzberger, Otto Alden, Felix Bachmeier, Melvin Brandt, Stefan Dama, Rudi Dick, Ludwig Erdbeer, Willi Follmer, Kari Geier, Josef Gies, Oleg Geschwendt, Richard Guenter, John Hebling, John Kraus, Elisabeth Kraus, Fred Marunde, Josef Matzer, Siegfried Reinke, Julius Roth, Theo Schulte, Horst Seyferth, Willi Scharpenberg, Nick Schneider, and Horst Tietz.

Trustees: Helmut Schmidt, Ron Rothmund, Helen Meiszner, parade treasurer; Paula Zottmann, cornflower chairlady; Clara Winkler, recording secretary; Betty Center, corresponding secretary; and Edward Kmiec, coordinator.

Directors, Joseph Frelburger, Karl Kurz, Elisabeth Kraus, Willi Follmer, Josef Anetzberger, John Katrein, Joseph Zottmann, Helen Meiszner, Alfonse Schneemann, and Michael Bruckner.

Finance Committee: Henrietta Baltis, George Bohling, Inge Himmel, Albert Opitz, and Paula Zottmann.

This year's celebration is especially significant since it also marks the 300th anniversary of the first known German settlement in America. On October 6, 1683, a small group of Mennonite families from the city of Krefeld founded Germantown, Pa., which is today a suburb of Philadelphia. From this small community grew a population of more than 60 million Americans of German descent presently living in this country, who have made substantial contributions to the growth and success of our Nation.

President Ronald Reagan has issued a Presidential proclamation to commemorate the tricentennial anniversary year of this German settlement in America, and a copy of that proclamation follows:

TRICENTENNIAL ANNIVERSARY YEAR OF GERMAN SETTLEMENT IN AMERICA

(A Proclamation by the President of the United States of America)

On October 6, 1683, a group of thirteen Mennonite families, coming from the city of Krefeld, now in the Federal Republic of Germany, founded Germantown, Pennsylvania, today a suburb of Philadelphia. Since then, more than seven million German immigrants have entered the United States and made extraordinary human, economic, political, social, and cultural contributions to the growth and success of our great country.

Today there are more than sixty million Americans of German descent, a number about equal to the total population of the Federal Republic of Germany. More Americans claim German ancestry than any other nationality.

During my address to the Bundestag in Bonn in June of last year, I spoke of the importance with the United States attaches to the Tricentennial year of 1983 commemorating German settlement in America. Despite the legacy of two world wars which found us on opposing sides, West Germany and the United States have forged an exceptionally close relationship during the past three decades. The success of the Marshall Plan, the Berlin Airlift, and the ensuing NATO partnership have led to a recognition of our common democratic ideals and joint interest in Western economic and political strength.

Throughout 1983 there will be numerous activities and observances to celebrate the Tricentennial. President Karl Carstens has accepted my invitation to attend the culminating event in Philadelphia next October.

The Congress, by Senate Joint Resolution 260, has designated 1983 as the "Tricentennial Anniversary Year of German Settlement in America" and has authorized and requested the President to issue a Proclamation in observance of that year. By the same Resolution, the Congress established the Presidential Commission for the German-American Tricentennial to plan, encourage, develop and coordinate the commemoration of this historic event.

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim the year commencing on January 1, 1983, as the Tricentennial Anniversary Year of German Settlement in America, and urge all Americans to observe the year with appropriate ceremonies and activities.

In witness whereof, I have hereundo set my hand this 20th day of Jan., in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan.

Mr. Speaker, on this occasion of commemorating the courage and heroism of Gen. Friedrich von Steuben, I send my greetings and best wishes to all German-Americans who reside in the 11th Congressional District of Illinois which I am honored to represent, and to German-Americans all over the Nation, who are paying tribute to this great American, and who are celebrating the many lasting contributions of men and women of German ancestry which have added to America's greatness, since the first German settlement in this country almost 300 years ago.●

LEGISLATION TO AMEND THE PERISHABLE AGRICULTURAL COMMODITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DE LA GARZA) is recognized for 5 minutes.

● Mr. DE LA GARZA. Mr. Speaker, I have introduced a bill today that would amend the Perishable Agricultural Commodities Act by imposing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of unpaid sellers.

The Perishable Agricultural Commodities Act was enacted in 1930 to encourage fair trading practices in the marketing of perishable commodities by prohibiting unfair and fraudulent business practices and providing for collecting damages from any buyer or seller who fails to live up to his contract obligations.

The act has generally worked well in making the marketing of perishable agricultural commodities more orderly and efficient. However, in recent years there has been a substantial increase in instances where commission merchants, dealers, or brokers have failed to pay for perishable agricultural commodities received by them or have been slow in making payment therefor.

Sellers of perishable agricultural commodities are often located thousands of miles from their customers. Sales transactions must be made quickly or they are not made at all. Many sales are consummated while the commodities are en route to a particular destination. Under such conditions, credit checks, conditional sales agreements, and other traditional safeguards are not possible. Under present law, sellers of fresh fruits and vegetables are unsecured creditors and receive little protection in any suit for recovery of damages where a buyer has failed to make payment as required by the contract.

The bill as introduced would remedy this situation by impressing a trust in behalf of the unpaid seller on the inventories, commodities, or proceeds of sale of such commodities in the hands of the commission merchant, dealer, or broker in the same manner as has been provided by amendments to the Packers and Stockyards Act adopted in 1976.

I have provided below a brief analysis of the amendment.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend section 5 of the Perishable Agricultural Commodities Act as follows:

(1) It declares as a finding by Congress that a burden on commerce is caused by financing arrangements under which commission merchants, dealers, or brokers who have not made payment for perishable agricultural commodities purchased or handled by them in behalf of another person, encumber, or give lenders a security interest in such commodities, and that such arrangements, are contrary to the public interest.

(2) It provides that perishable agricultural commodities received by a commission merchant, dealer, or broker in all transactions, and all inventories, receivables, or proceeds from such perishable agricultural commodities, shall be held by such handlers in trust for the benefit of all unpaid sellers or suppliers of such commodities until full payment is made. It further provides that payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which is dishonored. Transactions between an agricultural cooperative association and its members are exempted from these special provisions.

(3) It provides that the unpaid seller will lose the benefits of such trust unless such person (or agent) gives written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary within 30 business days: (i) after expiration of the time by which payment must be made as prescribed in regulations issued by the Secretary, (ii) after expiration of such other time as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument presented for payment has been dishonored.

(4) It vests the United States district courts with jurisdiction on (a) actions by trust beneficiaries to enforce payment, and (b) actions by the Secretary to prevent and restrain dissipation of the trust.

Section 2 of the bill amends section 2(4) of the Act by defining as unfair conduct and an unlawful act, the failure of any commission merchant, dealer, or broker to maintain the trust for the benefit of the seller as required under section 5(c). A violation of section 4 would subject the person failing to maintain the trust to a reparations order for damages by the Secretary or to suspension or revocation of his license in accordance with the administrative procedures set forth in the Act.●

LEGISLATION TO AVOID OCTOBER PAY CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 10 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I introduced today, legislation which will delay the effective date of section 310(b) of the Omnibus Budget Reconciliation Act of 1982 until the effective date of the next Federal employee pay increase. This bill is supported by a majority of the members of the Committee on Post Office and Civil Service, and I hope the House will consider it next week. Unless this bill is enacted prior to October 1, hundreds of thousands of Federal employees will suffer an unintended and unexpected pay cut this October.

Section 310(b) was one of several provisions reluctantly accepted by the

House conferees on the 1982 budget reconciliation bill. These provisions, which adversely affected Federal employees and retirees, were necessary to achieve the spending cuts required by the administration's economic program. Section 310(b), for example, was estimated to save $120 million in fiscal year 1984. I should point out that although the House finally approved the conference report—it was rejected the first time it was considered—I and a majority of the members of the Committee on Post Office and Civil Service voted against it.

Section 310(b) requires a bookkeeping change in the way pay is computed for general schedule, white-collar, and most other annual rate Federal employees. In order to compute paychecks for these employees their annual salaries must be converted into hourly rates. Currently, this is done by dividing the annual salary by 2,080 hours—number of hours in 52 weeks of 40 hours each. In fact, however, each year there is a fraction of a week more than 52 weeks which means employees are being paid a little more than their stated annual rate in most calendar years. To save money, the Reconciliation Act requires that for fiscal years 1984 and 1985 the more mathematically accurate divisor of 2,087 hours should be used to compute hourly rates.

According to the Office of Personnel Management, use of the new divisor will mean pay cuts of $3.20 to $8.80 per pay period for affected employees. To minimize the impact on employees, the Reconciliation Act provides the new computation method will take effect with the pay periods beginning on or after October 1. This coincides with the traditional effective date for the annual Federal pay comparability adjustments. Thus, although the new divisor means a slight pay reduction, the comparability adjustment which was expected to take effect at the same time would more than compensate for it, and employees take home pay would still increase.

The President has now formally proposed delaying the pay adjustment until next January and capping it at 3.5 percent. Congress may or may not go along with the President's plan. It earlier endorsed a 4-percent increase. But in the meantime affected employees will suffer a pay cut in 2 weeks as a result of the President's plan to delay the annual pay adjustment.

The bill I introduced will avoid an October pay cut. Specifically, it provides the new computation method will not take effect until the pay comparability adjustment also takes effect. Thus the reduction required by the new computation method will be more than offset by the pay comparability adjustment.●

RESOLUTION CALLING ON TREASURY SECRETARY TO MAKE U.S. CURRENCY USABLE BY THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing a resolution which would express the sense of the Congress that the Secretary of the Treasury should develop a method for printing our national currency that makes the denomination of the currency identifiable to blind persons.

As my colleagues know, our paper currency is not understandable by the blind. All denominations are made in the same size and only the visible printing on the currency distinguishes one denomination from another. This is unlike many currencies around the world, which are printed in different sizes.

It should be clear that this situation puts blind people at a distinct disadvantage in everyday life on top of the obvious disadvantages they already face. In practically every exchange in a store, in a bank, or anywhere else that money is involved, they must rely on the honesty and accuracy of other individuals. In addition, the number of jobs that blind persons can hold is even further reduced by this problem, as they generally cannot perform any function which requires the counting of paper money.

As long as we can, without undue cost, alter our currency to enable the blind to identify the various denominations I believe it amounts to unfair discrimination not to make the necessary changes. The blind face more than enough discrimination. This is a case where the Federal Government can eliminate one form of discrimination and help to make blind persons more independent and self-sufficient.

It is for these reasons that I am introducing my resolution today. I believe the Treasury Department has the capability to make the changes in our currency that can make individual bills identifiable to blind persons merely by touch. Various proposals have been suggested for changing our currency in this manner. These include cutting corners of bill, using special embossing, and assigning different sizes to the various denominations. It is not my intention to force the Treasury Department to adopt any particular idea; rather, I believe we should encourage the Department to study this issue and to come up with the most cost-effective approach, after consultation with appropriate individuals, businesses, and organizations and after appropriate experimentation.

Mr. Speaker, most of us take for granted our ability to take money out of our wallets, pay for an item, and receive and count our change. The blind in our society, who face so many handicaps, also must contend with the handicap of not being able to carry out these everyday functions without extreme difficulty. We can eliminate this handicap and I believe we should do it. I hope my colleagues feel the same way and will join me in sponsoring this resolution.

At this point in the RECORD, I would like to insert the text of my resolution:

H. CON. RES. 163

Concurrent resolution expressing the sense of the Congress that the Secretary of the Treasury should develop a method for printing currency in a manner which will make the denomination of such currency readily identifiable to an individual who is blind

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Secretary of the Treasury should develop a method for printing currency in a manner which will make the denomination of such currency readily identifiable to an individual who is blind.●

THE STRATEGIC PETROLEUM RESERVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, today I am introducing a bill to improve the reliability and effectiveness of the strategic petroleum reserve. The bill is an amendment to the Energy Policy and Conservation Act and requires a test drawdown, distribution, and sale of a portion of the strategic petroleum reserve crude oil.

The strategic petroleum reserve was created to store substantial quantities of petroleum in order to diminish U.S. vulnerability to the effects of a severe energy supply interruption, or to carry out obligations of the United States under the international energy program. The strategic petroleum reserve, with 353 million barrels of crude oil in storage, now represents a substantial deterrance against politically inspired disruptions of U.S. energy import. Yet the full advantage of this significant strategic reserve is unrealized.

On December 1, 1982, the Department of Energy submitted a report to Congress on their plan for the drawdown and distribution of the strategic petroleum reserve. Speaking for myself and a number of my colleagues, we are disappointed that this report did not sufficiently detail how this strategic resource would be utilized under a severe disruption of U.S. energy supplies. However, the problem is larger than the general inadequacy of the report.

Historically, concerns about SPR crude oil quality and drawdown capability have undermined the effectiveness of the SPR as a stabilizing factor

on the oil market. Indeed, the public confidence that the strategic petroleum reserve was, in part, designed to provide has suffered from those same concerns. A required test drawdown, distribution, and sale of a small amount of the strategic petroleum reserve crude oil will serve to quiet these concerns.

Department of Energy officials have stated the need to test the Government procurement system for the sale of crude oil. Though the Government procures oil for the SPR, it has no experience selling oil, nor have the paperwork and procedures been tested and subjected to legal scrutiny in market conditions. The SPR with over 350 million barrels of oil is now the largest U.S. stockpile and potentially the largest source of crude oil sales during an emergency. A drawdown such as I am proposing would give the Department this experience and better prepare the Government and industry in the event of an actual major oil supply interruption. Finally, a SPR drawdown would test both system logistic capabilities and market value for the diverse crude oil types stored in the SPR salt domes.

In hearings before the Subcommittee on Fossil and Synthetic Fuels, the Secretary of Energy indicated a test sale of SPR crude oil would be an effective way to help prepare the SPR for its ultimate use in offsetting a serious oil supply interruption. At that time the Secretary expressed some concerns about the administrative costs and the almost certain prospect of having to repurchase displaced supplies at higher costs. Staff estimates the cost of such a test to be between $5 and $10 million. While not insignificant, this is a modest price to pay to test the multibillion-dollar reserve and provide public assurance of its viability in a time of national crisis.

During these same hearings the Department of Energy argued that current SPR legislation does not allow any sale of oil unless an emergency is declared. While I disagree with this interpretation, this bill would remove all ambiguity.

Although the bill provides wide flexibility to the Department of Energy in carrying out a test drawdown, I hope it would be conducted sooner than the end of fiscal year 1985 as required by this bill. The quantity of oil to be sold, also unspecified, should be at least 2 million barrels if it is to provide meaningful results.

Subsequent to the first test, the Secretary of Energy would have wide latitude in conducting additional tests. I personally believe this test and subsequent exercises should be an integral part of a larger drawdown readiness policy. This larger framework should include, as a minimum, a yearly drawdown report premised on current market conditions and the current size of the SPR.

I believe this bill will be a major step toward answering many questions surrounding the reliability and the effectiveness of the SPR in times of crisis.

I also hope this proposal will receive the same wide bipartisan support that the filling of the SPR has historically enjoyed.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 10 minutes.

● Mr. NEAL. Mr. Speaker, the U.S. Export-Import Bank has announced its plan to provide guarantees and insurance of up to $1.5 billion for the Government of Brazil and up to $500 million for the Government of Mexico to enable these countries to buy U.S. goods and services.

The Eximbank's stated purpose is to alleviate the trade financing shortfall facing these two hard-pressed countries so that they may continue to buy U.S. exports.

It is unusual and probably unprecedented, however, for the Eximbank to set up special facilities of this size for specific countries. Normally, the Bank provides financing, guarantees, or insurance in support of individual export transactions. But in this instance, the Bank proposes to set aside $2 billion of guarantees and insurance for Brazil and Mexico to enable these countries to make unspecified purchases in the United States. Each separate transaction under these facilities would have to undergo normal Eximbank approval procedures.

The use of these new facilities would be conditioned on Brazil's and Mexico's compliance with International Monetary Fund stabilizaion programs, on their ability to attract additional financing from commercial banks, and on their receiving similar trade financing commitments from other creditor nations.

Because the establishment of these facilities would be a departure from normal Eximbank practices, the Banking Committee's International Trade Subcommittee, which I chair, is holding hearings on September 13, 1983, to take a closer look at the Eximbank proposals. The Eximbank's formal notifications on the Brazil and Mexico packages left many questions unanswered as to how these facilities would be used and what the Bank's risks would be.

I would like to insert in the RECORD at this time the Eximbank notifications, which were referred to me as chairman of the Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans, guarantees or insurance, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transactions—in this case, the Brazil and Mexico programs—after 25 days of continuous session of the Congress following notification.

I am submitting for the RECORD copies of the Eximbank notifications on Brazil and Mexico. I would welcome any comments or questions my colleagues might have about these proposals.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 17, 1983.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

MARIANNE CROTTY,
Special Assistant to the Chairman for Congressional Relations.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 17, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker of the House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Brazil.

A. DESCRIPTION OF TRANSACTION

Eximbank is prepared to authorize guarantees and insurance (Facility), up to $1,500,000,000, to assist the Government of Brazil in the purchase in the United States and export to Brazil of goods and services of U.S. manufacture or origin.

The obligor under the Facility will be the Government of Brazil, or a government agency on behalf of or with the guarantee of the Government. Repayment terms will be appropriate to the export transactions under the Facility. The availability date of the Facility will be September 30, 1984. Prior to the utilization of the Facility, the following conditions shall be met to the satisfaction of Eximbank: (1) Brazil shall be in compliance with an International Monetary Fund Extended Fund Facility; (2) commercial banks shall have established an additional financing program for Brazil; and (3) other creditor nations shall have made commitments to provide comparable financial support.

B. EXPLANATION OF EXIMBANK FINANCING

1. The Brazilian Debt Problem

Brazil faces a severe financing gap during the balance of 1983 and in 1984 that threatens to cause a precipitious contraction in trade. Recent data indicate that commitments are still lacking for $9 to $10 billion in additional support to meet Brazil's needs through 1984.

Brazil and its public and private creditors are now in the process of developing a new program to provide the $9 to $10 billion in additional financing needed to close this gap. The Facility described above will be an integral part of this program, to be provided in conjunction with the efforts of export credit agencies of other creditor countries, multilateral institutions, as well as commercial banks. The Facility will assist Brazil in sustaining a level of exports from the U.S. which are essential to Brazil's economic health and, at the same time, are important sources of employment in the U.S.

2. Impact on U.S. employment

Brazil is a major market for U.S. exports, involving a broad cross-section of the U.S. economy, including food, chemicals, manufactured goods, machinery, transportation equipment, and coal. In 1981, U.S. exports to Brazil amounted to $3.7 billion. Using the Department of Commerce calculation that $1 billion in exports equates to 25,000 jobs, these exports to Brazil provided employment for over 90,000 Americans. In 1982, because of growing Brazilian economic problems, U.S. exports dropped to $3.4 billion, equating to a loss of 7,500 jobs. Projections for 1983 suggest that U.S. exports to Brazil could decline even further, to less than $2.8 billion, thereby jeopardizing an additional 15,000 jobs.

The Facility described above will have a favorable impact on employment for substantial numbers of United States workers, as well as on the United States balance of trade. In addition, the Facility will assist Brazil in closing its financial gap as part of a comprehensive package of financial assistance involving the International Monetary Fund, commercial banks and other creditor countries.

Attached is certain additional information on Eximbank activity in and econimic data on the country involved in this transaction.

Sincerely,

WILLIAM H. DRAPER III.

Attachment.

AUGUST 15, 1983.

EXIMBANK EXPOSURE—BRAZIL

	Millions (U.S.)
As of July 31, 1983, Eximbank exposure in Brazil involved:	
Short term	$47.0
Medium term	92.7
Long term	1,407.9
Total	1,547.6

ECONOMIC DATA—BRAZIL

	1980	1981	1982
Gross domestic product (billions)	$283	$302	$320
Percentage change in real GDP	7.9	−3.5	0.1
Public sector deficit as percent of GDP	8	12	14
Percentage change in money supply	71	75	72
Percentage change in Consumer Price Index	83	105	98
Trade balance (billions)	−$2.8	$1.2	$0.8
External current accounts (billions)	−$12.4	−$11.0	−$14.5
Overall balance of payments (billions)	−$3.4	$0.8	−$7.5
External debt (billions)	$63	$71.9	$81.3

ECONOMIC DATA—BRAZIL—Continued

	1980	1981	1982
Debt service as percent of exports of goods and services	61	66	85

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 17, 1983.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

MARIANNE CROTTY,
Special Assistant to the Chairman for Congressional Relations.

EXPORT-IMPORT BANK OF THE
UNITED STATES,
Washington, D.C. Aug. 17, 1983.

The Speaker of the House of Representatives,
The Speaker's Room H-209, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Mexico.

A. DESCRIPTION OF TRANSACTION

Eximbank is prepared to authorize guarantees and insurance (Facility), up to $500,000,000, to assist the Government of Mexico in the purchase in the United States and export to Mexico of goods and services of U.S. manufacture or origin.

The obligor under the Facility will be the Government of Mexico, or a government agency on behalf of or with the guarantee of the Government. Repayment terms will be appropriate to the export transactions under the Facility. The availability date of the Facility will be September 30, 1984. Prior to the utilization of the Facility will be September 30, 1984. Prior to utilization of the Facility, the following conditions shall be met to the satisfaction of Eximbank: (1) Mexico shall be in compliance with its International Monetary Fund Extended Fund Facility; (2) commercial banks shall have established an additional financing program for Mexico; (3) other creditor nations shall have made commitments to provide comparable financial support; and (4) the bilateral and implementing agreements between the United States and Mexico pursuant to the multilateral debt rescheduling of June 22, 1983 shall have been signed.

B. EXPLANATION OF EXIMBANK FINANCING

1. The Mexican Economic Problem

Mexico's 1982 economic crisis forced the adoption of a severe domestic austerity program and an adjustment of the economy to conform to fiscal and balance of payments constraints. This domestic program was supported by a comprehensive financing program involving new credits provided by the International Monetary Fund and commercial banks, along with a rescheduling of public and private sector debt. For Mexico, these measures have meant falling output, rising unemployment, declining standards of living and plummeting imports.

Now, one year after the 1982 crisis, the benefits of these programs are beginning to emerge, and Mexico appears to be on the threshold of an upswing. The Facility will strengthen the Mexican recovery effort by acting both as a catalyst for continuing support by the international financial community and as a secure source of financing for U.S. exports.

2. Impact on U.S. Employment

Mexico, as one of the largest nations in the world economy in terms of population, industrial output, and oil production and reserves, is a major market for U.S. exports. These exports involve a broad cross-section of the U.S. economy, including food, chemicals, manufactured goods, machinery, and transportation equipment. In 1981, Mexico's purchases abroad totalled some $24 billion of which $17.4 billion came from the U.S.

As a result of Mexico's retrenchment program, U.S. exports to Mexico declined by 37% in 1982, a loss to the U.S. economy of over $6 billion. Using the Department of Commerce calculation that $1 billion in exports equates to 25,000 jobs, this decline involves a loss of some 160,000 jobs. Although the 1982 decline in exports covers a wide range of items, about 53% of the down-turn was concentrated in machinery and transport equipment. Data for the first five months of 1983 indicate that U.S. exports to Mexico will be even lower this year, thereby further jeopardizing employment in the U.S.

The Facility described above will have a favorable impact on employment for substantial numbers of United States workers, as well as on the United States balance of trade. In addition, the Facility will strengthen the Mexican economic recovery as part of a comprehensive package of financial assistance from the International Monetary Fund, commercial banks and other creditor countries.

Attached is certain additional information on Eximbank activity in and economic data on the country involved in this transaction.

Sincerely,

WILLIAM H. DRAPER III.

Attachment.

AUGUST 15, 1983.

EXIMBANK EXPOSURE—MEXICO

	Millions (U.S.)
As of July 31, 1983, Eximbank Exposure in Mexico involved:	
Short term	$119
Medium term	273
Long term	2,085
Total	2,477

ECONOMIC DATA—MEXICO

	1980	1981	1982
Gross domestic product (billions)	$210	$266	$183
Percentage change in real GDP	8.3	8.0	−0.2
Public sector deficit as percentage of GDP	7.7	14.8	18.6
Percentage change in money supply	33.1	32.8	62.9
Percentage change in Consumer Price Index	29.8	28.7	98.8
Trade balance (billions)	−$1.7	−$3.1	$7.7
External current account (billions)	−$7.7	−$13.9	−$3.0
Overall balance of payments (billions)	$0.9	$1.1	−$6.3
External debt (billions)	$51	$75	$83
Debt service as percentage of exports of goods and services	45	51	60●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MIKULSKI (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. TAUKE (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BILIRAKIS) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 30 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. PHILIP M. CRANE, for 5 minutes, today.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. DE LA GARZA, for 5 minutes, today.

Mr. FORD of Michigan, for 10 minutes, today.

Ms. OAKAR, for 10 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. LEVITAS, for 60 minutes, September 19.

Mr. BORSKI, for 60 minutes, October 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONTE, prior to the vote on the Moorhead amendment to H.R. 3520 in the Committee of the Whole today.

Mr. CONYERS, to revise and extend his remarks on the bill, H.R. 3520.

Mr. HAYES, to revise and extend his remarks on the bill, H.R. 3520.

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. SHUSTER.

Mr. GILMAN in two instances.

Mr. BEREUTER.

Mr. RINALDO.

Mr. CONABLE.

Mr. SOLOMON.

Mr. GEKAS in three instances.

Mr. WOLF.

Mr. STUMP in two instances.

Mr. MCKERNAN.

Mr. ROTH.

Mr. RUDD in two instances.

Mr. MILLER of Ohio in three instances.

Ms. FIEDLER.

Mr. HILLIS.

Mr. SHUMWAY.

Mr. DAUB.

Mr. LAGOMARSINO in three instances.

Mr. LEWIS of Florida.

Mr. MICHEL.

Mr. PORTER.

Mrs. JOHNSON.

Mr. MOORHEAD in two instances.

(The following Members (at the request of Mr. MILLER of California and to include extraneous matter:)

Mr. MINETA.

Mr. LIPINSKI.

Mr. LEVINE of California.

Mr. SKELTON.

Mr. FRANK.

Mr. STARK in three instances.

Mr. TRAXLER.

Mr. LANTOS in four instances.

Mr. MAZZOLI.

Mr. MCHUGH.

Mr. CLARKE in two instances.

Mr. KILDEE.

Mr. DERRICK.

Mr. NOWAK.

Mr. RODINO.

Mr. MINISH.

Mr. HARRISON in five instances.

Mr. MURTHA in three instances.

Mr. MARTINEZ.

Ms. OAKAR in two instances.

Mr. ERDREICH.

Mr. LONG of Maryland.

Ms. KAPTUR.

Mr. HAMILTON in two instances.

Mr. MARKEY.

Mr. NICHOLS.

Mr. GUARINI.

Mr. WISE.

Mr. FAUNTROY.

Mr. FAZIO.

Mr. ECKART.

Mr. DE LA GARZA in 10 instances.

Mrs. SCHROEDER.

Mrs. LLOYD.

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 14, 1983, at 10 o'clock a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 98th Congress, pursuant to the provisions of 2 U.S.C. 25:

CHARLES A. HAYES, First District, Illinois.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1818. A letter from the Director, Office of Pesticide Programs, Environmental Protection Agency, transmitting a proposal final rule providing an exemption from FIFRA requirements for certain products containing pheromone attractants, pursuant to section 24(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act of 1954, as amended; to the Committee on Agriculture.

1819. A letter from the Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend section 1037 of title 10, United States Code, to authorize the Secretary concerned to employ counsel and to pay costs and fees incident to representation before foreign judicial tribunals and administrative agencies of civilians employed by or accompanying the Armed Forces outside the United States, its territories, possessions, the Northern Mariana Islands, and Puerto Rico; to the Committee on Armed Services.

1820. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense articles to Egypt (Transmittal No. 83-53), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1821. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Forces' proposed sale of certain defense articles to Korea (Transmittal No. 83-55), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1822. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction involving U.S. exports to Italy, exceeding $100,000,000 or more, pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1823. A letter from the Chairman and Chief Executive Officer, Communications Satellite Corporation, transmitting the 20th annual report of the Corporation, pursuant to section 404(b) of the Communications Satellite Act of 1962, as amended; to the Committee on Energy and Commerce.

1824. A letter from the Comptroller, Department of State, transmitting the quarterly report on international narcotics control

program and obligation of funds as of June 30, 1983, pursuant to section 481(b)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1825. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a proposed supplement to a memorandum of understanding between the United States and the Federal Republic of Germany, France, and the United Kingdom to establish a joint program to development and ultimately produce a terminal guidance warhead for the multiple launch rocket system (Transmittal No. 01-83), pursuant to section 27(c) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1826. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notice of the proposed issuance of a license to export certain major defense equipment sold commercially to Malaysia (Transmittal No. MC-17-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1827. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notice of the proposed issuance of a license to export certain major defense equipment sold commercially to Egypt (Transmittal No. MC-18-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1828. A letter from the Acting Director, Defense Security Agency, transmitting notice of the Army's intention of offer to sell certain defense articles and services to Egypt (Transmittal No. 83-53), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1829. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles to Korea (Transmittal No. 83-55), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1830. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed lease of defense articles to NATO (SHAPE) (Transmittal No. 20-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1831. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's proposed lease of defense articles to Thailand (Transmittal No. 19-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1832. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's offer to sell certain defense articles and services to Egypt (Transmittal No. 83-56), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1833. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 83-52), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1834. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to provide for the statutory designation of the position of Assistant Secretary of the Interior for Indian Affairs, eliminate the position of Commissioner of Indian Affairs, make conforming amendments, repeal unnecessary provisions of law referring to the Commissioner of Indian Affairs, and for other purposes; to the Committee on Interior and Insular Affairs.

1835. A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to amend sections 3345, 3356, and 3348 to include the independent establishments in the executive branch within the purview of the Vacancies Act; to the Committee on Post Office and Civil Service.

1836. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to terminate the authorization for the Lake Brownwood Modification project, Pecan Bayou, Tex.; to the Committee on Public Works and Transportation.

1837. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notice of the allocation of funds appropriated by the Supplemental Appropriations Act of 1983, Public Law 98-63, pursuant to section 653(a) of the Foreign Assistance Act of 1963, as amended; jointly, to the Committees on Foreign Affairs and Appropriations.

1838. A letter from the Acting Director, Office of Legislative Affairs, Agency for International Development, transmitting notice of the allocation of funds appropriated by the Supplemental Appropriations Act of 1983, Public Law 98-63, pursuant to section 653(a) of the Foreign Assistance Act of 1961, as amended; jointly, to the Committees on Foreign Affairs and Appropriations.

1839. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

1840. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to establish a 1-year limitation on the filing of claims for unpaid accounts formerly maintained in the postal savings system; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

1841. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend certain provisions applicable to compensation for the overtime inspectional service of employees of the U.S. Customs Service and the Immigration and Naturalization Service, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 3865. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction for certain gifts to employees; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE (for himself, Mr. BREAUX, Mr. CARNEY, Mr. CHAPPELL, Mr. COURTER, Mr. DANIEL B. CRANE, Mr. DAUB, Mr. DICKINSON, Mr. DUNCAN, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. LOEFFLER, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MONTGOMERY, Mrs. SCHNEIDER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. STUMP, Mr. TAUZIN, Mr. LOWERY of California, Mr. YATRON, Mr. EMERSON, and Mr. LIVINGSTON):

H.R. 3866. A bill to honor Congressman Lawrence P. McDonald and to award a special congressional gold medal to the family of the late Honorable Lawrence P. McDonald; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. PANETTA, and Mr. EMERSON):

H.R. 3867. A bill to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on the commodities and sales proceeds of perishable agricultural commodities for the benefit of the unpaid seller, and for other purposes; to the Committee on Agriculture.

By Mr. FAUNTROY:

H.R. 3868. A bill to amend the Federal Reserve Act to provide for a new class of directors for Federal Reserve banks; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3869. A bill to retire Federal Reserve bank stock; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FLORIO:

H.R. 3870. A bill to restrict the sales of alcoholic beverages in interstate commerce; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan (for himself, Mr. UDALL, Mr. CLAY, Mrs. SCHROEDER, Mr. GARCIA, Mr. LELAND, Mr. ALBOSTA, Ms. OAKAR, Mrs. HALL of Indiana, Mr. SIKORSKI, Mr. DASCHLE, Mr. DE LUGO, Mr. SCHUMER, Mr. TAYLOR, Mr. GILMAN, Mr. CORCORAN, Mr. COURTER, Mr. WOLF, Mr. FAZIO, Mr. HOYER, Mr. BARNES, Mr. HEFTEL of Hawaii, Mr. DYMALLY, Mr. WON PAT, Mr. STARK, Mr. LANTOS, Mr. DICKS, Mr. FAUNTROY, Mr. ROE, Mr. SWIFT, Mr. FRANK, Mr. HOWARD, Mr. DWYER of New Jersey, Mrs. BOXER, Mrs. COLLINS, Mr. FOGLIETTA, Mr. LEHMAN of California, Mr. AKAKA, Mr. DYSON, Mr. WEISS, Mr. COELHO, and Mr. BORSKI):

H.R. 3871. A bill to amend the Omnibus Budget Reconciliation Act of 1982 to provide that the figure used in determining hourly rates of pay for Federal employees not be changed before the comparability adjustment in the rates of pay for such employees has been made for fiscal year 1984; to the Committee on Post Office and Civil Service.

By Mr. FOWLER:

H.R. 3872. A bill to amend the National Security Act of 1947, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. FRANK:

H.R. 3873. A bill to require the Department of the Air Force to request the Federal Bureau of Investigation to investigate the death of William Joseph Cavanaugh, Jr.; to the Committee on Armed Services.

By Mr. GONZALEZ:

H.R. 3874. A bill to improve the physical security features of the motor vehicle and its parts, increase the criminal penalties of persons trafficking in stolen motor vehicles and parts, and to curtail the exportation of stolen motor vehicles, and for other pur-

poses; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. HUCKABY:

H.R. 3875. A bill to prohibit foreign assistance to any member country of the United Nations that fails to vote in favor of the resolution deploring the Soviet attack on Korean Air Lines flight 007; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. MICA (for himself and Mr. EDGAR):

H.R. 3876. A bill to amend title 38, United States Code, to authorize the VA to furnish each veteran with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability; to the Committee on Veterans' Affairs.

By Mr. MINETA (for himself and Mr. PANETTA):

H.R. 3877. A bill to repeal the provisions of the Social Security Amendments of 1983 removing the operations of the social security trust funds from the unified budget beginning in 1992; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 3878. A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; to the Committee on the Judiciary.

By Ms. OAKAR:

H.R. 3879. A bill to amend title 31, United States Code, to eliminate the fee imposed on financial organizations which receive payroll deductions from Federal employees, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Banking, Finance and Urban Affairs.

By Mr. SHARP:

H.R. 3880. A bill to amend the Energy Policy and Conservation Act with respect to the Strategic petroleum reserve by requiring testing of drawdown and distribution of the reserve; to the Committee on Energy and Commerce.

By Mr. ZABLOCKI (for himself, Mr. BROOMFIELD, Mr. WRIGHT, Mr. FOLEY, Mr. MICHEL, Mr. LOTT, Mr. FASCELL, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. STUDDS, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. GARCIA, Mr. WINN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. ROTH, Ms. SNOWE, Mr. SOLOMON, Mr. BEREUTER, Mr. SILJANDER, Mr. ZSCHAU, Mr. BONER of Tennessee, Mr. CRAIG, Mr. GEKAS, Mr. MINISH, Mr. PATMAN, Mr. RODINO, Mrs. SCHNEIDER, Mr. HOWARD, Mr. TALLON, Mr. WYLIE, Mr. ST GERMAIN, Mr. WHITEHURST, Mr. FAZIO, Mr. CHANDLER, Mr. VANDERGRIFF, Mr. YOUNG of Florida, Mrs. BOGGS, Mr. DYSON, Mr. RATCHFORD, Mr. LELAND, Mr. WYLIE, Mr. BENNETT, Mr. HORTON, Mr. FOWLER, Mr. WHEAT, Mr. COLEMAN of Texas, Mrs. VUCANOVICH, Mr. UDALL, Ms. FERRARO, Mr. SEIBERLING, Mr. BOLAND, Mr. OXLEY, Mr. DORGAN, Mr. VOLKMER, Mr. SUNIA, Mr. BADHAM, Mr. O'BRIEN, Mr. ACKERMAN, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BEILENSON, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOUCHER, Mr. BROOKS, Mr. BROYHILL, Mr. CLARKE, Mr. COOPER, Mr. LOWERY of California, Mr. YOUNG of Missouri, Mr. CRAIG, Mr. GRADISON, Mr. JACOBS, Mr. KINDNESS, Mr. JONES of Oklahoma, Mr. KRAMER, Mr. LENT, Mr. LIPINSKI, Mr. LONG of Maryland, Mr. LUKEN, Mr. MCCANDLESS, Mrs. MARTIN of Illinois, Mr. NOWAK, Mr. PRICE, Mr. QUILLEN, Mr. ROSTENKOWSKI, Mr. SENSENBRENNER, Mr. DENNY SMITH, Mr. STAGGERS, Mr. SWIFT, Mr. TAUZIN, Mr. WALGREN, Mr. WISE, Mr. WORTLEY, Mr. DWYER of New Jersey, Mr. FORSYTHE, Mr. VANDER JAGT, Mr. ERLENBORN, Mr. TAUKE, Mr. LUNGREN, Mr. MCDADE, Mr. ANDERSON, Mr. HARRISON, Mr. HEFNER, Mr. OLIN, Mr. MCCURDY, Mr. DREIER of California, Mr. FISH, Mrs. SCHROEDER, Mr. FRANK, Mr. WON PAT, Mr. HATCHER, Mr. STANGELAND, Mr. HANCE, Mr. GUNDERSON, Mr. MRAZEK, Mr. DURBIN, Mr. DOWNEY of New York, Mr. EDWARDS of Alabama, Mr. CLINGER, Mr. MOODY, Mr. KASICH, Mr. BRITT, and Mr. HANSEN of Idaho):

H.J. Res. 353. Joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner; to the Committee on Foreign Affairs.

By Mr. GARCIA:

H.J. Res. 354. Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "Carrier Alert Week"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS:

H.J. Res. 355. Joint resolution limiting the number of diplomatic and consular personnel representing the Soviet Union in the United States; to the Committee on Foreign Affairs.

By Mrs. LLOYD (for herself and Mr. COATS):

H.J. Res. 356. Joint resolution designating the week beginning February 12, 1984, as a time to recognize those volunteers who give of their time to become big brothers and big sisters to single parent youths; to the Committee on Post Office and Civil Service.

By Mr. CARR:

H. Con. Res. 161. Concurrent resolution entitled: "The International Airspace Safety Resolution"; to the Committee on Foreign Affairs.

By Mr. FLORIO:

H. Con. Res. 162. Concurrent resolution urging the President to prohibit grain shipments to the Soviet Union unless certain actions are taken by the Soviet Government; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H. Con. Res. 163. Concurrent resolution expressing the sense of the Congress that the Secretary of the Treasury should develop a method for printing currency in a manner which will make the denomination of such currency readily identifiable to an individual who is blind; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCEWEN:

H. Res. 308. Resolution expressing the sense of the House of Representatives that the President should urge the governments of all countries to immediately prohibit Soviet air traffic from using the airports in their countries, with that prohibition to remain in effect until the Soviet Government provides an official explanation and apology regarding the downing of Korean Air Lines flight 007 in the vicinity of Sakhalin Island on September 1, 1983; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

257. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to a solution which will repair existing environmental damage, conserve abandoned mine reclamation funds, and create additional jobs and revenue; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR of Michigan:

H.R. 3881. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 3882. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

By Mr. NATCHER:

H.R. 3883. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. SILJANDER, Mr. TAUKE, Mr. COUGHLIN, Mr. CHAPPIE, Mr. HOYER, Mr. SMITH of New Jersey, Mr. LOWRY of Washington, Mr. DYSON, Mr. FOGLIETTA, Mr. SWIFT, Mr. LONG of Louisiana, Mr. SISISKY, Mr. KILDEE, Mr. ALBOSTA, Mr. BREAUX, Mr. DANIEL B. CRANE, Mr. DANIEL, Mr. STARK, Mr. SCHUMER, Mrs. BOXER, and Mr. LUJAN.

H.R. 325: Mr. BATEMAN.

H.R. 408: Mr. MARLENEE, Mr. SCHAEFER, Mr. HOWARD, Mr. UDALL, and Mr. MITCHELL.

H.R. 481: Mr. NELSON and Mr. WATKINS.

H.R. 507: Mr. CONTE, Mr. LANTOS, Mr. EMERSON, Mr. HARRISON, Mr. YOUNG of Missouri, Mr. FEIGHAN, Mr. LEWIS of Florida, Mr. MCNULTY, Mr. BONER of Tennessee, Mr. MAZZOLI, Mr. GONZALEZ, Mr. BENNETT, Ms. KAPTUR, Mr. WHEAT, Mr. DEWINE, Mr. BONIOR of Michigan, Mr. WILSON, Mr. HYDE, Mr. CLAY, Mr. COELHO, Mr. SMITH of New Jersey, and Mr. FRANK.

H.R. 559: Mr. MARKEY, Mr. SWIFT, Mr. LELAND, Mr. BRYANT, Mr. BATES, Mr. WAXMAN, Mr. RINALDO, Mr. BROYHILL, Mr. MOORHEAD, Mr. OXLEY, Mr. TAUZIN, and Mr. SIKORSKI.

H.R. 951: Mrs. JOHNSON.

H.R. 953: Mr. CONYERS, Mr. WISE, and Mr. SHAW.

H.R. 954: Mr. DOWNEY of New York.

H.R. 983: Mr. WON PAT, Mr. MCNULTY, Mr. ROE, and Mr. CONYERS.

H.R. 1016: Mr. MAVROULES and Mr. SKELTON.

H.R. 1020: Mr. LEVINE of California, Mr. MARKEY, Mr. LUNDINE, and Mr. LEVIN of Michigan.

H.R. 1039: Mr. MINETA and Mr. QUILLEN.

H.R. 1087: Mr. GEKAS.

H.R. 1092: Mr. ROBINSON and Mr. QUILLEN.

H.R. 1147: Mr. WIRTH.

H.R. 1249: Ms. MIKULSKI and Mr. COYNE.
H.R. 1254: Mr. CLAY.
H.R. 1405: Mr. VOLKMER, Mr. BILIRAKIS, and Mr. HARRISON.
H.R. 1540: Mr. FORD of Tennessee, Mrs. KENNELLY, Mrs. BOXER, and Mr. FAZIO.
H.R. 1621: Mr. MCCLOSKEY.
H.R. 1676: Mr. DELLUMS.
H.R. 1693: Mrs. BOXER, Mr. HAWKINS, Mr. PEASE, and Mr. MRAZEK.
H.R. 1881: Mr. BONER of Tennessee, Mrs. LLOYD, Mr. GINGRICH, Mr. GORE, Mr. GRADISON, Mr. HARRISON, Mr. HUBBARD, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. REID, Mr. ROBERT F. SMITH of Oregon, Mr. STRATTON, and Mr. WEBER.
H.R. 1918: Mr. PARRIS, Mr. DORGAN, Mr. HAWKINS, Mr. MACKAY, Mr. CHAPPELL, and Mr. MURTHA.
H.R. 1942: Mr. HYDE.
H.R. 1955: Mr. HANSEN of Idaho, Mr. HUTTO, Mr. RODINO, Mr. DENNY SMITH, and Mr. TALLON.
H.R. 1961: Mr. KOSTMAYER, Mr. STAGGERS, and Mr. MAVROULES.
H.R. 1991: Mr. BERMAN, Mr. COUGHLIN, Mr. CRAIG, Mr. GUNDERSON, Mr. LAGOMARSINO, Mr. OBEY, and Mr. ROBINSON.
H.R. 2053: Mr. BARNES, Mr. DORGAN, Mr. FOLEY, Mr. GRAMM, Mr. HANCE, Mrs. JOHNSON, Mr. KENNELLY, Mr. MATSUI, Mr. MURTHA, Mr. PANETTA, and Mr. WINN.
H.R. 2073: Mr. CHENEY, Mr. BARNARD, and Mr. MARTIN, of North Carolina.
H.R. 2088: Mr. LONG of Louisiana.
H.R. 2099: Mr. DEWINE, Mr. BERMAN, Mr. OBEY, and Mr. CONYERS.
H.R. 2100: Mr. BERMAN, Mr. OBEY, and Mr. COUGHLIN.
H.R. 2225: Mr. THOMAS of Georgia and Mrs. VUCANOVICH.
H.R. 2262: Mr. APPLEGATE, Mr. BONIOR of Michigan, Mrs. BYRON, Mr. DANIEL, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. HANCE, Mr. MARTINEZ, Mr. MYERS, Mr. RAHALL, Mr. SHELBY, and Mr. STUMP.
H.R. 2276: Mr. YOUNG of Alaska, Mr. BONIOR of Michigan, Mr. WOLPE, and Mr. SMITH, of New Jersey.
H.R. 2296: Mr. PEPPER and Mr. WHITEHURST.
H.R. 2303: Mrs. JOHNSON, Mr. LEVINE of California, Mr. DYMALLY, and Mr. RICHARDSON.
H.R. 2385: Mr. ROWLAND, Mr. GLICKMAN, Mr. HUGHES, Mrs. BOXER, Mr. FAZIO, Mr. DEWINE, Mr. MCNULTY, and Mr. LEVIN of Michigan.
H.R. 2553: Mr. LAGOMARSINO.
H.R. 2584: Mr. GOODLING, Mr. SKELTON, and Mr. SIMON.
H.R. 2589: Mr. ANTHONY.
H.R. 2601: Mr. RUDD.
H.R. 2695: Mr. SHAW.
H.R. 2759: Mr. BRITT.
H.R. 2778: Mr. ACKERMAN and Mr. WILLIAMS of Montana.
H.R. 2820: Mr. JONES of North Carolina and Mr. SPRATT.
H.R. 2837: Mr. CLARKE, Mr. PARRIS, Mr. MORRISON of Connecticut, Mr. EDGAR, and Mr. CARR.
H.R. 2847: Mrs. BURTON.
H.R. 2916: Mr. LEACH of Iowa, Mr. COELHO, Mr. SIKORSKI, and Mr. RALPH M. HALL.
H.R. 2926: Mr. LAFALCE.
H.R. 2977: Mr. LEWIS of Florida, Mr. CHAPPELL, Mr. BRITT, Mr. PATMAN, Mr. HANCE, Mr. SHELBY, Mr. DURBIN, and Mr. MONTGOMERY.
H.R. 3000: Mr. PORTER and Mr. EVANS of Illinois.
H.R. 3002: Mr. LIVINGSTON.
H.R. 3043: Mr. DONNELLY and Mr. RUDD.
H.R. 3074: Mr. WIRTH and Mr. DELLUMS.
H.R. 3170: Mr. SUNIA, Mrs. COLLINS, and Mr. VENTO.
H.R. 3181: Mr. PRITCHARD, Mr. DWYER of New Jersey, Mr. TAUKE, Mr. RUDD, Mr. WOLPE, Mr. OXLEY, and Mr. CHANDLER.
H.R. 3239: Mr. GILMAN.
H.R. 3240: Mr. SOLARZ, Mr. PASHAYAN, Mr. COOPER, Mr. TRAXLER, Mr. MORRISON of Connecticut, Mr. VOLKMER, Mr. SKELTON, Mr. OLIN, and Mr. BERMAN.
H.R. 3252: Mr. YOUNG of Florida and Mr. JONES of North Carolina.
H.R. 3264: Mr. TORRICELLI, Mr. STOKES, and Mr. SCHEUER.
H.R. 3266: Mr. CRAIG and Mr. LAGOMARSINO.
H.R. 3273: Mr. MACKAY.
H.R. 3277: Mr. EDGAR and Ms. KAPTUR.
H.R. 3282: Mr. MINISH, Mr. BEILENSON, Mr. MORRISON of Connecticut, Mr. GEJDENSON, Mr. DONNELLY, Mr. LONG of Maryland, Mr. FAZIO, Mr. FORSYTHE, and Mr. TORRICELLI.
H.R. 3318: Mr. CLINGER.
H.R. 3321: Mr. ARCHER, Mr. CONABLE, Mr. SCHULZE, Mr. VANDER JAGT, Mr. SHAW, and Mr. WAXMAN.
H.R. 3344: Mr. HANSEN of Utah, Mr. PARRIS, and Mr. CHAPPELL.
H.R. 3352: Mr. TORRICELLI.
H.R. 3406: Mr. KINDNESS, Mr. SEIBERLING, Mr. SABO, Mr. STANGELAND, Mrs. HOLT, Mr. LOWERY of California, Mr. BEREUTER, Mr. CLARKE, Mr. WEBER, Mr. GLICKMAN, Mr. HORTON, Mr. SLATTERY, Mr. WHITTAKER, Mr. FRENZEL, Mr. EVANS of Iowa, Mr. HOYER, Mr. LAGOMARSINO, Mr. DEWINE, Mr. KASICH, Mr. HANSEN of Idaho, Mr. VENTO, Mr. HYDE, and Mr. RATCHFORD.
H.R. 3428: Mr. MARTIN of New York, Mr. FRANK, Mr. OBERSTAR, and Mr. HORTON.
H.R. 3433: Mrs. COLLINS.
H.R. 3478: Mr. WAXMAN, Mr. BEDELL, Mr. FAZIO, Mr. DANIEL B. CRANE, Mr. HORTON, Mr. VENTO,, Mr. PARRIS, Mr. EDGAR, Mr. MCKERNAN, Mr. FRENZEL, Mr. SIMON, Mr. GORE, Mr. MRAZEK, Mr. DWYER of New Jersey, and Mr. LEVIN of Michigan.
H.R. 3491: Mr. SCHAEFER and Mr. ROGERS.
H.R. 3546: Mr. CRAIG, Mr. LAGOMARSINO, and Mr. ROBINSON.
H.R. 3548: Mr. SUNIA, Mr. YOUNG of Alaska, Mr. KINDNESS, and Mr. DRIER of California.
H.R. 3557: Mrs. HALL of Indiana, Mr. MARTIN of North Carolina, Mr. WALGREN, Mr. RAY, Mr. SWIFT, Mr. OWENS, Mr. LAFALCE, and Mr. MATSUI.
H.R. 3579: Mr. LELAND and Mr. MITCHELL.
H.R. 3586: Mr. PEASE.
H.R. 3595: Mr. SUNIA, Mr. BOLAND, Mr. DELLUMS, Mr. CONYERS, Mr. FRANK, Mr. VENTO, Mr. LEVIN of Michigan, Mr. EDWARDS of California, Mrs. BOXER, Ms. KAPTUR, Mr. WEISS, Mr. GEJDENSON, Mr. ECKART, Ms. MIKULSKI, Mr. MAVROULES, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. OTTINGER, Mr. MITCHELL, Mr. DWYER, and Mr. MRAZEK.
H.R. 3647: Mr. FORD of Tennessee and Ms. KAPTUR.
H.R. 3651: Mr. RINALDO.
H.R. 3665: Mr. EDWARDS of California.
H.R. 3697: Mr. ACKERMAN.
H.R. 3734: Mr. KINDNESS, Mr. MCCAIN, Mr. SHELBY, Mr. FRENZEL, and Mr. WORTLEY.
H.J. Res. 1: Mr. SPRATT.
H.J. Res. 93: Mr. HAMMERSCHMIDT and Mr. ANNUNZIO.
H.J. Res. 132: Mr. ALEXANDER, Mr. ANTHONY, Mr. ASPIN, Mr. BEDELL, Mr. BLILEY, Mr. BOSCO, Mr. BREAUX, Mrs. BYRON, Mr. CHAPPELL, Mr. COOPER, Mr. EARLY, Mr. ECKART, Mr. FEIGHAN, Mr. FRANK, Mr. FUQUA, Mr. GORE, Mr. HUBBARD, Mr. JONES of North Carolina, Mr. KAZEN, Mr. KEMP, Mr. KILDEE, Mr. LEWIS of Florida, Mr. LONG of Louisiana, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MCKAY, Mr. MILLER of California, Mr. MOORE, Mr. MRAZEK, Mr. MURTHA, Mr. NELSON of Florida, Mr. ORTIZ, Mr. PATMAN, Mr. REID, Mr. ROEMER, Mrs. ROUKEMA, Mr. SCHUMER, Mr. SHANNON, Mr. SISISKY, Mr. THOMAS of Georgia, Mr. VALENTINE, Mr. WILLIAMS of Ohio, Mr. WISE, and Mr. YATES.
H.J. Res. 176: Mr. SKELTON, Mr. WHITTAKER, Mr. TORRES, Ms. OAKAR, Mr. EMERSON, Mr. MCHUGH, Mr. SYNAR, Mr. CONYERS Mr. BOLAND, Mrs. JOHNSON, Mr. BARTLETT, Mr. LUKEN, Mr. ARCHER, Ms. FERRARO, Ms. BOXER, Mr. FOWLER, Mr. BROYHILL, Mr. WYLIE, Mr. WAXMAN, Mr. JEFFORDS, Mr. MINISH, Mr. PERKINS, Mr. WHEAT, Mr. CHENEY, Mr. TAYLOR, Mr. FRENZEL, Mr. CONTE, Mr. WOLF, Mr. VANDER JAGT, Mr. LEVITAS, Mr. MARKEY, Mr. BROOMFIELD, Mr. DOWDY of Mississippi, Mr. BONIOR of Michigan, Mr. FLIPPO, Mr. BEREUTER, Mr. DICKS, Mr. ACKERMAN, Mr. GRADISON, Mr. ANDREWS of North Carolina, Mr. ECKART, Mr. SISISKY, Mr. KASTENMEIER, Mr. BIAGGI, Mr. MARTIN of New York, Mr. SMITH of New Jersey, Mr. MACKAY, Mr. FRANKLIN, Mr. EDGAR, Mr. SCHEUER, Mr. EDWARDS of Alabama, Mr. PASHAYAN, Mr. HARRISON, and Mr. HARKIN.
H.J. Res. 179: Mr. GORE, Mr. BARTLETT, Mr. YOUNG of Missouri, Mr. GEPHARDT, Mr. KASTENMEIER, Mr. ERDREICH, Mr. CHAPPELL, Mr. MCEWEN, Mr. MARTIN of North Carolina, Mrs. ROUKEMA, Mr. TAYLOR, Mr. WYLIE, Mr. PAUL, Mr. TORRES, Mr. ANTHONY, Mr. FLIPPO, Mr. EDWARDS of Alabama, Mr. DEWINE, Mr. HUTTO, and Mr. ANDERSON.
H.J. Res. 196: Mr. MURTHA, Mr. GLICKMAN, Mr. LANTOS, Mr. LIVINGSTON, Mr. GRADISON, Mr. GREEN, Mr. GILMAN, Mr. RITTER, Mrs. BOGGS, Mr. STENHOLM, Mrs. HOLT, Mr. ADDABBO, and Mr. REGULA.
H.J. Res. 209: Mr. BARNARD, Mr. ALEXANDER, Mr. MAVROULES, Mr. OLIN, Mr. HANSEN of Idaho, Mr. DWYER of New Jersey,Mr. DASCHLE, Mr. DURBIN, Mrs. BOXER, Mr. LEVITAS, Mr. PEPPER, Mr. SMITH of Florida, Mr. ACKERMAN, Mr. FRENZEL, Mr. CARPER, Mr. MCNULTY, Mrs. VUCANOVICH, Mr. HUGHES, Mr. REID, Mr. FASCELL, Mr. VANDERGRIFF, Mr. WEISS, Mr. BARNES, Mr. ROE, Mr. VENTO, Mr. LELAND, Mr. HORTON, Mr. STARK, and Mr. RATCHFORD.
H.J. Res. 225: Mr. PASHAYAN.
H.J. Res. 268: Mr. HARKIN, Mr. FLIPPO, Ms. FERRARO, Mr. LOWERY of California, Mr. ADDABBO, Mr. SAWYER, Mr. ROWLAND, Mr. GREEN, Mr. ERDREICH, Mr. BREAUX, Mr. BATES, Mr. GEJDENSON, Mr. CROCKETT, Mr. FAUNTROY, Mr. BONER of Tennessee, Mr. DAUB, Mrs. ROUKEMA, Mr. DOWDY of Mississippi, Mr. SKELTON, Mr. HYDE, Mr. HANCE, Mr. SAVAGE, Mr. MONTGOMERY, Mr. GEKAS, Mr. EVANS of Iowa, Mr. LIVINGSTON, Mr. HUTTO, and Mr. GRADISON.
H.J. Res. 283: Mr. CONYERS, Mr. DASCHLE, Mr. EDWARDS of California, Mr. ERDREICH, Mr. GEKAS, Mr. GRAY, Mr. GREGG, Mr. HERTEL of Michigan, Mrs. JOHNSON, Mr. MINISH, Mr. OXLEY, Mr. SCHEUER, and Mrs. VUCANOVICH.
H.J. Res. 309: Mr. BERMAN, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. KILDEE, Mr. MINISH, Mr. SHUMWAY, Mr. TORRICELLI, and Mr. WAXMAN.
H.J. 313: Mrs. HALL of Indiana.
H.J. Res. 331: Mr. NEAL, Mr. DICKINSON, Mr. SIMON, Mr. BETHUNE, Mr. ROBERTS, Mr. MOORHEAD, Mr. KILDEE, Mr. WISE, Mr. BART-

LETT, Mr. HAMILTON, Mr. APPLEGATE, Mr. BOLAND, Mr. PASHAYAN, Mr. FORSYTHE, Mr. HYDE, Mr. MCGRATH, Mr. FRENZEL, Mr. HUNTER, Mr. HALL of Ohio, Mr. LUJAN, Mr. GRADISON, Mr. KEMP, Mr. SOLOMON, Mr. LEWIS of California, Mr. ANNUNZIO, Mr. DYSON, Mrs. JOHNSON, Mr. WOLF, Mr. CONABLE, Mr. GILMAN, Mr. MADIGAN, Mr. REGULA, Mr. OBERSTAR, Mr. LEVINE of California, Mr. ANDREWS of Texas, Mr. LEWIS of Florida, Mr. JEFFORDS, Mr. CONTE, and Mr. PORTER.

H. Con. Res. 58: Mr. LOWRY of Washington.

H. Con. Res. 111: Mr. GEKAS, Mr. GEJDENSON, Mr. MOAKLEY, Mr. CHAPPELL, Mr. WIRTH, Mrs. KENNELLY, Mr. DONNELLY, Ms. FERRARO, Mr. ECHART, Mr. KINDNESS, Mr. GRADISON, and Mr. BILIRAKIS.

H. Con. Res. 129: Mr. WIRTH.

H. Con. Res. 151: Mr. BATES, Mr. WOLPE, Mr. WEISS, Mr. BEDELL, Mr. WEAVER, Mr. FEIGHAN, Mr. SIMON, Mrs. JOHNSON, Mr. BROWN of California, Mr. WIRTH, Mr. FOGLIETTA, Mr. MINETA, Mr. JEFFORDS, Mr. WAXMAN, Mr. TALLON, Mr. FASCELL, Mr. FAZIO, Mr. CONYERS, Mr. LEVINE of California, and Mr. EDGAR.

H. Con. Res. 159: Mr. KINDNESS, Mr. LOWERY of California, Mr. COURTER, Mr. MCCAIN, Mr. FRENZEL, Mr. JEFFORDS, Mr. SKEEN, Mr. BILIRAKIS, Mr. DAUB, and Mr. COATS.

H. Con. Res. 160: Mr. CORRADA, Mr. FORSYTHE, Mr. MILLER of Ohio, Mr. FAUNTROY, Mr. DANIEL, Mr. HIGHTOWER, Mr. HAMMERSCHMIDT, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. SENSENBRENNER, Mr. KINDNESS, Mr. ROBINSON, Mr. EMERSON, Mr. HUCKABY, and Mr. SKEEN.

H. Res. 118: Mrs. BOXER, Mr. FAZIO, Mr. FEIGHAN, Mr. OWENS, Mr. GILMAN, Mr. EDWARDS of Oklahoma, Mr. MCCOLLUM, Mr. ACKERMAN, Mr. BIAGGI, Mr. HARKIN, AND Mr. FRENZEL,

H. Res. 182: Mr. SOLARZ.

H. Res. 216: Mr. LONG of Louisiana.

H. Res. 282: Mr. MCHUGH, Mr. TOWNS, Mr. BONIOR of Michigan, Mr. PANETTA, Mr. UDALL, Mr. ACKERMAN, Mr. SIMON, Mr. HARRISON, Mr. MORRISON of Connecticut, Mr. COYNE, Mr. DOWNEY of New York, Mr. KOSTMAYER, Mr. GONZALEZ, Mr. RICHARDSON, Mr. CROCKETT, Mr. SEIBERLING, Mr. TORRES, Mr. MILLER of California, Mr. ROYBAL, Mr. MATSUI, Mr. EVANS of Illinois, Mrs. BOXER, Mr. RATCHFORD, Mr. GEJDENSON, Mr. FRANK, Mr. BEILENSON, Mr. GEPHARDT, Mr. RAHALL, Mr. HALL of Ohio, Mr. MARTINEZ, Mr. FAUNTROY, Mr. LUNDINE, Mr. LEVINE of California, Mr. LAFALCE, Mr. WEISS, Mr. AUCOIN, Mr. WOLPE, Mr. BEDELL, Mr. STUDDS, Mr. WEAVER, Mr. FOGLIETTA, Mr. WIRTH, Mr. MOODY, Mr. MRAZEK, Mr. MINETA, Mr. WAXMAN, Mr. CORRADA, Mr. MITCHELL, Mr. ECKART, Mr. EDGAR, Mr. SIKORSKI, Mr. VENTO, Mr. WILLIAMS of Montana, and Mr. CONYERS.

H. Res. 303: Mr. OTTINGER, Mr. GILMAN, and Mr. GREEN.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 5

By Mr. FIELDS:

—Page 11, line 20, strike out all after the comma following the word "Sound" down through and including the comma in line 21.

—Page 13, line 25, strike out "$300,000,000" and insert in lieu thereof "$275,000,000".

—Page 14, line 23, insert "with outer Continental Shelf-related energy or mineral leasing, exploration, development or production within 250 miles of such State's territorial waters" immediately after "each Coastal State".

—Page 15, line 23, strike out all down through and including line 4 on page 17, and insert in lieu thereof the following:

"(1) The amount of actual leasing with respect to oil and gas and other energy resources which is carried out under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the previous fiscal year which occurs within 250 miles of a state's coastline.

"(2) The volume of oil and gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such coastal States during the previous fiscal year.

"(3) For each coastal State, any proposed oil and gas lease sales which are specified by the outer Continental Shelf leasing program prepared pursuant to section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) and which are scheduled to occur within the outer Continental Shelf planning area to which such coastal State is adjacent.

"(4) The coastal related energy facilities located within each coastal State during the previous fiscal year.

"(5) The shoreline mileage of each coastal State.

"(6) The coastal population of each coastal State.".

Strike all of subsections "(d) and "(e) and insert in lieu thereof the following new subsection "(d)":

"(d) If a tract located on the outer Continental Shelf, for the purposes of paragraph (1) of this subsection, is located within 200 miles of more than one state, equal consideration shall be given to each such state when calculating the amount of block grant as if said tract was located within the planning area the affected State is located.".

—Page 18, line 6, strike the words "authorized by", and insert in lieu thereof "outlined".

Page 18, line 9, strike out the words "pursuant to", and insert in lieu thereof, "outlined".

Page 18, line 21, strike the words "authorized by", and insert in lieu thereof "outlined".

—Page 19, strike the colon in line 10, and all that follows down through and including the period in line 18, and insert in lieu thereof a period.

—Page 20, line 16, strike "35" and insert in lieu thereof, "50".

H.R. 1010

By Mr. BEREUTER:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3857).)

—Page 4, in line 9, and page 6, in line 4, after "Act" insert "(other than section 3A)".

Page 6, after line 6, insert the following:

USE OF CERTAIN WATER PROHIBITED

SEC. 3A. In the case of a coal pipeline which is used to transport coal through more than one State and for which a certificate was issued under section 10, no groundwater may be used by that pipeline unless the Secretary of the Interior determines that—

(1) the only source of any groundwater used by such pipeline will be an aquifer which is located under a single State, or

(2) the source of groundwater used by such pipeline will be an aquifer which underlies more than one State and there is in effect between or among those States which overlie such aquifer, and which are adversely affected, an interstate compact which governs the use of that groundwater by the pipeline.

—Page 4, in line 9, and page 6, in line 4, after "Act" insert "(other than section 3A)".

Page 6, after line 6, insert the following:

USE OF CERTAIN WATER PROHIBITED

SEC. 3A. (a) In the case of a coal pipeline which is used to transport coal, through more than one State and for which a certificate was issued under section 10, no groundwater may be used by that pipeline unless the Secretary of the Interior determines that—

(1) the only source of any groundwater used by such pipeline will be an aquifer which is located under a single State, or

(2) the source of groundwater used by such pipeline will be an aquifer which underlies more than one State and there is in effect between or among those States which overlie such aquifer, and which are adversely affected, an interstate compact which governs the use of that groundwater by the pipeline.

(b) In the case of a coal pipeline which is used to transport coal through more than one State and for which a certificate was issued under section 10, no surface water may be used by that pipeline unless the Secretary of the Interior determines that—

(1) the only source of any surface water used by such pipeline will be an intrastate river, stream, or other body of surface water,

(2) the source of any surface water used by such pipeline will be an interstate river or stream, and there is in effect an interstate compact, which governs the use of that surface water by the pipeline, between or among the divesting State and each State located downstream of such diversion and prior to the confluence with a stream or river of which it is a tributary.

(3) the source of any surface water used by such pipeline will be an interstate lake or other standing body of water and there is in effect between or among the withdrawing State and each other State in which the lake or other water body is located or by which it is bounded an interstate compact which governs the use of that surface water by the pipeline.

And make the necessary conforming changes in the table of contents.

By Mr. DURBIN:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—On page 21, starting at line 7, amend H.R. 3857 by adding a new subsection under section 10(d)(3) and renumbering existing subsection 10(d)(3) and succeeding sections accordingly:

(3). Prior to the issuance of any determination of national interest, the Secretary shall notify the Secretary of Agriculture of his consideration of the application for such a determination. The Secretary and the pipeline applicant shall provide such information as the Secretary of Agriculture shall require to conduct a review of the effect of the diversion of water by the pipeline project on agriculture, including irrigation needs, and of the effect of the pipeline route on agricultural lands. The Secretary of Agriculture shall have one hundred and twenty (120) days from the date of receipt of such notification to conduct such review and to advise the Secretary of his findings. The Secretary shall not issue any certificate

pursuant to Section 10 unless he has received a report and accompanying findings from the Secretary of Agriculture advising that (1) such action would not divert water in any detrimental way from agricultural needs, including existing and future agricultural irrigation needs, in the region affected by the diversion, and (2) the proposed pipeline route was devised to minimize crossings of prime agricultural lands and of agricultural water sources.

By Mr. HAMMERSCHMIDT:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—In section 3 of the amendment in the nature of a substitute—

(1) strike out "and" at the end of paragraph (6);

(2) strike out the period at the end of paragraph (7) and insert in lieu thereof "; and"; and

(3) insert after paragraph (7) the following:

"(8) no State shall sell or otherwise transfer or permit the sale or transfer, for use in a coal pipeline for which a certificate is issued under section 10 of this Act outside of such State, water which is taken from any river or other body of surface water which is located in or which passes through more than one State or from any aquifer or other body of ground water which underlies more than one State unless—

"(A) there is in effect an interstate compact (i) among the States in the drainage basin of such river or other body of surface water, or (ii) among the States under which such acquifer or other body of ground water lies, which governs such sale or transfer, and

"(B) all the States which are parties to such compact consent to such sale or transfer.".

By Mr. SHUSTER:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3857).)

—Page 35, line 6, strike out "and".

Page 35, line 7, strike out the period and insert in lieu thereof the following: ", and (D) establishing a maximum allowable cost for the construction of the coal pipeline or extension. For purposes of the preceding sentence, maximum allowable cost shall be exclusive of any cost increase that results from subsequent inflation or an unanticipated grave, natural disaster or other natural phenomenon of an exceptional, inevitable, and unavoidable character. The Commission shall establish the maximum allowable cost for each pipeline by considering, at a minimum, the reasonableness of the design of the pipeline and of the construction cost projections for the pipeline.".

Page 57, after line 7, insert the following:

"(g) The Commission shall not approve under this section any contract for the transportation of coal by pipeline with respect to which a certificate is issued under section 10952 of this subchapter if such contract will allow recovery of any portion of the cost of the construction of such pipeline in excess of (1) the maximum allowable cost established for such construction under subsection (b)(3)(D) of such section, plus (2)(A) any cost increase that results from subsequent inflation, and (B) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character.".

Redesignate the subsequent subsections accordingly.

Page 63, after line 21, insert the following:

"§ 10960. Maximum allowable cost

"Notwithstanding any provision of chapter 107 of this title, no rate for the transportation of coal by a coal pipeline or extension thereof for which a certificate is issued under section 10952 of this subchapter shall provide for recovery of any portion of the cost of the construction of such coal pipeline or extension thereof in excess of (1) the maximum allowable cost established for such construction under subsection (b)(3)(D) of such section, plus (2)(A) any cost increase that results from subsequent inflation, and (B) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character.".

Page 63, line 22, strike out "10960" and insert in lieu thereof "10961".

Page 66, after line 14, strike out

"10960. Definitions.".

and insert in lieu thereof

"10960. Maximum allowable cost.

"10961. Definitions.".

—In paragraph (4) of section 9(a) of the amendment in the nature of a substitute, strike out ", except that" and all that follows through the period at the end of such paragraph and insert in lieu thereof a period.

—In the first sentence of section 9(a)(1) of the amendment in the nature of a substitute, strike out "private lands" and insert in lieu thereof "those lands owned by any common carrier engaged in the interstate transportation of coal which are".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) No certificate may be issued to or held by any person under this section who controls, is controlled by, or is under common control with, any person who—

(1) uses or will use coal transported by the coal pipeline constructed or proposed to be constructed pursuant to such certificate, or

(2) supplies or will supply coal to such pipeline.

—In addition to the meaning given the term "control" by section 10102(7) of this subtitle, any person who owns 5 percent of the voting stock of another person shall be deemed to control such other person for purposes of this subsection.

—At the end of section 10 of the amendment in the nature of a substitute, insert the following new subsection:

(l) Any certificate issued by the Commission shall establish a maximum allowable cost for the construction of the coal pipeline or extension. For purposes of the preceding sentence, maximum allowable cost shall be exclusive of any cost increase that results from subsequent inflation or an unanticipated grave, natural disaster or other natural phenomenon of an exceptional, inevitable, and unavoidable character. The Commission, in cooperation with the Federal Energy Regulatory Commission, shall establish the maximum allowable cost for each pipeline by considering, at a minimum, the reasonableness of the design of the pipeline and of the construction cost projections for the pipeline.

In the matter proposed to be inserted as section 10954(d) of title 49, United States Code, by section 14(a) of the amendment in the nature of substitute—

(1) strike out "or" at the end of paragraph (3),

(2) strike out the period at the end of paragraph (4) and insert in lieu thereof "; or", and

(3) insert after paragraph (4) the following new paragraph:

"(5) in the case of a pipeline with respect to which a certificate is issued under such section, if the contract will allow recovery of any portion of the cost of the construction of such pipeline in excess of (A) the maximum allowable cost established for such construction under subsection (1) of such section, plus (B)(i) any cost increase that results from subsequent inflation, and (ii) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character.".

In the matter proposed to be inserted as subchapter III of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert after section 10955 the following:

"§ 10956. Maximum allowable cost

"Notwithstanding any provision of chapter 107 of this title, no rate for the transportation of coal by a coal pipeline or extension thereof for which a certificate is issued under section 10 of the Coal Pipeline Act of 1983 shall provide for recovery of any portion of the cost of the construction of such coal pipeline or extension thereof in excess of (1) the maximum allowable cost established for such construction under subsection (1) of such section, plus (2)(A) any cost increase that results from subsequent inflation, and (B) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character.".

In the matter proposed to be inserted as subchapter III of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, strike out "§ 10956" and insert in lieu thereof "§ 10957".

In the matter proposed to be inserted in the analysis to chapter 109 of title 49, United States Code, by section 14(b) of the amendment in the nature of a substitute, strike out

"10956. Definitions.".

and insert in lieu thereof

"10956. Maximum allowable cost.

"10957. Definitions.".

—In section 10(d)(2) of the amendment in the nature of a substitute—

(1) after "point of destination" in subparagraph (D), insert", at the point of origin,"; and

(2) after subparagraph (D), insert the following new sentence: "The Secretary shall consult with the United States Geological Survey in making findings under subparagraph (D).".

—In section 10(f)(1)(B) of the amendment in the nature of a substitute—

(1) strike out "and" at the end of clause (iii);

(2) redesignate clause (iv) as clause (v); and

(3) insert after clause (iii) the following:

"(iv) a list of the names of persons who have a financial interest in such pipeline or extension and a certification of whether or not any coal to be transported in such pipeline or extension is owned by any such person or any person affiliated with any person who has such a financial interest, and".

—At the end of the matter proposed to be inserted as section 10954 of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert the following:

"(i) If a coal pipeline carrier is providing transportation of coal under a contract approved under this section in competition with a common carrier providing transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title, such common carrier, for purposes of chapter 107 of this title, shall be irrebuttably presumed not to have market dominance over any transportation of coal in competition with the transportation of coal provided by the coal pipeline carrier.".

—At the end of the matter proposed to be inserted as section 10954 of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert the following:

"(i) Not later than 10 days after the date of filing of a contract under this section, the Commission shall notify the Attorney General of its consideration of such contract. The Commission shall provide such information as the Attorney General shall require to conduct an antitrust review to determine the likely effects upon competition associated with the approval of such contract. No contract shall be approved under this section unless the Attorney General shall have advised the Commission in writing that, on the basis of such review, approval of the contract will not be inconsistent with the antitrust laws and will not restrain competition.".

—In the second sentence of section 15(a)(1) of the amendment in the nature of a substitute—

(1) strike out "or under construction"; and

(2) strike out "with" and all that follows through the period at the end of such sentence and insert in lieu thereof the following: "facilities of a coal pipeline or extension thereof construction of which are substantially completed on such date.".

—At the end of the amendment in the nature of a substitute, add the following new section:

LIMITATION ON OWNERSHIP OF COAL PIPELINES

SEC. 19. No coal pipeline for which a certificate has been issued under section 10 of this Act may transport coal owned by any person who has a financial interest in such coal pipeline or who controls, is controlled by, or is under common control with, any person who has such a financial interest. For purposes of this section, the term "control" has the meaning such term has under section 10102 of title 49, United States Code.

—At the end of the amendment in the nature of a substitute, add the following new section:

NONSEVERABILITY

SEC. 19. If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall be invalid.

—At the end of the amendment in the nature of a substitute, add the following new section:

NONAPPLICABILITY

SEC. 19. Notwithstanding any other provision of this Act (including any amendment made by this Act), nothing in this Act (including any such amendment) shall apply to any carrier of coal by pipeline with respect to which a certificate is not issued under section 10 of this Act.

By Mr. SNYDER:

(Amendments to the amendment in the nature of a substitute (text of H.R. 3857).)

—In section 2(a)(6) of the amendment in the nature of a substitute, strike out "or" and insert in lieu thereof "and".

—In section 2(b) of the amendment in the nature of a substitute, strike out "or" the first place it appears and insert in lieu thereof "and".

—In section 6(a) of the amendment in the nature of a substitute, strike out "(other than paragraph (iv) of subsection (a) thereof)".

—In section 9(d) of the amendment in the nature of a substitute—

(1) insert "(1)" after "such person"; and

(2) insert before the period at the end thereof the following: ", or (2) is unable under State law to acquire the right-of-way by exercise of the power of eminent domain".

—At the end of subsection (e) of section 10 of the amendment in the nature of a substitute, insert the following:

"(4) Nothing in this Act or any amendment made by this Act shall be construed to bar the Attorney General or the Federal Trade Commission from challenging any anticompetitive situation involved in the operation of a coal pipeline.".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

"(l) No certificate may be issued under this section unless the Commission finds that there is a substantial likelihood that the rates to be charged by the applicant for the transportation of coal will be less than those which would otherwise be actually charged by other common carriers for the transportation of such coal.".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

"(l) No certificate issued under this Act may be sold, exchanged, assigned, or otherwise transferred except upon approval of the Commission following consultation with the Attorney General.".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) Each certificate issued under this section shall contain such terms and conditions as the Commission and Secretary deems necessary to—

(1) control or prevent damage to scenic and aesthetic values and fish and wildlife habitat and otherwise protect the environment from adverse effects associated with construction, operation, or maintenance of such coal pipeline or extension thereof;

(2) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law;

(3) require compliance with regulations issued by the Secretary of Transportation under section 15 of this Act for the safe construction, operation, and maintenance of coal pipelines;

(4) provide for the revegetation, restoration, and curtailment of erosion of any land which is disturbed by the coal pipeline or extension thereof;

(5) protect the public health and safety;

(6) protect property;

(7) protect the interest of individuals who live in the general area traversed by the coal pipeline or extension thereof and rely on the resources of the area;

(8) require the location of the coal pipeline or extension thereof along a route that will take in account the least damage to the environment, economic, and technical feasibility and other relevant factors; and

(9) otherwise protect the public interest.

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) No certificate shall be issued to an applicant under this section for the transportation of coal by coal pipeline until—

(1) the applicant submits or discloses to the Commission and the Secretary any plan, contract, agreement, or other information which the Commission and the Secretary determine is reasonably related to the use, or intended use, of the coal pipeline or extension thereof, including its effect on competition, and which the Commission and the Secretary deem necessary to determine whether such certificate should be issued or to determine the terms and conditions which should be included in the certificate to protect the public interest; and

(2) in any case in which the applicant is a partnership, corporation, association, or other business entity, the applicant discloses to the Commission and the Secretary the identity of the participants in the entity and such other information as the Commission and the Secretary deem necessary to determine whether such certificate should be issued and to determine the terms and conditions which should be included in such certificate to protect the public interest.

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) No certificate may be issued to, or held by, any person under this section who controls, is controlled by, or is under common control with, any person who—

(1) uses or will use coal transported by the coal pipeline constructed or proposed to be constructed pursuant to such certificate, or

(2) supplies or will supply coal to such pipeline.

For purposes of this subsection, the term "control" has the meaning such term has under section 10102 of title 49, United States Code; except that any person who owns 5 percent or more of the voting stock of another person shall be deemed to control, to be controlled by, or to be under common control with, such other person unless such person demonstrates to the Commission by clear and convincing evidence, in a hearing on the record, that such person does not control, is not controlled by, or is not under common control with, such other person.

—In the last sentence of paragraph (2) of section 10(h) of the amendment in the nature of a substitute, strike out "the Secretary and the Commission shall notify the President" and all that follows through the period at the end of such sentence and insert in lieu thereof "the Commission shall not issue the certificate.".

—The amendment in the nature of a substitute is amended by striking out section 14 and inserting in lieu thereof the following:

COMMON CARRIER OBLIGATION

SEC. 14. Transportation of coal by coal pipeline for which a certificate is issued under section 10 of this Act shall be subject to the jurisdiction of the Commission under subchapter I of chapter 105 of subtitle IV of title 49, United States Code, as a pipeline carrier and the coal pipeline shall be constructed, operated, maintained, and extended as a common carrier, in fact, fully

subject to rate and charge regulation by the Commission under such subtitle.

In the table of contents in section 1 of the amendment in the nature of a substitute, strike out

"Sec. 14. Amendment to Interstate Commerce Act."

and insert in lieu thereof

"Sec. 14. Common carrier obligation.".

In section 10 of the amendment in the nature of a substitute—

(1) in subsection (c), strike out paragraph (5) and redesignate paragraph (6) as paragraph (5);

(2) in the last sentence of subsection (g), strike out "and indicate" and all that follows through the period at the end of such sentence and insert in lieu thereof a period; and

(3) strike out subsections (j) and (k).

—At the end of the matter proposed to be inserted as section 10954 of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert the following:

"(i) The Commission shall not approve under this section any contract for the transportation of coal by pipeline if the contract is to be effective for any period longer than five years.".

—At the end of the matter proposed to be inserted as section 10954 of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert the following:

"(i)(1) The Commission shall not approve under this section any contract for the transportation of coal by pipeline if the contract contains a take-or-pay clause which requires payment, in whole or in part, for any level of transportation services in excess of 50 percent of the maximum level of transportation services contracted for under the contract or for any quantity of coal in excess of 50 percent of the maximum quantity of coal contracted for under the contract.

"(2) The Commission shall not approve under this section any contract for the transportation of coal by pipeline if any contract relating to the purchase of such coal contains any take-or-pay clause which requires payment, in whole or in part, for any level of transportation services in excess of 50 percent of the maximum level of transportation services contracted for under the contract or for any quantity of coal in excess of 50 percent of the maximum quantity of coal contracted for under the contract.

"(3) The Commission shall revoke the approval under this section of any contract for the transportation of coal by pipeline if, after such approval, the Commission determines that any contract relating to the purchase of such coal contains any take-or-pay clause which requires payment, in whole or in part, for any level of transportation services in excess of 50 percent of the maximum level of transportation services contracted for under the contract or for any quantity of coal in excess of 50 percent of the maximum quantity of coal contracted for under the contract.

"(4) In this subsection, 'take-or-pay clause' means—

"(A) any contract provision which requires payment, in whole or in part, for any minimum level of transportation services contracted for under the contract in the event that the transportation services are not utilized; and

"(B) any contract provision which requires payment, in whole or in part, for any minimum quantity of coal contracted for under the contract in the event that delivery of the coal is not taken.

Such term also includes any other contract clause which the Commission determines has the same effect.".

—At the end of the matter proposed to be inserted as section 10954 of title 49, United States Code, by section 14(a) of the amendment in the nature of a substitute, insert the following:

"(i)(1) The Commission shall not approve under this section any contract for the transportation of coal by pipeline if such contract contains a take-or-pay clause respecting such coal.

"(2) The Commission shall not approve under this section any contract for the transportation of coal by pipeline if any contract relating to the purchase of such coal contains any take-or-pay clause respecting such coal.

"(3) The Commission shall revoke the approval under this section of any contract for the transportation of coal by pipeline if, after such contract, the Commission determines that any contract relating to the purchase of such coal contains any take-or-pay clause respecting such coal.

"(4) In this subsection, 'take-or-pay clause' means—

"(A) any contract provision which requires payment, in whole or in part, for a minimum level of transportation service contracted for under the contract in the event that the transportation service is not utilized;

"(B) any contract provision which requires payment, in whole or in part, for a minimum quantity of coal contracted for under the contract in the event that delivery of the coal is not taken; and

"(C) any contract provision which otherwise prevents the shipper of coal from responding to the demands of consumers or other market forces by requiring the shipper of coal to pay, in whole or in part, for minimum services contracted for under the contract in the event that such services are not provided.

Such term also includes any other contract clauses which the Commission determines has the same effect.".

—In section 16 of the amendment in the nature of a substitute—

(1) strike out "may" and insert in lieu thereof "shall"; and

(2) strike out "commencement of operation of" and insert in lieu thereof "receipt of coal delivered through".

—After section 17 of the amendment in the nature of a substitute, insert the following new section:

ABANDONMENT PROVISIONS

SEC. 18. (a) A person holding a certificate issued under section 10 of this Act may—

(1) abandon any part of its coal pipeline; or

(2) discontinue the operation of all coal pipeline transportation over any part of its coal pipeline;

only if the Commission finds (A) that the present or future public convenience and necessity require or permit the abandonment or discontinuance, or (B) that water used for transporting the coal has been reduced by circumstances beyond the control of such person to an amount insufficient to continue the transportation of coal, or (C) that the available supply of coal is depleted to the extent that continued service is unwarranted.

(b)(1) A proceeding to permit abandonment or discontinuance under subsection (a) of this section begins on application filed with the Commission. If the Commission—

(A) finds public convenience and necessity requires or permits abandonment or discontinuance, it shall—

(i) approve the application as filed; or

(ii) approve the application with modifications and require compliance with conditions that the Commission finds are required by public convenience and necessity; or

(B) fails to find public convenience and necessity requires or permits abandonment or discontinuance, it shall deny the application.

(2) On approval, the Commission shall issue to the person holding a certificate issued under section 10 of this Act a certificate describing the abandonment or discontinuance approved by the Commission.

(c) The abandonment or discontinuance approved by the Commission shall take effect on the 60th day after the date of issuance of the certificate under this section.

Redesignate section 18 of the amendment in the nature of a substitute as section 19.

In the table of contents in section 1 of the amendment in the nature of a substitute—

(1) insert after

"Sec. 17. Buy American."

the following:

"Sec. 18. Abandonment provisions."; and

(2) redesignate the item relating to section 18 as section 19.

EXTENSIONS OF REMARKS

PROF. PHILLIP A. GRANT, JR., PRESENTS PAPER ON CONGRESSIONAL BLACK CAUCUS AND NUCLEAR FREEZE RESOLUTION

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MITCHELL. Mr. Speaker, I am happy to share a copy of the paper entitled, "The Congressional Black Caucus and the Nuclear Freeze Resolution." This paper was presented by Phillip A. Grant, Jr., associate professor of History at Pace University of New York, at the June 4 conference on the Arms Race versus Human Needs in Nashville, TN. The complete text follows:

"THE CONGRESSIONAL BLACK CAUCUS AND THE NUCLEAR FREEZE RESOLUTION"

(By Phillip A. Grant, Jr.)

On June 23, 1982 the Committee on Foreign Affairs of the House of Representatives voted 26-11 in favor of a joint resolution calling for a nuclear freeze. The nuclear freeze resolution had been introduced earlier on the same day by the committee's chairman, Representative Clement J. Zablocki of Wisconsin. The avowed object of the resolution was to express profound concern over the threat posed to the peace and safety of the world by the nuclear arms race.[1]

Voting for the nuclear freeze resolution were nineteen Democrats and seven Republicans, while opposing the measure were two Democrats and nine Republicans. The dissenting Democrats were Lawrence H. Fountain of North Carolina and Andy Ireland of Florida. Fountain, completing his fifteenth term in the House, had announced his decision to retire on March 27, and Ireland, seeking re-election to his fourth term in 1982, was the spokesman for an affluent constituency on Florida's Gulf Coast. Extremely conservative southerners, Fountain and Ireland had compiled virtually unblemished records of support for the domestic and foreign policy legislation advocated by Republican President Ronald Reagan.[2]

Among the twenty-six congressmen voting affirmatively on the nuclear freeze question were two members of the Congressional Black Caucus, Representatives George W. Crockett, Jr. of Michigan and Mervyn M. Dymally of California. Crockett, a former municipal judge in Detroit, served a district which had been occupied by a Black since 1955. Dymally, who previously had been Lieutenant-Governor of California, had recently been renominated to a second term.[3]

Zablocki, in behalf of the committee, issued the formal report on the nuclear freeze resolution on July 19. It was anticipated that the resolution would be brought to the House floor for consideration in early August. In what was destined to be the most exciting foreign policy debate since the height of the Vietnam War the four hundred and thirty-five members of the House would be afforded the opportunity to voice their convictions on the role which the United States government should play in facilitating a reversal of nuclear armament.[4]

On August 4, 1982 the House scheduled nine hours of debate on the nuclear freeze resolution. The proponents insisted that adoption of the resolution would convey the message that the House genuinely desired a halt to the nuclear arms race. The adversaries argued that passage of the resolution would weaken the Reagan Administration's leverage in negotiating a satisfactory arms agreement with the Soviet Union. The Reagan Administration was adamant in its opposition to the resolution and worked diligently to assure that the vast majority of House Republicans and Southern Democrats would cast negative votes.

Voicing unqualified support for the nuclear freeze resolution were five members of the Congressional Black Caucus, William H. Gray III of Pennsylvania, Louis Stokes of Ohio, Cardiss Collins of Illinois, William Clay of Missouri, and Ronald V. Dellums of California. Denouncing a nuclear war as an "equal opportunity destroyer," Gray asserted that the resolution emphasized that the "world's leaders must recognize this ultimate threat to humanity." Stokes, hailing the resolution as an "idea whose time has come," was encouraged that the American people in ever increasing numbers were demanding an end to the "madness" of producing large quantities of nuclear arms. According to Collins, passage of the resolution "will not only move America a step closer to a safer and brighter future, but will bring the whole world a step closer to that future." Branding the threat of nuclear war the "gravest danger to humanity ever known in the history of the world," Clay urged his colleagues to acknowledge that it was "time to stand up in the name of the human race." Dellums, convinced that the world was "in imminent danger from the potential of nuclear holocaust," implored the House to have the "boldness to challenge these weapons systems that are threatening our lives and challenging the future of the American people."[5]

The tone of the debate in the House chamber suggested that the membership was almost evenly divided on the nuclear freeze issue. Instead of attempting to effect the outright defeat of the resolution, most of its House critics wished to dilute its impact. Accordingly, they rallied around a substitute resolution authored by Republican Representative William S. Broomfield of Michigan. The Broomfield Substitute was in effect a vague endorsement of the Administration's nuclear policy. In an extraordinarily close roll call the substitute prevailed by a 204-202 margin. If a single vote had changed, the tabulation would have been 203-203 and the substitute would have been defeated. Rejection of the Broomfield measure would have guaranteed a fateful House vote strictly for or against the original Zablocki Resolution.[6]

As expected, the Broomfield Substitute attracted broad support within the ranks of Republicans and Southern Democrats. Republicans approved the substitute 151-27 (85.3 percent) and Democrats from the South were aligned 42-26 (61.8 percent) in favor of its passage. By contrast Northern Democrats opposed the substitute by a resounding 149-11 majority (93.1 percent). Interestingly, five of these eleven Northern Democrats were serving the final months of their congressional careers.[7]

The members of the Congressional Black Caucus ballotted 16-0 against the Broomfield Substitute, thus providing the largest bloc of negative votes in the House. These Black congressmen, representing urban districts from Brooklyn, New York in the Northeast to Los Angeles in the Southwest, were deeply upset over the Reagan Administration's obsession with an unprecedented defense buildup and its determination to secure massive cuts in social programs.[8]

In the aftermath of the elections of 1982 there were several indicators which proved quite encouraging to the future prospects of a nuclear freeze resolution. On November 2, 1982 the Democrats gained an impressive total of twenty-six seats in the House. Among those defeated were twenty-one Republican incumbents who had cast votes for the Broomfield Substitute. Also, eight Republicans and four Democrats who had supported the substitute opted to retire from public life at the expiration of their congressional terms. Finally, ten other congressmen who had contributed to passage of the substitute were either defeated in party primaries or relinquished their House seats to engage in contests for governorships or the United States Senate. When the newly elected Congress assembled in January 1983, forty-three of the individuals who had favored the Broomfield Substitute were no longer members of the House of Representatives.[9]

Among the liberal Democrats elected to the House on November 2 were three new members of the Congressional Black Caucus. They were Edolphus Towns of New York, Katie Hall of Indiana, and Alan Wheat of Missouri. Towns, Deputy Borough President of Brooklyn, was elected from a district created after New York lost five congressional seats in the Census of 1980. A veteran of both Houses of the Indiana Legislature, Hall succeeded a highly respected white Democrat who had died in the late summer. Wheat, a member of the Missouri House of Representatives, was chosen as the congressman from a constituency embracing Kansas City. Towns, Hall, and Wheat had campaigned for Congress as harsh critics of the policies espoused by the Reagan Administration.[10]

On the opening day of the Ninety-Eighth Congress Chairman Zablocki reintroduced his nuclear freeze resolution. After nine weeks, the Foreign Affairs Committee voted 27-9 in favor of the Zablocki Resolution. Twenty-three Democrats were joined by four Republicans in support of the resolution, while one Democrat and eight Republicans were recorded against the resolution. Consistent with their previous stands, the

[1] Footnotes at end of article.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

resolution was endorsed by Black Caucus members Crockett and Dymally.[11]

Pledging their enthusiastic support of the 1983 nuclear freeze resolution were Representatives Collins, Parren J. Mitchell of Maryland, and Harold E. Ford of Tennessee and Delegate Walter B. Fauntroy of the District of Columbia. Collins, satisfied that the Congress was "responding to the loud clamor of the American people," identified the nuclear freeze resolution as "one of the most important issues this Congress, or indeed any Congress, has to deal with." Declaring that the genius of mankind should be used to "protect and preserve life," Mitchell complained that, because of nuclear weapons, "life on this earth, as we know it, stands in grave jeopardy". Ford warned that without the passage of the nuclear freeze resolution "we will continue to waste billions of dollars on weapons that can only assure our eventual destruction." Foreseeing that the continuing arms race increased the possibility of a nuclear conflict, Fauntroy perceived a "moral link between the vast spending on arms and the disgracefully low spending on measures to remove hunger and ill-health in the Third World." [12]

Unlike 1982, the House debated the Zablocki Resolution for forty-two hours over a period of eight weeks. Hoping to delay a final vote on the resolution's merits, the Republicans resorted to obstructionist tactics by offering dozens of substantive amendments. Amendments proposed by Representatives Mark D. Siljander of Michigan and James G. Martin of North Carolina, both of which would have emasculated the text of the resolution, were defeated by tallies of 215–209 and 211–204 respectively. Siljander, an apologist for the "Moral Majority", had succeeded Budget Director David Stockman in the House, while Martin was serving his sixth term from a district which in the nineteen seventies had been the scene of the nation's most acrimonious school desegregation dispute. Republicans supported the Siljander Amendment 152–11 (93.7 percent) and Southern Democrats voted 49–37 (56.9 percent) for its passage. The comparative figures for the Martin Amendment were 142–21 (87.4 percent) and 52–33 (61.2 percent). The members of the Congressional Black Caucus balloted 19–0 against the Siljander Amendment and 17–0 against the Martin Amendment, thus furnishing the margins of victory on the two pivotal roll calls.[13]

Shortly before the vote on the ultimate disposition of the Zablocki Resolution, the House on a 221–203 roll call attached an amendment by Elliott H. Levitas of Georgia, a conservative Democrat from suburban Atlanta. The Levitas Amendment decreed that a nuclear freeze must be followed by a nuclear arms reduction, thereby prescribing a condition to the Zablocki Resolution. The amendment was supported 155–11 (93.7 percent) by Republicans and 54–34 by Southern Democrats. The Black Caucus, recognizing that the Levitas Amendment would needlessly complicate a basically simple issue, voted 17–0 against its adoption. After the Speaker's gavel fell, the House was recorded 278–149 in favor of the modified Zablocki Resolution. Notwithstanding the inclusion of the Levitas Amendment, Republicans opposed the resolution's passage 106–60 (63.8 percent). Southern Democrats divided 50–39 (56.2 percent) in the affirmative. The Congressional Black Caucus voted 18–0 for the Zablocki Resolution, thus maintaining a pattern of unanimity which had been evident since the early stages of the House debate on the nuclear freeze in the summer of 1982.[14]

Between June 1982 and May 1983 the nuclear freeze resolution was subjected to an extraordinary amount of sustained publicity. The nuclear freeze issue proved to be a major, if not overriding, consideration in the congressional elections of November 1982. According to all the respected public opinion polls, a overwhelming majority of the American people favor a firm commitment to a nuclear freeze. The twenty-one members of the Black Caucus, like their several hundred colleagues in the House of Representatives, were addressing themselves to a question of paramount concern to the welfare of our nation. By unanimously supporting a nuclear freeze resolution they were contributing positively to the betterment of our democratic system as well as to the future of humanity. The Congressional Black Caucus, which for more than a decade has been in the forefront of the social justice movement, in 1982 and 1983 mobilized its efforts in behalf of a resolution of unprecedented magnitude.

FOOTNOTES

[1] House of Representatives, H.J. Res. 521–A joint resolution calling for a mutual and verifiable freeze on and reduction in nuclear weapons and for approval of the Salt II agreement, June 13, 1982; Times, New York, N.Y., June 24, 1982, p. 10.

[2] United States Congress, Congressional Directory, 1981 (Washington: United States Government Printing Office, 1981), pp. 37, 130–131; Michael Barone and Grant Ujifusa, The Almanac of American Politics, 1982 (Washington: 1982), pp. 226–228, 822–824; Congressional Quarterly, January 9, 1982, pp. 54–55; April 3, 1982, p. 763; January 15, 1983, pp. 104–105.

[3] Congressional Directory, 1981, pp. 22–23, 87; Almanac of American Politics, 1982, pp. 137–138, 551–554; Congressional Quarterly, January 3, 1981, pp. 6–7, 15; June 12, 1982, p. 1420.

[4] House of Representatives, Report Number 630, July 19, 1982.

[5] United States Congress, Congressional Record (Washington: United States Government Printing Office, 1982), CXXVIII, H5311–H5312, H5217–H5218, H5320–H5322.

[6] Congressional Record, CXXVIII, H5359–H5360; Congressional Quarterly, August 7, 1982, pp. 1883–1886; August 14, 1982, p. 2022; Times, New York, N.Y., August 6, 1982, pp. A1, B4.

[7] One Democrat, Bob Stump of Arizona, had already announced his decision to defect to the Republican Party, while two others, Joseph F. Smith and Don Bailey of Pennsylvania, were defeated for renomination in their party's primary. Another individual, Jim Santini of Nevada, failed in his quest for the Democratic senatorial nomination. The fifth gentleman, Robert H. Mollohan of West Virginia, had chosen to retire after nine terms on Capitol Hill. Congressional Quarterly, January 30, 1982, p. 163; February 20, 1982, p. 334; May 22, 1982, p. 1202; September 18, 1982, p. 2320.

[8] These congressmen represented districts in New York, Philadelphia, Baltimore, Cleveland, Detroit, Chicago, Saint Louis, Memphis, Houston, Los Angeles, and Berkeley, California. Biographical sketches may be found in the following works: Congressional Quarterly, January 3, 1981, pp. 4, 10, 11, 15; Maurine Christopher, America's Black Congressmen (New York: Thomas Y. Crowell, 1971), pp. 221–227, 237–261; W. Augustus Low and Virgil A. Clift, Encyclopedia of Black America (New York: McGraw-Hill Book Company, 1981), pp. 225, 274, 278, 286, 295, 307, 384, 390, 408, 423, 564–565, 728, 810.

[9] The defeated Republicans were John LeBoutillier of New York, Charles F. Dougherty, Jim Coyne, James L. Nelligan, and Eugene V. Atkinson of Pennsylvania, Thomas B. Evans, Jr. of Delaware, Mike Staton of West Virginia, Eugene Johnston and Bill Hendon of North Carolina, John L. Napier of South Carolina, Albert L. Smith, Jr. of Alabama, Ed Weber of Ohio, Joel Deckard of Indiana, Jim Dunn of Michigan, Tom Hegedorn of Minnesota, Wendell Bailey of Missouri, Clint Roberts of South Dakota, and Don H. Clausen and John H. Rousselot of California. Retiring from Congress were Republicans Gregory W. Carman and Donald J. Mitchell of New York, Marc L. Marks of Pennsylvania, J. William Stanton of Ohio, M. Caldwell Butler of Virginia, Jim Jeffries of Kansas, John J. Rhodes of Arizona, and Clair W. Burgener of California and Democrats Robert H. Mollohan of West Virginia, Lawrence H. Fountain of North Carolina, Jack Brinkley of Georgia, and Richard C. White of Texas. Congressional Quarterly, November 6, 1982, pp. 2783–2784, 2817–2825.

[10] Congressional Quarterly, August 7, 1982, p. 1911; September 15, 1982, p. 2336; October 2, 1982, p. 2450; November 6, 1982, pp. 2819, 2821, 2822; December 4, 1982, p. 2978; January 3, 1983, pp. 34, 37.

[11] H.J. Res. 13–A joint resolution calling for a mutual and verifiable freeze on and reduction in nuclear weapons, January 3, 1983; *House Report 31*, March 14, 1983; *Congressional Quarterly*, March 12, 1983, pp. 509–511.

[12] CONGRESSIONAL RECORD, CXXIX, H1222–H1223, H2061–H2062, H2229–H2230.

[13] CONGRESSIONAL RECORD, CXXIX, H1315–H1316, H2212–H2213; Congressional Quarterly, March 12, 1983, pp. 509–511; March 19, 1983, pp. 546–548; April 16, 1983, p. 730; April 23, 1983, pp. 773–774; April 30, 1983, p. 827; Politics in America, 1982, pp. 593, 912–913; Post, Washington, D.C., March 17, 1983, pp. 1, 6.

[14] CONGRESSIONAL RECORD, CXXIX, H2646–H2647, H2661; Congressional Quarterly, May 7, 1983, pp. 868–869; Politics in America, 1982, pp. 279–281; Times, New York, May 5, 1983, pp. A1, B11.●

SUPPORT GROWS FOR BAN ON "COP KILLER BULLETS"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BIAGGI. Mr. Speaker, as a 23-year veteran of the New York City Police Department, I am pleased to report that support for my bill, H.R. 953, to outlaw "Cop Killer Bullets"—armor-piercing handgun ammunition that can penetrate the bulletproof vests worn by police—is growing.

Police departments and organizations across the country have endorsed my bill, without dissent. Endorsements have come from such leading police groups as the International Association of Chiefs of Police, the Fraternal Order of Police, the International Union of Police Associations, the International Brotherhood of Police Officers, the National Association of Police Organizations, and the Federal Law Enforcement Officers Association.

Eleven States have already enacted laws against armor-piercing handgun bullets. They include Alabama, California, Florida, Illinois, Indiana, Kansas, Minnesota, Oklahoma, Rhode Island, Texas, and Virginia.

H.R. 953 has the bipartisan support of over 170 House cosponsors, and an identical bill, S. 555, has been introduced in the Senate by Senator MOYNIHAN.

The U.S. Justice Department has also expressed their support for a ban on armor-piercing handgun bullets. In a letter to me earlier this year they wrote:

The Department of Justice fully shares your commitment to protecting law enforcement officials from the threat posed by armor-piercing ammunition * * * our clear objective is to prevent criminals from

having access to handgun bullets designed to penetrate armor * * * any further delay is a tragic mistake.

Specifically, my bill would ban the future manufacture, importation and sale of armor-piercing handgun ammunition, except when needed for law enforcement or military use. It would also provide a mandatory 1-to-10 year prison sentence for any person using these bullets in a crime.

The ban would only apply to armor-piercing handgun bullets. H.R. 953 is not designed to affect rifle ammunition in any way.

There are approximately eight different handgun bullets that H.R. 953 seeks to ban. These bullets are not used for legitimate purposes, but they have been used by criminals to shoot and kill police officers.

Ironically, armor-piercing handgun ammunition was originally designed for police use. However, police departments do not use these bullets because they are far too dangerous; not only because of their awesome penetration capacity, but also because they pose greater ricochet hazards than the more conventional ammunition.

Mr. Speaker, other convincing arguments for a Federal ban on "Cop Killer Bullets" were recently presented in a New York Times' editorial, and in an article on the subject by nationally syndicated columnist Mike Royko. At this time I wish to insert those endorsements in the RECORD:

[From the New York Times, Aug. 29, 1983]

KILL THE "COP-KILLER" BULLETS

"Apple greens" are bullets so hard that without their coating of light green Teflon they would tear up the inside of a gun's barrel when fired. That hardness permits them to penetrate the Kevlar vests credited with saving the lives of more than 400 police officers. Such penetrating bullets offer little advantage to the sportsman. Their only purpose is to kill human beings—whether policemen, presidents or popes—who wear Kevlar vests.

Yet such "cop-killer" ammunition remains available for sale to potential criminals and terrorists. Bills in Congress would ban it, but the Administration has yet to take a position, apparently for fear of offending its friends at the National Rifle Association. This bow to politics is not only misguided, it's dangerous.

Bills introduced by Representative Mario Biaggi and Senator Daniel Moynihan of New York would give Washington authority to ban handgun ammunition that can penetrate the most common police vest. The bills have 170 co-sponsors in the House and 15 in the Senate.

Police records don't always reveal the kind of ammunition criminals use to shoot officers, so the magnitude of the threat is hard to assess. Mr. Biaggi cites two cases of law enforcement officers shot with the bullets. Armor-piercing bullets are thought to be popular in the Florida drug and gunrunning community, where criminals wear vests and want the penetration power for their own wars.

More than half the nation's police now wear the vests, and police groups support the bill with unusual unanimity, from unions to the conservative International Association of Chiefs of Police. Its president says flatly that the bullets have "no legitimate use . . . either in or out of law enforcement."

Such talk prompts anxiety at the N.R.A. The gun lobby values its friendly relations with police, to whom it offers firearms training. It favors voluntary restrictions by manufacturers but gags on the idea of any new regulation, even to protect police lives. So the N.R.A. raises technical issues. The bill is unacceptable, it argues, because it would also ban some hunting rifle ammuniton, which, if fired from certain handguns, might penetrate a Kevlar vest.

Those kind of handguns aren't practical for street crime, and it's unlikely the Feds would ban hunting ammunition because of them. The effect of voluntary controls is dubious. But once the N.R.A., with its conservative following, spoke up, an issue that seemed as appealing as apple pie began to feel more like a hot potato. The Administration referred it to the National Institute of Justice and National Bureau of Standards, in hopes they can produce a definition that will please the N.R.A. The agencies promise a report soon.

There's no reason for Congress even to wait for the agencies' findings. In 1982, a less formal F.B.I. report identified eight kinds of imported and domestically made ammunition that seemed to fit the "cop-killer" category. The Treasury Secretary could be given the power to ban them but forbidden to restrict popular sporting ammunition. The ban might then be extended as further study demonstrated a clear need.

Only the most fanatical gun-lobby ideologues could find fault with that.

[From the Sunday Sun-Times, Sept. 4, 1983]

GUN LOBBY HAZARDOUS TO POLICEMEN'S LIVES

(By Mike Royko)

It appears that the National Rifle Association is in favor of policemen being shot.

The NRA will be furious at the thought that they want policemen shot—or at least are indifferent to the possible carnage—but I can't see how any other conclusion can be drawn from their position on the superhard bullet.

This bullet, as you may have read, is the one that's so hard it easily pierces the Kevlar vests that many policemen are now wearing.

These vests have been credited with saving the lives of at least 400 cops who were hit with ordinary bullets. Had these cops been hit with the Teflon-coated, superhard slug, there would have been 400 funerals.

For a long time, some congressmen who don't fear the mighty pro-gun lobby have been trying to get these bullets banned.

But the National Rifle Association is against this bill and has been putting its potent pressure on less courageous congressmen.

The NRA likes to portray itself as a sensible organization. It spreads ads for itself all over magazines—especially those directed at teenagers. It talks about how it is in favor of responsible gun ownership and responsible behavior.

At the same time, it fights with teeth bared against a law that would ban a bullet that has no other purpose than to blow away a human being.

These bullets aren't used in hunting, target-shooting or any other sporting activity—unless you consider zapping a cop to be jolly good sport.

Why, you ask, would an allegedly responsible, sensible organization take such a daffy position?

The answer is simple enough: The NRA's responsible posture is a phony. The NRA is against any kind of laws that provide any kind of restrictions on the ownership, sale and manufacturing of guns and ammunition.

If the NRA had its way, you would be able to buy guns and ammo in your corner liquor store. And you wouldn't have to register them or even leave your name with the clerk.

It's against any and all gun laws and it does all it can to intimidate congressmen, state legislators, local councilmen and any other politicians who don't share its views.

So it shouldn't be a surprise to anyone that the NRA is fighting against banning the superhard bullet.

It's no surprise to Rep. Mario Biaggi (D-N.Y.), an ex-cop who sponsored the bill in the House.

"There's no real, rational reason why the NRA is opposing this bill," Biaggi told us. "They're just paranoiac. They go crazy if they think someone is trying to encroach on their preserve of munitions or guns.

"They're tried real hard to defuse the issue with false statements. For example, they say the bill will affect hunters and sportsmen. That's nonsense. We're talking about handguns with barrels no longer then five inches. It should be clear we're trying to protect the law enforcement people—many of whom believe they'll be protected by wearing bulletproof vests.

"Then they say the bullets are only sold to police. That's clearly untrue. Time and time again it's been proven that just about anyone can go into a gun shop and buy these bullets right off the counter.

"They also say that the thieves and felons are using these bullets because we've publicized them.

"Now, that argument would be all right if you were talking to a naive high school kid. But I was on the police force for 23 years and I can tell you this; the felons know what's out there before the members of the police department do.

"All of the NRA arguments are just silly.

"The irony of this whole thing is that, while we wait for this legislation, the criminals are getting smarter. They're wearing bulletproof vests. Police use their traditional bullets and the felons are protected with these vests. But cops aren't protected against the felons using the killer bullets."

This is the fourth time that Biaggi has introduced a bill to ban the vest-piercers. Each time, the NRA has its loyal, gun-loving members put heat on their congressmen. And each time the bill died in committee.

But this time Biaggi thinks he can get the bill passed, once some studies are made that define what an armor-piercing bullet is.

You see, the NRA says that there is absolutely no way such a definition can be made. It argues that if you ban this bullet, all other bullets might be banned.

That's about as bright as saying that if you ban opium, which is a mood-altering, habit-forming substance, you will inevitably wind up also banning bottles of Lafitte Rothschild, 1959, because it, too, can be a mood-altering, habit-forming substance.

So I'm sure the agencies making these tests and drawing up guidelines will be able

to come up with a satisfactory definition that can be written into the law:

No handgun ammunition can be sold if it can pierce anything as hard and thick as a police vest—or the thick skull of a National Rifle Association official.●

FAST FOR LIFE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STARK. Mr. Speaker, four dedicated and concerned individuals are trying to save our lives. They are doing it by fasting. It is their way of praying for mankind, and crying for the poor.

These four fasters—Dorothy Granada, 52, Charles Gray, 58, Mitsuyoshi Kohijima, 34, and Andre Leriviere, 34—began their journey, in Oakland, Calif., on August 6, the anniversary of the Hiroshima nuclear holocaust. They were joined by several other fasters in Europe to draw attention to the dangers of militarism and nuclear weapons, and focus the world's attention on those people who are starving to death around the world when so many of our global resources are use to make war.

In recent days, we witnessed a tragic example of what the fasters are protesting—the destruction of a civilian aircraft. The climate of fear and paranoia that permeates our world erupted in a flash of light that extinguished the lives of 269 men, women, and children. The extermination of the Korean airliner and its occupants was a sample of what mankind can expect for itself unless we begin thinking less in terms of mutual annihilation, and more of mutual accommodation.

The Oakland fasters want us to think about what is happening to the world.

"We are asking people to look into their own hearts and to ask themselves what their responsibility is to what is going on," Dorothy Granada told a newspaper reporter. "We are not asking people to be like us. We are asking them to look at the mess we are in, at the holocaust that is coming very fast if we don't do something about it, and at our brothers and sisters starving."

This kind of self-examination is long overdue.

I have attached a newspaper article that recently appeared in the Oakland Tribune regarding the fasters and their commitment to world peace. Their story should be an inspiration to us all. I urge my colleagues to read about this extraordinary dedication.

FASTING IS WAY TO "CRY FOR THE POOR"—11 DEMAND AN END TO MILITARISM

(By Raul Ramires)

For Dorothy Granada, whose body is slowly wasting away in Oakland in a "Fast for Life" aimed at fostering a turnabout in the nuclear arms race, joining the risky action was a logical expression of commitment.

For more than a decade, Granada, a former nurse, has revealed her sense of responsibility to humanity in unorthodox, mettlesome ways.

Granada, 52, has ingested nothing but distilled water for four weeks, adhering to a vow to not eat again unless a "significant" step is taken toward reversing the nuclear arms race.

She is among 11 people who launched the fast a month ago, along with her 58-year-old husband, Charles Gray, a former sociology professor and carpenter. They have been joined in Oakland by Mitsuyoshi Kohilma, 34, a former Buddhist monk from Tokyo, and Andre Leriyiere, 34, a Quebec forester and musician.

Six fasters in Europe also began the action on Aug. 6, the anniversary of the Hiroshima nuclear holocaust. Thousands others have held brief support fasts.

Granada discussed her life and the fast the other day at the Holy Redeemer Center's House on Golf Links Road in Oakland, where she has spent most of her time since the action began.

The fast, in her view, is a prayer aimed at dramatizing the dangers of nuclear posturing and the immense human toll that can be linked to militarism. By itself, an end to the nuclear arms race would be only a step toward resolving these larger conflicts she says.

"A very small percentage of the U.S. military budget is spent on nuclear weapons," she notes, frustrated at being unable to recall the specific figure as she could a week earlier.

"The rest is spent on so-called conventional weapons. You are not going to feed the poor only with that percentage that goes to nuclear weapons now.

"Any step away from militarism is in the right direction," she says. "Until we put away violence and the threat of violence, people will not be fed."

Granada, who was born in East Los Angeles of Filipino and Chicano parents, says she has witnessed firsthand the toll of militarism on America's minority and poor communities, whose young men often turn to the military as a way out of poverty.

"I remember World War II," she says, "My uncle, 18 years old, jumped at the opportunity to join the army. You get three squares and a salary. It's one way to get out."

For Granada's uncle, the way out led to the Corregidor Death March in the Philippines, in which he died, she says.

For Granada, the way out was through marriage and education—a path to comfort and, in 1970, to spiritual crisis.

"I got out of the barrio and I split," she says. "I said, 'No way am I going to hang around here. These people are failures. I'm going to where people are making it, where they've got cars, clothes, good education. These Mexicans have shabby houses; they've got old cars.'

"So I got out, went to college, nursing school, married this Harvard physician—the whole bit."

By the late 1960s, Granada recalls, she settled into prosperity with her husband and son, Christopher, now 20. She became director of medical nursing at the University of Chicago Hospital.

"For 11 years, I had the American dream—the doctor husband, the car, the house, the fancy vacation in Europe," she says. "But over my shoulder I could still hear those people I left behind—my people . . ."

Maybe what triggered it was her marriage falling apart, she says. Or maybe the divorce was a consequence of a new, subtle awareness. Either way, by 1970, Dorothy Granada's life had shifted abruptly.

"I saw this middle class, wasteful lifestyle," she says. "We had not only our share—we had 50 times our share.

"I learned more about the dynamics of why people are poor, particularly Latino people in this country. I began to realize that I was in the wrong place, that I did not belong in the white middle class. I gave it up and went to work in the barrio in Chicago."

Her work in that city's first heroin treatment program for Hispanics paid $11,000 yearly—a far cry from her university salary of $25,000.

"Suddenly, I was downwardly mobile—by choice," she says.

In Puerto Rico, she worked as a missionary nurse. In Oregon, where she and Gray lived before moving to Oakland, she helped organize clinics for Southeast Asian refugees.

For years, she and Gray, a longtime peace activist, have worked in anti-militarist causes. Both prepared for the fast by abstaining from food for periods of up to two weeks and researching similar actions throughout history.

Granada's downward economic journey has accelerated since it began 13 years ago. Now, she and her husband exist on what they call their "world equity budget."

"Me, I just want to be poor," she says. "Charles—he used to teach statistics—he has worked out this formula . . ."

The formula—a ratio of the gross national product of the world's nations to its human population, adjusted to offset excessive consumption in industrialized nations—means that Gray and Granada each lives on a $100 monthly budget.

They have done it for more than five years by sharing homes with friends, growing vegetables, bartering and picking through grocery store dumpsters.

"In Eugene (Oregon) we would only 'garbage' at natural food stores dumpsters," she says. "They have so many there. We grew sprouts and then we would barter for bread and eggs. We ate pure food. We eat rice and beans. Sometimes for variation we eat beans and rice. And I make tortillas."

Granada grows serious.

"Don't get me wrong," she adds. "We are not saints. I love being middle class. I love going to little cafes and having capuccino . . . But not at the expense of taking food out of somebody else's mouth.

"You see, we are still very rich. There are people in the world who live on $100 a year," she adds.

And the fast?

"The fast is the most intense way we know to pray," Granada says. "It is also the strongest way we know to cry for the poor. When I do without food and I think, 'Oh, man, am I getting tired of this. I want a cup of broth,' I tell myself that there are babies dying in Latin America and nobody is giving them a cup of broth.

"We are crying for them. We are giving them voices," she says.

The fasters' goal?

"We are asking (people) to look in their own hearts and to ask themselves what their responsibility is to what is going on.

"We are not asking people to be like us," she adds. "We are asking them to look at the mess we are in, at the holocaust that is coming very fast if we don't do something about it, and at our brothers and sisters starving.

"You see, if the bomb drops we are going to incinerate together. We all are going to be the same color—gray. We all are going to be poor.

"We believe that as soon as people start asking questions they will come down to their own conclusions and do what is best for them. Maybe for some of them the way to act will be to write a letter to Congress, or to go to the nuclear freeze office and get some information . . .

In recent days, both Granada and Gray appear to be weakening faster than anticipated. By Friday, Granada, who has lost 28 pounds—from 150 to 122—was taken to an area hospital for out-patient "balancing of her fluids," according to supporters.

The fasters have agreed that each will decide on his or her own whether to continue.

"If I come to coma facing me, and if I feel called to give my life, I will," she says, "I don't know if I will be called. I don't know if I will have the courage. As a Christian, I have to be God's servant."

She expresses concern about Gray—the oldest faster—and about several fasters who have young spouses and children, but says she has no personal fear.

"I got scared before the fast," she says. "Not any more."

One concern persists, however.

"I do worry about how we are going to end the fast and how we are going to keep it open and loving and non-violent. I can see a lot of pressures, a lot of things happening when we are very weak.

"People may want to make decisions then because they want to save our lives. I worry about getting kind of a mess. I just don't know how it's going to be toward the end."●

HERSHEY MEDICAL CENTER RESEARCH: "CANCER RESISTANCE AND OBESITY"

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. GEKAS. Mr. Speaker, in recent years, cancer has become the most feared disease for the men and women of the United States. As the possibility of contracting cancer increases, so does the medical world's drive to find causes and cures for this devastating disease. Each study conducted brings us one step closer to finding the answers to many of the baffling questions that surround cancer.

The 17th District of Pennsylvania is very fortunate to have the well-known Hershey Medical Center within its borders. One of the most recent research studies from the medical center links cancer resistance and obesity. The recent article in the Federation of American Societies for Environmental Biology's Feature Service, "Cancer Resistance and Obesity," tells of the fine work of Carl Thompson, John Kreider, Paul Black, Thomas Schmidt, and David Margules in this area. I submit the article for the review of my colleagues.

CANCER RESISTANCE AND OBESITY

Obesity seems to confer cancer resistance, a curiosity some Pennsylvania scientists are trying to explain with the help of genetically obese mice.

The scientists, who conduct their research at the Hershey Medical Center of the Pennsylvania State University and at Temple University in Philadelphia, have found that obese mice injected with skin cancer cells at 10 to 11 months of age, develop primary tumors more slowly than lean littermates. Obese animals also develop far fewer secondary tumors in their lungs. One reason for the difference, the investigators suggested, could be an enhanced immune response in the obese animals.

Carl I. Thompson, John W. Kreider, Paul L. Black, Thomas J. Schmidt, and David L. Margules published the results of their cancer and obesity study in the June 10, 1983 issue of Science. Dr. Kreider is a member of the American Association of Pathologists and the American Association of Immunologists, both member societies of the Federation of American Societies for Experimental Biology. The research was supported in part by a grant from the National Science Foundation to Dr. Margules.

Obesity has been linked to all sorts of health problems, including diabetes, atherosclerosis, heart disease, and stroke. But oddly enough, obesity seems to work in one's favor when the discussion turns to cancer. Obese people often appear to be highly resistant to cancer. Malignancies occur less often in morbidly obese men than in the general population. Data from the now-famous Framingham study (the long-term, ongoing study of heart disease) indicate that death rates due to cancer decrease steadily with increases in body build for men aged 40 to 69 years. While it's true that obese women show an increased incidence of breast cancer after menopause, the reverse is true for younger women. In both men and women, follow-ups of individuals who are initially free of disease indicate that those designed to develop malignancy weigh less at original screening than similar people who will not develop cancer.

Why should obesity confer cancer resistance? To help answer that question, the Pennsylvania scientists compared cancer growth in genetically obese mice and lean littermates born without the necessary "obesity" genes. Both groups were injected with melanoma cells—a form of skin cancer that readily spreads (metastasizes) from its primary site to other parts of the body, particularly the lungs.

Two experiments were performed. In the first, animals were given melanoma cell injections at 10 to 11 months of age. In the second, mice were injected at age 4 to 7 months. The investigators also sampled lymphocytes from the spleens of the mice and tested the responsiveness of these immunologically important cells to chemicals that stimulate cell growth and division. The idea is that the more responsive these cells are to the chemicals (called mitogens) in the test tube, the more active they are in the animal.

Starting from 12 days after cancer cell injection, the researchers measured tumor size at 2-day intervals until the animals died. After death, the mice were autopsied and their major organs examined for tumors.

The investigators found that primary tumors appeared at about the same time (at around 16 days in Experiment 1 and 14 days in Experiment 2) in obese and lean animals, but obese mice survived longer than lean animals. In the first experiment, the primary tumor growth was slower after its initial appearance in obese than in lean mice.

Autopsies revealed that all secondary tumors (metastases) were confined to the lungs. In both experiments, obese mice had far fewer of these metastases than did lean animals.

Tests of immune cell responsiveness revealed that splenic lymphocytes from obese mice were at least three times more responsive to the mitogen concanavalin A than those from lean littermates.

So is the immune system of an obese person better able than that of a thin person to fight off cancer? Perhaps. Immune responsiveness could partly explain the observed cancer resistance. But other factors, such as hormonal differences, are probably also involved. More research is needed to define these factors and clarify how interactions between the hormonal and immunological systems enable the obese to resist cancer.

The work of these and the other researchers at Hershey Medical Center should be praised for they are bringing us one step closer toward a cancer-free society.●

KNOW THINE ENEMY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SOLOMON. Mr. Speaker, "Know Thine Enemy" is wise counsel for free nations determined to preserve their freedom from international Communist totalitarianism. In the wake of the Korean Air Line massacre, a deliberate act of barbarism by the Soviet Union, the attention of the free world is now focused on what this incident reveals about the true nature of Soviet-brand communism. All the world knows now what President Reagan, myself, and many of my colleagues, including the late Representative Larry McDonald have long warned—Soviet-brand communism is an atheistic philosophy of raw, brute totalitarian force without regard for human rights, or, indeed, for human life itself.

Columnist William Randolph Hearst, Jr. also knows our common enemy. His column of Sunday, September 11 is well worth contemplating.

The article follows:

KNOW THINE ENEMY

NEW YORK—It took the Soviet Union nearly a week after shooting down an unarmed civilian South Korean jetliner to back into an admission that they committed the ghastly act.

But the Soviets stubbornly refuse to apologize for wantonly killing all 269 people aboard, among them more than 60 Americans, including a congressman. They keep

blaming us instead for having had a reconnaissance aircraft in the area.

Our "recon" plane had been back home in Alaska for two hours while Soviet fighters still stalked the ill-fated South Korean jumbo jet.

The latest big name in the Soviet pantheon to assail the U.S. for launching "a wave of slander" is Soviet Foreign Minister Andrei Gromyko. He spoke to a 35-nation assembly in Madrid primarily concerned with human rights.

The Gromyko tirade came after Western nations angrily denounced Moscow for shooting down South Korean Flight 007. Secretary of State George Shultz said of Gromyko's speech: "This shows the Soviet Union places no weight on human values."

In a head-to-head session later lasting more than an hour, Secretary Shultz angrily rejected Gromyko's personal explanation to him as "totally unacceptable." The angered secretary added: "Foreign Minister Gromyko's response was even worse than the one he gave a day earlier."

President Reagan was described in Washington as "mad as hell" by a highly placed administration official following the Gromyko effort to deceive a 35-nation conference. It wasn't the first time Gromyko told a whopper.

Many of us remember the photo printed in most papers across the country of Gromyko talking to the late President John F. Kennedy in the latter's Oval Office in 1962.

He insisted the Soviets were not installing missiles in Cuba but had to rescind his lie when the president showed him our aerial photos of the missiles on board the deck of a Soviet freighter.

In a measured TV address to the nation, President Reagan said the Soviet cover-up was a tissue of lies. He handled himself in a statesmanlike manner while the Soviet hierarchy—No. 1 Yuri Andropov still hasn't been heard from—stumbled and fumbled from deceit to outright lying. They have since settled on trying to pin the blame on us, mind you, for their totally uncivilized atrocity.

The President has been hearing many points of view: From those who are fighting mad and want to go to the mat with the Russkies, to counselors urging step-by-step coordination with our friends and allies that will make the Soviets think twice before killing innocent folks.

They should, among other things, be placed beyond the pale: Soviets assigned abroad should be excluded from all receptions as "Ni kulturny," or not cultured, a terrible insult. Make them pariahs while justice and indemnification are sought from the World Court of International Justice.

President Reagan has taken a sound step in that direction in conjunction with old friends and allies as well as outraged Communist nations like the People's Republic of China and Yugoslavia.

International pilots' associations, thoroughly alarmed over the grisly South Korean commercial aircraft incident, have already initiated measures in West Germany and France barring Aeroflot landing and refueling rights. That should put a crimp into Soviet tourism and the accompanying inflow of Western hard currencies.

I like the effort of the pilots' organizations to boycott Soviet and all other flights headed to and from the U.S.S.R. until the Red regime makes a proper apology and offers compensation to families of the 269 victims.

A hushed and packed U.N. Security Council heard tapes in full (which President Reagan used briefly during his TV talk) of the Soviet pilots stalking the South Korean plane. Then came the dreaded cutoff word from a pilot who finished the job: "Destroyed."

The tape, apparently recorded by Japanese monitors, took 11 minutes. The Soviets in the U.S.S.R. delegation didn't challenge the authenticity of the voices. Chief U.S. U.N. delegate Jeane Kirkpatrick targeted the Soviet delegation with a blistering attack for its inhumanity.

Soviet U.N. Ambassador Oleg Troyanovsky, who graduated from Swarthmore College when his father was a pre-World War II diplomat in the U.S., pretended total indifference while the tapes were played. But his urbanity vanished when he heard that the Soviet Union in Moscow conceded that its plane shot down the Korean jumbo jet. When asked to comment, he replied that he would have to study TASS reports.

Some of them are pretty well known to Troyanovsky by heart. For instance, the U.S.S.R. claims the airliner was flying in Soviet airspace without navigational lights. Yet even the pilots chasing the aircraft say on tape that they saw the 747's lights on.

Next, the Soviets contend the South Korean airliner was flying in bad visibility. President Reagan asserted that it "was a clear night with a half moon."

The U.S.S.R. insists that the South Korean crew ignored efforts to establish radio contact. President Reagan asserted that Soviet military are not equipped with the radio channel used internationally for distress signals. Why? It would make it easier for Soviet pilots to defect. Quite a few have, flying blind.

What needs doing by the U.N., I believe, is a forceful presentation before the world court for compensation of a million dollars per passenger and the cost of the jet to Korea.

Granted that the South Korean airliner veered somehow off course into Soviet airspace, it's still extraordinary that an Su-15 approached within 2 kilometers of the jumbo jet for a good visual look. A jumbo jet has a vastly different silhouette from any of our "recon" aircraft that fly high-altitude missions. The Soviets shot the South Korean plane down and Gromyko said they'd do it again if any other aircraft "violated" U.S.S.R. airspace.

From the very beginning of this macabre episode, I favored a Soviet apology attributing shooting down of the plane to a trigger-happy pilot and for the U.S.S.R. to offer an apology to the world as well as compensation to those who lost their lives. The U.N. should now adopt such a resolution even if the Soviets veto a majority demand. The world will then know, if they really want to.

Their charge that the United States is to blame for the incident is the biggest lie of all and won't be believed by anyone other than dyed-in-the-wool Communists because they damn well have to.

Nowadays we have high-flying spy planes and satellites that can pinpoint all kinds of buildups on the ground. The age of post-World War II espionage aircraft went out with the dark ages years ago.

The big lie, the big smear technique is part of the Soviet counter-espionage system of blaming others for their own atrocities. It boomeranged badly as the Soviets dig themselves deeper holes every time top mouthpieces blame others for their own savagery. They won't get away with it.●

TRIBUTE TO FOUR AMERICAN MARINE HEROES KILLED IN LEBANON

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BIAGGI. Mr. Speaker, this Nation was saddened over the deaths of four American marines killed while serving as part of the peacekeeping force in Lebanon. These soldiers died as so many before them—as patriots having made the supreme sacrifice in service to their Nation.

Our sympathies are also extended to the almost 20 other soldiers who were injured in the two separate incidents affecting our marines.

The renewed fighting which produced these American casualties and which prompted the President to dispatch another 2,000 Marines to positions off the coast of Lebanon has escalated this conflict in the world community. It may produce a resolution in the House and Senate to invoke the War Powers Act. While this matter is still pending, I consider it more appropriate for us to pay tribute to those brave soldiers who have given up their lives in the cafe of peace and freedom. A safe and secure Middle East is as vital a national security issue as we have. Peace cannot come to Lebanon until such time as all foreign forces are removed from her borders and the Lebanese Army become able to gain the upper hand. U.S. Marines together with other nations are in Lebanon to keep the peace while the Lebanese Army gains control. It has produced bloodshed—and in these past weeks this has included American blood.

The death of an American fighting man is both a profound personal and national tragedy. For the families of the four marines killed—their loss is even more intense. Yet as a nation we should also take time to pay our respects to these brave Americans and remember what they represented and work to support all of our efforts for peace in the world.●

LOOPHOLE OF THE MONTH

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STARK. Mr. Speaker, one of the most interesting monthly publications is People & Taxes, and its regular feature article, "The Loophole of the Month."

In August, the newsletter described the latest wrinkles in Caribbean tax havens.

I am pleased to announce that one of the issues discussed in the article may soon be dealt with. My Subcommittee on Select Revenue Measures will hold hearings on September 21 on H.R. 3096, to eliminate the type of E. F. Hutton tax straddle gimmicks which use various Caribbean tax holiday and bank secrecy countries.

But clearly, a great deal more needs to be done. The Treasury is due to report to the Congress before November 3 on the tax abuse situation in these tax haven countries, and their impact on U.S. tax compliance and revenues. This report should help the Congress prepare for a comprehensive, overall solution to the types of problem described in the People & Taxes article.

The article follows:

[From People & Taxes, August 1983]

LOOPHOLE OF THE MONTH: IT IS BETTER IN THE BAHAMAS

Well-heeled investors seeking lessons on "how to reduce, defer or eliminate personal, corporate income taxes" recently joined former Senator Eugene McCarthy for a long weekend in the Cayman Islands. There they attended seminars covering the use of foreign corporations, wheeling and dealing in commodities, and tax "audit strategy." Most important, they got to meet Cayman Island officials, who reassured them of the tiny nation's undying devotion to the privacy of investment records—a practice that has helped make the Caymans a notorious tax haven.

Long a favorite hiding place for the ill-gotten gains of gangsters and dope peddlers, the Cayman Islands are one of a number of Caribbean countries that provide lucrative opportunities for moneyed Americans to avoid or evade the harsh extractions of the federal tax collector.

A deal currently being promoted by the folks at E. F. Hutton & Co.—which bills itself as the country's largest purveyor of tax shelters—offers a classic roadmap to how tax haven manipulations work, including a geographic tour of some of the leading Caribbean tax havens.

Hutton's American clients want to trade in the U.S. commodities markets. If they do so directly, however, they will have to pay tax on their profits, at a 32 percent rate set by reforms enacted in 1981. Hutton's "Commodity Reserve Fund Limited" is designed to dodge those reforms and cut the tax rate to 20 percent, with even that deferred as long as the investors desire.

According to the staff of the congressional Joint Committee on Taxation, the Hutton shelter package "involves exploitation or circumvention of the following: the corporate income tax, the rules taxing corporate shareholders, the accumulated earnings tax rules, the rules requiring gains in commodity futures to be marked to market, and the capital gains rules."

The scheme begins with two companies, one a subsidiary of the other, incorporated in the British Virgin Islands, a genteel place where business taxes are considered quite incorrect. These two corporations have their offices in the Bahamas, another idyllic no-tax zone, and for investment advice they will look to experts from the Netherlands Antilles, a nation best known for facilitating deals between multinational corporate borrowers and European and American tax evaders.

The double layer of foreign corporations is supposed to pesuade the IRS that a bona fide foreign business is engaged in the commodities trading and to insulate the American investors from a number of anti-tax-avoidance rules. In addition, by requiring the investors to sell their shares in the corporations to take out cash profits, Hutton argues that the income should be treated as a capital gains—60 percent of which are exempted from tax.

These machinations are not only complex, they're controversial. As the Joint Committee on Taxation staff notes, to some degree "Hutton is avoiding tax by taking advantage of uncertainty in tax laws." But despite the technical doubts, the deal probably works. Even if the IRS could successfully challenge some of the manipulations, it will have trouble getting its hands on the necessary information to do so, due to the investor secrecy laws of the various tax havens involved. In fact, many of Hutton's clients may find it easy and convenient not to report their profits at all.

Unfortunately for Hutton, one of its prospectuses for the Commodity Reserve Fund came to the attention of Rep. Fortney H. (Pete) Stark of California, Chairman of the House Ways and Means Select Revenue Measures Subcommittee. Properly outraged by what he read, Stark has introduced legislation to outlaw the Hutton deal. The Treasury Department supports Stark's bill, so it seems likely to pass.

Unfortunately for the rest of us, however, Stark's bill deals only with the tip of a massive iceberg of tax haven abuses. The scope and depth of the problem was intricately detailed in a 235-page, single-spaced report undertaken by the IRS and the Justice Department in 1980. That study found $23 billion in tax haven investments by Americans in 1978 and the amount is undoubtedly much higher today. But Congress has taken no comprehensive action to follow up on the study.

Hence, while Hutton's deal may be nixed, there's still plenty of tax avoidance and evasion potential from investing in Caribbean tax havens. According to Senator McCarthy, you can even take a tax write-off for flying down to check out the possibilities. But don't go overboard. Your suntan lotion is not deductible.

Footnote: Millions of Americans who went clean for Gene back in 1968 may be surprised at Senator McCarthy's involvement in the apparently sleazy undertaking of promoting Caribbean tax havens. But the Senator's latest line of work will come as no shock to Washington oldtimers. They remember him as a consummate loophole-monger in his days as a member of the Senate Finance Committee in the 1960s.

Insiders are also aware that the former Minnesota Senator currently sits on the board of directors of a Washington, D.C.-based trade association called the "American Council for Capital Formation." This group of Fortune 500 firms and their hangers-on is unabashedly devoted to "reduction in the corporate tax rate, reduction in taxes on capital gains, and improved investment tax credit, more effective capital recovery allowances, reduction in estate and gift taxes, and elimination of the . . . taxation of corporate dividends."

Senator McCarthy, you see, believes in doing something for the "productive members of society," in hopes of spurring them to more "capital formation."

But, you may plausibly ask, what do Caribbean tax havens like the Cayman Islands have to do with capital formation? Don't they attract funds away from productive investments? Well, maybe, but serious taxaphobes like Senator McCarthy and his conferees have a simpler theory: Captial formation and tax relief for the prosperous are synonymous.

At a recent hearing before the House Ways and Means Committee, a former employee of McCarthy's Council, now chief economist for the U.S. Chamber of Commerce, came out in favor of tax loopholes for speculating in gold and collectibles. His rationale, one supposes, was that at least the tax breaks go mainly to the rich. No one asked him for his views on adding extra writeoffs for champagne and caviar, but one can presume he'd look on that favorably too.

If you buy this approach, you'll see lots of capital formation going on in the Caribbean. Otherwise, you'll probably have some serious questions, not just about Senator McCarthy, but about the entire lobbying agenda of America's corporate community.●

H.R. 1510

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MAZZOLI. Mr. Speaker, the House of Representatives will soon consider H.R. 1510, the Immigration Reform and Control Act of 1983, which passed the House Judiciary Committee by a vote of 20 to 10, on May 5. It is now pending before the House Rules Committee.

The bill has delicate checks and balances which build on recommendations of four successive administrations, including President Reagan's, the Select Commission on Immigration and Refugee Policy, headed by my good friend and the president of my alma mater, Notre Dame, Father Theodore M. Hesburgh, numerous academic studies, the incredibly detailed hearings by my Subcommitee on Immigration, Refugees, and International Law, and the work done over the past 13 years by the dedicated chairman of the House Judiciary Committee, the Honorable PETER W. RODINO, Jr.

One of the most controversial aspects of the bill is the legalization program. My feelings regarding the legalization proposal when I first heard it were, frankly, negative.

However, after studying this issue at length during the 3 years I have chaired the Subcommittee on Immigration, Refugees, and International Law, I have come to the conclusion that a carefully controlled, but at the same time, generous legalization program is an essential element of any immigration reform.

Recently, two of our very distinguished colleagues circulated a "Dear Colleague" letter making an extremely

strong case for a legalization program such as that contained in H.R. 1510. These two gentlemen, Congressmen BARNEY FRANK and JOHN ERLENBORN, in a persuasive and thoughtful manner have developed the importance of legalization as a component of a comprehensive reform of the Nation's immigration laws.

For the benefit of those who have not had the chance to see the argument put forth by my colleagues, I am including a copy of their letter at the conclusion of my remarks. The letter is well worth a careful reading.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 2, 1983.

Congressman ROMANO L. MAZZOLI,
Rayburn House Office Building,
Washington, D.C.

DEAR RON: The House Judiciary Committee recently completed action on H.R. 1510, the modified version of the comprehensive immigration reform bill which we debated last December. Among the changes agreed to in subcommittee and full committee was a restructuring of the legalization program. In the package now before the House, the legalization program has been consolidated into one, rather than two tiers, and the eligibility cut-off date has been advanced to January 1, 1982.

We support these changes. A one-time-only, case-by-case legalization program is an integral component of any meaningful immigration reform.

After years of debate, working closely with the Reagan Administration, organized labor, civil rights groups, and the Select Commission on Immigration and Refugee Policy, the concept of legalization emerged. It serves as both the necessary political counterbalance to employer sanctions, as well as the only realistic and humane way of dealing with the problem of a large and unaccountable illegal population in America. Moreover, as most people now acknowledge, bringing the illegal shadow population forward is a necessary precondition to any future enforcement activities.

The alternatives are not attractive. Mass deportations have been ruled out as both costly and ineffective. Expecting voluntary departures is also impractical, as it will merely encourage people to remain in their present jobs, thereby outside of the scope of the new laws. And a perpetuation of the status quo, with millions of people beyond the reach and protection of the law and vulnerable to exploitation constitutes an unprecedented challenge to the basic rights of all workers in America.

Let us be clear on one point: either we legalize as many qualified illegal immigrants as possible now, or they will continue to remain in illegal status, undermining and straining all future enforcement activities.

The rationale for a legalization program is best explained by the House report to H.R. 1510:

"The U.S. has a large undocumented alien population living and working within its borders. Many of these people have been here for a number of years and may have become part of their communities. Many have strong family ties which include U.S. citizens and lawful residents. They have built social networks in this country. They have contributed to the U.S. in myriad ways, including providing their labor and tax dollars. However, because of their undocumented status, these people live in fear, afraid to seek help when their rights are violated or they become ill. Moreover, their presence, in violation of our immigration law, bears witness to our past failure to maintain the integrity of our borders."

Against this backdrop, the Judiciary Committee has crafted a one-tiered legalization program in which all illegal aliens who have continuously resided in the U.S. since January 1, 1982 are eligible to apply. It is explicit that it be a one-time-only opportunity. Determinations would be made by the Attorney General on a case-by-case basis, would depend on the alien's ability to meet certain eligibility standards, and could result in the granting of permanent resident status.

The House program is purposefully straightforward and administratively efficient. It is designed not to unduly strain an already overburdened Immigration and Naturalization Service (INS). Instead, it will permit the INS to concentrate their resources where they are needed—to the task of preventing future illegal immigration. It is further meant to offer a strong incentive for illegal aliens to take advantage of it. In no way, however, can it be construed as a granting of blanket amnesty, as some critics argue. A closer look at both the criteria used to evaluate applications for legalization and the subsequent restrictions imposed on those who qualify challenges this claim.

Under the terms of the House bill, applicants for legalization would have to prove that they have resided continuously in the United States since 1982, are not likely to become a public charge, that they satisfy certain health requirements, that they have not been convicted of a felony or more than two misdemeanors, and that they meet the existing tests for admission or immigration under the law.

Once legalized, they would receive permanent resident status, subject to a five-year probation period and all the existing naturalization requirements before they could apply for citizenship. During that period, they would be ineligible for any Federal financial assistance, Medicaid, or food stamps, with limited exceptions related to the interests of public health or because of serious injury or illness. These restrictions were designed to insure that legalized aliens remain productive and self-sufficient.

It is often argued that any legalization program would be too expensive. Who, on the other hand, can accurately guage the costs to society of uncontrolled immigration? The logic of a successful legalization program is that both society and the illegal alien will be better served if an underground work force is brought into the mainstream and given the protections of all other workers. That necessarily means more revenues for the government, with fewer opportunities for exploitation. In the absence of legalization, the illegal population will continue to be preyed upon, and their tax contributions will continue to be voluntary rather than mandatory.

In the debate ahead, it is important to consider the consequences of either eliminating legalization or of imposing further restrictions. In the former case, the comprehensive reform package before us would die. Legalization and employer sanctions are inextricably linked and the removal of either would be fatal to both. In the latter case, the success of the program to encourage people to come forward would be seriously jeopardized.

Reasonable people will disagree on the various specific proposals contained in H.R. 1510. It is a bill that often looks awkward on close inspection, but has considerable merit when faced with the alternatives. Once the illegal sub-class in America comes out of the shadows and enters the work force through the front door, we can begin the long-overdue task of controlling our borders and cracking down against employers who lure and sustain the illegal population in this country.

BARNEY FRANK.
JOHN ERLENBORN●

WILL THEY SELL CITY HALL NEXT?

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. PICKLE. Mr. Speaker, I wish to share with my colleagues an article published in Newsday on August 22. This article describes very clearly the problems with the proliferation of sale-leaseback deals between cities and private developers. It is a problem that has been addressed by such other prominent publications as the Washington Post, the Wall Street Journal, Fortune magazine, Barron's, the National Journal, Business Week and many more. As you may know, I have introduced H.R. 3110 to curtail this kind of financing scheme, which constitutes a major drain on the Federal Treasury. I reprint this article in the CONGRESSIONAL RECORD so that my colleagues may see the name and nature of this threat.

[From Newsday, Long Island, N.Y., Monday, Aug. 22, 1983]

WILL THEY SELL CITY HALL NEXT?

(By Tyler Bridges)

Municipalities are selling their buildings to investors, then leasing them back. The Southwest Sewer District and the City's Convention Center are eyeing such plans. But federal taxpayers pay.

Pssst—wanna buy City Hall? How about a Navy cargo ship? Does the Orange Bowl catch your fancy? Surely the Brooklyn Bridge . . .

A crazy idea? Apparently not. Buying local jails, city fire stations and even university basketball pavilions has become the latest craze. It goes by the technical name of "sale-leaseback" financing.

Hit by the twin blows of the recession and federal budget cuts, everyone from city managers to college presidents is hailing this new financing gimmick as a salvation. Tax lawyers and investments banks who expect to earn big money in arranging the deals view it as the tax shelter of the 1980's for private investors.

But others are seeing red—as in red ink in the federal budget. "This thing is so big, it could amount to the biggest atom bomb in public finance in this century," said Rep. J. J. Pickle (D-Texas), who has introduced legislation to curtail sale-leaseback deals.

Traditionally, no one ever questioned whether a city owned its police station or whether the Air Force owned its planes. But sale-leaseback financing promises to change this situation.

Most of these deals work basically the same way. A nontaxable agency or organization, the City of Miami, for example, arranges to have a private group buy or build some big-ticket item, such as the Orange Bowl. The new owners, being taxpayers, claim a number of tax benefits available to investors, including accelerated depreciation, interest deductions and the investment tax credit.

Then Miami rents, or leases, the Orange Bowl back from the owners at a favorable price, since the owners' tax benefits enable them to be generous. The owners are happy because their tax bills have been reduced at virtually no risk.

Miami officials congratulate themselves because even after paying the rental, the city still comes out ahead from the sale. But federal taxpayers will end up footing the bill—and paying much more than if Uncle Sam had simply written a check to Miami.

You don't have to understand the complex arithmetic to realize that leasing costs the federal government much more than handing out subsidies directly. Somehow or other, the government must pay more, if only because of the middlemen involved—who will presumably want to be paid for their services.

Moreover, this tax hocus-pocus sometimes rewards inefficiency. The Southwest Sewer District in Suffolk County is negotiating to sell to and lease back from private investors its recently completed wastewater treatment plant. The revenue from the deal will cover the enormous cost overruns the project had incurred. Normally, the county would have to raise property taxes to cover the operating deficit. Instead, if the deal goes through, the county will make federal taxpayers pick up the tab.

Similarly, New York City is trying to peddle and lease back its soon-to-be completed convention center to cover cost overruns of $75 million. So instead of having to ask the State Legislature for the money in additional bond funding—and having to justify the cost overruns in the process—the city will simply have taxpayers across the country bailing out the project.

As these two deals demonstrate, under sale-leaseback financing, there is virtually no check on the irresponsibility of builders and local officials.

The most celebrated sale-leaseback to date has the Navy renting—instead of purchasing—13 TAKX cargo ships worth $2.3 billion for the Rapid Deployment Force; the transaction involves General Dynamics and other companies. The Navy says it will save $750 million.

But the Navy's accounting ignores the various tax breaks the deal will create. The staff of Congress' Joint Committee on taxation estimates the cost to the government of leasing the ships to be 12 per cent more than an outright purchase.

But the Navy doesn't care about the higher overall cost to the federal government. Leasing is cheaper for it—and allows it to shift 30 per cent of the cost of its ships from its budget to the treasury's "tax-expenditure" budget. With Congress beginning to take a closer look at defense spending, this is a useful trick.

"If this kind of thing continues, we're going to see E. F. Hutton own the Air Force and Merrill Lynch rule the waves," says Pickle. "Can you imagine the average taxpayer's response? It's no wonder that citizens are losing confidence in the tax system."

Exactly how many sale-leaseback deals have been carried out and how much this has cost federal taxpayers thus far is unknown. Among the completed deals, Oakland has sold and leased back its convention center; Alexandria, Va., has peddled its Torpedo Factory Art Museum; Tacoma, Wash., has vended its Pantages Centre for the Performing Arts, and Bennington College in Vermont has sold its campus buildings.

The Clinch River breeder reactor, the Philadelphia public schools, the Atlanta City Hall and the Kleinhans Music Hall in Buffalo are among the dozens of items on the auction block. (All deals are in limbo until Congress decides whether to curtail further transactions).

The Congressional Budget Office recently estimated that governments and tax-exempt organizations own more than $1 trillion in property that could be transferred to private investors and then leased back. "The only real limit on the potential extent of this activity is the capacity of private investors to absorb the tax deductions and credits that sale-leasebacks make available," CBO reported. In other words, the only limitation on the potential revenue loss of billions of dollars is that private investors will have bought so many tax breaks they won't owe any more taxes.

Pickle is seeking to prevent any additional revenue loss. His bill would sharply restrict the use of the tax breaks available to investors in this Alice in Wonderland type of financing. The agencies would still be able to enter into leases, but could do so only if the deals do not cost the Treasury money in forgone tax revenue.

Virtually every group has said piously that while it supports the general thrust of the legislation, its particular activities should be exempted. Gore everyone's tax except our own, they are saying. Bennington College President Michael Hooker, for example, says he finds tax shelters "appalling," but asks that small liberal-arts colleges be excluded from the bill's coverage because they face increasing financial difficulties.

Certainly, cities and colleges need help. But Hooker's argument ignores that while selling and leasing back its campus may benefit Bennington in the short run, Bennington—and everyone—loses from soaring budget deficits over the long term. If Congress believes that Bennington, Philadelphia, or any other tax-exempt organization or local government needs aid, then it should give the group money openly and aboveboard, rather than create a paper shuffle that feathers the nests of lawyers and investment bankers at the expense of ordinary taxpayers.

"What we have here is an open invitation for groups to back their trucks up to the federal Treasury and load up, no questions asked," says a congressional aide. "It's a backdoor method of public finance."

The tax-writing House Ways and Means Committee recently approved Pickle's bill. Sen. Robert Dole (R-Kansas) has introduced similar legislation in the Senate. Both bills are backed by the Reagan administration and have bipartisan congressional support.

But E. F. Hutton, Boeing, the National Housing Rehabilitation Association and many other groups are mounting a full-scale attack on the legislation. As Ways and Means member Rep. Byron Dorgan (D-N.D.) has said, if these special interests succeed, then sale-leaseback financing "could become the Grand Canyon of tax loopholes."●

SKELTON CALLS FOR DISASTER RELIEF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SKELTON. Mr. Speaker, during the August recess, I toured all 21 counties in my congressional district, and I found the drought situation to be the worst since 1936. In my area of the county, economic recovery is heavily dependent upon the health of the agricultural economy. With this severe drought preceded by several years of economic crisis in agriculture, the agricultural sector of our economy is anything but healthy. Therefore, today I am sending a letter to Secretary of Agriculture John Block urging him to act swiftly to put into effect appropriate disaster relief programs for the State of Missouri, and similar drought-ravaged areas.

Mr. Speaker, I wish to insert the text of my letter to Secretary Block at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 13, 1983.

Hon. JOHN R. BLOCK,
Secretary, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: Having just returned from a tour of all twenty-one counties in Missouri's Fourth Congressional District, I can report to you that the drought situation is the worst in almost fifty years. The months of July and August, 1983, were the worst two consecutive months for rain since 1936. As a result, the latest report of the Missouri Crop and Livestock Reporting Service shows 90 percent of the state's corn crop and 67 percent of the soybean crop in poor condition. Estimated yields are down at least 50 percent from last year. Faced with a shortage of pasture, many cattle producers have been forced to begin to feed hay, a practice not usually undertaken until December or January.

Recently, you visited Missouri and you say, as I did, the damaged croplands, and the severe hardship this drought has caused for Missouri farmers. In light of this disaster, I urge you to move expeditiously and approve the request of the State of Missouri for appropriate disaster relief. Under the law, you have broad authority to provide disaster assistance to farmers who have been struck by drought, including direct disaster assistance payments, payments to livestock producers for the purchase of feed, and low interest disaster loans. Given the seriousness of this drought, and the economic crisis faced by agriculture in the past few years, I believe that full disaster assistance to Missouri farmers, and farmers from throughout the nation who have been similarly affected by drought, is clearly warranted.

In closing, let me again urge you to take swift action. Disaster relief is important not only to farmers, but also to those many businesses and workers who depend on a healthy farm economy. In my area of the

country, and in many others, agriculture is the key to economic recovery.

Best regards,
Yours truly,

IKE SKELTON,
Member of Congress.●

TRIBUTE TO THE LATE HON. HENRY M. "SCOOP" JACKSON

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BIAGGI. Mr. Speaker, the people of the State of Washington and of this Nation were shocked and saddened over the death September 1 of the distinguished senior Senator from Washington, Henry M. "Scoop" Jackson. For those of us who had the dual honor of serving in Congress with "Scoop" and to have been friends, the news of his death was even more devastating.

Scoop Jackson epitomized what a dedicated public servant was supposed to be. For a total of 43 productive years, Henry Jackson graced the halls of Congress with his presence and lent the House and the Senate the benefit of his wisdom, compassion, and expertise. He served a total of 12 years in the House and 31 more in the Senate.

Scoop Jackson's influence in American legislative and foreign policy was immense and diversified. He was best known as a champion of a strong national defense and an especially ardent foe of the Soviet Union. History will record with appropriate respect that Henry Jackson's last public appearance and action was to conduct a press conference to condemn the Soviet Union for their barbarism in shooting down the Korean airliner killing its 269 passengers.

Yet Scoop Jackson did not feel constrained to limit his expertise or talents and he made his mark in other distinct areas as well. He was a staunch supporter of the State of Israel and was one of the few Members of Congress who served during the entire 35-year history of the modern State of Israel. His passing was especially mourned in the Jewish community, who viewed Senator Jackson as a true and loyal friend, not only for his support of Israel but also for his coauthorship of a landmark amendment linking preferential trade between the United States and the Soviet Union to the Soviets permitting more of their Jewish citizens to emigrate. This was viewed as precedent-setting legislation in that it put the United States squarely in the position of defending the basic human right of emigration for Soviet Jews.

Scoop Jackson was a man of vision. In his capacity as chairman of the Energy and Natural Resources Committee, he was one of the first people in Congress to urge that we develop a national energy policy based on domestic production and conservation. No man worked harder on this important cause than Scoop Jackson, and the extent to which this Nation has reduced its reliance on foreign energy through effective conservation is owed in large part to Henry Jackson.

As one reviews the legislative accomplishments of Henry Jackson is his more than four decades in Congress, one simply stands in awe. It would do him injustice to speak only of the quantity of these accomplishments. It would be far more appropriate to evaluate them according to how much they improved the quality of life for people in this Nation. All segments of our society from the farmer to the senior citizen, from the handicapped child to the U.S. serviceman abroad, from the members of minority groups to women and children, Scoop Jackson through his work improved the quality of life for all in this Nation and many in the world.

One recalls Senator Jackson's attempts in both 1972 and 1976 to capture the nomination of the Democratic Party to be President of the United States. I have special and fond memories for I was a Jackson delegate and helped lead what was a most successful campaign by Scoop Jackson in my home State of New York. I said then and I felt throughout his life that Scoop Jackson would have made a fine President and the American political process was greatly enhanced simply by his involving himself in two Presidential campaigns.

While Scoop Jackson may have had his dream of being President elude his grasp, his influence among the Presidents in his lifetime was enormous. Senator Jackson could be counted on to provided good solid counsel on important matters related to national security and knew when not to invoke partisanship. What better tribute could be paid to Senator Jackson than the words of the President both during his press conference as he left California for Washington on September 1 or during his nationally televised speech of September 6?

The Nation has been deprived of one of its true legends with the death of Henry Jackson. He was a man who wanted to be measured on his accomplishments, not his attempts. He was a man who demonstrated tremendous abilities and energies for those causes that he believed in. To have Scoop Jackson in your corner gave you a decided edge in any policy issue.

It seems almost an impossible challenge to pay tribute to a man who did as much and as well as Henry Jackson conducted his life. However, all who had the benefit of knowing and working with Scoop want to try. Perhaps the best tribute we can pay to Scoop is to try and advance those issues which he championed so that his work was not in vain. Perhaps the best tribute we can pay to Scoop Jackson is to try and maintain the highest standards of integrity and purpose in our work in the Congresss. In this way, we can show history of the good example which Scooop Jackson set for the 535 Members of the House and Senate.

The people of Everett, Wash., turned out in tremendous numbers to pay their last respects to their native son Henry Jackson, born there on May 31, 1912. They came to pay their respects to a man who had been a law student at the University of Washington, who was elected prosecuting attorney of Snohomish County, and of course served them so ably in the House and Senate.

To his widow, Helen, and his children, Anna Marie and Peter Hardin, I convey my profound condolences and hope they are able to find solace during this time of grief from all that Henry Jackson did for his fellow man and woman in the United States. History will treat him with the highest amount of respect and his legacy of service, commitment, and compassion will endure for years to come.●

UNEMPLOYMENT INSURANCE REFORM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STARK. Mr. Speaker, today, the Ways and Means Public Assistance and Unemployment Compensation Subcommittee is holding another round of hearings on the need to provide additional weeks of unemployment.

With unemployment stuck at 9.5 percent, we of course need to provide additional weeks of help.

But in a larger sense, continued extensions of unemployment insurance without addressing the underlying issues do a disservice to the recipients and to the taxpayers.

It is time that we undertake a major rewrite of the unemployment insurance laws.

I took one step in this direction yesterday by the introduction, along with Representatives PEASE and KAPTUR, of the House version of S. 1784, a bill which replaces the postregular unemployment insurance benefits schemes, with a single, rational, easily calculable system.

But it is equally important that we find a way to coordinate those who will need extra weeks of unemployment insurance—the so-called displaced worker—with a new and major program of retraining, education, and relocation assistance.

It just does not make sense to confine our discussions to the simple extension of unemployment insurance

benefits or the reworking of trigger mechanisms. We ought to be talking about getting people back to work.

We must realize that for millions of workers in today's rapidly changing economy, unemployment insurance benefits can disguise the fact that we have a problem. To that extent—these benefits can be a painkiller, but that is really no benefit at all in the long run.

In the past, it made sense to have a simple system of unemployment insurance benefits that aspired to little more than helping people get by until the next job. But for a year now, we have been saddled with the worst unemployment since the Great Depression, and people are just not being reabsorbed into the work force. Why? Because the technology of work is changing a lot faster than we people are—that is why.

The Congressional Budget Office has said, recently, that roughly 25 percent of today's jobless workers will not be able to find the same kind of work, because those jobs are fast disappearing.

Thus, today's unemployed need more than traditional unemployment insurance benefits and benefit extensions. They need retraining and help in relocating. Otherwise, the year of unemployment insurance benefits which we have been providing in many States is just prolonging the painful experience of unemployment.

There are jobs out there that people can be trained for, in spite of the record unemployment we are experiencing. The National Tool & Machining Association is projecting a shortage of about 250,000 machinists and toolmakers by 1985. In fact, there is such an extreme shortage of workers in these skilled trades that wages are reaching $60,000 a year for some experienced tradesmen. The Department of Labor projects annual shortages of 57,000 workers in industrial machinery repair, 28,000 computer operators, 21,300 machinists, and 5,000 tool and diemakers through the end of the decade. There is a projected cumulative shortage of 2.5 million workers in just 13 skilled occupations by 1990. There is even a lot of concern because we do not have the skilled factory help to gear up production for the administration's defense buildup.

But we are not helping people on long-term unemployment insurance be retrained. Senator SAM NUNN said, recently, that:

> . . . a very small proportion of those collecting unemployment benefits are actually enrolled in training programs. For example, according to the U.S. Department of Labor, of the 7 million unemployment insurance claimants nationwide registered with the Employment Service at any given time during fiscal year 1982, only 17,680 or one-quarter of 1 percent were enrolled in training programs while collecting benefits . . . and in California, only 1,140 of the average 546,140 insured unemployed were enrolled in training programs. So, it is clear that we as a Nation are failing miserably in doing anything significant to help the long-term unemployed develop new skills to improve their own chances of rejoining the active labor force.

This need for retraining is not a temporary one, either. It is hitting right at the heart of our traditional, heavy-industry infrastructure. Take the auto industry, for example. Researchers at Cornell University conducted a study of autoworkers who lost their jobs when Ford shut down its plant in Mahwah, N. J. Half of the workers were still unemployed 2 years later. It was discovered that one of the major problems for the autoworkers was that their skills could not be transferred to new jobs. It is the same story in steel and other industries. And, it is getting worse all the time. According to Harley Shaiken, an MIT researcher, installation of robots at General Motors will eliminate about 40,000 additional jobs by 1990—about the current domestic employment at Chrysler Corp. Researchers at Carnegie-Mellon University are predicting the loss of 1 million jobs in manufacturing, by 1990, due to the current generation of robots. They say that more advanced robots, machines that can "see" and "feel" may cause the loss of an additional 3 million jobs.

This rapid displacement of workers will continue as long as the rate of change in technology keeps accelerating. What that means is that the need for retraining and other adjustment assistance is going to be reaching a crisis in the next few years. So, for millions of workers, it just does not make sense to keep pretending that continual unemployment insurance benefit extensions are going to help.

I hope that in the coming weeks the Congress, the administration, and groups throughout the country will come up with ideas on ways to improve the unemployment insurance program, and to coordinate long-range unemployment insurance benefits for displaced workers with new job retraining and relocation programs.

I have suggested one approach to this problem in H.R. 3501 (see CONGRESSIONAL RECORD of June 30, p. H4878 for a detailed explanation of the bill). Basically, this bill seeks to improve the operation of the established unemployment insurance programs by providing to the unemployed during the period of regular unemployment insurance payments the option of retraining, education, and relocation assistance in lieu of additional unemployment compensation to which they are entitled.

Mr. Speaker, my proposal, H.R. 3501, may not be the answer to the displaced worker/structurally unemployed problem—but at least it recognizes a problem. I urge all concerned to help devise an answer to the problem. For the sake of the unemployed and for the taxpayer, we must improve the effectiveness of this program.●

SANCTIONS THAT BITE

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. CARR. Mr. Speaker, the Soviet Union has committed an aviation crime of the highest order. For this they deserve an aviation punishment.

President Reagan has taken a step in the right direction by cutting off all connection between Aeroflot and all U.S. airlines. But he does not go far enough. Since these connections were minimal in any case, wiping them out is little more than a slap on the wrist.

We need sanctions that bite. We need to tell the Soviets, and the entire world, that murder in the air is unacceptable.

We need an international convention in which the signatories agree to deny landing and overflight rights to the Soviet Union. And to give it teeth, the signatories must also agree to deny these rights to any nation granting them to the Soviet Union.

I have introduced a concurrent resolution calling on the President to take these steps. Let me know if you would like to cosponsor.

I realize that this agreement would cause considerable inconvenience, and some financial sacrifice for European airlines. I am proposing that we play with a very hard ball—or, as the saying goes, that we shoot with real bullets. But our bullets still will not be as real as the missiles that brought down flight 007.●

THE BATTLE OF VIENNA

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. NOWAK. Mr. Speaker, September 12, 1983, marked the 300th anniversary of the Battle of Vienna, an event which helped to shape the destiny of Europe. The anniversary commemorates a historic day and the courageous man, Jan Sobieski, King John III of Poland, who led the Christian forces to victory over the powerful Turkish Army.

In the early part of the 17th century, the power of the Ottoman Empire posed a major threat to Europe. It was evident in the spring of 1683 that Vienna, the center of the Holy Roman Empire, would be the next target of the Turks, and Pope Innocent XI called upon the famed military leader and great King of Poland, Jan So-

bieski, to save the city of Vienna from total collapse. Leading a combined army of 70,000 troops, King John III charged the Ottoman lines. The Turks were routed and their camps dispersed. King John's unquestionable valor and personal conviction saved not only Vienna but all of Europe as well.

Despite her great heritage, Poland again finds herself struggling against blatant social injustices and repression. We have witnessed this summer the noble political valor of another Polish emissary, Pope John Paul II, and his effort to ease the repression felt by his homeland. In remembering the significance of the Battle of Vienna, let us reinforce our commitment to bring about world peace, justice, and freedom.

Mr. Speaker, I would like to share with my colleagues an extensive account of the Battle of Vienna which appeared recently in the AM-POL Eagle, a weekly newspaper in my district, Buffalo, N.Y.

SOBIESKI'S VICTORY AT VIENNA SAVED CHRISTIAN EUROPE FROM TURKISH INVASION

In the first half of the 17th Century the Ottoman Empire experienced a period of peace and prosperity and extended the Sultan's rule over all of North Africa, Western Asia and most of Eastern Europe. The empire controlled the mouths of the rivers of Tigris, Euphrates, Nile, Dnieper, Danube and Bug with all the riches of the trade on these rivers. The manpower was almost inexhaustible. The consolidation of the empire and build-up of a large army made her a great danger to Christian Europe.

On August 17, 1629, a boy was born in the Castle of Olesko. His long life was to be dedicated to the war against the expanding Turkish Crescent, and he was the last of the heroic kings to personally lead the Christian Armies in defense of Faith and Western Civilization. John Sobieski was born in the Palatinate of Ruthenia in Southeastern Poland, which was in the path of Turkish and Tartar invasions. His father James, was Castellan of Cracow and four times marshal of the Diet. His mother was the granddaughter of the great Hetman Zolkiewski, who occupied Moscow in 1610, brought the Czar captive to Warsaw and placed a Polish prince on the throne of Moscow.

He died in battle on the Moldavian steppe in 1620 at the age of 73. The young Sobieski grew up with his brother among relics of old campaigns, and they were taken every day to pray at the marble tomb of Zolkiewski at the Castle of Zolkiew, near Lwow. After finishing the University of Cracow, they were sent for an educational tour of Western Europe. John Sobieski was soon recognized as a brilliant leader on the battlefield and in politics. In 1665, he became Grand Marshal of the Diet and in May, 1666 he was given the Baton of the Field Hetman of the Armies of the Crown.

In 1667, with only 9,000 regulars and 6,000 militia, he completely defeated the 50,000 men army of Khan of Crimea at Podhajce. The following year he became the Grand Hetman and was received as a hero in Warsaw. Several future campaigns established his name as a brilliant commander, and the victory at Chocim in November, 1673, where with a force of about 30,000 men he attacked and completely defeated a Turkish Army of 70,000 entrenched in a strongly fortified camp, spead his fame across all of Europe.

The victory at Chocim drove off the Turks temporarily, nevertheless it left a permanent moral effect. The campaign of 1673, increased the stature of Sobieski to such an extent that his name began to possess that power over the Turks and Tartars which alone held off the invaders in his old age.

In May, 1674, he was elected King of Poland and Grand Duke of Lithuania. Again and again he returned triumphantly from victorious campaigns but often was forced to see the advantages he gained over the invaders fritter away in domestic and international intrigues. In 1682, the Turks assembled an immense army, estimated at 300,000 men and moved northward across the Balkans.

By Spring of 1683, it became clear that the Turkish might would strike at Vienna—the heart of the Holy Roman Empire. Pope Innocent XI had placed himself at the head of the crusade to save the Faith and his emissaries were searching for help in the capitals of Europe. Poland was arming with the eyes of Europe upon her. On July 5th, Prince Charles V of Lorraine, Commander of the Austrian Army encountered the first Tartar hoards and was forced to retreat. On July 7th, Emperor Leopold and his court fled Vienna; thousands followed. Count Starhemberg was appointed to command the defenses of Vienna which were reached by the Turkish cavalry on July 13th and fully encircled by its army the next day. Pope Innocent XI was in constant communication with Sobieski and dispatched urgent messages. The Emperor did the same. In the meantime the enemy built tunnels and trenches, and crept closer to the walls of the city every day. On August 8th, both Hetmans, St. Jablonowski and M. Sienawski, reported that 27,000 men were assembled.

After reading the imploring letters from the Austrian court and receiving news that Vienna was in imminent danger of collapse, the King decided not to wait for the arrival of the remaining troops. He hurriedly marched south and met the Prince of Lorraine on August 31st. On September 3rd, he was joined by German Princes and at a War Council, King John III Sobieski was handed the Marshal's Baton of the Imperial Army as a symbol of the Commander in Chief.

On the morning of September 6th, the bridges on the Danube were finished and the Christian armies, approximately 70,000 strong crossed the river within two days. After a study of the surrounding terrain, it became apparent that the mountain slopes on this side of Vienna were covered by forests and vineyards with numerous deep ravines and stone walls and could be conquered only step by step.

The King called the War Council and established the "Ordre de la Bataille". The infantry had to attack in the front line with cavalry and artillery closely behind, until they would reach the plains at the foot of the mountains. Then the cavalry would move forward. The Imperial Austrian forces were on the left wing under the command of Prince of Lorraine, he had 2,800 Polish troops under Prince Lubomirski with him.

The German armies were in the center under Prince of Waldeck and the Polish forces were on the right wing. Great Hetman Jablonski was on the far right. General Katski with the infantry and artillery in the center of the Polish wing and Field Hetman Sieniawski on the left. The Polish forces had to cross the longest and most difficult mountain terrain before reaching their positions.

Kara Mustafa did not believe until the last day that John III himself would appear with the Polish Army. When the Austrian commanders observed from the top of Kahlenberg the enormous fields of the Turkish encampment and expressed doubt in the possibility of an attack with their relative small forces, the King stated: "The commander, who in spite of the approach of our army, did not gather his forces and did not fortify his encampment, is foredoomed to loss."

On September 12th, in the early morning the Austrian forces were closest to reach the enemy lines and Prince Charles of Lorrain started the attack on the left wing. The Turks were pushed out from the strategic position at Nussberg. The King was personally here and served at the Holy Mass celebrated by the Papal Envoy to give thanks for the first success. At about 1:00 p.m., General Katski's artillery reached the top of the hills and the King started the infantry assault and routed the enemy from the vineyards on the mountain slopes in hard-fought separate battles. The Tartars massed their forces and staged a lightning attack with thousands of calvary directed at the flank of the Polish right wing. Jablonski quickly regrouped and successfully repulsed the attack. At about 4:00 p.m. all passes to the plain of the Turkish camp were in the hands of the Allies. When the Grand Vizir saw the mass of Polish troops emerge from the forests on the mountain slopes, he realized the the main danger was approaching from this side and issued orders to move a great portion of his army to the south in order to form a strong front against the Polish wing.

The King came to the conclusion that the enemy should not be given time to regroup and ordered the Polish and German cavalry to assemble for the final assault. To find out how suitable the ground conditions were for a cavalry attack, he sent a squadron of hussars first. The squadron came back with heavy losses, but the King was certain that a cavalry attack was possible.

Masses of newly assembled Turkish cavalry rushed against the Christian forces. In the meantime, the King and his cavalry of close to 20,000 horsemen formed in his own special chessboard formation—hussar blocks in the front line with saber, and carbine-equipped armored cavalry stationed at intervals of a hundred paces behind; the heavy reiters of Sieniawski's left wing and the royal lead center were reinforced farther back by dragoons and flanked to the northeast by Sachsen-Lauenburg's regiments and to the southwest by Jablonowski's corps. In the lead, astride a handsome Podolian charger, was John III himself in luxurious garb, upon his head the cap with feathers held by a priceless jewel-clasp and boby armor covered by a dark blue robe. Close by were a herald and a hussar, bearing the crown escutcheon and the royal sign—a white falcon's wing mounted high on a lance. The first lines of hussars lowered their 16 foot lances as the wind uplifted the eagle's wings and the leopard and wolf pelts attached to their shoulders. The polished and gleaming armor plates, visible from afar caused the German infantry on the far left to pause briefly and a loud cheer echoed through the vineyards. The German cavalry attached to the right wing was making an attack in full gallop for the first time in riding shoulder to shoulder with the elite of the Polish gentry. Slowly they picked up

speed. The Turks staged repeated counter-attacks and the roar of the battle resounded time after time like rolling thunder. At about 6:00 p.m. Jablonowski's hussars reached the Grand Vizir's camp. Kara Mustafa made one last attempt to resist. All his staff and body-guards fell and he was able to save only his private treasure.

The victory was complete. The Turkish camp with all tents, artillery and uncounted riches were left by the fleeing enemy. Sobieski was enthusiastically greeted by the people of Vienna and declared "The Savior of Christendom" by the Pope. The victorious campaign brought new international pride to the Polish King and attracted the eyes of the whole world to the Republic.●

DENNIS BRUTUS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. FRANK. Mr. Speaker, in August, I filed legislation which would allow Dennis Brutus to remain a resident of the United States. As Anthony Lewis says in his August 25 article in the New York Times, "Dennis Brutus is an African poet renowned as a campaigner against South African racism and a refugee from South African justice." In what the world can only interpret as a wholly unjustified gesture of solidarity with South African racism, this administration is intent on forcibly expelling Dennis Brutus from the United States. In his article, Anthony Lewis explains the circumstances which have given the Justice Department the pretext on which to pursue this callous action.

The case for welcoming Dennis Brutus to America is also made in an eloquent resolution adopted this summer by the Massachusetts State Senate.

During the district work period, a judge wisely decided against the Justice Department's effort to expel Dennis Brutus and ruled that his life would be endangered if he were forced to leave the United States. I hope that the administration will accept this sensible ruling and drop all further efforts to expel Dennis Brutus. As the accompanying material argues, he is a man whose presence here should make us proud, for his choice of America as a residence reaffirms our tradition as a place where people cherish and fight for freedom. I ask that the column by Anthony Lewis and Massachusetts State Senate resolution be printed here.

[From the New York Times, Aug. 25, 1983]

CASE FOR ASYLUM

(By Anthony Lewis)

BOSTON, Aug. 24.—Two cases, two human situations; consider what they say about official United States attitudes toward people seeking refuge from tyranny.

Andrei Berezhkov, the 16-year-old son of a Soviet diplomat in Washington, was the subject of intense U.S. concern when a letter with his name said he wanted to stay in this country. He was not a noted opponent of political tyranny. He had few ties to America; international law made any U.S. intervention difficult. But two Assistant Secretaries of State involved themselves in his case before finding, as they did, that he was leaving voluntarily.

Dennis Brutus is an African poet renowned as a campaigner against South African racism and a refugee from South African justice. He has lived in the United States for 12 years and is a tenured professor at Northwestern University. But the Reagan Administration is trying to expel him. Its lawyers have scoffed at fears for his safety if he is sent near South Africa. They have offered a judge secret evidence to support their argument that he does not deserve asylum.

Mr. Brutus has a distinction that makes him a hated symbol to the white rulers of South Africa, and a heroic one to the critics of their regime: He has actually succeeded in bringing about some change in one aspect of apartheid, the official system of racial discrimination.

Segregated sport was his target. He was a teacher in Port Elizabeth, South Africa, in the 1950's when he read the charter of the International Olympic Committee and discovered that it called for exclusion from the games of any country that discriminated on the grounds of race or religion. He began campaigning in international sports groups to bar South African teams.

The results have been startling—and extremely painful to sports-loving South Africa. Its teams have been kept out of the Olympics for years, and out of official international competitions in cricket and rugby and other games. And it all was inspired by the efforts of this one man.

In an attempt to meet the objections of sports federations and governments abroad, South Africa has taken steps to let blacks play along with whites—at least at the level of international competition. Observers differ about the extent of the change. Critics call it a facade, not affecting the discrimination that runs through education and all of life in South Africa. Others argue that the attempt to meet international standards has, at a minimum, exposed the cruelties and absurdities of the racial policy.

For Dennis Brutus, the result of his campaign was repression: first the official silencing called "banning," then imprisonment on Robben Island. He was shot in the back while trying to avoid arrest in Johannesburg. After his release from prison in 1965 he was put under house arrest, then given a one-way exit permit. He reached the United States in 1971.

His problem with American immigration law is of the kind usually called "technical." He was born in 1924 in what was actually then Rhodesia, though he was taken to neighboring South Africa as an infant and was treated by its courts as a subject. While Rhodesia was formally under British control, he traveled with a British passport. When it became independent Zimbabwe in 1980, he failed to get a Zimbabwe passport soon enough and U.S. authorities cried foul.

A former South African secret agent, Gordon Winter, has said that his Government rated Dennis Brutus "one of the 20 most dangerous South African political figures overseas." Mr. Brutus believes that, anywhere in Africa, he would be a likely target of South African assassins. Agents of Pretoria are widely regarded as responsible for recent political murders in Mozambique and Zimbabwe, and its soldiers have carried out operations in several nearby black-ruled countries.

On the facts, it is a compelling case for asylum. But in a hearing that began last month and is due to resume shortly, the Reagan Administration has opposed American refuge for Dennis Brutus. Why?

Chester Crocker, the Assistant Secretary of State for African Affairs, said recently on "Nightline," the ABC television program: "Mr. Brutus is being treated like anybody else. . . . We have laws, and they must be applied." But political considerations are not exactly unknown when American officials think about giving someone asylum—as the case of Andrei Berezhkov shows. If the United States does finally expel Dennis Brutus, a lot of people will believe that the reason was not a technical violation of immigration rule but his committed and successful opposition to apartheid. Is that the message we want to send?

THE COMMONWEALTH OF MASSACHUSETTS RESOLUTION REQUESTING POLITICAL ASYLUM FOR DENNIS BRUTUS OF SOUTH AFRICA

Whereas, Dennis Brutus, now a poet without a country, has graced the Commonwealth of Massachusetts as a teacher within one of our free and independent colleges; and

Whereas, Dennis Brutus, came to our land after an across-the-world journey from the apartheid state of South Africa, where from his youth he cried out for the freedom of his oppressed people in a country where one's life is at risk for independence of spirit; and

Whereas, Dennis Brutus is now a tenured, respected college professor in Illinois at one of our Nation's great universities, a free man in search of peace for his people of South Africa; and

Whereas, the Senate of the Commonwealth of Massachusetts, the oldest, continuous constitutional legislative assembly of free men and women in the world, with a heritage of independence of mind, and opportunity granted to millions of the oppressed of the world, responds to the cry of Dennis Brutus, which has gone unanswered since has asserted in Nairobi, Africa in nineteen hundred and sixty-seven.

"How much longer must we doggedly importune in the anterooms of governors of the world or huddle stubborn on the draughty frontiers of strange lands?

How long must we endure?

And how shall I express my gratitude and love?"; and

Whereas, Dennis Brutus is now requesting political asylum in the United States and is in imminent risk of deportation in proceedings before the United States Immigration and Naturalization Service; Now, therefore be it

Resolved, That the Massachusetts Senate asserts its support of the plea of Dennis Brutus and calls upon the United States Immigration and Naturalization Service, the United States State Department, the United States Congress and the President of the United States to grant political asylum to Dennis Brutus and that he be released from the status of pending deportation and be otherwise offered the privilege of residency in this our land; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the United States Immigration and Naturalization Service, the United

States State Department, the Massachusetts congressional Delegation, the President of the United States and to Dennis Brutus.●

TAXES—TROUBLING FACTS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BEREUTER. Mr. Speaker, the editor in the Omaha World Herald recently made some very thoughtful comments about the tax burden facing our Nation's citizens. The questions raised by the editorial and the directions it suggests for Federal tax policy merit the attention of all Members of Congress. I commend the following editorial to all my colleagues:

NEW LIGHT SHED ON TAXES

Some critics have said that upper-income Americans received unfairly large benefits from the round of tax-rate reductions approved by Congress and President Reagan in 1981.

A recent Census Bureau study is instructive. It compares amounts paid in federal income taxes by a cross section of the population in 1980, before the three-stage "supply-side" tax cuts took effect.

The findings suggest that, if upper-income taxpayers enjoyed more tax relief from the recent tax changes, it might have been the result of their carrying a much heavier tax burden in relation to their income.

Families with adjusted gross incomes between $10,000 and $12,000 paid federal income taxes representing 9 percent of their income.

Those with incomes between $25,000 and $30,000 paid 14.8 percent. The rate went up to 24.4 percent for households with incomes of $50,000 to $75,000. And those with over $75,000 paid 34.2 percent.

There may be those who take the position that 34.2 percent is still too low for people making $75,000 or more. But upper-income Americans, the bureau figures indicate, give up nearly four times the percentage of their income as those at the bottom of the scale.

That suggests a highly progressive tax system, a system that remains progressive even after the introduction of Reaganomics.

Another part of the study showed how the tax bite has been rising for everyone.

In 1980, the average household paid 23 percent of its income in federal and state income taxes, property taxes and Social Security payroll taxes. That was up from 19.9 percent just six years earlier.

The survey produced another troubling set of figures. In 1974, average pre-tax household income was $21,880. After-tax income was $17,527. By 1980, pre-tax income had slipped to $21,063, but after-tax income dropped all the way to $16,272.

The situation probably has not improved since 1980—despite the tax rate reductions approved by Congress and the Reagan administration in 1981. Higher Social Security payroll taxes, bracket creep and burgeoning state and local taxes have all but offset the federal income tax cuts, Census officials said.

How much of a nation's income should be consumed by taxes? The 23 percent of 1980? Thirty percent? We don't know, but the trend is disturbing.

There are two ways to reverse the trend. One is to increase productivity and, by doing so, boost income. The other is to reduce government spending.

An approach that incorporates both productivity and economy would be best.●

WILL KIBBY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MINETA. Mr. Speaker, it gives me great pleasure to rise today in honor of one of my community's most valuable citizens. Mr. Will Kibby, president of the Santa Clara Valley YMCA, retired on August 30, after a 36-year career with the YMCA, and he has spent the last 14 serving citizens in the city of San Jose. Today, I want to thank Will Kibby for all that he has done.

Since coming to San Jose in 1969, Will has greatly increased the visibility and influence of the "Y" in our community. Much of Will's early work involved expanding and adding facilities. He used the proceeds of the 1968 Capital Campaign for, among other purposes, the construction of the South Valley Branch to help provide for a previously unserved community.

Will always understood that some of the most effective forms of altruism take money, and he was a master at raising funds for his community-oriented institution. For example, under Will's direction, the 1978 Capital Campaign raised $1.7 million.

Will Kibby has seen to it that the YMCA in San Jose has responded to the demands placed by new clientele and by ever-expanding needs for services. During Will's presidency, for example, the number of women and girls participating in YMCA activities has risen dramatically, and child care programs have been added to the YMCA's catalog of activities. Thus, as Will leaves the YMCA family, he passes on an organization committed to meeting the challenges of tomorrow.

Mr. Speaker, Will Kibby has left an admirable legacy, and I ask you and all the Members of this House to join me in honoring this dedicated, effective professional.●

MORRIE ROSEN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LEVINE of California. Mr. Speaker, last Wednesday the Los Angeles Times printed an article about one of the most remarkable men I know. This man, Morrie Rosen, is the director of the Israel Levin Senior Citizen Center in Venice, Calif.

Morrie is much more than just the director of the center, however. For hundreds of senior citizens who live in the Venice, Santa Monica, and west Los Angeles area Morrie is an outspoken and articulate advocate champion of their cause. He is also a sympathetic listener and counsellor for their everyday problems in living. For many Morrie fills a critical role in making their lives livable.

Morrie's community service extends well beyond serving the elderly of our community, however. He is a forceful advocate for preserving and protecting the first amendment rights of Americans, an outspoken opponent of the harsh and uncaring policies which many elected officials have found expedient in today's political climate, and a tireless worker on behalf of programs which aid the unemployed, the handicapped, the poor, blacks, Hispanics, and every other disadvantaged group of people in our society today.

Morrie is a precious resource to the people of the community which I represent. I am deeply saddened to read that he is considering retiring from his position as director of the center. It will be very difficult indeed for any successor to take Morrie's place at the center, in the lives of its members, and his role in our community.

Even when he leaves the center, however, I am confident that Morrie will remain outspoken in his advocacy of the rights and needs of the poor, the elderly, and the handicapped and will remain the conscience of our community.

I ask my colleagues to join with me in honoring a remarkable man, and ask that the attached article be printed in the CONGRESSIONAL RECORD:

SENIOR CITIZEN CENTER DIRECTOR KEEPS AN EYE ON CHANGES IN SOCIETY THROUGH HIS WINDOW ON THE BOARDWALK

(By Joel Engel)

Social worker, sociologist, philosopher, psychologist. Out of necessity, and sometimes self-defense, Morrie Rosen is all of these. As director of the Israel Levin Center, the senior citizen center on the Venice boardwalk, Rosen has had to call on an array of skills in order to survive the last 19 years.

Now, at 68, Rosen is planning to retire soon. Sitting in his small office, which is dominated by a large picture window overlooking the boardwalk and ocean, Rosen contemplated the changes he has seen passing by.

DISPLACED AND FORGOTTEN

From a haven for the elderly, most of whom were Eastern European Jewish refugees, the area has been transformed into a carnival celebrating youth. Sadly, he said, his eyes tracing the motion of a bikini-clad girl whizzing by on roller skates, the elderly have been most displaced and forgotten.

After World War II, as many as 10,000 of these refugees migrated to the Ocean Park-Venice community. There, in rickety wooden cottages purchased cheaply with their life savings, they re-created the bustling Jewish ghettos of their homelands. Al-

though the area was basically a slum these "incredible survivors," as Rosen calls them—who had survived czarist pogroms, the Depression, Hitler—and now were able to thrive.

BUILDING COST $70,000

But their peace was short-lived. In the early 1960s, the city of Santa Monica laid claim to their properties for a community redevelopment program. The great majority of the residents took their modest recompense and scattered to points unknown. A few held out, however, including the group that had been preparing to convert a vacant warehouse donated by a wealthy refugee from New York, Israel Levin, into a community center.

To avoid a court battle, the city agreed to double the price for the warehouse to $36,000. With that money, the group hoped to obtain a nearby site where the remaining 3,000 residents, who had moved into the area's shabby apartments, could gather. But the only suitable building, located on the boardwalk just north of Rose Avenue, cost $70,000. To the rescue came Israel Levin, and the center bearing his name was dedicated in August, 1964. The location was in Venice, part of the city of Los Angeles, and just south of the Ocean Park area of Santa Monica.

Membership was modest at the outset. The ones who had stayed encompassed many, often conflicting idealogies and philosophies. There were even reports of physical violence among members caught up in the fervor of their beliefs. It became, Rosen said, a veritable Tower of Babel, with six or seven of the most aggressive, single-minded members trying to run the center each in his or her own way.

Under the terms of the deed the center fell under the auspices of the Jewish Federation Council, which was responsible for funding operations and employing a center director. But, because of the combative atmosphere, the center went through three directors in its first six months. That's when the job was offered to Rosen.

"I never experienced anything as intense in my whole life," he said. "But I saw something that the others who'd worked here before me didn't see. That sort of violent emotional environment was in every way what I was accustomed to as a child. I was reliving my youth."

Born on the Lower East Side of New York in 1915, Rosen was the youngest of four children. Since he was the only son, his poor immigrant parents deemed it necessary to sacrifice so that he might go to college. His intentions, at Long Island University, where he majored in chemistry, were to teach and do research.

The Depression, however, forced him to quit school for a Work Projects Administration job in which he helped to build several New York City playgrounds. He later became a playground director.

Then came the war. Rosen immediately volunteered but was rejected because of two perforated eardrums. He was disappointed, particularly as he watched most of his friends depart for Europe. Fewer than half returned. "That war changed my whole relationship to the world," he said. "I never felt the same again."

Trying to escape a romantic heartbreak, Rosen recalled, he came to Los Angeles in 1946 for what he thought would be a three-week job at the community center in City Terrace near Boyle Heights. He had hoped to pocket most of the $50-a-week salary and return to school in New York.

Before his sojourn was up, the community center workers all received a raise to $75, and he decided to stay, calculating that if he worked hard for two years he would be able to save $5,000 toward his education.

Then, Rosen said, he fell in love and in 1948 married a woman with a son from a previous marriage. Now a husband and father, he was deeply committed.

DEGREE IN SOCIAL WORK

He attended UCLA in the mornings while working at the center until late at night. With the degree in social work he eventually earned, Rosen climbed in the hierarchy of the then-burgeoning Jewish Community Centers organization.

Transferred to the East Side Center in the early '50s, Rosen was instrumental in instituting cultural programs for the elderly. "People were just sitting on benches watching Fords go by," he said. "They had nothing to do. We got them into these large auditoriums where singers and actors would perform. It gave them joy."

It was while he was director of the B'nai Emet Center in Montebello from 1956 to '63, Rosen said, that he began to notice incredible changes in the traditional American family way of life. "Call it distintegration, the falling apart of the family. When I first started there it was a golden age. Parents and children were supportive of the programs. Everyone, young and old, enjoyed each other. Then, the last couple of years, the kids suddenly became rowdy, and the parents didn't seem to care."

The elderly still dominated the boardwalk, however, when Rosen accepted the job at Israel Levin Center. "They were so beautiful parading up and back in their distinctive clothing," he said, his voice a characteristic gentle rasp. "The women wore long, flowing dresses and tremendous oversize hats to shade their faces from the sun. It was a fashion show. Everyone looked serene and beautiful."

Inside the center, though, the seniors were contentious, he said. "The first two years I tried to contain the chaos. There were about 75 members, and if you didn't agree with them, they abused, taunted, vilified you. I survived by getting people to lower their voices to loud screams."

LESS TURBULENT MEETINGS

Actually, he survived by inaugurating compromise, rotating each rebellious group's favorite activity on a daily basis. Luncheons, entertainment, book reviews, medical and psychiatric lectures, and political programs were scheduled. Eventually, meetings became slightly less turbulent, and membership grew.

Meanwhile, outside on the boardwalk, "the first wave of youth," Rosen said, had begun to discover Venice. "The beatniks, flower children, hippies, drop-outs, cop-outs—all kinds of movements with brief life spans came here. One wave would overlap the next. The affluent society was turning off the affluent youth."

At first, Rosen said, the young people and elderly related well to each other. "The flower children loved to be with old people. They were so kind. They gave flowers to them and wore the clothing the old people wore." He noted, with irony, that the fashionable boutiques that were beginning to spring up all over town, soon to find their way even to Beverly Hills, sold the clothes that the seniors had always worn. "It was lovely to see the old and young together. It made a lot of the old people happy."

That happiness, too, was relatively short-lived for these "incredible survivors."

"The flower children were replaced by the hippies," Rosen said. "One hippie would rent an apartment, invite all his friends in, and everyone would sleep on pads on the floor. These young people didn't care how dirty the place was, or if it was maintained or not. They had contempt for material things."

At the time, the elderly were being charged about $60 a month for ther small apartments. But some landlords soon realized that they could multiply that sum by charging rent for each "hippie" in the apartment without having to maintain the premises, Rosen said, and many of the old people were forced out. "That's when things really started to change. I noticed less and less of the old people on the boardwalk. Then the kids stopped speaking to them. And they were smoking pot all over the boardwalk."

Soon the first of the "disillusioned Vietnam veterans" came to live in Venice, Rosen said. "A lot of them were . . . smashed, wounded, both physically and psychologically." Not surprisingly, he said, drugs like heroin, which they'd first used in Asia, became abundant. So did the junkies.

As the atmosphere degenerated and the rents climbed, the numbers of the elderly began to diminish at an accelerated pace. Yet membership in the center rose dramatically, with the panicked rushing there for protection. The roll swelled steadily toward the 500 mark, where it stands today, even though the elderly population had declined from 3,000 to 1,000. "This place is their haven, their security net," Rosen said.

CONTRAST TO USUAL RAGS

Conditions in the area continued to worsen. "Now you had these pathetic guys, the cop-outs," he said. "They'd just sit there all doped up."

Then something completely unexpected developed. Looking out his window, Rosen began to notice well-dressed young men—a contrast to the usual rags and tatters—carrying briefcases, walking along the boardwalk and side streets. They were the first wave of real estate speculators who bought and sold properties at an alarming rate, sometimes turning over a single building several times within a year. Besides driving up real estate prices, their speculation again resulted in rent increases, was planning to raise their rents by more than a third. After contacting Venice Legal Services, Rosen organized a rent strike that lasted bitterly for two months, producing a compromise agreement favorable to the existing tenants.

Rosen contends it was greed, in the actions of these speculators, that he saw growing rampant during the decade.

Such outspoken views have earned Rosen a reputation as a firebrand. When a drunken wino defiled the center and then pulled a knife on him, Rosen naturally called the police. Later, when a group of area merchants tried to enlist his aid to ban winos from sitting on boardwalk benches, he asserted angrily that winos have civil liberties like anyone else. And when this case attracted representatives from the Los Angeles City Council and state Senate, all of whom "pretended to be my friends," Rosen said, "I let them have it but good. Where were they before Anna Gerber was killed?"

Gerber was an 87-year-old woman who died in 1979 after being struck by a bicyclist as she attempted to cross the boardwalk. "The members were mad, agitated, scared," Rosen said. "I called a press conference to see if we could get some action. We wanted

the chief of police and the City Council to know they were just as responsible for Anna's death as that bicyclist."

Yet no ordinance banning bicyclists and skaters was enacted, as the center members wanted. So Rosen organized a protest march, carrying a symbolic empty coffin up and down the boardwalk, culminating in mock memorial services at the Bay Cities Synagogue several hundred yards to the south. Because of all the attendant press coverage, he said, a proclamation was soon issued that banned bicyclists and skaters from the area near the center. But too many police were needed to enforce the order, and the scene returned to normal chaos within a few days. Even now, he noted, the members are being hit. "The only difference is that none have been killed yet," he said.

Rosen traces the roots of Venice's crime problems to the period near the end of the decade when nude bathing was briefly legalized. "The newspapers and television stations really went to town," he said. "So then you suddenly got the middle-age men with their cameras trying to get a peek. You couldn't find a space anywhere, it was so crowded. Then the business people came around trying to capitalize on all this potential. So more people came, and the whole thing feeds off itself."

This began the decade of the 1970s, "the decade of decimation," he said. "The elderly and the poor were all but driven from Venice."

He related the story of how several center members, "looking like they'd just stepped out of 'The Grapes of Wrath,'" came down the boardwalk one day to tell him that a real estate investor had bought their ramshackle, rat- and roach-infested building at a court auction and * * *.●

DR. FRANK PELLEGRINI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to join with the people of All Saints-Saint Anthony Parish to celebrate on September 25, 1983, the 25th anniversary of the parish organist and choir director, Dr. Frank Pellegrini's service to the parish.

Dr. Pellegrini is a cornerstone of the southwest side Chicago community. He earned his doctorate in sociology from the University of Chicago and has taught at Loyola University of Quigley Preparatory Seminary South; he is presently employed at Chicago City Colleges.

Dr. Pellegrini has conducted the award winning boys' choir of Saint Anthony Parish, the Little Singers of Saint Anthony, for 18 years, and he was active in Pueri Cantores for almost 20 years.

Frank has shown the same spirit of dedication to his civic community as to his church community. He is one of the founders of the Greater Bridgeport Organization, and served as its president. He organized citizen community improvement efforts and cultural events to further improve our area.

Dr. Frank Pellegrini is a man of whom we can all be proud. As a teacher for the past 25 years, he enjoys a reputation as a concerned and caring instructor whose confidence one can seek and whose opinions one can respect.

It is reassuring to know that a man with his spirit of brotherhood and concern for all is active in our community. I congratulate Dr. Frank Pellegrini on 25 years of service to All Saints-Saint Anthony Parish, and wish him many years of success in the future.●

SHORT TIME COMPENSATION MODEL LEGISLATION—AID FOR THE STATES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STARK. Mr. Speaker, after most a year of foot-dragging, the Department of Labor released in late July model legislative language for the States to use in implementing short time compensation (STC) programs. The legislation is described in "Unemployment Insurance Program Letter No. 39-83," issued July 29 to all State employment security agencies.

The Department was instructed to provide this service in last year's tax bill (TEFRA), signed into law on September 3, 1982. While the delay was disappointing, the release of the model legislation may be very helpful to States in setting up STC programs nationwide.

STC is a novel kind of aid to moderate the impact of periods of unemployment, and three States—California, Arizona, and Oregon—have already developed successful programs of their own.

STC is a program that operates through State unemployment insurance programs to provide an alternative to regular, full-time layoffs. Instead of layoffs and separations, it gives employers who must cutback on production the option of reducing work hours for those employees who voluntarily participate. In return, workers receive partial UI benefits and most of their regular pay. Everyone keeps their jobs and skills, and everyone keeps their retirement and health benefits. Instead of separations, companies and employees are pulled together in a cooperative effort that can help improve morale and productivity.

I hope that other States will use this model legislation to add an important new option to their UI programs.●

CHILE: EVIDENCE OF TORTURE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. McHUGH. Mr. Speaker, as the 10th anniversary of the coup in Chile approaches, concerns about human rights violations under the government of General Augusto Pinochet have intensified.

In May of this year, Amnesty International released a report documenting the widespread and systematic use of torture in Chile. The report documented the cases of 18 victims of torture who were examined extensively by an Amnesty International delegation that visited Chile. The victims of torture have included human rights workers, students, political opponents of the current Government, and manual laborers.

For the benefit of those of our colleagues who may not have read this report, I am inserting into the RECORD the cases of two of the victims of torture documented by Amnesty International, a social worker and a sales agent. I hope that this information will serve as a reminder that abuses of human rights continue to this day in Chile.

The following material was submitted for the RECORD:

CASE NO. 9

Anonymous.

PERSONAL DETAILS

He is 28. His father was an officer who resigned after the military coup. He studied history and geography at university, but has not been able to get work as a teacher since graduating in 1979. He therefore became a sales agent. Because of a knee operation, he has been off sick since early 1982. He is married. His wife was pregnant at the time of his arrest. Their child was born 11 days later.

STATE OF HEALTH BEFORE ARREST

His left knee was injured in mid-1973 and he was in hospital for almost a month. After he left hospital he continued to suffer pain in the knee, so his left medical meniscus was removed in early 1982.

Ever since 1973 he has had sporadic "nervous heart" attacks with precordial pain and difficulty in breathing. Apart from this he did not connect any symptoms with his arrest and detention in 1973.

PREVIOUS DETENTION AND ALLEGED TORTURE

He was arrested and held briefly in 1973 after attending a student meeting which was surrounded by the police. He was kicked and pistol-whipped all over. Afterwards, he was taken to a boat called the "Maipo", where he was not actually ill-treated, although he was held in appalling sanitary conditions.

TIME AND PLACE OF ARREST AND DETENTION

He was arrested in the first quarter of 1982 and held at the CNI centre in Valparaiso for 10 days. He was then transferred to the CNI centre in Santiago, where he was held for a week. Then he was moved to Val-

paraiso prison, where he remained until his unconditional release 21 days after arrest.

DURATION OF ALLEGED TORTURE

He was tortured on 10 days; on four of them the torture was exclusively psychological. He was held incommunicado for 16 days.

INTERROGATION AND TORTURE

His account of events was as follows:

In mid-March five men in plain-clothes who said they were members of SICAR, the *Carabineros'* intelligence agency, searched his home and removed several of his belongings. No arrest-warrant was shown. He was taken down to a car, hooded and threatened.

They drove him to an old house in Valparaiso, where he was made to sit on a chair to which his hands and feet were tied. He was asked about his personal relationships and kept tied to the chair all night.

He stayed tied to the chair throughout the following day, forced to listen to a cassette recording of a Mexican song played over and over again at full volume. The door was opened loudly a number of times during the day, but those who opened it said nothing to him.

That night he was allowed to go to bed but was tied to it by one hand. During the night he was woken up several times by somebody kicking him in the stomach.

Next day he was tied to the chair again and made to listen to music all day. In the evening, he was interrogated and kicked and beaten, mainly in the abdomen and on the back. He was undressed and electrically tortured for about an hour, primarily on the back and neck.

He sat on the chair throughout the next day, listening to the cassette player. In the evening he was interrogated for an hour and a half. During the interrogation he was punched on the body and neck, hit on the back of the head three or four times, slapped on the face and underwent telefono from five to 10 times. He was also frequently threatened with "disappearance" and execution.

The next day he was tied to the chair again and made to listen to a loud radio all day. A basic medical examination was carried out by a person who claimed to be a doctor.

He was interrogated for most of the following afternoon. Every time he refused to answer he was punched, mainly on the nose, which bled.

The next day he was interrogated, threatened and insulted, but the day after he was not interrogated—although he was made to spend the entire time sitting tied to a chair.

On the following day a "friendly" interrogator chatted to him all day trying to persuade him to tell the truth and so avoid further torture. Later someone else threatened him again with execution.

He was not interrogated the following day, but the day after his clothes were returned to him and he was made to sign various forms. Then some evidently important person came and shouted that they were incorrectly filled in. All his belongings were again removed and he was taken down to a car. He thought he was going to be killed and felt both frightened and resigned. Instead, however, he was taken to the CNI centre in Santiago where he was given overalls and zapatillas and was blindfolded. He was put in a small concrete cell measuring about 2m by 1.5m. That evening a person he took to be a doctor examined him with a stethoscope and measured his blood pressure, and he was interrogated yet again, this interrogation being far worse than any of the previous ones. He was made to lie on a bed and was severely beaten, including on the knee which had just been operated on. He was electrically tortured more severely than before with two electrodes, one attached to his chest, the other shifted about from his testicles to his right ankle to the lobe of his right ear. Later the picana torture was inflicted with a pencil-shaped object on his face and lips. A dry cloth was put over his mouth and nose a number of times, which made him feel as though he were being suffocated. Each time he nearly fainted. When he was finally taken back to his cell he heard the voice and screams of a friend (also interviewed by the medical delegates—Case No. 1).

He was left in his cell throughout the next two days. Someone who he thought may have been a doctor applied cream to his bruises.

The following day he was interrogated and beaten, in particular on the abdomen and back.

Next day the "doctor" came to his cell and tried to hypnotize him, but, by making a strenuous effort, he managed to resist this.

He was taken to the Fiscalia Militar (Military Prosecutor's Office) the following day and, still blindfold, made to sign some papers.

Next day he was given back his clothes and belongings and driven to the CNI centre in Valparaiso then on to Valparaiso prison, where he was no longer kept in isolation.

He was freed after 21 days but followed by agents for two days after release.

RÉSUMÉ OF INTERROGATION AND TORTURE

He was slapped, particularly in the face. He underwent teléfono a number of times. He was frequently punched, once on the neck, once on the nose (which gave him a nosebleed and many times in the abdomen and on the back, arms and legs. He was frequently kicked, in particular on the buttocks and the knee that had just been operated on.

He was electrically tortured twice: once in Valparaiso for an hour and once in Santiago. The shocks were administered on the lobe of his right ear, chest, testicles, right ankle, neck and back. *Picana* torture (at a lower voltage) was inflicted too, particularly on the lips, earlobes and cheeks.

He was gagged a number of times in such a way that he could not breathe and nearly fainted.

He was partially deprived of sleep the first two nights and made to spend an entire night naked, as well as being naked during several interrogation sessions.

He received many threats. He was threatened with execution and "disappearance", with being tortured in other ways, and with the imprisonment of his wife. He was tortured by noise for many days: Forced to hear the same tune on a cassette player again and again at maximum volume.

An attempt was made to hypnotize him, and the "friendly" interrogator tried to get him to give information.

He was kept in isolation and blindfolded for 16 days. For the first 10 days he was forced to sit up straight, tied to a chair. Except for the first night, when he was forced to remain sitting, he was allowed to sleep in bed. For his five days in Santiago he was kept in a concrete cell measuring about 1.5m by 2m.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

Once in Valparaiso and the first day in Santiago he was examined by someone claiming to be a doctor. During his final days at the CNI centre in Santiago he was given ointment to rub on his skin in order, he thought, to hasten the disappearance of his bruises.

EARLY SYMPTONS DESCRIBED

After being tortured he was tired and stiff, felt sore all over and could hardly move. Near both elbows were two parallel blue stripes which he said were the result of the tight binding of his arms with cord during torture. The cords were tied especially tightly during electric torture when his arms moved involuntarily. There were bruises on the right hypogastrium, as well as medially on the left leg just under the knee. His nose bled after being punched, his lip was swollen for a week and his ears itched and were scaly in the auditory canal. He suffered from precordial pain in the chest, without radiation, and had difficulty breathing for about half an hour several times a week. This happened particularly at night, and he himself believed it was due to anxiety since he had had similar anxiety attacks before being arrested. He had nightmares and his memory was somewhat impaired. Just after he was released he found himself forgetting small matters, such as where he had put things, appointments and telephone numbers. He was emotionally labile, irritable and aggressive.

PRESENT SYMPTOMS DESCRIBED

He still has slight discomfort in his left knee and pain in the medial part of his left calf, where he can feel a hard lump near the tibia. He suffers from "nervous" attacks of difficulty in breathing about once a week. His memory is slightly impaired.

CLINICAL EXAMINATION (ONE MONTH AFTER THE ALLEGED TORTURE)

He was well-balanced and relaxed, cooperated with the interviewer and was able to give a clear and detailed account of what had happened to him.

There was some soreness in the medial anterior cleft of his left knee, and a slight atrophy of the quadriceps muscle. On the medial side of the left tibia, between 16cm and 19cm below the knee, there was a 3cm by 2cm hard, indolent lump, unattached to the skin and tibia (it felt very much like an organized haematoma). The skin over the knot was unchanged. Medial to this area and between 12cm and 16cm distal to the knee joint a 5cm-long, 1cm-diameter, rod-shaped indolent swelling could be felt (probably an area of superficial phlebitis).

Near both elbows were two sets of two light brown pigmented parallel stripes 1cm wide and separated by 2cm, crossing each other approximately in the middle of the bend of the elbow.

CONCLUSION

The medical delegates found consistency between the torture alleged, the symptoms described and the clinical findings.

CASE NO. 10

Anonymous.

PERSONAL DETAILS

He is 29. He went through high school, was trained as a social worker and has been employed by a church organization since 1978. He is unmarried but has a steady woman friend.

STATE OF HEALTH BEFORE ARREST

He has situs inversus (internal organs in positions which are the reverse of normal; for example, with the heart on the right rather than left side).

TIME AND PLACE OF ARREST AND DETENTION

He was arrested in early 1982 and was taken to the CNI centre in Santiago where he was held for two days. After two days he was transferred to the Cárcel Pública where he was held for a day. Next day he was moved to the Penitenciaria, where he was held for 79 days before being released on bail.

DURATION OF ALLEGED TORTURE

He was tortured on two days, during which time he was held incommunicado.

INTERROGATION AND TORTURE

His account of events was as follows:

While driving early in 1982 he was followed by a car, then stopped. Four men in civilian clothes, armed with pistols, examined his documents, then forced him into their car. No arrest-warrant was shown. He was blindfolded with tape, handcuffed, required to give information about himself, insulted and threatened with death. (He later learned that his home was searched the same day by CNI agents.)

He was driven to the CNI centre in Santiago, where he was punched hard on the left cheek. He was forced to stand facing the wall for half an hour, during which time he was punched at random on the head and body. Afterwards he was examined by a person he took to be a doctor, photographed and given overalls and zapatillas.

That night, around midnight, he was interrogated. During the interrogation he was beaten and electrically tortured for about an hour. Later that night he was again interrogated. Two people he knew were brought into the room and all three were interrogated together for two hours. Towards morning he was once more interrogated, beaten and electrically tortured. This meant he did not sleep at all that night. He was interrogated again at 10.00 am and once more at 2.00 pm. A "friendly" interrogator talked to him for a long time, asking him why he was involved in such "subversive organizations". Towards evening he was given back his clothes and taken into a "TV studio" in the same building. This room had a large mirror on one wall, which he presumed was a two-way mirror. Here, he and his two acquaintances were interrogated, having been told they were being video-recorded. When they did not answer they could hear the machine being switched off. Later that night he was yet again taken to be interrogated, this time on his own. He was dressed in the overalls again and once more beaten, threatened and insulted.

Two days after arrest he was examined by a person he took to be a doctor. Then his clothes were returned to him and he was brought before a judge. He was made to sign a statement and was then sent to the Cárcel Pública, where he remained for just under three months.

He was released on bail in April 1982.

RÉSUMÉ OF INTERROGATION AND TORTURE

On the first two days, he was frequently slapped on the forehead, neck, chest and back, and was punched on the left cheek, chest and back. He was electrically tortured. He was made to hold a key attached to a wire in each hand. The wire was then charged with electricity, which gave him violent convulsions. Picana was then inflicted—a black, pencil-shaped object was applied to his throat, hands, thighs, lower legs and ankles. He was never sure where they were going to apply the current next. This form of torture lasted for about an hour.

He was held incommunicado for two days and partially deprived of sleep for two days, during which he slept for only three hours altogether. The first night he was interrogated almost continuously; the next, he did not return to his cell until quite late and afterwards was disturbed a number of times. All the while, he was nervous and agitated. He underwent frequent, prolonged interrogations—four three-hour sessions in the course of two days. He was threatened with parrilla. He heard other prisoners crying and screaming.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

On arrival at the CNI centre he was examined by a person he took to be a doctor. He was questioned about previous illnesses and operations. His blood pressure and pulse were taken and he was examined with a stethoscope. To discover whether it really was a doctor examining him he told him he had situs inversus and that this was very serious. The doctor assured him it was not and gave a correct account of the condition. He was again examined by a person he thought was a doctor after being tortured.

While in prison, he requested a forensic examination but this was never done.

EARLY SYMPTOMS DESCRIBED

He was generally extremely tired and weak and had difficulty walking and moving for the first few days. His left cheek was very sore—presumably through being punched—and for the first three days he had diarrhea and nausea. He found it hard to fall asleep while in prison and several times had nightmares. (Following release, he slept for 24 hours.) He did not notice any marks on his skin.

PRESENT SYMPTOMS DESCRIBED

He feels completely normal.

CLINICAL EXAMINATION (THREE MONTHS AFTER THE ALLEGED TORTURE)

He was well-balanced, behaved naturally and cooperated with the interviewer.

Examination by stethoscope revealed situs inversus. He had scattered acne.

CONCLUSION

The medical delegates found consistency between the torture alleged and early symptoms described.●

JO ANN KOVALCIK HONORED FOR EXTRAORDINARY SERVICE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. RINALDO. Mr. Speaker, I wish to commend Mrs. Jo Ann Kovalcik of Scotch Plains, N.J., for her extraordinary service and leadership in assisting the handicapped through her volunteer work with the Occupational Center of Union County, N.J., and for her leadership with the New Jersey Kidney Foundation.

Mrs. Kovalcik is a woman of extraordinary talents and energy that compliment her deep sense of compassion for the lives of people born with physical and mental afflications.

Through her love and devotion to her sister, who is handicapped, Jo Ann Kovalcik has brought hope to the lives of many people. She symbolizes those thousands of community volunteers who have committed themselves to sponsoring and supporting programs that aid the handicapped. It is most visible in the achievements of the Occupational Center in Union County, with training centers and workshops for the handicapped in Roselle and Berkeley Heights.

Far more than the large amount of money she has raised for the Kidney Foundation of New Jersey and the occupational center, Jo Ann Kovalcik brings to these worthwhile programs a spirit and enthusiasm that arouses the best instincts and compassion in other people. She is unselfish and devoted to helping other people who need assistance.

In addition to her outstanding efforts in behalf of the occupational center and Kidney Foundation, Jo Ann Kovalcik also serves on the Union County Unit of the American Cancer Society and is a member of the Union County Children's Shelter Advisory Board and the New Jersey State Banking Advisory Board. A highly successful businesswoman and executive with Hahne's in New Jersey, Mrs. Kovalcik is the essence of the modern American woman capable of succeeding at any job and still finding time to contribute her talents and energy to the community. She is, indeed, an extraordinary American woman and one of New Jersey's finest citizens.●

H.R. 2025

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MINETA. Mr. Speaker, I am today introducing legislation to forstall the transfer of social security off the unified Federal budget. Such a transfer, to be effective in 1993, was a provision of the Social Security Amendments in 1983.

In 1967 the President's budget concepts commission recommended that all Federal programs be shown as part of the same budget, a "unified budget."

Starting in the early 1970's some programs (notably the Federal Financing Bank) were placed "off-budget" by statute. Off-budget spending is exactly the same as on-budget spending—it is simply not counted. But it is a part of the Federal debt since the Treasury finances all spending.

Moving social security and medicare off-budget is ill-advised for three reasons.

It is bad for the budget process since it results in a budget that is understat-

ed by over $300 billion. Members will not be in a position to consider Federal spending as a percent of the economy. Nor will they be able to directly compare similar programs—for example, medicare will be off-budget but medicaid on-budget. Nor will they get a valid comparison of different components of Federal spending—defense, means-tested programs, grants to States, and so forth, will all be overstated as percent of total spending. Nor will the revenue portion of the budget give an adequate portrayal of the total tax burden on taxpayers.

It may be bad for social security benefits. Currently it is widely believed that social security and medicare are financed by taxes on the potential beneficiaries. This is not true—there are a number of general fund subsidies (by 1988 they could total $20 to $30 billion.)

Those subsidies are not obvious now, since they are paid by one fund and received by another—a net zero. But, with social security off-budget, these subsidies will be very visible since they alone will remain as on-budget payments. Highlighting these subsidies could provide more ammunition for groups that want to cut benefits.

It is bad for the deficit, hence for other spending programs. With the reforms recently enacted, social security will be solvent—that is, in surplus—through the end of the century. This surplus would be shown off-budget, so the on-budget deficit would be overstated. Voting for unnecessarily overstated deficits seems unnecessary.

As the former chairman of the Budget Committee's task force on the budget process, I have introduced a comprehensive budget reform bill which, among other things, would bring all off-budget agencies on-budget—H.R. 2025. In the 96th Congress we included language in our budget resolution of fiscal year 1980 to affirm our commitment to "relate accurately the outlays of off-budget Federal entities to the budget." Again in 1982 and 1983 we carried forward this commitment with language in the budget resolution which expressed the sense of Congress that future budget resolutions should also portray off-budget spending.

I am pleased to have my colleague, LEON PANETTA, as an original cosponsor of this legislation.●

PALM BEACH COUNTY PSI VOLUNTEERS PRAISED

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LEWIS. Mr. Speaker, today I would like to pay tribute to the following people for lending their strong support and talents to the Palm Beach County private sector initiative program: Judy Goodman, Robert Miller, Lee Horton, William Brooks, Col. Don R. Kohl, USAF (Retired), Bill Burson, Harry L. Smith, Pat Wilson, Lucy Runyon, Thomas I. Davis, Jr., Judy Finn, Kay Mansolill, Terry Lino, John Ollis, Robert Coker, Sandra Chamblee, Bernadette O'Grady, Thomas J. Heran, Donn Colee, Sr., John List, Natalie Wohlert, Beverly Green, Mike Hardwick, Robin Stein, Ruth Hardy, Pat McKenna, Art Giles, and David Bludworth.

More than 70 million Americans volunteered for community service in the past 3 years and more than half volunteered at least 5 hours a week to community service programs.

These volunteers, joining with private organizations, provide job training and placement, health care, transportation, education, housing, nutrition, senior and youth activities, legal and consumer advice, and other community activities. The manner in which this American partnership is being practiced in Palm Beach County and other American communities is creating worthwhile changes in the way social services are delivered and economic progress is stimulated in the United States.●

PROPOSED ELIGIBILITY GUIDELINES FOR LEGAL SERVICES CLIENTS WOULD DENY REPRESENTATION TO MILLIONS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. RODINO. Mr. Speaker, the Legal Services Corporation recently published proposed regulations concerning client eligibility which would have the effect of precluding representation for millions of poor people, particularly the elderly and the handicapped.

Taken by themselves, these proposals appear to be an ill-conceived effort to deal with the cuts in the Corporation's budget. But taken in the context of the Reagan administration's hostility to this program, the proposals appear to be another in a series of attempts by the administration to deny legal representation to low-income people.

Despite the overwhelming support for the Legal Services Corporation demonstrated by the Congress and the American people, the administration has tried every year to eliminate all funding for the Corporation. Having failed to do so, the administration is now trying to weaken the Corporation's effectiveness and its ability to serve the poor in legal disputes.

One of the most onerous proposals is a regulation which would deny legal assistance to individuals who have over $15,000 equity in a home. This would drastically affect the elderly, who may have paid for their homes years ago, and who may be in desperate need of legal representation. These are the very people the Corporation was established to serve.

An essential aspect of the legal services program is local control—each program is administered by a local board of directors which is most knowledgeable about the needs of the client community. These mandated eligibility guidelines would fly in the face of local decisionmaking.

Most important, however, is the fact that these regulations were developed by individuals who have neither the experience with, nor the demonstrated commitment to the delivery of legal services for the poor. The Corporation is being administered by an unconfirmed board of directors, presently numbering four individuals, who have recruited a staff of questionable dedication to the effectiveness of this program. These proposals reflect a lack of understanding about the legal needs of the poor, and I hope that the Corporation will reconsider implementing them.

Further, I hope President Reagan will end his hostility to this program which seeks to provide "equal justice under law." I urge him to demonstrate his willingness to let the Corporation survive by nominating a board of directors promptly—individuals who have both the commitment and the experience necessary to administer this program.●

SOVIET DOWNING OF KOREAN FLIGHT 007

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. SCHNEIDER. Mr. Speaker, few incidents in this country's history have provoked the shock and outrage that greeted the Soviet Union's recent downing of Korean Air Lines flight 007. Unfortunately, the 269 passengers aboard were the innocent victims of the acute paranoia that seems to dominate Soviet foreign policy. Those Rhode Islanders who knew Lillian Fitzpatrick and Lucille Dawson—two Warwick residents on board the plane—understand first-hand the sense of loss and pain which this barbaric act brings to all U.S. citizens.

The Soviet's response to the shooting down of flight 007 has been perhaps more inflamatory than the act itself. First, the Russians denied that the plane had been shot down. Then, in the face of indisputable evidence that the barbrous act had occurred, the Soviets admitted their complicity

but concluded that it was the rational response to a provocation under international and Soviet law. One spokesman went so far as to suggest that we would do the same if a Soviet plane strayed over our airspace. In fact, in 1981, a Soviet Aeroflot plane departed from its normal flight route off the Atlantic Coast and flew over the naval shipyard in Groton, Conn. The U.S. response was to simply lead the plane back into international airspace. Comparisons aside, the lies and misinformation emanating from the Soviet Union since the tragedy clearly indicate that the country does not share the Western World's humanitarian appreciation for human life.

The President and Congress are now faced with the task of responding to Soviet brutality. The first step, I believe, should be passage of a resolution officially condemning the Soviet Union for their behavior, demanding that the country pay monetary retribution to the families of U.S. citizens on board the plane, and urging U.S. representatives to the United Nations to seek agreements making future attacks on commercial airliners illegal international acts subject to immediate and automatic sanctions. Once these steps have been approved, Congress and the President can then assess the long-term implications of this cowardly act on relationships between the two superpowers.●

SOVIET BARBARISM SHOWS FACE—AGAIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SKELTON. Mr. Speaker, I commend to my colleagues an article which appeared in the Sedalia Democrat in the Fourth District of Missouri. This article on the Korean airline massacre accurately reflects the feelings of Americans across the country and makes some excellent points concerning the basic nature of Russian communism and the Soviet Union.

SOVIET BARBARISM SHOWS FACE—AGAIN

In attempting to apply the rules of civilized behavior to the Soviet downing of a South Korean jumbo jet carrying 269 people, we make a fundamental error. The fact is that Russian communism is by its very nature barbarian. This is hardly the first indication we've had of that fact, with Afghanistan being the latest, but by no means only, example.

Still, this was a new low even for the Soviets. No conceivable reason can justify shooting down a civilian jetliner packed with men, women and children. Among the victims were 50-some Americans, including a member of Congress.

Let us assume that the plane had deviated from its route and was skirting sensitive Soviet military installations. What possible threat did it pose? A Boeing 747 is not a bomber, nor does it have a reconnaissance capability. It is designed to carry innocent passengers from one place to another.

Yet a Soviet fighter pilot, acting on direct commands from the ground, fired a heat-seeking missile into the airliner, which crashed in the cold waters of the northern Pacific. No survivors have been found.

Considering the rigidity of the Soviet command structure, the "fire" order could not have been given without high-level consent from the Kremlin, knowledgeable observers agree. What this says about the Soviet leadership should be a sobering lesson for those in the West who still harbor illusions about its reasonableness and peace-loving intentions.

What can be done on our part? Everything possible to punish Moscow short of armed retaliation. Cancel the grain agreement (the terms of which are extremely undesirable from our standpoint anyway). Revoke Aeroflot's landing privileges in this country. Stop all cultural and scientific exchanges and review all trade pacts.

We must demand that Russia own up to what it did and make a full apology—including restitution to the American victims' survivors. We should encourage our allies and other responsible nations to take similar steps. In all ways possible we must let the Soviets know that such ruthless behavior exacts a price among civilized people.●

TRIBUTE TO BAY CITY CHEVROLET SMALL PARTS PLANT

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. TRAXLER. Mr. Speaker, I rise before this distinguished body today, to honor the 75th anniversary of the General Motors Corp. And in particular, the Bay City Chevrolet small parts plant which is located in the Eighth Congressional District of Michigan.

Over the years, General Motors has responded to the demands of American consumers with high quality products. There are current news reports of increasing automobile sales compared to past years, which is good news to a beleaguered industry. This proves that the domestic automobile industry is responding properly to consumer demand. Also, let us not lose sight of the fact that according to Government tests, American cars—especially General Motors models—are also the safest vehicles on the road today.

Bay City's Chevrolet small parts plant has been a member of the General Motors family since its purchase from the National Cycle Manufacturing Co., on April 10, 1916. Bay City Chevrolet has been one of the largest and oldest employers in the Bay County area, and is a respected, honored, and welcomed industry in the community.

Despite setbacks such as the Great Depression and World War I, Bay City Chevrolet has continued to grow and prosper and change with the times. Though the history of the Chevrolet Bay City plant is one of continued expansion over the years, the greatest growth has come in the last several decades. And this plant growth over the years has been accompanied by many important advancements in production methods.

For many years, Bay City Chevrolet has been playing an active role in various local community developments, activities and organizations. They have been a strong booster to the Bay Area Chamber of Commerce, the Forward Bay County Corp., and the Bay County United Way; for which they have time and again received the United Way Gold Award for Distinguished Service.

General Motors should be commended and thanked for the confidence which they have placed in the bay area community and its citizens. For the Bay City Chevrolet plant has worked to the mutual benefit of both General Motors and the area residents. The Bay City small parts plant has employed thousands of area workers, and has assisted in the bolstering of the areas' economy.

I am truly honored to represent such a large group of dedicated, hard working individuals. Please join with me in congratulating the Bay City Chevrolet small parts plant and General Motors Corp., along with all the people involved with these companies, both past and present, for a job well done.●

IN SUPPORT OF H.R. 3318

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. CONABLE. Mr. Speaker, an American student, upon returning to this country after spending a year in Japan, was quoted as saying,

The most wonderful part of Japan for me was the family I stayed with. My Japanese family shared their home, life, and culture unselfishly with me.

Every year thousands of young Americans return to the United States from exchange experiences such as this. An exchange is more than a sightseeing tour, for a student does not gain access to the intricacies of a culture through monuments and museums. Social complexities are discovered only if a student loses the comfort and security of an observer and finds himself completely immersed in another lifestyle. In the midst of this immersion a student contemplates his identity as an American and balances it with the influence of another culture.

A similar process of reflection occurs when a foreign student becomes a member of an American family. By explaining and sharing its customs and

habits with the student, the host family grasps a renewed sense of itself and its culture. Its members have the unusual opportunity to rediscover the meaning of the American environment in their lives. Both benefit in many ways.

This reciprocity creates an international web of human relations which is delicate and yet strong enough to withstand almost all political tension between nations. The active role exchange programs play as an elementary form of foreign relations is being eroded by rising costs. As a result, thousands of families and students who want to reach out in this way find it more difficult.

Currently, American families who host high school students can deduct $50 a month from their income tax for the expenses they incur while the students are attending high school and living in their American homes. Under current economic conditions this deduction, which was established in 1960, is nominal and should be raised to a more realistic figure.

For this reason, I have introduced H.R. 3318, a bill which would increase the current deduction to $100 per month, up to a maximum of $1,000 a year. At this level, more families might have the opportunity to open their homes to foreign exchange students. In addition, given the tremendous educational benefit provided by foreign exchange programs, as well as the expense incurred in adding another member to one's family, I think that this increase in the present deduction is entirely appropriate.

I hope that H.R. 3318 will receive favorable consideration at the earliest possible date.●

RECENT UTILITY COAL DEAL SHOWS COAL SLURRY PIPELINES CANNOT COMPETE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SHUSTER. Mr. Speaker, the House may soon consider H.R. 1010, the Coal Pipeline Act of 1983. This special interest bill is not a simple right-of-way bill, but rather is the possible catalyst for the elimination of all competition in the coal transportation arena.

An actual field test of a coal slurry pipeline, ETSI (Energy Transportation Systems, Inc.), and two railroads bidding for a large coal contract from the Arkansas Power & Light Co. raised serious questions on major arguments put forth by coal slurry proponents on why Congress should confer upon these private companies the privilege of Federal condemnation of private and public property. The arguments and the doubts raised about coal slurry pipelines are listed below:

Slurry argument No. 1. Coal slurry pipelines will provide cheaper coal transportation.

Response. Obviously in this instance, the coal slurry pipelines did not provide the cheaper transportation. The Arkansas Power & Light utility expressed doubt whether coal slurry pipelines will be in a position to compete for cheap coal transportation when it commented, "The projected costs of the slurry pipeline system have jumped three to four times from original estimations." The utility is nearly correct. In 1975, the ETSI pipeline estimated construction costs at $750 million. Today that figure is $3.8 billion or a 500-percent increase. From this development, it appears that time, coupled with high costs and other factors, have made coal slurry pipelines obsolete.

Slurry argument No. 2. Coal slurry pipelines will cause lower coal rates which will be reflected in savings for consumers.

Response. There is no evidence, whatsoever, that if only two railroads had been competing with each other that the coal rates in the contract would have been higher. In fact, there would have been real competition for this contract even if the slurry pipeline had not been a factor. Competition now exists in the coal hauling business, if it is not with other railroads, then it is with trucks or barges.

According to the Arkansas Power & Light press release, substantial savings to electric consumers served by Arkansas Power & Light apparently will be realized through the year 2016 at a level of $16.5 billion as a result of this railroad contract. These savings, of course, were realized under the present system without the necessity of an operating coal slurry pipeline. We are also pleased that this utility, unlike many others, will pass the savings on to consumers.

Slurry argument No. 3. Coal slurry pipelines need Federal eminent domain authority because railroads are blocking the way.

Response. This contract signing in itself strongly argues that the granting in H.R. 1010 of the special privilege of Federal condemnation of private property to for-profit coal slurry pipeline companies is not needed. The ETSI pipeline has acquired over 90 percent of its 1,400 miles of right-of-way without this special privilege at a cost of only six-tenths of 1 percent of the projected project cost. Such a cost is hardly prohibitive as evidenced by the fact that ETSI is competing, along with the railroads, for business.

The ETSI has accomplished a great deal within the presently competitive system, and therefore, they are a perfect example of why there is no pressing need for Congress to pass H.R. 1010.

Slurry argument No. 4. The coal slurry pipelines need take-or-pay contract arrangements in order to guarantee project financing and business for the pipelines.

Response. According to the Arkansas Power & Light Co., the coal slurry proposal was much more restrictive and the utility expressed a preference for the greater flexibility provided by the railroads' proposal. From the start, a coal slurry pipeline will be placed at a competitive disadvantage and if the slurry proponents insist on take-or-pay contracts, the dangers to the consumers of sky-high electric rates in forcing utilities to accept coal they may not need is obvious.

Slurry argument No. 5. There are presently nine coal slurry pipelines under serious design and development.

Response. The signing of this contract and the utility's reaction raises serious doubts whether these pipelines really exist or are figments of someone's imagination in order to attempt to put alleged pressure on the railroads. One has to wonder how many of these pipelines are real and what is the real motivation behind the utilities' support of H.R. 1010?

In conclusion, this contract signed by the Arkansas Power & Light Co. raises many serious questions whether H.R. 1010 is needed. I would bring to the attention of my colleagues the following article from the Washington Post of July 23, 1983, concerning the Arkansas Power & Light Co. contract.

[From the Washington Post, July 23, 1983]

TWO RAILROADS OUTBID PIPELINE CONSORTIUM FOR COAL SHIPMENT

(By Cliff Tan)

Two major railroads yesterday won a contract to deliver coal from Wyoming to Arkansas power plants, outbidding a coal slurry pipeline consortium, in an apparent setback for coal slurry promoters.

The Arkansas Power & Light Co. announced a 20-year contract with the Chicago North Western Transportation Co. and the Union Pacific System, which includes the Union Pacific and Missouri Pacific railroads, to move low-sulphur coal from the Powder River Basin in Wyoming to its White Bluff and Independence power plants.

Chicago North Western and Union Pacific had underbid the ETSI (Energy Transportation Systems Inc.) Pipeline Project for the transportation contract. The two railroads and ETSI, along with Burlington Northern Inc., submitted bids to Arkansas Power & Light April 15.

Coal slurry is coal crushed and mixed with water and then transported along a pipeline system. Proponents of slurry pipelines claim that these systems present a low-cost alternative to the railroad's virtual monopoly on transporting coal.

Railroads have opposed the pipelines, saying that they will suffer greatly and that the cost of shipping other commodities will go up if pipeline transport comes into being.

In the intense political debate over the two competing systems, Congress is considering legislation that would give pipeline operators eminent domain, the power to acquire rights of way despite railroad protestations. A spokesman for the Slurry Transport Association said legislation probably will be voted on in September.

Previously, pipelines have been blocked either by states worried about whether their water resources should be used to make slurry, or, pipeline supporters claim, by railroads which will not let pipelines acquire the right-of-way beneath the tracks.

A staff member of the House water and power subcommittee said even though ETSI had been underbid, that still does not mean that the slurry-pipeline measures will fail in Congress.

The issue for proponents of the measures, he said, is whether maximum competition will hold in the coal-transportation field. What is important is giving pipeline operators the chance to compete, he said, adding it is less important whether railroads underbid pipeline operators as long as competition exists.

"We personally don't know how they could do it and make money," said Stuart Serkin, of the Slurry Transport Association, about the railroads' bid. "It makes you think they're doing this to put ETSI out of business," he added.

A spokesman for Union Pacific, however, said his company will fully recover costs and make money from the bid it submitted to Arkansas Power & Light. He also denied a conscious attempt by Union Pacific to put ETSI out of business.

Jerry L. Maulden, president of Arkansas Power & Light, said his company has been a supporter of the slurry pipelines in the past and still believes they are a viable alternative.

Charles Steel, senior vice president of Arkansas Power & Light, said competition has increased for pipeline proponents since passage of the Staggers Act in 1980, the major rail deregulation legislation that permits many railroads to conclude specific-commodity contracts with utilities, at lower rates than before deregulation.

In addition, the projected costs of the slurry pipeline system have jumped three to four times from original estimations, he said.

The White Bluff and Independence power plants in Arkansas will require between 10 and 11 million tons of coal a year at full operation. At currently regulated coal transportation, that would represent a shipping bill of between $230 million and $250 million a year.●

TRIBUTE TO THE LATE DISTRICT JUSTICE JOHN BEDNARZ

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HARRISON. Mr. Speaker, on Monday, September 5, the city of Wilkes-Barre lost one its most beloved citizens and one of its most accomplished sons. District Justice John Bednarz died at the age of 67.

Magistrate Bednarz was born in Wilkes-Barre on April 28, 1916, the son of the late Wojiech and Rozalia Bednarz. He graduated from the James M. Coughlin High School and served in the United States Army for 4 years during World War II, seeing action in Africa, Sicily, and Italy.

Over the years, John Bednarz was active in community and veterans organizations almost without number. His service as grand commander of the Order of the Alhambra, Alhamar Caravan, comes to mind. So does his work with the Red Cross, the North End Slovak Citizens' Club, the North End Little League and so many, many other worthy causes.

But most of all, John will be remembered as the "judge" of the North End. He was an alderman in Wilkes-Barre's city 16th ward, 7th district for 25 years. Then, in 1969, when the newly ratified Pennsylvania Constitution created the position of district justice, John was elected to a 6-year term. His record in office was such that even though he was a lifelong member of the Republican party, John Bednarz received the nomination of both political parties on the two successive occasions when he ran for re-election.

Those of us who as lawyers, young and older, appeared before him, know why. He was always as firm and fair as he was courteous and compassionate. Everyone who appeared before District Justice John Bednarz received respect, fair treatment and, above all, equal justice.

I rise today, Mr. Speaker, to take note of his passing in the House and to extend my own deep sympathy to his wife, the former Helen Palute; his son, Attorney John A. Bednarz, Jr.; his grandson, John Russell Bednarz; and his brothers and sisters: Thomas J. Bednarz, Mrs. Sophie Karpinski, Mrs. Stella Shea, Mrs. Anne Urbanski, and Miss Hedwig J. Bednarz.●

HONORING EDWARD AND HELEN REYNOLDS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MURTHA. Mr. Speaker, as America has experienced difficult times in recent years, I think more and more focus has been placed on the American family and its key role in preserving the spirit and hope of our citizens.

It is with that background that I am particularly proud to insert these comments into the CONGRESSIONAL RECORD noting the 40th wedding anniversary of Edward A. and Helen L. Reynolds of Mineral Point.

They were married in New York City on September 12, 1943, when America was very different. In the 40 years of their married life together, they have experienced more changes in America and more dramatic events than during any other time of American history. Throughout that period, they contributed to their community, helped their friends, and raised a family. In fact, it was their daughter Diane who I came to know through working together with her. I am sure the Reynolds take great pride in Diane, as they should, and she is an excellent indication of the kind of people the Reynolds are and the deepfelt commitment they have to their community, family, and Nation.

It is my pleasure to join in noting the 40th wedding anniversary of Edward and Helen Reynolds, and wishing them many more happy, productive years ahead.●

LIMITING THE PRESIDENT'S SERVICE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 10, 1983, into the CONGRESSIONAL RECORD:

LIMITING THE PRESIDENT'S SERVICE

In November of 1982, a bipartisan group of prominent Americans announced the formation of a committee to promote an important amendment to the Constitution. The amendment would hold Presidents to a single six-year term in office.

The idea of limiting Presidents to a single term is not new. It is as old as the Republic itself. Although their reasons differed from those given today, the delegates to the Constitutional Convention in 1787 originally proposed a single seven-year term before settling on the renewable four-year term finally included in the Constitution. The idea of a single term has been raised many times since.

The main argument of the proponents is that a single six-year term would free Presidents from preoccupation with re-election. The basic view is that far from motivating positive behavior on the part of Presidents, elections hinder it. Presidents are forced to cater to electorally powerful special interests. Difficult but necessary decisions are put off in order to avoid offending potential supporters. Free from the burden of partisan politics, Presidents could focus on the nation's problems during the precious time that is now lost pursuing re-election. Proponents also say that a single six-year term would help strengthen a President's relations with other actors in the political system. For example, a President could send Congress proposals that would address problems directly because there would be less need to maneuver with factions in Congress for partisan advantage. The bureaucracy would be more professional because political appointees could stress management initiatives instead of re-election issues. The political parties would be able to concentrate on organizing themselves, not just on re-electing the incumbent.

As might be expected, opponents of the amendment dispute these claims. They say that by freeing Presidents from preoccupation with relection, a single six-year term would reduce presidential effectiveness. "Playing politics" is neither improper nor a waste of time. Rather, it is a key part of democracy. Paying attention to special interests and postponing tough decisions are often necessary parts of the give and take of the political process. Opponents also say that it is the possibility of re-election with strong support among the voters that gives Presidents their influence with other political actors. Congress would be less likely to go along with a President's programs if they were not tested in elections. The bureaucracy, in tandem with friends in Congress, would be less likely to bend to the will of a President who it knew would be in office for a maximum of six years, not eight. Political parties would be essentially leaderless, and without his party a President would have difficulty generating support for his programs.

Arguments for and against a single six-year term sound convincing because they appeal to contradictory yet fundamental beliefs that Americans have about government. The argument for the proposal reflects the view that politics is bad and that political considerations detract from sound decisions based on what is best for the people. The argument against the proposal reflects the view that politics is an integral part of the democratic process and that political considerations represent nothing more or less than the people's judgment of what is best for them. Proponents of the amendment ultimately base their argument on the public interest. Opponents cite the public interest as well. In fact, that is the crux of the problem. What is the "public interest" in this context?

While there is something to be said for the idea of freeing Presidents from politics so that they may solve problems and make decisions, I find the argument against a single six-year term more compelling. An election does not prevent a President from doing what he thinks is in the country's best interest. It merely insures that he will not ignore the public as he formulates his position. If his view differs from that which prevails in the public, it falls to the President to explain why he is right. A President should never be relieved of the responsibility to educate and mobilize the public in support of his position. At bottom, I side with the opponents of the amendment because I believe that elections make Presidents accountable to the people. I also think that six years is too long a time to retain a President who has lost public confidence, but too short a time for a President who has won it.

I find myself uneasy with the essentially anti-democratic argument of the proponents, which suggests that the President can make better judgments when he is isolated from the messy business of politics. A President above politics is both remote from the people and alien to our system of government. Presidential accountability should be built into the system. The people are not nuisances the President should avoid, but sources of strength and wisdom on which he should rely. Implicit in the proposal for a single six-year term is the notion that a political elite knows best, that the President and his advisers should be permitted to make decisions for the people without being reminded that they are servants of the people and are subject to the popular will. It seems to me that a single six-year term would create a six-year "lame duck" without political power, at least as political power ought to be understood in our nation. The prospect of his re-election and his standing with the people are what give the President his true political power.

Calls for a single presidential term will continue for as long as the Republic survives. The search for a mechanism to overcome the fallibilities of our present system of government will (and should) persist. Purging politics from the system is an objective that many Americans support. However, I think that it would be a mistake, and a serious one, to ratify the amendment now being proposed. A single six-year term would make Presidents less effective and less accountable, and it would be inconsistent with our way of governing ourselves, based as it is on the will of the people expressed through elections.●

THE NEED FOR THE VOICE OF AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MICHEL. Mr. Speaker, I came across and article in the Christian Science Monitor that shed new light on the Korean airliner massacre. The article told of the reaction of the Russian man in the street to the tragedy. Most of those interviewed by the Monitor said the Soviet Union was "absolutely right" in shooting down the aircraft. "On issues like this we are very tough" said one Muscovite.

Another article, appearing in The Wilson Quarterly (Autumn, 1983), written by Walter Reich, contains a passage telling of the author's first contact with Soviet citizens who believe the United States is planning for war. He then writes:

When I first heard that, I thought it was a line inevitably fed to a foreigner. But I began to realize that I was hearing it even from those who were willing to express their antipathy to Soviet life and their sympathy with American ways. Could it be that they really believed their own media? It could be. If the same thing is said again and again, in every place one looks, without variation or demurral, how could it not sink in? * * * The Soviet media have really been successful in presenting the government's case on the question of war and peace. Not everyone believes everything, but many believe much of it. In the large cities, perhaps 50 percent believe 50 percent of it; elsewhere in the country, among groups with little sophistication, the figures may be higher, much higher.

These are sobering reminders that we are dealing with a closed society in which all but the most determined citizen is going to eventually begin to believe at least a portion of what he hears and sees in state-controlled media. Such a population is not only ignorant of the truth—it is easier to control, much more likely to approve of get-tough measures—no matter how brutal—and less likely to question the government, if only in the privacy of their own minds.

What does this attitude tell us? For one thing it reminds us that the Communist Party of the Soviet Union has total control over information media. The Russian people and others in the Soviet Union—are a captive audience and they get the kind of information—we could call it propaganda—that the Soviet rulers want them to get. After a barrage of that kind of thing, no wonder we get the kind of reaction that the Monitor reports.

The people behind the Iron Curtain need to know the truth. One way of doing that is through our international broadcasting stations. The Voice of America increased its broadcasting to Eastern Europe and the Soviet Union during the Korean airliner crisis. But our transmitters are so ancient and in such need of repair that we could continue this increased broadcasting only for a short while. And, even then, our signals are not strong enough to cut through sophisticated Soviet electronic jamming.

We need to build the best international broadcasting stations in the world if we expect to give the Russian people and the people of Eastern Europe a chance to hear another point of view. The Voice of America and Radio Free Europe/Radio Liberty are underfunded. We should immediately do all we can to give them the funds they need to do the job we expect them to do.

At this point I wish to insert in the RECORD, "Enter Our Space, You Get Shot, Say Most Russians on the Street," from the Christian Science Monitor, September 8, 1983.

ENTER OUR SPACE, YOU GET SHOT, SAY MOST RUSSIANS ON THE STREET

(By Ned Temko)

"If I may be frank, we were absolutely right to shoot down the Korean plane," said the stocky, middle-aged man near Moscow's central farm market.

And what of the 269 passengers aboard?

"Look. Tell your readers that they should be absolutely clear on one thing. On issues like this we are very tough. You enter our airspace like this, and you get shot down.

"And that's the way things should be . . . And if you want to test us, test us, and you will surely not be the winner."

Most Muscovites strolling under an Indian summer sun Wednesday seemed generally to agree. And where days earlier pedestrians were loath to discuss the air disaster, a crescendo of (anti-American) accounts in the Soviet news media seems to have loosened unofficial tongues as well.●

LIST OF PASSENGERS KILLED ON KOREAN AIR LINES FLIGHT 007

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. GEKAS. Mr. Speaker, the entire world was horrified to learn this month that the Soviet Union shot and destroyed a civilian Korean airliner with 269 men, women, and children aboard. The Soviet Government has yet to apologize for their inhumane action, and the international condemnation of the brutal shooting grows daily. I am certain that the Congress will be taking swift action this week to officially denounce the U.S.S.R., and as part of our consideration of this matter, I would like to insert a list of the passengers killed on Korean Air Lines flight 007, as printed in the New York Times of September 2. Also included is a list of those Americans who died in this tragedy.

LIST OF PASSENGERS KILLED ON KOREAN AIR LINES FLIGHT 007 AS PRINTED IN THE NEW YORK TIMES OF SEPTEMBER 2, 1983

Ariyadej, Diane, Mrs.; Ariyadej, Sammy (child); Avecilla, J., Miss; Baek, Yunj, Mr.; Bahk, Mric, Mr.; Bayona, A., Ms.; Bayona, L., Ms.; Be, Bun Soon, Mr.; Beirn, James, 50, Piscataway, N.J.; Bessell, Eleanor; Bevins, Richard, Mr., New Windsor, N.Y.; Bolante, E., Mr.; Bolante, N., Ms.; Brownspier, K., Ms.; Burgess, James, 57, Seneca, S.C.; Campbell, S., Miss; Carrasco, C., Mr.; Carrasco, M. E., Miss; Caser, C., Mr.; Chai, Soom Yung (child).

Chambers, Joyce, Detroit; Chan, Amado, Mr.; Chan, Joseph, Mr.; Chan, S. J., Mr.; Chang, Mason, Mr.; Chang, Tsai Chen, Mr.; Chanlin, Y. S., Mrs.; Chen, Fu Long, Mr.; Chen, Juyen, Ms.; Chen, Shiaofen, Miss; Cheng, C. C., Mr.; Chenlee, Jenrong (child); Cho, Jae Mook, Mr.; Choi, Nyum Soon, Mrs.; Chouapoco, C., Mr.; Chouapoco, C., Ms.; Chouapoco, M., Mrs.; Chung, Hwa Sun, Mrs.; Chung, Ok Soon, Mrs.; Covey, Merrylou, Ms.

Cruz, Alfred, Mr.; Cruz, Edith, Miss, 23, Chattanooga, Tenn.; Cruz, Edgardo, 60, Irvington, N.J.; Cruz, Frisca, Mrs., 60, Irvington, N.J.; Culp, Marie, 75, Pontiac, Mich.; Dang, Loc, Mr.; Dawson, Lucille, 57, Warwick, R.I.; Demassy, F., Mr.; Dorman, S., Mr.; Draughn, S., Miss; Eligen, R., Mr.; Ephraimsonabt, A., Miss; Fitzpatrick, Lillian, 60, Warwick, R.I.; Forman, E., Mrs.; Galang, B., Ms.; Gregoire, John Paul, Mr.; Grenfell, Neil, 36, Australia; Grenfell, Carol Ann, 33, Australia; Grenfell, Noelle Ann, 5, Australia; Grenfell, Stacy Marie, 3, Australia.

Guevara, A., Mrs.; Guevara, T.; Ha, Myo Soon, Mrs.; Haba, Hiroki, Mr.; Han, Jung Min, Miss.; Han, Man Chul, Mr.; Han, Sun Suk, Mr.; Han, Ung Jun, (child); Hansuwanpisit, A. Ms.; Hendrie, Mary Jane, 25, Sault Ste. Marie, Ontario; Hjalmarsson, J., Mr.; Ho, Ming Tai, Mr.; Ho, Yuk Yee, Ms.; Homlaor, T., (child); Hong, Bill, 41, Greenville, S.C.; Hwang, Byungs, Mrs.; Inoue, A., (child); Inoue, K. Mrs.; Inoue, M., Miss.; Ishihara, Masuyo, Mrs.

Iu, Wai Kong, Mr.; James, Hazel, Detroit; Jang, Sang Jun; Jang, G. S.; Jang, S. T.; Jang, S. Y.; Jang, Y. T.; Jung, H.; Kang, Yong Cha (child); Katz, Jack, Mr.; Kawana, H., Mr.; Kim, Beum Chen, Mr.; Kim, Cy, Mr.; Kim, Ek Yu, Mr.; Kim, Gan Nan, Mrs.; Kim, Jinh, Mr.; Kim, Lee Sik, Mr.; Kim, Rae Soo, Mr.; Kim, Soon Taek; Kim, Won Bok, Mrs.

Kim, Woo Shik, Mr.; Kim, Yung Sik, Mr.; Kitao, Hitomi, Ms.; Ko, Y. Mr.; Kobayashi, Ikiko, Miss.; Kobayashi, Shoi Chi, Mr.; Kohn, Allan; Kohn, Lilian; Kole, Muriel; Kong, King; Kono, Tomiko, Mrs.; Kung, C. F., Mr.; Kwon, Sung Hee, Miss.; Kwon, Youn Keum, Mrs.; Lai, Yung, Mr.; Lantin, Raymundo, Mr.; Lee, Chul Kyun, Mr.; Lee, Eun Hyung; Lee Hee Young; Lee, Inho, Mr.

Lee, Jeong Bong, Mr.; Lee, Joong Keu; Lee, Kwih Yon, Ms.; Lee, Kyong Gae (child); Lee, L. C., Mr.; Lee, Myung Hwan, Mr.; Lee, Myung Jae, Mr.; Lee, Sang Kyun, Mr.; Lee, Seong Joo (child); Lee, Zun Hyouk (child); Lee, Zun Won (child); Leung, Chiman; Leung, K. O., Mr.; Lim, Jong Chull, Mr.; Lim, Jong Jind; Lim, S. M., Mr.; Lin, San Mel, Mr.; Liu, C., Mrs.; Liu, C., Mr.; Liu, P., Miss.

Liu, Y.; Lombart, Aiden, Mr.; Lombart, Don, Mr.; Lui, John, Mr.; Ma, S. J., Mr.; Mano, Sayori, Miss.; McDonald, Lawrence, 48, Marietta, Ga.; McGetrick, Mark, Mr.; McNiff, Kevin, 28, Beverly, Mass.; Metcalf, Chong; Metcalf, Christa (child); Metcalf, Rita (child); Miller, Edna; Min, Kyoung Hun Mr.; Moline, Jan Mrs.; Nakao, N.; Nakazawa, Takeshi Mr.; Nassief, Anthony, Jr.; Ocampo, C. Miss; Ocampo, M. C., Miss.

Ocampo, S. E. Mrs.; Oh, Chung Choom Mr.; Okai, M. Mr.; Okai, Y. Mrs.; Oldham, John, Mr.; Omblero, A.; Oren, William, 31, Middletown, N.Y.; Osaka, Noriyu, Osedo, Midori Mrs.; Pakaranodom, S., Mr.; Pakaranodom; Pakaranodom (child); Pan, Limel, Ms.; Panagopoulos, G., Mr.; Park, Ahe Kyung, Mrs.; Park, Graham, 2, Buffalo, N.Y.; Park, Han Tae, Mr.; Park, Heung Seol, Mr.; Park, Hong Soon, Mrs.; Park, Jahn Guan, Mr.

Park, Min Sik, Dr., 31, Buffalo, N.Y.; Park, Sarah, 4, Buffalo, N.Y.; Park, Seung Ha, Mr.; Patel, K., Mr.; Petroski, Raymond, Dunellen, N.J.; Powrie, Ian, Mr.; Putong, J., Mrs.; Rhee, Soo Shick, Mr.; Rheepark, Jae Il, Mrs.; Robert, F., Mr.; Ryu, Gyung Geun, Mr.; Ryu, Ok Myung, (child); Ryu, Choon Taek, Mr.; Sayers, L., Mr.; Scruton, Rebecca, 28, Meriden, Conn.; Seo, Joook, Mrs.; Shiiki, L., Ms.; Shiiki, S., Mrs.; Shimizu, Miyako, Mrs.; Siow, Woon Kwang, Mr.

Siripoon, J., Mrs.; Slaton, Jessie, 75, Detroit; Sohn, Kyune Ok, Mr.; Son, Soja, Mrs.; Son, Young Jam.; Song, Anna, Mrs.; Steckler, I., Mr.; Steckler, S., Mrs.; Stevens, Hiroko, Ms.; Swift, Frances; Siu, Robin; Takemoto, K., Mr.; Takemoto, T., Mrs.; Tanaka, Keiko; Tien, Chi, Mrs.; Tomitaka, Yae, Mr.; Truppin, Michael, Dr.; Tsao, Yuen, Mr.; Wang, Yunshen; Wee, Kang Il, Mr.

Weng, M. T., Mr.; Wong, Michael, Mr.; Wuduun, S., Ms.; Yamaguchi, M., Mr.; Yamaguchi, M., Mrs.; Yeh, C.; Yeh, C. L., Mrs.; Yeung, Oik Ing, Mrs.; Yi, Y., Mr.; Yoden, Kazuko, Ms.; Yoo, Byeong Sook, Mrs.; Yoo, Chung Soo, Mr., 47, Pittsburgh; Yoon, Sung Boo; Yu, Kabil, Mr.; Yuen, Chibong, Mr.; Yuen, Wai Sum (child); Yuh, Tong Yeal; Yun, Eisik, Mr.; Zareh, D., Mr.; Zarif, Margaret, Detroit.

LIST OF AMERICANS WHO DIED ON KOREAN AIR LINES FLIGHT 007

Ariyadej, Diane Lebow, NY; Ariyadej, Sammy, NY; Beirn, James, NY; Bevins, Richard J., NY; Bissell, Eleanor, MI; Bolante, Eusebio, NJ; Brown-Spier, Kathy, WA; Burgess, James H., SC; Campbell, Susan L., MA; Carrasco, Maria Elizabeth I., NY; Carrasco, Christian Mauricio Vega, NY; Chambers, Joyce, MI; Chuapoco, Celita, NJ; Chuapoco, Joseph, NJ; Chuapoco, Mary, NJ; Cruz, Alfred, NY; Culp, Marie, MI; Dawson, Lucille, MA; Dorman, Stanley, NY; Draughn, Sarah; Eligen, Richard.

Ephraimson-Abt, Alice, NJ; Fitzpatrick, Lillian, RI; Grenfell, Carol, NY; Grenfell, Noelle, NY; Grenfell, Stacey, NY; Guevara, Tara; Homlaor, Thomas; Hong, Hyong Yung, SC; James, Hazel, MI; Katz, Jacob, NY; Kohn, Allen, KY; Kohn, Lillian, KY; Kole, Muriel, NY; Kim, Jong J., NJ; Lombard, Alden, PA; Lombard, Donald, PA; McDonald, Lawrence, GA; McGetrick, Mark, CT; McNiff, Kevin, MA; Metcalf, Christa; Metcalf, Rita.

Miller, Edna, MI; Moline, Jan, NY; Ocampo, Cecelia, NY; Ocampo, Corazon, NY; Ocampo, Susan, NY; Oldham, John, MD; Oren, William, NY; Park, Graham, CA; Park, Sara, CA; Petroski, Raymond, NJ; Scruton, Rebecca; Slaton, Jessie, MI; Song, Anna, NY; Steckler, Irene, NY; Steckler, Stuart, NY; Swift, Frances Mae, NY; Truppin, Michael, MA; Weng, Ming Tsan, OH; WuDunn, Sirena, NY; Yoo, Chung Soo, PA; Zarif, Margaret, MI.●

LARRY McDONALD A MARTYR IN THE CAUSE OF FREEDOM AND DEMOCRACY

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STUMP. Mr. Speaker, the definition of murder is the wanton, malicious, and premeditated killing of another. That definition clearly applies to the Soviet missile action which killed 269 passengers of the Korean Airlines flight 007. That missile was specifically ordered by Soviet military authorities.

The tragic irony of that Soviet mass murder is that among those 269 innocent victims it struck down Congressman Larry McDonald, of Georgia, who had spent his career in public life trying to convince the free world that the Soviets were not ony capable of murder, but that in their passion to subjugate the peoples of the world they were willing to use any violent means. They have proven their capabilities in Afghanistan and Southeast Asia. Larry McDonald was not just a thorn in the side of the Soviets, he was the most dedicated Member of Congress, if not the United States in the fight against communism. He constantly was exposing their "peace" efforts as a sham, a confidence game in which the Soviets were lulling western democracies into disarmament and weaknesses, so the free world could be terrorized into submission to Soviet power.

Through the years in which this country was led by those who held the naive belief that unilateral disarmament would somehow change the

blood thirsty character of the Soviet Government, Larry McDonald preached that the real road to peace was through strength.

Through those years, his messages stressing courage as a virtue were often received by small audiences. His work defending freedom and democracy was ridiculed and reviled by those opponents who tried to undermine the purpose and will of this country by crying for appeasement with their slogan "better red than dead."

Congressman McDonald, with his outspoken views on Soviets and communism, helped reawaken the American public to the dangers that we face so that they would support leadership who believe in peace through strength.

It is ironic that just as the message about the Soviets, that he had labored so long and hard to carry, was being recognized, and we were finally moving to strengthen national defense, Larry McDonald was struck from the roll of patriots by the trigger finger of those who feared his rallying cry to the American people.

Throughout our history our country has been preserved by voices crying in the wilderness warning us of dangers. Larry McDonald has been one of those voices. He is truly a martyr in the cause of freedom and democracy.●

TRIBUTE TO THE LATE MAYOR CON SALWOSKI

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HARRISON. Mr. Speaker, on Monday, September 5, the city of Wilkes-Barre lost one of its foremost sons and its former mayor, when Con (Firpo) Salwoski died suddenly at the age of 78.

The son of the late Constanty and Barbara Salwoski, the mayor worked and lived in the city of Wilkes-Barre all of his life. For years, he headed the Wilkes-Barre Parks Department and served as superintendent of buildings and grounds. From 1970 to 1978, he was an elected member of the Wilkes-Barre City Council.

Under the form of government then in effect, the seven members of the city council elected one of their number as mayor. For two terms, from 1972 to 1976, the council bestowed this honor on Con Salwoski. It fell to him, therefore, to lead the city during those trying days when the Susquehanna River swept over its boundaries as a result of Hurricane Agnes and inundated almost the entire city in one of the greatest natural disasters in the history of the United States. It was under his leadership that the city began the long road back from the trying days after the river receded, through the recovery and into the beautiful "newest old city in America" which it has become.

In addition to his political and governmental service, Mayor Salwoski was active in a large number of community endeavors. Among them were both the American Legion and the Catholic War Veterans, the Polish American Citizens' Club of Dupont, the Wyoming Valley Fraternal Order of Police and, of course, St. Mary's Church of the Maternity, of which he was a parishioner. In addition, he operated the Heights Independent Democratic Club for 30 years.

I rise today, Mr. Speaker, to take note of his passing in this House and to extend my deep sympathy to his widow, the former Isabelle Adamski; his son, Raymond, his daughter, Mrs. Florence Martin; five grandchildren and one great-grandaughter; as well as his sisters, Mrs. Mary Quinn and Stella Sypiewski.●

THE 75TH ANNIVERSARY OF HOLY TRINITY BYZANTINE CHURCH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MURTHA. Mr. Speaker, on Sunday, September 25, the parishioners and friends of Holy Trinity Byzantine Catholic Church will observe the 75th anniversary of the church's founding.

I believe the letter I received from Msgr. John Kostival and Nicholas Gelles, the committee chairman, said it very well when noting that "we will pay tribute to our church's founding fathers for their vision, zeal, and sacrifice and for their dedication to Catholic ideals and their strong love for our Byzantine Rite heritage."

I would like to add that it is extremely important that we take time to celebrate these church anniversaries. Across the entire United States, the role of leadership of the chruch in our history and progress is well documented. In addition, in our community of Johnstown over the 75 years of this church we have known our share of problems and disappointments, including two disastrous floods, record high unemployment levels, and major changes in life styles and manners. The role of churches in our community has been essential during these times to preserve the human spirit and rededicate the people to the struggles of the community.

It is in this spirit that the anniversary takes place. It is a recognition of history; moreover, it represents a rededication to the community, to religious principles, and to the spirit of the Johnstown community.●

USE CREDIT AS WEAPON

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. RUDD. Mr. Speaker, the United States and the free world need not look too far to find what could well be the perfect weapon with which to strike back at the Soviet Union for its deplorable deed of shooting down an unarmed South Korean commercial airliner.

We need only look at the credit that we so freely provide the Communist nations around the world.

Credit easily could become a strategic weapon as strong and true as any of the armament we now possess.

Certainly, Mr. Chairman, it is an idea worthy of a full examination by this body.

And to that end, I urge my colleagues to read the following Newseek article written by George Will, who not only tells it like it is, but perhaps how it should be.

NEEDED: A POLICY OF PUNISHMENT

(By George F. Will)

The shocking thing is how shocked people are. The day the Soviet regime murdered another 269 persons was the 24,041st day since the regime was founded. Since 1917 the regime has killed at least 20 million of its own citizens, an average of more than 800 a day for 66 years. Unless the Red Army massacred another Afghanistan village last Thursday, the regime had a below-average day of blood.

Why are people so startled when the Soviet regime acts in character? Nothing in nature—not even granite, which water wears away over time—is as durable as illusions grounded in a desire to avoid facing nasty facts. Oh, yes, with metronomic regularity the Soviet Union does shatter some Americans' illusions. But Americans are a manufacturing people, so they manufacture new illusions about Soviet willingness to move up from barbarism. In 1979, after 62 years of domestic carnage and international gangsterism, the Soviet regime invaded Afghanistan, and the president of the United States said gosh that sure opens my eyes.

Why did the Soviet regime, after 2½ hours of thinking about it, murder another 269 persons? Well, why not? The benefits are clear enough (the benefits of intimidation, especially of Japan), and the costs are almost certainly going to be negligible, and brief.

The Soviet deed has been the subject of a U.N. debate. For the Kremlin that was an ordeal akin to being bombarded with marshmallows. Thank God it is not December or some dunce would suggest dimming the national Christmas tree. The state of Ohio, which has a better foreign policy than the United States, has removed Russian vodka from state-run liquor stores. Perhaps the 269 murders will complicate the process of subordinating foreign policy to presidential politics. Perhaps it will now be harder for the president to sally off to an election-year summit and sign an arms-control agreement ruined by American eagerness. But summits and agreements have no noticeable influ-

ence on the behavior of the Soviet rainmakers—the "yellow rain" rainmakers.

IMPARTIALITY

The World Council of Churches has not yet had time to condemn Korean Air Lines for aggressive bumping into Soviet air-to-air missiles, but various other "peace" parties, with the impartiality for which they are famous, have announced: The Soviet deed proves the irrationality of "the superpowers" and demonstrates the paranoia to which U.S. policy has driven the Soviet Union. So everyone must disarm, starting now, starting here.

The cotton-candy language of journalism spreads a sticky goo of imprecision over events like the attack on the plane. It has repeatedly been referred to as a "tragedy." No, when children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and one worthy of Hitler's former allies. But too many persons by now have too large a stake in muzzy language. Remember the merry disdain that showered down upon President Reagan when, in his first press conference, he talked about how the Soviet Union lies? "There you go again," said his cultured despisers, when he recently referred to the "evil empire."

His words are fine, but he has not got a policy worthy of them. What is needed is a policy not merely of punishment, but of steady deterrents and leverage. A suitable policy, one that was desirable even before this atrocity, is at hand. But the hands of this administration are not apt to reach for it at this late date.

Felix Rohatyn, the investment banker and Democratic thinker, says: The Soviet Union has shot down an airplane. We should shoot down a Soviet-controlled country. Western governments should nationalize the loans Western banks have made to communist countries. The governments should buy up the debts at a substantial discount—at, say between 25 and 50 cents on the dollar (that is between 25 and 50 cents more than some of them are worth). Then it should declare Poland in default, drying up the flow of credit to that country and slowing the flow to all other Soviet satellites.

This would give the banks a little liquidity—more than they deserve, given their irresponsibility. It also would force them to quit cooking their books, pretending that virtually irrecoverable loans retain their full face value as assets. But the principal benefit would be for foreign policy.

Credit is a strategic weapon. Like other strategic weapons, it should not be in private hands. Credit for communists should no more be controlled by private banks than the MX should be controlled by Hertz. Loans—if any—for the East bloc should be government to government, so that Western policy will no longer be hostage to commercial calculations.

BELLY UP

Were credit nationalized, we could say to the Kremlin: You want credits for your basket-case economies? Fine—but it will be contingent on reductions in defense spending. You reject such linkage? Fine—you pay for Poland, and have fun when Romania goes belly up.

During martial law Poland received from the West a substantial subsidy: its debts were rescheduled. The Reagan administration is a shameful subsidizer: Poland has not paid debts owed to the U.S. government, yet the United States has not put Poland in default. Some bankers say that forcing default would be too kind to Poland, because it would wipe the slate clean. Poland's regime knows better; otherwise it would declare default on its own. Poland today is receiving, in effect, money at 6 percent from the West while Americans pay more than twice that for mortgages. If Democratic candidates cannot make an issue of that, they should be burned on a pyre of their bumper stickers.

The Soviet Union suffocates entire nations without even a suspension of subsidies from the West. What has it to fear from reaction to the annihilation of a mere planeload of people? A regime whose essential policy is intimidation has added another brutality to its repertoire. But the diplomatic minuet will continue, from Madrid to Geneva. The grain shipments will continue, and so will the subsidized sale of "nonstrategic" goods—as though such a distinction makes sense regarding a totalitarian nation with a command economy entirely subordinated to militarism. Faster than a heatseeking missile, there will be business as usual, especially for business.●

FREEZE MOVEMENT TAINTED

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LAGOMARSINO. Mr. Speaker, several important occurrences of late have cast dark shadows on the real nature of the peace movements here and in Western Europe. Of course, the most significant of these was the downing of a civilian airliner by Soviet fighter jets. The importance of this and other events in proving the sincerity of the Soviet-sponsored peace offensive is, in my opinion, invaluable.

Included in this peace offensive is, of course, the freeze movement. To what extent the Soviets have infiltrated this movement has been the source of heated debate, charges and countercharges. What is interesting to me about the freeze movement is the amount of at least indirect support the KGB has received from some Members of the House of Representatives. It seems that even when the evidence appears overwhelming that some Members have participated in meetings with KGB leaders and organizers of the freeze movement, there is a concerted effort to hide the facts from the public and simply wish the whole matter away.

It is fine editorials such as the following, from the Oxnard Press-Courier in my district, which accurately portray these organized attempts to coverup such meetings and connections between U.S. Congressmen and the KGB leaders of the freeze movement as the latest scandal to hit Washington, "Freezegate."

[From the Press-Courier, Aug. 15, 1983]

FREEZE MOVEMENT TAINTED

You were waiting for it. Now it's here: Freezegate. "The bottom line is that the hearings provide no evidence that the Soviets direct, manage or manipulate the nuclear freeze movement." So said Rep. Edward Boland, D-Mass., chairman of a House committee on intelligence, last December, his committee having finished an investigation of Soviet ties to the movement.

Now, it turns out that the committee reached its conclusion in part because Boland kept key evidence of just such a link from its attention.

That's just one of the findings in a fascinating new book, "KGB Today: The Hidden Hand" by intelligence expert John Barron.

Barron's history of the movement suggests that the freeze idea floated for some time in the West, but never could take hold—until Feb. 23, 1981, Barron argues, when Soviet dictator Leonid Brezhnev made a pitch for it before the party congress.

One month later and—viola!—the first national strategy conference of the American Nuclear Freeze Campaign popped up at Georgetown. Coincidence? No, the KGB, Barron says. "From March 20 to 22, virtually the entire blueprint for the nuclear freeze campaign was drawn in clear and comprehensive detail," he writes. KGB man Yuri Kaprolov was assigned to spur the peace movement along, showing up at Georgetown and future freeze events.

One piece of evidence in Barron's case is a brochure published by the World Peace Council, one of the Kremlin's oldest front groups. Included in the brochure are lists, pictures and boasts of the council's contacts in the United States—including Congressmen John Conyers, Charles Rangel, Ted Weiss, Ronald Dellums and Don Edwards.

So why didn't the Boland committee, which used the brochure as an exhibit, take note of this evidence? Because Boland deleted 14 pages which contained most of the damaging revelations. Boland: "I felt it was not appropriate for the committee to document the public activities or associations of any member of Congress. I was not willing to see the committee involved in the practice of 'naming names.'"

Given that standard of evidence gathering, one wonders if the committee could prove that bananas have peels, much less that the Kremlin exerts influence over supposedly autonomous disarmers in the West. How does one prove a case like that without naming names?

What if they gave a freeze movement and nobody came? The answer, it seems, is that people like Kaprolov bring some, and people like Boland are always there to sweep up the tracks.●

THE PRODUCT LIABILITY ACT OF 1983

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. SHUMWAY. Mr. Speaker, Representative BARBARA MIKULSKI and I recently introduced legislation—H.R. 2729, the Product Liability Act of 1983—to reform and rationalize existing product liability tort law. Currently, each State has its own individual product liability code, codes which vary widely, thus leading to uncertainty for manufacturers and consumers alike. Our bill at once provides for

a uniform Federal code, to be administered through State courts, and establishes reasonable criteria that protect the interests of all parties who may be involved in product liability law suits.

Unfortunately, our efforts are being opposed by many trial lawyers and their professional association, the American Trial Lawyers Association. While this may not be surprising—it has been estimated, for instance, that for each $0.66 received by plaintiffs in product liability damage awards, attorneys receive $0.77—such self-interest should not be permitted to stand in the way of ligitimate reform.

In this respect, I would like to commend to the attention of our colleagues a short piece by Richard Greene, which recently appeared in Forbes. Greene discusses the liberalization in product liability law which has recently occurred, and concludes that the result has been "more wine on the table for lawyers and plain tap water for the rest of us."

The full text follows:

[From Forbes, Aug. 1, 1983]

THE LONG, GRABBY ARM OF THE LAW

(By Richard Greene)

Late last year a developer wanted to build homes on 160 acres of undeveloped property in Mayfield Heights, Ohio, a suburb of Cleveland. "No," said the city council. "I'll sue," said the developer. And he did. Not only the city, but each member of the city council, each member of the city planning commission, the city's law director, the city engineer, the city finance director and the mayor.

Says Jim Murphy, of Squire, Sanders & Dempsey, the firm representing all the officials, "When you sue somebody on a city council for $3 million and he's probably earning $500 a year for that job, it gets his attention."

The Mayfield case is only one of a seemingly endless stream of lawsuits in which a plaintiff sues not just the most obvious defendant, in this case the city, but scores of others. In this situation, says Murphy, it is likely that the developer simply wanted to throw a scare into the city officials. But whatever the reason for suing a large number of parties, one thing is clear: When you are sued, no matter how frivolous the suit, no matter how little liability you think you have in the matter, you have to defend yourself. And that costs money.

The epidemic of this so-called multidefendant litigation stems from a liberalization in the liability laws during the last decade or so. Lenient judges creating lenient precedents have allowed suits that would never have seen the light of a courtroom years ago. Explains Murphy: "The courts have nearly eliminated the so-called privity requirement. Under that doctrine, if I had a contract with you to perform a certain service and you did it defectively, the only one who could sue you was me."

But why bother suing parties who have every chance of escaping scot-free? After all, plaintiffs' attorneys are generally paid on a contingency basis—so they only make money when they win.

First and foremost in the minds of aggressive lawyers, however, is the notion of the "deep pocket." If you are unlucky enough to get into an automobile accident with an uninsured individual, you will have a hard time getting any compensation. So, you try to sue the automobile company. "What good is getting a determination that your client is injured and deserves compensation if there's no ability on the part of the defendant to compensate?" asks Richard Weingberger, senior litigation partner for Ballon, Stoll & Itzler, a large New York law firm.

Listen to John Townsend, a partner with Hughes Hubbard & Reed, one of the law firms that has helped defend Ford against allegations that its Pintos tend to catch fire in collisions. "In the Pinto cases, many of the accidents were just accidents involving drunk drivers," he explains. "But a lot of drunk drivers don't have more than $10,000 insurance. So, the plaintiff's lawyers goes after Ford."

Sometimes, of course, the defendant with the deepest pocket is truly responsible for the damages. But often enough, the deep pocket is brought in for a shot at big money. In fact, there are even legal consulting firms that advertise their skill at turning negligence lawsuits into product liability suits. And since some large companies are quick to settle (it can be much cheaper than paying attorneys contesting the case), this strategy frequently pays off.

What's more, if the lawyers can't push a deep pocket into making a settlement and the case does come before a jury, the plaintiff who has brought in one or more large defendants has a better chance of winning than a plaintiff who has sued a human being. "The jury finds it easier to find a large corporate defendant liable than an individual," says William Newlin, managing partner of Buchanan Ingersoll, a Pittsburgh law firm.

Think about it. Would your return $100 you found in the street if you knew who it belong to? What if you got the same $100 in change from a pay telephone? You would probably take the money faster from AT&T than from somebody who lost his wallet. Well, so would a jury.

Another reason for suing a number of parties is the statute of limitations. Time limits on bringing suits put pressure on plaintiffs' attorneys to make sure that they have gone after the right targets. "If you only have two years to file a lawsuit after the incident occurred, and you don't sue the right guy, then you're out of luck," says Murphy. "So, you sue everybody."

Unfortunately, while the practice of suing everyone in sight sometimes helps protect the plaintiff and almost always enriches his attorneys, it is done at the expense of society. Courts are crowded, and companies pass along their legal fees to customers. More wine on the table for lawyers and plain tap water for the rest of us.●

TIME CHANGES NOTHING

HON. ELDON RUDD

OF ARIZONIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. RUDD. Mr. Speaker, for the Soviet Union, time apparently changes nothing. Twenty-three years ago, the Soviets shot from the skies a high altitude RB-47 that was being flown by a six-man U.S. military crew.

John McKone, one of only two survivors, was captured by the Soviets and imprisoned by the KGB police. During one of his many interrogation sessions, he was told by one of the KGB leaders that the goal of the Soviets was to embrace Africa, South America, Central America, and Southeast Asia.

Today, the Soviets still are shooting airplanes out of the skies and today they still are pursuing the same goals.

I recommend to my colleages that they read the following article about the incident that appeared today in the Arizona Republic.

[From the Arizona Republic, Sept. 13, 1983]

'WE'RE DUMB,' SAYS PILOT SHOT DOWN BY RUSSIAN MIG JET

(By Pat Murphy, Editor)

John McKone has a distinction that he probably could just as well have foregone.

Retired two weeks ago from the U.S. Air Force as a colonel, McKone is one of the few Americans who has been shot out of the skies by a Russian Mig jet fighter plane who has lived to tell the story, unhappy as it is.

McKone and a fellow crewmen—Freeman Olmatead, who will retire next month from the Air Force as a colonel—were aboard a six-engine RB-47 recon jet when it was shot down on July 1, 1960, over the Barents Sea at least 50 miles off Northern Russia's territorial limits.

Four other crewmen perished and only one's body was found and returned to the United States.

Because of the high public interest in the downing of that Korean Air Lines Boeing 747 by the Russians, I tracked McKone to San Antonio, where he's preparing for a daughter's wedding, and chatted with him for nearly an hour about that episode 23 years ago and the possible parallels with the downing of the KAL jumbo jet.

The episode preoccupied two presidents [Eisenhower and Kennedy]. became the centerpiece of angry United Nations debate, resulted in direct negotiations between President Kennedy and Soviet leader Nikita Khrushchev, and finally a personal welcome home at the White House by Kennedy.

At 60, Col. McKone may have lost some of the anger about his own encounter with the Russians. But the downing of KAL flight 007 has only sharpened his acuity about Soviet style and strategy that he was to see up close as a prisoner of the Russian KGB secret police for 7 months.

McKone and other crewmen bailed out at 28,000 feet when Mig cannon fire knocked out engines and tore holes in the fuselage. They free-fell to 14,000 feet, where parachutes opened automatically.

Rescued from the frigid Artic water, McKone and fellow crewman Olmstead were hustled off to the KGB's, infamous Lubyanka prison in Moscow, where they would remain for 208 days, alternatingly interrogated by high-ranking KGB and Russian military officials, and locked in solitary confinement.

Interrogation lasted 4 to 5 hours at a stretch before they were allowed to sleep for 4 hours, and then subjected to another round of questions and demands that they sign "confessions."

Talking about this dark passage in his career resulted in McKone making these important points.

First, just as there seemed to be no purpose in shooting down McKone's RB-47 on that summer day 23 years ago, McKone saw utterly no reason for the Russians to have shot down the South Korean jetliner.

McKone, who spent a lot of his career flying high-altitude recon missions, never heard of any airline converting aircraft for spy missions—except, ironically, Russia's own Aeroflot airline.

And second, his principal interrogator was the head of the KGB, Alexander Shelepin, who in just a few years would be succeeded by another ice man named Yuri Andropov, who today is the leader of the Soviet Union.

Shelepin blurted out during one interrogation that McKone was naive—that the Soviet Union's plan was to ultimately embrace Africa, South America, Central America, Southeast Asia and to "Take everyone of those weak countries" before taking on Europe, Mexico and Canada.

With some disgust, and perhaps some resignation, John McKone looks back over the two decades since that conversation in a Soviet interrogation room in Moscow with the KGB's top cutthroat, and mutters the inevitable epitaph to the Free World's continuing failure in dealing with the Soviets.

"I'm amazed how dumb we are."●

LEO NAMEY—RECIPIENT OF GREATER WILKES-BARRE LABOR COUNCIL'S HUMANITARIAN OF THE YEAR AWARD

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HARRISON. Mr. Speaker, on Tuesday evening, September 6, the Greater Wilkes-Barre Labor Council presented its second annual Humanitarian of the Year Award to a most deserving recipient.

This honor was extended to Leo Namey, who for the past 32 years served his Teamsters Union and the entire Wyoming Valley community.

Mr. Namey graduated from the Elmer Meyers High School in 1934 and immediately took a job as a breaker boy in the mines. Two years later, he became a member of the Teamsters after going to work for Acme Markets. He subsequently became shop steward and was appointed to the union's executive board in 1947. In 1950, he became vice president and business manager of local 401 and continued in that capacity until his retirement last year.

Leo's long-time friend and colleague, Ernest Milewski of the United Textile Workers, spoke at the annual Labor Day dinner and pointed out that the Humanitarian of the Year Award, unlike an Oscar, which recognizes a single performance, is given in recognition of the "endeavors and achievements of a lifetime." So it is, Mr. Speaker, and in Leo Namey it has a fitting recipient.

I am happy, Mr. Speaker, to be able to share this occasion with my friends and colleagues in the House and to express to Leo Namey my congratulations and best wishes for many, many more years of success, happiness, and dedication to the labor movement and to his fellow man.●

HONORING J. FRANKLIN SMITH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MURTHA. Mr. Speaker, it is my pleasure to join in honoring an outstanding citizen, and a good friend, Frank Smith.

I have known and worked with Frank for many years. In his position as president of the Pennsylvania Electric Co. we worked together on several legislative issues and community battles. Through our joint activities with the Boy Scouts of America, I saw firsthand the dedication and commitment Frank brought to these community challenges. And through his work with the Johnstown Area Regional Industries, we worked together in bringing jobs and industry into the community.

I have known few people with the personal dedication to excellence that Frank has. Maybe that dedication is well shown in his sports accomplishments at Penn State. Frank achieved nine varsity letters in three sports—an accomplishment which today is impossible. In fact, Frank probably would have had a professional baseball career if a knee injury had not affected him. Personally, from the standpoint of our community, I think we can be thankful for however that injury occurred.

But it is that same dedication Frank has brought to service. At Pennelec he was a leader in involving employees in the legislative process and working together with their government; he was an innovator in community development including original, successful campaigns in Johnstown, Lewistown, and Tyrone; once retired he volunteered his time to work with Labor and Industry For Energy, a group dedicated to America's energy future.

Having noted Frank's love of sports, maybe there is no clearer indication of his dedication than the fact that he never let a golf game interfere with his duty and commitment; although he loves the game, even in retirement it must come second to the job he has to do.

Soon, he will be national chairman of the American Heart Association, the highest lay volunteer job that a person can hold. The Heart Association could have no finer leader.

And it is a fitting group for Frank to serve with, for not only is the cause so important, but it symbolizes the heartfelt feelings of appreciation we have for Frank.

August 18 is J. Franklin Smith day in Johnstown. It is an honor most fitting and proper, and I certainly extend my best wishes to Frank on this most deserved of honors.●

BURTON S. BARR—1983 REPUBLICAN LEGISLATOR OF THE YEAR

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. STUMP. Mr. Speaker, the Honorable Burton S. Barr has been majority leader of the Arizona House of Representatives for 16 of his 19 years in that body. A man of boundless energy and good humor, Burt Barr has been a driving force in Arizona through the years the State has had to cope with incredible growth.

He is an acknowledged master of finding and persuasion on crucial votes. The result is a record that includes reorganization of Arizona government, the largest tax reduction in State history, enactment of a pioneering groundwater code, the Nation's only alternative to medicaid, and reform of education finance. In addition to these bills of statewide importance, in each session he has quietly and effectively moved legislation that touched the individual lives of tens of thousands of Arizonans.

In recognition of this outstanding public service the National Republican Legislators Association has chosen Burton Barr from a field of 3,000 as one of their 10 outstanding legislators of the year.

No one deserves this award more than Burton Barr. He is the kind of citizen legislator that makes democracy work.●

WHY PAC SUPPORTS SANCTIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the situation in Poland remains tragic. While the Pope's visit brought hope to millions of Poles, positive, substantive measures have yet to be taken by the military junta to alleviate even the most minor problems facing that country.

Since the Yalta agreement, wherein the United States turned our backs on and sealed the fate of Eastern Europe, the people of Poland have suffered at the hands of continuous repressive regimes. Throughout this ordeal, the United States has pledged its moral and spiritual solidarity with those in Poland and elsewhere in Eastern Europe truly seeking the freedom which so many of us here in the United States take for granted. The

Reagan administration is now faced with a crucial decision as to whether the United States should lift sanctions currently in effect against the Warsaw regime, thereby ending our stated dissatisfaction with the present regime and the appalling conditions it has forced upon all Poles.

The repression, subjugation and eradication of human rights and basic human freedoms put into effect by the imposition of marital law on December 13, 1981, has entered a new phase. The Communist regime under General Jaruzelski claims that no state of war against the Polish people or the outlawed trade union, Solidarity, now exists. The suspension of martial law, they argue, has created a favorable climate whereby the West may now lift sanctions, resume trade, and extend credit to Warsaw.

The facts, however, clearly do not support the regime's claims, as eloquently pointed out in a letter from the officers of the Polish-American Congress which follows. I wholeheartedly endorse the PAC's position on this matter and wish to bring the letter to the attention of my colleagues.

WHY PAC SUPPORTS SANCTIONS

The key to the suspension of sanctions and subsequent measures to assist in Poland's economic recovery is actually in the hands of the government of the Polish People's Republic, namely, Gen. Jaruzelski.

The martial law imposed on December 13, 1981 has proved a complete failure. It did not resolve the critical problems of economic and social-political crisis which the country faced at that time. One year later the sullen nation regards the authorities with barely disguised hostility and disdain, while the country's economy continues its downward slide.

Suspension of martial law in Poland on December 31, 1982 represents a deceitful maneuver to project an image of apparent moderation and relaxation. In fact, the martial law has been replaced with a totalitarian system even more threatening and repressive. New laws enacted by Poland's rubber-stamp parliament assure the retention by the regime of total control of every aspect of people's lives.

Faced with the failure of repression Gen. Jaruzelski's junta has mounted a vigorous propaganda campaign in a transparent effort to project an image of apparent moderation and relaxation. Its objectives are two-fold. Internally, the regime tried to persuade the nation, exhausted and disillusioned by the year-long struggle, to surrender its aspirations to freedom and dignity and resign itself to unquestioned submission to Communist rule. Externally, the objective is to influence a favorable response in the Western countries to its critical need of new credits and the suspension of economic sanctions imposed by the United States.

Poland's current realities of totalitarian repression clearly contradict this deceitful campaign. In fact:

Lech Walesa remains under a virtual house arrest, deprived of freedoms of speech and travel, unable to respond to the expectations of millions of Poles who regard him as a symbol of their hopes, aspirations and demands.

Hundreds of released internees and others have been drafted into the specially created army units, which are tantamount to forced labor camps.

Several leaders of "Solidarity" and the former Social Self-Defence Committee known under its Polish acronym of KOR have been arrested, charged with treason and are awaiting trials.

Some 2 to 3 thousand people who were sentenced to long-term prison terms for membership in "Solidarity" and infractions against the quasi-legal martial law regulations remain incarcerated.

Under the so-called "parasite" law anyone considered by the authorities to pose a threat to public order can be sentenced by an administrative decision to a term of forced labor.

Further, in a throw-back to the fuedal system of long ago, workers are in essence bound to their jobs, since they cannot leave them, or change them, without the permission of relevant authorities.

Finally, with the denial of the freedoms of expression and assembly remaining in full force, the nation is effectively muzzled and subjected to the monopoly of the Party propaganda apparatus and its lies and distortions.

Thus, the inescapable conclusion is that the military junta led by Gen. Jaruzelski, with full support and encouragement of the Soviet Union, is determined to force the recalcitrant nation into total submission.

Suspension of the United States sanctions imposed against the martial law regime in Poland in December, 1981, would be contrary to the basic long-range interests of both countries.

These interests require full restoration of the Polish people's human and national rights and freedoms which were brutally suppressed by Gen. Jaruzelski's military junta.

Lifting of the U.S. sanctions at this time would in effect legitimize the junta's totalitarian regime.

To the regime it would signal our acquiescence in the policy of repression and thus encourage its continuation and escalation.

To the Polish people it would signal abandonment of our support for their determined struggle for their basic rights and freedoms.

Faced with these realities, the Polish American Congress supports retention of sanctions at their current level until tangible reforms are implemented to restore Polish people's rights in actual fact.

Contrary to its current policy, the government of the Polish People's Republic must respond in a positive manner to the demands of reforms of the country's political and economic systems before sanctions can be removed and normal economic relations reestablished with the democratic countries of the West.

Polish American Congress, Inc.; Aloysius A. Mazewski, *President;* Helen Zielinski, *Vice President;* Kazimierz Lukomski, *Vice President;* Harriet Bielanski, *Secretary;* Joseph A. Drobot, *Treasurer.*●

BACKMAN AND DeNUCCI'S SPECIAL COMMISSION ON SOCIAL SECURITY DISABILITY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. FRANK. Mr. Speaker, Members of the House are unfortunately very familiar with the sad history of the disability program in the past several years. Since 1981, this administration has presided over a callous purge of the social security disability roles. Many people have been involved in the effort to overturn these practices, and I hope that within a few weeks the Congress will enact legislation which puts an end to these abuses of the disabled. One group which has worked hard to change this tragic situation is the Special Commission on Social Security Disability established by the Legislature of Massachusetts in December 1982. That commission, chaired by State Senator Jack Backman and State Representative A. Joseph DeNucci has done a superb job. Not only have they done a great deal to document the unjustified harm being done to many needy people, they have gone beyond simply listing abuses to make very thoughtful recommedations as to how the system should be improved. I believe it would be very helpful for those Members who are concerned with the need to make drastic changes in the Reagan administration's approach to social security disability to be familar with the outlines of this special commission report.

The material follows:

EXECUTIVE SUMMARY

The Special Commission on Social Security Disability was established in December 1982, in response to hundreds of complaints that disabled individuals were suddenly losing their benefits under the Social Security Disability Income (SSDI) program.

Many persons claimed that they had been unfairly and illegally cut from the entitlement rolls after years of receiving SSDI benefits and despite serious, continuing impairments. Their allegations were buttressed by the following statistics:

SSA nearly quadrupled the number of cases reviewed annually from 2,700 in 1980 to more than 10,000 in 1982.

Over 40 percent of the cases reviewed were terminated.

Judges were overturning 70 percent of the terminations appealed to them. • • •

THE INVESTIGATION

In October 1982, Sen. Jack H. Backman and Rep. A. Joseph DeNucci, co-chairs of the Committee on Human Services and Elderly Affairs, filed legislation calling for a special commission to investigate the complaints and allegations. The legislation was signed into law on December 20, 1982 • • • Eleven members were quickly appointed with Sen. Backman and Rep. DeNucci as chairpersons.

The Special Commission on Social Security Disability met on February 9, 1983 and conducted 10 more public hearings and executive sessions.

Throughout the investigation, a clear picture emerged of a state agency, MRC (Massachussetts Rehabilitation Commission) that implemented federal program guidelines without challenging their legality or their effect on the disabled. Furthermore, the SSDI program as administered by MRC and the Disability Determination Service, was experiencing serious administrative difficulties. Many were related to federal constraints, such as inadequate funding to hire sufficient staff, but there were problems that could have been dealt with by MRC, such as stricter supervision over medical consultants.

Testimony was presented by hundreds of witnesses, including many disabled persons, well-organized by the Ad Hoc Committee on Social Security Disability and Stop Abuse of the Disabled (SAD). Their testimony centered on improper procedures and practices. For example, one woman testified that her benefits were terminated despite 12 recent operations on her stomach, hand, neck and back. Another young man born with cerebral palsy testified that he was examined by a MRC-contracted physician who totally ignored this medical history. Another person who had an artificial leg and an abscessed lung lost his benefits while he was in the hospital. Most persons charged that the DDS was making only cursory attempts to determine if their disabilities still existed.

FEDERAL CHANGES ANOTHER ISSUE

Other testimony blamed the Social Security Administration and the Reagan Administration for improperly carrying out a Congressional mandate to increase disability reviews.

The Congress was responding to General Accounting Office studies in 1976 and 1979 that as many as 20 percent of the SSDI recipients were ineligible but undetected due to too infrequent reviewing. In 1980, Congress ordered SSA to review all persons with non-permanent disabilities at least once every three years. Increased reviews were to start in January 1982.

The new administration which took office in January 1981, however, chose to begin increased reviews nine months earlier, in March 1981. As a result, state agencies were ill-prepared for the flood of cases that came down upon them, as was recently admitted by Secretary of Health and Human Services Margaret Heckler at a press conference on June 7, 1983. It was this increased pressure to review cases quickly, charge many critics, that resulted in sloppy processing and an inability to obtain the medical evidence needed to corroborate the existence of a disability. Changes in eligibility requirements, as written by the Social Security Administration, resulted in cases being reviewed under harsher guidelines than were in place at the time of the original disability determination.

This was especially true in Massachusetts where a study performed by Greater Boston Legal Services even before the new reviews took place showed a substantial number of examples of failure to investigate claims thoroughly, or monitor medical exams, and a staff that was understaffed and overworked.

VIOLATION OF FEDERAL LAWS

Even more compelling than the picture of an agency unable to cope with an increased caseload, however, was testimony that the Social Security Administration, and subsequently the Mass. Rehabilitation Commission, were not following the rule of law as pronounced by the U.S. courts in the First Circuit.

In Massachusetts, for example, a major decision was handed down by the First Circuit Court of Appeals in the 1975 case of *Miranda* v. *the Secretary of HEW* (514 F.2d 996, C.C.A.1) which cited medical improvement as one of the few criteria for denying continued SSDI eligibility (Appendix B). Instead of following *Miranda*, however, the SSA was ordering states to conduct an essentially new disability determination for each recipient.

Since the Administrative Law Judges have been overturning 70% of MRC denials, it can be assumed that they concluded that Social Security guidelines as interpreted by Mass. Rehab. illegally deprived recipients of their benefits.

KEY FINDINGS

Based on these facts and allegations, the Special Commission identified five specific areas of investigation: procedures, medical practices, caseworker issues, federal versus state responsibilities and impact on individuals. Public testimony was heard in each of the five areas. Claims were further investigated by the Special Commission staff. The following are the Special Commission on Social Security Disability's findings:

FEDERAL VERSUS STATE ISSUES

The Massachusetts Rehabilitation Commission continued to follow Social Security Administration regulations even after being informed about the considerable likelihood that they differed from federal law.

As early as 1975, various court rulings ordered different, and often more humane, interpretations of social security law than were being practiced by the Social Security Administration. The SSA has often adopted a position of non-acquiesence instead of implementing them into its guidelines. This meant that SSA stated in formal rulings that a decision in one court district was not to be implemented nationwide. MRC took no action to contest this posture.

In a recent California court case, the court ruled against SSA's policy of non-acquiesence.

The federal agency and, subsequently the States, have taken an overly narrow and punitive attitude towards disability.

The Special Commission finds that it is unreasonable and simplistic to assume that, because a disability has lessened in severity, the person will be able to return to, or even find, suitable employment. In other instances, the agency has wrongfully assumed an impairment is less debilitating than it is.

Many of the problems being experienced in Massachusetts must be resolved on the federal level.

Serious reform is needed at the Federal level both by the Congress and by SSA. Necessary changes have been identified and include: requiring face-to-face interviews with an examiner; requiring medical improvement for CDI cases; discontinuance of SSA's policy of "non-acquiesence" with court rulings; requiring all rules of and changes to the program to be subject to the public review and comment process; continuation of benefits through ALJ appeal; more realistic standards and methods for assessing vocational capability; a moratorium on all mental impairments cases pending development of new more realistic assessments; sufficient staffing and reasonable case processing workloads.

MEDICAL ISSUES

The judgments of claimants' personal physicians are either ignored or insufficiently solicited.

This is evidenced by use of contracted doctors in more than 40% of all CDI cases. Expecting a doctor to ascertain a claimant's full disability in 45 minutes or less, as opposed to the personal physician's long-term knowledge of the claimant, is unreasonable.

Consulting physicians are insufficiently monitored and are performing only cursory examinations.

Consulting physicians have no incentive to perform a comprehensive, detailed examination; they are paid on a per case basis. These doctors often do not receive case histories of claimants before the examination. At least three doctors last year received close to $100,000 in fees for exams; one of them was cited often during testimony as performing very superficial examinations. Mass. Rehab's monitoring of consumer dissatisfaction basically consists of sending post-exam questionnaires to 10% of the claimants or by responding to complaints.

Staff physicians, who have been responsible for final sign-off on all disability determinations, are processing too many cases to make fair decisions.

Last year, the DDS processed 57,000 cases. Yet only the equivalent of 20 full-time staff physicians must study the lengthy case records, order consultative examinations, and answer technical questions from case examiners with limited medical background. This means, on average, assuming no work breaks of any sort during a working day, that staff physicians and psychiatrists spend less than three-quarters of an hour total on each case that they process.

The Social Security Administration regulations take an exceptionally rigid and unrealistic approach to psychiatric standards.

As was learned from the *Minnesota* case, state disability determination services were instructed to require that psychiatrically disabled individuals meet one of the permanent listings of impairments to qualify for benefits. Other disabilities, however, that fail to meet the listings are further checked for residual functioning capacity, i.e. ability to perform work. Younger psychiatrically-impaired individuals particularly suffer from this procedure.

PROCEDURES ISSUES

The SSDI review system is geared towards proving a claimant is not disabled, instead of proving he or she is.

Considering that all recipients have previously gone through a lengthy and comprehensive disability determination to be initially accepted for SSDI, examiners and physicians should begin with a stronger presumption of disability. Instead, the Special Commission has heard evidence that caseworkers do too little to accumulate the information needed to prove disabilities exist. This can be a result of short processing times, lack of training, case overloads, or lack of sensitivity to the disabled person's problems.

Staff physicians and claims examiners unfairly make decisions without ever seeing the claimant.

Currently, the only person the claimant sees during the entire review process is an official in the Social Security district office. The person has no involvement in the actual disability determination. As a result of legislation enacted this year that also continued as SSDI claimant's benefits through appeal, claimants will be eligible to

meet with a federal SSA staffperson, but only after a decision to cease their benefits has been made, and still not with the decisionmaker. There will be only four such SSA workers for the entire Commonwealth of Massachusetts.

The complexity of the process has traditionally been poorly explained to claimants.

This problem has lessened somewhat because of the publicity afforded to the issue, but Mass. Rehab. must do more to improve its information dissemination and to involve the advocacy network in providing information to claimants.

The Disability Determination Service did not provide sufficient interplay with the vocational rehabilitation component provided through the Mass. Rehabilitation Commission.

The Special Commission learned that, upon occasion, a recipient was no longer considered too disabled for work by the DDS, but upon applying for vocational rehabilitation at another unit of MRC, was considered too disabled to be a suitable work prospect. Similarly, the Special Commission did not find sufficient communication between the two units when referring a ceased claimant. A more elaborate referral program has since been established.

Processing times for staff to complete each step of the disability determination process are based on quantity, not quality.

Workers are expected to process a claim in a limited amount of time, but gathering necessary information may require a lengthy effort. For example, when a claimant's personal physician is unable to examine the client or file a report in the brief time available, the client may be sent to a consulting doctor. The result is greater expense to the state and the possibility of a less thorough examination.

In the past, the DDS has relied too heavily on federal program structures and procedures.

The DDS must take a closer view of its own procedures and how they might be improved to better serve the disabled in the Commonwealth.

IMPACT ON INDIVIDUALS AND OTHER AGENCIES

Despite their eventual return to benefits following appeals to Administrative Law Judges, people's lives are unfairly and unnecessarily disrupted by this process.

Claimants whose benefits have been ceased must go through a lengthy appeal process, as long as 12 months or more during which they lose medical benefits. They also must pay for a lawyer and legal expenses. A temporary federal policy allows claimants to continue receiving benefits through appeal to an ALJ, but that opportunity is scheduled to end in October 1983. Even more serious is the emotional cost of this lengthy process, especially for persons who must daily deal with the difficulties of a disability.

The SSDI system for cessation does not take into account the difficulty of returning to the work force after several years, nor such other factors as high unemployment and job discrimination.

Considering the nation's high unemployment rate and subtle biases against hiring the disabled, other factors must be considered.

Due to SSDI terminations, state agencies such as the Departments of Public Welfare and Mental Health, and the vocational rehabilitation component of the Mass. Rehabilitation Commission, are experiencing increased costs, workloads and applications for services.

Recipients who are thrown off the federal SSDI rolls often apply for state-funded programs. At present, however, the agencies and the Executive Office of Human Services are not gathering sufficient data to determine the exact magnitude of the problem.

CASEWORKER ISSUES

Heavy caseloads and short processing times are resulting in insufficiently developed cases.

Restrictive and narrow disability guidelines require extensive case development to prove the existence of a disability. The necessary time for development is not available.

Caseworkers are undertrained and not always sufficiently experienced to handle the complexity of CDI (Continuing Disability Investigations) cases.

New claims examiners begin working with initial claims cases, and then can graduate to performing CDIs. Although the number of case examiners was recently increased by 60 (to a total of 135) to handle this increased case review, these new workers were adequately prepared only for initial cases. Many inexperienced examiners were prematurely graduated into CDI reviews.

Caseworkers need increased sensitivity training in dealing with claimants.

Many persons testified that they were rudely treated and received inappropriate phone calls from case examiners and other staff at the DDS. Workers in contact with the disabled public should be fully aware of the need for additional sensitivity.

RECOMMENDATIONS

The Special Commission on Social Security Disability worked closely with the Massachusetts Executive Office of Human Services to design procedures for determining continuing eligibility for SSDI which would conform to federal laws. In April 1983, the Massachusetts Rehabilitation Commission implemented a series of precise criteria that must be met before recommending cessation of a client's benefits. According to these criteria, a person cannot lose benefits unless he or she has returned to work; improved enough to return to work; received training or medical treatment that makes it possible to return to work; or was incorrectly judged disabled and has the necessary vocational skills to return to work. (See Appendix H.)

The Special Commission also urged the Commonwealth to become a plaintiff in a class action suit brought by Greater Boston Legal Services. The lawsuit would more sharply delineate the standards by which an SSDI recipient's benefits could be ceased. The Department of Health and Human Services has asked the state to drop its participation in the suit in exchange for a pilot project in Massachusetts incorporating many of the Special Commission's other recommendations. These negotiations are not yet final, but the lawsuit would be continued by the Greater Boston Legal Services in any event.

Finally, in its deliberations, the Special Commission on Social Security Disability identified more than 50 procedural problems that can be corrected by the state. Most of these recommendations have been accepted formally by the Massachusetts Rehabilitation Commission and are being implemented (Appendix C). They include, for example:

A review of all forms and other written material sent to claimants;

An independent physician selection board;

Maximum caseload sizes; and

Re-establishment of a specialized CDI unit. . . .●

GOLDEN WEDDING ANNIVERSARY OF JOHN AND JOSEPHINE THOMAS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, September 3, two wonderful people celebrated a very happy event.

John and Josephine Thomas marked their golden wedding anniverary at a party with their many friends. Among them was Danny Thomas, nationally known entertainer and founder of the St. Jude Children's Research Hospital. John J. Thomas serves on the board of that hospital with his friend, Danny Thomas, and it was a fitting and a happy occasion that brought them together in the ballroom of the Woodlands, an inn, to commemorate 50 joyous years and to look forward to many, many more years of family life and community service.

The world would be a better place, Mr. Speaker, if there were more people like Danny Thomas and more people like John and Josephine Thomas. It is my privilege to salute them on this occasion and to share their happiness with my friends and colleagues in the House.●

SPENDING CUTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 14, 1983 into the CONGRESSIONAL RECORD:

SPENDING CUTS

Every member of Congress is keenly aware of the desire of his constituents to cut unnecessary federal spending. Cutting spending is a constant theme in Hoosiers' letters and remarks to me. In 1980, President Reagan was elected in large part because he persuaded voters that he would impose rigorous discipline on the federal budget. The problem for the President and members of Congress has always been the hard time the voters have identifying what items in the budget to cut. According to the polls, most voters favor cuts in spending for foreign aid and welfare, but in 1982 these programs together up only 2 percent of the budget. In almost every other area, including defense, social security, education, and health care, most voters favor increases in spending.

During the last three years, the President and Congress have wrestled with the issues of what and how much to cut. The President's proposals have been adopted with only minor amendments. The results of the work of the President and Congress are now clear, and a comprehensive assessment of them is possible. The Congressional Budget

Office's new report on the spending cuts matches spending for 1982 through 1985 as it would have been under the 1981 laws against what it is scheduled to be under the 1983 laws. Analytically speaking, this approach is the best one to take because it gives the sharpest picture of what will take place. At botton, it shows that spending for human services for 1982 through 1985 will be $110.1 billion less than it would have been otherwise. This represents a cut of 7 percent overall in the human services budget. When considered together with the massive military buildup recommended and partly achieved by the President, these figures imply that there has been a strong shift in federal budget priorities.

The $110.1-billion cut will hit virtually every part of the human services budget. Retirement and disability programs (social security, civil service retirement, veterans' pensions and compensation, and supplemental security income) will lose $25.8 billion. A total of $27.1 billion will be trimmed from other income security programs (unemployment insurance, welfare, food stamps, child and maternal nutrition, housing aid, and home heating assistance). Health care programs (medicare, medicaid, and other health care services) will be reduced by $18.5 billion. A total of $25 billion will be cut from employment and training programs (general employment and training, job corps, public service employment, and work incentives). Social service programs (social services block grant, community services block grant, and veterans' readjustment benefits) will lose $4.6 billion. A sum of $9.1 billion will be removed from education programs (compensatory and vocational education, head start, guaranteed student loans, and other student aid).

It is evident from these figures that some human services programs will be hit much harder than others. In terms of percentage, the hardest hit will be public service employment (down 99 percent), community services block grant (down 39 percent), general employment and training (down 35 percent), work incentives (down 33 percent), and child nutrition (down 28 percent). It should be noted that during a time of recession, stagnation, and economic change, employment and training programs as a group will suffer most under the budget cutter's knife.

That the cuts will have a direct and adverse impact on people cannot be denied. Some 325,000 families will lose welfare benefits, and the same number of families will have their benefits reduced. About 1,000,000 people will become ineligible for food stamps. Some 600,000 people will receive guaranteed loans. Some 3,000,000 children will end their participation in the school lunch program. About 700,000 fewer students will receive guaranteed loans. Some 600,000 people will see their public service jobs taken away. Such figures take on an even greater significance when one realizes that the high unemployed of recent years normally would increase the number of people dependent on these programs.

It is clear from the report that the poor will bear the brunt of the cuts, the largest of which will be made in "means-tested" programs (those open only to people who have low incomes). About 40 percent of the savings will come out of benefits paid to households with annual incomes of $10,000 or less. Also, the average cut in benefits per household will be greatest for those whose annual income was $10,000 or less. This approach is in line with the President's philosophy of welfare, which holds that because welfare encourages dependence, the cuts must fall on poor people who are working or are able to work.

My guess is that this report will become one of the key documents of the political debate in 1984. Not much is likely to happen in Congress in the coming months to alter the terms of the debate. The report goes quite directly to one of the major issues: Has the President's approach to spending control been fair to all, or has it focused only on the programs which benefit the politically weak while leaving essentially intact the programs which benefit the politically powerful?

While every reasonable effort to cut excess federal spending must be supported, the experience of the last three years only shows how hard it will be to get additional cuts of sufficient size to reduce the $200-billion deficit. As we survey the major categories of domestic spending, we see that there is not much room to move. Domestic budgets either have been cut deeply already (employment and training), cannot be cut except at the margins (social security), or cannot be cut at all (interest on the debt). Many domestic budgets are too small on balance to make much difference. In 1982, for example, budgets for science, general government, energy, community development, justice, revenue sharing, and commerce ranged from $3.9 billion to $7.2 billion. Not one exceeded 1 percent of the total budget. Modest savings may be made in transportation, natural resources, and agriculture programs, whose larger budgets ranged from $12.9 billion to $20.6 billion in 1982, but savings of the magnitude necessary to reduce a deficit of $200 billion will not be found.●

STATEMENT TO THE NEW ENGLAND MEETING OF PARENTS WITHOUT PARTNERS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MARKEY. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following:

STATEMENT TO THE NEW ENGLAND MEETING OF PARENTS WITHOUT PARTNERS

The English essayist Sir Francis Bacon wrote: "The joys of parents are secret, and so are their griefs and fears." I am sure you understand the truthfulness of this statement better than I do, for it is a statement worth considering. All of you face the great challenge of parenthood alone, and must face the joys and griefs and fears alone. But just because you are a single parent does not mean that you must be without support from society. I know that many of you are concerned that the federal government does not give you, as single parents, adequate support. I agree with your assessment, and would like to address some of the measures I support which would help parents like you face the great challenge, joys and griefs of parenthood.

If one steps back and examines the whole picture of single parents today, economic hardship dominates the picture. In 1979, 47 percent of single parents received some form of direct welfare payments from the Aid to Families with Dependent Children program. Nearly half of female single parents are living at or below the poverty level. To add one more depressing statistic: the median income for single female parents fell in 1982 from 1981, down to $8,950. That median income level does not compare favorably with the poverty level of $8,220 for a family of 3 or a poverty level of $9,900 for a family of four. Clearly, being a single parent today means doing battle with your checkbook and worrying about where money will come for unforeseen medical expenses, or for a nice vacation for your children and you.

What can the federal government do about this situation? Aside from a full and robust economic recovery, which I fervently hope we will see despite the policies of Ronald Reagan, there are several actions the government could take to make the life of a single parent a little easier. I should add here that even if there is a recovery, I am concerned that the President will declare his economic policies a victory when unemployment gets "down" to 8 percent and many people, especially, history will tell us, women and poor people, will still be out of work. Given this state of affairs, we should not sit and wait for a recovery in the economy which may not help all single parents, but instead we should support programs which make sense to all Americans concerned about fairness and the citizens of tomorrow.

One of these programs should be tough enforcement of child support. Statistics on child support compliance shock anyone who has respect for the law. In 1981, $3.8 billion of child support was not paid. That figure represents about 40 percent of the child support payments due. For once I agree with the President: there are a lot of deadbeats out there and it is time we make them pay up. The problem with Ronald Reagan is that his idea to get better enforcement is to give less money to the state offices which enforce child support payments. There are several proposals in Congress which would force states to get tough against those who flaunt the law and refuse to pay child support. Let me assure you that I support these measures and hope they become law before any more parents go without money they and their children need.

Another issue which should be of interest to all parents is child care facilities. We need to realize that our society today is much different than it was when you and I were growing up. To reflect the change in lifestyles, we need to recognize that new and different social support systems are needed. For instance, more child care facilities after school are needed. In addition, we need to expand the tax credit to insure parents are not bankrupted by providing adequate child care for their children. Furthermore, there is a need for extensive pre-school child care facilities and this need must be met. On the whole there is a need for the federal government to encourage and promote quality child care at all levels.

Let me also commend your group for providing a support network for single parents. I know how helpful it is to talk about one's problems; I have ample opportunity on the floor of the House of Representatives to do just that. I encourage you to communicate your needs and beliefs to your Congressman. You should know that there are so many issues facing Congressman that we need letters and phone calls to focus our attention on important concerns like the ones I have addressed here.

You all have, in my mind, one of the toughest and most important jobs on earth—raising children. For what tomorrow

looks like will be greatly affected by the job you do as parents. You should not be left alone in this effort, and you should not be blocked by a passive federal government. The issues I raised today—child support enforcement and child daycare facilities—are but two examples of areas which demand more federal involvement. I support your effort to focus attention on your concerns and hope the government takes action which enables parents like you face the joys, fears and griefs of parenthood knowing that you have a helping hand.●

JEROME M. ROSOW PROVIDES EXCELLENT OVERVIEW OF PAY AND COMPENSATION FOR FEDERAL EMPLOYEES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Ms. OAKAR. Mr. Speaker, the September 2, 1983, edition of the Washington Post carried an op-ed article written by Jerome M. Rosow, chairman of the Advisory Committee on Federal Pay. The article is entitled, "Stop Exaggerating Federal Pay," and it provides an excellent overview of the whole area of pay and compensation for Federal employees.

As chair of the subcommittee with jurisdiction over these issues, I want to call Mr. Rosow's column to the attention of my colleagues. At a time when we will be considering serious questions involving Federal pay and benefits, I commend this as very worthwhile reading. The article follows:

[From the Washington Post, Sept. 2, 1983]

STOP EXAGGERATING FEDERAL PAY

(By Jerome M. Rosow)

A broadside attack on what is essentially deferred compensation cannot be considered either equitable or fair at a time when federal pay lags the private sector by about 20 percent.

Relentless attacks on federal compensation have served to lower both the morale and productivity of federal employees.

Any objective review of the past decade reveals that the pay system has been repressed, while pension costs have greatly increased. It is clear that we must restore balance among both current and deferred compensation and security in the compensation system. But it is neither fair nor practical to suggest, as some have, that at a time when federal white-collar pay averages about 22 percent below prevailing private levels, balance should be restored by major cuts in the pension plan.

Since 1962, the federal pay system has been based on the principle of comparability with prevailing private-sector salary levels. It was reinforced with the passage of the Federal Pay Comparability Act of 1970.

When President Ford established the Rockefeller Panel on Federal Compensation in 1975 to critique the entire pay-setting method, it concluded that "the principle of comparability with the private sector has proved to be a sound and effective basis for setting Federal pay rates." The comptroller general's office and the Congressional Budget Office have also conducted reviews, with similar conclusions.

The Advisory Committee on Federal Pay has itself repeatedly evaluated the system. We compared the federal paysetting method to other mechanisms, and it is clear that the current approach saves money. If, for example, the consumer price index had been the basis for adjusting pay, pay packages for federal white-collar workers would have been $9.5 billion higher in fiscal 1983. And if increases had tracked the increases the Postal Service won through collective bargaining, $22 billion would have been added to the payroll. Nevertheless, critics continue to exaggerate the pay itself by using inappropriate comparisons.

Inevitably, these criticisms have been reinforced by ballooning federal deficits, which are really separate and apart from the question of federal pay. Budgetary considerations persuaded Presidents Nixons, Ford, Carter and Reagan to adopt alternative pay plans, which reduced the pay adjustment in seven of the past 13 years. Now, under budgetary duress, President Reagan has recommended a 3.5 percent increase in federal pay to be effective in January 1984. Based on an annualized calculation, this is 2.6 percent pay adjustment, or about 10 percent of the increase required under this year's comparability figures.

While the salaries of white collar workers have lagged over the last six years, pension costs have forged ahead. Three interrelated factors were responsible for this imbalance (1) the pay catch-up that took place in the late 1960s raised salaries, which then became the basis for pensions in the 1970s; (2) the pension formula was changed to base benefits on the three highest salary years instead of the five highest salary years; and (3) a cost-of-living escalator was adopted to keep pension benefits in line with the rate of inflation. These three factors were compounded by double-digit inflation in the 1970s.

Federal pensions have been a mainstay of the total compensation package, serving to attract and retain valuable people through the promise of earlier retirement and benefits that were protected against inflation. The pension promise was well worth sacrifice. It was worth a 7 percent employee contribution when most private plans were—and still are—noncontributory (except for Social Security); it was worth pay disappointments; it was even worth enduring the public's scathing comments on the bureaucracy. If in certain years the pay was lower than pay in the private sector, the pension compensated.

Pension policy has also provided a safety valve. The early retirement provisions of the pension plan have opened an exit for long-service (30 years), relatively young (age 55) career people, thus encouraging a system of turnover and promotion from within. This voluntary turnover compensates for the other rigidities inherent in Civil Service employment and prevents the petrification of the system. New pension proposals could undermine the flexibility of the system by extending required working life 10 years to age 65.

Pensions need reform and reshaping in a meaningful, reasonable way. Integration with the Social Security system, a review of retirement age and a modification of the cost-of-living escalator all are worthy of consideration. But any changes should be accomplished gradually, without shaking the confidence of federal workers and their families. A broadside attack on what is essentially deferred compensation cannot be considered either equitable or fair at a time when federal pay lags the private sector by about 20 percent and the entire pay system is undergoing a crisis of confidence.

A word about productivity. Although the general impression of taxpayers and political leaders is that the performance of federal employees is poor, the productivity of these workers increased an average of 1.5 percent per year between 1967 and 1981—almost double the national (nonfarm) average gain of eight-tenths of a percent per year. With federal civilian employment (including Postal Service) flat at 2.7 million since 1970, and a federal budget that has jumped almost four-fold during the same period, payroll expenditures have declined from 5.1 percent of the GNP to 3.2 percent. The record is remarkable and does not reflect any proportionate growth in personnel costs that could be traced to widespread inflation of pay levels.

On all three counts—pay, pension and performance—federal employees deserve the consideration of the American people. Although it is desirable to continue to improve the federal compensation system, we must beware of "reforms" that would have the effect of undermining this system and destroying its viability. In the final analysis, the federal government requires career employees of uncommon ability to serve the national interest—and it depends upon fair, equitable and attractive compensation programs to attract and retain people of this caliber in public service.●

BAN COP KILLER BULLETS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. PORTER. Mr. Speaker, I would like to call my colleagues attention to a recent column in the Chicago Sun-Times by Mike Royko titled "Gun Lobby Hazardous to Policeman's Lives."

In this excellent column Royko expresses his support for efforts to ban teflon-coated, cop killer bullets. Although nearly half the Nation's police now wear bulletproof vests, they are still vulnerable to these penetrating bullets.

I urge my colleagues to read this column, and to work for the passage of H.R. 953 which will ban cop killer bullets.

GUN LOBBY HAZARDOUS TO POLICEMEN'S LIVES

(By Mike Royko)

It appears that the National Rifle Association is in favor of policemen being shot.

The NRA will be furious at the thought that they want policemen shot—or at least are indifferent to the possible carnage—but I can't see how any other conclusion can be drawn from their position on the superhard bullet.

This bullet, as you may have read, is the one that's so hard it easily pierces the Kevlar vests that many policeman are now wearing.

These vests have been credited with saving the lives of at least 400 cops who

were hit with ordinary bullets. Had these cops been hit with the Teflon-coated, superhard slug, there would have been 400 funerals.

For a long time, some congressmen who don't fear the mighty pro-gun lobby have been trying to get these bullets banned.

But the National Rifle Association is against this bill and has been putting its potent pressure on less courageous congressmen.

The NRA likes to portray itself as a sensible organization. It spreads ads for itself all over magazines—especially those directed at teenagers. It talks about how it is in favor of responsible gun ownership and responsible behavior.

At the same time, it fights with teeth bared against a law that would ban a bullet that has no other purpose than to blow away a human being.

These bullets aren't used in hunting, target-shooting or any other sporting activity—unless you consider zapping a cop to be jolly good sport.

Why, you ask, would an allegedly responsible, sensible organization take such a daffy position?

The answer is simple enough: The NRA's responsible posture is a phony. The NRA is against any kind of laws that provide any kind of restrictions on the ownership, sale and manufacturing of guns and ammunition.

If the NRA had its way, you would be able to buy guns and ammo in your corner liquor store. And you wouldn't have to register them or even leave your name with the clerk.

It's against any and all gun laws and it does all it can to intimidate congressmen, state legislators, local councilmen and any other politicians who don't share its views.

So it shouldn't be a surprise to anyone that the NRA is fighting against banning the superhard bullet.

It's no surprise to Rep. Mario Biaggi (D-N.Y.), an ex-cop who sponsored the bill in the House.

"There's no real, rational reason why the NRA is opposing this bill," Biaggi told us. "They're just paranoiac. They go crazy if they think someone is trying to encroach on their preserve of munitions or guns.

"They've tried real hard to defuse the issue with false statements. For example, they say the bill will affect hunters and sportsmen. That's nonsense. We're talking about handguns with barrels no longer than five inches. It should be clear we're trying to protect the law enforcement people—many of whom believe they'll be protected by wearing bulletproof vests.

"Then they say the bullets are only sold to police. That's clearly untrue. Time and time again it's been proven than just about anyone can go into a gun shop and buy these bullets right off the counter.

"They also say that the thieves and felons are using these bullets because we've publicized them.

"Now, that argument would be all right if you were talking to a naive high school kid. But I was on the police force for 23 years and I can tell you this: the felons know what's out there before the members of the police department do.

"All of the NRA arguments are just silly.

"The irony of this whole thing is that, while we wait for this legislation, the criminals are getting smarter. They're wearing bulletproof vests. Police use their traditional bullets and the felons are protected with these vests. But cops aren't protected against the felons using the killer bullets."

This is the fourth time that Biaggi has introduced a bill to ban the vest-piercers. Each time, the NRA had its loyal, gun-loving members put heat on their congressmen. And each time the bill died in committee.

But this time Biaggi thinks he can get the bill passed, once some studies are made that define what an armor-piercing bullet is.

You see, the NRA says that there is absolutely no way such a definition can be made. It argues that if you ban this bullet, all other bullets might be banned.

That's about as bright as saying that if you ban opium, which is a mood-altering, habit-forming substance, you will inevitably wind up also banning bottles of Lafitte Rothschild, 1959, because it, too, can be a mood-altering, habit-forming substance.

So I'm sure the agencies making these tests and drawing up guidelines will be able to come up with a satisfactory definition that can be written into the law:

No handgun ammunition can be sold if it can pierce anything as hard and thick as a police vest—or the thick skull of a National Rifle Association official.●

ALABAMA LABOR LEADER TO RETIRE

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. ERDREICH. Mr. Speaker, the passing of Labor Day brought with it the announcement that a dedicated and respected supporter and fighter for the rights of working men and women in Alabama will retire from office.

Barney Weeks has served for 26 years as president of the Alabama Labor Council. Weeks' ascent to the position of Alabama's top organized labor official began in 1936 with his employment as a printer with the Montgomery Advertiser. Shortly after that, he became president of his printers' local union. He was first elected president of the Alabama Labor Council in 1957, and has been a strong voice on behalf of Alabama's working men and women ever since.

The high esteem in which Barney Weeks is held by all who know him is testament to his integrity and his dedication to the people he has so ably served.

Barney Weeks has been a guiding force in securing fair wages and raising the standard of living of the working men and women of Alabama. His wisdom and leadership will be sorely missed.

The texts of editorials which appeared in both The Birmingham News and Birmingham Post-Herald, highlighting and praising the accomplishments of Barney Weeks, follow:

[From the Birmingham News, Aug. 21, 1983]

WEEKS TO RETIRE

Barney Weeks has served the AFL–CIO's Labor Council as its president for so long, he has become almost a fixture. Needless to say, he will be greatly missed by the union community as well as by office holders who have relied on his knowledge and sentiments regarding labor legislation.

Few men in recent times have worked as faithfully and as unflaggingly for union goals as has Weeks. His service as labor council president alone spans 26 years.

While he never left one in doubt as to who he represented, he has also been very much the gentleman in his dealings with those from other sectors. He has always had time to discuss issues with journalists, both at the capital and here in Birmingham. And while The News frequently disagreed with him on issues, it has always respected his integrity, forthrightness and dedication to his mission.

Still a vigorous and dedicated advocate of union causes at age 70, Weeks undoubtedly has earned retirement and the free time to spend with his wife and family and to pursue interests for which he had no time in the past. One can only wish him well, as he winds up his official business and in the more tranquil days ahead.

[From the Birmingham Post-Herald, Aug. 19, 1983]

BARNEY WEEKS STEPS DOWN

In his low-key way, Barney Weeks, president of the Alabama Labor Council, has been a political power in this state for 25 years.

He hasn't always won in his struggles to get what he considered necessary for the well-being of the union members he represents, although he has had his share of victories.

But he has earned the personal respect of most who have had dealings with him, whether they agree or disagree with his stands. He is a tough, honest advocate for organized labor. But one who knows that there are times when political compromises must be made.

Week's tenure as the state's top organized labor official—which will end with his retirement in October—has not been an easy one.

During the 1960s, he had to walk a tightrope between the union movement's support of civil rights and the large number of union members here in Alabama who dissented from that position. But he persevered, kept the organization together and eventually won acceptance by most members for the views he espoused.

Weeks decided not to seek re-election as council president so he can spend more time with his wife, who is in poor health. But even without the personal reasons, Barney Weeks has earned the right to enjoy retirement. He has labored long and hard for the people he represents.

We wish him only the best as he enters retirement.●

WILKES-BARRE WINS BATTLE OF CITIES

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HARRISON. Mr. Speaker, one of the highlights of the Jerry Lewis Telethon, as carried in northeastern Pennsylvania by WNEP TV, channel

16, was the "Showdown at Sundown," a series of sporting events designed as a competition between the officials and employees of the cities of Wilkes-Barre and Scranton.

I am happy but, of course, not surprised to report that the Wilkes-Barre "Killer Bees" were victorious.

The "Battle of the Cities" went on, quite literally, until sunup. Events were conducted in both Wilkes-Barre and Scranton, with a climatic "showdown," a tug-of-war which brought the two cities together on a neutral battlefield—the grounds of channel 16. There, in less than 2 minutes flat, the Killer Bees won the final and decisive event.

Apart from the fun and the sportsmanship, of course, these events contributed significantly to the success of the telethon in northeastern Pennsylvania. More than $30 million was raised for "Jerry's kids" and the exhausting all night effort of the men and women of both the Wilkes-Barre and Scranton teams served as an inspiration to those who stayed up and worked on the telethon as well as to those who called in and contributed to it.

And so it is my pleasure and my privilege today, Mr. Speaker, to congratulate the Wilkes-Barre Killer Bees—their captain, Wilkes-Barre Mayor Thomas V. McLaughlin, their coach, Wilkes-Barre City Clerk William G. Brace, and all of the team who gave so much of themselves to make this event a success: Bob Waskiewicz, Joe Miscavage, Ed Leslie, Marc Murphy, and his fiancee Joan Duffy, Dick Muessig, Bill, and Laura Brace, Rich, and Eileen Sorokas, Jerry Hdozdovic, Jim Munley, Barry DeRemer, Len Romanecz, Joe Douglas, Mary Kay Murphy, Thomas Morrissey, and the team mascot, "Mitzi" Sorokas.●

KOREAN AIR LINES MASSACRE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. McEWEN. Mr. Speaker, I rise today to join with my congressional colleagues in voicing outrage and horror at the incomprehensible Soviet attack against Korean Air Lines flight 007 on September 1, 1983. This senseless act cannot begin to be explained on the grounds of national security considerations including the rights of territorial sovereignty. This blatant act of aggression, the second such firing upon a Korean 747 by the Soviet Air Force, again demonstrates the recklessness which with the Soviet Union uses its military might, its disregard for human life, and its utter contempt for the world family of nations.

To date, worldwide expressions of alarm and condemnation have been to no avail in touching the conscience of the Soviet Union's leadership. Our words, too, have fallen upon deaf ears in Moscow. This being the case, actions are now in order if we are to impress upon the Soviets the importance for all nations to behave in a civilized fashion on behalf of the mutual advancement of humanity.

I am today introducing a resolution expressing the sense of the House of Representatives that the President urge all governments to immediately prohibit Soviet air traffic from using the airports in their respective countries, and that this ban remain in effect until an official explanation and apology regarding the shooting down of commercial Korean Air Lines flight 007 is received. Temporary bans of specified duration, as we have witnessed to date, are valuable, but token. I urge my colleagues to pursue additional avenues to discourage yet another repetition of this outrageous Soviet action. The resolution is as follows:

H. RES. 308

Resolved, That it is the sense of the House of Representatives that the President should urge the governments of all countries to immediately prohibit Soviet air traffic from using the airports in their countries, with that prohibition to remain in effect until the Soviet Government provides an official explanation and apology regarding the downing of Korean Air Lines flight 007 in the vicinity of Sakhalin Island on September 1, 1983.●

SHOW OF FORCE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the President has been repeatedly criticized for sending U.S. troops and ships on maneuvers in the waters of Central America. Such action at this time, actually at any time according to his opponents' argument, is unproductive and likely to cause dissension among the countries of Central America and the Caribbean, perhaps even lead to war.

Now, the maneuvers are proceeding and there is no war. There have been, however, interestingly enough, new signs that the President's decision was the right one. The source of much of the region's instability, Cuba, has decided perhaps it is time to talk with the United States to see if some sort of negotiations can be undertaken. While the critics of the President will probably hail Cuba's Fidel Castro for his timely and altruistic call for an end to the violence in the region, which he has so cleverly wrought, they will deny that it was the strong show of force, resolve, which led Castro to make his concessionary remarks.

It is for this reason I bring the following editorial from the Oxnard Press-Courier, a local newspaper from my district in California, to the attention of my colleagues.

The article follows:

[From the Oxford Press-Courier, Aug. 14, 1983]

SHOW OF FORCE

The U.S. show of force off both coasts of Central America may have grabbed the attention of Cuba's Fidel Castro. We don't know why, but it looks that way.

Shortly after the Reagan administration announced deployment of naval forces off both coasts, Castro remarked in a television interview that he is willing to make some concessions in Central America.

Whatever the cause—and there is no way of reading Castro's mind—his sudden turn can be a good sign. The U.S. government should call his bluff, if it is one, and negotiate an agreement, if he really wants one.

There are reports that both Nicaragua and Cuba are pressuring the Salvadoran guerrillas to negotiate a settlement with the U.S.-supported conservative government in El Salvador.

Before U.S. forces arrived, some in Cuba and Nicaragua saw no obstacle to imposing communism on Central America.

It looks like President Reagan's gunboat diplomacy is getting their attention—and setting the scene for negotiation.●

KOREAN AIR LINES MASSACRE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. WOLF. Mr. Speaker, I join with my colleagues today in our collective expressions of outrage and disgust at the Soviet Union's barbaric act of shooting down an unarmed Korean Air Lines jetliner with 269 innocent people aboard.

That one of our colleagues, Rep. Larry McDonald, was a passenger on that ill-fated flight brings this abhorrence closer to home for us here in this body. To his family and to all the families and loved ones of the 269 people on KAL flight 007, I extend my deepest sympathy.

By speaking out here today, I believe we as the elected representatives of the people of the United States of America can start a unification process among ourselves and our allies which will express clearly and without doubt to the Soviet Union that such total disregard for human life will not be tolerated by civilized and peace-loving people throughout the world.

I believe our collective outrage, properly channeled, can have a positive impact on the future and underscore to the world that murders in midair will not be condoned and that the perpetrator of this act—the Soviet Union—must be held accountable for this brutal deed.

Mr. Speaker, at this point in the RECORD I would like to share with my colleagues a column on the Soviet action by George Will which appeared in the September 12, 1983, edition of Newsweek.

[From Newsweek, Sept. 12, 1983]

NEEDED: A POLICY OF PUNISHMENT

(By George F. Will)

The shocking thing is how shocked people are. The day the Soviet regime murdered another 269 persons was the 24,041st day since the regime was founded. Since 1917 the regime has killed at least 20 million of its own citizens, an average of more than 800 a day for 66 years. Unless the Red Army massacred another Afghanistan village last Thursday, the regime had a below-average day of blood.

Why are people so startled when the Soviet regime acts in character? Nothing in nature—not even granite, which water wears away over time—is as durable as illusions grounded in a desire to avoid facing nasty facts. Oh, yes, with metronomic regularity the Soviet Union does shatter some Americans' illusions. But Americans are a manufacturing people, so they manufacture new illusions about Soviet willingness to move up from barbarism. In 1979, after 62 years of domestic carnage and international gangsterism, the Soviet regime invaded Afghanistan, and the president of the United States said gosh that sure opens my eyes.

Why did the Soviet regime, after 2½ hours of thinking about it, murder another 269 persons? Well, why not? The benefits are clear enough (the benefits of intimidation, especially of Japan), and the costs are almost certainly going to be negligible, and brief.

The Soviet deed has been the subject of a U.N. debate. For the Kremlin that was an ordeal akin to being bombarded with marshmallows. Thank God it is not December or some dunce would suggest dimming the national Christmas tree. The state of Ohio, which has a better foreign policy than the United States, has removed Russian vodka from state-run liquor stores. Perhaps the 269 murders will complicate the process of subordinating foreign policy to presidential politics. Perhaps it will now be harder for the president to sally off to an election-year summit and sign an arms-control agreement ruined by American eagerness. But summits and agreements have no noticeable influence on the behavior of the Soviet rainmakers—the "yellow rain" rainmakers.

IMPARTIALITY

The World Council of Churches has not yet had time to condemn Korean Air Lines for aggressively bumping into Soviet air-to-air missiles, but various other "peace" parties, with the impartiality for which they are famous, have announced: The Soviet deed proves the irrationality of "the superpowers" and demonstrates the paranoia to which U.S. policy has driven the Soviet Union. So everyone must disarm, starting now, starting here.

The cotton-candy language of journalism spreads a sticky goo of imprecision over events like the attack on the plane. It has repeatedly been referred to as a "tragedy." No, when children die of leukemia, that is a tragedy. When they are blown to bits by an act of state, that is an atrocity, and one worthy of Hitler's former allies. But too many persons by now have too large a stake in muzzy language. Remember the merry disdain that showered down upon President Reagan when, in his first press conference, he talked about how the Soviet Union lies? "There you go again," said his cultured despisers, when he recently referred to the "evil empire."

His words are fine, but he has not got a policy worthy of them. What is needed is a policy not merely of punishment, but of steady deterrents and leverage. A suitable policy, one that was desirable even before this atrocity, is at hand. But the hands of this administration are not apt to reach for it at this late date.

Felix Rohatyn, the investment banker and Democratic thinker, says: The Soviet Union has shot down an airplane. We should shoot down a Soviet-controlled country. Western governments should nationalize the loans Western banks have made to communist countries. The government should buy up the debts at a substantial discount—at, say, between 25 and 50 cents on the dollar (that is between 25 and 50 cents more than some of them are worth). Then it should declare Poland in default, drying up the flow of credit to that country and slowing the flow to all other Soviet satellites.

This would give the banks a little liquidity—more than they deserve, given their irresponsibility. It also would force them to quit cooking their books, pretending that virtually irrecoverable loans retain their full face value assets. But the principal benefit would be for foreign policy.

Credit is a strategic weapon. Like other strategic weapons, it should not be private hands. Credit for communists should no more be controlled by private banks than the MX should be controlled by Hertz. Loans—if any—for the East bloc should be government to government, so that Western policy will no longer be hostage to commercial calculations.

BELLY UP

Were credit nationalized, we could say to the Kremlin: You want credits for your basket-case economies? Fine—but it will be contingent on reductions in defense spending. You reject such linkage? Fine—you pay for Poland, and have fun when Romania goes belly up.

During martial law Poland received from the West a substantial subsidy: its debts were rescheduled. The Reagan administration is a shameful subsidizer: Poland has not paid debts owed to the U.S. government, yet the United States has not put Poland in default. Some bankers say that forcing default would be too kind to Poland, because it would wipe the slate clean. Poland's regime knows better; otherwise it would declare default on its own. Poland today is receiving, in effect, money at 6 percent from the West while Americans pay more than twice that for mortgages. If Democratic candidates cannot make an issue of that, they should be burned on a pyre of their bumper stickers.

The Soviet Union suffocates entire nations without even a suspension of subsidies from the West. What has it to fear from reaction to the annihilation of a mere planeload of people? A regime whose essential policy is intimidation has added another brutality to its repertoire. But the diplomatic minuet will continue, from Madrid to Geneva. The grain shipments will continue, and so will the subsidized sale of "nonstrategic" goods—as though such a distinction makes sense regarding a totalitarian nation with a command economy entirely subordinated to militarism. Faster than a heatseeking missile, there will be business as usual, especially for business.●

OUR MARINES IN LEBANON

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. LONG of Maryland. Mr. Speaker, U.S. involvement in Lebanon has become more complex and more dangerous for our Marines who serve in the multinational peacekeeping force. As we in Congress discuss U.S. policy in Lebanon and the extent of our military involvement there, many difficult issues must be addressed.

As chairman of the House Appropriations Subcommittee on Foreign Operations, I recently led a congressional delegation to the Middle East. In Beirut, we were eyewitnesses to the extremely vulnerable situation of not only our Marines and other peacekeeping troops there, but of the thousands of civilians trapped in that wartorn city.

My distinguished colleague from Florida, Congressman BILL LEHMAN, who was with me in Beirut and serves on the Foreign Operations Subcommittee, wrote a riveting and thoughtful article recently published in the Sunday edition of the Miami Herald. I wish I had written it myself.

[From the Miami Herald, Sept. 4, 1983]

OUR MARINES IN LEBANON

(By Representative William Lehman)

Only days ago I was on the Beirut patio of the U.S. ambassador to Lebanon's residence. Our noontime briefing on the situation in Lebanon was regularly punctuated by bursts of 155mm artillery shells lobbed beween the Druze Moslems in the Shouf mountains outside the city and the Christian Maronites within.

There was a surreal quality to the scene: a buffet lunch alongside the not-too-distant explosions somewhere beneath the clear Beirut sky. That no one seemed to feel any immediate sense of danger indicates the illusion that people in Beirut must have learned to live by.

This false sense of security was illustrated by glimpses of Beirut life: People lined the beaches and lounged around pool cabanas. Heavy traffic in the streets told me that this commercial resort city is still functioning in the midst of a war zone, where, less than a week after I left, two American Marines were killed. Nearly half the city is bombed out, but fresh wash hangs in the breeze across roofs of gutted buildings as if trying to defy the facts. The American Embassy stood like a giant chopped off at the knees.

The root of the new fighting stems from Lebanese President Amin Gemayel's inability so far even to seek a political settlement among the independent opposition factions. Ambassador Rober Dillion thinks Gemayel overrelies on the Americans to solve all his country's problems. Gemayel's greatest fear, Dillon said, is that he will end up controlling only 20 per cent of Lebanon, with a Greater Syria to the north and east and an Israeli "north bank" in the southern third of the country. Though the Israelis and Syrians are certainly not talking, Dillon spoke

of their shared interest in a tacit partition. But the main problem at present is to contain the internal divisions that worsened last week and that threaten any chance of Lebanese sovereignty.

The most powerful armed force is still the Phalangist militias, a coalition of right-wing Christian groups, predominantly Maronite and dominated by the Phalange Party, which has been controlled by the Gemayel family. Despite some temporary success in its efforts to assert authority, the military arm of the government, the Lebanese Armed Forces, is as yet unable to achieve the level of control that Israel had or that is now necessary to gain and maintain control over Beirut and the rest of the country. Any positive effect from training by U.S. Green Berets is not in sight, and it may be months or more likely years, including a likelihood of additional U.S. casualities, before results are evident. In any case, it was clear that the military arm of the Lebanese government was not up to the task last week. With the imminent Israeli withdrawal and uncertain government authority, last week's four-day battle may be a preview of what is yet to come.

If my meeting with President Gemayel just over a week ago was any indication, he may still be waiting for someone to hand him Lebanon's sovereignty on a silver platter. I have no doubt he would be willing to negotiate with Druze leader Walid Jumblatt in good faith if the United States threatened to withdraw from the multinational peacekeeping force. The U.S. presence is his only real lifeline as leader of what is still not a nation-state. Perhaps last week's return to civil war will force him to make a genuine effort at national reconciliation.

Gemayel's isolated mountaintop retreat is as removed from the anarchy of the city as the inexperienced leader seems to be from the reality of his country's struggle for life. I did not see a man who has the courage to exercise power or even to realize what strong actions must be taken. Cautious not to criticize Syria's deliberate attemps to destabilize his government, he was more comfortable in his eager denunciation of Israel's intentions in fortifying what he termed the "north bank" south of the Awali River. The Lebanese president stressed how dangerous Israel's failure to fully withdraw from all of Lebanon would be for the future of his country. Gemayel believes, too, that Lebanon is the only true democracy in the Middle East.

One thing that seems certain is the danger Gemayel poses to himself and his government if he does not begin a good-faith dialogue and achieve an agreement between the Druze and Christians and other opposition elements vying for greater power. Civil war is the inevitable alternative.

The Reagan Administration is so far unwilling to admit just how complex U.S. involvement in Lebanon has become. The Marines were initially sent to Lebanon with a clear mission: first to oversee the PLO withdrawal from Beirut, and later to deter violence when premature withdrawal of the peacekeeping force proved an open invitation for Christian militias to take revenge against the Palestinian community.

Deterrence has not worked. A 1,200-man U.S. Marine peacekeeping force and the U.S.S. Eisenhower anchored five miles offshore did not deter the recent fighting. There has been no reemergence of Lebanese sovereignty as Israel began its pullout but, instead, a widening arena for civil war. The *raison d'etre* for the multinational peacekeeping presence in Beirut has been removed. The peacekeeping forces, such as that of the United Nations Interim Force in Lebanon (UNIFIL), has been to implement agreements between sovereign states or to partition parties as in Cyprus—not to remain in the midst of a cauldron of hostilities.

The most plausible choices at present would be either to expand the multinational force or to withdraw. An expanded U.S., United Kingdom, Italian and French contingent may again prove to be ineffective should the internal divisions within Lebanon remain unbridged. If the force remains modest in size and in its current locations, more casualties should be expected.

It is also reasonable to speculate that an expanded U.S. force of possibly 20,000 troops could provoke even more violence by Syrian-backed factions. Any expansion of our Marine force should not take place as a substitute for President Gemayel's inability to exert his authority.

President Reagan has complied with certain terms of the War Powers Resolution. But a congressional debate can be expected in the coming weeks over the President's refusal to address the provisions of the resolution concerning the outbreak of hostilities. The debate could lead to congressional limitation of U.S. military involvement in Lebanon due to the risks faced by the present force or an expanded multinational peacekeeping force. A unilateral U.S. withdrawal would be unwise, though I think the time has come to set a timetable for withdrawal if the civil war in Lebanon continues.

The consequences of doing so must be weighed against such issues as the survivability of the Gemayel government, increased Syrian and PLO involvement (though Israel's forces will remain only 25 kilometers from Damascus after its redeployment), Soviet intentions and U.S. international commitments. Notwithstanding these concerns, the alternative I would lean toward is withdrawal should civil war persist. An outside force cannot bring peace to Lebanon.

In an effort to reduce casualties and to live up to its promised intention to withdraw from Lebanon, Israel Defense Forces (IDF) have begun to move their prefabs and other support facilities. Israel's withdrawal will prove that everyone already knows: The Lebanese government cannot reassert steady control at this time. The Druze, the Syrian-backed Shiites and the Syrian government have been working to exploit that weakness.

The United States and Israel have a mutual interest in a sovereign Lebanon. If Israel, with its intense interest in the area, has seen fit to pull back its troops from Beirut to a more defensible position, then what business does the United States have there? If it is a no-win situation for the Israelis, then it is a no-win situation for us. With troops much more numerous than the multinational force, Israel has still sustained high casualties. It is ominous for a peacekeeping force with fewer troops and less commitment.

I can understand why Prime Minister Menachem Begin may have chosen to bow out at this time. In a meeting in Jerusalem barely two weeks ago, he appeared frail but still capable, and not noticeably depressed. He considers Lebanon to be Israel's main problem. First perceived as having liberated Lebanon from the PLO, Israel no longer has the public will to stay there. The truth is that Israel is pulling out faster than the Israel-Lebanon withdrawal agreement called for.

The IDF succeeded in removing the long-range weapons that had threatened Israel's northern population. But after putting a stop to that threat, Israel has in a way become another hostage of Lebanon. It does not want to stay in but does not have security guarantees in place that would allow a full withdrawal. Begin insists he does not want to partition the country, only to implement the withdrawal agreement achieved with the help of the United States. But that agreement cannot be implemented without Syrian cooperation. Israel's leaders no longer believe that it will be implemented.

Begin wanted us to know that Israel has paid a price in Lebanon, incurring casualties in order to contain the fighting between the Christians and Druze. In what might be regarded as his last message as prime minister to members of Congress, he stated that Israel is a faithful ally of the United States and he regards the United States as a faithful ally of Israel. That means reciprocity is essential between our two countries. That is why the intelligence gathered from Israel's capture of Soviet weaponry used in Lebanon has been shared with the United States.

In Damascus, Syrian Foreign Minister Abdul Halim Khaddam repeated what he has undoubtedly told other American officials. Khaddam says there is no Israel-Lebabon withdrawal agreement, just one between Israel and the Phalangist Party, unrepresentative of Lebanon's unique communities. He reiterated his government's position that if Israel withdraws unconditionally from all of Lebanon within eight weeks, Syria will withdraw its forces immediately. Syria, acting as if it holds all the cards, may underestimate Israel's seeming lack of resolve to see the Lebanon debacle through.

Missions that seem impossible today may be achieved and replaced tomorrow by new impossible missions. The Middle East has proved time and again that predictions can be empty, expectations can be dashed and impossible dreams can be fulfilled. The only thing that seems certain, however, is that the situation as it stands today will not remain so for long.●

TRYING TO KEEP THE POOR POWERLESS

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. LLOYD. Mr. Speaker, "justice for all" is one of the fundamental principles upon which our great Nation was founded, but now it appears that justice may only be for those who can afford it. Over the past several years, the Reagan administration has made every effort to gut the Legal Services Corporation with budget cuts and eligibility restrictions, and on September 28 yet another restriction is scheduled to take effect. It prohibits any person who has more than $15,000 equity in their home from obtaining legal assistance. We all know the prices of new homes, and how the prices of older homes have

skyrocketed, and this regulation will bar many homeowners who cannot afford legal advice, like senior citizens and the unemployed, from obtaining legal assistance. It is clear that this regulation is designed to prohibit all but those who live in object poverty from obtaining legal assistance, and it is just one more step in the administration's efforts to eliminate the LSC altogether. This unfair effort is not going unnoticed, and I believe the following editorial from the Chattanooga Times eloquently describes the feeling of million of Americans on this important matter.

One of the ideals in which Americans take justifiable pride is our attempt to ensure justice for all in the nation's legal system. The system isn't perfect, of course, but it has worked reasonably well. In recent years there have been efforts to provide increased access to the courts, especially for the poor. The Legal Services Corporation, for example, is a federal agency that helps provide lawyers to those who cannot afford to hire their own.

But the LSC is unpopular with the Reagan administration, which has failed in three attempts to abolish or at least emasculate, the agency. It has survived despite a 25 percent budget reduction, and the appointment of overseers who share Mr. Reagan's distrust for its role. But now a new threat is looming, one that, if successful, would disqualify millions of poor and elderly persons for any sort of legal assistance by the LSC.

The proposed regulations would, among other things, disqualify for legal assistance any person who has at least $15,000 equity in a residence. Many elderly persons have homes, bought years ago, that are worth that much, but today they are having to make do on limited incomes. Would the administration force them to sell their homes to hire a lawyer? The regulations would also deny legal assistance to anyone whose welfare payments, disability, or any type of government aid raised their income above a minimum figure.

The administration has tried to rationalize the new rules by arguing that the LSC's limited budget must be divided among those with the greatest need. But the argument fails to persuade, simply because the proposed regulations would transform the ideal of justice for all, making it justice for some.

Obviously those living in the most abject poverty would remain eligible for legal assistance. But consider the elderly and those with slightly higher incomes, all of whom are trying to make ends meet with limited means. These are the ones who will be denied justice because they won't be able to afford it.

The Reagan administration is obviously uncomfortable with the idea of the poor presuming to exercise their rights through the courts, hence its efforts to gut the Legal Services Corporation with budget cuts and restrictive eligibility criteria.

Barring an outpouring of protests, the new rules will take effect on Sept. 28. The American Bar Association has often reiterated its view that equal justice should be available to all, regardless of their economic circumstances. Its members, along with other Americans, should encourage Congress to prevent the administration from promulgating rules which in effect would put a price tag on the principle of equal justice.●

SOVIET'S INCOMPREHENSIBLE ACT

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MINISH. Mr. Speaker, it goes without saying that all of us in Congress, and indeed throughout the country, are shocked, angry, and deeply saddened by the tragic downing of Korean Air Lines flight 007. I for one, believe that in the wake of this incident, the United States should press for appropriate economic sanctions and strong international condemnation of the Soviet's incomprehensible act.

At this time, I would like to insert a fine editorial from the Newark Star-Ledger which I feel clearly paints a true picture of the Soviet regime and many of their policies.

The article follows:

[From the Newark (N.J.) Star-Ledger, Sept. 3, 1983]

BARBAROUS ACT

A string of angry words flashes across one's mind, the cerebral and emotional reaction to the shooting down of an unarmed South Korean civilian airliner by Soviet military aircraft: Barbarous, wanton, atrocity, horrifying, despicable, inhumane. These are graphically descriptive of a tragic affair in which 269 innocent, apolitical persons, including 51 Americans, were killed.

But the sense of moral outrage is somewhat leavened by trying, futilely, to fathom the dark motivation for such a devastating disregard for human life. In this context, the words that come to a rational mind are: Incomprehensible and implausible.

This, it must be made chillingly clear, was not a quick-trigger, spontaneous incident. Although the Kremlin belatedly explained that its involvement in the downing of the commercial airliner was "an accident," it has been established that Soviet jets had maintained a close visual surveillance of the plane for two and half hours after it penetrated Russian airspace. There was more than enough time for the local Soviet air command to confer with higher authorities before firing the fateful missile. In that chain-of-command framework, one can only conclude that a deliberate decision was made by the Soviet hierarchy to open fire.

It is difficult to perceive, again from a rational perspective, what the Kremlin conceivably thought it would gain from a horrendous act of violence that was certain to evoke a universal condemnation. Particularly at a time when Soviet authorities are trying to put their best nuclear face forward in the strategic arms talks with the United States, its nuclear superpower counterpart.

And at a time, too, when the Soviets are trying to forestall the deployment of middle-range missiles in Western Europe. How does one deal in a civilized manner with the insidious pathology of a brutal Soviet leadership, and the warped character that was responsible for the horrifying mass killing of innocent civilians? There are really few choices for the United States and the international community. But it should be fully clear, nevertheless, that Russia must live with the consequence of its wanton act.

There should be no lingering doubts that the Soviet Union, not the United States, is the greater threat to world peace. That should be the compelling message taken from pitiful, shattered remnants of the Korean plane in frigid seas north of Japan.

Strong, condemnatory representations must be made by Secretary of State George Shultz when he meets with Soviet Foreign Minister Andrei Gromyko in Madrid next week for the scheduled signing of the final document at the Review Conference on Security and Cooperation in Europe. And there should be, too, some serious rethinking by President Reagan on a summit meeting next year that the Kremlin has been pushing in recent weeks.

Another option available to the United States would be to press its allies to bar the Soviet airline from their airspaces, in retaliation for the lamentable incident. While the loss of human life is mortally irrevocable, Moscow must be held fiscally accountable for the grief-stricken kin of the victims, the bitter, ironical bottom line for the atrocity it committed.

LIES WILL FAIL

It looks very much as if this is one act of violence that the Soviets will not be able to talk their way out of. When Secretary of State George Shultz made his dramatic accusation of barbarism, he made it clear that he had the facts to back them up—and had them on tape in the form of actual recordings of the Soviet command to shoot down the defenseless plane.

American intelligence had done its job. It now seems, as the Security Council of the United Nations launches an investigation into this matter that has shocked the entire world, that the U.S. will win its case overwhelmingly in the only court this act of murder will ever be tried in—the court of world opinion.

The Soviets may bluster. Indeed, they have already begun a campaign of deceit designed at convincing the world that the loss of a plane was an "accident." But it looks as if this time we have the goods on them.

The sad fact is that the UN has the power to condemn, and little else. Even an action of this limited nature can be vetoed by the Soviets in the Security Council. But the impact of their unspeakable act goes far beyond mere word.

What response the United States will be able to take is still being determined and will no doubt be selected with great care. While numerous options have been suggested, there is no single response that can clearly be labeled the obviously right one.

Perhaps the most lasting result of this tragedy will be to end once and for all the Soviet claim to be a peace-loving nation. Those with short memories may have forgotten the crushing of the rebellions in Hungary and Czechoslovakia, the erection of the Berlin Wall, the sham trials, the purges and the executions. This will help remind them.●

BISHOP SMALLWOOD WILLIAMS HONORED AS CITIZEN OF THE WORLD

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. FAUNTROY. Mr. Speaker, on Saturday, September 10, 1983, the Shaw Community Center Food Committee held its third annual prayer breakfast. The honored guest at the breakfast was Bishop Smallwood E. Williams, founder and pastor of the Bible Way Church Worldwide.

Bishop Williams has provided long and dedicated service to the Washington metropolitan community. He has served as general secretary of the Church of Our Lord Jesus Christ of the Apostolic Faith; founded a school and mission in Liberia; served as president of the Washington, D.C., branch of the Southern Christian Leadership Conference; and served as a member of the President's Committee on Religious Resources in Mental Retardation.

In the area of community service, Bishop Williams was one of the principal leaders who fought for home rule for the District of Columbia. In 1964, he served as a member of the Washington Home Rule Committee Board of Directors. In 1967, he was cochairman of the Citizen's Committee To Support the President's Reorganization Plan for the District of Columbia Government.

Bishop Williams is the developer and president of the Golden Rule Apartments, Inc., a building containing 184 units. The Golden Rule Center contains 40 townhouses with up to 3 bedrooms, and includes a supermarket. These accommodations serve low- and medium-income people.

Bishop Williams' counsel is often sought by city elected and administrative officials, as well as prominent persons in business.

Bishop Williams has traveled extensively around the world. He has visited Israel as a state guest. He has frequently visited Europe, Africa, the Far East, and the Caribbean.

Bishop Smallwood E. Williams has received more trophies, plaques, keys to cities, awards, and days proclaimed in his honor than can possibly be acknowledged. Mr. Speaker, Bishop Williams is truly a citizen of the world.●

PAUL DORAN REVIEWS DEVELOPMENT OF PROPOSED ETSI PIPELINE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. DASCHLE. Mr. Speaker, I request a letter which I have received from Mr. Paul Doran, President, ETSI Pipeline Project, be printed in the RECORD in its entirety as it relates to H.R. 3849, the Coal Pipeline Act of 1983, which may be considered soon by the House. Earlier this year, the Agriculture Subcommittee on Conservation, Credit, and Rural Development, conducted a hearing on H.R. 1749. Among the witnesses appearing before the subcommittee were four South Dakotans who testified on matters relating to the proposed ETSI pipeline. The letter which I have received from Mr. Doran reviews these same matters. Although I am not personally familiar with the negotiations and other related activities which have occurred in South Dakota in conjunction with the development of the proposed ETSI pipeline, the letter which I received from Mr. Doran should be made available to the other Members of the House so they may form their own opinions and judgments on these matters.

ETSI PIPELINE PROJECT,
A JOINT VENTURE,
Houston, Tex., July 20, 1983.

Hon. THOMAS DASCHLE,
House of Representatives, Washington, D.C.

DEAR MR. DASCHLE: On June 15, 1983, the House Agriculture Subcommittee on Conservation, Credit and Rural Development held a hearing on H.R. 1749. The purpose of this proposed legislation is to require that the Secretary of Agriculture—in consultation with the Secretary of Interior—study the effects of interbasin transfers on agriculture and to prohibit any state from selling or otherwise transferring interstate waters for use outside its borders unless all states in a given drainage basin consent to such sales or transfers. As you know, H.R. 1749 was introduced by Rep. Bedell of Iowa who chaired the hearing at which I testified on behalf of the Slurry Transport Association and the ETSI Pipeline Project in opposition to the proposed legislation. Following my testimony, the Subcommittee heard from four ranchers who are residents of South Dakota. They were: Mr. Pat Trask, Mr. Steve Johnson, Mr. Henry Bruch and Mr. Art Crowley. It is evident from reviewing their testimony that this group of witnesses did not come before the Subcommittee to offer constructive information on the substance of H.R. 1749. Rather, they used the hearing as a forum to attack the ETSI Project. In so doing, these individual's presented erroneous information for the record regarding ETSI's efforts to acquire a right-of-way for its water pipeline across the Western South Dakota. These distorted claims and charges require a response.

By way of background, I would begin by pointing out that when the right-of-way acquisition program for the West River Aquaduct (WRA) commenced in South Dakota in January, 1982, all field personnel were explicitly instructed that ETSI did not contemplate using the eminent domain process in acquiring right-of-way. Further, our people were told that in no way was condemnation to be used as a threat and all acquisitions were to be achieved through "good faith" negotiations. We were successful in acquiring rights-of-way across 142 of the 151 private ownerships in South Dakota, or approximately 95%. The Trask ranch is one of the nine properties not yet acquired as is the C&NW Railroad at St. Onge. For the record, the other parties that appeared before this committee do not have an interest in any properties we propose to cross.

In retrospect, I think we perhaps deluded ourselves in January 1982, to think we could acquire all of the right-of-way without resorting to eminent domain. Insofar as the WRA will provide substantial benefits to South Dakota and particularly to Western South Dakota, we took the position that all of the right-of-way could be acquired through arms length negotiations. We made changes and concessions in the acquisition program underscoring our efforts to deal in good faith despite what you were told by the Western South Dakota ranchers at your hearing on June 15. The condemnation files on the unacquired properties will support our position. After all, 95 percent of the properties have been acquired in South Dakota, so we must have done something right. I also ask that you consider the fact that only one of the landowners to be crossed by ETSI has appeared before you, that being Mr. Pat Trask.

Regarding Mr. Trask's testimony as to the negotiations with the family, ETSI has always negotiated in "good faith". In fact, there have been upward of a dozen conversations with Mr. Trask or a Trask family member (Attachment A). Initially, Mr. Mark Trask proposed a relocation of approximately 40 miles of pipeline to the north of our proposed alignment, which would now require that ETSI forfeit about 33 easements and be forced to acquire 30-40 new easements with different landowners. In addition, this route change could affect the hydraulics of the line, thereby necessitating a change in design and pump station locations which have already been acquired.

Mr. Mark Trask, prior to his death, did consider a route change to the south of our proposed alignment that was not nearly as drastic as his original proposal. However, following his death, the Trask family rejected all routes South of the original 40 mile relocation request. Whatever progress had been made in previous negotiations was negated, and the entire negotiation process was back to square one.

In Mr. Pat Trask's testimony, he states that there are no roads providing access to the property, when in fact there is a county road, deeded to Meade County, which provides access to the right-of-way. Access across the balance of the Trask property will be restricted to the right-of-way itself. Mr. Trask also states that the landowner will ultimately be responsible for recouping any reclamation losses. Contrary to this, ETSI's intent and the intent of the right-of-way document is to make sure that the landowner is "left whole". In other words, our projects should not cause any economic loss to the landowner. To that end, ETSI has requested that the Trask's have language drafted by their attorney for our review and approval that would insure satisfactory reclamation.

It is not surprising that Mr. Trask appeared before the subcommittee to present his position, and did so in order to garner as much publicity as possible. The day before his appearance, several members of the ETSI staff met with the Trask family at their attorney's Rapid City office in an effort to resolve the question of the pipeline location. At the conclusion of this meeting, both Pat Trask and his mother were insistent that all should meet at the ranch to view some of the proposed route. The ETSI people agreed to meet with the Trasks and their legal counsel on the property, not knowing what had been planned. After arriving at a site accessible only by pickup trucks, there suddenly appeared a television crew from Rapid City, some 40 miles away. Mr. Trask now had his forum for negotiations which, on advice of our counsel, were immediately concluded by ETSI. The Trask legal counsel, totally unaware of his client's plans and resulting actions, apologized profusely. It appers to us that the Trasks do not want to enter into good faith negotiations to resolve the issues; however, ETSI stands ready to resume negotiations whenever the negotiations can be conducted in a businesslike manner.

Pat Trask is right on several points. ETSI, due to an internal reorganization and out of respect for the family, did not pursue negotiations during the duration of his father's illness. Also, Mr. Trask erroneously attributes our support of H.B. 1353 in the 1983 South Dakota legislature as an attempt to acquire eminent domain. That bill simply would have provided "quick take" to the eminent domain law as it applies to ETSI. On April 11, 1983, ETSI filed a condemnation proceeding to cross the Trask property (Attachment B).

Regarding Mr. Johnson's comments, I would submit the following points for the record. First, concerning the Madison Formation, ETSI can only use this formation as a source of water if Missouri River water is not legally or physically available to ETSI. In that respect, Mr. Crowley, Mr. Bruch and Mr. Johnson have been very active in making sure that Missouri River water is not physically or legally available. They have either collectively or individually: (1) appealed the water permit issued by the State of South Dakota Water Management Board, (2) filed a Declaratory Judgment suit attempting to get the ETSI/South Dakota water sale contract declared void, (3) they each sat on the Board of Directors for the "Save Our Soils" (SOS) group representing landowners interests during the ETSI/SOS negotiations, and (4) they requested and received from the Lawrence County Commissioners a resolution that would have denied ETSI the right to cross Lawrence County lands unless all affected private landowners had entered into an agreement through arms length negotiations. This resolution has since been rescinded by the commissioners due to the efforts of concerned citizens of Lawrence County in support of the project.

Second, regarding the contracts submitted for the record by Mr. Johnson, the first contract, dated February 3, 1982, and signed by Mr. Derosier, calling for a consideration of $325.00/acre is no longer a needed easement due to a minor pipeline realignment and will be released of record. However, Mr. Derosier, et al, have since signed two additional easements (Attachment C), one for full consideration and the other for $600/acre. We believe this very clearly evidences Mr. Derosier's complete satisfaction with both the terms of the documents and the consideration to be paid. The second document, (Attachment D), submitted by Mr. Johnson, dated March 12, 1982 and signed by Mr. Stabio, is for lands that front both the East and West of U.S. Highway 85 and is located approximately one mile North of the I-90 Spearfish/Belle Fourche Interchange. These lands have a positive development potential. Mr. Stabio preferred to convey a 50' permanent easement, with a 50' temporary construction space, due the fact that the impact on the lands would be minimized when and if he developed the same. In essence, the granting of a 50' permanent and 50' temporary easement provided ETSI with the needed 100' easement to accommodate construction and emergency situations, thereby effectively reducing the price per acre within the 100' to $2500/acre which we consider to be reasonable and acceptable due to the development potential.

Mr. Johnson attempted to suggest that there was something sinister concerning the payment of rental for Bureau of Land Management land as opposed to a single payment to private landowners. This simply is caused by the inability by law for the BLM to convey easements or interest, whereas private landowners are not so restricted. A lump sum settlement versus periodic rentals are equated when the amounts are determined. A private owner can put his payment in the bank and draw it out as an annuity if he wishes, which equates to the BLM periodic payment scheme.

Another item raised was the assignment of the BLM right-of-way grant. Normally, before an interest in this land can be assigned, the right to originally convey that interest must exist. Since the BLM cannot convey an interest in the land, ETSI does not receive an interest in the land and therefore cannot assign something they have not acquired. Generally speaking, the permit to cross BLM lands can be transferred as a routine matter. As for the BLM having no liability, I would submit that this is a rather broad brush statement and rather misleading. Our legal counsel advises that there are many instances in which the BLM could be held liable for tortious acts committed by them or their agents.

Mr. Johnson also states that the BLM is reimbursed for all costs incurred by them in preparation of the right-of-way permit. ETSI offered to reimburse the SOS landowners individually for reasonable attorney fees upon the execution of an agreement satisfactory to both parties, as has been our policy with other landowners. Perhaps Mr. Johnson's testimony should be viewed as being supportive of federal eminent domain legislation for coal slurry pipelines in that he expressed a concern about discrepancies occurring. Without the right of eminent domain these discrepancies can and do occur; however, eminent domain would allow the entity acquiring right-of-way the opportunity to maintain a consistent pricing structure.

Mr. Bruch's testimony is basically without substance and is primarily used as a means of attacking the ETSI Pipeline Project. However, he does make one comment to which we will respond.

He states that, ". . . it is far easier to gain wealth by manipulating government to obtain special privileges . . ." Perhaps Mr. Bruch was attempting to acquire that very position with his appearance before the subcommittee. It would certainly enhance a landowner's negotiating posture if eminent domain was not available, and in fact, is just the opposite of the true intent of eminent domain which is that the welfare of the general public carries a greater weight than that of any one individual.

As further evidence of our willingness to negotiate in "good faith", we, ETSI, in our efforts to acquire the needed right-of-way in South Dakota, have worked with a number of landowner groups and have satisfactorily addressed their concerns except for one group—that being the "Save Our Soils" group. Initially, the SOS organization was formed to protect the landowners rights and was recognized as such. However, shortly after formation, the actual control and direction was usurped by persons with the sole intent of defeating the ETSI project, not the protection of the landowner membership. This direction was now in the hands of Messrs. Johnson, Bruch and Crowley. It was at this time that the group replaced their attorney who was diligently trying to resolve the issues. The group then retained a "cause" lawyer who, over the period of several months, was instrumental in blocking every attempt by ETSI to conclude negotiated agreements. To show how ridiculous the situation was, the group asked that ETSI pay this attorney for her services as an adversary. No one agreed that ETSI would pay her fees, to do so would be questionable ethically and would be downright foolish from a business standpoint. However, in keeping with our policy that no landowner should suffer an economic loss due to our request for an easement, we did agree to reimburse the individual landowners for reasonable attorney fees incurred upon the execution of a right-of-way agreement. It was after this offer that we were informed by the new attorney that we should pursue eminent domain proceedings.

Perhaps the appearance of these South Dakota landowners is in itself a testimony for the need of federal eminent domain authority for coal pipelines. It is, in our opinion, representative of the fact that a very vocal and persistent minority can and will, if given the opportunity, delay or prevent coal pipelines and other energy related projects—projects that are vital to the Nation's efforts to develop its resources and thus decrease our dependency on foreign energy sources.

I hope this letter will be helpful to you in understanding the charges made against ETSI at the subcommittee hearing. Should you have additional questions, please do not hesitate to call.

Sincerely,

PAUL G. DORAN,
President.●

TRIBUTE TO AN EAGLE SCOUT

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. McKERNAN. Mr. Speaker, I rise and ask my colleagues to join me in praising the achievements of one of my constituents, David Caron, 16, of Portland, Maine. David will become an Eagle Scout on September 27.

I do not need to remind my colleagues of the tremendous effort and test of character involved in attaining the rank of Eagle Scout. So many fig-

ures of national renown have this prestigious award among their laurels that we may well conclude that the young men who earn this title today have unusual promise for tomorrow.

It is a privilege to be able to represent David Caron, who is the first Scout in troop 5 of St. Patrick's Church in Portland to attain the level of Eagle Scout. David is a junior at Deering School, where he is both a good student and athlete. In his spare time, David has a part-time job and attends a data processing course at a local vocational school. He is interested in a career in computer science.

David single-handedly undertook a fund drive for the cancer fund as part of his Eagle Scout requirements. He set up a "tag day" at several local stores, and, working with other Scouts and their parents, was able to provide a significant contribution to the fight against cancer. The bearer of 21 separate merit badges, and an attentive student of the Boy Scout creed, David Caron is truly worthy of the Scout's highest award.

I join David's parents, teachers, friends, and Scouts everywhere, in congratulating him on his achievement, and in wishing him many future successes.●

PAYROLL DEDUCTION FACILITATION ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Ms. OAKAR. Mr. Speaker, I am introducing legislation today which will benefit Federal employees, save the taxpayers money, and allow the Government to utilize modern banking practices.

This bill, the "Payroll Deduction Facilitation Act," accomplishes two basic purposes. It provides for no-cost payroll deductions for Federal employees, and it amends the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) to assist the Government in making recurring payments through the use of direct-deposit electronic fund transfers (EFT's).

Over the years, payroll deductions have proven to be an effective and efficient means of encouraging savings for all Americans. We know that savings are a sure method by which every citizen can contribute to improvement in our economy, help stall inflation, and play a positive role in bringing down interest rates. Congress, therefore, should do all it possibly can to encourage thrift and savings, and this is one of the purposes of the bill I am offering today.

Under the current law, service charges for processing payroll deduction checks are imposed only on savings allotments made under 31 U.S.C. 3332. This statute requires that Federal agencies be reimbursed for the additional administrative costs incurred in processing savings allotments for Federal civilian employees by their recipient financial institutions. The Federal Government will absorb the administrative cost of sending one check to an employee's designated financial organization. However, the appropriate Federal agency must be reimbursed by the designated financial organization for any administrative costs incurred in processing additional savings allotment checks, which are statutorily limited to two. Current law also provides that only active and retired military personnel and Department of Defense civilians working overseas are authorized to make more than one allotment to financial institutions at no cost to them or to their recipient institutions.

The bill I am introducing would delete the requirement that administrative costs be reimbursed by the financial organization. It would require the Federal Government to absorb all administrative costs incurred in the savings allotment program. In my opinion, the benefits to our economy provided by this legislation far outweigh any additional minimal costs to the Government. Moreover, as with military and overseas DOD personnel, it is already common practice in the private sector to provide such services for employees at no cost to the employees or to their financial institutions.

By way of background, payroll allotments for civilian employees of the Federal Government were established in 1961 (5 U.S.C. 5525). These cost-free allotments were limited to labor dues, charitable contributions, and taxes. The program was expanded in 1965 to permit Federal employees to send allotments to financial institutions, but there was no requirement that the Government impose fees for these services. It was not until 1968 that charges for sending allotments to financial institutions were set by the Department of the Treasury. Under 31 U.S.C. 3332(c), as amended by Public Law 90-365, the Treasury Department was given the authority to establish fees for the two additional allotments sent to financial institutions. An allotment for an employee's regular paycheck has been and continues to be sent at no cost to the employee or the financial institution, since it is considered to be an entitlement to the employee. Incidentally, charges were imposed on the two extra allotments because it was feared that additional allotments might constitute an excessive expense for the Government. However, during the 96th Congress, the Office of Personnel Management concluded otherwise and proposed a rule which would substantially liberalize the use of payroll allotment programs.

During the last Congress, the Department of the Treasury published a Notice of Proposed Rulemaking to increase the service charge for payroll allotments of Federal civilian employees. In response, I introduced H.R. 4703 (97th Congress) to negate the Treasury Department's proposed regulation and to require the Government to provide payroll deductions free-of-charge to all its employees. My Subcommittee on Compensation and Employee Benefits held a hearing on February 4, 1982, and the bill passed the House on April 27, 1982. Following this House action and while the bill was still pending in the Senate, the Department of the Treasury, on June 7, 1982, postponed indefinitely the scheduled fee increase.

Since the beginning of this Congress, my subcommittee staff has been working with staff from the Banking Committee and the Department of the Treasury. The bill I am introducing today is the result of that effort, and I am pleased to report that this bill has the support of the Department of the Treasury, the major credit union associations, and other financial organizations interested in thrift and savings for all Americans.

While this bill benefits the Federal employee, it also provides significant benefits for the American taxpayer and the Government as well. It is a major step forward in assisting the Treasury Department reach its goal over the next decade of having virtually all Federal recurring payments made by direct-deposit electronic fund transfer (EFT). More importantly, by converting the estimated 75 million Federal civilian savings allotments per year to direct-deposit EFT, the Department of the Treasury projects an annual $4.4 million savings to the Government.

The Payroll Deduction Facilitation Act provides a important benefit to the Federal employee, and it saves the Government money. I ask my colleagues to support it.●

BOYS' CLUBS HONOR BOB HOPE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MOORHEAD. Mr. Speaker, on September 28, 1983, at the Century Plaza Hotel, the Boys' Clubs of Long Beach, Pasadena, Rio Hondo, and Santa Monica will present their Greater Los Angeles Citizen of the Year Award to Bob Hope.

What can be said about Bob Hope that has not been said many times before. He is, undoubtedly, the most honored man living in our Nation

today. He is esteemed by millions for his humor, commonsense, and credibility. He is praised often and appropriately for his countless gifts of time and love and joy to countless persons. He is admired universally for his aplomb, his skill, his energy, and his success.

On thousands of occasions, his facile wit and nimble jests have made us laugh at ourselves and our "dire straits." Repeatedly, his humor and his presence have eased our pain and lessened our anxiety. Time after time, in virtually every part of the world, he has been the consummate giver of fun and smiles. For all these virtues, we greatly admire and respect Bob Hope.

But I suspect that beyond and above these wonderful traits, we Americans like Bob Hope most because we simply see him as a very good man.

Who can imagine, for example, Bob Hope screaming about some small slight. Who can imagine him as the outraged demagog or who can imagine him flaying America because it failed to reach perfection and who can imagine a sullen, humorless, divisive Bob Hope.

I certainly cannot. I see a man whose livelihood has been to create warmth and brotherhood, to generate unity and strength. His way has been to lift spirits, to put mirth in the soul and sparkle in the eye. Bob Hope is the kind of man who would put a yellow ribbon down the middle of a muddy road.

I would like to thank Bob Hope and the boys' clubs for their unceasing gifts. They both deal in yellow ribbons. Both are devoted to improving the lives of people, young and old. There is no higher calling.

Mr. Speaker, I would like to take this moment to bring to the attention of my colleagues in the House of Representatives the presentation to Bob Hope of the Greater Los Angeles Citizen of the Year Award by the Boys' Clubs of Long Beach, Pasadena, Rio Hondo, and Santa Monica.●

LIEUTENANT GIBBONS TOP ARMY ROTC GRADUATE

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● **Mr. NICHOLS. Mr. Speaker, today it was my privilege to participate in a distinguished presentation in Secretary John Marsh's office in the Pentagon, honoring the top Army ROTC graduate in the United States, Lt. Edward G. Gibbons, Jr. Lieutenant Gibbons is a 1982 graduate of Auburn University in my congressional district, which by every standard of measure, is one of America's finest academic institutions.**

Lieutenant Gibbons' academic, military, and leadership achievements at Auburn were singularly outstanding. A history and political science major, he was graduated with high honor, having been selected to the dean's list for academic excellence his last eight quarters. He was elected to numerous honor societies including Phi Kappa Phi, the foremost national scholastic honor society at Auburn and Mortar Board, the national senior scholarship, leadership, and service society. He also received a fully funded Army fellowship for graduate study.

In military leadership and training, Lieutenant Gibbons' achievements are unprecedented at Auburn University and the State of Alabama. Among his many firsts, he was the top ROTC graduate of all cadets from throughout the United States at the 1981 U.S. Army Ranger School; was the honor graduate of the U.S. Army Air Assault School; received the George C. Marshall award as the top cadet at Auburn University; and received the 1982 Governor's Award as the foremost cadet in the State of Alabama.

Lieutenant Gibbons held the position of cadet battalion commander, the highest ROTC leadership position at the university. His leadership and esteem among his classmates of all services also gained him the presidency of all three military honor societies at Auburn.

Lieutenant Gibbons, who attended Auburn on a 4-year Army ROTC scholarship, is a 1978 graduate of Signey Lanier High School in Montgomery, Ala. He is the son of Mr. Edward G. Gibbons of Montgomery and Birmingham, and Mrs. Beverly B. Gibbons of Boston, Mass.

Lieutenant Gibbons recently completed the infantry officer basic course at Fort Benning, Ga., where he was selected to the commandant's list for outstanding achievement. He is currently assigned as a mortar platoon leader in Company C, 2d Battalion, 325th Infantry (Airborne), 82d Airborne Division, Fort Bragg, N.C.●

THE CONTINUING REALITY OF UNEMPLOYMENT

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MOODY. Mr. Speaker, today the Subcommittee on Public Assistance and Unemployment Compensation held hearings on what is presently our country's most serious problem—unemployment. The Northeast-Midwest Coalition's Unemployment Task Force tesitified to the special crisis in our section of the country and urged the adoption of an extension of the Federal Supplemental Compensation program. I would like to reiterate that plea.

It is frightening to realize that there are over 10.5 million people out of work, a large percentage of whom are no longer eligible to receive unemployment benefits. Yet, according to a study published last week by the Brookings Institution, despite record unemployment, proportionately fewer Americans received unemployment in the thick of the recession than in any recession since World War II. Even more appalling is the finding that in contrast to calendar year 1975 when more than 78 percent of the unemployed were covered by regular, extended, or supplemental unemployment insurance, in calendar year 1982 only 45 percent were covered. Furthermore Federal, State, and local governments paid out fewer dollar benefits for unemployment in 1982 when 10 million people were jobless than in 1976, when 7.6 million workers were out of work.

Certainly, these are sobering figures. Yet I, as did most of my colleagues, found these facts to be dramatically illustrated during the recent district work period. Cold statistics mean little to a family with an employed bread earner for years. But now have that bread earner been laid off, with little hope of being rehired.

Yet hope, faith and pride persist in the face of this economic nightmare. I would like to share with you excerpts from a letter I recently received from one of my constituents which reveals the heartache that accompanies these statistics:

DEAR CONGRESSMAN: The problem I'm writing about concerns millions of people, it sure has with our family. I'm certified disabled, now my heart has gone bad—no surgery because of the other ailments. Medicine is very expensive, I feel like not taking it, although I'm not afraid of death our four children, their spouses and six grandchildren would miss my "cooking" and "love."

My husband was laid off in October, 1982, after 42 years there, except for WW II, from Milwaukee Gear. One of our son-in-laws, same time, same place. His wife worked for Mobil Oil, they left Milwaukee. Another family lost their business, but didn't go bankrupt—two children. Another son (single), age 39, has had 3½ years of surgeries, they cut his disability off, but later reinstated it. Our homes are open to him, but he perfers his cheap apartment on Milwaukee Street. By God, we help each other.

Now they're cutting off compensation. The men are not lazy, nor our girls, they do any work they can find. I help, as far as my condition permits. Where is the surplus food? We got cheese. The phone increase?

Please restore my confidence in America, Jim. We have a son in Washington who has sent us money and gifts. At first we were ashamed to accept, but his wife said, Mom, we share!

Respectfully,

VIVIAN.

Mr. Speaker, if we do not get unemployment under control soon, it will

destroy for many the individual dignity which comprises the fabric of our country. In the meantime, we must concentrate on the long-term unemployed who most need help.●

TRIBUTE TO SCTAC ON 10TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. ANDERSON. Mr. Speaker, this year marks the 10-year anniversary of the Southern California Transportation Action Committee (SCTAC). So many of us who are interested in southern California are familiar with their work and their efforts as an educational organization dedicated to improving mobility in our area. Having had the opportunity to speak to the SCTAC, I am impressed by their current activities and ongoing goals which are designed to build public awareness of and support for the important transportation needs of this region.

The SCTAC recognizes that there can be no single solution to solving our complex transportation problems, and so they have spoken and acted on behalf of a comprehensive approach designed to address the matter on many fronts. As such, the SCTAC has a wide variety of transportation interests some of which include accelerated completion of priority highway projects, building public support for "bus-on-freeway" transit, supporting adequate transportation funding, strengthening the county transportation commission's role in transportation decisionmaking, improving regional airports' operations, and enhancing our harbor access.

A central strength of SCTAC is that they have been able to utilize the abilities and channel the energies of outstanding individuals throughout the region. Founded in 1973, the SCTAC is a nonprofit, educational organization whose broad-based alliances include members and associates of air, water, rail and highway operators and users, builders, developers, suppliers, and transport users. They also work closely with the chambers of commerce, organized labor groups, project advocates, environmental and civic groups, local government agencies, and many private individuals.

It is through such coalition building that the SCTAC has played an important role in assisting with the passage of important transportation legislation at both the Federal and State levels. Few groups are able to interact with such diverse elements as has the SCTAC. This, I think, is testimony not just to the goals and objectives of the organization, but to the manner in which they work toward those goals.

So, I know I join with many others when I offer my congratulations to the Southern California Transportation Action Committee on the occasion of their 10th anniversary, commend them for the work they have done to date, wish them the best for the future, and tender a standing offer to assist them in their efforts to improve the transportation network in southern California and, indirectly, throughout the Nation.●

MOSCOW FEARS OUR VOICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. KEMP. Mr. Speaker, America's international broadcasts are essential for getting unbiased information on world affairs, like the Korean Airline massacre, to people living in the Soviet Union and other tyrannies. As President Reagan said in his national radio address on Saturday:

Accurate news like this is about as welcome as the plague among the Soviet elite. Censorship is as natural and necessary to the survival of their dictatorship as free speech is to our democracy.

I commend to my colleagues this excellent editorial from the New York Post on our Voice of America and Radio Liberty broadcasts. With recent events pointing out once again the important nature of these national security programs, I urge my colleagues to support the long overdue funding increases for these broadcasts.

The editorial follows:

MOSCOW FEARS OUR VOICE—LET'S MAKE IT STRONGER

Secretary of State George Shultz says the Soviet Union's paranoid form of government is a system which fears foreign radio broadcasts even more than it fears missiles.

There is no need to tell that to the Voice of America.

If ever there were proof that President Reagan should ask Congress to give the VOA the tools with which to do its job it was provided by the Korean airliner tragedy.

The Soviets intensified their jamming to block every attempt by the VOA to broadcast Washington's meticulously detailed version of the shooting down of the airliner—including the shocking tapes of the Soviet pilots actually firing their missiles.

By straining every available resource the VOA managed to pierce the Soviet jamming. It brought in equipment that was in need of maintenance. It boosted the power of foreign transmitters beyond their normal levels. It will be able to keep up its present stepped-up rate of 17 hours of broadcasts a day to the Soviet Union, however, for only another week.

The VOA was helped in getting its broadcasts through by prevailing conditions. Jamming is difficult during twilight periods in the summer months of northern Europe.

There are places in Moscow and other East European cities where people go specifically during those periods to hear the few VOA and other Western broadcasts which get through.

We pointed out here last week that the Soviet action in shooting down the Korean airliner had already proved to be a huge defeat for Moscow's prolonged campaign to present the Soviet government as "peace-loving" and the United States as a "threat to peace."

The defeat would have been more substantial and more lasting if the VOA were not handicapped by inadequate funds and obsolete equipment.

The Soviets spend more money jamming the VOA and other Western broadcasts than the VOA's budget to broadcast to the entire world.

The Soviets have 37 high-powered 500-kilowatt shortwave transmitters. The VOA has six make-shift affairs, clobbered together from 250-kilowatt transmitters.

Further, many of the VOA transmitters in Washington, and its relay transmitters around the world, are more than 15 years old.

Anyone who travels abroad and listens to a shortwave radio knows the result of this cheeseparing in Washington. The airwaves are flooded with Soviet and Eastern European propaganda broadcasts.

Indeed, the Soviets are on the air around the world in 82 languages for 2157 hours a week.

By contrast, the VOA broadcasts in only 42 languages for a total of only 956 hours.

As a result, many countries which should be receiving an American version of what is going on get only an hour or so of information daily.

The VOA broadcasts for only an hour a day to Laos, for 1½ hours to Bulgaria and Cambodia, for 1 hour 50 minutes to Yugoslavia and the Baltic states—Estonia, Latvia and Lithunia—seized by the Soviet Union after World War II. It broadcasts for only 1½ hours in Pashtu and a further 1½ hours in Dari to Afghanistan—compared with round-the-clock propaganda by the occupying Soviet forces.

The worst result of Washington's penny-pinching is in the paucity of VOA broadcasts to Central and South America. It broadcasts for only 5½ hours a day in Spanish to that area. The Soviets broadcast in nine languages for 19 hours and Cuba broadcasts in six languages right round the clock.

There is an urgent need for the Reagan Administration to change this dismal performance. The VOA has the leadership and the staff to deliver. All it needs are the tools.●

GERMAN-AMERICAN TRICENTENNIAL YEAR 1983

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. GILMAN. Mr. Speaker, to paraphrase an old mathematical axiom, the whole can be no greater than the sum of its parts. When we reflect on the great achievements that we as a Nation have attained, in every frontier imaginable, we can attribute that success to the greatness of all the people who comprise our Nation. The Ameri-

can people are a synthesis of scores of cultures, many of whose traditions and beliefs we have embraced as a Nation. I am pleased to be able to note today that President Reagan is honoring one of these groups and has designated 1983 as the Tricentennial Anniversary Year of German-American Settlement in America.

On October 6, 1683, 13 Mennonite families (33 people in all from the city of Krefeld) arrived in Philadelphia and founded the community of Germantown, paving the way for the 7 million Germans who were to follow them to the United States during the next 300 years. In those ensuing years, the contributions of German-Americans have been countless. Among the list of distinguished German-Americans are Albert Einstein, John Steinbeck, H. L. Mencken, Kurt Vonnegut, Billy Wilder, Marlene Deitrich, Kurt Weill, Levi Strauss and the Heinz, Busch, Weyerhaueser and Boeing families, to name just a few. The U.S. Census Bureau has estimated that more than 28 percent of all Americans claim German ancestry . . . approximately 52 million U.S. citizens.

The Tricentennial of German-American settlement is being marked by a series of events throughout the United States and West Germany in 1983, including musical and dramatic performances, lectures, exhibitions, seminars, scholarly conferences and official ceremonies. The culmination of this celebration will be the visit to Philadelphia in October of President Karl Carstens of West Germany and the dedication that same month of the Friendship Garden on the mall between the White House and the Jefferson Memorial.

Mr. Speaker, I would like to take this opportunity to recognize the membership of the German-American Club of North New Jersey and New York. On September 28, 1983, they will hold their Heritage Celebration at the Elk's Lodge in Greenwood Lake, N.Y. which is located in my congressional district. Mr. Hermann Schnipkoweit, Social Minister of Lower Saxony, and Mr. Heinrich Bierman, County Executive of Hildesheim will be their honored guests. In the spirit of the Tricentennial of German Immigration to these shores, I know that my colleagues would want to join me in thanking this outstanding group of people for their countless contributions to our Nation and to wish them continued happiness and success.●

A TRIBUTE TO JACK GARRETT REAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MOORHEAD. Mr. Speaker, on September 28, 1983 at the Beverly Hilton Hotel, the prestigious Americanism Award of the Great Western Council, Inc., Boy Scouts of America will be presented to Mr. Jack Garrett Real.

In its 10-year history, the Americanism Award has gone to only three other men—Gen. James Doolittle, Bob Hope, and former President Gerald Ford.

The only thing that Jack Real does not share with this esteemed trio is worldwide fame. In all other meaningful respects, he is their equal.

His life in the business and civic community has been marked by a firm and unswerving commitment to excellence, integrity, and commonsense. He has been and is a leader in every meaning of the word.

Jack Real's professional business career began as a mechanical engineer at Lockheed-California Co. in 1939. For the next 32 years, he put his unique stamp of quality on that famed aircraft company.

Upon leaving Lockheed, he went to Hughes Tool Co. and again made his presence felt. Today, he is the president of Hughes Helicopters.

On the civic side he has given great amounts of time and effort to his first love, the Boy Scouts of America. For the past 25 years, he has been a member of the executive council, offering leadership, wise counsel, and prestige.

Mr. Speaker, I would like to call to the attention of my fellow Members in the House of Representatives this presentation of a very special award to a very special man from a very special organization. I am pleased to take part in this fine tribute.●

IKE ON "MAN AGAINST WAR"

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. NEAL. Mr. Speaker, in the aftermath of the Soviet Union's murderous attack on Korean Air Lines Flight 007, which was amoushed by Soviet fighters and shot from the skies over Sakhalin Island in the predawn hours of September 1, there have been growing misgivings about future United States-Soviet relations, including our ongoing negotiations to limit the nuclear arsenals of our two countries. Some critics of the United States response to this latest Soviet act of barbarism have insisted that the negotiations should be halted. It is my hope that cooler heads will prevail.

I am of the opinion that the response of the United States has been, in the main, both measured and appropriate. I share to the fullest extent the indignation and outrage expressed by our President and our Department of State. I share in the desire to bring the Soviet Union to full account, both in explaining truthfully what actually happened; in compensating the survivors of the 269 victims; and in obtaining a guaranty that such mindless savagery will not occur again. To obtain those ends, I believe the United States should be a leader of the free world in an international effort to protect the lives and the liberty of those who travel the airways, including those who stray over unfriendly territory.

I do not believe this purpose would be served, however, by allowing our grievances to push us to the brink of war, as some vocal critics of the United States handling of the KAL-007 affair seem willing to do. We need to remember that wars have been ignited by incidents of similar gravity. The assassination of the Austrian Archduke Ferdinand—the loss of one life, albeit an heir to the Austrian throne—is listed as the immediate cause of World War I, in which over 10 million soldiers died. There was at that time an European arms race, extremely tense international relations, and manifest distrust among the competing powers. Nonetheless, had Ferdinand's assassination not occurred, or had reaction to it been more subdued, who knows what course history might have taken? The point is that impassioned revenge usually extracts a price, or entails risk. Today, the risks are awesome, not only to ourselves, but to all mankind.

In a recent issue of the Washington Post, syndicated columnist David S. Broder reported an important letter written in 1956 by President Dwight D. Eisenhower to Richard L. Simon, president of the publishing firm of Simon & Schuster. Mr. Simon had written President Eisenhower calling attention to a column by Joseph and Stewart Alsop on the Soviet military threat, urging the President to give high priority to a crash program for long-range airpower and missiles—in other words, a head start on a stepped-up arms race.

This was at a time, Mr. Speaker, when the nuclear capability of the United States was vastly superior to that of the Soviet Union. Yet President Eisenhower, in a strong statement that rings even more true today than it did then, foresaw clearly that the day would come when the choices would be narrowed to two—a peaceful containment of nuclear arms, or all-out nuclear war.

I would like at this time, Mr. Speaker, to insert the text of the Eisenhower letter into the RECORD, and commend it to the attention of my colleagues:

EISENHOWER LETTER

Dear Dick: Thank you for your letter, which brings up subjects too vast to be discussed adequately in a letter. Suffice it to say here that I doubt that any columnist—and here I depend upon hearsay as I have no time to read them—is concerning himself with what is the true security problem of the day. That problem is not merely man against man or nation against nation. It is man against war.

I have spent my life in the study of military strength as a deterrent to war, and in the character of military armaments necessary to win a war. The study of the first of these questions is still profitable, but we are rapidly getting to the point that no war can be won. War implies a contest; when you get to the point that contest is no longer involved and the outlook comes close to destruction of the enemy and suicide for ourselves—an outlook that neither side can ignore—then arguments as to the exact amount of available strength as compared to somebody else's are no longer the vital issues.

When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

The fullness of this potentiality has not yet been attained and I do not, by any means, decry the need for strength. That strength must be spiritual, economic and military. All three are important and they are not mutually exclusive. They are all part of and the product of the American genius, the American will.

But already we have come to the point where safety cannot be assumed by arms alone. But I repeat that their usefuness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory over opponents as in 1945. In this regard, today we are further separated from the end of World War II than the beginning of the century was separated from the beginning of the sixteenth century.

Naturally, I am not taking the time here to discuss the usefulness of available military strength in putting out 'pairie fires'—spots where American interests are seriously jeopardized by unjustified outbreaks of minor wars. I have contented myself with a few observations on the implications of a major arms race.

Finally, I do not believe that I shall ever have to defend myself against the charge that I am indifferent to the fate of my countrymen, and I assure you that there are experts, technicians, philosophers and advisers here, who give far more intelligent attention to these matters than do the Alsops.

With warm regard,

Sincerely,

DWIGHT D. EISENHOWER.●

HONORING A GREAT AMERICAN—BRIG. GEN. ROBERT CARDENAS, U.S. AIR FORCE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MARTINEZ. Mr. Speaker, I am proud to have the opportunity to call to Congress attention the outstanding achievements of Brig. Gen. Robert L. Cardenas. This man not only deserves our praise for the 35 years of service to his country, and his role as a pioneer in aircraft development, but also the respect of the entire Hispanic community in the United States. His dedication serves as an example and an inspiration to all of us who share this proud heritage.

General Cardenas attended schools in San Diego and later graduated from the University of New Mexico in 1955 with a bachelor of science degree in mechanical engineering. His military career began in 1939 when he became a member of the California National Guard. He entered aviation cadet training in September 1940, and received his pilot wings and commission as a second lieutenant in July 1941.

During World War II General Cardenas served as a B-24 air craft pilot in the European theater and was awarded the Air Medal and two Oak Leaf Clusters for bombing missions before being shot down over Germany in March 1944.

General Cardenas aided in pioneering jet air craft development, test flying the P-59 and XB-45, the Air Force's first jet fighter and bomber. In 1969, General Cardenas became vice commander of the 16th Air Force with headquarters at Torrejon Air Force Base, Spain. He was awarded the Spanish Grand Cross of the Order of Aeronautical Merit by the Spanish Government.

It is with great pleasure that I sight these many achievements. General Cardenas exemplifies the fine dedication of a soldier in service to this country, and the powerful motivation and contribution of the Hispanic community to American society.●

THE DESTRUCTION OF FLIGHT 007

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Ms. FIEDLER. Mr. Speaker, the destruction of Korean Air Lines flight 007 has added yet another chapter of horror to the history of this dark and terrible century. The Soviet Union has added to its long lamentable list of crimes: The famines in the Ukraine, the great purge, the Baltic deportations, the repression of Soviet Jewry, the invasion of Afghanistan, to name just a few. We are dealing with a regime to whom the bizarre and hateful slogans of Communist ideology are real, but men and women mere shadows, a regime that holds its borders "sacred," but human life worthless. The Soviet Union may talk of peace; but the death of flight 007 shows they act with missiles.

It is time for the decent people to look to their defenses. If there could be any doubt that terror was as important and fundamental to the Soviet state as democracy and freedom is to ours, it is now dispelled. Lenin himself wrote "We have never rejected terror on principle, nor can we do so." What we saw in the night sky over the Sea of Japan was not an aberration, nor a mistake. It was rather a crystal-clear glimpse of the basic and fundamental nature of the Soviet Union.

In the short term, the United States, and the governments of much of the world, have reacted with sanctions. This is both applaudable and necessary, but it is not enough. If flight 007 fades from the headlines without making us view the Soviet Union the way it really is, then we will have broken faith with those who died.

The United States is a democracy, a form of government that requires responsibility and participation from its citizens. The spirit of democracy is opposed by that of totalitarianism—that the state is all, the individual, the family, nothing. That is why I strongly support the actions of individual Americans against the Soviet Union. It is not an American tradition to rely on the government for all things. That includes expressing their outrage, whether it be by small things, such as refusing to stock Soviet-made vodka, or large ones, such as the actions of the Los Angeles longshoremen who willingly refused the wages they could have earned unloading the Soviet freighter *Novokuibyshevsk*. In creating their own sanctions against the Soviets, by putting their principles before monetary gain, these longshoremen have carried on a proud American tradition. They have earned our support and our gratitude.

This freedom and resolve is the opposite of the spirit that destroyed flight 007. Its continued existence is one of the few hopes all those who value human life and the human spirit have in the face of the crimes that the Soviet Union perpetrated since it first emerged. These crimes were intended to intimidate, to kill not only people who wished to live in freedom, but to kill the hope for freedom in those who still lived. The Soviets have failed in this as much as they have failed in agriculture, in industry, in everything else with the exception of war, repres-

sion, and viciousness. The spirit of freedom still lives with the people of Afghanistan, with Soviet Jewry, with the Ukrainians, Balts, Christians, Hungarians, and with those, worldwide, who share this spirit. As long as people are willing to stand up for this spirit—as happened in Los Angeles and throughout America in the wake of this latest crime—then we may yet remain the last, best, hope of the Earth.●

AGENT ORANGE CARAVAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Ms. KAPTUR. Mr. Speaker, during the August recess, I had the opportunity to participate in one of the most moving and uplifting experiences in my public life. Last week, the Vietnam Veterans of Toledo welcomed to Toledo, the Agent Orange Caravan which is on its way to the Nation's Capital. During this welcoming ceremony, I became more convinced than ever, that the tragedy of agent orange must be forthrightly addressed by the Congress.

The individual most responsible for organizing this event was a gentleman for whom I have a great deal of respect, Mike Flowers, the president of the Vietnam Veterans of Toledo. Mike is an inspiring leader of this organization. Since serving his country in Vietnam, Mike has been an articulate spokesman for the cause of the Toledo area's Vietnam veterans. As a member of the Veteran's Committee, it is a privilege to work with an individual like Mike Flowers in our effort to serve our country's Vietnam veterans.●

DISASTER RELIEF

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BOSCO. Mr. Speaker, today, along with my colleagues, Congressmen WEAVER and SWIFT, I am introducing a concurrent resolution which seeks to address the severe economic hardship facing west coast commercial salmon fishermen. Ocean conditions associated with the natural phenomenon commonly known as El Nino have threatened the continued viability of hundreds of small commercial salmon operators in California, Washingtion, and Oregon. The 1983 salmon industry is suffering through the worst season since before World War II. With this concurrent resolution it is my hope that Congress will quickly act to help secure Small Business Administration economic injury disaster loans for commercial salmon fishermen.

In California, as in Washington and Oregon, El Nino has had a negative impact upon several different fisheries including squid, shrimp, crab, and ground fish. However, the salmon fishery has been particularly hard hit; El Nino's high water temperatures and absence of normal upwellings has vastly reduced the amount of plankton and other nutrients upon which smaller fish and shellfish normally feed. The National Marine Fisheries Service has stated the failure of California's chinook salmon fishery is directly attributable to El Nino conditions.

In terms of total weight, California salmon landings are at their lowest level since 1939. The average weight of chinook salmon, the State's most valuable salmon species, is the lowest ever recorded. The size, quality, and number of salmon found has been exceedingly low. In fact, the California Department of Fish and Game reports that combined chinook and coho landings are less than one-third that landed a year ago. In many respects, coho, pink, and sockeye landings in Oregon and Washington have been hit even harder.

Obviously, this disastrous season resulting from El Nino has adversely affected California's $1 billion fishing industry, and the economies of many coastal communities which depend on it. Most important, however, has been the plight of individual fishermen and their families. In my particular district along California's north coast, bankruptcies and defaults on mortgaged fishing vessels are occurring at an alarming rate. Production credit associations and other private financial institutions are understandably hesitant to extend further financing or soften current credit terms for fishermen, marked as poor credit risks due largely to current El Nino conditions. Having dedicated their lives to commercial fishing, many families find themselves close to the point of financial insolvency. Without further help, hundreds of victims of this natural disaster will not be able to revive their commercial operations next season—threatening the future health of this vital industry.

Astonishingly, these fishermen have found themselves virtually without recourse to Federal or State disaster relief assistance programs. However, under the economic injury disaster loan program, SBA is authorized to make loans available to small business concerns which have suffered substantial economic injury due to a physical disaster. Small business victims of such natural disasters as hurricanes, floods, earthquakes, and droughts throughout the Nation have justifiably received millions of dollars in Federal assistance. Despite conclusive evidence to the contrary, SBA has expressed its reluctance to recognize El Nino as a natural disaster, as well as to recognize the causal effect between El Nino and the decimated salmon fishery; they have threatened to disapprove any request for loan assistance for salmon fishermen. This despite the fact that hundreds of fishermen can easily demonstrate an impaired financial condition attributable to El Nino.

Currently, numerous counties in Washington, Oregon, and California are petitioning their respective Governors to certify to the Small Business Administration that conditions called for under the economic injury disaster loan program have been met, and that financial assistance is needed. To be eligible, counties and the Governor must provide evidence to SBA that a physical disaster has occurred, that at least five small business concerns in affected counties have suffered substantial economic injury, and that businesses are in need of financial assistance not otherwise available on reasonable terms. In my district, all four coastal counties have recently completed their petition process. The California Governor is expected to act soon.

Mr. Speaker, as evidenced by recent county actions, I believe these conditions of eligibility required under the law are easily met in affected areas along the west coast. Cities, counties, fishermen organizations, and members of the congressional delegations in affected States have undertaken a coordinated, bipartisan effort to insure fishermen their rightful access to this program. This concurrent resolution is designed to support these efforts by putting Congress on record as requesting that SBA take necessary action to make loan assistance available to commercial salmon fishermen. Ultimately, it is my hope that county, State, and congressional sentiment will provide the necessary inducement for SBA to properly exercise its authority in meeting the needs of these disaster victims. Thus, I urge the Congress to pass this measure without delay.●

SAFETY OF CIVIL AVIATION IN JEOPARDY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. PACKARD. Mr. Speaker, I deplore the act of barbarism the Soviet Union committed when they shot down Korean Air Lines Flight 007 on September 1. This destructive action resulted in the murder of 269 innocent passengers from the United States and 13 other nations. The United States and the entire international community cannot tolerate such acts of violence. The callous and uncivilized gunning down of this civilian aircraft must never be forgotten.

The safety of civil aviation has been placed in jeopardy by yet another example of air aggression by the Soviets. Sanctions aimed at the Soviets are vital if we are going to deter that country from future repetition of such inhumane behavior. We must bolster the strong words of disgust, revulsion, scorn and fury with equally severe measures. Banning Aeroflot—the national air carrier—from landing in this country, suspending certain cultural, scientific, and diplomatic exchanges and working with other nations to limit Soviet civil flight in the West are all legitimate responses to this tragedy.

This attack was aimed at all societies that value individual rights and moral behavior. The Soviets' action reflects the total disregard they have for human life. Their flagrant neglect for human existence has been further compounded by their steady refusal to tell the truth. I call upon the Congress to cooperate with President Reagan in developing a measured and proper reaction to this international tragedy.●

FEDERAL CIVIL SERVICE IN TURMOIL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. SCHROEDER. Mr. Speaker, when President Reagan first took office, he pledged to make significant changes in the civil service to produce a more efficient Federal Government. I have recently released a report of the General Accounting Office (GAO) that confirms that his changes have been significant—unfortunately they have demoralized employees and reduced productivity.

The GAO report ("Retrenchment and Redirection at the Office of Personnel Management" GAO/GGD-83-95) deals with the impact of Reagan administration policies on the Office of Personnel Management (OPM). OPM is the central personnel office of Government and, as such, is responsible for setting and implementing policy in employee selection, compensation, retirement, and work force management. The GAO report documents the devastating effect of the numerous reorganizations and reductions in force implemented at OPM by Director Donald J. Devine. These actions have resulted in the demotion or separation of nearly 650 employees and a loss of pay for 3,000 more. While these actions were taken in accordance with law, they were enormously disruptive both to the workers involved and to the programs they administered.

Dr. Devine has always maintained that he wants to return OPM to the basics of bedrock personnel management. What this has meant, in practice, is that other Federal agencies have gotten less help from OPM and are subject to less oversight. This reduced oversight has resulted in an upsurge in merit system abuses during this administration.

The August 29, 1983 U.S. News & World Report contains a very good article discussing the serious problems in the Federal civil service. It shows that despite the system's need for thoughtful, deliberate reform, the policies of the Reagan administration have only served to generate unbelievable turmoil, devisiveness, and frustration.

The article follows:

[From the U.S. News & World Report, Aug. 29, 1983]

IT'S NOT VERY CIVIL IN THE CIVIL SERVICE—REAGAN APPOINTEES ARE TRYING TO TAME THE BUREAUCRATS, BUT FEDERAL WORKERS ARE FIGHTING BACK

(By Joseph Shapiro)

In its 100th-anniversary year, the federal civil service is in turmoil.

Not in recent years have the short-term political managers and long-term career bureaucrats been so openly suspicious of one another. In some agencies, it's a state of war.

To President Reagan, it's a matter of taming what he regards as an unaccountable and out-of-control bureaucracy. But others complain of the "politicization" of the civil service and contend that political appointees sometimes come to an agency hostile toward its mission and suspicious of its employes.

The infighting affects—adversely, in most cases—everything Washington does, from providing service to the individual citizen to the spending of billions of tax dollars. Says Robert Hartman, who recently completed a study of the civil service for the Brookings Institution: "Everybody is operating from weakness. Morale is zero. The work force is deteriorating. No matter how conservative you are, you want somebody with experience negotiating billion-dollar defense contracts."

Core of doubt. All new administrations—Republican or Democratic—come to Washington with doubts about how much they can trust the federal workers, now numbering 2.2 million.

"Conservative administrations often feel they have to buck the tide against an entrenched set of liberals in the civil service," says Charles Goodsell, a professor of public administration at Virginia Polytechnic Institute and State University. The result, he says, often is to doom an administration to repeat past mistakes because political appointees ignore the experience of career bureaucrats. One recent example:

At the Justice Department, 204 employes in the civil-rights division protested the administration's plan to grant tax exemptions to private schools that discriminate racially. Despite the argument that the new policy was unconstitutional, the political appointees pushed ahead. The Supreme Court in late May ruled that the employes were right.

For frustrated federal workers, even those who joined the service in a past Republican administration, it is an unhappy and insecure period. G. Jerry Shaw of the Senior Executives Association, a group that represents senior career employes, says out-of-favor career workers are being fired, transferred or given nothing to do; out-of-favor agencies are underfunded and understaffed.

The result is that political managers are becoming more deeply entrenched. According to a recent congressional report, the number of political appointees has jumped 110 percent since 1977, the year Jimmy Carter took office.

Specific cases show what's happening:

At the Department of Energy, Maxine Savitz lost her job as the government's top civil servant for energy conservation. She said she was punished for doing too good a job with a program the Reagan administration wants phased out without getting congressional approval. A civil-service review office agreed, but the department has refused to take her back.

At the Department of Housing and Urban Development, 77 workers are asking the courts to overturn their firings and demotions. A lawyer for the workers contends there was a "sinister motive" behind the moves: To gain political control over the agency and shut down fair-housing programs. Also at HUD, two fired employes were ordered reinstated after a review board found they had been improperly dismissed because of their union backgrounds.

A recent congressional probe criticized ACTION, the independent agency that handles domestic antipoverty programs, for hiring large numbers of noncareer workers, contrary to directives of congressional committees. It was such activity that prompted formation of the civil service in the first place.

Before 1883, many jobs were awarded by elected officials to friends, who often kicked back part of their pay. That year, reacting to the 1881 assassination of President James Garfield by a disappointed job seeker, Congress passed the Pendleton Act, which outlawed the spoils system and replaced it with a career civil service in which applicants competed on merit tests.

Since then, rules to provide job security have been so strengthened that even some supporters of the civil service concede that firing of incompetent workers has become complicated and time consuming. Numberous government managers say that trying to fire an unsatisfactory worker by the rules isn't worth the frustration.

Ideas for reform: Many civil-service supporters see a need for change. The Brookings Institution study calls for broad reform of pay and retirement systems. Top administrators pay would be raised to try to keep them in federal service, but compensation at lower levels would be reduced to bring workers' benefits more in line with those in the private sector.

Donald Devine, Reagan's director of the Office of Personnel Management, is pushing sweeping reforms that he says will make government more efficient. They include a proposal to link pay and job security to performance evaluations.

Stiff opposition: Currently, such evaluations are used for 7,000 top-level officials. An agency administrator, on 15 days' notice, can transfer a senior executive down the hall or across the country. Shaw, of the Senior Executives Association, says this power, part of a 1978 package to improve the civil service, is being misused to punish efficient but out-of-favor employes.

Devine insists that the current system, whereby 1.4 million civil servants get virtually automatic raises based on their tenure, often rewards incompetence and helps give

bureaucrats a poor public image. His pay-for-performance plan has met strong opposition in Congress. Critics point to cases where they say evaluations were used punitively.

One example: Dr. Peter Infante, the Occupational Safety and Health Administration's chief cancer expert, challenged an international agency's finding that there was insufficient evidence to call formaldehyde a carcinogen. That provoked a representative of the formaldehyde industry to send Infante's boss a letter asking, "How do you control members of the bureaucracy who seem to be operating freely within and without government?" Infante got an answer: He was given an unsatisfactory job-performance rating and ordered fired. Only after a congressional panel intervened was his job saved.

Other ways out: When job evaluations do not work to push out or punish disliked workers, transfers sometimes are used. One recent case was that of Marvin Lesht, HUD's regional personnel director in Chicago. He was ordered transferred after he had cooperated with a federal review panel investigating unfair employment practices at his agency. Under pressure from a federal review board, HUD in mid-August rescinded the transfer.

Often, employes are required to make difficult, if not impossible, choices—in effect, forcing them to quit. During a General Services Administration shakeup, for instance, a husband and wife were transferred to different cities.

Bosses also use political muscle to shift people into jobs with little to do. At the Office of Personnel Management, a research psychologist was paid his $42,653 salary despite being demoted to coloring computer printouts, a job he said was rated to pay only $10,645.

Another gambit, employes say, is to cut funds for agency staff and programs. Large-scale firings—called reductions in force—are used to dismantle programs that Congress wants continued, says Representative Patricia Schroeder (D-Colo.), whose House subcommittee has investigated several such firings.

Defensive punch: Bureaucrats are not powerless in the struggle with management, as the conflict at the Environmental Protection Agency demonstrates. When former Administrator Anne Burford took EPA in a new direction, she quickly learned about civil servants' tenacity. Career employes leaked damaging stories of mismanagement, political favors and employe hit lists to congressional committees and the media. In the end, the leaks helped lead to the departures of Burford and a dozen political appointees.

Still, critics say, career employes whose jobs are about to be abolished face a tough road. Lawyer George Chuzi, who represents employes, says the procedure set up in 1978 to protect bureaucrats—the Merit Systems Protection Board and its Office of Special Counsel—lacks the funding, staff and resolve to be effective.

The harshest charge against the Reagan administration's personnel actions is that they subvert the whole merit civil service. Representative Schroeder says the message from the administration is that "the merit system is being rolled back after 100 years, and here we go."

In the end, Shaw says, the current battle comes down to this: "Are you going to have a career civil service to provide the continuity and stability from administration to administration, or are you going to politicize the management of federal government?"

Reagan supporters argue that the question really is: "Are the elected officials or the bureaucrats going to run the country?"●

LEGISLATION TO DELAY RECOMPUTATION OF FEDERAL EMPLOYEES' PAY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. FAZIO. Mr. Speaker, I wish to express my strong support for legislation introduced today affecting our Federal work force. This bill would delay the recomputation of Federal white-collar salaries from October 1 until the date when Federal workers receive a pay raise, which is expected to be next January. The changeover from computing pay on the basis of a workyear of 2,080 hours to one of 2,087 hours will cost the average civil servant about $3.20 every 2 weeks.

I have worked closely with the author of this legislation, Post Office and Civil Service Committee Chairman Bill Ford, and wholeheartedly agree that the impact of this salary cutting formula should be delayed. This bill has already received the endorsement of the Office of Personnel Management, and represents a bipartisan effort among Members of Congress on behalf of our Federal work force. The bill will be brought to the floor under suspension of the rules, and I urge my colleagues to give it their swift and favorable consideration.●

BISHOP FRANK MADISON REID, JR., INSTALLED AS PRESIDENT OF AME CHURCH'S COUNCIL OF BISHOPS

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. DERRICK. Mr. Speaker, I would like to take this moment to bring to the attention of my colleagues an outstanding individual, Bishop Frank Madison Reid, Jr. Bishop Reid was recently installed as president of the African Methodist Episcopal Church's Council of Bishops when some 5,000 delegates met in my home State, South Carolina, this summer.

Bishop Reid, in addition to this outstanding and dedicated service as the presiding bishop of the Seventh Episcopal District for the past 7 years, has involved himself in both community and civic affairs outside the responsibilities of the church. He is an extraordinary individual who has done much to improve education and assist the poor. He was born in Danville, Ky., and reared primarily in St. Louis, Mo. Working with my colleague,the gentleman from the First District in Missouri, Mr. William Clay, Bishop Reid fought for equal opportunity in the war against discrimination and poverty in this country.

This great leader attended the public schools in St. Louis, and recieved his B.A. degree in psychology from Wilberforce University, the Nation's oldest historical black college. His masters in divinity was received from Garrett Evangelical Theological Seminary, Evanston, Ill. He has also studied at the University of Chicago and has received honorary degrees from Morris Brown College and Allen University.

Having pastored in South Carolina, Ohio, Illinois, Missouri, Maryland, and the District of Columbia, Mr. Reid has a long and distinguished history of church service. He has been active in the African Methodist Episcopal Church since the age of 17. He has served in many administrative capacities in the AME organization and it was while here in the Nation's capital that he was elected bishop. He has received numerous awards and citations throughout his career, including the Kidder Award for Excellence in Preaching and the Order of African Redemption—awarded by the President of the Republic of Liberia in recognition of meritorious service.

Over the years Bishop Reid has been extremely effective in communicating with the young people, and his conference revivals have resulted in hundreds coming to Christ. His ministry will continue to serve as an inspiration to the AME Church family. I know that he will do a fine job in his new role as president of the Bishops' Council of the African Methodist Episcopal Church which represents some 1.3 million members worldwide.●

MINES—A REAL SOVIET THREAT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. ROTH. Mr. Speaker, the U.S. Navy today has an active force of 21 minesweepers. The Soviets have a force of 388 minesweepers.

Our minesweepers are over 30 years old and are of World War II vintage. The Soviets have an expanding navy with state-of-the-art technology.

The United States has numerous ports and sealanes. The Soviets have only a few to protect.

As one reads the above statements, one would be convinced that the names are reversed. After all, it is the United States which depends on its ports and on open sealanes for its very survival. Yet it is the United States

which runs a far second in the quality and numbers of its minesweepers.

The Soviets have the capability to lay mines in our ports and sealanes. Their mine and mine-laying technology is among the best in the world. Thus, we must be prepared to meet the threat.

At the present time, the first of a series of sophisticated, technologically up-to-date minesweepers is under construction in my congressional district. The second will soon be underway.

These ships are well-designed and are being built by able, competent shipbuilders. They are ready and willing to build three more minesweepers—as authorized in the fiscal year 1984 defense authorization.

Now it is imperative that the funds be appropriated to enable construction of these ships. Therefore, I urge the Appropriations Committee members, particularly those on the Defense Subcommittee, to support construction funds for these three ships.●

DOCUMENTATION CENTER AND SHRINE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mrs. JOHNSON. Mr. Speaker, a constituent from my district, Rabbi Henry Okolica, of New Britain, was recently in the Federal Republic of Germany to visit his home town of Aschaffenburg. Rabbi Okolica's travels were not motivated, however, simply by nostalgia. He was returning to his birthplace to see the progress the city government has made in building a documentation center and shrine to commemorate the historic events of the years between 1933 and 1945 during which the entire Jewish community of Aschaffenburg was dispersed or wiped out by the Nazis. Seven hundred years of uninterrupted Jewish community life came abruptly to an end with the advent of Hitler's rise in Germany in 1933. In only 10 years, the entire Jewish community of Aschaffenburg was wiped out; 135 Jewish citizens were known to be deported to Poland's concentration camps, 37 to Theresienstadt, and seven committed suicide before the deportations began, including Otto Wolfsthal, one of the great Jewish philanthropists, and his wife Maria.

Now the city, under the guidance of its Oberburgermeister Dr. Will Reiland, is building a memorial to remind a new generation that dictatorships bring ruin to nations. On the ground where the synagogue once stood shall stand a shrine with tablets that bear the names of those deported or killed during the dispersion. The former Jewish Community House shall now house a library, museum, and chapel, building a foundation for future generations to learn from the tragedies of the past. The dedication will be in the summer of 1986, and the city of Aschaffenburg will invite the survivors of Hitler's inferno to be present at the ceremonies.

It is most appropriate that the events that took place during World War II against the Jewish communities be publicly acknowledged and recorded in this age so prone to revisionary history. I as a citizen of a nation dedicated to truth, justice, and the realization of man's spirit of freedom and mutual respect, commend Dr. Reiland and the citizens of Aschaffenburg for their determination to preserve the past; its perversions as well as its glories. Such actions thereby honor those who suffered so unjustly, as well as protect against such inhumanity in the future, for as George Santayana once said, "Those who do not remember the past are condemned to repeat it.●

TRIBUTE TO VICE ADM. LANDO W. ZECH, JR.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. HILLIS. Mr. Speaker, I would like to tribute today to Vice Adm. Lando W. Zech, Jr., an outstanding officer who has served the Nation and the Navy with distinction for nearly four decades. As the ranking minority member on the House Armed Services Subcommittee on Military Personnel and Compensation, I have had the opportunity to work closely with Admiral Zech and would also like to offer my thanks to him for his superb representation of the Navy's manpower and personnel interests for the last 3 years.

Admiral Zech will be relieved on September 28, having served as Chief of Naval Personnel since August 1980. During World War II he participated in combat operations in the Caroline Islands, Iwo Jima, and Okinawa. He went on to command three submarines—including U.S.S. *Nautilus*, the first nuclear-powered ship—and a guided-missile cruiser. His last 10 years of service have been as a flag officer.

There is an interview with Admiral Zech in the September 12 issue of Navy Times, which demonstrates quite clearly that the Admiral's primary concern during his tenure as Chief of Naval Personnel has been the young sailor at sea. I quote the Admiral:

I have tried to be a good guardian. What I have tried to focus on every day was that young sailor out at sea * * * We are the ones who are supposed to be worried about them.

But, at the risk of embarrassing the Admiral, I will tell a brief story which shows that his demonstrated leadership abilities were evident many years ago. As a junior officer in the early 1950's he served for 2 years on the staff at the Naval Academy as a company officer in charge of a company of midshipmen. One day the senior administrators, who were responsible for rating the junior staff members, decided to see if there was any correlation between their appraisals of the company officers and the number of midshipmen from each company who elected to receive commissions in the Air Force—rather than in the Navy or Marine Corps—upon graduation, a selection which is permitted by law. The senior members of the academy staff were not surprised with what they found: Lieutenant Zech not only was rated No. 1 among the company of officers, but his company had the fewest members requesting commissions in the Air Force. More of his midshipmen decided to "stay Navy" than in any other company.

Admiral Zech has "stayed Navy" for more than 39 years. The Navy owes him a large debt for his exemplary service, and we in the Congress owe him our gratitude for having helped make it possible for us to discharge our responsibilities regarding the maintenance of the Armed Forces and the protection of our country. Admiral, we thank you.●

SCOOP JACKSON—LARGER THAN LIFE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. BONKER. Mr. Speaker, to those of us who knew him, Scoop Jackson was an extraordinary, larger than life person. His longtime Senate colleague, Warren Magnuson, noted in a recent eulogy that Scoop Jackson seemed "indestructible." Together, these two Washington Senators gave our State the kind of representation that was the envy of every Congressman. The "gold dust" twins were powerful. Their vast influence lay as much in their exceptional personal qualities and abilities as it did in their nearly half-century tenure in Congress and the important committees they chaired. For Washington State, the U.S. Senate will not be the same without them. We have just witnessed the passing of an era.

Senator Jackson was a legend in his own time. His counsel was earnestly sought by Presidents of both parties and leaders around the world. In Beijing the day of his death, the official China Times announced "China loses a dear friend." Wreaths from Israel

and other world capitals filled the church sanctuary in Everett the day of his funeral. Leaders of the free world mourned his passing while their counterparts in the Kremlin felt relieved to be rid of their biggest nemesis.

Scoop Jackson will be remembered for his expertise in Soviet affairs and strategic policy, but he was also a giant in the most important national and regional issues of our day. He was in the forefront of the environmental movement, and authored major legislation of the 1960's and early 1970's to protect the Nation's air, water, and natural resources. It was his committee—and his leadership—that dealt effectively with the energy problems that plagued our country in the mid-1970's. He was a proven authority on many subjects.

Scoop Jackson was most impressive in how he delivered for the Northwest. Whether it was for dams or dredging, fish hatcheries, the aerospace industry, post office, help for a pensioner, or an immigration case, we could depend on him.

I recall a few months back our frustration with getting the administration to release funds to continue vital dredging around Mount St. Helens. The White House side balked until Jackson posed the question: "How can I justify not being able to secure funds to protect my constitutents from flooding while leading the President's efforts to obtain funding for the MX?" The message got across. The Senator was not being threatening or arrogant. He effectively stated his dilemma.

Scoop Jackson personified Americanism.

He was as much at home in the U.S. Capitol as in his hometown of Everett. He was as comfortable talking to corporate leaders as he was in union halls with rank-and-file workers. I have seen him at it a hundred times and he said pretty much the same thing to both sides. Nobody ever accused Jackson of hypocrisy. On one occasion, I was amused watching him read the Wall Street Journal as we were driving to a union meeting.

Relate to world leaders he did, but Scoop really enjoyed talking to senior citizens, kids, the local civic leaders, and others in the community. I marveled at his vivid description of La Center and Naselle, only two of the hundreds of small towns Scoop knew like his own neighborhood. He could cite names and places in remote areas of the State that would surprise even his close supporters. It seemed at times everyone in the State either knew Scoop, was a classmate, got a letter from him, or had heard the Senator speak. He touched all of our lives.

Scoop Jackson was a Democrat, and a tough partisan at that. But he crossed philosophical lines like few have in our history. At the funeral were the likes of Senator STROM THURMOND and BARRY GOLDWATER, elder conservatives, and Senator PAUL TSONGAS, the young liberal from Massachusetts. He was called my hero by the conservative columnist George Will; yet his labor voting record, consistently 100 percent, was totally at odds with what Mr. Will believes is best for America.

This seemingly contradictory side of Senator Jackson was possible because of the universal respect everyone had for the man. His integrity earned him his independence.

Above all, his personal qualities impressed those who knew him.

In 45 years of public service, Scoop Jackson had an unblemished record in integrity. There were no grey areas—not in campaign donations or use of campaign funds, questionable votes or office accounts, not at all in his personal life. These days most Senators are supplementing their income with honoraria. He averaged $40,000 a year in speaking fees, but every penny went to a foundation he set up to help needy students. Scoop was simply incorruptible.

His self-discipline left people around him in despair. Scoop did not indulge in smoking or drinking, not even coffee. He exercised regularly, went to bed early, read constantly, watched carefully what he ate, treated everyone equally, worked hard. Few could match his stamina, even those 20 or 30 years his junior. But he did not impose those standards on others.

Another attribute was the Senator's constancy on issues. He did not change his views, and only reluctantly altered his position on an issue when compromise was necessary. You always knew where Scoop Jackson stood and there were never surprises. To Scoop, the Senate was a no-nonsense place where a person's integrity counted.

He genuinely cared about people. At times his staff despaired when their Senator became absorbed in a constituent problem, giving it as much time and effort as he would a major speech or hearing, but that was simply his nature. Scoop Jackson was a father figure for his staff and supporters, forever inquiring about their family and health. His humanness was not only personal, but corporate as evidenced by his early and strong support for programs to help the needy. But he also did not excuse or approve of recipients who were not deserving or did not try to help themselves.

On a more personal note, I had my differences with Scoop. We were at odds on issues, notably defense spending. How insignificant these things seemed last Wednesday. The man's greatness was obvious by those who were at the funeral and the eulogies spoken.

I reflected on my 20-year association with Senator Jackson and felt something of a political renewal. One could not help but learn a great deal being around Scoop. I do not think I fully valued the measure of the man when he was with us.

Now that he is gone I know how much Scoop Jackson meant to me, to our State, and Nation. He will be missed, probably more than we realize. All Washingtonians can be proud that he served us for so long and so well.●

SENATE—*Wednesday, September 14, 1983*

(Legislative day of Monday, September 12, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable TED STEVENS, Senator from the State of Alaska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Eternal God, source of all that is, "from whom, through whom and to whom are all things," we so easily ignore sources. We enjoy the fruit while we forget the root. We take human rights seriously because our forebears believed that they were inalienable, having been endowed by God who created all men equal. Forgetting this, Lord, our sense of human and moral values erode because we deny the One from whom they came.

Help us, patient God, to understand that we confront world leaders for whom human value is meaningless, human rights nonexistent. These are not people who believe very much as we do and are simply misbehaving; these are people whose beliefs are antithetical to ours and who act totally consistent with their beliefs. Deliver us, Lord, from indifference to the roots of our behavior as well as the roots of the behavior of those who oppose us. Free us, Lord, from the naiveté that assumes these leaders think as we think and need only to be persuaded. May we be "wise as serpents and harmless as doves." (Matt. 10:16) In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 14, 1983.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TED STEVENS, a Senator from the State of Alaska, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. STEVENS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE SENATE SCHEDULE

Mr. BAKER. Mr. President, let me repeat the schedule of the Senate for today for the benefit of Members who may be listening in their offices.

After the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business until 10 a.m. At 10 o'clock and until 12 noon, the Senate will have a period for eulogies and tributes to our late colleague, Senator HENRY M. JACKSON.

Mr. President, at 12 noon there will be another period for the transaction of routine morning business with an extended time in which Senators may speak, that is to say, 15 minutes each, and it is anticipated that most of that time, if not all of it, will be devoted to statements on the situation in Lebanon and the War Powers Act.

Under the order previously entered, Mr. President, the Senate will turn to the consideration of the resolution on the Korean Air Lines massacre at 2 p.m. It is hoped, Mr. President, that a unanimous-consent agreement can be entered into that will provide for an orderly allocation of time and consideration of that resolution and amendments, if amendments are offered. No such agreement has been entered into at this time.

The unfinished business, Mr. President, is the Interior appropriations bill, and it is anticipated that we will return to the consideration of that measure in due course.

Mr. President, I have no further need for my time under the standing order. I offer it to the minority leader, if he has a need for it.

Mr. BYRD. Mr. President, I thank the majority leader. I would like to have his remaining time.

Mr. BAKER. Mr. President, I yield my remaining time to the control of the minority leader.

Mr. BYRD. I thank the majority leader.

Mr. President, I join with the majority leader in hoping that we can arrive at an arrangement which will preclude the offering of amendments to this resolution. I think it is important that the resolution be passed quickly. The President asked for such a resolution. There are always other vehicles to which Senators may attach whatever amendments they might wish to propose to this resolution. I hope we will not utilize this resolution as a vehicle for amendments because one amendment brings on another, and another, and another.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

WELCOME BACK, DR. HALVERSON

Mr. BYRD. Mr. President, I know I speak for the Senate in expressing our happiness and pleasure that the Chaplain of the Senate, Dr. Halverson, has recuperated from a recent heart attack and is back in the Senate pulpit, reassuring us and giving us inspiration and strength through his prayers.

(The PRESIDENT pro tempore assumed the chair.)

KOREAN AIR LINES ATTACK

Mr. BYRD. Mr. President, ever so often, the Soviet Union provides the world with a reminder of the treachery and lawlessness of which it is capable. Ever so often, the Soviet leadership jolts the moral sense of all mankind by proving anew that it has no use for basic human rights, international law, or common decency. And to make sure the lesson is not lost on us, it makes its point, as it has most recently, at the cost of lives of innocent men, women, and children.

The senseless and brutal destruction of the Korean airliner with the resulting loss of 269 people from 13 countries, 63 of them Americans, is our most recent reminder.

When I learned of this terrible tragedy, I called for an immediate reevaluation of our economic relationship with the Soviets. Military action is out of the question. A suspension of diplo-

matic relations can only lead to more tension. We must keep our communication lines open and we should renew our efforts to arrive at a meaningful, verifiable—and I strongly emphasize the word verifiable—mutual arms control agreement. Any interruption of the strategic arms limitation talks would not advance U.S. interests. I am not concerned about the Soviet interests. I am concerned about the U.S. interests. I do not believe there should be a suspension of those talks. Thus we are left with a range of economic responses and political responses through which we can express our contempt for this brutal act. I do not expect everybody to agree with me. My wife even does not always agree with me.

I think that we should begin by reconsidering the administration's recent decision to lift export controls on the sale of pipelaying equipment. Energy exports are by far the largest source of foreign currency earnings for the Soviet regime. The sale of equipment which strengthens the Soviet energy industry cannot be in the interests of the United States.

Likewise, I urged, and I found myself in a minority, I think, that the newly negotiated grain agreement be reviewed in light of recent events. But being in the minority does not necessarily mean that one is wrong. One can be right and still be in the minority. We should not ask the American farmer to bear the full burden of our response. I am willing to consider a total embargo on the export of American goods to the Soviet Union for a fixed period, with extended controls on key high technology equipment that the Soviets badly need.

Some have said these sanctions are ineffective. I do not see how they can say that. I do not understand how they can say these things are ineffective.

I supported the grain embargo that was initiated by President Carter.

I opposed the lifting of that embargo. Many said it was ineffective. It cost the Soviets over $1 billion and it hurt them. The late President Brezhnev stated to the world that the agricultural policies of the Soviet Union were not working, that they were behind in their agriculture and their pursuit of power, I say, only fueled the military.

But who should say that that grain embargo was not effective? Of course, we can say it did not pull anybody out of Afghanistan, but it was effective because it was hurting the Soviets.

Some say we shot ourselves in the foot. I do not think so. It would have been more effective had other countries joined with us in the embargo. If the embargo had remained on, it would have continued to be effective.

I do not like to feed the mouth that bites me. I do not think the American people want to feed the mouth that bites us. How can we insist, with our European allies, that they sacrifice, if we indicate that we are not ready to sacrifice something at the alter of the almighty dollar?

The sanctions were ineffective if by that is meant that they did not cause the Russians to pull out of Afghanistan. Such sanctions would be ineffective if we have in mind bringing back the lives of those 269 persons who were lost on the Korean airliner. So I agree, if that is the meaning of effectiveness. But no one can deny that these measures would be felt and understood by the Soviet leadership.

Such an effort should be joined in by other countries. Canada sells grain to the Soviet Union. It may be a Canadian plane which next goes off course and into the Soviet airspace. Australia supplies the Soviets with grain. It may be an Australian plane. Certain Western European countries supply the Soviets with grain. It may be a West European country next time.

The tragic murder of those 269 people is the clearest example I can imagine of a Soviet affront not just to the United States, which lost 63 persons, but to the entire world community. It demands an international response. And there has been an international response of expressed outrage.

But the Soviets do not pay any attention to public opinion. They did not blink an eye at public opinion when they built the Berlin Wall. They did not blink an eye at public opinion when they went into Afghanistan, overran that country ruthlessly, and shot down young people who had the courage to stand up in the face of Soviet rifles.

I support the President in every action that he has taken with respect to that Korean incident. I have urged that there be consideration of additional sanctions and I believe and hope that the administration is working in that direction.

The International Civil Aviation Organization is meeting in an extraordinary session tomorrow, September 15, to discuss the tragedy. I am sending a member of the Democratic Policy Committee to attend those meetings. I urge our delegation to that meeting to work with other nations to call the Soviets to account. The ICAO members should insist that under ICAO auspices, the crash site be made available to an international inspection team and that a full investigation be undertaken.

Mr. President, how much more cruel and inhumane and callous can a nation be than the Soviet Union, which has, up to this point, prevented, precluded other nations from going into those waters in an attempt to find the bodies of those who died? It seems to me that would be the least, the least, that such a society and such a government would be expected to do. I am sure the Soviets want the bodies of Soviet soldiers to be brought home from Afghanistan, the bodies of those who died.

I simply cannot understand the reasoning and the thinking of a government which will not allow other governments, especially those who have lost, who have suffered the loss of citizens, or at least an international group, to go into those waters and help search for the remains of those who died. I hope that the ICAO members will insist that that crash site be made available to an international inspection team.

Further, our delegation and those of other nations have considered opposing Soviet reelections to the ICAO Council, the organization of the executive body, for this term. This loss of influence would be an unmistakable signal from the world community.

I was encouraged by the President's remarks to the Nation on this subject. I called him immediately after his televised speech to say that I complimented him on the speech. I thought it was tough in tone. I thought that it was restrained as to the actions that would be taken. I complimented the President on that restraint. I think we must act carefully and after due deliberation; but rhetoric is not enough.

The President began by calling for a full and complete accounting of the incident and an apology from the Soviet Union. I do not expect the Soviets ever to comply with that request, but they should.

Beyond that, he urged full compensation for the families of the passengers—a reasonable, a very reasonable position to take.

Finally, he called on the Soviets to work with other nations to develop procedures that will avoid the unwarranted attacks on civilian aircraft that seem to be a part of Soviet military policy.

These are all laudable steps, and he has the support of this Senator, the full support of this Senator, in these efforts. The resolution which Senator BAKER and I have introduced is in keeping with that promise. The President has suspended talks on a minor transportation agreement. I approve of that.

But what other actions have we taken? The Soviets have proved that they have no respect for international law, except when it is in their favor. The United Nations can pass resolutions all year long and the Congress can do the same. But the Soviet Government has made a national policy out of disregarding public opinion. What does it care for the criticism we will heap on them?

I am not suggesting that these acts are futile. Our public statements and those of other concerned nations are a

minimum; but rhetoric, including my own, will not have much if any impact upon the Soviet Union. We cannot delude ourselves that such indignation will deeply move the Soviet regime.

Soviet actions time and again, as I have said, have taught us that they have a remarkable capacity for treachery. That is why any arms agreement should be verifiable, verifiable through means that do exist. By our inaction we have taught the Soviets that treachery can go unpunished. When lifting the grain embargo, we did not ask for any quid pro quo. Some may say, "Well, would you feel the same, Senator, about coal?" The answer is yes.

If we content ourselves with mere words and moral outrage, the world community runs the risk of reeinforcing that lesson. I urge the President and the leaders of all concerned countries to consider a measured response utilizing the full range of political and economic options available to them. I am not in favor of severing our diplomatic relations with the Soviet Union. I think we have to keep the pipeline of communication open. If we want the Soviets to understand us, however, we must speak with actions and not just words.

Mr. President, I ask unanimous consent that my letter to the President be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., September 9, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter follows-up our telephone conversation of Monday, September 4, concerning the Soviet attack on the Korean airliner. I know you share the outrage and horror felt by all Americans. As I indicated to you, you will have my full support for the initiatives you announced in your address to the nation.

However, I am convinced that this murderous act requires an international response that goes beyond harsh statements and diplomatic censure. Once again, I encourage you to work with the leaders of the many other nations who have expressed outrage, to assure that decisive actions will support our words. I have asked that you consider the full range of economic and political responses at your disposal, and that the United States, in concert with other nations, act to send an unmistakable message to the Soviet leadership. As we discussed, I support a suspension of grain sales to the Soviet Union, and I urge that you seek the support of other producers (Australia, Canada, Western Europe) in that effort. Such an embargo should remain in effect unless and until the Soviet government meets certain minimal conditions to come to terms with its responsibility. For example, the Soviet government should be required to acknowledge that it was responsible (which it has belatedly done), to make an apology, to pay reparations to the families of those killed, and to take steps to assure that lethal force will not be used against other unarmed civilian aircraft. You have indicated that you will explore this course of action with the appropriate officials within your Administration.

As you know, the Soviet Union is dependent upon the United States and other countries for a long list of high-technology goods and machinery. I urge you to review export control practices with respect to sales of these critical items to the Soviets. In particular, I encourage you to reintroduce the export licensing controls on sales of pipelaying equipment which were lifted on August 20, as a result of your directive to the Department of Commerce. Licensing requirements with respect to computers, machine tools, chemical production and other vital technologies should be reviewed and, where appropriate, strengthened. These steps will help to assure that our actions match our strong words.

Finally, I encourage your support for measures to assure better communications and cooperation with the Soviets and other nations, such as Japan, to alert aircraft which may be in danger of straying into Soviet airspace. An appropriate system could be developed through the International Civil Aviation Organization (ICAO), and I recommend that the United States representative to the ICAO Council raise this issue at the upcoming meeting in Montreal.

I appreciate the opportunity to share my views on this important issue. I look forward to continuing consultations concerning the United States' response to this lawless act.

Sincerely,

ROBERT C. BYRD.

Mr. BYRD. Also, Mr. President, I ask unanimous consent that an article which appeared in the New York Times on Tuesday, September 13, by Carol Rae Hansen, entitled "The Risky Grain Deal," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 13, 1983]

THE RISKY GRAIN DEAL

(By Carol Rae Hansen)

WASHINGTON.—Along with the tragic personal suffering and national affront, the downing of the Korean Air Lines 747 may offer one advantage—a chance to reconsider the consequences of the new United States-Soviet grain sales agreement.

The pact is dangerous for three reasons. It limits future United States foreign policy flexibility and contradicts President Reagan's commitment one year ago not to resume sales as long as repression continues in Poland. It makes it look as if the United States is going hat in hand to Moscow, and it grants the Soviet Union major domestic and foreign policy advantages.

This accord is the latest development in a divisive 11-year debate on the efficacy of grain sales as a means for moderating Soviet conduct. The pact is a clear victory for Agriculture Secretary John R. Block—he also engineered the lifting of the grain embargo invoked by President Jimmy Carter after the Soviet intervenion of Afghanistan—over the position voiced by Secretary of Defense Caspar W. Weinberger and former Secretary of State Alexander M. Haig Jr., who stressed the strategic, rather than commercial or political, significance of grain sales.

These flip-flops between and within Administrations undermine the use of grain sales as a foreign policy tool, anger American farmers and create supply and planning problems for European and third world allies.

How ironic that the Reagan Administration, which prides itself on a hard line toward Moscow, should bind us to Article II of the 1975 agreement, signed by President Gerald R. Ford. This provision, which extends for five years, prohibits the United States Government from exercising "any discretionary authority available to it under United States law to control exports of commodities purchased for supply to the U.S.S.R." Thus, it shackles this Administration and whoever is elected in 1984. Moreover, Congress had no say in the matter, since this is an executive agreement, not a treaty.

The Reagan Administration has every right to choose against using curtailed grain sales as a means of restraining Soviet adventurism. The President already stated last March that grain sales would not be used as a foreign policy instrument. In fact, an Agriculture Department official explains it would take "almost a state of war for the United States to curtail supplies." But why did the President tie the country's hands in a bilateral agreement? How can the United States predict that it will not need this tool in the event of another Afghanistan or Poland?

The agreement's timing is also execrable. This is the first major American-Soviet pact since the intervention in Afghanistan. Even more embarrassing, the new pact was announced the day that Yuri V. Andropov dismissed Mr. Reagan's suggestion for a summit meeting as "meaningless under existing circumstances." It comes at a time when a new Federal program has stopped cultivation of 20 percent to 30 percent of United States farmland and the worst drought in years is ravaging our grain belt. The corn harvest is down a projected 38 percent from last year, with wheat declining 14 percent and soybeans down 19 percent. Yet the Administration has dropped the provision allowing us to cut back on exports if its own supplies are short.

These steps might make political sense closer to election time. But why, today, surrender a key bargaining chip without a Soviet withdrawal from Afghanistan, major improvement in Poland or significant progress toward arms control? Why give Moscow this domestic victory, mitigating the damaging effect of grain shortages on civilian morale?

Article II also makes the Administration appear hypocritical—particularly to European allies whom the President has asked to reduce high-tech sales to Moscow. The agreement also puts the Russians first in line for American exports and will thus benefit them to the detriment of both American consumers and third world buyers, particularly if a poor corn harvest next year pushes prices up even further.

The United States' phenomenal agricultural production is one of the most persuasive weapons in the West's arsenal—particularly as Soviet agricultural productivity continues to decline. The United States exports 44 percent of the wheat, 54 percent of the feed grains and 87 percent of the soybeans sold internationally. All can be used as flexible and nonmilitary means of persuasion—not just as weapons but also as bargaining chips. By signing the new grain agreement, the President has forfeited one of the best tools at his command in future crises and negotiations with Moscow.

Mr. BYRD. Also, Mr. President, I ask unanimous consent that a chronology of events of incidents involving civilian aircraft be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS: INCIDENTS INVOLVING CIVILIAN AIRCRAFT (1952-PRESENT)

September 3, 1978—An Air Rhodesia airliner on a domestic route from Kariba to Salisbury was shot down by guerrillas using a heat-seeking ground-to-air missile. Thirty-eight of 56 people aboard the plane died in the crash, and 10 were later killed by guerrillas. Air Rhodesia at first denied the guerrillas' claim to have shot down the plane, but subsequently admitted that it was true. The guerrillas claimed that the plane carried military supplies and South African army officers, a charge which Air Rhodesia and crash survivors denied.

April 20, 1970—A Korean Air Lines 707 en route from Paris to Seoul over the pole violated Soviet airspace in a high security area of Siberia. After spending about 2 hours in Soviet airspace, the plane was forced down by fighter aircraft, one of which fired upon the plane, killing 2 people and wounding 11. The plane made a forced landing on a frozen lake 230 miles south of Murmansk. Public outcry was minimal and the South Korean government thanked the Soviet Union for returning passengers and crew promptly.

It was not determined exactly why the pilot strayed so far off course or spent so much time over Soviet airspace. The Soviet Union refused to return the "black box" containing the flight recorder.

August 10, 1973—An Iraqi airliner en route from Beirut to Baghdad was intercepted over Lebanese airspace by Israeli fighter planes and forced to land at a military air base in Israel. Plane and passengers were released 2 hours later. Apparently the Israelis thought that a PLO extremist leader was aboard the plane. The U.N. Security Council censured Israel for the action.

February 21, 1973—A Libyan Airlines 727 en route from Tripoli to Cairo lost direction, intruded 12 miles into Israeli airspace over the occupied Sinai, and was shot down by Israeli fighters. The plane crashed with the loss of 108 lives. Egypt harshly condemned the incident, and Israel was censured by the International Civil Aviation Organization. Israel maintained the fighers had meant only to force the plane down, not to make it crash, and defended their right to use force by noting the sensitive nature of the area violated.

June 30, 1968—A U.S. airliner was intercepted over the Sea of Japan and forced to land on Ituruyin in the Kurile Islands. The plane was released on July 2 after the pilot signed a confession that he had strayed over the Soviet airspace and the United States issued an apology. The pilot later claimed that he had not violated Soviet airspace, and had only signed the confession to obtain his release and that of the plane.

January 8, 1962—A Belgina Sabena Airlines Caravelle jet was intercepted by Soviet MIGs over Armenia and forced to land in the Soviet Union. Passengers and plane were released 3 days later.

July 27, 1955—An El Al airliner en route from London to Tel Aviv was shot down over Bulgarian airspace near the Greco-Bulgarian border. All passengers and crew members were killed. The Bulgarian government initially claimed that it had been shot down by anti-aircraft fire, but later admitted that it had been downed by fighter aircraft. Israel, Great Britain, France, the United States and Switzerland all sent official letters of protest to Bulgaria. The Bulgarian government later promised to punish those responsible for the act, take steps to avoid a recurrence, and compensate the families of the victims.

July 23, 1953—A Cathay Pacific flight en route from Bangkok to Hong Kong was shot down by PRC fighters 10 miles east of the international air corridor off Hainan island. Two passengers were killed immediately and many others died when the plane was forced to ditch in the South China Sea. The United States and Great Britain expressed outrage at the incident and demanded damages. The PRC, after initially denying responsibility, later offered its apologies, saying that it had mistaken the plane for a nationalist one on an aggressive mission. The PRC offered to pay for the plane and compensate the families of the victims.

March 12, 1953—Soviet fighters fired tracer bullets at a British European Airways airliner when it strayed from the Berlin-Munich air corridor. The plane was not harmed.

April 29, 1952—An Air France airliner en route from Frankfurt to Berlin was attacked by Soviet fighters with cannon and attacked by Soviet fighters with cannon and machine gun fire. Despite serious damage, the plane landed in Berlin. Two passengers were severely wounded by bullets and 4 others sustained minor injuries. While the Soviet Union claimed the plane was outside the Berlin corridor, the Allied High Commission said that was not, and further claimed that such an attack was unwarranted whatever the circumstances. France demanded an inquiry and reparations.

Mr. BYRD. Mr. President, I ask unanimous consent that a chronology of events concerning Soviet incidents which involve military aircraft be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOVIET INCIDENTS INVOLVING MILITARY AIRCRAFT

July 1, 1960—Soviet fighters shot down a U.S. Air Force RB-47 reconnaissance aircraft near the Kola Peninsula, killing 4 crewmen.

May 1, 1960—Soviet Union downed a CIA U-2, piloted by Lt. Francis Gary Powers, with a Surface to Air Missile (SAM) near Sverdlovsk, USSR. Powers was convicted of espionage and released in exchange for Col. Rudolph Abel.

Nov. 7, 1958—A U.S. plane was fired upon by Soviet fighters over the Baltic Sea, but was not hit.

Sept. 7, 1958—A C-130 reconnaissance plane was shot down 24 miles inside Soviet airspace in Armenia. At first the Soviets denied all knowledge of the incident. Later it announced that the plane had crashed and that 6 crewmen were dead. It denied that it had shot down the plane and made no mention of the other 11 crewmen aboard the plane.

June 27, 1958—A USAF C-118 transport plane was shot down near Eriva in Armenia, after straying some 30 miles into Soviet airspace. The United States expressed its regret over the incident, and the crew was released on July 7.

Sept 10, 1956—In the Sea of Japan, a USAF RB-50 was "lost" in a typhoon, possibly downed by Soviet fighters. No other information is available.

April 18, 1956—One USAF RB-47 was downed by Soviet fighters over the Kamchatka Peninsula. All crew members and aircraft were lost.

Aug. 28, 1955—Taiwan claimed that one of its jet trainers had been shot down by Soviet MIGs over the Taiwan straits, and that a commercial airliner carrying an American doctor to the island of Matsui had been fired upon. The United States denied knowledge of the incidents.

June 22, 1955—A U.S. Navy Neptune patrol plane was fired upon by 2 Soviet planes over international waters over the Bering Straits. The Soviet Union claimed that the plane was over Soviet airspace, but offered to pay 50% of the damages.

Nov. 7, 1954—A RB-29 reconnaissance plane was shot down by Soviet MIGs 10 miles off the coast of the Kurile Islands, and crash-landed on the Japanese island of Hokkaido. Another plane was sent up with fighter escorts to finish the photo mission. Both the United States and the Soviet Union issued complaints, but both tried to minimize the incident. Senator William Knowland demanded that the United States sever diplomatic relations with the Soviets over the incident.

Sept. 4, 1954—A U.S. Navy Neptune P-2V was fired upon by 2 Soviet fighters 40 miles off the Siberian coast. Nine crew members were rescued by other U.S. planes, while one was missing and presumed dead. The Soviets claimed that the plane had violated their airspace and that it had fired upon the Soviet planes. The U.S. denied both claims and threatened to bring the case before the U.N. Security Council.

July 29, 1953—Soviet jet fighters shot down an American B-50 bomber. Only one of 17 men survived. According to the airman, the American aircraft was attacked 40 miles off the coast of Siberia. In 1954, the United States demanded $2.8 million in damages.

March 14, 1953—A Siberian jet fighter pilot fired on a U.S. RB-50 bomber flying a weather reconnaissance mission off the Kamchatka coast. The American plane returned fire but neither plane was hit.

March 12, 1953—Seven British fliers died when their Lincoln bomber was downed by Soviet jets near the British Soviet zone along the Berlin-Hamburg corridor.

March 10, 1953—Czechs shot down an American Thunderjet inside the U.S. zone of Germany. The United States warned that "necessary" countermeasures would be taken if the Czechs repeated the "provocative" incident. A detachment of faster S-86 Sabre jets was transferred from Britain to Fuerstenfeldbruck by the USAF on Mar. 17.

Dec. 11, 1952—The Soviet Union refused to pay U.S. damages for the B-29 officially confirmed by the United States as shot down by Soviet fighter planes off northern Japan on Oct. 7, 1952. The United States repeated damands for damages on Dec. 16, 1952. No action was taken.

Nov. 13, 1952—Soviets downed a Swedish C-54 trainer over the Baltic Sea. Soviet authorities claimed only to have directed the aircraft away from the frontier.

Oct. 7, 1952—A B-29, with a crew of 8, disappeared over Japanese territorial waters. The Soviets said the B-29 flew over Yuri Island in "violation of the Soviet state frontiers" and was chased out "over the sea." Believing it had been shot down, the United

States demanded that the Soviets pay reparations but the demand was refused.

June 16, 1952—A Swedish air force Catalina flying boat was intercepted and fired upon by Soviet fighter planes, forcing it to crash land at sea.

June 13, 1952—A U.S. B-29 was shot down over the Sea of Japan or the Kamchatka peninsula by Soviet fighter planes.

Nov. 19, 1951—Soviet fighter planes forced down a USAF C-47 while it was enroute from Vienna to Belgrade and the 4 crewmen were turned over to Hungarian authorities. The United States demanded that the Hungarians return the plane or pay $100,000 damages. Hungary collected a $123,605.14 "fine" from the United States—levied by the Hungarian court—for release of the plane and crew of 4.

Dec. 6, 1951—Soviet fighter planes shot down a Navy P2V Neptune patrol plane in the Vladivostok area, killing 3 officers and 7 enlisted men. The plane was reportedly on a weather reconnaissance flight.

April 8, 1950—An American naval "Privateer" patrol plane was shot down over the Baltic, killing all 10 crew members aboard. The Soviets claimed that the aircraft violated Soviet airspace and had exchanged fire with Soviet fighters. The Soviets refused to pay indemnities demanded by the U.S. government.

April 22, 1946—At Treller, outside Vienna, the Soviets fired at an unarmed U.S. C-47 transport. The Soviets promised an investigation.

April 21, 1946—Near Linz, Austria, Soviet fighters fired at or near an unarmed U.S. C-47 transport. The Soviet authorities promised an investigation.

Feb. 20, 1946—A U.S. plane was shot at in Manchuria. In reply to a U.S. Navy protest, the Soviets claimed warning bursts were fired near the plane because it had entered the Soviet territory.

Feb. 20, 1946—A Soviet plane fired on a U.S. Navy seaplane near Dairen.

Oct. 15, 1945—A U.S. Navy plane was shot at 25 miles at sea near Dairen.

Mr. BYRD. I am going to read just a portion of the Soviet incidents involving military aircraft.

In 1960, Soviet fighters shot down a U.S. Air Force RB-47 reconnaissance aircraft near the Kola Peninsula, killing 4 crewmen.

In that same year, the Soviet Union downed a CIA U-2, piloted by Lt. Francis Gary Powers, with a surface-to-air missile. Powers was convicted of espionage and released in exchange for Col. Rudolph Abel.

In another incident, a U.S. plane was fired upon by Soviet fighters over the Baltic Sea, but was not hit.

In another incident, a C-130 reconnaissance plane was shot down 24 miles inside Soviet airspace in Armenia. At first the Soviets denied all knowledge of the incident. Later it announced that the plane had crashed and that six crewmen were dead. It denied that it had shot down the plane and made no mention of the other 11 crewmen aboard the plane.

In another incident, a U.S. Air Force C-118 transport plane was shot down near Eriva in Armenia, after straying some 30 miles into Soviet airspace. The United States expressed its regret over the incident.

In the Sea of Japan, in another incident, a U.S. Air Force RB-50 was "lost" in a typhoon, possibly downed by Soviet fighters. No other information is available.

In another incident, one U.S. Air Force RB-47 was downed by Soviet fighters over the Kamchatka Peninsula. All crew members and aircraft were lost.

In another instance, Taiwan claimed that one of its jet trainers had been shot down by Soviet Migs over the Taiwan straits, and that a commercial airliner carrying an American doctor to the island of Matsui had been fired upon. The United States denied knowledge of the incidents.

In another instance, a U.S. Navy Neptune patrol plane was fired upon by two Soviet planes over international waters over the Bering Strait. The Soviet Union claimed that the plane was over Soviet airspace, but offered to pay 50 percent of the damages.

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In another instance, a Swedish air force Catalina flying boat was intercepted and fired upon by Soviet fighter planes, forcing it to crash land at sea.

In another instance, a U.S. B-29 was shot down over the Sea of Japan or the Kamchatka Peninsula by Soviet fighter planes.

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In still another incident, Soviet fighter planes shot down a Navy P-2V Neptune patrol plane in the Vladivostok area, killing three officers and seven enlisted men. The plane was reportedly on a weather reconnaissance flight.

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In another incident, a Soviet plane fired on a U.S. Navy seaplane near Dairen.

In another instance, a U.S. Navy plane was shot at 25 miles at sea near Dairen.

So, Mr. President, this latest incident is but one in a series of incidents in which American planes have been shot at or shot down, and with loss of life, the shooting down having been done by the Soviets or the Warsaw Pact countries.

I could go on and read of other incidents but, by order of the Senate, they will be included in the RECORD.

I conclude my remarks at this point, and I yield the floor.

EULOGIES AND TRIBUTES TO THE LATE SENATOR HENRY M. JACKSON

The PRESIDING OFFICER (Mr. SIMPSON). Under the previous order, there will now be 2 hours of speeches and remarks concerning our former colleague, the late Senator HENRY M. JACKSON.

Mr. DOMENICI. Mr. President, other Senators may wish to speak at this time, and I will speak for only 3 or 4 minutes.

Mr. President, the death of Senator HENRY JACKSON marks a tremendous loss to the world, to this country, and, obviously, to the Senate. He was a great statesman and probably had as much impact on energy policy, defense policy, and foreign policy as many of our Presidents.

For many years in my home State of New Mexico, people had a special admiration for Senator JACKSON because he understood the strategic missions of Kirtland Air Force Base, White Sands Missile Range, and Sandia and Los Alamos Laboratories. In fact, many people in our State lovingly called him the third Senator from New Mexico.

SCOOP and my predecessor, Clinton Anderson, were close friends and hard working colleagues who championed nuclear energy—an area of vital concern to both Washington State and New Mexico. The common concern fostered a close working relationship which overlapped into their social lives.

I have heard the story told that it was Senator Anderson who first introduced one of his staff people, Helen Hardin, to Senator JACKSON, who was a 49-year-old bachelor at that time. Senator JACKSON was impressed by the same sweetness, poise, and graciousness that had won for her the homecoming crown during her senior year. This was back in Albuquerque, my home city and the home city of my wife, Nancy. Nancy grew up there and graduated from the same high school. She was a very close friend of Helen Hardin in high school in Albuquerque.

Some of us in New Mexico judged SCOOP JACKSON by the caliber of his wife, and we concluded that on that score he was a great Senator and a great man. He was dedicated to God, to country, and to his family. His two children are testimony that his father role was an important and caring duty. We can only hope that we could have as meaningful a relationship with our children as he had with his.

He liked people. That is why he was a Senator, and that is why he aspired to be President. When he talked to someone about a problem, that person came away feeling that he had really been understood. If you had a problem, it was his problem.

Peter Jackson, his son, explains his father's philosophy this way: "Equip yourself with the facts. Be honest and be a good listener."

Senator JACKSON had the immigrant son syndrome, as I see it. By this I mean that he really believed in America and wanted it to be the best, the strongest, and, in a very real sense, he always wanted it to be good. His efforts in the field of foreign relations were guided by this philosophy.

Throughout his life, he detested bigotry and prejudice and cruelty in every form. He was a champion of fairness, equality, and freedom. This unfaltering resolve toward these goals explains his commitment to civil rights and his attitude toward the Soviet Union.

SCOOP was an extraordinary influence on the course of events on the Energy Committee in the U.S. Senate, one area with which I am familiar. We served there together for years and worked on difficult energy, environment, and water resource questions. As chairman for a number of years, he was our boss, in a sense, but he was also our teacher. We could not help learn a lot from Senator JACKSON about getting things done through the art of negotiation and compromise.

The late President Kennedy considered four questions by which the "high court of history," as he said it, would judge public officials. The test, as I understand it, was this: Was he a man of courage, was he a man of judgment, was he a man of integrity, and was he a man of dedication? SCOOP JACKSON's courage was evident to all as he consistently and frequently spoke out, sometimes against the popular point of view. He had a consistency of perspective that is rare but precious. The tremendous wealth of respect that he earned attests to his integrity, and his unexcelled legislative skills and knowledge through diligence are SCOOP JACKSON's trademark of dedication.

As we deliberate some very difficult issues, we need men of SCOOP's caliber. This body, the U.S. Senate, will miss him. God bless Senator JACKSON.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I came out of the front door of my residence, at the first crack of day, on my way to catch an airplane, and the gentleman who was taking me to the airport said, as I was getting into the car, "Did you hear on the radio last night that Senator HENRY JACKSON had had a massive heart attack and passed away?"

Well, I had not heard it. That statement he made stunned me into a silence, and I realized after I got to the airport, 30 miles away, that I had not spoken a word, not a word, all the way down.

I am not overcome by emotion now, but I do not have any disposition to try to make a cool analysis of Senator JACKSON's career.

I wish to say something, though, in tribute to the man, to his honor, to his character and very high integrity and the attitude of country first, the problems of the people, giving it his utmost attention.

It has been mentioned that he aspired to the Presidency at times. I am sure that the prime motivation there was the same at it has been in other fields of public service. It was a desire to be of service.

I was with him at one of the political meetings. I spent some time with him. By chance, we were together that afternoon when the word came that an opportunity had been missed by him or did not come to him all the way that would have made him President of the United States. He had not one word of bitterness or expression of ill feeling toward anyone or anything. But I know that he looked upon it as an opportunity of service and if it was not coming to him at that time so might it be.

I like to think of the late Senator Carl Hayden. Some one pointed him out to me when I came here as being one of the very wisest, if not the wisest, man in the membership at that time. So I sought him out and got his counsel, repeatedly talked to him about various things, the state of the Union, problems of the country, as well as the personalities in the Senate.

I remember one day he told me. He said:

> I have been around here a long time. I have seen a lot of them come and go.

He was talking about new Members of the Senate. He said:

> Some of them grow and some of them just swell.

That was his rugged philosophy, analysis, and summary of the situation.

I have not found anything that is more descriptive nor more truthful.

HENRY JACKSON and I sat either next to each other or almost next to each other for over 30 years in the Armed Services Committee, and I saw the

man grow. You could feel it. But I had a day-to-day contact with it.

In many fields he made a positive contribution. I never heard of him being an object of controversy or getting personal in matters of policy. I have heard him quoted hundreds and hundreds of times on many subjects strictly on the merits, and that is what I call growth.

Few men are endowed with the capacity to be knowledgeable and an expert in the many fields of the problems of life and, therefore, the problems of Government, as was true with Senator JACKSON.

It seemed to me that that capacity in many fields that he had, which was never abused, but rather used constructively, added up to the superior quality that we all seek in public life, especially added up to judgment, as he was a man of tremendous judgment on many, many different subjects and always thought out with a foundation of meaning and an application to the problem that he was contending with.

So I can say that he was always constructive.

If you went looking for help in a field involving a chance for something constructive, you just thought why not go to HENRY JACKSON, because he thought and acted, planned and acted in terms of trying to be constructive, trying to make a contribution.

I commend his record and his attitude to the youth of the land, and that includes new Senators who come here who have a chance to lay the foundation and carve out a career, to use him—none of us are perfect—but to use him as a model by which to guide themselves and develop in some fields, maybe not try as many as he was excellent in—few men have that capacity—but all Members can make a special contribution in one or more fields.

So I commend him to those who come to this body and try to make a contribution.

I wish to mention here his charming wife Helen, whom I learned to know and respect very highly indeed, and those who had a chance to know her better than I did, have spoken about her. I was in a position that I could not go to the funeral, so I called her up on the telephone. The clarity of her thought, the possessiveness that she had command of over the situation continued to impress me most favorably indeed, and I believe and I hope God will bless Helen and their two fine children. They deserve it on the merits and will earn it anyway many times over.

Mr. President, I could go on at length. Many fine tributes have been paid her also, and they are sincere. This is no form nor forum that the Senate is providing. These tributes are real. They are on the merits. They are deserved.

And I am proud that we have a man whose record was made in my time, my generation, for my people who are living now had a chance to know about it and appreciate it and through their representatives to express themselves on this subject.

I remember many times of crises also. He knew more about military preparedness I think, and I speak with all deference to the other Members, because we have many who have been very, very useful indeed, but I believe all the way around, everything considered, he had the best knowledge of the practical side of military preparedness of any Member who we have had here in the recent past, and he had a tremendous knowledge, and I do not see how he was so well versed in so many subjects with respect to the problem of energy.

He made a splendid contribution here with reference to an understanding of the problem and the passing of a bill that was a forerunner, a foundation, for the legislation that will come in the future in this highly important field. That bill, that Department, has been deemphasized now, but that problem has not been solved and it will come back, and we will find, whoever is here will find, that the path laid out by HENRY JACKSON in that early legislation, to which many others contributed in the House and the Senate, was a sound approach, a good foundation laid, and it will be the basis of what will be policy in the long run.

I am willing to conclude these remarks, Mr. President, now, but I am not willing to give up for one bit in my great esteem and appreciation for the fine legislative record that this gentleman made during this period, and I do not want the principles that he stood for to be abandoned but rather to be followed.

I remember when I first came here a Senator was speaking; a Senator who had been here some years said to one who had also been here a good while, "Does he know what he is talking about?" referring to the speech being made, and the reply was "Yes, he almost always does."

I took that as a fair warning, and I can say in summary here that SENATOR JACKSON'S speeches, his position and all, were alway based on facts, and he knew what he was talking about.

May his soul rest in peace and his example be followed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I join in our tribute to our cherished colleague of the years and to our beloved former comrade. We are mourning, a continual constant mourning, in the passing of Senator HENRY M. JACKSON of Washington State. I served in the Congress for 31 years with HENRY JACKSON—I was with him 6 years in the House of Representatives and nearly 25 years in the Senate.

He was a manly man in every sense of the word. His character, his achievements shall not be forgotten on this historic legislative Hill.

He had always that well-reasoned advocacy of worthwhile programs and I shall, as long as I continue in this body, and hopefully for years afterward, be constant in my understanding of the legacy that he has left in what could be called the art of lawmaking.

We remember, of course, his vigorous actions. I talked with him 2 days before our recent recess, and we were in the gymnasium in the Russell Building. There may have been another Member or two but we were away from others as we talked. He said not once but twice, "Jennings, I am tired, I am very tired" and I could understand that, as we have remembered always his ambitious pace, that he was tired.

I want to remember today and always his flashing smile, his ready wit. He enjoyed stories, and told them and, of course, there was always present the clarity of his thinking, and the keenness of his productive mind.

His star of public service is indelibly inscribed on the rolls of the U.S. Senate and the House of Representatives in which he served.

There was a constructiveness about the career of HENRY JACKSON in the Congress, a period of more than 40 years, adding his service in both the House and the Senate. He provided a leadership, not always by the outpouring of words, but by the feeling that you had as you listened to him, consulted with him, not only in the floor work but in the cloakroom as well.

He gave you a feeling if he was opposed to legislation and its passage that there were very solid reasons for that opposition. Then he would put his hand on your shoulder often, men on both sides of the aisle felt it, and he would say, "Now, I believe this or that should be done." But even though he might have been in the negative, the loser on a vote, there was always a positiveness about him which I shall ever remember.

I know of no one during these years with whom I have served who so mastered the sensitivity of subject matter. He understood a shrinking world in which time and distance are no more. He talked about the subject of international relations in a manner that those of us who listened to him knew of his study bringing him to a position.

I think that he was perhaps the most knowledgeable man on Capitol Hill on national defense matters. I remember during his first year in the House, in 1941, we were faced on August 12 that year with a vote on whether we should continue the Selec-

tive Service draft. In those days we did not do as now, punch a button, but the rollcall was heard as Members answered.

That is a night that I shall always recall. The vote was 203 to 202 as to whether the Selective Service draft should be extended—203 to 202.

I turn aside to say that I have thought often that perhaps the 203 to 202 vote may have encouraged the warlords of Japan to strike us a few weeks later on December 7 of that year. They may have felt that America was divided and that there could be no unity within the citizenry of our country in answering an attack upon us from Japan on the sea and in the air.

I mention this only as one of the times when, in that body, SCOOP and others were called on for decisionmaking. That is why, in large part, I say, as I have said at the outset, that I think he was knowledgeable, deep down within himself, on what are characterized as national defense matters.

I think many of us through the years were really amazed at his grasp of such a diversity of interests and his devoted and his diligent service to not only his State but to the Nation. In doing what he did, although the clouds hang above this Hill and across America and other parts of the world, he wanted to build a better place for boys and girls and men and women on this Earth.

One example of Senator JACKSON'S leadership in worthwhile legislation was the establishment of the Youth Conservation Corps. His authorship of that legislation and the Young Adult Conservation Corps gave young people new hope and involvement. I was privileged to join with him in the introduction of that legislation. It was an initial pilot program and it came to pass in 1970. It was very much a new, adaptation of an old idea. During the Depression years of the 1930's, we created within the Congress, during the Presidency of Franklin Roosevelt, the Civilian Conservation Corps, which did an exceedingly constructive program of conservation. The work of course touched materially the parks and forests of this land, and it touched the lives of these young men.

This past weekend in the Monongahela National Forest in West Virginia, I was gathered with 372 former CCC enrollees who had come into our hill country, having served in one of the 41 camps, in my State during the period of 9 years.

Today thousands of young men and women are again, mustering their abilities and dedication to accomplish, good things in a great new works program to help preserve the strength of America. These individuals are there because a congressional leader like HENRY JACKSON saw the need to capture the prevailing spirit of our young people and their understandable concerns for productive achievement.

I recall June 25, 1971. I was privileged to join on the journey with HENRY into West Virginia where the first national youth camp was established. It was at Camp Wood that our program in the Monongahela National Forest was held and the dedication of the first of those youth camps, the brainchild of HENRY JACKSON, was held.

I feel it is proper that I give you a few of the inspiring words that he spoke to those young people on that occasion. I know that he had not only the thoughts of the preservation of the Earth, the forests, and the fields, but he was thinking of the strengthening of the fabric of the youth of our country.

It was a responsive group of young people who listened on that occasion.

I repeat JACKSON'S words:

> The Youth Corps program is premised on the fundamental concept that man and nature cannot be treated separately. Human resources and natural resources go together. Nature lacks meaning without man. And man's life, to be meaningful, requires contact and exposure to nature. The Youth Corps has provided an opportunity for the leaders of tomorrow to learn more about the environment; to be involved in its protection and preservation."

Those were the wise words of HENRY that I repeated in West Virginia this past weekend.

Shortly after Senators and others of the Congress, his friends, returned to the Nation's Capitol from Senator JACKSON'S memorial service, I reflected on the event. I shall never forget the two children, Anna Marie and Peter, as they spoke movingly of their father.

I know that Helen will understand these words by poet John Gray:

> "Love, like the ocean, is vast and forever,
> "And sorrow, but a shadow that moves across the sea."

As we think today of his career, we think too of the responsibilities of those who remain. I talk with many young people. It is surprising how they felt that they really know HENRY JACKSON. They understood his leadership and they sorrow at his going away. One of them said to me only yesterday, "You know, someone might think I am a little young to say this, but I feel I have lost a friend."

He was a champion; he was our beloved colleague.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, like many others, I join with my colleagues to express my sorrow on the passing of Senator HENRY "SCOOP" JACKSON. There can be no regret for a life as fully lived as his. I only fear the void left by his passing.

My wife Nancy and I were privileged to attend the funeral services for Senator JACKSON in Everett, Wash. At the service, many people spoke of his tremendous contributions to the defense and well-being of our Nation and of the world. The tributes paid to him by his colleagues and friends were very moving. But the part of that service that most deeply affected me were the reminiscences of his son Peter and his daughter Anna Marie. Their words truly reflected the greatest gift a father can have, the love and respect of his children.

Senator JACKSON was not only a great Senator. As others in this Chamber have already said, and as many more who had the privilege of serving with him will say, HENRY JACKSON was also a good and considerate man, a man who had no illusions either about the extent of his power, or about its limits. This sense of proportion was displayed on a trip we both took to Europe as part of a congressional delegation to NATO. It was my wife who noted that, even though Senator JACKSON was the senior member of the delegation and one of the most powerful Members of the Senate, he and his wife Helen never made anyone, whether it was another Senator or aide, wait for him.

That trip also held special meaning for me as a junior Senator. It gave me the opportunity to work closely with a master of over 40 years experience in the national and international arenas. I am honored both to have served with him and to have been able to learn from him.

Senator JACKSON was, to quote Time, "The hawk's hawk, the liberal's liberal." He was much more than that. In the 3 years that it has been my privilege to serve in the Senate, time and again it was Senator JACKSON'S voice that made the difference in debate. He was a consummate compromiser because he was a reasonable man and knew that reasonable views come in many forms. At the same time, his principles were deep and unshakable. Like his ability to compromise, they were based on reason.

Senator JACKSON will be missed not just by his family and his colleagues on both sides of the aisle, but by the Nation. On behalf of my State of Alaska, I would like to pay special homage to the man Alaskans liked to call the third Senator from Alaska.

SCOOP was the guardian angel of Alaska's developing economy during its final years as a territory, and was instrumental in passage of the legislation that gave Alaska statehood. He was a key figure in the compromises that led to approval of both the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

He sponsored the statute that refunds 90 percent of the Federal rent and royalty revenues from Alaska's public lands to the State. He worked

to insure funding for the Eklutna Hydroelectric Powerplant, for years the cornerstone of Alaska's energy infrastructure. He helped convince Congress to permit Alaskan cities to issue bonds, making possible construction of many of our schools, public buildings, and utilities.

He led the drive for the TransAlaska Pipeline System Act in 1973 and spearheaded efforts to authorize the Alaska Natural Gas Transmission System.

It was during these years that he acquired his second nickname as the third Senator from Alaska. It stuck, and deserved to. Alaskans are indebted to HENRY JACKSON. The Senate, the State, and the Nation mourn a hero.

HENRY JACKSON loved Alaska. He always said that it reminded him of the magnificent Norwegian scenery of his heritage. And in turn Alaskans loved him.

Mr. President, I ask unanimous consent to insert in the RECORD at this point one of the many tributes that appeared in Alaskan newspapers on the death of this great statesman.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Anchorage Times, Sept. 2, 1983]

SENATOR HENRY M. JACKSON—ALASKA'S THIRD SENATOR

(By Betty Mills)

WASHINGTON—The late Sen. Henry M. "Scoop" Jackson, D-Wash., was often called Alaska's third senator. He guided to passage the resolution granting statehood in 1958, and played a key role in every major Alaska issue that came before the Senate.

Jackson was the best Senate friend of Sen. Ted Stevens, R-Alaska; in many ways, Jackson was the mentor of Alaska's senior senator despite their different political parties and outlooks.

They often spent time in the Capitol steam room, discussing the events of the day and swapping stores. It was Jackson who organized the effort to obtain an Air Force plane to fly a Congressional delegation to Anchorage following the death of Ann Stevens, the senator's first wife, in a plane crash, in December 1978.

Stevens was shocked to learn Thursday night of Jackson's sudden death from a massive heart attack. He is expected to attend the funeral, an aide said.

"I am deeply saddened by the untimely death of Scoop Jackson," Stevens said in a statement.

"Alaska will always be indebted to Scoop Jackson. He was floor manager of the Alaska statehood bill in 1958 and successfully guided it through the Senate without amendment. Without his efforts, in all probability we would not have become a state at that time.

"Scoop Jackson should be remembered by Alaskans because he freely gave of his time and talents to assist Alaska to become a member of the union and to succeed as a new state."

Former Alaska Gov. Bill Egan, who worked closely on the Democratic side of the battle for statehood, said Jackson was a "real statesman" and a "wonderful supporter of the statehood fight."

Egan agreed that in many ways Jackson was Alaska's third senator, even in some cases where he and the Alaska delegation did not see eye to eye.

"Sometimes, like in the Alaska lands bill fight, we weren't always in tune," he said today. "But I think even then he was just looking to find some kind of workable, reasonable compromise."

During the four-year fight over Alaska lands legislation, Jackson chaired more than 40 separate sessions of the Senate Energy and Natural Resources Committee in an attempt to draft an acceptable bill.

Many of the meetings lasted far into the night, with only Stevens and Sen. Paul Tsongas, D-Mass., joining Jackson in the Senate committee room.

Jackson broke with his colleague on the first attempt to amend the landmark 1980 law—saying he could not support Stevens in his efforts to reopen 12 million acres of national parks to sport hunting.

But due to his friendship with Stevens, Jackson did not take an active role in opposing the amendments. He simply read a statement of opposition at the energy committee hearing last April, and then left the room.

Jackson was known as a true friend of Alaska natives, sponsoring the monumental Alaska Native Claims Settlement Act in 1971 that granted nearly $1 billion and 40 million acres of land. Since that law was enacted, he met frequently with natives to monitor its progress and to sponsor amendments correcting problems that surfaced.

Energy and national resource issues were his hallmark, and he frequently touted the untapped potential of Alaska. He led the drive for the Trans-Alaska Pipeline Authorization Act in 1973 and spearheaded efforts to build a natural gas transmission system from the North Slope.

Mr. MURKOWSKI. Mr. President, I would also like to express my sympathy to his wife Helen, and his children Anna Marie and Peter, who are in the gallery today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to join my colleagues in paying tribute to Senator HENRY "SCOOP" JACKSON, who died suddenly and tragically last week. Nearly every day this summer, before the Senate went into recess, I was with SCOOP.

As we debated the issues of national defense on the Armed Services Committee, he was at the height of his purposes and power. None of us—his colleagues, his friends—even imagined on those recent summer days that he was in the twilight of his leadership and his life. Now that this darkness has come, we look through it to his legacy and the light he has left.

In our era of slick images and slack ideas, SCOOP JACKSON was a real man, whomever remade himself to political convenience, who knew as much about the substance of policy as any Senator in modern history. He could discuss with equal ease the elements of global strategy and the components of a single weapons system.

His friend, John Kennedy, once urged Americans to be defenders of freedom in its hour of maximum danger. SCOOP JACKSON was, perhaps more than any other person over a longer time, a defender of freedom across a generation of maximum danger.

He reminded us always as his life recalls to us now, that our defense will depend not only on a strong military, but on a just society. He was an advocate of modern weaponry and greater security. But he never believed that we could or should pay for a missile or a bomber by taking food from a hungry child or hope from a jobless worker. On vote after vote, he was there for his beliefs—in both defense and domestic policy—despite the trends of the moment or the tides of an election. SCOOP did not wish it this way, he would have preferred to be President, but he would not, he could not, be false to his own vision of what was right.

There were those who said SCOOP lacked charisma; but he had a special charisma of character. During the fearful reign of intimidation which Joseph McCarthy was fanning the flames of a false Red scare, SCOOP JACKSON had the courage to walk off that committee and to stand up for fundamental civil liberties. He was only a young, first-term Senator; but it was the kind of Senator he would always be.

There were others who said SCOOP could be stubborn; but I would say that he was steadfast in the great causes which were his abiding concern.

There was no greater friend of the labor movement than SCOOP JACKSON, who never felt the need to redefine his views as a neoliberal or neoconservative—or to plead that he, too, knew what was wrong with the unions.

There was no greater friend of Israel than SCOOP JACKSON, who helped the Jewish people, as much as any American ever has, to hold their promised land. Some individuals have planted a tree in Israel; SCOOP helped to plant that entire Nation.

There was no greater friend of the dissident and the dispossessed victims of Soviet tyranny than SCOOP JACKSON, who heard and heeded the cry of Yelena Bonner that her husband, Andrei Sakharov—and so many other nameless human beings—must finally depend on us to defend their human rights.

Some famous words of Shakespeare apply so clearly to SCOOP JACKSON:

"This above all, to thine own self be true, and thou canst not then be false to any man."

The same spirit that made SCOOP true to himself made him so consistently true to his friends.

His ties of affection reached across the political spectrum.

I first came to know SCOOP. In the early days of my brother's Presidential campaign, when I was traveling across the Western States. From that

moment on, for nearly half my life, SCOOP JACKSON was with me, with my family, in the best and the darkest times.

On that day Jack died, he was a friend who comforted me. On more days than I can count, I felt his happy clasp on my shoulder; I saw his crinkled smile; I enjoyed his counsel and his company.

Others will recall him, and history will record him, for his significance and his span of national service—through the terms of nine Presidents, from Franklin Roosevelt to Ronald Reagan. For his service encompassed more than a fifth of the entire existence of this Republic.

We all know that, and honor him for it. But in this dark time for his family, when suddenly we must say our farewell, I recall and salute SCOOP most of all as among the best of friends.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. I thank the Chair.

Mr. President, I am thankful to have served in the U.S. Senate with SCOOP JACKSON. Pausing here to honor him, we are the poorer for having to go on without him, but the richer for having known and served with him. In his more than 40 years in Congress, he set an example for us all.

We will have to negotiate the perilous future without his advice and counsel on the Armed Services Committee, where he recognized the absolute necessity for this country to maintain a strong national defense. Straightforward, plain spoken, honorable, he was beloved in his home State, esteemed in his country, and respected throughout the free world.

He served so long and dependably, gave of himself so unstintingly, that we reacted, in grief and frustration, to our loss of him: "Not now when we need him most!" But, then, he combined the very qualities that are always scarce and sorely needed.

When, at his final news conference, he was asked about taking our protest against the Soviet Union to the United Nations, he appropriately suggested a higher authority. We can be thankful that he lived his life in touch with that higher authority, by whom it will surely be said of SCOOP JACKSON, "Well-done, good and faithful servant."

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, SCOOP JACKSON was a person of enormous energies, a dedicated patriot, and a person of enlightened wisdom.

He has been called courageous and inspiring by others, and justifiably so. He has been praised for his legislative leadership and craftsmanship, as the author of many landmark statutes. He has been described as a man of integrity, of courage, of wisdom. He was indeed all this, and yet much more.

Above all, SCOOP JACKSON was a good and decent person, a good and loving husband, a good and generous father. Although his public career was amply documented and publicized, he kept his private family life as sheltered as possible.

I was honored to share some moments in the private life of SCOOP JACKSON. It was always a heartwarming experience for me to observe the warm relationship between father SCOOP JACKSON and his children—daughter Anna Marie and son Peter. It was always touching to observe the loving, tender relationship between him and his wife, Helen.

I know that our loss is a great one, and the mere expression of my personal sorrow over the loss of our colleague will not help to alleviate the pain and sorrow which must weigh so heavily in the hearts of Helen Jackson and her children. But I hope that it consoles them to know that there are many others, here and elsewhere, in this country and abroad, who share with them this tremendous loss.

Mr. President, I will miss SCOOP JACKSON.

Mr. President, I will always remember him.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, when SCOOP JACKSON died so suddenly and so prematurely on the first day of this month, the Senate lost a man who was, almost completely, what a Senator should be. George Will has urged that a portrait of HENRY MARTIN JACKSON appear with those of Clay, Calhoun, Webster, LaFollette, and Taft in the Senate Hall of Fame in the Senate reception room just off this floor. I agree and so propose.

SCOOP JACKSON's record of accomplishment in any one of the fields in which he chose to be active would be sufficient to make the career of a Senator. He led the Senate in energy, environmental preservation, natural resource management, human rights, defense, and geopolitics. He led in all these areas without showing the slightest inclination to limit the range of targets for his relentless energy. It just was not necessary.

SCOOP JACKSON inspired legions of men and women to come to the Nation's capital to work for him. Actually, they ended up working with him, because his style of leadership was inextricably bound up with a compulsion to teach by example. The Jackson operation is a machine for doing the things suggested by his conception of a humane and intelligently managed world. An awesome lot got done. If you think that past and present members of the Jackson staff do not count themselves among the luckiest of warriors for the public good, just ask any one of them. They had the privilege to partake of SCOOP JACKSON's own incredible luck to be born to lead and, in addition, to obtain the opportunity to practice leadership.

His life is so exquisitely an American success story that if a fictional character were proposed whose life was SCOOP's, no literary critic would stand for it. He was a man of modest beginnings who believed in hard work, faith, constancy, personal dignity, loyalty, and optimism. He knew defeat and accepted it without bitterness. He also knew victory and accepted that modestly and without a trace of arrogance.

He rose very high in a profession he loved, became famous, and lived to examine and enjoy his successes. He knew the great leaders of his age, but he was always at home with the people who lived in Everett, Wash., where he was born. He was loved and had a chance to exercise his own large capacity to love.

He died in his own home suddenly and without pain at the height of his powers. Only when he was no longer there did people realize just how incredibly good he had actually been.

SCOOP JACKSON became chairman of the Senate Committee on Interior and Insular Affairs in the 88th Congress. He was chairman of that committee and its successor, the Committee on Energy and Natural Resources, for 18 years. His legislative accomplishments in the jurisdiction of these committees definitively established our national policies for such matters for the 1960's, the 1970's, and the 1980's. There is no reason to believe that certain of these policies, for example, the requirement of adequate prior assessment of the environmental impact of major Federal actions, will be significantly altered in our own lifetimes, if ever.

Mr. President, the legislative record of SCOOP JACKSON will cast a shadow throughout the decades of this history of this Republic, perhaps as long as we have a Republic. He was the essential mover in Alaska and Hawaii statehood, in the establishment of the Land and Water Conservation Fund, the National Wilderness System, the Nationwide System of Trails—including the Appalachian Trail and the Pacific Crest Trail, the System of Wild and Scenic Rivers, the North Cascades National Park and the Redwood National Park, and in the enactment of the National Environmental Policy Act, the Alaska Native Claims Settlement Act, the Youth Conservation Corps, the Surface Mining Control and Reclamation Act, and the Alaska National Interest Lands Conservation Act, and a host of other legislation.

In 1971, at SCOOP's instigation, the Senate authorized the creation of the National Fuels and Energy Policy

Study, anticipating the energy crisis that was about to explode into the consciousness of the Nation. A list of the elements of the Jackson energy policy that emerged from the activities conducted under the study is a recitation of the policies with which we have dealt with energy dependence. Legislation he caused to be enacted cleared the way for the Trans-Alaska Pipeline, established the strategic petroleum reserve, mandated an activist role for the Federal Government in support of research and development into alternative energy sources, and created programs in energy conservation and synthetic fuels development.

Of course, these accomplishments reflect only Scoop's energy and natural resource interests. Others will emphasize the many contributions for which he is known in, for example, national security. It is a massive record of legislative achievement. Yet this man could respond to a question from a college student that the work of which he was most proud was his role as chairman of the Democratic Party during the election campaign of John F. Kennedy when, as JACKSON told the student,

We put an end to religious bigotry as a major factor in American politics.

SCOOP JACKSON was a special friend to me, designating me, in a certain sense, as his apprentice chairman for the last years of his chairmanship of the Committee on Energy and Natural Resources. No apprentice ever had a better example to follow. He gave me room to make my own decisions and my own mistakes. He never withdrew his trust.

However, it was SCOOP who was presiding on the last committee markup day in the 96th Congress, after the results of the 1980 election were known, and the control of the Senate was about to pass to the Republicans. As was his custom, he conjured up a quorum through a series of personal telephone calls to Members. He then proceeded methodically to call up, adjudicate and cause to be reported each bill in its turn, until the calendar was clear. When the last bill had been ordered reported, those present, in awe of the performance and suspecting they were seeing it done for the last time, spontaneously broke into applause.

What he did for the institution of staff, I might say, is also to be emulated by us all. When I got to be ranking minority Member, of course, I kept all of SCOOP's staff; not as a favor to SCOOP, not out of sentimentality—although those would have been reasons to do it sufficient to themselves—but by the quality of staff that SCOOP assembled. That is true not only on this committee, but on his personal staff. He attracted competence.

He attracted people who wanted to work with him, not for him; he was that kind of person himself. It was as if you were a member of the SCOOP JACKSON team. It was again because of that infectious enthusiasm, that quality, that if you were around him he created that kind of feeling. As Mike Harvey expressed, he used to say, "Good work, troops!" It was a team effort. Indeed, some of us felt first and foremost as though we were a member of SCOOP's team before we were members of the committee. And I guess in a real sense we on the energy committee will always be members of SCOOP's team.

As a SCOOP watcher for over 10 years, I came to know and appreciate his particular way of getting things done. He simply talked to everyone involved in a particular issue, learned their problems, and found a way to put together a coalition of people interested in resolving the issue. His style of leadership was not flashy. In fact, I can vouch for the mind-numbing number of hours it took SCOOP and others to work out some of the more contentious and intricate pieces of energy legislation included in the 1978 package known as the National Energy Act. But he took the time when it was needed. He was a patient man in an impatient institution. To certain undiscerning people, it seemed that SCOOP lacked charisma. I join with those who knew him in praising his charisma of competence.

This is not a time when a person engaged in public service can expect to be greatly respected. Any rational examination of the life of HENRY MARTIN JACKSON cannot but refute this popular prejudice that causes so much ill feeling. For SCOOP JACKSON, through personal example, made public service look good. He made us look good, too, by virtue of our association with him and the things he did. It seems to me that it is up to all of us now, ourselves, to renew our commitment to the example he set, and in so doing, attempt to regain some measure of respect for the work of representative democracy.

We will not see the gap left by his death filled by any one man in this Congress, the next, nor the one after that. An important task is the completion of the work his death kept him from finishing. A far more important task, indeed the essential task, is the preservation of the spirit in which he addressed that work. I can think of no finer legacy for this decent, competent, cheerful, and deeply moral man.

Mr. President, as prodigious as his legislative record is, I would also like to speak today as a friend who labored for some 11 years side by side with SCOOP JACKSON in the Committee on Energy and Natural Resources. I was his friend; I was his protege. He was my teacher.

He had a special capability and characteristic of being able to attract friends to him to create personal relationships with them and to have them feel intensely about him. I was one of those who feel that way about SCOOP, as do staff of myriad numbers, spread all across this country, and friends in this body and without.

Every Senator has his constituency, his friends and his acquaintances and his supporters. But few people in the history of this Republic have had the number of personal friends, the number of personally loyal true believers, as did SCOOP JACKSON.

Mr. President, much has been said here since the untimely death of SCOOP JACKSON about his accomplishments, and I underline all of those things. But I simply want to allude to two personal characteristics which I shall sum up among many others in the words, "manly" and "boyish."

SCOOP was manly in an intensely masculine way, with a deep timbre in his voice, a strong face, all the manly characteristics of courage, duty, patriotism, strength, integrity, character—manly in the old-fashioned way, not in the sexist way. He attracted the company of men and, indeed, of women with that manly, strong character of his.

But he was also boyish in the freshness of his personality, in the enthusiasm which he had for life and for this job, in his zest for life, in his intellectual curiosity.

I do not think I have ever known anybody of any age who had as much intellectual curiosity as SCOOP JACKSON, always discovering some new area, always reading on some new issue, always interested, always talking to people, always alive with what he was doing.

He never seemed to be tired, never jaded, never bored. In a place where the capability of being bored is very great indeed, he was never bored.

He was never cynical, never hypocritical; he was ever ready for the challenge of life, for the challenge of a U.S. Senator. If somehow we could take the essence of that characteristic which is, among many others, one of the strongest characteristics of SCOOP JACKSON, his enthusiasm, and bottle that quality or transmit it to others, it would be the greatest thing that could be done for the human race, because SCOOP had that quality to a greater degree than almost anyone I have ever known. To say that SCOOP JACKSON will be missed is, indeed, an understatement. The greatest thing I can say about his passing is that he did pass at the height of his powers, at the height of his popularity, at the height of his productiveness. He was taken from us in a painless and quick way. He will be remembered; he will be missed; he will be loved. The imprint of his personality is very deep and very strong and very permanent in this body and in the country.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, on September 2, 1983, America lost one of the finest public servants of this century and the Senate lost a man who embodied the highest traditions of this institution.

As the history of this era is written, Senator HENRY M. JACKSON will be recorded as a stateman and legislator who met the test of difficult and challenging times. Many fine men and women have served in the Senate and made lasting contributions. A few emerge as true leaders who place their imprint on the course of the Nation's history. SCOOP JACKSON is certainly going to be one of these few.

Truly, the Senate is diminished by his death. As colleagues and friends we are bereft and have a hard time reconciling ourselves to his absence. And yet as we mourn his passing, we must also celebrate that such a man lived and that his life's work was service to our country.

As we attempt this morning to take the measure of this man, to comprehend the source of his greatness, I find in Ralph Waldo Emerson's essay, "Character," an understanding of what made SCOOP JACKSON different. For Emerson, character is nature in the highest form. Emerson felt it was a rare commodity in the political realm but in defining the element of character in an elected representative he could well have been describing Senator JACKSON, a rare politician:

> The people know that they need in their representative much more than talent, namely, the power to make his talent trusted. . . . The men who carry their points do not need to inquire of their constituents what they should say, but are themselves the country they represent; nowhere are its emotions or opinions so instant and true as in them; nowhere so pure from a selfish infusion.

SCOOP JACKSON, Mr. President, was, indeed, that man of character. His wise and generous nature represented the best of America. He could lead with sureness and strength because he understood this Nation and had no other goal than a just and strong America.

SCOOP was a Senate man; the consummate legislator of his generation in the Senate. His skills and energies were directed toward finding solutions; fashioning proposals that would become law. His record of achievement will occupy historians and biographers for years to come. The scope of his accomplishments is perhaps unparalleled.

SCOOP JACKSON'S career in the U.S. Congress was dynamic. He served in the House of Representatives for 12 years and in the Senate for 30, a total of 42 years of public service to this Nation. Neither his native State of Washington nor the whole United States could have found a better Senator than HENRY JACKSON. He was a tireless legislator, a man you could depend on to listen even if he did not agree with you. He will always be remembered by me as a fair and straightforward man who dealt honestly with his colleagues. He certainly was respected by his colleagues on both sides of the aisle because he respected us. It is the combination of these unique qualities that allowed SCOOP JACKSON to get things done.

Above all, he was firm in his convictions and stood tall on matters he felt were important. He had that rare ability to analyze each issue and not just in terms of how it affected the State of Washington, but how it affected the United States and the world community.

His attention to domestic issues facing this Nation was exceptional. He was aggressive in protecting the environment long before it became a popular issue. He authored the Environmental Protection Act of 1969 which set up the Environmental Protection Agency and required for the first time that an environmental impact statement be filed before a Federal project could begin. As chairman of the Senate Interior Committee and later of the Senate Energy and Natural Resources Committee, he worked hard to protect many of this Nation's most pristine areas. Without his help, we could not have been able to establish the Big Cypress National Preserve in Florida. Also, the Northern Cascades and Redwood National Parks owe their existence to him. The Land and Water Conservation Fund Act, the Wilderness Act of 1969, and the National Wild and Scenic Rivers Act can all be listed among his legislative achievements.

In addition to this work, SCOOP constantly opposed strip mining and mineral leasing in wilderness areas. Clearly, he was a friend to the environment but he did not turn a deaf ear to economic growth. His decisions showed time and time again that he believed economic development can and must be compatible with environmental protection.

Senator JACKSON was the Senate leader in energy development. As a 30-year member of the former Joint Atomic Energy Committee, he understood the need to develop new sources of fuel as a way to protect our national security. To SCOOP, an energy-independent America was a strong America. Not surprisingly, he was a proponent of nuclear power, oil exploration, and synfuels. As chairman of the Senate Energy and Natural Resources Committee, he showed his interest in energy development by helping establish the Alaska pipeline and by promoting safe and environmentally sound offshore drilling.

SCOOP JACKSON understood the world and the role of the United States in that world. He knew that the United States must be the leader of the free world and must be strong militarily in order to lead. His distrust of the Soviet Union specifically, and communism in general, consistently shaped his foreign policy views. His anticommunism was based upon a thorough knowledge of history. He demonstrated his levelheaded approach toward the threat of communism when he became an outspoken antagonist of Senator Joe McCarthy and redbaiting during the Army-McCarthy hearings in 1954. That was difficult for him to do, Mr. President, because he was a junior Member of the Senate at a time when many senior Senators, who knew that what was going on was wrong, were afraid to speak out. No one wanted to be tarred with that brush, but SCOOP JACKSON was not afraid. That was a mark of his character all through his career. If it was wrong, he would stand up to it. He would not be afraid.

As a member of the Senate Armed Services Committee, he was respected as an expert in matters of defense. He continually pushed for a strong defense because he understood that freedom, as all things we hold precious, must be protected if it is to remain intact. He was a man who understood global politics. Not only did he have an understanding of the players in the international relations game, but he had compassion for those helplessly caught in the middle.

I can remember vividly SCOOP'S successful push for the Jackson-Vanik amendment in 1974 to deny most-favored-nation treatment to the U.S.S.R. and other nations denying free emigration of Jews to Israel. He was a friend to the Jewish community and a human rights advocate.

Most recently, Senator JACKSON did not hesitate to speak out against the downing of the Korean airliner by Soviet jet fighters. He was speaking of that during his last press conference. He called it an act of barbarism and called not for a military response but for a moral one. Asked if he wanted to bring this matter before the United Nations, he responded, "I would rather call a prayer meeting."

While the long list of public laws initiated by Senator JACKSON will surely rank him as one of the towering figures in the history of the Senate, it will not tell the whole story. The written record will not show why SCOOP JACKSON holds such a special place in the hearts of his colleagues. It cannot show the wise counsel, the guiding hand, the generous spirit of compromise and cooperation that so characterized SCOOP. And it will not show that there is a great body of legislation enacted over the 20 or so years

that does not have JACKSON's name on it but is law because of him.

I think all of us can remember the many times we reached an impasse here and it appeared that there was no way out, and SCOOP would move around, with his soft voice, get somebody by the arm, and whisper to somebody, "It looks like there's some middle ground here," and that great impasse suddenly disappeared. Everyone was able to walk away happy and winning. SCOOP always realized that there had to be winners, not winners and losers. Time after time, I saw him work that particular magic on the floor.

From my own experience, I can think of numerous instances when SCOOP's help made th diference in bringing to fruition something on which I was working. SCOOP was the father of Public Law 91-129, the law which established the Commission on Government Procurement in 1969. That Commission was established to come up with ways to deal with the cost overruns for major weapon systems and to bring about reform in the way government buys goods and services. SCOOP was an original appointment to the Commission.

In 1971, shortly after I arrived in the Senate, SCOOP decided that he had so many things going that he would leave the Commission and let me, a freshman member, take his place. When I talked to him about it, he said, "It's a good way for you to learn about how the Government goes about buying things. You'll get a real education."

I started going to those meetings and wondered what in the world I was doing there. It was very technical. But as a freshman Member, I had a lot of time on my hands, and I did receive a good education serving on that Commission.

I later chaired an ad hoc subcommittee to try to take the Commission's recommendations and enact them into law. That later became a permanent subcommittee, my first chairmanship on government affairs. We were trying to start an office of Federal procurement policy, to put it in the White House. That was the No. 1 recommendation of the Commission.

When I was trying to get that started, the Defense Department did not want to be bothered by it. The other agencies were used to the way they were doing business, and they did not want to be bothered. At the time, even the White House did not think it was too important. They did not want any more members on the White House staff. They thought they might be criticized that the budget was becoming too big. The fact that nobody was overseeing Government purchasing did not seem to interest many people.

I talked to SCOOP about how I could get the legislation moving. He knew it was important—he started the Commission—and I remember his wise advice in telling me how to move on it. It became law.

The same thing happened some years later, in trying to do something to control paperwork. We reached a point again where it was touching the defense establishment, because there was a provision about how to buy computers. The Defense Department decided they did not want any part of that and started raising all kinds of problems. Finally, when I discussed it with SCOOP, he said, "That is something they should have. There is nothing wrong with that."

When I got his voice talking for it, things changed entirely. The people who were raising all kinds of specters went back into their holes.

I think each of us can recount some instance such as that, where we would go to SCOOP and tell him it was important.

I am going to miss his counsel. I learned a lot from him, and those are things I will never forget.

I learned from him the value he placed on his family. He had a wonderful family, and he was very proud of his lovely wife, Helen, and of their two children, Anna Marie and Peter.

I recall that he would bring Peter to the gymnasium and walk around and show him off. He was very proud of his son. His son was always very proud of his father.

That is something I carry with me in relationships that I try to establish with my own family.

Mr. President, we have lost a great man, and we have lost a great Senator. At the same time, the country has gained tremendously by having his 42 years of public service. Each of us who knew him gained very much by having him as our friend.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I, too, want to join my colleagues in expressing a deep sadness and a very real sense of personal loss on the passing of our good friend and respected fellow Senator, HENRY "SCOOP" JACKSON. The outpouring of love, affection, and respect, which has welled up from so many Members in these past hours and days serves as a most fitting memorial and a tribute to a gentleman whose death was a devastating and stunning shock to us all.

In the days since his passing, we have heard many moving personal statements—from colleagues and certainly from member of his family—of instance after instance where SCOOP JACKSON rose above pettiness or partisanship or self-importance to share a great deal of himself with other human beings, I can certainly attest to that. My association with—and admiration for—SCOOP JACKSON goes back a number of years.

My father, Milward Simpson, served with him on the Interior Committee when SCOOP was chairman. And despite my father being of the "other faith," SCOOP went out of his way to assist my Dad. Dad has always told me how much he appreciated those many kindnesses—and what a deep affection and regard he had for SCOOP JACKSON. My father is now nearly 86 years of age and with some very certain health problems, but when he learned of SCOOP's death, he said, "the whole Western World has lost a friend."

I came to this scene in 1979 and met the same steady and unfailing outpouring of courtesy and kindness from this man. On my first visit with him, SCOOP said, "let me know whatever I can do for you, AL, for I remember your Dad with great affection and high regard. He was a friend of mine." That was pretty heady stuff for a new raw recruit like I was. And coming from this man whom I greatly respected, a great American, it was pretty comforting, too.

But that was the way that SCOOP JACKSON was—a man who would always take time out to offer encouragement or a positive word to a new Member of this body—of whatever political stripe. I can tell you it was an honest gesture that meant much to me. And he proved it to be an authentic one time after time.

It was also a gesture that was totally in keeping with the character of this remarkable man. While he could be a tough and canny political foe on the floor or in any other forum, he was never so tough that the overwhelming humanity of the man did not just flow out to those around him.

He will be sorely missed—his leadership will be missed by his country—his wise advice and counsel will be missed by his State and by his party—and SCOOP JACKSON, the man, will be missed by each and every one of us in this body. For his was a stabilizing presence here. A kind word—a bit of encouragement—a slap on the back—so many little ways that you knew indeed that he was there and you also knew that he would often be there to wish you well. I remember several times right here at this desk—for the traffic is often heavy on this track here by the outfield wall—and I can often remember his hand on my shoulder and maybe a quick whisper "give 'em the business, cowboy!" or "I'll meet you over in the gym and I'll turn the heat up for you!" and boy would he! Until the skin nearly peeled. Then he would give me that hearty laugh and we would visit there often. That was a forum of ours. Those are rich memories for me.

I remember on the day of a particular exciting success for me in this body and he said to me "I bet your Dad would be proud of you—I think I will

write him a note." And he did and he would. That was pure SCOOP JACKSON.

And, then, of course, we officed together in the new Hart Building right next to each other. What was the first thing he wanted to do when we got settled—have a reception for both of our staffs. There was always a wonderful flow of informality and regard for the members of the whole staff there, and how well I remember his absolute generosity when Bob Hope visited the Senate, and SCOOP personally came over to my office and invited each and everyone of my crew to come over and meet Bob Hope and then of course he arranged a private time for me to do that. A generous and gracious act.

And he and Helen were always like that to Ann and to me, and we do not forget that, from our early days here.

And yet, we should not mourn this man, but we should celebrate his vital and vibrant life. We should celebrate the joy and the effervescence that he brought to this place. I shall miss him greatly, and my life is richer for having shared a portion of it with him in this body.

And in such times, then, we think also of, and our hearts go out to, the family of SCOOP JACKSON. Especially to the gracious, steady, and courageous Helen, a woman of real class and substance, and two children who I did not have the real privilege of coming to know well, Anna Marie and Peter—our thoughts and prayers go out to all of them. Just as SCOOP eased our way in this transitory life by sharing so much of himself with us, now we reach out to his lovely family in an effort to ease their pain in this trying time. Let them know that our collective strength and support and sympathy and condolences are ever extended to them and we share in their loss. May God bless them and buoy them up.

And we might just raise a strong paean of tribute and great pride to our departed friend, but sponge away further sadness or mourning. SCOOP would like that. So to him.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, only this unusual and tragic occasion would lead me to speak so early on the floor of the Senate. It is with a mixture of sadness and pride I rise to honor Senator HENRY M. JACKSON and to begin to try to fill those remarkable shoes.

We came from different political backgrounds but shared close associations during my gubernatorial years. SCOOP was always a loyal, enthusiastic supporter of Washington State. Asking "How can I help?" he listened carefully and acted promptly and effectively.

Some called him the "Senator from Boeing" in recognition of Government contracts awarded to Washington's largest manufacturer. But SCOOP just was enormously proud of the skills and ingenuity of the workers and the wisdom of their management. Boeing could succeed on merit.

Some called him the "Senator from Israel" but he recognized at the birth of that nation, the fortitude and strength of a people seeking to be free, and the trials through which they had come.

To the eternal dismay of his political opponents he was consistently supported by both labor and the business establishment, by environmentalists, senior citizens and most of all by the plain people who made his Washington strong.

He did not win those 70-percent electoral margins by promising too much nor ducking tough problems. He combined a careful command of facts, a refreshingly candid stand on issues, and a true compassion for his fellow humans.

His was the politics of courage, candor, and competence. It was stunningly successful.

SCOOP JACKSON was a man of two Washingtons. He was at home with the power brokers of the Nation's Capital, advised nine Presidents, and stood tall with international leaders. But first in his heart was Washington State and his lifelong roots. He was deeply in love with the land and the sea, reveling in the beauty of our rich and varied State, and the diversity of its people.

He will be remembered long in both Washingtons as a giant of the Senate. Even as his name begins to fade, as it does even to the best, his good works will remain:

A yet unborn child who will live in an America stronger and more free; a student able to finish an education through the scholarships he so quietly built; a 21st century youth striding the wilderness of the North Cascades, experiencing a unique link to our past in this untouched paradise.

These are the true legacies of HENRY JACKSON.

For those of us fortunate enough to know and work with him—Thank you, SCOOP.

For those who never met him but whose lives will be enriched by his works—Bless you, SCOOP.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, Senator HENRY M. JACKSON, whose memory we honor today, was a rare and special human being.

With his passing, the Nation has lost what Columnist George Will described as, "The finest public servant I have known," in the article that George Will wrote about him, in which he talked about SCOOP JACKSON as being his hero.

I ask unanimous consent to have printed in the RECORD that article to which I refer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE WAS THE FINEST PUBLIC SERVANT I HAVE EVER KNOWN

(By George F. Will)

Painted on the walls of the Senate reception room are portraits of the five men who were selected by a special committee, a quarter of a century ago, to constitute a kind of Senate hall of fame, the portraits are of Clay, Calhoun, Webster, La Follette and Taft. There is no more space on the walls of that room, but there is a nonfunctional door. That door should be removed, and the wall filled in, and adorned with a portrait of a sixth senator. A Senate hall of fame without Henry Martin Jackson is as unthinkable as Cooperstown without George Herman Ruth.

A silly person once said that only silly persons have heroes. But only exceptionally small persons will not pay homage to the exceptionally large persons among us. Heroes make vivid the values by which we try to live. I say, unabashedly, and with many others; Henry Jackson was my hero.

Because he was magnificently uninterested in the cosmetics of politics, dull persons considered him unexciting. But discerning persons by the millions recognized that his kind of character is as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensible. They came to the absurd conclusion that he had departed from the liberal tradition.

He was a pioneer of environmentalism. He was the preeminent champion of civil rights. He fought for the full domestic agenda and authorized legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

The ironic truth is that Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

Jackson was an anchor against weariness, wishful thinking and apostasy in his party, and his country. He nurtured in this republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary, looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clear-sighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly calm, that is because he had the patience of a mature politician—a gift of planning, thirst for detail and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness was a rebuke to the less indus-

trious and a refutation of the theory that in politics fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

I remember a day, nearly a decade ago, when I went panting along in the wake of Jackson on a campaign swing from Washington to Philadelphia to Shreveport and back. When I was decanted from the little plane after midnight, I was a broken shell of my former self. Henry Jackson, twice my age and fresh as a tulip, bounded off into the night.

His legendary energy flowed as much from his spirit as from his physiology. His biography is an esssay on the sources of American vitality. He was the son of immigrants, and of the American West. He had the stamina of parents who crossed an ocean and then a continent, and he had the optimism of his region.

For longer than I have been alive, Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character. Why? Consider.

If you wonder who real leaders are, find out who has real followers. By real followers I mean persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he has taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. Today, in numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being a servant to a vast public without being servile to any part of it. He was the finest public servant I have known.

Mr. METZENBAUM. Mr. President, the Senate has lost a natural leader, a warm, patient, enormously intelligent man who time and time again instructed the rest of us in the true meaning of the expression "grace under pressure."

SCOOP JACKSON was the epitome of fairness. SCOOP JACKSON bespoke integrity in his every deed and word and action.

On a personal level, Mr. President, I have lost not only a warm friend but a kind and generous teacher and one who stood at my side in many a battle.

We did not always agree. The times we agreed were far more often than the times we disagreed. But even when you disagreed with SCOOP, there was always a kind of treatment of respect and fairness that he brought to the issue.

During my tenure in the Senate, I served with SCOOP JACKSON on the Energy Committee through many tiring and arduous hours of hearings, markups and, sometimes, rancorous debates.

During his chairmanship, the committee confronted some of the most serious crises this Nation has faced in recent years—the Arab oil embargo; natural gas decontrol; the Iranian oil crisis; oil price decontrol—just to name a few.

Through it all, SCOOP JACKSON was the statesman, bringing together the divergent views, allowing the time for all sides to be heard, using his great wit to liven the atmosphere and cool the tempers, all the timekeeping a firm hand to direct us to the ultimate conclusion.

But SCOOP JACKSON was more than a great Senator.

In the best and truest sense, he was a great American patriot.

For SCOOP JACKSON, patriotism meant striving—40 years worth of striving—to fulfill the promise of America.

In terms of any selfish political calculation, SCOOP JACKSON had nothing to gain from his early and vigorous advocacy of civil rights legislation. But he was a man who could not bear to see his country's honor soiled by racial discrimination.

SCOOP JACKSON had nothing to gain, and much to lose in a political sense, by speaking out against McCarthyism. But he did speak out. He spoke out courageously. And for that alone, we are all in his debt.

In the late 1940's, at a time when the survival of the State of Israel was very much in doubt, SCOOP JACKSON, who once again had nothing to gain for himself, emerged as a forceful friend of the young Jewish state. He remained so for the rest of his life. And in Israel, the name of HENRY JACKSON will never be forgotten.

Mr. President, SCOOP JACKSON was not a flag waver or the kind of politician who appeals to chauvinism or prejudice.

SCOOP JACKSON was a believer—a believer in American liberty and in the fundamental human rights of people everywhere.

I am sure, Mr. President, that many of those who have formed our foreign policy over the years would have preferred not to have raised an issue like emigration in the course of dealing with the Soviet Union and other Communist countries.

But SCOOP JACKSON would not allow our negotiators to conduct business as usual. He insisted—and he wrote into law—the Jackson-Vanik amendment, which is perhaps the most important weapon we have in the area of human rights.

The Soviets have loudly rejected Jackson-Vanik. Some in this country have tried to repeal it.

But the fact is, Mr. President, that many thousands of Soviet Jews—and others as well—owe their freedom today to SCOOP JACKSON'S hardnosed insistence that we make the right to emigrate a major point in our foreign policy. The Jewish community in the country loved SCOOP JACKSON more than any Member of the Congress.

This entire country mourns the passing of SCOOP JACKSON. In every part of the world, those who value freedom know that they have lost a friend.

In the Soviet Union, the persecuted dissenters and refuseniks know that one of their great defenders is gone.

We are today expressing the pain that all of us feel about the death of a respected and beloved colleague. But, Mr. President, the Senate will feel the loss of SCOOP JACKSON for many, many years to come.

On behalf of myself, my wife Shirley, and all the members of the Metzenbaum family, I express to Helen Jackson, to Anna Marie, to Peter, our deepest sympathy and our condolences on their terrible loss. And I also add a special note of sympathy to his constant companion and friend, to Don Donohue.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Chair for this opportunity to rise and say a few words in tribute to the memory of my colleague and friend, Senator HENRY M. JACKSON.

Senator JACKSON has been eulogized by many in the days since his death on September 1, 1983, as a leader, statesman, hero, father, and friend. He was a man of immense personal integrity. He spent his entire public life serving the country he loved and striving to achieve a quality environment and a quality life for every individual. George Will has called SCOOP "the finest public servant I have ever known." I can think of no finer tribute.

Senator JACKSON served with great distinction as a Member of the House of Representatives and as a U.S. Senator from the State of Washington for 42 years. For 31 years, he was a member of the Committee on Energy and Natural Resources and its predecessor, the Committee on Interior and Insular Affairs. SCOOP was chairman of the committee with jurisdiction over natural resource, environmental, and energy legislation for 18 years, longer than anyone in the history of the Republic.

Senator JACKSON'S unparalleled contributions to this Nation's energy and natural resource policies will provide innumerable benefits for the American people for decades to come. His dedication to the work of the committee and his many legislative achievements will long be remembered.

Senator JACKSON was responsible for the integrity of the Committee on Energy and Natural Resources as an entity. The committee is respected as a working body because of SCOOP'S un-

tiring efforts and his nonpartisan approach.

I should not pass and cannot pass this moment without expressing my own personal appreciation to him for the assistance he gave to me, as a new Member of the Senate, and a new member of his committee, the committee that bore his imprint and his leadership for so many years.

I particularly appreciated his assistance to me when I assumed chairmanship of the committee. His cooperation and tremendous dedication to our work made the change of organization and the transfer of responsibility as smooth and as painless as it could be for everyone involved. Our deliberations in the committee have been less partisan in character and more bipartisan in their nature than much of the work of the Senate. It was SCOOP's strong belief that, "If we do disagree, we can do it without being disagreeable." He was truly a gentleman, and the workings of the committee bore his imprint of integrity for three decades.

Mr. President, I ask unanimous consent that a resolution of that committee adopted at its first business session following his death be made a part of the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, U.S. SENATE—HENRY M. JACKSON

Whereas, HENRY M. JACKSON served with great distinction as a United States Senator and Representative from the State of Washington from 1941 to 1983; and

Whereas, Senator JACKSON was for 31 years a member of the Committee on Energy and Natural Resources and its predecessor, the Committee on Interior and Insular Affairs; and

Whereas, Senator JACKSON was the Chairman of the Committee with jurisdiction over natural resource, environmental, and energy legislation for 18 years, longer than anyone in the history of the Republic; and

Whereas, Senator JACKSON's unparalleled contributions to the nation's energy and natural resource policies will continue to provide innumerable benefits for the American people for decades to come; and

Whereas, Senator JACKSON's dedication to the work of this Committee and his many legislative achievements will long be remembered: Now therefore be it

Resolved, That the members of the Committee on Energy and Natural Resources record with profound sorrow the death of HENRY M. JACKSON on September 1, 1983, and convey their deepest sympathies to his family and friends in Washington and throughout the country.

Mr. McCLURE. Mr. President, while Senator JACKSON was nonpartisan on many issues, there was one area in which he was indeed very partisan; that is, protecting the resources and the people of the Pacific Northwest. If anyone dared attempt a raid on the Columbia River or the Snake River or any of the beauties of his beloved Northwest, SCOOP JACKSON would "circle the wagons," and we all would join together in protecting our region. Senator JACKSON was a family man and the Pacific Northwest was a very special part of his family, and he in turn was part of ours.

I thought one of the most moving parts, one of the most moving tributes, at the memorial service held in his hometown of Everett, Wash., was the eulogy given by Congressman TOM FOLEY, as a former staff member and on behalf of that family of people who were SCOOP's staff, his fellow workers, some of whom, both past and present, are in the gallery today.

I think that bespeaks the truth of TOM FOLEY's words at that time of the special bond that this man had with members of that larger family of his that number in the hundreds at this time.

SCOOP's passing is a great loss to the world, the Nation, and especially to the Pacific Northwest. His voice will be particularly missed in the Committee on Energy and Natural Resources, as well as in the Senate. We have lost not only a leader, a stateman, a hero, a husband, a father, and a friend; we have lost an exceptionally fine man.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Thank you very much, Mr. President.

I, too, would like to say a few words about my friend, SCOOP JACKSON. He was a very close friend, a fellow Scandinavian, a gentleman of enormous talent, who enjoyed one of the most distinguished careers in the U.S. Senate.

This is a tough crowd in the Senate. It is not easy to earn their respect, but SCOOP JACKSON had it.

When I think of the fact that he passed away during a recess, when we had Senators scattered throughout the world and around our country, I would like to note that trips were canceled, and people changed their plans so they could attend the service that was given for him in Washington. Over 60 others traveled all the way across this country because they admired and loved this man.

I think SCOOP JACKSON exemplified what is the very finest and best in public service. He was compassionate, but he was strong. He was effective, but I never heard him be abrasive. He had an uncanny instinct for America's vital national interests and an ability to achieve them. He was a champion of the State of Washington, but he never forgot that he was a U.S. Senator looking out for the concerns of all of our country.

During his 30 years in the Senate, SCOOP established new standards of effective public service; he had the type of a career to which all of us in public service aspire, but very few achieve.

Many years ago, Mr. President, Andrew Jackson said one man with courage makes a majority. Senator JACKSON had unquestioned courage and sometimes would start out as one of very few, if not even alone, and would begin with his reason, with his integrity, with his knowledge of the facts, and with his persuasiveness to establish that majority.

I know of no Member that was more respected or trusted by his colleagues in the Senate. For many of us, when there was a difficult decision on defense, on environmental concerns, on human rights, we would say, "What does SCOOP think about this?" We asked that question because of SCOOP's experience, his instincts were sound, and his integrity was without question. SCOOP was a leader of the Senate, but he did not hold any title. He was a leader by example, by the respect he had earned in over three decades of service in this body.

Those of us who served with SCOOP in the Senate came to understand and admire his genius for consensus and his commitment to bipartisan politics in some of the critical issues facing this country. I think the latest evidence of SCOOP JACKSON's statesmanship is the Bipartisan Commission on Central America. SCOOP appreciated the importance of Central America to our national security. He was able to draw on his rich legacy of experience in government and advance the idea of a commission to study ways in which we could respond to the overall needs of this region of Central America as, in turn, we had responded to the problems of Europe after World War II.

Together with SCOOP, I was appointed as an adviser to the Bipartisan Commission. That Commission is referred to as the "Kissinger Commission," but in reality it is SCOOP JACKSON's commission. SCOOP was the author, he was the originator, he was the persuading force that put it into being. He sold it as a way to overcome the partisan divisiveness and hammer out a consensus on where this country ought to go and how it ought to get there.

That is the way SCOOP liked to operate; he liked to bring people together and reason and develop that kind of common consensus to work for a secure and strong and prosperous America.

Mr. President, I want to say my friendship with SCOOP has meant a great deal to me. When I came to the Senate one of the rewarding things was I had a warm friendship with SCOOP JACKSON from the House. He has been more than a colleague; SCOOP was an inspiration, the epitome of what a U.S. Senator should be. All of us will miss him and all of us, I am sure, join Helen and the Jackson family in mourning the passing of a

man who served his State, his country, and the U.S. Senate with the highest distinction.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Thank you, Mr. President.

SCOOP JACKSON's death has meant great personal loss to his friends here in the Senate. Far more importantly, SCOOP JACKSON's death means the loss of a national asset. His three decades in the U.S. Senate were spent in acquiring a store of knowledge and experience which he exercised wisely and in an admirably bipartisan fashion to build a better and stronger America.

SCOOP was a true expert on defense who consistently voted his conviction that freedom for Americans and their allies depended upon an America strong enough to deter Soviet aggression. His legacy hopefully will be an America strong enough first to deter aggression, and strong enough then to achieve arms reduction for lasting peace for which SCOOP JACKSON worked all of his life.

I was privileged to know SCOOP through our service together on the Senate Armed Services Committee. He was the ranking Democrat on the committee and I was the junior Republican during what were the first months of my Senate service and the last months of his 30 years in the Senate. Characteristically, as I was to learn, he took the initiative in our relationship, befriending me in my first days in the Senate. Nothing could have been more flattering. Now that I have had the opportunity to observe him for many months, nothing remains more flattering.

Quite deservedly, he exercised enormous influence on the deliberations of both the committee and the entire Senate in many, many matters, but particularly those that related to our foreign policy and to the status of our preparedness. I experienced personally during these too brief months of our friendship the wisdom and the thoughtfulness, the kindness and the compassion that won him the deep respect and affection of colleagues on both sides of the aisle.

I wish that I might have had longer to enjoy and learn from SCOOP JACKSON, but feel privileged to have been his friend and colleague these few brief months. More important is the loss to our Nation and to our friends throughout the free world. SCOOP JACKSON will be mourned, he will be missed, and finally he will be remembered and recorded by history as what he has been to America and to the world: A wise and valued leader of uncommon courage.

Thank you, Mr. President.

Mr. BRADLEY. Senator HENRY M. JACKSON was the quintessential American for his era. He helped us see ourselves better. He emerged out of the great Northwest onto the national political scene like America onto the world in the late 1940's—fresh and strong; optimistic and purposeful; guided by a healthy moralism but never straitjacketed by it. Over the years his belief in America was never shaken. He saw our enemies clearly and insisted, at some political risk, that peace came through preparedness. He recognized our friends, too, and always stood by them. He reached down to those less fortunate and insisted that Government had commitments that must be kept. And, living between the majestic Olympics and the Cascades, he looked at the environment and saw something precious that must remain changeless for our children's children.

SCOOP tried for the Presidency twice and failed. Although that was a national loss, it was the Senate's gain. SCOOP JACKSON was a Senator's Senator. He gave the institution of the Senate his devotion, though he was never hesitant to speak out against Senators who would subvert its popular respect by tactics of fear or excuses of greed.

When he geared up for a battle, the best general would stand in awe. He laid out the record, oh, did he believe in the record of hearings and hearings that brought the voices of those who came because he asked them. And on that record he built his case. Quietly he assembled his troops, who joined their leader because they agreed with his point of view, yes, but also because they knew his preparation was flawless.

The more his loyal and superb staff fed him memos, the more he ate them up. He always made the meetings whether it was early morning hearings, birthday parties for colleagues, or the vote at 2:45 a.m. Simply, he loved his work. And he had more respect from more places than any Senator I have known. His view and range were global and so were his friends.

Above all, as we his Senate friends speak today, with him gone, we remember the man with the crinkly smile, the convert to health food and regular exercise, the chairman who gave generous credit and shared responsibility even with junior members. He understood the bond of Senate camaraderie—that while it brings us close together, it never joins us fully. It seemed to suit his Presbyterian personality that was at the same time as simple as the lines of the Washington Monument and as complex as the concept of predestination. That must be why we cared for him so much.

I thought about all this last week as I sat in the straight-backed pew in Everett, Wash., and said goodbye.

We will miss him greatly.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the sizable election mandates which HENRY JACKSON received from the people of Washington were ample evidence of the esteem in which the people of his State held him. The many tributes which have poured in during the days since his recent and untimely death are ample evidence of HENRY JACKSON's importance as a world figure and a statesman. Today, we, his colleagues in the Senate, take this time to remember HENRY JACKSON and to pay him honor.

HENRY JACKSON was a Senator's Senator. He was a man who combined in the rarest way both firm conviction and collegiality. No one in this body ever doubted his commitment to the principles which he represented. Yet no one in this body ever doubted that he would represent those principles with tolerance, understanding, and grace. This combination of qualities is something for which each Senator strives, and SCOOP JACKSON's example will, I am certain, remain as large for us now as it did in the years during which he served with us.

Our thoughts go out to his family and to his closest friends. His family and friends are deeply aware of the loss which this institution and our country has experienced. It will be an important tribute to HENRY JACKSON to hold his principles and his example before us as we wrestle with the difficult questions we must now face without his leadership in debate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, in Senator HENRY JACKSON's death, I lost a kind and considerate mentor, and my State lost a very special friend.

I was personally privileged, as the newest Democratic member of the Senate Armed Services Committee, to have worked closely with him in my first 8 months in the Senate. During that short time, we became good friends, and he invariably showed me great courtesy and wise counsel. I will miss him.

The people of my State knew Senator JACKSON even better and longer than I—he was an old and respected friend. He, in turn, felt very close to them.

Many times I referred to him as the third Senator from New Mexico, and I feel that he took pride in that title.

His concern for the State ran deep for many reasons. His wife, the former Helen Hardin, was a native of New Mexico and was raised there. Senator JACKSON met her while she was working on the late Senator Clinton P. Anderson's staff in Washington, and in 1961 she succeeded in ending, happily, his career as one of Washington's most eligible bachelors.

During their long careers in the Senate, JACKSON and Anderson often

teamed up on key legislation that continues to benefit my State. They worked together, for instance, on legislation authorizing and appropriating funds for the two great research laboratories in New Mexico—Los Alamos and Sandia. When Senator Anderson retired, Scoop succeeded him as chairman of the Joint Atomic Energy Committee, which oversaw the activities of both of those two important research and development facilities.

The Senator from Washington was one of the great legislators of American history. He was a man who cared deeply about all of the United States and its people, and his passing is a tragedy for us all.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I am sorry that I could not have been on the floor during this entire period. Other Senators are in the arms control classified hearing right now who also wanted to be on the floor. I was chairing the hearing. It is a subject that was of deep interest to Senator JACKSON. But even in those hearings, he was very much in our thoughts.

Mr. President, we are joining together today to pay tribute to Senator JACKSON.

Mr. President, it is my privilege on this sad occasion to pay tribute to our beloved colleague Scoop JACKSON. His life and work will be long remembered, not only by those of us who had the honor of serving with him here in the Senate, but also by countless people all over the country who have benefited directly from the concerns and compassion he was in his long career able to translate into legislation.

I had the privilege, Mr. President, of knowing Scoop JACKSON for longer than our Senate careers together. It was some three decades ago that I issued an invitation to him to come to Chicago to attend a conference at the University of Chicago Public Affairs Conference Center, part of which was held in the conference center and part of which was held in our home in Kenilworth, Ill.

As I worked with him for the first time for 3 solid days on an extraordinarily complex issue of national impact at that conference, I was deeply impressed by his perceptiveness, by his remarkable understanding of the issues, and by his exceptional ability to outline quickly clear-cut objectives. I carried those impressions with me during the 16½ years we served together in the U.S. Senate.

We served on the Governmental Affairs Committee together for that 16½-year period. One of my incentives for going on that committee was the opportunity to work with him. He was chairman and I was the ranking member of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee.

We worked intimately together. We did not always agree, obviously, but whenever we did disagree it was done in an agreeable way. No one could have more respect for the firm convictions with which Senator JACKSON always worked on every issue affecting the welfare of his country, his fellow countrymen, and the welfare of his State of Washington, than I with the opportunity I had to work intimately with him.

It was a great pleasure that I had more constitutents, even members of my family, in the State of Washington. Both of our sons, both of their wives and one grandchild, are residents of the State of Washington.

At one particular time in the business career of my son, Senator JACKSON made a valuable suggestion to me on my son's behalf that showed the way he perceived quickly a problem that I described to him, a challenge. Senator JACKSON looked on it as a challenge and he said, "here is an answer," and it was right on target.

That proved to be a very valuable suggestion that I was able to pass on to my son from his Senator, Senator Scoop JACKSON.

Senator JACKSON was a fighter on behalf of good causes. He was a leader in protecting the environment, promoting a strong defense, and supporting the security of Israel, and the rights of Soviet Jewry. He was a true humanitarian and a tireless legislator.

He was a "world-class" Senator whose perspective was truly global. Yet his concern for the problems and conditions in his own State was legendary—nothing was too small for his consideration when it involved the State of Washington.

Scoop was a fine friend. Loraine and I extend our heartfelt condolences to Helen, his beloved wife, to their beloved children, and to his entire family. All of us share their loss but are richer for having known him.

All of us are deeply grateful to Helen for everything she has meant to Scoop JACKSON throughout the course of their married life. She loved him, supported him. How many times have we seen her helping him here, right in the Senate? How many times has she enriched our lives as she enriched his life and the life of every person that she has touched? I know that her spirit will always inspire us, just as Scoop JACKSON's inspiration to every one of us shall be eternal.

How prophetic it was that his last press conference was an occasion for him to speak from the heart of a deep conviction about the nature of the Soviet Union at the very time millions, perhaps billions of people, for the first time in their lives, had a chance to really see what he had been talking about all his life—the inhumanity of the Soviet Government to its own people, to the people of Eastern Europe, to the people of Afghanistan, to the people of the world, and the affront that they have made.

Scoop JACKSON was a man of tremendous vision and great courage. He fought for everything he believed in that was right and he fought a good fight. His spirit shall always be with us as an inspiration to every single Member of this body.

Mr. BAKER. Mr. President, it is clear that the time provided for eulogies and tributes to our late colleague, Senator JACKSON, is not adequate. That is a great tribute to him in its own right. There are other Senators who wish to speak and who are entitled to speak. Therefore, Mr. President, I ask unanimous consent that the time for tributes and eulogies to Senator JACKSON be extended for 1½ additional hours, to expire at 1:30 p.m., and that the subsequent arrangements for the agenda of the Senate—that is to say, the 2 hours of morning business for the discussion of Lebanon and the recurrence of the resolution dealing with the Korean aircraft atrocity—be extended by an equal amount.

The PRESIDING OFFICER (Mr. WEICKER). Is there objection? Hearing none, it is so ordered.

Mr. BAKER. Mr. President, I observe that the additional hour and a half is an arbitrary time. If that is not adequate, it is the intention of the leadership to extend it still further. I think it is a great tribute to Senator JACKSON that so many Members have come to the floor to make their statements in person and say it with such eloquence and obvious sentiment.

Mr. PERCY. Mr. President, may I ask a question? What does that mean from the standpoint of taking up the Korean matter?

Mr. BAKER. Mr. President, we were scheduled to finish this at 12 o'clock, to have the Lebanon debate until 2 o'clock and then go to the Korean resolution at 2 p.m. Now we shall go to the Korean Air Lines resolution at 3:30 p.m. an hour and a half later, unless there is further time for statements on Senator JACKSON.

Mr. PERCY. We shall recess tonight at what time?

Mr. BAKER. Mr. President, I would not expect tonight to be a late night.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, with Scoop JACKSON's death, all of us here have lost a friend and leader, one of the kindest and most caring people any of us has ever known. None of us who knew him well and watched him tirelessly and effectively serve his country and the people of Washington State will ever forget him.

His legislation accomplishments are as many as they are wide in range.

From human rights to civil rights, from national defense to arms control, from energy policy to environmental laws, SCOOP leaves the Nation a rich and full legislative legacy which will endure forever.

Nowhere is the breadth and timelessness of SCOOP's legislative accomplishments more apparent than in his contributions to conservation and the environment. As is true with so many of the causes HENRY JACKSON championed, he was ahead of his time on natural resource policy. Twenty-five years ago, he became the chairman of what was then called the Senate Committee on Interior and Insular Affairs—now the Energy and Natural Resources Committee. He spent years carefully and skillfully crafting and guiding legislation through the Senate which is now the legal bedrock of the conservation movement throughout this country. The Wilderness Act, the Land and Water Conservation Fund Act, the National Trails System Act, the Wild and Scenic Rivers Act, the Redwood National Park Act, the Federal Lands for Parks and Recreation Act, the National Environmental Policy Act, the Youth Conservation Corps Act, the Federal Land Policy and Management Act, the Surface Mining and Reclamation Act, the Outer Continental Shelf Lands Act Amendments of 1978, and in 1980, the Alaska National Interest Lands Conservation Act. What a list. They all bear the mark of SCOOP JACKSON's leadership, his patience, his fairness, and his commitment to the protection and wise management of America's precious natural resources.

For his beloved Washington State, he was the prime sponsor of legislation establishing the North Cascades National Park, the Lake Chelan and Ross Lake National Recreation Areas, the Alpine Lakes Wilderness, the Protection Island National Wildlife Refuge, the Mount St. Helens National Monument, and the expansion of Olympic National Park.

Of course, for those of us who worked closely with SCOOP on these things, particularly those on the Energy Committee, this impressive list of legal and policy accomplishments in the field of conservation and the environment is only part of the story. Long after the pages in the law books have yellowed and the print faded, we will remember the grace, the style, and the good judgment that SCOOP displayed at every stage of the legislative process. He was, to be sure, the consummate politician who had few equals in the ability to get things done in the Congress. He put these considerable skills to work for a number of causes, not the least of which was the environment. But more importantly, he was a gentleman; he was a teacher; he was an honorable and loyal public servant. For SCOOP, a noble end never justified ignoble means.

Only a few weeks before his death, he spent a day traveling by helicopter through the Cascade Mountains as a prelude to making the final decisions on the drafting of a statewide wilderness bill for Washington.

At SCOOP's request, the group took a short detour to view a spectacularly beautiful lake basin east of his hometown of Everett in the Mount Baker-Snoqualamie National Forest known as Monte Cristo. He spent his brief time there absorbing the breathtaking scenery and regaling his fellow travelers with stories about the sea.

It seemed that he had spent a lot of his happy days as a boy hiking, camping, and swimming the many hot springs that dot that area. He never forgot that place, and its memory served to forge and strengthen his strong commitment to protect the best of America's remaining park and forest lands. SCOOP had not returned to Monte Cristo since his boyhood. Mostly he had been here, of course, serving the Nation and the people of Washington State. He had had little time for nostalgic visits to his childhood haunts. But now, ironically, here he was in what would prove to be the twilight of a magnificent career, soaking up the enduring beauty and remembrances of this place that was so special to him.

I cannot help but believe that SCOOP is there now in Monte Cristo and in countless other places he worked so hard to preserve for all of us—there in spirit and forever.

Just a personal note, Mr. President. I came to the Senate prepared not to like SCOOP JACKSON. I did not know him. I had met him at the 1972 convention when he was running for President and I was chairman of our delegation. But against my wishes, I was put onto the committee he chaired. And in short time he and Helen invited—I never will forget it—John and Annie Glenn, Betty, and me for a Sunday lunch. And just in 2 hours' time I already had begun to change my opinion of him.

To shorten the story, he became a mentor, a tutor, a guide. He told me a lot of the pitfalls that I could avoid and save myself a lot of trouble. And so I came to love him. Nobody enjoyed turning the heat up in the sauna like he did so he could boast about his Viking background. It was a thing he regaled us all about.

The other day I was on television. The question was, "What do you think he would most like to be remembered for?" The answer I gave was probably not a very good one. I said that SCOOP considered himself a visionary, and he was. He saw a lot of things before the rest of us saw them. But, obviously, there were a lot of other things, like the way he took on Joe McCarthy before anybody else recognized the dangers that McCarthyism was presenting to the Nation.

I could go on and list all of those things in which SCOOP JACKSON took such great pride. I have already listed many legislative accomplishment. But I know the thing that he would want to be remembered for most is that of being a devoted husband and a loving father. If you did not have an hour to spend, you should not ask SCOOP about his children. All of us who are parents certainly can relate to that. I will miss him. We already all miss him. And so to Helen and their two beautiful children, I rise to express my deep and profound sympathy on the loss of my dear friend.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, few American leaders remain at the center of political influence for decades—Senator HENRY M. JACKSON was such an individual. For more than 40 years, Senator JACKSON served his constituents and the Nation, first as a Member of the House of Representatives, and then for the last 31 years as a Member in the Senate.

Although I had only personally known Senator JACKSON for just a few years, I quickly grew to respect his integrity, his fortitude and his broad knowledge and understanding of the issues. In the last 2½ years, I worked with Senator JACKSON on the Energy Committee. His contributions to national energy policy over the years have been significant and will be felt for years to come.

Senator JACKSON was a true patriot. His tireless efforts in trying to strengthen our national defense are hardly equaled in the Senate and are certainly respected. His efforts to help maintain peace around the globe and stability here at home have been appreciated by all. He was a stabilizing force in the Senate and his commonsense and moderation will be sorely missed by both sides of the aisle.

I am truly thankful to have known him and to have worked with him. My prayers and condolences go to his wife and to his family.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, it is with a heavy heart that I join with my colleagues in paying tribute to Senator HENRY M. "SCOOP" JACKSON of Washington. He was a dear friend and a constant counselor to me, and I mourn his passing deeply.

It was while he was on his honeymoon with Helen that I first met SCOOP in Honolulu. Our friendship continued during the 14 years I served in the House, and upon my election to this body in 1976 SCOOP became my mentor on the Energy and Natural Resources Committee which he then chaired. His courtesies were boundless

as I attempted to make my mark as a fighter for renewable energy technologies.

The very fact that I am a U.S. Senator today and a former Member of the House I owe in no small measure to SCOOP JACKSON, for as floor manager of the admissions bill SCOOP played a crucial role in achieving statehood for Hawaii in this very Chamber.

In listening to the eulogies offered to his memory here today and reading press tributes, the word used most often is "giant."

Mr. President, I, too, spoke of him as being a giant in the political life of this Nation for decades. This is evident in the litany of his legislative accomplishment we have heard here this morning. But he was such an approachable giant, so unpretentious and good humored to everyone he met without exception, not only on this floor or even throughout the corridors of the Hill, Mr. President, but throughout this great land of ours.

Had he gained the Presidency, a position for which he was eminently qualified by intellect, experience, and strength of character, his administration would have been the most effective antedote for resolving any dangers of an "imperial Presidency" one can imagine. While he carried the weight of the world in the range of his interests and concerns, he traveled through life unburdened by an abundance of the world's material goods. One had only to see him driving his car to appreciate that.

If his lifestyle was modest his lifework was, nonetheless, prodigious. In what field of legislation has he not left an indelible imprint for good? The strength of our national security and our position in world affairs owe much to his steadfast, constant efforts over the years. His was the leadership we looked to in meeting the oil crisis early in the last decade. As chairman of the Interior Committee and then the Energy and Natural Resources Committee, he was known for his advocacy of atomic power and more domestic oil exploration. But he recognized the need for the Nation to broaden the mix of its energy resources, Mr. President, and encourage me in my efforts to foster new, renewable sources as well. And while he led the way in supporting the domestic oil industry to achieve greater production, he nevertheless became that industry's ablest critic in delving into its price hikes following the Arab oil embargo.

Military and energy preparedness were only the beginning of his reach. Consider the environment. SCOOP, who was advocating wilderness protection in the 1950's, wrote the National Environmental Protection Act and was largely responsible for the North Cascades and Redwood National Parks. In the realm of civil and human rights and the protection of minorities, he was a most effective lawmaker. He fashioned the Jackson amendment, which denies most-favored-nation treatment to those who would bar free emigration, such as of Jews to Israel. It is one of the most effective pieces of human rights legislation ever devised in Congress. He also authored the Indian Education Act and the Alaskan Native Claims Act. A firm friend of labor of long standing, he was a pioneer in the social welfare legislation we take for granted today.

All that I have mentioned only touches on the last half of his career in Washington. He was so youthful, vigorous, and forward looking, with such a young family, it was easy to lose sight of the fact that he first entered Congress before our country entered World War II. Except for wartime Army service, SCOOP represented his State here in Washington since 1940 when he was elected to the House; he has served in the Senate since 1952. A New Deal Democrat with the experience of the 1930's behind him, he believed firmly in the uses of Government to better the lot of people. But he recognized early in his career that the instrument of Government also can be applied to tyrannize people as well as help them; and as a young Congressman and Senator, he could see examples of this at both ends of the political spectrum. He also has the courage and ability to match this clarity of vision and act upon it.

That vision was the essence of his greatness, Mr. President. In a congressional career spanning more than four decades, he was ever an astute lawmaker of wide range. But for all his breadth of interest, ability, and concern, he bore a steady compass of conviction. He appreciated the diversity of his country and never faltered in his belief in its founding ideals. His legislative work has stood the test of time in ways few of us can ever hope to achieve.

Great men have stood in this Chamber throughout the years, Mr. President. It is my faith that many more will follow and our Nation will continue to be well served by the deliberations of this body. But we today may not see the likes of SCOOP JACKSON again in our lifetime. He was one of a kind.

Mr. President, may I add that Senator JACKSON was a public man who cherished the values of family life above all, perhaps more so for having married and undertaken parenting responsibilities when he was well along in life's journey. As I mentioned earlier he and his lovely wife, Helen, who is here today, spent their honeymoon in Hawaii and returned often to our shores where they were both very much loved.

The floral tribute you see at his desk, Mr. President, is a reflection of that high regard. The anthurium display was prepared by Alan Kuwahara, a Big Island flower grower from Pahoa, and the white ginger lei was sewn by Mrs. Lillian Nishi of Manoa, Oahu. Both Lillian and her husband, Dr. James Nishi, were deep admirers of SCOOP, as are we all.

So to Helen and her children, Peter and Anna Marie, I extend my heartfelt condolences and God's aloha from the people of Hawaii.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have lost a friend, and already I miss him.

As you know, we have been on the road campaigning; but, invariably, whether Senator JACKSON had been on a trip or whether we were in daily attendance, there was the evening period in the gym. I learned long ago that in the Senate gym you could find out more about what occurs and what is to occur around here than anywhere else. And you make friendships there.

We did not serve on the same committees; but as a young junior Senator, I learned long ago in that gym to swim around in that pool at the same time he did. We talked, and whether it was the Panama Canal Treaty, whether it was the defense budget, whether it was a matter of environment or anything else, I always valued SCOOP's judgment. He was the best guide I had in the U.S. Senate over these many years. And yesterday, when I came back and went to the gym, he was not there.

In this Chamber we have mourned the passing of many wise and good Americans, men and women who have left their mark on this great land. But it is rare when a person of historic stature leaves us, because such people are so rare. HENRY M. JACKSON was such a man. Indeed, I think we would have to go all the way back to another great man, Richard Brevard Russell, to find a Senator so effective, a politician so constant, and a colleague of character so sterling.

I first met SCOOP in 1960 at the Democratic National Convention, and we worked together in those challenging days for the John F. Kennedy victory in the 1960 elections. When I came to the Senate in 1966, SCOOP had already been here 14 years. He reached out to this novice Senator, proffering his counsel, his judgment, his friendship. I jumped at the opportunity and benefited from it almost on a daily basis over these past 17 years. He struck me immediately as a unique public servant. He was not "flashy" or overbearing, but rather was a man of calm judgment and steadiness, a man whose basic decency, honesty, and commonsense were the keys to his leadership ability. He had what many strive for but few attain—the true re-

spect of his colleagues, and he never ever betrayed that respect.

SCOOP was one of those rare breed of politicians who could truly be called statesmen. He was a man of strong principle, but he knew compromise and coalition-building were essential for the proper functioning of government. He was a professional. He was unabashedly proud to be an American and in his patriotism reflected all that is good and decent in this country of ours.

He understood the necessity for bipartisanship in America's dealings with the rest of the world and he worked mightily to achieve consensus with Presidents of both our political parties. But he was never a rubberstamp to anyone. We all know that he knew exactly how to get his viewpoints across to colleagues here in Congress, to Presidents, and to leaders the world around.

As we came out of the conferences, as we all know, in the Democratic Caucus, it was SCOOP JACKSON who was taking the position for balance, for realism, for our Democratic response to Central America. He was challenged by some of the colleagues for even serving on that particular bipartisan commission. I think he appointed himself as as a professional looking, if you please, not just to the good of the party, but more than anything else into a very, very dangerous situation for the President—who is not as mature, not of the judgment, not of the experience, certainly not of the international intellect of HENRY M. JACKSON.

The record shows that few Americans have had so much respect overseas, from both allies, who admired his constancy, and from adversaries, who understood his determination, and few Americans had so much of a better understanding of foreign policy.

As one of those out on the track, you are asked many, many questions. Under the law you make no commitments, and I am not even in the position of committing, as I well know. But I have always stated that listening to SCOOP, his sense of history to my mind would have certainly made him a much, much better Secretary of State than a Secretary of Defense.

We all remember that there were two Republican administrations who considered SCOOP for high appointed office. I refer in these comments to the fact that SCOOP was a hawk and he knew defense, and, of course, many regarded him in the national media as a potential Secretary of Defense. If they knew him more intimately, as I had the wonderful privilege, they would have known him as a student of history, one who knew the peoples, the economies of the world, and who would have been the finest of Secretaries of State.

As a thing that is needlesome in this day and age, where people look for headlines, SCOOP looked for headway.

He was an insider in the positive sense of the term. In this increasingly media-conscious town, SCOOP enjoyed such tremendous respect because he would not grandstand. He just did his homework and went about persuading his fellow citizens of his case. His strength came from his untiring diligence, his command of the issues, and the finely honed character with which he met every problem.

With his no-frills approach, Senator JACKSON was a leader without match on a whole host of vital national issues, be it energy, the environment, foreign policy, or defense. He made his mark with historic initiatives in every one of these areas, showing a breadth of interest that is almost mind-boggling in this day of specialization and single issue politics.

Tempered by the fires of his experience in World War II, he became one of this Nation's staunchest defenders against tyranny, on the right or the left. No one was stronger in his antipathy for the Soviets than he. Yet there was SCOOP, as a junior Senator, standing up to the red-baiting demagoguery of Joe McCarthy when many of the senior Senators dared not take a stand.

He had an unwavering courage when it came to defending the freedom and individual liberties of his fellow man, a concern that gained him the everlasting love and respect of his constituents.

In his 31 years of experience as a Democratic Senator, SCOOP JACKSON was a pillar of our party. As a man who knew inherently that politics is the art of consensus building, he was one of the anchors that made the Senate a viable governing body for three decades. As a Democrat, SCOOP represented what our party stood for at its best. His belief in protecting and defending the rights of Americans against perils at home and abroad won the support of a broad spectrum of voters and gave meaning to the term "Jackson Democrat." He set the mold and it is his kind of democracy to which our party should always remain true, not just to insure success at the polls, but more importantly, to maintain our commitment to the principles which built this land.

It is extremely unfortunate that the people of our country never had a chance to benefit from his service in the Nation's highest office. He would have been, I am convinced, a great President. Quite to the point, in 1976 when my Southern colleague, Jimmy Carter, was running, it was my privilege at that particular time to be supporting HENRY "SCOOP" JACKSON for President.

But he contributed more than many Presidents to the well-being of his country, and when the history of our time is written, HENRY M. JACKSON will stand out as one of the handful of leaders who understood where America should be heading. He knew because he understood where we had been. And most of all, he knew the strength and goodness of our people.

People who say they do not believe in politicians any more are waiting, I am convinced, for political leaders who behave as though they believe in the people. That, in its essence, was the credo of SCOOP JACKSON. That was the reason for his success. And that belief, that elemental trust and confidence and decency, is—even more than all the landmark legislation—his finest legacy to the land he loved.

To his indomitable wife Helen, to his children Anna Marie and Peter—we will miss Peter in the gym on Saturday morning, and I do not mind that in the RECORD; he started there years ago, and I think that is where he first started to learn to swim—goes our deepest sympathy in this hour of tragic loss. We share your grief. We share your sense of loss. And we share your pride and thankfulness in having the privilege of closeness to one of the best this country has ever produced.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. HUDDLESTON. Mr. President, our Nation has lost one of its best friends in the death of SCOOP JACKSON. It is a deep personal loss for me but a far greater loss for this body and the Nation as a whole.

For those of a shallow understanding of statesmanship, for those who like to neatly categorize politicians through a simplistic catch phrase, SCOOP JACKSON was and will always remain an enigma.

As a Senator, he gave fresh meaning to the words "reasonable" and "moderation." And he accomplished this by being, always, true to himself.

When I first came to the Senate in 1973, I was assigned to the Senate Committee on Government Operations and its Permanent Subcommittee on Investigations. SCOOP JACKSON was, of course, chairman of the subcommittee.

During the time we worked together there, he conducted a rigorous schedule of hearings on many subjects, a number of which involved intricate matters or sequences of events. Not once did he ever fail to master the substance or the details.

He was knowledgeable and dedicated in a way that should be an example and an inspiration for us all. My service with Senator JACKSON on that subcommittee was a valuable lesson, indeed, for a freshman Senator.

Senator JACKSON and I again became committee colleagues in 1979, when he was first appointed to the Select Committee on Intelligence. There was no

stronger or more active proponent of the need for a more effective U.S. intelligence community than Senator JACKSON.

In 1979, the Select Committee on Intelligence was responsible for preparing a comprehensive assessment for the Senate of the capabilities of the U.S. intelligence community to monitor compliance with the proposed SALT II agreements. Senator JACKSON studied the issues in depth and worked closely with all of us on the committee to reach agreement on a unanimous report that was completed by the committee in the fall of 1979. Senator JACKSON's active participation in this bipartisan effort contributed to its success.

Senator JACKSON proudly recalled his longstanding support for the idea of a permanent intelligence oversight committee. He had supported resolutions to create such a committee in 1956, and again in 1966. His experience as a member of the Joint Committee on Atomic Energy had convinced him that the Congress was fully capable of exercising oversight with respect to the most sensitive activities of the Government.

Those of us who worked to establish the Senate Select Committee on Intelligence in 1976 owe a debt of gratitude for Senator JACKSON's pioneering work over two decades, as well as to his support for the passage of the Intelligence Oversight Act, requiring the CIA and other agencies to keep the intelligence oversight committees "fully and currently informed" of all intelligence activities.

At the same time, he remained sensitive to the need to maintain respect for individual rights by opposing efforts to expand CIA operations in the United States.

We will always remember his wise admonition that the key to better performance by the intelligence community and adherence to the rule of law would be found in the character of the people charged with the responsibility of Government.

His admonition holds true for the U.S. Senate as well. Better performance is found in the character of the people charged with the responsibility of Government. SCOOP JACKSON's service to this body added immeasurably to the character of the U.S. Senate. He will be sorely missed.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Kansas is recognized.

HENRY JACKSON, 1911-1983

Mr. DOLE. Mr. President, HENRY JACKSON hailed from Washington State, and that made all the difference. His integrity towered as high as the Cascades. His intellect sparkled like Puget Sound. And his vision matched anything to be seen from the top of Seattle's space needle. He never forgot which Washington was his true home; even seeking the Presidency itself, he never succumbed to Potomac fever yet he graced this Chamber with a personal style that went far beyond mere charisma. He cared more for mankind than the media. And in this city, where some of the greatest of heroes are easier to admire than to like, HENRY JACKSON was never deserted by his audience, nor criticized personally by his most dogged opponents.

We in the Senate like to think of ourselves as Members of a distinguished body, elevated by tradition and enriched by statemanship. In truth, we are nothing more than a collection of men and women, highly fallible, subject to the whims of ambition and the necessities of the moment. To guide our conduct along a higher path, we have history and precedent to show the way—and occasionally a colleague whose own surefootedness instills a sense of direction in others.

If we are to lead, we must first have leaders. HENRY JACKSON was a leader. The figure he cut in this institution is matched only by the impact he had on four decades of legislative life, on the terms of nine Presidents, on the defense of the Nation he loved with unabashed patriotism, and on the world he recognized as the dangerous and unstable place it is. The list of his legislative achievements alone entitles him to membership in that small, select company who have raised the Senate to a level roughly commensurate with its own pretensions. But if he had never authored a bill, never fostered a program, never rescued a wilderness acre or conserved an invaluable energy resource, SCOOP JACKSON would still deserve the praise of his colleagues and the favorable verdict of history.

Because he came to us, all Americans can live a little more safely. Because he stayed with us for 40 years, the political process itself is a little nobler, a little less violent in its partisanship. Because he shared his commonsense and uncommon sensitivity with two generations of Washington figures, decency is in greater supply and humanity outweighs personal advantage on the scales of public life.

HENRY JACKSON's concerns, like his career, spanned the globe. But when I think of him, always there appear the rugged images of Washington State, the mountains and valleys and wildflowers that were his heritage and which he hoped to preserve for all who followed in his footsteps. And I think of the words of another Washingtonian, William O. Douglas, who once described his feelings on the day of his father's funeral, in the shadow of a great peak named Adams.

> As I stood by the edge of the grave [wrote Justice Douglas] a wave of lonesomeness swept over me. Then I became afraid—afraid of being left alone, afraid because the grave held my defender and protector * * * Then I happened to see Mount Adams towering over us on the west. It was dark purple and white in the August day and its shoulders of basalt were heavy with glacial snow. It was a giant whose head touched the sky. As I looked, I stopped sobbing. My eyes dried. Adams stood cool and calm, unperturbed by the event that had stirred us so deeply. Suddenly, the mountain seemed to be a friend, a force for me to tie to, a symbol of stability and strength.

Like the mountain in the west, HENRY JACKSON towers over our deliberations. He, too, is a giant whose head and whose heart touched the sky. He, too, is a symbol of national stability and national strength. Today, all of us feel alone; many of us feel a little bit afraid. But we have our memories. We have his example. And his life will remain a landmark for all of us confronted with the troubling issues of a perilous time. It will make the horizon a more inviting place.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while there is probably no such thing as a timely death, there are certain times when a man's death especially eludes comprehension. While it is never easy to endure the loss of a friend and close colleague, there are certain friends and close colleagues whose deaths leave especially vast voids.

Early September is a time when we are reinvigorated by the life forces that burst through nature's summer and restored by a period of recreation with our families. In September 1983, SCOOP JACKSON was at the highest point of his influential and effective service in the U.S. Senate. SCOOP JACKSON's death on September 1 especially eludes comprehension.

SCOOP JACKSON exemplified the qualities of loyalty, selflessness, and affection that make friendship between men possible. He was a good friend. SCOOP JACKSON exemplified the qualities of competence, diligence, and lofty character that make a collegial enterprise such as the Senate of the United States of America viable. He was a close colleague. SCOOP JACKSON's death on September 1 leaves an especially vast void.

As bitter as the grief we feel at SCOOP JACKSON's death, it can only approximate that which his wife Helen, his daughter Anna Marie, and son Peter must endure. I hope that their pain is slightly lessened by their awareness of the intense admiration and affection which we reserved for their husband and father and our cherished friend. As SCOOP's colleague from Washington, Senator GORTON, has reminded us "We, in the Senate, may have thought that SCOOP belonged to us; his family knew better * * *. We thank them for sharing him with us."

Senator JACKSON was first elected to Congress by the people of Washington State in 1940 at the age of 28. He was re-elected to the House of Representatives five times. In 1952, he successfully ran for the Senate and was a unique Member of this body ever since.

During these 43 years in the U.S. Congress, SCOOP developed irreplaceable expertise in a wide range of areas. He is, perhaps, best known for his exceptional knowledge in the areas of national defense and atomic energy. His support not simply for the labor movement but, more fundamentally, for the needs and aspirations of the working men and women of this country was deep and continuous.

He was a major architect of the National Environmental Policy Act of 1969 and, as such, in the front ranks of the effort to preserve America's extraordinary environmental wealth and beauty. Perhaps nurtured by his visit to the Buchenwald concentration camp after its liberation, he was a valiant supporter of the State of Israel and the struggle of Jews everywhere to establish religious freedom and physical safety. More broadly, it was perhaps because of his concern to protect beleaguered minorities everywhere from the forces of persecution and state tyranny that he worked so adamantly for a strong national defense.

Of as great a worth, however, to those of us who had the good fortune to work with SCOOP JACKSON as his knowledgeability and competence in all these areas was his wisdom and sense of history. Senator HENRY JACKSON was intimately involved in most of the great public affairs of the last 40 years that shaped the constitutive elements of today's world. SCOOP's steadfastness of purpose and adherence to principle had already allowed him to see above the fray of day-to-day events and smaller considerations—both in the world and in this legislature. Fortunately for us, however, his wealth of experience only intensified his ability to see unfolding political and social events in a profoundly historical and human sense.

Men and women are individuals and, as such, able, in the exercise of their wills and human faculties, to shape to some extent the worlds in which they live. Men and women are also historical entities. They are the products of larger historical entities. They are the products of larger historical forces, they swim in undiscernible historical currents; and they contribute to future historical fact. SCOOP had a humbling appreciation and understanding for this complex matter of the individual in history.

In his own life he was, by an objective standard, an inordinately successful and powerful individual. He deserved to be. Through unsurpassed hard work and dedication to fulfilling the intensely complex and varied responsibilities of a U.S. Senator, SCOOP consistently over 40 years won the admiration of both Washington State and the Senate. It was admiration that allowed him to become former chairman of the Energy and National Resources Committee, to become ranking member of the Armed Services Committee, to become a productive legislative craftsman in areas ranging from the benefits for labor to statehood for Hawaii and Alaska, to national parks, to Strategic Air Command.

On the other hand, SCOOP's appreciation of what is, in another sense, the smallness of the individual in historical time preserved his deep humility and his sense of fellowship with all the people in Washington State, in the United States, and throughout the world whom he felt he had to honor to serve in the U.S. Senate.

It was remarked as curious that Senator JACKSON encompassed political principles that do not often grow together in the political flora. He was a deep humanitarian, yet also labeled an archtypical "cold warrior." He was an early environmentalist, yet a late supporter of U.S. involvement in the Vietnam war. He was a staunch friend of labor yet an insistent spokesman for increased spending on American military programs.

Yes, SCOOP JACKSON was a complex man. But the great public issues to which he dedicated his life were equally complex. Senator HENRY JACKSON's complexity was born from his individual effort which yielded him insight into these complex issues and earned him the stature to leave a mark on them in history. It was also born from a sensibility which left him open to and therefore aware of the largeness of history and the gravity of its consequences.

These are qualities of character that are indispensable for wise navigation through the affairs of state. As a fellow American and fellow Senator, I will deeply miss SCOOP's experienced guidance in the deliberations over the activities of the United States. As an individual man, I will be grateful for the good fortune to have known SCOOP and remember his exemplary life.

Mr. President, I, like I suspect others of my age and my generation, am in a slightly difficult position to stand and eulogize HENRY JACKSON, especially following men like Senator DOLE and Senator HOLLINGS and Senator BUMPERS, all men who had a close personal relationship with him, knew him well and had worked with him in many, many battles.

Quite frankly, particularly because Mrs. Jackson is still here, I would just like to say something from the heart and try to be as honest about it as I can.

I cannot say that, as I said, SCOOP JACKSON was a personal friend of mine in the way those other men who talked about him. That would be presumptuous on my part. I am 40 years old. SCOOP JACKSON had done as much of American politics before I was born as I have done up to this date, and he clearly has done so much more than I or most of my colleagues in this Chamber will ever be able to do to affect the welfare of this country.

But I did have a relationship with SCOOP JACKSON of which I am quite proud, and I think it reflects a side of SCOOP that maybe the men who knew him and were personally and emotionally closer to him than I was, maybe they did not even know.

I look up there and I see Don Donohue, and I remember in 1972 SCOOP JACKSON was fighting awfully hard for the nomination to be President in Miami, and things were at a fairly critical stage for him. It was the night before the voting was going to take place, and a 29-year-old kid from Wilmington, Del., who did not even know where Miami was let alone about being a U.S. Senator, who was trying like the devil for some legitimacy in order to convince constituents that he should run for the U.S. Senate—he found out, this young aspirant found out, that SCOOP JACKSON was having dinner alone with friends at a house in suburban Miami.

Another person said, "Why don't you just go over and knock on the door and ask SCOOP JACKSON for help?" And I said, "You have gotta be crazy. I never met SCOOP JACKSON, I don't know him. He is an international figure. I am 29 years old. You want me to get some legitimacy? My God, the one way to prove I am crazy is to do that."

This one person, who happened to know the people with whom SCOOP was having dinner, went up and knocked on the door. Don Donohue answered the door. He walked to the door, and never having seen me before in his life, I said, first of all, I was a Democrat. I was so scared I did not know what to say. I said I was a Democrat and I was running for the Senate in Delaware and that I wanted to—and I just stopped. I did not know whether Don—I stopped and I was tongue tied. I know it is difficult for people in this Chamber to believe, but I was tongue tied.

Don said, "You want to speak to SCOOP?" Well, my God, it took me 3 years to even call SCOOP "SCOOP," and I said, "Well, yes." And he said, "Well, come on in."

SCOOP was in there eating something he always liked, dessert, and he was sitting at a table and everybody was having dinner. SCOOP said, "Come on in, sit down. What's the problem?"

I started to talk with him. He got me dessert, and I sat there, having crashed a dinner that was supposedly

designed—and Mrs. Jackson was there also—for relaxation for SCOOP JACKSON while he was desperately trying to hang on to the prospect of being the nominee, the Democratic nominee, for President.

Shortly after I got to the U.S. Senate, again SCOOP JACKSON with whom I had very serious disagreements on foreign policy—Senator HOLLINGS who is probably the brightest man in the Senate today said how he admired Senator JACKSON's foreign policy position—I disagreed with him. I disagreed with him on almost everything in foreign policy. Every time we talked I disagreed with him.

Right after I was elected or just before I was elected, I had a little problem with my family that concerned me a great deal. Who was in my office a week after I got here? SCOOP JACKSON, saying, "Is there anything I can do for you?" He did not say "Anything I can do for you politically," such as "Can I help you get on committees," which he had already done, but he wanted to know whether or not he could help me.

He knew my brother was with me a lot and sort of taking over to help me move along, my youngest brother, my young brother and best friend. He said, "Why don't you have your brother Jim come down here and work for me?"

There was not anything—I did not ask him for anything. I could not believe it.

After that, in 1978 I was up for reelection, after having disagreed with SCOOP JACKSON almost repeatedly on things relating to foreign policy, particularly the SALT agreement. What happened? I was in real trouble. The right was coming at me. I would have been embarrassed because I disagreed with SCOOP so much on foreign policy questions to call SCOOP and say, "SCOOP, come help me."

SCOOP JACKSON called me unsolicited and said, "I was up in Philadelphia and I was speaking to a friend of yours, a guy named Sonny Dogal," who was really SCOOP's friend, "and he said you have got real problems in Delaware. What do you want me to do? You have got those guys from the right coming at you. What do you want me to do?"

He came into Delaware to help me. He went out unsolicited and raised money for me from his friends. SCOOP JACKSON I suspect did that for a lot of people other than JOE BIDEN, and maybe that is the one side of SCOOP JACKSON that I can offer as a contribution to this testimonial to SCOOP JACKSON that his senior colleagues who were close friends of his, my senior colleagues, close friends of his, either did not need or did not know.

But there is one place where I agreed with SCOOP JACKSON, I did not agree with everything else he did in the Senate, but there was one place where SCOOP JACKSON's commitment literally emotionally moved me, and he and a guy, for a totally different reason, Hubert Humphrey, changed my whole perspective on an issue that I had up to that point felt not nearly as strongly about, and that was Israel, and I suspect it was after a long, long discussion with SCOOP JACKSON and his telling me about his attitude and about after World War II, his visit to the Buchenwald concentration camp and what it meant and how it was, and so on, and encouraged me to do and make several long visits, which I did, to Israel, and then to Eastern Europe, and then to the concentration camps in Western Europe, which was the first time I was able to understand with any of the sense and depth of emotion that he, like me, a non-Jew, felt about what had happened.

SCOOP JACKSON changed a major part of my political life and my attitude about a whole segment of society that I did not understand before.

I can only say there is only one place that I probably have prior experience to Mrs. Jackson and the family, and that is that unforuntately we share a similar tragic occurrence in our lives. We have each lost a spouse.

I suspect right at this time in Mrs. Jackson's life and the life of their children there is a feeling that the black cloud will never go away; that nothing will ever change; and that every time a memory of SCOOP is conjured up, which will be daily, it probably brings a tear to their eyes.

There is only one thing I can assure you: As time goes on, memories of SCOOP will not bring a tear to your eye but a smile to your lips. As time goes on, it will be reinforcement. The pain will never go away, the memory will never leave, but you will find it will turn that something that just brings on a serious piece of depression; that something that enables you to move on to the next day.

That is presumptuous of me to say, but I can assure you that it will happen. And with that same kind of reassurance that SCOOP gave everyone in this Chamber, including me, that somehow there was somebody who knew, somebody in control, somebody who would not panic, someone who knew what he was about and was not going to change. That is what is lost in this Senate.

But the memory of SCOOP JACKSON's ability to convey that to us is bound to produce that kind of leadership in some of the other senior Members of this body. It is amazing how this place works. This place works in the people, who were unable to rise to occasions, when a void is created, tend to rise to it.

I am confident that, although SCOOP JACKSON can never be replaced, SCOOP JACKSON's example for 40 years in American politics and since 1954 in this body will have a lasting effect, not just in his memory in what it will actually produce in other men and women in this Chamber, who might not, if SCOOP were still here, be the ones to personally rise to the occasion, but in his absence, and knowing that he would have, will force them to.

Someone once said that an institution is little more than a lengthened shadow of a man. This institution is little more than the lengthened shadow of a great man like SCOOP JACKSON who served here.

My sympathies go to the Jackson family. But let me tell you, he left a legacy that can do nothing but benefit this body and this country.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, the tragic death of our dear friend and colleague, Senator HENRY "SCOOP" JACKSON, leaves an enormous void not only in this body but also in the leadership of the Nation. For more than 40 years, SCOOP JACKSON—for six terms in the House and then for some 30 years in the Senate—provided the Nation distinguished and outstanding service and leadership which placed him in the very forefront of America's public figures.

SCOOP, as we all know and heard from him on occasion, was the son of immigrant parents, who came to this country from Norway. He was enormously proud of that heritage and what it meant to him and what it has meant to this country.

He was an effective and early leader in so many fields of our national public life: the environment, educational opportunity, efforts to protect our people from poverty and from disease and from poor housing, civil rights here at home, human rights abroad, strong champion of the independent State of Israel, a forceful spoksman on national security policy, the leader on energy issues, the list goes on and on and on.

But above and beyond all of those specific achievements, I think SCOOP JACKSON's impact on the Senate as an institution and his impact on the political system of this country was perhaps his greatest public legacy.

SCOOP JACKSON never sacrificed the means to achieve an end. He had an understanding of what democracy entailed, a respect for those who differed with his views, a firm commitment to his own judgments and values, and an appreciation that this democratic system, which we have fashioned in this country over the last 200 years, is the most significant political achievement men and women have been able to accomplish anywhere at any time.

His whole life was marked by quality—quality in his thought, quality in

the example he set by how he conducted himself, and quality in how he treated others. He acted toward others with respect and reflected dignity and intergrity in his every action. He was committed to underscoring the differences that exist between free societies and those which have tragically and unfortunately fallen under totalitarian rule.

He gave virtually all of his adult life to public service. He believed it was the highest calling and he recognized that unless men and women of quality and ability are prepared to commit themselves to such a life, the body politic will suffer as a consequence. Those of us who were fortunate enough to have served with him, to have benefited from his wisdom and from his experience, from the kindness with which he treated each and every one of us, know that we have lost a dear and valued friend.

I join with my colleagues in expessing our very deepest sorrow on his passing and expressing our sympathies to his dedicated wife, Helen, their two children, to the other family members, and to his many friends.

I hope we all take some comfort from the example which he set, some comfort from what he meant in this body as truly one of its outstanding leaders in this generation, and some comfort from what he meant to the Nation.

America, and indeed free people everywhere, are the better because of the contributions which SCOOP JACKSON made. And those of us who were fortunate enough to have been touched personally by his friendship will miss him deeply.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Tennessee.

Mr. SASSER. Mr. President, I join my colleagues today not only in mourning the loss of a statesman, but in farewell and in respectful tribute to a friend of humankind, HENRY M. JACKSON.

For Senator JACKSON was, above all, a man committed to the causes of peace and freedom.

His complex views are best expressed in his own words. Allow me to quote Senator JACKSON with regard to his clear vision of the task he set for himself:

> In truth, the future holds only two eventual alternatives: atomic war, a war made hideous beyond imagination by the new destroyers of men and all their words, or atomic peace, a peace made rich beyond imagination by the power of modern science and technology freed for peaceful tasks. I would not presume for an instant to predict that the Soviet rulers will be willing to join with us and the other nations of the free world in a plan for carrying on a worldwide crusade against hunger and disease and human squalor. I see nothing in the conduct of the new Soviet regime which would make for confidence on this score.
>
> Yet, I cannot believe that our Nation must be deterred from subscribing to a noble goal simply because our adversaries may continue to act ignobly.

Those words were not uttered last week. They are among the first recorded remarks that HENRY JACKSON made as a Senator. He made them on May 1, 1953. Yet they are as timely today as they were more than 30 years ago.

Those words accompanied the introduction of a resolution in which Senator JACKSON called upon the "peoples of the world to join in a great moral crusade for peace and freedom."

Mr. President, none has served better than our respected colleague and valued friend, HENRY JACKSON, in that crusade which is, indeed, both great and moral.

It was the balance and precision in his logic, combined with his passion for peace, that moved so many of us to rely on HENRY JACKSON'S counsel when it came to matters of national defense and security of the free world.

We will miss his counsel, perhaps painfully.

Senator JACKSON never wavered in his conviction that a safe and secure and peaceful world could be achieved. He held that conviction when he came to the Senate in 1953. He carried it with him to the end.

I know, as we continue our duties to the people of the United States, that we will always be able to use the life and career of HENRY JACKSON as an example.

The respectful tone of the many tributes that followed his death indicate that much of America asks, too, that we remember his splendid example. Among those tributes are editorials from a number of newspapers in my State of Tennessee, a State that SCOOP JACKSON knew well, that he campaigned across; a State where the people admired him and respected him and held him in great affection.

I ask unanimous consent that a few of these editorials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SASSER. Mr. President, it is written in Ecclesiastes:

> A good name is better than precious ointment; and the day of death, than the day of birth.
>
> It is better to go to a house of mourning than to go to the house of feasting.
>
> For this is the end of all men.

And so it is, too, the end of life of that champion, that champion of small people, of little people, a champion in the cause of freedom, a champion in the cause of peace. HENRY JACKSON leaves us with his good name and his honorable life to remember and to carry with us always.

EXHIBIT 1

JACKSON, STATESMAN

Henry M. Jackson was a man of his times, bridging the political generations from Roosevelt to Reagan in a style that left both the Congress and the people of the United States the better.

Jackson was an open and candid advocate who could disagree so amiably he won many a congressional debate by totally disarming his opposing colleagues. His peers respected his personal integrity and his skill at compromise.

His refusal to become encamped with liberals or conservatives except on an issue-by-issue basis earned him a special reverence from people for whom those labels offer little distinction.

A Democrat who sought the presidency and was his party's national chairman, he would have been immediately and warmly welcomed by the GOP as well, should he have declared a change of political alliance.

Achievements by Jackson were of the highest order. He authored important environmental protection and energy conservation law, was a stalwart for a strong national defense and was a tireless supporter of the efforts of Soviet Jews to emigrate to freedom. His death last week took the nation by surprise and left it deeply saddened.

The senator from Washington state will continue to reap recognition for his diversity of knowledge and his dedication to principle far into the future. He deserves that recognition and the title, American statesman, as few others have. So long, Scoop.

[From the Oak Ridger (Tenn.), Sept. 6, 1983]

ONE OF OUR SOUNDEST, FAIREST, MOST HONEST SENATORS LOST

The U.S. Senate is being hard hit. First there were announcements by veteran senators Howard Baker, of Tennessee, and John Tower, of Texas, that they will not seek reelection next year.

Now comes the totally unexpected sudden death of Sen. Henry Jackson of Washington and the august body has lost or is about to lose three superior members, the variations in their partisan affiliations and political philosophies (although in many important respects they are not great) notwithstanding.

Sen. Jackson was a pillar of so many things the Senate needs, integrity perhaps most of all. But he was also a very sensitive yet also very realistic lawmaker. Without being a warmonger or indulging in breast-beating rhetoric, he favored a strong national defense and a tough policy in dealing with our adversaries, most of all Russia. He was, the very afternoon before his fatal heart attack, indignant in reaction to the shooting down of the South Korean passenger jetliner and who knows in what way his concern about this incident may have aggravated his physical condition.

But Sen. Jackson was also a most compassionate senator, feeling deeply the need for fair domestic programs, particularly as they offered assistance and hope to the less fortunate among us—the poor, the minorities, who often are one and the same. He was an uncompromising supporter of legislation and policies to guarantee equal rights to all citizens.

Sen. Jackson was also a strong supporter of a vigorous program of energy development, including nuclear power. But, as he was able to do on so many issues, he was

able to balance his energy advocacy with his equivalent advocacy of laws and policies that properly protect the environment.

We think of him locally most of all for his longtime knowledgeable support of intelligent, positive nuclear policies and programs. Granted, like Sen. Baker, he was from a state where there is a large nuclear establishment—the Department of Energy facilities at Richland, Wash., which along with Oak Ridge and Los Alamos, N. Mex. was one of the three cities literally created by the World War II Manhattan Project. (It is increasingly necessary to repeat this history. It cannot be assumed any longer that the majority of readers remember, or have ever really learned.) Still, his intelligent support for nuclear programs was based on much more than just blind backing of anything that provides jobs within his constituency.

And that is why his loss will be so keenly felt throughout the nuclear community. For, as a senator from a nuclear-industry state and, therefore, also as one of the earliest and longest-serving members of the former Joint House-Senate Committee on Atomic Energy, he became personally most knowledgeable about nuclear matters. And, to be knowledgeable of nuclear, in so many instances, is also to be supportive.

So much of the opposition to intelligent, orderly nuclear development comes from fear and paranoia based on ignorance. The hope can be that his replacement will also be a nuclear sophisticate and, therefore, equally as effectively supportive as "Scoop" Jackson (he earned that nickname because of his reliability, while a teen-ager, as a newsboy), surely one of the nation's best-liked and most-respected senators ever.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise to add my words to those of my colleagues in praise of, and in homage to our late colleague from the State of Washington—Senator HENRY M. "SCOOP" JACKSON.

The Senate, the people of Michigan, of Washington State, and of all the United States have lost a true public servant and an individual who worked tirelessly, both in and out of the limelight, in their best interests and in ways they may never realize fully.

It was a privilege and an honor to work with SCOOP JACKSON during the past 5 years that I have been in the Senate. It was a privilege and an honor to learn from him, to gain the benefits of his counsel and to share both mutual victories and mutual defeats.

On some issues, he was an occasional opponent who taught me a great deal about the substance and process of legislation. On others, he was an ally whose support was both welcome and effective in helping to carry the day.

SCOOP JACKSON was a passionate loyalist to this country, to its working people, to its environment and to its national security. He was a staunch defender of American interests and he worked with all of his soul to strengthen our Nation militarily, economically, and socially. He cared about the socioeconomic strength of our people as well as for their military welfare.

SCOOP's concerns for the basic human rights of individuals went beyond our borders. He was a passionate defender of such liberties throughout the world. He spent a great deal of his life, for example, trying to loosen the totalitarian grip of the Soviet Union on its own citizens and on the citizens of her neighbors.

One of the most accurate descriptions I have heard about SCOOP I think bears repeating today. He knew who were America's friends, and he knew who were her adversaries. To SCOOP JACKSON, certain aspects of this bewilderingly complex world were straightforward and simple. His activities on behalf of keeping America strong to deter the Soviets, of protecting Israel's existence in a hostile world, and of promoting human rights are eloquent testimony to the correctness of SCOOP's assessment of the basic verities of the international scene.

Recent world events have only reinforced the basic correctness of SCOOP's assessement.

The Senate and the Nation have lost a unique individual, whose mastery of the national security field and whose singular understanding of historical perspectives were unparallelled on the Armed Services Committee and in this body as a whole. SCOOP was the best student of history on our committee, and always articulated the historical implications of events, their strategic significance, and the patterns of history into which they fell. These insights will be missed sorely, since they often are overlooked in the daily press of legislative business.

SCOOP JACKSON also was an elected public servant who rose above partisan politics when it came to those issues he thought were of supreme national importance—foreign and defense policy. SCOOP believed deeply that we should have a truly bipartisan national security policy, and that there should be cooperation rather than confrontation between the legislative and executive branches of the Government on such matters. In this way, he believed our country would be stronger, and he was an eloquent spokesman for, and practitioner of, such bipartisanship, in private as well as in public.

Some talk about bipartisan foreign policy; he lived it and he breathed it, even when it was not easy for him to do so. His bipartisanship on national security gained him great respect in Washington and in other world capitals.

Finally, Mr. President, I would be remiss, having mentioned SCOOP JACKSON's achievement as a public servant if I did not briefly talk about him as the person he was. His individual and personal characteristics had an important influence on his public service. Mr. President, SCOOP JACKSON was a nice guy who cared a lot about the little people of this world, whether the person was a disadvantaged citizen of his own State, an unemployed worker in Alabama, or an oppressed citizen of the Soviet Union. Deep down, that caring is probably the best explanation for why SCOOP JACKSON acted and voted as he did in elected office.

There are many people in politics who think they are concerned about little people. Some hold these views as a matter of intellectual exercise, and even cast their votes in reflection of these calculations, but fall short in the way they personally think about and treat the people with whom they come into contact.

There are those who vote with both their heads and their hearts and SCOOP JACKSON was one of those. You could see it in the way he cared on a personal basis about the people who would be affected in their daily lives by the bills and the programs Congress enacted. You could see it in the considerate way that he treated all those around him, whether the person was a constituent or a member of his staff or a stranger.

You could see it in the special affection that his staff held for him, a model that each of us should seek to emulate. And you could see it in the special love that he had for Helen and their children—how proud he would have been of them last week.

SCOOP JACKSON respected people as individuals, with individual feelings and needs. To him, they were not just nameless, faceless voters, members of interest groups, or staffers. It showed in the way he treated them personally and in the way they returned that consideration with the support, loyalty, and devotion that such treatment deserved. That is another lesson that SCOOP's life of public service can teach us.

Mr. President, SCOOP JACKSON was a friend and I will always remember the acts of sensitivity and generosity and kindness that he showed to me. He was a public servant whose contributions to his country and history will be long remembered and appreciated.

I will miss him. The Senate will miss him. The Nation is poorer for his passing and we are all richer for having known him.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. TSONGAS. Mr. President, I remember, at SCOOP JACKSON's funeral, that Senator MAGNUSON made the remark that SCOOP seemed indestructible and it was just inconceivable to him that he could have passed away. I must say I have the same sense, as I stand here now, that there is something surreal about what we are doing, that if we just wait long enough, he will walk through those doors and be part of us once more.

For someone like me, who has only been here a short time, less than 5 years, and for those of us particularly who serve on the Energy Committee, he was a part of this place in a way that most people would not understand. The fact that the institution keeps on going without him does seem very strange.

There are and will always be great men and women who will serve in the U.S. Senate. That has always been referred to and there is no reason to assume that will not continue. We always hear talk of the lions of the Senate, those people who achieve a certain greatness. I do not think anyone doubts that SCOOP JACKSON will be included in that category. We have seen all kinds of speeches, editorials, and commentaries which point that out.

But that was not what brought so many of us to Washington for the funeral. It is not what has caused the emotion which we have heard on the floor today.

The legislative greatness of an individual is all well and good, and certainly, SCOOP is in the forefront of that kind of achievement. But I think what people should get out of today's tributes is SCOOP JACKSON, the human being. I do not know how you portray that, how you get people to understand the feelings that we all had for him. But let me just mention a few of the attributes that I shall remember.

One, he was unaffected. This is not a body which lends itself to that kind of characteristic. Anyone who has presided over this body and seen us all in action will realize that we all come to this institution with enormous capacity to dwell on one's self-importance. SCOOP was not that kind of person. Despite all the national acclaim, the Presidential races, and so on, he remained essentially an unaffected human being. That is what drew so many of us to him.

He was also very gentle. If you talk to any of those people who worked with him on his staff—and Tom Foley, I thought, did a remarkable job in his eulogy at the funeral—there is a loyalty to SCOOP the human being from those he had capacity over. That is not always the case. A lot of those who serve in government may have very good staffs and may have a certain respect for them, but the kind of love that existed for SCOOP JACKSON by those who worked for him I think was eloquent testimony to the kind of gentle person that he was.

Third, I was very impressed, when I went to Everett, Wash., and stood on the lawn in front of his house, by the clear sense of roots that he had. He had traveled the world and done all that one does in public life, but Everett, Wash., was his home. He was committed to that place, committed to that house, to his family, and I think that speaks well for him.

How many people come to Washington and never leave, even though their public life may be over, and forget where they came from, in many ways try to put that behind them? SCOOP was not that kind, and his loyalty to Everett speaks volumes for the loyalty that he had to other people.

Finally, let me mention just one other attribute. That is his concern for junior Members. There are a lot of great people in the U.S. Senate, and for someone who comes in new, it takes a while to get to know everybody. Eventually it does indeed take place.

I served on the Energy Committee under SCOOP, and those of us who did will always appreciate his outreach to those of us who were new and inexperienced and somewhat timid as we came into this body; that he was a great national figure, we were new Members, but that never made any difference. And the fact that he did what he did for us to make us comfortable, to make us feel conversant in the matters of the committee will always be appreciated.

He and I worked hard on the Alaska lands bill, the one thing that I was probably more involved with him in than any other piece of legislation. That bill is a tribute to not only his commitment to the environment but his capacity to get people to work together. I hope it is clear that in addition to the respect that we had for SCOOP, we also had an affection for him. And it is simply not a case of a colleague but one to whom love flowed.

Now that his example of simple humanity is gone, I hope that his absence will be so felt by all of us that it will set a tone, it will set a standard; that sensing the absence of that kind of humanity we will all change a bit and try to be as much as we can be loyal to the example that SCOOP gave to us.

I hope that when my time in this body is complete, I will have a small percentage of the respect and affection that SCOOP enjoyed from all of us.

Mr. BAKER. Mr. President, in consulting with staff, it appears that Senators on both of the aisle who wish to speak would require extending the time of eulogies beyond 1:30 p.m.

Mr. President, I ask unanimous consent that the time be extended until 2:30 p.m. and that the sequence of other events as described, that is to say, the Lebanon debate and the Korean plane resolution, be extended, the beginning time to be extended by 1 additional hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, today is one of great sadness and of commemoration as we reflect upon the life and accomplishments of our friend and magnificent colleague, SCOOP JACKSON. Our hearts are with Helen Jackson and Peter, and Anna Marie, and these bonds of caring and love will always continue.

The Senate in recent years has seen enormous change. Over 60 Senators have served less than a decade. As an institution, we have been relying very heavily on a diminishing handful of giants in the Senate—those special individuals whose length of service and particularly gifted leadership provided much of the guiding force of the Senate as a whole.

SCOOP JACKSON in a institutional sense must be seen in that light. No Senator provided more vitality or legislative leadership to the Senate than SCOOP JACKSON. His passing is an enormous loss to the Senate, to the Nation, and to every person on this Earth who loves freedom and is part of the struggle for human justice. The civilized world has lost one of its greatest champions.

SCOOP JACKSON was a Senator in the fullest sense. He was a forceful advocate, a prodigious worker, an independent thinker, a warm and giving colleague, a person of ideas, creative force, and convictions, a man with an enveloping concern for people and their well-being, a person wonderfully free of pretense and selfishness or mean motive and, as has been said by others, a Senator of truly historic legislative accomplishments.

Those fortunate enough to have served with SCOOP have been enriched by his good humor, his absolute integrity, his vision, and his example of excellence in a lifetime of devoted service to the public interest.

It is appropriate that a beautiful flower with many blossoms should now stand where SCOOP JACKSON did his work on the Senate floor. He was always in bloom—with ideas, legislative initiatives, a kind of word, a friendly pat on the arm, a bright vision of life where things could be changed for the better.

While the words of tribute spoken here today honor SCOOP and his memory, the greatest honor will come in the months and the years ahead when his continuing influence upon us, his example and teaching, causes us to strive harder and with a clearer vision for those national and international goals that he championed.

Finally, a special word must be said about the enormous contribution made by SCOOP's family in sharing him so unselfishly with the public needs that were the focus of his work life. Hours, months, literally years of time away from home, away from family were required for SCOOP to carry out

his public interest duties as he saw them. His recent tiring trip to China comes to mind.

Every hour of his time away from home and family was a gift of caring and concern by the Jackson family to people everywhere. The good work he accomplished late in the evenings on the Senate floor, on weekends with constituents in Washington, or in offering hope and help to others in need in this country and abroad was only possible because a loving and supportive family was willing to share so generously its husband and father. No family can give a more precious gift to their fellow citizens and none have given more than the Jackson family. So all these tributes today are family tributes. The good deeds remembered are those of the family and not a man alone. This family and that man shall always be a living part of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, it is difficult for us to think of the Senate without SCOOP JACKSON. As we stand in this Chamber, each of us have a flood of individual memories of him. To each of us he was truly a titan of the Senate. If one was in a legislative battle, one's chances of success were immeasurably improved if SCOOP JACKSON was on your side. When he signed on in a legislative effort, he did not just sign on his signature; he signed on to work, to produce, to succeed, and that is what he did.

I can remember we worked together about 2 years ago on a piece of legislation to protect the identities of CIA agents—in other words, to forbid the disclosure by some, whether they were Americans or foreigners, of the identities of these agents. There were many leading Members of this Senate who were opposed to that legislation for very legitimate reasons. But we worked together and succeeded in the passage of that legislation. We succeeded because SCOOP JACKSON individually buttonholed Senator after Senator to persuade them to our cause. It took work; it took effort; but that was the kind of person he was.

Yet, for all his legislative skills and all his dedication to a cause, everything HENRY JACKSON approached he did with a sense of fairplay. He never took unfair advantage of an opponent.

Again, let me give a personal illustration. I can remember being on the opposite side of SCOOP on a defense issue. In the course of my remarks, I made a serious factual error and was open to the opportunity for somebody to make me look very foolish. SCOOP had that opportunity, but he refused to seize it. Instead, he came up to me afterward and said, "I think you erred on that." Clearly, I had, but he did not say it publicly, and for that I am eternally grateful.

SCOOP JACKSON radiated enthusiasm. He was constantly innovative and original, open to new ideas. He was full of pep; he was constantly alive.

It seemed that both physically and in his character, he emphasized sturdiness. He was sturdy, like his State. He was sturdy in his positions, sturdy in his loyalties, sturdy in his judgments.

For all of us who have served here with him, his loss is a great blow. To his family, we extend our sympathies and our gratitude for giving this wonderful man to our Nation.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, the loss of Senator HENRY JACKSON has been a great tragedy—both for the Nation and to all of us who knew him personally.

Much has been written and said about this great loss to the country and to the U.S. Senate, and much of it with more eloquence than I could hope to achieve in paying tribute to one of the true giants of our time.

In the time that I have served in this great body, I came to know SCOOP as a warm friend—a friend in the best sense of the word.

Senator JACKSON was a product of the spirit of America. He came to Capitol Hill nurtured by the values and ideals of the people of his great State of Washington. He never forgot the grand purpose and responsibility which was entrusted to him. He never betrayed that trust. It would not have been in SCOOP's nature.

He was a man who brought the ideals of his home to this floor; who used them to serve the people of his State and the people of this Nation, and to inspire his friends and colleagues. He has left a permanent imprint on this body and on everyone who knew him.

Before I came to the Senate, I was touched by SCOOP's compassion. After the 1980 election, many congressional staffers on this side of the aisle were left unemployed. Senator JACKSON took it upon himself to help many of these people find new positions. That kind of intervention is extraordinary in this place and is only one example of the man's integrity and feeling for his fellow man.

When I did reach Washington, I was deeply and singularly impressed with Senator JACKSON's sense of feeling for the people of this country, and of his sound sense of reason about what needed to be done to assure that our people remained free to pursue their destiny.

He brought that sense of reason and those values to debates here. And he understood the profound wisdom of consistency to those values—never wavering in the face of expedient political advantage.

SCOOP was, above all else, a patriot first. He understood the need for a strong America—both in defense and in the compassion we must show to the less fortunate among us. He understood, from firsthand experience, the circumstances of history that bind us to the people of Israel. In fact, despite his reputation as an advocate of a strong defense, he clearly understood the need for military prowess to be complemented by American humanitarianism.

The loss of Senator HENRY JACKSON has left a great void in this country—and in this Chamber. His conscience and dedication will be sorely missed and not easily replaced.

My sincerest condolences go out to his beloved wife, Helen, his two children, Anna Marie and Peter, and other family members during this time of mourning. They should be comforted by the knowledge that HENRY JACKSON was a man dedicated to his God, his country, and his fellow man.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, the Nation and, indeed, the free world suffered a grievous loss on the first day of this month when our colleague and friend, Senator HENRY M. JACKSON, was suddenly taken from us.

SCOOP JACKSON, as we all fondly referred to him, was not only one of the giants of the Senate but also a giant of Western civilization. His passing has left a void in this Chamber that we can ill afford. The people of the State of Washington have lost a great representative, the U.S. Senate has lost a respected leader and Western civilization has lost a superlative defender of freedom.

The record will show, Mr. President, that Senator JACKSON spent more than half his life in elected public service. For 42 years, Senator JACKSON unselfishly and devotedly served his Nation in the Congress of the United States with honor, dignity, and everlasting credit. He was in truth a humanitarian and a patriot, dedicating his career to improve society and the common defense. HENRY JACKSON was the very embodiment of the truth that the greatest fulfillment of man's talents and abilities are realized through meaningful service to his Nation and fellowman.

Senator JACKSON's influence was not, of course, confined to the Senate nor to the shores of this Nation. He was well known throughout the globe for his steadfast efforts to maintain the security of the free world and was widely respected by those who worked to preserve, promote, and perpetuate peace among all nations. Senator JACKSON knew war and abhorred it, but he knew it could only be avoided if our Nation and our allies remained powerful, both militarily and economically. We are a better, stronger Nation because of his service. Western civili-

zation is improved because of his wisdom.

Senator JACKSON left a mark in this body which will of itself be a lasting monument to his service and his life. His presence will be sorely missed, but his record will shine brightly in the annals of the Senate. We can all learn from what he did.

It was my high privilege to know and serve with HENRY JACKSON. I admired him as a man and as a public servant. I was grateful for his friendship.

I share the sorrow, the sorrow that is common to all who knew Senator JACKSON and worked with him. On behalf of the people of Alabama, I extend my deepest sympathy to Mrs. Jackson and the Jackson family.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, it is difficult for us to put into words all that SCOOP meant, not only to us but to the country, to those who knew him personally, and to those who knew of him.

Some will remember SCOOP as an articulate spokesman for the defense of a strong and secure America, as a man who would not knuckle under, as a man who with his vision, clarity, and perception of a great America, stood up for its defense and security.

Others of us remember SCOOP for being at the forefront of pointing out the need for developing a sound national energy policy. He was one of the first to forecast OPEC and to warn us about the dangers we would face with energy shortages and high energy prices.

But I will remember SCOOP for his ability to balance competing and often controversial interests.

For example, while, on the one hand, he worked hard to protect our wilderness areas, he also emphasized the economic importance of developing our natural resources.

While he spoke out on the need for American military strength, he also showed a strong commitment to meeting social needs and providing those services. In many ways SCOOP stood for years where the country and the Democratic Party now appear to be heading.

Others will remember SCOOP for his compassion for the average, ordinary American—the man on the street, the housewife, the schoolteacher, or whatever. That compassion guided him whenever he spoke before this body on a piece of legislation.

Finally, I remember SCOOP as a northwesterner. We northwesterners, just as those in other parts of the country, pride ourselves on many qualities. One of them is just good, basic, down-to-Earth commonsense.

I am sure everyone in the country feels that he or she has some monopoly on commonsense. I must tell you, Mr. President, that I cannot think of anyone who epitomized that quality more than SCOOP JACKSON.

I say that because many times in the last several years, I sought out SCOOP for his advice—on energy policy, defense policy, and other issues. And always, his basic northwestern commonsense came through.

There is no one in this body whose advice I valued more and whose counsel I sought and respected more than SCOOP.

Let me just close, Mr. President, with one little anecdote.

A few years ago, I was on an airplane with SCOOP and several other Members of the Senate. As usual, most occupants on the airplane were talking and there was much conviviality. But not SCOOP. He was sitting in a seat off on the side, with a stack of newspapers that must have been 3 feet high. SCOOP had not had a chance to read those newspapers because of previous engagements. He sat there and read each newspaper, front page, page 2, page 3, to the end, and made little notation marks. While everyone else was just talking and having a good time, there was SCOOP working. I watched him. That was a long trip, but he stayed there until he finished every one of those newspapers.

That incident is only a small slice of SCOOP, but in another sense, I think it is a very large slice. It showed the devotion and dedication he felt for his job, his State, and his country.

Mr. President, I and the people of Montana share the sorrow felt by the people of the State of Washington and his family.

There are many qualities of SCOOP that we will remember. His memory will serve us very well, and I call on each of us to try to remember SCOOP every day. If we do that, we will be a better body, we will pass better legislation, and we will be a better country.

I will miss SCOOP. He was the dean of the Pacific Northwest and his voice of experience is a great loss for all of us.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, the sudden and shocking death of our colleague, Senator JACKSON, will leave a void in the Senate and in the Nation's public service that will not easily be filled.

Senator JACKSON's career exemplified the best of American public life. His vision of our society was informed by a recognition that ours is a Nation which can flourish only when the public weal—the common weal—takes precedence over private desire. His principled and unchanging defense of a domestic order that served the powerless and poor as well as the strong and wealthy derived from the same goals which our Nation's founding document expounds: "* * * to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity * * *."

Senator JACKSON was staunch and unyielding in his defense of our liberties, both at home and abroad. He was dedicated to the proposition that a strong military establishment can be reconciled with a strong defense of human rights. His was the effort that brought human rights concerns home to the Soviet Union, when he championed the right to free emigration from Communist as well as non-Communist nations. Even more importantly, he understood that a strong national defense and an effective foreign policy can only rest on the base of a prosperous and just society at home.

Senator JACKSON's vision and concern were broad and farsighted; his insights were not circumscribed by contemporary preoccupations. He was one of the earliest environmentalists in the Senate. Beginning in the 1960's, he made it a matter of priority to actively seek legislation to protect the natural resources in which our continent is so rich. He took an early and leading role in recognizing the constraints imposed by the enormous energy needs of our highly industrialized society, long before the first oil embargo brought that lesson home to the rest of the country.

His service spanned some of the most momentous decades in our Nation's history, and some of the most contentious. Senator JACKSON was not afraid to stand up for American principles against the witchhunting of the fifties; neither did he abandon his justified skepticism of the aims of the Soviet Union during the days of détente. His principles remained unaltered by the fashionable priorities of the times through which he lived. He alined himself neither with left nor right but rather pursued a course which his conscience told him served the best interests of his country.

Our Nation was fortunate to enlist and maintain Senator JACKSON in the ranks of its public servants for almost 43 years. He rose above empty rhetorical partisanship when the interests of his country demanded it, and he never surrendered his belief in the principles of the political party to which he gave his allegiance. His presence in this Chamber was a reminder to all of us that public service is an honorable calling.

Senator JACKSON's place can never be filled. His passing can only be mourned.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, because he was such a towering figure in the political and public life of our Nation for such a long time, the pass-

ing of U.S. Senator HENRY M. "SCOOP" JACKSON had been duly noted and his life fittingly eulogized by many. This has been altogether appropriate and due a great American.

For my part, however, although I, too, recognize his genius and greatness, I would prefer to dwell on his great humanity, his innate kindness and charity.

When I came to Washington almost 3 years ago, upon my election to this legislation body, I had occasion to meet HENRY JACKSON and, subsequently, to talk with him many times, mostly when we frequented the Senate gym together in the late afternoon.

Invariably, he was gracious and helpful in every way possible. In endeavoring to learn as quickly as possible the many great traditions of the U.S. Senate, I often turned to Senator JACKSON and always found him not only willing but eager to assist me.

His more than 30 years as a Member of the U.S. Senate earned him great deference from his colleagues, but he never sought it. Despite his great experience and his many achievements, Senator JACKSON was a truly humble man.

Those who have eulogized him and praised him for a life spent in the service of his fellow Americans have called him many things—a great patriot, a great American, a great Senator. All of this is deserved and I join in these encomiums.

I am proud to have had the opportunity to know him and to be able to say that he was my friend.

Mr. President, I feel honored to have an opportunity to join as a Member of this body in paying tribute to the career of Senator HENRY M. JACKSON, just as I feel honored to have had an opportunity to get to know SCOOP JACKSON and to number him as a friend during the course of the past 2½ years.

My own association with Senator JACKSON began in the Senate gymnasium where I met him shortly after coming here in January 1981. Our visits to the Senate gym about 5:30 p.m. on many days during the week provided a leisurely opportunity to discuss a wide variety of matters.

Before coming to the Senate, I had read and heard about Senator JACKSON and had great admiration for his long and distinguished career. One of the great opportunities in being a Member of the Senate is the chance to meet with and talk to and get to know on a closer basis some of our national heroes.

That was the contact that I first had with Senator JACKSON early in 1981. When I found him so readily accessible in the Senate gym, I then took the occasion to read about him in the many biographies and accounts of his illustrious career and then would inform him about which I had read. I would discuss with him some of the "inside" stories, which he was glad to talk about in a very convivial and jovial way.

I had occasion once to talk to him about the challenge that he made to Senator McCarthy shortly after Senator JACKSON came to the Senate in January 1953, and the difficulty of the challenge to the position of Senator McCarthy at that time. SCOOP JACKSON relished that discussion and conversation.

I had occasion to talk to him about the widely publicized incident where President-elect Nixon had offered him the job of Secretary of Defense, and the President-elect had called him to a meeting in Washington when he was in Hawaii, and how he might have accepted the offer had he been in Washington. SCOOP thought it over from that distance and later decided against taking the position because he thought he could make a greater contribution in the Senate, notwithstanding Senator JACKSON's keen interest in the position during the Vietnam war and the Soviet menace.

I also had occasion to talk to him about many of the topics of concern in the pending business. I had a discussion with him one day about the Mideast. He was a fountainhead of knowledge, having acquired it in trips, conversations, reading and extensive experience, and he pointed out how important Egypt is in the Arab world because 45 percent of the entire Arab world lives in Egypt.

He was a tower of strength in defense. One day in the Russell Building, where we were two floors apart, he asked if I had a few minutes to talk over the Jackson-Warner resolution which was competing with the Kennedy-Hatfield resolution on the freeze. He had 50 cosponsors, he told me on that day, and was looking for a 51st to push his resolution over the top.

He outlined all the reasons why there ought to be arms reduction before there is arms control. I told him I would think about cosponsoring. I eventually signed onto the Jackson-Warner resolution and was well aware it was as much Senator JACKSON's personality as it was the force of his argument which led to my agreement to cosponsor contrary to my customary practice of waiting to cosponsor as so much is learned at a later stage, and sometimes early cosponsorship is a position that one does not wish to stay with. I was willing to sign on after that kind of contact and that kind of expression I had with Senator JACKSON.

It was a stirring ceremony last Wednesday, a week ago today, in Everett, Wash., when so many Members of the United States Senate flew out, a 7 a.m. departure, and returned at midnight, to pay tribute to him at the funeral service.

There was an unusual atmosphere, both in the chapel when the eulogies were presented and later at the reception where Mrs. Jackson was so cordial and so hospitable, standing up under the strain in such magnificant style, as were SCOOP's daughter and son; but there was a feeling that Senator JACKSON had lived a full and complete life and had contributed so much. No one is ready to die at any age, let alone at 71, at the height of his physical prowess as it appeared to those of us who saw him frequently at the Senate gym.

There was a glow to the entire affair, notwithstanding there was a funeral, just as there was a glow to his life and career, and I feel honored to be able to stand on this floor today and pay tribute to a man we have known, for the opportunity I had to know, Senator JACKSON. I thank the Chair and yield the floor.

Mr. GLENN. Mr. President, I believe that Edmund Burke had a man like HENRY JACKSON in mind when he observed that elected representatives should stand on their judgment, not on their willingness to shift with the public passions of the moment. Well, for over three decades in the Senate, SCOOP JACKSON stood on his judgment—and that judgment added vast dimensions to our own understanding of steadfastness, courage, and wisdom.

If there was one objective that SCOOP constantly pursued during his years of public service, it was the cause of human rights. He was a man whose every action was rooted in the bedrock belief that freedom is the most valuable heritage of all Americans; a treasure not to be hoarded or locked away, but one to be shared generously with others less fortunate.

SCOOP contributed much to that which is the very best of America. A quintessential American, he was a man for all the world—a true champion of the homeless and oppressed. Millions of people in Israel, Western Europe, and throughout the free world owe their liberty to this man from Washington State—a man who had the towering strength to be tough, tender, and kind.

SCOOP JACKSON believed that America had to be both generous and strong. He believed in a country compassionate enough to care for its jobless and hungry at home and powerful enough to defend its vital interests and moral principles abroad.

We all bear a heavier burden because of SCOOP's death.

But we all have a clearer vision of our duty because of his life.

Mr. BOREN. Mr. President, during the Labor Day recess, the U.S. Senate lost one of its most respected elder statesmen with the death on Septem-

ber 1 of Senator HENRY M. "SCOOP" JACKSON of the State of Washington.

I was extremely saddened to learn of Senator JACKSON's death. He was a man of integrity and sincere patriotism who served his nation well during his 42 years in Congress.

But even more so, I feel a sense of personal loss. Two generations of my family have served with HENRY JACKSON in the Congress. My father, Lyle H. Boren, served with Senator JACKSON for 6 years in the House of Representatives during the time both of them were Congressmen, and Senator JACKSON was especially helpful to me when I first came to the Senate.

Senator JACKSON was an extremely influential Senator whose work and interests covered a broad spectrum of important issues. Through the political know-how, experience and authority which came from key committee assignments, Senator JACKSON was able to exert his influence in many important areas.

He continually advocated a strong American military establishment and supported the cause of national security while, at the same time, being a strong, consistent supporter of Israel and of the plight of the Soviet Jews.

He always attributed his concern for Jewish issues to his mother's strong views against anti-Semitism, and his own experiences, shortly after World War II, in visiting the Buchenwald concentration camp.

Along with former Representative Charles Vanik of Ohio, Senator JACKSON led the fight for the Jackson-Vanik amendment which prohibited most-favored-nation trading status for countries that restrict emigration. This was an effort aimed at the Soviets' refusal to allow Jews to emigrate.

Just prior to his death, Senator JACKSON had been on a factfinding trip to the People's Republic of China and, upon his return, held a news conference to denounce the downing of the Korean airliner by the Soviets as an "act of barbarism."

At the time of his death, Senator JACKSON was the ranking Democrat on the Armed Services Committee, supporting a more aggressive U.S. role in world affairs. As early as the 1960's, Senator JACKSON was known as a specialist in defense, whose major emphasis was a consistent and deeply held mistrust of the Soviets.

As the former chairman of the Senate Energy Committee, Senator JACKSON supported development of hydroelectric power, and he served for 30 years as a member of the old Joint Atomic Energy Committee, promoting nuclear power. At the same time, he was one of the first Members of Congress to speak out about the importance of protecting our Nation's environment.

HENRY JACKSON was a man of complete integrity who never used public office to promote any gain for himself. He held to the worthwhile, old-fashioned idea that public office is a public trust. The Nation would be far better off if the Nation had more leaders that had the courage and integrity exemplified by the life of HENRY JACKSON.

His presence in this body, and in the Nation, will be greatly missed. I know that all my colleagues join me in expressing sympathy to Mrs. Jackson and to the family.

Mr. JEPSEN. Mr. President, on September 1, 1983, the Senate lost one of its most distinguished and valued Members.

One would not be exaggerating in saying that an era has passed in this body and in the country as a result of his untimely passing.

Senator SCOOP JACKSON has left a gap in our ranks that will never be filled.

For the past 4½ years, it has been my privilege to serve with Senator JACKSON on the Senate Armed Services Committee and observe firsthand his effective style of developing broad-based support for his positions without sacrificing the integrity of those positions.

His Senate work was based on four decades of experience and seasoned with a rare consistency of outlook, tireless hard work, and a very healthy dose of commonsense.

Senator JACKSON established himself as an authority in the foreign policy and defense fields. He never lost sight of the big picture in world affairs. He refused to have any illusions about the Soviet Union's aggressive foreign policy. There was little change in Senator JACKSON's views on defense and foreign policy throughout his 30 years in the U.S. Senate. His integrity and commitment forced him to fight many lonely battles for a strong national defense and a vigorous foreign policy on a bipartisan basis throughout the years.

In his handling of all issues before the Senate, HENRY JACKSON was the epitome of the practical, clear-thinking, and sensitive legislator. May God grant this country leaders who partake of the Henry Jackson legacy.

Mr. PRYOR. Mr. President, we are saddened by today's occasion, but at the same time we are moved and challenged by the example of HENRY M. JACKSON, our colleague and friend. I want to concentrate on that example and recall those specific ways in which SCOOP JACKSON inspired us all.

Senator JACKSON's legislative record is a matter of history and needs no lengthy delineation. It serves as a fitting reminder of the 45 years he spent in public life and particularly his three decades in the Senate.

His tireless work on national security and defense matters will always distinguish the Jackson years during the 1960's and 1970's. Time and time again, he reminded us of the value of national preparedness and the need to keep our country strong.

It strikes me as an irony of history that his death came during the same week that a Korean airliner was downed by the Soviets, a demonstration of the necessity to keep constant vigil even in times of peace. It is appropriate that the President has announced that the next Trident submarine—to be launched on October 15 of this year—will be named the *Henry M. Jackson.*

Senator JACKSON was a friend to the friendless, not only in this country but around the world. Beginning in the stark days after World War II, when he visited the devastation of postwar Europe, he committed himself to the cause of human rights. And it was a distinguished commitment. SCOOP JACKSON was at the front of every movement toward freedom for all people.

It may be that his most cherished project was the series of achievements in environmental protection. Where would this country be today without the National Environmental Policy Act of 1970? And where would that landmark legislation have gone without the firm leadership of SCOOP JACKSON?

Mr. President, at times like this we all think of the personal associations, the friendships, and the private, individual moments we shared with a late colleague. SCOOP JACKSON was my friend. We did not always agree, but we never failed to respect the views of the other.

One reason we shared a common point of view was because we were both from the country. We shared a rural, small-town background. And when you have that kind of similar past, the result is bound to be a common vision.

HENRY M. JACKSON was a Senator's Senator. He was wedded to this institution probably more than anyone in recent years, and with his departure we have lost the closest possible ally and friend.

Mr. EAST. Mr. President, when our friend and colleague, Senator HENRY M. JACKSON, died on September 1, he left a void in the life of the Senate and the Nation. Although I served with him in the Senate for only 3 of the 30 years that he was here, Senator JACKSON has left an indelible mark on my memory.

Everyone who knew Senator JACKSON enjoyed his good humor and buoyant spirit. We were touched continually by his earnestness and sincerity. And we were impressed always by the depth of his knowledge of, and commitment to, solving the great public policy questions of our time.

I had the opportunity to get to know Senator JACKSON best from my service with him on the Senate Committee on Armed Services, on which he was the ranking minority member. That experience taught me more than I already knew about Senator JACKSON's commitment to the defense of our Nation.

Mr. President, Senator JACKSON once was reported to have said that "the true test of a man is where he stands on national defense." No member of the Senate can doubt that Senator JACKSON passed that test, time and time again, across the three decades during which he served in the Senate.

Elected to the Senate in 1952, SCOOP JACKSON quickly became a staunch ally of President Eisenhower on defense policy. And he supported the defense posture of President Kennedy. But perhaps the truest test of Senator JACKSON's commitment came during the administration of President Johnson.

Though it eventually became unpopular within his party to do so, Senator JACKSON supported the efforts of President Johnson unwaveringly during the Vietnam war. He became such a symbol of bipartisan support for a strong national defense, in fact, that, in 1968, President-elect Nixon reportedly offered him the post of Secretary of Defense.

Even though he decided to remain in the Senate, Senator JACKSON backed President Nixon's Vietnam policy and served as a major leader in the Senate fight that won approval of the antiballistic missile (ABM) program in 1969.

In 1972 and 1976, Senator JACKSON sought the Democratic nomination for President. He stood out, both times, as the leader of that wing of the Democratic Party that believes that a strong national defense cannot take second place on any list of the Nation's priorities.

The central conviction that animated Senator JACKSON'S overall view of national defense issues was that the Soviet Union is the implacable enemy of the United States and the entire free world. Indeed, it is fitting that Senator JACKSON'S last public statement was his strong denunciation of the brutal attack of the Soviet Union on a civilian airliner, Korean Air Lines flight 007, just hours before his death.

Senator JACKSON'S distrust of the Soviets led him to take a tough stance on the question of nuclear arms reduction negotiations and treaties. He is credited with having stengthened the SALT I treaty through the use of his strong influence with the Nixon administration's Defense Department. And, during the Carter administration, there can be little doubt that Senator JACKSON was a key force in preventing Senate ratification of the weak and dangerous SALT II treaty.

During the time in which I had the privilege of serving in the Senate with Senator JACKSON, I saw that his commitment to national defense, and his vigorous opposition to the Soviet Union, remained undiminished with the passage of time. Senator JACKSON'S steadfast support of President Reagan's program for rebuilding America's military strength has proven to be invaluable as that program has succeeded in winning congressional approval of its major components. Senator JACKSON backed the B-1 bomber. He supported the MX missile. And, most of all, he shared President Reagan's conviction that meaningful Soviet-American negotiations on nuclear arms control can occur only when the United States is bargaining from a position of strength and determination.

Mr. President, I am honored to join my colleagues in paying tribute to the late Senator HENRY M. JACKSON. Senator JACKSON rose above party. He rose above ideology. He towered above us all. The Senate is diminished by his passing. And each of us is saddened.

Mr. DANFORTH. Mr. President, as a rule, one should not judge the greatness of an individual from his eulogies. Remembrances amplify goodness and magnify virtue, either to comfort those who live or to provide them with an instructive model of life.

HENRY M. JACKSON is a magnificent exception to this rule, as to so many other commonplaces of our public life. It is our eulogies that will not measure up to the man, and not the reverse. Pages of declamation will not do justice to the goodness of our late colleague, to the clarity and integrity of his mind, nor to the sparkling innocence of his enthusiasm for politics and public service.

Historians and political scientists, then, should approach remembrances of Senator JACKSON with a standard of judgment radically different from that usually applied to eulogies. We are not telling the half of it. He was better than we can say.

One account of our proceedings took note of the striving for hyperbole in the commemoration of SCOOP JACKSON. The truth is that hyperbole is merely the best we can do.

The most direct measures of a public servant are his accomplishments and the opinion of his constituents. SCOOP JACKSON'S accomplishments were monumental. His support for civil rights legislation was vigorous and consistent. He was a champion of the cause of labor. He was the principle legislative architect of our national environmental policies. He played a crucial role on every major issue of energy policy. On questions of national security and military policy, SCOOP JACKSON was among the most influential figures of the 20th century.

His goodness is to account, I believe, for two of the brightest moments in a career in Congress that spanned four decades: His fierce dedication to the cause of human rights in the Soviet Union and his opposition to the malignant excesses of Senator Joseph McCarthy.

Today, more than a quarter of a million Soviet Jews live in freedom because of HENRY JACKSON. It was Senator JACKSON who formulated the linkage between American trade with Communist nations and the humanity of their emigration policies. It is a monument to his vision that he created a practical tool of economic leverage in foreign relations.

He joined with Senator Symington of my State and with Senator McClellan in standing up to the evil work of Senator Joseph McCarthy. SCOOP JACKSON, you see, believed in America. Senator McCarthy did not. It was the view of Senator McCarthy—a view that continues to stain our political life—that the great institutions of public life can fall into the hands of villains, that the central challenges of our national existence can be mastered by exposing and destroying evil people who held positions of public trust. Senator McCarthy believed that America is weak. SCOOP JACKSON believed that America is strong. Senator JACKSON believed that Americans must trust the institutions of representative government. He denied that democracy could be corrupted with ease by a handful of fantastic conspirators.

The judgment of SCOOP JACKSON'S constituents, the people of the State of Washington, was thundering. Nobody won elections like HENRY JACKSON won elections. He campaigned for the Presidential nomination of his party in 1972 and in 1976. Journalists enjoy saying that the Senate is populated with people who would like to be President. Ambition was the least of his qualifications for the Nation's highest office. He was capable of serving the American people as their President.

Each of us would treasure the stature enjoyed by Senator JACKSON and the affection and esteem lavished upon him by the people he served. We should put greater store, I suspect, in the personal qualities that enabled him to become a towering figure of national policy and a Senator in whom the people reposed such confidence.

One of those qualities—perhaps the most important—was simple goodness. To those who knew him, his personal goodness was powerfully and immediately apparent. The goodness of his personality came through most often in his sense of humor—gentle, constant, uniquely effervescent. His eyes always twinkled. He seemed always about to smile.

Another of his central qualities was a clear and profound sense of values. He knew that some nations stand for what is good and that some do not. He

knew that some nations care if people live or die, and that others could not care less.

Finally, he believed that government is a positive instrument for good. Such a belief is necessary to greatness in any public servant.

The purpose of Senate debate is to settle on particular methods by which to advance the public good. In the most basic sense, we work from an assumption that decisions on public policies make a difference, for better or for worse. SCOOP JACKSON was a daunting figure in debate, a marvelously effective advocate of his view on any matter under discussion. But the true article of his faith was the idea that public service can make a difference for the better.

He was a good person.

He was a brilliant public servant.

He made a difference.

It is one of the greatest honors of my life to have known HENRY M. JACKSON and to have served with him in the U.S. Senate.

Mr. WALLOP. Mr. President, we mourn HENRY JACKSON. But as we do, so we weep for our country as well. For we have lost more than a fine fellow human being. Though HENRY JACKSON was one of us, he was significantly different from the rest of us. He was what most of us would like to be but know in our hearts we are not. To see him at work was to be reminded of Matthew, chapter 7, verse 29, "he taught them as one having authority." All who are in public life, who struggle to exercise power, long for what office and power alone can never give: authority. People listened to HENRY JACKSON because they had learned from long experience he was worth listening to. People would have listened to him even if he had not held the powerful positions he did.

It behooves us all to remember how HENRY JACKSON gained, indeed how anyone gains, authority. First, he had knowledge—lots of it. He spent more time than most studying and observing. But many bright people work hard at gaining knowledge with little success. They lack the humility that is the prerequisite for all learning. HENRY JACKSON was humble enough intellectually to realize he had a lot to learn, and humble enough personally to associate habitually with people who knew more than he did—people he could and did learn from. Some of the Western World's first scholars found HENRY JACKSON congenial company. HENRY JACKSON was a very good listener.

Second, HENRY JACKSON was a man of right opinion. All the facts in the world will not help a man whose intellectual and moral compass is awry. HENRY JACKSON always knew who the friends—and the enemies of freedom in the world are. His deliberations were anything but sterile. He kept the chief fact of contemporary international life firmly in mind: The Soviet Union is running a ruthless worldwide campaign to take away our freedoms. That campaign will succeed unless we cause it to fail. Time and again Members of the U.S. Senate are pressed by various bureaucracies or constituencies to divert their thoughts and energies from this key consideration. Time and again I have been privileged to see HENRY JACKSON bring the discussion back to the essential point. Ultimately, the general public will listen only to those who speak to matters of general importance.

Third, HENRY JACKSON proved again and again that he acted and spoke for the common good. He never played partisan politics with national security. Thus it was that when he spoke or acted, his words and deeds were taken at face value, as the expression of a coherent point of view about what would actually enhance the Nation's security.

Fourth, HENRY JACKSON had the ability to bring his knowledge, his concentration on the essential, and his dedication to the common good to the American people's attention again and again, over a number of years. Of course his seniority helped. But many others have made much less of loftier pulpits. The point here is that, in order to gain HENRY JACKSON's authority, one must demonstrate HENRY JACKSON's qualities not for a day, month or year, but for a lifetime.

As I pray for HENRY JACKSON's soul, I also pray to God that by His grace the realization of what we have all lost will spur us to imitate HENRY JACKSON, so that the country he loved might enjoy a long and honorable life.

SCOOP JACKSON: A LIFE TO CELEBRATE

Mr. MOYNIHAN. Mr. President, I have the privilege today to join with my colleagues in paying tribute to Senator HENRY M. JACKSON. We knew each other almost a quarter century, from the time of the Democratic National Convention of 1960. He was my closest friend in the Senate, and without him this place will not be the same for me nor, I suspect, will it be for others.

SCOOP JACKSON served his country longer, and many would say better, than any public man of his time. Fashions changed; he did not. This led to much misunderstanding in later years. But he was invincibly good natured about it.

I remember having breakfast with him in Milwaukee during the 1976 Presidential primary campaign. We were watching television. One of the other contenders was protesting that he was a "progressive," not one of those "you-know-whats."

SCOOP smiled, poured a cup of coffee, and remarked: "You know, I may or may not be a liberal, but I am the only person in the campaign willing to call himself one." George F. Will captured this point precisely in his eulogy for our friend when he said:

> Because he was magnificently uninterested in the cosmetics of politics, dull persons considered him unexciting. But discerning persons by the millions recognized that his kind of character is as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensible. They came to the absurd conclusion that he had departed from the liberal tradition.
>
> He was a pioneer of environmentalism. He was the prominent champion of civil rights. He fought for the full domestic agenda and authored legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.
>
> The ironic truth is that Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

SCOOP JACKSON was all of this, but so much more. It is all the more striking, that he considered none of this the accomplishment for which he was most proud. In those special and private moments, SCOOP would reflect on the 1960 campaign and talk of his considerable role. It had been expected he would be John F. Kennedy's running mate, but when Lyndon B. Johnson agreed to accept the nomination, SCOOP cheerfully stepped aside, took on the job of party chairman, and campaigned with all of his great heart.

A Presbyterian, and a 32d degree Mason, he was as proud of his role in electing the Nation's first Roman Catholic President as anything he had ever done.

President Kennedy, I dare to say somehow knew this. The third item in the public papers of John F. Kennedy, following the inaugural address and the greetings to the Soviet leadership, is a transcript of remarks at the meeting of the Democratic National Committee on January 21, 1961. At this meeting, Senator JACKSON stepped down as chairman and his friend and colleague, the new President, recounted this and thanked him for it. The President ended, saying:

> So I hope we will all stand up and give a good cheer to Scoop Jackson.

So, too, I hope will this Senate, which SCOOP loved as a home, second only to his Everett. His is a life to celebrate, even as we mourn, and as we give the good cheer in our hearts, may the echo linger.

Mr. President, Helen Jackson, herself a person of rare spirit and grace, asked me to speak at the funeral in Everett. I had not much to say, but it meant so very much to be asked. I would like to share with my colleagues

who could not be present the words I spoke that day and the eulogy I delivered at the National Presbyterian Church here in Washington, D.C., the night before. My wife Elizabeth and I will find life different and difficult without him.

I ask unanimous consent that these remarks be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR SENATOR HENRY M. JACKSON BY SENATOR DANIEL PATRICK MOYNIHAN AT THE NATIONAL PRESBYTERIAN CHURCH, WASHINGTON, D.C.

There is an old belief in the Judaic tradition that at any moment in history goodness in the world is preserved by the deeds of 36 just men who do not know that this is the role the Lord has given them. It is a thought to which one has returned these last days. For if it be so, and of course in the large sense it is so, Henry M. Jackson was one of those men. There could be no more telling evidence than that this would never have occurred to him.

He lived in the worst of time, the age of the totalitarian state. It fell to him to tell this to his own people, and to the world, and he did so full well knowing that there is a cost for such truthtelling.

But he was a Viking also; and knew the joy of battle. Of all things human, the only emotion he never knew was fear, the only weakness he could never comprehend was the love of ease.

He wanted his country strong because he knew the terrible danger of the age in which we live. Where others lurch from one issue to another with the attention span of a five-year-old, he sustained this understanding and this vision through five of the most awful decades in the history of mankind. He came onto the national scene at the time of Pearl Harbor and the end of American isolation, although—not then, not now, not ever perhaps—the end of American innocence. He lived until last Thursday; in his last public act shaking his fist at what he called the "barbarous" behavior of the greatest, for now, of the totalitarian powers.

As no man in his time, he understood the need for strength and also the sources of strength.

He wanted a just society; and because of him, the one he leaves behind is far more so than the one into which he was born. He wanted an American example as well as an American presence in the world, and to the extent this is so, much also is owed him.

He was a teacher almost before anything else. The purpose of Congressional enquiry, he wrote some two decades ago, was above all, an "educational one." "As long as we govern with the democratic system," he said, "the test of government is its acceptance by the people." For the people cannot intelligently choose where they do not understand, and in his view, the first thing all of us, Senators not least, need to understand is the complexity of things. "If every event had the clarity of Pearl Harbor," he continued, "policy-making would be much easier than it is. But as the citizens of Troy also discovered, appearances may be deceiving."

He paid a price for not insisting that things were simple. But he knew this. The American people have paid a price for not entirely wishing to hear him. But he forgave all.

And why not? It was a life of true greatness. In one of his books he quotes Robert Lovett saying:

"We can do whatever we have to do in order to survive and to meet any form of economic and political competition we are likely to face. All this we can do with one proviso: we must be willing to do our best."

For longer than any man of his age, he did just that. A great heart has died, but we are larger because he lived. All he would ask is that as we think now of all he did, we have in mind things yet to be done.

EULOGY FOR SENATOR HENRY M. JACKSON BY SENATOR DANIEL PATRICK MOYNIHAN AT THE FIRST PRESBYTERIAN CHURCH, EVERETT, WASH.

The poet Yeats wrote once of a man who was "blessed and had the power to bless." Henry Jackson was such a person.

To know him and to love him, as generations of men and women in American public life have done, is to have been touched by that abounding grace which he brought to the affairs of the Republic. He never took, he only gave; and he never stopped giving.

His was a Viking heart, a questing soul, yet gentle, gallant, generous. This too, he could impart. To know him was to be changed by him.

He lived in the worst of times; the age that saw the ideas and institutions of freedom challenged throughout the world, and displaced in much of it by the totalitarian state. For on to half a century, it fell to Henry Jackson to tell this to his people, and to the world. He knew well enough that this was not always welcome news. The more then did he know that it was we who would have to impart it, for the Lord had given him the strength.

To Helen, to Anna Marie, to Peter, wishing in no way to intrude, we would even so say that, as we shared your love of him, we share your loss.

And yet, now it is over; it is a life to celebrate as much as a death to mourn.

The third item in the Public Papers of John F. Kennedy, after the Inaugural Address, after the greetings to the Soviet leadership, is a transcript of remarks at the meeting of the Democratic National Committee on January 21, 1961. At this meeting, Senator Jackson stepped down as chairman of his Party, a post he had assumed in order to run the campaign and win the election for his friend and colleague, who now, as President, recounted this and thanked him and ended saying:

"So I hope we will all stand up and give a good cheer to Scoop Jackson."

Let us do that in our hearts; and may the echo linger.

Mr. GOLDWATER. Mr. President, today we are trying to honor the memory of our dear friend, SCOOP JACKSON of Washington. And I know that each of us has tried to put into words the feeling that rest in our hearts.

In my case, and I suspect in the case of many others, it is a feeling of futility when I try to say what SCOOP meant, not just to our country but to me, as a man and as a friend.

He and I came to the Senate at the same time and we were the last two of that class. In all of those years, almost 30, I had occasion to know him probably as well as anybody in the Chamber although, it was never a social friendship as much as it was a working friendship. We served on several committees together including the Interior Committee at one time, the Armed Services Committee for many, many years and the Intelligence Committee for several years. He and I have traveled, at different times, to parts of this world probably that no other Members of the Congress have visited. He gained a knowledge of the philosophy of communism and communism as it is practiced in the countries around this world that has destroyed the freedom of men and, he was never afraid to speak out to explain the terrible truth of this philosophy. He was never one to show any fear when it came to defending our country and our need to be strong. The words that he passed to us on the Armed Services Committee were always respected, and respected highly, because of the knowledge that was behind those words.

It is impossible for me to express completely the feelings I had for SCOOP. It is also impossible for me to relate completely what a great contribution his life was to our country and, indeed, to the people of the world. If we had more SCOOP JACKSONS scattered around, living in this world would be much safer and freer.

My heartfelt sympathy goes out to the family and, my thanks to the Lord above for having shared him with us for these many years.

Mrs. KASSEBAUM. Mr. President, I join my colleagues in a special tribute to Senate HENRY JACKSON. I can add little to what has already been said. In fact, none of our words can add much to the unique memorial that SCOOP JACKSON built for himself through his life, his work, and his service to the people of this Nation.

To find a true measure of his contributions, we must look not to words but to the life and spirit of the Nation. In his lifetime, and particularly during his years in the Senate, America rose to the status of world superpower and undisputed leader of what is properly called the free world. No one was more ardent than SCOOP JACKSON in protection of freedom around the world.

In those years, America moved steadily, if slowly at times, toward the founding promise of equality for all persons. Our economy flourished with a prosperity that lifted up millions of families. We became a nation that was committed to dignity for the elderly in retirement and to hope for the young in education and training for their future. We came, too, to an appreciation of the natural wealth of the Nation and the need to protect it from human excesses.

In short, we became a better nation. Not perfect by any means, but better. We became more sensitive to the

needs of individuals, to the power of Government for good or ill and to the interlocking relationships of the modern world.

In all of these changes, both subtle and sudden, there is the imprint of SCOOP JACKSON. But he would never want to be relegated to legend and folk mythology. He was no more saintly or perfect than the Nation and the people he loved. He knew that and it never worried him.

Perhaps that is the most powerful legacy that he leaves to us. He sought to serve, rather than to be served. He was an extraordinary public servant who never placed himself above those he served. I treasure the opportunity and privilege of having worked with him.

Dedicated and devoted, concise and conscientious, SCOOP JACKSON was a leader in every sense of the word. Never patronizing nor condescending, his leadership for the State of Washington and for the Nation was a straightforward commitment to both the principles and the people of America.

Mr. QUAYLE. Mr. President, I join with my colleagues in mourning the untimely death of Senator JACKSON. The loss of any colleague is bound to be an occasion for sadness. But when a fellow Senator of the stature of the Senator from Washington is taken from the scene, to that sadness is added an immense sense of loss.

As a member of the Committee on Armed Services, I had the pleasure of working with and learning from Senator JACKSON. And there was much to be learned. From his wealth of experience and wisdom he provided philosophical insights and political judgments that always kept the security of our Nation first and foremost.

When one considers the issue of arms control with which he was so closely associated, the contributions made by Senator JACKSON over the years loom like a giant oak in a field. And like a giant oak that has been felled, his absence from the arms control scene will most certainly be noticed. He leaves a void of experience and wise counsel that can never be filled.

As we mourn his passing, it is well that we recall his many achievements and ponder the various legacies he has left to us. Any review of his record on national security issues reveals a consistency of support for the security of this Nation that was never fazed by the antimilitary fads of post-Korea in the 1950's, Vietnam in the 1960's, détente in the 1970's, and the nuclear freeze today. His course was steady throughout, and his voice and vote equally steady.

Mr. President, that constancy of purpose is one legacy from the Senator from Washington we ought to cherish and emulate. I am confident he would want it so. To do less would diminish the immense contributions Senator JACKSON has made to this country throughout his illustrious career of public service.

Mr. HATCH. Mr. President, with the passing last week of Senator HENRY JACKSON, this Nation has lost one of its true patriots. A man who devoted his entire life to his country with a selflessness rarely seen. He will live on through the acts of goodness he has performed and in the hearts of those who cherish his memory.

We, in the Senate, from all parts of the political spectrum have praised Senator JACKSON since his death. To properly honor our late friend and colleague, we must rededicate ourselves to the strengthening of the defense of the United States. We must continue the fight that SCOOP had fought through his illustrious career.

The cold reality of the day is that deterrence of Soviet aggression is no longer assured. As I have heard SCOOP say time and time again, the Soviets are continuing to move farther ahead of the United States in every static and dynamic indicator of the strategic balance, and in every measure of relative strength in the critical areas of Central Europe, the Western Pacific, the Middle East and South Asia. Unless the adverse military trends of past years are reversed, and action taken to establish credible U.S. military presence in these regions, Soviet adventurism should be expected to increase, further impacting on vital United States and Western interests. SCOOP often perceived the future in terms of the past. Never in history has it happended that a nation achieved superiority in all significant weapons categories without seeking to translate it at some point into foreign policy benefit.

SCOOP is a personal friend. On a number of occasions he gave me personal advice on how to be a better Senator and how to serve my constituents better. He went out of his way for me. In the process, I gained inestimable respect and friendship for him. SCOOP was not only a giant in the Senate he was a true friend. There are so few people who rise to the highest levels of esteem among their colleagues. SCOOP accomplished this. I will miss him. My deepest and heartfelt sympathy are with his surviving wife and children.

It has been an honor to have served with SCOOP. I would like to offer the following prayer in memory of Senator HENRY "SCOOP" JACKSON:

A PRAYER FOR OUR COUNTRY

Grant us peace, Thy most precious gift, O Thou eternal source of peace. Bless our country that it may ever be a stronghold of peace and its advocate in the council of nations. May contentment reign within its borders, health and happiness within its homes. Strengthen the bonds of friendship and fellowship among the inhabitants of all lands. Plant virtue in every soul and may the love of Thy name hallow every heart. Praised be Thou, O Lord, giver of peace.

Mr. WEICKER. Mr. President, it was my extreme privilege to serve with Senator HENRY JACKSON during 13 of his 31 years in the Senate. And I can say from personal experience that a man more dedicated to public service never entered these doors.

Looking back over the course of his life, people marvel that the same SCOOP JACKSON who upbraided Joseph McCarthy and company for their red-baiting tactics also came down harder on the Soviet Union than most Members of this body, particularly where its emigration policies were concerned. But really, when you think about it, in both cases the same principle was at stake, that of individual liberty versus unreasoning official persecution. Principles were what SCOOP JACKSON paid allegiance to, not labels. At various times and on various issues, he was called a hawk, a liberal, a conservative, and a Communist. He refused to be hemmed in by any such characterization. "I don't worry about ideologies," he said.

What Senator JACKSON did worry about was striking a balance between all extremes, a balance that served the best interests of all Americans, and not just a special interest or two. When I came to the Energy and Natural Resources Committee in 1977, he had been its chairman for 15 years. He never ceased his search for the correct balance between conservation and development of our natural resources. He spearheaded the National Environmental Protection Act and when the 96th Congress came to be known as the energy Congress, it did so largely because of his leadership. He had a major hand in fashioning every bit of energy legislation now on the books. His hard work and devotion have benefited us all.

There are many more adjectives and anecdotes that could be used in a tribute to SCOOP JACKSON. But the surest testament to a man's greatness is the vacuum left by his passing. In SCOOP's case, that vacuum is felt not just by his family, to whom I extend my deep regrets, but also by his colleagues, his constituents, and the country as a whole. It will not soon be filled.

Mr. ANDREWS. Mr. President, for over 40 years, Senator HENRY M. JACKSON represented the citizens of Washington State in the House and Senate of the United States. However, his ability and stature were such that he was a national Senator in the truest sense of the word.

As far as I am concerned, SCOOP JACKSON represented all of America. He stood for the things that most of

us want from our elected Representatives: purpose, honesty, integrity, as well as social compassion, conservation of our natural resources, and a realistic view of our foreign policy and national defense obligations.

In addition, he was a consummate legislator, with an outstanding comprehension of the intricate workings of our National Government. He knew how to enact legislation and had a deep understanding of the major issues that come before this body.

While serving for many years as a Member of the House of Representatives, I was familiar with Senator JACKSON, and during the time I have been in the Senate, I have had the opportunity to know him well. He was a great Senator; one of the giants of the latter part of the 20th century. His loss diminishes this body, as well as our Nation. Therefore, I believe the best we can do is strive to emulate the tradition and memory he leaves us, of excellence in public service.

Mr. EAGLETON. Mr. President, SCOOP JACKSON had a long career in the Senate and, thus, one could give a long speech extolling his remarkable skills. But volumes of words really cannot add to a public record that speaks eloquently for itself.

I have served in the Senate for almost 15 years. Within that period of time and, hence, from my own experience, SCOOP JACKSON was most certainly the single most effective Member of the Senate. Whatever cause he espoused became a cause with which to reckon. When SCOOP JACKSON spoke, the Senate listened. When SCOOP JACKSON was for a particular amendment, that amendment took on added significance.

No one else in the Senate had his energy, his dedication, his sagacity, his prestige.

The dictionary defines the word "unique" as "being without a like or equal." That was SCOOP JACKSON.

Mr. ABDNOR. Mr. President, three characteristics stand out particularly in my memories of Senator HENRY JACKSON.

First of all, you always knew where he was coming from. He was straightforward in his dealings, never saying one thing to your face and another behind your back.

Second, he always took the time to talk, to learn, to consider the issues.

Third, if he agreed with you on a goal, he spared no effort to help you reach that goal.

These are characteristics I prize in any association; characteristics I have tried to follow throughout my life.

I will never forget the fact that the day I was sworn into the Senate, HENRY and Helen JACKSON took time from their busy schedule and stopped by my reception to wish me well. I am sure they had many many places to go, but they made time for a new Republican Senator from South Dakota.

SCOOP JACKSON and I agreed on many issues; we disagreed on others. But SCOOP JACKSON never hedged and you knew that before he made a judgment—even if you disagreed with that judgment—he had done his best to acquire all the facts. He always heard you out and rightly expected to receive the same consideration.

If he agreed with you on a goal, it did not matter if you were a Republican or a Democrat, he pledged headlong into helping you reach that goal. HENRY JACKSON helped me on any number of occasions with the same industry and enthusiasm he would muster for colleagues on his side of the aisle. It was the good of the country which remained uppermost of his goals, as it should be for all of us.

The Senate is diminished by the death of HENRY JACKSON, but he left all of us with a legacy of integrity, honor, industry, good will, and purpose which—if emulated—will make all of us better Senators.

We all will miss him, and the best tribute we can pay him is to follow his inspiring example.

Mr. PROXMIRE. Mr. President, it can be said of few Senators that their passing left a void that could not be filled. But it is no exaggeration to make that statement about my friend SCOOP JACKSON. He was just not another Senator, he was primus inter pares, first among equals in the Senate.

How do you measure the loss of one man? Consider what would not have happened without SCOOP JACKSON in the Senate. How much longer would the witch-hunting days of Joe McCarthy have gone on without SCOOP JACKSON's role in the Army-McCarthy hearings? How many more years would it have taken to achieve passage of the National Environmental Policy Act of 1969? Would we have an Environmental Protection Agency today?

Measured in human terms, there are hundreds of thousands of former Soviet Jews now residing around the world thanks to the efforts of Senator JACKSON and his 1974 Jackson-Vanik amendment to the trade bill. The Indian Education Act, the Alaskan Native Claims Act, the North Cascades and Redwood Park bills, all were products of his commitment to public service.

These achievements aside, we can only speculate about what future events would have been changed because of the prestige and wisdom SCOOP brought to the Senate. Perhaps that is our greatest loss—not having him here when we face the next international crisis, the next domestic problem area—that is when we will really miss him.

The Nation has too few individuals of SCOOP JACKSON's integrity and leadership that we can afford their loss. Too few. And new replacements are not born every year or every decade. That rare combination of good sense, legislative brilliance, and personal commitment is not found in normal circumstances.

In the 26 years I have served in the Senate I know of no Senator whom I respected more than SCOOP JACKSON. No one could disagree more vigorously or effectively than SCOOP without being disagreeable. I know that from longstanding personal experience. For 15 years I waged battle with SCOOP over the supersonic transport plane which he championed and I strongly opposed. Yet not once did I ever find that his commitment to the SST ever influenced our personal working relationship.

While we may have disagreed on issues such as the funding for certain military weapons, SCOOP was always fair, friendly, and straightforward. And when he was on your side you knew you had an ally as strong and influential as could be found. We all wanted SCOOP on our side in a fight.

It is impossible to say how history will treat any man or woman. But I suspect that there is more than a little room in the history books for HENRY JACKSON. A generation of Democrats call themselves Jackson Democrats patterned after his staunch commitment to our national defense and his equally strong vision of human rights, environmental protection, energy, labor, and consumer affairs. He had a distinct view of the world based on the belief that democracy must be defended vigilantly at home and abroad. That is why he was the champion of civil rights causes, of the labor movement, of the consumer and the environment. That is why he fought so tirelessly for preserving the rights of individuals against more powerful economic interests.

And perhaps that is why he felt so strongly about preserving the power and influence of the United States abroad—to guarantee that the average citizen here in the United States would continue to have the basic freedoms so often found wanting in other countries.

His was a constant commitment to the basic values of our society, the tenants of democracy, the protection of law, rights of the individual, and the old-fashioned American sense of fair play.

All Americans and those of us in the Senate could pay no higher tribute to SCOOP JACKSON than to adhere to his concept of how democracy works.

Mr. LAUTENBERG. Mr. President, it is difficult for all of us today to accept that our beloved friend and colleague, SCOOP JACKSON, will not be back amongst us again. I served with SCOOP for only a short time in the

Senate, but I knew him as a friend of many years.

I organized a function in New Jersey in 1970 on behalf of his senatorial campaign and was astounded at how many people felt a kinship with him and wanted to be of help. Among those who wanted to be included that night were the Panovs, internationally famous ballet dancers, who felt SCOOP JACKSON was the person most responsible for their freedom from the Soviet Union. Isaac Stern, world-renowned violinist, insisted on being there to honor SCOOP as well. This exceptional leader with his great human qualities, was respected and admired by all who came in contact with him.

He and I shared many common interests: Human rights for all oppressed people; emigration for the Jews of the Soviet Union; the security for Israel; and our party's credo to promote individual opportunity and ease the way for the disadvantaged. We worked together to address some of these issues.

When I came to the Senate at the beginning of this year, Mr. President, I instinctively looked to SCOOP JACKSON for advice and guidance. His response was immediate, his counsel wise, and his judgment correct as I look back over his recommendations. My respect for him as a private citizen and friend took on new dimensions when I joined him as a colleague. To me, he represented the ideal of the Senate. Mr. President, our Nation is immensely poorer for the loss of this great Senator and his absence here is marked as this fall session gets underway. There is a gloom and sadness that permeates these Halls. His long tenure provided continuity, perspective, and direction essential in the development of a complex society in a rapidly changing environment. His political wisdom over many years enabled him to influence the laws and policies so essential to our lives today. His contribution in the fields of energy, natural resources, environment, foreign policy, defense, matched perfectly his concern for the individual, civil rights, civil liberties, criminal justice, and programs to help all people strive toward newer horizons.

I express my profound sympathies to Helen, his devoted wife, and their two children, Ann Marie and Peter. I will remember always with pride that he was one of us, a great Senator, but more a great American and great human being. His example will serve as a permanent reminder to all of the standards of public service to which we must aspire.

Mr. GRASSLEY. Mr. President, Martin Luther once suggested that our spiritual mettle is truly tested in those situations brimming with controversy; those situations when the "crowd" is running like a herd away from their responsibilities. HENRY "SCOOP" JACKSON was not one to run away from difficult choices.

I was traveling when I heard the news of SCOOP's untimely passing. Typically, the first reports were sketchy and the slow construction of the story prolonged those first gnawing feelings of personal sadness and shock. Gradually I came to feel the full force of the loss of SCOOP JACKSON. He will be greatly missed in this body because of his skills as a legislator; skills tempered over 42 years in service to the U.S. Congress, 30 of those years being spent in the U.S. Senate. SCOOP JACKSON will also be missed because he carried with him a distinct "presence" which brought smiles to the faces of visiting children and urged laughter in the midst of all this seriousness that we often create in this city. How many times have we witnessed SCOOP's great ability to relax a harried tourist in the Halls of the Senate? We will cherish those moments when he ordered, so to speak, a vacationer to join him on a "Senators Only" elevator or subway. What delightful surprise he often created.

Think for a moment about the trust SCOOP has left us. What was the motivation that energized him? What gave him the fearlessness to speak out against totalitarianism? Why would SCOOP JACKSON consistently call us back to realism regarding the Soviet Union? What principle supports the Jackson-Vanik amendment, which prohibited most-favored-nation status for countries that restrict emigration? SCOOP JACKSON was a dynamic spokesman for realism in defense and foreign affairs, not because he was coldly bellicose and insensitive to the delicate tensions of the world situation. Far from it. He valued principled action in this body because he possessed a profound regard for human rights in the international community.

When we contemplate the work of HENRY "SCOOP" JACKSON in the future each of us will remember favorite traits: his wit, charm, intelligence, and perserverence. Others outside this body will doubtless recall his service to the Nation, his principled stands on issues, and his sensitivity to those with whom he disagreed. Beyond those memories stands one special trait for which SCOOP will be remembered by a very special group of people. He will always be remembered as a tireless and fearless advocate for dissidents in the Soviet bloc. There are people in the West today, emigrants who suffered great cruelties behind the Iron Curtain, whose exodus can be tracted to the energies of HENRY "SCOOP" JACKSON. "No greater love has any man than to lay down his life for another." For decades SCOOP JACKSON laid down his energies, his talents, his time, his health, and his hope for a group of people which was dispossessed. Their lives are our trust.

Mr. BURDICK. Mr. President, Senator JACKSON was a good friend of mine for over 24 years. I met him for the first time at my predecessor's funeral, Senator Langer, in 1959. That was the beginning of a long and close working relationship that lasted until the time of his death.

I served with Senator JACKSON on the Senate Interior Committee for many years. There he gave his strong support for North Dakota's Garrison project. The people of my State will never forget his hard work in getting Garrison authorized. He was an effective and able legislator.

SCOOP's death is a great loss to all of us. The Nation will miss him. And, I will miss him, both on the Senate floor, and, if I may say so, in the Senate gym, where we spent more than a few pleasant hours together.

My family, my staff, and I send our heartfelt sympathy to Helen, the children, and SCOOP's family. I know that they must be very proud of the brilliant legacy he leaves behind. But, most of all, they can be proud of SCOOP JACKSON—a wonderful husband, a good father, and a fine friend.

Mr. GARN. Mr. President, I join my colleagues today in paying tribute to one of the finest, most exemplary Members of this body.

SCOOP JACKSON was more than a colleague. He was a valued friend, a vigorous partner in the causes we shared, and a brilliant and effective opponent in those on which we differed. He was always a gentleman, a man of integrity and one of those Members of the Senate who represent what is most praiseworthy about our system of government.

Forty-four years of service in the Halls of Congress placed SCOOP among the most experienced and knowledgeable Members of the Senate. His judgment was valued and his advice sought by many of us on both sides of the aisle. His death creates a great and permanent void, for he is irreplaceable.

All of us in this Chamber know the burdens of this office to which we were elected. We know the demands of dealing with issues in a sometimes cumbersome, tedious process, and we experience the weight of making decisions that affect, in a direct way, the lives of our fellow citizens, and in some cases, the lives of people throughout the world. One of the things that make all of this worthwhile and even enjoyable is the sense of collegiality we share together as participants in this great democratic process and in this body. Whatever our differences, either in style or in substance, we have a common bond that transcends partisan or philosophical differences. Some observers call it a club; others call it a clique. I consider it to be the natural result of the work we do together in

this body, and I believe it helps provide the glue that keeps us together as a governing body despite the occasionally intense disputes we might have over given issues. SCOOP JACKSON was one who best represented that spirit of comraderie and collegiality, and has contributed to the legacy of the Senate in a real and very personal way because of that. We have lost one of our own. We experience a sense of loss that perhaps only we can fully understand. And we are uniquely saddened, in that sense, by his absence from our midst.

For the past 2 years I have had the added opportunity of serving with SCOOP as a member of the Board of Regents of the Smithsonian Institution. In that capacity, we worked closely on a number of issues dealing with the Smithsonian's role as the curator of the Nation's heritage. I saw, through that association with SCOOP beyond the Senate steps, further evidence of his tireless commitment to public service and constant willingness to give his time and energies unselfishly in the public interest. History will judge SCOOP JACKSON to be among the giants of statesmanship, and a man who affected in a positive way the lives of every person he touched. I will miss him greatly and extend again my sympathies to his wife, Helen, and their two children.

Mrs. HAWKINS. Mr. President, I mourn the passing of a fine and noble man, Senator HENRY M. JACKSON. At no other time in this country have we been in such a great need of HENRY'S unique combination of qualities that made him such a successful and influential Senator and popular man, as well as "Father of the Year." HENRY "SCOOP" JACKSON was tough on issues that needed a strong hand, such as foreign policy and national security, but remained sympathetic and understanding on sensitive domestic matters.

Senator JACKSON was a great man, in part because he had the courage to cross party and ideological lines to do what he felt was right. He was tremendously popular, especially with his Washington constituents, and served in Congress more than 42 years, including 30 in the Senate. Whether you remember him as a staunch supporter of a strong national defense policy, when it was not popular, or the author of the Environmental Protection Act, you will remember him as a man of deep and firm conviction and passionate loyalty to protecting his country.

Mr. President, like the ancient philosopher, we here in the Senate always have our lanterns out, searching for an honest man. Well, we found one in Senator JACKSON, and when we lost him, we lost one of the brightest lights our country has ever seen. I and all my colleagues will miss him in this Chamber.

IN MEMORY OF SENATOR HENRY "SCOOP" JACKSON

Mr. ROTH. Mr. President, it is with great sadness and a deep sense of respect and honor that I rise to memorialize the senior Senator from Washington, the Honorable HENRY M. JACKSON. SCOOP was a dominant figure on the national landscape and a leading statesman in world affairs, who served his beloved home State for almost 45 years. Through all his years in Congress, first in the House, then in the Senate, SCOOP was firm in his views—a social liberal on most domestic issues, an uncompromising adversary of the Soviet Union on many foreign policy issues, a great friend of Israel, and a man who viewed the protection of our Nation's values through a strong defense as critically important.

Senator JACKSON was not a man to seek recognition for his work and if he were here today, I am certain that he would have preferred to have his record speak for itself. It is well that we remind ourselves, however, of the great accomplishments and above all of the commitment of SCOOP to public service. I have rarely seen, in my years in Congress, such a genuine outpouring of sadness and respect expressed by so many at the passing of a well-known public official as I have in the case of HENRY M. JACKSON.

Mr. President, SCOOP had so many talents and was such a respected figure in the Senate that it would be easy to talk at length about his accomplishments. You could run a minifilibuster just listing SCOOP'S interests and the high points of his public career. As chairman of the Committee on Governmental Affairs, however, I would like to take just a moment to highlight some of the important roles Senator JACKSON had as a member of my committee.

SCOOP was appointed to the Government Operations Committee, the predecessor to the Governmental Affairs Committee, on January 13, 1953. He was assigned to Senator Joseph P. McCarthy's Permanent Investigations Subcommittee. SCOOP was an active participant in the hearings the subcommittee held on Communist subversion of Government officials. Eventually he began to question the far-reaching allegations of Communist influence in the State Department and the Armed Forces. His methodical questioning helped lead to the eventual ending of the McCarthy hearings.

Senator JACKSON was an active participant in the Governmental Affairs Committee's hearings and legislative activities over the years. He was vitally interested in national defense matters and his efforts, in large measure, prompted the creation of the National Security Staffing and Operations Subcommittee in 1962. The subcommittee, under Senator JACKSON'S leadership, conducted one of the most comprehensive series of oversight hearings ever held on the national security operations of the U.S. Government. In later years, this subcommittee investigated and reported to the Senate on numerous national security and defense matters including the Atlantic Alliance, the Warsaw Pact and its role in Soviet bloc affairs, and staffing problems in the U.S. State Department. In all of these matters, SCOOP'S leadership was evident.

Senator JACKSON was always interested in the Government reorganization proposals which came before the Governmental Affairs Committee. He was actively involved in the efforts to create a Department of Transportation in the mid-1960's and took a leadership role in developing several compromises which led to the enactment of legislation to create the new department. He was one of the Members who fought hard to insure that the National Transportation Safety Board would be an independent part of the Department so it would be free to conduct unbiased investigations of safety violations and air and rail crashes. His expertise contributed substantially to the passage of the Energy Reorganization Act in 1977 and his interest in energy matters continued on the committee in its reviews of nuclear proliferation problems and energy shortages.

While he was always interested and involved in the work of our committee, he seldom made his views known in a flashy or pretentious way. He was so respected that he was able to help develop compromises which insured the passage of important legislation. Members on both sides of the aisle depended on him for advice and listened with respect to his views.

Mr. President, I think I can speak for the entire committee when I say that we will sorely miss SCOOP JACKSON as a Member not only of the Senate but also of the Governmental Affairs Committee. Committees are truly the workhorses of the Senate and his devotion to our committee and his long service have added immeasurably to its ability to fulfill the oversight and legislative duties entrusted to it. The importance of the Senate to the character of our Republic has been built upon traditions formed by countless Senators over the decades. In his almost 45 years, SCOOP has had a big part in forming those traditions. My sincerest condolences go out to his wife, Helen, and his two children, Anna Marie and Peter.

Mr. PELL. Mr. President, the sudden death of our friend, Senator HENRY M. JACKSON, has removed one of this Nation's strongest and most effective voices for freedom and compassionate government. I had the privilege of serving with Senator JACKSON for nearly 23 of his 30 years in the Senate,

and knew him as a man of boundless imagination and energy, strong principle, and great vision for the future of his country. Within the Senate, he had earned the respect and admiration of all who served with him, and was truly one of the Senate's greatest internal leaders. The Senate as an institution cannot replace a man such as Senator JACKSON, and I know that all who serve here now will keenly feel his loss for years to come.

We were friends, too, before either he or I were Senators as we used to play touch football with the Kennedy brothers at Volta Place, Georgetown.

Senator JACKSON was best known for his advocacy of a strong American defense policy. While he and I sometimes differed on the most effective means of achieving this goal, there was no doubt in my mind that SCOOP JACKSON was singularly knowledgeable on defense issues, and his towering mastery of this area was borne out time and time again during the Senate's consideration of defense bills. Clearly Senator JACKSON favored a strong America, but his vision was one that emphasized the strength of our people and of our economy as much as our military strength. Few national leaders over the past 30 years understood as well as Senator JACKSON that a nation adequately armed, with full employment, and a healthy, well-educated people is best able to withstand the challenges from outside.

Senator JACKSON's legislative legacy clearly reflects his vision of a strong America. As chairman of the Senate Interior Committee during the 1970's, he developed what was really the first environmental agenda for the country. He was the main force behind the 1969 National Environmental Policy Act, one of the first symbols of the Government's awareness of the need for environmental protection. He used his powerful chairmanship to work for legislation regulating land use and strip mining, and creating parks and wilderness areas. Much of the progress that has taken place in the environmental field can be directly attributable to SCOOP JACKSON's personal involvement with key legislation coming out of his Interior Committee.

National energy policy is another major area which required strong leadership and vision over the past decade, and Senator JACKSON was a driving force behind congressional policy in this area. As a 30-year member of the Joint Atomic Energy Committee and later as a ranking Democrat on the Energy and Natural Resources Committee, SCOOP JACKSON was a principal figure in the emergence of a national energy policy as well as the architect of major legislation in this area.

SCOOP JACKSON was also a great friend of the working men and women in this country. He, himself, worked for his education and for his hard-won place in Washington State politics, and the people of his State perceived that he had remained close to their needs and values. That humility and interest in other people helped account for the fact that SCOOP JACKSON became the greatest votegetter in his State. Over the course of 12 congressional elections, 6 for the House and 6 more for the Senate, he failed to win at least 55 percent of the vote on just one occasion.

The loss of his 30 years of experience in this body is a great blow to the people of Washington, and one that affects me deeply. From the time I came here in 1961, SCOOP JACKSON offered his counsel and warm friendship. We joined forces on many legislative measures of great importance, and always his leadership and advice were irreplaceable. My wife Nuala joins me in extending our most heartfelt condolences to his widow, Helen, and to his children, Anna Marie and Peter. I know that they will find solace in this time of immeasurable grief from all that HENRY JACKSON did for his country.

Mr. STEVENS. Mr. President, the United States and the world has lost a friend with the death of Senator SCOOP JACKSON. His was the voice of reason and leadership in the area of foreign policy and international relations. Throughout his career, Senator JACKSON strived to know the facts and thoroughly understand the world situation. Over the years he provided a steady, wise leadership in foreign policy for Democrats and Republicans alike. In addition, throughout his career, SCOOP earned international respect and affection.

One of the outstanding qualities of SCOOP JACKSON was his foresight and openmindedness. This was his fourth official visit to China to talk to the top Chinese leadership in Beijing. On Saturday, August 27, 1983, Senator JACKSON held what was to be his last press conference on foreign soil. From the U.S. Embassy in Beijing, China, SCOOP left us with his impressions of his last visit to China.

I recommend to my colleagues that they read carefully, Senator JACKSON's main findings from his visit. Therefore, I ask unanimous consent that the text of the press conference held by Senator JACKSON in Beijing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESS CONFERENCE: SENATOR HENRY M. JACKSON—SATURDAY, AUGUST 27, 1983, U.S. EMBASSY, BEIJING, CHINA

Senator JACKSON: I have had over twenty hours of discussion with Chinese leaders in Beijing and the Northeast. I have visited several communes, factories, including the large Daqing complex in the Northeast. This is my fourth trip; 1974, 1978, and 1979.

I brought with me on this visit a special letter from President Reagan to Chairman Deng Xiaoping which conveys the importance which the President attaches to Sino-American relations.

Here are my five major impressions from this two-week visit:

My major finding is that both sides must intensify their consultations, both on matters of common strategic concern and at the bilateral level as well. A good deal of misunderstanding exists on both sides at present and both sides could pay more attention to the rhetoric about each other. The opportunity is now present to expand our relations. I believe we have weathered a very difficult period, but to seize the opportunities before us requires much more frequent discussions on such issues as arms reductions, the strategic triangle, NATO, the Middle East, Africa, and Southeast Asia and Taiwan.

A second observation: the underlying factors which brought our two countries together remain in place. We have an interest in a strong secure independent China which contributes to the peace of the Asia-Pacific region. China now plays an important role in maintaining a global balance of power. China retains an interest in expanding Sino-American relations as a counterbalance against the Soviet Union and as a source of technology.

A third observation: the Taiwan issue continues to complicate our relations with China. The leaders of the People's Republic attach great importance to the reunification of China and their feelings on this issue, in my judgment, should not be underestimated. It is important that both sides fully implement the August 17 communiqué.

Fourth comment: I am impressed by the internal changes in China over the past four years. The policies of Chairman Deng and his associates are having a dramatic effect on the economy and I sense an increasing openness to the outside world.

A final observation: our bilateral relations are at an important stage. President Reagan has made several major decisions to improve relations with China and he is now committed to a one-China policy. The visits of Secretary Weinberger and Foreign Minister Wu, if well planned, can advance our common interests. That concludes my statement. Questions?

QUESTION. In addition to the arms sales to Taiwan issue, what other issues did Minister Deng mention are thorns in our relationship?

Senator JACKSON. I believe that the two major immediate issues are indeed Taiwan and the question of the details on technology transfer. As you know, they are yet to be worked out in depth. However, we have made that strategic decision of going from P to V, meaning that the People's Republic is now in the friendly category as contrasted with the previous rules and regulations. There are other issues, but those are the two big ones as I see it.

I was especially pleased with the Chairman's view of the world and I think—as it relates to the strategic side—I have not detected any change since I talked with him in 1979 on those fundamental points that relate to the strategic balance.

QUESTION. You said in your statement that President Reagan is now committed to a one-China policy. What specifically made you say that?

Senator JACKSON. I was very disturbed when the new administration came to office. I was concerned because the President had made certain statements during the course of the 1980 election. We know, historically speaking, that when Presidents assume au-

thority they have an unusual ability to adjust to reality. I should say that the President has come a long way and I have made this clear to the leaders that in my judgment the President is committed to a one-China policy.

I have talked with Chairman Deng about the letter, which I regret cannot be made public, at least at this time. It expresses a feeling of warmth toward China that the new China News Agency referred to as being pleasing. But the President and his Secretaries of State and Defense are now in agreement, I believe, on Taiwan.

Speaking personally, I want to expedite the ending of the arms sales so that we can at some point indicate when that will come, both from a quantitative and a qualitative standpoint. I want to emphasize that in my view the August 17 communiqué is a long step forward that corroborates what I have just said in terms of a change of policy toward China.

QUESTION. In your discussion about the strategic view, did the question of the Sino-Soviet talks or the forthcoming visit here by a Soviet Deputy Foreign Minister come up? How was it handled?

Senator JACKSON. I did not, or we did not get into any specific situations. But let me state in general terms what I see the current situation to be. For some time now the United States and the People's Republic have certain interests that are parallel. Those interests include a strong and independent China. They include a strong NATO. They, the government, support those two fundamental concepts. The Chinese contribution is enormous because the Soviets have a very large force along their border with China. This ties up a large force that would otherwise be deployed elsewhere in the world. On the strategic side, I see a cooperative American and Chinese adherence to the concept that is as old as time, and that's the doctrine of the balance of power. I see no change in those fundamentals.

Now, you may have problems where we disagree, Middle East, Africa to name some. And I want to emphasize, too, that I expect that there will be an ongoing expression of differences from time to time. But I want those differences to address collateral issues and not strategic issues in which the peace of the world rests in the balance.

QUESTION. Senator, the members of the House Armed Services Committee were here last week, you're here this week, are these visits in any way related to Weinberger's trip here? Do you anticipate that when he comes here there will be discussions initiated by either side about U.S. arms sales to China, either arms or military technology? Thirdly, what would be the congressional reaction to such sales?

Senator JACKSON. May I say that my visit is not related in any manner, shape or form to the Secretary of Defense visit.

I do believe that Secretary Weinberger's visit is an important one, and I believe a number of useful things can be addressed, especially some of the problems in more detail as pertaining to technology transfer, because technology transfer as you know, is a many-sided issue in which both military application and commercial application can be involved with a given transfer. But I do believe that his visit is important and I think there are opportunities for both countries to exchange ideas. But I wouldn't want to go beyond that because the Secretary will be here the latter part of September.

QUESTION. What will be the congressional reaction to a Reagan Administration initiative to start pumping a large-scale military-related technology into China?

Senator JACKSON. I don't see that happening. I think it's a "suppositious" case, an iffy case.

QUESTION. Did the question of trade come up? Sino-U.S. trade has dropped sharply in the last four or five months. Did Deng say anything about China buying more or wanting to export more to the U.S.?

Senator JACKSON. We do have an issue on the trade side dealing with wheat and corn. Namely, China is committed to purchase this year six million tons and thus far they have only purchased 2.6 million tons of wheat and corn. I am certain, or at least hopeful, that they will adhere to that agreement, and I am hopeful that they will move expeditiously to honor that agreement. Failure to do so could cause new tensions and new problems with the United States.

We are delighted, of course, and we saw evidence, that they are having bumper crops. But that means they will have more cash to buy other things—while I don't want to get parochial about my own state—maybe, airplanes. And they have a very nice balance of payment situation. I think that up until July, China has over 12 billion reserve in foreign currencies. By the end of the year, this reserve is going to be 18 billion. That reserve is not going to last indefinitely, as they inevitably must increase their purchases abroad. They are going to run deficits if they are really investing in new capital, new plant, new equipment.

QUESTION. Did you get the impression that the Chinese believe that Reagan is pursuing a one-China policy or do they still have their doubts?

Senator JACKSON. I can't answer that question adequately. I believe the people that I talked to place substantial credence in that commitment. I pointed out that I am the opposite political party to Mr. Reagan, I didn't campaign for him, my candidate lost but I made the point that a bipartisan American foreign policy is absolutely vital to an American President. I believe that President Reagan is committed to that doctrine.

I have been in Congress long enough to know that an American President cannot be effective in this troubled world unless he can elicit the support across the political aisle. That has been my position since the days of Roosevelt, Truman and on down, every American President from both political parties since the 1940's. I have made and emphasized that point with the Chinese leaders and they seemed to respond in a pleased fashion.

QUESTION. Senator, were you asked specifically what the present congressional sentiment was toward the Taiwan Relations Act?

Senator JACKSON. Well, the source of the Taiwan Relations Act is a fact that the nationalists were allies of the United States for a very long period of time, and there continues to this day a residual feeling of support for Taiwan. Americans can be contradictory, you know. On the other hand they say obviously there can only be one China and that policy was established in the Shanghai Communiqué of 1972 when Mr. Nixon was President. I think there is torn feelings about a commitment that we made a long time ago when the problem was in the minds of many a bit more simple.

My own personal judgment is that the Congress is moving realistically towards a one-China policy and that means that the two, Taiwan and China, can be reunified peaceably. The strong feelings of the Chennault era, the old China lobby, I see declining very rapidly. But the sentiment toward Taiwan is part of our, I guess, puritan ethic and that is that we made a commitment. Yet we are the only nation to my knowledge that has any kind of an ambiguous relationship—not in a juridical sense—set up in a way in which no one knows what it means. Sometimes you try and do it that way.

I think the critical thing is that Taiwan is going to exacerbate our relations until we can reach the point where there will be indeed a final resolution on the sale of arms qualitatively and quantitatively. That process is now under way and the August 17 communiqué, of which the Administration is a part, makes it very clear that there has to be an ending. As I say, we are going to have to expedite that ending and Chairman Deng's interview with Professor Yang is rather revealing and it is certainly an indication how far the People's Republic has been willing to go to reach an accord.

I believe it can be done. China is not interested in beating Taiwan and it is already beginning to become a Hong Kong any way in terms of trade with the mainland. To China this is an indication of how the market system is working.

QUESTION. Did any question of Hong Kong come up?

Senator JACKSON. No.

QUESTION. In terms of reunification?

Senator JACKSON. No, it did not.

QUESTION. What are the prospects for Premier Zhao going to the United States and the President coming to China?

Senator JACKSON. Well, I think it's very important that the Premier come to the United States after, of course, the visit of the Foreign Minister which is scheduled in October. It is my personal judgment, and I underline personal judgment, that things are improving for that visit and some time after the first of the year, hopefully, the Premier will be reciprocated by the President of the United States. It is important for our relations with one another, but I detected no hostility on that visit and on the other hand I detected an openness and a sense of warmth about what might happen from such a visit.

QUESTION. Do you think then that Premier Zhao will be going this calendar year?

Senator JACKSON. I would hope so. I think it would not be the wisest thing for the President to come over here right in the middle of an election. That's my personal opinion because then the charge will be that he's over here in order to aid his own reelection efforts, and I feel the wise course would be for the Premier to be able to visit the United States sometime in November or December. I would like to see that personally and right now I think things are moving, no decision made, but the movement is favorable.

QUESTION. Would that help the President's reelection?

Senator JACKSON. Well, my recollection of Presidential history which is not necessarily (laughter) ancient, is that you never lose votes; you have a chance of gaining votes when you are dealing especially on issues that affect the peace of the world.

The President, I would assume, and I can't speak for him obviously, would like to come to China on the one hand as we enter into arms agreement on the other with the Soviets. I think the chances of an arms agreement have improved but we have a long way to go. Several weeks ago, I emphasized that I would insist that any SS 20's taken out of Western Europe not be placed adjacent to

China because that would put China in a difficult spot. I was pleased that there is some movement in that direction on the part of Mr. Andropov's statement.

QUESTION. Did you discuss this with Mister Deng?

Senator JACKSON. I would rather not get into that area. I am not sure that the Chinese view Mr. Andropov's statement in a totally favorable light. They are interested in it but there could be some catches in it.

QUESTION. I certainly share your view about SS 20's being moved to Eastern Europe. That must have come up.

Senator JACKSON. They were very pleased with the position that I had taken before Andropov's statement. We do have interests that are parallel and an attempt to simply move the threat out of Europe and into Asia pointed at China would violate that fundamental concept of parallelism. I believe that this Administration would not be a party to that. I can only convey to you my own views and I personally will take a very strong position on it. That would upset the balance that we have so carefully crafted here between China and the United States that goes to the peace of the world.

QUESTION. Did you get a feeling from Mr. Deng or anyone else that you talked to or did they say outright that they are suspicious about whether or not for political reasons Reagan might be anxious to reach an arms control agreement?

Senator JACKSON. No. No comment on that at all by any of them. They may have their views but we didn't discuss it.

QUESTION. Did they discuss the U.S. pressure on Japan to increase its military spending?

Senator JACKSON. No. But over the years a strong and independent Japan has been part of that balance and I assume that that continues to be the policy because there has been no change in the fundamental elements of the strategic balance as viewed by the Chinese. Japan is a very important part of the balance in the Far East.

QUESTION. You think the Chinese feel that?

Senator JACKSON. Yes, I think they do. Now you get into a degree of strengthening Japan, but I think they realize that they are exposed in the Northeast and one of the conscious views that I came away with from the Northeast is that here is an area that is the industrial heartbeat of China. It is hard to believe that they produce eighty percent of all the lumber that is produced, over half of the oil that is produced. They produce a huge amount of light metals, aluminum and so on—a long list of industrial products that are vital to the security of the area. They are conscious of the history of that area, that Vladivostok until 1856 was indeed a part of China and that whole area was a part of China.

I have noted a special concern, not overtly, but when you ask probing questions. The Northeast is an area that is rich in industrial goods and raw materials that is important for the long haul.

If you don't mind I have really just about come to the end. My voice is going but I don't want to cut anyone off.

QUESTION. The Chinese have said that the latest arms sales to Taiwan violated the August communique. Did they bring up that point with you? And what do you sense is the mood in Congress, do you think they will agree to decrease arms substantially in the next few years?

Senator JACKSON. It's not my impression, at least to me, that they have said it violates the August 17 communiqué. The Chinese want to see this thing, the supplying of arms, quantitatively and qualitatively, coming to an end, and they are wondering whether that communiqué is going to be implemented fully. But they support the communiqué; and that Taiwan issue, I want to emphasize, is a pervasive issue as far as Chinese officialdom is concerned.

QUESTION. You mentioned about some hitches being involved in the Andropov statement.

Senator JACKSON. I don't want to go into the specifics on it. But I detect that the Chinese have reservations about the meaning of it. It is not one of those cure-alls for their problems with the Soviet Union by any means. I think it would be wrong to assume that this statement or the forthcoming visit by the Soviet Vice Foreign Minister are some new dramatic moves on the part of the Soviets that would change relations between the Soviet Union and China. That would be a mistaken interpretation, in my personal judgment.

QUESTION. How long did your meeting last and can you tell us anything about the Chairman's health?

Senator JACKSON. Our visit lasted about two hours and ten minutes. He has a marvelous sense of humor. I was kidding him about his smoking. He is 79 and I explained to him that I quit smoking when I was 12 and he thinks smoking is all right, if it's in the hands of the right person. My friend, Senator JESSE HELMS, might change his attitude if he learns that the great leader of China supports cigarette smoking. He ought to try to get a testimonial.

But the Chairman, from everything I can see, appears to be in good health. I'm 71 and I hope I'm in that good shape at 79. That is the only way I can answer that. I mean he is sharp and can maintain a sense of humor. I think that means longevity of service to his native country.

QUESTION. Did he suggest in any way that he would like to give up his reigning position and fully retire soon?

Senator JACKSON. I must say I detected no evidence of any desire to retire. That has been bantered around a lot. I invited him to stay at my house in Everett, Washington when he comes over and he is taking that under advisement. Thank you very much.

Mr. DECONCINI. Mr. President, it is with deep sorrow that I rise today to join with my colleagues in paying tribute to my close friend, the distinguished senior Senator from the great State of Washington, Senator HENRY M. "SCOOP" JACKSON. HENRY JACKSON has ably served his State and the Nation for nearly half a century. He was first elected to the U.S. House of Representatives in 1941, where he gained a reputation as a leader who was vitally concerned with the well-being of the public that he served. After serving the people of Washington for 11 years in the House, they elected SCOOP to the U.S. Senate where he worked effectively for the good of his State and all of the country.

The Senate has been diminished by the loss of one of its greatest Members. Senator JACKSON, through his many years here, had in a sense become the essence and the soul of the Senate.

I first met HENRY JACKSON when I was a young precinct committeeman and he was a U.S. Senator and the chairman of the National Democratic Party. I admired him then. As the years passed by and I became more nearly his equal, I got to know him much better, and I admired him even more. I got to know what a kind, considerate, effective, hard working, competent person he was, how you could always turn to him for help; and, how, because of his patience and understanding, he was always there to assist you whenever he could.

During all of these years, HENRY JACKSON had many friends in Arizona and many strong supporters—people like Chuck Ducey, who was his campaign manager in Arizona in the 1976 Presidential campaign, and Jack and Irene Sarver, who became strong supporters of his. Arizona, like other parts of the country, provided HENRY JACKSON with a legion of believers, because he was the kind of man who inspired that type of following, not only in his home State of Washington, but in diverse States like Arizona, and throughout the country.

There have been many eloquent editorials and articles written about HENRY JACKSON since his death; and I believe the intensity of those articles demonstrates how liked and admired he was by his colleagues, by the press, and by most people that he came in contact with. The better you knew him, the more you were convinced that he had the essence of greatness, the qualities that make men stand out among their peers, that make certain Senators stand out in the total Senate.

He was not President, although he was more able than many who were. He was in fact the model of what a Senator should be. Through the years, he helped me, as he helped the entire Senate and the entire country in areas of defense, in areas of foreign policy and in areas of reclamation and water policy. We worked closely on many projects. He was never to busy to help.

HENRY JACKSON was not a vain man; he was not a prima donna who demanded attention. He was not a man of form without substance. He was, in fact, a plain man with extraordinary abilities. He was a patriotic, hard-working, solid, competent American, who put service to his country ahead of most other things in an unassuming manner, and therein lies his greatness.

My wife, Susie, joins me in extending our sincerest condolences to his beloved wife, Helen, his two children, Anna Marie and Peter, and other family members during this time of bereavement. We know that they are comforted by the knowledge that SCOOP JACKSON did his best to serve his God, his country, and his fellow man.

I will miss him. He will be sorely missed in the Senate, but his accomplishments will live on.

Mr. MELCHER. Mr. President. Senator HENRY (SCOOP) JACKSON'S death has left a void in the leadership for his State of Washington, the Northwest, the Nation, and the world.

Our loss in the Senate of his great contributions, sage advice, and friendly guidance cannot be replaced.

Many have noted the unique accomplishments of SCOOP JACKSON in the areas of human rights, national security, conservation, and advancement of technology. For my part, I must add my experience with him as a confirmed advocate—in fact—a dedicated mentor that the country's greatness derived from the strength of the American people, the strength of American resources, technology, science, energy, and industry, tempered with thoughtful understanding and compassion for people endowed with loss.

On that SCOOP based his assessment of our Government's actions for our own people and with others throughout the world. I salute that astute judgment and fairness of our departed colleague, Senator HENRY JACKSON.

I shall add that those of us from the Northwest were proud of the Jackson leadership on issues particularly affecting us. We have lost a man truly a product of the dynamic Northwest.

At Everett, on the day of his funeral, I expressed my sympathy to Helen Jackson and their daughter Anna Marie and son Peter.

Now I wish I had also expressed to them my gratitude for the personal advice and guidance that SCOOP had provided to me. He was generous of his time in helping so many of us.

I do now express my personal thanks and gratefulness for the ready and willing help I have received from our fallen leader.

Farewell, friend and teacher.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Chair.

Mr. President, the sudden death of Senator JACKSON has brought countless eulogies from colleagues, friends, and admirers. Many of these statements were presented with an eloquence I will not pretend to match. But I would still like to share with my colleagues my feelings about this most extraordinary man.

Senator HENRY JACKSON was elected to Congress the year I was born. From the time I became a student of government, I recognized Senator JACKSON as one of those leaders destined for greatness. By the time I first reached the Senate, his reputation as a leader was unchallenged.

From my early days as one of his colleagues on the Armed Services Committee, I looked to him for his wisdom and advice. And although there were times we found ourselves on opposite sides of an issue, I considered him a mentor during those early days, and constantly went to him for counsel on matters involving the security of our country, in matters involving energy, in matters involving the environment.

Senator JACKSON was a man of conviction. He was invulnerable to the ebb and flow of the political tides. Unwavering consistency was perhaps his greatest strength.

Mr. President, a little earlier, Senator BAUCUS and others shared personal vignettes involving Senator JACKSON with us. With my colleagues indulgence, I would like to comment on a couple of my personal experiences with Senator JACKSON that reflect the type of person he was.

When I was first elected in 1974, I was destined to have the least seniority in the U.S. Senate. Yet I recall on election night, when the returns started coming in, the first telephone call I received from outside the State of Vermont was from Senator HENRY JACKSON. He called offering congratulations and he called offering whatever help I might need when I got down to Washington.

I recall it very well, because a photograph I cherish and have in my home in Vermont shows me sitting in the wreckage of the campaign headquarters that night laughing and smiling on the phone. The person on the other end of the line was Senator JACKSON.

I recall he also talked with my parents at that time. During the last 9 years my parents have visited me here in Washington, Senator JACKSON was one of the people who would always see them in the halls and stop and talk. He would take my parents aside and tell them how well I was doing here, and somehow try to convince them that the future of the Nation rested on my abilities. Now we all know that is far from true, but Senator JACKSON had such a towering reputation, and was so well trusted that even my parents would believe those things coming from him. It was a mark of him not only as a colleague but as a parent himself to take time for that.

I also recall during my first few weeks here when he asked me about my two young sons. He asked why I did not bring them down to the Senate gym. I told him I assumed the rules were such that we could not. He said, "No; I bring my son down there on Saturday mornings. Meet me here at 10 o'clock next Saturday with your boys and we will go to the Senate gym together." At the time, being as new as I was, I would approach that place with a certain amount of trepidation even by myself. With him leading the way, however, I was able to bring my own sons there and enjoy many, many father-son times that I never would have been able to except for the intercession, the kindness, and the concern of SCOOP JACKSON.

I have lost a friend and a trusted confidant. The loss suffered by his wonderful wife, Helen, and his children, Peter and Anna Marie, is even greater. They lost not a national figure, they lost a husband, a father, and a wonderful human being. To our Nation, the loss of this man of courage and conviction is incalculable. He was a man who was able to reach the center; to bring the right and the left together in this body to refocus our attention and our debate so many times when it was needed.

So I join with my colleagues in expressing my sorrow and my sense of loss for a great man.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAWKINS). The Senator from Minnesota.

Mr. BOSCHWITZ. Madam President, I also rise to speak in honor of and to eulogize my good friend SCOOP JACKSON. We can all learn a lesson from SCOOP in 1970. In 1970, because of his viewpoints on defense and Vietnam, SCOOP JACKSON was not endorsed by his State party as he sought reelection. He thought it was wise not to seek the endorsement at the State convention because there would be such an uproar and there would be so much contention. He and his colleague, Warren Magnuson, thought it would be best not to seek the endorsement of his own party that time.

But he was true to his beliefs, and he was always true and very constant in his beliefs, so in 1970, despite the uproar, despite the fact that he did not have the endorsement of his party, he won by 83.9 percent of the vote, perhaps as high a record as has ever been achieved in a contested election to the U.S. Senate. It was an enormous victory. It was a victory not only for SCOOP JACKSON but also for the idea that constancy and sticking to principle is an important aspect of our lives and certainly was one of the leading foundations of SCOOP JACKSON'S life.

I believe the first time I met SCOOP was in Minneapolis, long before I came here to the Senate, when he came to speak to the Jewish community in behalf of the UJA. He spoke very feelingly, telling us how we had to contribute and how we had to be generous. And indeed he was generous himself, Madam President, throughout his lifetime. I do not believe he ever took an honorarium. Whenever he received an honorarium for speaking, he gave it immediately to charity.

He spoke feelingly that evening about the State of Israel and about the Jewish people; to both he was a great friend. I was very moved by him

at that time as I have been at subsequent times.

At the end of that meeting, I spoke with some of my friends and told them that because he was running for President—and I forget which year it was; he ran several times, as we know—that perhaps we should help him financially. I got up and made a speech—and I was at that time the Republican National Committeeman—and said that I could not participate, but then my wife got up and she did. It was indeed a family affair and something that came very much from the heart.

In 1960, he almost became Vice President of this country. As a matter of fact, in reading his biography, I see he was the leading contender and all the press was guessing that he indeed was going to be the Vice Presidential candidate with his friend and colleague, President Kennedy. He did not make it, as we well know. It may have changed a good deal of the history of this country.

But it was without regret, he said later. He said that in the event he had become the Vice Presidential candidate, who knows, the President may well not have been Jack Kennedy but instead perhaps would have been Richard Nixon and who would have known what the course of history would have been in that event.

But he continued on in the service of the Senate without hesitation. Indeed, as my friend and colleague from Pennsylvania (Senator SPECTER) has mentioned, when SCOOP was asked to be Secretary of Defense by President Nixon, he was in Hawaii at the time. SCOOP was in Hawaii with his ailing sister, his oldest sister.

He was a great man in that regard. As I read about him and as I have listened to him here on the floor and in private conversations, he was a wonderful man with respect to his family for which I also admired him.

One of the most interesting conversations I had with SCOOP JACKSON was when we were considering draft registration. As he began to talk about it, I was a little confused and it took me a few moments to realize that he was talking about his vote for the draft in 1941! He always had this keen sense of history and provided a memory for this institution that we have now lost. It was interesting to get his perceptions in 1981 as it referred back to 1941 and how little times changed in the interim.

His funeral was a sad event, Madam President. As I went and listened to the eulogies given by some of my friends about SCOOP, it was sad to think that he, such a vibrant individual, would no longer be with us.

But after the funeral we went to his home. I must say I was quite interested in going to his home because I have read about it and he had talked to me about it. He talked to me about it and I thought it was quite quaint as he described it. And when I read about it, I got a little different viewpoint. When I saw it, the different viewpoint was confirmed.

When he was a young man and he was trying to make his way, both of his parents were immigrants from Norway—I am the Senator from Minnesota, and I am surprised they did not stop there; most Norwegians did, but they just kept right on going and went to Everett, Wash. But as he grew up the economic circumstances of his family were strained. So as a boy he added to his family's income by delivering newspapers. He delivered papers to the president of the bank, a fellow by the name of Butler, whose brother was the president of Columbia University. This man was indeed the economic titan of the Everett community and apparently gave SCOOP the feeling that he, SCOOP, would not amount to very much in this lifetime.

SCOOP made up his mind that someday he was going to live in that banker's house. Indeed, eventually he bought that banker's house.

As I saw it, it was a lovely place indeed, and reflected the warmth of our colleague and our friend SCOOP JACKSON.

George Will said recently in an article that he was a JACKSON Republican. He said there was something other than just JACKSON Democrats. There are, indeed, JACKSON Republicans and he said he was among them. I find myself also in that group, Madam President. I find that, with this constancy in the area of defense in this Nation, I joined him in that; with his feelings for his fellow human beings, I hope that I have the same strengths that he did in that regard as well.

We will miss SCOOP. We will relish the thoughts and the memories we have of him. He has left an indelible mark on this institution and all who serve it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, much has already been said this morning, this afternoon, and, of course, over the past several days, as we eulogize our friend and colleague, Senator JACKSON of Washington.

Madam President, I am both saddened and honored to join my colleagues in the Senate this morning to pay tribute to the memory of one of the most capable and decent Americans ever to serve in this body, HENRY M. JACKSON of Washington.

In a lengthy and distinguished public career, HENRY JACKSON built a record of legislative accomplishment that very few in history could match. His congressional service spanned the administrations of nine American Presidents. It would be difficult to find a piece of energy or national security legislation passed by the Senate during his three decades in this institution that does not display the imprint of his insight and diligence. Henceforth, any history of the U.S. Senate will have no claim to comprehensiveness without a chapter devoted to HENRY JACKSON.

For those of us who served with him, and who knew him, however, the loss of SCOOP JACKSON, the man, will be every bit as grievous as that of Senator JACKSON, the public servant.

In an age of images, SCOOP was the genuine article. There was not anything contrived or fabricated about him. What you saw was what you got. Honesty, patience, conviction, straightforwardness, energy, devotion to his friends, family, and country were his hallmarks.

For me the honor of serving in the Senate with SCOOP JACKSON was a brief one of about 2½ years. But I knew him for 10 times that long. He was a close friend and respected colleague of my father. And as a teenger, I had the opportunity to observe him at close range as a Senate page in the summer of 1961. At least one role he played well has not received the attention it deserves.

SCOOP JACKSON was an outstanding teacher. There was a moment in a touching eulogy delivered by SCOOP's daughter, Anna Marie, that sparked memories for me and, I think, anyone who knew him. Anna Marie recalled a telephone call to her father to check some particulars about the New Deal, as she prepared for a history examination. He gave her the answers and then put them in context by explaining the New Deal in some detail. The phone call, she noted, lasted 2½ hours.

That anecdote, I am sure, has a familiar ring to anyone—whether a high school student, a page, a constitutent, or a junior Senator—whoever listened to SCOOP JACKSON explain the intricacies of petroleum marketing or decisionmaking in the Kremlin or environmental protection, or any one of a variety of other important subjects he understood so well. It was a rare individual who would not benefit immensely from one of SCOOP's impromptu tutorials.

He taught, of course, by example as well as by work. He was one of the hardest workers the Senate has seen. He never took on an issue or attended a hearing unprepared. In the judgment of one political almanac not given to hyperbole, he was "a living refutation of the charge that the Senate no longer has leaders of broad interests and deep knowledge and experience." To anyone who aspires to public service, he was an ideal role model. The Senate will not be quite the same without him, but it is a far better institution for having had the luxury of his presence.

Madam President, I first got to know Senator JACKSON some 22 years ago when I sat on the steps here as a page in this body, just as a couple of our young pages are sitting here this afternoon. Senator JACKSON, along with other distinguished Members of the body, at that time, of course, was engaged in the all-night civil rights debate.

I remember how kind Senator JACKSON was to pages. Pages talk about us, you know. We do not like to admit they do, but they have their thoughts and comments about Members of the Senate. I know we had some choice thoughts and remarks about Members of the body at that time which will never appear in public.

We talked about Senator JACKSON in those days because he was a true human being. He treated us with respect, with kindness, with courtesy. He did not treat us as some servile group that should do his bidding. He was always interested in our welfare, wanting to know how we were doing in school, how we enjoyed the work, whether we had questions about the institution or the legislation pending on the floor.

He was also a good friend of my father. In fact, they were similar in their views, if you will, "Jacksonian Democrats." They felt very strongly about the disadvantaged in our society. They had strong records to support their commitment to those less fortunate. They felt strongly about the security of this country. They would not take a back seat to anyone in doing all that they could to see to it that we were a secure and safe Nation.

Then, of course, to come to this body in January 1981 and become Senator JACKSON'S colleague added yet another dimension to the relationship.

We had our arguments and disagreements over points of policy. Not too many weeks ago, only this spring, in fact, we both ended up appearing on a Sunday news show to discuss Central America. I will remember it foreover because we disagreed. We debated rather vehemently over how the matters of Central America ought to be handled. I thought afterward that I had been a little too heated, perhaps, in trying to make my points.

Monday morning when I arrived back here, I wrote a note to Senator JACKSON, and I said if I had appeared strident, I wanted to apologize. I wrote that he had been a hero of mine for as many years as I could remember, from those days that I sat in this body as a page. I hoped that I had not done anything that would jeopardize that friendship because of the positions I had taken.

Well, about 24 hours passed, and I was here on the floor. He came over to me, and he said, "Do not ever apologize for having convictions. You and I disagree on this issue, and you were expressing your point of view. There is never any reason for a person to apologize because of strong convictions."

I was not really apologizing for the convictions but for how I had expressed them. But I thought it was so typical of SCOOP JACKSON to say, in effect, that you should not shrink from things that you believed in. Certainly, if there is anything that stands out in my mind about him as a legislator, putting aside his human qualities, it is that he was so constant throughout his public career. Times come and go and moods change in the country. A conservative one day is a progressive the next. But SCOOP JACKSON did not change. He held his views, his perspective, regardless of the shifts in public opinion in this country.

For someone who is relatively new to this body, having only been here 2½ years, and for others who will come here, SCOOP JACKSON serves as a great model of what a Senator ought to be, what a legislator ought to be, what a public servant ought to be.

Putting aside again the specific positions that he held or that others may hold, it was his conviction and it was his sense of purpose which were loved by this body.

Certainly, he will be missed. We all know that. It has been said over and over again. But this institution is a far better institution because we had the luxury of his presence and I am honored to join my colleagues in expressing these thoughts.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Madam President, I recall when I was first elected to the other body, coming to this city and to the Congress, that one of the first things that happened when we started having some issues that came up was SCOOP JACKSON was always in the front in gathering the delegations from the Pacific Northwest. He was a real guardian of our interests in the Northwest.

I remember how impressed I was in the first meeting we had after having never met him personally. It was in his private office in the Capitol. How well he conducted the meeting. After it was over, I talked with him and told him that I thought we should do it more often, to get our delegation from the Northwest together. We did so after that, and I think it was very helpful to all of us from the Northwest to at least discuss some of those issues that we have a common interest in.

I will always remember Senator JACKSON for his strength of convictions and his willingness to work with many of us. I was a very young Member of the House from a different political party, with many views that were somewhat different than Senator JACKSON'S. That made no difference to SCOOP. He welcomed me into that group. I will always cherish that very fond memory. From that time on, we had a very good working relationship.

I was very shocked and saddened by hearing of his sudden death on September 1. At the time, I was in Seoul, Korea. We had all of the other dilemmas that had taken place, with the missing KAL airplane and everything. To add to that the death of Senator JACKSON, it was a disappointing day for all of us in Congress and for all Americans.

There is no question in my mind that Senator JACKSON was one of the most able and experienced Members of Congress, where he served with distinction for 42 years. As the ranking minority member of the Senate Armed Services Committee and a recognized expert on military technology, in my opinion, he was especially effective in promoting a strong national defense. There is no question in my mind that the military has lost one of its strongest advocates on Capitol Hill and President Reagan has lost one of his most effective allies on a strong defense policy.

As an articulate critic of the Soviet Union, SCOOP JACKSON repeatedly warned that we could not trust the Communists and we must always deal with them from a position of strength. That was a warning that should be obvious and must be heeded in light of their obscene murder of 269 innocent passengers aboard a Korean Air Lines jet 2 weeks ago. A few hours before he died, Senator JACKSON denounced the Kremlin for an "act of barbarism." It was on the news, I might mention, in Seoul, Korea, almost simultaneously with the news of his sudden passing.

Senator JACKSON also recognized the need and was a powerful spokesman for the development of adequate energy resources and, in many ways, he defended the vital interests of his country and the Pacific Northwest.

As I mentioned, on some issues of a partisan philosophical nature, SCOOP and I were on different sides, but we were always friends and I had enormous respect for him. I will miss him. His passing leaves a large void in the Senate that will be hard to fill—particularly I think, for those of us who come from the Pacific Northwest. We will especially miss him in the future.

Madam President, my sincere thoughts and prayers are with his lovely wife, Helen, and the family. I know that we shall miss him here in the Senate, but he will certainly be missed by those who were close and loved him also.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I rise to express, with the greatest feeling of humility and compassion, my thoughts about our distinguished col-

league, the late senior Senator from Washington, SCOOP JACKSON. In the days since his death, SCOOP JACKSON has been called a statesman, a hero, and a patriot. He was, of course, all of those things and more—much more. In this body where some of our Nation's greatest leaders have served, SCOOP JACKSON will be remembered by historians as one of the best.

My first privileged contact with this great American was in 1969, when I joined the Department of the Navy as Under Secretary. I remained in that position for several years and succeeded our distinguished colleague, John Chafee, as Secretary in 1972. Therefore, for a period of over 5 years, I appeared many times before Senator JACKSON, a member of the Armed Services Committee.

When elected to the Senate, he was among the very first to extend the hand of welcome. Most importantly, he allowed me the opportunity to receive his wealth of wisdom. Indeed, the many long conversations that we have had, on a wide range of subjects, are unparalleled in terms of his ability to link historical precedents to present day crises. No Member of the U.S. Senate had a better grasp of Soviet history, a better ability to translate Soviet behavior in terms of their history.

In a world constantly threatened by aggressive powers, SCOOP worked tirelessly to keep America strong and prepared. It was my good fortune to work shoulder to shoulder with a legend, whose views I admired and supported. SCOOP JACKSON had vision. He recognized that America's freedom could never be taken for granted. His was a purposeful, forceful voice for those who believe that our Nation's national security should never be compromised. His commitment to these ideals transcended party lines and never wavered.

As a very junior Member of the Senate, it was an unusual privilege to be asked by Senator JACKSON to join him on certain pieces of legislation, foremost among them being the Jackson-Warner resolution which had the support, I recollect, of over 60 Members of the U.S. Senate. That resolution, of course, dealt with goals for which he lived night and day—to reduce tensions between the United States and the Soviet Union by way of a verifiable and equitable reduction of nuclear arms.

Late last year and early this year, Senator JACKSON, together with Senator NUNN, and myself, initiated efforts to encourage the administration and Congress to begin working toward improved technical communications relating to national security matters between the United States and the Soviet Union. The three of us sponsored an amendment, which became law, recommending a study of confidence-building measures. This amendment induced the President and members of his administration to perform a study to provide for the Soviet Union and the United States the most modern systems of communications to replace the national security "hot line."

We also were members of the Senate Energy and Natural Resources Committee. I recall very well after my first 2 years in the Senate, Senator JACKSON convinced me of the vital interdependence of national security and energy.

I reluctantly resigned from the Commerce Committee and accepted a position on the Energy Committee of which he was chairman. Our partnership was structured in yet another area of work, and our professional relationship broadened.

Many Senators knew him better than I and served with him far longer. Like you, he inspired me by example, by his boundless energy, by his kindness, and by his accomplishments. He was a teacher in the Senate. And I, for one, learned much from his lessons.

SCOOP JACKSON will be remembered as the prototype of the public servant. To the Congress in which he served for 43 years, he was a model of integrity, compassion, and commitment to the ideals in which he so deeply believed. And though his accomplishments were many, he will be remembered as a man of humility who earned the respect of all.

I say with great humility that I looked upon him as a big brother in the Senate, and to whatever extent I have made modest achievements in this body, much of it is owing to his wisdom, his teaching, and his patience. SCOOP JACKSON was always available—night or day, in the Senate Chamber, in his office, at home—to all of us to share his views.

I will never forget his funeral. We witnessed, in certain respects, the reincarnation of this extraordinary human being by the manner in which his young daughter and son spoke at the services.

All of us were deeply touched by their ability to eulogize their beloved father in the presence of over half the Senate, the Vice President, the Chief Justice, family, and friends. Only through wisdom and love given by a great father could two children have imparted to us the courage and conviction we need to carry on his beliefs. His wife, Helen, for whom we have the deepest respect and affection, will always be with us.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, our Nation lost a great patriot when Senator HENRY JACKSON died without warning during the recess. SCOOP, as we knew him, was a true friend and a man of his word who said what he believed. He was respected for his integrity above everything else.

SCOOP JACKSON was a longtime friend of mine. Our friendship predates my 8 years as Governor of Nebraska. We met in the early sixties when SCOOP was chairman of the Democratic National Committee. He visited our State several times during his public life. He was always well received, admired, and respected.

When SCOOP ran for the Presidency in 1972 and 1976, I actively supported his candidacy. I believe he would have made a great President who would have served our country well both in good and bad times. Many of us often called on SCOOP's wealth of knowledge and experience in the Congress on a whole range of issues.

As a Member of the Senate, I had the pleasure of serving with SCOOP on the Senate Armed Services Committee. He always expressed the importance of maintaining a sound defense in order to keep the peace. Our views on defense blended well, but even on those occasions when he disagreed, he always respected the opposing view.

HENRY "SCOOP" JACKSON was the great modern-day patriot of the Senate. He was dedicated, steady, and resolute. He was admired, respected, and loved. Words such as "we shall miss him" are the understatement of the decade. His contributions benefited our country; and while another person will accept his duties, he will not be replaced or forgotten in the Senate. History will record HENRY JACKSON as one of the true giants of the U.S. Senate.

A great leader of this institution and this country has been called to his greater reward. His beloved family, his friends and associates here are the losers. But Senator HENRY JACKSON was never associated with losers and would not want us to be so cast. His memory and work will be our inspiration for the future. Godspeed, SCOOP.

Mr. BAKER. Madam President, I thank the Senator from Nebraska and all other Senators who participated in the further statement of tribute and eulogy to Senator JACKSON. It is an impressive array of Senators and an extraordinary collection of statements expressing the love and affection that this body held for SCOOP JACKSON and clearly expressing the sense of loss which we all feel.

Madam President, Senators will recall, I am sure, that the resolution adopted on Monday provides that the RECORD will remain open until the close of business on September 30 for the introduction of other statements, tributes, memorials, and eulogies to the late SENATOR JACKSON.

After September 30, the Public Printer will collect these tributes and eulogies. They will be arranged appropriately and bound in a hard-cover

volume for presentation to Mrs. Jackson and the Jackson family and to be available to Senators and to the public.

VISIT TO THE SENATE BY THE SECRETARY OF STATE FOR DEFENSE OF THE UNITED KINGDOM, AND MEMBER OF PARLIAMENT

Mr. TOWER. Mr. President, we are honored to have with us today as guests the distinguished Secretary of State for Defense of the United Kingdom and a Member of Parliament, Mr. Michael Heseltine, and the Parliamentary Private Secretary to the Secretary of State and Defense, Dr. Keith Hampson, also a Member of Parliament, and I ask unanimous consent that we stand in recess for 2 minutes to greet our distinguished British visitors.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate stands in recess.

The Senate, at 1:54 p.m., recessed until 1:56 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. HUMPHREY).

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, at this time I believe there is an order for further routine morning business; is there not?

The PRESIDING OFFICER. Yes. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 2 hours with statements therein limited to 15 minutes each.

ORDER OF PROCEDURE

Mr. BAKER. Madam President, it is my understanding that there is a requirement for time so that Members may speak on the situation in Lebanon and on the provisions of the War Powers Act. I anticipate that most of the 2 hours will be consumed by that. If that is the case, it may be necessary to put over the Korean plane resolution until tomorrow.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent further, Madam President, that after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to extend not past 10:30 a.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR INTERIOR APPROPRIATIONS BILL TO BE TEMPORARILY SET ASIDE

Mr. BAKER. Madam President, I now ask unanimous consent that the unfinished business, which is the Interior appropriations bill, be temporarily set aside at that point so that the Senate may resume consideration of the Korean plane resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, the arrangement that has just been provided for will commence the debate on the Korean plane resolution at 10:30 a.m. tomorrow. After that matter is disposed of, the Interior appropriations bill will recur as the unfinished business. It is hoped that both of those matters, together with perhaps others, can be disposed of this week. I do not anticipate that the Senate will be in session beyond 6 p.m. this evening. Tomorrow, however, is Thursday and there is a possibility that the Senate would be in later than that in order to finish the work that is to be done.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

AMENDMENT NO. 2134

Mr. HUDDLESTON. Madam President, I send to the desk an amendment to Senate Joint Resolution 158, which, as the majority leader has indicated, will be considered tomorrow.

This amendment is cosponsored by me, Senator GOLDWATER, and Senator LEAHY. It would add a provision to the resolution that would declare that it is the intention of the Senate to reduce substantially the Soviet official presence within the United States in order to establish a real equivalence with the official U.S. presence in the Soviet Union.

It is important for the United States, I think, to take actions in response to the Soviet shootdown of the Korean airliner that penalize the Soviet Union in a substantial way which is consistent with the U.S. interests. This proposed action would achieve that objective.

Today, the number of Soviet Government employees in the United States is about 1,000 while the number of U.S. Government employees in the Soviet Union is about 300. In setting aside the roughly 500 Soviets at the U.N. Secretariat and the Soviet U.N. mission, the Soviet Government employees in this country still greatly outnumber of U.S. Government employees in the Soviet Union. The official Soviet presence in the United States could be reduced by at least 100 positions for real equivalency to be reached.

This action would directly serve the U.S. national security and counterintelligence interests by reducing the number of positions that the Soviets are able to use for intelligence purposes in this country. According to the FBI, approximately 40 percent of the Soviet Government employees in the United States are trained professional intelligence officers of the Soviet KGB and the Soviet military intelligence, the GRU. Many other Soviet officials are co-opted by the KGB and the GRU to perform intelligence assignments.

It seems to me that the time has come to draw the line, so that the Soviets no longer can take advantage of the imbalance that has existed for so long in this particular area. There is no better time than now, when we have a reason to take this kind of action, to demonstrate to the Soviet Union and to the rest of the world that the kind of action that the Soviets took against the Korean airliner is simply not acceptable in the civilized world. I think we should urge other countries to do the same.

There is hardly anything more dramatic than a group of diplomats having to pack up and go home. If this occurred at a number of points around the world, I think it would make the point to the Soviet people that their Government had committed an act that could not be accepted or tolerated by the rest of the free world.

Madam President, I ask unanimous consent that the amendment be printed in the RECORD.

(The text of the amendment is printed later in the RECORD under routine morning business.)

Mr. HUDDLESTON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Madam President, I hope that both cloakrooms are advised

that my statement will be with reference to war powers and Lebanon and that any Senators on both sides who wish to participate might want to come to the Chamber at this time; or, of course, they can wait until another day.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, what is the order insofar as time is concerned?

The PRESIDING OFFICER. The Senate is conducting morning business for 101 minutes, and the Senator is recognized for 15 minutes.

Mr. BYRD. Madam President, I doubt that I can confine my remarks to 15 minutes. If I can I will. If I cannot I will ask unanimous consent that I may be permitted to proceed longer.

THE WAR POWERS ACT

Mr. BYRD. Madam President, 10 years ago Congress enacted the War Powers Act, in response to abuses of Presidential power with respect to the making of war.

Discussions and hearings with respect to such an act had covered the span of 3 years at least.

The War Powers Act was enacted by a supermajority in both Houses over the veto of President Nixon—in the Senate I believe by a majority vote of 4 to 1 and in the House of Representatives, of course, by a majority of a little over 2 to 1.

Never in those 10 years have the provisions of the War Powers Act been called into play by the course of events. Today, we are confronted with an issue of historic dimensions, one that is pregnant with profound and far-reaching consequences.

This issue is bigger than political parties. It is bigger than personalities. And it is bigger than any particular officer of the United States in the executive, legislative, or judicial branches.

There are few issues of greater importance than the issue which confronts us; namely, the preservation of the balance of power between the executive and the legislature which our Founding Fathers laid out in the Constitution 196 years ago and specifically with reference to the war powers. The power to make war is the ultimate power because upon that power hangs the fate of nations and the lives of millions of individuals.

(Mr. NICKLES assumed the chair.)

Mr. BYRD. The situation in Lebanon has reached a critical point for the people of that nation and for U.S. interests in the Middle East.

The recent fighting which has erupted involving the Lebanese Armed Forces and the various militia in that country—in particular the Christian Phalange and the Druze—has brought U.S. Marines participating in the multinational force under direct fire. The United States has already lost four men to hostile fire and incurred numerous wounded since August 29.

The situation is complicated further by the heavy involvement of the Syrian Government through its supply of military equipment to, and possibly Syrian advisers working directly with, the Druze militia.

It is clear from all the evidence that our Marines are operating in a situation of hostilities. And it is for this reason that I believe that section 4(a)(1) of the war powers resolution has been triggered by events. The law is clear on this point. It reads, in part, as follows:

Sec. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority

And I emphasize the words and legislative authority—

under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

The law states that in the absence of a declaration of war in any case in which U.S. Armed Forces are introduced into hostilities or in situations where imminent hostilities are clearly indicated by the circumstances, the presence of our forces beyond 60 to 90 days has to be authorized by Congress.

Since the first two of our Marines were killed on August 29 our men have come under hostile fire. We have returned that fire in self-defense. The Marine commander of our forces in Lebanon has awarded hostile fire pay for the entire Marine contingent for the month of August. He was right in doing so, and I am sure he will do so for the month of September.

Last month was the first time since the multinational force was introduced a year ago that hostile fire pay was awarded. Last month was the first instance in which an American Marine died as a result of direct hostile action.

So it is a clear sign that circumstances have changed in the last few weeks, and because of these changed circumstances, there should not be any doubt that full congressional participation is now required regarding U.S. policy toward Lebanon.

The war powers resolution was designed expressly for the purpose of resolving ambiguities between the executive and legislative branches of Government regarding situations of undeclared war. The Constitution expressly states in section 8, article I, certain enumerated powers of the Congress among which is the power to declare war.

The problem is in this day and age that the Nation may be more and more drawn into an undeclared war, and that is the reason why the war powers resolution was passed following an undeclared war in Vietnam that cost America 50,000 dead and over 300,000 wounded.

The war powers resolution was designed expressly for the purpose of resolving such ambiguities, as I say, between the executive and legislative branches regarding situations of undeclared war.

The war powers resolution signaled congressional determination when it was enacted into law, over a Presidential veto in 1973, that American interests were best served if there is a national consensus regarding the deployment of U.S. forces on foreign soil. Open-ended commitments of armed forces in the absence of support from the American people, as expressed through their elected representatives in the Congress—535 in number—pose grave dangers for U.S. policy.

I wrote the President on August 31 and met with him personally on September 4, along with other members of the joint congressional leadership in both Houses. I explained my position that circumstances required the invocation of section 4(a)(1) of the war powers resolution, and I stated that, by making Congress a coequal partner of the war powers resolution as it relates to deployment of U.S. forces in Lebanon it affords the President an opportunity to coalesce opinion and support of that decision. I think it is imperative that Congress exercise its constitutional responsibility, along with the President, when it comes to the deployment of U.S. forces abroad in a hostile situation.

Quoting from a book titled "The Wisdom of the Supreme Court," page 348, I find these words:

No penance would ever expiate the sin against free government of holding that a President can escape control of the executive powers by law through assuming his military role.

So what I am saying is directed toward the Congress, that no penance would ever expiate the sin, the congressional sin, against free government of holding that a President can escape

control of the executive powers by law through assuming his military role.

Thus, I respectfully requested that the President recognize and act appropriately upon the reality that the operative provisions of the war powers resolution have been clearly triggered. There is no need to perpetrate or to perpetuate the myth that our Marines are not engaged in hostilities or in a situation which clearly indicates imminent involvement under the circumstances, and anyone who argues otherwise is simply kidding himself. So I have said to the President in person and I have said in writing that the operative provisions of the war powers resolution have been triggered.

I have pointed out that the war powers resolution resulted from the abuses and the excesses that were engaged in by the executive branch and that were not seriously challenged by the legislative branch in the earlier years of the Vietnam war.

Quoting from page 272 of the same book, "Wisdom of the Supreme Court," I read this statement by Cardozo:

All history demonstrates that legislation intervenes only when a definite abuse has disclosed itself, through the excess of which public feeling has finally been aroused.

I can remember a time when one of the Nation's great newspapers said "we cannot afford to let Vietnam go down the drain," but public feeling was subsequently aroused and actions by the Federal legislature reflected that public feeling, and as a result the war powers resolution was enacted, as I say, by supermajorities in both Houses

While recommending this course of action, I think a clear signal should be sent to all parties involved in the present conflict in Lebanon. This is not an effort to pull the rug out from under the President. That is not my desire. I think that this is a matter which transcends party politics. I do not think it should be partisan.

What I am talking about is the realization that both the Congress and the executive branch have a significant role to play under the Constitution with respect to the declaration and the waging of war. The declaration is for the Congress alone, except when our own Nation is attacked and in certain other instances. What I am saying is that Congress has a very precise and definite role under the Constitution to play when it comes to a declaration of war. And what we are concerned with is what may become, what could become, another undeclared war costing blood and treasure.

I want to support a President when I feel that he is acting in the best interests of this country. Some will remember that I opposed my own majority leader, the then majority leader Mike Mansfield, when I offered an amendment to a resolution, my amendment providing that President Nixon had the duty to act to protect our Armed Forces that were sent into the war—the occasion at that time being the bombing of Vietcong in enclaves in Cambodia—and I lost.

I believe that the American interests in the Middle East are affected by the situation in Lebanon. But, Mr. President, the War Powers Act is the law of the land and there is no way of ripping it out of the statute books except by repeal of that law by the Congress or the invalidating of that law by the courts.

In my judgment, there is one part of the law which is not constitutional and that deals with the two-House veto. And it is my intention to offer legislation at some point providing for the words "concurrent resolution" to be changed to the words "bill or joint resolution." The reason that portion is unconstitutional is because it does not provide for a presentation to the President of the bill or joint resolution. It meets the requirement of bicameralism but it does not meet the requirement of presentment. And all bills and joint resolutions, with the exception of a joint resolution providing for a constitutional amendment, shall be presented to the President of the United States for his approval or disapproval.

So the War Powers Act is a statute; that is a law. It cannot be winked at; it cannot be wished away. And it is a law that obtains in the current situation.

I read again from "The Wisdom of the Supreme Court," and in this instance I quote from Mr. Frankfurter:

Statutes are not inert exercises in literary composition. They are instruments of government.

So it cannot be overlooked. It cannot be ignored. It is the law of the land. And the President of the United States—as do Members of the Senate and House—takes an oath to uphold and protect the Constitution, and the Constitution provides that the President shall see to it that the laws will be faithfully executed.

So I think that the time has come for Congress to be a partner in this process as dictated by the war powers resolution and by the Constitution of the United States. I think that the war powers resolution should be put in its proper constitutional context. Any suggestion that the President of the United States is vested with sole responsibility for the warmaking powers of our Government lies completely in the face of the Constitution and the intent of our Founding Fathers. The Constitution is clear that the power to declare war, as well as the power to raise and maintain armies and navies, belongs to the Congress. Under the Constitution, the President is designated as Commander in Chief for the purpose of prosecuting wars authorized by the Congress.

We should keep in mind that the Founding Fathers constructed a Government of intricate checks and balances in order to avoid the abuses they had suffered at the hands of the British monarchs. It was the power of the British sovereign to initiate war on its own prerogative that led to a deliberate decision on the part of the framers of our Constitution to vest powers to declare war in the body most broadly representative of the people.

During the debate at the Constitutional Convention on this matter, Mr. Elbridge Gerry of Massachusetts expressed the view that he "never expected to hear in a Republic a motion to empower the executive alone to declare war."

Mr. Gerry's point withstood the test of time for it is as relevant today as it was in 1787. Discussions of the President's power to control the Armed Forces have invariably focused on the provision in article II of the Constitution, which refers to the President as Commander in Chief. However, from the first it has been interpreted as simply placing the President at the top of the pyramid of military command, making him, in Alexander Hamilton's words, which are to be found in the Federalist No. 69—and I quote Hamilton:

The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the confederacy; while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies,—all which, by the Constitution under consideration, would appertain to the legislature.

In recent months, the Monroe Doctrine has been bandied about as the justification for giving the President a free hand to use U.S. forces in any way he sees fit in this hemisphere. The Monroe Doctrine has been cited as an early precedent for the use of Armed Forces by the President acting on his own authority. However, President Monrose always kept the intent of the framers of the Constitution in proper persepective by making the appropriate distinction between a statement of policy and the authority to carry it out. In 1824 when the Government of Colombia inquired as to what action the United States might take under the Monroe Doctrine to repel certain European intervention in Latin American Republics, Secretary of State John Quincy Adams replied:

With respect to the question, "in what manner the government of the United States intends to resist on its part any interference of the Holy Alliance for the purpose of subjugating the new republics or interfering in their polticial forms" you understand that by the Constitution of the United

States, the ultimate decision of this question belongs to the Legislative Department of government.

Abraham Lincoln admonished Congress when he noted the following in 1848:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deem it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect . . . If today, he should choose to say he thinks if necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, I see no probability of the British invading us but he will say to you be silent; I see it, if you don't.

We were extremely fortunate to have had leaders of vision, and leaders of great intellectual capacity during our formative years as a republic. The sensitivity to the Constitution, the sensitivity to maintaining the proper role of each branch of Government was deeply ingrained in the early leaders of our country, One might ask why. I think the answer can be found from Abraham Lincoln himself when he was President. He wrote:

The provision of the Constitution giving the war making power to the Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

The tyrannies of the monarch weighed very heavily on the conscience of our leaders in the early years of our Nation. They had felt the hand of tyranny and, once having thrown it off, these leaders were bound and determined that the Government we had so tortuously constructed would not be compromised in any way.

While there is substantial evidence that, absent direct attack on the United States, the Founding Fathers never intended troops to be used outside the country without congressional consent, a rapid expansion of Presidential power to use force abroad took place in the latter part of the 19th century and throughout this century.

In addition to the abuses of authority on the part of absolute monarchs, why were the framers of the Constitution so concerned about the delegation of warmaking powers of our Government? First, such a decision involves a risk of great economic and physical sacrifice and should not be incurred without approval from the body most directly representative of popular sentiment. Second, even in cases where no significant physical effort is likely to be required, the very act of using force against a foreign sovereign entails moral and legal consequences sufficiently significant to require an expression of popular approval.

Our involvement in Vietnam precipitated a major debate in the Congress that the balance of authority over warmaking had swung heavily to the President in modern times. The President's right to defend the Nation against attack, without prior congressional authorization, in extreme circumstances, such as a nuclear attack or direct invasion, was not the issue and is not the issue today. The issue involved the commitment of U.S. military forces exclusively by the President—allegedly under his authority as Commander in Chief—without congressional approval or adequate consultation with the Congress.

I again quote Cordoza:

All history demonstrates that legislation intervenes only when a definite abuse has disclosed itself through the excess of which public feeling has finally been aroused.

Senator Jacob Javits, the initial sponsor of the war powers legislation, in testimony before the committee in 1971, explained this problem very eloquently when he noted:

. . . We live in an age of undeclared war, which has meant Presidential war. Prolonged engagement is undeclared, Presidential war has created a most dangerous imbalance in our constitutional system of checks and balances.

After much debate and considerable compromise, the war powers resolution became law. The war powers resolution did not take power from the President. To the contrary, it was a tacit act on the part of the Congress according powers to the President, under certain circumstances, that were not accorded to him under the Constitution. Congress basically said, we recognize that in a modern age and with major global responsibilities, some degree of additional flexibility should be given the President in committing U.S. combat forces abroad.

The policy we finally choose in Lebanon will only succeed if there is a national consensus in support of that policy.

In summing up, Mr. President, I would say that the War Powers Act is a statute, is the law of the land, was passed by super majorities in both Houses over the veto of President Nixon. As a statute, as the law of the land, it cannot be ignored, however much some of us may wish to ignore it. It is binding upon the President. It is binding upon the Congress of the United States. It cannot be reasonably argued that section 4(a)(1) has not already been triggered by events, those events which I have already mentioned.

It is also clear that unless Congress acts to authorize further use of Armed Force beyond the 60- to 90-day period set forth in that provision which has now been triggered, unless the Congress authorizes further use of the Armed Forces, the President is required, by that law, to remove those Armed Forces from Lebanon.

I happen to be one who feels that the President acted appropriately and was correct in joining with the multinational forces in Lebanon.

We responded to a request by the Lebanese Government. I would be very likely to support the President's request for some additional time. But this is an institutional matter with me and I feel it incumbent upon us, those of us here, all of whom have taken the oath of office to protect the Constitution of the United States, to defend the congressional role which is set forth in that law.

I talked with former Republican Senator Javits last Friday and, he being the principal craftsman of that act, I felt it appropriate to ask him if he though that recent events had triggered the 4(a)(1) mechanism, and he said, absolutely, without any equivocation.

I asked if I might have the liberty of quoting him in so saying. He said, "Absolutely." I wish he were here as a Member of this body at this moment to give us his advice and to speak on this matter.

Mr. President, I do not want this to be a partisan issue. The making of war should not be a partisan issue. I do not desire to take away from the President any of his constitutional powers, nor would I be able to do so if I so desired. Congress cannot take away from the President those powers that are enumerated as being vested in the President of the United States. At the same time, I do not want to see the responsibilities and powers of the legislative branch taken away or not adhered to, and I think it is the responsibility of those of us on both sides of the aisle to zealously guard the responsibilities and duties of this body under the Constitution, and in so doing, protect the interests of our country and our people.

So, Mr. President, I simply hope that the President will act under and in accordance with the War Powers Act. He did report to the President pro tempore of the Senate and to the Speaker of the House. As I believe, if my memory is correct, he used the words "consistent with the act." The words, "pursuant to," would have been more appropriate, but I do not now quibble over those words at this point. But he did say that he had committed the Armed Forces of the United States pursuant to—I read: "pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander in Chief of the United States Armed Forces."

That does not fulfill the requirements of the act, which are that, when 4(a)(1) is triggered, "the President

shall submit within 48 hours to the Speaker of the House of Representatives and the President pro tempore of the Senate a report, in writing, setting forth," under 4(B), "the constitutional and legislative authority under which such introduction took place." I emphasize the words, "and legislative authority."

So the legislative authority was the War Powers Act. I can understand the reluctance of this President and other Presidents to perhaps follow the provisions of the act in every instance because I would expect every President to guard zealously whatever responsibilities are incumbent under the constitutional provisions that he shall be the Commander in Chief. But we, in this body, have just as great a responsibility in protecting our own institution and in living up to the responsibilities incumbent upon us under the Constitution. As I said to the President, "If you recognize the act and invoke it, you broaden the base of support that you will have. You cannot succeed in any warmaking venture unless you have the support of the American people and the support of the Congress, which will reflect the will of the people." We saw that in Vietnam.

I said additionally, "If your policies fail, we then will share the criticism."

If I wanted to be perfectly partisan, I would not say anything on this. I would simply say, "Well, fellows, let us just let him have it. Let him have the full responsibility. If he fails, then we shall have something for which we can criticize him and we can play politics"—if I wanted to be partisan in the matter. But in truth, I would have to be critical of ourselves if we did not take a stand in this matter and support the law which most of us, or a good many of us here today, voted for.

I do not like the idea of having a showdown on a vote of this kind; but it is not what I like that counts; it is my responsibility that counts. So I hope, and I do believe, that there are Members on both sides of the aisle who share my view that the War Powers Act obtains in this situation and that both the Congress and the President should work together and cooperate in conformity with the War Powers Act and, by such action, serve the best interests of the Nation.

I think that the President should indicate what additional time he feels he needs. I want to be supportive of the President, but my support is not absolutely assured at this point. I expect the Congress to live up to its responsibility under the act and under the Constitution; likewise, I feel that the act should be observed in its spirit and in its verbiage by the executive branch.

Mr. President, that is all I have to say at this time. I ask unanimous consent that I may have printed in the RECORD the War Powers Act and, together with it, a letter which I wrote to the President on June 10, 1982, urging that we mobilize quickly America's diplomatic resources to assist in restoring unity and full independence to Lebanon; the letter from the President to the President pro tempore of the Senate and the Speaker of the House dated August 30, to which I have earlier referred; my letter to the President on August 31, the following day, in which I again urged that he recognize the war powers resolution and that he submit notification pursuant to that provision 4(a)(1). There are other provisions of the War Powers Act, of course, which are not brought into play. I quote in part from that letter:

To assure that Members of Congress participate in the foreign policy responsibilities assigned by the Constitution, I call your attention to the need for full and timely consultation, as required by section 3 of the war powers resolution.

Any decision to supplement the American contingent in Lebanon requires seeking the advice of Congress to assure the support of the Congress and of the American people.

Mr. President, I also ask unanimous consent to have printed in the RECORD the President's letter of September 29, 1982.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

WAR POWERS RESOLUTION

[Public Law 93-148 (H.J. Res. 542), 87 Stat. 555, 50 U.S.C. 1541-1548, passed over President's veto November 7, 1973]

Joint resolution concerning the war powers of Congress and the President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

Sec. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

Sec. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

REPORTING

Sec. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

Sec. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

Sec. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

Sec. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEPARABILITY CLAUSE

Sec. 9. If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

Sec. 10. This joint resolution shall take effect on the date of its enactment.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., June 10, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We share your very deep concern over the current situation in Lebanon.

As you know, the roots of the present conflict stem from events arising out of the Lebanese Civil War of 1975-1976. Since that time, Lebanon has ceased to exist as a free and sovereign country. In fact, that country has been the victim of a de facto partition comprised of a solidly entrenched PLO military presence, Christian and Moslem Lebanese enclaves, and a Syrian military occupation now estimated to include 39,000 troops. Under these conditions Lebanon has been a source of significant instability in the region since 1976. Obviously, under these circumstances the situation can only continue to deteriorate and undermine our long-term interests in promoting stability in the Middle East.

Therefore, we are certain you recognize the importance of mobilizing quickly America's diplomatic resources to assist in restoring unity and full independence to Lebanon. We believe the chances for a cease-fire and a full withdrawal of Israeli forces might be best accomplished if the Syrians withdraw completely and permanently from Lebanon, if the PLO's ability to exercise military and political control over significant portions of Lebanese territory is neutralized, and finally, if the central government of Lebanon is allowed to re-establish control and sovereignty over all of Lebanese territory. The latter can only be accomplished through

free and open elections which, incidentally, have already been scheduled for this summer.

A long range negotiated settlement along these lines should be our ultimate objective. We fear that without such an agreement the region will continue to be plagued by the kind of instability which has precipitated the present crisis.

Thank you very much for your consideration of our views.

Sincerely,

ROBERT C. BYRD.

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., July 14, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Following the meeting at the White House on Tuesday, I would like to set forth some of my concerns about the possible deployment of United States troops to Lebanon and the procedures to be followed if the troops are sent to Lebanon.

I believe that it is essential that the Congress and the American people be fully informed about the terms and conditions under which the troops would be deployed. We must have a very clear understanding about the nature of United States involvement and the limitations on that involvement. At the same time, I believe that we should be realistic about the potential dangers that would face American forces in a highly volatile area.

In this regard, I strongly believe that if troops are sent to Lebanon that it should be done in conformity with Section 4 (a)(1) of the War Powers Resolution. I think that Congress should be involved in carefully monitoring the role of the United States forces and that their presence should be subject to the time limitations and conditions imposed by Section 4 (a)(1). If the Administration should seek to rely on Section 4 (a)(2) of the War Powers Resolution, which does not impose similar limitations, I would find it very difficult to support such action. I think we must have the guarantees and safeguards that Section 4 (a)(1) would provide.

I believe that the Legislative and Executive Branches should cooperate to the greatest degree possible on these critical international security issues. In this case it is my feeling that such cooperation and clear-cut understanding by all concerned could best be achieved by reliance on Section 4 (a)(1) of the War Powers Resolution.

Finally, in addition to the assurances you have provided about any American deployment and those I have urged, I would hope that any action by the United States will be directed toward achieving not only peace and stability in Lebanon, but toward progress on a long-term settlement in the Middle East, building on the foundation of the Camp David process.

Sincerely,

ROBERT C. BYRD.

THE WHITE HOUSE,
Washington, September 29, 1982.

Hon. STROM THURMOND,
President Pro Tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: On September 20, 1982, the Government of Lebanon requested the Government of France, Italy, and the United States to contribute forces to serve as a temporary Multinational Force, the presence of which will facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

In response to this request of the Government of Lebanon, I have authorized the Armed Forces of the United States to participate in this Multinational force. In accordance with my desire that the Congress be fully informed on this matter and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States armed forces.

On September 29, approximately 1200 Marines of a Marine Amphibious Unit began to arrive in Beirut. Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces. In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly. These forces will operate in close coordination with the Lebanese Armed Forces, as well as with comparably sized French and Italian military contingents in the Multinational Force. Although it is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut, our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

I want to emphasize that, as was the case of the deployment of U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon, and our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities and will not interfere with the activities of the Multinational Force. Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon.

This deployment of the United States Armed Forces is being undertaken pursuant to the President's constructional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

I believe that this step will support the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, August 30, 1983.

Hon. STROM THURMOND,
President pro tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: On September 29, 1982, I reported to you concerning the introduction of United States Armed Forces in Lebanon to participate in the Multinational Force (MNF) requested by the Government of Lebanon. The presence of this Force was designed to facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence that had tragically recurred. I directed this deployment pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

We have periodically provided Congress with updated information on the activities of these forces and on the circumstances of their deployment in Lebanon. In light of recent events, I am providing this further report on the deployment, in accordance with my desire that Congress continue to be informed on this matter, and consistent with Section 4 of the War Powers Resolution.

On August 28, sporadic fighting between Lebanese Armed Forces and various armed factions took place in South Beirut; from time to time during the course of this fighting, positions in the vicinity of the Beirut airport manned by U.S. Marines of the MNF came under small-arms fire (without injury to U.S. personnel), and this fire was returned. On August 29, fighting erupted again. Marine positions came under mortar, rocket, and small-arms fire, with the result that two Marines were killed and fourteen wounded. In addition, several artillery rounds fell near the U.S.S. IWO JIMA (an amphibious support vessel lying offshore), with no resulting damage or injuries. As contemplated by their rules of engagement, U.S. Marines returned fire with artillery, small arms, and, in one instance, rocket fire from a helicopter gunship. There were additional exchanges of fire earlier today, August 30, without injury to U.S. personnel.

Later today, a ceasefire came into effect in the area in which the Marines were deployed, and firing on Marine positions ceased. Diplomatic efforts are underway to extend this ceasefire. In the meantime, U.S. forces will be prepared to exercise their right of self-defense should such attacks recur.

I believe that the continued presence of these U.S. forces in Lebanon is essential to the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is still not possible to predict the duration of the presence of these forces in Lebanon; we will continue to assess this question in the light of progress toward this objective.

I will keep the Congress informed as to further developments with respect to this situation.

Sincerely,

RONALD REAGAN.

(An identical letter was delivered to the Speaker of the House of Representatives.)

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., August 31, 1983.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: Your report to the Congress yesterday concerning this week's tragic events in Lebanon gives cause for grave concern. These events are redefining the role of the multinational peacekeeping force, and United States participation in that effort. Sectarian violence in that sad country now threatens to rekindle total civil war. The continued presence of Syrian

troops further undermines the prospects for peace and stability. In your letter to the Senate of September 29, 1982, you expressed the belief that American Armed Forces "will be need only for a limited period." Nearly a year later, I am convinced that the increased violence and danger to American personnel requires a reassessment of the situation.

American forces are clearly involved in hostilities within the meaning of Section 4(a)(1) of the War Powers Resolution. Accordingly, I urge that you re-submit notification pursuant to that provision. This will assure the fullest possible cooperation between the Legislative and Executive branches in this important area of international security. As I said in my letter to you of July 14, 1982, we must have a very clear understanding about the nature of United States involvement and the limitations on that involvement.

Your letter does not contain any information about whether or not there is any possibility that additional U.S. combat personnel may be needed in the future to augment our present military commitment. To assure that Members of Congress participate in the foreign policy responsibilities assigned by the Constitution, I call your attention to the need for full and timely consultation, as required by Section 3 of the War Powers Resolution. These Consultations must not be restricted to notice and reportage, but should involve the Congress in the difficult and crucial decisions that must be made when American Armed Forces are exposed to hazards of war. Any decision to supplement the American contingent in Lebanon requires seeking the advice of Congress to assure the support of the Congress and of the American people.

I know you share my concern and sadness at the recent turn of events in Lebanon. I remain hopeful that the United States may play a role in achieving a lasting and stable peace in that country, and in the region.

Sincerely,

ROBERT C. BYRD.

Mr. BYRD. In closing, Mr. President, I make this plea: That in the interests of the American people, the legislative and the executive branches of the Government cooperate, work together, within the context of the War Powers Act.

I want to support the President; but whether I do so or not will depend upon whether or not the requirements of that act are met, because it is in the interests of the United States that the act be observed, and it is in the interests of the people who ultimately may have to send their boys or their daughters or their grandchildren to foreign shores to spill their blood.

I yield the floor.

Mr. KENNEDY. Mr. President, first, I commend the Senator from West Virginia for the leadership he has provided on this particular issue. His interest in this policy question, as he has pointed out, goes back to the origin of the war powers legislation.

From his statement here this afternoon and the exchange of letters, and his comments to the President, we have seen the very deep and continuing concern of the Senator from West Virginia about this issue, about the relationship of the executive branch to Congress. As a student of this institution and someone who has been a leader in this body, he understands full well that when the Executive does not respect a statute, it erodes the institutional basis of cooperation between the Executive and Congress. I believe that myself.

The Senator from West Virginia has spoken to that issue very clearly. To a great extent, the fact that the War Powers Act was enacted was because of the failure of past Presidents to deal effectively with Congress on the issues of war and peace. As he has pointed out, this statute is on the books at the present time, and I think he has made an irrefutable case about its application in this particular case.

As one Member of the Senate, I welcome his leadership on this issue, and I have every intention of supporting his efforts to insure that the war powers legislation will be respected by this administration.

Mr. President, the present crisis in Lebanon is one of the most important issues facing the Nation and the world today. The United States has a strong and abiding interest in helping to bring about a durable peace in the Middle East, and to provide an opportunity for the Lebanese Government to maintain its sovereignty and territorial integrity free from outside forces. There are 1,400 U.S. marines already in Lebanon as a part of the multinational peacekeeping force; 2,000 more are positioned off the Lebanese coast. The battleship *New Jersey* is steaming toward Lebanon to join other naval forces already off the coast.

The framers of the Constitution recognized the paramount importance of the conduct of our military affairs and carefully entrusted these vital decisions to the joint responsibility of the Congress and the President. The war powers resolution, enacted in 1973 over President Nixon's veto, established the framework for congressional involvement in the decision to commit our forces overseas.

The War Powers Resolution represents a wise accommodation between the President's constitutional responsibility as Commander in Chief under article II and the Congress constitutional responsibility under article I to declare war, to raise and support armies, to provide and maintain a Navy, and to make rules for the Government and regulation of the land and naval forces. As the resolution itself states, its purpose is to "fulfill the intent of the frames * * * and insure that the collective judgment of both the Congress and the President will apply to the introduction of the U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continual use of such forces in hostilities or in such situation."

In this time of escalating conflict involving our forces in Lebanon, it is imperative that the procedures established by the war powers resolution be strictly observed. But the President continues to defy Congress and avoid the clear command of the law.

The issue we face is whether the present situation in Lebanon involves "hostilities" within the meaning of the war powers resolution.

Since the end of August, marine positions have been repeatedly shelled by the Druze militia. Each day brings new reports of American casualties. Four marines have been killed in the last 2 weeks, and more than 20 have been wounded. U.S. forces have returned hostile fire, and the President this week has authorized the use of naval artillery and air strikes to protect our forces.

The new Presidential order goes beyond retaliation for direct assault upon U.S. positions. Now, U.S. forces are authorized to help defend Lebanese Army positions as well.

The President has labeled the fighting in Lebanon as "outright civil war," and the Pentagon has authorized hostile fire pay for our forces in Lebanon. It is plain that, by any reasonable definition of the term, the situation in Lebanon involves "hostilities" within the meaning of the war powers resolution.

Under the resolution, the President must make a written report to Congress within 48 hours whenever military forces of the United States are "introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Once a report is submitted by the President under this provision, the military forces must be withdrawn within 60 days—or 90 days if necessary for safe withdrawal—unless Congress declares war, extends the period, or enacts specific legislation authorizing the action.

Both the plain meaning of the word "hostilities" and the legislative history make clear that hostilities are involved in Lebanon. The House report in 1973, which referred to "committing U.S. Armed Forces to hostilities outside the territory of the United States," observed:

> This includes all commitments of U.S. Armed Forces abroad to situations in which hostilities already have begun and when there is a reasonable expectation that American personnel will be subject to hostile fire.

The report further states:

> The word "hostilities" was substituted for the phrase "armed conflict" during the subcommittee drafting process because it was considered to be somewhat broader in scope. In addition to a situation in which fighting actually has begun, hostilities also encom-

passes a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict. "Imminent hostilities" denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict.

Those are the words of the report interpreting the language of the resolution, for anyone who does not believe that the language itself is very clear and explicit.

The War Powers Act explicitly contrasts "hostilities," which trigger the 60-day time period, with the situation where troops are committed abroad "equipped for combat" but not into hostilities. In the latter case, no time limit is placed on the continued commitment of U.S. troops. The House report observes "while subsection (1) refers to the commitment of U.S. troops to an area where armed conflict actually is in progress, subsection (2) covers the initial commitment of troops in situations in which there is no actual fighting but some risk, however small, of the forces being involved in hostilities."

Even past executive practice, which has defined the term "hostilities" more narrowly than the legislative history requires, justifies the application of "hostilities" to the present situation in Lebanon. The Ford administration stated:

"Hostilities" was used to mean a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces and "imminent hostilities" was considered to mean a situation in which there is a serious risk from hostile fire to the safety of United States Forces.

Some may argue that the 60-day time period can only be triggered if the President specifically cites section 4(a)(1) in his report to Congress. The resolution itself refutes that assertion. Section 5(b) provides that in the absence of congressional authorization, troops must be withdrawn "within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1)." The language "or is required to be submitted" makes clear that section 4(a)(1) is triggered if the circumstances so indicate, even if the President submits no report.

The 60-day requirement is thus self-executing, regardless of whether the President explicitly invokes section 4(a)(1) of the resolution.

The executive branch has itself recognized that the decision as to whether a situation involves hostilities is not the exclusive prerogative of the President. Monroe Lee, legal adviser of the State Department, testified to a House subcommittee in 1975:

I think it is perfectly within the power of Congress to decide even if we reported under 4(a)(2) that it was really 4(a)(1) and treat that as the beginning of the 60-day period trigger. I don't agree that the competency is absolute. I think Senator Javits was saying that the Executive can have an interpretation just as the Congress can have an interpretation and in the last analysis it would arise on some sort of lawsuit which the courts would probably decide.

The President's refusal to admit that hostilities are taking place cannot prevail in cases such as this, when the situation so clearly involves hostilities as defined in the act and its legislative history.

In this case, the President's report of August 30, 1983, is ambiguous, since it refers only generally to section 4. But the very language of that report itself is conclusive evidence that U.S. Forces have been introduced into hostilities.

It is clear, at least since the end of August, that American Forces have been involved in hostilities within the meaning of the war powers resolution, and that further congressional authorization will be required to keep our forces there beyond the 60 or 90 days provided in the resolution. I call on the President to submit a request for proper authorization to the Congress promptly, so that we may take timely and appropriate action to protect our forces and end this tragic conflict.

Finally, I believe that the President's actions in Lebanon are also in violation of a separate statute passed by Congress last June, the Lebanon Emergency Assistance Act. Section 4(a) of that act requires the President to obtain statutory approval from Congress for "any substantial expansion in the number or role" of U.S. Forces in Lebanon. The current U.S. military presence in Lebanon began in September 1982, when 1,200 marines were sent to Beirut as part of the Multinational Peacekeeping Force. On September 1, 1983, President Reagan more than doubled our present combat troops in the area by ordering 2,000 more marines into positions off the coast of Lebanon. Yet the President has not sought the required approval from Congress for this expansion in the number of forces there. Nor has he sought the approval of Congress for any of his decisions in recent days to expand the role of our forces in the area.

Our present task is already difficult enough, without the President provoking a needless confrontation with the Congress over the war powers resolution and the other statutes that apply to our forces in Lebanon. No President is above the law. It is time for President Reagan to heed his oath of office and obey the laws of the United States.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. RIEGLE. I yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts for his comments on this issue and for his supporting comments with reference to the position that I took. I am very grateful for those comments.

Mr. RIEGLE. Mr. President, I rise to associate myself with the remarks of the Senator from West Virginia and the Senator from Massachusetts on this critical issue.

In the past 3 weeks, four Marines have been killed in action in Lebanon and at least 24 others have been wounded. It is a war zone by any reasonable definition of the term and American forces are involved in hostile action. I think they deserve the active support and protection that our laws and our entire Federal Government can provide. In my view they are not receiving that at this time, and I am deeply disturbed by this fact.

Military hostilities are underway today and any hour may bring the news that additional U.S. troops have been killed or wounded. As is known, additional U.S. Marines have been moved into the waters off Lebanon. We have learned today that U.S. military field commanders have been given new authority by President Reagan to use available U.S. military forces against such targets as they may determine not only to defend U.S. forces stationed in Lebanon but apparently in support of other Western military forces and even in support of the Lebanese Army itself.

The full meaning and implication of these new military orders is not clear. But they appear to lead us more deeply into the war that is now underway in Lebanon.

What is clear to me is that these events now trigger the provisions of the War Powers Act, and the administration is required to implement the provisions of that act.

It is obvious that U.S. Marines are stationed in areas of imminent danger, and these military forces deserve the protection and support of the full force of American law and, therefore, the active involvement of Congress as well as the executive branch is necessary.

Basic constitutional requirements necessitate this as do the legal requirements of the War Powers Act itself.

There is no proper basis for the administration to any longer sidestep the legal requirements of the War Powers Act and it is essential that they move without further delay to meet the requirements of that act.

The nature and extent of future U.S. military involvement in Lebanon is an open question that deserves the most careful consideration but only after the procedures of the War Powers Act have been implemented.

I yield the floor.

Mr. JEPSEN. Mr. President, the time has come for Congress to exercise its role of authorizing the continued presence of our marines in Lebanon. I commend Senator MATHIAS for introducing Senate Joint Resolution 159 on September 12, 1982, and reaffirming the important principle that the decision to deploy U.S. forces in hostile situations be a collective decision of the Executive and Congress.

When the President reintroduced the U.S. Marines into Lebanon as part of the multinational peacekeeping force on September 29, 1982, he reported to Congress as required under the War Powers Act of 1973 without specifying under which section of the act he was making the report. The administration claimed, and the Congress generally conceded, that the marines were not being introduced into a situation of hostilities or imminent hostilities. Therefore, we did not require full congressional authorization for the marines to remain in Beirut for more than the 60 to 90 days as specified in section 5 of the war powers resolution.

On August 29, the situation in Lebanon entered a new phase as two marines were killed in the fighting between the various factions near the Beirut Airport. The fighting has continued ever since. It first appeared that the marines were simply receiving random fire from the Druze militia fighting in the area. Now, there is strong evidence that the marines are being deliberately targeted by some of the factions fighting in and around Beirut.

Because of the involvement by the marines in the fighting, the continued deployment of the U.S. Marines in Beirut must be subject to congressional authorization. We must not shirk our responsibility to work with the executive branch to use our Armed Forces as a tool of foreign policy. If the deployment of the marines in the very volatile environment of Lebanon is to have the full support of the American people, they must have a voice in the decision through their elected representatives in Congress.

At present, the marines are playing a constructive role as a force for peace in Lebanon. We are committed to support the central government and the National Lebanese Army in their efforts to bring reconciliation between the warring factions in the torn Lebanese society. One instrument for rebuilding Lebanese society is the concentration of military power solely in the hands of the Lebanese Army.

I must confess that I have been pessimistic about the prospect of molding an effective fighting force out of an army of Christian Lebanese officers commanding an enlisted force of Lebanese Moslems. However, the infusion of new equipment and the intensive training we have provided seems to have paid off. The Lebanese Army has scored some successes on operations in recent weeks and the legacy of an army which immediately retreated to the barracks upon the outbreak of fighting is being erased.

But the Lebanese Army alone has no hope of cementing the Lebanese people into a unified nation. President Gamayel must work to make the Government and leading institutions in Lebanon more reflective of the balance of the general population.

I repeat, President Gemayel must work to make the Government and leading institutions in Lebanon more reflective of the balance of the general population. All factions and ethnic groups must have a share in the national life of Lebanon if it is indeed to succeed on a peaceful basis.

We must never lose sight of the role of our marines in helping to bring about a peaceful resolution of the deep divisions in Lebanon, and in providing an effective counter to those forces external to Lebanon which would like to see the fighting and dissension continue.

The marines have a constructive role to play, and I will continue to support their deployment in Beirut as long as they are able to carry out their peacekeeping mission.

Mr. President, a united and independent Lebanon is critical to the success of our Middle East policy. It is now for the Congress to decide whether the risks to our marines are outweighed by the prospects of peace in Lebanon. But in this globe of ours, which is very conscious of signals and is very concerned about peace and nuclear holocaust and the proliferation of nuclear capacity, and so on, it is essential that this country, as a nation unified, present a bipartisan unified foreign policy to the rest of the world.

I think this may be in itself a unique situation that we find ourselves here now in Lebanon, a time to forge that bipartisan, unified foreign policy this country might present to the rest of the world.

In any event, Mr. President, I think the time has come for the Congress to exercise its role in working together with the executive branch to determine whether our marines indeed shall continue to stay in Lebanon.

The PRESIDING OFFICER (Mr. SPECTER). The Senator from Florida.

Mr. CHILES. Mr. President, I want to say at the outset that I wish to associate myself with the remarks of the minority leader, Senator BYRD from West Virginia, and also the remarks of the Senator from Massachusetts and the Senator from Michigan.

I think we find ourselves with two debates going on here or the beginning of two debates. They may be the most far-reaching debates we are going to have in the Senate this year because of the possible consequences that we find for the United States.

Of the two debates going on, the first is on the question, should we invoke the War Powers Act, and the second is, what should be the U.S. policy in Lebanon. I really do not think, Mr. President, we should confuse those two debates. I think we ought to take them separately because they are separate.

Invoking the War Powers Act is not a referendum on administration policy in Lebanon. It should not be a partisan issue; neither one of the debates should be, for that matter. But it clearly derives from article I, section 8 of the Constitution which gives to the Congress the responsibility to make decisions on the commitment of Armed Forces abroad. Thus, whether or not a Senator believes that our troops should be taking fire in Beirut right now, whether we should or should not be there with our marines and our expanded military presence, it is our responsibility to the Constitution and to the public to invoke the War Powers Act and to do that immediately.

As a bipartisan body, we should and must conclude that the escalation of the violence and the deaths we have suffered in Lebanon have triggered the operative provisions of section 4(a)(1) of the war powers resolution. To maintain that our marines in Lebanon are not facing actual hostilities is not only a myth but it certainly is a disservice to the American public and it is a disservice to those marines and their families.

(Mr. JEPSEN assumed the chair.)

Mr. CHILES. So the first decision we have to make is on the War Powers Act. It must be invoked with the 60-day limit, and then, Mr. President, I think we can get on with the second and the very, very important debate, what to do in Lebanon.

In invoking the War Powers Act, we should not add 120 days to the length of the time the President has to come back for congressional authorization; we should not add 6 months; we should not add 18 months. Neither should we prejudge the issue. We should invoke the act, clear and simple, as it is written.

Then when the President begins to consult with Congress we can take the time to gather the facts and make an informed judgment on our policy in Lebanon.

Mr. President, I remember so vividly our discussions in regard to Vietnam when I came to the Senate as a freshman Member in 1971. At that time we were beginning to realize we had entered into a situation where we were not going to have a policy of trying to win. We had drawn lines which we would not cross. Our troops were fighting with their hands tied behind

their backs. Day after day we took those casualties, and day after day the Congress sort of sat back with a great debate going on and great divisions in the Congress. But at the same time many of us saying as we would answer our mail, "Well, it wasn't our decision to send the troops there. Now that they are there, we can't cut off the support. We have to continue to provide the support even though we weren't part of the decision to send them there."

In the aftermath of that disaster, Mr. President, we began to ask ourselves how did that happen, and how in the world can we keep that from happening again?

We have had two undeclared wars since World War II. In Korea we had a major war. I had an opportunity to serve at that time in the service. Then in Vietnam we took tremendous numbers of casualties with an expenditure of billions and billions of dollars. Under no circumstances could you really look back and say those were not wars; but those were never declared wars. They were never wars in which we could pinpoint that the Congress, the elected representatives of the people, had actually spoken that we were going to make war. In neither one of those wars did we ever have a clearly stated goal or purpose.

In Korea we had the Yalu River. We would not cross that. We would not turn loose our might, the might of our bombers, to try to hit bases beyond that river. It was a war of attrition. It was a war in which we suffered tremendous numbers of casualties. We got out of that one a little bit better than we got out of Vietnam. But many of us, in looking back to that history, decided we had to come up with something, and that was the genesis of the War Powers Act.

I believe, Mr. President, that never was the War Powers Act intended to handicap the President, to take away his powers. I do not think we can. They are constitutionally granted. Furthermore, Mr. President, I believe one purpose of the War Powers Act was to force Congress to make us take our responsibility under the Constitution that we are the ones to declare war.

Mr. President, we did not take the responsibility in Korea; we did not take the responsibility in Vietnam. We suffered tremendously because of that and our people and Armed Forces never understood what they were really there for, what was their goal, and what was their purpose.

After those wars, I made a pledge to myself. I prayed to God that I would never be involved in sending any of our young men to war; but if they are going to go to war, I was not going to have the responsibility for sending them without them knowing why they were there, without the American people knowing why they were there, without there being a commitment, and without us determining that if we are going to fight a war, we are going to fight under circumstances in which we can say when we have won.

Mr. President, I have heard many remarks about Central America: "El Salvador, look out, this is another Vietnam." I never really shared that feeling.

But I have that feeling about Lebanon. I have it every night when I am trying to go to sleep; I have that feeling when I wake up at night—and I have been waking up at night—and I have it every morning when I wake up, because we are going into the same thing.

I can hear the voices on the Senate floor during all the debates about Vietnam. I feel all of the tragedy of that. I feel in my conscience that part of the time when I was here as a freshman Senator trying to grope with what to do about Vietnam, I did not know what was right and what was wrong. Mr. President, I know now. And I know that we cannot sit and allow this to escalate, allow further troops and further casualties, without us taking our share of the responsibility.

We are the voice of the people under our Government. We are the elected representatives. We are the ones that go home and listen, as we have done during this recess, and hear the concerns. We are the ones that actually should report back and also take the responsibility for what we are doing.

This is our opportunity. It is not only our opportunity, it is our duty and our responsibility. Mr. President, we cannot shirk it. We must see that the law of the land, the War Powers Act, is complied with. We must then go into the debate on Lebanon and ask the hard questions. What is our purpose? Why are we there? Do we have a purpose that we should commit blood and our lives for? Is there a way of trying to win in the situation there? The answers, Mr. President, I do not prejudge now because I cannot tell you I have the answers. I am truly concerned, and I expect to spend an awful lot of time trying to determine what are the right answers and what my conscience tells me are the right answers.

But I have no doubt as to whether the act should be invoked. I have absolutely none as to what our duty is in this first step of the debate. I hope that the President will see that and that we will move forward to the second debate as to what our policy should be.

Mr. President, today's Miami Herald printed an editorial which spoke eloquently to this subject. The title of the editorial could well be the title of my remarks today. It was "Deal Congress In," and I request that it be printed in the RECORD at this time.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEAL CONGRESS IN

The controversy over the U.S. role in Lebanon is easily misunderstood, and should not be. It is not, at this point, a struggle between supporters and opponents of President Reagan; between hawks and doves, isolationists and interventionists, between Democrats and Republicans, or similar casts of antagonists.

Such splits yet may emerge, but at this point the debate submits Lebanon as a test case for resolving questions of legal procedure and institutional prerogative. That does not minimize the question's importance. To the contrary, the debate is over who holds the power to commit the United States to war, which is the most serious power entrusted in government. The struggle is rooted in Constitutional ambiguity, as old as the Republic, it pits Congress against the Presidency.

With one exception, President Reagan's decisions so far regarding Lebanon have drawn little criticism, and they merit none. His initial commitment of Marines as part of the multinational peace-keeping force was sound.

In recent weeks, as hostilities intensified and Marines died, the President responded quickly and admirably. He ordered sufficient force to be used to protect the exposed Marines and sent backup troops to bail them out if needed. Equally praiseworthy was his decision, taken in concert with the other governments participating in the the peace-keeping force, not to accede to the request from Lebanese President Amin Gemayel to increase the force to 12,000. Mr. Gemayel hoped that the multinational force would impose the order that eludes his army. Such a fundamental change of scope and mission in the murk of what Mr. Reagan recognizes as a "civil war" would be most ill-advised.

Mr. Reagan's balance of decisiveness and restraint, then, merits praise. This one exception is his understandable reluctance to invoke the War Powers Act. To do so would require Congress to approve of a continued U.S. presence amidst hostilities within 90 days or force the withdrawal of troops.

No President welcomes the sharing of authority over foreign policy with Congress and Mr. Reagan is no exception. Therefore his Administration continues to bend itself into verbal contortions, trying to deny that U.S. forces in Lebanon are amidst hostilities. This is a sham and should be stopped. Marines are exchanging fire and dying in an indisputable combat situation. The War Powers Act requires—as a matter of law—that Congress now be involved in the decision over whether U.S. troops shall remain in danger or not, and if so, under what terms.

The Constitution grants Congress the power to declare war, and makes the President the Commander-in-Chief. The War Powers Act is a statutory attempt to bridge the gap created by the Constitution over commitment of U.S. forces to battle. As such it is a direct extension of the Constitutional framework of checks and balances between branches of Government. A Supreme Court decision earlier this year outlawing the legislative veto may or may not have crippled the War Powers Act; clarification

of that point may require another Supreme Court test.

In the meantime, the War Powers Act remains law; the President must abide by it. Congress now must share anthority in defining U.S. interests in Lebanon and how those interests best are served. This process affords the nation a needed opportunity to forge a shared resolve.

Mr. ZORINSKY. Mr. President, I rise to express my deep concern over the failure of the administration to invoke section 4(a)(1) of the War Powers Act in connection with the continued presence of U.S. forces in Lebanon. This section of the War Powers Act requires the President to report to Congress when U.S. forces are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." The circumstances in Lebanon are that brave U.S. servicemen are fighting and dying. No legal nicety or obfuscation can make that set of circumstances anything other than hostile. And if there is one lesson from our Nation's experience in Vietnam on which we all agree, it is that when Americans are asked to fight and die, we had better make certain that a united country is behind that effort.

Mr. President, that is the heart of the War Powers Act, which our Founding Fathers might well have designed if they could have foreseen the 20th century. Our argument is less over the words of the Constitution, though I believe they sustain the role of Congress in this matter, and more over the spirit of democracy given life by that document. It is clear that the framers of the Constitution intended to create a balance of power in order to assure permanently a democratic form of government. That balance requires the involvement of the Congress in the major decisions and actions of the Government. The War Powers Act, by requiring the President to report to the Congress when U.S. forces are placed in hostile situations and by requiring the Congress, as the people's representatives, to approve the continued presence of U.S. forces in such situations after 60 days, provides an orderly mechanism for accomplishing what the Constitution and commensense demand.

We should be candid: The President should want the recorded and unequivocal support of Congress for his decision to introduce U.S. forces into Lebanon under the present circumstances. A practical prerequisite for such action should be a nation united. For my part, this is not a subterfuge for trying to force the President to withdraw U.S. forces from Lebanon. Whatever the wisdom of our initial decision, I agree with the President that to withdraw at this moment would be an unmitigated disaster. But if young Americans are to be asked to risk their lives in pursuit of peace, we ought all to be behind that effort giving them the support they need.

Mr. SPECTER. Mr. President, first, I thank the Chair for presiding in my place so that I may speak on the war powers resolution issue.

I join with those who earlier today have urged that the President acknowledge the applicability of the War Powers Act. I commend Senator BYRD of West Virginia for his very learned presentation and historical analysis today. I agree with the conclusions which he has reached from the historical analysis which he has presented on this floor.

My view is that hostilities are present in Lebanon and it is important that the War Powers Act be observed. It is a mandate derived from the constitutional power of the Congress of the United States to declare war.

The Founding Fathers were wise in vesting that responsbility with the Congress because, whatever else may be said about the institutions of the House of Representatives and the Senate, we are closer to the people than any other organ.

During the past recess, my experience, duplicated by virtually all of our colleagues in the Congress, was to return to the home State and to travel, to have open houses and to take the pulse of the people and get the feelings of the people of my State, as the Congress took the feelings of the American people. During the course of many open houses all over my State, I heard great concern about Lebanon, Central America, the War Powers Act, and a wide variety of other subjects.

But there is no question about the appropriate role of the Congress in deciding whether there ought to be a continuing commitment of American troops in Lebanon.

I think Senator BYRD was preeminently correct in saying that the likely result would be to strengthen the President's hand in having greater support for the action which he has taken here. And I would state that my instincts are to support the President in what he has done in Lebanon; that it has been an appropriate balance, with some 1,370 American troops as part of a multinational force drawn also from England, France, and Italy; that he has been correct in denying the request of President Gemayel of Lebanon to increase the number of our troops or to get involved in the mountain fighting; and he has been correct in using American naval forces to bomb mortar installations which had launched shells which caused the death of some U.S. Marines.

I think Senator CHILES speaks with wisdom in wanting to have a full and open debate on the subject before a final decision is made as to our stand there. And I certainly would reserve that final judgment myself. My instinct is to support fully the President in what he has done. But it is the congressional role to declare war and it is the congressional role to make a decision under the War Powers Act.

I want to lend my voice today on the floor of the Senate, because I think there is widespread support for this view on both sides of the aisle, Democratic as well as Republican, so that this debate may be considered by the President and his subordinates in reaching their decisions.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

(Mr. SPECTER assumed the chair.)

Mr. BENTSEN. Mr. President, when I first came to the Senate in 1971, the tradition of a maiden speech was a lot stronger than it is today.

I remember my maiden speech very well. I remember how pleased I was that the distinguished senior Senator from the State of Mississippi, the chairman of the Armed Services Committee, of which I was a member at the time, would come and hear me deliver it.

Part of the tradition of the maiden speech for a Senator was that he chose that thing that was of the highest priority to him, something that he thought was of national concern. I chose the War Powers Act as a freshman Senator. I chose that as the subject to work on. I was one of the coauthors of it and I worked with Hubert Humphrey and JOHN STENNIS and Jack Javits, working to assert the congressional constitutional role in situations like the one we face now where American troops have entered into an area of potential combat in Lebanon.

In my opinion, the initial decision to put U.S. troops into Lebanon was wrong. It is a lot easier, though, to get into Lebanon than it is to get out of Lebanon. And the equations have changed now that they are there; the justification and the responsibilities have changed. Those are the things that should be debated before this body.

The democratic government derives its just powers from the consent of the governed, and momentous decisions of war and peace, life and death must be made by the elected representatives of the people.

We do not challenge the authority of the President as Commander in Chief of the military forces. We do not challenge his constitutional right to direct the conduct of war once the decision has been made through the democratic process that we must wage war.

But we would be negligent, indeed we would have been negligent of our own constitutional obligations, if we relegated to one man the decision of

whether or not our sons should go to war. The responsibilities of the President are awesome indeed and no President should welcome or accept the sole responsibility for involving this country in war. He should welcome the fact that he has a partner in that terrible decision. He should insist that the Congress participate in any decision leading in that direction. And Congress, for its part, should demand its rightful role and be equally assertive in sharing that responsibility. We ought to measure up to it.

The people understand and even respect differences in opinion, but they lose that respect and they do not understand when momentous decisions affecting their lives and the lives of their sons are made outside of the representative insititutions which they, by their rights, control.

When they do not participate in such decisions through their representatives, the institutions are weakened and respect for all institutions is lost.

There can and there will be disagreements between the President and the Congress, but there need not be distrust. The public business must be conducted in an atmosphere of mutual respect and confidence that will, in turn, inspire the respect and the confidence of every citizen.

Mr. President, I believe that the War Powers Act is clear. It was designed specifically to prevent the recurrence of situations such as the Vietnam war where some 50,000 Americans lost their lives without a declaration of war or specific congressional authorization. Today U.S. Marines are being shelled, they are being wounded, and they are being killed in Lebanon. They are being authorized to call in air strikes and respond more aggressively to provocations. I can only suggest that if the War Powers Act is not invoked under these kinds of conditions, then it is worthless. It is a scrap of paper and we ought to throw it away and we ought to forget it. We might as well say to the President, "Well, you can send U.S. troops into combat anywhere, any time you want, without congressional approval. Forget the War Powers Act. That was just a hangover from Vietnam."

I do not believe that the U.S. Senate is prepared to abdicate its legal and constitutional prerogatives in an area of such fundamental importance. Today we are worried about the War Powers Act on Lebanon. Sometime in the future we could have a difficult decision in respect to El Salvador or Nicaragua or North Africa.

It is really not clear to me, Mr. President, why the President is so intransigent on the issue of the War Powers Act. My guess is that the Congress would support the presence of U.S. Marines in Beirut as a part of the International Peacekeeping Force. I think the President could probably get approval under the War Powers Act and establish a clear legal and moral basis for that presence. In the process we could hopefully hammer out a clear understanding of why our marines are there, what they can hope to accomplish. Perhaps a potentially divisive situation would be turned into one of broad bipartisan support.

But the intent and the policies of the President and what he seeks to achieve have to be clearly stated, and they have not been to this point.

Mr. President, I will not be a party to the evisceration of the War Powers Act. If the President refuses to invoke the provisions of this act it will be extremely difficult for me to support the continued presence of U.S. forces in an area of combat such as Lebanon. In this instance, I believe the principle is as important as the presence because that principle is the continued role of Congress in decisions regarding war and peace.

I see my friend from Maryland, the squire of Maryland, Senator MATHIAS. I want to congratulate him for his efforts on this issue in trying to protect the integrity of the War Powers Act.

The Senator is correct in pointing out that this is a corporate endeavor, and for that reason I do not think it is sufficient for Congress to start the clock running unilaterally.

Mr. MATHIAS. If the Senator will yield, I thank him for his very generous reference.

Mr. BENTSEN. I thank the Senator.

I believe the administration should acknowledge and fulfill the provisions of the War Powers Act. If they do, then I am prepared to cooperate fully in an effort to bring about a prompt congressional decision on the presence of our forces in Lebanon.

I am not prepared to be a party of the dismantlement of the War Powers Act. I want to make that point just as clear and as forcefully as I know how.

Mr. President, I ask that my colleagues join together in urging this administration to fulfil the responsibilities and requirements of the War Powers Act. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, at this point the situation facing our marines in Lebanon is a very serious one. Since August 29, four U.S. Marines have been killed in Lebanon as a result of hostile fire, and numerous others have been wounded.

However, the continued presence of U.S. forces in Lebanon as part of the Multinational Peacekeeping Force is vital to achieving peace in the Middle East. A strong and independent Lebanon, free from external interference, is vital, not only to U.S. interests, but to the efforts toward world peace.

In view of the critical U.S. interests in securing the stability of Lebanon, and the fact that our marines have been the object of hostile fire—and every indication is that this will continue—I believe the decision to keep our forces in Lebanon should not rest with the President alone.

Therefore, I believe section 4(a)(1) of the war powers resolution should be invoked. Section 4(a)(1) states that—

> In the absence of a declaration of war, in any case in which the United States Armed Forces are introduced . . . into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. . . .

The continued presence of our forces beyond 60 to 90 days has to be authorized by the Congress.

If the President were to invoke this section of the war powers resolution I believe he would find overwhelming bipartisan support in the Congress for the continued presence of our marines in Lebanon. I am convinced Congress would not vote to pull the marines out of Lebanon. Most Members of Congress realize that to do so would result in increased violence and bloodshed, leading to the probable collapse of the government of President Amin Gemayal. None of us would vote for such an outcome in Lebanon.

If the United States were to withdraw from the Multinational Force, that force would quickly dissolve. Our withdrawal would clear away any obstacle to the Druze militia escalating the fighting in Lebanon. This, in turn, would most likely provoke renewed fighting between Israel and Soviet-backed Syrian troops. In essence, the U.S. presence in Lebanon is vital to preventing another war in this highly volatile and strategically important region of the world.

Mr. President, I strongly believe that by invoking section 4(a)(1) of the war powers resolution, the President would marshal public opinion, through the elected representatives in the Congress, in support of our Government's policies in Lebanon. The timing is right for the President to act. If he does so now, I am confident that he will have bipartisan, bicameral support. If he waits, there is a danger that the American Peacekeeping Force could become a strictly partisan issue. Congress and the President must act in concert. By so doing, the United States will be sending a signal to potential adversaries in the Middle East, and elsewhere, that Congress is more than willing to share the responsibility with the President for the commitment of U.S. Armed Forces in Lebanon—a commitment forged in the belief that only in this way can we hope for peace and stability in the region, and perhaps throughout the world.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I salute and thank the President for his recent action in granting field commanders in the Beirut area the authority to retaliate by naval and ground fire power against attacks on our marines. To date, they have become all but sitting ducks, handcuffed in their fox holes. We could or should do no less.

The larger question that confronts us, it seems to me, is what do we do now?

It is this Senator's conviction, often stated since the beginning of our direct involvement there, that our ground forces should never have been deployed on Lebanese soil. My concern was and is that a superpower's ground forces serve essentially as a dangerous tripwire which could easily trigger our all-out involvement in a major confrontation. In this case again, we are sinking into a situation over which we could lose control. Quicksand is always dangerous and there is a lot of it in the Middle East today.

The question comes, now that the fat is in or near the fire, what do we do?

It is clear that we cannot immediately cut and run. This term has become a catch phrase by some who seem to be saying that our only alternative is for a long-term commitment of troops now for at least 6 more months, or up to 18 months or longer.

Such is not my view. I suggest we should be planning now to get our ground forces out of Beirut, and not to put more in unless required to protect our present position.

We are about to become exercised about the War Powers Act and a great debate is likely to be waged about the rights and wrongs of invoking this act on the basis of whose turf is tromped on between the executive and legislative branches. That, in my opinion, is not the key issue, as important as it might be to constitutional scholars.

Our first step should be to convince the President that the War Powers Act should obviously be invoked, giving the Congress and the President 60 or a maximum of 90 days under that act to review the difficult situation we find ourselves confronted with. I would hope we could bring diplomatic pressure to bear, combined with economic and military hardware assistance to the Lebanese Government, so as to withdraw our ground forces. If that proves unworkable for any reason, the U.S. ground forces would have to leave Lebanon in 60 to 90 days unless Congress votes to let them stay. As nearly as I can tell, that was the logic behind the War Powers Act requirements. Why are we not insisting it be employed rather than continuing to fly by the seat or our diplomatic and military pants in Beirut?

In my opinion, we should not be making any long-term commitments before we understand all the facts and ramifications, and I warn against what appears to be a rush to enter into another form of a Gulf of Tonkin resolution, this time in the Middle East.

We need some time to reason together. The time provided in the War Powers Act is obviously the best way to proceed at this juncture.

Mr. President, I yield the floor.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it is clear that we need more time for the presentation of the debate on Lebanon and the War Powers Act. I ask unanimous consent that the time for the transaction of routine morning business be extended to the hour of 5:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I can remember being both a country lawyer and Governor of my State during the Vietnam war. I frankly confess that I was not all that opposed to the war until my two sons began to reach draft age. But it was not just because they were reaching draft age that I came to oppose the war; it was because I knew that if they were called upon to go, they at least ought to have the right to know what was involved and why they might be called upon to give the full measure of devotion in Vietnam.

As I agonized over the role that I had to play in explaining to my own sons why they had to go to war, I could not come to any kind of persuasive conclusion that our role in Vietnam was legitimate or in our national interest. So I turned against the war.

The interesting thing about our society as opposed to almost any other society is that it was public opinion in this country that brought that war to an end, but it was late in coming and it was after 55,000 American men died and 250,000 were injured.

Joe Stalin used to say one death is a tragedy; a thousand deaths is a statistic. Having just returned from the Soviet Union, I must say that I am afraid that that is still the Soviet mentality. But it is not ours. We believe in the sanctity of life and we believe that the four marines who have died already in Lebanon and the 55,000 who died in Vietnam, to say nothing of the untold misery and costs in human and economic suffering that was caused there—each one is a matter of great concern to this Nation. It ought to be a matter of great concern to every Member of this body.

So, I simply want to say this afternoon—and unless something is forthcoming soon, I shall say a great deal more, as will many of like mind—that as a country lawyer, I often wondered why Congress did not do a better job of handling the Vietnam war. Why was the President allowed, without any constitutional declaration of war by the Congress, to fight a war in Vietnam which nobody ever understood?

That was another era in the history of this country where it did not pay politically to talk sense—not the first, nor will it be the last.

Mr. President, there were people all across the country who wondered why the Congress did not assert itself and why nothing really meaningful was done here. Well, it was because nobody wanted to leave our men stranded over there; nobody wanted to cut and run because of the perception that such an action might convey to the rest of the world about United States resolve in its fight against communism and Communist governments. But for all of those reasons, none of which is very persuasive, we continued. It was a mammoth tragedy, but in the wake of that tragedy, Congress did something to try to make sure we never got caught in that situation again. That was the passage of the War Powers Act.

Mr. President, we have a very checkered history. It was not just in Vietnam. The Senator from Nebraska knows nobody ever declared war in Korea. President Ford did not declare war during the Mayaguez incident, when we were trying to recover 50 people who had been taken off the Mayaguez by the Cambodians.

There is time after time in our history where the President has introduced troops into hostile situations and has literally waged war, and Congress was simply either a willing conspirator or just lacked the courage to do anything about it.

That was not the intention of the Founding Fathers when they wrote the Constitution. The Founding Fathers of this Nation did give the President the authority to repel attacks.

In 1941, when the Japanese attacked Pearl Harbor, nobody expected Franklin Roosevelt to wait until he could convene Congress and get a declaration of war. It did not take long in coming. It happened immediately. But he had a right to do it. He always has the right to repel attacks.

If you read the Federalist Papers, Alexander Hamilton was very clear on that point. They intended for the President to have that right, and they intended for him to be Commander-in-Chief, much as the kings have been commanders in chief in England. But they specifically said that Congress is the only body that shall have the right to declare war.

There is another Federalist Paper—I think it is No. 69—by Alexander Hamilton in which he goes into great detail about the debate that went on in the Constitutional Convention on that issue. The words originally were: "Con-

gress shall have the right to make war." They found that word faulty, and they changed it from make to declare.

In any event, Congress decided that we ought to start living up to our constitutional responsibilities. Let the President introduce troops where there is an attack, but any time he introduces troops into hostile situations, he ought to at least notify Congress, and we will decide whether it is a matter on which we want to declare war, whether it is a matter we want to tolerate, or whether it is a matter from which we want to withdraw.

It seems to me that the President would welcome with open arms the support of Congress for the troops in Lebanon and our policy there. It is a terrible onus for the President to take that on unilaterally, especially with Congress objecting not to the handling of it but to the President's flouting of the law.

If we are a nation of laws, it surely ought to apply to the President. If it does not apply to the President, it does not apply to anybody. Why should some two-bit white-collar criminal abide by the law, if he sees the President of the United States thumbing his nose at it?

The War Powers Act was a very carefully crafted law. It was debated and debated in committee and on the floors of both Houses before it was passed. It was not something done hastily.

If you read English and you understand the English language, listen to the wording of the War Powers Act.

In section 2(a), Congress sets out the policy behind the act, and here is the stated purpose:

> * * * to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances * * *.

I ask, if you read English, is there anything confusing or ambiguous about that? They said that the purpose is to fulfill the intent of the framers of the Constitution, and that is that the U.S. Congress declare war, and that the President be Commander in Chief.

Section 2(b) of that act recognizes the power of Congress under article I, section 8, of the Constitution to do all those things "necessary and proper" for exercising other powers.

Section 2(c) says that the constitutional powers of the President to introduce Armed Forces into imminent hostilities are to be exercised only pursuant to first, a declaration of war, second, specific statutory authorization, or third, a national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.

Now, do you read English? There is absolutely nothing confusing or ambiguous about sections 2(a), 2(b), or 2(c).

Section 3 just says that the President, where he can, at least will consult with Congress before introducing U.S. forces into situations where imminent hostilities are anticipated.

Section 4—I hate to get legalistic about this, but how can you discuss this without getting legalistic?—section 4 is a critical section. If you read English and if you understand English, I want you to listen to this very carefully. Section 4 says:

> In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—
>
> (1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;
>
> (2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or
>
> (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;
>
> the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—
>
> (A) the circumstances necessitating the introduction of United States Armed Forces;
>
> (B) the constitutional and legislative authority under which such introduction took place; and
>
> (C) the estimated scope and duration of the hostilities or involvement.

First. Is Lebanon a hostile situation? Well, when you have four marines dead and more than a dozen others injured, some seriously; when everybody believes that it is a quagmire likely to escalate and the marines are being subjected to artillery barrages every day, that is not something likely to become hostile—it is hostile.

All the War Powers Act says is that the President will submit a report. We will hear arguments by people on the other side of this issue saying that they believe that, as Commander in Chief, he has the authority to do this. If he does, why does he not submit it in his report and say, "I am submitting this report to you and telling you that I have the privilege and the constitutional right—indeed, the duty—to do what I have done."

So the President is required, under the bill, to report to Congress, within 48 hours, the introduction of troops into "hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Not only have American marines lost their lives, not only are other American marines going to lose their lives, not only have American marines been injured, and not only are more and more American marines going to be injured, but also, the President has said that we are going to retaliate—indeed, we have retaliated—with mortar and artillery, and then some.

We are in a combat situation just as surely as if Congress had declared war on the Druze and the Palestinians and everybody else who is firing at the marines.

I do not think the Supreme Court would touch the first section of this. There is no question that the veto power of Congress has been declared unconstitutional. You can make an argument that the Chada decision does not really render the veto power unconstitutional. I agree with the position of the Supreme Court. I do not think one of the two Houses should be vetoing provisions. The Founding Fathers did not set up anything such as that.

I voted for a lot of those vetoes here. They come in handy, and they can hold the President's feet to the fire. But the Founding Fathers intended Congress to pass bills and the President to sign them.

So I have no quarrel with the Chada decision.

But they did not intend for the President to declare war either. That is the reason they specifically gave that very awesome responsibility to Congress.

Section 5(b) of the War Powers Act says that within 60 days after the report is submitted to Congress by the President or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate the use of U.S. troops unless one of five things happens.

Here are those five things.

First, Congress declares war;

Second, Congress enacts a specific authorization for such use of U.S. troops, which we may do, and I am inclined to think we would do that; or

Third, that Congress extend by law such 60-day period, and I think we might do that; or

Fourth, the President determines and certifies to Congress that unavoidable military necessity respecting the safety of troops requires continued use of such troops in the course of bringing about a prompt withdrawal of the troops. In this case the 60-day period for removal can be extended for not to exceed another 30 days during which time Congress could extend the time to enact legislation or declare war; and

Fifth, Congress is physically unable to meet because of armed attack.

Mr. President, we have some very distinguished guests here that the distinguished Senator from South Carolina, Senator THURMOND, wishes to introduce. And I certainly want to cooperate.

But I conclude my remarks by saying that no one in this body should underestimate the seriousness of the situation, no one should misunderstand that American lives are on the line and Congress has a role to play.

If the President triggers the War Powers Act, as he is most assuredly required to do under the law, in my opinion he will receive good bipartisan support in Congress.

I opposed sending American marines to Lebanon in the first place. I opposed it because I thought the United States would be the focal point of the hostility of the Druze, the Palestinians, and all the other Arabs in the vicinity.

I would have been happy to pay the expenses of any other nation on Earth to join the peacekeeping force, but what I thought would happen has happened and now we must make the best of it.

I do not want to undermine the President or our policy in the Middle East, but I want the law complied with and in my opinion, if the President will read the War Powers Act and do his constitutional duty by submitting a report to the U.S. Congress, he will be surprised at the bipartisan support he gets just as he might have been surprised at the bipartisan support he got in the method and manner he used in handling the Korean airliner incident, and I supported him strongly on that.

Mr. President, Congress has to face this issue. We are not going to be able to shirk our duty. We cannot ignore it. We have a duty and we have a responsibility. It just depends on the manner in which we are going to face up to it.

The laws are on the book on how we should do it, and I sincerely hope that the President and his legal counsel will do this forthwith because I can tell you it is not going away.

Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. President, the distinguished President pro tempore of the Senate, who is our senior Member on the majority side and presides in the absence of the Vice President, has advised me that he has a delegation of distinguished visiting Parliamentarians.

I yield now to Senator THURMOND so that he may present them to the Senate.

VISIT TO THE SENATE BY BRITISH MEMBERS OF PARLIAMENT

Mr. THURMOND. Mr. President, we are honored today by having nine distinguished members of the British Parliament here, and it is my distinct pleasure at this time to present them to the Senate. When I finish calling their names I will ask them all to rise and be acknowledged by this body.

The members are: John David McWilliam, Labor M.P. for Blaydon; Michael John Martin, Labor M.P. for Springburn, Glasgow; David Mudd, Conservative M.P. for Falmouth and Camborne; Patrick Nicholls, Conservative M.P. for Teignbridge; William Powell, Conservative M.P. for Corby; Martin Redmond, Labor M.P. for Don Valley; Allan Roberts, Labor M.P. for Bootle; Sir Hugh Alexis Louis Rossi, Conservative M.P. for Hornsey and Wood Green; and Jonathan Sayeed, Conservative M.P. for Bristol East.

This group is accompanied by U.S. Escort Officer Mr. James Moffett.

It is my pleasure now to present them and ask them if they will rise and be acknowledged. [Applause.]

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess for 2 minutes so we may have an opportunity to greet our visiting Parliamentarians.

There being no objection, the Senate, at 4:55 p.m., recessed until 4:57 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SPECTER).

The PRESIDING OFFICER. Two minutes having elapsed, we are back in session.

The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I have cleared the request I am about to make with the minority leader. I have discussed it with others who are principles of the debate which will occur on the Korean plane resolution. This is done to suit the maximum convenience of the most Members.

Mr. President, I am going to ask the Senate to change the convening hour for tomorrow in the following manner.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business from the expiration or yielding back of that time until the hour of 10 a.m. in which Senators may speak for not more than 2 mintues each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PROCEED TO THE CONSIDERATION OF THE KOREAN AIR LINES RESOLUTION ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate then proceed to the consideration of the Korean plane resolution beginning at 10 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Senators for permitting me to make these arrangements, and I now yield the floor.

THE WAR POWERS ACT

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I rise today to join my colleagues and speak to the importance of the War Powers Resolution attendant to the current conflict in Lebanon.

The continuing conflict in Lebanon is a mushrooming international problem, and this conflict is escalating as far as involvement of American forces are concerned.

We began by evacuating the PLO from Beirut, and that was a successful operation. We then reinserted our marine contingent in Lebanon after successfully taking them out following the evacuating of the PLO, and we are now being gradually committed to defending the Lebanese army under certain circumstances.

Twelve hundred marines have been stationed in Lebanon since September of 1982 as a part of the multinational peacekeeping effort. Several marines have been killed and many have been wounded, and just yesterday 2,000 more marines arrived on station off the coast of Lebanon ready for immediate deployment. And on September 8 a U.S. naval vessel shelled Druze artillery positions that were believed to be endangering positions held by the U.S. Marine Corps.

Mr. President, our fighting men are in a deeply precarious position in Lebanon and they are being asked to keep the peace. They are doing their best to do that, to keep the lid on in Lebanon. But they are being put in combat situations day in day out, and presently do not have full-scale authority to pursue or to destroy their attackers. They are being shot at, they are being killed, they are being wounded. They are on occasion shooting back and they are drawing combat pay.

Now, make no mistake about it, Mr. President, there are factions in the Lebanese conflict that have no desire whatsoever to have the U.S. peacekeeping forces play their rightful role. These forces have no real stake in a peaceful settlement in Lebanon. On the contrary, they wish to prolong the conflict. They most likely would like to see Lebanon dismembered and destroyed as a sovereign nation, and if provocative attacks on U.S. Marines

will help toward that end, they are prepared to undertake such attacks.

Yet despite the growing conflict the President has not moved to invoke the War Powers Resolution and by refusing to acknowledge the need to put the War Powers Resolution into effect the administration is apparently, for some reason known only to itself, refusing to attempt to build a national consensus about the extent of our involvement in the Lebanese crisis.

This is most troublesome and I submit, Mr. President, highly dangerous. U.S. Marines in Lebanon have been described as sitting ducks in this escalating conflict. They are trying to keep the peace in an environment that is anything but peaceful. But no less importantly it appears this administration is totally disregarding the positive value of the war powers resolution.

The War Powers Resolution of 1973 came about as a result of our involvement in Vietnam and is one of the most important foreign policy instruments that we have. Very simply the resolution insures that the collective judgment of the Congress and the President will be used when our Armed Forces are introduced into hostile situations or into situations where hostilities may be imminent.

Now, if the President were to indicate to the Congress that our marines have been engaged in hostilities pursuant to the language of the statute or faced imminent hostilities, the Congress would have 90 days in which to specifically authorize the presence of U.S. marines in Lebanon or they would be withdrawn.

I believe the President should set the War Powers Resolution into motion. When troops are being shot at, when they are returning fire, when troops are being killed and wounded, when troops are drawing combat pay, then I believe, Mr. President, they are engaged in hostilities and certainly hostilities are imminent.

I believe it would be proper and fitting if we should have a national debate about the extent of U.S. involvement in the Lebanese situation. As a nation we remain committed to the course of peace in Lebanon and in all of the Middle East, but that goal should always be discussed and debated in a public forum in a democracy. The War Powers Resolution is the proper vehicle for the debate about the Lebanon situation.

Second, Mr. President, by putting the war powers resolution into effect the administration is bound to make a full report to the Congress on three levels: First, the circumstances necessitating the introduction of our Armed Forces into Lebanon; second, the constitutional and legislative authority under which the introduction of such Armed Forces take place; and, third, the estimated scope and duration of the hostilities or involvement of our Armed Forces.

In short, the war powers resolution will help to provide the American public with the information they need to appraise the nature, scope, duration, and, indeed, worthiness of our involvement in Lebanon.

It goes without saying that the American people have the right to know about the full extent of our involvement in Lebanon. The war powers resolution will provide them with that information.

Finally, the war powers resolution makes the Congress as well as the President accountable for what is happening in Lebanon with regard to forces of the United States of America. It requires the Congress to make a decision within 90 days as to whether our Armed Forces will continue to be stationed in Lebanon.

Now, I have no doubt that there may be strong sentiment for keeping our forces in Lebanon if it can be clearly shown that their presence there will promote the peace. But I also believe firmly that the American people want all of their political leaders, not just the President, to be accountable for that decision, and to bring their collective wisdom to bear.

I have no doubt, Mr. President, that as the debate on the Lebanon situation unfolds, and if the facts warrant, the American people will not shirk from continuing to try to keep the peace in that area even if it means a continued military presence, but only if the facts show after debate that peace can ultimately be promoted by the presence of Armed Forces of the United States of America.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be relatively brief. Much of what I have to say will be redundant based on what I have heard said thus far this afternoon.

As far as I see it, several things are very clear. First of all, since September 1982, when the marines were sent as part of the multinational force, I believe they were entering into an area of hostilities.

Some disagreed with that assertion of mine back then in the Foreign Relations Committee, but I think they are hostilities. And I think the War Powers Act should have been triggered immediately and have so stated in the past.

But I do not know how anyone can deny since August 28, 1983, about a year later, after they had been there a year and four more marines had been killed, at that time two, and we are sending air strikes, as we should under the circumstances, up into the mountains and we have amassed additional marines off the shore, that we are not in combat hostilities. The fact of the matter is they are required to return this fire. We are not merely a peacekeeping force, although that is the purpose. They are, in fact, in hostilities. They are in a war.

I find it interesting that some of my older colleagues—and the President of the United States is somewhat older—always point out the bravery and heroism, which is true, of those who fought in World War II. Well, one of the things that I find continuingly being denied my generation, whether it was in Vietnam or even now, is the notion that their efforts to kept the peace, in the same sense we have attempted to keep the peace in World War II, the Korean war and Vietnam, that their efforts are not even given the courtesy of acknowledging that they are risking their lives. They are as much in combat as anyone who was in the Battle of the Bulge or anyone who was in any famous battle in which Americans distinguished themselves.

The fact is these guys are in war and we continue to operate under the fiction that they are not in war. And I am wondering what that does to their psyche. Here we are telling these guys, "Don't worry, you are not in war."

A young marine from Delaware, who happens to be over there, sent a letter to his father, who is a gung ho former marine and a very tough, strong fellow and a good friend of mine, essentially said, "Hey, what is going on?"

It was very reminiscent of earlier days, when guys were saying, "We are over here getting killed and back home they are telling us, no, it is a peacekeeping action."

I mean we all pretend that nothing is happening. These guys are getting killed and more of them are going to get killed. It is an awful thing to say, but it is going to happen. We have a President sitting down at the White House and a State Department and a Secretary of Defense who say these are not hostilities.

I do not care; forget the War Powers Act, forget the requirement of having the consensus of the country, forget the requirement of bringing the Congress on board, we have an obligation to those marines who are getting killed to say, "Hey, fellows, you are in a war. We understand it. We support it. We are with you." But not to have that generation put through what my generation was put through—"Well, I am over here and I am fighting and getting killed, but when I get home I am not sure what it means. When I get home they are going to pretend I was not in the war. When I get home they are going to pretend it did not matter. When I get home they are going to deny me at least the respect that should be required of somebody over here defending what his country has found was in the self-interest of his country."

So, No. 1, I realize that is not a very persuasive argument, at the most, and I realize it may not be the legalistic argument, but it seems to me simple, basic commonsense that these marines deserve to have it acknowledged by the American people and thereby implicitly that the American people support them and that their lives are being given for something that is vitally important to the United States of America in a war.

No. 2, the fact of the matter is that only the most tortured logic can bring one to the conclusion that hostilities as defined in the War Powers Act do not exist.

The fact of the matter is, it is clear to me that section 4(a)(1) of the War Powers Resolution has been triggered, has been triggered for some time, but clearly has been triggered since the 28th of August. Second, that that makes it incumbent upon the President of the United States of America to report pursuant to section 4(a)(1) of the War Powers Act. And, third, that he should transmit very, very specifically to the U.S. Congress what he wants, why we are there, and how long he thinks we are going to have to stay there.

I do not understand how this administration and some of my colleagues have failed to understand what I believe to be is the most glaring lesson of Vietnam, and that is, a foreign policy that lacks a voluntary consensus of the majority of the American people cannot be sustained. How do you sustain a foreign policy that the American people have not had explained to them and that the Congress and the country have not signed onto?

So, without taking any more time, because others of my colleagues want to speak, I conclude by saying the War Powers Act has been triggered and the President must face up to this. He must move forward by making his case to us. I believe we in this body should not prejudice our decision on whether or not the troops should stay until he makes his case. I could see one set of circumstances, if he makes his case, where I could support those troops remaining and I can see others, if he were to state it differently, where I could not support it. But we have a right to have explained to us precisely what the President has in mind. And he has an obligation under the law to do it.

I think if the Congress fails to call him to abide by that resolution, we might as well tear it up, we might as well forget about it, because it will have no applicability any time in the future.

I thank the Chair. I yield the floor.

Mr. SARBANES. Mr. President, what is at issue, I think by the discussion which is being conducted here on the floor of the Senate, is who is to participate in the decision to involve the U.S. Armed Forces "into hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances." Now that is the language of the War Powers Act. The War Powers Act was enacted really to insure that the Congress, as well as the Executive, will be involved in making the judgment with respect to any such involvement. It was designed, very simply put, to assure that such an involvement would not occur solely on the basis of the decision of the executive branch of the Government, but would involve as well the legislative branch of the Government.

It seems clear to me under the circumstances that the President is required to come to the Congress under section 4(a)(1) of the War Powers Act and section 5(b) and submit a report. Clearly our men are involved in hostilities, or in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and the President should submit a report and the Congress should then consider the President's request with respect to the authorization which he seeks from the Congress with respect to this involvement.

Now, failing that, the decision on involvement will be made solely by the executive branch. In my judgment, that is not what our constitutional system is designed to achieve.

It is not what the War Powers Act sought to achieve.

I do not understand why the administration will not simply follow the War Powers Act. We really ought not to be having this difference over the procedures to be followed. The procedures are very, very important. There has been an effort by some to discount them as legalisms. What is really behind these so-called legalisms is how are these very basic and important decisions to be made, and essentially it is the Congress, the House and the Senate, to be involved in making these judgments.

I think, clearly, they should be. I think the people across the country expect us to be. I think our chances of having a more reasoned, coherent, and focused policy would be enhanced by the involvement of the Congress.

It seems to me that the President should move quickly to submit his report and to make his request, enabling the Congress to debate the underlying substantive issues.

The request and the debate to follow would enable us to gain a clearer view, both here and across the country, of the precise mission which it is intended our troops are to accomplish and the terms and conditions under which it is proposed that they be involved. That would provide an opportunity for the Congress and the people to understand and to judge the rationale of the administration's case.

I fail to see any basis whatever on which the administration can continue to deny the application of the War Powers Act, and I urge the administration to recognize that simple fact and to proceed according to the act to present its report and request to the Congress, to then provide the Congress the opportunity to consider that carefully and to reach a judgment on it.

I think the American people are demanding that the Congress carry out its constitutional role in this regard.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me commend my distinguished colleague from Maryland, Senator SARBANES, for his very lucid and thoughtful remarks on this subject, the War Powers Act, and the tragedy which is going on in Lebanon.

I would also like to commend the other Senator from Maryland, Mr. MATHIAS, for introducing yesterday Senate Joint Resolution 159, a congressional action envisaged by section 5(b) and 6 of the War Powers Resolution of 1973.

At the outset, Mr. President, let me say that I have not made up my mind whether or not I would support the Mathias resolution, because of the time element involved.

There are two issues that are going to be debated. One is obviously the constitutional question involving the War Powers Resolution. The other issue, which we are not yet debating but obviously will have to debate very shortly, is the substantive question of whether or not the U.S. Marines ought to remain in Lebanon. I would like to address primarily the first question, that is, the constitutional issue of the War Powers Resolution, but I would also like to touch the substantive issue of whether or not it is wise for the United States to maintain our U.S. Marines as a peacekeeping force in Lebanon.

Of course, the War Powers Resolution is almost 10 years old, and ever since its enactment, questions have been raised about its constitutionality with respect to Congress' share in the decision over the introduction of U.S. forces into hostile situations.

I do not believe, Mr. President, that every constitutional ambiguity requires immediate resolution. I do believe in accommodation and cooperation as long as the constitutional principles are not compromised.

Congress, however, should not relinquish its constitutional role and, indeed, its duty under the guise of accommodation. Frankly, that is precisely the danger that this institution now faces.

The circumstances of the presence of the U.S. Marines in Beirut have developed to the point where, in my

judgment, they must trigger the application of section 5(b) of the War Powers Resolution. The alternative is to conclude that Congress does not take seriously its own legislation and if we do not take it seriously, who will?

There is certainly no need to recall here the legislative history of the War Powers Resolution. Many of my colleagues have gone into great detail about that this afternoon. There are volumes that have been written about it in the last 10 years.

Very briefly, Mr. President, let me just emphasize that constitutionally there was nothing new in the War Powers Resolution, as historic an act as it was. It extended no new right or duty to either the executive branch or the legislative branch of the Government.

It was based, rather, on the realization that under the new conditions of modern warfare we needed legislation to eliminate any ambiguity about the division of constitutional authority with respect to war and peace. It was not meant to weaken the Presidency. On the contrary, it was meant to liberate the President and Congress from skirmishes, the very kind we are having, over constitutional ambiguities when they should concentrate on working in harmony to defend a significant national interest.

That ought to be the subject, not the constitutionality of the War Powers Act.

Enacting such implementing legislation is one of the most important duties of Congress under the "necessary and proper" clause of article I, section 8 of the Constitution.

To bring about this legislation, Mr. President, Congress had to find the proper modern interpretation of the constitutional right to declare war. We have to remember that at the time of the writing of our Constitution, war was an accepted means of settling international disputes. In that regard, international law prescribed only its formalities, like those of declaring war or of protecting the rights of neutral states. The basic premise could be summed up very simply: War is legal, and these are its formal rules to be followed.

Under modern conditions, however, especially after the establishment of the U.N. system, this basic premise was reversed. The new rule is: War is illegal under any circumstances except in justified self-defense or when it qualifies as enforcement action under the charter of the United Nations.

It is easy to realize that as a side effect of this reversal, the highly formalized rules of starting and engaging in war have largely been abandoned. States now start wars and fight them ferociously without ever declaring war, without ever admitting they are engaged in war. There are secret wars, covert wars, and proxy wars. States send huge armies into the territory of another state without conceding that they have dispatched a single soldier. There are armies of trainers and advisers and, last but not least, peacekeeping forces teetering at the brink of war.

Under these changed international conditions to argue that the constitutional right of Congress to declare war does not mean the right of decision over the introduction of the U.S. Armed Forces into hostilities but is restricted to the formality of the declaration of war makes a mockery of our Constitution.

I remind my colleagues that, despite all the rhetoric about "tying the hands of the President," the War Powers Resolution is a very balanced, reasonable piece of legislation. It respects the constitutional rights of the President; in fact, it is meant to aid him in carrying them out without undue hindrance. It gives him ample opportunity to react quickly to dangers to our national security. It properly gives the right to lead to the President; Congress role is always post facto and follows the President's with a generous timelag. I repeat what I have already said, properly implemented, it will strengthen and aid the Presidency, not weaken it.

I started by complimenting our colleague, the distinguished Senator from Maryland (Mr. MATHIAS) for the statesmanlike gesture of introducing Senate Joint Resolution 159. I add again that this does not mean that I will necessarily support the resolution. I struggle with increasing doubts, as many of my colleagues do, about the wisdom of keeping our Marines in Lebanon.

In fact, I was in that country in July 1982 when the decision was made to send the Marines in in the first place. My first reaction was that it was probably not a bad idea. After spending 24 to 48 hours there—actually, it turned out to be almost a week—I began to get concerned, when I saw the various factions, militias, sects, so many groups it was almost a Rubik's cube. I began to realize that it was going to be a very thorny situation indeed.

However, all of us will recall that the President told us, the redeployment, the September decision, would be only for a very limited period. Press reports at that time said he hoped to have them home by the end of the year 1982. In a more pessimistic vein, the Washington Post reported last October 4 that Government officials were predicting a minimum of 4 to 6 months' stay for the marines. That was almost a year ago, Mr. President, and if there is light at the end of this tunnel, I certainly fail to see it.

As I mentioned, I visited Lebanon in July of last year. I had known about the factionalism rampant in that unfortunate country but what I experienced in the proliferation of armies, militias, sects, and factions was far beyond what I had anticipated. When, in July, the President announced that he was willing to consider a deployment of U.S. Marines in Beirut to assure the orderly departure of the PLO—that was the rationale then—and particularly in September, when he reintroduced the marines for a more extended peacekeeping mission, I became deeply concerned about where we were going.

Having been there just 2 months before, I could not see how the job of restoring order amidst that terribly tragic fragmentation could have any foreseeable termination date. At Foreign Relations Committee hearings, I repeatedly urged representatives of the administration to tell us at least approximately the expected duration, territorial extent, and scope of the marines' mission. All I received and all the committee received were vague assurances about the limited nature of the engagement.

I grant that a year ago, there may have been some doubts whether the marines were introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances—to quote section 4(A)(1) of the War Powers Resolution. This is the provision that is supposed to trigger congressional involvement in the decision on whether continued involvement of U.S. Armed Forces is merited. After the recent fighting, significant marine casualties, and with the decision announced yesterday to extend the role of the marines, to continue to stonewall the application of section 4(A)(1) has become totally untenable. The administration may still regard our marines as a peacekeeping force, but there is no doubt what those numerous forces opposing the Lebanese Army will regard them: They are going to see them as enemies.

You cannot announce you are going to support one faction over there and then maintain your position as a peacekeeper. Our marines are inevitably sliding step by step from a neutral peacekeeping role into the role of a full-fledged fighting force.

I do not want to prejudge the question whether we should continue to keep our marines in Lebanon. As I said, we shall have that debate before us. I harbor very grave doubts, but I continue to keep an open mind about it.

If the vote were held today I would probably oppose the continuing presence of our marines there, because I think it complicates our diplomatic efforts. I continue to keep an open mind about it and I am certainly willing to listen to the administration and others who support its position. I am ready to engage in any kind of debate, hear ar-

guments, or facts that can be presented. But we have to insist that we have arrived at a threshold where the involvement of Congress in the decision is mandated by the War Powers Resolution; in fact, by the Constitution of the United States.

The position of the President in refusing to submit a report to Congress indicating that U.S. Armed Forces are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances" is a defiance of the law of the land, it is unwise, and harmful to our constitutional order.

The administration claims to avoid conflict, but instead it exacerbates it. It claims to seek consensus and accommodation with Congress, but, in fact, it obstructs it. Its legal reasoning is badly flawed.

Yesterday, the legal adviser of the Department of State testified before the Foreign Relations Committee on the administration's legal position on the War Powers Resolution. He stated that the administration accepts section 4 of the resolution but has doubts about the constitutionality of section 5.

Accordingly, it refuses to specify whether the report it is submitting on the Lebanon deployment is based on section 4(A)(1)—which would trigger the congressional involvement prescribed by section 5(B)—or if it is based on one of the other two conditions included in section 4(A), which do not have such effect. The administration claims that the resolution does not obligate it to specify the basis of the President's report in fulfillment of section 4(A).

Mr. President, this is the most transparent legal sophistry I have heard in some time. In effect, the administration claims that the War Powers Resolution is the law of the land only insofar as the President chooses to comply with it. It says that Congress has no power to set limits to the President's involving our forces in hostilities on the basis of the War Powers Resolution as long as the President chooses to ignore Congress right to do so.

The administration asserts it accepts section 4 as constitutional. To show the fallacy and the inner contradiction of its legal reasoning, I suggest we consider section 4(B) of the War Powers Resolution which reads:

> The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

I intend to ask the chairman and the ranking minority member of the Foreign Relations Committee to call on the President, on the basis of section 4(B), to inform Congress if his report on the marine deployment to Lebanon is based on section 4(A)(1) or (2) or (3). If the President indeed accepts section 4, he cannot withhold this information that is crucial to the fulfillment or our constitutional responsibilities.

Mr. President, I again commend our colleague, Senator MATHIAS, for commencing this debate, and urge the Congress to insist upon its legitimate constitutional role and to meet its essential constitutional responsibilities in implementing the War Powers Act.

I yield the floor.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the time for morning business has expired by over 2 minutes. I am advised that there are two or three additional speakers. I think another 30 minutes or thereabouts will probably cover that requirement.

I ask unanimous consent that the time for the transaction of routine morning business be extended until not later than 6:15 p.m., in which Senators may speak under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I rise to discuss the matter of the War Powers Act, and to be the first one to thank the Senator from Connecticut for his remarks today and the tremendous amount of work he has put in, not only on this subject matter but many others. I thank also the Senator from West Virginia, the minority leader, for his efforts here in bringing this to our attention and; or course, the Senator from Missouri that we shall hear from in a moment for the tremendous amount of time he has devoted to that.

Mr. President, recesses in Congress are used for a number of various things—for factfinding trips, for vacations, for family reunification, R&R, and so on. One of the things all of us participate in is going back to our States and visiting with people.

One of the experiences I had during the last recess, in several visits to my State, was a keen interest in what is going on in the Middle East. Quite frankly, I was not quite sure what, from day to day, the mission of our contingent there in the multinational forces was to be.

I had visited Beirut earlier this year, visited with our marines, and they seemed to have a clear understanding of what their mission was there, and that was to maintain the peace, not to be involved in combat. That was what this Senator felt was the situation when I left there in the early part of this year.

I think it is very clear that things have changed. I believe the people in the State of Arizona realize that there are more than peacekeeping forces there. In fact, I question whether or not there is a peace to be kept. But that will be left for another debate.

What concerns me, and what I hope will be the resolution here from both sides of the aisle, is an earnest effort to have the President of the United States comply with the law, that being the War Powers Act, and submit the valid report specifying exactly the executive and legislative authority for the continuation of combat troops there.

As we know—and it has been pointed out today—they are receiving what is known as combat pay as of August 1, they have exchanged fire defensively and call on offensive weapons now there offshore to assist them, and of course we have had the unfortunate loss of life.

We have to be careful in a time such as this to protect our own national interests. We also have to be sure that if we are in combat, our contingent of military forces have the capability to win whatever the victory may be at the particular time they are attacked. I am not sure they have that mission in mind or know what the victory might be when they are shot at.

For that reason, I support the resolution that I believe will be submitted shortly in regard to requesting the President to comply with the War Powers Act.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Missouri.

Mr. EAGLETON. Mr. President, along with Senators Javits and Stennis, I authored the original Senate version of the War Powers Act.

On July 16, 1982 and on September 23, 1982, I wrote to President Reagan with respect to the War Powers Act and its applicability to the initial sending of the Marines to Lebanon. In this earlier correspondence, I pointed out the possibility of our forces being involved in "hostilities" which term triggers the applicability of Sec. 4(a)(1) of the War Powers Act. (". . . 4(a)(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;".) Once the act is triggered by the President, the Marines can remain in Lebanon for up to 90 days unless Congress acts to further extend their stay.

The President declined to invoke the act at that time.

Since then, 4 Marines have been killed in Lebanon (two on August 29, 1983 and two on September 6, 1983) and 28 have been wounded. By any rational reading or definition of the word "hostilities," the marines in Lebanon are engaged in same. The Marines have not only been fired upon, but they are returning fire and are authorized to engage in "preemptive" firing. Every day the scope of potential American military activity is increased.

I urge the President to reconsider his opposition to invoking the War

Powers Act as I believe he is clearly obligated to do under the law.

Invoking the act in no way prejudges what position the Congress would take with respect to a continued American peace-keeping presence in Lebanon as part of the multinational force. My belief is that Congress would not precipitously withdraw the forces in Lebanon at the conclusion of the 90 day period triggered by the War Powers Act. Conversely, I should add that, in my opinion, Congress would not authorize an open ended Gulf-of-Tonkin-type blank check for any and all action at any and all length.

Lebanon might become an interminable quagmire. The multitude of forces, both internal and external, at play in Lebanon do not bode well for its peaceful future. While at the present time President Reagan may believe that he benefits from having a "free hand" in Lebanon, I believe that for him to ignore the War Powers Act and Congress role thereunder would be a huge mistake from both a legal and a political point of view. Whatever action is taken in Lebanon should be a shared responsibility of both the President and the Congress. Only in that way can we be sure that we will have the support of the American people behind a truly national policy in Lebanon.

Mr. President, just to give some idea of how the scope of our involvement in Lebanon has expanded, let me quote briefly from two letters that President Reagan sent to Congress with respect to Lebanon.

On August 24, 1982, the President wrote the President pro tempore of the Senate, Senator THURMOND. A portion of that letter reads:

> I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities.

Then, in a second letter to Senator THURMOND, dated September 29, 1982, the President wrote:

> In carrying out this mission, the American force will not engage in combat.

Later in the same letter he emphasizes:

> . . . our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

Another quotation from the same letter reads:

> . . . there is no intention or expectation that U.S. Armed Forces will become involved in hostilities.

A final quotation from that letter reiterates:

> . . . our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces.

I am sure the President was well intentioned and well motivated in 1982 when he wrote these two letters; but recent events, in which 4 marines have been killed and 28 have been wounded, show that even the best of intentions can go awry.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD:

First. Letter from the President to Senator THURMOND dated August 24, 1982.

Second. Letter from the President to Senator THURMOND dated September 29, 1982.

Third. Letter from Senator EAGLETON to the President dated July 16, 1982.

Fourth. Letter from Senator EAGLETON to the President dated September 23, 1982.

Fifth. Letter from Senator EAGLETON to the President dated September 13, 1983.

Sixth. Article from the Wall Street Journal dated September 13, 1983 (p. 2).

Seventh. Washington Post editorial dated September 14, 1983.

Eighth. Editorial by Senator EDWARD KENNEDY in the Boston Globe dated September 13, 1983.

Ninth. Editorial in the New York Times dated September 11, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 24, 1982.

HON. STROM THURMOND,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On August 18, 1982, the Government of Lebanon established a plan for the departure from Lebanon of the Palestine Liberation Organization leadership, offices, and combatants in Beirut. This plan has been accepted by the Government of Israel. The Palestine Liberation Organization has informed the Government of Lebanon that it also has accepted the plan. A key element of this plan is the need for a multinational force, including a United States component, to assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of these personnel under safe and orderly conditions. This will facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area.

In response to the formal request of the Government of Lebanon, and in view of the requirement for such a force in order to secure the acceptance by concerned parties of the departure plan, I have authorized the Armed Forces of the United States to participate on a limited and temporary basis. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States Armed Forces.

On August 21, in accordance with the departure plan, approximately 350 French military personnel—the advance elements of the multinational force—were deployed in Beirut together with elements of the Lebanese Armed Forces, and the departure of Palestinian personnel began. To date, Palestinian personnel have departed Lebanon in accordance with the terms of the plan.

On August 25, approximately 800 U.S. Marines began to arrive in Beirut. These troops are equipped with weapons consistent with their non-combat mission, including usual infantry weapons.

Under our agreement with the Government of Lebanon, these U.S. military personnel will assist the Government of Lebanon in carrying out its responsibilities concerning the withdrawal of Palestinian personnel under safe and orderly conditions. The presence of our forces will in this way facilitate the restoration of Lebanese Government sovereignty and authority in the Beirut area. Our forces will operate in close coordination with the Lebanese Armed Forces, which will have 2500–3500 personnel assigned to this operation, as well as with a total of approximately 800 French and 400 Italian military personnel in the multinational force. Transportation of the personnel departing is being carried out by commercial air and sea transport, and by land. According to our agreement with the Government of Lebanon, the United States military personnel will be withdrawn from Lebanon within thirty days.

I want to emphasize that there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon. Our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will take no action to interfere with the implementation of the departure plan or the activities of the multinational force. (The departure has been underway for some days now, and thus far these assurances have been fulfilled.) Finally, the departure plan makes it clear that in the event of a breakdown in its implementation, the multinational force will be withdrawn. Although we cannot rule out isolated acts of violence, all appropriate precautions have thus been taken to assure the safety of U.S. military personnel during their brief assignment to Lebanon.

This deployment of the United States Armed Forces to Lebanon is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

This step will not, by itself, resolve the situation in Lebanon, let alone the problems which have plagued the region for more than thirty years. But I believe that it will improve the prospects for realizing our objectives in Lebanon:

A permanent cessation of hostilities;

Establishment of a strong, representative central government;

Withdrawal of all foreign forces;

Restoration of control by the Lebanese Government throughout the country; and

Establishment of conditions under which Lebanon no longer can be used as a launching point for attacks against Israel.

I also believe that progress on the Lebanon problem will contribute to an atmosphere in the region necessary for progress towards the establishment of a comprehensive peace in the region under Camp David, based firmly on U.S. Security Council Resolutions 242 and 338.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, D.C., September 29, 1982.
Hon. STROM THURMOND,
President pro tempore of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: On September 20, 1982, the Government of Lebanon requested the Governments of France, Italy, and the United States to contribute forces to serve as a temporary Multinational Force, the presence of which will facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

In response to this request of the Government of Lebanon, I have authorized the Armed Forces of the United States to participate in this Multinational Force. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States armed forces.

On September 29, approximately 1,200 Marines of a Marine Amphibious Unit began to arrive in Beirut. Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces. In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly. These forces will operate in close coordination with the Lebanese Armed Forces, as well as with comparably sized French and Italian military contingents in the Multinational Force. Although it is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut, our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

I want to emphasize that, as was the case of the deployment of U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon, and our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities and will not interfere with the activities of the Multinational Force. Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon.

This deployment of the United States Armed Forces is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

I believe that this step will support the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is part of the continuing efforts of the United States Government to bring lasting peace to that troubled country, which has too long endured the trials and civil strife and armed conflict.

Sincerely,

RONALD REAGAN.

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., July 16, 1982.
Hon. RONALD REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On July 6th, you announced that the United States had "agreed in principle to contribute a small contingent" of United States troops to a multinational force for "temporary peacekeeping" in Beirut should an acceptable settlement of the current hostilities be reached. I am greatly disturbed that, in the wake of your announcement, reports have circulated that the Administration does not consider the introduction of troops into Lebanon under these conditions as triggering the operative language of Sec. 4(a)(1) of the War Powers Act. ("In the absence of a declaration of war, in any case in which United States Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." The Act then goes on to require timely reporting to Congress).

Mr. President, the situation in Lebanon is such that the likelihood of "imminent involvement" must be acknowledged. Any deliberate attempt to downplay the gravity of the situation and the risks facing those troops to be dispatched to Lebanon would violate both the spirit and letter of the law. Further, the "law" of common sense would be violated because the whole world knows that there are inherent and inescapable risks to the introduction of any troops of any nationality, said troops to be placed between Israeli forces and P.L.O. guerrilla forces. For example, even if Mr. Arafat and Prime Minister Begin give the most thorough and well-intended of guarantees of safety, etc., there is a high probability that one or more P.L.O. die-hards will take a pot shot at American troops simply for the martyred glory of doing so.

As one of the three Senate authors (Javits, Stennis, and Eagleton) of the original Senate War Powers Act, I can speak with authority as to the intent of Congress with respect to the phrase "imminent hostilities." In 1971, I testified before the Senate Foreign Relations Committee on the meaning of those words.

"Obviously hostilities include land, air, or naval action taken by the Armed Forces of the United States against other armed forces or the civilian population of any other nation. But Senate Joint Resolution 59 is more specific. It includes the deployment of U.S. forces outside the United States under circumstances where imminent involvement in combat activities is a reasonable possibility."

There was never any doubt in my mind or that of Senator Javits or Senator Stennis as to what our intent was. We described "imminent hostilities" as hostilities which were "reasonably possible."

Mr. President, the decision to send troops to Lebanon is obviously a delicate, sensitive, and grave matter. If it be your considered judgment that American troops should be sent, I trust you will do so in total conformity with the War Powers Act and especially the operative section, Sec. 4(a)(1).

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., September 23, 1982.
Hon. RONALD REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am constrained once again to write on the use of U.S. troops in Lebanon and, most specifically, the applicability of Sec. 4(a)(1) of the War Powers Act which reads in part as follows:

"In the absence of a declaration of war, in any case in which United States Armed Forces are introduced into hostilities or into situation where imminent involvement in hostilities is clearly indicated by the circumstances."

The Act then goes on to require timely reporting to Congress.

I wrote to you on July 16, 1982 on this subject when it was being contemplated that U.S. troops (along with French and Italian troops) be sent to Lebanon to secure the evacuation of the P.L.O. guerillas. In response, I received a copy of your letter of August 24, 1982, to the President Pro Tempore of the Senate in which you asserted the deployment of troops was taken pursuant to your Constitutional authority as Commander-in-Chief and head of foreign policy. Nowhere did you specifically acknowledge the applicability of the War Powers Act.

Now, in light of the recent tragic and horrible events in West Beirut, U.S. troops are once again being dispatched. This time the mission, because of the violence which has transpired, is enormously more perilous than the earlier mission. Very clearly, to me, this is a situation "where imminent involvement in hostilities is clearly indicated by the circumstances."

Thus, as I read the War Powers Act (which I co-authored with Senators Javits and Stennis), Sec. 4(a)(1) of the Act applies and there is, thus, a 60 day time limit on this deployment (with an additional 30 days extension at your discretion).

If you conclude that Sec. 4(a)(1) does not come into play, may I ask this. If the U.S. troops are fired upon, thus making it crystal clear that hostilities have in fact begun, will you then trigger into effect Sec. 4(a)(1) with the consequent 60 day and 30 day periods as described above?

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., September 13, 1983.
Hon. RONALD REAGAN,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On July 26, 1982 and on September 23, 1982, I wrote to you with respect to the War Powers Act and its applicability to the initial sending of the Marines to Lebanon. In this earlier correspondence, I pointed out the possibility of our forces being involved in "hostilities" which term triggers the applicability of Sec. 4(a)(1) of the War Powers Act. (". . . 4(a)(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;".) Once the Act is triggered, the Marines can remain in Lebanon for up to 90 days unless Congress acts to further extend their stay.

You declined to invoke the Act at that time.

Since then, four Marines have been killed in Lebanon (two on August 29, 1983 and two on September 6, 1983) and twenty-eight have been wounded. By any rational reading

or definition of the word "hostilities," the Marines in Lebanon are engaged in same. The Marines have not only been fired upon, but they are returning fire and are authorized to engage in "preemptive" firing.

I urge that you reconsider your opposition to invoking the Act as I believe you are clearly obligated to do under the law.

Invoking the Act in no way prejudges what position the Congress would take with respect to a continued American peace-keeping presence in Lebanon as part of the multi-national force. My belief is that Congress would not precipitously withdraw the forces in Lebanon at the conclusion of the 90 day period triggered by the War Powers Act. Conversely, I should add that, in my opinion, Congress would not authorize an open-ended Gulf of Tonkin type blank check for any and all action at any and all length.

Mr. President, Lebanon might become an interminable quagmire. The multitude of forces, both internal and external, at play in Lebanon do not bode well for its peaceful future. While at the present time you may believe that you benefit from having a "free hand" in Lebanon, I believe that to ignore the War Powers Act and Congress' role thereunder would be a huge mistake from both a legal and a political point of view. Whatever action is taken in Lebanon should be a shared responsibility of both the President and the Congress. Only in that way can we be sure that we will have the support of the American people behind a truly national policy in Lebanon.

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

[From the Wall Street Journal, Sept. 13, 1983]

REAGAN CLEARS PREEMPTIVE FIRE IN BEIRUT AREA

(By Karen Elliott House and Gerald F. Seib)

WASHINGTON.—The Reagan administration has taken another step toward a more active role in fighting around Beirut.

For the first time, U.S. ships off the coast of Beirut will be explicitly authorized to make preemptive strikes against targets that threaten U.S. Marines stationed on shore. Moreover, U.S. officials say a threat to the Lebanese army in some instances may be considered as a threat to the Marines as well. Previouisly, U.S. forces in the area fired only if the 1,200-man Marine contingent at Beirut's airport was fired upon. Caught between escalating fighting in Lebanon and growing questions in Congress about the Marines' role there, the Reagan administration is clinging to a cautious course. After a series of meetings over the weekend, President Reagan decided against increasing the size of the Marine force and decided instead of the less visible increase in the ability of U.S. forces to defend themselves.

Besides expanding the authority of its ships to fire on hostile targets, the U.S. is sending the battleship New Jersey toward the Mediterranean. If the New Jersey is ordered all the way to the Lebanese coast, its long-range guns could be used for firing at the Chouf mountains, where Moslem and Druse militiamen are fighting the Lebanese army to try to topple or at least restructure the government of Lebanon.

With the deaths of four Marines in the past two weeks, the White House has felt compelled to take steps to enhance the Marine's security. They are in Lebanon as part of a multinational peacekeeping force to try to support the government of Lebanon until its army is strong enough to do the job alone.

Under the new instructions from the Pentagon, U.S. ships could fire at hostile forces that threaten certain strategic areas in and around Beirut. U.S. officials decline to identify these areas, saying they don't want to signal Syria and other opponents of President Amin Gemayel's government as to what areas they can take without triggering U.S. firepower.

"The commander will have a limited authority to defend with fire, not ground troops, certain key strategic areas that, if they fell, would endanger the Marines or other Americans in Beirut," says an administration official.

U.S. officials continue to hope a political solution can be worked out to stop the fighting before more potent military steps become necessary. The idea is to achieve a coalition between the Christian-dominated government of Mr. Gemayel and his Druse and Moslem opponents. The danger is that the Druse and Moslems, who with Syria's backing are fighting successfully against the Lebanese army, may overwhelm the Gemayel government before a political solution is reached. That would both endanger the Marines and put the U.S. on the spot, as President Reagan has vowed to support the Gemayel government until it creates stability in Lebanon.

So far, Congress seems willing to give Mr. Reagan and Lebanon more time. There isn't any widespread sentiment yet for pulling out the Marines. House Speaker Thomas P. O'Neill, after a meeting with White House Chief of Staff James Baker, said withdrawing the troops would cause other nations to "lose faith" in the U.S. as a peacemaker.

But lawmakers in both the House and Senate increasingly are demanding to use the War Powers Act to vote on the Marines' stay. Sen. Charles Mathias of Maryland, a Republican on the Senate Foreign Relations Committee, introduced a resolution yesterday to put the act into effect. His proposal would allow the troops to remain in Lebanon for six months but require congressional approval for a longer stay or deeper involvement.

Senate Majority Leader Howard Baker has been considering introducing a resolution that would approve a continued Marine presence in Lebanon without invoking the War Powers Act. But he is holding back on the resolution, and sources indicate he is aware of growing support for putting the War Powers Act into effect. The Reagan administration, particularly Defense Secretary Caspar Weinberger, continue to oppose invoking the act, arguing that such a move would only bolster the confidence of forces opposing the U.S.-backed Lebanese government.

[From the Washington Post, Sept. 14, 1983]

TRYING TO SAVE LEBANON

With American peacekeeping troops being killed in Lebanon and with the country itself threatening to break apart, the Reagan administration faces a severe crisis. It has several parts.

The president is moving to fulfill what must be the first policy requirement as long as the Marines remain exposed: to ensure that they have the resources and orders to defend themselves adequately. Mr. Reagan seems to be under no illusion that anything faintly resembling a military solution is conceivable. His evident hope is that a show of readiness to employ force as necessary will help calm down the military situation and give diplomacy a bit more time to accomplish the main thrust of American policy, to try to save Lebanon as a unified state.

The administration has come to understand it is not enough just to strengthen the Lebanese central government. That government has to be preserved as the single available instrument of Lebanese unity and sovereignty. But it must also be induced to share political power more fairly with the non-Christian, less privileged communities that have, in Syria, a tough patron close at hand.

The Christian-dominated government of Amin Gemayel, shying from redistributing national political power, insists that the latest violence stems primarily from international—Syrian, Palestinian, Iranian—intervention. On this basis it pleads for stronger American support of its "infant army." The Reagan administration takes stern note of the Syrian hand behind the Moslem and Druze militias currently challenging the Christian militias and the Lebanese army itself. Mr. Reagan himself, however, making a crucial and necessary distinction, calls the battling a "civil war" that it is Beirut's own responsibility to handle, militarily and politically.

Certainly it would have been better to get serious internal talks under way before the Druze had rolled over Christian Phalange fighters, and bloodied the Lebanese army, in the Chouf area just evacuated by Israel. But the premise of the diplomacy being conducted by American and Saudi envoys, among others, is that there is still some time. Israel, too, has a role: discreetly, to keep Syria from directly entering the fray.

Congress has been rightly concerned that (1) American policy be prudent and (2) the War Powers Act be respected. On policy, there is a substantial majority that either supports the president's measured approach or chooses not to take responsibility for hemming him in. That consensus seems to be permitting a mutually satisfactory War Powers formula to be worked out. No President likes Congress to inhibit his foreign policy. But if the peacemakers' best efforts fail, Mr. Reagan could yet be glad he had congressional company.

If the worst happens, and Lebanon slides toward dissolution, the United States will need a new policy. That will be time to reconsider the American role, including the role of the Marines.

[From the Boston Globe, Sept. 13, 1983]

PRESIDENT'S DISREGARD OF WAR POWERS ACT

(By Edward M. Kennedy)

When Ronald Reagan took the oath of office in January 1981 as President, he swore to uphold the Constitution and the laws of the United States. Yet each day that the current worsening crisis in Lebanon goes on, the President continues to defy Congress and violate one of the nation's fundamental laws—the War Powers Act.

That historic act, passed by Congress in 1973 over the veto of President Nixon, requires the President to make a written report to Congress within 48 hours whenever military forces of the United States are "introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

Once a report is submitted by the President under this provision, the military forces must be withdrawn within 60 days—

or 90 days if necesary for safe withdrawal—unless Congress declares war, extends the period, or enacts specific legislation authorizing the action.

If words have meaning, it is obvious that our Marines and other forces in Lebanon are involved in hostilities. Marines are being shelled and their blood is being shed by Druze artillery, backed up by the Syrians and the PLO. They are receiving "hostile fire" pay. They are returning hostile fire, and they are being killed and wounded.

In retaliation for shelling and for the casualties we have suffered, a frigate of the U.S. Navy standing off the coast has fired on the Druze artillery positions.

Last Friday, the President acknowledged that the fighting in Lebanon has become an "outright civil war." Yet he refuses to recognize that "hostilities" are now involved under the War Powers Act and that the provisions of the act should apply.

Sadly, this situation is just the latest illustration of President Reagan's cavalier disregard of the law in connection with his actions on Lebanon. Last June, the President signed into law a separate statute requiring him to obtain specific authorization from Congress for any "substantial" expansion in the "number or role" of our forces in Lebanon.

Ten days ago, the President ordered an additional 2000 U.S. troops into positions offshore, doubling the size of our forces in the area. Yet he has not sought the required approval of Congress for this expansion.

Unfortunately, these actions of the President on Lebanon are not isolated examples, but fresh episodes of the distressing pattern of Reagan violations of the law with regard to the use of American military forces.

For many months, the Administration has been waging a secret war against the government of Nicaragua, in violation of specific legislation enacted by Congress last December prohibiting such operations. For over a year, the reagan Administration had disingenuously maintained that U.S. aid was being used to interdict the flow of arms into El Salvador, not to overthrow the government of Nicaragua.

Finally, last July an outraged House of Representatives adopted the Boland-Zablocki bill, halting all covert aid from the United States to the rebel forces in Nicaragua: this fund cut-off is awaiting action by the Senate.

I support America's role in Lebanon as part of the multinational peacekeeping force, and I am confident that Congress will authorize all necessary steps to protect our troops there, to achieve a cease-fire as soon as possible, and to enhance the cause of peace in the Mideast.

But there is no justification whatever for President Reagan to defy Congress and deny the proper application of the War Powers Act and other statutory restraints on the use of American military force in Lebanon, Central America, or anywhere else.

The United States and other concerned nations must step up pressure on Syria and the PLO to withdraw completely from Lebanon, permitting Israel to pull back its remaining troops and Lebanon to return to the era of peace and prosperity that prevailed before 1975.

The crisis in the Mideast is already difficult enough without the President's provocation of a needless constitutional confrontation with Congress over the War Powers Act. Admit it, Mr. President, these are hostilities and we must work together to end them in the way our laws require.

[From the New York Times, Sept. 11, 1983]

OUT OF LEBANON, SLOWLY

It is no insult to the Marines to observe that they are squatting in Lebanon like dumb ducks, taking casualties for reasons that no one seems able to articulate. It is no insult to President Reagan to observe that he can't articulate their mission because he can no longer perceive it or be sure about the right moment to end it. The troops and their Commander in Chief are playing for time, hoping that the moment will nominate itself.

Congress could assert its prerogative by invoking the War Powers Act and belatedly share responsibility for the choice. But the legislators should set no rash deadlines that force the President to assert a nonexistent American interest. He is obviously stalling uncomfortably, which is not always the worst policy.

When the Marines and other allied forces went ashore a year ago, their purpose was to assure the safe dispersal of the P.L.O., keep the Israelis out of Moslem Beirut and provide a "peacekeeping" shield for a new Lebanese government. Thinking the job done, they departed—only to see Lebanon's new president killed, the Israelis taking West Beirut and helpless Palestinians massacred by vengeful Phalangist Christians. The American, French, Italian and British forces reappeared, to shield an even weaker regime led by the slain leader's brother, Amin Gemayel.

The hope was that he could form a coalition of Lebanon's feudal sects and build an army to pacify their private militias. That was supposed to make the Israelis secure enough to withdraw from Lebanon on condition that Syria ended its eight-year-old occupation as well. These hopes defied Lebanese history and also up-to-date political analysis. But they justified a low-cost stab at reinventing Lebanon, improving the life of a long-suffering people, blunting Syria's expansion and enhancing America's regional influence.

It hasn't worked out that way and probably never will. And the costs of keeping Western troops in the crossfire are growing daily. Even if massively reinforced and allowed to pursue their challengers, the Marines could not disarm the rival armies or impose a stable order. Indeed, the threat that they will withdraw and leave Lebanon permanently partitioned—dismembered, really—is probably the United States' last good card. The question is when to play it.

President Gemayel, a Christian Maronite, has clearly misplayed his hand. He let his father's Phalangist forces provoke unnecessary battles against assorted Moslem factions and these are now uneasy allies against him. It is an open question whether the Gemayels still can or want to share enough power to preserve a loose but distinct Lebanon. Their only chance is the likelihood that most of Lebanon's Moslems probably prefer a weak but indigenous government to the alternative: the loss of the south to Israel and Syria's domination of most of the rest of the country.

Shielding President Gemayel while he bargains for Lebanon's survivial is the only reason for keeping Marines in Beirut for a few more weeks. Preserving a nominal Lebanon is a sound but modest American objective but not a vital national interest.

If the sectarian forces of centuries finally pull that society apart, the fault should be seen to be strictly local and not a panic in Washington. Let the Marines shoot back when they come under fire, but let no one think that more men or a wider operation will yield anything except more casualties. And if Mr. Gemayel falls, let the Marines depart with him. The dozens of tribes that call themselves Lebanese have to make their own deals of mutual survival or accept national suicide.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I congratulate my colleague from West Virginia, Senator BYRD, for organizing this discussion today. It is important in terms of the immediate policy problems we face in the Middle East. But it is also significant in the context of helping us solve the problem of defining the proper role of Congress in setting foreign policy.

The President does not like the War Powers Act. Neither did Mr. Nixon—over whose veto we passed the act—or Mr. Ford or Mr. Carter. But their attitudes toward the act are not relevant. The act is law. And the law is not being obeyed.

The administration can play semantic games: They can use their time and spend their energy coming up with new and creative terms to describe what is happening to our forces in Lebanon. They may even be able to make speeches and issue press releases which never use the term "combat" or even "hostilities." But no matter how creative they are, the fact remains that our soldiers are under fire. They have the ability to return that fire and have done so. They are authorized to call in air support to deal with attacks on their position. And already four of our men have died.

No manipulation of language, no creative rhetoric can disguise those facts. Nor can they disguise the fact that section 4(a)(1) of the War Powers Act is made operative by the conditions which now exist in Lebanon.

The President should follow the law. He should formally notify Congress that our troops are in a hostile environment and he should seek congressional authorization to keep them in that environment. I believe he would get that authorization.

This Congress at this point is not about to pull our troops out of Lebanon. We know the stakes there. We know how hard Lebanon has struggled, what a price it has paid over the past 10 bloody years, we know how dear this chance for true independence is to them—and we know how important their independence is to our own national interests. We realize that Syrian and Soviet control of Lebanon simply invites an escalation of armed conflict in the Middle East. We realize that if an ally that we have sworn to protect is abandoned now, just when that protection becomes costly, then our commitments will have no value in

the region and our friends will have no faith in our pledges.

And America's constitutional process requires the President to come to the Congress and request our support for his policy.

I must confess that I do not understand why President Reagan is reluctant to do that. Surely, he must know that he has the support he needs to get approval. And surely he knows that his failure to seek that support is the only source of dissension that now surrounds his policy. Beyond that, the President ought to know that no policy—in the Middle East or in Central America—can be sustained without the support of the American people and the Congress. Instead of shying away from consulting with the Congress, the President ought to welcome the opportunity to do so. He ought to welcome an opportunity to demonstrate to Syria and to the Soviets that this country is united in its determination to see a free and independent Lebanon. Following the procedures required by the War Powers Act would accomplish that end.

As important as that end is, Mr. President, it is equally important that the President invoke the War Powers Act as a demonstration of his commitment to obey the constitutional processes and the law of the land. To continue to disguise reality through tortured rhetoric which avoids the operative terms of the War Powers Act is to flout the clear intent of the law. And that is something that no citizen and no President should do or be allowed to do.

THE PRESIDENT'S WAR POWERS AND THE CURRENT SITUATION IN LEBANON

Mr. WALLOP. Mr. President, the war powers resolution is law, and surely a number of interpretations are possible of how this law applies to the current situation. But let us not waste our time with technicalities. If I were the President, I would want the Congress to vote on my deployment of troops anywhere in the world not just once but many times, as often as possible, in order to make clear to anyone who might challenge those troops that they are fully supported by the American people.

Yet all of this is beside the main points: What are those troops in Lebanon there to do? What do they need in order to effectively serve our country's interest? Our troops were sent in the hope that their very presence would lend to the Lebanese Government the margin of power it needs to take control of its own country. But this hope was never realistic. The main obstacles to the Lebanese Government's control of its own territory are the Moslem militia under the control of Syria. Syria, of course is using these militias to overthrow the Lebanese Government and as advance forces in its attempt to conquer Lebanon—or at least that part of it not occupied by Israel. Syria is doing this with the support of and on behalf of the Soviet Union. For this reason, and because of weak American responses in the world in recent years, neither Syria nor the Moslem militias were intimidated in the slightest by the U.S. Marines mere presence. They have shelled the marines and killed them. Their drive to topple the Government and conquer Lebanon continues unimpeded by the marines.

What are we going to do with our troops there? It makes no sense whatever to leave the marines there simply to take fire. The Syrians and the Soviets would enjoy nothing more than to accomplish their conquest while inflicting both more casualties and more humiliation on us. If they succeed, our diplomats in Arab capitals will be wasting their time.

We could withdraw and cut our losses a bit. But then we would have to plan for how to deal with a Syrian and Soviet dominated Mideast.

The other alternative is to recognize that, having been attacked, we should do whatever necessary to force the attackers, the Syrians, to withdraw to their own country.

I think the administration can and should make a good case to the American people for this. I hope these alternatives receive more attention than the secondary question of how we ought to apply the War Powers Act.

Mr. PELL. Mr. President, recent events in Lebanon have demonstrated once again the desperate nature of the situation there. Four U.S. Marines sent to help preserve the peace in Lebanon have been killed, and 39 have been wounded. In recent days, retaliatory air strikes have been necessary to protect our marines and new broader powers to respond to future attacks have been granted to commanders in the area.

In light of these developments, Mr. President, who among us would want to be the one to go tell the marines in Lebanon that they are not now in hostilities or that hostilities are not imminent?

Of course none of us would want to do that. Yet, this administration and, by necessity, we in the Congress are now caught up in a needless dispute about whether there are hostilities while a war rages. Just yesterday the State Department's legal adviser put forward the unique argument that the President could avoid entirely the need to characterize the Lebanon situation as hostile, or not hostile. He could, the witness told the Committee on Foreign Relations, remain silent with respect to any characterization of the situation.

Mr. President, unless the administration can be realistic about the situation in Lebanon and straightforward in its dealings with the Congress and the American people, I fear we will fail at what should be our central task: Deciding jointly what our policies and goals should be in Lebanon and devoting our energies to getting the job done.

What concerns this Senator is the danger of expanding U.S. involvement in an ever widening conflict in Lebanon. A year ago this summer U.S. marines were deployed as part of the multinational forces detailed to protect the orderly evacuation of PLO troops from Beirut. After the successful completion of that mission, the Marines were fully withdrawn from Beirut only to be redeployed again last September following the tragic assassination of the newly elected Lebanese President Beshir Gemayel, and the brutal massacre of refugees in Sabra and Shatila Palestinian refugee camps. Even then, however, the President stressed on his September 29, 1982, letter to the President pro tempore of the Senate that the Marines would be needed "only for a limited period," and that he had "no intention or expectation that U.S. Armed Forces will become involved in hostilities." The President specifically states in his letter, notifying the Senate of the second marine deployment, that

> All armed elements in the area have given assurance that they will refrain from hostilities and will not interfere with the activities of the Multinational Force.

Mr. President, despite the President's best of intentions, the situation has changed considerably in Lebanon since he provided this body with those assurances 1 year ago. Several armed elements have deliberately sought out the French and American troops of the multinational forces as targets. Our response has been to send in air strikes, dispatch an additional 2,000 marines to the waters off Lebanon's coast, and sail the battleship *New Jersey* into the Mediterranean.

My fear, Mr. President, is that this escalation in our response to clearly hostile fire directed at our marines on the ground may yet lead to a wider role for the United States, and the multinational forces, in their peacekeeping mission there. The situation in Lebanon, 1 year after this second deployment of marines, has in many respects, worsened. The Israelis, themselves suffering substantial casualties, have withdrawn to the Awwali River in the South, with more defensible emplacements. The Syrians, despite a full year of importunings from us and fellow Arab States, show no sign of withdrawing from the country. Indeed, there is substantial evidence that the Syrians have reinforced their positions in the Bekaa Valley, and in the northern parts of Lebanon occupied by their troops. Street fighting between Shiite, and Amal militias and Phalangist militias was suppressed 2

weeks ago in West Beirut only after almost 13,000 Lebanese Army troops were deployed in the area. Meanwhile the Druse, reequipped and supplied by the Syrians, seem to have joined with PLO soldiers, and Libyan and Iranian volunteers to create a situation of virtual civil war in the Chouf, and southern mountains adjacent to Beirut. The fighting shows little sign of abating, and without reinforcements, and increased artillery and air support, the multinational forces will be more vulnerable to more attacks from one or more disgruntled armed elements in Lebanon.

Mr. President, I am not one who subscribes to the view that we ought to simply pull up the stakes and run any time we find ourselves in a difficult situation abroad. In fact, I would support the President's request to authorize the marine presence in Lebanon, at this time. But I do not believe that at this most perilous moment our foreign policy can be successful without the full support of the American people. In this regard, I believe that the administration, by engaging in the most semantic of games, and by avoiding the authorization for the marine deployment required by law, is risking the loss of public support. They are snatching dissent from the jaws of consensus.

The war powers resolution was enacted, over a Presidential veto, to insure that the introduction of U.S. military into a hostile situation, or into a situation where imminent hostilities are clearly indicated, would be a shared responsibility—with full public knowledge—between the legislative and executive branches of this Government. It is the law of the land. The war powers resolution cannot be ignored out of convenience, out of concern for its foreign policy implications, and certainly not out of semantic differences that remind one of obscure theological debates.

Our marines are in a hostile situation for which they are receiving special hostile pay; war powers is the law, and I call upon the President, who is sworn to uphold the laws of this land, to abide by all of its provisions.

The President reported to this body a year ago, under the reporting requirements contained in section 4 of the war powers resolution. At that time, in my judgment, he was in compliance with the law. Today, by the very nature of the fast-changing situation in Lebanon, the provisions of section 4(a)(1) must necessarily come into play, because the situation is now indisputedly one in which hostilities, or imminent hostilities, are clearly indicated.

The President must invoke section 4(a)(1) of the war powers resolution. Then, if marines are to be in Lebanon beyond 60 days from the end of last month, that decision will only be made by the administration and the Congress acting in concert. Only by sharing this responsibility can the administration convince Congress and the American public of the wisdom of its policy in Lebanon.

RESOLUTION OF THE DEMOCRATIC CONFERENCE ON SEPTEMBER 14, 1983 ON LEBANON

Mr. BYRD. Mr. President, I ask unanimous consent that a resolution of the Democratic Conference which was adopted unanimously with an ample quorum present today be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE DEMOCRATIC CONFERENCE ON SEPTEMBER 14, 1983

Whereas United States Armed Forces have been deployed in Lebanon since September 1982 as participants in a Multinational Peacekeeping Force at the request of the Government of Lebanon; and

Whereas since August 28, 1983, United States Armed Forces have been introduced into hostilities and into situations where imminent involvement in hostilities is clearly indicated by the circumstances; and

Whereas, as a result of having been introduced into such hostilities, four United States Marines have been killed and numerous others have been wounded as a result of hostile fire in Lebanon since August 28, 1983; and

Whereas such events have required that United States Armed Forces return hostile fire in Lebanon as a matter of necessary and essential self-defense; and

Whereas on September 13, 1983, the Department of State announced that United States Marines in Lebanon have been authorized to "use firepower—their own and offshore firepower—in defense of the Marines, the other members of the multinational force and the Lebanese armed forces, if they (are) under attack and if that attack would endanger the Marines or the multinational force"; and

Whereas United States Armed Forces in Lebanon are receiving hostile fire pay as a result of the judgment of the area commander that the circumstances so warrant;

Senate Democrats have unanimously concluded that such facts and circumstances have triggered the operative provisions of Section 4(a)(1) of the War Powers Resolution (Public Law 93-148), inasmuch as, beginning on August 28, 1983, and continuing until the present time, United States Armed Forces have been introduced "into hostilities (and) into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Senate Democrats have unanimously further agreed to call upon the President to:

1. Recognize that the operative provisions of Section 4(a)(1) of the War Powers Resolution have been triggered;

2. Transmit to the Congress a report pursuant to Section 4(a)(1) of the War Powers Resolution; and

3. Transmit to the Congress a specific request for such Congressional authorization as he deems necessary and appropriate, which sets forth with precision the mission of the United States Armed Forces in Lebanon.

THE CALENDAR

Mr. BAKER. Mr. President, there are a handful of matters that look like they can be done by unanimous consent. Would the minority leader be prepared to do these items? I would invite his attention first to two matters on the calendar of business, being 324, Senate Concurrent Resolution 59, and Calendar No. 347, which is S. 1052.

Mr. BYRD. Mr. President, both of those items have been cleared on this side.

Mr. BAKER. I thank the minority leader.

CHANGING ROLE OF THE BOOK IN THE FUTURE

The concurrent resolution (S. Con. Res. 59) to authorize the Librarian of Congress to study the changing role of the book in the future, was considered.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. CON. RES. 59

Whereas the Congress of the United States has built and nurtured a library preeminent in the world;

Whereas this Library beginning as a small collection of books has now grown to over one hundred and eighty million items in all formats encompassing all areas of knowledge;

Whereas eighteen million of these items are conventional books which throughout history have been the most powerful and democratizing learning devices known to mankind;

Whereas the book is now among the least expensive and most widely accessible means to liberty and learning;

Whereas advances in technology over the last two decades have in many ways complemented the book as a learning tool;

Whereas rapidly advancing technologies and electronic printing and publishing are revolutionizing the world of learning and the role of the book in the future; and

Whereas the Congress in 1977 established the Center for the Book in the Library of Congress to study the development of the written record in our society: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) a timely study of the changing role of the book in the future is highly desirable;

(2) the Congress authorizes the Librarian of Congress, under the auspices of the Center for the Book of the Library of Congress, to conduct such an inquiry;

(3) in conducting such a study, the Librarian of Congress shall seek the advice and assistance of persons highly knowledgeable about the role of the book in civilization and the influence of new technologies on the future of the book;

(4) such persons should include scholars, authors, educators, publishers, librarians, scientists, and individuals in computer technology, industry, and labor; and

(5) the Librarian of Congress should transmit the results of such a study to the Congress of the United States not later than December 1, 1984.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGES IN ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The bill (S. 1052) to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations, was considered.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations", approved September 24, 1959 (42 U.S.C. 4273(a)) is amended—

(1) by striking out "twenty-six members" in the matter preceding paragraph (1) and inserting in lieu thereof "twenty-eight members";

(2) by striking out "Governors' Conference" in paragraph (4) and inserting in lieu thereof "National Governors' Association";

(3) by striking out "board of managers of the Council of State Governments" in paragraph (5) and inserting in lieu thereof "National Conference of State Legislatures";

(4) by striking out "and" at the end of paragraph (6);

(5) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(6) by inserting after paragraph (7) the following new paragraphs:

"(8) One appointed by the President from a panel of at least two elected officers of a township submitted by the National Association of Towns and Townships;

"(9) One appointed by the President from a panel of at least two elected school board members submitted by the National School Boards Association.".

(b) Section 3 of such Act (42 U.S.C. 4273) is further amended by adding at the end thereof the following new subsection:

"(d) For purposes of subsection (a)(8), the term 'township' means a township as described in the Governmental Organization volume of the 'Census of Governments' publication most recently issued by the Bureau of the Census prior to the date on which an appointment is made under such subsection.".

(c) Section 4(e) of such Act (42 U.S.C. 4274(e)) is amended by striking out "Thirteen" and inserting in lieu thereof "A majority of the".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMISSION ON THE BICENTENNIAL OF THE CONSTITUTION

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 118.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 118) entitled "An Act to provide for the establishment of a Commission on the Bicentennial of the Constitution", do pass with the following amendments:

Page 2, lines 16 and 17, strike out "sixteen" and insert: "twenty-three".

Page 2, line 18, strike out "thirteen" and insert: "twenty".

Page 2, line 19, strike out "three" and insert: "four".

Page 2, line 22, strike out "three" and insert "four".

Page 3, line 1, strike out "three" and insert "four".

Page 3, strike out lines 20–22, inclusive, and insert:

"(d) One of the members shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.".

Page 3, line 23, strike out "Eight" and insert: "Twelve".

Page 5, line 2, strike out all after "exceed" down to and including "personnel" in line 12, and insert: "forty staff members".

Mr. SASSER. Mr. President, almost 200 years ago our Founding Fathers met in Philadelphia to revise the Articles of Confederation. What emerged from that Constitutional Convention was not merely a revision but a whole new document.

It embodied concepts of government never before tried in a modern political system. First was the principle expressed in the Declaration of Independence that government power is derived from the consent of the governed. This was a revolutionary idea in the age of kings. Even in countries with an elected assembly, ultimate sovereignty was held to be derived from the monarch. The Constitution advanced the novel idea that the people were the source of authority.

Another innovation was the separation of powers into three coequal branches and the accompanying system of checks and balances. While not new to political philosophy, having been expounded by Montesquieu, it was certainly new to political practice. It was indeed another quantum leap of imagination by the drafters of the Constitution arising out of their experiences with the hereditary and unitary systems of the Old World.

As James Madison stated in the Federalist Papers:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

It was a tyranny with which the drafters were all too familiar.

The third great principle embodied in the Constitution was that of federalism, of a system of enumerated and reserved powers, a respect of regional interests.

But a mere mechanical recitation of the provisions of the Constitution runs the risk of losing sight of its true genius. It is not merely a faded historical document to be gawked at by tourists visiting the National Archives. At the risk of overusing another cliche, it is a "living constitution."

As we in Congress wrestle with the intractable problems of our modern society, we are reminded time and again of the flexibility of this marvelous document—adapting, evolving, but always relevant. It has survived wars and depressions. It has survived the industrial revolution and internal revolution. It has survived the change in America's role from a nation exploring its frontiers to a nation exploring the stars.

Only a few years ago we celebrated the bicentennial of the Declaration of Independence, the document which defines the guiding principles of our Republic. It is appropriate that we now establish a commission to honor the bicentennial of the document that implements those principles. It will bring together Federal, State, and local government as well as the private sector and serve as a clearinghouse for bicentennial activities.

It is appropriate and necessary that we commemorate the adoption of the Constitution. And I think that the events should focus on the relevance of the Constitution in our daily political life.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

COMMUNITY VOLUNTEER SERVICE ACT

Mr. BAKER. Mr. President, I would say next to the minority leader that I am cleared on this side to consider Calendar Order No. 287, S. 1129, together with the budget waiver to accompany that measure, which is Calendar Order No. 327, Senate Resolution 176, if the minority leader is similarly cleared.

Mr. BYRD. Mr. President, that matter has been cleared.

Mr. BAKER. I thank the Senator.

BUDGET ACT WAIVER

The resolution (S. Res. 176) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the

consideration of S. 1129, was considered, and agreed to; as follows:

S. RES 176

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1129, a bill to authorize appropriations to provide for revision and extension of the Domestic Volunteer Service Act, and for other purposes. Such waiver is necessary to allow the authorization of an appropriation of $147,993,000 for extension of the Domestic Volunteer Service Act for fiscal year 1984.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority to provide resources for programs serving individuals through volunteers.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1983, deadline because the May 13, 1983, full committee markup was canceled.

The effect of not considering this authorization would be to deny services provided by volunteers to the recipients of these programs.

The desired authorization will not delay the appropriations process and can be accommodated in a fiscal year 1984 appropriations bill.

COMMUNITY VOLUNTEER SERVICE ACT, 1983

The Senate proceeded to consider the bill (S. 1129) to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Community Volunteer Service Act of 1983".

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 2. Section 101 of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "eliminate" and inserting in lieu thereof "alleviate";

(2) by striking out ", social, and environmental" in the second sentence thereof;

(3) by inserting "low-income individuals," before "elderly" in the second sentence thereof; and

(4) by adding at the end thereof the following new sentence: "It is the further purpose of this part to encourage the commitment of the resources of the private sector and to encourage volunteer service at the local level to carry out the purposes set forth in this section.".

RECRUITMENT

SEC. 3. Section 102 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) If any VISTA volunteer who is recruited locally becomes unavailable for service, the recipient of the project grant or contract has the right to replace the volunteer.".

ASSIGNMENT

SEC. 4. (a) Section 103(a) of the Act is amended—

(1) by inserting after "States" in the matter preceding clause (1) the following: "in the local communities in which the volunteers were recruited";

(2) by striking out "and" at the end of clause (2);

(3) by striking out "the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)" and inserting in lieu thereof "the Community Service Block Grant Act, the Headstart Act, or the Community Economic Development Act of 1981," in clause (3) thereof; and

(4) by redesignating clause (3) as clause (5) and by inserting immediately after clause (2) the following new clauses:

"(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youths;

"(4) in addressing the special needs connected with alcohol and drug abuse prevention, education, and related activities, consistent with the purpose of this part; and".

(b)(1) The first sentence of section 103(b) of the Act is amended to read as follows: "The Director shall assign low-income community volunteers in their home communities or in nearby communities and when necessary shall assign nationally recruited specialist volunteers wherever such volunteers are needed.".

(2)(A) The second sentence of section 103(b) of the Act is amended by striking out "shall insure that each such volunteer is provided" and inserting in lieu thereof "may provide that each such volunteer is furnished".

(B) The third sentence of section 103(b) of the Act is amended by striking out "shall insure" and inserting in lieu thereof "may provide".

(C) The fourth sentence of section 103(b) of the Act is amended by striking out "shall" and inserting in lieu thereof "may".

(c) Section 103 of the Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Whenever feasible, the Director, in providing for an individual plan for job advancement or for transition to a situation leading to gainful employment under subsection (b), shall coordinate the activities connected with such plan with an appropriate private industry council established under the Job Training Partnership Act.".

(d) The first sentence of section 103(e) (as redesignated by subsection (c) of this section) is amended by striking out "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "work in a program or project in any community unless the application for such program or project contains evidence of local support and".

TERMS AND PERIODS OF SERVICE

SEC. 5. (a) Section 104(a) is amended—

(1) by striking out ", social, and environmental" in the first sentence thereof; and

(2) by striking out "this" in the second sentence thereof and inserting in lieu thereof "the requirement for full-time commitment".

REPEAL OF LIMITATIONS

SEC. 6. (a) Section 108 of the Act is amended—

(1) by striking out in the first sentence of subsection (a) "1977" and inserting in lieu thereof "1984";

(2) by striking out all of the second sentence of subsection (a); and

(3) by striking out ", social, or environmental" in clause (2) of subsection (b) thereof.

SERVICE LEARNING PROGRAMS

SEC. 7. Section 111 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 111. The purpose of this part is to provide for a program of part-time or short-term service-learning by secondary and post-secondary school students through participation in activities that strengthen and supplement efforts to alleviate poverty and poverty-related human problems.".

REPEAL OF UNIVERSITY YEAR FOR ACTION PROGRAM AND SPECIAL CONDITIONS

SEC. 8. (a) Section 112 of the Act is repealed.

(b) Section 113 of the Act is repealed.

(c)(1) The table of contents of the Act is amended by striking out items "Sec. 112." and "Sec. 113.".

(2) The table of contents of part B of title I of the Act is further amended by striking out "Sec. 114." and inserting in lieu thereof "Sec. 112.".

SPECIAL SERVICE LEARNING PROGRAMS

SEC. 9. (a) Section 114 of the Act is redesignated as section 112.

(b) Section 112(a) of the Act (as redesignated by subsection (a) of this section) is amended by striking out "and on such terms and conditions as described in subsections (a) and (c) of section 103" and inserting in lieu thereof the following: "as described in section 111".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 10. Section 121 of the Act is amended—

(1) by striking out ", social, and environmental"; and

(2) by adding at the end thereof the following new sentence: "It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the Federal, State, and local level.".

REQUIREMENT OF EQUITABLE DISTRIBUTION OF ACTIVITIES

SEC. 11. Section 122(a) of the Act is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and of an equitable geographic distribution of programs.".

FOSTER GRANDPARENT PROGRAM

SEC. 12. Section 211(b)(2) of the Act is amended by adding at the end thereof the following new sentence: "If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.".

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

SEC. 13. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Director is authorized to make grants or contracts for Senior Companion projects to assist homebound elderly to remain in their own homes and to enable in-

stitutionalized elderly to return to home care settings.

"(2)(A) The Director is encouraged to recruit, subject to subparagraph (B), Senior Companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train Senior Companion volunteers to provide initial and continuing needs assessments and appropriate in-home services for Senior Companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use Senior Companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer Senior Companion volunteers in performing their assignments and in coordinating activities of such volunteers.

"(B) Senior Companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

"(3) The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on—

"(A) the extent to which costs of providing long-term care are reduced by using volunteers who receive stipends in the provision of long-term care services,

"(B) the effectiveness of the provision of long-term care with the use of volunteers,

"(C) the extent to which health related costs of the Senior Companion volunteers themselves are affected because of their involvement in the project,

"(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

"(E) the effectiveness of using Senior Companion volunteer leaders and of involving Senior Companion volunteers based on the training of the volunteer leaders and volunteers.".

OLDER AMERICAN VOLUNTEER PROGRAMS; NON-FEDERAL CONTRIBUTIONS

SEC. 14. (a) Part C of title II of the Act is amended by adding at the end thereof the following new section:

"USE OF NON-FEDERAL CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

"SEC. 224. Whenever non-Federal contributions made to volunteer programs for older Americans under this title is in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from non-Federal contributions are consistent with the provisions of this Act.".

(b) The table of contents of part C of title II of the Act is amended by inserting after item "Sec. 223." the following new item:

"Sec. 224. Use of non-Federal contributions in older American volunteer programs.".

ESTABLISHMENT OF AGENCIES

SEC. 15. Section 401 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "in order to provide a focal point for volunteerism at the Federal, State, and local level"; and

(2) by striking out all of such section after the fourth sentence and inserting in lieu thereof the following: "There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level 5 of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated 'Associate Director for Domestic and Anti-Poverty Operations' and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency three Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, one such Assistant Director shall be primarily responsible for liaison with private voluntary organizations under part C of title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act. In the event of a vacancy in the position of Director, or in the absence or inability to act of the Director, the order of officials who shall act as Director of the ACTION agency shall be, the Deputy Director, the Associate Director for Domestic and Anti-Poverty Operations, the Assistant Director responsible for Older American Volunteer Programs under title II of this Act, the Assistant Director responsible for VISTA and other antipoverty programs under title I of this Act, and the Assistant Director responsible for liaison with private voluntary organizations under title I of this Act.".

SPECIAL LIMITATIONS

SEC. 16. Section 404(f) of the Act is amended—

(1) by striking out "and except as provided in the second of this subsection" in the first sentence thereof, and

(2) by striking out the second sentence thereof.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

SEC. 17. (a) Effective January 1, 1986, section 405 of the Act is repealed.

(b) Effective January 1, 1986, item "Sec. 405" in the table of contents is repealed.

TECHNICAL AMENDMENT

SEC. 18. Section 417(c)(1) is amended by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)".

ELIGIBILITY FOR OTHER PROJECTS

SEC. 19. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

REGULATIONS REQUIREMENT

SEC. 20. (a) Section 420(c)(1) of the Act is amended to read as follows:

"(c)(1) Notwithstanding any provision of subchapter II of chapter 5 of title 5, United States Code, relating to administrative procedure, any proposed regulation prescribed pursuant to this Act for the administration of any program under this Act may not take effect unless the public has been afforded 30 calendar days to comment on the proposed regulation prior to its publication in final form in the Federal Register.".

(b) Section 420(c)(2) of the Act is amended—

(1) by striking out "(A)" after "(2)"; and

(2) by striking out paragraph (B).

(c)(1) The second sentence of section 420(d) of the Act is amended by striking out "Except as is provided in the following sentence, no" and inserting in lieu thereof "No".

(2) The third sentence of section 420(d) of the Act is repealed.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

SEC. 21. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $15,000,000 for fiscal year 1984, $17,000,000 for fiscal year 1985, and $19,000,000 for fiscal year 1986.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

"(c) There is authorized to be appropriated to carry out the provisions of part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.".

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

SEC. 22. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

"SEC. 502. (a) There is authorized to be appropriated $27,445,000 for each of the fiscal years 1984, 1985, and 1986, for the purpose of carrying out programs under part A of title II of this act.

"(b) There is authorized to be appropriated $48,400,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $24,016,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out part C of title II of this act. Of the amount appropriated in each fiscal year $12,000,000 shall be available to carry out section 213(c).".

ADMINISTRATION AND COORDINATION

"SEC. 23. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $29,348,000 for each of the fiscal years 1984, 1985, and 1986.".

Mr. HATCH. Mr. President, the bill we are considering, the Community Volunteer Service Act of 1983 (S. 1129), will authorize appropriations for the Domestic Volunteer Service Act of 1973. The volunteer programs which are facilitated by this act stimulate a cooperative effort to address the needs of the recipients of these programs. S. 1129 continues the worthwhile efforts of the Older American Volunteer programs and the Volunteers In Service to America.

Under the act, both the Foster Grandparent program and the Senior Companion program will continue to provide an opportunity for low-income senior citizens to serve as volunteers.

An important change contained in S. 1129 would significantly increase the number of Senior Companion programs and strengthen the training component for volunteers. Most States currently have only one Senior Companion program which can assist in providing necessary services for the elderly in their home. For example, in my home State of Utah, there is no Senior Companion program which serves Salt Lake City, the major metropolitan area. The provision included in the committee bill will provide the funding to implement such a program.

The committee report also stresses the need to encourage cooperative efforts with existing services for the elderly. I would hope funding within the private sector and the States, in combination with Federal dollars, could be encouraged so as to create a multiplier effect and thus make additional resources available for the programs.

Mr. President, S. 1129 adds a new section 224 to the Domestic Volunteer Service Act providing local control over contributions to the Retired Senior Volunteer programs, Foster Grandparents, and Senior Companion projects when those contributions are in excess of the required local share permitted in the act, provided the expenditure of such contribution is consistent with the purposes of the act. The implementation of section 224 would require the decisions concerning allocation of the excess dollars to be made at the local level and reflected in the proposed grant budget submitted to the ACTION agency. The responsibility of the Federal ACTION agency would be to check that the proposed expenditures were consistent with the purpose of the act. The committee report on S. 1129 also mentions published regulations as a factor to use when reviewing the decisions made at the local level. As chairman, it is my intent that the application of the regulations be more general in nature and not prescriptive to the point of returning to the Federal level the main decisionmaking authority concerning the excess dollars beyond the match. Furthermore, agency guidelines and policy which are referred to in regulations must be published and made readily available to the public and the Congress in order to allow the usual opportunity for comment on their content and thrust.

Section 224 will reduce the need for double budgeting which results in increased costs and provide an accounting for the dollars used in the Older American Volunteer programs. The Federal ACTION agency will also receive a report of the actual expenditures and monitor their consistency with the act and the published regulations as I previously described. Both the Federal and non-Federal dollars should be carefully allocated to most effectively improve the quality of services provided for the elderly.

The Community Volunteer Service Act will maintain the efforts to alleviate poverty and poverty-related human problems through the locally recruited Volunteers In Service to America (VISTA). Evidence of local support for VISTA projects will be provided as part of the application process. Under title 1 of the bill, service learning programs and special volunteer programs will continue to address the needs of individuals and communities through volunteerism.

The value and accomplishments of volunteers in communities have recently been evident during the flooding in Utah. The hundreds of hours donated to prevent more serious damage due to the flooding is an example of true commitment to helping others. The citizens, elected officials, and church leaders of Utah, are to be commended for their example of true volunteerism.

I encourage my colleagues of the Senate to recognize the value of S. 1129 and the volunteer programs it will encourage by supporting this legislation and its prompt implementation.

Mr. DENTON. Mr. President, I rise in strong support of S. 1129, the Community Volunteer Service Act of 1983. As the original cosponsor of the bill, I worked closely with Senator HATCH in developing language that would provide funding and direction for volunteer programs under the ACTION agency. The bill before the Senate represents many weeks of staff and member negotiations and I am pleased that both sides have now agreed to pass the bill by unanimous consent.

The ACTION agency is the sole Federal agency charged with generating volunteer service in local communities. An oversight hearing conducted by the Subcommittee on Family and Human Services, which I chair, demonstrated the impact of volunteer programs, including VISTA, RSVP, Foster Grandparents, Senior Companions, and Young Volunteers in Action, have on their communities. Witnesses presented a clear case for the 3-year reauthorization.

I thank my colleagues in advance for a ringing endorsement of the Federal volunteer programs.

Mr. STAFFORD. Mr. President, I rise today in support of Senate bill 1129, the Community Volunteer Service Act Amendments of 1983. The volunteer programs authorized under this act provide vital community services and job training opportunities around the country.

The VISTA program is the only full-time, stipended, domestic volunteer program that assists low-income Americans in increasing their capacity for self-reliance. Through VISTA, individuals from all walks of life and all age groups work with low-income individuals to improve their economic situation and eliminate poverty-related problems. Volunteers serve throughout the Nation, in both urban and rural areas, in such activities as: Neighborhood revitalization, agricultural cooperatives, youth and adult literacy, food distribution programs, independent living programs with severely handicapped individuals, and senior citizen employment programs.

I encourage my colleagues to vote today in support of S. 1129. I believe that the authorization levels included in these amendments given recognition to the important role volunteer programs can play in addressing the broad range of poverty-related problems that face our Nation; problems such as unemployment, hunger, homelessness, and illiteracy.

Mr. KENNEDY. Mr. President, today we are considering legislation to reauthorize the ACTION agency—the Community Volunteer Service Act of 1983. Despite the small size of this agency or of its funding level, we should not be fooled into believing that this agency or this legislation is insignificant. For those millions of people whose lives have been touched by VISTA volunteers, Foster Grandparents, Senior Companions, or Retired Senior Volunteers, the work of this agency is anything but insignificant. I am pleased that we have been able to come to the floor today with a bill that will permit their efforts to continue.

I am sure it will come as no surprise to my colleagues that, when the Labor and Human Resources Committee began consideration of this reauthorization, there was considerable controversy surrounding the ACTION agency. The Reagan administration had recommended cuts in the funding level for the ACTION agency and had worked to eliminate the VISTA program. Many Members of this body and of the House, myself included, were strongly committed to preserving all the programs in the ACTION agency—including VISTA. Others of our colleagues, while not embracing the position of the administration, nevertheless had their doubts about the structure and operation of the VISTA program in particular and the agency in general. I am pleased to say that thanks to the extremely cooperative efforts of my colleagues on the committee, particularly Senator HATCH as the chairman of the committee and Senators DENTON and DODD, as the chairman and ranking member of of the subcommittee, our negotiations and discussions in committee produced a bill we could all support. It is eloquent testimony to the success of these efforts that the final vote in committee to report this bill was 16 to 2. Senators HATCH, DENTON, and DODD

deserve the highest commendation. I am pleased to have been able to work with them so successfully.

During the committee's consideration of this reauthorization, we were presented with overwhelming evidence of the effectiveness and success of VISTA volunteers, Foster Grandparents, Senior Companions, and Retired Senior Volunteers. VISTA—Volunteers in Service to America—was created in 1965 as a domestic counterpart to the Peace Corps. It encouraged and enabled Americans of all ages from all walks of life to dedicate a year of their life in service to their communities and their fellow citizens. These volunteers have worked to revitalize communities, to promote adult and youth literacy, to alleviate the effects of domestic violence, to distribute food and clothing to the needy, to establish independent living situations for severely handicapped individuals, and to promote employment for senior citizens. This is only a representative sample of a list that could be much longer.

In my own State of Massachusetts, the Massachusetts Association of Older Americans has made a particularly effective use of VISTA volunteers in meeting the particular needs of the elderly poor.

During 1973, over 900 elders throughout the Commonwealth received complete eye testing at a series of clinics organized by MAOA volunteers under the auspices of Beth Israel Hospital. The elders also received examinations for high blood pressure and hypertension from VISTA volunteer Kathleen Dillion, a registered nurse.

Since 1977, MAOA and the Massachusetts Blue Cross/Blue Shield have sponsored quarterly seminars on health issues, particularly on preventive health care for the elderly. The programs have produced a corps of senior volunteers capable of providing accurate health information to needy individuals in their communities.

In 1978, MAOA VISTA volunteers facilitated the smooth transition of all 50 senior residents of the Fidelis Way Project to the new Corey Road Elderly Housing Project in Brighton, while at the same time assisting with their other health and living needs.

The mobilization of community resources, both public and private, by MAOA VISTA volunteer Joseph Riemer proved to be the pivotal factor in getting the 114-unit Cedar Glen Elderly Housing Development in construction in 1979.

These examples are repeated all over the Commonwealth of Massachusetts: Greater Boston Legal Services has provided legal assistance to low-income persons involved in civic law disputes; the Boston Indian Council has provided job placement and day care for urban native Americans; Casa Myrna Vasquez has provided assistance to homeless and battered women and children; New England Small Farms Institute has provided assistance to farmers in central and western Massachusetts and Artisans for Better Living has promoted and marketed crafts made by low-income individuals. At this point, Mr. President, I ask unanimous consent that a letter from this organization describing its accomplishments be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARTISANS BETTERING LIVELIHOOD AND EDUCATION,
Boston, Mass., June 24, 1983.

Representative AUSTIN J. MURPHY,
Chairman, Subcommittee on Select Education, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE MURPHY: Thank you for sending me the materials on the hearings on VISTA. VISTA must be continued and expanded. I support myself as a plumbing contractor and have been an unpaid VISTA supervisor for six years.

I began a handcraft program for poverty people with the help of my hardworking secretary that had its beginnings in a run-down Boston housing project. This program extends now to 2,700 crafters from all over New England. These are the blind, the handicapped, senior citizens, and many others. Over one-half million dollars has gone through my plumbing shop to low-income people and zero dollars has been returned to a professional staff. We have taught unskilled welfare mothers and teenagers from welfare families business skills and introduced them to the world of work.

My entire endeavor would not have been possible without the concerned effort and cooperation of VISTA in Boston. These people have always been one-hundred percent in effort and cooperation to make our own program a success. I believe that VISTA's future direction in working with poverty people should be to carefully align themselves with the expertise of the business community that can guide and teach the skills necessary to bring poverty people into the economic life of our Country.

I have enclosed a list of our accomplishments and news stories on our program. Keep up the good work with VISTA.

Very truly yours,

ALDEN R. WAMBOLT.

ARTISANS BETTERING LIVELIHOOD AND EDUCATION—ABLE'S ACCOMPLISHMENTS

1. A.B.L.E. has an ongoing ceramic workshop and program that serves low-income and elderly people of the South Boston and Dorchester areas.

2. A.B.L.E. has developed a membership of 2,700 that includes artisans and craftspeople who are the elderly, the handicapped, the disabled, the retarded, welfare mothers, the blind, Social Security recipients, prison inmates, etc.

3. A.B.L.E. has developed four store outlets (152 State Street, Boston; American Legion Highway, Roslindale; and Salem Marketplace, Salem, Massachusetts; and at Church and Housatanic Streets, Lenox, Massachusetts).

4. Handcrafts of New England appeared in the newspapers about thirty-five times and on television twelve times.

5. Carole McClure, A.B.L.E.'s volunteer treasurer, was picked by The United Way as Boston's most outstanding volunteer.

6. Many unskilled welfare mothers and youth have entered the work force after being trained at the Handcrafts of New England stores.

7. Hundreds of thousands of meaningful hours of creativity through hard work has helped give hundreds of people integrity and selfworth through the development of their skills.

8. The production and development of the handmade traditional crafts that "Down East" New Englanders are known for is fostered through this program.

9. This non-bureaucratic program has sent back over $512,000 to low-income people while returning zero dollars to a professional staff. A.B.L.E. knows of no other program that can make that statement.

10. VISTA has picked A.B.L.E.'s Handcrafts of New England as one of the best self-help programs in the United States and held VISTA's fifteenth birthday celebration at Handcrafts of New England with actress, Ali MacGraw, attending. Later two of our VISTA workers were honored by Mrs. Carter at the White House VISTA awarded A.B.L.E. three VISTA positions to further develop this program.

11. One VISTA worker has been assigned to the Salem store and one worker is involved in the business aspects (inventory control, accounting, billing, etc.) which is much needed at this time.

12. One VISTA worker is developing our first community store in a mainly black area of Boston where a local church is providing a new building on their property which fronts on the American Legion Highway. This will be our first community-type store. This endeavor will cost A.B.L.E. virtually nothing.

13. A.B.L.E.'s successful Wayland Christmas store was our first store in the suburbs and the acceptance by the public has caused us to study a way to open a fulltime store in the suburbs.

14. A business plan that will help A.B.L.E. down the road to self-sufficiency has been developed and is in effect. Consumable products such as handmade chocolates, fudge, jams, jellies, dips, and maple syrup products will become our "country store" look. Handcrafts of New England also features a needlework corner that will sell yarn supplies and craft kits for the do-it-yourself folks.

Mr. KENNEDY. Such human examples of the effectiveness of the VISTA programs are repeated all over the Commonwealth of Massachusetts and the Nation. For those of my colleagues who like to examine programs in statistical terms, as well as human terms, however, I refer them to the most recent ACTION evaluation of VISTA—in 1979. That evaluation concluded that each VISTA volunteer recruited an average of 15 additional local volunteers to assist in local projects. In addition for an investment of less than $7,000 each volunteer generated an average of $25,000 in public and private resources to benefit the community. Both statistical and anecdotal evidence agree: VISTA has helped millions, effectively and efficiently.

We should not forget that our Nation benefits not only from the services that these volunteers provide, but also because the volunteers benefit in so many ways from their experiences. Since 1965, over 75,000 Americans have volunteered to spend a year of their lives at subsistence living standards to serve the needs of the poor. Thousands of them have been poor themselves and VISTA has given them a chance to pull themselves out of poverty. For thousands of other who are elderly, VISTA has offered them an opportunity to feel useful and valuable that otherwise may not have existed. And for the remainder, particularly many in the early years, VISTA gave them their first experience in the fields of antipoverty service—fields that many choose to pursue as their careers.

Edith Alverio, Peter Frau, Joaquin Ortiz, and Pablo Medina were all locally recruited low-income VISTA volunteers with the Westtown Concerned Citizen Coalition in Chicago working on economic development, housing, and job development. All were hired by the coalition after completing their service.

Victoria Bonberry was a low-income locally recruited VISTA volunteer with the Tribal Sovereignty Project in California. After her service ended, she was hired as a trainer for the project.

Becky Simpson was a mother of six in her midfifties when she was recruited as a low-income VISTA to work for the Kentucky Rivers Coalition. She is now a full-time staff employee of the coalition.

Emily Grippe and Ann Quinn were two low-income locally recruited VISTA volunteers with the community caring conference crime prevention program in Rockford, Ill. They are now on the staff of the conference.

Bill Lindsay went to Ft. Lauderdale as a VISTA volunteer to work on housing issues. He is now the director of the Ft. Lauderdale Housing Authority.

Joe Canapa served in New Mexico as a VISTA volunteer. He is not the director of the New Mexico Land and Water Rights Division.

Mike Runnels also served in new Mexico as a VISTA volunteer. He is now New Mexico's Lieutenant Governor.

Chris Cook went to Alaska as a VISTA volunteer. He stayed on and became a Federal district court judge.

John Sweet went to Atlanta as a VISTA volunteer. He is now a member of the Atlanta City Council.

George Graupera came to Vermont as a VISTA volunteer specializing in architectural work. He stayed on to design low-income housing in that State.

There are many more volunteers and many more stories. I believe they all demonstrate the enormous benefit that participating in this program has meant to so many Americans.

While less controversial, the Older Americans volunteer program have been no less successful. I am pleased that this legislation permits their continued expansion. As in VISTA, these three programs enrich the lives of their participants and benefit the Nation through its services. Since the inception of the three programs—the Foster Grandparent and Retired Senior Volunteers programs in 1969 and the Senior Companions program in 1973—hundreds of thousands of seniors have found their lives to be more meaningful and have improved the lives of millions of their fellow citizens. They have provided assistance in schools, hospitals, homes, and various institutions to those with physical, mental, or social needs. They have helped children and seniors; the poor and the handicapped; the hungry, the homeless, and the sick. They fill the essential staff needs that enable local, public, and private service organizations to do their jobs. It is fair to say that without these programs—VISTA, Foster Grandparents, Retired Senior Volunteers and Senior Companions—this Nation would be a poorer place to live.

Now more than ever we need the services that these programs can provide. The devastating rise in unemployment has forced millions of Americans into poverty. The reduction in Federal and State funds available to alleviate their plight has stretched the resources of local and private organizations to the breaking point. Volunteers from these programs have helped form the link that has kept these programs alive and in many cases has kept these new poor alive. This bill not only preserves these programs, but permits modest expansion. Such expansion is essential if we are to meet the needs of these new poor as well as all the other struggling members of our society. I urge all my colleagues to support this vital legislation.

In closing, let me once more praise the efforts of all the members of the Labor and Human Resources Committee and particularly of Senators HATCH, DENTON, and DODD. Let me also commend Fran Butler who represents the three Older Americans volunteer programs and Mimi Mager who represents the Friends of VISTA. The information and analysis they provided to the members of this committee were invaluable in our efforts to produce this legislation. However, I think all my colleagues will agree with me that the highest praise should go to those many volunteers all over the country. It has been their tireless work that has convinced me and, I am sure, convinced my colleagues, of the value of this agency and its programs. They are the ones who have truly made this legislation a reality.

THE NEED FOR VISTA HAS NEVER BEEN GREATER

Mr. RIEGLE. Mr. President, today we are considering S. 1129, the authorization of the Community Volunteer Service Act, previously known as the Domestic Volunteer Service Act, which includes the VISTA program. I would like to remind my colleagues of the many valuable contributions made by VISTA volunteers throughout the United States.

VISTA is a program that fosters self-help among the poor and disadvantaged. In Michigan, where their efforts are sorely needed, VISTA volunteers are finding shelter for homeless individuals, distributing food to needy persons, assisting senior citizens in cutting their fuel bills, identifying jobs for unemployed individuals, providing essential services for troubled and runaway youth, and aiding victims of domestic violence, to list only a few examples of their hard work.

Despite VISTA volunteers' dedicated service, the program's funding has been drastically reduced during the last 2½ years. The number of VISTA volunteers serving the truly needy in Michigan has plummeted from 99 volunteers at 22 projects in 1981, to its current level of only 38 volunteers at 8 projects. Nationally, the number of VISTA's has dropped from a high of nearly 5,000 in January 1981, to a level of only 1,600 today, the lowest level in VISTA's 18-year history. This has occurred, unfortunately, at a time when the need for the program has never been greater. As a VISTA sponsor in Michigan recently wrote:

> In these difficult times, when the poor are already suffering because of so many governmental cutbacks, the loss of VISTA would truly be disasterous. Everything possible ought to be done to continue and expand the VISTA program.

The bill we are considering today, S. 1129, includes $15 million, $17 million, and $19 million respectively for the VISTA program for fiscal years 1984, 1985, and 1986. While I personally would support a restoration of VISTA's prior funding levels of over $30 million, I recognize that the funding levels included in this bill are a far cry from the President's request of $194,000 in fiscal year 1984 and $0 for fiscal years 1985 and 1986. I urge my colleagues on both sides of the aisle to support the continuation and expansion of the VISTA program and the Older American volunteer programs, and to support wholeheartedly S. 1129 when it is considered by the full Senate today.

Last, I would like to bring to the attention of the Senate a moving editorial published in the Detroit Free Press concerning VISTA. The editorial, entitled "VISTA: It Should Be Spared From the Ax Reagan's People Want

To Drop," examines VISTA's past and future and concludes that without question there is a very real need for VISTA, and that judged by any standards the program has worked. I could not agree more. At this time, I ask that it be printed in the RECORD.

The editorial follows:

[From the Detroit Free Press, Sept. 2, 1982]

VISTA: IT SHOULD BE SPARED FROM THE AX
REAGAN'S PEOPLE WANT TO DROP

The Reagan administration is sharpening its hatchet for Vista, the old domestic program many people assumed already had died on the budget chopping block. But Vista is still around and, although its activist approach is disliked by this administration, the agency deserves to live.

Vista was never one of the razzle-dazzle, high-rolling programs, though it once fielded almost 5,000 volunteers to work with poor people's groups and other neighborhood agencies. And no one could accuse the volunteers of lacking commitment or of joining the program merely to cram their pockets with federal dollars. Volunteers worked for about $400 a month.

Do we really need such a program? Without question. In both cities and rural communities, the poor and powerless must contend with a sea of problems, problems that may be compounded by their confusion about how bureaucracies work, their inability to comprehend or fill out forms, their ignorance about the identities of landlords, their fears of fighting the system.

The Vista volunteers have helped such people get better public services and improve their reading. They have staffed emergency food programs, tutored public school children, worked with groups trying to attract new businesses. Judged by any set of standards, the program has worked.

The White House believes senior citizens and others would provide such services for mere travel expenses. In many cases, though, senior citizens are prime candidates for Vista's services themselves. And as agencies struggle with cutbacks in federal funding and local support, they need to know they can depend on Vista.

What probably has hurt the program most is the administration's suspicion that Vista exists only to foment community activism. But Vista is more than a program: Like its more exotic twin, the Peace Corps, it is an ideal of service, a concept embodying concern. Even for Congress to constrain volunteers from engaging in certain activities disliked by the administration would be better than killing the program outright.

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, as the Senate author of the Domestic Volunteer Service Act of 1973, Public Law 93-113, and several laws amending and revising it, I am pleased to support this bipartisan extension of the authorization of appropriations for the important domestic volunteer services programs authorized under the 1973 act. The legislation, S. 1129, before the Senate today provides for a 3-year reauthorization of appropriations for the VISTA program, the Older American volunteer programs—RSVP, Foster Grandparents, and Senior Companions—and the other activities carried out by the ACTION Agency.

I have been closely associated with these programs throughout my service in the U.S. Senate. As the chairman of the authorizing subcommittee from 1971 through 1980, I had the privilege of authoring much of the legislation relating to these programs that came before the Senate during that period. These programs and the volunteers serving in them have always represented the finest instincts of the American people—caring and compassion for those less fortunate and willingness to volunteer to help each other. These volunteers have contributed to their communities and their fellow citizens. They have shared their time, their energy, and their resourcefulness for the betterment of our communities and our society.

Mr. President, some supporters of voluntarism suggest that the private sector alone can stimulate volunteer activities like those sponsored by the ACTION Agency. I disagree. These programs represent the kind of melding of public and private support that is promoted through a partnership between government, both Federal and local, and the private sector. This support is needed, it is important, and should be continued. The moneys spent in these programs represent some of the most cost-effective investments the Federal Government can make in the area of human services.

VISTA REAUTHORIZATION

Mr. President, perhaps the most significant aspect of the bill reported by the Labor and Human Resources Committee involves the provisions reauthorizing appropriations for the VISTA program. The Reagan administration proposed in 1981 to abolish the program; in July of 1981, the Labor and Human Resources Committee reported legislation aimed at phasing VISTA out by the end of 1983. The program nevertheless has survived, supported by its many friends in and out of Congress. Its survival is a testament to those thousands upon thousands of VISTA volunteers, young and old, from every walk of life, who have served in this program and have dedicated a portion of their lives to the principles upon which VISTA was founded—service to America. Today, a bipartisan majority of the Labor and Human Resources Committee has brought before the Senate legislation to reauthorize appropriations for VISTA at $15 million for fiscal year 1984, $17 million for fiscal year 1985, and $19 million for fiscal year 1986. Those figures are, of course, below the appropriations levels provided in fiscal year 1981, but they do envisage steady growth and hold out the promise of one day restoring this program to the strength it once enjoyed.

Mr. President, the VISTA program has provided tens of thousands of our citizens with the opportunity for service to America. It will continue to do so. VISTA volunteers, with their enthusiasm and vigor, have made mistakes. Program sponsors have made mistakes. But it is clear that the resounding success of this program and its message to our society has not gone unnoticed. I strongly believe that programs like VISTA should be expanded and that more opportunities for volunteer service should be available. I have often spoken on the Senate floor of my support for the concept of national voluntary service, and I will continue to do so. But today I share the joy of the many friends and supporters of the VISTA program in its survival and in its brightening future.

OLDER AMERICAN VOLUNTEER PROGRAMS

Mr. President, I would be remiss if I did not also express my very highest regard and strong personal support for the Older American volunteer programs—RSVP, Foster Grandparents, and Senior Companions—which are also included in this legislation. Unlike the VISTA program, however, the future of the Older American volunteer programs has never been in doubt. These programs have always enjoyed incredibly strong and well-deserved support in Congress. Like VISTA, the Older American programs provide both the opportunity for service for the volunteer and help fulfill some of the countless unmet needs in communities throughout the Nation. Those who serve and those who are served benefit enormously from these programs. I am pleased to support the reauthorization of appropriations for these programs and I am proud to have been associated with the Older American volunteer programs throughout my service in the Senate. particularly gratifying to me is the doubling of the authorization for appropriations for the Senior Companions program. I authored in 1973 the legislative authority for the Senior Companions program and its growth has been truly rewarding.

CONCLUSION

Mr. President, let me conclude by congratulating the chairman of the Labor and Human Resources Committee, the Senator from Utah (Mr. HATCH), and the ranking minority member, the Senator from Massachusetts (Mr. KENNEDY), as well as the chairman of the authorizing subcommittee, the Senator from Alabama (Mr. DENTON), and the ranking minority member of that subcommittee, the Senator from Connecticut (Mr. DODD), for their bipartisan work in bringing this measure to the Senate and for their support of these important programs.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AID BILL

Mr. PERCY. Mr. Presidents in these times of budget austerity, it is important that we closely scrutinize the way in which each taxpayer's dollar is spent to be certain we accomplish important objectives in a cost-effective way. This is particularly true when it comes to foreign assistance programs, where we try to help friendly developing countries with their efforts to stimulate economic growth and improve the lot of their people. Today, I would like to describe one foreign assistance program which clearly meets that criteria—the International Executive Service Corps, or the IESC.

This organization harnesses the skills of men and women from the American business community, who volunteer 2 to 3 months of their time to go to developing countries to help with specific business undertakings. These Americans, who are often recently retired, bring with them years of experience to bear on such diverse fields as food processing, retailing, transportation services, construction, and banking.

In addition to obtaining such experience on a pro bono basis, IESC embodies several other remarkable features. First, its service is valuable enough that the foreign organization requesting IESC help pays for the expenses of the program, including living expense, transportation, and some overhead costs for IESC. This means both that IESC can conduct more programs with limited donated resources, and, because the developing country client has its own resources at stake, that the help is both appreciated and effectively used.

Second, this program is an effective means of stimulating the kind of private entrepreneurship and self-help that can lead to self-sustained economic growth and job creation in the developing countries. Our aid programs generally assist developing countries with such important requirements as improved health and education services, better agricultural research and extension, improved roads and irrigation. But if these countries are to build an economic base which can take advantage of these services and in turn generate the revenue needed to maintain them, a strong private sector is critical. IESC promotes just that sector.

IESC is a good will program for the United States as well. This is "people to people" program of the best type, in which Americans are clearly seen to be offering their knowledge and experience out of a desire to help others help themselves. This combination of practical business experience, combined with unselfish idealism, symbolizes the best aspects of the American character.

Finally, this program makes economic sense for the United States. In the short run, advice from American experts often leads to the purchase of American-made equipment and supplies. In the longer run, it helps build a bridge of trust and interest in American technology and approach which will pay dividends as small companies grow and flourish in the developing world. Our fastest growing markets are even now in the developing countries, and this trend is certain to continue in the future.

Let me briefly touch on the some of the real-life episodes which make the IESC story so exciting. Not surprisingly, I have selected some projects which involved volunteers from my own State of Illinois.

In Barbados, a small family-owned company needed help to keep a wooden household furniture manufacturing operation going. Clyde Weinberger, a retired furniture company executive from Chicago, volunteered his services. Thanks in part to his help, that company was not only saved but was enabled to grow.

Dr. Thomas Hurst, who had retired from the A. W. Staley Manufacturing Co. in Illinois, went to Ecuador with his wife to assist a manufacturer of cocoa butter to expand his facilities and use his equipment to produce soya milk. Because of his efforts, jobs have been created and Ecuadoreans are better fed.

A Taiwanese department store needed help in the development and implementation of a management training program as well as with other personnel matters. A recent retiree from Willowbrook, Ill., William Hegenbuck, who had spent a lifetime working with large retail chains, was dispatched to Taiwan. He helped set up a training program which will eventually involve hundreds of people in the retail field.

Finally, Darl Fike, who is currently employed by the Illinois State Agricultural Extension Service, has been assigned to a volunteer stint in Ecuador to help a hog-raising cooperative of 50 members. His work will undoubtedly not only affect that cooperative, but the entire feed, machinery, and hog-raising equipment market in that country.

These are just four examples of the kind of down-to-earth, grassroots activities sponsored by IESC. To date, the organization has assisted over 8,000 locally owned businesses with the help of over 5,000 apostles of private enterprise. I strongly believe that this is precisely the kind of program which should be helped by our foreign assistance program, in which a modest expenditure of Government funds can be greatly multiplied through the contribution of time by highly qualified volunteers and the payment of most operating costs by developing country clients.

This month marks a historic occasion in the 20-year relationship between the IESC and the U.S. Government. This partnership in international economic development was ratified for an additional 5 years with the signing on September 12 by IESC President Thomas Carroll and AID Administrator Peter McPherson of a 5-year extension of AID support.

This relationship has been a dynamic one which has changed with the challenges of development over the years. Especially with the inauguration of AID's private enterprise initiative, the roles of IESC in fostering private economic initiative and in catalyzing closer links with U.S. enterprises have assumed new importance. Both IESC and AID are also to be commended for their efforts to concentrate on areas of greatest need by expanding IESC's assistance to smaller enterprises and in poorer countries. IESC has also become an important partner in U.S. development programs in the Caribbean, as IESC is currently establishing a presence in Honduras, Costa Rica, and Jamaica. I heartily encourage even greater efforts in those directions.

In sum, I am impressed that support of IESC has proven to be one of the most consistently effective and productive uses of U.S. aid funds over two decades, and remains so despite dramatic changes in economic development challenges.

Mr. LUGAR. Mr. Chairman, I rise to endorse and support the remarks of the distinguished senior Senator from Illinois about the International Executive Service Corps.

The IESC is one of those rarest of initiatives: one in which everyone wins. In 18 years, some 18,500 foreign firms have been assisted by over 5,000 retired American executives, who have devoted—without pay—their expertise, energy, and humanitarianism to the progress of over 70 developing countries.

This type of assistance works. It should, for the participants, each with a lifetime of experience relevant to the enterprise being assisted, represent this country's most productive asset: our people. Perhaps the surest indicator of the value of their talents to foreign firms is the fact that the foreign organizations which receive IESC help contribute significantly

toward the expenses of the program. Further, some 40 percent of the client firms make a capital investment attributable to the program, often an investment involving an American firm, and fully 20 percent form a business relationship with an American company—hard evidence that this assistance makes hard economic sense.

But the program works for many more than the immediate beneficiaries. For thousands of retired volunteer executives, this opportunity for service is a treasured experience. And for tens of thousands of people abroad, IESC volunteers become effective ambassadors of good will for the United States.

Finally, the IESC's demonstrated ability to earn remuneration from participating foreign organizations and to attract private donations as well provides a degree of leverage too rarely found in U.S. development assistance. In short, the modest support made available from AID, less than half of total IESC funding, is a bargain.

KOREAN AIR LINES FLIGHT 007

Mr. HECHT. Mr. President, I rise today to condemn the horrible actions carried out by the Soviet Union in the destruction of the Korean airliner, flight 007. My only surprise to the blatant murders of 269 passengers and crew of the Korean jet is the surprise of the world. Has the world not believed the horror stories of the past generation? Has the world forgotten the massacre of tens of thousands of Polish officers in a forest near Katyn? Has the world forgotten the machine-gunning of innocent Polish freedom fighters. Has the world forgotten the massacre of Israeli athletes by Russian-trained PLO commandos? Does the world not believe that the Soviets are using poison gas in Afghanistan? Does the world not believe that the Soviet Union perpetrated an attempted assassination against the Pope?

In my service to my country as an intelligence agent behind the Iron Curtain, deaths of innocent men, women, and children were a daily occurrence. In the words of Abraham Lincoln: "Let us resolve that these dead shall not have died in vain."

Let us unite behind our President to make the United States of America the strongest military Nation on Earth. It is not compassion or decency that has stopped the Soviets from attacking us. It is not concern for our children. It is fear of massive retaliation from the American and free world's military might.

The hope of the free world is truly peace through strength.

THE DEATH OF LT. GEN. LEONARD D. HEATON, U.S. ARMY (RETIRED)

Mr. THURMOND. Mr. President, I rise today to pay tribute to a good friend and military leader, Lt. Gen. Leonard D. Heaton, U.S. Army (Retired), who recently passed away. To his lovely wife, Sara, and daughter, Sara Dudley Mayson, I extend my deepest sympathies.

This exceptional soldier and surgeon served for more than 40 years in the Army, reaching the pinnacle of his career as Surgeon General of the Army in 1959, a post he held for 10 years.

General Heaton's career spanned a period which will be remembered as one of the most challenging for the United States of America. Receiving his commission in the Army Medical Corps a year after graduating from the University of Louisville, he immediately immersed himself in the study of medicine at various military hospitals.

General Heaton made a point of being close to the action. On December 7, 1941, he was the acting commander and chief of surgery at North Sector General Hospital, Schofield Barracks, in Hawaii. During the actual attack by the Japanese, which precipitated America's entry into World War II, General Heaton refused to wait until the air raid was over to report for duty, dodging enemy planes to reach his hospital. For his quick and efficient action, which saved many lives, General Heaton was awarded the Legion of Merit.

His surgical skills, on another crucial occasion, were of major importance to the Nation. In 1956, as commanding general at Walter Reed Hospital, he was urgently recalled from a vacation to treat President Dwight D. Eisenhower for an emergency abdominal illness. A short time later, the general's famous patient was resting quietly and out of serious danger. That operation began a long and close friendship, which evenually resulted in General Heaton becoming President Eisenhower's personal physician.

This great surgeon, who was decorated for his wartime service in both the Pacific and European theaters, also treated Secretary of State John Foster Dulles and Generals of the Army George C. Marshall and Douglas MacArthur. He was awarded four Distinguished Service Medals during his career; and before he retired from active duty in 1969, he beame the first Army physician to gain the rank of lieutenant general.

In order to share more about this great military leader and physician, I ask unanious consent that an article from the Washington Post be printed in the RECORD at the conclusion of my remarks.

There being no objective, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 12, 1983]

"LT. GEN. LEONARD D. HEATON, EISENHOWER'S SURGEON, DIES AT 80

Retired Lt. Gen. Leonard D. Heaton, 80, the Army surgeon general from 1959 to 1969 and who gained widespread recognition for his work as the surgeon for notable public figures, including former President Dwight D. Eisenhower, died of cancer Sept. 10 at Walter Reed Army Medical Center.

During his more than 40 years of Army service, Gen. Heaton gained a reputation for calm assurance and was known as a dedicated teacher. Long considered one of the Army's most skilled surgeons, he championed the expansion of the service's medical education programs. He was decorated for his work as both a surgeon and administrator for wartime service in both the Pacific and European theaters.

Perhaps Gen. Heaton's most difficult 24-hour period began on June 8, 1956. Reached at a vacation retreat, Gen. Heaton, then commanding general of Walter Reed, was flown back to Washington. President Eisenhower, who only nine months earlier had suffered a major heart attack, was in Walter Reed with what proved to be regional enteritis with an intestinal obstruction.

At 1 a.m. June 9, Gen. Heaton and his quickly assembled team operated. The abdominal surgery was complicated by anticoagulant drugs that Eisenhower had been taking for his heart condition. These drugs might have prevented the surgeons from controlling the bleeding. Yet, one hour and 54 minutes after entering surgery, the operation was over. Gen. Heaton's job had just begun because he had to brief the media and explain the surgery and its success.

The patient not only recovered but became a close friend. In later years, Gen. Heaton became Eisenhower's personal physician, traveled to Europe with him and treated him in his last days before his death at Walter Reed in 1969. Gen. Heaton's other surgical patients included Secretary of State John Foster Dulles and generals of the Army George C. Marshall and Douglas MacArthur.

Shortly before his death in 1965, MacArthur wrote President Lyndon B. Johnson with a last request. It said in part: "I have seen many units of many countries in action, but I have never seen one to surpass in cohesion and efficiency that which has been administered to me under Gen. Heaton. The doctors, nurses and corpsmen have been magnificent. I shall urge Gen. Wheeler to confer upon Gen. Heaton an oak leaf cluster to his Distinguished Service Medal."

Those words were used in the citation of the Distinguished Service Medal, one of four Gen. Heaton received during his career.

During his later years as surgeon general, he led the expansion and deployment of Army medical services for the war in Southeast Asia. He fought for increased numbers of helicopters for medical evacuation operations, explaining to medical colleagues, the public and Congress how best to save lives. He retired from active duty in 1969, the first Army physician to gain three-star rank.

Gen. Heaton, who lived in Pinehurst, N.C., was a native of Parkersburg, W. Va. He received his medical degree from the University of Louisville in 1926 and received his commission in the Army Medical Corps a year

later. Before World War II, he served and studied at various military hospitals.

Dec. 7, 1941, found him a major and the acting commander and surgery chief at North Sector General Hospital, Schofield Barracks, Hawaii. During the Japanese attack on Pearl Harbor, Gen. Heaton dodged enemy planes and reached his hospital, the largest Army medical facility in Hawaii.

He ordered his staff to prepare for battle casualties. His surgeons performed more than 200 operations. Thanks to Gen. Heaton's orders to add sulfanilamide to both abdominal and surface wounds, patients treated at North Sector did much better than those elsewhere. Gen. Heaton was awarded the Legion of Merit.

Later in the war, he commanded a hospital and then a group of hospitals in Europe. After the war, he was named surgical chief and then commanding general of Letterman General Hospital in San Francisco. In 1953, he was offered the post of commandant of Walter Reed. He took the post when it was agreed that he would be allowed to continue surgery. In 1959, he was named Army surgeon general. He continued to operate and to assist in operations until retiring.

He was a diplomate of the American Board of Surgery, fellow of the American College of Surgeons and member of the American Surgical Association.

Survivors include his wife, the former Sara Hill Richardson of Pinehurst, and a daughter, Sara Dudley Mayson.

THE DEATH OF REPRESENTATIVE LARRY McDONALD OF GEORGIA

Mr. THURMOND. I rise today to pay tribute to a great American and true patriot, Congressman Larry McDonald of Georgia, who was a victim of one of the most dastardly crimes of this century. He was aboard Korean Air Lines flight 007, when it was destroyed as it strayed over Soviet territory on September 1, 1983. To his lovely wife, Kathryn; his son, Tryggvi Paul, who served as an intern in my office; and to his other children, Callie Grace, Mary Elizabeth, Lawrence Patton Jr., and Lauren Aileen, I extend my deepest sympathies.

A native of Atlanta, Congressman McDonald completed pre-medical training at Davidson College, N.C., and earned his doctor of medicine degree from the Emory University School of Medicine. After 4 years as a Navy physician and flight surgeon, he completed his residency and postgraduate training in general surgery at Atlanta's Grady Memorial Hospital. He received his postgraduate training in urology at the University of Michigan at Ann Arbor.

Active in medical and civic affairs, he held memberships in a variety of associations, including the Rotary Club, National Historical Society, and the Atlanta Astronomy Club. His intense interest in public affairs inevitably led him to political life.

Elected by Georgia's Seventh District as a Democrat in 1974, Congressman McDonald was reelected to the U.S. House of Representatives each term thereafter. He was an able and dedicated member of the House Armed Services Committee and recognized as one of the most conservative anti-Communists in Washington. He pursued his convictions about threats to our freedom from Soviet aggression with great courage. His beliefs inspired him to found Western Goals, a private research firm designed to halt the spread of communism.

It is cruelly ironic that Congressman McDonald's death was directly caused by followers of the very ideology against which he so vigorously campaigned. His tragic death should serve as a reminder that only through strength can we maintain peace.

Mr. President, this man was a truly dedicated public servant who cared deeply for his Nation and its democratic philosophy. His words of warning about communism are even more poignant in view of the unprovoked, murderous attack on the Korean airliner.

In order to share more about this outstanding Congressman with my colleagues, I ask unanimous consent that a biography which appeared in the Congressional Directory, and two articles, one from the Washington Times and one from Congressional Quarterly, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAWRENCE P. McDONALD, CONGRESSIONAL DIRECTORY, 98TH CONGRESS, 1983-1984

Lawrence P. McDonald, Democrat, of Marietta, Ga.; born in Atlanta Ga., April 1, 1935; graduated from Darlington School, Rome, Ga.; completed premedical training at Davidson College, N.C.; received doctor of medicine degree from Emory University School of Medicine, 1957; served 4 years in the U.S. Navy as physician and flight surgeon; residency, Grady Memorial Hospital; 2 years postgraduate training in general surgery, Grady Memorial Hospital, Atlanta, Ga.; 3 years postgraduate training in Urology, University of Michigan, Ann Arbor, Mich.; member: Independent Methodist Church, various medical associations, Rotary, National Historical Society, Atlanta Astronomy Club, and John Birch Society; member of National Council of the J.B.S.; member of State Medical Education Board, 1969-74; received honorary doctor of letters from Daniel Payne College, Birmingham, Ala.; married to the former Kathryn Jackson, 1976; five children: Tryggvi Paul, Callie Grace, Mary Elizabeth, Lawrence Patton, Jr., and Lauren Aileen; elected to the 94th Congress, November 5, 1974. reelected to each succeeding Congress.

[From the Washington Times, Sept. 2, 1983]

McDONALD, NOTED CONSERVATIVE, DEVOTED LIFE TO ANTI-COMMUNISM

Rep. Larry McDonald, the Georgia Democrat who was aboard the South Korean airliner that was shot down yesterday by a Soviet fighter, often was called the most conservative member of the House of Representatives.

His wife said yesterday that he was "the leading anti-communist in Congress."

First told that the Boeing 747 had landed on an island off the Soviet Union's east coast, Kathy McDonald said: "Him, of all people, being in Russian hands . . . to say it's a little bit odd would be to say the least."

Later, after learning the fate of her husband and the others aboard the plane, Mrs. McDonald called it "a typical action of the communists in the Soviet Union. It was against this type of behavior that my husband spoke out so loudly and for so long."

McDonald, a 48-year-old physician, was described by associates as "very earnest, intense" and as "a very personable man" who was highly regarded and very effective in conservative causes because of his prominence in the vast network of conservative organizations.

Long a conservative political activist, he earlier this year was elected chairman of the John Birch Society—succeeding Robert Welch, the founder and only other chairman of the organization.

In 1972 he lost his first bid for Congress in Georgia's 7th District—an overwhelmingly white area in the northwest part of the state stretching from the suburbs of Atlanta through Marietta and Rome to the suburbs of Chattanooga, Tenn.

However, in 1974 he ousted veteran Democratic Rep. John Davis and, although he faced several close primaries and re-election victories after that, he became so popular in his district that by 1980 he received 68 percent of the votes in both the primary and general elections. In 1982 he got 66 percent in the primary and 61 percent in the general election.

Sen. Barry Goldwater, R-Ariz., once said McDonald had perhaps "contributed more to the Congress than . . . any other freshman who has ever come there."

In 1980 and 1981 readers of Conservative Digest selected him as one of the most admired conservatives in Congress. His voting record in Congress received ratings ranging from 100 percent by the Americans for Constitutional Action to 0 percent from the AFL-CIO.

A director of the National Rifle Association, he was a recipient of its Defender of Individual Rights award.

McDonald also was an official of numerous other conservative organizations, including Movement to Restore Decency, American Life Lobby, National Pro Life Action Committee, Congressional Advisory Board of Conservatives Against Liberal Legislation and Fund to Restore an Educated Electorate.

Among his many other awards were the Most Frugal Member of Congress citation from the National Taxpayers Union and the Distinguished Service Award of the National Reserve Association in 1980. He was a captain in the Naval Reserve.

In 1981 he founded—and at the time of his death was serving as unpaid president and board chairman—Western Goals, a tax-exempt foundation to stop subversion, terrorism and communism in the United States.

McDonald wrote books and numerous articles and he traveled around the country as unoffical "secretary of defense" in a mock cabinet of conservatives to denounce the 1978 Panama Canal treaties. He supported military strongmen in Nicaragua and other Central American nations and opposed normalization of American relations with

China. In 1977 the Chilean government presented him the Bernardo O'Higgins Award.

Lawrence Patton McDonald was born in Atlanta on April 1, 1935. He completed his pre-medical studies at Davidson College in North Carolina and was accepted by Emory University's medical school in Atlanta before his 18th birthday. He received his M.D. from Emory in 1957.

After four years in the Navy—mostly as a physician and overseas flight surgeon—he completed a residency in general surgery at Grady Memorial Hospital in Atlanta.

During his three-year residency in urology at the University of Michigan Hospital in Ann Arbor in the middle 1960's he frequently passed material from the Birch Society to fellow doctors and he headed the chapter of the Birch Society there at a time when that organization was far more outspoken than it is today.

It also was in Ann Arbor that he made his first race for elective office, challenging incumbent Democratic Councilman Leroy Cappaert in a primary. He lost that race when he captured little more than 300 votes.

Returning to Atlanta, he joined his brother and late father, both physicians, as partners in the McDonald Urology Clinic. He later moved to Marietta. According to sources, one of his first patients upon returning to Atlanta was the Rev. Martin Luther King Sr.

According to the "Almanac of American Politics," McDonald's "views on issues are so far out, and his political skill so limited, that he has little impact. His voting record is unremarkable. . . . But, as his Birch membership suggests, McDonald seems to regard his colleagues as something close to communists.

However, the strong support he received in his district proved that his constituents disagreed with charges by opponents that in Washington he was doing the Birch Society's work rather than his district's.

Nevertheless, McDonald's effectiveness in the Democratic Party was limited, especially by his refusal to vote with the Democratic caucus for the re-election for Rep. Thomas O'Neill as speaker of the House. That cost him committee assignments.

He and Kathy McDonald have two children, Larry 2, and Lauren Aileen, born last Christmas. He also has three other children, Tryggvi Paul, Callie Grace and Mary Elizabeth.

[From the Congressional Quarterly, Sept. 3, 1983]

REPRESENTATIVE MCDONALD: FREE-LANCE CONSERVATIVE

Rep. Larry P. McDonald, D-Ga., a passenger aboard the Korean Air Lines jumbo jet shot down by a Soviet fighter plane Sept. 1, was a militant conservative who had made anti-communism the focus of his political career.

After hearing of the Soviet action, his wife Kathryn said, "It was against this type of behavior that my husband spoke out so loudly and so long." Conservative leaders called McDonald a hero who lost his life for his country.

McDonald, 48, a physician specializing in urology, was first elected to Congress in November 1974 and had been returned there ever since by the voters of Georgia's 7th District, which stretches more than 100 miles from the suburbs of Atlanta to those of Chattanooga, Tenn.

Earlier this year, he became chairman of the right-wing John Birch Society—only the second person to hold the post in that organization's 25-year history. In addition, he was a member of the Moral Majority and headed his own private research foundation, Western Goals, whose mandate is "to fight communist-controlled penetrations and subversion" of American society.

Although a nominal Democrat, McDonald was really a free-lance conservative, far outside both political parties in the House.

His membership in the House Democratic Caucus simply indicated how little party labels can mean; in 1982 he voted againt a majority of Democrats 90 percent of the time—more often than all but a few Republicans. When the 98th Congress convened in 1983 he did not even cast the routine party-line vote for Democrat Thomas P. O'Neill, Jr., D-Mass., as Speaker.

The party returned the favor, denying McDonald a seat on the Veterans' Affairs Committee, despite his eight years of seniority. Ten House freshmen were given vacant seats on the panel instead.

Besides being vehemently anti-communist, McDonald was anti-abortion, anti-homosexual and pro-gun.

Although he was a senior Democrat on the House Armed Services Committee, his influence there was limited.

On the House floor, he was noted for rhetorical flourishes and for inserting into the CONGRESSIONAL RECORD long statements and reports by conservatives on various topics.

When he offered floor amendments to pending legislation, they were usually simple and direct. In 1980 he offered one to block funding for any trade between the United States and the Soviet Union. It lost 124–284.

But he fared better in offering repeated floor amendments to bar the use of Legal Services Corporation (LSC) funds to "promote, defend or protect" homosexuality. the 1981 version of McDonald's amendment passed the House easily, 281–123, and the language was retained in later legislation funding the LSC, which provides civil legal services to the poor.

In 1981, McDonald also persuaded the House to cut $70 million in U.S. contributions to the United Nations and other international organizations.

McDonald was one of a handful of members to oppose a Capitol statue for the Rev. Dr. Martin Luther King Jr., a move that made King—a Georgia native—the first black person so honored. McDonald protested in 1981 that "Communist Party members" had aided King's civil rights campaigns.

This year, when the House Aug. 2 voted 338-90 to designate the third Monday in January as a federal holiday in honor of King, McDonald was one of just 13 Democrats voting "nay."

Since his first narrow win in the 1974 Democratic primary, McDonald had to fight more than once for his political survival. Conservatism is popular in small-town Georgia, but McDonald faced a steady supply of determined enemies. Only a loyal band of supporters and effective national fund raising allowed him to keep his seat relatively secure. Last year, he won relection with 61 percent of the vote.

McDonald's wife, Kathryn, has moved to the fore of likely contenders for the seat. Although she had not disclosed any concrete plans as of Sept. 2, an aide to her husband noted the congressman had "told his wife in the recent past that if anything happened to him he would want her to run for the unexpired portion of his term."

The other major contender for the seat is likely to be Democrat George Pullen, a Rome city commissioner. Pullen, who teaches history at Floyd Junior College in Rome, had already announced his intention to challenge Larry McDonald in the 1984 primary.

Although Pullen indicated that McDonald's presumed death had forced a reassessment of his plans, he added, "I do not see that it should change my intention of running."

Democratic Gov. Joe Frank Harris has announced that he will hold off on setting a special election to fill McDonald's seat until McDonald's death has been confirmed.

Georgia's secretary of state, Democrat Max Cleland, has recommended that the state dispense with a primary and hold an open general election, followed by a runoff between the top two vote-getters should no candidate receive more than 50 percent.

WHAT THIS COUNTRY NEEDS IS ONE MORE FEDERAL LAW

Mr. KASTEN. Mr. President, currently, there are different laws in 50 States that set standards for product liability in this country. There are dozens of interpretations of these laws—varying from State to State—and these differences make the manufacture of products for sale nationally difficult and costly. naturally, the costs are passed on to the consumer. For example, almost 20 percent of the price you pay for a stepladder is the cost of product liability insurance the manufacturer must pay.

The explosion in the last 10 years of product liability lawsuits and court decisions have made it impossible for a consumer to know his rights or a manufacturer to know his obligations without expensive legal help. Under current law, it costs an average of 77 cents in legal fees for a consumer to recover 66 cents in damages. Is this justice?

If we had one national standard to apply to product liability cases, we could all save a great deal in direct and passed-on costs.

I have introduced a bill—S. 44—that will replace 50 different standards with one reasonable national standard for product liability. The bill has 21 Senate cosponsors, and is strongly supported by the Reagan administration.

Mr. President, a recent article in the magazine Inc. points out that this country needs one more Federal law—a uniform standard for product liability. I couldn't agree more.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Inc., September 1983]

WHAT THIS COUNTRY NEEDS IS ONE MORE FEDERAL LAW

(By Stanley I. Lehrer)

Imagine the existence of 50 different state laws designed to solve what is fundamentally a federal problem of interstate commerce.

Imagine attorneys shopping among those 50 laws for the one that will give their clients' damage claims the friendliest hearings.

You have just imagined the real world of product liability law. And, more to the point, you have just provided two good reasons for replacing 50 state laws with one rational federal statute, even if you don't usually favor bringing the federal government into a business situation. Product liability merits the exception because it is different from the other kinds of liability law that should remain a state concern.

The laws of negligence, for example, have no federal implications. These are the rules used when your automobile runs over your neighbor's lawn mower or when the sign in front of your warehouse, the one you were going to attach permanently next week, falls on the deliveryman's head. In negligence situations, questions concerning where the neighbor left the lawn mower or how hard the delivery van backed into the building—the issues of comparative and contributory negligence—play a role in reaching a judgment.

Not so with product liability, where the key word is "product." These laws, as they generally apply, provide that once a plaintiff shows that a defective product was placed in the stream of commerce and caused an injury, the rules for determining negligence all change. The greatest change is that liability without any requirement for finding negligence will be held to exist at every point in that stream of commerce—from manufacturer to retailer—no matter how insignificant a role any single player, such as the distributor, may have played in that commerce. This is called the "doctrine of strict liability." It has been around for less than 25 years. Created in New Jersey, it spread like wildfire, right along with the consumer movement.

The doctrine of strict liability holds that fault is not an element in a product liability action. The absence of the need to find fault makes it easy to hold the distributor of a defective product just as liable as the manufacturer that designed and made it. The finding may not be fair, but it is logical: (a) a defective product passed through a stream of commerce; (b) the distributor is part of that stream of commerce; so (c) the distributor is liable for any injury that results.

Illinois courts are among those that have gone a bit further. They have said that there is no need to show that a distributor ever even exercised physical possession of the product. It is enough that he arranged for its sale by one party and for its purchase by another and earned a commission for his trouble. If so, he is just as liable under this interpretation as the manufacturer or the retailer. This kind of judicial thinking holds not just in Illinois, but in most northern and western states, and especially in California.

The South is the only area of the country where the distributor still gets something of a break on product liability. North Carolina and Louisiana, for instance, lean toward requiring the plaintiff to prove at least that a distributor knew or should have known that the product sold was defective. That view can change, however, and even if it doesn't, claimants' lawyers have learned to shop among jurisdictions. When they can, they will bring their actions in a state where the law favors the claimant. Since so many products move through interstate commerce, such shopping trips are easy for the claimants' lawyers but complicate life for you.

What is the answer? Do we eliminate the consumer's right to sue? Of course not. But absolutely no good reason exists why two consumers in different states should have different redress for an injury caused by a product manufactured in still a third state. Nor can I think of any defensible reason for having 50 different laws covering that same legal situation, especially since location has nothing to do with the liability at issue. If a football helmet provides adequate protection in Alabama, it is no less adequate when it is used in Michigan. Finally, is it fair to blame a company, especially a distributor, for product defects that it had no way of detecting? Would you sue the grandmother that gave the gift as well?

The Senate has held hearings and will probably vote this year on a bill that would preempt state product liability laws and mitigate some of the inequity implicit in the strict liability doctrine. If it passes there, the House will probably consider the measure next year.

The opposition has been strong. Claimants' lawyers, who do considerable business because of the laws complexities, have raised consumers' fears that they might lose their rights to recover damages for injuries caused by defective products. That is a false issue. Consumers, in fact, won't lose their right to sue.

Other objections have been raised because the new bill would give to Congress authority now exercised by state legislators. Business, for one, is justifiably skittish of laws that hand over more power to the federal government. Ronald Reagan holds office in part because he promised to get the federal government off the backs of business. But every rule has its exceptions, and product liability is one of them. It is an area of government regulation in which a single federal law will impose a far lighter burden on efficiency and productivity than 50 state laws do.

Product liability is one new federal law we ought to have.

REPORT BY THE NATIONAL SCIENCE BOARD COMMISSION ON PRECOLLEGE EDUCATION IN MATHEMATICS, SCIENCE, AND TECHNOLOGY

Mr. PELL. Mr. President, I am most encouraged by the thrust of the recent report of the National Science Board Commission. This report clearly recognizes the importance of the Federal role in addressing the crisis our country faces in mathematics and science education.

We, on the Senate Subcommittee on Education, have long recognized the seriousness of this problem, and have worked very hard over the past 2 years to develop a sound Federal response to this crisis. We have recently passed, and sent to the floor for consideration by the full Senate, the Education for Economic Security Act, legislation which I originally introduced to address the need to upgrade instruction in the areas of mathematics, science, computer learning, and foreign languages. I am optimistic that the tone of urgency of the report of the National Science Board Commission will encourage the Senate to consider this legislation in the very near future, and am working with the leadership of the Senate to insure that we will soon enact this bill so that action may begin immediately to meet the urgent need to improve education in math and science.

I am particularly pleased that the major recommendations of the National Science Board Commission are already represented in the Education for Economic Security Act. The Commission advises that the Federal Government provide a lasting commitment to quality mathematics, science, and technology education for all students. It calls for major programs to train and retrain teachers, to establish and support exemplary programs in these areas, to begin quality math and science instruction in the very early grades, and to tap into the resources of museums, libraries, and private enterprise. In line with these recommendations, the Education for Economic Security Act establishes programs of teacher training and retraining in mathematics and science as the No. 1 priority for expenditure of funds. Highlighting the need for quality instruction, this legislation establishes a mechanism for identifying and supporting exemplary programs in these areas. It furthermore provides the private sector with incentives to work in partnership with Government at every level, as well as makes provisions for inclusion of the very excellent programs offered by museums and libraries, thus utilizing all available resources in meeting this crisis.

I am glad that the Commission has included the need for a national measurement of student achievement in its list of recommendations. I have been in the process of developing legislation which I hope to introduce in the near future that would establish such a test. This legislation would offer schools the means to compare their educational achievements in mathematics, science, and other educational fields with the achievement of other schools throughout the country.

The report of the Commission significantly emphasizes the pivotal role of the Federal Government in turning the tide of mediocrity toward that of excellence. It reinforces the widespread awareness that a commitment to educating our young must be exhibited in every sector of our society if we are to provide for the economic well-being of our future. I have long recognized the tantamount importance of this commitment. I have worked hard over my past 22 years in the Senate to map out the Federal responsibility in providing quality education for all. Reports such as that of the National Science Board Commission have added credence to the legitimacy of a strong Federal role, as well as have recognized the responsibility of the other sectors of society in maintaining the

quality of our education. I am hopeful that the bold pronouncements of this report, and its recommendations for a serious Federal fiscal commitment to mathematics and science education, will convince the present administration of the need for a strong economic, as well as verbal, response to addressing the crisis at hand.

I hope also that the Commission report will underscore the importance of early action by the Congress on the Education for Economic Security Act which I proposed earlier in this Congress.

FISCAL YEAR 1984 DEFENSE AUTHORIZATIONS—CONFERENCE REPORT

Mr. LEAHY. Mr. President, yesterday I reluctantly voted against the conference report on the fiscal year 1984 defense authorization bill. I did so for the same reason that I voted against the Senate version of the bill last July: To protest the waste of the taxpayer's money on hugely expensive and dangerous programs such as the destabilizing MX missile, which is to be based in vulnerable Minuteman silos, the B-1 "flying Edsel," nerve gas bombs, and obsolete World War II battleships.

Of course, there is much in the conference report that I supported—provision for a much needed military pay raise, force increases for the National Guard and Reserves, improved conventional force combat readiness, and measures to strengthen NATO's front line forces. These programs are essential for a strong defense—although even more is needed—and I will vote the money for them in the defense appropriations bill this fall.

However, so strongly do I feel that this year's defense budget authorization continues to waste our limited defense dollars that I was forced to register a protest against the misguided defense priorities of this administration. Somehow, the message has to get through to President Reagan and Secretary Weinberger that, by taking funds away from conventional force improvements and pouring them into unnecessary and unusable weapons like the MX and nerve gas, they are destroying the fragile consensus of the last 3 years for a prudent increase in defense spending.

The Congress can and should play a role in reshaping our defense policies so that America can have the kind of balanced military force it needs to protect the national interests in a dangerous and troubled world.

Some have cited the brutal Soviet shootdown of the Korean airliner murdering 269 innocent civilians as a reason for supporting this defense authorization, with its MX, B-1, nerve gas, and old battleships. I think this terrible incident underlines what is the true threat to American security—massive Soviet conventional military power. To protect ourselves and our friends in the increasingly unstable and anarchic international situation of the 1980's, we need greater emphasis on mobile, combat-ready general purpose forces with weapons that are workable, affordable, and in adequate numbers, and with men and women in uniform who are well paid, well trained, and highly motivated. We do not have sufficient conventional military forces now, and we are not going to have them as long as we continue to approve overspending on nuclear weapons.

RHODE ISLAND THINKS BIG

Mr. PELL. Mr. President, on August 12, 1983, the New York Times published an excellent article by Dudley Clendinen about the current climate of economic and intellectual ferment in the State of Rhode Island.

As the article correctly notes, Rhode Island's economic renaissance is being conducted against a rich background of history and tradition. Distinguished architectural remnants of the State's past eras of mercantile and industrial supremacy now house the computers and coaxial cables that plot a new future for the State.

A new era appears to be at hand thanks to the efforts of the Rhode Island Strategic Development Commission, which is using the most advanced techniques of economic analysis to map a strategy for change and growth. The compact geography of our city-State is proving to be a distinct advantage in facilitating a comprehensive analysis and also in promoting a consortium of public and private institutions—notably between our universities and research facilities and the business community.

These are exciting developments and I am hopeful that the Rhode Island experience will provide useful precedents for other States. The report of the Strategic Development Commission will be issued in the next few weeks and I will endeavor to keep the Senate apprised of its work. Mr. President, I ask unanimous consent that the article entitled "Little Rhody Thinks Big To Set Economic Policy" from the New York Times of August 12 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 12, 1983]

LITTLE RHODY THINKS BIG TO SET ECONOMIC POLICY

(By Dudley Clendinen)

PROVIDENCE, R.I., Aug. 5—For perhaps half a century, since its textile mills began to fail, Rhode Island has been in a state of economic drift. Now, convinced that smallness is an advantage and that applied research will show the way, "Little Rhody" is embarked on an ambitious attempt to design an economy for the years of technological change ahead.

"It's a city-state, and it's the most logical city-state in the country," says Gov. J. Joseph Garrahy. "Rhode Island is small enough to be able to put some things together that maybe some large states can't do."

Citing an example of this, Mr. Garrahy said: "I could probably get all the business and labor leaders, the college presidents and others in my office in two hours. Well, in one hour."

The Governor's Strategic Development Commission is making plans to regain the leadership that the state had in the mercantile and industrial eras of the 18th, 19th and early 20th centuries. It was then that the city's merchants and landowners built the handsome homes and buildings that give Providence its distinctive character.

In the years of decline that followed, in which the city's population dropped from 250,000 in the 1920's to 156,000 today, few additional buildings went up. The result was to freeze the city, architecturally, a half century ago.

Colonial and Victorian houses fell into disrepair and became slums, and offices turned into abandoned buildings. Then, under the influence of Antoinette Downing, an architectural historian and chairman of the State Historical Preservation Commission, a restoration effort began about 30 years ago near Brown University. Gradually, spurred by Federal tax incentives, the restoration spread down College Hill into the city, through office and poor neighborhoods alike.

The visual effect is striking. The look, as workmen peel away grime, paint and newer facades, is a history book of urban architecture ranging from 1760 to 1930, from Colonial brick to Art Deco. And now the Governor's planners are trying to do for the economy what the restoration projects have done for the buildings.

Every day here in this old state capital, a scattered group of people go to work in buildings 100 and 200 years old, using computers and up-to-date programs of business analysis in the quiet struggle to draw an economic strategy for the future.

The volunteer architect and leader of this group is Ira Magaziner, a New Yorker who, as a student at Brown, redesigned the university's curriculum before going off to Oxford in 1969 to study politics, philosophy and economics on a Rhodes Scholarship.

"A lot of states are groping for an active economic policy," Mr. Magaziner said. "The states are really laboratories for national economic policies."

From the top floor of a renovated, century-old downtown building that was abandoned only three years ago, Mr. Magaziner, who is a corporate strategy consultant, has directed what he describes as "the most thorough study of a state's economy that has ever been done.

To identify the economic influences at work in Rhode Island, he said, he and members of his research group analyzed 23,000 corporate tax returns in terms of jobs and "studied every company with more than 50 employees that went out of business or left the state in the last 10 years." Rhode Island, Mr. Magaziner noted, lost 40,000 manufacturing jobs in those years, more than it gained in new jobs.

The research group of 32 teams also interviewed the officers of 90 percent of the companies that export goods and services from

Rhode Island, he said. They traced the development of 4,000 small businesses formed in a two-year period in the mid-1970's.

Then, in search of marketable ideas for the future, "We identified every major research activity in the state and talked to the managers," Mr. Magaziner said. "What we're looking for is where there is research going on that can be made to be pre-eminent."

REPORT DUE NEXT MONTH

The staff's report and strategy recommendations are expected to be made public in mid-September. They are just beginning to be distributed to the Governor's commission, which can reject them or accept them. The commission has the job of selling the Legislature on tax incentive changes and a new venture capital structure of combined private and public money.

Until then, the details of the strategy evolved from all this work are private. But part of the thinking is to connect quickly with commercially valuable research being conducted in Rhode Island. Governor Garrahy mentioned the medical research going on at Brown.

From its campus on the crest of College Hill, Brown University overlooks the banking towers of the city's commercial center and the marble Statehouse on a facing hill. It is easy to imagine a consortium of government and private interests, drawing ideas from Brown to create new jobs in the city and nearby towns.

Dr. Howard R. Swearer, the president of Brown, said the university had recently created the position of president of the Research Foundation, whose major role "is to work with the faculty, to see if he can help them if they have research ideas which might be commercially valuable one way or another."

RESEARCH STARTS TO PAY OFF

"We have created some research teams here because we think they're going to be important to the future," Dr. Swearer continued. "We're going hell for leather now in computing, distributive computing and graphics, and we're putting money into research geology because we think that's going to be important."

The university also has a major geriatrics program, and the research is beginning to pay off. "We've just concluded a major collaborative effort with I.B.M. of $15 million," Dr. Swearer said. "We're going to begin to get some spinoff in pharmaceuticals and bioengineering."

The pace of exchange is quickening. "It's happening so fast, these developing business contacts," Dr. Swearer said. "It's really been just in the last year or 18 months."

"This is delicate," he continued. "On the one hand, there is a faster technology transfer and the attraction of funds to campus. On the other hand, we have to be careful of conflict of interest."

The quick stroke to advantage is as old in Rhode Island as the family line of John Brown, the 18-century merchant whose name the university carries and whose young clerk, Thomas Ives, married the boss's daughter, according to William H. D. Goddard, a partner in Brown & Ives, the investment firm that still manages the family money.

OFFICES IN 1774 BUILDING

Mr. Goddard's ancestors lost out to Benjamin Franklin for the establishment of the nation's first postal service and then joined the Brown-Ives line in the 1820's.

Mr. Goddard, who is 40 years old, and the buildings where he has his offices are representative of what is happening to the economic stalemate that have existed in Rhode Island for so long.

His offices are a series of plain rooms at the back of a brick building next to the Old Stone Bank. John Brown made his fortune in shipping. The family built the brick building in 1774, and the golden-domed bank in 1819.

From the front, they look now as they did then. In the outer office of Brown & Ives, a standing bookkeeper's desk similar to the kind that Bob Cratchet might have worked at for Ebenezer Scrooge, rests against one wall.

But the rest of the building has been renovated. Coaxial cables for computer and telephone systems nestle in the woodwork. Glass doors and partitions make new space without chopping up the symmetry of the interior lines. The office of John Nicholas Brown, the family's late patriarch, is being painted, to be rented out.

Mr. Goddard himself has rented separate space in a second building, a rehabilitated former jewelry factory, to start a small new high-technology company of his own. "There is a great deal of ossified capital here," he said, "and one of the main components in freeing it up is a technological success story."

PARENTS "CAME OFF THE BOAT"

Mr. Goddard's new landlord is James R. Winoker, a jewelry manufacturer who is president of the Chamber of Commerce and whose parents, as he likes to say, "came off the boat."

Such is the cultural diversity and convergence of Rhode Island, the smallest of the 50 states (1,214 square miles). Its population, 947,154 in the 1980 census, is a rich mixture of English, Irish, Italian, French Canadian, Portuguese and, more recently, South Asian.

For all its smallness, Rhode Island is blissfully eccentric, parochial and patrician, with a sense of scale all its own.

The police chief of one Rhode Island town, asked how he came to be there, said he had felt a sense of wanderlust as a young man, a desire for far horizons. So he decided to settle in that town, all of 15 miles from his birthplace.

Such familiarity, such distance at close quarters, can make consensus difficult. The state's political affairs are conducted by an outsized Legislature of 150 members. It is perceived to be dominated by ethnic, blue-collar interests and by organized labor.

But there are signs of restiveness and change. In a 50-member State Senate election brought about by a redistricting fight in June, the voters astonished the old Democratic structure by increasing the number of Republican seats from 7 to 21.

Edward J. McElroy Jr., president of the state chapter of the American Federation of Labor and Congress of Industrial Organizations, which represents 100,000 of Rhode Island's 400,000 jobs, speaks of bridging a long-standing adversarial relationship between business and labor in this state, a relationship that is regarded as an obstacle to economic growth. "The labor movement is changing," he says, "and it has to; it's either changing or dead."

Mr. McElroy, a member of the Governor's commission, has high hopes for the evolving new strategy. "We have never made decisions on a data basis before," he said. "We have guessed at things. For the first time, I think we can make some intelligent decisions based on information."

He is philosophical about the union's share of new technological or manufacturing jobs. "Some of them will be ours and some of them won't be," he said. "That's our responsibility."

And for the forces of historic restoration, which have been gradually revitalizing the fact, if not the economic body, of Rhode Island, the commission's work offers the hope of new vigor in an old house. Business, government and residents at all levels have made a great investment in renovating houses, offices and factory buildings in Rhode Island.

"Now we're praying for the miracle," says Mrs. Downing, "the thing that will make it all work."

POWELL A. MOORE

Mr. TOWER. Mr. President, I want to bring to the attention of my colleagues the departure from Government service recently of a man who has been of great assistance to this body, down through the years, in his numerous positions in both the legislative and executive branches.

The Assistant Secretary of State for Legislative and Intergovernmental Affairs, Mr. Powell A. Moore, has resigned his position to take up responsibilities in the private sector here in Washington with a major aerospace company.

It is fitting on this occasion that we in the Senate take note of his distinguished Government career, which began here in 1966 on the staff of the late Senator Richard B. Russell of Georgia. Mr. Moore subsequently served in senior positions at the Department of Justice and the White House under Presidents Nixon and Ford and was more recently in charge of Senate liaison for President Reagan during the first 2 years of his administration.

As Assistant Secretary of State, Mr. Moore has performed exceptional service to both Secretaries Haig and Shultz, and as he departs the Government, the Senate will lose the benefit of the knowledge, experience, and dedication that one of his unique background has been able to bring to his very substantial responsibilities.

I know that Senators on both sides of the aisle have come to know Powell Moore as a diligent and an exceptionally capable individual. He has been a friend to this body, and we wish him only the success and happiness he deserves in all of his future undertakings.

SENATOR DANIEL J. EVANS

Mr GORTON. Mr. President, this occasion provides me with a special mixture of honor and pleasure as to remain always a special moment. Even a varied and challenging career offers few such moments.

Today, it is my deep personal privilege to introduce and commend to my colleagues the newest Member of the U.S. Senate, one of my closest friends, DAN EVANS. The distinguished new Senator from Washington State joins us with such a contribution of character, diligence, and experience as to enhance the dignity, effectiveness, and breadth of this institution.

Our professional and personal association extends back to the very roots of our public careers. DAN was elected to the Washington State House of Representatives in 1956, 2 years before my own first election to that body. He helped me immeasurably in my first campaign. He, now Congressman JOEL PRITCHARD, and our friend Chuck Moriarty lived together in Olympia during the legislature's 1959 session. We served there together for the next 6 years.

I was not alone in my recognition of DAN's abilities. His Republican colleagues named him their leader in the house after only 4 years of his service in that body, and the people of Washington State then elected him as their Governor in 1964.

During 2 years of his first term as Governor, I was privileged to serve as majority leader of the State House of Representatives, and to work closely with him, helping to bring to fruition many of his broad ranging and thoughtful initiatives for the betterment of our State.

We must have done something right, for the people returned DAN to the Governor's mansion twice, the only Governor in Washington State's history to be elected to three consecutive terms. Time magazine characterized feelings in the State about DAN as follows: "Washingtonians have come to regard their handsome Governor as a sort of natural resource, like Mount Rainier * * *." DAN retired from that office in 1977. During his last two terms, I served as the State's attorney general. As a member of his administration, I observed from the closest possible point his sound and sure leadership qualities.

DAN led Washington State's government into a new era, challenging his colleagues to consider new ideas, and to set higher standards of service. He worked effectively with public officials of both parties. His record demonstrates a commitment to the wise use and protection of our environment and resources, both as Governor, and more recently as the chairman of the Northwest Power Planning Council. He is acutely aware of the necessity to reconcile conflicts between demands for abundant and cheap energy supplies, and for an enduring and clean environment. In this respect, he is a worthy successor to Senator JACKSON, whose leadership in this area was so effective here in the Senate.

DAN established the State department of ecology, and a sitting-review council for major energy projects. He fought to preserve the remaining wild stretch of the Snake River for future generations. He proposed and guided to fruition numerous reforms in local governmental structure and powers, enchancing the ability of individual citizens to influence the decisions which most immediately affect them.

A hallmark of DAN's service to our State has been his longstanding commitment to education. During his term as Governor, he helped elevate our traditional State higher education system to one of national rank. For the past 6 years, DAN has been president of the Evergreen State College, preserving and strengthening a threatened but vital institution. DAN was a tower of strength and courage during disturbances of the early 1970's.

For a quarter of a century, DAN EVANS and I have worked together on behalf of the people of Washington State. Now we are given the opportunity to continue that teamwork here. To be together again as a team will enhance the ability of each of us to work for the State and Nation. Mr. President, my pleasure in the selection of Senator EVANS is obvious. As my colleagues come to know him better, I believe that pleasure will be shared universally. It is my deep honor to commend him to the U.S. Senate.

EULOGY FOR H. W. CLOSE

Mr. HOLLINGS. Mr. President, Hugh William Close, chairman of Springs Industries Inc., was more than a giant of South Carolina's textile industry. He was a giant of a man and a true civic leader. His death last month, August 17, hit South Carolinians from every walk of life especially hard.

Our Governor, the Honorable Richard Riley, perhaps put it best when he said, "Bill Close epitomized the finest attributes of a citizen, a public servant, and a business leader. His life will stand as a model for us all." Much beloved by all those who knew and worked with him, Bill Close's legacy and the example he set will live beyond him.

Bill was a modest man. Typically, he always said his business was the only thing in life he was good at. His work at Springs Industries was hardly the only thing he did well, but thrive Springs did under Bill's steady stewardship.

Under his leadership, Springs went through the most intensive growth of its 96-year history. After succeeding his father-in-law, the late Col. Elliot White Springs, in 1959, Bill Close plunged Springs into a modernization and expansion program that made it one of the Nation's largest textile companies. Springs went from a firm with 8 plants, 12,000 employees, and sales of $186 million, to a company with 29 plants, nearly 20,000 employees, and sales that today run at almost $1 billion a year.

Bill consolidated Springs' sales and manufacturing divisions into one company and gained a listing for it on the New York Stock Exchange. Under his presidency, Springs became one of the pillars of South Carolina's effort to revitalize herself by bringing in new industry, trade, and jobs.

In 1963 he was named by the New York Board of Trade the "Textile Man of the Year." In 1973 he served a 1-year term as president of the American Textile Manufacturers Institute, and in 1978-79 he served as honorary president of the South Carolina Textile Manufacturers Association.

But Bill Close was more than just a businessman. He was a true civic leader. He was a strong advocate and firm believer in the role business had to play in safeguarding the consumer, the environment, and the health of its own employees.

He was also one of the new breed of American business leaders who saw the role of business and government not as adversarial, but rather as a partnership of Americans in the international economic competition.

He foresaw better than most the important role education would play in that competition. He was a trustee of the Sirrine Foundation at Clemson University and a chairman of the University of South Carolina's National Advisory Council, and played an active role in promoting business education in both of those capacities.

His strong conviction in the value of business education came from personal experience. As a young man, he went to business school at the Wharton School in Pennsylvania. After graduating in 1942, he went on to serve as a lieutenant in the U.S. Navy in World War II and saw action in the Pacific theater.

In 1982, Bill was awarded South Carolina's highest honor, "The Order of the Palmetto," for his prodigious and very successful efforts promoting tourism as an appointee to the State's Parks, Recreation and Tourism Commission, and for his other contributions to South Carolina.

When his many friends think of Bill Close they think of his character and drive and all his many accomplishments. But they think of his charm and humor and the engaging warmth of the friendship he shared so abundantly. His was an absolutely unique blend of iron determination on the one hand on gentle humor and humanity on the other. He accomplished great things; and he did it all with grace and charm. I am proud to have had him as a dear friend.

His wife, Anne, his eight children, and all the rest of us will miss him

greatly. And, always, we will treasure the years we had with him.

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES CLINICAL PROGRAMS

PROBLEMS ASSOCIATED WITH INDIGENT CARE FUNDING

Mr. BUMPERS. Mr. President, in addition to serving as the primary teaching hospital for the University of Arkansas for medical sciences, the University Hospital has provided medical care to individuals throughout the State of Arkansas regardless of their ability to pay. Since the University Hospital serves as base of last resort for the poor, its patient population is disproportionately composed of individuals who are either provided assistance under the State's medicaid program or who have no resources to pay their medical bills.

During the past 2 years, the University Hospital and Ambulatory Care Center have experienced a steadily increasing problem associated with the funding of indigent care. For a number of years, the Arkansas State medicaid plan provided unlimited inpatient days and outpatient visits at UAMS, while limiting coverage at other Arkansas institutions. This exemption for UAMS was determined to represent provider discrimination by the Federal Government and was removed in 1981. At this same time, the Arkansas medicaid program started to experience funding problems. This started a series of steps to reduce medicaid expenditures which in turn have had an increasing financial impact upon UAMS.

At the present time, the Arkansas medicaid program is paying on the average for only 75 percent of a patient's care in the hospital and limiting a client's total outpatient and emergency visits to 12 per year. During the current fiscal year, the Arkansas medicaid program has also reduced the number of clients on the rolls which has resulted in many of these patients coming to UAMS without any source of payment for their care.

In addition, the difficult economic times have resulted in an increased burden upon the poor and unemployed in the State of Arkansas, who have in increasing numbers turned to UAMS for care.

The significant shifts in patient mix are shown in attachment A. Gross revenue from medicaid has decreased from 26.1 percent of total revenue to 20.5 percent and the percent of uninsured patients has increased from 23.6 to 35.8 percent of the total patients. In anticipation of the severe funding problems facing UAMS in 1983–85, a request was made during the last legislative session to provide a special appropriation for indigent care. This request was based upon the projected increase in unreimbursed indigent care during fiscal 1983–85 (see attachment B). The request was for $5,086,149 in 1983–84 and an additional $2,440,951 in 1984–85.

Although a special appropriation was granted by the legislature, the full request was not funded. Based upon projected current levels of funding for 1983–84, it is estimated that the University Hospital will receive $2,166,667 in 1983–84, and an additional $166,667 in 1984–85 (see attachment C). This level of funding does not replace the lost medicaid funding for 1983–84 and does nothing to fund the increased level of care provided to the increased number of uninsured patients (see attachment D).

In addition, it is generally understood that the Arkansas State medicaid program is having current funding problems and will probably be forced to initiate additional funding reductions during 1983–84. Since the 1983–84 request for special indigent care funding and the 1983–84 budget for the university hospital were based upon no further reductions in medicaid funding, another reduction by the medicaid program could result in several millions of dollars of additional unanticipated lost revenue during 1983–84.

Faced with the above noted funding problems and a continual increasing level of indigent care, the UAMS administration presented the problem to the University of Arkansas Board of Trustees at their May 24, 1983, meeting at which time the board of trustees adopted a policy regarding "indigent and uncompensated patient care" (see attachment E).

At the present time, the University of Arkansas for Medical Sciences is faced with a need to maintain the quality of its educational, service, and research programs. A reduction in our service level will have a significant impact upon our educational programs and health care in Arkansas. However, we are also faced with the need to insure both short-term and long-range financial viability and would welcome any additional support that can be provided by the Governor and the legislature.

30TH ANNIVERSARY OF AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

Mr. BUMPERS. Mr. President, I would like to take this opportunity to praise the American Political Science Association's Congressional Fellowship Program on the occasion of its 30th anniversary. The program has succeeded in its goal of giving mid-career professionals a deeper understanding of the legislative process. More than 1,000 scholars, journalists, Federal executives, and professionals from other nations have spent a year as congressional fellows and have carried away a keener appreciation of how Congress actually functions. At the same time, these fellows, who must undergo a highly competitive selection process, have served with distinction in the many offices, both Democratic and Republican, where they have worked.

The prestige and diversity of the program is reflected in its Advisory Committee. Among those who are members of that body are journalists David Broder of the Washington Post, Elizabeth Drew of the New Yorker, Albert Hunt of the Wall Street Journal, Wayne Kelley of the Congressional Quarterly, and Peter Clark of the Detroit News. The academic community is represented by Nelson Polsby of the University of California, David Mayhew of Yale University, and Philip Meyer of the University of North Carolina. The politicians are Representatives RICHARD CHENEY of Wyoming and THOMAS FOLEY of Washington, Senators PETE DOMENICI of New Mexico and CHRISTOPHER DODD of Connecticut, and Eugene Eidenberg of the Democratic National Committee. Other prominent Americans include Mark Siegel of Siegel and Associates, Charls Walker of Charls Walker Associates, Inc., David Gergen from the White House, and the distinguished former Congressman from North Carolina, Richardson Preyer.

Alumni of the program have gone on to excel in a variety of fields. Some are university presidents, others newspaper and magazine editors, still others have achieved super-grade and assistant secretary-level positions in the Federal bureaucracy. A fair share have chosen to stay in Capitol Hill as Members of Congress or in staff positions. In just about every case former congressional fellows have described their sojourns in Congress as immensely broadening personal experiences that have offered enduring insights into the realities of Washington politics.

In short, I am convinced that the American Political Science Association program, and others like it, perform an important function in the American political process. A number of congressional fellows have served on my staff over the years and have made valuable contributions. I salute the program on its 30th anniversary and hope it continues to prosper.

U.S. CIVIL RIGHTS COMMISSION

Mr. DOMENICI. Mr. President, it is very important that the Senate soon consider the reauthorization of the U.S. Civil Rights Commission. It occurs to me that in extending the life of this body, we will be doing much more than performing what is a routine matter of business for the Senate. At the heart of this reauthorization is

a renewal of this Congress commitment to the defense and protection of the civil rights of all Americans. Indeed, this was the initial intent expressed in 1957 when the Commission was first created under the provisions of the Civil Rights Act.

The Commission's mandate to gage the effectiveness of current civil rights policies, to recommend how these policies may be improved, and to expose instances where individual civil liberties are being violated is achieved in an unusual manner, for the Commission has neither enforcement authority nor the ability to prosecute. The Commission's power is, therefore, one of persuasion, and is enhanced by the receptivity of the Congress and executive branch to its findings and recommendations. As such, it is essential that the 98th Congress demonstrate, in no uncertain terms, its ongoing support of the Commission and its invaluable service to American minorities.

It is worth noting that despite the absence of any tangible power to reprimand or repudiate offenders of civil rights, the Commission has been eminently successful in ushering into law many important civil rights policies. During the last session of Congress, the Voting Rights Act was extended an additional 10 years. Many statements in support of the act and the crucial role it has played in protecting the fundamental rights Americans have to select their legislators were presented here in this Chamber. While it is widely held that intrinsic to the act's enforcement is the appointment of Federal examiners to monitor elections in areas where minority citizens are believed to have difficulty registering, few acknowledge that it was the U.S. Civil Rights Commission which initially endorsed the creation of such an oversight body. Later, in 1970, the Commission was successful in eliminating literacy tests from voter registration procedures.

The Commission has been equally active in the field of education. Recommendations made in the Commission's infancy laid the groundwork for the addition of title VI to the Civil Rights Act of 1964. Included in the provisions of title VI—and fundamental to its purposes—was the Commission's suggestion that Federal assistance be withheld from institutions which have discriminating policies.

Other noteworthy accomplishments of the Commission include the adoption of equal employment requirements for Federal agencies and contractors, equal opportunity statutes applying to the Armed Forces Reserves and National Guard, and the prohibition of discriminatory practices in employment supported by Federal grants. In fact, of the 19 employment recommendations put forward by the Commission, 15 have been acted on either through legislation, regulation or executive directive.

I realize that there has been a good deal of controversy surrounding the Commission in recent months. Questions regarding the ability of the Commission to retain an independent status, the role that our Chief Executive should play in the appointment of commissioners, and possible conflicts arising from these two distinct, yet integrated issues have been discussed at length among ourselves and the committee members reviewing the candidates nominated by the President. While these are very important matters to address, the first step toward a satisfactory resolution is the reaffirmation of a congressional belief in the past success of the Commission and a strengthened commitment to support this entity which has been charged with protecting the rights that all the world's people yearn for, yet few are guaranteed. In this regard, we Americans are truly fortunate. And it is, therefore, in the interest of carrying on this tradition that we all should join in support of the U.S. Civil Rights Commission and its defense of American civil liberties.

WHY WE SHOULD NOT SUSPEND THE ARMS TALKS

Mr. PROXMIRE. Mr. President, on Tuesday, the Wall Street Journal called on our Federal Government to suspend the arms talks. Many Americans will agree with the Journal. To date, President Reagan—to his credit—has resisted this course. What is more natural when our Government is negotiating with another government and that government commits such a vicious, murderous act and when it lies about that crime and its foreign minister says it would commit the same crime again under similar circumstances—what is more natural than to stop any negotiations designed to arrive at a treaty which both sides promise to keep? It would be natural for us to stop negotiations. And it would be wrong.

If there were any lingering doubt about trusting the Russians before this episode—and there should not have been—those doubts should be exploded by their murderous action and especially by their brazen announcement that what they did is in full conformance with their settled, deliberate national policy. The Journal's editorial argues that we should walk away from further arms talks and "rely for the moment on the balance of military power to secure deterrence, and come back to arms negotiations at a more opportune time."

And when would that be? The Journal's answer: "When perhaps with a change in the Kremlin leadership, there is some reason to believe the Soviets are ready to turn serious."

Mr. President, I submit that what the Wall Street Journal is proposing is obviously that we should walk away from arms control talks with the Soviet Union forever.

In the very next column in the Journal, that paper runs a series of excerpts from other editorials written since June of 1969 by Robert Bartley, the editor of the Journal. Mr. Bartley and the Journal have been marvelously consistent over these 14 years. They have had one theme: Arms control agreements limit the United States. They do not limit the Russians. And they do not limit the Russians because the Russians simply will not agree to a treaty unless they are convinced the treaty gives them a military advantage. As time goes on, if they believe it does not, they just cheat. So negotiating—in this view—appears to be an easy and inevitable formula for the United States losing and the Russians winning.

And yet the editorial does concede that we do live on the same planet as the Russians and "need to keep open the long run possibility of reaching arms agreements with them." Mr. President, this view expressed by the Journal is held by millions of our fellow Americans. Why is it wrong, dangerously, fatally wrong?

First, those of us who believe in arms control in this body have recognized for many years that the Soviet leaders will lie and cheat and push for onesided treaties that will strengthen their military position and weaken ours. Furthermore most of us accept the fact that this has been true since the advent to power more than 65 years ago of Communist leaders who lived by the ruthless doctrine that the end justifies the means—any means no matter how cruel or inhumane. And there is every likelihood that this Soviet superpower will follow the same amoral path for the next 65 years, unless a nuclear war destroys civilization in the meantime.

We not only live on the same planet as the Russians. We and the Russians alone possess the power to destroy civilization utterly, and to destroy each other in the process. With each passing decade, as the nucelar arms race has speeded ahead, both the United States and the Soviet Union have found ways to refine and magnify that lethal power. We have done this not by building more nuclear warheads, or by increasing the throwweight or the megatonnage, but by refining the accuracy, reliability, and invulnerability of our arsenals. Indeed, in some respects our nuclear arsenal is actually smaller now than it was 15 years ago. Some may have deluded themselves into thinking that each improvement in nuclear arms builds a safer world. We know it has not. We either have developed or are on the verge of devel-

oping in the present or in the near future the electronic magnetic pulse, the satellite killer, the hard-target penetrators.

Both sides have steadily increased their capability to render the enemy deaf, dumb, and blind. The arsenals of both countries have never been more deadly. In both countries technology reaches for that capability that will enable one or the other to destroy the other side so swiftly and finally that no significant nuclear response would be possible. And, of course, every day as this arms race goes on one side or the other could utterly destroy us both.

Yes, indeed, we know we cannot trust the Russians. We never have been able to trust them. Negotiations and treaties are not a matter of trust. The Russians will, as they certainly have, violate any treaty that fails to include an effective compliance provision. Unless we can promptly expose cheating, they will cheat. This is precisely why they have violated the biological warfare treaty, and why the administration should comply with the terms of the Proxmire resolution, which has passed the Senate and which would have us renounce that treaty and renegotiate an effective compliance provision. It is why, according to the best information from this and previous administrations, the Soviets have not violated the Test Ban Treaty of 1974 although we have never ratified it. Why have they not violated that treaty. Because they know we have the scientific capabilities to monitor explosions by the U.S.S.R. that exceed 150 kilotons—the maximum level permitted by the treaty.

We must continue to talk with the Soviet Union about arms control. We must press for strict, enforceable verification and compliance provisions. The Korean jet episode reminds us once again that we cannot and never should trust the Soviets to keep their word. So what do we do? Walk away? No. We can and must work to provide effective verification procedures and insist on their adoption. Why is verification so critical? Because it will make trust unnecessary.

Mr. President, I ask unanimous consent that a copy of the Wall Street Journal editorial to which I have referred, together with the Wall Street Journal's excerpts of writings by its editor, Robert L. Bartley, on the subject—from the Tuesday, September 13, issue—be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUSPEND THE ARMS TALKS

In the wake of the Soviet murder of 269 people on the Korean airliner, something approaching an official consensus holds (a) we need to find some stronger way to react and (b) we shouldn't let the incident interfere with arms-control negotiations. This is the first clue that the one proper reaction is to suspend the arms talks.

Now of course, the president was quite right not to do anything so dramatic in his first reaction to the incident; this is something to be done with due deliberation rather than an instant response. And of course, we do have to learn to live on the same planet with the Russians, and need to keep open the long-run possibility of reaching arms agreements with them. But in trying to accomplish any such ends, the absolute key is finding some way to induce the Soviets to modify the belligerent and deceitful behavior so vividly demonstrated in the airliner incident, and so often repeated in the arms negotiations themselves. It is no service to the eventual prospects of arms control to suggest that we are willing to tolerate this kind of conduct.

Consider for a moment the range of Soviet actions concerning Flight 007: First the barbaric decision to shoot down the airliner because it intruded on Soviet airspace. Then a flood of lies and denials. Then the bluster that they, not the 269 dead, were the wronged party. Finally an admission that yes, they did "end" the Korean flight. Then a briefing by their top general putting the blame on the U.S.—no doubt to be followed by forgeries to support the wholly implausible accusation that the U.S. would send a civilian airliner on an intelligence mission. Finally a declaration by their foreign minister, at a conference supposedly devoted to human rights, that given a chance they would do the whole thing over again.

Now consider that these are the same people we are negotiating with over the nuclear balance.

And in fact, if you review the history of these negotiations (see alongside) you find a pattern of behavior entirely consistent with that displayed in the airliner atrocity. By now it has become quite clear that the Soviet purpose in arms control talks is anything but codifying strategic parity and nuclear stability. From the first they have used arms talks for one purpose and one purpose only: inhibiting U.S. weapons development while leaving their own unfettered. They have been remarkably successful at reaching treaties that foreclose technologies in which the U.S. had an advantage; they stopped the antiballistic missile in SALT-I, and ever since we have been trying to cope with the problem of Minuteman vulnerability. They have been equally successful in creating loopholes and ambiguities concerning their own advantages; for example by refusing to define a "heavy" missile in SALT-I, or by handing President Carter an unsigned slip of paper promising not to give their Backfire bomber intercontinental capabilities it already had.

When ambiguities have not sufficed, finally, the Soviets have simply violated the treaties with the same equanimity they display in shooting down airliners. Indeed, in one way the national uproar over the Korean airliner leaves a bitter taste in our mouths. The State Department has estimated that through 1981, more than 6,000 people died in Laos alone from "yellow rain" or other biological or chemical agents used in violation of the Geneva protocol and biological weapons convention. Where was the uproar then, except in these columns? Why now is it everywhere, over so far fewer casualties? Our moralists are not concerned with stoneaged Hmong in the Phou Bia mountains, but they do ride in 747s.

After seeing what it is like to talk to the Soviets about downed airliners, finally, consider what it is like to talk to them about their compliance with arms treaties. Space satellite photos recently revealed a new large phased-array radar near the Siberian village of Abalakovo, capable of ABM battle management and near Soviet intercontinental missile fields. This is clearly a violation of specific and detailed provisions of the SALT-I treaty. When we protested, the Soviets blandly replied that it is a space-tracking station. From the radar's orientation, our analysts consider this implausible. The Soviet response is a lie like those told in the airliner episode, but what are we to do?

Let us offer our own prediction about the much-promised Soviet response to the impending deployment of Pershing missiles in Europe. They will haul out the ABM interceptors to match this and other ABM radars, and tell us their ABM does not violate SALT-I because they only intend to use it if attacked by theater missiles, not intercontinental ones. What will we do then?

The arms-control negotiations, like air-traffic regulations, have been distorted by fundamental asymmetries. We are an open society and the Soviets are a closed one. We seek the rule of law, while their official morality, as proclaimed by their venerated Lenin, is that what is moral is whatever serves the interest of the class struggle. A lie about an airliner or a radar is not a necessary breach of ethics, it is the one moral course of action.

Under these circumstances, we have undertaken to police the compliance of both sides of arms-control treaties. We are of course expected to abide by their provisions, and if the Soviets cheat we are expected to catch them. This is a burden we cannot sustain in the face of the lies and bluster the world has witnessed this last week. The meaningful reaction to the airliner atrocity is to step back to assess the entire range of our relations with the Soviets, to educate the public and our allies on how the same attitudes and behavior have tainted the arms-control talks. We should say that these negotiations cannot be serious until there is a change in Soviet attitudes and Soviet behavior, and we should bring our negotiators home until the Soviets show some evidence of moderating the brazenness that is now so clear to the world.

Yes, we know, if the taboo about interfering with arms control is breached the allies will yowl. The politicos in the White House will have to give up the notion of a summit to grab the peace issue by next November. Some scribbler will call President Reagan a cowboy. Those are the prices of leadership. For our own part, we have enough faith in democracy, both here and in Europe, to believe that the electorates will understand that however desirable arms negotiations may be, they require good faith on both sides.

Tolerating the kind of Soviet behavior displayed in both the airliner shooting and the ongoing negotiations will not produce meaningful treaties to control arms. It is precisely because we want real agreements that we need to break this pattern, to rely for the moment on the balance of military power to secure deterrence, and to come back to arms negotiations at a more opportune time. That is when perhaps with a change in the Kremlin leadership, there is some reason to believe the Soviets are ready to turn serious.

ARMS CONTROL: A VIEW EVOLVES

The following are excerpts from articles or editorials on arms control by Robert L. Bartley, editor of the Journal, who has written extensively on the subject starting in 1969. A related editorial appears today.

June 18, 1969: The great missile debate of 1969 has been a debate about the wrong missile . . . Prospects of avoiding a nuclear exchange between the United States and the Soviet Union are not directly menaced by defensive anti-ballistic missiles. From the standpoint of avoiding this holocaust a far more serious threat arises from the offensive multiple warhead missiles both sides apparently are developing . . .

With MIRV each rocket launcher would have, say, three warheads. Thus it could attack three of the enemy's launchers. In other words, one missile with three warheads could take out three missiles with nine warheads. Theoretically, two sides with equal numbers of missiles could wipe out the other's retaliatory missiles with only a third of its own force. Whoever fired first would win.

In practice, to give thanks for small favors, a first strike is scarcely so simple. . . .

The effects of ABM on stability are far less clear-cut. . . . An ABM can . . . be considered stabilizing if it protects missile forces, as the current Safeguard is supposed to do. . . . The ABM may be a technical flop and an enormous waste of money, as its opponents contend. But in promoting stability in the nuclear arms race, the ABM does not matter nearly as much as the intensity of the debate has suggested. What does matter is MIRV.

June 17, 1971: With good luck American and Soviet negotiators will agree on strategic arms limitation sometime this year, writing the doctrine of "mutual deterrence" and "assured destruction" into a formal agreement. Despite the general jubilation that will result, some experts will be deeply worried. For a dissenting school of strategic thinkers believes these doctrines add up to a "genocide pact."

The doctrine of "assured destruction" became the bedrock of U.S. strategic posture during Robert McNamara's tenure as Secretary of Defense. . . . When each power can retaliate to obliterate the other, the theory continues, the result is a "mutual deterrence" that makes nuclear war unthinkable. . . . Obviously mutual deterrence means no rational man would deliberately start a war, but who ever said war is likely to be started by the deliberate plan of rational men? Yet for the purpose of deterring rationally planned war, the current nuclear posture insures that war starting from any cause will automatically result in the slaughter of the majority of the population in both the U.S. and the Soviet Union. . . .

Unless the world has in fact reached the point where the only sanity is madness there simply must be something fundamentally wrong with our national thinking.

June 20, 1972 (on the conclusion of SALT I): As the strategic arms agreements were concludled, the United States formally stated that unless further limitations were reached within five years its "supreme national interests could be jeopardized" and it would feel free to abrogate the agreements entirely. . . .

At the start of the five-year life of the agreements on offensive weapons, there is no question that the U.S. position is quite comfortable. Our lead in multiple-warhead technology gives us a lead in warhead numbers despite the Soviet lead in launchers. . . . By the end of the five-year period, though, the picture could be quite reversed. The Soviets have not only more launchers but far larger ones, capable of carrying many more multiple warheads once they develop that technology.

Aug. 24, 1973 (on the detection of the first tests of Soviet multiple warheads): The Soviet missile force can lift a total weight about four times as large as the American missile force can. . . . With MIRV on both sides, the throw-weight advantage means that the Soviet force will in effect be four times as large as the American one. The type of weapons the Soviets are developing, moreover, are suited to a first strike wiping out land-based missiles.

Dec. 2, 1974 (on conclusion of the Vladivostok agreement between President Ford and Chairman Brezhnev): On the way to Peking, Secretary Kissinger told the accompanying press, "The throw-weight problem in my judgment, and on a deep background basis, is a bit of a phony." . . . Yet if the Vladivostok agreement is finally incorporated into a treaty, it will stand or fall on the question of whether the throwweight problem is a phony, whether it matters that the Soviets have a 3-1 advantage.

Dec. 19, 1975 (on Secretary Kissinger's press conference on verification and compliance issues): Legalistic minds can quibble over whether the Soviets have "violated" the strategic arms treaty, but they have come close enough to make clear that the U.S. has contracted with shysters. . . . The alleged violations cover a dozen or so more complex and technical issues. . . .

The compliance issue that most directly affects the strategic balance arises from a clause in the treaty saying "the parties undertake not to convert land-based launchers for light ICBMs . . . into launchers for heavy ICBMs." [The Soviets] have been replacing their "light" SS-11 missiles with the new SS-19, about 50 percent larger.

When the agreement was negotiated, typically, the Soviets declined to define the term "heavy." . . . the American delegation issued a unilateral statement stating that it considered a "heavy" missile to be any missile significantly larger than the largest current "light" missile, which was the SS-11. . . . back in 1972 the United States government was clear in its own mind about what a heavy missile was. Now the United States government says that there have been no violations of the agreements. Whether there have been violations is ambiguous; what is totally unambiguous is that there has been a change in the position of the U.S. government on what constitutes a violation.

June 15, 1979: The agreements have not slowed the Soviet build-up in any perceptible way; certainly they have not been able to find a negotiated solution to Minuteman vulnerability. By contrast, there is plenty of reason to believe the SALT process has subtly but effectively curtailed American strategic programs. The dynamic is this: arms control mutilates the best options, and the Budget Bureau moves in to kill off the cripples.

U.S. planners are trying to square the circle with a mobile [MX] missile that (1) can be concealed to avoid attack, (2) can be seen to permit verification and (3) will pass budget muster. Not surprisingly, the options look like something from Rube Goldberg.

Sept. 11, 1979 (on the Senate debate on SALT-II, still unratified today): It is no accident that the unparalleled Soviet military gains coincide with the era of arms negotiation. . . . The dynamics of the process—the attempt to reach a treaty more than the ultimate provisions—have curtailed American military programs. There is no more cogent statement of this than the melancholy testimony of Henry Kissinger [to the Senate Foreign Relations Committee, considering the new pact]: Note well that Mr. Kissinger concludes that on the record the arms control process has restrained the U.S. without restraining the Soviet Union.

Nov. 19, 1980: Were it not for SALT-I, . . . MX would not be needed; our Minuteman missiles would today be protected by an anti-missile defense, probably much improved over the early ABM design approved in 1969 but hamstrung by the arms treaty.

Dec. 30, 1981: As another year draws to a close, we find ourselves pondering what psychologists call "denial," the neurotic refusal to admit reality precisely because it is so threatening. . . . The yellow rain accounts, to which we have tried to bring public attention these last few months, are the year's most gnawing case. . . . [Walter] Laqueur remarks in his book that as the reports of killings emerged from Nazi Germany, details were in dispute but the key point was that "there had been a decision at the highest level to kill all Jews." So with yellow rain—there has been a decision at the highest level of the Soviet government to develop and use biological toxins in clear violation of recently negotiated arms control agreements.

June 11, 1982: Why can't simple truths be uttered? The prospect for meaningful agreement with the Soviets is slim to negligible. It's time for our attention to shift from how to achieve an arms agreement to how to build a viable military deterrent. The true outrage to morality is not inanimate lumps of steel and plutonium buried in Montana, but the sordid deaths of Hmong tribesmen and Afghan freedom fighters in Asia.

Our politicians, including Mr. Reagan, shrink from these truths because they fear the public does not want to hear them. They should stop underestimating democracy.

Dec. 28, 1982: What does the yellow rain experience tell us about the character of the Soviet leadership? Clearly these are men who have no moral scruple about developing and using weapons considered too atrocious and barbaric to use even in total war like World War II. . . .

Beyond that, what does yellow rain say about the prospects of arms control with the Soviet Union? Just as the Soviet leadership was signing the 1972 Biological Weapons Convention, it was developing and producing the bio-chemical weapons we now see in Asia. Clearly their motive had nothing to do with peace, and everything to do with using arms agreements to prevent the West from matching their developments. Any clear-thinking person is forced to assume the same motive permeates their approach to current negotiations. . . .

If you accept the fact of yellow rain, it seems to us, you have to ask whether we have anything to talk to these people about.

GOLDEN FLEECE AWARD TO U.S. DISTRICT COURT IN ATLANTA

Mr. PROXMIRE. Mr. President, during the recess, I gave my Golden Fleece Award for August to the U.S. district court judges of Atlanta, Ga. for fixing the jury on design and con-

struction at the Richard B. Russell Federal Building and U.S. Courthouse and then serving the taxpayers with their bill for an extra $7 million. The Atlanta judges really flipped their wigs on this one, forcing the General Services Administration (GSA) to make hundreds of last minute design changes to suit their whims. I rule the Atlanta court totally out of order.

The $47 million Atlanta courthouse project was originally designed in the 1960's. But in 1977, a good 2 years into the actual construction, the Federal judges started making their demands. The list of changes included building a total of six jury rooms to serve just four courtrooms. Another change provided for an oversized, but seldom used chamber for ceremonial occasions. Their list of injudicious changes also included orders to install extra wood paneling behind each judge's chair and to trade in all the stainless steel rails and chair bases for more elegant brass fittings.

But the real loser in this "Let-The-Judges-Design-It" contest was the building's poor 22d floor. It had already been finished, or so the GSA thought, when the judges decided to completely revamp the clerk of the court's filing system. They wanted to install a new mechanized system that was so heavy, the entire concrete slab floor had to be gutted, the building cross-supports replaced, and the exterior building skin replaced. The judges' caprice created a gaping hole in the building for 3 months.

The GSA has sometimes been the defendant in the past fleeces concerning construction cost overruns. But not this time. The record shows that GSA tried its best to keep the project within budget and on time. But the Atlanta judges decided to bend the rules. They took unfair advantage of the traditional separation of powers between the judicial and legislative branches.

Congress is responsible for providing the courts with the funds necessary to run their own show. In Atlanta, the judges decided to go for the gold, prolonging the project by a year and adding 11 percent to the original contract price. GSA says normally it is able to hold change costs to just 1 percent of the original project estimates.

In all, there were a total of 230 change orders submitted, most of them to satisfy the court's many demands. And to cover the added costs, the local Atlanta contractor sued the Government for $18 million. After negotiations with GSA, the company reduced its claim to $7 million. But so far, the bill still has not been paid.

In his court brief, GSA's legal counsel had to admit that the contractor's claims were valid. He wrote that—

The Government issued a plethora of change orders turning the project into a design as you build exercise. Work was interrupted because many times it was unclear whether a change order would be issued or what the scope of the change order would be . . .

Unfortunately, Atlanta is not an isolated case. Despite a 1977 agreement between GSA and Chief Justice Warren Burger that limits the size of Federal courtrooms to 1,800 square feet, judges routinely demand—and get—exceptions over GSA's objections. Last year, the Chief Justice approved a 3,200-square-foot ceremonial courtroom for Norfolk, Va. On the drawing boards for Pasadena, Calif. are two oversized chambers, one 3,120, the other 2,170 square feet. In addition, judges in North Dakota and Ohio have had the gall to issue court orders that force the GSA to set building air-conditioning levels to the court's liking, in defiance of Federal energy conservation rules.

Who judges the judges when they break the rules and make Uncle Sam pay for it? Clearly, no one outside the judiciary can do the whole job. But at least these judges ought to be sentenced to embarrassment for life without hope of parole for holding the American taxpayer in such contempt.

THE SOVIET UNION AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, recently I was reminded once again of the valiant Swedish diplomat Raoul Wallenberg who saved so many Jews fleeing Nazi persecution in the final days of World War II. He then disappeared after the war. He was feared dead. Subsequently it was revealed that he had been a prisoner in a Soviet camp where he died in 1947. But it now appears that Wallenberg could be alive. If so, the Soviets have committed a terrible injustice.

This great man who has saved so many others may now be imprisoned himself, having his rights denied him. To have a personal symbol of human rights and freedom to be thus treated would be the ultimate denigration of Soviet character. The Soviets would be showing again their true intentions regarding human rights. Not only is it abominable that an individual be denied his rights, but by imprisoning Wallenberg the Soviets will have also symbolically imprisoned that for which Wallenberg stands. This would demonstrate the Soviets' utter disregard for human rights.

This would not be new. The Soviets have consistently demonstrated their disregard for human rights. Ironically, while fighting the tyrannical Nazis during World War II, they seemingly had no qualms about utilizing similarly brutal mechanisms to establish their own tyranny. Late in the war, in their quest to gain suzerainty of East Europe, they suppressed all possible angles from which dissent might come, before and after the territories were under military control. At Katyn Forest, the Russians wiped out leaders of the Polish military who could have asserted themselves against Russian desires for Poland after the war.

It is suspected that the brutal Nazi repression of the Warsaw Ghetto uprising was tacitly approved by the Soviets in order that potential opposition to future Russian domination be eliminated. They could have stepped in to prevent the Nazi actions, if they wished. This, in addition to the fact that Eastern European countries have never had the free elections that were promised by the Soviets in the Yalta agreements, give a true picture of the Soviet attitude toward human rights. The incarceration of Raoul Wallenberg fits right in with this Russian oppression of peoples under their domination.

As I have stated in the past, it is very unfortunate that this disregard for human rights is quite common in the world today.

Under such conditions, genocide has been, presently is, and can be a fatal logical step in the campaigns against human rights across the world. Nazi and Soviet mistreatment of Jews and other nationalities are only outstanding examples of a now large growing problem.

We, the Senate of the United States, can take a step in helping to curb this problem. By 1948 the Genocide Convention had been drawn up, signed, and subsequently ratified by over 90 nations in an effort to help solve this problem. Unfortunately, our great body has failed to ratify this agreement. We must ratify now before there are any more innocent victims.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-375. A resolution adopted by the board of governors of the State bar of the

State of California relating to the immigration laws; to the Committee on the Judiciary.

POM-376. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION NO. 7

"Whereas, Social Security disability insurance benefits have been terminated to several thousand residents of West Virginia since 1981, even though most of those recipients continue to suffer totally disabling impairments; and

"Whereas, Appeals to administrative impairments courts are costly, time consuming and emotionally burdensome and compound the original disability, though the majority of cases end favorably for the recipient, overturning the initial wrongful termination of benefits; and

"Whereas, Various Federal courts have ruled that medical improvement should be a guiding factor in disability determinations, and that ruling has led to the high reversal rate and greater justice for recipients by administrative law judges; and

"Whereas, The Legislature of West Virginia, through its Joint Committee on Government and Finance, has considered the problem to be of such severity as to investigate the state disability determination program and has held public hearings to gather evidence and disclose the serious problems with the current system; and

"Whereas, The Governor of West Virginia has issued an executive order directing the state disability determination program to use the standards of Federal court decisions most favorable to beneficiaries in all future determinations of disability; and

"Whereas, The Governor of West Virginia has requested authority and funds from the Social Security Administration to review all cases of benefits terminated in the six-month period ending August 12, 1983, and to apply the criterion of medical improvement to such cases; and

"Whereas, The Governor of West Virginia also has requested authority and funds from the Social Security Administration for face-to-face interviews between the beneficiary and disability determiner prior to any decision to terminate benefits; and

"Whereas, Legislation has been introduced in Congress to address the problems in the current system, primarily by requiring proof of medical improvement before benefits may be terminated; therefore, be it

"Resolved by the Legislature of West Virginia, That the Congress of the United States be requested to enact legislation that will ensure the rights of disabled persons who have been wrongfully denied Social Security disability benefits; and, be it

"Resolved further, That copies of this resolution be transmitted to the President of the United States, the presiding officer of each House of Congress and the members thereof from the State of West Virginia, and the Secretary of Health and Human Services."

POM-377. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all persons the right to freedom of religion, the right to hold opinions without interference, the right to freedom from expulsion, and the right to emigrate; and

"Whereas, Ethiopian Jews are among the oldest continuous Jewish communities in existence, their history extending back for three thousand years; and

"Whereas, this community once numbered several hundred thousand persons, but the scourge of wars, pestilence, persescution, and famine over the years has reduced it to some twenty-five thousand people; and

"Whereas, the American people are becoming increasingly aware of the difficulties facing Ethiopian Jews and are seeking ways to assist them; and

"Whereas, the plight of Ethiopian Jews demands that the American people and all people of good will do everything possible to alleviate their suffering; therefore be it

"Resolved, That the Massachusetts House of Representatives hereby urges the Congress and the President of the United States to express to relevant foreign governments the United States concern for the welfare of Ethiopian Jews, in particular their right to emigrate; to seek ways to assist Ethiopian Jews through every available means so that they may be able to emigrate freely; and to express the concern of the American people for the welfare of the Ethiopian Jewish community in every appropriate forum; and be it further

"Resolved, That copies of these resolutions be forwarded by the Clerk of the House of Representatives to the President and the Presiding Officers of the Congress and the members thereof from this commonwealth."

POM-378. A resolution adopted by the Kentucky American Legion urging Congress to call upon the Socialist Republic of Vietnam and the Lao People's Democratic Republic, to end the years of uncertainty for American POW/MIA families by releasing all U.S. prisoners still being held; to the Committee on Foreign Relations.

POM-379. Joint resolution adopted by the Legislature of the State of Oregon; to the Committee on Foreign Relations:

"HOUSE JOINT MEMORIAL 15

"We, your memorialists, the Sixty-second Legislative Assemply of the State of Oregon, in legislative session assembled, respectfully represent as follows:

"Whereas unemployment has idled the productive capacity and imposed intolerable suffering on over 12 million Americans, including over 160,000 Oregonians; and

"Whereas military spending distorts employment patterns and causes the loss of potential jobs by being less employment-intensive than nonmilitary spending; and

"Whereas in 1980 military spending cost Oregon taxpayers $1.2058 billion, or $458 for each person in the state and resulted in the loss of 44,000 potential jobs for Oregonians, according to Employment Research Associates; and

"Whereas the proposed 1984 federal budget would increase military spending by $29.7 billion from 1983 levels to $238.6 billion, an increase of $103.6 billion since 1980; and

"Whereas that level of military spending will contribute to the projected 1984 federal budget deficit of $188.8 billion, resulting in high interest rates and unacceptably high unemployment in Oregon; and

"Whereas increased military spending diverts resources from social programs that are most needed in these times of economic distress; and

"Whereas the exorbitant military budget accelerates nuclear weapons proliferation and the creations of weapons with first strike capability that decrease national security by increasing international tension and the probability of war; and

"Whereas the United States of America and the Union of Soviet Socialist Republics have nuclear weapons arsenals equivalent to four tons of TNT for every person on the planet, capable of destroying every major city at least 10 times; and

"Whereas over 100 million fatalities and the destruction of much of the progress of civilization would occur in the event of nuclear warfare; and

"Whereas as custodians of our fragile globe and even more fragile civilization we must do everything possible to thwart the threat of nuclear disaster and direct our resources into productive pursuits that will enhance the lives of our people; and

"Whereas 12 million Americans and a majority of Oregon voters have voted for a mutual freeze of the testing, production and deployment of nuclear weapons by the United States of America and the Union of Soviet Socialist Republics; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) It is the sense of the Legislative Assembly of the State of Oregon that expenditures for first strike nuclear weapons systems are wasteful, diminish true national security and are morally reprehensible.

"(2) Expenditures for such weapons systems should be redirected to serve the true needs of the people of Oregon and the United States of America for justice, employment, food, shelter, clear air and water and the other essentials that are the foundation of both a decent standard of living and realistic national defense.

"(3) The Congress of the United States should change national budgetary priorities from increasing the military budget to adequately funding programs and functions that enhance human life and provide employment opportunities.

"(4) The Congress of the United States should seek reductions in the military spending portions of the 1984 federal budget instead of reducing appropriations for human and social needs and should conduct an investigation of the employment impact of military spending.

"(5) A mutual verifiable freeze in the testing, production and deployment of nuclear weapons by the United States of America and the Union of Soviet Socialist Republics must be a high priority for the Congress of the United States in its deliberations and for the President of the United States in the conduct of foreign affairs.

"(6) A copy of this memorial shall be sent to the President of the United States, each member of the Senate and the House of Representatives in Congress, and the Director of the Office of Management and Budget."

POM-380. A resolution adopted by the General Assembly of the State of Illinois; to the Committee on Energy and Natural Resources:

"SENATE RESOLUTION NO. 259

"Whereas current federal and State regulatory schemes include secondary coal recovery operations in the definition of surface mining activities causing all the surface mine permitting provisions and performance standards of the State and federal programs to be applied to secondary coal recovery operations; and

"Whereas the application of these program requirements has caused approximate-

ly 20 secondary coal recovery operations in Illinois to cease operations and potential operations to not begin due to a lack of the fiscal resources and technical staff or expertise for compliance; and

"Whereas program requirements have had a much greater and more devastating impact on secondary coal recovery operations than regular, small surface mine operators since secondary coal recovery operators do business in a limited market place where their product sells for only $5 to $6 per ton; and

"Whereas it is virtually impossible to generate the resources to gather all the data and prepare all the engineering studies required to obtain a permit under the existing program and to subsequently comply with the performance standards of the existing program as the result of receiving a permit; and

"Whereas secondary coal recovery operations recover coal from abandoned coal waste piles (coarse refuse or gob) and slurry ponds and will be given high priority for reclamation under the Abandoned Mine Reclamation program authorized by Title IV of P.L. 95-87; and

"Whereas if an affordable permitting and environmental control provision can be developed and implemented for secondary coal recovery operators, many of the abandoned mine problem sites in the coal producing regions of the State can be reclaimed by private enterprise, resulting in Title IV funds not being spent to reclaim those sites but being used to reclaim other priority sites; and

"Whereas the Abandoned Mine Reclamation program under Title IV can be bolstered by secondary coal operators paying the 35¢ per ton of coal produced reclamation fee into the reclamation fund, a fiscal resource lost if the coal had been covered and revegetated under the Title IV program; and

"Whereas in addition to reclaiming abandoned sites and paying into the reclamation fund, continuance of secondary coal recovery operations will directly provide several hundred jobs, thousands of dollars in federal, State and local taxes and several hundred jobs in associated industries; and

"Whereas the utilization and conservation of the coal resource as mandated by Section 515(b)(1) of the Federal Act will be maximized by an increase in the number of secondary carbon recovery operations, without which much of this coal resource will be rendered unrecoverable under current economic conditions; and

"Whereas there are no valid or logical reasons why these operations should be forced out of business and there are numerous reasons for taking action to allow these operators the opportunity to continue to operate; and

"Whereas the Illinois General Assembly, representing all the citizens of the State of Illinois cannot unilaterally legislate a solution without federal executive branch approval; and

"Whereas the Illinois Department of Mines and Minerals is seeking stopgap administrative assistance; therefore, be it

"Resolved, by the Senate of the Eighty-third General Assembly of the State of Illinois, That we hereby request the United States Congress and the United States Department of the Interior assist and support the efforts of the State of Illinois to arrive at a solution which will repair existing environmental damage, conserve Abandoned Mine Reclamation Funds and create additional jobs and revenue; and be it further

"Resolved, That a copy of this resolution be transmitted by the Secretary of State of Illinois to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Secretary of the Department of the Interior and to each member of the Congress from this State."

POM-381. Joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 32

"Whereas the State of California maintains a longstanding commitment to a quality postsecondary educational system; and

"Whereas the State of California maintains a longstanding commitment to an open and accessible postsecondary educational system for all its citizens; and

"Whereas the cost of attending postsecondary educational institutions in California continues to rise; and

"Whereas over one-third of all students in the State of California rely on financial aid to complete their education; and

"Whereas funding for federal student financial aid has decreased each year since fiscal year 1980; and

"Whereas a continued decline in funding for federal student financial aid will exclude many citizens from attaining a postsecondary education; and

"Whereas this can adversely impact the future welfare of our state and our nation; now therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to maintain federal student financial aid as a priority, to work to stop further reductions in student aid funding, and to work to ensure adequate student financial aid; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 213. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714; referred to the Committee on the Budget.

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. 1499. A bill to settle certain claims of the Mashantucket Pequot Indians (Rept. No. 98-222).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 214. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1499, referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 215. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 53; referred to the Committee on the Budget.

S. Res. 216. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 668; referred to the Committee on the Budget.

S. Res. 217. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 948; referred to the Committee on the Budget.

S. Res. 218. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1762; referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 668) to reform Federal criminal sentencing procedures (Rept. No. 98-223).

Report to accompany the bill (S. 948) to reform Federal criminal and civil forefeiture (Rept. No. 98-224).

Report to accompany the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983" (Rept. No. 98-225).

Report to accompany the bill (S. 1763) to reform procedures for collateral review of criminal judgments, and for other purposes (Rept. No. 98-226).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. DENTON, Mr. GRASSLEY, Mrs. HAWKINS, and Mr. QUAYLE):

S. 1838. A bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 1839. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes: to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1840. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for dividends paid by certain small businesses, to provide simplification in accounting rules related to inventory, to reduce the capital gain tax rates for individuals who hold new issues of stock at least 5 years, and to remove the limitation on the amount of used property for which the investment tax credit is allowable; to the Committee on Finance.

By Mr. THURMOND (by request):

S. 1841. A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; to the Committee on the Judiciary.

By Mr. ARMSTRONG (for himself, Mr. HATCH, Mr. GARN, Mr. WILSON, and Mr. GOLDWATER):

S. 1842. A bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SASSER (for himself, Mr. HOLLINGS, Mr. BOREN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PRYOR, Mr. MITCHELL, Mr. MATSUNAGA, and Mr. DIXON):

S. 1843. A bill to extend by 3 months the cutoff date for social security disability determinations which will be subject to the provisions allowing continued payment of disability benefits during appeal; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

S. Res. 213. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1714; to the Committee on the Budget.

By Mr. ANDREWS, from the Select Committee on Indian Affairs:

S. Res. 214. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1499; from the Select Committee on Indian Affairs; to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary:

S. Res. 215. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 53; to the Committee on the Budget.

S. Res. 216. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 668; to the Committee on the Budget.

S. Res. 217. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 948; to the Committee on the Budget.

S. Res. 218. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1762; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. DENTON, Mr. GRASSLEY, Mrs. HAWKINS, and Mr. QUAYLE):

S. 1838. A bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes; to the Committee on Labor and Human Resources.

LEGAL SERVICES CORPORATION AMENDMENTS OF 1983

Mr. HATCH. Mr. President, today Senators DENTON, GRASSLEY, HAWKINS, QUAYLE, and I are introducing the Legal Services Corporation Act of 1983, a bill which provides the basis for an effective, productive Federal provision of legal services to the poor.

The Legal Services Corporation was created to insure that this country's poor were not barred from our courts simply because of their economic status. It has been and always should be a virtue of our legal system that all citizens should have access to our judicial system. No one among us would dispute the importance to such access.

Recently, however, we have learned that the limited resources available to the Corporation have been diverted to further the political agendas of its staff, that the congressional prohibitions that Congress has installed to prevent such abuse have been ignored, and the Corporation has operated as if it is beyond the purview of Congress.

In the past, the Corporation and its grantees have been overprotected. Some programs have routinely broken both the spirit and letter of the law. If caught, they are at most told to stop, but few have been punished. It is little wonder that the Congressional prohibitions are viewed with such disdain in the field.

The bill we are introducing today can reverse this trend. It keeps the Corporation intact. It keeps intact the current delivery system, with its emphasis on the use of staff attorneys. It insures that Federal funds are directed at helping the poor with their legal needs, and are not being squandered on political propagandizing, on the purchase of real estate, on the unnecessary institution of costly class action suits, and on staff memberships in private organizations. And, if violations are found, specific sanctions are included to insure that the violations stop and violators will be punished.

The bill also encourages experimentation with new approaches to providing legal services and includes a provision for increasing private bar involvement.

The hearings that have been held in the Senate Labor and Human Resources Committee have provided adequate documentation of past abuses. They have also provided repeated evidence of the positive contribution on effective, dedicated local legal services program can have on the people it serves. It is time that these good programs are encouraged and the bad ones are remedied or removed.

By ignoring legal services, as we have done in the past, we are doing a disservice to this country's poor. By revitalizing this program in a manner which keeps the existing structure intact, but specifically corrects the abuse that has occurred, we can make good on our promise of equal access for all citizens to our judicial system.

● Mr. GRASSLEY. Mr. President, I do not believe that there is anyone among us who would dispute the notion that access to justice is a treasured value. There is no one among us who would question the right of the poor to be represented within our judicial system—no one among us who would dispute the value of participating in the judicial process.

Nevertheless, in order to make this concept of equal access a reality, I believe we must openly face the fact that we need to improve a Legal Services Corporation that has many weaknesses.

I attended all three hearings that were held on the Legal Services Corporation in July. I chaired one having to do with legal access and the elderly. For those of you who have not heard of these hearings I will simply tell you that they exposed serious misuse of Legal Services funds.

None of the bills have been offered or considered so far, in my opinion, even begin to address the misuse of these funds. And the ultimate losers if a reauthorization bill is enacted which does not address these abuses will not be those of us who which to reform Legal Services.

The ultimate losers will be the poor, from whom our limited resources have been diverted for blatantly political ends. And that recognition—that it is the poor who are being hurt—is the reason I feel that the bill being introduced today by Senator HATCH is worthy of consideration.

The question addressed by this bill, which I join in cosponsoring, is this: How do we insure that legal assistance is delivered to the poor in a direct and efficient manner? I submit to you that Congress has attempted to answer this question several times by inserting restrictions on lobbying and political activity under the Legal Services Corporation Act.

Still, as the latest set of revelations about Corporation activity makes irrefutably clear, moneys were diverted into fund balances so large that in the words of one grantee's official, interest was being earned as fast as they could spend it, into real estate and equipment, into political training and media advocacy, even into political campaigns such as the campaign in California on behalf of proposition 9. In addition, money was diverted into shell corporations expressly set up to avoid congressionally mandated restrictions.

To divert moneys from the purpose for which they are mandated is to subvert the right of the poor to be included in this Nation's legal system. No matter what is written or said about our intent in tightening up operation of legal services, doing nothing would guarantee that fewer resources would be available for the persons who most need them.

Senator HATCH's bill will not resolve the basic misconceptions of some Corporation officials as to the intent of Legal Services which have plagued the

Corporation since its inception. But it will put into place some very praiseworthy and workable restrictions on Legal Services recipients, and meaningful sanctions on errant officials.●

● Mr. DENTON. Mr. President, I am today joining Senator HATCH in introducing a bill to reform and reauthorize the Legal Services Corporation for the next 3 fiscal years.

Hearings held by the Committee on Labor and Human Resources in July produced evidence that substantial amounts of money appropriated for legal services to poor people were not used for that purpose. Rather, this money was illegally diverted for use in various lobbying and so-called training activities designed to influence legislation at the local, State, and National level. Some of the activities advocated were unethical and in some cases illegal in themselves. The instances were not isolated; they were pervasive and deliberate. Many of the grantees that were involved in these activities are still receiving legal services funds.

It has been clear to many in this body that the Legal Services Corporation has become a highly politicized organization. Much of this political activity has come at the expense of providing the routine legal services that thousands of poor clients require. The bill Senator HATCH and I are introducing today will go far to depoliticize the Corporation and redirect its activities back toward providing routine legal services to indigent clients.

At a July 15 hearing that I chaired, the current leadership of the Corporation pledged to abide by the restrictions placed on their activities by the Congress. This was not always the case in the past. I am confident that this bill provides the necessary tools to clean up the LSC and insure that the taxpayers' money is being used for the intended purpose—legal services for the poor.●

By Mr. GRASSLEY:

S. 1839. A bill to provide for an equitable reduction of liability of contractors with the United States in certain cases, to provide a comprehensive system for indemnification by the United States of its contractors for liability in excess of reasonably available financial protection, and for other purposes; to the Committee on the Judiciary.

CONTRACTOR LIABILITY AND INDEMNIFICATION ACT

● Mr. GRASSLEY. Mr. President, in my capacity as chairman of the Subcommittee on Administrative Practice and Procedure, I have conducted three hearings in the last year on the allocation of third-party liability between the U.S. Government and its contractors. The bill that I am introducing today responds to many of the concerns raised at the hearings.

A number of distinguished witnesses offered their perspectives on the current liability scheme confronting the Government contractor. Most of the witnesses noted two major problems regarding third-party liability. First, court decisions in recent years have established that injuries arising from Government contract product defects are not compensable through contribution or indemnity in a third-party action against the Government. Nevertheless, a contractor may be held liable for full payment of liability to Government employees, even though the Government was partially or wholly at fault in causing the harm to the employees. Second, a Government contractor may very well face risks that far exceed the typical risks accompanying a commercial contract. Military research and development programs often require a contractor to push well beyond the state of the art into massive risks that cannot be calculated in advance.

While the Government presently does possess statutory authority to indemnify its contractors for excessive liability, the power is rarely used. The result is that conscientious and perhaps the most safety conscious contractors are deterred from participating in essential Government programs.

This bill is intended to both redress the lack of fairness resulting from court decisions which allow the Government to avoid contributing to payment of liability by its contractors when the Government is partly or wholly at fault in causing harm to Government employees and address the possibility of catastrophic liability arising out of products or services supplies pursuant to contract with the United States.

I do not anticipate that this will be a draft that sails through the Senate unaltered. But I do believe that this legislation is a good point from which to start redressing a situation that from a fairness perspective simply must be altered. The interests that we balanced in coming up with this proposal are by no means easy to weigh. We are talking about contractors who have diligently followed Government specifications, military employees who have suffered injuries on the job, and the U.S. Treasury. I am not altogether certain that we have come up with a proper balancing of these interests, but I am sure that the current system offers no real balance at all.

As a means of providing some of the background as to the Government fault problem, I cite to you the 1977 Supreme Court case of Stencel Aero Engineering Corporation against United States. Stencel, a Government contractor, sought to obtain indemnification from the Government for liability incurred as a result of a personal injury suit brought by a military officer who had been injured when the ejection system of his fighter aircraft malfunctioned. The Government had specified the design of the system, and Stencel contended that the defects in the specifications about which he had complained to the Government to no avail, had caused the injuries to occur. The court nevertheless held that the subcontractor could not obtain indemnity from the Government for claims made against it by military personnel. The upshot of the Stencel case is that contractors doing business with the Government end up bearing all risks of liability to military employees even though the Government is equally, or wholly, at fault in causing their harm.

In addition to the Government fault problem, section 5 of the bill addresses the possibility of catastrophic liability arising out of products or services supplied pursuant to a contract with the U.S. Government. As one of our witnesses ably noted:

> If a catastrophic accident or series of events results from a government project, the liability, and even the defense costs alone, arising from the ensuing lawsuits against the contractors who supply the products or services for the project could easily exceed both the available insurance and the net worth of those contractors. This would, of course, spell financial disaster not only for the contractors involved, but also for victims who would be unable to obtain compensation from the contractors. Although the government presently possesses statutory authority to indemnify its contractors for excessive and unreasonable liability in some situations, the authority is not comprehensive, and its use is not mandatory. The government has not been consistent in using the authority. As a result, conscientious contractors increasingly are deterred from participating in essential procurements involving potential catastrophic risks.

This statement accentuates the need to have legislation establishing a comprehensive program.

On October 18, I will hold another hearing to solicit the views of interested parties on the legislation which follows. I ask unanimous consent that the bill be printed in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Contractor Liability and Indemnification Act."

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to establish fair and equitable apportionment of liability incurred by contractors with the United States by (i) providing for an equitable reduction of liability in cases in which acts or omissions of employees of the United States are wholly or partially the cause of a contractor's liability to a government employee, and (ii) providing a comprehensive system of complete indemnity for contrac-

tors against liability in excess of reasonably available financial protection.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "contractor" means any person who has contracted with the United States to supply a product or service and such person's subcontractors and suppliers at any tier for such purpose;

(2) the term "person" means any individual, corporation (excluding a wholly owned corporation of the United States), company, foundation, association, organization, firm, partnership, society, charitable institution, or State or local unit of government;

(3) the term "claimant" means any person who asserts a claim which gives rise or may give rise to liability;

(4) the term "State" Includes the District of Columbia and all territories or possessions of the United States;

(5) the term "United States" and "contracting agency" means the federal executive agencies and departments, the federal military departments (including any unit or part of the National Guard of any State), independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States;

(6) the term "liability" means the legally binding obligation to compensate for harm as provided for in final judgments of courts of law, settlements, or arbitration decisions;

(7) the term "harm" means (a) damage to or loss of use of property; (b) personal physical injury, illness, or death; (c) mental anquish or emotional distress resulting from an occurrence of personal physical injury, illness, or death; and/or (d) financial detriment, including loss of revenue or profits or other economic loss; and

(8) the term "fault" means acts or omissions that are in any measure negligent or wrongful with regard to the harm incurred by a claimant.

EQUITABLE REDUCTION OR LIABILITY

SEC. 4. (a) In any civil action brought by an employee of the United States or by the employee's legal representative, estate, spouse, dependent, survivor, or relative in any state court or in any district court of the United States alleging liability of any contractor for harm concerning which the employee or the employee's legal representative, estate, spouse, dependent, survivor, or relative is or has been entitled to receive worker compensation benefits from the United States, upon request of any party the court shall make findings of fact as to the proportion that the fault of the United States bears to the total fault of all persons and the United States in causing harm which gives rise to the claim of liability. The court shall reduce any judgment for liability rendered against the contractor by the proportion of fault of the United States found by the court. The amount the United States is entitled by law to obtain through right of subrogation or subrogation lien arising from worker compensation payments for harm concerning which contractors are or may be held liable shall be reduced by the proportion of fault of the United States in causing the harm.

(b) A contractor against whom a civil action alleging liability is brought shall give written notice to the Attorney General of the United States, within 90 days of the filing of the civil action, if the contractor intends to seek an equitable reduction of liability pursuant to subsection (a) of this section. Except as otherwise directed, the contractor shall promptly furnish to the Attorney General a copy of all pertinent papers received or filed with respect to such civil action. The United States shall have the right, for a period of 90 days following receipt of any such notice, to intervene as a party in any such civil action. Any such civil action commenced in a state court in which the United States has intervened may be removed, at the election of the United States, along with any related pending action by a claimant, without bond at any time before a trial on the merits, to the district court of the United States for the district and division embracing the place wherein the state court action is pending. Should a United States district court determine, pursuant to an evidentiary hearing on a motion to remand held before the trial on the merits, that there is no substantial evidence of any fault on the part of the United States in causing harm to the employee of the government, such civil action shall be remanded to the state court.

(c) In determining the proportion of fault of the United States pursuant to subsection (a) of this section, the court shall consider such evidence of fault as may be introduced by the parties in accordance with the rules of evidence and shall consider, among other relevant factors, the following:

(1) the nature of contract provisions or specifications associated with acts or omissions contributing to the harm, the relative responsibility of the United States and the contractor for the existence of such provisions or specifications, and the relative degree of knowledge, skill and expertise of the contractor and the United States as to potential harm which might be associated with contract performance or non-performance under such provisions or specifications;

(2) the existence of officially promulgated standards of the United States which are associated with acts or omissions contributing to the harm;

(3) the degree to which products or services furnished by the United States to the contractor under the contract are associated with acts or omissions contributing to the harm, and the relative degree of knowledge, skill, and expertise of the contractor and the United States as to potential harm which might be associated with use of such products and services;

(4) acts or omissions in performance of the contract by employees of the contractor or the United States which contribute to the harm and the relative responsibility of the contractor and the United States for the occurrence of such acts or omissions; and

(5) the degree of control or care exercised by the United States in the use, application, and maintenance of products or services after delivery by the contractor.

(d) The provisions of this section supercede any state law regarding matters covered by this section.

INDEMNIFICATION OF CONTRACTORS

SEC. 5. (a) The United States shall include in any contract hereafter made, and may include by amendment or modification in any contract heretofore made, a provision that the United States will hold harmless and indemnify the contractor against any of the claims or losses set forth in subsection (b), whether resulting from the negligence or wrongful act or omission of the contractor or otherwise, except as provided in subsection (b)(2), provided that such provision shall apply only to claims for losses arising out of or resulting from risks that the contract defines as (1) unusually hazardous or nuclear in nature or (2) giving rise to the possibility of liability against which the contractor cannot reasonably protect through private insurance or self-insurance, and provided further that no such provision shall be included in any contract for procurement of goods or services which are sold by the contractor to non-governmental purchasers for uses or applications identical in nature, magnitude, and scope to the uses or applications made or to be made of the goods and services by the United States. A determination of whether the conditions contained in the preceding sentence have been met shall be made in advance by the head of the contracting agency or his designee (who shall be an official at a level not below that of an assistant to the head of the contracting agency). A contractual provision for indemnification may require each contractor so indemnified to provide and maintain financial protection of such type and in such amounts as is determined by the head of the contracting agency or his designee to be appropriate under the circumstances. In determining whether conditions for the use of an indemnification provision have been met and in determining the amount of financial protection to be provided and maintained by the financial protection to be provided and maintained by the indemnified contractor, the appropriate official shall take into account such factors as the availability, cost, and terms of private insurance, self-insurance, other proof of financial responsibility, and worker compensation insurance. The determination of the head of the contracting agency or his designee as to whether conditions for use of a contractual provision for indemnification have been met shall be final for purposes of the judicial review specified in subsection (c).

(b)(1) Subsection (a) of this section shall apply to claims, including reasonable expenses of litigation and settlement, or losses not compensated by insurance or otherwise, of the following types:

(A) claims by third persons, including of the contractor, for death, personal injury, or loss of, damage to, or loss of use of properties;

(B) loss of, damage to, or loss of use of property of the contractor;

(C) loss of, damage to, or loss of use of property of the government; and

(D) claims arising (1) from indemnification agreements between the contractor and a subcontractor or subcontractors, or (ii) from such arrangements and further indemnification arrangements between subcontractors at any tier, provided that all such arrangements were entered into pursuant to procedures prescribed or approved by the contracting agency.

(2) Indemnification and hold harmless agreements entered into pursuant to this section, whether between the United States and a contractor, or between a contractor and a subcontractor, or between two subcontractors, shall not cover claims or losses caused by the willful misconduct or lack of good faith on the part of any of the contractor's or subcontractor's directors or officers or principal officials. For purposes of this subsection, the term "principal officials" means any of the contractor's managers, superintendents or other equivalent representatives who have supervision or direction of (A) all or substantially all of the contractor's business, (B) all or substantially all of the contractor's operations at any one plant or separate location in which a contract is being performed, or (C) a separate and complete major industrial operation in connection with the performance of a contract.

(3) The United States may discharge its obligation under the contractual provision authorized by subsection (a) of this section by making payments directly to contractors or subcontractors or to third persons to whom a contractor or subcontractor may be liable.

(c) A contractual provision under subsection (a) of this section which provides for indemnification must also provide for—

(1) notice to the United States of any claim or action against, or any loss by, the contractor or subcontractor covered by such contractual provision; and

(2) control or assistance by the United States, at its election, in the settlement or defense of any such claim or action.

(d) Upon application by a contractor or subcontractor, each contracting agency shall determine, or upon its own initiative, eash contracting agency may determine, after opportunity for a hearing (in accordance with Section 553 of Title 5, United States Code), whether any past, present, or future contract or class or category of contracts involves risks of the type set forth in subsection (a) of this section.

(e) Any contractor or subcontractor aggrieved by any decision or determination of the contracting agency pursuant to subsection (a) or subsection (d) of this section may, within sixty days of such decision or determination, petition the United States Court of Appeals for the Federal Circuit to review such decision or determination. The decision or determination of the contracting agency with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

(f) The provisions of Sections 1431-1436, Title 50, United States Code, shall not apply to indemnification of contractors as provided in this section. The provisions of Section 2354, Title 10, United States Code, are hereby repealed. Section 241(a)(7), Title 42, United States Code, is hereby amended to delete the reference to Section 2354, Title 10, United States Code. The provisions of this section shall not apply to any risks against which indemnification may be obtained pursuant to Section 2210, Title 42, United States Code.

(g)(1) Notwithstanding the provisions of Section 665, Title 31 or Section 11, Title 41, United States Code, contracting agencies are hereby authorized to make indemnification payments pursuant to any indemnification provisions of their contracts from (A) funds obligated for the performance of the contract from which the contractor's liability arises; (B) funds currently available for contracts of the nature of the contract from which the contractor's liability arises, and not otherwise obligated; (C) funds specifically appropriated for such payments; and/or (D) funds appropriated pursuant to Section 724(a), Title 31, United States Code.

(2) The Supplemental Appropriations Act, Section 724(a), Title 31, United States Code, is hereby amended by adding the words "and Section 5 of the Contractor Liability and Indemnification Act" after the words "or 2677 of Title 28."

EFFECTIVE DATE

SEC. 6. This Act shall be effective as of the date it is signed into law by the President.●

By Mr. BENTSEN:

S. 1840. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for dividends paid by certain small businesses, to provide simplification in accounting rules related to inventory, to reduce the capital gain tax rates for individuals who hold new issues of stock at least 5 years, and to remove the limitation on the amount of used property for which the investment tax credit is allowable; to the Committee on Finance.

SMALL BUSINESS CAPITAL FORMATION AND INVENTORY SIMPLIFICATION TAX ACT OF 1983

Mr. BENTSEN. Mr. President, today I am introducing a program targeted at the most important sector of our economy—the small business community. Small business accounts for almost half of our gross national product and creates 60 percent of the new jobs for American workers. My bill today addresses the fundamental problems confronting the continued strong economic growth of small business: Capital formation, inventory reform, and equipment obsolescence. These issues have become a primary concern of the independent business community.

My bill will allow a business to deduct the first $250,000 of a dividend distribution. This provision will enable small business to attract new capital. By permitting a deduction for dividend distributions the investor is encouraged to take an equity interest in the business rather than a debt interest. This will help prevent undercapitalization of corporations and strengthen the debt-to-equity ratio of newly formed corporations. In addition, this provision will allow small business the benefit of being organized in corporate form while being taxed on the first $250,000 of earnings in the same manner as a sole proprietorship or partnership.

Mr. President, the current economic climate is not a good one for small business. Projected budget deficits threaten to absorb a higher and higher percentage of net private saving available for investment. Current high interest rates make the cost of borrowing money too high for many firms. Companies that rely on external sources of funds, such as bank loans or the capital markets, for investment and expansion, need relief.

Inventory accounting reform is one method of relief for a company in this financial position. My bill fosters capital formation by increasing the internal cash flow and retained earnings of a business.

The impacts of inventory accounting reform appear in increased cash flows and improved profits, especially in the reduction in income under LIFO accounting. Inventory, especially wholesale and retail, has been steadily increasing as a percentage of total assets. Furthermore, inventory-intensive industries have increased in employment by more than 5 million since 1970. This suggests that inventory accumulation and distribution is playing an increasingly larger role in the economy. Consequently, the tax and accounting provisions regarding inventory will have substantial economic impact.

Corporate cash flows have increased steadily since 1961. The marginal increase has been dramatic, however, since 1974, as more and more companies have adopted LIFO—last in, first out—accounting. More recently, constant dollar cash flows, which stood at $147.9 billion in January 1979, increased to $155.2 billion a year later, an increase of 4.9 percent. During the same period, output grew only 2.7 percent. Hence, new inventory accounting has made the business industry more liquid.

However, as of 1976, less than 4 percent of manufacturers used LIFO; less than 2 percent of retailers used it. Why is this? In a study by the National Association of Wholesaler-Distributers, the most frequent responses were: "Too complex and too costly." Let me give a short explanation that will illustrate the point.

Tax regulations provide that a taxpayer must keep inventories in which the production, purchase, or sale of merchandise is an income-producing factor. There are two accrual methods for determining the cost of items in the closing inventory: FIFO—first in, first out, and LIFO—last in, first out. The preferred method, in times of inflation, is LIFO because it more realistically relates cost plus inflation to income. However, for tax purposes, LIFO has extensive and detailed accounting and recordkeeping requirements. For example, indexing:

The determination of an individual index is not only complex, it is also burdensome. The double-extension method of determining an individual index requires the inventory to be priced out on a unit basis twice; once to determine the base-year unit cost, and a second time, to determine the end-of-year unit cost. The end-of-year cost is then divided by the base-year cost to determine the index number which, in turn, determines the amount of the LIFO reserve.

In an inventory of 10,000 items—relatively common of wholesaler-distributors—such calculations are overwhelming.

Pooling is another example of LIFO complexity. Present LIFO income tax regulations require the creation of pools, each pool containing products similar in nature. The pools are then used to determine the increase or decrease in the LIFO inventory.

In fact the Department of Treasury has in the past acknowledged the complexity, and on one appearance before Congress, former Deputy Assistant Treasury Secretary for Tax Policy, Dan Halperin stated:

Small business has a legitimate complaint that the current complexity in the use of

LIFO effectively denies them its benefits. The administration supports the need to simplify the LIFO rules for small businesses to make them more available.

Inventory reform is one way of easing the capital formation burdens placed on small business.

In recognition of the need to foster business capital formation, the following provisions of the tax law on accounting for inventory are particularly burdensome and, therefore, should be revised. My bill would accomplish those objectives as follows:

First. Repeal the LIFO conformity requirement. Under the current law, a business using LIFO must keep its financial statements and its tax statements the same. In other words, it cannot use LIFO for financial purposes and, at the same time, use FIFO for tax purposes.

Second. Alleviating the initial penalty associated with the LIFO election. If a business wants to elect LIFO, it is required to restore to cost inventory write-downs taken in prior years. Thus, a business that restores inventory write-downs to costs due to its desire to elect LIFO, has a larger bill due and payable over the next 3 years. To alleviate the severe drain on a business when it elects LIFO, it would be permitted to restore inventory write-downs to income over a 10-year period.

Third. Simplification of inventory pooling requirements. The current LIFO pooling requirements are a regulatory burden on wholesalers and retailers. These businesses are forced to keep complex records based on the pooling requirement to group items of inventory by major classes of goods. Manufacturers, on the other hand, use a natural business unit—one pool. In a massive simplification of the law, small businesses with less than $4 million in gross receipts would be permitted to use one pool for LIFO. Wholesalers and retailers would be permitted to pool their goods according to the general expenditure categories of consumer goods described in the CPI detailed report or the 15 major PPI commodity categories listed in the PPI detailed report.

Fourth. Permitting businesses to use regularly published Government price indexes. Developing an internal price index is costly and complex.

Fifth. Permitting businesses to use certain internal indexes, without being forced to show that other methods are unsuitable or impractical. Current tax regulations place certain limitations on the type of internal price index a business may use for LIFO. For businesses wanting to continue to use internal price indexes under LIFO, this bill would broaden the choice of internal indexes.

Six. Repeal of 403(b) of the crude oil windfall profit tax of 1980. This provision requires a corporation to recapture its LIFO benefit as ordinary income in certain specified situations. In general this recapture occurs when a corporation distributes its LIFO inventory in a partial or complete liquidation of the business.

Seventh. Cash receipts and disbursements method, cash method of accounting. A business may elect the cash method if its gross receipts are less than $1.5 million and if it meets the active participant test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business.

Economic growth in our Nation depends upon the availability of a sufficient supply of capital for the risk-takers and the entrepreneurs who have the initiative to start new businesses and to develop imaginative new ideas. My bill, today, also includes a provision that will promote the steady and constant availability of new capital for investment and expansion by the small business community. My provision entitles a taxpayer to a reduced capital gains tax, at a maximum effective rate of 10 percent, upon the sale or exchange of stock in a company if such stock was held for at least 5 years, and acquired through an initial or principal stock offering.

Current law regarding the taxation of long-term capital gains requires that an investment be held for more than a year before the investor qualifies for lower tax rates on his profits from investment. In the general explanation of the Tax Reform Act of 1976, which increased the holding period from 6 months to 1 year, the Joint Tax Committee noted that there should be special tax treatment for gains on assets held for investment, and not speculative profit. My bill would promote investment in new small businesses since the realization of gains from venture capital investments would require an extended holding period, in this case, 5 years. Under this provision, since investors would have a greater incentive to realize long-term capital gains than current income, businesses would be encouraged to plow back earnings to achieve greater growth rather than disbursing their earnings to pay dividends.

We must encourage the continued growth of our small businesses. These small, high-growth businesses are essential for the continued economic recovery. In 1982, I requested a study by the General Accounting Office titled, "Government-Industry Cooperation Can Enhance the Venture Capital Process." This study identified the benefits generated by high-growth companies, which include creation of thousands of new high-quality jobs, increases in Federal, State, and local tax receipts, stimulation of supplier and allied firms, augmentation of R&D expenditures, and generation of higher export earnings.

My bill also addresses an issue that faces many small businesses; the problems of equipment obsolescense and the current investment tax credit limitation on used machinery and equipment.

Many small businesses acquire amounts of used property, particularly small manufacturers. Traditionally, used machinery and equipment is acquired from large manufacturers and resold to small manufacturers who cannot afford the high price of new capital equipment. A small manufacturer can increase his output by purchasing additional used machinery and increase his productivity by purchasing newer models of used machinery. My proposal will eliminate the limitation on the investment tax credit which is available to purchasers of used machinery and equipment. This will provide a tax incentive to the small businessman to replace current equipment with used machines that are either more sophisticated or more appropriate for his operation. This measure will insure that small businesses make the capital investments necessary to remain competitive during this economic resurgence.

Under current law, there is a $125,000 limitation on the amounts of used equipment eligible for the investment tax credit, but there is no limitation on the investment tax credit available for new equipment. This ceiling will increase to $150,000 in 1985. Similarly, the same carryback/carryforward provisions available for new equipment are not allowed to purchasers of used equipment. This means that purchasers of used equipment may not carryback or carryforward tax credits on investment over the limitation amount.

Since the original $50,000 ceiling was established in 1962, the cost of basic, unsophisticated used equipment has increased by over 500 percent. It would cost over $600,000 to start a small machine shop which employs 10 people. If a large company purchased $600,000 of new equipment, it would receive an investment tax credit of $60,000—10 percent of $600,000. If a small firm bought $600,000 of used equipment, it would receive an investment tax credit of $12,500—10 percent of $125,000.

In addition, a purchaser of new equipment would be able to carryback 3 years and carryforward 15 years the part of the investment tax credit on the $600,000 purchase which it cannot use in the year of purchase. The small business, on the other hand, which purchased used equipment, would be able to carryback and carryforward only the $12,500 which is allowed as a result of the limitation. The $475,000 in excess of the limit would receive no investment tax credit in any year. This

example clearly illustrates the discriminatory impact this limitation has on small business.

Furthermore, an established manufacturer will hardly have begun to retool before he realizes that the $125,000 ceiling offers him very little assistance at all. The original arbitrary and inadequate limit of $50,000 was merely a token gesture to small business and, in light of inflation, doubling the limit to $100,000 13 years later, and to $125,000, 6 years after that, has perpetuated the injustice.

This discriminatory tax treatment impacts directly and primarily upon small businesses which are already hindered by their inability to externally or internally generate the capital necessary to buy equipment. Since small businesses cannot generally afford new machinery, they require the quick passage of tax incentives which will enable them to buy the used equipment they need for the expansion of their current business, or the creation of a new enterprise.

We cannot maintain a healthy, competitive and growing economy unless there is enough capital available for the risktakers and the entrepreneurs who want to expand their ideas into businesses. We must also insure that these small businesses receive equitable tax treatment. These businesses represent the backbone of the American economy. The key building block for the emerging small businesses is capital. Without adequate incentives for capital formation and investment, the ongoing function of nurturing new and existing small businesses will cease. My bill provides those incentives.

I urge my colleagues to cosponor this bill, and Congress to act quickly on this legislation.

Mr. President, I ask unanimous consent that the bill be printed immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Capital Formation and Inventory Simplification Tax Act of 1983".

SEC. 2. DIVIDENDS PAID DEDUCTIONS.

(a) IN GENERAL.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to special deductions for corporations) is amended by adding at the end thereof the following new section:

"SEC. 251. DEDUCTION FOR DIVIDENDS PAID BY CERTAIN SMALL BUSINESSES.

"(a) IN GENERAL.—In the case of a qualified small business corporation, there shall be allowed as a deduction an amount equal to the lesser of—

"(1) the amount of dividends paid by such corporation during the taxable year, or

"(2) $250,000.

"(b) DIVIDENDS TAKEN INTO ACCOUNT.—

"(1) REQUIREMENTS.—A dividend shall be taken into account under this section only if—

"(A) it is paid in cash (or is a consent dividend meeting requirements similar to those of section 565),

(B) it is pro rata, with no preference to any share of stock as compared with other shares of the same class, and with no preference to 1 class of stock as compared with another class except to the extent that the former is entitled (without reference to waivers of their rights by shareholders) to such preference, and

"(C) it is not in redemption or in partial or complete liquidation.

"(2) DIVIDENDS PAID AFTER CLOSE OF TAXABLE YEAR.—For purposes of this section, a dividend paid after the close of any taxable year and on or before the 15th day of the 3d month following the close of such taxable year shall, to the extent the corporation elects in its return for the taxable year, be considered as paid during such taxable year.

"(3) EXCEPTION FOR DIVIDENDS ON CERTAIN PREFERRED STOCK.—For purposes of this section, the term 'dividend' includes a distribution with respect to stock of a class which is not common stock only if—

"(A) the corporation first issued stock in that class after the date of the enactment of this section, and

"(B) the corporation makes an election to have stock of that class taken into account under this section.

"(c) QUALIFIED SMALL BUSINESS CORPORATION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified small business corporation' means, with respect to any taxable year, a domestic corporation the average annual gross receipts of which do not exceed $5,000,000 for the 3-taxable-year period ending with the taxable year.

"(2) CERTAIN CORPORATIONS EXCLUDED.—The term 'qualified small business corporation' shall not include any corporation which is—

"(A) an insurance company subject to tax under subchapter L,

"(B) a corporation subject to tax imposed by subchapter M (relating to regulated investment companies and real estate trusts),

"(C) a corporation to which an election under section 936 applies,

"(D) a DISC or former DISC, or

"(E) an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies.

"(3) SERVICE CORPORATIONS NOT ELIGIBLE.—The term 'small business corporation' shall not include any corporation the principal function of which is the performance of services in the field of health, law, engineering, architecture, accounting, actuarial science, performing arts, or consulting.

"(d) SPECIAL RULES.—

"(1) CONTROLLED GROUPS.—In the case of a taxpayer which is a member of a controlled group (within the meaning of section 52(a)), all persons which are component members of such groups at any time during the calendar year shall be treated as one taxpayer for such year for purposes of determining the gross receipts of, and dividends paid by, the taxpayer.

"(2) SPECIAL RULE WHERE 20 PERCENT OR MORE OF DIVIDENDS IS PAID TO TAX-EXEMPTS OR ACCUMULATION TRUSTS.—A corporation shall not be treated as a small business corporation for any taxable year during which 20 percent or more of the dividends paid by the corporation are paid (directly or indirectly) to one or more of the following:

"(A) persons which are exempt from tax under section 501, or

"(B) any trust unless, under the terms of the trust, all of its income is required to be distributed currently.

"(3) TREATMENT OF DIVIDENDS.—

"(A) IN GENERAL.—The deductible portion of any dividend paid by a qualified small business corporation during any taxable year shall not be treated as a dividend for purposes of sections 116 and 243.

"(B) DEDUCTIBLE PORTION.—For purposes of subparagraph (A), the deductible portion of any dividend is an amount equal to such dividend multiplied by a fraction—

"(i) the numerator of which is the amount allowed as a deduction under subsection (a), and

"(ii) the denominator of which is the aggregate amount of the dividends paid by the corporation during the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1) Section 243 of such Code (relating to deduction for dividends received by corporations) is amended by adding at the end thereof the following new subsection:

"(e) CROSS REFERENCE.—

"For adjustment to deduction where dividends paid deduction allowed under section 251, see section 251(d)(3).".

(2) Section 116 of such Code (relating to partial exclusion of dividends received by individuals) is amended by adding at the end thereof the following new subsection:

"(d) CROSS REFERENCE.—

"For adjustment to exclusion where dividends paid deduction allowed under section 251, see section 251(d)(3).".

(c) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 251. Deduction for dividends paid by certain small businesses.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 3. REPEAL OF REQUIREMENT THAT THE LIFO METHOD USED FOR TAX PURPOSES CONFORM TO THE ACCOUNTING METHOD USED FOR FINANCIAL PURPOSES.

Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories) is amended by striking out subsections (c) and (e) and by redesignating subsections (d) and (f) as subsections (c) and (d), respectively.

SEC. 4. 10-YEAR AVERAGING PERMITTED FOR INCREASES IN INVENTORY VALUE REQUIRED FOR ADOPTION OF LIFO METHOD.

Subsection (b) of section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories) is amended by adding at the end thereof the following new sentence: "In the case of a taxpayer who changes its method of accounting by reason of an election under this subsection, under regulations prescribed by the Secretary, the net amount of adjustments required by section 481(a)(2) to be taken into account by the taxpayer in computing taxable income shall be so taken into account in each of the 10 taxable years beginning with the year of change.".

SEC. 5. INVENTORY POOLING REQUIREMENTS.

(a) SMALL BUSINESSES ELIGIBLE TO USE ONE INVENTORY POOL.—Subsection (b) of section 474 of the Internal Revenue Code of 1954 (defining eligible small business) is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(b) SIMPLIFICATION OF INVENTORY POOLING REQUIREMENTS FOR WHOLESALERS AND RETAILERS.—Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories), as amended by section 3, is amended by adding after subsection (d) the following new subsection:

"(e) USE OF GOVERNMENT PRICE INDEX CATEGORIES IN DETERMINING INVENTORY POOLS.—

"(1) IN GENERAL.—Any taxpayer—

"(A) who is a wholesaler or retailer in any trade or business, and

"(B) who uses the dollar value method of pricing inventories under the method provided by section 472(b),

may elect to use inventory pools in such trade or business based on the applicable Government price index categories for all items of inventory of the taxpayer in such trade or business.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) WHOLESALER AND RETAILER.—The terms 'wholesaler' and 'retailer' mean any taxpayer who purchases goods for resale in the ordinary course of his trade or business, without any further manufacturing or processing of such goods.

"(B) APPLICABLE GOVERNMENT PRICE INDEX CATEGORY.—The term 'applicable Government price index category' means any category—

"(i) which is one of the general expenditure categories of consumer goods described in the CPI detailed report, or the 15 major commodity categories listed in the PPI detailed report.

"(ii) which includes the items of inventory being pooled, and

"(iii) which is selected by the taxpayer.

"(C) CPI OR PPI DETAILED REPORT.—The term 'CPI or PPI detailed report' means the reports so named published by the Bureau of Labor Statistics.

"(3) ELECTION.—

"(A) IN GENERAL.—The election under this subsection, and the selection of applicable government price index categories—

"(i) shall apply to the taxable year for which made and to all subsequent taxable years,

"(ii) once made, may be revoked only with the consent of the Secretary, and

"(iii) shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

"(B) TRANSITIONAL RULES.—The rules of section 474(c)(3) shall apply to an election under this subsection and to the cessation of such election.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

SEC. 6. METHOD OF COMPUTING LIFO VALUE OF DOLLAR-VALUE POOL MAY BE USED WITHOUT SHOWING OTHER METHODS ARE UNSUITABLE OR IMPRACTICAL

Section 472 of the Internal Revenue Code of 1954 (relating to last-in, first-out inventories), as amended by sections 3 and 5, is amended by adding at the end thereof the following new subsection:

"(f) USE OF LINK-CHAIN METHOD, ETC., PERMITTED WITHOUT SHOWING OTHER METHODS ARE UNSUITABLE OR IMPRACTICAL.—Any taxpayer may elect to use a link chain or index method of computing the LIFO value of any dollar-value pool without any showing that any other such method is unsuitable or impractical.".

SEC. 7. REPEAL OF LIFO BENEFIT RECAPTURE WHERE PARTIAL OR COMPLETE LIQUIDATION.

(a) AMENDMENT OF SECTION 336.—

(1) IN GENERAL.—Subsection (b) of section 336 of the Internal Revenue Code of 1954 (relating to distributions of property in liquidation) is hereby repealed.

(2) TECHNICAL ADMENDMENT.—Subsection (a) of section 336 of such Code is amended by striking out "(a) GENERAL RULE.—Except as provided in subsection (b) of this section and" and inserting in lieu thereof the following: "Except as provided".

(b) SECTION 337 LIQUIDATIONS.—

(1) IN GENERAL.—Subsection (f) of section 337 of such Code (relating to special rules for LIFO inventories) is hereby repealed.

(2) CONFORMING AMENDMENT.—The last sentence of section 453B(d)(2) of such Code (relating to liquidations to which section 337 applies) is hereby repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to distributions and dispositions pursuant to plans of liquidation adopted after December 31, 1983.

SEC. 8. CERTAIN SMALL BUSINESSES PERMITTED USE OF CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING WITHOUT REGARD TO INVENTORIES

(a) IN GENERAL.—Section 471 of the Internal Revenue Code of 1954 (relating to general rule for inventories) is amended by adding at the end thereof the following:

"(b) ELECTION BY CERTAIN SMALL BUSINESSES TO USE CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING.—

"(1) IN GENERAL.—A taxpayer may elect for the taxable year the cash receipts and disbursements method of accounting for a trade or business of the taxpayer without regard to any requirement to use inventories if—

"(A) the average annual gross receipts of the taxpayer do not exceed $1,500,000 for the 3 taxable years ending with the taxable year, and

"(B) such taxpayer is a qualified small business for each of such 3 taxable years.

"(2) QUALIFIED SMALL BUSINESS DEFINED.—For purposes of this subsection, the term 'qualified small business' means a person engaged in a trade or business if, at all times during the taxable year, active participants in such trade or business own—

"(A) in the case of trade or business other than a corporation, at least 50 percent of the capital and profits interests in such trade or business, and

"(B) in the case of a corporation—

"(i) stock possession at least 50 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, and

"(ii) at least 50 percent of the total value of shares of all other classes of stock of the corporation.

"(3) ACTIVE PARTICIPANT.—For purposes of this subsection, the term 'active participant' means an individual—

"(A) who is actively involved in the management of the trade or business, and

"(B) whose principal business activity is such trade or business.

"(4) SPECIAL RULES.—For purposes of this subsection—

"(A) CONTROLLED GROUPS.—

"(i) IN GENERAL.—In the case of a taxpayer which is a member of a controlled group, all persons which are component members of such group at any time during the calendar year shall be treated as 1 taxpayer for such year for purposes of determining the gross receipts of the taxpayer.

"(ii) CONTROLLED GROUP DEFINED.—Persons shall be treated as being members of a controlled group if such persons would be treated as a single employer under the regulations prescribed under section 52.

"(B) COORDINATION WITH SECTION 481.—In the case of a taxpayer who changes its method of accounting by reason of an election under this subsection, under regulations prescribed by the Secretary, the net amount of adjustments required by section 481(a)(2) to be taken into account by the taxpayer in computing taxable income shall be so taken into account in each of the 10 taxable years beginning with the year of change.

"(C) ELECTION.—

"(i) IN GENERAL.—The election under this subsection may be made without the consent of the Secretary and shall be made at such time and in such manner as the Secretary may by regulations prescribe.

"(ii) PERIOD TO WHICH ELECTION APPLIES.—The election under this subsection shall apply—

"(I) to the taxable year for which it is made, and

"(II) for all subsequent taxable years for which the taxpayer is a qualified small business and meets the requirements of subparagraphs (A) and (B) of paragraph (1),

unless the taxpayer secures the consent of the Secretary to the revocation of such election."

(b) TECHNICAL AMENDMENT.—Section 471 of such Code is amended by striking out "Whenever in the opinion" and inserting in lieu thereof the following:

"(a) GENERAL RULE.—Except as provided in subsection (b), whenever in the opinion".

SEC. 9. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 10. 80 PERCENT CAPITAL GAINS DEDUCTIONS ATTRIBUTABLE TO NEW ISSUES OF STOCK HELD AT LEAST 5 YEARS.

(a) IN GENERAL.—Section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended—

(1) by amending subsection (a) to read as follows:

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 80 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified net capital gain, plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the qualified net capital gain taken into account under subparagraph (A).", and

(2) by inserting after subsection (c) the following new section:

"(d) QUALIFIED NET CAPITAL GAIN.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only qualified issues of stock held by the taxpayer for at least 5 years at the time of the sale or exchange were taken into account.

"(2) QUALIFIED ISSUES OF STOCK.—For purposes of subsection (d), the term 'qualified issues of stock' means issues of stock which—

"(A) are publicly or privately offered through an initial stock offering by any corporation,

"(B) are purchased from the initial offeror, underwriter, broker, or agent and

"(C) represent contributions to capital or paid-in surplus of such corporation.".

SEC. 11. EFFECTIVE DATE.

The amendments made by section 10 of this Act shall apply to sales or exchanges after December 31, 1983.

SEC. 12. REMOVE THE LIMITATION ON THE AMOUNT OF USED PROPERTY FOR WHICH THE INVESTMENT TAX CREDIT IS ALLOWABLE.

(a) subsection (c) of section 48 of the Internal Revenue Code of 1954 (relating to used section 38 property) is amended by striking out paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1983.

By Mr. THURMOND (by request):

S. 1841. A bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; to the Committee on the Judiciary.

NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1983

Mr. THURMOND. Mr. President, at the request of the President, I am today introducing the National Productivity and Innovation Act of 1983. Designed to promote research and development, encourage innovation, and stimulate trade, this bill amends our Federal antitrust, patent, and copyright laws. As chairman of the Committee on the Judiciary, I welcome the opportunity to study this bill, and promise that it will receive full and fair consideration by the committee. Our first hearing on the administration's proposal will be held on October 3 of this year.

Mr. President, I ask unanimous consent that the bill, as well as a section-by-section analysis prepared by the administration be printed in the administration be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE

SEC. 101. This Act may be cited as the "National Productivity and Innovation Act of 1983".

TITLE II—JOINT RESEARCH AND DEVELOPMENT VENTURES

SEC. 201. For purposes of this Title—

(1) the term "joint research and development program" means—

(A) theoretical analysis, exploration, or experimentation, or

(B) the extension of investigative findings and theories of a scientific or technical nature into practical application, including the experimental production and testing of models, devices, equipment, materials, and processes;

to be carried out by two or more independent persons; *Provided*, That for purposes of this Title, such a program may include the establishment of facilities for the conduct of research, the collecting and exchange of research information, the conduct of research on a protected and proprietary basis, the prosecution of applications for patents, the granting of licenses, and any other conduct reasonably necessary and appropriate to such program;

(2) the term "antitrust laws" has the meaning given it in Section 1 of the Clayton Act (15 U.S.C. § 12), except the term shall also include Section 5 of the Federal Trade Commission Act (15 U.S.C. § 45) to the extent that said Section 5 applies to unfair methods of competition;

(3) the term "Attorney General" means the Attorney General of the United States; and

(4) the term "Commission" means the Federal Trade Commission.

SEC. 202. No joint research and development programs shall be deemed illegal per se in any action under the antitrust laws.

SEC. 203. (a) Notwithstanding the provisions of Section 4 of the Clayton Act (15 U.S.C. § 15), any person entitled to recovery in an action under said Section 4 based on conduct that is part of a research and development program and that is engaged in after a notification disclosing such conduct has been filed with the Attorney General and the Commission pursuant to Section 204 shall recover the actual damages by him sustained, interest calculated in accordance with the provisions of Section 1961 of Title 28, United States Code, on such actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, such interest to be adjusted by the court if it finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee.

(b) Notwithstanding the provisions of Section 4C of the Clayton Act (15 U.S.C. § 15c), and State entitled to monetary relief in an action under said Section 4C based on conduct that is part of a research and development program and that is engaged in after a notification disclosing such conduct has been filed with the Attorney General and the Commission pursuant to Section 204 shall be awarded as monetary relief the total damage sustained as described in paragraph (1) of subsection (a) of said Section 4C, interest calculated in accordance with the provisions of Section 1961 of Title 28, United States Code, on such total damage for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, such interest to be adjusted by the court if it finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee.

SEC. 204. (a) Any person participating in a joint research and development program may file with the Attorney General and the Commission a notification disclosing such program. Such notificatior shall specify the identity of the parties participating in the program, the nature, scope and duration of the program, and any and all ancillary agreements or understandings. Only conduct specified in a notification filed pursuant to this section shall be entitled to the protections of Section 203.

(b)(1) Except as provided in subsection (d), within 30 days of the filing of any notification pursuant to this section, the Commission shall cause to be published in the Federal Register notice of such notification, describing in general terms the participants, the program, and its objectives.

(2) Except as provided in subsections (c) and (d), all information and documentary material submitted as part of a notification filed pursuant to this section shall be available to the public upon request within 30 days after their submission to the Attorney General and the Commission.

(c) Any person filing a notification pursuant to this section may request that information or documentary material submitted as part of such notification not be made public. Any such request shall specify precisely what information or documentary material should not be made public, state the minimum period of time during which nondisclosure to the public is considered necessary, and justify the request for nondisclosure to the public both as to content and time. The Attorney General and the Commission shall consult with one another with respect to any such request, and each in its sole discretion shall make a final determination as to whether good cause for nondisclosure to the public has been shown. Any information or documentary material that is withheld from disclosure to the public pursuant to this subsection shall be exempt from disclosure under Section 552 of Title 5, United States Code.

(d) Any person who has filed a notification pursuant to this section may withdraw such notification prior to the time at which notice of such notification is published in the Federal Register and information and documentary material submitted as part of such notification is made publicly available pursuant to subsection (b). Any notification so withdrawn shall have no force or effect, notice of such notification shall not be published in the Federal Register, and no information or documentary material submitted as part of such notification shall be made publicly available.

(e) Actions taken or not taken by the Attorney General or Commission in response to or with respect to notifications filed pursuant to this section, including without limitation determinations regarding the content of notices published or to be published in the Federal Register pursuant to subsection (b), the withholding from public disclosure of information or documentary material pursuant to subsection (c), and whether to institute antitrust or other investigations or enforcement actions shall not be subject to judicial review.

TITLE III—INTELLECTUAL PROPERTY LICENSING UNDER THE ANTITRUST LAWS

SEC. 301. The Clayton Act, as amended (15 U.S.C. § 12 et seq.), is amended by renumbering Section 27 as Section 28 and by adding the following new Section 27:

"SEC. 27. (a) Agreements to convey rights to use, practice, or sublicense patented inventions, copyrights, trade secrets, trademarks, know-how, or other intellectual property shall not be deemed illegal per se in actions under the antitrust laws.

"(b)(i) Notwithstanding the provisions of Section 4 of this Act, any person entitled to recovery in an action under said Section 4 based on an agreement described in subsection (a) of this section shall recover the actual damages by him sustained, interest calculated in accordance with the provisions of Section 1961 of Title 28, United States Code, on such actual damages for the period

beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, such interest to be adjusted by the court if it finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee.

(ii) Notwithstanding the provisions of Section 4C of this Act, any State entitled to monetary relief in an action under said Section 4C based on an agreement described in subsection (a) of this section shall be awarded as monetary relief the total damage sustained as described in paragraph (1) of subsection (a) of said Section 4C, interest calculated in accordance with the provisions of Section 1961 of title 28, United States Code, on such total damage for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws and ending on the date of judgment, such interest to be adjusted by the court if it finds that the award of all or part of such interest is unjust in the circumstances, and the cost of suit, including a reasonable attorney's fee.".

TITLE IV—PATENT AND COPYRIGHT MISUSE

SEC. 401. Section 271 of Title 35, United States Code, is amended—

(a) by redesignating subsection (c) as paragraph (c)(1);

(b) by redesignating subsection (d) as paragraph (c)(2); and

(c) by adding the following new subsection (d):

"(d) No patent owner otherwise entitled to relief for infringement or contributory infringement of a patent shall be denied relief or deemed guilty of misuse or illegal extension of the patent right by reason of his having done one or more of the following, unless such conduct, in view of the circumstances in which it is employed, violates the antitrust laws: (1) licensed the patent under terms that affect commerce outside the scope of the patent's claims, (2) restricted a licensee of the patent in the sale of the patented product or in the sale of a product made by the patented process, (3) obligated a licensee of the patent to pay royalties that differ from those paid by another licensee or that are allegedly excessive, (4) obligated a licensee of the patent to pay royalties in amounts not related to the licensee's sales of the patented product or a product made by the patented process, (5) refused to license the patent to any person, or (6) otherwise used the patent allegedly to suppress competition.".

SEC. 402. Subsection (a) of Section 501 of Title 17, United States Code, is amended by adding at the end thereof the following:

"No copyright owner otherwise entitled to relief for infringement of a copyright under this Title shall be denied relief or deemed guilty of misuse or illegal extension of the copyright by reason of his having done one or more of the following, unless such conduct, in view of the circumstances in which it is employed, violates the antiturst laws: (1) licensed the copyright under terms that affect commerce outside the scope of the copyright, (2) restricted a licensee of the copyright in the sale of the copyrighted work, (3) obligated a licensee of the copyright to pay royalties that differ from those paid by another licensee or that are allegedly excessive, (4) obligated a licensee of the copyright to pay royalties in amounts not related to the licensee's sales or use of the copyrighted work, (5) refused to license the copyright to any person, or (6) otherwise used the copyright allegedly to suppress competition.".

TITLE V—PROCESS PATENTS

SEC. 501. Section 154 of Title 35, United States Code, is amended by inserting after "invention" the second time it appears the words ", and if the invention is a process of the right to exclude others from using or selling products produced thereby.".

SEC. 502. Section 271 of Title 35, United States Code, is amended—

(a) by redesignating subsection (a) as paragraph (a)(1); and

(b) by inserting the following new paragraph (a)(2):

"(a)(2) If the patented invention is a process, whoever without authority uses or sells in the United States during the term of the patent therefore a product produced by such process infringes the patent.".

SEC. 503. Title 35, United States Code, is amended by adding the following new Section 295:

"§ 295. Presumption: Product Produced by Patented Process.

"In actions alleging infringement of a process patent based on use or sale of a product produced by the patented process, if the court finds (1) that a substantial likelihood exists that the product was produced by the patented process and (2) that the claimant has exhausted all reasonably available means through discovery or otherwise to determine the process actually used in the production of the product and was unable so to determine, the product shall be presumed to have been so produced, and the burden of establishing that the product was not produced by the process shall be on the party asserting that it was not so produced.".

[Section-by-Section Analysis]

NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1983

TITLE I—SHORT TITLE

Title I provides that the Act may be cited as the "National Productivity and Innovation Act of 1983."

TITLE II—JOINT RESEARCH AND DEVELOPMENT VENTURES

Title II is designed to promote research and development ("R&D") by clarifying the antitrust standard applicable to joint R&D ventures, and by giving participants in joint R&D programs the option of filing a notification disclosing their conduct with the Attorney General and the Federal Trade Commission, thereby limiting their exposure to possible liability for antitrust damages to actual, rather than treble, damages.

Section 201 defines key terms. A "joint research and development program" is defined to mean theoretical analysis, exploration or experimentation, or the extension of basic scientific knowledge into practical application, including prototype development. Such programs specifically may include the establishment of research facilities, the collection and exchange of research information, the conduct of research on a proprietary basis, the prosecution of patent applications, and the granting of licenses. In order to provide necessary flexibility, a research and development program also may include "any other conduct reasonably necessary and appropriate to such program." Only research and development programs carried out jointly—"by two or more independent persons"—are covered by the title. "Independent persons" refers to separate firms, and not to subsidiaries of the same corporate family or natural persons associated with the same firm.

Section 201 also defines the "antitrust laws" to match the definition of those laws in the Clayton Act (primarily the Sherman and Clayton Acts), and adds to that definition Section 5 of the FTC Act insofar as it applies to unfair methods of competition. Finally, the terms "Attorney General" and "Commission" are appropriately defined.

Section 202 states clearly and unequivocally that joint research and development programs are not to be considered illegal "per se" under the antitrust laws. Section 202 thus assures consideration of the actual competitive effects of such programs under the antitrust "rule of reason." Under this standard courts must make legally and economically realistic evaluations of the competitive effects of any challenged joint R&D ventures. Section 202 does not create new law: rather, it clarifies existing legal standards and so eliminates any misconception that present law imposes sweeping and categorical rules against R&D programs conducted jointly by competitors.

Nevertheless, here as in other contexts, applicability of the "rule of reason" shall not be taken to imply that the courts must take into account each and every aspect and idiosyncracy of the individual arrangement and the surrounding circumstances. Rather, the courts may, to the extent they find them useful and persuasive, adopt rules or presumptions based on general characteristics of arrangements, including, without limitation, scale economies associated with the project, the percentage of firms in the market or markets with which the participants are identified that is included within the project, the level of concentration in those markets, and so forth.

Section 203 of the proposed legislation recognizes that assurance as to the antitrust standard applicable to joint R&D program may not by itself adequately foster such programs because of the possibility of treble damage liability should a court later disagree with the parties' assessment of likely competitive effects. Current law requires the trebling of damages in all cases brought by private parties under Section 4 of the Clayton Act or by states as parens patriae under Section 4C of that Act. Section 203 limits possible liability in any such case based on conduct that is part of a joint R&D program to actual damages only (plus interest on such actual damages in order to provide a more fully compensatory actual damage remedy) as long as adequate disclosure of such conduct is made to the antitrust enforcement agencies prior to its inception. Such disclosure should enable those agencies to investigate any program with potential anticompetitive effects and challenge it before any harm can occur. Under the provisions of Section 204, to be discussed infra, disclosure to the antitrust enforcement agencies will trigger public awareness of the program as well, thus assuring that private parties will be in a position to inform the enforcement agencies of behavior that would be unlawful and harmful to their interests. Of course, nothing in Section 203's limitation on damages affects antitrust actions by the Attorney General or the FTC, or private actions seeking injunctive relief.

The limitation in Section 203 on recovery of monetary damages allegedly sustained as the result of R&D programs should largely eliminate the perceived antitrust deterrent to beneficial joint R&D. While Section 203 is a serious step given the important incen-

tives and disincentives that treble damage actions generally are intended to create on the part of injured parties and potential antitrust violators respectively. This limitation has inherent safeguards that make it acceptable in these circumstances. Notification directly to the antitrust enforcement agencies and indirectly to interest private parties has been noted above. Equally important is the fact that the other carefully preserved public and private enforcement remedies will be sufficient to avoid or provide fair compensation for injury that joint R&D that is, on balance, anticompetitive might cause. It is important to note that, unlike the immediate harm caused by straightforward price fixing or market allocation, any harm stemming from allegedly anticompetitive joint R&D generally will not develop immediately, and should be avoidable with adequate notice.

Moreover, as Section 202 expressly recognizes, joint R&D is not one of the classic cartel activities, such as price fixing or bid rigging, that have been deemed illegal "per se" by the courts, and deterrence of which is unambiguously beneficial. Rather, joint R&D can contribute importantly to the ability of American industries to develop new goods and services, to produce goods and services more efficiently, to speed their adjustment to changing markets and demands, and to keep pace with overseas competition. Thus, the deterrence that the trebling of antitrust damages provides generally is unnecessary and inappropriate with respect to such conduct.

Section 204 sets out the manner in which participants in joint R&D may disclose their program to the antitrust enforcement agencies and thereby avoid treble damages. Subsection 204(a) makes clear that only conduct specified in such a disclosure is entitled to such protection.

Subsection 204(b) directs the FTC to publish a general notice of any program that is disclosed within 30 days, and provides that information and documentary materials be submitted as part of a disclosure shall be publicly available. Thus, private parties will have the opportunity to protect their rights.

Subsection 204(c) provides those who wish to disclose an R&D program with an opportunity to seek confidential treatment of information or documentary materials submitted as part of their disclosure. Such confidential treatment may be necessary and appropriate where the particulars of such a program are competitively or commercially sensitive. Materials afforded such treatment also will be exempt from disclosure under the Freedom of Information Act.

Subsection 204(d) allows any person who has filed a notification disclosing a research and development program to withdraw that notification prior to the time at which notice is published in the Federal Register and information and documentary materials are made available to the public. The practical effect of this subsection is to give a person who has filed a notification the opportunity to withdraw it if no agreement can be reached with the Attorney General and the FTC regarding the public availability of supporting information and documentary material. Of course, withdrawing the notification forfeits any treble-damage protection that it otherwise would have afforded, and will not preclude or otherwise affect further investigation or enforcement action by the agencies.

Subsection 204(e) assures that the Title will not be misconstrued as any sort of Federal regulation of joint R&D, or become the basis for extensive litigation, particularly that which might be employed as a tactic to force the disclosure of details of competitively sensitive American joint R&D. The purpose of the Title is simple and limited: to remove the possibility that a penalty in the form of the trebling of antitrust damages might be assessed against the participants in joint R&D, in return for notice to the enforcement agencies of the program. No one is required by the Title to disclose R&D activities; joint R&D, which carries in any event little antitrust risk, can be conducted freely without filing a notification and obtaining the protection of Section 203, at the option of the participants. The Title does not contemplate government approval or disapproval of joint R&D programs or notifications; the investigatory and enforcement powers and responsibilities of the Attorney General and the Commission with respect to noticed programs continue to rest on the Sherman Act, the Federal Trade Commission Act, and other laws.

TITLE III—INTELLECTUAL PROPERTY LICENSING UNDER THE ANTITRUST LAWS

Section 301 adds a new Section 27 to the Clayton Act, providing that "[a]greements to convey rights to use, practice, or sublicense patented inventions, copyrights, trade secrets, know-how, or other intellectual property shall not be deemed illegal per se in actions under the antitrust laws." This assures that intellectual property licensing arrangements will be evaluated under the "rule of reason" in antitrust cases, which requires a realistic economic analysis of the actual competitive effects of a challenged practice. Courts will not be able to condemn arrangements involving new technology under the antitrust laws without considering their business justifications and procompetitive aspects.

It should be stressed that new Section 27 will not allow anticompetitive behavior to escape condemnation under the antitrust laws. Proscription of a per se approach merely obliges the courts to hear evidence on the probable economic effects of a challenged practice before ruling upon the antitrust legality of the practice. Truly anticompetitive conduct will remain illegal.

New Section 27 also recognizes that the current requirement in Sections 4 and 4C of the Clayton Act that plaintiffs' damages be trebled in all actions brought under those sections is inappropriate when applied to intellectual property licensing arrangements. The trebling of damages provides a strong deterrent to anticompetitive behavior. However, it may well overdeter procompetitive licensing arrangements that allow American firms to realize fully their investments in innovative research and development. Subsection (b) of new Section 27 solves this problem by limiting damages in antitrust cases based on intellectual property licensing arrangements to actual damages only (plus interest on such actual damages in order to preserve a more fully compensatory actual damage remedy). All other public and private antitrust enforcement remedies are, of course, unaffected by this section.

TITLE IV—PATENT AND COPYRIGHT MISUSE

Title IV is a modest but significant reform of the doctrines of patent and copyright misuse, which can be invoked to deprive a patentee or copyright holder of his rights under the patent or copyright. Section 401 amends Section 271 of Title 35 by redesignating subsections (c) and (d) as new subsections (c)(1) and (c)(2), respectively. Existing subsection (c) defines contributory infringement; existing subsection (d) lists three activities that patentees may engage in, primarily to combat contributory infringement, without being found guilty of patent misuse or illegal extension of a patent.[1] Redesignation will leave these provisions intact, and thus leave unchanged existing law regarding the extent to which and manner in which a patentee may prohibit the sale by others of commodities that have no substantial use other than those that would infringe his patent.[2]

Section 401 also replaces the redesignated subsection (d) with a new subsection (d), which lists several patent licensing practices that cannot provide the basis for a finding of misuse or illegal extension of a patent unless such practices, in the circumstances in which they are employed, violate the antitrust laws. These practices include the following:

(1) licensing the patent under terms that affect commerce outside the scope of the patent's claims (e.g., requiring a licensee to purchase unpatented materials from the licensor, requiring a licensee to assign to the patentee a patent that may be issued to the licensee after the licensing arrangement is executed, restricting a licensee's freedom to deal in products or services outside the scope of the patent, requiring the licensee to become a licensee of a second patent):

(2) restricting a licensee of the patent in the sale of the patented product or in the sale of an unpatented product made by the patented process;

(3) obligating a licensee of the patent to pay royalties that differ from those paid by another licensee or that are allegedly excessive;

(4) obligating a licensee of the patent to pay royalties in amounts that are not related to the licensee's sales of the patented product or an unpatended product made by the patented process;

(5) refusing to license the patent to any person; or

(6) otherwise using the patent in a manner that allegedly suppresses competition.

New subsection 271(d) carefully limits the patent misuse doctrine but does not eliminate it. Courts will still have the discretion to refuse to enforce a valid, infringed patent on competitive grounds whenever the challenged conduct violates the antitrust laws, as well as on grounds not related to competition (e.g., fraud on the Patent Office). This will give patentees greater flexibility in realizing the full benefits of their patents and thereby encourage investment in research and development.

Section 402 amends 17 U.S.C. § 501(a) to do for copyright law what new subsection 271(d) of Title 35 does for patent law. Thus, under the amended Section 501(a) copyright owners will have greater flexibility in licensing their copyrights, and further development of literary and artistic works will be encouraged.

TITLE V—PROCESS PATENTS

Sections 501 and 502 amend 35 U.S.C. §§ 154 and 271 to, in effect, extend the ex-

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[1] These activities are (1) deriving revenue from acts which if performed by another without his consent would constitute contributory infringement, (2) licensing or authorizing another to perform such acts, and (3) seeking to enforce his patent rights against infringement or contributory infringement.

[2] *See generally* Dawson Chemical Co. v. Rohm & Haas Co., 448 U.S. 176 (1980).

clusive rights of the holder of a process patent to products made by the patented process. The amendment to § 154 grants to process patentees the right to exclude others from using or selling such products; the complementary amendment to § 271 makes the use or sale of such products infringement. This general approach to the scope of process patents has been adopted in many foreign countries.

Under these amendments, use or sale of products made by patented processes will constitute infringement regardless of where such products were made. However, because a process patentee can prevent the use of his patented process by domestic manufacturers directly, their primary effect will be on foreign manufacturing. The amendments will not prevent foreign manufacturers from using patented processes abroad, so long as the products they make thereby are sold and used abroad. But the amendments will prevent circumvention of a U.S. process patentee's rights through manufacture abroad and subsequent importation into the United States of products made by his patented process.

Providing process patentees with infringement remedies against users or sellers of products made by their patented processes may not, however, be sufficient to protect their rights against the threat of foreign manufacture and importation. Proof of infringement will require proof that the patented process was actually used in the manufacture of the product in question, and a patentee may be unable to provide such proof where the foreign manufacturer is not subject to service of process in the United States. To remedy this problem. Section 503 adds a new § 295 to Title 35, to establish, in carefully defined circumstances, a rebuttable presumption that a product that could have been made by use of a patented process was in fact so made. The burden of overcoming this presumption will be on the defendant in an infringement suit, regardless of whether it is a foreign manufacturer, an importer, or a subsequent purchaser. While the defendant may not necessarily have in its possession the means necessary to rebut the presumption, it is likely to be in a far better position than the patentee to obtain them. Importers, for example, because of their relationships with foreign manufacturers, may be able to exert pressure on such manufacturers to produce the necessary information. Purchasers from importers may in turn be able to exert similar pressure on those importers, which would be transmitted to foreign manufacturers. Of course, purchasers also would possess whatever rights to indemnification they may have under applicable state law.

Presumptions of manufacture by a patented process, however, should not be casually established. Importers and subsequent purchasers may be unable to obtain the information needed to overcome such presumptions, even where the products in question were in fact not made by patented processes. At a minimum, the presumption will subject any party who uses or sells any product that might have been made by a patented process to increased litigation risks. Indeed, there is some risk that the presumption might induce frivolous litigation intended to discourage firms from carrying products that compete with the patentee's product. To minimize these possibilities, new § 295 requires two conditions to be satisfied before a product will be presumed to have been made by a patented process.

First, the patentee must demonstrate on the basis of the evidence that is available that a "substantial likelihood" exists that the product was made by the patented process. Such evidence could include indications or "marks" on the product itself, as well as expert testimony regarding known methods of production at costs that would justify sale of the product at the prices being charged. Exactly how much evidence will be needed in particular situations to satisfy the "substantial likelihood" condition will develop in case law. A patentee's burden obviously should be somewhat less than that of proving successfully at trial that a product in question was in fact made by his patented process. On the other hand, a patentee will have to establish more than a slight, even if reasonable, possibility that the product was so made. Second, the patentee must show that he has exhausted "all reasonably available means" through discovery and otherwise to determine what process was used in the manufacture of the product in question and was unable to do so. Thus, patentees must make initial, good-faith efforts to prove this key element in their infringement cases. Patentees will have to use normal discovery channels, as well as other good-faith methods, as courts deem appropriate. This burden should eliminate frivolous or unsound suits.

By Mr. SASSER (for himself, Mr. HOLLINGS, Mr. BOREN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PRYOR, Mr. MITCHELL, Mr. MATSUNAGA, and Mr. DIXON):

S. 1843. A bill to extend by 3 months the cutoff date for social security disability determinations which will be subject to the provision allowing continued payment of disability benefits during appeal; to the Committee on Finance.

DISABILITY CONTINUATION OF BENEFITS EXTENSION

Mr. SASSER. Mr. President, I rise today to address a problem which has attracted considerable attention over the past 2 years: The problem involves the administration of the social security disability program.

The problem became acute starting in March 1981 with the administration's decision to accelerate by 9 months the process known as continuing disability investigations. The number and severity of problems encountered by the various State disability determination agencies are by now well documented and need no further enumeration here.

Last year, I worked with several of my colleagues to fashion corrective legislation which would temporarily put a stop to some of the blatant inequities and gross injustices then occurring in the disability system. These inequities resulted in the wanton and wholesale purge of thousands of eligible disabled individuals from the social security disability rolls.

The provisions contained in H.R. 7093 during the waning hours of the lameduck session in December and signed into law by the President in early January temporarily halted the appalling rate of erroneous terminations which were occurring on a daily basis. But these changes were only temporary and the need for permanent reform of the disability program was clearly recognized by all involved.

One of the most significant and crucial changes enacted as a result of this corrective legislation provided for the continuation of benefit payments through the administrative-law-judge level of appeal, which brings me to the reason I am offering this legislation today. When H.R. 7093 was passed, it contained a stipulation that the continuation of these benefit payments would expire on October 1, 1983. The legislation I am offering today would merely extend this deadline 3 months to January 1, 1984. Currently, the House Ways and Means Committee is completing action on a comprehensive disability measure which makes permanent this provision. I am confident that this measure will meet with expeditious passage in the House of Representatives.

I am also confident that quick passage will be secured in the Senate. Whether action will occur on or before October 1, however, is the question. It is my sincere hope that this extension will not be needed, but in the event that it is, I believe that Congress should be prepared to authorize such an extension.

Extending the deadline by 3 months, as envisioned in my bill, would do two things: One, it would alleviate any unnecessary confusion in the minds of disability recipients as to the extent of protection afforded them under disability law; and two, it would further serve to strengthen and clarify Congress intention to make this provision a permanent part of the disability process.

I therefore urge my colleagues to join me in supporting this much-needed legislation.

Mr. President, at this time I would like to add the following cosponsors: Mr. HOLLINGS, Mr. BOREN, Mr. BRADLEY, Mr. MOYNIHAN, Mr. PRYOR, Mr. MITCHELL, Mr. MATSUNAGA, and Mr. DIXON.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(g)(3)(B) of the Social Security Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "January 1, 1984".

(b) The amendment made by subsection (a) shall apply with respect to determinations which are made prior to January 1, 1984.

● Mr. HOLLINGS. Mr. President, 2 years ago the administration started one of the saddest episodes in the history of the social security disability

program by implementing a hasty and ill-conceived disability review process. Literally thousands of legitimately disabled people were thrown out of the program without ever seeing a doctor and with only the barest of protections during the appeals process. Lives were disrupted and families were wiped out as benefits—often the only income for the disabled—were arbitrarily cut off in the pellmell rush of the administration to reduce the caseload.

Fortunately, however, Congress did react to this tragedy and last year passed H.R. 7093. This disability bill reduced the rate of case reviews, improved the appeals process, and provided that benefits and medical care would continue during the appeals process. It was our hope, when the bill was drafted, that Congress, with the immediate pressure for action now eliminated, would use 1983 to pass a thorough and comprehensive disability bill—one that would prevent this administration, or any other, from abusing the rights of the disabled. Thus, an expiration date of this October 1, was put on the provisions of H.R. 7093.

It is now clear that Congress will not be able to meet that deadline. While the House Ways and Means Committee is moving quickly on new legislation, it is doubtful that such a bill will be adopted by both Houses before October 1. Thus, the legislation that Senator SASSER and I have introduced will extend the deadline until January 1, 1984, in order to give both Houses time to thoroughly consider comprehensive reform.

Mr. President, I am well aware that there are many in this body who would like to see this problem go away. Many believe the administration line about "administratively" remedying the problem. But for those of us who looked into this during our recess, it is abundantly clear that no remedy has been worked. The States are just as overworked, the caseloads are just as high, and the careless termination of benefits is still going on. We need reform and we need it now. But more importantly, we need time and that is what this bill gives us. It is my hope that the Senate will quickly pass this bill. If that is not the case, then I hope that we will be able to find an appropriate piece of legislation on which to add this badly needed extension.

Nobody wants to see the disability rolls explode again. But to insure that event does not occur, Congress must take the lead. We must strike the balance between needs and costs in order to protect the legitimately disabled and their families. That is a difficult order to fill, but I am confident that we will accomplish it.●

● Mr. PRYOR. Mr. President, I want to express my full support for the legislation the Senator from Tennessee introduced today which provides an extension of the provision of Public Law 97-455 which allows the receipt of social security disability benefits through the ALJ level for individuals appealing benefit terminations.

For more than 2 years we have known that there are some serious problems associated with the manner in which the continuing disability investigations are being handled in the States and at the Federal level. There is not a single Member of Congress who has not been deluged with case after appalling case of wrongful terminations. Unfortunately, it has taken pain and suffering on the part of thousands of individuals to create an awareness that something is terribly wrong with the disability program.

In the closing days of the last Congress we were finally successful in legislating a temporary, stopgap measure which gave disability beneficiaries a faint glimmer of hope in the form of secured benefits through an appeal at the administrative law judge level. This legislation, though, will expire on October 1 of this year.

In one respect I feel that it is most unfortunate that the legislation which is being introduced today is necessary. It is my firm belief that it is the responsibility of the Congress to work toward comprehensive reform of the disability system.

I do not believe that we can afford to let another session pass without addressing this most important and pressing problem. But to do so we must have the flexibility to embark on a full-scale investigation into exactly what the problems are and to decide upon the best possible solutions. The present October 1 deadline makes the achievement of that goal extremely difficult.

I would very much like to see the Congress and the President turn their attention in the coming weeks to full-fledged disability reform. In the meantime, extension of Public Law 97-455 to January 1, 1984, may be an absolute necessity.●

ADDITIONAL COSPONSORS

S. 606

At the request of Mr. PROXMIRE, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 606, a bill to prohibit the owners and operators of federally assisted rental housing for the elderly or handicapped from restricting the ownership of pets by the tenants of such housing.

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 752

At the request of Mr. ARMSTRONG, the name of the Senator from Nevada (Mr. HECHT) the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. DECONCINI), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 752, a bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

S. 837

At the request of Mr. GORTON, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of S. 837, a bill to designate certain national forest system lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes.

S. 1080

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1276

At the request of Mr. MITCHELL, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1276, a bill to provide that the pensions received by retired judges who are assigned to active duty shall not be treated as wages for purposes of the Social Security Act.

S. 1475

At the request of Mr. WALLOP, the names of the Senator from Kentucky (Mr. FORD), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 1475, A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1570

At the request of Mr. MITCHELL, the name of the Senator from Rhode Island (Mr. PELL), was added as a cosponsor of S. 1570, A bill to amend the Internal Revenue Code of 1954 to provide simplification in accounting rules related to inventory.

S. 1644

At the request of Mr. ARMSTRONG, the name of the Senator from Alaska (Mr. STEVENS), was added as a cosponsor of S. 1644, A bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from

imprisonment to restitution or community service programs.

S. 1691

At the request of Mr. ARMSTRONG, the name of the Senator from Montana (Mr. MELCHER), was added as a cosponsor of S. 1691, A bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of S. 1734, A bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as National Adult Day Care Center Week.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Connecticut (Mr. WEICKER), the Senator from Maine (Mr. MITCHELL), the Senator from Maryland (Mr. SARBANES), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as National Eye Health Care Month.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as National Theater Week.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the names of the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. MOYNIHAN), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as National Correctional Officers Week.

SENATE JOINT RESOLUTION 140

At the request of Mr. METZENBAUM, the names of the Senator from Connecticut (Mr. WEICKER), the Senator from North Dakota (Mr. BURDICK), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. ABDNOR), the Senator from Alabama (Mr. DENTON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mr. WILSON), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of Senate Joint Resolution 140, a joint resolution to provide for the designation of the week of October 2 through October 8, 1983, a Myasthenia Gravis Awareness Week

SENATE JOINT RESOLUTION 146

At the request of Mr. HEINZ, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of Senate Joint Resolution 146, a joint resolution to designate March 23, 1984, as National Energy Education Day.

SENATE JOINT RESOLUTION 158

At the request of Mr. BAKER, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 158, a joint resolution condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines flight 007 with the loss of 269 innocent lives.

At the request of Mr. HOLLINGS, his name was added as a cosponsor of Senate Joint Resolution 158, supra.

At the request of Mr. NICKLES, his name was added as a cosponsor of Senate Joint Resolution 158, supra.

At the request of Mr. BYRD, the names of the Senator from Arkansas (Mr. BUMPERS), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Joint Resolution 158, supra.

SENATOR CONCURRENT RESOLUTION 40

At the request of Mr. LEVIN, the names of the Senator from Florida (Mr. CHILES), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Concurrent Resolution 40, a concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution—because of divorce, separation, or death—of the marriage of such grandchildren's parents, and for other purposes.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the names of the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known at the notch problem.

SENATE RESOLUTION 72

At the request of Mr. KENNEDY, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 72, a resolution to assure Israel's security, to oppose advance arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 191

At the request of Mr. LEAHY, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Vermont (Mr. STAFFORD), the Senator from New Mexico (Mr. BINGHAM), the Senator from Rhode Island (Mr. PELL), the Senator from Montana (Mr. BAUCUS), the Senator from Arkansas (Mr. PRYOR), the Senator from Illinois (Mr. PERCY), the Senator from Michigan (Mr. LEVIN), the Senator from Maryland (Mr. SARBANES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Dakota (Mr. ANDREWS), and the Senator from California (Mr. CRANSTON), were added as cosponsors of Senate Resolution 191, a resolution relating to justice in the case of the slain American churchwomen in El Salvador.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 213—BUDGET WAIVER RELATING TO S. 1714

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 213

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1714. Such waiver is necessary because S. 1714 authorizes the enactment of new budget authority which would first become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. S. 1714 would authorize not to exceed $69,900,000 for fiscal year 1984 for activities of the Federal Trade Commission.

The Committee on Commerce, Science, and Transportation delayed consideration in 1983 of a bill to provide authorization of ap-

propriations for activities of the Federal Trade Commission in order to study a controversial compromise by the Commission and the American Medical Association concerning the Commission's jurisdiction over State-regulated professionals. This compromise was developed after the Committee had held hearings regarding the Commission in March 1983. In addition, the Committee delayed consideration of such a bill in order to await guidance from the Supreme Court on the constitutionality of the legislative veto, guidance which recently came in the *Immigration and Naturalization Service* v. *Chadha et al.* and *Consumers Union* v. *Federal Trade Commission* cases.

The authorizations contained in S. 1714 are necessary to ensure that sufficient funds are available for the Federal Trade Commission to carry out its activities. The Appropriations Committees of the Senate and the House of Representatives have made provision for the Commission in their appropriations bills. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

SENATE RESOLUTION 214—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported to the following original resolution; which was referred to the Committee on the Budget:

S. RES. 214

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1499. Such waiver is necessary because S. 1499 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to provide for the settlement of Indian Claims in the town of Ledyard, Connecticut.

S. 1499 provides an authorization of $900,000 for a fund to be known as the Mashantucket Pequot Settlement Fund which will be administered by the Secretary of the Interior in accordance with the Settlement Act.

S. 1499 is a successor bill to S. 366 which was vetoed on April 5, 1983. The Senate Appropriations Subcommittee on Interior has included funds in its fiscal 1984 markup for implementing the settlement authorized by S. 1499. The Appropriations Committees of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, Congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

SENATE RESOLUTION 215—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 215

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 53. Such waiver is necessary because S. 53, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The budget waiver will allow Senate consideration of S. 53 which, among other things, provides for (1) the establishment of an Office of Justice Assistance to replace the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research and Statistics, (2) public safety officers death benefits and (3) Federal law enforcement assistance to the states and localities under block grant, discretionary and emergency programs. It also authorizes grants and bond interest subsidies to assist the states in prison construction.

The current authorization for programs providing law enforcement assistance to the states and localities under the Justice System Improvement Act of 1979 (P.L. 96-157) expires on September 30, 1983. If S. 53 is not passed, the authorization for such popular and worthwhile programs as FBI training for local law enforcement official at Quantico, Virginia, public safety officers' death benefits, STING, arson, and victim/witness assistance programs, will expire.

S. 53 provides an authorization of $25,000,000 for the Office of Criminal Justice Facilities and prison construction assistance for each of fiscal years 1984, 1985, 1986, and 1987. It also authorizes the appropriation of "such sums as may be necessary" for the remaining programs. Notice of the latter authorization was included in the President's budget request for Fiscal Year 1984 and in S. 829, the President's Comprehensive Crime Control Act of 1983. In addition, funds for law enforcement assistance to the States and localities were included in the Fiscal Year 1984 budget passed by the Senate. As a result, the Committee does not believe that this measure will interfere with or delay either the budgetary or appropriation process of the Senate.

SENATE RESOLUTION 216—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 216

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 668. Such waiver is necessary because S. 668, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Although this bill was originally introduced as separate legislation, the Senate Committee on the Judiciary felt that because S. 668 related so closely to the provisions of the Comprehensive Crime Control Act that was presented by the Administration, it made sense to consider the two together. The package from the Administration did not come before the Committee until March 23, 1983. Due to the volume of the proposals, the Committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration of S. 668 which provides for the establishment of a United States Sentencing Commission as an independent commission within the Judicial Branch. The Commission is to establish sentencing policies for the criminal justice system and to develop methods for measuring the effectiveness of alternate sentencing practices. The bill also raises the maximum fines which may be imposed on individuals and organizations, increases the cap on prisoner allotment payments from $100 to $500 and amends those sections of the United States Code and the Rules of Criminal Procedure dealing with the preparation of presentence reports.

The estimated cost to the Federal government for S. 668 is $5 million for Fiscal Year 1984, $8 million for each of the Fiscal Years 1985, 1986 and 1987 and $9 million for Fiscal Year 1988.

SENATE RESOLUTION 217—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 217

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 948. Such waiver is necessary because S. 948, as reported, authorizes the enactment of new budget authority which would first become available in Fiscal Year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Although this bill was originally introduced as separate legislation, the Senate Committee on the Judiciary felt that because S. 948 related so closely to the provisions of the Comprehensive Crime Control Act that was presented by the Administration, it made sense to consider the two together. The package from the Administration did not come before the Committee until March 23, 1983. Due to the volume of the proposals, the Committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration for S. 948 which provides for the establishment of a four-year trial program to deposit proceeds from the forfeiture of drug profits and drug-related assets in a Drug Assets Forfeiture Fund. To offset the cost of processing forfeitures, $10 million is appropriated for Fiscal Year 1984, $15 million for Fiscal Year 1985, and $20 million for each Fiscal Year 1986 and 1987. The appropriation is to come from the proceeds in the Fund. Any excess amounts in the Fund are to revert to the general fund of the United States Treasury. The bill will also create a

Customs Forfeiture Fund which will be set up and operate the same as the Drug Assets Forfeiture Fund. To offset the cost of processing these forfeitures, the identical figures are to be appropriated as listed for the Drug Assets. These funds are to be taken from the Customs Forfeiture Fund.

SENATE RESOLUTION 218—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on to the Budget:

S. RES. 218

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 1762. Such waiver is necessary because S. 1762, as reported, authorizes the enactment of new budget authority which would first become available in Fiscal Year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations. Further, the package was not presented by the Administration to the Senate Committee on the Judiciary for consideration until March 23, 1983. Due to the volume of the proposals, the Committee could not hold hearings and take responsible action prior to the deadline.

The budget waiver will allow Senate consideration of S. 1762 which amends Title 18 of the United States Code by revising Federal criminal laws, reorganizing administrative procedures and civil proceedings and changing terms of imprisonments and fines. Some new offense categories are specified and certain existing offenses are redefined. The bill also allows the detention of defendants believed to present a danger to the community and requires additional prison time for individuals who commit offenses while on release. In addition, a United States Sentencing Commission is created for the purpose of establishing sentencing policy guidelines. Authorizations are also provided for a number of new and existing programs within the Office of Justice Assistance.

The estimated cost to the Federal government for S. 1762 is $96 million for Fiscal Year 1984, $126 million for Fiscal Year 1985, $137 million for Fiscal Year 1986, $146 million for Fiscal Year 1987 and $84 million for Fiscal Year 1988.

AMENDMENTS SUBMITTED

DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

HUDDLESTON (AND OTHERS) AMENDMENT NO. 2134

(Ordered to lie on the table.)

Mr. HUDDLESTON (for himself, Mr. GOLDWATER, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the joint resolution (S.J. Res. 158) condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines flight 007 with the loss of 269 innocent lives; as follows:

At the end of the resolution, add the following:

"(9) declares its intent to reduce substantially the Soviet official presence within the United States in order to establish real equivalence with the official United States presence in the Soviet Union."

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 14, to hold an oversight hearing on the Export-Import Banks proposals for line of credit for Brazil and Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND TERRORISM

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Security and Terrorism, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, September 14, to receive testimony.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, September 15, at 10 a.m., to hold a hearing to consider S. 752, a bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes; S. 1027, a bill to amend Public Law 96-162; and S. 483, a bill to provide for the relief of water users deprived of winter stock water on Willow Creek, Idaho, below the Ririe Dam and Reservoir.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 15, in order to consider and act on pending nominations, commemorative resolutions, and the following bills:

Title XIII of S. 829—Federal Tort Claims Act amendments.

S. 1059—Equal Access Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation and Government Processes of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 15, to hold a joint oversight hearing with the Committee on Foreign Relations, to consider nuclear nonproliferation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 15, at 10 a.m., to consider trade reorganization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHINA SCHOLAR SEES NO END IN SIGHT TO REPRESSION IN COMMUNIST CHINA

● Mr. GOLDWATER. Mr. President, Ross Terrill, who has written several books about China, recently made a return visit to the mainland. He writes of his findings in an article in the July 1983 issue of the Atlantic.

The essence of his article is captured in the following quotation:

Yet, for the billion who live there, as distinct from the foreign tourist, businessman or journalist, China is first and foremost a repressive regime. The unchanging key to all Peking's policies is that the nation is ruled by a Leninist dictatorship that intends to remain such.

Mr. Terrill puts his conclusion into a historical context when comparing the great democratic and economic progress in Taiwan with the continued outlook for a repression of all liberties by the Communist dictatorship on the mainland. He writes:

Even more important, Taiwan's economic success has been a capitalist economic success; the decline of repression has taken place within the environment of free enterprise. So it was, too, in European history. The institutions of a free society—Parliament, press, political parties, constitutions—came with capitalism. By contrast, these institutions have never sprouted and flourished under a Leninist dictatorship. I do not see China as an exception.

Mr. Terrill's observation is echoed by Paul Johnson, the British writer, who states in Modern Times, a history of the world from the twenties to the eighties, that:

Economic and political liberty were inseparably linked. Freedom of the market inevitably led to erosion of political restraints: that was the lesson of Thailand, Taiwan and South Korea.

Now, I do not endorse every last word written by Mr. Terrill; in particular, I disagree with his implied assumption that there is virtually no severe conflict of interest between Communist China and the United States, except Taiwan. I believe that Peking's support of the Palestine Liberation Front and opposition to American policy in Central America, to mention just two strategically important matters, present areas of serious divergence of interest between us. Moreover, I am not confident that the Communist regime on the mainland will follow peaceful policies once it acquires a modern industrial and technological base.

On balance, however, I am impressed at Mr. Terrill's recognition of the inherent and unchanging failings of any government which founds itself on the Leninist system and I commend his article to the attention of my colleagues.

Mr. President, I ask that the article may appear in the RECORD.

The article follows:

PEKING TRYING TO MAKE CHINA WORK

(By Ross Terrill)

"We can't be fifteen minutes away from the heart of Peking," said the California rancher's wife in disbelief. She gazed at the donkeys, the low, shabby mud houses scattered across vegetable fields, the dirty, weatherbeaten faces staring into our car window, while we bumped our way along a country road (the main "highway" from the port city of Tianjin to China's capital) through a permanent cloud of dust. "Isn't this supposed to be one of their fancy big towns, this 'Beijing?' "

I thought of the city that lay ahead of us. I knew that I would no longer be able to come to China's defense; my own optimism about the Middle Kingdom had waned. I was already bracing myself for official lies, depressing signs that China's goals may elude it, pleas by bright but downcast young people to help them come to the West—"for study."

A decade of Sino-American entente has been good for U.S. policies in Asia, for America's allies, for the West's strategic balance with Russia, and for the many Americans and Chinese who have been able to satisfy their curiosity about each other's countries. But I could not help asking myself, that cold, still afternoon, if the best of the affair between America and China wasn't over. As China and the U.S. have drawn closer, interlocked in a thousand ways (eighty Chinese delegations a month visited the U.S. last year, and 100,000 Americans visited China), differences in culture and values have come to the fore.

As we drove into Peking, I realized that even the city proper is a letdown for the new visitor, and increasingly ugly to an old hand. The remaining wonderful monuments and palaces and the graceful streets of traditional houses in gray brick with red pillars, are being choked by overpasses and oblong housing blocks with no trace of Chinese character. Inner-city chimneys belch out smoke. Buildings are poorly maintained. Except for a tiny elite, the people in the streets and shops lack flair in dress or manner.

Japanese cities hum and sparkle; Singapore takes on the feel of a European city; Taipei turns middle-class—but Chinese cities, even vaunted Peking, are left behind. They are backwaters of semi-industrialization, where neither beauty nor prosperity can be found. They are the strangled fiefdoms of a political and military elite, in which the role of the citizenry is to gaze up dumbly and humbly at the one thing that glitters—the Leviathan, the edifice of state power.

It is a small mercy that a recent courtesy drive in the name of "social public morality" has made Peking less dirty and crude. People don't spit in the street as much. One's chances of getting on a bus at peak hour without being knocked down have improved. Shop assistants occasionally remember not to be surly.

In Wang Fu Jing, Peking's main shopping street, a knot of people carrying plastic bags of purchases gathered around a tall young factory worker one afternoon last November. He looked harassed. Someone had seen him spit on the sidewalk. Social pressure rose against him. With a friend of mine, also a factory worker, I watched from a distance. Two female public-health officials broke through the knot of pedestrians, pulling out their receipt books, brisk and self-satisfied like American meter-maids.

The factory worker, remonstrating that his act was a tiny slip, never to be repeated, in a tone that grew less assertive as the crowd swelled, lost the argument. "Five mao" (about a quarter), snapped one of the hygiene-maids, as she wrote out a receipt for the fine. He handed over five grubby one-mao notes with a restrained curse. The crowd dispersed, murmuring its satisfaction.

The courtesy drive is based on that old set of values that communism was supposed to have swept into the rubbish bin of history: Confucianism. Since it became clear that the warm glow of Communist enthusiasm has vanished from the Chinese body social, the government has begun to inject Confucian moral rules (forget self, do everything for the common good, treat the elderly with kindness) in order to improve social moral health.

Whether or not Confucianism can take fresh root, there is no doubt that a vacuum of ideals exists. No one talks about ideology anymore. The decline of Marxist belief has gone far beyond the state of affairs in the first three years after Mao's death. From late 1976 until 1979, there was a pushing off of the mask of ideology, a busy denunciation of the evils and stupidities of late Maoism, and an exhilaration at looking at the world on its own terms rather than in terms of class analysis. In 1983, one sees on all sides boredom, cynicism, and escapism.

Students care only about their careers, and they early set about pleasing the teachers and administrators who control their future. (Jobs are "distributed"—there is virtually no individual choice.) Corruption spreads as relatives and friends help each other avoid playing by the rules, laughing at their success against a system that has made many people bitter and depressed. When the managers of a factory order component parts from another factory, they do not merely wait for the order to be fulfilled; they must arrange banquets for the second factory, and bestow gifts on the family members of its managers.

All of this seems to make China less exotic. It is as if the Chinese have joined the rest of the human race—and disappointed those who judged China morally special. Cynicism, self-interest, and corruption are less remarkable, less "Chinese," than the ideological fanaticism that used to intrigue the visitor. China is less ennobling, and a bit less inscrutable, than in Mao's day. But we are in no position to blame the Chinese for their loss of political faith and their new concern for individual self-protection. Under Mao, the Chinese nation "stood up"; now the individual seeks to stand up and gain his inch of space in the sun.

Communist officials feel that young people in particular have to be stretched across some framework of civic-mindedness. Hence the revival of Confucianism (though it is not called that) to promote hierarchy, filiality, care for the common good, and above all *obedience.*

"Two things we in the States ought to learn from this place," said a southern conservative on a cruise ship that had just visited several Chinese ports. "Their principle 'If you don't work, you don't eat,' and their idea that if a person commits a capital crime, instead of messing around with the courts, you shoot him straightaway." These are not the sort of lessons Americans used to extract from China, but the southern conservative, regardless of whether or not one agrees with his values, had a correct impression of China. It is a tough, cut-throat society: ruthless laws cow the individual; sentiment counts for little.

The southerner was looking not to China as an abstraction, as virtually all American observers were a decade and more ago, but to aspects of the real face of China.

Instead of politics, people talk about prices, wages, and bonuses. When I first started visiting China, "Serve the people" was an admonition to selfless work for the public good. Now it's a commercial slogan, like Avis's "We try harder" (to get your dollar). Serve the People and do well for yourself. The slogan means keep the shops open longer hours, smile at the customer so he'll praise you in the suggestion book and you'll get a bonus, start a tea stall in the street that will bring you a profit.

China is a wonderful country to visit—art, cuisine, history, geographic diversity, sheer organizational gigantism, all have their appeal—but many Western tourists do not like China's new commercialism. "I took this trip because China is supposed to be different from Europe," a Danish woman complained last November, as she gazed at the "Marco Polo" souvenir and photo shops that dot the beautiful Temple of Heaven like a rash.

The Japanese tourist industry has not thrown away all dignity like this. Nor have those of Burma and Thailand, among Asia's less-developed countries. It is not China's abrupt swing from politics to economics in itself that is troubling but the crudeness with which the new goals are pursued.

China as a nation grows fromidable, even economically. It has the world's sixth-largest GNP, and the annual rate of GNP growth is a respectable 4 to 5 percent. The villages in particular are doing better than they have for years, thanks to a partial dismantling of collectivism. The country is rich in oil, coal, and an array of valuable minerals. Yet the expectations of the individual are growing faster than the capacity of the system to meet them. We in the West have known for years that Taiwan, with 17 million people, has more telephones than China, which has sixty times more people; that a two-block swath of Manhattan contains more Telex machines than the whole of China. But now many of the Chinese people know these things. They resent the

contrast, and expect the gap to be speedily bridged.

Per capita income is now about $350. The government is aiming—ambitiously—for $1,000 by the year 2000. By then, even that figure will be but a fraction of the per capita income of Taiwan or Singapore. The problem is that there are almost twice as many people in China as there were in 1949. Despite the growth of the Chinese economy, per capita GNP only inches ahead. In a nation where 80 percent of the people are in villages, land use per capita has gone *down* nearly one half since 1949.

A decade ago, when China's stated goals were abstract ("Carry revolution to the end . . ."), who could say whether they were attainable or not? Maoism could still seem new and different; from outside the world of its values (as I was), it was very difficult to assess its chances of doing what it said it would do. Now that Peking has set a concrete goal of catching up with other countries economically, it becomes less impossible to assess China's prospects—and clearer, alas, that a gulf will yawn between hope and performance.

The regime has learned the flaws of central planning, but cannot opt for a market economy. The bureaucrats speak of "economic autonomy," but there is no such thing in a system where, for example, the central ministries insist on fixing prices. "Market forces" are invoked. But the Communists cannot sit back and watch the small but successful free segment of the economy eclipse the large, lagging planned segment—their political power might not survive the severe cutting back of state ownership.

"One in ten may defect," Deng Xiaoping, China's senior leader, said several years ago when defending a new plan to send students to study in the U.S. "That doesn't matter." Late in 1982, the thousandth Chinese seeking to stay on in the U.S. sent his application to the State Department. Now Deng worries. He is less confident of the students than he used to be. Urban young people are not as a group convinced that Deng's reforms will really make China "modern" and "democratic."

"Why is there such a lack of ability in East Europe?" Zhou Enlai asked some Australian visitors in the summer of 1971. He gave his own answer: "Because the minds of the East Europeans are not their own, they're not independent, they're controlled by Russia." Zhou had a point; but what about China?

University graduates in scientific and technical jobs in Shanghai were recently given an exam, at high school level, with time to prepare, in their own subjects; 68 percent failed in math, 70 percent failed in physics, 76 percent failed in chemistry. No one familiar with Chinese industrial and bureaucratic performance would be much surprised at these figures. "Sackings in Tianjin," shouted the headline in People's Daily last fall. Could it be that the criteria of ability and performance are making a timid appearance in Chinese organizations? No. The big story was built on a small foundation: two workers (in a city of 7.8 million) were fired after it had been painstakingly established that they had not reported to work for eighteen months.

Performance lags because motivation is lacking. The aging Chinese leaders are losing the fruits of the young people's talents by failing to provide incentives, give young people room to shape their own lives, and allow them to make their own mistakes and learn from them.

I was one of the Australians to whom Zhou gave his dim view of Eastern Europe. Like my companions, including Gough Whitlam, later the prime minister of Australia, I thought the Chinese premier had a good point; yet I did not apply it to China. It wasn't only Zhou's charm that made us suspend judgment about China's authoritarianism. In 1971, we knew much less about conditions in China than we do today. We were just discovering the simple shape of Chinese society, after two decades of ignorance. Gathering material for my book *800,000,000,* I had many interesting and even candid talks with officials, but I had very few substantial talks with people who were not dealing with me as officials. By contrast, much of my time in China in recent years has been spent listening to unofficial voices—speaking at length, in Chinese, on repeated occasions, and without being monitored by the authorities. The result is a picture of conditions that makes even the frank words of official China—and they are franker than they used to be—seem only a small part of the truth.

That evening with Zhou Enlai, too, one tended to suspend critical judgment, because the "China issue" was then one not of social philosophy but of peace and war. Fighting raged in Vietnam, Peking was not in the United Nations, Kissinger had not made his first secret trip to see Zhou, China had not been "recognized," and fear was widespread that the U.S. and China might fight a war over Indochina. We focused on Peking's view of Russia and Taiwan rather than on its view of human rights; on China-Vietnam relations more than on relations between the Chinese government and the Chinese people.

Today, we take it for granted that the U.S. is at peace in the Far East. We laugh at the idea that China could be a threat to us, and we know that the Chinese do not fear us.

In Shanghai, a poster keeps turning up in offices, restaurants, homes: an artist's impression (done under political guidance) of Shanghai's future. It looks like a cross between an ad for a sciencefiction movie and an ideal city as drawn by a child with a bent for engineering. Planes, spaceships, helicopters, swarm overhead. Ingenious vehicles fill the numerous freeways (one sees no parking lots). Bridges and overpasses truss the place. Skyscrapers stretch into a sky that unaccountably remains a brilliant blue. The people—the few people visible amid the man-made wonders—all smile.

In Peking's attractive Sun Yat-sen Park, I watched a Sunday crowd of citizens lining up for the privilege of having their photos taken against a Toyota as backdrop. The park authority, which means the government, provides the car, together with a display of suggested poses on or near this trophy of Japanese modernity. A fee is charged to cover the park photographer's work and recoup the investment in the Toyota. A car that has never been driven an inch inspires the dreams of a million Chinese.

I left Sun Yat-sen Park wondering what Mao would make of the Toyota-worship, and sat on a balustrade of the Gate of Heavenly Peace with a copy of the *Peking Evening News.* There was a cartoon about a Chinese woman and a Japanese man who meet in a Chinese port. In the first frame she is shown in a T-shirt bearing the huge English words "Kiss Me." The Japanese man wears a T-shirt made out of a bag that had held chemical fertilizer (a product China imports from Japan). In the second frame, the Japanese jumps on the Chinese woman as if to rape her. She cries out in resistance. "But look at what's written on your T-shirt," says the Japanese.

The Toyota and the cartoon are symbols of two clashing forces within the Chinese psyche at present. One is left with the impression that China doesn't know what it really wants, now that so many past goals and values have been rejected. Influential Chinese seems embarrassed about their yearning for prosperity. They fear they may look silly if they fail to bring it off. They prepare an avenue of retreat—to the quagmire of culturalistic nationalism.

"Make the past serve the present, make foreign things serve China," it was said during Mao's ideological dictatorship and it is still said during Deng Xiaoping's pragmatic dictatorship. A ton of concepts, an ounce of action. The repetition of the slogan seems to betray an inability to effect these syntheses. The Chinese mock their past as feudal refuse; the next moment they boast that no other nation has such a long and brilliant past. A balance eludes them. The same with "foreign things": they go head over heels for them; later they curse what they adored. It is the Japanese who—without preaching about the concept—quietly make "the past serve the present" (Buddhism, the kimono) and "foreign things serve Japan" (Christmas, the U.S. nuclear umbrella). China can't do it, but talks about it.

It is a welcome improvement that China has opened its doors a bit to the outside world. When I went to China in 1964, you could count the visitors to most Chinese cities each month on the fingers of one hand. Last year, more than one million tourists came. U.S., Japanese, and European banks and firms have opened offices and even plants in Peking and Shanghai. China borrows money abroad, accepts foreign advertising, and has set up export zones in which the usual industrial rules are disregarded in order to accommodate the foreign entrepreneur. Some $3 billion worth of joint ventures between Chinese and foreign firms are in process.

Foreign books, languages, films, and TV are making a modest impact. "The main thing that's happened since your last visit is the American film festival," said a young friend in Tianjin. She remembered the english names of the movies as if they were the names of adored foreign boyfriends: *Snow White and the Seven Dwarfs, Shane, Singin' in the Rain, Black Stallion, Guess Who's Coming to Dinner?* "The dancing in *Singin' in the Rain* just drove us crazy." China, "the model" for others, has become a China shopping around for ideas from others.

All this foreign influence is making the Chinese cities socially and culturally less monotone. The reverse process, as Chinese students and delegations fan out across the U.S., is heavily responsible for a demystification of China among us. Nothing has done more since 1980 to fuel my doubts about China's prospects of meeting its chosen goals than my constant contact with young Chinese in Boston and in cities around the U.S. where I go to lecture.

Despite the new intensity of traffic between China and the rest of the world, the Chinese, especially Communist officials, are still awkward or uneasy in many of their dealings with non-Chinese. "Fang Fang" was not a good name for the export line of lipstick that Shanghai began with a flourish to try to market in the West. Nor was

"White Elephant" a shrewd choice for batteries, or "Pansy" for men's underwear. Chinese Communist business gaucherie (the capitalist Chinese of Southeast Asia, by contrast, know the Western markets quite well) is not limited to trifles. Foreign businessmen are driven mad by the Chinese bureaucracy. Lately, Chinese avarice has also infuriated many traders.

The Police Ministry views every foreign resident in China as an embryonic spy. Ordinary Chinese are routinely harassed if they have sustained contact with a foreigner. In their hearts, many Chinese oscillate between the unhealthy extremes of disdain for the foreigner and near-worship of him. Facing the West today, the Chinese are well aware that they are the weaker, backward side. But deep down they consider this a shocking, unnatural, and temporary state of affairs. The near-worship is a panicky response; the tranquil smiles are a tactic to hide the disdain.

The suspicion of the foreigner, in an era when Americans have with high hopes begun to have more contact with the Chinese than since the 1940s, is responsible for some of the current disenchantment with China. The foreign researcher is met with barely concealed anxiety when he starts asking questions. Friendship between a Chinese and a Westerner is generally assumed to proceed from an ulterior motive.

Compared with the expectations of solidarity that were common during the "days of discovery of China," in the early 1970s, the mood today among the businessmen, diplomats, and intellectuals who deal closely with the Chinese is tinged with reluctant acknowledgment of the realism in Kipling's line "East is East, and West is West. . . ."

The return of Confucianism and the intensification of nationalism (in each case labeled socialism) are linked. They both replace Communist faith. And they are both called into service by China's urgent efforts to become prosperous. Confucianism is intended to strengthen industrial and social discipline. Nationalism could provide the music, sets, and costumes for China's fallback scenario if prosperity should fail to come. Being poor would be no obstacle to shouting for the return of Taiwan and Hong Kong to the breast of the proprietorial, if bankrupt, motherland.

But aren't Confucianism and nationalism the creeds of Taiwan? And hasn't Taiwan, a place of terrible repression in the early 1950s, been rendered substantially freer by twenty-five years of impressive economic growth? Yes, and the Peking leaders have pounced upon the lessons. But the GNP of China, a huge country, cannot grow at the speed of Taiwan's. Even more important, Taiwan's economic success has been a capitalist economic success; the decline of repression has taken place within the environment of free enterprise. So it was, too, in European history. The institutions of a free society—parliament, press, political parties, constitutions—came with capitalism. By contrast, these institutions have never sprouted and flourished under a Leninist dictatorship. I do not see China as an exception.

Implicitly, I used to presume that China could be one. Its culture seemed capable of digesting Marxism and moving on; the enmity between China and Russia made me think China might irrevocably reject Stalinism; I felt that Chinese ingenuity might somehow push through the straitjacket of a Communist political system.

My two most recent books, *The Future of China* and *Mao*, speak of the immovability of the Leninist system, and yet it is curious that people tenaciously go on reading *800,000,000*, eleven years after it was written, and embarrass me by liking it. I think this is because Americans are interested in the culture of China, not its political system. Few people want you to tell them about the repressiveness of Communist dictatorship; that is not the China that intrigues them. As I write these lines, the president of Pepsi-Cola pleads on the *New York Times* op-ed page for less-restricted trade with the Russians. No one has to argue for acceptance of trade with China. That is not because China is less repressive than Russia; it is because China does not threaten us, and because Americans think of China as a culture (exotic) rather than as a polity (dictatorial).

Yet, for the billion who live there, as distinct from the foreign tourist, businessman, or journalist, China is first and foremost a repressive regime. The unchanging key to all Peking's policies is that the nation is ruled by a Leninist dictatorship that intends to remain such.

Words from the end of John Stuart Mill's On Liberty have haunted me during my four most recent trips to China. "The worth of a State, in the long run, is the worth of the individuals composing it. . . ." Many Chinese feel themselves to be cogs in a machine of Communist power that grinds on for its own purposes. They assume an immense gulf between state and people. "A State which dwarfs its men," Mill goes on, "in order that they may be more docile instruments in its hands even for beneficial purposes, will find that with small men no great thing can really be accomplished. . . ."

To be fair, the problem of governing an overpopulated China gripped by higher expectations than ever before in its history would be all but insoluble to any regime, Communist or not. The Nationalists have found it enormously easier to look good in ruling Taiwan than they did in ruling the mainland from 1928 to 1949. Most close students of China would probably agree that a form of authoritarianism is unavoidable in the present phase of Chinese history (one notes that of the other three Chinese societies in the world—Taiwan, Singapore, and Hong Kong—two are under one-party rule and the third is run by the British police). Still, there is a difference between an authoritarianism in which those many things that are not forbidden are permitted (Taiwan) and a totalitarianism where those few things that are not forbidden are compulsory (China).

Nice words float around Peking like balloons at a festival—democracy, rule of law, socialist morality—yet they do not touch the real issue (which events in Poland have also raised). The alternative to the Leninist system, the only goal of true political reform, in China as in Poland, is pluralism.

Political pluralism—which would mean an acknowledgment that conflict is endemic to political life, and should be allowed institutionally, and which would bring an end to the Communist Party's monopoly of power—is further away in China than in Poland, and hardly closer than in the Mao era.

These past six years, the postmortem on China's intermittent troubles since the late 1950s has moved its target from Mao's widow and her three Shanghai associates (Gang of Four) to the role of Mao in the Gang's ultra-leftism (Gang of Five?) to the system that Mao built (Leninist dictatorship of the proletariat). But the Peking leaders will abort this third stage of the probe, however logical it may be. Very few people saw off the branch they sit upon; no ruling Communist Party has ever done so. It is one thing to say (as Peking does) that "the Party has made mistakes." It is another thing to say, as many Chinese say privately but no official would say publicly, that "the Leninist system is no good."

It is safe, now, to lambaste the "leftism" of the Gang of Four. But it touches the Peking Communists' nerve to write, as I did after the Gang fell, "As long as the Gang of Four are made to carry the weight of all China's evils and conflicts, Chinese politics will not be free from its feudal overtones, its Peking opera unreality." Politics is still theater in post-Mao China, and it will remain theater as long as there is no freedom to form an opposition, publish dissenting magazines, or even put up a wall poster denouncing Deng Xiaoping.

One guesses that China under its Leninist party will lumber on, doing well enough to avoid the collapse of its system while being unable to satisfy the people's full economic aspirations because of the rigidities of the system. The post-Mao regime has shrewdly conciliated the farmers by giving them more economic freedom and paying them higher prices for their goods (at a cost of 6.5 percent of GNP in subsidies), and one must admit that this does more for China's short-term stability than any number of liberal reforms would do. But pluralism will have to wait for another century. As a result, comprehensive modernization, which Mao wanted but did not know how to achieve, and which his successors now urgently summon, may not come for Deng much more than it came for Mao.

If the picture is fairly bleak, this doesn't mean that China and the U.S. need become enemies again. One reason why the American public has been indulgent with the Peking regime—more so than with the Warsaw regime—is guilt about the excessive anti-Chinese feelings prior to 1970. Another is that Americans tend, more than most foreigners, to take Chinese theater as Chinese reality. The Chinese craftily try to hide as much as possible about their society from the foreign eye, and the tools they use (good food in an atmosphere of ritual; paternalistic hospitality; a stress upon cultural wonders as a diversion) are disarming and widely effective. Americans have also given china the benefit of many doubts because it does not threaten us as Russia does—it has virtually no severe conflict of interest with us (except over Taiwan)—and because a stable, strong China is more in American interests than a crumbling, failed China.

These truths, which Nixon grasped in 1970, are still true, and China's shabbiness as a society does not make them less so. For some time to come, we may have to accept that China is fairly stable and repressive, useful to the U.S. and an arena of human frustration. Another bout of extreme hostility and pessimism about China would serve us ill.

In Shanghai, I went to see my friend Wang, a construction worker. I like to talk with him about life in Shanghai, and about Hong Kong, where he has relatives. Climbing the tiny wooden stairs to his apartment, I found only his parents, with whom Wang and his two sisters live in one and a half decrepit rooms, sharing a kitchen and a bathroom with two other families. The father said he would tell Wang I was in town. "Come back tomorrow at noon, for our son

will certainly take the day off to see you." I drank a cup of tea, resting it on a gasping radio, 1950s vintage, then left.

The next day, Wang was waiting for me, and we went off to lunch. To take the day off, he rose at 6 a.m. and took a bus at 6:30 for the ninety-minute ride to his plant. It took an hour in the plant office to apply in person for the leave, as one must do. He caught the 10:30 bus for the return trip, and got home just in time to change and keep our appointment. Had I let him pay for our outing, as he wished to do, the cost would have been more than half his monthly wage of thirty-eight yuan (about $22).

After lunch, we went swimming at a pool in the former French Club. "As for Hong Kong," Wang said in the privacy of the locker room, "if China ever gets control of it, the world will see the horror and chaos of another 'Saigon 1975.'" I fell silent. Not because I doubted him. Recalling the buoyancy and prosperity of Hong Kong, I was lost in contemplating how sad it would be if the regime that grinds down Wang and millions like him should presume to reclaim Hong Kong.●

OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

● Mr. SASSER. Mr. President, my State of Tennessee is unusually blessed with a wealth of natural wonders—parks, rivers, lakes, and other outdoor recreational facilities. Tennesseans cherish this outdoor cornucopia. And they gladly share it with visitors from all over our Nation—indeed, from all over the world—who contribute to Tennessee's second largest industry: tourism.

It should be no surprise that we Tennesseans are vitally concerned with the concepts which have culminated in the introduction of S. 1090, a bill to establish the Outdoor Recreation Resources Review Commission, and to the principles which will be embodied in its eventual enactment.

My Senate colleagues doubtless are familiar with the Federal developments which have now led to the introduction of S. 1090. In 1958, President Eisenhower established an Outdoor Recreation Resources Review Commission which submitted in 1962 a landmark report and recommendations after a comprehensive review and evaluation of outdoor recreation resources and demands. The Congress implemented these recommendations in the next several years with the passage of the land and water conservation fund, the Wild and Scenic Rivers System, the National Trails System, the Wilderness Preservation System, and programs of technical assistance and recreational research.

In the last several years, there has been increasing concern that growth and changes in our Nation, population increases and geographic shifts, together with a continually increasing demand for and use of outdoor recreational facilities, require a new look, a careful evaluation, and a thoughtful consideration both of our outdoor resources and of our planning for the future in Tennessee and throughout the Nation our citizens wish not only to have accessible outdoor recreation but to pass on to future generations a heritage of faithful stewardship of these blessings. The role of the Federal Government in effectuating these goals should likewise be a subject of careful consideration.

In Tennessee in 1982 travel-generated revenues brought $3.2 billion into Tennessee's economy and $115.1 million in tax revenues to the Tennessee State government. A substantial part of these receipts is attributable to jobs and income growing out of Tennessee's outdoor recreational facilities. Our stewardship of them brings us direct economic benefits.

I understand that the committee report accompanying S. 1090 specifically includes the TVA, in its role as a quasi-Federal agency which has traditionally contributed to our Nation's outdoor recreation opportunities, among agencies which will name a liaison to the Commission. I know that TVA, from its history and its mission, will lend an important voice to Commission deliberations.

I feel further that it is important that the Commission incorporate into its thinking the views of for-profit and nonprofit elements of the private sector and those of knowledgeable individual citizens. This kind of nonpartisan examination of our resources and our needs for the future can identify trends and problems and, we all hope, the farsighted recommendations for which its predecessor commission is justly and widely respected.

Today's environmental and recreational concerns call for a new review commission. S. 1090 gives us the opportunity to create one. Our vast heritage of outdoor recreational resources deserves no less, and I, for one, think the time has come to grapple with these problems anew.●

FOR POOR KIDS, COMPUTERS ARE THE NEWEST DISADVANTAGE

● Mr. LAUTENBERG. Mr. President, the information age is moving into schools with a great deal of fanfare. The press almost daily is covering stories of innovative classroom activities involving computers. The motivation and interest generated in the schools is most impressive and the potential for major changes in the way children are taught through the use of computers is truly exciting. But in the midst of all the activity, it is important not to lose sight of the fact that the benefits of computer education are not being evenly distributed among all children. Schools in less affluent areas are much less likely than schools in affluent areas to have computers. A study of computer learning in schools conducted by the University of Minnesota for the National Science Foundation has found what it calls ominous inequities among schools based on such factors as social status, gender and geographic location.

This disparity between the rich and poor schools has concerned me. I will be introducing a bill this week which would establish a pilot program of Federal assistance to schools for computer equipment, software, and teacher training. To address the special needs of less affluent students, this bill would target half the funding on areas with poverty-level children. While a program to help reduce the disparities in computer education offered to children from different socioeconomic backgrounds can help poor children, it cannot substitute for a strong commitment to teaching basic skills. But it can help keep poor children from falling further behind.

An article in Monday's Washington Post describes some of the recent research on the equity in computers issue. I hope that my colleagues will take a minute to review this article The article follows:

[From the Washington Post, Sept. 12, 1983]

FOR POOR KIDS, COMPUTERS ARE THE NEWEST DISADVANTAGE

(By Vivian Aplin-Brownlee)

In the headlong national race to computerize classrooms, a complex high-technology version of an ageless social problem is emerging. Poor kids are being left behind.

The number of microcomputers in U.S. public schools tripled last year. It is expected to reach 500,000 by next June and surge to 2 million by June 1988. A University of Minnesota study projects that 85 percent of the nation's school districts will have computers available to pupils this year, up from 58 percent last year.

But the Minnesota study, done for the National Science Foundation, said youngsters in the nation's 12,000 most affluent school districts are four times more likely than students in the 12,000 poorest districts to have access to a computer.

The Johns Hopkins University Center for Social Organization of Schools reported in April that "whereas two-thirds of public schools in the better-off districts have microcomputers, only 41 percent of the schools in the least wealthy districts have any."

Sociologist Ronald E. Anderson, director of the University of Minnesota's Center for Social Research, said, "To the extent computer literacy and computer expertise are necessary for success in getting and keeping jobs, computer inequity is a serious problem. It threatens to separate groups and communities by giving some people more effective tools for living in the computer age."

The congressional Office of Technology Assessment issued a similiar warning last fall, stating that "if the technologies are primarily designed for and made available to middle-class families, they could increase rather than diminish the gap between the educationally advantaged and disadvantaged."

Alvin Toffler, author of "Future Shock" and the "The Third Wave," wrote last year

that "kids who know how to use them [computers] will have an edge over those who don't, and this means that, unless conscious steps are taken, white middle-class children will start out, once more, with an edge that the less affluent lack."

The problem is not just availability of computers, but how they tend to be used.

Commenting on the remedial drill-and-practice that tends to be done on computers in poorer schools as opposed to program writing and problem-solving in more affluent schools, Ruth Cossey of the University of California's Lawrence Hall of Science said, "One group tells the computer what to do; the other sees it as a taskmaster. The group that has the power will get ahead."

And some educators see still a third problem—partly remediable, and having to do with equity—with the rush to computerize. They say computers are impeding the back-to-basics movement.

As A. Daniel Peck, education professor at San Francisco State University and founder of the Committee of Basic Skills Education, said:

"We're in a computer religion explosion to the detriment of basic-skills education . . . the best we can hope for is some degree of sanity."

Minnesota has distinguished itself in the fight against institutionalized inequity. As the result of a state-wide commitment, 63.4 percent of its schools last year had at least one microcomputer, the personal computer commonly used in homes and offices.

The Minnesota Educational Computer Consortium, a nonprofit, state-run organization, guides the state's efforts and designs its own software, or course material. It is considered a model for educators.

Executive Director Kenneth Brumbaugh estimates that a million copies of its materials are distributed each year to education systems, not only in the Unites States but in countries as diverse as Kenya, Australia and Saudi Arabia.

The socio-economic differences between wealthy and poor schools are illustrated in how they obtain microcomputers. Poor schools must usually depend on the district's revenues or the largesse of computer companies' donations, which some observers speculate are less likely to go to poor schools because they do not represent as rich a potential market for subsequent purchases, by schools or parents, as wealthier districts.

More affluent districts tend to have richer budgets for buying computers, are thought to be more attractive to corporations in the selection of gift sites and can rely on parents, community associations and teacher-parent organizations to make contributions.

But while computer equity might be the crux of the problem, keeping up with the computer explosion while focusing on basics is no less troublesome to educators.

Teachers who are slow to adjust to the computer keyboard are another factor in the computer equation. They run the risk of being less effective in the electronic classroom than they are in traditional ones.

Educators are entangled in an electronic thicket. The computer, hailed as an electronic wizard honing the abstract reasoning skills of a new generation of problem solvers, is unfamiliar and even frightening to some teachers who view it as a disrupter of proven conventional methods.

But faced with legions of anxious parents, teachers and administrators find themselves hard-pressed to resist computers.

Critics complain that the current emphasis placed on putting computers in the hands of American children is driving educators to distraction, not only from teaching basic skills, but as they try to become comfortable with the machines.

Computer anxiety, a fairly common adult malady outside the teaching profession as well, ranks high on the list of distractions. "High Technology" magazine reported last spring that "Although teachers' colleges are gearing up as fast as they can to produce computer-literate teachers, this won't affect schools for years.

"Most teachers have found themselves totally unequipped to teach about or with computers and are scrambling to catch up with their computer-wise students."

Some teachers blame their school systems for exacerbating the problem. At the National Educational Computing Conference in June, "Technology Illustrated" magazine reported, some teachers "complained of school systems that spent thousands of dollars on microcomputers but provided no training and no software, with the predictable result that teachers became hostile to the computers and refused to use them."

The National Education Association took a comprehensive look at computers in its members' classrooms in June. "In just a year or two," NEA Today reported, "the whole picture has changed. Few teachers still assert that computers are just another passing fad in education. . . ."

Those teachers who have become proficient using computers have become big fans of them. "In fact," the NEA reported, "a very common complaint has become, 'We don't have enough of them.'

"A 1982 NEA survey showed that 70 percent of teachers who reported computers' effects on students said the machines improve interest, motivation, attention span, self-confidence and cognitive learning. Half the teacher surveyed said computer learning would become common and be considered basic."

To help, the NEA is starting a computer service this fall to offer computers, their accessories and software at discount prices to members and to provide exact descriptions of how it all works.

Clearly the highly touted man-made wonders are creating as many problems as they are solving in education. Educators, having decided that computers are the answer, now want to work out the solutions for themselves.

"Where will it end?" NEA Today asked in June. "Nobody knows. But in school—as in industry and daily life—computer use is clearly taking root and growing fast.

"Teachers are not about to leave to others the important decisions about that growth—how to use computers, and how to offer all students the benefits of that use."

S. 1513—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION APPROPRIATIONS EXTENSION

● Mr. SASSER. Mr. President, I rise today as a cosponsor of S. 1513, a bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission.

The Commission's annual appropriations are modest indeed—4 million for fiscal 1984 and fiscal 1985 and 5 million for the 3 succeeding fiscal years—when one considers the irreplaceable work it performs. And 100 percent of its appropriations are devoted by the Commission to the funding of projects.

The list of Commission projects is long. Since its founding nearly 50 years ago, it has collected, edited, and published the papers of the Founding Fathers and other outstanding Americans. it has made an enormous contribution in the research and publication of documentary histories of our earliest institutions, including the first U.S. Congress, the Supreme Court and the ratification of the U.S. Constitution.

Nine years ago, the Commission underwent a name change to include its newly assumed functions of assisting and advising both public and private institutions interested in developing archival systems.

The Commission embodies a worthwhile concept of partnership between public and private institutions. it does not supply more than half of the funds for any of the projects which it undertakes, serving to challenge and help many more institutions and citizens than it could possibly support alone. it performs other preservation work vital to the nurture of our American heritage, including the establishing of standards for preserving documentary paper and for microfilm publication. It has established a superior standard of editorial training.

Through its half century of existence, the Commission has insured the continuing effort to locate and suitably preserve and reproduce the precious catalog of our important national papers and has vastly increased the resources of students and scholars and citizens alike.

In Tennessee, the work of the NHPRC has provided book editions of the papers of William Cullen Bryant, Andrew Jackson, Andrew Johnson, and James K. Polk—three of these illustrious Tennesseans have served as President of the United States. Commission funds have supported other Tennessee research projects in universities, libraries, and research centers. We Tennesseans are both proud and grateful for this body of important work.

In the 2 fiscal years following the election of President Reagan, the NHPRC was virtually starved for funds, surviving primarily through emergency legislation. S. 1513 is far from extravagant—it is modest by any standards. But it will nonetheless provide at least the essential support for a Commission engaged in priceless work for the next 5 years.

While we are all concerned with valid budget restraint, we should not deny this modest funding to the NHPRC. I hope that we will all give the Commission our enthusiastic sup-

port for its irreplaceable work by enacting the authorizations in S. 1513.●

BUDGET

● Mr. SYMMS. Mr. President, an article appeared today in the Wall Street Journal which addresses Congress inability to control the budget. Furthermore, the article correctly states that Congress problem in dealing with the budget is not that we are not raising enough taxes but that we are spending too much.

If Congress tax and spend record were examined historically, it is plainly obvious that Congress historical problem has been that it has spent too much, not that it has not raised enough taxes.

It seems obvious to me that despite the fact that we are spending too much, Congress is not likely to make any serious attempt to control the upward spiral in Government spending in this Congress. So, if Congress does not have the fortitude or the will to be fiscally responsible, I suggest that we might let the President take a stab at it by allowing the President to veto budget-busting items on a line-item basis. Just because Congress has shirked its responsibilities by default does not mean that we should force the President to do so as well. The general impotence that seems to pervade this town is stifling the creative, entrepreneurial, and productive capabilities of everyone that lives outside of the Washington metropolitan area.

I submit for the RECORD the article to which I referred.

The article follows:

BUDGET SOLUTION

The days and nights of the living dead have returned: The Congress of the United States is back in Washington, where it must again confront the budget nightmare. Congress's wailing and howling over the dread budget deficit causes quite enough discomfort across the land, so we're reluctant to arouse them further. Alas, we present some simple truths about the deficit—and a proposal to free Congress from the curse of the budget process.

Recent history has taught us a few things about what a budget deficit does and does not do. Deficits do not prevent a recovery. We currently have a $200 billion deficit. We currently have a recovery.

It's widely argued that if the government has to finance a deficit of $100 billion to $300 billion, interest rates will skyrocket again, perhaps to 17 percent, crushing the recovery (and the Reagan presidency). We have come to doubt the validity of this argument, which depends in large part on the assumption that government borrowing—and its impact—is limited to the securities market, which in 1982 was thought to have an available savings flow of about $350 billion.

It seems more plausible, as John Rutledge argued on this page last month ("The 'Structural-Deficit' Myth," Aug. 4), that government borrowing to finance a deficit should be viewed in the larger context of the economy's total asset holdings, currently about $20 trillion. Placed against $20 trillion, a large government borrowing may cause some rise in interest rates, but nothing as large or destructive as the Armageddon generally predicted.

We've been pooh-poohing these concerns (much to the discomfort of many traditional allies) and making the point that a lot of the deficit talk is merely an excuse to get more revenues to increase spending. But we've also been saying privately that two years from now—when recovery came despite deficits—we will be the only people in the land worried about deficits. For the plain and undeniable truth is—and here we rejoin the ranks of our worried allies—deficits do crowd out resources.

But let's get something straight about this. As Norman Ture makes plain in a nearby article today, deficits crowd out resources only to the extent that they serve their imperial master—government spending. We can raise taxes to close the deficit; we can borrow from the private sector to close the deficit. Either way, the money raised becomes government spending. Government spending is the first cause of crowding usable resources out of the private sector.

The choice is as clear as it can be: If we want America to have primarily a public economy, we should quit whining about the deficit and let congressional policies proceed toward that goal. If instead we want primarily a private economy, we simply have to cut spending.

And that means we've got a very big problem: The best political minds in Washington say that all the king's horses and all the king's men will never be able to cut government spending again. That is the implicit assumption behind much of the deficit talk and the counterproductive solutions in the air. We're not so ready, however, to throw in the towel on prudent economic management. What's really happened is that the terms of the political game in Washington have changed in a way that has eroded the traditional restraints on spending imposed by Congress's internal discipline and the external pressure applied by the Executive.

The erosion began with the House committee reforms of the 1970s, which undermined the authority of the House leadership. Next, Congress perverted the principle of entitlements.

Providing basic support for citizens who fell into deep poverty was properly regarded in the 1960s as an appropriate commitment by a successful nation, and Congress, with clear public support, made the commitment. But it erred in not foreseeing (or in willfully refusing to see) that the payment formulas—primarily indexing payments to inflation—would create a claim on the nation's wealth large enough to undermine the health of the larger economy.

The last brick in the dam gave way with passage of the Congressional Budget and Impoundment Control Act of 1974. This mistake had the unintended effect of opening the spending spigot without ever finding the proper tools to shut if off (see the accompanying graph).

Forget the phrase, "budget control." No one takes that seriously anymore. The key words in the act are "impoundment control." In the early 1970s, Congress became petulant over Richard Nixon's attempts to reduce spending by using the president's power to withhold, or impound, funds appropriated by Congress. By effectively eliminating the president's impoundment powers in the 1974 act, Congress grievously damaged the balance of power. The president can still veto appropriations bills, but the bills have become so huge and inclusive that the big veto is no longer managerially or politically useful.

The fact is, this issue has gone quite beyond the question of conservative vs. liberal social philosophies. Congress can't hold down the upward growth in spending, and the president has no effective counterweight to pose against Congress. In short, the ship of state, in its current upward spending stream, is on automatic pilot, with the government laying claim to an ever larger share of whatever the economy produces.

The solution to this problem requires two things: Reimposing discipline on the politics of spending and restoring the balance of power between Congress and the presidency. And as is often suggested, the solution requires two other things: the support of the House speaker and the president. Well, we know the speaker's position: The economy be damaged; this conservative president must be jettisoned from the Oval Office no matter what the costs. Resolution of the budget crisis clearly lies with the president, and we know of one proven mechanism for getting the job done. Ronald Reagan should do the following:

He should send a constitutional amendment up to Congress, exhorting it to give the president a line-item veto over the budget. Ed Meese has been floating the item-veto idea for some time, citing in support Mr. Reagan's experience with it in California. The governor of every major state in the Union has line-item veto power, which permits the Executive to veto individual items in the legislature's budget. Nearly every president since Ulysses S. Grant—Democrat and Republican—has requested it. (Yes, indeed, that includes FDR.)

Mr. Reagan should make the line-item veto the centerpiece of his reelection campaign, and he shouldn't flinch from claiming it as the Republican answer to the deficit issue. There is no way Mr. Reagan can avoid having the Democrats fling the deficit in his face, but there's no way the Democrats can hide the intellectual exhaustion of their own ideas. Moreover, it's likely that the prospect of a line-item veto would unify the supply-side and conventional wings of the Republican party.

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge population of free and informed people—when power is real but rarely used. It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicized screams of Congress' many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Con-

gress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.●

THE AMERICAN PREDICAMENT

● Mr. GOLDWATER. Mr. President, the history of the world records, very vividly and plainly, that great governments like ours, when they have fallen, have not been caused by armed forces.

But, rather they have fallen because of the disintegration of the urge to remain free and to retain the kind of government that will guarantee freedom.

Lately, many people in the United States have begun worrying about the direction in which the United States has been heading, in my opinion, for too long a time. We see signs of weakness. We hear constant speeches, constant discussions of total disarmament, of giving up the expense of maintaining a military force to guarantee the preservation of our freedom. We forget that the most important service that a government can do for its people is to keep them alive and free and, to do this, unfortunately, it takes money. It takes the expenditure of effort, it takes the dedication of all people living in our country.

For the many, many Americans who have become worried about the direction in which we have been traveling, Mr. A. G. B. Metcalf has contributed an editorial in the summer issue of Strategic Review that I recommend be read by all people who receive the CONGRESSIONAL RECORD, and it should be published by all editors who read the same. He does not mince any words; he is not easy on the press or media; he is not easy on some of our academic friends; but I think in his words we can find, as countries throughout history have found, things to be considered as we continue the direction in which we have been traveling.

I ask that the editorial entitled, "The American Predicament," be printed in the RECORD.

The editorial follows:

THE AMERICAN PREDICAMENT

Americans live in a land as fair and fertile as any on this earth. Blessed by peace and plenty, it has nourished an industrious and bountiful people. Their generous contribution to the human enterprise is a source of pride and satisfaction, but their greatest attribute by far is what has come to be known as the American spirit: a dauntless approach to life, whose crowning jewel is a special understanding of liberty and a dedication to fulfillment in human achievement of the bright promise of freedom.

In freedom's name Americans have given of their blood and treasure in wars around the world. And in freedom's name they have given generously of their substance to bind up the wounds of a war-torn civilization. No nation in history has demonstrated on so large a scale the compassion and selflessness of the American people to its friends and foes alike.

With so much that is good in their way of life and worth preserving, it would be expected that Americans should be the last to waver in exhibiting that pride, instinct for survival and sense of the promise of the future which has brought them to where they now stand.

But there is abundant evidence that these precious qualities are deteriorating to an extent which is affecting our lives and may be foreclosing our national future.

Not so long ago the survival of our country could be assessed as a certainty, not just some measure of probability measured against the fortunes of war. The American people were secure beyond any measure of enemy hostility or the amount of military power amassed by totalitarian states dedicated to the extinguishment of Western civilization.

Within the span of no more than fifteen years, all this has changed. And, as the Soviets tell us, "irreversibly." Now, in terms of the massive buildup in Soviet military power, the survival of the United States and the lives and freedom of its people—rejecting the alternatives of surrender or submission to blackmail—hang upon the fortunes of war with the Soviet Union and its satellites. In such a war—nuclear or conventional—we would, from the outset, be outmanned and outgunned on land, at sea and in the air.

Aleksnadr Solzhenitsyn, at the 1978 Harvard commencement, asked: "Facing such danger, with such historical values in your past, at such a high level of realization of freedom and apparently of devotion to freedom, how is it possible to lose to such an extent the will to defend oneself?

How indeed? How did we arrive at this state of affairs? How did we become victims of the wan love affair with oblivion which enthralls the intellectual elites of the nations of the Free World? How can we excuse that the military capability of the United States has been allowed steadily to decline, with our nation's resources increasingly allocated to purposes secondary—as what is not?—to the national survival? How can the Congress, knowing what it does about the strength of the Soviet Union, respond to "politics as usual" and seek to reduce the defense budget, which is stigmatized and must compete at a disadvantage with ever-mounting and more popular welfare and social outlays. This despite the stark realities of which Sir John Slessor reminded us:

"It is customary in democratic countries to deplore expeditures on armaments as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free."

One answer to the puzzling question of how our priorities have come into disarray is found in an informal, albeit powerful, alliance between elements of the news media and the intellectual community. It is a mischievous alliance: it has brought us to the brink of catastrophe. Even though it may not defend the system under which our adversaries live, it constantly works to curtail every act of military preparedness addressed to our survival, while pressing for arms control agreements with the Soviets, regardless of whether such agreements are to our advantage or not.

The citizens of most of the free democracies continue to demonstrate by their votes a clear awareness of the dangers posed by the communist threat. The most recent evidence of this was the stinging defeat administered to the Labor Party in Britain, which had adopted unilateral disarmament as its official policy. Even so, we find the intellectual elites often allied with the liberal press on both sides of the Atlantic, continuing to do everything they can to turn public opinion away from every expression of national power and resolve and to subvert every attempt to provide the defense arrangements which could be their only passport to the future.

In opposing every aspect of defense preparations and working continually to influence foreign policy counter to Western interests, the liberal intellectual community has chosen its arena and its targets. The erosion of public support essential for an effective national policy is their goal: virtual control of the mass media is their instrument. While this alliance between the intellectual world and the liberal press has been with us for some time in the United States, the present level of hostility to all conservative policies of our government is at the highest level in the American experience. And the stakes are high, too: nothing less than the national substance. But it is an important truth that our survival may readily be assured if we are allowed to take the necessary steps to provide for the national safety. By every measure of national power—with the single exception of military power—the resources of Western civilization dwarf the combined economic assets of all the communist states. Indeed, extreme per capita poverty is the universal concomitant of communism even in states richly endowed with natural resources—and there is no indication that the situation is likely to change.

If the Soviet Union with its steady buldup of arms did not menace the survival of the Western world, the technological know-how of the West combined with its vast productive superiority would, in the normal course of world trade, be directed toward making life in that bleak, ideologically warped prisonhouse bloom like a garden. The Soviet military budget could provide the means; the goods and technology of the West would provide the substance.

The alliance between the liberal intellectuals and the communications media has been greatly strengthened by the advent of electronic communications, particularly television, which, through repetition and the union of sight and sound, possesses a hypnotic capability to mold public opinion. Currently, this force is vigorously directed against the present Administration, the only one since the early 1960s which has not been a prisoner of those same intellectual elites and which has faced up to the true nature and the awesome dimensions of the Soviet threat to our way of life.

Each morning sees the credibiity of our government and the authority of the United States under attack by a steady drumbeat of television interviews with spokesmen for views hostile to American interests and all we stand for. American diplomatic initiatives and American involvements where our vital interests are concerned are openly assaulted, even to the point of questioning the integrity of our motives. Recognized adversaries of U.S. policies are carefully milked for negative buzz words designed to seduce public opinion and to erode that public support which is essential in a democratic society to the conduct of foreign policy. The excesses of TV are clearly serving to reveal the antipathy of this medium of communication

to every expression of American power and policy even to the point of questioning the legitimacy of American interests and purposes.

On the world scene, spokesmen for foreign governments antagonistic to us appear on daily TV programs, via satellite, promptly to contradict Presidential pronouncements on matters of the greatest import to the survival of the United States. U.S. foreign policy, as a matter of course, is preempted on daily TV talk shows on which representatives of foreign nations are quizzed, with U.S. Governmental positions interpolated by showbiz TV hirelings who are ignorant of the sensitivity and import of their questions.

Police-state dictators, known for their assaults upon freedom and world peace, are invited to tell the American television audience what they think of us, our institutions, our political leadership and its policies. In the process, officials of our Government are systematically slandered, giving powerful meaning to Senator Moynihan's comment: "The press grows more and more influenced by attitudes genuinely hostile to American society and American government." And, it could be added, were these hostile attitudes to prevail, the very first casualty would be the free press.

The behavior of this communications alliance which challenges the foundations of our survival is rationalized in terms of fourteen words from the First Amendment to the Constitution: "Congress shall make no law . . . abridging the freedom of speech or of the press. . . ." The Amendment, unchanged since the day it was written, clear in its intent, was meant to strengthen, not degrade our society. Not by words nor by implication is there anything in the Amendment that frees a citizen from responsibility for his acts or protects him from their consequences. The media, however politicized, must come to distinguish between views which undermine American policy and those which are intended merely to undermine an incumbent administration as a matter of domestic politics.

In a free democracy where every act, every appointment, every policy is subject to public questioning and public pressure, the mass media have a special responsibility for not impairing, in the name of free speech, the credibility of its duly elected leadership upon whose success in a dangerous world the maintenance of that freedom depends. If America is to survive, it must be governable. This imperative cannot be abridged by those whose right to do so rests on no more authority than the mercantile fact of ownership of a newspaper or a TV station. This is a matter which—in the name of the First Amendment—has gotten completely out of hand, with no elective official or political appointee likely to blow the whistle. Yet the whistle must be blown if our democracy is to survive.

These are some of the grave disabilities (and there are others) which weaken every agency of national power. They have two common denominators: they are self-inflicted and they are the result, over time, of the attitudes of intellectual elites—at home and abroad—toward national power and military force.

However we may strive to rationalize these actions; self-destructiveness, alienation, self-hatred, fear, the consequences are plain. Our society has little hope of surviving when those who are in a position to influence policy manipulate public opinion under the presumed Constitutional protection of freedom of speech, not to advance the national interest but to diminish U.S. national power and our authority in the world.

David Lichtenstein summed it all up more than ten years ago:

"It may be that no democratic society can survive the experiment of allowing an alienated intellectual elite to determine its values, poison the channels of public opinion and cow into submission its normal political leaders . . . Outside the crumbling barriers of Western civilization the leaders of the Communist Empire lie in wait, with infinite patience and considerable cunning, and with vast hordes under their total control. Driven by ideological passion to destroy the last bastions of freedom and democracy the totalitarians may yet succeed in overrunning what remains of a civilization critically weakened by the machinations of its own radical intellectual class."

His unassailable conclusion:

"Should that day come, and should mankind survive the dark age of totalitarian oppression which will follow, historians of the distant future, seeking to analyze the twentieth century murder of Western civilization, will be forced to conclude that the crime was 'an inside job.' "

JOHN SMITHERMAN DEAD OF RADIATION EXPOSURE

● Mr. SASSER. Mr. President, this past Sunday, a Tennessee veteran who proudly served his country passed away. His death was caused by his exposure to radiation in atomic tests after World War II. The tragedy of his death lay in the failure of the Veterans' Administration to acknowledge that his condition was service connected, thereby denying him his just compensation. I had introduced legislation, S. 332, to provide for disability compensation for John Smitherman.

Yesterday, I appeared before the Veterans' Administration Appeal Board on behalf of John Smitherman. This is the seventh time that the VA has considered his plight and I would like to introduce into the record my statement before the Board.

The statement follows:

STATEMENT OF SENATOR SASSER

The circumstances under which this hearing is being held today are truly tragic.

John Smitherman's fight to obtain service-connected disability compensation first came to my attention in 1977. He has fought quietly and with persistence to gain the assistance he earned and so desperately needed.

He wasn't just concerned about his own plight. He was trying to win just treatment for others who suffered from exposure to radiation in atomic tests following World War II.

It was often a lonely battle, but he never waivered in fighting for what he thought was fair and just.

In recent months, he knew that his time was short. But his thoughts were not of himself. His regret was that we would leave a widow with no means of support. He regretted that he had failed to make a breakthrough on behalf of others suffering from radiation-caused cancer and other crippling diseases.

Now, John Smitherman is gone. It's too late for him.

And that, gentlemen, is a tragedy for which the Veterans' Administration and the Government should be ashamed. Here we are, seven years after John Smitherman first began making his appeals to the VA and two days after his death, and his case still has not been resolved.

But it's not too late to help Mr. Smitherman's widow, Rose Smitherman. It's not too late to tell the people who fight for their country that their country won't shirk its responsibilities to them.

Members of the Board, has the Veterans' Administration become so mired in governmental processes and bureaucratic procedures that it cannot see, hear, or understand that the responsibility we have for the care of our veterans is far more important than the administration of arbitrary rules of procedure.

The plea I make to you today is that you remember John Smitherman with action that is just and fair.

Already, the Government has officially recognized that it has responsibility for the care of citizens of the Micronesian Islands who were victims of atomic testing. I don't argue with that recognition." But should we treat those citizens better than the men and women who sacrificed so much for their Nation during World War II? Shouldn't we at least give equal recognition to those who risked their lives for their Nation?

I hope that each of you will search your conscience and render a fair decision in this case. It has been far too long in coming. There is no way to erase the pain and suffering of John Smitherman and the insensitivity that his Government showed toward that suffering while he was alive.

But, please, help his family and demonstrate that justice will be achieved at least after his death.●

S. 1830 AND S. 1831—UNIVERSAL TELEPHONE SERVICE BILLS

● Mrs. HAWKINS. Mr. President, I ask to have printed in the RECORD copies of the Universal Telephone Service Act (S. 1831) and the Access Charge Moratorium Act (S. 1830).

The text of the bills follows:

S. 1830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

STATEMENT OF FINDING AND PURPOSES

SECTION 1. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service be forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure that Congress has adequate time to consider proposals to reduce the impact of the divestiture of the American Telephone and Telegraph Company and recent decisions of the Federal Communications Commission on local telephone service rates;

(2) to assure the availability to the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(3) to assure that the costs of maintaining such availability of services are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(4) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(5) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DELAY OF EFFECT OF FEDERAL COMMUNICATIONS COMMISSION ORDER

SEC. 2. The decision and orders of the Federal Communications Commission in FCC docket numbered 78-72 (adopted December 22, 1982) shall not have any force or effect during the period commencing on the date of enactment of this Act and ending on December 31, 1984. During such period, applicable rules and procedures in effect, with respect to matters within the purview of such decision and orders, immediately prior to the effective date of such decision and order, as established by the Federal Communications Commission, shall apply.

S. 1831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

Section 1. (a) This Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

(b) The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Statement of findings and purposes.
Sec. 3. Definitions.
Sec. 4. Access charges.
Sec. 5. Universal Service Fund.
Sec. 6. Universal Service Board.
Sec. 7. Depreciation.
Sec. 8. Primary telephone instrument.
Sec. 9. Lifeline telephone service.
Sec. 10. Prohibition against cross subsidy.
Sec. 11. Interexchange providers.
Sec. 12. Emergency call number.
Sec. 13. Effective date.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the fifty-year effort to bring affordable and universally available telephone service to the public has served the Nation well;

(2) universal telephone service has contributed to the Nation's economic, social, and political integration and development;

(3) the public benefits from universal telephone service because each telephone subscriber receives a more valuable service when virtually anyone else in the country can be called;

(4) significant rate increases will threaten universal service by forcing many Americans, especially the poor, the elderly, the handicapped, and those living in high-cost areas, to discontinue their telephone service; and

(5) the national interest demands telephone service that continues to be universally available at affordable rates.

(b) The purposes of this Act are—

(1) to assure the availability to the people of the United States, affordable, reliable, efficient communication services which are essential to full participation in the Nation's economic, political, and social life;

(2) to assure that the costs of maintaining such availability of services are equitably allocated among all users and providers of communication services who benefit from the availability of such services;

(3) to assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and

(4) to assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. Section 3 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(hh) 'Interexchange access' means the provision of facilities, services, or other related functions by an exchange common carrier, to provide end use subscribers with access to an interexchange carrier or other person providing interexchange service, for the origination or termination of interexchange communications.

"(ii) 'Direct interconnection' means the provision of interexchange access through facilities specifically designated for such purpose by the exchange carrier involved.

"(jj) 'Indirect interconnection' means the obtaining of interexchange access from an exchange carrier by any means other than direct connection.

"(kk) 'Exchange area' means the area within which telephone exchange service is provided, except that (i) an exchange area may not include an entire State, and (ii) an exchange area that includes any part or all of any standard metropolitan statistical area may not include any substantial part of any other standard metropolitan statistical area.

"(ll) 'Exchange carrier' and 'exchange common carrier' means a carrier authorized by the State commission to provide telephone exchange service on a universal basis.

"(mm) 'Exchange service' means communication services provided among points within one exchange.

"(nn) 'Interexchange carrier' means a carrier that provides interexchange service.

"(oo) 'Interexchange service' means communication services provided among points in more than one exchange area.".

ACCESS CHARGES

SEC. 4. (a) Effective on the date of the enactment of this Act, the decision and orders of the Federal Communications Commission in C.C. docket numbered 78-72 (adopted December 22, 1982) shall cease to have effect. On and after such date of enactment and prior to the effective date of the system of access charges established under the amendment made by subsection (b), the applicable rules and procedures in effect immediately prior to the effective date of such decision and order shall apply.

(b) Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e)(1) Each State commission shall establish a system of charges to compensate exchange common carriers for interexchange access. The purposes of such system of charges shall be—

"(A) to compensate exchange common carriers for all costs associated with providing or making available interexchange access;

"(B) to achieve equitable treatment of all interexchange carriers and other persons who benefit from the services and facilities of each exchange common carrier through direct or indirect interconnection for interexchange access, and to prevent any contributions between exchange services or functions and interexchange services or functions of such carriers, except as provided in this section and section 225;

"(C) to ensure the continued universal availability of communications service provided by exchange common carriers at reasonable and affordable charges;

"(D) to assure that payments and assignments of costs relating to interexchange access are carried out in a manner which ensures accountability and is open to public examination; and

"(E) to encourage efficient investment decisions and technological development.

"(2) The system of charges established by each State commission shall be designed to ensure the achievement of the Federal telecommunication goals in this section.

"(3)(A) The system established under paragraph (1) shall provide that an exchange common carrier shall file with each State commission a tariff for interexchange access for each of its exchange areas, including each service, facility, and any other supporting function provided by such carrier to interexchange carriers that directly interconnect with the facilities of such carrier. A carrier may file, or a State commission may require a carrier to file, a joint tariff for interexchange access for all of its exchange areas within a single State until January 1, 1988, or such later date as the State commission may, by rule, provide. If more than one exchange common carrier serves an exchange area, such carriers shall submit a joint tariff for interexchange access unless the State commission determines that submission of a joint tariff would not serve the purposes of this title, and shall divide revenues in a manner approved by the State commission. A State commission may authorize or require the filing of uniform statewide tariffs for interexchange access within the State. A State commission may authorize or require exchange common carriers within the State to divide revenues received from charges for interexchange access.

"(B) Each tariff under subparagraph (A) shall specify separate charges for each type of interexchange access on an element-by-element basis. The charges for each type of interexchange access shall be justified by costs. No exchange common carrier shall charge any person for types or elements of interexchange access which such person does not request and obtain.

"(C) Each tariff under subparagraph (A) for access to switched facilities and associated services shall include a minimum of six charges to be recovered from interexchange carriers or customers. Five of the charges shall encompass all costs associated with interexchange access to switched facilities and associated services and one shall be the sur-

charge established and maintained under section 225. The charges of such tariff which encompass all costs associated with interexchange access shall specifically identify separate charges for the relevant portions of—

"(i) the transmission facilities from the subscribers premise to the subscriber's serving end office switch;

"(ii) the switching facilities used to provide services and routing related to the interexchange communication within the exchange area;

"(iii) the transmission facilities from the subscribers serving end office switch to the switch where the interexchange communication enters or leaves the exchange network;

"(iv) the transmission facilities from the interexchange carriers' point of presence to the first exchange switching facility;

"(v) the ancillary services or facilities; and

"(vi) the surcharge established and maintained under section 225.

"(D) Each tariff under subparagraph (A) for facilities entering the exchange area but not accessing switched facilities and associated services shall specifically identify separate charges for the relevant portions of—

"(i) costs incurred by the exchange carrier for facilities and services provided;

"(ii) a per channel or equivalent channel charge to contribute to the recovery of costs associated with the transmission facility from the subscriber's premise to the subscriber's serving and office; and

"(iii) the surcharge established and maintained under section 225.

"(6)(A) Such system shall provide that an exchange common carrier shall submit to the State commission a tariff for interexchange access available from such carrier for interexchange carriers or other persons who indirectly interconnect with the facilities of such exchange carrier.

"(B) Each tariff under subparagraph (A) shall include—

"(i) a charge for the direct costs of any services, facilities, or other factors required solely for the provision of such interconnection,

"(ii) a charge reflecting an appropriate portion of the cost of services, facilities, and other factors which are used jointly or in common to provide exchange service and interexchange access, as ascertained and apportioned under this Act,

"(iii) a charge reflecting the availability of the facilities of the exchange carrier for interexchange access as an alternative for indirectly interconnecting interexchange carriers and interexchange customers to the extent such facilities are not used for interexchange access by such carriers and customers, and

"(iv) the surcharge established under section 225.

"(7)(A) Such system shall provide that an exchange common carrier shall submit to the State commission a tariff under which any interexchange carrier or other person who, without direct or indirect connection to such carrier and for commercial purposes, makes available facilities, services, or related functions for interexchange access, comparable to those available from an exchange carrier for interexchange access, shall pay a charge reflecting the availability of the exchange carrier's facilities for interexchange access as an alternative for the facilities of such person.

"(B) Subparagraph (A) shall not apply with respect to any person who demonstrates to the State commission that comparable facilities, services, or related functions are not available from the exchange carrier involved.

"(8)(A) Provision of interexchange access, and payment therefor, shall be solely in accordance with the applicable tariff, and all costs and payments associated with the provision of exchange access shall be recovered solely through such tariffs in accordance with this subsection.

"(B) The charges under paragraphs (5)(C), (5)(D), (6)(B), and (7)(A) shall be established so that the aggregate amount estimated to be collected under such charges are sufficient to recover the costs allocated to interexchange access under this Act.

"(C) Nothing in this subsection shall be construed to restrict the ability ot State commissions to adopt appropriate tariffing and ratemaking methodologies necessary to preserve universal telephone service under this Act.

"(9)(A) Effective beginning 90 days after the effective date of this subsection, any person who owns or operates facilities to originate or terminate interexchange communication other than through direct interconnection shall notify the appropriate exchange carriers, the Commission, and the appropriate State commissions. Such notification shall be made by means of a summary form which the Commission shall prescribe by rule.

"(B) Any person who fails to comply with subparagraph (A) shall forfeit to the Universal Service Fund the sum of $100,000. The Commission, a State commission or their designees may bring an action in an appropriate judicial forum to enforce this provision.

"(10)(A) The Universal Service Board established under section 410(d) shall establish practices and methods to ascertain and fully apportion the cost of services, facilities, and other factors used jointly or in common to provide exchange services and interexchange access.

"(B) The Universal Service Board shall establish the forms for records, accounts, and memoranda to be kept by carriers providing interexchange access in order to facilitate processing tariffs of such carriers. The authority to establish practices and methods under this subsection shall be exercised in a manner which reflects differences in the size and relevant characteristics of carriers.

"(11)(A) Nothing in this subsection shall be construed to require an exchange common carrier to allow joint ownership of its switching facilities or to require such carrier to allow location on its premises of equipment owned by other persons.

"(B) Nothing in this subsection shall require an exchange common carrier to bill customers of interexchange services, provided that no cost associated with such billing is included in the applicable tariff. Nothing in this subsection shall preclude an exchange common carrier from offering to bill customers of interexchange services, provided that the costs of such billing constitute an element in the applicable tariff.

"(C) Each State commission may permit exchange common carriers which serve not more than fifty thousand customer access lines to use statistical cost data representative of such class of carriers to support tariffs for interexchange access in lieu of individual cost studies.

"(12) Any interexchange carrier or exchange carrier which alleges a violation of paragraph (5)(B), (6), or (7) may petition the Commission for review of the relevant portions of any tariff filed with the State commission, whether or not such carrier or exchange carrier was a party to the tariff proceeding before the State commission involved. Any carrier filing such a petition concurrently shall submit a copy of the petition to the State commission. The commission may proceed to review the relevant portions of the tariff only if the State commission renders an adverse decision or fails to render a final decision with respect to such alleged violations before the end of the 120-day period following the submission of such petition to the Commission. The State commission, in connection with rendering a decision, may conduct such hearings, and accept or require the submission of such testimony and other information, as the State commission considers necessary or appropriate. The Commission may review any such decision of a State commission in the same manner as a decision made pursuant to section 557 of title 5, United States Code.

"(13)(A) The initial tariffs for interexchange access for each State shall be filed no later than 210 days and take effect no later than 364 days from the effective date of this Act.

"(B) During the transitional period, which shall terminate when the system of access charges under this subsection goes into effect, common carriers shall continue to participate in the system of jurisdictional separations of carrier property and expenses in effect on July 1, 1983. The subscriber plant factors, and the rate element corresponding to separations and settlements in any agreement to provide interexchange access, shall be in accordance with the most recent Commission decisions as of July 1, 1983, and thereafter shall not be subject to modification during the remainder of the transitional period. During such transitional period, persons obtaining interexchange access directly from an exchange carrier for purposes of resale shall pay an amount equal to the amount paid carriers pursuant to any agreement to provide interexchange access covered by this paragraph for similar services and related functions, except that, if the rate which a reseller pays for any service to be resold indirectly covers payments made for exchange access, than the reseller shall not be required to pay any additional amount for the interexchange access for which payments already have been made. The Commission, State commissions, and the Universal Service Board shall permit the aggregation of costs and the division of revenues until the Universal Service Fund has been established and funded. To the extent a State commission implements access charges prior to the 364-day period specified in subparagraph (A), the cost and investment associated with the carriers operations in the State, shall be removed from the jurisdictional separations process.

"(C) The initial tariffs specified in subparagraph (A) may provide for adjustments during a 3-year period or such other mechanism to ensure that all interexchange services and customers made an orderly transition from the level of reimbursements made as of the date before the date on which tariffs for interexchange access first take effect to the level of reimbursements made as of the date before the date on which tariffs for interexchange access first take effect to the level of reimbursement which will be paid under this section and section 225.".

UNIVERSAL SERVICE FUND

SEC. 5. Title II of the Communications Act of 1934 is amended by adding at the end thereof the following:

"UNIVERSAL SERVICE FUND

"SEC. 225. (a) To assure the continued availability of universal transmission services, including service in rural or remote areas, at reasonable and affordable charges, there is hereby established the Universal Service Fund. On an annual basis, the Universal Service Board may determine uniform surcharges on the amounts collected by exchange common carriers under paragraphs (5), (6), and (7) of section 221(e), such that the Fund is sufficient to make the payments under this section.

"(b)(1) An exchange carrier is entitled to receive payments from the Universal Service Fund if the relevant State commission is unable to meet the exchange carrier's revenue needs within the State and certifies to the Universal Service Board that—

"(A) the statewide average access charge for the recovery of costs under section (5)(c)(i) is in excess of 115 percent of the national average;

"(B) the residual statewide average local loop cost is in excess of 125 percent of the national average; and

"(C) the local exchange revenue requirement per subscriber access line for such exchange carrier is in excess of 125 percent of the national average.

"(2) The amount of payments under paragraph (1) in the case of any eligible exchange carrier shall be determined by the Universal Service Board under section 410. The percentage of the costs for which payments are made to any carrier under this section shall vary to the extent such costs vary as compared to the national average.

"(c)(1) The Universal Service Board shall establish and oversee an interexchange access board (consisting of representatives of exchange common carriers, interexchange carriers, and other customers directly obtaining exchange access) to administer the accounts of the Universal Service Fund. The interexchange access board shall administer the accounts of the Universal Service Fund in a manner which expedites the disbursement of funds to exchange carriers through the use of rules and procedures which eliminate burdens of delays in the certification or application process to the maximum extent practicable, and which permit disbursement decisions to be made on the basis of uniform, general, simplified standards of eligibility, as set forth by the Universal Service Board.

"(2) Payments from the accounts of the Universal Service Fund to individual exchange carriers shall be subject to audit and adjustment by the Universal Service Board to ensure that—

"(A) any certification or application is valid and based upon proper allocation of costs in accordance with guidelines established by the Universal Service Board under section 410;

"(B) such payments are used to maintain reasonable rates or charges;

"(C) such payments do not remove incentives for the efficient provision of exchange service, except that any adjustment based upon the factor established in this subparagraph shall be effective only on a prospective basis; and

"(D) such payments do not unreasonably impede the entry and operation of competitive suppliers of exchange service.".

UNIVERSAL SERVICE BOARD

SEC. 6. Section 410 of the Communications Act of 1934 is amended by adding at the end thereof the following:

"(d)(1) Not later than 30 days after the effective date of this section, the Commission shall establish a Universal Service Board pursuant to subsections (c) and (e) for the purpose of—

"(A) ensuring equitable and efficient economic treatment of users of common carrier services and exchange services and carriers providing such services;

"(B) providing for an orderly transition to the system of charges for interexchange access established under section 221(e); and

"(C) achieving cooperation between the Federal Government and the States in carrying out the purposes of this title.

"(2) In accordance with subsection (c), the Universal Service Board—

"(A) shall establish and maintain formulas consistent with the purposes of section 225 for defining and comparing national average costs and charges and uniform practices for determining the payments required by the Universal Service Fund, and shall oversee the distribution of funds from the Universal Service Fund by the interexchange access board in accordance with section 225;

"(B) shall make such changes and modifications in the system of jurisdictional separation of carrier property and expenses in force on the effective date of this section as may be necessary or appropriate for the orderly transition to the system of charges for interexchange access established under section 221 (e);

"(C) shall determine at regular intervals the relative assignment by exchange common carriers of the cost of factors of production which are used jointly or in common to provide exchange service and exchange access; and

"(D) shall be required to conduct a biannual study to determine the demand for local exchange service and the measure of market penetration by exchange carriers.

"(3) In making the determination specified in paragraph (2)(C), the Universal Service Board shall—

"(A) encourage reliance upon exchange common carriers as distributors of interexchange transmissions, and promote continued universal availability of transmission services provided by exchange common carriers at reasonable and affordable rates; and

"(B) take into account, consistent with section 221(e)(1)—

"(i) the cost of capacity or special characteristics required for exchange service and exchange access;

"(ii) investment and associated costs (including depreciation and maintenance) needed to provide plant availability to meet demand (including peak demand) for exchange service and exchange access; and

"(iii) the use of exchange facilities for exchange service and exchange access.

"(4) The Universal Service Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

"(e) Notwithstanding subsection (c), the Board shall consist of five Commissioners of the Commission, and of four commissioners nominated by the national organization of the State commissions (referred to in subsection (c)), and approved by the Commission.".

DEPRECIATION

SEC. 7. Section 220 of the Communications Act of 1934 is amended by redesignating subsection (b) as subsection (b)(1) and by inserting after subsection (b)(1) (as redesignated) the following new paragraph:

"(2)(A) State commissions shall have authority (i) to establish classifications for exchange facilities and the portion of facilities used jointly for exchange and interexchange services assigned to the States by the Universal Service Board under section 410, and (ii) to prescribe the methods by which exchange carriers shall recover investments in such facilities.

"(B) Such methods shall provide for recovery of investments in such classes of facilities, over the useful life of such facilities, in a manner which promotes the economic viability of the exchange carriers involved.".

PRIMARY TELEPHONE INSTRUMENT

SEC. 8. The Communications Act of 1934 is amended by inserting after section 226 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE BASIC ONE-LINE TELEPHONE

"SEC. 227. (a) A State commission may require any exchange common carrier to lease and maintain on request a single basic one-line telephone instrument, and associated inside wiring, to any subscriber (or group of subscribers at a single premise) within such State on the basis of a tariff that includes all costs of providing and maintaining such instrument and wiring.

"(b) For purposes of this section, the term 'basic one-line telephone instrument' means the type of basic two-way switched telephone instrument which the State commission determines to be generally available to the public and in use on the date of the enactment of this section, or which the Commission determines by rule to be generally recognized as essential for basic participation in nationwide telecommunications. In making any such determination, the Commission may not reduce the quality of the type of basic one-line telephone instrument available on the effective date of this section.".

LIFELINE TELEPHONE SERVICE

SEC. 9. Section 201 of the Communications Act is amended by adding at the end thereof the following new subsection:

"(c) Each State commission shall establish rules or tariffs for the provision of lifeline telephone service by exchange carriers which consists of providing minimum telephone exchange service at a discounted rate to encourage universal telephone service.".

PROHIBITION AGAINST CROSS SUBSIDY

SEC. 10. Section 201 of the Communications Act of 1934 (as amended by this Act) is amended by adding at the end thereof the following:

"(d)(1) No carrier or exchange carrier may use revenues from regulated communications services to defray any costs associated with its entry into or engaging in commercial activities the prices for which are not regulated by the Commission or any State commissions.

"(2) Neither the Commission nor any State commission may consider the revenues or profits derived from the offering of any unregulated products or services (other than printed directory advertisements, cellular mobile radio services or other local telephone services provided under tariff) by any carrier or exchange carrier in determining the revenue requirements of any common carrier service of such carrier.".

INTEREXCHANGE PROVIDERS

SEC. 11. The Communications Act of 1934 is amended by inserting after section 227 (as added by this Act) the following new section:

"STATE AUTHORITY TO REQUIRE INTEREXCHANGE PROVIDER OF LAST RESORT

"SEC. 228. (a) Each State commission is authorized to designate one or more carriers that operate within that commission's jurisdiction as the provider of last resort for long distance service.

"(b) Each State commission is authorized to designate the minimum contiguous geographical area or areas within each State in which an interexchange carrier shall provide service provided that no such area may encompass a larger territory than that served by an existing interexchange switching facility.".

EMERGENCY CALL NUMBER

SEC. 12. The Communications Act of 1934 is amended by inserting after section 228 the following new section:

"EMERGENCY CALL NUMBER

"SEC. 229. (a) The Congress finds that—

"(1) the nationwide development of universal telephone service has been indispensable to the creation of local health, fire, and law enforcement emergency response services;

"(2) public access to such emergency response services is essential to effective lifesaving, firefighting, and other emergency response activities;

"(3) establishment of a uniform 911 emergency number in local exchange across the Nation is necessary to prevent confusion among our increasingly mobile population as to how emergency response teams can be contacted in different parts of this Nation; and

"(4) establishment of such a nationally uniform emergency access number is appropriate at this time in light of current efforts to restructure our national telephone network to be consistent with today's changing telecommunications market.

"(b) The Federal Communications Commission shall, as soon as practicable following the date of the enactment of this Act, issue such regulations as may be necessary to require each State public utility commission that has not previously acted to require telephone companies serving the local exchanges within their jurisdiction to make available the three digit number '911' for use as an emergency access number.".

EFFECTIVE DATE

SEC. 13. The amendments made by this Act shall take effect on the date of the enactment of this Act.

FLORIDA WATER RESOURCES

● Mr. CHILES. Mr. President, I should like to bring to the attention of my colleagues the newly designated Carl S. Swisher Endowed Chair in Water Resources at the University of Florida. Water resources are vital to the survival and prosperity of any State and because we, in my State, have experienced some serious water problems, learning about these resources becomes that much more important. This chair will help supply the information necessary to solving these problems.

Florida is one of the fastest growing States in the Union. If you combine rapid population growth and the resulting need for more water with an expansive irrigation system for agricultural production, then you can see why our water resources have become so precious. Not only do we have to deal with this increased demand for water but we also must cope with a decrease in the quality of our water. Industrial and agricultural prosperity in Florida along with urbanization have not come without a price. Our surface and ground water systems have become polluted and thus there has been a reduction in the amount of safe, drinkable water. The south Florida aquifer, the vital water supply for millions of people, has been jeopardized by the building of various water projects.

Now more than ever, we must be conscious of our water problems and I applaud the generosity of the Swisher Foundation in donating this $1 million endowed chair to the University of Florida's School of Forest Resources and Conservation. It is through this chair that the university hopes to create the leadership to discover the basic knowledge about the chemical, physical, and biological characteristics of Florida's water resources. Right now, there is not sufficient information available to allow Federal, State, and local officials to make the best decisions possible. I believe this chair marks an important beginning in providing this critical knowledge. I want to commend the Swisher Foundation and the University of Florida and its School of Forest Resources and Conservation for their farsighted approach to one of Florida's most pressing problems. Understanding our water resources will not only help us to maintain the quality of life we now enjoy, but will allow us to look forward to a better Florida in the future.●

THE WARNING SIGNS OF YOUTH DRUG ABUSE

● Mrs. HAWKINS. Mr. President, one of the questions asked increasingly by parents is: How can I tell if my child is using drugs? This is a most difficult question when signs and symptoms associated with behavior are used as a basis for judgment. It is difficult to separate typical adolescent behavior from drug-induced behavior, but the pharmacists against drug abuse campaign has identified eight ways that parents can tell if a child is using drugs.

First. Does the child seem to be changing? Is the child becoming: More irritable, secretive, unpredictable, hostile, depressed, uncooperative, apathetic, withdrawn, and/or sullen? Is the child less affectionate; easily provoked; oversensitive?

Second. Is the child becoming less responsible? Is the child: Not doing chores; late coming home; tardy at school; forgetful of family occasions (birthdays, and so forth); not cutting the grass; allowing his room to be untidy; not completing homework?

Third. Is the child changing friends, dress code, or interests? Has the child: Adopted a new group of friends, their language and hair styles; switched clothing styles; become reluctant to talk about new friends; become very interested in rock music and concerts; become less interested in school, sports, and academic hobbies; refused to talk about parents of new friends; started insisting on more privacy; demanded permission to stay out later than usual?

Fourth. Is the child more difficult to communicate with? Does the child: Refuse to talk about details of friendship group activities; refuse to discuss drug issues; become defensive when negative effects of drug use are discussed; strongly defend occasional or experimental use of drugs by peers; insist that adults hassle their children about drugs; begin to defend rights of youth; prefer to talk about bad habits of adults?

Fifth. Is the child beginning to show physical and/or mental deterioration? Does the child show: Disordered thinking or ideas and thought patterns that seem out of order; heightened sensitivity to touch, smell, and taste; increased appetite from marijuana smoking (known as the munchies); loss of ability to blush; decreased ability in rapid-thought processes; the amotivational syndrome; weight loss?

Behavioral changes may occur a period of a few months, a summer, or over a year or more. These behavioral patterns should be monitored closely by the parent. More blatant behavior will begin if the child can manipulate his way through the aforementioned examples, and more obvious drug-use behavior will begin to occur.

Sixth. Is the child's behavior becoming more intolerable to the parent? Does the child: Demand his right to drink alcohol; refuse to spend additional time on studies even though grades are down; insist that teachers are unfair; become extremely irritable; refuse to do chores; use bad language; come home late with alcohol on breath; claim people are telling lies about him; claim never to have smoked pot; prefer not to eat with or spend time with the family; act very secretive on the phone?

After behavioral clues to drug use are apparent, there usually comes the telltale physical evidence which is difficult to deny. The child will usually lie or give half-truths to parents, when caught.

Seventh. Is the child becoming careless in his drug use? Does the child:

Forget to replace the liquor stolen from parents' cabinet; put the bottle between mattress and boxspring; leave the roach in a flower pot, the bathroom, or in a car ashtray; forget who vomited in the family car; insist that marihuana found in a car or room belongs to someone else?

Eighth. Is the child becoming drug-dependent? Does the child: Take money from his parents, brothers, or sisters; steal objects from home that are easily converted into cash; lie chronically; drop out of school?

Is the child: Caught shoplifting; charged with burglary; charged with prostitution; arrested for drug use or a delinquent act?

Does the child attempt suicide?

Our Nation's drug abuse crisis demands immediate and aggressive action. I ask that my colleagues join me in promoting legislative and administrative initiatives to stop this threat.●

CLINCH RIVER'S COST AND DATE OF COMPLETION—CONSTANTLY MOVING TARGETS

● Mr. HUMPHREY. Mr. President, supporters of the Clinch River breeder reactor project and of the proposed off-budget Government guaranteed project financing plan insist that the Department of Energy's (DOE's) March 1983 estimates of how much time and money it will take to complete the project—6.6 years and $2.5 billion—are certain and final.

Ironically, in a sense they are right. According to a recent Congressional Research Service study, the project has always been 7 or more years and $2.1 billion or more—in constant 1983 dollars—away from completion. In fact, this has been the case at least as far back as 1974—before the declared slowdown of 1977—when only $61 million—in constant 1983 dollars—had been spent on the project and in 1975 when no more than $190 million—in constant 1983 dollars—cumulative had been spent on the project.

Nearly 10 years later with the project's design 92-percent complete, 71 percent of its components on order, its licensing on a fast track, and $1.5 billion spent DOE is still estimating that it will take additional $2.5 billion—in constant 1983 dollars—and another approximate 7 years to complete.

Of course, last March DOE projected that the project's completion schedule could be compressed down to 6.6 years but just recently DOE admitted that these March estimates were probably wrong, that an additional 15 months could be required to complete the reactor. Right now DOE is claiming that this additional 15-month slippage would add $123 million to the project's total cost but it is difficult to believe that after 9 years of constant drift, the completion cost or date will be final with this.

The project's backers, of course, do not like talking about how constant this cost drift has been. They would rather impress us with confidence; DOE estimates are sound, according to them. The plant might turn a profit. In light of the project's past history this might sound silly.

Yet, these people are not crazy. Ask them to assume a portion of the responsibility for further project cost overruns and they immediately turn the discussion away from surplus revenues and how firm DOE estimates are to just how risky the project is and how despite its budget justification label as an industrialization project, it really is more like fundamental research and development.

Apparently, these people know the project's past estimated completion date and cost trend lines. Certainly, they are all emphatic that any project cost overruns or unforeseen operation cost overruns should be picked up by the Federal Government. Indeed, reading their suggested plan carefully, one gets the impression that they are less concerned about the project's costs—and assuming any of them—than they are in securing guaranteed revenues and tax benefits.

In this they are clever but perhaps too much so, for their behavior raises a question. If they are so clever, why do they assume that the Senate and the Congress are so stupid as to approve of their plan?

Mr. President, it is these kinds of questions that need and would get fair airing if the Senate held hearings on the Clinch River plan in the appropriate authorizing committees. In the hope that such hearings would be held if more basic information about the project and the financing plan were shared, I ask that the full text of the Congressional Research Service study, "DOE Estimates of the Cost and Time To Complete CRBR" be printed in the RECORD.

The study follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., September 13, 1983.

To: Honorable Gordon Humphrey, Attention: Henry Sokolski.

From: Robert Civiak, Analyst in Energy Technology, Science Policy Research Division.

Subject: DOE Estimates of the Cost and Time To Complete CRBR.

In response to your request, enclosed is a summary of past estimates made by the Department of Energy (DOE) and its predecessors of the time and cost to complete the Clinch River Breeder Reactor (CRBR).

In 1972, the Atomic Energy Commission estimated that it would cost $699 million in year of expenditure (YOE) dollars to build a demonstration breeder reactor and operate it for 5 years. However, the first cost estimate based on the design for the Clinch River Breeder Reactor Plant now under construction was not made until August 1974. Since then, the Atomic Energy Commission (AEC), the Energy Research and Development Administration (ERDA) and the Department of Energy (DOE) have released four major revisions of the cost estimate to complete the project.

The five official total cost estimates for the CRBR project made since 1974 are listed in table 1 in year of expenditure (YOE) dollars. The total estimated cost in 1974 and 1983 dollars is also shown in table 1, as well as the projected date for the reactor to achieve criticality.

The estimates presented in table 1 may not be strictly comparable, since there have been many changes in the project since 1974. In addition, the March 1983 estimate does not include operating costs and revenues during the 5-year demonstration period, which is included in the earlier estimates.[1] Nevertheless, the estimates do reflect the increasing cost of the project.

In response to your specific request for a summary of changes in the estimated cost to complete CRBR in constant dollars, we have subtracted the prior spending on the project in constant dollars from each of the total cost estimates. The results are given in table 2.

For completeness, the annual spending figures which were used in calculating the prior project spending are shown in table 3.

We hope this information meets your needs. Please call if we can be of further assistance (287-7055).

TABLE 1.—CRBR COST ESTIMATES

[In millions]

Date of estimate	Total cost— YOE dollars	Total cost— 1974 dollars	Total cost— 1983 dollars	Estimated criticality
August 1974	1,736	1,240	2,508	July 1982.
August 1975	1,950	1,316	2,662	October 1983.
April 1977	2,194	1,454	2,941	June 1984.
December 1980	3,197	1,729	3,497	February 1990.
March 1983	4,003	2,055	4,157	November 1989.

Sources: August 1974 to December 1980 estimates: DOE materials reprinted in U.S. Congress. House. Committee on Energy and Commerce. Subcommittee on Oversight and Investigations. Clinch River Breeder Reactor. Hearing, 97th Congress, 1st Session, July 20, 1981. Washington, U.S. Govt. Print. Off., 1981. 462 p.

March 1983 estimate: U.S. Department of Energy. Report to the Congress on Alternative Financing of the Clinch River Breeder Reactor Plant Project. March 1983. DOE/NE-0050 p. 29.

TABLE 2.—ESTIMATED COST TO COMPLETE CRBR

[In millions]

Date of estimate	Prior outlays [1] 1974 dollars	Prior outlays [1] 1983 dollars	Remaining cost 1974 dollars	Remaining cost 1983 dollars
August 1974	30	61	1,210	2,447
August 1975	94	190	1,222	2,472
April 1977	289	585	1,165	2,356
December 1980	629	1,272	1,100	2,225
March 1983	991	2,005	1,064	2,152

[1] Calculated to the date of the estimate, by interpolation from cumulative yearly outlays given in table 3.

[1] In December 1980 DOE estimated that operating costs for the demonstration period would be $145 million (1974 dollars) and revenues would be $151 million (1974 dollars).

TABLE 3.—CRBR PROJECT SPENDING

[In millions][1]

Fiscal year	Annual outlays		Cumulative outlays	
	YOE dollars[2]	1974 dollars[3]	1974 dollars	1983 dollars
1974	29.9	29.9	29.9	60.5
1975	70.1	63.9	93.8	189.7
1976[4]	140.2	120.7	214.5	433.9
1977	184.4	148.4	362.9	734.0
1978	166.2	124.7	487.6	986.2
1979	175.1	122.1	609.7	1,233.2
1980	189.4	117.5	727.2	1,470.9
1981	192.9	106.9	834.1	1,687.1
1982	194.1	100.6	934.7	1,890.6
1983[5]	275.7	136.3	1,071.0	2,166.2

[1] Outlays include funds provided from Federal and private sources.
[2] YOE outlays provided by Joe Bartell, Department of Energy.
[3] Conversion to 1974 dollars based upon the implicit price deflators for U.S. Government purchases of goods and services listed in Congressional Research Service Report No. 83-45 C, Selected Economic Statistics, p. 11.
[4] Plus transitional quarter.
[5] Projected.●

RADIO MARTI

● Mr. HELMS. Mr. President, I am gratified by yesterday's Senate unanimous approval of Radio Marti, and take this occasion to commend the distinguished Senator from Florida (Mrs. HAWKINS) for her able leadership in bringing these endless months of debate to an end.

I am heartened by the efforts of the Senator from Florida, Mr. President, because she has brought to fruition a program which has been many years in the making. There are many who have worked hard to bring this about in cooperation with the distinguished Senator. I myself some time ago proposed the creation of a Radio Free Cuba under the VOA. As I recall, it was passed by the Senate, but the underlying legislation never was completed by the Congress. So it is appropriate today that the final form of Radio Marti is still encompassed within VOA in the legislation we have passed.

There is a deep yearning among the oppressed people of Cuba, people who are virtual slave laborers for the Soviet Union, to hear the truth about the actions of their dictator, Fidel Castro. They want to have the truth about the sufferings which Castro is still imposing upon the Cuban people. I am therefore pleased that the measure approved unanimously by this body yesterday contains the explicit finding that such reporting should constitute the content of the broadcasts of Radio Marti.

Mr. President, we will long commemorate the resolve with which we have decided that freedom-loving Cubans need the truth, long for it, and can now rely on us to get it to them. It is highly appropriate that the name of José Marti has been chosen for these broadcasts to Cuba.

He was a Cuban poet and political philosopher who lived in the United States for 15 years while he organized the Cuban war for independence.

He wrote for Central American, South American, and U.S. newspapers where he presented to his readers a comprehensive view of life and customs in the United States. Shortly after arriving in the United States he wrote:

I am, at last, in a country where everyone looks like his own master. One can breathe freely. Freedom being here the foundation, the shield, the essence of life. One can be proud of his species. Everyone works, everyone reads . . . I am deeply obliged to this country where the friendless find always a friend and a kind hand is always found by those who look honestly for work.

Marti, being a journalist, made use of the freedoms available in American society. Just like many of our editorials and commentaries in the media today, he could, on the one hand, write admiringly of Emerson, Whitman, the Brooklyn Bridge, the American spirit and, at the same time, express criticism of U.S. foreign policy, particularly its expansionist character at the turn of the century.

Jose Marti is part of the Americas' heritage of freedom. With Jefferson, Washington, Lincoln, and Bolivar, he has a place in the heart of the freedom-loving people of this hemisphere.

"Respect for the freedom and ideas of others, of even the most wretched being," he wrote, "is my fanaticism. If I die, or am killed, it will be because of that."

Mr. President, the foundation of Radio Marti is the love of freedom. Cuban people who have come to our own shores can testify how important that freedom can be. I would like especially to commend the efforts of the Cuban-American Foundation, of Washington, D.C., for its untiring efforts to see the beacon of freedom directed to their fellow Cubans under Communist captivity in Cuba. Mr. Jorge Mas and Mr. Frank Calzon should be commended by all who cherish freedom for the oppressed of the world. They and their colleagues have spent long hours bringing the truth of the Cuban experience to the attention of many of our Members who, for whatever reason, did not esteem the cause of Radio Free Cuba. Without them, I am sure, the issue would still be festering today on some back burner.

I conclude, Mr. President, with this thought by Jose Marti. It should be the motto of Radio Marti, and a guiding principle for us all when considering the nations dominated by Communist tyrants anywhere in the world. Mr. Marti addressed the cause of winning freedom from tyranny, and said: "The sufferings endured for the sake of winning freedom make us love it the more." Mr. President, let us all renew our love for freedom. May Radio Marti make the Cuban love for freedom burn all the stronger.●

TAXING EMPLOYER-PROVIDED HEALTH BENEFITS—S. 640

● Mr. PACKWOOD. Mr. President, on June 22, 1983 the Senate Finance Committee held hearings on the administration's proposal to tax employer-provided health benefits, S. 640. Testifying for the administration were Assistant Secretary John Chapoton, Department of Treasury, and Assistant Secretary Bob Rubin, Department of Health and Human Services. In addition, panelists from business groups, health providers, labor organizations, and professional groups testified on both sides of this issue.

Mr. President, I am opposed to S. 640 because a tax on employee health benefit plans would be discriminatory and unfair to workers; and because it would be ineffective as an answer to health care inflation. A tax on health benefits would hurt older workers, women, workers in high risk occupations, and workers who live in areas with relatively high living costs. It may force many workers to give up employer-provided health benefits, which would threaten the overall health of our work force.

The Finance Committee hearing examined at length the issue of taxing employee health benefits. I have selected a number of questions and answers from the transcripts of the hearings which I think best highlight the basic problems of the proposal.

Mr. President, I ask that the questions and answers I have selected from the hearings be included in the RECORD following my remarks.

The material follows:

QUESTIONS AND ANSWERS

Senator PACKWOOD. We are starting hearings this morning on the Administration's proposal on the Health Cap and general testimony on fringe benefits in general.

Our first two witnesses today are Buck Chapoton, the Assistant Secretary for Tax Policy, and Dr. Rubin, the Assistant Secretary for Planning and Evaluation.

Buck, I know you've got to meet with the President at 11:00, so if you want to start with your statement, abbreviate it if you feel you would like to, and I think we will have a few questions and will try to get you out as soon as possible.

* * * * * *

Senator PACKWOOD. Buck, can you tell me how you have estimated the revenue to the Treasury that will be gained if the cap is enacted?

Mr. CHAPOTON. Senator Packwood, there is an assumption that in the long run there will be a shift to more cash compensation and less medical insurance.

Initially, though, we just look at the plans that would be over the cap and that are projected to be over the cap in 1984 and beyond. In other words, there is an estimate, then obviously you are picking up taxable income.

Senator PACKWOOD. So, Treasury in this case has followed its normal revenue projection on a static basis. They just looked at the benefit plans that are over the cap and

assumed they would be kept at that level, or lowered down to the cap, or one of the two. I'm not quite sure, exactly, what assumptions you have used.

Mr. CHAPOTON. Well, they will tend to reduce the benefits under the cap; but I think we would assume that would be replaced possibly in part with other tax-free benefits, and that is built into the revenue estimates as well. In other words, the compensation alternative might be another tax-free benefit not subject to a cap, or at least under the cap if that benefit has its own cap, and partially as taxable compensation.

Senator PACKWOOD. Would you send to me a letter very specifically laying out your assumptions? Because I don't think you are going to collect as much money as you think, and I would like to know what your assumptions are.

Mr. CHAPOTON. Yes; I would be happy to.

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Senator PACKWOOD. Is the administration going to have any position on the statutory fringe benefits that now exist? Any position on limiting those other fringe benefits?

Mr. CHAPOTON. No, sir. We have not made a proposal, and I know of no reason we would be taking a position on that at any time this year.

Senator PACKWOOD. The reason I ask that, every now and then the ghosts of Stanley Surrey appear before this committee and want to tax all fringe benefits, because they feel the only purpose of the Tax Code is to collect money, not to provide social benefits.

I have said this to you, and I would say it to the administration: I think the one reason we do not have any significant demand for national health insurance in this country among those who are employed is because their employers are paying for their benefits, by and large. And we will never go to the situation we have in Great Britain so long as that system exists, and I hate to see us nibble away at it for fear you are going to have the demand that the Federal Government take over and provide the benefits that would otherwise be lost. And I hope the administration is considering that downside.

Mr. CHAPOTON. I think that question has been discussed in consideration of this proposal, which is basically cost containment.

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Note: The Committee then received testimony from Dr. Bob Rubin, Assistant Secretary of Health and Human Services for Planning and Evaluation.

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Senator PACKWOOD. Doctor Rubin on the bottom of page 8 and the start of page 9 of your testimony I think you reveal what you hope will happen if the cap is created. You put on a cap, and the natural inclination of the employer and of the union bargaining agent will be to try to come down to that cap and perhaps do it by increasing deductibles or coinsurance. Do I presume that is what you think is going to happen? You list a variety of options, but that is the one you seem to give the most preference and hope to.

Dr. RUBIN. Well, that is certainly what history seems to teach us. I think we have just completed a survey, or a survey was done for us by the Haye Associates. What they found is that about 13 percent of surveyed firms have recently increased their deductibles, and about another 21 percent were considering such an increase. Roughly 16 percent had also increased their coinsurance or were considering an increase in their coinsurance.

So certainly that is one effect. I think that there are other plans, though—other companies—that have looked very carefully at restructuring their plans to provide more catastrophic and so-called back end insurance and less first dollar sort of no-questions-asked comprehensive coverage. We would hope that both factors would be at work there.

Senator PACKWOOD. And you presume further that if the employer drops their health insurance payments to $175 a month, that there will be no way they can avoid paying the difference in increased wages? They won't be able to simply reduce their costs by that amount, is that correct?

Dr. RUBIN. Either wages or other forms of nonwage compensation, yes.

Senator PACKWOOD. Well, let me ask you this: If they do it in the form of other nonwage compensation or if they shift it over into other nontaxable fringe benefits, which they have a fair amount of room to do, then how does the Government gain any revenue from this?

Dr. RUBIN. I think that was the nub of your question to Mr. Chapoton asking for the assumptions based in our cost estimates. And as I think he indicated, there are certainly some assumptions about shifting in the long run into cash wages. There is also a smaller percentage that is built into the assumptions in terms of a shift into nontaxable fringe benefits, and as he indicated the Treasury Department will be providing those figures to you.

Senator PACKWOOD. Now, to the extent that the cap works as you hope—let's assume you reduce it to the $175 and you increase the deductibles so that the employee is going to have to pay more of the first dollar cost, or first $100, or first $500 of cost—does not that indeed unfairly impinge on the lower wage employees?

You expressed a concern in your statement earlier about the bias of health plans toward high-wage employees. Doesn't a flat deductible discriminate against lower wage employees?

Dr. RUBIN. Well, certainly a flat deductible may well do that. But what we have seen and the experience that our private sector survey has indicated that some companies are not doing that, that they are linking their deductibility or the coinsurance to some sort of income determination by category within the company. Under that circumstance, clearly that would not be the case.

Senator PACKWOOD. That is true, although as I say, 5 years ago I did not have the votes to get rid of that discrimination.

But what you are saying then is that employer provided benefits would on the average be lowered to the $175 cap. And as a result, the $50,000 employee may have $1,000 deductible, and the $15,000 employee may have a $100 deductible.

Dr. RUBIN. As a hypothetical, sure.

Senator PACKWOOD. But you won't be able to have that if you get rid of the discriminatory provisions.

It seems to me you've got a Hobson's Choice. If you get rid of the discriminatory provisions, the deductible discriminates against the low-wage employee. If you don't get rid of the discriminatory provisions, then the whole plan tilts toward the high-income employee.

Dr. RUBIN. Well, the other piece of that, of course, is that there are other alternatives that we know are cost effective ways of delivering health care that in general don't have deductibles or coinsurance.

For example, in northern California, the Kaiser program, which is a health maintenance organization, as you know, for about $170 will provide comprehensive hospital coverage, comprehensive medical coverage, with a maximum coinsurance of $1 for an office visit; it will provide preventive health services, mental health benefits, et cetera.

Senator PACKWOOD. But now you are talking about a whole different subject, and that is the relative cost of an HMO delivering services versus a non-HMO.

Dr. RUBIN. No. I think what we are talking about here is making employees and employers aware of the full range of options, and that by providing the most cost-effective benefit programs for their employees they can maintain the full level of benefits and still come in under the cap, regardless of their salary level.

Senator PACKWOOD. I am very, very familiar with the Kaiser plan—they are a large plan in Oregon. Henry Kaiser came in during World War II at the shipyards and covered his employees. And today, believe it or not, in the State of Oregon the Kaiser health plan is the eighth biggest employer in the State of Oregon, which gives you an idea of the magnitude of its coverage.

I have visited their hospitals and their plants. I have a high regard for them. But I think you are talking about two different subjects, because they have proven that they can provide a certain kind of health care to the satisfaction of employees. That, I find, is a different subject from the health cap.

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Note: Senator Bradley questioned Dr. Rubin about the impact of S. 640 on different types of industries.

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Senator PACKWOOD. Well, let me pursue what Senator Bradley was saying.

You are not suggesting, Doctor, that this discriminatory cap, as I call it, is going to fall equally on all segments of industry, are you?

Again I will go back to my labor relations days. There were unions that had on the average older employees than other unions. And my hunch is that you will still find this in industry today—whether it is geopraphic or whether it is by industry—that certain employers simply have on the average older employees than other employers do.

Dr. RUBIN. That may well be. I think that what you would find if you would take a look at which industries are affected, I think you will see that they may not have very much to do with either the age of the workers or the danger involved in those particular occupations.

Senator PACKWOOD. It isn't danger so much in the sense of workers compensation and injuring yourself; it's that as you get older, on the average you have higher health costs.

Dr. RUBIN. Well, that's certainly costs.

Senator PACKWOOD. So if you've got an employer that on the average has an older work force, that employer, if they have a $175 cap, is going to find it a lot rougher on his or her employees than one that has a younger age category in their employ.

Dr. RUBIN. Senator, at first you used the distinction of industries in talking about age. There, I think that is a lot more difficult point to make than to say that clearly

certain employers within individual industries may well have a different age distribution among their employees. And certainly if, in point of fact, they have higher expenses and are experience-rated, they certainly will have a higher premium, and they will impact against the cap.

Senator PACKWOOD. I think I heard what you said. Say that again.

Dr. RUBIN. I said that I think you need to draw two distinctions. Your first comments spoke to industrywide. You said something to the effect that industries may age in a disproportionate way.

Senator PACKWOOD. Then let me rephrase it.

There are certain industries in this country that on the average will have higher age workers than other industries. I am not talking about within the industries. I don't know if Bethlehem Steel has on the average older or younger employees than United States Steel. But there are certain industries that have demographically higher age groups working than others.

My hunch would be—I don't know; I've never looked at it—that the average age of McDonald's employees is younger than the average age of United States Steel's employees. [Laughter.]

Dr. RUBIN. That's probably true. And I think that the question really goes to whether or not——

Senator BRADLEY. Don't go out on a limb on that. [Laughter.]

Dr. RUBIN. I would probably say that—I'll take your advice. Thank you. [Laughter.]

There is no question that that is correct.

Senator PACKWOOD. OK. So we've got discrimination.

Dr. RUBIN. No, not exactly, Senator.

But then let me ask the following question of you: If we have a higher concentration of McDonald's hamburger places in southern California, which is a high-cost area, then that whole business about their having a preference because they're younger may be ameliorated to some extent.

Senator PACKWOOD. I was going to come to that next. You've got no distinction in this bill between high cost and low cost medical service areas. You've got the same cap in a town of 3,000 that you have got in a town of 3 million.

Dr. RUBIN. We also have the same general tax rates; that's true.

Senator PACKWOOD. I understand that. So we are going to discriminate on age and we are going to discriminate on high-cost versus low-cost areas. At the moment there is no discrimination in those areas, to the extent that you have a health plan that has the same deductible in a town of 3,000 as a town of 3 million.

Dr. RUBIN. Well, I'm not sure that that's correct based on the cost experiences.

Senator PACKWOOD. I am talking about the employee. Granted, the employer may be paying more for health insurance premiums in New York City than they may be paying in Newport, Oreg.

Dr. RUBIN. Right.

Senator PACKWOOD. I am talking about the employee, assuming that you have the same benefit structure, that they don't have to worry about whether they are discriminated against because they come from a small town or a large town.

Dr. RUBIN. Well, I would point out that clearly the general Internal Revenue Code does not take into account, or to use your word "discriminates," against people who live in high-cost areas such as New York or Washington or Boston, versus people who live in towns of 3,000. Presumably, and certainly the economists that you have later on today will probably tell you that, those living in those high-cost areas are taken into account in their total compensation package. But, not being an economist, I wouldn't want to posit that.

Senator PACKWOOD. You may be right. I have often thought that the lawyer who has the best living in this country is one who lives in a town of about 50,000 who is able to make $125,000 to $150,000 a year, as opposed to a Manhattan lawyer doubling that salary but having to live in Manhattan.

Dr. RUBIN. It is generally true for physicians in that situation. [Laughter.]

Senator PACKWOOD. I have no further questions.

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Note: The Committee later received testimony from Dr. Burton Press, President, American Dental Association; Mr. Bernard Tresnowski, President, Blue Cross and Blue Shield; and Mr. John Troy, Jr, Travelers Insurance, on behalf of the Health Insurance Association of America.

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Senator PACKWOOD. Dr. Press, you and Mr. Tresnowski and Mr. Troy all, in one form or another in your testimony, indicate that the natural tendency of things if this bill passes will be to drop dental care, secondary care, tertiary care, in preference to keeping hospital care, probably because of the fear of the cost of hospitalization. Do I state it right, Dr. Press?

Dr. PRESS. I think so.

Senator PACKWOOD. And I think you are probably right. It would seem to me logical that if somebody has a fear in the back of their mind it is for example the fear of breaking their back, spending 9 months in a hospital, and being wiped out. And while indeed they know they should treat their children's teeth, or they know that they should see an ophthalmologist, those are once a month costs or twice a year costs, and if they have to make a choice between the two, even though the ultimate cost of not taking care of your teeth may cost a lot down the road, the fear of hospitalization seems relatively more important. And I think human nature is aiming in exactly the direction you said.

But, Mr. Troy, I want to ask you specifically—you comment as follows:

"Mr. Chairman, all of those in the private sector who have the most to gain from effective hospital cost containment—the employers, the unions, the insurers, in essence all of those in the private sector on the paying side of the equation say the employee health tax will be ineffective in curbing rising costs and are opposed to its enactment. On the other hand, those who have the most to gain by its failure to work, that is, the health providers, say it will work to de-escalate hospital inflation."

Do you think that the hospital associations, both public and proprietary hospitals, and to somewhat lesser an extent the American Medical Association, have reached their position out of a fear that we are going to try to enact some kind of medical cost-containment, and better it adversely affect you than them?

Mr. TROY. I would say that, in terms of the hospitals lobbying against the application of prospective reimbursement on an all payor basis, the hospitals want it limited to medicare so that if the medicare squeezes the DRG's the hospitals will have the option of raising prices to the rest of the third-party payors. They find an all-payer proposal to be much more troublesome than this proposal, which is certainly the lesser of the evils in their minds.

On the other hand, since we think the all-payor DRG or any kind of an all-payor prospective reimbursement system would do more for health cost-containment, particularly hospital cost-containment, we favor that proposal over this proposal.●

THE CLINCH RIVER FINANCING PLAN—TIME FOR A SENATE HEARING

● Mr. HUMPHREY. Mr. President, in the beginning of August an attempt was made to attach an amendment to the Interior bill that would enable the Bonneville Power Administration (BPA) to help bail out the financing of the Washington public power supply system (WPPSS) reactor units 2 and 3.

This attempt was made at the last minute without the benefit of a full and open hearing. The Senate rightly protested and a hearing was hastily put together just before the Senate recessed. Even in this last-minute hearing much was learned and I believe many more of my colleagues now are more skeptical of approving such a bailout.

Having the appropriate authorizing committees hold hearings on significant legislation before this legislation comes to the floor is general Senate practice and makes sense. Holding such hearings helps get the facts out in advance. The hearings raise and frequently resolve crucial questions, which in turn, reduces the amount of floor debate when and if the legislation in question is brought there for consideration.

Yet, despite these advantages, both the proponents of legislation to bail out WPPSS and those anxious to get the Federal Government to guarantee off-budget financing of Clinch River seem less than willing to submit to the usual hearing and legislative markup procedure.

Are they frightened that crucial questions will be raised? Are they leery of permitting the House a clear chance to vote on the issues as well? Indeed, is their real intention simply to limit debate on their proposals and to force a last-minute Senate vote that can be approved by the conferees without the measured consideration of the full House, which might otherwise be expected to reject such legislation?

The coming week will tell. It certainly is not too late to hold hearings on the Clinch River alternative financing plan and to mark up separate legislation if the plan's proponents wish to do so. Indeed, today Senators BUMPERS, BOSCHWITZ, HART, and myself requested such hearings of the Senate Energy and Natural Resources Committee and have circulated a "Dear Colleague" letter asking others to join in our request.

Mr. President, I understand that the Department of Energy (DOE) had legislation ready for submittal before our recent recess but chose to ignore the request Senator BUMPERS and I made back in July to bring such legislation to the Congress as soon as possible. I now have learned that DOE has chosen not to submit any legislation on Clinch River, preferring instead to have some Member of the Senate introduce it.

If this is so, it is all the more important that the supporters of the Clinch River financing plan come forward now with such legislation and hold Senate hearings before such legislation comes to the floor. Certainly, it would make no sense for the Senate to repeat the confusion and delay that occurred with the Interior bill in August when it became necessary to debate the proposed WPPSS bailout legislation on the floor simply to get the basic facts.

In hopes of avoiding such an outcome, I ask that the full text of the letters to the chairman of the Energy and Natural Resource Committee and to my Senate colleagues be printed in the RECORD along with a brief comparison of WPPSS and the Clinch River financing plan prepared by my staff.

The material follows:

U.S. SENATE,
Washington, D.C., September 14, 1983.

Dear Colleague:

We are writing to ask that you join us in requesting that the Energy and Natural Resources Committee hold full hearings on proposed legislation for alternative financing for the Clinch River Breeder Reactor Project before it is considered on the Senate floor. We are making this request because we believe this legislation will involve a major multi-year obligation of funds to the project and has too many important ramifications not to receive full committee review.

Certainly, it would be a mistake to rush through such legislation on the continuing resolution. Indeed, it was partly to avoid such last-minute procedures and to assure a vote in both the House and Senate that both bodies agreed two months ago in the Fiscal Year 1984 Energy and Water Appropriations Conference not to provide any further funding for the project until or unless a substantial cost sharing plan passed both Houses and was enacted.

Given the controversy surrounding this project and the proposed industry plan to have the government guarantee its financing and to obligate $1.5 billion to the project on one vote, it is essential that the Senate adhere to its normal legislative procedures.

We have already requested full Energy and Natural Resources Committee hearings. We are anxious that these be held immediately. Certainly, if such important and complex legislation is brought to the floor without these hearings, time consuming debate and discussion will be required. However, we welcome this legislation's expeditious consideration as separate legislation.

With warm regards, we are.

Sincerely,

GORDON J. HUMPHREY.
RUDY BOSCHWITZ.
DALE BUMPERS.
GARY HART.

U.S. SENATE,
Washington, D.C., September 13, 1983.

Senator JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, Senate Dirksen Office Building, U.S. Senate, Washington, D.C.

DEAR JIM: We are writing to ask that you hold hearings on proposed legislation to provide alternative financing for the Clinch River Breeder Reactor Project before this legislation is considered on the Senate floor. We are making this request because we believe that this legislation has too many important ramifications not to receive full committee review.

Indeed, if such important and complicated legislation is brought to the floor, time consuming debate and discussion will be required. Certainly, it would be a mistake to rush through such legislation on the continuing resolution. In fact, it was partly to avoid such last-minute procedures and to assure a vote in both the House and Senate that both bodies agreed in June not to provide any further funding for the project until a substantial cost sharing plan was passed and enacted.

We believe that the Senate should be cooperative in this process and we welcome this legislation's expeditious consideration as separate legislation.

With warmest regards.

Sincerely,

GORDEN J. HUMPHREY,
RUDY BOSCHWITZ,
DALE BUMPERS,
GARY HART.

WPPSS AND THE CLINCH PLAN—SOME UGLY SIMILARITIES

Both WPPSS federal bailout supporters and backers of the Clinch River alternative financing plan have been anxious to avoid holding Senate hearings and fully debating these schemes' merits. This is no accident. Indeed, in at least 5 respects both schemes are disturbingly similar:

1. Like WPPSS, the Clinch financing plan depends on Government agency guaranteed bonds that otherwise would not sell or not sell very well in financial markets. WPPSS Units 1, 2, 3 bonds are backed by the Bonneville Power Administration (BPA), a federal entity. The Clinch financing plan depends on direct federal guarantees covering $1 billion in bonds.

2. Like WPPSS, the success of the Clinch financing plan depends on the validity of several risky assumptions that (1) the plant will not experience any further cost overruns, (2) its completion date will slip no further, (3) the electricity it will produce will be needed and bought at prices high enough to repay those who financed the plant's construction. These assumptions proved to be unsound in the case of WPPSS and as a result, WPPSS defaulted on 2 of the system's 5 reactor units. The assumptions are no sounder in the case of Clinch. The only difference with the Clinch plan is that instead of having the bondholders or the region's rate payers pay for default, federal taxpayers get stuck with the tab.

3. Like the supporters of WPPSS, Clinch supporters are inattentive to the danger that the project's financing cannot be covered by the revenues the reactor might produce. And in both cases the reason why is the same—the projects' supporters believe their projects are so costly and so involve the public that they can force government to pick up the tab no matter how poor an investment these projects turn out to be.

4. Both WPPSS and the Clinch plan wrongly assume nonexistent local electricity demand. Unlike the backers of the Clinch Plan, though, the WPPSS commissioners can claim their original investment decisions were based on the best estimates of the time. DOE cannot claim this since TVA itself admits that it has no need for additional power through 1995 and just cancelled five nuclear power plants at considerable cost. In addition, the Congressional Research Service projects a significant surplus of capacity in the regions that might be served by Clinch River.

5. In both cases—WPPSS and the Clinch Plan—the key beneficiaries of the bailouts are investment brokers and private contractors who make money whether the projects prove to be economically sound or not. Thus, Westinghouse itself stands to gain at least $50 million on just one fixed fee contract (this for work on the reactor's troubled steam generator). In addition, Westinghouse is the prime contractor for the reactor's steam supply system. Westinghouse refuses to reduce the amount of guaranteed fee or profit it will make on these contracts. As for WPPSS, in 1981 Merrill Lynch underwrote an additional $750 million in WPPSS bonds and earned a $22.5 million commission—the largest in the firm's history. It is not surprising, then that Merrill Lynch is willing to sell government backed Clinch River bonds and shares.●

THE EVERGLADES ENVIRONMENT

● Mrs. HAWKINS. Mr. President, I submit for the RECORD a copy of a description of the Everglades environment prepared by the Dade County Planning Department, to help my colleagues better understand the problems that we are facing in maintaining the Everglades National Park.

The document follows:

THE EVERGLADES ENVIRONMENT

Before 1900 south Florida was a vast wilderness of bays, marshes, swamps, hammocks, pine forests, and flatlands. Each of these natural features was defined by physical and chemical conditions of the land, by climate, and by representative plants, animals, and microorganisms, which together constituted an ecosystem. Each ecosystem was dependent on nearby ecosystems for its sustenance. Freshwater runoff, for example, nourished the interior marshes and carried needed nutrients to the bays. Each of the inter-dependent ecosystems was a subsystem of the regional ecosystem. In south Florida, warm weather and abundant freshwater and sunlight over the last few thousand years allowed relatively stable and biologically productive ecosystems to develop. The waters of the region abounded with fish and other aquatic animals, and these in turn supported large numbers of reptiles, birds, and mammals.

After 1900 people came in increasing numbers to south Florida and began to modify the ecosystem. Areas were drained for farming and urban development, submerged land was filled, and trees were removed. The south Florida ecosystem that had developed over thousands of years gave way to a new three-part ecosystem which incorporated an agricultural component, an urban component, and a component of the natural eco-

system that remains largely undeveloped but affected by human activities. These components are interrelated through the sustaining flow of energy and resources. Today's agricultural and urban systems rely on the remaining natural systems to provide for the commodities and services of land, water, and oxygen production and for recycling nutrients, dispersing and detoxifying pollutants, retaining biological diversity, and producing fish and wildlife. If the natural systems are reduced, the benefits they once provided must be compensated for by the expenditure of additional energy, which is often costly to the system using the benefits. For example, the anticipated water shortages occurring as a result of areawide drainage in the East Everglades would require expensive modifications to our water supply system (such as desalinization or backpumping) in order to compensate for the loss of water from the natural system.

The waters of south Florida are a key environmental factor in the region's environment. Aquatic and terrestrial systems including human social and economic activities are controlled, to some degree, by the moisture in the soil, or by the duration and depth of inundation. These factors in turn are determined by the amounts and frequency of rainfall, the infiltration capacity of the soil and underlying rock formations, and by land elevations. Coastal systems are dependent on currents, tides, waves and some freshwater runoff to circulate and transport salts, nutrients, and other essential products. The region's waters also affect other controlling environmental factors such as fire, soil, temperature, and storm systems.

WATER RESOURCES

The people of south Florida, like most living things are dependent upon the region's fresh water supplies. The water resource is a major link between the physiographic provinces and between the agricultural, urban, and natural ecosystems. Great energy has been devoted to management of the region's freshwater resources since the urban and agricultural systems emerged in south Florida.

SURFACE WATER

Local rainfall is the source of all of south Florida's freshwater. Over time rainfall is removed from the land by evapotranspiration, runoff, or seepage into the ground. Evapotranspiration rates tend to be highest in undeveloped areas where accumulated water is used and transpired by plants. Runoff is highest in urban areas where impermeable paved surfaces prevent infiltration and speed runoff to stormwater drainage devices designed to remove water from the surface.

The effect of surface water on south Florida's landscape is enormous. Three of the largest physiographic provinces described above—the Everglades, the Big Cypress Swamp, and the mangrove and coastal marshes—are wetlands. Because the land slope is gentle, natural drainage is slow and rainfall accumulates in these great wetlands. In the Big Cypress, water moves through broad strands and sloughs, often miles wide and inches deep. Seasonal rainfall combined with sluggish drainage inundates as much as 90 percent of the sloughs for as long as 4 months each year. With the onset of the dry season, water remains only in the deeper ponds and sloughs, which comprise only about 10 percent of the natural areas. Free-flowing streams in well-defined channels are rare in south Florida. During the wet season, most of the surface flow forms a sheet over the land surface, a phenomenon recognized in the naming the hundred mile long and forty mile wide expanse of the Everglades a "river of grass."

In its natural state, flow in the Everglades began in the lakes of the upper Kissimmee River north of Lake Okeechobee, and slowly meandered southward through the river's floodplain into the lake. In wet years the lake overflowed its southern rim and drained southward through the sawgrass Everglades, adding to the Everglades' shallow sheet flow produced by rainfall. However, much rainfall and sheet flow were and still are converted to seepage and evapotranspiration. Major watercourses within the Everglades are the Shark River Slough, which flows through the south end of the Everglades and through the National Park, and Taylor Slough, which drains about 40 square miles, including agricultural land west of Homestead. Before development of the region, flow from the Everglades also reached the ocean through shallow sloughs called transverse glades, which cut through the Atlantic coastal ridge. Canals have been built through most of these transverse glades to provide flood protection and water supply for agricultural and urban development.

GROUNDWATER

The surface and groundwater systems of the region are closely connected by the extremely porous limestone strata that underlie south Florida at or near the land surface. Figure 2 depicts the relationship of the underlying formations to each other and to the land surface in a cross-section of Dade County. The upper 3,000 feet of subsurface formation is composed chiefly of limestone, sand, clay and shells. Water from the surface filters down into these rock formations, recharging the groundwater system. Groundwater flows downgradient through the rock formations toward the coast.

AQUIFERS

The water bearing rock formations, or aquifers, of south Florida are composed chiefly of limestone and are a crucial component of the groundwater system. The aquifers which are used for urban and agricultural needs are the Biscayne Aquifer underlying Dade and Broward Counties, the shallow aquifer underlying the lower Gulf Coast, and the coastal aquifer underlying Palm Beach and Martin Counties. The general characteristics of these three aquifers are similar. The Biscayne Aquifer will be the focus of discussion here, because it is a part of the freshwater system of the East Everglades Study Area.

The Biscayne Aquifer is a highly permeable wedge-shaped formation that is more than 200 feet thick in coastal Broward County and thins to a feather edge 35 to 40 miles inland. The Aquifer provides water for all municipal water supply systems from Palm Beach southward, and for agricultural irrigation in Dade and Broward counties.

Over much of its extent, the limestone of the Aquifer is covered by only a few inches of soil. In some areas, such as the rockland areas of Dade County, the rock which emerges at the land surface is the upper surface of the Aquifer. Because there are no natural impermeable formations between the Aquifer and the surface, surface water infiltrates directly into the groundwater system. This relatively rapid infiltration allows the groundwater supply to be replenished quickly by precipitation and allows the groundwater level to rise freely. The Biscayne Aquifer is about 20% porous, which means that about 20% of the total volume of the rock formation can contain water. Consequently, one inch of rainfall measured at the surface, will raise the groundwater table 5 inches. In times of heavy rainfall the aquifer simply fills up and the water table rises above the land surface. This phenomenon contributes to the seasonal inundation patterns throughout the region.

In addition to being one of the most porous aquifers in the world, the Biscayne is also one of the most productive. High yields are obtained from wells penetrating solution riddled sections of the aquifer. For exampe, large diameter wells in Miami's municipal system are capable of yielding 7,000 gallons per minute (10 million gallons par day) while drawing down the water table less than 10 feet under normal conditions. The direct connection between the surface water systems does make the Aquifer susceptible to pollution and disruption from activities at the land surface. Many contaminants are rapidly diluted in the large volumes of water contained in the aquifer, and the porous limestone acts as a filter. However, high concentrations of pollutants can overload and incapacitate the natural cleansing action. Because of its importance to the urban and agricultural ecosystems of south Florida as well as its sensitivity to the activities of these systems, the Biscayne Aquifer has recently been designated a "sole source" aquifer by the U.S. Environmental Protection Agency.

WATER MANAGEMENT

Unlike the natural ecosystems of south Florida, the urban and agricultural systems cannot operate efficiently under conditions of seasonal flooding and slow drainage. Both of these systems require that water levels be maintained at least a few feet below ground surface, and that excess water be removed quickly from large land areas. Consequently, almost from the moment that Florida entered the union, efforts began to drain and reclaim its wetlands.

The effectiveness of most early efforts was limited by an incomplete understanding of the components and functions of the freshwater system and the forces acting on it. For example, in 1851 the State contracted with entrepreneur Hamilton Disston to drain areas north of Lake Okeechobee in exchange for half the land he drained. Upon completion of the project the estimates of the reclaimed land depended on whether they were made in a wet year when 50,000 acres remained dry, or in a dry year when 2,500,000 were flood free.

Many drainage canals in south Florida were completed in the 1930's, and provided rapid removal of storm water to the ocean, but because the flow to and through the canals was not controlled, they continued to drain the aquifer during dry seasons. The drought of 1943-45 brought into focus one significant problem created by uncontrolled rapid drainage of land without regard for the replenishment of the freshwater: As freshwater levels were lowered sea water intruded into both the canals and the aquifer, and fresh water supplies were contaminated by salt. The uniqueness of the south Florida water system often required a trial and error approach to water management. The single-purpose nature (drainage) of earlier projects created problems such as salt intrusion that present-day water managers are resolving. The science and art of water managment in south Florida has evolved into a

highly sophisticated system that benefits from much knowledge gained from past experience.

SALT INTRUSION

A 1976 report by the U.S. Geological Survey comments:

Residents of south Florida are becoming increasingly aware that protection of fresh water supplies from contamination by sea water has high priority * * * sea water intrudes silently, persistently. In its unseen spread, it can and does contaminate domestic wells, destroy city water supplies, kill crops, and render soil unusable for agriculture. Seawater intrusion has affected south Florida's water resources chiefly in Dade and Broward Counties over the past several decades.

The fresh and salt waters of the region come into contact along the coast. When streamflow and water tables are high, sea water is prevented from moving inland; when streamflow and water levels are low, sea water moves up tidal streams and into adjacent aquifers. Uncontrolled canals constructed from inland areas to the ocean lower freshwater levels, and reduce the freshwater's opposition to the inland movement of salt water. Under these conditions, the canals provide channels to convey sea water inland. Most canals now have control structures to hold a freshwater head and to thus prevent the canal from conveying salt water.

The position of the fresh/salt water contact can also be affected when large volumes of fresh water are pumped from wells in an aquifer. As the wells are pumped, ground water moves toward the pumping area. If the wells are near the coast, salt water moves toward the wells also. If an uncontrolled tidal canal is nearby, the combined effect of the pumping and the proximity of the canal causes sea water from the canal to move toward the well field. Some municipal well fields were abandoned in 1945 and in earlier Miami history for this reason. One of Miami's wellfields was threatened by salt intrusion during the 1971 drought.

Past water management experience with the salt intrusion problem has led to corrective measures such as the control structures mentioned earlier. The salt intrusion problem is a constant threat in south Florida. The inland movement of the salt front has been halted by the south Florida Water Management District, but the District is fully aware of the need to closely manage water resources to prevent further encroachment of the salt front.

EXISTING WATER MANAGEMENT SYSTEM

As mentioned earlier, much has been learned about water management since the first efforts to drain south Florida were undertaken, the first regional plan for flood control was developed by the Corps of Engineers in 1947. A regional agency, the Central and Southern Florida Flood Control District, now the South Florida Water Management District, was created to operate and maintain water supply and drainage works. Since that time, the purposes of the drainage system have been expanded to include not only regional drainage and flood control, but also development of water supplies, conservation of natural resources, and the protection of environmental quality.

The present system is a highly sophisticated network of flood gates, pumping stations, canals, levees, and impoundment areas (see Map 4). Impoundment or "conservation areas" are used to store water to supplement urban and agricultural supplies in the dry season, to retain flood waters, to serve as wildlife management areas and serve recreation purposes. Water held in the conservation areas helps to prevent salt intrusion.

The South Florida Water Management District is meeting the expanded purposes of the water system by modifications to a network that was constructed largely for the purpose of drainage and flood control. Many of the ongoing District projects are directed at correcting problems that were created by earlier more narrowly focused projects.

For example, Everglades National Park has been affected by rapid releases of large volumes of water from the conservation areas. These releases, on occasion, drowned established alligator and bird nests and otherwise disrupted the breeding and feeding patterns of the Park's wildlife. Means of redistributing surface water flows to Everglades Park are now both in progress in the ground and under study. In Dade County, the South Dade Conveyance System is being built to enable the movement of the larger volumes of water south in order to supplement water supplies for wellfields and irrigation, for surface flow to the eastern sections of Everglades National Park, and to prevent salt intrusion along the vulnerable southeastern coast. A means of redistributing excess flows across the historic width of Shark Slough to reduce abnormal flows into Everglades National Park is being evaluated.●

PROGRAM

Mr. BAKER. Mr. President, on tomorrow when the Senate convenes it will do so at 9:30 a.m.

After the recognition of the two leaders under the standing order, there will be a brief period for the transaction of routine morning business to fill the remainder of the time before 10 a.m. in which Senators may speak for not more than 2 minutes each.

At 10 a.m. the Senate will turn to the consideration of the Korean plane resolution. I expect that we will be on that for a while tomorrow. But it is my hope and expectation that at some time tomorrow we can reach and, perhaps, even dispose of the Interior appropriations bill. I hope to be able to give a further appraisal of the situation for Friday during the day tomorrow.

Mr. President, I have no further business to bring before the Senate. I gather from the response of the minority leader that he does not as well, is that correct?

Mr. BYRD. Mr. President, I do not have anything further to bring before the Senate. I wish to thank the majority leader for his courtesy in extending the time today and making possible in the schedule a time for discussion of the War Powers Act and also the time that was set aside for the expression of eulogies in connection with the passing of Senator JACKSON.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:11 p.m., the Senate recessed until Thursday, September 15, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1983:

THE JUDICIARY

Maryanne Trump Barry, of New Jersey, to be U.S. district judge for the district of New Jersey, vice H. Curtis Meanor, resigned.

DEPARTMENT OF THE TREASURY

Katherine D. Ortega, of New Mexico, to be Treasurer of the United States, vice Angela M. Buchanan, resigned.

FEDERAL TRADE COMMISSION

Terry Calvani, of Tennessee, to be a Federal Trade Commissioner for the term of 7 years, from September 26, 1983, vice David A. Clanton, term expiring.

CORPORATION FOR PUBLIC BROADCASTING

William Lee Hanley, Jr., of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 1, 1984, vice Gillian Martin Sorensen, term expired, to which position he was appointed during the last recess of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, September 14, 1983*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We acknowledge, O God, the dangers of our world and the continuing crisis of conflict that brings tragedy to innocent people. We long for the day when acts of justice and compassion will mark our societies and where people will understand the common bonds they share. Where there is pain, give people healing, where there is conflict, give hope, and where there is anxiety, give peace. Amen.

The SPEAKER. The Chair, having recognized a former Member and minority leader of the House for whom we had the greatest esteem and with whom we had many a philosophical debate, almost called him up to be the chaplain of the day.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) entitled "An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes."

The message also announced that the Senate amends the title of the above-entitled bill so as to read: "An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes."

ANNOUNCEMENT OF APPOINTMENT OF RAYMOND W. SMOCK AS HISTORIAN, OFFICE FOR THE BICENTENNIAL OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. The Chair desires to announce that he has appointed Raymond W. Smock of Lanham, Md., as historian to direct the Office for the Bicentennial of the House of Representatives, effective October 1, 1983.

HISPANIC HERITAGE WEEK

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, as many of you know this is Hispanic Heritage Week. It is a time for Hispanics to join together and evaluate our present status within this great Nation of ours.

Over the past few months the President has been courting Hispanic voters. He has made speeches to a few Hispanic groups, and Vice President Bush attended the Hispanic Voter Registration Conference in Texas. It seems as if the President has suddenly become aware of the political potential of our community. It is too little, too late.

The high unemployment rate of Hispanics, the lack of respect shown Hispanics by individuals connected with this administration, and the lack of sensitivity shown for civil rights issues are the real indication of how Hispanics are viewed by the White House.

The situation is further compounded by the administration's faulty Central American policy which has had the effect of worsening the problems and increasing the level of violence for that region. In addition, White House support for certain immigration reform proposals that are potentially discriminatory toward Hispanics has added to the list of legitimate complaints we have for the President.

Hispanics will not be won over by public displays of affection. We are not a shallow community. We run deep, and our support must be won through programs and policies that benefit our community. That is our message to the White House during Hispanic Heritage Week.

A TRIBUTE TO MAYOR MARVIN ANDING

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I was deeply saddened to learn of the death of Marvin Anding, mayor of my hometown of Bossier City, La., since 1977.

Mayor Anding guided Bossier during a very challenging period in the city's history. He presided over the successful transition to a new form of city government in 1977. When a tornado smashed through our town back in 1978, he calmly and effectively led emergency operations, and then oversaw the rebuilding effort. The mayor also played a large part in realizing a new municipal office complex now under construction.

City government was a second career for Marvin Anding. He had retired from the Air Force in 1971 after 31 years of distinguished service marked by a number of awards and important assignments.

Mayor Anding was a fine man who served his country and his community well. I will miss him; my hometown will miss him.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH AND PRODUCTION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT DURING 5-MINUTE RULE ON THURSDAY, SEPTEMBER 15, 1983

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research and Production of the Committee on Science and Technology be permitted to sit while the House is reading for amendment under the 5-minute rule on Thursday, September 15, 1983.

The minority has been advised of this request and it is my understanding that they have no objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

HOUSE JOINT RESOLUTION 353—CONDEMNING THE SOVIET UNION

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise in strong support of House Joint Resolution 353 that we will be considering today condemning the Soviet Union for its wanton destruction of a South Korean commercial airliner and for the massacre of 269 innocent civilians. I would also like to take this opportunity to pay tribute to our former colleague Larry McDonald who devoted his political career to fighting communism. It is a bitter irony that he was one of the innocent victims aboard KAL 007.

I believe that passage of this resolution should be just one of a long list of worldwide efforts to secure an apology, an explanation, and reparations from the Soviet Union. If any other nation on the face of this Earth had shown such highhanded and utter disregard for human life, there would be a stampede to cut off trade, credit, commerce, and other normal international contacts. Perhaps we have become too complacent toward human rights violations by the Soviet Union as have occurred in Poland, Afghanistan, and Czechoslovakia, but we have an opportunity now to create an international response to Soviet terrorism. The United States has always been a leader in human rights protection, and I hope now we will show the same in a coordinated, multinational response to this unconscionable Soviet act. I urge a unanimous vote on House Joint Resolution 353.

OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANT ACT

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and each section of said substitute shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) for purposes of debate only, and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 206 is completely open, providing for the consideration of the bill H.R. 5, a bill to establish a coastal and resource management and development fund from which coastal States shall receive block grant funds.

The resolution provides, as the Clerk has indicated, 1 hour of general debate which will be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries.

House Resolution 206 provides for consideration of the committee amendment in the nature of a substitute as an original bill for the purpose of amendment.

This is a straightforward, open rule allowing any germane amendment to be offered under the 5-minute rule. There are no waivers of points of order.

Upon conclusion of consideration of the bill, one motion to recommit with or without instructions would be in order.

Mr. Speaker, this legislation is substantially similar to H.R. 5543 which passed this House last year by a vote of 260 to 134, a nearly 2-to-1 margin. Unfortunately, the press of other business during the closing days of the 97th Congress precluded final action on similar legislation in the Senate.

□ 1015

H.R. 5 establishes an ocean and coastal resource management development fund from which a modest portion of future increases in Federal revenue deprived from leasing mineral-rich Outer Continental Shelf lands will be allocated to coastal States toward the management and development of renewable and ocean coastal resources.

Mr. Speaker, the block grant fund would be financed by taking 10 percent of growth in the Outer Continental Shelf revenues from a base year, the year 1982, up to a maximum of $300 million annually. Disbursements from the fund would be subject to the normal appropriations process. The national sea grant college program would receive 10 to 20 percent of the amount appropriated from the fund. The Secretary of Commerce could then use the fund to make block grants to coastal States based upon a formula which considers coastal county population, shoreline mileage, leasing activity, and coastal-related energy activities. States could use this grant money only for eligible activities listed under five block categories outlined in the bill.

Mr. Speaker, it is important that we maintain our commitment and support of ocean and coastal programs, including coastal zone management, the sea grant program, and marine research programs. We must continue to preserve and protect our valuable ocean coastal resources by facilitating good management of offshore oil and mineral leasing.

This bill is a step in that direction and endorses the partnership of the States and the Federal Government in managing these very terribly important resources.

Mr. Speaker, it is in the national interest that we continue our support of those States which share the responsibility for the development of our offshore oil and mineral resources. H.R. 5 has broad support.

Mr. Speaker, I know of no opposition to this rule, and I urge the adoption of House Resolution 206 so that we may proceed to the consideration of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the provisions of the rule have been ably explained. We all know that the bill is controversial, and that the administration opposes certain portions of it, but I see no objection to debating it on the floor of the House.

This is an open rule. The bill can be amended. I think the House should get down to the business of trying to wind up major legislation such as the appropriation bills and other significant matters facing this country of ours.

This bill is important. We know that the program is a costly one.

So, Mr. Speaker, I support the rule, and I urge its adoption.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from New Hampshire (Mr. D'AMOURS) for the purpose of debate only.

Mr. D'AMOURS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of House Resolution 206, granting a rule on H.R. 5. H.R. 5 is a bill that has

been carefully fashioned over a period of 2 years by the Committee on Merchant Marine and Fisheries.

Last year, this House passed almost an identical bill by close to a 2-to-1 margin. This year, working closely with our minority members, we have developed a sound bill that has 118 cosponsors and strong bipartisan support.

The resolution provides for an open rule and 1 hour of general debate. I thank the Rules Committee and the gentleman from Michigan for bringing this rule to the floor today. The time has come for the House to once again express itself on a bill that will strengthen our offshore energy efforts and protect our important coastal resources.

Mr. BONIOR of Michigan. Mr. Speaker, I want to commend my colleague, the gentleman from New Hampshire (Mr. D'AMOURS), for his active participation in this most important piece of legislation which protects one of our most important natural resources.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 206 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5), to establish an ocean and coastal resources management and development fund from which coastal States shall receive block grants, with Mr. GARCIA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Hampshire (Mr. D'AMOURS) will be recognized for 30 minutes, and the gentleman from Washington (Mr. PRITCHARD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5 establishes an ocean and coastal resources block grant program. Similar legislation was first introduced in September 1981. Since then, we have thoroughly considered this measure in a fully bipartisan and cooperative manner. We have made important changes to strengthen and improve the bill. It is now ready to be enacted into law. This was shown most recently when the Committee on Merchant Marine and Fisheries favorably reported the bill by a vote of 37 to 2.

Mr. Chairman, the RECORD contains many statements supporting this measure and its simple logic.

We have shown that it is a fair bill. It will provide coastal States with Federal assistance similar to that given to States affected by the leasing of interior Federal lands.

We have shown that current policies of the administration are counterproductive; that they have led to unprecedented conflict between the Federal and State Governments, and that they are actually constraining OCS development. We have shown that H.R. 5 will promote partnership instead of conflict.

We have shown that the bill conforms to the President's program of New Federalism by increasing State responsibilities and decreasing Federal bureaucratic restrictions.

We have shown that support for this idea is broad, and that it crosses the lines between the majority and the minority, between government and industry, and between resource use and environmental quality.

Finally, and perhaps most importantly, we have shown that this rather modest investment can result in manyfold returns to the U.S. Treasury, through reduced Federal-State conflict and enhanced OCS leasing revenues.

Mr. Chairman, our committee has had many days of hearings on this measure. We have heard many witnesses. We have made many refinements. H.R. 5 is a timely and thoroughly considered bill. It has proven support and the cosponsorship of 118 Members of the House. It will help insure broadened development of a major domestic energy resource—the OCS—and it will do this in a way that provides the necessary mechanism for protection of important environmental resources. I urge final passage.

Mr. Chairman, I would like to briefly touch on two additional points.

The first is equity, one of the basic premises of H.R. 5 and one of the reasons this legislation has received such strong inland State support.

As you know, there is presently a serious inequity in the way we handle the receipt of revenues generated by energy activity on Federal lands. Under the Mineral Leasing Act, the Federal Government turns over 50 percent of all revenues to the States when the Federal lands in question are within a State's borders. Inland States reap more than $1 billion a year from Federal leasing activity to help them offset the negative impact of such development.

On the other hand, coastal States with energy activities off their coasts are accorded none of these revenue sources. Yet the coastal impacts from these activities are well documented and the pace of OCS activities are likely to be vastly accelerated in the next few years.

Some have insisted that no inequity exists because onshore leasing occurs within the boundaries of a State—while OCS leasing takes place entirely outside of the State's territorial sea. Such an argument is fallacious. Federal lands are held in trust by the Federal Government as the natural heritage of all Americans. The fact that a particular tract of Federal land is situated within one State does not provide that State with any unique interest in, or claim to, that land except as its use or development bear upon the State. The extraction of national resources from Federal lands—whether such lands are onshore or offshore—should involve the equitable treatment of affected States. The provisions of H.R. 5 will help correct the serious inequities in existing policy.

The second issue I would like to mention is how much money the Federal Treasury will continue to lose if revenue sharing is not enacted.

One of the primary financial justifications for approving H.R. 5 is that revenue sharing would help to establish a working partnership between State governments and the Federal Government with regard to OCS development. The clear failure to establish such a relationship in the past has delayed the landing of vital domestic oil and gas supplies, caused a significant loss of revenues to the Federal Treasury, and hampered effective coastal zone management.

There is good reason to believe that these problems could get worse. As you may be aware, the current administration has repeatedly targeted State coastal management programs for elimination. Without alternative funding schemes, like revenue sharing, the coastal States organization has testified that the State staffs necessary to discharge existing statutory review responsibilities for OCS activities and other related coastal development will be lost. Further testimony before my Subcommittee on Oceanography has indicated that, if this capacity is lost, States will resort to whatever delaying tactics are at their disposal until they can adequately assess the impacts of OCS exploration, development, and production plans.

No one should doubt that States and localities have the capacity to effectively delay OCS development. The Department of the Interior, in an unreleased study prepared last year for the Cabinet Council on Natural Resources' Working Group on Revenue Sharing, estimated that State and local opposition costs the Federal Treasury $1 billion a year. The report

goes on to state that this is an extremely conservative estimate and that a number of factors which will likely raise the cost considerably were not used in the calculation due to the difficulty in quantifying them.

The final and concluding paragraph of this Interior study finds that, and again I quote:

The only apparent solution to reducing the costs of opposition to the OCS program is to provide States and localities with an incentive to support leasing which is perceived by the States and localities as sufficient to counterbalance their perception of the potential harm and risk to which they are subject. OCS revenue sharing is the best incentive available to achieve that counterbalance.

On this I concur. H.R. 5 is not going to mitigate all opposition or reduce all the costs to the U.S. Treasury. But it will for the first time give States a direct, visible, monetary interest in the growth and health of the OCS oil and gas leasing program and it will insure that States have the manpower necessary to be full partners in the process. Without it, distrust between the States and the Federal Government will continue to grow and everyone will lose.

I strongly urge the adoption of this vital legislation. Mr. Chairman, I yield back the balance of my time.

Mr. PRITCHARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Ocean and Coastal Resources Management and Development Block Grants Act (H.R. 5).

This bill will insure continued funding for important ocean and coastal development activities including coastal zone management, living marine resource programs, and the National Sea Grant College program.

I want to reemphasize that coastal States are facing the prospect of locating funding for many important coastal zone programs from other than Federal sources. At the same time, the Department of the Interior is proceeding on a significantly accelerated 5-year oil and gas leasing program. The pressures on coastal communities to maintain existing programs and the need for locating a source of funding that would not place additional burdens on either the Federal budget or on individual taxpayers have never been greater.

This legislation is very similar to H.R. 5543, which passed the House last year by nearly a 2-to-1 margin. However, I want to point out that this year, the Committee on Merchant Marine and Fisheries was able to work out a bipartisan compromise which addresses the concerns of those who were opposed to the earmarking of moneys but favored a local pass-through of State funds to local governments. I am pleased to be part of this bipartisan effort to insure continued funding of our important ocean and coastal development activities and to achieve equity for coastal States with inland States in terms of long-term equitable compensation for the effects of federally generated resource exploration and development.

The development of this bill was influenced by several guiding principles. First, a portion of Federal revenues from the extraction of nonrenewable OCS mineral resources should be applied toward continued improvement and development of renewable ocean and coastal resources; second, in accordance with current initiatives to expand OCS mineral leasing, emphasis should be placed on providing funds for State management efforts, block grants, and State decision flexbility—this facilitates the development of a partnership on OCS development versus the traditional adversarial roles between the States and the Federal Government; and third, support of certain ocean and coastal programs should be maintained in the block grant concept, including coastal zone management and sea grant, as well as living and nonliving marine research programs.

The State of Washington, my State, the first State with an approved coastal zone management program, has a deep and a longstanding interest in programs which would receive funding under this bill. The coastal zone management program and the sea grant program, as well as other living and nonliving resource development programs, are all activities which will significantly contribute to the quality of life and the enhancement of the economy of the Nation and the State of Washington.

Mr. YATES. Mr. Chairman, will the gentleman yield for a question?

Mr. PRITCHARD. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the report of the committee indicates that the administration is opposed to this bill. Is that a correct statement?

Mr. PRITCHARD. Well, there are some in the administration who at this point are not supporting it.

Mr. YATES. But let me ask, are those in the administration who support the bill included in this report?

The only evidence I see of the administration's position is a statement that appears on page 90 of the report. That is a statement by the representative of the National Oceanic and Atmospheric Administration, and he says the administration opposes the bill.

Can the gentleman tell us who in the administration favors the bill?

Mr. PRITCHARD. Mr. Chairman, the bipartisan effort that we talked about is one that is congressional in nature. As far as the administration is concerned, they will speak for themselves. I think they are going to have a spokesman in the debate today that will tell us in what ways the administration is not totally satisfied with the bill.

I would not want to pull the wool over the gentleman's eyes and say that somehow the administration favors this legislation. I never said that. I did say it was a bipartisan effort by those of us in Congress who have the responsibility for producing and working up the legislation, but at no time did I say the administration favored it.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding.

First of all, I would like to identify with the remarks of the gentleman from Washington (Mr. PRITCHARD) and also commend him for the leadership that he has displayed.

I want to join in supporting this bill because it represents an important new approach to existing States and local governments to deal with the environmental impact of offshore activities.

I would remind the gentleman from Illinois that revenue sharing as a concept is a Republican concept that originated with a Republican President not too many years ago, and I am hopeful that we will be able to convince all of the doubting Thomases in the current administration that this is something they ought to embrace.

Mr. Chairman, as a cosponsor of H.R. 5, I rise in strong support of this legislation to establish an OCS revenue sharing program. The bill, known as the Ocean and Coastal Resources Management and Development Block Grant Act, represents an important new approach to assisting States and local governments to deal with the environmental impact of offshore drilling activities.

I supported similar legislation which passed the House last year, and want to commend the distinguished Chairman of the Merchant Marine and Fisheries Committee, the Honorable WALTER JONES, for his unflagging leadership and diligence in seeking ways to further improve the bill.

I also want to commend the distinguished ranking minority member, my good friend ED FORSYTHE, for his leadership in resolving a number of concerns which had been raised last year.

As a result of this committed, bipartisan effort, the bill before us provides for State flexibility and local government coordination in managing ocean and coastal resources.

The legislation establishes a special fund in the U.S. Treasury to be fed by 10 percent of the growth in future revenues from Federal offshore oil and gas activities. coastal States would be eligible for a share of the fund in accordance with the formula which in-

cludes actual and planned OCS leasing, coastal related energy facilities including coal, and for States, including New York, with approved coastal zone management plans, shoreline mileage and coastal county population will also be considered.

Under this formula, New York State is slated to receive 4.6 percent of future OCS revenues. It is estimated that under H.R. 5, New York will receive $13.9 million to use in a wide range of coastal management activities to deal with the impact of energy development of coastal areas and on our vital fishery resources, including $1.8 million to fund the sea grant program which has been so important to New York's environmental and conservation efforts.

The bill also supports activities under the Coastal Zone Management Act by requiring that at least 25 percent of the State's grant be spent on activities authorized by the CZMA. This assures that New York's recently approved coastal zone management plan will continue to provide needed protection for coastal areas impacted by offshore oil and gas activities.

In addition, H.R. 5 requires that States allocate at least 35 percent of their block grant to local governments to assist in their ocean and coastal management efforts. Last year I pushed for providing local governments more flexibility in meeting their needs, and I am pleased to see this 35-percent passthrough included in the bill before us today.

Passage of this legislation is important for Long Islanders. With our precious coast lined with miles of beaches, fragile wetlands, inlets, and estuaries, proper management of these important resources is vital both to our economy and to maintain our unique environment. Additionally, with continued support for New York's coastal zone management plan, Long Islanders will be assured a participatory role in Federal OCS decisionmaking.

With an accelerated offshore leasing program underway, it is essential that this program be in place at the earliest possible date. I commend my colleagues on the committee for the statesmanship which has gone into the development of this legislation and I urge my colleagues to vote for passage of H.R. 5. Thank you.

□ 1030

Mr. YATES. Mr. Chairman, will the gentleman yield further for a question?

Mr. PRITCHARD. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman from New York spoke about revenue sharing. Does this bill propose to share the revenues with the people who live in Iowa, for example, or Colorado or Wyoming or Montana?

Mr. PRITCHARD. Well, its main focus is sharing some money with those States which bear the responsibility of handling not only the costs of the extraction of these minerals from the offshore, but also the responsibility of maintaining and developing ocean resources, sea grant programs, and other fisheries programs.

Mr. YATES. Mr. Chairman, would the gentleman yield further?

Mr. PRITCHARD. I yield to the gentleman.

Mr. YATES. Do not the coastal States now enjoy the total revenues from the lands which are within 3 miles off their coastlines?

Mr. PRITCHARD. Within 3 miles. But, of course, this goes out——

Mr. YATES. We are talking about the area within the 3-mile coastline, the so-called tidelands?

Mr. PRITCHARD. That is right.

Mr. YATES. The bill aims at something beyond that. The question I should like to ask is why should this formula be used. At the present time the revenues that accrue from oil leasing go to all the people of the country. For the people who live in those States which do not have coastlines, as well as those which do. And those funds are now being used in part for the land and water conservation fund in which I am sure the gentleman is interested, coming as he does from a State that has such wonderful natural resources.

The question in my mind is, is this not a discriminatory bill? Does this not favor the people who live in the coastal area States to an unfair proportion over those who do not?

Mr. PRITCHARD. We do not believe so. Of course, some of these costs are being borne by the taxpayers today, like sea grant and some of these other ocean and coastal programs. This would allow some relief from the general taxpayer and allow that revenue to flow directly into those programs that are related to oceans.

The chairman of the committee would like to be recognized.

Mr. JONES of North Carolina. Mr Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the chairman of the committee from North Carolina.

Mr. JONES of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, I would like to attempt to reply to my good friend's question.

In the question of the Midwestern States you referred to with no coastlines, they are now enjoying 50 percent of the mineral rights, the timber rights, under entitlement. This bill contains no entitlement. There is no guarantee at all. In fact, when you come back to the mechanics of this bill, which I will explain in a few minutes, it has to be moneys appropriated each and every year, whereas the States to which you show some concern are living under an entitlement of 50 percent, guaranteed income.

This bill does not do that.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman.

Well, this may be true. But those bills were passed at another time when the Treasury was not in the condition that it is today.

You have $200 billion deficits in prospect, not only for this year, but for succeeding years. This bill would take away a significant portion of the funds that now go into the Treasury, and assign it for specfic purposes, would it not?

Mr. JONES of North Carolina. I would say to the gentleman, getting back to your problem about the Midwestern States, that they do not have the coastal problems that the coastal States have, that have erosion and destruction. And that is what we are trying to approach here.

Mr. D'AMOURS. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. I thank the gentleman for yielding.

If I may attempt to address the gentleman's inquiry further, the gentleman has just indicated that we would be taking moneys that now go into the Treasury. That is not the case. These funds are based on a projected growth, an increase in revenues brought in by the leasing of offshore lands. The base year is 1982. So, there are no moneys now going into the Treasury which would be removed from the Treasury. The formula is based on a small percentage of the growth in such revenues.

Furthermore, without this legislation there is good reason to believe, and there is an Interior Department study to back us on this, there is good reason to believe that without this bill, we will lose perhaps as much as $1 billion a year because of the road blocking that the States are going to do in bringing litigation and using any other means they can to delay and untrack attempts to lease oil lands off our shores.

So I will make two points in answering the gentleman's question: One, no moneys now going into the Federal Treasury are going to be removed and, two, without this legislation we can fully anticipate that the Federal Government will in fact come out behind in its attempt to garner new revenues from offshore oil leasing.

Mr. YATES. If the gentleman will yield further for a question, in response to what the gentleman has said, this bill contemplates the accelerated leasing program that is being un-

dertaken by the present Secretary of the Interior and the funds presumably will come from that accelerated leasing program.

Those funds, however, without this bill, would go into the Treasury, except for deductions now for the land and water conservation funds and one or two other purposes. What this does is take from the revenues which would flow from the accelerated leasing program and allocate them in grant measure for the coastal States.

Mr. D'AMOURS. Mr. Chairman, will the gentleman yield to me?

Mr. PRITCHARD. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. I thank the gentleman for yielding.

As the Department of the Interior's offshore oil leasing is accelerating, so are the suits being brought by the States to block these leases accelerating. And in point of fact, very little so far is being accomplished. And this is slowing down the influx of revenues to the State from the leasing program.

We want to break that log jam, and we believe that the passage of this bill, and the coastal States have agreed with us on this, will result in a lessening of such dilatory suits by the States and a net increase in moneys to the Federal Government.

Mr. YATES. If the gentleman would yield further, I can understand that. The coastal States would be obtaining so great a return from passage of this bill they would no longer be interested in trying to stop the leasing program.

But that is not the point. The point is that those revenues would still accrue to all the people of the country. I take it that the gentleman's State of New Hampshire would not receive any funds under this program, would it?

Mr. PRITCHARD. Would the gentleman allow me to answer this.

It is true. We are going to take the increased revenues that come from offshore leasing and we are going to take 10 percent of it and apply it to the coastal activities outlined in this bill, some of which are being carried by the taxpayers today, such as sea grant, fish hatchery, as well as other ocean programs that are being carried today.

So, we are reaching out and taking the increase in OCS revenues and we are going to take 10 percent of that up to a cap of $300 million and put that into the coastal activities instead of going to the general taxpayer. So I do not think it is an out-of-line program. It also allows a partnership so that we can get these coastal States to work together with the Federal Government in these leasing programs instead of being a block, and they are a block today.

Mr. YATES. Mr. Chairman, would the gentleman yield further?

Mr. PRITCHARD. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman.

Do you not have the opportunity and the privilege at the present time under the coastal zone management program, to work out that kind of a partnership between the Federal Government and the States, in laying out coastal zone management programs, which would include the leasing programs? Is not the only purpose of this bill to provide not only the kind of partnership you speak of, but to bring to the coastal States revenues which they do not reserve today which now would go into the Federal Treasury for the benefit of all the people of the United States?

Mr. PRITCHARD. Obviously, if you are going to have a partnership with the States, you are going to have to get them in on some of the resources as far as money so they can meet some of these needs. And, so, it is true, this is a way to get the States out of a blocking position and get them to be a partnership. And remember, we are not touching any of the present revenue, and we are going to take 10 percent of the growth in revenues.

I think it is a fair program. Obviously, we have a disagreement.

Mr. YATES. I thank the gentleman for the opportunity of exchanging these views with him.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield to me?

Mr. PRITCHARD. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, it is important, I think, to address the gentleman's concerns about discrimination. The bill, in fact, allocates moneys derived from the coastal resources of our country, at least a portion of it, 10 percent of the gross receipts, to the general States. And the question, is that not discrimination against interior States? The chairman of our committee has already pointed out that current Federal law provides that 50 percent sharing with interior States of the revenues produced for this country from the production of minerals on lands of the Federal Government located within an interior State.

Now, I think it is important at this point to look at the figure that is being derived for those interior States under the current leasing programs conducted on interior State lands.

Currently today, under that 50 percent sharing formula, interior States will get in this fiscal year approximately $1 billion of revenue shared from the Federal Treasury, with those interior states who permit and encourage the development of resources from Federal lands located within those interior States.

Now, coastal States on the other hand receive zero funds, zero, as opposed to 1 billion dollars worth of funds from the development of those Federal lands located and which impact severely upon those coastal States. The gentleman is correct. If coastal States are going to be in a position, No. 1, of encouraging the development of resources that our country needs from those Federal lands offshore, just as interior States are encouraged to permit the development of the resources located on Federal lands in interior States, then we need to change the law, we need to establish some fairness in the allocation of funds.

And, second, if the enormous impacts of coastal development are not somehow addressed, then it follows almost as the night the day that interior States are going to object to the development of the Federal lands located off their coast unless there is some protection, some guarantee in effect that those adverse impacts are going to be addressed with Federal dollars.

This is a way to do it, not nearly in the same fair way, because if you wanted to be fair to coastal States it ought to be 50 percent, just as we provide to interior States. But here we are providing at least 10 percent. And, by the way, part of that 10 percent as the gentleman knows goes to funding those coastal zone management programs that are vital to protect the environment of coastal States where energy development occurs.

I thank the gentleman.

Mr. PRITCHARD. I thank the gentleman from Louisiana.

Mr. PRITCHARD. Mr. Chairman, I yield 8 minutes to the gentleman from Texas (Mr. FIELDS).

Mr. FIELDS. I thank the gentleman for yielding.

Mr. Chairman, although I have the highest regard for the distinguished chairman of the Merchant Marine and Fisheries Committee, I must in good conscience oppose the passage of H.R. 5.

The concept of sharing Outer Continental Shelf revenues with coastal States is neither new nor is it a radical idea. While one can question the wisdom of creating a new, permanent, $300 million a year Federal program, I believe OCS revenue sharing is a worthy concept.

In my judgment, the authors of this legislation have persuasively argued that there is a need to compensate States and local communities who are impacted by Federal OCS activity off their shores.

Regrettably, however, the authors of H.R. 5 completely ignore this most basic principle by establishing an unfair and highly discriminatory formula for distribution of funds.

As currently written, H.R. 5 denies just compensation to hundreds of af-

fected communities by only paying lip service to actual OCS leasing, exploration, development, and production. It instead places its primary emphasis for disbursement of funds on population, length of a coastline and the number of energy facilities located in the coastal zone area.

As a result of this formula, States that have no Federal OCS program receive in many instances more money than States that will have a great deal of activity. In fact, several Great Lake States will receive considerably more money under this legislation, even though they have no Federal OCS program, than 15 coastal States that will have significant OCS activity will receive.

While I have no quarrel with Michigan, Ohio or any other Great Lake State, I feel it is wrong and inappropriate to provide Federal OCS revenue sharing funds to a State whose territorial waters are not even adjacent to the Federal OCS, and which have never contributed even 1 dime in OCS revenues.

Mr. Chairman, if we adopt this formula, then I believe we must in fairness immediately amend such laws as the 1920 Mineral Leasing Act, the Taylor Grazing Act and the national forest fund. If there is to be little or no relationship between actual activity and the sharing of money based on that activity, then why not transfer money from the national forest fund to our Nation's inner cities. Why not change the Mineral Leasing Act to give money to States which have no mineral development. Because that is exactly what the authors of this bill are doing with Federal OCS revenues under this proposal. Like modern day Robin Hoods they are taking revenues from areas like Texas, Louisiana, and California that have the heaviest OCS exploration, development and production and giving a significant part of that money to States with none.

Mr. Chairman, I believe a workable and equitable OCS revenue sharing plan can be established by rejecting this formula and by adopting instead a formula which provides funds based on actual leasing and production located in the OCS adjacent to a State's territorial waters.

It is well known, that now and historically the vast majority of OCS oil and gas production has come from the Gulf of Mexico, specifically off the coast of Texas and Louisiana. Our region contributes more than 96 percent of OCS oil and virtually all OCS natural gas production.

As a result of this energy production, the Federal Government has received in excess of $34 billion in OCS revenues or nearly 80 percent of the total revenues collected to date.

Yet, under this legislation, the State of Texas is heavily and unfairly penalized for not yet having a federally approved coastal zone management plan.

If we are to accept the basic premise, the very heart of this legislation which states that coastal communities should be compensated for having OCS development off their shores, then it should make absolutely no difference whether a State has or does not have a federally approved CZM plan.

There is a need for a strong, equitable and viable OCS revenue sharing plan. I believe we can achieve that goal by adopting a formula that allocates grants to States based on the amount of OCS activity, and which does not penalize a State for not having an approved CZM plan.

Mr. Chairman, at the appropriate time, I will offer several amendments to provide some semblance of fairness and equity to H.R. 5. I am hopeful my colleagues will support me in these efforts.

□ 1045

At this time I would like to point out that many States, many interior States, are not receiving any money whatsoever under this particular plan. We are talking about $300 million going to the States that are coastal States.

While I can understand the logic of this OCS program, I want to make sure that everyone is aware in this body what that exactly means. It means that Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wyoming will receive no money whatsoever. Their taxpayers are going to be penalized by this particular $300 million plan.

Also I think there is logic in questioning the timeliness of this particular proposal. While it has some merit, I wonder if this is the particular time to implement what will be an entitlement type program. We have a tremendous budget deficit at this particular time in our country and we are going to be taking $300 million out of our Federal Treasury.

On September 6, 1983, I received, along with several other people, a letter from the Executive Office of the President signed by David Stockman.

His letter states as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 6, 1983.

Hon. EDWIN B. FORSYTHE,
Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN FORSYTHE: I am writing to advise you of the Administration's strong opposition to enactment of H.R. 5, the "Ocean and Coastal Resources Management and Development Block Grant Act," which the House may consider in the near future.

The Outer Continental Shelf beyond the three-mile limit is strictly a Federal responsibility. The legal situation on this issue is clear and it would be most unwise to open it for debate, even implicitly, by entertaining the sharing of Federal OCS receipts. To do so would introduce the possibility not only of protracted disputes, but also of the eventual loss of substantial Federal revenues.

H.R. 5 would earmark up to $300 million a year, in perpetuity, of Federal revenues from Outer Continental Shelf oil and gas leasing and royalty receipts to fund a new block grant program. Such earmarking is highly objectionable because it limits the flexibility of the Congress, the President, and State and local governments in meeting changing requirements in future years.

This new block grant program would support—at funding levels far in excess of current levels—the Coastal Zone Management Program, the Coastal Energy Impact Program (CEIP), the Sea Grant Program, and other related programs. These are all programs that the Administration has proposed to terminate or phase down because they can be funded by the States without further Federal assistance or are no longer needed to meet their original purposes. The authorized appropriations could amount to as much as $3 billion over the next 10 years—i.e., add $3 billion more to the Federal deficit.

H.R. 5 would also require the establishment of a management structure to administer the imposition of significant regulatory and reporting requirements on the States. This is directly contrary to the Administation's efforts to reduce such Federally imposed burdens.

The provisions of the Outer Continental Shelf Lands Act were carefully designed to provide adequate protection for, and appropriate compensation to, coastal areas that might be affected adversely by oil pollution from OCS activities. Furthermore, studies show that the onshore OCS-related activities and resident OCS employees that impose costs on non-Federal coastal governments are a highly superior source of tax revenues and provide more benefits than costs to those governments. In this context, H.R. 5 cannot be justified because it would duplicate existing programs and would inefficiently reward States at little or no risk of experiencing significant adverse effects.

An additional Federal outlay of $300 million per year would be inconsistent with sound budget policy, and is not provided for in the President's budget. Moreover, from a longer term perspective, Federal acceptance of the principle of sharing OCS receipts would encourage the States to press for an ever-larger share of the economic rent generated by the OCS program.

In light of these considerations, the President's other senior advisers and I will not be able to recommend approval of H.R. 5, or anything like it, should such legislation be presented for the President's action.

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I will be glad to yield to the gentleman from Illinois.

Mr. YATES. As does the gentleman, I, too, favor the sea coastal zone management program now on the books,

the sea grant program which is now on the books, the other programs which would be phased out by passage of this bill.

The problem is that the administration has refused to make funds available for those programs and looks to phasing them out and putting the responsibility on the States. That is a policy decision by this administration.

As I understand the purpose of this bill, it is to provide funds which would supplant the decision of the administration to deprive these programs of those funds. Yet I asked the gentleman, suppose the administration, in view of its opposition as expressed in this report, suppose the administration refused to recommend funding for the new coastal zone management program or for the land grant colleges?

This bill makes those programs subject to appropriations, future appropriations, and suppose the administration refuses to recommend funding, as it does now? Why would not, in that instance, the same opposition be present?

Mr. FIELDS. Reclaiming my time——

The CHAIRMAN. The time of the gentleman from Texas (Mr. FIELDS) has expired.

Mr. YATES. I would hope that somebody would answer that question.

Mr. PRITCHARD. Mr. Chairman, I yield myself such time as I may consume.

Let me attempt to respond.

The gentleman is right. We have a situation in which a number of these coastal programs are being phased out or attempted to be phased out.

Mr. YATES. Will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Illinois.

Mr. YATES. Through a lack of appropriations.

Mr. PRITCHARD. With respect to the administration, they are saying here let the States do it and so the State says, well, we are having this increased activity on our coast and it only makes sense for us to get a portion of that new revenue. After all, if you are in Wyoming you get 50 percent of that leasing money. We are only asking for 10 percent for the coastal States, so I think that it is just a logical thing to follow.

I think the gentleman would agree if the administration is going to tighten down here and say all right, States, you pick this responsibility up, then of course where you have new leasing programs I do not think it is out of line to let the States get 10 percent to pick up the responsibility.

I think the gentleman stated it was an entitlement program. It is not.

Mr. YATES. That is right. You are not referring to this gentleman saying that?

Mr. PRITCHARD. No. It is only if the money comes in. I agree. So you sort of have two things.

First, you have the philosophy against it and, second, you have the question of whether you have a fair formula.

Let me just address the fair formula.

Mr. YATES. Will the gentleman yield further before he addresses the fair formula?

Mr. PRITCHARD. I yield to the gentleman.

Mr. YATES. I do not think the gentleman has responded to my question. One of the primary concerns for passage of this bill is the fact the administration seeks to phase out existing programs that the gentleman and I agree are good programs that now permit the States to really have some kind of voice in the determination of how their coastline should be treated.

The administration has not recommended funding for those programs.

Mr. PRITCHARD. That is correct.

Mr. YATES. This bill provides for appropriations to be determined by the Congress.

The administration will then have the responsibility again, of recommending, as it does now, funding for these programs. If the administration is opposed to this bill, as the report indicates, what is there to prevent the administration from refusing to provide or to recommend the funds for programs that are authorized for this bill?

Mr. PRITCHARD. There is probably nothing to stop them from doing that.

Mr. YATES. Will the gentleman state that again?

Mr. PRITCHARD. The gentleman says what is to keep the administration from doing that?

Mr. YATES. Yes.

Mr. PRITCHARD. There is nothing to keep them except if we go through this program and then that money is going to flow to the States no matter what.

Mr. YATES. On the contrary. If the gentleman will yield, that is not true, if I understand the program, because it would be subject to appropriations by the Congress. The whole budget process must still be pursued and the administration will make its recommendations to the Congress for the programs created by this bill as it does now under the present program.

Mr. PRITCHARD. I agree. But I just believe most all of us agree that if we get 10 percent allocated and it is passed into law, why, then, I think Congress will be responsive. I do not see how the administration can block that.

Mr. YATES. It is doing it. It is opposed to this program. It has blocked the appropriations for many programs to which it has been opposed.

Mr. PRITCHARD. I think this is a sounder basis to make that fight on.

Mr. FIELDS. Will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Texas.

Mr. FIELDS. I would just make the point if Congress wants to fund this program it certainly can. It can do so in the budgetary process.

But to me a major argument is why create a program that is going to be an entitlement, ongoing program? It is $300 million now, but the estimates in the administration's letter are that it could be as much as $300 billion over the next 10 years.

Also you are going to be creating a management structure to administer the imposition of significant regulatory and reporting requirements on the States. Then you add in addition to that the unfairness of what I think the formula bespeaks.

I think there are a number of reasons why this is fundamentally flawed and if we want to deal with some of the problems the gentleman has, why do we not go back and deal with the problems specifically here on the floor instead of taking this backdoor approach to funding these programs, diminishing the size of our Treasury, and exacerbating our deficit, and particularly the people from the interior States where their taxpayers certainly are impacted by this particular type of legislation?

Mr. PRITCHARD. I would say to the gentleman when they do some leasing in Wyoming, then 50 percent of that goes to the State. So we are launched into this type of an approach.

I just think it makes eminently good sense and I think to take 10 percent of it is not unreasonable. There is a cap. We can only go up to $300 million. There is a cap and it is new growth money. I think it is a logical answer.

I agree that there are different ways to meet these needs but I think it is a logical answer and I think it makes it a little more certain that we will fund these programs, in my opinion.

Mr. JONES of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, I rise in support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act. This historic legislation has a dual purpose—to preserve and protect our valuable ocean coastal resources, while at the same time providing an incentive for coastal States to cooperate with expanded OCS oil and gas activity. H.R. 5 has strong bipartisan support among the members of the Merchant Marine and Fisheries Committee.

While the legislation now before us is very similar to the bill that passed the House last year, several critical

changes have been made—changes which I strongly advocated and which address many of the concerns of those who have opposed the legislation in the past. With these changes, H.R. 5 now gives States much greater spending flexibility, and also guarantees the participation of local governments in the block grant program.

In contrast to earlier proposals, this bill contains no percentage earmarking requirements on how the States must spend their funds—with the exception that at least 25 percent of the State's grant must be spent on activities authorized by the Coastal Zone Management Act. Most importantly, the remaining 75 percent can be spent at the discretion of each State for ocean and coastal management efforts—including coastal energy impact, living marine resource, and natural resource-oriented activities.

H.R. 5 would also require that each State allocate at least 35 percent of its block grant to local governments and that States consult and coordinate with local governments in determining the allocation of their block grant funds. Both of these concerns—optimum State flexibility and local government participation in the program—were raised by a number of witnesses at the hearings including the administration.

Finally, there are several key elements of H.R. 5 which I believe are important to emphasize—and which enhance the appeal of this piece of legislation:

First, the bill does not create an entitlement program. No moneys may be withdrawn from the fund except by appropriations acts.

Second, the size of the fund created is based solely on the amount of growth in OCS revenues. The fund will not affect current levels of income to the Treasury.

Third, a full 60 percent of the allocation formula is energy related.

Fourth, the block grant program reduces Federal administrative burdens and requirements. Although the administration has proposed termination of some of the ocean and coastal activities addressed in the legislation—such as sea grant and coastal zone management—Congress has seen fit to consistently support and fund these programs.

And, finally, it is anticipated that strong oceans and coastal programs will allow States to address OCS lease sales in a rational and studied manner—leading to reduced conflict and greater predictability over the OCS leasing program.

Mr. Chairman, I support adoption of H.R. 5 and urge the support of my colleagues.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 5 establishes an ocean and coastal resource management and development fund. Annually, beginning in fiscal year 1983, the Secretary of Treasury is directed to deposit into that fund the lesser of the following: $300 million or 10 percent of the difference between Outer Continental Shelf (OCS) oil and gas leasing receipts received in that year and each succeeding year and OCS leasing revenues received in 1982.

The bill provides that no money shall be removed from the fund except by appropriations acts. From 10 to 20 percent of annual appropriations will be used for the national sea grant college program; the remaining 80 to 90 percent will be used to provide coastal and Great Lakes States and U.S. territories with block grants for the management and enhancement of renewable ocean and coastal resources. The first block grants will be awarded in fiscal year 1984.

Block grants are allocated by a formula which includes five criteria: actual OCS leasing activity; planned OCS lease sales; coastal related energy facilities; and for those States with approved coastal management programs and those making satisfactory progress toward such approval, shoreline mileage and coastal county population. No State with an approved coastal zone management program shall receive less than one-half of 1 percent of the amount available for the block grants.

Prior to receipt of annual block grants, States must submit a pregrant report to the Secretary which specifies the intended allocation of funds among the following eligible activities: coastal zone management activities; coastal energy impact activities; living marine resource management; and natural resource management. Finally, the bill requires each coastal State to provide the Secretary with an independent audit of annual expenditures of block grant funds and provides authority for the Secretary to enforce compliance with the act.

Mr. Chairman, at this point in my statement, I would like to raise an issue that I have discussed with the chairman of the Interior Committee. It involves a jurisdictional issue between the Interior Committee and the Merchant Marine Committee regarding the proper interpretation of section 3 of the bill.

The Merchant Marine and Fisheries Committee has no jurisdiction over the administration of leasing on the OCS or the revenues derived from it. The legislative jurisdiction over these matters is exercised by the committee which Mr. UDALL chairs—the Committee on Interior and Insular Affairs—while the Merchant Marine and Fisheries Committee has jurisdiction over the OCS by reason of its authority over oceanography, fisheries, and wildlife, and the environment, and environmental policy. H.R. 5 is not intended to invade the Interior Committee's jurisdiction in any way nor is it intended to allocate OCS revenues.

Section 3 is merely a method for determining what the authorization level may be in any given year. It is simply a way of indexing the level of funding with accelerated leasing. I anticipate a large injection of new moneys into the general fund in the immediate years ahead. These increased revenues are not relevant to future appropriations under this bill. We refer to such revenues only for the purpose of indexing our authorizations. After enactment of H.R. 5 moneys in the general fund may be appropriated by the Congress for any authorized purpose.

Nothing in this bill is intended to imply that these specific new OCS moneys are to be used directly for this ocean and coastal resources management and development fund.

Instead, section 3 of H.R. 5 provides that up to $300 million shall be transferred from the general fund into this new special fund for grants to impacted coastal States and territories. If, as is now projected, the accelerated program does not produce as much new revenue as we once anticipated, then the amount transferred to the special fund would be less than $300 million. This occurs when 10 percent of the increased OCS revenues, over 1982 as the base year, is less than $300 million.

There is no earmarking of OCS revenues. This is simply a method to determine how much money should be transferred from the general fund to the ocean and coastal fund. We do not intend to earmark OCS revenues and we concede that would be a matter within the jurisdiction of the Interior Committee. Certainly, we do not believe that the use of increased OCS receipts as an index in any way implies that these OCS revenues are earmarked for the purposes of implementing H.R. 5. Nor do we believe that the enactment of H.R. 5, in its present form, would interfere with the jurisdiction of the Interior Committee with respect to the allocation of such funds.

Mr. UDALL has indicated that, on behalf of his committee, he wants to guard against direct allocations of OCS receipts because this is a most important aspect of the jurisdiction of his committee and because it could seriously impact on some of the important programs—such as the land and water conservation fund and historic preservation fund—presently in place. He has no objection to using the increased OCS revenues as a guide or index for the authorization as long as he has my assurance that this in no way attempts to allocate OCS revenues. He has my assurance on that.

I also want to make clear that the other body may have a different ap-

proach on this issue. If the bill goes to conference and the comparable provision in the Senate bill contains language which could be construed as specifically allocating OCS revenues, I have agreed with Mr. UDALL that the interests of the Interior and Insular Affairs Committee should be represented in the conference.

If the Senate bill were to contain a provision allocating or earmarking OCS revenues, I would personally have no objection if the Speaker selected some Interior Committee members to serve on the conference committee on this issue. I hasten to add, however, that if we go to conference—or even if we do not—I have given my personal assurances to the gentleman from Arizona that I will press strongly for the House language on this provision so that the interests of the Interior Committee will be protected.

□ 1100

Mr. JONES of North Carolina. I thank the Chair.

Mr. FIELDS. Mr. Chairman, will the Chairman yield so I might make a point?

Mr. JONES of North Carolina. Mr. Chairman, I yield for one question only.

Mr. FIELDS. I thank the gentleman for yielding.

The question is how many States participate and how many territories?

Mr. JONES of North Carolina. Thirty-five.

Mr. FIELDS. No; how many States specifically participate? I do not think it is 35 States.

Mr. JONES of North Carolina. I said "and territories." It is 30 or 31 States.

Mr. FIELDS. And five territories?

Mr. JONES of North Carolina. Yes; we have to look at them, too, sir.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. TALLON).

Mr. TALLON. Mr. Chairman, I rise today in support of this important legislation which would establish a block grant program to fund various coastal and ocean resource activities from a percentage of Outer Continental Shelf oil and gas revenues.

This bill implements the principle that a modest portion of future increases in Federal revenues from the extraction of public owned, nonrenewable, ocean energy resources should be allocated to coastal States for the continued sound management of, and research on, renewable ocean and coastal resources.

Second, it recognizes that States will continue to be asked to address, perhaps more intensely than in the past, the impacts of energy development and other development in the coastal areas.

Third, the bill recognizes that to reduce Federal-State conflict, coordinate the acceleration of offshore lease sales and State management capacity and, thus, establish a critical Federal-State partnership required for maintenance of the national interest, it is necessary to build on the progress made in State coastal management and living marine resource activities by continuing Federal financial involvement.

Fourth, it acknowledges the valuable role played in nationally-directed oceanographic and coastal research by the National Sea Grant College program and asserts that this type of Federal-State partnership in university-conducted research will continue to be critically important.

Fifth, it rectifies a serious imbalance between States that receive substantial funds from the leasing of Federal lands within their boundaries and coastal States that receive no revenues from the leasing of OCS tracts off their coasts.

Lastly, it recognizes the need to address the size of the Federal budget deficit by basing the block grants on an increase in future Federal OCS revenues and not on the present level of such revenues. An improvement of the Federal-State partnership cooperation in attaining a more predictable OCS leasing schedule and, thus, increase OCS bonus revenues to the Federal Government.

Outer Continental Shelf mineral development is the only exception to a longstanding Federal policy of sharing with affected States a significant portion of receipts from resource development activities and Federal lands.

Currently, we turn over to inland States a full 50 percent of all revenues derived from on-land mineral resource development. In fiscal 1981, close to $1 billion in payments were made to these States.

That same year, the OCS oil and gas leasing program generated over $10 billion in revenue for the Federal Government, but not one penny went to coastal States.

This is wrong. H.R. 5 still falls short of providing equal treatment to coastal States, but it is an important step in the right direction.

I urge my colleagues to support this measure.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I rise in strong support of this legislation to establish an OCS revenue sharing program and want to commend the distinguished chairman of the Merchant Marine and Fisheries Committee, WALTER JONES, and our ranking minority member, ED FORSYTHE, for their persistent efforts to develop this proposal.

As one who strongly believes that State and local governments should be permitted to deal with the effects of offshore drilling activities in their areas, I am especially gratified that the bill before us guarantees local participation by requiring States to allocate at least 35 percent of the block grant to local governments.

It also should be stressed that the source of funding for this new block grant program will be provided by 10 percent of the growth in future Federal OCS revenues. Thus, the new Fund established in the Treasury from which States will receive block grants will not affect current Treasury income levels.

As Representative of the First Congressional District of New York which encompasses the easternmost points of Long Island, I am well aware of the potential effects of offshore energy activities.

Under the bill's formula, New York State is estimated to receive almost $14 million for use in a wide range of coastal management activities geared to the preservation and protection of our valuable coastal and ocean resources, including fisheries.

The bill merits this body's support and I urge my colleagues to vote for its passage.

Mr. JONES of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank the chairman for this time.

Mr. Chairman, I rise in strong support of this legislation. Louisiana is a very interesting State. It gets a lot of visitors each year. They come to the French Quarter in New Orleans, to our superdome and enjoy many of the historic antebellum mansions along the river. We also get a lot of visitors who come for one specific purpose, who come to see what is going on offshore Louisiana. They come because Louisiana represents 90 percent or better of all of the offshore development that this country has seen. Over 90 percent of all the wells drilled offshore of this country are drilled offshore of the coast of Louisiana. Many visitors come to see exactly the consequences and the benefits of that particular type of development.

We in Louisiana have welcomed that development, we continue to welcome it. We have had some great new lease sales off the coast of Louisiana just recently sponsored by the Department of the Interior. But we have also learned some valuable lessons in the process of that development.

Fish and Wildlife Service of the Federal Government has recently estimated that Louisiana is losing 40 square miles a year of coastline to coastline erosion; invaluable coastal barrier islands, invaluable estuaries for fish and wildlife, to the tune of 40 square miles per year are being lost.

One parish or county in my own district called Terrebonne Parish, which ironically means "good earth," by the way, in English, it is losing 8 square miles a year, 8 square miles in a single county per year lost forever because of coastal erosion.

The Fish and Wildlife Service and many environmental groups have attributed much of this coastal erosion directly to the use of Louisiana's coastline for offshore development.

That is an impact that is not now being addressed, that cannot be addressed with current State funding and that will not be addressed unless a bill of this nature is passed.

Now, when visitors from New Jersey and from New York and from Washington State or California and other coastal States, who do not have as much coastal development as Louisiana has, come to our State to look at that offshore development, we proudly point to the fact that our fisheries remain intact, and the oil and gas industry and fisheries industry work compatibly together.

But we also shamefully admit we are losing 40 square miles of our State and nobody is addressing the problem, nobody, because the funds are not available.

Mr. Chairman, a bill of this nature means several things; it means that a State like Louisiana, losing that valuable resource, will have a chance to do something about it. It means other States, who look forward to OCS development, who are attempting today to block it in court, will look at the experience in Louisiana, with the loss of this coastline and are going to say, "Wait a minute, the Federal Government does care, it has provided some source of revenue to address those serious impacts during the boom years."

Yes, let us talk about that, the boom and bust syndrome.

We have seen it in Louisiana. We have been in the boom periods, when the State and the people of our State recognized the economy of an active oil and gas development offshore. We are in the bust period right now; 15, 17, 20 percent unemployment in some of our areas.

We have had 1,700 new claims for unemployment insurance per month in offices that formerly had 350 at the most, because we are in that bust period right now.

We have seen the boom, we have seen the bust. Now, we get no State or local tax revenues, zero revenues from all of the Federal offshore development. Ironically, Louisiana, in an attempt to encourage the development of those resources, has even granted a sales tax exemption to the goods and services that flow offshore to develop the Federal regime.

Does it not make some sense, is it not some degree of fairness to say to coastal States such as Louisiana and others who are going to become oil and gas development coastal States, that "Look, with the great wealth and revenue flowing into the Federal Treasury from that development, if you are willing and able to open your shores up to allow that revenue to flow to the Federal Treasury, we are going to be willing to share some small measure of those funds with you to address some of those types of impacts such as Louisiana's serious coastal erosion problems."

I thank the Chairman.

Mr. JONES of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. I thank the chairman for yielding.

Mr. Chairman, I totally agree with the remarks of our chairman and also those of the previous speaker, my colleague from Louisiana (Mr. TAUZIN).

I would like to point out some things that I think should be obvious. We have an OCS leasing program that is generating somewhere between $11 and $15 billion per year. What this legislation does is very small. It takes 10 percent of any future increases from OCS revenues and shares them with coastal States. We would only draw from any potential increase. If we do not have an increase in OCS revenues, nothing will ever flow to any State. We are only talking about an increase over the base year of 1982 fiscal year. Then however small that increase might be, we are talking about only 10 percent of that increase being set aside for something like 30 or 35 potential States that may need some of those funds.

Why do they need them? We have a coastal zone management program which is being phased out. States are trying to address coastal problems, coastal zone problems, through the coastal zone management program. If we do not have any money for that coastal zone management program, how are they going to do the actions that are going to be required?

Without this legislation, they would have to fold up shop and go home and just continue to suffer the potential adverse effects of OCS leasing.

This is a very small step in saying, "We still want States to participate, we still want to encourage you to provide the rest of the Nation the oil and gas and we are going to give you a very small amount of the revenues being generated off of your own coastline to address those problems."

It is a small amount considering a program that has a potential to generate $15 billion to the National Treasury. The coastal States are not getting very much out of it.

The last thing I will mention is an amendment that I will be offering which basically would say that any State that has had their boundaries litigated by the U.S. Supreme Court and that that U.S. Supreme Court has made a definitive decision spelling out where your coast line is actually located, that that will in fact be the permanent boundary of your State.

Mr. TAUZIN and I will be offering that amendment together. It has a direct effect on Louisiana, but it affects any other State that could be similarly situated.

We have gotten approval by the State Department, we have no objections to this amendment by the Justice Department, and I think Mr. FORSYTHE has cleared the amendment on behalf of the minority.

I think it is a good amendment. It will be beneficial to all the States involved. We have tried to pass a bill such as this for years. I think it is high time this Congress accepts the responsibility that the Nation has for energy development offshore.

This is a small step in the right direction. I would encourage a favorable vote.

□ 1115

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. Mr. Chairman, I rise in strong support of H.R. 5, the Outer Continental Shelf revenue sharing bill. I would like to take this opportunity to commend the chairman of the Subcommittee on Oceanography, Mr. D'AMOURS, the full Merchant Marine and Fisheries Committee chairman, Mr. WALTER JONES, as well as Mr. FORSYTHE, for the exemplary job that they and others have done in ushering this much-needed legislation to the floor today.

This is not a novel appearance for this bill on the floor of the House. Similar legislation was adopted last year by a vote of 260 to 134, and for good reason.

Development of offshore oil and gas resources is critical to this country's well-being, but such development has its costs.

This country has embarked on a headlong rush to stimulate the production of these nonrenewable energy resources without adequate consideration of the impact their development might have on the coastal zone activities of coastal States and on the sound management of renewable ocean resources. This policy has met with great opposition. Several States have been forced to seek protection in court, because of the insensitivity of this administration to their concerns.

Accelerated development of offshore oil and gas resources in the national interest cannot take place without consideration for and the cooperation of coastal States. This bill would provide the funding, through the sharing

of Federal OCS lease sale revenues, for States to assume a meaningful role in the rational management of all our ocean and coastal resources.

This bill also recognizes the value of the coastal zone management and the sea grant college programs in paving the way to a better understanding of our coastal resources and how best to use them.

Furthermore, this legislation would provide this critical assistance to States without increasing an already overwhelming Federal budget deficit. By basin block grants on an increase in future OCS revenues rather than on the present level of such revenues, unacceptable growth in the deficit can be avoided.

The time has come for us to put our bickering behind us, and to attack our energy problems together. I urge my colleagues to support H.R. 5 as a step toward cooperative development of our invaluable offshore energy resources.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2 minutes to the delegate from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I commend the gentleman for bringing this bill to the floor of the House.

Mr. Chairman, I rise in strong support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act, which establishes a fund from revenues of the Outer Continental Shelf leasing program for the conservation and best management of our marine resources.

I welcome this initiative because I believe to be particularly fitting that OCS revenues be used to rescue our Nation's marine resources protection and development activities from inadequate funding. The OCS development poses a threat to our environment, especially to our Nation's coastal and marine resources and therefore is only fair play that money raised from these activities be used to offset the impacts ancillary to the offshore development.

Now more than ever we need to intensify our national effort to preserve marine resources. Our ecosystems as well as the economy would suffer a severe blow if our ocean and coastal resources are ever found depleted.

The continued funding of ocean and coastal development activities is of great concern to the people and the Government of Puerto Rico. Puerto Rico as well as other coastal States has taken a very active role in a broad range of ocean, fishery, and coastal programs, including the national sea grant program. These activities are particularly important because of Puerto Rico's condition as a tropical island. Almost 72 percent of the island's 3.2-million people live in coastal municipalities. The central mountain range is steep and inhibits development, as a result of which most new activity is in the coastal areas.

Mr. Chairman, this bill is a sound and sorely needed piece of legislation which merits our approval. It was envisioned and designed in the national interest for the proper development of the Nation's invaluable and irreplaceable marine resources. the constant interaction between human activity and nature urgently require a continuing program of monitoring, evaluation, and protection, such as would be possible under the proposed program.

I urge my colleagues to vote for the passage of this highly important program.

Mr. JONES of North Carolina. Mr. Chairman, I yield 4½ minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, I rise in very strong support of this bill and, in lieu of a prepared statement, I would like to respond to a couple of questions that have been raised in the course of this debate and to some statements which I think demonstrate some uncertainty as to the true nature of the legislation before us.

This is not essentially a new program. It is not an attempt to reach out and find new Federal dollars to achieve new purposes hitherto unaddressed by Federal programs.

This is an attempt essentially, having some of the verbiage stripped from it, to salvage three existing, modest, and very successful Federal programs.

The administration has sought to abolish the coastal zone management program, the sea grant program, and the coastal energy impact program, which is, in fact, part of the CZM program itself.

These programs have been enormously successful in their operation over a number of years. Absent the legislation before us now, if the trend in declining appropriations were to continue at the administration's request and insistence, we would find ourselves in 1 or 2 or 3 years at the most essentially without any of these programs. And they meet, I suggest, a very, very important need on the part of the coastal States of the Nation.

The coastal zone management program's authorization expires in 1985. The sea grant program's authorization expires this year, in 1983. And the coastal energy impact program expires in 1988. Take, for example, the sea grant program, a very small, a very modest program. No Member of this institution needs to be reminded about the importance and the historical significance of our land grant colleges and the extraordinary role they have played in the assistance of our land-based agriculture in the history of the United States, going back more than a century.

The sea grant program is a recent and extremely modest attempt to lend that kind of expertise and support to the development of our marine-based resources, particularly the fisheries of the Nation. It has been funded at a very small level and it has been very successful.

The coastal zone management program, if there is a program on the books of this land that ought to appeal to this administration it is the CZM program. It is federalism incarnate. It recognizes the shared responsibilities of both the Federal and State governments with respect to decisionmaking having to do with the production of energy in the waters of this Nation. It is not a Federal decision that has to be made; it is not a State decision that has to be made; it is a genuinely shared responsibility. And this is a very finely tuned, very carefully balanced approach to what is in fact and what ought to remain a shared responsibility.

To those Members who somehow have conjured fears of a vast new Federal program being created by this legislation or vast new Federal dollars being sought by its authors, you can put those fears to rest. The simplest way, I think, to express that is that the three programs which we essentially seek to save in this bill are authorized under current law, in the current fiscal year, for a total of $364 million.

If this bill instead were law, those three programs would have an authorization of only $300 million.

So in terms of the authorization itself, this actually constitutes a reduction in the authorized Federal commitment for the programs about which we are concerned.

The bottom line of course and the need for this legislation stems not from those authorizing numbers, but from what has happened to the actual appropriated dollars in the past few years.

In 1978, these programs were appropriated to the tune of $197.7 million. In the current fiscal year that has gone down to $43.4 million and it will go directly to zero, very promptly, in a year or two or three, absent this legislation.

That is why it is important, that is why it is crucial, and that is why it seems to me it ought to appeal to all Members of this House.

I urge its adoption.

Mr. Chairman, I rise in strong support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act.

This bill has widespread support among Members of Congress from coastal districts because it has as its central purpose the preservation of two Federal Government programs which have clearly proven their value to all those who live near, or who derive their livelihood from the resources of, the sea.

During the 96th Congress, I served as chairman of the Subcommittee on Oceanography. We undertook an extensive series of oversight hearings prior to considering legislation to reauthorize the coastal zone management programs originally created in 1972. I embarked on that process genuinely skeptical about the value of coastal zone management. I had the suspicion that perhaps this was a program—like many others—that was treasured only by the State and Federal bureaucrats employed by it, and that the public at large would be indifferent at best to its continuation.

But I was wrong. Our subcommittee developed thousands of pages of testimony from town officials, from fishermen, from those dependent on the tourist industry, from beachfront property owners, from environmentalists and from many others who were convinced that coastal zone management had served—and could continue to serve—precisely the purpose for which it was created; that is, to provide for the balanced, prudent use of the coastal areas of our Nation.

The sea grant program, whose future is equally entwined with the fate of the bill we are considering today, has for a decade been generating—at very little cost—the kind of scientific expertise which our Nation must have to understand and to utilize with confidence the resources of the marine environment.

The Reagan administration has opposed funding for these programs from the first day it took office. During that period, Interior Secretary James Watt has attempted to turn his Department from the legally appointed guardian of our Nation's natural resources into their most aggressive salesman. In doing so, he has sought not only to sell the public's resources as rapidly and as cheaply as possible, but—in alliance with OMB—he has attempted to deprive State and local governments and the scientific community of the means to fight back.

These policies have not worked. By seeking to eliminate or to ignore the procedural requirements of our offshore leasing statutes, the administration has forced State governments to rely more and more on the courts to guarantee the protection of their rights. The coastal zone management program is designed to permit State governments to work in partnership—both with the Federal Government and with their own town and local governments—not to block coastal development, or to prevent oil leasing on the OCS, but to pursue a coordinated and balanced program, combining development with conservation and appropriate safeguards in a manner as satisfactory as possible to all.

The bill we are considering today, H.R. 5, seeks to achieve the same goal. If it is accurate to generalize about this bill, at all, I would characterize it as legislation designed to protect the right of State governments to have a say in what the Federal Government does in coastal areas within or adjacent to their territory. It is as simple—and it should be as noncontroversial—as that. This bill is fully consistent with the Federalist traditions which this administration claims to support; it would guarantee the continuation of programs which have been carefully scrutinized by the Congress, and which have proven their value to the public; it has the support of a bipartisan and geographically diverse coalition of Members who are dedicated to serving coastal areas throughout our country; and I urge the House to follow the lead of the gentleman from North Carolina (Mr. JONES), and the gentleman from New Hampshire (Mr. D'AMOURS), and approve this bill by an overwhelming margin.

● Mr. LIPINSKI. Mr. Chairman, I rise in strong support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act.

H.R. 5 was reported out of the Merchant Marine and Fisheries Committee, on which I serve, on April 27. This legislation would establish an ocean and coastal resources management and development fund, with moneys derived from Outer Continental Shelf (OCS) oil and gas lease sales.

To be eligible to receive funds under this program all coastal States, which include Great Lakes States, must have either OCS leasing activity going on, or coastal related energy facilities, or an approved coastal management program. My home State of Illinois has a very active coastal zone management program and would be eligible to receive $1.2 million annually. There are 60 miles of Lake Michigan shoreline in Illinois, that have a great need for shoreline improvements. The city of Chicago is gearing up to hold the 1992 World's Fair on the shores of Lake Michigan. H.R. 5 could provide the city funding for planning, design, and environmental studies for the World's Fair. In addition the city could use these block grant funds for technical studies, limited capital improvement projects for shoreline stabilization, port development, industrial and commercial redevelopment, water quality improvement and recreational facilities.

I urge all of my colleagues to support this measure, sponsored by my friend from North Carolina (Mr. JONES), the distinguished chairman of the Merchant Marine and Fisheries Committee.●

● Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 5, and urge my colleagues to join with me in approving this important legislation.

As you know, H.R. 5 would establish an ocean and coastal resources management and development fund, which would be financed by revenues collected from offshore oil and gas lease sales. Moneys from the fund would be used to carry out the national sea grant program and to provide a block grant to the coastal States for activities authorized by the Coastal Zone Management Act as well as other activities for the enhancement and management of marine and natural resources.

As a member of the Merchant Marine and Fisheries Committee, and as the Representative from New Jersey's largest coastal district, I am well aware of the important role that Outer Continental Shelf oil and gas development plays in the Nation's energy future. At the same time, however, it has become clear that our important coastal and fisheries resources are coming under tremendous development pressures from a number of sources.

Despite its tremendous importance to America's energy independence, Outer Continental Shelf oil and gas development is not risk free. OCS development often places both subtle and not-so-subtle pressures on coastal areas.

Over the past decade, we have witnessed the development of a number of important State programs that address the need for comprehensive coastal planning. This planning process, spurred mostly as a result of the Coastal Zone Management Act and the Nation's growing awareness of the importance of its coastal resources, has successfully provided a much-needed balance between resource protection and exploitation.

H.R. 5 addresses the critical need to provide coastal States with the financial resources they need to properly plan for OCS leasing activities and to wisely manage their coastal and fishery resources. Although there is little doubt that a workable OCS leasing program is in the public's best interest, we too often lose sight of the need to properly manage and protect our renewable resources—such as recreation and commercial fisheries—while we extract nonrenewable oil and gas from underneath our oceans.

State coastal planning should legitimately play an integral role in the OCS process. Coastal States, which will have to live with the impacts resulting from accelerated oil and gas development off their shores, should also receive the resources necessary to cope with OCS development. Without the assistance provided by this legislation, many of our coastal areas will be unable to take the necessary actions to adequately cope with offshore oil and gas development.

As all of us know, the pace of OCS leasing and development is rapidly increasing. The Secretary of the Interior

has proposed to offer almost a billion acres—nearly the entire Outer Continental Shelf—within the next 5 years. Clearly, a small portion of the revenue that the Federal Government collects as a result of this leasing process should be set aside for the States to use in planning for OCS activities, managing and enhancing their fisheries and coastal resources, and mitigating possible harmful impacts.

I believe that enactment of this legislation is critical to insure the orderly development of our OCS resources and to discourage costly lawsuits to enjoin OCS leasing activities. I urge my colleagues to support H.R. 5.●

● Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 5, to establish a national ocean and coastal resource management development fund.

Coastal States are facing tremendous financial pressures due to the acceleration of Outer Continental Shelf (OCS) leasing, exploration, and development. It is vital that we realize and plan for the relationship between the expansion of OCS leasing activities and the capability of coastal States to bear the costs associated with such development.

While speeding up OCS development under the 5-year plan, it is unfortunate that at the same time the administration has reduced Federal support for State programs in ocean and coastal management. These contradictory policies serve to place unnecessary limits on environmentally sound OCS development.

H.R. 5 offers a rational alternative to present policies by allocating a portion of Federal revenues from offshore oil and gas leasing for block grant funding for State programs in renewable ocean and coastal resource management. This measure has the support of the Coastal States Organization as well as oil exploration companies. Furthermore, while noncoastal States do not directly benefit from H.R. 5, the National Governors' Association, with the support of a substantial majority of inland States, has also endorsed this vital bill.

In California, we anticipate 8.36 percent of the total funding under the ocean and coastal resources development block grant. The method used to determine funding is based on a fair and balanced formula which includes shoreline mileage, coastal county population, coastal energy estimates, and OCS activity. This last item includes three factors: Activity resulting from Interior's 5-year plan; an estimate of acres leased; and a retroactive estimate of production—to give a boost to States such as Alaska and Texas with long running programs.

Using this formula and the assumption of $300 million in total annual receipts, then taking $35 million off the top of that for sea grant, the subcommittee estimated that California's share would be $25 million.

Given the increasingly stringent State fiscal picture, this amount could go a long way toward preserving an active and effective State coastal program in California. Our Governor has unwisely, in my opinion, eliminated all Federal funding for our coastal commission, but I cannot believe that legislative efforts, led by State Senator Bob Presley, to redress this error will not prevail.●

● Mr. YOUNG of Alaska. Mr. Chairman, I want to thank the chairman and ranking minority member of the committee for the opportunity to comment on the bill before us today.

Mr. Chairman, I strongly support the concept embodied in this bill, that of allowing coastal States and local communities to receive a share of the revenues generated from offshore oil and gas exploration and development. I think it especially important that local communities receive a share, as it is these areas that are most directly affected by OCS activity. When an offshore lease goes into production, it is the local community—not the State—that must supply housing, education, fire protection, and water and sewer service. With the help of the committee leadership, H.R. 5 has been amended to reflect this reality and I think that the amendment makes this a better bill.

At the same time, I would be remiss if I did not point to certain deficiencies in the legislation. A major one involves the formula by which revenues are shared. To be truly responsive to the impacts felt by coastal States and local communities, the revenue sharing formula should be based on just one factor—the amount of impact felt by those areas. This, of course, can be measured in a number of ways. However, there are certain extraneous factors included in H.R. 5 that I believe detract from the good intentions of the committee in passing the bill. Electric generating plants, coal storage facilities, and ocean thermal energy conversion projects will all have effects on local communities; that does not mean that the communities should be compensated from OCS revenues because these facilities exist. Neither should shoreline mileage nor coastal population be used as criteria in determining how much money is to be made available. We are talking about compensation for OCS impacts, not for accidents of history or geography.

I am also concerned about continued attempts to use OCS funds as a backdoor method to provide money for certain programs such as those found in the Coastal Zone Management Act and the National Sea Grant College Program Act. The good and bad points of these acts should not be debated here. More important, these acts should stand on their own and funding for them should be decided through the normal process, not through passage of legislation dealing with the impacts of OCS development on coastal areas.

Finally, on a matter that is very important to me and my State, I want to compliment the committee leadership on recognizing the importance of the U.S. fishing industry by providing that OCS revenues can be used for the enhancement and management of natural resources. OCS development is needed and should be pursued vigorously; at the same time, we all know that the day will come when the oil runs out. When that happens, the fishing industry, which depends on the harvest of a renewable resource, will increase its existing importance as an economic factor in coastal States' economies. By allowing OCS funds to be used now, we will insure the continued viability of the U.S. fishing industry.

Mr. Chairman, I look forward to seeing the final product of our action today and future action in conference with the Senate.●

● Mr. GEJDENSON. Mr. Chairman, I rise in support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act. As a cosponsor of this legislation, I am pleased that the House of Representatives is considering this vital bill today. This legislative proposal addresses the important role that the development of the Outer Continental Shelf will play in contributing to America's energy security and in providing coastal States, such as Connecticut, the necessary funds to mitigate any impacts from OCS development.

This bill proposes that the development of the Outer Continental Shelf ought not to occur in a rushed and careless fashion that put at risk those other resources of the Outer Continental Shelf which, if properly managed and protected, are perpetually renewable and literally priceless. This legislation is based on the proposition that a modest portion of future increases in Federal revenues from the extraction of publicly owned, nonrenewable energy resources should be allocated to coastal States for the continuation of, and research on, renewable ocean and coastal resources.

This bill complies with the block grant concept advocated by the Reagan administration. H.R. 5 provides maximum flexibility and adequate funding to meet each coastal State's unique problems. Each coastal State will receive its share of the block grant based on a formula originating from 97th Congress H.R. 5543. For Connecticut, this formula equals 1.2 percent of the total block grant trust fund, or approximately $3.6 million. These funds will be used according to broad categories of State activities:

Coastal zone management, siting of energy facilities, land acquisition, management of fisheries, energy impact programs, and the obtainment of a balanced coastal ecology.

Mr. Chairman, this legislation is a resounding rebuttal to an administration that has argued that coastal assistance programs serve State and local interests and not the national interest. This administration has tried to eliminate funding for coastal zone management programs, fishery conservation programs, energy impact assistance and the sea grant program while at the same time accelerating development of the Federal OCS.

Clearly, if we are to develop at a reasonable pace our Outer Continental Shelf leasing activities, we must minimize potential dangers with a commitment to the management of our priceless coastal and ocean resources.●

● Mr. SNYDER. Mr. Chairman, I rise in opposition to H.R. 5. The legislation before us today is very similar to H.R. 5543, which the House considered in the 97th Congress.

This bill diverts $300 million per year from the income the U.S. Treasury receives from the Outer Continential Shelf energy revenues. It orders the States to use the funds to continue programs that both the Reagan and the Carter administrations have reduced or eliminated. In order to fit the new times, the committee has hired a wordsmith to describe this legislation as a block grant and revenue sharing.

H.R. 5 is simply a method by which proponents of these programs are attempting to mislead the budgets and appropriations committees. Why? Because these programs cannot hold their own in the process of competing for Federal dollars. The OCS program is one of the few that generates funds for the Federal Treasury. To now take $300 million per year from these revenues is going to mean that other important programs will not have the financial resources available to them that would otherwise be there.

I would urge my colleagues to take a very close look at the rhetoric which is being bantered about by proponents. I would point out to the Members that the proponents talk in terms of this legislation being $300 million. That is accurate for the first fiscal year. But the bill goes on forever, and for the next 10 fiscal years the price tag that goes with the bill is estimated to be between $1.5 to $3 billion. So remember, you are not voting today on taking $300 million from other programs; you are taking $3 billion—and that is real money—money that will no longer be available to other programs unless we borrow the money or eliminate other programs.●

● Mr. PANETTA. Mr. Chairman, with the announcement last year of its 5-year Outer Continental Shelf oil and gas leasing schedule, the administration evidenced its commitment to extensive offshore oil and gas leasing. Under this program, almost the entire Outer Continental Shelf (OCS) of the Nation—almost 1 billion acres of offshore territory—will be offered for leasing in the next 5 years. Nearly 21 times as much OCS land will be considered for lease in the 5 years during which the plan is implemented as have been leased in the past 28 years.

While this unprecedented increase in leasing activities may generate considerable revenues for the Federal Treasury, it is also certain to incur costs for coastal States. While the Federal revenue estimated to result from OCS leasing has been subject to significant fluctuation during the past year—the administration initially indicated it might gain as much as $18 billion in revenue annually from leasing, and has subsequently revised its estimate downward to $8 billion for fiscal year 1983—the costs of accelerated OCS leasing to coastal States remains high. OCS oil and gas leasing is expected to have a significant impact upon coastal States' industries in fisheries and tourism. In addition, OCS leasing is expected to increase demands upon local zoning and land-use planning efforts through the construction of onshore refining and transportation facilities, and habitats for rare whales, seals, aquatic birds, and endangered species—as well as managed marine protection areas—will be affected by this increase in leasing activity.

While the benefits of OCS leasing would be shared widely by inland and coastal States alike, the environmental and economic risks involved in realizing those benefits would be concentrated heavily—if not exclusively—upon coastal States. In return for their shouldering these burdens of OCS development, fairness alone would dictate that coastal States should be entitled to compensation for impacts felt along their coasts.

In fact, Congress has recognized the need for insuring protection of the unique habitats and industries of coastal States in passing legislation intended to provide assistance to affected coastal States through loans, bond guarantees, or grants. Measures such as the coastal energy impact fund established by the Coastal Zone Management Act, the Fisheries Conservation and Management Act of 1976, the Commercial Fisheries Research and Development Act of 1964, and the Anadromous Fish Conservation Act all attest to a strong congressional commitment to aiding coastal States.

However, against a background of an unprecedented increase in offshore oil and gas leasing activity, the administration has proposed termination of Federal support for the coastal energy impact program, the coastal zone management program, and the national sea grant college program, and has sought major reductions in appropriations under the Commercial Fisheries Research and Development Act and the Anadromous Fish Conservation Act. At precisely the time when coastal States are expected to shoulder a staggering greater burden of the impact of federally sanctioned offshore development, the administration has proposed a significant reduction in the Federal commitment to enabling coastal States to handle the burden. In contrast, inland States already receive considerable funding—$900 million in fiscal year 1983—to offset the disruptive effect of mining activity on Federal lands within their borders; coastal States are not currently able to share directly in Federal revenues from oil and gas development on the OCS.

For this reason, I rise today in support of H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act. This legislation would seek to restore a Federal commitment to the Nation's 34 coastal States, many of which will experience oil and gas exploration and development off their shores in the near future.

This legislation directs the Commerce Department to place up to $300 million—or 10 percent of all OCS revenues in excess of those collected in 1982—in a block grant fund. In fact, full funding of H.R. 5 would represent only 2 percent of the total estimated Federal OCS revenues collected in fiscal year 1983.

Further, since activities covered under the block grant format and programs under the National Sea Grant College Act are authorized in fiscal year 1982 at a level of $410.5 million, the $300 million ceiling included in H.R. 5 is actually a reduction in funding for these programs.

Finally, it is important to note that fully 40 percent of the funding which would previously have been stipulated under categorical grants is discretionary under H.R. 5. The bill would give affected States a considerable amount of latitude within which to disburse funds. In short, the bill seeks to establish a close Federal/State partnership in mitigating the impacts of OCS development. The bill would permit coastal States to share in both the benefits and responsibilities of OCS development; maintaining a Federal commitment to certain essential coastal management programs, while providing States with increased discretion in formulating responses to the challenges and opportunities provided by increased OCS development.

I urge my colleagues to support this important measure.●

Mr. DYSON. Mr. Chairman, I rise today in strong support of H.R. 5, the Ocean and Coastal Resources Manage-

ment and Development Block Grant Act.

As a cosponsor of this bill, I believe that it represents a responsible means by which coastal States can continue the sound management of, and research on, renewable ocean and coastal resources. This legislation will be of particular benefit to my own State of Maryland and the residents of its First Congressional District whom I represent.

H.R. 5, as reported by the Merchant Marine and Fisheries Committee, serves several key principles:

First, the bill implements the principle that a modest portion of future increases in Federal revenues from the extraction of publicly owned, nonrenewable, ocean energy resources should be allocated to coastal States for the continued sound management of, and research on, renewable ocean and coastal resources.

Second, it recognizes that States will continue to be asked to address, perhaps more intensely than in the past, the impacts of energy development in the coastal areas.

Third, the bill recognizes that to reduce Federal-State conflict, coordinate the acceleration of offshore lease sales and State management capacity, it is necessary to build on the progress made in State coastal management and living marine resource activities by continuing Federal financial involvement. This establishes a critical Federal-State partnership required for a strong maintenance of marine resources that serves the national interest.

Fourth, it acknowledges the valuable role played in nationally directed oceanographic and coastal research by the National Sea Grant College program and asserts that this type of Federal-State partnership in university-conducted research will continue to be critically important.

Fifth, it corrects a serious imbalance between States that receive substantial funds from the leasing of Federal lands within their boundaries and coastal States that receive no revenues from the leasing of Outer Continental Shelf (OCS) tracts off their coasts.

Finally, H.R. 5 recognizes the need to address the size of the Federal deficit. It does this by basing the block grants to States on an increase in future Federal OCS revenues and not on the present level of such revenues. By improving the Federal-State relationship in managing ocean and coastal resources, this bill encourages cooperation in attaining a more predictable OCS leasing schedule. As a result, OCS bonus revenues will be increased to the Federal Government.

This legislation significantly enhances the work being done in the State of Maryland to manage and develop marine resources. Once adopted, H.R. 5 will give the State almost $9 million. This is particularly important to my constituents in the First District who live on both the Atlantic Ocean and the Chesapeake Bay. Almost $7.9 million would be available to Maryland for coastal zone management activities, coastal energy impact activities, fisheries enhancement and management, and natural resources enhancement and management. These are vital programs that make a significant contribution to enhancing the productivity of the Chesapeake Bay, the Nation's largest estuary.

In addition, H.R. 5 will give over $900,000 to the Maryland sea grant program, which has conducted some of the most ambitious and creative research on the Chesapeake Bay. Unless we continue to fund it, key questions about the bay's aquatic habitat will go unresolved. The money in this bill before us will enable Maryland sea grant to develop new ideas on how we can replenish and protect marine life in the bay.

Mr. Chairman, I supported H.R. 5 when we considered it in the Merchant Marine and Fisheries Committee because it restores equity in resource management to coastal States and guarantees that important coastal programs will continue to function. It is a revenue sharing bill that is good for Maryland and of major help to the preservation of the Chesapeake Bay. I strongly urge my colleagues to support it.

I am including for the record, a telegram sent to me today by the Honorable Harry Hughes, Governor of the State of Mayland, emphasizing the importance of the Outer Continental Shelf revenue sharing bill to the State of Maryland.

Representative ROY DYSON,
Capitol One, DC 20515.

H.R. 5, the Outer Continental Shelf revenue sharing bill, is scheduled for floor vote this Wednesday, September 14. I strongly urge your support of this bill. The legislation provides 300 million dollars block grant assistance to coastal States and territories for coastal zone management, and coastal energy impact activities and fisheries and natural resources and management. Maryland would receive 7.8 million dollars annually as well as $900,000 annually for a sea grant program. This legislation, along with funding from NOAA and EPA, would enable the States of Maryland, Virginia and Pennsylvania to implement programs that will have a positive effect on the Cheaspeake Bay. Strongly urge your support of H.R. 5.

Sincerely,

HARRY HUGHES,
Governor of the State of Maryland.

● Mrs. JOHNSON. Mr. Chairman, as an early and strong supporter of H.R. 5, the Ocean and Coastal Management and Development Block Grant Act, I commend this House for considering this measure today.

This bill will insure that at long last coastal States will receive a fair share of the receipts gained from Outer Continental Shelf (OCS) leasing and production, just as inland States, who received $900 million last year, will receive one half of all receipts from minerals leasing on Federal land in their States next year. These funds will go toward such critical programs as the national sea grant and the coastal zone management programs, which are critical to my State and other coastal States as well.

It is no secret that the promise of Federal funding was, and is a major incentive to encourage States to enter and to remain in the business of coastal management. Since 1980, Congress has expressed its support for funding coastal management activities through fiscal year 1985. Progress along this Federal-State partnership has progressed over the years, so that presently 28 coastal States and territories have obtained Federal approval of their coastal management programs, including Connecticut's which was approved in 1980. OCS revenue sharing would enable these States to continue to address the future and build upon the record of the past.

Recent data from a number of Government sources reveals that Federal revenues received from Outer Continental Shelf oil and gas exploration and development activities represents the second largest source of income to the U.S. Treasury, next to Internal Revenue Service income taxes. This bill would provide for a modest share of those revenues to help assure a productive and well-managed development of the OCS.

I know from my experience as a State senator, that a source of funds is essential to continue our valuable coastal management programs. Having helped develop Connecticut's original legislation and seen the benefits it has brought to the management and development process, I know how important continuation of our coastal programs is to all citizens and future generations as well and consider this provision of a specific funding source a significant step forward.

I would also like to share with my colleagues the comments of the Director of Planning for the Connecticut Department of Environmental Protection Arthur J. Rocque about the need for this measure:

I can assure you that the vast majority of states want to continue . . . the state-federal partnership. It is unrealistic to assume that the issues which spawned the need for the partnership will go away merely because federal funding is withdrawn. The resources with which coastal states are involved, such as OCS oil and gas, are national resources; however, the negative impacts of their development, exploitation and utilization generally center at the state and local level. Coastal states do not want unplanned exploitation of our shoreline areas. In order to prevent these dual consequences, federal funding of the partnership is imperative. Otherwise, delay, through litigation or

through the lag caused by poor planning and bad choices, will result.

H.R. 5 goes far to strengthen intergovernmental partnerships for ocean and coastal resource management and offshore oil and gas development, rectify a serious inequity between States with onshore resources and States with adjoining OCS lands, and provides an alternative funding mechanism that is not only fiscally responsible but revenue enhancing, and I urge my colleagues to support it.●

● Mr. HUBBARD. Mr. Chairman, as the chairman of the Subcommittee on Panama Canal/Outer Continental Shelf of the Merchant Marine and Fisheries Committee, I wish to place on record my support for H.R. 5, the Ocean and Coastal Resources Management and Development Block Grant Act, which I cosponsored. I would like to commend Congressman WALTER B. JONES, chairman of the Merchant Marine and Fisheries Committee, Congressman ED FORSYTHE, ranking minority member of the committee, and Congressman NORM D'AMOURS, chairman of the Oceanography Subcommittee, for their efforts on behalf of this bill.

H.R. 5 is indeed a culmination of many years of labor. Hearings were held in the 97th Congress on similar measures, and much work has gone into working out this compromise measure that would secure bipartisan support.

It is only fair that coastal States receive at least a portion of the revenues contributed to the U.S. Treasury as a result of development of oil and gas on our Outer Continental Shelf. Many inland States receive as much as 50 percent or more of the Federal revenues generated by onshore mineral development. Out of the estimated $10 billion in Federal revenues received from OCS leases in fiscal year 1983, H.R. 5 would allocate approximately $300 million to the fund established in its provisions.

I realize that certain reservations have been raised concerning the method of calculating the disbursement of grants to the States. For example, some questions have been asked about the fact that some States having no OCS activity off their shores, because they are not adjacent to an ocean, would receive more money than States that have a great deal of OCS activity. Yet despite these reservations, H.R. 5 is a bill whose time has come, and I am hopeful that the reservations made to this bill can be surmounted. This measure already represents a compromise, and I believe that H.R. 5 is the best possible choice that we have at this time for OCS revenue sharing.●

Mr. JONES of North Carolina. Mr. Chairman, I would like to close with one or two remarks.

This is not new legislation. This almost identical bill was before this House on September 29, 1982.

Now, since that time, we like to think that we have come up with an improved bill. There has been some give and take, some compromising between this side and that side. And we feel like we even have a better bill.

As a matter of fact, a vote in last September of 1982 was almost a 2-to-1 margin, 260 to 134. So we have before us today for consideration the same bill that we had a year ago, with some improvements, and hopefully, we will obtain perhaps equally as good or better margin.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the substitute committee amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries, now printed in the reported bill, shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Ocean and Coastal Resources Management and Development Block Grant Act".

The CHAIRMAN. Are there any amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "coastal State" means any State of the United States in, or bordering on, the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes, and includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and American Samoa;

(2) the term "outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as that term is defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control;

(3) the term "Secretary" means the Secretary of Commerce; and

(4) the term "coastal related energy facilities" means any equipment or facility which, (A) is or will be used primarily in the exploration for, or the development, production, conversion, storage, transfer processing, or transportation of, any energy resource or for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any such energy-resource activity, and (B) is, or is likely to be, sited, constructed, expanded, or operated in or in close proximity to, the coastal zone of any coastal State because of technical requirements.

The term includes, but is not limited to (i) electric generating plants; (ii) facilities associated with the transportation, transfer, or storage of coal; (iii) petroleum refineries and associated facilities; (iv) gasification plants; (v) facilities associated with the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities, including deepwater ports, for the transfer of petroleum; (viii) facilities used for alternative ocean energy activities, including those associated with ocean thermal energy conversion; and (ix) pipelines, transmission facilities, and terminals which are associated with any of the foregoing.

For the purposes of this paragraph, the siting, construction, expansion, or operation of any coastal related energy facilities shall not be "in close proximity to the coastal zone of any coastal State" if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENTS OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer amendments, and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. BREAUX: On page 12, line 7, delete the semicolon and insert in lieu thereof the following: ", but whenever the extent of the rights acquired by a State under the Submerged Lands Act and the Outer Continental Shelf Lands Act has been determined by a final decree of the United States Supreme Court and fixed by coordinates, the line so fixed is immobilized as described in said decree and shall not be ambulatory in determining the seaward extent of the rights acquired by said State under the Submerged Lands Act and the landward extent of the rights acquired by the United States under the Outer Continental Shelf Lands Act;".

At the end of the bill on page 21, add the following new section following line 20:

DEFINITION OF BOUNDARY

SEC. 9. Section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)) is amended by inserting ", except that any boundary between a State and the United States under this Act which has been fixed by coordinates under a final decree of the United States Supreme Court shall, for the purposes of this Act and the Outer Continental Shelf Lands Act, remain immobilized at the coordinates provided under such decree and shall not be ambulatory" before the semicolon.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, the amendments that I have before the

Members at this point address a situation which, while it potentially affects all of the States along our coastline, it basically has a direct affect on my own State of Louisiana.

The amendments address the question of the permanency of a coastal State's baseline if a final decree about such a baseline has been handed down by the Supreme Court.

The baseline of a State is drawn along a coast from which the territorial sea, which is 3 miles of such State as measured.

Louisiana in 1981, after some 35 years of litigation in all of the various Federal courts, the District Court the Court of Appeals, and also and finally the U.S. Supreme Court, had our boundary defined by a court decree. The Supreme Court at that time set out some specific coordinates which were to constitute Louisiana's baseline and they said for all periods past and present. The determination, however, left the line ambulatory and therefore, subject to change due to fiscal modifications.

However, the Supreme Court also said in that decree that nothing that they had said in that opinion would prevent the parties from agreeing what the permanent baseline should be.

Now, we have run the amendment by the State Department, as I have indicated, and they have said that they have no problems with it. It would not in any way affect our international boundaries, international negotiations.

In addition, we have asked the Justice Department for their opinion on the amendment and they have no objection to it. They were going to try and as I understand it address it by a broader amendment, but they have no objection to the approach that we are offering here.

The gentleman from Louisiana (Mr. TAUZIN), my colleague on the committee, who also represents the coastline of Lousisiana, has been working with me on this amendment and is joining me in offering the amendment.

I would say it particularly affects Louisiana at this time because we have been litigating our boundary for some 35 years, but it would also be totally and completely applicable to any coastal State, whether it be from Maine all the way down to Florida or on the west coast. Any State that has litigated their boundaries and has received a final decree, under this amendment, would have that final decree establishing their boundary and then in fact made permanent.

So I think it is a good amendment. We have worked very closely with the administration on it. It certainly does not change their position on the legislation in any way. It does not enter into their decision on how they are going to operate as far as this particular OCS revenue-sharing bill is concerned.

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I think this is a proper forum to offer it, to this legislation, and I think it is something that should be adopted.

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to my colleague, the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Chairman, so far as the minority is concerned, we think this is a very sound amendment, and we have no objection.

Mr. BREAUX. I thank the gentleman for his support.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the chairman of the committee.

Mr. JONES of North Carolina. Mr. Chairman, having considered the amendment, I agree with the gentleman from New Jersey (Mr. FORSYTHE). This side of the aisle accepts the gentleman's amendment.

Mr. BREAUX. I thank the gentleman.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I rise in support of the amendment.

Mr. BREAUX. I thank my colleague from Louisiana for his work in helping us get this amendment before the committee.

Mr. Chairman, I would ask for a favorable vote on the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. BREAUX).

The amendments were agreed to.

The CHAIRMAN. For what purpose does the gentleman from Texas (Mr. FIELDS) rise?

Mr. FIELDS. Mr. Chairman, I have two amendments that I plan to offer en bloc. One is to section 2, and the other is to section 4. I would be inclined to wait until section 4 comes up, if that is proper, or offer those amendments at this time.

The CHAIRMAN. Is there objection to the request to offer amendments en bloc when section 4 is read?

There was no objection.

The CHAIRMAN. Are there further amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT FUND

SEC. 3. (a) There is established in the Treasury of the United States a fund to be known as the Ocean and Coastal Resources Management and Development Fund (hereafter in this Act referred to as the "Fund").

(b) Beginning in fiscal year 1983, the Secretary of the Treasury shall pay into the Fund not later than the end of each fiscal year the lesser of $300,000,000 or an amount equal to 10 per centum of the amount by which all sums deposited in the Treasury of the United States pursuant to section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) during each fiscal year exceed all sums deposited in the Treasury of the United States pursuant to such section during fiscal year 1982.

(c)(1) As provided in advance by appropriation Acts, the Secretary shall use for fiscal year 1984, and for each subsequent fiscal year, an amount equal to not less than 10 per centum and not more than 20 per centum of the total amount appropriated from the Fund for the purposes of this Act to carry out the National Sea Grant College Program Act (33 U.S.C. 1121–1131).

(2) As provided in advance by appropriation Acts, the Secretary shall use the total amount of any sums paid into the Fund during each fiscal year which are not used to carry out the National Sea Grant College Program Act to provide block grants pursuant to section 4.

The CHAIRMAN. Are there any amendments to section 3? If not, the Clerk will designate section 4.

The text of section 4 is as follows:

NATIONAL OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANTS

SEC. 4. (a) Subject to subsections (b), (c), and (d), for fiscal year 1984 and for each subsequent fiscal year, the Secretary shall provide to each coastal State a national ocean and coastal resources management and development block grant (hereafter in this Act referred to as a "block grant") from sums paid into the Fund during the prior fiscal year pursuant to section 3(b).

(b)(1) No coastal State may receive a block grant for fiscal year unless such coastal State has submitted to the Secretary a report for such fiscal year which—

(A) specifies the allocation by such coastal State of the block grant among coastal zone management activities, coastal energy impact activities, living marine resource activities, and natural resources enhancement and management activities pursuant to section 5(a), and

(B) describes each activity receiving funds provided by the block grant.

(2) Before submitting each report required under paragraph (1), each coastal State shall provide opportunities for the public to review and comment on the report and shall hold at least one public hearing on such report.

(c) The amount of each block grant provided under subsection (a) for a fiscal year to a coastal State shall be determined by the Secretary under a formula established by the Secretary which gives equal consideration to each of the following criteria:

(1) For each coastal State, the equal combination of—

(A) the amount of actual leasing with respect to oil and gas which is carried out under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the previous fiscal year which occurs within the Outer Continental Shelf planning area to which such coastal State is adjacent; and

(B) the volume of oil and gas produced from Outer Continental Shelf acreage leased by the Federal Government which is first landed in such coastal State during the previous fiscal year.

(2) For each coastal State, any proposed oil and gas lease sales which are specified by the Outer Continental Shelf leasing program prepared pursuant to section 18(a) of

the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) and which are scheduled to occur within the Outer Continental Shelf planning area to which such coastal State is adjacent.

(3) The coastal related energy facilities (including coal facilities) located within each coastal State during the previous fiscal year.

(4) The shoreline mileage of each coastal State for which the Secretary has approved a management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(5) The coastal population of each coastal State for which the Secretary has approved a management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(d) No coastal State for which the Secretary has approved a management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) shall receive less than one-half of 1 per centum of the total amount available for block grants pursuant to subsection (a) during any fiscal year.

(e) For the purposes of paragraphs (4) and (5) of subsection (c), the Secretary shall be presumed to have approved the management program of any coastal State if the Secretary determines that, in any fiscal year, such State is making satisfactory progress toward the development of a management program which will be approvable pursuant to section 306 of the Coastal Zone Management Act. Such presumption may be extended only once and for a period not to exceed one additional fiscal year if the Secretary makes such determination under this subsection for such additional fiscal year.

AMENDMENTS OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. FIELDS: Page 11, line 20, strike out all after the comma following the word "Sound" down through and including the comma in line 21.

Page 14, line 23, insert "with Outer Continental Shelf-related energy or mineral leasing, exploration, development or production within 250 miles of such State's territorial waters" immediately after "each coastal State".

Mr. FIELDS. Mr. Chairman, as I expressed earlier, I have grave reservations about taking $300 million out of the Treasury at this particular time.

Mr. Chairman, this simple, straightforward amendment is designed to provide some semblance of fairness to this bill by limiting OCS revenue sharing funds to those States which have OCS leasing, exploration, development, or production within 250 miles of their territorial waters.

While one would assume that H.R. 5 would already include such a requirement, the simple fact is that H.R. 5 provides money to States whose territorial waters are not part of the Federal OCS program which have never contributed one dime in Federal OCS revenues and which, in fact, are not even adjacent to an ocean.

In short, H.R. 5 plays only lip service to actual OCS activity. It instead places primary emphasis for disbursement of grant funds on such totally unrelated factors as population, length of a coastline, and the number of energy facilities located in the coastal zone area.

As a result of this formula, States like Michigan, which has no Federal OCS, receives 10.1 million, which is more than 15 coastal States that will have significant OCS activity will receive. Ohio, another non-OCS participant, receives 6.9 million which is more than 8 coastal States that will have OCS activity will receive. In fact, under this bill, over $25 million is allocated to States which never have nor ever will be part of the Federal OCS program unless, of course, the authors of this bill feel they are going to use this money to create a new ocean off of their shores.

Mr. Chairman, while I believe that the funding formula in H.R. 5 is inequitable and highly discriminatory, this amendment does not address that issue.

It will simply restore commonsense to this bill by limiting the money to those States which have OCS leasing: exploration, development, or production off of their shores.

Mr. Chairman, I personally believe that this Nation needs a strong, equitable OCS revenue-sharing proposal. I share the sentiments of the proponents of this bill who argue quite articulately that we should compensate those communities affected by OCS activity.

I do not, however, believe there is any justification or reason whatsoever to compensate States or local communities who have not nor will ever be affected by the Federal OCS program.

Mr. Chairman, I believe we can improve this bill and can remove a major reason for vetoing this proposal by adopting this amendment.

I urge its adoption.

Mr. JONES of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

This amendment would restrict block grant eligibility to only those States with OCS leasing, exploration, and development off their shores. I strongly oppose the amendment due to its impact on many other States and on several important objectives of the legislation.

At the very least, this amendment would eliminate funding for all Great Lakes States, all U.S. territories, and for Washington and Oregon.

Mr. Chairman, the idea of eliminating these States and territories from funding under this bill is simply unthinkable. It is correct that the Great Lakes States have never and will never experience OCS impacts; and it is correct that Washington, Oregon, and the territories have had no leasing off their shores; but it is incorrect to assume that OCS activity is the only meaningful factor in determining a State's eligibility in this program. H.R. 5 is intended to serve other important goals in managing renewable ocean and coastal resources, and so, it was the position of the committee that some non-OCS impacts should be the basis for awarding block grants under the program.

Assisting States affected by OCS development is a major purpose of this bill. In fact, well over 50 percent of the block grant funds provided under this bill will go to 7 States adjoining the major producing and frontier areas of the OCS—the States of California, Alaska, and those bordering the Gulf of Mexico. Over 50 percent to only 7 States.

However, H.R. 5 is designed to serve many other national objectives, such as increased use and export of U.S. coal resources. Such an increase will require an expanded transportation network and the Great Lakes are a crucial link in this network. For such reasons, the other 28 coastal States, including the 8 Great Lakes States, will share the remaining funds.

Mr. Chairman, the bottom line is that H.R. 5 is more than fair to the OCS-impacted States. This bill, and in particular this provision, have been thoroughly considered and delicately balanced. The gentleman's amendment would upset this balance and I strongly oppose its passage.

Mr. FORSYTHE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I support the statements made by the chairman of our committee. This bill, as I said in my brief opening remarks, is a piece of legislation that has been under consideration for many, many years, fine tuned in order to get the maximum support. Initially, in some areas, it was called the Louisiana bailout legislation, but it has been removed from that category. Changing it into a Texas bailout will not help very much at all.

This legislation does have a very broad purpose. If it is going to get support across this country and in the Congress and if the proposal is to be fully implemented it is important that we include those broad purposes and fund the programs eligible under there broad measures.

It is very significant that earlier in this debate we were stressing that now is not the time to take $300 million from the U.S. Treasury when it was going for the broad purpose but it is a

right if that purpose is narrowed very significantly.

I hope that this amendment is defeated and that we can make sure that we do keep the intent of the legislation, which I do think is very fair. The legislation maintains some very valuable programs to mitigate the impacts of our Outer Continental Shelf activity.

Mr. FIELDS. Mr. Chairman, will the distinguished minority leader yield?

Mr. FORSYTHE. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Chairman, let me say that I respect our distinguished minority leader very much. I guess I am a little bit in a quandary, because I would like it defined for me what the purpose of this particular legislation is. I thought originally it was to help States that did have active OCS exploration and production offshore States that were impacted by such activity. It seems to me that perhaps that purpose has shifted, and I want to be told if I am right or wrong. It seems that perhaps the primary purpose at this particular point is to take $300 million out of our Treasury and continue funding three programs that have either been phased down or eliminated in both the Carter and the Reagan administration. It also seems that perhaps we have forgotten the original intent of those three programs. As I understood the original intent, it was to provide some startup money for those programs and the States would take over those particular programs.

So I guess I am in a quandary wondering what the real purpose of this bill is.

□ 1140

Mr. FORSYTHE. I thought we were clear in that it does go beyond grants to those States which have development on the OCS and covering the associated impacts. It is a debatable subject, and always has been, as to what is the impact of all the wealth that flows to a State, even though there is no direct revenue. What is clear is the intent to cover very significant programs, such as sea grant which has been a very valued program.

It is true that the CZM Act did have the intention of mitigating developmental impacts on the coastal zone. However, we still do not have all the States under CZM, your State among them. We hope that you will come aboard and participate in this program. But the ongoing maintenance and operation of the coastal management program I think has clearly demanded some continued Federal support, so that, too, is here. H.R. 5 is a compromise that was tuned to get the broadest support possible. If we start to narrow it, we are going to lose support, and we will not have any program.

Mr. FIELDS. If the gentleman will yield further, just one last question.

I do not mean to be sarcastic in saying this, but in what we have been saying and in reading the legislation and the remarks of the different people who spoke to this particular subject, it appears that in essence this is a backdoor approach to funding three programs that have either been eliminated or phased down in the course of two administrations.

Am I right or wrong in saying this, instead of going through the ordinary budgetary process?

Mr. FORSYTHE. Each to his own characterization. But our committee is certainly concerned about these programs, which are being cut at the administration level.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I guess the argument that the gentleman from Texas makes is that if you do not have any offshore leasing and drilling and production off your coastline, then you should not share in this fund that is being paid for out of those revenues.

I guess at first glance that does make some sense, but it is not the purpose for which this bill is written. The bill is a national bill. The bill is designed to try and take into account the concerns of coastal States, whether they be in Maine or whether they be in Louisiana or in Texas. We all have unique problems and unique concerns that are not now being addressed as they should be.

It looks as though in the future—if funding continues, or lack of funding continues in the manner in which it looks like it is moving—there will not be any Federal funds going to these States to address coastal problems that they happen to have. There are a whole slew of coastal problems. Some of them are caused by energy activities; some of them are caused by nature through erosion, and what have you.

All of those concerns should be addressed and they are legitimate national concerns, whether you have drilling rigs off your coast or not. So I think it is perfectly acceptable that we set aside a very small percentage of this fund for use by States who happen today, maybe, not to have any OCS energy-related activities, but hopefully they will in the future.

Suppose we have a State that very aggressively wants drilling off their coast and is fighting to get it but they just do not have any oil and gas? Are we somehow going to fault that State from participating in a national program because geography and creation provided them no oil and gas?

The answer is: Of course not. Their national problems are as much our concern as any other State's, and we should address those problems.

So what this bill does is take a very small percentage of these funds and say we are going to set them aside. If they have oil and gas, then we will increase their percentage. If they do not, they should have something to be taken care of. Even Kentucky, for instance, if they could somehow be included as a coastal State, perhaps should receive a minimal amount.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would be glad to yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

Mr. Chairman, I just want to say that the gentleman says the Great Lakes States, and so forth, and some coastal States who do not have exploration ought not to be discriminated against because they do not have any oil production, but there is discrimination. When you take $300 million out of the general revenues that do go to all the States and divert it over to the States that are helped in the bill, you do discriminate against those States, such as Kentucky, which the gentleman has mentioned.

Mr. BREAUX. I would say in response to my good friend and colleague with whom we worked together on so many problems of helping Kentucky and the river States, what we are doing is actually reducing the amount that is now coming out of the whole General Treasury to take care of problems in the coastal States.

I think the gentleman from Massachusetts pointed out that the authorization out of the General Treasury right now is $360 million. We are talking about substantially less than that being taken out of what would go into the Treasury to be used for these States' problems. So actually this approach eliminates some of the discrimination that is presently embodied in existing law.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would be glad to yield to the gentleman from Texas.

Mr. FIELDS. I thank the gentleman for yielding.

Mr. Chairman, I recognize the gentleman as an articulate spokesman and very knowledgeable.

Mr. BREAUX. I try to count well, too, I would say to the gentleman from Texas.

Mr. FIELDS. The gentleman expressed a very broad subject when he said that there are national concerns, there is a national purpose, and we need to look beyond just what happens off of a State's coastline, but my concern is, and I think it is a fundamental concern in this piece of legislation, it is $300 million now. What is to

keep that amount from growing next year or the year after or the year after that as we find new national concerns, new national purposes?

A letter from the Executive Office of the President, David Stockman, says it could be as much as $3 billion over the next 10 years, that there is going to be some new type of management structure to administer the imposition of significant regulatory and reporting requirements from the States. So it is $300 million now. What is going to stop it from growing astronomically?

Mr. BREAUX. It can only grow by any degree to the extent that the increase in OCS revenues grows. It is not like we are taking money out of the sky. This would only be provided if, in fact, the revenues are there because of additional energy that is being found off of our coasts. So the money would be there.

I think that is the answer to that. If new concerns that are legitimate are found, then legitimate concerns should, in fact, be taken care of.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would be glad to yield to the gentleman from Washington.

Mr. PRITCHARD. I thank the gentleman for yielding.

Mr. Chairman, if I am not mistaken, it is my impression that there is an absolute cap of $300 million. It cannot grow above that, so it is not a matter of what it will be next year or the year after. There is a $300 million cap on this.

Mr. BREAUX. The gentleman from Washington is absolutely correct.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. BREAUX) has expired.

(On request of Mr. FIELDS and by unanimous consent, Mr. BREAUX was allowed to proceed for 1 additional minute.)

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Texas.

Mr. FIELDS. I thank the gentleman for yielding.

Just one last question: Of course, it can change if there is some kind of legislative action, but what is the amount in the Senate bill at this particular time?

Mr. BREAUX. I have no idea what the other body is doing.

Mr. FIELDS. Is it $600 million?

Mr. BREAUX. I think I would respond to the gentleman that no matter what figure we are dealing with that there would be a cap placed, whatever figure it would be. There would be a cap that would prevent it from increasing astronomically.

Mr. FIELDS. If my memory serves me correctly, it is $600 million, and when we go into conference I would just assume that $300 million is going to grow.

Mr. BREAUX. The Senate has yielded to the House in the past and perhaps they would see the wisdom again.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Texas (Mr. FIELDS).

The question was taken; and on a division (demanded by Mr. FIELDS) there were—ayes 1, noes 9.

Mr. FIELDS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to the provisions of clause 2 of rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1200

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Texas (Mr. FIELDS) for a recorded vote.

A recorded vote was refused.

So the amendments were rejected.

The CHAIRMAN. Are there any other amendments to section 4?

AMENDMENT OFFERED BY MR. FIELDS

Mr. FIELDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Page 15, line 23, strike out all down through and including line 4 on page 17, and insert in lieu thereof the following:

"(1) The amount of actual leasing with respect to oil and gas and other energy resources which is carried out under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the previous fiscal year which occurs within 250 miles of a State's coastline.

"(2) The volume of oil and gas produced from Outer Continental Shelf acreage leased by the Federal Government which is first landed in such coastal States during the previous fiscal year.

"(3) For each coastal State, any proposed oil and gas lease sales which are specified by the Outer Continental Shelf leasing program prepared pursuant to section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) and which are scheduled to occur within the Outer Continental Shelf planning area to which such coastal State is adjacent.

"(4) The coastal related energy facilities located within each coastal State during the previous fiscal year.

"(5) The shoreline mileage of each coastal State.

"(6) The coastal population of each coastal State."

Strike all of subsections (d) and (e) and insert in lieu thereof the following new subsection (d):

"(d) If a tract located on the Outer Continental Shelf, for the purposes of paragraph (1) of this subsection, is located within 200 miles of more than one State, equal consideration shall be given to each such State when calculating the amount of block grant as if said tract was located within the planning area the affected State is located."

Mr. FIELDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request to the gentleman from Texas?

There was no objection.

Mr. FIELDS. Mr. Chairman, in my judgment, this amendment is the most critical and important for it addresses the very heart and soul of this legislation, the funding formula criteria.

While I believe a strong case can be made to establish a formula based solely on actual leasing, exploration, development, and production, I have decided not to pursue that approach.

I have instead opted to offer this amendment which I believe is a well balanced and refined version of the language contained within H.R. 5.

In fact, my amendment, like the proponents bill, provides money to States based on their ability to satisfy the following criteria. Like H.R. 5, my amendment rewards States on the amount of actual leasing, the volume of oil and gas produced, the number of proposed oil and gas lease sales, the number of coastal related energy facilities, the shoreline mileage of each coastal State and the coastal population of each coastal State.

Unlike H.R. 5, my amendment does not arbitrarily and capriciously penalize a State for not yet having a Federally approved coastal zone management program.

For example, under H.R. 5, my own State of Texas, which does not yet have a CZM, is treated for purposes of receiving block grant money as if the State had zero shoreline and zero coastal population.

Mr. Chairman, obviously that is absurd. It is unfair and highly discriminatory to the State of Texas or any other State that does not yet have a CZM.

It is, in fact, even contrary to the stated goals of the authors of this bill who have argued that the purpose and need for this legislation is to compensate local communities affected by OCS activity adjacent to their shores.

Mr. Chairman, I would say to my colleagues that unless we adopt this amendment, then I frankly see no need or justification for this legislation. If we are not going to compen-

sate those very communities, like those on the Texas coast, who have in the past and will in the future experience the heaviest amount of OCS activity, then I believe the best course of action is to defeat this legislation.

While Texas may not have a federally approved CZM, it is absolutely wrong to assume that we have no environmental or natural resource protection laws. In fact, I believe our State laws are far superior to the protection provided under a CZM and that they show much greater sensitivity for the protection of our precious natural resources.

To highlight just a few, our State environmental and natural resource protection laws include: The Open Beach Act, the Dune Protection Act, the Coastal Public Lands Management Act, the Texas Coastal Waterway Act, the Texas Disaster Act, the Coastal Wetlands Acquisition Act, the Dredge Materials Act, and the Coastal Coordination Act.

In addition to these examples, the State has enacted a number of additional natural resource protection laws which have been incorporated within the Texas Natural Resources Code, the Texas Parks and Wildlife Code, and the Texas Water Code.

Despite what you may have heard, all knowledge is not limited exclusively to our Nation's Capitol and just because a program is federally approved that does not mean it is automatically better. In fact, overwhelming evidence suggests that States and not the Federal Government has a much greater appreciation for the protection of their coastal environment.

Mr. Chairman, to repeat what I have said throughout this debate, if the proponents of this bill want a viable OCS revenue-sharing program, then I believe this amendment must be adopted.

Without this amendment, this bill is blatantly unfair to hundreds of communities and frankly not worth adding another $300 million to our yearly deficits which are already the highest in our Nation's history.

If you want a sound and viable OCS revenue-sharing plan, then vote aye on this amendment.

□ 1210

Mr. JONES of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I must caution against any attempt to change the thrust of the allocation formula in H.R. 5. This formula has been carefully designed to produce a fair distribution and to provide States with funds to carry out several important activities.

Mitigation of coastal energy impacts is a major goal of this measure. The allocation formula reflects this goal; 60 percent of the formula is tied to energy activity, with a full 40 percent emphasizing OCS activity exclusively. No other bill currently before the Congress places more emphasis on energy activity. Therefore, States next to producing and frontier regions of the OCS will receive the largest grants.

The funds provided by H.R. 5 will serve other important purposes as well. Thus, in designing this formula, we struck a delicate balance between important energy and nonenergy factors. A formula overly dominated by energy factors would bias the distribution of funds in favor of a very few States.

The five-part formula of H.R. 5 results in an evenhanded distribution. It considers national objectives other than OCS development, but insures that States affected by OCS activity receive the largest shares of the fund. This formula is fair and workable and I would strongly resist changes at this late stage.

Furthermore, the amendment would strike CZM funding incentives, the committee amended the bill this year to allow States to get full credit in the formula simply by making "satisfactory progress" toward the approval of a CZM program. In other words, even if a State does not have an approved program but is making an effort to get one—like Virginia—it will be eligible for all of the criteria in the formula just like States that have approved programs.

Second, the bill recognizes that States that have approved CZM programs have additional responsibilities under the Federal law and that these responsibilities need to be funded through the provisions of H.R. 5. In 1980, for example, Congress authorized a number of new programs for CZM, including urban waterfront and port redevelopment, but these efforts have never been funded. The extra credit given to CZM States recognizes that these are legitimate purposes for the use of H.R. 5 funds and compensation in the formula is necessary to allow States to carry out these purposes.

Third, it should be noted that some States that are heavily involved in offshore oil and gas development, like the State of Texas, do very well under the formula even without an approved CZM program. Under our calculations, Texas is the fifth ranking State in receiving funds under H.R. 5—even without its participation in the CZM program. It is also my understanding that, under its new Governor, Texas may reconsider getting back into the CZM program. If it does, and if it shows it is making "satisfactory progress," it would be eligible for all the criteria in the formula and would receive extra funds for this effort.

Consequently, we view the emphasis on CZM in H.R. 5 as a reward to States that have made the difficult effort to receive approval from the Secretary of Commerce and as necessary compensation for their obligations required by Federal law. We have added additional flexibility in this year's bill and we make certain that the formula provides funds to all States—regardless of whether they have approved CZM programs, or not.

Mr. FORSYTHE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I fully support the statement by Chairman JONES. This again is a part of a really finely tuned package to see that we do get the broad support that we will need for enactment.

As Chairman JONES has pointed out, of the seven States that receive over 50 percent of these funds, Texas will still rank No. 5, even though it does not have an approved CZM program.

The adoption of an approved CZM program is a matter of choice for the State. If it wants to move toward an approved CZM plan and shows that it is making satisfactory progress toward such approval, the State can then gain the added bonus. It is a substantial sum.

The purpose of this bill is broader than just mitigating the onshore effects of offshore activity. The purpose of the bill also is to protect and improve the management of other coastal, natural, and renewable resources—other problems that we find in our coastal areas. This objective addresses the concerns of all of the coastal States, including the Great Lakes States. We think this is an important part of the package.

The amendment should be defeated and I yield back the balance of my time.

Mr. BREAUX. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Just briefly, I would say while under the gentleman from Texas' amendment my own State increases their share of funding from $42 million a year to $67 million a year, my philosophy is that I would rather have a little bit of something than a whole lot of nothing.

I say that in all seriousness because what we have here without the Fields amendment is a coalition of support that will give us the opportunity to have this type of a bill adopted and ultimately signed into law by the President.

I have a great deal of respect for what the gentleman from Texas is attempting to do. It is certainly in the interest of his State, and I dare say I would be doing the same thing if I represented his State.

But one of the things this formula that the bill has considers is a State's coastal zone management plan. There is a feeling in this country which I think is very important that States that have coastal zones that are affected and that are going to receive Federal assistance financially should have a coastal zone management plan to handle those programs on a local level.

The bill emphasizes that. The Fields amendment eliminates that.

The other thing that the Fields amendment does is to say you can only count the production within 250 miles of your area to determine whether you get funding or it sets up a zone of 250 miles of production.

□ 1220

Let me ask the gentleman from Texas a question. I want to make sure I am stating it correctly. How does the gentleman handle the 250-mile question?

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Texas.

Mr. FIELDS. I thank the gentleman for yielding. The 250-mile question was settled in the last amendment.

But if the gentleman would continue to yield, I tried to enunciate just a moment ago that the State of Texas while not having a coastal zone management program as approved by the Federal Government, has gone far with the environmental protection laws within our State. But what is not compensated for, what is not taken into consideration in the formula as it is currently worded, and this is according to NOAA, Texas should be credited if it had a CZM plan with 3,359 shoreline miles. Nationwide the figure is 95,429 coastal miles. We have a coastal population of 3,870,000 people. Nationwide that figure is 95,226,195 people in coastal States.

The purpose of this particular amendment is to restore some equity and fairness so that we do get fair consideration in this particular funding formula. We do not. That is the purpose of the amendment.

I am not sure it is proper for the Federal Government to come in and question why we do or do not have a CZM program, because we think we have adequately taken care of our own problem.

Mr. BREAUX. I thank the gentleman from Texas for his explanation.

What the gentleman's amendment clearly does is to say that we should be treated as every other State that has a CZM or coastal zone management plan. I think it is the philosophy of the House and of this committee, certainly, to say that if the Federal Government is going to participate in granting direct grants to States, that those States should be participating in coastal zone management plan. The other point which I will close with is that this would drastically reduce the share of revenues that many other States would be receiving under the committee bill. I think that support is essential. I think that the program providing them the funds is fair and therefore the amendment should not be agreed to.

Mr. SAM B. HALL, JR. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the gentleman from Texas, the sponsor of this amendment, a question. I notice in the information that I have received, that if his amendment is passed, Texas will receive an allocation of $25 million, whereas under H.R. 5, we receive $14 million. Is that a correct figure?

Mr. FIELDS. If the gentleman would yield.

Mr. SAM B. HALL, JR. I yield to the gentleman.

Mr. FIELDS. That is a correct statement.

Mr. SAM B. HALL, JR. All right.

I also have been given information in the last few minutes that unless Texas adopts a coastal zone management program, that Texas will not receive the $25 million.

Mr. FIELDS. If the gentleman will yield further, that is correct.

I would point out further to the gentleman I tried to enunciate in my remarks that Texas has gone very far environmentally to protect ourselves. We have Coastal Public Lands Management Act of 1973, the Dune Protection Act of 1973, the Open Beach Act of 1959, the Coastal Wetlands Acquisition Act of 1979, the Dredge Materials Act of 1977, the Texas Coastal Waterway Act of 1975, the Texas Disaster Act of 1975, the Coastal Coordination Act of 1977. I would be glad to submit these to the record, to the gentleman, to anyone who is interested in substantiation that Texas has gone very far in doing things environmentally that protect us and protect our environment.

Mr. SAM B. HALL, JR. But is Texas going to be required to adopt a coastal zone management program in order to get any additional moneys that we would get under the Fields amendment?

Mr. FIELDS. If the gentleman would yield further, under our amendment we do not mandate the creation of the coastal zone management program. But to get additional moneys as per this formula, Texas would have to have a coastal zone management program that is federally approved.

Mr. SAM B. HALL, JR. I understand that Texas has already, on two occasions in the past, concluded that the federally approved program would cause additional expense, increase Federal control and unnecessary delays in offshore drilling, and that Texas is one of the few coastal States which has been able to keep its own coastal management process and achieve conservation without unnecessary delays and unacceptable developments.

Is it a fair statement to say that regardless of what we have done in the past in Texas, in not going along with a zone management program, that we must do that in the future in order to get any moneys under this bill?

Mr. FIELDS. No, that is not a fair statement. It is fair to say that to get additional moneys we would have to have a coastal zone management program. The basic thrust of this argument is that Texas has done basically what a coastal zone management program would do. We have taken care of our own problems and we are trying to recognize that we have a sensitive environment and we have a great deal of Outer Continental Shelf exploration production and all the attendant things off of our shores.

Mr. SAM B. HALL, JR. All right. If the gentleman's amendment does not pass, then Texas will continue to get $14 million.

Mr. FIELDS. That is true.

Mr. SAM B. HALL, JR. If the gentleman's amendment passes, in order to get the $25 million Texas must adopt the Coastal Zone Management Act.

Mr. FIELDS. No. If this amendment were to pass, the basic things that would be recognized are that we do have 3,359 shoreline miles and also a coastal population of 3,870,000 people. That would be plugged into the formula and we would receive credit even though we do not have a coastal zone management program, taking into consideration that we have dealt with our problems.

Mr. SAM. B. HALL, JR. All right. Then Texas would get $25 million under the gentleman's amendment whether we adopted a coastal zone management program or not.

Mr. FIELDS. That is right, that is true.

Mr. SAM B. HALL, JR. I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to take this moment briefly to congratulate the gentleman from Louisiana (Mr. BREAUX) whose statemanship has grown yearly since I have served in this institution.

Many Members will remember our first attempt at the formulation of the coastal energy impact program formula as part of the CZM amendments. The gentleman from Louisiana was cast in this extraordinary position in the House of having to defend a formula allocating those funds drafted in the Senate by some very senior Senators from the State of Louisiana.

When some of us did a little bit of homework and read the fine print, it turned out that notwithstanding a three- or four-page definition of this formula, 100 percent of the money went to Louisiana. That was termed at the time the "Louisiana Repurchase Agreement."

The gentleman from Louisiana, statesman that he is, recognized the futility of attempting to defend that proposition before the House.

And what he just did a moment ago in his speech in opposition to this amendment again reflected that statesmanship.

As he pointed out, under the amendment offered by the gentleman from Texas, Louisiana gains approximately 50 percent in the amount of money it would receive under this bill. The problem, as the gentleman also correctly pointed out, with that is that there would be no bill in that event because if you are opposed to this bill or if you are from Texas, this is an absolutely wonderful amendment. It dramatically increases the money for Texas, it dramatically increases the money for Louisiana, but it detracts and subtracts from almost every other State, coastal State and Great Lakes State in the Nation.

It is an amendment which on the face of it it seems to me ought to be rejected.

I urge that the House do that and do so in recognition of the extraordinary breadth of mind of the gentleman from Louisiana.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman.

Mr. FIELDS. I thank the gentleman for yielding.

I hope that my statesmanship goes up in the eyes of the gentleman, because I am going to vote against the bill.

My interest thus far has been to try to provide equity and fairness in the bill, and Texas, even if this bill does pass, will receive $14 million. I said earlier I think the timing of this, taking $300 million out of the Treasury at this point is unwise. So I hope at the conclusion of this particular legislative act that my respect is going to go up in the gentleman's eyes.

Mr. STUDDS. I appreciate the gentleman saying that. I had a feeling he was going to vote against the bill.

I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am one of the few opposing this bill which kind of surprises me because I think there ought to be much more opposition to it. I think it discriminates unfairly in favor of certain coastal States by dipping into prospective OCS leasing revenues, giving them special benefits to the detriment of most of the States in this country.

I must say I am surprised about the lack of opposition on the minority side because the administration is so strongly opposed to this bill, as is indicated by the statement of the administration's representative that appears in the report.

I do not happen to be a strong supporter of the administration's policies but in this instance I think it is right.

Now, the reasons advanced for this bill, as I have listened to them today, are that, one, this bill is supposed to protect certain laws from extinction. These are the coastal zone management program, the sea grant college program, and, third, the coastal zone energy impact program.

Now, I favor these programs and I would not want them rescinded. Admittedly they are in danger not because of any congressional intention to rescind the programs, but because of the refusal or failure of the administration to make appropriations needed to administer these programs in its budgets.

□ 1230

That same situation could prevail even with passage of this bill. There would not be the correction that is sought by the proponents of this bill because this is not an entitlement program. It is a program that is subject to appropriations. The programs would be subject to the same kind of administration opposition in budgeting as they face now. And those who favor this bill would be forced to rely as they do now on congressional approval of appropriations in excess of the amounts recommended by the administration.

So the first reason, that this bill will remove that danger, is not a valid one.

Second, it is argued the coastal States should receive special allocations from leasing because certain inland States now receive Federal funds from mineral receipts and from timber cutting from Federal lands.

Well, those laws are based upon two justifications. One is that there should be payments in lieu of taxes for the Federal lands in those States which pay no taxes now; and second, the resources of those States are being depleted as a result of the Federal Government's leasing activity.

Those reasons are not present in this case. This bill deals with offshore leasing programs that have no comparable reasons for special benefits. These oil-bearing lands under the oceans belong to all the people of this country. Revenues from oil leases belong to all the people. The resources of coastal States are not being depleted.

Now, the gentleman from Texas has objected to the formula. Well, he has a right to that objection because the formula is subject to a great deal of correction. I look at it and I notice that the State of Louisiana—and the gentleman from Louisiana (Mr. BREAUX) received such compliments a few moments ago because he did not move for a greater share—is still the No. 1 recipient of the revenues under this program. It will receive $42 million. The State of Florida will receive $20 million; the State of California, $25 million; Alaska will receive $39 million; New York will receive $13 million; and Texas, approximately $14 million.

But it is interesting, I do not understand, for example, and perhaps somebody can tell me, why the State of Illinois, for example, will receive less money than American Samoa, or the Northern Marianas, or the Virgin Islands. The State of Illinois has a coastal area, possibly not as great as that of the three territories, but still I wonder about how the formula works in that respect. I notice that the State of Ohio will receive $7 million, and its sister State next to it, Indiana, will receive approximately $53,000 only. How does this formula work? What is the quality of the formula that permits this kind of discriminatory allocation to certain States and this kind of back-of-the-hand treatment for so many of the other States?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. The gentleman from Louisiana (Mr. TAUZIN) talked about the fact that the State of Louisiana is losing—I forget—I think it was 42 square miles of its land, its coastal land, every year.

Well, there is nothing in this bill that can prevent that from happening. The State of Louisiana is still subject to the forces of the weather and it is one of the most oil productive States in the Union. It has enough money to take care of any losses from its coastline. And it will still seek funding through the Army Corps of Engineers if its coastline can be protected, not from this program.

These funds belong to all the people of this country.

For these reasons, Mr. Chairman, I oppose the program and I will vote against it.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Very briefly, in response to the question the gentleman asked regarding the funding for the State of Illinois, why it was less than some of the territories.

Mr. YATES. I would be glad to hear the gentleman's response.

Mr. STUDDS. The reason for that is that the State of Illinois does not yet have an approved coastal zone management program as the other entities to which the gentleman referred do.

If it were to get one and it was close a couple of years ago to having one, and we hope that it will again, and incidentally, the committee has on file a strong letter of support from the mayor of the gentleman's city, then the funding for the State of Illinois would be substantially more than the entities to which the gentleman referred in his question. And it ought to be.

Mr. YATES. How much money would it receive under those circumstances?

Mr. STUDDS. It would be approximately $4 million.

Mr. YATES. I see. That still does not justify this program.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The question is on the amendment offered by the gentleman from Texas (Mr. FIELDS).

The amendment was rejected.

The CHAIRMAN pro tempore. Are there any other amendments to section 4? If not, the Clerk will designate section 5.

The text of section 5 is as follows:

REQUIREMENTS ON THE USE OF BLOCK GRANTS

SEC. 5. Block grants provided to a coastal State pursuant to section 4(a) shall be used for the enhancement and management of renewable ocean and coastal resources and for the amelioration of any adverse impacts that result from coastal energy activity with respect to the development of nonrenewable resources.

(a) Such block grants shall be used for each of the following activities:

(1) Activities of such coastal State authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(2) Activities of such coastal State pursuant to the coastal energy impact program administered under section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1457).

(3) Activities of such coastal State for the enhancement and management of living marine resources.

(4) Activities of such coastal State for the enhancement and management of its natural resources.

(b) The Secretary shall insure that any coastal State receiving a block grant under section 4(a) will use at least 25 per centum of the amount of each block grant for eligible activities authorized by paragraph (1) of subsection (a), excluding activities administered under section 308 of the Coastal Zone Management Act.

(c) Any coastal State which the Secretary determines uses any funds provided by a block grant under section 4(a) for an activity not specified in subsection (a), in an amount less than specified in subsection (b), or in any other manner inconsistent with this Act, shall repay such funds to the Fund. If a coastal State does not repay any funds required to be repaid under this subsection, the Secretary may reduce the amount of any future block grant or grants provided under section 4(a) by the amount of such required repayment.

(d) Nothing in this Act shall be construed to repeal or modify, by implication or otherwise, section 312 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461): Provided, however, That the Secretary shall reduce any block grant, provided under this Act to a coastal State that has an approved program under section 306 of the Coastal Zone Management Act (16 U.S.C. 1455), by no more than 30 per centum of the amount of such State's block grant, which is attributable to sections 4(c) (4) and (5) of this Act, if the Secretary makes the determination provided in section 312(c) of the Coastal Zone Management Act.

The CHAIRMAN pro tempore. Are there any amendments to section 5? If not, the Clerk will designate section 6.

The text of section 6 is as follows:

LOCAL GOVERNMENTS

SEC. 6. (a) Each State receiving a block grant in any fiscal year pursuant to section 4(a)—

(1) shall establish an effective mechanism for consultation and coordination with its local governments with respect to the allocation of such block grant within the State, and

(2) shall provide to its local governments allocations from such block grant commensurate with the responsibilities of the local governments in carrying out activities pursuant to section 5(a).

(b) In carrying out its responsibilities pursuant to subsection (a)(2) of this section, the State shall give particular emphasis to the activities of local governments in—

(1) providing public services and public facilities which are required as a result of coastal energy activity, and

(2) preventing, reducing, or ameliorating any unavoidable loss of valuable environmental or recreational resources if such loss results from coastal energy activity.

(c) In carrying out its responsibilities pursuant to this section, each State shall provide no less than 35 per centum of each such block grant to its local governments.

The CHAIRMAN pro tempore. Are there any amendments to section 6? If not, the Clerk will designate section 7.

The text of section 7 is as follows:

ASSESSMENT AND AUDIT

SEC. 7. (a) Any coastal State receiving a block grant for a fiscal year under section 4(a) must submit to the Secretary assessment of the expenditure of funds provided by the block grant.

(b) Each assessment submitted by a coastal State for a fiscal year under subsection (a) shall contain a statement of all funds provided by the block grant received by such coastal State for such fiscal year and shall include an assessment of all financial assistance provided to such State's local governments pursuant to section 6.

(1) Such statement shall have been audited by an entity which is independent of any agency or offical administering or using funds provided by such block grant.

(2) The audit shall be conducted in accordance with the financial and compliance element of the standards for audit of governmental organizations, activities, and functions established by the Comptroller General of the United States.

The CHAIRMAN pro tempore. Are there any amendments to section 7? If not, the Clerk will designate section 8.

The text of section 8 is as follows:

RULES AND REGULATIONS

SEC. 8. The Secretary shall promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevent Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of the Act.

The CHAIRMAN pro tempore. Are there any amendments to section 8?

Mr. FIELDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. FIELDS) is recognized.

Mr. FIELDS. Mr. Chairman, I sit on the Merchant Marine and Fisheries Committee. I admire my chairman, I admire my minority leader, but I strenuously disagree with this bill the way it has been created. I think it is unfair, it is inequitable. I think it is worked and has been drawn to benefit certain States. In fact, seven States receive over $10 million in allocation. My State is one. I think that is unfair; $300 million, at this particular time, is being taken out of Federal Treasury. I think that is inopportune.

I just want to address some of the arguments that have been made today, particularly about three programs that would be funded under this particular piece of legislation.

I had thought that the original intent was to benefit those States that were negatively impacted by OCS development and I find that, really, the purpose is to fund three programs that were either being dissipated or eliminated altogether by both the Carter and the Reagan administrations. And it was my understanding that the three programs in question were originally created and were designed to receive startup money from the Federal Government and then the States would actually take over the funding of those particular programs. So there is no compelling need, or no reason to continue funding for those particular programs.

Also, I want to point out that I had read earlier a statement from David Stockman that we are in all likelihood not talking only about $300 million. I know Members have talked about a cap. The Senate has a bill that has a much higher cap. So automatically we are going to be talking about more money, more than $300 million.

In the last sentence of paragraph 4 of a letter dated September 6, 1983, from the Office of Management and Budget, the last sentence says:

The authorized appropriations could amount to as much as $3 billion over the next 10 years.

And he goes on to say, "* * * that is add $3 billion more to the Federal deficit."

In paragraph 5, he says:

H.R. 5 would also require the establishment of a management structure to administer the imposition of significant regulatory and reporting requirements on the state. This is directly contrary to the administration's effort to reduce such federally imposed burdens.

And I maintain that what is pointed out in this particular letter is accurate, that there is a likelihood that this particular expenditure is going to increase year after year.

I also want to point out and include in the RECORD a letter from the Deputy Secretary of the Treasury, dated June 17, 1983, signed by Mr. R. T. McNamar, on page 2, he says:

This Department strongly opposes the whole concept of sharing OCS receipts with the states, and particularly the earmarking and distribution provisions in H.R. 5 and similar proposals. In fact, if H.R. 5 were to pass the Congress, Treasury would recommend that it be vetoed by the President.

The letter follows:

THE DEPUTY SECRETARY OF THE TREASURY,
Washington, D.C., June 17, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to advise you of the intense concerns of the Department of the Treasury regarding the proposed sharing of Outer Continental Shelf (OCS) receipts with the States, as would be provided by H.R. 5, the "Ocean and Coastal Resources Management and Development Block Grant Act." I understand that this bill will be voted on by the House in the near future. Though we were not asked to testify on this subject, Treasury did comment to Chairman Jones through Deputy General Counsel Margery Waxman on May 5, 1983. I want to emphasize that Treasury remains fundamentally opposed to sharing OCS receipts in any form with the States. Our opposition is based on several grounds.

(1) The Outer Continental Shelf beyond the three-mile limit is strictly a Federal responsibility. The legal situation on this issue is clear and it would be most unwise to reopen it, even implicitly, by entertaining the sharing of Federal OCS receipts. This would introduce the possibility not only of protracted disputes, but also of the eventual loss of substantial Federal revenues.

(2) H.R. 5 would effectively earmark funds for activities that the Administration has sought to reduce drastically or eliminate. In a number of cases the Congress has agreed. Thus the proposal introduces an objectionable budgetary technique—earmarking of revenues—in what is clearly an effort to circumvent established decisions. Such earmarking limits the flexibility of the President and the Congress in matching program funding to current priorities and national goals. It also protects those activities—even if carried out by the States—from the normal competition for resources, and undermines the budget process at all levels of government.

(3) The only justification Treasury can see for transferring OCS revenues, which now benefit the entire nation, to State and local governments serving coastal areas would be as a means of compensating those areas for the otherwise uncompensated, or external, costs of OCS leasing. However, a block-grant or a categorical grant approach is not the appropriate mechanism for dealing with the issue of external costs. While some of the resistance to OCS activities apparently is rooted in concerns that they will give rise to costs that will not be compensated, it is our understanding that the provisions of the Outer Continental Shelf Lands Act were carefully designed to provide adequate protection for, and appropriate compensation to, coastal areas that are at risk of being affected adversely by any oil spills from OCS activities.

(4) Other impacts on coastal jurisdictions may occur due to OCS-related onshore facilities or due to resident OCS employees. Such employees or facilities are fully taxable by such coastal jurisdictions and are superior sources of tax revenues compared to most economic activities because they are high wage and capital intensive. Studies have shown that the financial benefits of OCS activities to State/local government outweigh the costs.

(5) The proposal would be inefficient and inequitable in that a number of unaffected States would be rewarded and some affected States would receive large gains—some would argue, windfall gains. For example, the Great Lake States, Hawaii, and Pennsylvania and the territories are unaffected by OCS production. Washington, Maine, New Hampshire, Connecticut, and Oregon are likely to be affected only slightly if at all. Texas and Louisiana, which have had many years to adjust to OCS effects, would receive the bulk of the funds—along with California, Mississippi, Alabama, and Alaska. Many argue that several of these States are in relatively better positions financially than the U.S. Government with respect to budgetary deficits. Several of these States either reduced various taxes in fiscal year 1981, have no individual State income taxes, or, in the case of Alaska, have negative individual State income taxes, or show other signs of relative fiscal well-being.

(6) An additional Federal outlay of $300 million would be inconsistent with sound budget policy. Most important, Federal acceptance of the principle of sharing OCS receipts would virtually invite the States to press for an ever larger share of the economic rent generated by the OCS program. The obvious question would always be: why $300 or $500 million, why not $3 billion or $5 billion?

(7) A convincing case has not been made that this approach would facilitate OCS leasing. Many groups and jurisdictions simply are not likely to be persuaded by financial inducements to abandon their opposition to this leasing—and suits and delays will result regardless of any sharing of the revenues. Further, the argument that sharing of OCS receipts is necessary to facilitate leasing is refuted by the unexpectedly strong bidding in the last two lease-sales—sales that took place in an environment of declining world prices for petroleum products, not rising prices.

For these reasons, this Department strongly opposes the whole concept of sharing OCS receipts with the States, and particularly the earmarking and distribution provisions in H.R. 5 and similar proposals. In fact, if H.R. 5 were to pass the Congress, Treasury would recommend that it be vetoed by the President.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this letter to you.

Sincerely,

R. T. MCNAMAR.

□ 1240

I think the reasons are obvious—$300 million at this particular budgetary time.

I further want to point out something that I have done earlier, but hopefully other people will take cognizance of this:

Twenty-one States would receive no funding under this particular bill. Seven States would receive over $10 million. My State is one; $300 million is being taken out of the Federal Treasury. Those States that would receive no money are Arizona, Arkansas, Colorado, Florida, Idaho, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wyoming.

Mr. Chairman, I think that this type of bill is highly unfair. We are asking the taxpayers of those interior States to basically feel the pressures that are going to be created because of this particular deficit problem, and I think this bill should be defeated.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DE LA GARZA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to establish an ocean and coastal resources management and development fund from which coastal States shall receive block grants, pursuant to House Resolution 206, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 93, not voting 39, as follows:

[Roll No. 334]

YEAS—301

Ackerman	Fazio	Lott
Addabbo	Feighan	Lowery (CA)
Akaka	Ferraro	Lowry (WA)
Albosta	Fiedler	Luken
Anderson	Fish	Lundine
Andrews (NC)	Flippo	Lungren
Andrews (TX)	Florio	Mack
Annunzio	Foglietta	MacKay
Anthony	Ford (TN)	Martin (NC)
Applegate	Forsythe	Martin (NY)
Aspin	Fowler	Martinez
AuCoin	Frank	Matsui
Barnard	Franklin	Mavroules
Barnes	Frost	Mazzoli
Bateman	Fuqua	McCloskey
Bates	Garcia	McCollum
Bedell	Gaydos	McCurdy
Beilenson	Gejdenson	McEwen
Bennett	Gephardt	McGrath
Berman	Gibbons	McHugh
Bevill	Gilman	McKernan
Biliraki s	Gonzalez	McKinney
Boehlert	Goodling	McNulty
Boggs	Gore	Mikulski
Boland	Gray	Miller (CA)
Boner	Green	Mineta
Bonior	Gregg	Minish
Bonker	Guarini	Mitchell
Borski	Gunderson	Moakley
Bosco	Hall (IN)	Molinari
Boucher	Hall (OH)	Mollohan
Boxer	Hall, Ralph	Montgomery
Breaux	Hall, Sam	Moore
Britt	Hamilton	Morrison (CT)
Brooks	Harrison	Morrison (WA)
Brown (CA)	Hatcher	Murphy
Broyhill	Hawkins	Natcher
Bryant	Hayes	Neal
Burton (CA)	Hefner	Nelson
Byron	Hertel	Nichols
Campbell	Hightower	Nowak
Carney	Hillis	Oakar
Carper	Horton	Oberstar
Carr	Howard	Obey
Chandler	Hoyer	Olin
Clay	Huckaby	Ortiz
Clinger	Hughes	Ottinger
Coelho	Hutto	Owens
Coleman (TX)	Ireland	Packard
Collins	Jacobs	Panetta
Conte	Jenkins	Parris
Conyers	Johnson	Patman
Cooper	Jones (NC)	Patterson
Coughlin	Jones (TN)	Pease
Courter	Kaptur	Penny
Coyne	Kastenmeier	Pepper
D'Amours	Kazen	Perkins
Daschle	Kemp	Pickle
Davis	Kennelly	Price
de la Garza	Kildee	Pritchard
Dickinson	Kogovsek	Rahall
Dicks	Kostmayer	Rangel
Dingell	LaFalce	Ratchford
Dixon	Lagomarsino	Ray
Donnelly	Lantos	Richardson
Dorgan	Leath	Ridge
Dowdy	Lehman (CA)	Rinaldo
Downey	Lehman (FL)	Rodino
Dwyer	Leland	Roe
Dymally	Lent	Roemer
Dyson	Levin	Rose
Early	Levine	Roth
Eckart	Levitas	Roukema
Edwards (AL)	Lewis (FL)	Rowland
Edwards (CA)	Lipinski	Roybal
English	Livingston	Russo
Erdreich	Lloyd	Sabo
Evans (IL)	Long (LA)	Savage
Fascell	Long (MD)	Sawyer
Schneider	Staggers	Walgren
Schroeder	Stangeland	Waxman
Schumer	Stark	Weaver
Sensenbrenner	Stenholm	Weiss
Shannon	Stokes	Wheat
Sharp	Stratton	Whitehurst
Shelby	Studds	Whitley
Sikorski	Swift	Whitten
Siljander	Synar	Williams (MT)
Simon	Tallon	Williams (OH)
Sisisky	Tauzin	Wirth
Skelton	Thomas (CA)	Wise
Smith (FL)	Thomas (GA)	Wolpe
Smith (IA)	Torres	Wortley
Smith (NJ)	Torricelli	Wright
Smith, Robert	Towns	Wyden
Snowe	Traxler	Yatron
Solarz	Udall	Young (FL)
Solomon	Valentine	Young (MO)
Spence	Vandergriff	Zschau
Spratt	Vento	
St Germain	Volkmer	

NAYS—93

Archer	Hansen (UT)	Pursell
Badham	Harkin	Quillen
Bartlett	Hartnett	Regula
Bliley	Hiler	Reid
Brown (CO)	Hopkins	Ritter
Burton (IN)	Hunter	Roberts
Chappie	Hyde	Robinson
Cheney	Jeffords	Rogers
Coats	Jones (OK)	Rudd
Conable	Kasich	Schaefer
Corcoran	Kindness	Schulze
Crane, Daniel	Kramer	Shaw
Crane, Philip	Leach	Shumway
Daniel	Lewis (CA)	Shuster
Dannemeyer	Loeffler	Skeen
Daub	Lujan	Slattery
DeWine	Marlenee	Smith (NE)
Dreier	Marriott	Smith, Denny
Duncan	Martin (IL)	Snyder
Durbin	McCain	Sundquist
Edwards (OK)	McCandless	Tauke
Emerson	McDade	Taylor
Erlenborn	Michel	Vucanovich
Evans (IA)	Miller (OH)	Walker
Fields	Moorhead	Watkins
Frenzel	Myers	Whittaker
Gekas	Nielson	Wilson
Glickman	O'Brien	Winn
Gradison	Oxley	Wolf
Hammerschmidt	Paul	Wylie
Hansen (ID)	Porter	Yates

NOT VOTING—39

Alexander	Foley	Moody
Bereuter	Ford (MI)	Mrazek
Bethune	Gingrich	Murtha
Biaggi	Gramm	Pashayan
Broomfield	Hance	Petri
Chappell	Heftel	Rostenkowski
Clarke	Holt	Scheuer
Coleman (MO)	Hubbard	Seiberling
Craig	Kolter	Stump
Crockett	Latta	Vander Jagt
Dellums	Madigan	Weber
Derrick	Markey	Young (AK)
Edgar	Mica	Zablocki

□ 1250

Mr. RITTER changed his vote from "yea" to "nay."

Mrs. KENNELLY and Messrs. ROEMER, LOWERY of California, PACKARD, WILLIAMS of Ohio, and MOORE changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1300

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. (Mr. RATCHFORD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF COMMITTEE ON THE JUDICIARY TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary be given permission to sit while the House is under the 5-minute rule this afternoon.

We will be hearing testimony on House Joint Resolution 1, the equal rights amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I take this time to inform the membership that the minority has no objection to the gentleman's request. I hope that the gentleman will make a similar request during the 2 days of minority hearings on House Joint Resolution 1 that the gentleman promised us this morning.

Mr. EDWARDS of California. Mr. Speaker, if the gentleman will yield, the gentleman has my word on that.

Mr. SENSENBRENNER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRADE ACT OF 1974 AMENDMENTS

The SPEAKER pro tempore. Pursuant to House Resolution 299 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3391.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, September 12, 1983, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments to the bill are in order except the following amendments: First, amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment except the amendment printed in the CONGRESSIONAL RECORD of September 12, 1983, by, and if offered by, Representative FRENZEL, which shall be debatable for not to exceed 30 minutes, to be equally divided and controlled by Representative FRENZEL and a Member opposed thereto; and second, the amendments printed in the CONGRESSIONAL RECORD of September 12, 1983, by, and if offered by, Representative FRENZEL, and said amendments shall not be subject to amendment, but each amendment shall be debatable for not to exceed 30 minutes, to be equally divided and controlled by Representative FRENZEL and a Member opposed thereto.

The text of H.R. 3391 is as follows:

H.R. 3391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GROUP ELIGIBILITY REQUIREMENTS.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended to read as follows:

"SEC. 222. GROUP ELIGIBILITY REQUIREMENTS.

"The Secretary shall certify a group of workers as eligible to apply for adjustment assistance under this part if he determines—

"(1) that—

"(A) a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

"(B) sales or production, or both, of such firm or subdivision have decreased absolutely, and

"(C) increases of imports of articles like or directly competitive with articles—

"(i) which are produced by such workers' firm or appropriate subdivision thereof, or

"(ii) to which such workers' firm or appropriate subdivision thereof provides essential parts or essential services,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production; or

"(2) that a significant number or proportion of the workers in such workers' firm (if the firm has no subdivision) or subdivision of a firm have become totally or partially separated, or are threatened to become totally or partially separated, by reason of the relocation of the production functions of that firm or subdivision to a foreign country or instrumentality.

For purposes of paragraph (1)(C), the term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.".

SEC. 2. QUALIFYING REQUIREMENTS.

The last sentence of section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(1) by inserting in subparagraph (B) thereof ", or because of being laid off for any reason, if the worker later receives back pay for the week of layoff" immediately before ", or"; and

(2) by striking out all that follows after subparagraph (C) and inserting in lieu thereof "shall be treated as a week of employment at wages of $30 or more, but not more than 7 weeks, in case of weeks described in paragraph (A) or (C), or both, may be treated as weeks of employment under this sentence.".

SEC. 3. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES.

The first sentence of section 233(a)(3) of the Trade Act of 1974 (19 U.S.C. 2293(a)(3)) is amended to read as follows: "Notwithstanding paragraph (1), in order to assist the adversely affected worker to complete training approved for him under section 236, and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks in the 26-week period that—

"(A) follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter; or

"(B) begins with the first week of such training, if such training is approved after the last week described in subparagraph (A).".

SEC. 4. WORKER TRAINING.

Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) by striking out "may approve"in the first sentence of subsection (a)(1) and inserting in lieu thereof "shall approve";

(2) by inserting immediately after the second sentence thereof the following new sentence: "If the funds necessary to pay such costs have not been appropriated at the time the training is entered, such costs shall be paid for as soon as possible from the next appropriation of funds to carry out the purposes of this section.";

(3) by adding at the end of subsection (a)(1) the following new sentence: "For purposes of applying subparagraph (C), a reasonable expectation of employment does not require that employment opportunities for a worker may be available, or offered, immediately upon his completing training under this section."; and

(4) by adding at the end thereof the following new subsection:

"(d) The Secretary shall pay to any worker who—

"(1) begins approved training under this section after the date of the enactment of this subsection; and

"(2) is not eligible for trade readjustment allowances during any or all of the period of such training;

a supplemental assistance benefit of $15 for each day during which the worker participates in such training but for which he is not eligible for such allowances.

SEC. 5. TRAINING VOUCHERS.

(a) Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) (as amended by section 3) is further amended as follows:

(1) Subsection (a)(2) is amended by striking out "paragraph (1)" each place it appears and inserting in lieu thereof "paragraph (1) or subsection (c)".

(2) Subsection (b) is amended by inserting "under paragraph (1) or subsection (c)" immediately after "training".

(3) Subsections (c) and (d) are redesignated as subsections (d) and (e).

(4) The following new subsection is inserted immediately after subsection (b):

"(c)(1) A worker eligible for training under subsection (a) may, in lieu of obtaining training in accordance with that subsection, elect to obtain training under the voucher system provided for under this subsection. If an election is made by a worker to obtain training under this subsection or subsection (a), the worker is eligible for training only in accordance with that election, unless for reasons beyond the control of the worker training is no longer available in accordance with such election.

"(2) If a worker finds training (which may include training on the job) that he considers appropriate (whether or not services described in section 235 were utilized in finding that training), he may apply to the Secretary for a voucher to cover the costs of such training, which costs, in the case of training on the job, are limited to costs directly incurred by the provider solely for training purposes.

"(3) If the Secretary—

"(A) approves the course of training for which application is made under paragraph (2); and

"(B) finds that—

"(i) suitable employment for the worker is not available,

"(ii) the worker is not already qualified for the job for which training is sought, and

"(iii) there is a reasonable expectation of permanent employment with the provider after completion of the training,

the Secretary shall issue a voucher which obligates the United States to pay to the provider of the training the costs thereof subject to the following conditions:

"(A) Payment of the training costs shall be made on a quarterly basis subject to—

"(i) the provider of training certifying to the Secretary with respect to each quarter that the worker's attendance and progress regarding the training has been satisfactory; and

"(ii) the worker certifying to the Secretary regarding his actual training and employment, with the provider during each quarter.

"(B) Payment of the training costs shall not be made to a provider of training on the job unless the provider certifies to the Secretary, on such periodic basis as the Secretary may require, that the worker's training will not result in—

"(i) the displacement of currently employed workers (including partial displacement such as reduction in the hours of nonovertime work or in wages or employment benefits); or

"(ii) the hiring of the trainee to fill a job opening created by the action of the employer in laying off or terminating the employment of any regular employee.".

(b) Section 235(a)(3) of such Act is amended

(1) by striking out "training approved for the worker under section 236" and inserting in lieu thereof "training approved or provided for by voucher under section 236"; and

(2) by striking out "236(c)" and inserting in lieu thereof "236(d)".

SEC. 6. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) Section 237(a)(1) of the Trade Act of 1974 (19 U.S.C. 2297(a)(1)) is amended by striking out "$600" and inserting in lieu thereof "$800".

(b) Section 238(d)(2) of the Trade Act of 1974 (19 U.S.C. 2298(d)(2)) is amended by striking out "$600" and inserting in lieu thereof "$800".

SEC. 7. SPECIAL ACCOUNT FOR ADJUSTMENT ASSISTANCE.

(a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. SPECIAL ACCOUNT FOR ADJUSTMENT ASSISTANCE.

"(a) There is established in the Treasury of the United States a special account to be known as the Special Account for Adjustment Assistance (hereafter in this section referred to as the 'special account') consisting of such funds as may be appropriated to it as provided in this section.

"(b)(1) For purposes of making the expenditures referred to in subsection (c), there is appropriated to the special account—

"(A) for fiscal year 1984, amounts equivalent to 2.1 percent of the customs duties collected during fiscal year 1983, of which $109,000,000 shall be available for training, services, and allowances under parts II and III of subchapter B, and $27,500,000 shall be available for adjustment assistance to firms under chapter 3; and

"(B) for fiscal year 1985, amounts equivalent to 1.4 percent of the customs duties collected during fiscal year 1984, of which $52,000,000 shall be available for training, services, and allowances under parts II and III of subchapter B, and $27,500,000 shall be available for adjustment assistance to firms under chapter 3.

If additional sums are necessary for such purposes during any fiscal year, there are appropriated to the special account additional sums equivalent to such percent of the customs duties collected in the preceding fiscal year as may be required.

"(c) Amounts in the special account shall be available as provided by appropriation acts, only for making expenditures to carry out the provisions of this chapter and chapter 3 (including any administrative costs for such chapters not paid for out of trust funds).

"(d) The Secretary of the Treasury shall pay into the general fund of the Treasury all amounts remaining in the special account after the close of each fiscal year that are not needed for making the expenditures referred to in subsection (c).

"(e) The Secretary of the Treasury shall report to the Congress not later than March 1 of each year on the operation and status of the special account during the preceding fiscal year.".

(b) The item in the table of contents to the Trade Act of 1974 that refers to section 245 is amended to read as follows:

"Sec. 245. Special account for adjustment assistance.".

SEC. 8. ASSISTANCE TO INDUSTRY.

Section 265 of the Trade Act of 1974 (19 U.S.C. 2355) is amended—

(1) by amending subsection (a)—

(A) by inserting "or workers" immediately after "substantial number of firms", and

(B) by inserting "223 or" immediately before "251"; and

(2) by striking out "$2,000,000" in subsection (b) and inserting in lieu thereof "$10,000,000".

SEC. 9. ACCOUNT FOR FIRM ASSISTANCE.

Section 257 of the Trade Act of 1974 (19 U.S.C. 2345) is amended by amending subsection (c) to read as follows:

"(c) All repayments of loans, payments of interest, and other receipts arising out of transactions entered into by the Secretary pursuant to this chapter, shall be paid into a separate account established for that purpose to be administered by the International Trade Administration in the Department of Commerce. Such repayments, payments and receipts shall be expended for future loans, loan guarantees, technical assistance or other functions performed under this chapter, including administrative expenses in connection with such functions.".

SEC. 10. EXTENSION OF ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

Section 284 of the Trade Act of 1974 (19 U.S.C. 2394) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

SEC. 11. EFFECTIVE DATES.

(a) The amendments made by sections 1 and 2 shall apply with respect to all petitions filed under section 221 of the Trade Act of 1974 on or after the effective date of this Act.

(b) The amendments made by section 2 shall apply with respect to all petitions for certification filed under such section 221 after September 30, 1982.

(c) The amendments made by section 4 shall apply with respect to workers covered under certifications issued under section 222 of such Act of 1974 after September 30, 1982. The provisions of section 236 of such Act of 1974, as in effect without regard to such amendments, shall continue to apply in the case of workers covered under certifications issued on or before such date.

(d) The amendments made by sections 3, 5, 6, 7, 8, and 9 shall take effect on the date of the enactment of this Act.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, lines 1 and 2, strike out "for him" and insert "or provided for by voucher".

Mr. GIBBONS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remaining committee amendments is as follows:

Committee amendments: Page 5, line 14 insert a quotation mark after "allowances.".

Page 5, line 17, strike out. "(3)" and insert "(4)".

Page 7, lines 5 and 6, strike out "permanent" and "with the provider".

Page 7, line 18 after "employment" insert ", If any,".

Page 8, strike out lines 9 through 15, inclusive, and insert the following:

(b) The second sentence of section 233(a)(3) of such Act 2 is amended by striking out "236(c)" and inserting in lieu 3 thereof "236(d)".

Page 9, line 14, strike out "2.1" and insert "2.6".

Page 9, line 15, strike out "109," and insert "111,".

Page 9, line 21, strike out "1.4" and insert "1.8".

Page 9, line 22, strike out "52," and insert "56,".

Page 11, line 10, insert a quotation mark before "(c)".

Page 11, line 19, insert a quotation mark after "tions.".

Page 11, strike out line 22 and insert "Section 285 of the Trade Act of 1974 (19 U.S.C. note preceding 2271)".

Page 12, line 4, strike out "effective".

Page 12, line 5, after "of" insert "the enactment of".

Page 12, strike out lines 6, 7, and 8.

Page 12, line 9, strike out "(c)" and insert "(b)".

Page 12, line 16, strike out "(d)" and insert "(c)".

The CHAIRMAN. The gentleman from Florida (Mr. GIBBONS) may proceed.

Mr. GIBBONS. Mr. Chairman, these committee amendments are merely technical in nature. In themselves they are not controversial. I understand that the gentleman from Minnesota (Mr. FRENZEL) may have some amendments to the committee amendments and so, without further ado, I will reserve the balance of my time on the committee amendments.

The CHAIRMAN. The Chair will inquire, does the gentleman from Florida (Mr. GIBBONS) wish each committee amendment to be taken separately, or does he wish to have them considered en bloc?

Mr. GIBBONS. Mr. Chairman, let me ask the gentleman from Minnesota (Mr. FRENZEL) what does he think about that.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, the committee amendments, I think, can be considered en bloc. One of my amendments made in order under the rule is to the committee amendments, and at the proper time, I want to raise it. And then I have three other amendments.

In my judgment, the description of the gentleman from Florida (Mr. GIBBONS) is correct. The amendments are changes in the bill, but we have described them in the schedule of debate on Monday. If I have some time, I will take some résumé time on the committee amendments themselves, and then it would be my intention to raise my amendments.

The CHAIRMAN. Without objection, the committee amendments will be considered en bloc.

There was no objection.

The CHAIRMAN. The Chair will state that the gentleman from Minnesota (Mr. FRENZEL) should offer his amendment to the committee amendments at this time.

PARLIAMENTARY INQUIRIES

Mr. FRENZEL. I have a parliamentary inquiry, Mr. Chairman.

Is there time allotted under the rule for the discussion of the committee amendments?

The CHAIRMAN. The allotted time is 30 minutes.

Mr. FRENZEL. Mr. Chairman, I have a further parliamentary inquiry.

Am I allowed 15 minutes on the committee amendments?

The CHAIRMAN. The Chair corrects himself and will clarify the situation.

There will be 5 minutes in favor and 5 minutes in opposition allowed on the committee amendments and 30 minutes equally divided, on any amendment that the gentleman may offer.

Mr. FRENZEL. Mr. Chairman, may I be recognized for 5 minutes on the committee amendments?

The CHAIRMAN. The gentleman from Minnesota (Mr. FRENZEL) will be recognized for 5 minutes on the committee amendments.

Mr. GIBBONS. Mr. Chairman, may I reserve the balance of any part of the 5 minutes that I may have had on the committee amendments?

The CHAIRMAN. The gentleman from Florida (Mr. GIBBONS) reserves his time.

Mr. FRENZEL. Mr. Chairman, I take this time simply to refresh the memory of the members of this committee about the debate on H.R. 3391 which took place on Monday.

We are talking here about a reauthorization of the trade adjustment assistance program. As to the program itself, the authorization expires on September 30 of this year, and so if we intend to have TAA, it is appropriate that we move forward promptly. Despite my lack of affection for this bill, I do think we should have a TAA program.

What strikes me as inappropriate in the bill before us, H.R. 3391, is that we are expanding what the courts have already told us is at least partially an entitlement program. In the pending bill, we are creating an element called a special account which is, in effect, another Federal trust fund. To me, it is more accurately described as a direct dip into the Treasury.

Finally, Mr. Chairman, we are talking about a bill which more than doubles, according to June CBO estimates, the outlays which have occurred under TAA in the current fiscal year. I thought on Monday that we were a little more than doubling our expenses. I now find today, after a telephone discussion with the Department of Labor, that recent certifications now lead the Department, using CBO's model, to suggest that the cost of this bill will not be $217 million in fiscal year 1984 but somewhere in the neighborhood of $500 million, which is about five times the amount in our 1983 budget. The figure for fiscal year 1985, I am told, will be in the neighborhood of $225 million, which is, of course, about a 40-percent increase from the figure in the bill, with the estimate for the bill of $163 million.

Whichever estimate is correct, we will be increasing this program by a quantum leap, not by a modest adjustment. The budget resolution will be cut to pieces in either case.

Finally, Mr. Chairman, I want to invite the attention of the members of the committee to the Washington Post editorial of this morning which notes, as I have suggested, that this bill is unworthy of approval or of enactment by this body, and that the bill cannot do the retraining that its purports to do.

H.R. 3391 neither buys off protection nor does it guarantee any kind of special guarantee of a new job. In fact, it is a duplication. Redundancy is a point which often eludes the Post editorialists, but apparently they understand this bill very well. I commend the article to my colleagues attention:

[From the Washington Post, Sept. 14, 1983]

BUYING OFF PROTECTIONISM

As Congress gets down to business, Democratic representatives are expected to make an effort to extend and expand the expiring Trade Adjustment Assistance program. The program is meant to compensate workers hurt by foreign competition and thereby to reduce labor pressure for protectionist measures. Bargains of this sort are expensive. They also raise serious questions of unfairness to other groups of displaced workers who are, by any honest accounting, no less deserving of help than those who benefit from the trade adjustment program.

The current program is, thanks to Reagan administration cutbacks, a shadow of its former swollen self. Under earlier administrations the program had been progressively liberalized with strong emphasis on the "assistance" aspect and very little on the "adjustment." While claimants were supposed to demonstrate that foreign imports had directly destroyed their jobs, studies showed that more than 70 percent of workers ultimately returned to those same jobs. Only 3 percent enrolled in retraining and less than half of those completed it. The program simply provided much higher unemployment benefits for a longer time.

None of the bills now being pushed in Congress would restore the higher benefits terminated two years ago—workers now receive additional weeks of benefits but at the same level as regular unemployment. But the bills would make it easier for workers to claim their unemployment was related to foreign trade, soften work requirements, lengthen benefit periods and create an entitlement for retraining and additional stipends.

Money aside, all of this might be sound social policy if it were available to every U.S. worker permanently displaced. But why should trade-affected workers be so favored? If experience is any guide, they are more likely to be recalled to their former jobs than others among the long-term unemployed. And why should a worker be helped if his job moves overseas but not if it moves to another state?

No claim for special government responsibility for the trade-affected can be supported. Government did not create imports, and it has no obligation to create tariff barriers to them. If there is one group of unemployed workers who could legitimately claim reparations, it would be workers in export industries whose jobs have been lost by the inflated value of the dollar on foreign exchanges.

In opposing extension of trade adjustment benefits the administration points to the fact that it has requested over $200 million next year for job search help and retraining for all permanently displaced workers, not just a favored few. Perhaps that's not enough money, but the approach is the right one.

□ 1310

Mr. Chairman, I have taken advantage of the time. I think this recapitulates the position of those opposed to the bill and those who wish to make changes in it.

I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. GIBBONS) wish to speak on the committee amendment?

Mr. GIBBONS. Yes, Mr. Chairman, I want to speak in opposition to Mr. FRENZEL's amendment, if I may be recognized for that.

The CHAIRMAN. Right now the gentleman from Minnesota has used his time for the committee amendments. He has not yet offered his amendment to the committee amendments.

Mr. GIBBONS. I do not want to speak any more, then, Mr. Chairman. I want to speak in opposition to the Frenzel amendment.

The CHAIRMAN. Does the gentleman from Minnesota wish at this time to present his amendment?

Mr. FRENZEL. Mr. Chairman, I have an amendment at the desk entitled "No. 1." I want to offer that amendment.

The CHAIRMAN. The Chair will ask the gentleman, is this an amendment to the committee amendment?

Mr. FRENZEL. It is an amendment to the committee amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

AMENDMENT OFFERED BY MR. FRENZEL TO THE COMMITTEE AMENDMENTS

Mr. FRENZEL. Mr. Chairman, I offer an amendment to the committee amendments.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL to the committee amendments: On page 9, line 14, strike "2.6 percent" and insert in lieu thereof "1.6 percent".

On page 9, line 15, strike "$111,000,000" and insert in lieu thereof "$61,500,000".

On page 9, line 21, strike "1.8 percent" and insert in lieu thereof "1.47 percent".

On page 9, line 22, strike "$56,000,000" and insert in lieu thereof "$61,500,000".

On page 10, strike line 1 through line 4.

Mr. FRENZEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRENZEL. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this amendment is one of a series of four amendments which I have been permitted to offer under the rule. The idea of the series of four amendments is to point out a number of the flaws within the bill and to try to correct some of them.

I cannot say, even if the most severe of these amendments were adopted, that this bill would still be in shape for enactment. But if they were, the House could at least hold its head up and say that it is trying to carry out the precepts of its own budget resolution, and of good fiscal sense.

This particular amendment maintains the trade adjustment assistance special account which I think is a mistake, but one of my future amendments will try to get at that problem. It provides for a lowering of the percentage of customs duties which are set aside for trade adjustment assistance to conform with the amounts of money which were estimated by CBO to be the cost of the bill.

It provides, therefore, slightly more than $134 million for this year and for next year for trade adjustment assistance. That is a 50-percent increase over the amounts that were available last year.

It does, however, reduce the funds allowed in the bill from infinity to $134 million. It is important that the membership understand which spending elements are intended by the author to be eliminated.

Most importantly, the amendment strikes the vague authorization that provides for such additional sums as may be necessary for that special account to cover any add-all cost overruns. I have already indicated the Labor Department finding those overruns. Under the bill as it is written, those overruns would be appproved by this authorization, whether they were $20 billion or several hundred million as indicated a moment ago.

Further, this amendment intends to eliminate the funding to cover what I call secondary workers; that is, those employees of organizations who are deemed to be immediate suppliers of firms who are judged to have trade dislocations.

In total, my amendment would reduce the amount of moneys available under this particular bill from $217 million as contemplated by CBO, on as much as one-half million dollars as suggested by the Department of Labor, down to $134 million, which would conform to our budget resolution.

As Members who have followed this issue will recall, this bill needed a waiver from the Budget Act because it, absolutely and totally, violates that Budget Act. The first budget resolution provided $42 million for the extention of existing TAA entitlements. However certain, unspecified mysterious add-ons are supposed to give us an additional $92 million. My amendment will accommodate that total of $134 million, even though it clearly violates the spirit of the Budget Act.

However, if my amendment is not passed, we will violate the Budget Act by another many millions of dollars, the difference between 217 and 134, roughly $80 billion. Therefore, my amendment is needed if we, as a House, believe that we should support our budget resolution and support fiscal sanity.

Mr. Chairman, this particular amendment is offered simply to restore fiscal sanity and to prevent expansion of the current program to a position which violates the budget which we all agreed on.

In my judgment, that budget is hopelessly profligate and openhanded to begin with. If we follow this bill and continue to allow funds well in excess of the budget, we are simply going to exceed even that openhanded amount, we will not have the $100 billion-plus deficit forecast by our budget resolution for next year, but a much larger one. Therefore, it is my fervent hope that some of these amendments, and in particular this particular one, will be accepted.

I might state in conclusion that this amendment provides the same amount of money for prospective training benefits as the bill before us. What it does do is it eliminates the retrospective training amounts, it eliminates the secondary workers, and it eliminates whatever may come down the pike that could not be forecast when CBO made its prediction based on records which were available only through the end of last year.

If you believe in fiscal sobriety, fiscal sanity, and if you believe in the budget process, I think that this amendment is perhaps the least restrictive of the ones that I will offer. I hope that it will be accepted.

I reserve the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Florida (Mr. GIBBONS) for 15 minutes.

Mr. GIBBONS. Mr. Chairman, I am going to yield most of my time to Mr. PEASE. But I want to say a few things in opposition to Mr. FRENZEL'S amendment No. 1.

In saying that, I think I ought to try to put this whole debate in perspective.

This is a training bill. We are training people to make a living, people who, through no fault of their own, have found that they cannot get a job in the area in which they have been working. If they do not need retraining, and if they cannot get a job, then they will not get the training and it will not cost a thing. I might even go further and say if conditions are as good as they are predicted to be, this bill will not cost anything, because we will not have to train anybody.

People will just be able to go out and get jobs. No one is going to take one of these training programs if they can get a job. So, I hope they do get a job.

But unfortunately, the history of our program has not always been that way. Let me trace the history of this just a little.

Twenty-one years ago the Congress enacted a trade adjustment assistance program. They tied the bundle so tight, the cords on it so tight, that the program did not work, and nothing ever happened. No one was ever retrained, no one ever received any benefits after having lost their job, even though people lost their jobs due to imports during that time.

In the early 1970's, in the Nixon administration, we broadened the criteria by which people could be judged eligible to receive retraining and benefits under the program.

Unfortunately, at that time we did not pay enough attention to the retraining part of it, and most of the money in this program was siphoned off in merely benefits. There was some retraining done, and it worked.

Now the benefit part of the program is practically nil. This is a training program we are talking about. We are giving you an opportunity after you have lost your job and lost your job because of international trade impact upon you and your industry, and you have not been able to find a job, and the Secretary of Labor has judged you eligible for this program because you can receive the training and because there is training available, and because there is an opportunity for you to get another job, we are taking you on this one trip through life that you make and giving you a new opportunity, or helping give you a new opportunity. That is all this is.

□ 1320

The amendment offered by the gentleman from Minnesota, (Mr. FRENZEL), is highly motivated and I applaud his motivation but, unfortunately, in effect he is reducing the amount of training money that is available and he is reducing it substantially.

As I say, if events are as good as predicted to be in this bill it will not cost the Treasury one penny because everybody will be able to go out and get jobs and they will not need this program. But there just have not been those jobs.

His amendment reduces the amount of money that is available for training. It reduces it, so the staff tells me, by the amount of $49 million to $50 million. That is an awful lot of training

and that is an awful lot of Americans who need help, who deserve help, who are capable of putting that help to good use and becoming productive, taxpaying citizens again. They will be denied if the Frenzel amendment is adopted.

As Chairman JONES said the other day during general debate on this bill, the provisions for worker training do not create an entitlement under the Budget Act for Budget Act purposes, so the authorization levels in this bill do not violate the budget resolution or the Budget Act.

I hope that we will defeat this well-intended amendment by the gentleman from Minnesota (Mr. FRENZEL). I do not think it is wise to adopt it.

I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois, (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I regret I was not here during the time taken for general debate on this subject and I have to resort to the amendment stage to make several comments that I feel are appropriate.

The trade adjustment assistance program is one with which I am well familiar because I served on the Appropriations Committee at the time when its cost zoomed from $300 million to $2 billion in just a 1-year period of time.

I initially offered the amendment which later served as the basis for the action we took as part of the reconciliation in tightening up this program and I thus find it rather exceedingly disappointing and regrettable that this bill reverses several of those changes that we made in reconciliation.

Prior to reconciliation people were certified as eligible for the program if imports simply contributed importantly to their job. Under the way this was being interpreted, imports only had to be one small element of many as a cause of the unemployment. Eighty percent of the reason for the unemployment could be due to other factors, but such persons were still certified as eligible for these special benefits.

So we changed the basis for certification from "contributed importantly" to "a substantial cause of."

Now, under this bill, we would be going back to the old, extremely loose standard, which simply does not make sense.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will be glad to yield.

Mr. PEASE. I appreciate the gentleman yielding. His description of what the language change is, is correct. but it is not in this bill. That change was made about 9 months ago.

This bill does not affect that one way or another.

Mr. MICHEL. I appreciate the gentleman clearing up the record in that regard. But this bill expands the eligibility for the program by extending coverage to those laid off in industries that supply parts and services to the originally impacted firm. This proposal has been rejected in the past because of excessive costs.

In 1980 the CBO estimated the cost extension at nearly $700 million. I suspect the current CBO estimate of that provision in this bill substantially understates the true cost.

The bill establishes a special entitlement trust fund for training, ostensibly because sufficient funds have not been made available for training. Let me remind you, my friends, that when we caused a GAO study to be made of the operation of this program in the past, only 2 percent of the workers affected availed themselves of retraining, 2 percent.

As I recall, under the moving expenses that we also provided under the old version, only 1 percent of the workers took advantage of that provision.

It really kind of suggests to me that frankly, in any kind of retraining program or dealing with this problem of structural unemployment throughout our country, once a family is situated, once they have been building houses, owning a home, have children in school and all of the rest, it is hard to take them out and say that we are going to send you to some other section of the country.

That does not necessarily answer the problem.

I would suggest, therefore, that it is not because of a shortage of funds that these individuals are not receiving retraining.

We have substantially expanded training opportunities under the job training bill enacted in 1981. The displaced workers program in particular is aimed at precisely the workers covered in this bill. Its funding level in 1984 will be double the current amount, about $200 million.

We have the programs in place. Let us concentrate on using these programs and making them work rather than continuing to fragment the training efforts.

The Washington Post in 1980 called the trade adjustment program "inherently unfair." It said there was no reason to provide more generous assistance to those laid off workers claiming some connection to imports than to those equally needy who are not affected by trade.

I fully concur in that judgment.

Unemployment today is caused by many different factors. It is unfair to treat one group of unemployed better than the others.

Tell me why you are going to such extremes to help a laid off worker in Detroit but you are ignoring the plight of a laid-off Caterpillar worker in Peoria. They have been out of work for the same time. They face the same hardships and face the same unknown future. They have the same needs. They have the same families, homes, and ties to their communities. They even have the same union.

But the auto workers get favored treatment. The Cat workers do not.

Ask someone who has been out of work for 6 months if there is a difference between being out of work because of imports or being out of work because of exports.

I think we are playing politics with people's lives here today and we are not doing a very good job of it.

As I mentioned before, trade adjustment assistance is a program proven to be a waste of money and a waste of effort. It does not help as much as it deceives people into believing they are being helped.

On behalf of the thousands of Illinoisans out of work in my district and throughout the State, I am going to vote no on this legislation.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

I was not planning to take any time but I feel I ought to answer some of the criticisms that the minority leader has made.

We changed this program in 1973 and 1974 during the Nixon administration. The huge costs that resulted from it mainly were from the changes that were made at that time.

I regret that the costs went up. I do not have a single auto worker in my district. I am not looking after the people in Detroit. But I am looking after poor, unemployed people who cannot find a job anyplace. They do not have to be in my district.

I have a great deal of compassion for them. I think they are an undeveloped American asset, and we must develop all of our assets. We cannot afford to squander anyone's life by not giving them the simple opportunity to get training particularly after the Secretary of Labor has found that there is training available, that the worker needs training, that the worker can profit from the training, and that the worker can get a job after he has been retrained.

Those are all of the affirmative determinations that must be taken before training is approved.

My fine friend, the minority leader, castigated this program. But this is not the program that we are talking about that needs castigating. We have changed the program. The costs of this program have dropped from $1.6 billion a few years ago down to $65 million.

We have made drastic changes. This is a training program to train your hands and your mind so that you can do good productive work in the three

score and 10 that most of us have here. That is all it is.

□ 1330

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, before addressing this particular amendment, I want to talk a bit about H.R. 3391 in general, since it has been a couple of days since we had the general debate.

What is H.R. 3391? It is a 2-year reauthorization of an existing program that was first enacted in 1962, strengthened in 1974, and then tightened up a lot in 1981.

It is, second, a nuts and bolts, practical, commonsense improvement in the way the program operates.

The program has not been perfect in the past. We examined those imperfections. We have made improvements to correct them.

Third, it reorients the TAA program from income maintenance to retraining.

We are not in this bill passing out a lot of money for weekly benefits. We are training laid-off workers.

Fourth, it reauthorizes a program which is fully consistent with free trade. As I mentioned during general debate on Monday, I believe in the principle of free trade. Our trade policy should promote the free flow of goods and services among nations but not, I would submit, at the unmitigated expense of thousands of jobs and markets for American workers and American businesses.

The Trade Expansion Act of 1962 and the Trade Act of 1974 included provisions to assist firms and workers adversely affected by increased imports. Presidents Kennedy, Johnson, Nixon, Ford, Carter, all understood that pursuing trade liberalization in the national interest necessarily requires that some of our industries and workers risk their markets and jobs to imports. That is why Federal assistance has been available throughout the last 20 years to help trade-sensitive firms to get technical assistance and loans to adjust to increased foreign competition.

That is why America's labor leaders accepted free trade policies in exchange for what they thought at the time was a solid commitment by the Federal Government to provide adequate compensation, training opportunities, job search and relocation to manufacturing workers thrown out of work by imports.

That is why it is important for us to reauthorize an improved TAA bill and to do it now.

Let me turn to the amendment offered by my friend from Minnesota (Mr. FRENZEL). This is a very ambitious amendment. It lumps all of Mr. FRENZEL's changes into one amendment. And if anything can be called a ripper amendment, I believe this could.

In essence, if this amendment is adopted, it emasculates this bill, and I urge Members to oppose it.

We are told there are already enough moneys for retraining and this bill is not necessary. With unemployment remaining at its highest level since the Great Depression, outlays for general employment and training programs will be cut more than 37 percent in fiscal year 1984 and 38 percent in fiscal year 1985 by the Reagan program, according to the CBO.

We have heard about the Jobs Training Partnership Act as a substitute for this program. That bill cannot begin to meet the need for retraining among many unemployed Americans who have lost their jobs due to imports. The Reagan request for title III of the Jobs Training Partnership Act will provide at the most training for 68,000 workers, when CBO and ITC within the Department of Commerce estimate there will be as many as 2.2 million workers dislocated who will be eligible and perhaps eager to receive retraining for other occupations.

So we are talking, at the maximum, with a request from the Reagan administration, about being able to make training available to maybe 4 percent of the dislocated workers who have lost their jobs in our economy.

I would point out that Republican Members of the other body in key positions, Senator HEINZ and Senator DANFORTH, both have expressed amazement at the position of this administration regarding trade adjustment assistance retraining benefits.

Senator DANFORTH said, for example, at a hearing:

> I just really think that the position that the administration is taking with respect to trade adjustment assistance is contrary to its trade philosophy, cannot be supported alongside its trade policy, and is also contrary to the whole thrust of the President's state of the Union message.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBBONS. Mr. Chairman, I yield an additional minute to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. I thank the gentleman for yielding this additional time.

I would also mention that Jobs Training Partnership Act funds are contingent upon a very substantial State matching requirement, so that many States will not be in a position to offer this retraining at all.

Trade policies are set by the Federal Government. It is our policies which lead to a lot of American workers being thrown out of work due to no fault of their own. Those free trade policies in general are good, but when victims are created by those policies, it should be Federal policy to help the workers get retraining, to find other jobs, so that they can provide food, clothing, and shelter for their families.

I urge opposition to this amendment.

Mr. FRENZEL. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. PURSELL) so that he may address a question to the gentleman from Ohio (Mr. PEASE).

Mr. PURSELL. I thank the gentleman for yielding. Many of us have supported amendments to utilize trade adjustment funds for retraining purposes. However, I have had difficulty in my research to find good retraining programs.

Could the gentleman from Ohio cite a case or two of demonstrated and effective retraining programs?

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. PURSELL. I yield to the gentleman.

Mr. PEASE. I thank the gentleman for yielding.

Yes; I would say at the outset that the retraining is defined by each State bureau of employment services.

Under this legislation, existing legislation, which would be continued, it is necessary for the worker to go to his local employment services office and ordinarily the local employment services office says what training is available which will lead to a job that that worker can fill. So it is not training just in general.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes, the balance of my time, to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding.

Mr. Chairman, I rise to express my firm support of H.R. 3391 and my strong opposition to the Frenzel amendment.

In listening to the debate that has gone on here, I am struck by how many people are out of work that are entirely missed by all benefit systems we have presently in place at the Federal level.

Over half of the workers in this country who are out of work are not covered by unemployment compensation.

The distinguished gentleman from Lorain, Ohio, pointed out, very few of them will be covered by any of the jobs programs that we presently have in place.

The Trade Adjustment Assistance Act is a tried and true program that has been on the books for several years. We have had an opportunity to work out some of its difficulties.

The funding has been substantially moderated since the program's inception.

Now, people are out of work for different reasons. The gentleman from Illinois (Mr. MICHEL) suggested that Caterpillar workers would not be covered by this, as opposed to auto work-

ers from places like Detroit or Toledo, which I represent.

But I might point out that the people in his district are out of work not because of import problems such as the auto industry is facing, but because of a rather unenlightened embargo on grain that this administration imposed which has adversely and substantially affected the agricultural economy of the entire Nation.

Thus, some other sort of economic initiative is needed to promote recovery in that arena.

This bill is aimed at retraining an important segment of the work force that is out of work due to imports. No matter where you travel in my part of the country in the Midwest, or go out to the west coast where there are lumber import problems, this bill is particularly aimed at those workers who have been adversely affected by the imbalance in trade policies, nation to nation, and are very deserving of our support.

□ 1340

I also wanted to say that the bill makes certain modifications to broaden eligibility. For example, under current law, a worker who makes television parts for a firm that sells television sets can be eligible for assistance. Yet an auto parts supplier adversely affected by imports cannot.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Mr. FRENZEL. Mr. Chairman, has all time expired for the majority?

The CHAIRMAN. All time has expired.

Mr. FRENZEL. Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio (Ms. KAPTUR) to summarize.

Ms. KAPTUR. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to point out that the trade adjustment assistance should be dependent on what a worker does and not on who owns the plant. And some of the modifications that are included in this new bill would provide that certain auto parts workers in my district, for example, would get coverage as opposed to the existing law which prevents that.

I can attest to the need for the trade adjustment.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a good deal of debate on my amendment. A good deal of it, it seems to me, does not cover the amendment.

What my amendment tries to do is to restrain the House today from exceeding its own budget resolution by calling for limits on this bill so that we will not go over the amount specified in the budget resolution, which the majority of this House voted for.

I think there is no other simple way that I can explain the amendment other than that.

I do want to comment, however, on some statements made earlier in the debate.

The gentleman from Ohio said that the trade adjustment assistance is something that is given to employee groups for their acceptance of free trade policy. I think the Washington Post editorial of the morning makes it quite clear that that policy has not been accepted. And so if there was some attempt to make an arrangement, that arrangement was never successful.

Also, the gentleman suggested that cuts were being made in training in the future. I think it is also fair to note that unemployment is declining and if we intend to run the same kind of program, it seems to me reasonable that the cost of retraining should decline.

But here the critical point to remember is that we already have a program for dislocated workers. It applies, as the gentleman from Illinois said, to all workers across the board. The auto worker is no more unemployed than the caterpillar worker or the watch maker or the butcher or the baker or the candlestick maker when they are out of work. We do not need a redundant program with greater benefits and a whole different administrative burden for this kind of work. My amendment tries to restrain such redundancy.

Mr. GAYDOS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. I thank the gentleman for yielding.

I would like to ask my good friend a question that he has repeated several times that the primary reason that he has submitted his amendment is because he did not want to break the budget for want of more fancy language.

I would like to ask my colleague, was not that approval many months prior and have not circumstances changed, and is a budget provision so inviolate that we have such suffering in the country—particularly in my area—that we should not reasonably consider some change in those budget limitations?

Mr. FRENZEL. I thank the gentleman for his contribution. Everything we do here is subject to change. Emergencies always require consideration. However since the budget was passed, the news on the economy and on unemployment has been good. The conditions under which our budget was passed have improved.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL) to the committee amendments.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1400

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota (Mr. FRENZEL) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 234, not voting 23, as follows:

[Roll No. 335]

AYES—176

Andrews (TX)	Emerson	Levitas
Archer	English	Lewis (CA)
Badham	Erlenborn	Lewis (FL)
Bartlett	Evans (IA)	Livingston
Bateman	Fiedler	Lloyd
Bedell	Fish	Loeffler
Bereuter	Forsythe	Lott
Bethune	Franklin	Lowery (CA)
Bilirakis	Frenzel	Lujan
Bliley	Fuqua	Lungren
Breaux	Gekas	Mack
Broomfield	Gingrich	Marlenee
Brown (CO)	Glickman	Marriott
Broyhill	Goodling	Martin (IL)
Burton (IN)	Gradison	Martin (NC)
Campbell	Gramm	Martin (NY)
Carney	Green	McCain
Carper	Gregg	McCandless
Chandler	Gunderson	McCollum
Chappell	Hammerschmidt	McGrath
Chappie	Hansen (ID)	McKernan
Cheney	Hansen (UT)	McKinney
Clinger	Hartnett	Michel
Coats	Hightower	Miller (OH)
Coleman (MO)	Hiler	Molinari
Conable	Hopkins	Montgomery
Cooper	Huckaby	Moore
Corcoran	Hughes	Moorhead
Coughlin	Hunter	Morrison (WA)
Courter	Hutto	Myers
Crane, Daniel	Hyde	Nelson
Crane, Philip	Ireland	Nichols
Daniel	Jeffords	Nielson
Dannemeyer	Jones (OK)	Olin
Daub	Kasich	Oxley
DeWine	Kemp	Packard
Dickinson	Kindness	Panetta
Donnelly	Kramer	Parris
Dreier	Lagomarsino	Patman
Duncan	Latta	Paul
Edwards (AL)	Leach	Petri
Edwards (OK)	Lent	Porter

Pritchard	Schulze	Tauzin
Quillen	Sensenbrenner	Taylor
Ray	Shaw	Thomas (CA)
Reid	Shumway	Thomas (GA)
Ridge	Shuster	Vandergriff
Ritter	Siljander	Vucanovich
Roberts	Skeen	Walker
Robinson	Slattery	Weber
Roemer	Smith (NE)	Whitehurst
Rogers	Smith, Denny	Whittaker
Roth	Smith, Robert	Winn
Roukema	Snyder	Wolf
Rowland	Solomon	Wortley
Rudd	Stangeland	Wylie
Sawyer	Stenholm	Young (FL)
Schaefer	Sundquist	Zschau
Schneider	Tauke	

NOES—234

Ackerman	Gaydos	O'Brien
Addabbo	Gejdenson	Oakar
Akaka	Gephardt	Oberstar
Albosta	Gibbons	Obey
Alexander	Gilman	Ortiz
Anderson	Gonzalez	Owens
Andrews (NC)	Gore	Patterson
Annunzio	Gray	Pease
Applegate	Guarini	Penny
AuCoin	Hall (IN)	Pepper
Barnard	Hall (OH)	Perkins
Barnes	Hall, Ralph	Pickle
Bates	Hall, Sam	Price
Beilenson	Hamilton	Pursell
Bennett	Harkin	Rahall
Berman	Harrison	Rangel
Bevill	Hatcher	Ratchford
Biaggi	Hawkins	Regula
Boehlert	Hayes	Richardson
Boggs	Hefner	Rinaldo
Boland	Hertel	Rodino
Boner	Hillis	Roe
Bonior	Horton	Rose
Bonker	Howard	Roybal
Borski	Hoyer	Russo
Bosco	Jacobs	Sabo
Boucher	Jenkins	Savage
Boxer	Johnson	Schroeder
Britt	Jones (NC)	Schumer
Brooks	Jones (TN)	Seiberling
Brown (CA)	Kaptur	Shannon
Bryant	Kastenmeier	Sharp
Burton (CA)	Kazen	Shelby
Byron	Kennelly	Sikorski
Carr	Kildee	Simon
Clarke	Kogovsek	Sisisky
Clay	Kolter	Skelton
Coelho	Kostmayer	Smith (FL)
Coleman (TX)	LaFalce	Smith (IA)
Collins	Lantos	Smith (NJ)
Conte	Leath	Snowe
Conyers	Lehman (CA)	Solarz
Coyne	Lehman (FL)	Spratt
Crockett	Leland	St Germain
D'Amours	Levin	Staggers
Daschle	Levine	Stark
Davis	Lipinski	Stokes
de la Garza	Long (LA)	Stratton
Dicks	Long (MD)	Studds
Dingell	Lowry (WA)	Swift
Dixon	Luken	Synar
Dorgan	MacKay	Tallon
Dowdy	Markey	Torres
Downey	Martinez	Torricelli
Durbin	Matsui	Towns
Dwyer	Mavroules	Traxler
Dymally	Mazzoli	Udall
Dyson	McCloskey	Valentine
Early	McDade	Vento
Eckart	McEwen	Volkmer
Edgar	McHugh	Walgren
Edwards (CA)	McNulty	Watkins
Erdreich	Mica	Waxman
Evans (IL)	Mikulski	Weaver
Fascell	Miller (CA)	Weiss
Fazio	Mineta	Wheat
Feighan	Minish	Whitley
Ferraro	Mitchell	Williams (MT)
Fields	Moakley	Williams (OH)
Flippo	Mollohan	Wilson
Foglietta	Moody	Wirth
Foley	Morrison (CT)	Wise
Ford (MI)	Mrazek	Wolpe
Ford (TN)	Murphy	Wright
Fowler	Murtha	Wyden
Frank	Natcher	Yates
Frost	Neal	Yatron
Garcia	Nowak	Young (MO)

NOT VOTING—23

Anthony	Holt	Scheuer
Aspin	Hubbard	Spence
Craig	Lundine	Stump
Dellums	Madigan	Vander Jagt
Derrick	McCurdy	Whitten
Florio	Ottinger	Young (AK)
Hance	Pashayan	Zablocki
Heftel	Rostenkowski	

□ 1410

The Clerk announced the following pairs:

On this vote:

Mr. Pashayan for, with Mr. Dellums against.

Mr. Craig for, with Mr. Florio against.

Messrs. ROWLAND, LEVITAS, and SAWYER changed their votes from "no" to "aye."

Mr. BOEHLERT and Mr. O'BRIEN changed their votes from "aye" to "no."

So the amendment to the committee amendments was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

□ 1420

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I have an amendment at the desk entitled No. 2, and I offer that amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 2, strike lines 15 through 20 and insert after the word "articles" on line 14 the following: "which are produced by such workers' firms or appropriate subdivision thereof,".

Mr. FRENZEL. Mr. Chairman, I yield myself 7 minutes.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Georgia.

(By unanimous consent, Mr. LEVITAS was allowed to speak out of order.)

ANNOUNCEMENT OF SPECIAL ORDER IN TRIBUTE TO THE LATE HONORABLE LARRY M'DONALD OF GEORGIA

Mr. LEVITAS. Mr. Chairman, I take this time to inform the Members of the House that on Monday, after the close of business, as the dean of the Georgia delegation, I have taken a 1-hour special order in order that Members may participate in the special order with respect to the death of our former colleague, Congressman Larry McDonald.

It will be on Monday afternoon, following the close of business. In the event there are votes on Monday, which have been announced, any Member who chooses to participate will be presenting the special order and will certainly yield to any Member who so desires.

Mr. Chairman, I thank the gentleman from Minnesota for yielding.

Mr. FRENZEL. Mr. Chairman, the amendment which has been offered and just read is one that strikes the provisions of H.R. 3319 which extend eligibility to workers in firms or appropriate subdivisions thereof that provide essential parts or essential services if imports have contributed importantly to that worker's employment.

As we discussed when we have talked about this bill and the previous amendments thereto, there are many people who are unemployed in this country of ours, and the reasons are various. And, yet, for some reason, we have created one program to take care of all unemployed, and another specific program for those whose unemployment is caused by imports.

Now we are expanding, if we follow the lines of the bill, that concept so that companies that supply parts or services to companies whose employment has been hurt by import-related activities may also qualify. There is no limit to which we can go in following this concept. For instance, now it will be secondary suppliers. Tomorrow it will be tertiary suppliers. Eventually, we can include everybody in the world.

The services involved could be custodial services, could be insurance services, could be transportation services, or could be any of the range of services and parts that exist today.

On the other hand, we have not included those employees who are dislocated because of the loss of markets offshore as was pointed out by the gentleman from Illinois (Mr. MICHEL). That is, if your unemployment is plain old garden variety unemployment you get one standard of benefits. But if you have some kind of an association with import-related unemployment, even though it is a secondary relationship, you are now going to be covered under the bill. That is not fair.

My amendment gives people a chance to vote against the expansion of that trade adjustment assistance to these secondary employees.

The cost of the bill without my amendment, according to the old CBO estimate, is $44 million extra in 1984 and about the same amount in 1985. That estimate was based on last year's figures. The DOL/OMB updated estimate will probably be about $100 million.

Those numbers will be much higher because CBO and Labor are estimating this bill to cost more than twice as much as CBO said it would. We will have, I think, more exact figures to work with in the future. For now, let it suffice to say there is a large amount of money involved.

I do not believe anyone can justify one employee who is laid off for a certain reason or a certain relationship with a secondary firm, can justify that employee getting more or a different standard of benefits than another em-

ployee who is laid off only because there is no business.

CBO estimates that these benefits will flow to about two-thirds of the number of people who would qualify under the regular trade adjustment assistance program. With the new qualifications it will certainly be a lot of money.

Now, Mr. Chairman, one of the reasons I object to this whole program is that it is duplicative. We already have a Partnership Job Training Act.

□ 1430

The administration has asked for $223 million for dislocated workers. That applies to all employees, whether their work is affected by imports or exports or recession or whatever. When you are out of work that partnership training law says you are out of work and qualified for retraining benefits. That law should apply to everyone.

I am trying to prevent in this particular amendment, a little stretching of the current bill. Part of the trade adjustment assistance has been a longstanding requirement, and this is really the basic concept, that import competition be a direct, major causal factor in qualifying for trade adjustment benefits. It will be abandoned when we cast this first stone into the brook. Where the ripples will reach I do not know. It is hard for me to determine under the language of the bill whether a secondary or tertiary or a supplier of a supplier may eventually qualify. It is hard for me to see that we should qualify secondary employees if we cannot qualify tertiary employees or even farther beyond.

I think the safest course for this committee to take is to accept my amendment and apply the same limitations as have governed this program in the past.

Mr. Chairman, CBO says that trade assistance benefits for secondary workers will increase the cost of weekly allowances and training even these old figures that it used by two-thirds over existing law if TAA is extended in the form that is in H.R. 3391.

Cost overruns that occur by virtue of this particular thing are a very large risk and they are part of the figures that caused OMB and Labor to expect that this bill may ultimately cost us more than $1½ billion in fiscal 1984.

I would like to invite the attention of members of the committee also to the fact that the numbers that we are talking about are just enormous. In the last fiscal year this Congress itself, not the administration, not the President, was responsible for reducing the cost of TAA training benefits to $25 million. So it has not been the administration that is trying to restrict this. It has been the Congress itself.

If we would concentrate our legislative cunning on the Partnership Training Act that would cover all employees, we would do far better than to make a dangerous extension of the benefits to suppliers. Once we take this step there is no reason not to taken further steps and expand this duplicative program to one that will perhaps ultimately be larger than the Partnership Training Act itself.

If you want to save at least $44 million, that will not quite take us down to our budget amount but it will be a big savings and I, therefore, urge the adoption of my amendment and reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. PEASE), the Member chiefly responsible for this fine piece of legislation.

Mr. PEASE. Mr. Chairman, I rise in opposition to this amendment, as I did to the last one. This amendment would strike from the bill a provision which would extend the coverage, the opportunity to be retrained, to those workers who work in firms which are major suppliers to firms affected by imports.

Let me give you a couple of examples of what I am talking about. Under the current law if General Motors Co. makes its own spark plugs and if General Motors Co. is affected by imports, nearly 2 million cars from Japan, for example, then the workers who are laid off as a result from those imports are able to be retrained under this law.

However, if the same spark plugs are made not by GM workers but by Champion Spark Plug Co. workers, those Champion employees are not eligible for retraining even though GM and Ford may be almost exclusive customers of Champion.

Or if a company makes heels for shoes and the firm that sells the shoes is impacted by cheap foreign shoes from the Far East, the employees who work for the shoe company can be retrained into other lines of work but the people who work for the company that makes the heels, without which you cannot have shoes, are not eligible.

That simply does not make sense.

I think my colleague from Minnesota made mention of the example of taconite. He has an unconscionably high unemployment rate in Minnesota among the iron ore areas of his State. There is no place for that taconite to go except into the steel mills of Indiana and Illinois and Ohio. Yet his workers, under the current law, are not eligible.

We merely with this bill extend coverage in an entirely practical and logical way to people who lose their jobs because of imports.

We have heard some words from the gentleman from Minnesota about not knowing where the ripples will reach. The committee report, if Members will read it, starting on page 8, is very clear that this language in the bill is to be construed as narrowly as possible. We are not making a wide open expansion of this program.

It is going only to workers who are directly impacted by imports, although they may work for another firm rather than GM or Ford or United States Steel or a major shoe company or whatever.

I would point out finally that this provision of the bill was included in legislation already passed by the House in the 96th Congress. That issue has been dealt with by the House before. The House has decided to extend that coverage.

I think we ought to be consistent and extend it again.

Mr. HERTEL of Michigan. Will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I would like to associate myself with the gentleman from Ohio and the excellent job he has done.

Really what the gentleman is talking about, as he explained the bill in opposition to this particular amendment, is fairness, that if one man, one person works on spark plugs and making those, and works for General Motors and is covered if he becomes unemployed, if another person becomes unemployed in an independent spark plug company that he or she would not be covered by the same training program.

I know from meeting with constituents it is awfully hard to explain that kind of inequality because it simply is unfair and really indefensible.

I am glad to see that the bill will treat all of those people making the same items that have been hurt by imports in the very same way.

I think it would be wrong, really, if the bill did not state it that way, to protect all people that are in the same class.

Mr. PEASE. I thank the gentleman very much for his contribution.

I would just add that in the Midwest especially, but also in the Northeast and in the Far West and elsewhere we have literally hundreds of small companies whose primary, sometimes whose exclusive, customers are big companies in auto and steel and other industries. The employees of those companies, when the purchaser of their parts is affected, are affected just as directly as any employee of the primary companies.

Mr. FRENZEL. Mr. Chairman, I yield myself 2 additional minutes.

I do so to respond to some of the conversation that has been taking place here. In the first instance, one of the speakers questioned whether it was fair to cover a primary producer and not cover the supplier of that particular producer. The answer is, if that

is fair, then is it also fair to cover the supplier of the supplier?

A further question would be if it is fair to cover someone who has been dislocated by imports is it not also fair to cover someone who has been dislocated by virtue of the loss of an export market, or for any other reason? The answer is, of course, all of our unemployment should be treated in the same way.

1440

That is, it should be handled under our major training act, the Jobs Partnership Act.

Each unemployed person is as unemployed as any other. Each should be given the same kinds of training benefits and unemployment compensation benefits. There is no particular additional merit that I can see in one form of unemployment over another. Any form of unemployment is a disaster.

With respect to this particular program I think it is fair to say that the retraining phase of it has been highly unsuccessful. At times have had a limited number of applicants. At other times, we have had programs that have not been startlingly successful. It would be my fondest hope that whatever we do in this particular bill works perfectly and that those employees are retrained and become productive members of our society and are able to provide for themselves and their families, if they have any.

Based on the record, however, we have a long way to go before we can expect that. But in general any worker who is unemployed should have the same treatment as any other. When we expand this particular bill, we are taking another larger slice off of the baloney, we are taking the first step toward a larger expansion of the program that ought to be phased out in favor of a truely national program.

I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. Mr. Chairman, I would like to respond to the maker of the amendment's basic argument that somehow through some interpretation that the unemployed resulting from imports are getting special treatment. I think the argument is very realistic which I am going to make, which I am going to submit, and that is that yes, there is a distinction, a difference, because primarily and fundamentally an unemployed steelworker, auto worker, any unemployed individual, male or female, in this country, is unemployed because of foreign imports, you have your direct, obvious connection between the Government in this country not taking proper, sufficient steps. It is because of a lack of legislation.

I am very happy to say that the Committee on Ways and Means has right now concluded hearings and is in the process of changing, making some fundamental changes in some of our laws. I think it is long overdue. I am looking with great expectation to those changes.

To get back to the point I was trying to make, that man is basically, fundamentally, primarily unemployed because of an inadequate and bad governmental policy.

Let me give you some examples. Any country, as this country does, that allows itself to be penetrated by 50 percent imports as far as shoes are concerned, something is wrong, not in Denmark, but here in this country.

When we allow, other countries have never accepted that type of a percentage of imports, and we further allow in this country, under good or bad times, a penetration of 25, 28, 30 percent of steel, all types of steel into this country, something is wrong.

We can trace back the cause of that unemployed steelworker, auto worker, what have you, being traced back down directly and tied in directly with an inadequate Government policy as far as foreign trade is concerned.

Let us take a look at the special treatment here, people that are unemployed because of foreign imports being classified specially or differently than a person generally unemployed for some other reason, say a normal exodus of a particular corporate activity, whereby there is a cache of unemployed. There is no difference. If a man is unemployed, he is unemployed. If he is unemployed primarily, if he is employed secondarily, he is still unemployed. Reason dictates that you cannot make that distinction.

Why would there be a distinction made? I think it is the old ploy again: Argue here that you have distinction in unemployment and then when the legislation comes before us on this floor, talking about another segment of the unemployed, then you go ahead and make your arguments there. Cut a slice of the baloney, if I may use my good friend's term, cut it here, cut it there, you just get it in pieces, and when you put all the pieces together, you really cut the whole baloney up, so to speak—and in Pittsburgh baloney is very important, for many, many different reasons.

But there is no distinction between unemployed, there should not be any distinction. This bill does not make a distinction. I am trying to explain fundamentally that this distinction, if there is one, is a reasonable one and it is traced back to bad government policy.

Let us take a look at some of the arguments made here involving the possibility of almost unlimited amounts of people qualifying. I can tell you personally that I went to a range meeting in Pittsburgh, Pa., where we had 3,000 people. This occurred just a few short weeks ago, There were 3,000 people looking for some training funds, some place to go to get retrained. They were told in an unadulterated fashion that there are no funds in the State of Pennsylvania upon which you can embark hopefully to retrain yourself or get another job, there just are not any funds.

Now, with this legislation presenting itself, there is going to be a surplus of funds, that we do not need the funds. That is the argument I heard from the minority leader, we do not need the funds, there are other programs in place. That is not true in my area. I venture to say there are other areas, in Michigan, places in Chicago, New York, other places, even throughout the Deep South where that is not true; there are not sufficient funds for training and this is needed.

Why should there be a distinction made down the line whether secondary, tertiary, whatever you call it, you name it, that is it; why should there be a distinction made? If a person is unemployed he is unemployed and basically it is the obligation of this country to help him.

I want my good friend, BOB MICHEL, who I served with to know that what is happening in Pittsburgh that is going to happen over there in other areas, yes, in Fresno.

Mr. FRENZEL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, the previous speaker indicated that the bill made no distinction between certain classes of workers out of work because of imports. I would submit it does make a fine distinction. It distinguishes between secondary and tertiary effects. Only if you are a prime supplier, a firstline supplier, are you covered under this bill. You may be just as unemployed if you are a supplier of a supplier and yet this bill does not do that. That is one of my objections to this.

All along we have said in trade adjustment assistance, since 1962 when this program was invented, that you had to have a primary relationship. And now we are extending that to a secondary relationship and I cannot predict where that extension will ultimately lead us.

Second, Mr. Chairman, it has been suggested that the Government is at fault because of its trade policies and therefore we have to give special attention to these special kinds of workers.

Imports have something to do with the unemployment. In fact, under the law, they have to be an important cause of unemployment, before these unemployed people are certified.

Nevertheless, imports are certainly not the only cause of unemployment, nor do they necessarily have to be a major cause. The cause could be corporate mistakes. It could be the fact that in some of these industries the wage

levels are twice the average wage rate in manufacturing.

There are a number of things that cause people to be laid off. Imports may result from them rather than they resulting from imports.

Finally, I would say that the Government is also responsible for unemployment that results from our own deficits causing high interest rates and an overvalued dollar. That overvalue makes it impossible for American companies to compete abroad. We are therefore suffering high unemployment because of the profligate nature of our operation here. We have no specific program to take care of those unemployed people.

The point I am making is that we do have a general program. It is the jobs partnership training program, and that is where we should spend our money to make sure we have a good program.

□ 1450

It has also been said here in some previous conversations that the States have no money to do any retraining or to match money for the Jobs Partnership Act. I would like to point out that in the State of Pennsylvania that act did receive $10.1 million and only $6 million was required for a State match. I realize that some of the States are down on their luck, but let us take a State like Michigan. They get $11 million and there is no match required because they are down on their luck. Ohio gets $11½ million for which it must put up $4.6 million. It probably should be easy for Ohio. It raised its taxes 90 percent in the last year.

But the important thing to remember is that 50 percent of the regular State unemployment compensation benefits count. In-kind contributions also count. And the States, in my judgment, should have a pretty simple time meeting the requirement of the Partnership Training Act. If they did not have to contribute something it certainly would not be a partnership.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I want to compliment the chairman on the splendid job that he has done in shaping this legislation and bringing it to the House floor, and also want to compliment the gentleman from Ohio (Mr. PEASE) for his constructive role in developing several key provisions of the bill.

This legislation, particularly these provisions now under attack, proceed from a very clear and simple premise: That there has been a change in the trade agreements of the United States with its trading partners which has opened wider the doors of exchange with foreign governments, putting domestic firms and domestic workers in a more vulnerable position. If job losses result from those changes in trade laws, there should be special compensation paid to those who have lost their jobs because of that policy decision of the Federal Government. There is a very basic and simple equity that is being done through this legislation.

Now, this legislation does not automatically award funds, unemployment compensation, or training to any worker who has lost a job because of changes in our trade agreements. The company, the workers, must go in and prove that they have been disadvantaged by that change in trade law.

So this is not an entitlement program, it does not open wider the doors of benefit or assistance to those who have been disadvantaged. It simply proceeds on a basis of equity that if you can demonstrate that you have, as an industry or as a worker in an industry, been disadvantaged, then you are entitled to a special kind of compensation.

This is what the European Economic Community has done to rebuild the European coal and steel industries in the aftermath of World War II. They went systematically through their steel industry, decided which firms were marginal and should be closed, which ones had the prospect for success and should be encouraged; government credits were then given to those that had good prospect for success, others were closed. The workers were given retraining assistance, they were given relocation assistance, covering the cost of moving to a new job, they were given housing assistance, and help in finding that new job.

Now that was done over 30 years ago. Europe rebuilt its coal and steel industries to the $50 billion rival it is today of the U.S. steel industry.

We should do no less for a whole range of industries that are affected by imports allowed into this country because we have removed trade barriers to industries that are either owned or supported by foreign governments. That is simply fairness in trade. And that is what this legislation is all about.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

Mr. FRENZEL. Mr. Chairman, I would yield 1 minute to my distinguished colleague from Minnesota so that the may complete his splendid presentation.

Mr. OBERSTAR. I thank the gentleman for yielding.

An important thrust of this legislation is to encourage respect for trade laws. In the long run, that is what the effect of this legislation will be. If our Government recognizes that people have been disadvantaged because the Government has decided to change its trade agreements and allow wider competition and no protection against unfair competition, and if workers have the understanding that they will be given an opportunity for training, relocation, to find a new job, there will be respect for the trade laws.

But if we do not provide this kind of assistance, then we will see a retreat into protectionism, a retreat into barriers against foreign trade, and we will see a general decline in our international trade relations.

I think that this legislation makes good sense. It is a major step in the right direction.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the gentleman's remarks.

The fact is we should not worry about too many people being covered by it, we should expand it as far as possible.

Mr. FRENZEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in summary I want to say that this amendment eliminates the features of H.R. 3391 which would extend new coverage to secondary workers who are suppliers of firms whose employees have been certified as having been import disrupted and would qualify them for TAA benefits.

The extra amounts predicted by the CBO for this provision are $44 million in each of the coming fiscal years of 1984 and 1985. However, since those predictions were made, the Department of Labor and the OMB are now suggesting that the bill suggested originally to cost $217 million, will cost $521 million. So you can probably escalate the $44 million by a factor of 2½. The true figure may be closer to $100 million.

I think it is a bad precedent. I hope that my amendment will be accepted.

Finally, I might say, Mr. Chairman, if I thought this kind of expenditure would buy a free trade policy, I would spend it gladly and willingly. It obviously has not. We have not stemmed the protectionist tide, we may not for some time. That will be a matter for this country and this body to contemplate in the future. But for the moment that agreement has not been made.

So my amendment ought to be passed just to have a little mercy on the taxpayers. This amendment will not take us down to the budget level, but it will take us at least $44 million closer and maybe $100 million closer.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Chairman, I rise in support of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act. In addition, I want to oppose any amendment that will deny trade adjustment assistance eligibility to workers of independent suppliers of parts and services. Under the current law, this particular class of workers is ineligible to participate in this program. Yet these workers who supply essential parts and services to trade-impacted industries face the very same threat of loss of employment and markets due to competition from imports.

H.R. 3391 seeks to cure this inequity by extending coverage of the trade adjustment assistance program to include parts and service workers. They are victims no different from currently eligible workers who lose their jobs because of our trade policies. In designing a program which will emphasize training and job relocation, the expansion of trade adjustment assistance to independent suppliers of parts and services would strengthen the legislative purpose and commitment of this program by providing an equal opportunity for a similarly situated class of workers to seek training for new jobs.

Many unemployed Americans can no longer expect to return to the jobs they once had. For the unemployed who have lost their jobs because of liberalized trade policies, the Trade Act represents a promise that they may look to our Federal Government for help in locating and training for new employment. I urge my colleagues to support the passage of H.R. 3391 and to oppose the amendment to deny trade adjustment assistance eligibility to parts and service workers.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. PEASE).

□ 1500

Mr. PEASE. Mr. Chairman, I take this minute simply to summarize the discussion on our side and to emphasize that the language in this bill which would provide coverage for workers in secondary businesses is not a major change. It logically and fairly includes workers who can prove—and I underline "prove"—they have lost their jobs due in large part to imports. It is not an expensive addition to the bill.

We have heard some figures quoted by my friend, the gentleman from Minnesota, coming from the Department of Labor and OMB. We have all had experience in this Chamber with figures coming from those two agencies when they are opposed to legislation. We have been in touch with CBO. CBO largely stands by its original figures. This is not an expensive bill.

Furthermore, as I mentioned earlier, the Jobs Training Partnership Act, which has been cited, is simply not a sufficient or adequate substitute for this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 255, not voting 24, as follows:

[Roll No. 336]

AYES—154

Archer	Hansen (UT)	Parris
Badham	Hartnett	Patman
Bartlett	Hiler	Paul
Bateman	Hopkins	Petri
Bereuter	Hunter	Porter
Bilirakis	Hutto	Pritchard
Bliley	Hyde	Quillen
Breaux	Ireland	Ray
Britt	Jones (OK)	Regula
Brown (CO)	Kasich	Reid
Broyhill	Kramer	Robinson
Burton (IN)	LaFalce	Roemer
Campbell	Lagomarsino	Rogers
Carney	Latta	Roth
Carper	Leach	Roukema
Chandler	Lent	Rowland
Chappie	Levitas	Rudd
Cheney	Lewis (CA)	Schaefer
Clinger	Lewis (FL)	Schulze
Conable	Lloyd	Sensenbrenner
Corcoran	Loeffler	Shaw
Courter	Lott	Shumway
Crane, Daniel	Lowery (CA)	Shuster
Crane, Philip	Lujan	Skeen
Daniel	Lungren	Slattery
Dannemeyer	Mack	Smith (NE)
Daub	Marlenee	Smith, Denny
DeWine	Marriott	Smith, Robert
Dickinson	Martin (IL)	Snyder
Donnelly	Martin (NC)	Spence
Dreier	McCain	Stangeland
Edwards (AL)	McCandless	Stenholm
Edwards (OK)	McCollum	Sundquist
Emerson	McCurdy	Swift
English	McEwen	Tauke
Erdreich	McGrath	Taylor
Erlenborn	McKinney	Thomas (CA)
Evans (IA)	Mica	Thomas (GA)
Fiedler	Michel	Volkmer
Fish	Miller (OH)	Vucanovich
Forsythe	Molinari	Walker
Franklin	Montgomery	Weber
Frenzel	Moore	Whitehurst
Gekas	Moorhead	Whittaker
Gingrich	Morrison (WA)	Winn
Goodling	Myers	Wolf
Gradison	Nichols	Wortley
Gramm	Nielson	Wylie
Green	Olin	Young (FL)
Gregg	Oxley	Zschau
Hammerschmidt	Packard	
Hansen (ID)	Panetta	

NOES—255

Ackerman	Bates	Boxer
Addabbo	Bedell	Brooks
Akaka	Beilenson	Broomfield
Albosta	Bennett	Brown (CA)
Alexander	Berman	Bryant
Anderson	Bevill	Burton (CA)
Andrews (NC)	Boehlert	Byron
Andrews (TX)	Boggs	Carr
Annunzio	Boland	Chappell
Anthony	Boner	Clarke
Applegate	Bonior	Clay
Aspin	Bonker	Coats
AuCoin	Borski	Coelho
Barnard	Bosco	Coleman (MO)
Barnes	Boucher	Coleman (TX)
Collins	Hoyer	Pickle
Conte	Huckaby	Price
Conyers	Hughes	Pursell
Cooper	Jacobs	Rahall
Coughlin	Jenkins	Rangel
Coyne	Johnson	Ratchford
Crockett	Jones (TN)	Richardson
D'Amours	Kaptur	Ridge
Daschle	Kastenmeier	Rinaldo
Davis	Kazen	Ritter
de la Garza	Kemp	Rodino
Dicks	Kennelly	Roe
Dingell	Kildee	Rose
Dixon	Kindness	Roybal
Dorgan	Kogovsek	Russo
Dowdy	Kolter	Sabo
Downey	Kostmayer	Savage
Duncan	Lantos	Sawyer
Durbin	Leath	Schneider
Dwyer	Lehman (CA)	Schroeder
Dymally	Lehman (FL)	Schumer
Dyson	Leland	Seiberling
Early	Levin	Shannon
Eckart	Levine	Sharp
Edgar	Lipinski	Shelby
Edwards (CA)	Long (LA)	Sikorski
Evans (IL)	Long (MD)	Siljander
Fascell	Lowry (WA)	Simon
Fazio	Luken	Sisisky
Feighan	Lundine	Skelton
Ferraro	MacKay	Smith (FL)
Fields	Markey	Smith (IA)
Flippo	Martin (NY)	Smith (NJ)
Florio	Martinez	Snowe
Foglietta	Matsui	Solarz
Foley	Mavroules	Spratt
Ford (MI)	Mazzoli	St Germain
Ford (TN)	McCloskey	Staggers
Fowler	McDade	Stark
Frank	McHugh	Stokes
Frost	McKernan	Stratton
Fuqua	McNulty	Studds
Garcia	Mikulski	Synar
Gaydos	Miller (CA)	Tallon
Gejdenson	Mineta	Tauzin
Gephardt	Minish	Torres
Gibbons	Mitchell	Torricelli
Gilman	Moakley	Towns
Glickman	Mollohan	Udall
Gonzalez	Moody	Valentine
Gore	Morrison (CT)	Vandergriff
Gray	Mrazek	Vento
Guarini	Murphy	Walgren
Gunderson	Murtha	Watkins
Hall (IN)	Natcher	Waxman
Hall (OH)	Neal	Weaver
Hall, Ralph	Nelson	Weiss
Hall, Sam	Nowak	Wheat
Hamilton	O'Brien	Whitley
Harkin	Oakar	Williams (MT)
Harrison	Oberstar	Williams (OH)
Hatcher	Obey	Wilson
Hawkins	Ortiz	Wirth
Hayes	Ottinger	Wise
Hefner	Owens	Wolpe
Hertel	Patterson	Wright
Hightower	Pease	Wyden
Hillis	Penny	Yates
Horton	Pepper	Yatron
Howard	Perkins	Zablocki

NOT VOTING—24

Bethune	Hubbard	Scheuer
Biaggi	Jeffords	Solomon
Craig	Jones (NC)	Stump
Dellums	Livingston	Traxler
Derrick	Madigan	Vander Jagt
Hance	Pashayan	Whitten
Heftel	Roberts	Young (AK)
Holt	Rostenkowski	Young (MO)

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. Pashayan for, with Mr. Young of Missouri against.

Mr. BRYANT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. LONG of Maryland. Mr. Chairman, I rise in support of H.R. 3391, to reauthorize and improve the trade adjustment assistance (TAA) program.

This bill is crucial to thousands of steel, auto, shipbuilding, and other workers in my district whose jobs are threatened by imports. Unless it is approved, the TAA program—which provides cash, retraining and job search aid to help these workers adjust to the economic dislocations caused by imports—will expire on September 30, 1983. No funds to maintain the program have been requested in the President's fiscal 1984 budget.

I know firsthand how important the TAA program has been in easing the terrible hardship on workers who were laid off because of imports. I have helped many steelworkers at Bethlehem Steel's Sparrows Point plant, railroad workers at the Patapsco and Back River Railroad Co., shipyard workers at Sparrows Point and others obtain Labor Department certification of eligibility for benefits.

Trade adjustment assistance for workers and firms have never been needed more than now. Increased imports of steel and other products, much of which is heavily subsidized by foreign governments and even by U.S. foreign aid, continue to take a larger share of the U.S. market—stealing American jobs. Estimates of jobs that will be lost to imports range as high as 2 million in 1983. No other program can meet the demand for training and other types of assistance needed by laid off workers.

I urge my colleagues to join me in voting for this important measure.●

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act which reauthorizes and expands the existing program to retrain workers who are displaced due to imports and help firms compete with foreign companies.

The Congressional Budget Office has estimated that by early 1983, approximately 750,000 workers had lost their jobs as a result of imports. Last year the domestic copper industry suffered a terrible blow in its efforts to remain viable. The impact of falling prices, high production costs and increased imports has yielded tragic results. Nationally almost 60 percent of the work force has been laid off. In my home State of New Mexico, more than 2,300 workers lost their jobs. Unemployment in towns such as Chino and Silver City stands at roughly 25 percent.

In particular, the potash industry and the copper industry in New Mexico has suffered greatly as a result of cheap, subsidized Mexican copper and potash.

Mr. Chairman, roughly 70 percent of all American products face foreign competition. Much of this competition is unfair and comes from companies that are subsidized by foreign governments. If the Federal Government is going to adopt policies that allow foreign companies to flood our markets with subsidized, inexpensive goods, then the Federal Government has a responsibility to assist those who are damaged by these policies. This legislation is a substantial effort toward helping workers and industries that have suffered as a result of displacement by imported products.

H.R. 3391 contains important provisions to expand the Trade Assistance Act by providing assistance to laid off-workers in firms that supply essential parts to industries affected by imports and it strengthens provisions that help American industries develop new products to effectively compete with foreign companies and to expand their export capability. The bill also mandates that the Secretary of Labor approve applications for assistance if the applicant meets the five statutory conditions for eligibility. In the past, the Secretary of Labor has had discretionary authority to not approve training, although a worker may meet all of the eligibility requirements.

Mr. Chairman, this is a modest piece of legislation that reauthorizes the Trade Assistance Act at $217 million in fiscal year 1984 and $163 million in fiscal year 1985. This is a relatively small price to pay to assist workers and firms that are negatively affected by imports and to lessen the need to enact new and restrictive trade barriers.

I urge my colleagues to vote for this much needed legislation and to reject the amendments as offered by the gentleman from Minnesota (Mr. FRENZEL).●

● Mr. GAYDOS. Mr. Chairman, this bill to provide $222 million in assistance to workers made jobless in the current trade war over the next 2 years is something the Congress should have put in places much sooner.

The trade war is going to get worse, not better.

In the Pittsburgh area, seat of the steel industry, unemployment in the industry still is running between 50 percent and 55 percent, according to the United Steelworkers of America.

And remember, there are two or three support jobs lost for every job lost in basic steel.

Meanwhile, in my hometown of McKeesport, unemployment plummeted to 18.2 percent in July—which still is in the stratosphere. It fell from a high of nearly 23 percent of a few months earlier.

Steel imports during this time took up to 25 percent of the American market; and these are steel imports that for the most part have been found to be dumped and subsidized in violation of trade law and trade agreements.

There is a direct connection between major portions of our unemployment and unfair trade. And there should be a direct connection between the damage done by unfair trade and the response of the Government of the United States.

This bill provides trade adjustment assistance for the first time to workers in downstream support industries. This is a step forward. They previously have been ignored although the injury to them was as real as any injury.

At a time when TAA is running out, it provides a boost.

One feature I like is that it earmarks some customs collections for TAA. If this Government would enforce the laws against dumped and subsidized goods, and make those collections, we could have a fund much larger; maybe we would have a fund that is two or three times as large. This would be a just and fair application of the user fee concept.

Furthermore, this measure extends the time for training and guarantees training by removing certain limitations. This too is an improvement.

This bill is a good bill. My only objection to it is that it does not do more. I urge its passage.●

● Mr. BROWN of California. Mr. Chairman, over the years many people have had legitimate complaints about the trade adjustment assistance (TAA) program. Some complain that far too few workers have taken advantage of the retraining programs; others, such as myself, have struggled—often unsuccessfully—with the bureaucracy to obtain assistance for legitimately displaced workers. In our consideration today of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act, we have the opportunity to correct some of the problems inherent in the old program.

The most important new change, I believe, is an emphasis on worker training. In the past, most of the workers which qualified for TAA benefits were rehired by their firms. Thus many of them did not take advantage of the retraining programs which were offered. But many of the jobs which were lost during this recession will not be recovered. The steel and auto industries are not likely to ever regain their economic dominance.

In my district, a major steel factory has laid off thousands of workers who will never regain their old jobs. Many of these people have qualified for TAA training programs but have been unable to take advantage of them due to program funding limitations. Instead of using transfer payments to maintain subsistence living standards for these unemployed laborers, where the Government receives no returns,

these proud men and women can be retrained to again serve productive functions.

We must make every attempt to move our skilled and able workers into new employment areas which will be growth industries in the years ahead. In my own State of California, we have the need for thousands of new workers in the electronics and computer fields in the coming years. There is no reason why a displaced steelworker cannot be retrained, using the programs outlined in this bill, to take advantage of these job opportunities. This legislation would focus the employment training program on skills shown to be in demand.

Moneys for the trade adjustment assistance would be provided via a special account for adjustment assistance. The account would be funded, appropriately, from a percentage of custom duties. Funds from the special account would be available only for expenditures to carry out worker and firm TAA programs, but would still be provided through appropriation action.

I am aware of the criticisms of the old program. I have supported and defended it as the best option available. But now we have an improved proposal, and I urge my colleagues to support this legislation which has been crafted to meet both the demand for job training and the restricted budgets under which we must live.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in support of H.R. 3391, a bill to reauthorize and improve the trade adjustment assistance program. The need for this bill and the justice of this bill are clear and simple. Congress liberalized our Nation's trade laws in the early 1960's knowing full well that most of the Nation would benefit from freer trade but that millions of blue-collar workers in manufacturing industries would be hurt. Congress knew that shoe and textile workers, and many others in labor intensive industries, would lose their jobs as the direct result of competition with companies paying low wages in foreign countries. So Congress struck a deal with the representatives of those workers and their families. To win their support for our new free trade policies, we said that the victims of import competition would be helped to adjust to the loss of their livelihoods. We pledged that the Government would retrain these workers, help them find new jobs, and pay them special benefits as compensation for the loss of their income, the loss of health and life insurance coverage, and the loss of an adequate pension.

Well, "free trade" became the law of the land, and imports came flooding in. That flood of imports has helped keep the price of a shirt low and made television sets affordable for most Americans, but it also washed away millions of jobs. And import competition has gone far beyond what Congress envisioned in 1962. Robert Reich has described the vast penetration of imports into the American economy:

> America's relative decline has been rooted in changes in the world market. Prior to the mid-1960's, foreign trade did not figure significantly in our economy. Only a small proportion of American-made goods were traded internationally; an equally small amount of foreign production entered the United States. This situation changed dramatically. * * * The most telling statistic is this: By 1980, more than 70 percent of all the goods produced in the United States were actively competing with foreign-made goods * * *.
>
> American producers have not fared well in this new contest. Beginning in the mid-1960's, foreign imports have claimed an increasing share of the American market. By 1981, the United States was importing almost 26 percent of its cars, 17 percent of its steel, 60 percent of its televisions, radios, tape recorders, and phonographs, 43 percent of its calculators, 27 percent of its metal-forming machine tools, 35 percent of its textile machinery, and 53 percent of its computerized machine tools. Twenty years before, imports had accounted for less than 10 percent of the American market for each of these products.

American workers kept their end of the bargain. They supported free trade, and many of them lost their jobs.

But the Government has never kept its part of the bargain. For almost 20 years, virtually no one was retrained under the trade program, and the Labor Department made only token efforts to help workers find new jobs or relocate. When import-impacted workers realized they could receive weekly benefits if they found training on their own, and began making use of this provision of the law, the Reagan administration slashed the budget for TRA and illegally refused to release money available for training.

During a brief period in the late 1970's, a large number of workers did receive substantial financial assistance under the Trade Act. But even then, tens of thousands, perhaps hundreds of thousands of other victims of import competition were denied benefits because of bizarre regulations and court rulings which narrowed eligibility for TRA unfairly.

H.R. 3391 will correct these inequities and help to fulfill the promises we made to America's industrial workers in 1962 and again in 1974. Current law excludes workers in independent parts plants from coverage if they lose their job because of competition with an imported end product rather than direct competition with an imported part. Thus, an American company which produces and sells hubcaps to General Motors for inclusion in General Motors cars is not covered under TRA if its sales drop because increasing auto imports depress General Motors sales and cause General Motors to stop buying hubcaps. The American company would be covered, however, if General Motors simply stopped buying American hubcaps and began importing hubcaps from Italy or Japan. H.R. 3391 will eliminate this absurd distinction and employ a realistic test: A worker will be covered by TRA under H.R. 3391 if increased imports of articles like or directly competitive with articles produced by his firm or to which his firm provides essential parts or services contributed importantly to his layoff and to declines in his firm's production or sales.

H.R. 3391 makes a second major change in current law. The bill eliminates the discretion of the Secretary of Labor to deny training benefits to workers who meet all of the eligibility criteria of the law. Thus, the administration will not be able to deny training to import-impacted workers on the basis of lack of funds, a situation which has recurred over and over at the expense of thousands of workers.

I would like to salute the wisdom of Mr. PEASE, Mr. GIBBONS, and a majority of the Ways and Means Committee, who have found an ideal method to pay for these benefits. The revenues for this program will not be raised from income or payroll taxes; rather, they will be raised from custom duties. Thus, imports, which cause the layoffs and business failures which H.R. 3391 seeks to remedy, will pay for the costs of the program.

I would also like to praise the committee for its support of the firm adjustment program. The record of the program is truly remarkable. Largely through the provision of technical assistance, such as marketing studies, engineering assistance, and strategic planning, the various trade adjustment assistance centers have helped over 1,100 trade-impacted firms and saved or created thousands of jobs. The firm assistance program deserves to be preserved and expanded.

Critics of H.R. 3391 have said that TRA is unnecessary because it duplicates the adjustment assistance provided by the Job Training Partnership Act (JTPA). But no one familiar with JTPA could say with a straight face that it is adequate to meet the adjustment needs of even one-tenth of this Nation's displaced workers. Even if H.R. 3391 did duplicate JTPA's displaced worker title it would still leave millions of people unserved, and would leave all of them underserved.

As a matter of fact, however, the training scheme envisioned by H.R. 3391 is far superior to that in the Job Training Partnership Act and does not "duplicate" its provisions.

JTPA provides no stipend for displaced workers. Instead, it unrealistically expects them to feed their families and pay the rent without any income while spending all day in a training program learning new skills. By contrasts, the long-term unem-

ployed worker covered by TRA receives unemployment benefits during the course of his training. Moreover, if the area he lives in has not established a JTPA program, a dislocated worker has no recourse; he simply will not find subsidized training. Under TRA, on the other hand, a trade-impacted worker would have the opportunity to self-finance his own training if funds were not available—while receiving 26 weeks of extra unemployment benefits to help defray the cost—and to find his own training program if the State and the Department of Labor did not make one available.

In summary, Mr. Chairman, I urge my colleagues to defeat each of the minority's amendments to H.R. 3391 and to vote favorably on final passage. The TRA program, despite its many past problems, has been vital to the survival of hundreds of communities and businesses and hundreds of thousands of people victimized by our Government's trade policies. We owe it to them to reauthorize and improve this program.●

● Mr. KOLTER. Mr. Chairman, today I rise in support of H.R. 3391, which reauthorizes the trade adjustment assistance program for another 2 years.

Over the past several years record Federal budget deficits and an unfair allocation of scarce economic resources have contributed to high interest rates. The same two factors have also driven the dollar's value to lofty heights. The musclebound dollar has raised the price of U.S. exports, making it much more difficult for domestic firms to participate in international trade. This disequilibrium has caused lower priced foreign imports to inundate our domestic markets. As a result of this increase of imported goods, the U.S. merchandise trade deficit in 1982 reached a record $47.8 billion. Even more alarming is that the estimated deficit for 1983 stands at $65 billion.

These record deficits have had a devastating impact on U.S. workers in an array of industries. More than 70 percent of all goods produced in the United States are forced to compete against foreign manufactured products. This is an inherent consequence of the market-based system. Another result is pockets of concentrated unemployment in certain import sensitive industries. Since February 1982, national unemployment has remained high. For the first time since the 1930's, many areas of the country faced unemployment rates greater than 20 percent. Only now some of those workers are coming to grips with the reality that they will not be returning to their old jobs when the economy improves in their locality.

While the benefits of liberalized trade accrue to all members of society in the form of less expensive goods, the costs are borne by a small group of workers and firms in industries that lack an international comparative advantage. In 1962 Congress made a commitment to help those who suffered injury at the hands of imports. The Trade Expansion Act contained a provision to provide adjustment, or better yet, a cushion for those touched by imports. The Trade Act of 1974 contained a further commitment to providing adjustment assistance. Today we consider H.R. 3391, a bill that further affirms and refines that commitment the Congress made to American workers and firms over 20 years ago.

The concept of trade adjustment assistance is one of the costs of freer trade. The program was designed to provide a period of transition for those who lose their jobs due to imports. Funds help workers retrain for new jobs and assist firms in challenging foreign competitors. H.R. 3391 enhances the program by assisting workers and firms in industries that supply components to firms suffering injury from imports. One of the few problems I have with this bill is that it does not go far enough.

Some would argue that this bill is unnecessary and that the Jobs Training Partnership Act enacted last year will serve as a suitable replacement. This sounds reasonable at first glance, but upon closer examination, the numbers just do not add up. The Congressional Budget Office esimates that by early 1983, approximately 750,000 workers had lost their jobs because of imports. Others rate that figure even higher. The Jobs Partnership Training Act is expected to aid only about 31,500 workers in fiscal year 1983, and according to the most optimistic scenario, only 170,000 would be helped in fiscal year 1984. The reason the Jobs Training Partnership Act can not achieve more is because it is inadequately funded and planned. While the $167 million commitment we are making for the next 2 fiscal years is inadequate, it is a step in the proper direction.

In conclusion, let me address a final concern of some of this program's critics. According to the Labor Department's Employment and Training Administration, trade adjustment assistance system, over 1.3 million workers have received trade readjustment assistance between April 1975 and July 1983. During the same period 1.085 million have been denied TRA. This point clearly illustrates that TRA is a worthwhile program. It is not a mere extension of unemployment benefits for everyone. Those who received benefits were certified as being eligible by the Secretary of Labor. The fact that almost as many were denied TRA as granted TRA, seems to indicate that it is carefully administered.

I want to reiterate that trade adjustment assistance is a cost of liberalized trade. Congress committed itself to helping those who have suffered displacement. Are we to help them, or turn our backs on them? I urge my colleagues to reaffirm the commitment to free trade by supporting H.R. 3391 as reported to the House by the Ways and Means Committee.

Thank you.●

● Mr. DAVIS. Mr. Chairman, I wholeheartedly endorse H.R. 3391, worker and firm trade adjustment assistance. I am particularly pleased with the portion of this bill which extends trade adjustment assistance and training to workers in independent firms which supply component parts to industries adversely impacted by foreign imports.

Under existing law only those firms which produce articles that are "like or directly competitive" with imported articles are eligible for trade adjustment assistance. Those firms who produce component parts or supply services for industries adversely impacted by imports cannot be certified according to the court's interpretation of "like or directly competitive." However, if a firm that has demonstrated that it is import-impacted has an affiliate which makes the component part or provides the service, those workers may be certified. Therefore, there are instances where certification is given to some workers but not to others in the same industry simply because they have different employees.

This situation exists in my district. The largest employer in northern Michigan is an iron ore mining company. Thousands of iron ore miners have been laid off in my district in recent years because declining domestic steel production due to imports. Iron ore is a primary component of steel, but because there are no significant imports of "like or directly competitive" iron ore articles, these miners who are employed by an independent company have been unable to receive certification for trade adjustment assistance. However, iron ore miners who work for a subsidiary of a steel producer may be certified because their parent company qualifies.

The inequity is clear. If it has been clearly demonstrated that iron ore mining is suffering because of imported steel, trade adjustment assistance for the miners should not be determined by who their employer happens to be.

I am pleased that this inequity has been addressed in H.R. 3391. Its passage does not alter the requirement that a firm or worker must demonstrate that imports "contributed importantly" to layoffs and the decline of sales or production. This is not a broad entitlement program, but an effort to assist those workers who can prove their jobs were lost due to domestic trade policies. Trade adjustment assistance fulfills the promise made to American workers during the

multinational trade negotiations which culminated in the Trade Agreement Act of 1979. I urge my colleagues to support this bill and to reject any efforts to remove the provisions which extend eligibility to independent component parts producers.●

Mr. GIBBONS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, had come to no resolution thereon.

CONDEMNING THE SOVIET CRIMINAL DESTRUCTION OF THE KOREAN CIVILIAN AIRLINER

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the joint resolution (H.J. Res. 353) condemning the Soviet criminal destruction of the Korean civilian airliner, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. KASTENMEIER. Mr. Speaker, reserving the right to object, and I shall not object, I would like to make the point that, as in similar cases in the past—the Gulf of Tonkin resolution and other matters which are of highest importance, matters emanating from the Committee on Foreign Affairs which should have either been subject to hearings or at least subject to orderly processes in terms of notice to the body and in terms of either a rule or suspension—we are required to address this matter under unanimous consent.

I would hope that, even though we approach this grave question today perhaps somewhat prematurely in terms of sober congressional consideration of it, nonetheless other questions will subsequently be asked, and perhaps even answered, which have not been asked to date concerning this tragic affair.

Mr. Speaker, I will not object today except to say that I would hope that hereinafter, under other processes or parliamentary procedures, we would have a greater ability to deal with matters of such substance as the question we have before us today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin (Mr. ZABLOCKI)?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 353

Whereas the United States joins with the world community in expressing its outrage over the actions of the Soviet Government on August 31, 1983, which caused the destruction of Korean Air Lines flight 7 with the loss of two hundred and sixty-nine innocent lives;

Whereas on August 31, 1983, Korean Air Lines flight 7 inadvertently entered Soviet airspace;

Whereas Soviet authorities tracked Korean Air Lines flight 7 for more than two hours, but did not adhere to all the internationally recognized procedures necessary to warn the aircraft that it was off course and to protect its passengers;

Whereas a Soviet Air Force fighter fired air-to-air missiles at Korean Air Lines flight 7 and destroyed the unarmed, clearly marked civilian airliner with two hundred and sixty-nine innocent men, women, and children from fourteen nations abroad, including sixty-one of our fellow citizens;

Whereas among the victims was a distinguished Member of Congress, the Honorable Larry P. McDonald;

Whereas the highest levels of the Soviet Government have lied in an attempt to justify this unconscionable act and have continued to deny access to the area where the airplane went down;

Whereas the Soviet Government has publicly proclaimed its intention to repeat its murderous act if another airliner wanders inadvertently into Soviet airspace; and

Whereas this cold-blooded barbarous attack on a commercial airliner straying off course is one of the most infamous and reprehensible acts in history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby—

(1) condemns the Soviet crime of destroying Korean Air Lines flight 7 and murdering the two hundred and sixty-nine innocent people onboard;

(2) calls for a full and frank explanation from the Soviet Union for this brutal massacre;

(3) extends its deepest sympathies to the familes who lost loved ones, and supports their rights to obtain reparations from the Soviet Union;

(4) calls on the Soviet Union to assist international efforts to recover the remains of the victims;

(5) calls for an international investigation by the International Civil Aviation Organization into this heinous incident;

(6) declares its intention to work with the international community in demanding that the Soviet Union modify its air defense procedures and practices to assure the safe passage of commercial airliners;

(7) finds that this tragic incident, and the Soviet Government's refusal to acknowledge responsibility for its wanton conduct, will make it more difficult for the United States and other nations to accept the Soviet Union as a responsible member of the international community; and

(8) urges our allies and other nations to cooperate with the United States in continuing to demand that the Soviet Government unequivocally apologize for its actions, fully compensate the families of the innocent victims, and agree to abide by internationally recognized and established procedures which are purposefully designed to prevent the occurrence of such tragedies.

The SPEAKER. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

Mr. ZABLOCKI. Mr. Speaker, because of the interest in this matter, I ask unanimous consent that the time for debate on this joint resolution be extended by 1 hour to permit sufficient time for interested Members to speak, and I ask that the time be equally divided between myself and the gentleman from Michigan (Mr. BROOMFIELD).

The SPEAKER. Is the Chair correct in understanding that the gentleman asks for an additional hour?

Mr. ZABLOCKI. Yes, Mr. Speaker, an additional hour.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER. The time will be equally divided between the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Michigan (Mr. BROOMFIELD).

The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution presently under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 353 condemning the Soviet criminal destruction of the Korean civilian airliner, and the massacre of 269 innocent men, women, and children.

Mr. Speaker, the Soviet attack against KAL-007 is, as the resolution states, one of the most infamous and reprehensible acts in history. There is absolutely no justification under international law or any other test of international behavior for this despicable act.

What is most distrubing about this horrible act is that the Soviets have bluntly defied the civilized world by its refusal to apologize and to provide compensation for the families of the victims. In my view, this joint resolution of condemnation, which has been requested by the President, is the least that the Congress can do to express its outrage.

Mr. Speaker, House Joint Resolution 353 establishes eight elements for U.S. policy. They include: A condemnation of the Soviet crime calling for a full and frank Soviet explanation for its action; extending deepest sympathy to the victims' families and support for their rights to compensation; calling on the Soviet Union to assist in recovering remains of the victims; calling for an international investigation of the tragedy; demanding revision of Soviet air defense procedures to assure safe passage of commercial airliners that have strayed into Soviet territory; stating that the Soviet action makes relations with the Soviet Union more difficult; and urging our allies and other nations to join the United States in continuing to demand that the Soviet Union provide an unequivocal apology, fully compensate victims of the tragedy, and establish procedures to keep it from happening again.

The sense of outrage of this Congress and the American people is shared by our friends and allies throughout the world. The Korean and Japanese Parliaments have already passed strong resolutions—with the full support of the political parties—condemning the Soviet action and behavior. Also Canada and several other countries have suspended flights to and from the Soviet Union.

I should also emphasize that the public uncovering of this incident—which the Soviet authorities would themselves cover up—was only made possible by the exceptional cooperation of Japan. We should properly express our gratitude for the contribution that they have made.

Mr. Speaker, it is my hope that this joint resolution will contribute to the international effort initiated by the President to hold the Soviet Union responsible for this criminal act as well as develop improvements in civil aviation procedures to prevent its recurrence. I urge adoption of House Joint Resolution 353.

□ 1530

The SPEAKER. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this resolution; however in view of the Soviets' reaction to date, I am convinced that the administration should even go further.

Specifically, I would propose that our Government expel 269 Soviet KGB agents, one for each of the victims of the Korean Air Lines flight 007. I think it would be a symbolic act that would also have a practical impact on the Soviets' worldwide espionage operation. It would demonstrate our dismay and disgust at the Soviets' casual disregard for the lives of 269 human beings and our shock at the Soviets' unwillingness to show contrition for their actions or pay reparations to the families of the victims.

If the Socialist government of France can expel half of the Soviet agents in their country on far less provocative grounds, we certainly can afford to do no less.

I have felt for a long time that our Government has been lax in not taking steps to eliminate the acknowledged large numbers of Soviet agents who roam our country with relative freedom collecting military and industrial intelligence. The time to act will never be more opportune than it is now in the wake of this terrible disaster and the Soviets' defiant reaction to world opinion.

Let me briefly talk about my perception of the Soviet Union and the importance of this resolution.

The myth of the Soviet Union has been created over the years by the Kremlin propaganda experts. The myth has been used to sell communism and the Soviet model to the unsuspecting nations of the world. The myth says that the Soviet leaders are peace-loving people who respect life and want a stable and open relationship with other nations. The mythmakers disclaim any expansionist intentions or any bellicose tendencies. They eagerly sign international agreements on a whole range of subjects. They pat themselves on the back for being a nation that respects accords with other nations.

Yet, when Secretary of State Shultz met with Soviet Foreign Minister Gromyko in Madrid recently, Gromyko initially refused to even discuss this incident. Secretary Shultz insisted the issue be reviewed. Gromyko's response was aggressive. He shifted the responsibility to the U.S. authorities. He later brazenly threatened to kill more men, women, and children should another civilian aircraft make the same mistake.

In recent days, Soviet authorities have attempted to rearrange available evidence concerning the tragedy. They are trying to somehow justify their callous behavior. Recently the free world was treated to a rare press conference. Soviet Chief of Staff, Marshall Nikolai V. Ogarkov, gave the Soviets' distorted view of the atrocity. The fighter pilot who downed the aircraft also added his side of the story. In essence, the Soviets have refused to apologize to the world for this terrible, unjustified massacre of the innocent. In recent days, they have positioned military units near the spot where the aircraft crashed and will certainly shoot at any intruders.

In order to reestablish itself as a member of the civilized international community, the Soviet Union must accept the responsibility and fully explain this senseless massacre, assist in international efforts to recover the remains of the victims, permit an international investigation of this incident, compensate the families of the victims and apologize for the incident. Although we must somehow coexist with the Soviet regime, we must also hold Moscow accountable for any blood on its hands.

The SPEAKER pro tempore (Mr. MINISH). The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, like all Americans, like all civilized men and women everywhere, I am outraged by the latest example of Soviet barbarity. The brutality of shooting down a defenseless civilian airliner with 269 innocent persons aboard has been compounded by the demonstrable deceit by Soviet officials.

This tragedy is brought to more human terms by the realization that four of my own constituents were slaughtered by the Soviets. Edgardo and Frisca Cruz of Irvington, Eusebio Bolante, and Maria N. Bolante of East Orange were aboard flight 007.

The lying; the insolent disregard for human life; the lack of compassion for the grieving families; the refusal to let other nations join in the search for the victims of this massacre—all of this has shocked the world community.

This tragic episode demonstrates once again the fear, suspicion, and mistrust that haunts Soviet leaders in their relations with the rest of the world. It demonstrates once again the peril in which the world lives, where a single mistake or miscalculation invites disaster. It shows once again the skewed values of Soviet society—that its obsession with the security of its borders reduces to nothingness all other values, even life itself.

The unrepentant Soviet response to the world's wrath indicates that any plane that wanders into Soviet air space might meet the same fate as Korean Air Lines flight 007.

Mr. Speaker, I urge that all of us in Congress add our voices to the worldwide condemnation of the Soviet Union and vote for this resolution. We must send the Soviet Union a message that, while we may have our differences over a nuclear freeze and the MX missile, we are united in this censure of this brutal act for which there can be no justification.

At the same time, Mr. Speaker, I would caution against trying to use this tragedy to undercut arms-control efforts or to promote deployment of the MX. These two issues should not be linked with the catastrophe of KAL 007. But the Soviet Union must be on notice of this: For the last several

months the Soviets have been carrying out a worldwide peace offensive. Now, they will no longer be able to wage peace with mere words. In the aftermath of this wanton destruction of human life, they must offer more.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of House Joint Resolution 353 denouncing the Soviet destruction of Korean Air Lines flight 007. I deplore and condemn the Soviets' unspeakable, heinous behavior.

The Soviets' total disregard for the value of innocent lives should make us stop and consider how we should conduct our relations with that nation.

When there is discussion of a nuclear freeze or arms control or curbing defense spending, I think we must consider those actions in terms of what we know Soviet behavior to be, not what we wish it would be.

From their attack on the Korean airliner, we know their actions are barbaric. The policies we choose to protect our Nation must therefore take into account the Soviets' complete lack of humanity and good will.

It serves little purpose to condemn the Soviet actions today if we ignore the implications of what they have done. It is now obvious that any decision on arms reduction or freezing nuclear armaments cannot rely on Soviet good intentions to be implemented. We will have to insure that any agreement we develop must contain the provisions for verification and confirmation of action that do not depend merely on the Soviets' word.

Of all the callous actions of the Soviets in attacking the Korean airliner, nothing is more telling of Soviet intentions, I believe, than the realization that Soviets acted knowing the aircraft would be out of Soviet airspace in a matter of minutes. The Soviets acted when they knew the aircraft posed no threat to them.

Until we have a mutually balanced, verifiable arms control agreement, we cannot permit our defense posture to remain inferior to the Soviets and expect our security to be maintained merely by relying on Soviet restraint. No longer can we believe that if we set the example of arms reductions the Soviets will follow. If there were ever any doubt before, it is obvious now the Soviets do not think the way we do; they do not value human life as we do.

Let us keep the memory of the loss of 269 lives, including our friend and colleague, Larry McDonald, as a guide to our actions in the coming months and years. Let us meet Soviet strength with U.S. strength, meet Soviet determination with U.S. determination. Let us demonstrate to the Soviets we have the will to protect our security interests throughout the world and will not retreat in the face of Soviet barbarity. Let us not forget.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Michigan.

Mr. SILJANDER. Mr. Speaker, I stand in support of the resolution.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Arizona.

Mr. RUDD. I thank my colleague for yielding.

Mr. Speaker, I support the resolution and support the fact that we should refocus our priorities into the Western Hemisphere first.

The shooting down of an unarmed, defenseless South Korean commercial airliner by the Soviet Union that took the lives of 269 innocent men, women, and children, including one of our own colleagues, Congressman Larry McDonald, was nothing less than cold-blooded murder.

There was, as we all know, no justification for such a deplorable act of terrorism and barbarism, in essence, an act of war.

As a result of this massacre—and the massive coverup and shocking lies that the Soviets flaunted in the face of the world immediately afterward—we must reassess our priorities and, for once, stand up to this great test of the American will.

Our priority, however, should not be placed on Sakhalin Island, where this murder in the sky took place, or on Southeast Asia, where most of the victims of this tragedy lived. Nor should it be on the Middle East, Africa, or even Europe.

Instead, Mr. Speaker, we should focus on the Western Hemisphere and set our priorities on halting the military advances the Soviets are making in our own part of the world.

We should respond to this inhumane act perpetrated by the Soviets by increasing our military and economic support to the Government of El Salvador so it can turn back the Communists guerrillas who are trying to overthrow the legally and rightfully elected leaders of that nation.

And we should increase our assistance, Mr. Speaker, to the Contras in Nicaragua, who are fighting to regain their nation from the Moscow- and Cuban-supported Sandinistas.

Not only would this provide us with a high degree of peace and security to our people and to our neighbors in the Americas, but it also would afford us a much better bargaining position from which to take a long, hard look at the Soviet activity in the rest of the world.

The lesson we should learn from the cowardly shooting down of a commercial airline by the Soviets is that the Soviets cannot be trusted to operate in the world community. They simply are not restrained by the moral laws that we accept and live by.

And the sooner we expel them from our own hemisphere, the better it will be for the entire world.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. RATCHFORD).

□ 1540

Mr. RATCHFORD. Mr. Speaker, all over the world, and here in Congress, people have struggled to find words to adequately express the horror and shock they feel at the downing of Korean Air Lines flight 007. The Soviet action is an outrage on so many levels; 269 innocent people are dead; 269 families and countless friends are grieving. Two of my own constituents have perished, one a mother whose death has made orphans of her two small children. The action is an outrage against civil aviation, it is an outrage against international law, and it is an outrage against all of the unwritten codes of human decency and morality.

Perhaps most frightening is that on September 1, the world became a much more dangerous place. Our system of international laws is like a forest. Cutting down trees can create a horrible wind, a potentially uncontrollable wind. Just such a wind has sprung up as a result of the downing of the Korean airliner. I am speaking of the winds of war. In spite of our grief for the victims, and our anger at the perpetrators, we must rebuild and strengthen our shelter. I urge my colleagues and this administration: In the midst of your anger and fear, remember one very simple point. The attack on the Korean airliner heightens, rather than diminishes, the need for continued arms control negotiations. It also adds urgency to the need for a mutual, verifiable freeze between our two countries. Arms limitations efforts are not a favor to the Soviet Union. They are in our own selfish interests. I can think of no more meaningful way to honor my two constituents, to give some measure of meaning to their deaths, than by seizing this moment to redouble our efforts to insure stability and peace.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE) for purposes of debate only.

Mr. HYDE. Mr. Speaker, this is probably a useful thing, although this resolution is, as we would say in my old neighborhood, all windup and no pitch. It views with alarm and it condemns and it deplores but it really does not do anything. It will not hurt, I suppose, and it does extend sympathy to the families who lost loved ones, and in that regard I suppose it is important to support it.

I notice it talks about our joining with the world community. Well, not quite. Nicaragua, that bastion of free-

dom and democracy, that progressive new state in Central America with a new government, could not quite bring itself to join the world community to condemn the shooting down of citizens of 14 different countries in 60 seconds from getting to the Sea of Japan and out of Soviet air space.

Zimbabwe, one of the great progressive countries, who looks to us for aid and whose Prime Minister is here these very days seeking aid, could not bring itself to join the world community to condemn this massacre of innocent human life. Zimbabwe, which votes with us 12 percent of the time in the United Nations, and the Soviet Union votes with us 20 percent of the time.

Another new ally that we have found and in whom we have such confidence, the People's Republic of China, could not quite bring itself to join the U.N. world community in condemning this action.

Cuba, of course, the less said the better.

But as the chairman of our Foreign Affairs Committee has said, this is the least we can do. And as the chairman of the Judiciary Committee said, this is the least we can do.

Of course I concur in those assessments.

Bad as what the Soviets did over in the Sea of Japan, this happens every day in Afghanistan. We have learned to live with that. We have learned to tolerate that.

We have forgotten the invasion of Hungary in 1956, rolling into Czechoslovakia in 1968. Poland concerns us intermittently. And this, too, this, too, shall pass away.

This indeed is the least we can do.

Now, if we really want to do something, if we really want to send a signal to the Soviet Union that we are serious about what they have done and we want to do something, I suggest to the leadership of this House, I suggest to the chairman of the Foreign Affairs Committee, I suggest to the chairman of the Judiciary Committee, I suggest to the distinguished majority leader, I would call upon the distinguished and, in this case, hard line leadership of the majority party to call up immediately by unanimous consent today, and if that would be unavailing, then tomorrow, which is the first day it can be called up, the defense authorization conference report which passed the other body today by a vote of 83 to 8. I think a speedy disposition of that would indicate that we indeed want to do something instead of just flail our arms and view with alarm and use words and language rather than action.

I have heard a rumor to which I give no credit that there are those that want to defer consideration of the defense authorization bill, to wait for the anti-MX people and that sort of thing to get into gear and to start lobbying against that bill. As I say, I give no credit to that rumor and I would hope and expect that the Democratic leadership will hasten to call up that defense authorization bill and send the same signal to the Soviet Union that the ladies and gentlemen of the other body did.

That indeed would be something worthwhile in this very tragic situation. And I yield back the balance of my time.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Speaker, I rise in strong support of this resolution. I think it is important that the House pause and take this action.

Obviously resolutions cannot bring back the people who have been lost, but they can show our seriousness of purpose and our outrage at what has occurred.

I urge the House to adopt this resolution and I urge the President to continue to seek collective action by the nations of the world to impose a cost on the Soviet Union and to make its leaders feel the consequences of their irresponsible and unforgivable actions.

But I also urge the Members of this House to keep in mind that our concern for arms control is not based on our respect or love for the Soviet Union but for a decent respect for the interests of the people of the world and the interests of the people of the United States. If we hold firm to our commitment to arms control we can hold the Soviet Union accountable for its actions and yet still advance our own national interests by reducing the terrible threat of nuclear war.

Certainly trigger-happy pilots and trigger-happy commanders are not the kind of people we want to see developing first-strike weapons. We should do everything in our power to see to it that they do not have those tools.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN) for purposes of debate only.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and request permission to revise and extend my remarks.

I commend our distinguished chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), and the ranking member, the gentleman from Michigan (Mr. BROOMFIELD), for so expeditiously bringing to the floor this measure which I am pleased to have cosponsored.

Mr. Speaker, I rise in strong support of House Joint Resolution 353, condemning the Soviet's aggressive, criminal act in destroying KAL flight 007, a Korean civilian airliner.

Our Nation and the entire world has been shocked by this reprehensible, blatant disregard for international law, for human rights, for human life, for 269 lives including those of 61 Americans.

The impact of this savage attack on innocent civilians was brought home fully to my congressional district in New York State which is still mourning the loss of a young father, William Oren of Middletown, N.Y., who was engaged in a business trip to Korea when, in the middle of the night, he was shot down over the sea of Japan.

What is so unbelievable about this tragic event, is the Soviets' callousness and their utter lack of remorse in placing the sanctity of airspace above any regard for human life.

The Soviets' barbaric acts, their unrelenting response and total disregard for human rights is a stark reminder for us in this body of the need to review and revise our future policies toward the Soviet Union. In our future relationships with the Soviets, let us not forget the tragedy of KAL flight 007.

Accordingly, I urge my colleagues to support this resolution of condemnation of the Soviet Union and let us hope that our allies—and all nations—will join with us in demanding reparations and a greater respect for human life.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I have heard the words of my fellow members concerning the unfortunate and tragic destruction of the Korean Airlines jet by the Soviet Union, and I share and echo their sentiments. The action by the Soviets shows clearly the low value put on human life by them, but we should not be surprised. The victims of the shooting down of that aircraft are merely added to the list of innocent victims who have already been casualties of the brutal and ruthless Soviet regime. In an effort to surpress speech, thought, religion, and political expression hundreds of thousands of Ukrainians, Latvians, Lithuanians, Estonians, Soviet Jews, Afgans, Czechs, Hungarians, Vietnamese, Cambodians, Libyans, Cubans, and Nicaraguans were killed. It is little wonder then that the Soviets show no remorse for 269 passengers on the Korean airliner.

Mr. Speaker, it is difficult to find the words to capture the outrage that I feel because of the Soviet action, or to express the sorrow that I feel for the victims and their families. At times like these words are inadequate to capture the simmering anger that we all feel. I am angry that American technology sold to the Soviets was the basis of the guidance system, the radar, and the computers used by the Soviet plane. I am angry that our re-

sponse has been confined to shutting down two Aeroflot offices, temporary suspension of landing rights at U.S. airports, and volumes of rhetoric. Other than that, it seems to be business as usual with the Soviets.

I come from the soft coal fields, steel mills, and glass factories of western Pennsylvania. It is an area where the people are as strong as the steel they make, and where they are a people of action, not words. As a product of this heritage, it seemed more appropriate to examine action that the Congress could take that would, in most eloquent terms, tell the Soviets that the shooting down of a regularly scheduled passenger airline and the murder of 269 innocent civilians is unacceptable; that we draw the line here; and that this action will have serious consequences.

I am planning to introduce a bill that will provide a greater penalty to the Soviets than the slap on the wrist that is being proposed by the administration. For too long now, the citizens of the United States have paid more than their fair share to support the United Nations, where the Soviets have three votes in the General Assembly and the United States has one, where the United States pays over 2¼ times per capita in dues than the Soviet Union pays. I am proposing that the United States reduces its allocation to the United Nations to an amount that would be equal with all other members on a per capita basis. If the other nations are not willing to bear their share of the costs we must question the continued existence of that organization.

Although the U.S. imports from the Soviet Union do not equal the dollar amount of our imports from Japan, Canada, or other western trading partners, it is nonetheless an important source of foreign exchange for the Soviets. I am proposing that an import levy equal to half the value on vodka, caviar, and sable pelts be instituted immediately, and that the revenues generated by such a tax be put in a fund that will be used to compensate the families of American citizens who were killed on the Korean airliner. In addition, I will propose that the grain sale to the Soviets be canceled, or that the terms of the sale be altered so that the Russians will have to pay for the grain at current market rates at the time of purchase plus a 50-percent surcharge. In addition, I will further propose that the payments be made in gold. I would further advocate that any high technology sale to the Russians be suspended for 2 years, and that the surcharges be in effect for 5 years.

I further propose that until the Soviet Union makes reparations to the victims, no Soviet vessels be allowed entry into American ports.

I know that the families of the victims find comfort in our words today, but justice and fairness seem to dictate that, as a Nation, we do more than offer comforting words, and realize that words have little effect on Russia. They are not motivated by compassion, human decency, or any other expression of high human values. They understand strength and resolve; they understand action. Words without action can be forgotten tomorrow; my proposal would be a constant reminder for 5 years that the people of the United States are firm in their resolve that the Soviets must bear the responsibility for this atrocity. They must never question the commitment of the American people to maintain a world of civilized societies with basic standards of decency; and future unacceptable Soviet behavior will not be tolerated.

□ 1550

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. PRITCHARD) for debate only.

Mr. PRITCHARD. Mr. Speaker, I rise in strong support of this resolution. This incident reminds me of a conversation I had with Anwar Sadat who talked about how rude the Russians were, how thoughtless and how willing they were to lie, that when you knew they were lying and they knew they were lying, and yet they were perfectly willing to look you right in the eye.

This was just after he had tossed them out of Egypt.

Now, I was in Japan when this incident happened and I can tell you that many of us have been concerned, but we have been heartened by the direction the Japanese have taken as far as picking up their security in that area.

Nothing could have had a greater effect on the Japanese and on their government than this incident.

So I think Russia is and will pay a heavy price for this action, one which is so thoughtless and so crude and so typical of their actions, and it shows to the world why they are like they are and why they should be isolated.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. WON PAT) for debate purposes only.

Mr. WON PAT. Mr. Speaker, I rise in support of House Joint Resolution 353.

Our colleagues, Congressman CLEMENT ZABLOCKI, chairman of the Committee on Foreign Affairs, and Congressman WILLIAM S. BROOMFIELD, the ranking minority member, deserve our deep appreciation for bringing to the floor the resolution condemning the Soviet destruction of Korean Air Lines flight 007 with the loss of 269 innocent lives on August 31, 1983.

On behalf of the people of Guam, I join with them today to add my support for the resolution and urge that it be passed overwhelmingly to send a message to Moscow that the civilized peoples of the world will not tolerate wanton murder of our people and attacks on civilian airliners.

The Soviet rulers must be brought before the bar of world justice and made to understand that their behavior is contrary to every standard of a civilized nation. These are no reasons acceptable for shooting down flight 007 and the Soviet claim that they were only protecting their air space against an unwarranted intrusion is blatantly insulting to our intelligence.

If the Soviet really want to prove to the world that they did not commit coldblooded murder then why have they not let American, Japanese, or Korean forces join in on the search? What are they hiding? A plane riddled with bullets? The remains of men, women, and children torn apart by Communist missiles?

What irony that our colleague, Larry McDonald, should have died in such an incident. His warning that the Soviets were barbarians rings truer now than ever before. Everywhere we hear the Soviets talk about peace, but in countless situations we see not a friendly nation, but a nation intent on using brutal force to achieve its goals at any pretext.

America, our allies and all other nations must impose sanctions now against these men to let them know our anger and frustration. Words will not do the job against this senseless form of terrorism any more than words stopped Hitler, Stalin, or even the PLO. I urge this Nation to act immediately to impose hard economic and political sanctions that will show Moscow once and for all that mindless murder is contrary to their own best interests and mankind. Thank you.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the distinguished minority leader the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, so much has been said about the barbaric behavior of the Soviet Union that there is little I can add. The resolution accurately portrays the Soviet Government and its actions.

But I do want to bring to your attention a few things in connection with this tragedy.

First, this tragedy demonstrates once more the need this country has for the best international broadcasting facilities in the world.

But when the Voice of America expanded its broadcasts to tell the truth about this event, they found that they had to take precious time usually planned for maintenance of their outmoded equipment.

Our ancient transmitters are not strong enough to overcome Soviet electronic jamming.

So if you want to do something to hurt the Soviet Union, support an expansion of Voice of America, Radio Free Europe, and Radio Liberty.

Let us not lapse back into our usual state of amnesia once this furor has died down. We need steady, assured, long-range funding for VOA, not sudden bursts of added funds.

The next thing we can do is stop treating Soviet officials as if they were simply a Russian version of our own governmental officials.

A few months ago I received a delegation of Soviet officials who were here on what was called an interparliamentary meeting. They came over cooing like doves right in the middle of our debate on the freeze.

It occurred to me that some of them, given their probable ages, began their careers in the Communist party when Stalin was killing millions of their own people. A couple of them were undoubtedly KGB types. Some parliamentarians.

Why do we continue the fiction that these are truly parliamentarians?

To call them parliamentarians is to debase an ancient and noble term.

So I would like to propose that we in the House refuse to enter into any bilateral meeting with members of the Soviet Government under the guise of it being a meeting between parliamentarians.

I am not saying we cut off any and all contact with them. All I am saying is that we stop engaging in this fiction.

Finally, a word of warning. The past week has seen a barrage of criticism directed against the Soviet Union by our Nation and by other civilized nations.

The Soviet Union has been called every name under the Sun.

But beneath all that name-calling on the part of many nations is something else: fear.

The savage brutality with which the Soviet Union acted is like every act of terrorism. It shocks. It horrifies. But it also instills fear.

We better realize that. There are a lot of nations throughout the world today who, while condemning the Soviet Union, are in awe of the brutal display of power.

The Soviet rulers know this. They know they can weather the storm of abuse. They know that many nations are looking over their shoulders and wondering: Am I next? What is to stop the Soviet Union from doing to me what they did to the 269 innocent people?

The only answer to that is that the Soviet Union's rulers, like all brutal people, fear opposing power. That is all. Not words. Not rhetoric. Just power.

So the eyes of world are going to be on us for the next few months. Those who fear Soviet power will be looking to us to see if we will back up our tough words with the ability to give those words meaning.

I urge all our colleagues to join with me in voting for this resolution. It is only a beginning. But it cannot, must not, be the end of our efforts to show the world our attitude toward the Soviet Union.

I would certainly endorse that call of my good colleague, Mr. HYDE, a few moments ago, that one of the best ways to demonstrate that is to bring up that conference report on the Defense Department authorization. We have the time to do it right tomorrow. My view would be, coming on the heels of this resolution, that is the way to send a real message. I would like to see that brought to the House tomorrow.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS) for debate purposes only.

Mr. WEISS. Mr. Speaker, the shooting down of Korean Air Line flight 007 by the Soviet Union on September 1 warrants the outrage and condemnation of all of those in Congress and in the international community who work constantly to promote human rights and peace. I share the anger and grief of the families of the 269 passengers whose deaths represent a tragedy for all of us.

As the events of the KAL downing have unfolded in the past 2 weeks, the personal tragedy of the 269 felled by the Soviets has become an international tragedy as well.

It is a tragedy for the millions of people in the United States and the rest of the world who have hungered for peace and worked hard and long for disarmament and arms reduction.

It is a tragedy for those committed to the survival of the planet, for the true lessons taught us by this event have been lost in the bluster of rhetoric expressed in response to the incident. It should be disturbing to all of us that after the expressions of certainty by our leaders as to how the tragedy occurred, contradictory information has had to be announced by them.

I commend the President for the restraint he has shown in leveling sanctions against the Soviet Union, but I vigorously object to his use of the KAL incident as leverage to win support for higher defense budgets and the production of what much of the world sees as first strike nuclear weaponry. I will vote for this resolution but with strong reservations and exceptions to the rhetorical excesses it contains which can only exacerbate world tensions.

The 9,000 nuclear warheads now at our disposal did not prevent the pilot of the Soviet SU-15 jet from firing the missile that downed the Korean airliner, nor did it deter the local air defense commander from deciding to destroy the plane.

Can we really believe that 100 MX missiles added to those 9,000 nuclear warheads would have changed this decision?

I do not think so.

We should further be concerned not only that the Soviets made this irrational decision in the first place, but they did so after having 2½ hours to make it.

Frankly, I am seriously concerned about the prospect of the Soviet chief of staff having only 10 minutes to respond to a report of an enemy aircraft entering Russian territory.

Ten minutes. that is the amount of time it would take for one of the Pershing II missiles—about to be deployed in Europe—to hit the Soviet Union.

If the response time were lengthened to 30 minutes, I would not feel any more secure.

That is the number of minutes it would take for an MX missile to travel from the United States to the Soviet Union.

In each of these cases, the missile fired from the Soviet Union would not be carrying a conventional warhead; it would be nuclear.

And the number of innocent people would not be in the hundreds, but in the millions, most likely in the tens or maybe hundreds of millions.

Contrary to the recommendation of our President, we should be building down, not up, our nuclear arsenal.

Finally, we should learn that the Russians are not barbaric, subhuman, agents of aggression and deceit whom we suddenly can no longer trust or work with in the future negotiations.

Rather, the Soviet's response to a commercial airliner overflying its territory reflected the defensiveness and paranoia of a nation desperately afraid that the world might perceive it as a second-rate power.

The actions of September 1 were not the actions of a confident and secure world power.

The harsh rhetoric of the past 2 weeks can only heighten the Soviets' state of paranoia and isolation, and reduce even further the already slim chances for arms reduction.

President Reagan's demand for the approval of the MX and an even greater defense buildup than the one presently underway seems more and more illogical.

By improving our first-strike capabilities, we are pushing the Soviets further and further into a corner.

The hard-line response to the Korean airliner incident pushed by the President will make the Soviets less willing to engage in arms control agreements and more likely to intensify their own military buildup.

The end result is an even more serious tragedy than the one we suffer now: Following up the anti-Soviet rhetoric of the past 2 weeks with increased defense appropriations will only strengthen the hand of military hardliners in both Russia and the United States and make the goal of world peace even more remote than it appears today.

In this present period of international tensions, when the world seems perilously close to war in several regions around the globe, harsh rhetoric and higher budgets will only bring us closer to the brink of nuclear destruction.

Acts of revenge and retaliation will not restore the lives of the 269 passengers on KAL flight 007. The task before us here today is to prevent any future loss not just of 269 innocent victims, but possibly of 269 million, who might die because of another, even more serious irrational and thoughtless act.

Our task today is to insure conditions for the reduction of tensions leading to worldwide peace.

□ 1600

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. DYSON).

Mr. DYSON. Mr. Speaker, I believe I reflect the frustrations of many of my own constituents in that the United States did not take a stronger stand or reaction to the Korean Air Lines incident.

Also, at the same time, I just returned from a trip with the Armed Services Committee in which we traveled the same airspace that the Korean Air Lines traveled. And I feel that same kind of tension which is evident throughout this country; the United States does not seem to be giving a strong enough response to this crime.

I only wish that as Members of Congress we could do more than just pass this joint resolution; something that would show the tremendous resolve we see amongst our constituencies that we have not seen with this Government.

Something needs to be done to prevent such a heinous crime from happening ever again. That we cannot trust the Russians to follow the standards of conduct that the rest of the world accepts should come as no surprise to us, and yet the senseless violence of this act understandably stunned the world.

As we struggle to comprehend the dimensions of this crime, we need to strive for a balanced and rational perspective. We must remain reasonable in the face of outrage, but reason demands a truthful explanation. So far we have met with lies and evasion; the Russians have combined injury with insults. Their response has been one absurd fabrication warranting nothing more than scorn from every civilized nation.

The Soviet's brutality, and their malicious justifications, point out one inescapable lesson for the rest of the world: The Soviets do not share the same basic morality common to the West and therefore cannot be trusted. Moreover, they cannot be expected to engage in rational, honest discourse. This calls into question the very foundation of the treaties we are negotiating with the Soviet Union, which require the very standards of behavior the Soviets have so blatantly repudiated.

Our responsibility to our constituents demands that we in Congress reaffirm our national commitment to the belief in humane treatment and honest discussion. This joint resolution expresses our Nation's outrage, and serves notice that we as a nation will accept nothing less than respect for basic human rights. This must be the basis for international relations in a civilized world, and it is with this hope that I give my strongest possible support to this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO), for the purposes of debate only.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Wisconsin and his committee for promptly acting to bring this response of the Soviets fatal attack on the helpless Korean Air Lines flight 007 to the floor.

I, of course, rise in strong support of the resolution. The language of the resolution is strong in condemning the Soviet Union's ruthless action reflecting accurately the views of our constituents and, indeed, world opinion with regard to this particular matter.

There are many questions regarding this matter. Can we improve the navigation systems in our commercial aircraft to prevent this type of tragedy and similar incidents in terms of the flight paths, whether it is the New Zealand DC-10 flight tragedy that occurred in 1979 when a misprogrammed I.N.S. system led that aircraft into an Antarctic mountain. Surely we can and must address that particular navigational question.

But I know the deep concern that is in the minds of most Americans, most Members in this body, in the final analysis is the unwillingness of the Soviet Union to accept the responsibility for their deplorable action. It raises serious questions of the competence of their command system. Indeed, this is not just the irresponsibility of a world nation. It is rather, the irresponsibility and ineptness of a superpower who carry the very welfare of this world in the palm of its nuclear hands.

When we raise questions with regard to command system and what happened in this tragic incident, certainly that question must come to mind.

I think, one certain task is to create a world environment in which we can work together to resolve these problems so we will not have this deplorable type of actions by any power in the world with regard to commercial flights.

What is the appropriate United States and world response—the MX, more arms, more bombs? I think not. The most crying need is not with navigation or our military capabilities or future economic sanctions. Rather, the answers must come from the Soviets themselves. We must do all that we can to prevent this type of future event and hopefully other world nations, small and large, will be willing to cooperate in that endeavor.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANNUNZIO) for debate purposes only.

Mr. ANNUNZIO. Mr. Speaker, I support the resolution before the House today, but only as a first step in dealing with the Soviet Union.

President Reagan has said that the minor sanctions he has evoked against the Soviet Union are the strongest actions he can take, short of an armed conflict. I do not buy that explanation. Nor, do I believe, does a large majority of the American people. The public has been outraged by the shooting down of the Korean jetliner and the loss of 269 innocent victims, including a Member of this body. The public wants more than minor sanctions and resolutions. The American people demand strong action against the Soviet Union. There are many ways that our Government can take such action short of armed conflict.

I suggest that all travel of U.S. citizens to the Soviet Union be banned, and that, effective immediately, no Member of the House of Representatives travel to the Soviet Union for any purpose. All trade with the Soviet Union should be stopped, including the grain shipments. In order to ease the burden of American farmers, the grain embargo would not be put in place until the end of the year so that farmers would be aware that they will not be able to sell next year's crop to Russia. All cultural, scientific, and athletic exchange programs with the Soviet Union should be eliminated immediately.

The Soviet Union has had a long history of barbarous actions. It tries to mask its record of aggression by sending its ballets, its circuses, and its athletic teams around the world as goodwill ambassadors. But underneath that facade there is a country whose government is a murderous government which cares nothing about human lives.

Many American universities have already announced that they will not allow Russian athletic teams to visit their campuses. Along that same line, there has been a great deal of concern that Russia might choose to boycott the 1984 Olympic games in Los Angeles. The United States has gone to great efforts to persuade the Russians to come to the 1984 games. Rather than persuade them to come, this country should ban the Russians from the 1984 games. And if this cannot be done through the Olympic committees, then we should deny visas to Russian athletes.

Mr. Speaker, our Government tends to underestimate the Russians. We are lulled into a feeling that the Russian Government is honest and willing to abide by international rules. In reality, the Russians are liars, bullies, and worse, murderers. They should be exiled from the international community. And instead of our Government seeking to pacify the Russians, we should punish them, and punish them hard.

Given the Russian attitude, how can our arms negotiators sit at the negotiating table and believe one word of what the Russians say?

Mr. Speaker, in the coming days I will be suggesting even more nonviolent actions that can be taken against the Russians. The question is, is the Reagan administration willing to follow through, or will it continue its policy of wrist slapping.

The American people want strong, firm, and quick action. If they cannot get it from the administration, then this body should take the lead. For if there is no strong action, you can be certain that incidents such as the downing of the Korean jetliner will be repeated. And more lives will be lost because no one was willing to stand up to Russia.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Speaker, I have to respectfully disagree with my colleagues who criticize the President's actions, who call this resolution a hollow resolution.

I think, Mr. Speaker, that it is important to note that the President has focused the most powerful force on Earth on this problem and that force is public opinion.

Public opinion may not be very important in a totalitarian state like the Soviet Union, but it is a powerful force on this floor, it is a powerful force in this country, and it is a powerful force around the world.

By this resolution we show a unity, a bipartisan unity in our outrage against the atrocity committed by the Soviet Union. and in further focusing world opinion, we make it possible that we might act on a multilateral basis to undertake those actions that impose cost on the Soviet Union.

We acted unilaterally in response to the invasion of Afghanistan.

□ 1610

We cut off grain exports. But the Soviet Union, through the world market, got the grain and we only hurt the American farmer. We cut off technological sales unilaterally to Europe, but the Soviet Union got the technology from our trading partners in Europe. We created dissension in the Western alliance, and the Soviet pipeline from Siberia to Western Europe ended up being built, as we were forced to embarrassingly back down.

I think it is important, Mr. Speaker, that we here today focus public opinion on this problem, that we join our President in his claim but firm resolve, and that we note that public opinion will affect debate.

Who in this Congress will now stand on the floor, as some did during the nuclear freeze debate, and say that the Soviet Union and the United States are equally responsible for world tension? Who will stand in front of the Capitol, in front of rallies and make similar statements today? I submit that those statements will not be made because they would not be well received.

We are going to have plenty of opportunities to tell the Soviet Union whether we have resolve. If our European and Asian allies will join us in boycotts concerning commercial aviation or concerning trade or concerning representation in terms of ambassadors and consulates, then we should act. But we should act with a multilateral front. I think we will have an action that can be taken in the area of defense, in the area of foreign policy, and the atrocity committed by the Soviet Union will affect those debates and will induce this Congress and this country to present a more unified and determined front in strengthening our defense and in resisting Communist aggression around the world. That is the action that is going to affect the Soviet Union. We join in this action today by passing this resolution.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Speaker, we in the House have an important and solemn duty before us now. I thank my distinguished colleague and good friend, the gentleman from Wisconsin (Mr. ZABLOCKI) for bringing this measure to the floor swiftly, so the House can register our collective revulsion and disgust over this barbarous act.

I am proud to be a cosponsor of this resolution which rightly uses the strongest possible condemnation for the inexcusable Soviet act of shooting down an unarmed civilian aircraft.

In the last 2 weeks we have heard much about this tragic and atrocious incident. The outcries and furor it has generated are more than justified. The downing of a commercial passenger aircraft is an act which civilized society cannot tolerate, not only is it barbaric and repulsive—it literally threatens civilized air travel as we know it. I fervently hope and state today, that as time passes on, and we get farther and farther away from the August 31 incident, we do not allow ourselves to forget this episode or the Soviet's reaction to it.

For in the aftermath of this incident, the Kremlin is revealing much of its dark side. The Soviets are continuing to offend the free world with lies and coverups. First it took Moscow days to even acknowledge that the plane was shot down, there has been little coverage of the human suffering—that 269 innocent people perished aboard the flight—in the Soviet press, and now the Soviets are blaming the whole incident on the West and even suggest that it could happen again.

We have been generous to the Soviets recently, by negotiating the grain agreement with them. For we know that the U.S.S.R. desperately needs to import grain, as their collectivized farming techniques are a disaster. I feel we would do well to at least reexamine that grain arrangement in the wake of the August 31 crime.

Mr. Speaker, I commend my colleagues on the Foreign Affairs Committee for their skillful work on this resolution. Of course, I wholeheartedly support this measure and urge all my colleagues to do so as well—the House must send Moscow a message that Americans do not approve of the murder of innocent people.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes, for debate purposes only, to the gentleman from Alabama (Mr. BEVILL).

(Mr. BEVILL asked and was given permission to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, the world has been presented with a horrifying and vivid example of the astonishingly low value which the Soviet Government places on human life.

The Soviet's callous and brazen act of shooting down an unarmed Korean Air Lines passenger plane, killing 269 innocent people from nations around the world, has removed any doubt as to whether or not we can trust the Communists. The sad truth is that the leaders of the Soviet Union cannot be trusted.

During the congressional recess I held more than 20 town meetings, in addition to office hours in my Cullman, Jasper, and Gadsden, Ala., district offices, at which I spoke with hundreds of constituents. To a person, they were outraged, dismayed, and

sickened by the brutal air attack which took the lives of innocent civilians, including our colleague Congressman Larry McDonald.

Larry's Georgia district borders mine, and we shared many common concerns. I shall miss his presence in this body. His life, along with those of the other 268 people on board flight 007, was cut short by the paranoia, the savagery, and the lack of compassion of the Soviet regime which fired the missile which struck down this jetliner.

This is the latest manifestation of Soviet aggression. Their vicious attack on Afghanistan continues to this day. Their intimidation of Soviet Jews goes on despite the protests of humanitarians around the world. And an unknown number of Soviet citizens are hidden away in Siberian camps, working as slaves because they dared to disagree with their oppressive government. And yet, at the same time, the Russians are meeting with our arms control negotiators in Switzerland, for the purported purpose of seeking an end to the arms race.

Do they honestly expect us to place blind faith in anything they agree to on paper when they have acted with such brazen disregard to the value of human life? And even more importantly, will we be so foolish as to place our trust in them? I sincerely hope not.

I share the feelings of bitterness, despair, and anger toward the Soviets, which has been so eloquently expressed by my constituents. The people I represent have voiced their deepest emotions in the wake of this tragedy. And they have spoken with resolve.

I strongly support the resolution before the House today to condemn the Soviet Union for their action in shooting down this airplane and their denial of responsibility.

The following measures, called for in this resolution, are justifiable and should be complied with by the Soviet Government:

The Soviets should immediately make a full explanation of the events leading to the attack;

They should make payment of reparations for relatives of the victims;

Soviet assistance should be forthcoming to aid in recovering the bodies of the victims;

There should be a thorough investigation of this matter conducted by the International Civil Aviation Organization;

And there should be an immediate change in Soviet air defense procedures to insure safety for all airliners.

All nations of the world should join us in this condemnation and put the Soviet Union on notice that no longer will their brutality be tolerated.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes, for debate purposes only, to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I would also like to congratulate the gentleman from Wisconsin (Mr. ZABLOCKI) and members of his committee for bringing this forward for a vote today, which I hope will be unanimous. I am sure it will.

I think that the first thing that we should do in discussing and thinking about something of this nature is to think about the nature of the beast that is on the other side of this picture. The nature of the beast here is a murderer and a liar and a thug. Now, you can dress them up, you can put them before a camera and you can have them sitting down and talking about peaceful means; but you must keep in mind that you are dealing with murderers, thugs, and crooks. In my part of the country, you desire to deal with those people in a way that we cannot deal with them today, but we certainly would deal with them in a way differently in many respects from what we are hearing.

We have to do what the President says. We all have ideas about what we should do and what we can do and what we could do, but I do not believe that we can go off someplace half-cocked and do something that we might regret in the future. I believe that one thing comes out of this that I have not seen in a long, long time, and that is that it has galvanized public opinion against the Soviets more than any one single incident since I have been a Member of Congress.

I was in my district of east Texas for the last 15 to 20 days, and that is all people are talking about. They are mad, they are furious, they want us to do something, and they want us to know that they stand behind what this Congress does 100 percent. I think that if we can galvanize that kind of public opinion against these thugs, murderers, and outlaws, something good could come out of this. Now, I do not believe that anyone who has reached the age of accountability can come before this Congress, and say that we do not have to have sufficient strength in order to combat what they have, because people who do what those people did, raises the question—what will the second time around bring to the American people?

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes, for debate purposes only, to the distinguished gentleman from Pennsylvania (Mr. WALKER).

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I rise in strong support of House Joint Resolution 353, a resolution condemning the Soviet criminal destruction of the Korean airliner.

I want to join my colleagues to express my outrage at the shooting down of an unarmed civilian airliner by Russian fighters. There is no doubt in my mind that this heinous act was nothing less than premeditated murder on the part of the Soviet Government. The tapes released by the National Security Agency conclusively prove the cold-blooded and barbarous nature of the attack. Soviet military command knew that such an aircraft posed no threat to the national security of the U.S.S.R. They were well aware of the frequent commercial airline routes in this area.

Despite the convincing evidence incriminating the Soviet Government, their leaders continue an attempt to confuse the issue. The chief of staff for the Soviet military misrepresented the facts surrounding the incident. The Soviet Foreign Minister—arrogantly and without compassion—pledged to repeat the same course of action under similar circumstances. This arrogant denial came after days of silence and lies about their role. In light of this behavior, the United States and the rest of the civilized world cannot accept such a government as a responsible member of the international community. They are outlaws—common criminals with little regard for life.

Mr. Speaker, I applaud the President's calculated and realistic response on the behalf of the United States. His call for appropriate sanctions, restitution for the victims families, and a full Soviet explanation and apology was the correct response. I am also pleased that the President chose to continue the important arms negotiations now in progress in Geneva. In no way does this diminish our outrage but instead reaffirms our resolve to prevent this occurance from happening again. The people of the United States will never forget this crime.

As a cosponsor, I urge my colleagues to support this resolution. It is vitally important that the Congress speak with one voice in condemning this crime.

Mr. WALKER. Mr. Speaker, over the last several weeks we have engaged in a number of important debates that have included discussions about our beliefs about Soviet intentions in the world.

This resolution says plainly that we now know what those intentions are. The incident which precipitated this resolution, the cold-blooded murder of 269 innocent people on Korean Air Lines flight 007, is the real face of the Soviet version of international responsibility.

That incident tells us much that should be considered in all of our future national debates.

When we are told that the Soviets want the same things we do in the

world, we should never forget that they ruthlessly murdered innocent people. When we are told that you can trust the Soviets, we should never forget how they lied without apology. When we are told that you can arrive at verifiable agreements with the Soviets, we should never forget that they would not even allow international cooperation in a search for the victims—a simple humanitarian act.

This resolution will mean nothing if we do not learn from the horrors it deplores. If we do learn, the resolution will deserve the unanimous support that I hope it receives.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute, for purposes of debate only, to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Speaker, I rise today, with colleagues from both sides of the aisle, to express my outrage over the act of incredible barbarism by the Soviet Union, which took the lives of 269 men, women, and children.

Through this appalling, provocative act by the Soviet Government, the world can see clearly the values of the Soviet leaders and no amount of lying by Foreign Minister Gromyko or General Ogarkov can change that.

What can change that, Mr. Speaker, what can reduce the tensions that have been created by this murderous act, is a full explanation by the Soviet Union, an apology to the world, an offer to make restitution to the relatives of the victims, and assurances that steps will be taken to keep something like this from ever happening again.

Failing that, Mr. Speaker, the repercussions of this tragic event, coupled with the repulsive, repugnant, unyielding statements the Soviets have made, will be felt for years to come.

I strongly support the resolution of condemnation which this House is about to consider. It cannot bring back the lives that were lost. But I hope that in combination with other actions by our Government and other nations of the world that it will cause the Soviets to realize that it is in their interest to reassess their policies, to atone for this catastrophe, and to abide in the future by a standard of human decency, held by the rest of the world, which says that an error in navigation by a commercial airliner is not punishable by death.

□ 1620

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. RINALDO) for purposes of debate only.

Mr. RINALDO. I thank the gentleman for yielding this time to me.

Mr. Speaker, the cruel act by the Soviet Union in ordering the murder of 269 innocent civilians was barbaric.

Using the most advanced weapons of war, such as a heat-seeking missile, to shoot down a fragile, defenseless passenger airliner is an act of a crazed system.

Mr. Speaker, three deaths among the victims of this act of aggression touched me personally.

One was our colleague, Larry McDonald, who knew perfectly well the Soviets were capable of committing such acts.

The second and third were Ray Petroski, a constituent and one of Dunellen, New Jersey's most popular citizens, and his good friend, Jim Bierne.

Ray was about as peaceful and decent a man as you could find.

He was a good neighbor.

People in my district loved and respected him for his kindness and good heart.

Decent men like Ray and Jim could hardly have imagined they would be the victims of an act of inhumanity that has stunned the world's conscience.

They would have been incredulous to hear the Soviet spokesman, Mr. Gromyko, announce to the world with no shame that his Government's atrocity was not wrong, but under the same circumstances they would do it again.

Obviously we must swiftly and unanimously pass this resolution condemning the Soviet Government for their fiendish act.

Let the President tell the Soviet Government that Congress and the American people want an explanation, an apology, and compensation for the victims' families.

Let the President tell them this will be the agenda in every forum everywhere Soviet delegates sit, until we have a satisfactory response to these demands.

And let the President tell the Soviets, in the memorable words of Adlai Stevenson, that we are prepared to wait for their answer "until hell freezes over."

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. FERRARO) for purposes of debate only.

Ms. FERRARO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the resolution.

In the 2 weeks since Korean Air Lines flight 007 was shot down, the Soviet actions has been described by newspapers, speakers, and millions of angered and disbelieving Americans in the strongest possible terms. "Outrageous, brutal, barbaric, murderous." All these are accurate, yet clearly they are not adequate to describe the horror and revulsion we feel at the shooting down of an unarmed commercial airliner carrying 269 innocent men, women, and children.

There are those who have called for strong retaliatory measures on our part. It has been suggested that we cancel the grain deal, break off strategic arms control talks, and discontinue cultural, scientific, and educational exchanges.

It is perfectly understandable reaction. The Soviet action in shooting the plane, and their attitude since, have violated every dictate of decency.

As the resolution before us states, the Soviets attack is "one of the most infamous and reprehensible acts in history." The Soviet pilots made inadequate efforts to warn a clearly marked commercial airliner it was off course. The Soviet Government lied repeatedly, both to their own people and to an outraged world community, about their actions. And they announced their intention to repeat their murderous act if another airliner should stray into Soviet airspace.

The total lack of remorse or guilt, the failure to offer apologies and compensation to the families of the victims, and the sheer arrogance of their attempt to blame the United States for their crime defies belief.

In constructing a response to the Soviet action, we must seek measures that will be effective. Frankly, it is unclear what would be accomplished by some of the harsher actions that have been suggested. Certainly they appeal to a natural wish we all feel for vengeance on those who commit despicable crimes.

But we have tried versions of these proposals before, with no success in altering the Soviets' behavior. Especially with respect to the idea of halting arms talks, the solution is dangerously unsuited to the problem. It is precisely because the Soviets are capable of such brutal and unpredictable acts that we must pursue arms control and arms reductions.

And none of these proposals will bring the 269 victims back.

There are some things we can and should do. Joining in worldwide condemnation of the shooting is critical, and can achieve some good results. The Soviets have finally admitted their actions, owing largely to the continuing pressure from the world community. The Europeans will view Soviet actions in the arms control area with greater skepticism than may have been the case, which could lead to more productive negotiations.

Furthermore, restrictions on Soviet travel to the West are an important sanction. One of the greatest pleasures available to the Russian people is the opportunity to travel outside the U.S.S.R., especially to the West. Denying that opportunity is a most effective means of communicating our revulsion at the Soviet Government's action.

Finally, we must join with other nations in putting pressure on the Soviets to force them to cooperate with an investigation by the International

Civil Aviation Organization into this tragedy. At the same time, we must demand that the Soviets modify their air defense procedures to assure the safe passage of commercial airliners. Basic regard for human life demands nothing less.

The shooting down of KAL 007 is a major international outrage, with global geopolitical consequences. But within the enormity of the total tragedy, there is the human story of 269 individual tragedies.

I am sure many of my colleagues have stories of people they knew, constituents perhaps, or friends, who were on flight 007. I would like to take just a moment to share with you one of the personal tragedies in this awful event that touched my life.

On board flight 007 was Dr. Michael Truppin and his wife Jan. Dr. Truppin was my doctor of 23 years. He delivered my three children. Jan was very much an active partner in his work.

Dr. Truppin was, simply, a marvelous human being. In an age in which the personal touch is too often lost, he retained the basic virtues of humanity and goodness. He cared for his patients with consummate medical skill, but more than that, he cared about his patients as people.

He was a leader, a pioneer, in the use of laser beam research and other advanced procedures to find a cure for cancer and sexually communicated diseases. But his greatest innovation was in having an office in which the foremost idea was to provide the best personal care for his patients. He was more than a doctor—he was a friend.

As I said, Jan was a full partner in developing the "total care" concept which guided the office. Her medical and personal management skills created a system in which Dr. Truppin could most efficiently and humanely serve his patients. As his partner, Dr. Rebecca Nachamie put it at a memorial service for Jan and Dr. Truppin, "They were two people married to the project of establishing the best facility for total care of the female patient."

In addition to his professional skill and energy, Dr. Truppin was a man of widespread and enthusiastic interests. He loved the ballet, and his passion for music and the arts was great.

Michael Truppin was only 57 years old when he met his death on flight 007. He had many productive years ahead of him, and the further contributions he would have made in those years will be missed by his friends, his profession, and his patients. How tragic that the Soviet pilot who shot down flight 007 did not consider the human dimension of his actions.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LUNGREN) for purposes of debate only.

Mr. LUNGREN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I, like many of the Members here, have just returned from my district. I had a number of town hall meetings, and obviously this was one of the No. 1 issues confronting me in those meetings. Although most of the people who attended those meetings supported the President's effort thus far, there were those who criticized use for not having a strong enough response and wanted us to do more.

I had to counsel them at that time, as many have stated in this Chamber, that we have to deal with the world as it is and we must deal with the Soviet Union. We cannot isolate ourselves from relationships totally with the Soviet Union.

Nonetheless, we have to be aware of the intentions of the Soviet Union, and we have to be aware of the value system that has produced the leaders who reign in the Kremlin at the present time. On that point, Mr. Speaker, I think I would be remiss if I did not put this in the context of debates we have had here on this floor in recent memory where we have discussed what the proper relationship between the United States and the Soviet Union ought to be in accordance with our negotiating stance.

I would just suggest that when we were dealing with the issue, and I have been confronted with this in my district on many occasions, of support of a nuclear freeze, there was always emphasis on an immediate and verifiable freeze. I would just suggest that we ought to look very closely at the question of the possibility of verification agreed to by a government which will not even allow us to verify the findings they have made with respect to a commercial airliner that they shot down, a government that has refused to even allow us to assist, No. 1, in a rescue mission, and No. 2, in the recovery of the bodies of those people after rescue became an impossibility.

Oftentimes as we have discussed this issue in my own district, I have had to tell many of those who advocated the freeze position that I do not believe that the people of the Soviet Union want war any more than we do, but we are not dealing with the average Soviet citizen, we are dealing with their leadership, and we have to deal with them in reality.

Mr. ZABLOCKI. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. BENNETT) for purposes of debate only.

Mr. BENNETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I congratulate the committee on bringing this resolution out. It is certainly a sad thing to contemplate the depravity of a nation through its leaders, such as Russia, that has done this dastardly act, this murderous act.

I have several reactions to it. One of them is one that has just been expressed by the speaker just before me that puts in question whether or not verification is possible with a nation of this nature that does not live by the ordinary mores of humankind and considers murder of innocent people to be something that is just something to be accepted and is inevitable from time to time.

It really makes one sit up and look at the situation as it is internationally when one sees something like that occurring.

Another thing that goes through my mind is the trigger-happy attitude of a schizophrenic country that has so little confidence in its own ability and its own character and its own leadership. It makes me wonder how we are going to plan our national defense, as a member of the Committee on Armed Services, to see to it that we have a structure which will preserve peace in the world, because if we have a nation which is as trigger happy as they are, it means that we have to take extra precaution.

Mr. Speaker, I deplore the acts that occurred. I urge the passage of this resolution and urge that it bring to us whatever knowledge it can as to how we should conduct ourselves in the future.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. I thank the gentleman for yielding this time to me.

I rise in support of this resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

This outrageous and inexcusable action has rightly been denounced by all Americans.

This resolution is the least Congress can do in response to this heinous repudiation of internationally recognized procedures for warning aircraft.

I commend the actions taken by the President thus far in response to this Soviet crime against the innocent. Furthermore, I approve of the President's decision not to abrogate the recently approved grain agreement with the Soviet Union.

As much as I believe the Soviets deserve harsh and swift punishment for their action, stopping the grain deal will not hurt them but will hurt the United States. Aeroflot is now barred from overflying Britain, and that hurts the Russians far more than any grain embargo, and the administration is trying to get our other allies to do the same. World opinion continues to rise against the Russians.

I recall how the last grain sales embargo cost U.S. farmers dearly and merely forced the Soviets to turn to other suppliers. The U.S. share of

Soviet imports dropped from 70 to 23 percent and resulted in an estimated loss of $11.4 billion in overall national input, 311,000 jobs, and $3.1 billion in personal income.

More important than the immediate effects of the previous embargo are the lingering shifts in world trade that have helped cause our current grain surpluses and massive farm programs.

Canada doubled its grain exports to the Soviet Union. Australia tripled theirs as did the Common Market countries of Europe. Another competitor, Argentina, quadrupled its grain exports to the U.S.S.R. Not only did they increase their exports to fill the void we left, but they increased their production rate so that they could hold on to their new market share.

Many of my distinguished colleagues have called on the adminstration to impose trade restrictions in retaliation for their despicable action in shooting down the Korean airliner. In rejecting such moves, senior administration officials have stated that the best way to change Soviet behavior is through economic, military, and Western alliance strength. Trade restrictions and embargoes only serve to weaken the imposing country's economy and thus the alliance.

This resolution adequately describes the barbarous nature of the Soviet action and shows the Soviet regime's true colors. The resolution calls for a full and frank explanation from the Soviets for this brutal massacre, and extends the sympathies of the United States to all the families of those who perished on the ill-fated flight and supports their rights to obtain reparations from the Soviets.

I wholeheartedly support this resolution and regret only that stronger action is not within our means at this time.

□ 1630

Mr. BLILEY. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, the bright glare of daylight often exposes something that was hidden in murky darkness. The explosion of Korean Air Lines flight 007 as it was hit by two Russian missiles has cast a light so fierce that even the magicians of propaganda and disinformation in the Kremlin cannot shut it out.

Murder it was and murder it will always be. How can I, or any of us here in this body, speak of murder. We are not murderers, we have no history or experience of barbarism and criminal murder in our Government. This is sadly not the case with the Government of the Soviet Union and its empire of slavery. The Soviet Government has engaged in before, is engaged in it now, and will be engaged in it tomorrow. The reason that so many people are surprised and suddenly awakening to the nature of the Soviet Union is that this time they did it to us. This time they murdered Americans. They murdered citizens of 13 different nations in one huge ball of flame at 35,000 feet. This time the Soviet Union carried its standard operating procedure beyond the cloak of the Iron Curtain and now they cannot hide the truth from the world that they have so long and so successfully deceived in the past.

The gunning down of our colleague Larry McDonald and 268 other innocent citizens on September 1, 1983, is not an isolated case of wholesale murder, atrocity, and barbarism. Look at the Russian revolution and the civil war that followed it—wholesale murder, atrocity, and barbarism. Look at Stalin's forced collectivization of the farmers in the early 1930's—wholesale murder, atrocity, and barbarism that killed up to 10 million people. Look at the Soviet annexation of Latvia, Lithuania, Estonia, and Byelorussia after Stalin's treaty with Hitler in 1939 and the Soviet occupation of Germany, Hungary, Poland, Czechoslovakia, Bulgaria, and Romania after World War II—wholesame murder, atrocity, and barbarism. Look at Hungary in 1956—wholesale murder, atrocity, and barbarism. Look at Afghanistan today, as we stand here—wholesale murder, atrocity, and barbarism.

As I said, the only difference this time was that they did it to us. They did it in the open. They did it where they could never hide it or claim that it did not happen. People in the West are shocked, outraged, and surprised. I, too, am shocked to my very core. I, too, am outraged to my very core. I am not surprised. This is exactly what our late colleague from Georgia tried to tell us while he lived. Now he is dead. He is dead at the hands of the very government that he tried to expose. How ironic it is that so many people only see the truth because the Soviet Union killed him and 268 other men, women, and children.

This act of the Soviet Union is truly one of the most heinous and despicable acts of terrorism and criminal behavior ever carried out by a government. If this is the Soviet concept of how to act during peacetime, can their humanity and their adherence to human values be trusted when they give their word to the rest of the world? I believe that these murders point out clearer than any rhetoric or warning ever could that we cannot accept anything less than full and complete verifiability in any agreement that we ever make with the Soviet Union. Many people tell us that we should engage the Soviets in talks and treaties that affect their interests as much as ours. Well, I can think of few things that could be of as much mutual importance and sacredness as the inviolability of civilians and the right of people to fly the airways of the Earth without a fear of being blown out of the sky and deliberately murdered because their plane was off course.

My friends, there is no excuse for this action. There can never be any excuse for murder. I am grieved as I know that we all are grieved. I support this resolution. I feel that the strongest possible measures must be taken by the entire world to make the Soviet Union truly understand the importance of what they have done. No action less than an international tribunal that judged the Soviet Government on this crime against humanity can be too strong. I only hope that the fire in the sky that consumed the lives of 269 people, one of whom was only 8 months old, will remain etched in our minds and will force our eyes to remain open so that we will never again forget.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I commend the chairman for this resolution.

Over 60 Americans, including a Congressman, and children, most under 4, were killed by the Soviet Government. Our response has been almost exclusively rhetorical: "Short of going to war, what would they have us do," was the President's challenge to his critics. This line implies we should do nothing. To the extent that the President's rhetoric and our country's action are so divergent, the Soviet aggression only serves to undermine our credibility as a nation.

On September 1, 1983, the leaders of the U.S. ferroalloy industry sent a telegram to the President deploring the importation to the United States of Soviet-supplied ferrosilicon. This shipment of 5,365 tons of 50 percent ferrosilicon to New Orleans represents the beginning of a planned market penetration of 50,000 tons of ferroalloys to the United States in the next 2½ years. The Soviet shipment had a declared value of 13.6 cents per pound plus 2 cents tariff. The market for 50 percent ferrosilicon is currently between 36 and 41 cents per pound.

The U.S. ferroalloy industry has been hard hit by subsidized imports in recent years. The industry filed a 232 petition in August 1981 to have the President determine whether our national security is being threatened by the import of ferroalloys. The President has made no determination as yet. In the meantime, the ferroalloy industry remains in a depressed state. That is particularly harmful to Ohio which has about 40 percent of the U.S. capacity to produce ferroalloys containing chromium, manganese, and silicon.

The President can show our country's resolve by banning the further import of Soviet-produced ferroalloys and other products. This would not hurt our own country—"shooting ourself in the foot" as he puts it. Instead, it would help to keep our own people employed and send a sharp message to the Soviet Union. It would also remove a potential threat to our national security: we should not become dependent on the Soviets for a strategically critical material. We should call on the President to ban shipment of ferroalloy.

The United States can take steps to deny the Soviets a market for luxury items such as furs, vodka, and caviar. These seem trivial, but they do supply the Soviets with critically needed hard currency. The Governor of Ohio took forthright steps to stop the sale of Soviet vodka in our State. The President should follow his example and take the kind of steps that demonstrate our rhetoric and our resolve are in harmony. Otherwise we risk becoming a paper tiger.

So let us hit the Soviets where it hurts—let us ban certain Soviet products especially ferroalloys which are so important to our national security. We urge the President to support the 232 petitions—help our own workers, affect the Soviet economy, and protect our national security.

Mr. MILLER of Ohio. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I yield to my colleague, the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I commend the chairman of the Foreign Affairs Committee for bringing forth House Joint Resolution 353 condemning the Soviet criminal destruction of the Korean civilian airliner.

This infamous and tragic incident presents us with a striking example of the Soviet Union and tells us much about Soviet behavior, its system, its view of the world, and of itself. We would be making a serious mistake if we and our allies failed to back up strong words with firm action.

I believe that one of the best ways to take strong action is to stop importing Soviet ferrosilicon. I was shocked to learn that in August the Soviet Union exported 5,365 tons of 50 percent ferrosilicon to the United States. This represented the first such shipment in 9 years. Our own ferroalloy industry is in a state of decline as a result of ferroalloy imports from several producing countries. Moreover, ferroalloys are essential ingredients in the making of high-temperature, corrosion-resistant steels which are in turn used in many defense-related products. It is deplorable that we are hurting our own domestic makers of ferrosilicon and our own national defense by importing this Russian product.

The President has at his hands a method to retaliate against the Russians and at the same time help our own ferroalloy industry. The method to which I refer is a ban on the import of ferrosilicon and favorable decision by the President of the section 232 ferroalloy trade petition that is now before the administration. The ferroalloy industry filed this petition for import relief with the Commerce Department in 1981, but the final determination is pending before the President. A favorable decision would prevent ferroalloy imports from unfairly competing with our domestic industry, and, more importantly, stop the Russians from exporting ferrosilicon to the United States.

The United States must act now to prove that our words of denunciation are not hollow. Stopping imports of Soviet ferrosilicon would be an example of this Nation's resolve to deal firmly with the Russians. I, therefore, urge the President to act favorably on the section 232 ferroalloy trade case before him, and halt the import of Russian ferrosilicon.

Ms. OAKAR. I would just like to say that again we really have an opportunity to do something that is in our own national defense, in our own security interests, and that is banning the Soviet import of ferroalloy that has been dumping in our own industry and supporting the 232 petition which the President has not yet made a determination for.

We hope that he will do what is in the best interests of our national security and show the Soviet Union a lesson and ban this product.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I rise in strong support of the resolution and congratulate my friend from Wisconsin, the distinguished leader of the Foreign Affairs Committee, as well as my friend from Michigan.

This resolution expressing our condemnation is appropriate, prudent, and responsible. I say many of the things that are in the hearts and minds—not only of the Members of Congress—but the people that we represent all over this country.

And I want to take a moment to commend our outstanding Ambassador to the United Nations, Jeane Kirkpatrick for her brillant address and firm presentation at New York, I just wish more of our friends at the United Nations had spoken out against this atrocity.

I must say, Mr. Speaker, I also want to commend the gentleman from Michigan (Mr. BROOMFIELD) for his statement pointing out that the President has been equally prudent and responsible and forthright and candid in trying to galvanize international support for the sanctions he has imposed. That effort is critical, because this atrocity is not a matter of the Soviet Union versus the United States, it is the Soviet Union versus the world community, as the gentleman from Michigan rightly pointed out.

In support of the President, I just want to say that I appreciate the fact that he has been nonbellicose, he has been prudent and responsible and measured in his response. I agree with the gentleman from Michigan, we ought to take it a step further, in light of the assertions of Soviet Foreign Minister Andre Gromyko that the Soviet Union reserves the right to continue to attack innocent civilian aircraft. It is unacceptable that Secretary of State Shultz' remarks and reasoned requests at Madrid should be met by such disdain. The gentleman from Michigan suggested that it would be a good idea if the Congress and the administration somehow could lend further evidence of our deploring the Soviet conduct and their behavior in this atrocity and in many other areas by expelling or declaring persona non grata at least one KGB agent in the United States for each of the 269 people who were killed on that flight, one of which incidentally, was an American-Korean by the name of Dr. Park, and his family from Roswell Park Institute in Buffalo, N.Y., one of the great cancer research institutes in this country. We lost a distinguished colleague, Larry McDonald, from Georgia. And there were other victims, some Americans, some Japanese, Korean-Americans, Koreans. And I think the gentleman from Michigan has made exactly a point that I wanted to make: Why allow the Soviet Union to achieve the propaganda and intelligence goals that they are pursuing by tolerating more agents in the United States than any other country would be willing to allow.

Egypt, France, Sweden, and other countries have declared persona non grata to many of these Soviet agents. In fact, the worst thing you can do to a Russian is make him live in Soviet Russia. I cannot think of a better more direct response than to expell an appropriate number of Soviet personnel now in this country for purposes of intelligence activities.

But, I am not trying to engage in one-upmanship. I really do not think that we ought to, as Meg Greenfield pointed out in the morning Post, simply speak from a position of outrage alone. We have to recognize that the Soviet Union is here, as Meg Greenfield says, "like Mount Everest, their features are not exactly a mystery." We all knew what they were like when they invaded Afghanistan, and when they have sent Cuban surrogates around Africa and Central America,

the squeeze on Poland, the treatment of human rights in the Soviet Union. "We have to grow up and confront them—as they are."

We are united in our grief over the loss of our colleague Larry McDonald and the other 268 passengers aboard flight 007; and it is altogether fitting and proper that we should express our moral outrage in a resolution of condemnation of the Soviet Government for this reprehensible act.

But we would dishonor, rather than honor, the memory of those who died aboard the Korean airliner if we allowed our response to stop there.

President Reagan has called upon the Soviet Union to provide a full and truthful accounting of its attack on the civilian airliner. He has demanded restitution for the families of the victims. He has suspended U.S. flights to the Soviet Union. He has closed down Aeroflot operations in the United States. He has called upon our allies for support in these measures. He has requested the International Civil Aviation Organization to conduct an investigation.

I believe that we in Congress must share responsibility with the President to insure that the 269 civilians aboard KAL 007 have not died in vain.

I wonder if the free world does not bear some of the responsibility for the deaths of 269 civilians by our collective failure to react to the Soviets' 1978 attack. I am convinced that a resolution of disapproval, standing alone, will not influence future Soviet behavior one whit.

I was in the Soviet Union over the Fourth of July recess this year, where I had occasion to meet with a number of Soviet officials. In light of the upcoming Madrid Conference, I was most anxious to raise a number of human rights issues. Imagine my astonishment at one Soviet official who dismissed my concerns about Sakharov and Shcharansky and Ida Nudel and others with the comment, "Let's not confuse the flies with the soup. We know you Congressmen have to say these things for public opinion purposes, so let's just put that aside and get to real issues of mutual concern." The "flies" of which he spoke are the individual victims of Soviet violations of human rights. The people aboard KAL 007 now number in their ranks.

It is about time that the Soviets come to understand that our respect for the sanctity of human life is real; that our belief in the rights of the individual is abiding; and that our insistence upon the observance of the precepts of international law is a guiding principle in our relations with all nations.

I believe that we should be doing more to impress the Soviets with the depth of our outrage, to let them know beyond a doubt that they cannot continue to commit atrocities with impunity. I wrote to President Reagan, urging a thorough review of our bilateral relations with the Soviets. I suggested that he recall Ambassador Hartman for consultations. I believe that the Soviets should see an immediate linkage between our perception of their disregard for the most elementary considerations of humanity and our willingness to presume that they enter negotiations on arms control and human rights with honorable intentions.

I believe that the onus is equally on us, the Members of Congress, to perceive the linkage between this terrible and vivid glimpse at the nature of the Soviet regime, and the strength of purpose and policy demanded of the United States as leader of the free world.

Respect for the opinion of mankind is alien to the Soviet leadership. Their entire foreign policy is based on its antithesis—a policy of intimidation. This is the purpose of the Soviets enormous, unprecedented military buildup of the last two decades. Intimidation is the purpose of Soviet power projection in Syria, in Central America, in Africa, in Southeast Asia. Intimidation is the purpose behind the deployment of the SS-20's targeted on Western Europe and Japan. Intimidation is the purpose behind Soviet routine incursions into Japanese and Turkish airspace—the most recent of which occurred yesterday, carried out by the very airwing that carried out the inhumane attack on the Korean airliner. And intimidation will be the fruits of that attack, if the free world in general, and this Congress in particular, fails to respond.

I believe that we must respond to Soviet cruelty in the air by moving against ongoing Soviet cruelty on the ground. Soviet aggression in Afghanistan, Soviet sponsorship of international terror, Soviet aggression through surrogates such as Cuba and Syria and Libya and Nicaragua and Vietnam and Angola, must not go unanswered. We in Congress will be called upon in the months to come to make decisions on vital foreign policy questions that will determine the prospects for the growth of freedom in the world—or its demise. Let us not forget our present consciousness of the reality of the Soviet regime when these vital questions come before us.

□ 1640

If we really want to match the rhetoric with results I think we should support the President in foreign policy areas from Central America to the Middle East.

Who is to benefit other than the Soviet Union if the United States were to leave a vacuum in Lebanon? I am reminded of HENRY JACKSON'S words, and God bless him for his great career and his great contribution to this country and his understanding of the Soviet empire, who said that the Soviets are like burglars in a hotel corridor looking for open doors.

The greatest response that the Congress can make to this is not simply to condemn or to express outrage, it is to support modernization programs for our conventional and strategic armament programs; to negotiate with the Soviet Union at the START talks, from strength and not weakness; to call the Soviets to task for arms control violations; and to respond to the violation of human rights with something more than just rhetoric.

There are many other things we can do, but the Congress now I think is going to be a partner and, if they really want to match their rhetoric with results, then we ought to start supporting the President in his strong foreign policy against the Soviet Union.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes, for debate purposes only, to the gentleman from Louisiana, (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I, too, want to commend the distinguished gentleman from Wisconsin, the chairman of the Foreign Affairs Committee, for bringing this resolution to the floor in such a timely manner.

The more we learn as time has gone by, the more we can begin to understand some of why this happened. It now seems that a simple computer input error in flight KAL 007 most likely caused this flight to deviate off course. We know that the Russians tracked the plane for over 2 hours. We know that the plane was only 90 seconds from getting out of Russian airspace back into international air space when the Russians shot it down.

We know that a series of errors were made apparently on both sides. It seems now that the execution order probably came from the Far East and not from Moscow, as a result of the experience that the Russian Army hierarchy encountered in 1978.

But, Mr. Speaker, we all know that regardless of the errors that were made on both sides, it is just inexcusable that a civilian airliner would be downed.

Mr. Speaker, a few days later when Mr. Gromyko made the statement that if it happens again we will do it again, should signal to the entire free world, as the gentleman from New York just pointed out, that it is going to be absolutely necessary that the free world deal with the Russians from a position of strength.

Mr. Speaker, in closing let me say I was disappointed that President Reagan met with the Premier of Zimbabwe yesterday and Zimbabwe failed to support the United States in the Security Council resolution on this subject this week.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GEKAS) for debate only.

Mr. GEKAS. Mr. Speaker, the exercise in which we are engaged in this moment is valuable for two purposes, as I see it.

One, to properly reflect, as all of us have, the outrage expressly by our constituents at home who, as true American citizens, are revolted, repulsed, sad, and tragically affected by the events over the Sea of Japan.

But the second and even more valid purpose for this exercise is that we are about the duty of recording this in the annals of the CONGRESSIONAL RECORD to remain in American history for time immemorial. That is an excellent thing for us to do.

Why? Because as historians look back and read the various accounts of what happened over the Sea of Japan they will be able to conclude that with one tragic explosion caused by the Soviet Union there was also exploded for the first time in this century the illumination of the stark contrast between the free world on one hand and the Soviet system on the other.

All of us as American citizens have always known that difference. We know how the free world operates in an open society, with freedoms that were calculated by our forefathers as being the very necessity of life. We have all known that and we could not understand over this generation why other people in the world could not see it and why they would even apologize at any time, even American citizens, for actions of the Soviet Union in the various world affairs that have emanated since World War II.

But now, with that tragic blast out of the sky of our fellow Americans and hundreds of other citizens of the world, for the first time we can say to the world and the world can see and the historians will judge that this free world system of which we are such a vital part is the better way to live, and all those who have to make judgments in the future in international tables and international discussions and debate should know right from wrong and should know which society is in reality the one to nurture; namely, the free world.

I personally have recorded into the CONGRESSIONAL RECORD the names of the victims of that tragedy. They will join in the annals of this event for the historians to see as the victims who through their lives, their blood, have helped in a tragic way to delineate the difference between the free world and the Soviet Union.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FIELDS).

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. ALBOSTA) for purposes of debate only.

Mr. ALBOSTA. Mr. Speaker, I want to commend the chairman and the committee for this resolution.

The downing of the Korean airliner by the Soviet Union was truly a tragic and inhuman act. This barbaric act committed by the Soviet Union has no justifiable explanation and I am outraged at what took place on the morning of September 1. Once again the leaders of the Soviet Union have demonstrated how they value a human life.

Over the years the relationship between the United States and the Soviet Union has had many lows. This most recent event must be considered as a severe blow to any progress these two countries have made in recent years. It is difficult to perceive from a rational point of view, what the Soviet Union was trying to achieve through this terrible act. This is not just a single act committed by this country but too often represents their overall philosophy concerning world affairs and their threat to world peace and stability. The United States and the rest of the international community must respond firmly and in a manner which will demonstrate its strong feelings.

House Joint Resolution 353 condemns the Soviet crime of destroying Korean Air Lines flight 007 murdering the 269 innocent people on board. More than that, this resolution extends the deepest sympathies to the victims' families and friends, while requesting the international authorities to fully investigate this tragedy and develop procedures to prevent a recurrence of such an act.

We in the Congress have the responsibility to the people of this country and to the world to demand a Soviet apology and urge our fellow allies to pressure the Soviet Union for a truthful explanation. I strongly support House Joint Resolution 353 and would hope my fellow colleagues from both sides of the aisle would join in this effort.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA) for debate only.

Mr. REGULA. Mr. Speaker, there is no question that the Soviet action in shooting down a civilian jetliner is reprehensible, barbaric, and completely beyond the scope of any response to a violation of Soviet airspace.

My colleagues today have eloquently described the tragedy of this action. I would like to make special note of some other features. It is refreshing to recognize that for once we have the strong support of our allies in contrast to the usual indifference to our efforts in problems of this type.

For example, it is my understanding that the United Kingdom has prohibited overflights of Soviet aircraft, thereby adding approximately 1,000 miles to the Soviet-Cuban lifeline. This type of response is very encouraging. It is appropriate and it is effective.

I believe it is especially important that Congress recognize the enormously constructive and courageous role played by the Government of Japan in revealing to the world the extent of Soviet treachery and deception with regard to flight 007. At great risk to their national security Japan released the tape recordings of the Soviet pilot who destroyed the Korean passenger plane.

As a direct result of this release the Soviets have already made changes in their communications systems which now limit substantially the ability of the Japanese to monitor Soviet transmissions. This will entail a dedicated effort by the Japanese Government to regain pre-007 capability. I have total confidence in its ability to do so.

□ 1650

Japan has responded and contributed with complete openness to the investigation of this incident. The Japanese have been forerunners, at substantial security risk, in imposing strict sanctions against Soviet flights as a result of the Korean incident. All navigation of Soviet aircraft within Japan and Japanese aircraft within the Soviet Union has been suspended for 2 weeks. Additionally, all Japanese Government officials are indefinitely prohibited from flying on any Soviet aircraft.

The Japanese Government has been a leader in providing search and rescue missions. I and others here have frequently voiced strong objections to the limited defense contributions of the Japanese. I think in fairness it is important that the role of Japan in this present crisis must similarly be recognized as a major contribution in refuting Soviet lies and in ascertaining the facts. I applaud the courage of the Japanese Government and its leaders in dealing with this tragic event.

Japan joined the fellowship of free world countries in revealing the true nature of this incident to the world. Their contribution should be fully recognized and appreciated. The free world is indebted to the Government of Japan for the decisive actions in the name of humanity.

We are indebted to our allies for taking strong actions as in the case of Japan and the United Kingdom, in joining us and in bringing to the world's attention the character of this action and the enormity of the crime by humanitarian standards committed by the Soviets.

Mr. ZABLOCKI. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MICA), for debate purposes only.

Mr. MICA. Mr. Speaker, the cold-blooded downing of the Korean jetliner defies language. Each of us have searched for adjectives to describe this act but we are silenced, really, by its inhumanity. We mourn the loss of our own citizens. Certainly we mourn the loss of our colleague and the loss of all 269 involved in this horrible, devastating incident.

We grieve, and then we act.

The heartless devastation cannot go unanswered. But how do we respond to brutality? The integrity of the American people, I think, demands a response that is conceived out of strength and thoughtfulness, not vindictive, not a gut reaction, but we must join with all civilized people of this world in condemning the outrage and in seeking effective and appropriate reprisals.

As a nation we have learned all too often with harsh experience that unilateral action in an international context all too often is ineffective.

Our answer to the Soviet Union should be part of a collective response conceived with our allies and all civilized nations. Only in unison can we ostracize the Soviet Union as a real enemy of human rights and world progress. Only in unison do I feel that we can make them feel the consequences of their own ugly actions.

Today we will resolve to condemn the Soviet Union but tomorrow and many consecutive days we must impress on the Soviet leaders the folly of their leadership in this action.

It is my belief that economic and political sanctions against Russia will have a strong impact. I urge our President and Members of this body to work with other governmental entities to determine which sanctions we can participate in a collective effort.

We have no desire to bring this world closer to war and we do have every desire to prevent another act of inhumanity.

So I would urge this body to take several actions at a very minimum. First, we are going to vote out this joint resolution and I commend the chairman of the Committee on Foreign Affairs for his action in this regard.

Second, we should support NATO and every international organization in their efforts to support agreements to bring sanctions on the Soviet Union.

Third, I think the Foreign Affairs Committee should try to ferret out Soviet imports for action as well as exports that we, in unison with our allies, can come together and apply real pressure.

I also think we should make it a priority at every international meeting on the face of this globe to raise this issue and to get the Soviets to acknowledge appropriate responsibility for these deaths and to, at least, at the very minimum assure, as they will not do now, that this will not happen again.

Finally, I would say that we should offer every bit of assistance possible to private organizations that are attempting to set forth sanctions such as the airline pilots' boycott, in this incident.

It is clear that we cannot waiver. The Soviets must be reminded of our disapproval. But we must not edge over the limit of reasoning, rational approach in responding to an international incident.

Too many people, I think, depend on the stability and strength of the United States and this will be a demonstration of our national character.

We are a great nation but our true strength lies in our dignity, in our national soul and that is really what separates us from the Soviet Union.

Mr. ZABLOCKI. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. PEPPER) for debate purposes only.

Mr. PEPPER. Mr. Speaker, when President Roosevelt appeared before the joint session of the Congress and asked for a declaration of war against the Imperial Japanese Government, he described the Japanese attack upon Pearl Harbor on December 7, 1941, as a day of infamy.

Surely the Soviet Union has made the day of August 31, 1983, a day of infamy to be recorded in the annals of history, by destroying heartlessly, without a single semblance of awareness of any spiritual concern, without any evidence of compassion, slaying cruelly, coldly, murderously, 269 people, this deed of infamy will be recorded forever in the annals of time.

Winston Churchill described the Soviet Union, I believe, as something like a riddle within a mystery wrapped in an enigma.

It is extremely difficult to comprehend that a people great in so many ways, who have accomplished many laudable exploits, even in our time, should be so utterly void of humanitarian sentiments or compassion in their heart.

I have read very carefully the newspaper accounts that have appeared about the conversations between the ground control and the pilot who intercepted and eventually shot down that Korean aircraft. They never on a single occasion, never in any respect at all, indicated any awareness or any concern about what might be the nature of what they called the target, the subject that they were concerned about.

And the pilot who shot the missile which downed the airplane and sent those 269 people hurtling down to their death within a period of a few minutes, only said, after he had fired the fatal shot, "The target is destroyed."

□ 1700

Others have described those 269 men, women, and children as being "snuggled up in their blue blankets," on that plane which was coursing through the night toward its destination, probably most of them slumbering. All of a sudden there was a crash, a loud noise. I have tried to imagine what happened on that plane. Evidently its controls were lost as a result of the missile. The plane began therefore a long, large circle, downward and finally, when it got about 2,000 feet from the surface of the water, it plummented down. I imagine it took 5 to 8 minutes. What must have been the pandemonium, the tragedies, the heartaches, the screams of those men, women, and children, all of a sudden shaken from complacency into the very jaws of death.

And all the pilot who killed them said was, "The target is destroyed."

They knew it was a passenger plane. The pilot, in the notices that we have seen, came up alongside the plane, within a relatively short distance of it, and he said, "I have to move back in order to fire the missile. I am a little bit ahead of it."

He could tell from the contour of the plane, twice as big as our reconnaissance plane that had been there, that it was a passenger plane. They knew that very well.

But when Gromyko told our Secretary of State, "Yes, we did it and we will do it again if a plane comes into our air place." No compassion, no concern.

What do you do? How do you deal? I guess when a rattlesnake bites a child, it has no concern or compassion because it has no conscience. How do you deal?

How do you deal with a human being devoid of a human conscience?

I, therefore, Mr. Speaker, recommend two things in addition to the excellent provisions of this resolution. First, let us try to get the world community of aviation to reject the Soviet Union from any participation in international civil aviation unless they commit themselves, first, to make an apology for what they have done, and second, in the future to abide by the humanitarian regulations of the international air community.

Second, let us demand reparations be paid to the families of the deceased by the Soviet Union, and if necessary, let us find a way to enforce our demands that those reparations be paid.

At least let us demand those two things, besides the strong denunciation that has come from this country and from the decent countries of the world. I hope some day Providence may change the Russian Government

into a government with a conscience and a character.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH), for purposes of debate only.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, on September 1, I sat for some time with 17-year-old Robert Kohn, entering his senior year at Lower Merion High School. Suddenly, he had no parents. His parents, Mr. and Mrs. Allen Kohn, of 637 Harvard Road, Bala Cynwyd, Pa., had been aboard Korean Air Lines flight 007.

More recently, I have been trying to obtain information on social security death benefits for Mrs. Aiden Lombard, of Hatboro, Pa., now a widow with four children. Her husband was another victim of Soviet brutality together with his brother who is survived by his wife and two children.

The resolution before us can never adequately address their losses or their grief. Nor can anything that Congress or the Nation does.

The downing of this unarmed, defenseless civilian airliner was an act of barbarity, whether a calculated Soviet policy or the isolated act of an individual commander. Americans of all political persuasions and people throughout the world continue to express indignation over this wanton and callous act. As the lies continue to flow out of Moscow it becomes apparent that the Soviet military commanders intentionally were responsible for the massacre of 269 innocent civilians. These revelations clearly illustrate a number of terrible truths about the Soviet Government and its system. Perhaps the most terrible truth is that the Soviet leaders do not share, nor do they care for, the basic human values that distinguish a civilized society.

Mr. Speaker, I hope the deaths of those aboard flight 007 will not be lost on the American people or the Congress and that this dastardly act will serve as a constant reminder of the true nature of the Soviet regime.

Mr. ROTH. Mr. Speaker, I rise in support of this resolution. We have often denounced the Soviets. The Berlin Wall, Afghanistan, Czechoslovakia, Hungary, all loud denunciations. And what has come of it? Nothing!

This resolution is important. It is going to assuage our consciences, and it will send a message, however, weak. If we are candid and frank with ourselves, we will admit that not much else is going to come from it.

The stark facts are that the Soviets are getting stronger and stronger every day. And as the Soviets get stronger, they are going to be more belligerent.

We are not going to have fewer 007 flight incidents, we are going to see more. Weakness in the face of a bully promotes aggression. All history tells us that.

I hope this debate today does not come under the heading of "How quickly we forget."

I commend the chairman of our committee and the ranking minority member for introducing this resolution. But we cannot mesmerize ourselves into believing that something will come of this resolution. We are going to have more instances like this.

I ask the Members of this body, if you were an adviser to Andropov, would you today advise him that we have more to fear or less to fear from the West, from the reaction of the West? It is like finding a murderer on the street here in Washington, D.C. And everyone would tell him, "We don't like what you have done. It is reprehensible conduct." But we will let him walk out the front door. Would he be deterred from murder the next time? I do not think so.

I think that is what we have to address today. We in this Congress, have to do more than just pass a resolution, because a resolution is not going to be enough for this heinous conduct.

I believe that it is important for the United States to demonstrate to the Soviet Union that Congress will not forget the brutal, inhuman, destruction of South Korean flight 007. If anyone has any doubt of the meaning of this incident, think for a moment what it must have been like for our colleague and the other 268 men, women, and children aboard that plane after the first Soviet missile hit the aircraft. It did not explode instantaneously in the air but remained aloft for several minutes. Imagine the terror and the anguish of those on board and the death that was immediately in store for them in the icy waters below.

Many have asked today, What can the United States do? There is much that we can do. First, it means expeditious consideration and passage of the defense authorization bill. Second, it means vigorous oversight of arms control negotiations to insure that any agreement contains adequate safeguards, and is fully verifiable, in order to protect our national security. Third, we must enact provisions to the Export Administration Act which preserve flexibility for the President in the conduct of foreign policy and contains adequate safeguards to prevent the diversion of advanced and strategic technologies to the Soviet Union.

Mr. Chairman, last summer the House Committee on Foreign Affairs approved a series of amendments to the Export Administration Act. Many of these amendments greatly improve the operation of that act but there are others which go in the opposite direction. They eliminate export licensing for U.S. shipments to Western Europe and Japan. They eliminate export controls on strategic goods and technology on which the United States maintains unilateral controls.

The amendments impose unreasonable negotiating deadlines—6 months—in which the President must negotiate the elimination of foreign availability of controlled exports. Amendments to the Export Administration Act, pending before the House, also strip away the President's authority to apply U.S. export controls to foreign subsidiaries and affiliates of U.S. companies.

Mr. Chairman, these provisions must be changed. I cannot believe that with the memory of the 269 fresh in our minds that the House would enact provisions which would make it exceedingly difficult to enforce our export control laws and drastically weakens the President's ability to impose foreign policy export controls. After all this is one of the few nonviolent means the President has to retaliate and express revulsion against acts of other States which violate all standards of decency.

There is much we can do and one of the most important measures is to modify and improve the Export Administration Act when it comes before the House.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. VALENTINE).

Mr. VALENTINE. Mr. Speaker, I rise in support of the resolution.

Two weeks ago the entire world community was shocked and horrified by an incident of unparalleled brutality, when the Soviet Union's Armed Forces fired an air-to-air missile at Korean Air Lines flight 007, causing 269 men, women, and children to plummet to certain death in the Sea of Japan.

This violent action against an unarmed passenger plane is an example of air terrorism that all Americans deplore. Even though all the facts are not yet known, and may never be, it is evident that the Soviet Union has shown grossly irresponsible, indefensible, and callous behavior.

But this action cannot be called exceptional. On the contrary, it reflects "business as usual" for the Soviets, and is indicative of their total contempt for the people of other nations, as well as for their own people.

The President of the United States has shown good judgment in portraying this tragedy not in terms of an East-West struggle, but rather as a serious breach of civilized conduct which all nations should condemn.

Mr. Speaker, this resolution shows that we in the Congress share the out-

rage of the American people and demand a satisfactory response from the Soviet Union.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PATMAN), for debate purposes only.

Mr. PATMAN. Mr. Speaker, I strongly support the joint resolution which we have before us. It expresses the outrage, not only of this body of Congress, and not only of our entire government, but that Americans and civilized members of the world community. Indeed, all of humanity is insulted when such a heinous act as the murder of innocent people—adults, children, and even babies—is carried out with such contempt for human life and with such cold and calculating ruthlessness.

This resolution sets forth, in dramatic understatement, the specific and uncontrovertible elements of the Soviet Union's crime which history will record. The resolution rightly demands apology and reparations, because there can be no excuses for the Soviet Union's actions—for its calm tracking of the Korean airliner for 2 hours, for making no diligent effort to assist what was clearly marked as a civilian passenger aircraft, for failing to ascertain its intentions before firing upon it, or for lying and attempting to conceal the truth from the world. Surely this was, in the resolution's terms, "one of the most infamous and reprehensible acts in history."

A government which deliberately takes such a course of action is not a government which respects civilized rules. It is a government which answers honest error with brutality and which exercises restraint only in the presence of countervailing strength.

It may now be that our constituencies and the people of other civilized nations are more likely to accept the idea that the Soviet Union cannot be relied upon not to attack where it perceives weakness. If we here resolve never to invite such an attack, but to maintain the strength to prevent it, then perhaps the tragic sacrifice of these innocent lives will in some meaningful measure serve the future.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. MCCLOSKEY), for debate purposes only.

Mr. MCCLOSKEY. Mr. Speaker, I wish to join with my colleagues today in a unified statement of outrage over the actions of the U.S.S.R. which have cost the lives of 269 innocent men, women, and children. The President has quite eloquently stated our country's anger and condemnation of this atrocity. The Soviet Union has revealed itself as a nation with utter contempt and scorn for world opinion.

Very soon, we will be able to vote on a resolution condemning the Soviet Union for this heinous deed. However, to limit our actions to words or a slight inconvenience in the Aeroflot air schedule will only invite the further contempt of the Kremlin. For this reason, I am prepared to work with my colleagues to make changes in existing credit relations with Communist nations which will achieve effective leverage. It would do no good to embark upon sanctions which are not politically sustainable. But we can make a difference if we truly impede Moscow's economic plans. Nationalizing the extension of credit to the U.S.S.R. and its satellites is one approach which should be examined.

For too long we have concentrated only upon the military component of the Soviet threat. The fact is that the web of East-West economic relations has been used by the Russians as a means of blocking effective political action and reprisals by the West. I hope that my colleagues will join with me in seeking ways to reorganize our economic relations with Communist countries. Policy in this area is too important to be left to international bankers.

□ 1710

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes for debate purposes only to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Speaker, I rise in strong support of this resolution, and I would like the Members of this House to consider what the real message of the shooting down of the KAL airliner is. To me, the message is to civilized people the world over to rethink their own positions and their government's positions on ongoing Soviet actions in Afghanistan, in Southeast Asia, in Africa, and here, close to home, in Central America, and to provide support—moral, political, and material, to those opposing the Soviets, their proxies, and their puppets.

Later on in this session we will all have a chance to prove the extent of our outrage. We will be talking about issues of far deeper concern to Soviet leadership and Mr. Andropov than their international air traffic. We will be talking about major defense issues. We will be talking about countering the Soviet international fighting force and their proxies in Central America, right close to home; we will be talking about helping those fighting Red army invaders in Afghanistan. Right here is the place where righteous indignation should be focused to make a real difference.

Is it too much to ask for greater unity and less partisan posturing on these critical issues now that the symbol of KAL flight 007 is so vividly impressed on our senses?

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Speaker, a shudder went through my body when I first heard of this coldblooded act, not only because of the Soviet action, but by how close we are to the horror of total holocaust. The proper response is not further military buildup. We must, instead, determine means to lessen the possibility of such paranoiac reactions as exhibited by the Soviet military.

I myself believe we should also not continue the grain sales to the Soviet Union so long as this issue is not resolved and so long as our grain supplies are burning up in the Middle West.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute, for debate purposes only, to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I am supporting this resolution condemning the actions of the Soviet Union because we must have a permanent record so that we will never forgive and forget the events leading up to and following the brutal attack by the Soviet Union on an unarmed civilian airliner. We must never forget that 269 innocent people, including a colleague of ours, were just wiped off the face of the Earth by a nation that has time and again shown that it does not value human life.

How can we forgive a nation that says it committed this act in order to protect its boundaries? Protect its boundaries from what? Whom are they protecting? Their people? Their military installations? Their secrets?

Mr. Speaker, we must draw the line. We must recognize that we are dealing with a nation that cannot be trusted. We must remember that the Soviet Union is the nation that crushed freedom in Poland, Hungary Czechoslovakia, and Afghanistan.

We should never forget what the Soviet Union has done, what that nation's leaders have created as a national policy. And we can never forgive them.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes, for debate purposes only, to the gentleman from Michigan (Mr. CROCKETT).

Mr. CROCKETT. Mr. Speaker, like all Detroiters and people throughout the world, I was shocked and saddened by the shooting down of Korean Air Lines flight 007 by a Soviet military aircraft on the night of September 1, 1983.

The tragedy was brought home further by the fact that three of my constituents were on that plane—Jessie Slaton, Margaret Zarif, and Joyce Chambers. I had known Jessie Slaton for many years, as one of the most conscientious and respected members of the bench. Margaret Zarif and Joyce Chambers, while I did not have the opportunity to know them personally, had each contacted my office on

issues of concern to them. They were good and caring members of our community, and their deaths diminish us all.

I would like to believe that these women, though, and the others on that ill-fated plane, would be as horrified as I am by the eye-for-an-eye attitude being espoused by many people, both in and out of our Government, and by the use of this incident to try to increase our military arsenal. I think they would be sorry to see the frightening dimension of vengeance being uncovered by the incident, and would ask us to honor their memories in other ways.

On September 8, I spoke to the students and faculty of Anderson College in Indiana about the incident and its effect on U.S. foreign policy. I shall include that speech for the RECORD. I hope that the victims of Korean Air Lines flight 007 would agree with what I said on that occasion, and that they would want us to rededicate ourselves to the search for a lasting and just peace and permanent disarmament—so that we can insure that such an incident will not happen again.

CONGRESSMAN CROCKETT REMARKS ON KOREAN AIR LINE TRAGEDY

WASHINGTON, D.C.—Congressman Geo W. Crockett, Jr., of Michigan, today released the text of his remarks to the students and faculty of Anderson College, Anderson, Indiana on Thursday, September 8, 1983, concerning the Korean Air Lines tragedy. The text of his remarks follows:

As each of you is aware, we meet here today amid the fallout of a serious international incident—the destruction of a Korean civilian aircraft that had accidentally overflown the territory of the Soviet Union.

We have heard much rhetoric in the last week, since this tragedy occurred. We have heard many people, both in and out of government, express their anger and outrage that such an incident could occur. We have heard the righteous anger and bewilderment of the grieving families, as they struggle to understand why their loved ones perished. We have heard the words and gestures of sympathy, and the prayers for the victims.

But, beneath the outrage and shock of the incident, there is also a disturbing shift of political sentiment, away from the position of cooperation and arms reduction, and back towards the Cold War posture that has characterized the Reagan Administration's approach to the Soviet Union.

As Congress comes back from the District Work Period next week, I'm afraid we are going to see a considerable surge of support for programs like the MX missile and the B-1 bomber, and the Defense Department budget—a surge brought about by nothing more than anger and frustration over the Korean airlines tragedy. We will see conservative groups and Members of Congress saying "I told you so!" and seeking support for their militaristic spending programs.

But we must not allow our foreign policy to be built on anger and frustration. We cannot allow ourselves to make this incident into the foundation of a new tower of weapons and military demagoguery.

"The Soviets made a terrible international blunder in shooting down an unarmed civilian aircraft. I think everyone who is aware of this incident knows that. But, we have been so involved over the years in trying to make the Russians out to be cold-blooded murderers that we seem to have given this incident a life of its own. For, just as the Russians have claimed that they thought the plane was a spy plane for the United States—a scenario that, although wrong, fits in with their view of the world and of the United States' actions—so too are we now ignoring the clear probability that the downing of the aircraft was an unfortunate mistake, occasioned more by a knee-jerk reaction to a mutual nuclear way hysteria, instead of the more militaristic and right-wing scenario that the Russians deliberately took aim at a civilian aircraft and fired their missiles to kill those aboard.

"If Congressional investigations of our Central Intelligence Agency have taught us anything, it is that the CIA's covert operations do not rule out the use of civilian aircraft for reconnaissance purposes, including the aircraft of a surrogate nation like South Korea.

"Whatever the motivations, whatever circumstances led to the firing of the missile, whoever gave the order—the shooting was a grave error, and the loss of innocent lives grieves us all.

"But, out of this tragedy we can learn something also—that the years of weapons build-up and increases in tension between the United States and the Soviet Union have built a hair-trigger into the mechanisms of defense and national security.

"The newscasts after the incident showed many on-the-street interviews with people around our country, giving their reactions to the tragedy. Some, unfortunately, expressed their willingness to go to war with the Soviet Union over the incident. So the hair-trigger also applies to us. But, we must ask: Are we really willing to destroy our world for lack of a Soviet apology?

"I hope this incident will bring into focus what many of us in Congress and around the country have been trying to say for many years—that the growth of military arsenals and the insistence on military 'solutions' to problems will never bring peace to our world. It will only bring more death, and more accidents, and more civilian casualties.

To give you some small sense of the enormity of the military system, and the dangerous situations that could spark conflict, consider:

First, that between the USSR and the United States, we have more than 50,000 nuclear weapons, with millions of times the destructive capacity of the Hiroshima or Nagasaki weapons. In addition, many of these are outmoded weapons in unstable condition. We also have submarines, aircraft carriers, missiles, bombers, tanks, mobile launchers, silos and dozens of other vehicles, more than enough to destroy our world several times over.

Second, the Pentagon budget under the Reagan Administration has ballooned to $1.7 Trillion for the next four years. This amounts to more than one and one-half Billion dollars every day. The Defense Department authorization for this year alone calls for $177.9 Billion just for military hardware and services, including MX missiles, B-1 bombers and nerve gas.

Finally, the fact that the United States has become the premier arms merchant to the world. We sell, give, and loan tens of Billions of dollars worth of weapons to countries and insurgent groups all over the world each year.

Time after time, when we had the chance to make a difference and work for peaceful resolution of international problems and conflicts, we have instead chosen the military solution.

For instance, in El Salvador, the Administration has supplied massive U.S. military assistance and has sent U.S. military personnel as 'advisors'—the latter in clear violation of the War Powers Resolution—even though the government of El Salvador has a long and bloody track record of human rights abuses; has never implemented the land reform programs that brought it to power; and has consistently postponed elections that supposedly gave it the air of a democracy.

Another clear example is in Nicaragua, where the people of that nation a few years ago overthrew the hated American-supported Somoza dictatorship, and where today the U.S. is supplying both covert and overt U.S. military aid to the Somoza-backed rebel factions now seeking to topple the government. Although the House recently voted to cut off the covert assistance, I, and many of my colleagues, refused to vote for the legislation because it still contained more than $80 million in discretionary funds that could be used openly to seek the overthrow of the Nicaraguan government.

Perhaps the clearest example today of our status as arms merchant is in the Middle East, where our position has been to provide virtually unlimited weapons to any nation or faction espousing anti-communist goals—meaning that more than $2 billion worth of U.S. arms have gone to the principal forces in the area. We are in many cases supplying weapons to both sides in conflicts in the Middle East, playing each side against the other in our rush for profits for our military-industrial free enterprise complex.

And now, with four U.S. Marines killed in the fighting in Lebanon—Marines who would not be in that positions had the Administration complied with the War Powers Resolution—the inevitable inclination will be to pour more money and more military hardward and personnel into the Middle East situation, further raising the possibility of direct U.S. involvement in the complex problems of the area.

Some of the other troubled areas where U.S. militarism and short-sighted policies have dominated include:

In Africa, where the Reagan Administration's preoccupation with anti-communism has blinded it to the atrocities of South Africa and its operatives and has set back our relations with Black African nations at least a decade;

On the airwaves in this hemisphere, where 'Radio Marti', the Reagan Administration's proposed $28 million project to escalate the cold war with Cuba, would ram the 'truth' down the throats of the Cuban people;

In Europe, where we have strained our relations with our Western allies by our hardline stance on issues like the Euro-Soviet gas pipeline and the deployment of American Pershing II missiles on the continent.

It's this kind of behavior that has contributed to the tensions in the world today. We can't preach peace if we're not going to live it.

The mindset illustrated by these few examples cannot be allowed to continue in our foreign policy.

"From the politicization of our economic and developmental assistance programs, to the enormous increases in military assistance and weapons sales to sensitive areas, to

the reluctance to come to grips with the nuclear arms reduction issue, we have allowed the world to drift again towards the brink of large-scale conflict.

"The easy temptation, in the wake of the tragedy of the Korean airliner, is to put the incident into our old Cold War framework and capitalize on it as simply another illustration of the inhumanity or brutality of the Soviet people—and then answer the attack by voting more money for missiles and bombers and other weapons.

"But, let us acknowledge for a moment that maybe our own preoccupation with 'defense' and military solutions contributed to the climate that allowed the mistake to be made. And let us acknowledge that, whatever the immediate results of our attempts to secure an apology from the Soviet government, we cannot allow the incident to obscure our goals of world peace and the reduction of tensions.

"Such a goal will not be achieved through the bitterness of revenge, or the stirring up of old fears and hatreds. We won't bring back the people on that plane by throwing Russian diplomats out of the United States, or by reneging on international agreements.

"Our goal must be to go beyond this incident, and to somehow come to grips with the fact that we must live together on this planet in peace.

So while we mourn the dead, let us also renew our vow that we shall do everything possible to stop the deadly march to world destruction and work together to reduce the arsenals and make a permanent and just peace."

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute, for debate purposes only, to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Speaker, I rise in strong support of this resolution expressing the outrage of the United States over the unconscionable action of the Soviet Union in shooting down the South Korean 747 airliner, 269 innocent civilians died as a result of this atrocious act.

Mr. Speaker, I fully support the resolution's demand for full compensation for the families of these innocent victims and the call for the Soviet Union to apologize for its actions and promise to abide by the recognized internationally established procedures designed to prevent such tragedies. This resolution is a necessary expression of the sense of outrage that we feel, and our determination to make the Soviet Union suffer the consequences for its action.

Having stated this, Mr. Speaker, I feel compelled to add that realistically we should not expect these measures to persuade the Soviet leaders to change their policies. It is an historical fact, that, from its seizure of power, the Communist regime ruling Russia—regardless of who exercised the power—has never hesitated to take actions which have transgressed the standards of civilized conduct and which have shocked and appalled the world.

From Stalin's order 60 years ago condemning millions of Russian peasants to death by starvation, to this month's destruction of the South Korean airliner, the Soviet regimes have demonstrated a total contempt for the basic human values which are the hallmark of a civilized society.

Red armies have—in the past four decades—invaded and destroyed free nations in the Baltic and in Eastern Europe; have brutally smashed rebellions in Hungary, Poland, Czechoslovakia, and East Germany, and are presently engaged in a bloody campaign to wipe out rebel forces in Afghanistan using chemical and biological weapons outlawed by international treaties.

When will we learn to take into account this horrifying record of truly monstrous inhumanity in our judgments of the U.S.S.R? I find it ironic that those who scoffed and snickered at President Reagan's description of the Soviet Union as an evil empire are now criticizing him for not taking stronger action against the Soviets for destroying the airliner.

In truth, Mr. Speaker, history shows us clearly the Soviet Union is an evil empire built upon the principle that any act of inhumanity—no matter how brutal or how costly in human life—is justifiable if it furthers Communist goals. We must always keep uppermost in our minds the undeniable fact that the Soviet Union is controlled by a ruthless regime, dedicated solely to its own interests.

Recognizing that fact is essential to realistic dealings with the Soviet Union. Wishful thinking that the Kremlin leaders are really pretty much like us will only bring harm to us and our country.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute, for debate purposes only, to the gentleman from Wisconsin (Mr. MOODY).

Mr. MOODY. Mr. Speaker, I rise in support of the resolution.

□ 1720

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER) for purposes of debate only.

Mr. HUNTER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to remind my colleagues that the real message of this action was that the Soviets respect actions and not words and that the real resolve of this Congress will be manifested in our votes on the defense appropriations bills and the defense authorization bills that will shortly be before Congress. Also, the technology transfer legislation that would cause literally a hemorrhage of Western technology to the Soviet Union will soon be before us. It is then, my colleagues, that we can show the Soviet Union that this Congress is capable of actions as well as words.

Mr. Speaker, I rise today to join my colleagues to express outrage at the brutal Soviet attack on the unarmed Korean airliner. This barbaric murder of 269 innocent civilians is but one more indication that Soviet policy toward the free world has not softened and that Soviet leaders have respect only for strength. I hope my colleagues remember this when called to vote on the Defense Authorization Act and the Defense Appropriation Act. We cannot afford to lose our resolve to strengthen our Armed Forces to the point where they deter the Soviet threat—a threat made all the more clear by the Soviet's callous disregard for human life. It is our duty to have a full awareness of Soviet military power and I think this incident shows us how they use this power.

I hope my colleagues also remember the Soviet's respect for strength when called to consider the Export Administration Act Amendments of 1983. These amendments would make it easier for the Soviets to acquire U.S. technology for use in their military machine. In fact, virtually every new Soviet weapons system is made, at least in part, with the aid of Western technology or equipment. I would hope that when we consider these amendments, we will not forget today's resolution and the reason behind it.

And so Mr. Speaker, I rise in support of this resolution condemning the Soviet attack on the Korean airliner. But I would hope the real resolution of this incident is manifested in our votes on national defense and on technology transfer.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Speaker, I stand also in favor of this resolution. I think there is something we can do in addition to what the President suggests. I think we should use one of the most effective foreign policy tools we have. I believe we should increase funding for such uses as the Voice of America and our international broadcasting system so we could broadcast to the whole world, including inside the Soviet Union, the truth as to what happened here and the truth with regard to Soviet actions around the world.

Mr. Speaker, a great deal has been said here this afternoon on the subject of our Government's sanctions against the Soviet Union in response to the Korean Air Lines massacre. I note that there seems to be considerable bipartisan sentiment in favor of increasing the sanctions, to take more steps that will have a tangible effect on the Soviet leadership.

As we search for ways to impose sanctions on the Soviets, though, we are frustrated by the fact that so many of the actions that we have to

choose from would impose a cost on us as well, by imposing costs on our own economy or by causing division and dissension in the Western alliance.

I count myself among those who would like to do more in reaction to this latest Soviet atrocity, and I would like to suggest to my colleagues an action that we can take on our own initiative. My proposal is a peaceful one, it would impose a minimal cost on our economy, it would cause no problems among our allies, it would have the support of the President, and it is proven to have an effect which the Soviets do not like.

My proposal, Mr. Speaker, if for Congress to make a substantial, serious and sustained effort to modernize and increase our international broadcasting capability.

We have all heard the stories about the poor shape that our international radios are in. We know that the Soviets spend more to jam our broadcasts than we do to broadcast our message worldwide. We know that the Voice of America is using equipment that is decades old—in one case, we are using transmitters that were made over 40 years ago and captured from Nazi Germany.

Rather than dwell on these stories, I would like to point out the excellent job done by our radios to get the word of the airline massacre into the Soviet bloc. As soon as Secretary Shultz made his first announcement to the world about this event, the Voice of America stepped up its broadcasts by adding frequencies and by broadcasting more hours, so that the Soviet public would be able to learn of the crime that had been committed in its name. We should all be proud of this work, and we should take note of the fact that it added some domestic pressure to the great international pressure that was already bearing down on the Soviet Union, demanding an explanation.

These broadcasts prompted a massive Soviet jamming effort, which is testimony to the Soviet fear of the truth.

Mr. Speaker, this incident and the response of the Voice of America, demonstrate that the truth can be a great weapon in situations such as this—a weapon that helps the cause of peace and international understanding. Increasing this capability is one of the most constructive things that can be done for our foreign policy.

Unfortunately, in a time when we should be acting vigorously to modernize and improve the radios, exceeding the President's budget requests, it now appears that the House and Senate are headed toward a reduction of the President's budget request for fiscal 1984. I urge my colleagues to work together to reverse this action, and to support one of the most peaceful and effective foreign policy tools that our Nation possesses.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING) for purposes of debate only.

Mr. SEIBERLING. I thank the chairman for yielding this time to me.

Mr. Speaker, I rise in strong support of this resolution. I have spoken on this before in my hometown media. Let me simply say that even if we should concede, for the purposes of argument, that the Soviet military did not recognize that this was a civilian airliner at the time it was shot down and thought it was a military intelligence plane, they now know that it was a civilian airliner. They know that 269 innocent civilians were killed. In such circumstances, a decent group of national leaders would come before the world and say, "We made a mistake. While we always will defend our country, we apologize for the mistake and we will pay reparations to the families and others who were injured."

I still think that even at this late date, if the Soviet leadership came forward in that manner, as I would expect our Government to do if we were in similar circumstances, they would completely turn this thing around and show that they are not simply a hardline group who are unspeakably callous in their attitude toward the destruction of innocent human life.

I think we ought, at the same time as we try to press them to pay reparations and to avoid such incidents in the future through the kinds of procedures that the President has proposed, suggest to the Soviets that they could give a significant boost toward world peace and better international relations by showing that they have some contrition and some sense of error on their part.

I will say one other thing. I do not agree that we should judge all the issues of the defense budget on the basis of this incident. The question of MX and other matters in the defense budget must be judged on the merits as to whether they are needed from a national defense standpoint, bearing in mind the limitations of our economy and Federal budget, and as to whether they will increase or diminish the risk of war.

If anything, the Korean Air Liner atrocity, by revealing the rigid, even paranoid, Soviet military mentality, emphasizes the precariousness of the situation humanity finds itself in as a result of the nuclear arms race. In these circumstances, the addition of an unnecessary, destabilizing weapon such as MX can only heighten the chances of nuclear holocaust being brought on by some military or civilian official somewhere overreacting to some perceived threat, just as the Soviets did in the case of flight 007.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON) for purposes of debate only.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, I rise in support of House Joint Resolution 353 condemning the Soviet Union for committing a heinous crime against humanity.

The brutal and barbaric actions taken by the Soviet Union have drawn worldwide outrage and personal torment for the families and friends of the 269 human beings who were murdered when a Russian fighter pilot blew up Korean Air Lines flight 007 on August 31, 1983.

In its wanton attack on a commercial airliner, the Soviet Union has again demonstrated the highest disregard for human rights and a ferocious appetite for destroying life.

There is absolutely no evidence to suggest that KAL 007 was guilty of any crime or action short of human error. It is simply incomprehensible that the Soviet Union demanded the lives of 269 innocent people in reparation for some blameless human error. There was plainly no cause for attack. No threat was made against the Soviet Union. Other courses of action could have been pursued. Indeed, any other course of action would have been far more appropriate. But, the Soviet Union chose savage slaughter.

This ruthless massacre has benefitted no nation, and the Soviet Union's repeated efforts to escape responsibility cannot be condoned. Our Nation has already demonstrated more tolerance than the Soviets showed to the passengers of flight 007. This body has no choice but to denounce the Soviet Union for its brutal strike against humanity and demand that she make reparations to the rest of the world. I urge my colleagues to approve this resolution.

Mr. BURTON of Indiana. Mr. Speaker, I do not think that the words we say today are going to carry the impact that they should. I read an article recently by George Will. He says, "The shocking thing is how shocked people are." And we really are shocked and it surprises me, because since 1917 the Soviet Union has killed 20 million of their own people. That is 800 people per day. In Afghanistan they have killed hundreds of thousands of innocent people. Yet, we did not become outraged until this, their latest barbaric act—that of killing 269 innocent people.

We should be outraged daily by what the Soviet Union does. In Kampuchea (Cambodia) they are still dropping yellow rain on innocent people and killing them. In Hungary and

Poland and Czechoslovakia they have killed innocent people, and yet we are surprised at what they did just the other day.

We should cut off all loans to Communist countries and let the Soviet Union divert their resources away from military to economic problems and let them spend their money on the people they are controlling instead of spending their money trying to control the rest of the world with additional military might.

Should we be outraged? Yes.

Should we be surprised? No.

Should we be prepared in the future? Yes. Yes. Yes.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I rise in support of the resolution.

I join my colleagues in condemning the brutal and callous destruction of Korean Air Lines flight 007.

The House must denounce this heinous act. I therefore strongly support House Joint Resolution 353.

Mr. Speaker, the Permanent Select Committee on Intelligence—both members and staff—has made a diligent effort to ascertain all that intelligence can tell us about this tragedy.

I draw several conclusions from what the committee has heard.

First, the account provided by our Government is accurate and leaves out no relevant details.

Second, the account given by the Soviets in several respects is untrue and it must have been obvious to the Soviets that it was untrue.

Third, I see in all the evidence available that the Soviet Union made no reasonable effort, and perhaps no effort to speak of, to identify KAL 007.

My own assessment is that the Soviet Union in cold blood determined to shoot down this unarmed airliner as soon as its fighters intercepted KAL 007.

Mr. Speaker, several false accusations also have been made concerning the flight 007 that need to be dealt with unequivocably.

First, flight 007 was not on a U.S. intelligence mission and no intelligence use was made by the United States of flight 007.

Second, no U.S. reconnaissance aircraft made any use—by shadowing or any other maneuver—of flight 007.

Third, we know of no intelligence use of flight 007 by the Korean Government; we believe its denial of such use and; we can conceive of no probable or useful gain to the Koreans from such use.

The United States does not need, and South Korea could not use any information that could have been gathered by KAL 007.

The virtually nonexistent gain, the appalling risk and the 1978 Soviet downing of another Korean Air Lines plane all suggest the total unlikelihood of a Korean intelligence mission for KAL flight 007.

Mr. Speaker, one last point is important.

The Armed Forces of the United States would not have reacted as did the Soviet armed forces in this case.

I say this not out of conviction but on the basis of our experience.

Earlier this year, two Soviet Bison bombers overflew one of the U.S. Aleutian Islands. Two U.S. Air Force F-15 fighters scrambled to intercept the Soviet plans and escorted them out of U.S. airspace.

They took no hostile action, fired no weapons, despite the fact that these were bombers, not reconnaissance aircraft.

In other words, in face of some provocation, this Nation took care to take no hostile action against a clear violation of the airspace by Soviet bombers.

It goes without saying that no commercial airliner has ever been threatened or harmed by U.S. military aircraft.

Mr. Speaker, the canons of international decency have been dealt a severe blow by the shooting down of KAL flight 007.

The world community endures daily many versions of man's inhumanity to man.

Others here today have referred to widely accepted international procedures for treatment of unidentified aircraft that could be lost or in distress.

There can be no confusion about the Soviet attitude toward such aircraft.

As in 1978, they shoot first and refuse to answer questions later.

Their position remains unchanged.

What this terrible killing should urge upon the nations of the world is a concerted effort to direct the full weight of international opprobrium at this and any possible future atrocities and to seek binding international protections for international air traffic.

Such an effort is urgent.

The United States should lead the way.

Mr. BROOMFIELD. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGRICH) for purposes of debate only.

Mr. GINGRICH. I thank the gentleman for yielding this time to me. I am especially grateful that the gentleman from Michigan would yield to me to discuss this resolution because it concerns the murder of my neighbor, friend, and colleague, Larry McDonald, of Georgia.

Larry McDonald was an unusual man, a loner, a Democrat who refused to vote for the Speaker of his party, a strong conservative who marched to the beat of a drum others did not hear. Many people thought he was strange; almost everyone knew he was not typical.

But Larry McDonald understood one great central truth. He knew that the Soviet dictatorship is an evil empire and that Soviet leaders would kill innocent people. Larry McDonald understood that innocent men, women, and children could be killed flying near the Soviet Union. Indeed, if one went back and read Larry McDonald's predictions about the Soviet Union in Vietnam, Cambodia, Laos, Angola, Nicaragua, and compared his predictions to those of the State Department or the nationally known political spokesmen in foreign affairs, it was McDonald who tended to be more correct.

If Larry McDonald had stood on the floor of this House and warned that the Soviets would deliberately, coldly, and ruthlessly murder 269 men, women, and children, many Members of this House and of the national news media would have called him paranoid; indeed, many did call him paranoid. Well, it was not paranoia that killed Larry McDonald; it was a deliberate action of the Soviet leadership.

Even today, during this debate, we have heard calls for avoiding any increased military preparedness, for trying to help the Soviets adjust to reality. It is we in the United States who must adjust to reality. It is we who must rethink our interpretations of the last decade.

For almost 10 years we have lied to ourselves about the conquest of Vietnam, the use of poison gas in Cambodia and Laos, the Soviet use of Cuban puppets in Angola and Ethiopia, the establishment of a Soviet military threat in Cuba, the creation of a new pro-Soviet puppet in Nicaragua, and the creation of a KGB terror network that supports violence and disinformation across this planet.

If we had not been lying to ourselves about the nature of the Soviet dictatorship, we would not have been shocked at the murder of 269 people. And that is the simplest of all tests. If you were surprised that they would kill 269 people, you have not been watching them very carefully.

In 1978 they forced down a Korean airplane. They routinely imprison they own people. They allow their Nobel prize winners to starve themselves in order to get their daughter a simple exit visa. They are a ruthless, fuggish, brutal, and barbaric dictatorship.

While alive, Larry McDonald could not convince Americans that our liberties and our very lives were threatened by the Soviet Union. Hopefully, his death will not have been in vain. Hopefully, his murder and the murder of his 268 fellow passengers will convince all of us that the Soviet dictatorship is a real threat.

This ruthless act by the Soviets should awaken all of us. What could the Soviets possibly be hiding that they would shoot down a civilian airliner, and what does that tell us about verification? If the Soviets will lie openly and blatantly to the entire world, what does that teach us about the problems of trusting them in negotiations and treaties? If the Soviets protect their territory so rigorously that they praise their pilot for killing civilians, what does that teach us about the nature of their society?

There are stronger steps we could take. I hope we take those stronger steps. I think the gentleman from Michigan in his proposal that we expel at least one KGB agent for every dead civilian, is a serious start.

□ 1730

Let me close on this note: This resolution is not a ceiling above which we cannot be stronger. This resolution is the basement on which we build the actions of the future. If this House and the Members of this House vote and forget, if the news media reports and ignores, then Larry McDonald and 268 other people will have died in vain. But if a year from now our defense is stronger, our negotiations are tougher, our awareness is greater then this resolution will have been the first step toward saving freedom on this planet.

Thank you, Mr. Speaker.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. I thank the gentleman for yielding.

Mr. Speaker, on behalf of the people of Puerto Rico, I condemn this atrocious action by the Soviets.

Mr. Speaker, it is with a deep sense of sorrow and indignation that I join my colleagues in condemning the Soviet Union for their barbaric act in firing on an unarmed civilian aircraft.

The people of Puerto Rico join me in expressing our condolences and offers of prayer to the families of the passengers of Korean flight 007, in particular to the family of our late colleague, Congressman Larry McDonald.

It is difficult to imagine the paranoia under which the Soviet military operate that they take such drastic and irrevocable action against helpless passengers. One must wonder at the moral fiber of a system that produces such results. Soviet action and treatment of its own citizens are already well documented; but by this act, the world is again put on notice of the Soviet disregard for basic rules of behavior and humane treatment in the civilized world.

Their act was then compounded by their inexplicable failure to acknowledge the attack for almost 1 week and the statements of Foreign Minister Gromyko in Madrid that they would not hesitate to fire at any aircraft that enters Soviet airspace. The world community cannot but react with astonishment at this additional statement which is evidence of the contempt in which the Soviets hold the world. We have a saying in Spanish—"El ladrón juzga por su condición"—which roughly means that the Soviets are judging others with the knowledge of their own actions. There have been documented instances of Soviet civilian aircraft diverting from approved flight plans in order to fly over military installations in our own country. So, when they accuse the United States of using Korean Air Lines flight 007 on a spying mission, it is merely a reflection of the way they themselves act.

Their callousness in refusing Japan's offer of assistance in their rescue operation and in allowing families of the dead to visit the site to pay their respect is inexplicable. While we continue to search for answers to this tragedy, we must remember that while our first reaction to such a barbarous action is a cry for revenge, the best way to reaffirm our Nation's foundation on the principles of "Life, liberty and the pursuit of happiness" and to honor those who have died, is by acting in a reasonable and calm manner. Let us not besmirch the memory of those that perished on flight 007 by stooping to the level on which the Soviets operate. Rather, let us set an example for others to follow.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Speaker, there exists in my mind no satisfactory or rational explanation behind the Soviet decision to shoot down this easily identifiable, unarmed, civilian, commercial airliner and, in so doing, murdering 269 innocent men, women, and children. Clearly, this reprehensible, barbaric, and irresponsible act cannot, must not, and will not go uncondemned by the world body politic.

Today, we have before us the first prudent opportunity to join with our allies and other members of the world community at large in taking tangible steps in denunciaton of this Soviet action. As an original cosponsor of this resolution (H.J. Res. 353), I would urge my colleagues to join with us in support of its passage. Simply stated, if approved, House Joint Resolution 353 would call for: a full explanation from the Soviet Union with respect to the events that led them to their decision to attack KAL flight 007; Soviet reparations to be paid to the survivors of the victims of this shameful and malicious attack; Soviet assistance and cooperation in international efforts that are aimed at recovering both KAL flight 007's victims and flight debris which as we know will enlighten all parties with respect to the ultimate fate of flight 007; an investigation by the International Civil Aviation Organization, and, finally, a change in current Soviet air defense policies and procedures which will insure greater airliner safety, as well as to insure that such a heinous atrocity may never again occur.

While to many, these actions may appear to fall short of our objective to moderate Soviet behavior in future incidents such as this. In this regard, however, I believe it essential for the United States to act in concert within the world community in order to insure our success in this endeavor. Clearly, for the first time in recent memory, world opinion is in direct divergence with Soviet policies and actions and in my mind, the United States must put this leverage to good use. As I am sure many of us are aware, the President is currently examining the full gambit of diplomatic and economic sanctions and policy alternatives that are available to him that can be implemented against the Soviet Union. I believe we must support the President in these efforts during this time of crisis. House Joint Resolution 353 represents the first such initiative and clearly merits our unanimous support as it was prepared both bipartisanly and in concert between the Chief Executive and the leadership of the Congress.

We know all too well from past experience that unilateral U.S. actions taken against the Soviet Union meet with little success. However, House Joint Resolution 353 represents a first step in a coordinated international effort that is intended to implement changes in Soviet actions not their intentions. We now have the opportunity to demonstrate to the Soviets both the will and unity of our Nation in denouncing this shameful and cowardly act.

President Reagan has established a firm and clear course for the conduct of United States-Soviet relations in the wake of this unwarranted attack. The President has asked that we address this matter on an issue-by-issue basis. It is a policy that deserves both our attention and support. It is a policy that will meet with success both here at home and abroad. It is a policy that hopefully will result in real changes in Soviet actions and behavior.

Mr. ZABLOCKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I rise in support of the gentleman's resolution to condemn the Soviet Union for its unwarranted and brutal attack on an unarmed civilian airliner. Along with all Americans I am appalled by this savage act and sorrowed by the loss of life of passengers, in-

cluding women and children, many of them Americans.

This act is another example of the Soviet's use of force to disrupt peace around the world and expose the moral bankruptcy of the Soviet system. In addition, it points out the contradiction in the administration's policies toward the Russians: Talking tough while in fact expanding sales of grain and sophisticated technology, helping the Soviets solve their economic problems so they can concentrate on their military buildup; a buildup which has forced us to respond in kind thus raising our taxes, fueling the flames of inflation, pushing up interest rates, and keeping the world in constant turmoil.

Are the Soviets our friend or our foe? The downing of Korean flight 007 makes the answer clear. They are our enemy and, while nuclear war is out of the question, we should at least stop helping our enemy, in fact the enemy of mankind.

Mr. ZABLOCKI. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, as an original cosponsor of the resolution condemning the Soviet shoot-down of the Korean airliner, I join with my colleagues in condemning this barbarous Soviet action. Not only have the Soviets violated every norm of international law in shooting down a plainly marked, defenseless civilian airliner with 269 innocent passengers aboard, they have expressed absolutely no remorse for their actions. Indeed, rather than attempt to set the record straight and assist the international investigation into the matter, the Soviets have responded by issuing bellicose statements, and threatening to repeat this unconscionable massacre in any similar future situation.

It is important to note that this is not simply a conflict between the United States and the Soviet Union, an East-West controversy. By their crime and subsequent actions, the Soviets have raised a firestorm of worldwide criticism. Had the Soviets not exercised their veto, the United Nations Security Council would have passed a strong resolution of condemnation.

Mr. Speaker, I commend my many colleagues who have risen in support of this resolution, expressing their outrage with the Soviet action. At this time, I would like to address one of the most important international issues associated with this tragedy, the impact this event should—and should not—have on our Nation's trade policies.

The U.S. response to the Soviet shoot-down of a Korean Air Lines 747 could mark a significant turning point in U.S. crisis diplomacy. For the first time in memory a U.S. President has refrained from responding to a serious Soviet transgression by imposing broad restrictions on trade. Could it be that we have finally accepted the fact that we are no longer such a dominant economic force in the world that we can punish other nations by refusing to trade with them, and that in attempting to do so we damage our own economic interests more than we gain in political results? Such a realization, reflected in Presidential handling of this and future crises, would be a welcome development.

Not that trade with the Soviets is crucial to our economic well-being. On the contrary, the Soviet market has proved to be of only marginal value. Even in agriculture, where the Soviets have been a major cash customer, Mexico, Japan, and other grain importing nations have taken up much of the slack caused by disruptions in Soviet purchases. Exports to the Soviet Union represent less than 2 percent of total U.S. exports—business we could, in fact, do without if that were an effective means of modifying Soviet international adventurism and lawlessness. Under existing export controls, we sell very little advanced technology to the Soviet Union. Only $32 million in advanced technology was licensed for sale to the Soviet Union in fiscal year 1982.

Far more serious than the loss of Soviet business itself is the effect of "light switch" economic diplomacy on our trade with the rest of the world. Try as we might to pursuade other governments that our trade sanctions are intended only for the Soviet Union and will not be used against others, the case is not very convincing. In fact, our broad arsenal of trade restrictions for national security and foreign policy purposes has been applied to many nations, and the cumbersome licensing process employed to prevent certain products from falling into Soviet hands affects every country in the world from which those products might be diverted. Our competitors are only too quick to insert broad allegations of "American unreliability as a supplier" in their sales arguments, even when the goods they are selling may never have been affected by U.S. trade restrictions. These spill-over effects of our on-again-off-again efforts to punish the Soviet Union by cutting off trade are simply too costly to our increasingly export-dependent economy to tolerate.

Mr. Speaker, the President's decision not to resort to ineffective and counterproductive trade sanctions in the face even of a Soviet transgression as serious as the recent shooting down of the Korean aircraft is a display of wisdom and restraint. It is consistent with the direction contained in legislation which will come to the House floor later this month amending and extending the Export Administration Act of 1979. That Act provides basic authorities for the restriction of U.S. exports for national security, foreign policy, and other reasons. The amendments reported by the Committee on Foreign Affairs seek to discourage the use of trade restrictions for foreign policy purposes by limiting the effects of any such restrictions. By his own judgment in responding to the latest Soviet crisis, the President has obviously recognized the limits and costs of economic sanctions, and the legislation that the House will be asked to enact reflects a similar judgment by the Committee on Foreign Affairs.

Some Members of the House, Mr. Speaker, may feel compelled to propose amendments when this legislation comes to the floor calling for harsher retaliation against the Soviet Union, including trade sanctions. I think, however, that the good judgment displayed by the President in refraining from such actions should dispel any illusion that anything can be gained from such an approach. I trust that the House will soundly defeat such proposals, and endorse the approach taken both in the committee bill and in the President's response to the current crisis. As a major trading nation with many competitors in essential world markets, we can no longer afford the disruptive and weakening effects of trade sanctions except where trade directly affects unacceptable situations abroad, such as the sale of crime control instruments to governments engaging in severe violations of human rights. If we can consistently make the distinction between such direct and narrow trade sanctions, and broader trade sanctions, we will have turned a new page in American foreign and economic policy. The President and the Export Administration Act Amendments of 1983 point the way. I urge my colleagues in the House to follow.

Mr. BROOMFIELD. Mr. Speaker, I would like to reserve the balance of my time.

Mr. ZABLOCKI. Mr. Speaker, we have but one speaker remaining. I would hope the gentleman from Michigan would use his time.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia, (Mr. LEVITAS).

Mr. Speaker, obviously the overwhelming majority of our Members, as hopefully the entire House, today will join in this resolution expressing our condemnation and our revulsion at the barbaric and uncivilized act of the Soviet Union in shooting down a civilian airliner. But what use is it? What significance does it have? Is it anything more than going through the motions of what is expected of us and blowing off some hot air?

Regardless of all of the denials and protestations by the Soviet Union, the evidence is overwhelming that they knew this was a civilian airliner on a

trip it made 5 days a week, that the 747 has a distinct profile, and this flight was not related in any way to the espionage activities the Soviet Union has falsely and corruptly alleged. But, I suggest to you that even if this civilian airliner was on a spy mission, that the innocent passengers on that plane—all of them—including a 19-year-old young woman returning home from a vacation, a young college student going to visit Korea, a 5-year-old child accompanying her parents—those people committed no illegal acts. They only bought an airline ticket to travel to Korea, and they were the victims of a cold and calculated murder. Why was it necessary to kill these innocent people? What type of animal would consciously order their deaths?

Now, I could not add to the condemning rhetoric which has already been presented, both here and in other places. The words have been a veritable the sources of justified vilification. But I do want to say this: I am not sure that the words we utter here today are significant, quite frankly. I do not think the Soviet Union cares very much what we or the Madrid Conference or the United Nations or world opinion or anybody else thinks. And I think that is the nub of the problem. They simply do not care about world opinion over Afghanistan or Poland or Hungary or Czechoslovakia or anything. Words are of no moment to them. The children's doggerel about "sticks and stones" and words without harm is true. What actions have we taken?

What significance is it to the Soviet Union if 100,000 Americans stop eating their caviar, or we pour their vodka into the bay in Boston? The mild civil aviation sanctions—mostly by private organizations—are of little hurt to them.

I think, Mr. Speaker, that what we need to do is add to the rhetoric something of significance. Someplace between diplomatic conversation and war there has to be a way in which we, as Americans, and as the leader of the free world, and indeed the entire world, can condemn and let the Soviet Union know there is a price to pay for barbarism. And that will involve at some point a price that we have to pay in economic sanctions of every sort. But if we do not do something other than talk and blow out a lot of hot air, they are going to do it again and again and again. They have said they will.

What can we do, short of war and beyond conversation? We could now recall our Ambassador for consultations, reduce the size of their diplomatic missions, including KGB agents, close consular offices, and, yes, impose economic sanctions.

Hopefully we could get our allies and others to join us, but I doubt they will. Nevertheless, we must do more than use mere words.

Of course, all that means sacrifice. It all costs. The debate about whether any economic sanctions are effective is a legitimate debate. Certainly the cost to the nation imposing a sanction is beyond debate. It is true. No response to aggression or illegal conduct comes free of cost, whether the response is economic or military. But the failure to make any effective response will, in the last analysis, be far more costly.

I am not so naive to believe the Soviet Union will abandon its ruthless and aggressive actions—Poland or Afghanistan or shooting down civilian airliners—because of economic sanctions by the West. But they have to be made to pay a price because of those actions. They have to know this conduct is unacceptable and has a price attached to it, even if it costs us in the process of collecting the price.

We must work together in nonmilitary responses to threates by the Soviet Union. Can we? I do not know. Recent history is not an optimistic teacher. Nevertheless, we must try. For if we fail, it not only weakens political confidence in our leadership, but it heightens the danger of military solutions being the only game in town.

Mr. BORSKI. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Pennsylvania.

Mr. BORSKI. Would the gentleman comment on the need for this Congress to take a comprehensive look at the credit and loan policy, including the private loans that flow from this country into both Soviet bloc countries and the Soviet Union itself, and whether the gentleman thinks it is appropriate for this Congress to begin to take a look at those kinds of economic sanctions as suggested by Jack Anderson just 2 or 3 months ago.

Mr. LEVITAS. I think the gentleman is absolutely correct. You do not feed or give credit to your adversary and especially not to one who commits murder.

Mr. DAUB. Mr. Speaker, I am compelled at this time to voice my dismay and utter frustration over the Soviet shooting of Korean Air Lines flight 007, in which 269 human lives were taken in cold blood.

The only inference which can be made with respect to this international incident is the total lack of respect the Soviet Government holds for the value of human life, and the Soviet disregard for international opinion.

It is imperative that the Soviet Government be held accountable for this grave action. The world will not soon forget such a tragedy.

In light of this incident, every faction of United States-Soviet interaction must be reevaluated—we cannot continue to trust Soviet intentions when their actions cast such doubt. Whether it be cultural exchanges such as the Olympic games, or negotiations such as the START talks, we must not continue to allow the Soviet Government to exercise its will without our utmost scrutiny.

It is tragic that we must witness such an incident before public awareness is heightened to the level of past days over Soviet actions. I must, therefore, lend my full support to the passage of House Joint Resolution 353, to condemn the Soviet criminal destruction of the Korean civilian airliner. It is my hope, however, that our reaction to this incident is not limited to words, but involves deliberate action on the part of our Government.

Mr. GONZALEZ. Mr. Speaker, I support the resolution, because it is the least that the House, or any civilized body, or any civilized being, could do to condemn an attack on an unarmed commercial airliner, or for that matter any attack on any unarmed commercial carrier—be that a ship at sea, an aircraft in the sky, or an ordinary bus or automobile on a public road. There is no other name for such an attack but murder, no justification except terror, and no excuse under any right or rational code.

It is right that the resolution should call for steps to prevent future tragedies of this kind. It is also right that all reasonable minds see that vengeance is no answer; the only good thing that can come of this tragedy is some kind of assurance that it will not happen again—and it will not, if reason and decency can prevail over violence and fear.

Even as we mourn the loss of innocent life, and even as we condemn those who are responsible, we should be reminded that this terrible event is a warning about the dangers of the hair-trigger world that we live in—a world haunted by the terror that we call mutually assured destruction, which is at the same time a continual war psychosis.

This is a world in which the innocent, most of all, are the targets. This is a world in which there are weapons all around, and anxious fingers on every trigger. Death can come in an instant in such a world, because of madness, because of some misguided ambition, because of misinformation, because of sheer stupidity, or because of a hundred other mistakes, misfortunes, or malignance. It is easy to see that in such a world as this, in such a climate as we have, some foolhardy, insane, or misguided soul would launch an attack, perhaps even a holocaust.

In the grim shadow of this tragedy, we ought to resolve to redouble our efforts to gain some kind of control over an arms race that can kill not only innocent passengers in the cold skies over the Sea of Japan, but can also kill innocent millions, even life as we know it.

Even as we resolve never to be weak, never to be vulnerable, and even as we strain to arm ourselves against all possible attack, we realize that we have never been more vulnerable than we are now—that security is only as certain as the next moment, the next hour, only as certain as the very uncertain disposition of those who sit in the silos out in the West, down in the ocean deeps in their submarines, or indeed, out in the lonely air of far frontiers—they, and their equally alert opposite numbers. All good men, all good soldiers, but all fallible, with fallible systems and guided by fallible people.

There can be no excusing the act that led to the loss of Korea Air Lines flight 007. Yet if we are true to ourselves, true to our responsibilities to the country, the world and future generations, we will at bottom admit that if the world hopes to survive, it cannot rely on terror, cannot forever stand with pistols pointed at each other. If there is a lesson in this tragedy, it is that even as we struggle to survive by building our strength, the real possibility of survival depends on finding some way to end the terror itself, because the instruments of terror can be, no matter how well intended purposes are—can be misused, used by mistake, by madness, by miscalculation, by malice, or through misfortune.

The risk is great in this world. If in the light of this there can be some reduction of that risk, the tragedy may somehow be redeemed, though never could it be justified, never could it be excused.

● Mr. PATTERSON. Mr. Speaker, as I look upon this Chamber, I am reminded that one of our colleagues, Representative Larry McDonald, was not permitted the opportunity of attending this session. That Member, along with 268 other innocent people, was a victim of Soviet aggression that can only be termed cold blooded. The display of terrorism in shooting down Korean Air Lines flight 007 was not only a tragedy of lost lives, but also one of lost morals. The Soviet Union has shown a lack of concern and respect for human lives that has astounded all decent human beings world wide, and its callous and repeated claims of innocense are beyond comprehension.

Yet, are we surprised by the Soviets response? Obviously, we are angered and repulsed. But this is not the first time that the Soviet Union has shot at a civilian airliner, nor is it the first time that it has demonstrated uncaring behavior in dealing with human lives. A regime that has killed over 20 million of its own citizens since its inception is not above striking at helpless men, women, and children in an airliner.

It is our responsibility to fully comprehend the ruthless policies and belligerent attitude that lie behind this tragic incident. As the truth becomes clear and world opinion acknowledges the savagery of Soviet actions, the Soviet Union will no longer be able to hide behind the mask of a peace-loving nation.

The demolition of flight 007 shows us the paranoia of the Soviet leadership, both military and civilian, and the Soviet system of government. Mr. Speaker, I join you and our President in deploring this unjustified action by the Soviet Union.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in support of this joint resolution condemning the criminal destruction by the Soviet Union of Korean Air Lines flight 007 and the murder of the 269 innocent passengers and crew, including 61 U.S. citizens.

I expressed my thoughts on this dreadful incident in a recent column I wrote for one of the newspapers in the 15th District. Those remarks follow:

VIEWS OF CONGRESSMAN WILLIAM D. FORD, SEPTEMBER 12, 1983

Unquestionably, the shooting down of Korean Air Lines flight 007 in cold blood was a wanton and ruthless act, even by the brutal standards the world has come to expect from the Soviet Union. What we have is a situation where an unarmed civilian passenger plane strayed innocently from its course and invaded Soviet airspace.

Like man himself, the sophisticated electronic systems that guide the jetliners of the world are not infallible. And indeed there is some evidence that the navigation error may have been caused, at least in part, by Russian surveillance electronics.

Whatever the reason for the intrusion, the response far, far exceeded the "crime." In civilized society, landowners have a right to order trespassers off their property. But they do not have the right to gun them down. And this precisely is what the Soviets did.

And in doing so they violated not only humanitarian principles—snuffing out 269 innocent lives with reckless and murderous abandon—but internationally recognized rules of jet-age air travel as well.

These rules dictate that intruding aircraft either be escorted out of the violated airspace or forced to land for inspection. On several occasions, the United States has practiced this custom in cases where Russian military planes have entered our airspace. Instead the Russians acted precipitously and without regard for hapless civilians of many nationalities—including Americans.

Then they compound their crime by denying it in the face of incontrovertible evidence. Six days later, when they finally owned up to the heinous act, they displayed a shocking arrogance by announcing they acted properly and reserving the right to take similar action in the future.

All the world knows this was not the first time the Russians fired on a civilian airplane. And now they are saying they are likely to do it again.

What if it is an American airplane next time? It is a frightening thought. The intense furor and indignation being expressed across the United States today would pale in significance if a Pan-Am or TWA jetliner were blasted from the skies. It could, indeed, precipitate an unthinkable military exchange.

Finding ways, then, to guarantee the safety of all civilian aircraft that might inadvertently stray into hostile airspace should be our Nation's paramount goal.

As we consider sanctions we should never lose sight of this single point. There is an understandable desire to want to make the Russians pay. But if that payment does nothing to reduce the danger—or if it is extracted only out of vengeance without regard for the consequences—it is worse than no payment at all.

So far we have wisely rejected hollow retaliation, such as canceling the grain deal, which would hurt the American farmer and the Russians not at all since there is plenty of grain in world markets. Delaying arms negotiations would be equally short-sighted and would play into the Russian's hands.

To be sure, this is the kind of brutal action that invites saber-rattling and macho conduct.

But we cannot forget that as the strongest nation in the world we have an obligation to all nations that seek peace and justice. What's more, our strength gives us the means to punish without jeopardizing world peace.

Because America did not let the Russians get away with this foul deed and because we exposed them in the harshest terms, the Soviet Union already is paying dearly in terms of world opinion. It is feeling the wrath even of other communist regimes around the world.

In the court of the world we must continue this pressure until the Soviets quit their lying in the face of irrefutable evidence, face up to the evil of their action, agree to make restitution and provide guarantees that civilian airline passengers will not be gunned down simply because of electronic breakdowns.

We now have a poignant example of how an accident on the part of a third country can bring the two superpowers toe-to-toe. And we have seen as well the danger of giving too much authority to trigger-happy militarists.

It is now our duty to continue to act responsibly to extract justice without escalating the confrontation solely for the sake of vengeance.●

● Mr. HARKIN. Mr. Speaker, every day it seems new information emerges about the Korean Air Lines massacre.

But the basic facts do not change. A Soviet fighter plane shot down the Korean airliner; 269 people were killed—269 innocent people, including our colleague Larry McDonald.

We know that the Soviet leaders are obsessed with security. We understand the reasons that arise from the history of Russia. But they are no excuse. No new information can possibly excuse shooting down a plane with 269 innocent people.

In similar circumstances, I do not believe that our Government would have taken such a action. First, we would have checked, double checked and then started all over again to make sure that we were not firing on a civilian plane.

As a former naval fighter jet pilot, it is inconceivable to me that positive visual identification was not made

before the passenger jet was fired upon.

Either the Soviet obsession with security caused the Soviets to issue general orders to make the shooting down of civilian planes possible, or there was a breakdown in command and control. In either case their actions are reprehensible. That is what I and what we as a Congress condemn today.

The purpose of this resolution today is to send a clear signal to the Soviet leadership that their behavior is unacceptable, that they must provide a full explanation, must punish those responsible, make reparations and change their defense practices.

We must make unmistakably clear the minimal decent rules for international conduct.●

● Mr. PRICE. Mr. Speaker, of course, I support this resolution condemning this outrageous and brutal Soviet destruction of a civilian aircraft with the loss of 269 men, women, and children, and, or course, like other Members will vote for it.

I hope, however, this action will not lead the House to exceed its normal capacity for fooling itself.

I trust that Members realize that as far as the Soviet leaders in the Kremlin are concerned this resolution will have all the force and effect of a luncheon club speech in Saskatchewan.

The last provision of the resolution calls for the Soviet Government to "unequivocally apologize for its actions, fully compensate the families of the innocent victims, and agree to abide by internationally recognized and established procedures."

We have as much chance of getting the Soviets to do that as I have of being elected a member of the Politburo next week.

We do have a chance to sent the Soviets a message that they understand, however, when we vote on the Defense authorization conference report.

That bill says that the United States is prepared to spend billions of its national wealth to keep up our defense. It says that we are increasing our defense expenditures by 5 percent in real growth, despite great budgetary problems and anguishing domestic concerns because we will not let ourselves be pushed around or bullied by the Soviets.

That bill says that we are taking steps to defend ourselves in a measured and careful way so as to keep open always the avenue of arms control if the Soviet Union is willing to negotiate.

That bill says that we are going to be prepared to negotiate from a position of strength because we know what the Soviet Union would do if we allowed ourselves to get into a position of weakness.

I hope nobody will fool themselves into thinking that this latest tragedy was an isolated incident or that the helpless Korean airplane was shot down by new Soviets. These are the same old Soviets. These are the same Soviets who brutally crushed freedom in Hungary, who destroyed the urge for freedom in Czechoslovakia, who invaded Afghanistan and slaughtered civilians with incredible brutality, who are using chemical warfare in Southeast Asia.

The Soviets are insensitive, brutal, calculating people who will take what they can get in any instance.

Let us send them a message that we will not be intimidated by their threats and we will not react to their brutality with just a slap on the wrist.

I support this resolution, but I ask you to support the meaningful action of providing adequate defense for the United States.●

● Mr. LIPINSKI. Mr. Speaker, I rise in strong support of the resolution offered by the distinghished chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, concerning the brutal Soviet attack on Korean Air Lines flight 007.

When I first heard of this vicious attack by the Soviet Union on a defenseless civilian airliner, I could not believe it really happened. What kind of people or government place such a cavalier and cold-blooded attitude toward human life? 269 innocent people were murdered by a Soviet fighter pilot under orders from the Kremlin to shoot down any aircraft, civilian or military, that does not have clearance over Russian airspace.

It is clear from the facts that flight 007 was simply off course and had no intention of entering Soviet airspace. I am incredulous over Soviet statements alleging the Korean aircraft was on a spy mission for the United States. The Soviets have continued to make a bad situation worse. They refuse to take any responsibility for their actions. The very least the Soviets should do is allow the Koreans, Japanese or Americans to search the crash site for victims and wreckage. This would be the only decent thing for them to do at this time.

I must commend the actions and statements of President Reagan during the aftermath of this tragedy. I am in full agreement with steps he has taken to hold the Soviets accountable. They must be taught a lesson that they cannot go around shooting down defenseless civilian aircraft and suffer no consequences.

The resolution before the House today, if adopted, will help the world determine what actually happened to the Korean Air Lines 747. In addition, it will pressure the Soviet Government to give a full explanation of their actions. The world community of civilized nations must send a strong message to the Soviet Government that this type of behavior cannot be tolerated.

Mr. Speaker, I urge all of my colleagues to support this important resolution.●

● Mr. ANDERSON. Mr. Speaker, I rise today to express my shock and dismay at the brutal Soviet attack on Korean Air Lines flight 007 and to express my strong support for House Joint Resolution 353 condeming this barbaric act. There can be no excuse or justification for this appalling act which has taken the lives of 269 innocent victims, including 61 of our fellow citizens, among whom was one of our colleagues, Larry McDonald.

The callousness of the Soviet Union's response is totally dumbfounding. To even suggest that this commercial airliner was on some sort of a "spy mission" and had intentionally invaded Soviet territory would be to turn reality on its head. Through a series of partial truths and outright lies, the Soviets are attempting to avoid any responsibility for this heinous act.

There can be no doubt, from reading the transcripts of this incident, not only of the unprecedented nature of their actions, but also of the fact that the Korean Air Lines pilot never knew that he was being tracked or that he had strayed off of his original flight path. Just minutes before the aircraft was shot down, the pilot made routine contact with controllers in Japan, giving no hint that anything was wrong. Clearly, the Soviets did not follow internationally-recognized procedures, which were set up to avoid just such a tragedy, for notifying the plane that it had strayed off course and for it to leave Soviet airspace.

Further, the Soviets have shown the greatest insensitivity to those who have lost their loved ones in this tragedy, by refusing to allow non-Soviet ships and aircraft to search for the bodies of the victims in the vicinity of the probable crash site. In his address, the President called this terrible incident a "crime against humanity." Expressing the outrage felt by all of us, a constitutent of mine wrote, "This attack is an act of violence not only against Korea, but against the United States and all other free countries of the world."

That this incident should occur at a time when both the Soviets and ourselves had made a number of significant moves aimed at reducing tensions, including agreement on human rights at Helsinki and on a new grain agreement, is dismaying. Neverthless, in spite of our revulsion, we must continue to maintain our dialog with the Soviets. I agree with the President's statement that "we cannot, we must not, give up our efforts to reduce the arsenals of destructive weapons threatening the world." But this dialog can only reach a meaningful conclusion if we maintain our military

posture so that the Soviets will realize that they have something to gain by negotiation. I think that this act by the Soviets, and their subsequent disregard of world opinion and human decency, reemphasizes the need to keep our defenses strong. The sad truth is that military strength is the only thing the Soviets understand and respect.

The President has taken a balanced and sensible approach to this tragedy. by passing this resolution, the Congress is joining together, in one united voice, to support him in condemning this barbaric act.●

● Mr. BETHUNE. Mr. Speaker, I rise in strong support of House Joint Resolution 353, condemning the Soviet Union for its indefensible action of destroying Korean Air Lines flight 007 and murdering 269 innocent passengers and crew from 14 different countries. I would also like to join with my colleagues in extending my sympathy to the families and friends of those who died.

The Soviets have proven once again that they have no regard for human life. They have ignored international law, and have shocked the world with their callousness and their lies. They have not offered a plausible explanation for this murder because there is not one.

The President is to be commended for his response to this Soviet crime. Instead of allowing the Soviets to draw the United States down to their level of an irrational act, the President has put the United States on high moral ground. We are outraged and disgusted by the Soviets, but we do not want to be like them and we will not be like them. The world has judged the Soviets and found them to be criminals; they will not find the United States to be criminal in either word or deed. The Soviets have proven to the world that they cannot be trusted, while the United States has demonstrated we can be trusted in time of trouble.

Mr. Speaker, I urge support for House Joint Resolution 353.●

● Mr. HANCE. Mr. Speaker, I wish to add my voice to others that we have heard this afternoon in expressing my total disgust and outrage at the Soviet actions toward Korean Air Lines flight 007. There is no doubt whatsoever in the minds of the world that KAL flight 007 was a civilian passenger plane, unarmed and unknowingly off its flight path. Yet the Soviets ordered its destruction without the slightest thought to the lives of those innocent people on board. The wanton disregard for life evidenced by the Soviet action is an affront to every member of the human race and is an act no less appalling than the atrocities committed by the Nazis in World War II. Soviet refusal to assist or cooperate in searching for wreckage and personal affects of the passengers only further points up the Soviets' uncaring and unfeeling attitude for human life. This sad episode in international affairs only goes to prove that the free world must not and cannot ever let its guard down against the Soviet Union.●

● Mr. FASCELL. Mr. Speaker, the shooting of the Korean airliner over the Sea of Japan has sent shockwaves around the world. The tragic and senseless loss of 269 innocent passengers and crew has deeply touched and saddened people of many nations.

This dreadful and needless act demonstrates once more the callous attitude of the Soviet Union toward human life and Soviet indifference to world opinion. Even if some of the dubious statements of the Soviets regarding efforts to warn the Korean pilot were found to have any basis, the deaths of 269 civilians in an unarmed commercial plane deserves the condemnation not only of the American people but of the whole world. The implications for global air safety are ominous.

While the curtailment of air travel with the Soviet Union and other measures already implemented by the President mark a useful beginning, I believe that further steps should be considered. However, the fact remains that there is very little that the United States can do on a unilateral basis that will be effective. Our options are very limited. While the canceling of the grain sale or breaking of diplomatic relations, as some have proposed, may make us feel better, these actions would have minimal impact on the Soviets. The only thing that will make the Soviets realize the revulsion the world feels over this heinous act will be international sanctions taken by nations in concert. This is why the U.N. forum is so important, as is the upcoming meeting in Canada of the International Civil Aviation Organization. Some countries have already implemented a ban on Aeroflot flights. Further sanctions may be determined by the ICAO or other international meetings or organizations.

I have recently returned from the closing ceremonies of the Conference on Security and Cooperation in Europe in Madrid. Virtually every Western foreign minister used the occasion to roundly condemn the Soviets. It is this international criticism that must continue if there is to be any hope of the Soviets' realizing that they must conform to accepted rules of behavior if they wish to be part of the civilized world.●

● Mr. CAMPBELL. Mr. Speaker, I strongly support this resolution and call for its unanimous passage. Although I was unexpectedly sent to the hospital and will have to miss the vote, I want to be on record on this vital legislation.

The destruction by the Soviet Union of a Korean civilian airplane carrying 269 innocent people was, as House Joint Resolution 353, says "one of the most infamous and reprehensible acts in history, a cold-blooded barbarous attack" on an unarmed and clearly marked plane. Very simply, it was murder, and it proved, once again, that the leaders of the Soviet Union do not share the values of the civilized world.

Mr. Speaker, one of the passengers on KAL flight 007 was from my congressional district. Billy Hong was born in Korea and was traveling back on business and to see friends and family. He had come to the United States to escape communism, and to be reunited with JIM MARTIN, who had befriended young Billy during the Korean war. Here, he found happiness. JIM MARTIN adopted him, he married and had children, he established a successful business. Here is what a local paper, the Spartanburg Herald, said about Billy Hong:

> It was the Communists Billy Hong had a bitter distrust in.
>
> It was the Communists who killed his parents in an air attack on their village during the Korean war.
>
> And it was the Communists who took Hong's life 1 week ago today, nearly a decade after he became an American citizen.
>
> He once told an American friend, "One thing I learned for sure, you can never trust a Communist."

Mr. Speaker, to Billy Hong's wife, Joy, to his children Eunice and Billy, Jr., to his adopted family, I again extend my heartfelt sympathy. I extend it to the families and friends of all the passengers and crew, for I am sure that the stories of all the innocent victims of flight 007 are just as poignant and just as tragic.

In the midst of our sense of national outrage, it must be remembered that this is not just an American problem, but also an international one, making it essential that we consider actions that will draw other nations to the cause. I support the President's actions to date and believe that further sanctions will be forthcoming as international reaction grows. I would also support immediate consideration of the defense bill, as many of my colleagues have suggested here today, as a signal to the Soviet Union that we intend to be prepared in the face of their aggression.

The Soviet Union will not apologize. Its leaders will bear none of the responsibility they so justly deserve for this abomination. Americans and world citizenry everywhere are stunned and frustrated. If we stand together and move forward with courage, however, then perhaps history can record that some good did come from this monstrous wrong.●

● Mr. ALEXANDER. Mr. Speaker, every so often something happens

that shocks the conscience of the civilized world.

Such an event took place on August 31, 1983, when the Soviets shot down Korean Air Lines flight 007, killing 269 entirely innocent people, including 61 Americans.

Soviet officials spoke of their sacred borders. They do not understand that it is human life that is sacred.

Soviet officials then gave a series of dishonest alibis. Apparently their respect for truth is as weak as their respect for human life.

Mr. Speaker, I want to join my colleagues in support of the resolution before the House.

It is right that we should demand a full explanation from the Soviet Union.

It is right that we demand compensation for the relatives of the victims.

It is right that we demand Soviet assistance in recovering the remains of the victims.

It is right that we call for a full investigation by the International Civil Aviation Organization.

It is right that we call for changes in the Soviet air defense system to prevent such a mindless tragedy from occurring again.

It is right and it is important that we take the Soviets, and Soviet actions, and the brutal and mindless system that caused those actions, before the Court of World Opinion.

Mr. Speaker, I believe it was Napoleon who said that when there is a conflict between the spirit and the sword, the victor will always be the spirit.

Soviet swords may threaten Poland, rain death on Afghanistan, or shoot down innocent planes, but the civilized spirit of human decency will rise against such actions every time.

And while we condemn the Soviets, as we should, let us remember the American idea, which is a better idea.

Let us remember the benefits of the American system, which is a better system.

Let us remember the strengths of the American economy, which is preferable to the bureaucracy and incompetence of the Soviet economy.

Let us remember American support for human rights, for peace, and for justice, which stand as our strongest weapons of the spirit against the Soviets mindless use of the sword.

Finally, let us be reminded by the Korean airliner tragedy that in our dangerous world, such unfortunate events can easily be triggered by paranoia that rational people cannot understand.

Commonsense becomes more important than ever, whether its directed toward the control of nuclear arms, the condemnation of Soviet brutality, or improvements in our air navigation facilities designed to prevent any more innocent people from being victim to the kind of madness that the civilized world stands united against.●

● Mr. HOPKINS. Mr. Speaker, I cannot enhance the sad and tragic discussion of the Soviet destruction of the KAL 007 airline and its 269 unsuspecting passengers. I would, however, like to reiterate my sorrow for the innocent victims of this needless act of cowardice resulting from the mechanized rote of the Russian military machine.

This incident is internationally mourned. But I believe many Americans feel a sense of loss—philosophically as well as personally. Certainly, the horror—real and imagined—of losing a loved one in such a humanly disgraceful fashion pierces our hearts. We, as Americans, tend to be nice guys who desperately want to given even our enemies the benefit of the doubt. Some of us have wondered at times, fleetingly, if our national, antipodal posture has been excessively stringent.

These philosophical skepticisms have peaked in recent months, in the wake of some of the most deliberate, premeditated public relations efforts by an apparently more opinion-conscious Soviet Government. I, myself, following a very productive congressional visit to Russia a few months ago, had allowed the rose to faintly taint my glasses; I was optimistic that Soviet propaganda about warming relations with its global neighbors was something more than superficial claims and boasting. It was not.

Along with the callous ending of KAL's flight 007 on the grim first day of September, hopes were shattered that the United States undisputed, verifiable evidence against the Soviets was too severe.

The Soviet Government is, undeniably, the pusillanimous bully we have painted it to be.

Many of my colleagues have eloquently expressed the deep sense of outrage we feel about the unjustified downing of a commercial airplane while on its fateful international flight, and I would like to associate myself with their remarks.

I also believe it is important to commend our President for the wisdom of his response to this reprehensible tragedy by not abusing it, by not overreacting militarily, economically, or politically.

On behalf of the people within the Sixth Congressional District of Kentucky, I support the resolution condemning the Soviet destruction of the Korean Air Lines jetliner on September 1, 1983.●

● Mr. ERDREICH. Mr. Speaker, citizens in my district, across our Nation, and indeed, across the world, are outraged at the senseless, cold-blooded murder by the Soviets of 269 innocent people, dead because they were aboard a civilian airliner which the Soviets shot out of the sky. This totalitarian superpower showed its true colors, once again.

To date, the Soviets have yet to provide justification for this abhorrent act; in fact, the events that have unfolded and the information that has been revealed since the attack have only confirmed even more the horror of this aggressive, barbaric act.

No explanation has been given by the Soviets, not for the act itself, nor for the actions of the Soviets in the wake of their crime against humanity.

I believe we in the Congress of the United States should give swift passage to this resolution.

And while I am in favor of the sections of the resolution calling for support for the measures the President has outlined to be taken by the United States in response to the Soviet attack, I would have preferred that further responses were made, such as trade and credit sanctions imposed by the United States and other nations, to make it pointedly clear that such blatant disregard for human life and for everything that the civilized world holds dear will not be tolerated.

The actions that we take today and in the future, to show our total unacceptance of such barbaric action and to seek assurances that such a tragedy does not repeat itself, may well determine whether civilian airliners, from the United States and throughout the world, will again be unwitting prey to outrageous acts of Soviet aggression.

The Soviets stand at the bar of world public opinion. The verdict of condemnation I hear is reinforced by this resolution which shows our resolve on this barbaric act. I urge our allies around the world to join with us in firm response to the act of the Soviet Union.●

● Mr. BIAGGI. Mr. Speaker, I rise in support of the pending concurrent resolution—something which I believe this Congress must pass if we are to have an effective method of expressing our collective outrage over the Korean air massacre.

A resolution of this type while lacking in force of law does present us with an opportunity to state in legislative language that we condemn the Soviet's act of military madness and murder. It allows us as a Congress to deplore the heinous action taken by a Soviet military machine which simply lost control.

A resolution of this type allows us to endorse the reasoned and rational approach taken by the President of the United States to this highly provocative act. Yet this resolution makes it clear that we seek the imposition of sanctions against the Soviet Union both punitive for this act—and hopefully to deter future actions.

The House and the Senate cannot stay silent on this issue. We must take a stand against this senseless act of

terrorism. Yet it would be inappropriate for the House and Senate to try and go beyond the policy of the President. This resolution addresses both of these concerns and does so in a responsible fashion—but unmistakably clear in the message it conveys to the Soviet Union.

Two hundred and sixty-nine innocent men, women, and children including our distinguished colleague Larry McDonald died on the ill-fated flight 007 in the cold waters off Japan. We must not rest as a nation until we have shamed the Soviet Union into both admitting their culpability and paying compensation to the families of the victims. The Soviets cannot be allowed to think that they can act with impunity—flaunting both codes of law and basic morality. We must approach our future relations with the Soviets with greater caution. Let us begin with the passage of this resolution today.●

● Mr. UDALL. Mr. Speaker, I have listened to many of my colleagues over the past few days, as they express everything from surprise to outrage over the horrible tragedy of the downing of Korean flight 007. And I can share the pain, frustration, and shock that is in this Chamber, in this country, and around the globe. Very few events in recent history has so shaken the sensibilities of the civilized world. Emotions have run very high on this issue. The deaths of 269 innocent people in an act of unadulterated aggression is unconscionable. At a time like this, it would be easy to let our feelings dictate our actions. But on a matter as sensitive as this, cool heads must prevail. And for the most part, I believe they have.

I applaud President Reagan's actions in response to the downing of flight 007. Despite calls for harsher sanctions, stopping the grain deal, and expelling Soviet diplomats, the President has chosen a course of reasoned moderation.

At the same time, many people have used this tragedy to call for more missiles, for ending the arms talks. Many of these feelings are understandable, when you consider the magnitude of this crime. But an escalation of tensions is not a thing that we need or can afford at this time At no time, have strategic arms reduction talks been more important than they are now. At no time, is the nuclear freeze more important then it is now. At no time, are improved United States-Soviet relations more important than they are now.

The Soviet action on flight 007 is frustrating and frightening. The men who made the decision to shoot down flight 007, are the same men who would be making the choices should there be a nuclear confrontation. With anti-Soviet rhetoric at an alltime high, we may be closer to a nuclear holocaust than ever.

So we must take every type of action possible to avoid this kind of scenario. We need to make progress in the strategic arms reduction talks, and have people involved who really believe in them. We need ratification of the nuclear freeze.

Winston Churchill once described the Soviet Union as "* * * a riddle, wrapped in a mystery, inside an enigma." The downing of the Korean airliner only hammers home the fact that we know very little about how the Soviet Union will react to different situations.

It is frightening to think about how close we came the other night to not just shooting down an airliner, but a possible nuclear confrontation through a misunderstanding.

The late Senator JACKSON had an important idea, when he proposed a joint United States-Soviet communications command center. Our old hotline between Moscow and Washington is outmoded and dangerous. We need to have state-of-the-art communications, to avoid tragedy through misconception.

We are heading down a treacherous road. But we can avoid a war by miscalculation, by getting to know our Soviet counterparts better. We do not need to have a war by mistake, as we nearly did in 1958 and a couple of times since.

I am deeply saddened by the loss of life associated with the Korean airliner. The Soviet Union's actions and justification of the downing of flight 007 is inexcusable and horrifying. But let us keep our perspective on this matter and United States-Soviet relations as we debate many important pieces of legislation in the near future. Let us look to the future and avoid the mistakes of the past.●

● Mr. YATES. Mr. Speaker, there have been very eloquent speeches today, all condematory to the Soviet Union's inhuman action in shooting down Korean Air Lines flight 007. I support this resolution. There can be no excuse for killing so many helpless air passengers. The Soviet Union has offered no excuses or any reasons for its action except, it says, to protect its national security. National security? From an unarmed plane? Its action does not make sense to any civilized society.

It is an act of international piracy and deserves to be treated as such. Until it recognizes its obligation and responsiblity to act as other nations in transiting this globe with civilian airways, its participation should be limited. I thought the airline pilots of the world were right in calling for ommitting the Soviet Union from travel schedules until and unless it agrees to respect the sanctity of human life in civil air travel. If, indeed, it chooses isolation because it considers it boundaries unavoidable even by accidental civil airplane error, its participation with other international airlines ought to be restricted.

I support this resolution. I believe it is important as an expression of the revulsion I feel and the world feels for this callous and brutal act.●

● Mr. DREIER of California. Mr. Speaker, I rise in support of House Joint Resolution 353, congressional condemnation of the Soviet criminal destruction of the Korean civilian airliner. I do not feel that this resolution is fully adequate, but it is at least a start.

We extend to the families of the victims our deepest sympathies. So many innocent people died, including a friend and colleague of ours. How much closer to home do Soviet atrocities have to hit before we are awakened to what is going on around us? This resolution calls for international investigations and recovery efforts. Yet the Soviets have already vetoed a U.N. resolution and they refuse to allow Japanese ships into their territorial waters to search for bodies. This resolution calls for reparations to families, also rejected by the Soviet Union.

I do not know what upsets me more, Mr. Speaker, the atrocity itself—which should hardly surprise any of us—or the fact that we are now in a situation where anything we do to punish the Soviets will either hurt us more, or not be followed by our allies.

I was impressed by the BBC interview with Soviet Foreign Minister Gromyko in Madrid last week. He stated that he was sure the West would soon forget this situation and let everything go back to business as usual. Are we going to allow this to happen? Does not this incident show us their true colors?

I would like to repeat the comments of several of my distinguished colleagues. This is not the end of the situation, only the beginning. It is the least we can do.●

● Mr. PACKARD. Mr. Speaker, I deplore the act of barbarism the Soviet Union committed when they shot down Korean Air Lines flight 007 on September 1. This destructive action resulted in the murder of 269 innocent passengers from the United States and 13 other nations. The United States and the entire international community cannot tolerate such acts of violence. The callous and uncivilized gunning down of this civilian aircraft must never be forgotten.

The safety of civil aviation has been placed in jeopardy by yet another example of air aggression by the Soviets. Sanctions aimed at the Soviets are vital if we are going to deter that country from future repetition of such inhumane behavior. We must bolster the strong words of disgust, revulsion, scorn, and fury with equally severe measures. Banning Aeroflot—the na-

tional air carrier—from landing in this country, suspending certain cultural, scientific, and diplomatic exchanges and working with other nations to limit Soviet civil flight in the West are all legitimate responses to this tragedy.

This attack was aimed at all societies that value individual rights and moral behavior. The Soviets' action reflects the total disregard they have for human life. Their flagrant neglect for human existence has been further compounded by their steady refusal to tell the truth. I call upon the Congress to cooperate with President Reagan in developing a measured and proper reaction to this international tragedy.●

● Mrs. BOXER. Mr. Speaker, I support House Joint Resolution 353.

There is no excuse acceptable to the civilized world to rationalize the Soviet action in shooting down the Korean Air Lines flight 007.

In a world where there are so many tensions; where the world is quickly being divided up into two camps, this incident demonstrates what a tenuous thread world peace is hanging on.

We must look at three issues:

First, what are all the facts of the incident? These must be thoroughly investigated.

Second, what are the appropriate responses? We must lead the world community to impose international sanctions which hurt the Soviets not Americans, and which do not cripple the chances for peace.

Third, what can be done to avoid incidents like this in the future? It is very important that better communication centers be established between the nations of the world and particularly between the Soviet Union and the United States.

Innocent people have been lost because of the fears and suspicions of the Soviet Union—fears and suspicions which got out of hand in this incident. There are no excuses. Let us take steps to express our outrage and to protect the world community from future tragedies.●

● Mr. ACKERMAN. Mr. Speaker, I rise to express my deep condemnation of the Soviet Union for its brutal attack upon Korean Air Lines flight 007. I strongly support House Joint Resolution 353 which expresses the revulsion of the Congress toward the Soviets for this vicious act. It represents yet another blatant example of the Soviet Union's failure to adhere to the standards of decency upheld by civilized society. The brutal murder of 269 innocent civilians cannot be explained away with flimsy claims about airspace, sovereign rights, and warning shots. Every citizen of the United States understands that the Soviet Union has an overriding fanatical obsession with national security. However, Soviet explanations for their behavior are totally lacking in credibility. No American can accept the outrageous Soviet statements that we should expect these results from an "infringement" of their airspace, and that we can expect a similar tragedy to happen again if another civilian plane strays into Soviet territory. This cold-blooded attitude reflects the Soviet Union's complete disregard for human life and the international aviation safety agreements designed to protect the lives of airline travelers.

The fact that the Soviet leadership is not in the least bit contrite about the loss of life aboard flight 007 points out the need to send a clear message to the Kremlin. That message we send to the Kremlin today is this: The civilized world rejects your excuses. Your behavior is a disgrace, and is recognized as such by the world community. As the elected representatives of the American people, we demand an apology and reparation payments to the relatives of those who died from your cowardly actions.

The resolution before us today is an important means of expressing our disgust for the Soviet handling of this incident. The Congress demonstrates, in the clearest of terms, our desire to see a worldwide response to this heinous act. Beyond this resolution, the steps we have taken within the appropriate international aviation agencies and the United Nations are positive. But this does not go far enough.

Mr. Speaker, I fully support this resolution; however, I believe that the United States must take potent action which goes beyond the strong expressions of condemnation which have been issued on the floor today. I believe that we must give increased priority to the control of high technology exports which allow the Soviets to make important gains in areas where their technology falls behind U.S. capabilities. We must be vigilant in our enforcement of existing laws in this area. We must also reevaluate our grain sale policy in light of recent atrocious Soviet behavior. Should the United States be feeding the war machine which murdered the 269 people on board this flight? Looking at the list of passengers on this flight, I saw the names of many children and young people whose lives were snuffed out before they had the opportunity to reach their full potential. Many on board were there by a stroke of fate. Many were ordinary citizens who did nothing to deserve this terrible death that results from the Soviet refusal to abide by civilized standards of behavior.

Mr. Speaker, I join my colleagues in support of this resolution. However, like so many other people in this country, I feel very strongly that we must take action that will outlive the resolution we pass today. Mr. Speaker, let this resolution be a first step in the effort to bring the Soviet Union to justice for this reprehensible crime. We must not allow this incident to die with the passage of this resolution.●

● Mr. BOUCHER. Mr. Speaker, I rise to join others from throughout the world in expressing my outrage with the Soviet Union for its attack of August 31, 1983, on Korean Air Lines flight 007.

The Soviet Union's attack on an unarmed commercial airliner, which resulted in the loss of 269 innocent people, underscores the fundamental difference between the Soviet Government and our own. Time and time again the Soviet Union has demonstrated that a paranoid sense of national security supersedes the internationally recognized rights of innocent human beings. If anything positive results from the tragic events of August 31, I would hope that it would be a renewed international focus on the Soviet Union's disregard for human rights. I would hope that world attention will be directed to the Soviet Union's brutal suppression of the Solidarity movement in Poland, their apparent use of chemical weapons against civilians in Afghanistan, their treatment of dissidents within their own borders and their failure to allow Soviet Jews to emmigrate to nations which respect the Jewish faith.

I congratulate the administration for its well-balanced response to this incident, and I urge this House to unite behind the President in his efforts to obtain reparations from the Soviets and to lead the free world in placing restrictions on Soviet commercial air traffic. In the coming weeks and months, as the public furor over flight 007 diminishes, it will be important for our Government to maintain pressure on the Soviets for a complete explanation of this horrible act and to press for reparations to the bereaved families of those aboard flight 007.●

● Ms. MIKULSKI. Mr. Speaker, I join with the citizens of this Nation and the rest of the world community in condemning the criminal destruction by the Soviet Union of Korean Air Lines flight 007 and the murder of the 269 innocent passengers and crew on August 31, 1983.

This criminal act is shocking, but not surprising when one considers the Soviet Union's long history of disregard for true justice and human rights. The fact that this crime was committed demonstrates the insensitive brutality of the Soviet regime, and this is compounded by their callous denial of any wrongdoing in the act. Even their own people are denied the truth through the Soviet regime's massive disinformation effort. It is this contempt for freedom and the utter dependence on secrecy in the name of state security that makes the Soviet regime capable of such a hide-

ous act. We in the free world must not lose sight of this fact.

Our response to this crime must be firm and resolute. We must unite with our allies and other nations to send a clear message to the Soviet Union that the world community is repulsed by such atrocities, and take action to prevent such crimes from happening again. I join my colleagues in support of the joint resolution before Congress that condemns the Russian regime for their action.

We must not forget, however, that when all is said and done, it is the families of the victims who suffer, and it is to them that I send my deepest sympathies.●

● Mr. NELSON. Mr. Speaker, I would like to express my abhorrence of the recent act by the Soviet Union in shooting down Korean flight 007, with 269 innocent people aboard.

I found this to be a horrible, reprehensible act; one that is inexcusable.

The Soviets owe an explanation to the entire world—they owe compensation—they owe an apology.

I realize that all this will not bring back those who died, including our friend and colleague, Larry McDonald. However, the Soviet Union must realize that barbaric acts like this will not be tolerated. And we, the Congress of the United States, should continue to take the lead in publicly and universally reprimanding them.

Therefore, I support the sanctions outlined by President Reagan. In fact, I suggest we go a step further and use this opportunity to insure the absolute prohibition of any export of high technology equipment to the Soviet bloc nations.

This incident will surely result in a deterioration of the relations between the United States and the Soviet Union.

Yet, we must continue to use good judgment and wisdom in dealing with this tragedy. We must continue to issue stern warnings that further acts of uncivilized behavior will not be tolerated.●

● Mr. FAZIO. Mr. Speaker, through this resolution we are showing our outrage at this deplorable act against the civilized world. There is no ground so sacred or information so critical to justify the deliberate and unnecessary squandering of 269 innocent civilian lives.

I support the administration's efforts to generate a collective response to this atrocity so that we can exact just compensation for the families of the victims and appropriately penalize the Soviet Union for its callous disregard for human life. Unlike unilateral economic sanctions which have been tried and have failed in the past, this approach will bring the full force of world public opinion on the Soviets and generate appropriate retribution for this senseless act.

I caution, however, that we cannot afford to cut off communication with the Soviet Union in any arena, and particularly in the area of arms control. We engage in arms control negotiations because it is in our own interest and the interest of the free world. To cut off those critical negotiations would not only be contrary to these interests but would serve to only exacerbate the Soviet paranoia which created the environment in which this event occurred in the first place.●

● Mr. FRENZEL. Mr. Speaker, I will of course support the resolution. The Congress should support the President's leadership in the matter.

As a Republican, I try to support the President when I can. This time it is easy. I have seldom been prouder of a Chief Executive than when Mr. Reagan reported on TV to the American people on the incident.

He was serious and concerned, but he correctly focused on the real problem—pinning the tail on the donkey. He has lead the world in identifying this Soviet brutality, and in attempts to make international air travel safer.

President Reagan also had the good judgment not to listen to extreme counsel urging him to indulge in fierce, symbolic, by counterproductive acts. Too often in the past we have expressed our displeasure with Soviet conduct by shooting ourselves in the foot.

The President is correctly trying to coordinate world action to punish the U.S.S.R. without unduly harming ourselves. He deserves our congratulations and our thanks.●

● Mr. MATSUI. Mr. Speaker, I would like to express my strong support for approval today of this resolution condemning the Soviet Union for shooting down an unarmed Korean airliner and taking the lives of 269 innocent civilians. Through this resolution, I believe, the Congress will clearly demonstrate the American people's abhorrence of this Soviet action and show the strength of our Nation's commitment to appropriate international sanctions.

As we are all aware, the Soviet response to this incident has been one of denial and obfuscation. Until faced with incontrovertible evidence to the contrary, the Soviet Government refused to acknowledge it had even shot down the airliner. Most recently, the Soviet Union tried to claim that the Korean aircraft was on a spying mission for the United States.

While it is vital that the United States respond to the Soviet attack and its subsequent propaganda, we must also insure there is concerted action by the international community. Otherwise, we are in danger of turning the incident into simply a United States-Soviet confrontation in which the legitimate concerns of all nations are subsumed.

For this reason, I fully support provisions of this joint resolution which urge our allies and other nations to work with us in securing from the Soviet Union the following demands: A full explanation of the events leading up to the attack; reparations for the families of the victims; an investigation of the incident by the International Civil Aviation Organization and a change in Soviet air defense procedures to insure safety for all airliners.

By thus working with the international community, the United States can fulfill its proper role as a judicious and rational world leader. Without aggravating world tensions or signaling a return to the cold war, we can insure that the Soviet attack is neither easily forgotten nor without serious, long-term consequences for the Soviet Union.

I urge all of my colleagues to support this important resolution.●

● Mr. SHUMWAY. Mr. Speaker, it is with great sorrow and anger that we have occasion to consider the resolution before us. We mourn the loss of the 269 civilians, including our colleague Larry P. McDonald, who were aboard Korean Air Lines flight 007 when it was shot down by the Soviet Union almost 2 weeks ago and share the outrage of the international community at this offensive Soviet action. The killing of civilians aboard an unarmed commercial plane by the Soviets is a heinous act which repulses those people throughout the free world who value human life.

As we are all acutely aware, on September 1, Korean Air Lines flight 007, for reasons which remain unknown, strayed off its intended flight path and veered into Soviet airspace, flying over the Kamchatka Peninsula, the Sea of Okhotsk, and Sakhalin Island, areas which are militarily sensitive to the Soviets. After tracking KAL 007 for 2½ hours and after making what appears to be little if any effort to contact the Korean jet in order to inform it of its misguided course, the Soviet military determined that flight 007 was a spy plane and without provocation, shot it down from the sky. All 269 persons aboard the aircraft were killed. This Soviet "shoot first, ask questions later" mentality is morally repugnant and underscores the Soviet Union's callous disregard for human life and for the minimum standards of a civilized world. The shooting down of Korean Air Lines flight 007 is a reprehensible act of violence which defies explanation and which warrants the condemnation of the entire international community.

Yet impassioned and anguished rhetoric will not suffice. As the international community is united in anger, so too must it be united in action. The President has correctly recognized that the Soviet attack on KAL 007,

which had passengers from 13 countries aboard, is not a bilateral United States-Soviet Union issue and thus has sought a coordinated international response to the incident. The United States is working closely with the United Nations and the International Civil Aviation Organization to look into the incident, to take coordinated steps against the Soviet Union for its actions, and to establish new civil aviation codes for international air safety in order to prevent a recurrence of this type of tragedy. Furthermore, the United States continues to work with its allies to receive a clear explanation from the Soviets for the attack on KAL 007, an apology by the Soviet Union for the incident, compensation for the families of those abcard the aircraft, and a guarantee of the safety of future civilian flights as well as to suspend commercial air traffic to and from the Soviet Union.

I endorse the President's measured and restrained response to the appalling action taken by the Soviet Union against Korean Air Lines flight 007. This response by the President should not be viewed as a softening of U.S. attitudes toward the Soviet Union but rather as measured resistance to the temptation to take harsher actions, actions which could transform this tragic incident into a major confrontation between the United States and the Soviet Union.

With anti-Soviet sentiments and rhetoric running high in the United States, however, there has been a call by some for a harsher U.S. response to the incident involving KAL 007. Possible retaliatory actions bantered about have included revocation of the recently signed grain agreement, imposition of trade sanctions, severance of diplomatic relations, and suspension of arms control negotiations. We are all aware, however, of the problems caused both at home and with our allies by the previous grain embargo and past trade sanctions imposed by the United States on the Soviet Union; these actions clearly have not proven to be an effective means to achieve diplomatic ends with the Soviets.

Furthermore, despite this recent tragedy and our condemnation of it, the imperative to reach an arms control agreement with the Soviet Union continues to exist. It is in the interest of our Nation and of the entire international community that the danger of nuclear war be reduced to the greatest degree possible. It is therefore vital that we not cut off dialog with the Soviets but that we continue our efforts to reach an effective, equitable, and verifiable nuclear arms agreement based on the principle of substantial and militarily significant reductions.

Any agreements with the Soviet Union must necessarily be based upon the good faith of both parties to adhere to the agreement. Yet as President Reagan stated last week, following the Soviet attack on KAL 007, "what can be the scope of mutual discourse with a state whose values permit such atrocities?"

No, Mr. Speaker, it will not be business as usual with the Soviets and Soviet credibility, as evidenced by the Soviet Union's attack on the Korean airliner and its unwillingness to admit its responsibility for the shocking incident, is not great. But it is critical in the interests of international security, stability, and peace, that our line of communication with the Soviets at the arms control negotiating table at Geneva be kept open.

The world will not soon forget the inexplicable Soviet action which claimed the lives of 269 innocent people. The international community must continue to exert pressure on the Soviet Union, which has expressed no regret over the incident, has deflected its responsiblity, and whose account of the tragedy remains inadequate and unacceptable, to admit as culpability. The international community needs, however, to keep in mind that we must continue to live in the same world as the Soviet Union and that the imperative for dialog remains.

● Mr. HEFNER. Mr. Speaker, it is imperative that the U.S. Congress take the necessary action to send an effective and appropriate message to the Soviet Union that we and the world community will not allow the shooting down of KAL flight 007 to simply slip away into oblivion, to be forgotten after all the rhetoric surrounding the incident.

Soviet officials and the Soviet military command were quite aware that flight 007 was a commercial flight carrying innocent people who had no knowledge or concern that they were about to be sent to their deaths by a Soviet missile. They were decent, loving, and law-abiding people with yet unknown contributions to be made to world humankind and they had every right to expect that they would arrive at their destinations safely without being shot out of the sky.

That they went to their deaths at the hands of the Soviets through a deliberate act of terrorism displays an utter disregard by the Soviet Union for any human dignity or respect for human life and acceptable mores of human behavior. It was a murderous, barbaric act which must be met with outrage, condemnation, and appropriate action to produce effective reprisals for a deed that is absolutely unthinkable to the civilized world.

I wholeheartedly support the condemnation resolution calling for a full and frank explanation of this atrocious barbaric deed with apologies and full compensation to be made to the families of those who lost their lives. I support the call for an international investigation by the International Civil Aviation Organization into this crime, and believe we should keep up the pressure for a full accounting of the tragedy. We should demand that the Soviet Union modify its air defense procedures and practices to assure safe passage of commercial flights so that this kind of thing will never happen again.

We must continue to cooperate with the international community in putting pressure on the Soviet Union to admit its full responsibility in this terrible incident. The peace and freedom of the world mandates that we take a stand against this kind of cold, ruthless, aggression by the Soviet Union.●

● Mr. BOSCO. Mr. Speaker, the recent destruction of a Korean passenger airliner and the tragic loss of life has provoked a national discussion relative to the appropriateness of President Reagan's response. I am one who believes the President acted in a dignified and responsible manner, reflecting the sense of outrage felt by all Americans, our sympathy for the families, and the need to pursue this matter through appropriate international channels.

I do not agree with the President, however, that this terrible tragedy points to the need for a further buildup of our nuclear arsenal, and, in particular, the MX missile. It is estimated that at present the United States possesses over 30,000 nuclear weapons of various types, and the Soviet Union some 20,000. Each of our 33 strategic submarines is capable of destroying every major city in Russia, to say nothing of our ICBM's, strategic bombers, and other major weapons. Yet all of this firepower did not prevent the Korean airliner from being shot down, nor could another 100 MX missiles.

Our purpose now must be to prevent these destructive incidents from occurring in the future. This will mean a renewed emphasis on building-down nuclear arsenals, so the next international debacle does not involve far worse loss of lives than the last. We must work particularly hard to eliminate weapons, such as the Pershing II and Soviet SS-20, that can reach their targets in such little time as to make response an almost automatic military decision, regardless of the circumstances surrounding the original firing.

The fact that the Soviet Union is capable of using incredibly poor judgment in the exercise of its military power should only heighten our comitment to removing these weapons of massive destruction from their hands as well as our own. I believe President Eisenhower's remarks are more timely now than ever before:

When we get to the point, as we one day will, that both sides know that in any out-

break of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.●

● Mr. HOWARD. Mr. Speaker, I most strongly condemn the Soviet Union's hideous attack on Korean Air Lines flight 007 which caused the loss of 269 innocent men, women, and children.

Considering its vulnerability, a commercial airliner which wanders off-course should be accorded special assistance. Anything less simply reflects a lack of humanity and compassion—an offense which the Soviet Union is most certainly guilty. We cannot bring back those innocent people who lost their lives aboard the ill-fated plane, but measures must be adopted to insure that such a tragedy never happens again. In addition, the incident must be taken into account in our future dealings with the Soviet Union, which is ruled by a government so rigid and paranoid that it cannot bring itself to offer an acceptable apology for shooting down the aircraft and killing 269 people.

I call on the Congress and the President to cooperate in formulating a response to the Soviet Union's revolting act of violence. The Soviet Union must answer more satisfactorily to the civilized world, and we should demand a proper apology and compensation for the victims' families.

In light of this tragedy, we must reevaluate the recent grain agreement made with the Soviet Union. The grain deal was flawed from the start. The agreement did not contain the usual escape clause allowing us to cancel sales in the event of crop failure or other extraordinary events. Now after this despicable act we find ourselves sending grain to the Soviets while we face half a harvest as the result of the drought in the Midwest.

In addition, we might consider imposition of a tariff on Soviet imports which could be used to compensate American families who lost loved ones in the attack.

We all should condemn the Soviets' conduct in this matter, but it is also essential that we search for ways to prevent a recurrence of this type of tragedy. With this in mind, I have cosponsored legislation which would establish a joint United States-Soviet communications center. This would provide an additional line of communication which could be used to prevent another incident like we have seen with the ill-fated KAL plane.●

● Mr. AKAKA. Mr. Speaker, I want to voice my very strong support for House Joint Resolution 353, a resolution condemning the violent and senseless act of the U.S.S.R. in shooting down the civilian Korean Air Lines plane on September 1.

The President has taken a number of steps to make clear this Nation's abhorrence of the Soviet action. In addition, many suggestions have been made here today regarding our response to the KAL shooting. It is in this context that I would bring to the attention of my colleagues the steadily increasing Soviet military presence throughout the Pacific Ocean. In recent years we have heard that the United States should decrease its surveillance and military presence in the Pacific. We have been urged to lessen our involvement in the area and lay the burden of defense and surveillance on Japan, the Philippines, Australia, and other nations of the Pacific. I do not agree with these proposals. No, we cannot allow the Soviets with their policies of brutality and insidious expansion to extend their sphere of influence in the Pacific, an area liberated with the loss of thousands of American lives during World War II. We must continue to provide for the defense of the Pacific with a renewed awareness of the threat from the Soviets.

We can renew our commitment to defense in the Pacific by supporting the defense efforts of the Pacific nations. That can be partially accomplished by initiating a policy whereby U.S. naval vessels no longer needed to meet our defense responsibilities are given to our closest allies in the Pacific. Many of these nations would gladly increase their defense efforts with this minimal effort on our part. I would especially urge this Congress and the President to consider initiating such a policy in cooperation with our ANZUS allies and Japan. Such a policy would increase our surveillance capabilities throughout the Pacific and curtail the U.S.S.R's attempts to increase its sphere of influence.

Let us not forget this very cruel lesson of the extent of Soviet brutality. It could happen again. I do not support a policy to increase our military strength as a hysterical reaction to the Soviet shooting of the KAL plane. No; I believe in renewed caution and defense against the Soviet military might. Renewing our commitment to the defense of the Pacific is the proper step to take in this instance and in the future.●

● Mr. McEWEN. Mr. Speaker, I join with my colleagues in expressing gratitude to the House Foreign Affairs Committee for expeditiously providing this House with the opportunity to register our collective outrage at the Soviet attack on Korean Air Lines flight 007. I wish to express my own view that out of this tragedy and affront to human life, we can recognize the threat to world peace represented by the Soviet mentality which produced this action. We must register our alarm in tangible ways, and encourage a cooperative demonstration by the entire family of nations which share our indignation at this attack on innocent civilians. I commend the careful analysis of this attack and the firm manner in which President Reagan voiced the feelings of all Americans. While it is true that international dialog must be preserved, I look beyond the truism that Americans must coexist with the Soviet people in seeking ways to promote arms control and world peace. This tragedy which House Joint Resolution 353 addresses, cannot be reversed. However, I sincerely hope that out of this distressful event, all Americans will come to better appreciate the worldwide threat to those values which our Founding Fathers held so dear, that are under attack by the Soviet leadership. This is our opportunity to look beyond the necessity of finding constructive ways to discourage a repetition of this barbaric attack on commercial aviation by the Soviet Air Force. In short, it is an opportunity to declare forcefully to the world that there is a better way to share the living-space of this planet. We must move beyond outrage and propagate the American ideals of democracy and respect for human life and prosperity, which offer mankind the promise of a better future, and which mark the gulf that separates us from our Soviet neighbors.●

● Mr. FEIGHAN. Mr. Speaker, bewilderment is the natural reaction to a tragedy like the Soviet attack on Korean Air Lines flight 007. Anger and vengeance soon follow. But as President Reagan and the Congress sort out their options in the coming days and weeks, we should remember the words of Napoleon, who said that "the heart of a statesman should be in his head."

How should the United States respond to this latest—and most cowardly—example of the Soviet Union's disdain for human decency? A cautious but firm approach seems wise. Of course, we should condemn the atrocity in the strongest terms and do everything in our power to focus the indignation of the world on the Soviet Union. But we should resist the temptation to take an drastic action.

Too many questions have yet to be answered: Was downing the passenger airliner the unplanned act of a nervous or overzealous local commander? Or a conscious effort by the top brass in the military to discredit Soviet leader, Yuri Andropov, who has angered the Russian defense establishment by transferring military funds to consumer industries? Even more disturbing, did Andropov authorize the sinister act himself? Only the boys in the Kremlin know for sure, and they are not telling the truth.

That is why the immediate priority of the United States and other nations

must be to demand—through bilateral channels and the United Nations—a full accounting and apology from the U.S.S.R. The principal aggrieved parties, Korea and Japan, should take the lead in this effort. If world attention becomes focused on the United States response, not the Soviet attack, it will be impossible to avoid the perception that we are using the innocent victims of this tragedy as pawns in the chess game of superpower politics. Nothing would please the Soviets more than this.

We should also take a good, hard look at the lessons of Afghanistan and Poland. As the smoke clears, many voices call for trade embargoes and an end to diplomatic contacts. Others work to delay or derail the arms control negotiations in Geneva, while pressing for an appropriate military response. What these emotion-filled pleas ignore is the unsettling and damaging effect that actions like the grain sales embargo and the pipeline sanctions have had on U.S. domestic and foreign policies. Without the unwavering support of the American people and our allies abroad, unilateral trade cutoffs hurt the United States more than the U.S.S.R. where the leaders are more than willing to tighten the screws at the expense of their people. Ending diplomatic contacts is also counterproductive. We negotiate arms control agreements and maintain official relations with the Soviet Union because it is in our best interests to do so, not because we like them, trust them, or agree with their ideology. When the alternative to mutual accomodation is anarchy and a drift toward nuclear conflict, we have no choice.

If history is any guide, the tragedy of KAL flight 007 may offer us a valuable opportunity to reach useful agreements that would preclude the recurrence of such devastating events. After the nerve-wracking Cuban missile crisis of 1962, President Kennedy and Premier Khruschev explored the possibilities of instituting high-speed, direct communications links between the leaders of the United States and the U.S.S.R. Less than 1 year later, the hotline agreement became the first bilateral attempt by the United States and the Soviets to reduce the danger that accident, miscalculation, or surprise attack might trigger a nuclear war. Since then, the hotline has been an invaluable tool to prevent possible misunderstandings between the two superpowers, particularly during the tension-filled days of the 1973 Arab-Israeli war.

Current proposals before Congress call for establishment of a permanent U.S.-U.S.S.R. communications center. Located in a third country, the communication-consultation center would be staffed by technical, military, and diplomatic personnel from both nations. The cost of the center would be shared equally by both countries, and it would have no intelligence-gathering capabilities. Now is the perfect time for the President to propose negotiations on this and other confidence-building proposals to the Soviet Union. The scope of the consultations could also be expanded to include discussions on provocative incidents between military and nonmilitary aircraft. Although the United States and the Soviet Union signed a 1972 agreement regarding prevention of incidents on the high seas, no bilateral or multilateral protocol has been added to govern incidents between military and nonmilitary aircraft. If such an agreement was in place last week, we might not be discussing it today.

Nothing is going to bring back the people who were lost, and there is no excuse for a government callous enough to destroy an unarmed civilian aircraft. The tragedy vividly demonstrates the dangers of the world we live in, a world that will survive only if we heed Einstein's call for a "new manner of thinking." Let us hope that disasters like this can increase our understanding and teach us a better way.●

● Mr. SILJANDER. Mr. Speaker, I rise in support of House Joint Resolution 353, a joint resolution condemning the Soviet criminal destruction of the Korean civilian airliner.

On September 1, 1983, the Soviets shot down an unarmed civilian jetliner with Congressman Larry McDonald of Georgia and 268 other passengers aboard. The act was barbaric and insane.

I have personally been struck by the incident because Larry, my dear friend and colleague in Congress, was on board.

Larry McDonald was probably the most anti-Communist Member of Congress. Everything he stood for and fought against came true for himself in this single incidence of lunacy. Yet was it lunacy? Both Larry and myself never thought the Soviets acted so irrationally. So, implausible as it sounds that Congressman McDonald was shot down for his beliefs—it is equally implausible or irrational to think the plane was even shot down at all! To me, there must be a reason this act of coldblooded murder was committed by the Soviets. I, for one, will not rest until the Soviets' subversive and immoral reason for this grizzly act is revealed.

Congressman McDonald is the first elected U.S. official to be killed by a foreign government. After such an inhumane act, how can we trust the Soviets in any unilateral nuclear freeze, in arms reduction talks, or any other commitment of trust? I can only speculate that perhaps the Soviets are testing us to see just how far they can go in world domination before we react and put a stop to it.

We are now reaping the rewards for the liberal knee-jerk apologists who have so weakened the respect for America on the international scene that the Soviets can act without fear of retribution. It is time for all America, including all the disparate lobbying groups in this country, to put aside their differences in demanding satisfaction from the Soviets. It is time for all of us to realize that freedom is not free. It is gained through sacrifice, commitment, and strength of resolve to oppose tyrants, no matter what their strength. It is precisely the Soviets' slavery to a central demagog and not freedom that led to this "accident," if it can be called such.

What should we do that has not already been done in this instance? By claiming the KAL 007 was a spyplane, the Soviets have failed to give a satisfactory explanation of their actions. After all, they monitored the plane for 2½ hours. From what little I know of Soviet capabilities, there was more than sufficient time to identify the plane and its occupants.

Again, what should we do? First, close all Soviet offices other than the main Embassy in Washington, D.C., and restrict Soviet travel in the United States to the District of Columbia area. Second, deport Soviet "diplomats" who are in reality agents, exempting again the Washington, D.C., Embassy. Third, declare Poland and Romania, both Soviet-occupied countries in default of their Commodity Credit Corporation loans. Fourth, indefinitely suspend all treaty talks until the Soviets have established to U.S. satisfaction they can be trusted (compliance with all existing treaties for a period of years). And fifth, demand they show their good faith by removing all Soviet military and civilian advisers, and equipment to include missiles and military aircraft from the Western Hemisphere.●

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the years and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays

0, answered "present" 2, not voting 16, as follows:

[Roll No. 337]

YEAS—416

Ackerman	Downey	Jeffords
Addabbo	Dreier	Jenkins
Akaka	Duncan	Johnson
Albosta	Durbin	Jones (OK)
Alexander	Dwyer	Jones (TN)
Anderson	Dymally	Kaptur
Andrews (NC)	Dyson	Kasich
Andrews (TX)	Early	Kastenmeier
Annunzio	Eckart	Kazen
Anthony	Edgar	Kemp
Applegate	Edwards (AL)	Kennelly
Archer	Edwards (CA)	Kildee
Aspin	Edwards (OK)	Kindness
AuCoin	Emerson	Kogovsek
Badham	English	Kolter
Barnard	Erdreich	Kostmayer
Barnes	Erlenborn	Kramer
Bartlett	Evans (IA)	LaFalce
Bateman	Evans (IL)	Lagomarsino
Bates	Fascell	Lantos
Bedell	Fazio	Latta
Beilenson	Feighan	Leach
Bennett	Ferraro	Leath
Bereuter	Fiedler	Lehman (CA)
Berman	Fields	Lehman (FL)
Bethune	Fish	Leland
Bevill	Flippo	Lent
Biaggi	Florio	Levin
Bilirakis	Foglietta	Levine
Bliley	Foley	Levitas
Boehlert	Ford (MI)	Lewis (CA)
Boggs	Ford (TN)	Lewis (FL)
Boland	Forsythe	Lipinski
Boner	Fowler	Livingston
Bonior	Frank	Lloyd
Bonker	Franklin	Loeffler
Borski	Frenzel	Long (LA)
Bosco	Frost	Long (MD)
Boucher	Fuqua	Lott
Boxer	Garcia	Lowery (CA)
Breaux	Gaydos	Lowry (WA)
Britt	Gejdenson	Lujan
Brooks	Gekas	Luken
Broomfield	Gephardt	Lundine
Brown (CA)	Gibbons	Lungren
Brown (CO)	Gilman	Mack
Broyhill	Gingrich	MacKay
Bryant	Glickman	Madigan
Burton (CA)	Gonzalez	Markey
Burton (IN)	Goodling	Marlenee
Byron	Gore	Marriott
Carney	Gradison	Martin (IL)
Carper	Gramm	Martin (NC)
Carr	Gray	Martin (NY)
Chandler	Green	Martinez
Chappell	Gregg	Matsui
Chappie	Guarini	Mavroules
Cheney	Gunderson	Mazzoli
Clarke	Hall (IN)	McCain
Clay	Hall (OH)	McCandless
Clinger	Hall, Ralph	McCloskey
Coats	Hall, Sam	McCollum
Coelho	Hamilton	McCurdy
Coleman (MO)	Hammerschmidt	McDade
Coleman (TX)	Hansen (ID)	McEwen
Collins	Hansen (UT)	McGrath
Conable	Harkin	McHugh
Conte	Harrison	McKernan
Cooper	Hartnett	McKinney
Corcoran	Hatcher	McNulty
Coughlin	Hawkins	Mica
Courter	Hayes	Michel
Coyne	Hefner	Mikulski
Crane, Daniel	Hertel	Miller (CA)
Crane, Philip	Hightower	Miller (OH)
D'Amours	Hiler	Mineta
Daniel	Hillis	Minish
Dannemeyer	Hopkins	Mitchell
Daschle	Horton	Moakley
Daub	Howard	Molinari
Davis	Hoyer	Mollohan
DeWine	Hubbard	Montgomery
Dickinson	Huckaby	Moody
Dicks	Hughes	Moore
Dingell	Hunter	Moorhead
Dixon	Hutto	Morrison (CT)
Donnelly	Hyde	Morrison (WA)
Dorgan	Ireland	Mrazek
Dowdy	Jacobs	Murphy
Murtha	Rogers	Sundquist
Myers	Rose	Swift
Natcher	Roth	Synar
Neal	Roukema	Tallon
Nelson	Rowland	Tauke
Nichols	Roybal	Tauzin
Nielson	Rudd	Taylor
Nowak	Russo	Thomas (CA)
O'Brien	Sabo	Thomas (GA)
O'Neill	Savage	Torres
Oakar	Sawyer	Torricelli
Oberstar	Scheuer	Towns
Obey	Schneider	Traxler
Olin	Schroeder	Udall
Ortiz	Schulze	Valentine
Ottinger	Schumer	Vander Jagt
Owens	Seiberling	Vandergriff
Oxley	Sensenbrenner	Vento
Packard	Shannon	Volkmer
Panetta	Sharp	Vucanovich
Parris	Shaw	Walgren
Patman	Shelby	Walker
Patterson	Shumway	Watkins
Paul	Shuster	Waxman
Pease	Sikorski	Weaver
Penny	Siljander	Weber
Pepper	Sisisky	Weiss
Perkins	Skeen	Wheat
Petri	Skelton	Whitehurst
Pickle	Slattery	Whitley
Porter	Smith (FL)	Whittaker
Price	Smith (IA)	Whitten
Pritchard	Smith (NE)	Williams (MT)
Pursell	Smith (NJ)	Williams (OH)
Quillen	Smith, Denny	Wilson
Rahall	Smith, Robert	Winn
Rangel	Snowe	Wirth
Ratchford	Snyder	Wise
Ray	Solarz	Wolf
Regula	Solomon	Wolpe
Reid	Spence	Wortley
Richardson	Spratt	Wright
Ridge	St Germain	Wyden
Rinaldo	Staggers	Yates
Ritter	Stangeland	Yatron
Roberts	Stark	Young (FL)
Robinson	Stenholm	Young (MO)
Rodino	Stokes	Zablocki
Roe	Stratton	Zschau
Roemer	Studds	

ANSWERED "PRESENT"—2

Conyers	Crockett

NOT VOTING—16

Campbell	Heftel	Simon
Craig	Holt	Stump
de la Garza	Jones (NC)	Wylie
Dellums	Pashayan	Young (AK)
Derrick	Rostenkowski	
Hance	Schaefer	

□ 1750

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS AT ANY TIME ON WEDNESDAY, OCTOBER 5, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, October 5, 1983, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the Federal Republic of Germany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1010, COAL PIPELINE ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-353) on the resolution (H. Res. 309) providing for the consideration of the bill (H.R. 1010) to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1800

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit during the 5-minute rule tomorrow.

It has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMENTS REQUESTED BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ON PUBLISHING OF OFFICIAL RECORDS OF HOUSE

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, on June 30 of this year, the House agreed to House Resolution 254, by a vote of 409 to 0, authorizing and directing the Committee on Standards of Official Conduct to undertake an investigation into alleged improper alterations of House documents. A part of the committee's inquiry involved the serving of interrogatories on each Member of the House during the 97th Congress and certain present and former congressional and committee staff. My remarks today are prefaced with a reminder that these interrogatories should be received in the committee office no later than tomorrow September 15.

A great deal of work has already been completed by the committee staff. Yet more needs to be done. Specifically, the committee is also mandated to report to the House any recommendations it deems proper with respect to the adequacy of the present code of official conduct or the Federal laws, rules, regulations, and other standards of conduct applicable to the conduct of Members, officers, or em-

ployees of the House to prevent the improper alteration of transcripts of hearings or other documents. I am therefore taking this opportunity to solicit any comments or advice that you may wish to offer regarding the procedure by which the official records of the House are published. In addition to obtaining the views of the Members of the House, the committee is likewise interested in the opinions of the committee and subcommittee staff directors, Government Printing Office personnel, Office of Official Reporters staff people, and those individuals in congressional offices who have the responsibility delegated to them for the editing of their Member's statements. In short, the committee invites all interested parties to share their advice and suggestions with us.

So that we may expeditiously review and analyze any comments that you may offer, we ask that those who wish to present testimony at a public hearing or statements for the record notify the Committee on Standards of Official Conduct within 7 days.

ARMS CONTROL PRINCIPLES

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, our colleague from Wisconsin (Mr. ASPIN) has long been a leader in this Congress and in the country in behalf of arms control. Recently he made a significant contribution to the evolving debate on this subject by publishing a very well reasoned white paper which I think will help focus our attention, and hopefully the attention of the administration, on the moves that need to be made in October in Geneva to bring about a successful resolution to the START talks that are now in recess.

The Scowcroft Commission report, which we have tentatively, at least, adopted in this body, was based on a three-pronged approach: The deployment of the MX, a new, small ICBM, perhaps a mobile midget missile, and arms control. In my opinion, the administration thus far has given inadequate attention to the arms control element of the Scowcroft Commission report.

It seems to me that the principles that are outlined in the Aspin white paper, which focus on throw-weight differential, on the evolution of the bomber force in both the Soviet Union and the United States, and the third significant issue that has so far been a blockage to a proper resolution of this issue, the large MIRV'd ICBM force that both sides currently have in their arsenal, need once again to be reemphasized and reaffirmed by the Commission with recommendations to the administration for further action and presentation on October 6 in Geneva.

I am very hopeful that the work that Mr. ASPIN has contributed in this regard and the work that the Scowcroft Commission is now doing on his recommendations will be a guideline to the administration. As one who has supported the MX, I can only say that my vote on the very significant defense appropriation measure yet to come this fall will be based upon the success the administration has in meeting this test. Arms control does need to have a greater emphasis that this Congress so desires placed upon it. The administration must understand that if it is to succeed with the MX.

Hopefully, all Members, regardless of their views on the MX, who have a desire to reach a bipartisan consensus on arms control, will read Mr. ASPIN's paper.

SOME THOUGHTS ON POLITICS, STRATEGY, AND ARMS CONTROL PRINCIPLES

(By Les Aspin)

The key question in strategic arms control today is whether we can get beyond negotiating among ourselves so that we can begin to negotiate with the Soviet Union.

The many sides in our own domestic debate are so captivated by their conflicts with one another that they scarcely have any time or energy available to figure out how we should deal with the Soviets. As a nation we rather resemble a highly fractious labor union engaged in a battle over who are to be its leaders, what are the desirable terms for a new contract, which faction is to get credit with the members for proposing what, and whether or not to cancel the new dues assessment for a strike fund. In the meantime, opposing management (headed by a notoriously tough-bargaining, even union-busting, Chief Executive Officer) sits there smiling, waiting and building up its inventories. The prospect for reaching a reasonable deal under these circumstances is not bright.

So it is with arms control. When conservatives are out of power, they argue that any proposed arms accord (e.g., SALT II) merely ratifies Soviet advantages and, further, risks creating an arms-control-induced euphoria that will undermine our will to arm ourselves adequately. On the other hand, when liberals are out of power, they argue that the Administration's proposals are not made in good faith, are too one-sidedly tough on the Soviets and are merely a screen for an arms buildup.

Although it is a reasonable judgment that it was the conservative opposition to SALT II in 1979-80 that was the major provoking incident in this chain of events, there is no doubt that, whoever started things, our nation is now caught in a pathological cycle. Each side is organizing mass movements against the other's arms control proposals. The conservatives did this in 1979-80 and, when coupled with the concerns about national weakness crystallized by Iran and Afghanistan, their opposition to SALT II effectively helped rally the troops for their 1980 election victory. The liberals are now doing the same thing with the freeze movement, looking toward 1984. Each has been trying to use the passions created by the highly emotional issues of national vulnerability and nuclear war to raise money by mass mailing campaigns, to help put more of its people in power and to change the face of American politics.

It has often been said that "the Lord looks after fools, drunkards, and the United States of America," but one must ask if we can continue to count on such beneficence. Where is our arms control Tong War leading? Liberals may be able to continue for a year or two to use the Reagan Administration's blunders to raise money, adopt party platform planks, and help win some elections—as the conservatives did in 1980. But what about the long run? What about the requirement that treaties be approved by two-thirds of the Senate? I can see a Democratic President quickly negotiating an arms control agreement with Mr. Andropov after January 20, 1985 (an agreement, let us say, that cancels MX and the new Soviet SS-X-24 ICBM, reduces various SALT II limits by, say, 10-20 percent, and ratifies for the long term the Soviets' existing advantage in large missiles) and then finding himself beset by a recalcitrant 34 Senators and a fire-storm of right-wing opposition—looking toward the 1986 elections. And so on.

It is at least worth exploring whether there might be a better way—a way to listen to the reasonable portions of what each side in our domestic debate has been saying and to develop, from that, the outline of a mutual position. The guiding principles of such a position have to be simple enough that people can understand them, write about them in the press and talk about them on television. They needn't pass the test of fitting on a bumper sticker, but they must be clear enough to the informed, but non-expert, public to compete with those—"Stop Salt" or "Freeze Now"—that do. This is one of the great disadvantages of both SALT II and the original START proposal. Each, with all its sub-limits and sub-sub-limits, reads as if it were drafted by a committee of lawyers. (Both probaby were.) It is very hard for even an informed public to debate the merits of a treaty as complex as a debenture. It is even harder to organize popular support for one. This doesn't mean there shouldn't be detailed provisions dealing with verification and other such matters in an eventual arms control treaty—merely that the agreement ought to be centered on, at most, two or three principles that can be discussed intelligently.

One way to see whether such an agreement is possible is to construct an ideal, abstract agreement based on technical criteria. These efforts, however, tend to be ignored by everyone but their authors because no one else has any stake in them. Another way, a more political way, is to try to broker an agreement among the various factions—a position the parties could live with over the long haul as we try to negotiate with the Soviets. We must keep in mind that we would be trying to use a process to develop a few principles, not a laundry list of limitations, and that these must be compatible with a strategically sound agreement. What is strategically sound? We will adopt the definition in the Scowcroft Commission Report: we are trying to find something that will "permit[t] the United States to move—over time—toward more stable strategic deployments, and giv[e] the Soviets the strong incentive to do the same." By "stable" we mean survivable forces for both sides, with no significant unilateral advantages and minimal (ideally no) advantages from striking first.

1. DESTRUCTIVE POTENTIAL

To broker an agreement among our domestic factions, we must decide what part of the parties' previous positions to include and what to ask them to give up. The key disagreement between the Administration and a number of its critics involves the destructive power of ballistic missiles. Although accuracy is important in being able to destroy hardened targets, the yield of a weapon—as measured in megatonnage (its destructive power as calculated in millions of tons of conventional explosive)—is also important in attacking both hardened and unhardened [1] targets. Actual missile yield is difficult to verify. The most verifiable measure for yield is a missile's throw-weight—essentially the weight of the missile's warhead, guidance, and MIRV-dispensing mechanism, if any. Because the Soviets have gone in for large missiles such as the SS-18, having over twice the throw-weight of even the MX, they have in their missile force of some 2,300 ICBMs and SLBMs about 13 million pounds of throw-weight. The United States has, in comparison, about 4.5 million pounds on its approximately 1,600 ICBMs and SLBMs. Endless arguments are possible about this disparity. Does it matter, since each side has about 8,500 ballistic missile warheads.

Note.—Following are the numbers of missile launchers and warheads under the SALT II counting rules:

UNITED STATES

	Missiles	Warheads
ICBM's		
Titan	50	50
MM–II	450	450
MM–III	550	1,650
Subtotal	1,050	2,150
SLBM's		
Poseidon	304	4,256
Trident	264	2,112
Subtotal	568	6,368
Total	1,618	8,518
SOVIET UNION ICBM's		
SS–11	520	520
SS–13	60	60
SS–17	150	600
SS–18	308	3,080
SS–19	360	2,160
Subtotal	1,398	6,420
SLBM's		
SSN–6	400	400
SSN–8	292	292
SSN–18	208	1,456
Subtotal	900	2,148
Total	2,298	8,568

Conservatives tend to argue that it matters a lot—that the high Soviet missile throw-weight, if ratified as a perpetual Soviet advantage in an arms control agreement, would give the Soviets a permanent and important edge over the United States. In part, they argue, this is because a large amount of throw-weight gives one the ability, relatively quickly, to replace a large number of warheads with an even larger number of smaller (presumably quite accurate) ones, and thus to multiply quickly one's ability to attack hardened targets. This is often called the ability to "break out." Also, as discussed below, a nation having a significant advantage in throw-weight is better able than its opponent to attack soft targets with a barrage of warheads. Conservatives tend to conclude that any arms control proposal should eliminate this Soviet advantage and do so promptly—otherwise the agreement will be a sham and delusion. Much time has been spent recently within the government arguing whether these sharp and quick throw-weight reduction demands should be incorporated directly or indirectly into our START proposals. That is, should they be stated in terms of the Soviets having to get down to a total level of missile throw-weight near ours, or should they be stated as very low sublimits on large Soviet ICBMs? As originally advanced, our START proposal would have required the Soviets to have no more than 210 large missiles of SS-19 size or larger (essentially the size of MX) and no more than 110 very large missiles of SS-18 size (about 2½ times the size of MX). Since they now have 668 SS-18s and SS-19, including 308 SS-18s alone, the Soviets would have to cut these, their newest ICBMs, by two-thirds quite quickly.

But whether we propose that the Soviets scrap the vast majority of their new ICBMs in the near future because of direct limits on throw-weight or because of indirect limits on large missiles, such proposals are so unilateral and drastic that they are unlikely to be embraced by the Soviets no matter how much we insist. Perhaps in a negotiation that was less in the public eye and in which fewer people had emotional and political involvement, the Administration's approach might be accepted by many congressmen as a tough but valid initial position. After all, the President is a former union negotiator and a man reportedly proud of his reputation as a hard bargainer. Maybe he feels he has a realistic chance of getting the Soviets to cut, say, one-third of their big ICBMs and that the only real opportunity for getting there is to ask for twice as deep a cut initially. Whether this is his tactic or not, it's not working and given the current political situation, it can't work.

Worse, the one-sided and non-negotiable aspect of this proposal has led some liberals to argue that any proposed throw-weight limit, direct or indirect, is but a crafty device of conservatives to scuttle arms control. Many members of Congress who would normally be inclined to give a President some leeway in his negotiating tactics have become convinced, in part because of the long history of his opposition to arms control agreements and the perceived personal views of some in his Administration, that he is not negotiating in good faith. He protests his sincerity, his opponents express their skepticism, the Soviets (convincingly) say they will never agree, and there we are. He needs the support of the middle-of-the-road members of Congress in order to maintain his strategic programs and to be able to negotiate with the Soviets, but he is going to continue slowly to lose it unless some different approach is taken. If we are to avoid catastrophic domestic deadlock, with serious impact both on our strategic programs and on arms control negotiations, we need to seek a new basis on which a consensus might be constructed, but we should not abandon the perfectly sensible idea that all nuclear weapons are not identical in their strategic potential.

But if the Administration has played its hand poorly, some of its liberal opponents have claimed too much in their opposition to any such limits. Their views might best be summed up by the words of a poster reportedly hanging in a State Department office: "Real Men Don't Need Throw-weight." Real men may not need it, but they'd best consider it seriously if the other side will permanently have many times more destructive power. In the past, most discussions of destructive power have been centered on its role in enhancing a weapon's ability to attack a hardened target such as an ICBM silo. In such a case, one can compensate for deficiencies in missile accuracy, within limits, by increasing the warhead's destructive power, or yield. This takes more weight, and many have felt over the years that a greater aggregate throw-weight for the Soviet ballistic missile force was a reasonable, rough compensation for the higher accuracy of U.S. missiles. Now that the accuracy of Soviet missiles is roughly the same as ours, however, there is much less rationale for such a view. In any case, if arms control moves both sides to lessen their reliance on large, silo-based, MIRVed ICBMs, as the Scowcroft Commission has suggested, lower throw-weight totals are desirable for several reasons. If small missiles with single warheads were to be based in silos, relatively low negotiated levels of throw-weight would reduce each side's ability to compensate for inaccuracy by using high yields. If small missiles were based in hardened mobile launchers on military land—and this now seems to be the most likely method of deployment for the United States—a lower level of throw-weight would be quite desirable because it would directly limit the Soviets' ability to conduct the only sort of plausible attack on such a system: a barrage attack over the whole area of deployment. A throw-weight limit similarly would improve the survivability of any such mobile Soviet system by restricting the U.S. ability to barrage any areas of Soviet mobile missile deployment.

For example, if a hardened mobile launcher could withstand 20 pounds per square inch (p.s.i.) of blast pressure (i.e., be 10 times as survivable as a normal truck, which is about 2 p.s.i.), then it would likely be safe unless it were within about 1 mile of a one-megaton blast. A five megaton blast would destroy it, however, if it were about a mile and three-quarters away. Thus, a given number of five-megaton weapons can barrage an area around 3 times greater than the same number of one-megaton weapons. So, over the long run, a significant disparity in throw-weight permitting larger weapons and more destructive power on one side would be destabilizing because such a disparity would tend to undermine the survivability of the other side's forces. The same is true of submarine deployment areas and of areas near bomber bases. If one has no idea where a submarine is in the open ocean or where a bomber is in the air, then a barrage attack is, of course, wholly impractical. But if a probable general location is known, it's a different matter. For example, if technology should permit a submarine to be detected to be somewhere within an area of several hundred square miles, it could be destroyed by a barrage of about the same amount of destructive power that the submarine itself carries—several tens of megatons. Even after bombers took off, they could conceivably be destroyed, in some circumstances, by a barrage attack on the area around the base—if the attacker had

[1] In measuring destructive power against unhardened targets a measure called "equivalent megatonnage" is ordinarily used. This takes account of the fact that such destructive power goes up more slowly than megatonnage itself as the latter increases.

enough throw-weight. The technique of a barrage is uncertain—more warheads, the same number with higher yield—but whatever the technique, the point is the same: gross disparities in missile throw-weight are destabilizing.

Throw-weight disparities are, however, mainly a long-run potential problem stemming from the ability to exploit new technology, not an immediate one. We do not need exact equality, but we do need clear progress in moving away from the big differences that exist today. The incentives set up by an agreement should be stabilizing—pointing toward rough equality—but we need not push this so quickly as to attempt the futile effort to make the Soviets restructure their ballistic missile forces in a very short time. It would be reasonable to construct a proposal in which one requirement is that the two sides approach rough equality in ballistic missile throw-weight as each modernizes its forces to replace aging missiles. Realistically this is going to mean gradual Soviet reductions, because we don't want to permit aggregate increases in destructive power for the United States. But we need not rush this process so much that we destory any possibility of an arms control agreement. In short, a political compromise between the liberals' position—no pressure toward throw-weight equality—and the conservatives'—immediate and sharp Soviet throw-weight reductions—has both strategic and negotiating merit. The Scowcroft Commission recommended that arms control agreements point toward "equal levels of warheads of roughly equivalent yield." In line with this, let's make the gradual evolution toward rough throw-weight equality one principle of our possible compromise.

2. BOMBERS

Treatment of bombers presents another area of disagreement. Although it is one on which the various sides in our domestic debate are not yet so sharply divided, the question of how bombers should be treated in an agreement is a major issue with the Soviet Union.

First of all, what about the destructive power of the weapons carried by bombers? A target destroyed by a bomber-carried weapon would be just as vaporized as a target destroyed by a missile. Bomber weapons can have high accuracy. And bombers carry a very high proportion of the total destructive power of U.S. strategic weapons—about 40 percent—whereas only about 5 percent of Soviet equivalent megatonnage is carried by bombers.

On the other hand, bomber weapons are not the exact equivalent of missile warheads. Bombers are comparatively slow. It would take a bomber carrying the same amount of destructive power as an ICBM nearly 20 times longer to reach its target. For this reason most arms controllers have, correctly, not viewed bombers as destabilizing or first-strike weapons.

Moreover, the Soviets have very large air defenses against bombers—some 10,000 surface-to-air missile launchers and about 2,200 air defense interceptors. The United States has none of the first and minimal numbers of the second. Since, practically speaking, no agreement will limit air defense, some way should be found in an agreement to permit either side to keep a strategic bomber force as a deterrent in the face of large air defenses on the other side. This means not undermining the ability of bombers to carry multiple small weapons which can be launched outside air defenses in order to penetrate them more easily. Air-launched cruise missiles are thus a reasonable response to large air defenses. Bombers, even if so "MIRVed" by being equipped with cruise missiles, are not a potential first strike force, given today's early warning systems. Also, a much smaller proportion of bomber weapons are kept on alert than ICBMs.

Bomber weapons should thus be treated differently from ballistic missile warheads. Still, some account should be taken in an overall strategic arms control agreement of the current U.S. advantage in the overall destructive power of its bomber force. How can this be done?

In SALT II, the essence of the tacit compromise on this issue was to offset the Soviets' large ICBM advantage by leaving our bomber advantage largely untouched. Essentially, the locked-in Soviet advantage in "large modern ICBMs" (SS-18s) in the SALT II agreement was balanced by the way that the sub-limits on "strategic nuclear delivery vehicles" carrying more than one warhead left bombers only loosely constrained.

The Reagan Administration's initial position in START was that bomber limitations be put off altogether until the more important ballistic missile limitations were negotiated. The Soviets, on the other hand, seem to be gearing up for a proposal that equates all nuclear "charges"—in effect implying that a large SS-18 warhead that takes only 30 minutes to arrive accurately at its target is equal to, e.g., a much smaller weapon on a B-52 that takes hours to do so. These positions are both quite one-sided and non-starters. Some way must be found equitably to balance the destructive potential of these two very different strategic systems against one another. Having done this, it should be possible to construct a schedule of reductions that would reduce the size and destructive potential of the forces on both sides while preserving this balance. The desired result is enhanced strategic stability at lower levels of destructive potential. Let's make this, then, the second principle of our possible compromise—promoting a decline in overall destructive power of both missiles and bombers, but by mechanisms that take account of the slowness of bombers and of the defenses against them.

3. BALLISTIC MISSILE WARHEADS

The Reagan Administration has proposed two limitations on ballistic missile warheads—an overall limit of 5,000 and a requirement that no more than 2,500 be permitted on land. At the current time, the U.S. has only about 2,150 of its some 8,500 [2] SALT-accountable warheads on land. The Soviets, on the other hand, have almost exactly the reverse proportions—only about 2,150 of their 8,500 warheads are sea-based. They rely primarily on land-based missiles.

These circumstances present a strategic (and therefore an arms control) dilemma because it is generally agreed that the most stabilizing step—the step that, over the long run, will limit any incentive for a first strike—is to move both sides proportionately away from reliance on large, fixed, MIRVed, land-based missiles. The Soviet side now possesses such weapons. The United States is moving, with much dissension, toward deployment of 100 MX missiles of this category—less than one-sixth the number of Soviet missiles of the same type, less than one-fifth the number of such warheads, and less than one-eleventh of the comparable Soviet throw-weight.

Some of us have supported the first step of this MX deployment, as long as it is imbedded in the Scowcroft Commission's package approach of making the small, single-warhead ICBM the primary U.S. ICBM program of the future and of proposing stabilizing approaches to arms control. We have done so in no small part because of the incentive to negotiate that we believe the MX program gives to the Soviets—or, more precisely, because of the disincentive to negotiate that would be given them by our unilateral cancellation of the MX program. But many fair-minded members of the Congress believe otherwise. Their primary concern is that the Reagan Administration will not negotiate seriously and will use congressional approval of MX procurement to make MX the centerpiece of the U.S. ICBM program—perhaps by deploying more than 100 MX missiles, perhaps by later dropping the small missile program—and will thus bequeath us a less stable rather than a more stable world.

These concerns are legitimate. They must be answered by reasonable arms control proposals and by a vigorous small missile program. But the dilemma remains: in light of the current situation, where the large Soviet ICBMs are already deployed and the equivalent U.S. weapon has just begun flight-testing, how can one construct an equitable and stabilizing proposal that would move both sides away from reliance on such weapons and still have a chance of being negotiated? If, as the Administration has done, we demand a sub-limit on land-based warheads that would require the Soviets to eliminate soon nearly two-thirds of their land-based warheads and over half of their most modern ones on SS-18s and SS-19s, we have another non-starter—even though one-third of the Soviet SS-18 and SS-19 force is still a formidable force of large ICBMs. If, on the other hand, we offer to trade the MX only for potential new large Soviet ICBM's, as does the new ICBM flight test moratorium now being proposed by some in the Congress, we are in effect ratifying the existing Soviet advantage in large ICBMs.

One possibly fruitful compromise—as part of a package—would be to retain the limit of 5,000 ballistic missile warheads that the Administration has proposed but to drop the sub-limit of 2,500 land-based warheads. The incentives provided by a reduction in the overall number of ballistic missile warheads to 5,000—a reduction of over 40 percent from today's SALT-accountable warheads—together with ongoing programs that will put both sides' hardened silos at risk, should be an incentive to both sides to move away from heavy reliance on large, fixed, MIRVed ICBM's.

But, and this is a key point, if the Soviets prefer to keep a huge portion of their warheads on land-based missiles, we should not try to prohibit that by an arms control agreement—as long as they are not destabilizing land-based systems. A sound agreement, together with our own programs, may and indeed should give the Soviets an incentive to move in time toward small land-based missiles instead of large land-based ones. They might choose as they modernize, over time, to replace most of their large, fixed, MIRVed ICBMs with a larger number of smaller, fixed, single-warhead ones, if they believed such were reasonably survivable because of a limitation on warhead

[2] This includes 14 warheads on Poseidon and full loads on Soviet missiles. Actual deployed warhead totals would be somewhat lower, but the former have the virtue of having been agreed upon in negotiations.

numbers. Or they might choose to move toward small mobile ICBMs, similar to their SS-20 intermediate-range missiles. Because of their large land area and this existing program,[3] it can hardly be said that inducing the Soviets to move toward small, land-based ICBM's at some reasonable schedule, or even as they would normally replace their existing missiles over time, is forcing them into unfamiliar or uncongenial technologies or terrain. There is no reason for us to make arms control proposals that would make it easy for the Soviets to choose to cleave to a policy of leaving most of their warheads on their large, fixed, MIRVed ICBMs even after their next modernization cycle.

As in the case of throw-weight limitations, the reasonable compromise between those who are demanding, on the one hand, that the Soviets restructure their strategic forces right now by eliminating large ICBMs as their main warhead carriers, and those who are arguing, on the other, that we should just ignore these missiles is to agree on incentives in the proposed agreement that would lead to a restructuring over time. Let's make this the third principle of our possible compromise—create incentives for both sides to move, during their next modernization cycle, away from putting high proportions of their warheads on large, fixed ICBMs.

These three principles, in sum, seem to be important both strategically and politically for any current U.S. strategic arms control proposal: (a) a gradual evolution toward rough equality in missile throw-weight; (b) a decline in the overall destructive capacity of all strategic nuclear weapons, taking bombers' unique features into consideration; and (c) the creation of incentives for each side to move away, in the course of modernization, from having or putting large proportions of its warheads on large, fixed ICBMs.

The goal is not to score a few points in a continuing policy debate. The goal is to resolve the core disputes that divide the American polity into rival camps that stymie arms control. We need a breakthrough such as that achieved a generation ago by then Senator Arthur H. Vandenberg, when he recognized the advantages to the ultimate interests of the United States of a bipartisan foreign policy. If our interest is truly arms control, and not sterile debate or the quashing of arms control, then we cannot continue on the course to nowhere that we are now following. There is only one choice, and that is compromise.

PARTING CHEERS FROM A PRESIDENTIAL SPEECHWRITER

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, the latest issue of the National Review, which arrived on the newsstands in early September, contains an essay by President Ronald Reagan's former deputy assistant and chief speechwriter, Aram Bakshian, Jr., entitled "Two Cheers for Rape."

Mr. Bakshian, who left the White House September 1, reviewed a book on romantic fiction by Helen Hazen. Among other things, Mr. Baskshian states the following:

Rape, especially, seems to strike a deep, instinctive chord in millions of female readers, a cherished fantasy * * *.

* * * I suspect that those of us willing to slog through seas of treacle could pick up a few handy tactical hints.

All this and more, written, thank God, by a woman, who says things I have long suspected but would never have dared publish.

* * * applicants may write in care of this publication.

This is bizarre, pathetic drivel. No one would pay it the slightest attention, except that Mr. Bakshian was, until a few days ago, Mr. Reagan's chief speechwriter.

Next, we hear, "Two Cheers for Child Abuse?" "Two Cheers for Murder?" "Two Cheers for Nuclear War?"

The entire article follows:

TWO CHEERS FOR RAPE

(Reviewed by Aram Bakshian, Jr.)

("Endless Rapture: Rape, Romance, and the Female Imagination," by Helen Hazen.)

Helen Hazen had better watch out. At this very moment she is probably being targeted for destruction (literary if not physical) by that latter-day monstrous regiment of women, the extreme feminists. No doubt she has also distressed a lot of wimpish Alan Alda clones as well, but their bite is likely to be as feeble as their bark. What has Miss Hazen done to incur the wrath of the harridans? She has written a funny, insightful, slightly disconnected, but mostly sensible little book about the question Sigmund Freud asked but could not answer: What do women want?

One thing they seem to want, and certainly consume voraciously, is the subject of much of her book, that turgid, slushy variety of light reading known as romantic fiction. Anyone who has had to machete his way through shelves of the stuff at a bookshop, or who has observed what even the best and brightest of the female office help tend to read at lunch, is no stranger to the phenomenon.

We're dealing here not just with the syrupy costume romances of Georgette Heyer and Barbara Cartland, which seldom go much further than a kiss or a pinch (Sister Cartland once described her ideal of the erotic male figure as being "fully clothed and preferably in uniform"), but with the new wave of rawer romantic fiction that is based on real seduction, abduction, degradation, and outright rape. Rape, especially, seems to strike a deep, instinctive chord in millions of female readers, a cherished fantasy that is not confined to airheaded bits of fluff or frustrated dowds. To these millions of women, who vastly outnumber the readers of feminist novels and tracts, fictive rape, according to Miss Hazen, is a key part of "the woman's world of illusion," a "ritual of love that exists in fantasy":

A man says to a woman that she is so desirable that he will defy all the rules of honor and decency in order to have her. I would like to be raped, but I want it to happen to me exactly as it happened to Cressida in *Vice Avenged*. I want a marquis to come to my second-story window at night with a ladder. The house should be a country mansion. I will be asleep. He will put on a mask and stuff a handkerchief in my mouth. He will carry me down the ladder and onto his horse. I will be dreadfully frightened and in my fear will only cling to him more tightly since his strength is my one antidote to that fear. We will travel across the moors to the hollow he has marked out. He will carry me to the bed of bearskin rugs and furs he has spread * * *

And, of course, there will be a romantic rape—a scary yet somehow cozy sort of rape that bears little resemblance to the real crime, committed in a real setting by a real rapist.

Whatever the reason, this sells like hotcakes to the ladies, most men ignore it, although I suspect that those of us willing to slog through seas of treacle could pick up a few handy tactical tips.

As Miss Hazen points out:

Today's publishing industry relies heavily on novels of romance. The purchases are all made by women, for romance novels are the only literary genre that does not attract both sexes, an interesting fact, since it hints that the rituals of love that are reaffirmed in both every romance and every reader's heart are peculiar only to women, that the mystery of the female is—all protestation aside—really not too fascinating to men.

Here is a yawning gender gap indeed—a literary genre that puts men to sleep, arouses many women, and enrages feminists. Even a harmless old she-hack like Barbara Cartland becomes, in the reddened eyes of Germaine Greer, a sinister menace, a barrier to be removed if "women's liberation movements are to accomplish anything at all."

Why is it that romantic fiction is so widely—and exclusively—popular with women, and so loathed by feminists? As to the appeal, Miss Hazen has a simple and, I believe, rather sensible explanation.

One just cannot get around the truth that romance is more important to women than to men * * * With apologies for stating the obvious, I must say that it is the primary purpose of all animals to perpetuate themselves and it is the responsibility of the female to see to it that the job gets done. Every cell in her body is attuned to this charge, and, as with all the truly big things in her life—birth, growing up, death, * * *—intelligent beings have a need to ritualize the impulses that their cells, nerve endings, and hormones so disturbingly thrust upon them. The ritual merely lends grace to the task and disguises the enormity of its truth * * * To discredit the ritual is to deny the truth.

The feminist loathing for romantic fiction, Miss Hazen says, is a reflection of basic feminist anger. That feminists so often "deal out hatred is only to be expected. If the tie that binds one group of people to another is economic, any revolt will be aimed at the economic structure. The basic tie that binds women and men is love, and regardless of all the other arguments that quicken the feminist cause, it is love, or the fundamental tie between men and women, that is under attack," and she proceeds with a devastating analysis of the Adam-ribbing, naggingly aggrieved nature of most feminist fiction.

All this and more, written, thank God, by a woman, who says things I have long suspected but would never have dared publish. Sane members of both sexes owe Helen

[3] The mobile SS-20, of which about 360 have already been deployed, weighs about 80,000 pounds. It is thus several thousand pounds heavier than our own Minuteman III and it carries 3 warheads, as does Minuteman III. It is thought to be a variant of the Soviet SS-16 ICBM that was not deployed.

Hazen a debt of gratitude for bringing nature and common sense to bear on romantic sexuality at a time when the field was in danger of being overrun by neurotics in rebellion against their glands and consulting engineers who would reduce the whole thing to parts inventories and better living through chemistry.

On a more personal note, I was heartened to discover that the hero-seducers in Miss Hazen's favorite form of fiction generally have grey eyes and sneer a lot. The revelation has come to me rather late in life, but this means that I may have what it takes after all. Thank you, Miss Hazen, and applicants may write in care of this periodical.

IMPACTS OF BUDGET DEFICITS ON THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 60 minutes.

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. PANETTA), who also has a 60-minute special order today, be recognized immediately following the 60 minutes allocated to me.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Speaker, the gentleman from California (Mr. PANETTA) and I have taken this time today to discuss the impact of budget deficits on the economy of this Nation and the impact on the Nation's future.

I have extended remarks here that I will put in the RECORD with statistics contained therein. In the interest of giving time to others who have expressed an interest in participating in this special order, I will keep my remarks brief and try to address what are the salient issues.

I want to say at the outset that the gentleman from California (Mr. PANETTA), who is joining me in this effort, and who has provided leadership in deficit control, has been working hard on this for many years as a member of the Budget Committee. His leadership efforts in the reconciliation process, starting as early as 1981, have contributed very substantially to holding down the level of expenditures. He deserves commendation for that.

□ 1810

This is not a partisan issue. This is not a time to point the finger of guilt. Both sides of the aisle have contributed to the problem. There is enough blame to go around, so far as deficits are concerned. But if nothing is done, if we fail to address this problem of large deficits, we as a nation are in danger of consuming our seed corn.

One of the fundamental rules of good agronomy is to build for the future, to fertilize the land, to save the best seed so that you have a crop not only next year but in the forseeable future. I have observed farmers who have failed to follow these rules who have, in effect, consumed their seed corn in letting the fertility of the land disintegrate and not preparing for the future. They do not last. This Nation faces that kind of potential economic debilitation if we continue fiscal policies that result in the kinds of deficits we are facing this year.

There is a fashionable new economic religion that says "deficits do not matter," a new apathy that is a far cry from our puritan roots of fiscal prudence.

I believe that deficits do matter, that national fiscal policy does have a profound impact on our economic future and well being. I believe that the deficits we face have serious impacts regardless of one's ideological attitude. For those who say they are conservatives, large deficits mean erosion of a strong private enterprise growth because of capital starvation. Likewise, capital starvation bodes ill for those who consider themselves liberals and the liberals of the future, since there will be no revenues to support new social initiatives without confiscatory taxation.

One of the things that has made this Nation continue to be an attractive place and to have a high quality of life is the ability of our economic system to finance the marvelous programs that we take for granted—high-quality education, perhaps the broadest educational base in the world today in terms of touching the lives of all of our citizens, and many other programs of great merit. But it takes somebody working and producing, and for that to happen there needs to be capital to invest. If we continue down the road of large deficits, we are going to erode that capital base and there are not going to be the necessary funds to continue a program of social initiatives of high quality.

Continued large deficits will create a huge debt service cost for future generations that will stifle their ability to have a desirable quality of life. Just look at what it is today. We are touching $100 billion just for debt service. Think what we could do with $100 billion in terms of good quality programs to help the people of this Nation.

New social initiatives will almost be nonexistent because of the drain of dollars required to pay interest on the national debt if we continue the path of high deficits, much of which, incidentally, will be paid to foreign investors, thereby exacerbating the drain on U.S. capital.

The deficits we are leaving as a legacy to our children and grandchildren are unfair. We are mortgaging their future to live beyond our national means. Continued high deficits threaten our future trade opportunities. We are facing a $75 billion trade deficit in 1983—at least this is what the experts are saying—in part as a result of the high-priced dollar resulting from the flow of foreign capital to the United States. Investors are attracted, obviously, by the high interest rates in this Nation that result from the potential of large deficits.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding, and compliment him for his excellent remarks. And I associate myself with his statement.

There is simply no other alternative, something must be done immediately to reduce the budget deficits incurred by the Federal Government. These deficits have reached alarming proportions, forcing the national debt to skyrocket.

Current projections for fiscal year 1984 indicate a deficit of between $160 and $180 billion and a public debt of approximately $1.6 trillion, or nearly $6,000 for every man, woman, and child in this country. Designating this a national financial disaster would be understating its importance.

For every tax dollar collected, 14 cents must go toward servicing the interest owned on the debt. This means that the average American is now paying 14 percent of his taxes just to finance the Federal Government's past fiscal irresponsibility. And this burden will only get worse, until the Government disciplines itself to bring its spending practices in line with its revenues.

However, Congress determination to reduce the deficit may be weakening just when aggressive and committed action is most needed. We cannot allow this. Rather, we must reaffirm our commitment to a balanced budget and bold initiatives to wipe out the public debt.

Mr. REGULA. I thank the gentleman for his comments.

Mr. Speaker, a little quick mental arithmetic would say that the trade deficit would mean 1,750,000 jobs, or thereabouts, and that would go a long ways toward relieving unemployment in this country. I would further say that, historically, we have had trade surpluses. However, because of the impact of the deficits, people are anticipating continued high interest rates and we have this tremendous flow of capital to the United States which drives up the price of the dollar, which in turn makes it difficult for us to compete. Deficits do matter. I think that is the important message, if we forget everything else we have said today. I do not subscribe to the new economic religion that deficits do not matter. I think it makes a tremendous difference.

The gentleman from California and myself want to bring this fact to the

attention of this body, as well as to the American public. Deficits threaten our recovery. The pressures on the capital pool to fund large deficits can only result in interest rates rising. High interest rates will debilitate housing starts, auto sales, capital goods sales, appliances and all of the other things that we historically have counted on to take the Nation out of a recession.

We have a tool on the books to address this problem. It is called reconciliation. What is needed to use this tool is the political will to face reality, and that is the reason we are here today.

Historically, we have tended to finance our deficits with inflation. We have financed them with printed money. I think the option of financing deficits with inflation is gone. Investors today are far more sophisticated than in past decades. I know that during some recent years, when inflation was running at a high rate and T-bills were paying high interest, depositors in a small-town bank that is located near where I live, a bank of about $20 million in assets were going in and taking out their money and buying T-bills because they recognized that inflation was eroding their savings, not only their interest return but their principal. This illustrates perfectly that today the American public is sophisticated enough that they are not going to let us get away with financing deficits through the process of inflation. That again emphasizes the very important need to reduce the deficit.

We have the tool. The question that confronts this body is: Do we have the will? I do not think we can wait until November 1984 to demonstrate our will to confront the damage to our Nation of high deficits

Mr. Speaker, under the leadership of President Reagan and with the cooperation of Congress, America has broken the grip of inflation and the concomitant high prime interest rates. But our Nation has come to an economic watershed. Congress is being called upon to make decisions which will influence the course of our great republic far into the future. I am hopeful that we will exhibit wisdom and courage in answering that challenge. If not, the result may be as disasterous as it would have been in those early hours of America's consciousness.

Hindsight shows the long-delayed recovery began last December. Gaining momentum the economy is now growing at its fastest rate in 2 years.

Industrial output in July climbed by a robust 1.8 percent;

Real GNP has grown at 8.7 percent in the second quarter;

Unemployment dropped to 9.5 percent in July;

The index of leading economic indicators rose 1 percent in June for the 10th consecutive monthly increase—the index rose 1.2 percent in May and 1.3 percent in April;

Productivity rose at a 4.3 percent annual rate during the second quarter, surpassing the 3.7 percent pace established during the first 3 months of 1983.

These statistics speak of increased opportunities, employment, and a higher standard of living for our constituents. America appears to be on the move again.

Before congratulating ourselves, let us step back and consider some distressing facts. Prime lending rates are on the increase. Raised from 10.5 to 11 percent the rate hit its highest level in almost 6 months—the first industry-wide increase since February 1982. New home sales fell 2.9 percent in June. July starts slipped further, declining 6.5 percent, as higher interest rates begin to take their toll—the consensus is that the housing recovery has bottomed out due to increasing interest rates—Mark J. Reidy, executive vice president of the Mortgage Bankers Association of America; Robert Ortner, chief Commerce economist; and Michael Sumichrast, chief economist for the National Association of Home Builders—Washington Post, August 30, 1983. Retail sales dropped 0.1 percent in July. America's foreign trade deficit widened to $6.4 billion in July, for annualized projected rate of $65 to $70 billion. Something is seriously wrong with our recovery formula.

I am sorry to say the problem is our inaction. The incapacity of our Government to curtail the growth of Federal spending is manufacturing expectations of continued record deficits. Recovering from years of ballooning inflation and high interest rates, business is wary of another one-two punch in the form of a dwindling supply of capital at a reasonable cost.

Washington must renew its budget slashing efforts. Observers of Congress say that a mood of resignation is developing toward deficit spending. Supposedly, our apathy is the result of the euphoria produced by the unfolding recovery and the politcal difficulties involved with limiting Federal spending. Self delusion is a subtle narcotic. If it exists, such budget escapism will hinder, if not, defeat recovery.

From the Great Lakes steel mills to the Midwest farmsteads Federal budget deficits have produced financial distress. Webster interprets deficit spending as "the spending of funds raised by borrowing." Many of our constituents would add to this definition the words of frustration, worry, and even hunger. Absolutely, whether we like it or not, we must take action to correct this problem.

From fiscal year 1965 to fiscal year 1981 total budget outlays rose at a compound annual rate of 11.3 percent while total receipts have risen by only 10.3 percent. During this same period nondefense outlays swelled to a 12.9 annual growth, while defense spending increased 7.9 percent annually. For the first 6 months of fiscal year 1983 the Federal deficit substantially exceeded the record for any previous full year. By early 1982 the Reagan administration had predicted an $83 billion deficit for fiscal year 1984. This figure has been readjusted several times due to declining revenues and the continuing recession. At present, the budget deficit for fiscal year 1984 is estimated at between $170 to $180 billion. The deficit for fiscal year 1985 is projected to be $156.2 billion.

The red ink trend

Johnson:	
1964	−5.9
1965	−1.6
1966	−3.8
1967	−8.7
1968	−25.2
Nixon:	
1969	+3.2
1970	−2.8
1971	−23.0
1972	−23.4
1973	−14.8
1974	−4.7
Ford:	
1975	−45.2
1976	−79.4
Carter:	
1977	−44.9
1978	−48.8
1979	−27.7
1980	−59.6
Reagan:	
1981	−57.9
1982	−110.7
1983	[1] −210.2
1984	[1] −189.0

[1] Estimate

Let us examine these figures in further detail. In the past decade medicare expenditures have risen from $8.8 billion to $46.8 billion, a 430-percent increase, or 43 percent a year. Outlays for the food stamp program have increased from $1.9 billion to $9.6 billion, a 400-percent increase, or 40 percent a year. These ballooning costs typify the increasing demand, and in many cases, need placed upon government to care for America's people.

Characteristic of the budget is the uncontrollable nature of its composition. Approximately 75 percent of the outlays of President Reagan's fiscal year 1984 budget are mandatory under existing law if defense is included. This amounts to $220 billion, or merely 26 percent of the fiscal year 1984 budget outlays, as being discretionary. In 1971 the discretionary portion of the budget was 35 percent. Since many of the entitlement programs are indexed to the cost of living this percentage will continue to shrink.

The red ink trend, if unchecked, will add an additional $1 trillion to the public debt by fiscal year 1988. This means the Treasury would be facing

$220 billion of interest payments each year. Coupled with compounding entitlement program costs, and other spending, budget deficits will remain in the neighborhood of $200 billion through 1986 (CBO projection). If not checked interest costs will erode the opportunity for social program initiatives.

Most economists agree that deficits are not harmful in all situations. During times of recession the increased public and private demands stimulate employment and individual incomes. However, once the economy begins recovering mounting deficits have a dampening effect upon any prolonged growth. The key is to determine when the corner has been turned.

Over the next 5 years, 53 percent of America's savings will be absorbed by the Federal Government in subsidizing the deficit (the Morgan Guaranty Survey, published by the Morgan Guaranty Trust Co. of New York, August 1983). Chronic guzzling from the net-savings pool will inhibit any prolonged recovery. Simply, the private sector will be crowded out from the monetary watering hole. Already, added demand for the finite money supply has boosted interest rates for short-term borrowing. Housing starts, retail sales, and business investments are becoming increasingly suppressed. Unless deficits are trimmed these sectors will experience further market depression which will ripple outward into other fields.

Ask any home loan officer, or contractor, they will tell you the story of ascending interest rates. An average mortgage looms around the figure of $65,000 and a monthly payment of $800. An increase of 1 percentage point raises the payment by another $50. This modification disqualifies over 2 million potential homeowners.

Traditionally, commercial loan demands have tended to rise during the second year of expansion. So far, business credit requirements have remained low. As the recovery proceeds business will require additional funds for expansion of inventories and production facilities. Once the squeeze is put upon the monetary supply interest rates will soar upward and the recession cycle is begun anew.

Rising deficits create an attractive environment for capital investments from abroad. The short-term effect is an economic high to the domestic marketplace. The deficit becomes financed by foreign investors. The value of the dollar is increased and exports become harder to sell abroad. Imports, cheaper than their U.S. counterparts, flow freely into the country causing further deterioration of our capital structure.

Recently, the U.S. Department of Commerce declared that the U.S. trade balance with Latin American (eight high debt nations—Washington Post August 26, 1983) has declined from a $377 million surplus in the first half of 1982 to a $6.3 billion deficit during the same period this year. Overall the trade deficit is estimated to be around $70 billion for this year (Washington Post—August 31, 1981). Secretary of Commerce Baldrige observed this could increase to a $100 billion next year. Unfortunately, we cannot simply sew up our borders to other nation's products. History tells us that nobody is a winner in a trade war.

Furthermore, foreign investments are volatile in nature. The inflow can cease as quickly as it began. Withdrawal from the quick fix of foreign dollars would be severe.

Trade deficits, declining housing starts, and rising interest rates are consequences, not the cause. Perpetual deficits are threatening to debase our Nation's long-term capital structure. Prolonged deficit borrowing can only further elevate interest rates and discourage private investments. Ultimately, capital stock is reduced. This translates into fewer jobs, declining productivity, and lower living standards. The long-term effect of deficit spending will be elaborated upon during our September 21 discussion.

Economist agree that the deficit would be staggering regardless of the recession's effect. CBO predicts (CBO—The Economic and Budget Outlook: An Update, August 1983) the deficit will continue growing even under favorable economic conditions. The problem we face is one of structure. Federal spending is plaqued by defects that will not vanish under the light of an improving economy. Congress must reconsider its spending habits.

The first concurrent resolution on the budget for fiscal year 1984 will eliminate many of these structural defects after 1984 while preserving the stimulus provided by the deficits in the early stages of recovery.

EFFECT OF FIRST BUDGET RESOLUTION FOR FISCAL YEAR 1984

	1982 actual	1983 estimate	CBO projection		
			1984	1985	1986
Revenues	618	600	677	748	842
Outlays (including the reserve fund for domestic programs)	728	807	868	929	989
Deficit	111	207	192	180	146

Source: CBO projection, The Economic and Budget Outlook: An Update, August 1983.

The plan reduces the deficit as a percentage of the GNP from an estimated 6.4 percent in 1983 to about 3.5 percent in 1986. The resolution, alone, is not enough. The bill assumes increased revenues ($73 billion over the 1984–86 period) and spending reductions ($12.3 billion over the next 3 years) which have not yet been enacted. It is only a beginning in addressing the budget crisis.

What is an acceptable reduction in the deficit? A rule of thumb is to overcome the present trend of permitting Federal red ink to grow more rapidly than the GNP.

As the recovery blossoms the credit demands of the private sector will increase. There must be room for this expansion. Another practical guideline is to continue to monitor the MI supply. What is important is that the deficit growth rate, as a percentage of MI, be reduced below its present level. What is an appropriate reduction can only be determined as the recovery develops. Quite frankly, these guideposts are two of a multitude set forth by various sectors of our society. No doubt, those trained in the complex art of economics will persist in prescribing a varied assortment of remedies for America's economic ills. The crisis is near at hand. By early next year the squeeze upon the money supply will commence. It is unlikely that any crowding out will occur during 1983. According to Merrill Lynch, Government borrowing for the first half of 1983 totaled $172.5 billion. This figure is to drop to $150 billion for the second half. Whereas, private borrowing has topped $138.5 billion in the first half is to rise to $154 billion in the second. Mathematics dictate that total borrowing will drop. Based upon this data crowding out will not occur during 1983. The rate of increase of private sector borrowing has been lower than in the average postwar upturn.

For once economists agree upon one thing. Congress will not deal with the issue until after the 1984 election (Washington Post, "For once economist speak as one: Cut those deficits"). Absent an agreement, we risk the recovery being cut off at the knees. I cannot believe Congress will permit politics to cloud this issue.

Clearly, these suppositions are blunt instruments when dealing with such a complicated machine as the American economy. Yet, they indicate a restlessness in Congress. They speak of a renewed concern. I am hopeful that Jenkins Hill will resound to the echo of statemanship not experienced since our Nation's early years.

Mr. Speaker, I now yield to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I thank the gentleman for sharing his time with me, and I in turn will be sharing the time that has been allotted to me to those who wish to participate.

Mr. Speaker, first of all, I want to thank the gentleman from Ohio (Mr. REGULA) for joining with me in this special order in presenting our concerns about the growing deficits facing this country. He has worked with me

on the Budget Committee and on the reconciliation task force, and I wish to commend him for the work that he has done on those issues. We share a mutual concern about the deficits and the impact that they will have on our economy.

This is not a partisan issue. This is an issue in which, it seems to me, Republicans and Democrats alike ought to be joining together to develop a comprehensive strategy to deal with this growing problem in the future.

Why do we do this? Why are we here with this special order dealing with the issue of the deficit? The main purpose is to raise concerns about what is happening, to define the problem again, to have Members look at what is the meaning of running these high deficits, to explore what its impact is in the future on the recovery that is presently going on in this country and to decide whether action is necessary and, if so, what that action should be.

This is not a new issue. It is not a new issue at all. Almost every Member in this body has expressed their concern at one time or another about the problems of the deficit. And most of us can give a very good Rotary Club speech on the issue.

Administrations come and go, promising that they will balance the budget and deal with the problem of the deficits.

□ 1820

There are continuing expressions of concern every day about the problems of the deficit, and yet nothing happens. Yet, if you look at what has happened over the last few years, we anticipate now the addition of almost a trillion dollars to the deficit over the next 5 years.

If everyone is concerned, if all of us are bothered by this problem, if we agree that the deficit, and growing deficit, is a major issue that needs to be dealt with or it will undermine any kind of economic recovery for the future, then why is nothing happening?

There are, it seems to me, a number of reasons why nothing is taking place. First of all, we are, in fact, in the midst of a recovery. It is difficult psychologically to go back to one's constituents and say that, therefore, being in a recovery after a very deep recession, that the time is now for you to incur additional reductions in benefits. If you are a military retiree, if you are a civil service retiree, if you are someone who benefits from one program or another, that you now have to suffer additional cutbacks in benefits even though we are in a recovery.

Second, it is difficult to impose taxes, obviously, when we are in the midst of a recovery because the argument is present that if you impose taxes at the time we are in a recovery that this, in fact, will undermine the thrust of a recovery. So phychologically, at the time that we are in the midst of a recovery it is difficult to come back and then vote to impose additional reductions in benefits or taxes at a time when the public wants to move ahead with the recovery and not have to face those additional sacrifices. That is understandable. That is a reality.

The double standard still applies around here for all of us. The argument is that if you want to reduce the deficit, you cut the programs that impact on others; you do not cut the programs that impact on your constituents or that are yours. This is true for administrations, it is true for Congressmen.

Conservatives will argue that we should cut social spending; that that is how we balance the budget, that is how we get rid of deficits. But they will vote a blank check when it comes to public works or when it comes to agricultural subsidies.

Liberals will say that the way we do it is to cut defense spending, and yet they, too, will vote a blank check when it comes to many programs for people.

Administrations argue that we ought to cut social spending. The present administration says that the way to do it is to cut discretionary spending, basically spending impacting on people but providing virtually a blank check for defense.

Unfortunately, this kind of double standard is still politically popular because constituents feel the same way. They say, "If you really want to deal with the deficit, do not hurt me; hurt somebody else." So the double standard becomes another problem in dealing with the deficit.

The third problem is that we are presently in the process of rationalizing the existence of these large deficits, and if not rationalizing them, then taking a very apathetic approach to dealing with them.

A few years ago my colleagues in the Democratic Party, many of them would argue when we were facing $20 or $30 billion deficits, that that is not a big problem as long as we have a GNP that is running in excess of a trillion dollars, and those programs are going to serve the needs of people.

Today the rationalization comes from the right, from the supply siders, who basically argue, "Do not worry about $200 billion deficits. As long as we are continuing a recovery, as long as we continue to cut taxes, you do not have to worry about the problem of growing deficits."

So what is happening is that today, whether you are on the left or the right, there is a growing rationalization that says the deficit is really not a big problem and do not worry about it. Now, if you belong to any one of those extremes, you really do not have any problems; you can vote for anything you want because you have, in effect, justified a continuation of borrowing to do whatever you want.

The fourth problem is that if you are somewhere in the middle and believe, as I think the gentleman from Ohio and I do, that we have to do something about deficits, the choices are no longer very easy within the context of the budget. We have a projected budget for 1984 of $850 billion. Thirty percent of that budget goes for defense. That is expected to go up to about a third of the Federal budget within a few years. Forty-six percent of that budget goes to entitlement programs, basically retiree pension programs, social security, programs in which people are entitled to benefits for one reason or another. Those entitlement programs have grown over the last 10 years by 400 percent. They are expected to be about 50 percent of the budget within the next few years.

Ten to twelve percent of the Federal budget is now payment of interest on the national debt. We expect it will be close to $100 billion next year. If you take defense, entitlements and payment of interest on the national debt, that is almost 85 percent of the Federal budget. The remaining 10 to 12 percent is discretionary spending, which is basically now the operations of Government and some money for education and health research.

We can close that down and we still run deficits in excess of $160 to $170 billion per year.

So what is the strategy, then, to deal with it? How do you grab hold of this problem? I think from a fiscal point of view there are only three choices if you really are sincere about trying to do something about the deficit.

One is to limit the growth in defense spending; second, to limit the growth in entitlement spending; and third, to raise sufficient revenues to pay the bills.

If you are not willing to go on all three tracks, then the reality is that we will do very little in impacting on the size of the deficit.

I recognize that in this institution we do not change anything unless we have a majority vote; whether it is the reconciliation or implementation of the Budget Act in any way, it takes a majority vote in this institution to be able to change anything or do anything with regard to the deficit. That, in turn, depends on the will of the public and on the courage of the Members.

My sense right now is that we are engaged in kind of a paralysis in trying to deal with the deficit for some of the reasons that I expressed here, and as a consequence, as reconciliation comes before us, we begin to move that back from the front burner in the hopes that the problem will go away;

that politically it is just not popular right now to try to deal with the problems of reducing the deficit.

The purpose today of raising these issues is to try to educate both the public and the Members of the House on the issue of the deficit. If we fail to do anything about the deficit, then we will pay a very heavy price in the future, economically but also politically. If we think that politically it is easy to get away with not dealing with this problem right now because it may be unpopular, wait within a few months when the recovery begins to slow down and interest rates begin to go up, and decide at that point how the public will react if they know we failed to deal with that problem today.

It is real. It will have an impact on the recovery, and it will, indeed, undermine our entire recovery and our economy if we fail to bring together the ability to deal with this problem of the deficit. It will impact on our national defense if we fail to deal with the deficit. It will impact on our foreign policy in terms of the monetary stability of the world, and it will impact on our ability to deal with human needs in our own society.

□ 1830

And, so, for those reasons I think it is most important for us to gather again the commitment that we need to try to do something about this problem.

I will include a broader statement in the RECORD that summarizes some of the key points that I think Mr. REGULA and I both feel are part of the problem—the fact that there are these danger signals in terms of interest rates, danger signals in terms of inflation, danger signals in terms of trade, danger signals in terms of the diminished resources that we have to deal with needs in our society.

Again, the deficits is a problem. It demands action. And the question is, when will that action come.

WHY THE DEFICIT HAS BECOME AN ISSUE

There are a variety of reasons why the Federal budget deficit has become an issue at this point in 1983. First, very large deficits are forecast for the coming years. The numbers that present the situation most starkly, and probably the most accurately, are those from the Congressional Budget Office. CBO reestimated the first budget resolution for fiscal year 1984, passed by Congress in June, for changed economic assumptions, assumed no action on reconciliation and no action on the reserve fund, and came up with the following projected deficits for the next 3 fiscal years: Fiscal year 1984, $198 billion; fiscal year 1985, $198 billion; fiscal year 1986, $202 billion.

The fiscal year 1983 deficit is projected to be around $207 billion. So, despite the economic recovery, termed "robust" by most experts, the Nation is still facing the prospect of $200 billion deficits for "as far as the eye can see."

With Federal outlays in the range of $850 billion for fiscal year 1984, these deficit figures mean that the Federal Government is only raising enough revenue for between 75 to 80 percent of its spending commitments. The rest must be borrowed.

It is this borrowing which, if the CBO figures prove to be accurate, will amount to about a trillion dollars over the next 5 years, that causes the most concern among those inside and outside of Government. In testimony before the House Banking Committee on July 20 of this year, Federal Reserve Chairman Paul A. Volcker called the large deficits the most important single hazard to the sustained and balanced recovery we want. And earlier this year before the House Budget Committee, he made the following statement:

> In the midst of recession, we can manage a big deficit, even though it does keep interest rates higher than they would otherwise be. But over time, we can't expect "real" interest rates to revert to a low range historically, house our citizens the way they wish, invest what we need to support growth and productivity, and avoid drawing on the savings of other countries (at the expense of an abnormally strong dollar and a huge trade deficit) if Treasury financing absorbs half to three-quarters of the net domestic savings we are capable of generating in a more prosperous economy.

Martin Feldstein, Chairman of the administration's Council of Economic Advisers, stated in his remarks before the Annual Conference of the National Association of Counties on July 18, 1983, that "one of the most crucial requisites for maintaining a healthy economic environment is reducing the unprecedentedly large Federal budget deficits that loom ahead in the second half of this decade." Also, as part of a message to the U.S. Senate earlier this year Michael Blumenthal, John B. Connally, C. Douglas Dillon, Henry H. Fowler, and William E. Simon, all former Treasury Secretaries, and Peter G. Peterson, former Secretary of Commerce, made the following statement about the consequences of large deficits:

> Massive Federal borrowing will consume savings urgently needed for investment in new plant and equipment, new infrastructure and new jobs and training. Overvalued dollars will crush export industries. Real long-term interest rates will remain high for the foreseeable future, smothering capital-intensive sectors and causing the recovery to sputter and stall.

The real possibility that deficits will continue to stay in the $200 billion range, and the sharp warnings from those who should know about the impact of budget deficits on the economy, convince me that this is the time for Congress to address the budget deficit issue. Furthermore, such a discussion is needed because of the approaching deadline for submission of reconciliation legislation. In the first budget resolution reconciliation instructions directed committees to report legislation reducing the deficit by some $85 billion over the next 3 fiscal years. While about $10 billion worth of spending cuts have been approved by five House Committees—well before the September 23 deadline—no action has taken place on the revenue increases directed by reconciliation.

Many feel that with the economic recovery at hand the pressure on Congress to enact deficit reduction measures is weakening. Evidence that the sense of urgency about budget deficits has been lost was seen earlier this year when Congress repealed the interest withholding provisions of the 1982 tax bill, a revenue loss, and an increase in the deficit, of $13 billion over the next 5 years. No offsetting revenue increases were even considered by the Congress during its deliberations on the withholding issue.

There are also signs that the fervor in the administration for deficit reductions is fading. The President has exhibited little interest in the reconciliation process, or for that matter in the budget resolution, and it is not clear that the administration will engage in the trench warfare of recent years on appropriation bills. The upcoming Presidential elections are obviously a factor in this new posture. Does anyone in the executive branch want to risk offending large segments of the populace by raising taxes or cutting spending in the shadow of what is expected to be a bitterly contested Presidential race? The answer could very well be "no."

It appears that Congress and the administration are on the brink of paralysis on the deficit issue. Can we afford to do nothing? In my view, the answer to that question can only be arrived at by undertaking a comprehensive examination of the Federal budget deficit issue. To the best of our ability, we need to determine if deficits threaten our economic recovery, and, generally, the economic health of this Nation. I am not sure we can come up with definitive answers to these questions, but I feel strongly that we in the Congress have a clear duty to address this issue and to find out what the experts are predicting.

Congressman REGULA and I felt that a series of special orders on the problem would be a good vehicle for an in-depth discussion of this issue. I would like to thank the Congressman for his assistance in planning these special orders, and I welcome other Members of the House that plan to join us this evening, and next week on September 23.

THE MAGNITUDE OF THE PROBLEM—THE NUMBERS

The first step in any analysis of the deficit issue is to take a look at the basic numbers. Through this examination we can get a feel for the size of the problem, if one can ever get a feel for the size of something that runs into the hundreds of billions of dollars.

First, the projected deficits.

[In billions of dollars]

	1983	1984	1985	1986	1987	1988
CBO/based on first budget resolution policies (the deficit range reflects the reserve fund)	207	183–192	176–180	143–146	NA	NA
Chase Econometrics (July 1983)	183	174	175	162	145	114
Data Resources (summer 1983)	188	199	209	222	212	188
OMB current services deficit (midsession estimate including off-budget deficit)	226	217	220	232	244	236
OMB current services deficit (midsession estimate, not including off-budget programs)	210	200	206	219	228	210
Second, a look at the budget as a percent of GNP, the public debt and interest payments on the debt.						
CBO/budget resolution deficit as a percent of GNP	6	5	5	3	NA	NA
CBO/public debt projections based on budget resolution	1,143	1,351	1,545	1,704	NA	NA
Interest payments on the public debt/ based on budget resolution (in billions of dollars)	89	106	117	126	NA	NA

SHORT-TERM IMPACT OF DEFICITS ON THE ECONOMY

The current debate over whether deficits matter is being carried out against a background of strong economic recovery, a recovery that makes it very difficult to argue that large deficits are a problem in the short term. Real GNP increased at an annual rate of 8.7 percent in the second quarter of 1983. Industrial production is growing rapidly, unemployment is down from 10.8 percent in December to 9.5 percent in July, and the CPI grew at an annual rate of only 2.9 percent in the first half of 1983. Car purchases are up and the stock market has been booming. The only problem area in the past few months has been interest rates.

Three-month Treasury bills, after hovering around 8 percent from September 1982 to May of this year, rose to 9.6 percent in early August before falling to 9.3 percent in late August. Long-term AAA corporate bond rates have risen from 11.5 percent in May of this year to about 12.5 percent currently. The prime rate, 10.5 percent in March, rose to 11 percent in August. Conventional mortgage rates rose from 12.5 percent in May to 13.9 percent in mid-August, before dropping to 13.8 percent last week. These rates are obviously in a state of flux and should be watched closely in the coming months.

The CBO economic forecast for the next year and a half should also be considered as an indicator of how deficits will impact on the economy in the short-term. The following forecast, made in August, reflects the policies of the first budget resolution:

	1983	1984
Real GNP growth	3.1	5.0
Unemployment rate	9.7	8.4
3-month Treasury bills	8.8	8.6
Inflation (GNP deflator)	4.6	5.0

In the near-term it appears that the economy will be performing well, despite the certainty of a $200 billion plus deficit for fiscal year 1983 and the real possibility of a $180 to $200 billion deficit in fiscal year 1984.

There seems to be wide agreement among economists that deficits in the short term—as the economy is in the beginning stages of a recovery—are not harmful, and are even beneficial. For example, in the CBO August 1983 report entitled "The Economic and Budget Outlook: An Update", the following analysis of the short-term impact of deficits was made:

Large budget deficits are not bad in all circumstances. When the economy is in recession, cyclical or structural increases in the deficit can bolster incomes and employment, mitigating the recession's severity, provided they are not offset by monetary policy.

The current deficit may be stimulating recovery substantially, since the Federal Reserve may not be following a monetary-targeting system. The project of increasing deficits over the 1982 to 1984 period is a major reason for CBO's forecast of a recovery.

Donald Regan, Secretary of the Treasury, made the following remark about the short-term in his testimony, delivered on July 19 of this year, before the Joint Economic Committee:

In the short term, we are fully confident of being able to finance them (deficits) without crowding out private investment.

One of the hardest questions to answer is this: If large deficits are going to be a problem, when will they be a problem. In other words, just how long does the short-term last?

Chairman Volcker, in his testimony before the House Banking Committee on July 20, 1983, had some thoughts on this issue:

. . . there has also been a comfortable assumption that the problem (of deficits) would not become urgent until 1985 or beyond. That might be true in the context of a rather slowly growing economy. But the speed of the current economic advance certainly brings the day of reckoning in financial markets earlier. In the second quarter, total nonfederal credit demands were already increasing substantially, even though business demands essentially unchanged at a relatively low level. Potential credit market pressures have been ameliorated by a growing inflow of foreign capital, but a net capital inflow can be maintained only at the expense of a deep trade deficit. Banks have been sizable buyers of government securities during the early stages of recovery while business demands for credit have been relatively slack. But there has also been some tendency for overall measures of money, liquidity, and credit to rise recently at rates that, if long sustained, would be inconsistent with continuing or even consolidating progress toward price stability.

All of this, to my mind, points up the urgency of further action to reduce the budgetary deficit to make room for the credit needed to support growth in the private economy.

Martin Feldstein also warns that deficit-related problems may appear in 1984. The following excerpt is from a speech given to the American Stock Exchange Annual Washington Conference on June 6, 1983:

The lopsided character of the recovery carries with it the danger that the recovery may lose momentum. Weakness in several key sectors could slow the overall pace of recovery to a speed at which unemployment begins to rise as early as next year. The psychological impact of rising unemployment might reduce consumer spending, leading to a further fall in production and employment.

I must empasize that while such a loss of momentum is a possible consequence of large future deficits, it is by no means a certainty. I believe that it is more likely that even with large prospective deficits the recovery will be sustained and unemployment will continue to decline. But the risk that the recovery will lose momentum is both significant and unnecessary. The recovery can be made more secure if legislative decisions are taken now to assure that the deficits will be declining significantly in the years ahead.

Business economists seem to be predicting a healthy economy at least until 1985. In an article by Jane Seabury in the Washington Post on August 23, 1983, the views of business economists were summarized by Edgar Fiedler, president of the National Association of Business Economists.

Despite their reservations about the effect of federal deficits on the economy, the business economists expect the recovery to continue "in a remarkably serene way," said NABE President Edgar R. Fiedler.

Through next year the economists "see no outbreak of inflation, no upsurge in interest rates and no new recession," Fiedler said. "The theme is all buoyancy and reassurance. The economist's projections are so free of anxiety that we appear to be entering an interlude of cyclical tranquility—18 months of healthy growth without excesses."

Lindley H. Clark, Jr., writing in the August 30 edition of the Wall Street Journal, also reported on a conversation with Mr. Fiedler, who warned that 1985 may be the year when deficits become a problem:

Mr. Fiedler said business economists feared that higher federal deficits would be pushing interest rates higher in 1985 and later.

He said that businesses typically increase their borrowing after a year or two of recovery. Companies by that time have largely used up the excess capacity that arose

during the prior recession and they need new plants and equipment to keep up with demand.

Mr. Fiedler figured that businesses would be at this want-to-borrow stage at the beginning of 1985. But the Treasury then will still have to be borrowing heavily to finance its red ink. The Treasury gets all it wants because it is willing to pay whatever the market demands. Private businessmen may not be crowded out of the market completely, since they can probably find funds at some interest rate. But they may be crowded out in the sense that they won't be able to borrow at rates that offer them the prospect of profits.

So it may be hard to keep much of a recovery going as long as the Treasury Department remains such a massive competitor for funds.

LONG-TERM IMPACT OF BUDGET DEFICITS

The first evidence I think we need to look at in discussing this topic is the CBO economic forecast for fiscal year 1985 and fiscal year 1986.

	1985	1986
GNP real growth	4.0	3.5
CPI	4.7	4.7
Unemployment	7.9	7.5
3-month Treasury	7.7	7.4

These projections show GNP growth will still be healthy, inflation will be moderate, unemployment will be falling and interest rates will be steady. All in all, these numbers should give us a lot of confidence in the continued health of the economy through fiscal year 1986.

Another method of determining the long-term impact of deficits is by examining the opinions of professional economists. Since we are dealing with a complex subject I am including from this point on a number of rather lengthy excerpts from the writings of various economists. First, though, some brief words of caution from economist Robert Samuelson, a frequent contributor to the National Journal, and Herbert Stein, former chairman of the Council of Economic Advisers and now a professor of economics at the University of Virginia.

In an article published in the November 16 edition of the National Journal, Mr. Samuelson asserts:

The honest answer about the economic impact of deficits is, "I don't know."

And in a research report from The Conference Board entitled "Toward a Reconstruction of Federal Budgeting," Mr. Stein writes:

The point is that there is no certainty and agreement about why deficits matter and how much, or about what national policy should be.

Despite these remarks, there is no shortage of economists who are willing to say flat-out that deficits will have an adverse impact on our economy in the long-term.

INTEREST RATES AND DEFICITS

The greatest fear exhibited by economists is that high deficits will cause high interest rates, which will have an effect on other parts of the economy. Consider this excerpt from the CBO report of this August:

Large structural budget deficits may have serious economic consequences, however, particularly if they persist in the face of strong private demands. Under moderate Federal Reserve money growth policies, strong government and business credit demands would result in high real interest rates as government demand for credit absorbs a large share of the economy's savings, diverting or "crowding out" these funds from private capital markets. To the extent that business capital spending was discouraged, the ultimate effect would be a reduction in productivity and living standards.

On June 6, in his American Stock Exchange Washington Conference speech, Martin Feldstein made the following comments about the interest rate/deficit question:

. . . over the next three to five years, large budget deficits will alter the character of the economic recovery and cause what I have called a "lopsided recovery." The large deficits keep interest rates high and reduce activity in all interest sensitive sectors, preventing them from sharing in the overall recovery.

The first and most obvious of these interest sensitive sectors includes all of the industries involved in investment in plant and equipment: the machinery and equipment industries, construction, and the producers of the primary inputs that are used by these industries. Business fixed investment is now severely depressed and only a slow upturn can be anticipated. Fortunately, however, the adverse effects of the high interest rates will be mitigated by the strength of the stock market and by the accelerated depreciation tax rules that were enacted in 1981. Nevertheless, the large prospective budget deficits would inevitably mean less spending on plant and equipment over the next half dozen years than would otherwise be possible.

The large budget deficits and high interest rates will also decrease housing construction and spending on consumer durables. Although the housing starts have experienced a sharp cyclical rebound, the 1.5 million annual rate of housing starts is still well below previous highs and current housing units are typically smaller than before. To the extent that a strong stock market and improved tax laws mitigate the impact of the deficit on business investment, the crowding out will be more concentrated on housing and other interest sensitive activities.

Also consider these statements by George Perry, senior fellow at the Brookings Institution and Rudolph Penner, recently named director of the Congressional Budget Office. First Mr. Perry, writing in the Washington Post:

For some time now there has been agreement that large high-employment deficits in the out years are undesirable if we want a prosperous economy with low interest rates and high investment levels.

Also writing in the Washington Post, on January 31, 1983, Rudolph Penner made the following comments:

With growth more vigorous than expected, the need to reduce the deficit becomes even more urgent. In a typical economic recovery the federal deficit falls rapidly. As the federal government absorbs less saving from the private sector, more is left over for the inventory, housing and other types of investment that occur during the expansion phase of a business cycle. In this recovery, even if vigorous, the deficit will fall very slowly given current policy. Real interest rates will rise more rapidly than usual, and the recovery will consist of an unhealthy mix of production—heavy on consumption but with less capital formation than desirable.

Some suggest that interest rates will rise so fast that the recovery will be aborted. I think that is unlikely, but it cannot be ruled out. The more important point is that, if it continues, it will be the wrong kind of recovery—one that does not sufficiently improve our prospects for long-run economic growth. . . . we cannot grow ourselves out of this problem. It will remain regardless of the speed of the recovery.

The minority staff of the Senate Budget Committee also addressed the problem of deficits affecting interest rates in a report issued this past July. In a summary of their findings, they stated the following:

Our analysis demonstrates quite clearly that over long periods of time, as deficits have increased as a share of GNP, interest rates have also increased. Because deficits threaten to grab an even larger share of GNP in coming years, interest rates threaten to go higher.

And in an article in the Los Angeles Times on May 1, 1983, Henry J. Aaron and Joseph A. Pechman, economists with the Brookings Institution, gave the following analysis of large deficits and high interest rates:

Unless real progress is made in reducing the structural deficit fiscal and monetary policies will clash one again, interest rates will rise and economic recovery will be aborted.

When the economy is weak, as it is projected to be in the immediate future, demand generated by a federal deficit can be a source of strength. But as the economy moves toward high unemployment, government deficits present a serious problem. Government borrowing is a drain on private saving, diverting credit otherwise available for investment in plant and equipment, housing, consumer durables and inventories.

The deficits estimated for the late 1980s would absorb most of the net private saving and economy is projected to generate, the exact proportion depends on economic and budget projections.

Deficits of such a size will cause serious, painful side effects. The heavy demand on credit will keep real interest rates high. (Real interest rates are the excess of actual interest rates over the current rate of inflation) High interest rates will reduce housing and automobile sales and will choke off investment by private businesses and state and local governments. The result will be a slowdown in the growth of productive capabity.

In short, the direct result of large federal budget deficits would be a high consumption-low investment economy that would tend to grow slowly, to run persistent deficits in trade with other nations and to encounter industrial bottlenecks (because of low investment) before full employment of the labor force is reached.

The structual part of the deficit, referred to by Joseph Pechman and

Henry Aaron, "is arrived at by estimating revenues and expenditures at a 'high employment' unemployment rate—assumed to be about 6 percent—associated with a relatively high level of economic activity," according to the House Budget Committee report accompanying the first budget resolution for fiscal year 1984. The other component of the budget deficit—the cyclical deficit—is due to weaknesses in the economy—basically unemployment over 6 percent. The structural deficit is created by existing spending and tax policies—it is a permanent deficit which will not shrink unless the economy is extremely strong. So strong that unemployment falls below 6 percent. Many economists suggest that the goal of Congress should be to eliminate the structural deficit, while allowing the cyclical deficit to expand and contract based on the health of the economy. CBO has projected the following structural deficit between 1983 and 1986:

[In billions of dollars]

1983	97
1984	99
1985	110
1986	87

These figures assume passage of the deficit reductions called for in the first budget resolution.

THE HIGH INTEREST RATE/HIGH INFLATION CHOICE

Two economists see a no win situation if high deficits are experienced. Their analysis centers on the reaction of the Federal Reserve to large deficits. First, Laurence Chimerine, chairman and chief economist of Chase Econometrics, writing in the Washington Post on February 25, 1983:

. . . structural deficits will eventually cause relatively high long-term interest rates, which will prevent faster growth from occurring, and may in fact cause another recession. Such pressure on interest rates from growing deficits will come from either the direct effect of rising Treasury borrowings (if the Fed does not fully accommodate them) or from an eventual acceleration of inflation (if they are financed by continued rapid growth in the money supply). There is some evidence to suggest that anticipation of either of these outcomes is already keeping long-term interest rates considerably higher than they would otherwise be.

Thus, excessive deficits will become self defeating because the resulting rise in interest rates will probably cause sharp declines in credit-sensitive industries such as housing and autos, reductions in consumer spending in response to declines in the net worth and consumer confidence, cutbacks in public works spending by many municipal governments, because they in effect would be priced out of the bond market, and declines in U.S. exports and increased foreign penetration in U.S. markets, reflecting upward pressure on the U.S. dollar on foreign exchange markets.

More recently, Thomas J. Sargent, professor of economics at the University of Minnesota, offered a similar warning in the New York Times (Aug. 12, 1983):

One possible response to this situation (large outyear deficits) is simply to leave the path of Government spending unchanged and eventually to print more money to help finance the deficit. The cost of this option would be eventually abandoning the money supply goal and enduring more inflation.

A second option is for the Federal Reserve to stick to a policy of slow and steady growth for money into the indefinite future, thereby foreclosing the possibility of ever monetizing the deficit. Under this option, sustained Government deficits are simply infeasible. Denied the printing press, the Government would have to promise higher and higher real interest rates on its ever-increasing debt.

CBO, in its August economic update, also addressed this problem:

If, on the other hand, the Fed tried to hold down real interest rates and help finance the larger deficits by converting a significant share of the Treasury's new debt into money, or "monetizing" it, the ultimate outcome might be an accelerating inflation as well as reductions in investment and productivity growth. The large prospective deficits, which are due largely to rising interest outlays, make the prospect of monetization seem more likely.

Lindley Clark, Jr., touched on this issue in his August 30 Wall Street Journal article mentioned earlier. About the public debt, he stated that:

. . . the Federal Reserve can buy it. Such purchases are easier for the Fed than they are for others, since the Fed in effect creates the money to make the purchase. When that happens, of course, the money supply tends to grow. If the process continues for a while we're back in inflation. If we let that run on for a while, the debt is effectively devalued, and—presto!—it is less of a problem. There are other problems, to be sure, notably the inflation.

Finally, the House and Senate Budget Committees, in their reports accompanying the first budget resolution for fiscal year 1984, discussed this potential problem. First, from the Senate Budget Committee report:

Moreover, large future structural deficits, is and of themselves, create the expectation of future inflation which adds an inflation premium to current interest rates even though inflation now is very low. In addition, large structural deficits will compete with private credit demand, when the economy fully recovers, and high interest rates will choke off private investment and bloat the Federal budget. Vigorous economic growth is simply incompatible with high real interest rates, and large structural deficits will tend to keep real interest rates high.

In a high employment economy, structural deficits are a very inefficient way of financing public spending. Large and growing structural deficits absorb private saving and that is necessary for new private investment in business plant and equipment and for growth in consumer investment in housing and durable goods. In the process of competing with private investment, large structural deficits will also raise real interest rates when the growth in credit is restrained.

In fact, large and growing structural deficits are simply incompatible with a noninflationary money policy because as real interest rates rise, real interest costs to the Federal Government grow rapidly, eventually causing the budget deficit to grow out of control. At some point, the Federal Reserve must step in and purchase large amounts of government debt. This is a form of money financing and is inflationary.

In addition, growing structural deficits, if accommodated by expansive monetary policy, raise incomes and, eventually, cause total demand to exceed the capacity of the economy and prices rise. This is another way in which structural deficits cause inflation. High inflation itself acts to diminish incentives to save and invest. So, large structural deficits reduce the private investment which is essential to long-term economic growth. Monetary policy determines whether or not the distortions that arise from structural deficits result from high real interest rates or inflation.

In general, elimination of the structural deficit over time should reduce pressure on real interest rates and make longer term, stable, noninflationary growth more likely.

And from the House Budget Committee report:

However, the large and growing structural deficits in the administration's current policies have extremely negative implications for capital formation and the vigor and viability of economic growth. Cyclical deficits can be compatible with low or falling interest rates, since the recession which increases the deficit also decreases private credit demand. But the growing structural deficits when the economy is growing imply that government and private credit demands will be increasing at the same time. This implies not only rising interest rates in the future but also high "real" interest rates today, reflecting an assessment by financial markets that fiscal and monetary policies remain in a dangerous "no-win" situation:

"If the Federal Reserve is expected to 'accommodate' the future deficits with a rapid and prolonged increase in the money supply, then inflation will re-accelerate. Investors who expect this outcome demand an inflation premium well in excess of current inflation before lending money long-term.

"Alternatively, the Federal Reserve may hold to an anti-inflationary policy. This is Chairman Volcker's announced policy and he has indicated that the greater the structural deficits, the more the Federal Reserve must maintain an anti-inflation stance. In this case, large structural deficits collide with private demands resulting in high real interest rates."

Either way, financial markets expect high interest rates in the future unless fiscal policy changes, and these fears for the future raise current long-term interest rates and put a drag on recovery. The likely outcome would be incomplete recovery and renewed recession.

There are, however dissenting voices on this issue. CBO, in its August report, suggested that the impact of high budget deficits on interest rates might not be that great [because of factors increasing the supply of money available for borrowing]. The report warns that:

. . . it would be easy to overestimate the amount of productive investment that a given deficit is likely to displace, even under a "tight" monetary policy. This is because:

Changes in tax provisions or spending programs that increase deficits may also increase private saving.

Increases in real interest rates that accompany large deficits attract foreign capital.

Crowding out may affect investment in housing and other types of spending more strongly than business investment because the latter may be determined primarily by the strength of overall demand, rather than by interest rates. Of so, consequences for productivity may be less severe than they would if business investment were more heavily affected.

Lawrence R. Klein, professor of economics at the Wharton School, University of Pennsylvania, gave a similar analysis in an article published this past July.

The Wharton Forecast does not look for continuing large declines in interest rates, nor does it look for large increases. This is the important thing. But our national savings outlook would indicate that crowding out (that is, the government's preempting much of the national savings to finance the deficit, to the detriment of business investment and housing) will not be a problem.

There are good reasons for expecting large increases in the components of gross business savings. Profits are well known to fluctuate by wide margins over the course of the business cycle, exceeding the scope of wage fluctuations. Wage increases have been unusually restrained during the last several months, enabling inflation to be brought under control. And in this recovery period, wages will continue to be restrained as long as unemployment remains high; consequently, profits should exhibit their usual cyclical gains on the upswing. It is this profit rise that will form a basic fund for business saving.

He also mentions the 1981 tax bill provisions relating to capital recovery, earlier legislation on accelerated depreciation accounting, and the stock market boom as evidence that crowding out will not be a problem.

And G. Thomas Woodward, an analyst in public finance with the Congressional Research Service, explored this issue in a report, published on August 1, 1983, entitled "Large and Continuing Deficits: Their Role in Recession and Recovery." He made the following points:

* * * some argue that the prospect of future deficits has raised current interest rates and reduced investment, making the recent contraction worse and retarding recovery. Yet a theoretically consistent hypothesis that could explain such an outcome is difficult to construct. One can show how interest rates might rise due to inflationary expectations, but not how they in turn depress investment. Another scenario can show how investment may be depressed but not how interest rates can be boosted. Other explanations are either inconsistent with available evidence or fail to guarantee contractionary results.

Woodward goes on to state that "careful analysis shows that the proposition that future deficits will cause a future contraction is probably not what it seems to be." He makes the point that higher interest rates will not necessarily mean a dangerous weakening of the economy. High interest rates will cause some sectors of the economy to suffer, which will result in temporary employment for certain workers, but he sees other sectors expanding. He admits that investment will be hurt to some degree by increased Government borrowing, but states that "due to a variety of reasons, the crowding-out of business investment may be rather small in the face of even large deficits," and that "the crowding-out that does occur may not affect economic growth by much either."

Also warning in a National Journal article that there may not be a direct connection between interest rates and high deficits is Robert Samuelson:

Moreover, deficits don't fully explain the fluctuations in interest rates. Rates peaked in the summer of 1981, just as the Reagan tax bill—commonly attacked as the fundamental source of deficits—was being passed. During 1982, interest rates declined, even though the deficit widened.

Finally, John Rutledge, president of the Claremont Economics Institute, wrote the following in an August 4, 1983 Wall Street Journal article:

The evidence suggests that each $100 billion of government borrowing, in and of itself, raises the level of interest rates by about sixty basis points, or six-tenths of one percentage point. This suggests that $300 billion deficits, if they were to occur, might raise the level of interest rates by as much as two percentage points. At 5 percent inflation in 1988—higher than our forecast—this would put Treasury bill rates at 7 to 8 percent, hardly a catastrophe by current standards.

THE IMPACT OF DEFICITS ON TRADE

This is one area that is often overlooked in discussions about the deficit. Martin Feldstein and Paul Volcker have addressed this issue recently. First Martin Feldstein in his speech before the American Stock Exchange Conference:

Probably the most serious and certainly the least widely understood form of crowding out is the sharp reduction in net exports. The anticipation of large budget deficits in the years ahead raises the real long-term interest rate in the United States and this, in turn, causes the exchange value of the dollar to rise relative to the value of other currencies. The high international value of the dollar makes American exports less competitive in world markets and makes it easier for foreign producers to sell in this country. As a result, exports fall and imports increase.

This year experts predict that the U.S. merchandise trade deficits—the excess of imports over exports—will be a record $60 billion, or about 2 percent of GNP. This represents a 50 percent increase since 1982's record level and more than double the 1981 level. One reason for the large trade deficit this year is that the economic recovery in the United States is much stronger than the recoveries abroad, causing our imports to rise before the increase in imports by other countries. The large trade deficit also reflects the contraction of imports among the major debtor nations of Latin America. But the primary reason for the sharp rise in our trade deficit is undoubtedly the very strong dollar that is caused by our budget deficit.

The large trade deficit implies a capital inflow to the United States from the rest of the world, a capital inflow that reduces domestic crowding out and keeps the interest rate from rising even higher. The trade deficit with the resulting capital inflow is thus a useful safety valve in the economy's response to the otherwise even more harmful budget deficit.

. . . one of the advantages of reducing the anticipated budget deficit is that that will reduce the dollar's international exchange value and improve the competitiveness of American products at home and abroad.

And Paul Volcker, before the House Banking Committee on July 20, 1983:

The pressures on our capacity to finance both rising private credit demands and a huge budgetary deficit have, as I just noted, been one factor inducing a growing net capital inflow. One short-term consequence is lower domestic interest rates than might otherwise be necessary, and maintenance of extraordinary strength of the dollar at a time of rising trade and current account deficits. But the sustainability of those trends can be questioned. The picture of the largest and strongest economy in the world relying, in a capital-short world, on large inflows of funds to finance, directly or indirectly, internal budget deficits is not an inviting one for the future. The implication would be a persistently weak trade position, instability in the international financial system and exchange rates, and lack of balance in our recovery.

It is not clear whether the benefits of lower interest rates based on the inflow of foreign funds is worth the price we pay for a very serious balance of trade problem. This is one area we in the Congress certainly need to explore further in the future.

HOW LARGE SHOULD DEFICIT REDUCTIONS BE?

An interesting question addressed in the CBO report of last August was "how much deficit reduction is enough." I think the approach described by CBO should be looked at closely by the Congress. CBO first notes the problem of the Federal debt growing faster than the economy's capacity to absorb it, and warns that harmful economic consequences may result. The report then states that "many analysts argue that a compelling quantitative criterion or target for deficit reductions is that they should overcome the recent tendency for the debt to grow faster than the trend rate growth in GNP." The ratio or publically held Federal debt to GNP has grown significantly since 1981, and is projected to continue growing in the years to come if deficit reduction measures are not enacted. CBO calculates, however, that the debt/GNP ration should stabilize under the policies of the first budget resolution.

Another approach was presented by Secretary of the Treasury Donald Regan in his testimony before the Joint Economic Committee this summer. He stated the following:

So let me make a final, modest proposal. Just as the current budget situation took years to develop, so future deficits will not be controlled if we wait until 1986 or 1987. The April projection of Federal spending

for fiscal year 1988 calls for $1 trillion, 125 billion. Why can't we work backwards from that astronomical sum? By retaining tax rates at about the level to which the President's program was designed to reduce them, we can generate a trillion dollars for that year's Federal budget.

Surely a trillion dollars is enough to take care of our defense needs, to provide for the security of all our citizens in genuine need, and shoulder the burden of interest accumulated over a half century of deficit spending. We need to begin now to set such a goal, without slamming on the brakes five years down the road.

Congress may want to consider a similar type of long-term approach to deficit reduction, although it is extremely unlikely that we in the House would ever rely simply on spending cuts, as Secretary Regan would have us do.

WHAT ARE THE HARMFUL EFFECTS OF DEFICIT REDUCTIONS

Another aspect of the deficit reduction issue is addressed in the CBO report and deserves mention here. The report warns that—

Deficit reduction measures would not be costless. Depending on the specific measures adopted and other economic conditions, there might be effects both on aggregate demand (temporarily) and on economic incentives affecting long-run growth.

Deficit-reducing measures would directly reduce the incomes of taxpayers, government workers, recipients of transfers, and others. As a result, businesses might reduce investment, anticipating reductions in their markets. If not offset by other factors, these developments might temporarily weaken GNP.

Quite apart from such potential complications in the short-run outlook, ill-chosen deficit-reducing measures may have adverse impacts on long-run growth that at least partially offset their intended effects. Measures to increase revenues may reduce the flows of savings, of risktaking, or of labor supply if they have incentive-reducing impacts. Spending cuts may have similar perverse impacts, especially if they fall on programs of government investment that contribute to productivity growth in the long run.

We should not assume that reducing the deficit is a zero-sum game, however. Here is the CBO's conclusion:

Most analysts would argue that the favorable long-run impact of deficit cuts working through reductions in government borrowing and consequently in interest rates should be strong enough to outweigh their possible adverse impacts on incentives.

THE IMPACT OF DEFICITS ON NEW PROGRAM INITIATIVES AND CURRENT PROGRAMS

One final aspect of the deficit problem involves the ability of Congress to protect existing Federal programs and to initiate new programs. Large deficits constitute an enormous obstacle for the enactment of new Federal programs, and for legislation expanding existing programs. I do not believe anyone would say that every existing Federal program is effective and well run, or that all ideas for new programs are good ones. But it is inevitable that during the next 5 to 6 years problems will arise in this country that the Federal Government will be asked to address, and these problems will most likely involve spending money. Unfortunately the burden of proof for these new initiatives will be extremely high—it is likely that some need will not be met, and programs misdesigned, because the oppressive size of the Federal deficit will discourage Members from voting for adequate increases in spending. In this sense, large deficits threaten to undermine the basic responsibility of Congress: to provide for the general welfare of the citizens of the United States. While this aspect of the deficit problem is not as obvious as the economic consequences, it is just as insidious and just as great a threat to good government.

SUMMARY

Trying to determine the impact deficits will have on the economic health of this country in the years ahead is a difficult task. Predicting any future event is hard, and when you are dealing with something as large and volatile as the U.S. economy, and with the many unknowns involved in any analysis of the impact Federal budget deficits will have on that economy, the crystal ball never seems all that clear. Even so, it is very hard to ignore the apparent consensus among economists, and those that depend on economists for their opinions on economic matters, like CBO, and the House and Senate Budget Committees, that budget deficits do matter, that they will result in higher interest rates, lower investment, lower productivity, higher unemployment and, generally, economic misery. The consensus I find is not based on a poll of all economists, but rather on what I have read on both sides of the issue, and what theories and projections make the most sense to me.

I believe that Congress must not abandon its efforts to reduce current and future deficits, as tempting as that might be in the warm glow of economic recovery, but must forge ahead and make the tough choices that, unfortunately, are inevitable in any stuggle to narrow the gap between what we spend and what we raise in taxes.

If the deficit is a problem, how must Congress act? Referring back to the short-term section of this presentation, the feeling seems to be that we will need to see substantially lower deficits starting in the middle of 1985. This is unfortunate, for the Presidential election of 1984 makes it unlikely that we will embark on a major effort to cut spending or raise taxes for the fiscal year 1985 budget, which will be voted on in the middle at some of the most crucial Presidential primaries next spring. We could wait until the fiscal year 1986 budget to worry about the deficit, but I do not see how Congress can, in good conscience, delay action that long after considering the warnings from economists, that I have included in the text of this presentation.

What is necessary is for Congress to bite the bullet now, and to enact spending cuts and tax increases that assure us of steadily decreasing deficits in the years ahead. Congress has already approved a budget resolution that calls for such a deficit path, and that asks a number of committees to come up with legislation encompassing spending reductions and tax increases—and most committees have already responded. We are, as everyone knows, paralyzed over the issue of revenue increases. Possibly something as abstract as the theories of economists are not enough to motivate the U.S. Congress to act on the deficit through reconciliation, possibly it will take a crisis. I hope not. I hope we will face the realities of this grave situation and act aggressively in the coming weeks and months to set the Federal budget on a course that will insure continued economic health.

I yield back the balance of my time.

Mr. REGULA. I thank the gentleman from California for a perceptive analysis of the problem. I only hope that those who are watching and listening will take to heart his comments because I think it is extremely important to the economic health of this Nation in the years ahead that we understand what Mr. PANETTA is talking about in terms of the impact that this deficit will have on our quality of life in these United States.

I now yield to the gentleman from the State of Washington (Mr. CHANDLER).

Mr. CHANDLER. Mr. Speaker, I am hunbled to follow the eloquence of the two previous speakers. Certainly in their knowledge and experience, their experience is vastly superior to my own.

But I had the experience of being the chairman of the Ways and Means Committee of the State of Washington in the house of representatives at a time when our economy fell out from under us and we found ourselves $1.5 billion in deficit, that from a general fund budget of just under $8 billion. And we balanced our budget because we did not have any choice, constitutionally we were required to do so. We did it by cutting spending and we did it by raising taxes. It was difficult, it called for sacrifices, but we did it.

So, I am honored and privileged to speak out today and join my honored colleagues in raising this issue as an important one in the United States and certainly to the people of the State of Washington.

As the United States faces international and domestic problems of today, none appear to be more important for our long-term security than our economy. The unacceptably high level of

deficits we face now and in the future threatens our economy and that of the world unless decisive action is taken very soon. If a single message emerged from the international representatives at both the Williamsburg Economic Summit Conference and the recent World Forum hosted by former President Gerald R. Ford in Vail, Colo., it is that we must take action on current and looming deficits.

In the August 20 economic and budget outlook released by the Congressional Budget Office, the projections indicate that budget deficits will remain very high by historical standards with the structural element in the deficit not beginning to decline until 1986, "suggesting continued pressure on interest rates with attendant adverse effects on interest-sensitive sectors of the economy."

While the index of leading economic indicators continued to rise in July, we are already beginning to see the effects of upward pressures on interest rates with new home sales declining in July by 6.5 percent as a result of the steep increases in mortgage rates during the summer. Housing starts also declined in July, with single-family-unit starts plunging 11.9 percent below June's rate.

Need I tell you what effect that has on the forest products industry in the State of Washington. In addition, factory orders were down 1.7 percent in July.

The CBO indicates that unless congressional action is taken, we will be faced with $200 billion deficits for years to come. I am disturbed by reports that no action on the deficit will be taken for the next 18 months. we must come to terms with this problem. It seems clear that the American consumer's purchasing power has been seriously eroded, whether by inflation as a result of deficits or by high interest rates. If high interest rates suppress housing sales, the same result occurs with appliances, automobiles and other major purchases. And, with the ability to buy eroded from the consumer, there surely is no need to produce, and jobs are lost.

We often hear it said that America needs to retool and modernize its steel, auto and other manufacturing plants. This is clearly the case as Japan and other countries outstrip us competitively with products produced in highly automated and efficient plants. Yet, our business executives, who fully understand this fact, are severely hampered by high interest rates which put the purchase and construction of new plants and equipment out of reach. Once again, more jobs are lost.

Perhaps one of the most devastating impacts of the deficit is in the dollar's value in relation to foreign currencies. During a recent trip to Japan, I spoke with Prime Minister Nakasone. He pointed out that the weakness of the yen has been in almost direct correlation with the rates of interest in the United States. And, our Ambassador to Japan, Mike Mansfield, says he has found no evidence whatever that the Japanese have artificially manipulated the value of the yen downward. On the contrary, it would be, he points out, very much in the interest of the Japanese to strengthen the yen, which they have tried unsuccessfully to do.

But, with the situation as it is, Japanese products are far more competitive in the United States than many of our own. And, when we compete against the Japanese and others in world markets, our U.S. products are at a decided disadvantage. Simply ask the Caterpillar Co. how it fared in Brazil where it was competing against a Japanese heavy equipment manufacturer. Caterpillar lost the competition, in part because it was more economical for the Brazilians to buy Japanese earthmovers with cheap yen than it was to purchase Caterpillar equipment with expensive dollars.

Who can know how many jobs we lost as a result of the loss of that sale?

I want to congratulate those Members of Congress who are speaking out and to urge Mr. PANETTA and Mr. REGULA to continue their efforts to focus attention on the need for congressional action.

I am concerned, however, as so eloquently pointed out by Mr. PANETTA, at the ability of the Congress to succeed in this endeavor. Even though the chamber of commerce/Gallup survey indicated that 78 percent of the people feel that large Federal deficits would be a great or very great threat to economic recovery, I am not convinced that the American people fully understand the sacrifices necessary to correct the problem. Nor do I feel that there will be broad political acceptance of the necessary solution.

For that reason, I wrote to the President earlier this year, suggesting the formation of a bipartisan, high level commission to deal with the subject. The commission, as I view it, could be structured similiarly to the one on social security or the Scowcroft Commission, both very successful in producing solutions which have been successful in the Congress. Ideally, the commission would define the problem and provide a suggested solution, or perhaps, a set of alternatives.

This is not to say the Congress should duck the issue. Indeed, I see here today signs that Members are willing to tackle this difficult problem head on. Rather, I believe the commission gives us the opportunity to set to work as Democrats and Republicans, labor leaders and business executives, workers and consumers. We need to set aside the usual political rhetoric and put the national need ahead of partisanship.

Finally, let me say that I believe this budget deficit problem is one of the most difficult we will face for many years. As we get onto the track of attempting to reduce deficits we surely will see coming at us from the other direction another train. That train represents the inevitable conflict between fiscal constraint and the very real needs of national defense, education, and human services or the legitimate desire for lower taxes.

But, we cannot escape the reality, though difficult perhaps to accept, that sacrifice by us all will be necessary.

Thank you for the opportunity to speak out today on this vitally important issue, Mr. Speaker. And again, my compliments to my colleagues for their leadership in arranging today's special order. Perhaps we have started something.

Mr. REGULA. I thank the gentleman from Washington for a thoughtful contribution. I am certainly especially pleased to have one of the new Members participate in discussing this serious problem.

Now, I would like to recognize the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I commend the gentlemen from California and Ohio for organizing this special order on the deficit. The Federal budget deficit crisis requires expeditious resolution by the President and the Congress. Failure to act will severely undermine the recovery. Our country is experiencing a slow recovery that is being threatened not only by deficits but also by a major industrial base restructuring as we move into a more competitive global economy. We must view the deficit question in this larger context.

Economic indicators point to a burgeoning recovery from the worst recession since the Great Depression. Employment is growing: sales are up; industrial production is on the rise and inflation is not significant. Much of this progress has been achieved not by the administration's economic blueprint for an investment-led recovery, but by easing of the monetary policy and an economic policy closer to Keynesian economics.

Prospects for long-term growth, however, are not optimistic. Lester Thurow, in a recent analysis, showed U.S. productivity growing at 3.3 percent per annum from 1947 to 1965; at 2.4 percent per annum from 1965 to 1972 and at 1.6 percent per annum from 1977 to 1982. This pattern has taken place through several business cycles, inflation, and recession, an overvalued dollar and an undervalued dollar. Simply because we are in a recovery, with its improved statistics, does not mean the long-term trend has changed. From 1976 to 1981, productivity in Japan grew at 7.1 percent per

annum, in Germany at 3.9 percent per annum and in France at 3.4 percent per annum.

The deficit cloud hangs over the challenge to true recovery. Thus, it is not the only dimension of a recovery effort, but it is a very significant element. The Congressional Budget Office in its August 1983 update on the economic and budget outlook warned that while economic growth has been stronger and inflation lower in the first half of 1983 than anticipated, the recovery still appears to be precarious because of high interest rates and uncertainty concerning the future course of both monetary and fiscal policy. Another clash with restrictive monetary policy and expansionary fiscal policy could destroy the fragile recovery. Interest rates have not declined to the levels usually experienced during the early stage of a recovery, perhaps reflecting expectations of increased inflation and fears that large Federal deficits will persist in the later stages of the recovery because of failure to implement the budget resolution or to take further steps to curb deficits.

When the economy is weak, deficits can help take up the slack. But, once the economy approaches high employment and capacity, the deficits present a serious problem. Government credit demands collide with business and consumer loan demands, and bid up interest rates. If the deficit persists at the $200 billion range, Government demand will preempt roughly 40 percent or upward of all funds in the credit market.

Because of these deficits and resulting interest rates, predictions that the rapid growth of the economy will slow dramatically in the next 6 months, are becoming more widespread. If this happens, it will prevent the kind of long-term investments necessary for sustained economic growth. The effect will be a slowdown in the growth of productive capacity. The dollar will remain high in foreign markets and our rapidly enlarging trade deficit—which by the second quarter of this year was running about $36 billion per year above that for 1980—will only grow worse.

There are those who believe that a strong recovery will by itself reduce the huge projected deficits. The troubling reality, however, is that only a small part of the deficit is cyclical in nature, that is, related to the recession. The deficit is mostly structural, that is, due to the budget policy and the complex relationship of the U.S. economy to the international economy.

When the President took office in 1981, the fiscal year 1981 deficit was $30 billion. A surplus was projected for fiscal year 1984 and beyond. Instead, the current projection for fiscal year 1984 has jumped to an incredible $200 billion and for fiscal year 1988—$300 billion. This enormous deficit is the result of policies enacted over the last 2 years. To state otherwise is to ignore the facts. Revenues were cut by an estimated $211 billion by 1988; the large defense buildup outpaces economic growth and more than offsets the large cuts that were made in nondefense spending. These deficits producing actions have been accompanied by growth in nonmeans tested entitlement programs and mounting interest points on the accumulating debt. These structural deficits will continue even if the economy recovers. Without spending and revenue changes they are projected to go from 2.6 percent of GNP in fiscal year 1984 to an unprecedented 4.2 percent in 1988—four times as large as in 1982.

According to Joseph Pechman of Brookings:

> A high unemployment deficit of 4.2 percent of GNP is unprecedented since the Second World War. It would absorb over a quarter of gross private savings and almost two thirds of net private savings. The Federal Reserve Board would be reluctant to accommodate that much fiscal stimulus in a period of economic expansion: if it did not accommodate it, there would be continued upward pressure on interest rates which would retard the growth of the economy.

The case is clearly compelling for reducing the structural deficit as the economy attempts to move to high employment. It is necessary to increase taxes, cut the defense buildup and control rising medicare costs and other nonmeans tested entitlement programs. Tax cuts enacted but not in effect should be repealed or delayed. We cannot afford to continue to finance large tax cuts through Government borrowing. We must restore fairness to the Federal tax laws and remove irrational and unwarranted tax breaks that misallocate capital and labor, impair economic efficiency and stifle growth. We must set in place a coordinated set of industrial policies to revitalize American competitiveness. The budget resolution adopted in June would begin to turn the long-term deficit projection around. As a first step, it must be implemented.

Such action will require extraordinary political will. Congress and the administration must agree on a package of cuts and tax increases that will sharply and believably reduce future deficits.

Further extensive cutbacks in nondefense discretionary programs or means-tested entitlement programs are inappropriate. Those programs, most of which serve the neediest of our citizens, have borne the brunt of the budget cuts over the last 2 years.

Furthermore, there are certain programs, for example, jobs and relief measures for those hardest hit by the recession, which deserve to be enacted. The 1984 budget resolution includes a reserve fund for those essential initiatives. Until economic growth aids the long-term unemployed, they need Government assistance.

The latest CBO projections estimate that the unemployment rate will be at 8.9 percent at the end of this year and 8.2 percent at the end of next year. This corresponds to unemployment levels of 10 million and 9.4 million. Only 35 percent of the unemployed now receive some type of unemployment benefits. Less jobless assistance is being provided now than in previous recessions. No matter how fast the recovery, there will be an unprecedented number of long-term unemployed workers in the next few years. The unemployment insurance system needs to be made more responsive and Congress needs to pass the well-designed, highly targeted, cost-effective Community Renewal Employment Act to assist the long-term unemployed.

In short, Mr. Speaker, we must deal with the political stalemate surrounding the Federal budget deficits reasonably, responsibly and expeditiously, without turning our backs on those in need. To do otherwise, would pose irreparable harm to the economic recovery.

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Mr. REGULA. I thank the gentlewoman from Ohio. I think she has made many good points, but three that I noted that I think should be emphasized and reemphasized.

One, is that capital starvation is depleting greatly productivity. The statistics pointed out so effectively by the gentlewoman indicated we had productivity growth when we had capital investment, but that is not available when the greatest share of our GNP goes into deficit financing.

Second, as you pointed out, structural deficits are not going to respond to economic recovery. They are built in because of excessive Government spending through many different programs and we in the Congress simply must address these.

The third point that I think is extremely important is that monetary policy cannot carry a bad fiscal policy. If we are going to have a strong, viable economy that is productive for everyone involved, that monetary policy has to complement and vice versa fiscal policy.

What we are really addressing tonight is the issue of fiscal policy and how we can get a handle on that and not depend on monetary policy alone.

I might mention to our colleagues watching that the gentleman from California (Mr. PANETTA) and myself will have a special order next week on the 21st and discuss at that time the long-term effects of the deficit as well as the solutions.

I would welcome other Members to join us. I think this is the most serious

domestic policy challenge confronting the Congress and not just the Congress but the people of this Nation at this time, because if we do not address the problem of deficits we are being unfair to our children and grandchildren, we are being unfair to their future, and we are seriously limiting their horizons in terms of the quality of life, in terms of opportunity.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding and thank him for his participation in this effort.

As the gentleman indicated, next Wednesday we will have an additional special order at which time we will deal with not only the long-term impacts of the deficit but look at specific answers at that time.

Again, other Members are invited to participate at that time.

Again I want to thank the gentleman for his cooperation in putting together this special order.

Mr. REGULA. I thank the gentleman especially for his leadership in already working on the answers to the problem, and I am quite sure he will have a very significant contribution to make next week as we discuss the solutions to these difficult challenges.

● Mr. KEMP. Mr. Speaker, I congratulate my colleagues on the Budget Committee, Mr. REGULA and Mr. PANETTA, for holding this series of special orders on the Federal deficit. I believe it is a useful forum for clearing up misconceptions and there are many about deficits and the nature of this problem. I agree deficits matter but that is only a small part of this debate.

The debate over the effects of Government deficits has gone on for many years within the academic profession, and there is still a great deal of controversy. If we can learn anything from this debate, it is not that deficits don't matter, but rather that they matter in different ways than conventional wisdom would suggest.

The fact that interest rates came down sharply last year, at exactly the same time that current and projected deficits increased, indicates that there is no simple relationship between deficits and interest rates. Indeed, a strong economic recovery has begun, led by those very interest-sensitive sectors—such as housing and automobiles—which some believed would be choked off by the Federal deficit.

What economists have learned is that the relationship between Government borrowing and interest rates is affected by the stage in the business cycle, by domestic monetary policy, by international monetary, capital and trade flows, and so on. This is further modified by the rate of private personal and business saving, by State and local government surpluses, by the effects of inflation on outstanding debt, and by the way people handle their trillions of dollars of existing assets. Moreover, the same Federal deficit can have a different effect, depending on whether it finances the current consumption of goods and services, or long-term capital investment, or loans to the private sector, or building up Federal cash balances. The working of all of these factors make it difficult to find any simple relationship between Federal deficits and interest rates.

As I said, this does not mean that the deficit has no effect. Crowding out by the Government is a real phenomenon, but it involves the total Government preemption of real resources which the private sector could otherwise use. This total crowding-out effect is approximated by Government spending, not by the deficit. Whether spending is financed by current taxation or borrowing affects mostly the timing and nature of this crowding-out effect. This case was put very well today in the Wall Street Journal, in an editorial and in an article by Norman Ture, the former Under Secretary of the Treasury for tax and economic policy.

In general, there are two ways to reduce the Government's crowding out of private economic activity—we can reduce the size of Government, and we can increase the size of the economy. Any successful economic strategy must seek to do both—both restrain the growth of Government spending and encourage real economic growth. For this purpose, any significant tax increases would be counterproductive, since they would neither increase economic growth nor restrain the growth of Government spending. The best chance for continued economic recovery lies with President Reagan's original plan of tax incentives, spending restraint, deregulation, and monetary reform.

In addition to the two articles from today's Wall Street Journal, I would like to introduce into the RECORD at this point two earlier articles from the same newspaper, and a recent paper by Alan Reynolds.

The articles follow:

BUDGET SOLUTION

The days and nights of the living dead have returned: The Congress of the United States is back in Washngton, where it must again confront the budget nightmare. Congress's wailing and howling over the dread budget deficit causes quite enough discomfort across the land, so we're reluction to arouse them further. Alas, we present some simple truths about the deficit—and a proposal to free Congress from the curse of the budget process.

Recent history has taught us a few things about what a budget deficit does and does not do. Deficits do not prevent a recovery. We currently have a $200 billion deficit. We currently have a recovery.

It's widely argued that if the government has to finance a deficit of $100 billion to $300 billion, interest rates will skyrocket again, perhaps to 17%, crushing the recovery (and the Reagan presidency). We have come to doubt the validity of this argument, which depends in large part on the assumption that government borrowing—and its impact—is limited to the securities market, which in 1982 was thought to have an available savings flow of about $350 billion.

It seems more plausible, as John Rutledge argued on this page last month ("The 'Structural-Deficit' Myth," Aug. 4), that government borrowing to finance a deficit should be viewed in the larger context of the economy's total asset holdings, currently about $20 trillion. Placed against $20 trillion, a large government borrowing may cause some rise in interest rates, but nothing as large or destructive as the Armageddon generally predicted.

We've been pooh-poohing these concerns (much to the discomfort of many traditional allies) and making the point that a lot of the deficit talk is merely an excuse to get more revenues to increase spending. But we've also been saying privately that two years from now—when recovery came despite deficits—we will be the only people in the land worried about deficits. For the plain and undeniable truth is—and here we rejoin the ranks of our worried allies—deficits do crowd out resources.

But let's get something straight about this. As Norman Ture makes plain in a nearby article today, deficits crowd out resources only to the extent that they serve their imperial master—government spending. We can raise taxes to close the deficit; we can borrow from the private sector to close the deficit. Either way, the money raised becomes government spending. Government spending is the first cause of crowding usable resources out of the private sector.

The choice is clear as it can be: If we want America to have primarily a public economy, we should quit whining about the deficit and let congressional policies proceed toward that goal. If instead we want primarily a private economy, we simply have to cut spending.

And that means we've got a very big problem: The best political minds in Washington say that all the king's horses and all the king's men will never be able to cut government spending again. That is the implicit assumption behind much of the deficit talk and the counterproductive solutions in the air. We're not so ready, however, to throw in the towel on prudent economic management. What's really happened is that the terms of the political game in Washington have changed in a way that has eroded the traditional restraints on spending imposed by Congress's internal discipline and the external pressure applied by the Executive.

The erosion began with the House committee reforms of the 1970s, which undermined the authority of the House leadership. Next, Congress perverted the principle of entitlements.

Providing basic support for citizens who fell into deep poverty was properly regarded in the 1960s as an appropriate commitment by a successful nation, and Congress, with clear public support, made the commitment. But it erred in not foreseeing (or in willfully refusing to see) that the payment formulas—primarily indexing payments to inflation—would create a claim on the nation's wealth large enough to undermine the health of the larger economy.

The last brick in the dam gave way with passage of the Congressional Budget and Impoundment Control Act of 1974. This

mistake had the unintended effect of opening the spending spigot without ever finding the proper tools to shut it off (see the accompanying graph).

Forget the phrase, "budget control." No one takes that seriously anymore. The key words in the act are "impoundment control." In the early 1970s, Congress became petulant over Richard Nixon's attempts to reduce spending by using the president's power to withhold, or impound, funds appropriated by Congress. By effectively eliminating the president's impoundment powers in the 1974 act, Congress grievously damaged the balance of power. The president can still veto appropriations bills, but the bills have become so huge and inclusive that the big veto is no longer managerially or politically useful.

The fact is, this issue has gone quite beyond the question of conservative vs. liberal social philosophies. Congress can't hold down the upward growth in spending, and the president has no effective counterweight to pose against Congress. In short, the ship of state, in its current upward spending stream, is on automatic pilot, with the government laying claim to an ever larger share of whatever the economy produces.

The solution to this problem requires two things: Reimposing discipline on the politics of spending and restoring the balance of power between Congress and the presidency. And as is often suggested, the solution requires two other things: the support of the House speaker and the president. Well, we know the speaker's position: The economy be damaged; this conservative president must be jettisoned from the Oval Office no matter what the costs. Resolution of the budget crisis clearly lies with the president, and we know of one proven mechanism for getting the job done. Ronald Reagan should do the following:

He should send a constitutional amendment up to Congress, exhorting it to give the president a line-item veto over the budget. Ed Meese has been floating the item-veto idea for some time, citing in support Mr. Reagan's experience with it in California. The governor of every major state in the Union has line-item veto power, which permits the Executive to veto individual items in the legislature's budget. Nearly every president since Ulysses S. Grant—Democrat and Republican—has requested it. (Yes, indeed, that includes FDR.)

Mr. Reagan should make the line-item veto the centerpiece of his reelection campaign, and he shouldn't flinch from claiming it as the Republican answer to the deficit issue. There is no way Mr. Reagan can avoid having the Democrats fling the deficit in his face, but there's no way the Democrats can hide the intellectual exhaustion of their own ideas. Moreover, it's likely that the prospect of a line-item veto would unify the supply-side and conventional wings of the Republican party.

The usual argument against the line-item veto—that it would unfairly expand the president's power—is clearly fatuous. Congress in 1974 arrogated to itself responsibility for spending; it has clearly failed. Politics in America most effectively performs its proper role—arbitrating among the competing interests of a huge population of free and informed people—when power is real but rarely used. It's most likely that once a president held the power to veto individual spending items, Congress would sort out for itself what is justifiable spending and what isn't, just as it did before the "budget control act." And if, as now, Congress declined to exercise prudence in managing the people's tax payments, that national constituency that elects a president would surely expect him to use the item veto to restore prudence, regardless of the highly publicized screams of Congress's many constituencies.

That is how the balance of power was intended to work. When it is damaged, as it is now, the American system suffers. The presidential power created by the line-item veto will restore the balance. And by forcing legitimate political horse-trading to take place again on Capitol Hill, it would allow Congress to regain its self-respect. Most important, it would show that Washington is truly serious about solving the deficit problem.

What Really Does the Crowding Out

(By Norman B. Ture)

(Mr. Ture, a Washington, D.C.-based economic consultant, was undersecretary of the treasury for tax and economic policy from March 1981 through June 1982.)

In the continuing debates over federal budget and fiscal policy, those who insist we must raise taxes argue that budget deficits impede recovery and growth by crowding out private investment. Proponents of higher taxes are mistaken in asserting that the deficit per se is the fiscal culprit. The villain is government spending. This is what crowds out, not the deficit.

There are two principal versions of the deficits-crowd-out argument. The one widely articulated in the media is that the government's borrowing competes with private borrowing for a limited amount of money or credit, driving up interest rates and crowding out private investment. A more sophisticated version was presented in the president's 1983 Economic Report and has been repeated frequently by the chairman of the Council of Economic Advisers. This version holds that government deficits pre-empt equal amounts of the nation's total saving, leaving less to finance capital formation.

Both versions are mistaken. The first view supposes erroneously that deficits are financed out of the money supply or the credit supply, whatever that is taken to be. There is, however, no necessary connection between deficits and the money supply in concept, and certainly none in fact. Government and private-sector borrowing don't compete for the money supply.

Government deficits are financed by the economy's saving. So, too, is private capital formation. A fundamental national-income-account relationship is that gross national saving, which is gross private saving plus the government's surplus or minus the government's deficit, always equals the sum of gross private domestic investment and net foreign investment. The argument that the larger the government deficit, the less saving is available for capital formation rests on an incomplete application of this fundamental relationship.

That argument ignores the effect of government fiscal actions on gross private saving, which is the main part of gross national saving. By definition, gross private saving is what is left of the economy's total output or income (GNP) after consumption and taxes are taken out. For any given amount of GNP, the greater the amount of taxes, the less is gross private saving.

DOES THE OPPOSITE

Some might argue that raising taxes reduces consumption, so that gross private saving isn't necessarily less if taxes are more. But with a given amount of GNP, this could be the case only if the tax increase raised the cost of consuming relative to the cost of saving and investing and did so enough to reduce consumption by at least as much as the increase in taxes. In fact, however, the principal tax in our revenue system, the income tax, does just the opposite—it raises the cost of saving relative to the cost of consumption. Even if additional tax revenues were raised by excises, sales taxes or a broad-based consumption tax, economists generally agree that this wouldn't raise the cost of consuming relative to the cost of saving. So, unless a tax increase, in and of itself, were instantaneously to increase GNP, gross private saving must fall—and by at least as much as taxes go up. Gross national saving, therefore, won't be increased—it very likely will be reduced—by raising taxes to cut the government's deficit.

Some simple national-income-account arithmetic is useful to illustrate these points. Suppose the economy is producing $3.3 trillion of goods and services, and the government takes $700 billion of that output but collects only $500 billion in taxes, borrowing the remaining $200 billion from the private sector. No matter how the government pays for that $700 billion, there is precisely $2.6 trillion left for the use of the private sector. Whether the government's budget shows a surplus, a balance or a deficit doesn't change that fact; only the amount the government spends in buying part of the economy's output or its production inputs determines what's left for the private sector out of any given total output.

How the $2.6 trillion of output available to the private sector is split up between consumption and investment depends on the cost of saving relative to the cost of consumption. The cost of saving—of buying things that will produce income in the future—is the amount of consumption one must give up to get some specified amount of future income. With no taxes, this cost depends on the productivity of capital—on how much additional output is obtained if the economy has one more unit of capital, everything else the same. With taxes, the cost of saving also depends on how much tax will be taken out of the return to the increment of capital. The bigger the tax bite out of that incremental return, the less is the net return and the greater is the cost of saving. A government deficit doesn't itself affect the productivity of capital, which is the basic determinant of the cost of saving relative to the cost of consumption. The deficit per se doesn't influence the allocation of the income available to the private sector between consumption and saving.

Suppose, using the previous example, that given the productivity of capital and the prevailing tax system, $2.15 trillion of the $2.6 trillion of output available to the private sector is used for consumption. Then gross private saving—total output minus consumption and taxes—is $650 billion. Subtracting the deficit of $200 billion, gross national saving is $450 billion. And, as it must, gross national saving equals investment. The initial situation is shown in column 1 of the table.

Suppose that taxes are raised $200 billion in order to balance the budget. Virtually any tax increase that might be politically acceptable and enacted would raise the cost of saving proportionally more than the cost of consumption and incline the private

sector toward reducing the share of available output used for captial formation.

But let's ignore this supply-side effect of the tax increase in order to focus on the consequences of eliminating the deficit by raising taxes. Assuming that a neutral tax increase were enacted, gross private saving would fall from $650 billion to $450 billion. The deficit would also decrease by $200 billion, and the budget would be balanced. Gross national saving, then, would be $450 billion, the same as before.

Raising taxes, at best, would be ineffectual in expanding the amount of saving available for capital formation. More realistically, taking account of the virtual certainty that they will disproportionately raise the cost of saving, tax increases would be counterproductive, would actually reduce gross national saving.

In a third case, assume that the government buys $800 billion of the economy's total output, $100 billion more than in the first two cases. Assume also that it collects $800 billion in taxes, again balancing the budget. The fact that the government buys more certainly doesn't itself mean that the economy has more production imputs or uses them more efficiently than when the government buys less. So unless GNP is magically increased, total output is still $3.3 trillion. Now, however, there is only $2.5 trillion of output left for the private sector's use. How that $2.5 trillion will be split up between consumption and saving and investment can't be determined from the fact that the budget is in balance.

If the additional government spending were for goods and services to be made available to the public as substitutes for private consumption, one might reasonably infer that most, if not all, of the cut in output available to the private sector would show up as a reduction in private consumption. On the other hand, if the added taxes were of such a character as to raise the cost of saving and investment relative to consumption, some of the cutback in output available to the private sector would be in the form of reduced capital formation. Column 3 in the table assumes that both of these factors are at work and the cutback is evenly divided between reduced private consumption and reduced capital formation.

The result is that both gross private saving and gross national saving fall to $400 billion, even though the budget is in balance. Private spending is crowded out not by a budget deficit, which is zero in this case, but by the increase in government spending.

Finally, consider a case in which government spending increases to $800 billion but taxes aren't increased. Again assume that half of the increase in government spending substitutes for private consumption, which declines to $2.1 trillion. With taxes remaining at $700 billion, gross private saving is $500 billion; with a deficit of $100 billion, however, gross national saving is $400 billion; so, too, is investment. This is, of course, the same result as when both spending and taxes increase by $100 billion. In other words, with or without a deficit, crowding out has occurred. Comparing this and the prior case (columns 3 and 4 in the table) with the first two cases, it is clear that it isn't the deficit that crowds out private sector activity; it is, instead, the government spending itself that is the culprit.

EVEN MORE PERILOUS

These illustrations, of course, don't tell the whole story. Raising taxes in the foreseeable future is as likely to underwrite additional government outlays as it is to cut the deficit. Even more perilous to the nation's economic health, the additional tax revenues are likely to come from increasing the tax load on business. Whether these additional business levies are selective or general, they will make saving and capital formation more costly. Individual income-tax increases will have the same adverse effect on saving.

If Congress and the administration are truly concerned about crowding out, they should subject all federal spending programs to the most searching examination, looking for ways to reduce the government's grab on output and production resources. If no significant spending cuts were to emerge, we would have to infer that our policy makers believe that the perceived results of the government's outlays are more important than the capital formation that is crowded out. That isn't an unthinkable conclusion, however contrary it may be to the prevailing consensus. Whatever the outcome of that examination, the economy certainly would be better off than if the need for that searching scrutiny is finessed by raising taxes.

HOW RAISING TAXES CAN AFFECT SAVING

[In millions of dollars]

Examples cited	(1)	(2)	(3)	(4)
Gross national product	$3,300	3,300	3,300	3,300
Consumption	2,150	2,150	2,100	2,100
Investment	450	450	400	400
Government purchases	700	700	800	800
Gross national product	3,300	3,300	3,300	3,300
Consumption	2,150	2,150	2,100	2,100
Taxes	500	700	800	700
Gross private saving	650	450	400	500
Deficit	200	0	0	100
Gross national saving	450	450	400	400

PRIVATE BORROWING AND THE FEDERAL DEFICIT

(By Evan G. Galbraith)

Most discussions on crowding out of private borrowers focus on a comparison between annual net private savings in the U.S. and the projected budgets deficits. These comparisons show U.S. budget deficits approaching the level of net private savings. People then conclude that federal financing will crowd private borrowers out of the capital market—or more accurately, will force medium- and long-term interest rates to rise inordinately, thus thwarting economic recovery. This comparison is based on an important miscalculation.

Instead of net private savings, we should look at gross private savings. Roughly speaking, gross private savings represents our private cash flow—income calculated before non-cash deductions like depreciation. Net private savings refers to income after we deduct depreciation. The cash represented by depreciation is left with the private owners, corporate or individual, who use it either in the capital market or for self-financing. Because self-financing takes pressure off the market, it is as important as contributing cash directly to the market.

According to figures from the third quarter of 1982, capital consumption allowances (the term used for depreciation et al.) reached an annual rate of $360 billion. Net private savings was $189 billion and gross private savings $549 billion. We should use the gross figure of $549 billion rather than the net $189 billion in comparing private savings with the budget deficit.

The widespread use of the net figure results from the mistaken idea that depreciation equals the amount to be spent for wear and tear. If this were true, then we could discount depreciation and start at net. But this isn't the way things work.

First, much of the money spent maintaining a plant is expensed and never makes it to the bottom line, hence, the depreciation money isn't needed. Second, the rate at which depreciation is taken usually exceeds the equipment's useful life. Third, many assets are never replaced.

Thus the old shorthand is erroneous. We must compare the gross amount of cash generated each year with annual need, and this need can be broken down into private investment (for whatever reason, whether replacement or new investment), and the net government deficit. Business capital investment for 1983 is estimated at $315 billion, or $45 billion less than 1982's depreciation. While we obviously want to limit the amount the government takes from the pool, we shouldn't underestimate how much we have, from both foreign and domestic sources.

Using gross private savings to evaluate the effect of federal financing on interest rates doesn't eliminate the upward pressure caused by deficits. There will always be crowding—i.e., competition among borrowers. But if the pool for borrowing is larger, and if some potential borrowers are self-financed, then the upward pressure on interest rates will be less. The large disproportion between gross private savings and the budget deficit may be one reason why we haven't been seeing the effect of crowding out. The market absorbed large private and federal financings in 1982, but interest rates fell.

The large amount of private borrowing abroad in 1982 ($15 billion) also helped relieve our domestic bond market and compensated for a drop in foreign holdings of Treasury obligations. Indeed, the world is our capital market for both federal and private financing.

Another area neglected in estimates of crowding out is federal funds—Fannie Mae, agricultural supports, etc.—that return directly to private borrowers. Other federal funds transferred to individuals make their way back into the capital market without passing through the income accounts, and thus never appear as private savings. This important analysis will have to be done another day, but there is no doubt that the beneficial effect on the capital market is significant. For example, it has been estimated that governments will lend $90 billion to borrowers in 1983.

The total credit demand for 1983, private and government, is estimated to be $515 billion, an amount well below (by at least $100 billion) the total of our cash flow, net foreign inflow and government money returned to the market. Moreover, this annual excess of supply over credit demand is greater than any estimated increase in our budget deficits in coming years.

The evidence suggests that our market can absorb large deficits—provided investors are convinced that inflation will be contained at low levels. This is quite a proviso in the face of our current large deficits. But it can be done because of our low utilization of capacity and because investors realize that both the Reagan administration and the public want to curtail federal spending.

In a few years. deficits should diminish as we enjoy the benefits of a growing economy. Meanwhile, our enormous and fast growing

capital market (including a $900 billion pension fund market growing at the rate of 11 percent a year) will be large enough to provide funds for the private sector and to service the federal debt.●

● Mr. JONES of Oklahoma. Mr. Speaker, some years from now when the clash and confusion of the present have given way to dispassionate analysis, these years of the early 1980's will be judged as the time when we either succeeded or failed in dealing with a national and international economic crisis.

The code name for that effort on the national level will be the budget.

The budget, as a term, has come to mean far more than the congressional resolutions over which many of us have shed so much blood, sweat, and tears.

The public perception of the budget has now been extended to include nearly all congressional and Presidential actions on spending and revenues.

Basically, the budget has come to both symbolize and encompass the essential and increasingly public debate and decision process on national economic policy.

It is one of the fortunate coincidences of history that as the current economic crisis was building, the tool which we need to resolve the crisis also was being refined and strengthened.

We have the means, the process, with which to address our fiscal crisis. It is a process which needs to be improved, but in its present state it is workable and effective.

The problem we face with the budget and with national fiscal policy is not then one of process. It is a problem of finding the political will to deal with serious and substantive issues—military spending, entitlements, and taxes.

We have a level of Government spending upon which there is a general agreement. The congressional budget resolution, for example, calls in 1986 for spending $966.6 billion. The President's budget called for spending $967.5 billion. That is a difference of $900 million in an outlay total of nearly a trillion dollars.

These are, of course, deep difference over priorities and the composition of spending. And while additional savings can and should be made, the overall levels will not change drastically.

On the revenue side, the congressional budget calls for 1986 revenues of $835.8 billion. The administration calls for $835.8 billion. No difference.

So on the surface there is no macroeconomic argument—if the administration would follow in practice what it proposes in principle. Then what is the fight about? It is a battle between an ideologically committed white House with its minority of allies in the House and Senate and a congressional coalition of Democrats and moderate Republicans searching for rational and logical policy.

We in our congressional coalition believe that we must act now to reduce deficits over time. Failure to act will place our economy at grave risk.

If we do not reduce deficits, interest rates will rise; the dollar will stay too strong, withering our export industries; the recovery will fade; and both national economy and the framework of international trade and relations will be placed in extreme hazard. Perhaps the crunch will come in 1984, perhaps not until 1985 or even later. But it will come.

And if we go into another recession, this time starting with a $200 billion deficit, we will quickly have $300 billion recession level deficits. How does one correct that condition? Raise taxes in a recession? Cut spending for the unemployed, the poor and the elderly? Slash defense?

We say that no President and no party should take such risks with the well being of the American people and the world.

We say it is essential to control domestic spending, to increase defense spending at an efficient rate—about 5 percent real growth—and raise revenues to reduce deficits.

The administration has said repeatedly that it will try to block our efforts. The President seems to believe that all is well and contradicts his own policies by acting as if no changes need be made.

The administration for reasons of ideology and partisan election politics now disregards its own budget policies.

The administration continues to demand excessive spending in defense and the President quite clearly seems to believe that unprecedented deficits are better than raising taxes to pay for the actual cost of government.

What happens if the administration ignores its own macroeconomic analysis and maintains the present policies?

The administration's current tax and spending policies will produce $200 billion deficits as far as the eye can see even as the economy recovers. They will be even larger if the recovery fails.

These huge future deficits, unlike this year's deficit, are structural. That is, they are not due to a weak economy, but to a failed budget policy—a gap between spending and revenues produced by adopting the 1981 supply-side tax cut while increasing overall spending. This administration has raised Federal spending to 25 percent of GNP this year—a record in peacetime.

The structural deficit under the administration's current policies will be over $150 billion or an unprecedented 3.5 percent of GNP by 1986—far above the average 1 percent of GNP observed during the 1960's and 1970's when the economy experienced much stronger growth.

And what are the long-term effects of these looming deficits? We are now financing large income tax cuts through government borrowing. This is producing a consumption-oriented economy at the expense of saving, investment, and long-term growth.

Deficits under current policies will absorb a record share of net national savings. In the next few years, the deficit will account for 75 to 85 percent of available net savings.

The result will be a crowding out of private investment in business plant and equipment and housing. The share of GNP available for net private capital formation, after financing the deficits, will average only about 2 percent during the next 3 years, as compared to 7.2 percent in the 1960's and 5.8 in the 1970's.

Expenditures for new plant and equipment in 1982 slumped 5.5 percent in real terms. Real capital spending in 1983 is projected by the Commerce Department to be 2.3 percent lower than the depressed 1982 levels.

Low levels of investment will inevitably produce lower productivity growth, lower living standards, and fewer jobs—exactly the opposite of what a sensible and responsible supply-side policy would produce.

The President keeps saying that the deficits come from uncontrolled domestic spending—not from his defense buildup and tax cuts. The facts, however, show that Reagan's tax policies have drastically eroded the revenue base while his record peacetime defense program has largely offset cuts in domestic spending.

CBO's independent analysis shows that for the 1982–86 period, the President's original Kemp-Roth plan reduced revenues by $633 billion.

Even after a partial restoration of the revenue base by TEFRA, the Reagan tax policies have added $474 billion to the deficit while his defense buildup has contributed $155 billion, more than offsetting $265 billion in nondefense spending cuts. These nondefense cuts have been severe, so severe that neither Republicans nor Democrats were willing to impose further reductions in these areas this year.

Higher interest costs from the tax cut and defense buildup have added $60 billion to the deficit for this period.

The fundamental conflict between uncontrolled future defictis and a long-term anti-inflationary monetary policy has not been resolved.

These massive structural deficits place the Nation's economic policy in a no-win situation:

If the Federal Reserve substantially accommodates the future deficits by expanding the money supply to keep

interest rates from rising, the likelihood of high future inflation increases. Investors are already demanding a deficit risk inflation premium on long-term bonds.

Alternatively, if the Federal Reserve holds to a more restrained policy, public borrowing will collide with growing private credit demands as the economy recovers, producing high real interest rates.

The administration's irresponsible budget policy, which will produce future high interest rates, is keeping current real interest rates at unprecedented levels for an economy in recovery. Long-term rates are now running 7 to 8 percent above underlying inflation, 3 to 4 times higher than in the 1960's and 1970's when the economy experienced much stronger growth.

Interest rates have risen over the summer. Three-month Treasury bills now yield over 9 percent, compared to 8 percent last May. Long-term interest rates—crucial for investment—now stand at over 12½ percent, up from 11½ percent at the beginning of the summer.

At best, the administration's high interest rate policies will result in a low investment, high consumption, low productivity economy, with lower living standards.

We are running the risk, however, that high interest rates will abort the recovery and produce more years of joblessness, rising poverty, and even larger budget deficits—a terrible repeat of the 1981-82 recession.

This is the final riverboat gamble—and surely the most cynical. The first riverboat gamble, as Republican Senator HOWARD BAKER so accurately named it, was that the self-contradictory mix of supply-side tax cuts and doctrinaire monetarism would give us a painless cure for stagflation. It did not. It gave us lower inflation, all right, at the price of terrible recession—as conventional economics said it would.

Now the truly cynical gamble—that the big deficits and huge debt would not matter until after the 1984 elections. The gamble is that the recession has been so long and so deep, and private credit demands so shattered, that $200 billion deficits can be financed without driving up interest rates and aborting the recovery.

The solution is straightforward—carry out and enforce our congressional budget.

But the way is hard. It requires political courage, will, and leadership.

Congress cannot act alone to solve the problem. The President cannot act alone to solve it. We have a divided Government—Republican Senate, Democratic House, and a White House which often ignores both the Senate and the House.

Ultimately, the solution lies in the hands of both Congress and the President. Either can block a solution. Only both working together can provide a solution.

And the unanswerable question today is—what role will the President play? Ideologue or responsible leader.●

● Mr. WILLIAMS of Montana. Mr. Speaker, I rise to join my colleagues, to support action by the Congress to reduce the size of the deficit in the outyears.

Because deficits are already so high, revival of the economy is obviously an effort which must be shared by both public and private institutions. The performance of the economy over the last 3 years suggests that monetary policy is exceedingly potent. We experimented with stepping on the monetary brake and the fiscal accelerator simultaneously, and discovered that the car screeched to a halt—real GNP has not inceased since 1979—presumably, reversing the experiment by lightly stepping on the fiscal brake and the monetary accelerator would help to revive the economy. The lower interest rates that this would permit would have the additional benefits of encouraging investment, lowering debt financing charges and thus the deficit, reducing the debt burdens of less developed countries, and making the value of the dollar and thus our exports more competitive.

While monetary policy is central, fiscal policy will need to play a necessary role over the next year or two. With about one third of existing capacity idle, the recent collapse of business investment will not be easy to reverse, even if interest rates drop. Thus, the recovery will need to be led by government and consumer spending, preferably on a broad range of products, in addition to such interest-sensitive items as housing and automobiles.

An August 1983 CBO report based on the first budget resolution shows that fiscal policy is currently projected to provide $68 billion in new stimulus for the economy between fiscal year 1982 and fiscal year 1983 and only an additional $2 billion between fiscal years 1983 and 1984. This corresponds to a net stimulus of 1.9 percent GNP between fiscal year 1982 and fiscal year 1983 and a contraction of 0.2 percent of GNP between fiscal years 1983 and 1984.

The CBO estimated shortfall between potential and actual GNP will be about $270 billion during 1983 and $200 billion during 1984 in current dollars. With this amount of slack, current deficits can be enlarged without sigificant risk of accelerating inflation or driving up interest rates. Future deficits, on the other hand, are clearly too large. Between fiscal years 1984 and 1986, a contraction of $12 billion is projected under current policies at the same time that the economy is predicted to move closer and closer to full employment. What this pattern suggests is that any new fiscal stimulus; for example, a new jobs program; be triggered to phase out automatically with a reduction in the undemployment rate.

For these reasons, I urge Members of the House to support Representative AUGUSTUS HAWKINS' job creation bill, H.R. 1036, when it comes to the floor next week on September 20.●

● Mr. SCHAEFER. Mr. Speaker, I think it is very appropriate that we are setting aside a special time after we have completed the day's business to talk about the Nation's deficit problem. All votes have been cast, so now it is time to demonstrate how concerned we are about the deficit problem. And given the House legislative record, it appears that this is a rare opportunity for most Members.

Budget deficits are an enormous problem. For 1983, the deficit stands at $210 billion. Given current projected deficits, we could easily, over the next few years, add another trillion dollars to the public debt. This is not a backdrop for continued economic recovery, and reflects continuing encroachment of government into our free market system at a significant cost to private enterprise and individual economic and personal freedom. The Federal Government has been profligate with deficit spending, and, not only is there no plan or program for repaying the borrowed money, but also there are very few signs that Congress has the will to deal with this difficult problem.

The degree of commitment to slowing deficit spending and balancing the budget is not demonstrated at moments like this. We demonstrate our commitment to reducing deficits by casting responsible votes and initiating responsible legislation. When deficits are around $200 billion, it is irresponsible to consistently cast votes for increased Federal expenditures that we just cannot afford.

As a stark example of congressional duplicity on this issue, contrast today's special order on deficits with last month's House vote to increase the funding level of the revenue sharing program. Revenue sharing was established to allow local governments to share the Federal Government's substantial tax base. When the program was initiated, it made more sense, because the Federal deficit was about 10 percent of what it is this year. Understanding that local governments have planned for and count on the revenue sharing program, there may be reason for reauthorization, but how can we rationally increase revenue sharing when the only thing we have to share is a $200 billion deficit?

I appreciate this opportunity to comment on the Federal Government's deficit problem. But my hope is that

from this day Congress will address the problem with legislative initiatives and votes.●

● Mr. BROWN of Colorado. Mr. Speaker, the deficit is a bit like the weather. We all like to talk about it, and yet when it comes time to do something about it we seem unable to act.

We have not been willing to face the unpleasant truth that is before us. The truth is that we cannot continue on the road we have traveled. Ahead lies a disaster, a disaster that we cannot avoid without a change of course. We must face up to our budget problems now and resolve them.

A few of our colleagues dismiss the deficit and dismiss the overwhelming burden that has built up over these past years, because as a percent of the GNP, the increase has not been dramatic.

The real concern is not just the debt that we owe whether a portion of the GNP or not. The significant concern is the cost of carrying that debt and the work that must be performed by every working American to pay the bill for interest each year.

It is almost overwhelming when you realize that every working American in this country next year will be asked to come up with almost $200 to pay the interest on the increase in the national debt just for this last year. That is only the interest on the increase.

The portion of the budget that goes to interest payments on the national debt went from $6.4 billion in 1955 to $33.5 billion in 1975. In those 20 years it increased more than fivefold. In the next 5 years it more than doubled to $75.2 billion. The estimate for 1984 is $148.6 billion, almost double again in 4 years.

The fact is, in 1984, the interest burden will be more than 23 times as large as it was in 1955.

We are familiar with the crowding out that takes place in the marketplace when the Federal Government borrows money to sustain governmental activities. Interest rates, are dramatically higher now because of our failure to face up to those budget problems, but the crowding out does not stop there.

The crowding out I want to draw your attention to is the crowding out that results in the Federal budget; the simple elimination of our ability to fund essential programs, because we have to pay for the debts of the past.

In 1964, interest payments were 9.3 percent of our Federal budget and amounted to $11 billion. By 1974 interest expense had grown to $30 billion and was 11.2 percent of the budget. By 1984, interest will be 17.3 percent of our budget. The cost of carrying our debt is crowding important programs out of the Federal budget.

What is the effect of our continued deficits? Can we ignore them as some would suggest? The cost of carrying those deficits is becoming a crushing burden. There is no question that the continued deficits are going to cause higher interest rates. There is no question that those high interest rates cause higher unemployment.

The programs that we talk about with such enthusiasm to solve the problems of this Nation cannot solve the unemployment problem unless we cope with those interest rates.

If we continue the deficits, it is clear that we will continue the crowding out of our ability to fund essential programs. Whether it is higher interest or higher unemployment, or the crowding out of essential programs, the results of our continuing to ignore the deficit problem are catastrophic.

Many may recall the words of John Maynard Keynes, who when criticized about the long-term ramifications of his suggestions, replied that in the long run we would all be dead. The long run is now. The policies of the 1930's and 1940's combined with the irresponsbility in Congress of the 1960's and 1970's have come home to roost. In the 1980's we have to face that long run impact.

It is a little like the auto mechanic who comes on television every now and then. He says: "Pay me now or pay me later." We are at that point. We can pay the piper now and face our problems with regard to the deficit. By not increasing spending for several years, we can bring this problem under control, or we can pay him later. And pay him we will, because we have no choice.

The problem has grown to such an extent that we have to face it. Our very ability to fund this Government, our very ability to meet our obligations, our very ability to keep the economy moving is endangered by our irresponsibility with regard to this debt burden. It is pay now or pay later. Let us hope the Members of this body who care so deeply about people will understand that those who vote to control spending indeed care about people. Perhaps they care about people far more than those who would avoid the realities.●

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1797

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1797 to which it was added by mistake.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1850

ALTERNATIVE TO H.R. 2350

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. SHELBY) is recognized for 5 minutes.

● Mr. SHELBY. Madam Speaker, today, I, along with my colleagues, JIM BROYHILL and ED MADIGAN, am placing in the RECORD a broadly supported alternative to H.R. 2350, the reauthorization of our meritorious National Institutes of Health (NIH). Regarding the work of the NIH, the American Medical Association writes:

> The NIH is a unique national resource of which all persons in this country can and should be proud. Investments in fundamental research today make future scientific and medical breakthroughs possible for the benefit of all people in this country and throughout the world. It is therefore especially important to assure the continuation of the NIH's broad discretionary mandate to continue vital basic biomedical research in order to establish a broad base for future applied research in the health area.

The substitute we put before our colleagues today will insure that just such a discretionary mandate is upheld.

The alternative I, Congressmen BROYHILL and MADIGAN will offer is an amendment in the nature of a substitute to H.R. 2350. Our substitute reauthorizes the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the other expiring authorities of the NIH for 3 fiscal years at the same funding levels contained in H.R. 2350, but without the unnecessary specificity of the Waxman bill. These authorizations provide an increase in spending of 15 percent over the fiscal year 1983 funding levels, as well as a 35-percent increase for cancer research. In addition, the substitute creates a new National Institute of Arthritis and Musculoskeletal Disease, and 25 centers dedicated to research in health promotion and disease prevention.

We are compelled to offer this alternative to H.R. 2350, because, in our opinion, while it claims to maintain NIH's ability to decide research priorities, it does not provide any guarantees. In fact, the legislation calls for basic statutory changes in the organization and management of NIH which threaten to dismantle a superbly functioning NIH structure. By proposing detailed statutory authority for each of the 11 existing institutes and the new Arthritis Institute, H.R. 2350 risks supressing valued NIH flexibility to pursue research and to allocate resources to meet long-term research goals. The legislation incorporates 17 new line item authorizations for specific diseases and disease centers, compromising the leadership abilities and scientific acumen of the NIH physi-

cians and clinicians whose work deserves minimal congressional interference.

If we have confidence in the professional and nonpolitically motivated ventures of the able men and women at NIH, then we do a great disservice to them, and ultimately to our constituency, in tying their hands. Our role as legislators should not be to inhibit such a successful venture as NIH through mandating research in specific disease areas, but to enhance its operation by providing the flexibility to allocate resources, as scientific evaluation dictates.

The substitute we offer today allows for that flexibility, and the continued growth and support of high-quality biomedical research, with no political strings attached. I urge my colleagues to take a few moments to study the choices at hand. I encourage their careful consideration of our substitute—one which insures adequate funding of the expiring NIH authorities and the protection of NIH's vital mandate for the prevention and treatment of disease.●

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized for 10 minutes.

Mr. MOLLOHAN. Madam Speaker, yesterday I testified before the Ways and Means Subcommittee on Public Assistance and Unemployment Compensation in support of my bill to extend the Federal supplemental unemployment compensation program an additional 6 months beyond its current September 30 expiration date. I urged the committee to report a simple extension of the FSC program to the floor because I think it has the likeliest chance of passing both Chambers of Congress and being signed by the President. As I indicated in the testimony, however, I do not think the present unemployment compensation program goes far enough in meeting the needs of our unemployed, particularly the long-term unemployed, and I am today introducing a second bill to expand the FSC program. The current program offers between 8 and 14 weeks of compensation to those persons who exhaust their regular or extended benefits. Briefly, the bill I am introducing today will expand the system by offering 8 to 14 weeks of additional FSC benefits to those persons who exhaust all current FSC benefits and then go 12 weeks without finding a permanent job.

This would be a substantial expansion of the FSC program, but I do not hesitate to propose it. I know the unemployment situation in my State of West Virginia certainly warrants it. Men and women who have spent most of their working lives in one occupation are being laid off. Forty- and fifty-year-old men and women are being told the only skills they have are no longer needed, not in West Virginia and not anywhere. Young graduates of high schools and colleges in West Virginia are being told there are no jobs available for them in the State; they must leave their home to have even a chance of obtaining work. Let me briefly describe the situation of one of my constituents. Last year he lost his job as a construction worker when the company for which he worked went out of business. He exhausted all unemployment benefits, and in April of this year his home was threatened with foreclosure. We managed to save his home, but he has still not found a permanent job. Let me quote from his most recent letter:

> I am 32 years old, married, and have a 9-month-old daughter. I graduated from local high school in 1970. At the present time I am attending residential electric wiring classes five nights a week through CETA, and working during the day when I can. . . . I did sign a contract with the Wetzel County Board of Education for substitute maintenance work last fall and received a few days work in our local school. I have done painting, poured concrete, tended bar, washed windows, anything available. . . . If you could offer any assistance in my procuring employment, I could certainly use your help and would be most grateful. I have tried particularly hard to get into the school systems, doing maintenance work, driving bus, or anything available.

He enclosed with this letter a list of 27 businesses he had contacted about employment. He said some of them refused to even accept his application.

Madam Speaker, what am I to say to my constituent? There simply are not enough jobs available for the people in my district and my State, because West Virginia's economy rests on the basic smokestack industries—coal, steel, chemicals, and glass—that have been most devastated by this recession. West Virginia and other similarly affected States can and will adapt, but it will take time and it will take the assistance of the Federal Government.

That is why, Madam Speaker, I have introduced this additional unemployment bill which will extend unemployment compensation beyond the current programs. It is desperately needed.

I urge my colleagues to cosponsor my bill.

DEMAND DEPOSIT DEREGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Madam Speaker, last month I introduced the Demand Deposit Equity Act of 1983 (H.R. 3535) to authorize all depository institutions to offer interest bearing demand deposits. H.R. 3535 recognizes the financial needs of small businesses and addresses the major remaining deregulation issue involving the liability side of depository institution balance sheets.

As I pointed out when I introduced it, H.R. 3535 is not a new bill. It is virtually identical to legislation I introduced 5 years ago in the 95th Congress and reintroduced in the 96th Congress. When I convened hearings in May 1979, on the need for interest bearing checking accounts, I commented that, "it is amazing that we have waited 46 years to provide this simple equity for the small consumer and the small businessman." In the 5 years since those hearings, deregulation authorized by the Depository Institutions Deregulation and Monetary Control Act of 1980 and the Garn-St Germain Act has resulted in interest paying transaction accounts being available to individuals but not to businesses. For small businesses, this result has been particularly hurtful. They depend heavily on demand deposit accounts to manage their cash and lack the access to money markets that large corporations have to manage their cash positions and earn interest at the same time.

Today, Madam Speaker, at the request of the Depository Institutions Deregulation Committee, I am introducing along with Congressman WYLIE an alternative interest on demand deposits bill. This bill differs from my own in several ways. The difference that concerns me most is a provision in the administration's bill which would impose an interest rate ceiling on accounts of less than $2,500. In my judgment such a limitation is difficult to justify in the present deregulatory environment and could prevent the benefits of interest paying checking accounts from being fully enjoyed by the public and, in particular, by small businesses. Nevertheless, in the interest of full and thorough debate I am introducing the administration's bill for consideration.

Hearings on H.R. 3534 by the Financial Institutions Subcommittee of the House Banking Committee will begin on September 28, 1983, and conclude on October 13 to accommodate the Federal Home Loan Bank Board Chairman's schedule. The testimony of DIDC member agencies, small business and consumer groups, and depository institution representatives will be heard. It is my hope that soon depository institutions will be able to structure interest paying demand deposit accounts that compete effectively in the market and offer those accounts to anyone.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Madam Speaker, I am notifying the House today of the U.S. Export-Import Bank's proposal to provide credits and guarantees of $225 million to enable Alitalia, the Italian national airline, to purchase 14 McDonnell Douglas DC-9 Super 80 jet aircraft in the United States.

This transaction would be the first phase of Alitalia's plan to purchase 30 jetliners from McDonnell Douglas, 14 this year and 16 in 1984. The total export value of these sales would be more than $788 million, including related spare parts and services.

The Eximbank has made a preliminary commitment to provide up to $516 million of financing to make possible the Alitalia fleet modernization. Alitalia is expected to apply for additional Eximbank credits and guarantees during the first half of 1984.

Over the next 7 years, the health of the American aircraft industry and its subcontractors will depend heavily on exports. During that period, 40 percent of U.S. aircraft sales are expected to be made to foreign airlines.

The Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank is required to notify Congress of any proposed direct credits or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the proposed transaction after 25 days of continuous session of the Congress after the notification.

I am submitting for the RECORD the Eximbank notification, which provides details of the proposed Alitalia financing. I would welcome questions or comments from my colleagues on the proposal.

The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES.
Washington, D.C., August 17, 1983.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(i) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 17, 1983.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Italy:

A. DESCRIPTION OF TRANSACTION

1. Purpose: Eximbank is prepared to make available to Alitalia-Linee Aeree Italiane S.p.A. (Alitalia) financing in the form of loans and guarantees of $225,000,000 to facilitate the purchase in the United States by Alitalia of 14 McDonnell Douglas DC-9-Super 80 jet aircraft with related spare engines, spare parts and services. The total U.S. export value of these purchases is estimated to be $358,000,000.

This transaction is the first proposed financing under a Preliminary Commitment issued by Eximbank to Alitalia for financing of Alitalia's purchases of up to 30 DC-9-Super 80 jet aircraft. In the Preliminary Commitment, Eximbank indicated to Alitalia the terms and conditions under which it will be prepared to extend up to $516,000,000 of financing (including the Eximbank financing proposed in this transaction) to Alitalia to assist in the purchase of these jet aircraft and related items to meet that airline's needs for replacement of a portion of its aging fleet with more fuel-efficient, quieter, medium-range aircraft. Including the transaction mentioned above for 14 aircraft, the total U.S. export value of these purchases is estimated to be $787,500,000. It is contemplated by the Preliminary Commitment that Alitalia will apply during the first six months of 1984 for financing of the balance of 16 aircraft with an estimated export value of $429,500,000.

In the Preliminary Commitment, several alternative financial plans were offered involving different percentages of Eximbank direct credits or financial guarantees. In response to these offers, for the first portion of the procurement Alitalia has applied for an Eximbank credit of $75,000,000 and a financial guarantee of $150,000 of loans to be arranged from private sources, based on $358,000,000 of U.S. procurement for the first 14 aircraft.

2. Identity of the Parties: Alitalia, Italy's national flag air carrier, was established in 1948 as a corporation wholly-owned by the Government of Italy through Istituto per la Ricostruzione Industriale (IRI), a Government holding company. Its routes are worldwide, the principal routes being within Europe and to Africa. Eximbank has previously financed numerous aircraft purchases by Alitalia and repayments have been made on a timely basis.

Istituto per la Ricostruzione Industriale (IRI), which will guarantee repayment of the Eximbank financing, is a public financial corporation owned by the Government of Italy and established in 1933 by an act of Parliament. IRI is a Government holding company, the largest of three such entities through which the Italian Government owns, supports and controls a wide range of companies which carry on business in virtually every sector of Italy's economy.

3. Nature and Use of Goods and Services: The principal goods to be exported from the United States and to be used by Alitalia are the 14 McDonnell Douglas DC-9-Super 80 commercial jet aircraft in this first proposed financing, together with the additional 16 commerical jet aircraft contemplated by the Preliminary Commitment. The aircraft will be exported under various schedules during the period 1983-1987.

The airframes will be manufactured by the McDonnell Douglas Corporation of Long Beach, California. The engines and related spares will be manufactured by the Pratt and Whitney Aircraft Division of United Technologies Corporation in Hartford, Connecticut. These two companies will subcontract with numerous U.S. companies for major portions of the airframe and engine manufacture. In addition, other U.S. firms will furnish spare parts.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons: The Eximbank financing support of $225,000,000 contemplated in this transaction will facilitiate the export of $358,000,000 of United States goods and services. Sales, profits and employment for U.S. aircraft manufacturers and their subcontractors are heavily dependent upon exports. Through 1990, aircraft purchases by foreign airlines are expected to account for approximately 40% of total U.S. aircraft sales.

There is extensive evidence of efforts by Airbus Industrie to sell A-320 aircraft to Alitalia. Government-supported financing typically is available for Airbus sales, and Airbus has been actively proposing co-production of A-320 aircraft with Italy as an incentive to purchase by Alitalia. Following issuance by Eximbank on October 21, 1982 of its Preliminary Commitment, Alitalia signed a contract with McDonnell Douglas on December 9, 1982 for 30 DC-9-Super 80 aircraft, subject to satisfactory Eximbank financing. The Eximbank financing offered in the Preliminary Commitment appears to have been a significant factor in winning the sale for the U.S. suppliers.

McDonnell Douglas estimates that each DC-9-Super 80 aircraft will require 890,000 manhours of work throughout the United States, allocated as follows: 160,000 for McDonnell Douglas; 179,000 for subcontractors and vendors; 551,000 for non-aerospace industries. Additional benefits which will flow to the United States form the transaction include follow-on sales of up to 16 additional DC-9-Super 80 aircraft and related exports of spare parts, ground support and other auxiliary equipment.

2. The Financing Plan: The financing plan for the U.S. procurement supported by the Eximbank direct credit and financial guarantee of private financing is as follows:

	Amount	Percent of U.S. Costs
Cash payment	$133,000,000	37.2
Eximbank credit	75,000,000	20.9
Financial guarantee	150,000,000	41.9
Total	358,000,000	100.0

a. All or part of the Eximbank credit may be converted, prior to disbursement, to private financing guaranteed by Eximbank.

b. The financial guarantee of Eximbank will be made available for loans from a fi-

nancial institution chosen by Alitalia and acceptable to Eximbank.

c. The interest rate on the Eximbank credit will be 12% per annum, payable semi-annually. A 2% credit application fee will be charged on the authorized amount of the Eximbank credit, and a commitment fee of ½ of 1 percent per annum will be charged on the undisbursed portion of the Eximbank credit.

d. A guarantee commitment fee will be charged on the undisbursed portion of the private financing guaranteed by Eximbank at the rate of ⅛ of 1 percent per annum. A guarantee fee of ½ of 1 percent per annum will be charged on the disbursed and outstanding amount of the private financing guaranteed by Eximbank.

e. Aggregate disbursements of principal under the Eximbank credit and the private financing guaranteed by Eximbank will be repaid in a series of repayment schedules, each of 20 semiannual installments, as set forth in Attachment A hereto. In each schedule, installments will be applied first to private financing guaranteed by Eximbank and last to the Eximbank credit. Amounts disbursed with respect to any aircraft shall be repaid under the schedule set forth in Attachment A for the delivery period during which the related aircraft is delivered.

Attached as Attachment B is additional information on the economy of Italy and Eximbank activity in that country.

Sincerely,

WILLIAM H. DRAPER III.

ATTACHMENT A

Delivery period	Aircraft	Scheduled delivery dates	Principal repayment schedule	1st repayment date
1	1–2	December 1983	1	
	3	January 1984		7–15–84
2	4	February 1984	2	
	5–6	March 1984		
	7–8	April 1984		
	9–10	May 1984		1–15–85
3	11	October 1984	3	
	12	November 1984		
	13	December 1984		
	14	January 1985		7–15–85
4	15	February 1985	4	
	16–17	March 1985		
	18–19	April 1985		
	20	May 1985		1–15–86
5	21	November 1985	5	
	22	December 1985		
	23	January 1986		7–15–86
6	24	February 1986	6	
	25	March 1986		
	26	April 1986		
	27	May 1986		1–15–87
7	28	October 1986	7	
	29	November 1986		
	30	December 1986		
		January 1987		7–15–87

ATTACHMENT B—ITALY

Area (1,000 sq. km): 302—Approximately the size of Arizona.

Population: (mid-1981): 56.7 million.

GDP per capita (1981): $6,178.

GDP expenditures (1981):	Percent
Private consumption	62
Public consumption	17
Fixed investment	20
Exports	27
Imports	−26
Total	100
Origin (1980):	
Agriculture	6
Manufacturing	35
Construction	8
Services	22
Others	29
Total	100

	1978	1979	1980	1981	1982
GDP data (billions):					
Nominal GDP	$261.7	$325.0	$394.0	$350.2	$356.7
Growth rate real GDP (percent)	2.7	4.9	4.0	−0.2	[1] −0.6
Industrial production (percent)	1.9	6.6	5.6	−2.3	[1] −0.9
Fiscal and monetary data:					
Government deficit (billions)	$40.4	$36.2	$43.4	$41.5	$52.5
Deficit as percent of GDP	15.4	11.1	11.0	11.8	14.7
Increase in money supply (M3) (percent)	23.1	23.2	17.3	16.0	16.3
Price data (annual change; percent):					
CPI	12.1	14.7	21.2	17.8	16.5
WPI	8.4	15.5	20.1	16.6	13.0
Labor date (annual changes; percent):					
Wages	16.2	19.3	21.9	23.9	[2] 14.6
Unemployment rate	7.2	7.7	7.6	8.4	9.2
Productivity	2.9	8.4	5.4	4.2	[3] −0.1
External Debt (billions):					
Total debt outstanding	$19.3	$18.8	$24.8	$34.3	$40.0
Private	$11.1	$9.8	$12.9	$17.9	NA
Public	$8.2	$9.0	$11.9	$16.4	NA
External debt/GDP (percent)	7.4	5.8	6.3	9.8	11.2
External debt service ratio (percent)	0.7	NA	6.4	9.2	NA
Balance of payments (billions):					
Exports (f.o.b.)	$55,499	$71,389	$76,896	$74,795	$76,750
Imports (CIF)	−$52,587	−$72,379	−$93,241	−$85,351	−$84,750
Trade balance	$2,912	−$990	−$16,345	−$10,556	−$7,750
Services (net)	$3,713	$5,964	$5,445	$1,749	$2,250
Transfers (net)	−$388	$440	$1,214	$693	
Current account	$6,237	$5,414	−$9,686	−$8,114	−$5,500
Capital account	−$351	−$4,230	$2,482	$8,813	NA
Overall balance	$5,886	$1,184	−$7,204	$699	NA
Reserves (millions):					
Foreign exchange (excluding gold)	$11,109	$18,197	$23,140	$20,134	[4] $13,248
Gold (London average price per ounce)	$24,936	$420,013	$20,001	$20,001	[4] $27,661

[1] September. [2] August. [3] July. [4] November.

	1987	1988	1989	1990	1991	1992
GDP data (billions):						
Nominal GDP	$616.9	$642.5	$588.5	$647.7	$714.0	$784.4
Growth rate real GDP (percent)	2.7	2.4	2.1	2.4	2.4	2.7
Fiscal and monetary data:						
Public sector deficit (billions)	$61.8	$62.7	$62.8	$62.9	$62.8	$60.8
Deficit as percent of GDP	10.0	9.8	10.7	9.7	8.8	7.8
Increase in money supply (M_3) (percent)	13.4	11.4	10.0	10.0	9.9	10.0
Domestic credit (percent)	13.5	10.7	NA	NA	NA	NA
Price and wages (annual change; percent):						
CPI	9.5	8.5	9.0	8.7	8.3	7.9
GDP deflator	9.1	7.9	9.2	9.0	9.1	8.4
Wages	10.8	10.3	10.8	10.6	10.2	10.0
Employment and capacity (annual changes; percent):						
Unemployment rate	9.3	9.2	8.4	8.1	7.8	7.5
Industrial production	2.8	2.2	3.1	3.2	3.3	3.4
External debt (billions):						
Total debt outstanding	$72.3	$80.0	NA	NA	NA	NA
External debt/GDP (percent)	11.7	12.5	NA	NA	NA	NA
External debt service ratio (percent)	NA	NA	NA	NA	NA	NA
Balance of payments (billions):						
Exports (f.o.b.)	$122,695	$133,647	$154,373	$171,506	$190,501	$212,639
Imports (CIF)	−$123,969	−$135,922	−$160,566	−$177,413	−$195,265	−$216,363
Trade balance	−$1,274	−$2,275	−$6,193	−$5,907	−$4,704	−$3,724

	1987	1988	1989	1990	1991	1992
Services (net)	−$4,222	−$4,929	−$2,415	−$4,606	−$4,089	−$3,369
Transfers (net)	$4,959	$5,561	$2,200	$5,173	−$5,493	$5,893
Current account balance	−$537	−$1,643	−$6,408	−$5,400	$3,300	$1,200
Capital account balance	NA	NA	NA	NA	NA	NA
Overall balance	NA	NA	NA	NA	NA	NA
Reserves (billions):						
Foreign exchange (excluding gold)	$16.1	$16.1	NA	NA	NA	NA
Gold (London average price/per ounce)	$28.8	$28.8	NA	NA	NA	NA

COMPARATIVE COUNTRY DATA [1]

	Belgium	Italy	Spain	Israel
Per capita GDP	$9,874	$6,123	$4,618	$5,250
Real GDP growth (3-yr average) (percent)	0.9	1.0	1.0	2.4
Current account balance as percent of GDP	−5.4	−2.3	−2.4	−7.0
Total debt outstanding (billions)	$10.7	$35.0	$27.3	$17.9
Total debt as percent of GDP	11.0	10.0	15.8	86.4
Short-term debt as percent of total debt	20.0	9.0	14.0	13.9
Debt service ratio (percent)	3.2	9.2	22.0	22.6
Reserves as months of merchandise imports	1.0	2.0	3.2	7.6
Public sector balance as percent of GDP	15.5	−12.0	−5.8	−9.0

[1] Data is for 1982.

EXIMBANK EXPOSURE

Below is Eximbank's exposure as of June 30, 1983, plus pending and potential transactions:

	Millions
A. Current exposure:	
Short-term	$64.8
Medium-term	1.8
Long-term	432.1
Exposure as of June 30, 1983	498.5
B. Pending loan applications: Cr. 7290/FG 7291—Alitalia	225.0
C. Outstanding preliminary commitments: P.C. 5109—Alitalia	291.0
D. Pending preliminary commitments: None	0
Total potential exposure	1,014.5

●

TRIBUTE TO GEN. EDWARD C. MEYER

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, I rise to pay tribute to Gen. Edward C. "Shy" Meyer who recently retired as Chief of Staff of the U.S. Army.

Though one of the youngest officers to head the Army, General Meyer brought the full panoply of necessary qualifications to the top soldier's job. After graduating from West Point in 1951 he served with distinction in Korea, and, later, twice in Vietnam. His decorations from those campaigns include 2 Silver and 2 Bronze Stars, the Distinguished Flying Cross, 34 Air Medals, and the Purple Heart.

General Meyer's qualifications equipped him to assess the condition of the Army soon after he became Chief of Staff. This Nation owes him its thanks for his courageous, forthright, and timely warning that the Army was in danger of becoming hollow. As events subsequently proved, Shy Meyer was precisely the right man to cure the ills he diagnosed.

Surely that is General Meyer's greatest distinction. He restored the morale and combat effectiveness of an Army still demoralized from the Vietnam experience and depleted from long years of neglect. The list of his initiatives and accomplishments in placing the Army on the right track includes the following:

Returning Active Army units that were below strength when he became Chief of Staff in 1979 to their full authorization.

Halting the movement toward an all heavy force by introducing more light, maneuverable units. Integration of light and heavy forces has improved overall capabilities.

Improving the quality of the Army across the board. His emphasis on excellence included equipment, training, military doctrine, and the way of life provided for soldiers. General Meyer channeled scarce financial resources to the development and procurement of modern equipment. He increased the quality of personnel recruited into the Army and initiated measures designed to make Army life attractive enough to retain highly motivated, trained, and skilled soldiers.

Championing the "total Army" concept which includes the ongoing effort to increase National Guard and Army Reserve readiness.

Improving the professionalism, training, and education of the noncommissioned officer corps.

Developing and sponsoring the high technology test bed project to provide a mechanism to create and test new doctrine and equipment.

Expanding the use of the national training center which is designed to create a realistic military training environment. The national training center is now the most modern military trainng center in the free world.

Initiating the new regimental system to increase soldier esprit, stability of assignments, and cohesion of units.

Mr. Speaker, a man's worth can be measured by the value of the objectives he pursues. And a man's contributions can be gaged by his success in achieving those objectives. By these criteria Gen. Edward C. Meyer has few peers among the many distinguished officers who have led our Army throughout our history as a nation.

Mr. Speaker, I know I speak for members of the Committee on Armed Services, as well as the entire House of Representatives, in thanking General Meyer for his outstanding service and wishing him good fortune in the coming years.●

SENATOR HENRY M. JACKSON

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the death of Senator HENRY M. JACKSON is a source of great personal sorrow to me. SCOOP and I have worked together in the Congress for nearly 40 years. It was truly an honor to be associated with such a great patriot. He was a true statesman. He always had the national interest in mind. At great personal sacrifice he fought long and hard for the welfare and security of every individual and faction in this great Nation of ours. All of us owe a debt of gratitude for what he did in his illustrious career of service to his country.

SCOOP and I worked very closely together on matters of national security. One particular area we both gave special consideration to was the use of nuclear energy for defense and security purposes. SCOOP was one of the strongest supporters of nuclear propulsion for submarines. I firmly believe that we would have been able to attain our position of preiminence in the nuclear submarine field without SCOOP's help. I cannot think of a more appropriate recognition of SCOOP's great help in this area than to name our next nuclear attack submarine in his honor. I have accordingly made such a recommendation to the Secretary of the Navy.

We have all lost a great friend and colleague. In his honor we must dedicate ourselves to following through in carrying out the patriotic goals SCOOP worked so hard for. I consider it a privilege to support and further the ideals and goals this great American worked and fought for.

I would like to take this opportunity to pay a tribute to SCOOP's family. We all feel deeply about the death of our great friend. How great the sorrow must be for Helen and her family who face such a tragedy in the loss of a husband and father who was so dedicated in their behalf. Our hearts go out to you Helen, Anna Maria, and Peter. May God bless you and console you in this period of great sorrow.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLAY (at the request of Mr. WRIGHT), for September 12 and 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 30 minutes, today.

Mr. DANNEMEYER, for 30 minutes, on September 20.

Mr. DANNEMEYER, for 30 minutes, on September 21.

Mr. DANNEMEYER, for 30 minutes, on September 23.

Mr. REGULA, for 60 minutes, today.

Mr. MCCANDLESS, for 60 minutes, on September 20.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. SHELBY, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. COYNE, for 15 minutes, today.

Mr. MOLLOHAN, for 10 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. GAYDOS, for 20 minutes, on September 15.

Mr. LEVITAS, for 60 minutes, on September 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYSON, during general debate on H.R. 5, in the Committee of the Whole today.

Mr. DAUB, immediately prior to the vote on House Joint Resolution 353.

Mr. GONZALEZ, on House Joint Resolution 353, immediately preceding the vote in the House today.

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mr. PORTER.

Mr. CONTE.

Mr. DANNEMEYER.

Mr. SHUMWAY.

Mr. SOLOMON.

Mr. KEMP in four instances.

Mr. DAVIS.

Mr. LEWIS of Florida.

Mr. BEREUTER.

Mr. CORCORAN.

Mr. ERLENBORN.

Mr. PHILIP M. CRANE.

Mr. DREIER of California.

Mr. HOPKINS.

Mr. COUGHLIN.

Mr. CAMPBELL.

Mr. ROTH.

Mr. SMITH of New Jersey in two instances.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. SOLARZ.

Mr. FASCELL in three instances.

Mr. LANTOS.

Mr. STARK.

Mrs. LLOYD.

Mr. AUCOIN.

Mr. MARTINEZ.

Mr. TORRICELLI in two instances.

Mr. SIMON in two instances.

Mr. ST GERMAIN.

Mr. MURTHA.

Mr. SHELBY.

Mr. OTTINGER in two instances.

Mr. FRANK.

Mr. BRITT.

Mr. LEHMAN of California.

Mr. MICA.

Mr. UDALL.

Mr. KOSTMAYER in two instances.

Mr. LUNDINE.

Mr. BERMAN.

Mr. RODINO.

Mr. STOKES.

Mr. EDGAR in two instances.

Mrs. SCHROEDER.

Mr. WILLIAMS of Montana.

ADJOURNMENT

Mr. MOLLOHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 6 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, September 15, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1842. A letter from the Acting Secretary of State, transmitting the monthly report covering August 1983, explaining the manner in which the national interest has been served in making payments under loan guarantee or credit assurance agreements extended to Poland in the absence of default, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1843. A letter from the Comptroller General of the United States, transmitting a report on his review of the one new deferral of budget authority proposed in the message from the President dated August 18, 1983 (H. Doc. No. 98-96), for the Railroad Retirement Board, pursuant to sections 1014 (b) and (c) of Public Law 93-344; to the Committee on Appropriations.

1844. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense articles to Spain (Transmittal No. 83-51), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

1845. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's intention to initiate disposal of chemical munitions at Umatilla Army Depot Activity (UMDA), Oreg., pursuant to section 506(d) of Public Law 91-441; to the Committee on Armed Services.

1846. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's emergency disposal of a suspected chemical agent munition at Dugway Proving Ground, Utah, pursuant to section 506(d) of Public Law 91-441; to the Committee on Armed Services.

1847. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting notice of a proposed license for the export of defense articles sold commercially under a contract to Israel (Transmittal No. MC-16-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1848. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Ambassador-designate Daniel Anthony O'Donohue, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1849. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention of offer to sell certain defense articles and services to Saudi Arabia (Transmittal No. 83-58), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1850. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Spain (Transmittal No. 83-51), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1851. A letter from the Auditor of the District of Columbia, transmitting a report entitled, "Revenue Report for July 1983", pursuant to section 455(d) of Public Law 93-198; to the Committee on District of Columbia.

1852. A letter from the Director, Selective Service System, transmitting a report on a matching program to locate absent parents with child support obligations; to the Committee on Government Operations.

1853. A letter from the Deputy Assistant Secretary for Health Operations and Director, Office of Management, Department of Health and Human Services, transmitting the annual report of the Public Health Service Commissioned Corps Retirement System, pursuant to 31 U.S.C. 9503(a)(B); to the Committee on Government Operations.

1854. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of the Commissions activities under the Government in Sunshine Act during the calendar year 1982, pursuant to 5 U.S.C. 522b(j); to the Committee on Government Operations.

1855. A letter from the Chairperson, Navy Resale and Services Support Office, Depart-

ment of the Navy, transmitting the annual report for the Office Retirement Trust for 1982, pursuant to 31 U.S.C. 9503(a)(B); to the Committee on Government Operations.

1856. A letter from the Comptroller General of the United States, transmitting his report and recommendation of the meritorious claims of an employee of the Department of Energy, pursuant to 31 U.S.C. 3702(c); to the Committee on the Judiciary.

1857. A letter from the Acting Administrator, General Services Adminstration, transmitting a draft of proposed legislation for the relief of Kenneth L. Perrin; to the Committee on the Judiciary.

1858. A letter from the Commissioner, Immigration and Naturalization Service, transmitting notice of 603 waivers granted to refugees for the first half of fiscal year 1983, pursuant to section 207(c)(3) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1859. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to provide by statue for two Assistant Secretaries in the Department of the Treasury; to the Committee on Post Office and Civil Service.

1860. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report on the Kern River, Calif., which is in response to a resolution adopted by the Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 309. Resolution providing for the consideration of H.R. 1010, a bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes (Rept. No. 98-353). Referred to the House Calendar.

Mr. JONES of Oklahoma: Committee on the Budget. Report pursuant to section 2 of House Concurrent Resolution 91 (Rept. No. 98-354). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS:

H.R. 3884. A bill to establish a U.S. Health Service to provide high-quality health care and to overcome the deficiencies in the present system of health-care delivery; jointly, to the Committees on Energy and Commerce; Armed Services; Banking, Finance and Urban Affairs; the District of Columbia; Education and Labor; the Judiciary; Post Office and Civil Service; Veterans' Affairs; and Ways and Means.

By Mr. AuCOIN:

H.R. 3885. A bill to provide for the restoration of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COYNE:

H.R. 3886. A bill to make certain changes in the trigger provisions of the Federal-State Extended Unemployment Compensation Act of 1970, and for other purposes; to the Committee on Ways and Means.

H.R. 3887. A bill to extend the Federal Supplemental Compensation Act of 1982 for 6 months and to increase the number of weeks for which compensation is payable under such act; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 3888. A bill to amend title 28, United States Code, to provide for three additional district judges for the Southern District of Florida; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 3889. A bill to extend the Federal Supplemental Compensation Act of 1982 for 6 months and to provide additional weeks of benefits to certain individuals who have exhausted their benefits under such act; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3890. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 3891. A bill to terminate all participation by the United States in the United Nations, and to remove all privileges, exemptions, and immunities of the United Nations; to the Committee on Foreign Affairs.

H.R. 3892. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 3893. A bill to amend title II of the Social Security Act to eliminate benefit disparities by increasing primary insurance amounts, in cases where the benefits involved are computed under the present formula (enacted in 1977), to the extent necessary to assure that such benefits are no less than they would have been if computed under the pre-1977 formula; to the Committee on Ways and Means.

By Mr. RODINO (by request):

H.R. 3894. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on the Judiciary.

By Mr. ST GERMAIN (for himself and Mr. WYLIE) (by request):

H.R. 3895. A bill to permit the payment of interest on demand deposits held by depository institutons; to the Committee on Banking, Finance and Urban Affairs.

By Mr. TORRICELLI:

H.R. 3896. A bill to amend the National Housing Act to establish procedures for approval of rental increases in certain multifamily housing insured under such act; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3897. A bill to provide for the repatriation of the remains of five unknown members of the U.S. Navy killed and interred in Tripoli in 1804 and for the interment of such remains at the U.S. Naval Academy or the Arlington National Cemetery; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. BOSCO (for himself, Mr. WEAVER, and Mr. SWIFT):

H. Con. Res. 164. Concurrent resolution to obtain disaster relief for salmon fishermen; to the Committee on Small Business.

By Mrs. BOXER (for herself, Mr. LELAND, Mr. TORRICELLI, Mr. EVANS of Illinois, Mr. ECKART, Mr. WAXMAN, Mr. OWENS, Mr. DURBIN, Mr. BRYANT, Mr. GEJDENSON, Mr. GRAY, Mr. FEIGHAN, Mr. FAZIO, Mr. WOLPE, Mr. BEILENSON, Mr. FRANK, Mr. WEISS, Mr. TOWNS, Mr. FAUNTROY, Mr. MITCHELL, Mr. MARKEY, Mr. LEVINE of California, Mr. MATSUI, Mr. BERMAN, Mrs. BURTON of California, Mr. STARK, Mr. BONIOR of Michigan, Mr. EDGAR, Mr. SHANNON, Mrs. KENNELLY, Mrs. HALL of Indiana, Mrs. SCHROEDER, Mr. STUDDS, Mr. MARTINEZ, Mr. MILLER of California, Mr. BROWN of California, Mr. EDWARDS of California, Mr. MOODY, Mr. PATTERSON, Mr. TORRES, Mr. ACKERMAN, Mr. RODINO, Mr. FOGLIETTA, Mr. GARCIA, Mr. BEDELL, Mr. HOYER, Mr. WALGREN, Mr. WEAVER, Mr. MORRISON of Connecticut, Mr. DYMALLY, Mr. LANTOS, Mr. MINETA, Mr. YOUNG of Missouri, Mr. CONYERS, Mr. OBERSTAR, and Mr. DELLUMS):

H. Con. Res. 165. Concurrent resolution calling for an impartial international tribunal to investigate the Aquino assassination and calling for democracy in the Philippines; to the Committee on Foreign Affairs.

By Mr. MITCHELL:

H. Con. Res. 166. Concurrent resolution calling for an impartial international tribunal to investigate the Aquino assassination and calling for democracy in the Philippines; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

258. The SPEAKER presented a memorial of the Legislature of the State of California, relative to trucking; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MYERS:

H.R. 3898. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 3899. A bill for the relief of Elvis J. Stahr, Jr.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mrs. BOGGS, Mr. CLINGER, Mr. FASCELL, Mr. RICHARDSON, and Mr. WOLPE.

H.R. 137: Mr. DREIER of California.

H.R. 354: Mr. CHAPPELL.

H.R. 417: Mr. TOWNS and Mr. STOKES.

H.R. 516: Mr. KINDNESS and Mr. RUDD.

H.R. 521: Mr. KASICH.

H.R. 765: Mr. SHAW, Mr. DREIER of California, Mr. HARTNETT, and Mr. PETRI.

H.R. 943: Mr. WEISS.

H.R. 1077: Mr. MRAZEK.

H.R. 1092: Mr. BATEMAN.

H.R. 1225: Mr. HARTNETT.

H.R. 1415: Mr. SKEEN, Mr. ROWLAND, Mr. HALL of Ohio, Mr. THOMAS of California, Mr. GONZALEZ, Mr. BEREUTER, Mr. NATCHER, Mr. WILLIAMS of Ohio, Mr. HILLIS, Mr. PENNY, Mr. HARKIN, Mr. LEACH of Iowa, Mr. OBER-

STAR, Mrs. LLOYD, Mr. GORE, Mr. DASCHLE, and Mr. COOPER.

H.R. 1579: Mr. MADIGAN, Mr. ANNUNZIO, Mr. O'BRIEN, Mr. PHILIP M. CRANE, Mr. SIMON, Mr. DURBIN, Mr. LIPINSKI, Mr. HYDE, Mr. YATES, and Mr. DANIEL B. CRANE.

H.R. 1617: Mrs. KENNELLY, Mr. ST GERMAIN, Mr. WOLPE, Mr. GEJDENSON, and Mr. TORRICELLI.

H.R. 1644: Mr. MORRISON of Connecticut.

H.R. 1668: Mr. MARKEY and Mrs. SMITH of Nebraska.

H.R. 1701: Mr. BATEMAN, Mr. EMERSON, Mr. MCEWEN, and Mr. LUNGREN.

H.R. 1727: Mr. MITCHELL, Mr. STARK, Mr. MORRISON of Connecticut, and Mr. MCNULTY.

H.R. 1743: Mrs. BURTON of California, Mr. BOLAND, Mr. EARLY, Mr. CONTE, Mr. SHANNON, Mr. MARKEY, Mr. SCHUMER, and Mrs. HALL of Indiana.

H.R. 1880: Mr. BORSKI and Mr. DELLUMS.

H.R. 1903: Mr. WEAVER, Mr. BATES, and Mr. HALL of Ohio.

H.R. 1914: Mr. MOLLOHAN, Mr. DYMALLY, and Mr. WEAVER.

H.R. 2036: Mrs. COLLINS, Mr. TORRICELLI, and Mr. OWENS.

H.R. 2053: Mr. DOWDY of Mississippi, Mr. LELAND, Ms. SNOWE, and Mr. WILLIAMS of Montana.

H.R. 2138: Mr. RUDD.

H.R. 2225: Mr. ALBOSTA.

H.R. 2282: Mr. MCCOLLUM, Mr. ACKERMAN, Mr. NEAL, Mr. GREGG, Mr. SUNIA, Mr. HAMMERSCHMIDT, Mr. TOWNS, Mr. YATES, Mr. LOWRY of Washington, Ms. KAPTUR, Mr. CHANDLER, Mr. WIRTH, Mr. HORTON, and Mr. RATCHFORD.

H.R. 2382: Mr. LEWIS of California, Mr. MARRIOTT, Mr. MURTHA, Mr. DEWINE, Mr. RIDGE, Mr. COURTER, Mr. KOSTMAYER, and Mr. LEATH of Texas.

H.R. 2440: Mr. OXLEY and Mr. RUDD.

H.R. 2490: Mr. FLORIO.

H.R. 2567: Mr. TORRICELLI, Mr. BROWN of California, and Mr. MARLENEE.

H.R. 2624: Mr. OTTINGER, Mr. MARTINEZ, Mr. BROWN of California, and Mr. BOSCO.

H.R. 2711: Mr. OLIN.

H.R. 2747: Mr. OXLEY.

H.R. 2991: Mr. DELLUMS, Mr. CORRADA, Mr. LEVINE of California, and Mr. OBERSTAR.

H.R. 3003: Mr. MCCURDY, Mr. BROOKS, Mr. SABO, Mr. SYNAR, Mr. SHANNON, Mr. BEVILL, Mr. GEPHARDT, Mr. IRELAND, Mr. KEMP, Mr. MRAZEK, Mr. FAZIO, Mr. HEFNER, Mr. CHAPPIE, Mr. ASPIN, Mr. RICHARDSON, Mr. SHELBY, and Mr. DE LUGO.

H.R. 3028: Ms. MIKULSKI, Mr. FRANK, Mr. VENTO, Mr. RUDD, Mr. FRENZEL, Mr. TORRICELLI, Mr. BLILEY, Mr. ROWLAND, Mr. RATCHFORD, and Mr. CLINGER.

H.R. 3042: Mr. YOUNG of Alaska, Mr. CLINGER, and Mr. LAGOMARSINO.

H.R. 3050: Mr. COYNE, Mr. DIXON, Mr. HARRISON, Mr. LEWIS of Florida, Mr. MACKAY, and Mr. ROBINSON.

H.R. 3082: Mr. JONES of North Carolina.

H.R. 3105: Mr. CONYERS.

H.R. 3196: Mr. WOLPE, Mr. MITCHELL, Mr. HARRISON, Mr. MCEWEN, and Mrs. COLLINS.

H.R. 3197: Mr. WOLPE, Mr. MITCHELL, Mr. HARRISON, Mr. MCEWEN, and Mrs. COLLINS.

H.R. 3245: Ms. MIKULSKI, Mr. BRITT, Mrs. COLLINS, and Mr. WAXMAN.

H.R. 3282: Mr. CARPER and Mr. YATES.

H.R. 3283: Mr. MATSUI, Mr. VANDER JAGT, and Mr. FLIPPO.

H.R. 3284: Mr. FLIPPO.

H.R. 3307: Mr. HARTNETT.

H.R. 3338: Mr. EVANS of Iowa.

H.R. 3348: Mr. NELSON of Florida.

H.R. 3403: Mr. MORRISON of Connecticut.

H.R. 3405: Mr. STARK and Mr. SUNIA.

H.R. 3419: Mr. SAWYER and Mr. GINGRICH.

H.R. 3439: Mr. WOLF and Mr. MCNULTY.

H.R. 3457: Mr. BOUCHER, Mr. MCHUGH, Mr. MCNULTY, Mr. OBERSTAR, Mr. SKELTON, and Mr. WEAVER.

H.R. 3525: Mr. DANIEL.

H.R. 3575: Mr. CHANDLER, Mrs. BOGGS, Mr. CLINGER, Mr. LUKEN, Mr. EDGAR, and Mr. MCEWEN.

H.R. 3600: Mr. WHITTAKER, Mr. DENNY SMITH, and Mr. EDWARDS of Oklahoma.

H.R. 3635: Mr. LAGOMARSINO, Mr. GRAY, Mr. LENT, Mr. CHAPPELL, Mr. BEILENSON, Mr. FRENZEL, Mr. MCKINNEY, Mr. CARPER, Mr. VENTO, Mr. SMITH of New Jersey, Mr. ROE, Mr. LOWRY of Washington, Mr. MOLINARI, Mr. HOWARD, Mr. ROTH, Mr. BROYHILL, Mr. ARCHER, Mr. HORTON, Mrs. KENNELLY, Mr. MCGRATH, Mr. KASICH, Mr. ROBINSON, Mr. BARNARD, Mr. PENNY, Mr. NEILSON of Utah, Mr. DONNELLY, Mr. FORSYTHE, Mr. KILDEE, Mr. CORCORAN, Mr. LANTOS, Mr. VANDER JAGT, Mr. SOLOMON, and Mr. EMERSON.

H.R. 3716: Mr. PATMAN.

H.R. 3732: Mr. BONIOR of Michigan, Mr. ALBOSTA, Mr. FORD of Michigan, Mr. DAVIS, Mr. SILJANDER, Mr. BROOMFIELD, Mr. CONYERS, Mr. DUNCAN, Mr. ANTHONY, and Mr. DINGELL.

H.R. 3734: Mr. DANIEL.

H.R. 3784: Mr. BEILENSON, Mr. HARRISON, Mr. SIMON, Mr. PENNY, Mr. CROCKETT, Mr. ECKART, Mr. SEIBERLING, Mr. WEAVER, Mr. WOLPE, Mr. SMITH of Florida, Mr. STARK, Mr. DWYER of New Jersey, Mr. BROWN of Colorado, Mr. GARCIA, Mr. ANDREWS of Texas, Mr. DORGAN, Mr. ACKERMAN, Mr. WAXMAN, Ms. FERRARO, Mr. RICHARDSON, Mr. MARTINEZ, Mr. MITCHELL, Mrs. SCHROEDER, Mr. BERMAN, Mr. CONYERS, and Ms. KAPTUR.

H.R. 3866: Mr. MYERS, Mr. VANDER JAGT, Mr. BLILEY, Mr. BILIRAKIS, Mr. MOORHEAD, and Mr. PASHAYAN.

H.R. 3870: Mr. LENT.

H.R. 3871: Mr. MATSUI and Mr. GUARINI.

H.J. Res. 93: Mr. RODINO, Mr. O'BRIEN, Mr. MADIGAN, Mr. HYDE, Mr. VANDER JAGT, Mr. FLORIO, Mr. SKELTON, Mr. MAVROULES, Ms. MIKULSKI, Mr. WILLIAMS of Montana, Mr. COYNE, Mr. WILLIAMS of Ohio, Mr. LOWRY of Washington, and Ms. FERRARO.

H.J. Res. 103: Mr. DENNY SMITH.

H.J. Res. 137: Mr. DELLUMS, Mr. DICKINSON, Ms. FIEDLER, Mr. HOPKINS, Mr. REID, Mr. STRATTON, Mr. WIRTH, Mr. ENGLISH, Mr. LEVINE of California, Mr. PACKARD, Mr. BARNARD, Mr. BERMAN, Mr. FASCELL, Ms. FERRARO, Mr. GORE, Mr. PARRIS, Mr. RAY, and Mr. MCCOLLUM.

H.J. Res. 202: Mr. GRAY, Mrs. COLLINS, Mr. DYMALLY, Mr. OTTINGER, Mr. TOWNS, and Mr. CONYERS.

H.J. Res. 263: Mr. LEHMAN of Florida, Mr. LENT, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOTT, Mr. LUKEN, Mr. MCCURDY, Mr. MACK, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. MYERS, Mr. NOWAK, Mr. O'BRIEN, Mr. PEPPER, Mr. PERKINS, Mr. RAHALL, Mr. ROSE, Mr. ROSTENKOWSKI, Mr. ROTH, Mr. ROYBAL, Mr. SCHAEFER, Mr. SNYDER, Mr. STARK, Mr. SUNIA, Mr. TALLON, Mr. UDALL, Mr. WHEAT, Mr. WHITEHURST, Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. AUCOIN, Mr. BATES, Mr. BOLAND, Mrs. BOXER, Mr. BROOMFIELD, Mr. CARNEY, Mr. CARR, Mr. CHAPPELL, Mr. CHAPPIE, Mrs. COLLINS, Mr. CONYERS, Mr. CROCKETT, Mr. DAUB, Mr. DE LUGO, Mr. DEWINE, Mr. DICKS, Mr. DIXON, Mr. DOWNEY of New York, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FOWLER, Mr. GEJDENSEN, Mr. GORE, Mr. GRAY, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HARKIN, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JONES of North Carolina, Mr. KEMP, Mrs. KENNELLY, and Mr. LAGOMARSINO, Mr. WINN, Mr. WOLPE, Mr. WIRTH, Mr. YATRON, Mr. YOUNG of Florida, and Mr. LEHMAN of California.

H.J. Res. 291: Mr. BEDELL, Mr. OWENS, Mr. MITCHELL, Mr. MRAZEK, Mr. MORRISON of Connecticut, Mr. PORTER, Mr. GORE, and Mr. MCNULTY.

H.J. Res. 307: Mr. BATES, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. COATS, Mr. COUGHLIN, Mr. CRAIG, Mr. DORGAN, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. FORD of Tennessee, Mr. HAMILTON, Mr. HARKIN, Mr. HERTEL, of Michigan, Mrs. HOLT, Mr. LIVINGSTON, Mr. LEVINE of California, Mr. LEWIS, of Florida, Mrs. LLOYD, Mr. LUJAN, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. OWENS, Mr. PORTER, Mr. RANGEL, Mr. ROBINSON, Mr. ROEMER, Mr. ROSE, Mr. SHARP, Mr. SKEEN, Mr. SUNDQUIST, Mr. WEAVER, Mr. WHEAT, and Mr. WHITTAKER.

H.J. Res. 311: Mr. GORE and Mr. MCNULTY.

H.J. Res. 325: Mr. ACKERMAN, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANTHONY, Mr. APPLEGATE, Mr. ARCHER, Mr. BARNES, Mr. BARTLETT, Mr. BATEMAN, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BLILEY, Mr. BOEHLERT, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BOSCO, Mrs. BOXER, Mr. BRITT, Mr. BROOKS, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BRYANT, Mrs. BYRON, Mr. CAMPBELL, Mr. CARR, Mr. CHANDLER, Mr. CHAPPIE, Mr. CHENEY, Mr. CLINGER, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORCORAN, Mr. COUGHLIN, Mr. CROCKETT, Mr. DANIEL, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DREIER of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EDGAR, Mr. EMERSON, Mr. EVANS, of Iowa, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mr. FIELDS, Mr. FISH, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANKLIN, Mr. FRENZEL, Mr. FRANK, Mr. FROST, Mr. FUQUA, Mr. GEKAS, Mr. GILMAN, Mr. GONZALEZ, Mr. GOODLING, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. RALPH M. HALL, Mr. SAM B., HALL, Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HATCHER, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mr. HIGHTOWER, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. JACOBS, Mr. JEFFORDS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KAZEN, Mr. KEMP, Mr. KOLTER, Mr. KOSTMAYER, Mr. KRAMER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LEATH of Texas, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LEVITAS, Mr. LEWIS of California, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUJAN, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCAIN, Mr. MCDADE, Mr. MCEWEN, Mr. MCGRATH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MADIGAN, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr.

MOLLOHAN, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. MCHUGH, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OLIN, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. PATMAN, Mr. PATTERSON, Mr. PAUL, Mr. PEPPER, Mr. PERKINS, Mr. PICKLE, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. QUILLEN, Mr. RATCHFORD, Mr. REID, Mr. RICHARDSON, Mr. RITTER, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROWLAND, Mr. ROYBAL, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SHANNON, Mr. SHELBY, Mr. SILJANDER, Mr. SHUMWAY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. SNYDER, Mr. SOLARZ, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WHITTAKER, Mr. WILSON, Mr. WINN, Mr. WIRTH, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. GRAMM, Mr. SIMON, Mr. DINGELL, Mr. FEIGHAN, Mr. IRELAND, Mr. DANNEMEYER, and Mr. BREAUX.

H.J. Res. 341: Mr. BEREUTER, Mr. BROOMFIELD, Mr. DANIEL, Mr. LAGOMARSINO, Mr. MCEWEN, Ms. OAKAR, Mr. WEBER, and Mr. WORTLEY.

H.J. Res. 345: Mr. DORGAN, Mr. GEKAS, Mr. GORE, Mr. KOSTMAYER, Mr. MCCANDLESS, Mr. RANGEL, and Mr. TORRICELLI.

H.J. Res. 348: Ms. FERRARO, Mr. FAUNTROY, Mr. FRANK, Mr. KOSTMAYER, Mr. ECKART, Mr. MITCHELL, Mr. STAGGERS, Mr. UDALL, Mr. LEHMAN of Florida, Mr. WEAVER, Mr. ACKERMAN, Mr. GRAY, Mr. KILDEE, Mr. SEIBERLING, Mr. GLICKMAN, Mr. MILLER of California, Mr. RATCHFORD, and Mr. DURBIN.

H.J. Res. 353: Mr. JEFFORDS, Mr. HARTNETT, Mr. CORRADA, Mr. CHAPPIE, Mr. BEDELL, Mr. MCCLOSKEY, Mr. WOLF, Mr. KILDEE, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. PERKINS, Mr. MINETA, Ms. MIKULSKI, Mr. MCKERNAN, Mr. REGULA, Mr. ECKART, Mr. ROE, Mr. LIVINGSTON, Mr. SCHUMER, Mr. RAY, Mr. D'AMOURS, Mr. COURTER, Mr. FAUNTROY, Mr. RANGEL, Mr. GREEN, Mr. EMERSON, Mr. SIKORSKI, Mr. OWENS, Mr. EARLY, Mr. DASCHLE, Mr. BETHUNE, Mr. HIGHTOWER, Mr. EVANS of Illinois, Mr. SABO, Mr. DONNELLY, Mr. CONTE, Mr. NICHOLS, Mr. BREAUX, Mr. MATSUI, Mr. MURPHY, Mr. ADDABBO, Mr. DEWINE, Mr. FROST, Mr. MARLENEE, Mr. BROWN of Colorado, Ms. FIEDLER, Mr. AUCOIN, Mr. SYNAR, Mr. PATTERSON, Mr. SCHEUER, Mr. HOYER, Mr. PORTER, Mr. GRAMM, Mr. HUCKABY, Mr. CORCORAN, Mr. SKELTON, Mr. SCHAEFER, and Mr. DE LUGO.

H. Con. Res. 107: Mr. COUGHLIN, Mr. MAZZOLI, Mr. STUDDS, Mr. HARKIN, Mr. ROSTENKOWSKI, Mr. BILIRAKIS, Mr. HOYER, Mr. FRENZEL, Mr. SIKORSKI, Mr. GORE, and Mrs. COLLINS.

H. Res. 160: Mr. CLAY, Mr. DUNCAN, Mr. GRAY, Mrs. MARTIN of Illinois, Mr. HYDE, Mr. KINDNESS, Mr. SEIBERLING, Mr. BEREUTER, Mr. DEWINE, Mr. FRANK, and Mr. SHAW.

H. Res. 278: Mr. CORCORAN, Mr. LEWIS of Florida, Mr. HILER, Mr. SIMON, and Mr. HYDE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1797: Mr. OBERSTAR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1010

By Mr. BEDELL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—In section 3 of the amendment in the nature of a substitute—

(1) strike out "and" at the end of paragraph (6);

(2) strike out the period at the end of paragraph (7) and insert in lieu thereof "; and"; and

(3) insert after paragraph (7) the following:

"(8) no State shall sell or otherwise transfer or permit the sale or transfer, for use in a coal pipeline outside of such State, water which is taken from any river or other body of surface water which is located in or which passes through more than one State or from any aquifer or other body of ground water which underlies more than one State unless there is in effect an interstate compact (A) among the States in the drainage basin of such river or other body of surface water, or (B) among the States under which such aquifer or other body of ground water lies, which governs such sale or transfer.".

By Mr. MOLINARI:

(Amendment to the amendment in the Nature of a substitute (text of H.R. 3857).)

—Page 28, after line 17, insert the following:

"(1) Any person issued a certificate under this section shall have to provide the same assistance with respect to rights-of-way acquired by exercise of the power of eminent domain under section 9 of this Act, as a Federal agency provides with respect to acquisitions of real property under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.".

By Mr. MATSUI:

Amendments to the amendment in the nature of a substitute (text of H.R. 3857).

—Page 28, after line 17, insert the following:

"(1) Notwithstanding subsection (h) of this section, the Commission shall not issue a certificate under this section unless the Commission determines, in writing, that the coal pipeline or extension thereof will not disrupt the coal industry in regions of the United States other than the region in which such pipeline will originate.".

—Page 28, after line 17, insert the following:

"(1) Notwithstanding subsection (h) of this section, if the Commission finds that issuance of any certificate under this section will result in diversion of revenue or traffic from an existing carrier, the Commission shall not issue the certificate.".

—Page 28, after line 17, insert the following:

"(1) With respect to each certificate issued under this section, the Commission shall require compliance with terms and conditions which will—

"(1) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment;

"(2) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law;

"(3) require compliance with regulations issued by the Secretary of Transportation under section 15 of this Act; and

"(4) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of coal pipelines if such standards are consistent with or more stringent than applicable Federal standards.".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(1) No certificate may be issued to, or held by, any person under this section who controls, is controlled by, or is under common control with, any person who—

(1) uses or will use coal transported by the coal pipeline constructed or proposed to be constructed pursuant to such certificate, or

(2) supplies or will supply coal to such pipeline.

For purposes of this subsection, the term "control" has the meaning such term has under section 10102 of title 49, United States Code; except that any person who owns 5 percent or more of the voting stock of another person shall be deemed to control, to be controlled by, or to be under common control with, such other person unless such person demonstrates to the Commission by clear and convincing evidence, in a hearing on the record, that such person does not control, is not controlled by, or is not under common control with, such other person.".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(1) No certificate may be issued to or held by any person under this section who controls, is controlled by, or is under common control with, any person who—

(1) uses or will use coal transported by the coal pipeline constructed or proposed to be constructed pursuant to such certificate, or

(2) supplies or will supply coal to such pipeline.

In addition to the meaning given the term "control" by section 10102(7) of this subtitle, any person who owns 5 percent of the voting stock of another person shall be deemed to control such other person for purposes of this subsection.

—Page 48, after line 19, insert the following:

ABANDONMENT

SEC. 19. (a) A person holding a certificate issued under section 10 of this Act may—

(1) abandon any part of its coal pipeline; or

(2) discontinue the operation of all coal pipeline transportation over any part of its coal pipeline:

only if the Commission finds (A) that the present or future public convenience and necessity require or permit the abandonment or discontinuance, or (B) that water used for transporting the coal has been reduced by circumstances beyond the control of such person to an amount insufficient to continue the transportation of coal, or (C) that the available supply of coal is depleted to the extent that continued service is unwarranted.

(b)(1) A proceeding to permit abandonment or discontinuance under subsection (a) of this section begins on application filed with the Commission. If the Commission—

(A) finds that public convenience and necessity require or permit abandonment or discontinuance, it shall—

(i) approve the application as filed; or

(ii) approve the application with modifications and require compliance with conditions that the Commission finds are required by public convenience and necessity; or

(B) fails to find that public convenience and necessity require or permit abandonment or discontinuance, it shall deny the application.

(2) On approval, the Commission shall issue to the person holding a certificate issued under section 10 a certificate describing the abandonment or discontinuance approved by the Commission.

(c) The abandonment or discontinuance approved by the Commission shall take effect on the 60th day after the date of issuance of the certificate under this section.

EMPLOYEE PROTECTIVE ARRANGEMENTS IN COAL PIPELINE CARRIER ABANDONMENTS

SEC. 20. When a pipeline carrier providing transportation of coal under a certificate issued under section 10 of this Act is involved in a transaction for which approval is sought under section 19 of this Act, the Commission shall require the carrier to provide a fair arrangement which is at least as protective of the interests of employees who are affected by the transaction as the terms imposed under section 11347 of title 49, United States Code, before February 5, 1976, and the terms established under section 405 of the Rail Passenger Service Act (45 U.S.C. 565). Nothwithstanding subtitle IV of title 49, United States Code, the arrangement may be made by the pipeline carrier and the authorized representative of its employees. The arrangement and the order approving the transaction must require that the employees of the affected pipeline carrier will not be in a worse position relative to their employment as a result of the transaction during the 4 years following the effective date of the final action of the Commission (or, if an employee was employed for a lesser period of time by the carrier before the action became effective for that lesser period).

At the end of the table of contents on page 2 before line 1, insert the following new items:

Sec. 19. Abandonment.
Sec. 20. Employee protective arrangements in coal pipeline carrier abandonments.

By Mrs. SCHROEDER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—In subsection (c) of section 5 of the amendment in the nature of a substitute, strike out the comma at the end of paragraph (2) and all that follows through the period at the end of such subsection and insert in lieu thereof a period.

In subsection (e) of section 9 of the amendment in the nature of a substitute, strike out "unless there is" and all that follows through the period at the end thereof and insert in lieu thereof a period.

—In section 9(a)(1) of the amendment in the nature of a substitute, strike out "private lands" and insert in lieu thereof "those lands owned by any common carrier engaged in the interstate transportation of coal which are needed for such transportation and are".

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) The Commission shall not issue a certificate under this section unless the Commission determines, in writing, that the coal pipeline or extension thereof will not have a substantially detrimental effect on the environment.

—At the end of section 10 of the amendment in the nature of a substitute, insert the following:

(l) A certificate issued under this section is contingent upon approval by local, State, and Federal authorities of wastewater treatment and disposal facilities at coal pipeline terminals.

By Mr. SHUSTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).

—Page 28, after line 17, insert the following new subsection:

(l) Any certificate issued by the Commission shall establish a maximum allowable cost for the construction of the coal pipeline or extension. For purposes of the preceding sentence, maximum allowable cost shall be exclusive of any cost increase that results from subsequent inflation or an unanticipated grave, natural disaster or other natural phenomenon of an exceptional, inevitable, and unavoidable character. The Commission, in cooperation with the Federal Energy Regulatory Commission, shall establish the maximum allowable cost for each pipeline by considering, at a minimum, the reasonableness of the design of the pipeline and of the construction cost projections for the pipeline.

Page 39, line 21, strike out "or".

Page 39, line 25, strike out the period and insert in lieu thereof "; or".

Page 39, after line 25, insert the following new paragraph:

"(5) in the case of a pipeline with respect to which a certificate is issued under such section, if the contract will allow recovery of any portion of the cost of the construction of such pipeline in excess of (A) the maximum allowable cost established for such construction under subsection (1) of such section, plus (B)(i) any cost increase that results from subsequent inflation, and (ii) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character."

Page 42, after line 17, insert the following:

"§ 10956. Maximum allowable cost

"Notwithstanding any provision of chapter 107 of this title, no rate for the transportation of coal by a coal pipeline or extension thereof for which a certificate is issued under section 10 of the Coal Pipeline Act of 1983 shall provide for recovery of any portion of the cost of the construction of such coal pipeline or extension thereof in excess of (1) the maximum allowable cost established for such construction under section (1) of such section, plus (2)(A) any cost increase that results from subsequent inflation, and (B) any cost increase that results from an unanticipated grave, natural disaster, or other natural phenomenon of an exceptional, inevitable, and unavoidable character.

Page 42, line 18, strike out "§ 10956" and insert in lieu thereof "§ 10957".

Page 43, in the matter following line 14, strike out

"10956. Definitions."

and insert in lieu thereof

"10956. Maximum allowable cost.
"10957. Definitions.".

By Mr. SNYDER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3857).)

—Page 32, strike out line 1 and all that follows through line 4 on page 44 and insert in lieu thereof the following:

COMMON CARRIER OBLIGATION

SEC. 14. Transportation of coal by coal pipeline for which a certificate is issued under section 10 of this Act shall be subject to the jurisdiction of the Commission under subchapter I of chapter 105 of subtitle IV of title 49, United States Code, as a pipeline carrier and the coal pipeline shall be constructed, operated, maintained, and extended as a common carrier, in fact, fully subject to rate and charge regulation by the Commission under such subtitle.

In the table of contents on page 2 before line 1, strike out

"Sec. 14. Amendment to Interstate Commerce Act."

and insert in lieu thereof

"Sec. 14. Common carrier obligation.".

Page 25, line 19, strike out "and indicate" and all that follows through the period on line 22 and insert in lieu thereof a period.

Page 27, strike out line 14 and all that follows through line 9 on page 28.

Page 28, line 10, strike out "(k)" and insert in lieu thereof "(j)".

Page 28, line 16, strike out "and" and all that follows through the period on line 17 and insert in lieu thereof a period.

—Page 32, strike out line 1 and all that follows through line 4 on page 44 and insert in lieu thereof the following:

COMMON CARRIER OBLIGATION

SEC. 14. Transportation of coal by coal pipeline for which a certificate is issued under section 10 of this Act shall be subject to the jurisdiction of the Commission under subchapter I of chapter 105 of subtitle IV of title 49, United States Code, as a pipeline carrier and the coal pipeline shall be constructed, operated, maintained, and extended as a common carrier, in fact, fully subject to rate and charge regulation by the Commission under such subtitle.

In the table of contents on page 2 before line 1, strike out

"Sec. 14. Amendment to Interstate Commerce Act."

and insert in lieu thereof

"Sec. 14. Common carrier obligation.".

Page 19, strike out lines 13 through 23.

Page 19, line 24, strike out "(6)" and insert in lieu thereof "(5)".

Page 25, line 19, strike out "and indicate" and all that follows through the period on line 22 and insert in lieu thereof a period.

Page 27, strike out line 14 and all that follows through line 17 on page 28.

H.R. 2350,

By Mr. SHELBY:

—Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Research Amendments of 1983".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be to a section or other provision of the Public Health Service Act.

CANCER APPROPRIATION AUTHORIZATIONS

SEC. 2. (a) Section 410(a) (42 U.S.C. 286e(a)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $1,258,000,000 for the fiscal year ending September 30, 1984; $1,326,000,000 for the fiscal year ending September 30, 1985; and $1,420,000,000 for the fiscal year ending September 30, 1986" before the period.

(b) Section 410(b) (42 U.S.C. 286e(b)) is amended—

(1) by striking out "and" after "1981;", and

(2) by inserting "; $64,000,000 for the fiscal year ending September 30, 1984; $74,000,000 for the fiscal year ending September 30, 1995; and $84,000,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATION AUTHORIZATIONS FOR CARDIOVASCULAR, LUNG, AND BLOOD ACTIVITIES

SEC. 3. (a) Section 414(b) (42 U.S.C. 287c(b)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $54,000,000 for the fiscal year ending September 30, 1984, $62,000,000 for the fiscal year ending September 30, 1985, and $71,000,000 for the fiscal year ending September 30, 1986" before the period.

(b) The first sentence of section 419B (42 U.S.C. 2871) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $659,000,000 for the fiscal year ending September 30, 1984, $756,000,000 for the fiscal year ending September 30, 1985, and $865,000,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATION AUTHORIZATIONS FOR ASSISTANCE TO MEDICAL LIBRARIES

SEC. 4. Section 390(c) (42 U.S.C. 280b(c)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $10,000,000 for the fiscal year ending September 30, 1984, $11,000,000 for the fiscal year ending September 30, 1985, and $12,000,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATION AUTHORIZATIONS FOR NATIONAL RESEARCH SERVICE AWARDS

SEC. 5. The first sentence of section 472(d) (42 U.S.C. 2891-1(d)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting ", $191,000,000 for the fiscal year ending September 30, 1984, $220,000,000 for the fiscal year ending September 30, 1985, and $251,000,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATIONS AUTHORIZATIONS FOR DIABETES DATA SYSTEM

SEC. 6. Section 435(c)(2) (42 U.S.C. 289c-2(c)(2)) is amended—

(1) by striking out "and" after "1981,", and

(2) by inserting "; $1,000,000 for the fiscal year ending September 30, 1984, $1,100,000 for the fiscal year ending September 30, 1985, and $1,200,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES RESEARCH AND TRAINING CENTERS

SEC. 7. Section 435(d) (42 U.S.C. 289c-2(d)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting ", $16,000,000 for the fiscal year ending September 30, 1984, $18,000,000 for the fiscal year ending September 30, 1985, and $20,000,000 for the fiscal year ending September 30, 1986" before the period.

APPROPRIATION AUTHORIZATIONS FOR DIABETES AND DIGESTIVE DISEASES ADVISORY BOARDS

SEC. 8. (a) Section 437(k) (42 U.S.C. 289c-4(k)) is amended—

(1) by striking out "and" after "1982,", and

(2) by inserting "; $400,000 for the fiscal year ending September 30, 1984; $400,000 for the fiscal year ending September 30, 1985; and $400,000 for the fiscal year ending September 30, 1986" before the period.

(b) Section 437(l) (42 U.S.C. 289c-4(l)) is amended by striking out "1983" and inserting in lieu thereof "1988".

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

SEC. 9. (a) Title IV of the Public Health Service Act is amended by adding at the end the following:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

"PURPOSES OF THE INSTITUTE

"SEC. 481. (a) The general purpose of the National Institute of Arthritis and Musculoskeletal Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to arthritis and musculoskeletal diseases, including sports-related disorders, and skin diseases.

"(b) The Director of the Institute, with the advice of its advisory council, shall develop a plan for a national arthritis and musculoskeletal program to expand, intensify, and coordinate the activities of the Institute respecting the diseases, and shall carry out the program in accordance with such plan. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through support of basic research and such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of these diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases and medical rehabilitation of individuals with such diseases and disabilities;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) establish mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment (including medical rehabilitation) or arthritis, musculoskeletal diseases, and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 482. (a) The Director shall (1) establish the National Arthritis and Musculoskeletal Diseases Date System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing such diseases, and (2) establish the National Arthritis and Musculoskeletal Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of arthritis and musculoskeletal diseases on the part of health professionals, patients, and the public through the effective dissemination of information on such diseases.

"(b) For the clearinghouse and data system authorized by subsection (a) there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1984, $1,100,000 for the fiscal year ending September 30, 1985, and $1,200,000 for the fiscal year ending September 30, 1986.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 483. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, skin diseases, and musculoskeletal diseases, including sports-related disorders; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Disease Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Director (or his designee) of the Institute and its divisions involved in research involving arthritis and musculoskeletal diseases or skin diseases, as may be appropriate, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary, and

"(2) the Director of NIH,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 484. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis and musculoskeletal diseases screening and detection and for referral for treatment and medical rehabilitation, and for dissemination of information on these methods to the health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 485, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regiment; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of such diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 485, and other persons engaged in arthritis and musculoskeletal diseases programs.

"(d) For grants under subsection (a) there are authorized to be appropriated $2,000,000 for the fiscal year ending September 30, 1984, $2,000,000 for the fiscal year ending September 30, 1985, and $2,000,000 for the fiscal year ending September 30, 1986.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 485. (a) The Director of the Institute shall, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed under section 482(b), provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use of the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from such diseases, including research into implantable biomaterials and biomechanical and other orthopaedic procedures and medical rehabilitation of individuals with such diseases;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(1) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(f) For multipurpose arthritis and musculoskeletal diseases centers there are authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1984, $18,000,000 for the fiscal year ending September 30, 1985, and $21,000,000 for the fiscal year ending September 30, 1986.

"ADVISORY BOARD

"SEC. 486. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereinafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) Twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease. Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of the Advisory Board is three years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through

contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan under section 481 and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) The National Arthritis Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate not later than ninety days after such date. The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of such days. The members of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Board established under subsection (a).

"(l) For the Advisory Board there is authorized to be appropriated $400,000 for the fiscal year ending September 30, 1984, $400,000 for the fiscal year ending September 30, 1985, and $400,000 for the fiscal year ending September 30, 1986.".

(b)(1) Section 431(a) (42 U.S.C. 289a(a)) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Subsection (a) of section 434 (42 U.S.C. 298c-1) is amended by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Subsection (b) of such section is amended (i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes", and (ii) by striking out "Arthritis and Musculoskeletal and".

(C) Subsection (c) of such section is amended (i) by striking out "arthritis and musculoskeletal and", and (ii) by striking out "arthritis, musculoskeletal and".

(D) Subsection (d) of such section is amended (i) by striking out "Arthritis and Musculoskeletal and", and (ii) by striking out arthritis,".

(E) Subsection (e) of such section is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(6) The heading for such section is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

(3)(A) Subsection (a) of section 436 (42 U.S.C. 289c-3) is amended (i) by striking out "arthritis, diabetes mellitus," and inserting in lieu therof "diabetes mellitus", and (ii) by striking out "an Arthritis Interagency Coordinating Committee,".

(B) Subsection (b) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Subsection (a) of section 437 (42 U.S.C. 289c-4)) is amended by striking out "the National Arthritis Advisory Board,".

(B) Subsection (b)(2) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(C) Subsection (d) of such section is amended by striking out "and the National Arthritis Advisory Board, six of the members of each" and inserting in lieu thereof ", six of the members of".

(D) Subsection (g) of such section is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(E) Subsection (h)(3) is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(F) The heading for such section is amended by striking out ", ARTHRITIS,".

(5) Sections 438 and 439 (42 U.S.C. 289c-5, 289c-6) are repealed.

(6) The heading for part D of title IV is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

HEALTH PROMOTION AND DISEASE PREVENTION CENTERS

SEC. 10. Part I of title IV is amended by adding at the end the following:

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 405. (a) The Director of the National Institutes of Health shall establish and maintain Centers for Research and Demonstration of Health Promotion and Disease Prevention to undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors. The centers shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center assisted under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary public health faculty which has demonstrated working relationships with relevant groups in such fields as medicine, dentistry, nutrition, psychology, nursing, social work, pharmacy, education, and business;

"(B) graduate training programs relevant to disease prevention;

"(C) core faculty in epidemiology, biostatistics, social sciences, behavorial and environmental health sciences, and health administration;

"(D) demonstrated core medical school curriculum in disease prevention;

"(D) residency training capability in public health and preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe.

"(2) conduct—

"(A) health promotion and disease prevention research on retrospective and longitudinally prospective bases in population groups and communities;

"(B) demonstration projects for the delivery of health promotion and disease prevention services to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of its demonstration projects.

"(c) During fiscal year 1984 ten centers shall be established under subsection (a); during fiscal year 1985 an additional ten centers shall be established under such subsection; and during fiscal year 1986 an additional five centers shall be established under such subsection. Such centers shall be distributed geographically as well as within areas containing a wide range of population groups which exhibit disease incidences which are most amenable to preventive intervention.

"(d) For assistance to centers under subsection (a) there are authorized to be appropriated $10,000,000 for the fiscal year ending September 30, 1984, $20,000,000 for the fiscal year ending September 30, 1985, and $25,000,000 for the fiscal year ending September 30, 1986.".

H.R. 3134

By Mr. HUGHES:

—Page 27, beginning on line 13, strike out "Justice System Improvement Act of 1979, as amended" and insert in lieu thereof "title I of the Omnibus Crime Control and Safe Streets Act of 1968".

Page 27, line 21, strike out the period and insert in lieu thereof the following: "; and, contingent upon any enactment into law of H.R. 2175 or S. 53 as passed by the 98th Congress (and in addition to the other appropriations made in this paragraph), for grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including salaries and expenses in connection therewith, and for any other program which is established in H.R. 2175 or S. 53, as so enacted, and which authorizes the Attorney General of the United States to provide Federal law enforcement assistance to States to address crime problems of serious and epidemic proportions, $162,000,000, to remain available until expended.".

EXTENSIONS OF REMARKS

REPORT ON U.S. POLICY TOWARD EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following report by Col. Samuel T. Dickens, USAF (Retired) who has been studying U.S. policy toward El Salvador for a number of years. His report, which has been edited due to consideration for space, reflects his most recent visit to that Central American nation and U.S. responsibility for certifying Salvadoran progress on a number of reform questions. I urge my colleagues to consider carefully Colonel Dickens' remarks.

STATEMENT BY COL. SAMUEL T. DICKENS, USAF (RETIRED) U.S. POLICY TOWARD EL SALVADOR

EL SALVADOR CERTIFICATION

During the 10-day period from July 8 through July 17, 1983, Colonel Samuel T. Dickens USAF (Ret.) visited El Salvador for the purpose of collecting information for analysis to determine whether that country was making sufficient progress to warrant continued economic and military assistance from the United States as provided by Public Law 97-113. Colonel Dickens, a director of New World Dynamics, was representing a coalition of organizations known as the Central American Freedom Alliance (CAFA).

The process by which the President of the United States must "certify" that El Salvador is making progress in certain areas in order to receive continued United States support was established by Section 728 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, approved December 28, 1981.)

Every six months, the President must certify to Congress that the government of El Salvador . . .

"(1) is making a concerted and significant effort to comply with internationally recognized human rights;

"(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by those forces;

"(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

"(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to:

(A) a renouncement of further military or paramilitary activity; and

(B) the electoral process with internationally recognized observers."

CONCLUSIONS

The government of El Salvador is making significant progress in each of the four major areas specified by Public Law 97-113 and therefore merits continued United States economic and military assistance. The Apaneca Pact set the stage for subsequent government actions which provide overwhelming evidence of officials' desires to bring about peace, economic reforms and meet internationally accepted human rights standards.

One must question the value and significance of the economic reforms which the United States is, in effect, imposing upon El Salvador. Any careful analysis will reveal that the economic reforms are inimical to United States traditions and theory which espouse private enterprise, free trade and competition. The banks have been nationalized, foreign trade is strictly controlled by the central government and private property has been confiscated. The United States' continued pressures for agrarian reform translates into additional confiscation of private property. (Phase II of the Agrarian Reform if enacted would affect properties between 100 to 500 hectares—approximately 250-1250 acres.)

No less an authority than the National Association for Private Enterprise (ANEP) states that 50 percent of the blame for El Salvadors disastrous economic status today is due to the negative policies implemented since the 1979 coup.

The Congress should undertake a careful look at policies which the United States is enforcing El Salvador to follow. Assumptions are being made about "Agrarian Reform" which do not bear close scrutiny. This "look" or formal analysis should determine whether we are offering the best opportunities for alleviating poverty in El Salvador through a free market economy and free enterprise or whether, the United States is encouraging a strong central government and socialism. All this under the guise of economic and agrarian "reforms.". . .

ANALYSIS AND FINDINGS

Apaneca Pact

On August 3, 1982 the President of the Republic, the political party leaders and representatives of the Constituent Assembly joined together and signed a basic government platform called the Apaneca Pact. The primary purpose of the pact was to respond to the popular mandate of the March 28, 1982, elections, which would lead the country to peace, social and economic progress. The Apaneca Pact addressed several principles to be followed including, Pacification, Democratization, Human Rights, Economic Recovery, Reforms, Confidence and Security and efforts to strengthen international support.

In order to help bring about these objectives three commissions were formed: the Peace Commission, the Human Rights Commission and the Political Commission.

The Human Rights Commission

The Human Rights Commission was established by executive decree on December 1, 1982, beginning formal activities on January 3, 1983. Seven members make up the commission appointed by the executive. Members will serve for two years. The present commission chairman is Monseñor Freddy Delgado A. Since they undertook their duties they have received 303 formal petitions protesting human rights violations of which 126 have been successfully resolved.

Of the 303 formal petitions, 99 persons have gained their release, 36 of those imprisoned for political crimes were released because of the Human Rights Commission's efforts. Twenty-seven have been ordered to trial through the judiciary system and another 19 persons have been given the protection of the Human Rights Commission.

The Human Rights Commission has undertaken an intensive educational campaign to raise the level of consciousness of Salvadorans through the press, radio and television. The Armed Forces and community leaders attend talks on Human Rights in order for all to have a better understanding of the need to preserve standards of Human Rights during peace and war.

The Human Rights Commission has designated one delegate as a representative to the Amnesty Board.

The following information is an analysis of the Human Rights Commission report approved by them on July 15, 1983, covering the period January 1 through June 30, 1983. This report refutes independent reports by unauthorized sources which would have one believe that the El Salvadoran government bears primary responsibility for the killings taking place in that beleaguered country.

Take the figure of 3,421 which includes combat casualties (dead and wounded), homicides and murders. Of the total of 3,421 deaths and casualties the FMLN (guerrillas) accept a total of 1,644 casualties. In turn the El Salvadoran Armed Forces accept losses of 813. These combat casualties total 2,457. When combat casualties (2,457) are subtracted from total deaths in El Salvador during the first six months of 1983 we have a difference of 964. It is this total which should have closer scrutiny. The 964 deaths would appear to be civilian deaths.

The Human Rights Commission analysis concludes: Civilian deaths by terrorist acts, 222; civilian deaths thru military operations, 23; civilian deaths by unidentified persons, 676; deaths attributed to unknown organizations, 43; total 964.

The Human Rights Commission charges the terrorists (guerrillas) with 222 civilian deaths, the military with 23 deaths and to unknowns, 719 deaths (presumably the latter, 719, are murders having nothing to do with the war, or guerrilla activities). What most analysts are not appreciating when analyzing deaths is that the country is engaged in a total guerrilla war. These analysts make the false assumption that the guerrilla war only involves combatants in the mountains, on the slopes of volcanos

and by various sized organized military units. To make this assumption is to ignore the realities of guerrilla war which in fact has the enemy operating in every part of the country, in the cities, and infiltrating every sector of government and the economy.

Discussions with key government officials confirms their desire to eliminate human rights abuses. They recognize the importance of continued public support by Salvadoran citizens evidenced by the over 80 percent of the electorate participation in the March 28, 1982, elections. They do not want to alienate that support. Additionally they are fully aware of the importance of international acceptance of their government and the importance of continued United States support, economic and military, to ensure their survival.

An analysis of the 137 kidnappings by departments (states) where they took place is revealing. The most kidnappings (42) took place in the department of Chalatenango, a major combat area. Second in kidnappings was San Salvador with (24). Other major areas where kidnappings have taken placed are San Vicente (10), Usulutan (14), and Morazan (15), all major combat areas. This closely ties the kidnappings to the areas where most of the fighting takes place. Communist guerrillas effectively use kidnapping as a means to control small towns and villages through intimidation, removing leaders; mayors, teachers and other authority figures. Chart II bears this out identifying terrorists (guerrillas) with (96) of the kidnappings for the period January 1 through June 30, 1983. Bishop Pedro Aparacio, of El Salvador, reported guerrilla recruitment through kidnappings in the smaller towns threatening the youths with the murder of family members if they escaped. . . .

Terrorist Acts

International press and television has paid insufficient attention to the destruction waged by the guerrillas against El Salvador's economy which is a direct attack upon the people. This destruction is revealing. As the elections proved the people did not support the guerrilla movement the terrorist actions by the guerrillas clearly shows their acceptance of their failure to win over the nation's population and so have set about to destroy the economy. This destruction, waged against the people themselves, directly and adversely influences their daily lives, their ability to work and receive wages and forces a deterioriation of everyone's standard of living and quality of life.

These acts of terrorism are direct against the electrical power system, the telephone system, roads, railroads, residences, government facilities, construction companies, commercial activities, banks, farms, animals, vehicles and include the taking and sacking of towns and villages.

A flight over the eastern part of the country reveals the destruction to the electrical grid system with the scores of high tension towers lying on their sides, resulting from dynamite explosions. The eastern departments were without electricity 200 days last year with the resulting deterioration of productivity of all commercial activities.

There were 355 attacks on the electrical grid system of the country involving the destruction of power distribution centers, high tension towers, posts, transformers and other line cuts. The telecommunications system suffered 71 attacks against telephone lines, grid systems and line cuts. There were 180 attacks against the transportation system. This involved the dynamiting, machinegunning, setting on fire of buses, private cars, farm workers transportation, railroad cars, trucks and commercial vehicles. There were 17 attacks against bridges, roads, railroad bridges and railroad lines. The government suffered 83 attacks by fire, machinegunning and dynamite directed against offices, court houses, schools and the judiciary system. There were 975 vehicle thefts during this sixth month period. There were 25 attacks against the agricultural activities involving damage to fields of sugar cane, cotton and coffee. El Salvador's economy depends on the export of these three crops which are directly affected as well by power outages, vehicle destruction, road and railroad outs as well as telephone outages. . . .

The Amnesty Board

The Amnesty Board has been created to authorize amnesty to those who have taken up arms against the government now wishing to surrender, those who have been processed or sentenced for political crimes, those who have been sentenced for politically motivated crimes for terms of less than four years and served six months in prison.

The Amnesty Board is composed of three members and was created by Decree No. 210 of the Constituent Assembly on May 4, 1983. It was expected to be in existence for 60 days however, its life was extended an additional 30 days into the first few days of August 1983.

On July 12, 1983 the Amnesty Board reported the following information: From May 21 through July 12, 1983 a total of 540 individuals convicted of political crimes were granted amnesty. Of those bearing arms, 182 voluntarily presented themselves to the government seeking amnesty (135 were men and 47 women). Total: 722 have taken advantage of the amnesty program.

Among those granted amnesty provisions were made for those interested in farming to be granted land, grain and credit. Forty families have taken advantage of this offer.

An immigration program was established for individuals desiring to leave El Salvador. Canada has received 139, of which 75 had been granted amnesty. Australia had received 70 people and Belgium 5 families.

The Peace Commission

The Peace Commission has the objective of incorporating all the political and social sectors into the democratic process and in peace. The Commission on May 30, 1983, made a call to all sectors and in particular the FDR (Frente Democratico Revolucionario) to initiate a dialogue leading to their participation in democratic, political life in El Salvador. The Commission reiterated its belief that a democratic and political solution was the only method to achieve an answer to violence.

Agrarian Reform

The Salvadoran Agrarian Reform Institute (ISTA—Instituto Salvadoreño de Transformacion Agraria) has the responsibility of administering the cooperatives created through the expropriation of properties greater than 500 hectares. (Approximately 1250 acres.)

The Agrarian Reform began with the Armed Forces proclamation of October 15, 1979, in which, among various points, it was stated that measures would be adopted to make an equitable distribution of the nation's wealth.

On March 6, 1980, the Army physically took possession, at the point of the gun and without formal notice, of all properties which exceeded 500 hectares. In most cases owners were not allowed to remove any of their personal possessions including clothes, books, furniture and all private property in their living quarters. This included automobiles and private aircraft, with limited exceptions. Though the owners were by law authorized to retain 100 hectares for their own development that authority has only recently come into play. The owner does not select the 10 hectares as the government makes this decision often resulting in the owner being granted the least productive and fertile property. In most cases the private owners have had no access to their private homes on the expropriated property.

In order to understand the impact and significance of Phase I of the agrarian reform one should study the report, "Agrarian Reform In El Salvador," by Checchi and Company, 1730 Rhode Island Ave., N.W., Washington, D.C., 20036, published January, 1983 which was commissioned by the Agency for International Development (AID) of the United States government. Only reading the summary will not provide sufficient understanding of the disastrous effect that implementing agrarian reform has had on El Salvador. A thorough study of the report should be made.

The United States Congress through the process of "certification" is requiring that El Salvador proceed with certain "reforms" which include agrarian reform, nationalized banking and foreign trade. These "reforms" were imposed by a revolutionary government and are being continued by the present government under the tutelage of the Provisional President, Alvaro Magana. Further evidence of continued efforts to ensure the agrarian reform process can be seen in provisions of the new Constitution which is being reviewed for approval by the Constituent Assembly.

Phase III of agrarian reform is commonly known as the "land to the tiller" program as people working land which is less than 100 hectares in size are encouraged to seek title to that land, subsequently expropriated from rightful owners.

Phase II of agrarian reform has not been implemented. It would expropriate all property between 100 and 500 hectares in size. During my July 1983 visit to El Salvador the possibility of invoking Phase II was being widely discussed by the press and by the people. The director of ISTA (responsibility for implementing Phase I of the Agrarian reform) told me that it would be his responsibility to implement Phase II if it were so decreed. He added that if this were the case he would resign his office as there were now insufficient monies available to implement fully and successfully Phase I of the reforms, so how was there hope in proceeding with Phase II?

In Ahuachapan department on June 1, 1982, 3,298 farm workers on 13 different agrarian reform "cooperatives" signed petitions to the Constituent Assembly complaining about the adverse effects on farm workers since the property seizures by ISTA and the Armed Forces. This petition related that the property seizure had created great insecurity and high unemployment. Produce delivered to market was not immediately paid for by the Government.

This same June 1982 petition stated that if the farm workers were to be given the property then the previous owners should be paid as the workers were unhappy to benefit from property taken from others. The farm workers asked for major efforts to reopen sugar and coffee mills in Ahuacha-

pan. They reiterated the need for early payment by financial institutions and those commercializing the sale of produce as these delays resulted in increased interests on their debts and unemployment. They asked for urgent consideration for their problems affecting families and causing a feeling of desperation.

Later, I flew to the eastern part of the country to visit with the Salvadoran Cotton Cooperative. This cooperative represents independent groups owning their own property banding together for joint ventures. Included in this group as association members were the so called "cooperatives" created by the agrarian reform decree. The President of "Cooperativa Algodonera Salvadorena, Ltda." took me through the facilities there at San Miguel as well as at La Carrera in the department of Usulutan.

Cotton production was down for two primary reasons; terrorist, guerrillas with their destruction and the agrarian reform. International credit was sorely lacking.

A comparison of recent yields with the 1978-79 harvest as a data base:

Raw cotton for 1980-81 was 59.05 percent of base year.

Raw cotton for 1981-82 was 54.39 percent of base year.

Cotton production for 1980-81 was 63.33 percent of base year.

Cotton production for 1981-82 was 63.82 percent of base year.

Profits were down in 1980-81 by 68.29 percent of base year.

Profits were down in 1981-82 by 49.61 percent of base year.

Production by cotton properties affected by "agrarian reform" was 8 percent less than the unconfiscated properties; 41.76 percent of the total properties associated with the Cooperative Algodonera Salvadorena were properties confiscated by the agrarian reform decree.

During 1982 the eastern departments were without electricity for 200 days, due to guerrilla actions. Guerrillas additionally destroyed cotton fields, warehouses, and railroad cars loaded with cotton.

Asociacion Nacional de la Empresa Privada (ANEP)

National Association of Private Enterprise: I met in executive session with ANEP leaders who represent 31 different groups covering all privately owned sectors of the economy. They stated that the threat of instituting the second phase of the agrarian reform should be lifted as owners were not working their property. As long as this threat continued production would be down, dramatically affecting coffee production, a major source of foreign exchange. (Phase II would confiscate properties between 100-500 hectares in size.)

Phase I agrarian reform confiscations of property over 500 hectares have not been properly compensated for. Owners have been receiving a maximum of 2% of land value in cash. The difference has been handled with bonds having 3, 5 and 20 years for redemption. Many considered these worthless. The government used a tax base for the period 1976-77 without consideration for any real improvements to property during the intervening period.

During the confiscation process of Phase I there were 100 cases of property seizures which were less than the required 500 hectares. Special government decrees maintained government ownership of these properties rather than returning them to the owners. They too have been inadequately compensated for the loss of their properties. (Government data base for property ownership was taken from the year 1970.)

When asked who was pressuring government to institute Phase II of the Agrarian Reform (confiscation of properties between 100-500 hectares) I was told the American Institute for Free Labor Development (AFL-CIO).

ANEP officials stated that the nationalized banks were now a government monopoly, in the hands of a few with no competition. Interest rates were higher and the government controlled 100 percent of the actions. The banks were now attempting to sell bonds representing 49 percent of assets; 20 percent of these were available for sale to bank employees and 29 percent to the public. Public newspaper notices of offerings were getting few takers. The public had little confidence since the banks had been taken over by the military, intervening with armored cars in a simultaneous takeover of all banks. For three years three people have been providing the provisional directorship of the banks. These managers have no experience in economic analysis. As there is no competition between the banks, preference for credits have been directed to government monopolies, such as the agrarian reform. Bank loans to the private sector have been greatly affected by the lack of bank competition and the direction of credits to government agencies. Bank loan availability has been sharply curtailed.

These ANEP officials requested that United States economic assistance be channeled to the private sector to encourage the free market economy and private business.

Armed Forces

The new Defense Minister, Carlos Eugenio Vides Casanova, takes pride in the initiatives being taken by the army over the guerrillas. He hopes to keep the guerrillas on the defensive while providing protection to civilians in those areas cleared of guerrillas. General Vides Casanova spoke proudly of extensive civic actions underway in bridge and road reconstruction, rebuilding of clinics and schools while providing protection to farm workers and public transportation.

A visit to a local commander at Zacatecoluca confirmed the enthusiasm for civic action and the zeal to secure the area for farm workers to work their land. This Lieutenant Colonel told of his efforts to coordinate army support with local mayors and other town leadership to gain civilian confidence in army supportive actions.

Military Hospital

A visit to the military hospital confirmed the propaganda success of the communists in their disinformation program designed to discredit El Salvador in the United States and Europe. There was no evidence of any international support by way of assistance. Some foreign equipment is being made available but the military sadly lack adequate medicines, equipment and supplies.

The hospital was crowded with over 330 patients. Passageways werefull of beds with patients. Expansion of hospital facilities was not keeping pace with requirements.

The hospital commander informed me that there was a shortage of doctors. Paramedical training being conducted by a United States military medical team would help alleviate suffering of combat wounded in war areas. However at this time doctors were required to move to forward combat areas to treat wounded despite inadequate facilities, and shortage of medical supplies and equipment in these areas. There were insufficient helicopters to perform needed tasks. The fourteen army helicopters were being utilized for troop movement, supply deliveries and wounded evacuation.

The hospital commander told me there were infrequent visits from international groups inspecting the hospital. Each promised assistance from their organizations without any subsequent response.

Refugee Centers

Two refugee centers were visited. One at Santa Tecla just west of the capital city of San Salvador. The other at Cojutepeque to the east on the Pan American Highway.

Santa Tecla has been operating for over three years. There are over 800 refugees there. A number of the men have found work in the surrounding urban area and a few are engaged in minor work programs creating small profits for basic food necessities. Refugees at Santa Tecla come from two areas in Morazan department and had been moved out of these areas for their own protection.

The Cojutepeque refugee center had been operating a month and existed because of the exodus of refugees fleeing fighting, primarily from the Suchitoto town area. This town has been taken by the guerrilla, retaken by the army and then been involved in renewed fighting. These civilians had not been displaced by the army for their protection but rather were fleeing the guerrillas.

Young workers, representing the Green Cross, were painstakingly reporting names of individuals at the Cojutepeque refugee center. Again there was no evidence of international support for these several hundred refugees and the Green Cross was the only representative at both refugee camps visited.

The lack of concern by the international community for the tribulations being endured by the Salvadoran people is testimony to the effectiveness of communist propaganda. El Salvador has been made an outcast nation without justification.

Another View of Agrarian Reform

My visit to the local Army commander at Zacatecoluca was with two men who owned farming property in nearby department San Vicente. For some time this area near the slopes of the San Vicente volcano has been terrorized by guerrillas. In the past the army has not been able to provide sufficient force to maintain control so that the guerrillas have always been able to return.

These two men own property less than 500 hectares in size and thus not confiscated under Phase I of the Agrarian reform. They had been forced to leave because of guerrilla actions. The ambitious and confident Lieutenant Colonel commanding army forces in Zacatecoluca proudly spoke of his civic action programs, the mutual cooperation between army units, his headquarters and civilian authorities. He carefully outlined his activities and efforts to create an atmosphere of confidence in the army in their ability to keep the guerrillas from their destructive raids of the farm lands.

The two farm owners and I drove back to San Salvador with considerable optimism. The two seemed eager to accept the Colonels' offer to come back and work their property under the army's protection. Shortly that optimism collapsed like a popped balloon.

In San Salvador we met with several Salvadoran men in a private home. The two men who had accompanied me to the army headquarters in Zacatecoluca told of their optimism and their confidence in the Army colonel. Immediately one of the men

present raised his voice in anger. He pounded the table with his fist and said, "Trust the army! How can we? The army took our property away at the point of a gun in 1980, and now you say trust them and go back to work our farms? Don't you remember what Morales Ehrlich (previous director of ISTA's Agrarian Reform organization under ex-president Duarte) told us when we were all assembled that day? That we should all work our properties so that when they were expropriated the transition would be that much smoother? Do they think we're crazy? Maybe this army Colonel is a good man, but how long is he going to be there? Who's going to replace him? And what about the elections? If the Christian Democrats win they will expropriate all our property! Do they just want us to get the fields back in production so that they can confiscate them from us?"

That tells the story. The greatest threat to unity in the country is distrust. And yet a distrust for very valid reasons. What most Americans don't realize is that the country is in a guerrilla war, without frontiers. The war is not just being fought in the mountains, in the forests, on the slopes of the volcanos and among armed forces, but by individuals. There is a guerrilla leadership that operates from the cities, with intelligence networks, clandestine, propaganda and psychological operations.

In El Salvador trust and confidence is given to those you know and know well. Occasionally someone you once had confidence in is identified as a guerrilla leader. A school friend not seen for two years has his house raided; it is an arms cache, a "safe" house and full of communist propaganda literature. The leader of the Miami kidnapping of Mrs. Roberto Quinones turns out to be an old friend, one had not seen for several years. The fight is ideological.●

TRIBUTE TO WILLIAM CARLOS WILLIAMS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. TORRICELLI. Mr. Speaker, this month we mark the 100th anniversary of the birth of William Carlos Williams, New Jersey's Pulitzer prize-winning poet and one of the foremost creators of modern American art. I am proud to recognize Mr. Williams' birthday and announce the beginning of a centennial celebration at the William Carlos Williams Center for the Performing Arts in Rutherford, N.J.

We celebrate William Carlos Williams not so much for his role as the "father of modern poetry," as he is often described, but as the people's poet. He lived in Rutherford almost all his life, serving the community as a general practitioner and pediatrician. In an era when many of his artistic colleagues chose to leave America as cynical expatriots, Williams remained. He found in the people of Bergen and Passaic Counties a rich resource of contemporary life. Williams drew his striking and precise images from the faces and scenes that surrounded him at home in America.

William Carlos Williams wrote in 1917:

> My townspeople, beyond in the great world, are many with whom it were far more profitable for me to live than here with you . . .
> I remain! Therefore, listen!
> For you will not soon have another singer.

Williams gave life and energy to the obvious and pedestrian. He saw in his small community images of the modern American spirit. Those images influenced not only a young generation of poets and authors, but changed the direction of music and the visual arts forever.

Although the artistic community around the world is indebted to the poetry of William Carlos Williams, those of us from Bergen County, N.J., are proud to claim him as our own. It is timely and the Governor's Committee on the Arts of the State of New Jersey as one of five regional arts centers. Through the center and his admirers, the force of William Carlos William's poetry will endure to raise our spirits and vision. As Williams wrote:

> At our age the imagination, across the sorry facts, lifts us, to make roses, stand before thorns.●

IN CELEBRATION OF OUR HISPANIC HERITAGE

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. MARTINEZ. Mr. Speaker, during this week long celebration of Hispanic Heritage Week, we are all made more aware of the many significant contributions of the Hispanic Community to the advancement of our Nation. Whether this results in a renewed pride in our Hispanic heritage or in a new awareness of the accomplishments of our neighbors to the South, this celebration is worthy of support.

Although this is a time for celebrating achievements, we cannot overlook the obstacles which need to be overcome so that the future can be a better place for all Americans.

Our country has prospered and progressed because the various ethnic groups which immigrated to this Nation have brought with them a rich heritage, a healthy diversity, a strong dedication to freedom, and a hunger for a better way of life.

The same is true of those of us with a Hispanic Heritage. We have contributed our share of war heroes, artists, scientists, businessmen, entrepreneurs, educators, and political leaders. Yet, each story of success is accompanied with its example of discrimination and prejudice. Given this sad truth, one is left wondering how much more could Americans of Hispanic Heritage, blacks, Asian-Americans, American-Indians, and others have contributed had they not experienced the prolonged level of discrimination which persists to this day. Had these superficial limitations been removed earlier in our history, would not we all be better off today?

There is no doubt that Americans of other ethnic origin were also victims of such prejudice. However, their ability to retain their native culture and language while being fully accepted as Americans has enabled them to more easily take advantage of the available opportunities.

Given our country's rapidly changing economy and dependence on an educated public, I see a need for us to put away our prejudices and commit ourselves to programs which are vital to our Nation's prosperity. We cannot afford to permit the further depletion of our human resources and alienation of our ethnic groups. I challenge the President, Congress, State legislatures, local governments, and the private sector to develop this hidden potential so that it will become a productive asset rather than a liability.●

MILITARY INDUSTRIAL COMPLEX

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SHELBY. Mr. Speaker, 20 years ago President Eisenhower warned of the growth of a military industrial complex, subservient to none and omnipotent to all. Today, his worst fears seem to be coming true. A massive, noncompetitive, monolithic bureaucracy has gradually developed, one where managers have no interest in assuring quality, workers are poorly trained, production controls are almost nonexistent, and weapon design rarely meets manufacturing requirements. The result is a plethora of abuses ranging from paying $110 for electronic diodes costing 4 cents apiece, to missing washers grounding our Pershing II missiles, to $2 billion cost overruns on the C-5A cargo plane. In addition, contractors are rarely forced to guarantee their products. If the plane, tank, or gun does not work the contractor simply tacks on additional charges to the bill, all at taxpayers' expense.

More importantly, the atmosphere of waste and inefficiency fostered by an anticompetitive environment inevitably leads to unreliable, shoddy weapons; weapons with which our soldiers in the field must risk their lives. In fact, some of the most vocal critics of our procurement process have been

the field officers themselves. Clearly, changes must be made, especially in our bidding procedures.

Our process of procurement is in urgent need of a massive dose of competitive medicine. Competitive bidding pitting rival systems against each other will ultimately lead to lower prices, higher quality, and according to the Defense Science Board, savings of up to 20 percent on the average contract.

A truly independent testing office should be established to monitor the Pentagon's testing and procurement procedures. Sponsored by Congressman COURTER of New Jersey, the House has recently passed legislation that would include funding for such an office, one which would report directly to Congress rather than the Secretary of Defense. Congress, which eventually appropriates all defense funding, will now be in a better position to determine what programs are actually needed. In addition, the independent office will correct the ludicrous situation where the students at the Department of Defense, are, in effect, grading their own exams.

The profiteering perpetrators within DOD must be vigorously dealt with. Full scale prosecution, not simply the loss of jobs, should accompany each instance of graft or scandalous overpayments. Cheating can never be condoned, but fraud that jeopardizes our national security is unconscionable and should be dealt with accordingly.

Above all, we need to reexamine our overall defense philosophy. At a time of limited resources available for defense, we must begin to develop a mind-set like that of the Israeli's, one which designs and buys equipment that helps its soldiers do their jobs, not just solve unemployment in congressional districts. In an ideal world Congress would not have to bother with such problems as missing washers on Pershing missiles and graft and greed at the Pentagon. Budgetary guidelines would be followed and an efficient, lean Pentagon would emerge. Then again, in an ideal world there would be no need for a Pentagon; would there?●

LEONID KELBERT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SIMON. Mr. Speaker, "refusenik" has become an international word—a word that describes Soviet Jews who are denied the right to emigrate. As part of the Congressional Call to Conscience Vigil, I would like to draw attention to the plight of one refusenik in particular, Leonid Kelbert.

Leonid, a film producer, is the only Jew to participate in the Moscow Film Institute since the 6-day war in 1967. In 1975, he won at least three prizes at the Cuban Film Festival for "The Catastrophe Will Not Happen," and at the Czech Film Festival of 1976, he won the Grand Prize, Gold Medal, and First Place for "Ideas of Academiciam T. Selikov." His film "Ice and Fire" was made for the 1980 Italian Film Festival and was shown on Italian television under the title, "Man and Science," but with another director's name substituted.

Leonid lives with his wife, Miriam, a forensic pathologist, and their daughter, Ruth, who was born March 22, 1982. They live in a one-room communal flat. Leonid applied for an exit visa and then resigned his job because of official pressure on cinema and the arts. His visa was refused in March 1981.

Except for his 15 days' detention for "hoolinganism," Leonid has remained creative and considers "the time of his refusal" as the most important period of his life so far. He produced a series of playlets based on episodes of Jewish history and culture in 1981. He is an active participant in a group of young Leningrad Jews who are studying their religion and culture in weekly seminars. These seminars have recently been under attack by the KGB, and since the arrest of Evgeny Lein in May 1981, the general atmosphere surrounding refuseniks has sharply deteriorated.

In March 1983, Leonid was told by the KGB that no more Jewish cultural activities would be permitted. In the past, those involved in cultural activities had been detained for periods of 15 days, but in the future, they were told they would be charged with anti-Soviet activities and face long-term imprisonment.

Mr. Speaker, as one of many concerned Members participating in this year's Vigil, I hope the Soviet Union will exhibit respect for basic human rights and allow citizens such as Leonid Kelbert to follow their consciences, practice their religion, and participate in cultural activities without fear of punishment from the state.●

CALLOUS NATURE OF SOVIET LEADERSHIP

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KEMP. Mr. Speaker, the loss of 269 innocent lives in the Korean Airline massacre is a reprehensible attack that has gone a long way toward highlighting the true nature of Soviet intentions. The Soviets have proven to the world that their indifference to the norms of international behavior can only be matched by their disregard for human life. It is clear that the Soviets have no intention of admitting their crime of shooting down Flight 007, as they arrogantly continue to dismiss the deaths of hundreds of civilians. It is also apparent that the apology, full accounting of the facts and corrective actions the President has asked for will not be forthcoming.

I commend to my colleagues the following outstanding editorial from the Buffalo Evening News on this barbaric act. As the News points out,

Just when the Soviet Union is seeking to persuade Western Europe that it has no need to deploy new nuclear missiles, the brutal and callous nature of the Soviet leadership has been freshly demonstrated.

As the crucial INF as well as START talks continue in Geneva, I urge my colleagues to support the President's negotiating positions as the Soviet efforts to cajole and neutralize our allies will undoubtably be stepped up.

The editorial follows:

[From the Buffalo Evening News, Sept. 10, 1983]

SOVIET "BIG LIE" POLICY

Moscow has issued its "big lie" concerning the downed South Korean airliner, and it is sticking to it, using no less a mouthpiece than Soviet Foreign Minister Andrei Gromyko, who reiterated the fairy tale before an angry meeting of European foreign ministers in Madrid.

The airline was on an American spying mission, the story goes, and was shot down while trying to escape. Trying to embellish the lie, Moscow says the plane had no navigation lights. This is in direct contradiction of the recorded conversations of Soviet pilots, who three times mention the doomed airliner's flashing lights.

Mr. Gromyko defiantly proclaimed the right to shoot down any plane that violated the Soviet Union's "sacred" borders. Quietly seething at the session, Secretary of State George Shultz said in commenting on the Gromyko statement that it illustrated "the difference in allocation of weight to security on the one hand and human values on the other. There is no weight given to human values in that kind of statement.

In contrast, Japan estimates that Soviet fighter planes have violated its airspace over 2,000 times in the past year alone. Last November, a Soviet airliner on a scheduled flight went off course and flew over the U.S. Navy submarine base at Groton, Conn. Last March, Cuban airliners strayed from their approved courses and went near Griffis Air Force Base near Rome, N.Y. The airliners were not shot down for their error; the flights were merely suspended for a short time as a penalty.

Those most directly affected by the Soviet action—the airline pilots—are proposing appropriate measures. The council of the 57,000-member international Federation of Airline Pilots has recommended that all member unions boycott all flights to the Soviet Union for at least 60 days. This would be a significant gesture of the world's contempt.

The greatest penalty, however, is the tremendous blow to Soviet prestige and credi-

bility, and this is something Moscow has done to itself.

The uncivilized Soviet behavior hurts a whole range of East-West relations and increases international tensions, but it affects particularly an important aspect of Soviet policy. Just when the Soviet Union is seeking to persuade Western Europe that it has no need to deploy new nuclear missiles, the brutal and callous nature of the Soviet leadership has been freshly demonstrated.●

BAN ON COP-KILLER BULLETS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise today as a strong advocate of legislation to ban cop-killer bullets—armor piercing handgun ammunition which can penetrate bullet-resistant vests worn by police officers. The dangers posed by this ammunition to our Nation's 528,000 police officers is well known. The only purpose of these bullets is to kill human beings wearing bulletproof vests—vests which are credited with saving the lives of more than 400 police officers.

Legislation is now pending before the Congress to ban these cop-killer bullets. These bills, introduced by Representative MARIO BIAGGI and Senator PATRICK MOYNIHAN of New York, now have 170 cosponsors in the House and 15 in the Senate. Furthermore, police groups around the country support these bills with unanimity.

Recently, an editorial appeared in the New York Times supporting this ban on cop-killer bullets. It thoughtfully examines the dangers posed by these bullets and the need for action to outlaw their use and production. I would commend the reading of this editorial to my colleagues. During consideration of this legislation I hope they will reflect on the cogent and compelling views set forth in this editorial.

The article follows:

[From the New York Times, Aug. 29, 1983]

KILL THE "COP-KILLER" BULLETS

"Apple greens" are bullets so hard that without their coating of light green Teflon they would tear up the inside of a gun's barrel when fired. That hardness permits them to penetrate the Kevlar vests credited with saving the lives of more than 400 police officers. Such penetrating bullets offer little advantage to the sportsman. Their only purpose is to kill human beings—whether policemen, presidents or popes—who wear Kevlar vests.

Yet such "cop-killer" ammunition remains available for sale to potential criminals and terrorists. Bills in Congress would ban it, but the Administration has yet to take a position, apparently for fear of offending its friends at the National Rifle Association. This bow to politics is not only misguided, it's dangerous.

Bills introduced by Representative Mario Biaggi and Senator Daniel Moynihan of New York would give Washington authority to ban handgun ammunition that can penetrate the most common police vest. The bills have 170 co-sponsors in the House and 15 in the Senate.

Police records don't always reveal the kind of ammunition criminals use to shoot officers, so the magnitude of the threat is hard to assess. Mr. Biaggi cites two cases of law enforcement officers shot with the bullets. Armor-piercing bullets are thought to be popular in the Florida drug and gun-running community, where criminals wear vests and want the penetration power for their own wars.

More than half the nation's police now wear the vests, and police groups support the bill with unusual unanimity, from unions to the conservative International Association of Chiefs of Police. Its president says flatly that the bullets have "no legitimate use . . . either in or out of law enforcement."

Such talk prompts anxiety at the N.R.A. The gun lobby values its friendly relations with police, to whom it offers firearms training. It favors voluntary restrictions by manufactures but gags on the idea of any new regulation, even to protect police lives. So the N.R.A. raises technical issues. The bill is unacceptable, it argues, because it would also ban some hunting rifle ammunition, which, if fired from certain handguns, might penetrate a Kevlar vest.

Those kinds of handguns aren't practical for street crime, and it's unlikely the Feds would ban hunting ammunition because of them. The effect of voluntary controls is dubious. But once the N.R.A., with its conservative following, spoke up, an issue that seemed as appealing as apple pie began to feel more like a hot potato. The Administration referred it to the National Institute of Justice and National Bureau of Standards, in hopes they can produce a definition that will please the N.R.A. The agencies promise a report soon.

There's no reason for Congress even to wait for the agencies' findings. In 1982, a less formal F.B.I. report identified eight kinds of imported and domestically made ammunition that seemed to fit the "cop-killer" category. The Treasury Secretary could be given the power to ban them but forbidden to restrict popular sporting ammunition. The ban might then be extended as further study demonstrated a clear need.

Only the most fanatical gun-lobby ideologues could find fault with that.●

THE GRAND RONDE RESTORATION ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. AuCOIN. Mr. Speaker, today, I am introducing legislation to restore Federal status to the Confederated Tribes of Grand Ronde Indians in Polk County.

It enables the tribe to qualify for education, health care, and economic development programs administered by the Bureau of Indian Affairs and other Federal agencies.

With the full support of the community, the Grand Ronde have worked tirelessly to retain their identity as a people, to preserve their culture, and to achieve economic self-sufficiency. Restoration of tribal status places an important tool in the hands of a tribe which asks for no special privileges, but only for the opportunity to help itself.

I sponsored similar legislation for the Siletz Indians, in Lincoln County in 1977. That bill has demonstrated that restoration is a critical step toward the goal tribes such as the Siletz and Grand Ronde have set for themselves, which is self determination. Examples of possible tribal programs include schools, vocational training programs, and tribal enterprises such as those being operated successfully by the Warm Springs.

The legislation I am introducing today also establishes membership requirements and provides for the election of an interim council which will represent the tribe during its reorganization process.

A constitution and bylaws will be drawn up by the interim council for approval by the tribe. Following the pattern of the Siletz, the tribe and the Bureau of Indian Affairs are authorized to develop plans for a reservation to serve as an economic land base, subject to the approval of Congress.

This bill has received strong, bipartisan support from city, county, and State officials, church groups, and business and civic organizations in Oregon.

The Grand Ronde Restoration Act is endorsed by Gov. Vic Atiyeh, State Senator Dell Isham, and State Representative Paul Hanneman, The commissioners from Polk and Yamhill Counties, the cities of McMinnville, Sheridan, and Willamina, and the Indian tribes of the Siletz, Umatilla, and Warm Springs.

Organizations supporting the legislation include the National Coalition to Support Indian Treaties, the Affiliated Tribes of the Northwest, the Friends Committee on National Legislation, the Catholic Campaign for Human Development, the Presbytery of the Cascades and the Ecumenical Ministries of Oregon, among others.

This bill is the product of years of careful preparation by the Grand Ronde Tribes. The endorsements I have just mentioned show how well the tribe has done its work. Now it is time to take the next step, which is the introduction in Congress of this restoration bill. I am pleased to take that step today, and I am confident this Congress will act to restore to the Confederated Tribes of Grand Ronde Indians the official Federal status and trust relationship with the Government which was taken from them, in a mistaken moment of history, 15 Congresses ago.

I am also pleased that Kathryn Harrison, vice chairman of the Confederated Tribes of Grand Ronde, is in

Washington today for the introduction of this legislation. I would like to include her statement in the RECORD, so my colleagues may have a personal account of the effects of termination.

STATEMENT OF KATHRYN HARRISON, VICE CHAIRMAN, CONFEDERATED TRIBES OF THE GRAND RONDE TRIBAL COUNCIL

Today, for the first time, I feel at peace with my ancestors; the introduction of this restoration bill is a beginning of an ending: a Eulogy and a Greeting!

I am speaking here today, not only for my people back home who are gathered together to celebrate this day, but also for those ancestors who completed our first "Trail of Tears", one hundred and twenty-seven years ago, walking from Table Rock near what is now the city of Medford, Oregon, in a massive military round-up during the wintry month of February, in 1856. It took them thirty-three days to reach the present site of the Grand Rondes. For those proud people who carried on, persisted, even stood alone to preserve our culture, termination was not in their plans at all.

Did they make that walk in vain?

If you know anything about Indian people, especially the history of the Grand Ronde Indians, a history that's not in the history books, you know we have endured much, but we have endured. With the coming of termination in 1954, our second "Trail of Tears" began and is now in the twenty-ninth year; our children know of no other way of life.

The economic impact was devastating and we became "experts" on poverty; our original reservation of 69,000 acres, with proper management, could have been a continuing, on-going support for us. As a terminated tribe, we suffer from problems in addition to issues confronting other tribes. Without resources, we are a minority among recognized tribes, yet we are not considered as equals either in the dominant society.

It has taken a lot of hard work, depressing and discouraging at times, but there has always been the feeling that, as extensions of our ancestors, this restoration effort is the carrying out to their visions—and so we could always reach back to their strengths and wisdom. Because of this, we have seen organizations come and go, yet the Grand Ronde tribe continues. Our roots are there, but we need those roots confirmed by restoration. We are not only looking at strengthening our culture, we are also interested in working for economic betterment, and, so by helping ourselves, we are helping the total community.

Termination of Indian tribes has been discredited by all of the Presidents since President Nixon, yet my tribe is still terminated.

But, now, Congressman AuCoin knows and understands our plight and has joined us in our long walk toward rejoining the family of Indian nations. By introducing our restoration bill today, he is giving us new hope that there is still "Liberty and Justice for All" in this United States of America.●

MEMORIAL ADDRESS BY PHIL CRANE HONORING LARRY McDONALD

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SOLOMON. Mr. Speaker, the needless, unprovoked murder of our fine colleague, Larry McDonald, and 268 other innocent civilians aboard a Korean airliner by a Soviet pilot which shocked and sickened the free world, brought forth countless words of justified praise for Congressman McDonald. The gentleman from Illinois, PHIL CRANE, in his address at Constitution Hall on Sunday, September 11 at the memorial service honoring Congressman Lawerence Patton McDonald and the other passengers onboard Korean Air Lines flight 007, summed up best the brutal attack by an agent of the Godless Soviet Union, and the loss of one of the finest Members ever to serve in the House of Representatives. Mister Speaker, I request permission to place Congressman CRANE's remarks in the RECORD.

The remarks follow:

Kathy, Tryggvi, members of the McDonald family, bereaved loved ones here and beyond, on September 1 of this year, the Communist tyrants of the Soviet Union shocked most people in the civilized world with an incredibly cruel and cowardly act.

Two hundred and sixty-nine defenseless men, women and children were murdered in cold blood on Korean Airline's flight 007.

But why should anyone have been shocked or surprised by this monstrous atrocity?

The man who presides over the grotesque police state in the Soviet Union is the man who stands accused in the court of world opinion for having authorized the assassination attempt against Pope John Paul II.

Why should anyone be shocked or surprised that a dictator, who sought to murder this Prince of Peace, would order the murder of a plane full of innocent civilians?

Why should anyone be shocked or surprised that this inhumane ruler, who superintended the butchery of Budapest and the bloody persecution of Prague, would order the murder of a plane full of innocent civilians?

Why should anyone be shocked or surprised that this cynical sadist, who orchestrated the rape of Afghanistan, would order the murder of a plane full of innocent civilians?

Why should anyone be shocked or surprised that this barbaric paranoid, who sanctions the use of chemical and biological weapons against defenseless women and children, would order the murder of a plane full of innocent civilians?

No, Samantha, they are not just like us.

The ruthless rulers of the Soviet empire are psychopathic subhumans who kill without provocation and without conscience. They are obscene. They violate the laws of God and nature. The most vicious beasts of the jungle do not match the atrocities that this form of evil species in pinstripe suits can perpetrate.

So, no one should be shocked or surprised by their latest crime against humanity, which they boldly declare they are prepared to commit again. This threat must be taken seriously. Their track record proves they mean it.

Scores of millions of human victims of communism preceded the precious souls who took the ill-fated Korean Airline's flight that ended in terror on the night of September first.

As I flew back to Washington this morning, I tried to imagine the horror of an explosion at 35,000 feet. Was there time for loved ones to have one last frightening embrace? Was there time to clutch a frightened child? Did the pilots fleetingly think they might bring their precious cargo to a safe haven? Did Congressman Larry McDonald suspect that a lifetime of commitment to exposing the inhumanity of Communism would end at the hands of the evil forces he had tried to expose?

I first met Congressman McDonald in Ann Arbor, Michigan, over 20 years ago. At that time he was completing a residency in urology. He had committed himself to serving the suffering.

I was impressed with Larry upon that first meeting. He was brilliant, he was dedicated, he was a man of integrity. We kept bumping into one another through the years and fate finally brought us together as colleagues in the House of Representatives.

Frankly, I was surprised that Larry would forego a successful career in medicine for the frustrations and burdens of a political career.

But he had such illustrious predecessors in this pursuit as Dr. Benjamin Rush at the inception of the Republic down to Dr. Walter Judd in our own time.

These men, as Larry, were trained to save lives and relieve suffering. They turned their talents, instead, to a larger task—saving the Republic and relieving the suffering of a civilization under siege from the deadly virus of statism and collectivism.

No one in this Congress was as knowledgeable, intelligent, and dedicated in his commitment to expose the sickness of world communism as Larry McDonald. Ironically, tonight on television, a documentary of KGB terrorism at home and abroad, which was prepared by Larry, will be premiered.

Superficial media personalities attempted to compartmentalize him as simply "anti-communist." This sort of convenient stereotyping prevented such mental Merrimacs of the media from recognizing Larry's profound commitment to the preservation of the highest ideals of western civilization: individual liberty under the sovereignty of God, the dignity of man, limited Constitutional government, a free economy, and preservation of our nation's strength as the last, best hope of mankind.

Kinship is not so much based upon blood as shared values. Larry McDonald, in that sense, was a cherished brother in the eternal struggle to preserve human values and the ideals of our Judeo-Christian tradition.

Now he has joined that celestial fraternity of patriot statesmen, who have paid the last full measure of devotion every generation since the founding of this beacon of hope for mankind.

If Larry's life, and that of the other 268 souls who boarded flight 007, are not to be in vain, the free world must recognize the menace of communism for what it is.

It is the embodiment of evil. It is the Beast that wages unending warfare against

all decent values and ideals that have surfaced over 5,000 years of recorded history.

Let those who mourn rededicate and reconsecrate themselves to the task of preserving civilized values in the face of the ceaseless assault upon them, which in our own time is represented by communism, just as it was by nazism for a previous generation. The war is eternal. Larry McDonald is just one more casualty in that struggle.

Larry recognized that the ultimate battle on this earth is between material and spiritual values. Atheistic communism attempts to hold out the lure of heaven on earth, and in the process has condemned its advocates to hell, now and forevermore.

On June 30th of this year, Larry inserted into the CONGRESSIONAL RECORD the Templeton address delivered by Alexandr Solzhenitsyn in Great Britain.

In his remarks, prefacing Solzhenitsyn's speech, Congressman McDonald said: Solzhenitsyn "is quite correct when he stressed that the ideological battle in the world is between things spiritual and material. The Soviet Union knows this and that is why they fear the Bible more that our ICBMs."

Solzhenitsyn, in that historic speech, stated:

"Instead of the ill advised hopes of the last two centuries, which have reduced us to insignificance and brought us to the brink of nuclear and nonnuclear death, we can only reach with determination for the warm hand of God, which we have so rashly and self-confidently pushed away. It we did this our eyes could be opened to the errors of this unfortunate twentieth century and our hands could be directed to act them right. There is nothing else to cling to in the landslide; all the thinkers of the Enlightenment can give us nothing."

We can be assured that Congressman McDonald, at that fateful moment he and his passengers were mercilessly shot out of the sky, reached out "for the warm hand of God."

If the civilized world, in the face of this senslessly brutal tragedy, joins him in reaching "for the warm hand of God," the forces of evil cannot prevail and those we eulogize today will not have died in vain.

God bless you Larry. You will not be forgotten. And comfort, dear Lord, the families of all who perished in the Korean Air Lines' massacre.●

THE PENTAGON, NERVE GAS, AND IRRESPONSIBILITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LANTOS. Mr. Speaker, our distinguished colleague, Mr. ZABLOCKI, who chairs the House Committee on Foreign Affairs, has written an excellent analysis of the House-Senate conference committee report on the Defense Department authorization. It raises serious questions about the process by which funds for the production of binary nerve gas weapons were included in the conference report.

As Chairman ZABLOCKI pointed out, the House overwhelmingly voted against spending for the production of binary nerve gas weapons earlier. Furthermore, such weapons are costly and unnecessary. Unfortunately, it is not possible to vote against that single provision of the conference report and for the remainder of the Defense authorization bill. The will of the majority of the House has been ignored in the conference report, and a vote against the entire report is the only alternative open to us on this issue.

I commend this article to my colleagues in the House and encourage them to join in voting against the conference report.

[From the Washington Times, Sept. 14, 1983]

THE PENTAGON, NERVE GAS, AND IRRESPONSIBILITY

(By Clement Zablocki)

The recent decision by a House-Senate conference committee to approve funds for the production of binary nerve gas weapons carries grave foreign policy, arms control and budgetary implications. But more than that, the conferees' action on the fiscal 1984 defense authorization bill flies in the face of one of the most important principles of our democratic system: majority rule.

On June 15, 1983, the House approved 256 to 161 an amendment offered by myself and Rep. Ed Bethune, R-Ark., to prohibit spending $114.6 million for the production of binary nerve gas weapons. A month later, the Senate rejected by the narrowest of margins—50 to 49—a similar amendment proposed by Sen. David Pryor, R-Ark., which also would have barred resumed nerve-gas production.

The Senate itself was evenly divided on the issue, the tie-breaking vote on the Pryor amendment being cast not by a senator, but rather by the vice president of the United States, a representative of the administration.

A simple tally of the two recorded votes on the binary nerve gas program clearly demonstrates the firm majority opposition in congress to further expenditures on this unnecessary military program. Those opposing new nerve gas production total 305; those favoring it only 211.

How then, one is compelled to ask, could a conference committee formed to resolve issues of disagreement between the House and the Senate produce a result that is not supported by a majority of legislators in either chamber?

The answer can only be found by a closer examination of the membership of the conference committee itself. Unlike Congress as a whole, a majority of the members of both the Senate and House Armed Services Committee support production of binary nerve gas weapons. It was, therefore, a relatively simple task for the conferees, all members of these two committees, to decide in favor of the Pentagon's poison gas program.

The conference committee acted in disregard for the views of a clear majority of Congress. Those conferees who voted to resume nerve gas production allowed their personal opinions and beliefs—not the will of the American people—to guide their actions. As a result, a costly and militarily unnecessary weapons system—for which there is not support among a majority of members of either the Senate or the House—has been given the initial go-ahead.

Such legislative irresponsibility does not bode well for the the future of our democratic system.

If other committees were to follow this example, Congress would soon cease to be a deliberative and truly representative body. Major domestic and foreign policy decisions would be made by a select group of self-professed experts. Non-committee members would quickly conclude that to articulate their views and those of their constituents on a given issue would be a futile exercise.

It is quite clear that our founding fathers did not envision such a decision-making process. Our democratic system has flourished precisely because a variety of points of view have been tolerated and, indeed, encouraged. In the final analysis, the views of the majority have properly prevailed.

As Congress returns to Washington, I intend to vote against the entire fiscal year 1984 defense authorization conference report unless the binary nerve gas production funds have been deleted.

This will be the first time in my 35 years of service in the House that I have opposed a defense bill.

My vote against the defense conference reports is not a vote against a strong national defense. On the contrary, by reaffirming our clear opposition to this counterproductive military program, we in Congress preserve both our national security interests and our democratic system of government.●

TRIBUTE TO HISPANIC HERITAGE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. TORRICELLI. Mr. Speaker, today I rise to pay tribute to the many important contributions the Hispanic community has made to our history, our society, and our culture. Throughout our Nation's history, Hispanics have played a vital role in the development of our country. Their spirit, their pride, their accomplishments have all added much to the strength of our Nation.

Oscar Handlin, the historian, observed: "Once I thought to write a history of immigrants in America. Then I discovered that immigrants were American history." Indeed, our history, our society has been enriched, and continues to be enriched, by the contributions of the Hispanic community.

Politically, we have seen the Hispanic community continue to make steady and significant gains. Undeniably, they have become a viable and vital political force throughout our country and at all levels of government. It is projected by the year 1990 Hispanics will become the largest minority in the United States. Inevitably, the Hispanic community will continue to play an important role in our Nation's political development.

Historically, Hispanics have displayed courage on the field of battle defending America's democratic ideals. Let us never forget that Hispanic servicemen have received more Medals of Honor—37—than have members of any other American ethnic group.

Culturally, the Hispanic community has greatly influenced our national heritage. The United States is a land of cultural and political diversity. This diversity makes us stronger and enhances our way of life. Hispanic culture, Hispanic entrepreneurs, and Hispanic leaders have greatly contributed to this diversity.

I welcome this opportunity to join with my colleagues in recognizing the important contributions of the Hispanic community. Next week, when our country celebrates National Hispanic Heritage Week, I hope all Americans will take time to reflect on how Hispanics have greatly enhanced our way of life.●

MOBIL CAPTIVE INSURER CASE SHOWS WHY STATES NEED UNITARY TAX SYSTEMS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. STARK. Mr. Speaker, this summer, the Supreme Court in the Container Corporation case upheld the right of States to use very simple apportionment formulae to impose taxes on big multistate and multinational corporations. These formulas are in lieu of the States' small Departments of Taxation attempting to physically audit the books of these giant corporations—some of them much larger fiscally than the States themselves—in a futile effort to accurately determine the profits earned in each State.

Predictably, the big multinationals are launching a drive in Congress to overturn the Supreme Court's decision and prevent the unitary method of taxation.

Mr. Speaker, it is impossible for the Federal Government to get the cooperation of the big companies in honestly and fairly reporting their international operations—and to expect the States to do so is Alice-in-Wonderland mentality. Corporate profits in the face of a State tax auditor are like the Cheshire cat—they just dissolve into some other State or nation, and escape taxation.

Instead of repealing the unitary method, it would make sense for the Federal Government to adopt it.

The following article from the Wall Street Journal of July 19 on Mobil's latest tax avoidance gimmick explains why the unitary system must be preserved.

[From the Wall Street Journal, Sept. 19, 1983]

MOBIL SUIT SHEDS LIGHT ON FIRMS' DEALINGS WITH THEIR OFFSHORE 'CAPTIVE' INSURERS

(By Daniel Hertzberg)

NEW YORK.—A little-noticed federal court case here is shedding light on the oftenshadowy financial dealings between U.S. corporations and their offshore "captive" insurance companies.

Hundreds of U.S. corporations have set up insurance subsidiaries, nicknamed "captives," in offshore tax havens like Bermuda to insure themselves. Some captives then branch out to insure outsiders, too.

The case, which went to trial before a U.S. Court of Claims judge last week, pits Mobil Corp., the giant oil company, against the U.S. government. Mobil is asking for $60 million, a large part of which comes from deductions it says the Internal Revenue Service wrongfully denied it for premiums paid to four Mobil-owned offshore insurance companies from 1961 to 1969.

The government claims that insurance transactions between Mobil, Mobil affiliates and the four captive insurers were primarily for tax purposes and "were shams."

Justice Department lawyers, in court papers and courtroom statements, contend that Mobil allowed its offshore insurance companies to charge excessively high premiums to Mobil affiliates, premiums for which Mobil expected to receive a deduction on its U.S. taxes.

These insurance transactions were structured so that the four offshore insurers were able to make profits "many times" those of commercial insurance companies, the government says.

The money switched from Mobil and its affiliates to the four Mobil captives was intended to remain outside the U.S. and free from U.S. taxes, the government says. In turn, the Mobil captives made these "profits" available to Mobil's foreign affiliates through loans and other financial transactions, the government says.

The government claims that the kinds of transactions Mobil engaged in are commonplace. In his opening statement, William B. Barker, a government attorney, contends that the Mobil case illustrates "abuses which are systemic" among many captive insurance companies.

Mobil, in court papers, denies that the four captive insurers were organized or acquired so that Mobil or its affiliates could "avoid or evade" federal income taxes. And it says that the premiums charged by its captives were "fair and reasonable."

Captive insurance is a major, though secrecy-shrouded, industry. Experts estimate that more than 200 of the U.S.'s top 500 companies have captives, as do thousands of smaller companies and trade associations. Captive insurers currently bring in $4 billion to $5 billion a year in insurance premiums, say officials in Bermuda, the largest haven with 1,200 captives.

U.S. companies can deduct premiums paid to insurance companies. But sums set aside for self-insurance aren't deductible. Companies that set up offshore captives generally get to deduct premiums they pay, escape U.S. taxes on their insurance subsidiaries. and avoid U.S. insurance regulation.

Mobil set up its first offshore captive, General Overseas Insurance Co., in 1958. By 1969, GOIC was writing insurance and reinsurance for more than 120 Mobil-related companies. The Mobil captives involved in the tax dispute are GOIC, Bluefield Insurance Ltd., Westchester Insurance Co., and Bishopsgate Insurance Co., all based outside the U.S. during 1961 to 1969.

One major contention by the U.S. is that the premiums GOIC, Bluefield, Bishopsgate and Westchester charged Mobil and its affiliates for insurance protection were excessive and allowed the insurers to run up massive profits.

For example, data submitted by the Justice Department to the court show that GOIC and Bluefield together in 1961 were 14.9 times more profitable than the typical stockholder-owned U.S. reinsurer; in 1962, they were 21.8 times more profitable, and in 1963, 117.3 times more profitable. The earnings figures don't include profits from investment.

The government contends that no risk was ever shifted to the four captives since Mobil "was ultimately liable" for all their losses. Therefore, the payments made to the captives were merely a form of self-insurance for which deductions aren't allowed, the government says.

It says that Mobil's insurance setup was merely a means by which Mobil "transferred money to its affiliates and claimed tax deductions on the process and avoided tax on the 'profits' of the deals."

The IRS has only had limited success in trying to curb captives. One government victory, in a court case involving Carnation Co.'s Three Flowers Assurance Co., has prompted many U.S. corporations to direct their captives to write outside business to maintain their status as insurers. However, some captives recently have run up big losses writing these outside risks.

According to court papers, one government witness, Irving H. Plotkin, and Arthur D. Little Inc. economist, will argue that even taking on outside risks doesn't change the fact that captive insurance companies represent a form of self-insurance and don't qualify for a tax deduction.

However, Treasury Department officials and insurance lawyers believe this sweeping legal argument doesn't signal a policy switch by the IRS, but does probably represent a legal bargaining position. "I believe the IRS is fighting a losing battle on this," says Felix Kloman, president of Risk Planning Group, an insurance consulting firm. "There are just too many captives, over 1,600 world-wide."

Meanwhile, Mobil's lawyer, Fenton J. Burke, accused the IRS of "waffling" in its attitude toward Mobil's captive-insurance activities, allowing deductions in some years while disallowing them in others.●

EXPLANATION OF VOTE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. BEREUTER. Mr. Speaker, I was unavoidably detained on business and was unable to vote on final passage on H.R. 5 on September 14, 1983. Had I been present I would have voted "nay."●

PENSIONS AND TAX COLLECTIONS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. ERLENBORN. Mr. Speaker, as one who has been intimately involved in retirement income matters for many years, I have listened attentively

to the dialog that has accompanied the significant changes made recently in Federal tax laws affecting employer-sponsored and individually established retirement programs. It has often centered on statistics suggesting that the favorable tax considerations allowed for contributions to pension plans, including individual retirement accounts, have an unfavorable effect on Federal tax collections. Those statistics were difficult for me to accept on their face, and now we have a respected, private think-tank devoted to the study of employee benefits raising hard questions with regard to placing reliance on the numbers involved.

The original paper, known as EBRI Issue Brief No. 17—Retirement Program Tax Expenditures: A Case of Unsubstantiated, Undocumented, Arbitrary Numbers—was lengthy and highly technical, so Employee Benefit Research Institute Executive Director Dallas Salisbury had the following condensation prepared. I commend it to my colleagues. The issue is a recurring one in Congress, and of much importance to anyone who hopes to get a pension, or any other retirement income as a result of employment, and to anyone who pays taxes.

The following information was submitted for the RECORD:

RETIREMENT PROGRAM TAX EXPENDITURES: AN ASSESSMENT

During the last two years there have been significant changes in federal tax laws affecting employer sponsored and individually established retirement programs. The Economic Recovery Tax Act (ERTA) of 1981 expanded the availability of Individual Retirement Accounts (IRAs) to include workers already covered by a pension plan. The Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 reduced tax exempt contribution limits for many private plans.

These and earlier provisions of the U.S. Tax Code have been the subject of much discussion and debate in recent years. The dialogue has often centered on the impact that favorable tax provisions allowed pensions and individual retirement programs have on federal tax collections.

CONCEPTUAL BACKGROUND ON RETIREMENT PROGRAM TAX EXPENDITURES

As the Budget of the United States Government is prepared each year a set of "tax expenditure" estimates is developed by the Treasury Department and published as part of the Budget.

The Congressional Budget Act of 1974 (Public Law 93-344) formally institutionalized "tax expenditures" as part of the regular Budget document. The act defined tax expenditures as "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability." [1] Within this context, tax expenditures are defined as "exceptions to the normal structure" of individual and corporate tax rates.

A problem with the concept of tax expenditures is that the tax code does not include a definition of the "normal structure" of the tax system. As a result the practical definitions that have arisen in the measurement of annual tax expenditures are not always consistent within or across categories, or from year to year.

In the case of private retirement program tax expenditures, the largest single category of tax expenditure in the 1984 Budget, the Treasury estimates the federal tax revenue losses that arise because pension and IRA contributions and the fund earnings are not taxed currently even though taxes will be paid when benefits are ultimately paid. The theoretical basis for these estimates is that if employer contributions to pension trusts or individual contributions to IRAs, or investment earnings on the assets were taken as regular income, additional tax obligations would arise at the time the contribution is made or when the investment return is paid. The amount of this particular tax expenditure represents taxes deferred, not taxes foregone.

METHODOLOGICAL PROBLEMS IN RETIREMENT PROGRAM TAX EXPENDITURE ESTIMATES

The actual estimation of tax expenditures for retirement programs is a step process. First, Treasury estimates the foregone taxes from exempting employer pension contributions and personal IRA contributions and the interest paid to these funds. From this foregone collections estimate Treasury subtracts the estimated tax collections on pension benefits paid. The net difference is what they currently call the estimated tax expenditure resulting from the tax treatment of retirement programs.

From a purely conceptual basis the tax expenditure estimates in this instance are questionable because the estimation procedure does not even attempt to account for the significant difference in tax collections on current benefits paid and the time discounted value of future tax collections based on current contributions under these plans.

In the current Treasury estimates of tax expenditures for retirement programs the foregone revenues are estimated on the basis of one set of individuals and the tax collections on pension benefits are estimated on a totally different set of individuals. This procedure upwardly biases the estimated tax expenditure for two reasons.

The first is that current workers will have higher real earnings levels over their lifetime than current beneficiaries.

The second is that the pension system in this country is not yet mature.

EBRI's prior research has shown a strong relationship between a pension plan age and the number of beneficiaries it pays relative to current workers covered by the plan. As the system matures, the ratio of workers to beneficiaries will markedly decline, much as the ratio of workers to beneficiaries in the Social Security program declined during the 1950s and 1960s. The ratio will decline not because of fewer covered workers, but because of more beneficiaries. The relatively small number of beneficiaries today, however, results in significant overestimates of retirement program tax expenditures.

UNEXPLAINED VARIATIONS IN THE ESTIMATES

From a more practical policy analysis perspective, the estimates are further flawed because of the totally unexplained variations in estimates from year to year.

The 1981 Budget estimate of this particular tax expenditure for fiscal year 1981 was $14.7 billion. The 1982 Budget estimated the 1981 fiscal year tax expenditure for the identical category of plans at $23.6 billion—a 60 percent increase. The estimated fiscal 1982 tax expenditure was 75.7 percent higher in the 1984 Budget than in the 1983 Budget. The projected growth in this category of tax expenditure during fiscal 1983 was 254.8 percent higher in the 1984 Budget than in the prior budget's estimate. None of the Budget materials or other public documents explain the revised estimates.

INCONSISTENCIES IN IRA TAX EXPENDITURE ESTIMATES

The budget does not include separate estimates of the "tax expenditures" that are attributable to IRAs. The IRA related tax expenditures are embedded in a broader category of retirement "plans for self-employed and others." One might have expected significant increases in the tax expenditure estimates between the 1982 and 1983 Budgets, in particular, because of the passage of ERTA which roughly doubled IRA eligibility for 1982. Yet this 1982 tax expenditure estimate only increased by 11 percent between the two annual Budgets.

EBRI released updated IRA data on November 19, 1982 showing that IRA contributions during fiscal 1982 had to have been at least $21 billion. A more recent update indicated that IRA balances by the end of the 1982 tax year had reached $80 billion. That means that within the 1982 tax year new IRA contributions equaled at least $50 billion. The Treasury Department uses an average marginal tax rate of approximately 30 percent to estimate the pension tax expenditures and slightly lower rates to estimate the IRA related expenditures. Assuming a rate of 28 percent would yield an IRA tax expenditure for the 1982 tax year of at least $14 billion; at least three times the Treasury estimate.

OTHER INCONSISTENCIES

The abstract concept of tax expenditures has been applied to private pensions for some years now. The application of the concept has not recognized that the implementation of ERISA's minimum funding standards has escalated private employer's contribution rates in many instances. The more rapid funding of pension obligations in compliance with federal law has contributed to the growth in the tax expenditure estimates. By enhancing the "Retirement Income Security," provided by pensions, the primary goal of ERISA, tax treatment is now being questioned because the resulting increase in tax expenditures heightens political pressure to reduce contribution levels.

The tax expenditure concept is now being applied to state and local and federal civilian plans as well. The military retirement program is not included. Why isn't the military retirement program included? One reason is that the military retirement program is totally unfunded with outstanding unfunded liabilities at the end of fiscal 1981 of $476.9 billion. Under the computation method used to estimate them no tax expenditure arises in this case. There is no contribution to or interest paid to a trust fund since none exists. The benefits paid are all taxable since the program is noncontributory. Were private pensions similarly "pay-as-you-go," they would also produce no "tax expenditure."

[1] Special Analyses Budget of the United States Government Fiscal Year, 1981 (Washington, D.C.: Office of Management and Budget, 1980) p. 207.

The Civil Service plan is also largely financed on a pay-as-you-go basis. If these two retirement plans had met their normal cost contribution plus the 40 year annual amortization schedule stipulated in ERISA as the minimum funding requirement for private plans established before 1974, the total employer contribution to these two plans would have been $89.2 billion during fiscal 1981.[2] This is 48.5 percent more than the total employer contribution going to all private plans in 1981. In other words, only one-fifth ($18.2 billion) of the federal contribution that would be required of private plans under ERISA is considered in the tax expenditure estimates when the Treasury Department estimates these for federal plans.

To make estimates of tax expenditures consistent, the federal plans' tax expenditure estimates should be generated on a basis consistent with those used to estimate the private plan number.

Because of the significant differences in plans across the various sectors and the role of government sponsorship or regulation, the tax expenditure estimates should be presented separately for federal, state and local, and private plans.

RELATIONSHIP TO OTHER TAX EXPENDITURE CATEGORIES

Each of the tax expenditures is calculated on an item by item basis at the margin. That is, each is calculated as though all other exceptions are part of the normal structure for purposes of deriving the estimate. This ignores the extent to which one "exception" might be magnified because of the existence of others.

For example, consider the case of a 66-year-old single man who received $8,400 in Social Security benefits during 1982 and an additional $8,400 in pension benefits. Assume there was no other income received and no special deductions considered for calculating tax liability. This person would have adjusted gross income of $8,400 under current law. He would be eligible for a double exemption since he was over age 65 and so his taxable income would be $6,400. Schedule X of 1982 Federal Income Tax Tables indicates a tax liability of $592.

Assume as an alternative, that this man had not enjoyed the double exemptions for being over age 65 or the nontaxability of Social Security benefits. These two provisions of the tax law are considered to be "exceptions to the normal structure" because tax expenditures are calculated for them as well. The Treasury analysts use the actual $592 in taxes paid on current benefits to estimate pension tax expenditures. However, if these other two "exceptions to the normal structure" of taxes did not exist then the man's 1982 tax liability would be $2,546.

It is clear that other "exceptions to the normal structure" give rise to large portions of tax expenditures attributed to pensions because they drastically lower marginal tax rates for the elderly.

The utility of the pension tax expenditures estimate then is extremely limited unless considered in the broader context of other tax provisions. Yet virtually no analysis of this kind is now available.

[2] This is based on actuarial reports on the Civil Service Retirement System and military retirement program filed with the United States Congress in compliance with Public law 95-595 for fiscal year 1981.

CONCLUSIONS

Many observers of pension programs point to the tax expenditure numbers as a basis for significant tax policy and pension reform. These persons have not undertaken a thorough review of the numbers that are published in the Budget each year. They have not considered the structure of other tax code provisions that affect the estimates. They have not considered the life cycle structure of earnings, benefit accruals and marginal tax rates that provide a radically different distribution of the tax expenditures than the more generally used cross sectional analyses. They have totally ignored the inconsistencies in the actual calculation of these estimates, to say nothing of the significant methodological deficiencies in the calculation procedure.

Until the Treasury Department is willing to spell out in detail the derivation and numerical basis of these estimates they should be treated as nothing more than idle musings or random numbers. To seriously base any policy deliberation or decision on totally unsubstantiated, but clearly flawed numbers may result in the implementation of undesirable policies.●

DIALOG ON AIRBAGS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. PORTER. Mr. Speaker, the Supreme Court recently ruled in Motor Vehicle Manufacturers Association of United States against State Farm Mutual Automobile Insurance Co., that the National Traffic Safety Administration's (NHTSA) decision to overturn the automatic crash protection standard was "arbitrary and capricious." The matter has now been remanded to the Department of Transportation for further consideration.

On July 5, 1983, the Chicago Tribune printed an editorial commenting on the Court's decision and criticizing this important auto-safety regulation. Donald L. Schaffer, senior vice president, secretary, and general counsel of Allstate Insurance Co., prepared a very thoughtful response which the Tribune also printed.

The Appropriations Committee, on which I serve, considered the automatic-crash-protection issue in connection with the fiscal year 1984 transportation appropriations bill and provided additional money for a Government test fleet of airbag equipped cars. In the report which accompanied this bill, H.R. 3329, the Appropriations Committee urged NHTSA to encourage a private fleet purchase of airbag vehicles and directed the agency to submit a report early next year to the committee on the reliability, cost, and public attitudes regarding airbags, as well as information about technological improvements to lower costs.

I hope that NHTSA will move expeditiously on these matters so that automatic crash protection—airbags and automatic safety belts—can be made easily available to the American public at an early date. This action would go a long way toward solving what has become one of America's most serious public health problems—automobile death and injury.

I am offering for my colleagues' information the editorial and Mr. Schaffer's response.

[The articles follow:]

[Editoral from the Chicago Tribune, July 5, 1983]

A PUNCH IN THE NOSE

The Supreme Court's unanimous decision overturning the Reagan administration decision against requiring airbags and automatic seatbelts in new cars came as a surprise. It is being taken as an indication that the court may be cool on deregulation. In fact, it simply reflects a careful reading of a law passed by Congress.

The airbag, a bloated bubble that is supposed to come up from under the dashboard and smack you safely back into your seat in case of a crash, has become a symbol of onerous safety requirements forced upon consumers whether they want them or not. Why should all purchasers of cars be required to pay for expensive items that are designed to outwit those drivers who insist on not using their seatbelts?

But this was not the issue before the court. The law under which the airbag regulation was first proposed gave the Department of Transportation the power to require safety devices if they meet certain tests of feasibility and effectiveness. The evidence supporting the original regulation met these tests. In order to repeal it, the department had to show that its original judgment had been erroneous. The Supreme Court simply said that the Reagan administration had failed to produce such evidence.

If there is a problem, then, it is in the wording of the law or in the presentation made by the Department of Transportation justifying rescission. If you don't like the idea of an airbag waiting under your dash to punch you in the nose or prefer to trust yourself to buckle your seatbelt rather than pay for an expensive device to take the matter out of your own hands, don't direct your anger at the court. Push for a change in the law or hope the Transportation Department makes a better factual case supporting deregulation than it did the first time around.

[From the Chicago Tribune, Aug. 16, 1983]

CLEARING THE AIR ABOUT AIR BAGS

(By Donald L. Schaffer)

The use of technology to save lives and prevent injuries in automobile crashes is again in the news. The recent unanimous decision of the U.S. Supreme Court holding that the Department of Transportation illegally and improperly rescinded the automatic crash protection rules has focused attention on this issue. The rescinded rule would have required automobile manufacturers to make available to the public a choice of air bags or automatic belts. The court sent the matter back to the department for reconsideration.

If all automobiles were equipped with such automatic restraints as air bags we could save around 10,000 lives annually and prevent hundreds of thousands of injuries.

Insurance companies are especially interested in this issue, and Allstate Insurance Co. has been a leader in testing and verifying the effectiveness of air bags in saving lives and preventing injuries. Allstate has operated the largest private fleet of air bag equipped cars from 1972 to the present. These included 1972 Mercurys, 1973 Chevrolets, 1974-5-6 Oldsmobiles and 1975 Volvos. I and many other Allstate employees drove these cars. The fleet traveled tens of millions of miles in all geographic areas of the country and under all climatic conditions. The air bags performed perfectly—there was never an inadvertent inflation and several employees were involved in crashes in which the air bag protected them from death or serious injury. I, myself, was involved in an air bag crash—the system performed perfectly and I escaped injury. But none are presently being manufactured, and Allstate cannot replace its air bag fleet nor can I purchase an air bag car [although Mercedes sells air bag cars in Europe].

The air bag protects all front seat passengers in front and front angle crashes and does so much more effectively and at much higher speeds than any present belt system. It also furnishes facial protection [which no belt can do], which is the reason Mercedes thinks an air bag is important even for those who use seat belts.

In its most recent editorial against the air bag, The Tribune concluded by saying Congress should legislate against the Supreme Court decision and give the auto companies a chance to promote their own safety ideas. In fact the automobile industry has refused to do so and the Supreme Court used that failure as a reason for their decision saying, "Indeed, the Motor Vehicle Safety Act was necessary because the industry was not sufficiently responsive to safety concerns." If automobile manufacturers had air bags available as a reasonable cost option, there would be no need for such a regulation. But they have refused this course and opposed any attempts to require optional availability.

The Supreme Court went on to say: "The automobile industry has opted for the passive belt over the air bag, but surely it is not enough that the regulated industry has eschewed a given safety device. For nearly a decade, the automobile industry waged the regulatory equivalent of war against the air bag and lost—the inflatable restraint was proven sufficiently effective."

In its editorial, The Tribune called the air bag the "bloated bubble" that "punches you in the nose." Having been involved in a crash in which I was cushioned and protected by the air bag, I think of it in much more affectionate terms. I also feel the public is entitled to be informed of its effectiveness and reliability.

Virtually the entire automobile insurance business supports air bag availability as standard equipment. Mercedes describes their work since 1970 with the air bag as follows: "In total over 25,000,000 Deutchmarks have been invested [by Mercedes] in this additional safety innovation. It has now been thoroughly tested and proven—over 50 million kilometers with no malfunctions." The medical profession through the American Society of Pediatricians, the American Trauma Society, the Public Health Association, Physicians for Emergency Medicine, the American Nurses Association, the Epilepsy Foundation, and many other medical organizations have for many years supported air bags as standard equipment. So have the National Association of Insurance Commissioners and the International Association of Chiefs of Police as well as Mothers Against Drunk Driving [MADD].

Three United States court of appeals decisions and the recent Supreme Court case have all validated the reliability and effectiveness of the air bag.

Recent testimony by air bag suppliers pegged the cost for a full front-seat air bag system at $185 including a liberal allowance for manufacturer's profit and dealer's markup if produced in volume and marketed aggressively. Less than a vinyl roof.

This is not a philosophic but rather a technological issue. The technology is available to save 10,000 lives annually and prevent hundreds of thousands of injuries. Air bags are effective and cost beneficial. They should be available as standard equipment on all automobiles.●

THE CASE FOR THE CLINCH RIVER BREEDER REACTOR

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mrs. LLOYD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Philadelphia Inquirer, Aug. 22, 1983]

THE CASE FOR THE CLINCH RIVER BREEDER REACTOR

(By Bernard L. Cohen)

What technology can provide all the energy mankind will ever need? Most people would say solar energy, but there is another answer that has many advantages—the breeder reactor. Even if the long range cost reduction goals for solar energy, established by the Carter Administration, are eventually achieved, solar electricity will be much more expensive than that from the breeder. But those goals are based on solar being used as a supplement, like powering air conditioners on sunny Summer afternoons. If solar were required to provide *all* of our electricity even during long Winter cloudy periods, it would be five times more expensive.

As with solar energy, fuel prices or scarcity can never be a problem with the breeder. The present price of its raw fuel corresponds to gasoline selling at 40 gallons for a penny, and it can never rise above the equivalent of 1¢ per gallon even if breeders were to provide all of mankind's energy for the remaining 5 billion years that the Earth will be inhabitable.

There is a widespread impression that breeder reactors may have safety and environmental problems, but most scientific studies (e.g. Dept. of Energy's Health and Environmental Risk Assessment Program) have concluded that their health and environmental impacts are much milder than those of solar energy when construction and material acquisition are included.

Because of these impressive advantages, breeder reactors are being rapidly developed all over the world. France, Britain, Russia, and Germany are well ahead of us in this endeavor, and Japan is now passing us. If we drop out of the race now, we will have to buy our breeders from them just as they now must buy our commercial airliners.

The principal argument against the U.S. breeder is that present type reactors can produce electricity at 25 percent lower cost, and this situation may last for another 50 years or so before our rich uranium ores are exhausted. This gives us a 50 year grace period that other countries don't have. But we can't be sure of our uranium resources; they may be much less and a breeder program provides insurance against that possibility. If we have a 50 year grace period, why not use it to develop the technology slowly and carefully, working out the problems and improving the efficiency before many commercial plants are needed? The U.S. program has built up a great deal of momentum, involving thousands of scientists and engineers with up to 30 years of specialized experience. The Clinch River Breeder Reactor (CRBR), the next step in our development program, has already purchased $750 million worth of components, and spent a similar amount on design and engineering. Completing it will cost the U.S. Government only about $1 billion more than cancelling it now. When completed, it will produce $5-10 billion worth of electricity, but more importantly, it will contribute mightily to research and development of breeder technology. There is even some chance that this R&D will reduce the cost of breeders to below that of present reactors, in which case they should be commercialized immediately.

CRBR has been called obsolete and a technological "turkey" because France, Britain, and USSR already have experimental breeders the size of CRBR. Why not "leap frog" to a commercial size, three times larger? All of these reactors are for R&D, which is much cheaper on a CRBR size reactor. CRBR uses the "loop" design which is a radical departure from the "pool" design of the others. It will be the first to use a heterogeneous core, and it incorporates a long list of other novel features to be tested. Japan and Germany are also now starting to build reactors in this size range.

Since breeder reactors use plutonium, they are sometimes viewed as presenting a risk of proliferating nuclear weapons. But that is an international problem and, with many nations now committed to breeder development, our participation would do little to aggravate it. In fact only by participating can we gain an influential voice in developing the political arrangements that provide our best mechanism for avoiding nuclear weapons proliferation.

Myths have been widely circulated about dangers from the toxicity of plutonium, but their origin is politics rather than science. All estimates in the scientific literature [e.g. *Health Physics* 32,359 (1977)] agree that the toxic effects of the plutonium released from a full breeder reactor industry would be a *million times* less harmful to our health than the present air polution from coal burning.

Breeder reactors are the only known technology that can produce all the energy man will ever need at somewhere close to present prices. They essentially eliminate mining for fuels, one of our most hazardous and unhealthy occupations. They are clean and safe, and as with present reactors, provide a solution to our air pollution and acid rain problems. They also stop the worrisome carbon dioxide build-up in the atmosphere from burning coal, oil, and gas. Not burning up the latter leaves them available for making plastics, organic chemicals, and medicines, much more appropriate uses. Breeders burn up the wastes of present reactors, converting them into energy, thereby contributing a great deal to the solution

of that waste problem. With reasonably priced energy it is straight-forward to develop substitutes for any materials that may become scarce in the future, so they solve those problems too.

In a nut shell, breeder reactors are the key to a bright and abundant future for mankind. People living thousands, millions, or even billions of years from now may well remember and honor our generation for this wonderful contribution.●

PROTECTIONISM: A CALL TO CHAOS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. DANNEMEYER. Mr. Speaker, the issue of protectionism is one which will again confront the Congress should H.R. 1234, the domestic content legislation, be scheduled for floor consideration after the jurisdiction of the Committee on Ways and Means expires no later than September 26, 1983. Unfortunately, domestic content is but the tip of a possible protectionist iceberg that is floating aimlessly in the ocean of the economy. If we succumb to the demands of one industry, in this case the auto sector, we will be hard pressed to resist the claims of others.

In the August 1983 issue of Reader's Digest, nationally syndicated columnists Rowland Evans and Robert Novak look at the rise in protectionist sentiment and what it means for our economy and national security. In their article, "Protectionism: A Call to Chaos", the authors state:

But the most serious menace posed by the return of protectionism is not so much a rising cost of living as it is the increased potential for an outbreak of commercial war between nations. By blocking the arteries of trade, protectionism actually deepens the economic slump it is supposed to end. With bellicose nationalism stimulated dangerously, countries retaliate one against the other in an escalating cycle of trade restrictions. That leads to a breakdown in international order (as it did in the 1930's), which can mean a shooting war.

Mr. Speaker, given the gravity and importance of this issue, I would like to insert the full text of the Evans and Novak article at this point in the RECORD. They outline the case against protectionism in a succinct and effective manner.

PROTECTION: A CALL TO CHAOS

(By Rowland Evans and Robert Novak)

From all sides—labor, industry, Congress—come angry cries for restrictions on imports.

These cries must be resisted, for history clearly shows that protection inevitably produces higher prices—and economic disaster for all.

In Peoria, Ill., the president of United Auto Workers Local 974 complains that 7000 of his members have been laid off at the Caterpillar Tractor plants there. The only "solution," he says, is stringent federal legislation limiting imports. "We can't compete with slave labor."

In Texas, where beef and citrus farmers are irked over Japanese trade barriers against their products, former Republican Gov. William P. Clements threatened "special" licensing requirements for Japanese cars.

Across the United States, an angry protectionist mood has grown to encompass organized labor, Democratic Party leaders, captains of industry, "populists" of the New Right and, increasingly, ordinary Americans. "Looking at it for seven or eight years," says pollster Patrick Caddell, "you can see a steady movement away from free trade."

Spawned by the global economic slump, the outbreak of protectionism is symbolized by UAW efforts to require a high percentage of any new automobile sold in America to be made here (a "domestic content" bill actually passed the House in 1982). But the demand for protection is not limited to autos:

The U.S. steel industry has called on the government to force a one-third cutback in Japanese steel imports.

The Senate passed a resolution calling for a tax penalty on companies purchasing certain kinds of machine tools from Japan. (President Reagan rejected the demand.)

A 1982 quota on sugar imports added $600 million a year to the estimated $2 billion American consumers were already spending to protect domestic sugar growers.

Indeed, it is the consumer who pays for it when government interferes to protect domestic industries and their workers from foreign competition. Consider the 1977 agreement in which South Korea and Taiwan bowed to Washington's pressure and limited their shoe exports to the United States. Over the next four years $23 million in additional wages was paid to U.S. shoe workers—while Americans in general paid more than $1 billion in higher shoe prices.

A U.S. tariff on clothing imports cost consumers more than $5 billion and resulted in only $213 million in wages to textile workers. A tariff on citizens-band radios saved $60,000 in U.S. wages from 1979 through 1981—at a cost to the buying public of $114 million.

But the most serious menace posed by the return of protectionism is not so much a rising cost of living as it is the increased potential for an outbreak of commercial war between nations. By blocking the arteries of trade, protectionism actually deepens the economic slump it is supposed to end. With bellicose nationalism stimulated dangerously, countries retaliate one against the other in an escalating cycle of trade restrictions. That leads to a breakdown in international order (as it did in the 1930s), which can mean a shooting war.

In seeking to turn back the protectionist tide, President Reagan often recalls the 1930 passage by Congress of the Smoot-Hawley Tariff Act, a major contributing factor of the Great Depression, "The world must never live through such a nightmare again," says Reagan. "We're in the same boat with our trading partners. If one partner shoots a hole in the boat, does it make sense for the other one to shoot another hole in the boat? Some say yes, and call that getting tough. Well, I call it stupid."

ADJUSTMENT PAINS

Signs of economic recovery last winter stirred hopes that the protectionist dragon would be caged before it rampaged. But economic recovery alone will not tame the beast.

U.S. trade deficits have been climbing since the end of fixed exchange rates between international currencies a decade ago. Since then we've vacillated between two courses: a "strong" dollar in relation to other currencies—as presently exists—that makes foreign imports relatively cheap and our own exports relatively expensive; or a "weak" dollar that has the opposite effect. Devaluing the currently strong dollar is one way to overcome our trade woes. But it would invite certain retaliation and only further roil the international economy.

Adding impetus to the protectionist surge is the now irreversible U.S. shift from "smokestack" to "high-tech" industry. Reducing the weight of an auto from 3700 pounds to 2700 pounds means using less steel. Miniaturization of the computer reduces the need for materials and energy. "These are fundamental changes," says U.S. Trade Representative William Brock, "and no amount of protectionism is going to change that. Those industries are going to have to adjust to survive."

Part of the adjustment requires trimming bloated wage rates, wages that help make our products—particularly cars and steel—uncompetitive in the world market. that is precisely why the U.S. trade-union movement, traditionally pro-free trade, has become the vanguard of protectionism.

UNFAIR COMPETITION?

Underlying this mood is the passion inspired by the imports of one country: Japan. In playing the "Japanese card," U.S. politicians talk about an ally in language usually reserved for enemies. Rep. John D, Dingell (D., Mich.) refers to "the little yellow people." Rep. Donald J. Pease (D., Ohio) asserts that "while Japanese cars invade our highways, American workers pay for the defense of Japan." Former Vice President Walter F. Mondale warns that our kids may end up "sweeping up around Japanese computers and serving fast-food hamburgers" the rest of their lives.

Behind the overheated rhetoric is last year's $16.8-billion trade deficit with Japan—larger than our $15-billion deficit with all the rest of the world. Tokyo's trade policies infuriate would-be American exporters. For instance, aluminum baseball bats exported to Japan were subjected to extensive dock-side "safety examinations." Similar testing for "standards" is said by U.S. producers to block exports of pharmaceuticals and medical and dental equipment. In May the Japanese Diet did enact legislation desired by the United States that eases some of these restrictions. Tariffs and quotas also restrict trade in products where the United States has a definite competitive advantage: beef, cigarettes, citrus products, lumber and leather.

But the aspect of Japanese trade policy that most angers free traders is its protection of new industries from foreign competition until they are ready for the export market—a technique now being applied to advanced computers, telecommunications, aircraft and biotechnology. Indeed, Japan's insistence on "domestic content"—that is, a large share built by Japanese workers—in military aircraft purchased from American manufacturers is cited by the UAW as justification for its own domestic-content legislation for autos.

RAISING THE PRICE

The Japanese share of the U.S. auto market rose from 11 percent to 21 percent

between 1978 and 1982, while the American share was dropping from 85 percent to 75. Whatever the UAW says, so dramatic a change in U.S. consumer preference cannot be written off as a result of unfair competition from "slave labor."

Far from it. Consumer surveys show that we buy Japanese cars for two main reasons: reliability and economy of operation. Sixty-six percent of owners of Japanese cars in America report trouble-free operation, compared with 42 percent for U.S.-produced cars. Sixty-two percent of U.S. drivers rate their Japanese cars as "excellent" or "very good" in fuel economy, compared with 14 percent for U.S. models.

To reverse this massive preference for the foreign product, the Reagan Administration in its early months bowed to intense lobbying from the U.S. auto industry and negotiated a "voluntary" two-year limitation on Japanese imports. Asserting that he was "uncomfortable" with this voluntary program, Brock nevertheless went to Tokyo last February to discuss a two-year extension. Any long-term extension, he suggests, "will become counterproductive" by hiding defects in the American automobile industry. Unsatisfied, the UAW launched its aggressive domestic content campaign to cut vehicle imports by 1.15 million a year.

What would a UAW victory mean? According to government studies, such legislation would add $333 to the price of each new car. Or put another way: the estimated 100,000 new jobs created here by the cut in Japanese imports could cost American consumers some $4.8 billion annually. In effect, all American workers, deprived of lower-priced foreign competition, would be subsidizing the fat paychecks negotiated over the years by the UAW. (Auto workers earn an average of $25,000 a year, plus substantial fringes; the average U.S. industrial worker gets $16,500.) Nor do those 100,000 new jobs come without job loss elsewhere. Opponents assert that domestic content legislation would close 2,000 foreign-car dealerships, ending 65,000 jobs and endangering another 11,000 jobs in U.S. ports.

Perhaps the most eloquent argument against the domestic-content bill was expressed by Joseph E. Coberly, Jr., a California Chevrolet dealer. "If the Japanese can produce good cars for less cost than we can, they should," he told Congress. "It does no one any good to force consumers to pay more for cars than necessary and to keep Americans in inefficient jobs. If consumers could buy cheaper cars, the money saved would be spent on other products or perhaps on whole new industries that produce things we can make more cheaply than the Japanese do."

FUTURE TRACK

What are the practical alternatives to protectionism? The clearest need is for an economic policy geared to growth—which means holding the line against new tax increases. Equally obvious is the need for continued negotiations with Japan on mutually freer trade, a prospect improved by the accession of Prime Minister Yasuhiro Nakasone last November.

In addition, these five difficult steps should be taken to avert world economic chaos:

Foremost, international monetary reform that would re-establish fixed relationships between national currencies.

Reduced unit costs in American heavy industry—especially in autos—through revised wage scales and work rules.

Renewed efforts to improve productivity to achieve a more competitive international position.

Revision of antitrust statutes to permit U.S. companies—especially auto companies—to engage in joint ventures. Such ventures could cut engineering and manufacturing costs and improve our competitive footing in world markets.

Job retraining, with private employers training displaced workers for jobs that do or will exist rather than government training for nonexistent positions.

Such a program lacks the political appeal of protectionism, but it manages to skirt the latter's dangerous consequences. "The motive of all these [protectionist] regulations," Adam Smith wrote in *The Wealth of Nations*, "is to extend our own manufactures, not by their own improvements but by the depression of those of all our neighbors." The United States must strive to solve its own industrial problems without shooting additional holes in the worldwide economy—and drowning us all.●

THE MYTH OF MITI

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SHUMWAY. Mr. Speaker, a common thread running through much of the current debate about industrial policy is the belief that Japan's dramatic economic success can be traced to the widespread and explicit involvement of the Japanese Government in the country's economy. It is often argued that in its ability, largely through MITI, to centrally plan and coordinate business activity, to subsidize and protect industrial sectors and individual companies deemed important to economic growth, and to identify favorable new areas where global market share can be achieved lies the key to Japan's dynamic growth, competitiveness, and hopes for continued prosperity.

Advocates of this view are generally among those calling most forcefully for the adoption of an explicit industrial policy in the United States. While relatively few recommend that the Federal Government should be in the business of picking specific winners and losers, industrial policy proponents generally believe that the problems of the perceived decline in U.S. industrial competitiveness, of our "smokestack" sector, and of the various dislocations caused by a changing economy can best be solved by greater government intervention in our economy—a la Japan. Typical suggestions include the creation of some sort of government-business-labor coordinating council to study and recommend solutions for economic and industrial problems, and a national development bank to channel credit to targeted companies and sectors.

Aside from the obvious fact that the Federal Government is probably the least likely entity one would choose to make microeconomic decisions, the grandiose vision of industrial policy advocates suffers from a basic flaw: The fact that the common view of the Japanese experience is the result of fundamental misinterpretation.

In an incisive article which recently appeared in Fortune, David Henderson shows clearly that "the idea that central planning is responsible for Japan's success is a myth." Henderson goes on to point out that "the real explanation for the Japanese economic miracle is the country's laissez-faire policies on taxes, antitrust, banking, and labor. Japan teaches a lesson, not about the value of economic planning, but about the vitality of the free market."

It is this lesson which is not yet fully understood by many who speak favorably of industrial policy, whether in the context of Japan or the United States. The industrial policy debate will have served a valuable purpose, however, if it leads to a recognition of the fact that when government attempts to intervene in the economy, it often makes things worse—and that, if the Japanese "miracle" is to occur in the United States, the proper role for government is to create an economic climate in which business can flourish.

The full text of Mr. Henderson's article follows:

[From Fortune Magazine, Aug. 8, 1983]

THE MYTH OF MITI

(By David R. Henderson)

Early in the 1950s, a small consumer-electronics company in Japan asked the Japanese government for permission to buy transistor-manufacturing rights from Western Electric. Permission was necessary because at the time foreign exchange was controlled by the tax and trade ministries. The Ministry of International Trade and Industry refused, arguing that the technology wasn't impressive enough to justify the expenditure. Two years later the company persuaded MITI to reverse its decision and went on to fame and fortune with the transistor radio. Its name: Sony.

In the mid-1950s MITI exhorted a Japanese industry to develop a prototype "people's" model of its product so MITI could designate the winning firm as the single producer. In the 1960s MITI tried to force this industry's many firms to merge into just a few. Both times the companies rebuffed MITI, and today they're doing very well, thank you. Their product: autos.

In his favorable review of Chalmers Johnson's *MITI and the Japanese Miracle*, Robert Lubar, a member of FORTUNE's board of editors, accepted Johnson's view that Japan's postwar success is largely due to MITI's central planning (Books and Ideas, September 6, 1982). Many American business executives and politicians go further, urging the U.S. government to follow the example of "Japan Inc." and subsidize industries it thinks will succeed. They are wrong. The idea that central planning is responsible for Japan's success is a myth. MITI has made no contribution to many of Japan's biggest industrial successes. What's more, it isn't that powerful. The real explanation for the Japanese economic miracle is

the country's laissez-faire policies on taxes, antitrust, banking, and labor. Japan teaches a lesson not about the value of economic planning, but about the vitality of the free market.

American businessmen may believe that Japan's government was responsible for the Japanese steel industry's growth. In fact, according to the U.S. Federal Trade Commission, the subsidy to Japanese steelmakers averaged a paltry 46 cents per metric ton from 1951 to 1975.

The U.S. semiconductor industry credits central planning for Japan's recent strides in producing 64K RAM computer memory chips. But an industry trade association recently reported that Japan's fastest-growing 64K producer, Oki Electric, was not part of MITI's R&D project. Moreover, Oki was the first Japanese manufacturer to test the state-of-the-art 256K chip.

Central planning, according to Philip Trezise, a Japan expert at the Brookings Institution, simply isn't as important in Japan as Western observers think. MITI sets growth targets, advises firms how to reach them, and lobbies for its policy views within the government; its direct power to allocate resources is small. The Japanese central government does invest heavily in local government, railways, highways, and housing. But during the 1970s net lending by the Japan Development Bank—the government's main channel of industrial-development investment—was only 1% of private nonhousing capital formation.

If not central planning, what does account for Japan's phenomenal performance? Part of the explanation unquestionably is Japanese culture, which encourages, among other things, hard work and thrift. But government policies are also important—and contrary to the conventional wisdom, Japan's successful economic policies are not the ones that try to direct resources but those that encourage individual initiative.

Probably the most important source of Japanese growth is low taxes. From 1951 to 1970, Japan's real gross national product grew at an average of 9% per year. At the same time, total national and local taxes (excluding social security) fell from 22.4% of national income to 18.9%. Compare that with the U.S., where the proportion rose from 28.5% to 31.3%. As high growth and inflation swelled tax receipts throughout the Fifties and Sixties, the Japanese government reduced rates and increased deductions. Individual income tax exemptions increased in all but three years between 1954 and 1974. During that same period, individual tax rates fell 11 times and rose once, while corporate tax rates fell six times and increased twice.

Low taxes haven't been the only reason for Japan's growth. But it is no coincidence that Japan's two decades of greatest postwar growth were also its decades of lowest taxes—and that during the 1970s, as Japan's taxes rose to 22.8% of national income in 1980, real GNP growth declined to only 4.8%. Higher taxes weren't the only reason for this deteriorating performance, of course; oil price increases also contributed.

Another important factor in Japan's success is its high savings rate. In 1980 savings in Japan were 19.4% of personal income, more than three times the American proportion. This high savings rate leads to a high rate of capital formation, spurring economic growth. According to a 1976 Brookings study by economists Edward Denison and William Chung, almost a quarter of Japan's growth between 1953 and 1971 was due to increases in the amount of capital.

What causes the high savings rate? Here again, culture is partly responsible. But so is the design of the tax system. Since the early 1950s, savers in Japan have been allowed to exempt large amounts of interest income from taxation. In 1981, for example, a taxpayer who saved part of his wages through an employer-run savings plan paid no taxes on interest on the first $22,600. Also, interest on the first $13,600 in a postal savings account—in Japan the post office offers a limited range of financial services—is tax-free. Those without qualms about lawbreaking could theoretically hold one such account at each post office—there are more than 20,000—because postal savings officials tolerate multiple accounts. In fact, according to a study by the Hudson Institute, a think tank founded by the late Herman Kahn, there are twice as many postal savings accounts in Japan as there are people.

Other features of the Japanese tax system encourage growth. The maximum tax rate on dividends is 35 percent, vs. 50 percent in the U.S. Capital gains from the sale of securities are untaxed. Low inheritance and gift taxes allow wealthy Japanese to transfer most of their wealth to their heirs. In 1970, for example, the inheritance tax rate on estates valued at over 100 million yen (about $280,000 at the time) was only 38.8 percent. The real tax burden was actually lower because the Japanese tax code greatly undervalues land and closely held businesses. The tax system also encourages investment, with its favorable treatment of Japanese firm's lump-sum retirement payments to employees. In 1981 a worker retiring after 30 years paid no tax on the first $45,000 of his payment. As a result, employees accept lower wages in return for tax-free retirement payments, and companies can invest the funds that would otherwise have been spent on taxable wages. Again, these pro-growth policies have nothing to do with central planning.

Another source of economic growth in Japan is the absence of antitrust restrictions on joint R&D, which allows Japanese companies to avoid duplicating each other's research. American proponents of "industrial policy," who want the U.S. government to choose industrial winners, often laud this policy. However, many seem unaware that the absence of such barriers means hands-off government, the opposite of the central planning they advocate. One who is not unaware is Lester Thurow, a liberal economist at MIT who credits Japan's permissiveness on joint R&D for some of that country's growth.

As for the danger that firms engaging in joint R&D could restrict growth by monopolizing their market, Thurow says this is unlikely "in any industry where imports are possible." For Thurow, "the most effective antitrust law is free trade." And contrary to popular belief, Japan's legal trade barriers on manufactured goods are relatively low. In 1979 Japan's average tariff on industrial production was only 3%, compared with 6% for both the U.S. and the European Community. And according to economist William Cline of the Institute for International Economics, a Washington think tank, Japan's overt nontariff barriers—such as import quotas—are as low as, or even lower than, those of the U.S. Cline, an expert on international trade says that while Japan has hidden nontariff trade barriers (such as unofficial jawboning to hold down imports), he is unaware of any evidence that these are higher than the hidden barriers of the U.S.

Another factor in Japan's growth is the absence of any law that, like our Glass-Steagall Act, prohibits banks from owning stock. Banks own much of the stock in Japanese companies, and many bank officers sit on company boards. This, according to William Ouchi, author of "Theory Z: How American Business Can Meet the Japanese Challenge," is a better discipline on managers than a takeover threat. Professor Ouchi claims that Japanese bankers providing capital to companies are often intimately familiar with the companies and thus have the knowledge and power to replace managers who fail to seek the long-run profitability that is in the banks' interest. Moreover, banks in Japan, able to take equity positions in companies, are a source of venture capital.

A further advantage of allowing banks to own stock is that a bank confident of a company's future can back it when creditors get scared. Later, if the company performs well, the bank profits from its equity position. That happened in the case of Toyo Kogyo, the Japanese company that makes Mazda autos. When the 1974 oil price increase made its fuel-inefficient Wankel engine uncompetitive, Toyo Kogyo almost went under. Sumitomo Bank, a large stockholder, assured Toyo Kogyo's creditors and suppliers that it stood behind the firm. Toyo Kogyo, thriving today, might not exist if Japanese law had prevented banks from owning stock in other companies.

Low unemployment rates also contributed to Japan's success. Japan has both lower and less volatile unemployment rates than those in the U.S., not because of government fine-tuning, but because of wage flexibility. Much of workers' pay is in bonuses, which are cut during downturns. As a result, Ouchi claims, an employee's hourly pay in Japan falls by up to 40% in a recession. Japanese wages, according to Robert Gordon, an economist at Northwestern University, vary three times as much over a business cycle as do U.S. wages. Japanese job categories are also flexible, making it easier for managers to respond to changes in relative demand by transferring workers from one production line to another in a downturn.

Why do Japanese unions allow a degree of flexibility that would be anathema to American unions? The reason: they are organized companywide rather than industrywide. Because national unions in Japan rarely control locals' policies, a single industry contains several different "enterprise unions," as they are called, and these unions compete with one another. Workers will moderate wage demands rather than jeopardize their firm's market share. Also, having only one union in each firm makes job reassignments easier.

Talk of industrial policy, a euphemism for central planning, is all around us. Prominent businessmen like David Mahoney of Norton Simon, intellectuals like Robert Reich, and politicians like Walter Mondale embrace it. Their Exhibit A is Japan. But they are missing the point. Japan's economy succeeds because its government allows freedom for individual initiative. That is the true lesson of the Japanese miracle.●

LEWIS LAUDS OPTIMISM OF FLORIDA 12TH DISTRICT RESIDENTS

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LEWIS of Florida. Mr. Speaker, the optimistic and wide-ranging responses of 30,542 residents in the 12th District of Florida to my 1983 congressional questionnaire were very enlightening.

I was overwhelmed by the optimistic and thoughtful expressions of so many people in the 12th District. It was encouraging to read response after response reflecting a firm belief that economic recovery is in sight and that positive approaches, such as prudent government spending policies, should be undertaken to keep the economy on track.

I was especially pleased to have 30,542 responses to my first congressional survey.

Half of the respondents said they were economically "about the same" as they were a year ago, but 43 percent said they expect to be "better off" 2 years from now.

The respondents were split evenly as to what they felt would improve the Nation's economic recovery. Twenty-three percent called for a balanced budget; another 23 percent said less unemployment would make them feel more confident about economic recovery; 20 percent said they would rather see lower interest rates and 18 percent preferred a reduction in inflation.

Unemployment is the critical issue to the people of the 12th District and that was reflected in the survey responses. Forty-four percent of the respondents said unemployment will be the Nation's biggest economic problem next year, and I concur.

However, I was buoyed by the fact that 49 percent of the respondents called for continued support of President Reagan's economic program and another 24 percent called for only slight adjustments in the President's program.

It is that kind of confidence and optimism that has put the Nation's economy on the right track.

The survey results are as follows:

12TH DISTRICT RESIDENTS RESPOND TO THE ISSUES—30,542 RESPONDENTS

ECONOMY

Compared to a year ago, are you:	Percent
a. Better off	28
b. Worse off	22
c. About the same	50

Which single development during the next year would make you most confident about the nation's economic recovery:

a. Lower interest rates	20
b. Less inflation	18
c. Lower taxes	9
d. Less unemployment	23
e. Balanced budget	23
f. Other (specify)	(1)

[1] Less government spending.

Which of the following should Congress do:

a. Continue to support President Reagan's economic program	49
b. Make slight adjustments in the President's economic program	24
c. Make significant adjustments in President's program	16
d. Abandon the President's program because it has not worked	11

Two years from now, do you expect to be:

a. Better off	43
b. Worse off	18
c. About the same	39

Which of the following do you think will be our nation's biggest economic problems a year from now:

a. High interest rates	19
b. Unemployment	44
c. Inflation	26
d. Other (specify)	7[1]

[1] Government spending.

IMMIGRATION

An immigration bill is currently before the House and Senate. The provisions listed below are part of that bill. Which do you favor:

	Percent
a. Penalties against the employers who knowingly hire persons who immigrate to this country illegally	26
b. A temporary work permit for alien workers	12
c. Increase border patrols and enforcement personnel	17
d. Expedite legal penalties against alien migrant workers who violate terms of their resident status	18
e. Place a cap on lawful admissions of potential immigrants	23
f. Grant amnesty to illegal aliens who were in the U.S. prior to 1975	4

FEDERAL DEFICIT

The federal deficit this year is expected to be in the range of $200 billion. To curb this trend, would you:

a. Decrease defense spending	27
b. Decrease social programs	35
c. Increase taxes	8
d. Support an economic stimulus program	30

FEDERAL PRIORITIES

Do you think the Federal government's budget should spend More, Less or about the Same in the following areas:

[In percent]

	More	Less	Same
a. Aid to the elderly	34	11	55
b. Jobs programs	34	36	30
c. Home mortgage and other housing programs	24	35	41
d. Health care	39	18	43
e. Education	50	19	31
f. Crime control	74	4	22
g. Defense	35	31	34
h. Foreign aid	3	85	12
i. Agriculture and rural development programs	19	36	45
j. Veterans benefits	24	15	61
k. Clean air and water	41	16	43
l. Highway construction and improvement	40	11	49

●

LET'S GET ON WITH SYNFUELS

HON. JOHN MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. MURTHA. Mr. Speaker, I wish to insert into the RECORD an editorial from the Washington Post well outlining the need to continue strong support for the Synthetic Fuels Corporation.

America needs to use this interim of energy peace to build our own resources and supplies to survive the next energy shortage that will surely come.

I think this editorial well states the reasons Congress needs to continue its strong support for synthetic fuels.

SLOW START ON SYNTHETIC FUEL

The Synthetic Fuels Corporation, established by Congress more than three years ago, is only now beginning to show signs of life. It is beginning to provide, in a small way, the kind of project support for which it was set up. But last month it suffered another setback when its president, Victor A. Schroeder, resigned under pressure. He had interceded with a private company on behalf of one of the SFC's directors, a gesture that the corporation's inspector general characterized as "especially bad judgment." While that episode deservedly attracted attention, it ended with Mr. Schroeder's departure. Meanwhile, the corporation continues to struggle with deeper—and more interesting—confusions of policy.

First of all, Congress gave the corporation contradictory orders. It was to underwrite the development of advanced new energy technologies. But it was also to hit unrealistically high production levels. Putting the technologies to work is important; the production targets are not.

When the Reagan administration arrived, it imposed on the new agency its own ambivalence about government support for industrial development. The president appointed Edward E. Noble chairman of the SFC; he originally favored abolishing the corporation, and has only gradually come to support its purposes. Meanwhile, much time has been lost.

Currently the world's oil supply flows smoothly, and the sense of urgency about energy has evaporated in this land of short memories. Prices are down a little, hinting that the SFC's price and loan guarantees could actually cost the government serious money. That further diminishes any enthusiasm for it on the part of the administration. And yet the logic behind the corporation is as strong as ever. Surely the time to develop alternate sources of energy is while the oil still arrives on schedule. When the deliveries stop, there's no time for research and development.

The SFC has every reason to proceed promptly, as it says it intends to do, with support for new methods of producing fuel on an industrial scale. The most important

are the technologies for producing clean gas and oil from coal. Burning coal produces dangerous air pollution; the evidence of those dangers is rapidly accumulating. To develop processes to transform it into other fuels and eliminate the pollutants will do more than improve national security in the event of further disruptions in the supply of imported oil. It will give the country better and safer access to the most abundant of all its sources of energy. But that won't happen unless the federal government pushes. The SFC was created to do that job, and it continues to be essential.●

ITALY DISCUSSIONS INFORMATIVE AND USEFUL

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. FLORIO. Mr. Speaker, the relationship of the United States and Italy is of great importance to the many Americans of Italian heritage. After visiting Rome on official business this past July, I returned convinced of the value of maintaining good relations with that great nation.

As a representative of the House Energy and Commerce Committee, I visited Rome from July 5 through 8, 1983, for a series of meetings and discussions with Italian Government officials, representatives of the Italian business community, and officials of the U.S. Embassy in Rome.

The purpose of my trip was related to several matters under the jurisdiction of the Subcommittee on Commerce, Transportation and Tourism, of which I am chairman, and of the full Energy and Commerce Committee. Discussions included ways of promoting trade between our two nations, particularly in coal, problems encountered by American trade-in-services with Italy, and the Italian effort in promoting tourism.

Italy is America's 12th largest trading partner, with $9.8 billion in two-way trade in 1982. U.S. exports to Italy totaled $4.5 billion in 1982, down from $5.3 billion in 1981. This decline was due in large part to the increased strength of the U.S. dollar relative to the lira. The two nations share a common commitment to free and fair trade, but problems nonetheless exist in bilateral trade relations.

Many United States-Italy trade frictions stem from policies promulgated by the European Economic Community (EEC), of which Italy is a member. Conflicts stem from the EEC's common agricultural policy (CAP), which mandates export subsidies to dispose of surplus agricultural commodities. Italy supports the subsidies and wants expanded protection for such Italian products as fresh fruits and vegetables and olive oils. The United States is also concerned about the high tariff on almonds.

Italy has joined other EEC members in objecting to the extraterritorial reach of U.S. regulatory agencies and antitrust proceedings. In addition, Italy, with other EEC members, complains about "Buy America" provisions in U.S. law, such as in the Surface Transportation Assistance Act. Italy contends such provisions impair its ability to export competitive products to the United States.

Sheer volume makes coal a major United States-Italy bilateral trade issue; 1982 U.S. exports to Italy totaled 11.3 million net tons valued at $637 million. Italy's 10-year plan to reduce domestic dependence on imported oil—with its call for a 175-percent increase in coal use—enhances prospects for a continued thriving coal trade.

Some concern in coal trade relations stems from a June 9, 1983, Interstate Commerce Commission (ICC) decision exempting railroads used for coal export from all ICC regulations; this deregulation does not apply to domestic coal deliveries.

Coal is a low-value bulk commodity, so transportation costs account for a large portion of the delivered price. Consequently, Italy has expressed concern about possible price rises resulting directly from the deregulation.

Deregulation proponents, including the ICC majority, believe the railroads have not interest in curtailing coal exports and that market competition and natural forces of supply and demand, without interference from this regulatory agency, will establish reasonable and rational rates for this traffic.

ICC Chairman Reese H. Taylor, Jr., who dissented from the majority decision, believes the exemption, by shifting profits from producer to carrier, will precipitate a decline in coal exports and thus run contrary to congressional and administration desires to increase such exports.

Italy views deregulation as discrimination aimed at extracting higher prices from overseas customers, according to Commerce and State Department officials, and has thus threatened to reduce purchases of U.S. coal. Italy, however, prefers to trade with the United States for strategic reasons—the United States is more reliable than other suppliers such as Poland and South Africa—as well as for economic reasons—major state-owned Italian firms have investments in U.S. coal mines.

In the travel and tourism sector, American businesses have complained about several Italian trade barriers. Italian Government currency allowances for citizens traveling abroad, now the lira equivalent of $1,500 annually, may deter travel to distant destinations such as the United States.

Several air carrier restrictions hinder bilateral tourism trade. Italy prohibits U.S. carriers from using their own passenger handling operations in Rome, forcing them to use the airport's monopolistic service. No U.S. charter flights may depart Rome's Fiumicino Airport after 8 a.m., and runways at the alternate airport are too short for transatlantic jets with full fuel tanks. Italy, furthermore, objects to the 12-percent U.S. market share between Rome and non-U.S. points (Athens, Cairo, Istanbul) and threatens to freeze U.S. capacity in these markets; the United States contends such action would violate the bilateral air transportation accord.

Italian trade barriers in insurance include Government refusal to issue new licenses and extensions to new lines in business by existing companies. In addition, the Government requires that foreign and national life insurance companies coinsure part of their business with the State-run insurance company; the portion of business that must be coinsured vaires inversely with company age, thus entrenching the position of existing companies and making penetration by foreign companies impossible. Foreign exchange regulations and taxation, moreover, impede U.S. competition.

With respect to defense procurement, Italy believes bilateral trade relations are unbalanced. Such concerns are currently being discussed in a United States-Italian Aerospace Working Group.

I was impressed by the commitment of the Italian Government to good relations with the United States despite our occasional economic differences. I commend the staff of the U.S. Embassy and the many departmental attachés and counselors for continuing to present a positive position of our Nation in their many dealings with the Government and business community.

I also commend the leadership of our Ambassador to Italy, Maxwell Rabb, at whose invitation this mission was undertaken. Ambassador Rabb is a distinguished representative of our Nation and I look forward to working with him in the future.

Shortly after I left Italy in July, a new Government was formed and I am hopeful that discussions of these various issues will continue with a full appreciation for the importance of maintaining the strong bond of friendship between Italy and the United States.●

YOUTH, MINORITIES AND THE COMMUNITY RENEWAL EMPLOYMENT ACT (H.R. 1036)

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. HAWKINS. Mr. Speaker, various respected economists have confidently announced that our most recent economic recession "officially" ended last fall. Without a doubt, they maintain, the business cycle bottomed out around November. The recession has been handily defeated and economic recovery reigns supreme.

Although much of the available statistical data does suggest a recent upsurge in the economy, we should be careful not to exaggerate its effects. While some Americans are clearly benefiting from the upswing in economic activity, many others, youth and minorities in particular, will undoubtedly spend several more years combating the lingering effects of an economy-wide recession.

Total civilian unemployment did drop during the period from December 1982 to August 1983, with the white jobless rate falling from 9.7 percent in December to 8.2 percent in August. The picture for youth and minorities, however, which was much higher than the national average, remained more than twice that of the white jobless rate. In December the figure was 20.8 percent. Last month it climbed further to 21.9 percent.

Statistics on youth unemployment are equally depressing. Historically, the jobless rate for this group is the highest of all others, and well above the national average. From a high of 24.5 percent in December, youth unemployment dropped to 22.2 percent in February. By the month of August, however, the percentage of jobless youth stood at 23.0 percent. For black teenagers, unemployment rose from 49.5 percent in December to 53.0 percent last month. Clearly, if the long awaited economic recovery has arrived, it has not yet embraced members of the teenage or black workforce.

Much of the unemployment suffered by youth and minorities stems from inadequate or obsolete occupational skills. During this period of structural economic transformation, economic recovery alone will not totally eradicate the unemployment rates of these groups. With this in mind, Congress passed JTPA, which is designed to accommodate the training needs of the structurally unemployed worker. While JTPA will have a substantial effect on unemployment in the long run if it is funded adequately, it will have virtually no effect during the current catastrophic economic situation: Not a single job will be created by that act.

In March of this year, Congress passed legislation intended to create jobs for the unemployed. The Emergency Supplemental Appropriations Act, however, merely speeds up previously planned spending and provides additional funding to programs which are not necessarily labor intensive. Consequently, the expected number of jobs created by this act would not substantially reduce unemployment. More importantly, most of the jobs it creates will be public works jobs, providing little assistance to minorities, who comprise only 7.3 percent of all construction workers. In short, existing law does not adequately address our current overwhelming problem of unemployment.

H.R. 1036, the Community Renewal Employment Act, is the most cost effective, timely, and efficient means of stimulating employment during a recessionary period. It provides job opportunities for youth, minorities and others who are particularly in need of employment. The work performed would be meaningful labor on public facilities and educational sites. Most importantly, the program is specifically designed to supplement JTPA. It would provide jobs in area where unsubsidized employment is severely limited due to overall economic conditions.

Eligible participants under H.R. 1036 come from those groups with higher than average rates of unemployment. They are individuals 16 years of age or older who have been unemployed 15 out of 20 weeks, with priority for those who exhausted or who are otherwise ineligible for unemployment insurance. Particular attention would be paid to those who have been unemployed the longest and those in families in which no other member is employed on a full-time basis. As a result, the very groups who would otherwise suffer until the recovery worked its way through the economy, such as youth and minorities, would work in meaningful jobs during this interim period.

Finally, limited training is also available under the bill. For youth, part-time employment must be combined with a minimum of 8 hours of education or training which better prepares them for entry into the job market. Employers who commit themselves to hiring a number of workers equal to those they are training; provide training through qualified nonprofit training entities; and, agree to limit training costs per individual to the maximum allowable wage permitted under the bill to each individual, can provide training in lieu of or in tandem with wages (the total not to exceed the maximum allowable wage under the act). As a consequence, training for occupations such as construction, carpentry, plumbing, painting, and other jobs are available under this bill.

While I also share my colleagues' hope that our economy is recovering from what has been termed "the worst recession since the Great Depression," I must remind you of the variations in the effect of the alleged economic recovery on certain segments of our labor force. While some Americans are beginning to feel the warmth of the recovery as it spreads throughout the economy, many others, youth and minorities in particular, will combat the frigid, lingering cold of the recession for many more years to come. These Americans need our help. H.R. 1036 can most efficiently and effectively render them the assistance they currently so desperately need.●

SHARING COMMENTS BY RETIRED UNION MEMBERS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. CONTE. Mr. Speaker, I ask unanimous consent that I be allowed to submit for the RECORD the following statement from some retired union members in my congressional district. Their feelings on medicare and the proposed solutions to medicare's financing problems have been brought to my attention, and I have been asked to submit their comments for the RECORD.

The statement follows:

We, the executive board of the Retirees' Council of locals 254&255-IUE—AFL-CIO are calling on Congress and our Congressional representatives to halt and to restore cuts in Medicare benefits.

Absurd though it may be, it appears that the trend in American society and government is to blame the elderly; i.e., the victims of high health care costs for the nation's health problem, financially speaking. The aim seems to be to reduce Medicare costs by charging higher premiums for Medicare (and Medex) coverage while reducing the benefits.

This is unconscionable. This attitude flies in the face of the fact that hospital costs are rising at the rate of 18.3 percent annually, while doctors' fees are rising at the rate of 20.3 percent. Doctors at present are aspiring to a life-style previously reserved for the playboy children of multi-millionaires. We do not begrudge substantial incomes for the medical profession, but there must be a limit.

The President's intention of cutting Medicare costs by forcing the elderly to pay x number of dollars from day 2 of hospitalization through day 15, and y number of dollars from day 16 through day 90 is asking too much of the elderly and the needy. His plan is typically both callous and cruel to these most worthy of our citizens. Rather than devote his time and energy demanding that Congress save a few pennies (comparatively speaking) by depriving the aged and the needy of their just dues, he should be looking to cutting the excessive spending, waste and spoilage in the Pentagon's program.

Further, let us be reminded that Federal employees and officials, as well as corporate executives and their employees enjoy very good health and hospital insurance. The costs of this are borne by all citizens, the taxpayers and the purchasers of industrial products and services. Certainly, the elderly are among those who pay, and they have paid for decades. That they should now be excluded from such decent treatment is a very sad reflection on our society and government.

We must be aware that the elderly on fixed incomes must purchase such insurance as Medex III or run the risk of total financial ruin in the case of severe illness. The cost of Medex at present is $828 per year and rising. This, added to Medicare charges of $316.80 per year, adds up to a cost of $1,144.80 per year for a couple. Such insurance does not cover the costs of dental care, eye care, or hearing problems. Furthermore, Medicare benefits fall far short of paying the exorbitant fees charged by doctors for surgery, office calls, or hospital visits.

We repeat that a Federal cost containment program would be much more effective than unfairly burdening and penalizing those aged people who are the least able to pay. Action on this matter is both essential and urgent. If our Congress is truly constituted to serve the people of our country, it must act, and act now.●

CHEMICAL WEAPONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. OTTINGER. Mr. Speaker, I can think of no sound argument to justify ending this country's 14-year moratorium on chemical weapons manufacture. I rise today to urge my colleagues to vote against the Department of Defense authorization conference report, and once again take a stand against the renewed manufacture of these insidious weapons.

There is no military reason to proceed with chemical weapons production that could cost up to $15 billion over the next decade. Our current stockpile of chemical weapons provides an adequate deterrent; what we should be pursuing is a treaty which would ban the use or production of such a weapon.

Our strongest statement to the Soviet Union is to continue with the ban on chemical weaponry. Revamping our chemical weapon program would merely give the Soviets the impetus to abandon any attempt at a comprehensive agreement and continue to add to their own stockpile. While we maintain our opposition, we can argue from strength.

Furthermore, the production of these weapons threatens an already strained NATO alliance. When President Reagan announced his plan to start building chemical weapons over a year ago, the Governments of Britain, the Netherlands, Norway, Denmark, and West Germany all denounced the deployment of binary weapons in their countries.

The President's proposal, and the conference report's acquiescence, flies in the face of compelling facts. Last April the General Accounting Office concluded that a renewal of a chemical weapons program at this time is a poor allocation of our military budget. With chemical weapons, our defensive capability is paramount. If we renew production now, we will lose vital funds that should instead be concentrated on a stronger defense against chemical warfare.

The House of Representatives already concurred with these arguments. In the Senate, a single tie-breaking vote was needed to include a program for these grotesque weapons on the authorization bill. It is incredible to me that the conferees could take these two votes as a majority mandate to include this program in our final bill.

Chemical weapons violate all the principles of reasonable military strategy. Their primary victims are civilians: in a chemical war, 40 million innocent civilians could die, while soldiers in protective clothing remain unharmed. We may never be able to test these weapons, as there are statutory prohibitions against open-air testing. Lastly, a renewal of our program would open the technology to other nations, encouraging widespread experimentation and development.

We must not allow the ban on these pernicious weapons to be swept away. I urge my colleagues to vote no on the conference report to the DOD authorization.●

BELL LIBRARY CELEBRATES 70TH ANNIVERSARY

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. MARTINEZ. Mr. Speaker, I would like to take a few moments today to recognize and commend the Bell Library in Bell, Calif. The Bell Library was established in 1913 and was the 29th branch library in the Los Angeles County system. This year marks the 70th anniversary of the Bell Library and it is with great pride that I have the opportunity to recognize the library's many achievements on the floor of the U.S. House of Representatives.

Throughout the 70 years of service, Bell Library has diligently served and accommodated the community. It has provided residents with information and materials offering a wealth of knowledge, skills, and culture. Oftentimes we tend to take libraries for granted and overlook the many services provided free of charge. The Bell Library was begun in a small classroom with a handful of books. Today, the library has grown to contain over 21,000 volumes and has its own building. It is with much satisfaction that I have this opportunity to commend the Bell Library and its many dedicated employees for the exemplary service to our community.●

ECONOMIC RECOVERY OF THE CHRYSLER CORP.

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. ST GERMAIN. Mr. Speaker, I have asked for this time to speak so that I might provide my colleagues with an overview of earlier events I believe underscore the continuing saga of the economic recovery of the Chrysler Corp.

As we now know, Chrysler was successful in outbidding some of the Nation's largest securities firms for the rights to purchase 14.4 million newly issued shares of the corporation's stock. The Federal Government thus was able to reap a reward of $311.1 million for helping in the rescue of the Chrysler Corp. It is to how we got to that point where we had a legitimate claim to any share of Chrysler that I direct my comments at this time. A significant part of the answer lies in recalling those events and happenings preceding the Chrysler-congressional episode of 1979–80.

Beginning in 1971, the House Committee on Banking, Finance and Urban Affairs—a committee of which I am justifiably proud to serve as chairman, became the House committee most responsible for perfecting congressional aid and comfort packages on behalf of a number of our ailing industries and some of our municipalities. I am quite sure that my fellow members are familiar with the three most heavily publicized Federal loan packages—namely those authorized for the Lockheed Corp. (in 1971, for $250 million); New York City (in 1975, for up to $2.3 billion through mid-1978 under the Seasonal Financing Act, and then up to $1.65 billion under the Loan Guarantee Act). All three were end products turned out by the Banking Committee.

This phase of the Banking Committee's experiences in industrial and municipal rescue plans and operations drew to a close in 1979 with the enactment of the Chrysler Corporation Loan Guarantee Act, which provided for a $3.5-billion aid package to the automobile company in the form of a $1.5 billion "carrot" in guarantees and a $2 billion "stick" in financial concessions the company was required to obtain.

In all such instances, the Banking Committee has been both shield and spear carrier for the Congress. We have, in my judgment, managed our assignment with due regard and consideration of our responsibilities to the House, and I, for one, am pleased with these most recent results stemming from the Chrysler effort. They indicate that some degree of Government intervention in the marketplace is not always as risky as some critics would have us maintain. On the contrary, if there is a problem to be recognized now it involves knowing beforehand that such intervention may provide unexpected benefits and that these benefits in turn may raise unanticipated prospects for an even greater degree of good works to be accomplished. After all, Mr. Speaker, consider what could be done with that $311.1 million: $311.1 million could fund a much-needed job retraining effort for the still many unemployed autoworkers; $311.1 million could provide badly needed mortgage payment assistance to those many unemployed homeowners threatened with loss of jobs through no fault of their own: $311.1 million could provide substantial and necessary assistance for the upgrading of many underemployed workers in these industries; and $311.1 million could provide key and timely assistance to many of the small and midsized businesses affected by the earlier failure of Chrysler. I speak particularly about parts suppliers, dealers and others whose welfare depended then and continues to depend so heavily upon a healthy Chrysler Corp.

Moreover, Mr. Speaker, if we were to turn these ungainly profits toward the treatment of some of these social and economic ills, we could provide a menu of accomplishment that could prove most satisfying to those who are most critical of Government involving intervention in the marketplace.

Mr. Speaker, my reason for seeking time today is not to indulge the membership of the House in the accomplishments of our committee.

My reasons are simply to remind my colleagues of the fact that in the very specific case of the 1979 Chrysler legislation, we sought to deal with several very fundamental sets of circumstances, and I believe these latest sets of events validate our earlier actions.

First, it was clear in 1979 that without Federal financial assistance in the form of loan guarantees, the Chrysler Corp. would have had to face bankruptcy and possibly liquidation. The consequences for the Nation's economy, for the Federal budget, for the balance of payments, and above all, for the several hundreds of thousands of individual human beings were far too terrible to contemplate. The degree of human misery that would predictably follow was beyond measure.

Second, with assistance from the Federal Government of up to $1.5 billion in loan guarantees, matched by the same amount in contributions from those many other parties with an economic stake in Chrysler's survival—namely the banks, suppliers, and the unions, it was clear that Chrysler would have a good chance of returning to profitability, of returning to producing badly needed fuel-efficient cars, and of preserving competition in what had become, and remains, a high concentrated industry. Moreover, what was being proposed, Mr. Speaker, and what remains today, was provision for bridging assistance over a difficult period.

The Chrysler assistance package was not offered up as a permanent crutch, and that point should be remembered at all times.

Third, Mr. Speaker, while past managerial mistakes had contributed to Chrysler's difficulties, the cause of the company's immediate crisis in 1978–79 was a series of energy-related shocks. All of them were external to the company, and not of the companies making. They were, nevertheless, unique to the auto industry. Throughout our consideration of the rescue plan therefore, we were constantly alert to the fact that Chrysler's situation in no way set a precedent for generalized Federal financial assistance to industry.

Finally, Mr. Speaker, we viewed reorganization of Chrysler under bankruptcy laws as anything but a solution to the problem. Consider the following: An automaker is unique. He produces, generally speaking, expensive consumer products. These are products dependent upon the confidence of the consumer in the producer's future and are dependent upon an extensive network of dealers for service and warranty work. The best judgment we could come up with in 1979 (and it is as valid today as it was then), was that a Chrysler bankruptcy would not have led to the company's survival and recovery under reorganization. Rather bankruptcy would have led to liquidation and to endless court challenges.

Mr. Speaker, when the Congress weighed in on the impact of a Chrysler failure, it had to assess that impact in terms of lost jobs, lost dealerships, lost suppliers, lost markets, and lost confidence in the American system. Ours is the type of economy experiencing continual job loss and job gain on a daily basis. Under normal circumstances, our economy has sufficient flexibility built into it to adapt to change, but it was clear at the outset that a Chrysler failure would create a situation of an entirely different order and magnitude.

I believe this most recent history of congressional endeavor to undertake effective ad hoc intervention in the marketplace deserves much higher marks than some of its contemporary critics seem inclined to give it.

We may be lacking in an industrial policy that has an assigned role for Government worked out within it, but if we are so lacking, we have, at the same time, accomplished much through the use of the ad hoc approach, and almost always have had to operate under severe pressure of time.

The Chrysler program is the latest in a series of such efforts. Like all of you, I hope sincerely that it is the last such effort this or any other Congress is asked to make on behalf of rescuing a portion of the American industrial base, or in shoring up some critical element of the Nation's economy. It may help to remember where we were 10 or more years ago, and what we accomplished in a decade or more through such programs. In that manner, perhaps we can take with us the lessons and the wisdom of our recent past.

The final chapter of the Chrysler story is yet to be written, but of this we can be certain, when it is finalized, the actions of the Congress in seeking and securing guarantees that produced in exceed of $300 million in public benefits was in no small way a measure of its ultimate success.●

JUDGESHIP LEGISLATION

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. MICA. Mr. Speaker, today I am introducing legislation to combat the dramatic increase in criminal cases awaiting judgments in the Southern Judicial District of Florida.

As you may know, the new Federal task force on crime has launched a major initiative against crime and particularly drug trafficking in south Florida. In response to this new initiative, the Judicial Conference of the United States recommended the creation of three additional permanent district court judgeship positions in south Florida. The conference also agreed that, once created, the positions should be filled as expeditiously as possible.

Over 1,000 criminal cases were awaiting trial before one of the 12 district court judges in the southern district at the end of 1982 and the caseload for 1983 is even higher. Today, Florida handles 10 percent of all the criminal cases in the Nation. Despite these urgent needs, the additional judgeships needed to bring suspects to trial in Florida have not been forthcoming.

The bill I introduce today will meet this need. It provides for the appointment of three additional district court judges in south Florida. As a Member of Congress concerned about the problem of crime, I hope you will join me

in sponsoring this greatly needed legislation.●

NATIONAL HISPANIC HERITAGE WEEK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, a cry for freedom was shouted 173 years ago by Father Guadalupe Hidalgo, in the small town of Dolores, Mexico. It marked the beginning of a struggle for Mexican independence that would last 10 years—a struggle that would be waged against the Spaniards, then against the French. One hundred years later in 1910, a new revolution would break out against the tyrannical regime of Porforio Diaz.

"El Grito," as it is called in Mexico, ignited a burning desire for freedom in the hearts of Mexicans, a desire that would see them through long years of constant struggle. Today we celebrate that inextinguishable flame and pay tribute to a people with a fiercely determined human spirit and a great ability to endure and to fight for the freedom that they loved so much. This same spirit is exemplified today by Mexico's continued success in developing its industrial and technological foundation.

The constituents in my district are acutely aware of that spirit, for the sister city of El Paso is Cd. Juarez, Chihuahua, Mexico. Indeed, the character of the people from my district, which is predominately Hispanic, is infused with that undying respect and love for freedom. It is appropriate that this week, when Mexican independence is celebrated, is also National Hispanic Heritage Week in this country. Mexican Americans in the Southwest and throughout the country share the pride of their cultural heritage by reaffirming the spirit of the independence movement through their political, social, and economic contributions to our country. This struggle manifests itself in the Hispanic struggle for full employment and against discrimination. I am confident that we will see the nature of this strength in the 1984 elections.

The pride and nationalism displayed during this week transcends the international boundary and honors the spirit of freedom and independence valued by both Mexico and the United States. Today, I invite you to join me in honoring our Mexican neighbors as they commemorate their independence by joining in that famous cry that still rings in the hearts of Mexicans as well as Americans, "Viva la Independencia."●

DISMANTLING THE WOMEN'S EDUCATIONAL EQUITY PROGRAM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. FRANK. Mr. Speaker, as Judy Mann pointed out in today's Washington Post, the Reagan administration is now in the process of destroying the Women's Educational Equity Act program. This sacrifice offered to the far right belies the rhetoric we have heard recently from the President about his concern for equality. The dismantlement of the women's education equity program is one more very discouraging example of this administration's opposition to what we need to do to end sexual discrimination.

The article follows:

[From the Washington Post, Sept. 14, 1983]

TWO-FACED

(By Judy Mann)

While President Reagan is preoccupied with international crises, his New Right appointees in the Department of Education are quietly getting away with mischief that will give the Democrats wonderful ammunition to fire into the gender gap.

In the weeks immediately preceding the Korean airline crash, the president toured the country citing his administration's accomplishments on behalf of women. At the American Bar Association meeting in Atlanta, for example, he pledged to "assure that every women has an equal opportunity to achieve the American dream."

The connection between education and achieving the American dream is well-established. But while President Reagan was saying one thing, his appointees were doing the exact opposite. They were busily carrying out a right-wing vendetta against the only federal program that helps schools and universities give girls and women the same opportunities in education that boys and men have.

Under the guise of a reorganization, Reagan appointees have downgraded the Women's Educational Equity Act program from its place near the top of the Education Department bureaucracy to one near the bottom of it. Five of the seven staff members who worked in the $5.5 million-a-year program have been RIFed, including Dr. Leslie Wolfe, the program director who was the target of a particularly virulent attack in the Conservative Digest. All five were women. The two people who were not RIFed are men. They, it is worth noting, were protected by veterans preference.

"WEEA is one of the most cost-effective programs in government," says Dr. Bernice Sandler, head of the Project on the Status and Education of Women of the Association of American Colleges. "All of the programs must be replicable. These programs don't push anybody. They encourage the schools to be fair and to give maximum opportunities for all of their students."

The Project on the Status and Education of Women, for example, received a WEEA grant to study the awarding of campus prizes—which are important in getting jobs and into graduate school—and it developed suggestions about how institutions and foundations can make sure that both men and women students get equal consideration. "We were able to point out things that people were inadvertently doing," Sandler says. "A lot of discrimination is not overt."

WEEA has also given grants to develop manuals for training rural women, for career planning for minority women, for guiding women reentering the job market, and to help women in vocational education programs, in gifted and talented programs and in bilingual educational programs.

WEEA was targeted in the Heritage Foundation's "Mandate for Leadership," which labeled it a haven "for extreme feminist ideology." The editor of the Heritage Report, Charles Heatherly, subsequently became deputy undersecretary for management of the Department of Education, and he has engineered the reorganization.

In April of 1982, the Conservative Digest printed an anonymous article, purportedly written by a "concerned employee in the Education Department," that accused the program of funding "hard-left women's groups" and attacked Wolfe, labeling her a "radical feminist." Within two weeks Wolfe was transferred out of her job and an important part of the grant selection process for 1982 was taken over by a Reagan administration appointee. This produced an outcry among women's groups and in Congress and Wolfe was later reinstated.

Congress has also repeatedly rescued WEEA from administration efforts to kill it by taking away its funding. But this time the program's staunch supporters on the Hill have been unable to block the reorganization that takes its staff and expertise away.

On Aug. 16, RIF notices were sent out affecting WEEA and four other programs, abolishing more than 100 positions, including that of WEEA director. Wolfe, a GS 15, who has been in the civil service 10 years, will be out of a job on Friday.

At the same time the president was trying to mend fences with female voters, his administration abandoned broad enforcement of Title IX, the only law that protects women from discrimination in education, and his appointees gutted the only federal program that promotes equity in education. There is a lesson in this for voters who care about the commitment President Reagan and his aides have toward women.

Watch what they do, not what they say.●

COMMUNITY RENEWAL EMPLOYMENT ACT

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LELAND. Mr. Speaker, I rise in strong support of H.R. 1036, the Community Renewal Employment Act, a necessary legislative initiative intended to ease human suffering and hardship the quickest way possible, by providing grants to States and local governments for wages and associated labor costs for community improvement activities.

The Community Renewal Employment Act would provide funds for immediate assistance to long-term unem-

ployed individuals in such important and critically needed activities as disaster relief, emergency food and shelter programs, rehabilitation of aging school buildings, erosion and flood control, and the rebuilding of our Nation's deteriorating infrastructure. We need only look at our home districts to remind each of us how important revitalization of our roads, canals, railbeds and waterworks—to name but a few—is to the community. Such repairs are an investment, leading to a productive return. We clearly see that there are people who need work and that there is work that needs to be done.

The act provides a targeted, yet flexible application of resources to insure that appropriate funds will be directed to high unemployment areas in all regions of the country—both urban and rural—and assures that individuals employed in the projects of high priority funded under the act are those in most severe need of jobs.

Further, of particular importance to this critical problem of job creation is that this act addresses the employment needs of women, who comprise almost half of the labor force. It is the diversity of the Community Renewal Employment Act that provides all individuals with a critical need to work, with the opportunity to participate, while the economy begins to gain that stimulation that it so desperately needs.

With over 10.7 million people in need of work, or 9.5 percent of the American working population, I cannot overstate the immediate necessity of passing the Community Renewal Employment Act. I encourage my colleagues to vote for passage now. A job is a fundamental human need which every citizen must be allowed to pursue.●

ALAN REYNOLDS: A GUIDE TO CROWDING OUT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KEMP. Mr. Speaker, I would like to add something to today's discussion of the deficit, in the special order of Mr. REGULA. There continues to be a great deal of confusion about the effects of a Federal deficit on the economy. Particular attention has focused on the argument that too large a deficit will crowd out the private sector and abort the economic recovery.

In an excellent paper, economist Alan Reynolds walks through the arguments and evidence on crowding out, and observes that the naive crowding out theories capture only a fraction of the truth about the Federal deficit. There is such a thing as crowding out, says Mr. Reynolds, but it applies to total Federal use of real resources in a fully employed economy. The bottom line is that tax increases will not help reduce the crowding out problem.

I commend this excellent article to my colleagues:

[Polyconomics, Inc., Political and Economic Communications]

A GUIDE TO CROWDING OUT

(By Alan Reynolds)

The Hoover-era slogan of "crowding out" was revived in 1975 and under similar circumstances in 1983. Crowding out of real resources inevitably occurs at full employment, but for reasons having nothing to do with budget deficits. Purely financial theories of crowding out breakdown by incorrectly assuming a fixed amount of IOUs in a growing economy.

Two distinct versions of financial crowding out—the collision theory and share-of-funds theory—are inconsistent with each other and with the available evidence. The usual comparisons of deficits with savings are particularly misleading without first making some reasonable statistical adjustments. When these adjustments are made, it is apparent that resources available for future use are vastly larger than current personal savings. Also, there is no real "structural deficit" on current account for government as a whole; there is instead a sizable surplus in the relevant budget. Unsupported theories of financial crowding out are being recycled by the President's economic advisers and Federal Reserve Governors in trying to correct a problem that does not exist.

The idea that there is a fixed volume of resources willing to be lent, rather than "consumed," has throughout modern history conjured up a picture of government and private sectors locked inevitably in a struggle for loans. There is a vivid image of "crowding out," a phrase which can be traced back at least as far as the Hoover era. Since the basic idea is incorrect—there is no such fixed volume of lending in a dynamic economy—its translation into policy almost always produces undesirable results. An obvious example was Hoover's enormous tax surcharge of mid-1932, which helped to convert that recession into the Great Depression. The slogan of crowding out eventually faded away, only to be revived again within the last decade.

In may of 1975, the Federal Reserve first initiated specific targets for the growth of the money stock. In order to hit those targets, or perhaps to dampen a real growth rate that was originally reported as 12% in the third quarter, the Fed reduced nonborrowed reserves from May to September. The fed funds rate was thus increased by 20%, mortgage rates rose proportionately, the dollar rose by 12%, the price of gold fell by 14%, and the S&P 500 stock index dropped by nearly 9%.

As the Fed tightened in the summer of 1975, a newly revived fiscal theory of interest rates gained instant popularity. Bill Simon and others argued that huge federal deficits—6.5% of GNP—were "crowding out" investment, housing and consumer durables.[1] Alan Greenspan's Economic Report of the President, published in January 1976, argued that "a reduction in the budget deficit would permit a more expansionary monetary policy. . . . If Government deficits do not decline rapidly enough as the recovery proceeds, the savings necessary to ensure a satisfactory rate of private investment may be preempted, and the expansion could stall."

But the Fed eased after September of 1975, though taxes were being cut. Inflation declined, the Dow rose from 800 to 1000, and the deficit dropped to 2.8% of GNP by mid-1976. "Crowding out" warnings quickly disappeared from public discussion—until recently.

The crowding out idea persists because it seems to make common sense. This is partly due to a confusion between "real" "financial" crowding out. Real crowding out has nothing to do with budget deficits, or even with all types of federal spending. Instead, crowding out occurs when the government and private sectors both try to buy more real resources—workers, machines, buildings and raw materials—than can be produced with existing capacity and incentives. In that case, some private purchases necessarily have to be crowded out as the government is willing to outbid the private sector by some combination of higher taxes, higher interest rates, rationing, conscription or debasement of the currency.

To put it another way, real crowding out is caused by federal, state and local government purchases in a fully-employed economy, not by federal borrowing in an underemployed economy. Yet real government purchases are actually a smaller share of GNP today (19.2%) than they were three years ago (19.6%), while GNP is far below potential.

Financial theories of crowding out—the kind currently in vogue—do not involve any competition for real resources, but merely an assumed limit on the number of bookkeeping entries and IOUs. Financial crowding out makes little sense unless real crowding out is actually occuring. Such theories can be made logically coherent, in a formal sense, only through an incongruous combination of strong monetarist and Keynesian assumptions. The money supply (by whatever definition) is assumed to be fixed by some rigid rule, unable to rise even with a larger real volume of transactions at stable prices. At the same time, though, the deficit is assumed to "stimulate" the real volume of transactions—more government debt in the Keynesian model supposedly makes people feel more wealthy and therefore more anxious to spend. By assumption, this clash of deficit-financed transactions and monetary rigidity would create a relative scarcity of cash. People would give up cash to buy government securities only if offered higher interest rates. This scenario makes no sense when there are many idle factories and workers, there being no sensible reason for tolerating such deflationary scarcity of liquidity.[2]

Purely financial theories of crowding out might be categorized as "collision" theories and "share of funds" theories. They are often combined in casual remarks, though each contains a hidden theory of interest rates that is quite inconsistent with the other. Members of Congress are understandably confused by these seemingly plausible theories when the Fed, as it did last autumn, permits interest rates to fall even as government borrowing was rapidly expanding.

The collision theory of interest rates presumes that government borrowing is added to private borrowing, is not completely "crowded out." Paul Volcker, in his July 28 testimony to the Senate Banking Committee, thus suggested that "rising private

credit demands . . . are beginning to clash with the continuing heavy financing needs of government." This collision theory assumes that the volume of borrowing explains its price—the interest rate. It may seem intuitively obvious that more borrowing raises interest rates. But is it not equally obvious that there will be less borrowing (and more saving) if interest rates rise? The new result is that more borrowing must cause less borrowing, which is not particularly illuminating.

If a dollar of government borrowing really crowded out a dollar of private borrowing, then combined volume of public and private borrowing would not rise. Even if the volume of borrowing was an adequate explanation of interest rates, the collision theory has to deny that crowding out occures in order to explain why crowding out raises interest rates. The clash supposedly is a consequence of economic recovery, but it was also supposed to prevent that recovery from occurring. Shrinking deficits in a growing economy are said to be a larger problem than growing deficts were in a shrinking economy.

The collision theory was aggressively used to argue against the 1983 reduction of tax rates. It was said that lower tax rates would produce lower revenues, and higher deficits and interest rates. But this would not follow even if the theory was correct. As Peter L. Bernstein explains, "If a tax cut reduces government revenues . . . it reduces private financing requirements by precisely the same amount. Thus, we substitute government borrowing for private borrowing with no net change in aggregate demands for credit." [3] President Reagan has made this precise point in arguing with his own economic advisers.

From a similar perspective, a tax surcharge might reduce the new supply of Treasury bills and bonds (if it didn't collapse the economy), but reduced after-tax incomes and rewards for saving would also reduce the demand for Treasury securities. [4] Besides, a so-called "huge" deficit of $180 billion or so is "substantially smaller than the private sector's present holdings of government debt—and only a fraction of its total wealth." [5] Such a small addition to about $6 trillion in outstanding debts and $22 trillion total assets cannot possibly explain a significant change in interest rates.

The alternative "share" theory of interest rates takes many forms, none of which is conceptually or statistically accurate. Federal deficits or gross borrowing are usually expressed as a percentage of net private savings, GNP or total nonfinancial borrowing. Martin Feldstein, for example, writes that "a budget deficit of 5% of GNP would absorb an amount equal to all net saving and would virtually eliminate capital accumulation." [6]

The reasoning behind the share theory is even less clear than the collision theory, though more consistent with the vague ideas about crowding out. Why should the fact that the government is doing relatively more borrowing—and the private sector relatively less—make a private household or firm willing or able to pay a higher interest rate?

Any ratio has both a numerator and a denominator. The ratios of government deficits to private borrowing, saving or GNP have been rising largely because the private sector has been shrinking. Between the second quarter of 1981 and the third quarter of 1982, the annual rate of private borrowing in the "flow of funds" accounts fell by $136 billion. If government borrowing had somehow remained the same during that credit crunch, it nonetheless would have gone up significantly as a percentage of the small amount of private or total borrowing.

Advocates of the share theory, such as Senator Patrick Moynihan, Peter Peterson, and Irwin Kellner of Manufacturers Hanover, often find the largest possible measure of government borrowing and compare it with the smallest conceivable measure of available resources. Loans that are sponsored or guaranteed by federal agencies may be counted as government borrowing, for example, even though the funds are loaned to housing, students, farmers and small business. Such bloated measures of government borrowing might then be contrasted with net private savings, excluding depreciation allowances—as though the accelerated depreciation of 1981 did not improve business cash flow and thus reduce the need to borrow working capital. As Lawrence Klein observes, "the funds that businesses set aside for capital recovery, loosely called depreciation charges, form the pool of savings that are held within those establishments." [7]

Before we could seriously examine the question of whether or not budget deficits necessarily "absorb" real savings—the share theory—several adjustments would be required to arrive at a meaningful measure of both deficits and savings. One thing that economists do not dispute is that the familiar unadjusted deficits do not measure anything that is even theoretically relevant to the economy. As we go through the usual adjustment to the deficit estimates, we make some startling discoveries. The most important standard adjustments include the following:

Include net borrowing of federal agencies, as well as state and local governments. This involves netting out any government debt purchased by other branches of government (e.g, pension funds). Any funds that are relent to the private sector must also be excluded. Herb Stein proposes that we should "exclude all loan transactions from the budget." [8]

Exclude capital investments by federal, state and local governments, regardless whether they are funded by federal or local borrowing. If construction of schools, highways, dams and sewers had to be financed from the tax revenues of a single year, then private borrowing would crowd out such government investment. "If the government spends the proceeds [of borrowing] on an investment project that yields a return to society sufficient to pay the interest costs on the bonds," explains a popular text book, "then there is no future burden." [9]

Estimate "structural" budgets for all levels of government, including state and local, to determine how much of the deficit is a hangover from recession. It makes sense for governments to borrow in hard times, rather than to distort the timing of production decisions by raising tax rates in recessions, to offset revenue shortfalls. Otherwise as Tom Sargent observes, "Citizens withhold resources during periods of temporarily high taxes in anticipation of lower tax rates in the future." [10]

Use inflation accounting to reveal the real growth in net government debt held by the public. Inflation shrinks the real value of governments' debt just as it shrinks the amount of everything that can be bought by a dollar. But a nominal deficit that merely offsets inflation is not a real burden on taxpayers, nor a real return to bondholders.

These adjustments are not controversial among serious specialists in macroeconomics and public finance. When Martin Feldstein writes for other economists, rather than for the public, he measures the "deficit" as the inflation-adjusted increase in the combined net debt of federal, state and local govenments. [11] Willem Buiter of the London School of Economics adopts an even more thorough definition: "The deficit measure that should be the focus of concern," writes Buiter, "is the inflation-and-real-growth-corrected, cyclically adjusted government current account deficit." [12] What we're really looking for is a measure of whether or not the real burden of government debt is rising, whether any increase is a cause of consequence of a weak economy, and whether borrowing is serving a constructive purpose (compared with alternatives).

The difference is not merely a statistical curiosity. Structural surpluses of state and local governments probably exceed any plausible estimate of structural federal deficits. Even at the federal level along, the Budget's "Special Analysis" estimates major nondefense capital outlays at $108 billion, which leaves an estimated federal current account deficit of $72 billion. Herb Stein's proposal to eliminate federal financial intermediation (borrowing and re-lending) from the budget would trim another $90 billion or so from the budget and off-budget deficit. And the $70 billion inflation adjustment to nominal federal, state and local debt—according to Feldstein's own Economic Report of the President (page 85)—was by itself enough to turn 1981's cyclical deficit of 0.9 percent of GNP into a surplus of 1.5 percent of GNP.

The OECD made only three of the needed revisions, estimating what the real growth of federal, state and local debt would be if the U.S. economy were operating at potential. The result? An OECD estimate of the real structural budget for 1983 is in surplus by 1.8 percent of GNP. [13] The surplus on current account, after subtracting government investments and lending, would be much larger. In essence, the U.S. public has been asked to pay off past debts quickly at a time of economic distress—like making double mortgage payments after you lose your job.

There are equally enormous conceptual and statistical problems with the denominator of the deficit-savings ratio. If a meaningful deficit existed, could that deficit (and business investment) be financed only out of net private savings? Clearly, Federal deficits can be partly financed from state and local surpluses (e.g., state pension funds buying Treasury bonds), so any comparison of Federal borrowing with private savings alone is not even correct on its own terms. It doesn't make sense to treat the Federal Government separately when Federal grants to state and local governments are about $95 billion.

Also, the debatable exclusion of newly-generous depreciation allowances from "net" savings at least makes it inappropriate to compare such deficit-savings ratios before and after the 1981 liberalization of depreciation rules. Net savings would appear to be substantially larger if the tax collectors reverted to inadequate depreciation allowances. Even net savings in the U.S. amounted to 9.5 percent of gross output in 1960-66, according to the OECD, and 8.9 percent in 1967-73. It was only in the recent era of floating dollars and creeping tax rates that the net savings rate dropped below 7 percent. At a minimum, it would be neces-

sary to compare structural deficits with structural or potential savings—what savings would be if the economy were not operating far below capacity.

The alleged importance of any current savings rate is a caricature of supply-side analysis, largely due to the misrepresentation of that model by Martin Feldstein and others. The purpose of lower marginal tax rates is to encourage more production, not to shift a larger share of existing anemic production away from consumer goods. A lower personal savings rate in a larger economy can generate more personal and business savings than the high savings rates often experienced during brief recessions.

Although the measured personal savings rate declined in the second quarter of this year, savings nonetheless increased dramatically, even before the July tax cut. Gross private investment rose, in real terms, at a 45 percent annual rate. That is because actual savings—an increase in wealth—depend on the market value of existing assets, household purchases of durable goods, and an accurate measure of retained business profits.

As just one example, the accumulated past savings held in equities rose in value over the past year, as the markets assigned a $700 billion higher present value to such claims against future production. Conversely, the more recent reversal in stock and bond prices reduced household wealth in exactly the same sense as drawing down a savings account reduces wealth. It is more appropriate to evaluate the whole economy by income flows—ignoring assets and balance sheets—than it would be to evaluate a company on that basis.

Most flow-of-funds analysts, such as Henry Kaufmann, place inordinate emphasis on the personal "savings rate." Unfortunately, the personal "savings rate" is a misleading estimate that contributes to the fallacy that only households save and only businesses invest. It is calculated by subtracting "consumption" from personal income, though many consumer expenditures are just as much "investments" as similar expenditures by business.[14]

A company car or uniform is counted as an investment, for example, while a commuter's car or business suit is mere consumption. A physician's education is considered consumption, and so is his patient's purchase of pills, but the doctor's office itself and the pharmaceutical factory are "investments" providing the same service. A new laundry, restaurant or movie theatre is an investment, but a competing home washer, microwave oven or video recorder is not. Such distinctions are too arbitrary to be taken seriously. The classical supply-side model focuses on production, ignoring the useless debate on whether that production is consumed by those who produced it or by those who borrowed it.

Savings is the absolute amount of production devoted to future uses, not the relative share devoted to purchasing consumer goods. The recent increase in household wealth has included durable goods and services, as well as financial claims to future goods and services. Measured "savings rates" may decline when wealth grows more rapidly than current income, but an increase in wealth can scarcely make it more difficult to service both government and private debts.

The real resources available to finance both public and private investments include much more than the portion of this month's money income that is not "consumed." If every rise in "investment" had to be financed by cutting back on consumption, then there would be no purpose for stocks and bonds. Actual resources that can finance future budget deficits include not only the increases in wealth that are mismeasured by flows of U.S. savings, but also the entire world's stock of past wealth and underutilized real resources. The value and liquidity of past savings (assets) usually have more impact on interest rates than the volume of new savings. A tax and monetary policy that enlarges future economic growth results in "crowding in"—the supply of goods and services expands to accommodate the claims against those goods and services, including government debt. There are then more resources available for both lending and consumption.

If the collision theory or share-of-funds theory explained interest rates, it would be a simple matter to present a graph or table showing how either total borrowing or some deficit-savings ratio moved up and down with interest rates. The fact that nobody has bothered to offer such evidence—not even Paul Volcker or Martin Feldstein—is revealing. It is because neither theory works. As a recent survey for the Kansas City Fed reluctantly conceded, "empirical evidence does not necessarily contradict the view that budget deficits have no effect on interest rates, real or nominal." A new Treasury Department study likewise reveals that "there is simply no discernable correlation between changes in government borrowing and changes in either interest rates or exchange rates."[15]

The usual method of evading the facts is to devise a new theory. In this case, the new theory is that estimated future deficits have effects in the present—effects that present deficits did not have in the past and do not have right now. On this theory, interest rates should have fallen in 1979, when the Budget "projected" a surplus of $73 billion in 1983.

Benjamin Friedman of Harvard worries that "projected deficit paths will continue to carry the debt ratio [as a percent of GNP] sharply higher; instead of returning it toward the postwar low reached in 1974 . . . the Reagan budget path will return the ratio to its 1964 level."[16] If that sounds alarming, consider whether the economy was noticeably more stable in 1974 than in 1964.

It is true that the real net debt of government cannot grow forever at a rate much faster than the real economy. If it did, governments would exhaust their credibility as borrowers. There are several reasons why this hypothetical concern is not relevant to the U.S. situation, or to the proposed "contingency tax" solutions.

First, even if the OMB were right about $200 billion federal deficits through 1988, that tells us virtually nothing about a meaningful measure of real government debt. "The conventionally-defined deficit," as a rigorous analysis demonstrates, "can grow forever without causing inflation."[17]

Second; since tax surcharges and energy excises reduce potential real growth, they could easily raise the ratio of debt to a smaller GNP—even if they somehow squeezed a few dollars out of the enfeebled economy. "If the method chosen to close the deficit happens to be the one that makes investors and leaders fearful of the future, then narrowing or eliminating the deficit by this method would only serve to make the situation worse."[18]

Third, reducing real government debt through inflation, as in 1964 to 1974, creates far more problems than maintaining a high ratio of debt to GNP at low interest rates, as in 1950 to 1964. Using inflation to repudiate old debts makes it impossible to finance either new deficits or business expansion without short maturities and high interest rates.

Fourth, although there are hypothetical limits to how long and how high the ratio of real debt to GNP can rise, the U.S. is clearly nowhere near those limits. Federal, state and local deficits from 1942 to 1945 were clearly "structural" (unemployment was 2.4 percent), and they amounted to 22 percent of GNP and 87 percent of gross savings. The national debt eventually exceeded a whole year's GNP, yet long-term interest rates remained pegged by the Fed at 2½ percent.

Back in August of 1975, many investors and business planners were undoubtedly persuaded that interest rates could only keep rising, because of crowding out. Those investors held more cash, in anticipation of rising short-term interest rates, and businessmen held minimum inventories. A temporary excess demand for liquidity was mistaken for a lasting shortage of potential savings or real resources. Those who clung to a budgetary explanation of interest rates, even as the Fed finally eased, missed a sizable portion of the financial and real opportunities.

As the Presidential campaign unfolded in 1976, however, it became clear that a Carter-Blumenthal policy mix would be identical to the 1976 proposals of Alan Greenspan, which are also the 1983 proposals of Martin Feldstein. That bipartisan policy mix was to solve the nonexistent crowding out problem by restraining real output with ever-increasing marginal tax rates, while stimulating spending with a perpetual devaluation of the dollar. Budget deficits were indeed temporarily converted into structural surpluses, but the more significant results were runaway inflation and nearly four years of economic contraction.

Today, there is no more logic and evidence behind the vague slogan of financial crowding out than there was in 1975. The proposed "solutions" have also not improved—raising tax rates with surcharges or limits on indexing, probably combined with competitive devaluations. If anything, the crowding out analogy has become even less coherent than in 1975, and more immune to evidence and experience. Its only real relevance is that the slogan itself might again prevent either political party from offering an agenda for economic growth beyond the next presidential election. Crowding out is not serious economic analysis, but a political theology.

FOOTNOTES

[1] Keith M. Carlson and Roger W. Spencer, "Crowding Out and Its Critics", Federal Reserves Bank of St. Louis Review (Dec. 1975); James L. Pierce was an early critic in "Interest Rates and Their Prospect in the Recovery", Brookings Papers on Economic Activity (1975 I).

[2] Thomss Wilson, "Crowding Out: The Real Issues", Banca Nazionale del Lavoro, Quarterly Review (September 1979).

[3] Peter L. Bernstein, "The Bond Market: More Red than Dead" Bondweek (Sept. 21 1981).

[4] David I. Meiselman, "Fiscal Policy and Interest Rates: The Great Deficit Swindle of 1982" Tax Review (May 1982).

[5] Charles Pigott, "Deficits, Interest Rates, Crowding Out" Federal Reseerve Bank of San Francisco (July 2, 1982); John Rutledge, "The Structural Deficit Myth" the Wall Street Journal (August 4, 1983).

[6] Martin Feldstein, "Why and How to Contain Red Ink" the Wall Street Journal (July 15, 1983).

[7] Lawrence Klein, "Crowding Out Won't Be A Problem" Los Angeles Times (July 19, 1983). See also Evan Galbraith "Private Borrowing and the Federal Deficit" the Wall Street Journal (February 3, 1983).

[8] Herbert Stein, "Agenda for the Study of Macroeconomic Policy" (America Enterprise Institute 1982).

[9] Robert J. Gordon, "Macroeconomics" (Little Brown 1978) p. 498.

[10] Thomas J. Sargent "Back to Basics on Budgets" the New York Times (August 10, 1983); Robert Barro "Federal Deficit Policy and the Effects of Public Shocks" NBER Working Paper No. 443 (1980). Professor Sargent neglects to mention that the "present value" government deficit as he defines it—excluding capital outlays and adjustment for temporary emergencies—is actually a surplus.

[11] Martin Feldstein, "Government Deficits and Aggregate Demand" Journal of Monetary Economics (9-1982).

[12] Willem H. Buiter, "Deficits, Crowding Out and Inflation: The Simple Analytics" NBER Working Paper No. 1078 (Feb. 1983).

[13] OECD, "Structural Budget Deficits and Fiscal Policy responses to the Recession" (March 4, 1983).

[14] Larry Pratt, "Savings, Taxes and Economic Growth" American Institute for Economic Research (May-June 1980); Charles Steindel et al."Perspectives on Personal Saving" Federal Reserve Bulletin (Aug. 1980). In the first month after the July 1 tax cut, however, measured personal savings did rise at a $31 billion annual rate—more than the entire $29 billion static estimate of the size of the tax cut itself.

[15] Charles E. Webster, Jr. "The Effects of Deficits on Interest Rates" Federal Reserve Bank of Kansas City Economic Review (May 1983); Manuel Johnson, "Government Deficit Spending and Its Effects on Prices of Financial Assets" U.S. Treasury (May 1983).

[16] Benjamin M. Friedman, "Managing the U.S. Government Deficit in the 1980's" (Harvard, April 1983).

[17] Bennet T. McCallum, "Are Bond Financed Deficits Inflationary? A Ricardian Analysis" NBER Working Paper No. 905 (June 1982).

[18] G. Thomas Woodward, "Large and Continuing Deficits: Their Influence on Macroeconomic Performance" Library of Congress (July 1, 1983).●

MAJORITY IN COUGHLIN POLL OPTIMISTIC ON ECONOMY

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. COUGHLIN. Mr. Speaker, I am sharing again the results of my annual mail questionnaire poll of Pennsylvania's 13th Congressional District with my colleagues. I believe the findings are important since they reflect results of nationwide surveys.

While the poll was conducted before many events of worldwide significance took place, I feel the results—compiled for a July 31 deadline—indicate the deep and serious interest of my constitutents in national and international issues. A total of 13,585 individual responses was received before the deadline. Many constituents also wrote in additional views on questionnaire pages and sent separate letters expounding on a number of major topics.

As usual, I will submit a copy of the results to the White House.

Key findings of the survey mailed to homes and postal boxes throughout the congressional district include:

A majority believes the Nation's economy is better today than it was both 1 and 2 years ago. In a four-part query on the economy, 69 percent feel the country is better off today than a year ago. Twenty-four percent disagree. Sixty-six percent feel the Nation is better off today than 2 years ago. Twenty-seven percent disagree. Fifty-four percent foresee a sustained economic recovery while 23 percent do not. The remainder in each question is undecided.

On reducing an anticipated $200 billion Federal deficit, a majority of 58 percent selected defense as No. 1 for cuts out of the three choices offered. Closely behind at 46 percent was reducing social spending. Only 15 percent want to increase taxes. A number of other suggestions was written in a space provided for other choices.

In foreign affairs, my constituents split sharply over issues of American military aid and involvement in the Central America fighting. I noted Soviet and Cuban-supported activity in introducing a three-part question. forty-eight percent favor the United States continuing military aid, but not supplying troops, to the El Salvador Government. Thirty-five percent oppose such aid. Less than one-third—31 percent—approve of supporting anti-government guerrilla forces opposing the Sandinista government in Nicaragua. Forty-three percent oppose it. Forty-three percent answer "yes" when asked if there are any circumstances in which they would support direct U.S. intervention in the affairs of a Latin American country. Forty percent responded "no." The remainder in each question is registered as undecided.

Further questions in foreign affairs produced a majority of 57 percent which answered "little or none" when queried on what effect a congressionally passed resolution for a mutual nuclear weapons freeze would have in encouraging the Soviets to negotiate arms treaties with the United States. Twenty-five percent saw a good effect. The remainder checked off the "undecided" box. This was the first of a three-part question on United States-Soviet negotiations to reduce nuclear arms arsenals.

In trying to assure accuracy in compiling the results, my district office staff checked findings twice. Each questionnaire afforded space for two residents of a household to respond. A message in the survey informed constitutents that additional questionnaires were available from my district office.

QUESTIONNAIRE RESULTS—1983

1. Economic recovery remains a principal concern throughout the country.

A. Do you feel the Nation is better off than a year ago?

Yes	69%
No	24%
Undecided	7%

B. Do you feel the Nation is better off than 2 years ago?

Yes	66%
No	27%
Undecided	7%

C. Do you foresee a sustained economic recovery?

Yes	54%
No	23%
Undecided	23%

D. To help reduce the anticipated $200 billion deficit, what action is most necessary? (one or more)

Cut social program funding	46%
Cut defense spending	58%
Raise taxes	15%
Other (specify)	20%

(Totals more than 100% because more than one choice available.)

2. Escalating health care costs pose serious problems for government and individuals.

A. Do you favor mandatory controls on hospital and doctor fees where government reimbursement is involved?

Yes	71%
No	18%
Undecided	11%

B. Do you favor health insurance vouchers for Medicare eligible individuals to allow them to shop for the best coverage and to force insurers to compete for Medicare patients?

Yes	71%
No	13%
Undecided	16%

3. Americans repeatedly have expressed their interests in preserving our environment.

A. Should the Environmental Protection Agency regulate all businesses which generate small (100 kilograms or about 220 pounds or less a month) amounts of hazardous waste?

Yes	63%
No	24%
Undecided	13%

B. Even if it results in higher utility rates, should the Congress enact tougher laws to cut sulfur dioxide emissions from coal-burning utilities to reduce acid rain?

Yes	67%
No	21%
Undecided	12%

4. U.S.-Soviet negotiations to reduce nuclear weapons arsenals are of global consequence.

A. Do you believe that President Reagan is making sufficient efforts to achieve verifiable and mutual arms reductions with the Soviet Union?

Yes	44%
No	43%
Undecided	13%

B. What effect would a Congressionally-passed resolution for a mutual nuclear weapons freeze have in encouraging the Soviets to negotiate arms treaties with the U.S.? (one only)

Good	25%
Bad	15%
Little or none	57%
Other (specify)	3%

C. Who bears the most blame for the continuing nuclear arms race between the U.S. and the Soviet Union? (one only)

United States	6%
Soviet Union	40%
Both equally	50%
Other (specify)	4%

5. Soviet and Cuban-supported activity in Central America is a mounting concern.

A. Should the U.S. continue to supply military aid, but not troops, to the El Salvador government?

Yes	48%
No	35%
Undecided	17%

B. Should the U.S. be supporting anti-government guerrilla forces opposing the Sandinista government of Nicaragua?

Yes	31%
No	43%
Undecided	26%

C. Are there any circumstances in which you would support direct U.S. intervention in the affairs of a Latin American country?

Yes	43%
No	40%
Undecided	17%

6. U.S. efforts towards peace in the Middle East continue to be frustrated by opposition of Arab governments.

A. Should the U.S. condition aid to moderate Arab States on their support of our peace efforts?

Yes	62%
No	25%
Undecided	13%

B. What should be the level of U.S. aid to Israel? (one only)

Higher	12%
Lower	40%
About the same	36%
Other (specify)	12%

7. Should all natural gas be deregulated immediately?

Yes	35%
No	43%
Undecided	22%

8. Do you favor taxpayer funding of Congressional election campaigns?

Yes	31%
No	58%
Undecided	11%

Party preferences of those responding:

Republican	63%
Democrat	22%
Non-partisan	14%
Other	1%

Ages of those responding:

18 to 21	1%
21 to 35	17%
35 to 50	25%
50 to 65	32%
65 and over	25%●

WE MUST ENCOURAGE HIGH-TECH INFORMATION AGE PRODUCTS AND SERVICES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. CORCORAN. Mr. Speaker, recently an editorial appeared in my home State that merits the careful attention of my colleagues. The Chicago Tribune editorial which follows outlines some of the concerns involved in the telecommunications issue.

Technological advances and competition have forever changed the telecommunications landscape. The FCC, in the late sixties and early seventies, began to recognize that these technological advances and changing customer needs had blurred the distinctions between data processing and communications. In 1974, the Department of Justice filed suit against AT&T for monopolizing telecommunications in a changing communications environment in equipment and long-distance services. The communications world has changed, and we need to evaluate communication products and services for a new age, the information age environment.

I seek in the State of Illinois and the Nation the creation of an environment that encourages the growth of high technology information-age products and services. I seek jobs in Illinois related to these high technology firms that manufacture and supply communication appliances and services. I seek consumer opportunities in communication services and products that provide options in prices and products.

Universal service concepts must be preserved, but they must be preserved for today's and tomorrow's environment, not for yesterday's world. The fact is that much of the pending legislation speaks to "yesterday" and will not meet the "tomorrow" electronic technology needs of Illinois or the Nation.

Universal service can be preserved for rural and urban areas with targeted approaches that preserve the consumers' choices at affordable prices. Universal service can be assured with consumer options that provide everyone opportunities to choose products at prices that suit their local service and long-distance needs.

Congress has the responsibility to meet today's and tomorrow's communications requirements without hidden consumer costs or penalties to certain States. We need to support a plan that recognizes our Nation's future consumer and business communication needs. Particularly as a member of the House Energy and Commerce Committee, the committee of jurisdiction, I will be closely following this matter.

Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the text of the August 28, Chicago Tribune editorial on this subject:

THE UNIVERSAL PHONE RIPOFF

A group of legislators, led by Sen. Robert Packwood (R., Ore.), is counting on the majority of telephone users to be suckers. They are proposing legislation designed to tax interstate data transmission systems as a way of subsidizing local telephone companies. And because their legislation is an alternative to a Federal Communications Commission plan to tack on an extra couple dollars a month to your local phone bill, they expect you to see them as protectors of your pocketbooks.

Don't let them confuse you. The Packwood proposal is a way of getting competitive businesses to subsidize local phone company monopolies. It is a way of soaking populous states like Illinois to subsidize emptier states. And it is a way of getting the industrial Northeast and Midwest to subsidize phone service in the Sunbelt.

The Packwood plan masquerades under the name of the Universal Telephone Service Act. That title itself ought to be a tipoff. When a congressman gives his bill a motherhood and apple pie name, watch out for your wallets and your liberties.

The proposal means to supplant an FCC plan to add $2 a month (going up to $4 by 1986) to residential phone customers' bills and $6 a month for businesses. This money would go to the local phone companies to reimburse them for the service they provide in giving customers access to long distance lines. Since local rates will be going up anyway as a result of the splitup of AT&T, Sen. Packwood and others are telling customers they can get away without paying this extra fee.

The way it would be done is to levy a charge against interstate communications—AT&T, its long distance telephone competitors and every other interstate data link, regardless how remote it might be from the business of telephone communication. The money would go into a pool to be distributed among the local telephone operating companies on the basis of need: that is, the least efficient companies would get the biggest subsidies.

For Illinois, that means that its residents would pay in up to $90 million in their long distance bills and receive back an estimated $288,000 in the way of defrayed local service costs. That is a ripoff.

The biggest beneficiaries will be the South and Southwest. And if there is one thing that is not needed just now in the competition for jobs and industry between the Sun Belt and the industrial states, it is a government thumb on the Sun Belt side of the scales.

Moreover, there is something wrong with taxing a highly competitive industry, such as interstate telecommunications, in order to subsidize a monopoly industry, such as the local telephone companies. Many of the enterprises that would bear the tax have nothing at all to do with telephone services. Some were born as a way to get out from under the monopoly power of the Bell System.

But because the FCC plan involves a clearly defined cost to customers, legislators like Sen. Packwood think they can muster political support for a hidden and much less equitable charge. The thing to remember is that the customer will be paying under either proposal. The only difference is that under the FCC plan the customer will get the benefit of what he pays. Under the Packwood plan, the federal government will distribute the money in such a way that the people of Illinois will finance Rocky Mountain seclusionists and the Sun Belt states that are taking away their jobs.●

"REAGAN'S LAW"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues an essay by Mark Green of the democracy project, which appeared August 22 in the New York Times. Mark Green's article, "Reagan's Law" brings to light with frightening clarity this administration's fla-

grant disregard for, and manipulation of, the law.

The Reagan administration continues, on a wide range of issues, to ignore the will of the legislative branch by not enforcing the laws and regulations mandated by Congress. Most recently, the administration has preversely twisted laws requiring the Department of Energy to establish energy efficiency standards for major home appliances. Instead of issuing energy standards for appliances, as mandated by the Energy Policy and Conservation Act of 1975, the administration has issued a standard of "no standard" for each category of appliance. DOE, despite its own studies which prove otherwise, argues that the energy savings from imposition of the standards would not be significant.

The failure to issue any legitimate standards for home appliances is just one of a long line of offenses committed by this administration in executing the law. I strongly commend Mr. Green's essay to my colleagues for his insight into President Reagan's legal laxness.

[From the New York Times, Aug. 22, 1983]

REAGAN'S LAW

(By Mark Green)

Much has been written about Reaganomics. But what of Reagan law—a pattern of elevating ideology above law that increasingly characterizes the Administration?

A decade after Watergate, with its smoking guns and jail doors slamming shut, the public and press tend to yawn at lesser offenses. But the Environmental Protection Agency scandals and Supreme Court airbag decision—the Justices unanimously overturned the Government's elimination of the life-saving passive-restraint standard for cars—should remind us that Administrations don't have to authorize burglary of political opponents to violate their public trust. Consider, for example, the recent flood of examples in which Reaganauts have failed to fulfill their Constitutional oaths to "faithfully execute the laws."

Among their most flagrant transgressions have been failures to enforce existing Government regulations. Frustrated by the courts and Congress in its effort to weaken health and safety safeguards, the Administration has adopted the tactic of tax enforcement. Instead of enforcing the law, Reaganauts rely on "voluntary cooperation" because, says Thomas Auchter, head of the Occupational Safety and Health Administration: "Our job is health and safety. We are not interested in crime and punishment."

Recall that, upon taking office Anne Burford of the E.P.A. abolished the enforcement division, and pollution cases fell 70 percent to 80 percent. And as is demonstrated by the personal calendars of Rita Lavalle, the E.P.A. administrator involved in the Superfund scandal, the agency was more likely to take polluters to lunch than to court.

Over at OSHA, citations for violations fell 49 percent, follow-up inspections by 55 percent and fines 77 percent from the last year of the Carter Administration. The Securities and Exchange Commission refuses to prosecute Citicorp for alleged violations in currency transactions, arguing that since management never said it would act with honesty or integrity, it did not have to disclose breaches of those standards.

The unwillingness of the Justice Department's Civil Rights Division to enforce the 1964 Civil Rights Act prompted 200 of its lawyers to take the unprecedented step of collectively protesting to their superiors. A White House aide, Michael Uhlmann, said it was wrong to charge the Administration with not enforcing the law in civil rights, "unless you call all the decisions of the Supreme Court the law of the land." He doesn't?

At the Federal Trade Commission, an economist recently recommended against recalling a defective product, arguing that the families of victims should instead sue for compensation. A disbelieving Representative, Albert Gore Jr., Democrat of Tennessee, said: "Some screwball thought market forces could be defined as lawsuits by widows and orphans."

The result of all these regulatory cops asleep on the beat? "It's sending signals out all over the business community," said a Federal Trade Commission official who served in the Nixon Administration. "It's like giving them a license to steal." A top lawyer at the Consumer Product Safety Commission admitted that a severe drop in the number of voluntarily reported dangerous products may be a result of the agency's unwillingness to fine nonreporting companies.

There are also instances when a Reagan Administration pronouncement or policy will violate the spirit, if not the letter, of the law. Thus, for example, Presidential adviser Edwin Meese 3d calls the American Civil Liberties Union a "criminals' lobby" because of its advocacy for the Bill of Rights. President Reagan seems to condone illegal break-ins by pardoning two former F.B.I. agents convicted of unlawful entries because "they acted . . . in the belief that they had grants of authority reaching to the highest levels of Government"—despite a jury's finding that the two acted without prior approval and knew that break-ins were illegal.

Similarly, Mr. Reagan denied that the United States is aiding counterrevolutionaries in Nicaragua in violation of the Boland amendment—but then admitted as much under pressure, but asserts that our purpose is not the counterrevolutionaries' purpose of overthrowing the Sandinistas. Further, he has appointed high regulatory officals who say they don't believe in their agencies' mission: The head of OSHA ran a company that repeatedly violated OSHA standards; a rancher runs the Bureau of Land Management; a laissez-faire economist runs the F.T.C.

In the judicial area, the so-called Department of Justice is compiling a record rivaling that of the 1962 Mets, baseball's greatest losers. Indeed, the airbags decision is only the most recent instance in which a Federal court—the judges have been Republican and Democratic—struck down unlawful rules of conduct by the Administration.

In July, a Federal court of appeals threw out the so-called "squeal rule," which required family-planning agencies to tell parents if minor children sought birth-control devices. The Administration's denial of Federal aid to students who failed to register for the draft was ruled unconstitutional in June because it "inflicts punishment . . . without the protection of a judicial trial," according to a Federal judge. The Federal appeals court in Boston concluded in May that a Treasury Department regulation forbidding Americans to spend money for travel to Cuba violated a 1978 amendment to the Passport Act.

Even before this recent losing streak, the Administration had fared poorly in the courts. The Supreme Court decided, 8 to 1, that segregated schools were not entitled to tax exemptions. Various Federal courts of appeals struck down the E.P.A.'s attempts to ease regional pollution standards and to suspend regulations on toxic discharges into municipal waste-treatment plants. Federal district court judges ordered the Interior Department to stop "flouting the law" by failing to collect assessed fines for land-reclamation abuses.

Why this contempt for the law? First, the Administration pulls its law-enforcement punches when the subject is business violations. Recall the E.P.A. memorandum that criticized one agency official for "systematically alienating the primary constitutents of this Administration, the business community." So while welfare cheats or food stamp violators can expect the book to be thrown at them, mine-safety violators or white-collar criminals can expect "voluntary cooperation."

And second, this Government attempts to shape the law to suit its ideology. This is nothing new to Mr. Reagan. He opposed the 1964 Civil Rights Act as "unconstitutional," and he dismissed the Watergate crimes of H. R. Halderman and John Ehrlichman because these Republican loyalists were "not criminals at heart." To Mr. Reagan and his appointees, legal standards and traditions appear to be just so many inconvenient obstacles to their conservative assault on the public sector—although, in truth, this contempt for the law is not a very conservative ethic.

President Reagan is often accused of "unfairness"—of comforting the comfortable and afflicting the afflicted. Clearly, this is of a piece with the way he legally discriminates in favor of power and against the vulnerable. Ronald Reagan's legal laxness flouts the wisdom of a Harvard law professor, Thomas Reed Powell, who urged that "the less favored in life will be the more favored in law." ●

MARY PEREZ IS HONORED FOR 41 YEARS OF SERVICE TO SAVANNA SCHOOL DISTRICT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. PATTERSON. Mr. Speaker, I invite my colleagues to join me in commending a constituent of mine who has been a positive influence in the lives of many students in the Savanna school district.

Mary Perez is being honored on September 28, 1983, for her 41 years of continuous service as a school custodian. The Mary Perez School was dedicated on November 29, 1967. This was the first school in California to be named for a classified employee.

Miss Perez has exemplified the spirit of the Savanna school district to both fellow workers and students. Mary

Perez has always been a loyal, efficient, and conscientious employee. Her dedicated efforts have earned her the highest respect from all of those who have had the pleasure of working with her.

On behalf of both the students and fellow employees of Savanna school district, Mary Perez is to be highly commended. Mr. Speaker, it is with pride that I ask my colleagues to join me and my community in honoring Mary Perez for her 41 years of loyal service.●

IN MEMORY OF JAMES CURTISS HARPER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. STOKES. Mr. Speaker, it is with a deep sense of personal loss that I inform my colleagues of the death of my good friend and administrative assistant, Mr. James C. Harper. Mr. Harper passed on during the recess period, August 26, 1983.

Harper, as we fondly called him, served as my administrative assistant for more than 12 years. We had been friends for over 35 years. He was an exceptionally capable and highly respected professional. Beyond that, he was an individual of impeccable integrity.

Many of my colleagues and many employees on Capitol Hill knew James Harper. Those who knew him admired and respected him immensely.

His death leaves a void in the lives of myself, my wife Jay, my family and staff, as well as in the lives of the people he came in contact with each day on Capitol Hill.

At this time, I would like my colleagues to join me in expressing their condolences to the Harper family on the passing of my friend, Jim Harper. Mr. Speaker, I would like to insert in the RECORD the remarks which I delivered at the funeral services which were held in Cleveland.

IN MEMORY OF JAMES CURTISS HARPER

THE HOUSE BY THE SIDE OF THE ROAD

There are hermit souls that live withdrawn,
in their place of self-content
There are souls like stars, that dwell apart,
in a fellowless firmament;
There are pioneer souls that blaze their
path where highways never ran—
But let me live by the side of the road and
be a friend to man.

Let me live in a house by the side of the
road where the race of men go by—
The men who are good and the men who are
bad, as good and as bad as I.
I would not sit in this corner's seat or hurl
the cynic's band—
Let me live in my house by the side of the
road and be a friend to man.

I see from my house by the side of the road
by the side of the highway of life,
The men who press with the ardor of hope,
the men who are faint with the strife.
But I turn not away from their smiles nor
their tears, both parts of an infinite
plan—
Let me live in a house by the side of the
road and be a friend to man.

I know there are gladden meadows ahead,
and mountains of wearisome height;
The road passes on to the long afternoon
and stretches away to the night.
And still I rejoice when the travelers rejoice
and weep with the strangers that
mourn,
Nor live in my house by the side of the road
like a man who dwells alone.

Let me live in my house by the side of the
road, it's here the race of men go by—
They are good, they are bad, they are weak,
they are strong, wise, foolish—so am I.
Then why should I sit in the scorner's seat,
or hurl the cynic's band?
Let me live in my house by the side of the
road and be a friend to man.

This poem by Sam Walter Foss seems more than any other to express Jim Harper's philosophy about life and friendship. In this church today are many people who enjoyed a unique friendship with him. He was my best friend and I was privileged to enjoy that friendship with him for more than 35 years. For the last 12 years we worked together every day.

At a time like this one's memory bank flashes back. As the memories continue to flash by, I realize that we shared many hopes, dreams, fears, confidences, and innumerable experiences over these years.

Interestingly enough, Harper's friendship with my brother Carl began before he and I met. In fact, it was at my mother's home where Jim and Barbara were visiting Carl that I first met Barbara when she and Jim had just begun dating. And Barbara when you remarked to me a few days ago that you and Harper had 31 beautiful years of marriage together, I had no idea that time had passed so swiftly. I think all of us know how much you loved Harper and how much he loved you. A few weeks ago he came into the office one morning during the time he was very sick. I opened the door to his office and went into see him. Right after we exchanged greetings he looked up at me and said, "Barbara is beautiful. She really takes care of me. Barbara is beautiful."

All of us knew the special love and devotion you gave him throughout your marriage and especially over his long period of illness. And he loved and was devoted to you. So you have much to be thankful for. You had a beautiful marriage to a wonderful man, and my wife, Jay, and our children and I cherish the relationship our families have had. He was special to each of us.

To Jimmy and Malcolm and Sandy and Kim your father loved the ground each of you walked on. You were privileged to have an extraordinary father who set a sterling example for each of you. Not only was he a good husband and father but he also set a high standard of achievement and performance for himself. Both in Washington and Cleveland he was highly respected in his field. Jim Harper was unquestionably the best administrative aide on Capitol Hill.

In this capacity his integrity was impeccable and his loyalty was unsurpassed. Throughout his lifetime and his various positions he helped a lot of people. While he was with me he helped a lot of little people who could not help themselves. He never talked much about what he accomplished for them. He would bring a situation to my attention and ask if he should do something about it. Once I OK'd it he would remedy the situation and then move on to something else. There is a lesson for you in his work. He had a dedication and commitment to helping the less fortunate. He loved people and he treated people like he wanted to be treated—with respect.

In order to put Harper's life in perspective we need to comprehend the whole man. Harper was fun loving. He loved a good time. He enjoyed his friends, both in his home and in their homes. Until he got sick, he really enjoyed life. Above all he loved to tease and the more he got the best of you—the more he teased. He loved cars. He loved to talk about them and he loved to drive them. He also loved to argue and he did not care which side of any issue he took, for he often took the side opposite to his own views just so that he could get the argument.

Here today are both the Cleveland and Washington staffs. Most of these people on both staffs were hired by him. Almost all of them had some daily interaction with him. I know that I speak for them when I say that each of them had their own special relationship with him and he will always have a special place in each of their hearts.

Last night Mother Harper said to me, "He was my heart." We know he was your heart, Mom, and you were his heart too. We know that he called you every day. He loved you and Doris and Mildred and Chris and Al, and all of his relatives. He will live on in each of your hearts.

The day before Harper passed away Jay White came to my Washington office and visited with Harper. Buddy James spent an afternoon with him a week ago. Carl Stokes and Russell Adrine spent time with him in Washington 2 weeks ago. These last visits with him will be precious memories for each of us. Each cherished their friendship with him. Someone has said that, "friendship is a sweltering place, yet its pillars always hold—and never do come tumbling down to leave one in the cold."

Over the last 12 years there were many times when Harper would complete some special affair or project for me. Generally, in order to express my appreciation I would say to him, "Harper, you really did a beautiful job." In typical Harper fashion he would never say, thanks, Lou. He would always say with a sly grin, "As usual," and he would walk away.

The other thing he would do was to come into the office every morning at 8 o'clock—he would work all day—most days he ate his lunch at his desk—and worked throughout the day. But every day at precisely 5:30 he went home.

Today as I look back over his life and try to put it into perspective for a final comment, I guess the best way to summarize his life is to say: Harper, you did a beautiful job, as usual—and now it's 5:30—time to go home.●

TRIBUTE TO FATHER ROBERT J. McCOY

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. EDGAR. Mr. Speaker, today I would like to pay tribute to Father Robert J. McCoy, a man of great compassion and generosity, a man who will be forever in the hearts of those he touched. Father McCoy served as national chaplain of the Veterans of Foreign Wars for 2 years, and as chaplain for the Department of Pennsylvania Veterans of Foreign Wars for 18 years. He was a man who comforted those in need, not only veterans and the families of veterans, but also those he served as parish priest.

It is impossible for any of these words or those of the following tribute to fully express the lasting contribution Father McCoy has made. He will always be remembered for the unparalleled service he gave to God, his fellow man, and to his country.

The following is a tribute given at the Veterans of Foreign Wars Convention in New Orleans last month by the commander in chief of the VFW, James F. Currieo:

FATHER ROBERT J. McCOY

Many men aspire to greatness; few achieve it. The Rev. Robert J. McCoy was one who did. His greatness lay not in the amassing of things of this world, for his priestly calling did not permit of it. No, his greatness is to be found in the faces of the thousands upon thousands of Veterans of Foreign Wars and Ladies Auxiliary members who were fortunate enough to have shared a few moments with him.

Fr. McCoy served the Veterans of Foreign Wars as National Chaplain for two terms, in 1963-64 and 1970-71, and the Department of Pennsylvania as its Chaplain for 18 years. It was in his National and Department Offices that most VFW and Ladies Auxiliary members came to know him.

Although a Roman Catholic priest, Fr. McCoy never pressed his own beliefs on anyone in this organization, unless, of course, they were sought. No. Fr. McCoy's heart was open to all, to provide religious counsel, comfort and consolation. It was enough for him to know that a person was a veteran or a member of a veterans' family. The entire VFW was his parish and each of its members his parishioner. His compassion was boundless.

Fr. McCoy was a gifted man. He had the wit and charm of his ancestors' Irish homeland. He had complete faith in God. Quite often he tossed aside the niceties of theological disputation to get to the heart of an issue. For him, that issue was man's role in life, the reasons for human existence and how suffering on earth can be reconciled with the fulfillment of the divine promise. About the answers, he was never assailed by doubt.

As a priest and as a soldier, Fr. McCoy experienced human suffering in full measure. An Army ordnance officer in World War II, he landed in Normandy on D-Day and continued his soldierly vocation to the end of the war.

It was not until after he left the Army at war's end that he entered the seminary to realize his lifelong ambition to enter the priesthood. He was ordained in 1950 and at the time of his death on July 16, 1983, he was pastor of Holy Rosary Church in Juniata Altoona, Pennsylvania.

His notation on a biographical sheet filed in the archives of National Headquarters sums up Fr. McCoy:

"Ambition: to be a better priest before God and man; to continue to serve my parishioners and the VFW; to get in some more travel; and to help make our great nation a better nation."

We are all blessed because he walked among us.

"Lord, grant that he may have eternal rest and be forever in the radiance of Your light."●

MEG GREENFIELD ASKS, WHY ARE WE SO SHOCKED? IN THIS MORNING'S WASHINGTON POST

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KEMP. Mr. Speaker, I have noticed the reaction from both left and right to the Soviet attack on KAL flight 007. Why, as Meg Greenfield points out in the following excellent essay in the Post, are we recurrently shocked? Did we sleep through Afghanistan? Yellow Rain? The crushing of Solidarity and the Prague Spring? Of course not, but these are individual acts in a fastpaced, tragic world that quickly recede into the background at the expense of our ability to realistically deal with the Soviet Union.

The answer to overcoming our recurrent shock is to constantly place ourselves in Soviet shoes—not by looking into a mirror—but by contemplating the structure of their system, the themes of their statements, and the domestic and international agenda they have methodically and relentlessly pursued since 1917. We can then get over the energy-consuming business of being shocked, and get on with shaping and implementing an American global strategy that will halt and eventually turn the Soviet Leviathan. Her article is, I think, right on target both in its analysis and its recommendations.

The article follows:

[From the Washington Post, Sept. 14, 1983]

OUR SQUARE-ONE COMPLEX

(By Meg Greenfield)

What I don't understand is why, every time there is one of these terrible affairs, we have to go back to square one and start all over again. But we do. Let the Soviets down a plane or subjugate a country or exile a dissident or commit some other roughneck action we find repugnant, and it is as if we had never even heard of them before—let alone dealt with them or pondered their purposes and values or reached some kind of provisional judgment as to what they were up to and what they might be expected to do to achieve their ends. It is amazing. Whenever the roof falls in, as it periodically does, we are, as George Will lamented last week, once again "shocked."

But why are we recurrently shocked? We don't say, though that, to me, is the interesting question. Rather we begin anew—and as if we had never undertaken it before—the self-imposed task of defining and characterizing these people, the Soviet leaders and their bureaucratic and military minions. They really are ruthless, we say with an air of discovery. They are cruel. They are uncivilized and barbaric (two words, it is said, that put the Russians up the wall). They are not like us. They are perfectly awful. And so forth. It becomes, in truth, a competition and a test of the worth of the speaker: you must call them something worse than the other contestants do. By the degree of outrage you express will your own moral credentials be judged.

Some, of course, have been saying these things all along—but, unfortunately, saying little else. The I-told-you-so crowd is much better at speaking some self-evident truths about the Soviet system and those who operate it than they are at saying anything else, such as how we might reasonably and usefully deal with our antagonists. But others seem utterly and almost willfully without memory, consistency or the ability to hold a complicated thought in mind. For them it is a first-time discovery made, on average, every two years.

If a country, namely our country, could mature as a person does or, anyway, should, we would by now have the benefits of such maturity in our relationship with the Soviets. When a reasonably intelligent adult has known someone, let us say a disagreeable neighbor, for several decades, each new incident or depredation does not come to him as an absolute surprise prompting a revision of opinion and leaving the person at a loss as to what might or ought to be done by way of response. We should be able to deal with the fact of the downed Korean airliner in the context of our experience of several decades of turbulent coexistence with the Soviets, as yet another point in that continuum. It is insane that we should have relapsed anew into one of our first-principles, schoolboy debates over whether their fundamental nature is evil. What does it matter? They

are who they are and they have been behaving the way they do for years, and the question is, what are we going to do about it—not how many angels (or devils) can dance on the point of a pin.

It is, of course, a moral certainty that within five weeks or so KAL Flight 007 will have gone the way of Andrei Sakharov, yellow rain and Afghanistan, onto that inaccessible topmost shelf of the national storage cabinet where we put things we don't think we'll be needing for a while. What, then, accounts for this strange behavior?

I believe there are couple of explanations. One is our collective and somewhat misplaced faith in change, our confidence in our own semimagical redemptive powers and our related acceptance of a kind of invincible Father Flanaganism: we look at everything—even a scowling Politburo, the weathered, ancient survivors of one of the meanest political systems on earth—and we say: "There is no such thing as a bad boy." We will change them, we swear, or something providential will. They will come around, just you wait and see.

It is surely true that much has changed in the Soviet Union during the decades of our conflict, and from our point of view much—though not all—of that has been change for the better. But there are limits to the possibilities. And this, we seem unwilling to accept. It is a fact that whenever a Soviet leader comes into contact with us, starting with Khrushchev's visit in 1959, you will hear it widely surmised, even by some of the hawkiest among us, that once the leader gets to see what swell and productive and well-intended people we are, he will change his greatly misled mind. The entire conflict between him and us will stand exposed as an unfortunate misunderstanding.

Another part of the self-deception proceeds from laziness. There is a large population of political analysts and wishful thinkers in the United States who insist on seeing every affronting Soviet action—not just some of them—as being, in reality, our fault. They are endlessly inventive in finding reasons that the Soviets were goaded by us into doing whatever they did. This, I persist in believing, is because it is so much easier and less exacting a job to change our own behavior (or government) than it is to change either of theirs.

Behind both these habits of mind—the belief in drastic change and the disposition to blame ourselves—lies a common and, I think, disastrous assumption. It is that the Soviets and their system must be "good" in order for us to be justified in dealing with them. The implication of those who see themselves vindicated by the brutal downing of the plane—those who are saying, "We told you they were evil"—is that the Soviet leaders aren't fit to discourse or bargain with, that they can somehow (never mind the SS18s) be made to go away.

"Oh, no," comes the rejoinder—or it will in a few weeks' time. "They are not nearly the brutes you say they are. They are understandably alarmed by our warlike leaders. They are, in fact, just like us, only we insist on a cold warrior's view of the evils of communism . . ." and so on. Here, too, it is assumed that the moral character of the Soviet leaders is relevant to whether or not we should deal with them.

Well, it isn't. Like Mount Everest, the Russians are there. And like Mount Everest, their features are not exactly a mystery. We need to stop gasping and sighing and exclaiming and nearly dying of shock every time something truly disagreeable happens. We have to grow up and confront them—as they are.●

TRIBUTE TO MORRIS Y. ANGEL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to commend Morris Y. Angel, the recipient of the Sephardic Man of the Year Award from the Sephardic Hebrew Center in Los Angeles.

Morris Angel is one of the handful of unique individuals who have given freely of their time, energy, and talents to contribute to the success of the Sephardic Hebrew Center. He is a past president of the temple, and has served as chairman of many key committees, such as the scholarship fund and the Fundo Secreto (Aid to the Needy). He is currently a member of the center's board of directors. In addition, he serves on the boards of the American Sephardic Federation, the Sephardic Hebrew Academy, and the Sephardic Educational Center—Jerusalem. Morris Angel is clearly deserving of recognition for his work on behalf of his temple, its members, and his community.

Mr. Speaker, Morris Angel will be honored at a testimonial dinner to be held on Tuesday, October 11. I would like to extend my personal congratulations to him on the receipt of this honor, and wish him the best of luck in the future.●

ROBERT WEINTRAUB

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LEWIS of California. Mr. Speaker, it was with great sadness and a deep sense of loss that I learned of the death of Robert Weintraub, senior economist of the Joint Economic Committee. Bob Weintraub was an economist of high principles and integrity who maintained his analytically derived positions even when they became politically controversial. He was not one to bend his analysis to the political environment in which he worked.

Bob also had a very big heart which made him much concerned about people, about how Government policies affected the poor among us. To me his uniqueness stemmed from his eloquent ability to demonstrate how what some have called "cold-hearted economics" actually impacted on people. His penetrating logic revealed that the conventional wisdom regarding the effects of Government economic policies was often in error.

I had the privilege of becoming well acquainted with Bob Weintraub during congressional consideration of additional funding for the International Monetary Fund. I was most impressed to discover that of all the articles and speeches on the IMF, one of the most cogent of them all "International Debt: Crisis and Challenge" was written by a congressional staff member Bob Weintraub.

Dr. Weintraub served 4 years in the U.S. Marines in World War II. He received his doctorate in economics from the University of Chicago in 1954 and was on the faculties of Northwestern University and the City University at New York before being appointed professor of economics at the University of California at Santa Barbara in 1965.

Between 1974 and 1980, Dr. Weintraub served on the staffs of the House and Senate Banking Committees and, for 1 year, as Director of the Office of Capital Markets Policy, U.S. Treasury. He joined the Joint Economic Committee staff in 1981.

The passing of Bob Weintraub leaves a vacuum in the economics community and in Congress which will be difficult to fill.●

LOCAL TELEPHONE RATES

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SWIFT. Mr. Speaker, the distinguished gentleman from Michigan, JOHN D. DINGELL, chairman of the Committee on Energy and Commerce, wrote an excellent article published in the Washington Post on Thursday, August 11, 1983, which I would like to bring to my colleagues attention.

The column was written in response to a Post editorial published on Sunday, July 31, 1983. Chairman DINGELL's column states clearly the real issues raised by the Federal Communication Commission's access charge decision—whether the costs of the local telephone network will be shared fairly by all who use it and benefit from it.

I share the chairman's concerns that, if Congress fails to overturn the FCC's decision, local phone rates will rise more than they have to and many people will no longer be able to afford basic phone service. This is an excellent article and I commend it to my colleagues' attention.

[From the Washington Post, Thursday, Aug. 11, 1983]

YOUR LONG-DISTANCE BILL

(John D. Dingell)

In a July 31 editorial, the Post defends the Federal Communications Commission's recent access charge decision as a step toward "bringing the price of local service up to full cost." This is a misunderstanding

that incorrectly defines the issue. The real issue is whether long-distance and other companies that benefit from local telephone facilities will pay their fair share of the cost of those facilities. Under the FCC decision, the entire cost will be borne by local subscribers, and it is AT&T, ITT, MCI and others that will be subsidized.

The decision shifts billions of dollars of costs associated with the copper wires, telephone poles and drop lines that are used for both long-distance and local service from long-distance companies to local customers. Some believe that the long-distance share of these costs is too high. Others disagree, and cite studies such as the one just completed for the Kansas Public Utility Commission concluding that local telephone companies are undercompensated for investments they have made to upgrade the local network for long-distance service.

But no one, until now, has questioned the principle that both local and long-distance uses of local equipment should share the cost of jointly used plant. The FCC, however, in a radical reversal of telephone industry pricing philosophy, decided that long-distance companies should pay nothing at all for the use of this local equipment.

The FCC claims that if long-distance companies do not have to pay anything for access to local facilities, they will be dissuaded from bypassing local companies and building their own facilities directly to large customers. However, placing all costs on local consumers and thereby increasing the price of local service will simply encourage a different kind of bypass—by cable companies, for instance. The FCC did not remove the incentive to bypass, it merely shifted the incentive to another point in the system—to the detriment of rate-payers and consumers.

A more effective response to the potential bypass would require all users and providers of telecommunications services who benefit from the public telephone network to pay a fair share of the costs of maintaining that network. By treating all competitors, including bypassers, in a similar fashion, this approach would be neutral. A small fee on each contributor would reduce the overall incentive to bypass.

The Post characterizes the congressional reaction to this decision as "the usual shrieks of protest." However, U.S. District Court Judge Harold Greene, the widely respected jurist who is overseeing the AT&T divestiture cannot be so easily dismissed. He has charged that the FCC's unprecedented reshuffling of costs "unnecessarily jeopardizes" the national goal of universal service. Unfortunately, he admits, "the court has no authority to countermand these decisions."

The Post's editorial also disregards the threat to universal service posed by the 26 pending rate increases, totaling $7 billion. All but two of these increases relate in part to recent FCC decisions and divestiture, and some would result in at least a doubling of basic monthly customer charges. State regulators expect another 22 rate increases to be filed within the year.

In another recent decision, the FCC has stripped states of the power to set depreciation rates for local telephone plant and equipment. Without control over this key element of local rates, state regulators may be unable to maintain affordable telephone service.

Some increase in local rates will take place no matter what Congress does. But Congress can and must act to mitigate rate increases, to rein in federal policy-makers who have been guilty of regulatory overkill, and to preserve the universal service goal of the 1934 Communications Act, which mandated policies that would "make available, so far as possible, to all the people of the United States a rapid, efficient, nationwide and worldwide wire and radio communications service with adequate facilities at reasonable charges . . ."

Rep. Tim Wirth and I have introduced the Universal Telephone Service Preservation Act (H.R. 3621), which would:

Overturn the FCC's access charge decision;

Create a more equitable system of access charges;

Establish a Universal Service Fund to provide financial support for high-cost service areas;

Ensure that state regulatory commissions have sufficient authority to maintain affordable telephone service;

Require state regulators to offer discount rates for low-income subscribers.

Long-distance companies and other special interest groups that do not want to pay their fair share of telephone network costs have already mounted a media and congressional campaign to defeat this legislation. They will try to focus exclusively on subsidies for poor people. However, universal telephone service is not a welfare scheme to be provided through telephone stamps. A universally available telephone network is a vitally important component of our economic infrastructure from which all benefit, rich and poor alike.

The subsidy issue is a smokescreen. The real issue is a fair apportionment of the costs of preserving our universal telephone network.●

CWA MEMBERS RESPOND TO CRISIS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KOSTMAYER. Mr. Speaker, during the August recess the Nation watched in grief as Hurricane Alicia struck in the Gulf of Mexico and caused extensive damage, particularly in Houston, Galveston, and surrounding areas in Texas.

I wanted to bring to the attention of my colleagues, Mr. Speaker, the fact that although they were in the midst of a nationwide strike when the hurricane hit, members of the Communication Workers of America (CWA) reported back to work to restore needed service to devastated areas so that medical, fire, and police services could respond effectively to this crisis. CWA President Glenn Watts on August 17 alerted the over 11,000 Bell System employees in the Houston District 12 area to be prepared to return to work without pay should disaster strike, and when it did, CWA employees went to work restoring service to some 280,000 telephones knocked out by the storm. This effort had a substantial effect in aiding emergency rescue efforts.

I commend the way these CWA members responded to the emergency needs of their communities, and ask my colleagues to join me in recognizing their efforts.●

CONTROL THE ARMS RACE

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. DASCHLE. Mr. Speaker, in the last few weeks, all of us here and throughout the Nation have been appalled and disgusted by the action of the Soviet Union in destroying 269 innocent lives aboard Korean Air Lines Flight 007. In our justifiable rage, there have been several understandable calls for a breakoff of all discussions with the Soviet Union, in particular our ongoing discussions on nuclear arms control. As understandable as these reactions are, given the unspeakable barbarity of the Soviet action, I am glad that President Reagan has assumed a responsible position and, while portraying very clearly our outrage, has not broken off these discussions.

That the destruction of these 269 lives is a tragedy is no doubt. An even greater tragedy, however, would occur if we let the passions of the moment disrupt our attempts to bring under control an arms race which has the potential for destroying not 269 lives, but, conceivably, this planet's entire population.

It is in this regard that I was particularly impressed by David Broder's column in the Washington Post of September 8. In that column, Mr. Broder published a 1956 letter written by President Eisenhower which, 27 years ago, prophetically discussed the position we find ourselves in today. In that letter, President Eisenhower said that "when we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die."

We are at that point today, and that is why I am supportive of the measured response made by the President in reaction to the KAL 007 tragedy. The fight to control the arms race madness by mutual, verifiable arms control agreements must continue to be waged, and waged just as fiercely as any battle in our previous history.

The Broder column follows:

[From the Washington Post, Sept. 8, 1983]

IKE ON 'MAN AGAINST WAR'

(David S. Broder)

Something has come into my hands that I think is worth sharing. Prof. Fred I. Greenstein of Princeton, author of "The Hidden Hand Presidency," a study of President Eisenhower, has called my attention to a letter Eisenhower wrote 27 years ago which he says has never been published in full.

With the permission of the president's son, retired Gen. John S. D. Eisenhower, I am giving it circulation through this column. I think it is as important a statement on nuclear war as I have ever read.

Richard L. Simon, president of the publishing firm of Simon & Schuster had written Eisenhower on March 28, 1956, calling attention to a column by Joseph and Stewart Alsop on the Soviet military threat, and urging "that a crash program for long-range airpower and missiles" be given the highest priority, as they recommended.

This is the Eisenhower reply of April 4, 1956:

"Dear Dick:

"Thank you for your letter, which brings up subjects to vast to be discussed adequately in a letter. Suffice it to say here that I doubt that any columnist—and here I depend upon hearsay as I have no time to read them—is concerning himself with what is the true security problem of the day. That problem is not merely man against man or nation against nation. It is man against war.

"I have spent my life in the study of military strength as a deterrent to war, and in the character of military armaments necessary to win a war. The study of the first of these questions is still profitable, but we are rapidly getting to the point that no war can be won. War implies a contest; when you get to the point that contest is no longer involved and the outlook comes close to destruction of the enemy and suicide for ourselves—an outlook that neither side can ignore—then arguments as to the exact amount of available strength as compared to somebody else's are no longer the vital issues.

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

"The fullness of this potentiality has not yet been attained, and I do not, by any means, decry the need for strength. That strength must be spiritual, economic and military. All three are important and they are not mutually exclusive. They are all part of and the product of the American genius, the American will.

"But already we have come to the point where safety cannot be assumed by arms alone. But I repeat that their usefulness becomes concentrated more and more in their characteristics as deterrents than in instruments with which to obtain victory over opponents as in 1945. In this regard, today we are further separated from the end of World War II than the beginning of the century was separated from the beginning of the sixteenth century.

"Naturally, I am not taking the time here to discuss the usefulness of available military strength in putting out prairie fires—spots where American interests are seriously jeopardized by unjustified outbreaks of minor wars. I have contented myself with a few observations on the implications of a major arms race.

"Finally, I do not believe that I shall ever have to defend myself against the charge that I am indifferent to the fate of my countrymen, and I assure you that there are experts, technicians, philosophers and advisers here, who give far more intelligent attention to these matters than do the Alsops.

"With warm regard, sincerely, Dwight D. Eisenhower."

The letter was marked "personal and confidential." But if ever there was a message that echoes across the decades to our own time, it is this one.

In eight short paragraphs, the remarkable man who led the Allied armies to victory over Hitler and served the nation as its last two-term president, distilled a lifetime of wisdom.

There is one sentence which deserves to be carved in stone, or better, imprinted on the mind of anyone who occupies the Oval Office. Just read it slowly—clause by clause—and think about it:

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die."●

PERSONAL EXPLANATION

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. CAMPBELL. Mr. Speaker, I was unavoidably absent for today's vote on House Joint Resolution 353 on account of an unexpected personal medical emergency which necessitated hospital care. I strongly support this resolution condemning the Soviet criminal destruction of the Korean civilian airliner and, had I been present, I would have voted "yea."●

PARTING CHEERS FROM A PRESIDENTIAL SPEECHWRITER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mrs. SCHROEDER. Mr. Speaker, the latest issue of the National Review, which arrived on the newsstands in early September, contains an essay by President Ronald Reagan's former Deputy Assistant and chief speechwriter, Aram Bakshian, Jr., entitled "Two Cheers for Rape."

Mr. Bakshian, who left the White House September 1, reviewed a book on romantic fiction by Helen Hazen. Among other things, Mr. Bakshian states the following:

Rape, especially, seems to strike a deep, instinctive chord in millions of female readers, a cherished fantasy. . . .

. . . . I suspect that those of us willing to slog through seas of treacle could pick up a few handy tactical hints.

All this and more, written, thank God, by a woman, who says things I have long suspected but would never have dared publish.

. . . . applicants may write in care of this publication.

This is bizarre, pathetic drivel. No one would pay it the slightest attention, except that Mr. Bakshian was, until a few days ago, Mr. Reagan's chief speechwriter.

Next, shall we hear "Two Cheers for Child Abuse"? "Two Cheers for Murder"? "Two Cheers for Nuclear War"?

TWO CHEERS FOR RAPE

(By Aram Bakshian, Jr.)

Helen Hazen had better watch out. At this very moment she is probably being targeted for destruction (literary if not physical) by that latter-day monstrous regiment of women, the extreme feminists. No doubt she has also distressed a lot of wimpish Alan Alda clones as well, but their bite is likely to be as feeble as their bark. What has Miss Hazen done to incur the wrath of the harridans? She has written a funny, insightful, slightly disconnected, but mostly sensible little book about the question Sigmund Freud asked but could not answer: What do women want?

One thing they seem to want, and certainly consume voraciously, is the subject of much of her book, that turgid, slushy variety of light reading known as romantic fiction. Anyone who has had to machete his way through shelves of the stuff at a bookshop, or who has observed what even the best and brightest of the female office help tend to read at lunch, is no stranger to the phenomenon.

We're dealing here not just with the syrupy costume romances of Georgette Heyer and Barbara Cartland, which seldom go much further than a kiss or a pinch (Sister Cartland once described her ideal of the erotic male figure as being "fully clothed and preferably in uniform"), but with the new wave of rawer romantic fiction that is based on real seduction, abduction, degradation, and outright rape. Rape, especially, seems to strike a deep, instinctive chord in millions of female readers, a cherished fantasy that is not confined to airheaded bits of fluff or frustrated dowds. To these millions of women, who vastly outnumber the readers of feminist novels and tracts, fictive rape, according to Miss Hazen, is a key part of "the woman's world of illusion," a "ritual of love that exists in fantasy":

A man says to a woman that she is so desirable that he will defy all the rules of honor and decency in order to have her. I would like to be raped, but I want it to happen to me exactly as it happended to Cressida in *Vice Avenged.* I want a marquis to come to my second-story window at night with a ladder. The house should be a country mansion. I will be asleep. He will put on a mask and stuff a handkerchief in my mouth. He will carry me down the ladder: and onto his horse. I will be dreadfully frightened and in my fear will only cling to him more tightly since his strength is my one antidote to that fear. We will travel

across the moors to the hollow he has marked out. He will carry me to the bed of bearskin rugs and furs he has spread . . .

And, of course, there will be a romantic rape—a scary yet somehow cozy sort of rape that bears little resemblance to the real crime, committed in a real setting by a real rapist.

Whatever the reason, this sells like hotcakes to the ladies, most men ignore it, although I suspect that those of us willing to slog through seas of treacle could pick up a few handy tactical tips.

As Miss Hazen points out:

Today's publishing industry relies heavily on novels of romance. The purchases are all made by women, for romance novels are the only literary genre that does not attract both sexes, an interesting fact, since it hints that the rituals of love that are reaffirmed in both every romance and every reader's heart are peculiar only to women, that the mystery of the female is—all protestations aside—really not too fascinating to men.

Here is a yawning gender gap indeed—a literary genre that puts men to sleep, arouses many women, and enrages feminists. Even a harmless old she-hack like Barbara Cartland becomes, in the reddened eyes of Germaine Greer, a sinister menace, a barrier to be removed if "women's liberation movements are to accomplish anything at all."

Why is it that romantic fiction is so widely—and exclusively—popular with women, and so loathed by feminists? As to the appeal, Miss Hazen has a simple and, I believe, rather sensible explanation:

One just cannot get around the truth that romance is more important to women than to men . . . With apologies for stating the obvious, I must say that it is the primary purpose of all animals to perpetuate themselves and it is the responsibility of the female to see to it that the job get done. Every cell in her body is attuned to this charge, and, as with all the truly big things in her life—birth, growing up, death, . . . — intelligent beings have a need to ritualize the impulses that their cells, nerve endings, and hormones, so disturbingly thrust upon them. The ritual merely lends grace to the task and disguises the enormity of its truth . . . To discredit the ritual is to deny the truth.

The feminist loathing for romantic fiction, Miss Hazen says, is a reflection of basic feminist anger. That feminists so often "deal out hatred is only to be expected. If the tie that binds one group of people to another is economic, any revolt will be aimed at the economic structure. The basic tie that binds women and men is love, and, regardless of all the other arguments that quicken the feminist cause, it is love, or the fundamental tie between men and women, that is under attack"; and she proceeds with a devastating analysis of the Adam-ribbing, naggingly aggrieved nature of most feminist fiction.

All this and more, written, thank God, by a woman, who says things I have long suspected but would never have dared publish. Sane members of both sexes owe Helen Hazen a debt of gratitude for bringing nature and common sense to bear on romantic sexuality at a time when the field was in danger of being overrun by neurotics in rebellion against their glands and consulting engineers who would reduce the whole thing to parts inventories and better living through chemistry.

On a more personal note, I was heartened to discover that the hero-seducers in Miss Hazen's favorite form of fiction generally have grey eyes and sneer a lot. The revelation has come to me rather late in life, but this means that I may have what it takes after all. Thank you. Miss Hazen, and applicants may write in care of this periodical.●

SUPPORT FUNDING FOR THE LABOR MANAGEMENT COOPERATION ACT

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LUNDINE. Mr. Speaker, a great deal is being said today about the need to encourage more cooperative relations between labor and management to help improve productivity and stimulate economic growth. Some very impressive efforts have been underway in various areas of our country at the local level to turn the historically adversarial system of labor-management relations into a positive, cooperative one. But, a great deal more needs to be done.

Third party support is often crucial at the initial stages of a cooperative labor-management effort to help establish trust between the parties. In the beginning, a neutral source of financial support and expert technical assistance are key to dissuading any suspicion by either labor or management that the effort might be dominated by one interest or the other.

The only source of neutral outside funding for local labor-management efforts has been provided through the Federal Mediation and Conciliation Service under the Labor Management Cooperation Act of 1978. Unfortunately, since its enactment, funding for this program has never gone beyond a peak of $1.2 million in 1981. For the last 2 fiscal years, President Reagan has requested termination of the program. The program has, however, been kept just barely alive by a congressional appropriation in these years of $500,000.

Once again, for fiscal year 1984, President Reagan has requested termination of this valuable program. In the next few weeks, Congress must make a judgment about the appropriate funding level for the upcoming fiscal year. With this in mind, I would like to commend to your reading an article which recently appeared in the July 25 issue of Industry Week, which points out the difference a small amount of neutral "seed" money can make to a cooperative labor-management initiative.

A "DIAMOND" OF A PRODUCTIVITY IDEA—EMPLOYEE ATTITUDES TURN FULL CIRCLE IN LESS THAN 3 YEARS

Productivity up 18.7%. Absenteeism down 30%; grievances off 55%, and disciplinary actions 48% lower. Add 200 fewer lost-time days per year and 40% fewer quality-related mistakes, and you have enough numbers to make most managers drool.

But these are the documented savings from only one of the four plants—the molded pulp egg carton plant in Palmer, Mass.—of Diamond International Corp.

Who gets the applause? Diamond, to be sure, must get most of it. It laid the groundwork for these gains with its two-and-a-half-year-old 100 Club employee recognition program that awards employees with points for achieving various objectives. But the Federal Mediation & Conciliation Service (FMCS) in Washington should get a hand, too. Its grant money enabled Diamond to extend the program to three of its other plants.

The assessment of Club 100's success at Diamond's other plants isn't complete yet, but Diamond officials believe that the results at Palmer are indicative of the improved labor-management relationship at all four plants.

For example, in 1980, 65% of the employees at Palmer said that they were not treated respectfully by management and 79% felt they were not rewarded for a job well-done. A similar survey this year showed markedly different results: This time 77% felt that they were being rewarded for a job well-done and that the company was concerned for them as persons.

Indirect rewards. Surprisingly, the 100 club is not a gain-sharing program in which employees reap the financial rewards of any cost savings or increases in productivity that they generate. But, as Daniel C. Boyle, Diamond's personnel director, points out, employees indirectly benefit. The more than $1 million in additional revenues generated at Palmer since the introduction of the 100 Club have been plowed back into capital improvements. Also, jobs have been saved that might have otherwise gone under, he maintains.

Despite documented successes like Diamond's, the FMCS government program has had difficulty gaining support. Its funding level slipped from $1.2 million in 1981 (its first year) to only $500,000 this year. And the President doesn't have it in his 1984 budget.

And Mr. Boyle, for one, thinks jettisoning the program would be a mistake. "I can't understand why we're unwilling to commit more money to improving labor-management relationships," he laments. "It is primarily through this cooperation that the economy will be turned around and productivity increased."●

IS CENTRAL AMERICA "ANOTHER VIETNAM"?

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. NEAL. Mr. Speaker, when back home in my congressional district recently, I was asked over and over again—at town meetings and elsewhere—whether, in Central America, we are getting ourselves involved in "another Vietnam." The answer to that complex question does not appear to me to be a simple one. There are many similarities and many differences in the two situations.

One person, a journalist, told me he had been rereading "The Pentagon Papers" and was struck by the similarities between statements made then by our Government to justify our early involvement in Vietnam and statements now being made by the Reagan administration concerning Central America. It was also recommended to me by a former Ambassador to Vietnam that I read an article from the New York Times of Sunday, August 21, 1983, entitled "Some Applied History for Central America." I found the article, which comprised several points of view, to be most useful and commend it to my colleagues.

I believe the proper policy for us to pursue in Central America would be to make it clear that we will not tolerate Soviet or Cuban arms or military presence there. We should back up this stated purpose with overt aid as suggested in the Boland amendment passed by this House and support the Contadora group's effort to engineer a negotiated settlement.

This is quite different from the policy of the Reagan administration, which would overthrow the Nicaraguan Government by covert action, and which seeks a military solution to problems which have their origin in poverty and gross violation, by military dictators, of the most basic of human and civil rights.

At this time, Mr. Speaker, I would like to include in the RECORD the New York Times article:

[From the New York Times, Aug. 21, 1983]

SOME APPLIED HISTORY FOR CENTRAL AMERICA

President Reagan apparently didn't like everything he heard last weekend in Mexico. Without specifying the American warships and troops sent to Central America, his host, President Miguel de la Madrid Hurtado, warned against "shows of force which threaten to touch off a conflagration." Replied Secretary of State George P. Shultz, "The problem in Central America is not the show of force, it is the use of force." President Reagan insisted "hype and hoopla" were distorting news coverage of his Central American policies. Addressing Veterans of Foreign Wars, he said, "You wouldn't know from some of the coverage that the greatest portion of our aid is humanitarian and economic."

Some listeners were reminded of complaints about coverage during the Vietnam War—a period that has come in for close study by critics and defenders of present policies. The Week in Review asked six officials who advised President John F. Kennedy during the formative stages of that American involvement whether there are lessons from Vietnam that apply today in Central America. Their comments follow.

WILLIAM P. BUNDY

(Deputy Assistant Secretary of Defense, 1961–63; Assistant Secretary of State, 1964–69; editor of Foreign Affairs magazine)

If there is one overriding lesson of Vietnam, it is that an Administration must level with Congress and the American people, accepting the burdens of a great debate in which objectives and strategy are clarified, with their costs and implications, and submitted for a clear vote of approval or rejection.

The Administration is apparently equating the role of Nicaragua (with Cuba and the Soviet Union behind it) to North Vietnam (backed by China). It is dubious parallel still lacking in strong evidence, which has put the Administration in the position of backing a massive "covert" operation while denying any intent to change the Sandinista regime. Threats and military maneuvers the Administration does not mean—or have public support—to back by outright force can turn into called bluffs. Or they can create incidents that could tear apart the American public, not to mention the key regional countries and our allies elsewhere.

A deeper issue is the wisdom of the Administration's confused thrust in a regional setting totally different from Vietnam. There, we had the support of virtually all non-Communist nations in East Asia, who saw the conflict as basically aggression from the North, a view subsequent events have confirmed. Also, the legacy of French colonialism was a major, and underestimated, obstacle. But in Central America we have to deal with the legacy of our own past colonialism—as the area sees it. Key regional countries and the younger generation throughout Latin America see the struggle as primarily due, not just to desperate social and economic conditions, but to Washington's past armed interventions and support for right-wing decadent dictatorships.

In Central America, we confront neither a strong North Vietnamese army nor a threat of a big power intervention (from China then). We can have our way if we choose, but renewed colonialism—again as the area sees it—simply will not work in the long run. The price of our past record may indeed include accepting an unpalatable extreme leftist regime for a period of time; it need not include hostile military bases—these we can readily deal with if they ever emerge. And our clear national interest in the Panama Canal depends ultimately on working with Panama and its neighbors and not being perceived as alien gringos. While the area understands our present support for the El Salvador Government, attempts to scotch revolutions by United States action could end by turning a new generation of Latin American leaders wholly against the United States. Nothing truly at stake in Central America warrants that risk or the risk that Central America may distract us from the far graver economic and political problems that could be spawned by the current Latin American debt crisis.

The advice of regional nations is plainly to negotiate in a visibly serious fashion. In this respect as well, El Salvador is clearly not Vietnam. As one who tried for years to find an acceptable formula for a compromise political settlement in Vietnam, I am convinced no such formula was possible in the face of a monolithic North Vietnam totally in control (as events have now proved) of the Viet Cong in the South and dedicated to ultimate total political control. By no stretch of the imagination is the present opposition in Salvador, even with whatever external ties and influences it may have, a like case. It is not monolithic, it clearly contains elements that might fit into a democratic picture and it is infinitely weaker. This is neither Vietnam nor postwar Central Europe, and a compromise political settlement is conceivable.

U. ALEXIS JOHNSON

(Deputy Under Secretary of State, 1961–64; DEPUTY AMBASSADOR TO VIETNAM, 1964–65)

It is dangerous and misleading to look for comparisons between the experience of the Kennedy and subsequent Administrations in Vietnam with the situation in El Salvador. When, in Vietnam, we helped the Goverment frustrate the North's guerrillas, the North turned to its powerful and jungle-warfare-experienced regular forces to subject the South (and Cambodia and Laos). No comparable outside force exists in El Salvador and none of its neighbors is in a position to carry out such a role. It might be more instructive to recall our help to Greece in defeating guerrillas supported by outsiders in 1947–49, or the British success in Malaya, 1948 to 1960. These successes were achieved by political, economic and internal security measures adapted to the local situation. Obviously this is required in El Salvador.

One people cannot prescribe political or economic formulae for another people and culture—least of all by public lectures or legislative fiat. Reforms can only be accomplished by sympathetic private dialogue in which each learns from the other. The essence of effective government is the consent of the governed. Installing institutions modeled on another culture and background does not assure that consent.

Change for the sake of change is usually unwise. This was vividly demonstrated to President Kennedy, when with American acquiescence if not encouragement, and stimulated by sensational media reporting from Saigon, Ngo Dinh Diem was deposed—with virtually no concept of who and what would replace him.

American combat troops were not deployed in Vietnam until the spring of 1965, when regular North Vietnamese forces had already entered the country. I have always speculated on whether the results would have been different if, in the early stages in 1960—instead of deploying combat troops—we had devoted to the development and support of South Vietnamese forces at least some portion of the scale of effort that eventually went to our own forces and "Vietnamization." It always seems simpler and easier to use Americans than to enter into the "nitty-gritty" of developing local capabilities.

With the Soviet Union sending at least 10 times as much per capita in Cuba as we are in El Salvador, I wonder if our friends and adversaries feel our intentions are serious. I hope we can demonstrate that they are.

THEODORE C. SORENSON

(Special Counsel to President Kennedy; partner in law firm Paul, Weiss, Rifkin, Wharton & Garrison)

The Salvadoran revolution, in its geographical, historical, political and military relationships with Washington and Moscow, bears scant resemblance to the conflict that smoldered in Indochina during the Kennedy Presidency. There are, nevertheless, lessons the Reagan Administration should consider before its risky course in Central American becomes irreversible.

First, a Government in El Salvador that rejects, like the Diem regime in South Vietnam, the military, land, legal, political and other reforms required to win the confidence of its own countryside cannot be indefinitely maintained against guerrillas whose fires are fueled by governmental misconduct.

As J.F.K. learned in Vietnam, each incremental increase in American military advisers and assistance, every escalation in rhetoric about "dominoes" or "national interest", makes it harder for us to reverse course and thus easier for the "client government" to resist our recommendations for reform. It also stimulates the flow of military assistance to the guerrillas and, not incidentally, increases their supply of captured or abandoned American weapons. It was in this context that Kennedy, whatever his other errors, never accepted strong and repeated recommendations to deploy U.S. combat units to fight in South Vietnam and bomb North Vietnam.

Second, elections in which only one side dares to participate will legitimatize neither the Salvadoran Government nor American support for it. South Vietnam had several such elections. They did not persuade our principal allies (or Kennedy himself), bring a halt to the Saigon Government's mistreatment of Buddhists and other human rights violations, or diminish Diem's vulnerability to local fears he was becoming more American puppet than nationalist leader.

Third, if the U.S. show of force in El Salvador obtains not a Government victory but a cease-fire and a negotiated political solution, however imperfect, that is sufficient. That was Kennedy's course of action in Laos. He was bitterly criticized for pursuing a "no-win" policy and for sending Americans to participate in negotiations with the Communist Pathet Lao, Hanoi and Peking.

His permitting the Pathet Lao to participate in a neutral and independent coalition Government (that later unsurpringly failed to survive Hanoi's victory in neighboring Vietnam) sounds much like allowing the Salvadoran rebels to "shoot their way" into a share of power. But, as J.F.K. said, "Experience has taught us that no one nation . . . can solve all the problems of the world or manage its revolutionary tides. . . . Extending our commitments does not always increase our security."

Lyndon Johnson and Richard Nixon tried a different course in Indochina. The result is symbolized by the Soviet naval bases built by the United States at Camranh Bay and Danang. If we are to avoid both war in Central American and its domination by pro-Soviet elements, let us hope that Ronald Reagan reads history.

LIEUT. GEN. VICTOR H. KRULAK

(U.S. Marine Corps; special assistant Joint Chiefs of Staff, 1962-64; columnist Copeley News Service)

Analogies between Vietnam and our Central American situation spring up like asparagus. We are bound to give them sober attention lest we make the same mistakes twice. First, subversive insurgency is pretty much the same wherever you find it. Bred in an atmosphere of hunger, sickness, poverty and inadequate government concern, it is nourished by coordinated agitation. The agitators' puppet strings go back to Moscow. In this case, Cuba and particularly Nicaragua are the prime intermediaries. Second, the privileged sanctuary confers great advantages on the antagonist who has it. In the Vietman war, Laos and North Vietnam provided sanctuary. In our fear of irritating the Soviet Union, we stood by and watched a flood of warlike things pass through North Vietnam's port, Haiphong. Once lost in the hinterland, the munitions were difficult to find and destroy. As a result, in the 1968 Tet offensive, the North Vietnamese were able to emplace heavy artillery within range of Saigon and every provincial capital. More than anything else, our unwillingness to face up to the privileged sanctuary cost the free world the Vietnam War.

The analogy with Central America is perfect. The Nicaraguan port of Corinto is Haiphong, whence the munitions find their way to El Salvador through Honduras. In North Vietnam, we belatedly took away the privileged sanctuary by mining Haiphong. In Nicaragua, we can help to take it away by openly supporting the freedom fighters who want to see the Sandinistas replaced by a freely chosen democratic government.

Another analogy is gradualism. In Vietnam, we lost 58,000 lives and untold treasure because we tried to inch our way toward a solution instead of providing South Vietnam with all needed support at the outset. For example, we authorized delivery of aircraft to the South Vietnamese—but not jet aircraft.

We must not repeat the error of gradualism. The Administration asked Congress for $110 million for El Salvador and Congress cut it in half ($55 million)—far less than the value of the 11 shiploads of Soviet material delivered to Nicaragua in the first seven months of this year.

Finally, it is an error ever to do the actual fighting for your small friend under attack by insurgent forces. Train him, supply him, arm him, educate him, sustain him, but let him do his own fighting. We erred in Vietnam—we took over a large part of the battle. In Central America, happily, we have so far avoided that pitfall.

GEN. MAXWELL TAYLOR

(President's military representative, 1961-62; Chairman Joint Chiefs of Staff, 1962-64)

Laying aside Vietnam, which can be made to prove or disprove just about anything, there is a major lesson to be learned from the Kennedy Administration experiences, with possible application to our policy in Central America. It derives from the blended experience in the Bay of Pigs fiasco and the highly successful Cuba missile crisis. Both episodes were carried out by the same President, supported by essentially the same advisers. The success and the failure resulted largely because of our having adhered to or ignored one precept:

Before committing the United States to an important and risky foreign policy action, be sure you know your goal and are determined to pay the price of achieving it.

In the Bay of Pigs, the Kennedy team never had a clear understanding of the purpose of the Cuban brigade that was landed on Cuban soil. Was it to drive inland and try to incite a popular uprising? To join insurgents in the nearby mountains? And what would the brigade do if it were boxed in its beachhead by Castro's troops? Such questions were never raised before the Government was committed to this risky undertaking. Furthermore, there was less determination to succeed than to avoid involving U.S. forces in the landing.

The Cuban missile crisis was quite different. From the moment President Kennedy and his advisers saw the aerial photography showing Soviet ballistic missiles being emplaced, the objective was clear—to get the missiles out of Cuba by whatever means necessary. There was no doubt about the determination to succeed.

What can the Reagan Administration learn from this? The President could certainly profit by restating his policy objectives in simpler terms than has been the case thus far. As for determination to pay the price to achieve these objectives, the President has shown no lack of it. Congress, however, has been niggardly in appropriating funds and quick to impose operational restrictions on our personnel in Central America, thus recalling the spirit of the Bay of Pigs.

ROGER HILLSMAN

(State Department Director of Intelligence, 1961-63; professor, Columbia Univeristy)

Both the Kennedy and Johnson Administrations were deeply dividend about the nature of the struggle in Vietnam. One group saw it as part of global Communist expansionism. Although conceding that purely Vietnamese issues were also at work, they insisted the Viet Cong was ultimately inspired by Moscow and Peking, which would profit by a Communist victory strategically, economically and politically. It followed that such an aggression could be met only by military force.

The rival view agreed the insurgency was led by bona fide Communists, with full support from Moscow and Peking. But they argued, the insurgency was more accurately described as an anticolonialist and essentially nationalistic movement, feeding on social discontent in the South, such as the need for land reform, and whose leaders just happened to be Communist Party members. A Communist Vietnam, they conceded, would be troublesome politically to American interests in Southeast Asia, but the economic implications were miniscule. And not only was Vietnam of little intrinsic importance strategically but, they argued, Hanoi's demonstrated determination to remain independent of Moscow and Peking was ample assurance neither could turn Vietnam into a military base.

Since the insurgency was a nationalist, anticolonialist movement, they concluded, sending foreign troops would be self-defeating. Foreign troops would recruit more peasants for the Viet Cong than they could possibly kill. As President Kennedy said, "In the final analysis, it is their war."

The Vietnam experience might at least lead us to ask the right questions about places like Central America: What is the essential nature of the insurgencies? Are they essentially the creatures of "world Communism" or are they nationalistic, anti-oligarch, peasant revolts, feeding on social discountent, whose leaders just happen to be Communist Party members? As for strategic implications, would a Communist victory in a Central American country give Moscow a vital military base or has the new missile technology rendered such bases obsolete? Even if it has not, did not the 1962 Cuban missile crisis discourage Moscow from trying that kind of move again? And finally, does the long history of resentment of "economic imperialism" by the "Colossus of the North" and its alliance with Latin American oligarchs mean that, as in Vietnam, American troops would end up recruting more Communists than they could kill?●

A MAN OF PEACE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. EDGAR. Mr. Speaker, only minutes after his return to Manila on August 21, former Philippine Senator Benigno Aquino, Jr., was assassinated.

Senator Aquino, a respected and popular leader of the Philippine opposition to President Ferdinand Marcos, had lived in the United States for the past 3 years.

As the controversy surrounding his murder continues, and we reconsider our position regarding the Philippines, it is important to take note of the words and philosophy of the man. Without further comment, I would like to insert into the RECORD excerpts from his statement earlier this year before the House Subcommittee on Asian and Pacific Affairs, recently reprinted in the Christian Science Monitor. They are the words of a man of peace.

The article follows:

FILIPINO'S RETURN: FIGHTING FIRE WITH WATER

(By Benigno S. Aquino)

The Filipino today is facing an ever-deepening crisis. Never in history has he suffered from greater political and economic wants. It is time for every Filipino abroad who loves his county to return home, suffer with his people, and help in the quest for that elusive national unity which is imperative for the nation's survival.

During my stay in America, I was privileged to enjoy fellowships in two of the most prestigious academic institutions of this great republic, Harvard University and the Massachusetts Institute of Technology, to search for answers to many problems besetting the Philippines.

Shortly after I arrived in Boston in the fall of 1980, I was visited by some of my countrymen and asked to join the ranks of the freedom fighters who have chosen the path of revolution to liberate our people. I considered their appeal very seriously and I redirected my academic research to a close scrutiny of the advantages and disadvantages of the use of force and violence to attain national liberation.

To gather empirical data and firsthand information, I traveled to the Middle East, to Southeast Asia, and to Central America. I interviewed the leaders of the most recent successful revolutions and talked to both the victors and the vanquished, the relatives of the victims and the survivors. I have concluded that revolution and violence exact the highest price in terms of human values and human lives in the struggle for freedom. In the end there are really no victors, only victims.

It is true, one can fight fire with fire, but the late Ramon Magsaysay, one of the most revered presidents of our country, proved that it is more effective to fight fire with water. Communism may be defeated not by adopting the brutal methods of the enemy and thereby losing your moral imperative, but by reinforcing human rights. One can fight hatred with a greater hatred, but Magsaysay proved that it is more effective to fight hatred with greater Christian love. "Those who have less in life should have more in law" was one of his battle cries.

I have decided to pursue my freedom struggle through the path of nonviolence, fully cognizant that this may be the longer and the more arduous road. If I have made the wrong decision, only I and maybe my family will suffer. Only I will suffer solitary confinement once again, and possibly death by firing squad.

But by taking the road of revolution, how many lives, other than mine, will have to be sacrificed? We are already the worst economic performer in Southeast Asia. Revolution would set us back 30 or even 40 years. . . .

I have chosen to return to the silence of my solitary confinement and from there work for a peaceful solution to our problems rather than come back triumphant to the blare of trumpets and cymbals seeking to drown the wailings and sad lamentations of mothers whose sons and daughters have been sacrificed to the gods of revolution. Can the killers of today be the leaders of tomorrow? Must we destroy in order to build? I refuse to believe that it is necessary for a nation to build its foundations on the bones of its young.

Last June 12, 1983, the leaders of the nonviolent opposition met and signed in Manila a document entitled "A Formula for National Reconciliation." They appealed to the armed opposition in the hills "to give democratic processes a last chance by joining in the forthcoming elections and to demand that they be free, orderly, and honest."

To bring about peaceful reconciliation, the leaders urged Marcos to grant general amnesty to all political offenders; repeal the Anti-Subversion Law; abolish the infamous President Commitment Order; and discontinue the practice of military interference in purely civilian affairs.

These same leaders warned that "armed conflict in our country is fast approaching the point of no return. Dissenters and dissidents, many of them reluctant rebels, are being driven farther and farther from the ways of peace and reconcilation."

The formula for national reconciliation is their final effort to stave off what they perceive to be an imminent revolution.

Upon my return, I intend to join these leaders in their appeal and take up with them the program of action I crafted during my three years in exile.

Buffeted by natural and unnatural calamities, the Philippines has carded the worst economic performance among the five-nation ASEAN grouping last year. What is more tragic, in the midst of all these miseries, Filipinos are still killing each other in ever increasing numbers. This blood-letting must stop. This madness must cease.

I think it can be stopped if all Filipinos can get together as true brothers and sisters and search for a healing solution, in a genuine spirit of give and take. We must transcend our petty selves, forget our hurts and bitterness, cast aside thoughts of revenge and let sanity, reason, and above all, love of country prevail during our gravest hour.●

AMERICO RICCIANI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SMITH. Mr. Speaker, on Sunday, September 18, 1983, the Societa Romana Maschile di M.S. in Trenton, N.J., will host a testimonial dinner honoring Americo Ricciani for his active participation and encouragement of Trenton area sports and youth programs—his contribution of time and energy in assisting the indigent of the community, and his 58 years of service to the Roman Society.

"Richie" Ricciani was born in Trenton 75 years ago and was later educated at St. Joachim's school in Trenton. As a young man he began a career in the wine business as a driver for the Trenton Wine Co., later becoming a partner and finally sole owner in 1958. He retired from the business in 1976.

Richie was actively involved in numerous youth programs for 30 years. He was basketball and baseball coach for St. Joachim's Catholic Youth Club, the city of Trenton Recreation League, the Trenton Boys Club, and Chambersburg Little League. He later assisted with the Trenton Catholic sports activities in the Fathers' Club. He was also, and still is, deeply involved with charitable and church activities, having served on several fund drives for St. Joachim's Church. Richie also served for 49 years on committees of the Holy Name Society and the Usher's Association. Most noteworthy however is his work over the past 40 years as treasurer of the St. Vincent DePaul Conference, attending to the needs of the poor and indigent of the parish and the community. He continues to work in this capacity today.

As a member of the Roman Society, Richie Ricciani has been a driving force in keeping the Society healthy and vital and was instrumental in formulating a new facility and hall for the Society, and helped initiate a restaurant operation that has become perhaps the most famous and popular of Trenton's lunchtime meeting places.

Richie's busy life includes 50 years of happy marriage to the former Rose Filipponi, a marriage further fulfilled by sons William and John, both doctors, and four grandchildren.

Mr. Speaker, I ask my colleagues in the House to join me in recognizing the great human contributions of this great man, and in wishing Americo "Richie" Ricciani many more years of healthy, happy, and productive life.●

H.R. 3520, REHABILITATION ACT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. WALGREN. Mr. Speaker, I was pleased to cast my vote yesterday for H.R. 3520, a bill to extend and continue funding for the vocational rehabilitation program and 10 other education programs. The bill is one about which I would hope there would be no controversy, rehab programs help disabled people become independent and employable.

The Rehabilitation Act, now in its 63d year, is a State-Federal partner-

ship providing a broad range of services to help people learn vocational skills and learn how to function as independently as possible. In 1982, the programs served to rehabilitate 226,924 disabled people, of which 57 percent were severely disabled.

This program is one with a tremendous payback, both in personal terms and economic terms. The Rehabilitation Services Administration estimates that for every dollar spent on vocational rehabilitation, there is a return of over $10. For cases closed in 1980, the estimated lifetime improved earnings for less severely disabled persons is $14.6 for each dollar of cost. For severely disabled, the ratio is $8 for each dollar spent. People rehabilitated in 1980 paid $211.5 million more in income, payroll, and State taxes than they would have without rehabilitation. Another $68.9 million was saved by reducing dependency on public support payments and institutional care. These numbers, of course, do not and cannot measure the gains in self-esteem, morale, and happiness that can come from a sense of self-sufficiency and independence.

Support for this program comes from a wide range of highly thought of sources.

Alice Rivlin, Director of the Congressional Budget Office, a leading expert on Federal budget policy, wrote:

> Since expenditures for vocational rehabilitation are associated with offsetting savings in other government programs, a reduction of funding for rehabilitation would generate increases in other parts of the federal and state budgets.

Secretary of Education Terrel Bell stated in 1982, "I have never seen another program that is more cost-effective than vocational rehabilitation."—We should note, however, that the administration budget request for the program would decrease the number of persons served and rehabilitated.

The essence of the Rehabilitation Act is best summed up by former Senator Hubert Humphrey in 1972, when Congress was considering the provisions that prohibit discrimination against handicapped persons. He said,

> The time has come to firmly establish the right of these Americans to dignity and self-respect as equal and contributing members of society and to end the virtual isolation of millions of children and adults from society.

These goals are just as important today as they always have been and I am pleased to cast my vote for them.●

PRESERVE EXPORT CONTROLS—DO NOT LET THE SOVIETS GRAB WESTERN HIGH TECH

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. ROTH. Mr. Speaker, we will soon debate the most important piece of trade legislation to come before this session of Congress. That legislation is H.R. 3231, Amendments to the Export Administration Act of 1979. It enables the President to license, and thereby regulate, U.S. exports for reasons of national security and foreign policy.

Amendments to the Export Administration Act (H.R. 3231) make a number of significant improvements to the operation of the U.S. export controls. But there are other provisions that handicap the ability of the United States, and the countries with whom we control exports cooperatively, to prevent the diversion of advanced technology to the Soviet Union.

There is overwhelming evidence that the Soviets have embarked on a massive campaign to pirate Western technology. The Soviet and East European campaign to acquire Western technology is confirmed by the intelligence services of our NATO allies. Within the past year, virtually every NATO country, has expelled Soviet technology spies.

Since 1949, an informal coordinating committee, known as CoCom (composed of the NATO allies, minus Iceland and Spain plus Japan), has recommended to member governments an international list of strategically significant goods. CoCom governments have pledged to restrict the transfer of items on the list to the Soviets. In recent years, no CoCom country, not even the United States has devoted sufficient resources to export controls. That is beginning to change because many governments now realize the enormity of the Soviet effort to obtain Western goods and technologies.

Not long ago, West German intelligence reported on the Soviet effort to bypass CoCom regulations. West German intelligence reported that Soviet and East European efforts to outwit CoCom are aimed at obtaining military equipment, nuclear technology, and other strategically important goods from the West. It described how Communist agents used numerous methods within the Federal Republic to deceive West German companies about the true destination of CoCom embargoed equipment. The report described how Communist agents offered West German businessmen lucrative business contracts to obtain their cooperation to divert CoCom controlled goods to the Soviet Union. In one case, West German intelligence described how businessmen ordered equipment manufactured overseas, shipped the equipment to a company in another European country which then diverted the goods to Moscow.

The efforts to steal Western technology are not the work of the Soviets alone. The West German intelligence report described activities by Czechoslovaks, Poles, and Bulgarians to obtain microelectronics, laser optics, radiation technology, measuring equipment, semiconductors, and other CoCom listed goods,

Mr. Speaker, the export control bill pending before the House eliminates the requirement of U.S. companies to obtain export licenses before shipping their goods to CoCom countries. This provision will seriously handicap the efforts of U.S. enforcement authorities to prevent the diversion of goods to the Soviet Union and other other adversaries. Export licensing is an investigative tool. Licensing is a means to an end—to prevent the Soviet from obtaining advanced Western technology which could enhance their military capabilites.

The Committee on Foreign Affairs has proposed to give the exports enforcement office at the Department of Commerce expanded police powers and a significant increase in funding. These are worthwhile objectives. They are, however, without substance if the Department is denied the opportunity to use one of the most important investigative tools to prevent the diversion of technology to the Soviets—the export license.

The United States, as well as our CoCom allies, need to strengthen their enforcement activities. At the same time, we need to reduce the number of products currently controlled. We need to focus our attention on those goods which are of strategic significance. Provision already in H.R. 3231 will accomplish this objetive. To do away entirely with export licensing, as H.R. 3231 proposes to do, will weaken rather than strengthen the Export Administration Act.●

MURDER IN MANILA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KOSTMAYER. Mr. Speaker, had he not been murdered in cold blood Benigno Aquino would have delivered this address on his return to his homeland last month:

> I have returned on my free will to join the ranks of those struggling to restore our rights and freedoms through nonviolence.
>
> I seek no confrontation. I only pray and will strive for a genuine national reconciliation founded on justice.

I am prepared for the worst, and have decided against the advice of my mother, my spiritual adviser, many of my tested friends and a few of my most valued political mentors.

A death sentence awaits me. Two more subversion charges, both calling for death penalties, have been filed since I left three years ago and are now pending with the courts.

I could have opted to seek political asylum in America, but I feel it is my duty, as it is the duty of every Filipino, to suffer with his people especially in time of crisis.

I never sought nor have I been given any assurances or promise of leniency by the regime. I return voluntarily armed only with a clear conscience and fortified in the faith that in the end justice will emerge triumphant.

According to (Indian independence leader Mohandas K.) Gandhi, the willing sacrifice of the innocent is the most powerful answer to insolent tyranny that has yet been conceived by God and man.

Three years ago when I left (the Philippines) for an emergency heart bypass operation, I hoped and prayed that the rights and freedoms of our people would soon be restored, that living conditions would improve and that bloodletting would stop.

Rather than move forward, we have moved backward. The killings have increased, the economy has taken a turn for the worse and the human rights situation has deteriorated.

During the martial law period, the Filipino Supreme Court heard petitions for habeas corpus. It is most ironic after martial law has allegedly been lifted, that the Supreme Court last April ruled it can no longer entertain petitions for habeas corpus for persons detained under a Presidential Commitment Order, which covers all so-called national security cases and which under present circumstances can cover almost anything.

The country is far advanced in her times of trouble. Economic, social and political problems bedevil the Filipino. These problems may be surmounted if we are united. But we can be united only if all the rights and freedoms enjoyed before Sept. 21, 1972 are fully restored.

The Filipino asked for nothing more, but will surely accept nothing less, than all the rights and freedoms guaranteed by the 1935 constitution—the most sacred legacies from the founding fathers.

Yes, the Filipino is patient, but there is a limit to his patience. Must we wait until that patience snaps?

The nationwide rebellion is escalating and threatens to explode into a bloody revolution. There is a growing cadre of young Filipinos who have finally come to realize that freedom is never granted, it is taken. Must we relive the agonies and the bloodletting of the past that brought forth our republic or can we sit down as brothers and sisters and discuss our differences with reason and goodwill?

I have often wondered how many disputes could have been settled easily had the disputants only dared to define their terms.

So as to leave no room for misunderstanding, I shall define my terms:

1. Six years ago, I was sentenced to die before a firing squad by a military tribunal whose jurisdiction I steadfastly refused to recognize. It is now time for the regime to decide. Order my immediate execution or set me free.

I was sentenced to die for allegedly being the leading communist leader. I am not a communist, never was and never will be.

2. National reconciliation and unity can be achieved but only with justice, including justice for our Muslim and Ifugao brothers. There can be no deal with a dictator. No compromise with dictatorship.

3. In a revolution there can really be no victors, only victims. We do not have to destroy in order to build.

4. Subversion stems from economic, social and political causes and will not be solved by purely military solutions; it can be curbed not with ever-increasing repression but with a more equitable distribution of wealth, more democracy and more freedom.

5. For the economy to get going once again, the working man must be given his just and rightful share of his labor, and to the owners and managers must be restored the hope where there is so much uncertainty if not despair.

On one of the long corridors of Harvard University is carved in granite the words of Archibald MacLeish: "How shall freedom be defended? By arms when it is attacked by arms; by truth when it is attacked by lies, by democratic faith when it is attacked by authoritarian dogma. Always, and in the final act, by determination and faith."

I return from exile and to an uncertain future with only determination and faith to offer—faith in our people and faith in God.

Senator Aquino wrote that he believed "justice will emerge triumphant." Let us hope so, Mr. Speaker. If the Marcos regime fails to undertake a thorough and serious investigation into Aquino's assassination it would be a profound betrayal of our country's belief in justice for President Reagan to go ahead with his plans to visit the Philippines in November.

Senator Aquino was a vigorous anti-communist and nationalist; the tragedy of his death has left the Filipino people deeply shaken. For President Reagan to even tacity renew Vice President Bush's 1981 declaration to President Marcos of "love for your adherence to democratic principle and to the democratic process" would be ignoring the impact of Senator Aquino's death on the Filipino people. They deserve a satisfactory accounting of why and how the murder occurred before Mr. Reagan offers his blessings to the regime in power. Anything less would be a travesty of justice, far from the triumph of Benigno Aquino's dreams.●

AMERICAN BUSINESSWOMEN'S DAY

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. BRITT. Mr. Speaker, American Businesswomen's Day will be held on September 22. I hope my colleagues will join on this occasion in recognizing America's businesswomen for their achievements and advancements in helping to shape America's future.

This day, Mr. Speaker, would not be possible without the hard work of the American Businesswomen's Association. Today, I would like to recognize this vibrant organization for its work in helping women to obtain leadership positions in our country's business community. The American Businesswomen's Association (ABWA) represents businesswomen in all 50 States and Puerto Rico with a membership of more than 105,000 individuals. For more than 32 years, the ABWA has helped prepare women for leadership roles in business. This association is dedicated to the professional, educational, cultural, and social advancement of businesswomen.

Last year, the combined chapters of ABWA awarded more than $2,322,000 in scholarships to women. In addition, their national scholarship provided more that $323,000 for educational scholarships. Many of the students were entering colleges or vocational schools for the first time. Some needed specialized courses in order to advance in their chosen career fields, and others were women seeking to update their skills in order to reenter the market after taking time out to raise their families.

In my home district of Almance, Guilford, and Davidson Counties in North Carolina the ABWA has been especially active. In those three counties alone, the ABWA has established 20 chapters.

Mr. Speaker, American Businesswomen's Day is one way in which to focus our attention on the past and future contributions of American businesswomen. But it is by the work of organizations like ABWA by which the real advancements are made. We in Congress should mirror their commitment.●

CHERIN CHAYKOWSKI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to share with my colleagues in the House the achievements of an unusually gifted and talented young lady who I am proud to represent in Congress.

Cherin Chaykowski of Lawrenceville, N.J., is only 10 years old, yet in just 3 years of active twirling competition, Cherin has garnered over 600 trophies and awards which fill two full rooms in her home, with still more honors on display in virtually every corner of the house. When I visited here recently, I could not believe someone of Cherin's age could accomplish so much in so short an amount of time.

Recently, Cherin Chaykowski obtained the highest honor yet in her illustrious young career. She was selected as the 1983 All-American Girl at the American Youth on Parade NBTA World and National Baton Twirling Competition held July 19-23 at Notre Dame University in South Bend, Ind. Cherin represented New Jersey and was selected over 50 other contestants from the United States and Canada. She also won medals in the jazz dance, world 2-baton and world flag twirling competition at Notre Dame.

These recent national honors only top a very long and impressive list of achievements. Cherin is the featured twirler for the award-winning Lawrence High School Cardinal Band; she is listed in the 1983 edition of "Who's Who in Baton Twirling," she was a guest parade marshall in the Walt Disney World decennial parade in Walt Disney World, Florida in 1982; she was selected Miss S.E. Jersey Hemisphere, Miss Talent New Jersey Hemisphere, and Miss S.E. Pennsylvania Hemisphere 1983 and was second runner-up in the Miss New Jersey Pre-Teen Pageant held in May of this year. She currently holds other modelling and baton titles too numerous to mention.

Cherin Chaykowski is a bright, charming young lady with a winning smile and personality, and I believe she will do much in the coming years to make her town, State, and country very proud. Indeed, she has already accomplished more in a few years than most people accomplish in a lifetime.

I ask my colleagues to join me in honoring Cherin Chaykowski and in wishing her all the best in her life. I know we will be watching her career with great pride and anticipation.●

TESTIMONIAL DINNER FOR BALOZI HARVEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. RODINO. Mr. Speaker, this Sunday a testimonial dinner will be held for Balozi Harvey, executive director of the Harlem Third World Trade Institute. It is being held in Newark, and the international community in New Jersey and New York will gather to pay tribute to this great man.

Mr. Harvey has made enormous contributions to enhancing trade relations with the Third World. He is one of the most skilled trade facilitators in the world, particularly in dealing with African, Caribbean, and Latin countries. Mr. Harvey was a pioneer in the area of Third World trade, and it is significant tribute to him that ambassadors of Third World countries and leaders of international organizations will be present at the testimonial dinner.

In addition to his skills in the area of international trade, Mr. Harvey also has exceptional dedication to his community and to the needs of small business people.

The participants at the dinner represent an extensive list of national and international leaders. The keynote speaker will be Oumarou Youssoufou, Ambassador of the Organization of African Unity to the United Nations. The program also includes a welcome address by Mayor Kenneth A. Gibson of Newark, an invocation by the Reverend Charles Kenyatta of the White Rock Baptist Church, and Hon. Ralph T. Grant will be the master of ceremonies. Other notables who will attend are Joseph Legwaila, Ambassador of Botswana; Paul Rupia, Ambassador of Tanzania; Mayor Thomas Cook, Jr. of East Orange, N.J.; State Senator Wynona M. Lipman; Assemblywoman Mildred Barry Garvin; Representative CHARLES B. RANGEL of New York; and Mr. Kevin Ali, chairman of the Testimonial Dinner Committee.●

SOVIET CHEMICAL/BIOLOGICAL WARFARE PREPARATIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, today the United States faces a serious security problem which many Americans would rather not recognize—the massive buildup of chemical and biological weapons by the Soviet Union. Though a signator, the Soviet Union blatantly disregards the international chemical and biological weapons treaties by producing and using these agents. Soviet chemical warfare policies present a grave danger to the United States and the NATO alliance.

Mr. Speaker, the evidence demonstrates that the Soviet Union regards chemical and biological weapons as an integral part of its overall military strategy. Soviet strategists make no distinction between conventional and chemical warfare.

Currently, the Red army has between 80,000 and 100,000 soldiers dedicated to chemical/biological warfare (CBW)—that is twice the number of U.S. combat troops currently stationed in Europe. Furthermore, chemical warfare training has long been as vital a part of Soviet military training as small arms instruction. During maneuvers the Soviets use a diluted form of soman, the standard nerve gas in the Soviet CBW arsenal, to provide realism. That practice results in an average of 12 training fatalities a year. Soviet strategy emphasizes survivability in a chemical environment. Each Soviet tank and motorized rifle division has a chemical defense battalion with 66 vehicles, 32 of which are decontamination vehicles. Complementing this extensive investment made for decontaminating both equipment and personnel rapidly is the investment in vehicle protection. No army has devoted such a scope of equipment and specialized units to insuring the decontamination of its forces—thus preserving combat effectiveness. Soviet planners apparently envisage persistent agents being a significant factor in the next war in Europe.

Western defense analysts estimate that an astounding 50 percent of all missiles, artillery shells, mortar bombs, land mines, and airborne bombs facing NATO are filled with chemical agents. The Soviets possess the capability to use these agents offensively. Gen. Frederick J. Kroesen, former Commander of U.S. Forces in Europe, has stated that the Soviet CBW capabilities are so awesome and NATO—especially United States—defensive capabilities so inadequate, that if he were the Soviet commander responsible for attacking NATO, he would be sorely tempted to use his CBW assets from the outset. Given this striking evidence, it is difficult to imagine how anyone can doubt that the Soviets plan to fight a chemical war.

Mr. Speaker, I have seen firm evidence supplied by the U.S. Government of the continuing growth of Soviet CBW production and storage capabilities. Estimates of the amount of chemical agents stockpiled inside the Soviet Union range from 30,000 to 700,000 tons; but a figure of 350,000 tons, against the U.S. holdings of about 42,000 tons, has become generally accepted in the West.

In April 1979 at military compound 19 at Sverdlovsk in the Soviet Union, an explosion or leak at a highly secure biological weapons production facility produced a cloud of Anthrax that killed upward of 1,000 people. The Soviets were forced to decontaminate the town and environs by scrubbing down the buildings, streets, and cars. That revelation clearly shows the Soviet Union's violation of the 1972 Biological Weapons Convention to which it is a signator.

In addition to the incident at Sverdlovsk, Mr. Speaker, there are several documented instances of the Soviet Union using Third World peoples as laboratory guinea pigs to operationally test the effectiveness of their CB weapons and tactics. In 1967 at the end of the Yemen civil war, reports circulated about the use of Soviet-supplied chemical agents from Egyptian aircraft following some bizarre casualties. Also in 1967, during the six-day war, the Israelis claimed to have found a cache of Soviet nerve gas in the

Sinai. Many people said that the Israeli allegations were mere propaganda designed to elicit support in the United States. But in 1973 during the Arab-Israeli war, the Israelis captured battle tanks of Soviet origin equipped with automatic antidote injectors against soman.

According to the U.S. State Department and independent defense analysts, the Soviets have not limited their chemical experimentation to the Middle East. Laotian and Vietnamese forces were reported to have used Soviet chemical agents—mustard gas and soman—in Laos between 1974 and 1981. In 1979 the Soviets entered Afghanistan with substantial chemical forces accompanying five Red army divisions. As reported on the "ABC News" documentary, "Rain of Terror," which aired on December 21, 1981, eyewitnesses reported 400 to 500 deaths after Soviet soldiers in Vietnamese uniforms shot Russian rockets into the mountains. Diplomatic observers and journalists have reported several attacks on schools in Afghanistan. Many say such attacks are designed to "teach the student a lesson for trying to demonstrate against the Soviets." Defense & Foreign Affairs magazine reports that stockpiles of chemical agents of Soviet origin exist in Cuba, Czechoslovakia, Ethiopia, East Germany, Iraq, Poland, and Vietnam. For over 15 years the Soviets have been perfecting the means to wage an unlimited chemical war.

If chemical and biological weapons are used they have to have been produced and stockpiled. Usage violates the 1925 Geneva Protocol. Production and stockpiling violates the 1972 Biological Weapons Convention. The Soviet Union is a signatory to both of these agreements on chemical weapons. To date there is not an international agreement that effectively binds all signatories to the stipulations delineated in the Geneva Protocol or the Biological Weapons Convention agreement. As a result, such an agreement cannot be enforced and all parties are bound by nothing more than their moral principles. It is patently absurd as well as immoral for the United States to believe that we can negotiate an honest agreement with the Soviet Union unless there is an adequate provision for verification of compliance. Only full and adequate onsite inspection constitute "adequate" verification.

My distinguished colleague from New York, Mr. STEPHEN J. SOLARZ shares my fear of the massive Soviet buildup of chemical and biological weapons. Even though we differ sharply on many policy questions, our concurrence on the implications of Soviet deployment of chemical and biological weapon agents demonstrates the fact that this issue is too vital to the security of the free world to place within the realm of partisan politics. Mr. SOLARZ' article, "Yellow Rain: Beyond a Reasonable Doubt," which appeared in the June 22 edition of the Wall Street Journal, stresses the necessity of including provisions for verification in all chemical weapons treaties. Mr. SOLARZ presents compelling evidence of Soviet violation of chemical and biological arms accords.

Mr. Speaker, I applaud Mr. SOLARZ for his thorough and thought-provoking article and recommend it to the attention of my colleagues. Let it stand as a reminder of the consequences should we deny the existence of the threat imposed by Soviet chemical and biological weapons.

The article follows:

[From the Wall Street Journal, June 22, 1983]

YELLOW RAIN: BEYOND A REASONABLE DOUBT

(By Stephen J. Solarz)

There may be reasons for doubting that the Soviet Union is involved with illegal chemical warfare in Asia, but the facts of the case aren't among them. No matter how hard those who prefer to see and hear and speak no evil may try, the evidence simply cannot be explained away.

It is not just the United States but also Canada, Britain, Australia, China and Thailand, among others, which have found that illegal chemical warfare is being used in Asia. Even the Socialist foreign minister of France, who is no enemy of Vietnam, recently announced that France on its own had "firm and convincing evidence" of the use of these weapons in Southeast Asia and Afghanistan.

Yet it is easy to understand why so many good people resist this conclusion. When former Secretary of State Alexander Haig first aired the charge that the Soviet Union was violating treaties prohibiting chemical and biological warfare, his publicly presented evidence—a twig—seemed so thin that Mr. Haig's claim appeared to be more an exercise in Cold War propaganda than a presentation of carefully compiled scientific data. Many people here and abroad also worried that Mr. Haig's accusation was part of a Reagan administration attempt to justify its hostility to arms control agreements with the Soviet Union.

PLENTY OF EVIDENCE

The initial skepticism which greeted Mr. Haig's accusation notwithstanding, the use of chemical warfare by the U.S.S.R. and Vietnam has now been established beyond doubt. Not only is there persuasive, if highly classified, technical data indicating Soviet involvement in the manufacture, supply and use of chemical weapons, but peer reviews of the U.S. evidence by a panel of American scientists and a leading Japanese authority on the subject have independently confirmed that the chemical agents discovered were indeed man-made, prohibited substances. In addition, there is publicly available medical testimony, hundreds of first-hand reports from the victims of "yellow rain," and laboratory analysis of samples taken from areas in which these prohibited toxins have been found.

Doctors from France, India, the U.S., the Philippines and Canada who work with refugees along the borders to which the victims of chemical warfare have fled almost uniformly report finding symptoms in victims of attacks which aren't consistent with any known disease, but which do conform to symptoms associated with illegal chemical weapons.

The stories of the victims are compelling in themselves. Contrary to what some doubters imply, these reports do not come from a handful of able-bodied, politically committed Meo leaders, but from a wide variety of Khmer, Hmong and Afghan refugees, ranging from little children to the elderly.

Their accounts of "yellow rain" attacks are particularly convincing in that they are usually not volunteered, but are revealed only when a doctor asks the refugees directly about their symptoms.

Refugee reports are dismissed by many people as inherently unreliable. This is exactly what happened when the first stories began to come out of Nazi-occupied Europe about the Holocaust. In fact refugees have a record of being excellent sources of information on inaccessible societies and situations.

The Chinese who fled to Hong Kong in 1962 carried reports of mass famine. Even experts dismissed their testimony. Yet it is now known that at least 10 million people perished.

Cambodian refugees fleeing Pol Pot's minions after the fall of the Lon Nol regime in 1975 related harrowing accounts of autogenocide. Many people dismissed the bloody truth as a Cold War lie invented to discredit Vietnam, which was seen as supporting Cambodia. Yet we now know that about a third of the Khmer people lost their lives during Pol Pot's brief period in power.

The reports of Afghan refugees fleeing Soviet tyranny and of Guatemalan refugees fleeing their own army, which has gone on a rampage in the countryside, are now widely accepted. It strains credulity to believe that the refugees escaping "yellow rain" in Asia, alone among all the victims of repression, are uniquely engaged in a monumental hoax.

For those not fully convinced by the testimony of independent doctors or the reports of victimized refugees, even more definitive proof is available in the form of laboratory analysis. Samples obtained from areas in which "yellow rain" has been reported reveal combinations of trichothecene toxins not found in nature. Since Hanoi doesn't have the scientific or technical capacity to manufacture these illegal substances, it is clear that Vietnam must be receiving them from the Soviet Union.

The only explanation of these manmade poisons that would exculpate the Soviet Union is that the CIA or some other foreign agency planted the evidence. But not even the U.S.S.R. has suggested such a conspiracy theory as a way of explaining the undeniable existence of these toxins.

In its formal response to the U.S. charges, the Soviet Union has acknowledged the existence in Laos and Cambodia of these prohibited chemicals. But it has claimed that they are due to U.S. use of Agent Orange in Vietnam, which, according to the Soviet argument, destroyed the natural vegetation and led to the growth of elephant grasses that produced the toxins in question. These deadly poisons, the Soviets go on to claim, are being carried into hostile Hmong and Khmer regions by monsoon winds that, somehow or other, deposit them nowhere else. So far not a single serious independent scientist, or even Rube Goldberg, has lent any credence to this Soviet invention of inherently implausible interrelations, and a U.S. team of experts found no validity in the Soviet hypothesis.

WE CAN'T IGNORE THE VICTIMS

The latest effort to explain away the damning evidence asserts that the trichothecenes found in Southeast Asia grew on bee defecations. Since bees have presumably long been indigenous to the region, it is odd that these deadly manifestations show up only now. The incredible bee hypothesis, unlike the one advanced by the Soviet Union, does not even pretend to explain why these poisonous substances did not appear in earlier years or in other places.

Some people resist the compelling evidence of Soviet violation of chemical and biological arms accords out of a fear that such a conclusion would jeopardize prospects for reaching future arms-control agreements. But the conclusion which the evidence compels is not that the U.S. should refrain from entering into such agreements with the Soviets, but that any such treaties must have adequate provisions for verification, in contrast to the chemical-war conventions which lack them.

Arms-limitation agreements with the Soviets are essential if we are going to bring the arms race under control. But it is absolutely imperative that, in the midst of such efforts, we don't turn our backs on another helpless group of victims. Otherwise the crime will spread. Reports are now coming in of similar chemical attacks in Eritrea. This outrage must end.●

CPL. WOLODYMYR HOLYNSKYJ

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. KEMP. Mr. Speaker, Cpl. Wolodymyr Holynskyj, one of America's truly courageous and outstanding men, will be honored on Saturday, September 24, when the Ukrainian American Veterans Post No. 23 in Buffalo, N.Y., is renamed in his honor. Cpl. Wolodymyr Holynskyj, U.S. 55155218, served as a member of Company L, 5th Infantry, in the U.S. Army and was killed in action in Korea on September 2, 1952.

I would like to bring to the attention of my colleagues the many fine accomplishments for which Cpl. Wolodymyr Holynskyj is being recognized. He was awarded the Purple Heart, the Good Conduct Medal, the United Nations Medal, the Korean Theater Medal, and the Republic of Korea Citation Medal. He was also decorated, posthumously, with the Bronze Star Medal with the letter "V" device for heroic achievement in connection with military operations against an enemy of the United States.

Mr. Speaker, I appreciate the opportunity to pay tribute to a man whose personal accomplishments have impacted our Nation's history. Naming the Ukrainian American Veterans Post No. 23 in Corporal Holynskyj's honor is but a small display of the recognition he truly deserves. Cpl. Wolodymyr Holynskyj's fortitude, resilience, and dedication in bravely defending our country serves as a moving inspiration to us all.●

PERSONAL EXPLANATION

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. LEHMAN of California. Mr. Speaker, I was unable to cast my vote on rollcall No. 323, providing that the President can remove a member of the Civil Rights Commission only for neglect of duty or malfeasance in office. Had I been present on August 4, I would have voted "aye" on this amendment to H.R. 2230 regarding the Civil Rights Commission.●

NEW JERSEY BLACK ISSUES CONVENTION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 1983

● Mr. RODINO. Mr. Speaker, this weekend the first annual New Jersey Black Issues Convention will take place in Somerset, N.J. Over 700 participants are expected to attend this very important convention. It is being sponsored by the New Jersey chapter of the National Black Caucus of Local Elected Officials, together with the New Jersey Conference of NAACP Chapters, the New Jersey Coalition of 100 Black Women, the New Jersey A. Phillip Randolph Institute, the New Jersey Section of the National Council of Negro Women, and many other statewide organizations.

The major purpose of the convention is to discuss the critical issues affecting the black community, and workshops will be held on such topics as human service needs, public housing, economic development, criminal justice, and education.

It is extremely appropriate that the convention is taking place now, less than 1 month after the August 27 "Jobs, Peace, and Freedom" rally held here in Washington to commemorate the 20th anniversary of the historic 1963 March on Washington. All of us who participated in this event found it a time to recommit ourselves to the goals articulated 20 years ago by Dr. Martin Luther King, Jr.

Donald Tucker, a Newark councilman and president of the National Black Caucus of Local Elected Officials, who has convened the event, is to be commended for his outstanding work, as well as Margaret Hayes, president of the New Jersey Coalition of 100 Black Women and Jerome C. Harris, director of public works and urban development for the city of Plainfield. The convention is scheduled to include presentations by such prominent national leaders as D.C. Delegate Walter Fauntroy; Dorothy Height, president of the National Council of Negro Women; M. Carl Holman, president of the National Urban Coalition; and Joseph Madison, national director of the NAACP's Political Action Committee.

Mr. Speaker, I am certain that this weekend will be a successful opportunity to address a host of pressing issues facing the black community, and I offer my best wishes to all of the participants.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 15, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.

SD-538

Commerce, Science, and Transportation

To hold hearings on the nomination of Matthew V. Scocozza, of Tennessee, to be Assistant Secretary of Transportation for Policy and International Affairs.

SR-253

Finance

Oversight of the Internal Revenue Service Subcommittee

To hold hearings on the effectiveness of the tax refund offset program for certain delinquent child support payments, and on S. 150, to establish the collection of student loans in default.

SD-215

Judiciary
Constitution Subcommittee
To hold hearings on the commemoration of the bicentennial of the Constitution.
SR-325

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1694, to declare that the United States hold certain lands in trust for the Las Vegas Paiute Tribe.
SD-430

Joint Economic
To hold hearings on job training needs of American workers.
SD-628

10:45 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 501, to eliminate certain sex discriminatory provisions from the Federal Code.
SD-226

11:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1189, to authorize funds for fiscal year 1984 for the Civil Rights Commission.
SD-226

2:00 p.m.
Finance
To hold hearings to review the Federal Supplemental Compensation (FSC) Program.
SD-215

SEPTEMBER 19

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Barbara E. McConnell, of the District of Columbia, to be a Member of the Civil Aeronautics Board.
SR-253

9:45 a.m.
Finance
International Trade Subcommittee
To hold hearings on the terms of the International Coffee Agreements (Treaty Doc. 98-2), and on enabling legislation to authorize the President to enforce their provisions.
SD-215

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1679, proposed Honest Budgeting Act.
SD-538

Finance
International Trade Subcommittee
To hold hearings on S. 1035, to provide authority to enforce the terms of the Steel Pipe and Tube Agreement between the United States and the European communities.
SD-215

Joint Economic
To hold closed hearings on the allocation of resources to the Soviet Union and China.
SR-485

2:00 p.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1679, proposed Honest Budgeting Act.
SD-538

Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on numerous tax proposals, including S. 1066, S. 1550, S. 1557, and S. 1666.
SD-215

Judiciary
Immigration and Refugee Policy Subcommittee
Business meeting, to consider proposed legislation providing for a 3-year extension of the Refugee Act of 1980 (P.L. 96-212).
SD-226

SEPTEMBER 20

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings to review State and local victims assistance programs.
SD-226

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Armed Services
To resume hearings on the organization, structure, and decisionmaking procedures of the Department of Defense.
SR-385

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public works
Water Resources Subcommittee
Business meeting, to resume markup of S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Foreign Relations
Business meeting, to resume consideration of Senate Joint Resolution 2, calling for a mutual and verifiable freeze and reduction in nuclear weapons, and related resolutions, including Senate Joint Resolution 12, Senate Joint Resolution 29, Senate Joint Resolution 74, Senate Resolution 57, Senate Resolution 83, Senate Resolution 107, Senate Resolution 142, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the accessibility of student loans.
SD-124

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

2:00 p.m.
Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings on S. 1275, to establish an independent corps of administrative law judges on the Federal level.
SD-226

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

SEPTEMBER 21

9:00 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation, and other pending calendar business.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Motor Carrier Act (P.L. 96-296).
SR-253

Labor and Human Resources
To hold oversight hearings on certain activities of the International Labor Organization.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

*Environment and Public Works
Business meeting, to consider proposed amendments to the Clean Water Act (P.L. 95-217), S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Business meeting, to markup S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on the substance of S. 1080, to improve and modify the Federal regulatory reform process (pending on Senate Calendar).
SD-562

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-224

SEPTEMBER 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 566, S. 1503, and S. 129, miscellaneous land conveyance bills.
SR-324

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings to review recent developments concerning the U.S. Information Agency.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and societal implications.
SD-628

10:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to mark up S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1329, to provide financial assistance to States for wetlands conservation, and other pending business.
SD-406

SEPTEMBER 23

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1090, to establish a National Outdoor Recreation Resource Review Commission to study and recommend appropriate policies and activities to assure the continued availability of quality outdoor recreation.
SD-366

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain provisions of the Age Discrimination and Employment Act which affect Americans working abroad.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
SD-562

SEPTEMBER 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on numerous tax proposals, including S. 120, S. 1397, S. 1584, S. 1814, S. 1815, and S. 1826.
SD-215

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings to review the progress of this year's refugee resettlement program.
SD-226

Joint Economic
To resume hearings on job training needs of American workers.
SD-562

SEPTEMBER 27

9:00 a.m.
Office of Technology Assesment
The Board, to hold a general business meeting.
H-227, Capitol

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 141, to provide a special defense to the liability of political subdivisions of States under section 1979 of the revised Statutes (42 U.S.C. 1983) relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1624, proposed Merchant Marine Revitalization Act, and a committee amendment thereto, S. 1616, proposed Government Impelled Cargo Act, S. 206, to make the Secretary of Transportation responsible for determining and designating programs subject to requirements for the transportation in American vessels or cargoes procured, furnished, or financed by the United States, and S. 188, to require the U.S. Postal Service to contract with U.S. registered vessels for international sea transportation of mail.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume markup of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

SEPTEMBER 28

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on S. 537, proposed Fair Deposit Availability Act.
SD-538

Judiciary
Juvenile Justice Subcommittee
To resume oversight hearings to review State and local victims assistance programs.
SD-562

Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-Aid Highway Emergency Relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

SEPTEMBER 29

9:30 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To resume hearings on S. 1821, proposed Secondary Mortgage Market Enhancement Act.
SD-538

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To resume hearings on S. 1624, proposed Merchant Marine Revitalization Act, and a committee amendment thereto, S. 1616, proposed Government Im-

pelled Cargo Act, S. 206, to make the Secretary of Transportation responsible for determining and designating programs subject to requirements for the transportation in American vessels or cargoes procured, furnished, or financed by the United States, and S. 188, to require the U.S. Postal Service to contract with U.S. registered vessels for international sea transportation of mail.

SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the high plains States.

SD-366

Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings on S. 1525, authorizing funds through fiscal year 1986 for administrative expenses of the Federal Emergency Management Agency and for emergency and disaster relief assistance, and to revise procedures concerning State requests for relief assistance.

SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).

SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.

SD-430

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.

SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.

SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects, and S. 970, to authorize funds through fiscal year 1988 for maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.

SD-406

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.

SD-215

OCTOBER 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 764, proposed Air Travelers Security Act.

SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.

SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

Finance
Social Security and Income Maintenance Programs Subcommittee
To resume hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.

SD-215

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the role of government.

SD-628

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in job corps reform.

SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.

SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1706, to provide for the positive identification of persons holding identification documents.

SD-226

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on proposed legislation to authorize compensation for those citizens and resident aliens of the Aleutian Islands who were interned, detained, or forcibly relocated by the U.S. Government during World War II.

SD-628

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the interim report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.

SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.

SD-406

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.

Room to be announced

OCTOBER 10

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.

Room to be announced

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.

SD-406

OCTOBER 18

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 1634, to repeal certain provisions of the Federal Coal Leasing Act Amendments of 1976.

SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings to provide indemnification to Government contractors against the risks of catastrophic accidents and noncatastrop-

hic accidents for which the Government is primarily responsible.
SD-562

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the influence of communism in liberation theology.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-628

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to examine the quality of education.
SD-430

10:00 a.m.
Judiciary.
Security and Terrorism Subcommittee
To continue hearings to examine the influence of communism in liberation theology.
SD-226

OCTOBER 20

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to improve and clarify the employee retirement income security program.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain programs for older veterans.
SD-628

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on groundwater contamination.
SD-406

Judiciary
Courts Subcommittee
To hold hearings on S. 1581, to grant congressional approval to the Central Interstate Low-Level Radioactive Waste Compact.
SD-226

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
Room to be announced

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628

Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to examine the quality of education.
SD-430

NOVEMBER 3

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation to revise certain provisions of the Federal Employees Compensation Act.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to examine the quality of education.
SD-430

NOVEMBER 15

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to redefine old age provisions contained in the Older Americans Act.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on targeting scarce resources under the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MORRISON G. CAIN, 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL, SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	61.85
FRANK W. CALHOUN, 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		897.80
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814		5,000.00	5,000.00
PETER E. CALLANAN, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HONEYWELL, INC	270.00	600.00
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP	700.00	382.60
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	SUGAR USERS GROUP		
CALORIE CONTROL COUNCIL, #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			3,407.00
DONALD L. CALVIN, 11 WALL ST. NEW YORK NY 10005	NEW YORK STOCK EXCHANGE, INC		
ARTHUR E. CAMERON, SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GREYHOUND TRACK OPERATORS ASSN	2,250.00	
Do	REDLAND PRISMO CORP., ETAL	7,014.00	
Do	SAFETRAN SYSTEMS CORPORATION	3,150.00	
Do	SIGNAL COMMUNICATIONS	3,000.00	
CAMP, CARMOUCHE, BARSH, HUNTER, GRAY & HOFFMAN, P.C., 2550 M ST., NW, #275 WASHINGTON DC 20037	GEORGE K. BAUM & COMPANY		
Do	BLYTH EASTMAN PAINE WEBBER, INC		
Do	JOSEPH CANIZARO		
Do	CENTRAL & SOUTHERN MOTOR FREIGHT TRAFFIC ASSN		
Do	CENTRAL STATES MOTOR FREIGHT BUREAU		
Do	CHAMPLIN PETROLEUM COMPANY		
Do	CHAPMAN & CUTLER		
Do	CHEMICAL MANUFACTURERS ASSOCIATION, INC	225.00	
Do	COALITION FOR AN EFFECTIVE ENERGY INVESTMENT TAX CREDIT		
Do	CUMBERLAND SECURITIES		
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	ESSEX		
Do	FRAZIER LANIER COMPANY		
Do	GOLDMAN SACHS & COMPANY		
Do	INTERMEDICS		
Do	KIDDER, PEABODY		
Do	KING & SPALDING		
Do	LEHMAN BROTHERS		
Do	MCDONALD & COMPANY		
Do	MIDDLE ATLANTIC CONFERENCE		
Do	MIDDLEWEST MOTOR FREIGHT BUREAU		
Do	MOBIL OIL CORP	3,225.00	
Do	NATURAL GAS SUPPLY ASSN	1,650.00	
Do	NEW ENGLAND MOTOR RATE BUREAU		
Do	NIAGARA FRONTIER TARIFF BUREAU		
Do	NORTH HASKELL SLAUGHTER YOUNG & LEWIS		
Do	OCCIDENTAL PETROLEUM CORP		
Do	PACIFIC INLAND TARIFF BUREAU		
Do	PAKHOED	187.50	
Do	PENNZOIL CO	625.00	
Do	PPG INDUSTRIES, INC	75.00	
Do	RAUSCHER PIERCE REFSNES		
Do	ROCKY MOUNTAIN MOTOR TARIFF BUREAU		
Do	SOUTHERN MOTOR CARRIERS RATE CONFERENCE		
Do	STERN, AGEE & LEACH		
Do	TEXACO, INC	1,500.00	
Do	THORNTON, FARISH & GAUNTT		
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	WHEAT FIRST SECURITIES		
CAMPAIGN FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT, SUITE 901 2025 EYE STREET, NW WASHINGTON DC 20006		3,186.00	2,676.65
ANGELA CAMPBELL, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION		
C. R. CAMPBELL JR , SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GENERAL TELEPHONE & ELECTRONICS		
CARL C. CAMPBELL, 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	400.00	
CHARLES ARGYLL CAMPBELL, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND COUNCIL, INC		
JEANNE CAMPBELL, 1800 MASSACHUSETTS AVE, NW, #510 WASHINGTON DC 20036	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
JERRY L. CAMPBELL, 831 CHESTNUT ST. CHATTANOOGA TN 30742	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL, 101 CONSTITUTION AVENUE, NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	7,800.00	2,892.16
ROBERT E. CAMPBELL, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
THOMAS D. CAMPBELL, SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	657.52
ALYCE D. CANADAY, 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	765.23
CANADIAN COALITION ON ACID RAIN, 112 ST. CLAIR AVENUE, #504 TORONTO, ONTARIO M4V 2Y3		47,547.00	3,021.37
ROBERT P. CANAVAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,123.45	122.00
SHARON M. CANAVAN, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	5,370.00	
CANDLELIGHTERS, 123 C ST., SE WASHINGTON DC 20003			
PAUL W. CANE, 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVE CANNARD, 113 W. 1ST VANCOUVER WA 98660	FRIENDS OF THE COLUMBIA GORGE		
W. DEAN CANNON JR , 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA LEAGUE OF SAVINGS INSTITUTIONS		
DAVID L. CANTOR, SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	COALITION FOR ENVIRONMENTAL ENERGY BALANCE (CEEB)	148.10	
RICHARD A. CANTOR, P.O. BOX 8293 WASHINGTON DC 20024	OIL INVESTMENT INSTITUTE		
CAPITOL ADVOCATES, 1127 11TH STREET, #950 SACRAMENTO CA 95814	CROWLEY MARITIME CORP	12,600.00	376.30
Do	DISTILLED SPIRITS COUNCIL OF THE U.S.		
Do	PACIFIC MERCHANT SHIPPING ASSN		
Do	SUMMA CORPORATION	9,000.00	540.50
CAPLIN AND DRYSDALE, CHARTERED, 1101 17TH ST., NW WASHINGTON DC 20036	COUNCIL ON FOUNDATIONS, INC	1,200.00	45.75
DONALD L. CAPSHAW, 2426 DOGWOOD TRAIL DR. GERMANTOWN TN 38138	AIRLINE PILOTS ASSOC		
ARNOLD P. CAPUTO, 1970 HOPEWOOD DRIVE FALLS CHURCH VA 22043	NATIONAL CONCRETE MASONRY ASSN	220.00	166.45
CONSTANTINE G. CARAS, 2828 PENNSYLVANIA AVENUE, NW, #205 WASHINGTON DC 20007	OGDEN CORPORATION		
DENISE A. CARDMAN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
NORVAL E. CAREY, 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	GA TECHNOLOGIES, INC	1,117.00	335.66
CAROLE R. CARLIN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ROBERT E. CARLSTROM JR., 1730 RHODE ISLAND AVENUE, NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORPORATION	6,000.00	102.98
CHAPIN CARPENTER JR., 1211 CONNECTICUT AVENUE, NW, #406 WASHINGTON DC 20036	MAGAZINE PUBLISHERS ASSN, INC	1,500.00	
GEORGE D. CARPENTER, 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE COMPANY		
LAWRENCE W. CARROLL, 100 NE ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO		
WOODRUFF LEE CARROLL, 918 ONONDAGA SAVINGS BANK BLDG. SYRACUSE NY 13202	DAIRY FARMER DISTRIBUTORS OF AMERICA, INC		
JOHN R. CARSON, 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
HANS L CARSTENSEN, 1625 EYE STREET NW, #902 WASHINGTON DC 20006	WEYERHAEUSER CO	735.00	29.25
DAVID C. CARTER, 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
HARLON B. CARTER, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	2,187.50	
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
JOSEPH L. CARTER JR , 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	531.50	182.83
JAMES P. CARTY, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
SUSAN B. CARVER, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	475.00	1,544.54
JIM CASEY, 3470 MILDRED DR. FALLS CHURCH VA 22042	BELLE FOURCHE IRRIGATION DISTRICT	1,500.00	66.00
Do	GARRISON DIVERSION CONSERVANCY DISTRICT	1,500.00	66.00
Do	LEAFFER COMPANY, INC	500.00	23.00
Do	NORTH CENTRAL NEBRASKA RECLAMATION DISTRICT	1,000.00	45.00
JAMES B. CASH JR , 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
ALLEN R. CASKIE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
EUGENE I. CASRAISS JR , 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,381.98	216.60
J. WARREN CASSIDY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN	1,937.50	
JOHN J. CASTELLANI, 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	585.00	
RITA L. CASTLE, 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO	1,100.00	556.06
JOSEPH E. CAVANAGH, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	2,675.00	
RED CAVANEY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC	850.00	
DOROTHY D. CECELSKI, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,554.57	
CEDERBERG & ASSOCIATES, 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP	200.00	
Do	RCA	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	UNITED TECHNOLOGIES CORPORATION	200.00	
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801		2,000.00	
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHARLES M. CHAFER, 2550 M STREET, NW WASHINGTON DC 20037	SPACE SERVICES INC OF AMERICA		
CHAIN SAW MFGRS ASSN, SUITE 1008 4340 EAST-WEST HIGHWAY BETHESDA MD 20814			
DURWOOD CHALKER, 2700 ONE MAIN PLACE DALLAS TX 75250	CENTRAL AND SOUTH WEST CORP		199.00
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC	750.00	
ED CHANDLER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	8,250.00	500.00
J. W. CHANDLER, 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		9.30
WILLIAM J. CHANDLER, SUITE 300 1717 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	LAURANCE S. ROCKEFELLER	1,530.00	100.08
WILLIAM C. CHAPMAN, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	7,585.48
CHAPMAN, DUFF AND PAUL, 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ANNUAL CHARGES POLICY GROUP	2,906.25	2,989.90
RICHARD M. CHARLTON, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	528.00	446.00
CHARTER BUSINESS SERVICES, INC., 3471 NORTH FEDERAL HIGHWAY, #511 FORT LAUDERDALE FL 33306			
LESLIE CHEEK III, 1120 CONNECTICUT AVE., NW, #1142 WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	1,162.00
JANE CHEEVER, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC., 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN, 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			887.21
WILLIAM B. CHERKASKY, SUITE 1005 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY, 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION	984.00	182.00
BLAIR G. CHILDS, P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN	1,050.00	500.00
PAUL D. CHING, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
BRUCE L. CHRISTENSEN, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
HAL M. CHRISTENSEN, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
WILLIAM T. CHRISTIAN, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
JACK E. CHRISTY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN. OF RETIRED PERSONS	448.27	308.41
CHUGACH ELECTRIC ASSN, INC, PO BOX 3518 ANCHORAGE AK 99501			29,340.35
DONALD T. CHUNN, ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC		
CHWAT/WEIGEND ASSOCIATES, 400 FIRST STREET, NW, #816 WASHINGTON DC 20001	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	MORSE TYPEWRITER CO., INC	1,500.00	1,500.00
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS	3,000.00	3,000.00
Do	WINNIE M. TSE	720.00	720.00
CIGAR ASSN OF AMERICA, INC, SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			645.58
CITIZEN/LABOR ENERGY COALITION, RM. 401 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036		8,710.90	8,710.90
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS, LIBERTY PARK, 12500 NE TENTH PLACE 1601 114TH SE BELLEVUE WA 98005.		469,828.57	165,504.67
CITIZENS FOR GOVERNMENT FAIRNESS, PO BOX 1336 BRAWLEY CA 92227			2.50
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SMITH, BARNEY, HARRIS, UPHAM & CO	2,000.00	
BOB CLARK & ASSOCIATES, SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC		
ANNE HARRISON CLARK, 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL CONSUMERS LEAGUE		
Do	POPULATION RESOURCE CENTER, INC		
GILBERT CLARK, SUITE 600 1117 N. 19TH ST. ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES W. CLARK JR , 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN	58.06	206.25
JOSEPH J. F. CLARK, 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC		
JULIE CLARK, 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN	9,347.00	178.00
PHILLIP A. CLARK, SUITE 700 1050 17TH STREET, NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	3,250.00	
RUDY I. CLARK, 5342 WOODBURY WOODS LANE FAIRFAX VA 22032	AIR FORCE SERGEANTS ASSN		
VERNON A. CLARK, 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	1,825.00	5,552.00
WADE P. CLARKE JR , JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY	413.00	
SCOTT CHARLES CLARKSON, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC		
JOAN CLAYBROOK, SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	255.00	
CLEARY, GOTTLIEB, STEEN & HAMILTON, 1752 N STREET, NW WASHINGTON DC 20036	BEAR, STEARNS & CO.; LEHMAN COMMERCIAL PAPER, INC	1,125.00	
Do	FORMALDEHYDE INSTITUTE		6.50
Do	NATIONAL SECURITIES CLEARING CORP	102.50	
Do	PUBLIC SECURITIES ASSOCIATION	985.80	69.40
JACQUELINE W. CLEMENTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,150.00	384.61
CLEVELAND ELECTRIC ILLUMINATING CO., 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44113			862.59
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CLIFFORD & WARNKE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA	5,000.00	1,705.00
Do	INGERSOLL-RAND COMPANY		16.00
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
Do	J. C. MAXTONE-MAILER		
Do	NATIONAL TOUR ASSOCIATION, INC		
Do	WARNER-LAMBERT CO		
DEXANNE CLOHAN, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	42.11
CHRISTOPHER E. CLOUSER, 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
COALITION FOR ENVIRONMENTAL DATA, C/O CHWAT/WEIGEND ASSOCIATES 400 FIRST STREET, NW, #816 WASHINGTON DC 20001.		1,100.00	
COALITION FOR UNIFORM PRODUCT LIABILITY LAW, SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		880.80	880.80
COAN, COUTURE, LYONS & MOORHEAD, SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	TOSCO		
Do	WESTINGHOUSE ELECTRIC CORPORATION	450.00	
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938			
THOMAS B. COATES, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
RICHARD B. COBB, PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST	600.00	1,004.85
COFFEE, SUGAR & COCOA EXCHANGE, INC, 4 WORLD TRADE CENTER, 8TH FL. NEW YORK NY 10048			4,194.03
JOHN J. COFFEY, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC	4,750.00	91.49
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	40.00	
COLE & CORETTE, P.C., 1100 VERMONT AVE., NW WASHINGTON DC 20005	CHASE MANHATTAN BANK, N.A		
Do	DOW CHEMICAL COMPANY	135.00	66.65
Do	GOVERNMENT OF THE NETHERLANDS ANTILLES		
Do	MEDTRONIC, INC	68.00	5.00
Do	MILLIPORE CORPORATION		
Do	MOHAWK DATA SCIENCES CORP		
E. WILLIAM COLE, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	700.00	78.25
STACEY W. COLE, NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST		
JOHN M. COLLIER, 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSN	10,744.26	
COLLIER, SHANNON, RILL & SCOTT, SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN FROZEN FOOD INST		
Do	AMERICAN MEAT INSTITUTE		
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CSX CORPORATION		
Do	CYLINDER MANUFACTURERS ASSOCIATION	350.00	18.66
Do	FERROS SCRAP CONSUMERS COALITION	3,200.00	3,200.00
Do	FOOD MARKETING INSTITUTE		
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	NATIONAL ASSN OF CONVENIENCE STORES		
Do	NATIONAL BROILER COUNCIL		
Do	NORRIS INDUSTRIES		
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	2,000.00	
Do	SPECIALTY STEEL INDUSTRY OF THE UNITED STATES		
GEORGE COLLINS, 1126 16TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS	600.00	300.00
MARVIN COLLINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,050.00	15.00
MARY M. COLLINS, 1025 CONNECTICUT AVE., NW SUITE 200 WASHINGTON DC 20036	SHELL OIL CO		
STEPHEN J. COLLINS, 1909 K STREET, NW, SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
WILLIAM P. COLLINS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
COLORADO RAILROAD ASSN, 236 DENVER CLUB BUILDING DENVER CO 80202			
COLORADO SKI COUNTRY USA, INC., SUITE A-201 1410 GRANT STREET DENVER CO 80203			
COMMERCIAL UNION INSURANCE COMPANIES, ONE BEACON STREET BOSTON MA 02108			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COMMITTEE FOR CAP. FORMATION THROUGH DIVIDEND REINVESTMENT, C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.		187.50	187.50
COMMITTEE FOR CONSTITUTIONAL INTEGRITY, 1900 L STREET, NW, #610 WASHINGTON DC 20036			
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING, SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY, SUITE 303 1901 L ST., NW WASHINGTON DC 20036		3,091.92	3,091.92
COMMITTEE FOR EFFECTIVE TAX INCENTIVES, ONE FARRAGUT SQUARE 8TH FLOOR WASHINGTON DC 20006			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS, 2762 N. CLAYBOURN AVENUE CHICAGO IL 60614			
COMMITTEE FOR HUMANE LEGISLATION, INC, 11 WEST 60TH ST. NEW YORK NY 10023		24,407.55	4,221.08
COMMITTEE FOR PROPOSITION THIRTY, P.O. BOX 915 HARTSELLE AL 35640			
COMMITTEE FOR SAVERS' INTEREST, 315 UNION STREET NASHVILLE TN 37201		25,944.97	25,944.97
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN, 3213 O ST., NW WASHINGTON DC 20007		20,000.00	
COMMON CAUSE, 2030 M ST., NW WASHINGTON DC 20036		1,929,538.00	531,422.90
COMMUNITY NUTRITION INSTITUTE, RM. 300 1146 19TH ST., NW WASHINGTON DC 20036			
LANCE COMPA, 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMER	5,738.54	7.65
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION, 1500 WILSON BLVD SUITE 512 ARLINGTON VA 22209			
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,455.35
CONGRESS WATCH, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		73,072.13	54,071.10
CONGRESSIONAL DIST ACTION COMM, DIST 7, C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607			
RAYMOND F. CONKLING, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	100.00	
JOHN B. CONNALLY, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		
ROBERT J. CONNER JR , 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,369.35
STEPHEN N. CONNER, ROUTE 1, BOX 506 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA		609.00
JOHN P. CONNOLLY, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)		
PAULA J. CONNOLLY, 1700 K STREET, NW, #702 WASHINGTON DC 20006	AMERICAN EXPRESS CO		
RICHARD J. CONNOR JR , 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	1,725.00	150.00
JERRY C. CONNORS, SUITE 511 1745 JEFFERSON DAVIS HWY, ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	1,000.00	100.00
MARK R. CONRAD, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55479	NORWEST CORPORATION		
CONSERVATIVES AGAINST LIBERAL LEGISLATION, 104-A S. COLUMBUS ST. ALEXANDRIA VA 22314			
CONSERVATIVES FOR IMMIGRATION REFORM, INC, P.O. BOX 2607 WASHINGTON DC 20013			
CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036		30,944.00	3,460.27
JAY CONSTANTINE, SUITE 350 1300 N.17TH ST. ARLINGTON VA 22209	AMERICAN NURSES' ASSOCIATION	6,000.00	164.83
CONSUMERS UNION OF U.S., INC., 256 WASHINGTON ST. MOUNT VERNON NY 10550			11,240.00
CONTACT SYSTEMS CORP, 200 MADISON AVENUE, #1207 NEW YORK NY 10016			
JOHN J. CONTNEY, 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
JOHN A. CONWAY, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
EMERY S. CONYERS, P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO		
ALEXANDRA W. COOK, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	256.00	251.00
FREDERCK N. COOK, VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	450.00	
HARRY N. COOK, 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATERWAYS CONFERENCE, INC		
K. RICHARD COOK, 777 14TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL ELECTRIC CO	400.00	
THOMAS M. COOK, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
COOK, PURCELL, HENDERSON & ZORACK, 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	AMERICAN MOTORCYCLIST ASSN	943.75	
Do	B.A.T. INDUSTRIES, LTD	12,343.25	1,648.99
Do	HARLEY-DAVIDSON MOTOR CO, INC		
EILEEN D. COOKE, 110 MARYLAND AVE., NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	1,200.00	
BERNARD J. COONEY, 1835 K STREET, NW, #900 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO		
BENJAMIN Y. COOPER JR , 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	7,500.00	
C. WILLIAM COOPER, 159 TOWN HALL SQUARE FALMOUTH MA 02540	UNITED DISTRIBUTION COMPANIES	3,337.50	528.00
JESSE D. COOPER, SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	1,600.00	863.83
JOSHUA W. COOPER, 400 MADISON STREET, APT. 808 ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	1,600.00	770.32
KATHY J. COOPER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC	100.00	
MITCHELL J. COOPER, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	3,000.00	
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	12,600.00	
COOPERATIVE LEAGUE OF THE USA, SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		7,962.21	3,316.06
DARRELL COOVER, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	410.00
JAMES M. COPELAND, SUITE 801 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
JOHN F. CORCORAN, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CO	1,000.00	
PATRICK H. CORCORAN, SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPE LINES		
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
CORN REFINERS ASSOCIATION, INC., 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,666.00	1,952.00
CORNELL, PELCOVITS & BRENNER ECONOMISTS, INC., SUITE 708 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AUDIO RECORDING RIGHTS COALITION		
Do	SONY CORP OF AMERICA		
CORPORATION FOR GOVERNMENT ACTION, SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007		43,876.44	41,040.49
ERNEST J. CORRADO, SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	180.00	9.75
MARY MARCOTTE CORRIGAN, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN, SUITE 560 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	CH2M HILL, INC	1,675.00	
MARTY CORRY, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	457.69	410.87
ALLAN D. CORS, 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	500.00	
R. H. CORY, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	240.00	415.11
TOM COSGROVE, 530 7TH ST., SE WASHINGTON DC 20002	NATIONAL CLEAN AIR COALITION, INC	2,725.20	39.03
COSMETIC, TOILETRY & FRAGRANCE ASSN, INC, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
CLARK R. COSSE III, 2900 INDIANA AVE. KENNER LA 70062	SOUTHERN FOREST PRODUCTS ASSN		
JAMES R. COSTELLO JR , 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	1,000.00	65.40
MICHAEL E. COSTELLO, SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		139.61
PETER J. COTCH, 1100 CONNECTICUT AVENUE, NW, #540 WASHINGTON DC 20036	CONTAINER CORP OF AMERICA		
MARY ALICE COTTER, 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	437.50	
J. BARRY COUGHLIN, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	1,650.00	835.71
COUNCIL FOR LANGUAGES AND OTHER INT'L STUDIES, 3520 PROSPECT ST., NW WASHINGTON DC 20007		2,660.00	7,537.12
COUNCIL FOR RURAL HOUSING AND DEVELOPMENT, SUITE 400S 1800 M ST., NW WASHINGTON DC 20036		4,000.00	4,000.00
COUNCIL OF ENERGY RESOURCE TRIBES, 1140 CONNECTICUT AVE., NW SUITE 310 WASHINGTON DC 20036			
COUNCIL OF STATE CHAMBERS OF COMMERCE, SUITE 412 499 S. CAPITOL ST., SW WASHINGTON DC 20003		780.00	505.54
COUNCIL ON MULTIEMPLOYER PENSION SECURITY, INC, 1000 POTOMAC STREET, NW, #103 WASHINGTON DC 20007		77,000.00	31,347.36
COUNSELORS FOR MANAGEMENT, INC, 900 17TH ST., NW #504 WASHINGTON DC 20006	ENERGY RESOURCES OF AUSTRALIA, LTD		
COURSEN & COMPANY, 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	18,450.00	875.00
WILLIAM R. COURTNEY, P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		532.50
JAMES COUSINS, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	5,000.00	184.11
JOHN F. COVE, SUITE 702 918 16TH ST., NW WASHINGTON DC 20006	COVE ASSOCIATES INC. (FOR: ASSN. OF U.S. NIGHT VISION MFRS.)		
COVINGTON & BURLING, 1201 PENNSYLVANIA AVENUE, NW P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS	4,150.00	
Do	AMERICAN WATCH ASSN		9.00
Do	ANCHOR NATL LIFE INSURANCE CO		
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	255.00	
Do	HOUDAILLE INDUSTRIES, INC		
Do	INVESTMENT COMPANY INSTITUTE	19,500.00	94.91
Do	IRVING TRUST CO		
Do	NATIONAL FOOTBALL LEAGUE	1,600.00	
Do	SECURITIES INDUSTRY ASSN		
EUGENE S. COWEN, 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO	107.10	
ARCHIBALD COX, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,806.24	
C. BRYAN COX, PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO		262.00
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	AMERICAN PRESIDENT LINES		
Do	FLUOR CORPORATION		
Do	GOVERNMENT OF AMERICAN SAMOA		
Do	MARLINE OIL CORPORATION		
Do	ST. JOE MINERALS CORPORATION		
Do	WESTERN GEOPHYSICAL		
DONALD FORSYTH CRAIB III, 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SEARS, ROEBUCK & CO	70.60	89.09
WILLIAM C. CRAMER, 1320 19TH ST., NW, #200 WASHINGTON DC 20036	CRAMER, HOFFMAN & HABER, P.C. (FOR: AMERICAN CONCRETE PAVEMENT ASSN)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: DADE COUNTY)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CRAMER, HOFFMAN & HABER, ORLANDO, P.A. (FOR: GLOBAL EXPLORATION & DEVELOPMENT CORP.).		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: M.A.N. TRUCK & BUS CORP.)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: REPUBLIC OF GABON)		
CRAMER, HOFFMAN & HABER, P.C., 1320 19TH ST., NW SUITE 200 WASHINGTON DC 20036	AMERICAN CONCRETE PAVEMENT ASSN		
Do	CANAVERAL PORT AUTHORITY	9,000.00	139.09
Do	CITY OF MIAMI	5,000.00	1,335.54
Do	DADE COUNTY	7,500.00	1,445.10
Do	GLOBAL EXPLORATION & DEVELOPMENT CORP.		
Do	M.A.N. TRUCK & BUS CORP.	19,000.00	
Do	REPUBLIC OF GABON		335.27
JOHN R. CRANE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	1,200.00	
JOSEPH S. CRANE, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	578.75	
CHARLES S. CRAWFORD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: BENDIX CORPORATION)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
WILLIAM D. CRAWFORD, 400 FIRST ST. NW, #809 WASHINGTON DC 20001	BROTHERHOOD RAILWAY CARMEN OF THE US & CANADA	2,032.53	
RICHARD C. CREIGHTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
KEN A. CRERAR, 1611 NO. KENT STREET, #900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	2,700.00	377.41
JOSEPH M. CRIBBEN, 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00
RICHARD E. CRISTOL, 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
PHILIP R. CROESSMANN, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	1,275.00	54.17
P. H. CROFT, 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
CHARLES H. CROMWELL, INC., 6709 GEORGIA ST. CHEVY CHASE MD 20015	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	NORTHROP CORP		
DONALD J. CRONIN, 1511 K STREET, NW, #820 WASHINGTON DC 20005	FRANK G. KINGSLEY	3,000.00	175.00
Do	MILLIKEN & COMPANY	6,000.00	100.00
RAE E. CRONMILLER, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
Do	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	120.00	
DONALD A. CROSIER, NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
AARON W. CROSS, 1801 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	667.68	165.55
BOBBY E. CROW, PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
DAVID T. CROW, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	275.00	
CROWELL & MORING, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO, INC	2,497.50	10.00
Do	ASSOCIATED GAS DISTRIBUTORS	906.25	
Do	AVON PRODUCTS, INC		
Do	BROOKLYN UNION GAS CO	10.00	10.00
Do	CONTROL DATA CORPORATION		
Do	ELI LILLY AND COMPANY	3,191.25	10.00
Do	HELICOPTER ASSOCIATION INTERNATIONAL		
Do	HOME OWNERS WARRANTY CORPORATION		2,393.99
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	12,117.50	10.00
Do	PAN AMERICAN WORLD AIRWAYS, INC	78.00	20.00
Do	REGIONAL AIRLINE ASSOCIATION		
Do	TRW, INC	220.00	10.00
CUBA CLAIMS ASSOCIATION, PO BOX 014004 MIAMI FL 33101			
CUBAN AMERICAN PUBLIC AFFAIRS COUNCIL, 1000 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007			
BARRY M. CULLEN, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	45.00	
JOHN C. CULVER, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ARENT FOX KINTNER PLOTKIN & KAHN (FOR GUARDIAN LIFE INS.CO)		
WILLIAM E. CUMBERLAND, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
CUMMINS ENGINE COMPANY, INC, C/O MICHAEL F. BREWER 1000 FIFTH ST. COLUMBUS IN 47201			
SCOTT S. CUNNINGHAM, 1100 15TH STREET, NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN T. CURRAN, 815 16TH STREET, NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	14,182.50	378.05
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
KATHLEEN L. CURRY, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	6,000.00	116.00
RICHARD C. CURRY, 6819 ELM STREET, #3 MCLEAN VA 22101	FIRE ISLAND ASSOCIATES, INC	5,850.00	250.98
EDWARD P. CURTIS JR., GENESEE PUBLIC AFFAIRS, INC 36 W. MAIN STREET ROCHESTER NY 14614	LAKE ONTARIO CEMENT LIMITED	13,700.00	2,627.93
Do	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	2,100.00	
M. RUPERT CUTLER, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	750.00	470.00
EVERETT E. CUTTER, 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
TERESE C. D'ALESSIO, 2020 NORTH 14TH ST. ARLINGTON VA 22201	MEDIA GENERAL, INC	2,160.00	124.85
WILLIAM D. D'ONOFRIO, 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC		
DAEDALUS ENTERPRISES, INC, P.O. BOX 1869 ANN ARBOR MI 48106			1,870.50
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	400.00	
DONALD W. DALRYMPLE, 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	3,570.00	925.48
JAMES G. DALTON, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	CENTRAL SAN JOAQUIN RIVER ASSN	482.63	
Do	STOCKTON TERMINAL & EASTERN RAILROAD	913.50	399.07
Do	TURLOCK IRRIGATION DISTRICT	1,664.72	403.99
TRACY DANESE, P.O. BOX 14000 JUNO BEACH FL 33408	FLORIDA POWER & LIGHT CO	437.00	1,990.10
DAVID S. DANIELSON, SUITE 400 E 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WILLIAM H. DARDEN, SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	598.86	158.08
ONEIDA L. DARLEY, 1840 WILSON BOULEVARD #S-203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	585.94	
DIANE DAVENNY DARNEILLE, 1100 17TH ST., NW, #1206 WASHINGTON DC 20036	SCHERING-PLOUGH CORP	10,500.00	1,306.95
THOMAS ROGER DART, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	672.00	
JOHN C. DATT, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,875.00	
M. DENNIS DAUGHERTY, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	98.70	29.00
JOHN B. DAVENPORT JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	119.36	
LARRY C. DAVENPORT, 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
THEODORE S. J. DAVI, P.O. BOX 131 #6 MAGNOLIA AVENUE MONTVALE NJ 07645			
EARL F. DAVID, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
DANIEL I. DAVIDSON, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
DAVID R. DAVIS, INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	1,177.40	299.67
DREW M DAVIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	141.33	137.55
EDWARD M. DAVIS, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	5,250.00	393.23
FRED G. DAVIS, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,345.00	366.42
DAVIS GRAHAM & STUBBS, SUITE 810 1920 N STREET, NW WASHINGTON DC 20036	MUNICIPAL SUBDISTRICT, NO. COLORADO WATER CONSERVANCY DIST		
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT		
KENNETH E. DAVIS, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM & HAAS CO	500.00	19.44
OVID R. DAVIS, P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL, 1575 EYE ST., NW WASHINGTON DC 20005	NORTHWEST BANCORPORATION		
Do	OTTO BREMER FOUNDATION	225.00	
R. HILTON DAVIS, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	430.00	
ROBERT DAVIS, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	800.00	309.00
DAVIS SIMPICH & SIENA, 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CALIFORNIA HOUSING COUNCIL	5,000.00	181.65
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	ASSOCIATION FOR SPORTFISHING'S FUTURE		
Do	NATIONAL LIFE & ACCIDENT INSURANCE CO		
WILLIAM LEE DAVIS, 299 PARK AVE. NEW YORK NY 10171	WESTVACO CORP	1,418.50	880.81
DAVIS, WRIGHT, TODD, RIESE & JONES, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL INDEPENDENT DAIRY FOODS ASSN	50.00	
Do	SOUTHERN PACIFIC COMMUNICATIONS CO.	830.00	20.50
DONALD S. DAWSON, 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER		
Do	U.S. BREWERS ASSOCIATION, INC		
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION		
J. EDWARD DAY, 5TH FL. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN	500.00	
Do	THIRD CLASS MAIL ASSOCIATION	400.00	
GASTON DE BEARN, SUITE 401 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
O. MARK DE MICHELE, 411 NORTH CENTRAL AVENUE P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOHN RUSSELL DEANE III, 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MFRS., INC.		
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	NATIONAL OUTDOOR COALITION		
Do	SPECIALTY EQUIPMENT MARKET ASSN.		
Do	AUTO INTERNACIONAL ASSN	405.00	189.00
ROBERT L. DEBO, MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
MARK O. DECKER, SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	625.00	
WINSTON M. DECKER, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	100.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE, 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO.	301.55	623.73
GEORGE K. DEGNON ASSOCIATES, INC., SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		1,000.00
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		1,000.00
STEPHEN T. DELAMATER, 2600 SOUTHLAND CENTER DALLAS TX 75201	HALLIBURTON CO.		
JOHN W. DELANEY, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
JOHN L. DELANO, 7 EDWARDS - BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		1,052.25
ROBERT B. DELANO, 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,750.00	
CARTHA D. DELOACH, 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC.	600.00	204.59
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,035.00	
SUSAN C. DEMARR, 1615 H ST., N.W. WASHINGTON DC 20061	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
TANIA DEMCHUK, 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
DEMINEX U.S. OIL COMPANY, SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			2,948.01
BRADFORD T. DEMPSEY, 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON, 4837 DEL RAY AVE. WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSN	300.00	
Do	WESTINGHOUSE ELECTRIC CORP	600.00	
RAY DENISON, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,191.15	430.21
JOHN H. DENMAN, MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST	650.00	966.53
DAVID W. DENSFORD, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,000.00	100.00
WELLS DENYES, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC.	850.00	76.55
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		9,369.83	9,369.83
DERREL BLAURETT DEPASSE, 1100 CONNECTICUT AVE., NW, #540 WASHINGTON DC 20036	CONTAINER CORP OF AMERICA	9,750.00	4,950.00
ALPHONSE DEROSSO, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		74.47
LLOYD J. DERRICKSON, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC.	4,500.00	
MICHAEL DESANTO, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN, INC.	500.00	107.50
MARCIA L. DESMOND, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,794.68	116.08
JAMES T. DEVINE, LEONARD COHEN & GETTINGS 900 17TH ST., NW, #1020 WASHINGTON DC 20006	BOWLING PROPRIETORS ASSN OF AMER		
SAMUEL L. DEVINE, 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	GROCERY MANUFACTURERS OF AMERICA, INC.	833.75	
Do	OCCIDENTAL PETROLEUM CORP	26,666.64	
Do	PAYCO AMERICAN CORPORATION		
Do	PEPSICO, INC.		9.10
R. DANIEL DEVLIN, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC.	300.00	
DEWEY BALLANTINE BUSHBY PALMER & WOOD, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN CAN CO.		
Do	AMERICAN STOCK EXCHANGE, INC.		
Do	BENEFICIAL CORPORATION		
Do	BROWNING FERRIS INDUSTRIES, INC		
Do	DAMSON OIL CORP.		
Do	FEDERAL NATIONAL MORTGAGE ASSN	200.00	
Do	GENERAL ELECTRIC PENSION TRUST		
Do	NATIONAL ASSN OF PUBLIC HOSPITALS	765.00	
Do	PANHANDLE EASTERN PIPE LINE CO.		
Do	PHIBRO-SALOMON, INC.		
Do	TEACHERS INSURANCE AND ANNUITY ASSN OF AMERICA		
Do	VELO-BIND, INC		
DORIS J. DEWTON, 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
KENDALL P. DEXTER, 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC.		
DGA INTERNATIONAL INC, 1225 19TH ST., NW WASHINGTON DC 20036	AIRBUS INDUSTRIE	2,325.50	587.45
Do	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS	2,300.00	351.03
Do	SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION	1,357.50	549.93
Do	SOFREAVIA	165.00	33.65
DIAMOND SHAMROCK CORPORATION, 717 N. HARWOOD STREET DALLAS TX 75201			
CHARLES J. DIBONA, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN, JOHN DICKERMAN & ASSOCIATES, INC. 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	3,000.00	211.70
CHESTER T. DICKERSON JR., 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO.		272.01
WILLIAM E. DICKINSON, SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	3,000.00	250.00
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN, 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	GENERAL MOTORS CORP	5,295.00	6,591.81
Do	K MART CORP.		1.45
Do	OAKLAND COUNTY D.P.W.		
DICKSTEIN SHAPIRO & MORIN, 2101 L ST., NW WASHINGTON DC 20037	BOUNDARY GAS, INC	3,280.00	
Do	CORAL PETROLEUM, INC.		
Do	CUSTOM AUTOMOTIVE SOUND ASSN, INC.	500.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS	17,000.00	
Do	GILBANE BUILDING CO.		
Do	HOME HEALTH SERVICES & STAFFING ASSN	1,200.00	
Do	HVIDE SHIPPING, INC.		
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		
Do	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	2,775.00	
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	600.00	
Do	NATURAL GAS SUPPLY ASSN	3,750.00	
Do	JOSEPH E. SEAGRAM & SONS, INC.		
Do	STATE OF DELAWARE, STATE OF IOWA, STATE OF LOUISIANA, ET AL.	200.00	
THOMAS A. DINE, 444 NORTH CAPITOL ST. NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	11,749.98	
MICHAEL F. DINEEN, 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	FEDERAL KEMPER LIFE ASSURANCE COMPANY	1,274.31	435.79
Do	KEMPER INVESTORS LIFE INSURANCE COMPANY	272.81	156.52
Do	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	308.42
HARLEY M. DIRKS, 400 FIRST STREET, NW, #712 WASHINGTON DC 20001	HEALTH & MEDICINE COUNSEL OF WASHINGTON		
Do	PROFESSIONAL SERVICES COUNCIL		
DISABLED AMERICAN VETERANS, 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		87,146.20	87,146.20
DENNIS C. DIX, 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
PATSY B. DIX, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,660.10	40.00
Q. L. DIXON III, P.O. BOX 1151 PENSACOLA FL 32520	GULF POWER COMPANY	2,110.98	1,256.97
STEVEN P. DOEHLER, SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	71.95
JAMES F. DOHERTY, 624 9TH ST., NW 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSN. OF AMERICA, INC.		
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.		
GREGORY S. DOLE, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	803.00	89.10
JULIE DOMENICK, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	476.93	297.42
DOMESTIC WILDCATTERS ASSN, P.O. BOX 4394 HOUSTON TX 77210		46,000.00	46,000.00
BRIAN J. DONADIO, SUITE 104 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN	2,625.00	
SALLY S. DONNER, 1707 L STREET, NW, #950 WASHINGTON DC 20036	GENERAL FOODS CORPORATION	850.00	54.03
JACK C. DONOVAN, P. O. BOX 5000, #612 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO.		
WILLIAM DONOVAN, 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	258.39
FRANCIS X. DOOLEY, 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	6,000.00	430.00
IRA DORFMAN, SUITE 850 2020 K STREET, NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	945.00	3.15
MAY DEL RIO DORFMAN, 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC.	71.00	
DEAN R. DORT II , SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	160.00	
JOSEPH K. DOSS, 3251 OLD LEE HIGHWAY,SUITE 500 FAIRFAX, VA 22030	NATIONAL LIMESTONE INST, INC.	1,789.16	
DOW LOHNES & ALBERTSON, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	ADVANCE PUBLICATIONS, INC; PALMER COMMUNICATIONS, INC.		
Do	PALMER COMMUNICATIONS, INC.	11,659.00	
CHARLES P. DOWNER, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN.	900.00	250.00
JANE LIND DOWNEY, P.O. OC 2303 400 ARMY-NAVY DR. ARLINGTON VA 22002	AMERICAN MOVERS CONFERENCE	158.00	
JOHN H. DOWNS JR., 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		66.73

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOHN P. DOYLE, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,656.60	1,960.54
ROBERT H. DOYLE, 1130 17TH STREET, NW, #200 WASHINGTON DC 20036	WATER QUALITY ASSN	300.00	
NANCY DRABBLE, 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	6,000.00	
JAMES E. DRAKE, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,826.00	
JOAN ALBERT DREUX, 600 PENN AVE SE #202 WASHINGTON DC 20015	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	2,059.00	967.75
JEROME L. DREYER, 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
STEPHEN D. DRIESLER, SUITE 306 1150 17TH ST., NW WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,000.00	970.36
KEVIN J. DRISCOLL, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
DOROTHY J. DRUMMER, 1025 CONNECTICUT AVENUE, NW, #209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE, INC.		
W.H. DRUSHEL JR , 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
FRAN DU MELLE, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSN	2,840.00	1,096.00
EVELYN DUBROW, 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	10,341.50	3,376.86
MORGAN D. DUBROW, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	130.00	
BARBARA S. DUDECK, 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC		
JANE MCPIKE DUDLEY, 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	375.00	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC		
ANN ANDERSON DUFF, 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS		
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,100.00	3,100.00
FRANCIS J. DUGGAN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	377.74	574.35
EVELYN DUKOVIC, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC.		
MERVIN E. DULLUM, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	200.00	48.75
DON R. DUNCAN, 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
DUNCAN, WEINBERG, & MILLER, SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	STATE OF NEVADA		
Do	EAST BAY REGIONAL PARK DISTRICT		
Do	IVA MAY HARVEY		
Do	HURON-CLINTON METROPOLITAN AUTHORITY		
Do	KONIAG, INC.		
Do	MID WEST ELECTRIC CONSUMERS' ASSN, INC.		
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC.		
JAMES W. DUNLOP, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
MARI LEE DUNN, SUITE 520 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION		
JOHN H. DUNNE, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DUNNELLS, DUVALL, BENNETT & PORTER, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036	NATIONAL MULTIFAMILY HOUSING FINANCE ASSN	3,167.50	3,478.82
JAMES A. DUPREE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO.	4,200.00	1,237.00
JOSEPH L. DURAN, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JUDY C. DURAND, 1120 20TH STREET, NW, #600S WASHINGTON DC 20036	UNION PACIFIC CORPORATION	666.00	
MICHAEL V. DURANDO, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	2,737.00	148.00
B. J. DURHAM, P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY	310.00	947.60
EDWARD J. DURKIN, SUITE 408 815 16TH STREET, NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPT., AFL-CIO	618.00	
DANIEL A. DUTKO, SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	DOUGLAS OIL PURCHASING CORP	6,251.00	
Do	SCHLENSKER DRILLING CO	4,000.00	
L. L. DUXBURY, SUITE 510 236 MASSACHUSETTS AVE., NE WASHINGTON DC 20002	RAILROAD RETIREMENT ASSN		754.26
DENIS J. DWYER, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST.	342.00	
JAMES W. DYKE JR., SIDLEY & AUSTIN 1722 EYE STREET, NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC.		
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG, 1920 N STREET, NW, #100 WASHINGTON DC 20036	DAEDALUS ENTERPRISES, INC.	1,870.50	
Do	TOTAL PETROLEUM, INC		
EDITH W. DYLAN, SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC.	450.00	
DENNIS J. EARHART, 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	69.39	
JACK D. EARLY, 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	402.50	5.00
GEORGE H. EATMAN, SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN.	1,000.00	
EATON ASSOCIATES, INC, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. EATON, SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. L. EATON, 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. EBEL, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	873.00
HAROLD F. EBERLE, O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	AMERICAN ELECTRONICS ASSN	3,000.00	50.00
LUCINDA E. EBERSOLE, 1347 MARYLAND AVENUE, NE WASHINGTON DC 20002	CITIZENS FOR A NUCLEAR FREEZE		
N. BOYD ECKER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	132.75
ROBERT C. ECKHARDT, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CERTAIN TEXAS CLAIMANTS LAWYERS	20,000.00	
Do	CONSOLIDATED NATURAL GAS CO	5,000.01	
Do	CONSUMER FEDERATION OF AMERICA		
Do	INVESTMENT COMPANY INSTITUTE	6,666.68	
Do	STATE BAR OF TEXAS	5,000.00	
Do	WALTON & SON, STEVEDORING COMPANY		
PATRICIA K. ECONOMOS, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM R. EDGAR, SUITE 401 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
HELEN H. EDGE, 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST.	391.25	
ARTHUR B. EDGEWORTH JR , 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,125.00	
EDISON ELECTRIC INSTITUTE, 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		75,132.53	79,957.47
STEPHEN L. EDMISTON, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	11,393.20	1,004.84
ED EDMONDSON, BOX 11 MUSKOGEE OK 74401	CHEROKEE NATION		
EDS CORPORATION, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			2,691.00
CHRISTINE A. EDWARDS, 1211 CONNECTICUT AVE., N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	74.00	15.00
J. RODNEY EDWARDS, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC	200.00	210.00
MACON T. EDWARDS, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	2,250.00	79.31
MAX N. EDWARDS, 1511 K STREET, NW, #1100 WASHINGTON DC 20005	FRANK G. KINGSLEY	6,000.00	135.00
MICHAEL D. EDWARDS, 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,891.80	176.00
WILLIAM A. EDWARDS, 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING CO.	1,925.00	1,238.09
PAUL S. EGAN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	7,527.00	273.73
EGGERS & GREENE, 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	265.88
SARA EHRMAN, 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,764.66	
MARY ANN EICHENBERGER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,800.00	
YVONNE B. EIDER, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001	FRIENDS OF ANIMALS, INC	5,785.92	565.38
JILL W. EILAND, 507 SECOND STREET, NE WASHINGTON DC 20002	PORTLAND GENERAL ELECTRIC		
PHYLLIS EISEN, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC.		
ALBERT C. EISENBERG, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	8,500.00	230.69
CARL W. EK, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	3,876.91	123.18
H. J. ELAM III, 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JANE ELDER, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB	1,725.00	1,615.03
GEORGE K. ELIADES, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC.	200.00	255.00
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO.		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
J. BURTON ELLER JR , 425 13TH ST., NW, #1020 WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT, WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST.	404.00	501.82
JOHN DOYLE ELLIOTT, 5500 QUINCY ST. HYATTSVILLE MD 20784			175.38
JOHN ELLIS, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,337.50	82.85
PERRY R. ELLSWORTH, SUITE 435 1425 H ST., NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	2,500.00	35.00
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC.	750.00	
EMERGENCY COMMITTEE FOR AMERICAN TRADE, 1211 CONNECTICUT AVE. WASHINGTON DC 20036		64,858.58	64,314.00
EMERSON ELECTRIC CO, 8000 FLORISSANT ST. LOUIS MO 63136			998.25
CAROL R. EMERY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC.	3,025.00	
Do	QUALICARE, INC.	1,875.00	
Do	STATE OF LOUISIANA	14,500.00	4,950.00
EMPLOYEE RELOCATION COUNCIL, SUITE 600 1627 K ST., NW WASHINGTON DC 20006			2,146.00
IRENE R. EMSELLEM, 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	35.00
LOWELL J. ENDAHL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN.	165.00	
ENERGY CONSUMERS & PRODUCERS ASSN, BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		27,660.00	9,454.10
RALPH ENGEL, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	23.56	14.85
STEVEN L. ENGELBERG, 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
LEWIS A. ENGMAN, 1100 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN.	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PATRICIA HANAHAN ENGMAN, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	2,500.00	
CHRISTOPHER ENGQUIST, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN, 2600 VIRGINIA AVENUE, NW, #901 WASHINGTON DC 20037	SINCLAIR OIL CORPORATION	500.00	90.05
J. BARRY EPPERSON, P.O. BOX 42464 HOUSTON TX 77242	ASSOCIATED WIRE ROPE FABRICATORS	250.00	200.00
EPSTEIN, BECKER, BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN		2,475.00
Do	TDI/WINSTON NETWORK, INC		
Do	TRANSIT ADVERTISERS ASSN		
VICKIE L. ERICKSON, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	399.65
JOHN M. ERSKINE JR., 1108 LAVACA, SUITE 400 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)		
SAM J. ERVIN JR., P.O. BOX 69 MORGANTON NC 28655	MEAD CORP., ANHEUSER-BUSCH & WESTVACO		
INGOLF G. ESDERS, 815 16TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO	4,322.92	
GEORGE T. ESHERICK, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	516.00	
JANE B. ESTERLY, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	255.00	90.00
ETHYL CORPORATION, SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			5,000.00
STEPHEN E. EURE, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	621.27
DAVE EVANS ASSOCIATES, 160 N. CAROLINA AVENUE, SE WASHINGTON DC 20003	AMERICAN EXPRESS CO		
Do	CREDIT UNION NATIONAL ASSN		387.52
DONALD C. EVANS, P.O. BOX 1496 SARASOTA FL 33577	EVANS INVESTIGATIVE & SECURITY SERVICE		
JOSEPH O. EVANS, APARTMENT 21 4401 LEE HWY. ARLINGTON VA 22207			
RAE FORKER EVANS, SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ROBERT D. EVANS, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
FAWN K. EVENSON, 1611 NORTH KENT ST. SUITE 900 ARLINGTON VA 22209	FOOTWEAR INDUSTRIES OF AMERICA	4,000.00	46.05
ELLEN E. EVES, NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JEFFREY P. EVES, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,500.00	
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)	20,141.93	240.60
Do	VINSON & ELKINS (FOR: NORTHVILLE INDUSTRIES CORP)		560.04
Do	VINSON & ELKINS (FOR: PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, TX)	54,385.15	160.51
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)	15,110.80	1,619.43
WAYNE S. EWING, ASSOCIATED PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INSTITUTE		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
F/P RESEARCH ASSOCIATES, SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN	3,600.00	
Do	SLURRY TRANSPORT ASSN	1,500.00	
MICHAEL FADEN, SUITE 1101 1346 CONNECTICUT AVE., NW WASHINGTON DC 20006	UNION OF CONCERNED SCIENTISTS	6,825.00	
THOMAS L. FAGAN, 777 - 14TH STREET, N.W. WASHINGTON DC 20003	GENERAL ELECTRIC CO	250.00	
ROBERT R. FAHS, SUITE 205 1101 15TH ST., NW WASHINGTON DC 20005	CARGILL INC	2,500.00	12.00
DALE W. FALLAT, 5740 SOUTHWYCK BOULEVARD MAUMEE OH 43614	ANDERSONS		
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
THOMAS B. FARLEY II, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST		
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA, P.O. BOX 2251 DENVER CO 80251		96,678.85	64,325.18
GEORGE L. FARNHAM, 2035 P STREET, NW, #401 WASHINGTON DC 20036	NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS		
FARNSWORTH, MARTIN & GALLAGHER, 1823 JEFFERSON PLACE, NW WASHINGTON DC 20036	BERENERGY CORPORATION		
Do	CRINCO INVESTMENTS, INC		
Do	LORD, BISSELL & BROOK		
Do	MONEGON, LTD		
Do	PADDOCK PUBLICATIONS, INC		
Do	SOLAREX CORPORATION		
JOHN W. FARQUHAR, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DAGMAR T. FARR, 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MICHAEL FARRAR, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	200.00	
JOSEPH A. FARRELL, 1600 WILSON BOULEVARD, #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
PENELOPE S. FARTHING, SUITE 415 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	290.00	
MARCUS G. FAUST, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	KENNECOTT CORPORATION	11,000.00	
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER, 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	75.00	
FEDERAL KEMPER LIFE ASSURANCE COMPANY, KEMPER BLDG. D-3 LONG GROVE IL 60049			
FEDERATION OF AMERICAN CONTROLLED SHIPPING, 50 BROADWAY NEW YORK NY 10004		4,536.76	4,536.76
FEDERATION OF AMERICAN HOSPITALS, SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		10,000.00	10,000.00
FEDERATION OF AMERICAN SCIENTISTS, 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			2,248.54
ARTHUR S. FEFFERMAN, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
DONALD M. FEHR, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN		
MICHAEL FEINSTEIN, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	100.00	
MARK B. FELDMAN, DONOVAN, LEISURE, NEWTON & IRVINE 1850 K STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA	2,100.00	8.90
JANICE A. FENBERG, SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO	90.00	
JUDITH W. FENSTERER, 242 E. 80TH STREET NEW YORK NY 10021	GENERIC PHARMACEUTICAL INDUSTRY ASSN	555.00	166.00
FENSTERWALD & ASSOCIATES, 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	5,000.01	249.99
EDWARD T. FERGUS, 100 GOLD ST. NEW YORK NY 10292	PRUDENTIAL-BACHE SECURITIES INC	750.00	
ALLEN R. FERGUSON, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION		
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVE., NE WASHINGTON DC 20002	ALASKA INTERNATIONAL INDUSTRIES	5,000.00	663.00
Do	DILLINGHAM CONSTRUCTION GROUP		900.00
Do	DILLINGHAM SHIP REPAIR	933.00	675.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	3,000.00	764.00
Do	NORTHWEST ENERGY CO	23,150.00	1,044.00
Do	U.S. BORAX	6,125.00	994.00
Do	WESTERN FOREST INDUSTRIES ASSN		
Do	WESTERN AIRLINES		
BETSY FERGUSON, 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JAMES H. FERGUSON, 1140 CONNECTICUT AVE., NW, #609 WASHINGTON DC 20036	AMERICAN SOCIETY FOR PERSONNEL ADMINISTRATION	7,500.00	4,483.00
JOHN T. FERGUSON II, 1875 EYE STREET, NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP	840.00	35.00
JOHN L. FESTA, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FRED C. FIELDING, 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	2,750.00	41.00
GARY W. FIELDS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,105.00	140.73
HERBERT A. FIERST, 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	13,125.00	430.00
MATTHEW P. FINK, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	109.62	21.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG MANLEY & CASEY, 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	AMERICAN PRESIDENT LINES, LTD		
Do	ASSOCIATION OF SPANISH FISHERMEN		
Do	DIRECT BROADCAST SATELLITE CORP		
Do	GENSTAR CONTAINER CORP		
Do	GOVERNMENT OF ANTIGUA & BARBUDA		
Do	M/A-COM DEVELOPMENT CORP		
Do	OCCIDENTAL PETROLEUM CORP		
Do	POPULATION CRISIS COMMITTEE	2,415.00	
Do	STROMBERG-CARLSON CORPORATION	2,025.00	
Do	TDI WINSTON NETWORK, INC	812.00	
Do	TRANSIT ADVERTISING ASSN, INC		
Do	TRT TELECOMMUNICATIONS CORP		
Do	TURNER BROADCASTING SYSTEM, INC	1,365.00	
STEPHEN A. FINN, P.O. BOX 520783 - GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORPORATION		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN		
THOMAS D. FINNIGAN, OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		
JILL FINSEN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	555.07
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRAFFIC LEAGUE	4,250.00	36.00
LAURIE A. FIORI, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	514.23	252.50
RICHARD J. FIORINI, P.O. BOX 15278 LAKEWOOD CO 80215	NORANDA MINING INC		
FIRST NATIONAL BANK OF BOSTON, 100 FEDERAL ST. BOSTON MA 02110		3,930.00	5,535.62
L. RICHARD FISCHER, MORRISON & FOERSTER 1920 N STREET, NW WASHINGTON DC 20036	MASTERCARD INTERNATIONAL, INC		50.00
RICHARD L. FISCHER, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	810.00	
DONALD W. FISHER, 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC	88.00	
WILLIAM L. FISHER, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
FISHER, KELLY, FALLON, SALERNO & BETLESKY, 770 LEXINGTON AVENUE NEW YORK NY 10021	NATIONAL COALITION FOR LOWER PRICES	6,000.00	848.00
JOHN H. FITCH JR., 1725 K STREET, NW SUITE 1200 WASHINGTON DC 20006	NATIONAL ASSN. OF WHOLESALER-DISTRIBUTORS		
LAURI J. FITZ, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: REPUBLIC OF HAITI)		
MARK FITZGERALD, 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARY CLARE FITZGERALD, SUITE 900-N 1800 M STREET, NW WASHINGTON DC 20036	GOLEMBE ASSOCIATES, INC.		
HILLIARD J. FJORD, 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO	1,500.00	657.29
JAMES J. FLANAGAN, 1730 RHODE ISLAND AVENUE, NW, #206 WASHINGTON DC 20036	VEPCO	24,000.00	775.25
JAMES J. FLANAGAN, 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	367.29	92.15
MICHAEL FLEMING, SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
WAYNE A. FLETCHER, 200 W. MADISON STREET, #1600 CHICAGO IL 60606	NATIONAL FUTURES ASSOCIATION		
FLORIDA BUSINESS ASSOCIATES, SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP		
RUTH FLOWER, 245 SECOND ST., NE. WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,384.00	
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORPORATION	5,700.00	751.94
DAVID H. FOERSTER, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
WILLIAM J. FOGARTY, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
FOLEY LARDNER HOLLABAUGH & JACOBS, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	LAWYERS TITLE INSURANCE CORP		414.98
R. D. FOLSOM, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	R. DUFFY WALL & ASSOCIATES, INC (FOR: FREEPORT-MCMORAN, INC)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	200.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: WESTERN FOREST INDUSTRIES ASSN)	100.00	
FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		13,808.66	13,808.66
FOOD MARKETING INSTITUTE, 1750 K ST., NW WASHINGTON DC 20006			5,300.00
FOODSERVICE & LODGING INST, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
GORDON FORBES, 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS	765.00	984.75
LAURENCE S. FORDHAM, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC.		
DONALD D. FOREMAN, SUITE 324 4640 W. 77TH MINNEAPOLIS MN 55437	STANDARD OIL CO (INDIANA)		
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.		2,431.20	2,431.20
EDWARD H. FORGOTSON, 1627 K ST., NW 10TH FLOOR WASHINGTON DC 20006	TEXAS OIL & GAS CORP.		
MARK A. FORMAN, SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	
SALLIE H. FORMAN, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC.	2,214.00	213.52
NANCY E. FOSTER, SUITE 510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSN	575.00	48.75
NANCY P. FOSTER, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
ERIC R. FOX, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		7.50
DAVID E. FRANASIAK, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,332.40	72.34
DOUGLAS L. FRANCISCO, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		71.88
PETER M. FRANK, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP	2,500.00	884.64
ALFRED S. FRANK, JR., SUITE 320 1140 19TH ST., NW WASHINGTON DC 20036	NCR CORPORATION		
WALTER L. FRANKLAND JR , 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,471.29	122.08
GEORGE FRANKLIN, 2000 L STREET, NW, #200 WASHINGTON DC 20036	KELLOGG COMPANY	3,000.00	325.00
CHARLES W. FRANZ, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	10,375.00	335.91
MARIAN C. FRANZ, 2121 DECATUR PLACE, NW WASHINGTON DC 20008	NATIONAL COUNCIL FOR A WORLD PEACE TAX FUND	450.00	138.00
GREGORY W. FRAZIER, P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC.		
DONALD A. FREDERICK, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	249.31	
ROBERT M. FREDERICK, 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,687.50	
FREDERICK SERVICE GROUP, 102 W. CHURCH STREET FREDERICK MD 21701			
ANN TODD FREE, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	300.00	
D. MICHAL FREEDMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	6,848.01	
JAMES O. FREEMAN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,675.00	26.00
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
PAMELA B. FREER, 1710 BROADWAY NEW YORK CITY NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	5,826.00	33.95
PAULA A. FREER, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
ROBERT E. FREER, SUITE 2200 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP		
RONNA FREIBERG, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND OCMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: BUDD COMPANY)	62.50	
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NATIONAL BRAODCASTING COMPANY)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)	31.25	
VERRICK O. FRENCH, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	600.00	20.00
SARA HAMRIC FREUND, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
GEORGE L. FRICK, DELAWARE PETROLEUM COUNCIL 20 E.DIVISION ST. DOVER DE 19901	AMERICAN PETROLEUM INST		
SUSAN FRIDY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,490.00	
FRIED FRANK HARRIS SHRIVER & KAMPELMAN, SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	DIAMOND DEALERS CLUB, INC		
Do	GENERAL ELECTRIC COMPANY	560.00	
Do	HUNT BUILDING CORPORATION		
Do	SCHENLEY INDUSTRIES, INC.	500.00	187.40
Do	SOUTHERN BROOKLYN COMMUNITY ORGANIZATION		5.54
Do	UNIVERSAL MARITIME SERVICE CORPORATION		
PHILIP P. FRIEDLANDER JR., 1250 EYE STREET, NW, #400 WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	1,000.00	
FRIEDMAN & MANN, P.C., 810 18TH ST., NW WASHINGTON DC 20006	COUSHATTA TRIBE OF LOUISIANA		
GAY H. FRIEDMANN, 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	SOUTHERN CALIFORNIA GAS CO	7,625.00	417.67
FRIENDS COMMITTEE ON NATIONAL LEGISLATION, 245 2ND ST., NE WASHINGTON DC 20002			22,954.20
FRIENDS OF ANIMALS, INC, 400 FIRST STREET, NW, #800 WASHINGTON DC 20001		5,000.00	7,174.37
FRIENDS OF THE COLUMBIA GORGE, ROOM 303 519 SW THIRD PORTLAND OR 97204		388.68	249.00
OWEN V. FRISBY, 900 17TH ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	3,300.00	72.48
SUSAN T. FRITSCHLER, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	545.00	319.06
CHARLES H. FRITTS, 2009 NORTH 14TH ST. SUITE 600 ARLINGTON VA 22201	NEW BEDFORD SEAFOOD COUNCIL, INC.	7,500.00	792.75
ROBERT D. FRITZ, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,600.00	3,600.00
CHARLES H. FRITZEL, 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	300.00	300.00
JEFFREY FRITZLEN, 1120 20TH STREET, NW, #600-S WASHINGTON DC 20036	UNION PACIFIC CORP	2,000.00	
RICHARD B. FROH, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	15,500.00	50.00
ALBERT E. FRY, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE		
GORDON H. FRY, SUITE 1201 1100 17TH ST., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC.		
FULBRIGHT & JAWORSKI, 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	ALAMO RENT A CAR		
Do	CONSOLIDATED CAPITAL EQUITIES CORP	1,443.75	13.46
Do	CRYSTAL OIL COMPANY		
Do	HOUSTON POST COMPANY	247.50	45.01
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS	1,361.25	34.86
CLAUDIA R. FUQUAY, 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	42.25
DAVID H. FYOCK, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	6,827.00	515.67
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		15,811.71	12,893.75
MARC P. GABOR, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	3,000.00	180.35
TERRY GABRIELSON, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCONTINENTAL GAS PIPELINE CORP	1,200.00	
JAMES E. GAFFIGAN, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	1,625.00	
NORMAN S. GAINES, 2550 M ST., NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.	2,200.54	913.20
HENRY T. GALLAGHER, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	28.67
MARK J. GALLAGHER, 1707 L ST., NW, #400 WASHINGTON DC 20036	NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC	6,299.00	3,656.00
KARL GALLANT, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,000.00	418.19
LARRY GALLO, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MANUFACTURERS ASSN		
KIMBERLY A. GAMBLE, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	U.S. COMMITTEE FOR UNICEF	4,964.76	
HARRY GANDERSON, P.O. BOX 2593 WASHINGTON DC 20013			
WILLIAM R. GANSER JR , 4804 FOLSE DR. METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSN	2,196.05	
NICOLE GARA, SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SHERWIN GARDNER, 1010 WISCONSIN AVE., NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
GARDNER, CARTON & DOUGLAS, 1875 I ST., NW WASHINGTON DC 20006	AMERICAN HEALTH CARE ASSN		
Do	FTC COMMUNICATIONS, INC		
Do	EDWARD HINES LUMBER CO		
Do	K-A COMPANY		
Do	MIDCON CORP		
EDWARD A. GARMATZ, 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO		
NICHOLAS P. GARNETT, SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
THEODORE J. GARRISH, 1770 PRESTON ROAD ALEXANDRIA VA 22302	AMERICAN METAL DETECTORS MFRS., INC		
JOHN C. GARTLAND, 7575 EAST FULTON ROAD ADA MI 49355	AMWAY CORPORATION		
E. JUNE GARVIN, OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	6,000.00	1,376.76
W. BRADFORD GARY, 1050 17TH STREET, NW, #1126 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC		
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC		467.75
PHILIP GASTEYER, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	6,250.00	
WAYNE GATHERS, 1925 K STREET, NW, #507 WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	612.49	
JOHN GAUTHIER, 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	211.25
MARGARET L. GEHRES, 1828 L STREET, NW, #402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	225.00	
JOHN R. GEIGER, SUITE 506 1660 L ST., NW WASHINGTON DC 20036	GOULDS PUMPS, INC	400.00	
RONALD L. GEIGLE, 1030 15TH STREET, NW, #1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSN		
ROBERT C. GELARDI, 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	180.00	
MORTON A. GELLER, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JOSE A. GEMEIL, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		20.00
GENERAL AVIATION MANUFACTURERS ASSOCIATION, 1400 K STREET, NW, #801 1025 CONNECTICUT AVE., NW WASHINGTON DC 20005.			5,108.91
GENERAL INSTRUMENT CORPORATION, 1775 BROADWAY NEW YORK NY 10019		600.00	201.82
GENERIC PHARMACEUTICAL INDUSTRY ASSN., 18TH FLOOR 600 THIRD AVENUE NEW YORK NY 10016		12,699.00	12,699.00
FRED J. GENTILE, 195 MONTAGUE STREET BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
JOHN GENTILLE, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
NANCY WHORTON GEORGE, 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	CELERON	1,000.00	345.56
GEORGIA ASSN OF PETROLEUM RETAILERS, INC, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083			
GEORGE W. GEPHART, 6104 MAYWOOD AVENUE BALTIMORE MD 21209	BALTIMORE GAS & ELECTRIC CO		
JOSEPH G. GERARD, 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	1,500.00	774.79
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY	3,104.00	
Do	COLVILLE BUSINESS COUNCIL	656.00	
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	1,072.00	
Do	MINNESOTA CHIPPEWA TRIBE		
Do	PAPAGO TRIBE OF ARIZONA	1,588.00	
Do	TULALIP TRIBES	1,316.00	
LOUIS GERBER, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,467.38	137.00
LLEWELLYN H. GERSON, 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	2,000.00	300.00
PHYLLIS H. GERSTELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
CHRIS GERSTEN, 444 NORTH CAPITOL STREET, NW, #412 WASHINGTON DC 2000]	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	523.07	
ALVIN J. GESKE, DAVIS & MCLEOD 499 S. CAPITOL ST., SW, #407 WASHINGTON DC 20003	NATIONAL CATTLEMEN'S ASSN		
Do	NATIONAL CORP FOR HOUSING PARTNERSHIPS		
DOROTHY F. GEVINSON, 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO		
ROBERT N. GIAIMO, 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	AETNA LIFE & CASUALTY	9,375.00	
Do	INSURANCE ASSOCIATION OF CONNECTICUT	3,750.00	
WILLIAM C. GIBB, 1140 CONNECTICUT AVENUE, NW, #201 WASHINGTON DC 20036			
WAYNE GIBBENS, 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	17,213.00	192.25
ANNE MARIE GIBBONS, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
WILLIAM G. GIERY, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOODSERVICE & LODGING INST		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1,222.00	
SUSAN GILBERT, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ARTHUR P. GILDEA, 274 GLENFIELD CT. CINCINNATI OH 45238	BREWERY & SOFT DRINK WORKERS, NATIONAL CONFERENCE		
MICHAEL GILDEA, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,607.49	62.08
JOHN E. GILES, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	1,320.00	536.48
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
JOSEPH S. GILL, BRICKER & ECKLER 100 E. BROAD STREET COLUMBUS OH 43215	NORFOLK SOUTHERN	7,500.00	
MARK W. GILLASPIE, P.O. BOX 1188 HOUSTON TX 77001	HOUSTON NATURAL GAS CORP		
NEAL P. GILLEN, 1707 L ST., NW, #460 WASHINGTON DC 20036	AMERICAN COTTON SHIPPERS ASSN	24,000.00	1,441.21
WILLIAM GILMARTIN, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	550.62	65.00
DAVID S. GILROY, 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME		
MARLA F. GILSON, 444 NORTH CAPITOL STREET, N.W. # 412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	656.35	
GINN & EDINGTON, INC, 121 SOUTH COLUMBUS STREET ALEXANDRIA VA 22314	GULFSTREAM AEROSPACE CORP	3,000.00	
Do	LOCKHEED-GEORGIA COMPANY	10,000.00	
Do	PROFESSIONAL INSURANCE AGENTS	6,000.00	
Do	TURNER BROADCASTING SYSTEM, INC	2,000.00	
Do	U.S. CANE SUGAR REFINERS' ASSN	1,000.00	
GINSBURG, FELDMAN AND BRESS, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	COAL OIL PRODUCERS ASSOCIATION		
GERARD GIOVANIELLO, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	566.86
BRENDA M. GIRTON, 1211 CONNECTICUT AVENUE, N.W. # 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	200.00	101.61
MICHAEL J. GIUFFRIDA, SUITE 450 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FROZEN FOOD ASSOCIATION	2,000.00	
DAVID B. GLANCEY, 2600 THE FIDELITY BUILDING PHILADELPHIA PA 19109	PHILADELPHIA STOCK EXCHANGE	2,603.20	396.81
SOL GLASNER, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,600.00	3,600.00
GEORGE L. GLEASON, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	5,562.51	391.73
JOHN P. GLEASON, 1750 OLD MEADOW RD. MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		1,991.75
LAW OFFICES OF THOS 90 BROAD STREET, #600 NEW YORK NY 10004	INTERNATIONAL LONGSHOREMAN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,813.41	680.31
GLENMEDE TRUST CO., 229 S. 18TH ST. PHILADELPHIA PA 19103			
GARY GLENN, 8001 BRADDOCK ROAD SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	2,748.00	267.43
JAMES T. GLENN, 840 WASHINGTON BUIDING 15TH STREET & NEW YORK AVE., NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	743.53
ELMER G. GLESKE, 1629 K ST., NW, #400 WASHINGTON DC 20006	FLIGHT SAFETY INTL INC		
GLOBAL USA, INC, 1825 EYE STREET, NW, #400 WASHINGTON DC 20006	FANUC, LTD	50,000.00	
GODFREY ASSOC, INC, SUITE S-501 918 16TH ST., NW WASHINGTON DC 20006		1,500.00	35.00
HORACE D. GODFREY, 918 16TH ST., NW, SUITE S-501 WASHINGTON DC 20006		1,500.00	35.00
RICHARD P. GODWIN, P.O. BOX 3965 SAN FRANCISCO CA 94119	GODFREY ASSOC, INC		
A. JAMES GOLATO, 1701 K STREET, NW WASHINGTON DC 20006	BECHTEL CIVIL & MINERALS, INC		
HARVEY S. GOLD, 1015 15TH ST., NW, #909 WASHINGTON DC 20005	H&R BLOCK, INC	170.00	80.00
MARTIN B. GOLD, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	VELSICOL CHEMICAL CORP		
Do	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)	820.00	
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
HOWARD S. GOLDBERG, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTL, INC. (FOR: SOFREAVIA)		
RONALD L. GOLDFARB, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20003	WASHINGTON INDEPENDENT WRITERS, INC		
MICHAEL GOLDSTEIN, 276 FIFTH AVENUE NEW YORK NY 10001	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS		353.00
NEIL B. GOLDSTEIN, 228 E. 45TH ST. NEW YORK NY 10017	SIERRA CLUB	564.20	2,308.22
JACK GOLODNER, 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,660.51	
JOHN GONELLA, SUITE 200 412 FIRST STREET, SE WWASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	1,114.99	420.56
RUTH GONZE, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC (FOR: AIRBUS INDUSTRIE)		
Do	KING & SPALDING (FOR THOMSON-CSF, INC)	2,475.00	
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST. DE MOTEURS D'AVIATION).	357.50	
Do	DGA INTL, INC. (FOR: SOFREAVIA)		
VANCE V. GOODFELLOW, 307 4TH AVE., SOUTH, P.O. BOX 15047 MINNEAPOLIS MN 55415	CROP QUALITY COUNCIL	9,490.77	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DANIEL GOODWIN, ONE IBM PLAZA, #3700 CHICAGO IL 60611	FINANCIAL INVESTMENT ASSOCIATES, INC		792.58
ROBERT F. GOODWIN, 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	33.00
BENJAMIN GORDON, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
DOUGLAS GORDON, 1133 20TH STREET, N.W. WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	375.00	
IRMGARD GORDOS, P.O. BOX 722 JEFFERSON CITY MO 65102	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
MILLICENT GORHAM, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JAMES D. GORMLEY, 1400 K STREET, NW, #801 WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	2,382.69	
PETER GOSSENS, 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	11,250.00	512.00
JOHN T. GOULD JR., SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	400.00	700.00
GOVERNMENT RELATIONS ASSOCIATES, INC., SUITE 401 1629 K STREET, NW WASHINGTON DC 20006		1,330.00	1,330.00
HUGH J. GOWNLEY, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)	4.00	
EDMOND GRABER, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	1,000.00	500.00
JOHN R. GRAFF, SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS	360.00	197.00
DONALD E. GRAHAM, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	NATIONAL COUNCIL OF FARMER COOPERATIVES		
LAWRENCE T. GRAHAM, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,453.85	
JOHN K. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	458.00
LUIS L. GRANADOS, SUITE 400 1725 DESALES ST., NW WASHINGTON, DC 20036	ESOP ASSOCIATION OF AMERICA	11,350.00	1,600.47
WILLIAM W. GRANT, SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		455.16
JAMES L. GRANUM, 920 15TH ST., NW WASHINGTON DC 20005	NORFOLK SOUTHERN CORP	1,000.00	
MICHAEL R. GRAUL, 1725 DESALES ST., NW SUITE 401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
Do	CUTTING TOOL MANUFACTURERS ASSN & METAL CUTTING TOOL INST	1,200.00	
JAMES A. GRAY, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	750.00	25.00
ROBERT K. GRAY, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON AND STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: AMERICAN TRUCKING ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)	29.17	
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: BATUS)		
Do	GRAY AND COMPANY (FOR: BENDIX CORPORATION)		
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	BUDD COMPANY		
Do	GRAY AND COMPANY (FOR: COLLEGE OF AMERICAN PATHOLOGISTS)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: EL PASO NATURAL GAS)		
Do	GRAY AND COMPANY (FOR: EXECUTIVE COUNCIL ON FOREIGN DIPLOMATS)	145.83	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GRUMMAN CORPORATION)	58.33	
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	MARTIN BAKER AIRCRAFT COMPANY LTD		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)		
Do	GRAY AND COMPANY (FOR: NATIONAL COALITION FOR A FREE CUBA)		
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: NICHOLAS SALGO)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & CO., LTD.)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT AND COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)	87.50	
Do	GRAY AND COMPANY (FOR: UNITED NATIONS CHILDREN'S FUND)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)		
JOHN F. GRAYBEAL, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
MARK E. GRAYSON, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON, P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
GREATER WASHINGTON BOARD OF TRADE, 1129 20TH ST., NW WASHINGTON DC 20036			
JAMES R. GRECO, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC	1,000.00	1,026.87
DONALD R. GREELEY, 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,200.00	471.75
GEORGE R. GREEN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JAMES W. GREEN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,536.20	205.50
WAYNE GREEN, 80 PINE ST. PETERBOROUGH NH 03458	73 INC		
JANE E. GREENBAUM, SUITE 210 1201 PENNSYLVANIA AVE. NW WASHINGTON DC 20004	HALLMARK CARDS, INC		
ALLEN GREENBERG, SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP	8.00	
ELDON V. C. GREENBERG, GALLOWAY & GREENBERG 1725 EYE STREE, NW, #601 WASHINGTON DC 20006	SOUTHEASTERN FISHERIES ASSN, INC	1,500.00	1,030.49
LOUISE S. GREENFIELD, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	2,083.32	
ROBERT GREENSTEIN, 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	1,003.20	35.00
DALE W. GREENWOOD, 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN	498.00	1,162.38
SAUNDERS GREGG, PO BOX 2628 HOUSTON TX 77001	ENTEX, INC		
WILLIAM G. GREIF, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	40,000.00	
MARK N. GRIFFITHS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES, 8100 OAK STREET DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
OLGA GRKAVAC, 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		4.00
GROCERY MANUFACTURERS OF AMERICA, INC., SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			10,078.19
HOWARD M. GROEDEL, 1000 POTOMAC STREET, NW, #302 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE		
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS	300.00	6.00
Do	AETNA LIFE & CASUALTY		
Do	BAXTER TRAVENOL LABORATORIES, INC		
Do	COLORADO-UTE	200.00	4.00
Do	CONNECTICUT GENERAL LIFE INSURANCE COMPANY		
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S		
Do	GLOBAL MARINE, INC		
Do	GOLDMAN, SACHS & COMPANY		
Do	GULF OIL CORP	200.00	4.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO		
Do	OCEAN DRILLING & EXPLORATION CO		
Do	PHILLIPS PETROLEUM COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	500.00	8.00
Do	READING & BATES CORPORATION	100.00	2.00
Do	SOUTHERN CALIFORNIA EDISON COMPANY		
Do	TRAVELERS		
Do	UNION TEXAS PETROLEUM		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND		
Do	WESTINGHOUSE ELECTRIC CORP		
DAVID B. GROSS, P.O. DRAWER 1120 JACKSON MS 39265	SHELL OIL CO		
NINA G. GROSS, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	250.00	
STANLEY C. GROSS, 249 MAITLAND AVENUE ALTAMONE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
FRANK N. GROSSMAN, SUITE 840 1100 CONNECTICUT AVE., NW WASHINGTON DC	SANTA FE INDUSTRIES, INC	1,500.00	
JOHN R. GROUNDWATER JR., 1840 WILSON BOULEVARD, #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	1,387.50	
WALTER B. GRUBBS, 3510 S. 20TH STREET ABILENE TX 79605	WEST TEXAS UTILITIES CO	361.12	518.55
JOHN T. GRUPENHOFF, SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	1,600.00	328.50
Do	AMERICAN GASTROENTEROLOGICAL ASSN	2,750.00	391.80

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AMERICAN SOCIETY FOR GASTROINTESTINAL ENDOSCOPY	2,750.00	391.80
LARRY GRUPP, BOX 8032 MOSCOW ID 83843	J. R. SIMPLOT CO		
RICHARD F. GUAY, 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION		
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC		260.00
JAMES E. GUIRARD JR., 1730 RHODE ISLAND AVENUE, NW, #419 WASHINGTON DC 20036	BASF WYANDOTTE CORP	6,000.00	850.00
Do	BELL AEROSPACE TEXTRON	300.00	170.00
Do	TANO CORPORATION	500.00	300.00
JEROME R. GULAN, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC., 5801 LEESBURG PIKE, #204 FALLS CHURCH VA 22041		219,467.53	251,967.13
DAVID GUSKY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	9,604.74	
SUSAN L. GUSTAFSON, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE, 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FEDERATION OF MUSICIANS	1,985.00	2,316.62
ROBERT F. GUTHRIE, #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,712.50	
RICHARD E. GUTTING JR., 1101 CONNECTICUT AVENUE, NW, #700 WASHINGTON DC 20036	NATIONAL FISHERIES INSTITUTE	6,000.00	216.14
C. JAMES HACKETT, P.O. BOX 11700 TACOMA WA 98411	AMERICAN PLYWOOD ASSN		
JAMES M. HACKING, 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	706.73	430.60
CRAIG HACKLER, 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	3,000.00	
Do	CADILLAC FAIRVIEW U.S., INC		
Do	HILLCREST EQUITIES, INC		
Do	INTERNATIONAL CHIROPRACTIC ASSN	500.00	
CHARLES W. HACKNEY JR., 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM F. HADDAD, 322 W. 57TH ST. NEW YORK NY 10019	GENERIC PHARMACEUTICAL INDUSTRY ASSN	4,800.00	
THOMAS M. HAGAN, 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	353.00	922.33
ANN HAGEMANN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN BROADCASTING CO		
WILLIAM D. HAGER, 1030 FINANCIAL CENTER DES MOINES IA 50309	AMERICAN ACADEMY OF ACTUARIES		
BRUCE N. HAHN, 9300 LIVINGSTON RD. WASHINGTON DC 20022	NATIONAL TOOLING & MACHINING ASSOCIATION	9,230.82	
JOHN REED HAINES, P.O. BOX 1102 READING PA 19603	MERIDIAN BANCORP, INC	1,981.00	761.00
THOMAS F. HAIRSTON, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	6,000.00	918.54
HALE AND DORR, SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	COMPO INDUSTRIES, INC	9,936.00	2,285.81
Do	GHK COMPANIES	16,783.72	2,084.89
Do	INDIAN LAND CLAIM COMMITTEE	3,635.98	
Do	MEOH, INC		
Do	TOWN OF MASHPEE		
RANDOLPH M. HALE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
BEVERLY HALEM, P.O. BOX 1419 COCA FL 32922	HALEM INDUSTRIES, INC		
HALEY BADER & POTTS, SUITE 600 2000 M STREET, NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	2,499.38	110.97
MARTIN HALEY COMPANIES, 1015 15TH ST., NW WASHINGTON DC 20005	AMERICAN ENERGY INC		
Do	CENTRAL TEXAS GRAIN PRODUCTS MARKETING COOPERATIVE		
Do	LOUIS DREYFUS CORP		
Do	M&M/MARS		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON, SUITE 350 1750 K ST., NW WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
JOHN F. HALL, 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	800.00	
RICHARD F. HALL, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	1,107.65
MARIAN HALL-CRAWFORD, 316 PENNSYLVANIA AVENUE, SE, #301 WASHINGTON DC 20003	SAN DIEGO GAS & ELECTRIC	850.00	2,612.59
JOSEPH HALOW, SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC		
SEYMOUR HALPERN, 540 MADISON AVE. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING & CO., INC. (FOR: ELECTRONIC INDUSTRY ASSN OF JAPAN)		
MAURICE E. HALSEY, 1001 CONNECTICUT AVENUE, NW, #501 WASHINGTON DC 20036	NORTHERN ILLINOIS GAS COMPANY	2,500.00	
J. PHILLIP HALSTEAD, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY		
PAUL T. HALUZA, SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	642.04
JERALD V. HALVORSEN, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	7,875.00	2,215.66
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	ESTATE OF HELEN WODELL HALBACH		
Do	GOVERNMENT OF THE U.S. VIRGIN ISLANDS	25.00	25.00
Do	SKYLINK CORPORATION, INC	230.00	
Do	TANDY CORPORATION	250.00	
Do	UNITED STUDENT AID FUNDS, INC		
Do	GRAEPER-VAN NOY-WAGNER, INC		
BRUCE HAMILTON, BOX 1078 LANDER WY 82520	SIERRA CLUB	1,000.00	1,266.74
JAMES L. HAMILTON III, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	962.50	88.90
J. LEE HAMILTON, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	119.16	
STANLEY HAMILTON, 1616 P ST., NW, #204 WASHINGTON DC 20036	INTERSTATE CARRIERS CONFERENCE	500.00	50.00
WILLIAM W. HAMILTON JR., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	628.14	75.00
SUSAN WOODWARD HAMLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		1,238.89
ROBERT E. HAMPTON, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
TIMOTHY A. HANAN, 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MOBIL CORPORATION	1,500.00	
NOLAN W. HANCOCK, 1126 16TH ST., NW WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	5,100.00	
TED HANDEL, THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
DONALD K. HANES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	167.50	
GEORGE J. HANKS JR., 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY, JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	12,500.00	
ELIZABETH HANLIN, SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC., SUITE 750 1225 19TH STREET, NW WASHINGTON DC 20036	CENTURY 21		
Do	FIREMAN'S FUND INSURANCE COS		
Do	GENERAL MOTORS CORP		
Do	HUBBARD BROADCASTING COMPANY		
Do	NATIONAL VENTURE CAPITAL ASSOCIATION		
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	TOSCO OIL CORPORATION		
Do	TRANS WORLD AIRLINES, INC		
HANNAFORD INTERNATIONAL, INC, SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	LEBANESE INFORMATION & RESEARCH CENTER		
HANSELL & POST, 1915 EYE STREET, NW, #500 WASHINGTON DC 20006	ASSOCIATED BUILDERS & CONTRACTORS, INC	5,816.00	38.77
Do	FIRST NATIONAL BANK OF ATLANTA	84.00	
Do	ROCKWELL INTERNATIONAL CORP		14.64
ERLING HANSEN, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
J. E. HANSEN, 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PETER J. HAPWORTH, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	500.00	103.86
MARGARET K. HARDING, 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP	1,565.55	549.80
WILLIAM E. HARDMAN, 9300 LIVINGSTON ROAD FT. WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	20,890.38	
HELEN S. HARGADON, 1100 15TH STREET, NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	38.75
J. RICHARD HARGIS, 2550 M STREET, NW, #770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,345.10	520.26
JON HARKAVY, 205 EAST 42ND STREET NEW YORK NY 10017	RISK AND INSURANCE MANAGEMENT SOCIETY, INC		
CHARLES N. HARKEY, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
DAN R. HARLOW, 919 18TH ST., NW WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	3,000.00	
DONALD L. HARLOW, 310 RILEY ST. FALLS CHURCH VA 22046	AIR FORCE SERGEANTS ASSN, INC		
LEON HARPER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	708.00	
WILEY C. HARRELL JR., 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
MICHAEL T. HARRIGAN, 421 KING STREET, #214 ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE		
TONI HARRINGTON, 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	170.55
MARILYN A. HARRIS, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	100.00	79.10
ROBERT L. HARRIS, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		
WILLIAM F. HARRIS, 7980 GALLOWS COURT VIENNA VA 22180	BOEING COMPUTER SERVICES		
HARRIS, BERG & CRESKOFF, 1100 15TH STREET, NW, #1100 WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC	1,150.00	43.00
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS		
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	6,250.00	
WILLIAM H. HARSHA, 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	118.45
Do	WM. H. HARSHA & ASSSOCIATES, INC (FOR: APPALACHIAN REGIONAL COMMISSION).	6,000.00	
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: CECOS INTERNATIONAL)	4,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	WILLIAM H. HARSHA & ASSOCIATES, INC (FOR: ECOLOGICAL PROFESSIONAL INDUSTRIES, INC).	4,000.00	
Do	WM. H. HARSHA & ASSOC., INC. (FOR: GRUMMAN FLXIBLE)	1,500.00	
Do	WM. H. HARSHA & ASSOC., INC. (FOR: SLURRY TRANSPORT ASSN)	12,000.00	
LYNN S. HART, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,056.35	775.63
HARTFORD FIRE INSURANCE CO, HARTFORD PLAZA HARTFORD CT 06115			7,135.00
CHARLES D. HARTMAN, 1050 17TH ST., NW, SUITE 500 WASHINGTON DC 20036	TEXACO, INC	3,150.45	
MARY L. HARTMAN, 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ARTHUR W. HARTMANN, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
NORMAN B. HARTNETT, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	22,209.20	2,408.37
EDWIN HAROLD HARVEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
JAY HARVEY, 815 16TH STREET, NW, #408 WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPT, AFL-CIO	387.00	
JULIANE B. HARVEY, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO	139.06	22.50
CLIFFORD J. HARVISON, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
HOLLY HASSETT, 2000 L STREET, NW, #200 WASHINGTON DC 20036	HERSHEY FOODS CORP		46.50
LEWIS B. HASTINGS, 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	3,000.00	157.75
WALTER A. HASTY JR , SUITE 230 1801 K ST., NW WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	298.82	
L. ANDREA HATFIELD, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	2,000.00	
JANET HATHAWAY, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,208.33	
GARY R. HATTAL, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
BARBARA S. HAUGEN, 311 FIRST STREET, NW, #700 WASHINGTON DC 20003	NATIONAL ASSN OF INSURANCE BROKERS		
BARBARA J. HAUGH, 1050 CONNECTICUT AVENUE, NW, #760 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		1,078.24
RODNEY E. HAUGH, SUITE 903 1735 JEFFERSON DAVIS HWY. ARLINGTON, VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION	600.00	
MARY W. HAUGHT, 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	79.77
CHARLES W. HAVENS III, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
KATHRYN JOANN HAWES, SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
SIDNEY G. HAWKES, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	800.00	30.00
JOHN H. HAWKINS JR , 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO	13,515.00	11.67
BRUCE R. HAWLEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	7,350.00	44.00
WESLEY F. HAYDEN, 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	7,766.22	14.00
ROBERT A. HAYNOS, 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION	12,250.00	642.07
HEALTH RESEARCH GROUP, SUITE 708 2000 P ST., NW WASHINGTON DC 20036		12.49	12.49
PATRICK B. HEALY, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	543.75	
ROBERT L. HEALY, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	350.00	
CHARLES L. HEBNER, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
JAY HEDLUND, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,560.02	567.40
JOHN HEFFNER, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD, CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
ELIZABETH W. HEILIG, 1660 L STREET, NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH		
JOHN F. HEILMAN, 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	15,568.80	873.25
JOHN R. HEISSE II , SUITE 900 1828 L STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF DEMOLITION CONTRACTORS		
RICHARD L. HELLWEGE, 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC	284.57	284.57
WILLIS L. HELMANTOLER, CREAMER DICKSON & BASFORD 1625 K STREET, NW WASHINGTON DC 20006	CITY OF DALLAS, TX		
Do	MAYOR OF KANSAS CITY, MO		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY	450.00	45.50
THOMAS R. HENDERSHOT, SUITE200 8181 PROFESSIONAL PL. LANDOVER MD 20785	PETROLEUM HEAT AND POWER CO		
Do	PHILADELPHIA GAS WORKS	25,002.50	989.00
CAROL C. HENDERSON, 110 MARYLAND AVE., NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	753.00	
JOHN B. HENDERSON, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,990.00	295.00
RICHARD DEAN HENDERSON, SUITE 310 1101 17TH ST., NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMER, INC		40.00
C. DAYLE HENINGTON, 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY, 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP	1,500.00	
GEORGE F. HENNRIKUS JR , 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	5,071.00	
LEANN HENSCHE, 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	88.21
BRUCE HEPPEN, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
STEPHEN HERM, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
LYLA M. HERNANDEZ, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL PEER REVIEW ASSN		
CATHERINE L. HERON, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	340.31	60.99
HERON, BURCHETTE, RUCKERT & ROTHWELL, 1200 NEW HAMPSHIRE AVENUE, NW, #420 WASHINGTON DC 20036	ASSOCIATION OF FLORAL IMPORTERS OF FLORIDA		
HERRICK & SMITH, 100 FEDERAL STREET BOSTON MA 02110	SMITH COLLEGE		
CAROL M. HERRINGTON, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO		
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
FRED HERVEY, P.O. BOX 20230 4500 S.40TH ST. PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		1,140.00
PAT I. HETH, SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION	2,500.00	592.33
HEUBLEIN, INC., C/O MAUREEN BRIGGS MUNSON RD. FARMINGTON CT 06032			26,619.59
TED ALLEN HEYDINGER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	283.79
G. BROCKWEL HEYLIN, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
PAUL T. HICKS, RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST	210.00	
J. THOMAS HIGGINBOTHAM, MELLON BANK, N.A. PITTSBURGH PA 15230	MELLON BANK, N.A. & MELLON NATL CORP	2,000.00	2,822.35
LAWRENCE P. HIGGINS, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
SHARON L. HILDEBRANDT, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	6,651.67	127.45
CLIFTON T. HILDERLY JR., SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
GERALD 'JERRY' HILL, 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR , SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
MORTON A. HILL, 475 RIVERSIDE DRIVE, #239 NEW YORK NY 10115	MORALITY IN MEDIA, INC	8.79	
PATRICIA HILL, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC	2,870.74	72.32
ROBERT B. HILL, 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
STEPHEN HITCHNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	
LAWRENCE S. HOBART, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	1,500.00	
CLAUDE E. HOBBS, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	3,700.00	95.00
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	METLAKATLA INDIAN COMMUNITY	313.50	
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	OGLALA SIOUX TRIBE		
Do	PUEBLO DE COCHITI	3,526.50	21.40
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION	3,430.40	
JERALD E. HOBSON, 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	EL PASO COMPANY	2,500.00	68.54
HOWARD E. HOELTER, ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
GLEN D. HOFER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	666.08	
IRVIN A. HOFF, 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN	1,250.00	276.31
THOMAS F. HOFFMAN, 1701 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	CONSOLIDATION COAL COMPANY	27.00	12.00
WILLIAM H. HOFFMAN, 1000 16TH ST., NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		
WILLIAM L. HOFFMAN, 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	10,395.00	1,164.75
F. NORDY HOFFMANN AND ASSOC., INC, SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY		
Do	INTERNATIONAL TELEPHONE & TELEGRAPH		
Do	MARINE ENGINEERS BENEFICIAL ASSN	1,000.00	
Do	O'CONNOR & HANNAN		
Do	PAGE AIRWAYS		
Do	WESTINGHOUSE ELECTRIC		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND CLINIC FOUNDATION	6,125.00	37.00
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	ETSI PIPELINE PROJECT		
Do	INTEL CORPORATION	813.75	
Do	MEHARRY MEDICAL COLLEGE	3,027.50	10.00
Do	METHODIST HOSPITAL	11,746.25	35.00
Do	MOTORCYCLE INDUSTRY COUNCIL, INC		
Do	NATIONAL FARMERS ORGANIZATION		
Do	NATIONAL HOSPICE EDUCATION PROJECT	100.00	
Do	NATIONAL SOFT DRINK ASSN	7,150.50	99.15
Do	TOYOTA MOTOR SALES, U.S.A., INC	8,325.00	128.62
JAMES F. HOGG, 8100 34TH AVENUE SOUTH MINNEAPOLIS MN 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT, 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	6,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WALTER HOLAN, 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
MICHELE O'DONNELL HOLBROOK, 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	2,032.00	4,828.52
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)	110.00	
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	440.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
HOLIDAY INNS, INC, 3742 LAMAR AVE. MEMPHIS TN 38195			2,300.00
PHILIP C. HOLLADAY, 1025 CONNECTICUT AVENUE, NW, #200 WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
KENNETH L. HOLLAND, P.O. DRAWER 940 GAFFNEY SC 29342	LIBERTY CORPORATION	17,850.00	4,687.26
WENDELL M. HOLLOWAY, 815 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20006	FORD MOTOR CO	2,089.00	1,220.71
HOLME, ROBERTS & OWEN, 1700 BROADWAY DENVER CO 80290	PARAHO DEVELOPMENT CORP		
MOSES D. HOLMES JR , 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,239.20	53.50
PETER E. HOLMES, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	700.00	
E.Y. HOLT JR , 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR , 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	725.00	
JOHN W. HOLTON, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
PAUL R. HOLTZ, 1101 17TH STREET, NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	3,000.00	
LOIS HOLWERDA - HOYT, SUITE 104 499 SOUTH CAPITOL STREET, NW, WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN	1,500.00	
HOME RECORDING RIGHTS COALITION, P.O. BOX 33576 1015 15TH STREET, NW WASHINGTON DC 20033		51,250.00	49,756.96
KAREN C. HONTZ, SUITE 940 1875 EYE STREET, NW WASHINGTON DC 20006	GULF & WESTERN MANAGEMENT COMPANY	1,450.00	99.19
JOHN C. HOOPER, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB		
VIRGINIA E. HOPKINS, 21 DUPONT CIRCLE, NW, #600 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
ROBERT JACK HORN, SUITE 480 1990 M ST., NW WASHINGTON DC 20036	DETROIT EDISON CO	730.00	222.80
HARRY J. HORROCKS II , 40 IVY STREET, SE WASHINGTON DC 20003	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	7,999.98	49.85
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION	6,000.00	539.14
Do	FRIENDS OF ANIMALS, INC		
WILLIAM J. HOTES, 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	
THOMAS B. HOUSE, 1700 OLD MEADOW RD. MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
JACK W. HOUSTON, 900 N. HAIRSTON ROAD, SUITE D STONE MOUNTAIN GA 30083	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC		
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			163.45
ROBERT M. HOWARD, 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	FORD MOTOR CO	636.25	382.86
HOWELL CORP, 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	514.94	
MARY J. LYNCH HOWELL, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
STEVEN K. HOWELL, SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
JOHN B. HOWERTON, 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
JOANNE MASSEY HOWES, SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	1,541.12	137.00
JOHN A. HOWES, SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
HOWREY & SIMON, 1730 PENNSYLVANIA AVENUE, NW, #900 WASHINGTON DC 20006	MEAD CORPORATION	1,852.50	45.67
Do	SUMMIT ENTERPRISES, INC OF VIRGINIA	5,440.00	648.04
MARY HOYER, P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN		
PAUL R. HUARD, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	6,000.00	
MARGARET RENKEN HUDSON, 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	KORF INDUSTRIES, INC		
GARY E. HUGHES, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	500.00	
HUGHES HUBBARD & REED, SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE		
Do	CONTINENTAL AIR LINES, INC		
Do	FORD MOTOR COMPANY		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
PETER W. HUGHES, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	1,138.31	403.58
VESTER T. HUGHES JR., HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	SAMMONS ENTERPRISES, INC		
VINCENT C. HUGHES, 1235 JEFFERSON DAVIS HIGHWAY, #500 ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
WILLIAM HUGHES, 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	34.92	
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS	9,128.00	530.17
CORDELL W. HULL, 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	1,455.00	
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		2.00
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	5,175.00	2.75
ROBERT R. HUMPHREYS, 1951 EYE STREET, NW, #500 WASHINGTON DC 20006	ARTHRITIS FOUNDATION	7,400.00	
Do	HELEN KELLER NATIONAL CENTER	1,775.00	
DAVID A. HUNT, 1815 NORTH FORT MEYER DRIVE ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	3,000.00	100.00
PETER C. HUNT, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
RICHARD M. HUNT, 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC	4,775.00	
HARRIET HUNT-BURGESS, 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	1,993.00	1,630.47
JAMES C. HUNTER, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE COMPANY	3,384.00	
MICHAEL M. HUNTER, 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		60.00
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
MILTON F. HUNTINGTON, MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST	336.00	493.89
HUNTON & WILLIAMS, P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	6,361.25	265.71
J. JAMES HUR, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY		
ADELE M. HURLEY, 112 ST. CLAIR AVE., WEST SUITE 504 TORONTO ONTARIO CANADA M4V 2Y3 DC 20006	CANADIAN COALITION ON ACID RAIN	497.89	159.88
GERARD F. HURLEY, 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION		
ROBERT R. HURT, SUITE 650 1050 17TH STREET, NW WASHINGTON DC 20036	MERCK & CO., INC		
CATHY HURWIT, 1300 CONNECTICUT AVENUE, NW, #401 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	5,000.00	154.50
BENJAMIN MELVIN HURWITZ, SUITE 200 1925 K ST., NW WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP		150.00
GEOFFREY B. HURWITZ, SUITE 743 1434 NEW YORK AVE., NW WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	18.79
RAYMOND W. HUSSEY, 29400 LAKELAND BLVD. WICKLIFFE OH 44092	LUBRIZOL CORPORATION	600.00	550.82
DEWEY M. HUTCHINS, 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	500.00	117.00
PHILIP A. HUTCHINSON, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON, P.O. BOX 20230 4500 SOUTH 40TH STREET PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION		1,140.00
JAMES L. HUTCHISON, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC	100.00	155.00
RANDY HUWA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,893.34	577.98
B. F. HYDE, TENNESSEE PETROLEUM COUNCIL 211 7TH AVENUE, NORTH, 4TH FL. NASHVILLE TN 37219	AMERICAN PETROLEUM INSTITUTE	400.00	120.00
GARY HYMEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)	202.50	
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: BATUS)		
Do	GRAY AND COMPANY (FOR: BEVERLY ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	135.00	
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)	540.00	
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MARTIN BAKER AIRCRAFT COMPANY LTD.)	112.50	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)	270.00	
Do	GRAY AND COMPANY (FOR: PAN AMERICAN NATIONAL BANK)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPAY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: U.S. BANKNOTE)		
Do	GRAY AND COMPANY (FOR: UNITED NATIONS CHILDREN'S FUND)		
ROBERT D. HYNES JR , SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	649.35
RICHARD H. ICHORD, 499 S. CAPITOL STREET, SW, #400 WASHINGTON DC 20003	AAI CORPORATION	1,050.00	305.58
Do	EMERSON ELECTRIC CO	587.50	70.02
Do	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS CO	187.50	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ANNELISE ILSCHENKO, 101 S. REYNOLDS STREET, #H-116 ALEXANDRIA VA 22304			
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC., 100 CHURCH ST. NEW YORK NY 10007		20,152.94	20,152.94
INDEPENDENT LUBRICANT MANUFACTURERS ASSN, 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT PRODUCERS GROUP, 240 PAGE COURT 220 W. DOUGLAS WICHITA KS 67202		8.72	116.23
INDUSTRIAL UNION DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		19,722.40	19,722.40
NANCY J. INGALSBEE, 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	U. S. SKI ASSOCIATION		
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
ANDREA L. INNES, COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	5,000.00	518.49
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS, 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, 25 LOUISIANA AVE., NW WASHINGTON DC 20001			48,896.71
INTERNATIONAL GOLD CORPORATION LIMITED, 645 FIFTH AVENUE NEW YORK NY 10022			
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			46,446.86
INTERNATIONAL MARITIME ASSOCIATES, INC, 1800 K ST., NW WASHINGTON DC 20006			4.50
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN, 815 15TH ST., NW WASHINGTON DC 20005			5,108.60
INTERSTATE CARRIERS CONFERENCE, 1616 P STREET, NW WASHINGTON DC 20036			
INVESTMENT COMPANY INSTITUTE, 1775 K ST., NW WASHINGTON DC 20006			11,380.12
INVESTMENT COUNSEL ASSN OF AMERICA, INC., 50 BROAD ST. NEW YORK NY 10004			148.00
CHARLES C. IRIONS, 400 ARMY-NAVY DR. ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	336.00	
IRON ORE LESSORS ASSN, INC, 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		9,060.77	15,446.95
ITEL CORPORATION, CONTAINER DIVISION, #2 EMBARCADERO CENTER 24TH FLOOR SAN FRANCISCO CA 94111			1,448.73
ROBERT A. JABLON, SPIEGAL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
CARLTON JACKSON, FLORIDA PETROLEUM COUNCIL 111 N. GADSDEN STREET TALLAHASSEE FL 32301	AMERICAN PETROLEUM INSTITUTE		
CHARLES L. JACKSON, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
MERCER L. JACKSON, 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	400.00	
ROBERT S. JACKSON, 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	12,375.00	5,256.53
WILLIAM P. JACKSON JR., JACKSON & JESSUP, P.C. 3426 N. WASHINGTON BOULEVARD ARLINGTON VA 22201	OSBORNE TRUCK LINE, INC, ET AL	2,987.68	7,768.49
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	PARENTS & FRIENDS OF UAG		
WALTER K. JAENICKE, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
DANIEL L. JAFFE, SUITE 401 1225 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION	65.94	
JAPAN ECONOMIC INSTITUTE OF AMERICA, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,994.89	1,994.89
JAPANESE AMERICAN CITIZENS LEAGUE, 1765 SUTTER STREET SAN FRANCISCO CA 94118			
JOSEPH J. JAQUAY, 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION , AFL-CIO		
T. DESTRY JARVIS, 529 TENNESSEE AVE. ALEXANDRIA VA 22305	NATIONAL PARKS & CONSERVATION ASSOCIATION .	1,585.08	118.23
EVELYN JARVIS-FERRIS, 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION		
JERRY J. JASINOWSKI, 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,550.00	
JOSEPH S. JENCKES, 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	1,750.24
JENNER & BLOCK, ONE IBM PLAZA CHICAGO IL 60611	AMUSEMENT & MUSIC OPERATORS ASSOCIATION		598.53
JAMES C. JENNINGS, 3255 GRACE ST., NW WASHINGTON DC 20007	GRAY AND COMPANY		
JENNINGS, STROUSS & SALMON, 111 WEST MONROE PHOENIX AZ 85003	SHAMROCK FOODS CO		
CHRIS L. JENSEN, FLORIDA PETROLEUM COUNCIL 111 NORTH GADSDEN ST. TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST		
JENSEN, SANDERS & MCCONNELL, SUITE 1275 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP		
Do	COUNTY OF ORANGE	10,000.00	567.00
Do	NELCO PRODUCTS, INC		
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	6,000.00	347.00
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	300.00	
Do	SANTA ANA VALLEY IRRIGATION CO		
NANCY H. JESSICK, 425 13TH STREET, NW WASHINGTON DC 20004	HIRAM WALKER & SONS, INC		
GUY E. JESTER, 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
CHARLES E. JOECKEL JR , 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	12,594.40	2,607.01
WALTER W. JOHN, RM. 1414 SOUTH BUILDING USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	786.30	
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	317.80
JOHNSON & SWANSON, 4700 INTER-FIRST TWO DALLAS TX 75270	METHODIST HOSPITALS OF DALLAS, ET AL		
CARL T. JOHNSON, SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	400.00	
CLIFFORD T. JOHNSON, 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY		
DAVID H. JOHNSON, MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST	400.00	1,254.10
GEORGE DEAN JOHNSON JR., JOHNSON SMITH & HIBBARD P.O. DRAWER 5585 SPARTANBURG SC 29304	MILLIKEN & COMPANY		
Do	WASTE MANAGEMENT, INC		
JESS JOHNSON JR , SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
JOEL L. JOHNSON, 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE, INC	6,000.00	148.05
JOHN B. JOHNSON, ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	618.75	
JOHN D. JOHNSON, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER PERMANENTE MEDICAL GROUP	15,500.00	
KENNETH A. JOHNSON, PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
L. WAYNE JOHNSON, P.O. BOX 7000-C TEXARKANA TX 75501			
LARRY W. JOHNSON, P.O. BOX 3000 LEESBURG VA 22075	VOCATIONAL INDUSTRIAL CLUBS OF AMERICA, INC		
LINDA MEYER JOHNSON, 7700 LITTLE RIVER TURNPIKE ANNANDALE VA 22003	ROLM CORPORATION		
RADY A. JOHNSON, 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	600.00	36.64
RICHARD W. JOHNSON JR., 219 N. WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	5,417.04	96.19
SPENCER A. JOHNSON, SUITE 411 1101 VERMONT AVE., NW WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON, 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC	120.00	
STEPHEN M. JOHNSON, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
THOMAS G. JOHNSON, P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
WALLACE E. JOHNSON, MOFFET, LARSON & JOHNSON, P.C. 1925 NORTH LYNN STREET, #700 ARLINGTON VA 22209	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
WILLIAM L. JOHNSON, SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	MICHIGAN CONSOLIDATED GAS CO	1,000.00	
BARBARA W. JOHNSTON, 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC		
DAVID JOHNSTON, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	6,204.62
JOINT CORPORATE COMM ON CUBAN CLAIMS, C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830			180.00
JOINT TASK FORCE ON FEDERAL FINANCIAL ASSIST. FOR STUDENTS, C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036.			
HERBERT A. JOLOVITZ, 900 17TH STREET, NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION	1,250.00	
ALLAN R. JONES, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	1,484.97
CHARLIE W. JONES, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	300.00	150.00
ERNEST W. JONES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES, SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR , 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	175.00	122.25
JAMES E. JONES, 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
NORVILL JONES, 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO	250.00	
RANDALL T. JONES, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	1,020.00	59.95
DE SOTO JORDAN, 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	154.00	50.00
JAMES V. JORDAN III, PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JEFFREY H. JOSEPH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	10.00
DAVID W. JOYNER, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
ARDON B. JUDD JR , 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC		
ROBERT E. JULIANO, 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTL UNION	16,238.64	1,183.94
BYRON E. KABOT, LEGAL DEPARTMENT - 43-33 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER COMPANY	2,500.00	
LINDA HELLER KAMM, 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP).		
DONALD J. KANIEWSKI, 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	6,647.49	197.10
FRED G. KAREM, SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	LINCOLN PROPERTY CO		
Do	NATIONAL MULTI HOUSING COUNCIL		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARYANN M. KASWELL, SUITE 1200 1300 NORTH 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,333.33	864.01
HOWARD C. KATZ, 160 WATER ST. NEW YORK NY 10038	J. ARON & CO. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
LAWRENCE W. KATZ, 8283 GREENSBORO DR. MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	500.00	
ALAN C. KAUFFMAN, 2600 FIDELITY BUILDING PHILADELPHIA PA 19109	PHILADELPHIA STOCK EXCHANGE	2,603.20	396.79
EVERETT E. KAVANAUGH, SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	CHRIS CRAFT INDUSTRIES, INC		
Do	AMERICAN PSYCHOANALYTIC ASSOCIATION		
Do	DOW CHEMICAL COMPANY		
Do	ELSEVIER SCIENTIFIC PUBLISHERS		
RICHARD F. KEATING, SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES		
WILLIAM J. KEATING, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
HOWARD B. KECK, 555 S. FLOWER ST. LOS ANGELES CA 90071	SUPERIOR OIL CO		300.00
JOSEPH D. KEEFER, SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
DAVID A. KEENE, 919 PRINCE ST. ALEXANDRIA VA 22314	NATIONAL TAX LIMITATION COMMITTEE	200.00	10.00
KEITH KEENEY, SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	140.00	
JEFFERSON D. KEITH, 8100 OAK ST. DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
ROBERT H. KELLEN, 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	90.00	
KELLER & HECKMAN, 1150 17TH ST., NW WASHINGTON DC 20036	SPECIALTY ADVERTISING ASSN. INT'L	93.75	20.00
CANDACE KELLER, 624 9TH ST., NW 7TH FLOOR WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC	4,399.99	
DONALD W. KELLER, 601 JEFFERSON HOUSTON TX 77002	QUINTANA PETROLEUM CORP		
Do	QUINTANA REFINERY COMPANY		
JAY KELLER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,596.60	963.57
DONALD KELLERMANN, SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN B. KELLEY, 1025 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	AVCO CORP	2,500.00	
PAUL J. KELLEY, 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC		5,000.00
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN G. KELLISON, 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
STEPHEN S. KELLNER, 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN		
BRIAN F. KELLY, 1211 CONNECTICUT AVENUE, N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	800.00	54.00
EARL KELLY, 801 18TH STREET, NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	7,708.50	
ERNEST B. KELLY III, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION	1,250.00	193.81
HAROLD V. KELLY, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
JOHN J. KELLY, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
MARK L. KEMMER, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	551.08
WILLIAM T. KENDALL, SUITE 210 1750 NEW YORK AVE., NW WASHINGTON DC 20006	ALLIANCE FOR FREE ENTERPRISE		
JOSEPH W. KENNEBECK, 475 L'ENFANT PLAZA, S.W. SUITE 2450 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY, P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC	33,640.00	10,968.74
CORNELIUS B. KENNEDY, 4801 MASSACHUSETTS AVENUE, NW, #400 WASHINGTON DC 20016	COMM ON US BUSINESS OF THE CANADIAN LIFE & HEALTH INSUR ASSN		
JOHN E. KENNEDY, VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		
MICHAEL E. KENNEDY, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD E. KENNEY & ASSOCIATES, INC., SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA CORPORATION	340.00	129.52
JEREMIAH J. KENNEY JR , 12TH FL 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
PETER B. KENNEY, 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	2,000.00	101.74
J. H. KENT, KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW SUITE 300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN	2,758.50	605.97
Do	AMERICAN SUPPLY ASSOCIATION	4,455.63	1,659.30
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	GOULD, INC	3,417.72	549.23
Do	MOTOR CARRIER LAWYERS ASSN		
VYTAUTAS KERBELIS, 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
PAUL A. KERSCHNER, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	858.84	46.70
ROBERT M. KETCHEL, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
GILBERT W. KEYES, PO BOX 3999 SEATTLE WA 98124	BOEING COMPANY		
EARLINE A. KEYSER, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KIAWAH ISLAND COMPANY, P.O. BOX 12910 CHARLESTON SC 29142			
RICHARD F. KIBBEN, 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
MARJORIE CARROLL KICAK, 1735 JEFFERSON DAVIS HIGHWAY, #903 ARLINGTON VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION	80.00	
EDWARD J. KIERNAN, 412 FIRST STREET, SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS		
ROBERT W. KIERNAN, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
KIKKOMAN FOODS, INC, P.O. BOX 69 WALWORTH WI 53184			
MARYANN KILDUFF, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	526.40
DANIEL L. KILEY, P.O. BOX 3609 NORFOLK VA 23514	NORFOLK SOUTHERN CORPORATION		
KILGORE & KILGORE, INC, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	2,700.00	21,784.80
Do	TEXASGULF, INC		21,748.30
MARGARET A. KIMBALL, 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
ROBERTA D. KIMBALL, 1015 15TH STREET, NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	200.00	
RICHARD H. KIMBERLY, 1000 WILSON BOULEVARD SUITE 2200 ARLINGTON VA 22209	KIMBERLY-CLARK CORP	3,390.00	440.40
KIMBERLY-CLARK CORP., 401 NORTH LAKE STREET NEENAH WI 54956			12,742.31
JAMES L. KIMBLE, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	550.00	5.00
GENE KIMMELMAN, 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,312.49	
KING & SPALDING, 1915 I STREET, NW WASHINGTON DC 20006			
CHARLES L. KING, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	240.00	
EDWARD H. KING, 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO		
G. JACK KING, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC		
W. RUSSELL KING, SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT MCMORAN, INC	300.00	79.60
DANIEL T. KINGSLEY, 1730 NORTH LYNN STREET, #400 ARLINGTON VA 22209	NATIONAL VENTURE CAPITAL ASSN	9,600.00	1,916.86
ROGER P. KINGSLEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
FRANK J. KINNEY, 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,688.41	360.08
JANIE A. KINNEY, #408 1015 18TH ST., NW WASHINGTON DC 20036	MERCK & CO, INC		
CECILIA ANNE KIRBY, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,163.07	
KIRBY, GILLICK, SCHWARTZ & TUOHEY, P.C., SUITE 303 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	COMMUNITIES FOR AN EFFECTIVE AIR TRANSPORTATION SYSTEM	500.00	5.00
Do	SLURRY TRANSPORT ASSN	1,625.00	132.27
ALAN G. KIRK II , 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	37.94	
JOHN R. KIRK, BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PAUL G. KIRK JR., SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE		
KIRKLAND & ELLIS, 1776 K ST., NW WASHINGTON DC 20006	AMERICAN NEWSPAPER PUBLISHERS ASSN		
SALLY ANN KIRKPATRICK, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	222.50
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	COUNCIL OF STATE HOUSING AGENCIES		
Do	INTERNATIONAL GOLD CORPORATION LIMITED	740.00	
Do	MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS		
KIRLIN, CAMPBELL & KEATING, SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	48,601.16	837.66
ROBERT A. KIRSHNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	100.00	
RICHARD L. KLASS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)	157.55	195.69
Do	DGA INTERNATIONAL, INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION)	95.90	
RICHARD P. KLEEMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
RICHARD A. KLINE, 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
KLINE, KNOPF & WOJDAK, INC., 111 STATE STREET HARRISBURG PA 17101	GENERAL PUBLIC UTILITIES CORPORATION		
WILLIAM J. KLINEFELTER, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,895.41	
JOHN J. KLOCKO III, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GLENN KNAPP, 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
JEFFREY W. KNIGHT, 1045 SANSOME ST. SAN FRANCISCO CA 94111	FRIENDS OF THE EARTH		
PETER KNIGHT, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
DANIEL F. KNISE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT L. KNOUS JR., SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
RUTH E. KOBELL, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	5,019.17	124.25
THOMAS G. KOBUS, SUITE 350 2000 K ST., NW WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	15,331.66	
BRADLEY R. KOCH, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	141.25	
GEORGE W. KOCH, 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC	98.98	
PATRICK C. KOCH, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	800.00	
PAUL E. KOHL, J.C. PENNY CO., INC. 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STANLEY E. KOLBE JR , 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,000.00	
MICHAEL S. KOLEDA, SUITE 1050 1825 EYE ST., NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
NICHOLAS KOMINUS, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN	1,400.00	42.02
STEPHEN KOPLAN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	419.89
EUGENE P. KOPP, SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD, 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,240.00	
HORACE R. KORNEGAY, 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	650.00	40.50
KENNETH S. KOVACK, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,895.41	
JOAN M KOVALIC, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS COMPANY)		
PATRICIA S. KOZIOL, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	255.79
MYLIO S. KRAJA, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	2,969.25	198.82
THOMAS G. KRAJEWSKI, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA		
AMOS KRAMER, KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST	616.25	729.11
JOSEPH H. KRAMER III, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB CORPORATION)		
STEPHEN W. KRAUS, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
RAYMOND ROGER KRAUSE, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS		
KROGER COMPANY, 1014 VINE ST. CINCINNATI OH 45201			3,159.60
JAMES C. KRONE, 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	1,500.00	802.90
ARTHUR J. KROPP, 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
NEIL B. KRUGMAN, SUITE 320 1050 17TH STREET, NW WASHINGTON DC 20036	FAMILY HEALTH PROGRAM, INC	2,187.00	291.02
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	531.25	
PHILIP KUGLER, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
LLOYD R. KUHN, 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMER, INC	16,436.00	
THOMAS R. KUHN, 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	6,750.00	277.78
JUDITH KUNOFSKY, 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	2,115.00	163.09
ESTER KURZ, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	10,899.96	
JEFFREY KURZWEIL, WATT, TIEDER, KILLIAN, TOOLE & HOFFAR 1742 R STREET, NW WASHINGTON DC 20009	MARRIOTT CORPORATION		
DANIEL M. KUSH, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,000.00	460.00
GARY JAY KUSHNER, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	64.11
HENRY J. KUSS JR., 1426 LADY BIRD DRIVE MCLEAN VA 22101	AMERICAN TRADE AND FINANCE COMPANY	6,249.99	
JAMES M. KUSZAJ, SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A.		
KUTAK, ROCK & HUIE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF LOCAL HOUSING FINANCE AGENCIES		1,663.58
Do	FIRST NATIONAL BANK OF OMAHA		
Do	HAYES, INC		.40
Do	METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY		40.61
Do	RONALD E. ROBINSON		
KWAJALEIN ATOLL CORP, P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLAN			7,278.00
LABOR BUREAU, INC., SUITE 501 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
LABOR-MANAGEMENT MARITIME COMMITTEE, 100 INDIANA AVE., NW WASHINGTON DC 20001		8,260.00	7,083.00
LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO, 905 16TH ST., NW WASHINGTON DC 20006			21,405.14
JOHN D. LACOPO, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	EDS CORPORATION	154.00	
BRUCE C. LADD JR., 1776 K STREET, NW WASHINGTON DC 20006	UPJOHN COMPANY	16,500.00	19.50
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,550.00	1,261.15
WALTER LAESSIG, 1101 VERMONT AVENUE, NW, #400 WASHINGTON DC 20005	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC		
SANDRA L. LAFEVRE, 2500 RIVA ROAD, SE ANNAPOLIS MD 21401	NATIONWIDE INSURANCE CO & AFFILIATES	1,500.00	
SARAH M. LAIRD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,616.74	73.21
ERIC T. LAITY, 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	9,000.00	
Do	TEXASGULF, INC	9,000.00	
LAKE CARRIERS' ASSN, 1411 ROCKEFELLER BLDG. CLEVELAND OH 44113			
ROBERT LAMB, 2101 L STREET, N.W. WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	143.90
V. KIM LAMB, SUITE 515 1835 K STREET, NW WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
DAVID F. LAMBERT III, 311 FIRST STREET, NW, #700 WASHINGTON DC 20001	NATIONAL ASSN OF INSURANCE BROKERS	650.00	
DAVID M. F. LAMBERT, 1000 POTOMAC STREET, NW, #302 SUITE 900 WASHINGTON DC 20007	FEDERATION EMPLOYMENT & GUIDANCE SERVICE	5,000.00	
DAVID R. LAMBERT, 1030 15TH ST., NW SUITE 964 WASHINGTON DC 20005	AMERICAN SEED TRADE ASSN	5,000.00	
MARCY LAMBOURNE, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	
STEPHEN K. LAMBRIGHT, ONE BUSCH PLACE ST. LOUIS MO 63118	ANHEUSER-BUSCH COMPANIES, INC		
LAMON, ELROD & HARKLEROAD, 2500 PEACHTREE CENTER - CAIN TOWER 229 PEACHTREE STREET, NE ATLANTA GA 30043	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS	4,467.14	260.45
L. CHARLES LANDGRAF, 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
THOMAS M. LANDIN, 1500 SPRING GARDEN ST. PHILADELPHIA PA 19101	SMITHKLINE CORP		
KARL S. LANDSTROM, 510 N. EDISON ST. ARLINGTON VA 22203	GEOTHERMAL RESOURCES INTL, INC		12.00
BRUCE ALAN LANDY, 2700 VIRGINIA AVE., NW WASHINGTON DC 20037	B.A.L CO		
Do	CRYOGENIC VACUUM TECHNOLOGY CO		
Do			
LANE & EDSON, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	CITY OF BALTIMORE		
Do	COUNCIL FOR RURAL HOUSING AND DEVELOPMENT	4,000.00	
Do	GENERAL ELECTRIC CREDIT CORP	5,000.00	
Do	NATIONAL LEASED HOUSING ASSN	450.00	
ALBERT E. LANE, SUITE 537 1377 K STREET, NW WASHINGTON DC 20005	MEDCOM-MIC		
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
RICHARD F. LANE, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBIN W. LANIER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	10.00
WAYNE R. LAPIERRE JR , 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,125.00	750.00
CLIFFORD LAPLANTE, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,030.00	
REED E. LARSON, 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
JAMES LASALA, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LASALLE NATIONAL BANK, 135 SOUTH LASALLE ST. CHICAGO IL 60690			
JOHN LASTER, 1900 M STREET, NW, #601 WASHINGTON DC 20036			
LATHAM, WATKINS & HILLS, SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COMMUNITY REDEVELOPMENT AGENCY		
Do	CONTINENTAL WINGATE COMPANY		
Do	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	360.00	139.80
LOUIS F. LAUN, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
DENNIS LAVALLEE, 1016 20TH ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS	500.00	90.45
CHARLES B. LAVIN JR., SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN		
JOAN H. LAVOR, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
HENRY J. LAWRENCE, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
ERNEST M. LE SUEUR, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAD-ZINC PRODUCERS COMMITTEE, SUITE 3415 120 BROADWAY NEW YORK NY 10271		28,136.74	8,667.27
LEAGUE OF WOMEN VOTERS OF THE U.S., 1730 M ST., NW WASHINGTON DC 20036		33,389.16	33,389.16
LEAGUE TO SAVE LAKE TAHOE, 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731			873.06
THOMAS B. LEARY, HOGAN & HARTSON 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	28,483.73	
RICHARD J. LEASE, 2145 BOISE DRIVE LAS CRUCES NM 88001			400.00
LEBOEUF LAMB LEIBY & MACRAE, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	SHIPPING CORP. OF INDIA, LTD		
Do	UNDERWRITERS AT LLOYD'S LONDON		
THOMAS J. LEE JR., P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
RICHARD A. LEGATSKI, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN		
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY, SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	AMERICAN DENTAL ASSISTANTS ASSN		
Do	CITY & REGIONAL MAGAZINE ASSN		
Do	CLOROX COMPANY		
Do	FEDERATION OF APPAREL MANUFACTURERS		
Do	GENERAL ATOMIC CO		
Do	GENERAL INSTRUMENT CORPORATION		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	INTRAOCULAR LENS MFRS ASSN		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	1,500.00	100.00
Do	NATIONAL GLASS DEALERS ASSN		
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	3,000.00	200.00
Do	WHEY PRODUCTS INST		
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	AMERICAN SHRIMPBOAT ASSOCIATION	1,000.00	
Do	MARINE CONSTRUCTION & DESIGN CO	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	1,500.00	
Do	PORT OF SEATTLE	1,000.00	
JOSEPH L. LEITZINGER, 900 4TH AVE. SEATTLE WA 98164	SIMPSON TIMBER CO	1,040.00	1,120.37
GILBERT LEKANDER, 1730 M STREET, NW, #67 WASHINGTON DC 20006	MONTANA POWER CO & WASHINGTON WATER POWER CO	300.00	
ELIZABETH LEMOND, 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	800.00	663.74
LYNETTE B. LENARD, 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO	125.00	62.50
JOHN LENGEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
DONNA LENHOFF, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	145.80	
ANN LENTS, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		
BETTY JANE LEONARD, P.O. BOX 21368 GREENSBORO NC 27420	UNIFI, INC		
EARL T. LEONARD JR , P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	1,167.00	1,274.84
KAYE CONNIFF LEONARD, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	230.40	
LAW OFFICE OF JERRIS LEONARD, 900 17TH STREET, NW, #1020 WASHINGTON DC 20006	KANSAS CORPORATION COMMMISSION		
LLOYD LEONARD, 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,457.62	137.46
RODNEY E. LEONARD, 1146 19TH ST., NW, #300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
LEONARD, KOEHN, ROSE AND HURT, P.C., SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
CHARLES LEPPERT JR., 801 18TH STREET, NW, #400 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	390.20	
RICHARD L. LESHER, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
DALE LESTINA, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,239.20	425.60
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COMMERZBANK AG		
Do	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC. (CARE)		
Do	DON LANGENEGGER, ET AL		
Do	FINNIGAN CORPORATION	303.75	6.25
Do	GENERAL CABLE CORPORATION		
Do	GENERAL CABLE CO		
Do	SONY CORPORATION OF AMERICA	8,591.25	77.23
Do	U.S. INDUSTRIES, INC		
Do	UNION INVESTMENT GMBH		
ROBERT JOHN LEVERING, 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		
S.R. LEVERING, 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	U.S. COMMITTEE FOR THE OCEANS	100.00	
MORRIS J. LEVIN, 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
BARBARA W. LEVINE, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	634.50	
JAMES F. LEVY, 5301 TRENHOLM ROAD COLUMBIA SC 29260	DENTAL MANAGEMENT SERVICES, INC		
LESLIE LEVY, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	6,825.00	
B. P. LEWALLEN, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
CHARLES L. LEWIS, 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION		
E. DAVID LEWIS, 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	250.00	285.00
MICHAEL R. LEWIS, 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	9,445.00	761.21
RICHARD LEWIS, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PLYWOOD ASSOCIATION		
BURTON LEWKOWITZ, 1410 N. 3RD STREET P.O. BOX 25489 PHOENIX AZ 85002	SAMARITAN HEALTH SERVICE		
JOHN F. LEYDEN, 815 - 16TH ST., N.W. WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,478.76	
WILLIAM J. LHOTA, 301 CLEVELAND AVE., SW CANTON OH 44702	OHIO POWER CO	1,096.00	743.11
JUDITH LICHTMAN, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND	280.71	
HERBERT LIEBENSON, 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
SANDRA COHEN LIEBERMAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
WILLIAM C. LIENESCH, 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	255.00	20.85
ROSS W. LILLARD, 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
RICHARD A. LILLQUIST, SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
DIANE PALMER LILLY, 1200 PEAVEY BUILDING MINNEAPOLIS MN 55480	NORWEST CORPORATION		
EDWARD J. LINCOLN, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	
STEPHEN R. LINDAUER, 1957 E STREET, NW WASHINGTON DC 20515	ASSOCIATED GENERAL CONTRACTORS		
ELENA LINTHICUM, 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIED CHEMICAL CORP		
RON M. LINTON, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER	3,142.00	
THOMAS LINTON L. , 1700 K STREET, NW #1204 WASHINGTON DC 20006	CHEVRON USA, INC	350.00	
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO		
Do	CITY GAS COMPANY	148.00	
Do	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	7,500.00	65.00
Do	IOWA DEPARTMENT OF TRANSPORTATION	6,000.00	62.00
Do	LAKE SUPERIOR DISTRICT POWER CO	606.00	
Do	MADISON GAS & ELECTRIC CO	1,406.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	4,650.00	
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	5,250.00	
Do	NORTHERN STATES POWER CO	1,614.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	20.00
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	3,640.00	
Do	STATE OF IL, DEPT OF TRANSPORTATION	8,325.00	20.00
Do	SUPERIOR WATER, LIGHT & POWER CO	443.00	
Do	WISCONSIN ELECTRIC POWER CO	4,368.00	72.00
Do	WISCONSIN FUEL AND LIGHT CO	290.00	
Do	WISCONSIN GAS CO	1,875.00	
Do	WISCONSIN NATURAL GAS CO	1,030.00	
Do	WISCONSIN POWER & LIGHT CO	2,415.00	
Do	WISCONSIN PUBLIC SERVICE CORP	2,562.00	
Do	WISCONSIN SOUTHERN GAS CO	290.00	
FRANCES S. LIPSCOMB, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	300.00	
LIPSEN, HAMBERGER, WHITTEN & HAMBERGER, SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	DATAPOINT CORPORATION		
Do	SYSTEMS & APPLIED SCIENCES CORP		
Do	TRANSPORTATION INSTITUTE		
ROBERT G. LITSCHERT, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	727.27	221.23
BARBARA A. LITTLE, SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	1,200.00	
CHARLES B. LITTLE, SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	487.00	309.10
ROY LITTLEFIELD, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	1,350.00	103.00
THEODORE M. LITTMAN, 12213 LAKEWOOD BLVD. DOWNEY CA 90241	ROCKWELL INTL	27.03	28.87
E.F. LIVAUDAIS JR , 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	225.00	
LIVESTOCK MARKETING ASSOCIATION, 301 E. ARMOUR BLVD. KANSAS CITY MO 64111			
NEIL C. LIVINGSTONE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: REPUBLIC OF TURKEY)		
LOBEL NOVINS & LAMONT, 1523 L ST., NW WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	3,124.50	282.14
PAUL LOCIGNO, 25 LOUISIANA AVENUE, NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	10,487.37	
ROBERT F. LOCKHART JR., 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC	1,000.00	
CHARLES H. LOCKWOOD II , 300 NEW CENTER BUILDING DETROIT MI 48202	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC		
KAREN LOCKWOOD, 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,348.69	178.63
HAROLD D. LODEN, 1030 15TH ST., NW, #964 WASHINGTON DC 20005	AMERICAN SEED ASSN	4,000.00	
NILS LOFGREN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAW OFCS OF SHELDON SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
ALAN W. LONG JR., 500 W. 22ND STREET NEW YORK NY 10011			
THOMAS R. LONG, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION		
WILLIAM E. LONG, ONE NATIONWIDE PLAZA COLUMBUS OH 43216	NATIONWIDE INSURANCE COMPANY	9,360.00	1,121.00
JOHN H. LONNQUIST, 1025 CONNECTICUT AVE., NW SUITE 214 WASHINGTON DC 20036	MANVILLE CORP	1,500.00	
LAURA LOOMIS, 419 N. NELSON STREET ARLINGTON VA 22203	NATIONAL PARKS & CONSERVATION ASSN	1,310.16	7.50
LOOMIS OWEN FELLMAN & HOWE, 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	CLASSROOM (PERIODICAL) PUBLISHERS ASSN		
Do	INDUSTRIAL DIAMOND ASSN		
Do	OPTICAL MFGRS ASSN		
Do	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
SUSAN J. LOOMIS, 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
KENNETH T. LOPATKA, FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC		
LORD, DAY & LORD, 1120 20TH ST., NW WASHINGTON DC 20036	BOWATER NORTH AMERICA CORPORATION	2,486.00	
PHILIP J. LOREE, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	915.38	641.72
ROBERT E. LOSCH, 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO., ET AL	17,500.00	3,341.51
Do	PELICAN TERMINAL CORP & PORT OF GALVESTON		52.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CLAUDIA J. LOUIS, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JAMES F. LOVETT, 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RICHARD J. LOVETT, 1200 PEAVEY BLDG. MINNEAPOLIS MN 55479	NORTHWEST CORP		1,590.45
RODNEY W. LOWMAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORPORATION	800.00	34.90
GERALD M. LOWRIE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	8,000.00	
MRS. FREDDIE H. LUCAS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,392.30
PETER J. LUCIANO, 923 15TH STREET, NW WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	5,000.00	16.00
SYLVESTER LUKIS, SUITE 200 1320 19TH STREET, NW WASHINGTON DC 20036	CRAMER, HOFFMAN & HABER (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HOFFMAN & HABER (FOR: CITY OF MIAMI)		
Do	CRAMER, HOFFMAN & HABER (FOR: DADE COUNTY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: GLOBAL EXP. & DEV. CORP.)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: REPUBLIC OF GABON)		
LUMBERMENS MUTUAL CASUALTY COMPANY, LONG GROVE IL 60049			3,610.42
MILTON F. LUNCH, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND & O'BRIEN, 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	600.00	10.50
Do	INSTITUTE OF INTERNATIONAL CONTAINER LESSORS	1,500.00	
Do	NATIONAL PRODUCT LIABILITY COUNCIL	450.00	28.26
Do	PENNSYLVANIA POWER & LIGHT CO	2,001.80	136.80
CHRISTIAN J. LUND, 1825 I STREET, NW WASHINGTON DC 20006	UNITED TECHNOLOGIES CORPORATION		
W. FLETCHER LUTZ, SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
TIMOTHY P. LYNCH, SUITE 910 1510 WILSON BLVD. ARLINGTON VA 22209	ROADWAY EXPRESS, INC	425.00	200.00
MARK H. R. LYONS, 1882 COLUMBIA ROAD, NW, #32 WASHINGTON DC 20009	ULTRASYSTEMS, INC	812.50	
WILLIAM T. LYONS, SUITE 700 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CIBA-GEIGY CORP	4,079.00	3,330.00
M.A.N. TRUCK AND BUS CORPORATION, 201 S. COLLEGE STREET CHARLOTTE NC 28244			
M.O.A./AIOA & SUBS, INC, SUITE 107 701 S. 22ND OMAHA NB 68102			
TIMOTHY MACCARTHY, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	756.00	
ANTHONY R. MACCHIA, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
RUSSELL MACCLEERY, 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	3,500.00	75.00
JACK A. MACDONALD, SUITE 915 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CARE SERVICES	1,250.00	
JAMES E. MACK, 9005 CONGRESSIONAL COURT POTOMAC MD 20854	NATIONAL ASSN OF MIRROR MFGRS		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	12,956.00	500.00
THOMAS L. MACK, 1620 I STREET, NW WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
MARK J. MACKEY, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
J. LYNN MADDOX, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC	132.00	
LEIGH U. MADDUX, 3600 NORTH 36TH ROAD ARLINGTON VA 22207	CERTAINTEED CORPORATION		
SUSAN MAGAW, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	309.51
FRANCIS E. MAGUIRE JR., 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
W. TERRY MAGUIRE, BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,125.00	
DAVID L. MAHAN, 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	150.00	
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER, 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	63.25	
JOHN F. MAHONEY, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,980.00	80.08
MICHAEL C. MAIBACH, 1850 K STREET, NW, #925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	488.24
ROBERT L. MAIER, SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	175.00	
STEVEN R. MAIMON, 8200 TREEBROOK LN. ALEXANDRIA VA 22308			
F. ANTHONY MAIO, FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW, SUITE 1000 WASHINGTON DC 20006.	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
ANDRE MAISONPIERRE, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	335.00	
MAJOR LEAGUE BASEBALL PLAYERS ASSN, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019			7,614.55
MAJORITY PARTY, P.O. BOX 28347 WASHINGTON DC 20005			
DAVID L. MALLINO, 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,895.41	
J. WILSON MALLOY JR , 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	825.00	58.00
KURT L. MALMGREN, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	740.00	
MARY JO MALONE, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,875.00	11,910.00
ROBERT H. MALONEY, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO, INC		
MAN-MADE FIBER PRODUCERS ASSN, INC, SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			600.00
CARTER MANASCO, 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	7,500.00	124.75
MANATT, PHELPS, ROTHENBERG & TUNNEY, SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLIED TUBE & CONDUIT CORP	500.00	
Do	BKK CORPORATION	750.00	
Do	CALIFORNIA VISION SERVICE PLAN	3,500.00	
Do	COOPERATIVE OF AMERICAN PHYSICIANS, INC	2,250.00	
Do	DEPARTMENT OF WATER & POWER OF THE CITY OF LOS ANGELES	3,250.00	
Do	GATX CORP		
Do	GENERAL AMERICAN LIFE INSURANCE CO	570.00	
Do	HOME LIFE INSURANCE COMPANY	570.00	
Do	IBAR		
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
Do	LOS ANGELES RAPID TRANSIT DISTRICT	2,150.00	
Do	MANUFACTURERS HANOVER LEASING CORPORATION	450.00	
Do	MID ATLANTIC NEPHROLOGY CENTER, LTD		
Do	MUSIC CORPORATION OF AMERICA, INC	19,200.00	
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION		
Do	NORTHROP CORP	4,512.50	
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	PACIFIC MUTUAL LIFE INSURANCE COMPANY	570.00	
Do	PROVIDENT MUTUAL LIFE INSURANCE COMPANY OF PHILADELPHIA	570.00	
Do	SHAH & ASSOCIATES, INC		
Do	STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA	570.00	
Do	SYSTEMS & APPLIED SCIENCES	3,625.00	
Do	TOBACCO INSTITUTE		
Do	UCI, INC		
MANCHESTER ASSOCIATES, LTD., 1155 15TH ST.,NW. SUITE 1010 WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD	12,386.00	12,531.00
FORBES MANN, 11128 TURTLE BEACH ROAD LOST TREE VILLAGE NORTH PALM BEACH FL 33408	LTV CORPORATION	500.00	20.00
RICHARD J. MANNIX, 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
CYNTHIA MANSFIELD, SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	2,543.00	639.94
ARMAND G MANSON, 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,760.00	
MANUFACTURED HOUSING INST, 1745 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		3,500.00	
JOHN V. MARANEY, 324 EAST CAPITOL ST., NE WASHINGTON DC 20003	NATIONAL STAR ROUTE MAIL CARRIERS' ASSN		
MARCH FOR LIFE, INC, PO BOX 2950 WASHINGTON DC 20013		12,451.48	13,108.73
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,900.00	3,900.00
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT, SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			11,575.00
RICHARD P. MARKEY, 729 15TH ST., NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
E. VERNON MARKHAM III, SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC	38.70	
DONALD R. MARKLEY, 10880 WILSHIRE BOULEVARD LOS ANGELES CA 90024	WHITTAKER CORPORATION		
LAWRENCE D. MARKLEY, PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC	17,820.00	11,520.35
NATHAN FRED MARKS, 685 N.W. 8TH STREET GRESHAM OR 97030			
RONALD ANTHONY MARKS, 1805 GARDEN AVENUE, APT. 26 EUGENE OR 97403			
LUTHER A. MARKWART, SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN		
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER		
HOWARD MARLOWE, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,691.30	882.96
CHALMERS H. MARQUIS, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
JOHN MARSH, 100 OAKVIEW DRIVE TRUMBULL CT 06611	RAYMARK CORPORATION		
C. TRAVIS MARSHALL, 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	459.51
DAVID O. MARTIN, NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORP	2,000.00	82.89
JOHN M. MARTIN JR., 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	JEWELRY INDUSTRY COORDINATING COMMITTEE		
Do	TENNECO, INC		
KATHERINE E. MARTIN, 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	772.16	139.90
LARRY K. MARTIN, 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	150.00	
ERNEST MARTY, 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JUDITH MARTY, 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK, 12TH FL. 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP, 901 NORTH HOWARD STREET BALTIMORE MD 21201			105.90
MIKE M. MASAOKA, SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	NISEI LOBBY		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
W. A. MASON, P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO	152.24	
JAMES D. MASSIE, 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	2,870.06
WILLIAM F. MASSMANN, PO BOX 225086 DALLAS TX 75265	DR PEPPER CO		
COLIN D. MATHEWS, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: METHODIST HOSPITAL)	25,000.00	50.00
ROBERT A. MATTHEWS, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST	937.50	
JOANNE E. MATTIACE, 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	120.00	49.96
MARSHALL L. MATZ, BARNETT & ALAGIA 1000 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	AFFILIATED FOOD PROCESSORS, INC	6,854.43	199.32
Do	AMERICAN BAKERS ASSOCIATION	4,661.97	
Do	GENERAL MILLS, INC	5,000.00	214.78
C.V. & R.V. MAUDLIN, 1511 K STREET, NW, #535 WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE	400.00	100.00
ANTHONY F. MAURIELLO, NEW YORK STATE PETROLEUM COUNCIL 150 STATE STREET ALBANY NY 12207	AMERICAN PETROLEUM INSTITUTE		
THOMAS H. MAXEDON, KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST	462.50	458.00
ALBERT E. MAY, 1625 K ST., NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	4,800.00	10.82
JAMES C. MAY, 700 ANDERSON ROAD PURCHASE NY 10577	PEPSICO, INC		
WALTER R. MAY, 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	10,500.00	2,177.48
ARNOLD MAYER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	16,153.86	310.72
MAYER, BROWN & PLATT, 888 17TH ST., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMER, INC		
Do	COMDISCO, INC		
Do	ERISA INDUSTRY COMMITTEE	49.00	
Do	GATX CORPORATION		
Do	GENERAL TELEPHONE & ELECTRONICS CORP		
Do	JMB REALTY CORP		
Do	STEPAN CHEMICAL COMPANY	226.50	
Do	TRANSCANADA PIPELINES LTD		
C. H. MAYER, INC., SUITE 701 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	LANGHAM ENERGY CO		
JEFFREY G. MAYS, SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
TERENCE R. MCAULIFFE, MCAULIFFE & ASSOCIATES 812 D STREET, NE WASHINGTON DC 20002	NATIONAL ASSN OF INSURANCE COMMISSIONERS		
WILLIAM J. MCAULIFFE JR , 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	1,500.00	
LARRY D. MCBENNETT, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ANN MCBRIDE, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	12,037.50	116.00
MARTHA MCCABE, 1828 L ST., N.W. SUITE 1100 WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	2,500.00	
MICHAEL J. MCCABE, ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE COS		
JOHN A. MCCAHILL, 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
JULIE P. MCCAHILL, SUITE 715 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
KATHERINE S. MCCARTER, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	2,566.00	
CAROLYN KIM MCCARTHY, 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	1,116.50	500.00
JAMES R. MCCARTHY, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
JOHN C. MCCARTHY, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC		
Do	MELAMINE CHEMICALS, INC		
Do	STATE OF LOUISIANA	14,500.00	4,950.00
MCCARTY NOONE & WILLIAMS, SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	260.00	69.72
JAMES R. MCCAUL, 1800 K ST., NW WASHINGTON DC 20006	INTERNATIONAL MARITIME ASSOCIATES, INC		
MCCLURE & TROTTER, SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC		
Do	COCA-COLA COMPANY		
Do	ESTATE OF CHARLES G. BLUHDORN		
Do	GULF & WESTERN INDUSTRIES, INC		
Do	MOBIL OIL CORP		
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS		
ROBERT S. MCCONNAUGHEY, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	2,125.00	139.19
SALLY MCCORMICK, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,145.17	
MARIA S. MCCREA, SUITE 211 1825 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS		
E. L. MCCULLOCH, 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	803.15
ALBERT L. MCDERMOTT, 1819 L STREET, NW, #600 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,895.70	
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM	7,839.62	
MCDERMOTT, WILL & EMERY, SUITE 500 1850 K ST., NW WASHINGTON DC 20006	FEDERAL KEMPER LIFE ASSURANCE CO	12,080.00	187.00
Do	FEDERATION OF JAPAN SALMON FISHERIES COOPERATIVE ASSN		
Do	KEMPER CASUALTY COMPANY		
Do	KEMPER INVESTORS LIFE INSURANCE		
Do	OPPOSE	1,080.00	112.72
Do	SPRINGFIELD MARINE BANK (FOR: ESTATE OF GEORGE W. BUNN)	7,240.00	49.94
Do	TUNA RESEARCH FOUNDATION, INC		
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	4,200.00	4,200.00
MICHAEL D. MCDONALD, MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	525.00	492.26
PATRICK J. MCDONOUGH, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSN FOR COUNSELING AND DEVELOPMENT		
DINAH D. MCELFRESH, SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
PATRICK W. MCELHOES, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
ROBERT H. MCFADDEN, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	200.00	8.50
PAUL J. MCGEADY, 27 HAMPTON PL. NUTLEY NJ 07110	MORALITY IN MEDIA, INC	209.48	
DONNA LEE MCGEE, 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC		
W. CURT MCGEE, 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC		
P. ANNE MCGHEE, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
ROBERT M. MCGLOTTEN, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	1,484.46
PHYLLIS M. MCGOVERN, 1875 EYE STREET, NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	120.00	9.00
JEROME J. MCGRATH, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
JOSEPH M. MCGUIRE, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	2,837.08	
PETER E. MCGUIRE, 400 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	4,999.98	332.81
MCHALE, COOK & WELCH, P.C., 1122 CHAMBER OF COMMERCE BUILDING INDIANAPOLIS IN 46204	ESTATE OF MABEL R. LADD		50.00
MCHENRY & STAFFIER, P.C., SUITE 408 1300 19TH STREET, NW WASHINGTON DC 20036	FOOTHILLS PIPE LINES (YUKON) LTD	2,565.00	
Do	PAN-ALBERTA GAS LTD	202.50	
CLARENCE M. MCINTOSH JR , 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	1,240.61	
ROBERT MCINTYRE, ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	6,168.47	
CHRISTINE E. MCKECHNIE, 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	250.00	281.41
WILLIAM F. MCKENNA, SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN		
MCKENNA, CONNER & CUNEO, 3435 WILSHIRE BOULEVARD LOS ANGELES CA 90010	AHMANSON FOUNDATION	375.00	2.50
Do	CALIFORNIA SAVINGS & LOAN LEAGUE	380.00	2.40
JAN E. MCKENZIE, 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,210.00	401.41
ROBERT T. MCKERNAN, 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INST, INC	50.00	
WILLIAM COLM MCKEVENY, 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN PULPWOOD ASSN		
JAMES D. MCKEVITT, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
C. A. 'MACK' MCKINNEY, 219 NORTH WASHINGTON STREET ALEXANDRIA VA 22314	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,223.14	10,344.16
JAMES D. MCLAUGHLIN, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	150.00	57.10
WILLIAM F. MCMANUS, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	425.00	
JANE PIERSON MCMICHAEL, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	13,179.04	31,586.71
JAMES D. MCMILLAN, 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		660.41
MCMURRAY & PENDERGAST, 1575 EYE STREET, NW, #600 WASHINGTON DC 20005	COOPER LABORATORIES, INC	8,000.00	2,126.05
Do	GOVERNMENT OF BELIZE	4,500.00	315.61
Do	GOVERNMENT OF REPUBLIC OF PANAMA	3,000.00	29.53
Do	SUGAR ASSN OF THE CARIBBEAN		23.83
WILLIAM G. MCMURTRIE, 8150 LEESBURG PIKE VIENNA VA 22180	WILLIAM H. SULLIVAN JR		
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE, 1155 15TH ST., NW WASHINGTON DC 20005	AMERICAN PETROLEUM INSTITUTE		
Do	BUSINESS ROUNDTABLE	8,834.00	872.56
Do	COLT INDUSTRIES		
Do	DAVIS POLK & WARDWELL	955.00	218.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GENERAL TELEPHONE & ELECTRONICS CORP	750.00	
Do	GEORGIA PACIFIC CORP	7,441.50	858.41
Do	GROCERY MANUFACTURERS ASSN	2,249.60	
Do	HARRIS CORPORATION		
Do	KLINE IRON & STEEL CO		
Do	NATIONAL ASSN OF REALTORS		
Do	NATIONAL FOOTBALL LEAGUE	6,596.00	
Do	NATIONAL OFFICE MACHINE DEALERS ASSN		
Do	PHARMACEUTICAL MANUFACTURERS' ASSN	3,380.00	432.13
Do	SONY CORP OF AMERICA	6,240.50	233.08
Do	WESTINGHOUSE ELECTRIC CORP		
LARAMIE FAITH MCNAMARA, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
PETER F. MCNEISH, 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.00	
MICHAEL J. MCSHANE, 1200 NEW HAMPSHIRE AVENUE, NW, #320 WASHINGTON DC 20036	TECHNOLOGY FOR ENERGY CORP		
RONALD E. MCWILLIAMS, 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY		
GEORGE G. MEAD, 430 FIRST ST., SE WASHINGTON DC 20003	AMERICAN TRUCKING ASSNS, INC	10,000.00	
JOHN K. MEAGHER, 1155 15TH ST.,N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	640.00
FRANCIS X. MEANEY, 1825 EYE STREET, NW WASHINGTON DC 20006	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: GOLDMAN SACHS & CO).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: NORTHERN ENERGY CORPORATION).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: REFUSE FUELS, INC.)		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SCA SERVICES)		
JOSEPH J. MEDER, SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	245.15
MEEHAN & STOELKER, 2200 TWO GIRARD PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		
DAVID O. MEEKER, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,500.00	
WILLIAM H. MEGONNELL, 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	416.00	165.66
RICHARD A. MEHLER, 1742 N ST., NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
STEPHEN J. MELMAN, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
HOWARD H. MENAKER, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MENDELSOHN ASSOCIATES, INC., 1826 JEFFERSON PLACE, NW WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS		
EDWARD L. MENNING, 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	ASSOCIATION OF FEDERAL VETERINARIANS		
ELLIS E. MEREDITH, 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
CHARLES L. MERIN, 1750 PENNSYLVANIA AVE., NW, #1204 WASHINGTON DC 20006	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	12,277.00	466.00
EDWARD A. MERLIS, 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
ORREN MERREN, 1000 POTOMAC STREET, NW, #204 WASHINGTON DC 20007	PORTFOLIO OF AGRICULTURE AND CAYMAN TURTLE FARM LTD		
EDWARD L. MERRIGAN, 6000 CONNECTICUT AVE., NW WASHINGTON DC 20815	CENTRAL GULF LINES, INC	2,000.00	24.00
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	15,000.00	1,245.91
MERRILL LYNCH & CO., INC., SUITE 906 1828 L STREET, NW WASHINGTON DC 20036		4,950.00	
SHARON L. MESSINGER, SUITE 202 5431 CONNECTICUT AVE.,NW WASHINGTON DC 20015	BOEING COMPUTER SERVICES		
JEAN L. MESTRES, 1747 PENNSYLVANIA AVENUE, NW, #300 WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	1,428.00	
METZGER, SHADYAC & SCHWARZ, ONE FARRAGUT SQUARE SOUTH, 9TH FL WASHINGTON DC 20006	MELEX USA, INC		
BRIAN M. MEYER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
M. BARRY MEYER, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		10.00
LARRY D. MEYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	25,000.00	3,525.95
LAURIE L. MICHEL, 1629 K STREET, NW WASHINGTON DC 20006	NABISCO, INC	3,900.00	1,000.00
RONALD A. MICHIELI, SUITE 1032 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
MID CONTINENT WILDCATTERS ASSN., 200 DOUGLAS BLDG. WICHITA KS 67202		66,272.61	7,729.00
MID-CONTINENT OIL & GAS ASSN, 711 ADAMS OFFICE BLDG. TULSA OK 74103		17,505.68	24,666.28
JOY MIDMAN, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	200.00	
PAUL J. MIGNINI SR., 815 16TH STREET, NW WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,595.00	7.25
MILBANK, TWEED, HADLEY & MCCLOY, 1825 EYE ST., NW WASHINGTON DC 20006	JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	LASALLE NATIONAL BANK		
Do	MUTUAL LIFE INSURANCE COMPANY OF NEW YORK		
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA		
MILES & STOCKBRIDGE, SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	BLACK AND DECKER MANUFACTURING COMPANY		175.00
Do	PEPSICO, INC		150.00
Do	PIZZA HUT, INC		210.00
KATHERINE MILLARD, 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	50.00	
ROY H. MILLENSON, 1707 L ST., NW, #480 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,215.00	33.37
MILLER & CHEVALIER CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	BARKLEY COMPANY OF ARIZONA		
MILLER ASSOCIATES, INC., 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	1,500.00	50.25
DALE MILLER, 4000 RENO ROAD, NW WASHINGTON DC 20008	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC		
DEBORAH IMLE MILLER, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES C. MILLER, 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,315.00	
JOSEPH E. MILLER JR., 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	5,892.00	33.15
RICHARD G. MILLER, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSOCIATION	639.44	112.95
ROBERT H. MILLER, 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBERTA BALSTAD MILLER, SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS	1,260.00	50.00
ROBIN MILLER, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	994.66	
STEVEN T. MILLER, 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AUTO INTERNACIONAL ASSN	405.00	189.00
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	SPECIALTY EQUIPMENT MARKET ASSN		
MILLER, CASSIDY, LARROCA & LEWIN, SUITE 500 2555 M ST., NW WASHINGTON DC 20037	NATIONAL PUBLIC RADIO		
C.G. PETE MILLIGAN, 4360 N.E. JOE'S POINT STUART FL 33494	AMERICAN TELEPHONE & TELEGRAPH COMPANY	1,647.05	107.71
CHRISTINE TOPPING MILLIKEN, 1717 MASSACHUSETTS AVE., #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	12,000.00	215.00
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
RICHARD M. MILLMAN, P.C., SUITE 908 1730 M STREET, NW WASHINGTON DC 20036	FAIRCHILD INDUSTRIES, INC		
Do	HOUSE OF REPRESENTATIVES, SAN JUAN, PR		
Do	SENATE OF PUERTO RICO		
JOHN F. MILLS, 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE	525.00	28.00
EDWARD J. MILNE JR., 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING COMPANY	2,033.00	
RICHARD V. MINCK, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3,500.00	
MINERAL EXPLORATION COALITION, INC, P.O. BOX 15638 LAKEWOOD CO 80215		531.00	300.00
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, 1825 EYE STREET, NW WASHINGTON DC 20006	GENERAL TELEPHONE & ELECTRONICS CORP		
Do	HOME RECORDING RIGHTS COALITION	6,000.00	
Do	TURNER BROADCASTING SYSTEM, INC	15,000.00	
THOMAS B. MIRANDA, 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	1,850.00	49.04
STAFFORD MICHAEL MISHOE, P.O. BOX 10383 DES MOINES IA 50306	NATIONAL PORK PRODUCERS COUNCIL	225.00	170.00
THOMAS F. MITCHELL, 1875 I ST., NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		240.00
STACEY J. MOBLEY, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
TERRENCE W. MODGLIN, 3248 PROSPECT STREET, NW WASHINGTON DC 20007	AMERICAN INSTITUTE OF MERCHANT SHIPPING	150.00	13.75
KENNETH E. MOFFETT, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN	1,534.10	194.00
ROBERT M. MOLITER, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
JOHN V. MOLLER, 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20005	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	7,875.00	70.00
ROBERT A. MOLOFSKY, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO	5,000.00	123.50
MICHAEL J. MOLONEY, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS, P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN, 1600 WILSON BLVD., #1101 ARLINGTON VA 22071	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES A. MONFORT, SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	4,900.00	7,661.42
JOHN M. MONLEY, SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		
MICHAEL MONRONEY, SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JOHN C. MONSUL, 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
STEVEN M. MOODIE, 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	416.66	
JAMES P. MOONEY, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	5,700.00	
ALAN J. MOORE, SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ATCHISON, TOPEKA & SANTA FE RAILWAY CO	1,000.00	
JANIS E. MOORE, 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
TIMOTHY X. MOORE, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	344.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MORALITY IN MEDIA, INC., 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115			
VINCENT L. MORELLI, 2550 M ST., NW SUITE 225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	275.69	275.69
JOHN MORGAN, 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	399.00	205.65
MORGAN, LEWIS & BOCKIUS, SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	187.50	100.00
Do	CONSOLIDATED NATURAL GAS CO		
Do	KNOLL FINE CHEMICALS, INC		
JEANNE MORIN, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	357.69
ROBERT E. MORIN, 600 NEW HAMPSHIRE AVENUE, NW, #354 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL, SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	1,083.37
MARTIN S. MORRIS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MORRISON & FOERSTER, 1920 N STREET, N.W. WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO		
WILLIAM C. MORRISON, 2001 NORTH ADAMS ST. ARLINGTON VA 20001	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
FRANK D. MORUZZI, SUITE 500 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	ITALIAN AEROSPACE INDUSTRIES (U.S.A.), INC		
RUSSELL N. MOSHER, SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC		
SOL MOSHER, 1660 L ST., NW, #215 WASHINGTON DC 20036	CROWN ZELLERBACH CORPORATION		
BERNARD MOSS, 2440 VIRGINIA AVE., NW WASHINGTON DC 20037	ASSOCIATION OF BANK HOLDING COS	900.00	
LYNN E. MOTE, 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC, 1600 EYE STREET, NW WASHINGTON DC 20006		33,820.25	33,820.25
JOHN J. MOTLEY, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION, 1120 19TH ST., NW SUITE 333 WASHINGTON DC 20036			3,642.04
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC., 300 NEW CENTER BLDG. DETROIT MI 48202		1,142.43	1,142.43
KELLY HOLLEY MOUNTAIN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
MOUNTAIN WEST ASSOCIATES, SUITE 880 2121 K ST., NW WASHINGTON DC 20037	GREAT NATIONAL CORPORATION	3,000.00	247.93
Do	UTAH POWER & LIGHT CO	22,873.00	5,220.75
HAROLD P. MUELLER III, P.O. BOX 7755 PHILADELPHIA PA 19101	TAXPAYERS FOR FEDERAL PENSION REFORM	8,750.00	
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,400.00	1,400.00
WILLIAM G. MULLEN, 1010 WISCONSIN AVENUE, NW, #630 WASHINGTON DC 20007	THIRD CLASS MAIL ASSOCIATION	600.00	
RICHARD J. MULLER, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
JOHN P. MULLIGAN, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
TRACY MULLIN, 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	150.00	20.00
ROBERT J. MULLINS, SUITE 202 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	7,680.00	99.99
DANIEL J. MUNDY, 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUCTION TRADES DEPT	14,481.87	5,315.08
K. R. MURPHY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORPORATION	1,000.00	
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
RICHARD W. MURPHY, 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	155.13
MURRAY & SCHEER, SUITE 695 2550 M ST., NW WASHINGTON DC 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROADS	500.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO	500.00	
Do	FEDERAL EXPRESS		
Do	FREEPORT MINERALS CO		
Do	IRON ORE LESSORS ASSOCIATION	500.00	
Do	LTV CORPORATION	450.00	
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	500.00	
Do	MUTUAL BENEFIT LIFE	500.00	
Do	NATIONAL BUSINESS AIRCRAFT ASSN	450.00	
Do	NATIONAL COUNCIL OF COAL LESSORS, INC	500.00	
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO	500.00	
Do	PENN MUTUAL LIFE INSURANCE CO	350.00	
Do	JOSEPH SEAGRAM & SONS, INC		
D. MICHAEL MURRAY, MURRAY AND SCHEER 2550 M STREET, NW WASHINGTON DC 20037	SWAZILAND SUGAR ASSN	500.00	
Do	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RRS		
Do	CLEVELAND CLIFFS IRON CO		
Do	CONNECTICUT MUTUAL LIFE INSURANCE CO		
Do	FREEPORT MINERALS CO		
Do	IRON ORE LESSORS ASSN, INC		
Do	LTV CORPORATION		
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
Do	MUTUAL BENEFIT LIFE		
Do	NATIONAL COUNCIL OF COAL LESSORS		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
Do	PENN MUTUAL LIFE INSURANCE CO		
Do	SWAZILAND SUGAR ASSN		
GORDON L. MURRAY, SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV	73.00	73.00
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
WILLIAM E. MURRAY, 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
CRAIG E. MUSICK, 5913 OAKLAND PARK DRIVE BURKE VA 22015	AMERICAN TRADE AND FINANCE COMPANY	10,000.00	
ROBERT J. MUTH, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	300.00	
LAWRENCE P. MUTTER, 6849 OLD DOMINION DR. MCLEAN VA 22102	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,500.00	73.25
GARY D. MYERS, 1015 18TH STREET, NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	4,500.00	135.22
CLIFFORD M. NAEVE, SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	6,156.00	70.75
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
NANCY A. NAGY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
LINDA K. NAIDA, 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	875.00	
ANNETTE NAJJAR, 1825 CONNECTICUT AVENUE, NW, #211 WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS		
JOHN L. NAPIER, 232 EAST CAPITOL ST. WASHINGTON DC 20003	FLUE CURED TOBACCO STABILIZATION CORPORATION	6,000.00	386.73
Do	GENERAL MILLS CORPORATION		
Do	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC	10,000.00	113.03
Do	TURNER BROADCASTING SYSTEM, INC		43.97
BERNARD NASH, 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	GENERAL ELECTRIC CO		
Do	MERCK & CO., INC		
Do	TIME, INC		
PHILIP NASH, 399 OAK AVENUE MAYWOOD NJ 07607	WASHINGTON COALITION ON REDRESS	2,250.00	1,304.12
FRANCES E NATHAN, 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	4,305.00	
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN, 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	555.00	582.20
NATIONAL AGRICULTURAL CHEMICALS ASSN, 1155 15TH ST., NW WASHINGTON DC 20005		8,406.24	8,406.24
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN FOR HUMANE LEGISLATION, INC, PO BOX 11675 ST. PETERSBURG FL 33733		5.21	248.06
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC, P.O. BOX 14887 COLUMBUS OH 43214		4,315.13	2,028.29
NATIONAL ASSN FOR UNIFORMED SERVICES, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		1,923.81	3,297.63
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902			9,658.17
NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC, 7360 LAUREL CANYON BLVD. NORTH HOLLYWOOD CA 91605.		23,320.00	22,272.75
NATIONAL ASSN OF BEVERAGE IMPORTERS, 1025 VERMONT AVENUE, NW, #1205 WASHINGTON DC 20005			
NATIONAL ASSN OF CHAIN DRUG STORES, INC., P.O. BOX 1417-D49 ALEXANDRIA VA 22313			6,329.12
NATIONAL ASSN OF FEDERAL VETERINARIANS, SUITE 836 1522 K ST., NW WASHINGTON DC 20005			34.92
NATIONAL ASSN OF FEDERALLY LICENSED FIREARMS DEALERS, 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306			
NATIONAL ASSN OF HOMES FOR CHILDREN, 104 EAST 35TH ST. NEW YORK NY 10016			1,650.00
NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		282,044.00	164,489.00
NATIONAL ASSN OF INSURANCE BROKERS, INC, SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001			
NATIONAL ASSN OF MANUFACTURERS, 1776 F ST., NW WASHINGTON DC 20006		70,320.21	70,320.21
NATIONAL ASSN OF MUTUAL INSURANCE COS., 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC, SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		4,525.00	5,278.05
NATIONAL ASSN OF PERSONNEL CONSULTANTS, 1432 DUKE ST. ALEXANDRIA VA 22314		4,374.00	6,100.00
NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS, 1016 20TH ST., NW WASHINGTON DC 20036		2,779.69	2,779.69
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC., 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036			1,177.00
NATIONAL ASSN OF STEVEDORES, SUITE 705 1899 L STREET, NW WASHINGTON DC 20036		39,500.00	13,667.00
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314			
NATIONAL AUDIO-VISUAL ASSN, INC, 3150 SPRING ST. FAIRFAX VA 22031		29,125.00	3,845.92
NATIONAL AUDUBON SOCIETY, 950 THIRD AVENUE NEW YORK NY 10022			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL BROILER COUNCIL, 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN, ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		10,193.75	10,193.75
NATIONAL CATTLEMEN'S ASSN, 5420 S. QUEBEC ST. P.O. BOX 3469 ENGLEWOOD CO 80155			3,000.00
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		23,010.28	30,860.90
NATIONAL CLUB ASSOCIATION, 1625 EYE ST., NW, #609 WASHINGTON DC 20006			
NATIONAL COAL ASSN, COAL BLDG. WASHINGTON DC 20036		1,369,820.00	12,091.00
NATIONAL COALITION FOR LOWER PRICES, 765 FIFTH AVENUE NEW YORK NY 10001		58,108.75	32,424.76
NATIONAL COALITION FOR MARINE CONSERVATION, INC., P.O. BOX 23298 SAVANNAH GA 31403		6,645.00	15,543.21
NATIONAL COMM FOR A HUMAN LIFE AMENDMENT, INC, SUITE 400 1707 L ST., NW WASHINGTON DC 20036		17,466.00	9,955.00
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS, BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		1,850.00	1,850.00
NATIONAL COMMERCIAL FINANCE ASSOCIATION, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERCIAL FINANCE CONFERENCE	2,046.00	4,291.93
NATIONAL COTTON COUNCIL OF AMER, P.O. BOX 12285 MEMPHIS TN 38112		11,798.62	11,798.62
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC, 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS, 435 SOUTHERN BLDG. 1425 H ST., NW WASHINGTON DC 20005		12,525.00	4,630.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		4,774.11	4,305.01
NATIONAL COUNCIL OF HEALTH CENTERS, SUITE 915 2600 VIRGINIA AVE., NW WASHINGTON DC 20037		3,341.52	3,905.71
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES, SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		2,070.50	932.63
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION, 1825 EYE STREET, NW, #960 WASHINGTON DC 20006			
NATIONAL ELECTRICAL MFGRS ASSN, 2101 L ST., NW WASHINGTON DC 20037		1,266.45	1,266.45
NATIONAL FEDERATION OF BUSINESS & PROFESSIONAL WOMEN'S CLUBS, 2012 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		11,721.00	17,350.31
NATIONAL FEDERATION OF FEDERAL EMPLOYEES, 1016 16TH ST., NW WASHINGTON DC 20036		19,819.35	19,819.35
NATIONAL FEDERATION OF INDEPENDENT BUSINESS, 150 W. 20TH AVE. SAN MATEO CA 94403		12,250.00	12,250.00
NATIONAL FERTILIZER SOLUTIONS ASSN, 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		5,602.63	5,602.63
NATIONAL FOOD PROCESSORS ASSN., 1133 20TH ST., NW WASHINGTON DC 20036		1,952.48	1,952.48
NATIONAL GRAIN & FEED ASSN, 725 15TH ST., NW WASHINGTON DC 20005			
NATIONAL GRANGE, 1616 H ST., NW WASHINGTON DC 20006		12,500.00	9,662.50
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		6,637.00	2,889.88
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		9,920.00	9,916.00
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			27,557.00
NATIONAL LEASED HOUSING ASSN, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL LIMESTONE INST, INC, 1840 WILSON BLVD., #203 ARLINGTON VA 22201		19,662.64	19,662.64
NATIONAL LOTTERY ASSOCIATION, P.O. BOX 13365 LAS VEGAS NV 89112		650.00	235.94
NATIONAL MARITIME COUNCIL, 1748 N ST., NW WASHINGTON DC 20036			
NATIONAL MILK PRODUCERS FEDERATION, 1840 WILSON BLVD. ARLINGTON VA 22201		8,846.65	8,846.65
NATIONAL MULTIFAMILY HOUSING FINANCE ASSOCIATION, 1220 19TH STREET, NW, #400 WASHINGTON DC 20036		20,000.00	3,478.82
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION, 810 LIVELY BLVD., P.O. BOX 707 WOOD DALE IL 60191		80.00	2.49
NATIONAL OIL JOBBERS COUNCIL, INC., 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		194,105.75	14,085.62
NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS, 2035 P STREET, NW, #401 WASHINGTON DC 20036			
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH ST., NW WASHINGTON DC 20004			6,089.91
NATIONAL PARKING ASSOCIATION, 2000 K ST., NW, #350 WASHINGTON DC 20036			31,506.42
NATIONAL PEST CONTROL ASSN, 8100 OAK ST. DUNN LORING VA 22027			
NATIONAL PRODUCT LIABILITY COUNCIL, 20 N. WACKER DR. CHICAGO IL 60606			478.18
NATIONAL PUBLIC AFFAIRS CORP., ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL REHABILITATION ASSN, 633 S. WASHINGTON ST. ALEXANDRIA VA 22314			4,500.00
NATIONAL RETAIL MERCHANTS ASSN, 100 W. 31ST ST. NEW YORK NY 10001			4,950.00
NATIONAL RIGHT TO WORK COMMITTEE, SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		9,952.27	9,952.27
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			3,581.54
NATIONAL RURAL HOUSING COALITION, 1016 16TH STREET, NW, #8G WASHINGTON DC 20036		11,544.54	13,861.42
NATIONAL RURAL LETTER CARRIERS' ASSN, SUITE 1204 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006		13,618.00	13,187.00
NATIONAL SAVINGS & LOAN LEAGUE, SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		39,115.01	269.71
NATIONAL SECURITY TRADERS ASSN, INC, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			4,527.90
NATIONAL SMALL BUSINESS ASSN, 1604 K ST., NW WASHINGTON DC 20006		5,000.00	1,012.50
NATIONAL SMALL BUSINESS INDEX, R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS, 2029 K ST., NW WASHINGTON DC 20006		12,500.00	8,850.00
NATIONAL SOFT DRINK ASSN, 1101 16TH ST., NW WASHINGTON DC 20036			43,102.37
NATIONAL SOLID WASTES MANAGEMENT ASSN, SUITE 930 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036			
NATIONAL TAX EQUALITY ASSN, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		5,274.00	6,546.40
NATIONAL TAX LIMITATION COMMITTEE, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		8,200.00	8,085.00
NATIONAL TIRE DEALERS & RETREADERS ASSN, 1250 EYE STREET, NW, #400 WASHINGTON DC 20005		11,285.50	11,285.50
NATIONAL VICTIMS OF CRIME, 715 EIGHTH STREET, NW WASHINGTON DC 20003			
NATIONAL WATER RESOURCES ASSN, SUITE 1202 955 L'ENFANT PLAZA NORTH, SW WASHINGTON DC 20024		27,697.00	17,193.25
SUSAN BINGHAM NEAL, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
KAREN J. NEALE, 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
ALAN M. NEDRY, 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	50.00	50.00
C. B. NEELY JR., P.O. BOX 829 RALEIGH NC 27602	BENEFICIAL MANAGEMENT CORP OF AMERICA		
FRANCES E. NEELY, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	3,845.76	
MARY ELIZABETH NEESE, 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	1,000.00	85.60
STANLEY NEHMER, 1320 19TH ST., NW WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEILL & COMPANY, INC, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	ARAB REPUBLIC OF EGYPT	180,000.00	900.00
NEILL & MULLENHOLZ, SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR	80,000.00	1,350.00
Do	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,500.00	
Do	SENIOR EXECUTIVES ASSN	3,000.00	150.00
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC.		
MARK D. NELSON, SUITE 900 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20036	E. I. DU PONT DE NEMOURS & CO		19.00
MILTON E. NESHEK, THE GODFREY BLDG. 11 N. WISCONSIN ST. ELKHORN WI 53121	KIKKOMAN FOODS, INC.		
MAL NESTLERODE, SUITE 700 1111 NORTH 19TH STREET ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,400.00	
NETWORK, 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		29,220.16	28,292.10
E. JOHN NEUMANN, SUITE 820 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	BALTIMORE GAS & ELECTRIC CO	1,352.39	1,955.30
CARLA NEUSCHEL, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,047.00	31.07
ROBERT B. NEVILLE, 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		1,000.00
LOUIS H. NEVINS, 1709 NEW YORK AVE., NW, #200 WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	5,718.75	
NEW YORK COMM OF INTL COMM OF PASSENGER LINES, 74 TRINITY PLACE NEW YORK NY 10006			
BILL NEWBOLD, 1510 N. 12TH STREET, #204 ARLINGTON VA 22209	BILL NEWBOLD AND ASSOCIATES (FOR: AMERICAN PROTESTANT HOSPITAL ASSN.)	11,250.00	
Do	BILL NEWBOLD & ASSOCIATES (FOR: SCHICK SHADEL HOSPITAL)	4,500.00	
Do	BILL NEWBOLD & ASSOCIATES (FOR: TEXAS HOSPITAL, ET AL)	4,500.00	
LESLIE F. NEWCOMER, 226 W. RITTENHOUSE SQUARE PHILADELPHIA PA 19103	PHILADELPHIA NATIONAL BANK	400.00	
KATHRYN L. NEWMAN, 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
THOMAS E. NEWMAN, 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	250.00	
JANET G. NEWPORT, 1707 H ST., NW, 11TH FL. WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	5,000.00	483.62
CHARLES E. NICHOLS, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	22,750.00	1,317.86
NICHOLAS JOHN NICHOLS, 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	500.00	520.00
ROBERT W. NICHOLS, 1146 19TH STREET, NW, 3RD FLOOR SUITE 1033 WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC.	7,900.00	20.00
NICKERSON INGRAM & ASSOCIATES, INC, 1150 17TH STREET, NW WASHINGTON DC 20036	FEDERAL LAW ENFORCEMENT OFFICERS ASSN		
Do	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY		
Do	SYSTEMS CONTROL TECHNOLOGY, INC	1,400.00	
WILLIAM W. NICKERSON, SUITE 607 1150 17TH ST., NW WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSIT AUTHORITY		
PATRICK J. NILAN, 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	13,178.54	2,436.29
NISSAN MOTOR CORPORATION IN U.S.A., 1919 PENNSYLVANIA AVENUE, NW, #707 WASHINGTON DC 20006			111.86
NL INDUSTRIES, INC, 1230 AVENUE OF THE AMERICAS NEW YORK NY 10020			9,804.98
LOIS A. NOACK, 1828 L STREET, NW, #906 WASHINGTON DC 20036	MERRILL LYNCH & CO, INC.		
ROBERT W. NOLAN, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER F. NOLAN, 1111-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,896.10	569.68
H. CHRISTOPHER NOLDE, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
CHARLES M. NOONE, 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	1,800.00	104.13
JOSEPH M. NORMANDY III, 1101 17TH STREET, NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMERICA, INC.		40.00
JULIA J. NORRELL, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	357.00	
NORTH AMERICAN EXPORT GRAIN ASSN., INC., 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION, 511 2ND ST.,NE WASHINGTON DC 20002		17,250.00	17,250.00
EVANS W. NORTH, 1216 16TH STREET, NW WASHINGTON DC 20036			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. HALLOCK NORTHCOTT, 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	2,000.00	
MORGAN NORVAL, 1202 S. WASHINGTON ST., #2 ALEXANDRIA VA 22314	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	300.00	
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	AETNA LIFE & CASUALTY		400.00
Do	CALIFORNIA STUDENT LOAN FINANCE CORP		
Do	DIVIDEND SUPPORT GROUP	400.00	
Do	FOOD MARKETING INSTITUTE	600.00	
Do	GENERAL ELECTRIC COMPANY	3,000.00	
Do	HELIONETICS, INC	2,160.00	
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS, INC		
Do	INSURANCE ASSOCIATION OF CONNECTICUT	800.00	1,200.00
Do	INTERSTATE NATURAL GAS ASSN OF AMERICA	1,275.00	
Do	NEW YORK LIFE INSURANCE COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	UTOTEM, INC		
P. MICHAEL NUGENT, 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS	240.00	51.00
RALPH D. NURNBERGER, SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	10,133.52	
FRANKLIN W. NUTTER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
MARK J. NUZZACO, 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	5,500.00	500.00
C.D. NYBERG, P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
GEORGE O'BEA JR., 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		
COLEMAN C. O'BRIEN, 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,031.25	111.00
JOHN F. O'BRIEN, CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST		
MARY EILEEN O'BRIEN, 1800 M ST., NW, SUITE 710 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN, 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	350.00	70.00
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	43.76
DAVID S. O'BRYON, 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN	450.00	214.05
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	1,062.00	147.51
WILLIAM B. O'CONNELL, 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS INSTITUTIONS	17,500.00	1,563.25
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	AMERICAN CLINICAL LABORATORY ASSN	550.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO	250.00	
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BORDEN, INC		
Do	FIRST NATIONAL MONETARY CORPORATION	250.00	
Do	GLASS PACKAGING INSTITUTE	375.00	
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP		
Do	HENNEPIN COUNTY	500.00	
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	J. C. PENNEY CO, INC	1,133.00	
Do	JOSEPH E. SEAGRAM & SONS, INC	250.00	
Do	NATIONAL COAL CONSUMERS ALLIANCE	241.70	
Do	NATIONAL COMM FOR QUALITY HEALTH CARE		
Do	BLYTH EASTMAN PAINE WEBBER		
Do	BLYTH EASTMAN PAINE WEBBER HEALTH CARE FUNDING, INC	1,500.00	
Do	CAMBRIDGE REDEVELOPMENT AUTHORITY		
Do	CITY OF MINNEAPOLIS	1,000.00	
Do	CNA INSURANCE	500.00	
Do	NEIGHBORHOOD TV COMPANY, INC	100.00	
Do	ELECTRONIC DATA SYSTEMS CORP	1,069.00	
Do	FAIRCHILD INDUSTRIES, INC	7,500.00	
Do	FIRST PENNSYLVANIA BANK		
Do	GOLDEN GATEWAY CENTER		
Do	GOLDMAN SACHS & CO		
Do	INDEPENDENT FEDERAL SAVINGS		
Do	INSURANCE ASSN OF CONNECTICUT		
Do	JAMAICAN BROADCASTING CORP		
Do	KIMBERLY-CLARK CORP	1,717.00	
Do	LORD, BISSELL & BROOK		
Do	MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP	1,500.00	
Do	PADDOCK PUBLICATIONS, INC	584.00	
Do	RLC CORPORATION		
Do	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY	150.00	
Do	SECURITIES INDUSTRY ASSN	7,340.00	
Do	WESTINGHOUSE ELECTRIC CORP		
GEORGE E. O'CONNOR, 600 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20037	NEW YORK LIFE INSURANCE COMPANY	5,000.00	1,000.00
LEONARD F. O'CONNOR, 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR, KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	AMERICAN DENTAL HYGIENISTS ASSN		
Do	AMERICAN SUPPLY ASSOCIATION	4,455.63	1,643.37
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	1,850.00	295.51
Do	MOTOR CARRIER LAWYERS ASSN	7,707.26	1,143.80
THOMAS A. O'DAY, 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	650.00	299.25
ASHTON J. O'DONNELL, 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC		
JANE O'GRADY, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	279.45
TERRI O'GRADY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	562.50	87.39
BARBARA E. O'HARA, 4400 MACARTHUR BLVD., NW WASHINGTON DC 20007	AMERICAN SOCIETY OF TRAVEL AGENTS	100.00	
BARTLEY O'HARA, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	12,208.23	
O'KEEFE ASHENDEN LYONS & WARD, ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
KATHLEEN O'LEARY, 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	283.76
O'MELVENY & MYERS, 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA	39,330.00	2,957.85
Do	SANTA FE INTERNATIONAL CORP	11,600.00	668.00
Do	WARNER COMMUNICATIONS, INC		
O'NEILL AND HAASE, P.C., SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	BEER INDUSTRY ALLIANCE	4,200.00	
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	CRUISE AMERICA, INC		
Do	GLASS PACKAGING INSTITUTE	800.00	
Do	HARVARD MEDICAL CENTER		
Do	LEGISLATIVE ALLIANCE OF PHILATELISTS, HRD ASSET DLRS & CLTRS		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	1,200.00	
Do	TEXAS UTILITIES SERVICES, INC	1,600.00	
Do	U.S. FOOTBALL LEAGUE	1,200.00	
Do	WESTINGHOUSE ELECTRIC CORP		
Do	MILK INDUSTRY FOUNDATION	800.00	
DONALD K. O'NEILL, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
J. DENIS O'TOOLE, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,500.00	
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		372.14
STEPHEN E. O'TOOLE, 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,683.30
HARRY R. OBLEY, MELLON SQUARE PITTSBURGH PA 15230	MELLON BANK N.A. AND MELLON NATIONAL CORP	2,000.00	1,152.30
G. H. OCHENRIDER, 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	2,500.00	726.76
T. J. ODEN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
BRADFORD C. OELMAN, 900 17TH ST., NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
OIL INVESTMENT INST, PO BOX 8293 WASHINGTON DC 20024			
R.Q. OLD AND ASSOCIATES, INC., 205 THE STRAND ALEXANDRIA VA 22314	GENERAL ELECTRIC CO	100.00	
Do	GRUMMAN AEROSPACE CORPORATION	200.00	530.00
Do	SPERRY DIVISION	100.00	
ROBERT A. OLEXY, P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
ALVIN E. OLIVER, 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
AUSTIN P. OLNEY, 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)		
DENNIS M. OLSEN, 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE CO	28.86	3.93
Do	AMERICAN BANKERS INSURANCE OF FLORIDA	183.29	24.97
Do	CENTENNIAL INSURANCE COMPANY	13.76	1.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CHARTER OAK INSURANCE	13.95	1.90
Do	FLORISTS' MUTUAL INSURANCE CO	68.61	9.38
Do	FOREMOST INSURANCE CO	365.62	49.95
Do	GREAT AMERICAN INSURANCE COMPANY	39.18	5.33
Do	MINNEHOMA INSURANCE COMPANY	12.61	1.78
Do	MONSANTO CO	42.25	7.25
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO	64.60	8.87
Do	STATE FARM FIRE AND CASUALTY CO	31.73	4.31
Do	STATE FARM INSURANCE COMPANY	263.37	36.00
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	428.70	58.57
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	17.01	2.28
Do	TRAVELERS	379.96	51.85
VAN R. OLSEN, 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROY E. OLSON, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI, 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	5,874.00	42.65
PHILIP C. ONSTAD, 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	50.00	432.74
ORGAN. FOR ADVANCEMENT & PROTECTION OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037.		1,200.00	1,500.00
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA, RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		2,142.25	1,699.69
ABRAHAM ORLOFSKY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,100.88	
HIDEAKI OTAKA, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	500.00	100.00
ROLAND A. OUELLETTE, 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	3,275.49
CLIFF OUSE, 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	25.00	
OUTDOOR POWER EQUIPMENT INSTITUTE, SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
JACK W. OWEN, SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
THOMAS J. OWENS, P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK AND WASHINGTON MUTUAL SAVINGS BANK	15,050.00	7,528.14
WILLIAM H. OWENS JR., SUITE 1002 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	900.00	100.00
R. RAY PAABO, SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
JOHN N. PACKS, 1425 S STREET, NW WASHINGTON DC 20009	CITIZENS FOR A NUCLEAR FREEZE		
LEE W. PADEN, P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
W. D. PAGE, SUITE 6 1581 PHOENIX BLVD. ATLANTA GA 30349	AMERICAN PLYWOOD ASSN		
JOHN M. PALATIELLO, 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONGRESS ON SURVEYING & MAPPING	7,407.72	7,082.32
HENRY S. PALAU, 201 N WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	839.00	
WILLIAM STEVEN PALEOS, P.O. BOX 57466-0466 WASHINGTON DC 20037			
BRADLEY D. PALMER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	2,400.00	
FRED PANZER, 1875 EYE ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	250.00	100.00
PAPERBOARD PACKAGING COUNCIL, SUITE 411 1101 VERMONT AVENUE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS, N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST		
PARAHO DEVELOPMENT CORPORATION, SUITE 300A 183 INVERNESS DRIVE WEST ENGLEWOOD CO 80112			
HERSCHELL E. PARENT, ARKANSAS PETROLEUM COUNCIL 302 COMMERCIAL NATL. BANK BLDG. LITTLE ROCK AR 72201	AMERICAN PETROLEUM INST	562.50	948.93
DOUGLAS L. PARKER, 600 NEW JERSEY AVE., NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION		
JOHN N. PARKER, 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
KIMBERLY C. PARKER, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	8,501.01	90.75
PRUDENCE H. PARKS, 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO	17.82	
KEN PARMELEE, 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	2,000.00	
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	2,970.00	
RENEE PARSONS, 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH		
JACK PARTRIDGE, 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,000.00	719.60
ROBERT D. PARTRIDGE, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	420.00	
PASKUS, GORDON & HYMAN, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS' ASSN	350.00	
DAVID J. PASSAMANECK, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
RICHARD M. PATTERSON, 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
WILLIAM H. PATTERSON, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	120.00	
DAVID J. PATTISON, 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
PATTON BOGGS & BLOW, SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AIR PRODUCTS & CHEMICALS, INC	10,252.50	7.00
Do	AIWA AMERICA, INC	79.73	3.60
Do	AKAI AMERICA, LTD	181.84	8.20
Do	ALUMINUM COMPANY OF AMERICA	592.00	112.00
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS	2,100.00	
Do	AMERICAN CONGRESS OF SURVEYING AND MAPPING	180.00	
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN	1,000.00	
Do	AMERICAN MARITIME ASSN	12,415.00	1,370.51
Do	AMERICAN MOVERS CONFERENCE		
Do	AMERICAN SOCIETY OF ASSN EXECUTIVES		
Do	ARMCO, INC	592.00	112.00
Do	ARTPAC		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	24,955.00	
Do	BASIC INDUSTRIES COALITION, INC	1,175.00	30.00
Do	BURLINGTON INDUSTRIES, INC		
Do	BUSINESS ROUNDTABLE		
Do	CASTLE & COOKE, INC		
Do	CHICAGO BOARD OPTIONS EXCHANGE		
Do	CHRYSLER CORPORATION	500.00	638.50
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE		
Do	DUTY FREE SHOPPERS, LTD	945.00	251.61
Do	ENERGY RESEARCH CORPORATION	125.00	
Do	FUJI PHOTO FILM U.S.A., INC	290.94	13.13
Do	GEORGIA PACIFIC CORP	10,235.00	7.00
Do	HITACHI SALES CORP OF AMERICA	1,216.91	54.90
Do	E.F. HUTTON LIFE INSURANCE COMPANY	6,175.00	221.25
Do	INDECO, INC		
Do	INSTITUTE OF SCRAP IRON & STEEL, INC	4,762.50	29.00
Do	KAISER ALUMINUM & CHEMICALS CORP	10,235.00	7.00
Do	KENWOOD U.S.A. CORPORATION	83.93	3.79
Do	KONISHIROKU AMPEX CO, LTD	156.66	7.06
Do	LASCO SHIPPING COMPANY	250.00	
Do	LITTON INDUSTRIES, INC		
Do	LOOP, INC	1,057.50	
Do	LOSS RESERVE DEDUCTION COMMITTEE		
Do	MARATHON OIL CO		
Do	MARS, INC		
Do	MAXELL CORP OF AMERICA	409.83	18.49
Do	MCI TELECOMMUNICATIONS, INC	500.00	
Do	MEAD CORPORATION	592.00	112.00
Do	MITSUBISHI ELECTRIC SALES AMERICA, INC	3,965.46	178.89
Do	MITSUSHITA ELECTRIC CORP OF AMERICA	472.78	21.33
Do	MOCATTA METALS CORP	800.00	
Do	NAKAMICHI U.S.A. CORP	82.53	3.72
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
Do	NATIONAL ASSN OF RETAIL DRUGGIST	800.00	
Do	NATIONAL CABLE TELEVISION ASSN., INC	7,435.00	60.00
Do	NATIONAL COALITION FOR PORT PROGRESS		
Do	NATIONAL MARINE MFRS ASSN	1,500.00	
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	362.28	16.34
Do	NEW PROCESS CO		
Do	OCEAN MINERALS CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OSG BULK SHIPS, INC		
Do	PIONEER ELECTRONICS (U.S.A.) INC	169.25	7.64
Do	PPG INDUSTRIES, INC	10,235.00	7.00
Do	READER'S DIGEST ASSN, INC	4,000.00	
Do	REDWOOD INDUSTRY PARK COMM	1,250.00	
Do	RETAIL TAX COMMITTEE	985.00	
Do	ROCKWELL INTERNATIONAL CORP		
Do	SANSUI ELECTRONICS CORP	69.94	3.16
Do	SANYO ELECTRIC INC	1,277.06	57.61
Do	SHARP ELECTRONICS CORP	574.89	25.94
Do	SLURRY TRANSPORT ASSN	12,117.50	51.00
Do	SONY CORPORATION OF AMERICA	2,154.08	97.17
Do	ST. JOE MINERALS CORP		
Do	STATE OF LA, DEPT OF CONSERVATION		
Do	STEPHENS, INC	1,315.00	
Do	SULTANTATE OF OMAN	1,875.00	
Do	SUMITOMO 3M LTD	167.85	7.57
Do	TDK U.S.A. CORP	472.78	21.33
Do	TEAC CORP	156.66	7.06
Do	TEKNIKA ELECTRONICS CORP	2.80	.12
Do	TOSHIBA AMERICAN, INC	577.68	26.06
Do	US JVC CORPORATION	893.80	40.32
Do	VICTOR MAGNETAPE CO, LTD	170.65	7.69
Do	ZEISS AVIONICS SYSTEMS, INC		
ANDREW R. PAUL, 1875 EYE STREET, NW, #940 WASHINGTON DC 20006	GULF & WESTERN INDUSTRIES, INC	1,000.00	40.23
PAUL HASTINGS JANOFSKY & WALKER, 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO		
Do	CALIFORNIA PORTLAND CEMENT CO	3,013.00	
Do	GAF CORPORATION		
Do	SECURITY LIFE OF DENVER	19,229.50	130.00
PAUL WEISS RIFKIND WHARTON & GARRISON, 345 PARK AVE. NEW YORK NY 10154	NEC ELECTRONICS U.S.A., INC	737.00	23,032.33
LARRY E. PAULICK, 2000 K ST., NW WASHINGTON DC 20006	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR, SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC		
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	MICHIGAN KNIFE CO		
JAMES M. PEIRCE JR., 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,613.62	
PELTON RESEARCH CENTER, 1400 S. JOYCE STREET ARLINGTON VA 22202	HELP, INC		
HUMBERTO R. PENA, 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	500.00	
ANDREW PENN, 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSN		
PENNSYLVANIA POWER & LIGHT CO, 2 N. 9TH ST. ALLENTOWN PA 18101			2,138.60
DOMINIC V. PENSABENE, 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,100.00	
GREGORY M. PENSABENE, 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	2,056.00	
PEPPER & CORAZZINI, 1776 K ST., NW WASHINGTON DC 20006	SOUTHERN SATELITE SYSTEMS INC		
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	COLD FINISHED STEEL BAR INST	227.50	
Do	DIRECT BROADCAST SATELLITE CORP		
Do	FOCUS		
Do	GLENMEDE TRUST CO		
Do	SUN SHIPBUILDING & DRY DOCK CO	700.00	
Do	TURNER BROADCASTING SYSTEM, INC		
VICTOR J. PERINI JR., 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO, DUERK, CARLSON & PINCO, P.C., 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	SOCIETY OF REAL ESTATE APPRAISERS	2,362.50	158.90
PERKINS COIE STONE OLSEN & WILLIAMS, SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC		
Do	DEPARTMENT OF NATURAL RESOURCES		
TONY PERKINS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	175.00	
GARY J. PERKINSON, 1700 NORTH MOORE STREET 1925 ROSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY, 112 ST CLAIR AVENUE, WEST, #504 TORONTO, ONTARIO N4V 2Y3	CANADIAN COALITION ON ACID RAIN	461.45	344.59
JEFFRY L. PERLMAN, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	2,420.00	298.85
LEONARD PERLMAN, 5999 STEVENSON AVENUE ALEXANDRIA VA 22304	AMERICAN ASSOCIATION FOR COUNSELING & DEVELOPMENT	5,175.00	228.87
MARK PERMAR, P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY	160.00	495.10
G. STEPHEN PERRY, 115 D STREET, SE, #G-8 WASHINGTON DC 20003	U.S. TELEPHONE, INC	4,800.00	
SUSAN PERRY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN	2,687.50	75.00
PHILLIPS S. PETER, 777 14TH STREET, NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
EDWARD B. PETERSEN, SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORP	800.00	25.50
A. HAROLD PETERSON, 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN	1,500.00	713.11
GEOFFREY G. PETERSON, SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S	2,000.00	400.00
LARS E. PETERSON, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,938.10
RUSSELL W. PETERSON, 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	130.00
PETERSON, ENGBERG & PETERSON, SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP	18,000.00	525.47
SUSAN F. PETNIUNAS, SUITE 214 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20034	JOHNS-MANVILLE CORPORATION	500.00	
MICHAEL J. PETRINA JR., 1100 15TH STREET, NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN		
PAUL F. PETRUS, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,200.00	
H. WILLIAM PETRY, P.O. BOX 1927 SPARTANBURG SC 29304	MILLIKEN RESEARCH CORPORATION		
JAMES R. PHALEN, 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC	3,250.00	124.23
PHARMACEUTICAL MANUFACTURERS ASSN., 1100 15TH STREET, NW WASHINGTON DC 20005		25,735.20	25,735.20
GWEN PHARO, 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LINES, INC		
MARSHALL A. PHARR, P.O. BOX 1261 AMARILLO TX 79170	SOUTHWESTERN PUBLIC SERVICE CO	2,631.60	35.94
DEBORAH M. PHILLIPS, SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORP		
JOHN D. PHILLIPS, SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	15,000.00	440.00
RICHARD F. PHILLIPS, 1825 K STREET,N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	4,500.00	314.95
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	2,250.00	49.50
Do	HARVARD SCHOOL OF PUBLIC HEALTH	4,600.00	426.15
Do	METAL TRADES DEPARTMENT, AFL-CIO	5,475.00	196.45
SAM PICKARD, 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	500.00	320.73
BILL PICKENS, 1111 19TH ST., NW SUITE 900 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,750.00	393.08
W.D. PICKETT, 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PIERSON SEMMES CROLIUS & FINLEY, 1054 31ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN	1,050.00	120.20
Do	OKLAHOMA NATURAL GAS COMPANY	1,155.00	215.51
Do	SIX FLAGS, INC		7.44
STUART F. PIERSON, VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
DANIEL J. PILIERO II, 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE FOR RESPONSIBLE TAX POLICY	550.00	80.00
Do	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS	1,247.84	
PILOTS RIGHTS ASSOCIATION, P.O. BOX 7000-367 REDONDO BEACH CA 90277		8,970.00	9,732.75
PINEAPPLE GROWERS ASSN OF HAWAII, P.O. BOX 3829 HONOLULU HI 96813			
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BANKERS LEASING CORP & AFFILIATES, ET AL	16,624.75	316.30
Do	UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION		
LILLIAN M.S. PITCAITHLY, SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
PLAINS COTTON GROWERS, INC, PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036		3,414.30	3,414.30
WYLL W. PLEGER, 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC		
SHERMAN S. POLAND, ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING CO		
NANCY POLIKOFF, 2000 P STREET, NW, #400 WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
RICHARD J. POLLACK, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	3,777.27	742.85
FRANCES A. POLLAK, SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION	230.76	172.25
ALFRED M. POLLARD, 1819 L STREET, NW, #800 WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK		160.00
KAREN POLLITZ, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,173.02	
RAYMOND K. POPE, 2000 L STREET, NW, #200 WASHINGTON DC 20036	AMFAC, INC	3,437.49	1,116.89
POPULATION RESOURCE CENTER, INC, 622 THIRD AVE. NEW YORK NY 10017			
PAULA D. PORPILIA, 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	450.00	34.96
PORT OF SEATTLE, P.O. BOX 1209 SEATTLE WA 98111			
PHILLIP PORTE & ASSOCS., INC., SUITE 208 1301 ARLINGTON RIDGE RD. ARLINGTON VA 22202	NATIONAL ASSN OF MEDICAL DIRECTORS OF RESPIRATORY CARE	3,000.00	
Do	AMERICAN ASSN FOR RESPIRATORY THERAPY	8,000.00	
Do	AMERICAN MEDICAL RECORDS ASSN	2,000.00	
PORTER, WRIGHT, MORRIS & ARTHUR, 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE	18,000.00	2,741.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SHARON T. PORTNOY, ONE PENN PLAZA NEW YORK NY 10001	NATIONAL COMMERICAN FINANCE ASSN	3,052.50	422.13
WILLIAM J. POTTS JR., HALEY, BADER & POTTS 2000 M STREET, NW, #600 WASHINGTON DC 20036	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE, INC		
Do	ASSOCIATION FOR BROADCASTING ENGINEERING STANDARDS, INC		
JOHN MICHAEL POWDERLY, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,895.41	
CATHERINE POWELL, 880 S. PICKETT STREET ALEXANDRIA VA 22304	BOAT OWNERS OF THE U.S	2,000.00	
POWELL GOLDSTEIN FRAZER & MURPHY, SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	AHRENS AIRCRAFT, INC		
Do	ASSOCIATION OF EXECUTIVE SEARCH CONSULTANTS, INC		
Do	ANNE M. BURFORD		
Do	COALITION FOR COMPETITION	3,975.35	24.65
Do	COALITION FOR EMPLOYMENT THROUGH EXPORTS	16,800.00	755.45
Do	CORNING ASSOCIATES	750.00	
Do	COUNCIL OF STATE HOUSING AGENCIES	851.00	
Do	CRUM & FORSTER INSURANCE CO'S		
Do	FEDERAL NATIONAL MORTGAGE ASSN	4,245.00	
Do	GOVERNMENT OF NICARAGUA		
Do	INTERNATIONAL PAPER COMPANY	75,451.80	
Do	JACQUES BOREL ENTERPRISES, INC	300.00	
Do	MARYLAND SAVINGS-SHARE INSURANCE CORP		
Do	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
Do	NATIONAL MULTI HOUSING COUNCIL	2,216.00	
Do	SECURITY LIFE OF DENVER		
Do	WESTINGHOUSE ELECTRIC CORPORATION	26,690.00	196.98
RICHARD M. POWELL, 7315 WISCONSIN AVE. WASHINGTON DC 20014	INTERNATIONAL ASSN OF REFRIGERATED WAREHOUSES		
ROBERT D. POWELL, SUITE 400 1300 19TH ST., NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JANET POWER, 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC		
JOHN J. POWER, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,573.69	
GRAYDON R. POWERS JR , 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	6,000.00	820.90
BRAINARD E. PRESCOTT, 670 MAIN ST. EAST AURORA NY 14052	SECURITY NEW YORK STATE CORPORATION	750.00	1,044.24
LLOYD T. PRESLAR, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE ET DE CONST DE MOTEURS D'AVIATION).		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN, 1735 NEW YORK AVENUE, NW, #500 WASHINGTON DC 20006	AETNA LIFE & CASUALTY CO		
Do	ALASKA LUMBER & PULP CO./LOUISIANA PACIFIC OF KETCHIKAN	1,150.00	35.12
Do	AMERICAN INSURANCE ASSOCIATION		
Do	AMERICAN PRESIDENT LINES		
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE		
Do	CALISTA CORP		
Do	CHUGACH NATIVES, INC		
Do	CITIES & COUNTIES FOR CABLE	7,395.00	102.80
Do	CITY OF CINCINNATI		
Do	CITY OF LAKEWOOD		
Do	CITY OF SCOTTSDALE		
Do	CITY OF ST. LOUIS		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	475.00	
Do	DRAVO CORPORATION		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	HUDSON WATERWAYS		
Do	INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY		
Do	LUMMI INDIAN BUSINESS COUNCIL		
Do	MOORE MCCORMACK RESOURCES, INC		
Do	NORTHERN TIER PIPELINE CO		
Do	PORT OF SEATTLE		
Do	STATE OF ALASKA		
Do	TENNESSEE GAS PIPELINE CO		
Do	TRANSPORTATION INSTITUTE		
Do	WESTERN RESOURCE ALLIANCE		
Do	WOMETCO ENTERPRISES, INC	225.00	
KEITH A. PRETTY, 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
FORREST J. PRETTYMAN, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,031.25	
BARBARA J. PRICE, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
WOODRUFF M. PRICE, 840 WASHINGTON BLDG. 15TH ST. & NEW YORK AVE. WASHINGTON DC 20005	CSX CORPORATION	3,000.00	663.55
PATRICIA PRIDE, 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD		
BEVERLY HINES PRINCE, 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD, SUITE 695 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
PRO-LIFE CDAC 12, P.O. BOX 7145 MENLO PARK CA 94025		210.00	562.36
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2, 208 TINKLER LAFAYETTE IN 47901			
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		153.00	1,632.48
SYDNEY PROBST, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
STUART PROCTOR, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	5,188.00	123.00
PROFIT SHARING COUNCIL OF AMER, 20 N. WACKER DRIVE CHICAGO IL 60606			
PROPRIETARY ASSN, 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			3,025.00
DAVID P. PROSPERI, 1725 K STREET, NW, #909 WASHINGTON DC 20006	SUPERIOR OIL COMPANY & SUPERIOR FARMING COMPANY		
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158			57.31
PRUDENTIAL-BACHE SECURITES INC., 100 GOLD ST. NEW YORK NY 10272	BACHE, HALSEY, STUART, SHIELDS INC		750.00
JAMES C. PRUITT, SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC	92.00	
STEVEN L. PRUITT, SUITE 308 815 16TH STREET, NW WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	10,499.97	
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO, 815 16TH ST., NW WASHINGTON DC 20006		40,775.13	25,599.18
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		27,150.00	3,138.70
DAVID E. PULLEN, 1025 CONNECTICUT AVE., NW, #214 WASHINGTON DC 20036	JOHNS-MANVILLE CORPORATION	1,000.00	
F. EUGENE PURCELL, 1919 PENNSYLVANIA AVE., N.W. SUITE 300 WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC	1,000.00	205.00
WILLIAM E. PURSLEY, 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III, 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE, P.O. BOX 3731 WASHINGTON DC 20007	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR , MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ	2,000.00	50.00
JAMES M. QUIGLEY, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN, 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC		
Do	RETAIL BAKERS OF AMERICA		
QUINTANA REFINERY COMPANY, P.O. BOX 3331 HOUSTON TX 77001			
R/A AND ASSOCIATES, SUITE 801 1100 17TH STREET, NW WASHINGTON DC 20036	WAGNER & BARODDY		
CLIFFORD RABER, ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S CORP		
ALEX RADIN, 2301 M ST., NW WASHINGTON DC 20036	AMERICAN PUBLIC POWER ASSN	800.46	
TESS A. RAE, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE	50.00	
RAILROAD RETIREMENT ASSN, 236 MASSACHUSETTS AVENUE, NE, #510 WASHINGTON DC 20002		11,324.65	11,324.65
TOM RAILSBACK, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	1,840.00	1,729.17
RAILWAY LABOR EXECUTIVES' ASSN, 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		57,900.00	84,466.08
RAILWAY PROGRESS INST, 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
JOYCE RAMONAS, SUITE 480 1990 M ST., NW WASHINGTON DC 20006	DETROIT EDISON COMPANY	75.00	10.00
DONALD A. RANDALL, SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	AUTOMOTIVE SERVICE COUNCILS, INC	1,550.00	
RANDALL, BANGERT & PRICE, 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	900.00	
Do	GROCERY MANUFACTURERS OF AMERICA		
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	3,120.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN	600.00	
CAROL RANDLES, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN. OF BROADCASTERS	1,500.00	521.00
R. RAY RANDLETT, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP	220.00	
D. MICHAEL RAPPOPORT, P.O. BOX 1980 PHOENIX AZ 85001	SALT RIVER PROJECT	1,680.00	5,477.38
RARE ANIMAL RELIEF EFFORT, INC, 1601 CONNECTICUT AVENUE, NW WASHINGTON DC 20009			
CARL L. RASAK, 8301 FORT HUNT ROAD ALEXANDRIA VA 22308			
HELEN RAUCH, 1755 MASSACHUSETTS AVENUE, NW, #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS	472.50	47.40

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CAROL L. RAULSTON, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	2,875.00	20.00
G. DAVID RAVENCRAFT, SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
W. RANDALL RAWSON, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	7,017.23	
RAYMARK CORPORATION, 100 OAKVIEW DRIVE TRUMBULL CT 06611			200.00
J. GENE RAYMOND, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,135.21	
RBC ASSOCIATES, 324 FOURTH STREET, NE WASHINGTON DC 20003	BANGOR & AROOSTOOK RAILROAD	2,000.00	2,455.31
Do	BOSTON & MAINE RAILROAD	6,333.66	2,490.88
Do	CHICAGO & NORTH WESTERN TRANSPORTATION CORP	21,000.00	2,689.99
Do	DELAWARE OTSEGO SYSTEM	6,000.00	2,416.74
Do	FORUM COMMUNICATIONS		2,466.22
Do	GENESEE & WYOMING CORP	750.00	2,416.74
Do	PANDROL	5,000.00	2,416.74
Do	PITTSBURG & SHAWMUT RAILROAD	2,100.00	2,416.74
Do	SPENO RAIL SERVICES	4,500.00	2,416.74
Do	WESTINGHOUSE INFORMATION SYSTEMS		
JULIAN O. READ, 807 BRAZOS, #901 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
SYDNEY C. REAGAN, NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN		
LINDA S. REARICK, 5205 LEESBURG PIKE, #505 FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS ASSN	5,000.00	29.16
HARRY M. REASONER, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		
REASONER, DAVIS & VINSON, 888 17TH STREET, NW WASHINGTON DC 20006	ACACIA MUTUAL LIFE INSURANCE CO	9,000.00	
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	2,255.00	13.75
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
ROBERT E REDDING, 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM	719.00	268.00
TIMOTHY J. REDMON, 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DWIGHT C. REED, 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN		
JO REED, 1909 K STREET, NW WASHINGTON DC 20049	AMERICAN ASSOCIATION OF RETIRED PERSONS	387.69	
CHARLES C. REELY, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	2,734.38	
PAULINE B. REEPING, 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	NEW YORK SHIPPING ASSN, INC		
MARTHA L. REES, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	105.00	6.00
ROBERT S. REESE JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	1,504.61
J. RONALD REEVES, WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	256.25
JOHN T. REGGITTS JR , 95 BOOTON AVE. P.O. BOX 470 BOONTON NJ 07005			
REID & PRIEST, 1111 19TH STREET, NW WASHINGTON DC 20002	B. ALTMAN & CO	4,750.00	200.81
Do	AMERICAN EXPRESS COMPANY	3,750.00	80.67
Do	ASSOCIATED NATURAL GAS COMPANY, ET AL		14,574.49
Do	CSX CORP		
Do	EDISON ELECTRIC INSTITUTE		
Do	FRED T. FRANZIA, JOHN G. FRANZIA & JOSEPH S. FRANZIA		153.45
Do	KAMEHAMEH SCHOOLS/BERNICE P. BISHOP ESTATE	9,000.00	479.51
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO	5,378.75	420.02
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	5,378.75	420.01
Do	PFIZER, INC		
Do	SOUTH CAROLINA ELECTRIC & GAS COMPANY		
Do	TUCSON ELECTRIC POWER CO		
Do	UTILITY GROUP		5,502.83
Do	VELO-BIND, INC		
REID & RIEGE, P.C., ONE CONSTITUTION PLAZA HARTFORD CT 06103	WESLEYAN UNIVERSITY	460.00	
CHARLOTTE REID, 200 N. PICKETT ST. ALEXANDRIA VA 22304	MOTOROLA, INC	3,000.00	
MICHAEL W. REID, SUITE 507 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JERRY E. REIDER, 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		454.60
MARK REIHL, 5201 AUTH WAY RM 510 CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	103.30
MARYALYCE REILLY, 9300 LIVINGSTON ROAD FORT WASHINGTON MD 20744	NATIONAL TOOLING & MACHINING ASSN	4,855.44	
GARY B. REIMER, 1800 K ST., NW SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC		
HARRY O. REINSCH, 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER, 4 LONGFELLOW PLACE BOSTON MA 02114	EDWARD BLANKSTEIN, INC		
JACK REITER, 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	2,100.00	1,144.46
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC., 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		10,508.61	12,532.67
RENDON COMPANY, 1321 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
JOHN W. RENDON JR., 1321 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	RENDON COMPANY		
SARAH M. RENFROE, 3618 EASTPOINT DR., APT. 104 NORTHWOOD OH 43613	BENCHMARK TECHNOLOGIES CORP	432.00	340.40
W. W. RENFROE, 69 FOUNTAIN PL. FRANKFORT KY 40601	KENTUCKY RAILROAD ASSN		
DIANE RENNERT, 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	3,300.00	227.85
RESOURCES FUND, INC, 810 18TH STREET, NW, #804 WASHINGTON DC 20006	RESOURCES FUND, INC		
RETIRED OFFICERS ASSN, 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		7,343.00	
FORREST I. RETTGERS, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN. OF MANUFACTURERS		
JOHN H. REURS, 74 TRINITY PLACE NEW YORK NY 10006	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
ALAN V. REUTHER, 1757 N STREET, NW WASHINGTON DC 20036	UAW	12,923.57	154.50
ALLAN R. REXINGER, 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	2,875.00	150.00
MARK E. REY, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	3,500.00	
EDMUND B. RICE, 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	4,846.14	228.15
RICE GENOCIDE RESEARCH, 3046 ROOSEVELT STREET DETROIT MI 48216			162.28
GRACE ELLEN RICE, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,825.00	100.00
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	95.60	
THERON J. RICE, SUITE 900 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CONOCO		
JAMES E. RICH JR., SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	ALASKA LUMBER AND PULP	610.00	
Do	AMERICAN PRESIDENT LINES	100.00	
Do	SIKORSKY AIRCRAFT	800.00	16.65
STACY RICHARDS, SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
ALAN H. RICHARDSON, 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,500.00	
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	4,500.00	4,500.00
LOIS RICHERSON, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,000.00	
LOWELL J. RIDGEWAY, NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	512.00	1,441.05
E. GEORGE RIEDEL, SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORP	1,800.00	150.00
MARK J. RIEDY, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
E. PHILIP RIGGIN, 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	9,462.00	509.91
VALERIE M. RIGGINS, 1700 NORTH MOORE STREET 1925 ROSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
PAT RILEY, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
SUSAN RILEY, 1150 17TH STREET, NW, #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL	5,800.00	
R. SCOTT RINN, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
DALE P. RIORDAN, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	1,200.00	499.79
KEVIN J. RIORDAN, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	800.00	270.00
JOHN S. RIPPEY, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	937.50	28.50
CAROL A. RISHER, 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,000.00	30.00
ROBIN RISSO, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES, SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	742.01
Do	LIBERTY FINANCIAL		
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	645.66
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC	9,000.00	613.80
Do	NEVADA RESORT ASSN	4,800.00	1,113.00
STARK RITCHIE, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST		
RIVKIN, SHERMAN AND LEVY, 900 17TH STREET, NW WASHINGTON DC 20006	SAVIN CORPORATION	125.00	
Do	TOYOTA MOTOR CORPORATION	1,850.00	131.12
RAY ROBERTS & ASSOCIATES, 2224 PEMBROOKE DENTON TX 76201	J. W. BATESON & CO.,INC.	3,000.00	2,495.23
Do	NORTH TEXAS MUNICIPAL WATER DISTRICT	3,000.00	1,938.22
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	2,617.55
PATRICIA L. ROBERTS, SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
PERRY A. ROBERTS, 8000 FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		543.65
RICHARD R. ROBERTS, SUITE 403 1899 L ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	356.00	406.00
STEVEN M. ROBERTS, 1700 K STREET, N.W. WASHINGTON DC 20006	AMERICAN EXPRESS CO		
BETTY S. ROBINSON, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,381.98	232.00
CHARLES A. ROBINSON JR , 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	157.43	
THOMAS E. ROBINSON, SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUST, INC	750.00	27.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN, 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
BOB JOHN ROBISON, 1201 PENNSYLVANIA AVENUE, NW, #700 WASHINGTON DC 20004	HILL AND KNOWLTON, INC	2,250.00	68.72
ANTOINETTE K. ROCHE, 2021 K ST., NW, SUITE 709 ALBUQUERQUE NM 87103	GA TECHNOLOGIES, INC	1,000.00	200.00
WILLIAM H. ROCKWELL, 1430 BROADWAY, #1600 NEW YORK NY 10018	AMERICAN NATL STANDARDS INST		
RODEY, DICKASON, SLOAN, AKIN & ROBB, P.O. BOX 1888 ALBURQERQUE NM 87103	NAVAJO TRIBE		3,209.41
QUINCY RODGERS, 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	600.00	201.82
WILLI ROELLI, VOLKART BROTHERS, INC. 120 WALL ST. NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS, 1737 H STREET, NW WASHINGTON DC 20006	ALLIED TUBE & CONDUIT CORPORATION		
Do	CAMPAGNIE FINANCIERE DE PARIS ET DES PAYS-BAS		
Do	DESERT PALACE, INC		
Do	WILLIAM ANTHONY HOGAN		
Do	MAGIC PANTRY FOODS, INC		
Do	MERRILL LYNCH COMMODITIES, INC		
Do	MERRILL LYNCH LEASING, INC		
Do	MORRIS & GWENDOLYN CAFRITZ FOUNDATION	380.00	
Do	NATIONAL ASSN OF BEDDING MANUFACTURERS	892.50	
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SQUIBB CORP		
Do	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		
DONALD L. ROGERS, 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,900.00	
ROGERS HOGE & HILLS, SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	BACARDI CORPORATION		
Do	CONTACT LENS MANUFACTURERS ASSN		
JAMES T. ROGERS, 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
MARGARET ROGERS, 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	1,000.00	
TERRENCE L. ROGERS, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	10,108.70	87.00
CAROLE M. ROGIN, 1800 M STREET, NW, #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
Do	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT)		
RICHARD A. ROHRBACH, 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	4,163.00
JOHN F. ROLPH III, SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,000.00	
KENNETH S. ROLSTON JR , 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
EMIL A. ROMAGNOLI, 120 BROADWAY NEW YORK NY 10271	ASARCO INC	300.00	
TENO RONCALIO, P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	1,000.00	
TATIANA ROODKOWSKY, 4006 THORNTON STREET ANNANDALE VA 22003	THORNTON ASSOCIATES		
NICHOLAS ROOMY JR , P.O. BOX 1986 CHARLESTON WV 25327	APPALACHIAN POWER COMPANY		
FRED B. ROONEY, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN IRON AND STEEL INSTITUTE	150.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	350.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	100.00	
Do	CONRAIL	300.00	
Do	LONE STAR INDUSTRIES, INC	325.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	300.00	
JOHN C. ROOTS, SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	201.19	
ROPES & GRAY, SUITE 700 1001 22ND ST., NW WASHINGTON DC 20037	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	ECONOMIC DEVELOPMENT & INDUSTRIAL CORP OF BOSTON		
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
RICHARD ROSEN, SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ALBERT B. ROSENBAUM III, 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM, 122 C STREET, NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	937.00	4.50
MIRIAM A. ROSENBERG, ONE DUPONT CIRCLE, NW, #610 WASHINGTON DC 20036	AMERICAN ASSOCIATION FOR COUNSELING AND DEVELOPMENT	4,884.00	283.37
FRANCIS C. ROSENBERGER, 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
PETER ROSENSTEIN, SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS		
ROGER C. ROSENTHAL, SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	228.52	
ROSES, INC., 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		7,269.00	8,465.65
JEREMY D. ROSNER, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,280.01	
JOE ROSS, 927 DONAGHEY BLDG. LITTLE ROCK AR 72201			
WILLIAM F. ROSS, SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST	214.00	604.72
ALAN J. ROTH, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL	1,000.00	
BARRY N. ROTH, 1750 K ST., NW, #350 WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
EDWIN ROTHSCHILD, 2000 P ST., NW, #310 WASHINGTON DC 20036	CITIZEN/LABOR ENERGY COALITION	1,500.00	105.30
DONALD D. ROUNDS, SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST	746.00	997.68
PETER M. ROUSE, 1875 EYE STREET, NW, #1025 WASHINGTON DC 20006	ALASKA LUMBER & PULP CO	4,500.00	
MICHAEL O. ROUSH, CAPITAL GALLERY EAST, #695 600 MARYLAND AVE. WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MARK ROVNER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,473.02	
JAMES C. ROWLAND JR , 1100 15TH ST., NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN W. ROWLAND, 5025 WISCONSIN AVE.,NW WASHINGTON DC 20006	AMALGAMATED TRANSIT UNION, AFL-CIO		
KEVIN P. ROWLAND, 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
ROBERT STEWART ROYER, 1747 PENNSYLVANIA AVNEUE, NW, #950 WASHINGTON DC 20036	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LIMITED		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
ERIC M. RUBIN, SUITE 708 1730 M ST., NW WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	4,000.00	
JAMES S. RUBIN, 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	850.00	
PAUL M. RUDEN, WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	3,000.00	50.00
DEBORAH K. RUDOLPH, 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	5,800.00	14.44
HENRY C. RUEMPLER, 1200 NEW HAMPSHIRE AVENUE, NW, #350 WASHINGTON DC 20036	CITIBANK, N.A	500.00	
JOHN RUNYAN, 1730 NORTH LYNN STREET SUITE 409 ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMERICA, INC	300.00	
MORGAN S. RUPH, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
LEONARD H. RUPPERT, NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	90.00	
CHARLOTTE RUSH, SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	950.00	27.50
BARRY RUSSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		40.00
NANCY RUSSELL, 4921 SW HEWETT BLVD. PORTLAND OR 97221	FRIENDS OF THE COLUMBIA GORGE, INC		
RANDALL M. RUSSELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	375.00	
ROBERT M. RUSSELL, 2170 PIEDMONT RD., NE ATLANTA GA 30324	ORKIN EXTERMINATING CO	94.00	392.00
WALLY RUSTAD, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	50.00	
HERMAN MAX RUTH, BOX 1000 OTISVILLE, NY 10963			
J. T. RUTHERFORD & ASSOCIATES, INC., SUITE 514 1660 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		170.00
Do	AMERICAN COLLEGE OF RADIOLOGY		160.50
Do	AMERICAN OPTOMETRIC ASSN		130.00
ELLA MARICE RYAN, 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RUBBER MANUFACTURERS ASSN	2,500.00	
GEORGE J. RYAN, 1411 ROCKEFELLER BUILDING CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
JOHN F. RYAN, 1707 L ST., NW, #200 WASHINGTON DC 20035	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION		
JOHN G. RYAN, 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP		
JOSEPH RYAN, 1735 NEW YORK AVE., NW WASHINGTON DC 20006	GENERAL INSTRUMENT CORPORATION		
PAUL R. SACIA, SUITE 202, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	3,876.91	31.26
THOMAS L. SAGER, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	68.00	
GREGORY A. SAHD, 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF ARAB AMERICANS		
SAMARITAN HEALTH SERVICE, 1410 NORTH 3RD ST. P.O. BOX 25489 PHOENIX AZ 85002			7,135.07
SAMMONS ENTERPRISES, INC., 403 SOUTH AKARD DALLAS TX 75202			
JAMES H. SAMMONS, 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSOCIATION	350.00	
COLIN D. SANDISON, 1899 L STREET, NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		109.88
CHARLES E. SANDLER, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	
PETER G. SANDLUND, 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	396.82
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	500.00	210.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SAFARI CLUB INTERNATIONAL	1,500.00	160.00
Do	STURM, RUGER COMPANY, INC.	500.00	170.00
CHARLES SAPP, 3500 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		3,271.79
KLARA B. SAUER, 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC.		
ALBERT C. SAUNDERS, 1100 15TH ST., NW #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	25.95
SAVE OUR SECURITY, SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036		20,827.00	21,680.41
HENRY SCHACHT, 3100 FERRY BLDG. SAN FRANCISCO CA 94106	CALIFORNIA CANNERS & GROWERS		
VICTORIA V. SCHAFF, SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENSERCH CORPORATION	2,100.00	1,096.72
C. M. SCHAUERTE, P.O. BOX 3247 HOUSTON TX 77253	AMERICAN GENERAL CORP.	6,250.00	5,167.60
RONALD A. SCHECHTER, GOLDFARB, SINGER & AUSTERN 918 16TH STREET, NW, #503 WASHINGTON DC 20006	WASHINGTON INDEPENDENT WRITERS, INC.	326.68	
JAY T. SCHECK JR., SUITE 802 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN HOECHST CORPORATION		
DALE E. SCHELL, 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	GATX CORP.		
JANE N. SCHERER, SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC.	100.00	
JOSEPH SCHERER, 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
SCHIFF HARDIN & WAITE, 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO BOARD OPTIONS EXCHANGE, INC.		
JAMES P. SCHLICHT, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC.	2,500.00	
KENNETH D. SCHLOMAN, 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	915.00	44.70
SCHLOSSBERG-CASSIDY & ASSOCIATES, INC., 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	ATLANTA UNIVERSITY	500.00	26.00
Do	BARRY UNIVERSITY		
Do	BOSTON COLLEGE	1,000.00	60.00
Do	BOSTON UNIVERSITY	1,700.00	80.00
Do	CATHOLIC UNIVERSITY OF AMERICA	3,500.00	125.00
Do	COLUMBIA UNIVERSITY	2,600.00	66.00
Do	ELECTRONICS CORPORATION OF AMERICA	450.00	5.00
Do	INDIANA UNIVERSITY	150.00	25.00
Do	NORTHWESTERN UNIVERSITY		
Do	OCEAN SPRAY CRANBERRIES, INC.	4,100.00	135.00
Do	PIRELLI CABLE CORPORATION		
Do	PRATT INSTITUTE		
Do	TUFTS UNIVERSITY	1,000.00	10.00
Do	RENSSELAER POLYTECHNIC INSTITUTE		
RICHARD M. SCHMIDT JR , SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	500.00	
FRANK SCHNELLER, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
SCHNITZER INVESTMENT CORP., 3200 N.W. YEON AVE. PORTLAND OR 97210			
JACK J. SCHRAMM, SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC		
ROBERT I. SCHRAMM, 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
A. KOLBET SCHRICHTE, SUITE 500 1133 15TH STREET, NW WASHINGTON DC 20005	AMERICAN LOGISTICS ASSOCIATION		
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
N. DONALD SCHROEDER, MARYLAND PETROLEUM COUNCIL 60 WEST ST., #403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST.	420.00	363.59
STANLEY W. SCHROEDER, 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC.		467.75
JANET L. SCHUESSLER, 1000 16TH STREET, NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		200.00
MARK SCHULTZ, 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	154.67
ROBERT L. SCHULZ, C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST.	596.25	699.00
WALTER A. SCHUMANN III, 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
DONALD H. SCHWAB, 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	8,750.00	1,110.30
LYNDLEY M. SCHWAB, 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,952.07	124.27
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	HELICOPTER LOGGERS ASSN.	416.63	161.52
Do	LITCHSTREET COMPANY		3.93
Do	MOUNTAIN STATES ENERGY, INC.	7,449.96	2,887.85
Do	NATIONAL FOREST PRODUCTS ASSN	15,000.00	1,404.22
Do	NORTHWEST INLAND WATERWAYS COMMITTEE	1,270.00	2.96
Do	OTIS ELEVATOR CO	5,574.45	2,160.26
Do	PIASECKI AIRCRAFT CORPORATION	4,147.92	1,608.17
Do	STATE OF OREGON, CITY OF PORTLAND, OREGON METRO		
DEBORAH M. SCHWARTZ, 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,591.31	158.48
RICHARD SCHWARTZ, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
STEVE AARON SCHWARTZ, 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
RICHARD S. SCHWEIKER, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	5,125.00	29.40
SCIENTIFIC APPARATUS MAKERS ASSN, 1101 16TH ST., NW WASHINGTON DC 20036		6,789.57	7,566.03
MICHAEL SCIULLA, 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
HAROLD B. SCOGGINS, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		19.38
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	COASTAL PROPERTIES INSTITUTE		
DOUGLAS W. SCOTT, 530 BUSH ST. SAN FRANCISCO CA 94108	SIERRA CLUB	4,633.00	357.80
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY		
JOHN N. SCOTT, 1825 K STREET, NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
JUDY SCOTT, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPT., AFL-CIO	6,366.75	90.75
SCRIBNER HALL & THOMPSON, SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	JEFFERSON-PILOT CORP. AND SUBSIDIARIES		14.75
Do	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA		21.50
Do	PHILADELPHIA LIFE INSURANCE CO		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO		11,409.95
EARL W. SEARS, P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	255.00	3.23
SANDY SEDACCA, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,038.43	
PAMELA SEDERHOLM, 2828 N. HASKELL AVENUE DALLAS TX 75221	SOUTHLAND CORPORATION		
CHARLES M. SEEGER III, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL.(FOR: CHICAGO MERCANTILE EXCHANGE)		
H. RICHARD SEIBERT JR , 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	760.00	
PAUL J. SEIDMAN, FEDERAL BAR BUILDING, #1000 1815 H STREET, NW WASHINGTON DC 20006	NATIONAL TOOLING & MACHINE ASSN	7,255.00	320.94
PEGGY SEIPEL, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. SEITTS, SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH INC.	2,000.00	
ARMISTEAD I. SELDEN, SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	10,000.00	52.95
STANTON P. SENDER, 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	800.00	12.85
STUART D. SERKIN, SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN.	1,000.00	
SERVICE MASTER INDUSTRIES, INC, 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			1,200.00
SARAH SETTON, 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC.	150.00	8.00
SEWARD & KISSEL, 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORP.		195.49
Do	ALLIANCE CAPITAL MANAGEMENT CORPORATION		2.50
Do	HALLAC ASSOCIATES, INC.		2.56
Do	MERRILL LYNCH MONEY MARKETS, INC.	2,002.81	75.42
Do	ROSENBERG REAL ESTATE EQUITY FUND		
Do			
Do	VISA U.S.A., INC.		2.50
J. RICHARD SEWELL, 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	240.00	614.84
SEYFARTH SHAW FAIRWEATHER & GERALDSON, 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	17,003.94	
Do	NATIONAL MULTI HOUSING COUNCIL		
Do	SHIPBUILDERS COUNCIL OF AMERICA		
WILLIAM H. SHAKER, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	3,500.00	50.00
JAMES M. SHAMBERGER, 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER.		
SHAMROCK FOODS CO., 2228 N. BLACK CANYON PHOENIX AZ 85009			
DEBBIE SHANNON, 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,250.00	249.66
DAVID L. SHAPIRO, 729 15TH STREET, NW WASHINGTON DC 20005	ASSOCIATED BUILDERS & CONTRACTORS, INC		
NORMAN F. SHARP, 1100 17TH STREET, NW, #1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC.		
LUTHER W. SHAW, SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5,625.00	40.00
SHAW PITTMAN POTTS & TROWBRIDGE, 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	1,254.75	
Do	ATLAS MINERALS DIVISION	245.00	
Do	EMERSON ELECTRIC CO		
Do	FARMERS FOR FAIRNESS	4,325.00	675.00
Do	INSTITUTE OF FOREIGN BANKERS	3,700.00	
Do	INVESTMENT COMPANY INSTITUTE	600.00	
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC.	148.00	
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	1,850.00	
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP		
WILLIAM H. SHAWN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
RUSSELL H. SHAY, 6014 COLLEGE AVE. OAKLAND CA 94618	SIERRA CLUB	2,892.00	1,506.04
SHEA & GOULD, 330 MADISON AVE. NEW YORK NY 10017	CHAMPION INTERNATIONAL CORP.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CINCINNATI MILACRON		
Do	DANVILLE RESOURCES, INC		
Do	ELEANOR A. CLARK		
Do	HOSPITAL CORP OF AMERICA		
Do	NABISCO, INC		
Do	SQUIBB CORPORATION	5,000.00	
SHEARMAN & STERLING, 153 EAST 53RD ST. NEW YORK NY 10005	BUSINESS ROUNDTABLE	2,000.00	25.95
JOHN J. SHEEHAN, 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	11,420.76	
KATHLEEN SHEEKEY, 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	9,559.94	459.25
JOHN P. SHEFFEY, 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	746.25	
LOIS BURKE SHEPARD, 8602 HIDDEN HILL LANE POTOMAC MD 20854	REPUBLICANS ABROAD		
JOHN J. SHEPPARD, 267 WESTERVELT PLACE ENGLEWOOD CLIFFS NJ 07632	C. A. SHEA & COMPANY, INC		
SEYMOUR SHERIFF, 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
JAY SHERMAN, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,884.98	1,842.18
DALE SHERWIN, 1735 I ST., NW, #717 WASHINGTON DC 20006	A.E. STALEY MFGR CO	3,000.00	210.00
SHIPLEY SMOAK & HENRY, SUITE 820 910 17TH ST., NW WASHINGTON DC 20006	BLUEJAY OIL COMPANY		
Do	FEDERATED DEPARTMENT STORES, INC	1,250.00	625.00
Do	FLANIGAN'S ENTERPRISES, INC		
Do	FORT SILL GARDENS, INC		
Do	NATIONAL COMMITTEE OF DISCOUNT SECURITIES BROKERS		
Do	STEADMAN MUTUAL FUNDS		
Do	U.S.-SOUTH WEST AFRICA/NAMIBA TRADE & CULTURAL COUNCIL	750.00	525.00
ELIZABETH SHIPLEY-MOSES, 1107 JACKSON COURT FALLS CHURCH VA 22046	SOCIETY FOR NUTRITION EDUCATION	60.00	
HARVEY A. SHIPMAN, 1701 PENNSYLVANIA AVENUE, NW, #830 WASHINGTON DC 20006	PENN CENTRAL CORPORATION		
FRED B. SHIPPEE, 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC, 120 MAIN STREET HUNTINGTON NY 11743			719.00
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY, 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	2,550.00	14.00
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHOOSHAN & JACKSON, INC., 1850 K STREET, NW WASHINGTON DC 20006	U.S. CABLESYSTEMS, INC		
HARRY M. SHOOSHAN III, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
SCOTT SHOTWELL, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	2,475.00	
A. Z. SHOWS, RM 203 1801 COLUMBIA RD., NW WASHINGTON DC 20007			
JOHN SHUEY, P.O. BOX 3151 HOUSTON TX 77253	BROWNING-FERRIS INDUSTRIES, INC	500.00	380.00
CANDICE J. SHY, 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	3,625.00	1,139.20
BERNARD H. SIERACKI, ILLINOIS PETROLEUM COUNCIL 79 W. MONROE ST., #514 CHICAGO IL 60603	AMERICAN PETROLEUM INST		
MARK SILBERGELD, 1146 19TH STREET, NW WASHINGTON DC 20036	CONSUMERS UNION OF U.S., INC	2,400.00	20.00
DAVID SILVER, 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	97.80	
SILVER USERS ASSN, INC, 1717 K ST., NW WASHINGTON DC 20006		4,410.00	3,538.16
BRUCE A. SILVERGLADE, 1755 S STREET, NW WASHINGTON DC 20009	CENTER FOR SCIENCE IN THE PUBLIC INTEREST		
SILVERSTEIN & MULLENS, 1776 K ST., NW WASHINGTON DC 20006	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	5,000.00	
Do	BRISTOL-MYERS CO		
Do	F.W. WOOLWORTH CO		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	GATX		
Do	HWL PROPERTIES		
Do	MUSIC CORP OF AMER, INC		
Do	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.	5,000.00	
Do	NATIONAL SAVINGS & LOAN LEAGUE		
M. P. SIMMONS, P.O. BOX 860 VALLEY FORGE PA 19482	CERTAINTEED CORP		
GARY D. SIMMS, 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
BARBARA I. SIMON, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	2,800.00	
SIMONELLI AND HALL, 1420 N STREET, NW, #10 WASHINGTON DC 20005	FAIR TRADE SUBCOMM OF INTL TRADE COMM OF CAST METALS FEDER		
TALMAGE E. SIMPKINS, 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMM	300.00	338.12
Do	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	27.71
J. R. SIMPLOT CO., P.O. BOX 27 BOISE ID 83707			
MARGARET SIMS, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	7,303.86	29.18
DAVID B. SINGER, 1050 17TH STREET, NW, #1100 WASHINGTON DC 20036	BAXTER TRAVENOL LABORATORIES, INC & SUBSIDIARIES		
ROBERT C. SINGER, 475 PARK AVE., SO. AT 32ND ST. NEW YORK NY 10016	SOAP & DETERGENT ASSN		
RICHARD L. SINNOTT & CO, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	AMERICAN PRESIDENT LINES		
Do	NATIONAL FOOTBALL LEAGUE		
Do	OAKLAND COLISEUM	11,965.87	
Do	PORT OF OAKLAND	1,250.00	
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, 919 18TH STREET, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	10,000.00	
Do	TRANSCO ENERGY COMPANY	5,300.00	
Do	TRICENTROL U.S., INC	1,085.00	
WILLIAM J. SKINNER, 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC		68.15
BARNEY J. SKLADANY JR., 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
RUTH L. SKY, 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	80.00	944.68
CARSTENS SLACK, 1825 K ST., NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
F. SLATINSHEK & ASSOCIATES, INC., 1102 BELLE VISTA DR. ALEXANDRIA VA 20007	GRUMMAN AERO CORP; D.L. LYNCH & ASSOCS	250.00	
MATTHEW B. SLEPIN, SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	72.00	
BARRY S. SLEVIN, 1000 POTOMAC STREET, NW WASHINGTON DC 20007	SEIFMAN, SEMO & SLEVIN, P.C. (FOR: UNITED FOOD & COMMERCIAL WORKERS INT'L UNION)		
RONALD J. SLINN, 260 MADISON AVENUE NEW YORK NY 10016	AMERICAN PAPER INSTITUTE, INC		
CATHERINE REISS SLOAN, 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
SLOVER & LOFTUS, 1224 17TH ST., NW WASHINGTON DC 20036	EASTERN COAL TRANSPORTATION CONFERENCE		
Do	WESTERN COAL TRAFFIC LEAGUE		
SMALL BUSINESS COUNCIL OF AMERICA, INC, P.O. BOX 4299 COLUMBUS GA 31904		17,760.00	29,487.78
SMALL BUSINESS LEGISLATIVE COUNCIL, 1604 K ST., NW WASHINGTON DC 20006		3,000.00	223.20
PETER SMALL, 400 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC. (FOR: WILLIAM M. MERCER, INC.)		
SMATHERS SYMINGTON & HERLONG, SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL	3,666.00	
Do	FLORIDA EAST COAST RAILWAY CO	750.00	
Do	GOLDMAN SACHS & CO	1,500.00	
Do	NATIONAL HOCKEY LEAGUE	3,401.50	
Do	PENNZOIL CO	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	
DONALD E. SMILEY, 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		10.50
JAMES R. SMIRCINA, P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO	526.92	862.59
ARTHUR J. SMITH, 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
CATHERINE S. SMITH, 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	METROPOLITAN TRANSPORTATION AUTHORITY	5,625.00	6,649.07
DEBORAH A. SMITH, 1101 14TH STREET, NW, #200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	4,998.75	747.28
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN	6,500.00	315.00
ELIZABETH M. SMITH, 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,939.48	123.04
GARY K. SMITH, 600 PENNSYLVANIA AVENUE, SE, #300 WASHINGTON DC 20003	NATIONAL ASSN OF GREETING CARD PUBLISHERS		
GORDON L. SMITH, 1201 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	2,062.50	
GRACE H. SMITH, 2000 M STREET, NW, #230 WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,942.00	207.88
JEFFREY A. SMITH, 919 18TH STREET, NW, #600 WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	392.00	113.75
JENNIFER L. SMITH, 900 17TH STREET, NW, #520 WASHINGTON DC 20006	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	300.00	
JULIAN H. SMITH JR., 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER COMPANY	11,712.00	11,994.12
MICHAEL P. SMITH, 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	1,240.00	911.00
ROBERT BLAND SMITH JR., 1100 15TH STREET, WN, #900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	53.00
SHALAH SMITH, 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	2,150.00	580.65
WILLIAM H. SMITH, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
WAYNE H. SMITHEY, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	1,125.00	688.30
ARTHUR V. SMYTH, 1625 EYE ST., NW, #902 WASHINGTON DC 20006	WEYERHAEUSER CO	600.00	18.00
THOMAS M. SNEERINGER, 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	1,333.33	100.00
FRANK B. SNODGRASS, 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,050.50	310.15
LARRY S. SNOWHITE, 1825 EYE ST., NW WASHINGTON DC 20006	ENVIRITE CORPORATION	1,414.00	
Do	LIBERTY MUTUAL INSURANCE CO	946.00	
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).		
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	10,468.75	
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
EDWARD F. SNYDER, 245 2ND ST., NE WASHINGTON DC 20002	FRIENDS COMMITTEE ON NATIONAL LEGISLATION	4,153.50	
J. R. SNYDER, 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,300.00
JOHN M. SNYDER, 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	6,000.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION, P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		15,742.48	14,764.87
WILLIAM L. SOLLEE, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PUBLIC SERVICE ELECTRIC & GAS CO		
EDMUND T. SOMMER JR , 1627 K STREET, NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS		
CHARLES R. SONNIER, SONNIER & HEBERT P.O. DRAWER 1040 ABBEVILLE LA 70510	COUSHATTA TRIBE OF LOUISIANA		
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC.		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152		19,231.34	19,231.34
SOUTHERN SATELLITE SYSTEMS, INC., P. O. BOX 45684 TULSA OK 74147			407.77
SOUTHWEST HOME FURNISHINGS ASSN, 4313 NORTH CENTRAL EXPRESSWAY P.O. BOX 64545 DALLAS TX 75205			
SOUTHWESTERN PEANUT SHELLERS ASSN, 10 DUNCANNON CT. DALLAS TX 75225			
SPECIALIZED CARRIERS & RIGGING ASSOCIATION, 733 15TH STREET, NW WASHINGTON DC 20005			
WILLIAM C. SPENCE, 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION CO		
SPIEGEL & MCDIARMID, 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
GEORGE SPIEGEL, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY		
NICHOLAS J. SPIEZIO, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	11,000.00	157.17
LARRY N. SPILLER, 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR , 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
FREDERICK C. SPREYER, SUITE 540 2501 M ST., NW WASHINGTON DC 20007	PACIFIC RESOURCES, INC		
SPRIGGS BODE & HOLLINGSWORTH, 1015 15TH ST., NW WASHINGTON DC 20005	ENERGY CYCLE, INC	9,452.50	
Do	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	990.00	
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20515	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE, SANDERS & DEMPSEY, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ALAMO CEMENT COMPANY, ET AL		6.00
Do	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN SOCIETY OF ANESTHESIOLOGISTS		
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS, INC	236.25	40.00
Do	INDEPENDENT DATA COMMUNICATIONS MFGRS. ASSN., INC	1,619.75	38.00
Do	NATIONAL COLLEGIATE ATHLETIC ASSN		
Do	PUBLIC SECURITIES ASSN		
JOHN W. SROKA, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CARL F. ST. CIN, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO CO		
DAVID E. STAHL, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
LYNN E. STALBAUM, 1840 WILSON BOULEVARD ARLINGTON VA 22201	NATIONAL MILK PRODUCERS FED	2,610.00	169.95
TYRONE STALLWORTH, 220 NORTH DEVILLERS STREET PENSACOLA FL 32501			
MITCHEL STANFIELD, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COASTAL CORPORATION	400.00	39.10
DAVID P. STANG, P.C., SUITE 601 1629 K ST., NW WASHINGTON DC 20006	BROWN & ROOT, INC	10.09	
Do	COMMITTEE FOR AD VALOREM EQUITY	22.64	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	7.69	
Do	FOREMAN & DYESS	43.33	
Do	OCEAN MINERALS CO	118.85	
Do	OFFSHORE INDUSTRY COMMITTEE	92.94	
Do	TEXAS & SOUTHWESTERN CATTLE RAISERS ASSN	10.00	
Do	TEXAS CATTLE FEEDERS ASSN	10.00	
MICHAEL J. STANTON, 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	120.00	
MELVIN L. STARK, SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE, P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
LOIS STARKEY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	700.00	100.00
RONALD W. STASCH, 205 E. 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC		
JEAN C. STATLER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	4,930.00	663.65
CHARLES D. STATTON, P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BRAZILIAN COFFEE INSTITUTE	300.00	50.00
Do	BROADCAST MUSIC INC. (BMI)	200.00	60.00
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BRAZILIAN COFFEE INSTITUTE)		30.00
Do	SAMUEL E STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		40.00
RANDOLPH J. STAYIN, SUITE 600 21 DUPONT CIRCLE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	340.00	5.43
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		22.17
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)	3,845.00	
ROBERT H. STEEL, 8401 ARLINGTON BOULEVARD FAIRFAX VA 22031	NATIONAL COMPUTER GRAPHICS ASSN		
DAVID J. STEINBERG, 7216 STAFFORD RD. ALEXANDRIA VA 22307	NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC		
STEPHENS OVERSEAS SERVICES, INC., SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL OFFICE MACHINE DEALERS ASSN	397.07	3.16
Do		146.20	162.97
MICHAEL K. STEPHENSON, SUITE 703 1620 EYE ST., NW WASHINGTON DC 20006	BECHTEL POWER CORP		
STEPTOE & JOHNSON, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		880.80
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		3,091.92
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		2,431.20
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL	2,500.00	250.00
Do	RULE OF LAW COMMITTE		59.90
Do	TRAILWAYS, IANC		
RICHARD H. STERN, 2555 M ST., NW WASHINGTON DC 20037	INTEL CORPORATION		
RICHARD W. STERNBERG, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
HEATHER STEVENS-KITTNER, 1717 MASSACHUSETTS AVENUE, NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	6,000.00	143.00
EUGENE L. STEWART, 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC	4,800.00	1,524.18
TRAVIS B. STEWART, 1050 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
WALTER J. STEWART, SUITE 700 1100 15TH ST., NW WASHINGTON DC 20005	SONAT, INC		
VICTORIA STEWART-SHAIN, 1730 M STREET, NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	1,000.00	
WARREN E. STICKLE, SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALITIES MANUFACTURERS ASSN	770.00	78.80
MICHAEL STIENTJES, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	1,925.00	8.00
LAVERNE STILL, 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	375.00	22.61
STEPHEN W. STILL, 1100 15TH STREET, NW, #700 WASHINGTON DC 20005	SONAT, INC		
EDWARD W. STIMPSON, SUITE 801 1400 K ST., NW WASHINGTON DC 20005	GENERAL AVIATION MANUFACTURERS ASSOCIATION	2,726.22	
KENNETH F. STINGER, 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	693.77
STOCKHOLDERS OF AMERICA, INC., 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		13,262.50	1,190.24
STEVEN F. STOCKMEYER, 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	3,000.00	224.00
PATTI A. STOLL, 100 FEDERAL STREET BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	330.00	602.27
GEORGE W. STONE, 600 MARYLAND AVENUE, SW, #202W WASHINGTON DC 20024	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	51.88
JAY STONE, JAY STONE AND ASSOCIATES, INC 412 FIRST STREET, SE, #50 WASHINGTON DC 20003	LOUISIANA WORLD EXPOSITION, INC		
Do	MELAMINE CHEMICALS, INC	2,000.00	1,600.00
Do	QUALICARE, INC	1,875.00	
Do	STATE OF LOUISIANA	14,500.00	4,950.00
ALAN STOVER, 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
WILLIAM M. STOVER, 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	1,000.00	
DAVID E. STRACHAN, 1432 DUKE STREET ALEXANDRIA VA 22314	NATIONAL ASSN OF PERSONNEL CONSULTANTS	4,500.00	
STRADLEY, RONON, STEVENS & YOUNG, 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		
TERRENCE D. STRAUB, 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	250.00	190.27
RONALD J. STRECK, P.O. BOX 238 ALEXANDRIA VA 22313	NATIONAL WHOLESALE DRUGGISTS' ASSN		
JAMES R. STREETER, 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	226.03	23.00
RICHARD H. STREETER, 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD		
GEORGE W. STRONG, 1211 HYDE PARK HOUSTON TX 77006	HOUSTON NATURAL GAS CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STROOCK & STROOCK & LAVAN, 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSOCIATIONS	1,035.00	20.00
Do	CITY OF TUCSON	1,700.00	25.00
Do	DREYFUS CORPORATION	262.50	10.00
Do	DREYFUS LIQUID ASSETS		
Do	DREYFUS TAX EXEMPT BOND FUND		
Do	J. ARON & CO, INC	1,400.00	80.00
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION		
Do	TENANT-OWNED APARTMENT ASSN., INC		
Do	WARNER COMMUNICATIONS, INC		
GEORGE STRUMPH, 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
WALTER B. STULTS, 618 WASHINGTON BLDG. WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	4,000.00	
SUBSCRIPTION TELEVISION ASSN, 1910 S ST., NW WASHINGTON DC 20009			
SULLIVAN & BEAUREGARD, 1800 M ST., NW WASHINGTON DC 20036	SHIPBUILDERS COUNCIL OF AMERICA		
SULLIVAN & CROMWELL, 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	GOLDMAN SACHS & CO		
Do	INCO UNITED STATES, INC		
Do	SECURITY LIFE OF DENVER		
SULLIVAN & WORCESTER, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA LUMBER & PULP CO, INC	19,760.00	161.80
Do	MARION LABORATORES, INC	16,212.50	184.86
AUSTIN P. SULLIVAN JR., P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
GAEL M. SULLIVAN, SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	640.00
HAROLD R. SULLIVAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JUDY M. SULLIVAN, SUITE S-700 1120 20TH STREET, NW WASHINGTON DC 20036	NORTHWEST PIPELINE CORP		
MARCIA Z. SULLIVAN, SUITE 1200 1300 N. 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,000.00	387.72
MARY BETH SULLIVAN, 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	948.63
PATRICK J. SULLIVAN, 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	7,722.41	1,757.33
RICHARD C. SULLIVAN, SUITE 409 110 MARYLAND AVE., N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	6,182.98	33.75
GARY R. SUMMERS, SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	10,750.00	
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	BOEING COMPANY		
Do	CAVALIER CLOTHING	441.60	17.02
Do	DALE FASHIONS	441.60	17.02
Do	DEROSSI & SON CO	441.60	17.02
Do	MAJOR CLOTHING CO	441.60	17.02
Do	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	PIETRO BERETTA, S.P.A.		
Do	SOUTH JERSEY CLOTHING	441.60	17.02
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN		158.96
Do	ANGLO-AMERICAN CLAYS CORP		158.96
Do	ATLANTA LIFE INSURANCE COMPANY	3,412.84	
Do	CONSUMER CREDIT INSURANCE ASSOCIATION		
Do	ENGELHARD MINERALS & CHEMICALS CORP		158.96
Do	EQUIFAX, INC	6,050.00	631.84
Do	FLATHEAD JOINT BOARD OF CONTROL		15.80
Do	FREEPORT KAOLIN		158.96
Do	J. M. HUBER CORP		158.96
Do	LIFETIME COMMUNITIES, INC	1,622.00	
Do	LOYAL TRUST		
Do	MULLITE CO OF AMER		158.96
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	1,500.00	164.65
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	526.00	47.00
Do	NORD RESOURCES CORP		158.96
Do	STOCK INFORMATION GROUP	20,230.00	3,728.61
Do	THIELE KAOLIN CO		158.96
WILLIAM F. SUTHERLAND, 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DONNAE SUTHERLIN, 3845 FM 1960 WEST, SUITE 401 HOUSTON TX 77068	NATIONAL ASSN OF MANUFACTURERS	400.00	
SUTIN, THAYER & BROWNE, P.O. BOX 1945 ALBUQUERQUE NM 87103	TAXATION & REVENUE DEPARTMENT		
W. THOMAS SUTTLE, SUITE 4 1755 WILLARD STREET, NW WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,200.00	625.00
WILLIAM W. SUTTLE, 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	415.00	12.65
IRVING W. SWANSON, 11212 FARMLAND DRIVE ROCKVILLE MD 20852	HARRIS CORPORATION	17,250.00	1,509.59
DAVID A. SWEENEY, 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	16,455.51	
DONALD R. SWEITZER, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	5,000.00	550.39
ROBERT D. SWEZEY JR., 1133 19TH ST., NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP		
TRICIA L. SWIFT, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,200.00	
A. B. SWINDELL IV, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
MERRIBEL SYMINGTON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
SYRDAL DANELO KLEIN & MYRE, P.C., 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTERBOAT ASSN	14.00	
ALBERT S. TABOR JR., VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		
ROBERT TAFT JR., SUITE 600 21 DUPONT CIRCLE NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOSPITAL ASSN)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOT DIP GALVANIZERS ASSN.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: DOSIMETER CORP OF NORTH AMERICA)	5,200.00	1.66
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)	8,425.00	66.24
Do	TAFT, STETTINIUS & HOLLISTER (FOR: OHIO ASSN OF COMMUNITY ACTION AGENCIES).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: PIPER, JAFFRAY & HOPWOOD)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SHERWIN-WILLIAMS CO)		465.97
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).	6,049.00	250.12
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	7,000.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)	550.00	5.00
Do	TAFT, STETTINIUS & HOLLISTER (FOR: WALD MANUFACTURING CO, INC)		
TAGGART & ASSOCIATES, 1015 15TH STREET, NW, #200 WASHINGTON DC 20005	MARION LABORATORIES, INC		
WALTER G. TALAREK, 1651 OLD MEADOW ROAD MCLEAN VA 22102	AMERICAN WOOD PRESERVERS INSTITUTE		
TALCOTT MCCABE & BOWSER, SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC	2,300.00	
Do	NATIONAL ASSN OF HOMES FOR CHILDREN	1,650.00	
Do	SERVICEMASTER INDUSTRIES, INC	1,200.00	
ELINOR D. TALMADGE, 2501 M ST., NW WASHINGTON DC 20037	TANNERS' COUNCIL OF AMERICA		
TANAKA WALDERS & RITGER, 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD		
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
SUSAN TANNENBAUM, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,217.52	108.50
LINDA TARR-WHELAN, 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,375.00	32.50
DAN C. TATE, 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO., INC		
JOHN F. TATE, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	800.00	
GRACA DA SILVA TAVARES, 17 PERKINS STREET WEST NEWTON MA 02165			
TAXPAYERS FOR FEDERAL PENSION REFORM, P.O. BOX 7755 PHILADELPHIA PA 19101		6.20	7.95
CHARLES A. TAYLOR III, 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
FRANK A. TAYLOR, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PEGGY TAYLOR, 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,441.31	545.30
R. WILLIAM TAYLOR, 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
TEAMSTERS FOR A DEMOCRATIC UNION, 2000 P ST., NW, #612 WASHINGTON DC 20036			
STEPHANIE TEFF, 1730 M STREET, NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,783.08	38.75
ELAYNE L. TEMPEL, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PAUL M. TENDLER, 1110 VERMONT AVENUE, NW, #840 WASHINGTON DC 20005	PAUL TENDLER ASSOCIATES, INC (FOR: ALPHA DATA)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: BASCOM, INC.)		
Do	PAUL TENDLER ASSOCIATES (FOR: NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES).	1,630.00	370.00
Do	NATIONAL INCORPORATION OF TENANTS		
Do	PAUL TENDLER ASSOCIATES (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
Do	ZENTEC, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BETTY-GRACE TERPSTRA, 918 16TH ST., NW, #402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	750.00	398.01
EDWARD F. TERRAR JR., 499 SOUTH CAPITOL ST., S.W. ROOM 400 WASHINGTON DC 20003	WASHINGTON INDUSTRIAL TEAM, INC.	600.00	
TEXTRON, INC., 40 WESTMINSTER ST. PROVIDENCE RI 02903			12,592.14
MARY KAY THATCHER, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	5,062.00	109.00
BRUCE D. THEVENOT, 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON, CALLIGARO & MUTRYN (FOR: HUMANA,INC.)	3,242.00	
Do	OKLAHOMA STATE NURSING HOME ASSN	2,760.00	
ALAN J. THIEMANN, 1730 M STREET, NW, #501 WASHINGTON DC 20036	GROVE, JASKIEWICZ, GILLIAM AND COBERT		
BARBARA BRENDES THIES, RM. 330W 1500 PLANNING RESEARCH DR. MCLEAN VA 22102	PLANNING RESEARCH CORPORATION		996.69
THIRD CLASS MAIL ASSOCIATION, 1010 WISCONSIN AVENUE, NW, #630 WASHINGTON DC 20007		600.00	600.00
EDLU J. THOM, 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY, INC		
DORIS I. THOMAS, 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES M. THOMAS JR., 100 INDIANA AVENUE, NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAPT LOCAL 689		
JOHN W. THOMAS, SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN		
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
MESHALL THOMAS, SUITE 400 2000 P STREET, NW WASHINGTON DC 20036	WOMEN'S LEGAL DEFENSE FUND		
PATRICIA THOMAS, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	6,333.84	
ROBERT L. THOMAS, 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS		
THOMPSON & MITCHELL, SUITE 3400 ONE MERCANTILE CENTER ST. LOUIS MO 63101	AMERICAN INLAND WATERWAYS COMMITTEE	418.36	
Do	CROWN LIFE INSURANCE CO	9,000.00	3,487.35
Do	MIDLAND ENTERPRISES, INC.		
Do	VALLEY LINE COMPANY		
BOYD THOMPSON, SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814	AMERICAN MEDICAL PEER REVIEW ASSN		
GARY C. THOMPSON, 1126-16TH ST., N.W. WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,374.99	
JAMES F. THOMPSON JR., 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON, 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
LAW OFFICES OF FRED 1919 PENNSYLVANIA AVENUE, NW, #850 WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	5,324.00	
Do	WESTINGHOUSE ELECTRIC CORP	4,845.00	
NANCY THOMPSON, 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC		
RICHARD L THOMPSON, 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	4,500.00	
ROGER G. THOMPSON, 117 BELLEFONTE DRIVE ASHLAND KY 41101	KENTUCKY POWER CO	4,500.00	2,473.09
SAMUEL C. THOMPSON JR., SCHIFF HARDIN & WAITE 1101 CONNECTICUT AVENUE, NW, #600 WASHINGTON DC 20036	CHIAGO BOARD OPTIONS EXCHANGE, INC.		
W. REID THOMPSON, 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	55.23	
ROBERT N. THOMSON, ONE LANDMARK SQ. STAMFORD CT 06901	MOORE MCCORMACK RESOURCES, INC	5,000.00	598.55
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN		326.85
JOHN A. THORNER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN		
WILLIAM R. THORNHILL, P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO		59.27
MARGO THORNING, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	210.00	
WALTER L. THREADGILL, 1220 19TH STREET, NW WASHINGTON DC 20036	STORER COMMUNICATIONS, INC	250.00	
SAMUEL THURM, 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
CYRUS C. TICHENOR III, 1101 VERMONT AVENUE, NW, #405 WASHINGTON DC 20005	A. H. ROBINS CO, INC	785.00	72.00
DREW V. TIDWELL, SUITE 1200 1300 N. 17TH ST. ARLINGTON VA 22209	CONSUMER BANKERS ASSN	4,012.50	61,932.70
ROBERT O. TIERNAN, 1800 M STREET, NW, #299 WASHINGTON DC 20036	PENN CENTRAL CORP		
ROGER TILLES, SUITE 1050 1111 19TH ST., NW WASHINGTON DC 20036	MICHIGAN DEPT OF EDUCATION	9,000.00	1,783.49
Do	NATIONAL CON-SERV, INC.	7,140.00	215.30
Do	WASHINGTON PSYCHIATRIC SOCIETY	12,000.00	189.60
WALLACE TILLMAN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR., PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO	430.32	756.39
PATTI A. TILSON, SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE, 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
TIMMONS & CO, INC, 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING COS., INC	1,260.00	
Do	AMERICAN INLAND WATERWAYS COMM	765.00	
Do	AMERICAN PETROLEUM INST	360.00	
Do	ANHEUSER-BUSCH COS., INC	855.00	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	210.00	
Do	BOEING COMPANY	810.00	
Do	BROWN GROUP, INC	45.00	
Do	CHRYSLER CORPORATION	826.50	
Do	EASTERN AIR LINES, INC	765.00	
Do	G. D. SEARLE & CO	585.00	
Do	H. J. HEINZ CO	585.00	
Do	MAJOR LEAGUE BASEBALL	348.00	
Do	MIDDLE SOUTH SERVICES	765.00	
Do	NATIONAL RIFLE ASSN OF AMER	630.00	
Do	NORTHROP CORP	2,668.75	
Do	STANDARD OIL CO (INDIANA)	765.00	
MICHAEL L. TINER, 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	9,461.52	551.60
EBEN S. TISDALE, 1101 16TH ST., NW SUITE 300 WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,450.00	414.82
TITLE ASSOCIATES, INC., RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC, SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			3,342.82
JAMES R. TOBIN, MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
ROBERT TOBIN, 605 14TH STREET, NW, #302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	2,600.00	2,625.09
WILLIAM J. TOBIN, SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,500.00	25.00
DAVID G. TODD, 1025 CONNECTICUT AVE., NW, #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		36.50
DAVID R. TOLL, SUITE 1100 1111 19TH STREET, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
WILLIAM R. TOLLEY JR., PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		259.53
SALLY AUSTEN TOM, SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT, 6723 BRIGADOON DRIVE BETHESDA MD 20034	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20024	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY, 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
JOHN B. TOONE, P.O. BOX 970 FORT WORTH TX 76101	TEXAS ELECTRIC SERVICE CO	184.59	109.16
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
WANDA TOWNSEND, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	318.75	
JOHN P. TRACEY, 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	745.53
JEFFREY B. TRAMMELL, 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: SHAKLEE CORPORATION)		
Do	GRAY AND COMPANY (FOR: RICHARD L. SINNOTT & COMPANY)		
Do	GRAY AND COMPANY (FOR: TOBACCO INSTITUTE)		
Do	GRAY AND COMPANY (FOR: BROWNING-FERRIS INDUSTRIES)		
Do	GRAY AND COMPANY (FOR: FINANCIAL INVESTMENT ASSOCIATES, INC)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING CO)	465.00	
TRANSPORTATION ASSN OF AMER, SUITE 1107 1100 17TH ST., NW WASHINGTON DC 20036			
TRANSPORTATION INSTITUTE, 923 15TH ST., NW WASHINGTON DC 20005			20,217.97
HUBERT TRAVAILLE, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	1,750.00	
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL, SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		1,635.00	1,635.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA, 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC., 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS AND ROE, INC	1,449.00	224.21
R. S. TRIBBE, 1825 EYE STREET, NW, #350 WASHINGTON DC 20006	TRANS WORLD AIRLINES, INC	98.00	
LAURENCE H. TRIBE, P.C., 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC	450.00	290.50
SALLY A. TRIPLETT, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC, INC)		20.00
EUGENE M. TRISKO, 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	6,640.00	928.00
MICHAEL G. TROOP, SUITE 700 1111 NORTH 19TH STREET, NW ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,300.00	
ROBERT C. TROUP, BOX 893 NEW CANAAN CT 06840			
GEORGE G. TROUTMAN, SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	150.00	
ALEXANDER B. TROWBRIDGE, 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
MARIAN TROYER, 1242 D STREET, SE WASHINGTON DC 20003	BONNEVILLE ASSOCS, INC (FOR: INTERMOUNTAIN HEALTH CARE)	650.00	
THOMAS L. TRUEBLOOD, 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,000.00	551.45
TRUST FOR PUBLIC LAND, 82 SECOND ST. SAN FRANCISCO CA 94105			4,011.47
TUNA RESEARCH FOUNDATION, 1101 17TH ST., NW WASHINGTON DC 20036		1,888.77	3,846.85

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
B. ELIZABETH TUNNEY, 124 SALEM CHURCH ROAD MECHANICSBURG PA 17055	RETAIL, WHOLESALE & DEPT STORE UNION (INT'L), ET AL	7,995.00	1,073.00
BRIAN TURNER, 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	6,750.25	
RICHARD F. TURNEY, 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
W. GLENN TUSSEY, 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	6,850.00	83.00
ST. CLAIR J. TWEEDIE, SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY	12,750.00	275.00
JOSEPH R. TYLER, 101 S. MAIN ST. DELPHOS OH 45833	U.S. FIBER CORPORATION		
U.S. CANE SUGAR REFINERS' ASSN, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		4,232.00	5,531.70
U.S. COMMITTEE FOR THE OCEANS, 100 MARYLAND AVE., NE WASHINGTON DC 20002		100.00	
U.S. DEFENSE COMMITTEE, 3238 WYNFORD DRIVE FAIRFAX VA 22031		8,530.04	8,530.04
U.S. HOUSING REFORM MOVEMENT, P.O. BOX 28347 WASHINGTON DC 20005			
U.S. LEAGUE OF SAVINGS ASSOCIATIONS, 111 E. WACKER DR. CHICAGO IL 60601			136,118.28
U.S. SKI ASSOCIATION, SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
JOSEPH UEHLEIN, 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	5,499.00	15.65
LEWIS K. UHLER, SUITE 600 1523 L ST., NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,000.00	25.00
ULLMAN CONSULTANTS, INC., 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	3,700.00	
Do	INTERNATIONAL TITANIUM, INC	2,000.00	
Do	MERCK & CO., INC	7,500.00	
Do	OREGON METALLURGICAL CORP		
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	7,500.00	
MANYA S. UNGAR, 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS		835.85
CHARLES K. UNGER, 1600 PRINCE STREET, #212 ALEXANDRIA VA 22314	NATIONAL ASSN OF STEVEDORES	3,000.00	419.34
UNIFI, INC., P.O. BOX 21368 GREENSBORO NC 27420			
UNION MUTUAL LIFE INSURANCE CO, 2211 CONGRESS ST. PORTLAND ME 04122			1,054.68
UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS, WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214.		102,980.05	102,980.05
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			34,760.02
UNITED FOOD & COMMERCIAL WORKERS INTL UNION, 1775 K ST., NW WASHINGTON DC 20006		90,971.40	42,953.36
UNITED GAS PIPE LINE CO, PO BOX 1478 HOUSTON TX 77001			3,037.91
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS, BOX 219 3400 W. 111TH STREET CHICAGO IL 60655		60.00	384.99
UNITED SERVICES AUTOMOBILE ASSOCIATION, 9800 FREDERICKSBURG ROAD SAN ANTONIO TX 78288			
LLOYD N. UNSELL, 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		35.00
A. RUSSELL UPSHAW JR., 1030 15TH STREET, NW WASHINGTON DC 20005	EASTERN AIRLINES		425.00
DREW A. UPTON, 1100 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
MARIAN S. URNIKIS, 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
YOSHINORI USUI, SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	200.00	383.37
UTILITY NUCLEAR WASTE MANAGEMENT GROUP, C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.			
RONALD D. UTT, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	351.00	92.86
JACK J. VALENTI, 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	1,200.00	
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	470.78	
LIONEL VAN DEERLIN, 2945 FRUITLAND DRIVE VISTA CA 92083	AMERICAN BORDER BROADCASTERS FREE SPEECH COMMITTEE		
VAN FLEET ASSOCIATES, INC, SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	CADILLAC GAGE	11,250.00	
Do	FORD AEROSPACE	3,000.00	32.40
Do	MARCONI ELECTRONICS	6,906.25	121.09
C. D. VAN HOUWELING, P.O. BOX 69 CENTREVILLE VA 22020	NATIONAL PORK PRODUCERS COUNCIL	275.00	
NICK L. VAN NELSON, SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG, 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	ALLIED-GENERAL NUCLEAR SERVICES		
Do	AMERICAN ELECTRIC POWER CO., INC., ET AL	4,562.00	46.00
Do	AMERICAN INST FOR CERTIFIED PUBLIC ACCOUNTANTS	540.00	
Do	AMERICAN PRESIDENT LINES, LTD		
Do	ARCTIC SLOPE REGIONAL CORP		
Do	ASHLEY, THOMAS LUDLOW (FOR GENERAL PUBLIC UTILIES)		
Do	CASTLE & COOKE, INC	990.00	
Do	COLUMBIA GAS SYSTEM SERVICE CORP	9,147.50	9.00
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY	855.00	
Do	JACOBS ENGINEERING GROUP, INC		
Do	MCDONNELL DOUGLAS ASTRONAUTICS CORP		
Do	NATOMAS COMPANY	810.00	
Do	PENNSYLVANIA ELECTRIC CO; NEW YORK STATE ELECTRIC & GAS CO		
Do	REPUBLIC GEOTHERMAL, INC		
Do	REPUBLIC OF KENYA	930.00	
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC	1,665.00	5.00
Do	SLURRY TRANSPORT ASSN	8,595.00	
Do	STATE OF ALASKA	462.00	
Do	UNION CARBIDE CORP		
Do	WHEELABRATOR-FRYE, INC		
Do	WINDFARMS, LTD		
JAY N. VARON, SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
JENNIFER VASILOFF, 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,750.02	1,598.14
DONALD R. VAUGHAN, P.O. BOX 1288 ASHEBORO NC 27204	STEDMAN CORP	1,500.00	1,241.60
ROBYN E. VAUGHAN, 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
M. DAVID VAUGHN, 1370 AVENUE OF THE AMERICAS, #2602 NEW YORK NY 10019	MAJOR LEAGUE BASEBALL PLAYERS ASSN	2,000.02	495.05
A. RANDALL VEHAR, 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
VELSICOL CHEMICAL CORP, 341 EAST OHIO ST. CHICAGO IL 60611			
VENABLE, BAETJER, HOWARD & CIVILETTI, SUITE 704 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	WESTVACO CORPORATION		
JOSPEH T. VENTURA ENTERPRISES, INC, 1725 K STREET, NW, #401 WASHINGTON DC 20006	NATIONAL FOOTBALL LEAGUE		
JERRY T. VERKLER, 1660 L STREET, NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSN OF AMERICA	6,250.00	200.00
C. JOHN VERMILYE, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
VERNER, LIIPFERT, BERNHARD & MCPHERSON, 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
Do	TRAVELERS CORP	2,712.50	
Do	TURNER BROADCASTING SYSTEM, INC	1,737.50	
LINDA VICKERS, 1706 23RD ST., SOUTH ARLINGTON VA 22202	COMMUNICATING FOR AGRICULTURE	2,400.00	
Do	NATIONAL ASSN OF CROP INSURANCE AGENTS	8,749.95	
BRENDA R. VIEHE-NAESS, 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
R. ERIC VIGE, SUITE 300 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITIES SERVICE OIL & GAS CORP	1,015.00	
MICHAEL F. VIGIL JR., 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
HOWARD A. VINE, 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
WALTER D. VINYARD JR , ALSTON & BIRD 1800 M ST., NW WASHINGTON DC 20036	CONTINENTAL INSURANCE COMPANIES	5,000.00	
Do	HARTFORD INSURANCE GROUP	25.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS, P.O.BOX 867 RICHMOND VA 23207		109.92	109.92
ANDREW VITALI JR , 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,000.00	113.88
GEORGE A. VIVERETTE JR., 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
VOLKSWAGEN OF AMERICA, INC, SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024			600.00
DOUGLAS K. VOLLMER, 801 18TH ST., NW WASHINGTON DC 20006	PARALYZED VETERANS OF AMERICA	9,185.52	
VOLPE, BOSKEY & LYONS, SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
INGRID A. VOORHEES, 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,975.00	2,100.00
VORYS, SATER, SEYMOUR & PEASE, SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	BOWERY SAVINGS BANK		15.25
Do	CABOT CORPORATION	7,176.00	232.11
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES	2,607.10	111.17
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MOWSAFE PRODUCTS, INC		
Do	OHIO MFRS ASSN	12,600.00	566.76
Do	SMALL BUSINESS COALITION FOR POLLUTION CONTROL		203.82
Do	SOUTHERN HOTEL DEVELOPMENT CO		
Do	TOLEDO TRUST COMPANY	15,600.00	2,713.77
Do	YANKEE RESOURCES, INC		475.49
W.A.W. WAR AGAINST WOMEN, 1224 FREEMONT ROSEBURG OR 97470			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SADAMI WADA, 9 WEST 57TH STREET NEW YORK NY 10019	SONY CORPORATION OF AMERICA	1,500.00	6,922.95
CATHERINE WAELDER, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ROBERT J. WAGER, 2020 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BAKERS ASSN	1,767.50	6.50
KERRI WAGNER, 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
NANCY E. WAGNER, 1800 M STREET, NW, #295 NORTH WASHINGTON DC 20036	HUSKY OIL COMPANY		
SARAH L. WAGONER, 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	ST. JOE MINERALS CORP		
HOWARD W. WAHL, 777 E. EISENHOWER PKWY P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN, NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE, 100 FEDERAL ST. BOSTON MA 02110	BANK OF BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON	3,600.00	4,933.35
WALD, HARKRADER & ROSS, 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE		
ANGELA S. WALDORF, N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INSTITUTE		
ROBERT E. WALDRON, ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	767.50	556.75
CHARLS E. WALKER ASSOCIATES, INC., 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AGRICO CHEMICAL COMPANY, ET AL	4,000.00	
Do	AIR TRANSPORT ASSN OF AMER	250.00	
Do	ALUMINUM CO OF AMER	625.00	
Do	AMERICAN GUILD OF AUTHORS & COMPOSERS	3,750.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	625.00	
Do	BECHTEL CIVIL & MINERALS, INC	625.00	
Do	BETHLEHEM STEEL CORP	500.00	
Do	CSX CORPORATION	250.00	
Do	DEALER BANK ASSN	2,500.00	
Do	DIMENSION BANCORP, INC	500.00	
Do	DRESSER INDUSTRIES, INC	625.00	
Do	FEDERAL NATIONAL MORTGAGE ASSN	5,625.00	
Do	FORD MOTOR CO	625.00	
Do	GENERAL PUBLIC UTILITIES CORPORATION		
Do	GENERAL TELEPHONE & ELECTRONICS	625.00	
Do	GOODYEAR TIRE & RUBBER CO	625.00	
Do	LONE STAR STEEL CO	4,687.50	
Do	NATIONAL PAYMENT SYSTEMS COALITION		
Do	NORTHVILLE INDUSTRIES CORP	7,500.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	15,625.00	
Do	OWENS-ILLINOIS	625.00	
Do	PHELPS DODGE CORP	250.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	625.00	
Do	SCOTT PAPER COMPANY	750.00	
Do	UNION CARBIDE CORP	625.00	
CHARLES W. WALKER, 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS	14,425.00	
DOUGLAS K. WALKER, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	967.50	200.00
R. DUFFY WALL & ASSOCIATES, INC, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	FREEPORT-MCMORAN, INC	450.00	200.00
Do	LIFE OF VIRGINIA, LIBERTY NATIONAL, ET AL	500.00	200.00
Do	WESTERN FOREST INDUSTRIES ASSN	150.00	100.00
Do	VOLUME FOOTWEAR RETAILERS OF AMERICA	400.00	200.00
MARTIN A. WALL, 1025 VERMONT AVENUE, NW, #800 WASHINGTON DC 20005	AMERICAN OSTEOPATHIC HOSPITAL ASSOCIATION	2,106.00	858.00
DON WALLACE ASSOCIATES, INC., 232 E. CAPITOL ST. WASHINGTON DC 20003	ALABAMA FARM BUREAU FEDERATION	6,000.00	2,621.47
Do	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC	6,000.00	3,217.21
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	2,487.61
DONALD L. WALLACE JR., 232 E. CAPITOL ST. WASHINGTON DC 20003	NATIONAL BEER WHOLESALERS' ASSN OF AMERICA, INC		
RAYMOND C. WALLACE, 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD, 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
R. DOUGLAS WALLIN JR., 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		
JAMES P. WALSH, 6TH FL. 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TUNABOAT ASSN	2,500.00	117.96
HENRY L. WALTHER, 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	3,000.00	
WILLIAM C. WAMPLER, 412 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN MEAT INSTITUTE	3,600.00	
JOHN F. WANAMAKER, 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	1,433.00	
BARBARA WANNER, 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
ALAN S. WARD, 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
JOHN E. WARD, 182 SOUNDVIEW AVE. WHITE PLAINS NY 10606	MEAT IMPORTERS COUNCIL OF AMERICA, INC		
RICHARD D. WARDEN, 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	18,870.95	528.75
JACK WARE, 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,410.00	158.35
MICHAEL O. WARE, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONOCO	1,200.00	
PETER F. WARKER, SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
ERNEST R. WARNER JR., 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS).	193.48	4.00
Do	DGA INTERNATIONAL INC (FOR: SOCIETE NATIONALE D'ETUDE DE CONST DE MOTEURS D'AVIATION).	92.53	
Do	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	437.45	405.56
Do	DGA INTERNATIONAL INC. (FOR: SOFREAVIA)	33.65	60.97
CHRISTINE M. WARNKE, SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	400.00	304.50
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN		
WASHINGTON COALITION ON REDRESS, 316 MAYNARD AVENUE SOUTH SEATTLE WA 98104		2,250.00	2,250.00
WASHINGTON GAS LIGHT CO, 1100 H ST., NW WASHINGTON DC 20080			1,845.82
WASHINGTON INDEPENDENT WRITERS, INC., 525 NATIONAL PRESS BUILDING WASHINGTON DC 20045		326.68	
WASHINGTON INDUSTRIAL TEAM, INC., 499 SOUTH CAPITOL STREET, SW, #400 WASHINGTON DC 20003	BOEING COMPANY	450.00	389.95
Do	GENERAL DYNAMICS CORPORATION	450.00	389.95
Do	HUGHES AIRCRAFT COMPANY	450.00	389.95
Do	MCDONNELL DOUGLAS CORPORATION	450.00	389.95
Do	ROCKWELL INTL	450.00	389.95
Do	TRW, INC	450.00	389.95
Do	UNITED TECHNOLOGIES CORPORATION	450.00	389.95
Do	WESTINGHOUSE ELECTRIC CORP	450.00	389.95
WASHINGTON OFFICE ON AFRICA, 110 MARYLAND AVE., NE WASHINGTON DC 20002		49,339.41	34,861.30
KENNETH W. WATSON, 645 FIFTH AVENUE NEW YORK NY 10022	INTERNATIONAL GOLD CORPORATION LIMITED		
WATT, TIEDER, KILLIAN & HOFFAR, 1742 R STREET, NW WASHINGTON DC 20009	OHIO CASUALTY INSURANCE CO		
CAROLYN HERR WATTS, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	25.00	
DOUGLAS R. WATTS, 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,000.00	
GEORGE B. WATTS, 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	1,000.00	
BRUCE H. WATZMAN, 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL COAL ASSN	5,050.00	1,215.60
WILLIAM J. WAY, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	3,059.32
RAYMOND J. WEATHERLY, SUITE 511 1745 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	MANUFACTURED HOUSING INST	900.00	100.00
WILLIAM H. WEATHERSPOON, NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INST	1,000.00	678.98
VERNON WEAVER, SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC	107.50	
HORACE S. WEBB, P.O. BOX 351 CEDAR RAPIDS IA 52406	IOWA ELECTRIC LIGHT AND POWER COMPANY		
FREDERICK L. WEBBER, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	5,250.00	176.28
WEBSTER AND SHEFFIELD, 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	ADAMS COUNTY, COLORADO	24,616.95	5,326.49
Do	DOMESTIC PETROLEUM COUNCIL, INC	7,900.00	533.23
WEBSTER, CHAMBERLAIN & BEAN, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN PARATRANSIT INSTITUTE		
Do	MUTUAL PROTECTION TRUST		
LEE J. WEDDIG, SUITE 700 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FISHERIES INST	4,000.00	20.00
CHARLES W. WEGNER JR., 600 PENNSYLVANIA AVENUE, SE, #203 WASHINGTON DC 20003	PROFESSIONAL INSURANCE AGENTS	400.00	8,380.00
JACK R. WEHRLY, SUITE 790 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CORNING CORPORATION		
NANCY WEINBERG, 1434 NEW YORK AVENUE, NW, #743 WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	456.99
DONALD G. WEINERT, 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
KENNETH W. WEINSTEIN, MCKENNA, CONNER & CUNEO 1575 EYE STREET, NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN		
ARTHUR E. WEISBERG, SUITE 675 NORTH 1800 M ST., NW WASHINGTON DC 20036	DORSEY & WHITNEY		
JOEL A. WEISS, 1730 N. LYNN ST. # 400 ROSSLYN VA 22209	ACUREX CORPORATION	3,712.50	260.59
MICHAEL A. WEISS, 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
MIRTON N. WEISS, SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	NATIONAL SECURITY TRADERS ASSN, INC	3,750.00	777.90
JUDITH H. WEITZ, 122 C ST., NW WASHINGTON DC 20001	CHILDREN'S DEFENSE FUND	1,104.73	
DON WELCH, P.O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF, SUITE 450 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CANADIAN EMBASSY	700.00	
Do	COUPON BOND TAX COMMITTEE	1,200.00	
Do	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA	9,792.00	
Do	JOHNS-MANVILLE	500.00	
Do	PETRO-LEWIS CORPORATION		
L. H. WELLS, SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL CO	500.00	
WILLIAM B. WELSH, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES		
FRED WERTHEIMER, 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	14,418.78	184.00
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN, PO BOX 848 NOGALES AZ 85621			1,000.00
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	DELTA AIR LINES, INC	273.00	113.72
HARRY H. WESTBAY III, SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006	ST. REGIS CORP	1,600.00	800.00
WESTERN RESOURCE ALLIANCE, 2565 W. 23RD ST. EUGENE OR 97401			
JOHN F. WETZEL JR., 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC		
WILLIAM WEWER, 1910 S ST., NW WASHINGTON DC 20009	SUBSCRIPTION TELEVISION ASSN		
WEXLER, REYNOLDS, HARRISON & SCHULE, INC, SUITE 600 1317 F STREET, NW WASHINGTON DC 20004	ARMCO INC	30.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	1,750.00	12.94
Do	BENEFICIAL MANAGEMENT CORP OF AMERICA		
Do	BENENSON REALTY COMPANY	2,000.00	10.00
Do	COMMITTEE FOR PRUDENT DEREGULATION	3,400.00	279.25
Do	GHK COMPANIES	12,250.00	149.15
Do	INDEPENDENT GAS PRODUCERS COMMITTEE (IGPC)		
Do	MOTION PICTURE ASSN OF AMERICA	3,375.00	74.60
Do	NATIONAL FOOTBALL LEAGUE		
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	3,360.00	215.82
Do	NEW YORK POWER AUTHORITY	9,852.50	329.08
Do	TOSCO CORPORATION		
ROBERT G. WEYMUELLER, 1101 VERMONT AVENUE, NW, #402 WASHINGTON DC 20005	AMERICAN LUNG ASSOCIATION	3,400.00	3,122.00
BRIAN B. WHALEN JR , 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,250.00	257.60
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY		
CLYDE A. WHEELER JR , SUITE 820 1800 K ST., NW WASHINGTON DC 20006	SUN CO, INC	15,000.00	675.87
DALE J. WHEELER, 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
THOMAS E. WHEELER, 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,375.00	
JUNE M. WHELAN, SUITE 600 S 1120 20TH ST.,NW WASHINGTON DC 20006	UNION PACIFIC CORPORATION	1,250.00	892.27
WHITE & CASE, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	REPUBLIC OF INDONESIA		
CLEM WHITE, 1023 GREENE STREET AUGUSTA GA 30901	DSM, NORTH AMERICA, INC., ET AL		
WHITE FINE & VERVILLE, SUITE 302 1156 15TH ST., NW WASHINGTON DC 20005	CENTRAL HUDSON GAS & ELECTRIC CORP	525.00	89.05
Do	TURLOCK IRRIGATION DISTRICT	3,637.00	
JOHN C. WHITE, SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
JOHN S. WHITE, 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II , SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
RICHARD C. WHITE, 499 S. CAPITOL STREET WASHINGTON DC 20003	ARMCO		
Do	BUSINESS ROUNDTABLE		
Do	NATIONAL MACHINE TOOL BUILDERS		
Do	PETROLEUM EQUIPMENT & SUPPLY ASSN		
SAM WHITE, 412 FIRST STREET, SE WASHINGTON DC 20003	INDEPENDENT CATTLEMEN'S ASSN	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	4,500.00	
Do	SAM KANE PACKING		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
DONALD W. WHITEHEAD, SUITE 335 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	APPALACHIAN COMMUNITY SERVICE NETWORK		
Do	HAHN AND MATKOV		
Do	WASHINGTON STATES REPRESENTATIVES	7,500.00	
BENNETT C. WHITLOCK JR , 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	7,500.00	453.21
WHITMAN & RANSOM, 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	JAPAN EXTERNAL TRADE ORGANIZATION (JETRO)		323.39
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT, 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	2,500.00	507.70
WILLIAM E. WICKERT JR., 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	300.00	
RICHARD J. WIECHMANN, 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
THOMAS D WILCOX, SUITE 705 1899 L ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF STEVEDORES	6,600.00	950.00
HARRY G. WILES II , 499 S. CAPITOL STREET, SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		98.00
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	CBS, INC		
WILEY, JOHNSON & REIN, 1776 K STREET, NW WASHINGTON DC 20006	U.S. TELEPHONE, INC		
GUENTHER O. WILHELM, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
JULIAN A. WILHELM, 1320 19TH STREET, NW WASHINGTON DC 20036	BURCH, WILHELM & MCDONALD, P.C. (FOR: M.A.N. TRUCK & BUS CORP)		
CARL B. WILKERSON, 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JERRY C. WILKERSON, 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	650.00	200.00
WILLIAMS & CONNOLLY, 839 17TH ST., NW WASHINGTON DC 20006	BENENSON REALTY CO	165.00	2,010.00
Do	GADSDEN TIMES, INC		
Do	PUBLIC WELFARE FOUNDATION, INC		
Do	SPARTANBURG HERALD & JOURNAL, INC		
Do	TUSCALOOSA NEWS, INC		
Do	TWENTIETH CENTURY-FOX FILM CORP		
JAMES H. WILLIAMS, 1840 WILSON BLVD., #203 ARLINGTON VA 22201	NATIONAL LIMESTONE INST, INC	3,175.78	
KAREN WILLIAMS, 1750 K STREET, NW WASHINGTON DC 20006	HEALTH INSURANCE ASSN OF AMERICA, INC		
LAWRENCE F. WILLIAMS, 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	6,581.25	112.52
LEONARD B. WILLIAMS, 1000 16TH STREET, NW, #800 WASHINGTON DC 20036	BETHLEHEM STEEL CORPORATION	105.00	
LUCINDA WILLIAMS, 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	5,500.00	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
W.G. WILLIAMS, 1100 17TH STREET, NW, #1000 SUITE 1000 WASHINGTON DC 20036			
WILLIAMS, MYERS & QUIGGLE, 888 17TH ST., NW WASHINGTON DC 20006	CHURCH ALLIANCE FOR CLARIFICATION OF ERISA	11,343.75	427.95
JOHN C. WILLIAMSON, 1725 K STREET, NW, #1405 WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,700.00	57.15
DAVID K. WILLIS, 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
WILLKIE FARR & GALLAGHER, 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	RELIANCE GROUP, INC		
CHARLOTTE M. WILMER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	200.00	
WILMER, CUTLER & PICKERING, 1666 K ST., NW WASHINGTON DC 20006	APACHE CORPORATION		
Do	BUSINESS ROUNDTABLE		
Do	CBS, INC	16,642.06	65.52
Do	CITICORP	5,487.50	60.40
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO		
Do	G-4 CHILDREN'S COALITION	12,893.75	46.23
Do	HANDGUN CONTROL, INC		7.35
Do	HAPAG-LLOYD, A.G		22.25
Do	MORGAN GUARANTY TRUST CO		
Do	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	OWENS-ILLINOIS		
CHARLES D. WILSON, 1850 K ST., NW, #390 WASHINGTON DC 20006	UNION CAMP CORP	745.18	211.65
DENA L. WILSON, SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,500.00	70.33
DONNIE E. WILSON, 1800 M ST., NW, #295 WASHINGTON DC 20036	HUSKY OIL COMPANY	250.00	
DOROTHY WILSON, 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	COALITION OF CONCERNED CHARITIES		
JAMES E. WILSON, 1800 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL MARITIME ASSOCIATES, INC	3.50	1.50
ROBERT C. WILSON, RM 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	RMI, INC	380.00	
Do	SOUTHWEST MARINE, INC	120.00	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
ROSEMARY L. WILSON, MINNESOTA PETROLEUM COUNCIL 1025 NORTHERN FEDERAL BLDG. ST. PAUL MN 55102	AMERICAN PETROLEUM INSTITUTE		
WILLIAM A. WILSON III, 8001 BRADDOCK ROAD SUITE 500 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	750.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	200.00	37.33
WINDELS, MARX, DAVIES & IVES, SUITE 940 1701 PENNSYLVANIA AVENUE,NW WASHINGTON DC 20006	SOLITRON DEVICES, INC		
JOSEPH B. WINKELMANN, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	477.60
KATHLEEN J. WINN, 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20006	PENNZOIL CO	475.00	
MARIE WINSLOW, 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FED OF FEDERAL EMPLOYEES		
WINSTON & STRAWN, #500 2550 M ST., NW WASHINGTON DC 20037	AMERICAN ASSN OF MUSEUMS	120.00	38.61
Do	BEATRICE FOODS CO	410.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BUILDING OWNERS & MANAGERS ASSN INC.	120.00	
Do	CUMMINS ENGINE CO., INC.		
Do	GIC FINANCIAL SERVICES CORP.		
Do	GOULD, INC.		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	420.00	78.13
Do	LEASE MANAGEMENT CORP.		
Do	MIDWEST PENSION FUND OF CENTRAL STATES JOINT BOARD, AFL-CIO		
Do	TERSON COMPANY, INC.		
Do	VOLVO OF AMERICA CORP.		
MARK E. WINTER, 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	3,223.00	
WINTHROP, WEINSTEIN & SEXTON, 1800 CONWED TOWER, 444 CEDAR STREET ST. PAUL MN 55101	OTTO BREMER FOUNDATION		
ROBERT V. WITECK, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ANEUTRONIX, INC)	800.00	
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: NATIONAL BROADCASTING COMPANY)		
RICHARD F. WITHERALL, 236 DENVER CLUB BLDG. DENVER CO 80202	COLORADO RAILROAD ASSN		
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY, SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP.	15,722.50	944.61
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	16,023.00	408.00
Do	MERRILL LYNCH & CO., INC.	7,021.37	7,021.37
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN.	1,350.00	23.37
HERMAN C. WITTHAUS, 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP.	3,000.00	2,950.48
ROBERT M. WOLCOTT, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION		
JAMES E. WOLF, 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	1,500.00	
JAMES WOLF, 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	247.03	
SIDNEY M. WOLFE, 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
THOMAS F. WOLFE, 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	35.00	
BRUCE WOLPE, 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	11,442.32	
RONALD WOLSEY, P.O. BOX 507 BALTIMORE MD 21203	AMOCO OIL COMPANY		
DON WOMACK, SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC.	2,575.00	106.78
BURTON C. WOOD, 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	11,850.00	2,792.00
CHARLES A. WOOD, 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL.	198.40	554.50
JOHN L. WOOD, 2700 ONE MAIN PLACE DALLAS TX 75202	CENTRAL AND SOUTH WEST CORP.		
WILBUR S. WOOD, 1750 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NATIONAL RURAL LETTER CARRIERS' ASSN.	5,526.00	
W. ALAN WOODFORD, 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	3,250.00	
M. ALAN WOODS, 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
Do	DGA INTL. INC. (FOR: SOFREAVIA)		
RICHARD P. WOODS, 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC.	500.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
PERRY W. WOOFTER, SUITE 530 1800 K ST. NW WASHINGTON DC 20006	TESORO PETROLEUM CORP.	2,500.00	
LINDA ANZALONE WOOLLEY, 1707 L STREET, NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORP.		
NOEL C. WOOSLEY, 4647 FORBES BOULEVARD LANHAM MD 20706	AMVETS	6,800.00	150.47
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: DISTILLED SPIRITS COUNCIL OF THE US, INC)		
DEE WORKMAN, VALKYRIE ENTERPRISES, INC. 405 LEXINGTON AVE. NEW YORK NY 10017	MOBIL OIL CORPORATION	18,750.00	1,600.00
ROSS WORKMAN, P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY COMPANY	8,333.00	4,360.11
WORLD FEDERALIST POLITICAL EDUCATION COMM, 600 VALLEY RD. WAYNE NJ 07470		5,417.47	6,788.43
WORLDWIDE INFORMATION RESOURCES, LTD, 1717 K STREET, NW, #706 WASHINGTON DC 20006	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.		
Do	HEUBLEIN, INC.		
Do	PAN AMERICAN WORLD AIRWAYS, INC.		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC.		
W. ROBERT WORLEY, 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC.	308.00	1,392.64
DANIEL R. WRIGHT, 540 MADISON AVENUE NEW YORK NY 10022	BARON/CANNING & COMPANY, INC (FOR: ELECTRONIC INDUSTRIES ASSN OF JAPAN).		
FRANKLIN L. WRIGHT JR , 1709 NEW YORK AVE., NW, #200 WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	3,312.50	
SAMUEL H. WRIGHT, 11333 MCCORMICK ROAD HUNT VALLEY MD 21031	PHH GROUP, INC.	3,000.00	759.39
WYATT & SALTZSTEIN, SUITE 802 1725 DESALES STREET, NW WASHINGTON DC 20036	AMERICAN BUSINESS PRESS, INC.		
RICHARD E. WYCKOFF, 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	421.00
FREDERICK S. WYLE, 3 GREENWOOD COMMON BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT, SUITE 580 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC.		
Do	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSN		135.50
Do	BRISTOL BAY NATIVE CORP.		
Do	CARL M. FREEMAN ASSOCIATES		
Do	EKLUTNA, INC.		
Do	FILMWAYS, INC.		
MARC D. YACKER, 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC	350.00	
DAVID V. YADEN, 1101 15TH STREET, NW, #200 WASHINGTON DC 20005	NERCO, INC.	300.00	42.32
T. ALBERT YAMADA, SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC.	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
EDWARD R. YAWN, 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	489.25	489.25
KIM YELTON, 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	4,846.08	229.25
JACK YELVERTON, 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
D. SCOTT YOHE, 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	390.00	87.50
ANDREW YOOD, 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
EDWARD A. YOPP, P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
HUGH F. YOUNG JR , 1500 RHODE ISLAND AVE., NW WASHINGTON DC 20005	NATIONAL PAINT & COATINGS ASSN, INC.	3,000.00	
JOHN ANDREW YOUNG, 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION		
JUDITH A. YOUNG, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,500.00	70.56
THANE YOUNG, 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	169.99
BETSY YOUNKINS, SUITE 600 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,000.00	144.95
EUGENE A. YOURCH, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	646.14	441.71
RALPH ZAAYENGA, 1800 K STREET, NW, #820 WASHINGTON DC 20006	SUN COMPANY, INC.	1,419.60	146.50
HARRY M ZACHEM, 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
LYNN ZAKUPOWSKY, 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,250.00	
STEVEN S. ZALEZNICK, 1909 K ST., NW WASHINGTON DC 20049	AMERICAN ASSN OF RETIRED PERSONS	441.54	59.63
JOHN S. ZAPP, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,500.00	83.91
L. ANDREW ZAUSNER, 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO.	1,000.00	44.25
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	BUILDING & CONSTRUCTION TRADE DEPARTMENTS, AFL-CIO		
Do	TRANSPORTATION INSTITUTE		
Do	GRUMMAN AEROSPACE CORP.		
DON J. ZELLER, SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,700.00	131.71
RONALD L. ZIEGLER, SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
MICHAEL J. ZIMMER, WICKWIRE, GAVIN & GIBBS 1828 L ST., NW WASHINGTON DC 20036	COGENERATION COALITION, INC.		
ZUCKERT, SCOUTT, RASENBERGER & JOHNSON, 888 17TH ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	5,625.00	1,581.83
Do	DREYFUS CORPORATION		
Do	GOVERNMENT EMPLOYEES INSURANCE COMPANY	200.00	12.83
Do	HARCOURT BRACE JOVANOVICH	7,522.00	786.10
Do	HAZARDOUS WASTE TREATMENT COUNCIL		
Do	WORLD AIRWAYS, INC.		
LEIGH ANN ZUNKE, 1133 20TH STREET, NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN.	375.00	5.10
CHARLES O. ZUVER, 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	4,000.00	
CARL E. ZWISLER III, 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN.		
1ST PRO-LIFE CONG DISTRICT ACTION COMM (RI), 6 MAXFIELD CT. BARRINGTON RI 02806		2,500.00	1,628.20
23RD CONGRESSIONAL DISTRICT ACTION COMM., 575 CHARLES ST. ST. MARYS PA 15857			
31ST PRO LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			
32ND CONGRESSIONAL DISTRICT ACTION COMMITTEE/NY, 129 BELMONT AVE. BUFFALO NY 14223			8.90
39TH CONGRESSIONAL DISTRICT ACTION COMM, RD 2 ALLEGANY NY 14706			
5TH PRO-LIFE CONG DISTRICT ACTION COMM (FL), C/O MR. JOHN KELLEY 1120 MICHIGAN BLVD. DUNEDIN FL 33528			39.53

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1983 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY, 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			55.12
A-K ASSOCIATES, INC., 1225 8TH STREET, STE 590 SACRAMENTO, CA 95814	CALIFORNIA AIR TANKER OPERATORS ASSN		
Do	DIRECTOR OF TIMBER COUNTIES COALITION	7,083.32	3,664.64
Do	GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT	4,000.00	3,121.02
Do	NATIONAL AIR TANKERS ASSN	15,000.00	3,683.64
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	8,988.62
ALBERT E. ABRAHAMS, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	668.47
ACACIA MUTUAL LIFE INSURANCE CO, 51 LOUISIANA AVENUE, NW WASHINGTON DC 20001			3,500.00
ACTION FOR CHILDREN'S TELEVISION, 46 AUSTIN ST. NEWTONVILLE MA 02160		25,643.65	534.42
AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS, 415 SECOND ST., NE WASHINGTON DC 20002		11,192.40	11,192.40
ADVOCATION, INC., 1127 11TH STREET, #925 SACRAMENTO CA 95814	FAIR CONG TASK FORCE OF THE FED OF AMER IMMIGRATION REFORM	6,000.00	6,000.00
AGENCY FOR INSTRUCTIONAL TELEVISION, BOX A BLOOMINGTON IN 47401			
ELIZABETH AGLE, 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC	4,885.98	125.26
AIR PRODUCTS & CHEMICALS, INC, 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			672.00
AIR TRANSPORT ASSN OF AMERICA, 1709 NEW YORK AVE., NW WASHINGTON DC 20006		35,484.80	35,484.80
BRUCE AITKEN, BUSBY REHM AND LEONARD 1629 K ST., NW WASHINGTON DC 20006	BMW OF NORTH AMERICA, INC		
SUSAN ALEXANDER, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,890.09	92.75
ALL UNIONS COMMITTEE TO SHORTEN THE WORK WEEK, 4300 MICHIGAN AVE. DETROIT MI 48210			
JOSEPH P. ALLEN, 1899 L ST., N.W. SUITE 400 WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC		
LORETTA E. ALLEN, P.O. BOX 364 ORLEANS CA 95556	D.2. UNIVERSITY		
AMERICAN ACADEMY OF OPHTHALMOLOGY, SUITE 300 1101 VERMONT AVE., N.W. WASHINGTON DC 20005			12.30
AMERICAN ASSN OF CROP INSURERS, 499 SOUTH CAPITOL STREET, SE WASHINGTON DC 20003		6,000.00	6,000.00
AMERICAN ASSN OF UNIVERSITY WOMEN, 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			154.37
AMERICAN CANCER SOCIETY, 777 THIRD AVE. NEW YORK NY 10017			15,100.00
AMERICAN DENTAL ASSN, 211 E. CHICAGO AVE. CHICAGO IL 60611		16,701.40	16,701.40
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, 1625 L ST., NW WASHINGTON DC 20036			79,811.83
AMERICAN FINANCIAL SERVICES ASSN, 1101 14TH STREET, NW WASHINGTON DC 20005			3,500.00
AMERICAN GAS ASSN, 1515 WILSON BLVD ARLINGTON VA 22209		33,329.00	33,329.00
AMERICAN MARITIME ASSN, 17 BATTERY PLACE-NORTH NEW YORK NY 10004			
AMERICAN METAL DETECTOR MANUFACTURERS' ASSN, P.O. BOX 446 SWEET HOME OR 97386			
AMERICAN ORTHOTIC AND PROSTHETIC ASSN., 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PHYSICAL THERAPY ASSN, 1156 15TH ST., NW WASHINGTON DC 20005		4,126.50	4,126.59
AMERICAN RIVERS CONSERVATION COUNCIL, 323 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		30,097.20	36,391.62
AMERICAN TRADE AND FINANCE COMPANY, 2001 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202		57,150.00	40,516.14
AMERICANS FOR THE NATIONAL VOTER INITIATIVE AMENDMENT, 3115 N ST., NW WASHINGTON DC 20007			
NANCY AMIDEI, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
ARNE ANDERSON, 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPOLOYEES	6,906.90	
J. LEM ANDERSON, 888 16TH ST., NW WASHINGTON DC 20006	TIME INC	1,000.00	
ANDERSON, HIBEY, NAUHEIM & BLAIR, 1605 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	ALAMO RENT-A-CAR, INC	18,070.00	105.43
Do	BAY AREA RAPID TRANSIT DISTRICT	8,000.00	112.69
Do	COMMUNICATION INDUSTRIES ASSN OF JAPAN		
Do	COMPUTER SCIENCES CORPORATION		
Do	KUTAK ROCK & HUIE (FOR METRO. ATLANTA RAPID TRANSIT AUTH.)	2,000.00	49.34
Do	MARRIOTT CORPORATION		
Do	MORGAN GUARANTY TRUST CO OF NEW YORK		
Do	TEXAS AIR CORP (FOR N.Y. AIR & TEXAS INT'L AIRWAYS)		
L. J. ANDOLSEK, 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	582.00	12.35
ROBERT E. ANSHELES, SUITE 711 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CITC INDUSTRIES, INC		
TOBIAS ANTHONY, 1612 K ST., NW WASHINGTON DC 20006	RESEARCH-COTTRELL, INC	3,000.00	36.95
LESLIE ARENDS, 4815 DEXTER STREET, NW WASHINGTON DC 20007	W.C.I.A.		
ARKANSAS 2000, INC, P.O. BOX 1776 RUSSELLVILLE AR 72801			
ARNOLD & PORTER, 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	BUILDING & CONSTRUCTION TRADES DEPT., AFL-CIO	33.75	
Do	LONE STAR INDUSTRIES, INC	155.00	400.00
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	4,400.00	50.00
Do	WERNER FLEISCHMANN		7.15
NAN ARON, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	ALLIANCE FOR JUSTICE	64.44	
ARTER, HADDEN & HEMMENDINGER, 1919 PENNSYLVANIA AVENUE, NW, #400 WASHINGTON DC 20006	AD HOC COMM OF AMER VINYL DISTRIBS & FINISHED VINYL GOODS MF		145.40
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC, 1735 DESALES ST., NW WASHINGTON DC 20036			3,179.00
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC., SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004.		8,502.50	8,502.50
ASSOCIATION OF URBAN UNIVERSITIES, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		33,500.00	11,233.33
GEORGE J. ASTE, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
CLAUDIA MANSFIELD AUSTIN, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		15.01
HOPE M. BABCOCK, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,211.00	279.19
WILLIAM DOUGLAS BADGER, 12695 CASTILE CT. WOODBRIDGE VA 22192	CHRISTIAN ACTION COUNCIL, INC	6,738.18	6,374.10
BARBARA J. BALCH, 2350 5TH STREET ROCK ISLAND IL 61201	THER-A-PEDIC MIDWEST, INC		
BALLARD, SPAHR, ANDREWS & INGERSOLL, SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN CAN COMPANY		
Do	DELAWARE RIVER PORT AUTHORITY	3,791.90	822.05
Do	ENERGY TERMINALS, INC		179.50
Do	PENNSYLVANIA ASSN OF INDUSTRIAL DEVELOPMENT AUTHORITIES		
Do	PHILADELPHIA PORT CORPORATION	2,275.14	493.22
Do	PORT OF WILMINGTON, DELAWARE	758.38	18.99
Do	SOUTH JERSEY PORT CORPORATION	758.38	164.41
Do	U.S. COMMITTEE FOR UNICEF	2,546.42	130.20
Do	WEST VIRGINIA INDUSTRIAL DEVELOPMENT ASSN		371.68
MICHAEL BALY III, 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	4,000.00	421.23
MICHAEL P. BALZANO JR., 444 NORTH CAPITOL ST., NW, #801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	3,968.65	
PATTY BANKSON, SUITE 408 1725 K STREET, NW WASHINGTON DC 20006	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS	1,291.41	
SAMUEL J. BAPTISTA, SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC	1,500.00	
BARAFF, KOERNER, OLENDER & HOCHBERG, P.C., SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	NORTH AMERICAN SOCCER LEAGUE		
BARNETT & ALAGIA, 1000 THOMAS JEFFERSON STREET, NW, #900 WASHINGTON DC 20007	FARM CREDIT BANKS		
JAMES C. BARR, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	269.94
T. MICHAEL BARRY, 2626 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVE ASSN	3,500.00	533.24
JAMES E. BARTLEY, 1090 VERMONT AVENUE, NW, #410 WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE	5,000.00	50.00
CATHARINE R. BATKY, 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	BURLINGTON NORTHERN, INC	750.00	269.04
ROBERT J. BAUGHMAN, 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN		
GEORGE W. BEATTY, 1200 18TH ST., NW WASHINGTON DC 20036	BAILARD, BIEHL & KAISER, INC		
JOSIAH BEEMAN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES		
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH STREET, NW WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
BENCHMARK TECHNOLOGIES CORPORATION, 1995 TREMAINSVILLE RD. TOLEDO OH 43613			
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA, 1100 CARR RD. WILMINGTON DE 19899			
BRUCE BENEFIELD, SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
DAVID A. BEREN, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
JANE W. BERGWIN, SUITE 290 1050 17TH ST.,NW WASHINGTON DC 20036	CONSUMERS POWER CO	200.00	
GEORGE K. BERNSTEIN, 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN	4,000.00	
Do	CRUM & FORSTER INSURANCE COS		
ROBERT J. BIRD, 888 16TH STREET, NW WASHINGTON DC 20006	ZACHRY, INC		
EDWARD J. BLACK, TENDLER, BLACK & BIGGINS 1110 VERMONT AVENUE, NW WASHINGTON DC 20006	NATIONAL COUNSEL ASSOCS (FOR NORFOLK SOUTHERN RR, ET AL)		
SPENCER BLACK, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB		
BLACK, MANAFORT & STONE, INC., 324 NORTH FAIRFAX STREET ALEXANDRIA VA 22314	AMERICAN PETROFINA, INC	15,000.00	435.91
Do	TOSCO CORPORATION	18,650.00	2,070.10
NEAL B. BLAIR, SUITE 1400 1875 SOUTH STATE STREET OREM UT 84057	FREE THE EAGLE & TARGET, INC	12,000.00	
SMITH BLAIR, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	2,312.00	
GERRY BLANCHARD, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	MOVE DETROIT FORWARD FUND		
KENNETH T. BLAYLOCK, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	18,729.06	2,475.00
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY		14.49
Do	RADNOR CORPORATION	125.00	
RICHARD BLISS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20007	GOVERNMENT OF AMERICAN SOMOA		
Do	ST. JOE MINERALS CORPORATION	624.31	54.50
Do	SUNEDCO	866.25	50.59
ROBERT A. BLUM, THREE EMBARCADERO CENTER 28TH FLOOR SAN FRANCISCO CA 94111	MCCUTCHEN, DOYLE, BROWN & ENERSEN (FOR: PERMANENTE MEDICAL GROUP, INC.).	3,642.79	
ROBERT J. BOLGER, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,650.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
BONNEVILLE ASSOCIATES, SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84102	WESTERN REGIONAL COUNCIL	475.00	977.00
MICHAEL BOOS, 251 S. REYNOLDS STREET, #M201 ALEXANDRIA VA 22304	YOUNG AMERICANS FOR FREEDOM, INC	730.00	
ROBERT N. BORENS, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	2,830.95	561.74
BOWMAN, CONNER, TOUHEY & THORNTON, 2828 PENNSYLVANIA AVENUE, NW, #203 WASHINGTON DC 20007	COUNCIL OF AMERICAN FLAG SHIP OPERATORS	2,808.01	
BRACY WILLIAMS & COMPANY, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	HUMANA, INC		
GENE BRADLEY, 1700 N. MOORE STREET ROSSLYN VA 22209	BOEING COMPANY		
THERESA M. BRADY, 444 NORTH CAPITOL STREET, N.W. SUITE 801 WASHINGTON DC 20001	JOINT MARITIME CONGRESS	1,758.00	
STEFANIE A. BRAND, 2000 L STREET, NW, #320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
PETER ELLIOT BRAVEMAN, SUITE 2200, 10100 SANTA MONICA BLVD. SUITE 555 LOS ANGELES CA 90067	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)	17,000.00	60.20
ALBERT E. BREWSTER, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		9.02
CAROLYN BRICKEY, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH AND ACTION CENTER	3,556.60	
WILLIAM M. BRODHEAD, 900 MARQUETTE BUILDING DETROIT MI 48226	PLUNKETT COONEY RUTT WATTERS STANCZYK & PEDERSEN, P.C. (FOR: AMERICAN POSTAL WORKERS UNION).	20,112.50	3,448.79
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006.		17,300.00	28,689.77
DONALD K. BROWN, 1127 11TH ST., #544 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION	1,508.17	
JOHN J. BROWN, 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	719.00
MARGUERITE BRACY BROWN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,279.76	104.08
THOMAS N. BROWNELL, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY		
SUSAN M. BUFFONE, 3604 34TH STREET, NW WASHINGTON DC 20009	NATIONAL PARKS AND CONSERVATION ASSN	228.00	
CHRISTINE CAPITO BURCH, 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,703.90	243.11
SALLY J. BURKE, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS		
DAVID G. BURNEY, 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
BUSINESS COUNCIL FOR IMPROVED TRANSPORT POLICIES, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036.			
JOHN W. BUTLER, SUITE 310 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES		
CADWALADER, WICKERSHAM & TAFT, 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL DYNAMICS CORPORATION		
Do	SHELL OIL CO		
CALIFORNIA HOUSING COUNCIL, 1225 8TH STREET, #325 SACRAMENTO CA 95814		23,500.00	23,503.42
JOHN C. CALLIHAN, 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP	350.00	198.00
CALMAR COMMUNICATIONS, 500 NORTH DEARBORN STREET, #1115 CHICAGO IL 60610	SUGAR USERS GROUP		
CAPITOL ADVOCATES, 1127 11TH STREET, #950 SACRAMENTO CA 95814	CROWLEY MARITIME CORP	14,700.00	767.16
Do	DISTILLED SPIRITS COUNCIL OF THE U.S		
Do	PACIFIC MERCHANT SHIPPING ASSN		
Do	SUMMA CORPORATION	9,000.00	491.92
HOLLYE E. CAPPLEMAN, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	3,325.35	383.69
DENISE A. CARDMAN, 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
JANET B. CARROLL, SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE	4,500.00	49.50
JOHN BENJAMIN CARROLL, 918 ONONDAGA SAVINGS BANK BUILDING SYRACUSE NY 13202	DAIRY FARMERS DISTRIBUTORS OF AMERICA, INC		290.00
JOHN R. CARTER, 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
G. THOMAS CATOR, 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE		
GORDON CAVANAUGH, SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	5,150.00	7,596.49
Do	ROISMAN, RENO & CAVANAUGH (FOR: FIRST CENTRUM CORP.)	5,050.10	405.95
CENTER FOR LAW AND EDUCATION, INC., 6 APPIAN WAY CAMBRIDGE MA 02138		41,365.22	1,443.45
CENTRAL STATES RESOURCE CENTER, P.O. BOX 577 URBANA IL 61801		3,000.00	
JOHN N. CEVETTE, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HRH PRINCE TALAL BIN ABDUL AZIZ AL SAUD)		
Do	GRAY AND COMPANY (FOR: UNITED NATIONS CHILDREN'S FUND)		
CF INDUSTRIES, INC., SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHARLES E. CHAMBERLAIN, 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC	750.00	
CHILDREN'S TELEVISION WORKSHOP, ONE LINCOLN PLAZA NEW YORK NY 10023			
CLADOUHOS & BRASHARES, 1750 NEW YORK AVE., NW WASHINGTON DC 20006	CROWN CENTRAL PETROLEUM CORP		
Do	INTERNATIONAL PROCESSORS		
Do	SEAVIEW PETROLEUM CO		
Do	TOYOTA MOTOR SALES, U.S.A., INC	750.00	650.00
ANNE HARRISON CLARK, 110 MARYLAND AVE., NE WASHINGTON DC 20002	POPULATION RESOURCE CENTER, INC	8,538.00	
JAMES F. CLARK, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 200 NATIONAL BANK OF ALASKA BLDG. P.O. BOX 1211 JUNEAU AK 99802.	ALASKA PULP & RESOURCES, INC		
W. M. CLICK, BOX 719 DALLAS TX 75221	SOUTHLAND CORPORATION		
CHARLES M. CLUSEN, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	3,208.95	133.60
COALITION FOR LEGAL SERVICES, INC., 1625 K STREET, N.W. ROOM 908 WASHINGTON DC 20006		19,163.00	23,852.33
COASTAL PROPERTIES INSTITUTE, INC., P.O. BOX 6255 HILTON HEAD SC 29938			
CLARISSA COFFIN, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
COHEN & WHITE, 2934 M ST., NW WASHINGTON DC 20007	COMPUTER & COMMUNICATIONS INDUSTRY ASSN	400.00	15.40
COHEN AND URETZ, 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	CONTRACT STAFFING OF AMERICA, INC		
Do	ESTATE OF SYLVIA S. BURING		90.72
LOIS D. COHEN ASSOCIATES, 360 EAST 65TH STREET NEW YORK NY 10021	NORTHEASTERN INTERNATIONAL AIRWAYS, INC	1,612.50	424.03
RHEA L. COHEN, 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	346.00	
COMMITTEE FOR HUMANE LEGISLATION, INC., 11 WEST 60TH ST. NEW YORK NY 10023		4,533.97	4,666.81
COMMITTEE FOR 806.30 AND 807, INC, SUITE 800 1611 NORTH KENT ST. ARLINGTON VA 22209		25,017.86	17,990.16
COMMUNITY SERVICE SOCIETY OF NEW YORK, 105 EAST 22ND STREET NEW YORK NY 10010			833.60
CONFERENCE OF STATE BANK SUPERVISORS, 1015 18TH ST., NW WASHINGTON DC 20036			2,427.29
ROBERT J. CONLAN, 1630 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	9,729.60	44.79
JEFFREY B. CONLEY, NEDA/CAAP 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC		
EDWARD COONEY, SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	2,020.84	
C. WILLIAM COOPER, 159 TOWN HALL SQUARE FALMOUTH MA 02540	UNITED DISTRIBUTION COMPANIES	2,364.00	330.00
PETER COPPELMAN, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	3,069.53	113.65
BENNETT J. CORN, FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC	1,110.00	6,330.37
WILLIAM R. CORSON, 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD	10,500.00	7,450.00
TOM COSGROVE, 530 7TH ST., S.E. WASHINGTON DC 20002	NATIONAL CLEAN AIR COALITION, INC	3,847.80	526.95
CLARK R. COSSE III, 2900 INDIANA AVE. KENNER LA 70062	SOUTHERN FOREST PRODUCTS ASSN		
COUNCIL FOR A LIVABLE WORLD, 11 BEACON ST. BOSTON MA 02108			17,504.94
COUNSELORS FOR MANAGEMENT, INC, 900 17TH ST., NW #504 WASHINGTON DC 20006	ENERGY RESOURCES OF AUSTRALIA, LTD	19,598.54	19,198.00
KENNETH A. COX, 1133 19TH ST., NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP		
W. O. CRAFT JR., BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20008	AMERICAN PRESIDENT LINES		
Do	NAVAJO-HOPI RELOCATION COMMISSION	1,500.00	131.43
Do	ST. JOE MINERALS CORPORATION	624.31	54.50
Do	SUNOCO ENERGY DEVELOPMENT COMPANY (SUNEDCO)	866.25	50.59
Do	TEXAS EASTERN CORPORATION	4,890.00	152.78
WILLIAM C. CRAMER, 1320 19TH ST., NW, #200 WASHINGTON DC 20036	CRAMER, HOFFMAN & HABER, P.C. (FOR: AMERICAN CONCRETE PAVEMENT ASSN)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: CITY OF MIAMI)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: DADE COUNTY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: M.A.N. TRUCK & BUS CORP.)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: REPUBLIC OF GABON)		
CRAMER, HOFFMAN & HABER, P.C., 1320 19TH ST., NW SUITE 200 WASHINGTON DC 20036	AMERICAN CONCRETE PAVEMENT ASSN	5,000.00	
Do	CANAVERAL PORT AUTHORITY	13,500.00	247.39
Do	CITY OF MIAMI	7,500.00	105.97
Do	DADE COUNTY	5,000.00	46.49
Do	M.A.N. TRUCK & BUS CORP	4,000.00	
Do	REPUBLIC OF GABON	18,000.00	2,028.83
CREDIT UNION NATL ASSN, INC, SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	1,185.32
DAVID T. CROW, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	687.50	
CHARLES T. CUDLIP, 1100 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	90.00
CUMMINS ENGINE COMPANY, INC, C/O MICHAEL F. BREWER 1000 FIFTH ST. COLUMBUS IN 47201			
CURTIS, THAXTER, LIPEZ, STEVENS, BRODER & MICOLEAU, SUITE 503 1825 K ST., NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		
Do	NATIONAL ALLIANCE FOR HYDROELECTRIC ENERGY		
JAY B. CUTLER, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	5,254.48	649.04
RUDOLPH N. D'AGARIS, 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850			
WILLIAM KAY DAINES, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	700.00	63.50
DAIRY-FARMER DISTRIBUTORS OF AMERICA, INC, * CHITTENANGO NY 13037			
LEWIS I. DALE, SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	72.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DAMRELL, DAMRELL & NELSON, P.C., 911 13TH STREET P.O. BOX 3489 MODESTO CA 95353	TURLOCK IRRIGATION DISTRICT	326.81	
DANIELS, HOULIHAN & PALMETER, P.C., 1819 H ST., NW WASHINGTON DC 20006	JAPAN LUMBER IMPORTERS ASSN		
DAN DANNER, 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO INC.	300.00	210.00
EDWARD J. DAVEY, 1201 PENNSYLVANIA AVENUE, NW, #340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS	4,050.00	
CHRISTOPHER L. DAVIS, SUITE 650 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN BUREAU OF COLLECTIONS, INC.		
Do	ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY		
Do	FALCON JET CORPORATION		
Do	NATIONAL SKEET SHOOTING ASSN		
Do	TECHNOLOGY CENTER, INC.		
EDWIN I. DAVIS, 1510 FIRST CITY EAST BUILDING HOUSTON TX 77002	COASTAL CORP		
THOMAS A. DAVIS, SUITE 407 499 S. CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN GENERAL LIFE INSURANCE CO	512.62	818.81
Do	AMERICAN HORSE COUNCIL	1,485.37	535.58
Do	CHICAGO BOARD OF TRADE	1,000.00	676.60
Do	FLORIDA POWER & LIGHT CO		328.21
Do	FLORIDA SUGAR CANE LEAGUE, INC		123.50
Do	NATIONAL CATTLEMEN'S ASSN		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
Do	PROVIDENT LIFE & ACCIDENT INSURANCE CO	204.08	
DONALD S. DAWSON, 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER	20,000.00	
Do	U.S. BREWERS ASSOCIATION, INC.		
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION	20,000.00	
GASTON DE BEARN, SUITE 401 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	HOFFMANN-LA ROCHE INC		
JOHN J. DEGNAN, SHANLEY & FISHER, P.C. 550 BROAD STREET NEWARK NJ 07102	SHARP ELECTRONICS CORP	5,984.54	279.54
DELL, CRAIGHILL, FENTRESS & BENTON, 888 17TH ST., NW SUITE 1200 WASHINGTON DC 20006	CONSEJO ESTATAL DE DESAROLLO		
Do	GOVERNOR ROBERTO DE LA MADRID		
MICHAEL J. DELOOSE, 1015 18TH STREET, NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,035.00	
WILLIAM F. DEMAREST JR., FOREMAN & DYESS 1920 N STREET, NW WASHINGTON DC 20036	ENHANCED ENERGY RESOURCES, INC	5.00	4.00
ELIZABETH C. DEMATO, 5210 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	92.35
RALPH B. DEWEY, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	556.50	855.07
NANCY DIETZ, 45 EVERETT ST. NEWTON CENTER MA 02159	ACTION FOR CHILDREN'S TELEVISION	376.42	
DIRECT SELLING ASSOCIATION, 1730 M ST., NW WASHINGTON DC 20036			530.57
JOHN D. DOHERTY JR., 900 17TH STREET, NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.		
ROBIN C. DOLE, SUITE 704 1000 16TH ST. NW WASHINGTON DC 20036	CENTURY 21 REAL ESTATE CORP	275.00	
LEO J. DONAHUE, 230 SOUTHERN BLDG. WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
CHARLENE DOUGHERTY, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	8,000.00	3,251.00
RICHARD MORGAN DOWNEY, 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
W.H. DRUSHEL JR , 3500 FIRST CITY TOWERS HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QUINTANA REFINERY COMPANY)		
PAUL DUBRUL, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	104.00	
DOUGLAS F. DUERR, 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	
C. R. DUGGAN, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,200.00	1,200.00
DUNCAN, ALLEN & MITCHELL, 1575 EYE STREET, NW WASHINGTON DC 20005	COLORADO RIVER ENERGY DISTRIBUTORS ASSN	5,017.00	
JEAN DURNING, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	2,117.75	832.03
DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG, 1920 N STREET, NW, #100 WASHINGTON DC 20036	TOTAL PETROLEUM, INC		
ROY W. EASLEY, 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
GEORGE H. EATMAN, SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
DONALD R. EBE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	3,500.00	
HAROLD F. EBERLE, O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	COMMITTEE FOR TITLE XI VESSEL FINANCING		
JANE ELDER, 142 W. GORHAM STREET MADISON WI 53703	SIERRA CLUB	1,440.00	783.17
JOSEPH J. ELEY, 1700 K ST., NW SUITE 601 WASHINGTON DC 20006	SQUIBB CORP		
C. M. ELKINS ASSOCIATES, SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
KEITH H. ELLIS, 1015 18TH ST.,NW WASHINGTON DC 20036	CONFERENCE OF STATE BANK SUPERVISORS	1,337.50	54.79
CARL F. EMDE, 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	600.00	
STEPHEN ENDEAN, 750 7TH ST., SE WASHINGTON DC 20003	GAY RIGHTS NATIONAL LOBBY, INC	4,375.62	
SAMUEL E. ENFIELD, 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	SOLAR LOBBY	1,345.72	
GERTRUDE ENGEL, 2450 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL HEALTH FEDERATION		
ENHANCED ENERGY RESOURCES, INC, 14141 SOUTHWEST FREEWAY SUGARLAND TX 77478			5.00
EPSTEIN, BECKER, BORSODY & GREEN, SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE		
Do	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		
Do	TDI/WINSTON NETWORK, INC		810.00
Do	TRANSIT ADVERTISERS ASSN		
JOHN T. ESTES, 1150 CONNECTICUT AVE., NW #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	1,000.00	35.00
O. KEISTER EVANS, P.O. BOX 1308 ALEXANDRIA VA 22313	INTERNATIONAL HARDWOOD PRODUCTS ASSN		
WILLIAM J. EVANS JR., SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD SERVICES, INC	475.00	735.64
CONRAD H. C. EVERHARD, WALL STREET PLAZA NEW YORK NY 10005	AMERICAN GLOBAL LINE, INC		400.00
KY P. EWING JR., 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: ALFRED C. GLASSELL JR.)		
ROBBIE G. EXLEY, 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	112.59	5.40
GEORGE W. FALLTRICK, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ROBERT C FARBER, P.O. BOX 19079 ALEXANDRIA VA 22320	TOSCO CORPORATION	9,450.00	663.88
FARMERS FOR FAIRNESS, P.O. BOX 6288 CAMILLA GA 31730			
GEORGE L. FARNHAM, 2035 P STREET, NW, #401 WASHINGTON DC 20036	NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS		
CLINTON B. FAWCETT, NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
FREDERICK FEDELI, 1400 K STREET, NW 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,711.75	779.79
FEDERAL EXPRESS CORP, BOX 727 MEMPHIS TN 38194			50,314.86
JACK FERGUSON ASSOCIATES, 203 MARYLAND AVE., NE WASHINGTON DC 20002	WESTERN FOREST INDUSTRIES ASSN		
Do	WESTERN AIRLINES		
THEODORA FINE, 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	2,377.10	814.08
M. J. FIOCCO, 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRAFFIC LEAGUE	4,250.00	26.00
DAVID M. FITZGERALD, 900 17TH STREET, NW WASHINGTON DC 20006	GOODYEAR AEROSPACE CORPORATION	1,100.00	
Do	LITTON DATA SYSTEMS	1,000.00	
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	357.00	775.00
VERONICA M. FLOYD, 2001 S. JEFF DAVIS HIGHWAY, #1107 ARLINGTON VA 22202	BRUNSWICK CORPORATION	5,700.00	3,131.17
JOHN J. FLYNN, 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	422.00
R. D. FOLSOM, 11 DUPONT CIRCLE, NW, #630 WASHINGTON DC 20036	R. DUFFY WALL & ASSOCIATES, INC (FOR: LIFE OF VIRGINIA, ET AL)	100.00	
Do	R. DUFFY WALL & ASSOCIATES, INC (FOR: VOLUME FOOTWEAR RETAILERS OF AMERICA).	100.00	
FOOD RESEARCH & ACTION CENTER, 1319 F STREET, NW WASHINGTON DC 20004		5,000.00	17,639.19
FOREST FARMERS ASSOCIATION, P.O. BOX 95385 ATLANTA GA 30347			650.68
ALBERT A. FOX JR , 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	500.00	35.00
DONALD FRAHER, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	5,088.00	127.00
WILLIAM H. G. FRANCE, 1701 K ST., NW SUITE 1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
DONALD A. FREDERICK, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	121.94	
FREE THE EAGLE NATIONAL CITIZEN'S LOBBY, 757 S. MAIN ST. SPRINGVILLE UT 84663		288,618.79	246,880.88
LEWIS R. FREEMAN JR., 605 14TH STREET, NW WASHINGTON DC 20005	SOCIETY OF THE PLASTICS INDUSTRY		
ROBERT D. FRITZ, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,500.00	1,500.00
FULL EMPLOYMENT ACTION COUNCIL, 815 16TH STREET, NW WASHINGTON DC 20006		20,938.55	3,675.00
JOSEPH F. FURLONG, 284 SOUTH AVENUE POUGHKEEPSIE NY 12601	CENTRAL HUDSON GAS & ELECTRIC CORP	750.00	500.00
G-4 CHILDREN'S COALITION, ROOM 1100 1666 K STREET, NW WASHINGTON DC 20006		2,139.00	6,230.00
KIMBERLY A. GAMBLE, 110 MARYLAND AVENUE, NE WASHINGTON DC 20002	U.S. COMMITTEE FOR UNICEF	5,605.40	
MICHAEL N. GARABEDIAN, 14TH FLOOR 228 E. 45TH STREET NEW YORK NY 10017	SIERRA CLUB	323.84	786.46
GARVEY, SCHUBERT, ADAMS & BARER, 1000 POTOMAC ST., NW WASHINGTON DC 20006	ENERGY RESOURCES OF AUSTRALIA AND COUNSELORS FOR MANAGEMENT	19,598.54	19,198.00
GAS APPLIANCE MANUFACTURERS ASSOCIATION, INC., 1901 NORTH FORT MYER DR. ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC		90.00
GAY RIGHTS NATIONAL LOBBY, INC, 750 7TH ST., SE WASHINGTON DC 20003		73,381.17	76,784.94
CLAIRE M. GEOGHEGAN, 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	4,684.68	
GERARD, BYLER & ASSOCIATES, INC., 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY		
Do	COLVILLE BUSINESS COUNCIL	334.00	
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	500.00	15.00
Do	DAMSON OIL CORPORATION		
Do	MINNESOTA CHIPPEWA TRIBE		
Do	PAPAGO TRIBE OF ARIZONA	250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TULALIP TRIBES		
GETTY OIL COMPANY, 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			20,175.25
WILLIAM C. GIBB, 1140 CONNECTICUT AVENUE, NW, #201 WASHINGTON DC 20036		550.00	
GIBSON, DUNN & CRUTCHER, 1776 G STREET, NW WASHINGTON DC 20006	ASSOCIATED SPECIALTY CONTRACTORS, INC		
Do	MECHANICAL CONTRACTORS ASSN OF AMERICA, INC		
RICHARD GILBERT, 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN	1,222.00	
FLOYD H. GILKEY, 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC		
JONAH GITLITZ, SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSOCIATION		
CLAUDE R. GLAZE, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	1,000.00
JERE W. GLOVER, SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
GNAU, CARTER, JACOBSEN & ASSOC., INC., 1777 F STREET, NW WASHINGTON DC 20006	MOVE DETROIT FORWARD FUND		
THOMAS G. GODFREY, P.O. BOX 69 WOLWORTH WI 53184	KIKKOMAN FOODS, INC		
MICHAEL GOLDSTEIN, 276 FIFTH AVENUE NEW YORK NY 10001	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISERS		
NEIL B. GOLDSTEIN, 228 E. 45TH ST. NEW YORK NY 10017	SIERRA CLUB	1,692.60	3,661.71
ALFONSO J. GONZALEZ, 7981 SILVER SPRING MD 20910	NATIONAL ASSN OF SOCIAL WORKERS	10,000.00	490.00
JOHN X. GRAM, 319 SW WASHINGTON STREET, #714 PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	157.00
KAYLENE H. GREEN, SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORP	250.00	92.50
PHYLLIS GREENBERGER, 1400 K STREET, NW SUITE 670 WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,711.75	817.52
EDWARD F. GREISSING JR., 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
GROOM & NORDBERG, 1775 PENNSYLVANIA AVENUE, NW, #450 WASHINGTON DC 20006	OCEAN DRILLING & EXPLORATION CO		
JEROME GROSSMAN, 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	5,537.15	
LARRY GRUPP, BOX 8032 MOSCOW ID 83843	J. R. SIMPLOT CO		
LOYD HACKLER, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	25.85
HALE FOUNDATION, 422 FIRST STREET, SE, #208 WASHINGTON DC 20003		9,357.00	7,033.09
HALLMARK CARDS, INC., 25TH & MCGEE ST. KANSAS CITY MO 64108			
SEYMOUR HALPERN, 540 MADISON AVE. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING & CO., INC. (FOR: COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS).	1,000.00	714.00
Do	BARON/CANNING & CO., INC. (FOR: ELECTRONIC INDUSTRY ASSN OF JAPAN)		
Do	BARON/CANNING AND COMPANY, INC (FOR: EMBASSY OF INDIA)	1,000.00	494.75
HAMEL PARK MCCABE & SAUNDERS, 888 16TH STREET, NW WASHINGTON DC 20006	GOVERNMENT OF THE U.S. VIRGIN ISLANDS	650.00	650.00
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION	242.50	
AMY R. HAMMER, SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		1,754.55
HANDGUN CONTROL, INC., 810 18TH ST., NW WASHINGTON DC 20006		528,889.00	48,717.00
DONALD K. HANES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
WILLIAM G. HARLEY, SUITE 606 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSN		
MARCIA L. HARRINGTON, 110 MARYLAND AVENUE, NE, #409 WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN		
JIM HARRISON, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	6,250.00	37.05
DAVID G. HAWKINS, 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	3,435.70	
PETER M. HAYES, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	500.00	1,826.02
M. L. HEFTI, 1700 NORTH MOORE STREET, 20TH FL. ROSSLYN VA 22209	BOEING COMPANY	222.50	264.83
HELICOPTER ASSOCIATION INTERNATIONAL, 1110 VERMONT AVE., NW SUITE 430 WASHINGTON DC 20005			7,966.36
STEVEN B. HELLEM, NEDA/CAAP 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC		
THOMAS M. HELSCHER, 1101 17TH STREET, NW, #604 WASHINGTON DC 20036	MONSANTO COMPANY	450.00	30.82
THOMAS M. HENNESSY, 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GETTY OIL COMPANY		
LAWRENCE R. HERMAN, 600 PENNSYLVANIA AVENUE, SE, #200 WASHINGTON DC 20003	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	10,455.62	
WILLIAM G. HERROLD, SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
E. JOSEPH HILLINGS, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	2,675.00
J.D. HITTLE, 3137 S. 14TH ST. ARLINGTON VA	VOUGHT CORP	2,500.00	534.00
SHEILA K. HIXSON, 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
HOBBS STRAUS DEAN & WILDER, 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	METLAKATLA INDIAN COMMUNITY		
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA		8.20
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	OGLALA SIOUX TRIBE		
Do	PUEBLO DE COCHITI	766.70	53.00
Do	THREE AFFILIATES TRIBES OF THE FORT BERTHOLD RESERVATION		
GLEN D. HOFER, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	217.18	
LAWRENCE S. HOFFHEIMER, SUITE 520 1120 20TH STREET, NW WASHINGTON DC 20037	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	2,500.00	
Do	NATIONAL MULTIPLE SCLEROSIS SOCIETY	3,300.00	
WILLIAM H. HOFFMAN, 1000 16TH ST., NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		
HOGAN & HARTSON, 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	DESIGN PROFESSIONS GROUP		27.95
LILLIE E. HOOVER, P.O. BOX 1085 MARTINSBURG WV 25401	NATIONAL PEACH COUNCIL	742.50	40.25
KIM HOPPER, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY		
ALISON HORTON, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	4,250.00	650.00
JOHN F. HORTY, 1000 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL COUNCIL OF COMMUNITY HOSPITALS		
SANFORD D. HORWITT, 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION	4,000.00	91.81
Do	FRIENDS OF ANIMALS, INC		
HOSPITAL ASSOCIATION OF NEW YORK STATE, 15 COMPUTER DRIVE WEST ALBANY NY 12205		4,801.00	4,801.00
HOUSTON NATURAL GAS CORP, P.O. BOX 1188 HOUSTON TX 77001			
JAMES P. HOWELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	503.71	
BETTY HUDSON, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	10,000.00	1,978.00
HUDSON, LEFTWICH & DAVENPORT, SUITE 806 1101 15TH ST., NW WASHINGTON DC 20005	CITY OF DETROIT		
EDWARD L. HUIE, WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS	7,824.00	8,262.67
MARGOT SMILEY HUMPHREY, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)	5,140.00	
ROBERT R. HUMPHREYS, 1951 EYE STREET, NW, #500 WASHINGTON DC 20006	ARTHRITIS FOUNDATION	4,000.00	
Do	HELEN KELLER NATIONAL CENTER	1,075.00	9.00
ROBERT BRUCE HUNTER, 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
ISABEL E. HYDE, 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE AND RUBBER CO	2,000.00	
INDEPENDENT BANKERS ASSOCIATION OF AMERICA, 1625 MASSACHUSETTS AVE., NW, #202 WASHINGTON DC 20036		78,509.00	25,541.00
INSTITUTE OF FOREIGN BANKERS, SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017		2,000.00	2,000.00
INTERNATIONAL UNION OF OPERATING ENGINEERS, 1125 17TH ST., NW WASHINGTON DC 20036		16,000.00	1,141.00
JOHN ISAACS, 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	6,942.20	
IVINS, PHILLIPS & BARKER, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	19,702.00	206.00
Do	ROCHESTER TAX COUNCIL		
ROY T. JACOBSEN, GNAU, CARTER, JACOBSEN & ASSOC., INC. 1777 F STREET, NW WASHINGTON DC 20006	MOVE DETROIT FORWARD FUND		
HERBERT N. JASPER, 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	6,507.72	
PHILIP F. JEHLE, 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP	1,500.00	
DOUGLAS F. JOHN, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	MEDINA ELECTRIC COOPERATIVE, INC	250.00	
Do	SOUTH TEXAS ELECTRIC COOPERATIVE, INC	250.00	
RONALD P. JOHNSEN, SUITE 303 1625 EYE ST., NW WASHINGTON DC 20006	COLUMBIA GAS SYSTEM SERVICE CORP	175.00	205.02
JOHNSON & SWANSON, 4700 INTERFIRST TWO DALLAS TX 75270	METHODIST HOSPITALS OF DALLAS, ET AL		928.00
DOUGLAS JOHNSON, SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE, INC	6,250.00	461.05
THOMAS G. JOHNSON, P.O. BOX 2463 HOUSTON TX 77001	SHELL OIL COMPANY	500.00	
JOINT MARITIME CONGRESS, 444 N. CAPITOL ST. WASHINGTON DC 20001		24,951.09	24,951.09
MARY KAAREN JOLLY, 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	800.00	
THEODORE L. JONES, 3081 TEDDY DR. BATON ROUGE LA 70809	INSURANCE ASSN OF CONNECTICUT		
JONES, DAY, REAVIS & POGUE, 1735 I ST., NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN		
JACK C. JORGENSEN, 6534 SPRING VALLEY DRIVE ALEXANDRIA VA 22312	CITY OF ROSEWELL, NM; TOWN OF WRIGHTSVILLE BEACH, NC		
LAUREL B. KAMEN, SUITE 702 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	DOW CHEMICAL COMPANY		
DAVID L. KEATING, 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	1,788.47	
TY KELLEY, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
FRANCES ANN KENKEL, SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	1,750.00	
PAUL A. KIEFER, KIEFER & MORRISON 1341 G ST., NW, #602 WASHINGTON DC 20005	AMERICAN FUR INDUSTRY, INC; FUR CONSERVATION INST OF AMER	9,685.45	2,590.41
WILLIAM S. KIES, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	200.00	
KIKKOMAN FOODS, INC, P.O. BOX 69 WALWORTH WI 53184			
PETER C. KIRBY, 1901 PENNSYLVANIA AVE.,N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	129.51	4.00
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS, 1900 M ST., NW WASHINGTON DC 20036	AMERICAN STOCK EXCHANGE		
RALPH W. KITTLE, 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO		
SAUL B. KLAMAN, 200 PARK AVE. NEW YORK NY 10166	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	1,852.31	
LAURENCE KLEIN, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	280.00	
JOHN J. KLOCKO III, 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
GLENN KNAPP, ¼ 773 DARTMOUTH AVE. SAN CARLOS CA 94070	LOCKHEED CORPORATION	1,390.00	347.45
JAMES E. KNEALE, 2335 SOUTH MEADE ST. ARLINGTON VA 22202	NATIONAL ASSN OF REALTORS	1,875.00	178.18
PETER KNIGHT, 777 14TH STREET, NW WASHINGTON DC 20005	CONFERENCE OF STATE BANK SUPERVISORS		
LAWRENCE E. KREIDER, 1015 18TH ST., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	854.58	
JAMES S. KRZYMINSKI, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN TRADE AND FINANCE COMPANY	12,499.98	
HENRY J. KUSS JR., 1426 LADY BIRD DRIVE MCLEAN VA 22101	CHICAGO MERCANTILE EXCHANGE		
JAMES H. LAKE, SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL		
Do	RSV MINING CO		
Do	SUNMAID RAISIN GROWERS OF CALIFORNIA		
Do	WESTERN COTTON GROWERS ASSN		
Do	NATIONAL ASSN OF REALTORS	1,250.00	
MARCY LAMBOURNE, 777 14TH STREET, NW WASHINGTON DC 20005	ANHEUSER-BUSCH COMPANIES, INC		
STEPHEN K. LAMBRIGHT, ONE BUSCH PLACE ST. LOUIS MO 63118	NATIONAL LEASED HOUSING ASSN	450.00	
LANE & EDSON, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING		
LAURENCE F. LANE, SUITE 770 1050 17TH ST. WASHINGTON DC 20036	M.O.A.A.I.O.A. & SUBS, INC		
BRUCE LANTHORN, 701 S. 22ND STREET OMAHA NB 68121	LET THE PEOPLE BE HEARD COMM		
JOHN H. LEACH II, P.O. BOX 11125 SANTA ANA CA 92711			2,942.20
LEAGUE OF CALIFORNIA MILK PRODUCERS, 1225 8TH ST. SACRAMENTO CA 95814	AMERICAN ASSN OF NURSERYMEN		
ROBERT F. LEDERER, 230 SOUTHERN BLDG. WASHINGTON DC 20005	JOINT MARITIME CONGRESS	3,004.50	
DAVID A. LEFF, 444 NORTH CAPITOL WASHINGTON DC 20001	BOGLE & GATES (FOR: PACIFIC SEAFOOD PROCESSORS ASSN)	1,500.00	
TERRY L. LEITZELL, ONE THOMAS CIRCLE, NW, #900 WASHINGTON DC 20005	POTLATCH CORPORATION	271.15	
KAYE CONNIFF LEONARD, SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	COMMERZBANK AG		
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER, SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COMMONWEALTH EDISON COMPANY		
Do	GENERAL CABLE CO		
Do	SONY CORPORATION OF AMERICA	4,737.50	245.00
Do	UNION INVESTMENT GMBH		
Do	GENERAL ELECTRIC CO	600.00	
HARRY LEVINE JR , 777 14TH ST., NW WASHINGTON DC 20005	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
ROSS W. LILLARD, 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	AMERICAN EXPRESS CO		
WILLIAM LILLEY III, 1700 K ST., NW WASHINGTON DC 20006	JOHNSON SCANSTAR	462.00	
LILLICK MCHOSE & CHARLES, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	KAISER STEEL CORP	1,285.50	127.29
Do	DENVER TECHNOLOGICAL CENTER	4,218.00	
RON M. LINTON, SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO	3,000.00	
LINTON, MIELDS, REISLER & COTTONE, LTD., SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	7,500.00	31.00
Do	LAKE SUPERIOR DISTRICT POWER CO	597.00	
Do	MADISON GAS & ELECTRIC CO	1,351.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	4,560.00	
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	5,250.00	64.00
Do	NORTHERN STATES POWER CO	1,546.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	3,288.00	
Do	STATE OF IL, DEPT OF TRANSPORTATION	8,169.00	
Do	SUPERIOR WATER, LIGHT & POWER CO	399.00	
Do	WISCONSIN ELECTRIC POWER CO	5,013.00	198.00
Do	WISCONSIN FUEL AND LIGHT CO	147.00	
Do	WISCONSIN GAS CO	943.00	18.00
Do	WISCONSIN NATURAL GAS CO	518.00	
Do	WISCONSIN POWER & LIGHT CO	2,420.00	
Do	WISCONSIN PUBLIC SERVICE CORP	2,455.00	
Do	WISCONSIN SOUTHERN GAS CO	147.00	
FRANCES S. LIPSCOMB, 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
CRAIG LISKE, P.O. BOX 2120 HOUSTON TX 77252	UNION TEXAS PETROLEUM CORP		
WILLIAM E. LONG, ONE NATIONWIDE PLAZA COLUMBUS OH 43216	NATIONWIDE INSURANCE COMPANY	9,360.00	510.00
CHARLES M. LOVELESS, 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO	8,484.24	305.01
WILLIAM F. LUDLAM SR , P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		272.00
KATHY K. LUHN, 11593 N. SHORE DR. RESTON VA 22090	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC		
SYLVESTER LUKIS, SUITE 200 1320 19TH STREET, NW WASHINGTON DC 20036	CRAMER, HOFFMAN & HABER (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HOFFMAN & HABER (FOR: CITY OF MIAMI)		
Do	CRAMER, HOFFMAN & HABER (FOR: DADE COUNTY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: GLOBAL EXP. & DEV. CORP.)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: REPUBLIC OF GABON)		
LEE G. MAGNUSSEN, 250 S. WACKER DR. CHICAGO IL 60604	HEINOLD COMMODITIES, INC		
MILTON C. MAPES, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,194.54	
R. V. MARIANI, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,200.00	1,200.00
PATRICIA MARKEY, SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	3,244.00	40.00
JOHN C. MARLIN, 307 W. NEVADA URBANA IL 61801	CENTRAL STATES RESOURCE CENTER		
CHALMERS H. MARQUIS, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	AGENCY FOR INSTRUCTIONAL TELEVISION		
Do	CHILDREN'S TELEVISION WORKSHOP		
ELEANOR MARSHALL, 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	225.00	
FRED J. MARTIN JR., 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	231.73	3,527.30
JAMES D. MARTIN, 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORP	2,000.00	136.68
THOMAS A. MARTIN, SUITE 634 SOUTH 1600 EADS ST. ARLINGTON VA 22202	AMERICAN PETROLEUM INST		
CHARLES D. MATTHEWS, SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN	1,250.00	
HERBERT S. MATTHEWS, BOX 72 MECHANICSVILLE MD 20659	MARTIN-MARIETTA AEROSPACE	6,500.00	119.24
SAMUEL L. MAURY, SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	12.00	200.00
C. H. MAYER, INC., SUITE 701 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	LANGHAM PETROLEUM EXPLORATION CORP		
LAW OFFICES OF R. C. MCCANDLESS, 1707 H ST., NW WASHINGTON DC 20006	INTERNATIONAL PAPER CO		
CATHY MCCHAREN, 499 S. CAPITOL STREET, S.W. # 411 WASHINGTON DC 20003	UNITED EGG PRODUCERS		
MICHAEL A. MCCLELLAND, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	280.00	
MOLLY MCCORMICK, 2301 MARKET STREET, S24-4 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	2,125.00	182.39
DAVID F. MCDERMITT, SUITE 606 1235 JEFFERSON-DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSN		386.05
MARIANNE MCDERMOTT, 1201 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20004	HILL & KNOWLTON, INC		
E. T. MCDONALD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,400.00	2,400.00
JAMES MCDONALD, 9311 WOODLAND DR. SILVER SPRING MD 20910	JACK MCDONALD ASSOCIATES (FOR: NORTHROP CORP)		
DARRYL D. MCEWEN, 901 N. WASHINGTON ST. ALEXANDRIA VA 22134	SOCIETY OF AMERICAN FLORISTS	2,500.00	
GALE W. MCGEE ASSOCIATES, SUITE 700 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	DGA INTERNATIONAL, INC		
PHIL A. MCKEANEY, 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	9,183.60	224.00
MICHAEL R. MCLEOD, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS	250.00	
Do	CHICAGO BOARD OF TRADE		
Do	LEAF TOBACCO EXPORTERS ASSN	531.25	
Do	UNITED EGG PRODUCERS	562.50	
JANE PIERSON MCMICHAEL, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	11,296.32	20,822.97
FRANCIS X. MEANEY, 1825 EYE STREET, NW WASHINGTON DC 20006	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SECURITIES INDUSTRY ASSN).	1,000.00	
NANINE MEIKLEJOHN, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	10,300.74	162.00
R. OTTO MELETZKE, 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HAROLD E. MESIROW, 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	LILLICK, MCHOSE & CHARLES (FOR: FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE).	10,448.50	18.27
Do	WESTERN PIONEER, INC	3,975.00	
WILLIAM M. METHENITIS, 1200 ONE MAIN PLACE DALLAS TX 75250	STRASBURGER & PRICE (FOR: DALLAS/FT. WORTH REGIONAL AIRPORT BOARD)	665.00	12.00
METZGER, SHADYAC & SCHWARZ, ONE FARRAGUT SQUARE SOUTH, 9TH FL WASHINGTON DC 20006	MELEX USA, INC		
SHARON MIHNOVETS, 2809 S. JOYCE ST. ARLINGTON VA 22202			
MILLER & CHEVALIER CHARTERED, METROPOLITAN SQUARE 655 15TH STREET, NW WASHINGTON DC 20005	HERCULES INC	3,273.00	
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	WEBSTER, JEPPSON, JONES & AGRAN	2,550.00	81.17
LINDA B. MILLER, 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HOSPITALS	8,000.00	915.40
MILLER, CANFIELD, PADDOCK & STONE, SUITE 300 2555 M ST., NW WASHINGTON DC 20037	COMERICA, INC	10,525.00	10.00
J. MICHAEL MORGAN, SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL. (FOR: AMAX, INC.)		
Do	POPHAM, HAIK ET AL. (FOR: ROCKY MOUNTAIN ENERGY CO.)		
MOTORCYCLE INDUSTRY COUNCIL, INC, 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC		
MUDGE ROSE GUTHRIE ALEXANDER & FERNDON, 2121 K STREET, NW WASHINGTON DC 20037	BASIN ELECTRIC POWER COOPERATIVE	7,000.00	200.00
JEAN A. MUIR, 45 THIRD AVENUE P.O. BOX 600 RIDGELEY WV 26753			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JAMES MULAR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
JOHN P. MULLIGAN, 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
ALBERT E. MULLIN JR , 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	4,000.00	
EDWARD MULROY, * MARCELLUS NY 13108			
PATRICIA MUNOZ, 323 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	AMERICAN RIVERS CONSERVATION COUNCIL		
KEITH MURPHY, KEMP, KLEIN, ENDELMEN & BEER 1320 19TH STREET, NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP		
ROSEMARY GRIFFIN MURRAY, SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC		
CRAIG E. MUSICK, 5913 OAKLAND PARK DRIVE BURKE VA 22015	AMERICAN TRADE AND FINANCE COMPANY	20,000.00	
KENNETH NADEN, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
ALAN Y. NAFTALIN, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)		
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
NATA, SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20006			
HARDY L. NATHAN, 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
NATIONAL ABORTION RIGHTS ACTION LEAGUE, 1424 K ST., NW WASHINGTON DC 20005		5,750.12	
NATIONAL AIR CARRIER ASSN, SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS, SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902			8,826.40
NATIONAL ASSN OF CHAIN DRUG STORES, INC., P.O. BOX 1417-D49 ALEXANDRIA VA 22313			4,773.80
NATIONAL ASSN OF FEDERALLY LICENSED FIREARMS DEALERS, 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306			
NATIONAL ASSN OF HOME BUILDERS OF THE U.S., 15TH & M STS., NW WASHINGTON DC 20005		47,399.38	99,540.75
NATIONAL ASSN OF MUTUAL SAVINGS BANKS, 200 PARK AVE. NEW YORK NY 10166		16,717.85	16,717.85
NATIONAL ASSN OF REALTORS, 777 14TH ST., NW WASHINGTON DC 20005			55,015.16
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		6,119.00	5,719.00
NATIONAL CLEAN AIR COALITION, INC, 530 7TH ST., SE WASHINGTON DC 20003		29,706.75	28,675.07
NATIONAL COMM FOR CITIZENS IN EDUCATION, SUITE 410 WILDE LAKE VILLAGE GREEN COLUMBIA MD 21044			
NATIONAL COMMUNITY ACTION FOUNDATION, INC., 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		70,805.00	37,470.00
NATIONAL COUNCIL OF FARMER COOPERATIVES, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		20,376.10	9,805.46
NATIONAL EDUCATION ASSN, 1201 16TH ST., NW WASHINGTON DC 20036		17,434.92	17,434.92
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC, 1110 VERMONT AVENUE, NW, #1210 WASHINGTON DC 20005.		57,003.00	1,715.00
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS, SUITE 1804 16 COURT STREET BROOKLYN NY 11201.			
NATIONAL FEDERATION OF LICNSED PRACTICAL NURSES, P.O. BOX 11038 DURHAM NC 27703		2,000.00	2,000.00
NATIONAL GUARD ASSN OF THE U.S., ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		25,913.00	2,911.53
NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE, SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		9,250.00	9,936.00
NATIONAL LEAGUE OF POSTMASTERS OF THE U.S., 1023 NORTH ROYAL STREET ALEXANDRIA VA 22314			23,511.00
NATIONAL LEASED HOUSING ASSN, SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL MILITARY WIVES ASSN., INC., 2666 MILITARY RD. ARLINGTON VA 22207			
NATIONAL MOTORSPORTS COMM OF ACCUS, SUITE 1204 1701 K ST., NW WASHINGTON DC 20006		5,025.11	5,000.00
NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS, 2035 P STREET, NW, #401 WASHINGTON DC 20036			
NATIONAL ORGANIZATION FOR WOMEN, 425 13TH ST., NW WASHINGTON DC 20004			3,202.01
NATIONAL PEACE ACADEMY CAMPAIGN, SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		84,388.95	118,007.90
NATIONAL PEACH COUNCIL, P.O. BOX 1085 MARTINSBURG WV 25401		767.71	1,169.59
NATIONAL POTATO COUNCIL, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
NATIONAL RIFLE ASSOCIATION OF AMERICA, 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		45,787.87	78,537.43
NATIONAL RIGHT TO LIFE COMMITTEE, INC, SUITE 402 419 7TH ST., NW WASHINGTON DC 20004		668,278.00	62,825.00
NATIONAL RURAL DEVELOPMENT & FINANCE CORP., SUITE 360 1300 19TH STREET, NW WASHINGTON DC 20036			
NATIONAL RURAL HOUSING COALITION, 1016 16TH STREET, NW, #8G WASHINGTON DC 20036		26,103.45	13,005.87
NATIONAL TAXPAYERS UNION, 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		14,044.00	9,235.78
NATIONAL TOUR BROKERS ASSOCIATION, INC., 120 KENTUCKY AVE. LEXINGTON KY 40502		29,629.00	29,629.00
NATIONAL TURKEY FEDERATION, 11800 SUNRISE VALLEY DRIVE, #302 RESTON VA 22091			
NEECE, CATOR & ASSOCIATES, INC, 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE		
KIMBERLY ANN NEILSEN, 2626 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20037	NATIONAL TELEPHONE COOPERATIVES ASSN	1,862.50	338.00
CAROLYN B. NELSON, #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC		
NEW YORK SHIPPING ASSN, 80 BROAD STREET, 12TH FL. NEW YORK NY 10004			
NONPROFIT MAILERS FEDERATION, SUITE 405 2550 M STREET, NW WASHINGTON DC 20037			
CLIFFORD R. NORTHUP, 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	522.30
EDWARD M. NORTON JR., 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
JAMES NORTON, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	98.44	18.85
NOSSAMAN GUTHNER KNOX & ELLIOTT, 1140 19TH ST., NW, #600 WASHINGTON DC 20036	BURLINGTON NORTHERN		
LAWRENCE F. O'BRIEN, BREED, ABBOTT & MORGAN 1875 EYE STREET, NW, #1000 WASHINGTON DC 20006	AMERICAN STOCK EXCHANGE, INC		
ROSEMARY L. O'BRIEN, SUITE 640 2550 M ST., NW WASHINGTON DC 20037	CF INDUSTRIES, INC	500.00	24.67
DANIEL O'CONNELL, ONE POST OFFICE SQUARE BOSTON MA 02109	GADSBY & HANNAH (FOR: WANG LABORATORIES, INC)	2,125.00	368.36
JAMES J. O'CONNELL, 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	756.00	386.56
O'CONNOR & HANNAN, 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	COMBINED INSURANCE COMPANY OF AMERICA		
Do	NATIONAL SECURITY & RETIREMENT PROGRAM		
Do	RLC CORPORATION		
M. DIANE O'TOOLE, SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		279.43
NEIL H. OFFEN, 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	1,000.00	239.44
GERALD L. OLSON, 200 S. 6TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
CHARLES J. ORASIN, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	2,849.00	31.00
MICHEL ORBAN, 125 BROAD STREET, 39TH FL. NEW YORK NY 10004	AMERICAN EXPRESS CO		
ORGAN. FOR ADVANCEMENT & PROTECTION OF SMALL TELEPHONE COS, 2301 M STREET, NW, #530 WASHINGTON DC 20037.		100.00	134.57
ELVIRA J. ORLY, 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	4,736.70	942.67
J. F. OTERO, 815 16TH STREET, NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	500.00	100.00
WILLIAM J. OWENS, 1745 JEFFERSON DAVIS HIGHWAY, #511 ARLINGTON VA 22202	MANUFACTURED HOUSING INSTITUTE	900.00	100.00
PACIFIC MANAGEMENT DYNAMICS CORP, SUITE 107 910 FLOEIN RD. SACRAMENTO CA 95831			
JUDY E. PARK, 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	10,160.00	
KIMBERLY C. PARKER, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	7,286.58	128.75
SARA LYNN PARKER, 1319 F. ST.,NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
PRUDENCE H. PARKS, 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO	68.01	102.95
TOM E. PARO, 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	2,763.00	
PEABODY, LAMBERT & MEYERS, 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL MASS RETAILING INSTITUTE	765.00	9.00
Do	OPPOSE	1,105.00	21.00
FRANK PECQUEX, 5201 AUTH WAY CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	70.50
PEPPER HAMILTON & SCHEETZ, 1777 F STREET, NW WASHINGTON DC 20006	SUN SHIPBUILDING & DRY DOCK CO	1,881.25	
EDMUND J. PERRET II , 1400 K STREET, NW WASHINGTON DC 20005	AMERICAN PSYCHIATRIC ASSN	1,783.39	564.44
G. STEPHEN PERRY, 115 D STREET, SE, #G-8 WASHINGTON DC 20003	U.S. TELEPHONE, INC	5,700.00	100.00
DOUG PIKE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	1,147.58	890.65
DANIEL J. PILIERO II , 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS	1,287.50	15.00
SUMNER PINGREE, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	402.97	4.30
PIPER & MARBURY, 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	BANKERS LEASING CORP & AFFILIATES, ET AL	3,440.00	18.06
Do	PHH GROUP, INC		
Do	RYDER SYSTEMS, INC		
Do	U.S. AIR, INC		
POPULATION RESOURCE CENTER, INC, 622 THIRD AVE. NEW YORK NY 10017		4,076.00	11,750.00
CAROL ALICE PORTER, SUITE 1101 1612 K ST., NW WASHINGTON DC 20036	WILDLIFE LEGISLATIVE FUND OF AMERICA	3,421.00	
ROBERT W. PORTER, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL		
PRATHER SEEGER DOOLITTLE & FARMER, 1101 16TH ST., NW WASHINGTON DC 20036	BANKER'S ASSN FOR FOREIGN TRADE		
WILLIAM B. PRENDERGAST, 6215 KELLOGG DRIVE MCLEAN VA 22101	TOBACCO INSTITUTE	6,000.00	1,182.55
PAUL F. PRESTON, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
ELLEN PRITCHETT, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
PRO/LIFE CONGRESSIONAL DISTRICT 11, P.O. BOX 727 SAN CARLOS CA 94070		293.40	493.38
EARL PROCTOR, 561-2 SHELBY AVENUE PAINESVILLE OH 44077	LAKE COUNTY VETERANS SERVICES		
PROTECT THE INNOCENT, INC., 451 SOUTH INDIANA STREET MOORESVILLE IN 46158		469.00	229.22
PUBLIC TIMBER PURCHASERS GROUP, 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		22,750.00	2,792.48
RAGAN & MASON, 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN SHIP BUILDING CO	1,000.00	
Do	BECHTEL CORP	7,500.00	
Do	CURTISS-WRIGHT CORP	29,840.64	
Do	GOVERNMENT OF BERMUDA	3,000.00	
Do	GULF OIL CORP	4,000.00	
Do	NATIONAL BULK CARRIERS, INC	4,500.00	
Do	RJ REYNOLDS INDUSTRIES, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SEA-LAND INDUSTRIES, INC	20,000.00	
Do	SECURITY PACIFIC LEASING CORPORATION		
Do	SECURITY PACIFIC NATL BANK		
Do	STIMSON LUMBER CO & MILLER REDWOOD CO	3,000.00	
ROBERT A. RAGLAND, P.O. BOX 24305 OAKLAND CA 94623	CLOROX COMPANY		
LANI HUMMEL RALEIGH, 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP	2,000.00	236.90
HOWARD W. RANDOLPH JR , 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
ROBERT A. RAPOZA, SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL RURAL HOUSING COALITION	6,923.04	
REASONER, DAVIS & VINSON, 888 17TH STREET, NW WASHINGTON DC 20006	ACACIA MUTUAL LIFE INSURANCE CO	3,500.00	
JOHN DANIEL REAVES, 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	1,212.50	
RECORDING INDUSTRY ASSN OF AMER, INC, 888 SEVENTH AVENUE, 9TH FL NEW YORK NY 10106		4,708.35	4,708.35
JOHN M. RECTOR, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
MARK REIHL, 5201 AUTH WAY RM 510 CAMP SPRINGS MD 20746	SEAFARERS INTERNATIONAL UNION	3,000.00	218.78
MURRAY P. REISER, 4 LONGFELLOW PLACE BOSTON MA 02114	EDWARD BLANKSTEIN, INC		
RENDON COMPANY, 1321 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003			
RESEARCH TO PREVENT BLINDNESS, INC, 598 MADISON AVE. NEW YORK NY 10022			
RESEARCH-COTTRELL, INC, P.O. BOX 1500 SOMERVILLE NJ 08876			3,036.95
RESERVE OFFICERS ASSN OF THE US, 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		2,169.59	23,602.88
NANCY C. REYNOLDS, 300 MARYLAND AVE., NE WASHINGTON DC 20002	BENDIX CORP		
AUSTIN T. RHOADS, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		503.19
LOIS D. RICE, 1201 PENNSYLVANIA AVNEUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	143.40	
RICHARD RICHARDS, BLISS, CRAFT & RICHARDS 1050 THOMAS JEFFERSON STREET, NW, 6TH FL WASHINGTON DC 20007	AMERICAN PRESIDENT LINES		
K. O. RICHARDSON, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,000.00	2,000.00
RIDDELL, FOX, HOLROYD & JACKSON, P.C., 723 WASHINGTON BLDG. WASHINGTON DC 20005	BENEFICIAL CORPORATION	5,000.00	
Do	C.I.T. FINANCIAL CORP		
Do	W. K. KELLOGG FOUNDATION		
Do	U.S. BREWERS ASSOCIATION, INC	10,000.00	
RJR INDUSTRIES, INC, 1100 REYNOLDS BLVD. WINSTON-SALEM NC 27106			13,088.33
STEVEN M. ROBERTS, 1700 K STREET, N.W. WASHINGTON DC 20006	AMERICAN EXPRESS CO		
TOM ROBINSON, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY		
TERRENCE L. ROGERS, 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	8,619.45	56.00
LOUISE L. ROSEMAN, SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
MIRIAM A. ROSENBERG, ONE DUPONT CIRCLE, NW, #610 WASHINGTON DC 20036	COALITION OF INDEPENDENT COLLEGE AND UNIVERISTY STUDENTS		
ROBRT STEWART ROYER, 1747 PENNSYLVANIA AVNEUE, NW, #950 WASHINGTON DC 20036	AMERICAN MILITARY SALES		
Do	CHRYSLER MILITARY SALES CORP		
Do	CITY OF AKRON, OHIO		
Do	FORD, RIFF & BURGESS		
Do	HARLEY-DAVIDSON MILITARY SALES		
Do	INTERNATIONAL FUTURES EXCHANGE		
Do	INTEX HOLDINGS (BERMUDA) LIMITED		
Do	MICHIGAN TRADE EXCHANGE		
Do	MORGAN STANLEY & CO., INC		
Do	OVERSEAS MILITARY SALES GROUP		
Do	SECURITIES INDUSTRY ASSOCIATION		
GLORIA CATANEO RUDMAN, SUITE 801 444 N. CAPITOL ST., NW WASHINGTON DC 20001	JOINT MARITIME CONGRESS	4,326.00	
RANDALL M. RUSSELL, 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	366.67	
V. ALARIC SAMPLE JR., 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	567.82	26.40
WILLIAM SAMUEL, 1730 K ST., NW SUITE 1101 WASHINGTON DC 20006	NATIONAL TREASURY EMPLOYEES UNION	8,732.00	
BRUCE W. SANFORD, BAKER & HOSTETLER 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI	1,500.00	445.27
DONALD E. SANTARELLI, SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	500.00	240.00
Do	KINGS RIVER WATER USERS COMM		
Do	SAFARI CLUB INTERNATIONAL	1,500.00	210.00
Do	STURM, RUGER COMPANY, INC	500.00	170.00
JAMES D. SANTINI, JONES JONES BELL CLOSE & BROWN, CHTD 1110 VERMONT AVENUE, NW, #1060 WASHINGTON DC 20005.	GREENS CREEK JOINT VENTURE	6,000.00	6,000.00
Do	LORIMAR PRODUCTIONS	4,500.00	6,136.65
Do	NATIONAL TOUR ASSN	5,625.00	7,242.00
Do	NORANDA EXPLORATION, INC	3,750.00	5,305.00
Do	NORANDA MINING, INC	3,075.00	4,100.00
HAROLD A. SCHAITBERGER, 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	11,657.88	
SCHNITZER INVESTMENT CORP., 3200 N.W. YEON AVE. PORTLAND OR 97210			
H. B. W. SCHROEDER, 1050 17TH STREET, NW SUITE 290 WASHINGTON DC 20036	CONSUMERS POWER CO	600.00	
STANLEY W. SCHROEDER, 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC		90.00
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS, SUITE 302 1000 POTOMAC ST., NW WASHINGTON DC 20007	HELICOPTER LOGGERS ASSN	468.75	188.19
Do	LITCHSTREET COMPANY		
Do	MOUNTAIN STATES ENERGY, INC	3,124.69	1,255.47
Do	OTIS ELEVATOR CO	2,125.48	854.34
Do	PIASECKI AIRCRAFT CORPORATION	1,486.94	597.43
Do	STATE OF OREGON, CITY OF PORTLAND, OREGON METRO	6,516.52	2,618.64
BARI SCHWARTZ, 1625 K STREET, NW WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES	9,999.96	49.61
SALLY SCIACCA, 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,062.50	24.20
SCOTT COMPANY, INC., 8 JACANA ROAD HILTON HEAD SC 29928	COASTAL PROPERTIES INSTITUTE		
JAMES M. SCOTT, 8 JACANA ROAD HILTON HEAD SC 29928	SCOTT COMPANY		
MICHAEL SCOTT, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	295.78	
STUART D. SERKIN, SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
JAMES E. SHAW, SUITE 511 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
RUSSELL H. SHAY, 6014 COLLEGE AVE. OAKLAND CA 94618	SIERRA CLUB	2,870.25	1,236.62
DALE SHERWIN, 1735 I ST., NW, #717 WASHINGTON DC 20006	A.E. STALEY MFGR CO	3,000.00	210.00
NELSON T. SHIELDS, 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	3,150.00	
RUSSELL L. SHIPLEY JR , 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
SHIPLEY SMOAK & HENRY, SUITE 820 910 17TH ST., NW WASHINGTON DC 20006	FEDERATED DEPARTMENT STORES, INC	1,250.00	625.00
Do	U.S.-SOUTH WEST AFRICA/NAMIBA TRADE & CULTURAL COUNCIL	750.00	525.00
MARY FRANCES SHLAGEL, SUITE 760 1050 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
THOMAS K. SHOEMAKER, 1899 L STREET, NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSN OF AMERICA		
SHORT, KLEIN & KARAS, P.C., SUITE 303 1101 30TH ST., NW WASHINGTON DC 20007	ATLANTIC CONTAINER LINE	795.00	
RICHARD G. SHOUP, SUITE 600 SOUTH 1120 20TH ST. NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	2,850.00	1,596.17
SIERRA CLUB, 530 BUSH ST. SAN FRANCISCO CA 94108		180,503.23	180,503.23
STEPHEN SILBIGER, 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	12,508.14	464.24
STEVEN W. SILVER, ROBERTSON, MONAGLE, EASTAUGH & BRADLEY 200 NATIONAL BANK OF ALASKA BLDG. P.O. BOX 1211 JUNEAU AK 99802.	ALASKA PULP & RESOURCES, INC		
SIMONELLI AND HALL, 1420 N STREET, NW, #10 WASHINGTON DC 20005	FAIR TRADE SUBCOMM OF INTL TRADE COMM OF CAST METALS FEDER		
J. R. SIMPLOT CO., P.O. BOX 27 BOISE ID 83707			
RICHARD L. SINNOTT & CO, SUITE 306 2021 K ST., NW WASHINGTON DC 20006	OAKLAND COLISEUM	30,625.00	2,620.44
Do	PORT OF OAKLAND	1,250.00	
STEPHEN L. SKARDON JR , 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	9,023.00	56.00
AMY SKILBRED, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	8.69	
SCOTT SKLAR, 1001 CONNECTICUT AVENUE, NW, #510 WASHINGTON DC 20036	SOLAR LOBBY	1,268.96	
SMITH DAWSON ASSOCIATES, INC, 1000 CONNECTICUT AVENUE, NW, #304 WASHINGTON DC 20036	METROPOLITAN TRANSPORTATION AUTHORITY	5,625.00	6,354.07
DOUGLAS S. SMITH, 3219 MAGNOLIA AVENUE FALLS CHURCH VA 22041	NATIONAL INHOLDERS ASSN		
RANDALL D. SNODGRASS, 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	WILDERNESS SOCIETY	392.86	550.74
SOLAR LOBBY, SUITE 510 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		77,443.86	12,489.00
WILLIAM L. SOLLEE, 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PUBLIC SERVICE ELECTRIC & GAS CO		
SONOSKY CHAMBERS SACHSE & GUIDO, 1050 31ST ST., NW WASHINGTON DC 20007	ASSINIBOINE AND SIOUX TRIBES		
Do	MULTI-HOUSING LAUNDRY ASSOCIATION, INC		
Do	SHOSHONE INDIAN TRIBE		
Do	STANDING ROCK SIOUX TRIBE		
TERRY SOPHER, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	2,812.76	107.76
SOUTHERN FOREST PRODUCTS ASSN, P.O. BOX 52468 NEW ORLEANS LA 70152		16,165.13	16,165.13
CHARLES E. SOUTHWICK, 1627 K STREET, NW, #200 WASHINGTON DC 20006	FLUOR CORPORATION	15,000.00	1,864.00
JOHN F. SPEER JR , 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
SPEISER, KRAUSE & MADOLE, 1216 16TH ST., NW WASHINGTON DC 20036	MRS. VERA C. CLEMENTE, ET AL		
PHILIP SPESER, 5070 MACARTHUR BLVD., NW WASHINGTON DC 20016	FORESIGHT, INC (FOR: SOCIETY FOR AMERICAN ARCHAEOLOGY)	2,400.00	783.00
SAMUEL E. STAVISKY & ASSOCIATES, INC, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BROADCAST MUSIC INC. (BMI)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SAMUEL E. STAVISKY, 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		
WILLIAM N. STEELE, 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	1,872.87	2,110.42
J. C. STEEN, 412 FIRST STREET, SE, #301 WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	91.53
STEPTOE & JOHNSON, 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS		724.41
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN		
Do	TRAILWAYS, IANC		
JACK MARK STOLIER, SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
RICHARD BOYLE STOREY, 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
STRADLEY, RONON, STEVENS & YOUNG, 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP		
STRASBURGER & PRICE, 1200 ONE MAIN PLACE DALLAS TX 75250	DALLAS/FT. WORTH REGIONAL AIRPORT BOARD		1,096.29
KAREN PELTZ STRAUSS, 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION	100.00	
SURREY & MORSE, 1250 EYE STREET, NW WASHINGTON DC 20005	SOUTH JERSEY CLOTHING	240.00	3.00
SUTHERLAND ASBILL & BRENNAN, 1666 K ST., NW WASHINGTON DC 20006	PROCESS GAS CONSUMERS GROUP	560.00	
Do	ROLLINS, INC	9,440.00	440.25
DONALD R. SWEITZER, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	5,000.00	531.86
SWIDLER, BERLIN & STRELOW, CHTD., 1000 THOMAS JEFFERSON ST., NW #500 WASHINGTON DC 20007	AIRCO, INC	5,310.00	
Do	NATIONAL ASSN FOR HOSPITAL DEVELOPMENT		
Do	NATIONAL COUNCIL OF COMMUNITY HOSPITALS	8,925.00	
RUSSELL A. SWINDELL, P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
SCOTT R. SWIRLING, SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH ASSOC., INC	1,174.00	600.00
SYRDAL DANELO KLEIN & MYRE, P.C., 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTERBOAT ASSN	4,502.50	980.97
Z. MICHAEL SZAZ, 6415 FRANCONIA COURT SPRINGFIELD VA 22150	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA	2,500.00	
ELINOR D. TALMADGE, 2501 M ST., NW WASHINGTON DC 20037	TANNERS' COUNCIL OF AMERICA		
TARGET, INC., 2411 OLD CROW CANYON ROAD SAN RAMON CA 94583			6,000.00
TEAMSTERS FOR A DEMOCRATIC UNION, 2000 P ST., NW, #612 WASHINGTON DC 20036			590.00
THER-A-PEDIC MIDWEST, INC., 2350 5TH STREET ROCK ISLAND IL 61201			
CHARLES P. THOMPSON, P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	1,000.00	668.39
THOMPSON, HINE & FLORY, 1920 N ST., NW WASHINGTON DC 20036	GREAT WESTERN SUGAR COMPANY		
ROBERT N. THOMSON, ONE LANDMARK SQ. STAMFORD CT 06901	MOORE MCCORMACK RESOURCES, INC	5,000.00	31.32
TERENCE H. THORN, SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	
RICHARD B. THORNBURG, SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN		223.90
GIL THURM, 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS		
E. LINWOOD TIPTON, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		1,126.30
RON TIPTON, 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WILDERNESS SOCIETY	576.10	39.08
M. DOUGLAS TODD, SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		15.00
TOTAL PETROLEUM, INC, 999 18TH STREET, SUITE 2201 DENVER CO 80202			
JOHN G. TOTH, 11935 BARREL COOPER CT. RESTON VA 22091	RESTON ADVISER COMMITTEE		
JOSEPH P. TRAINOR, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	457.91
TRANSAFRICA, 545 8TH STREET, SE, #200 WASHINGTON DC 20003		22,914.00	35,724.09
SALLY A. TRIPLETT, SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC, INC)		
TUNA RESEARCH FOUNDATION, 1101 17TH ST., NW WASHINGTON DC 20036		2,351.23	3,879.08
JOSEPH R. TYLER, 101 S. MAIN ST. DELPHOS OH 45833	U.S. FIBER CORPORATION		
JERRY G. UDELL, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	200.00	81.00
UNITED FOOD & COMMERCIAL WORKERS INTL UNION, 1775 K ST., NW WASHINGTON DC 20006		48,018.05	48,018.05
R. THOMAS VAN ARSDALL, 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	451.37	
RICHARD VAN DEUREN, 111 E. WISCONSIN AVENUE, NW, #1800 MILWAUKEE WI 53202	NATIONAL EMPLOYEE BENEFITS INST	4,922.50	
JOHN A. VANCE, 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO	2,112.50	1,250.13
DONALD R. VAUGHAN, P.O. BOX 1288 ASHEBORO NC 27204	STEDMAN CORP	1,500.00	2,001.04
MURLE L. VAUGHAN, 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
RUDOLPH A. VIGNONE, 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	4,000.00	
ABE J. VORON, 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,975.00	1,675.00
SADAMI WADA, 9 WEST 57TH STREET NEW YORK NY 10019	SONY CORPORATION OF AMERICA	1,500.00	1,607.63
WAGNER & BARODDY, INC, 1100 17TH STREET, NW, #804 WASHINGTON DC 20036	AMERICAN BUS ASSN	550.00	592.00
Do	ASSOCIATED BUILDERS & CONTRACTORS, INC		1,105.00
Do	BURNS & ROE, INC	14,400.00	4,333.00
Do	CHICAGO AND NORTHWESTERN RAILROAD	2,300.00	2,020.00
Do	E-SYSTEMS	9,600.00	3,495.00
Do	LANIHAU CORPORATIONS		1,462.00
Do	LONG ISLAND TRUST COMPANY	5,000.00	2,636.00
Do	NATIONAL BEER WHOLESALERS OF AMERICA	5,000.00	7,775.00
Do	UNION PACIFIC RAILROAD CORP	5,088.00	5,088.00
CHARLES S. WALSH, FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		
JAMES WANKO, 901 N. WASHINGTON ST. ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS & ORNAMENTAL HORTICULTURISTS		
GREGG WARD, 418 S. CAPITOL STREET, SE WASHINGTON DC 20003	SHEET METAL & AIR CONDITIONING CONTRACTORS NATIONAL ASSN		
BARBARA F. WARDEN, 3100 CONNECTICUT AVENUE, NW WASHINGTON DC 20008	NATIONAL CONSUMERS LEAGUE, INC		
B. JACK WARREN, P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSN	208.33	442.35
WASHINGTON GAS LIGHT CO, 1100 H ST., NW WASHINGTON DC 20080			170.96
ROBERT E. WATKINS, 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
JUDITH G. WAXMAN, 1424 16TH ST., NW SUITE 304 WASHINGTON DC 20036	NATIONAL HEALTH LAW PROGRAM		
PAUL WECKSTEIN, SUITE 510 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER FOR LAW AND EDUCATION, INC	939.12	
THOMAS F. WENNING, 1825 SAMUEL MORSE DRIVE RESTON VA 22090	NATIONAL GROCERS ASSOCIATION		
W. R. WERNER, P.O. BOX 860 VALLEY FORGE PA 19483	CERTAINTEED CORP		
WESTERN COTTON GROWERS ASSN, SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
WESTERN RADIOLOGICAL GROUP, SUITE 2 2044 ARMACOST AVE. LOS ANGELES CA 90015			
CURTIS E. WHALEN, 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	TRANSCO ENERGY COMPANY		
WILLIAM WHICHARD JR., 1050 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
WHITE & CASE, 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	COMMERCIAL UNION LEASING CORP	4,860.00	
CLEM WHITE, 1023 GREENE STREET AUGUSTA GA 30901	DSM, NORTH AMERICA, INC., ET AL		
DONALD F. WHITE, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	40.00
JOHN C. WHITE, SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
BRYAN K. WHITEHEAD, 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
DONALD W. WHITEHEAD, SUITE 335 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	APPALACHIAN COMMUNITY SERVICE NETWORK	3,000.00	
Do	HAHN AND MATKOV	500.00	
Do	WASHINGTON STATES REPRESENTATIVES	7,500.00	
JAMES A. WHITMAN, P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WICKWIRE, LEWIS, GOLDMARK & SCHORR, 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL		
Do	PUBLIC HEALTH HOSPITAL PRESERVATION & DEVELOPMENT AUTHORITY	3,204.50	1,644.66
Do	STATE OF ALASKA, TRANSPORTATION SECTION	3,171.00	367.05
WILLIAMS & JENSEN, P.C., 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA LUMBER AND PULP	800.00	64.67
Do	AMERICAN PHYSICAL THERAPY ASSN	94.00	12.93
Do	BRAUM ICE CREAM STORES, INC	110.00	12.93
Do	BURGER KING CORP		
Do	CENTURY 21 REAL ESTATE CORP		
Do	CIGNA	350.00	12.93
Do	COMM. FOR THE IMPROVE. OF THE TAX LAWS ON ANNUITY TAXATION		
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES		
Do	CONSOLIDATED FOODS CORP		
Do	ESTEE LAUDER, INC		
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM	4,097.33	25.87
Do	FIRST BOSTON CORP		
Do	GENERAL ELECTRIC		38.80
Do	ERNEST W. HAHN, INC		
Do	HIGHER EDUATION ASSISTANCE FOUNDATION	145.00	12.93
Do	HOUSTON ENDOWMENT, INC	4,000.00	38.80
Do	IU INTERNATIONAL MANAGEMENT CORP	25.50	3.88
Do	KELLOGG COMPANY	400.00	25.87
Do	KRAUSE MILLING CO	170.00	25.87
Do	MUSTANG FUEL CORPORATION	3,472.50	323.33
Do	NATIONAL ASSN OF WATER COS	87.50	7.76
Do	NATIONAL CABLE TELEVISION ASSN		64.67
Do	NATIONAL SOFT DRINK ASSN		
Do	NATIONWIDE INSURANCE COMPANIES		
Do	OLYMPIA & YORK DEVELOPMENTS LTD		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OLYMPIA & YORK EQUITY CORP		
Do	PARALYZED VETERANS OF AMERICA	42.50	7.76
Do	PFIZER, INC		
Do	PROTECTIVE CORPORATION		
Do	RECORDING INDUSTRY OF AMERICA, INC	1,665.00	129.33
Do	SOUTHERN RAILWAY SYSTEM		
Do	SOUTHLAND ROYALTY CO	997.50	77.61
Do	STUDENT LOAN MARKETING ASSN	335.00	25.87
Do	U.S. TELEPHONE COMMUNICATIONS, INC		
Do	UNIVERSAL FOODS , INC		
F. LEE WILLIAMS, 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,600.00	
ROBERT E. WILLIAMS, 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500.00	
JUDY WINCHESTER, 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	200.00	13.16
GLENN P. WITTE, 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
REBECCA WODDER, 1901 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20006	WILDERNESS SOCIETY	1,365.72	205.77
ROBERT M. WOLCOTT, 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION		
WOMEN AGAINST MILITARY MADNESS POLITICAL ACTION COMM (WAMM) , 3255 HENNEPIN AVENUE MINNEAPOLIS MN 55408.			
DIANE WOODRUFF, SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASSOCIATION OF URBAN UNIVERSITIES	3,250.00	
WILLIAM E. WOODS, 205 DAINGERFIELD RD. ALEXANDRIA VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
GEORGE M. WORDEN, 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: DISTILLED SPIRITS COUNCIL OF THE US, INC)		
WYATT & SALTZSTEIN, SUITE 802 1725 DESALES STREET, NW WASHINGTON DC 20036	AMERICAN BUSINESS PRESS, INC		
DONALD ZAHN, 8001 BRADDOCK RD., #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM		
LEO C. ZEFERETTI, 9912 FORT HAMILTON PARKWAY BROOKLYN NY 11209	BUILDING & CONSTRUCTION TRADE DEPARTMENTS, AFL-CIO		
Do	TRANSPORTATION INSTITUTE		
Do	GRUMMAN AEROSPACE CORP		
JEROME M. ZEIFMAN, 1525 NEW HAMPSHIRE AVENUE, NW SUITE 300 WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION		
ZERO POPULATION GROWTH, INC, 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		2,427.00	2,002.00
LAURENCE W. ZOELLER, 1800 M ST., NW WASHINGTON DC 20036	BURSON-MARSTELLER (FOR: NATIONAL OIL JOBBERS COUNCIL)		
13TH CONGRESSIONAL DISTRICT ACTION COMM, 986 VICAR LANE SAN JOSE CA 95117		118.50	118.50
31ST PRO LIFE CONGRESSIONAL DISTRICT ACTION COMM, 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			13.14
5TH PRO-LIFE CONG DISTRICT ACTION COMM (FL), C/O MR. JOHN KELLEY 1120 MICHIGAN BLVD. DUNEDIN FL 33528			81.66

EXTENSIONS OF REMARKS

FROM PREMISES TO PERSONALITIES: THE REAGAN ADMINISTRATION AND CENTRAL AMERICA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. FAUNTROY. Mr. Speaker, Mr. Tom J. Farer, a fellow of the Woodrow Wilson International Center for Scholars, a distinguished professor of law at Rutgers University, and a former president of the Inter-American Commission on Human Rights of the Organization of American States, has written an excellent article entitled, "A Gordian Knot for the Blue Ribbon Panel," published in the Los Angeles Times on July 21, 1983. This article sheds a good deal of light on the policies of the Reagan administration toward Central America.

For the benefit of the House, I enclose for the RECORD this article which states that the administration is seeking to shift attention from premises to policies.

[From the Los Angeles Times, July 21, 1983]

A GORDIAN KNOT FOR THE BLUE-RIBBON PANEL

(By Tom J. Farer)

The appointment of Henry A. Kissinger to head a study commission on Central America is already benefiting the Reagan Administration by shifting the focus of the policy debate from premises to personalities. This is advantageous because President Reagan's policy to date has been built on premises that are incompatible. If this fact were to penetrate sufficient skulls on Capitol Hill and in the media, Reagan would experience the drafty feeling that is historically associated with naked emperors.

According to the President, U.S. policy toward El Salvador is premised on the need to promote democracy and human rights and the concurrent need to destroy the government's armed opposition. This premise is analogous to President Harry S. Truman's defense of the post-World War II Marshall Plan: By means of a major transfer of capital we would bolster the ability of West European governments to resist electoral or extra-legal challenges from domestic communist movements, as well as pressure from Moscow.

In that case, the goals of bolstering governments and promoting humane and democratic societies were compatible for the obvious reason that the incumbents already presided over democratic political systems. In El Salvador, by contrast, real power lies with an institution, the military, that has spent the last 60 years demonstrating contempt for democracy and ferocious hostitility to human rights.

Nominally, of course, El Salvador has a civilian president. According to its constitution it also has an independent judiciary. And just as the president does not govern, the courts do not judge. The real judicial system is the one that keeps the morgues supplied with mutilated cadavers, just as the real system of governance is the network of alliances that unite different factions of the officer corps into a fraternity that is dedicated to the advancement of its members.

For decades El Salvador's military academy has been the portal through which ambitious middle-class lads with strong stomachs and flexible morals pass to achieve upward mobility. Like Anastasio Somoza's Nicaraguan National Guard, they have functioned not as a national army defending interests common to all social groups but as a private one defending the interests of the few—namely themselves and their country's unusually small and conspicuously opulent oligarchy. Hence the natural astonishment of most observers in 1979 when younger officers suddenly expelled their seniors and initiated what, if it were fully implemented, would become the most far-reaching agrarian reform in any Latin American country outside Cuba.

To some this turnabout seemed inexplicable in any terms other than some form of divine intervention. Agnostics, however, detected rather more pedestrian forces at work—in particular the force always preeminent in the life of institutions—self-interest. Only a few months earlier, the seemingly invulnerable Nicaraguan National Guard had fallen, scattering its members into exile or incarceration and demonstrating that Washington's guarantee of right-wing regimes was no longer in effect.

Shewder Salvadoran officers saw in the ruins of the Nicaraguan guard the auguries of their own destruction. For in 1979 El Salvador was experiencing the same process of social mobilization and polarization that had rapidly achieved critical massiveness in Nicaragua. With the aid and encouragement of the Roman Catholic Church, workers and peasants were organizing to demand rights and to resist repression. Frustrated by the military's theft of elections and its harassment of democratic political organizations, despairing of any electoral means for breaking the country's feudal mold, reformist elements in the growing middle class were coming increasingly to accept guerrilla war as the only exit from their hell. Of course, they had not yet seen the disillusioning breakdown of the anti-Somoza coalition in neighboring Nicaragua.

Subsequent events have confirmed the theory that self-preservation was the main impulse for reformist sentiment in El Salvador's armed forces. The momentum quickly subsided when the United States reemerged as the champion of established governments in Central America against assaults from the left. And the gears of social change ground into reverse after Reagan and former Secretary of State Alexander M. Haig Jr. verbally transformed Central America into a main front of the new Cold War, with all that this implied in terms of commitment from Washington.

It may be, as some people allege, that within El Salvador's armed forces are officers who are opposed to indiscriminate butchery and sympathetic to economic and social reform. Although it stretches the imagination, I will also concede the possibility of some officers prepared, after a century or more of power, to subordinate the armed forces to democratic authority. But even assuming (against a good deal of contrary evidence) that such men do exist, it is still depressingly apparent that the first loyalty of the great majority is to the unity of the military institution. Unity means tolerance, and tolerance means that officers with a taste for butchery in the service of their personal interests or fascist ideals will continue to have a free hand.

In the 20th-Century history of the Salvadoran armed forces, only the fear of defeat for the entire structure has proved to be a sufficient force to rupture its unity. The U.S. Congress has, in effect, tried to use that fear by threatening to terminate aid unless certain conditions are met. But the threat is frightening only as long as there is a respectable armed opposition. In other words, the guerrillas are the only real leverage that U.S. policy-makers now have on the Salvadoran armed forces. If the guerrillas are defeated, the leverage goes.

It therefore follows that the Administration's declared interest in achieving democracy and the reign of human rights in El Salvador is incompatible with its interest in winning what it characterizes as a proxy battle with the Soviet Union. An equilibrium of forces is a necessary, though not sufficient, condition for the birth of democracy on that killing ground.

If past is prologue for Kissinger, as it is for most people, he will attempt to throw tha commission's support behind policies that subordinate all other interests to the end of military victory. That is, one would assume, why he was chosen. We can only hope, against all probability, that the White House has mistaken its man.●

HOUSE CONCURRENT RESOLUTION 118

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. AuCOIN. Mr. Speaker, on Thursday, July 28, the House Subcommittee on Elementary, Secondary, and Vocational Education, chaired by Mr. PERKINS, held a hearing on House Concurrent Resolution 118.

House Concurrent Resolution 118, which I introduced last April, reaffirms the sense of Congress that the Federal Government has an important role to play, in partnership with State and local governments, to support public education in the United States.

I was pleased to have Congressman TIM WIRTH join me to testify in favor of the legislation. In his testimony,

Mr. WIRTH outlined the areas where the Federal Government has a role to play in the education of our Nation's students. He stressed that our Nation is entering the information age, a revolution unlike any we have seen since the industrial revolution earlier this century. Responding to the needs of our Nation as this revolution develops and expands must be one of the top priorities of our education system and Federal education efforts.

In addition, we must continue to fight the budget battles at the Federal level for those programs that insure equal opportunity. We must not let up on the battle for equal rights. We must continue to take an active role in insuring quality education for all students.

Mr. Speaker, I would like to insert in the RECORD the testimony of my colleague, Mr. WIRTH. I hope that others will find it useful as the Congress continues to debate the Federal role in support of education.

STATEMENT OF THE HONORABLE TIMOTHY E. WIRTH, CHAIRMAN, SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION AND FINANCE

Chairman Perkins, Members of the Committee. Thank you for giving me a few minutes to address the Committee as it explores a very timely question—what is the Federal Government's role in the education of our children?

There is little disagreement that we have entered the "information age," a revolution as far reaching—if not more so—than the industrial revolution that transformed our nation a century ago.

I refer to it as a revolution, but I wonder if we are ready. The National Commission on Excellence in Education declared in its recent report that America's schools are losing the battle of preparing our young people for the sure challenge of living and working—indeed, with coping—in the "information age." This is not necessarily the case in other industrialized nations.

Much has already been written about an American workforce that is increasingly illiterate; of students unable to draw inferences from written material; or solve mathematical problems involving several steps. This will certainly hinder us as we try to compete in the "information age."

Despite these trends, public opinion polls have consistently demonstrated that the public views paying for education as an investment in the most useful, and flexible, resource we possess—the mind. And this has been true since after another revolution—ours. The Continental Congress, recognizing the value of education, stipulated in the Land Ordinance of 1785 that one square mile of every township in each new state should be set aside "for the maintenance of public schools within said township."

Ever since then, our education system has always responded to a challenge. During the 1800's our land grant colleges and universities provided the training to develop our natural resources; in the early part of this century our educational system absorbed huge numbers of immigrants, many of whom spoke no English, and educated them and their children into productive citizenship. And more recently our universities have prepared the scientists and technicians that have allowed us to escape the gravity of earth and explore the universe.

But despite these triumphs, international comparisons of student achievement completed a decade ago revealed that on 19 academic tests American students were never first or second, and in comparison with other industrialized nations, were often last.

The need to reverse this trend is urgent. The Commission on Excellence noted that: "What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments."

The result is that America's competitive posture in some international markets is beginning to slip away, and in some cases with a speed that practically defies the laws of physics.

For example, for more than two decades, American firms dominated the computer-chip industry. Three years ago, though, the Japanese delivered a powerhouse right to the American computer-chip industry by capturing control of the world market for memory chips known as 64K dynamic RAM—the most powerful memory chip in use, and vital components to larger computers.

If we are to maintain and expand our place in an increasingly competitive international economy we will have to tackle a new problem that teeters on the edge of becoming a fatal epidemic—technical illiteracy.

Consider for a moment, if you will, that nine of ten new jobs created today are in the information industry. Significantly, of ten new jobs created today, seven are filled by women. Some estimate that by 1990 there will be 30,000,000 jobs in computer-related fields.

We simply are not ready.

The purpose of your hearing today—to examine the role of the Federal Government in education—is particularly germane as the President continues his recent and rather odd campaign as the champion of the classroom. His solutions to the problem—funding cuts, tuition tax credits, and abolition of the Department of Education—would do more to retard education in this country than if we ignored the problem altogether.

State and local government bear the primary responsibility for education. However, the Federal Government has a significant role in complementing and enhancing those responsibilities.

Education must remain a top national priority at the Federal level.

Mr. Chairman, during the last two-and-one-half years you and the other members of this Committee have led the fight to preserve the universality of educational opportunity for our nation's young. I was proud to lend some assistance from my seat on the Budget Committee last year as you courageously took on the Administration's deep and short-sighted cuts in such programs as Title I, Head Start, and financial aid for college students who otherwise could never reach their potential.

In my role as Chairman of the Telecommunications subcommittee, I have been exploring yet another problem in education today: the impact of television on our young people and their learning.

We know that many children spend more time in front of the television set than they spend in the classroom. According to one estimate, by the time a child reaches age 16, he or she will have watched between 10,000 to 15,000 hours of television. Data demonstrates unequivocably that for large groups of children a negative correlation exists between the amount of television watched and declining verbal skills.

This need not be the case. Television is the most powerful educational tool available to us today, and probably for a long time. Programs like Sesame Street and 3-2-1 Contact have proven conclusively that television can be a positive factor in education.

The opportunity that television represents to help improve education is an extraordinarily exciting one that Congress should address.

In that spirit—to make this nation technically literate—I will be introducing into the Congress the Computer Literacy Act of 1983, a bill designed to provide access to the learning of computer skills for every child in America. The bill will:

(1) Provide funds to purchase computer hardware for schools;

(2) Establish teacher training institutes modeled after the institutes created by the National Defense Education Act, and encourage the development of model software;

(3) Call upon the National Institute of Education and the National Science Foundation to evaluate existing hardware and software, and disseminate this information to our nation's schools.

The keys to success of this program are access and equal opportunity. While schools which have a great deal of money are quite advanced in their education of computers, poorer districts are falling further and further behind, or being left out altogether, risking the potential of never participating in the information age in any way that could be considered meaningful.

Thank you.●

RAYMOND ROEBUCK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1983

● Mr. HOYER. Mr. Speaker, I would like to add my voice to the chorus which has praised Raymond Roebuck today in the House of Representatives. As you well know, I am a relatively new Member of the House, coming here in June 1981 after a special election in my district. This can be a somewhat intimidating place for a newcomer, even to one with previous experience in an elected body, such as I had. But from the first time I set foot in the Democratic cloakroom, some 25 months ago, Raymond Roebuck put me at my ease.

His charm, his wit, and his tremendous sense of humor has carried not only him but all of us through some pretty tense and difficult moments. We all know that from time to time this chaotic thing called Democratic debate can create some occasional short-temperedness. But Raymond Roebuck sees us through, often soothing our spirits before sending us out into the fray once again.

The sense of dedication and positive spirit that Raymond Roebuck has offered to the Members of this body for the past 20 years is commendable. I am extremely pleased that I could be

here today and show my appreciation to such a fine man.●

THE CONGRESSIONAL FELLOWSHIP PROGRAM OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION (APSA)

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. GINGRICH. Mr. Speaker, I want to take the opportunity to recognize the American Political Science Association congressional fellowship program which celebrates its 30th anniversary this year. It is the oldest such program on Capitol Hill that is designed to place highly skilled professionals from a wide spectrum of backgrounds in congressional offices for 9 months. The fellows work in much the same way as permanent staff members and greatly help Members perform their representational duties as well as lawmaking activities.

The program enables an invaluable exchange: at no cost, the fellows bring to Congress new insights, fresh ideas, and extensive knowledge and experience in many disciplines. They contribute their experience to the Congress in exchange for a firsthand learning experience of the legislative process. The fellows then relate this experience back to their colleagues in their professions and broaden the appreciation of the complex political and public policy process.

Since 1953 more than 1,000 political scientists, journalists, Federal executives, doctors, lawyers, and other professionals from this country as well as other nations have been sponsored by the American Political Science Association. The congressional fellowship program was originally begun with only six fellows. It now sponsors between 40 and 50 fellows each year, who are chosen by a highly competitive selection process.

In my own office I have had the privilege of working with several very capable and dedicated fellows. Presently Ms. Janis D. Kerrigan-Roberts, a technical assistant from the Nuclear Regulatory Commission, and Mr. John J. Madison, a senior planner from the National Aeronautics and Space Administration, are working on my staff. They have done an outstanding job.

The fellows accept responsibilities with little or no guidance and skillfully carry them out. They have performed legislative research, helped generate policy ideas, drafted bills, analyzed legislation, written position papers and issue briefs, suggested policy initiatives, and met and represented me well with executive, interest, and constituent groups, staff members and colleagues.

While it is relatively easy to understand the formal organization and operation of Congress, understanding the legislative system as it actually functions is much more difficult. The picture is complicated by the existence of many informal and formal centers of power in the Congress and by the highly personal nature of much of the power wielded. Yet the fellows do get a sense of the behind-the-scenes maneuvering, horsetrading, negotiation, compromise, and informal arrangments and perform like experienced staff members.

The fellows have accomplished a great deal, acquired new insights, and honed some important skills. They can return to their professions secure in the knowledge of a job well done.

I sincerely hope the program will continue because we all benefit enormously from it. I am grateful to have had the opportunity to have been part of the program. I seriously urge my colleagues to contact the American Political Science Association and request the assignement of a fellow to their staffs.●

SUMMARY OF NATURAL GAS BILL REPORTED BY THE ENERGY AND COMMERCE COMMITTEE'S FOSSIL AND SYNTHETIC FUELS SUBCOMMITTEE ON JULY 29, 1983

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. CORCORAN. Mr. Speaker, for the benefit of our colleagues, I would like to insert in the RECORD at this point a summary of the natural gas legislation reported by the Energy and Commerce Committee's Fossil and Synthetic Fuels Subcommittee on July 29, 1983. This action took place at the 11th markup session, sessions which began on May 25. The 11 markup sessions followed 10 days of subcommittee hearings which began on March 16 and concluded on April 21. This legislation will be introduced as a clean bill and referred to the full Energy and Commerce Committee for its consideration. The material follows.

TITLE I: PIPELINE ACCOUNTABILITY:

1. Review standard: Expanded: Amend NGPA (Natural Gas Policy Act of 1978) to provide a definition of the term "abuse" (see Sec. 601(c) "fraud, abuse or similar grounds") as follows:

"The term "abuse" includes misrepresentation, imprudence on the part of the pipeline, failure by a pipeline to bargain at arms-length with any producer, and the entering into or operating pursuant to a contract if such contract materially prevents a response to changes in customer demand or other market forces." (Similar to Tauke bill, H.R. 705)

2. Hearing Requirement Established: When a protest of a purchased gas adjustment filing is made within 30 days of the filing of the PGA (purchased gas adjustment), the FERC (Federal Energy Regulatory Commission) shall hold a hearing on such protest within 60 days of the filing of the protest.

3. Pipeline Affiliate Sales Limited: Include Section 501 of the Senate Energy and Natural Resources bill, which would prohibit any interstate pipeline from selling to its affiliated instrastate pipeline, Hinshaw pipeline, or LDC (local distributing company) a greater percentage of the quantities of natural gas contractually available for sale during any month by the interstate pipeline to its affiliate than the percentage of contractually available lower priced gas which the affiliate buyer, i.e., the affiliate LDC is purchasing during the same month from non-affiliated interstate pipelines.

4. Pipeline Rate Design Established: The FERC shall not approve any Section 4 or 5 (Natural Gas Act of 1938) rate case until it first determines that the rate design component puts the pipeline at risk that it will not collect its allowed return on equity unless it manages its purchasing practices to meet the competition of alternative fuels while avoiding curtailments.

TITLE II: WELLHEAD PRICING:

1. "Old Gas" Not Deregulated: Provide that all pre-enactment Sec. 102(d), Sec. 103(c) [forever regulated], Sec. 104, Sec. 105 [forever regulated], and Sec. 106 contracts for natural gas shall be subject to the price controls of the NGPA.

2. "New Gas" Deregulated January 1, 1985: Other pre-enactment gas other than Sec. 102(d), Sec. 103(c) [forever regulated], Sec. 104, Sec. 105 [forever regulated], and Sec. 106 contracts shall be considered "new gas" and shall be subject to price controls of the NGPA until January 1, 1985, at which time it will be deregulated.

3. "New New Gas" Deregulated Upon Enactment: "New new gas" is any well spudded after the date of enactment.

4. Qualified Enhanced Recovery Gas Deregulated: Provide that the additional volumes produced from any well, old or new, which would not have been produced but for the implementation of a qualified enhanced recovery technique shall be deregulated. FERC shall be authorized to designate other qualifying techniques. The purchaser of the related gas shall have the exclusive option to elect to purchase the enhanced recovery gas for a period of 30 days; if the purchaser does not so elect, the producer may sell such enhanced recovery gas to any person and the first purchaser shall be obligated to transport such gas (at a just and reasonable rate.) Cross reference to contract carriage provision. If the purchaser and the producer agree, they may elect a new price for the entire production of the well so long as the purchaser is not affiliated with the producer.

5. Infill Drilling Incentive Established: Any well which is spudded after the date of enactment and which satisfies the requirements of Sections 102 and 103 shall be considered "new new" gas notwithstanding any contract for any other gas in the same field or reservoir.

6. Lowered Abandonment Pressure Incentive Established: If the productive life of a well can be extended by lowering the abandonment pressure and if the purchaser (not affiliated with the producer) agrees to authorize such extended production, the parties may agree to a new price notwithstanding NGPA.

7. Reimposition Authority Repealed: Provide that the authority of the President or the Congress to reimpose price controls on natural gas shall be repealed on the date of enactment.

8. "Natural Gas Price Indicator" Calculation: The Energy Information Administration shall calculate, on a quarterly basis, beginning four months after date of enactment, the average price of all gas contracts signed for "new new" gas as defined above.

TITLE III: CERTAIN CONTRACT TERMS

1. Statutory Take-or-Pay Reduced: For a period of three years, the take-or-pay provisions in existing contracts could be reduced to 50 percent at the option of the purchaser if their take-or-pay level is greater than 50 percent. Contracts for occluded gas from coal seams, for casinghead gas and for gas which would otherwise be lost through drainage are exempted from this take-or-pay reduction. (Take or pay provisions similar to Gephardt bill, H.R. 2154)

2. Gas to National Market Released: Any volume of natural gas which was under contract on the date prior to enactment shall be deemed to be deregulated and released for sale to any purchaser (no longer considered "commited and dedicated"; no abandonment proceedings necessary) to the extent that the particular volume was subject to:

A. The claim of force majeure;

B. Reduction in volume to 50 percent under the statutory take or pay provision (i.e., 50 percent taken, 50 percent released);

C. Other device which results in 50 percent or less of the original maximum take being taken or paid for by the original purchaser.

3. 30-Day First Option to Acquire Released Gas Established: Original purchasers of released natural gas shall be entitled to an exclusive option to acquire any such volumes for a period of 30 days immediately following date of release. After that 30-day first option period expires, the original purchaser has 15 days, upon presentation by the producer of a bona fide offer, to match the producer's best offer. If the purchaser fails to match the offer within 15 days, the producer may sell the gas to his offeror rather than the original purchaser.

4. Price Escalators Limited: Upon deregulation, automatic price escalators shall not operate to establish a contract price if such price would exceed the average of all contracts for the sale of "new new gas" for the preceding 3 months (NGPI). (Does not apply to "new new" or already deregulated gas contracts.)

5. Minimum Bills Limited: Contract and tariff requirements which obligate a pipeline customer to purchase a given volume of gas (minimum bills) shall (1) be reduced automatically if such pipeline receives take-or-pay relief or other reduction in volumes from its producers or other pipeline suppliers and (2) may be ignored by either party for a period of twelve months beginning six months after the date of enactment. At the end of that period, if either party has elected not to be bound by the minimum bill, further enforcement of the minimum bill is against public policy.

TITLE IV: NATURAL GAS ACCESS TO SUPPLIES AND TO TRANSPORTATION:

1. National Supply Market Creation: Allow all purchasers the ability to purchase all available gas supplies (without local gas distributors or intrastate pipelines being subject to FERC jurisdiction). [Sections 401, 402 from Administration bill, H.R. 1760]

2. Contract Carriage/National Transportation Market Created: Provide that interstate pipelines shall be able to earn just and reasonable compensation for transporting natural gas owned by others and that FERC shall order such transportation services where a rebuttable presumption that transportation capacity exists cannot be overturned. FERC shall provide rules for transportation rates, including the creation of an incentive compensation rate for pipelines. Intrastate pipelines shall be subject to similar rules to be administered by agencies of the States. Local distribution companies shall not be regulated by FERC. In addition, interstate pipelines shall not be authorized to serve directly the current industrial customers of local distribution companies unless FERC determines it is "in the public convenience and necessity". (Similar to Corcoran-Simon bill, H.R. 2565)

TITLE V: NATURAL GAS USE: RESTRICTIONS PROVISIONS:

1. Repeal the Powerplant and Industrial Fuel Use Act of 1978 in large part in order to reopen important markets for natural gas.

2. Repeal Incremental Pricing (Title II of NGPA).

TITLE VI: IMPORTED GAS PROVISIONS:

1. Provide for the revocation of an import license for imported natural gas whose price has not been renegotiated such that it is market responsive within nine months after enactment. (Similar to Corcoran-Wolpe bill, H.R. 1441)●

NATIONAL PARALYZED VETERANS RECOGNITION DAY

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MONTGOMERY. Mr. Speaker, this Nation owes a debt that can never be repayed sufficiently. A debt to the veterans who answered a call, served with honor, valiantly fought and made many sacrifices to maintain the security of this Republic. Today we focus attention on those sacrifices and the accomplishments of all veterans by honoring those who have experienced spinal cord injury or dysfunction, the Nation's paralyzed veterans.

The President has signed a proclamation declaring today "National Paralyzed Veterans Recognition Day." This day will serve as a tool to help overcome one of the greatest obstacles faced by paralyzed veterans (and by catastrophically disabled persons), a lack of public awareness and understanding of their needs and capabilities.

There are approximately 25,000 spinal cord injured veterans in this country, of which about 12,000 belong to a congressionally chartered veterans' service organization, Paralyzed Veterans of America. This fine organization, which has served paralyzed veterans and handicapped Americans for over 37 years, maintains programs in service, research, advocacy, and legislation to serve the needs of this distinguished group.

I commend my colleague, the Honorable JOE MOAKLEY of Massachusetts, for introducing the resolution, which I am proud to have cosponsored, that sets aside August 3 as a day of commemoration, a day of tribute, a day of appreciation for the deeds and sacrifices of our paralyzed veterans.

I am also pleased to see that the U.S. Postal Service will issue a special commemorative stamp today honoring those veterans who have suffered paralysis, either as a result of service in the military or from nonservice related causes. It is deserved recognition.

It is said that to be paralyzed is to be rendered helpless. Nothing could be less true. Our paralyzed veterans are useful, productive citizens; and they still have many contributions to make.

I would ask my colleagues and every American to join with me on this special day to show our appreciation for the freedoms we enjoy and the men and women who defended them. To the Nation's paralyzed veterans, your sacrifices and your successes have not gone unnoticed.●

IN MEMORIAM TO HON. ULDRIC L. FIORE OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday August 3, 1983

● Mr. ROE. Mr. Speaker, on Thursday, July 21, 1983, a distinguished citizen, esteemed administrator of justice, and good friend, the Honorable Uldric L. Fiore, went to his eternal rest leaving a magnificent legacy to our people of a beloved judge filled with compassion and benevolence for his fellowman and an exemplary record in public service on their behalf. I respectfully request that you and our colleagues here in the Congress join with me in silent prayer to his memory and extend our most sincere condolences to his good wife, Virginia; their son, Capt. Uldric L. Fiore of Washington, D.C.; their daughter, Robin Bischoff of Lincoln Park, N.J.; his father, Nicholas of Bloomfield, N.J.; two brothers, Benedict of Stuart, Fla. and John of Irvine, Calif.; and sister, Concetta Monaco of Bloomfield, N.J.

Mr. Speaker, the richness of wisdom and sincerity of purpose that Judge Uldric Fiore has imparted to our people are mirrored in his many accomplishments and warmth of his friendship that have won him the confidence and support of all of us who have had the good fortune to know him.

Uldric Lutgardt Fiore was born in Newark, N.J. on November 22, 1915. He attended local elementary and sec-

ondary schools and completed the general curriculum course of studies at State teachers college and was successful in obtaining the following prestigious degrees from Rutgers, the State University:

Bachelor of Science in Education, May 24, 1941.

Bachelor of Laws, June 13, 1948.

Juris Doctor, March 8, 1968.

Mr. Speaker, we are deeply appreciative of his service to our country in the armed services during World War II from August 1942 to May 1946, Army first lieutenant, honorably discharged and captain, U.S. Army (regular), inactive reserves.

Before embarking on his career in the legal profession Uldric Fiore was a well-respected educator in the New Jersey school system. Upon his graduation from Rutgers Law School, he was successful in his quest for membership with the New Jersey Bar and was admitted to practice law, as follows:

Admitted to New Jersey Bar, May 1949.

The Supreme Court of New Jersey, August 13, 1953.

The United States Court of Claims, March 8, 1961.

The United States Supreme Court, Washington, D.C., March 30, 1955.

The Federal District Court, Newark, N.J., May 6, 1949.

The United States Court of Appeals, October 1, 1956.

The United States Department of Justice, Board of Immigration Appeals, December 20, 1950.

The Tax Court of the United States, Washington, D.C., February 3, 1953.

After serving his clerkship for 2 years in Montclair, N.J., Dr. Fiore remained in Montclair as an attorney in general practice for 10 years. He then relocated to Ringwood, N.J. where for over three decades his personal commitment to the economic, social, and cultural enhancement of our community became a way of life for him.

During the period 1950 to 1982 he held various offices of public trust in the borough of Ringwood. We are especially proud of his many years of outstanding service as the attorney for the Board of Education of the borough of Ringwood. He was also legal adviser to the borough's Planning Board and the first counsel to the Passaic County Community College where he assisted in acquiring the land on which the college now stands. He also served as planning board attorney for the borough of Wanaque for 5 years.

Judge Fiore was a magistrate in Ringwood Municipal Court for a total of 16 years. In 1955 he was appointed magistrate of the borough where he served for 10 years. He was reappointed as magistrate of Ringwood on January 1, 1975 and again on January 1, 1979 until he retired from the bench at the end of 1981.

Some of his additional affiliations with professional and civic organizations and in public service to our people included:

The Essex County Bar Association.

The Passaic County Bar Association.

The State Bar Association.

Immigration Committee.

Municipal Ordinance Review Committee.

Magistrates and Judicial Committees.

Masonic Blue Lodge, ASHLAR Lodge No. 10, Douglas, Wyo.

New Jersey Consistory, Northern Valley.

Salaam Temple, Livingston, N.J.

Tall Cedars of Lebanon, Sloatsburg, N.Y.

Ringwood Square Club, Ringwood, N.J.

Pompton Lakes Elks Lodge No. 1895, Pompton Lakes, N.J.

American Legion, Wanaque Memorial Post, Wanaque, N.J.

Erskine Lakes Volunteer Fire Company (25-year member), Ringwood, N.J.

Italian Circle of Paterson, N.J.

Ringwood Rotary Club, past president and charter member.

Ringwood Chamber of Commerce.

Mr. Speaker, Judge Fiore's having been called to his eternal rest at the young age of 67 years culminated a lifetime scroll of good works and dedication to the needs of people. There is much that can be said about him and his endless energy and unending devotion in ever seeking the highest standards of excellence on behalf of our people. These good deeds can be best expressed by the public recognition he received from some of our Nation's most prestigious citizens organizations. He was particularly proud of the personal citations of appreciation that he received from the following organizations:

The International Legal Fraternity of Phi Delta Phi (1950).

Ringwood Rotary Club (1961 and 1982).

Passaic County Magistrates Association (1964).

Italian Circle of Paterson (1971).

Just last year Judge Fiore received the most highly coveted honor of being chosen the "Paul Harris Fellow" of the Rotary Club of Ringwood—the highest award that Rotary can bestow upon any of its members. It is symbolic in eulogizing Uldric Fiore that we point to the motto of Rotary International, namely, "We make a living by what we get—we make a life by what we give—service above self." Uldric Fiore has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people.

Mr. Speaker, I appreciate the opportunity to seek national recognition of a great American, the Honorable Uldric L. Fiore. His diligent dedication and sincerity of purpose in his quest for equality and justice for each and every citizen will forever serve as an inspiration to others in life's purpose and fulfillment. He will be sorely missed by all of us and I do trust that his family will soon find abiding comfort in the faith that God has given them and in the knowledge that there beloved husband, father, son, and brother, the Honorable Uldric L. Fiore, is now under His eternal care. May he rest in peace.●

RELIGIOUS REPRESSION IN NICARAGUA

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. COURTER. Mr. Speaker, I commend to the attention of my colleagues two statements made at the White House recently on the subject of Nicaragua's repression of its Jewish community.

These statements were delivered by Rabbi Morton Rosenthal of the Anti-Defamation League of B'nai B'rith and Mr. Issac Stavisky, formerly of Nicaragua. They describe the actions of the Sandinistas, before and after their ascent to power, which have caused all of Nicaragua's Jews to leave their country.

Whether the Sandinistas are anti-Semites of their own volition, or whether they are merely repaying favors to their PLO supporters, the harassment of Jews is reprehensible. This behavior is consistent with the antireligious tenets of Communist doctrine, and with the pervasive actions the Sandinistas have taken against the Catholic Church.

Mr. Speaker, anyone who has entertained the belief that the Nicaraguan Government is benevolent and respectful of human rights would do well to examine its record on religious freedom. The Sandinista regime is a menace to the most fundamental rights and aspirations of man.

STATEMENT BY RABBI MORTON M. ROSENTHAL

I feel privileged to come before you today to speak about the plight of the Jews of Nicaragua and the activities of the Palestine Liberation Organization in Central America. I bring no policy recommendations, but I hope that my remarks will be useful to those who have such responsibility.

The Anti-Defamation League has long monitored PLO activity in the region. Our report on such activity reflects our conviction that a PLO presence represents a threat to the security of Jews. In the instance of Nicaragua, that has been validated by developments which led to the exile of the entire community and the confiscation of their properties, including the synagogue.

In a few minutes, a member of the Nicaraguan Jewish community will describe San-

dinist anti-Semitism. When Nicaraguan Jews came to ADL and told us that their being Jewish was a major factor in their forced exile and the loss of their properties, we made representations on their behalf, in 1981, to the Foreign Minister of Nicaragua. We hoped that through "quiet diplomacy" we could obtain clarification as to the reasons for the confiscations and the forced exiling of the Jewish community. After 19 months, having concluded that the government of Nicaragua was not going to respond to any of our questions, we publicized the plight of Nicaragua's Jews via the article entitled "Nicaragua Without Jews."

The reaction of officials of the Nicaraguan Government to inquiries and protests that were stimulated by that article has created a dilemma. Government spokesmen repeatedly assert that they have no policy of anti-Semitism. On the other hand, Nicaraguan Jews insist that anti-Semitism forced them to flee the country, thus creating the dilemma of whom to believe.

The dilemma is more apparent than real. We know of no laws in Nicaragua that are aimed specifically at Jews. There may well be no "official" policy of anti-Semitism. But, the Nicaraguan situation demonstrates that one does not need official policy in order to persecute a small community. It can be effected far more subtly by threat, intimidation and confiscation, thus avoiding the condemnation that Nuremberg-type laws would invite.

In attempting to decide whether the world can rely on the government of Nicaragua's assurances that there is no anti-Semitism, we might usefully consider how it handled the confiscation of the Synagogue.

The Jewish community of Nicaragua built a new synagogue in 1976, to replace the one that had been destroyed in the devastating earthquake of 1972. We repeatedly inquired about the synagogue's status, but received no reply. When we met with the Nicaraguan Ambassador in Washington last month, he refused even to acknowledge that there was a synagogue in Managua, saying only that it was a building owned by a private individual that was confiscated, along with his other assets.

Subsequently, we were informed, via a third party, that the government did not know that the building was a synagogue but it is now prepared to return it to the community. Unless Nicaraguan Jews are able to return to their country and recover their property, this is a meaningless gesture.

I have here a copy of a contract which was duly notarized in 1975, recording the purchase of the land for the purpose of building "A Jewish Temple" by "Congregation Israelita Del Nicaragua." The document lists the officers of the congregation and describes it as a legal entity with religious, cultural and social purposes.

Given the small size of the city of Managua, the contract, and the fact that the building has various architectural features which distinguish it as a synagogue, including the Star of David and stained glass, one must conclude that the government of Nicaragua has been less than candid.

Because the government has dissembled about the synagogue, we must necessarily doubt the reliability of government allegations against individual Jews, and others.

It is important to know that in almost all instances Jews were charged with being Somocistas or with selling arms were not given the benefit of a trial nor was proof brought forth to substantiate the accusations. The government's making the charge was sufficient to condemn the person. One man, however, had four trials; he won all of them. The case was then shifted to Managua, his lawyer disqualified and replaced by a court-appointed attorney. Within three days the government won and the properties were confiscated.

Historically, Jews of Nicaragua have not experienced major problems of anti-Semitism. Anti-Semitism at the hands of the Sandinists cannot be traced to deep-rooted theological prejudice or long-standing cultural antipathy to Jews. The roots of contemporary anti-Semitism in Nicaragua are in the Middle East. There are three basic elements worth citing:

The Sandinists have had a long relationship with the PLO. As the ADL report indicates, Sandinists fought alongside the PLO in the Middle East in the early 1970's, and the PLO gave them entree to the Arab world from which they have received armaments and financing as well as political support. At the present time there is an officially recognized PLO office in Managua with its staff afforded full diplomatic status.

The objective of that PLO office, and other PLO offices in Latin America, is to fight against Israel. Their fight is also directed against the local Jewish communities, which are seen as sources of political and economic support for Israel. Sandinist anti-Semitism is an act of solidarity with the Arab world in its fight against Zionism and so-called imperialism.

A second factor is the historic relationship between Israel and the Somoza Government. When the newly-created State of Israel was fighting for its existence in 1948, General Somoza served as a source of desperately needed weapons. Israel later became a supplier of weapons for Somoza, which naturally angered the Sandanists and served as an additional motivation for their anti-Zionism.

The third factor is the inability or unwillingness to distinguish between Jews who are citizens of Israel and those who are citizens of Nicaragua. This phenomenon was summed up by the graffiti on the synagogue wall which said, "Judaism, Zionism and Somoza—the same thing."

From their base in Nicaragua, PLO agents have spread their net of influence throughout the region, allied with the forces of revolution. This menace was cited by President Luis Alberto Monge shortly before he took office as President of Costa Rica last year. In El Salvador, Guatemala, Panama and Honduras the PLO and Libyan agents are spreading the venom of anit-Semitism. In conversation with leaders of Jewish communities in Central America I have learned that they are profoundly troubled by that which has happened to the Jews of Nicaragua. They know the implications, for them, of victory by the revolutionary Left in their respective countries, because of its solidarity with the PLO and radical Arab states, such as Libya, which are spending large amounts of money in Central America and Panama.

Historically, Jews have suffered greatly at the hands of despots of all political orientations. For this reason, they are particularly sensitive to the dangers of anti-Semitism. For the Jews of Central America, the signs are writ large that the influence of the PLO and Libya are a direct threat to their security and well-being.

STATEMENT BY MR. ISAAC STAVISKY

On behalf of all members of the Nicaraguan Jewish community, I wish to express our appreciation for your interest and thank you for this opportunity to speak about the suffering which we have experienced at the hands of the Sandinistas.

The Jewish community has always been small, numbering about 50 families at its peak. Jews began coming to Nicaragua in the late 1920's from Eastern Europe. They dedicated themselves to farming, manufacturing and retail sales and made significant contributions to the country's economic development.

Nicaraguan Jews never encountered anti-Semitism, unti the Sandinistas started their revolution. Even before the Sandinistas came to power they began threatening Jews. A favorite tactic was to anonymously phone Jewish homes with warnings that "We are going to get you Jews" claiming that we are responsible for the killing of our people by guns sold to the Somoza regime by Israel. Graffiti by Sandinistas was widespread, with attacks on Jews and their religion. One was "Death to the Jewish Pigs." The initials FSLN in red and black left no doubt as to who was responsible.

Once the Sandinistas came to power in July, 1979 they moved swiftly against Jews. Jewish owned properties were among the first to be confiscated and Jews were forced into exile.

A few specific cases might best illustrate the situation which we confronted.

Mr. Freddy Luft came to Nicaragua from Rumania after the Second World War, running away from the Russians. By hard work he became the owner of a textile plant and two retail stores, in partnership with Mr. Oscar Kellerman. Freddy Luft never participated in politics.

A young man by the name of Mauricio, who he appointed General Manager of his business, was a member of the Sandinista party. Mauricio was very active and used his position to have a valid excuse to stay around the synagogue and write down the license plates of the vehicles in which the Jews arrived for prayers. Mauricio warned Mr. Luft that as soon as the Sandinista Revolution took power, all his business would be confiscated and that he would be thrown in jail. A few weeks before the Sandinista victory, Mr. Luft went to the German Embassy in Managua and was evacuated with other members of the German community.

Mr. Max Najman, who was the Honorary Consul of the State of Israel, had to leave Nicaragua one year before the Sandinistas came to power. He fled because the Sandinista's clandestine radio had announced they would execute Max Najman because he was the Consul of Israel.

He left his plastics factory in the hands of his son, Jimmy. He ran the factory for approximately one year and then the Sandinistas came to this factory and plainly informed him that the plant was being confiscated. When he was handed the decree he noticed that it had been dated one year before. He protested, to no avail. He then approached the newspaper, La Prensa, which carried his complaint publicly. After that publication, the Sandinistas came looking for him, but he was fortunate enough to cross the border on foot to Costa Rica.

Mr. Abraham Gorn's factory was burned. When the Sandinistas came to power they collected the insurance money from London. While the fighting for power was going on, Mr. Gorn left Nicaragua. When the Sandinistas came to power, Mr. Gorn returned to Nicaragua because he felt that he had done no wrong to anyone. As soon as he returned, he was accused of stealing land and was sent to jail. Mr. Gorn was 70 years

old at that time. During the jail sentence he was made to sweep the streets.

After his release he went back to his business. He was running the factories for six months when the Sandinistas took away everything that belonged to him, forcing him to seek asylum in the Costa Rican Embassy where he remained until he was taken to Costa Rica in a private plane. The reason that the Sandinistas gave Mr. Gorn for the confiscation was that he had sold Israeli arms to Somoza. Since when do two governments need a civilian to make an arms deal?

The Sandinistas confiscated the synagogue. When they were asked by Rabbi Morton Rosenthal the reasons for such an act, the Sandinistas responded that the synagogue belonged to Abraham Gorn! This of course is not true; we have the deed that certifies that the synagogue belongs to the Jewish community of Nicaragua. It seems that the Sandinistas are creating the Gorn Case as an apparant parallel with the well known Dreyfus case.

Permit me some words about my personal situation. I, together with my brother-in-law, Mr. Saul Retelny, ran complex of factories manufacturing textiles and candy which employed at peaks, over 1,200 heads of families. For a period of 18 months prior to July, 1979 anonymous callers would contact Mr. Retelny and threaten his life and that of his wife. These calls came to his business office and to his home, now also confiscated, at all hours of the night. One favorite tactic was to call around three in the morning and tell my brother-in-law that I had been shot and killed! At the same time, I would get a telephone call claiming that my brother-in-law was shot and killed.

In addition, there were writings on the walls inside and outside the factories: "Death to the Jews; Isaac will be killed. Beware of Sandinista Justice." Dry runs of abduction attempts were made. In one instance, I was stopped, with my son inside the car, and at gun point my life was threatened. I was warned that my businesses were to be taken over when the Sandinistas came to power. Although Mr. Retelny and I were both born in Nicaragua, we never participated directly or indirectly, in politics.

In 1978, the Sandinistas sent a strong message to the entire community when the synagogue was attacked by five Sandinistas wearing face handkerchiefs. They set the building on fire, by throwing gasoline in the main entrance doors, shouting PLO victory slogans and anti-Jewish defamatory language. This direct attack on the synagogue showed the PLO influence on the Sandinistas. As the doors caught fire, two members of the community, at prayer during Sabbath Services, ran through a side door. The Sandinistas met them with a show of automatic weapons and ordered them inside.

The two men who were confronted by the Sandinistas as the synagogue doors burned were both survivors of Nazi concentration camps—Mr. Lazlo Gewurstz and Mr. Gyula Pinkes. This was a traumatic experience for them and other survivors, because it evoked terrible memories which they thought they had put behind them when they fled from Nazi terrors and found refuge in Nicaragua.

The Sandinistas threatened to take our property, and they did. They threatened our lives and for that reason we left our country. We want to return to Nicaragua and live with our fellow countrymen under a democratic government which respects human rights. We hope that we will be able to do that soon.

Permit me a final word of warning to Jews and other people of Central America. Beware of the Sandinistas threat.●

GOVERNORS CALL FOR SOCIAL SECURITY DISABILITY LEGISLATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. ROYBAL. Mr. Speaker, on Tuesday, the Nation's Governors departed from their prepared agenda to take up the very important issue of the social security disability review process which their State employees administer for the Federal Government.

Since March of 1981, State disability agencies using stringent Federal guidelines have notified more than one-half million Americans that they no longer are disabled enough to receive their benefits. Although two-thirds of those who appeal the initial decision win back their benefits, the Social Security Administration insists that about 97 percent of the States' decisions are correct interpretations of the Federal disability determination guidelines. And of the people who do lose their benefits it is estimated that less than 20 percent will ever work again before they die. And for the one-fifth who are capable of finding work, their annual incomes average about half the earnings of a full-time minimum wage worker.

Yesterday, the National Governors Association unanimously adopted a resolution put forward by Gov. Bill Clinton of Arkansas calling on the Congress to pass remedial legislation to correct the abuses in the current system. Governor Clinton is one of the five Governors who have appeared or submitted testimony before the House Select Committee on Aging in Washington or at field hearings over the last few months. The committee has documented, and the National Governors Association has confirmed, that many of the Nation's Governors will no longer allow their employees to comply with the overly strict review procedures thrust on them by the administration's review process. Gov. John Carlin of Kansas, who will assume chairmanship of the National Governors Association next summer, Gov. Michael Dukakis of Massachusetts, and Govenor Clinton have already ordered their States to reopen the cases of persons whom their State agencies have previously terminated. No doubt other Governors will follow, unless the Federal courts act more quickly as they already have in the West and Midwest where SSA is under order to reinstate benefits in about 15 States, including my State of California.

Mr. Speaker, the Governors have asked the Congress to act quickly on legislation. The bill which is being marked up by the Ways and Means Subcommittee on Social Security contains many of the provisions which the Governors agreed to advocate. For instance, the Governors' resolution and the subcommittee's draft bill include support for the idea of face-to-face contract between a disability examiner and a beneficiary at the initial State decision level. Since this may have significant impact on how State disability agencies function, it is important to have the Governors' clear statement of support for such a change.

I compliment the subcommittee and its chairman, JAKE PICKLE, for taking action to prevent future abuses. I think we should all support the provisions which were contained in Chairman PICKLE's original draft bill. It is unfortunate that financial constraints may lead to a bill which does less than we should. I also hope we can provide some redress of the grievances done to the half-million persons already terminated, so that individual Governors and Federal courts will not have to make ad hoc corrections on a State-by-State basis.

Additionally, Mr. Speaker, I am concerned that we have scheduled fewer than 20 legislative working days to pass any corrective legislation before the October 1 expiration of the authority for benefits to be paid during appeal. Since it is unlikely that we can enact comprehensive legislation prior to the October 1 deadline. I renew my call to Secretary Heckler to impose an across-the-board moratorium on the accelerated reviews pending the passage of the legislation being fashioned by Mr. PICKLE's Social Security Subcommittee. I also hope she will devise a way to insure that the advantages inherent in the bill are made available to those half-million former beneficiaries whose benefits are currently threatened or were already terminated under the current process.

Mr. Speaker, I compliment and congratulate Governor Clinton of Arkansas for his initiative in carrying this issue through considerable organizational barriers to the National Governors Association and for his efforts in securing its passage. I insert the text of the National Governors Association resolution, to be printed following my remarks.

NATIONAL GOVERNORS ASSOCIATION RESOLUTION

The National Governors Association recognizes that the Social Security Disability Insurance Program provides critically needed support for the disabled people in our nation. While the goal of assuming that only those eligible actually continue to receive benefits is laudable, currently large numbers of people in our nation are experiencing hardships due to terminations of in-

dividuals or family members who cannot be reasonably expected to return to work.

This situation has been of great concern to the states which administer the program under policies and regulations established by the Social Security Administration. Some progress has been made as a result of interim measures adopted by the Secretary of Health and Human Services. However, the National Governors Association supports remedial legislation and calls upon Congress to enact pending legislation for the Social Security Disability Program that will:

1. Permanently continue Social Security Disability benefits through the Administrative Law Judge level in all Continuing Disability Investigation cases;

2. Adhere to a medical improvement standard before terminating benefits once initial eligibility is established;

3. Publicly promulgate policies and regulations affecting the determination of disability;

4. Require SSA to apply decisions of the circuit courts of appeal, or appeal those decisions with which it disagrees;

5. Provide for face-to-face evidentiary interviews at the initial decision level;

6. Provide for a temporary moratorium on mental impairment reviews until such time as the listings for mental impairment have been revised.●

PRESENCE IN NICARAGUA UNWANTED, SAYS AMERICAN STUDENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. OTTINGER. Mr. Speaker, the following letter was sent to me by a constituent. The first-hand accounts coming back from Americans traveling, and working in Nicaragua have consistently said that our presence there and harassment of the Nicaraguan Government is unwanted, uncalled for and unnecessary.

Tom Frieden, the author of the letter, is a second year student at Columbia Medical School. He went to Nicaragua with a group of other medical students to learn about current programs for health delivery. After the tour, Tom stayed for 6 additional weeks to work with the Ministry of Health in rural clinics. Several years ago, Tom worked in my district office in New Rochelle. I commend his comments to the attention of my colleagues:

TOWN NEAR MANAGUA

I hope the press doesn't have you too worried, as things are quite stable here.

Everywhere we go we see people trying to make up for 150 years of dependency. The legacy is everywhere—from the American music and T-shirts to the hospitals that have only one entrance (they weren't meant for many people anyway) to the concentration of facilities in Managua, to the agricultural structure, based on export of cash crops, lack of education, lack of public facilities—and not through simple lack of resources, but through maldistribution.

"Poco a poco" we hear again and again—eradication of polio, encouragement of breast feeding, environmental sanitation, safe work, better traffic control, vaccination, regionalization of the health system, latrine building, aqueduct building. Even with the threat of war, which is omnipresent, progress is being made. For the first time, people have a say in how their workplace is run, and are taking control and pride in what is being done, so that even with resources almost as limited as existed under Somoza, people are doing infinitely more—consultations up 1,000 percent in the hospital in this town. More importantly, now people are genuinely trying to meet the needs of the mass of people. Above all, capitalist-dependent development in the Third World is about babies dying. Through inadequate nutrition, Aestlé marketing, poor water supplies and hygiene, lack of food and education, infections, etc. Before, babies starved routinely here—hardly a family had not lost at least one child. Now, intensive efforts are made to save each one. Before there was absolutely zero. Now, oral rehydration centers, breast feeding rooms, malnutrition recovery rooms—all of which are entirely new. Before, the people controlling health and other resources was no need to help the mass of the people.

Now the people in each clinic and hospital are working for their brothers and sisters and consultation, medicine, surgery are all free, even for the wealthy (who, however, usually go to private hospitals in Managua). They try to make conditions as good as possible for patients and family, as well as for workers. Still, staffing and equipment are grossly inadequate.

Dad, you should see the ICU at this hospital. One monitor and respirator, few drugs, 4 beds, a nurse and an aide—for 70,000 people. But they are building a new hospital. They could really use some advisors on setting up intensive care units!

The tour is over.

Please don't believe the lies in the NYT. Pastora has pulled out of the South, since he realizes that he had no support within the masses in Nicaragua. In the North, the contras and Honduras are focusing on one tiny area to try to take possession of some Nicaragua territory, and request international recognition. They have no support and are thoroughly hated. Nicaragua is an amazingly open and pluralistic society: free private enterprise, a sense of warmth in the streets (where I really do feel safer than I have in any city in the United States). Also, Nicaragua has made it clear that it will not establish any foreign military bases here—freedom from foreign domination was what the revolution was all about. Preparations for the 1985 elections proceed daily.●

JAPAN-UNITED STATES INTER-RELIGIOUS CONSULTATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MINETA. Mr. Speaker, I would like to submit into the RECORD the report on the third Japan/United States Inter-Religious Consultation, held in Tokyo, May 17-23, 1983. Representatives from five world religions, Buddhism, Christianity, Islam, Judaism, and Shintoism, met to discuss a wide range of vital issues. I think it is important to draw attention to meetings such as this one in order to recognize the vital importance of people-to-people contacts in promoting understanding among nations.

The report follows:

THE REPORT

"To be not like railroad tracks which run side by side and never meet, but like spokes of a wheel which separate yet are together in the center", said the old master.

DIALOGUE

Differences. Listening to others, expressing our own, then seeking a way to act together in diversity—this was the basis for the stimulating dialogue of the third World Conference on Religion and Peace, Japan/U.S. Inter-Religious Consultation, held in Tokyo, May 17-23, 1983.

Five world religions were represented: Buddhism, Christianity, Islam, Judaism, Shintoism. Delegates from WCRP/U.S. joined religious leaders from WCRP/Japan to discuss issues of economy and trade, politics and military defense, religion and culture. While expressing differing perceptions, delegates strengthened their understanding and joint resolve to make more effective and explicit their shared religious attitudes.

BACKGROUND AND OPENING: INTERDEPENDENCE AND INTER-RELATEDNESS OF ISSUES

Growing distrust between Japan and the United States colored the background of the Consultation. Distrust is manifested in material differences of trade and military expenditures. It is also at the core of misunderstandings and strained relationships among many nations in the world. Speaker after speaker emphasized the need of a global attitude, for an awareness of universal implications of comtemporary events.

Prayers by Shinto priests from Japan called the assembly to spiritual awareness by measured clapping of hands. "Grant us Peace", I prayed as the Jewish representative from the United States. WCRP/Japan President Nikkyo Niwano of the Rissho Kosei Kai (a modern movement in Buddhism) urged the assembly to change discord into accord by taking wider views rather than a more narrowed one on who is right. Reverend Kenryu T. Tsuji, President of WCRP/U.S. expressed wonder that our small planet is inhabited by persons with potential for wisdom, compassion and altruism.

Mt. Fuji, beautiful peaked cone capped with snow, was clearly visible to delegates and guests at a reception on the 28th floor of the Century Hyatt, the residence of U.S. attendees at the Consultation.

Caring attention to all details of setting and hospitality, including simultaneous translations, not only facilitated discussion but also created warmth of fellowship. Although differences were freely expressed, many emphasized the inter-relatedness of issues and the interdependence in the world of people and causes.

KEYNOTES

"More and more deeply-rooted injustice and hostilities, escalating cruelty . . . nuclear weaponry threatening the existence of human beings . . . mutual distrust," were notes sounded by Archbishop of Tokyo, Seiichi Shirayanagi. He spoke of the need to promote mutual dialogue and to think in a way that allows us to share a correct understanding of ownership to help people in desperate poverty.

Relations with Japan are not the highest priority for the United States, said Dr. Homer A. Jack, Secretary-General of WCRP/International. He spoke of the "universal dimensions of responsibility for human evil", underlining the bombing of Hiroshima and Nagasaki and the Nazi holocaust. Noting rising overseas development assistance from both countries, he cited private nongovernmental overseas assistance, 22 cents per person in Japan, $5.84 per person in the United States. Dr. Jack marked the protectionism and trade gap between the developed and developing world, which no is greater than at the time of the second Japan/U.S. Consultation in 1972. Commending the recent United States Catholic Bishops' Pastoral Letter as a "magnificient encyclopedia relating to war and peace", he predicted a good future for democracy and civil rights in Japan and the United States.

Toasts and songs were shared at a lavish opening banquet.

FUMON HALL, RISSHO KOSEI KAI—INTRODUCTORY TALKS

Delegates convened in Fumon Hall, the Conference Center of Rissho Kosei Kai, the largest member organization of WCRP/Japan and host for the Consultation.

"Hope has become a very real issue today", I said as a Vice-President of WCRP/U.S. "It is a time of fear and uncertainty, challenging trust . . . yet we know the world is interdependent, that we need each other . . . and religious values are more important than ever, for religion encompasses all of life, the secular and the sacred." Speaking of the United Nations Declaration Against All Forms of Intolerance and Discrimination Based Upon Religion Or Belief, adopted by the General Assembly November 25, 1981, I referred also to U.N. Covenants and Conventions to foster greater awareness of the needs for human rights. "We need to find unity in our diversity . . . the integrating unifying force of our religious faiths".

"If democracy deteriorates, there is the spectre of Naziism and Fascism in Europe; in Asia there is little concept of democracy", said Professor Yoshiaki Iisaka, of Gakushuin University.

Nothing unemployment, rate of inflation and trade balance, as well as the fact that the United States and Japan have the largest Gross National Product (GNP) in the world, Professor Iisaka said that each nation has its own weaknesses, among them Japan's low self-sufficiency and the United States' high crime rate. He spoke of the communications gap between the two nations, with the U.S. news carrying less than one-fifth the stories about Japan in comparison with Japanese stories about the United States. In the United States, he said, it is difficult to find news of Japan unless it is crisis-oriented.

The fact that Japan is homogeneous ethnically and the United States heterogenous, contributes to their attitudes. There is in the two countries not only psychological and cultural differences but also ambivalence between admiration and suspicion. Professor Iisaka said that WCRP in Japan and in the United States needs a global perspective to promote a "trinitarian approach to peace: disarmament to eliminate all forms of violence, economic justice to eliminate poverty, human rights with a core of love."

Questions and discussion followed. Despite excellent simultaneous translation, there was the realization that language is a barrier. This intensified the need not only to listen to words but also to be sensitive to expressive modes of silence, pace, nonverbal communication. Suggesting differences, one delegate said that at a full moon-watching ceremony, Japanese brought food to sit and enjoy her beauty, while Americans brought binoculars to study her face.

TRADE AND ECONOMIC ISSUES

To stimulate our thinking, Reverend Robert Smylie of the United States delegation posed a number of "over-arching questions which are more cultural than technical. How does a society preserve its values of national power and security; freedom, with justice and compassion; growth, stability, success and self-reliance? How can the United States and Japan preserve their relations, given their diversity and tension? What can the two nations do to preserve a just social order, What can the religious community do, with its insights, attitudes and visions?"

Pointing to the $64 billion trade in 1982 between the two countries, and the $18 billion U.S. trade deficit, Dr. Smylie noted the differing patterns of exchange: from the United States, raw material, food, chemicals; from Japan, manufactured goods. Japan's recovery after World War II demanded courage, he said, in which recovery the United States has exercised unparalleled influence. For Japan, the key word was "management". He noted dissimilar social organization, such as the relation of labor and government, patterns of decision-making, differing perceptions about government protectionism and military security. Dr. Smylie spoke of vulnerability: Japan, although achieving great power, is dependent on outside resources; the United States although powerful with many resources, is also experiencing vulnerability. He concluded "strength must come from our spiritual resources."

Referring to the subject of work ethics, Professor Kikuo Yamaoka of Waseda University, remarked that while the United States was involved in the Vietnam War and its economic capacity was waning, Japan devoted itself to economic development. The United States has criticized Japan's joint efforts between government and industry for certain target industries which invade the U.S. market. A commission has been appointed to ameliorate some of these policies. Professor Yamaoka pointed out that military expansion is a waste of resources which are finite and he warned against the export of arms to lesser-developed countries. He spoke of disarmament as deeply in the oriental philosophy of non-violence; of the need for development and a global perspective in the establishment of a New International Economic Order; and the need to advance human rights, which Asians call "human dignity." There was mentioned a concept of "common security" and "common good."

In discussion and in answer to questions, several polarities were expressed by the Professor: in 1982, Japan applied for 165,000 patents while the United States applied for 10,000; many Americans thought that Japan was getting a "free ride" in military security, while at the same time there was panic in the United States over the thought of military technology being transferred to Japan. Many U.S. religionists, as well as others, are distressed with U.S. preoccupation with the Soviet Union and the pressure on Japan to re-arm. In Japan, 13 percent of imports are food, 67 percent oil and raw materials, while 97-98 percent of exports are industrialized goods. Thus Japan depends on technology, with little self-sufficiency in food and raw materials.

POLITICS AND MILITARY ISSUES

Former enemies, Japan and Germany have become friends and allies, stated Dr. Homer Jack. Although there is United States controversy about the low Japanese military budget, Japan is still 8th among the leading military spenders of the world, sending aid to South Korea, Pakistan and Turkey. The United States, though pressuring for Japanese self-defense, has not asked Japan to scrap the "peace constitution", for which there is a majority of Japanese home support, and which states in Article 9 that the people "forever renounce war as a sovereign right of a nation". Dr. Jack related some nuclear problems: safety, waste disposal, health hazards, and relationship to weapons.

Stressing the "common good" concept, Professor Yoshiaki Iisaka compared it to a lighthouse built on a coast after many accidents. Although the builder did not think of the ships of other countries, many benefited. The builders then thought that these other countries should pay. He remarked that the United States had a "lighthouse" for its global strategy. He further said that without the U.S. nuclear umbrella Japan will be placed in danger. In its U.N. voting patterns the Japanese demonstrate their belief that the defense of Japan is tantamount to the defense of the free world. Commenting on the accelerating arms race between the United States and the Soviet Union, Professor Iisaka believes that the nuclear deterrent theory is false. He spoke of the new peace movement emerging in many countries against nuclear arms and for nuclear freeze.

CULTURAL AND RELIGIOUS ISSUES

Although the many cultural differences are not the cause of economic and military problems, Dr. Malcolm Sutherland, Minister of Harvard Unitarian Church and former Professor of Theology and Culture, as well as former Executive Director of WCRP/U.S., stated that acquaintance with these dissimilarities may facilitate understanding differing sources of religious insights. He proposed that selected teachings from various faiths could help define the role of WCRP: in Shintoism, mankind's kinship with the rest of creation, all of which is divine and must not be destroyed or wasted; in Judaism, living under the judgment of a God of history and of nature, we harvest what we sow and must distinguish between good and evil in defining next steps; in Buddhism, choices are neither absolutely good nor evil but may be more or less humane and just; in Christianity, the need for and availability of grace, forgiveness and unearned love even though we make imperfect decisions; in Islam, the emphasis on absolute devotion to the source of grace by whose mercy good will be rewarded and evil will be punished.

"Our task", said Dr. Sutherland, "is to make explicit our religious vision", to help our industrial and military leaders understand the implications of decisions they make on our behalf.

"No line divides man and nature", said Dr. Giichi Muto, President of Saitama Technical College. Japan's culture is based on Buddhism, Shintoism and Confusianism. Buddhism teaches patience. Dr. Muto reported that the Japanese are getting more religious, sometimes resulting in strong activist movements. He questioned: by dialog can we teach young people?

Discussion covered many points: the danger of triumphalism when a nation identifies with one religion and engages in religious wars; from Greek thought, the separation between spirit and matter; in Japanese philosophy materials have a spirit; for too many, the "religion" of making money and consumerism; ceremonies used only for life's passages; default of churches in social issues; people finding spiritual resources outside of the church. In wondering why there was no urgency or crisis in discussion of cultural and religious differences, delegates questioned whether or not our basic cultures are oriented to peace.

Evaluating the tide of Japan/United States differences appeared essential to gain increased understanding as well as initiating a long-term perspective. Repeated were various key issues: global perspective; democracy and its implications; interdependence of nations and inter-relatedness of issues of trade, security and cultures; "common good"; prevention of nuclear war and the role of religionists; the new spiritual peace movements; and making explicit the religious attitudes and vision.

DECLARATION

In Honolulu, in 1972, during the second WCRP Japan/United States Inter-Religious Consultation, a Declaration was written. Dr. Yasuyoshi Sakata, Secretary-General of WCRP/Japan and Patriarch of Miso Gikyo, commenting on the bi-lateral slant of the Honolulu Declaration, asserted the need to improve and implement in action the global disarmament campaign. He affirmed the Japanese responsibility to help Korean victims of bombing. Reverend Sakata pointed out several areas of need: to strengthen the U.N. role, to commend the Japanese Peace Constitution, to educate the young people for peace, and to reinforce the role of the family in religious life.

A resolution on nuclear war was called for by Dr. Homer Jack. Commenting on Dr. Jack's proposal of a service project, I suggested a water project, since WCRP IV will be held in Africa where water is so desperately needed.

Buddhism teaches that war starts in the mind, said President Nikkyo Niwano. The use of nuclear weapons was triggered by Pearl Harbor, he said, and therefore, in war nobody can say who is right or wrong. Honesty and repentence form the foundation for mutual trust and confidence.

Work on the Tokyo Declaration started in a meeting of the entire Japan/United States delegations attending the Inter-Religious Consultation, and continued in a small working group. The Declaration is attached to this report.

IN CONCLUSION

In the United States we enter joint discussion and hope we will reach consensus. This is in contrast to "Nemawashi," rootbinding, the way by which decisions are reached in Japan. "Nemawashi" is a process of going to each person to find consensus before negotiations. It may be a long process but then, when the actual meeting takes place, decisions are made quickly without disagreement.

The meeting in Japan utilized neither "Nemawashi" nor consensus, yet individuals who were representatives of five different religions were listened to and heard. Their separate contributions greatly enriched each other and the group. The road to understanding and peace is indeed filled with many stumbling blocks. The dialog in Tokyo was a notable effort to smooth the path and leave a roadway for further consultation.●

THE RETIREMENT OF ROBERT HALLOWELL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. WALGREN. Mr. Speaker, I want to properly recognize the retirement of a most devoted Federal employee, Robert Hallowell, who has recently served as the officer in charge of the Pittsburgh Office of the U.S. Immigration and Naturalization Service.

Later this month, Mr. Hallowell will retire after nearly 30 years of service with the Federal Government. He served in the U.S. Navy for 2 years from 1946 to 1948 before beginning Federal Employment with the Department of Agriculture as a marketing analyst.

In April of 1962, Mr. Hallowell joined the Department of Justice as an officer in the Border Patrol along the Mexican border. He studied Spanish and immigration law at the Border Patrol Academy in Texas, continued his studies at the University of Maine and, today, he speaks fluent Spanish.

His career in the Border Patrol involved night patrol in the desert of Texas in pursuit of illegal immigrants. His expertise and temperament led to promotions and later assignments in New York City, Newark, N.J., Portland, Maine, and Philadelphia, Pa. He has served, with distinction, for more than 4 years as officer in charge in Pittsburgh.

Mr. Hallowell is known as a dedicated worker and an expert in immigration law. He is an eminently fair and decent man with a wry sense of humor. I know him to be deeply committed to the service of our country. His personal sensitivity and integrity represent the highest ideals for public servants.

Our Nation has historically benefited from civil servants of high caliber. The administration of immigration cases require a wide range of personal qualities. Bob Hallowell successful discharge of that responsibility is amble evidence of the personal qualities he brought to public service.

He will be missed. On behalf of the public I have the honor to represent, I want to express appreciation for his service our extend best wishes for his retirement.●

USE OF FEDERAL FUNDS FOR CONSTRUCTION OF TOLL ROADS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MURPHY. Mr. Speaker, yesterday Congressman KOLTER and I introduced H.R. 3736, which would permit Federal participation in the construction of new toll roads in the Commonwealth of Pennsylvania.

Mr. Speaker, no one any longer disputes that our Nation must begin a massive rebuilding of our infrastructure. No one will dispute that the cost is enormous. During this time of budget constraints at all levels of government it is essential that we make our financing rules more flexible to make efficient use of the capital we have available. By permitting the States to use Federal funds for the construction of new toll roads necessary construction will be undertaken, and thousands of unemployed Americans will be put back to work. The long-term effects of this rebuilding will provide much needed stimulus to economic recovery in the Commonwealth of Pennsylvania.

In the State of Pennsylvania, a major drawback to economic revitalization and expansion is access to modern highways; highways capable of handling expeditious transportation of my State's resources and finished goods. The construction of direct routes to our larger cities from their outlying areas will greatly reduce transportation costs and time, improve productivity, and speed the efforts to revitalize many of our most depressed areas.

The program which has been proposed by the Pennsylvania Toll Road Task Force will "provide 130,000 man-years of employment during construction; an average of 24,000 jobs for each of the 4 years of construction for the first phase of the program, an average of some 9,000 jobs per year during each of the 4 years of the second phase. After completion, the program will create almost 11,000 permanent positions." The corresponding reduction in social costs attributable to transferring persons from the unemployed to the employed status is estimated to be a total of $313 million "over the 4 years of phase 1 and $116 million over the 4 years of the second phase of the program."

Mr. Speaker, the task force continues that:

If both phases of the program are implemented, approximately 33,000 short- and 11,000 long-term jobs would be created and industry and the taxpayer would save some $430 million in social costs during the construction period and $35 million annually in the years immediately thereafter by reducing compensation and welfare payments.

OVERALL EMPLOYMENT IMPACTS DUE TO TOLL ROAD CONSTRUCTION

[Dollar amounts in the thousands]

Corridor	Short-term (construction period)		Long-term (annual after completion)	
	Employment (jobs) [1]	Social cost savings [2 3]	Employment (jobs)	Social cost savings [3 4]
New routes:				
Beaver Valley Expressway	3,200	$42,000	900	$3,000
Mon Valley Expressway	9,200	120,000	2,600	8,000
U.S. 119 and T.R. 66	2,400	31,000	1,200	4,000
U.S. 219 (Ebensberg to I–80)	9,200	120,000	2,100	7,000
Total, phase A	24,000	313,000	6,800	22,000
U.S 219 (I–80 to New York State line)	2,300	30,000	1,400	4,000
U.S. 219 (Maryland State line to Pennsylvania turnpike)	2,700	35,000	1,600	5,000
U.S. 220	1,900	25,000	500	2,000
U.S. 40/119	2,000	26,000	500	2,000
Total, phase B	8,900	116,000	4,000	13,000
Total impacts—new routes	32,900	429,000	10,800	35,000
Improvements-reconstruction:				
Turnpike program	3,800	49,300		
I–80 and I–70 (west)	6,300	82,000		
Total impacts—improvements reconstruction	10,100	131,300		
Total	43,000	560,300	10,800	35,000

[1] For each of the 4 years during construction.
[2] Total for the 4-year construction period.
[3] 1983 dollars.
[4] Average annual savings over the initial four years after completion.

Mr. Speaker, by enabling the Federal Government to join with State and local governments to build these toll roads not only will we be putting thousands of our neighbors back to work, but we are insuring that the Federal Government will receive the most impact for its money. The Federal Government will receive 100 percent of its investment through a share of the toll receipts, and therefore will be able to participate in more rebuilding and maintenance.

The concept of charging tolls fits in with this administration's belief in the implementation of user fees to build and maintain public facilities. I believe that it is time for the Federal Government to change current practices and allow the States the flexibility to use Federal funds to achieve the maximum benefits for their citizens.●

THE 98TH CONGRESS NATURAL GAS LEGISLATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. CORCORAN. Mr. Speaker, on July 29, the House Energy and Commerce Committee's Subcommittee on Fossil and Synthetic Fuels reported to the full committee comprehensive natural gas legislation. This action took place at the 11th markup session, sessions which began on May 25. The 11 markup sessions followed 10 days of subcommittee hearings which began on March 16 and concluded on April 21. The Senate Energy and Natural Resources Committee, at its 31st markup session, reported out its own version of natural gas legislation on July 26. A clean bill, S. 1715 (Rept. No. 205) was introduced in the Senate on July 29. At this point, no announcement has been made with respect to consideration by the full Senate or the full House Energy and Commerce Committee.

Mr. Speaker, for the benefit of our colleagues, I would like to insert in the RECORD at this point a listing of the House natural gas bills and resolutions that have been introduced during the 98th Congress up until July 29.

The listing follows:

Bill number	Date introduced	Sponsor
1. H.R. 4	January 3	Michel.
2. H.R. 20	January 3	Kastenmeier.
3. H.R. 131	January 3	Gramm.
4. H.R. 232	January 3	Nowak.
5. H.R. 482	January 6	Byron.
6. H.R. 583	January 6	Glickman.
7. H.R. 619	January 6	Kastenmeier.
8. H.R. 705	January 6	Tauke.
9. H.R. 796	January 25	Gaydos.
10. H.R. 827	January 25	LaFalce.
11. H.R. 873	January 25	Oberstar.
12. H.R. 909	January 25	Volkmer.
13. H.R. 910	January 25	Volkmer.
14. H.R. 1359	February 8	Skelton.
15. H.R. 1422	February 10	Young (MO).
16. H.R. 1441	February 15	Corcoran.
17. H.R. 1685	February 25	Hertel.
18. H.R. 1686	February 25	Hertel.
19. H.R. 1752	March 2	Addabbo.
20. H.R. 1759	March 2	Coleman (MO).
21. H.R. 1760	March 2	Corcoran (by request).
22. H.R. 2012	March 9	Collins.
23. H.R. 2054	March 10	Bedell.
24. H.R. 2154	March 16	Gephardt.
25. H.R. 2164	March 16	Tauke.
26. H.R. 2182	March 17	Schroeder.
27. H.R. 2499	April 12	Ritter.
28. H.R. 2508	April 12	Slattery.
29. H.R. 2565	April 14	Corcoran.
30. H.J. Res. 58	January 6	Dixon.
31. H.J. Res. 192	March 11	Corcoran.
32. H. Con. Res. 29	January 25	Collins.
33. H. Con. Res. 88	March 16	Donnelly.
34. H. Con. Res. 96	March 24	Whittaker.
35. H. Res. 38	January 25	Gaydos.
36. H. Res. 55	February 2	St Germain.

●

ECONOMIC CONVERSION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MAVROULES. Mr. Speaker, I am filing a bill today called the Economic Conversion Act of 1983, which is directed at assisting communities about to suffer the economic losses entailed in a major defense contract cancellation or the closing of a military installation.

Virtually every Member of the House knows firsthand the dire economic consequences of a plant or a base closing to a community, and the importance of preparing for such an eventuality. The Economic Conversion Act of 1983 assists such preparation, adds an element of stability to a community's economic life, and eases whatever dependence it may have on defense contract work or the presence of military personnel.

In a word, the Economic Conversion Act of 1983 is an anchor. Its aim is to keep business and industry in a community after the loss of Pentagon business and to assure that the highly skilled worker corps, laid off by a contract cancellation, do not precipituously pack up their bags and move out of town.

The bill, specifically, has two provisions:

The Department of Defense is directed to establish a 5-year pilot program to aid workers who have been engaged in defense contract work, but who have been laid off as a result of a contract cancellation.

And the Department of Defense is directed to provide 1-year advance notification of a major contract cancellation, amounting to $10 million or more, or a base closing, for the purposes of allowing the affected community to plan an alternative course of action to stabilize its economy.

I believe that both provisions will find general acceptance in the House, as this body has considered the matter before, in a similar form, during the 96th Congress. At the time, the legislation was approved by a voice vote. The bill, unfortunately, went no further than the House, as Congress adjourned shortly thereafter.

What was understood then, as what should be understood now, is that our economy, on the national scale and on the local scale, depends on our communities; and that, conversely, our communities depend on thriving business and gainfully employed Americans.

Defense contract work has only made this dependency greater. When defense spending is at a high level, prosperity may cloud the underlying historical, if not scientific, fact that what goes up must come down—especially defense spending, which has experienced great fluctuations over the years. This leaves our communities in a very precarious position, indeed.

Consider for a moment the consequences of a plant closing to a community. According to an Economic Development and Law Center Report, impacted communities will see their tax base shrink. Property, utility, and income taxes paid by the company will be lost. And so will sales taxes, where they are collected.

The community also loses at the employee end as well. Consumption power is weakened; laid off workers do not purchase as much. And the tax base shrinks.

And down, as a result of all of these factors, goes the community's standard of living. Those who have not been forced to leave to look for a new jobs are driven away because public facilities have deteriorated and public serv-

ices have decreased—all because of a weakened tax base.

Mr. Speaker, I believe that that is what the 96th Congress House membership saw when it approved similar legislation then. And I believe that the picture that I have painted and the strong, purposeful intent of the Economic Conversion Act of 1983 will prompt this Congress to follow suit.

Economic conversion is stability. It is also prosperity. Through economic conversion our economy develops options. Skilled workers, laid off from defense contract work, can bring their much needed skills to private sector work. Closed military installations can become schools, hospitals, recreational facilities—upgrading a community's standard of living.

There is nothing wrong with planning options, eliminating our dependence on defense spending. Indeed, there is much right with it. It is good, hardnosed economics, with an eye to the future. Business does it. Now it is Government's turn.

Let us take the first step and accept the important role economic conversion has in our economy.●

TO AMEND THE MERCHANT MARINE ACT OF 1920

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. SYNDER. Mr. Speaker, today I am introducing a bill to amend the Merchant Marine Act of 1920, otherwise known as the "Jones Act." The Jones Act has served as an important cornerstone for U.S. maritime policy by requiring that the transportation of merchandise or passengers by water between points in the United States, must be on U.S.-built, manned, and owned vessels. This doctrine has served to preserve and promote the ship operating and ship construction industries in the United States.

The bill which I am introducing today would phase in over a 15-year period the Jones Act requirements application to the Virgin Islands passenger trade only. My bill would not change the current Virgin Islands exemption in regard to all other nonpassenger trade.

The United States purchased the Virgin Islands from Denmark in 1916. Section 21 of the Merchant Marine Act, 1920, extended the coastwise laws to all island territories and possessions not already covered unless the President issued an annual proclamation exempting that island territory or possession from the coastwise laws because of inadequate shipping service.

For 12 years, the President issued an annual proclamation exempting the Virgin Islands from the coastwise laws. In 1936, Congress amended the Merchant Marine Act of 1920 to provide an open-ended exemption for the Virgin Islands which would remain in effect until removed by Presidential proclamation. It is my understanding that it was understood at that time, that the exemption was only supposed to last until adequate shipping service had been established.

Since 1936, we have seen the passenger trade to the Virgin Islands grow steadily. Unfortunately, the overwhelming number of vessels calling on those U.S. possessions are of foreign registry. However, today, the U.S.-flag passenger industry is staging a comeback. Just 1 year ago, the SS *Constitution* joined her sistership the SS *Independence* in the Hawaiian trade. In addition, some smaller passenger vessels are being constructed in U.S. shipyards. For example, as recently as July 16 of this year, Jeffboat, Inc., of Jeffersonville, Ind., launched a 100-passenger vessel, the *Newport Clipper.* In addition, several other maritime interests have expressed an interest in either initiating new passenger service or expanding existing capacity.

In order to accommodate this rapidly expanding commercial interest in investing in U.S.-flag shipping, I am introducing the bill today. I believe that the 15-year phase in of the Jones Act will provide the maritime industry with a sufficient opportunity to demonstrate that adequate U.S. shipping capacity does exist and that the underlying reasons for the Virgin Islands exemption, in regards to passengers, are no longer valid.●

CHARLES MESNICK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. WAXMAN. Mr. Speaker, on Saturday, August 13, 1983, the Valley Cities Jewish Community Center will honor Charles Mesnick for more than 40 years of service to the community.

Charles Mesnick was born and raised in Cleveland. After graduating from Western Reserve University where he majored in journalism and was a Golden Gloves boxing champion, he became a sports writer for the Cleveland Plain Dealer. He completed his education at the University of Southern California in Los Angeles where he earned a master's degree in social work.

In his early career, he worked for the USO-JWB during 1941 and 1942. On February 1, 1943, the date that Jewish Centers Association was legally incorporated, he began his long and productive association with that organization. After serving in the U.S. Navy from 1944 to 1946 he returned to the JCA as Assistant Executive Director, a position he held until 1952. He was then appointed director of the Beverly-Fairfax Center and became director of the Westside Center when it opened officially on March 1, 1954. He served in this capacity until 1964 after which time he returned to the position of Assistant Executive Director of JCA. From 1967 until his retirement in 1975 Charles Mesnick was Executive Director of the Jewish Centers Association.

During his 33 years with JCA, Charles Mesnick was responsible for initiating and directing many innovative programs which met the needs of a rapidly growing population in Los Angeles. In addition to opening and directing the Westside Center which was the first large city center nationwide to be built after World War II and served as a model for others to follow, Charles Mesnick developed special programs for the young and old in the community. Country camps, the Sierra trips, and the Israel trip were inaugurated. The Extension Division was expanded into the Community Services Division, with its own board and officers, serving the outlying communities with two branch offices and full-time professional staff assigned to the regions. He also gave leadership to the founding and growth of the retired senior volunteer programs; the strengthening of the Jewish Centers Associates, and the gains of support through the travel program. He gave personal leadership to the friendship membership program which has brought financial support for a variety of activities through the years. Through his efforts, JCA has developed strong ties and cooperative programs with other agencies in the Jewish and general community.

Charles Mesnick is now well into his first decade as a professional volunteer bringing to his many activities the expertise and caring which were his trademarks during his 33 years of professional community work. His many memberships and activities include serving as president of the Western States Chapter of the Association of Jewish Center Workers and member of the national executive board; founder and president of the Jewish Communal Retirees Association of Los Angeles for the past 7 years; chairman of the social services division of the United Jewish Welfare Fund; executive secretary of the West Coast Chapter, U.S. Committee of Sports for Israel, and member of the national executive committee; member of the board of governors, Western States Region, National Jewish Welfare Board, and member of the national physical education and health committee. Charles Mesnick has been honored by many community organiza-

tions for his extraordinary efforts on behalf of the community.

In all of his efforts he has been assisted and encouraged by his wife of 46 years, the former Dora Gewirtz, his two sons and, more recently, has found special joy and happiness in his granddaughter, Wendy.

I ask the Members to join me in congratulating Charles Mesnick for 40 years of exemplary service. May he have many more years of a happy and productive life.●

LET US KEEP OUR VISTA VOLUNTEERS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MITCHELL. Mr. Speaker, I am proud to share my support for the VISTA volunteers in my district. In Baltimore, we have a nonprofit agency, the Neighborhood Design Center, Inc. (NDC), which has been providing architectural and planning assistance to low-income community groups since 1968. In 1971, NDC was originally granted VISTA volunteers to assist with project requests from numerous community groups. Due to the help of these volunteers, NDC aided in the design and completion of over 200 community projects.

It should be noted that the VISTA volunteers' participation enabled professional planners and architects, as well as university students from the University of Maryland, Morgan State University, the Community College of Baltimore, and the Maryland Art Institute, to volunteer their time and skills, worth up to $25,000 annually.

In 1982, the NDC once again received VISTA support, making possible the continuation of its community involvement. During this time, NDC was also able to implement a low-cost/no-cost weatherization and training program. Currently, these programs are being continued with the 1983 VISTA volunteers.

The Neighborhood Design Center, Inc. operates on an austere budget and with only an executive director, one full-time project coordinator, and one part-time secretary. Accordingly, the use of the VISTA volunteers has been critical to their ability to provide much needed community assistance.

The VISTA volunteers go beyond the duties of coordinating volunteer services for community projects. Their work also includes training people in self-help.

On a final note, the VISTA program provides a truly valuable experience for its volunteers. In our community, these volunteers were recruited from area colleges and have degrees in subjects related to the work of the Neighborhood Design Center. VISTA service with NDC will educate these students further in community design and planning. It will also develop their leadership and training skills. Overall, they will learn how to best serve their country and community.

I would ask my colleagues to join with me in support of our VISTA volunteers throughout the Nation and let us fight any attempts to eliminate this valuable program.●

U.S. MANAGEMENT TRAINING AND POLICIES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Ms. KAPTUR. Mr. Speaker, in our analysis of our economic problems, we must not focus our efforts only on Government policies. For though it is true that new Government policies, many of which fall in the category of industrial policies, are necessary to revitalize our economy, it is just as true that the private sector must take some initiatives on its own.

One area in particular which the private sector must examine is that of management training. Given the short-run finance perspective of most American managers, it is not surprising that in the long run many of our industries are in trouble

I urge my colleagues to read the following article which appeared in the Washington Post that discusses U.S. management training and practices.

AND THE INCOMPETENT AMERICANS—U.S. MANAGERS ARE "TECHNICALLY ILLITERATE" AND OUT OF TOUCH

(By Yoshi Tsurumi)

Whenever I start teaching a new class of business school students, I give them a little math test to get some idea about their technical skills.

Typically, I ask them to find the value of "x" and "y" in a couple of quadratic equations or to draw a graph of the function of one of these equations on the "xy" plane.

These are not usually difficult problems as math goes. Over 90 percent of 10th grade Japanese students can do the first one, and about 85 percent can handle the second. One would expect future American business leaders could perform these calculations with ease, since quadratic equations have to do with the fundamentals of minimizing and maximizing values—which, after all, is what business is all about.

But my American students (at universities such as Harvard, Columbia and UCLA) do not handle these problems with ease. Only about one-third usually can find the values of "x" and "y," and very few can graph these values. Not only that, they complain bitterly about having to do these problems. They tell me they don't see the relevance of them to business.

This points up what I believe is one of the most serious problems facing American business; the technical illiteracy of its managers and executives. Few of them have the skills to solve real world problems. Business decisions require weighing variables (x and y) such as sales and costs, product quality and productivity, price and market share, profits and taxes. But business managers aren't well-equipped to reason and think in those terms.

I have compared the top three executives of 24 leading Japanese manufacturers with the top three executives of 20 leading American competitors in such fields as semiconductors, computers, consumer electronics, steel, autos, chemicals, pharmaceuticals, industrial equipment and processed foods.

The differences are dramatic. Two-thirds of the Japanese executives had science or engineering degrees, compared with only one-third of the American ones.

Furthermore, none of the Japanese executives without technical training rose through their legal or financial ranks. But over two-thirds of the American executives reached the top through careers as corporate lawyers, accountants, and financial officers. Also, the Japanese executives with non-technical backgrounds were heavily schooled in domestic and international sales operations, while the American executives with non-techincal backgrounds have mostly risen through advertising careers and corporate planning. This is typical of the career track of the new breed of American manager with an MBA degree.

The whole preparation of American executives tends to make them aloof from the factory floor and from the human beings who are involved in the day-to-day task of making products.

This process begins early. People who make it to the top of Japanese industry usually have spent several years sweeping their own classrooms and cleaning their school toilets. In elite U.S. schools, of course, there are "custodial personnel, to do that dirty work.

If many young Americans entering leading graduate schools are already technically illiterate, three or four semesters of business school are likely to increase their disdain for getting their hands dirty in classrooms and factories.

Once they join a company opportunities for experience at the ground level floor are limited. The result is that the people running U.S. companies lack familiarity with the organizations they are guiding. Is it any wonder that they are drawn to legal or financial solutions rather than technical or human ones?

The Japanese chief executives I surveyed spent, on average, 21 years in the same company before they were promoted to the lowest rank of corporate officer, and an additional 11 years in the same firm before they reached the rank of chief executive officer.

With a few exceptions, they joined their firm right after graduation. Their American counterparts typically had gone through three or four job changes and had spent an average of only nine years before becoming a corporate officer.

Subsequently, it took them only four to five years to become chief executive. In the United States 15 percent had been brought in from outside to become chief executive.

This isn't the pattern in all American firms. Among my corporate samples were IBM, Procter & Gamble, Du Pont and Texas Instruments. Their chief executives' career profiles are similar to those of their Japanese counterparts. These American firms appear to demand that chief executives be thoroughly familiar with their people, products, and markets. It is no acci-

dent, then, that these firms have conceded nothing to their Japanese competitors.

A typical Japanese business graduate who joins a company will spend 6 months to a year at a factory, followed by a series of assignments that help him get to know factory workers, engineers and managers. He is introduced to a corporate culture that encourages its employes to try out new things, learn from mistakes, and share information. He might even be sent out to work in a store where his company's products are sold, to see how the products are accepted by customers.

Compare that with the experience of many American MBAs who are told to show "results" within nine months to a year. They are not supposed to make mistakes. They hide precious information from other people. They are forbidden to make contacts with the people in other departments without going through proper channels.

These whiz kids rush to reorganize the work place, shave the cost of maintaining machinery or developing new products, concoct creative accounting schemes, and fire "low achievers." Chances are they won't be around when their splashy gestures prove to be disastrous. They will have moved on to assume more lucrative, higher-ranked jobs elsewhere.

Too many American MBAs are taught to treat ordinary employes as disposable "direct labor cost." They are taught to swallow uncritically the myth that corporations exist only to reward abstract stockholders, that capital budgeting and financial controls are the most effective management tools.

One result of the U.S. system is executives such as David Roderick, chairman of U.S. Steel. Roderick, an accountant by training, spent much of the $1 billion that the U.S. Congress made available through various tax cuts to purchase Marathon Oil—instead of modernizing steel facilities and keeping steel workers employed.

The irony of all this is that the Japanese system is modeled after an American system that no longer exists. After the war, Japanese industry put a premium on practical knowledge and hands-on experience. We looked to American teachers who taught that "high purpose, courage, honor and independence" were leadership qualities crucial to a company's success.

You won't hear such things discussed in the best business schools today. Instead, we have a business culture that applauds executives who help themselves to big bonuses and raid other companies while sending loyal workers to the unemployment lines.●

IN HONOR OF RICHARD W. LAMB, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. ANDERSON. Mr. Speaker, the Boy Scouts of America has played a vital role in building character and leadership qualities in young men for many, many years and has taught them many useful skills that serve them the rest of their lives. For these reasons, the need for very talented and capable leaders of the Boy Scouts, people that our young men can look up to and respect, is of tantamount importance. Richard W. Lamb, Jr., Scout executive of the Long Beach Area Council, is one such leader. Dick has served admirably in this post for the past 10 years. On August 24, Dick will bring to a close 33 years of service to the Boy Scouts of America when he will be stepping down. A retirement dinner in honor of his many years of service will be held on that day at the International City Club in Long Beach, Calif.

Dick's involvement with the Boy Scouts began as a youth in Longview, Wash., where he earned the highest Scout award, the Eagle Rank, in 1942. After receiving his bachelor of science degree from the University of Oregon in 1950, and serving as rifle platoon leader in the Korean campaign from 1951 to 1952, Dick returned to begin his professional career in Scouting, serving as field Scout executive with the Portland, Oreg., Council. He then served as district executive in Sacramento, Calif., and in Medford, Oreg. He became council executive in 1958, and served the same position in Klamath Falls, Oreg., and Anaheim, Calif. In 1968, he joined the national council as an area director and served in that capacity until he joined the Long Beach Area Council in 1973.

Outside of his Scouting career, Dick has also found time to serve as director of the International City Club of Long Beach and as director and vice president of the Los Angeles United Way Credit Union. He is also a member of Rotary International in Long Beach.

Dick and his wife Bonnie Susan have four children: Richard W. III, Nancy Susan, Elizabeth Hope, and Scott Walter.

Dick will be greatly missed by the entire Scouting community. My wife Lee joins me in wishing Dick, Nancy, and their four children all the best in their future endeavors.●

UNANSWERED QUESTIONS ABOUT THE SENATE WPPSS LEGISLATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BONKER. Mr. Speaker, the Northwest is anxious to find a comprehensive solution to the vexing problems of the Washington Public Power Supply System.

The key to such a solution will be regional consensus among the ratepayers, public and private utilities, vital job-providing industries, and other affected interests.

Information gathered during a Senate Energy hearing scheduled today will be helpful toward that end. Over the August work period, all affected interests will have more time to analyze the potential impacts of an amendment currently under consideration by the Senate. I am also pleased that House hearings have been scheduled for mid-September to further evaluate the WPPSS problems.

It is with the intention of solving these problems that some in the Senate have proceeded with an amendment to the Interior Appropriations bill that would offer alternative financing for at least one WPPSS plant.

However, the speed with which this amendment was drawn up and the lack of involvement by all affected parties have raised perhaps more questions than have been answered.

For these reasons, the Northwest Public Power Council and Washington Public Utility Districts' Association have voted to oppose this particular amendment.

One of the critical questions concerning this amendment has not been fully addressed: how soon could the power from WPPSS 3 be used in the Northwest and can that power be marketed outside the Northwest without erosion of the preference clause?

Currently, Southwest purchases of Northwest power occur largely at a "spill" rate, which is cheap because the surplus power would otherwise be spilled over the dams. Will utilities from outside the region purchase the power from WPPSS 3 at the cost of its production? If not, will the federally generated, preference power have to be melded with the cost of more expensive nuclear power in order to make those sales? If so, what is the cost to the Northwest ratepayers?

BPA has not proposed to scrap WPPSS 3, but to delay its construction. Would the alternative financing proposed in the Senate amendment cost Northwest ratepayers less dollars than delayed construction?

The answers to these questions will certainly come as the Congress evaluates this issue in detail.

At this time, Mr. Speaker, I would like to commend to my colleagues an editorial by the Vancouver, Wash., Columbian. This editorial raises a number of questions that remain to be answered.

After a thorough analysis, a solution to the WPPSS problems, regardless of whether it entails Federal legislation, must be of benefit to all the Northwest.

The editorial follows:

[From the Vancouver Columbian, July 27, 1983]

HASTE, SECRECY RAISE SUSPICION—LATEST WPPSS BAILOUT PLAN FALTERS

Legislation now pending in Congress could conceivably salvage one of the five power plants begun and then abandoned by the Washington Public Power Supply System. But Congress should not adopt laws that

"could" work, especially not in complicated circumstances like those surrounding WPPSS.

The rough idea for the legislation originated just a few weeks ago among four Northwest private utilities with money tied up in the plant, WPPSS Nuclear Project 3. Essentially, the plan calls for the Bonneville Power Administration to borrow the capital needed to complete the project, with the loans to be repaid through BPA rates.

During the weekend of July 15-17, closed-door meetings between U.S. Senate staff and utility representatives were held to draft the legislation. It was tacked onto an appropriations bill July 18, and by the next day it had been approved by a subcommittee and committee and sent to the Senate floor, where it now awaits action.

At no point in that process were the public utility districts in Oregon and Washington consulted, even though they own 70 percent of the plant and would pay the bill for its completion through their rates.

At no point were many of the Northwest's congressmen consulted, even though their support is critical if the measure's backers hope to see it pass the House.

No attempt was made to answer critical questions about the impact of the legislation on BPA rates, the mechanism BPA would use to arrange the loans, what kind of financing would be obtained or whether the region could even use the power that Plant 3 would produce.

The private utilities seem to have only one goal in sight—completion of the plant, no matter what the implications. From their narrow viewpoint, questions like those concerning the impact on BPA rates don't matter much—they have millions of dollars invested in the plant, money they would lose if it is never completed.

Others, however, are taking a more comprehensive view. Largely because of unanswered questions and the manner in which the legislation was drafted, the Clark County PUD registered its opposition to the plan last week. The Public Power Council, an organization of public utilities, followed suit Tuesday. Support among the Northwest delegation in the Senate is faltering, while opposition in the House is growing. It now seems the plan may die as quickly as it was born.

That it as it should be. Haste and secrecy helped create the WPPSS fiasco; they cannot be part of its solution.●

TRIBUTE TO SHERRILL W. HUDSON, COMMUNITY LEADER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. HALL of Ohio. Mr. Speaker, I rise to bring to the attention of my colleagues an outstanding and close personal friend who left the Dayton area last month. Sherrill W. Hudson, former partner-in-charge of the Dayton office of Deloitte Haskins & Sells has accepted a promotion as partner-in-charge of the south Florida practice of the firm.

Few leaders in Dayton have achieved so much distinction in so short a time. His activities are a virtual directory of civic involvement in the Dayton area, and include business, cultural, and charitable organizations, He is a rare combination of energy, ability, and compassion. He is always willing to help an individual or a cause.

On August 11, friends will gather at a farewell reception in his honor. The reception is sponsored by Jesse Philips, chairman of Philips Industries, Inc., and Perry B. Wydman, president of Interstate Financial Corp. It will be a small token of thanks to one who has given so much.●

DENNIS BRUTUS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I remember attending grade school and, in the mornings, rising with my classmates to pledge allegiance to our flag. I especially remember repeating the last phrase of that pledge to myself after the class had finished—"with liberty and justice for all." Those words really meant something to me, and I was proud to live in a country that offered both those fundamental rights to everyone.

Well, Mr. Speaker, our colleague Mr. FRANK has drawn our attention to an instance in which a man in our country might be denied both the liberty and the justice to which he is entitled. Mr. FRANK has introduced H.R. 3705 for the relief of Mr. Dennis Brutus, a South African poet and outspoken critic of apartheid who is in the midst of a battle over efforts to deport him to southern Africa.

Mr. Brutus' fears about returning to southern Africa are not unfounded. Although born in Zimbabwe, he grew up in South Africa. In the early 1960's, he was arrested for his antiapartheid activities and was released only on the condition that he would be imprisoned if he ever returned to South Africa. Mr. Brutus faces potential dangers in other countries as well. Just last year, a former nationalist leader in South Africa with whom Brutus was imprisoned was fatally shot in Zimbabwe, allegedly by the South African secret police.

Mr. Brutus has lived in the United States for the past 10 years. He has been a professor of African and English literature at Northwestern University for many of those years. Why, then, is he facing potential deportation? Mr. Chairman, Dennis Brutus could be deported because of a technical violation of the immigration statutes. He originally held a British passport, and it was with this document that he obtained his visa, which granted him permission to work here. But when Zimbabwe became an independent nation in 1980, Mr. Brutus' passport was revoked. Zimbabwe issued a new one, but he was late in applying for the extension of his visa here. Then his file was misplaced for 6 months. Thus, when he continued to work at Northwestern University, he violated a law that forbids employment of an alien with an expired visa.

Despite the unusual circumstances, the State Department is zealously pursuing action against Mr. Brutus. He has been told by these authorities that he could return to Great Britain, where he lived and worked after he left Africa in 1966. The British authorities, however, present a different picture: They advised him that his immigration rights have lapsed in Britain because he failed to live there for 2 years.

Furthermore, the State Department has indicated that he is excludable from the United States under the McCarran-Walters Act, but has refused to tell Mr. Brutus why he has been judged excludable. He needs that information to defend his position. The Department is using classified documents and, as commonsense tells us, it is quite difficult to refute information that is not known. Surely this is a violation of those very rights to which I pledged allegiance so many years ago.

As chairman of the Congressional Arts Caucus, I have yet another interest in allowing Mr. Brutus to remain in our country. He offers an irreplacable cultural asset to our Nation. He has distinguished himself in his position as professor of African literature at Northwestern University. Few scholars have contributed so much to a better understanding of African culture and the dynamics of the apartheid system as Mr. Brutus. And, on top of his academic career, Mr. Brutus is an award winning poet. He has published seven collections of poetry, including "Sirens, Knuckles and Boots" (1962) and "Letters to Martha and Other Poems from a South African Prison" (1969). Instead of harassing and deporting this talented man, we should support his efforts and leave his mind free to produce his artwork in an unrestricted society.

I know that I am not alone in this position of defending Mr. Brutus for his artistic and academic ability. The Authors League of America, Inc., has recently submitted a letter of support to the Honorable Irving Schwartz, the judge who is presiding over Mr. Brutus' trial.

The letter reads:

THE AUTHORS LEAGUE
OF AMERICA, INC.,
New York, N.Y., July 8, 1983.

Re. Dennis Brutus.

Hon. IRVING SCHWARTZ,
Immigration and Naturalization Service, Chicago, Ill.

DEAR JUDGE SCHWARTZ: The Authors League of America and The Authors Guild

are the national societies of professional authors, representing a total membership of 11,000.

On behalf of our members, we respectfully urge that your Honor rule that Dennis Brutus should be granted political asylum in the United States. We believe that he has earned the right to permanently reside and teach here. He has made substantial contributions to American education during his many years of teaching in our universities. And through his teaching and his poetry, he has become a compelling inspiration to innumerable college students, including members of the black and other minorities.

Dennis Brutus should not be wrenched from the American academic community, in which he has earned a respected place and warm welcome, and deported—to Zimbabwe or any other country. To destroy his career and life here would be cruel and pointless. Deportation also would expose him to personal risk because of his strong opposition to the government and policies of the Republic of South Africa.

We applaud the granting of political asylum to ballet dancers, tennis stars and others seeking refuge in our country. But it would be strange if risk to personal safety, a minimal concern in many of these cases, is evaluated so stringently for Dennis Brutus that asylum would be denied this black teacher and poet who earned the enmity of a government whose policies are opposed by millions of Americans.

American authors join American teachers and scholars, distinguished representatives of the black community, members of Congress and others in urging that political asylum be granted to Dennis Brutus. It would be shocking if our government, which justly condemns the deportation and oppression of teachers and poets by authoritarian regimes, were to expel this eminent teacher and literary artist.

Sincerely yours,

HARRISON E. SALISBURY,
President,
The Authors League of America.
ANNE EDWARDS,
President,
The Authors Guild.

Mr. Speaker, if the Immigration and Naturalization Service were to deport Mr. Brutus because of the violation of a technicality, the United States would be expelling a world-renowned leader in the field of human rights, a master poet, an outstanding scholar, and an exceptional teacher. We have no choice but to grant him political asylum.●

APPRECIATION TO POWELL A. MOORE FOR HIS SERVICE

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. LOTT. Mr. Speaker, the departure of Powell A. Moore from his position as Deputy Assistant to the President for Legislative Affairs will be a loss for the White House staff and for those of us who have worked with him over the years. I have learned to appreciate his judgment and his ability to get the job done.

I did not want to let this opportunity pass without taking note of his accomplishments and to wish him the best in his new endeavors.

In charge of White House relations with the U.S. Senate, Powell Moore was appointed to this position on January 19, 1981, by President-elect Ronald Reagan and was sworn in on January 21, 1981.

Prior to joining the White House staff, Mr. Moore had been engaged for the previous 6 years in governmental relations and Washington representation as a consultant for a variety of corporations and associations.

He began his Washington career in 1966 as an aide to the late Senator Richard B. Russell of Georgia. When Senator Russell died in 1971, he became Deputy Director of Public Information for the U.S. Department of Justice and later served in the Office of Legislative Affairs at the White House under Presidents Nixon and Ford. When he left the White House staff to enter private business in 1975, he was a Deputy Special Assistant to the President.

Mr. Moore worked on the national Presidential campaign staff of President Nixon in 1972, of President Ford in 1976, and of President Reagan in 1980. His association with the Reagan campaign began in early 1979, and he was Assistant Director of Congressional Relations for the Reagan transition between election day in 1980 and the inauguration on January 20, 1981.

Mr. Moore graduated from the Henry Grady School of Journalism at the University of Georgia in Athens, Ga., in 1959. He is a former weekly newspaper editor in Georgia and served for 3½ years as a U.S. Army officer, including a tour in West Germany. Born on January 5, 1938, in Milledgeville, Ga., Mr. Moore is married to the former Miss Katherine Southward of Midway City, Calif. They live with two children in Alexandria, Va.●

AUTHORIZATION OF U.S. COMBAT FORCES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MARKEY. Mr. Speaker, I am introducing a bill today that would require congressional authorization before the introduction of U.S. combat forces into Central America. I am pleased to be joined in this effort by my distinguished colleagues FRANK HORTON, PAT SCHROEDER, TONY COELHO, STEWART MCKINNEY, JOE MOAKLEY, MORRIS UDALL, FERNAND ST GERMAIN, TOM HARKIN, BERKLEY BEDELL.

An identical resolution will be introduced today in the Senate by Senators HART and KENNEDY.

We are introducing this bill because we are seriously concerned about the direction that the Central America policy of this country has taken, and equally concerned that the Congress has not been playing its proper role in the formulation of this policy. I think it is clear that there has been insufficient consultation with the Congress in this regard, and that the present degree of congressional oversight is inadequate.

A couple of weeks ago, I read in the newspapers that two American naval battle groups were steaming for the coasts of Nicaragua. Then I read that as many as 3,000 to 4,000 ground troops—including combat troops—were to be deployed in Central America in a 6-month exercise called a maneuver. Today I read that that number may be more like 5,000 troops.

These reports have an ominous ring to them. But even more ominous is the fact that, while we are on the brink of military involvement in Central America, the Congress learns of major decisions only after they have been made.

Equally disturbing is the impression one gets, that the Departments of Defense and State are not far ahead of us in learning about the latest plans of the foreign policy experts in the White House.

Central America is a very volatile region, and United States involvement there has been steadily increasing. This situation demands a careful, restrained, and bipartisan policy, and close consultation with the Congress. Unfortunately, this has not been the case.

I find it unconscionable that the Congress could fail to address an issue of such overwhelming importance.

The Constitution places the responsibility for declaring war, and for regulating the Armed Forces, squarely on the Congress. And I think the Congress would be dangerously derelict in its duties if it allowed one man, even the President of the United States, to commit this country to a misconceived military adventure which could quickly escalate to a major role in a bloody and unwinnable war.

That is why I introduced an amendment to the Defense Authorization Act last week, and that is why I am introducing this bill today.

The bill says that the Congress will not abandon its responsibilities.

It says that, this time, we will not duck the issue while an ill-considered military involvement is steadily escalated, and we will not let the White House singlehandedly lead this Nation into a war.

The American people have made their feeling clear. The overwhelming consensus in the public is that the greatest danger this country faces in Central America is that of embroilment in another Vietnam style quag-

mire. On this issue, as on the issues of the Vietnam war, arms control and the nuclear arms race, the American people are ahead of their Government, and it behooves all of us in Washington to pay them heed.

Indeed, our top military leaders have also made their concerns about the direction of Central America policy known, and I am in complete agreement with them. The last thing that our military wants is to be ordered into a military conflict in Central America without strong and unified backing from the country.

If we as a country have learned anything from the mistakes of the Vietnam war—indeed, if we are to prevent a loss in Central America similar to the loss in Southeast Asia—we must realize that all the bombers, all the gunboats, all the radar facilities and all the sophisticated weaponry that we can bring to bear in these small, desperately poor Third World nations, can accomplish nothing but destruction if we ignore the social, economic, and political ills that are the causes of the conflict.

And we must remember that the effects of a mistaken military involvement are painfully felt at home as well as overseas. We must know that as we wreak destruction abroad, we tear at the very heart and soul of this great Nation of ours.

The bill I am introducing today is a call for a new direction in policy toward Central America. Let us approach the problem in the region with caution, let us approach it with compassion, let us approach it with reason, but above all let us approach it with unity.●

HEALTH INSURANCE FOR THE UNEMPLOYED

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. DORGAN. Mr. Speaker, today I voted in favor of a proposal to address the health care needs to the unemployed because I believe that there currently exists a problem that this Congress should address.

However, I want to make it clear that I intend to work to see that any conference committee that will act on this matter would attach a means test to target the temporary help to those who desperately need it. Also, I will ask a conference committee to eliminate the requirements that this bill would impose on small businesses.

In summary, I recognize the need for health care for the unemployed and cast my vote to signal my support for that need. However, there are some serious shortcomings in the current bill that must be corrected before I would support a conference committee report.●

HONORS FOR JOHN PHILIP SOUSA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. FRANK. Mr. Speaker, John Philip Sousa, one of the most prominent Portuguese Americans our country has known, was honored yesterday afternoon by a concert of his music on the steps of the Library of Congress. This special program was performed by the U.S. Marine Band, which Sousa led for more than 10 years, before a crowd which included the composer's grandson, John Philip Sousa III. Sousa, whose marches and other music have become a permanent part of American popular culture, is very deserving of this honor, both as a musician and composer who has made significant contributions to the arts, and as a representative of the many Americans of Portuguese ancestry who have made and are still making their own contributions to American society.

Sousa was born in Washington, D.C. on November 6, 1854, and by the age of 16 was already an orchestra leader in a number of American theaters. He joined the U.S. Marine Band in 1877 and was its conductor from 1880 until 1892, when he resigned to form his own band. He enjoyed a great deal of success during the following years, touring not only in this country, but also in Europe and, on one occasion, taking his band on a world tour.

Sousa was best known for his marches, which include such classics as "The Stars and Stripes Forever," the "Washington Post," and "Liberty Bell." In total, he composed nearly 100 marches, as well as writing a number of other songs, light operas, and orchestral suites. The many honors he received in his lifetime include the Victorian Order and the Grand Diploma of the Academy of Hainault. In addition, in 1940, a commemorative stamp was issued in his honor.

In spite of these many prestigious honors, Sousa's achievements are most appropriately recognized every time one of his popular marches is played. All Americans, whether of Portuguese descent or not, can be proud of the career and achievements of the man who is known as the March King.●

FAIR HOUSING AMENDMENTS OF 1983

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. SENSENBRENNER. Mr. Speaker, yesterday, I introduced, with 13 of my colleagues, the Fair Housing Amendments of 1983.

This legislation is the culmination of months of work by the Reagan administration and various Members of the U.S. House of Representatives and the U.S. Senate to craft a proposal that puts teeth in title VIII of the Civil Rights Act of 1968.

Under current law, the principal means of enforcement has been conciliation. However, it has become evident that the current law has shortcomings where parties enter into conciliation in bad faith. As former Secretary of HUD, Carla Hills, stated: "The most serious obstacle to an effective title VIII program is the lack of adequate enforcement provisions. . . ." President Reagan recently acknowledged this when he stated: "The gap in enforcement is the lack of a forceful backup mechanism which provides an incentive to bring the parties to the conciliation table with serious intent to resolve the dispute then and there. When conciliation fails, the Secretary [of HUD] has no place to go. In those few cases where good will is absent, the exclusive reliance on voluntary resolution is in the words of former Secretary Carla Hills, an 'invitation to intransigence.' "

Under the bill, the principal means of enforcement will continue to be conciliation. However, H.R. 3747 will provide a forceful backup mechanism to those who do not intend to enter the conciliation process in good faith.

Under H.R. 3747, an aggrieved person has 180 days following a discriminatory housing practice to file a complaint. If the complaint originated in a State or locality that has a certified HUD fair housing agency, then the complaint is referred there. Otherwise, the Secretary of HUD is to make and give notice of his or her decision whether to resolve the complaint as promptly as possible and, so far as practicable, this notice is to be given no later than 120 days after receiving the complaint or recalling it from a State or local agency.

If the complaint is not resolved within 30 days after notification to the respondent of the Secretary's determination to resolve it, or if the Secretary certifies that conciliation has been tried and will not work, the complaint may be referred to the Attorney General with a recommendation that a civil action be filed on behalf of the United States. If a civil action be filed

on behalf of the United States. If a civil action is filed by the Attorney General, the court may award injunctive relief and assess civil penalties of up to $50,000 for the first offense, and up to $100,000 for subsequent offenses. Additionally, the Secretary of HUD may recommend to the Attorney General that appropriate temporary or preliminary relief be sought pending final disposition of the complaint.

The above provisions of the bill constitute the "teeth" which is lacking under current law. Presently, the Attorney General has only "pattern or practice" jurisdiction. Additionally, the conciliation procedure is strengthened by allowing the parties to consent to binding arbitration. There is also authorization in H.R. 3747 for the Attorney General to seek specific performance of a conciliation agreement. Thus there are incentives to resolve the issue through the conciliation process which is the speediest, most effective way. The consequences of failure to conciliate may be a lawsuit filed against the person by the Attorney General. If the parties to a conciliation agreement fail to abide by its terms similar action by the Attorney General may result.

The action by the Attorney General does not preclude an aggrieved person from filing a complaint on his or her own behalf. Additionally, the statute of limitations for a private action has been extended from 180 days to 2 years. Also, individuals will no longer have to prove financial need to have their attorney's fees paid. In conformance with other civil rights attorney's fees provisions, the court may award attorney's fees to the prevailing party. The current ceiling on punitive damages in a private action is also removed. Finally, the Attorney General will be authorized to intervene in suits brought by individuals in which aggrieved persons can receive compensatory and punitive damages. Thus, the burden of litigation is borne by the Government.

H.R. 3747 preserves the existing pattern or practice jurisdiction of the Attorney General. It also authorizes the court to assess civil penalties of up to $50,000 and $100,000 for subsequent violations.

H.R. 3747 provides for mandatory referral of fair housing complaints to State or local fair housing agencies that administer "substantially equivalent" laws. It confirms as to remedies that a State or local law will be recognized if it provides an agency with the authority to investigate and conciliate complaints. These provisions recognize the desirability of resolving fair housing complaints at the most decentralized level where housing transactions occur. It recognizes the need to have the complaints resolved in the venue most convenient to all parties involved in the dispute.

Finally, one of the key provisions which is perhaps the most far-reaching and important is the one that adds handicapped persons as a new protected class. H.R. 3747 would make it illegal to refuse to sell, rent, or negotiate for the sale or rental of dwellings because of a handicap of the buyer or renter. Discriminatory activity would include refusing to permit reasonable modifications of the premises for occupancy, but in the case of rental dwellings, the renter must first agree to restore the premises, reasonable wear and tear excluded.

Discriminatory activity does not include the refusal to make changes in a dwelling at the expense of the owner or the refusal to modify current policies or rules if it would result in expense to the owner or unreasonably inconveniences the other persons.

Finally, while the definition of handicapped persons is written very broadly, it does not include any current impairment that consists of alcoholism or drug abuse, or any other impairment that would be a direct threat to the property or safety of others.

I hope the introduction of H.R. 3747 will spark the serious thoughtful and bipartisan debate on this major civil rights issue which needs to be addressed. It is a debate that needs to be devoid of political rhetoric if the strengthening of our fair housing laws is to become a reality. As the ranking minority member of the House Judiciary Subcommittee on Civil and Constitutional Rights, I will be working very hard to accomplish the objective of putting teeth in the current act and to include handicapped persons as a covered class.●

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. ANTHONY. Mr. Speaker, the President's private sector survey on cost control recently released the results of the Health and Human Services/Health Care Financing Administration and Public Health Service Task Force. The importance of this study and the recommendations that accompany it are that they represent the potential for more effective and efficient utilization of limited Federal resources.

Several of the task force's recommendations are of particular interest to me because they concern the National Center for Toxicological Research (NCTR), a sophisticated research facility located near Pine Bluff, Ark., in the Fourth Congressional District which I represent. The results of the study are important to every Member of Congress, however, because of our society's increasing reliance on chemicals, and the need we have as decisionmakers for accurate information to protect the public from health threats due to substances released in our environment.

NCTR is responsible for carrying out four basic tasks: To determine, through animal tests, the adverse effects of low dose, long-term exposure to chemical toxic agents or poison; to develop better tests to evaluate the limits of safe use of toxic chemicals in animal systems; to determine how these toxic agents affect animals; and to develop data to help apply test results from animals to man.

The information that NCTR gathers is passed on to regulatory agencies that must decide whether to permit a certain chemical or drug or substance to be sold or used.

I recently worked with members of the House Appropriations Committee to insure that NCTR received funding for much needed renovation of their facilities. I commend the members of this committee for recognizing the needs of the Center, and for including an amount of $2.5 million for a diet preparation facility and an inhalation-toxicology laboratory at the Center in the fiscal year 1984 appropriations bill.

I am equally pleased that the team of private industry executives studying the efficiency of the Federal Government has highly praised the work and management of NCTR. In addition to recommending that the Center's facilities and programs be expanded, the Presidential Commission also noted that, "the management systems put in operation by the NCTR Director were found to be the most effective of all agencies studied and appear to be applicable to wider use within the Federal structure."

The team assigned to study toxicological programs within the Federal Government observed that, "there is a history of problems with studies performed by contract firms." They suggested that NCTR should be "expanded to become more of a National Center," and do more of the Government's research work in the area of toxicology.

I am very encouraged by the support we have received in Congress for NCTR and the high praise the private sector initiative has given to the Center. I believe it shows that Congress and the private sector recognize the need to support the search for cures for cancer and birth defects, and protect the public from health threats in our environment. The report from the private sector survey on cost control demonstrates that Federal support of NCTR is a wise investment of limited Federal resources.●

RELIGIOUS FREEDOM AND SOVIET TYRANNY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. PORTER. Mr. Speaker, on July 2, 1983, Laurie Heyman of Deerfield, Ill., celebrated her bat mitzvah. The bat mitzvah marks the entry of a young Jewish girl into womanhood, a symbolic moment of passage from protected innocence to adult responsibility. It is an occasion at once joyous and solemn.

I call the attention of my colleagues to her bat mitzvah because Laurie's right of passage was more than symbolic. By corresponding with a Russian girl her own age, Irena Briskman, whose family has been refused the right to emigrate, to celebrate publicly Irena's bat mitzvah, or even to observe quietly the Sabbath privately in their own home, Laurie Heyman learned a hard lesson in geopolitics upon which we all ought to reflect.

The sharing of the bat mitzvah celebration with a Soviet refusenik, "Twinning" as it has been popularly labeled, is a moving and meaningful event for the families of both the American and Soviet youths. During the service an empty chair sits on the pulpit designated for the absent Soviet participant.

The "Twinning" service dramatically contrasts the religious freedoms in the United States with the oppression in the Soviet Union. Ironically, while the Heyman family celebrated Laurie's bat mitzvah in the States, the Briskman family was being arrested by the KGB for celebrating the Sabbath in the Soviet Union.

Laurie's bat mitzvah comes at a time when the Soviet Government has embarked on an emboldened campaign of anti-Semitism. How tragic it is that Irena, representative of all Soviet Jews, has been denied the most essential of all freedoms—the freedom to hold fast to an individual religious and cultural identity.

We in the United States must continuously pressure the Soviet Government to allow for the right of emigration and religious freedoms for its people. The courage and long-endured suffering of Soviet Jews is exemplified so well in the words of another heroic Jew, Albert Einstein: "As long as I have any choice in the matter, I shall live only in a country where civil liberty, tolerance, and equality of all citizens before the law prevail."

I praise Laurie for sharing her very personal celebration with another young woman, Irena Briskman, who, to this day, remains trapped in the Soviet Union. Let us all pray that Irena, too, will soon be able to celebrate her very own bat mitzvah in freedom.●

CONGRESSIONAL CONSENT FOR THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. DERRICK. Mr. Speaker, I am today introducing legislation, along with 19 of my colleagues in the Southeast, which seeks the consent of Congress for the Southeast Interstate Low-Level Radioactive Waste Management Compact.

In 1980, the Congress approved legislation which established Federal policy on the management and disposal of low-level radioactive wastes. Under the provisions of the Low-Level Waste Policy Act of 1980, each State is responsible for the disposal of low-level radioactive waste generated within their borders. Most important, however, this statute also stipulates that low-level radioactive waste can be most safely and efficiently managed on a regional basis. States are therefore urged to form regional compacts with their neighboring States, and subsequently present such compacts to the Congress for consent and approval. After January 1, 1986, and assuming the passage of congressional consent legislation, each region may ban the importation of low-level radioactive waste into their region.

At the present time, legislation is already pending before the House of Representatives seeking congressional consent for both the Northwest and Central Interstate Low-Level Waste Compacts. The Southeast region is the third region to formally transmit consent legislation to the Congress for the compact they have agreed to. I would note that my distinguished colleague and senior Senator from South Carolina, Hon. STROM THURMOND, will be introducing this legislation in the Senate.

Mr. Speaker, the Southeast Interstate Low-Level Radioactive Waste Management Compact represents the culmination of a lengthy and complex process to seek agreement between the various States of the Southeast region for safe management and disposal of low-level radioactive materials within the region. To date, seven of the eight eligible States in the Southeast region, Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, have fully ratified this compact. Georgia ratified an earlier version of the compact in 1982, and is expected to ratify amendments to that compact next year.

Under the terms of the Southeast Interstate Low-Level Radioactive Waste Management Compact, the Chem-Nuclear Services, Inc., burial site in Barnwell County, will serve as the first regional disposal site for the Southeast region. The compact makes the States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia initially eligible parties to the Southeast Compact. The compact also makes provisions for the addition of party States to the region, as well as the withdrawal by any party State from the compact.

Article 4 of the Southeast Compact creates the Southeast Interstate Low-Level Radioactive Waste Management Commission which consists of two voting members from each party State. The commission is to appoint its own chairman, meet at least once a year, and is responsible for approving the applications of eligible as well as nonparty States to bcome a party State to the compact, submit annual reports to the Governors and Legislatures of party States, and develop procedures for determining the type and number of regional facilities which are necessary to manage the low-level radioactive waste generated within the region. The commission also has the authority to authorize, by a two-thirds vote, the importation of wastes into the region beyond the January 1, 1986 exclusionary date set out in the Low-Level Waste Policy Act of 1980. The commission activities will be funded by both a one-time payment from party States and levies imposed on wastes disposed at the regional facility.

Mr. Speaker, the first regional site for the Southeast region will be the Chem-Nuclear Services, Inc., burial site, located in my congressional district. This site will be available under the terms of the compact through 1992. After that time, another State within the region will have to come forward to provide a next regional site.

As many of my colleagues are aware, I have been greatly concerned with issues relating to nuclear waste disposal througout my tenure in this body. My home State of South Carolina presently stores one-third of the Nation's high-level nuclear defense wastes in temporary storage at the Savannah River Plant, it operates one of only two commercial burial sites for low-level nuclear wastes at the Chem-Nuclear Services, Inc., site in Barnwell County, and was under active consideration throughout the formulation of high-level nuclear waste disposal legislation as a site for temporary, or "away-from-reactor" storage of spent nuclear fuel from commercial nuclear power reactors.

The citizens of South Carolina understand well the benefits derived from the research and medical uses of

radioactive materials, as well as the commercial and defense applications of nuclear energy. The regional disposal concept established in the Low-Level Waste Policy Act of 1980, and which is the foundation of the congressional consent legislation I am today introducing, represents the most equitible solution to a problem nobody wants, and which to date has been borne disproportionately by my constituents.

Mr. Speaker, I earnestly solicit the cosponsorship of this legislation by my colleagues in the House, and urge the committees of jurisdiction to move promptly toward hearings on this most important subject.●

SLAIN AMERICAN MISSIONARIES IN EL SALVADOR

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Ms. OAKAR. Mr. Speaker, today I have introduced a resolution relating to the issue of justice in the case of the slain American churchwomen in El Salvador. The same resolution was recently introduced in the Senate.

This particular case is familiar to many of us. The four victims—Jean Donovan, Dorothy Kazel, Ita Ford, and Maura Clark—were in El Salvador on a humanitarian mission. They were working with the poor and dispossessed, trying to rectify the problems that are causing all the current trouble in Central America. Jean Donovan, who was my constituent, left a $35,000 a year job in Cleveland to do her volunteer work with the church in El Salvador. The three religions were equally idealistic. Their murders at hands of unnamed government troops brought the brutality of the situation in El Salvador sharply and cruelly into focus for many Americans. The unresolved murder case serves as a continuing reminder to us of the injustice that reigns in that country.

The murders occurred nearly 3 years ago, on December 2, 1980. Repeatedly Congress has expressed its concern over the lack of any progress in the investigation. Repeatedly, we have heard the same excuses. Recently, the State Department admitted "disappointing progress in the case" and acknowledged a "virtual breakdown in criminal justice" in El Salvador. Government officials there have kept postponing a trial date. Critical evidence developed by the FBI to assist El Salvadoran authorities has never been introduced into the official court record. Other evidence has been lost or destroyed. Important leads have been ignored. In short, there is every reason to believe that the authorities in El Salvador have no intention to bring this case to trial, no intention to pursue justice.

The resolution I am introducing would put the House on record supporting the appointment of a special prosecuting attorney in El Salvador to oversee the comprehensive investigation of those responsible for murdering the four American church women and to prepare an effective prosecution. It is also clear that more than enough time has elapsed for reasonable people to expect a trial that would resolve the questions the American people continue to have as to who killed the American missionaries and who may have ordered the crime. The resolution calls on the Government of El Salvador to assure our Government that those accused will be brought before a jury trial by December 2, 1983, the third anniversary of the deaths of Jean Donovan, Ita Ford, Dorothy Kazel, and Maura Clark.

I urge support for the resolution to demonstrate to the families of the victims that we still care and to show foreign governments that we expect proper treatment for our citizens and justices should they become the victims of crime.

This resolution has also been introduced in the Senate.●

WASHINGTON PUD'S TESTIMONY ON THE SENATE WPPSS LEGISLATION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BONKER. Mr. Speaker, today the Senate Committee on Energy and Natural Resources is hearing testimony on a proposal to provide alternative financing for at least one of the troubled WPPSS nuclear plants.

In another recent statement in these pages, I have pointed out questions concerning this proposal.

At this time, I would commend to the attention of my colleagues the testimony presented to the Senate Energy Committee today by Mr. Jim Boldt, director of the Washington Public Utility Districts Association.

This testimony frames a number of other critical questions that must be addressed during congressional consideration of this energy financing proposal.

(Testimony follows:)

Good afternoon Mr. Chairman, Ladies and Gentleman:

My name is Jim Boldt. I am the Executive Director of the Washington Public Utility Districts' Association. Our Association represents 26 public utility districts in the State of Washington and their owner/ratepayers, as well as two joint operating agencies. The Association collectively represents over 500,000 electrical customers and systems that serve over 50 percent of the geographical area of the State of Washington.

We would like to thank you for the opportunity to testify on S. 1701. We were very concerned originally that there would be no chance for hearings and testimony on this issue. We truly appreciate the opportunity to express our views. We were pleased during the consideration of previous legislation that Senator Jackson expressed his concern for hearings and now as this bill comes forward we appreciate this committee's call for a hearing so that the public may be heard.

On July 26, 1983, the Board of Directors of the Washington Public Utility Districts' Association, with all but two members present, voted unanimously to endorse the following resolution:

Be it resolved that, the Washington P.U.D. Association opposes Section 317 of the pending Interior Department Appropriations Bill. While we appreciate the interest and attention of Congress toward our regional energy problems we feel that Section 317, as written, fails to adequately and comprehensively address these problems. We further call upon all regional energy entities, our ratepayers/owners, the private utilities, and others to continue the process initiated by Congress and the private utilities toward addressing our pressing energy problems. Such a continuation, with appropriate public hearings and input, combined with detailed studies of potential rate impacts, will allow us a proper forum to achieve a solution to our collective energy problems.

The Board of Directors of the Washington Public Utility Districts' Association is made up solely of locally elected public utility district commissioners. They took this action for the following reasons:

First, let me state that we support a completion of Washington Public Power Supply System project WNP 2. However, while this proposed legislation addresses that process, we have serious concerns over the broader aspect and timing of this legislation before you. Mr. Chairman we would like to put forth those concerns in this testimony. First, in the form of a technical critique of the language itself and then later in a general discussion about the energy situation in the Pacific Northwest, specifically the State of Washington.

We, the public utility districts, are customers of the Bonneville Power Administration. This federal agency is not a bureaucracy that merely represents a power mixer or exchanger for us. It is in many cases the life blood of power supply for the public utility districts. We therefore need to know more about any new authority granted to this federal agency before we can support it.

The legislation before us allows for the commitment and expenditure of our ratepayers' dollars through a new "entity." We are concerned about the makeup of this entity, how it would be established, who would establish it, and what its authorities and powers would be. Literally taken, if such an entity were to be formed that could issue this type of debt for this type of reason, we would imagine that under existing law we would see ourselves represented by perhaps a new giant irrigation district, a new state-wide public utility district, some other special purpose district, perhaps a state power authority, or in a whole different vein a new non-profit, private corporation over which we would imagine we would have very little control.

Control is a very important point for us these days. We are concerned about costs to our ratepayers. We are further concerned,

in light of the recent Washington State Supreme Court ruling, about entering into any agreements or being involved in agreements where the policy, oversight, and management control of our affairs are even further isolated from us. Recall if you will the clear statements by the Washington State Supreme Court in the Chemical Bank action. They ruled that without proper control, public utility districts lacked the authority to participate in contracts with a joint operating agency.

From a purely fiscal concern we are unable to obtain information about the possible financial obligation made by this entity pursuant to this legislation. We need answers. What would be the conditions of a loan to this entity? What would be the interest rate? What would be the terms of the loan? To whom would it be paid? What is the imagined time frame for refinancing as mentioned in the Committee report in Section 317 and this legislation? What if refinancing is unavailable?

As you are aware, project No. 1 was mothballed over one year ago in a similar fashion as the recent mothballing of project No. 3. It is not clear to us that the intent of this legislation is to provide new authority for project 1 as well as 2 and 3. It would be important to us that this be clarified and that the definition of "federal base system resource" be defined so that we know which resources could be funded or financed by this procedure. If the definition of "federal base system resource" is too broad this authority could be used for the purchase of new generators on the federal base system dams, perhaps fishery programs, conservation programs and others which could be funded from the federal base system revenues pursuant to the Pacific Northwest Regional Power Act.

The legislation makes reference to the term "cost of construction" and that funds from the entity could be used for such costs. It is essential that this term be further defined. We are concerned that such payments may take money from our ratepayers to pay disgruntled, terminated contractors at projects 1 and 3. Likewise we are concerned that money may be taken for cost sharing lawsuit settlements to pay projects 4 and 5 for which we presently have no authority to pay for, due to the decision of the Washington State Supreme Court.

There are additional questions in other areas which require answers in order to prepare comprehensive legislative solutions.

With our support for of completion project No. 2 and our concerns for the immediate needs for project No. 3 it would be wise to wait until the General Accounting Office has reported on the clarification of authority of the Bonneville Power Administration to fund construction of projects from rates. It would drastically realign support for various aspects of this legislation if we could hear the August 8th ruling by the Superior Court with regard to the cooperatively held utilities interests in projects 4 and 5.

We are also attempting to assess the cost-effectiveness and marketability of a major thermal resource (project No. 3) right in the middle of the Bonneville Power Administration's major reassessment of its rates and rate studies and load forecasts. It is impossible to assess the monetary impact of this legislation until these findings are made. And probably the most important point is to wait until the Regional Power Council can respond to a request for a cost-effective assessment of project No. 3. Those done prior to this time, in compliance with a now unconstitutional initiative, are now in question.

Allow us to discuss further the concerns we have with a forced march completion of any federal base system resource other than WNP No. 2. What are we going to do with project No. 3 if it is completed? If we use an unknown entity headed by yet to be announced personnel, to borrow an undetermined amount of money, at a "negotiable" interest rate to finish the project, what do we then have? Mr. Chairman, we have more surplus, and we have a diversion of capital from cost-effective conservation programs. (The Bonneville Power Administration has already asked the public utility districts of the State to assist in the financing of conservation programs to achieve Bonneville's responsibilities under the Regional Power Act.) We are hardly prepared to assist in that financing. However, we would be less able to assist if we are further strapped by untimely interest payments for the completion of a project we may not yet need. We are not sure No. 3 is needed immediately. We have nothing in place for out-of-region sales of our surplus thermal power. California does not want to purchase nuclear generated power, and they will not pay full thermal prices. A completion of the project now would further surplus the region with no clear progress for California sales.

Some agree that deferral of project No. 3 is more attractive than this mystery financing scheme. The costs are then not in the rate base and we get answers to the questions raised above relative to what California needs. The privately held utilities in the region would help buy up the surplus if they are short of power and Bonneville therefore will receive more revenue overall. It is important to point out that if the project is not completed, and if by chance (which we do not feel is the case) the investor-owned utilities are short of power at any time in the immediate future, the IOUs will purchase power from the Bonneville Power Administration at the new resource rate. This would bring more revenue to a fiscally beleaguered federal agency. If however, the project is completed, the privately held utilities could then buy surplus power at dump costs under a provision which allows them to shut down their expensive thermal resources in time of surplus and purchase the FBS surplus at its lowest cost. This of course reduces the potential revenue to Bonneville and hurts us all.

There is a good chance that if we proceed under this legislation to immediately complete project No. 3, sometime in the future WNP 4 and 5 may fall on top of us all. The question of bankruptcy is not discussed or mentioned in the proposed legislation. The issue of separation of plants 4 and 5 from 1, 2, and 3 and its possibility is not discussed. Without some assurance or clarification of this problem it seems imprudent to further obligate ratepayers to a questionably needed thermal plant if a bankruptcy of the Washington Public Power Supply System on projects 4 and 5 is going to bring havoc to the whole program.

Is it wise for the Congress and the utilities to proceed with project No. 3 in light of the present activity in the Springfield lawsuit in the State of Oregon? This lawsuit, as you know, will test the provisions of the projects 1, 2 and 3 Participants Agreements and the net billing agreements. If the Congress, the Bonneville Power Administration, and the utility officials did not or could not write binding contracts for the net-billed projects, should we spend more money before this is tested and ultimately cleared up? Mr. Ratcliffe of the Bonneville Power Administration stated before the Public Power Council meeting of July 26, 1983, that we would probably have to first test this new law in court. He further mentioned that this legislation is not the preferred approach that should be taken at this time.

If everything went ahead to finish project No. 3 there is serious questions as to how soon and how effectively the project could be brought back to full construction mode considering the delay already implemented. The most capable project manager, Mr. Leddick, has left the scene. Other key staff people have left or are leaving the project No. 3 site.

Another concern we'd like to place before the committee is if this legislation fails and if project 3 continues on its present course of deferred construction, is it in fact a dead project? Many have raised the question in the region that mothballing project 3 is essentially termination of the project. While no one can definitely answer that question, we can refer to the identical action taken on project No. 1. We can remember that the Bonneville Power Administration recommended that, of the two projects under consideration for mothballing at that time, project No. 1, which was the most complete and furthest along, was chosen for mothballing. There was absolutely no concern or consideration about bringing project No. 1 out of mothball and into full mode construction sometime in the future. We therefore have to assume that the same attitude is warranted for project No. 3. If project No. 1 can be mothballed and brought back on so can project No. 3.

We have been trying to assess the reason for the investor owned utilities insistence upon immediate completion of this project. Do they need the power? It appears they do not. Nearly every regional forecast shows that the region will be in a power surplus throughout the 1980's, even with a three year deferral of project No. 3. Furthermore, the IOU's already have access to inexpensive federal base system power for their residential and small farm customers through the exchange provisions of the Regional Power Act. And finally, of the four IOU's who are 30 percent owners of WNP 3 some admit in their own company's load forecasts, which continue to predict high levels of load growth, that even without project No. 3 they will remain surplus through the decade. In fact, some of the IOU's are already attempting to sell their portions of a coal plant scheduled to be completed within six months.

Another concern we have with this legislation is its provisions for agreement on construction schedules and scheduled need for power and marketability by the Bonneville Power Administration and "the project owners" (meaning the four investor-owned utilities with 30 percent of the project). Where is it that 70 percent of the participants and ultimate purchasers of this project have any say? Where is it that the vast majority effected by the project get to participate in the discussion of marketability, need and financing? The legislation decisively cuts out the public sector in these considerations that will obligate them for a major part of the costs.

It should also be noted that the Washington State House of Representatives Special Committee on Energy Development and Financing is studying possible legislation that should be coordinated with any action being

considered by Congress. Attached for your information is an outline of activity being considered by this committee.

Now I would like to briefly discuss some non-technical aspects of our concerns over this legislation. These concerns deal with the implementation of the Regional Power Act. The publicly held utilities were as supportive of this legislation as any sector. The final outcome has created a situation where it is unlikely a majority support could be mustered for the Regional Power Act at this time. The misgivings and ill feelings with the implementation of that legislation have made us shy with regard to legislative activity. The provisions designed to protect preference have seemed to dissipate. The rate test is proving difficult to implement and will probably have to be litigated. Many of these problems result from granting discretionary authority without adequate ability for public control. The legislation before us today proceeds without adequate protection of our ratepayer/owners and their share of the federal base system. We cannot support further discretionary authorities without proper procedural safeguards.

It is important for the Committee and public power utility officials to keep in mind that they represent customer/owners. We hear so much about the interest of stockholders that we often forget that our ratepayers are essentially our stockholders and to represent a concern about the financial impact on those people is as prudent and as responsible as those who cry out for the salvation of stockholders. The Washington Public Utility District Commissioners who are elected to regulate and oversee these publicly held utilities have and are witnessing a new and anxious interest in their utility systems. They have recently seen the recall of fellow commissioners who have been accused of being unresponsive to rates and of inadequately assessing Washington Public Power Supply System problem and its impact on those ratepayers. It is in the wake of this activity that an increased sensitivity on the part of PUD commissioners has arisen. They cannot and will not be party to a quick fix that, when later read in the light of day, causes problems similar to those being experienced in the implementation of the Regional Power Act.

The litigation mentioned earlier in the State of Oregon regarding the net-billing agreements has to become a major consideration in this legislation. When the public utility districts of the State of Washington call upon others to join in the drafting of a more comprehensive plan to solve the region's problems, wouldn't it be wiser that we wait to see if there is a necessity for the inclusion of a clarification of the net-billing agreements, rate financing by the Bonneville Power Administration, clarification of certain segments of the regional Power Act to protect our right to preference power, and perhaps an assessment and realignment of conditions under which surplus power can be sold outside the region with an interest to protect those of the region who need the power first?

In closing, I would like to mention what we have done and what we do support with regard to the Supply System projects. Enclosed for your information are sections of the Washington PUD Association's Resolution Committee Project. These two sections involve a regionalization program which we put forth to our members and was supported and later became the basis for discussions in Governor Spellman's negotiation attempt at this problem. And also the section pertaining to the Debt Reduction Plan which is self-explanatory and in our opinion was probably the last comprehensive train to leave the station with regard to this regional energy problem. It is unfortunate that leaders of the Bonneville Power Administration and other utilities lacked the foresight to support either of these projects at a time when they could have been implemented. Where we go from here is a more difficult task but we are still prepared to participate in a positive way.

Mr. Chairman I hope that these thoughts are helpful to you and your committee as you deliberate the problems before you. We know so well that they are unprecedented and will require every resource available to you. As stated in our resolution, we will call upon other utility officials, ratepayer interests, customer/owners of the utilities, and the Bonneville Power Administration to discuss with us during the month of August this problem and how we might together and collectively solve it. Thank you for this opportunity to testify. We would like to answer any questions you have and assist you in your deliberations in the future.●

CONGRESSIONAL FELLOWSHIP PROGRAM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MINETA. Mr. Speaker, I would like to take a moment to draw attention to the 30th anniversary of the American Political Science Association's congressional fellowship program. I know that many of my colleagues have benefited from this program, which places Federal executives, medical faculty, journalists, foreign professionals and political scientists in congressional offices for 10 months as legislative assistants.

I have had several fellows on my staff and they have all made vital contributions in a wide range of areas. Consistently, I have been impressed by the expertise and experience these fellows have brought to my office. Perhaps of even greated significance, I've found congressional fellows to be a highly motivated and energetic group of people who are eager to initiate projects and pursue objectives quickly and effectively.

The congressional fellowship program has grown from 6 fellows in 1953 to nearly 50 in 1983. While providing invaluable assistance to us on the Hill, the fellows are able to develop a better understanding of the legislative and political process. I can think of no better way for someone to learn how Congress operates than through the total immersion process that the APSA program offers, and I am certain that America benefits from the cross pollination of expertise which the APSA program provides.

On a more personal note, I would like to thank APSA for making it possible for me to benefit from the invaluable assistance I've received from congressional fellows on my staff.

I look forward to continued participation in the APSA congressional fellowship program. Even more importantly, I want to recommend this program to all of my colleagues.●

PROMPT PAY: SMALL BUSINESS NOW WANTS STATE ACTION

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. IRELAND. Mr. Speaker, last Congress we passed into law the Prompt Payment Act. This law requires the Government to pay its bills on time or else be charged interest on overdue bills.

A coalition of 21 business associations led the campaign for this new law. Kenton Pattie was director of the coalition and was instrumental in the passage of this law. This coalition has regrouped as the Coalition for State Prompt Pay, to encourage passage of similar legislation by States. Again, Kenton Pattie is the group's director.

I would like to include the following article from the August Nation's Business on this matter and commend Mr. Pattie for his continued hard work for our small business community.

[From Nation's Business, August 1983]

PROMPT PAY: SMALL BUSINESS NOW WANTS STATE ACTION

(By Grover Heiman)

Uncle Sam is earning a better reputation with small business by paying more of his bills on time. There is good reason for this improved performance: Under a new law, interest is due on the government's overdue bills.

During the first six months that the law was in force, government agencies paid interest totaling $518,000, according to the Office of Management and Budget.

"That's way below what anyone predicted," says Kenton Pattie, director of the Coalition for State Prompt Pay. "We thought it would be in the millions."

A coalition of 21 business associations led the campaign for passage by Congress of the Prompt Pay Act of 1982. Now that coalition has regrouped, with 23 members, as the Coalition for State Prompt Pay, to encourage passage of similar legislation by states.

Under the federal act, the government is supposed to pay contractors within 30 days of receiving an invoice. After 45 days, the government must pay interest on the amount of the bill, from the 31st day on. The interest rate is the current rate on five-year Treasury notes.

John J. Lordan, deputy associate director of finance and accounting for OMB, says that "there is a strong effort throughout government" to avoid interest penalties.

(OMB considers interest charges on late payments a waste of taxpayers' dollars—but it also frowns on early payment. OMB would like agencies to pay promptly at 30 days, no earlier and no later.)

Although, payment process has been vastly improved, some agencies still are not meeting the requirements of the act, which took effect last October 1.

One business told Pattie that payment of a bill for $97 was 212 days overdue from the Department of Health and Human Services. Other examples of bills not paid on time: Treasury Department, 242 days late on a bill for $38; Postal Service, 113 days, on a bill for $781; and the Central Intelligence Agency, 78 days, on one for $79.

"From the reports I've received," Pattie says, "the Defense Department is the worst offender." The Pentagon had to pay more than $300,000 in interest on overdue bills—more than half the governmentwide total—during the first six months under the act.

Pattie says the Navy in particular has generated complaints, with small businesses citing a number of bills more than 500 days overdue and several more than 800 days overdue. OMB has written to the Defense Department about the Navy problems.

One agency created problems for itself by not starting the 30-day count until an invoice had traveled through a number of offices and arrived at the finance center. OMB has corrected that misunderstanding.

Pattie says, however, that some federal agencies' performances have been better than expected, and some have been outstanding—even some within the Defense Department.

For example, when Navy Captain Gerald Langer arrived in 1981 to take over the Defense Contract Agency's Philadelphia regional office, which spends $4 billion a year, he found that 40 percent of the bills were being paid late. Langer has that overdue total down to 5 percent; since the Prompt Pay Act went into effect, his office has had to pay only several hundred dollars in interest on overdue bills.

The Prompt Pay Act, Pattie says, has proven that without interest penalties the federal customer has no incentive to respond to complaints about overdue bills, although the Reagan administration and previous administrations have pushed for prompt payment.

At the time the federal law was passed, 14 states—Alaska, Arizona, Arkansas, California, Florida, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, North Carolina, Oregon, South Carolina and Washington—had some form of prompt pay act.

Since then, such legislation has been enacted by 12 more states—Colorado, Delaware, Indiana, Iowa, Maryland, Montana, Nevada, Oklahoma, Pennsylvania, Rhode Island, Utah and Wyoming.

A major target of the State Prompt Pay Coalition is the District of Columbia, which Pattie calls one of the country's most sluggish bill payers. Among examples he cites: a $5,277 bill for rental of a truck by the University of the District of Columbia was 947 days overdue on May 20. (The bill has since been paid.)

The coalition sees passage of a prompt pay act by the District as setting the stage for a third thrust, at city and county governments and school districts. "Small businesses report that they have been forced to put hundreds of cities and school districts on 'credit hold,' with cash on delivery required for every purchase," the coalition says.

But for the time being, the coalition is urging small business to keep the spotlight on state governments, to encourage them to pass laws establishing payment standards for all state institutions, including hospitals and universities, and to apply those laws whenever state funds are expended by local governments.

Supporters of prompt payment bills see the issue as fairness. Says Alabama state Senator Bill Cabannis, sponsor of one bill: "I don't think that requiring payment in 45 days is a harsh requirement."●

GIVE PEOPLE FOOD, NOT SILLY STUDIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. STARK. Mr. Speaker, the complete pointlessness of Reagan's just announced 90-day study to look at why people are hungry and what the Federal Government can do about it is indicative of Reagan's efforts to feed the hungry. I could tell President Reagan what the hungry people of this country need in 90 seconds. Food, Mr. Speaker, food, food, food.

These people need food; and they cannot eat paper studies. This is a gut issue, literally, not one of the mind. It has already been well-documented that the problem is there. One only need look at the lines for the cheese give-aways or at the soup kitchens around the country. The U.S. Conference of Mayors issued the latest hunger report in June entitled "Hunger in American Cities." The problem is lack of food, not lack of study.

Reagan says that it would be a national tragedy if even one child or elderly person went hungry. Oakland has 30,000 of these national tragedies every day. Part of this is the result of feeding program and food stamp cutbacks that the Reagan administration has taken pride in.

I suggest, Mr. President, that you take the money that would be spent on the study and use it to pay distribution costs on surplus Government food to help it reach those hungry people that you have suddenly discovered. Or better yet, how about sending 50,000 pounds of cheese to El Salvador and giving $50 million to the hungry poor people in the United States.●

SOVIETS TAKE A NEW APPROACH IN THEIR FORGERY CAMPAIGN

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. YOUNG of Florida. Mr. Speaker, the State Department Friday released information about a fake tape recording of a telephone conversation between President Reagan and British Prime Minister Margaret Thatcher which further documents the wide range of Soviet active measures operations being waged against the United States and our allies.

The tape was obtained by the U.S. Embassy in Amsterdam, 1 week prior to the May British Parliament elections. It sought to discredit both Prime Minister Thatcher, through references to the Falklands war, and President Reagan, on the issue of U.S. intermediate range nuclear missiles in Europe. The tape juxtaposed statements President Reagan made during a November 1982 speech on nuclear disarmament with statements made by Prime Minister Thatcher. The result was a forged telephone conversation between the two leaders of the free world which was sent anonymously with a cover letter to Dutch journalists.

Soviet disinformation campaigns such as this are widespread, and have at my urging been the subject of numerous hearings by the Permanent Select Committee on Intelligence. The committee has heard testimony from Ladislav Bittman, the former Deputy Chief of the Disinformation Service of the Czechoslovakia Intelligence Service, and Stanislav Levchenko, a former KGB active measures officer assigned to Tokyo, Japan. Both men provided firsthand accounts of a variety of Soviet attempts to undermine the credibility of the United States and its allies throughout the world.

Although much of the information during our hearings is classified, I have urged the chairman as well as the CIA and FBI to release more evidence of Soviet propaganda efforts to better inform the American people of the extent to which the Soviets will go in their quest for world domination.

That is why I was pleased that the State Department released information Friday concerning the forged telephone conversation. Not only is it important to cite another active measures operation, but it was even more valuable to our intelligence sources because it represents the first known forged Soviet tape recording.

In testimony to our committee last year, the CIA estimated that the Soviets spend between $3 and $4 billion a year on their active measures campaign. This being the case, the Soviet forgeries we are able to identify represent only a small proportion of those planted by the Soviets. It is important to understand that many Soviet forgeries often appear to be insignificant because only a few words or phrases have been changed. Over the course of time, however, these minor alterations fit neatly together into a carefully orchestrated effort to undermine U.S. policies.

That is why findings such as the forged tape recording are so valuable and need to be publicized. It is my intention to make these types of find-

ings public when at all possible to build the record of Soviet deceit and propaganda and alert the American people to the growing threat we face from the Soviet Union.●

COMMENDING JAMES WINSTON

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. DYMALLY. Mr. Speaker, I am pleased to have this opportunity to commend Mr. James Winston, a longtime resident of my district from Carson, Calif., for his outstanding leadership in the community and continued professional success.

Mr. Winston was recently elected president of the National Funeral Directors and Morticians' Association. On August 11, 1983, he will be officially installed as president at their annual conference in Detroit, Mich.

James Winston was born in Marlin, Tex. He attended the public schools in Marlin and graduated from Booker T. Washington High School. In the fall of 1946, he continued his education at Texas College of Science in Fort Worth, Tex. After moving to El Paso, Tex. in 1947, he attended Desboine Business College. He also began his professional career in El Paso at Banks Funeral Home.

In 1951, he moved to Los Angeles, Calif. He served his country in the U.S. Army from 1952 to April 1955. His basic leadership training was in Fort Ord, Calif. and New York. He served in the European Theater.

After receiving an honorable discharge from the service, Mr. Winston returned to Los Angeles and continued to pursue his career in the funeral industry and his education. He attended Los Angeles City College and California College of Insurance at Pasadena, Calif. He was employed by South Los Angeles Mortuary until 1974. He served as general manager for the firm and while there, he was employed part time by the Los Angeles Transit Co.

Mr. Winston is a member of Macedonia Baptist Church and serves as a deacon. He has served as president of the sanctuary choir. He is also past president of the Sunday school and B.T.U. Congress of the Western Baptist State Convention.

James Winston is very active in community affairs. He is a member of the NAACP, YMCA, Watts/Willowbrook Rotary Club, Southern Area Boys' Club, Democratic Voters League, president of the California Chapter of Booker T. Washington Alumni of Marlin, Tex., Rising Sun Masonic Lodge, Esther Chapter O.E.S., honorary member of El Paso, Texas Club—Los Angeles Chapter, and the Dorie Miller Hero Charity Club No. 2.

Professionally, Mr. Winston is proprietor and president of the House of Winston Mortuary, Inc. His memberships include the National Funeral Directors and Morticians' Association and he has served as chairman of the VIII District Education Committee; secretary of the board of directors; chairman of the board of directors; vice president of the National Funeral Directors and Morticians' Association, and presently is the president-elect. He is a member of the California Funeral Directors' Association, Los Angeles County Funeral Directors.

Among the many awards he has received for personal, civil, and professional achievement are the Outstanding Business Award of the year, presented by A.C.C. Pauline Awards; Humanitarian Award presented by the El Paso Club, Los Angeles Chapter; Sharing and Caring Award given by Grace Lewis, principal of Victory Baptist Day School.

James Winston is a resident of Carson, Calif., married to Mary Louise Winston, and the father of Harold and Felicia Winston. He was an active member of the citizens committee for the incorporation of the city of Carson and a past officer of the Centerview Homeowners Association.

Mr. Speaker, James Winston is a man who deserves to be honored and recognized for his many achievements and his contributions to the community. I am very pleased to honor such a fine citizen and family man. James Winston has set an example of community service that we can all follow.●

LAS CASUELAS: THE SILVER ANNIVERSARY OF A TRULY FINE MEXICAN-AMERICAN TRADITION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. ANDERSON. Mr. Speaker, when my wife, Lee, and I are able to escape to Palm Springs for a brief rest from my many responsibilities as the Representative of California's 32d Congressional District, we invariably look forward to a festive evening accentuated by fine food and drink, mariachis, and the warm glow of happy patrons at Las Casuelas Terraza.

All of the guests who visit Las Casuelas Terraza or any of the other fine restaurants owned by Florencio and Mary Delgado are being invited to join in celebrating the silver anniversary of the original hacienda-style restaurant, Las Casuelas. Twenty-five years ago, on February 1, 1958, Las Casuelas opened its doors. Since then, the Delgado's have opened two other establishments: Las Casuelas Terraza and Las Casuelas Nuevas.

Each Delgado establishment is attended to by members of the immediate family. Florencio and Mary devote most of their time to Las Casuelas. Daughter Patti and her husband, Ric Service, are entrusted with upholding fine Mexican traditions and keeping guests enlivened at Las Casuelas Terraza. Insuring that the fifth generation recipes—the hallmark of each restaurant—are not compromised at Las Casuelas Nuevas in Rancho Mirage are son Joaquin and daughter Florence. There is a second son, Robert, who it is hoped also will continue this honored Mexican-American tradition.

Palm Springs as the home for the Delgado family represents the completion of a struggle begun well before Florencio's birth under a tent used to house copper miners and their families in Jerome, Ariz. It was in those mines that Florencio's late father, Emilio Delgado, was employed. Emilio and his wife, Maria Hernandez Delgado, came to Jerome after fleeing their native Sinaloa, Mexico, in search of opportunity and stability during one of the more turbulent periods in our southern neighbor's history. It is a truly eloquent commentary that, in the United States, members of a family who, like the Delgado's, are tenacious will more often succeed than fail.

Such a will to persevere following the tragic loss of Florencio's father has always been demonstrated by Maria and her son. Drawing on recipes she had learned from her grandmother, Maria and her son relocated in many small towns throughout Arizona and California. In those towns they set up makeshift restaurants, where Maria prepared her foods for all who were willing to enjoy them. This was the setting for Florencio's introduction to the restaurant business.

Following a tour of duty with the U.S. Navy and shortly after the close of World War II, Florencio and his bride, Mary, asked his mother to help them found the Spanish Kitchen in Colton, CA. But the State's urbanization plans brought a disruption to the Delgado's moderate success and compelled their move to Palm Springs, which at that time only remotely resembled Palm Springs as we now know it. Today Palm Springs is an oasis and Las Casuelas and Las Casuelas Terraza are two of its very popular attractions.

Mr. Speaker, Lee and I wish to commemorate the silver anniversary of Las Casuelas by sharing with our colleagues just how proud we are of what the Delgado family has achieved. The pride of that family fills the air of each of their restaurants. All who enter feel their warmth and quickly recognize that something very special awaits them. We look forward to again being in their company and wish them at least another 25 years of uncompromising excellence.●

NATIONAL CONVENTION OF THE ORDER SONS OF ITALY

HON. PETER W. RODINO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. RODINO. Mr. Speaker, I am exceptionally proud that my home State of New Jersey has been chosen to host the National Convention of the Order Sons of Italy this year. It is the first time that New Jersey has been the site of this annual convention in nearly 40 years, and I am pleased to recognize this event, which will be held in Atlantic City, August 18–21.

As one who is very proud of my Italian heritage, I take special pleasure in having this opportunity to note the outstanding work of the order over the years. As the Nation's oldest and largest organization of Americans of Italian background, the Order Sons of Italy in America boasts a widely diversified program of educational, social, civic, charitable, legislative, and patriotic activities. Since its founding in 1905, at a time when Italian immigrants new to our shores united together in one organization to preserve their rich cultural heritage, members of this group have continued to maintain that tradition and pride in that heritage.

It is with great pleasure that I salute the Order Sons of Italy—and the State of New Jersey which counts among its people a great many Italian-Americans—and offer all my best wishes for a successful convention.●

TIME TO END TERRORISM

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. MARTINEZ. Mr. Speaker, in August 1896, a group of young Armenian revolutionaries seized the Ottoman Bank in Istanbul, Turkey and threatened to blow it up if Sultan Adbul Hamid II, the Ottoman ruler, did not put an end to the massacres of innocent Armenians and make the reforms introduced in the Treaty of Berlin.

They were promised that the massacres would cease and the reforms would be carried out. However, the massacres escalated and the reforms were not implemented.

Last Wednesday, nearly 87 years later, another group of young Armenian revolutionaries took over the home of the Turkish Ambassador in Lisbon, Portugal and threatened to blow it up if the Armenian people's demands for justice were not recognized.

Saying that "the wall of silence around the Armenian cause was too thick to break," they blew up the building and remained under its collapse.

This fatal act marked an upsurge in the terrorist attacks carried out by extremist Armenian groups which, in the past 10 years, have been trying to draw attention to the injustice perpetrated against the Armenian people.

Although I strongly deplore their violent tactics, I must admit that these youths did make a crack in "the wall of silence."

While the Turkish rulers and the rest of the world did not immediately take steps to address the true cause of the terrorism, the media extensively reported on this latest act and published numerous editorials on the solution to the problem of Armenian terrorism.

Interestingly enough, many of these recent editorials called for the same action that some of us in Congress have been proposing for the past several years. Editorial after editorial concluded that Turkey should come to grips with its past and open dialog with representatives of the Armenian community in the diaspora.

Unfortunately, instead of listening to this voice of reason, Turkish rulers, time and time again, have stubbornly refused to properly deal with the grievances of the Armenian people.

In 1895 and 1896, Sultan Abdul Hamid II tried to suppress the Armenian demands for justice and reforms by killing up to 300,000 innocent Armenian men, women, and children.

In 1915, the young Turk government tried to close the book on the "Armenian question" by ordering the forced deportation and systematic massacre of the Armenian people.

In 1920, Mustafa Kemal Ataturk, the founder of present day Turkey, collaborated with the Soviets and attacked the 2-year-old independent Republic of Armenia. This final blow led to the present day division of the Armenian homeland between Turkey and the Soviet Union.

Today, the Turkish Government not only refuses to come to terms with its past, but insists on distorting this truth by closing access to its archives, fabricating data, and pressuring other countries into denouncing the occurance of the genocide of the Armenian people.

This fantic denial of due process and justice along with the distortion of history fuels the fire and creates the frustration which leads desperate Armenian youths to resort to acts of terrorism.

However, an acknowledgement of the occurance of the genocide and the initiation of sincere dialog will have just the opposite effect. It would remove the impetus for the terrorism. With the situation having been diffused and the frustration relieved, there would be little reason for the extremist Armenians to exist and pursue their violent tactics.

As a good ally and friend of Turkey, I think it is our duty to point this out to the Turkish leadership. And, as a nation with a longstanding commitment to truth, liberty, and justice, the United States should insist on having Turkey recognize history for what it is and open dialog with representatives of the Armenian community in the diaspora.●

NATIONAL HOSIERY WEEK

HON. ROBIN C. BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BRITT. Mr. Speaker, as the American hosiery manufacturing industry is important to our Nation and particularly the State of North Carolina, I feel it is timely and appropriate that we draw attention to the fact that the industry will be celebrating National Hosiery Week August 14–20, 1983. The hosiery industry generates annual wages of over $700 million each year to the 63,900 people employed in its 417 plants around the country. And with over 50 percent of the hosiery industry located in the State of North Carolina and with the employment of over 43,000 North Carolinians, it generates approximately $470 million in annual wages in North Carolina alone.

Epitomized by small- and medium-size firms, the hosiery industry provides jobs and income for families in numerous communities—many of them small and rural in nature. These Americans produce and market over 6 billion dollars worth of innovative, stylish products for the use and comfort of all of us.

Our congratulations and appreciation to this vibrant manufacturing segment of our economy during this 13th annual celebration of National Hosiery Week.●

URGENT NEED FOR BANKING MORATORIUM LEGISLATION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter of July 15, 1983, from one of my constituents Dan Voegeli, Estate and Pension Services, Inc., of Fulton, KY. I believe my colleagues will be interested in Mr. Voegeli's comments and concerns regarding H.R. 3499 and H.R. 3413.

His letter follows:

JULY 15, 1983

DEAR CONGRESSMAN HUBBARD:

I am writing this letter to ask for your help and consideration in a matter that I feel needs immediate attention. It appears that the large banking and savings and loan interests are very rapidly moving to place themselves in the position of underwriting and marketing all lines of insurance. I feel this will lead to serious conflicts of interest on the part of the lending institution which could result in the consumer losing his freedom of choice with respect to where he purchases his insurance.

Several years ago a client in Union City, Tennessee was "advised" by his banker to drop existing insurance he had purchased from me in favor of more expensive coverage proposed by an insurance agency in which the banker had an interest. This occurred while the client was obtaining a loan from the banker. The banker confirmed his advice to me when I confronted him verbally; naturally, he refused to write a letter to either the client or myself outlining his recommendation.

From my personal experience the conflict reared its ugly head when it was clearly against the law for there to be self-serving outside interest. When some air of legality is offered I would expect such dealing to be much more widespread.

Carroll, I feel the banking interests are creating a panic in the market place which is leading to a breakdown in the traditional policy of having separate control of banking and other commercial organizations. It is my understanding that two pieces of proposed legislation are presently coming up for consideration, H. R. 3499 and H. R. 3413 which would place a moratorium on all parties. I would appreciate your giving thought to co-sponsoring one of these bills and calling for hearings by your banking committee on the moratorium legislation as soon as possible.

Thank you for your time and consideration. If I can ever be of assistance please feel free to contact me.

Sincerely,

DAN VOEGELI, CLU●

TV'S LOOSE CONTROL KNOB

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. SCHEUER. Mr. Speaker, since the Communications Act of 1934 was enacted, the comparative renewal process has served as the primary mechanism through which a broadcaster's license could be challenged in order to insure broadcaster responsiveness to community needs.

The question of how best to provide this accountability must be central to our deliberations as this Congress considers the merits of removal or modification of the comparative renewal standard.

Recently, the Christian Science Monitor editorialized on the ramifications of broadcast deregulation. I commend this thought provoking editorial to the attention of my colleagues.

[From the Christian Science Monitor, July 5, 1983]

TV'S LOOSE CONTROL KNOB

Deregulation—which has already reshaped such key US industries as airlines, railroads, and trucking—could soon be on its way to the nation's television stations. And if that happens, as many experts now believe it will, the impact could be far-reaching on what Americans are able to watch, or not able to watch, on their TV screens.

The broadcasting industry has long pushed for deregulation, a goal also favored by the Reagan administration. Last month the Federal Communications Commission's substantial deregulation of radio stations in 1981 was upheld in a federal appeals court case. Now the FCC—spurred by its chairman, Mark Fowler—is calling for a deregulation of the nation's commercial TV stations. The commission is seeking public comment on a number of options that would sharply curtail current FCC regulation.

The American public needs to be aware that proposed actions would, among other things, do the following:

Modify or end the commission's watchdog role over programming, including public affairs and community service shows.

Modify or end current requirements that at least 10 percent of all programs be nonentertainment shows and that no more than 16 minutes of commercials be broadcast in any one-hour period.

Leave the matter of whether or not a station was presenting adequate public service programming solely up to possible rivals during a license renewal challenge. As it is, the FCC itself keeps tabs on such programming.

Present political "equal time" requirements are statutory in nature and would not be changed by deregulation.

There is a strong case that the broadcasting industry—indeed, all major industries in the United States—should be freed up from unnecessary red tape and bookkeeping requirements. But the broadcasting industry is quite distinct from other industries. For one thing, at least in the case of over-the-air TV stations, there are still a limited number of available channels. Moreover, the programming comes right into the home.

Mr. Fowler and other proponents of deregulation argue that such traditional reasons for regulating TV stations are no longer logical in an age of multi-channel cable TV and new satellite-to-home delivery systems. But is that yet the case when millions of Americans still do not have cable TV? At some point down the road, perhaps most households will have access to a genuine diversity of television outlets. But until that occurs, it would seem wise to move cautiously.

The approach of Congressman Timothy Wirth, chairman of a House subcommittee dealing with deregulation, seems reasonable. Mr. Wirth would link a long-range deregulation plan to a requirement that commercial TV stations be required to provide a certain amount of public affairs and local programming. By contrast, a deregulation measure that passed the Senate earlier this year would eliminate comparative renewal standards and would allow the FCC to make but a cursory analysis that a station's programming was meeting local needs.

Many stations have already found it more profitable to show repeats of popular network programs than to broadcast local programs, particularly programs serving minorities. At the same time, the professional codes of good taste pertaining to commercials have virtually been scrapped, although stations are still voluntarily policing commercials.

What it all adds up to is that, first, this is hardly the moment to peremptorily end FCC scrutiny of public affairs and local programs; second, more not less scrutiny is warranted to ensure there is any local access at all.●

WORLDWIDE MARRIAGE ENCOUNTER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BORSKI. Mr. Speaker, Worldwide Marriage Encounter will hold their annual convention in Philadelphia on August 12 to 14, 1983. Marriage Encounter is primarily dedicated to helping couples make their marriages better. The convention will bring together thousands of couples, priests, and religious to share the Marriage Encounter concept.

Since its founding by a Spanish priest in 1962, Marriage Encounter has expanded to 57 countries around the world. Worldwide Marriage Encounter can claim a membership in the United States of 250,000 couples. Millions of people have participated in encounter weekends.

The theme of the convention is "That We May Be One." Those attending will be asked to focus on the unity of their married relationship and their relationship with their family. Worldwide Marriage Encounter also serves those with a religious vocation. In this way, Marriage Encounter ministers to all of those who devote their lives to others.

I urge my colleagues to consider the message of Marriage Encounter: If we are able to communicate, we can learn to share ourselves with each other.

I want to take this opportunity to welcome Worldwide Marriage Encounter to Philadelphia, and to offer my best wishes for a successful meeting.●

TEFLON-COATED BULLETS

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. CARR. Mr. Speaker, during recent months numerous postcards have caused me to examine in some detail the question of teflon-coated bullets and their effect on police safety. I have arrived at some conclusions I would like to share with the House. Let us consider the following: First, the general relationship between armor and projectiles. Second, the nature, virtues, and limitations of the Kevlar vests now used by police.

Third, the nature and significance of teflon-coated bullets. Finally, the pros and cons of legislation designed to prohibit these bullets in the interest of police safety.

The general relationship between armor and projectiles can be stated in two propositions: There is no armor which cannot be penetrated, and there is no projectile which cannot be stopped. It depends on how much you are willing to carry around.

Imagine, if you will, a short .22-caliber bullet propelled at low velocity by a very small amount of hand-loaded powder. At the other extreme, imagine also a 30-millimeter projectile from the Gatling gun carried by the A-10 antitank aircraft: a depleted uranium bullet, as long as your hand, weighing several pounds and with very high velocity.

What armor can protect against the slow .22? Almost anything, possibly including a stiff leather jacket. What armor can protect against the 30-millimeter high-kinetic-energy round? Not much in existence today; it can wipe out any tank in the Soviet inventory. But possibly the armor on the Abrams tank is sufficient.

Anyone desiring full armor protection, then, might decide to go around dressed in an Abrams tank. But he would have two problems: First, the weight and bulk of the armor obviously render it impractical. Second, anyone wishing to do him harm could simply bring a more powerful gun, although he too would have weight problems.

So every type of armor between leather jacket and Abrams tank will protect its wearer against some projectiles but not against others. The wearer faces a tradeoff between protection and discomfort.

The Kevlar vests sometimes used by police offer a good tradeoff. They give remarkably high protection at a remarkably low level of discomfort. They will stop 95 percent of all small arms bullet types. They are light and flexible, and they can be concealed under normal clothing. They are not bullet proof. They are only bullet resistant. But make no mistake: They can be penetrated by a large variety of bullets.

One of these is the teflon-coated bronze bullet called KTW, which is the cause of currently pending legislation. Let us consider a few facts about this bullet:

One. The teflon is not used to add penetrativity, but to reduce wear on the gun barrel.

Two. These bullets are not and never have been publicly available. They are sold directly by the manufacturer, to military and law enforcement agencies only.

Three. Although the KTW has been in production for 13 years, no police officer has been killed by one penetrating Kevlar body armor.

Four. There is a heavy-duty form of body armor which will stop the KTW. Since it contains steel inserts I assume it is less comfortable than standard soft armor, although I have not worn a steel-insert vest and do not know from personal experience.

Five. Other forms of ammunition exist, both off the shelf and hand loaded, which will penetrate body armor lacking steel inserts. Any legislation prohibiting bullets which can penetrate Kevlar armor will necessarily prohibit not only the KTW but a large variety of hunting and target ammunition.

Six. There is no practical way to draw a line between armor-piercing and non-armor-piercing ammunition. All armor does not rely on the same properties, nor do all penetrators. Bullet A may penetrate armor X but not armor Y, while bullet B may penetrate armor Y but not armor X. Which is the penetrator?

Seven. There is no such thing as abstract ammunition. Any definition of the armor-penetrating properties of a bullet must specify that it be test-fired from a certain type of gun. But then ammunition found acceptable could become penetrating if fired from a gun imparting higher velocity. Similarly, prohibited ammunition could become acceptable if fired from a shorter barrel imparting lower velocity. If it is to be valid, an armor-penetrating prohibition would have to specify specific ammunition-gun combinations, of which there are probably tens of thousands, with new ones constantly appearing. This is unworkable.

Eight. No form of armor will protect its wearer against a hit in an area not covered by the armor.

Nine. For budgetary reasons, many police forces do not have as many sets of body armor as they need. Many police officers who want and need armor do not have it available to them.

Where does all this lead us with respect to legislation prohibiting the KTW and other armor-penetrating bullets? For my part, I am led to two conclusions:

First, I am led to respect the motives of its sponsors. They are capable, conscientious people who mean well. Certainly, the safety of police officers is a paramont concern. But then so are the rights of gun owners.

Second, I am led to disagree with their conclusions and to oppose their legislation.

It seems to me that this legislation addresses a problem which does not exist: Deaths of police officers due to bullets penetrating Kevlar body armor. There have been none.

Further, it seems to me that this legislation would fail to solve the problem if it did exist: A sophisticated assassin could always hand load his ammunition or aim for unarmored parts of the body. An unsophisticated criminal, on the other hand, will not have armor-penetrating ammunition—it is very expensive—at all. While a mid-range criminal might be hypothesized, in practice he does not exist.

Finally, it seems to me that this legislation fails to address a very real problem: the shortage of Kevlar armor. The need to protect Kevlar vests against special ammunition is hypothetical; the need to get more police under Kevlar is concrete.

If we are to meet the real need, our best course is to help police departments buy armor for their people. As a member of the Appropriations Subcommittee dealing with the Justice Department. I intend to give this matter particular attention.

This, I suggest to my colleagues is the way to save police lives. Banning special bullets will not help. Buying more Kevlar vests for more police will help. That is what we need to do.●

A TRAGEDY IN INDIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BROOMFIELD. Mr. Speaker, a few weeks ago, I talked about a terrible car accident near Agra, India. The car-truck crash on June 30, 1983, claimed the life of Embassy officer, Charles F. Soper, and retired USIA photographer, R. N. Khanna. Two other USIS employees, Ms. Virginia Warfield and Mike Pipkin were badly injured in that accident. The group was returning to Bombay after assisting in the visit of Secretary of State George Shultz to India.

I just learned that Ms. Warfield passed away on July 12, at Clark Field Air Force Hospital in the Philippines as the result of her injuries. Mr. Pipkin is recovering at George Washington University Hospital here in Washington, D.C.

Virginia was an 18-year veteran with USIA. At the time of her death, she was serving as the cultural affairs officer to the USIA branch post in Bombay, India.

Virginia was born in Howard County, Md., and graduated from the University of Maryland and Stanford University.

After joining USIA in 1965, she served in a variety of USIS assignments in Cameroon, Madagascar, Ethiopia, Rwanda. She also had several assignments at USIA's headquarters in Washington, D.C., where she worked in the film, TV, and research section of the African Bureau. Her survivors include four sisters and two brothers. My heartfelt sympathy goes out to her

family in this hour of sadness. I, too, share their loss and their grief.

I hope that I can give her family some consolation in saying that Virginia died in the service of her country. Over the years, she performed a vital role in working for her country in many hardship posts where the challenges to an American official are often greater than most of us in this Congress can imagine. As a career professional in the USIA, she played an important part in telling America's story to the world, and contributed to American understanding of other diverse lands. This is no mean task during this period of international tension and misunderstanding. She was loved and respected by her friends and colleagues around the world. She will be missed.

I also want to send my sympathy to the family of R. N. Khanna, a former Foreign Service local USIS photographer, who came out of retirement to photograph the recent visit of our Secretary of State to India. His dedication and many years of service to our Government are appreciated.●

SBA DISCRIMINATES AGAINST SMALL BUSINESS IN POLLUTION CONTROL FINANCING

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. BEDELL. Mr. Speaker, the SBA's pollution control loan program was set up to help small business obtain long-term, reasonable rate financing for Government-mandated pollution control expenditures. The SBA used their authority under the program to guarantee tax-exempt issues that small businesses used to finance pollution control expenditures. Investors were offered Government guaranteed, tax-free bonds, and small businesses were able to obtain long-term, low-rate financing for nonrevenue producing expenditures.

By all measures, the program has been a success. It even generates revenues for the Federal Treasury from the management fees collected from the participating small businesses. The management fee is supposed to cover SBA's losses from the program, but the default rate has been so low that SBA's losses have been covered by the interest earned on the loan reserve pool.

The SBA, however, has not made a tax-exempt pollution control loan since December 30, 1981. In the first 10 months of fiscal year 1983, they have used only $12 million of the $225 million authorized for the program, and all of those guarantees were for taxable issues. In fact, the program has been almost dead since January 2, 1982, even though at the time, 98 applications were pending for $181 million. You see, despite the wishes of Congress, the SBA has made it their policy to discriminate against pollution control loan guarantee applications that are to be used in conjunction with tax-exempt financing.

What makes this SBA policy so outrageous is the fact that big businesses can and do finance their pollution control expenditures with tax-exempt bonds. In the first quarter of 1983, big businesses issued $513 million in tax-exempt pollution control bonds. That is twice the amount Congress authorized for all of small business in all of fiscal year 1983. And the SBA has not used one single dollar of their authorization to help small business get tax-exempt pollution control financing in 20 months.

Even worse, this administration, while in the process of denying small businesses access to this vital program, is making money of the fees they have collected from small businesses who participated in the program in past years. Of the $38.5 million in the SBA's pollution control equipment revolving loan fund, $23.7 million is income generated by fees from small business, and $5.6 million is the interest income from these fees.

Mr. Speaker, the SBA is not just discriminating against small business, it is breaking a bond of trust by denying them access to a program that their hard-earned dollars help support.

I suggest that this administration take a hard look at how their policy decisions in this area are hurting small businesses in America. SBA policies are supposed to help small business, not discriminate against them.

The following letter from the SBA contains up-to-date information about SBA's pollution control loan guarantee program:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., July 28, 1983.

Hon. BERKLEY BEDELL,
U.S. House of Representatives, Committee on Small Business, Subcommittee on General Oversight and the Economy, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEDELL: This is in response to your letter of July 12, 1983, in which you requested up-to-date information on the Small Business Administration's Pollution Control Loan Guarantee Program.

The following is the specific information you requested in the order of your questions:

1. Q. When was the last SBA pollution control loan guarantee that was issued in conjunction with a tax-exempt industrial development bond?

A. December 30, 1981.

2. Q. How many pollution control loan guarantees issued in conjunction with taxable financing has the SBA approved since the last tax-exempt guarantee was approved?

A. Seven.

3. Q. How many pollution control loan guarantees issued in conjunction with taxable financing has the SBA approved in the history of the program? How many guarantees have been approved to be used in conjunction with tax-exempt IDBs?

A. Seven taxable, two hundred thirty seven (237) tax-exempt.

4. Q. What is the historical default information on SBA pollution control loan guarantees issued in conjunction with taxable financing? Non-taxable financing?

A. Through June 30, 1983: Taxable financing, none; Tax-exempt financing, 19 companies in default, claims filed and payments made on 17 companies totalling $5,630,713.

5. Q. What is the present unexpended authority in the SBA's pollution control loan guarantee program for fiscal year 1983? How much has been approved so far this year?

A. $212,995,000 of the total amount authorized of $225,000,000. A total of $12,005,000 was approved in fiscal year 1983.

6. Q. How many applications for SBA pollution control loan guarantees to be issued in conjunction with taxable financing were pending on January 1, 1982? January 1, 1983? How many are pending today? What are the figures for those applications pending for use with nontaxable financing?

	Taxable	Tax-exempt
A. Jan. 1, 1982—none.	0	$98 to $180,968,243.
Jan. 1, 1983—4	$8,420,000	0 to 0.
July 15, 1983—1	5,000,000	0 to 0.

7. Q. What is the current balance in the pollution control equipment revolving loan fund? How much of this money was generated by fees collected from the companies using the program, and separately, how much interest have these funds accrued?

A. As of June 30, 1983:

Balance in the fund	$38,521,454
Income generated from fees	23,731,457
Interest income	5,601,697

Thank you for your interest in this program. If you have any other questions or need more information, please let me know.

Sincerely,

EDWIN T. HOLLOWAY,
Associate Administrator for Finance and Investment.●

A NEW PROPOSAL FOR THE START TALKS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. GORE. Mr. Speaker, today, the Strategic Arms Limitation Talks in Geneva adjourned for 2 months. Tomorrow, the Congress will adjourn for 6 weeks. What happens during the two recesses now beginning is of critical importance.

The decisions we have reached about the MX missile are fragile. This fall, the debate will begin again and the outcome is anything but predictable. All of us would agree, however, that much depends on whether, when Congress returns, the administration is ready to unveil an approach to arms

control that convincingly blends the MX and the single warhead ICBM into a new START negotiating position focused on stability. This new position must speak for itself.

Opponents of the MX believe that it cannot be used effectively in negotiations, and that there is no way in which it might be compatible with an outcome based on a mutually stable nuclear relationship with the Soviet Union. Those who are uncritical supporters of the MX are, on the other hand, intent on acquiring the missile as an end and a good in itself.

At the moment, these two forces are almost precisely in balance, a handful of votes makes the difference. And that handful of votes, at least as of this moment, is in the keeping of a small group of Members whose view of the MX is not absolute, but relative.

In my opinion, a judgment of the MX cannot be made in isolation from the context in which the missile is to be employed. I am prepared to accept as plausible that the viability of this missile, which could not be secured by the most ingenious engineering concepts, might be obtained through arms control. I am prepared to accept that unless we are ready to produce and deploy the MX, the kind of arms control we need will elude us. And I do not find it unthinkable that, in the end, numbers of these missiles will have to be deployed in the course of a shift away from MIRV'd ICBM's, toward smaller, and mutually stable forces.

These are propositions I raised for the consideration of my colleagues on two earlier occasions, on March 22, 1982 and on August 10, 1982, when I rose to present detailed ideas about the need to seek stability as well as reductions through arms control. In those presentations, I stressed the need to convert the ICBM forces of both sides, over time, into single warhead weapons: To de-MIRV, as the only clear answer to the growing fear of a first strike.

Many of those who lauded these ideas at the time asked whether there was any reason why the Soviets would reverse their preferences and give up large, MIRV'd ICMB's, even granting that this would be in their longer term interests. The answer was that the Soviets would not do so unless the alternative was so stark as to overcome their reluctance. Such an alternative, moreover, could only exist if the Soviets had reason to believe that we will otherwise continue our plans to deploy weapons which, in sufficient numbers, might in the future put the Soviet ICBM force at hazard.

These concepts were incorporated into the Scowcroft Commission report and I cannot help but think that had this report been delivered into the hands of some other administration, it would have consolidated opinion. But the Reagan administration lacked both credibility and credentials in arms control. In pursuit of office it campaigned vociferously against arms control as a "snare and a delusion;" in possession of office it at once dismantled the accumulated arms control skill of the Government, and took pride that its most knowledgeable officials learned their skills through years of opposing the efforts of earlier administrations of both parties.

The administration now claims to have undergone a conversion on the subject of arms control. We have asked for signs and proofs that this conversion is genuine, because it occurs in circumstances that inspire suspicion. There have been, as a result of this demand, statements and deeds that would have astonished us earlier. Many have heavily discounted these actions—perhaps too much so. In recent months, the President—having promised flexibility—has, I believe, followed through on his commitment in meaningful ways.

But we are nearly 3 years into this administration, and measures that might have once looked bold, are now inadequate. The confidence the administration has been trying to inspire will elude it, absent the appearance of an arms control position of impeccable clarity, both in purpose and in construction. The promised conversion of the Scowcroft Commission report into the specifics of a national strategy is already late. It is late because the administration, having obtained a grand plan intact, has lacked the skill and the organization to carry it out quickly.

There is something of a ferment going on in the administration. New ideas about negotiating have been under study. But much as one may admire this new zeal, what is needed, above all, is a sense of emerging order. We need to know how the administration understands basic words it has taken over, such as "modernization for stability," and "eliminating the fear of a first strike." We need to know how the MX relates to these general ideas. And we need insight as to the kinds of United States and Soviet forces that would be tolerable and, in the eyes of this administration, equitable. We need these things, because they are the basis on which an informed judgment must be made about the MX. Without them, Congress will withdraw the benefit of the doubt.

Pending analysis of this kind from the administration, we are left to our own devices. In hopes of contributing to more rapid progress, I am, therefore, offering a proposal designed to bring together as many as possible of the unassimilated elements of the problem: The disposition of SALT II; deep reductions; stability; the MX, the single warhead ICBM, and an approach to the "build-down" concept—which the administratioin has accepted as politically significant, but not yet defined.

The essence of this proposal is to design an agreement of sufficient duration to work with, rather than directly against, the normal rhythm of modernization and replacement on both sides. Obviously, the first issue that we would then have to deal with is the manner in which each side will incorporate one new type of ICBM into its inventory: The MX and SS-X-24; both MIRV'd, and of similar size. Subsequently, one would have to make adjustments for the incorporation of a second new type—a small, single warhead ICBM. Given the rate of development of these weapons, it becomes possible to imagine an agreement of about 12 years duration, divided into two phases: The first phase marking the deployment of the last of the MIRV'd ICBM's; the second phase marking the shift away from such weapons.

In the first phase of adjustment, I have applied a form of build-down principle, in which each side must tax itself if it insists on expanding the number of its MIRV'd ballistic missiles. If we insist on deploying more such warheads on land, the number of them at sea must decline. If the Soviets insist on deploying more such warheads at sea—and apparently they are determined to deploy a much more highly MIRV'd SLBM force—then the number of such weapons on land must decline. During the first phase of adjustment, launcher numbers very close to Soviet preferences might be accomodated—providing that Soviet heavy ICBM's give way to some extent, and that the SS-X-24 is used to replace larger, more highly MIRV'd ICBM's.

As a result of reductions called for in the first phase, the Soviet Union's ability to threaten U.S. silos will diminish substantially, although it will still not have given it up. The United States, because of MX, will have increased its ability to threaten Soviet silos, but will still not have the capacity to mount a disarming first strike against the Soviet missile force. Thereafter, during the second phase of adjustment, single warhead ICBM's are deployed, and as both sides complete reduction to 5,000 ballistic missile warheads each, neither side will have the means to conduct a first strike which would be to their military advantage. As a result, a shift to mobile missile launchers would be unnecessary; the missiles would remain in silos.

Eliminating a disarming first strike capability on land is hardly worthwhile if it only reappears again at sea. Potentially, the Trident II D-5 missile, which would become available during the second period of this agreement, could frustrate this objective. Over a longer period of time, the Soviets can

improve their SLBM force to the point where it too poses an effective first strike threat against U.S. silos. The most direct way to avoid this would be, as I have proposed in earlier model agreements, not to deploy new, advanced SLBM's at all. An alternative, presented here, is to limit the number of such warheads at sea to a level insufficient to comprise a disarming first strike force.

I want to emphasize that while these calculations have been done as realistically as possible, I am not advancing them as unique to definitive. What these proposals show, however, is the possibility of a comprehensive arms control approach, accommodating the deployment of the MX and the SS-X-24, but containing their effects, in the course of bringing to an end this particular chapter of nuclear weapons development. What would emerge is a plan to gradually shift the forces of both sides to dramatically lower levels, with mixes of weapons on each side that are mutually stable.

That this can be done is good news. Much better news would be the appearance of the administration's own overall conceptions.

AN INTEGRATED LONG-TERM ARMS CONTROL PROPOSAL

I. Through December 1984 the United States and the Soviet Union cannot exceed the SALT II ceilings on MIRVed ballistic missiles.

II. Throughout the lifetime of the strategic arms reduction agreement, there will be a severe restriction on the number of flight tests of complete ballistic missile systems that were deployed before calendar year 1982.

III. The United States and the Soviet Union agree to a twelve-year two-phased program for reducing the aggregate number of strategic nuclear warheads now deployed with ballistic missiles and long-range strategic bomber aircraft. Each phase will last six years, with the first phase starting in January 1985.

IV. The following assumptions apply in accounting for the reductions of ICBM and SLMB warheads: (1) All U.S. Minuteman III ICBMs carry three MIRVs, and Poseidon and Trident SLBMs carry 10 and eight MIVRs, respectively; and, (2) All Soviet SS-17, SS-19, and SS-18 ICBMs carry four, six, and 10 MIRVs, respectively.

V. During Phase I—

(1) The United States to retire at least two SLBM warheads for each ICBM warhead it has above the number of ICBM warheads estimated (in accordance to the warhead counting rule stated above) for December 1982. Regardless of any increase in the number of ICBM warheads, no less than 500 SLBM warheads to be retired during each year of Phase I [see (3) below];

(2) The Soviet Union to retire at least two ICBM warheads for each SLBM warhead it has above the number of SLBM warheads estimated (in accordance to the warhead counting rule stated above) for December 1982. The first ICBM warheads retired to be from heavy ICBMs. Regardless of any increase in the number of SLBM warheads, no less than 500 warheads from heavy ICBMs to be retired during each year of Phase I;

(3) Each nation can deploy a new type of MIRVed SLBM, provided that not more than 1,000 MIRVs are deployed on these SLBMs; however, the United States to retire one or more of its older SLBM warheads for every new SLBM warhead it deploys;

(4) Each nation can replace 100 existing MIRVed ICBMs with an equal or smaller number of MIRVed ICBMs, provided that the new MIRVed ICBM: (a) replaces the heaviest type of MIRVed ICBM now deployed, (b) has a throw weight not higher than 3,600 kilograms, and (c) does not carry more than 10 MIRVs.

(5) Each nation can aply any excess of warheads retired above the number required toward follow-on deployments of warheads; and,

(6) Each nation can have whatever number of heavy and medium-weight strategic bombers it desires, provided that the aggregate ceiling on ballistic missile warheads and bomber weapons is not exceeded.

VI. By the end of Phase I—

Each nation to have not more than:

(1) 8,500 warheads deployed in ballistic missiles and bombers;

(2) 7,500 warheads deployed in ballistic missiles; and,

(3) 4,000 warheads deployed in ICBMs.

VII. During Phase II—

Each nation to retire all but 100 of its MIRVed ICBMs. The ICBMs being retired can be replaced with new single-warhead small intercontinental ballistic missiles (SICBMs), provided that the throw weight of the SICBM is not more than 500 kilograms.

VIII. By the end of Phase II—

Each nation to have not more than:

(1) 6,500 warheads deployed in ballistic missiles and bombers;

(2) 5,000 warheads deployed in ballistic missiles;

(3) 100 MIRVed ICBMs; and,

(4) MIRVed ICBMs with more than 3,600 kilograms of throw weight.

IX. After completion of Phase II—

Each nation can:

(1) Retire ICBM warheads and replace them with an equal number of SLBM warheads;

(2) Retire MIRVed ICBMs and replace each warhead with a single-warhead SICBM deployed in a new silo; and,

(3) Replace ICBMs and SLBMs with new models of the same class.

X. General Provisions—

Neither nation can:

(1) Deploy sea-launched cruise missiles (SLCMs) in SSBNs or other types of nuclear-powered submarines; and,

(2) Encrypt the data telemetered during tests of ballistic missiles.

RESULTS OF THE PROPOSAL

Table I and Table II show the estimated number of strategic nuclear delivery systems (ICBMs, SLBMs, and bomber aircraft) and warheads the United States and the Soviet Union had at the end of December 1982. Each table shows illustrative inventories of strategic weapons the U.S. and Soviet Union could have under this proposal. The total number of ICBM warheads credited to the Soviets for December 1982 are higher than official U.S. estimates because (following the SALT II rule "once MIRVed, all MIRVed") all the SS-17, SS-18, and SS-19 ICBMs are counted as MIRVed ICBMs.

To the United States

Some of the consequences to the U.S. in adopting this proposal are:

During Phase I

(1) After all the Titan II ICBMs are retired and 100 Minuteman III missiles are replaced with 100 MX ICBMs, the inventory of ICBM warheads would rise by 651 warheads (2,800−2,149=651). Although the U.S. would not reach the proposed 4,000-warhead ceiling on ICBMs, the ratio of Soviet hard-target-capable ICBM warheads to U.S. ICBM silos also would be significantly reduced—from more than 5.0 in December 1982 to about 3.6 at the end of Phase I. Conversely, the ration of U.S. hard-target-capable ICBM warheads to Soviet ICBM silos would be improved from about 0.64 in December 1982 to approximately 1.98 at the end of Phrase I.

(2) The additional 651 ICBM warheads would require a reduction of at least 1,302 SLBM warheads.

(3) The deployment of 2,112 RVs in 11 Ohio-class SSBNs must be offset by retiring an equal or larger number of older SLBM warheads. Therefore, 224 Poseidon SLBMs (2,240 RVs) in 10 Lafayett-class boats, and 144 Trident I SLBMs (1,152 RVs) in nine Lafayette-class boats would have to be retired (1,302+2,112=3,414>3,392=2,240+1,152).

(4) By the end of Phase I the United States would be under the proposed 7,500-warhead ceiling on ballistic missiles.

(5) To reach the proposed overall warhead limit for Phase I (8,500), the U.S. must reduce its inventory by 1,075 warheads. The U.S. would continue to have substantial numbers of strategic warheads deployed in bomber aircraft, but the current deployment plan for air-launched cruise missiles (ALCMs) would be cut back to 1,188 deployed externally on only 99 B-52 bombers. B-1B bombers would initially carry only internally-mounted bombs and short-range attack missiles (SRAMs).

During Phase II

(1) The U.S. would replace the remaining 450 Minuteman III ICBMs with a like number of single-warhead SICBMs, deploying them in vacated Minuteman III silos. Also, 164 Minuteman II ICBMs would be retired to retain a larger number of SLBM warheads.

(2) Five more Ohio-class boats (for a total of 17) would be deployed, and all remaining Lafayette-class SSBNs (12) would be retired.

(3) By the end of Phase II the U.S. would be at the proposed overall ceiling of 6,500 warheads for ballistic missiles and bombers. The survivability of the silo-based ICBMs would be improved because the ratio of Soviet hard-target-capable ICBM warheads to U.S. ICBM silos would be approximately 1.8. The ratio of U.S. hard-target-capable ICBM warheads to Soviet ICBM silos would be about 1.5. The B-1B bomber force would be transitioning from a penetration role to a stand-off role armed with ALCMs. The remaining B-52s and FB-111s eventually would be replaced by "Stealth" Advanced Technology Bombers (ATBs).

Post Phase II

(1) The ICBM force would consist of 100 M-X missiles and a mix of new (450 SICBMs) and older single-warhead ICBMs (286 Minuteman IIs) deployed in silos.

(2) The SSBN fleet would consist of 17 Ohio-class boats equipped with a total of 408 SLBMs (12 boats equipped with Trident Is and five boats equipped with Trident IIs).

(3) The bomber force would consist of 50 "Stealth" ATBs (replacing FB-111s) and 100 B-1Bs equipped with externally-mounted ALCMs.

To the Soviet Union

Some of the consequences to the Soviet Union is adopting this proposal are:

During Phase I

(1) Following the build-down formula to retire two ICBM warheads for each additional SLBM warhead that is deployed, it is projected that the Soviet Union would have to retire 2,092 ICBM warheads (2,080 from 208 SS-18 ICBMs and 12 from other ICBMs) if it deploys four more Typhoon SSBNs and six additional Delta III SSBNs, and retires 19 Yankee I, one Golf III, one Yankee II, and seven Hotel II/III boats (3,500 SLBM RVs at the end of Phase I minus 2,454 SLBM RVs in December 1982 = 1,046 RVs; and 1,046 x 2 = 2,092).

(2) The remaining 100 SS-18 heavy ICBMs would have to be replaced with a new but lighter MIRVed ICBM, if the Soviets want to retain as many MIRVed ICBMs as possible during Phase I.

(3) In addition to the 2,092 ICBM warheads retired to balance the projected increase in SLBM warheads, the Soviets would have to retire 178 more ICBM warheads to reach the proposed 4,000-warhead ceiling for ICBMs (6,270 RVs in December 1982 − 4,000 RV ceiling − 2,092 RVs = 178 RVs). The Soviets would probably want to retain as many MIRVed ICBMs as possible and choose to retire the 178 additional warheads from older single-warhead ICBMs. If they choose to retire warheads from MIRVed ICBMs instead, they would be able to retain a larger number of ICBMs during Phase I.

(4) By the end of Phase I the Soviet Union would be at the proposed warhead ceiling on ballistic missiles—a reduction of 1,224 RVs. It also would be at the proposed total warhead ceiling after deploying some additional bomber aircraft. It is postulated that additional Backfire bombers would be deployed, and that Bear and Bison aircraft would be replaced with ALCM-equipped Blackjack heavy bombers.

During Phase II

(1) The Soviet Union would retire the remaining 110 SS-17 and 362 SS-19 ICBMs, and deploy a like number of single-warhead SICBMs in the vacated silos.

(2) The remaining Yankee I-class SSBNs would be retired to reach the proposed 5,000-warhead ceiling on ballistic missiles.

(3) By the end of Phase II the Soviet Union would attain the proposed total warhead ceiling. All the Bear and Bison bombers would have been replaced with Backfire and Blackjack bombers.

Post Phase II

(1) The ICBM force would consist of 100 SS-24 MIRVed ICBMs and a mix of new (472 SICBMs) and older single-warhead ICBMs (388 SS-11 missiles) deployed in silos. The ratio of SICBMs to SS-11s could vary, however, depending on whether MIRVed ICBMs or additional SS-11s were retired during Phase I.

(2) The SSBN fleet would probably consist of five Typhoon-class boats equipped with a total of 100 SS-N-20 SLBMs, and 20 Delta III-class boats equipped with a total of 320 SS-N-18 SLBMs.

(3) The bomber force would probably consist of 150 Backfire bombers equipped with bombs or SRAMs, and 100 Blackjack bombers carrying externally-mounted ALCMs.

Verification issues

Verification could be carried out as follows:

(1) National Technical Means (NTM) already in place can observe the number and types of ICBMs and SLBMs deployed. Overhead reconnaissance provides information on new deployments and retirements of ICBMs. The sea trials of new SSBNs and the retirement or conversion of older ballistic missile-launching submarines is now routinely detected by NTM.

(2) The task of estimating the number of warheads deployed in SS-17, SS-18, and SS-19 ICBMs would be simplified. All of these missiles would be assumed to carry the maximum number of warheads allowed under SALT II.

(3) Rules and procedures for dismantling and scrapping excess systems have already been established under SALT II.

(4) The hard-target capabilities of missiles currently in the arsenals are already established, providing a data base for both sides.

(5) The counting rules for bomber-deliverable weapons has not been established; however, functionally related observable differences (FRODs) for bombers armed with ALCMs have been adopted under SALT II. Individual bomber aircraft could be required not to possess a concurrent capability to carry internally and externally-mounted nuclear weapons.

TABLE I.—ESTIMATED AND PROJECTED U.S. STRATEGIC WEAPONS INVENTORIES

Estimated—December 1982	Projected—End of phase I	Projected—End of phase II	Projected—Post phase II
550 Minuteman III×3=1,650 RVs	550 Minuteman III×3=1,650 RVs	450 Minuteman III×3=1,350 RVs	Retired
	−100 Minuteman III×3=−300 RVs	−450 Minuteman III×3=−1,350 RVs	
		+450 SICBM×1=+450 RVs	450 SICBM×1=450 RVs
	+100 M-X×10=+1,000 RVs	100 M-X×10=1,000 RVs	100 M-X×10=1,000 RVs
450 Minuteman II×1=450 RVs	450 Minuteman II×1=450 RVs	450 Minuteman II×1=450 RVs	286 Minuteman II×1=286 RVs
		−164 Minuteman II×1=−164 RVs	
49 Titan II×1=49 RVs	49 Titan II×1=49 RVs	Retired	
	−49 Titan II×1=−49 RVs		
1,049 ICBMs: 2,149 RVs	1,000 ICBMs: 2,800 RVs	836 ICBMs: 1,736 RVs	836 ICBMs: 1,736 RVs
176 Trident I×8=1,408 RVs	176 Trident I×8=1,408 RVs	48 Trident I×8=384 RVs	Retired
(11 Lafayette SSBNs)	(11 Lafayette SSBNs)	(3 Lafayette SSBNs)	
	+16 Trident I×8=128 RVs	−48 Trident I×8=384 RVs	
	(+1 Lafayette SSBN)	(−3 Lafayette SSBNs)	
	−144 Trident I×8=−1,152 RVs		
	(−9 Lafayette SSBNs)		
320 Poseidon×10=3,200 RVs	320 Poseidon×10=3,200 RVs	144 Poseidon×10=1,440 RVs	Retired
(20 Lafayette SSBNs)	(20 Lafayette SSBNs)	(9 Lafayette SSBNs)	
	−16 Poseidon×10=−160 RVs	−144 Poseidon×10=−1,440 RVs	
	(−1 Lafayette SSBN)	(−9 Lafayette SSBNs)	
	−224 Poseidon×10=−2,240 RVs		
	(−10 Lafayette SSBNs)		
24 Trident I×8=192 RVs	24 Trident I×8=192 RVs	288 Trident I×8=2,304 RVs	288 Trident I×8=2,304 RVs
(1 Ohio SSBN)	(1 Ohio SSBN)	(12 Ohio SSBNs)	(12 Ohio SSBNs)
	+264 Trident I×8=+2,112 RVs	+120 Trident II×8=+960 RVs	120 Trident II×8=960 RVs
	(+11 Ohio SSBNs)	(+5 Ohio SSBNs)	5 Ohio SSBNs)
520 SLBMs: 4,800 RVs	416 SLBMs: 3,488 RVs	408 SLBMs: 3,264 RVs	408 SLBMs: 3,264 RVs
1,569 Missiles: 6,949 RVs	1,416 Missiles: 6,288 RVs	1,244 Missiles: 5,000 RVs	1,244 Missiles: 5,000 RVs
272 B-52×various=2,402 WHs	99 B-52×12=1,188 WHs	10 B-52×12=120 WHs	Retired
56 FB-111×4=224 WHs	56 FB-111×4=224 WHs	50 FB-111×4=200 WHs	Retired
	100 B-1B×8=800 WHs	5 B-1B×8=40 WHs	100 B-1B×12=1,200 WHs
	95 B-1B×12=1,140 WHs	50 Stealth×6=300 WHs	
328 Bombers: 2,626 WHs	255 Bombers: 2,212 WHs	195 Bombers: 1,500 WHs	150 Bombers: 1,500 WHs
Total warheads=9,575	Total warheads=8,500	Total warheads=6,500	Total warheads=6,500

TABLE II.—ESTIMATED AND PROJECTED SOVIET STRATEGIC WEAPONS INVENTORIES

Estimated—December 1982	Projected—End of phase I	Projected—End of phase II	Projected—Post phase II
308 SS-18×10=3,080 RVs	308 SS-18×10=3,080 RVs	Retired	
	−208 SS-18×10=−2,080 RVs		
	−100 SS-18×10=−1,000 RVs		
	+100 SS-24×10=+1,000 RVs	100 SS-24×10=1,000 RVs	100 SS-24×10=1,000 RVs
330 SS-19×6=1,980 RVs	330 SS-19×6=1,980 RVs	362 SS-19×6=2,172 RVs	Retired
	+32 SS-19×6=+192 RVs	−362 SS-19×6=−2,172 RVs	
		+362 SICBMs×1=362 RVs	362 SICBMs×1=362 RVs
150 SS-17×4=600 RVs	150 SS-17×4=600 RVs	110 SS-17×4=440 RVs	Retired
	−40 SS-17×4=−160 RVs	−110 SS-17×4=−440 RVs	
		+110 SICBMs×1=+110 RVs	110 SICBMs×1=110 RVs
550 SS-11×1=550 RVs	550 SS-11×1=550 RVs	388 SS-11×1=388 RVs	388 SS-11×1=388 RVs
	−32 SS-11×1=−32 RVs		

TABLE II.—ESTIMATED AND PROJECTED SOVIET STRATEGIC WEAPONS INVENTORIES—Continued

Estimated—December 1982	Projected—End of phase I	Projected—End of phase II	Projected—Post phase II
	−130 SS–11×1=−130 RVs		
60 SS–13×1=60 RVs	60 SS–13×1=60 RVs	Retired	
	−60 SS–13×1=−60 RVs		
1,398 ICBMs: 6,270 RVs	960 ICBMs: 4,000 RVs	960 ICBMs: 1,860 RVs	960 ICBMs: 1,860 RVs
20 SS–N–20×9=180 RVs	20 SS–N–20×9=180 RVs	100 SS–N–20×9=900 RVs	100 SS–N–20×9=900 RVs
(1 Typhoon SSBN)	(1 Typhoon SSBN)	(5 Typhoon SSBNs)	(5 Typhoon SSBNs)
	+80 SS–N–20×9=+720 RVs		
	(+4 Typhoon SSBNs)		
224 SS–N–18×7=1,568 RVs	224 SS–N–18×7=1,568 RVs	320 SS–N–18×7=2,240 RVs	320 SS–N–18×7=2,240 RVs
(14 Delta III SSBNs)	(14 Delta III SSBNs)	(20 Delta III SSBNs)	(20 Delta III SSBNs)
	+96 SS–N–18×7=+672 RVs		
	(+6 Delta III SSBNs)		
64 SS–N–8×1=64 RVs	64 SS–N–8×1=64 RVs	Retired	
(4 Delta II SSBNs)	4 Delta II SSBNs)		
216 SS–N–8×1=216 RVs	216 SS–N–8×1=216 RVs	Retired	
(18 Delta I SSBNs)	(18 Delta I SSBNs)		
6 SS–N–8×1=6 RVs	Retired		
(1 Hotel III SSBN)			
18 SS–N–8×1=18 RVs	Retired		
(6 Hotel II SSBNs)			
6 SS–N–8×1=6 RVs	Retired		
(1 Golf III SSB)			
384 SS–N–6×1=384 RVs	384 SS–N–6×1=384 RVs	80 SS–N–6×1=80 RVs	Retired
(24 Yankee I SSBNs)	(24 Yankee I SSBNs)	(5 Yankee I SSBNs)	
	−304 SS–N–6×1=−304 RVs	−80 SS–N–6×1=−80 RVs	
	(−19 Yankee I SSBNs)	(−5 Yankee I SSBNs)	
12 SS–N–17×1=12 RVs	Retired		
(1 Yankee II SSBN)			
950 SLBMs: 2,454 RVs	780 SLBMs: 3,500 RVs	420 SLBMs: 3,140 RVS	420 SLBMs: 3,140 RVs
2,348 Missiles: 8,724 RVs	1,740 Missiles: 7,500 RVs	1,380 Missiles: 5,000 RVs	1,380 Missiles: 5,000 RVs
100 Tu–95 Bear×1=100 WHS	100 Tu–95 Bear×1=100 WHs	Retired	
45 Mya–4 Bison×1=45 WHs	Retired		
100 Tu–26 Backfire×2=200 WHs	150 Tu–26 Backfire×2=300 WHs	150 Tu–26 Backfire×2=300 WHs	150 Tu–26 Backfire×2=300 WHs
	50 Blackjack×12=600 WHs	100 Blackjack×12=1,200 WHs	100 Blackjack×12=1,200 WHs
255 Bombers: 345 WHs	300 Bombers: 1,000 WHs	250 Bombers: 1,500 WHs	250 Bombers: 1,500 WHs
Total warheads=9,069	Total warheads=8,500	Total warheads=6,500	Total warheads=6,500

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DANNEMEYER. Mr. Speaker, at the request of the administration, it is my privilege to introduce a bill to authorize a new concept of care and economy for the Federal employees health benefits program (FEHBP)—the voucher. I urge early and comprehensive hearings on this important initiative and trust that my colleagues will give this proposal serious consideration.

The voucher is an expansion of, not a departure from, the current FEHBP which features multiple choice of health plans and fixed-dollar subsidies. However, the choice could be greater, the cost more predictable, and the cost-reducing incentives more effective.

While there are more than 130 plans in the FEHBP, the average Federal worker has access to an average of only 12 plans. Only 5 plans offer both low- and high-option coverage. Only the 2 Government-wide plans and 7 of the 11 employee organization plans open to all Government employees accepted retired workers in 1982. Choice is limited for active and retired Federal workers under the current program.

This voucher proposal would permit any State-licensed plan, subject to Federal financial soundness criteria, to participate. All plan records would be open to inspection by the Office of Personnel Management and the General Accounting Office. The OPM would specify minimum catastrophic coverage for all plans.

The unpredictibility of Government costs and the Government's underpricing of premiums in 1979 and 1980 led to the chaos in 1981 which required that benefits be cut, premiums be raised and that open season be delayed. Currently, the Government contribution is driven by the so-called Big Six plans. The amount the Government pays to any plan is 60 percent of the unweighted average of the Big Six rates, not to exceed 75 percent of an individual plan's rate. OPM negotiates with carriers over both rates and benefits.

Under this voucher plan, the payment would be tied to the average of all (not low options as some reported) self and self and family premiums paid in 1984 and indexed to the GNP deflator. OPM would not longer negotiate premiums and benefits. The voucher plan would require the Postal Service and District of Columbia as off-budget agencies to pay the employer's share of retirees' premiums. The general Treasury now pays that share.

The 75-percent cap biases plans against offering lower option coverage. As a result of the cap, the Government pays a larger dollar amount for high-cost plans. This creates a disincentive to enroll in and thus to offer lower-cost plans. This deters competition among carriers for lower-cost coverage. This leads to higher Government and employee contributions.

The voucher would pay 100 percent of the indexed 1984 average premium. If a plan cost less, the difference (up to a certain amount) would be rebated to the employee. If the employee desired greater coverage, he or she would pay the difference out of pocket. Under this bill, the voucher program would become effective October 1, 1984.

The voucher plan is dedicated to the proposition that you can cut costs without cutting the quality of care or people's access to it. Some believe the voucher may lead to reduced benefits, loss of cost control over carriers, and unacceptable costs for those employees, active or retired, with greater medical need. In short, some believe that medical need is inelastic, that most people are risk averse, and that premiums and benefits should be regulated by the Government. In that view, the job of government is to preserve a maximum benefit structure.

It is my view that opposition to the voucher is premature, based upon a one-sided reading of the 1959 Act, and the result of misconceptions about medical care and need.

We should give the voucher concept a chance in legislative proceedings. I have questions (discussed later) and convictions about its potential. Let us have a thorough review of a concept that may be constructively applied to the exploding costs of the medicare program.

Clearly, the act calls for the Government (that is OPM) to negotiate rates and benefits to achieve a package comparable to larger employers and progressive industry. The goal is to "assure maximum health benefits at the lowest possible cost to (employees)

and to the Government" (House Report 86-958, page 4). The purpose is to provide for competitive recruitment and retention of competent personnel.

According to a 1983 GAO report (HRD-83-21) And the 1982 Mercer report, the FEHBP falls somewhat short of what the private sector offers in benefits and pays as employers.

The remedy urged by some is to mandate benefits in law (none are specified now), to add new beneficiaries, and for Government to spend more. This is the approach taken in H.R. 656 which the House Post Office and Civil Service Subcommittee on Compensation and Employee Benefits is now considering.

How should we reach private sector comparability? It is my view that the answer to comparability is to permit more competition rather than to increase regulation. Indeed, I would note that many Federal labor representatives opposed the provision in H.R. 656 that would mandate certain benefits under law. With respect to Government contributions, James J. LaPenta, Jr., director of the Mail Handlers Health Benefit plan made an interesting point in his subcommittee testimony:

I recognize that Congress has not only an obligation to Federal and postal employees, but also an obligation to the taxpayers to keep total program costs within reasonable and manageable limits. Furthermore, because the Federal contribution is based on an average of the annually changing premium levels of the Big Six plans, the total Federal cost is variable and unpredictable. This lack of predictability can lead, as it did in 1981, to last-minute crises and arbitrary and unfair * * * cuts * * * (We) would support a measure placing a limit on the amount by which the Government contribution could increase in any given year. That limit, however, should not arbitrarily tie the Government's contribution to some standard unrelated to costs in the program.

It is my view that we can only achieve a balance between maximum benefits and acceptable costs through a marketplace mechanism such as a voucher. The choice is between more regulation or more competition. The debate is over the control of benefits rather than the level of benefits. The alternative to a consumer-choice system is a provider-dominated system. The act calls for comparability to progressive industry. Let us be sure that our legislative remedies are progressive.

The fear that a voucher abandons the consumers and cost control is based on misconceptions about medical care. The chief misconception is that more services—more care—better health. In an excellent little book (on another alternative health care financing system) called "Health Plan," Dr. Alain C. Enthoven of Stanford University debunks these and other misconceptions about medical care. He states:

* * * a financing system that motivates giving more rather than less care is not necessarily leading doctors to give better care or to produce better health.

The result of adopting a static view of medical need and care is a call for public utility regulation and resistance to financial incentives.

The voucher would force carriers to examine and control provider costs if they want to keep enrollees who receive a fixed-dollar subsidy. The voucher puts the heat on carriers and providers, not the consumer.

This is not a black and white issue. We are talking about the grey areas of more regulation versus more competition. It is my view that the administration's proposal is a good starting point for discussion but not the last word. Below are some of my concerns.

Should the proposal address the potential for abusive marketing practices by new carriers?

Should the law require all plans to accept retirees in order to provide fair competition?

Does the proposal permit plans to use preexisting medical conditions as a limitation on benefits?

Should OPM require all plans to quote premiums for at least one standard package of benefits in order to facilitate comparison?

Should the voucher pay more for the old than the young? Should voucher payments be linked to categories of enrollees' risk level, in order to reduce adverse selection?

Is the GNP deflator a reasonable index? Should another index be used?

Should the voucher program provide that enrollees will be held harmless from plans that go bankrupt?

I favor a workable system of fair competition intended to make affordable health insurance available to Federal employees. The choice is how we get there—through more regulation or more competition.

Mr. Speaker, at this point I request that a summary of the bill be included.

SUMMARY

A bill to restructure the Federal Employees Health Benefits Program to strengthen financial control over the Program and enhance competition among participating health plans, and for other purposes

The FEHB Program needs major reform to set it on a firm course for the future, so that the interests of enrollees and the Government are protected. This bill is designed to preserve the best features of the current Program while solving the problems.

SECTION 1

This act may be cited as the "Federal Employees Health Benefits Reform Act of 1983."

SECTION 2

Subsection 2(a) of the bill would revise and reenact the current Federal Employees Health Benefits (FEHB) law (5 U.S.C., ch. 89) as follows:

Section 8901—Definitions

The definitions in the current section 8901 would be essentially reenacted with the notable exception of "carrier." The new definition would broaden health plan participation to include (A) Government-wide, regional, or local plans offered by one or more Blue Cross and Blue Shield corporations or by any legal entity licensed to market group health insurance in the State in which the plan is offered; (B) additional employee organization-sponsored plans; and (C) all Federally qualified health maintenance organizations (HMO's).

Section 8902—Qualified health benefits plans

The law would no longer authorize OPM to contract with carriers for FEHB plans. Eligible carriers would be required to submit proposed plans for OPM approval which would be accorded if the carrier certifies that group insurance benefits will be offered to all eligible FEHB participants: (1) at rates consistent with the carrier's lowest schedule of rates for comparable polices; (2) in accordance with minimum catastrophic protection requirements specified by OPM regulations; and (3) with acceptable conversion rights upon involuntary termination of group eligibility. Reinsurance requirements would ensure the financial stability of plans.

This section also requires carriers to provide enrollees with a detailed plan description in a format approved by OPM, to grant OPM and GAO access to plan records, and to have in place a satisfactory utilization review system.

Section 8903—Enrollment procedures

This section essentially reenacts current provisions of law.

Each employing office and retirement system would be required to issue to their eligible employees and annuitants such materials as OPM may prescribe for purposes of facilitating a choice among available health benefits plans, including: a list of plans and their respective premium rates, instructions for obtaining detailed information on benefits from carriers, and a health care voucher form on which to register a choice of plan. OPM would see to it that comparative information on plans is made available to enrollees.

Section 8904—Government contributions and enrollee premiums

The most important correction needed is in calculating the Government contribution to health benefits premiums. The current formula which ties that contribution to the average premium for the highest level of benefits offered by six of the plans with the largest FEHB enrollments is too unpredictable. The proposal would replace this formula with specified contribution rates which would be amounts equal to the average Government contribution rate in the preceding plan year for self-only and self-and-family enrollments, respectively, indexed in accordance with the percentage change in the implicit price deflator for the Gross National Product over the 12-month period ending March 31 preceding each plan year, as determined by OPM based on GNP calculations published by the Bureau of Economic Analysis of the U.S. Department of Commerce.

Another change would be to eliminate the current 75 percent limitation on the Government contribution toward the cost of a particular plan or level of benefits in order to encourage enrollees to select lower cost plans, possibly at no enrollee cost. More-

over, if an enrollee elects a health plan with a premium cost below the available Government contribution, the enrollee would be entitled to receive a cash rebate equal to the amount of any excess Government contributions, except that such rebate may not exceed 40 percent of the authorized Government contribution in each use. Health plan premiums in excess of the basic Government contribution would be withheld from the enrollee's pay or annuity.

In addition to the basic Government contribution, Government agencies would contribute an amount for each enrollment, as determined necessary by OPM but not to exceed one percent of the basic Government premium contribution rate, to fund OPM's administration of the law. Expenditures for administrative expenses would be subject to limitations imposed each year by Congress. OPM would continue to receive all Government contributions and enrollee withholdings and to forward appropriate payments to participating health plans.

The proposal would further improve Program financing by requiring the Postal Service and the District of Columbia government to assume responsibility for payment of Government contributions on behalf of their retired employees, or their survivors, as well as requiring the Department of Labor to make contributions on behalf of recipients of workers' compensation benefits and charge such amounts back to the former employing agency.

Section 8905—Coverage of reinstated employees and restored annuitants

This section essentially reenacts 5 U.S.C. 8908.

§ 8906. Employees Health Benefits Fund

In addition to the existing administrative reserve, an enrollees' contingency reserve account would be established in the Fund, to which OPM may credit any amounts which accrue to the general Fund in excess of premium payments due carriers and, pursuant to section 3 of the bill, any balance remaining in existing health plan contingency reserve accounts in the Fund at the end of two years after termination of final contracts entered into under current provisions of 5 U.S.C. 8902. The newly created reserve would be available, without fiscal year limitation, for payment of expenses which OPM deems proper for the benefit of FEHB enrollees.

Section 8907.—Studies and reports

This section essentially reenacts 5 U.S.C. 8910.

Section 8908.—Jurisdiction of courts

This section essentially reenacts 5 U.S.C. 8912.

Section 8909.—Regulations

This section substantially reenacts 5 U.S.C. 8913.

Section 2(b) of the bill would make the amendments to chapter 89 of title 5, United States Code, effective with respect to health plan enrollments and Government contributions on and after October 1, 1984. To ensure that the new provisions will be fully implemented on the specified effective date, the bill would authorize OPM to automatically assign current FEHB enrollees who do not specify a choice with respect to health plan coverage under the new program to an appropriate successor health plan. Also, section 2(b) would permit currently operating FEHB plans to continue under the new program without meeting the new reinsurance requirements, provided they are financially stable.

SECTION 3

Section 3(a) would amend existing FEHB law to provide that all contracts which become effective in January 1984 shall terminate effective September 30, 1984.

Section 3(b) would provide that any balance in health plan contingency reserve accounts in the Employees Health Benefits Fund shall be transferred to the enrollees' contingency reserve account established under section 8906(c) of title 5, United States Code, as amended by section 2 of this bill, effective October 1, 1986.

Section 3(c) would provide that the administrative reserve account in the Employees Health Benefits Fund immediately prior to the effective date of section 2 of this bill shall be available without limitation to meet OPM's expenses for implementation of this law.

SECTION 4

The retired Federal Employees Health Benefits Act would be amended to abolish the Government-wide Uniform Plan, effective December 31, 1983. Then, effective January 1, 1984, any remaining Uniform Plan enrollees would be automatically transferred to an appropriate level of benefits under the Government-wide Indemnity Benefit Plan under the FEHB Program.●

THE RIDE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MARKEY. Mr. Speaker, I would like to bring to the attention of my colleagues a most worthwhile effort to meet the transportation needs of the physically disabled in three of the communities I represent.

The barriers which confront handicapped people should be a constant concern for all Americans. Those without disabilities too often forget the difficulties faced by the handicapped. Fortunately, the Massachusetts Bay Transportation Authority (MBTA) understands this problem and has taken a significant step toward countering the physical barriers which confront disabled people in their daily activities.

On August 8 the MBTA will begin "The Ride" program in the communities of Everett, Chelsea and Winthrop. "The Ride" is a door-to-door transportation system for individuals who are physically disabled and prevented from using public transportation.

"The Ride" is the first disabled transportation service in the suburbs of Boston. This program has already been established and has been very successful in that city and the cities of Cambridge and Brookline.

The program's wheelchair-equipped van will run 7 days a week with a fare of only 75 cents, making it much easier for handicapped citizens to travel about their communities.

Unfortunately, we have seen the Reagan administration pursue sharp reductions in Federal services and programs for the handicapped, shifting a greater share of the responsibilities to the cities and the States. I am proud to say that my home State, and in particular the MBTA, has taken an active role in the efforts to meet the needs of the physically disabled.

"The Ride" should serve as an example for State, Federal, and local governments throughout our Nation.

I commend the MBTA and in particular General Manager James O'Leary and Massachusetts Governor Michael Dukakis for continuing this worthwhile program, and on behalf of the people of Everett, Chelsea, and Winthrop, I welcome "The Ride."●

KEY VOTES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PEASE. Mr. Speaker, it has become my practice to periodically insert in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the number of the bill or resolution that the House was considering and is followed by a summary of the vote. This is followed by my own vote on the issue, whether the matter passed or failed, and the vote outcome.

This list of votes covers the period of January 3, 1983 to May 26, 1983.

(5) H. Res. 5. Rules of the House. Vote to reject an effort to change a new rule allowing the Committee of the Whole House to "rise" before consideration of each legislative rider to an appropriations bill. No. Defeated 156–250.

(10) H.R. 999. Suspension of the rules to pass a bill establishing an American Conservation Corps, which would provide grants to various federal agencies, state governments, and Indian tribes to hire youth for summer and year-round employment. Yes. Passed 301–87.

(12) H.R. 1310. Amendment would have deleted $20 million for national teaching scholarships and instead provided $50 million for a Presidential Mathematics and Science Education Fund. No. Failed 92–323.

(14) H.R. 1310. Bill authorized $325 million to improve math and science education and $100 million to promote the training and use of scientific and technical personnel. Yes. Passed 348–54.

(18) H.R. 1718. An amendment to the Emergency Supplemental Appropriations for fiscal year 1983 requiring that 75 percent of the money for discretionary programs in the bill be targetted to areas of high unemployment. Yes. Passed 335–83.

(20) H.R. 1718. Emergency Supplemental Appropriations for fiscal year 1983. The bill appropriated $4.9 billion in additional funds for programs intended to create jobs and $5.3 billion for advances to the Federal Unemployment Trust Fund. Yes. Passed 324–95.

(21) H.R. 1296. Payment-in-kind Tax Treatment Act of 1983. Suspension of the

rules to permit farmers to defer income tax payment on commodities received under the Agriculture Department's 1983 payment-in-kind (PIK) program until those commodities are sold. Yes. Passed 401-1.

(22) H.R. 1900. Amendment raising the normal Social Security retirement age by 2 years to be phased in by 2027. Retirement at age 62 would still be possible, but at a lower percentage of full benefits than provided currently. No Passed 228-208.

(26) H.R. 1900. Final passage of comprehensive Social Security Act amendments, enacting various changes in the Social Security system designed to ensure its solvency. Yes. Passed 282-148.

(38) H.R. 1149. Bill designating as wilderness 30 areas of national forest and public lands in Oregon totaling 1.1 million acres, and setting aside an additional 98,000 acres for further wilderness study. Yes. Passed 252-93.

(41) H. Con. Res. 91. Rule for consideration of the First Concurrent Budget Resolution. Provided for major substitute to be offered on behalf of the President. Yes. Passed 230-187.

(46) H. Con. Res. 91. First Budget Resolution for fiscal year 1984 setting targets of $936.6 billion in budget authority, $836.6 billion in outlays, $689.1 billion in revenues, and allowing for a deficit of $174.5 billion. Yes. Passed 229-196.

(51) H.R. 1437. California Wilderness Act. Bill added 2.3 million acres in 58 areas of California to the national wilderness system, set aside 72,000 acres for further wilderness study, added 17,000 acres to the national park system, and designated 1.4 million acres of national park land as national park wilderness. Yes. Passed 297-96.

(79) H.R. 1190. Emergency Agricultural Credit Act. Bill temporarily liberalized Farmers Home Administration loans and repayment schedules to reflect the current adverse farm situation. Yes. Passed 378-5.

(89) H.J. Res. 13. (Nuclear Weapons Freeze, round II.) Passage of bill calling for a mutual and verifiable nuclear freeze on weapons in U.S. and Soviet arsenals. Yes. Passed 278-149.

(92) H.R. 2174. Federal Anti-Tampering Act. The bill made it a federal crime to knowingly tamper with a product designed to be ingested or consumed if such tampering were in reckless disregard for the risk of death or injury to the purchaser of the product. Yes. Passed 292-0.

(102) H.R. 1983. Amendment to the Emergency Housing Assistant Act which would have deleted $760 million to assist homeowners facing foreclosure on home mortgage loans. No. Failed 197-220.

(106) H.R. 1983. Emergency Housing Assistance Act. The bill established a revolving loan fund to assist homeowners who are facing foreclosure on home mortgage loans not insured by the FHA or FmHA and provided assistance for shelter and essential services for the homeless. Yes. Passed 216-196.

(109) H.R. 2066. Amendment to the National Science Authorization that would have cut the authorization for research instrumentation by $50 million. No. Failed 150-257.

(111) H.R. 2066. Bill authorizing $1.34 billion for the National Science Foundation Authorization for fiscal year 1984. Yes. Passed 297-111.

(112) H.R. 2587. Amendment to Energy Department Civilian R&D Authorization for fiscal year 1984 prohibiting the use of funds in fiscal year 1984 to either continue or terminate the Clinch River Breeder Reactor project unless Congress subsequently enacts cost-sharing legislation. Yes. Passed 388-1.

(114) H.R. 2587. Amendment to the Energy Department Civilian R&D Authorization for 1984 that would have reduced overall funding by approximately $310 million. No. Failed 140-228.

(116) H.R. 2587. Energy Department Civilian Research and Development Authorization of $3.3 billion for fiscal year 1984. Yes. Passed 230-132.

(123) H.R. 2973. Suspension of rules to repeal Tax Withholding on Interest and Dividend Income. The bill repealed the provisions of the Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248). Yes. Passed 382-41.

(129) H.R. 2990. Rule on the Increase in Public Debt Limit which barred all amendments other than committee amendment. Yes. Passed 263-156.

(132) H.R. 2948. Suspension of the rules to pass Veterans' Housing Benefits Amendments. The bill provided up to $8,400 in loans to veterans facing foreclosure on home mortgages guaranteed by the Veterans' Administration. Yes. Passed 394-23.

(138) H.R. 3069. Amendment to spend $49 million to restore the West Front of the Capital Building instead of the $70.5 million provided in the bill to extend the West Front. Yes. Passed 325-86.

(139) H.R. 3069. Bill appropriated $4.8 billion in Supplemental Budget Authority for fiscal year 1983. The bill also delays implementation of merit pay and promotion rules for federal employees, and limits the amount of honoraria a Member of Congress may receive to no more than 30 percent of congressional salary. Yes. Passed 309-92.

(141) S. Con. Res. 26. Resolution releasing approximately $625 million in fiscal year 1983 funds for MX missile basing mode activities and test flights. No. Passed 223-167.

(142) H. Res. 177. Resolution rejecting the Administration's proposed deferral of $3 million for the development of energy efficient consumer products and $1.5 million for the National Appropriate Technology Assistance Service (NATAS). Yes. Passed 280-107.●

THE ACID RAIN DEBATE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MURTHA. Mr. Speaker, acid rain will be one of the key congressional debates of the fall. The discussion and resulting decisions will indicate a tremendous amount about our ability to deal rationally and realistically with this complex and important issue.

Without at this time trying to prescribe any solutions, I would like to state some principles I believe are important to reaching a sound decision. They are principles I plan to discuss with constituents in the 12th Congressional District at office hours and meetings over the coming weeks.

First, we must realize that acid rain is a very serious problem and must be dealt with effectively. While doubt remained in recent years about the severity of the issue, recent reports clearly show the need for decisions.

Second, those reports also show we do not have the necessary scientific understanding of the phenomena involved in acid rain to be sure that any strategy we choose is the optimum strategy. It is more likely we will be basing strategy on the best current "educated guesses" concerning the problem, and that calls for caution.

Third, coming from one of the largest coal producing areas in the United States, it is clear to me that while coal supporters must admit the severity of the problem, we must also resist efforts to place all the blame on coal. A consensus appears to be evolving within the scientific community that seems to say that acid rain in the Northeast is largely caused by emissions of SO_2 and NO_x from powerplants, industrial boilers, automobiles, and trucks. A solution must include coal, but a policy that centers only on coal will not only be unfair, but will not solve the problem.

Fourth, we must not lose total sight of other national goals. Possibly, the most environmentally sound energy source presently available is importing oil that is pumped somewhere else in the world; but in the years ahead we face more energy shortages, and failing to make full use of the coal we have is folly for our energy security and ridiculous for our economy that needs mining jobs and the energy self-sufficiency enhanced by coal use.

Fifth, scientific understanding remains uncertain about the impact of reductions. Even if we agreed on a 50-percent reduction in SO2 emissions, we have no guarantee the result would be a commensurate reduction in the acidity of the rainfall. It would seem prudent to adopt policies that are both flexible and adaptable to the changing base of scientific understanding. We may want to choose interim acid rain goals until we reach more scientific knowledge. We may want to give industry considerable flexibility in reaching reduction goals.

Sixth, we cannot pretend that the clean up of acid rain is without cost. Several bills introduced impose a "mill per killowatt hour" charge on all "fossil fuel generated electricity" across the country to fund the installation of pollution control equipment. There are three elements of this we must recognize: First, where utilities have already introduced control technology, it means their customers will be paying a second charge to take care of other plants; second, Penelec—in the area I represent—estimates a millage approach such as reported by the Senate Environment Committee last year would result in a 20-percent increase in utility bills to their customers for each of several years; third, it

must be noted that if the cost is left to the utilities that need the most technology and control equipment, that will largely fall on the people in areas of the country that are already suffering some of the most severe effects of the current economic situation. One way or another the customers are going to cary the bill for controlling acid rain, and we must do it as reasonably as possible.

EPA Administrator Ruckelshaus has called for a sensible, reasonable solution to the acid rain problem with as little economic disruption as possible. I agree on the goal. I think it is attainable.

In a humorous aside to the acid rain problem, Penn State Earth and Mineral Sciences Dean Charles Hosler told me recently that most NO_x comes from cows and rice paddies, so that the best way to attack the problem might be by reducing the number of cows and rice paddies.

While the problem itself is serious, I think the dean's aside helps illustrate that the solutions to acid rain are not laid out in a neat row for us to solve easily. The solution calls for reasonableness, creativity, and understanding. The debate in the next couple of months must be sensible, and all sides need to come together in reaching for solutions that are workable and practical.

I have long argued our environmental, energy, and economic goals can progress side by side as long as we seek reasonable answers. The acid rain debate will be the truest test of our ability to reach that goal. It is one calling for the participation and input of each citizen concerned with these issues.●

RISK ASSESSMENT RESEARCH AND DEMONSTRATION ACT OF 1983

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RITTER. Mr. Speaker, every day Americans in all walks of life, and American businesses of every size and nature are affected by Federal regulations. Many of those regulations seek to protect life, health, and the environment, and aim to implement the Congress' concern for the well-being of the American people and for the appropriate conservation and use of our cherished natural resources. A Federal agency's decision regarding whether and to what extent to regulate are governed by the laws as enacted by Congress and as interpreted in the courts—and it is becoming increasingly evident that both the Congress and the Judiciary are paying increasing attention to the concepts of risk assessment and risk acceptability in the regulatory process. As a result, much regulatory activity now takes place within the framework of assessing the nature and magnitude of risk, and then deciding whether, to what extent, and how a reduction in the level of risk should take place.

Because of the importance of risk assessment and its relationship to the regulatory process, I am today introducing legislation that will authorize studies and reports to enable us to learn more about how risk assessments are currently being carried out, and to make recommendations for the future. The legislation is designed in part to inform this Congress on how the Federal agencies are carrying out our existing mandates regarding risk; the bill does not change the content of any existing law.

Both the Congress in writing the laws, and the courts in interpreting the laws, have required Federal agencies to consider risk and ways of reducing risk. For instance, the Congress specified in the language of the Toxic Substances Control Act (TSCA) that certain regulatory actions of the Environmental Protection Agency must be based in part upon a finding of unreasonable risk. Thus the Agency is required under TSCA not only to assess risks, but to also assess whether particular risks are reasonable or unreasonable. In order to give some guidance as to what may be reasonable or unreasonable in given circumstances Congress wrote into the act that "It is the intent of Congress . . . that the Administrator shall consider the environmental, economic, and social impact" of his actions under TSCA.

Also, the courts in interpreting the laws have required risk assessment to be a tool in the regulatory decisionmaking process even where Congress did not use the word "risk" in the section of the law that was the subject of the court decision. Moreover, recently a U.S. court of appeals declared a rule of the Consumer Product Safety Commission to be invalid because of the information that the Commission relied upon in doing its risk assessment.

Agencies are currently doing risk assessments in different ways in part because the laws we have enacted have differing requirements regarding risk regulation; but we also see risk being assessed in different ways under the same law. Such differences can lead to differing agency decisions regarding whether, how, and to what extent to regulate. The regulated community is left uncertain as to the impact of our laws and is less able to plan for the future; and the American people frequently are left without an adequate understanding of why an agency takes, or fails to take, action concerning risk.

My fellow colleagues, this legislation calls for a study designed to learn what is known and what is not known about risk assessment, and to learn how this emerging tool in regulatory decisionmaking can be better employed. This study will involve at least eight Federal agencies and will be coordinated by a Federal agency to be designated by the President. The study is to be conducted in two parts. The first 12-month study will be an overview of existing risk assessment procedures, a review of necessary research, and a proposal for the demonstration projects to follow. This segment will be summarized in a report to Congress 12 months after enactment of this act. During the second 12 months the demonstration projects will be conducted and the results made available to experts in the field for critical peer review and to the public at large. The second segment of the study will be reported to Congress within 30 months after the enactment of this act. The final report to the Congress on this important matter will not only include recommendations concerning how risk assessment processes can be imporved and facilitated, but will also include recommendations on how we can make it possible for the American people to better understand and appreciate the efforts of our Federal agencies to control the risks that affect their daily lives.

SECTION-BY-SECTION ANALYSIS RISK ASSESSMENT RESEARCH AND DEMONSTRATION ACT OF 1983

Section 1. Section 1 establishes the Title of the Act.

Section 2. Section 2 contains the Congressional findings and declarations, and states that a study is needed to learn what is known and what is not known about assessing risks in the face of incomplete scientific and other information. The Section declares that it is necessary for Federal agencies to use the best possible methods for securing information on, and an understanding of, the scientific bases for their regulatory decisions. Section 2 also states that it is necessary for agencies to delineate as specifically as possible the scientific basis for decisions from their more subjective, judgmental aspects.

Section 3. Section 3 states that the purpose of the Act is to provide for comprehensive and coordinated research and demonstration projects for the study of risk assessment and its relationship to the regulatory process.

Section 4. Section 4 defines the terms used in the Act.

Section 5. This Section provides for the establishment of coordinated interagency projects. After stating the objectives of the projects, the Section provides that the projects will involve, where appropriate, Federal agencies responsible for regulatory decisions or providing information for regulatory decisions, including but not limited to the Food and Drug Administration, the Environmental Protection Agency, the Occupational Safety and Health Administration, the Food Safety and Inspection Service of the Department of Agriculture, the Nuclear Regulatory Commission, the Department of Energy, the Consumer Product Safety Commission, and the Department of Transportation. The President will designate an agency

to coordinate the projects, and the coordinating agency will present a report to the Congress within twelve months after enactment of the Act. The report will include a review of risk assessments presently being carried out within designated Federal agencies, including processes used to gather and evaluate information, and the use of risk assessments in the regulatory decision-making process.

Section 6. This Section provides that certain agencies will recommend to the coordinating agency research required to meet the objectives of the projects.

Section 7. Section 7 provides that certain agencies will each undertake a Demonstration Project in the form of a risk assessment typical to that agency. The Section discusses the elements of the studies, requires their completion within two years after the date of enactment, and provides that the studies will be available to experts in the field for critical peer review and to the public at large.

Section 8. This Section requires the coordinating agency to issue a final report to the Congress within thirty months after the date of enactment, and specifies the topics to be covered in the report.

Section 9. Section 9 provides that nothing in the Act shall constitute an authorization for the appropriation of funds from the Treasury of the United States.●

UREA FORMALDEHYDE FOAM INSULATION CORRECTIVE MEASURES ACT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, during the 1970's, when America was going through a very serious energy crisis, the Government extended thousands of tax credits to people who reduced energy consumption in their homes. One of the products approved by the Government as a tax credit was urea formaldehyde foam insulation (UFFI). The low cost and easy installation made it a popular form of insulation. By the end of the decade, over 500,000 homeowners across the Nation were insulated with UFFI; nearly 70,000 of those are believed to be in my home State of Michigan.

Soon after its installation, people began developing a variety of health problems, but it was not until a few years later that studies linked small levels of formaldehyde gas with eye, nose, and throat irritation, nausea, vomiting, diarrhea, headaches, irritability, and skin rashes. Other tests show it induces cancer in animals.

Based on unreasonable risks to consumers from the irritation, sensitization, and possible carcinogenic effects of formaldehyde emitted by UFFI, the Consumer Product Safety Commission banned the use of UFFI in homes and schools in 1982. While this step was a necessary health caution, it did not solve the formaldehyde problem in homes already insulated with UFFI. Homeowners with UFFI have found that because of the adverse health effects of this insulation their homes have decreased in value or are unsaleable. The problem is further complicated by the cost of removal which ranges from $6,000 to $20,000.

A similar problem involving UFFI occurred in Canada and is now being remedied by a UFFI response program. The Government-sponsored program helps homeowners improve the indoor air quality, which in some cases means removing the UFFI.

My bill, the Urea Formaldehyde Foam Insulation Corrective Measures Act, is based largely on this practical program. The bill follows:

H.R. 3819

A bill to authorize the Secretary of Housing and Urban Development to assist homeowners in taking corrective measures with respect to urea formaldehyde foam insulation in their homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Urea Formaldehyde Foam Insulation Corrective Measures Act".

FINANCIAL ASSISTANCE TO HOMEOWNERS

SEC. 2. (a) The Secretary of Housing and Urban Development may make, and enter into contracts to make, grants to any person eligible under section 4 for purposes of assisting such person in taking corrective measures with respect to urea formaldehyde foam insulation in a home owned by such person, or reimbursing such person for expenses incurred in taking such corrective measures.

(b) Grants received under this section may be used only for the following expenses relating to the taking of corrective measures with respect to urea formaldehyde foam insulation in a home:

(1) fees charged for the services of a contractor;

(2) fees charged for building permits;

(3) fees charged for the provision of estimates;

(4) fees charged for laboratory and onsite testing;

(5) fees charged for information;

(6) fees charged for materials;

(7) fees charged for the rental or, when appropriate, the purchase of equipment, including safety equipment;

(8) expenses incurred in cleaning a home that are required as a result of corrective measures taken in such home; and

(9) any other expense determined by the Secretary to be reasonable and directly related to the taking of corrective measures with respect to urea formaldehyde foam insulation in a home.

(c)(1) Except as provided in paragraph (2), each grant under this section shall be in an amount determined by the Secretary to be appropriate, taking into consideration the expenses of the homeowner involved, the number of applicants for grants under this section, and the amount of funds available for such grants.

(2) No grant under this section may be for an amount exceeding $10,000.

TECHNICAL ASSISTANCE TO HOMEOWNERS

SEC. 3. The Secretary may provide technical information and assistance—

(1) to any homeowner, to assist such homeowner in identifying the presence of formaldehyde foam insulation in a home of such homeowner and detecting and measuring the level of formaldehyde gas in such home; and

(2) to any person eligible under section 4, to assist such person in taking corrective measures with respect to urea formaldehyde foam insulation in a home owned by such person.

ELIGIBILITY FOR ASSISTANCE

SEC. 4. (a) A person shall be eligible for assistance under section 2 or 3(2) only if such person—

(1)(A) is the owner of a home insulated with urea formaldehyde foam insulation, which home has levels of formaldehyde gas that exceed 0.1 part per million or such lower amount as the Secretary determines may cause adverse effects on the health of any resident of such home; or

(B) is or was the owner of a home insulated with urea formaldehyde foam insulation, which home had or is likely to have had levels of formaldehyde gas that exceeded 0.1 part per million or such lower amount as the Secretary determines may cause adverse effects on the health of any resident of such home, and incurred expenses in taking corrective measures with respect to such insulation after December 31, 1969; and

(2) submits an application for such assistance not later than the expiration of the 18-month period following publication of notice of the availability of such assistance under section 5(b).

(b) No person may receive assistance under this Act with respect to more than three homes.

APPLICATION FOR ASSISTANCE

SEC. 5. (a) Application for assistance under this Act shall be in such form, and according to such procedures, as the Secretary shall prescribe.

(b) As soon as practicable following the availability of funds to carry out the Act, the Secretary shall publish in the Federal Register a notice of the availability of assistance under the Act. Such notice shall include a clear and concise description of the program of assistance established in this Act, the requirements for eligibility for such assistance, and the procedures for applying for such assistance.

AUDITS AND INSPECTIONS

SEC. 6. The Secretary shall conduct such audits of expenses and home inspections as the Secretary determines are appropriate to ensure that assistance provided under this Act is utilized in accordance with the requirements set forth in this Act and in any regulations issued by the Secretary under this Act.

REGULATIONS

SEC. 7. Not later than the expiration of the 90-day period following the date of the enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out the provisions of this Act. The Secretary may revise such regulations from time to time, as the Secretary determines necessary.

ANNUAL REPORT

SEC. 8. The Secretary shall annually prepare and submit to the Congress a comprehensive report describing the activities of the Secretary in carrying out the program

of assistance established in this Act. Such report shall include any recommendations for modifications in such program that the Secretary considers necessary or desirable as a result of administering such program.

DEFINITIONS

SEC. 9. For purposes of this Act:

(1) The term "corrective measure" means—

(A) an improvement in the sealing of interior surfaces of exterior walls in a home in a manner that prevents or effectively reduces the emission of formaldehyde gas from urea formaldehyde foam insulation into living areas in such home;

(B) an improvement in the ventilation of living areas and urea formaldehyde foam insulated wall cavities in a home in a manner that facilitates the dispersal of formaldehyde gas and prevents excessive moisture;

(C) the addition of an air-to-air heat exchanger in a home in a manner that facilitates the retention of heat while increasing ventilation;

(D) the partial or complete removal of urea formaldehyde foam insulation in a home; or

(E) any reasonable action taken with respect to a home containing urea formaldehyde foam insulation that is determined by the Secretary to effectively reduce the level of formaldehyde gas in such home.

(2) The term "home" means a one-to four-family dwelling or a manufactured home.

(3) The term "homeowner" means the owner of a home.

(4) The term "manufactured home" means a structure, transportable in one or more sections, that is built on a permanent chassis and designed as a dwelling with or without a permanent foundation when connected to required utilities. Such term includes the plumbing, heating, air-conditioning, and electrical systems contained in such structure.

(5) The term "Secretary" means the Secretary of Housing and Urban Development.

AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON CONTRACT AUTHORITY

SEC. 10. (a) There is authorized to be appropriated to carry out the provisions of this Act not to exceed $50,000,000 for fiscal year 1985. Any amount appropriated under this subsection shall remain available until expended.

(b) Any authority under this Act to enter into contracts obligating amounts to be expended by the Federal Government shall be effective for any fiscal year only to the extent or in such amounts as are provided in advance by appropriation Acts.

I believe the Government has an obligation to help those who responded to its appeal for more efficient energy consumption by assisting them in their need to remedy this dangerous situation.●

A BACKFIRING WEAPON

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. OTTINGER. Mr. Speaker, in a matter of weeks, the United States will take the first steps in a new, and probably uncontrollable, arms race. During August, the Air Force will begin flight testing of a sophisticated antisatellite weapon (ASAT). The new weapon, essentially an air-to-air missile equipped with a special homing device, will be launched from an F-15 aircraft. Once deployed, the U.S. ASAT will make every Soviet satellite vulnerable to swift destruction.

At present, the Soviet Union possesses an ASAT much more primitive than our own; it is incapable of reaching any of our strategically important satellites, which fly in extremely high orbits.

Both the United States and the Soviet Union have much to gain from a negotiated test ban on ASAT's. Our Armed Forces, and thus the reliability of our deterrent, are much more dependent on satellites than are those of the Soviet Union. Over 60 percent of our overseas military communications, for example, are transmitted via satellite. So, in the long run, it is to our advantage to avoid provoking a contest to create the best satellite killer. It is in the Soviet Union's interest to agree to a ban on ASAT's because of the superiority of our weapon.

Because our ASAT will be launchable from F-15's based all over the globe, its deployment will have an extraordinarily destabilizing effect on the balance of arms between the United States and the U.S.S.R. Almost certainly, the result will be a spiral of increasingly sophisticated technology, costing ever greater sums of money, yet providing less and less real security. The ASAT truly represents, to use Thoreau's phrase, "an improved means to an unimproved end."

The dangers posed by the further development of the ASAT to the United States, and thus to world, security are powerfully set out in an article which recently appeared on the New York Times op-ed page by Kurt Gottfried, a distinguished physicist at my alma mater, Cornell University. I commend it to the attention of my colleagues:

[From the New York Times]

A BACKFIRING WEAPON

(By Kurt Gottfried)

ITHACA.—ASAT, yet another acronym, has begun to invade the news columns. One is told that it is an antisatellite—a device that can destroy a satellite. But that still leaves many unanswered questions.

How does an ASAT differ from an antiballistic missile, or ABM, a device that can destroy an intercontinental ballistic missile, or ICBM, in flight? Satellites are much more fragile than ICBM's and stay in orbit for weeks. ICBM's are vulnerable for only a few minutes, so striking a swarm of them is a prodigious problem. Therefore, even an ineffective ABM could be a wonderful ASAT.

Do treaties allow ABM's? The 1972 ABM treaty does not permit the field testing of the laser ABM's alluded to by the President in his "Star Wars" speech. To quote the Arms Control Impact Statement the President sent to Congress in April, "The ABM treaty prohibition on development, testing and deployment of space-based ABM systems applies directly to directed-energy technology," that is, to lasers, etc.

Are ASAT's forbidden by treaties? Existing treaties impose no effective restraints on ASAT development or testing, even though there is a relationship between ABM's and ASAT's. Since an ABM system could, in its infancy, already be an effective ASAT, it could masquerade as such to evade the ABM treaty. By the same token, a program to develop only ASAT's could be misperceived as a budding ABM by the other side. ASAT's could therefore trigger enormous buildups of offensive missiles, which is precisely what the ABM treaty was designed to prevent.

What are the attitudes of the superpowers to weapons in space?

The Administration will not resume negotiations on limiting ASAT's. This stance is perfectly consistent with its long-range strategy, as laid down in the Defense Guidance, the Pentagon's five-year master plan. The plan assumes that the United States must be able to "prevail" in nuclear war; therefore, it must be able to "deny the enemy the use of his space systems" and "insure that treaties and agreements do not foreclose opportunities to develop these capabilities."

The White House wants to renegotiate the ABM treaty to allow spacebased ABM's, as it made clear yet again on June 18 in an amicable response to a speech by Foreign Minister Andrei A. Gromyko. Are the superpowers on the same wavelength for once?

They are not. The Kremlin has used every opportunity to suggest an interest in ASAT arms control and opposition to new-fangled ABM's, as exemplified by a remarkable advertisement in The New York Times by leading Soviet scientists attacking space-based ABM's.

Why do the two Governments take opposite sides on what seems to be only a technical issue? The Administration's motives were spelled out in the Defense Guidance and more recently by the White House: Our technological superiority should be applied to the difficult art of space weaponary to regain and hold strategic superiority. While Soviet motives are hard to assess, they are probably the other side of the same coin: A healthy respect for American technology and a fear that an arms race in space would be terribly expensive and hazardous. Indeed, they must now see that the major accomplishment of their inept 15-year ASAT project has been to justify an American program that is about to produce a much more potent weapon.

Does that not mean that the Administration's policy is best suited to American interests? Speaking first of ASAT, the United States, with its forces spread across the globe and facing a secretive adversary, relies heavily on satellites for communication and intelligence. In contrast, Soviet forces are mainly on or close to the Eurasian landmass and depend primarily on land-based and airborne communications. The United States would therefore be the loser if both sides acquired effective ASAT's.

But will the Soviet Union ever build effective space weapons? The United States has usually been first with sophisticated weapons: nuclear bombs, multiple independently targetable missiles, or MIRV's, submarine-based missiles, etc. The Soviet Union has always followed suit. Often their weapons are blunderbusses compared with American designs, but that does not make them less lethal. And in the case of ABM's, it is far more difficult to build a missile defense than to circumvent and overwhelm it.

In short, the Administration's military space policy rests on the assumption that, for the first time, the Soviet Union will not be able to respond effectively to a major threat to its security. Whether or not this conjecture is correct is not essential. If right, we can look forward to desperate Soviet reactions at least as dangerous as the Cuba missile crisis; if wrong, we can look forward to a standoff at a drastically reduced margin of safety.●

WHITE HOUSE CONFERENCE ON THE HOMELESS AND THE HUNGRY

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GUARINI. Mr. Speaker, today I have introduced a bill which calls upon the President to convene a White House Conference on the Homeless and the Hungry.

We do not need a "blue ribbon task force" to verify that the worst recession since the Great Depression is still victimizing many Americans with the twin national tragedies of homelessness and hunger. Immediate answers are needed to put roofs over the heads of families and individuals sleeping in their cars, in tent cities, or in abandoned buildings. It has been estimated that the number of homeless in America is between 500,000 and 2,000,000.

In addition, we need to direct some of the record amounts of food stored in Government warehouses to the Nation's hungry, the number of whom has grown substantially in the past year. A task force will only reconfirm that charitable groups have been severely strained trying to feed the hungry while the Federal Government has reduced its commitment to basic shelter and food.

As an example, one charitable group, the National Conference of Catholic Charities, reports that the number of emergency meals they provided jumped from 496,000 to nearly 1,000,000 between 1981 and 1982. Since this is but one group, these figures represent only the tip of the iceberg.

We consider ourselves to be one of the most affluent nations in the world, but these numbers of Americans who are homeless and who go hungry tell us how far we have to go.

In America there is now a "new poor," the middle class families whose breadwinners have been unemployed for so long that benefits and savings have run out. Many have been evicted, or soon face eviction, from their homes because they can no longer pay their mortgage. For the first time, mothers and fathers of these families are forced to stand at soup kitchens for a handout so that they and their children may eat. These families are swelling the ranks of the homeless and the hungry.

In our cities, building deterioration or collapse, fire, overcrowding, condemnation, cutbacks in new construction and rehabilitation initiatives, and the unavailability of decent and affordable low-income housing have contributed to the problems facing a new breed of exile—the "urban refugee"—welfare families who have been displaced and are homeless. In some instances, cities have been forced to provide short-term hotel housing for homeless families to alleviate this shortage. I have visited these sited with the chairman of the Ways and Means Subcommittee on Oversight and Investigations, who has joined me in cosponsoring this bill, and we have seen that these places are not suitable for family life. Such hotel lodging is sorely deficient in safety and security for the families. There are no health care and counseling facilities, nor are there cooking or refrigeration facilities so that the children may eat good meals. The children have no recreational facilities. The hotels are often located in an unfamiliar area far from family, friends, neighborhoods, and schools.

This emergency lodging is obtained at considerable expense. Monthly rents at the hotels we visited are upwards of $1,000, the cost of which is borne by local, State, and Federal taxpayers. The construction or rehabilitation of temporary emergency housing would be far more cost-effective.

The number of Americans under the poverty level has risen to 15 percent. Many of these people—who are of all ages, from infants to the elderly—go to bed hungry. The plight of the hungry has been harshly spotlighted by the long lines waiting to receive free cheese from the U.S. Department of Agriculture. In the meantime, the Federal Government has reported record amounts of wheat, dairy products, and other staples being stored away. All this while Americans suffer from lack of food.

Because we have these problems, we must call together the people who understand the magnitude of the issue and who can brainstorm for solutions. For this reason the House should call upon the President to convene a White House Conference on the Homeless and the Hungry. Federal, State, and local government officials should meet with representatives of charitable organizations and community-based groups for answers and action.

We need to provide long-range planning to insure appropriate shelter and proper nutrition for all families and individuals who are in need. We must accelerate the availability of community-based emergency facilities to house the homeless and feed the hungry, and we must give them the resources to do the job.

We must explore incentives for private developers and cities to rehabilitate units, including abandoned urban buildings, which may be used to house the homeless.

We must take advantage of the bounty of our Nation's farmers, which has filled our warehouses with grains, dairy products, and other staples. It is truly a shame that Americans go hungry while this administration quibbles over how much surplus food should be released.

Finally, we must improve data collection to ascertain the extent of the problem of America's homeless and hungry so that adequate resources may be devoted to its solution.

I strongly urge my colleagues to call upon the President to convene a White House Conference on the Homeless and the Hungry. We know there is a problem; what we must find now are solutions.●

TRIBUTE TO RUTH DAZLE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DE LUGO. Mr. Speaker, I would like to bring to the attention of my colleagues the innovation and determined efforts of a very special woman in my community, the U.S. Virgin Islands. When the Virgin Islands Department of Education was forced to cancel summer school sessions due to financial difficulties, Ruth Dazle responded quickly and creatively. She sought and obtained the finances, space, and tutors necessary to establish a tutorial program to assist 70 youngsters who otherwise could not have had this opportunity at all this summer. Not only is Ruth Dazle a woman with a big heart, she is a woman of action and determination. I salute her and I thank you, Mr. Speaker, for allowing me to share with you and the Members of this House the achievements of this remarkable woman, Ruth Dazle.

I would like to submit the following article and editorial which appeared in the St. Thomas Daily News to the RECORD, as I feel it best captures the efforts of this dedicated lady.

A DAZLEING SOLUTION TO SUMMER SCHOOL CUTS

(By Philip G. Harrigan, Daily News staff)

When school officials announced, just weeks before school closed, that there would be no summer sessions in the public school system, a lot of parents were alarmed.

For those who could not afford private summer classes, it meant their children would be deprived of the extra schooling needed to pull up grade averages and, in some cases, advance to the next grade.

But then one woman decided to do something about it. She started her own free summer-school program.

The Youth Tutorial Program, under the supervision of Ruth Dazle, began June 21 after Dazle decided to "try to do something for the children."

Initially, she said, she went to local businesses to find a sponsor, and approached Randy Knight, president of Cable TV, with her summer school concept. Knight liked to the idea.

"I agreed to sponsor the tutors and purchase the supplies," Knight said. The tutors are six young women who instruct about 70 youngsters. The students range from preschoolers to ninth-graders, with first-to-third graders comprising the largest concentration.

Dazle also arranged for a federally sponsored hot-lunch program for her students. Until the lunch program got underway, she fed them herself.

And, when the lunch program ends in two weeks, almost three weeks short of the Youth Tutorial Program's Aug. 31 ending date, Dazle again will take it upon herself to feed the children.

"There should be a lot more people like Ruth Dazle," said Knight. He called her program "fantastic," and said it should be an example to others to "really get involved" in helping V.I. youth.

The Youth Tutorial Program classes are held Monday through Thursday, with Friday a "recreation day" for the students. "Trips to the beach and fashion shows are scheduled as changes of pace.

Academic work, however, is the focal point of the program, and students are taught mathematics, English, science, history and home economics. Classes run from 9 a.m. to 3:30 p.m.

With such a large group to contend with, Dazle said, the only "major problem I had with the children has been discipline." She smilingly added that she and the children, "have crossed over that bridge now."

"As parents, we get aggravated most of the time with teachers," she said. "But when you have to do it yourself—you understand." Dazle has been able to understand the rewards, as well as the stresses, of teaching, saying, "the attitudes of my children have improved 100 percent."

Dazle, who in addition to running the program is a member of the St. Thomas-St. John Community Crime Committee, a United Way board member, a member of the League of Women Voters and the chairperson of Tenants United For Fairness (in whose offices the tutorial program is housed), feels that someone has to take the interests of island youth to heart.

"I'd do it anytime I had to," she said of her program, "just to save the kids."

A Remarkable Woman

If the Virgin Islands had more Ruth Dazles, think what we could accomplish.

Here is a woman with imagination and energy, a woman whose waking hours are devoted to making life better for all of us, and particularly for those whose needs often are pushed aside or forgotten.

Single-handedly, she has set up a tutorial program for 70 children to make up in some small way for the cancellation of summer school by the Department of Education.

She got the money from Cable TV to cover the cost of salaries and supplies. She found space in the Oswald Harris Court headquarters of Tenants United for Fairness, the organization she heads. She arranged for the federally funded school-lunch program to supply hot meals for the children. She hired the six tutors.

The result: a thriving tutorial program that will help 70 youngsters get a head start on next year's academic demands—and allow them to have some fun in the process.

Ruth Dazle is a remarkable woman who contributes to the well-being of these islands in innumerable ways. This is just our small way of saying thank you.●

REV. DR. MARTIN LUTHER KING'S BIRTHDAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1983

● Mr. RINALDO. Mr. Speaker, I want to congratulate the Members of the House of Representatives for voting to make the Reverend Dr. Martin Luther King's birthday a national holiday.

In the years since emancipation, black Americans have had the good fortune of being addressed by a series of extraordinary leaders—men whose generosity, magnanimity, and limitless good will exemplify the human greatness Americans are capable of. We were lucky to live during the lifetime of one such leader, the Reverend Dr. King. In a way, Dr. King's thought incorporates much of the best of his most thoughtful predecessors—such as Booker T. and even Augustus Washington, Frederick Douglass, Burghardt DuBois, founder of the NAACP, and James Weldon Johnson.

I am reminded here of Frederick Douglass' masterful oration to Abraham Lincoln. "Truth compels me to admit * * * Abraham Lincoln was not, in the fullest sense of the word, either our man or our model," Douglass said. Yet he honored Lincoln above everyone for delivering his people from the world's cruelest slavery.

Dr. King was our conscience. He never allowed us a minute to forget that this country was called to a special mission, to learn and to teach the world that equality in human rights means equality for all human beings. But, more profoundly, he taught us that the legal principle of equality must be transcended by love, and that the bonds of human affection legitimate the law of equality. Reverend Dr. King brought us back again to the classical and Judaeo-Christian insight that the root of politics lies in the soul, and the goal of politics is the cultivation of character. Human dignity is truly an ideal that knows no color distinctions.

By honoring this great-souled teacher, we honor our country's principles and our true selves.●

PROTECTION FOR THE REPUBLIC OF CHINA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. KEMP. Mr. Speaker, during consideration of H.R. 2957, International Recovery and Financial Stability Act, I joined with the gentleman from New York (Mr. Solomon) and the gentleman from California (Mr. Patterson) in offering an amendment to protect the rights of the Republic of China as a member of the Asian Development Bank. Our amendment simply stated that should the Republic of China be denied full membership in the ADB, the United States will terminate its support for that institution. I am pleased that the amendment, supported by both sides of the aisle, was accepted overwhelmingly.

Through an inadvertance, my remarks on the amendment were not included in the Record of yesterday. Therefore, I ask that they be included here, along with the text of the amendment, and that they appear in the permanent Record in the appropriate place.

Page 46, after line 8, insert the following:

"(c) Whereas the Republic of China is a charter member in good standing of the Asian Development Bank;

"Whereas the Republic of China has grown from a borrower to a lender in the Asian Development Bank; and

"Whereas the Republic of China provides, through its economic success, a model for other nations in Asia: Now, therefore, be it

"Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the support provided by the United States to the Asian Development Bank will be terminated if the Republic of China is denied full membership in the Asian Development Bank.".

Mr. KEMP. Mr. Chairman, I appreciate the consideration of the gentleman from California and that of the chairman and ranking member of the committee in accepting this important amendment which protects the rights of the Republic of China in the Asian Development Bank.

This amendment is offered by the distinguished gentleman from New York (Mr. Solomon) and myself in order to preserve the Republic of China as a full member in good standing of the Asian Development Bank. In recent months, the People's Republic of China has asked to join the ADB with the unfortunate condition that the Republic of China be expelled. Without prejudicing the application of the PRC, we believe that the status of the ROC should be guaranteed.

The Republic of China has been a member in good standing of the ADB since its founding in 1967. It was a charter member. The record of economic achievement over that time—a

record made possible by sound economic policies and the hard work of the people of this island nation—is well known. Over the 17 years, this economic achievement has enabled the ROC to graduate from a borrower from the bank to a lender to its fellow Asian nations.

Mr. Chairman, it is important for the United States to send an unmistakable signal to the management of the ADB and to the other members that we will not tolerate the expulsion of the ROC or an involuntary reduction in its status. Membership in the ADB of the People's Republic must be considered on its own merits without any effect on the status of other members.●

U.S. INSPECTORS HAZARD

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today I am submitting for the CONGRESSIONAL RECORD a newspaper article from the El Paso Times. I commend this unique situation concerning U.S. Customs inspectors to my colleagues, and I believe it underscores the critical need for increased numbers of inspectors in order to expedite crossings at our international bridges for personal health reasons as well as air quality considerations.

The article is as follows:

[From the El Paso Times, July 25, 1983]

EXHAUST TAKES TOLL ON BRIDGE INSPECTORS

(By James Maish)

Some days, U.S. Customs Service inspector Allen Bell wants to slam the door when a smoke-belching vehicle approaches his booth at the Paso Del Norte Bridge.

His second impulse, though, says do the job, which he does.

"Sometimes there are days when I feel like if I take a deep breath of air out here, I could chip a tooth on it." Bell said, watching a steady stream of cars, taxis and buses pouring across into El Paso from Juarez.

"Look there goes another one," he said, pointing to a white pickup truck pouring out bluish exhaust into a hot July afternoon.

Fifteen years after the federal government first conducted air quality tests at El Paso's border bridges, customs and immigration officials face what many see as worse breathing conditions than ever.

These tests demonstrated that carbon monoxide levels far exceeded federal standards at times, mainly at the Paso Del Norte Bridge Downtown. The human exposure factor was within accepted limits, though.

Since then, the federal government has started a worker rotation system and installed blowers to disperse fumes.

But the problem has outpaced the solutions, inspectors say.

Many more El Pasoans, for example, are filling their tanks with the still inexpensive but lower-grade gasoline in Juarez. And the U.S. inspectors live with the aerial byproducts.

"I am resigned to the fact that I have to live with (the air)," said customs inspector Raul Mandora, 53, a 12-year bridge veteran.

Little research evidence has linked heavy carbon monoxide exposure to later long-term health problems.

It is small consolation to bridge workers, though, whose booth windows have to be washed every two days to remove exhaust soot.

Some inspectors say the federal government should consider giving hazard pay to bridge inspectors and allow them to take early retirement.

Other inspectors suggest building a new bridge on the East Side to alleviate bridge congestion. They propose wearing masks or enforcement of federal air standards at American ports of entry.

Each answer—some tried, some too expensive—has its problems.

Masks cause a public relations problem, Mendoza said. "People think you are sick or something."

Customs inspector Joe Najar said he is not holding his breath that air quality changes will happen soon at the Paso Del Norte Bridge.

Najar is president of the 250-member National Treasury Employees Union in El Paso. The union includes customs inspectors, clerks and patrol officers.

Repeated federal and local air-quality tests on the bridges have shown levels of carbon monoxide in excess of federal standards.

A 1979 federal study by the Occupational Safety and Health Administration showed Lane 1—nearest the Paso Del Norte Bridge office—routinely exceeded carbon monoxide standards by 50 percent.

However, the Tri-Agency Border Survey noted that worker exposure to the high levels of carbon monoxide in El Paso fell within federal standards.

The federal study recommended better air-conditioning, maintenance, improved traffic control such as speed bumps and signals, and future construction with prevailing winds in mind.

"Available studies on the long-term effects of continued exposure to low levels of (carbon monoxide) are scarce," the study states. It said employees failed to document ailments related to air quality.

Telltale symptoms of carbon monoxide poisoning include headaches, fainting spells, nausea, lethargy and irritability.

Immigration inspector Norman Fisher said he knows them. When he complained that fumes were making him ill, he was told to look for another job, he said.

"You can quote me on that. Most of us are told the same thing," said Fisher, who is president of the American Federation of Government Employees Local 1210.

His El Paso union represents about 150 immigration inspectors, detention officers and secretaries, among others, in El Paso.

Fisher said his work hours were cut after he complained. He had to file a grievance to have the hours reinstated.

Fisher said the problem is not confined to the outdoors.●

MONTHLY REPORTING FOR AFDC RECIPIENTS SHOULD BE STATE OPTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RANGEL. Mr. Speaker, today I am introducing legislation which would make the use of monthly reporting and retrospective budgeting a State option rather than a mandatory Federal requirement in the aid to families with dependent children (AFDC) program.

Most States have found the monthly reporting and retrospective budgeting requirement to be costly to administer and ineffective as a way to reduce error rates. In fact, they have found that error rates have gone up as a result of the degree of difficulty that recipients have in complying with the complexities of monthly reporting and retrospective budgeting.

Findings recently made available from a number of demonstration projects provide hard research data to confirm that monthly reporting and retrospective budgeting also results in the denial of benefits for needy families. Researchers in Michigan found that over 90 percent of those who were terminated form AFDC for failure to file a monthly report were poor families who met the eligibility criteria in every other respect. Surely, when Congress adopted monthly reporting are retrospective budgeting, we had no intention of denying benefits to those who are eligible. But that is in effect what is happening.

Furthermore, demonstration projects in Michigan and Colorado found that no statistically significant savings result from monthly reporting and retrospective budgeting. In the face of such evidence, I can see no justification for continuing a policy which is administratively costly and which denies benefits to those whom Congress have made eligible for AFPC.

Presently, States are required to reduce AFDC error rates to very low levels or face substantial penalties. If monthly reporting and retrospective budgeting were an option, States would be able to implement the most effective methods to reduce errors, and would not be required to divert substantial resources from proven methods in order to institute a costly monthly reporting and retrospective budgeting system.

To date, 32 State human service directors have written to Secretary Heckler, Secretary Block, and Members of Congress to express their support for legislation which would make monthly reporting and retrospective budgeting an option to the States in both the AFDC and food stamp pro-

grams. Congressman JIM MOODY has introduced a companion bill (H.R. 3557) which would make monthly reporting and retrospective budgeting an option for the food stamp program.

The American Public Welfare Administration has voted unanimously in support of making monthly reporting and retrospective budgeting an option to the States. The Food Research Action Center (FRAC) as well as many other local advocacy groups and local administering agencies support this bill. The Congressional Budget Office has estimated that changing the current mandatory requirement to a State option will cost little if anything.

Under the bill I am introducing today, monthly reporting and retrospective budgeting would be made an option to the States. In addition, the bill would hold States harmless for their inability to implement monthly reporting and retrospective budgeting since their inception as part of the Omnibus Budget Reconciliation Act. Finally, these provisions would expand the Department of Health and Human Services waiver authority to permit full compatibility for the monthly reporting and retrospective budgeting requirement between both the AFDC and food stamp program.

The following is a list of the States which have written Secretary Heckler, Secretary Block, and Congress on this issue:

Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.●

H.R. 2715

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SISISKY. Mr. Speaker, I would like to commend my colleague, Mr. WHITEHURST, for his efforts to correct the inequities which are experienced by many long-term former military spouses. The Uniformed Services Former Spouses Protection Act which was sponsored by Congressman WHITEHURST and passed during the 97th Congress was a major step in solving the problems faced by women who have participated in the military as service wives.

However, for a variety of reasons, many former military spouses continue to be neglected and treated unjustly. For example, the former spouses legislation, as it pertains to medical care, only affects spouses who divorced after February 1, 1983. Consequently, many women who have served their country and their family are still denied military privileges and vital health care simply because their divorces occurred before the legislation was enacted.

For these reasons, I am proud to be a cosponsor of the Uniformed Services Former Spouses Health Care Act of 1983 (H.R. 2175), which seeks to correct this injustice by extending military privileges to all deserving former spouses regardless of the date of divorce, dissolution, or annulment of the marriage.

Furthermore, H.R. 2715 revises the qualifying criteria for military benefits to include former spouses who have acquired a disease or disability due to the nature or location of the member of former service.

It would also include former spouses who were married for at least 20 years to an active military member, only 10 years of which need to include active military service.

Prior legislation extending military privileges to former military spouses is too restrictive and continues to prevent deserving former spouses from receiving benefits and health care they desperately need. I encourage my colleagues to support H.R. 2715 as an effort to address this problem and to demonstrate our concern for military spouses whose service and sacrifice must not be overlooked.●

STATEMENT ON IMF FUNDING

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DASCHLE. Mr. Speaker, the vote yesterday on supplying the International Monetary Fund with an additional $8.4 billion in lending authority out of the pockets of America's taxpayers was, I think, a very large mistake. I voted against this authorization, and I would like today to make very clear the reasons lying behind that negative vote. Despite all the maneuvering, and the manipulation, and the administration arm-twisting, my position on this bill remains as it was in the beginning. Put quite simply, this was a totally unnecessary expenditure of funds, designed to do little more than make sure that some of our go-go bankers, who got in over their heads on shaky loans to foreign countries, would not have to pay for their own mistakes.

It continues to amaze me how this administration, which will fight tooth and nail against spending funds for child nutrition programs, which opposes with its last breath an attempt to provide temporary loan assistance for hard-working Americans whose homes are being foreclosed out from under them, and which opposes a 4-percent pay increase for our military personnel, all in the name of budgetary constraints, can all of a sudden pull out all the stops to lobby in favor of over $8 billion more to make sure that the international bankers do not have to accept the consequences for their own foolish mistakes.

Of course, we were told, time and time again, that this bill was not a bailout for these bankers. We were told that, by assuring the prosperity of the countries that these IMF loans go to that we will be assuring markets for our exports, particularly agricultural exports. If this were true, I would have had to perhaps revise my position on this bill. If this had in fact been the case, I would have voted for this bill.

My State, South Dakota, is primarily an agricultural State. It depends a great deal on export of its agricultural products. However, providing another $8.4 billion of our taxpayers' money to the IMF will not help our agricultural exports. On the contrary, it will probably harm them. This is so for a very simple reason. The IMF has a history of conditioning its loans to client countries with a number of domestic policy changes. Chief among those changes is a requirement that the client countries put in strong incentives to reduce their imports, and increase their exports. In other words, by making more loan authority available to the IMF, we are encouraging this organization to go into other countries and convince them to stop importing products, including our own agricultural products. How this improves our export markets totally escapes me.

If the proponents of this bill, including the administration, are so concerned about our agricultural exports, I have a suggestion for them. Take the $8.4 billion we are talking about here, cut it in half, and apply it to subsidizing our own grain sales abroad. Over $4 billion in export subsidies would have a tremendous positive effect on the export of our agricultural products, and it would have a direct effect, unlike the Rube Goldberg machinations that the IMF would make client countries go through.

There is one final point to be raised. With the acceptance of the ST GERMAIN amendment to this bill last week, many of my colleagues may have thought that we had sufficiently changed the bill to make sure that it would not be a bank bail-out, and that we had conditioned IMF loans to make sure that they do not work against our own exports, as they have in the past. Unfortunately, this is simple not true.

The Wall Street Journal, in a surprisingly frank editorial, laid out publicly just what this maneuver amounts to. In that editorial, which I am insert-

ing in the RECORD at the end of my remarks, the Journal says:

The game now is to get something-anything-into conference committee with the Senate, which approved the $8.4 billion last May. Then proponents conceivably could come back to the House floor with a compromise that can be used to outflank their foes.

We have now sent this bill into conference, and it remains to be seen if in fact the even minimal protections we have inserted into the bill will survive that conference. Frankly, I am disposed to think that they will not. The administration has probably won its battle to bail out the big banks. However, I would like to take this opportunity to go on record as making it very clear that it will be difficult for me in the future to take the administration's pious pronouncements about its commitment to budgetary responsibility very seriously. Spending $8.4 billion in an enterprise of extremely dubious value, which will have the immediate effect of hurting our agricultural export market, seems to me to be a particularly glaring example of budgetary irresponsibility. I suppose I should not be surprised, however. This is, after all, the administration that has given us record budget deficits, stretching down the years as far as the eye can see.

The Journal editorial follows:

[From the Wall Street Journal, Aug. 1, 1983]

THE SKY HASN'T FALLEN

Backers of the proposal to increase the U.S. contribution to the International Monetary Fund by $8.4 billion staved off several attacks in the House Friday, but the bill still faces an uncertain future. It has been languishing in the House for nearly three months, and the 40 or so amendments still awaiting it testify to the difficulty of putting together a winning coalition.

But the future of the administration and congressional leadership to gain approval for the bill hasn't caused the sky to fall. And it isn't likely to, despite the predictions of proponents who say the financial system will collapse if billions aren't spent to bail out the countries and banks that got themselves into trouble during the roaring '70s.

In theory, the IMF is supposed to help the international system adjust to the new economic realities by imposing sensible fiscal and monetary policies on debtor nations in return for new loans. In fact, the promise of handouts from the IMF is likely in many cases to delay adjustment, because not even the sages who run the IMF know how to fix every country's economy and many debtors will use the money to defer taking the necessary steps themselves.

Proponents of the IMF, including the administration, nevertheless are busy trying to breathe life back into the authorizing legislation by offering goodies left and right, so to speak. To placate liberals, there have been amendments to turn the bill into a bash-the-banks measure, as well as all sorts of "understandings" about everybody's pet domestic spending programs. To garner votes from conservatives, an amendment has been incorporated that holds out the vague promise of a conference to discuss international monetary reform, such as a gold standard. Last week, language was inserted that would require Treasury Department certification of a crisis before much of the money could be loaned out—though this clearly was a fig leaf, since the Treasury already has said it thinks there is a crisis.

The game now is to get something—anything—into conference committee with the Senate, which approved the $8.4 billion last May. Then proponents conceivably could come back to the House floor with a "compromise" that can be used to outflank their foes.

Even if that parliamentary maneuver doesn't succeed, the IMF and its backers have a trick or two left up their sleeves. At this September's annual meeting of the IMF, there's likely to be a big push to expand something known as Special Drawing Rights. These are pieces of paper that are issued to member countries and that can then, in theory at least, be swapped for hard currencies at the discretion of the IMF. So far not much swapping has been done, because countries with hard currency aren't very eager to hold SDRs. But the failure of Congress to give the IMF real money to play with has sent its bureaucrats scurrying to the drawing boards to plot a way to animate this backdoor technique for sustaining their empire.

So the game isn't over yet. But we aren't unhappy to see the IMF bill in serious trouble. It was getting to be too costly. And much as we would like some attention given to reforming the international monetary system, we suspect $8.4 billion is a little stiff for the Treasury's vague offer of a conference on the subject. Besides, the last thing the monetary system needs is a new flood of liquidity showered on the less productive economies at the expense of the more productive.●

SENIOR CITIZENS INDEPENDENT COMMUNITY CARE ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RANGEL. Mr. Speaker, today I am introducing the Senior Citizens Independent Community Care Act.

In the coming years, a larger and larger percentage of our population will joined the ranks of senior citizens. As their numbers increase, so will their need for long-term medical care. Unfortunately, our existing laws either encourage expensive institutional care or no medical care at all.

Yet many of our elderly who have medical disabilities do not require, nor can they afford to receive institutional care. In many of these cases, the individual would be much better off if they could stay in their own neighborhoods. For all too many seniors, the removal from familiar surroundings to an institution results in a worsening of their mental, if not their physical condition. But without some sort of assistance, staying at home or with a relative is out of the question.

Medicare has focused almost exclusively on institutional acute short term care, specifically excluding any form of custodial care.

The only instance where medicare has provided some sensitivity to the growing needs of the chronically ill and disabled is in skilled nursing services. The 1982 tax bill, eliminated the prior hospitalization requirement for these services. However, limitations inherent in the eligibility for skilled nursing remain, and the weekly limit on home health aid has been cut from 20 hours to 9 hours. Regulatory limits have been tightened to the point that congressional efforts to liberalize benefits for noninstitutional care have been more than canceled out.

This leaves medicaid as the primary source of funding for long-term care. Problems and shortcomings are also inherent in this policy. First and foremost, the program covers only the very poor. In 1980 only 13 percent of the 25.7 million elderly people in this country were covered. In addition, medicaid imposes a great financial burden on States, long-term care being the fastest growing part of that burden. There is a problem of continuity of care. Benefits—if they exist at all—are fragmented between medicare, medicaid, and those extraneous sources available to the 87 percent who do not qualify for medicaid.

Unfortunately the current medicaid program promotes dependency by limiting eligibility to those who are already financially destitute or those who make themselves destitute for this purpose. A 1974 survey by CBO found that nearly one-half of medicaid nursing home patients were not initially poor by State definitions but were forces to deplete their resources in order to qualify as medically needy. Given the rising costs of care, this percentage has most certainly increased since that time.

There are still other problems with the present medicaid program. Couples too frequently are forced to divorce so that one spouse can get a nursing home subsidy without impoverishing the other. The policy often results in covert violations of the law by families attempting to transfer their parents' assets before their admission to nursing homes.

It is also clear to me that we cannot finance a new medicare program as a cost reimbursed service. The perverse incentives within our health care system simply encourage providers to increase services rather than look for alternatives and efficiencies. Personally, I would hope that we can:

Move long-term care into the mainstream of the health care system.

Convert the health care system from cost based to a prospective-capitated base.

Promote the development of home care as an alternative to institutional or nursing home care.

In any proposal the coordination of services under one program is an essential cornerstone.

With these goals in mind, I am proposing steps to fix the existing system and strike out in a new direction of providing community-based home health care. To that end I am proposing today the Senior Citizens Independent Community Care Act.

This legislation would amend title XVIII, medicare, of the Social Security Act to provide for a home health care program. It would assess the cost-effectiveness of prepaid capitation systems for providing acute and long-term care services for individuals aged 65 or older. It would provide home health services for elderly Americans in order to avoid unnecessary institutionalization, thus saving on the high costs of these facilities and promote the maximum functional independence of individuals. It would coordinate public and private programs serving the elderly through an assessment process that determines the eligibility and the appropriate level of care needed by individuals to keep them in their community and homes.

Besides the service currently provided by medicare, the bill would expand the scope of benefits to include homemaker-home health aid, adult day-care services, respite care services, service coordination to insure access and appropriate utilization without duplication, and individual assessment and treatment plans.

The program would be implemented initially in a maximum of four States. It would be open to all individuals who are entitled to medicare benefits under part A and enrolled under part B, who are age 65 or older, who reside in a State testing the program, and who have a defined level of physical or mental disability that requires help for a period of at least 6 months.

Preadmission assessment teams will evaluate each individual's health status, functional capabilities, home and family environment, in order to determine the type and frequency of services needed. Such evaluations will be conducted periodically to coordinate the optimum and appropriate utilization of services.

The payment of benefits will be based on a capitation method. The fixed per capita fee paid to each provider will be determined jointly by the Secretary of HHS and the participating State reflecting urban and rural differentials and adjusted to fit costs.

In addition, there would be a system of copayments by eligible individuals which would parallel the fees under part A or B for the same services. Those receiving homemaker-home health aid services, adult day services, and respite care services would pay a sliding fee indexed to their income.

The program would begin on January 1, 1984. The quality and utilization of services provided is to be monitored by the participating State, the Secretary of Health and Human Services and the Comptroller General (GAO). Several reports have been requested to include recommendations for implementing the program on a national basis, suggested legislative changes necessary to insure effective implementation, and a detailed plan for such implementation. Finally, the bill provides funding from the Federal hospital insurance trust fund and the Federal supplementary medical insurance trust fund.

This bill promotes what I believe are essential features to a long-term care policy. Foremost it provides home health care to maintain an individual within his or her own family and community. Second, a capitation payment method is employed to provide incentives for alternative and innovative methods of health care delivery. The bill specifically targets the high risk elderly, those that need home services if they are to be kept out of nursing homes and functioning independently.

This legislation ties together acute and long-term care and asks providers to develop a coordinated approach to care of the elderly. Only by enlisting the medical community in addressing the problem of how to link long-term care with acute care and physician care will we achieve any meaningful solutions. This bill attempts to do just that.

During this past year, the medicaid program has undertaken some remarkable experiments in long-term care through its waiver authority. There are currently more than 40 such projects nationwide. Last year's TEFRA legislation provided limited home health services for those age 18 and or under. Because of newer developments in medicaid and disability programs, this initiative focuses on medicare where the magnitude and need for a coordinated program remains paramount.●

WOMEN'S EQUALITY DAY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DAUB. Mr. Speaker, as we prepare to recognize Women's Equality Day on the 26th of this month, it is appropriate to note the significant advances that have been made by American women. From as nearby as the House of Representative's reading clerk's desk to as far away as outer space, formerly male bastions have given way to the driving competence and determined ability of American women.

Despite this important progress, economic inequities—for the homemaker as well as for those who work outside the home—continue to persist. The so-called feminization of poverty is not an empty phrase but rather a tragic reality, and it relates directly to women's jobs, wages, education, pensions, and social security. As a member of the House Select Committee on Aging, I held a field hearing in Omaha, Neb., last year that documented problems faced by older women. One participant's summary was noteworthy:

> The women of the United States have always carried the burden and the responsibility for nurturing families and communities. It is time that we, as a society, protect them financially so that the cost of their nurturing is not poverty.

Women's Equality Day should be a time to commend the achievements that have been made, but it must also be a time to commit ourselves to the unfinished agenda—financial security for the older woman, enforcement of title IX regulations governing equality in education, access to quality child and dependent care services, and a constitutional amendment that will guarantee equal rights under the law.

As the role of the American woman continues to evolve, their contributions to society will continue to expand to new fields of endeavor. Those contributions will be enhanced by a national commitment to equal oportunity, equal responsibility, and equal rights.●

INCENTIVES FOR NEW ENERGY TECHNOLOGIES

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FUQUA. Mr. Speaker, the Subcommittee on Energy Development and Applications, which I chair, has recently held hearings on the effectiveness of existing tax incentives for promoting the development and utilization of new energy technologies. The subcommittee is considering the desirability of continuing those incentives beyond their current expiration dates.

During the 2 days, we heard various witnesses from the private sector on how these incentives are spurring development in new energy technologies, such as solar, thermal, biomass, synthetic fuels, low head hydroelectric, and others.

I was especially interested to learn of a breakthrough that could greatly increase electrical power production capacity in this country. The announcement concerning a major advance in a 50-year-old technology called thermocoupling was made at the July 21 hearing by Alan Magerman, president of Omnimax, Inc., a

Philadelphia research and development firm. He was accompanied by Dr. Harry A. Beale, director of research for Omnimax's subsidiary, U.S. Energy Resources, Inc.

The new development incorporates thin film deposition technology in the design of a thermocouple, making it for the first time an efficient generator of current. Incorporated in a thermoelectric generator, it would use otherwise wasted heat at electric power or other plants to produce electricity much more cheaply than current technologies.

This process could add 60.6 billion kilowatt hours per year to the Nation's steam generating electric powerplants. This is more electricity than the entire State of Georgia used last year.

As was stated at the hearing, a utility plant with turbine generators uses a fuel equivalent of 1,538 megawatts to produce 500 megawatts of electrical power for the consumer. The lost power is 1,038 megawatts. Of this, one-half is nonrecoverable because it is lost as heat through various inefficiencies. The remaining 519 megawatts is lost as waste heat. According to Dr. Beale, the new system is designed to recover at least 18.5 megawatts of this waste at the plant, which spends $350,000 to $400,000 in fuel costs alone to produce 1 megawatt.

Research and testing of the thermoelectric generator was made by U.S. Energy Resources with Battelle Memorial Institute, SRI International—formerly Stanford Research Institute—and Georgia Institute of Technology.

Using tax incentives, U.S. Energy Resources will build a prototype of the thermoelectric generator incorporating the advance within 12 to 15 months. According to Dr. Beale, the generator will have low-cost maintenance and low capital equipment investing cost. It can be easily retrofitted to existing equipment at a plant.

This is just the kind of research into new energy technologies that we must encourage, if the United States is ever to come near its goal of energy independence, as well as conserve as much as possible or our precious and limited natural resources.●

TRIBUTE TO VIC WERTZ

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, many baseball fans have seen the fabulous catch the Willie Mays made in the 1954 World Series. Not every fan knows that Vic Wertz hit that ball. Vic Wertz played for 17 years in the major leagues with six different teams. Vic always considered himself a Detroit Tiger, a team on which he played for 8 years. On July 7, 1983, his death was mourned. Vic Wertz died in Detroit, Mich., at the age of 58. He was born in 1925, in York, Pa.

Mr. Wertz started his baseball career in 1942 with Winston-Salem in the Piedmont League. In 1943 Wertz was sent to the Tiger's farm club, and 4 years later he was called up to play in the majors for Detroit.

Wertz was a productive hitter for the Tigers. His best seasons in a Tiger uniform, were the 1949 and 1950 seasons. During these years his batting average was over .300, with a combined total of 47 home runs and 256 RBI's. During the 1952 season he was traded to the St. Louis Browns and consequently played for three other teams: the Baltimore Orioles, the Cleveland Indians and the Boston Red Sox. In 1961 he was back in Detroit playing for the Tigers.

Toward the end of the 1955 season Vic Wertz was stricken with polio. Mr. Wertz recalls, "There were 5 days where I do not remember anything. When I came back to consciousness, my left leg was paralyzed. One morning, I woke up and my toes finally worked. After that, I hoped I could someday help to cure cancer or polio."

After his fight with polio in 1955, Vic Wertz decided to resume his baseball career. Ironically, that season in 1956 was one of this best seasons ever. He hit 33 home runs, the most for him in any season, and 106 RBI's. He was also named comeback player of the year. In 1963, Vic Wertz ended his baseball career with the Minnesota Twins.

Among the accomplishments of his successful career, Vic was a three-time all-star, appeared in one world series and set a major league record by hitting seven home runs, in five games. He is also a member of the Michigan Sports Hall of Fame.

Aside from baseball, Vic Wertz gave much of his time to charitable organizations. He hosted an annual golf tournment to help raise funds for the Girls and Boys Clubs of Metropolitan Detroit. He also sponsored a snowmobile race for the Special Olympics. The contributions generated by Vic Wertz were not limited to financial assistance—they went deeper than money—he gave his heart and himself to the people of Michigan.

Vic Wertz was also a successful businessman. In 1955, he bought a beer distributorship that grew into one of the State's largest.

People who knew Vic Wertz loved him. Cleveland Indian, Lou Boudreau, said, "Everybody who met Vic Wertz liked him, he was a great man." Vic Wertz will always be remembered as a tremendous baseball payer, a successful businessman and an extremely thoughtful person.

Vic Wertz is survived by his wife, Lucille, his two children, Terry and Patricia, a granddaughter and two sisters, Mrs. Dorothy Gibbs and Mrs. Doris Baker. All those who were affected by Vic Wertz's many contributions to baseball, charity, and people, are forever indebted to his devotion and love for the city and people of Detroit.●

ST. MARY'S HOSPITAL ADMINISTRATORS AND STAFF PRAISED FOR THEIR DEDICATION TO PROFESSIONALISM AND GOOD MANAGEMENT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DURBIN. Mr. Speaker, the Deputy Chief of the Department of Health and Human Services in Washington recently stated: "Medical inflation just keeps pushing forward."

Few Americans who have sought medical care recently would quarrel with this statement, but it is important for us to note the exception and more important for us to consider why exceptions occur.

One obvious exception to the highly inflationary trend of medical costs is St. Mary's Hospital of Decatur, Ill., in the 20th Congressional District. Sister Ann Pitsenberger, the executive vice president of the hospital, recently announced that St. Mary's, through a total team commitment of monitoring costs, has been able to keep a lid on expenses at a time when most health care institutions are continuing to raise prices. The price freeze at this time keeps St. Mary's costs well below the State and national average.

Sister Ann noted several reasons why St. Mary's was able to hold down costs.

First on her list was a total commitment by the St. Mary's Hospital team to follow an austerity program. The hospital emphasized productivity, group purchasing, prudent personnel practices, and professional time management. Overhead expenses for energy were monitored closely and St. Mary's was able to draw on an active auxiliary of more than 500 junior and senior members who provided countless hours of volunteer service.

Mr. Speaker, it is especially important to keep in mind that St. Mary's Hospital is located in Decatur, Ill., which has had the dubious distinction in the past year of being a national leader in unemployment.

It takes a special commitment to maintain critical health services in a community which has been racked by a national recession.

St. Mary's Hospital in Decatur is more than a success story. It is an exception to the rule and an example for medical institutions across this Nation. I salute the administrators and staff of St. Mary's Hospital in Decatur for their dedication to professionalism and their proven record of good management.●

ETHNIC JOKES NOT A LAUGHING MATTER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BIAGGI. Mr. Speaker, the condoning of racial and ethnic jokes has plunged to new depths. I note this as evidenced by the fact that books entitled. "Truly Tasteless Jokes"—volumes 1 and 2—are now firmly entrenched on the New York Times best sellers list.

These books are replete with racial and ethnic slurs and leave no group untouched. These specimens of literary denigration attack Poles, Jews, Italians, blacks, the handicapped, and the blind.

Even more amazing, Mr. Speaker, is the fact that the publisher of these books maintains that "Truly Tasteless Jokes" are acceptable forms of American humor and bases his statement on the fact that they have received no complaints about these books.

Ethnic groups have few places to turn to express their concerns over negative stereotyping such as this. That is why I have authored the Ethnic Affairs Clearinghouse Broadcasting Act of 1983 which would establish a complaint bureau within the Federal Communication Commission to monitor such baseless attempts at ethnic humor which do nothing more than defame and denigrate—instead of educate.

My bill, H.R. 3105, would be a first-time attempt to systematically register complaints against negative programing by both radio and television networks. The bill also encourages the Federal Communications Commission to conduct conferences as well as encourage research which will explore this issue further. I believe that by better educating the public on these matters, that we can effectively sensitize those who make programing—and publishing decisions—that tasteless ethnic humor has no place in a civilized society.

The rise in popularity of books such as these can be largely attributed to a desire to shock. I believe that books such as these, which serve no positive role in building the moral fabric of our society, would hopefully drop in popularity because all Americans—including ethnics—recognize that such books are a dangerous influence on our young people. While we certainly cannot ban books—nor television or radio programs—we can insist on high standards of accuracy and fairness in print as well as in programing.

I believe that the Ethnic Affairs Clearinghouse Broadcasting Act of 1983 is a first step toward addressing this problem. It is not the only solution, nor perhaps the best approach. However, I offer H.R. 3105 as one approach to this issue and urge my colleagues support of it that we can work toward the elimination of derogatory and defamatory materials which reinforce negative ethnic stereotypes.●

U.S. FOREIGN POLICY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SHARP. Mr. Speaker, Dr. John Koumoulides, a professor of history at Ball State University in Muncie, Ind., has written a paper outlining his impressions of current U.S. foreign policy. I believe his thoughtful comments will be of interest to my colleagues. Dr. Koumoulides has also forwarded the remarks of Lord Hugh Caradon to the British House of Lords on the subject of Cyprus. Lord Caradon's speech follows Dr. Koumoulides' essay.

AMBIGUITIES OF UNITED STATES FOREIGN POLICY

A. UNITED STATES AND RUSSIA

In dealing with Russia, perhaps with the best of intentions, the Reagan administration has, more often than not, sent mixed signals to the Soviets about whether we want peace or war. Relationship between Washington and Moscow has not been made clear or coherent by the administration. The administration is actively engaged in a war of words. The war of words is, alas, a contribution to diplomatic cacophony rather than progress. I do agree with what Lord Carrington, the former British Foreign Secretary, said in a recent speech, "the dehumanization of relations with the Soviet Union would be the quickest road to catastrophe." He went on to caution that, "The notion that we should face the Russians down in a silent war of nerves, broken only by bursts of megaphone diplomacy, is based on a misconception of our own values, of Soviet behavior and of the anxieties of our own people."

B. THE UNITED STATES AND GREECE

Allies do not threaten each other but approach their problems with understanding and respect for each other. In dealing with Greece Democratic and Republican administrations approached situations affecting relations between the two NATO partners on a post-World War II mentality and attitude, failing to recognize the many changes which have taken place in our respective societies. This is especially true and noticeable in Greece. The failure of the United States to recognize the changes which have taken place in Greece, changes in both the social and political sector of the country, contributed unfortunately to problems in the past and tensions in the present. We have not changed our priorities in Greece and even attitudes towards this region. A clear case in point here is our (US) insitence on the future of the United Air Force base at Hellenicon in Athens. Indeed informed Greek and American officials clearly do not see any sound justification or need for the presence of this base at its present location. As a former American Ambassador to Greece said "that base has been a source of problems and an obstacle to our relations with the Greeks and the image we portray in Greece." Yet in the current discussions over the future of the bases in Greece we give the impression that we continue to be sensitive about the Greek request to move the base from its present location. Previous administrations—Republican and Democrat—respected the seven to ten ratio on the matter of military assistance to Greece and Turkey, yet the present administration indicates a change in policy, ignoring the negative results such a change would have not only to our relations with Greece but our very own strategic interests in the region.

C. ON CENTRAL AMERICA

Here the United States has a long melancholy history of a reckless foreign policy. A record of support of authoritarian regimes and feudal social systems. We have supported, and continue to do so, military regimes, rather than invest in the area of social and economic justice. Social and economic progress contributes to political stability which helps establish the foundations of democracy. The people of Central America are in desperate need of social justice and human dignity, economic justice and political peace and harmony. Alas, America is not investing wisely and with the right forces in this vital region.

D. THE MIDDLE EAST

In this vital to our interests and peace region of the world the United States should continue the presence of the American peacekeeping force in Lebanon, and if necessary, increase it in order to guarantee peace in the region. The United States is perhaps the only power able to bring a just solution to the chronic problems of the Middle East. But Europe has an interest and a role in the region, and the Europeans should be asked to play a more active role and participate in the diplomatic efforts taking place in the area.

President Ronald Reagan on several occasions emphasized American commitment to justice and peace in the Middle East and other regions of the world. On 26 January 1983 in the "State of the Union Message to the Nation" the President said "Responsible members of the world community do not threaten or invade their neighbors and they restrain their allies from aggression." On 7 February 1983 President Reagan asserted that Israel was neglecting its "moral" obligation by not withdrawing its troops from Lebanon and thus becoming "an occupying force" there. Then on 18 April 1983 the President said "We remain committed to the recovery, by the Lebanese government, of full sovereignty throughout all of its territory. The people of Lebanon must be given the change to resume their efforts to lead a normal life free from violence without the presence of unauthorized foreign forces on their soil. And to this noble end I rededicate the efforts of the United States." Thus on all three occasions President Reagan eloquently stated the goals of the United States in the region not only of the Middle East but, I should think, other areas of the

world as well. Although the statements of the President are noble and eloquent, yet they are not equally applied in other situations such as the case of Cyprus. Ambiguities in policy and official statements sent confusing signals to both friends and foes. When it comes to the tragic case of Cyprus and American policy there our record supports both doubt and trust, and contributes to questions over sincerity of purpose and actual intentions and policy.

E. CONCLUSIONS AND RECOMMENDATIONS

To conclude my observations of American foreign policy and its implementation, I am convinced of the sincerity of President Ronald Reagan, and his predecessors, in trying to make important changes in American foreign policy and commitment to peace and justice. He is serious and should be taken seriously. His various statements should be followed by actions as proof of our sincerity. Here, I find myself in complete sympathy with Seneca, whose words will bear repetition in the context of the United States as a reminder to its leaders.

"Quod sentimus loquamur, quod loquimur sentiamus: concorded sermo cum vita." Epistolae, LXXV., 4.

"Let us mean what we say, and say what we mean: let our language and our life be in agreement."

[From the Parliamentary Debates, House of Lords Official Report, Apr. 20, 1983]

CYPRUS AND TURKEY

Lord CARADON. My Lords, I must declare a personal interest in this subject. It was on behalf of Her Majesty's Government that I signed the Treaty of Guarantee in Nicosia. Reference has just been made to that Treaty of Guarantee, guaranteeing the independence, territorial integrity and security of the new Republic of Cyprus, and going on to prohibit the partition of the island, indicting that if there was not agreement between the three Governments of the United Kingdom, Greece and Turkey, then, yes, one would act alone, but could act alone solely for the purpose of restoring the situation which was brought about by the treaty.

Having signed the treaty with the authority of Her Majesty's Government I have naturally watched subsequent events in the island of Cyprus with dismay and with shame that we should have given an undertaking and have failed so shamefully to carry it out. There is now the situation in the island, to which I have retuned once or twice, which is intolerable. It is a beautiful island cut in two. The people are unable to move from north to south or from south to north, and growing up—this distresses me most—is a new generation of people in Cyprus where one side does not know the other.

When I first went to Cyprus many years before, I knew that Greek Cypriots and Turkish Cypriots lived and worked happily together in a hundred villages and in every main town. To go back, as I did in the middle of the EOKA rebellion, was to me a terrible experience, but I had the comfort and the satisfaction of remembering the days when the world was at war but Cyprus was at peace. As I have watched events in subsequent years since I signed the treaty, increasingly I have had a sense of shame—fury, it may be—that our country, with the responsibilities arising from 100 years of administration of the island, should not have taken the action which the treaty requires to search for and to find a peaceful solution.

Now we have a situation which is unbearable, with children growing up on each side of the line never even seeing anyone from the other side, and never learning each other's languages as they used to before. We have created, by our own inaction, and antipathy and an enmity which was not there before. That makes it increasingly difficult to find any possibility of a settlement and a solution.

We must turn for a new initiative. The opportunity may arise in the debate which is to take place early next month in the United Nations. We, with others, have been told for some time that there is nothing we can do because discussions are going on between the two communities. They have been going on for a long time, and it is clear that they cannot succeed. I read the press from both sides of the line in Cyprus, and it is one of the most disturbing and miserable experiences to read that there appears to be no possibility of the resumption of the friendship of the past. It is now a miserable and shameful state of affairs which has continued for far too long.

I do not think it is possible for us here to say exactly how the settlement should be worked out. It is necessary that the communal discussions should continue, but they should continue against a background of an international insistence that there must be a restoration of unity in the island. There has been some suggestion that people of international prestige might, either singly or as a group, discuss with both sides and come back to the United Nations to report. It is possible that a single representative of the United Nations might be given the task, as has been known in some other instances; someone of international reputation may make a contribution. Exactly how the initiative should be undertaken, not only by our nation but by all the countries of the United Nations there represented, is something that I hope our representatives to the United Nations will determine; and I hope that, with the maximum support from all those open to argument, we shall find a way to escape from the shameful consequences of our own inaction.

I should like to say a word on a wider issue. The new Secretary-General of the United Nations has been speaking, since he took over his duties last year, of the alarm—it is much more than alarm; it is fear—that the whole purposes of the United Nations are being destroyed largely by the failures of the principal members, the permanent members of the Security Council. He points out that they have special privileges under the charter and they surely have an absolute necessity to work together for agreement. That is what the charter provides. We have seen very little indication that there is any willingness in the United Nations of the principal permanent members to work together, even though that is their task. That is their sacred trust, as he called it, which is now being denied. Furthermore, he said that, where we do agree, surely there should be definite action to follow it up to make it effective.

Let us look at the examples that we had in our minds at this time—and, yes, it was more than 10 years ago that I signed the treaty. Look at the situation in Namibia, where, again, there has been a decade of delays since a United Nations decision. It was in 1967 when we had a unanimous resolution on the Middle East, on which no action has been taken. Now we are getting to a state of affairs in which, even when there are unanimous decisions—and it was unanimous on Cyprus, as it was on Namibia and the Middle East—we let a decade go by with no determination to make them effective.

The Secretary-General says, in words which are striking enough, the he fears that it may be that "we are close to a new international anarchy"—Those are his words—if we refuse to work together. The Security Council has spent a lot of its time engaged in abuse between East and West. They refuse to work together to try to find the answer to whatever the danger may be. Then, even when there is agreement, they refuse to do anything about it. This is a situation where people blame the United Nations. I hear slighting references to the Security Council and to the failures of the United Nations; but it is not the failures of the United Nations but the failures of the members, and, principally, of the permanent members, of the Security Council, who are engaged in mutual abuse rather than in the search for solutions.

We now have an opportunity in this country, because we had a special responsibility. We were in charge of Cyprus for 100 years, and we have long ties of, yes, friendship with both sides. In my own experience I like to think of the part which Foreign Minister Zorlu, or Turkey, and Foreign Minister Averof, of Greece, played. They were the people who made the agreement of 1960. What courage they showed, and what wisdom and energy! Would that we could see it again. I remember the scene in Nicosia that I referred to, when Bishop Makarios was on one side and Dr. Kutchuk, the leader of the Turks, was on the other, when we signed the treaty and looked forward to a happier, more prosperous Cyprus. I hope that that vision can be revived, and I hope that our country can play a leading part in bringing that about.●

H.R. 2490, THE CLEAN CAMPAIGN ACT OF 1983

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RINALDO. Mr. Speaker, I strongly believe that election campaign spending and financing practices must be reformed if we intend to preserve democracy in the United States against special interests and the very rich.

My major concern about the Federal election process is the lack of any restraints on campaign spending. Since the Supreme Court in Buckley against Valeo has barred Congress from limiting either campaign spending by wealthy candidates or total campaign spending, we are faced today with an undemocratic anomaly: Rich candidates have the strongest incentive to pour literally millions of dollars into their own campaigns to buy a seat in Congress as if it were a seat on the stock exchange. Other candidates, meanwhile, are reduced to spending interminable amounts of time raising very modest contributions from individual donors and political action committees.

My opponent last year spent a record $1.7 million. Unless we take action now to curb this kind of spending, candidates of modest means will be discouraged from running, or will have to spend an inordinate amount of time attempting to raise the necessary funds to compete and the system will be perverted.

H.R. 2490, the Clean Campaign Act of 1983, attempts to cap campaign spending by providing voluntary public funds to candidates who agree to limit their expenditures. I warmly support this incenitve to hold campaign spending to reasonable levels.

But the second half of the basic problem—contributions by wealthy candidates to their own campaigns—is not addressed by H.R. 2490. In the light of this defect in the bill, the provision to limit aggregate PAC contributions to one candidate to $90,000 is too severe and counterproductive. A candidate faced by a rich opponent would be harmed by this provision. I favor amending the aggregate PAC limit to a more generous figure, possibly $150,000. Indeed, in the absence of an overall mandated cap on total campaign expenditures, I am unconvinced that any aggregate PAC limit is necessary.

The proponents of harsh restraints on PAC contributions are concerned about the undue influence of money and special interests on the processes of democracy. But PAC limitations cannot be viewed in isolation from a comprehensive reform of campaign spending and contribution laws. Unless and until we find a way to stop the rich from pouring vast amounts of money into their own campaigns, we should not make their job easier by increasing the burden of financing elections on their middle-income opponents.

Mr. Speaker, if H.R. 2490 comes to the floor for a vote, I will support it with an amendment drafted along the lines I have just suggested.●

THE 100TH ANNIVERSARY OF ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. NICHOLS. Mr. Speaker, September 1 commemorates the 100th anniversary of the founding of the Alabama Department of Agriculture and Industries, and the Alabama delegation to the House joins with me in commending the employees and former employees of the department and the board of agriculture and industries.

PROCLAMATION

Whereas, the Alabama Department of Agriculture and Industries is an executive agency of the State of Alabama; and

Whereas, the Alabama Department of Agriculture and Industries is an integral part of the state government; and

Whereas, its establishment in the year 1883 makes this the centennial year for the department; and

Whereas, the department has had a major impact on the lives and incomes of the people of the state; and

Whereas, the gross farm income of Alabama is well over two billion dollars, making agriculture the state's number one industry; and

Whereas, the Alabama Department of Agriculture and Industries is primarily responsible for the promotion of agriculture and also acts as a regulatory agency that enforces hundreds of statute laws and regulations affecting all aspects of the agribusiness chain from producer to consumer; and

Whereas, the Alabama Department of Agriculture and Industries is the state's largest consumer protection agency; and

Whereas, we members of the United States House of Representatives take pride in the achievements of the Alabama Department of Agriculture and Industries; now therefore,

Be it resolved That we extend commendations and best wishes to the Alabama Department of Agriculture and Industries' employees and Commissioners, past and present, for their contributions to the achievements of Alabama Agriculture and Alabama Department of Agriculture and Industries over the past 100 years.●

INTERIOR DEPARTMENT CUTS DEALS WITH FAVORED FIRMS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. OTTINGER. Mr. Speaker, I would again like to bring to the attention of my colleagues the excesses of the Reagan administration.

The Department of the Interior is at it again. I do not believe that the Secretary of the Interior understands that the will of the American people is quite clear concerning their desire to protect the environment.

The history of this administration will be an extensive saga of favoritism for friends and the wealthy and degradation for the environment and the poor. I would like to comment to the attention of my colleagues the following articles written by Jack Anderson. It outlines only a small number of the actions of Mr. Watt which are suspect.

[From the Washington Post, June 5, 1983]

INTERIOR DEPARTMENT CUTS DEALS WITH FAVORED FIRMS

(By Jack Anderson)

When Secretary James G. Watt staffed the Interior Department with industry executives, I promised to keep an eye out for any favoritism. Sad to say, my suspicions were not unfounded.

Interior officials have refrained scrupulously from taking part in decisions involving their former employers. But the department has cut deals with a select few companies that officials once worked for or invested in. My associates Jock Hatfield and John Dillon dug up a few examples from the agency's files:

Montana Power and Light and Amax Coal were the principal beneficiaries of the now famous Powder River coal sales in Wyoming. The General Accounting Office concluded that 1.6 billion tons of federally owned coal were sold for $100 million below fair market value.

As it happens, the two companies were generous contributors to the Mountain States Legal Foundation, which Watt headed until he came to Washington. The secretary did not excuse himself from the Powder River decision that was so profitable for his old foundation's benefactors.

Richard Mulberry, the Interior Department's inspector general, used to work at the accounting firm of Fox and Co. He still has $250,000 due him under the company's retirement plan. A few months after Mulberry joined Interior, Fox and Co. won a $387,525 contract from the inspector general's office.

Mulberry excused himself from the contract selection process, but the responsibility for reviewing the contract proposals was delegated to one of his subordinates—who must have known about his boss's connection with Fox. The accounting firm, which has been charged with fraudulent practices by the Securities and Exchange Commission, has seven more contract proposals pending with the department.

William Coldiron, the agency's solicitor, was director and vice chairman of the board at Montana Power and Light. When he came to Washington, the company paid him $108,881 in "severance, salary and vacation pay." Coldiron did excuse himself from participation in the controversial "fire sale" of Powder River coal leases to his old company.

James R. Harris, director of the Office of Surface Mining, had financial ties to Amax, the other big winner in the Powder River sale. He was once an investor in land deals with Amax and the Peabody Coal Co.

Harris said he knows "very little" about Interior's coal leasing policy; his office enforces strip mining regulations after the leases are awarded and the companies start work. He said he has never had any dealings with Amax "except as a buyer of property."

Footnote: The Interior Department "absolutely and unequivocally" denies any favoritism toward Montana Power, Amax or Fox and Co.●

DONATIONS OF EQUIPMENT TO NONPROFIT SCIENTIFIC RESEARCH ORGANIZATIONS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GUARINI. Mr. Speaker, today I am privileged to be joined by my colleagues, Mr. FORSYTHE, Mr. HOWARD, Mr. FLORIO, Mr. ROE, and Mr. RINALDO, in introducing legislation to make donations of newly manufactured equipment to nonprofit scientific research organizations eligible for

the special computation of the charitable contribution deduction for such property which was contained in the Economic Recovery Tax Act.

During consideration of the research and development portion of ERTA, Congress clearly recognized the important contributions of nonprofit scientific research organizations by making corporate grants for basic research performed by these organizations eligible for inclusion as qualifying expenditures in the new incremental research and development tax credit.

Some of the most important research work in the country is now underway at nonprofit research institutions. Many of them—the Salk Institute, Sloan-Kettering, the Mayo Clinic—enjoy international reputations for being in the vanguard of medical progress.

Today, there are more than 3,500 nonprofit institutes engaged in basic scientific research in the United States. I am especially proud of the Institute for Medical Research which is based in Camden, N.J. Its history of achievement is well known in the scientific community, yet its ability to continue its work is threatened by reductions in Federal funding, a problem shared by other research institutions.

I would like at this time to provide you with a brief history of the institute and its work which, I believe, will assist my colleagues in comprehending the need for the legislation being introduced today.

The Institute for Medical Research was founded in the early fifties by business leaders from the Camden area who wished to provide an independent facility for the pursuit of medical research. They had been inspired by the work of Dr. Lewis Coriell who, working in a converted linen closet at a local hospital, had developed the complex tissue culture techniques now used by scientists throughout the world.

The institute is renowned for its work in cell biology, cytogenetics, microbiology, virology, and immunology, as well as molecular biology. Today, its 100 researchers focus their efforts on furthering our understanding of the processes involved in cancer, aging, birth defects, and infection control.

Over the years, the institute has successfully competed for Federal grants and contracts with this funding accounting for 80 percent of its annual $3.5 million budget. The balance is derived from private contributions. However, the amount of Federal funds available to the institute and other research organizations has remained static over the past decade and additional support is uncertain in view of current budgetary constraints.

Some research institutes have managed to develop profitable alliances with major corporations. However, for a substantial number of research organizations, particularly those involved in basic research where there is little assurance of immediate commercial applications for their work, such lucrative arrangements are unlikely.

One obvious solution to this problem is to encourage additional support for these institutions from the private sector. Congress, as I indicated earlier, has demonstrated its support for these organizations by permitting corporate grants for basic research to these institutions to qualify for the incremental research and development tax credit.

As a further inducement, donations of scientific equipment should qualify for the charitable contribution deduction contained in ERTA. This incentive is badly needed. "The Annual Survey of Corporation Contributions for 1980," published by the Conference Board, shows that while corporate support for university research was 6.6 percent of all corporate contributions, nonuniversity research organizations received only 1.3 percent of such contributions.

I respectfully request that my colleagues join me in this modest effort to facilitate the continuation of the work done by nonprofit scientific research institutes.●

EULOGY FOR MRS. VESTER TUCKER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ROGERS. Mr. Speaker, it is with great sadness that I report to the House on the death of one of my district's outstanding public servants and citizens, Mrs. Vester Tucker.

Last month, Mrs. Tucker died at her home at the age of 76. For 32 years, from 1943 to 1975, Mrs. Tucker served as deputy circuit court clerk in Green County, Ky. For most of that period, she served under her husband, Rhea Tucker, who was circuit court clerk.

Mr. Speaker, the people of Green County came to know and love Vester Tucker as not only an outstanding public official, but also as a civic leader, and as a talented artist.

The Tuckers were also widely recognized in Kentucky for their excellent operation of their clerk's office. They were particularly noted for their efficiency, courtesy, and organization. Vester especially is remembered fondly for her diligence in helping people with geneological research.

As a devoted wife and coworker with her blind husband, as a civic leader in Green County, and as a friend, Vester Tucker left her mark on this world, and will be long remembered by those who admire hard work, public service, and a sense of community.

Mr. Speaker, I ask my colleagues in the Congress to join me in sending our condolences to Mrs. Tucker's family, and in recognizing her outstanding contributions to society.●

AWARD GIVEN TO MRS. HOPE ADAMS

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DYSON. Mr. Speaker, I am proud to announce that one my constituents, Mrs. Hope Adams of St. Marys County, Md., has been named the recipient of the Jane Gallagher Award. Mrs. Adams was recognized for her outstanding work with Catholic Charities on the behalf of the needy in our community.

The Jane Gallagher award is given annually to a laywoman who has selflessly devoted considerable time for the Catholic Charities. I wish to commend Mrs. Adams for her fine work and devotion to the uplifting of our less fortunate brothers and sisters.

I call my colleagues attention to the following article:

[From the Catholic Standard, July 28, 1983]

ST. MARY'S "SAMARITAN" IS HONORED

(By Anne Healey)

Hope Adams, grandmother, farm wife, part-time Catholic Charities worker and full-time good neighbor, will receive a national honor for her outstanding service to the needy in Southern Maryland.

Mrs. Adams, who has lived in St. Mary's County for all her 68 years, will be given the Jane Gallagher Award by the National Conference of Catholic Charities at its convention in Baltimore, October 6-11.

The award is named for a laywoman who worked for the National Conference of Catholic Charities from 1922 to 1976 and who was honored by Pope Paul VI with the "Pro Ecclesia et Pontifice" medal. The Jane Gallagher Award is given annually to a laywoman who has worked for Catholic Charities for at least ten years for service "above and beyond the call of duty."

Mrs. Adams began her professional work for Associated Catholic Charities in Leonardtown 13 years ago. Asked how she decided to go to work there, she told The Catholic Standard, "It chose me." She explained that when her sister, who had been working in the Leonardtown office, died suddenly, she was asked to take the part time job.

In nominating Mrs. Adams, Catholic Charities officials said: "Her official office hours are three days a week, but she is available seven days because she sees her work as meeting emergencies as they arise".

Mrs. Adams says as much herself, pointing out "I get as many calls here (at home) as at work." She said the phone starts ringing at her house at 8:30 a.m. when the state social service offices open. The social workers call her to take care of the people "who fall through the cracks" of the social service structure.

She finds food, clothes, heating fuel, rent money or whatever is needed. She also enlists the help of her whole family to deliver

furniture or food. Her son and son-in-law, after delivering furniture one hot Sunday afternoon, suggested that she share one of the privileges that goes with the award and have a family portrait hung in the Jane Gallagher Room of the NCCC here in Washington.

She said that the habit of charity has been part of her family for many years. Years ago, when her husband worked on the state highways, he often came across needy families and would bring them food (sometimes cooked by Mrs. Adams).

The list of her services to the needy of St. Mary's County provided by Catholic Charities when it nominated her for the award is three pages long. It elaborates on projects that range from visiting a disabled oysterman who injured his tonging arm when he slipped on ice aboard his skiff to sponsoring a benefit dance with the help of her son and his band.

Mrs. Adams also was cited for her work in the Hospice Movement, service on the board of the United Way of St. Mary's County, and work with many other charitable organizations.

Before coming to work for Catholic Charities, Mrs. Adams was a substitute teacher for the county public schools from 1964 to 1970. From the time of her marriage to Frank Adams in 1935 until 1964 she was a homemaker and helped out on the family farm.

She has four children and eight grandchildren, and is looking forward to turning her work over "to somebody younger". Still, she says "it's really easy to help people who really need help".●

GEORGIA GOOD SAMARITAN, JIMMY CARTER, HELPS SOUTH DAKOTANS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DASCHLE. Mr. Speaker, in looking through several newspapers from my home State this morning, and Associated Press story in the Lead of South Dakota Daily Call caught my eye.

It reflects the basic decency and compassion of the man who was our Nation's Chief Executive from 1977 until 1981. As President, Jimmy Carter set new standards of concern for human rights and world peace. As a former President, he continues to practice those principles of kindness in even the small encounters of everyday life.

I appreciate the thoughtfulness he showed to my South Dakota constituents during their Georgia vacation, and I commend the following article to the attention of my colleagues:

The article follows:

[From the Lead (S. Dak.) Daily Call, July 29, 1983]

BROOKINGS COUPLE MEET JIMMY CARTER WHILE VACATIONING

BROOKINGS, S. DAK. (AP).—Burton and Delores Brage got more than they expected when their car got stuck while they were vacationing.

It gave them the opportunity to meet former President Jimmy Carter, who helped the Brookings couple free their car in Plains, Ga.

The Brages were traveling through Georgia and decided to see Carter's hometown of Plains. Like other tourists, they drove past the Carters' secluded home and were looking for a way to turn around.

Brage pulled into a driveway down the road, but the car fell into a sharp drop-off as he backed up.

"I told Delores I was disgusted with myself and I had to get some help," said Brage, who recently retired as associate dean of the college of agriculture at South Dakota State University.

While her husband walked to town, Mrs. Brage got out, inspected the car and then sat under a tree. Several cars drove by before one stopped.

"I noticed the car stopped. I looked up and there were the Carters. I got up and shook their hands," she said.

Carter, clad in blue jeans, offered to go and get a cable to help pull the car out and checked the car to see if there was any damage, Mrs. Brage said.

Brage said he had a hard time believing his wife when she told him Carter was helping them.●

DISCHARGE PETITION FOR H.R. 618

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. COURTER. Mr. Speaker, I am adding my signature today to discharge petition No. 3, which would bring the respect for human life bill (H.R. 618) out of the Judiciary Committee and onto the House floor. At the outset, I want to make it clear that I take this step with certain reservations, as I do not support this legislation in its present form.

I have consistently endorsed efforts to limit Federal funding of abortions, and commend the language of H.R. 618 toward this end. Nevertheless, I feel strongly that Federal monetary assistance for indigents seeking abortions should be permitted in three instances: Rape, incest, and when the mother's life would be endangered if the pregnancy were carried to term. Unfortunately, the respect for human life bill does not include all of these exceptions, and, therefore, I cannot support it as now stands.

With all this said, however, I believe the time has come for the full House to thoroughly and intelligently debate the merits of legislation of this sort. For years, initiatives seeking to limit governmental intervention with respect to abortion have been blocked by the House Judiciary Committee. The abortion issue is one that passionately concerns most of our constituents in one way or another. And the views of a few Members of this Chamber have precluded the possibility for the vast majority of us to express constituents' positions through a recorded vote.

We must provide an opportunity for the full House to examine the Federal funding of abortions once and for all, and to amend this present vehicle, H.R. 618, as we see fit. For this reason, my name has been included on discharge petition No. 3, and I sincerely hope the requisite 216 signatures can be achieved so that this vital issue can be debated in the appropriate forum.●

MEDICARE COVERAGE OF HEPATITIS-B VACCINE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RANGEL. Mr. Speaker, I am today introducing a bill that would amend the medicare part B program to permit coverage of vaccinations for hepatitis B for medicare beneficiaries suffering from end stage renal disease. These medicare ESRD patients are at high risk of contacting hepatitis B because of the nature of the treatment of their condition.

This virus is transmitted primarily by contact with infected blood and blood products; thus the ESRD population is at high risk of infection. Any individual infected with hepatitis has the potential of becoming a chronic carrier of the virus and, thus, a source of infection. The carrier state develops in approximately 6 to 10 percent of patients with acute hepatitis. The cases of clinically significant hepatitis B infections which occur in dialysis patients may result in prolonged illness, expensive hospitalizations and, sometimes, death.

The Food and Drug Administration has recently licensed for general use a hepatitis vaccine, Heptabax-B. The vaccine is given intramuscularly at a cost of approximately $200 per vaccine regimen for renal patients. The vaccine is generally well tolerated with no major side affects reported.

Under current law, medicare does not cover vaccinations, with the exception of vaccine for pneumococcal pneumonia. This bill would allow coverage of hepatitis vaccine for medicare ESRD beneficiaries. I have been studying this issue for some time and believe based on evidence available to me that coverage of hepatitis B vaccine would be cost effective and would add to the quality of life of medicare beneficiaries suffering from end stage renal disease.

The Congressional Budget Office has recently released a cost estimate of covering hepatitis B vaccine for medicare beneficiaries suffering from end stage renal disease only. CBO projects a cost savings of $1.5 million over

the next 3 years. For purposes of this estimate, the CBO assumed that an immunization program would vaccinate all ESRD hemodialysis patients showing negative antigen and antibody screening results.

In July, I cosponsored a bill with Congressman WAXMAN which would provide coverage of hepatitis B vaccine for medicare beneficiaries in general. Although I support this bill in general I believe that the evidence currently available indicates that limiting coverage to ESRD patients would be cost effective at this time; thus, my bill would limit reimbursment to medicare beneficiaries suffering from end stage renal disease.●

ABA ADOPTS ANTIDISCRIMINATION RESOLUTION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, on Tuesday, August 2, 1983, an important step was taken to further the cause of equal rights in the country. At its annual meeting in Atlanta, the American Bar Association passed a resolution which endorsed the amendment to the Civil Rights Act to prohibit discrimination by private clubs and other establishments. Specifically targeted are those groups that derive a substantial part of their income from business sources.

I am particularly pleased and proud that this effort was led by Janet Studley, a young graduate of our University of Florida School of Law who is presently an associate with one of Florida's most respected law firms.

For the information of my colleagues, I am inserting into the RECORD a copy of the resolution.

Be it Resolved, That the American Bar Association endorses amendment to title ii of the Civil Rights Act of 1964, 42 U.S.C. §2000a (which prohibits discrimination in public accommodations on the basis of race, color, religion, or national origin)[1] to:

(1) Include in the definition of the term "public accommodation" any private club or other establishment which derives a substantial portion of its income from business sources;

(2) Provide an adequate objective standard by which to measure "a substantial protion of income from business sources."●

[1] And which the House in 1980 urged be amended to also prohibit discrimination on the basis of sex.

INDEPENDENCE FOR NOAA

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FORSYTHE. Mr. Speaker, today the House Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries is holding a hearing on H.R. 3381, the National Oceanic and Atmospheric Administration Organic Act. H.R. 3381 establishes the National Oceanic and Atmospheric Administration (NOAA) as the lead, independent, civilian oceans, coastal, and atmospheric agency of the Federal Government. It also creates a NOAA charter with the objective of codifying existing agency responsibilities.

I want to stress that the critical impetus for the introduction of H.R. 3381 was the administration's announcement of its proposal to abolish the Department of Commerce and create a new Department of International Trade and Industry. The trade initiative, which I support, was accompanied by an administration endorsement of the creation of NOAA as an independent agency. I urge my colleagues to join me in the long overdue effort to grant NOAA its independence.

I also would like to direct the attention of my colleagues to the following editorial which enthusiastically supports an independent NOAA. It appeared in the July issue of Sea Technology.

The editorial follows:

ONCE MORE, WITH FERVOR INDEPENDENCE FOR NOAA!

(By Larry L. Booda)

Executive Reorganization Plan 4 of October 2, 1970 created the National Oceanic and Atmospheric Administration (NOAA), incorporating the former Environmental Science Services Administration (ESSA) and other entities.

NOAA grew from the seed of recommendations sowed by the Commission on Marine Science, Engineering and Resources, informally named the Stratton Commission for its chairman, Dr. Julius Stratton. The Commission was created by Public Law 89-454 of June 17, 1966. After three years of labor it produced the monumental four-volume report consisting of one main volume and three appendices produced by specialized panels, the whole titled "Our Nation and the Sea."

Of the Commission's many recommendations, with many still valid today, one stated, "The Commission recommends the creation of a major new civilian agency, which might be called the National Oceanic and Atmospheric Agency, to be the principal instrumentality within the Federal Government for administration of the Nation's civil marine and atmospheric programs." (Page 230, main volume.) Among other recommendations regarding NOAA, the Commission recommended that it be "established as an independent agency reporting directly to the president." (Page 233.) (For the complete narrative and recommendations on NOAA see pages 230 to 245. There are numerous other references to NOAA in the report.)

Ever since the Commission report story was published, this magazine, then named *Undersea Technology* (shortened in July, 1973), has pleaded for NOAA to become an independent agency. The first major mention was in an editorial in the January, 1972, issue titled "An Independent Ocean Agency." It said, "The National Oceanic and Atmoshperic Administration should be moved out of the Commerce Department—but more importantly, marine programs in 12 other government agencies should be put under NOAA."

Ever since we have stumped for the change, both in the magazine and in the Washington Letter of Oceanography. We had skirted giving way to despair at times, but still believed in NOAA's independence. No administration of either party seemed inclined to go along with the idea. There were too many empire building agencies that coveted NOAA.

Now, to our great surprise, the administration of President Ronald W. Reagan has taken the step, proposing to create an independent NOAA as part of a breakup and restructuring of the Department of Commerce into the Department of International Trade and Industry. (See page 9 for details.)

This magazine intends to pursue the goal with as much energy as it can muster until some legislation providing for NOAA's independent status is signed into law. At this writing key Senators and Representatives in oceanic and atmospheric matters had declared themselves solidly behind the proposal.

A free NOAA will have its work cut out for it. It has an excellent example to follow in the National Aeronautics and Space Administration (NASA). That independent agency's organization and management are cited as a textbook case model of an efficient federal agency. It was created when NASA was organized in October, 1959. Its first administrator was James E. Webb. NOAA could do well to emulate the infant NASA of the early 1960s. Disregard NASA's present condition due to budget stringencies; the basic framework is still a model to follow.

NOAA's Administrator, Dr. John V. Byrne, took advantage of the reorganization announcement day to float the idea of declaring the year 1984 as The Year of the Oceans. We like that too; the two ideas go well together.

Now that the administration has acted, it is up to the ocean and air community to follow through, importuning members of Congress in every way possible. So, Once More, With Fervor, Independence for NOAA!●

LOCAL GOVERNMENT TAX ASSISTANCE ACT

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SISISKY. Mr. Speaker, today I am introducing legislation to address a problem which affects the financial health of many local governments. At the present time, property taxes ac-

count for 78 percent of local tax collections. This is largely explained by the fact that local governments have no better tools for effectively generating sufficient revenues for providing public services. Yet the country's largest real property owner, the Federal Government, is exempt from property taxes for nearly all its holdings.

The Federal Government currently owns one-third of the Nation's land area: approximately 24,000 installations; 2.6 million square feet of floor area and numerous other structures and facilities. The best estimate available places the total value of U.S. real property at $280 billion. The public perception is that the bulk of federally owned property is largely open spaces represented by national parks, forest reserves, and growing timber lands. However, in reality, the bulk of the Government's property value—$210 billion of the $280 billion or 75 percent of the total—consists of buildings and structures located in nonopen space areas. If the Federal Government were subject to real property tax for its nonopen space property, that tax would be equal to about 6 percent of actual local property tax collected each year. More importantly, large areas of the Federal tax-exempt properties are within the boundaries of many of our Nation's cities, compounding their hardships as they seek new sources of revenues in today's hard-pressed economy.

As a result, I am introducing legislation to provide for payment in lieu of taxes to be made by the Federal Government to local government for real property exempt from local taxation. This includes all real property within the jurisdiction of the local taxing authority owned by the Federal Government, a foreign government or an international organization. My bill covers nonopen space areas only; that is, forest lands, parks, and other open space areas are excluded.

Let me make clear at the onset that there are not constitutional barriers to an equivalent payment in lieu of taxes. Although the Supreme Court ruled in 1918 that States could not tax the property of the Federal Government because it would be an interference of its soverignty, the Congress has granted exceptions to this immunity doctrine. Thus, all that is needed is the statutory consent of the Congress. And, such consent is possible.

We must never lose sight of the fact that the Federal Government enjoys the benefits of State/local government services. Moreover, the bulk of the services received are the same as for a private taxpayer. Local governments furnish police and fire protection, public health and sanitation facilities as well as a host of other services. Less obvious, but equally important, are the cost incurred by the local governments on behalf of the Federal Government—costs which for some communities are quite significant. For example, the local government may have to add capacity to its airports, highways, roads, and services; additional expenses for its public transportation system; or increase its social services budget to accommodate the Federal Government's installation or organization.

One of the most striking examples of this impact is the city of Portsmouth in my congressional district. In fact, this city has been cited in a recent study as one of three locations being most heavily impacted by Federal real property ownership. The assessed value of property in Portsmouth amounts to $3.5 billion; the Federal Government owns $1.8 billion or 51 percent of the total assessed value. I know of no other city in this country that is impacted with as much tax-exempt property. Compounding this problem is the fact that 63 percent of the 16,600 Federal employees working in Portsmouth, live in other cities. Therefore, the city does not share fully in the benefits of the payroll dollars. I believe that local governments such as Portsmouth, which because of their geographic locations, proximity to natural resources or climate, having substantial tax-exempt Federal property should receive payments for services provided. These payments are especially crucial in these difficult economic times.

I recognize that a bill requiring payments in lieu of taxes for all Federal real property is not economically feasible. I have therefore limited eligible Federal real property to nonopen space areas which have a substantial impact on the tax base of the local government unit in whose jurisdiction it lies. By substantial impact, I mean those local governments in whose jurisdiction entitlement property comprises 30 percent or more of their total assessed real property value and whose population is 10,000 or more. A portion of the total cost of this bill will be offset by transferring payments which would have been made by approximately 13 other acts. Also by consolidating the payments of these other acts, the administrative costs to the Federal Government for these programs will be reduced.

In summary, I support the concept that by acquiring real property, the Federal Government should assume some of the responsibilities borne by private taxable property owners. The Federal Government should make payments in lieu of taxes on much the same basis as owners of private property pay real estate taxes.

I submit section-by-section analysis of this bill and the full text of this legislation for printing in the RECORD following this statement.

The material follows:

SECTION-BY-SECTION ANALYSIS

SEC. 1—Purpose:

In 1819, the Supreme Court ruled that states could not tax the property of the Federal Government because it would be an interference of the sovereignty of the Federal Government. Congress has made discretionary use of the Immunity Doctrine, and, under special circumstances, has granted exceptions to the doctrine. This bill provides payments in lieu of taxes to eligible local governments for real property owned by the Federal Government, especially urban localities which are most heavily impacted by the loss of revenue. It covers "non-open" space areas; that is, forest lands, parks and other "open" areas, are excluded.

SEC. 2—Application for payment:

(a) Local eligible governments must submit applications for payment for each fiscal year.

(b) Specifies tax payment information to be provided to the GSA and a uniform method for determining real property valuation.

(c) Administrator must approve application prior to payment.

(d) Local governments can appeal application denials.

SEC. 3—Amount of payments:

Payments are restricted to funds appropriated, if funding is insufficient, applicant payments are ratably reduced.

SEC. 4—Relationship to other laws:

Amounts payable under this bill are reduced by the amount of payments paid under other laws with respect to which payments, in lieu of taxes, or contributions from revenue are made.

SEC. 5—Definitions:

(a) Designates the GSA as program administrator.

(b) Eligible local governments are defined as:

(1) Those whose jurisdiction entitlement property comprises 30 percent or more of the total assessed real property value, and

(2) whose population is 10,000 or more.

(c) Total assessed value is the sum of federal and nonfederal real property of the eligible local government.

(d) Local government means any county, parish, township, municipality or other political subdivision of a state which has taxing authority with respect to real property as determined by the Administrator.

H.R. 3843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Local Government Tax Assistance Act of 1983.

DECLARATION OF PURPOSE

SECTION 1. The Congress recognizes that, because of the location and character of much of the real property owned by the Federal Government, local governmental units are often deprived of substantial revenues which they would receive in real property taxes if such property were privately owned. The purpose of this Act is to correct this situation by providing for the making of fair and equitable payments by the Federal Government, in lieu of real property taxes, to such local governmental units.

APPLICATION FOR PAYMENTS

SEC. 2. (a) Subject to the availability of funds appropriated to carry out this Act, the Administrator shall make payments under section 3 for each fiscal year to each eligible unit of local government which sub-

mits an application under this section which is approved by the Administrator.

(b) Any eligible unit of local government desiring to receive payments under this Act for any fiscal year shall submit an application to the Administrator at such time and in such form as the Administrator may prescribe. Any application under this subsection shall include the following information:

(1) Identification of all entitlement property within the jurisdiction of the applicant.

(2) The value at which each property identified under paragraph (1) would be assessed if such property were subject to property taxation according to evaluation procedures determined by the Administrator.

(3) The tax rate which would be applicable to each property identified under paragraph (1) if such property were subject to property taxation.

(4) The amount of taxes that would be levied against each property identified under paragraph (1) if such property were subject to property taxation.

(5) The aggregate amount of tax revenue that would be available if the properties identified under paragraph (1) were subject to property taxation, as determined by calculating the sum of the amounts specified under paragraph (4) with respect to each property.

(6) Such other information as the Administrator may determine to be appropriate.

(c) In determining under subsection (b) the assessed value of entitlement property, the tax rate applicable for entitlement property, and the amount of taxes that would be levied against entitlement property if the property were subject to property taxation, the unit of local government shall treat the entitlement property in the same manner as all other property. No application may be approved under this section unless the Administrator has reviewed the application and determined that the information submitted by the unit of local government is accurate.

(d) No application submitted under this section by an eligible unit of local government may be disapproved by the Administrator unless the Administrator provides written notice to the unit of local government of his determination to disapprove the application, together with a statement of reasons for such determination. Any eligible unit of local government which receives such notice shall be granted a hearing on the record in accordance with section 554 of title 5, United States Code, for purposes of appealing the disapproval upon submission to the Administrator, within the ninety-day period after receiving such notice, of a request for such hearing.

AMOUNT OF PAYMENTS

SEC. 3. (a) The payment to be made by the Administrator to any eligible unit of local government whose application has been approved under section 2 shall be an amount equal to the amount specified in the application of the unit of local government under section 2(b)(5).

(b) If sums appropriated for purposes of making payments under this Act for any fiscal year are not sufficient to enable the payment of the amounts described under subsection (a) for all applications approved by the Administrator with respect to that fiscal year, the Administrator shall ratably reduce the amounts payable to units of local governments under this Act for such fiscal year.

RELATIONSHIP TO OTHER LAWS

SEC. 4. In the case of Federal real property with respect to which payments in lieu of taxes, or contributions from revenues, are made to States and local governmental units pursuant to any other Federal laws, the amount payable under this Act with respect to such property shall be reduced by the amount paid under such other law.

DEFINITIONS

SEC. 5. For purposes of this Act:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "entitlement property" means any of the following types of real property which are exempt under Federal law from the property taxation of the applicable unit of local government:

(A) Real property owned by a foreign government or by an international organization as defined in section 1 of the International Organization Immunities Act (22 U.S.C. 288).

(B) Real property owned by the United States, except "entitlement lands" as defined in section 6(a) of the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality" (31 U.S.C. 1606(a); 90 Stat. 2665).

(3) The term "unit of local government" means any county, municipality, parish, township, or other unit of general government which is a political subdivision of a State and is the provider of the government services for which real property taxes are assessed, and which has taxing authority with respect to real property as determined by the Administrator.

(4) The term "eligible unit of local government" means a unit of local government in whose jurisdiction entitlement property comprises 30 percent or more of the total assessed value of federal and nonfederal real property of that jurisdiction and whose population is 10,000 or more.

(5) The term "assessed value" means the property value—

(A) which is attributed to property by the unit of local government levying the property tax;

(B) to which the tax rate is applied for purposes of determining the total amount of property taxes to be levied with respect to the property involved; and

(C) which is to be determined in accordance with regulations prescribed by the Administrator.●

MAINTAINING AFFORDABLE TELEPHONE SERVICE

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MILLER of Ohio. Mr. Speaker, telephone service is a basic necessity just as food and shelter are. For many Americans, it is the only way that they can contract the fire department, the police, or emergency medical service. Unfortunately, if Congress does not act soon, telephone service might cost so much that some Americans will be forced to discontinue it.

Many telephone companies across the country are asking their State public utility commissions for large rate increases which, if granted, will lead to steep increases in the cost of basic telephone service. Moreover, the Federal Communications Commission's recent decision to levy on consumers a monthly access charge will affect the ability of many Americans to maintain basic telephone service in their homes. I believe that telephone service is a basic necessity and not a luxury. Every American should have this service available at a reasonable rate. However, if Congress does not take action soon to head off exhorbitant rate increases, many American might find basic telephone service priced beyond their reach.

In order to insure that telephone service is affordable, I am cosponsoring the Universal Telephone Service Preservation Act of 1983. I am convinced that this legislation will help to address the needs of my constituents in Southeastern Ohio who are concerned about maintaining basic telephone service in their homes at a reasonable price. I encourage my colleagues to join me in supporting this vital legislation.●

HON. POWELL A. MOORE—IN APPRECIATION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ZABLOCKI. Mr. Speaker, Hon. Powell A. Moore, Assistant Secretary of State for Congressional Relations, will soon relinquish his present duties to return to private industry, and I want to take this opportunity to commend him for the outstanding service he has rendered both the administration and the Congress during his tenure in office.

Mr. Moore has had a varied and rewarding public career, which began in 1966 when he joined the staff of the late Senator Richard B. Russell from his native State of Georgia. Following the Senator's death in 1971, he became Deputy Director of Public Information for the U.S. Department of Justice and later served three Presidents in the Office of Legislative Affairs in the White House. Mr. Moore is also a veteran of three Presidential campaigns, and his practical political knowledge and experience has served him well in his current position as the State Department's top liaison officer with the Congress.

Powell Moore has been a pillar of strength as well as a symbol of reasonableness, cooperation, diplomacy, and tact in what I regard as one of the most difficult and demanding assignments our Government has to offer. Being a middleman between any administration and the Congress is a challenging task at best, but especially so, during this past year of height-

ened, and at times passionate, foreign policy debate. In carrying out his responsibilities, Powell Moore has done his utmost to develop a workable consensus between the two branches of Government—to the ultimate benefit of the Nation.

Above all, however, Powell has been a congenial colleague and friend, whose good humor and dry Georgian wit will be missed in the days ahead. On behalf of his many admirers on the Committee on Foreign Affairs, I wish him every possible success in his future endeavors.●

MARTIN LUTHER KING, JR.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1983

● Mr. OWENS. Mr. Speaker, I want to express my appreciation to my colleagues for supporting, and voting for, the designation of Martin Luther King's birthday as a national holiday.

Dr. King has been dead for 15 years. He is deeply missed. The designation of his birthday as a national holiday is an indication of the esteem in which he was held. The fact that Dr. King was black has made the struggle to honor him a cause which blacks have identified as their own. However, it is important to note that Dr. King was more than a black leader of black people. Dr. King was one more link in the chain of great leaders who have denounced violence and sought equality and reconciliation among people from different racial and ethnic groups and among people with very different points of view. As such, he was a great American leader in the finest traditions of this pluralistic society.

There are those who would cast the designation of Martin Luther King's birthday as a political sop to placate blacks in this country. They are dead wrong. All Americans who stand for peace, reconciliation, and good will toward their fellows rejoice today. Dr. King stood against divisiveness in a society which has known division. He stood for compassion and concern where hatred and neglect reared their ugly heads.

Every great American leader has fought for the ideals first set forth in 1776. The battles of the Revolutionary War and the Civil War were quite different than the battles of this century. Dr. King stands among our leaders who fought for peace and freedom. He was armed with a firm belief in God and the courage to fight ideas with gentleness. Our country would do well to continue to acknowledge leaders who share his beliefs and nonviolent methods. The designation of his birthday as a national holiday is a tribute to those beliefs.●

COVAULT HITS THE MARK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GINGRICH. Mr. Speaker, today I am introducing into the RECORD an excellent essay by Craig Covault, the space editor of Aviation Week & Space Technology. The essay is an unpublished version of remarks Covault made as a panelist at a recent National Aeronautics and Space Administration/American Institute of Aeronautics and Astronautics Symposium on Space Station.

In this article, Covault makes brutally clear that NASA must be much more aggressive in explaining its goals—and in particular the space station—to the White House, Congress, the media, and the public. He also urges NASA and others to look clearly at the current space efforts of the Soviet Union, and not talk about U.S. proposals in a vacuum.

For these and other reasons, I strongly recommend Covault's remarks to all of my colleagues and, in fact, to the entire U.S. aerospace community.

SPACE STATION STRATEGY AND ISSUES

(By Craig Covault)

It has been valuable devoting a whole week to the space station. Most of us have been so busy with shuttle over the past several years that it has been difficult to focus on the next U.S. goal in space.

Checking back I found the first large article I ever did on space shuttle (and by now we're up to about 300 on shuttle) was 13 years ago in 1970. It was an interview with Buzz Aldrin who was only a year back from the moon. Buzz was assigned to the space shuttle task force in Houston and I was working under a Reader's Digest grant.

Space shuttle then was at about the same point the station is now, a year or so away from formal program status.

The situation in the country was a lot different then compared to now, however. NASA budgets were going down, public interest in space was on the wane and the nation's attention was focused on Vietnam—even with these problems NASA was successful in obtaining shuttle program approval.

Now the situation is much different. NASA budgets are holding their own, the nation's economy shows improvement and public interest in space is up.

I cannot advise you on whether to build a space station or what type station to build. I can raise some questions that I think are important to your overall strategy, however.

Issue Number 1 is the question of leadership from the top—support from the President.

On all of the space shuttle missions President Reagan has taken time out to say something or do something in connection with the flight. Attending the Mission 4 landing is the best example.

Unfortunately, most of what he has said on the air-to-ground link with the crews has involved reminiscing about life on the ranch and how that compares to spaceflight—there has not been a lot of substance there.

This is an observation, not a criticism. The point is he has "been there" and that's an important and good sign.

I think if his advisors will let you, you can win the President on a station decision.

On the topic of advisors, the President's Science Advisor George Keyworth has been less enthusiastic, but his words have carried far more substance about quite appropriate concerns.

His message has been to make sure you've gotten your station act together and a plea that station activity not be the detriment of shuttle and spacelab utilization.

The President and Keyworth have to some extent given the impression the White House is going in two different directions-apparent pessimism versus apparent enthusiasm.

Now we are starting to hear a more upbeat approach by Dr. Keyworth with his comments on long term space goals.

I do not think you should jump to enthusiastic conclusions about this until pinning Dr. Keyworth down in more detail.

I do believe, however, the overall vibes from the White House indicate a GO for some sort of station or platform development.

All of us I believe would welcome long term U.S. space goals, but you should be careful not to let such goals dilute more near term objectives over the next 5 to 10 years.

NASA's station strategy has to date been quiet and conservatively paced. This is a technique Administrator James Beggs has used successfully to hold the line and even increase some recent agency budgets.

In the case of the station NASA has been concerned about getting ahead of the White House.

It's a question of strategy and appearance. The conservative approach toward modest new starts in the budget is one thing, a large new U.S. space goal like a station is another.

I'm beginning to believe you should be more out front and aggressive especially in explaining the multifaceted station elements you have in mind as compared to the old Skylab/Salyut approach.

NASA and the aerospace community have done extensive study to provide direct input for station justification. You have done your homework and now its time to state the case more clearly and more publicly.

Also, if NASA really believes a station is vital to sustain the agency's space development capability and that this is itself important to the nation—then it should not be so shy about saying so.

If you can state your case directly to the public I am sure they will support you. They are ready for a major new space goal with the shuttle as a stepping stone.

Look at the evidence: Up to 1 million travel to KSC for shuttle launches; several hundred thousand have driven to Edwards for landings; 780,000 called a special number to listen to the mission 6 crew and on Mission 7 that number grew to 840,000. During the orbiter Enterprise U.S./European tour 2.2 million people specifically traveled to the viewing sites, not counting many more who made some effort to view the city flyovers.

You have gotten the ball rolling, now you have to keep it going.

A view I hear often is that even with the best station user justification, the station decision will be a political decision.

If you start seeing support from the White House don't be so sure that it's because you have made a strong technical

case, but rather because the White House smells the political hay that can be made from the success of space shuttle and missions like Voyager, and Pioneer sailing out of the solar system.

In this regard an interesting area to watch will be the White House/OMB interaction in the station decision process.

I believe OMB is willing to approve some sort of NASA space platform development, but a relatively low level effort. This type of development would have little or no political clout. It would be a routine NASA new start, not a national space goal the White House could tout as a significant Presidential decision to push U.S. capability in space.

While on politics let me raise another issue.

If so many people think politics is going to be a significant station issue, then why is NASA so hesitant to raise the Soviet space program as an issue?

We are all in agreement the U.S. should not be doing a station development simply because the Soviets are, but NASA cannot ignore the big station push by the United States' prime competitor in the world.

I'm personally tired of going to hearings, or speeches or astronaut news conferences where someone asks a legitimate question about the Russian program with the NASA response superficial at best.

No one that I know of in NASA has said anything really strong about the Soviets since astronaut Tom Stafford unloaded on them in 1974 for the monkey business they were trying to pull in ASTP discussions.

In the current situation, I'm not talking about criticism. I'm talking about informing the public, Congress, a sizeable portion of DoD and the California lawyers in the White House about a Soviet space station development comparable to the U.S. Apollo program in expenditure and effort.

Let me remind you about what the Soviets have in development.

(1) A booster larger than the Saturn 5 moon rocket. They have totally revamped the design since failures with a similar class booster 15 years ago. I expect this one will work.

(2) Large space station elements for launch on top of this booster. Imagine the hardware they could place in orbit by flying this booster and payload only 2 to 3 times per year.

(3) A heavy space shuttle with an orbiter nearly identical in size to ours.

(4) A small winged spaceplane manned vehicle for launch on an expendable booster. They have already flown subscale versions.

(5) Continuing expansion of existing Salyut station capability with the Progress tanker and uprated Soyuz.

(6) A space station tug development that includes a large Gemini-size reentry vehicle to return station products to earth. The Soviet station tug now operational could transition into a Soviet teleoperator maneuvering system like that sought eventually for a U.S. station.

It is obvious the Soviets long ago established a large space station development goal and are now executing their plan. I believe they hope their station development will put them on the road for a manned Mars expedition in our lifetime.

There is also no doubt the Soviets already have leadership from the top on this station push.

Soviet Party Chairman Yuri Andropov in his first address to the Plenem (an equivalent to our State of the Union Message) specifically endorsed establishment of permanently manned Soviet space facilities.

Soviet periodicals repeatedly state the Soviet goal of "Sovyetski Gorod"—A Soviet city in space. They call it Cosmograd and with the developments just cited it's clear they have the foundation laid for such manned space facilities.

In short, it's time for NASA to pull its head out of the sand on the Soviets.

The agency's public affairs office is totally unequipped to handle the simplest queries on Soviet space flight—and the agency's managers have been ducking the chance to comment.

The Soviet program is an issue because their space station push is part of their military, technology and international strategy—not because it would make a convenient tactic for U.S. station approval.

Were NASA to raise this more visibly the Soviet program might get more media and public attention. I can offer one example. About three years ago, Omni Magazine asked me to write an article on the Soviet space program.

I did not put a lot of work in to it, and it was just a compilation of old Aviation Week findings, but the reader response at Omni to this thing was tremendous—I believe the second largest reader response they had had to date. The typical comment to Omni was, "I had no idea."

I would like to say a few more words on the media because the media is very important to your space station kickoff.

Just as you consider your approach to the White House on the station issue, you should also consider your approach to the media—or make sure the White House does when it discusses the space station.

That sounds simple, but I will cite two cases where the space community and the White House blew it.

The first is the Reagan space policy released July 4, 1982, in connection with the shuttle Mission 4 landing.

There was an almost universal perception in the media that this was a military space statement, not the national policy it was designed to be. Media coverage of the policy failed to convey the policy's objective of maintaining U.S. space leadership both civil and military. The civil side was ignored as was the importance of language allowing consideration of station facilities.

Why?

First, the White House was uncooperative in discussing for background the policy prior to its release. If they had not treated it like a big secret they could have laid some valuable groundwork in explaining their objectives.

Secondly, the President's speech at Edwards was not particularly hard-hitting.

Finally, the White House backgrounder held when the policy finally was released was a group grope on relatively short notice. Since all the journalists that normally cover spaceflight were out of town covering a spaceflight, the background was to a group of media who had little savvy on the space program. The results were predictable.

Another example of where the White House message got lost was President Reagan's so called Star Wars speech.

The fact it drew the Star Wars label indicated media misunderstanding of the message that was directed more at overall defensive technology than space warfare. The White House approach with the defensive technologies speech suffered from some of the same problems that affected the space policy speech and the result was wide spread nay-saying in the media.

If a space station announcement runs into similar problems, you've got trouble.

So what can you do to prevent it?

First of all, I think you are always better off saying more, rather than less, early in the game. The media by and large is not very savvy on technology in general, let alone spaceflight specifically. You have to explain this stuff frequently for it to soak in, especially when it comes to the multi element space station concepts now under planning.

As for worrying about "getting ahead of the White House," how often have you heard the comment about the man in the street already being way ahead of the bureaucracy when it comes to caring for the U.S. space program.

Another thing you can do is insist when the White House has something to say on space, that the statement carry sharp substance—not generalities. After all, you are the space experts, not the White House.

A third measure would be to strive for NASA public affairs offices with a more aggressive attitude. They need a stronger understanding of space flight hardware, operating procedures and what it takes to convey that to the media.

A final thing you could do is bring the younger participants in NASA and industry out to do more of the explaining. An example is the group of new astronauts brought into NASA in 1978 and 1980.

They are as sharp and enthusiastic a crowd as you will ever find. Of course they are already busy—but I think they could be turned loose more to explain what's going on in both the U.S. and Soviet space programs. They represent action, results and adventure—not bureaucracy.

Another problem is the media itself. Much reporting on technology and especially space flight reporting is filled with serious errors. The emphasis is on show biz and superficiality.

I'm not talking about the "correction box" type errors here. We all make those and always will. I'm talking about some really poor explanations of space flight being conveyed to the American public.

Some examples—The Washington Times here a few months ago carried a large article about NASA having an offensive space shuttle capability based on a supposed astronaut manned maneuvering unit ability to kill 12 Russian satellites in a 7 day mission. The same guy that wrote that gem followed it up a few weeks later with a big article about how NASA Administrator Jim Beggs has assigned himself to fly on the space shuttle.

We laugh at this stuff, but the paper was serious. A lot of people probably believed that nonsense, and when the first manned maneuvering flights are made you can bet the Soviets will use the Washington Times' inaccuracy as propaganda.

Turning to shuttle Mission 7, wouldn't you agree that most of the stuff written about Sally Ride was pure drivel. Of course it was historic, but the media's show biz hype was ridiculous. I think Ride's experience also showed a pretty shallow understanding in the media about what a shuttle crew actually does in both preparing for a mission then flying it.

Another Mission 7 example: NBC routinely called the space shuttle a capsule. That really is an insult.

Then there was Newsweek's large drawing supposedly showing how the Mission 7 crew heroically led by Sally Ride—was going to deploy the German SPAs pallet satellite. Unfortunately, Newsweek's drawing actually showed deployment of the shipping crate

used on the ground to haul the SPAs around in. It looked like this giant coffin going overboard—Newsweek did not know the difference between the crate and the actual spacecraft.

It's bad enough that the writers make such errors. What's just as bad is the editors that oversee the writers don't know any better either.

In addition to these errors, I know the media has not adequately conveyed the adventure of space flight on the shuttle and the marvel of this spaceship to the public—remember NBC's capsule description. I know that adventure is there, I've seen it in the simulators dozens of times.

You need to convey to the public the adventure side of future space station operations as well as the technological side. A great place to start would be the extraordinarily deep space observations that could be made with large observatory structures built in orbit with space station support. The discoveries we expect from Space Telescope are just the beginning of what you could do in our lifetime with station based astronomy and astrophysical observations.

Most members of the media and NASA public affairs believe they have to be superficial in explaining space flight lest the public not understand.

I don't believe the public is given enough credit for its ability to understand space flight in general and specifically what's going on in individual programs like shuttle.

My experience has been when you give them more accurate detail and less show business, they appreciate it. It simulates their interest.

I think if you can find a way to push and stimulate that extra accuracy and detail that's lacking, you will make the public feel more a part of the space adventure and secure an even stronger base of support for a new national goal such as a space station.●

GUIDING PRINCIPLES FOR U.S. FOREIGN POLICY IN CENTRAL AMERICA

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BATES. Mr. Speaker, at this time of escalated U.S. military presence in Central America, it is essential that Congress emphasize nonmilitary policy alternatives in the struggle to restore stability to the region.

I recently met in San Diego with my district subcommittee on Central America. At that meeting an eight-point policy recommendation was drafted that includes practical alternatives to our current program of armed intervention in El Salvador and throughout Central America. I ask my colleagues to give careful consideration to that subcommittee's eight-point recommendation which I now submit to the RECORD:

1. Recognition of the right to and need for self-determination of the people of Central America;

(a) Guarantee of basic human rights and freedoms reflected in the United Nations Statement on Human Rights;

(b) Redistribution of land and equal access to basic human services (education, medical, etc.);

(c) Right to organize free labor unions and other associations;

(d) Release of political prisoners; and

(e) Participatory, civil government.

2. Immediate cut off of all military aid (direct or indirect) to the government of El Salvador. The present "recertification" process is unacceptable in that it has failed to substantially reduce human rights violations. Denial of continued meaningless "recertification" in absence of objective evidence of significantly improved human rights conditions.

3. Active support for a political solution to the crisis in El Salvador. A call for the government of El Salvador to begin direct negotiations with the opposition forces (FDR/FMLM) to work toward a cease-fire and a plan for representative civil government.

4. Support for the recognition of elections, only if truly "free," i.e.:

(a) Guarantee safety for those organizing political parties, campaigning and running for office;

(b) Access to all citizens to secret ballot vote without intimidation; and

(c) Supervision and monitoring of campaigning and election process by the United Nations.

5. Immediate cessation of military or other support of those forces working to destabilize and/or overthrow that government of Nicaragua. Support for dialogue between Nicaragua and the United Nations.

6. Cessation of the increasing militarization of Central America and the consequent spreading of violence and conflict throughout the region (especially in Honduras).

7. Opposition to any renewal of military aid to the government of Guatemala.

8. Support for governments that meet the conditions of self-determination and human rights practices as outlined in number 1 above.●

TRIBUTE TO SOLEDAD T. HERNANDEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ORTIZ. Mr. Speaker, today I want to bring to your attention the triumphs and the tragedy of one of South Texas' most distinguished citizens, Mrs. Soledad T. Hernandez.

Few individuals have the strength and stamina that this 81-year-old American has displayed to her community. She arrived in the United States from Mexico on August 1, 1924. Her activities since that date are an inspiration to all who believe in the freedoms and opportunities of this country.

At a time when Hispanic heritage caused an additional burden to arrivals in the United States, Mrs. Hernandez actively worked to register voters so that all persons, regardless of race, could participate in our government. She has never forgotten her heritage and has worked in numerous civic organizations to help all Americans understand the cultural importance and pride of the Hispanic community. Yet she has never ignored the needs of the United States, always working to improve her city and Nation.

Sadly, Mrs. Hernandez' house burned to the ground in February of this year. A widow of 35 years, she has been unable to rebuild her home because of a lack of funds. Yet the community she served for so long has not forgotten her. Efforts are underway to raise money so that Mrs. Hernandez may once again have a home of her own. I would like to salute these efforts and the person for whom they are undertaken. This loving response to a senior citizen who has served her community and country for the past 59 years is an act in which we can all take pride.●

CAPTAIN SHUMARD DEDICATED PUBLIC SERVANT RETIRES FROM THE CYPRESS POLICE DEPARTMENT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PATTERSON. Mr. Speaker, on June 17, 1983, a very dedicated Cypress police officer was honored by his family, friends, and many appreciative citizens for his loyal service to the community. He was honored on the occasion of his retirement. I know my colleagues in the House want to join with me in honoring this man.

Capt. Jerry M. Shumard is a 23-year veteran of the Cypress Police Department, where he was first employed as a police officer on June 10, 1960. In January of 1965, he was promoted to sergeant, and 4 years later Jerry Shumard was promoted to lieutenant. In September 1972, Jerry was promoted to police captain.

Captain Shumard has had a very distinguished police career. He has worked every detail within the police function, and commanded each division of the department. In addition to the many commendations he has received for outstanding work, Captain Shumard has attended numerous specialty and management schools. His educational background includes an associate of arts degree from Fullerton Junior College, and the intermediate supervisory, and advanced certificates from the Commission on Peace Officer Standards and Training.

Captain Shumard's present duties include being the city's coordinator for emergency services. His efforts in preparing the city's disaster plan have resulted in a program model for other communities. He has been involved in many community activities over the years. However, his most notable role is that of Cypress' official Santa Claus. In that role, he has brought joy

and happiness to the lives of many people in the Cypress community.

Captain Shumard is a 20-year resident of Cypress. His successful police career could only have resulted from the support he has received for the least 30 years from his wife, Marilyn. The Shumards have one daughter, Paula, who is a recent graduate of California State University, Long Beach.

Jerry will be greatly missed in the day-to-day operations of the department, but I trust Cypress has a lifelong friend. We wish you well in your new endeavors.

Mr. Speaker, the contributions of Captain Shumard to the security, safety, and betterment of the Cypress community can never be fully recognized. I know my colleagues in the House wish to join with the many Cypress citizens in wishing this man every success as he begins a new phase in his life.●

A FOREIGN ENTANGLEMENT IN CENTRAL AMERICA

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BATES. Mr. Speaker, with the passage of H.R. 2760, the Boland-Zablocki amendment to the Intelligence Act of 1983, the House of Representatives sent a strong message to the White House that we oppose the further entanglement of the United States in the Central American morass. This past week, however, President Reagan appeared more determined than ever to pursue his own policy in the region.

Clearly, the President's most recent efforts to escalate U.S. involvement in Central America underscore his intent from Margaret Thatcher and hoping for an equally productive outcome to the one in the Falklands, the President is now willing to send 5,000 troops on military maneuvers in Honduras.

The American people and this Congress cannot stand by while he perfects his Thatcher imitation.

The problems of Central America are regional issues, political and economic issues. They demand regional solutions with full participation by all those involved. U.S. carrier battle groups have little place in the negotiations.

The Sandinista regime is now willing to cooperate with the Contadora group and other Central American nations to restore stability to the region. We should enthusiastically support their efforts, rather than attempt to intimidate the Government of Nicaragua by escalating our involvement.

Fortunately for Great Britain, Margaret Thatcher never had to cope with a Vietnam in the Falklands. We may not be so lucky in Central America.●

INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Ms. OAKAR. Mr. Speaker, the following colloquy was intended during the debate of the IMF bill. Unfortunately, time was restricted and Mr. Marriott and I did not get the proper time for the following colloquy:

Mr. MARRIOTT. Since the gentlewoman from Ohio serves on the House Banking, Finance and Urban Affairs Committee, I wonder if she would shed some light on this issue for my colleagues. It has been suggested that section 409 will "intensify Government control over banking institutions and loan evaluation procedures" and "impose excessive Government intrusion into banking management." Is this so?

Ms. OAKAR. Absolutely not. Section 409 was drafted specifically and carefully to avoid governmental intrusion into or Government control over banks or their loan evaluations since:

The economic evaluation required under section 409 is left entirely to the discretion of the lending bank, which is then solely responsible to itself for the assumptions used to support the report's conclusions and for the conclusions themselves.

The provision specifies an absolute minimal amount of Federal overview. Federal auditors, in the normal course of their audit procedures, would check to insure that the economic feasibility study required by section 409 has been completed and is retained in the bank's files.

In fact, the principal objection I have heard concerning section 409 is that it is too lenient and that there should be additional governmental controls imposed and regulatory standards specified.

Mr. MARRIOTT. If the gentlewoman would yield further, I would like to ask her opinion on the assertion that section 409 "discourages the free flow of U.S. capital and exports."

Ms. OAKAR. That is an unfounded assertion. The only conceivable way section 409 could discourage the outflow of U.S. capital and exports is that various inherently uneconomic foreign projects might be rejected by the banks after the banks have reviewed in more detail the anticipated economic viability of these projects. When that happens, there will be other foreign projects to take their place.

Mr. MARRIOTT. If the gentlewoman would yield, I gather that you believe that substituted projects will also have real needs for financing, and will by their nature be more worthy recipients of financing from the U.S. than uneconomic projects. Since there are generally more projects than there is capital, there will probably be little, if any, significant dampening impact on the outflow of U.S. exports and capital.

Ms. OAKAR. Exactly.

Mr. MARRIOTT. That makes a great deal of sense to me. In my considered opinion, the United States should not be encouraging the free outflow of capital if the net result is to increase the deterioration of U.S. productive capacity of vital commodities and to increase U.S. unemployment. I can see that section 409 is precisely the kind of safeguard we need. It seems to be a very measured measure.

Ms. OAKAR. The gentleman is correct. The unemployment situation that exists currently in our country has reached the point where some measured corrective actions are now appropriate and necessary. We can't just sit here and watch all these jobs being shipped abroad. Section 409 is designed to be a step in that direction. We don't need draconian measures, but we surely do need to send these banks a message.

Mr. MARRIOTT. If the gentlewoman from Ohio would yield further, in your view, does section 409 discriminate against foreign loans or create any real risk of retaliation by any foreign government?

Ms. OAKAR. No, on both counts. Section 409 is designed to focus attention on the fact that foreign project loan requests already have an overwhelming advantage over competing loan requests from U.S. borrowers because the foreign projects typically enjoy foreign government guarantees and subsidies, backed by a lender of last resort—the IMF. U.S. borrowers are not so fortunate. Section 409, in and of itself, will not correct this imbalance but it will be helpful in precluding foreign project loans which are inherently uneconomic and should never go forward.

Rest assured, there is little or no risk of retaliation. Foreign projects that are ultimately rejected by the lending banks under the language of section 409 clearly deserve to be denied financing. The affected host countries will be much better off without such projects and well advised to seek financing for other inherently economic projects. Section 409 merely encourages sound, economically viable foreign projects.

Mr. MARRIOTT. That's how it ought to be. In other words, section 409 will put foreign project lending on the same economic basis as is required for unsubsidized domestic lending. Uneconomic project lending is harmful to the host country, the IMF, the United States, U.S. industries, and U.S. workers. Is it also true that a comparable provision to section 409 was included in the final Senate IMF bill?

I thank the gentlewoman for this information. I know that she serves on the House Banking Committee and has been directly involved with the detailed discussions on IMF funding. It is clear to me that this amendment is pro-U.S. industry, pro-U.S. jobs, pro-competition.

Ms. OAKAR. The gentleman from Utah is correct. This is indeed a jobs amendment. The Senate did include a similar provision in their final IMF bill.

Mr. MARRIOTT. Well, I'm convinced—I urge my colleagues to join with me in preserving section 409.●

FTC SUPPORTS HEALTH CARE PROPOSAL TO PROMOTE PREFERRED PROVIDER ORGANIZATIONS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WYDEN. Mr. Speaker, I would like to share with my colleagues some

good news I received last week from the Federal Trade Commission regarding a goal shared by every member of this body. That goal is quality and accessible medical care for Americans at affordable prices.

Few issues have been more widely debated in Congress in recent years than this one. Workers are finding that their pay increases melt in the form of ever increasing cost for health care premiums. Employers understand that the rising cost of health care is the fastest growing expense to American business today.

Some contend that the only way we can control these costs is through a massive new scheme of Federal regulation. I happen to believe there are a number of steps we can take to insure access to quality, affordable health care for Americans without constructing a new pyramid of Federal regulation.

That is why earlier this year I introduced legislation to promote the development of an innovative new cost-saving proposal called preferred provider organizations, PPO. I am delighted to report that last week, in a letter to me, the FTC indicated support for my legislation.

In is letter to me, Chairman Miller indicates that this legislation will help promote competition in the health care marketplace and enhance consumer welfare. In addition, Chairman Miller states that this legislation will help insure that preferred provider organizations developed free of unnecessary restrictions.

Under a PPO arrangement, doctors and hospitals agree with insurers, employers, unions, or other purchasers to lower their prices for health care services. In return, the doctors and hospitals are guaranteed a substantial number of patients and prompt payment.

Unlike many other group plans patients who participate in a PPO may see any doctor they choose and health care providers are paid on a fee-for-service basis.

My bill would override State, laws which restrict PPO development. It also establishes the PPO's can be lawfully negotiated. This will serve to eliminate uncertainty about the legality of such negotiations that has developed due to several recent court actions. My legislation would in no way change existing Federal and State antitrust laws. Chairman Miller did however recommend minor modifications to further clarify this point.

Preferred provider organizations are springing up in response to the public's demand for quality medical care at affordable prices. The commission's support of my legislation will help catalyze congressional action that will give all Americans access to these innovative, cost-containing health care plans.

Although PPO's are relatively new, they have already produced impressive results. In California, Blue Cross has established a preferred provider arrangement called a Prudent Buyer Plan, covering the six population centers of the State that has lowered hospital insurance premiums 15 percent. This plan not only offers the same quality benefits as other Blue Cross arrangements but adds additional benefits such as well-baby care and coverage for preventive services such as pap smears.

Even though hospital costs rose 24 percent in California between July 1982 and July 1983, the negotiation of these prudent buyer plans indicates that something can be done to counter the health care cost spiral which continues to rise.

In Minnesota, another plan covering most hospitals in the Minneapolis area will save subscribers $10 million in hospital costs this year.

Mr. Speaker, I think these results demonstrate that we can reign in health care costs without creating a Federal regulatory monster.

We can offer a new, affordable option on the health care horizon and can do so without restrictive and burdensome Federal regulation.

I am glad that the FTC shares my views and I thank Chairman Miller and the other commissioners for considering my legislation.

Thank you, Mr. Speaker.

FEDERAL TRADE COMMISSION,
Washington, D.C., July 29, 1983.

Hon. RON WYDEN,
Longworth Office Building, House of Representatives, Washington, D.C.

DEAR MR. WYDEN: Thank you for requesting the views of the Federal Trade Commission on H.R. 2956, which you have introduced to exempt preferred provider organizations from the coverage of certain state laws and regulations.

As you know, the Commission is very interested in the development of alternative health care systems because they offer substantial benefits to consumers by promoting cost-containment and stimulating competition in the health care industry. In recent years, the Commission has taken a number of steps to encourage the provision of such services.

For example, in 1981, the Commission issued an enforcement policy statement designed to outline the manner in which physicians can collectively participate in medical prepayment plans without violating the antitrust laws.[1] More recently, the Commission issued an advisory opinion to Health Care Management Associates ("HCMA") concerning a preferred provider program in which HCMA proposed to serve as an intermediary between participating physicians and third-party payors such as insurance companies. The Commission concluded that such a program would likely improve competition in the health care sector and would not violate the Federal Trade Commission Act or any other antitrust statute.[2] Policy statements such as these are intended to encourage the development of alternative health care systems by delineating the organizational provisions that most clearly comply with the antitrust laws. System organizers that rely exclusively on these provisions can then offer their services without fear of Commission action.

Preferred provider programs are a relatively recent innovation in the health care field. Under such plans, third-party payors contract with health care providers—either directly or through an intermediary—to furnish services at less than their usual fees in exchange for guaranteed prompt payment and preferential access to patients in the program. In order to make such programs work, organizers must be able to negotiate contracts calling for alternative rates of payment with health care providers in a variety of specialties in a given geographic area. Moreover, organizers need to be able to encourage plan members to consult the preferred providers under contract by limiting reimbursement for health care services to the amounts charged by the preferred providers. However, existing state laws and regulations may limit the degree to which preferred provider plan organizers can negotiate and implement contractual provisions of this sort. H.R. 2956 would help in this regard by minimizing the extent to which state laws may unintentionally or unnecessarily hinder the development of alternative health care systems. In particular, the legislation would expressly permit group health payors to reimburse physicians and beneficiaries at alternative rates.

We recognize, of course, that states have an important and legitimate interest in protecting the health and safety of the public. Under the proposed legislation, they would retain the authority to enact laws or regulations for that purpose. However, we presently are not aware of any persuasive justification of this nature for the state statutes that currently appear to hinder or prevent development of alternative health care systems. In fact, most or all of these statutes predate programs such as preferred provider organizations and their restrictive effects upon these alternative health care systems very likely were not intended or anticipated.

In order to ensure that preferred provider programs remain subject to effective antitrust review and enforcement, however, the commission recommends two modifications relating to Section 2(a) of H.R. 2956. First, we suggest insertion of the word "state" between the words "other" and "law" in line 6, in order to make it completely clear that the bill would not exempt the covered programs from the federal antitrust laws. Second, we recommend that Section 2(a) be modified so that state antitrust laws continue to apply to the covered programs. As one step in that direction, we sugggest replacing the phrase "one or more group health plan payors" in lines 6 and 7 with the phrase "any group health plan payor". Agreements

[1] Enforcement Policy With Respect to Physician Agreements to Control Medical Prepayment Plans (Sept. 25, 1981).

[2] "Health Care Management Associates: File No. 833 0005" (Advisory Opinion) (June 8, 1983), at 4. In reaching this conclusion, the Commission noted that, under the terms of the proposal, health care providers and third-party payors who participate in the program will remain free to participate in other programs as well; the program will not involve any agreement among competing providers or third-party payors concerning any aspect of its operation; and no actively practicing provider, hospital, or third-party payor will have any financial or other interest in the program. Id.

among payors are not typically essential to the success of preferred provider programs, and making this change would help to ensure that such agreements would continue to be subject to state as well as federal antitrust statutes.

The Commission concludes that H.R. 2956 would help ensure that alternative health care systems such as preferred provider organizations can develop free of unnecessary restrictions. This, in turn, should increase competition and consumer welfare in the health care sector. With the minor modifications noted above, we support enactment of this legislation.

By direction of the Commission.

JAMES C. MILLER III,
Chairman.●

VFW SUPPORTS PRESIDENT ON CENTRAL AMERICA

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RUDD. Mr. Speaker, I was heartened to learn of last week's wholehearted endorsement of the President's Central American policies by the national commander-in-chief of the Veterans of Foreign Wars of the United States.

Commander-in-Chief James R. Currieo, who ably represents the 2½ million men and women of the VFW and its auxiliary, stated his view succinctly when he said: "Wake Up America." He made two fundamental statements on the situation in Central America: first, the problem is not with the U.S. policy, but with the areawide threat posed by the Soviet-Cuban-Nicaraguan axis; and, second, our policy and opinionmakers should not be applying a Vietnamese yardstick to an entirely different local and regional situation.

Those are the words of the leadership representing millions of brave and patriotic Americans who understand firsthand the danger our Nation faces if we should ever relent in the fight for freedom, something which is often taken for granted in the United States.

I commend the VFW leadership for its stance on the defense of the Americas, and I encourage my colleagues to take note of Mr. Currieo's straightforward message to all Members of this Congress, which follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
July 27, 1983.

To: Members of the 98th United States Congress.

From: James R. Currieo, National Commander-in-Chief, Veterans of Foreign Wars of the United States.

Having just returned from an intensive fact-finding visit to El Salvador, Honduras and Costa Rica, I am deeply convinced of two facts of life that, literally jump out at you. These facts are:

(1) the problem in Central America is not the United States or United States policy. It is Nicaraguan Marxism in service to Soviet-Cuban regional military imperialism. Nicaragua poses an area-wide threat—a veritable "Revolution Without Frontiers" as their rhetoric describes it and, as such, must be neutralized; and

(2) the dissension and division here at home over our Central American policy is a predictable by-product of much of our prestige media rigidly applying a "Vietnamese" yard stick to an entirely different local and regional situation.

Military Marxism, in my view, can be defeated without a single U.S. soldier being called upon to fight if we (a) fund and supply ammunition and equipment requested by the Administration for El Salvador, and (b) if we stop "shooting ourself in the foot" by adhering to the arbitrarily low figure of 55 trainers. (There are some 2,000-plus Cuban military in Nicaragua making the current trainer ratio about 36 communists: 1 U.S.)

As for the Nicaraguan "Contras," I spoke with Alfonso Robelo and other early Sandinista, anti-Somoza individuals. These brave freedom fighters want nothing more than what we in the United States take for granted.

I am closely considering going to the VFW membership to solicit "person to person" funds for transmittal to the "Contras." The symbolism of such non-governmental support would be of great importance.

A last word: a deadly game, not of our own making, is underway in Central America. There will be a "winner" and a "loser" and the world will know the difference.

As one deeply informed American diplomat pointed out to me: "Central America is like a loaded shotgun pointed at our soft under-belly. Our job must be to make certain this shotgun never goes off."

Defeat here for U.S. national interests is out of the question. Please advise.

Cordially,

JAMES R. CURRIEO,
National Commander-in-Chief.●

HONORING A GREAT AMERICAN: MARTIN LUTHER KING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 2, 1983

● Mr. MILLER of California. Mr. Speaker, in just a few weeks, we will mark the 20th anniversary of the day in August 1963 when the Reverend Martin Luther King, Jr., stood at the steps of the Lincoln Memorial here in Washington and told tens of thousands of civil rights marchers that they had come here "to cash a check".

But, said Dr. King, that note from the Founding Fathers of this Nation had come back, stamped "insufficient funds", when millions of black citizens tried to redeem it.

That speech, with the memorable refrain, "I have a dream", stands today as one of the most eloquent pleas for social justice and humanitarian rights ever heard in this land.

It is a sad fact of life that, for many blacks, that "check" still has not been sufficiently redeemed. As the chairman of the House Select Committee on Children, Youth, and Families, I have seen the appalling statistics which we have compiled on black life in America: Half of all black children live in poverty; 10,000 black infants will die this year before the age of 1; one-third of all black families lives below the poverty line; a depressing 70 percent of black children living in female-headed families live in poverty.

It is not too late to alter the status quo, to begin to make good on our promises. We can still turn rhetoric into reality. But it will take a new commitment and a new willingness to work for the good of all.

It is with that commitment in mind, Mr. Speaker, that I submit for the RECORD the speech which Dr. King delivered so vibrantly 20 years ago. I do this, too, in commemoration of a great philosopher, a great poet, a prophet, a leader: Dr. Martin Luther King, Jr.

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as the great beacon light of hope for millions of Negro slaves who had been scared in the flames of withering injustice. It came as the joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free. One hundred years later the life of the Negro is still badly crippled by the manacles of segregation and the chains of discrimination. One hundred years later the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize the shameful condition.

In a sense we've come to our Nation's Capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, should be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "Insufficient Funds." But we refuse to believe the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check, a check that will give us upon demand, the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now.

This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the

solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end but a beginning. Those who hoped that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquility in America until the Negro is guaranteed his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something I must say to my people who stand on the warm threshold which leads them to the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights: "When will you be satisfied?" We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating: "For Whites Only." We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied and we will not be satisfied until justice rolls down like the waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations, some of you have come fresh from narrow jail cells, some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the State of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.

I have a dream that one day down in Alabama with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with new meaning:

My country 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain-side
Let freedom ring.

And if America is to be a great nation, this must become true. So, let freedom ring from the prodigious hill tops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that, let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring. And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! free at last! thank God Almighty, we are free at last!"●

EPA NUCLEAR STANDARDS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MYERS. Mr. Speaker, in his October 8, 1981, policy statement on nuclear energy, the President articulated in a convincing manner a widely shared belief that a more abundant, affordable, and secure energy future is a critical element of this Nation's economic recovery program, that nuclear power is one of the best potential sources of new electrical energy supplies in the coming decades, and that, therefore, the Government should act in a manner consistent with the public health and safety to remove unnecessary regulatory obstacles to the development of nuclear power. Regrettably, there appear to be some at the Environmental Protection Agency who have not heeded the President's sound words and who seem to believe that any radiation associated with industrial or government activities must be eliminated even though it may have no detectable effect on the public health and safety. How else can EPA explain the national emission standards for radionuclides that it proposed on April 6, 1983.

Both the National Commission on Radiation Protection and the International Commission on Radiological Protection have proposed and support a maximum radiation exposure limit for the public of 500 millirens per year annual dose equivalent to the whole body, gonads, or bone marrow, and 1,500 millirem per year to other organs. In its proposed standards, EPA would reduce the 500/1,500 millirem exposure limit to 10 millirems per year to the whole body, gonads, or bone marrow and 30 millirems to other organs—a reduction of 98 percent. This was not based upon a comparative risk analysis as required for the establishment of these standards under section 112 of the Clean Air Act. EPA seems to have based its proposed standards on what it believes the best available technology can achieve. The absurd stringency of this proposed standard is most apparent when one considers that the average radiation exposure to all of us in the United States from environmental sources is 100 to 200 millirem per year and that the dose from only one round trip intercontinental flight can exceed a 10 millirem whole body limit. Implementation of these standards will result in the unnecessary expenditure of hundreds of millions of tax and industry dollars, will seriously impair vital national defense activities, and will provide no benefits to the health or safety of the American public.

Representative SAMUEL STRATTON, chairman of the Subcommittee on Procurement and Military Nuclear Systems of the House Armed Services Committee, wrote to EPA Administrator Ruckelshaus on June 28, 1983, calling for EPA to employ a scientifically based process of comparative risk analysis in assessing the risks to human health of radiation, just as EPA should be doing with respect to other hazardous substances. I wish to commend Mr. STRATTON for his thoughtful letter and I insert a copy of it here for the consideration of my colleagues.

The letter follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 28, 1983.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency Washington, D.C.

DEAR MR. ADMINISTRATOR: I would like to take this opportunity to express my admiration for your courage and perseverance in again assuming the leadership of the EPA. I also want to congratulate you on the address you gave to the National Academy of Sciences on June 22, 1983, wherein you endorsed the need for a government-wide process for assessing and managing health, safety and environmental risks and benefits.

The United States must place in operation a system comparable to the two-step process you recommended for the assessment of risks to human health from a given substance and a balancing of that risk against the costs of reducing or eliminating it. However, I sincerely doubt that the Director and members of EPA's Office of Radiation Programs believe it is necessary to balance risk against cost when radioactive substances are involved. It should be apparent to anyone who is aware of cosmic rays, flies in jet aircraft or skis in Colorado that EPA's proposed 10 millirem organ dose limit and the 0.2 picocurie per liter radon concentration standard for uranium mining operations are fatuous and flagrant violations of common good sense. Mr. Sjoblom and his cohorts seem to believe that any radiation associated with industrial or government activities must be suppressed with total disregard for the fact that the radiation may have no detectable effect on public health, safety and the environment but a large effect on the economy.

My Subcommittee on Procurement and Military and Nuclear Systems held hearings in 1981 and 1982 on the effects of the radon from uranium mill tailings piles on public health and safety. The consensus of the witnesses at those hearings, except for most of those from EPA and the Nuclear Regulatory Commission, (NRC) was that the radon emitted by uranium mill tailings piles had absolutely negligible effect on the total population of the United States. EPA and NRC, using hypothetical and highly questionable mathematical models (there are no real data available), concluded there might be two radon induced deaths per year from lung cancer sometime in the future, if nothing were done to the piles. Please understand that there are some 100,000 to 125,000 lung cancer deaths per year in the United States, 10,000 to 25,000 of which are attributable to the emission of radon from sources in no way related to mill tailings piles. Most of the other deaths are due to smoking. To "prevent" those two hypothetically projected casualties, the EPA and NRC called for heroic and draconion measures to suppress the radon by placing 10 feet of dirt on top of the pile, reburying the tailings, etc. I must say that NRC finally saw the light and backed off from those measures which would require the expenditure of hundreds of millions to billions of dollars by government and industry.

Mr. Administrator, EPA is under intense criticism for failing to regulate exposure to toxic chemicals in the environment. It is ironic that the agency at the same time is rapidly moving to further burden already heavily regulated Atomic Energy Act activities, including defense-related activities. EPA's little-noticed regulatory emphasis on radiation is especially enigmatic. We are all exposed to radiation from natural environmental sources (e.g., cosmic radiation, radiation from natural potassium-40 in our bodies, radiation from uranium and radium found in all soils). The incremental radiation exposure attributable to so-called technology-enhanced radiation sources is trivial in comparison to these natural sources. In contrast, most toxic chemicals are synthetic and there is no natural background exposure.

EPA appears bent on eliminating all technologically-related sources of radiation exposure. It is moving toward imposing standards for emissions of radionuclides and for exposures at levels which are below natural background levels. For example, the agency has imposed a 25 millirem limit on dose to any organ of the maximally exposed person from uranium fuel cycle activities. EPA is planning to impose a 10 millirem limit for other activities, including national security activities. These limits are small fractions of average natural background exposures (100 to 200 millirem) in this country.

What is EPA's basis for taking this course? It is certainly not scientific. There are no epidemiological studies (or at least studies generally accepted as valid in the scientific community) linking exposure to radiation at levels less than 1,000 to 2,000 millirem per year to any ill health effects. To the contrary, epidemiological studies find no adverse effects from exposure to high natural background radiation. Low level radiation is simply assumed hazardous in order to be prudent for regulatory purposes. Many scientists believe that exposure to low levels of radiation, such as the levels which we all get from natural background sources, is in fact not hazardous at all.

The federally-chartered National Council on Radiation Protection (NCRP), the International Council on Radiation Protection (ICRP), and the International Atomic Energy Agency (IAEA), all support the traditional exposure limit of 500 millirems, the limit long followed in the United States and across the world. EPA's approach calling for a mammoth reduction in the 500 millirem limit to 10 or 25 millirem appears to be responding to two non-scientific concerns. The first concern is to implement a particular political philosophy. That philosophy is that it is immoral, unethical, and wrong to expose any person to any incremental radiation (or to any possibly toxic agent) associated with technology without that person's foreknowledge and specific informed consent. Under this view, consent through elected representatives is not permissible. Proponents of this view note that the Atomic Energy Act and the federal policy to develop atomic energy technology which it embodies will result in exposure of persons now or in the future to slight increments of radiation from weapons testing, nuclear waste, power plants, radiopharmaceutical plants, nuclear medicine, and so forth. They charge that the Act and the federal policy are therefore wrong and immoral because persons will be exposed to a possible risk without their specific consent. Although the "libertarian" philosophy embodied by this concern has a kind of frontier appeal, it must be recognized for what it is: repudiation of representative government and of the basic socal contract embodied in our Constitution. It amounts to espousing anarchy. It is certainly clear that we could not have a technological society—and a high standard of living—if it were pursued across the board. Simply put, there is no technology without some risks, and there is no way to get individual informed consents to technological risks in a nation with more than 200,000,000 people. To require such consents is equivalent to foregoing technology. The necessary conclusion of adopting such a policy would be for us all to return to caves and trees. It certainly would lower standards of living and shorten life expectancies.

The second concern EPA appears to be addressing in its drive against atomic energy technology is a general fear of radiation. This fear, termed "nuclear phobia", is based on public (and media) misconceptions and misinformation. People and the media fail to recognize that we are all exposed to radiation naturally; that we evolved in it; that many scientists believe that it is not hazardous at low levels; and that even if it were hazardous, there are a myriad of things we happily do which are far more risky. The phobia appears to be generated by a focus on hypothetical worst case consequences from extremely low probability events and a failure to recognize that the worst case will almost certainly never occur. The recent American Medical Association report which accused the media of conducting a "witch hunt" against dioxin is another example of the media generating hysteria, as they did at Three Mile Island.

EPA should not be acting to vindicate libertarianism or to reward unfounded fears. It should devote itself to protection against actual and significant hazards. Government action to ameliorate raw fear supposedly went out with the Salem witch trials several centuries ago.

President Reagan supposedly has a policy to support atomic energy technology in this country. If he does, that policy is certainly under concerted attack at EPA, or at least EPA's Office of Radiation Programs. The nation is well on its way to losing its leadership, and its capacity for leadership, in atomic energy technology. EPA is exacerbating the problem through insupportable regulatory standards which serve no purpose other than seeming to vindicate unfounded fears of environmental levels of radiation. The national security and our overall standard of living are the losers.

What is the solution? EPA must use some kind of comparative risk analysis in establishing its radiation regulations. It cannot persist in its arbitrary and misguided efforts to eliminate all technologically-related exposures, no matter how small, and no matter how significant relative to background releases and exposures. EPA's effort to eliminate risks from radiation will unduly elevate costs and force unwarranted reliance on less costly but more risky alternatives,

with the ironic effect of increasing overall societal risk.

Sincerely,

SAMUEL S. STRATTON,
Chairman, Subcommittee on Procurement and Military Nuclear Systems.●

IMF LEGISLATION

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BILIRAKIS. Mr. Speaker, I could not, in good conscience have voted to give the International Monetary Fund another $8.45 billion. The money simply is not needed, and my constituents have indicated their strong disapproval of this proposal.

While much speculation has been made that a general financial collapse would occur if the United States refuses to ante up another $8.45 billion, I do not see that happening. I do not see it happening because the world debt situation has been eased a great deal by the economic recovery of the United States and other industrialized nations. Interest rates are down, thereby reducing the payments debtor nations must pay.

Instead of looking for more funds, the traditional, free-market methods of dealing with debtors in trouble—renegotiation of loans to ease the burden on the debtor and thereby insuring repayment of the loan can be accomplished by the banks and debtor nations.

Even if it should prove necessary for the IMF to obtain additional capital, it doesn't have to come from the United States. The IMF has some $40 billion in gold available in its holdings which can be used as collateral for borrowing in the open market. Also, the World Bank can provide loans to debtor nations if the need exists.

Last, even if some of the loan must be written off, it will not mean the collapse of U.S. lending institutions. Those institutions need not take the loss all in 1 year; they can write it off over a period of years, thereby maintaining market discipline.

It does not seem to me that an increase in IMF funds sought from this body is vital to international financial stability. It is merely a new form of increasing foreign aid, and that, most Americans will oppose, and rightfully so.

If we want to spend more on foreign aid, and believe me, I do not, let us at least do it in a manner whereby we can control where the money goes and under what conditions it is given.

The United States has only a 20-percent voting power in the IMF, so many other countries will have a major part to play in determining where the funds will go.

Mr. Speaker, I believe it is extremely unfortunate that included in the legislation before us today is the extension of authority for the Export-Import Bank. Exim has in the past extended loans mainly to large American manufacturers, however, in the legislation before us today there is a provision that will at last target Exim loan moneys for small business, and that at last, one member of Exim's Board of Directors must come from the small business community. This is all positive action to address the value and needs of small business in this country.

However, the bad news is that I am adamantly opposed to the increase for IMF and consequently voted against the bill. I believe it is extremely unfortunate that these two distinct issues could not have been brought to the floor in two packages so I would have had an opportunity to support the Exim Bank and oppose the IMF legislation.

As a member of the House Small Business Committee which is ever mindful of the needs of the small business community, I am disturbed that I must vote against a bill which contains a real breakthrough for that group.●

EUGENE CIANFLONE HONORED

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. HUNTER. Mr. Speaker, today I wish to pay tribute to Eugene Cianflone of San Diego. A 64-year-old veteran, Mr. Cianflone has the rare talent of bringing happiness to others. For he is a bugler who plays for others less fortunate than he is. When Mr. Cianflone plays at local VA hospitals, veterans and servicemen forget for a moment their sorrows and misfortunes. "I love it when people enjoy the bugle. Hey, I enjoy it. It means a lot to me," Mr. Cianflone has often said.

In World War II, Mr. Cianflone joined the Navy, but declined an opportunity to become a bugler at the Richmond, Va., naval base, choosing instead to go to sea. While as a motor machinist mate, he saw action in the first battle of the Philippine Sea and in the Saipan invasion.

Mr. Cianflone regularly dons his Veteran of Foreign Wars uniform and totes his bugle to wherever his music is needed. For 25 years, he has trumpeted the sounds of "When the Caisons Go Rolling Along," "Over There," "Battle Hymn of the Republic," and other traditional songs.

In appreciation of his efforts for others, Mr. Cianflone has received more than 1,000 letters of thanks and commendation, as well as plaques. He has been honored by former Presidents Ford, Nixon, Johnson, and Carter, as well as by President Reagan.

Thus, today, Mr. Speaker, I wish to honor Mr. Cianflone. It is rare that you find someone so dedicated to helping others. This country should be proud knowing that Mr. Cianflone continues to devote his life to providing joy for many other people.●

THE COLUMBIA RIVER GORGE ACT OF 1983

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WYDEN. Mr. Speaker, I am pleased to join my colleagues from the Oregon and Washington delegations, Mr. MORRISON of Washington, Mr. ROBERT F. SMITH, Mr. BONKER, Mr. AUCOIN, Mr. FOLEY, Mr. WEAVER, Mr. SWIFT, Mr. DICKS, Mr. PRITCHARD, Mr. LOWRY of Washington and Mr. CHANDLER in introducing legislation to preserve and protect one of this Nation's great scenic wonders, the Columbia River Gorge.

The entire congressional delegations of Oregon and Washington, in conjunction with Governors Spellman and Atiyeh, have deliberated long and hard on how to best preserve and manage the Columbia River Gorge.

Since the early 1900's, there have been countless proposals to preserve the Columbia River Gorge—an area of dynamic, yet fragile beauty. And the cycle has always been the same. Proposals have been put forth, built up, put down and thrown out.

We believe the effort we are launching today will be different. We believe that for the first time we have laid the groundwork for a consensus that will not only provide for the orderly management and preservation of the gorge, but also will be able to weather the political challenges. We believe that because we have laid this groundwork among ourselves, while acting in concert with the Governors, consensus legislation will ultimately pass in both houses of the Congress and be signed by the President.

Our consensus product has as its touchstone several key principles.

First, we are agreed that a Columbia River Gorge protection measure needs to treat the gorge as a single entity and to provide for its management in a regional manner that supersedes the interests of the two States, the six counties and many municipalities and special districts within the gorge. This bill does that.

Second, we are agreed that a Columbia River Gorge protection measure needs to be sensitive to the needs of local residents, many of whom have had ancestors in the region for dec-

ades. More than 40,000 persons live in gorge cities, towns, and rural communities and they have a fundamental right to continued enjoyment of their homes and the assurance of their economic well-being. This bill provides that assurance.●

COLUMBIA RIVER GORGE ACT OF 1983

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BONKER. Mr. Speaker, I am pleased to join my colleagues from Washington and Oregon in the introduction of the Columbia River Gorge Act of 1983.

The magnificent Columbia River Gorge, stretching 90 miles, shared by both our States. From the arid desert in the east, the Columbia River cuts through the Cascade Crest to the west where it is bordered by rich forest. For 11,000 years, this river has continued to be the main transportation and trade route in the Northwest.

A million people from the Vancouver, Wash., and Portland areas enjoy the gorge for recreational use. Some 40,000 people make their homes there. The Columbia remains a critical transportation route, an irreplaceable source of hydroelectric energy, and an area where the forest products industry still thrives.

At the same time, this awe-inspiring gorge is home to unique geological and ecological features. Its cultural values, from the historical use of the area by Native Americans to pieces of the Oregon Trail that remain intact, are immeasuable.

It is not the current use of the gorge with which this legislation is concerned, but a balance of future uses that will preserve both the environmental and economic values of the gorge for generations to come.

Currently, there are more than 50 local, State, and Federal agencies with governmental authority in the gorge. The differing policies of these entities has made comprehensive planning for the future a near impossible task.

The Columbia River Gorge Act of 1983 will create a regional management commission with the authority to write and implement a comprehensive management plan for future uses in the gorge.

We introduce this legislation at the request of Washington Gov. John Spellman and Oregon Gov. Victor Atiyeh. Both Governors deserve praise for their diligent work with all affected interests in attempting to build a workable consensus for management of the gorge. A similar bill will be introduced in the Senate.

No one of the sponsors of this legislation today can embrace each feature of the bill. What is remarkable is that we each, from our respective States and districts, have agreed to work together to enact what will become a true consensus.

I look forward to timely hearings on this measure that will afford the Congress ample opportunity to hear further from all affected interests. I believe enactment of such consensus legislation is possible, in part, because of my experience with similar legislation that resulted in establishment of the Mount St. Helens National Volcanic Monument.

In dealing with that legislation, we began with widely diverse points of view. But all parties worked closely together and the result was a true compromise.

There are a few changes from the Governors' draft which I would like to address at this time. The county representation on the 14-member commission has been made more flexible: While the Governors' draft said that all six county representatives must be elected officials, this bill says they may be either elected officials or residents of the respective counties. The language dealing with authority to condemn property makes more clear the intent of Congress that no existing homes or other structures in existence at the time of enactment may be condemned. Finally, the President is given broader authority in appointing ex officio members to the commission, including a representative of the Fish and Wildlife Service, Forest Service, Corps of Engineers, Bonneville Power Administration, and any other Federal or State agency representative which the President may deem appropriate. These members will be nonvoting.

I would like to take this opportunity to thank particularly my colleagues who share with me the pleasure of representing those who live within or near the gorge. I have long enjoyed working with SID MORRISON in solving public land use problems. My colleagues from Oregon, RON WYDEN and BOB SMITH, have worked hard to introduce this legislation.

Like the users of the gorge itself, we too are a diverse group. I look forward to the continued partnership between our States which has bought us this far toward a solution to management of the Columbia River Gorge.

Last, I would like to pay special thanks to the Friends of the Columbia Gorge, Protect the Gorge Committee, and other groups that have worked on various legislation concerning this issue. While I know that neither side will embrace this bill, I am pleased that both are committed to working with us toward a final compromise.●

THE TAX CUT: HOPE FOR A STRONGER RECOVERY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GINGRICH. Mr. Speaker, an editorial in the Carroll Times-Georgian shows that the tax cut means that the recovery will continue strongly. The Times-Georgian is a small daily newspaper in my district—not a large newspaper which caters to special interests. Its' support of the tax cut indicates that it is the average working American who benefits from it.

The editorial also cautions us about large deficits. We must understand that these deficits are caused by higher and higher Federal spending. While this article does not suggest an immediate solution to this problem, it does suggest that we should keep the tax cut.

[From the Times-Georgian, July 9, 1983]

EDITORIAL OPINION.—TAX CUT HERALDS NEW FISCAL YEAR

July 1 marked the beginning of the final phase of President Reagan's three-year tax cut. Senate defeat of a Democratic-led "tax cap" effort allowed President Reagan to put away his veto pen, thus giving $30 billion more to taxpayers' paychecks during the next fiscal year.

For the average family of four with an annual income of $22,300, that amounts to about, $6 a week. Higher-income (and taxpaying) Americans—who were the object of the Democratic proposal—may see an extra Andrew Jackson each week ($20). In either case, many will say, "big deal."

Unlike last year's tax cut which took effect during an economic downturn, this one is coinciding with a burgeoning economic recovery. So it could indeed be a big deal.

It may be, for many, the difference between buying or not buying a new car, or any durable goods that will turn a recovery into a boom. Some auto industry officials are predicting it could result in the sale of 300,000 extra cars this year, for example.

Many of those "wealthier" taxpayers who the Democrats said would be unfairly benefited by the reduction, may be more enthusiastic about putting their extra dollars into savings accounts that fuel home and commercial loans. Some of the money is bound to go toward maintaining the current bull market on Wall Street.

To others, the tax cut will not be a reduction in taxes so much as a reduction in the growth of taxes. If one remembers, that was how President Reagan originally characterized his plan to parcel out $90 billion from the U.S. treasury over a three-year period as a way to spur economic growth.

The dark side of the tax cut, of course, is that it isn't much help in the effort to reduce record federal deficits that many economists fear may ultimately shorten the economic recovery.

With a presidential election year looming, it is probably too much to hope for any bipartisan resolution of the deficit problem in the near future. But one recommendation from Charls Walker, the deputy secretary

of the Treasury under President Nixon, is worth studying.

If an economic recovery, aided by the tax cuts, doesn't begin to whittle down the deficits, Walker suggests that a bipartisan commission be created to devise a deficit reduction plan—similar to the one that faced the Social Security crisis.

For the moment, however, let's give this real tax break a chance to work.●

THE POPULATION CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. OTTINGER. Mr. Speaker, the world population crisis has reached epidemic proportions. The Global 2000 Report outlines the crisis that the world is facing. If present trends continue, in the year 2000 the Earth will be more crowded, more polluted, less stable ecologically, and tremendously more vulnerable to disruption than the world we live in now.

The current supply of resources, both renewable and non-renewable are strained to the breaking point and something must be done. The demand for these resources grows in exponential fashion as the population grows and the standard of living increases. The United States, having recognized the existence of the problem, has placed itself in the position of saying "do as I say, not as I do." We strongly encourage and give assistance to countries to control their population growth. However we do nothing to develop our own population policy.

Congress has so far avoided addressing the issue of population stabilitization despite our specific commitment to do so in the 1974 World Population Plan.

To being to address this problem Senator HATFIELD and I have offered the Global Resources, Environment and Population Act of 1983 (H.R. 2491/S. 1025). The main purpose of this act is: To coordinate national planning for population change, to attain a balance between population, natural resource use, and environmental needs; to encourage population stabilization and voluntary family planning; and finally to establish an Interagency Council administered by the Office of the President, at no additional administrative costs.

The Interagency Council would be composed of the Secretaries and Administrators of the 19 Federal Agencies which already formulate policies on population and environmental issues. The council would coordinate population research by Federal agencies, review Federal policies and programs, develop and recommend a national population policy proposal which would promote population stabilization and would recommend to the President a policy to encourage global population stabilization.

Policymakers must be alerted to the impact and consequences of unplanned population growth and distribution. We will exhaust our resource supply if we do not plan carefully. Failure to account for demographic changes has already resulted in enormous waste as we build new schools and hospitals in areas of declining need.

We must coordinate the projections that are done in various Government agencies if we are to make a future for our children and our grandchildren that has an adequate supply of resources to meet their needs.

I would like to commend to my colleagues' attention the following article which appeared recently in USA Today. I would also like to request their support for H.R. 2491, The Global Resources Environment and Population Act of 1983. We will not have a future if we do not plan for it.

[From USA Today]

WE MUST ACT NOW, BEFORE IT'S TOO LATE

(By Carole L. Baker)

WASHINGTON.—World population growth—like an illness with no warning system—is the most dangerous of conditions because its consequences aren't noticed until it's too late.

It is the obese man ignoring his physician and health, getting bigger and bigger. So-called "friends" say he looks fine . . . until the massive coronary.

Population growth is not a single dramatic event, but a constant process—one whose current scale promotes soil erosion and deforestation, overgrazing, poverty, malnutrition, illiteracy, political instability and military conflict.

Examples are everywhere.

There are still those who claim, citing a gradual lowering of world birth rates, that the patient looks fine, despite staggering growth. This is a dangerous mistake to make; slighty lower birth rates can't compare to the ever-expanding world population base we now have.

The compounding aspect of exponential growth is enormous. It took all of history up to 1830 to reach the first billion people. The second billion took only 100 years. Now the world adds another billion every 12 years.

All estimates project 6 billion people by the year 2000 . . . in just 17 years.

This is one-third more people added to our planet, mostly in the developing nations. Tragically, these nations, least able to meet their basic needs, also have the highest population growth rates. No government can expect to improve living standards when a nation's population growth outpaces its economic output.

Increasingly, this is the dilemma of the developing world.

Industrial nations are also straining their ability to support their people, because of high per capita use of energy and raw materials.

The United States continues to grow by more than 2 million per year. With only five percent of the world's population, this country consumes 11 times the world's average of energy, six times the steel, and four times the grain.

The United States must face these issues here at home. We are the fastest growing industrial nation in the world, but the United States still has no population policy, no demographic goals or capacity to identify or plan for future trends.

Legislation now before Congress—The Global Resource, Environment and Population Act of 1983—would begin to answer these needs. By not taking action on population, governments ignore their responsibility. We must stabilize population growth.

In the words of Worldwatch president Les Brown, "We are not inheriting the earth from our fathers—we are borrowing it from our children."●

DENNIS BRUTUS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 3, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I remember attending grade school and, in the mornings, rising with my classmates to pledge allegiance to our flag. I especially remember repeating the last phrase of that pledge to myself after the class had finished "with liberty and justice for all." Those words really meant something to me, and I was proud to live in a country that offered both those fundamental rights to everyone.

Well, Mr. Speaker, our colleague Mr. FRANK has drawn our attention to an instance in which a man in our country might be denied both the liberty and the justice to which he is entitled. Mr. FRANK has introduced H.R. 3705 for the relief of Mr. Dennis Brutus, a South African poet and outspoken critic of apartheid who is in the midst of a battle over efforts to deport him to southern Africa.

Mr. Brutus' fears about returning to southern Africa are not unfounded. Although born in Zimbabwe, he grew up in South Africa. In the early 1960's he was arrested for his antiapartheid activities and was released only on the condition that he would be imprisoned if he ever returned to South Africa. Mr. Brutus faces potential dangers in other countries as well. Just last year, a former nationalist leader in South Africa with whom Brutus was imprisoned was fatally shot in Zimbabwe, allegedly by the South African secret police.

Mr. Brutus has lived in the United States for the past 10 years. He has been a professor of African and English literature at Northwestern University for many of those years. Why, then, is he facing potential deportation? Mr. Speaker, Dennis Brutus could be deported because of a technical violation of the immigration statutes. He originally held a British passport, and it was with this document that he obtained his visa, which granted him permission to work here. But

when Zimbabwe became an independent nation in 1980, Mr. Brutus' passport was revoked. Zimbabwe issued a new one, but he was late in applying for the extension of his visa here. Then his file was misplaced for 6 months. Thus, when he continued to work at Northwestern University, he violated a law that forbids employment of an alien with an expired visa.

Despite the unusual circumstances, the State Department is zealously pursuing action against Mr. Brutus. He has been told by these authorities that he could return to Great Britain, where he lived and worked after he left Africa in 1966. The British authorities, however, present a different picture: They advised him that his immigration rights have lapsed in Britain because he failed to live there for 2 years.

Furthermore, the State Department has indicated that he is excludable from the United States under the McCarran-Walters Act, but has refused to tell Mr. Brutus why he has been judged excludable. He needs that information to defend his position. The Department is using classified documents and, as commonsense tells us, it is quite difficult to refute information that is not known. Surely this is a violation of those very rights to which I pledged allegiance so many years ago.

As Chairman of the Congressional Arts Caucus, I have yet another interest in allowing Mr. Brutus to remain in our country. He offers an irreplacable cultural asset to our nation. He has distinguished himself in his position as Professor of African literature at Northwestern University. Few scholars have contributed so much to a better understanding of African culture and the dynamics of the apartheid system as Mr. Brutus. And, on top of his academic career, Mr. Brutus is an award winning poet. He has published seven collections of poetry, including "Sirens, Knuckles and Boots" (1962) and "Letters to Martha and Other Poems from a South African Prison" (1969). Instead of harassing and deporting this talented man, we should support his efforts and leave his mind free to produce his artwork in an unrestricted society.

I know that I am not alone in this position of defending Mr. Brutus for his artistic and academic ability. The Authors League of America, Inc., has recently submitted a letter of support to Hon. Irving Schwartz, the judge who is presiding over Mr. Brutus' trial. The letter reads:

American authors join American teachers and scholars, distinguished representatives of the black community, members of Congress and others in urging that political asylum be granted to Dennis Brutus. It would be shocking if our government, which justly condemns the deportation and oppression of teachers and poets by authoritarian regimes, were to expel this eminent teachers and literary artist.

Sincerely yours,

HARRISON E. SALISBURY,
President, The Authors League of America.
ANNE EDWARDS,
President, The Authors Guild.

Mr. Speaker, if the Immigration and Naturalization Service were to deport Mr. Brutus because of the violation of a technicality, the United States would be expelling a world-renowned leader in the field of human rights, a master poet, an outstanding scholar, and an exceptional teacher. We have no choice but to grant him political asylum.●

NATIONAL AVIATON HALL OF FAME

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FUQUA.. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to the ceremonies that took place on July 23, 1983, in honor of four men inducted into the National Aviation Hall of Fame. They are men who continue to epitomize the history of flight, its challenges and its rewards. These four men, like the 97 who proceeded them, represent the accomplishments and the courage of the individual who seeks to meet the challenges of flight, challenges which include military combat, research and development, as well as, industrial innovation.

It was an honor for me to be present at ceremonies honoring the men who have brought aviation to where it is today. The creation of the Aviation Hall of Fame in Dayton, Ohio, is a beautiful facility supported by the contributions of individuals and organizations who wish to enshrine the names of the men and women who have taken an aggressive role in the development and evolution of flight. The men enshrined in 1983 are representative of the innovation of mankind, in the arena of aviation.

I feel especially privileged to have attended the ceremonies this year due to the induction of an individual with whom I have had the special pleasure of working, A. Scott Crossfield. Scott has served as technical consultant for our Committee on Science and Technology since 1977. His expertise in the area of aviation has been of extreme value to the work of the committee and it was a special honor for me to have been present.

I would like to submit for the record the biographies of these four individuals because I feel that their accomplishments speak for themselves.

NATIONAL AVIATION HALL OF FAME 1983
ENSHRINED AVIATION PIONEERS

DAVID SINTON INGALLS

Born in Cleveland, Ohio, his interest in aviation blossomed while attending Yale University in 1916–17. There he joined the First Yale Aviation Unit and began flight training at Huntington Beach, Long Island. Just prior to the United States' entry into World War I, he enlisted in the Naval Reserve Flying Forces and completed his flight training at West Palm Beach, Florida as Naval Aviator No. 85. Sailing for Europe in September 1917, he received additional flight training at Gosport, England, and Turnbury, Scotland, before reporting to the Dunkirk, France, Naval Air Station in March, 1918. After additional training in France, he was temporarily assigned to British Royal Air Force Squadron 213 conducting operations against German submarine bases at Ostend, Zeebrugge, and Bruges, Belgium. In August and September, 1918, he was credited with shooting down at least four enemy airplanes and one or more balloons to become the Navy's only "Ace" in World War I. Relieved of duty with the 213th in October, 1918, he served as a ferry pilot and instructor at Eastleigh, England. For his war efforts he was awarded the American Distinguished Service Medal, the French Legion of Honor and the British Distinguished Flying Cross.

After the war, Ingalls re-entered Yale and received an AB degree in 1920. Then he enrolled in the Harvard Law School and earned his LLB degree in 1923. He joined the law firm of Squire, Sanders and Dempsey in Cleveland and practiced law there until 1929. Meanwhile, he was elected to the Ohio Legislature in 1926 and in 1928, where he co-sponsored the Aviation Code Act of Ohio, a model later adopted by many states. He also helped plan the Cleveland, Ohio, airport. In 1929, his outstanding qualifications came to the attention of President Hoover, who appointed him Assistant Secretary of the Navy for Aeronautics. During the next three years he guided the rapid advancement of the Naval Aviation Test and Development Program, and was also commissioned a lieutenant commander in the Naval Reserves.

During the early years of World War II, he served as vice president and general manager of Pan American Ferries, Inc. Then in 1942 he went on active duty as Assistant Operations Officer on the Staff of the Commander of Air Forces Pacific. He then served as executive officer to the Forward Area and Air Center Commander at Guadalcanal. In 1944 he became Plans Officer with the South Pacific Forces, and later commanded the Pearl Harbor Naval Air Station. Retiring from active duty in 1945, after receiving the Legion of Merit and the Bronze Star, he transferred to the Navy's Retired List in 1959 with the rank of rear admiral.

After the war, he continued his association with Pan Am, and also became president and publisher of the Cincinnati Times-Star Newspaper from 1953 to 1955. He also continued an active interest in law and politics.

THEODORE VON KARMAN

Born in Budapest, Hungary, he first earned a mechanical engineering degree at the Royal Joseph University. He later became an assistant professor at the Technical Institute of Budapest and received his Ph.D. at the University of Gottingen in Germany. In 1911 he discovered aeronautical vortex drag, later known as "Kármán

Vortex Street". This led to his accepting the aeronautical chair at the Technische Hochscule in Aachen, Germany. During World War I he set up a department of aviation for the Austro-Hungarian Army and helped develop a tethered reconnaissance helicopter.

After the war, he returned to Aachen as director of the University's Institute of Aeronautics, and became a consultant on Junkers aircraft and also on Zepplin's dirigible, Los Angeles.

Fleeing growing anti-semitism in Germany in 1929, von Kármán became director of the Guggenheim Aeronautical Laboratory at the California Institute of Technology and of the Daniel Guggenheim Airship Institute in Akron, Ohio. He also became a consultant on the Navy dirigibles Akron and Macon, as well as to Northrop on revolutionary aircraft construction and wing fairings to eliminate buffeting.

In 1935, he presented the first theories on air drag at supersonic speeds. His group also initiated the GALCIT Rocket Research Project, which led to the development of JATO rockets to assist aircraft takeoffs, and to the formation of the Aerojet Engineering Company. He also became a consultant to Northrop on flying wing and rocket-powered aircraft; to Boeing on high speed wind tunnels; to Lockheed on aircraft designs; to the Army Air Forces on supersonic aircraft; and to Army Ordnance on long-range missiles.

In 1944, General Arnold asked von Karman to form and chair an Army Air Forces Scientific Advisory Group to develop a blueprint for air research needed in the next 50 years. The Group's reports, "Toward New Horizons" and "Science, The Key to Air Supremacy", served to guide Air Force developments throughout the next decade. The subsequent Scientific Advisory Board was instrumental in the development of the Atlas ICBM, the formation of the Rand Corporation, and the building of the supersonic X-15 rocket research plane.

Later, he helped establish and chaired the Advisory Group for Aeronautical Research and Development, to assist NATO countries develop mutual defense capabilities. Then in 1960 he was instrumental in forming the International Academy of Astronautics. In 1963 President Kennedy presented von Kármán the nation's first National Medal of Science for his lifetime of contributions, just prior to his death.

THORNTON ARNOLD WILSON

Born in Sikeston, Missouri, and graduated by Iowa State University with a degree in aeronautical engineering, Wilson joined the Boeing Airplane Company in 1943 as a junior engineer. There he worked on the C-97 stratofrieghter and the Model 377 Stratocruiser.

After receiving a Master of Science degree from Cal Tech in 1948, he returned to Boeing, where he worked as an aerodynamicist and later as an Aerodynamic Senior Group Engineer on the B-47 Stratojet, the nation's first multijet bomber. After studying industrial management at M.I.T. on a Sloan Fellowship, he was named a Senior Group Engineer in Charge of the preliminary design of supersonic bombers in 1953. His work led to the B-52 Stratofortress, which became the principal strike force bomber of the Strategic Air Command. After managing the design and construction of a new supersonic wind tunnel, he was named Assistant to Boeing's Chief Engineer in 1955. As such, he became involved in the KC-135 tanker for the Air Force, and the 707 jetliner that put Boeing back into the commercial aircraft business and opened a new era of jet travel.

A major challenge came in 1958 when Wilson was named Program Manager of the Minuteman Advance Projects Proposal Team which won the contract assignment to perform the final assembly and tests of the Minuteman ICBM. Later he was elected Vice President of Boeing's Aerospace Divison and Manager of its Minuteman Ballistic Missile Branch, which aided the missile becoming operational with the Air Force in 1963.

In 1964, Wilson was named Boeing's corporate Vice President of Operations and Planning and he was involved in the introduction of the Boeing 727 trijet airliner, one of the world's most successful jetliners. Then after serving briefly as Vice President and General Manager of Boeing's Military Airplane Division, he returned to corporate headquarters again as Vice President of Operations and Planning. As such, he was involved in the Boeing 737 short-haul jetliner.

In 1966 he was promoted to Executive Vice President and named to Boeing's board of directors, as the Boeing 747 jetliner was being developed. Then in 1968 he was elected president of Boeing and in 1969 was also named Chief Executive Officer. As such he led the company through a period of severe economic recession in the early '70's, as the 747 was entering commercial service. Then in 1972 he was named Chairman of the Board. In recent years, he led Boeing's efforts that won the MX Cruise Missile Contract and introduced the new technology, fuel efficient 757 and 767 jetliners.

A. SCOTT CROSSFIELD

Born in Berkeley, California, he began taking flying lessons at the age of twelve. Later he soloed at the age of fifteen. In 1940 he entered the University of Washington and later earned his private pilot license. Withdrawing from the University, he went to work for The Boeing Airplane Company. After Pearl Harbor, he enlisted in the Navy, earned his wings, and served as a flight and gunnery instructor before being assigned to Air Group 51 aboard the carrier *Langley*.

After the war, he earned a Bachelor and Master degree in aeronautical engineering at the University of Washington. Then he joined NACA at Edwards Air Force Base, where he completed the Experimental Flight Test Pilots School, and began test flights of the Bell X-1 and X-5, the Douglas Skystreak and Skyrocket and the Northrop X-4. During this period, he made the first Keplerian trajectory flights to test the effects of weightlessness. In 1953, he flew the Douglas Skyrocket at twice the speed of sound, a historic flight milestone.

In 1955, Crossfield joined North American Aviation as a design specialist on the X-15 rocket research plane. As such, he helped develop flight control, display and telemetering systems, and the full pressure flying suit. After he was promoted to Chief Test Pilot, he then became the first pilot to successfully attain the speed of Mach 3 in the X-15 in 1960.

After being named Director of Systems Test of North American's Space and Information Division, Crossfield was instrumental in the development of the Hound Dog missile. Then named Director of Test and Quality Assurance, he was also involved in the Apollo, Saturn II, and Paraglider programs.

Crossfield joined Eastern Air Lines in 1967 as Division Vice President of Flight Research and Development, and Flight Operations. As such, he developed an area navigation system test study in the Boston-New York-Washington corridor to relieve air congestion. In 1971, as Staff Vice President of Transportation Systems Development for Eastern, he was involved in developing a National Short Haul Transportation Plan, which later became the basis for FAA's current navigation plan.

In 1974, Crossfield became Senior Vice President of Hawker Siddeley Aviation, Inc. and developed specifications for its HS 146 short-haul airliner. Then in 1975 he became a technical consultant to the House of Representatives' subcommittee on Transportation, Aviation and Materials. In 1977 he became a consultant to the House Committee on Science and Technology with extensive interfacing with DOD, Air Force, Navy, NASA and FAA personnel and committees.●

THE COAL PIPELINE ACT OF 1983

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. UDALL. Mr. Speaker, today, I am introducing new legislation to establish a procedure to permit coal pipelines determined to be in the national interest and required by the public convenience and necessity to exercise the power of Federal eminent domain to acquire rights-of-way for pipeline construction.

Earlier this session H.R. 1010, the Coal Pipeline Act of 1983 was reported by the Committee on Interior and Insular Affairs and by the Committee on Public Works and Transportation. In the last several weeks, members of those committees have met to attempt to reconcile the versions of the bill reported by the two committees. Although agreement has been reached on most issues, we have not been able to achieve a consensus on all provisions of the legislation.

The legislation I am introducing today is my best effort to write a bill that incorporates the agreements that have been reached with the Committee on Public Works and Transportation. I believe that it is also a fair compromise on the issues that we were unable to resolve.

It is my intention to request the Committee on Rules to make this bill in order as a substitute to H.R. 1010.●

ISSUES OF PRODUCTIVITY, INTERNATIONAL COMPETITION AND TRADE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FEIGHAN. Mr. Speaker, today, I want to address the issues of productivity, international competition and trade. Collectively, the interplay of these economic forces directly affects

the well-being of my constituents. Due to the inability of the Reagan administration to succesfully manage our economy, we now have an industrial crisis that has resulted in unacceptably high levels of unemployment, a declining manufacturing base, and an increasing deficit in our balance of trade.

The structure and performance of American industry is undergoing profound changes. Profit losses, declining production and a loss of our trade competitiveness are serious long-term problems. These changes will eventually require restructuring of existing industries and encouragement of new industries. There are compelling reasons why industrial competitiveness on a global scale is crucial to our social and economic well-being. Unless the United States improves its ability to compete internationally, unless we develop a coherent, long-term approach, and address our problems from a global perspective—I fear that domestic economic revitalization will remain an elusive goal.

Mr. Speaker, our approach to increasing productivity must be comprehensive and based on new and changing economic realities. Given the emergence of a global marketplace, a turn inward will be self-defeating in the long run. Our mandate must not be to punish or retard the competitive gains by other nations, but to insure our competitiveness within the global marketplace.

Operating in a world economy means that the economic functions of production, distribution, finance, communications, and transportation are now global rather than national. This includes the global exchange of research and development results as well as management techniques and skills. Efficient production today must be based upon the resources of the entire planet, not just on those of one country.

Our national competitive effort will require investment in physical capital (plant and equipment) and human capital, as well as a commitment to technological innovation. As a nation, we have the tools: A rich knowledge base; an energetic and creative people; a flexible form of democratic government; and a wealth of scientific advances and technological breakthroughs waiting only to be put to productive use.

Other nations are aggressively industrializing. They do not have to do without as they once did, nor do they have to depend upon U.S. producers. In fact, many have more modern plants than those in the United States. As a result, their goods are less expensive—they are more competitive producers than the United States. Under such circumstances, it is imperative that U.S. export policies be improved to help rectify this situation.

Toward this end, I believe it is important for the United States to adopt a national trade policy that allows our domestic manufacturers and service-oriented industries to creatively compete on a fair and equitable basis with other countries. To facilitate this process, we should vigorously pursue economic policies that encourage the export of U.S. goods, services and technologies. Every $1 billion in exports translates into 40,000 U.S. jobs. By increasing our overseas sales, we will be able to effectively compete in the international marketplace—and reduce unemployment—without resorting to protective tariffs that would eventually result in increased costs to the consumer.

Mr. Speaker, I consider these issues too crucial to be left to the whims of the marketplace. To address the concerns I have raised today, I have set aside Monday, September 19, 1983, to hold a conference in my district on productivity. Seven aspects of productivity will be considered by witnesses from business, labor, academia, and government. They are: First, capital investment; second, human resources; third, research, development and technological innovation; fourth, role of Government in the economy; fifth, Government organization and operations; sixth, private sector initiatives; and seventh, international competition and productivity.

The recommendations made at this conference will then be submitted to the White House Conference on Productivity. Only by involving the people of this country in the decisionmaking process, can we hope to rationally and systematically address the questions of productivity, international competition, and trade.

Thank you.●

RESOLUTION OPPOSING SHIPMENT OF NUCLEAR REACTOR PARTS TO INDIA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MARKEY. Mr. Speaker, today I am introducing a resolution calling upon the President not to ship nuclear reactor parts to India's Tarapur nuclear powerplant unless India makes firmer nuclear nonproliferation guarantees.

Joining me in cosponsoring this important legislation are Congressmen RICHARD L. OTTINGER, JACK F. KEMP, MORRIS K. UDALL, HAMILTON FISH, JR., JAMES L. OBERSTAR, and JAMES M. JEFFORDS.

Senators RUDY BOSCHWITZ (R-Minn.) and JOHN GLENN (D-Ohio) have introduced the same resolution in the Senate.

The resolution expresses the sense of the Congress that the United States should not export or help arrange for other countries to export nuclear reactor components to India's Tarapur nuclear powerplant near Bombay unless the Govenment of India provides stronger nonproliferation guarantees, which should include (1) reliable assurances by India that it is not engaged in a program to develop nuclear weapons and will not explode additional nuclear devices; and (2) agreement by India to extend the International Atomic Energy Agency safeguards provisions in the United States-India nuclear cooperation agreement in perpetuity.

On June 30, Secretary of State George Shultz assured the Indian Government that it will be supplied reactor components for Tarapur. India has maintained that the parts are needed to operate the U.S.-built plant safely.

The problems at the Tarapur nuclear reactor, however, involve high levels of radioactive contamination resulting from deteriorated nuclear fuel, which India manufactured. This defective fuel has contaminated the plant's coolant, which is leaking from seals, flanges, pumps, and other components. The high level of contamination thus has made it nearly impossible to perform the maintenance needed to operate the plant safely.

While the supply of spare parts could reduce somewhat the radiation exposure to plant workers and lead to some improvement in plant maintenance, it would not make the plant safe. On the contrary, it would simply allow the plant to continue in an unsafe condition. Even Homi N. Sethna, chairman of India's Atomic Energy Commission, has admitted that decontamination of the plant would take 6 months to 1 year.

In other words, the safety problems Tarapur are India's fault not the United States. The Indian Government, in effect, is asking for the reactor parts and to maintain its right to proliferate. The United States should not go along with such demands.

In 1974, India detonated a nuclear device using material that had been diverted from its civilian nuclear facilities.

Largely as a result of the India explosion, the United States enacted in 1978 the Nuclear Non-Proliferation Act, which stipulated that nations like India could no longer receive United States nuclear materials unless they accepted International Atomic Energy Agency inspections on all their nuclear facilities.

In 1980, even though India had steadfastly refused to accept full-scope IAEA safeguards or to rule out the possibility that it would detonate another bomb, Congress agreed to ignore

the Nonproliferation Act and ship 38 tons of enriched uranium to the Tarapur nuclear facility near Bombay.

In 1982, with India still refusing full-scope IAEA sefeguards and threatening to reprocess U.S.-origin spent fuel for its bomb-usable plutonium, the Reagan administration circumvented the Nonproliferation Act's restriction by arranging for the French to ship enriched uranium to Tarapur.

Today, with India still refusing to budge on nonproliferation and with reports surfacing that it is preparing for another nuclear test, the State Department is recommending that reactor components be sent to Tarapur.

It is time to say no to India.

"No" is a word this country has been loathe to say in the implementation of its nonproliferation policy—particularly as it relates to India.

For too long, the State Department has stumbled over itself to be a good nuclear supplier to India. It is about time they became concerned about whether India has been a good customer.

This is not a case of India having a nuclear supply problem with the United States.

The United States is having a proliferation problem with India.

Our resolution urges the President to extract—at the very least—two very minimal guarantees from the Indian Government before the reactor components are shipped: First, that India assure the United States that it is not building nuclear weapons and will not explode a nuclear device, and second, that India agree to continue IAEA safeguards on the Tarapur plant after the nuclear cooperation agreement ends in 1993.

For a nation founded on the pacifism of Mohandas Ghandi, I do not see how these guarantees could be considered unreasonable.

Ever since the Nonproliferation Act was passed in 1978, the executive branch has maintained that the United States should continue to supply India with nuclear material so we can use the supplies as leverage to get the Indians to abide by the act. But after 5 years, Congress is beginning to realize that we have been free and easy with the supplies, but we have never used the leverage.

It is time now for the United States to use its leverage and reaffirm its commitment to halt the spread of nuclear weapons.

The following is a text of the resolution:

Resolution expressing the sense of the Congress that nuclear reactor components should not be exported from the United States for India's Tarapur nuclear power station unless the Government of India provides stronger nonproliferation guarantees.

Whereas, halting the spread of nuclear weapons is one of the primary goals of United States foreign policy;

Whereas, the United States, along with 117 nations, is a party to the Treaty on the Non-Proliferation on Nuclear Weapons;

Whereas, the Congress enacted the Nuclear Non-Proliferation Act of 1978 which is designed to establish guidelines for the export of the nuclear materials and technology;

Whereas, the Government of India has made an urgent request to the United States for nuclear reactor components for its nuclear power station at Tarapur;

Whereas, India is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons and has not agreed to place its nuclear facilities under International Atomic Energy Agency safeguards;

Whereas, the Government of India conducted a nuclear explosion in 1974 and has refused to rule out future nuclear tests;

Whereas, there have been reports indicating that the Government of India is preparing for another nuclear test, which would require a cutoff of United States nuclear exports under the Nuclear Non-Proliferation Act of 1978.

Whereas, in order to provide the requested nuclear reactor components to India, the President may have to waive the requirement for such a cutoff of United States nuclear exports;

Whereas, the nuclear cooperation agreement between the United States and India provides that nuclear facilities supplied by the United States to India shall be subject to international safeguards; and

Whereas, this agreement expires in 1993 and India has not agreed to extend its safeguard provisions in perpetuity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Government should not export or help arrange for other countries to export nuclear reactor components for the nuclear power station at Tarapur, India, unless the Government of India provides to the United States Government stronger nuclear nonproliferation guarantees. These guarantees should include, at a minimum—

(1) reliable assurances by the government of India that it is not engaged in a program to develop nuclear weapons and will not explode additional nuclear devices; and

(2) agreement by the Government of India to extend the safeguard provisions in the United States-Indian nuclear cooperation agreement in perpetuity.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.●

NEW RESEARCH ON DIABETES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WOLF. Mr. Speaker, I want to call attention to a recently established joint research project between the Washington University School of Medicine and the McDonnell Douglas Corp., both of St. Louis, Mo., to pursue research on purification techniques that could lead to new treatments for diabetes.

The joint research focuses on separating insulin-producing beta cells from pancreatic tissue. Washington University scientists have for more than 10 years been attempting to improve isolation and purification of insulin-producing beta cells in order to provide effective transplantation to control diabetes. Transplantation of pancreatic islets—groups of cells which contain beta cells—has successfully controlled diabetes in laboratory animals.

What is especially exciting about this research effort is that space shuttle flights are aiding in this project. The electrophoresis operations in space project, part of the McDonnell Douglas Astronautics Co., has developed a device which separates materials in a solution by subjecting them to an electrical field. This device has been tested on three space shuttle fights and has shown in the zero gravity of space the ability to separate over 700 times more materials and to achieve purity levels more than four times greater than is possible in similar operations on Earth.

According to David Scharp, M.D., associate professor of surgery at Washington University School of Medicine, preliminary experiments using cells from the pancreas in the McDonnell Douglas electrophoresis device suggest that this technique may bring islet transplantation to the diabetic patient sooner by providing greater quantities of purified beta cells.

This partnership in research by these two functionally different institutions demonstrates a willingness to collaborate their findings for the good of mankind and I commend these efforts which offer new hope for all who suffer from diabetes.●

PASSAGE OF THE EQUAL RIGHTS AMENDMENT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. AuCOIN. Mr. Speaker, the August 1 edition of Business Week magazine contains an editorial strongly supporting congressional passage of the equal rights amendment.

I want to commend the editors for calling attention to the pressing need for guaranteeing equal treatment under our laws for women by making this fundamental right part or our Constitution. As the editorial points out, "For both its practical value in anchoring women's rights in the fundamental law of the land and its transcendent symbolic value as an unmistakable national commitment to equality for women, the ERA should become part of the Constitution."

IT'S TIME TO PASS THE ERA

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

These simple words form the basic text of the Equal Rights Amendment, and ERA backers, unbowed by their recent defeat, remain determined to make them part of the Constitution (page 92). The ERA remains highly controversial in many quarters. Yet it is difficult to see how anybody today could be opposed to its intent, which is, quite simply, that women should be treated equally with men before the law. The only legitimate issue is whether accomplishing that increasingly urgent objective requires amending the Constitution.

The answer, essentially, is that equality could indeed be pursued in other ways, such as passing hundreds of individual federal and state laws to remedy inequities as they arise. But trying to right a single, basic wrong by multiple means usually produces mixed results. Federal and State administrations vary in their zeal for equal opportunity. Executive orders depend on the agencies that enforce them. For both its practical value in anchoring women's rights in the fundamental law of the land and its transcendent symbolic value as an unmistakable national commitment to equality for women, the ERA should become part of the Constitution.

In their renewed drive, ERA supporters intend to emphasize the important economic issues, particularly jobs, at stake in its passage. They can produce some persuasive evidence that despite a multitude of laws and executive orders mandating equality, women still face discrimination. In some states, for instance, property acquired after marriage belongs to the husband if the wife has held no paid job. In all states, lingering bias in the workplace, the lender's office, and elsewhere in business leaves women with the short end of the economic stick. Women earn 59¢ for every $1 earned by men. While this is not entirely the result of bias, it suggests that new remedies are needed.

Last spring, even while the ERA ratification drive was failing, polls reported that almost two-thirds of Americans, including business executives, favored its passage. Both morality and the practical need to use all our human resources argue that, this time around, it should pass.●

AMATEUR RADIO ACTIVITIES

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ADDABBO. Mr. Speaker, I thought the Members would be interested in the following:

FLOODS, HAMS, AND SCIENCES

(By Irving Zuckerman [1])

A friend phoned me to ask if I still knew about amateur radio activities, and I said, "That depends on what you want to know and why."

HIM. My son has been hearing about radio hams helping in connection with the Midwest floods. He has been interested in aviation up to now, and I am beginning to see the possibility that he might acquire a new interest. What does ham radio activity entail?

ME. The radio hams don't just chat with each other. A ham usually becomes a member of one or more of the emergency communications networks, and when emergencies happen they pitch in. There are about a dozen of those emergency networks, and the ones I recall most readily are American Red Cross, U.S. Weather Bureau, Federal Civil Defense, Amateur Radio Relay League, Military Amateur Radio System, Civil Air Patrol of U.S. Air Force, and Naval Reserve Communications. In fact, your son's interest in aviation might give him some particular interest in Civil Air Patrol amateur radio network, but obviously there is a wide assortment of activities available and he might like more than one of them.

HIM. He will be entering his third year in high school, is that too young?

ME. Not at all. There are any number of radio hams younger than that. He would start having a simple amateur radio transmitter on a sort of "learner's permit" basis. In due course he would want to take the exam for a full-fledged amateur radio license. The exam includes knowledge of functioning radio equipment. While it is not essential that he take a course in physics for a ham license, he might want to elect a physics course in high school for more than one reason.

HIM. Getting back to the Midwest floods, what sort of things have the radio hams been doing out there? My son seems to have heard great things.

ME. The best thing I have on hand is a letter that went into unusual detail. It describes the actual activities of one ham radio club that took place during a Kansas flood a number of years back. It is typical so I will mail a copy to you.

(The following is the letter mailed:)

HI, MERTON: I received your card a few days ago requesting an account of our flood activities here. Boy, we had 'em. But putting them all down on paper is not exactly within my abilities. Maybe you recall the letter I sent in several months ago giving the details on the KVRC 10 meter emergency net drills we were conducting every Sunday night. well, those routing drills every Sunday night paid off in more than money could ever buy.

The club had an authentic emergency run during the regular field day activities. Then on June 29 we had a three day run in which approximately 30 of the club members participated whole-heartedly when the river got to pushing at the tops of the dykes several places.

But the real test came on July 10, having proven ouselves in the previous run, when the Mayor requested we go back into action by 9 PM with at least 3 fixed stations and several mobiles. A special meeting was called and preliminary details worked out on setting up the individual stations and staffing them for the first 24 hours. Besides the 3 fixed stations, we also set up 2 fixed portable stations complete with gasoline powered generators in large panel trucks for continuous duty wherever the need arose away from a source of AC power. With these 5 stations plus 3 mobile units we went into action. Within 24 hours the situation was becoming very critical and we expanded by adding three more fixed stations at the same time keeping from 3 to 6 mobile units in operation continuously. This, remember, was on a 24 hour basis and manpower became a very acute problem. An 8 hour stretch under that kind of strain is rough on the constitution but we were unable to keep any of the watches down to that limit. Most of the boys put in from 12 to 18 hours per stretch, and at one station which became isolated, the boys kept the stations going for 56 hours before relief arrived.

I might add here that several of the boys were hit by the flood damage and at least one took a very heavy loss.

Stations were set up at National Guard headquarters, the city garage, the Fair Grounds, the National Guard headquarters at the scene of the flood, at 4 separate "boat docks" created at several points throughout the city and with a mobile at the city water works plus mobiles scattered wherever needed and requested by the NG or Police Headquarters.

The two major types of traffic handled were requests for "sand, sand bags, trucks and manpower," and the requests for boats to bring people out of the flooded areas. These two types of traffic flowed constantly for four days intermingled with requests for food, motorboat repair parts, mercy missions concerning pets and livestock and Red Cross traffic concerning missing persons locally.

Telephone service was of course extremely critical at all times and the City Water Works and Commercial Power plant were just "nip and tuck" for several days as to whether they could be saved or not.

In addition to the above stations, 3 stations were set up on 75 meters to handle Red Cross, National Guard and Santa Fe RR emergency traffic.

All operations were carried out thru the control station situated at Police Headquarters so that although the traffic was heavy on the frequency, there was a very minimum of interference throughout the entire operation.

We found the job required, most of the time, 4 men at the control station: 2 men at the operating table and two men to coordinute the entire operation. It required a big share of one man's time to keep all stations properly staffed (with two men if possible), and another man's full time to coordiante activities and operations with the Head Office, where all flood activities were being funnelled for proper handling.

We had a private phone at our disposition which we found to be absolutely essential. That sounds odd under the circumstances but it is true and a long story could be written as to why. The Head Office was of course swamped with calls and they soon authorized the Police Switchboard to turn all boat calls over to us for handling. We also handled the ordering of all motorboat gas and repair parts as they would come in thru our facilities anyway. And as long as telephone service was available we made use of it in keeping up our manpower schedules. In this connection we had a large blackboard set up at one end of the room and kept all stations and their current staff plus their relief on the board.

The entire operation was maintained for 5 full 24 hours periods, then tapered off for a day and half before shutting down. It was a big job as far as our club was concerned and it was well done. The Mayor and the National Guard gave us full credit for the job we did as well as the Chief of Police who per-

[1] Economic consultant. Formerly Administrator of Order M-85 for Emergency Radio (Ham) Networks, National Production Authority. Also formerly Assistant Director for Planning and Budget, Office of Coal Research, Interior Department.

sonally made use of our facilities time and again during the emergency.

Every member of the KVRC did all he could to make the operation a success and several amateurs, total strangers to the KVRC and to Topeka showed up from time to time and offered their services. They only had to offer once and they found themselves in the middle of things.

It was certainly a new experience for most if not all of us being involved so closely in a major disaster directly affecting possibly 25,000 people and creating 17 million dollars damage in this area alone to private property and I feel that the amateurs have again come thru with a job "well done" that no other group or organization was set up for or in a position to handle.

MAC.●

PESO CRISIS IN TEXAS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today I am submitting for the CONGRESSIONAL RECORD an article that illustrates the effect that the crisis of the Mexican peso has had on the economies of Texas border towns. Mexico's debt crisis has hit border towns across Texas and other Southwestern States, particularly because the devaluation of the peso has cut the ability of Mexicans to buy U.S. goods. In the El Paso area, which is in my district, some retail stores had sales drop as much as 80 percent in the last year.

The article is as follows:

[From the Washington Post, Aug. 2, 1983]

PESO CRISIS PLAGUES TEXAS BORDER TOWNS

(By Stuart Auerbach)

From Bronwsville to El Paso, Mexico's debt crisis has spread to the United States, bankers and city officials told Congress' Joint Economic Committee yesterday.

Laredo, between Brownsville and El Paso on Texas' long border with Mexico, suffers from the highest unemployment rate in the country—27.2 percent—because the double devaluation of the peso cut the ability of Mexicans to buy U.S. goods. Some retail stores on the border near El Paso had sales drop as much as 80 percent in the past year.

"While Mexico caught pneumonia last year, the exposed border region had a heart attack," said Sen. Lloyd Bentsen (D-Tex.), who ran the hearing on his state's economic woes.

Things are getting so bad we are contemplating bottled sunshine to sell to the rest of the country," said Cameron County Judge Moises V. Vela of Brownsville. He was one of the four Texas witnesses who detailed the economic problems of the region, which, until the debt crisis hit Mexico last August, prospered from the flow of retail trade and real estate purchases coming from south of the border. In Texas, county judges serve as chief executive officers.

Brownsville banker Robert M. Duffey Jr. said that besides unemployment and business failures, the only economic statistic rising in the border towns is bank deposits—mostly flight capital from Mexicans who have been moving dollars into an American safe haven as fast as they can.

"It's the kind of capital that went to Switzerland from the United States long ago," said Duffey, chairman of the Texas Commerce Bank-Brownsville.

Deposits in his bank have almost doubled since 1980—from $475 million to $850 million in June—and increased by $23 million in the first six months of the year. Mexico's attempts to stop this hemorrhage of dollars appears to be having some effect, as the 1983 increase is far below the $187 million increase in deposits last year.

His biggest problem, though, is finding safe investments for that money.

"We have almost $100 million available for quality extensions of credit, a scenario not unlike our peers in the marketplace. Placing funds in quality loans is, however, a distinct challenge," he told the committee.

The hard times along the Texas-Mexican border stems directly from the sharp devaluation of the peso over the past year. Its value, and therefore its purchasing power, has been cut by about one-sixth, from about 27 pesos to the dollar less than a year ago, nearly 150 pesos to the dollar today.

Vela, the county judge, said retail sales in Brownsville decreased $136 million in the six months from October to last April, with 200 businesses closing down and "many others teetering on the brink of financial disaster." Unemployment stands at 16.1 percent and the city's sales tax income has dropped 42.45 percent in the past year.

Real estate sales, once booming, are so low that some houses stay on the market for as long as six months without even having a prospect take a look at them, said Brownsville banker Duffey.

In El Paso, which, with the Mexican city of Juarez, forms the largest populated area on the border, many retail businesses have closed and unemployment stands at 12.2 percent, banker Merriman Morton said.

"As goes Mexico, so go the American border communities," said El Paso County Judge Pat F. O'Rourke.

The recovery, however, is increasing production in 129 plants set up in Juarez by U.S. companies to assemble products for sale in this country. As a result, the border economy is the strongest within Mexico and "there are positive signs indicating the worst is behind us," said Morton, president of the El Paso National Bank.●

A BILL TO ALLOW A TAX CREDIT FOR EXPENSES INCURRED IN THE CARE OF ELDERLY FAMILY MEMBERS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CONTE. Mr. Speaker, I am introducing today a bill which grants tax credits for the costs incurred in the care of elderly family members. The amount of the tax credit in this bill would be determined on a sliding scale based on each family's income. Families with an income of up to $25,000 would be eligible for a credit of 30 percent of the elderly relative's medical costs, while families with an income of just under $75,000 would be eligible for a credit of 20 percent, and those families earning more than $75,000 would not qualify for any tax credit. In no case would the tax credit exceed $7,000.

Mr. Speaker, this bill is important for a number of reasons. First of all, it would hold health care costs down. It would do this primarily because it would keep the elderly out of nursing homes—emphasizing home health care for the aged. Second, although it would initially cost the Treasury some revenue, in the long run, it would save money because of the lower medical care costs. With lower health care costs, medicare and other Federal Government medical expenditures would be cut, and this would more than make up for the loss in revenue due to these tax credits. Third, this bill would tend to benefit people more in progressively lower income groups since it involves a tax credit rather than a tax deduction.

This bill is a sound, progressive piece of legislation which would not only make life easier for the elderly of our country, but would reduce health care costs and save Federal Government spending in the long run. Mr. Speaker, I urge that all the Members of this body support this legislation so that we can continue to promote fairness in our health care system without leaving the old folks behind.●

A NATIONAL HOLIDAY IN HONOR OF MARTIN LUTHER KING, JR. WILL BE A LEGACY FOR ALL AMERICANS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LANTOS. Mr. Speaker, on August 3, 1983, with a mixture of humility and pride, I voted with a majority of my colleagues in the House of Representatives to declare the third Monday of every January a legal holiday to commemorate the birthday of Dr. Martin Luther King, Jr.

The humility I felt arose from my recognition of the tremendous contributions made to our society and to the world by Dr. King. His struggle on behalf of black Americans evolved into a crusade for all Americans who were unemployed, poorly housed, disenfranchised, uneducated or undernourished.

His famous speech, "I have a Dream", delivered on the steps of the Lincoln Memorial, has inspired, and will continue to inspire, generations to pursue the quest for equality and peace. Dr. King supported the basic tenets of our Constitution: the right of equality and freedom for all. Not only was he the Nation's conscience; he restored our sight—he had a vision. He had a dream of equality—equality of rights and opportunities for children,

youth, adults, and the elderly. It was for this dream that Dr. King lived; and it was for this dream that he died.

He honored his fellow citizens by an unwaivering commitment to human rights and human dignity. We now honor him with this special day in order that future generations of Americans may remember him not only as a symbol of freedom and equality in America, but as an individual man—a human being—who lived courageously and fought non-violently for our highest ideals.

I urge my colleagues in the Senate to take prompt and positive action to pass this legislation. It is my earnest hope that the Martin Luther King, Jr. National Holiday will be an annual day of renewal and recommitment for Americans.●

DECLINING ACADEMIC STANDARDS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GINGRICH. Mr. Speaker, a couple of weeks ago, I was reading the Douglas Neighbor, a newspaper in my district, and noticed an important editorial on education. Jasper Dorsey wrote that the problem of our schools does not come from too little spending, rather it comes from declining academic standards and a weak disciplinary system.

He clearly points out that increased spending in the past has meant more money to the educational establishment which has been organized against the interests of parents and community groups.

The more I keep in touch with the people in my district, the more I find that they know what they want better than the Washington Establishment does. The education establishment does not like the report of the National Commission on Excellence in Education because it threatens its power. Adopting the Commission's report would take the power over our education system away from the education bureacrats and give it to parents who are concerned about giving their children a quality education.

[From the Douglas Neighbor, June 29, 1983]

EDUCATION STANDARDS LARGER PROBLEM THAN SCHOOL FUNDING

(By Jasper Dorsey)

The National Commission on Excellence in Education has started a bandwagon effect throughout the nation.

Not only because most people recognize the "rising tide of mediocrity" in the products of our public schools; but also because the very ones responsible for this terrible condition—the education establishment of teachers unions (like NEA, GEA, and AFT) and administrations, are eagerly jumping on the bandwagon in order to get the "additional billions of dollars" they "need."

Some school administrators are suggesting raising sales taxes, but it is hoped the public will refuse it. Raising performance standards for students and teachers, making course content more rigorous, requiring more homework, returning to four years of English, three of math, and three of physical sciences; combined with making schools more serious and orderly places, does not require lots more money. Just more productivity with what they already have.

In 1966 the nation's schools spent $64 billion. It was increased to $96 billion in 1980; so, the public resistance is strong against extra money when performance got worse, not better.

Parents have been pleading for years with local school boards and administrators to do something about performance. Nothing happens because the Education Establishment believes parents do not know what's best for their children. Only professional educators know, when the truth is they are possibly the worst qualified.

The Commission's Report tells it all. "Liberal education" for 20 years has been redefined by the education establishment without hindrance or restriction until it has reached a point of liberal excesses. Curricula were changed from the basics to pablum and every social movement has been embraced, even more than can be imagined. Discipline was relaxed and dress codes often dropped.

The "reformers" who've been in charge all this time, have flunked the course miserably, as the Commission only says what everyone has known for some time. For what they've done to our children—they have been indicted.

One reason parents have been unable to achieve much is that the Educational Establishment is well organized into those unions for political clout at the local, state and national levels. Parents and public will have to organize for political effectiveness. You'll be amazed at what letters and calls to your elected representatives can do. Especially if you send copies to the editor of this newspaper and others.

The Commission recommended that the school year be extended from 180 days to 220 days; so, some school costs will rise, but not very much. Perhaps as was also recommended, that teachers be paid on a merit basis with "Master Teachers" rewarded more, this could increase expenses, but only to a very small degree. The teacher's unions are already at work against any sort of merit pay, or merit based promotions, as you should expect.

Students and active parents know who the good teachers are. So many teachers and administrators have flunked out, when they've destroyed competence in the name of methodology, rabbit-brained social programs and social promotions. Let's test the teachers again to find out who the incompetents are, before we throw money at the problem.

There will be a violent outcry from the educational establishment against testing teachers, because so many will flunk the tests. In almost each case where its been tried, its been discovered that a majority of the teachers can't read, write or compute either.

Good teachers won't mind being tested, but the incompetent are terrified of it, and for good reason. Low standards are the problem. Not money.●

THE POPULATION EXPLOSION IS NOT FIZZLING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SCHEUER. Mr. Speaker, in the past year, a number of articles have appeared dramatically trumpeting the end of the population explosion.

Recently, the Christian Science Monitor published an op-ed piece by Robert Fox, senior analyst at the Inter-American Development Bank, and Carl Haub a Washington demographer, which emphatically rebuts those optimistic projections.

I commend this article to my colleagues attention.

[From the Christian Science Monitor, July 6, 1983]

THE POPULATION EXPLOSION IS NOT FIZZLING

(By Robert Fox and Carl Haub)

Ever since the population "explosion" or "bomb" expression came into use, people have come to us with questions. What does population "explosion" really mean? Is it just another Doomsday prediction dispensed by empty-headed Cassandras? Is it real? Is it over?

Articles have appeared in the past year in major US dailies announcing the end of the population explosion and the averting of demographic collapse. But absolutely nothing has actually happened to warrant such statements.

The facts of population growth are elementary and have remained unchanged for decades; no "new study" has uncovered any startling new evidence of any kind. The current flurry of "fizzle" articles was caused by a 1982 report from the United Nations Fund for Population Activities (UNFPA) which noted the decline in birth rates in some third world countries. The report pointed out that if all countries' birth rates had remained at the rather high level of the 1950s, world population in the year 2000 would be able 7.5 billion (it is about 4.6 billion today).

That statement is true. It is also true that the most recently published UN projection for the year 2000 is 6.1 billion, not 7.5 billion. At this point it is not difficult to see how one can be misled into thinking that world population in 2000 is now expected to be 6.1 billion, down from the 7.5 billion of the "earlier projection." But this is not the case.

The confusion stems from a misinterpretation of UN population projections, a series of projections issued at normally five-year intervals since 1958.

In order to project the future population size of the world's countries, one is faced with the rather knotty problem of guessing what the countries' future birth rates will be. This is no easy task. In most of today's third world countries women have anywhere from five to eight children each. It is, however, generally accepted that as these countries modernize, their fertility behavior will at some point resemble that of today's industrialized countries where women usually have two children or less.

But when will those birth rates fall? And when they fall, how rapid will the the fall be? Will the decrease be swift at first and then lose momentum or vice versa? No one

knows. It would be at least logical to assume that birth rates will exhibit different patterns in different countries depending upon their particular situation.

The UN evaluates each country and makes an educated guess as to just what the timing of its birth rate decline might be and projects populations with that assumption. Then, in order to indicate possible ranges of error in the future, the UN publishes three sets of projections: the "high" variant which assumes the slowest decline in birth rates, the "medium" variant, which assumes a somewhat faster pace, and the "low" variant, which assumes the quickest decline of all. This, of course, results in three possibilities for population in 2000 (the most recent range from the low to the high variant projection being 5.8 [billion] to 6.3 billion). World population in 2000, barring any major calamities such as nuclear war, is expected to fall in that range.

It is a common (though not always totally appropriate) practice to ignore the high and low projections when discussing the future and simply cite the medium or "average" projection for 2000, 6.1 billion. In publishing its projections of world population since the late 1950s, the UN medium projection for 2000 has always hovered in the 6.1 [billion] to 6.5 billion range. Where, then, did the 7.5 billion projection come from?

In 1963, the UN published a fourth illustrative projection along with the high, medium and low series. This projection assumed that all birth rates would remain constant (e.g. "constant fertility"). The projection was intended solely to show what world population would look like if all countries' birth rates remained at the level of the late 1950s, as opposed to what was actually expected.

The "constant fertility" projection of 7.5 billion was never meant to be a baseline against which subsequent actual trends were to be measured. It was fully expected that birth rates would begin to come down in some third world countries before 2000 while others remained high.

The date, the UN projections are "tracking" quite well overall. In 1963, the UN projected a 1980 population of 4.3 billion. When 1980 rolled round the UN estimated a population of 4.4 billion. Not bad considering the gaps in information in 1963.

The fact remains that the Earth entered this century with less than 2 billion population, will close the century with over 6 billion, and will probably reach somewhere between 8 [billion] and 14 billion when population stablizes—that is, if the ecological system permits this to occur. There has been no change in the expectation for decades, and without radical shifts in values, little likelihood of change in the future.●

NATIONAL COUNCIL ON AGING'S FIRST ASSEMBLY CONFERENCE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ROYBAL. Mr. Speaker, the National Council on the Aging has had its first National Assembly Conference. The significant issue this year was: "Redefining the New Federalism—Impact on Low-Income and Other Older Americans."

The purpose of the Assembly was to bring present and past members of the NCOA Board together with other distinguished citizens from all walks of life to discuss the significant issue within the scope of the assembly. In defining the scope, NCOA stated:

The New Federalism of the title incorporates the proposals made by the administration in 1981, 1982, and 1983 to establish new block grants or to make other direct changes in Federal-State working relationships. But the meaning also encompasses all those changes, proposed or actual, that in very direct ways are altering Federal responsibilities related to aging. Thus, funding cutbacks are of concern to the national assembly because they modify the extent and in some cases the very nature of Federal commitment to those programs. Changes in regulatory philosophy must also be included because the power of the Federal executive branch to make rules for the implementation of laws passed by the Congress is of great consequence at all times, but particularly so during a period of rapid governmental change. Finally, the concept of the National Government as largely a negative force that must be taken off the backs of citizens—when expressed by the very leaders of that National Government—is an influence that must be recognized.

Another view of the significant issue of the assembly was set forth by television host Hugh Downs, a member of the NCOA Board and assembly chairperson. He said: "What it boils down to is: What should our National Government be, and what should it do, to promote and protect the well being of its older citizens?"

NCOA listened to speakers who voiced concerns regarding administration policy, but it also listened to the administration's viewpoint from a White House policy formulator, Robert B. Carlson, who has had a direct hand in redefining the New Federalism along the lines sought by a President dedicated to the reduction of the National Government. Assembly members also listened to a representative of the Committee for a Responsible Federal Budget. Other speakers addressed the fiscal problems among the States and the mutual interests between advocates for aging and advocates for children.

The product of the conference was a 10-page "Statement by the 1983 NCOA National Assembly" and presented to the NCOA leadership. The statement recognizes the seriousness of the current fiscal situation while at the same time calling for fairness and effectiveness in assistance to those most in need of help. As the statement said:

Our objective is not to hold the line, or to keep damage to a minimum, but to move forward in new and positive ways.

In order to share this impressive document with fellow Members of Congress and the American public, I ask unanimous consent to have it reprinted in the CONGRESSIONAL RECORD.

Mr. Speaker, I would like to submit the attached statement of the National Council on the Aging for the RECORD.

STATEMENT BY THE 1983 NCOA NATIONAL ASSEMBLY

The very low-income and very old elderly, especially minority group members and women living alone, are among those hardest hit by budgetary cutbacks and other actions taken to constrict programs for needy Americans. The NCOA National Assembly—a citizens group reflecting many political and professional viewpoints—is opposed to the reduction of the federal investment in assistance for this population, while recognizing current fiscal difficulties.

This Assembly declares that:

Several features of the 1983 Social Security compromise package stand in need of early rectification. High among them is the provision raising the age for drawing full retirement benefits. An earlier action eliminating minimum benefits should also be reconsidered.

The escalating costs of health care and the deficiencies of the health care delivery system in meeting the needs of older persons making this the time for America to consider carefully a National Health Insurance Program for all generations.

Medicare is rapidly approaching an endangered status. The looming debate over this program should recognize that the alarming rise in costs for this program is caused in large part by the even more alarming rise of health costs in general. Efforts to improve Medicare—and the separate but related Medicaid program—should seek more than damage control; they should be solidly rooted in more general health care reform.

The Administration's rule-making, or regulatory, powers often appear to be at odds with statutory intent. In aging, conflicts have arisen recently, for example, over regulations related to the 1981 Older American Act amendments, hospice coverage through Medicare, and nursing home inspections. The Assembly supports efforts to challenge the de facto denial or diminution of benefits and services that often occur from arbitrary regulatory action.

The "New Federalism" proposed in President Reagan's 1982 State of the Union Message provides a goal for Administration philosophy and direction. The desire of the Executive Branch to transfer certain responsibilities to states must be balanced against an intense fiscal crisis in many states. In addition, the national responsibility to set standards of equity in nationwide programs must be maintained.

Sustained economic recovery cannot be attained through indiscriminate dismantling of programs at a time of growing need. The assembly urges the Congress and the Administration to bring defense costs under control and to examine tax expenditures with a far more critical eye than has been the case in the past. We acknowledge at the same time that the National Council on the Aging and other private sector voluntary organizations have a responsibility to help their members and the general public to understand the significance of defense and tax expenditure issues.

The first National NCOA Assembly, concerned as it is about the specific aging matters set forth in this preamble and the pages that follow, recognizes that organizations representing and serving all age groups must work cooperatively to help each other and the people of our nation to understand the full magnitude of the economic and social changes now in motion.

Our objective is not to hold the line, or keep damage to a minimum, but to move forward in new and positive ways.

ASSEMBLY PRINCIPLES AND DIRECTIONS

The last half century has witnessed the development of programs reflecting the Federal Government's responsibility to understand and improve the circumstances of those older persons in need. The Assembly acknowledges that our government has particular responsibility for those vulnerable persons—both young and older—who, without help, will live lives without essential economic and health security.

Constructive policy modifications are needed to preseve the principles of an effective partnership between the federal and state and local government which will make the nation strong by ensuring that no individual is denied rights and opportunities necessary to the quality of his or her life.

Since 1981, the Administration and the Congress have reduced the federal role largely through reducing or eliminating a number of programs or incorporating them into block grants. In addition, the federal role has been limited not only through legislative channels, but also through administrative and regulatory actions.

The NCOA National Assembly recognizes its responsibility to state the principles that guided its deliberations. They are as follows:

1. The national goals for the elderly set forth in Title I of the Older Americans Act should be reaffirmed and implemented. A caring society ought to be our nation's principal goal.

2. Certain basic right: (a) a floor under income below which no one should fall, (b) access to appropriate health care, (c) safe, decent, appropriate shelter are clear responsibilities of the Federal Government. These basic benefits must be provided in a manner that recognizes the cultural and social diversity of our nation.

3. Essential quality social services should be designed and delivered at the local level and provided by trained, competent people and funded by a partnership of federal, state and local governments, in cooperation with the private sector.

4. The principle of social justice should guide the allocation of national resources and the implementation of programs, with the greatest effort targeted to those who are most vulunerable.

5. Individuals should participate in decisions that affect their lives in order that their dignity will be protected and their personal needs met.

IMPACT OF CHANGE UPON INDIVIDUAL OLDER PERSONS AND THEIR FAMILIES

Disturbing reports are documenting the argument that the very poor older Americans and the very old among them are hardest hit by policy changes directly or indirectly related to aging.

Recent actions of special importance to this group are: reductions in Food Stamp eligibility; cuts in subsidized housing benefits; grants to states for low-income energy assistance; termination of the minimum floor under Social Security for those retiring after January 1, 1982; state actions to adjust Medicaid programs to reduce funding levels; and cutbacks in real dollar funding levels for social services grants and mass transit subsidies by one-third.

All in all, the 1984 Administration proposals would reduce "means-tested" programs to levels nearly $13 billion below the 1983 level and $30 billion below the 1981 level. Adjusted for inflation, this would represent a 40-percent reduction from 1981 levels and a 19-percent reduction from fiscal year 1983 levels.[1]

Such findings challenge Administration statements that the neediest Americans of all ages are unaffected by recent changes in programs designed expressly to rescue them from deep want.

Examples of the impact of changes in other programs, including several without a means test, provide additional information about what is already happening to older persons because of decisions made in 1981-82:

"Housing: In 1981, the Congress lowered the income limit for most housing assistance recipients from 85 percent to 50 percent of the area median, reducing the elderly eligible population by about 32 percent. In addition, tenant rent contributions were increased from 25 percent to 30 percent of adjusted income. According to an Urban Institute study[2] from which these estimates are derived, about 11 percent of those who would have been participating in rental assistance programs in 1983 would be eliminated in the long run, as this rule takes effect.

The Administration's determined efforts to curtail new construction in the public housing programs prompted this comment in a recent report by the Leadership Council of Aging Organizations:

"The elimination of new construction funds effectively halts the provision of specially designed housing projects serving the varied shelter needs of low-income elderly persons. This is being proposed at a time when, for every elderly person receiving rental assistance, there are three who need it, and the wait for HUD units can be three to five years."

Employment and training: In addition to the 26,000 older workers who lost employment with the termination of the Comprehensive Employment and Training Act, approximately 270,000 other elderly individuals were adversely affected by the loss of CETA because many of the job-holders performed community services important to the elderly.

Older Americans Act and other sources of social services: The Older Americans Act is undergoing an erosion in funding levels at a time of steady inflation in the costs of providing services and increased demand for those services. The much larger Title XX social services program—which includes older persons among the low-income persons it serves—was reduced from $2.9 billion to $2.4 billion when it was redesignated as a block grant in 1981.

Supplemental security income: This cash assistance (SSI) program serves about 1.3 million aged persons and provides in 1983 a monthly payment of $284.30 for an individual and $426.50 for a couple. As the Leadership Council of Aging Organizations (LCAO) points out: "In recent years, SSA has not only wrongfully terminated Social Security and SSI disability benefits for hundreds of thousands of recipients, it has also been improperly denying applications for Social Security and SSI disability benefits." The Assembly applauds the Senate Special Committee on Aging for hearings on the cancellation of Social Security disability benefits, but it also agrees with LCAO on the need for additional Congressional oversight hearings to broaden the inquiry and include a very close look at alleged "savings" resulting from placing new difficulties in the way of those who need SSI benefits for life sustainment.

What does it mean, in human terms, for individuals to be told that they are no longer to be helped? Gross budget statistics provide only the most abstract information on that subject. For example, approximately 187,000 older persons were served by Legal Service Corporation Offices in 1981, but a 25 percent reduction was imposed in 1982. This could mean that more than 46,000 of those persons no longer received help. In addition, LSC offices closed; experienced staff left; and uncertainties intensified when in early 1983 the proposed budget called for elimination of legal services entirely on the grounds that such services could be provided through an already overburdened block grant program. Another example: The Low Income Weatherization Program had $400 million to work with in 1981, but this was down to $144 million in the current fiscal year.

Can block grants take up the slack left by the abolition or draining of individual programs? Typically, block grant regulations do not demand detailed categorical accounting of their activities to the Federal Government. An attempt by a House Committee on Aging Subcommittee in 1982 to determine how older persons were faring under the Social Services Block Grant (SSBG) established in 1981, for example, yielded only fragmentary information. This led the Subcommittee chairman to declare that the total effect of the SSBG was to cut up the federal dollar into 50 pieces, one for each state. The only thing asked in return was a state plan outlining the intended use for the dollars once every two years. Those states that were maintaining records on the number of elderly persons served reported that the homebound and the health-impaired elderly were the most hard hit by funding reductions imposed when the block grant was established.

The NCOA Assembly cannot fully reply to the question: How are older persons affected by those cutbacks and program cancellations that have already occurred? It is difficult to track, in detail, the interactions that occur among stricken programs and people. The NCOA Assembly asks for organized monitoring of the human cost of two years of cutbacks.

The conclusion of these findings is clear: The Federal Government is turning its back on its responsibility to individuals, especially those in greatest need. We strongly disagree with this change in political philosophy and recommend that the Federal Government return to acceptance of responsibility for the general welfare by achieving fiscal savings in, among others, this defense budget and "tax expenditures."

MEDICARE, MEDICAID, AND HEALTH COSTS

Medicare is an important fact of life for the 26 million aged persons it covers. The decision in 1965 to establish such a program recognized that entire families were financially and emotionally endangered when the eldest of their members could not afford to go to a hospital or a doctor, thus becoming more likely to have worse physical problems later on.

There can be no substitute for the goals of Medicare. Thus far, the present Administration has dealt with Medicare almost totally

[1] According to NCOA Assembly speaker Robert Greenstein, Director of the Center on Budget and Policy Priorities, Washington, D.C.

[2] "Housing Assistance for Older Americans—The Reagan Prescription," by James P. Zais, Raymond J. Struyk, and Thomas Thibodeau, October 1982.

in fiscal terms. There is no discussion of its objectives, only of its costs. The consequence is a cavalcade of cuts or proposed cuts in coverage either through raising the costs of participation in the program or by reducing eligibility in one way or another. The centerpiece of the proposed Medicare budget actions for 1984, for instance, is so-called catastrophic coverage that would give important new protection, but only to six-tenths of 1 percent of all Medicare beneficiaries. In return, the overwhelming majority of medicare beneficiaries who use its hospital coverage would pay approximately $630 instead of the $304 they now pay for a typical Medicare hospital stay. We oppose this proposal. In addition, we absolutely are opposed to a means test for Medicare, or any program restriction that would limit participation on the basis of income or assets. The Assembly, however, supports the concept of prospective payment as a means of controlling health care costs, while maintaining quality.

It is clear, however, that all the ingenious schemes that can be thought of to reduce eligibility and benefits will not provide the answer to the high cost of Medicare. It is significant, and regrettable, that the Administration has failed to launch across-the-board cost-saving strategies for the entire health care system. Medicare cannot change the current drift and mounting costs of that system because it is part of it, not its driving force. The cost of health care has increased three times the cost of living in this country. We support the need for hospital and medical provider cost containment while protecting quality of care. We also support the goal that all physicians accept Medicare assignment.

The NCOA Assembly believes that the American public is not sufficiently aroused by the health care inflation issue to insist on leadership at the national level in dealing with it. The NCOA Assembly further believes that older persons themselves are as much affronted by the startling hospital and medical bills they often receive as would any consumer who must pay bills through private insurance of household budgets. The Assembly recommends that steps be taken to help older Americans join in a citizens' effort to monitor and control such costs. In addition, the Assembly reiterates its desire for a broadened Medicare, one that will include long-term care coverage including improved home health services, adult daycare and such individual additions to its protection as reimbursement for eyeglasses, prescription drugs, catastrophic care and dental care. We propose encouragement for demonstration of Health Maintenance Organizations with their built-in incentive for prevention. This could be a sensible interim step to a national health insurance program for all age groups.

This nation simply must have national insurance to protect against illness costs through the life cycle and especially in the later years of life, if it is to qualify as a civilized society. We are hopeful that Congress will provide this protection either through a national health insurance or a program specifically for older people, as in Medicare.

Medicaid, the program established 18 years ago to assure that needy Americans of all ages would not lack health care, now accounts for more than $32 billion, in federal and state expenditures. In some important ways, it is more helpful to its elderly participants than Medicare, since it is the major vehicle for nursing home reimbursement. It generally covers other important costs that Medicare does not, including prescription drugs, hearing aids, eyeglasses, and dental care.

But since states have considerable leeway in determining what services shall actually be provided, and how eligibility shall be determined, the service provision patterns vary considerably throughout the nation. We consider it to be the role of the Federal Government to develop the basic standards for Medicaid that social justice dictates. Individual cutback actions were already underway before the Omnibus Reconciliation Act of 1981, but they have accelerated since then. Among the consequences are new limitations on the number of hospital services, duration of hospital stays, reductions in nursing home beds available and reserved bed days and allowable reimbursement, elimination of eyeglasses and certain covered prescription drugs, and reduction of podiatric and dental services.

Medicaid has long been criticized for overreliance on institutional care—largely in nursing homes—for long-term illness among older Americans. There is some reason to hope that this situation is changing, thanks to positive response by many states to a 1981 legislative provision allowing states more flexibility in using Medicaid funds for home care and other services outside of institutions. But this forward step is taken at a time when the federal matching rate to the states has been reduced approximately $1 billion annually since fiscal year 1982. States are hard put to serve the 3.5 million persons on their rolls and other demands on Medicaid's hardpressed resources. It does not help matters for the Administration to suggest to states that they collect part of the nursing home costs from younger family members of elderly patients; this outmoded thinking about filial relationships is more wishful thinking than decent or practical policy, particularly in view of the fact that many elderly in nursing homes have no family. It does not help, either, to propose that Medicaid participants—by definition, destitute—should make copayments for services on the grounds that this will help finance the system.

Again, the Assembly points to the fundamental cause of the high cost of Medicaid: As with Medicare, the program is the victim of the larger deficiencies in our health care system, not the cause of them.

The time has come to face up to fact that overall health care reform is needed. This may well include steps to bring a genuine long-term health care program under the Medicare mantle of social health insurance: The National Assembly places high priority on this possibility. It also calls for close federal scrutiny of actions that states are taking to reduce health costs. The Assembly emphatically states that the Federal Government should require states to participate in a health planning process.

CAPABILITIES OF STATES, LOCALITIES, AND THE PRIVATE SECTOR TO MEET NEW CHALLENGES

The National Governors' Association, in its most recent statement on this issue declared: "The fiscal condition of the states at the end of 1982 was bleaker than at any time in recent memory."

Causes of the dire budgetary situation in most states were described as (1) a recession-induced drain on expected revenues and (2) an increase in the public's need for services.

Consequently, according to NGA, many states faced budget deficits, despite statutes or traditions that require balanced budgets. Thirty-two states had to enact new taxes or increase existing tax rates in 1982 and early in 1983. A majority of states reported that fiscal issues—such as balancing their budgets, reducing state spending, or preventing budget deficits—were their number one concern.

Another report—issued by the American Federation of State, County, and Municipal Employees in January 1983—estimated that in fiscal year 1982, state governments lost more than $13 billion as a result of federal budget cuts. It was estimated that the loss will surpass $24 billion by 1984.

These recent actions or estimates should not overshadow the fact that significant cutbacks in human service programs were occurring at both state and local levels prior to 1981. The example set by California's Proposition 13, five years ago, has been followed in varying degrees elsewhere.

Municipalities, too, are sounding alarm signals. The United States Conference of Mayors reported in 1982 that 70 percent of cities polled said they were not fairly represented in federal distribution of funds under block grants enacted in 1981. In 55 cities, human service programs were being severely cut at a time when demand for them was increased by unemployment and other stresses caused by national recession. A Congressional survey last October found that cities were increasing the property tax—one of the targets of earlier citizens' campaigns for lower governmental levies to help make up losses in federal revenue.

Private sector

The NCOA National Assembly has a special appreciation of the work done by the 100,000 private nonprofit service organizations of this nation, including especially the contributions of a cadre of volunteers that supports their efforts. The National Council on the Aging has many such agencies among its members, and NCOA has long worked to strengthen the effectiveness of this sector in its service to older Americans. But the NCOA Assembly, as well as NCOA, must face the following facts as reported recently by the Urban Institute:

In 1981, such organizations received about 40 percent of their income from federal sources; this was more than the percentage received from all of private giving combined, whether from individuals (exclusive of giving for sacramental religious purposes), corporations, or foundations.

But Administration budget proposals would reduce the income available to nonprofits by an estimated $35 billion (1981 dollars) between fiscal year 1981 and fiscal year 1985, or a reduction of one-fifth in the amount that normally could have been expected from federal sources.

Simply to hold constant the real value of the nonprofits' resources in the face of proposed federal cutbacks, private charitable contributions would have to jump over $4 billion or 22 percent in 1982, and an average of more than $13 billion or 40 percent annually from 1983–85.

The National Assembly must regard the information received from the states, localities, and the nonprofit sector as tangible evidence that budgetary decisions made at the federal level are having largely undocumented consequences elsewhere. The Assembly welcomes the positive response that has been taken in many states in finding new tax resources to help persons who might otherwise be abandoned. The Assembly also expects the nonprofit sector to continue to express its vitality and usefulness in new and hopefully ingenious ways. But

the Assembly, here again, must ask: How can we as a society, record the changes that are occurring in terms of their effects on individual human beings? Can we arrive at clear-cut, feasible ways in which governments and voluntary agencies can work together, not in terms of pendulum swings from "big government" to "decentralized" government, but in terms of a national effort drawing from all sources of funding, concern, and creativity in helping the elders and others of this nation to enjoy their full potential throughout their lives? The question should receive continuing attention by NCOA.

WOMEN AND MINORITIES

Historically, the Federal Government has acted as the primary arbiter of the rights of all citizens and the ensurer of equality of opportunity. We hear little from the New Federalism concerning this role. In fact, the impact of the New Federalism on older women and elderly members of the nation's minorities is severe, harsh and disheartening.

To support that conclusion, a few brief—and unpleasant—facts:

Median income in 1981 for 65-plus women was about 58 percent of men's income, $4,757, as compared to $8,173. This is often due to nonparticipation in the job market, and lower rates of pay.

The majority of older persons are women, two-thirds of the 75-plus population are women, and most older women are widowed and/or living alone.

Black women are five times more likely to be in poverty than White men. Women of Hispanic origin have a poverty rate of 27.4 percent as compared to 16.2 percent for White women. The poverty rate for 65 plus-black women is 43.5 percent.

All older Blacks and Hispanics are far more likely to be living in or near poverty than the 22.6 level for Whites. For older Hispanics, the total is nearly 41 percent; for older Blacks, 53.6 percent.

A poverty and near-poverty level of well over 40 percent for older persons of Pacific Asian and Native American heritage are equally discouraging.

Thus, these groups are more likely than others to be critically affected when a minimum Social Security benefit is denied to future retirees, when cost of living increases are delayed, or when reductions are made in help provided through such programs as Food Stamps, the Supplemental Security Income Program, public and other low-income housing, and employment and training opportunities.

Thus far, there is no evidence of the ability of states and local governments to ensure that the minimum survival needs of older women and minority older persons can be met under the New Federalism. The federal posture has placed the responsibility for skill training, for example, at the door of states and local boards of education, and these boards often fail to meet the needs for new and necessary skills required by older women.

Block grants that eliminate the direct access of Native American tribes to the Federal Government are a violation of Indian treaties and rights.

This Assembly recommends that all citizens require officials at every level to analyze the impact of any program changes on the poor, the elderly and minorities. We assert that those older, poor, widowed minority persons who are already in triple or quadruple jeopardy ought not to be called upon to bear any greater burden.

CONCLUSION

The National Assembly is impressed with an NCOA editorial which appeared early in the present Administration. It called for defense of "the modest and real gains of the prior two decades among the most vulnerable Americans." Yet it added:

"Which is not to say that we need to defend every creaking Federal initiative of whatever efficacy. Overlaps should be unsnarled, obsolete subsidies phased out, windfall benefits ended, and eligibility rules enforced * * * Similarly, cuts that merely transfer burdens to others are a sham and must be resisted."

This even-handed, comprehensive, and alert stance must be maintained not only by NCOA and other aging advocates, but by all persons who care about the quality and decency of the society in which they live.

This National Assembly statement has been devoted largely to misgivings. We are alarmed by clearcut injustices that are occurring during a period of rapid governmental and social change grouped under the heading of New Federalism. The other side of the coin is the fact that NCOA has always found, in changing circumstances, new stimulus for creative response, not only on the part of government, but on the part of all caring citizens. The present difficulties can be turned to good effect, ultimately, if they sharpen our appreciation of the fundamental goal NCOA seeks in aging: The best possible kind of life for all our citizens through all their years.●

H.R. 2780, STATE AND LOCAL FISCAL ASSISTANCE AMENDMENTS OF 1983

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DENNY SMITH. Mr. Speaker, H.R. 2780, which passed the House of Representatives on August 2, reauthorizes the general revenue-sharing program which is scheduled to expire by September 30 of this year. While I understand the problems of local governments in trying to provide services where Federal funds have been cut, I voted against the bill.

When the bill was reported from committee, the authorization period was for 5 years. I felt this should be changed to a 3-year authorization. Considering the uncertainties in the current economic climate, it is difficult to know the needs of State and local governments several years from now, or for that matter, the fiscal status of the Federal Government. I simply think it makes more sense, in the event the general revenue-sharing program is reauthorized, that the timetable be for only 3 years allowing Congress an opportunity to review the program to see if it is being adequately funded and if those funds are being efficiently used. An amendment making this change was passed by the House.

I believe the Government Operations Committee failed to act in a fiscally responsible manner in recommending an increase in the reauthorization over its prior level. The 1980 reauthorization provided for $4.6 billion per year for local governments but provided no fiscal year 1981 funds for the States. State governments were authorized $2.3 billion in each of fiscal year 1982 and 1983, but funding was made subject to appropriations. H.R. 2780, as reported from committee, entitled local governments to a total of $5.3 billion a year. I could not support the 16 percent increased funding for local governments which was also $281 million above the funding level assumed in the First Budget Resolution. This type of disregard for the budget process, not recognizing huge budget deficits, is what has gotten us into the financial straits this country is currently facing. Fortunately, the House passed an amendment reducing the funding for local governments to the level recommended in the First Budget Resolution; nevertheless, the House defeated a measure which I supported that would have reduced the reauthorization to its prior level.

I believe that with an unemployment rate higher than 10 percent, we should be looking at the Davis-Bacon Act and how it affects the unemployment rate. The House rejected an amendment that would have allowed Treasury to waive the Davis-Bacon requirements if recipients demonstrate that paying lower wages would enable them to employ a significantly large number of workers. I supported this amendment as a needed part of the legislation.

Even though the House adopted several amendments needed to make this legislation conform to the administration's request, I still believe the program has been ill-conceived and poorly managed. There are many worthwhile Government programs I would like to support but the spending seems endless—and I recognize the pinch on the budgets of local governments—but the fact remains that I fail to see the wisdom of sharing revenue that the Federal Government simply does not have.●

THE PALISADES PEACE CENTER: A FOCAL POINT FOR PEACE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. TORRICELLI. Mr. Speaker, in these times of world peril and global conflict our search for world peace can never end. The terrifying spectre of nuclear war continues to haunt us. We must face the stark reality that we all live under the constant threat of world destruction and human extinction.

We as public officials have an important role to play in this search. We must do all that we can to insure that this generation, and future generations, will not be cast into the dark shadow of nuclear holocaust.

Through the passage of a nuclear freeze resolution in the House and by adopting a sane and sensible approach to our defense budget and arms control policy we have been attempting to do our share.

But our efforts are not enough. People throughout the country must join in this effort. In my district, Bergen County, N.J., a group of concerned people are becoming involved in the pursuit of peace. Churches and community centers throughout the country are being dedicated as forums for promoting the cause of world peace. They have become meeting points for people who wish to exchange thoughts, ideas, and hopes about world peace.

On Sunday, May 29, 1983, I had the honor of participating in the dedication of one of these peace centers. The Nuclear Freeze Committees of Cliffside Park and Fort Lee, N.J., in conjunction with members of New Jersey SANE, joined together in dedicating the Grantwood Congregational Church of Cliffside Park as the Palisades Peace Center. Residents, public officials and clergyman from surrounding communities all attended the ceremony and offered their support for the center as a symbol of a continuing commitment to peace. The Palisades Peace Center has now become the focal point for those in neighboring communities concerned about peace and the future of our planet.

John F. Kennedy once said:

Peace is a daily, a weekly, a monthly process, gradually changing opinion, slowly eroding old barriers, quietly building new structures. And however undramatic the pursuit of peace, the pursuit must go on.

Through peace centers like this, the pursuit of peace will, indeed, go on.●

REINVESTING IN OUR FUTURE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BROWN of California. Mr. Speaker, I introduced House Resolution 255 in June, expressing the sense of Congress that the President of the United States should award, posthumously, the Presidential Medal of Freedom to the late Willard F. Libby. At that time, I outlined some of the many contributions Dr. Libby has made to our science community, through the advancement of several technologies and through the advancement of science education.

Dr. Libby has made an outstanding contribution to our country. I greatly respect and admire his dedication to his work. If more of us accomplished even a portion of the breakthroughs Dr. Libby achieved during his career, we would greatly reduce the problems our society is facing today.

For years, I have been coming to this floor to request, encourage, and even demand that this House support research. I am convinced the only way to resolve future crises and catastrophies is by continuing research, developing new technologies, and helping solve with science the critical situations which could conceivably diminish our quality of life.

In recent years, there have been many examples of how new technologies have improved our lives. Through research, we have created a space program, giving us capabilities which surpass even our greatest hopes of just a century ago. We can now have virtually instantaneous communication, via satellite, with any communication center in the world. We can better predict and monitor the weather. We can locate forest fires, minerals, water deficiencies, and even crop damage.

And these technologies have been applied to other fields. Almost every profession has been able to use technologies developed within the space program to enhance its own programs. None of these breakthroughs would have been possible if we, as a nation, had not invested in research profits from our past inventions.

I would like to bring to my colleagues' attention an area of science from which I would like to reinvest a portion of its benefits into research and education. I mentioned in my previous statement that Dr. Libby, although he has been recognized as the inventor of the diffusion barrier, a technology which is still being utilized to process fuel for light water reactors throughout the free world, had never received a return on his research because the Federal Government retained the rights to it.

For this reason, I am introducing today legislation which would divert a portion of fiscal year 1985 revenues from the Uranium project, a project made possible through Dr. Libby's research, to be returned to the research field. This money, $25 million, would be placed in the Willard F. Libby Energy Science Fund, and would be used for energy science research grants. Outstanding scholars would be recommended by the Willard F. Libby Foundation, an educational foundation formed to continue the interests of Willard F. Libby.

While Dr. Libby was on the forefront of many projects, and helped to develop many new technologies, he did not lose sight of the need for continuing education. During his career, he designed a program for a degree of doctor of the environment, of which there are now 60 graduates. He also trained 102 Ph. D. chemists and taught more than 2,000 graduate and undergraduate students. His insight into the need for education and the initiation of newly trained professionals into his field sets an example we all should follow. For this reason, I would like to encourage the careful consideration of this legislation.

A BILL To authorize a grant to the Willard Frank Libby Foundation for energy and science related research grants, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is authorized to be granted to the Willard Frank Libby Foundation, a foundation created in honor of Dr. Willard Frank Libby, a distinguished and outstanding scientist, especially in the field of nuclear fuel enrichment processes, $25,000,000 for the fiscal year ending September 30, 1985, for the establishment of a Willard Frank Libby Energy Sciences Research Grant Program to make research grants in the fields of energy and science to scholars selected by such Foundation, and also for use in the administration of such program and in the administration of the Foundation.

(b) Funds for the grant authorized by subsection (a) of this Act shall be derived from revenues received by the United States from the enrichment of uranium.●

NO CHANGE IN INCOME GAP BETWEEN RACES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an interesting and disturbing article by John Herbers that appeared in the July 18 New York Times. It describes how the income gap between blacks and whites in the United States is as wide now as it was in 1960.

While many blacks may have entered the ranks of the middle class and have attended college, the income earned by black college graduates is about the same as that earned by white high school graduates. The sad fact, as the article points out, is "that the income gap between blacks and whites is less related to education than to the job opportunities open to blacks once they have completed their education."

It is imperative that all persons have equal access to the job market, regardless of race. I urge the President and the members of the Commission on Civil Rights to do all that is within their power to eradicate any color bars to employment opportunities. We in Congress must hold the administration accountable to insure that appro-

priate action is taken to lessen the economic disparity between blacks and whites that is caused by unequal access to job opportunities.

Mr. Speaker, I submit the following article for the RECORD and I commend it to the attention of my colleagues.

[From the New York Times, July 18, 1983]

INCOME GAP BETWEEN RACES WIDE AS IN 1960, STUDY FINDS

(By John Herbers)

WASHINGTON, D.C.—The gap between the average incomes of whites and blacks is as wide today as it was in 1960, primarily because the proportion of black families headed by women rose from one-fifth to nearly one-half and the proportion of black men with jobs dropped sharply in that period.

Those were the principal findings of the first nonpartisan, comprehensive report on the status of blacks since the 1980 census and subsequent data were published. The study was conducted by the Center for the Study of Social Policy, a private research group headed by a Nixon Administration official.

EDUCATION NEARLY EQUAL

The study shows that black and white families were, on the whole, better off than in 1960, largely because both parents work in so many more families nowadays. In fact, black families in which the husband and wife work increased their earnings at a faster rate than did white families.

The study showed that the educational level of blacks climbed so fast over the last two decades that it is now very close to that of whites. That has generated the movement of many blacks into the middle class, although the income earned by black college graduates is about the same as that earned by white high school graduates.

But those gains were offset by the large number of black families in which there is not a husband present to earn money. Fourteen percent of white families with children under 18 are headed by women, while 47 percent of black families are in that category, up from 8 percent in 1950 and 21 percent in 1960.

The problem is compounded, the study showed, by the fact that only 55 percent of black men over the age of 16 are employed today, as against 74 percent in 1960.

As a consequence, the median income of black families in 1981 was 56 percent of the whites' median. In 1960, the figure was 55 percent; the difference of one percentage point is statistically insignificant.

WOMEN AND POVERTY

The report said that families headed by women were nearly twice as likely to be poor as two-parent families, regardless of race, and that half of all black families headed by women had incomes below the poverty line.

"Despite the fact that black Americans have made some gains since the civil rights movement," the report said "the economic gap between blacks and whites remains wide and is not diminishing. On measures of income, poverty and unemployment, wide disparities between blacks and whites have not lessened or have even worsened since 1960."

The sharp rise in the proportion of black families headed by women "increases the likelihood that black families will be poor and also greatly increases the chances that children in these families will live in poverty," the report said.

"BLEAK FIX" OF BLACKS CITED

Tom Joe, the director of the Center for the Study of Social Policy and the principal author of the report, said information for the study had come from generally available public documents that had not been brought together before for a nonpartisan study. Mr. Joe, an offical of the Department of Health, Education and Welfare in the Nixon Administration, said it was the "cumulative effect" of the statistics that persuaded him of their importance.

M. Carl Holman, president of the National Urban Coalition, commented in an interview that many people, including some black leaders, were unaware of the "bleak fix" of poor blacks. The report, he said, raises "some very, very serious implications" for the future.

Disclosure of increasing economic polarization among blacks comes as the nation is sharply divided over what to do about chronic poverty and unemployment.

Most black leaders and many whites believe the Federal Government, through its welfare and social programs, has not done enough to help poor blacks recover from historical discrimination. On the other hand, President Reagan, a number of former liberal scholars and a few black leaders say the social programs of the past two decades have created a crippling dependency among poor blacks.

The unemployment of almost half the adult black males is directly related to the rapid rise in the number of households headed by women, officials say. Twenty years ago, three of every four black men were employed. But as more and more have become jobless, the burden of raising families has fallen on women, many of whom are on welfare. In many states, two-parent families are not eligible for welfare.

HIGHER JOBLESS RATE PRESUMED

Paul Smith, a statistician with the Children's Defense Fund, said that, in addition to the men counted in the statistics who have no jobs, about 15 to 20 percent of black men aged 20 to 40 could not be found by the Census Bureau and are presumed to have neither jobs nor permanent residences. This probably means, he said, that more than half of black adult males do not have jobs. Black women, on the other hand, have experienced no decline in employment.

Mr. Smith noted that in 1970, 62 percent of black women over 18 were married and that by 1981 the percentage had dropped to 48. Married women are having fewer children, in part, because most of them work, while an ever-increasing proportion of black children are born to single women, he said.

The data used for the report were collected for the most part before President Reagan took office in January 1981, and thus no conclusions could be drawn from them about the effect of his Administration's programs on blacks.

Highlights of the study, which was supported by the New World Foundation and the Field Foundation, follow.

INCOMES

Median family income for both blacks and whites has increased over two decades. In 1960 the black median, measured in 1981 dollars to account for inflation, was $9,919, compared with $17,259 for whites. By 1961 the figures were $13,266 for blacks and $23,517 for whites.

In the 1960's the disparity between black and white media incomes decreased, so that by 1970, black income as a percent of white income had risen to 61 percent from 55 percent. But in the next decade most of that gain was lost, and in 1981, median black income was 56 percent of that for white families.

Mr. Joe said neither regional differences in incomes nor other methods of computing incomes would make any substantial difference in that outcome.

Many black familes improved their incomes over the two decades. The report said, for example, that in 1968 black families in which two parents worked had an income 73 percent as large as white families in the same category. By 1981, those black families were earning 84 percent of the white earnings.

But that was the exception. Fifty-four percent of black families are now at income levels below $15,000 a year, compared with 28 percent of white families.

"Since black, female-headed households are the most rapidly increasing proportion of all black families, the fact that they have not gained economic ground has more than offset the increases made by other types of black families," the report said.

EDUCATION

Over two decades, blacks consistently outstripped whites in terms of educational gains. Between 1960 and 1981, for example, black males made a gain of 4.4 years of schooling on the average, compared with 1.9 years for white males.

"By 1981, the median level of schooling for both black males and females was above 12 years, and the difference between white and black years of schooling was only half a year," the report said.

Further, the illiteracy rate for blacks has dropped very rapidly until there is now little difference between blacks and whites in the ability to read; since 1968, school dropout rates have decreased for blacks while remaining relatively constant for whites, and rates of college enrollment for blacks have increased dramatically.

The financial rewards for education, however, "are far different for the two groups," the report said. For example, 47 percent of blacks with four years or more of college earned $20,000 to $40,000 a year, while the same percentage of whites with no more than high school education earned incomes in that range.

The figures suggest, the report said, "that the income gap between blacks and whites is less related to education than to the job opportunities open to blacks once they have completed their education."

EMPLOYMENT

There was a sizable increase in the percentage of blacks employed in professional, technical, managerial, sales, craft and other jobs from which they had often been barred before the 1960's. For example, blacks increased their share of managerial and administrative jobs to 9.9 percent from 7.2 percent in the years from 1972, when affirmative action laws for hiring minorities began to take hold, to 1981.

The unemployment ratio between blacks and whites, however, has remained virtually unchanged over the two decades: roughly two to one. But there was a large increase in black males over the age of 16 who were no longer looking for work and thus were not counted in the unemployment statistics. As a result, about 45 percent of black men do not have jobs, and if those who cannot be found by the Census Bureau are added, conservative estimates put the proportion of black men without jobs at more than half.

By comparison, the percentage of white males over 16 without jobs was about 30 percent. And white women increased their employment dramatically. In 1960, 35 percent of white women held jobs. By 1982 the percentage had risen to 48.

The plight of black males becomes clearer, the report said, when looked at in raw numbers: "Between 1960 and 1982, the black male population over age 16 nearly doubled, from 5.6 million to 10.73 million. But the number of employed black males increased by only 1.79 million, from 4.15 million to 5.94 million. Thus, the number of unemployed black males grew by 3.34 million during this period."

POVERTY

Black children are particularly affected by poverty. In 1959, 66 percent of blacks under 18 were in homes below the Government-defined poverty level. By 1981 the percentage had declined to 45. For whites under 18 in poverty, in 1959 the percentage was 21, and in 1981 it had declined to 15. Thus, black youths remained about three times more likely to live in poverty than whites.

Failure to narrow the gap was due in large part to the fact that so many black children live in households headed by women, rather than in the relatively wealthier two-parent households, the report said.

"By 1981, female-headed families represented 47.1 percent of all black families with children," it said. "Since these are the families most likely to be in poverty—1.7 times as likely as all families to be poor—this change in family composition increases the likelihood that black families will be poor and also greatly increases the chances that children in these families will live in poverty."

Copies of the report, entitled "A Dream Deferred: the Economic Status of Black Americans, a working paper" may be obtained for $10 apiece from the Center for the Study of Social Policy, 236 Massachusetts Ave., Washington, D.C. 20002.●

CODE OF ETHICS FOR GOVERNMENT SERVICES

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CHAPPELL. Mr. Speaker, today I rise to salute the Federal employees in my district. This is the 100th anniversary year marking the inception of our U.S. Civil Service. They deserve credit for maintaining a continuing tradition of outstanding service to their country.

On January 16, 1883, President Chester A. Arthur signed into law the Pendleton Act which established positions in the Government which were predicated upon the merit of the individuals selected to fill such positions. This eliminated over a century of the spoils system in Government jobs.

During the century since the creation of today's civil service as we know it, Federal workers have become a finely honed and dedicated group of professionals.

On a number of occasions, this office has inquiries which require immediate responses. In almost every instance, when we have had to respond to the needs of our constituency, wherein problems require that we contact Federal agencies in the field after working hours, we have consistently found someone there to respond.

There is a Code of Ethics for Government Services to which these Federal employees subscribe and by which they govern their daily service to their country. It is with a deep sense of pride that I commend our Federal employees. In furtherance of these remarks, I wish to make their creed a part of the RECORD at this time.

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any Person In Government Service Should:

Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

Uphold the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

Seek to find and employ more efficient and economical ways of getting tasks accomplished.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

Expose corruption wherever discovered.

Uphold these principles, ever conscious that public office is a public trust.

(This Code of Ethics was agreed to by the House of Representatives and the Senate as House Concurrent Resolution 175 in the Second Session of the 85th Congress. The Code applies to all Government Employees and Office Holders.)●

THE 25TH ANNIVERSARY OF NASA

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FUQUA. Mr. Speaker, we are celebrating the 25th anniversary of the NASA space program this year, and in conjunction with this celebration of the achievements of those years, I would like to submit for the RECORD an article from the Christian Science Monitor by Robert C. Cowen. This article outlines the early years of our space program. It indicates the directions we could have taken and provides us with a measuring stick of just how much we have been able to achieve in those years. Mr. Cowen is able to give us a sense of the programs past as well as an indication of the possibilities of the future.

As chairman of the Science and Technology Committee, I have had the pleasure of closely watching the growth of the NASA space program. I hope that this article will allow my colleagues to share in the celebration of the 25 years NASA has given to the area of research and development of our capabilities in space operations.

[From the Christian Science Monitor, July 29, 1983]

(By Robert C. Cowen)

(Fueled by a nation's dreams, NASA mobilized scientists and engineers to meet the challenges of space. Within 25 years of its founding, it had helped humanity gain a new perspective on Earth.)

Earth is a planetary jewel. Abundantly watered, teeming with life, it is unique in the solar system. Yet it is no anomaly. It has a scientifically logical place in the sun's family of planets.

But throughout their evolution, human beings have lived too close to home to fully appreciate Earth's planetary role. It has taken the Olympian view of a weather satellite, the homeward glance of a moon explorer, or the first geological survey of Mars to give us a more cosmic perspective.

This new dimension that spaceflight brings to human experience may be the most important dividend of the first quarter-century of the US National Aeronautics and Space Administration (NASA).

We tend to take NASA for granted now. Yet when President Eisenhower signed the National Aeronautics and Space Act on July 29, 1958, an organization unique among US federal agencies was born.

It was charged with developing space technology, expanding scientific knowledge of the solar system and the universe, aiding national defense, and fostering international cooperation in peaceful space ventures. Alone among federal agencies, it also was required by law to "provide for the widest practicable and appropriate dissemination of information concerning [its] activities and the results thereof."

In other words, all humanity was to share the benefits of the new perspective.

It is a mandate that has brought the benefits of orbital weather observations and satellite communications around the world. It enables other nations to use US satellites to map their own resources. It has allowed scientists from many lands to join in space research. It has made the fruits of that research widely available to everyone through an open public relations program and NASA's own books, films, and pamphlets. It even helps schoolchildren share the adventure of space science by flying their experiments on the shuttle.

This is a unique achievement in a contentious world. Indeed, the US space program might well have turned out to be much more restrictive.

Ironically, it took the action of the Soviet Union to produce the NASA marvel.

SPUTNIK CATCHES THE U.S. NAPPING

The agency was born of the turmoil that followed the surprise appearance of the first Soviet satellite, Sputnik 1, Oct. 4, 1957. The United States was caught napping, although it did not seriously lag behind the Soviets in space capability.

The US had a vigorous rocketry program. This was being used to develop military missiles and, to a much lesser extent, to explore Earth's upper atmosphere. The country also was preparing to launch its own scientific satellite in Project Vanguard. This was a contribution to the program of the International Geophysical Year, as was Sputnik 1. Indeed, the United States could have beaten the Soviets into orbit had Wernher von Braun's Army missile team been allowed to do so. (It was restrained in favor of the Vanguard effort.) The von Braun team underscored this point by orbiting the first US satellite—Explorer 1—on Jan. 31, 1958, after the first Vanguard rocket had exploded on the pad.

Nevertheless, as pointed out by the late Homer Newell, former associate administrator of NASA and a NASA historian, "Had it not been for the shock generated by Sputnik, the American space program would probably have evolved into one largely devoted to military objectives—with space science as an adjunct."

In his history of US space science ["Beyond the Atmosphere": NASA publication SP; 4211], Dr. Newell explains that, after Sputnik, "a strong quick response was deemed essential. . . . The United States was competitive in space even as the country deplored its loss of leadership. Leadership was the key word. To be competitive was not enough."

The issue was who would build that leadership. The Department of Defense (DOD) was ready and willing. But US scientists, especially, wanted a civilian agency free of the entanglements of military secrecy.

On Jan. 4, 1958, the American Rocket Society and the Rocket and Satellite Research Panel, an unofficial organization of scientists, published a paper calling for a civilian National Space Establishment. The two groups had been urging this for several months. On March 5, a presidential commission of governmental organization, the Bureau of the Budget, and the new office of presidential science adviser sent Mr. Eisenhower a joint memo recommending a civilian agency built around the old National Advisory Committee for Aeronautics. This resonated with Eisenhower's own desire for civilian control.

One of the Army's greatest generals, Eisenhower nevertheless was deeply suspicious of what he called the military-industrial complex. He was determined it would not co-opt the nascent space program. Accordingly, on April 2, Eisenhower sent Congress a message requesting an agency along the lines of the memo. His message stressed that "a civilian setting for the administration of the space function would emphasize the concern of our nation that outer space be devoted to peaceful and scientific purposes."

NASA OPENS FOR BUSINESS

The proposal became law July 29, NASA opened for business Oct. 1. Within a week, it had launched Project Mercury—the start of the US manned space program. Then it settled down to what would prove to be an enduring squabble—deciding what to do in space.

NASA was born with built-in tensions.

If it is to aid national defense and yet be civilian and open, how does it divide up the work with the DOD? And what of the issue of secrecy? Some of the information NASA would disseminate so freely under its mandate would always be considered "sensitive" by the military.

In the early days of weather satellites, some military people worried that the pictures might give too much away. There is ongoing concern about how detailed earth resource photos should be. Geodetic satellites—used for precise measurements of Earth's shape and of distances on Earth—are especially controversial. Newell notes: "To the scientists the precise location of different points on the earth's surface relative to each other was vital for checking newly emerging theories about the movement of the earth's crust. But to the military those data would determined the position of potential military targets. . . . The conflict was fundamental."

Such conflict remains fundamental. It will never be fully resolved. NASA has had to deal with it on a case-by-case, subject-by-subject basis, with policy evolving as needed. The issue has arisen again with use of the space shuttle.

Of larger concern is the issue of military use of space itself. The US ratified the United Nations space treaty in October 1967. Among other things, it prohibits military use of space except for reconnaissance and similarly passive purposes. President Johnson called it "a permanent disarmament agreement for outer space."

This sounds like an echo from the past. In 1899, four years before the Wright brothers invented the airplane, the Hague Peace Conference urged that no aircraft ever be used in combat. Reconnaissance and other passive uses would be allowed, but discharge projectiles or explosives from aircraft was prohibited. Within 15 years, World War I saw the introduction of aircraft used as fighters and bombers.

Now the US and the Soviet Union are developing killer satellites and dreaming of laser battle stations. The issue of military use of space is far from settled.

NASA also faced dissension within the US scientific community. Should the space program emphasize big, bold projects or proceed with smaller, more numerous efforts? There was continuing opposition to the Apollo moon program by those who claimed it drained funds from space science. Research, they said, was better carried out with unmanned probes. The same debate hangs over the shuttle today. Here again is an issue that will never be finally resolved.

But as the young agency struggled to get its act together, it made one crucial decision. Rocket designers were accustomed to initial failures with new vehicles. NASA management opted for initial success. This set the tone for the entire program.

Experienced experts said it couldn't be done. Even von Braun's rocket "stars" were outraged at what they considered an impossible task. But von Braun himself backed the concept.

NASA top management began insisting on "zero defects" in manufacture. They instituted detailed planning and supervision for every phase of a project. Newell explains: "NASA could not afford to regard failure as accceptable under any guise. Success had to be sought on the first try. . . ."

The policy paid off. Launch rocket performance went from very poor during NASA's first two years to better than 90 percent success a decade later. Von Braun's powerful Saturn moon rockets worked the first time. The probability of a space mission's success came to be considered very high. The Pioneer 11 space probe, for example, still functions even though it has left the solar system. And Voyager 2 is on its way to Uranus after making spectacular surveys of Jupiter and Saturn.

Having acquired a philosophy of success, NASA rose to President Kennedy's challenge to put a man on the moon by 1970. It developed the weather satellites, which send the cloud pictures seen on the nightly TV news. It pioneered communications satellite technology and the first earth resource survey satellites. Its planetary program was turning what had once been distant lights in the sky into places to be visited by robot spacecraft and known in intimate detail.

URGED TO "SWASHBUCKLE"

It was only natural, as the 1970s opened, for US space planners to dream larger dreams. NASA administrator Thomas O. Paine urged his people to "swashbuckle." He spoke of lunar bases and called a large space station "the next logical step." Von Braun, brought to NASA headquarters by Dr. Paine, pushed for a Mars landing by 1990. Vice-President Spiro T. Agnew, as chairman of President Nixon's Space Task Group, also championed manned planetary expeditions.

But it was not to be. In general, the Nixon administration wanted a more restrained and "balanced" space program. Development of the space shuttle was approved. But NASA was put on a "level" budget. After Skylab and the US-Soviet joint spaceflight in the early 1970s, the Apollo system, built at such great expense, was phased out. It was considered too costly to be adapted for further use. NASA had been put on hold.

The 1970s did bring major unmanned expeditions to the planets, including the landing of Viking spacecraft on Mars. But these fulfilled earlier plans. The decade ended with a sense of frustration on the part of planetary scientists.

Now one wonders if NASA may be ripe for a renaissance. The shuttle is operating. The Reagan administration is building a new planetary program—one that emphasizes simpler, less costly missions and spacecraft. And, as President Reagan himself has said, the shuttle has "raised our expectations once more. It started us dreaming again."

Soviet progress toward a permanently manned space station may be an added spur. Certainly NASA's current administrator, James M. Beggs, thinks it's time for a US space station. Saying he expects White House approval in six to 12 months, he recently told Congress, "If the United States does not take this step, we will lose our preeminence in space."

Presidential science adviser George A. Keyworth II says he thinks "the country would take a major thrust in space very seriously." Noting that a space station "is only an intermediate step in a more ambitious long-range goal of exploring the solar system," he asks space planners to "lay those ideas out."

Who knows? By the time NASA celebrates its 50th anniversary, we may consider moon bases and Mars outposts as mundane as weather satellites, manned spaceships, and other such old-fashioned things, which seemed so hopelessly romantic before NASA was born.●

WE'RE OLD, NOT SENILE, RONALD

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BORSKI. Mr. Speaker, Margaret Kuhn, of the Gray Panthers, recently wrote an article which appeared in the New York Times on the Reagan administration's approach to health care. I think that she makes a strong case that the administration's cuts in health care programs are unfair and harmful. Our older citizens simply cannot afford to pay more and more for hospitalization. I insert her article at this point in the RECORD and urge my colleagues to read it.

[From the New York Times, July 31, 1983]

WE'RE OLD, NOT SENILE, RONALD

(By Margaret E. Kuhn)

PHILADELPHIA.—There is a theory of health-cost containment in vogue in Washington and among certain members of the medical establishment that suggests that good old supply-and-demand principles can reduce not only what it costs to treat the elderly and the poor but also the whole cost to our society of health care.

The theory goes like this: If sick elderly and poor people are forced to pay a larger share of the costs of treatment, they will shop around for less expensive care and the marketplace of health providers will be so fearful of losing money that it will respond by finding new and less costly ways to attract "buyers."

This theory is worse than just utter nonsense—it is an insult to the intelligence of Americans and a cruel attempt to shift the burdens of runaway health costs onto the shoulders of our most vulnerable citizens: the old and the poor.

This punitive approach is one of many put forth in the urgent attempt to finance Medicare and Medicaid into the next century. In addition to cuts in both programs by the Reagan Administration, the latest proposal would require the elderly sick—regardless of means—to pick up part of the cost of the first 60 days of hospitilization. This may sound reasonable for those with adequate incomes, but it does not make sense for a person on Social Security with only $284.30 a month to live on when the average cost of a day in the hospital is $245.

Can anyone seriously believe that an elderly person who falls sick will be able to shop around for less costly health care? Where? Another community hospital? Another family doctor? Does the President really think that elderly sick people can do what others have failed to do—confront the obscenely high costs of medical care in this country?

The current plan does one thing and only one thing: It allows the Government to run out on its commitment to the health of older citizens—and it does nothing whatsoever to contain the greed of the health care industry. In effect, it says to the elderly that our Government is too cowardly and ineffectual to deal with this hot issue, so older people must bear the burden.

Here are the dimensions of that burden:

Hospital costs last year rose three times faster than the inflation rate, and there has been an alarming 450 percent increase in the hospital day rate since 1950. Further increases will occur with the closing of community hospitals and the emergency of large chains of hospitals operating for profit. And health care for the elderly costs four times what it does for other Americans. Social Security provides the total income for more than a third of our nation's population over 65. Medicare is the only health insurance that most of the 26 million older Americans have. Even with that, Medicare covers only about 45 percent of their total day-to-day medical expenses.

The Administration has proposed a "trade-off" with older citizens: in exchange for cost-sharing of the already bloated medical costs of the first 60 days of hospitalization, the Government proposes to pick up the total cost of care after that period. What they fail to point out is that most hospital stays averge about 11 days and that less than one percent of the hospitalized elderly would use the "catastrophic illness" coverage. I believe the Government should provide both kinds of coverage and could finance both if it would find the courage to address the real problem.

The Administration has said it wants to increase everyone's consciousness of health care costs—from patients to hospital administrators. It seems to me that the very last people in this country who need a lesson in cost awareness are the elderly, most of whom count pennies in the supermarket, deny themselves even the most modest pleasures and even avoid seeking proper medical care because they fear the costs.

Let the Administration direct its message to those who have the primary power to cut medical costs; hospital profiteers who abuse the Medicare system by adding phony charges and inflating legitimate costs, doctors who ignore "reasonable charge" levels and bill whatever they please, proprietary nursing homes that continue to charge unconscionable rates despite one of the most shameful records of abuse in the history of modern medicine, physician teams who refuse to accept Medicare assignment and order unnecessary tests, drugs, procedures and in-hospital stays.

And let the message be heard by politicians who mistakenly believe that once people reach age 65 they lose their right to decent, affordable health care and their ability to fight for it. Older Americans have contributed much to this society and will continue to contribute to the well-being of future generations. The issues of age challenge the whole society and are the levers for change.●

AVITAL SHCHARANSKY ON HELSINKI: WORDS ARE NOT ENOUGH, WE NEED PERFORMANCE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. KEMP. Mr. Speaker, after 3 years of detailed negotiations, the member states at the Conference on Security and Cooperation in Europe are poised to sign a new agreement, building on the principles of the Helsinki accords. Having just returned from the Soviet Union, I know how deeply important the Helsinki Final Act is to the refusenik community. They look to the signatory states to enforce its noble provisions and not only for Soviet Jews but for the persecuted Christians and courageous dissidents like Sakharov and others.

But the Soviet Union has disregarded their promises at Helsinki, refusing application after application submitted by individuals seeking to leave in order to be free to practice their religion, to pursue their art, or simply to live their lives. Even truly hardship cases, where families and married couples have been separated, are languishing after years of efforts to obtain visas to emigrate.

One of the most tragic cases is that of Anatoly Shcharansky, imprisoned on the false charge of spying. Perhaps better than anyone, his courageous wife Avital knows the vast gulf between words and action. She warns us that too easy an acceptance of Soviet assurances at Madrid can be a source of danger. "If the U.S.S.R. sees that the West is willing to reach agreements without requiring actual and concrete concessions, the Soviets will feel still more free to suppress human rights. The result will be not to protect human rights but to destroy them."

Soviet sincerity at Madrid will be tested in the days to come, as the West waits to see improvements in emigration, a lessening of internal oppression, the end of government-directed anti-Semitism, and the release of political prisoners whose only crime has been to assert their inalienable freedom of thought. As our great Ambassador to Madrid, Max Kampelman warned in his closing address at the conference, the West "cannot lull our publics into believing that words alone are adequate to erase the pressing threats to the integrity of the Helsinki and Madrid principles".

Soviet actions in the area of human rights will unerringly affect Western perceptions of Soviet good faith across the spectrum of East-West relations. For it is actions, not words, that speak loudest about the nature of the Soviet regime. The following poignant article by Avital Shcharansky says it best:

[From the Washington Post, July 31, 1983]

HUMAN RIGHTS: WHAT'S THE USE OF TALKING?

"This September, the three-year-long Madrid Conference will conclude with a ceremony. Today the members of the unofficial Soviet group monitoring the Helsinki Agreement remain in prison."

In August of 1975, after the signing of the Helsinki Agreement on security and cooperation in Europe, I received an exuberant letter from my husband, Anatoly Shcharansky: "They have signed an international agreement," he wrote, "and it speaks exactly of us: of the reunification of families and of free emigration. Soon we will be together in Jerusalem." Not only Anatoly but all those around him were elated.

Anatoly and I had been kept apart for a year: at the time of President Nixon's visit, I had been granted an exit visa, and Anatoly's application had been denied. We were told that unless I made use of my visa I would never be granted another. And we were told that Anatoly would certainly receive his visa within six months. I left. A year of delay and disappointment followed. With the Helsinki Agreement we hoped that Anatoly and many others would be allowed to go to Israel.

The reality, however, was different. At the very time of the signing of the agreement, the KGB began a new attack against the Jewish emigration movement. They forbade demonstations. Those who dared demonstrate to express their wish to go to Israel were arrested and sent to Siberia for five years. Those who applied to emigrate lost their jobs and were accused of being "parasites." Students who applied to emigrate were expelled from their universities and drafted into the army. Their applications were then dismissed on the pretext that they had learned military secrets. Those who refused to serve in the army were imprisoned.

In response to these and other violations against human rights, a group of very courageous people, including my husband, sought to bring Soviet violations of the accord to the attention of the world. The KGB fought against this group as well.

In 1977 Anatoly was arrested and sentenced to 13 years imprisonment on the ridiculous charge that he was a spy for the CIA—a charge immediately denied by President Carter. The true reason for the arrest and the very harsh sentence was the desire to destroy the Jewish emigration movement.

In 1978, the 35 nations met again in Belgrade to review compliance with the Helsinki Agreement. Again the same contradiction occurred. While inside at the official sessions there were speeches about human rights, in the Soviet Union the KGB was arresting and imprisoning those trying to defend the rights ensured them by the agreement.

This September, the three-year-long Madrid Conference will conclude with a ceremony. Today the members of the unofficial Soviet group monitoring the Helsinki Agreement remain in prison. Emigration has almost completely ceased. The Soviet government has launched an intense campaign of anti-Semitic progaganda.

Will Madrid repeat the experience of Helsinki and Belgrade?

A process that improves the dialogue between East and West certainly serves the interests of peace. But signatures without actions are self-contradictory. The countries participating in the Madrid Conference have a grave responsibility to the dissidents and "refuseniks"—those refused emigration visas—who have put themselves in danger. These brave people have attempted to uphold the rights that every country present at Madrid has previously accepted and is now reaffirming—rights that have not yet come to be.

For those trapped in the Soviet Union, Madrid can be not only a disappointment but a source of danger. If the U.S.S.R. sees that the West is willing to reach agreements without requiring actual and concrete concessions, the Soviets will feel still more free to suppress human rights. The result will be not to protect human rights but to destroy them.

Moreover, can Russia's commitment to future agreements be trusted when it refuses to abide by its prior agreement at Helsinki? If the Soviet Union hopes to continue the Helsinki process and to move on to further accords, it should offer concrete action demonstrating its good intentions.

In spite of the Soviet law granting visits to prisoners every six months, Anatoly had been denied visits for a year and a half. After months of writing letters, he learned that none of them had been sent. He began a hunger strike that lasted three and a half months. Finally, several weeks ago, on July 5, his mother was allowed to speak to him through a glass partition. He told her:

"Everything that has been done to me for the past six years has been illegal. Remember that at my trial it was announced that I had nothing to say to judges who in two hours' time would read a sentence that had been prepared well in advance. I will not say one word but every day that I am in prison is a continuation of the illegal situation that began with my trial. I am an innocent victim and this is well known to everyone, especially to those who framed me."

I add my own hopes that the United States, a nation founded on the principle of individual liberties, will be true to those who are fighting for these very principles.●

INTERN PETITION ON CENTRAL AMERICA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise to call to the attention of the House a petition being circulated and supported by a group of congressional and governmental interns. The statement expresses the alarm felt by these interns at the increasing U.S. military involvement in Central America. The petition is a strong and cogent call urging the United States to respect the sovereignty of Nicaragua, to make a serious commitment to human rights in Central America, and to seek a peaceful resolution to the deeply rooted problems plaguing the region.

I strongly commend these interns for their actions. Interns play a vital role in the workings of our Government. They also have a unique opportunity to witness the operations of government on a firsthand basis. By making a forceful and positive statement designed to stop U.S. support of political violence in Central America, this group of young people serves as an example of the democratic spirit which we should all heed.

Mr. Speaker, the signers of this petition respectfully request an opportunity to meet with President Reagan to directly share with him their views on his policies in Central America. I urge the President to grant their request.●

NAMIBIA DOES MATTER TO THE WEST

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FIELDS. Mr. Speaker, I would like to present for the RECORD an article which recently appeared in the August 1, 1983, Washington Times. The author, Max Huber, explains the importance of Namibia to the United States for its strategic position and vast natural resources.

There is a common misconception that because Namibia is presently under South African political control, unjust racial policies exist. This is untrue. In 1979, the Democratic Turnhill Alliance (DTA) passed legislation that provided equal pay for equal work regardless of race, opened trade union membership to all races, and called for free compulsory education. DTA is a popular based movement, seeking to form a government for all people of Namibia, and constitutes the first true multiracial party in modern African history.

The Soviet Union adeptly manipulates the media, bringing all South African initiatives, including those on Namibia, into disrepute. They seek political domination and destabilization of the region for strategic purposes. Ideally, the Soviets would deny the United States access to these vital raw materials, and attempt to bring the United States to its knees.

It is essential for the United States to have access to the wealth of valuable minerals in Namibia, in order to sustain our advanced standard of living. We must support the DTA and other movements that strive toward political democracy and are essentially Western oriented.

I commend the following article to the attention of my colleagues:

NAMIBIA DOES MATTER TO THE WEST

(By Max Hugel)

Few Americans have visited Namibia, otherwise known as Southwest Africa. Having just returned from there, I have a new understanding of the strategic and economic necessity governing our relationships with that corner of the world. Namibia, like much of southern Africa, is a treasure of minerals essential to any modern industrial society.

We must have access to such resources in order to remain economically viable and to continue to enjoy our advanced standard of living. The Soviet Union has a vested interest, therefore, in denying such access to us. The South Africa government plays a major role in determining the shape of Namibia's future, and this colors the glass through which Western eyes view this area.

The residue of guilt left over from more than a century of colonialism constitute a massive burden for the West. Apartheid compels Western press to scourge South Africa, and Western public opinion on

South Africa is largely negative because of this barrage of coverage.

This in turn plays into the hands of the Soviet Union, which adeptly manipulates the media, playing on the West's conscience and guilt. This brings all South African initiatives, including those on Namibia, into disrepute. Combined with support of "wars of national liberation," this effort constitutes a significant threat to non-communist control of this part of the world.

The Soviet bloc, the Organization of African Unity, and the United Nations all support the Namibian version of a Third World revolutionary movement—South West Africa People's Organization. SWAPO seeks to deny legitimacy to any other attempts to create a free government in Namibia, particularly any effort commanding South Africa support.

SWAPO, like so many other similar Third World movements, is Marxist-oriented and armed by the Soviets.

Whenever anyone questions SWAPO or attempts to assist the Demoractic Turnhalle Alliance (DTA), they are assailed in the world press as racists and fascists. Regrettably, too few Western journalists see SWAPO for what it really is, a Marxist-led terrorist organization. Too few see DTA as a multiracial, popular-based movement, seeking to form a government to represent all the people of Namibia.

The United Nations, ever eager to harm the West and aid the Soviets and their Third World allies, has recognized SWAPO as Namibia's de facto government. It wishes to supervise any election. Sadly, supporters of Western government and Western-style democracy are willing to go along with this.

There are other misconceptions about Namibia. Because SWAPO stems from the Ovambo tribe, representing about half the population, SWAPO wants observers to believe they are the majority political party. This is not true, and would be definitively proven in any free and fair election.

Another misconception holds that because Namibia is presently under South African political control, South African racial policies govern there. This is also untrue. In 1979, the elected national assembly abolished racial discrimination. Legislation exists providing equal pay for equal work, irrespective of race. Trade union membership is open to all, as are all residential areas. Education is free and compulsory for all children between the ages of 6 and 16. DTA presided over these reforms, and constitutes the first true multiracial party in modern African history.

DTA is confident it can win a fair and free election now. But it is leery of the United Nations playing a supervisory role in such an election, legitimately fearful that U.N. forces will allow SWAPO abuses. Intimidation torture and murder are its chosen methods. We must understand this clearly in order to play a role that will guarantee a result favorable to the West.

Recently, Secretary of State Shultz met with the head of SWAPO. He should extend the same courtesy to DTA Chairman Dirk Mudge.

It is vital that Americans not shrug off Namibia. The Soviet effort to destabilize the area of Africa has already created economic and social chaos. Several Marxist regimes in that area preside over economic catastrophe, and are casting covetous eyes in the direction of America. They want our financial aid, aid which they know will not be forthcoming from the Soviet Union.

The Soviets seek political domination and destabilization of that area, with us paying the bill. Then they will exercise their political leverage to deny us access to the raw materials while maximizing their strategic, geographical and military advantages.

To do otherwise is to contribute to our own downfall.●

ROTC: EMPHASIS ON EXCELLENCE

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BATEMAN. Mr. Speaker, I would like to commend the attention of my colleagues to the following speech delivered at Fort Riley, Kans., by Gen. William R. Richardson, the commander of the Army's Training and Doctrine Command at Fort Monroe, Va.

General Richardson's message to the 3d ROTC Avanced Camp is simple, straightforward and enduring: Excellence is a rare commodity in today's world, and the ROTC cadets are the product of this new emphasis. I would urge my colleagues to read this uplifting and inspirational speech, which has implications for all Americans.

ADDRESS BY GEN. WILLIAM R. RICHARDSON

Secretary and Mrs. Marsh, BG Watson, members of the Army Advisory Panel, distinguished institutional representatives, distinguished guests, ROTC cadets, families and friends.

It is also my pleasure and privilege on behalf of BG Watson, the 3d ROTC region commander, to welcome you to Fort Riley, to the ROTC Advanced Camp, and to this ceremony.

It is a great pleasure for me to return to Fort Riley, Camp Forsyth, and this parade field. I served here with the 1st Infantry Division in 1957-59 and with the 9th Infantry Division in 1966. I have some fond memories of soldiering here at Fort Riley.

This ROTC Advanced Camp—which is one of three—brings together over 3,000 men and women from 107 colleges and universities representing 16 States. They're out there training hard for everyone to see. What does not show so readily perhaps is the time and dedication involved in making it possible.

Advanced Camp begins on campus, of course. The professors of military science and their staffs devote a great deal of effort to preparing these young people to attend. The cadets have made their sacrifices, too. All of them know the physical and mental demands which will be made upon them. They've been in training on campus for the days they are now spending here.

The soldiers of the "Big Red One"—the 1st Infantry Division—have been an important part of this camp to contribute their absolutely indispensable assistance in making this all happen. Members of the Reserve components have been called in to help. The list of players is almost endless. We thank them for their help.

But it is the cadets in front of us this afternoon in battle dress uniform and Army greens who are the stars of this production. You have shown through your performance, your physical fitness, and your attitude that you are up to the demands being placed upon you, which is to learn how to lead the men and women of the Army in peace or war. The professional competence you display here at summer camp weighs heavily in our assessment of your potential. But it also tells you yourself how good you are—what your strengths and weaknesses are. And so I urge you to use this valuable 6-week experience to prepare you for your day of commissioning. From what I saw today, you will do exceedingly well as leaders in our Army.

We have before us a group of young men and women about to be commissioned into the U.S. Army. They represent the reason for this outpouring of manpower, time, energies, and dedication on the part of many players.

I hope that all of you are as proud of them as I am, and I know that you must be. For the educators in the audience, they are your changes. But better yet, I would say that they are our charges. We share a joint mission in educating and training them to be both citizens and military officers.

There is nothing incompatible in pairing education for citizenship with military training. This uniquely American concept has served us well for the past 60 years. Men and women have come from the campus to serve in the Regular Army or as members of the Reserve components. They have always performed far beyond our high expectations. I see no sign that this will ever change, and we should be grateful this is the case. We could not survive without this reservoir of educated leadership. To you institutional representatives, I want to express our appreciation for the outstanding work your institutions have done and will continue to do in preparing these and other young men and women for their roles in life.

Secretary Marsh has proclaimed 1983 as the year of excellence. He sees this as a time to set realistic goals for individual improvement and then working toward achieving these goals. It is up to us in the Army to make our adequate soldiers good, our good soldiers better, and our better soldiers the best in the world. We want the best we can get from all our people. These officers will be part of that exciting prospect.

In the Army's Training and Doctrine Command, we say that, "Excellence starts here" because we are responsible for the initial training of all the officers and enlisted personnel entering the Army and our schools and training centers must set the highest of standards. With respect to the 75 percent of our officers from ROTC, you educators have made your contribution to the process of excellence by making the maximum use of the best faculty you can assemble to expose these young people to ideas and to the accumulated knowledge of their disciplines. At the same time, we have been working to tell them about the Army—including this advanced camp—in preparing them as future officers. Their exposure to excellence is well underway.

At their officer basic courses, we will train them to serve in specific branches. After that, they will begin combining what they learned on campus and what they have learned during their total exposure to the army to become leaders.

To you who will receive your commissions today, I welcome you to the officer corps of the U.S. Army. You add your names to the long list of graduates of ROTC who have served with distinction whenever and wherever they were called upon. When you agree to the provisions stated in your oath of office, you make a commitment to a profes-

sion and to a way of life. It is not an oath to be taken lightly, as those who have sworn to it before will tell you. It is an oath of office remarkable in its brevity but enormous in its consequences. Upon its execution you will join the profession of arms and it is a profession—make no mistake about that. We are a unique society of individuals with our own professional ethic by which we govern our lives. It is the very foundation which gives us the confidence to meet any test offered us. Our ethic has four fundamental qualities.

First, we believe in commitment. That begins with your oath. Your first leadership assignment is another commitment, both to those you lead and those who lead you and your unit. These commitments never stop. As you gain in rank and experience, you will face commitment to bigger and more far-reaching issues. The commitments you must always remember are those to your Nation, your service, your leaders, and those you lead. You will, of course, be committed to excellence at all times. You must strive to improve whatever is in your power to improve. Leave everything with which you are connected better than when you found it.

Second, we believe in competence. Lincoln said "I will study and prepare myself and someday my chance will come." You must do the same. If you are not competent in a tactical and technical sense, you will not be qualified to lead. If you are not qualified or not fit to lead, you are a danger to your soldiers. You may expose them to danger needlessly, and they are a precious resource. Even worse, you will destroy their confidence in themselves—and in you.

Remember always that a bad leader with the best troops can be a clear and potential menace to them and to himself. On the other hand, a competent leader—as history has proven time and time again—can take untrained but willing troops and inspire them to do wonders by his example.

The decision point in our profession is the battlefield. We do not want it to be so, but it is our duty to spend our lives training for something we hope we never have to do—that is, to go to war. Soldiers are more aware than anyone of the hazards involved in war, but if we must fight, we must also have people who know what they are doing. There is simply no alternative to this.

Third, we believe in candor. To us, candor means that you have no time or use for lies. You can't abide double meanings. You want communications which are accurate, straightforward, and honest. Let your soldiers see you as honest in all your dealings. Expect the same from them. Let your word be your bond and expect the same from your soldiers. You will rarely find a soldier to whom you cannot safely extend this expression of your regard for him or her. Candor is based on a strong sense of personal honor—a sense of what is right and what is wrong. This is not as easy as it sounds. Find a role model whose honesty and trustworthiness you respect. You can gain more from understudying a proven leader than in any other way I know.

Finally, we believe in courage. We believe you can develop the physical courage to do your job of leadership under even the most terrifying conditions. If you are competent and confident in your ability and that of your command, you can meet and defeat fear. Physical courage is rooted in believing in your unit, your own excellence at leadership, and your devotion to your family, to your service, and to your country.

Moral courage is often another story. It takes as much courage to take and hold an unpopular stand—when it might be easier to blend in with the faceless majority—as it does to face a line of oncoming armor. But if you believe that you are right—after sober and considered judgment—hold your position. When this stand applies to the pursuit of personal or unit excellence, you owe your country nothing less. The officer corps must possess the highest sense of moral courage if it is to fulfill its purpose of leadership for the American soldier. This will not be easy, nor should it be.

And so, these four qualities symbolize the attributes and values of the American military professional. As officers, you men and women will face a difficult task which must be centered around these values, if we are to succeed in our pursuit of excellence.

The constancy provided the members of the officer corps by their belief in and adherence to the professional ethic I described has been the secret of our success for over 200 years. I know that none of you will ever dim the luster of our unique and storied profession. Your country and your Army expect nothing less from you.

You are a chosen few. A great many other men and women have chosen to drop out or failed to meet the challenges in the race for excellence along the way. You are the stayers—the ones who persevered. We expect you to demonstrate such perserverance many times in the years that lie ahead.

I want to personally congratulate each of you and I wish all of you Godspeed and the best of fortune for the future. Be all you can be. It is important to your school, to your family, to the Army, and to your country that you do so. We know that you will not fail us.●

STRATEGIC MINERALS

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SILJANDER. Mr. Speaker, as a member of the Foreign Affairs Committee of the U.S. House of Representatives, I am becoming alarmed at the Soviet-backed grab for the strategic minerals in Namibia by the SWAPO terrorists.

Namibia (South-West Africa) is a country generally unknown to Americans despite the important U.S. national defense interest involved there.

Operating from military bases in the southern part of Soviet-controlled Angola with the help of 30,000 Cuban soldiers, SWAPO armed with Soviet military equipment, is conducting a terrorist campaign across the border against the black civilian population of northern Namibia.

Namibia is the gateway to ultimate Soviet control of the strategic minerals in southern Africa. Chrome, vanadium, the platinum group and about 30 other minerals are vital to the U.S. national defense industrial base. Without access to these strategic minerals, U.S. electronic computer, aircraft and defense industries will be badly crippled.

Not only does Namibia have the larest uranium mine in the world, and vast resources of copper, diamonds, lead, tungsten, tin, zinc and oil, but its western coast deepwater ports can harbor Soviet nuclear submarines in a position to bisect the oil and mineral lifeline from the Persian Gulf to the United States and NATO countries of western Europe. More than 28,000 ships a year follow this sea route around the Cape of Good Hope.

If the Soviets through SWAPO can drag Namibia behind the iron curtain the United States loses another ally in the mineral resource war and the Soviet Union makes a huge gain in its campaign to deprive the United States of the strategic minerals in southern Africa.

As a part of a worldwide propaganda campaign for support of their mineral resource war, the Soviets are encouraging a disinformation war of words to persuade Americans to disinvest in business enterprises helping develop Namibia and southern Africa. The following letter from an official in Namibia conveys a message of importance to all of us.

GOVERNMENT OF SOUTH AFRICA/
NAMIBIA,
Washington, D.C., July 19, 1983.

Hon. MARK D. SILJANDER,
U.S. House of Representatives,
Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN SILJANDER: There is at present a propaganda campaign demanding "disinvestment" in companies active in Namibia and South Africa. Disinvestment punishes American investors and the working people of South West Africa/Namibia without achieving any compensating benefits.

Namibia is a small country with a population of only about one million persons in an area twice the size of California. It is on the threshold of independence from its status as a Territory of the Republic of South Africa.

Namibia is a semi-arid country with 11 major population groups who speak 8 languages and 29 dialects. A large part of the population is engaged in subsistence farming, while others work in mining and processing industries.

By enactment of Public Law No. 3 on July 11, 1979. Namibia made racial discrimination punishable by fine and imprisonment. This statute was passed by Namibia'a predominately black National Assembly, and is bringing significant change.

It is morally and legally wrong to urge withdrawal of investment in American companies doing business in Namibia and southern Africa at a time when Namibians are struggling to improve their country. Economic sanctions such as "disinvestment" hinder our progress toward a more developed and productive economy.

When U.S. companies are unable to invest in South West Africa there is a direct injury to the people because of lost job opportunities. As in other Third World countries, jobs and development depend upon foreign investment.

Mr. Vernon Jordan, former President of the National Urban League, has said ". . . there are many in this country who would encourage and/or legally prohibit U.S. firms from doing business in South Africa and it is easy for them to take this stand because they do not have to witness the devastating

unemployment that will accompany massive disinvestment . . .".

Recently, U.S. Under Secretary of State Eagleburger re-stated U.S. Government opposition to "disinvestment": "The record of U.S. corporate citizenship in South Africa, though not perfect, is clear and impressive. Our firms have been pace-setters for change. Those in the U.S. and other Western nations who would have our firms disinvest not only ignore this record of achievement but propose measures that rest on no discernible philosophic or policy premise. Disinvestment by U.S. firms would undo an avenue of positive effort. Proponents of corporate disinvestment—and of stockholder or pension manager sales of stock of firms operating in South Africa—would have Americans wash their hands of any association with that country. This apparent quest for symbolic dissociation is, in reality, a formula guaranteed to assure America's irrelevance to South Africa's future."

If U.S. capital is "disinvested" in the region there will be widespread unemployment in Namibia and American taxpayers may be called upon to provide millions of dollars of foreign economic aid, as they now provide to many food-deficient former colonial areas of Africa. The Soviet-backed SWAPO terrorist campaign to seize control of Namibia will be the only winner if the "disinvestment" propaganda offensive in the U.S. succeeds. We hope you can bring this problem to the attention of your colleagues in Congress.

Very truly yours,

F. JARIRETUNDU KOZONGUIZI,
Director of Government Liaison.●

A CRISIS AMONG THE POOR IN AMERICA: HUNGER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BROWN of California. Mr. Speaker, the passage of House Concurrent Resolution 40, and majority support of a similar measure in the Senate, are symbols of our renewed commitment to help the hungry of America. I would like to commend my colleagues for overwhelmingly approving the concurrent resolution, which opposes further budget cuts in Federal nutrition programs for fiscal year 1983 and fiscal year 1984. Because of my deep concern about poverty, I have worked diligently in my years as a Congressman toward the elimination of hunger, in both the United States and around the world.

Prior to the reductions in funding for these nutrition programs in the 97th Congress, it appeared as though we were beginning to control hunger within the United States. Through tremendous national efforts to insure that the poor did not go hungry, we had ceased expansion of the diseases associated with malnutrition, and began to eliminate them completely. As instances of malnutrition decreased, the overall health of our Nation increased.

However, the lingering recession in the United States has placed many American workers in unemployment lines. The Census Bureau recently announced that the number of Americans currently living below the official poverty line has risen to 15 percent of the entire population, or 34.4 million people. In more relevant terms, more than 1 out of 7 Americans cannot provide enough for basic subsistence living. This is the highest national poverty rate since 1965, when President Johnson declared an all-out war on poverty. In California, the severity of this problem is great; unemployment in June stood at 10.3 percent.

In response to this growing concern over hunger in America, volunteer and private relief organizations have increased in number, expanding their efforts to alleviate hunger. In my congressional district, there has been an upsurge in the organizations combating the problem in the local area. Their efforts include gleaning programs, senior meals programs, and food distribution programs. However, these groups have been encountering demand increases which are 200 to 300 percent higher than last year. With their limited resources, they have had extreme difficulties in providing for these growing needs.

As a response to this growing increase, I have taken several actions to fulfill this need. I have cosponsored legislation to create a Select Committee on Hunger in the House of Representatives, the recently passed resolution to continue current hunger and nutrition programs, and the Emergency Food Assistance and Commodity Distribution Act. I support the surplus commodities distribution program and recently sent a letter to Agriculture Secretary Block requesting clarification on aspects of the program which have been causing difficulties in California.

On June 4, I held a town meeting at Riverside City College to bring agriculture, hunger, and nutrition professional together to discuss this issue. The purpose of this gathering was to establish a network of agencies and organizations to coordinate services in San Bernardino and Riverside Counties, and to keep the local officials and myself informed on community nutrition and health needs. We also began an education and information network for the purpose of educating these residents about the nutrition and health services in both counties. I was excited by the positive response at the meeting, and am now planning follow-up sessions to measure the effectiveness of these networks.

One food bank which distributes to agencies in the two-county area, the Survivor Food Bank, distributes food to approximately 35,000 families per month. During the last 12 months, the demand for their services has doubled. Daryl Brock of the Survivor Food Bank states that—

> The demand is there, it is increasing, and if things do not improve, we will probably see a doubling between now and this time in 1984.

As a palliative to this rise in demand, the Reagan administration began the cheese distribution program in late 1981. Although this program was actually decreasing the Government's economic burden of possessing enormous stockpiles of foodstuffs, the program ran into immediate difficulties. Local distributors experienced difficulty in dispersing cheese, butter, and other perishable commodities because they did not have adequate storage facilities. Furthermore, the large shipments required many workers to unload and distribute the foods. Other complications included limited funds, inaccurate notification on the arrival of shipments, and inconsistent shipments. However, the greatest problem was that local groups could not keep up with the demand for cheese.

In order to improve the program, Congress passed the emergency food assistance program in the emergency jobs bill earlier this year. This legislation was intended to provide more Federal commodities for distribution, while providing assistance to distribution agencies, to alleviate the administrative and logistical burdens they were facing. The jobs bill provided for the commodities to be allocated on the basis of the number of unemployed, and the number of families living below the poverty level. Previously, the cheese distribution was based solely on request.

In late May, the period which Public Law 98–8 was to be implemented, the USDA announced a reduction in cheese distribution of almost 50 percent, in response to indications that the program was reducing commercial sales of cheese.

For California, this reduction meant a drastic cut in the commodities it was to receive this summer. The distribution agency for the State did not have enough prior notification to adjust for this reduction. As a result, it continued to request the previous quantities of cheese and other foodstuffs for the first few months, as it was too late to cancel the orders of local agencies. California is currently experiencing a severe reduction in shipments of food, due to the fact that overall allocation from the jobs bill has been depleted. While California had received between 3 and 5 million pounds of cheese per month during the spring, its portion for July and August were between 0.75 and 1.6 million pounds. Recently, I testified at a hearing before the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, urging the USDA to increase its distribution program.

Congressional action to oppose further reductions in Federal nutrition programs has renewed our commitment to assist disadvantaged Americans. It has also acted as a catalyst for the Reagan administration to reassess its position. The President has now announced the appointment of a task force to study the problem of hunger in America. Furthermore, the administration announced yesterday that it would release more than 10 million pounds of cheese a month, as well as increased amounts of other surplus commodities. The Government will also make available an additional 2 million pounds of butter, 1 to 2 million pounds of nonfat dry milk, 2 million pounds of honey, and 3 million pounds of cornmeal per month.

I strongly believe that these steps have revived our commitment to assist the poor of the country. However, I believe that it is essential that our goals remain consistent. To assure the success of these programs, we should revive President Johnson's declaration of war on poverty in the United States. With such a commitment, we should not fail. In this great country with its high agricultural productivity, I cannot justify allowing the Nation's poor to go hungry.●

LUTHERAN CHILDREN AND FAMILY SERVICE AND REFUGEES

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. KOSTMAYER. Mr. Speaker, the problem of refugee resettlement is a serious one in many parts of the country. Thousands of refugees from all over the world continue to enter the United States in search of freedom and a better life. These refugees often have no jobs, no family in this country, and no knowledge of our language.

I would like to inform the Congress of the outstanding efforts of the Lutheran Children and Family Service in Philadelphia. The successes of this organization are detailed in the following article from the Bucks County Courier Times of April 21, 1983. The Lutheran Children and Family Service has eased the difficult transition which faces refugees by providing housing, transportation, and other assistance for refugees of all nationalities. The program has been so successful that all of the sponsored refugees in the Philadelphia area have adjusted smoothly to their new lives. However, the Lutheran Children and Family Service and other organizations like it throughout the country need support and sponsors for new refugees. I hope that the following article spurs such support:

SUCCESS FOR REFUGEE PROGRAM MEANS IT IS NO LONGER NEEDED

(By Denise Foley)

If it hadn't been for the eight Waziris, it would have been a pitiful turnout.

The Morrisville church which, for almost three years, had hosted pot luck suppers, square dancing and Christmas parties for Southeast Asian refugees was nearly empty this rainy Friday night.

Except for the Waziris, new refugees from Russian-occupied Afghanistan, there was no one to learn how to plant bok choy seeds or munch the bags and bags of Pepperidge Farm cookies at this last Friday night program sponsored by the Lutheran Children and Family Service.

So why was Jody Kerssenbrock grinning?

"The reason no one came is that they don't need us any more," said Ms. Kerssenbrock, assistant director of the agency's refugee sponsorship program.

The covered dish suppers and the kite-making projects and the folksinging evenings were a sugarcoated acculturation program for refugees from war and terror—Vietnamese, Cambodians and Laotians mainly, who were finding America a lonely sanctuary.

The monthly get-togethers—at the First Presbyterian Church—were an opportunity to meet with others who spoke their language and shared their experiences. It was a chance for their American sponsors to eat homemade spring rolls—and the Southeast Asians to learn to like hot dogs and baked beans and chili.

Most of the refugees had no jobs and no transportation. It was, for many, the only evening out every month.

"Now, they're all busy," said Ms. Kerssenbrock, as the Afghan children tore around the church basement in a raucous game of tag. "They have jobs, friends, cars. They don't need us anymore."

For those few who do, like the Waziris, the monthly programs will move to Kendall Park, N.J., where there are more new immigrants to serve. They will be sponsored by the Lutheran Social Services of Trenton.

"We worked ourselves out of a job," laughed Dorrie Sillman, director of refugee programs for Lutheran Children and Family Service in Philadelphia. "They're acculturated."

But, she said, sobering quickly, "what we need is another wave, another group of people to reach out to help."

Although the original group of refugees is settled nicely into American life, there are still more coming, like the Waziris and other from Poland, Hungary, Rumania and Cambodia.

"What we need are churches to help out," said Ms. Sillman, who lives in Northampton Township.

Church sponsors provide housing and help to the refugees, filling apartments with furniture, taking care of transportation, language training and translating bureaucracy for them.

"It's not legal responsibility, but a moral responsibility," she explained.

The newest immigrants are the Cambodians. "We had one group come in the winter with only thong sandals and pitiful little bags of clothing," said Ms. Sillman. "We had purchased wholesale ski jackets and we've been giving them out all year. They're cold, even in August."

Sponsorship is often a large task. The refugees have little or nothing when they arrive and are estranged from American society by language and cultural differences. That is why the empty church basement Friday night represented a major victory.

"They now have lives of their own," said Dorrie Sillman with a look of satisfaction. "We're out of a job." ●

CITIZENS FOR SAFE DRIVERS LEGISLATIVE AWARD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. VENTO. Mr. Speaker, the Citizens for Safe Drivers Against Drunk Drivers and Chronic Offenders recently presented our colleague, JIM OBERSTAR, of Minnesota, with its Citizens for Safe Drivers Legislative Award, commending him for his lead role in enactment of the national driver register legislation, Public Law 97-364.

Fran Nathanson, who with her husband Ken founded the Citizens for Safe Drivers, made the presentation.

I am pleased to insert her remarks into the RECORD at this point, and to recognize both the Nathansons and JIM for their deep and enduring commitment to keeping problem drivers off our roads and highways.

PRESENTATION OF CITIZENS FOR SAFE DRIVERS LEGISLATIVE AWARD TO CONGRESSMAN JAMES L. OBERSTAR AT THE INTERNATIONAL FORUM ON TRAFFIC RECORDS SYSTEMS

(Presentation made by Fran Nathanson, Cofounder, Citizens for Safe Drivers Against Drunk Drivers and Chronic Offenders, Washington, D.C.)

From 1966 to 1975, Ken and I knew Jim Oberstar as one of our good neighbors in Bethesda, Maryland . . . a suburb of Washington, D.C. But since 1975, we have learned what a caring person he is . . . concerned about the lives of all Americans. We also discoverd what an effective Congressman he is.

After our 14-year-old daughter Kamy was killed in a highway crash the day after Christmas 1975, we were told by federal traffic safety officials that she might still be alive if the National Driver Register was working as Congress had originally intended. What was needed almost from its inception was new federal legislation bringing it into the computer age from its current slow mail system. We organized the first national non-profit citizens group to focus on drunk drivers and other chronic offenders.

We asked for Jim's help and we got it. Luckily, he was on the right committee . . . the House Public Works and Transportation Committee.

Over the past 7 years we have worked closely with Jim. We have come to know him not only as a dedicated Congressman—skilled in effective legislative techniques—but also as a person of great integrity, determination, and modesty—unusual for a lawmaker. His constituents are indeed fortunate to have Jim Oberstar as their representative.

Six years ago this very month, Jim introduced his first National Driver Register bill. Despite unexpected roadblocks, Jim kept the legislation moving until it was passed unanimously last October.

Although his bill was originally passed in the House in 1978, it was shortcircuited in the Senate which requested a one-year study by NHTSA. Based on this study, which confirmed his judgment that there was "no further justification for delay", Jim reintroduced new NDR legislation early in 1981.

When the Administration in the wake of a budget crunch set out to kill the NDR and wiped out its budget, Jim succeeded in getting Congress to earmark funds continuing the NDR until Congress could consider his bill. NHTSA had to provide the funds to operate NDR that it had already asked Congress to eliminate.

We have been impressed with the many strategies Jim used to rescue the NDR and keep the legislation from being weakened.

From the start Jim recognized that the NDR was a key element in the solution of the drunk driving problem. The National Driver Register law is indeed landmark legislation. It will help not only Jim's own constituents but will help safeguard every American from potential tragedies on our highways.

Although Jim worked for 7 years to secure passage of this bill, the law does not bear his name officially. That bothered us. It never concerned Jim in the least. He wanted only to get this legislation passed. But in the minds of knowledgeable citizens and safety people everywhere Jim Oberstar is the NDR in Congress. Almost without exception this legislation is referred to as the Oberstar law.

Jim knows how we feel about what he did to save and improve the NDR, but we want everyone to know. That is why on behalf of our thousands of members nationwide we preent this plaque. It reads:

"Citizens for Safe Drivers Legislative Award to Congressman James L. Oberstar for his lifesaving work in strengthening the national driver register to prevent highway deaths and maimings, July 18, 1983."

Jim, please accept this plaque as a symbol of our great admiration and deep affection.●

THE ABORTION QUESTION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. TAUKE. Mr. Speaker, I submit for my colleagues' contemplation an article which appeared in yesterday's Washington Times. It offers a rarely voiced perspective on the abortion question.

The article follows:

[From the Washington Times, Aug. 3, 1983]

WOMEN FORM WEBA TO FIGHT ABORTIONS

(By Nancyjo Mann)

(Every year for the past 10 years, 1.5 million women have had an abortion. For many, according to Nancyjo Mann, founder and president of Women Exploited By Abortion (WEBA), having an abortion only began their problem. Mann was interviewed by Washington Times staff writer and columnist Tom Diaz.)

Q: Tell us about your experience with abortion and its consequences.

A: My experience goes back to 1974, the month of October, 30th day—the day that I killed my baby girl. It was a second trimester abortion. I was 5½ months pregnant.

I went to the doctor because family members had pressured me, had encouraged me. There was no "Nancy maybe you should reconsider," because it was not my idea in the first place, it was theirs.

My husband had walked out the door and deserted us. The responsibility of three children was just too much for him. I went to my mother and my brother and asked, "What am I going to do?" And my mother said "It's obvious, Nancy, no man's going to want you with three children, let alone the two you already have. You're probably not going to amount to a hill of beans and you're probably going to be on welfare the rest of your life."

And following those three positive, uplifting statements, she said "You're going to have to have an abortion." Then she called one of the leading ob/gyns in the Midwest, and he said, "Absolutely, no problem. Bring her on in."

Q: Did he know at the time how far you were along?

A: Absolutely. He does all kinds of second trimesters, no problem.

I went in and I asked, "What are you going to do to me?" All he did was look at my stomach and say, "I'm going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus."

I said, "Is that all?" He said, "That's all."

It didn't sound too bad. But what that doctor described to me was not the truth.

I went to the hospital and 60 ccs of amniotic fluid were drawn out, and a saline solution injected. Immediately the needle went through the abdomen I hated Nancyjo, I hated myself. With every ounce of my being I wanted to scream out "Please, stop, don't do this to me." But I couldn't get it out.

Once they put in the saline there's no way to reverse it. And for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I didn't know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live. And yet she was dying and I remember her very last kick on her left side. She had no strength left.

I've tried to imagine us dying that kind of death, a pillow put over us, suffocating. In four minutes we'd pass out. We'd have that gift of passing out and then dying. But it took her an hour and a half just to die.

Then I was given an intravenuous injection to help stimulate labor and I went into hard labor for 12 hours. And at 5:30 a.m. on the 31st of October I delivered my daughter whose name is now Charmaine Marie. She was 14 inches long. She weighed over a pound and a half. She had a head of hair and her eyes were opening.

I got to hold her because the nurses didn't make it to the room in time. I delivered my girl myself. They grabbed her out of my hands and threw her, threw her, into a bedpan. After they finished and took her away in the bedpan, they brought a lady in to finish her last hour of labor lying next to me. She had a healthy baby boy.

That was tough.

I liked Nancyjo, I liked me, prior to the abortion. But shame and remorse and guilt set in—I mean, when you get a hold of your own daughter and you see what you did. She was not a "fetus." She was not a "product of conception." She was not a "tissue adhering to the uterine wall." She was my daughter and I got to hold her, at only 5½ months, 22 weeks. So those are cheap, inhuman words to use around me.

I chose to be sterlized because I couldn't cope with the idea that I could possibly kill again. It was too devastating. It was not something you go around telling people, that you just killed your baby, no problem. I was ashamed, totally ashamed.

Q: But some people would say that although this experience obviously had a great impact on you, it is not characteristic of most other women who have abortions. Is your case unusual?

A: No, my case is not unusual at all. People want to say "Oh, but Nancy, you're the extreme." That's not true. In fact there are so many more of us than there are the other. The emotional hurt is so deep. You do not discuss your abortion, the suction machines and the needles and everything else, over a cup of tea and a cookie. Women just don't do this. The pain is just too deep and too great.

I'm sure there are women out there who are never fazed, never, by their abortion. But I would say that 98, 99 percent of them are fazed, whether it's for a small period of time or for the rest of their life, whether they suffer only a small degree or die from their abortions.

Q: How did WEBA—Women Exploited By Abortion—get started?

A: About one year ago I was talking to another recording artist who was pro-life. I asked what pro-life meant and he said he was anti-abortion. I said "Hank, I had an abortion in 1974. I was 5½ months pregnant. It hurt so bad for so long."

He just about drove the car off the road. And he said, "Nancy, you've got to tell the story." So, a year ago I went public, founded WEBA.

Q: How many members do you have?

A: I'm a 10-month-old corporation and in 10 months I've gone from being two people, my vice president and myself, in two states, Virginia and Iowa, to now having 34 states with approximately 10,000 women in my group.

Q: What are some of the effects of abortion on women?

A: I have women who cannot vacuum their carpets. They have to have the neighbor or their husbands do it while they're at the grocery store, because of the suction sound. You see, the suction machine (used in many abortions) makes that sucking sound—it's 29 times more powerful than the vacuum we use in our home. The majority of the women aren't put to sleep. It's done without being put to sleep. It's heartbreaking to me that they can't run a vacuum cleaner—that's a deep wound.

One psychological effect we see almost all the time is guilt. Others are suicidal impulses, a sense of loss, of unfulfillment. Mourning, regret and remorse. Withdrawal, loss of confidence in decision-making capabilities. They feel that maybe they've made a wrong decision, maybe they can't make another decision right in their life. Lowering of self esteem. Preoccupation with death. Hostilities, self-destructive behavior, anger and rage. You can lose your temper quickly. A despair, helplessness, desire to remember the death date which is really weird but you do that. You remember these dates very strongly. A preoccupation with the would-be due date or due month. My daughter was due in early March, so in early March it's there.

An intent interest in babies but a thwarted maternal instinct. Women really are interested in babies, but I have many mem-

bers who can't hold children. A hatred for anyone connected with abortion. Lack of desire to enter into a relationship with a partner, loss of interest in sex, an inability to forgive self, feeling of dehumanization, nightmares, seizures and tremors, frustrations, feelings of being exploited. And child abuse. We see a lot of child abuse.

I want you to understand that I do not come from any right to life organization. We are connected with no one. We remain neutral. But we are the ones they are all arguing about and discussing and debating. We are the voice of experience.

I told Congessman (Henry A.) Waxman, D-Cal., at a recent hearing, "Have you ever had your cervix dilated and the womb ripped open? Have you ever had tubes stuck inside of you and everything sucked out? Have you ever had needles stuck through your abdomen? Have you ever felt your baby thrash around and die? Have you ever had hard labor, delivered and held your baby? Because if you haven't, sir, you can't intelligently talk to me about this. We are the voice of experience. We've all had this done to us."

And that's a fact. So we hold our own ground, our own turf, our own territory.

Q: What is it that your organization does as a voice of experience?

A: We are a support group for those women who hurt—physically, emotionally, mentally and spiritually—from their abortions. We are there when the phone rings at 3 in the morning and someone is suicidal because maybe it was four years ago on that day and they still can't cope with it. We cry with them and talk with them. We are a support group. We also are a political group. I am classified as that, and I guess the strongest thing of what I intend to do—I intend to shut the abortion industry down. I intend to shut the abortion-on-demand industry down.

We also have rape victims and incest victims among our members—the other 3 percent (not abortion-on-demand). And every one of them is getting ready to go public, to speak very publicly—their full names, ages, everything. They're not ashamed. They know what happened to their lives. They became victims of an industry that is making lots of money, that was supposed to be a quick answer.

And now they're under psychiatric care, psychological care. Because of the abortion, not the rape and incest. They overcame the rape and the incest. Sure they needed help, but they overcame that. But they have had a very difficult time overcoming killing that innocent baby.

They heard of WEBA and they contacted us. And two of them were so brutally beaten they couldn't make it to the hospital in time. Pure rapes, I'm not talking about just a strong sexual aggressiveness. I'm talking about women who were brutally beaten, true rape victims.

Q: You talked about political activity. What's been your experience here in the Congress?

A: I testified two weeks ago before Rep. Waxman, Barbara Mikulski and a few other congressmen. It was a stacked hearing—14 to 1 doesn't sound very balanced to me. But I went in very open and honest with them, they sat very intently and very amazed at the story I had to tell about my organization, myself and my constituency, WEBA.

Barbara Mikulski said "I've never heard this side." I said, "No, Pandora's box got opened up 10 years ago and now you're just starting to see it." I predict that in five years we will see an epidemic of mental and nervous breakdowns among the women of this country. People are not going to know why and I'm going to be able to tell you why: because they've had an abortion that's why.

It's a quick solution. Abortion is not an ending of problems, it's the down payment for a whole new set of problems. That's what it is. It doesn't get rid of them.

Q: Have congressmen been exposed to your view, the voice of experience?

A: No, I hear time and time again, "I've never heard this side before." "Are there many more like you?" they ask. And my answer is this. Take the 15 million of us who have, by legal abortion-on-demand, killed our babies. I will give 2 million or 3 million to Planned Parenthood, NOW or whoever they want. I will give another 2 million or 3 million who have two or three abortions without open remorse.

And justification to oneself is important here, by the way, I don't know how many women I told to go have abortions. Justification. It's like, if you can have a few more, go do what you did and kind of justify it, it makes it better. It makes it not quite so bad.

That still leaves 9 million of us who've been hurt in one way, shape or form or the other—psychologically, physically, emotionally or spiritually.

Q: So you believe that there are—by conservative estimate—perhaps 10 million women who suffered as you did?

A: I believe by a very conservative estimate there's 8 million who have been hurt.

Q: Where can they write or call? Or what can they do if they need somebody, such as your organization?

A: They can call or they can write. The address is WEBA, 1553 24th St., Des Moines, Iowa 50311. Or they can reach me at 515-255-0552, my business phone. If they hurt, if they're at a certain state, I may have as state representative where a girl can be with them and talk with them. I get so many women who have written me to say, "Thank God, there is somebody that I can now finally pour the whole thing out to."

And I'm thankful that I am a Christian because I couldn't carry that load. If you could read my mail . . . It started off where I'd get two and three letters a day and now they're wrapping it in bundles to bring it to me. And I get mail from all over the world.

Q: Within 10 months this has happened?

A: In 10 months. There is such a need. No one thought 10 years ago of the aftermath. We're the aftermath.●

OUR IMPROVING ECONOMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GILMAN. Mr. Speaker, in the last few years, our concerns have centered on the state of our economy, and its resultant effects on industry, sales, inflation, and employment. As a nation, we had reached the point where inflation was out of control, spiraling ever upward. Disposable income was almost nonexistent as a beleaguered people sought to survive.

However, in the last few years, through a recession that many saw as a trial by fire, we have emerged; not unscathed, but nonetheless alive and kicking. Some suggested that we needed to relearn the values of hard work and the dollar. Having taken for granted our prosperity in the last decades, many felt that we, as a people, had become much too soft and too complacent. The last decade was known as the "me" decade; the eighties, I feel, will utimately be known as the "us" decade. The years when we all realized how much we had to rely upon one another for even the most basic of human needs.

There is much to look forward to for the rest of the decade; recent economic indicators point to a great deal of light at the end of the tunnel. Inflation is at a 15-year low, with June's inflation at 2.6 percent. This is the smallest rise in a 1-year period since October 1967. Food prices have declined as well, and many other prices have either been lowered or remained stable.

The consumer is leading our economic recovery, with heavy spending that is running 2 percent above last year's inflation rate. Retail sales are up dramatically, and each month finds ever-increasing consecutive sales in many areas, especially in automobile sales.

Much of our economic recovery can be attributed to the personal income tax cut that was phased in over a 3-year period. The 25-percent tax cut, the last 10 percent of which was implemented just last month, has given everyone additional income with which we can decide to invest, spend or save. This has provided an additional $30 billion for the economy, to be used as each consumer sees fit.

Housing starts have traditionally been one of the primary indications of a strong economy. As each housing start typically generates seven new jobs in construction, this contributes significantly to the overall stability of our economic system. As homes are bought, not only are construction or remodeling jobs contracted out, but numerous appliances are purchased as well. Furniture and fabric sales follow, as each residential unit is completed. The housing starts we have enjoyed in recent months represent a 92-percent increase from last year, a momentous sign from the American taxpayer that our economic recovery is not only at hand, but is rebounding strongly.

The stock market is also experiencing a bullish surge; business confidence in the economy being at an extremely high level, and personal confidence in the direction America is headed also being on the upswing. Interest rates, having come down, must be kept down in order for this recovery to continue. At the same time we must bear in mind that all these factors will only breed a half-hearted sigh of relief unless our unemployment

rate drops. Over 1.7 million more people are now employed than in December 1982, with an unemployment rate of 10 percent. As of June's figures, this is a heartening consecutive 6-month drop in unemployment. Since unemployment is traditionally the lagging economic indicator, it was expected that this would remain higher than normal. We have however, been witness to its steady decline, which is good news indeed. However, we must continue to maintain our vigil, insuring that we do all in our power to see to it that this figure drops ever more increasingly.

Mr. Speaker, we are today in a much better situation than we have been in a long time. It is good to see people working, producing, spending, and making long-range plans again. Our economic recovery is a much needed shot in the arm for each and every one of us, and we are hopeful that the good news we have been hearing this year will get even better. We are well on the road to a new philosophy of understanding ourselves, our goals and needs, as well as our limits. In this recovery we have learned more about us as a nation, and such knowledge can only make us stronger. As this recovery continues, we must learn to value its effects and relish its gifts. Having altered our approach to the problem, we must not forget that it was our spending habits as a nation and as individuals that contributed to our ills. This recovery has taught us a new way of thinking and of living, and of the role we all must play if we are to survive as a nation.●

CENTRAL AMERICA AND PRESIDENT KENNEDY'S UNSPOKEN WORDS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DANNEMEYER. Mr. Speaker, the House of Representatives had held a historic secret session to consider the serious situation that exists in Central America. The House has acted to terminate covert aid to parties in Nicaragua and has instead opted for an unworkable and ineffective plan of overt military assistance to countries in the region. This policy decision represents a historic break with the President over the conduct of foreign policy, which is traditionally governed by the notion that partisan politics should stop at the water's edge.

Mr. Speaker, this year we will observe the 20th anniversary of another historic event, the tragic death of President John F. Kennedy by an assassin's bullet in Dallas, Tex., on November 22, 1963. In a recent commentary, Bruce Herschensohn, a political analyst with KABC-TV News in Los Angeles, quoted from the text of President Kennedy's prepared remarks that he was en route to deliver at the time of his assassination. They speak directly to the elements of the defense of freedom in the 20th century. The speech reads in part:

In this Administration also it has been necessary at times to issue specific warnings—warnings that we could not stand by and watch the Communists conquer Laos by force, or intervene in the Congo, or swallow West Berlin, or maintain offensive missiles in Cuba. But while our goals were at least temporarily obtained in these and other instances, our successful defense of freedom was due not to the words we used, but to the strength we stood ready to use on behalf of the principles we stand ready to defend.

Mr. Speaker, as the debate on Central American policy moves forward, we would do well to remember the words of President Kennedy and rededicate ourselves to the principles he espoused. I insert the full text of the commentary at this point in the RECORD.

BRUCE HERSCHENSOHN COMMENTARY

In about 4 months, this Nation is going to observe the 20th anniversary of the assassination of President John Kennedy—20 years. I was going to wait until then, until November to do this, but current events make it more important to do it now. I want to quote some words of President Kennedy and it's very likely that you could say, "I don't remember that. He didn't say that," and you'd be right, because as you know, he was killed while his motorcade was enroute to the Dallas Trade Mart where he was going to deliver an address at a luncheon.

I have the text of that undelivered address, and I would like to read from it, because his words planned for November the 22d of 1963, are so relevant to today's events, and today's debates going on in the U.S. Congress. His words:

"As last month's operation big lift, which originated here in Texas, showed so clearly, this nation is prepared as never before to move substantial numbers of men in surprisingly little time to advanced positions anywhere in the world . . . we have achieved an increase of nearly 600 percent in our Special Forces—those forces that are prepared to work with our allies and friends against the guerrillas, Saboteurs, insurgents, and assassins, who threaten freedom." And he said, "It was not the Monroe Doctrine that kept all Europe away from this hemisphere—it was the strength of the British fleet and the width of the Atlantic Ocean. It was not General Marshall's speech at Harvard which kept Communism out of Western Europe—it was the strength and stability made possible by our military and economic assistance. In this administration also it has been necessary at times to issue specific warnings—warnings that we could not stand by and watch the Communists conquer Laos by force, or intervene in the Congo, or swallow West Berlin, or maintain offensive missiles in Cuba. But while our goals were at least temporarily obtained in these and other instances, our successful defense of freedom was due not to the words we used, but to the strength we stood ready to use on behalf of the principles we stand ready to defend."

He went on to say this, "The strategic nuclear power of the United States has been so greatly modernized and expanded in the last thousand days, by the rapid production and deployment of the most modern missile-systems, that any and all potential aggressors are clearly confronted now with the impossibility of strategic victory—and the certainty of total destruction—if by reckless attack they should ever force upon us the necessity of a strategic reply."

I'm going to do more from that text later, and from another text . . . one that he was going to give that evening in Austin. The early sixties under his leadership, was a period in which the United States enjoyed superiority of strength and world respect . . . a period in which I believe, we have forgotten what we did to achieve that strength and world respect.

The words he planned to deliver in 1963 can remind us of the course we have to take in 1983, if liberty is to be preserved in our lifetimes.●

CENTRAL AMERICA

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Ms. SNOWE. Mr. Speaker, during the past few months, Members of Congress have spent countless hours debating the issue of U.S. involvement in Central America. Most recently, discussion has centered around the Boland-Zablocki amendment to the House Intelligence Authorization Act, an amendment designed to end covert assistance to individuals and groups opposing the Sandinista government in Nicaragua. After days of intense floor debate, recalling for many the discussions of the Vietnam years, the Boland-Zablocki amendment passed in the House of Representatives on July 28, by a vote of 228 to 195. As one of 18 Republicans who voted to approve this legislation, I would like to explain how I reached this conclusion.

When the House Foreign Affairs Committee, on which I serve, discussed the question of covert aid to individuals in Central America, I voted to support the administration. At that time I felt that the situation in Central America was increasingly unstable. Although we deplore the use of covert activities, stopping the flow of arms from Nicaragua to insurgents attempting to overthrow the Government in El Salvador necessitated extraordinary measures. Because the Nicaraguan Government would not respond to pleas that it discontinue its aid to rebels in El Salvador, the United States was forced to take action to counter the threat. The administration's policy, I was told, was designed solely for the purpose of interdicting arms.

Virtually no one either on the Foreign Affairs Committee or in the Congress doubted that the Sandinistas, with the Cubans behind them, were providing arms to rebels in El Salva-

dor, but we disagreed on the necessary steps to counter the serious problems this was causing. I opposed the central idea of the Boland-Zablocki amendment, replacing covert aid with overt aid, as impractical and unrealistic. I was skeptical about the cost and effectiveness of an overt aid program, especially when I heard of the "barrier fencing" idea, which was a proposal to erect a fence to cordon off miles of Central American terrain—at a cost of $227,000 per mile. I feared that a program of overt assistance would, over time, require an unpredictable increase in U.S. military personnel in the region. I wondered about unanticipated future consequences, including the possibility that overt U.S. assistance could trigger Nicaraguan military retaliation against its neighbors. I was also concerned about the reputation of the United States as a reliable ally willing to stand by its friends and its convictions, especially in its own hemisphere. Those who espoused overt assitance failed to satisfactorily address these issues, and my concern that overt aid was not an effective alternative to the present policy remained.

At the same time, I was mindful of the intransigence of the Government in Managua. When the Sandinistas came to power in 1979, the Carter administration provided them with considerable economic support hoping that the Sandinistas would abide by the promises made to the Organization of American States (OAS) for internal reforms and internal peaceful relations. This aid, intended to assist in Nicaragua's peaceful reconstruction, was discontinued when the Sandinistas ignored their formal pledges to the OAS and postponed elections, censored the media, denied their citizens basic rights, and embarked on a "revolution without frontiers" policy. When the Reagan administration came into office, it nevertheless resumed aid to Nicaragua in the hope that cooperative bilateral relations would result. Instead, the Sandinistas continued to rebuff every attempt by the United States or its neighbors in Central America to initiate discussions.

In addition to periodic informal attempts at beginning constructive talks, the United States and other nations made four formal proposals to the Nicaraguan Government. In the fall of 1981, the United States suggested a bilateral nonaggression pact, establishing conditions for the resumption of aid. The major concerns of the administration were the cessation of Sandinista aid to leftist guerrillas in El Salvador and an end to the Nicaraguan military buildup. This proposal was flatly rejected, as was the eight-point plan presented to the Sandinista government through the U.S. Ambassador in Managua the following spring. In October 1982, the United States and other states met in San Jose to develop a comprehensive peace proposal for Central America. Nicaragua refused to receive the proposal when contacted by its neighbor Costa Rica on behalf of the group. Finally, at the start of this year, Mexico, Colombia, Venezuela, and Panama—the Contadora group—met to propose an effort at mediation. One proposal, supported by the Governments of Honduras and El Salvador, suggested that the five Central American countries meet to resolve the conflict in the presence of the Contadora group, absent the United States. Nicaragua rejected this regional overture, saying it would only meet bilaterally with the United States and with Honduras.

In recent weeks, for the first time since they came to power, the ruling Nicaraguan regime has expresed a willingness to cooperate with other nations in working toward a regional solution. Whether this new flexibility is the result of U.S. activities in the area or the work of the Contadora group, which has made a significant contribution, I expected the administration to take advantage of the opportunity and press the Sandinistas to make good on their word. Instead, the administration chose this time to proceed with military maneuvers with Honduras off the Pacific and Caribbean coasts of Nicaragua. As if two aircraft carriers where not enough to show U.S. strength, the Pentagon announced that some 3,000 to 4,000 combat troops would be sent to the region for at least 6 months.

Preparation for these exercises began shortly after the "secret" session of Congress on Nicaragua during which Members of Congress learned nothing new, certainly nothing about these plans and their imminence. Although the President claimed in his press conference that these were ordinary military exercises, my concern deepened because of an inability to ascertain the real role of the United States in Central America, despite frequent CIA briefings and discussions with White House officials. The military exercises seemed counterproductive, increasing tensions in the area at a time when there appeared to be some movement toward negotiations with the Sandinistas on a multilateral basis. Administration policy seemed to have shifted away from the original intent of permitting limited covert aid for the sole purpose of arms interdiction to the broader aim of pressuring a foreign government to conform to standards the United States found acceptable. I could not support that policy. Even the House Intelligence Committee, which had originally supported the administration's activities, became alarmed as the number of individuals and groups receiving U.S. assistance increased.

In the absence of a compromise that both the administration and the Democratic leadership could accept, the question I had to answer was whether I would protest the administration's current activities in Central America. The choice was either to vote in favor of allowing the continuation of unrestricted covert activities, or in support of a cutoff of covert aid. Thus, I chose to vote for the Boland-Zablocki amendment to prohibit U.S. support for military or paramilitary operations in Nicaragua. This legislation proposed the cutoff of the now-public covert aid on a secret date before the end of fiscal year 1983. Covert aid would be replaced by $80 million in overt grant assistance to Central American governments to help them halt the flow of arms through their territories from Nicaragua and Cuba to individuals or groups attempting to overthrow the government of any country in the region. The support this legislation received in the House should serve notice to the Reagan administration that Congress is concerned about what U.S. policy objectives are in Central America, and is prepared to take necessary actions to stop excessive or improper activities.

The Reagan administration has made some recent efforts to devise a nonmilitary solution to the problems of Central America, including the appointment of Ambassador Stone and the bipartisan commission headed by Dr. Kissinger. I urge the administration to purse a responsible course that will lead to the cessation of violence and the development of a stable peace in Central America without an increase in U.S. military involvement.●

REMEMBERING THE PERSECUTED

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 5, 1983

● Mr. BROWN of California. Mr. Speaker, I would like to take this time to remind my colleagues about the thousands of Jews who are being persecuted in the Soviet Union. Although this topic has been brought before the House on numerous occasions, this week it seems particularly timely. For amid the hustle and bustle of prerecess work, it is easy to forget to appreciate the gift of freedom, recognize those who are deprived of its blessing. This truth became even more evident when, while anticipating my own trip home, it struck me what a privilege it is to freely congregate with those we love.

Right now in the Soviet Union there are tens of thousands of people who are separated from their families—held captive in a bleak, hopeless society where terror and persecution are

synonymous with life itself. Since the Andropov administration took over, it has augmented the ever-present anti-Semitic propaganda, increased the attacks on those who study Hebrew and Jewish culture, intensified the assault on Judaism, and severely restricted all Jewish emigration.

Perhaps the most perverse of all the violations of human rights is the attempt to rewrite the entire history of World War II to depict the Jews as cooperating with the Nazis and as responsible for anti-Semitism. Yuri A. Kolesnikov, a member of the newly formed Anti-Zionist Committee, said, "In those days they (the Zionists) not only failed to defend their coreligionists, but betrayed them, wholly in league with the Gestapo and the SS." Kolesnikov is one of those who is propagating the story that Israel executed Adolf Eichmann "to make sure he would not be seized by another nation and make public the sacred secrets of cooperation between Zionism and Nazism." Col. Gen. David A. Dragunsky, chairman of the committee, proclaimed that "the past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler." These blatant lies are being spread throughout the Soviet Union, and in a 1984 fashion, are warping the minds of those too young to know the truth about the bloody persecution of the Jewish people during the war. These young Soviets, whose perspective of truth has been covertly distorted, are those with whom we will have to negotiate in the future. The relationship between the lies of the Anti-Zionist Committee and the future of the arms race is clear.

Lies are also being formed by the Soviet officials in order to stop the emigration of the Jews. Samuil L. Zivs, the Anti-Zionist Committee's first deputy chairman, said, "The vast majority of those who want to leave have received permission." He also said that "family reunification has essentially been completed." These are the reasons given for the drastic decline in emigration since Andropov took over. The emigration figures are dismal: 51,300 Jews were able to emigrate in 1979, and only 2,700 in 1982. Less than 600 Jews were allowed to emigrate during the first 5 months of this year. Of the 750,000 invitations sent to Soviet Jews since 1970, 260,000 individuals have been allowed to emigrate. Therefore, nearly 500,000 Jews are still being held behind the iron gates of repression, either because they have been refused permission to emigrate, are afraid to apply, or are unable to apply because of the intricate web of bureaucratic obstacles.

One of the main obstacles which Soviets use to hinder emigration is the blockage of mail into Russia. The House Subcommittee on Investigations has "accumulated over 500 exhibits which indicate a widespread and calculated program by postal authorities in Russia and Soviet bloc countries to interfere with U.S. mail to Soviet residents." The restricted letters contain invitations from relatives in the United States, Israel, and elsewhere which are needed in the first step of emigration. The National Conference on Soviet Jewry says that by late 1979, at least 300,000 Jews had asked relatives abroad to send invitations to emigrate. No one knows how many of these people received their invitations, or were able to leave.

Although the situation for the Jews in the Soviet Union is not one which we in the 98th Congress can hope to rectify with ease or in the near future, we must not give up trying. Because their plight is seemingly ever worsening, it would be easy to become immune to their constant cries for help. We must continue to write letters to the Soviet officials on their behalf, because we who are free from persecution are their only source of hope and encouragement. When we go home next week and are reunited with our families and friends, let us thank God that we are free to be with the ones we love, and let us remember those who are still held beneath the shroud of darkness, hatred, and persecution.●

REIMBURSEMENT OF FEDERAL EMPLOYEES' RELOCATION EXPENSES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WOLF. Mr. Speaker, today, I am reintroducing legislation which would correct some of the inequities which currently exist when Federal employees are transferred from one geographic area to another to meet the needs of their Government agencies. I believe an unfair burden is placed on Federal employees who are relocated in their Government service jobs.

As a former Federal employee, I am sensitive to the special problems of our civil servants. But I also want to point out that that experience has given me a broader understanding of where productivity can take place. For example, I believe that the legislation I am introducing today, patterned after private sector moving practices, will force a reexamination of what moves are truly a necessary expense. When the Government is required to meet its responsibility in this area, I predict the ultimate result will be a more accountable response to the American taxpayer who provides the funds for these decisions.

My interest in this legislation arose originally from a letter I received last year from a constituent faced with exorbitant moving expenses, whose costs went largely unreimbursed and yet whose option to move was mandated by the Government agency he served.

This is not an uncommon occurrence. For example, the FBI, the Drug Enforcement Administration, Secret Service, IRS, Bureau of Customs, and many of the Department of Defense agencies must move their best middle and higher grade employees in order to staff their field offices with the best possible managers and executives. When reassignments are made to fill management needs, though, these agencies have found that many of these vital employees have chosen to leave Government service rather than accept moves they cannot afford.

Government, these employees, and the American taxpayer are losers in this situation. We cannot afford to lose the best managers, executives, and employees in our law enforcement and DOD agencies at a time when it is crucial that we have continuity and stability in Government to improve productivity and efficiency.

To rectify this longstanding problem, I am introducing this bill which I believe will serve two purposes. First, it can help to alleviate the hardship faced by these employees and their families. Second, it should provide the necessary disincentive to agencies in transferring these personnel and thereby eliminate wasteful and unnecessary Government spending.

I would point out that this legislation would carry no increased cost for the Government. A recent survey of agency heads conducted by the General Services Administration indicated that every Federal agency head except two would voluntarily absorb the increased cost resulting from employee transfer within their agency's operating expenses appropriations. Obviously the agency heads recognized the absolute necessity to correct the inequities which result from present law and are willing to end the practice of forcing Government employees to subsidize their employer on geographic reassignments.

I am firmly committed to this concept and feel that for too long Government employees who have been transferred at the Government's request have been forced to subsidize the Government through paying much of the moving costs, and paying taxes on the minimal reimbursement which they do currently receive. Information provided to me indicates that in many instances these employees are forced to pay anywhere from $500 to $10,000 or more out of their own pockets to make these moves. In a letter dated December 22, 1981, to Mr. Gerald Carmen, Administrator of the General Services

Administration, William H. Webster, the Director of the FBI, stated:

Results of the studies have shown that an employee and family relocating from one geographical area to another under today's economic conditions will spend several thousand dollars of their personal funds in connection with the transfer * * *. In discussions with my agents during the past year, the personal and financial problems facing them as a result of the Government's inadequate employee relocation allowances has repeatedly been presented as one of the areas of most concern to them.

In a letter to David Stockman, the Director of the Office of Management and Budget, on May 22, 1981, Attorney General William French Smith noted in discussing moving cost reimbursements:

It is not unusual for such transferred employees to incur in excess of $10,000 of unreimbursed expenses. Although this is a government-wide problem, the hardships which result from these inadequate reimbursements have presented especially significant problems for the federal law enforcement agencies such as the FBI, the DEA, and the U.S. Secret Service, inasmuch as these agencies must transfer their agents more often than most agencies in order to meet their investigative responsibilities.

In addition, I have been informed by the Internal Revenue Service that while on the average, employees are reimbursed approximately $8,000 for moving cost expenses, an additional $8,000 is the average cost to an employee who is not reimbursed by the agency.

This bill would only apply to moves that were certified to be in the interest of the Government and would not apply to voluntary moves sought by the employee. It would also bring Government employees more in line with their private sector counterparts. Government employees would still be receiving far short of what many private sector companies do for their employees, such as subsizing interest rates in the purchase of new homes and purchasing old homes from the employees who are unable to sell their residences. While these are desirable benefits, in these times of austerity, I do not believe it is appropriate to expend Government funds for those purposes. But I do believe this legislation could provide fair and more equitable reimbursement policies.

By bringing Federal executives in line with private sector employees, and by forcing agencies to absorb the costs for transferring employees, I believe great cost savings can be achieved. This bill will benefit the affected Federal employees and the taxpayers and could successfully end the dilemma faced by many of our agencies as well. I urge support for this legislation.

SECTION ANALYSIS OF AMENDMENT

Purpose: This amendment provides for more adequate reimbursement for Federal employees who are relocated in their Government service jobs. By increasing the various reimbursement allowances for transferred or reassigned employees without authorizing additional agency appropriations for the fulfillment of this act, it is hoped that the number of Government moves will be reduced, that only essential relocations will be prescribed, and that agencies will be more directly accountable for the number of moves and subsequent costs involved with moving employees and disrupting families unnecessarily. By ordering moves only when essential, agencies should have the additional funds needed for these higher reimbursement rates. These provisions entail no costs to the Government.

This amendment makes reimbursement changes for relocated employees in the following areas: Expenses incurred in buying and selling a home; period of time for which an employee can be reimbursed for temporary quarters; weight limitations for household goods; and tax liabilities incurred because of moving cost reimbursements.

This act maintains the same percentage limitation for reimbursement of expenses in buying and selling a home, but abolishes the current limitations.

The period of time for which an employee can be reimbursed for temporary quarters is increased from 30 to 60 days and would allow an agency head to extend for another 60 days, this reimbursement period in hardship cases.

Previous weight limitations for household goods of 11,000 pounds is increased to 18,000 pounds maximum. The old limit is unrealistic and creates a hardship, requiring employees to sell their family furniture or pay excess charges for moving it.

The provisions of this amendment would reimburse employees for tax liabilities incurred because of moving cost reimbursements. This would bring Federal practice into line with the great majority of private sector companies.

Additionally, this amendment requires agencies to give the employee a reasonable period of advance notice of transfer.

H.R. 3852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5723(a)(1) of title 5, United States Code, is amended by inserting "(1)" after "travel expenses", by striking out "manpower shortage or" and inserting in lieu thereof "manpower shortage, (2)", and by inserting after "Senior Executive Service" the following: ", or of any person appointed by the President, by and with the advice and consent of the Senate, to a position the rate of pay for which is at or above the minimum rate of pay prescribed for GS–16".

(b) Sections 5724(a)(2) and 5726(b) of title 5, United States Code, are each amended by striking out "11,000" and inserting in lieu thereof "18,000".

(c) Section 5724 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) The regulations prescribed under this section shall provide that the reassignment or transfer of any employee, for permanent duty, from one official station or agency to another which is outside the employee's commuting area shall take effect only after the employee has been given a reasonable period of advance notice.".

(d) Section 5724a(a)(3) of title 5, United States Code, is amended—

(1) in the first sentence thereof, by striking out "30 days" and inserting in lieu thereof "60 days"; and

(2) by striking out the second and fourth sentences thereof and inserting after the first sentence the following: "The period of residence in temporary quarters may be extended for an additional 60 days if the head of the agency concerned or his designee determines that there are compelling reasons for the continued occupancy of temporary quarters.".

(e) Section 5724a(a)(4) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(4)"; and

(2) by adding at the end thereof the following new subparagraph:

"(B)(i) In connection with the sale of the residence at the old official station, reimbursement shall not exceed 10 percent of the sale price or $15,000, whichever is the lesser amount.

"(ii) In connection with the purchase of a residence at the new official station, reimbursement shall not exceed 5 percent of the purchase price or $7,500, whichever is the lesser amount.

"(iii)(I) Effective October 1 of each year, the respective maximum dollar amounts applicable under clauses (i) and (ii) shall be increased by the percent change, if any, in the Consumer Price Index published for December of the preceding year over that published for December of the second preceding year, adjusted to the nearest 1/10 of 1 percent.

"(II) For the purpose of subclause (I), 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers, U.S. City Average, Housing Component (1967=100), prepared by the Bureau of Labor Statistics, Department of Labor.".

(f)(1)(A) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding after section 5724a the following new section:

"§ 5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the Federal, State, and city income taxes incurred by an employee, or by an employee and such employee's spouse (if filing jointly), for any moving or storage expenses furnished in kind, or for which reimbursement or an allowance is provided (but only to the extent of the expenses paid or incurred). Reimbursements under this subsection shall also include an amount equal to all income taxes for which the employee, or the employee and spouse, as the case may be, would be liable due to the reimbursement for the taxes referred to in the first sentence of this subsection.

"(b) For the purpose of this section, 'moving or storage expenses' means travel and transportation expenses (including storage of household goods and personal effects

under section 5724 of this title) and other relocation expenses under sections 5724a and 5726(c) of this title.".

(B) The analysis for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724a the following new item:

"5724b. Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred.".

(2) Section 5724(i) of title 5, United States Code, is amended by striking out "5724a" and inserting in lieu thereof "5724a, 5724b,".

SEC. 2. The amendments made by this Act shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. No additional funds are authorized to be appropriated by the amendments made by this Act.

SEC. 3. (a) The amendments made by this Act shall take effect beginning on the date of the enactment of this Act.

(b) The President shall, not later than 30 days after the date of the enactment of this Act, prescribe the regulations required under the amendments made by this Act, and such regulations shall be made effective as of such date of enactment.●

NATIONAL POW-MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GILMAN. Mr. Speaker, today, along with my colleague the gentleman from Indiana (Mr. BURTON), I have introduced legislation designating July 20, 1984, as "National POW-MIA Recognition Day," for commemoration of the sacrifices and the struggle of our American prisoners of war and missing in action.

For the past several years, the Congress has requested the President to authorize and issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities. We have been honored by the massive participation in the ceremonies all across our Nation, and have been grateful for the cooperation of the President, the Pentagon, and the Congress. We are asking that similar ceremonies and observances be scheduled for the next year, to commemorate the extreme hardships that our prisoners of war, from all conflicts, and our missing Americans have done in the name of freedom.

Of particular interest to the Congress is the plight of the 2,500 Americans still missing in Southeast Asia. With the increased priority in all the Federal Government agencies dealing with the POW/MIA issue, we have been working to make certain that the POW/MIA issue stays before the public, and that these Americans are not forgotten. In recent days, we have raised the priority and focused our Nation's attention on the resolution of the many cases which are still agonizing to the services and to the families of our missing.

This legislation is an appropriate way to call attention to the sacrifice and continuing tragedy of our American prisoners and the missing. I urge all our colleagues to join with us in cosponsoring this bill and to insure timely consideration.

The resolution follows:

JOINT RESOLUTION—DESIGNATING JULY 20, 1984 AS "NATIONAL P.O.W.-MIA RECOGNITION DAY"

Whereas the United States has fought in many wars;

Whereas thousands of Americans who served in such wars were captured by the enemy or are missing in action;

Whereas many American prisoners of war were subjected to brutal and inhuman treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war and many such prisoners of war died from such treatment;

Whereas it is uncertain whether those Americans missing in action are alive or dead and such uncertainty has caused their families to suffer acute hardship; and

Whereas the sacrifices of American prisoners of war and Americans missing in action and their families are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 20, 1984 is designated as "National P.O.W.-M.I.A. Recognition Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

OPINION POLL FROM CALIFORNIA'S 43D DISTRICT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PACKARD. Mr. Speaker, during April of this year, I sent a questionnaire to my constituents in California's 43d District. Ten questions, addressing various issues of national concern, were presented for their consideration. I would like to take this opportunity to inform my colleagues of the results of this poll.

First, let me explain the method by which I arrived at these results. All registered voters in my district were mailed a copy of the questionnaire. From the 11,000 opinion ballots returned, 1,000 were randomly selected, and from those random samples the percentage figures listed below were derived. As anyone versed in the science of statistics can explain, such a large random sample more than adequately estimates the actual percentage results of all the respondents.

Here are the results:

1. Do you favor removing federal controls on the price of natural gas? Yes—48.1%; No—51.9%.

2. Do you think the Equal Rights Amendment (ERA) should be made part of the United States Constitution? Yes—46.4%; No—53.6%.

3. Do you support President Reagan's efforts to rebuild America's defenses? Yes—52.6%; No—47.4%.

4. Do you favor banning the sale of government land for future offshore oil leasing? Yes—53.6%; No—46.4%.

5. Should able-bodied welfare recipients be required to work for their benefits? Yes—75.3%; No—24.7%.

6. Should there be less federal involvement in the education of our children? Yes—75.7%; No—24.3%.

7. Would you support imposing sanctions against employers who knowingly hire illegal aliens? Yes—62.3%; No—37.7%.

8. Would you support the bullet train proposal as a means of alleviating traffic congestion problems? Yes—58.4%; No—41.6%.

9. Do you support continued United States aid to El Salvador and Central America? Yes—49.4%; No—50.6%.

10. Should Congress repeal the "indexing" provision which would annually adjust income tax brackets to offset inflation? Yes—29.9%; No—70.1%.

This high level of response demonstrates the level of interest that my constituents have continued to demonstrate throughout the 98th Congress. These ever-watchful citizens have never hesitated to call to my attention those matters which they find to be of both local and national importance. I am deeply honored to be their voice in Congress.●

RAPID CHANGES IN WORLD ECONOMY AND TECHNOLOGY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LUNDINE. Mr. Speaker, the United States is involved in a more intense international competition than ever before, and we are losing. Whereas this country emerged from World War II as the preeminent industrial and economic power in the world, we now find ourselves being challenged on all fronts. Rapid changes in the world economy and in technology are going on all around us, and yet, in the midst of what could conceivably be the most exciting time in our economic history, we find ourselves faced with aging factories, and noncompetitive methods of production. Competing nations are using the technologies that we have developed, while our factories struggle with outdated processes.

The fact is that our exporting companies are no longer in competition with foreign companies in a free market. Instead, they compete with foreign companies backed by their own governments in a market that is heavily distorted by targeting, trade

barriers, dumping, and restrictive regulations. Macroeconomic policies alone, no matter how sound, cannot deal effectively with the aggressive competitive techniques of other trading nations.

The United States must take action to put us on a level playing field with our foreign competitors. We can either ask our competitors to change their strategies for trading and competing, or we can change ours. Although it is very important that we initiate negotiations with our competitors, we cannot expect other nations to completely modify their very successful trade policies. It is up to the United States, as well, to take positive, aggressive steps to improve our own ability to compete in international markets.

Faced with the structural changes in the last 20 years, the predatory practices of our competitors, and the urgent need to maintain our international competitiveness, the United States cannot do without an industrial strategy; one which will replace the ad hoc, inconsistent patchwork of policies that are currently hindering the ability of our trading firms to compete effectively. Even as the long-awaited recovery begins, our trade and structural problems will remain. What the United States needs is healthy industry. A national industrial strategy is an essential element in achieving that goal.

A national industrial strategy is essential to getting American industry back on its feet, but it is not a panacea. An industrial strategy must be coupled by sound macroeconomic policies and effective, coherent programs if our economic policies are to be fully addressed.

It is, I believe, a serious mistake to try to put the trade problems in the context of free trade versus protectionism. The trade problems that we are now experiencing are unlike any that this Nation has ever experienced before. It is only with innovative and realistic solutions to those problems that we will achieve international competitiveness again.

I submit, for your consideration, an article by Mr. Lee Iacocca, chairman of Chrysler Corp., that was printed in the Washington Post, Tuesday, August 3. Mr. Iacocca, in my opinion, brings a very insightful perspective to the complex issues facing us in international trade. Although I am not endorsing Mr. Iacocca's proposals, I do commend his approach to the problem and his initiative.

[From the Washington Post, Aug. 2, 1983]

WORLD TRADE: WHAT U.S. FIRMS ARE UP AGAINST

(By Lee Iacocca)

The playing field in world trade is not level; it is blatantly tilted against the United States.

And unless that field can be made level, we will rapidly slip from the major leagues to the minors—with small chance of a comeback. In 1982, the U.S. deficit in foreign trade was $43 billion; for 1984, Martin Feldstein, chairman of the President's Council of Economic Advisers, predicts that this deficit could reach $100 billion. This widening gap between imports and exports significantly contributes to lost jobs and the erosion of the capital base of many essential industries, including machine tools, steel, electronics and automobiles.

A strong economic recovery—contrary to popular economic folklore—could worsen this deteriorating situation. Since several major competitor nations are expected to lag behind the United States in their rate of recovery, price competition from them could play havoc with our recovery and our trade deficit.

With good reason, government and business leaders are concerned. Unfortunately, this concern has become polarized into an either/or postion; protectionism or free trade.

For example, in The Post, Wolfgang Hager's defense of protectionism [Outlook, May 15], was followed by Bill Brock's response in defense of free trade [op-ed, June 13]. These essays—a microcosm of what's being played out daily in Washington, in academia and on the 6 o'clock news—are attempts to come to terms with the issue of international competition. But, like most extreme solutions, both are wrong.

For one thing—and this is probably the most important thing—these either/or approaches fail to take into account some very basic realities of the business world in 1983.

It's true that protectionism would provide immediate, temporary help to certain industries—including the auto industry. About 28 percent of the cars sold in America are imported—21 percent are from one nation, Japan. And in June of this year, the Labor Department ruled that an estimated 5,200 workers laid off from Chrysler Corporation plants in Newark, Del., and Detroit can apply for special aid because imports cost them their jobs.

But rushing in with an across-the-board protectionist quick fix could backfire on American business. America simply can't afford to alienate and lose world markets through protectionism and its backlash. The fastest-growing markets in the world are overseas; Brazil and Mexico combined will probably represent a larger auto market than the United States at the turn of the century. And economies in the Far East are on impressive growth curves.

Like the ill-fated Smoot-Hawley Tariff Act of 1930, protectionist measures carry the potential for lost markets, trade wars and depression. The price of such "relief" is one that American business can't afford.

If protectionism isn't the answer to our trade problems, free trade extremism isn't either. Free trade ignores the historical fact that current trade agreements were formulated at a time when America was the top dog in production and sales in world markets—and especially in domestic markets. It ignores the new reality that, both in terms of production facilities and marketplaces, competition is now global.

There is nothing wrong with the new game; it's really the major leagues. Global competition—the playout of economic Darwinism—has been a potent spur to American business to improve its productivity and quality. What is wrong is that while American companies are playing in a new international trade game, the U.S. government is still expecting them to play by the old rules.

We are up against aggressive, potent competitors, backed by their governments—while experts inside and outside government intone Adam Smith's theories and pretend it's still 1950 in terms of U.S. worldwide economic dominance. Most other governments have realized that the game and its rules have changed—and now assist the "Invisible Hand" through all-too-visible programs and policies that give their industries a better-than-even break in the world.

Because the U.S. government still tries to play by the old free trade rules, America lacks a trade policy that's responsive to the new realities of international competition. For American businessmen and workers—sent out into the global marketplace to compete without help from government—the playing field is not level; it's tilted against them.

To make that playing field level—to allow American business and American labor to be on the same footing with their global competitors—we have to address two major areas immediately.

The first area concerns purchasing power parity. Right now—because of currency exchange rates and the system of value-added taxes—some of our competitors have a substantial pricing advantage; over $1,500 per car for Japan. This advantage obviously tilts the playing field for the competition.

Exchange Rates: With the current strength of the dollar and the intentionally low values of certain other currencies, such as the yen, some of our trading partners have a big edge over American businesses when they compete in the U.S. market. In the auto industry—a prime example—it is estimated that the Japanese have a cost advantage of $600 to $800 per car because of an estimated 20 percent undervaluation of the yen.

Value-Added Taxes: Most of America's major competitors use value-added taxes, which they rebate to their manufacturers when goods are exported. For Japan, this tax rebate equals another $600 to $800 per car. U.S. import duties come nowhere near equaling the rebated taxes, so the imported goods have a substantial price advantage over American-produced goods. And the American goods have to shoulder the full effect of U.S. federal, state, local, Social Security, and other taxes.

The second major area concerns the lack of a coherent, pragmatic industrial policy to help American businesses to become and/or remain competitive—especially for:

Riding Out Downturns. Many of America's competitors have developed programs to help their industries remain solvent during cyclical downturns. America has no such program, and with each economic downturn—even predictable ones in cyclical industries like chemicals and autos—American industries lose ground to foreign competition. Once they lose too much ground and get on to a precarious financial footing, they usually cannot be resurrected. Their jobs disappear overseas forever, by the hundreds of thousands.

Carving Out and Preserving Market Share. Some of America's competitors, such as the Japanese, have learned that they can establish market share through a low price/low profit game plan applied over the long term. They can only do this with solid financial backing from their governments and their closely integrated national banking systems, something American industry doesn't have. As a result, American businesses frequently cannot afford to pay the

long-term "entry fee" to gain and hold position in desirable markets.

That these two areas—purchasing power parity and industrial policy—demand action is obvious to many Americans, but not to enough of our elected representatives. According to recent polls conducted by Louis Harris Associates and the Los Angeles Times, the percentage of Americans who favor government policies to preserve or expand our industrial base is double the percentage of congressional leaders who are similarly inclined.

What must government and business do, starting today, to deal with the new trade realities and to level out the playing field?

1. Government must negotiate more acceptable exchange rates, rates that reflect the real purchasing power of different currencies and that are indexed over time to changes in relative inflation rates.

2. Government must find ways to compensate for the pricing edge created by VAT rebates. DISCs (Domestic International Sales Corporations) have never been an effective tool for this; and import duties, because they are too low, have been equally ineffective. Our taxation policy should get in step with the rest of the world.

3. Government and business together must find ways to help fundamentally viable American companies absorb the impact of recessions—and to allow American business to compete with foreign industries whose governments and infrastructures support low price/low profit marketing strategies.

This kind of aid could be in the form of loans or of loan guarantees similar to those provided to Chrysler. a new structure to accomplish this program could incorporate the concept of a "domestic IMF"; it could arrange emergency financing to support those businesses that have clear, workable plans to improve productivity and increase operating efficiency. There's no question that the capital for these loans is available; I've often wondered why the American public and business community have allowed American banks and public institutions to lend $500 billion to Third World countries and businesses while we have such pressing needs here at home.

In the international trade game, time is not on our side. The next several seasons will determine, irreversibly, whether America stays in the world trade major leagues. We need solid policies now, if we're going to have a chance to play on a level field.

As far as autos are concerned, until we get these policies in place, we must negotiate or legislate an extension on quotas on Japanese imports. Without these quotas as an interim measure, the American auto industry as we know it won't survive long enough to have a chance to play on that level field.

A level field means a fair game—a game in which all players go by equivalent rules. A level playing field in international trade is necessary to put the biggest game in the world back on the level.●

SUPPORT ENTERPRISE ZONES

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. BYRON. Mr. Speaker, the State of Maryland has passed legislation utilizing the idea of enterprise zones, whereby economically depressed areas are allowed to give tax, grant, and loan incentives to companies willing to locate there. Two of the designated areas, Cumberland and Hagerstown, are in the district that I represent. This concept has widespread support in Maryland as a promising method of promoting economic development in areas with traditionally high unemployment.

Unfortunately, similar legislation on the national level seems to be temporarily stalled. As a cosponsor of the bill that would federally establish enterprise zones, I urge my colleagues to expedite passage of this legislation. I am pleased to note that Representative ROSTENKOWSKI has pledged to hold hearings on the bill this fall, and I hope that the Ways and Means Committee will report the measure.

The attached editorial from the August 1 Baltimore Sun describes the anxiety concerning enterprise zone legislation. I hope that Chairman ROSTENKOWSKI will make this a priority item for the Ways and Means Committee. At this point, I include the article:

[From the Baltimore Sun, Aug. 1, 1983]

"NO" TO ENTERPRISE ZONES

The idea of enterprise zones—designated sections of economically depressed areas with tax, grant and loan incentives to companies locating there—gained attention in President Reagan's 1982 State of the Union speech. But the Republican president has not placed a priority on winning legislative approval. And according to The Sun's Fred Barnes, Democratic leaders in the House are out to block the plan for partisan reasons.

This is ironic, since the same idea being shot down by House Democrats is being hailed by Maryland Democrats. While the president and Congress have dawdled, Mayor Schaefer last year persuaded Governor Hughes to back state enterprise zones as an economic development tool. So Maryland's enterprise zones are a reality, while the tug of war between the Republican White House and the Democratic House persists.

The big stumbling block is Representative Dan Rostenkowski, chairman of the Ways and Means Committee. He doesn't like enterprise zones. It's not the program's flaws that trouble the chairman; it's the fact the president would take credit at election time for an enterprise-zone law. To Mr. Rostenkowski, party loyalty always comes first.

That is a sad commentary on the Democratic leadership in the House. The solid backing by Maryland Democratic leaders for enterprise zones should have shown fellow Democrats in Washington that this is an issue that transcends political boundaries. Enterprise zones are neither Republican nor Democratic (actually the concept is a British import). Boosting the fortunes of depressed cities and rural areas through tax and government grant incentives is not partisan, either.

Mr. Rostenkowski is wrong to use his power to block enactment of an enterprise-zone bill. He may think he is acting in the best interests of his party; Mayor Schaefer, Governor Hughes and other local Democratic officeholders across the country would disagree. Enterprise zones hold great potential as a means of reviving areas of chronic unemployment. House Democrats should end their partisan opposition before it boomerangs.●

CENTRAL AMERICA AND THE FALKLANDS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RITTER. Mr. Speaker, I wish to insert in the RECORD an article by Britain's leading columnist, Peregrine Worsthorne. It draws some interesting parallels between domestic opposition to Britain's liberation of the Falklands and the opposition here to President Reagan's policies to stop communism in Central America.

Mr. Worsthorne notes that opposition to the Falklands campaign was "part of a general reluctance to approve of any vigorous defense of the national interest." In writing of Michael Foot's neurotic passion for negotiation as a substitute for self-defense, he observes, "Any exercise of armed power sends him and his like into paroxysms of anguish. . . ."

In the debate last week on Boland-Zablocki, we heard a similar attitude expressed. Had Mrs. Thatcher listened to Mr. Foot and like-minded persons in this House, the British Fleet would still be sailing around the South Atlantic, the Falklanders would still be under the Argentine boot, and we would still be hearing calls for negotiation.

Negotiations do not take place in a vacuum; they are merely a reflection of the underlying power balance. It is no coincidence that the ostensible interest of the Sandinistas and Castro in negotiations surfaces at a time when the number of anti-Sandinista insurgents has grown to 10,000 or more and when the United States is moving to display its military power in the region. By sending a message to our adversaries that we are reluctant to defend ourselves against their aggression, we impede the chances for successful negotiations to resolve the crisis.

[From the London Sunday Telegraph, July 31, 1983]

IF THEY ARE ANTI, THEN I AM PRO

(By Peregrine Worsthorne)

At the beginning of the Falklands crisis I was by no means certain whether or not it made sense for Britain to go to war to recover the islands, and would have remained septical had not Mr. Anthony Wedgwood Benn, and other opponents of any use of force, at least by the West, come out so strongly against the despatch of the fleet. And when during the course of the Navy's long journey south my doubts surfaced, nothing allayed them more quickly than one of Mr. Foot's many inane speeches advocating negotiation. In other words, it was the line-up opposing the war which did

much more to convince me of its desirability than anything said in its favour.

No, this was not an irrational or prejudiced way of making up one's mind, since very often doing the wrong thing for the right reasons does make more sense than doing the right thing for the wrong reasons. The right reasons for not going to war over the Falklands were all practical ones to do with Realpolitik—cost, distance, strategic irrelevance and so on. But these were not the reasons given by Mr. Benn and Mr. Foot. Their motives for opposing the war were moralistic, part of a general reluctance to approve of any vigorous defence of the national interest.

If the Isle of Man were invaded, Mr. Foot would want to refer the matter to the United Nations rather than fight, just as he would prefer to see a UN peace-keeping force in Ulster rather than the SAS. Any exercise of armed power sends him and his like into paroxysms of anguish, unless it be by the Soviet Union or in support of revolution.

Unfortunately, if Britain had not decided to fight for the Falklands, it would have seemed to have been for those wrong reasons—a victory for national decadence and international appeasement, and once opposition to the war had been presented by the Left in its terms, no right-minded patriot could have any further doubt about its inevitability. Letting bellicose Galtieri win might have made some sense. But letting pacific Mr. Foot win was too much to stomach. The same syndrome, I fear, is going to help us make up our minds about the wisdom or otherwise of the United States's armed intervention in Central America.

As I wrote last week, a good practical case can be made for non-intervention. But listening last week to Mr. Foot, aided by Mr. Dennis Skinner, spewing forth all the Left-wing propaganda against American imperialism, etc., I became more and more convinced that the sooner President Reagan sends in the Marines the better. For whatever ill effects such intervention may cause, nothing would be as dangerous as allowing such rubbishy Left-wing arguments—"nothing is ever settled by force"—to seem to have triumphed.

Mr. Andropov is very lucky in this respect. When he decided, for sound reasons of *Realpolitik*, not to send the Red Army into Poland, there was no likelihood of his motives being misunderstood. But how different it would have been if there had existed in the Soviet Union a powerful moralistic lobby—a counterpart to the anti-Vietnam lobby in the US—opposing intervention on the grounds, say, that the Soviet Union must never again get bogged down in another Afghanistan. In those circumstances, he probably would have long ago felt compelled to intervene, for fear of seeming to have lost his nerve.

Left to his own devices, President Reagan, too, might well decide that non-intervention in Central America served the national interest of the United States better than intervention. But once let the antimilitarist—"nothing is ever settled by force"—lobby start monopolising the act, and restraint will become much more difficult, since then it is bound to give an impression of weakness. "No more Vietnams!"—that is the one cry which President Reagan must not seem to heed, because if he does, no shred of United States credibility as a protective power would long remain intact.

To be fair, the point I am trying to make applies just as much to the emotionalism of the reactionary Right as of the progressive Left. If the sensible Right finds itself compelled sometimes to support imprudent wars so as to deny the foolish Left its propaganda victories, so does the sensible Left find itself sometimes opposing prudent wars so as to deny the foolish Right its equivalent satisfactions. For example, I have several progressive friends who started by supporting the Falklands war, only to be turned against it by the jingoistic excesses of the *Sun* newspaper, rather as I started by opposing it, only to be turned in favour by the pacifist excesses of Michael Foot.

If not going to war can lend credence to dangerous Left-wing illusions about the inefficacy of force, so can going to war encourage a comparably undesirable Right-wing trigger-happiness. On that reckoning some progressive Americans, who might otherwise support sending the Marines into Central America, could well come down against the idea so as to avoid releasing excessive war hysteria which they fear as much as I fear the peace hysteria that would be triumphant if the Marines were not sent in.

Ideally, of course, statesmen should be strong enough to do what makes sense on the strict practical merits of each case, regardless of the psychological shadows cast. For my own part, I must confess to finding this almost impossible to do. Left to my own devices, for example, I would not have felt very strongly about the restoration of capital punishment, the practical objections to which are certainly very considerable. What turned me into a convinced pro-hanger were the wholly untenable moral arguments being propounded by the abolitionists and the stench of hypocrisy emanating from the likes of Roy Hattersley. Better restore the rope, I concluded, not so much to deter murderers as to break the spell of perniciously false doctrines about what the State is permitted to do in its own defence.

If the hanging debate had been conducted in a pragmatic spirit, I should have opposed restoration, just as I would have opposed the Falklands war had not that issue, too, been made an issue of principle, as is happening now with Central America. Conceivably President Reagan would be foolish and imprudent to attempt there a military solution. But such a course would not, repeat not, be immoral. And in arguing that it would be, the Left almost compels him to take the very risks which it wants to prevent, if only to vindicate his right to do so.

One moral stance breeds another. Because the Left inveighs indignantly against imperialism in all circumstances, the Right finds itself refusing to admit that it is ever inappropriate. To the Left's injunction, "You must never use force," comes the Right's no less unbending mirror-image reply, "You must always." The most imprisoning prejudices, I find, are not one's own, but those one adopts, as a kind of protective armour, in self-defence against other people's. If the Left did not exist I should be so very much more reasonable, as also, doubtless, would President Reagan.●

HYPOCRISY OR WISE USE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, it was with great interest that I read today's Wall Street Journal editorial about the Audubon Society's natural gas drilling program on their own private wildlife refuge in Louisiana. I was compelled to pick up my most recent copy of Audubon magazine to confirm that I had read correctly their own scathing indictment of Secretary Watt's much less relatively aggressive program along the same lines. Since the Audubon Society recognizes that the moneys they make from natural gas production can fund their activities, it made me wonder why they were so adverse to the United States doing the same thing. I do not suppose they appreciate being placed in the same position as the Interior Department—that is, trying to figure out responsible ways to both protect the environment and provide jobs and income at the same time, but it is interesting that they have made this difficult choice. I commend the editorial to the Members' attention, and ask that it, along with the letter written by Secretary Watt, be included in the RECORD. Up in Alaska, we would call the Audubon Society's actions hypocritical. But then again, we also would recognize their zeal for conservation, which still is defined as "wise use."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 27, 1983.

Mr. THOMAS W. KEESEE, Jr.,
Chairman of the Board, National Audubon Society, New York, N.Y.

DEAR MR. KEESEE: I have just read an article which brought to my attention again the marvelous job you have done in successfully and safely developing an oil field in your Rainey Wildlife Refuge in Louisiana. Your realization that energy production and wildlife can exist side by side, and your commonsense understanding of how even fragile wetland areas such as Audubon's Rainey sanctuary can sometimes tolerate a variety of uses without harmful effects, are worthy of commendation and support. The July 5, 1983, Eastern Shore News story about Audubon leasing its Rainey sanctuary to Conoco is enclosed.

As you know, many people believe there is something inherently incompatible about allowing oil and gas activities in wildlife areas. In the real world, however, it is heartening so see, when self-serving politics are not exploited, that the National Audubon Society shows leadership in energy production when it realizes its economic self-interest and overall benefit to resources.

I will appreciate your efforts to keep the National Audubon Society from criticizing the Reagan Administration for policies it obviously so thoroughly embraces for itself.

We at Interior have not made and will not make a large scale use of national wildlife refuges for mineral development. Indeed, we are very cautious in determining precisely which lands may be open to any public or economic use. But, as you recognize at the Rainey sanctuary, some refuge lands can safely and beneficially be open to certain kinds of mineral uses and, as your refuge spokesman said in the Eastern Shore News article, be better off because of it.

I note that the oil revenues produced from your wildlife sanctuary are used to enhance the Rainey area and other Audubon lands.

Federal revenues from public and economic activities on national wildlife refuges are distributed to benefit local governments as well as the refuges.

I am particularly proud of the outlook for the National Wildlife Refuge System because today's Federal refuge system has better operation and maintenance funding and management than at any time in history. At a time when government is being reduced, the National Wildlife Refuge System is enjoying substantial increases in funding. Morale is up, too, because Fish and Wildlife Service refuge managers realize that the Administration will never let the refuge system deteriorate.

The refuge system is the world's largest and most successful collection of lands devoted to wildlife, and I am determined to keep it that way. For that reason, I have asked Congress for an additional $22.7 million for fiscal year '84 to better care for the system.

Be assured that I will join with others to defend you against executives of your own organization or any others who oppose your exploitation of the Rainey sanctuary for oil and gas production, even though it would appear that the standard for protecting the resources at Rainey are less stringent than those we employ on Federal lands.

I urge you to follow through on your wise decision to permit oil and gas activity on your Audubon sanctuary by inviting the public to visit Rainey in Louisiana to see first hand how properly managed economic activities can beneficially coexist with wildlife.

Sincerely,

JIM WATT,
Secretary.

Enclosure.

[From the Wall Street Journal, Aug. 4, 1983]

RED-CRESTED DERRICKS?

Interior Secretary James Watt has just sent a letter to the chairman of the National Audubon Society, Thomas W. Keesee Jr., congratulating him for realizing "energy production and wildlife can exist side by side." Strangely enough, Audubon officials aren't pleased.

Mr. Watt discovered that the Audubon Society is tapping the energy reserves of its 26,000-acre Rainey Wildlife Refuge in Louisiana. Under leasing agreements with Audubon, Consolidated Natural Gas is producing gas and petroleum liquids on the property and Conoco recently conducted some exploration work that turned up a dry hole. Audubon is using the leasing revenues to maintain Rainey and other wildlife areas.

Of course, it's only natural for any landholder in the Louisiana wetlands to search around for possible oil or gas reserves. People who own land and have a need for income like to get some productive use out of their property. But, of course, the Audubon folks and others in the environmental movement haven't always been tolerant of others who want to put wild lands to more productive use. Certainly they haven't been tolerant of Mr. Watt's rather limited efforts to reduce restrictions on such use.

The latest issue of the Audubon magazine, for instance, carries a 43-page article, replete with photographs, about how Mr. Watt is trying to despoil the nation's wildlife refuges. "The refuge system," it says, "is in the hands of a development-oriented administration that seems determined to wring out every last dollar it can."

You would think that Mr. Watt would have been offended to hear such criticism from an organization that is itself wringing a few petrodollars out of its own wildlife habitats. But in his letter to the Audubon Society, Secretary Watt says he understands the belief that "there is something inherently incompatible about allowing oil and gas activities in wildlife areas." In good spirit he adds: "In the real world, however, it is heartening to see, when self-serving politics are not exploited, that the National Audubon Society shows leadership in energy production when it realizes its economic self-interest and overall benefit to resources."

"As you recognize at the Rainey sanctuary," he says, "some refuge lands can safely and beneficially be opened to certain kinds of mineral uses and . . . be better off because of it."

Glen Paulson, Audubon Society vice president in charge of its sanctuaries, didn't much care for Mr. Watt's "cleverly written" letter, terming some parts "sophistry." The Audubon Society, he said, is looking only for gas and light petroleum liquids, which is not the same as searching for crude oil. He didn't say, and we didn't have the heart to ask, what the society would do if, in looking for gas, it accidentally discovered another Prudhoe Bay.

Mr. Paulson also differentiates between refuge areas, such as the ones in which Audubon conducts grazing, trapping and commercial energy production, and "wilderness," which environmentalists have argued should be locked up untouched by human hands for the benefit of posterity.

For example, he contrasts the "resiliency" of many environments in the lower 48 states, which presumably include the wetlands once described to us by environmentalists as fragile, with the tundra of "resource-rich" Alaska, where "the greatest threat of inappropriate resource exploitation looms." Mr. Paulson also insisted that Audubon puts care of the wildlife and the natural environmental ahead of any commercial considerations and that Mr. Watt's priorities are the reverse.

But in his letter, Secretary Watt suggests the Audubon Society might take a lesson from the might strict federal environmental safeguards about energy development. "It would appear," he says, "that the standards for protecting the resources at Rainey are less stringent than those we employ on Federal lands." That ain't so says Mr. Paulson.

Despite this difference of opinion, however, Secretary Watt pledged to Audubon Chairman Keesee that "I will join with others to defend you against executives of your own organization or any other who oppose your exploitation of the Rainey sanctuary for oil and gas production."

And in his best it-seems-only-fair manner, Mr. Watt adds, "I will appreciate your efforts to keep the National Audubon Society from criticizing the Reagan administration for policies it obviously so throughly embraces for itself."

Who wants to bet on the chances of that?●

A VISION OF EXCELLENCE

HON. STEVE BARTLETT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BARTLETT. Mr. Speaker, I am today introducing a concurrent resolution to express that it is the sense of the Congress that it is the national policy that the Federal Government encourage excellence in education as a national priority. This resolution responds to the demands of the American people that the Federal Government reevaluate its role in national education policy. Over the last two decades, the Federal role has been one of greater and greater intervention in the affairs of local schools. The assumption behind this Federal intervention has been that more Washington dollars and a more extensive regulatory role by the Federal Government is consistent with quality public education. Clearly, this assumption is wrong.

My resolution recognizes the important and legitimate role that Washington must take in providing leadership and appropriate support for sound education policy. But it goes beyond the tired dogma of the status quo that all contemporary education problems can be solved with more Federal dollars being concentrated in existing Federal programs. It embraces and acknowledges new ideas on the "cutting edge" of education policy development—ideas that can breathe new life into the Nation's education system.

Most importantly, the resolution identifies the encouragement of excellence in education as the primary priority of Federal education policy. It goes further by restating the danger that a less-than-excellent education system poses for the United States; it clearly reaffirms the appropriate relationship of the Federal Government to State and local governments in education: The Federal Government has the obligation to provide the leadership and support necessary for States and local schools to implement programs of educational excellence; however, the States and local school systems retain the primary responsibility—with parents—for education policy implementation; it states that rich and diverse resources should be incorporated into the public education process—from parents and grandparents to corporation and community groups; and it reminds the Congress and the American people that education policy at all levels of government should seek to elevate every aspect of society to embody its highest ideals. Of equal importance, the resolution retains the guarantees of equality, equity, and accessibility to education for all and recognizes the role of the Federal Government in providing financial assistance to needy students.

Mr. Speaker, as so often happens the American public is leading the congressional debate. The people are demanding that the Congress break out of the comfort of the status quo and design Federal education policy so as to encourage excellence in education.

We can use this resolution as a starting point by, in its own language, encouraging "all Americans * * * to join in a new social contract dedicated to excellence in education."

I would like to share with my colleagues an excellent editorial that appeared recently in the Christian Science Monitor that offers a thoughtful discussion of "A Vision of Excellence" in education, a vision that is contemplated by my resolution.

The editorial follows:

[From the Christian Science Monitor, July 11, 1983]

A VISION OF EXCELLENCE

If American voters suddenly fancy that in some fundamental sense they are back in the classroom—they are right. Polls show education emerging as a key issue in the coming presidential election, right alongside unemployment, protecting U.S. jobs from overseas competition, and inflation. And not surprisingly, political leaders are taking careful note of those findings. Turn on the evening news, for example, and there is President Reagan, talking with high school students in a classroom out in Farragut, Tenn. Or Walter Mondale, John Glenn, or Ernest Hollings urging a massive infusion of federal funds to help pull up America's educational socks.

The sudden attention to education is welcome, provided that the debate focuses on the real issues facing the nations' schools and does not lapse into a contest for votes based on blatant political considerations—with rival candidates seeking to build differing education-oriented constituencies: pitting, for example, teachers against administrators or teachers' union against teachers' union; college-bound students against job-bound students; voters who have no school-age children against parents. The point is that the United States is being alerted to rethink its educational priorities. But it needs to do so in an intelligent, comprehensive way that seeks out the broadest possible solutions geared toward unifying society and actually promoting the educational changes needed.

What are the fundamental issues?

EXCELLENCE

In large part, of course, the issue is one of ensuring that young people gain those intellectual and social skills necessary for an increasingly high-technology, computerized society. That means developing individual competence in such areas as grammar, mathematics, public discourse—the so-called educational "basics." In this regard, many of the recommendations of the National Commission on Excellence in Education make good sense—namely, higher academic standards, better pay for teachers, stricter discipline, and, in some instances, more homework and a longer school year.

That is not to say that various "life-style" courses are not important. They are, and they can provide essential information that young people need in today's fast-paced society. Vocational education courses are also important, particularly to the 48 percent of high school graduates who do not go on to college. Vocational courses help prepare a student to be a productive part of the economy, certainly a desirable individual and collective goal.

Perhaps most important, however, is the need to ensure that young people develop thinking and reasoning skills, the qualities necessary for socially acceptable behavior and responsible citizenship—community service, making wise choices in the election process, fostering constructive change in society.

EQUALIZING ACCESS

The educational battle of the 1960s and 1970s was over the issue of access, ensuring that the poor and disadvantaged—and to a large extent that meant minorities and the handicapped—were not unfairly left out of the American mainstream. Millions of hitherto deprived youngsters are now attending schools that in terms of equipment, classroom size, books, and staff are far superior to anything they might have had in the past. But the battle is far from over. Test scores, for example, continue to show disparities between children in many inner city schools and their suburban counterparts.

BROADENING THE BASE

The educational process needs to be opened up to all segments of society having a stake in schools—parents, grandparents, retired persons with free time, and corporations and community groups that both require special skills and can teach them to younger persons. Museums, libraries, and community youth groups can also be enlisted in public service programs.

FEDERAL ROLE

A strong federal initiative should be maintained to ensure access of all children to the best possible education as well as to help promulgate national standards where appropriate. The Department of Education could develop incentive programs designed to improve teaching and administration, such as merit pay for teachers and master teacher plans (now underway in some states).

These incentives will be discussed in a subsequent editorial. But in the long run a crash infusion of federal (or even local) funds—as advocated by Democratic presidential candidates—will not by itself be the answer to the nation's educational challenge. Perhaps more important than programs based on dollar outlays are efforts aimed at tapping the talent and cooperation of the local communities. Public service programs need not cost much.

Finally, beyond all the governmental and political precriptions for shoring up the American educational process must be a public recognition that teaching is a way of loving children—and shaping the future. Adults need to see themselves as the guardians of America's great experiment in universal public education, a process that encompasses not just the school system but all forms of communication and learning, including television and radio, newspapers, the pulpit. Such a vision of education means not only voting the taxes necessary to ensure the best instruction in the classroom—but elevating every aspect of society to embody its highest ideals.●

SOVIET ANTI-SEMITISM

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. YATRON. Mr. Speaker, recently the plight of Jews in the Soviet Union has deteriorated at an alarming rate. Vicious anti-Semitic propaganda, often under the guise of anti-Zionism, is manifest in the formation of an Anti-Zionist Committee of the Soviet Public.

The history of the relationship between the Soviet regime and Jews in that country has been a history punctuated by deplorable incidents of persecution. In 1946, for instance, and again in 1952-53, the Government encouraged a violent campaign against the Jewish people.

Today the dire situation demands international condemnation. The crime perpetrated against Soviet Jews is a deeper phenomenon than sporadic acts of repression. Along with the sharp abridgment of emigration permission, official attacks on the Hebrew culture and religion have intensified. Recalling the infamous anti-Semitic forgery "The Protocols of the Elders of Zion," a book has been published and has received critical acclaim entitled "The Class Essence of Zionism." The following editorial from the Washington Post of July 1, highlights the iniquity of such developments in the Soviet Union today:

SOVIET ANTI-SEMITISM

That was a shocking report by The Post's Moscow correspondent, Dusko Doder, about a new, crudely anti-Semitic book published in the Soviet Union. The shocking part was not so much the content—gutter racism in pseudo-schodarly guise is, unfortunately, not the monopoly of any one country. It was to have such a book emerge and be hailed in a country where no book is published without state sanction. The book and the evident campaign of which it is a part indicate a readiness on the part of the Soviet authorities to use anti-Semitism as an instrument of official policy. This is being done notwithstanding the offense that publication was bound to give to decent people in the Soviet Union and abroad.

Precisely what official Kremlin purpose is served by a book like "The Class Essence of Zionism"? One possibility is to stir anti-Semitism and anti-Zionism—the book appears to make no practical distinction between the two—to keep Soviet Jews from trying to exercise their right to emigrate; no Jewish emigration is being permitted these days. A second is to flash an additional caution to would-be individual dissidents and members of other non-Russian ethnic groups in the Soviet Union. A third is to buy a little cheap popularity with certain vulnerable elements in Soviet society.

Or maybe it is simply a police game or an internal political ploy. One cannot know these things. In particular, one does not know how Yuri Andropov fits in. As head of the KGB for 15 years before he became the top Soviet leader, he was deeply identified with policy toward Jews.

The only good thing about this book is that some Soviets are among those repelled by it. Reporter Doder found it was too much even for one of the members of a committee the authorities recently organized to advance the official "anti-Zionist" campaign. At a press conference, one person on the committee evaded a question about the book, but another said: "This committee in the future will fight against wild and wrong accusations in books which have been written by a few authors and unfortunately have been permitted to be published."

Let there be no confusion about the complete control the Kremlin wields over an aspect of policy so domestically and internationally sensitive as the treatment of minorities. Just the other day Yuri Andropov won a nice little burst of Western applause for allowing the emigration of 15 Pentecostalists who had sought exit visas for 20-plus years; five of them had spent almost five years in the basement of the American Embassy in Moscow. He could end the Kremlin's latest sponsorship of anti-Semitism with one phone call.●

ENERGY POLICY—ON THE LOOKOUT FOR NEW PERSPECTIVES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CORCORAN. Mr. Speaker, someone once said that the one thing you can be sure of is that "the conventional wisdom" on most subjects is usually wrong. This has always been the case on matters of energy policy. So it is important for those of us in Congress to listen carefully to those who challenge the conventional wisdom. This is especially true when these observers have a history of being far wiser than "the conventional wisdom."

One such man is Dr. S. Fred Singer, a brilliant man who has served as senior fellow to the heritage Foundation specializing in energy policy. Dr. Singer has now returned to his post as professor at the university of Virginia, but he will still be available to us through his writings. It was Dr. Singer who, years before most of his colleagues in the "analysis trade," concluded that the American consumer was far better off without Government oil price and allocation controls, Government "emergency planning," and other failed policies of the past.

This time he tells that the biggest beneficiaries of the strategic petroleum reserve (SPR) may not be our constituents but rather citizens of other countries. I must say that I continue to number myself among the boosters of a sizable SPR and it doesn't trouble me that its benefits might even extend internationally. As always, his analysis is worth considering in considerable detail.

One thought which occurred to me as I read this article is this: If the President were to decide, on his own, to flood our domestic oil market with SPR oil at a time of international supply insecurity, then the result of this action may well be far more effective and reliable for us as well as our allies than the allocation programs of the International Energy Agency (IEA), even though the SPR oil would never physically leave the United States. Dr. Singer conclusion is that the resulting price reduction of oil in the international market would be of great benefit to those of our allies who depend heavily on imported oil.

The IEA, in contrast to Dr. Singer, seems to me to be so devoted to the conventional wisdom that it is entrapped by it. For example, while we have gotten away from dependence on oil price and allocation controls in the United States, the IEA still believes they can work—they cannot—and that they benefit consumers—they do not.

Recently the IRA conducted a test, called AST-4, of its international allocation program. What concerns me is that the assumptions made by the IEA as conditions of this test were so removed from reality as to make the test biased toward regulatory solutions and away from effective, market-oriented ones. Nonetheless, our Department of Energy performed admirably under these conditions. But I am inclined to look closer at the IEA, its programs, its operations and its history. Perhaps it is good energy policy and good foreign policy. Or it may just be living off the now-discredited conventional wisdom of years ago. If this should prove to be the case, it may be good energy policy and good foreign policy to rethink our involvement with the IEA altogether. At a minimum, we should reexamine the IEA, including the participation of American oil companies in its programs which necessitates the Congress to statutorily provide a legal defense to potential antitrust suits. It is my intention to solicit Dr. Singer's help, and the help of others in this regard. Mr. Speaker, I will report back to the House as I develop a new analysis of the IEA and its programs.

Mr. Speaker, I ask that Dr. Singer's August 3, Wall Street Journal article be printed in the RECORD at this point.

[From the Wall Street Journal, Aug. 3, 1983]

OUR STRATEGIC (FOR OTHERS) OIL RESERVE

(By S. Fred Singer)

It will come as a surprise to many that the U.S. strategic petroleum reserve, which is going to cost us about $30 billion, will help the Japanese more than us. Another surprising conclusion is that it is the Saudis, not just their customers, who should be building up an oil stockpile. But I'm getting ahead of my story.

In the unlamented days of the "oil crisis," when oil prices were controlled and people still believed in oil embargoes, the SPR was conceived as the first line of defense against an oil cutoff. This major Energy Department program was predicated on the idea that in case of any kind of supply disruption, oil from the SPR would replace imported oil—barrel for barrel. Suppose our imports from the Persian Gulf, now about 1.5 million barrels a day, were suddenly stopped. The SPR (now holding 300 million barrels, and eventually to reach 750 million barrels) would make up the shortfall for 200 days, and eventually 500 days. The arithmetic is impeccable; the logic is not. Yet many analytic models are built on this simplistic notion, and learned academics from renowned institutions have published on "optimality," "stochastics," "game theory" and so on.

The international oil trade doesn't work that way. Maybe this should have become obvious during the much-publicized 1973 Arab oil embargo—though directed against the U.S., it failed to cut off U.S. oil imports. Oil is fungible and was simply swapped out by oil companies and traders. Arab oil went elsewhere, and whatever excess oil this created for other countries ended up here. (The lines at gasoline stations were our own contribution to the "crisis"; they were caused by price controls and bureaucratic allocations.)

SUPPLY RESTRICTIONS

Of course, the world price went up once the Arabian oil countries restricted their production and created scarcity. But this had nothing to do with an unfriendly embargo declaration; it just turned out to be a friendly way to increase revenue and become richer.

It is important to understand that any supply restriction—for whatever reason, whether intentional or accidental—will raise the price of oil, and must do so for all consumers and producers in the world. This price rise is really all that matters; it measures the expected severity of the interruption.

For example, the 1979-80 price increase following the fall of the shah was based on consumers' expections of future supply interruptions and price jumps.

This is the crux of the matter: A supply cutback raises the price for everyone—even for those countries that don't import oil. (We must assume, of course, no price controls and no restrictions on imports and exports.) This means that an oil disaster in the Middle East will raise prices in the U.S.—even if we import no Middle East oil and even if we import no oil at all. As the oil price rose abroad, U.S. producers would export oil to the highest bidder until the U.S. price reached the world price.

It becomes clear that the SPR's real job is not to replace lost imports; the market does that—at a price. The SPR serves to moderate the price rise. But since SPR oil is fungible too, it will limit the price rise of oil not just in the U.S. but world-wide. Prof. William Hogan of Harvard's Kennedy School has referred to oil stockpiling as a "helpthy-neighbor" program.

It is easy to see who loses and who gains as SPR oil moderates a world price rise caused by some kind of interruption. The U.S. consumer will gain from the not-quite-so-high oil price, but the U.S. producer will lose by failing to get as much for his oil—and so will the Treasury. (With the windfall-profit tax in existence, the average producer wouldn't retain much of the price increase anyway.) If our imports drop to zero, then the consumer gains just balance the producer losses, but other consumers around the world still gain.

That's where the Japanese come in. There aren't any oil wells in Japan; Japan's per-capita imports are about four times those of the U.S. So it's all gain for them—thanks to the U.S. SPR and the U.S. taxpayer who paid for it. If we assume that the release of SPR oil limits the price rise by $5 a barrel against what it would have been without the release, Japan would benefit to the tune of $8 billion in one year. The average Japanese would benefit four times as much as the average American. (This ratio will hold no matter which countries release their stockpiled oil.) As the largest per-capita im-

porters, the Japanese get the largest "free ride" from any SPR, including ours.

Conversely, some producers will lose: Algeria, for example, and other producers with small reserves that would like the price of oil to go as high as possible while they still have oil.

Producers with large oil reserves have quite a different problem. Saudi Arabia, for example, shouldn't want the price to rise too high. That would encourage consumers to find alternatives to oil and hurt the Saudis' long-term market. This is happening now as a result of 1979's spectacular price increase. From the Saudi point of view, there is a sort of optimal price schedule over time that—to paraphrase Colbert—plucks the consumer's goose to obtain the largest amount of feathers, but doesn't make him hiss too much. While an increase above the optimum price certainly raises profits in the short term, it fosters conservation and cuts long-term profits for those who care—and Saudi Arabia does, or should, care.

If we carry this thought to its logical conclusion, it argues for a giant oil stockpile to be set up and controlled by Saudi Arabia for the express purpose of stabilizing the world price. The oil must be removed from its geological formation and placed in storage, preferably outside of Arabia, in tanks or in underground caverns, to be accessible for rapid pumping when the Saudis see a need to put more on the market than they can produce at full capacity. Another scenario might be one in which exports from the Arabian peninsula are stopped, for any of a variety of reasons.

A Saudi stockpile has the additional value of providing them with a nest egg abroad, which is better than money in the bank. The Saudis can get the oil at their marginal cost of production, probably at below $1 a barrel, and sell it at a much higher price during an oil disruption. Furthermore, it is a good way for them to use their excess production capacity and the associated natural gas, without actually putting the oil on the market today and upsetting the price—and their fellows at the Organization of Petroleum Exporting Countries.

In 1976, while a consultant to the Treasury, I proposed such a system and worked out some financial and logistic details. My hope was to persuade Saudi Arabia of the wisdom of such a project in protecting its long-term future. It could have used such a stabilizer stockpile in 1979.

EXERCISE THE SPR

What should be done now that we have an SPR and are making it larger? My advice is to make the best of it. We probably will never persuade Congress to do without it. And it is a good psychological crutch to reassure the public that an oil interruption can be handled without price controls, ration coupons or emergency-allocation powers in the White House. Anyway, private stockpiling probably will never work in a political climate where the confiscation of "windfall profits" of "hoarders" and "speculators" is almost a certainty. Predictably, a governmental SPR overhanging the market reduces the incentives for private companies to hold strategic inventories.

I am concerned that the SPR will just sit there, getting fatter and more costly, while the government waits for that "rainy day" that may never come. I favor exercising the SPR—despite opposition from those who don't want to release a drop of oil because of exaggerated security concerns. Certainly, it should be fully tested, physically and administratively. We should know what factors limit the maximum rate of oil release: pumps, pipelines or suitable purchasers.

We also should recognize that release of small amounts of SPR oil can, under certain circumstances, depress the world price for all oil by putting pressure on OPEC, especially if coordinated with similar releases by our allies in the International Energy Agency. Under the expectations that oil demand will continue to decline because of conservation and that prices will fall, it becomes profitable to sell stockpiled oil dear and buy it back cheap. This may be the time when oil consumers can start exercising their market power and regain some of the revenue earlier transferred to OPEC.●

H.R. 3021

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SMITH of Oregon. Mr. Speaker, I would like to explain why I voted against H.R. 3021 yesterday. I know it is painful to lose a job. It hurts your pride and throws your whole life into turmoil and panic. I know because I was laid off myself several years ago as a Pan Am flight engineer. I was lucky enough to have a family business to fall back on, but most people are not that fortunate. Compound the already distressing situation of unemployment with high medical bills, and a family can find itself in a terrible financial bind.

Members on both sides of the aisle understand the plight of the unemployed. The real question is how we deal with their problem in the most compassionate and responsible manner possible. Mr. Speaker, careful analysis will show that an expensive health care plan for the unemployed is neither compassionate nor responsible. Moreover, it is one of the cruelest and most shortsighted things we could do to the unemployed in this Nation.

To really understand unemployment and deal effectively with it, we need to look at the broader picture and the root causes of lost jobs. Congress approach to the problem is to throw money at it, just like we did by passing the jobs bill earlier this year, hoping that somehow it will help the unemployed find permanent jobs.

We already have one of the best jobs programs in place and it is not costing the taxpayers a dime. As a matter of fact, it could help reduce the Federal budget deficit. It is too bad the liberals do not like it and that it has not received the recognition in the press that it deserves. What jobs program am I talking about? It is the economic recovery that is sweeping this Nation. Since December, 800,000 workers have been added to industrial payrolls. This good news is only surpassed by the fact that we can anticipate even greater numbers of job openings in the months ahead because of the vigorous pace of the economy. I am sure my colleagues greeted the news of an 8.7-percent annual growth rate with the enthusiasm I did. The economy is picking up steam, and with it new jobs will be created for the unemployed.

But economic recovery may falter unless Congress is willing to control Government spending. At some time Congress must face up to the fact that we cannot afford to spend money we do not have. This concept seems simple enough to understand, most of us preach this philosophy to our constituents back home, but when it comes to taking action, Congress has a difficult time exercising the restraint necessary for fiscal responsibility.

The problem is that we continue to create spending programs without any means of funding them. We continue to borrow money thinking the bills will never come due. It is shocking to think that 25 cents out of every dollar the Federal Government spends is borrowed. Maybe we will not pay the price, but our children will, and their children, too. I cannot think of any action more irresponsible for the leaders of this Nation to take.

Ironically, this behavior is one of the very reasons why the people we are talking about today are unemployed. Uncontrolled Government spending has resulted in massive budget deficits which impact interest rates. Economists may disagree on the exact effect of Government borrowing on interest rates, but even commonsense tells us that if the Government is borrowing most of the available credit, businesses and consumers will have to pay higher interest rates on the remaining funds for purchase of capital equipment, automobiles, and homes.

In my home State of Oregon there is no worse news than when interest rates go up. We live and die by the prime rate. When interest rates went up to record levels 2 years ago, it crushed the housing and timber industries in our State, which are the lifeblood of our economy. Unemployment climbed above the national average and people became despondent. The economic recovery of recent months has given Oregonians a sense of hope. The unemployment rate has now fallen to 9.1 percent, the lowest rate in years.

I fear this bill, even with all of its good intentions, could jeopardize economic recovery, resulting in more unemployment for my State. I also think this bill comes too late to do any good. Enacting this legislation now could only hurt our efforts to put people back to work. If you ask a guy whether he would rather have his job back or this health insurance program, he will tell you he wants his job. He does not want Government welfare; he wants to pay his own way.

It is time for Congress to put aside its misguided notions that more spending will help this guy find permanent employment. Passing this legislation is shortsighted. It could create even bigger problems for us to solve down the road.

I fear that once this program is in place, we will never get rid of it. Proponents assure me that it is only a temporary measure, but I doubt it. Experience tells us that once the program is in place, interest groups will form to promote it and Congress will want to keep it. Passage of this legislation may be the first step toward national health insurance, which would be disastrous for all of us.

My colleagues should look carefully at the price tag attached to this legislation. Sponsors say it will cost a paltry $4 billion, but they know as well as I do that we do not even have that much in the Federal coffers to spend. And with health care costs increasing many times faster than the consumer price index, I would be willing to bet that this bill will cost the taxpayers much more than Congress ever anticipated.

Congress should also be wary of unintended side effects. For example, consider the bill's requirement that businesses provide 90 days' worth of health benefits for employees that are laid off. What if employers drop their health benefits rather than comply with the new law? Who benefits then? That idea may sound farfetched to some of my colleagues, but it does not to a businessman. Unlike the Federal Government, businessmen must be concerned about costs. If we make it too expensive for businessmen to carry health insurance for their employees, they will drop it.

Or what about the employee who works in a low-paying job where his employer does not provide any health benefits? Is this legislation fair to him? How can we justify passing this legislation without something for the low-paid worker who now foots the entire bill for his health insurance?

In our rush to show compassion and understanding for the unemployed, let us not lose touch with reality. Under the best of circumstances this legislation will provide health care for a few but at a high price this Nation cannot afford. In the worst case, it will become a costly entitlement program that will expand and haunt us for generations.

The best thing we can do for the unemployed is to insure that economic recovery continues so that new jobs are created. Congress can help the recovery by exercising fiscal restraint. Had we defeated H.R. 3021, as I advocated, we would have demonstrated a true commitment to the unemployed.●

BLACK COWBOYS RIDE AGAIN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. SCHROEDER. Mr. Speaker, I wish to highlight a part of history too many of us know too little about. That part is the part played by black cowboys. In my district is the Black American West Museum started by Paul Stewart, who was a cowboy. Mr. Stewart presides over a fascinating collection and I wish to insert in the RECORD this recent article describing that collection.

[From the Rocky Mountain News, July 17, 1983]

MUSEUM GIVES BLACK COWBOYS SPOT IN HISTORY

(By Roosevelt Leftwich)

Everyone has a hero, but Paul Stewart's hero is unique.

"If I had to pick somebody, I would have to choose Jesse Stall," said Stewart, who is curator of the Black American West Museum.

Stall was a cowboy at the turn of the century.

"He would ride a horse until it would stop, then he would either spur him in the side or pull up his tail to get him to buck all over again. He was one bad dude," said Stewart.

Stewart is the only tour guide at the museum, which he started after 21 years of collecting black Western memorabilia from across the country. Everything from saddles to shaving brushes is displayed at the museum.

The museum at 3607 Martin Luther King Blvd. was visited by 3,500 people last year. Some items from Stewart's collection are on exhibit at the Belmar Museum in Lakewood and at IBM's offices in Boulder.

"I wish I had a bigger building because there is so much still to see," Stewart said.

Most of the museum-goers are children. And it's these special visitors who keep the 57-year-old Stewart going, he said.

"Oooooh, look at all the cowboy stuff—this stuff is real rusty because it's so old," said one child as he stared at a Civil War-vintage rifle. The 18 children who invaded the museum Friday were unusually silent as Stewart took the children on a little-known voyage through the American West.

With their eyes popping and mouths wide open in amazement, the children were the highlight of Stewart's busy day. He is an expert on blacks in the West and is listed in "Who's Who in Intellectuals."

"I like giving tours to the little ones—I mean they're so enthused," he said grinning. "Some of the things they say just make my day."

Stewart's fascination with blacks in the West began when he was growing up in Iowa.

"When I was little I wasn't aware that there were any black cowboys because when I would play with my little white friends, I always had to be the Indian and I wondered why," Stewart said. "I didn't see my first real black cowboy until I was grown."

After years of research, Stewart's collection has grown to more than 6,000 items, only a third of which is displayed in the cramped, one-room museum. The rest of the collection is carefully tucked away in boxes and file cabinets, which clutter his office.

"The purpose of this place is to make people aware that there was black input in the old West," Stewart said. "You can look at some Indian hand crafts and see the input blacks had in their lifestyle. They've even discovered African bells on the Oregon trail—the input was there but it just wasn't noticed."

The museum, which is the only one of its kind, receives no federal funds, he said. Most of the money raised to keep the museum going comes from private contributions, admission fees and revenue from Stewart's book, "Westward Soul."

"I feel we have something here that's very unique—it's Paul's dream," said Geraldine Stepp, development coordinator for the museum. "We as blacks have been supporting white museums for years and it's high time they supported us."

The museum's 10 emloyees are all volunteers, Stepp said. "All the time they put in is because they love what they're trying to accomplish," she said.

Stewart's collection also includes more than 700 recorded interviews with blacks who were a part of Colorado's pioneer days.

"Few people know that the land where city park is today was owned by the Whitsell family, who were very successful black farmers," Stewart added.●

FINANCIAL STATEMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MAZZOLI. Mr. Speaker, it has been my custom to submit a statement of financial disclosure every year that I have served in the House of Representatives. While the law now dictates that Members of Congress submit financial statements in May of each year, I continue to file this more detailed family financial report. In this way, my constituents are kept fully informed concerning my financial status.

The statement follows:

Romano L. and Helen D. Mazzoli statement of financial worth as of Dec. 31, 1982

Cash on deposit:

Liberty National Bank & Trust Co. IRA Account No. 01-527329	$2,286.28
Lincoln Federal Savings & Loan, account No. 10373390	3,508.28
Northern Virginia Savings & Loan, account No. L-6084	237.45
Northern Virginia Savings & Loan, account No. 05-23-00192	1,236.66
Northern Virginia Savings & Loan, account No. 80507	1,728.50
Northern Virginia Savings & Loan, account No. 05-18-00241	664.58
Government Services S&L, account No. 01-112091-00	147.10
First Federal of Arlington, account No. 05-018470-4	11.53
Government Services S&L, money fund account, No. 89-800336-2	5,226,44

Securities, stocks and bonds:	
U.S. Government bonds, series E	1,441.48
U.S. Treasury bill, account No. CU6-2-400-40-3938-01	10,000.00
U.S. Treasury bill, account No. CU6-2-400-40-3938-01	10,000.00
Real property: Residential:	
939 Ardmore Drive, Louisville, Ky.:	
Assessed value	42,000.00
Less: Mortgage, the Cumberland Savings & Loan	8,403.10
Net value	33,596.90
1030 Anderson Street, Alexandria, Va.:	
Assessed value	102,300.00
Less: Mortgage, Cowger & Miller Co	46,944.42
New value	55,355.58
Household and miscellaneous personal property (estimated)	7,500.00
Cash surrender value of life insurance policy:	
American United Life Insurance Co., Policy No. 1011729	4,578.50
American United Life Insurance Co., Policy No. 1116312	818.79
Federal Employees Retirement System: Contributions	48,436.93
Automobiles:	
1965 Rambler fair market value	100.00
1973 Chevrolet fair market value	1,047.00
Total assets	187,922.00
Less: Notes payable:	
Liberty National Bank & Trust Co.	5,332.87
National Bank of Washington	2,000.00
Total	7,332.87
Net assets	180,589.13

Income

Interest and dividends:	
U.S. Treasury bills (AE4-2-400-40-3938-01 & AX2-2-400-40-3938-01)	1,468.90
Liberty National Bank & Trust Co., IRA account No. 01-527329	223.47
Lincoln Federal Savings & Loan account No. 37339-5	225.52
Lincoln Federal Savings & Loan, All Saver No. CD-1-01-301084-OAS	1,215.55
American United Life Insurance Co., Policy No. 1116312	14.65
American United Life Insurance Co., Policy No. 1011729	23.18
Northern Virginia Savings & Loan, account No. 5-99-76	41.00
Northern Virginia Savings & Loan, account No. L-6084	12.85
Northern Virginia Savings & Loan, account No. 5-18-241	67.94
Northern Virginia Savings & Loan, account No. 80507	112.08
Northern Virginia Savings & Loan, All Saver No. 05-23-00192	95.20
Government Services Savings & Loan, account No. 89-800336-2	269.92
Government Services Savings & Loan, account No. 01-112091-0	122.31
First Federal Savings Assoc. of Arlington, account No. 05-018470-4	5.11
Total interest and dividends	3,897.68
Honorariums:	
Agricultural Producers, Inc.	1,500.00
American Federation of Government Employees	750.00
Grocery Manufacturers Association	2,000.00
Quaker Stove Co.	400.00
Brookings Institution	450.00
Kentucky Cable T.V. Association	1,000.00
American Immigration Lawyers Association	1,000.00
Kentucky Savings & Loan League	500.00
Coalition of Apparel Industries of California	750.00
Motion Picture Association of America	2,000.00
Total honorariums	10,350.00
Salary:	
U.S. House of Representatives (R. L. Mazzoli)	60,662.50
V.V.K.R., Inc. Architects (Helen Mazzoli)	16,045.98
Total salaries	76,708.48
Gross income	90,956.16
Income tax recapitulation (Federal, State, local):	
Federal:	
Gross income	90,128.00
Adjustments to income	7,702.00
Adjusted gross income	82,426.00
Deductions and exemptions	16,259.00
Taxable income	66,167.00
Tax withheld	20,810.00
Tax due	21,360.00
Kentucky:	
Tax withheld	2,727.00
Tax due	2,420.00
Refund	307.00
Virginia:	
Tax withheld	653.00
Tax due	301.00
Refund	352.00
Louisville and Jefferson County: Tax due	253.00

IN MEMORY OF WILLIE FRANK

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LOWRY of Washington. Mr. Speaker, earlier this summer one of the great figures in the history of Washington State, Willie Frank, passed away. While most of us would consider a life that spanned 104 years to be a great achievement in itself, it is the quality of Willie Frank's life that was his greatest legacy.

Willie Frank's life was spent along the Nisqually River, which is located at the southernmost point on Puget Sound. The river has its origin at the Nisqually Glacier on Mount Rainier, and had been the home of the Nisqually Indians for hundreds of years before European exployers reached the Pacific Northwest. Like his ancestors before him, Willie Frank was a river fisherman who lived a simple life close to nature on his river.

In his lifetime, Willie Frank watched the once numerous runs of salmon dwindle. The coming of white civilization and the hydroelectric projects took their toll. Inadequate sport fishing regulations by the State of Washington were partly responsible. Through the years, Willie Frank consistently fought to protect his people's right to fish in the Nisqually River in their traditional fashion utilizing nets.

The passive, nonviolent fish-ins that occurred at Frank's landing in the early 1960's brought national attention to the fishing rights issue in Washington State. Years of litigation resulted in a U.S. Supreme Court ruling affirming the right of the Nisqually and other Northwest tribes to fish in their traditional manner and to have access to a fair share of the salmon runs as guaranteed in treaties signed in 1854–1855 by U.S. Territorial Governor, Issac Stevens.

In a very real sense, the treaty rights struggle had its origin at Willie Frank's tiny fish landing on the Nisqually River. This small track of land is home to Willie Frank's immediate family, which includes his wife Angeline, son Bill Jr., stepdaughter Maiselle Bridges and her daughters Suzette and Allison and their children. It is also the home of the Watle Lute Indian School, started almost 10 years ago on U.S. Army land adjoining Frank's Landing. Through the efforts of former U.S. Senator Warren Magnuson, that property was taken into trust by the Secretary of the Interior for Willie Frank and his heirs.

The hundreds of relatives and friends who mourn the passing of Willie Frank remember him as a man of peace, who was determined to maintain the traditional Nisqually ways. His lifelong battle to save the salmon has been passed on to the other family members, including Bill Frank, Jr., chairman of the Northwest Indian Fishery Commission. All of us have something to learn from the inspiring life of Willie Frank.

I know my colleagues will enjoy reading an article written by one of my constituents which appeared in a local Seattle newspaper on June 21, 1983.

The article follows:

WILLIE FRANK (1879–1983) AND THE PARADISE BEFORE THE WHITE MAN CAME

(By Tom Keefe, Jr.)

He was born Qu-Lash-Qud, son of Kluck-etsuh, Leschi's nephew, who along with his cousin, Wa-He-Lute, went to war rather than give up the land and life along the fer-

tile Nisqually River Valley for a patch of barren reservation away from the river and its salmon. Qu-Lash-Qud listened and learned: the white man must keep his promise. The Indian people need the river to survive. The Nisqually Tribe must stay near the river.

Last Friday brought wind and rain, patches of blue sky and hail, two rainbows, and a half moon. And in the season of long sunsets, Qu-Lash-Qud ended his journey among the river people and returned home. "Don't cry for me when I'm gone, son. I will be watching you. This is the way things must be. Don't cry for me."

Qu-Lash-Qud remembered when his mother went away. He was 2 years old. She left after giving birth to his sister. Many people cried for she was a young woman. But not Qu-Lash-Qud. He listened and learned. This is the way things must be.

Qu-Lash-Qud was raised by his aunt, Sally Jackson, the Nisqually Tribe's last Tamanawus woman. She had the spiritual powers that others did not possess. Sally Jackson had the medicine, and knew which roots and herbs and grass would make you well again. She knew to fast and meditate, and knew the other world of night. "Do not be afraid of the night, Qu-Lash-Qud. Our people are there. You can see them if you try. Take this medicine up the river to the person who needs it. The night is your friend."

An uncle sent Qu-Lash-Qud to the Catholic missionary school where he was baptized and told not to talk Indian any more. When they beat him for doing it, he ran away. He walked day and night, a little boy, home to Nisqually. He did not fear the dark, this boy they called Willie Frank.

Life was better at the Cushman School—700 Indian boys and girls. Willie joined the school band, and traveled the state performing with his schoolmates. He remembered nice hotels, good meals, and happy white faces. In later years, the grown man was told to leave these same places ("We don't serve Indians"). Willie Frank listened and learned. Years later, he would still pull out the old horn and "Alexander's Ragtime Band" would echo up the valley from his river landing, Frank's Landing.

For bureaucratic identification purpose, he was Willie Frank, Nisqually Allottee No. 89. Not that we cared much about the importance of his white name. When "Camp Louie" wanted his 205 acres, Pierce County eagerly condemned the reservation and pushed Willie Frank and the other Nisqually people across the river. Take the money and go away. Many did. But Willie Frank wanted land, so he bought six acres on the river where he could fish and watch and listen. He took care of the old people who were without food or shelter. He fed and clothed the Indian people who gathered at Frank's Landing.

Now they catch the salmon at the mouth of the river, not upstream like the Indians always have done. Smoke the fish in the longhouse until it is hard and will keep a long time. Soak it in the river overnight until is it nice and tender. Then boil it. "It was so nice and tender you could eat it without teeth," Grandpa Frank would say: The white man fished at the mouth of the river and built a dam upstream. The salmon went away.

Willie Frank never raised his voice in anger at any man. He never learned to shoot a gun and didn't resist when they came to arrest him. The State of Washington came first to arrest him in 1916 and many more times through the years. You can't fish the river with a net, Willie Frank—it's against the law. "Well, maybe so, but I've got a treaty, the Treaty of Medicine Creek in 1854 with my people. I'm Willie Frank, Nisqually Allottee No. 89. The state must respect my treaty rights." And so the battle was joined.

Others would show less patience in the years that followed. Tear gas and riot gear would be seen at Frank's Landing. Movie stars and network cameras. Big trouble at Willie Frank's little fish landing. Poor flood control and negligent stream-flow managment at Alder Dam began to eat away at Willie's six acres. "He would go off by himself into another room and lie down on his back with his arms outstretched and his eyes closed," his daughter Maiselle recalls. "He would be very still for quite a while, almost like he had left his body." I had always wondered about this so finally one day I asked him about it. He told me, "It's something I was taught by my aunt. It is to relax my mind." Calm at the eye of the storm.

At Bill Frank Jr.'s birthday party, one speaker noted that "every 50 years, there's one heck of a big storm around here and another Bill Frank is born." So it was that on Easter Day last year, Little Willie saw his first sunrise. Grandpa held the baby and talked to him in the old way. He listened to the boy, bounced him in rhythm to the Nisqually songs, and gave him his Indian name, Qu-Lash-Qud.

At Grandma Angeline's birthday party, a reporter asked Grandpa what he looked forward to doing in the days to come. "What I want to do now is to spend some time on the river." He could hear and feel and smell and taste the Nisqually River. The river was his source. Willie Frank and the river and the salmon were one. Will the salmon ever come back to Nisqually? Time will tell, but if he does—thank this man.

Between the waking hours and the coming of sleep, Qu-Lash-Qud saw and heard the old people gathering. Speaking the Nisqually way, gathered at the foot of his bed. "I think the time is coming for me to be with my friends, son. This is the way things must be."

In the last days, he was hungry for *Tyee*. The white people call him Spring Chinook. *Tyee* were once a common sight on young Qu-Lash-Qud's Nisqually River. He remembered hooking a 20-pound fish when he was six years old and bringing it to Aunt Sally to prepare for the elders. Nice and tender, you could eat it without teeth. Bill Jr. brought Grandpa salmon, but the hunger remained. "I always say, the Nisqually Indian was living in paradise before the white man came. Everything grew just natural. There were lots of roots, wild onions, turnips, and wild carrots. And one little black root that made all the others taste sweet. There was game, grouse, and wild berries, and everything."

Was Qu-Lash-Qud a chief? Well, you see, the Nisquallys didn't have chiefs. The territorial governor tried to deputize Leschi and the others as subchiefs for the purpose of signing the treaty. Leschi tore up the commission when he saw what they were trying to do. But that was a long time ago, and not many people remember now.

Qu-Lash-Qud remembered, and he reminded everyone who saw or heard him, He remembered it all. He was a holy man. He returned to the land on the first day of summer—the longest day of the year.

There is an intant between night and the coming of day when it is neither night nor day. It is a time of calm and peace where the two halves of the circle meet. Have you seen it? The Nisqually Indians call this time qu-lash-qud.●

TRIBUTE TO MALCOLM S. BROWN

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FAUNTROY. Mr. Speaker, I would like to share with Members some memories of Malcolm S. Brown, late of the District of Columbia and a long-time beloved employee of this House, who passed away last month on July 11.

Mr. Brown, or "Brown" as he was known, had served as barber and supervisor of the House barbershops for over 18 years, and barber for the Senate side for 2 years before coming on the House side. For as long as I can recall, Brown was always a pleasant man, always accommodating to Members and staffers as well who needed that last minute haircut before a last minute press conference, hearing, or appointment. He was especially courteous to me, as I am sure he was with all of my colleagues, during our discussions on floor issues—whether we agreed or disagreed on the topic.

I can admit my visits to the shop will never be the same without the warm and always friendly smile that Brown had for each customer, which ranged from staffer, to Members to an eventual President.

I extend my condolences to his family: his wife Daphne, his daughters Jan and Jewel, who was also an employee of this House recently with my Subcommittee on Domestic Monetary Policy, and his grandson Gerard.●

H.R. 2817, A BILL TO AMEND THE CLEAN WATER ACT BY AUTHORIZING FUNDS FOR THE CHESAPEAKE BAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DYSON. Mr. Speaker, I was asked to testify before the House Public Works Subcommittee on Water Resources on a bill I introduced earlier this year that would provide funds for the cleanup of the Chesapeake Bay. This legislation is an important step in restoring the bay's water quality and in dealing with all the interests in the Chesapeake Bay region.

The testimony follows:

TESTIMONY OF CONGRESSMAN ROY DYSON

Mr. Chairman and distinguished members of the Subcommittee, I am here today to

testify on behalf of H.R. 2817, a bill I introduced earlier this year that would amend the Clean Water Act to provide for the enhanced water quality of the Chesapeake and Narragansett Bays.

The Chesapeake Bay is one of our nation's most cherished and valuable natural resources. It is the largest and most productive estuary in the contiguous United States, with a drainage area of nearly 64,000 square miles in size, that includes parts of 6 states and the District of Columbia. Its primary tributaries, the Susquehanna, the Potomac, and the James Rivers are major river systems in their own right.

The Bay's significance extends beyond its size, to its importance for the seafood, waterborne commerce and water-oriented industries that are vital to the middle Atlantic states. I am particularly aware of this because of my responsibilities as the representative of Maryland's First Congressional District, which surrounds the largest portion of the Chesapeake Bay.

These local interests are complemented by the impact that the Bay has on the nation as a whole. Its fishing production is surpassed only by that in the Atlantic and Pacific Oceans, with an annual dockside value in excess of $100 million. Commercial shipping interests carried nearly 239 million tons of cargo via the Chesapeake in 1981, estimated at nearly $27.5 billion.

One of the Bay's most valuable roles is its function as a wildlife and aquatic habitat. Its tributaries are important places of reproduction for a variety of species of anadromous fish, like the shad and striped bass. In fact, almost 90 percent of the striped bass along the Atlantic Coast spawn in the Chesapeake's waters.

These facts indicate why the environmental quality of the Bay is so important to the region and the nation. As you probably know, next month the Environmental Protection Agency completes its seven-year, $27 million study of the Chesapeake Bay's water quality. The study answers many of the most pressing questions about the condition of the Bay, but those answers only point to how much more remains to be done.

Research findings have identified three areas of serious concern: toxics, nutrient enrichment and declining Bay grasses. These findings indicate that the main stem of this 195-mile long estuary is losing oxygen. In addition, the upper reaches of the main tributaries are considerably more stressed than scientists originally thought. All of these trends—the decline of the Bay grasses; the increased nutrient and attendant loss of oxygen; and the continued loading of toxic chemicals and heavy metals into Bay waters—portend serious problems by the end of the century.

The Bay grasses that once stretched from shore to shore are nearly gone. Commercial landings of striped bass plunged from five million pounds in 1973 to less than one million pounds in 1979. Shad, once harvested in huge numbers, are now so scarce that there is a rule against catching and keeping them in Maryland. In general, the fish that migrate each year to spawn in the Chesapeake Bay are disappearing.

This decline in water quality and subsequent loss of aquatic life has been principally the result of non-point source pollution; that is, agricultural and urban runoff, usually from heavy rainfall. Each year the Bay receives 400 million gallons of sewage and some 2,000 tons of metals and symbolic compounds, including sediments, fertilizers and herbicides.

Given the EPA findings, it is essential that we have a shared federal and state commitment to clean up the Chesapeake Bay. Management strategies for the Bay have been developed. A massive data base has been assembled to define trends in water quality variables and living resources over a 30 year time period for the Bay and its tributaries. There is only the need to establish a mechanism for implementing the Bay management strategies and to monitor their environmental results. I believe my legislation would provide that mechanism and the incentive for the states of Maryland, Pennsylvania and Virginia to develop and implement an interstate Bay Management Plan.

My legislation will provide a maximum of $10 million in federal funds in each of the next four fiscal years to help the states turn their water pollution reduction plan into action. The federal grant money, to be administered by the EPA, will cover up to 55 percent of the total cost of implementing the plan in each state. Therefore, each state would have to contribute at least 45 percent.

The federal commitment to a healthier Chesapeake Bay must not end merely because the states are now the first line of defense against this water pollution problem. As the country's largest and most productive estuary, the Chesapeake Bay is as much a federal concern as a local one.

My bill also includes a $3 million authorization to insure that the EPA continues to conduct research and monitor changing conditions in the Bay. Special attention would be paid to the effect of pollutant loadings on the dwindling striped bass population.

Mr. Chairman, I am pleased to note today that my bill has received the support of the entire Maryland and Virginia Congressional delegations and over half of the members from Pennsylvania, three of whom are members of this subcommittee. In addition, the governors of Pennsylvania, Maryland and Virginia have all publicly endorsed the bill.

This high level of interest from federal and state officials in the Chesapeake Bay region represents an unprecedent effort to deal with the Bay's problems. We have begun to recognize that there is a mutual interest among the needs of all parties in the region. Residents on the Bay worry about non-point source pollution harming the aquatic life. Farmers who live near the Bay or in the Susquehanna Valley are concerned with finding ways to save money on fertilizer and improving their productivity by preventing further soil erosion. Problems such as these have too often been seen as being mutually exclusive and therefore incapable of a comprehensive solution. My bill initiates the kind of coordinated approach that begins the process of dealing with runoff and its harmful effect not only on the Chesapeake Bay, but on our farmland.

Finally, my legislation would provide $1.5 million in each of five fiscal years for the EPA to conduct research assessing the principal factors having an adverse effect on the environmental quality of the Narragansett Bay in Rhode Island. My bill also requires the Administrator of EPA to establish a mechanism for improving the collection, storage, analysis and dissemination of water quality data on the Narragansett Bay.

Mr. Chairman and fellow colleagues, the Clean Water Act is our nation's major legislative vehicle to improve water quality. The Chesapeake Bay, as our nation's largest and most productive estuary, warrants protection under its statutes. My legislation represents an important first step towards improving the Bay's water quality and assuring future generations that the Chesapeake Bay will continue to be a productive center for economic development and aquatic life. I urge its inclusion in this year's reauthorization of the Clean Water Act. Thank you, Mr. Chairman. I would gladly answer any questions you may have.●

MUCH MORE THAN COVERT AID

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RITTER. Mr. Speaker, I wish to insert in the RECORD an article from yesterday's Washington Times by M. Stanton Evans.

Mr. Evans clarifies the real moral issue involved in Boland-Zablocki: Not whether it is immoral to provide covert aid to insurgents fighting to overthrow a foreign government, but whether it is immoral not to give any aid—overt or covert—to persons defending their freedom against oppression by the Sandinista regime.

This aid cutoff is dangerous as it grants the Soviets and Cubans a privileged sanctuary on the American mainland, abrogates the Monroe Doctrine and, in effect, enforces the Brezhnev doctrine.

[From the Washington Times, Aug. 3, 1983]

(By M. Stanton Evans)

MUCH MORE THAN COVERT AID

The truly incredible nature of what the House of Representatives has voted concerning U.S. policy toward Nicaragua doesn't come through in most discussions of this topic.

What the public is being told is that "covert" or "secret" aid to the anti-communist rebels in Nicaragua would be suspended by the House amendment. This is made to sound like a vote for openness and honesty—to stop pretending we aren't doing something that everybody knows we are, as befits a democratic nation.

If that were in fact what the House had done, the vote would have something to recommend it. Since everybody knows by now that we have been helping the anticommunists in Nicaragua, it makaes us look both foolish and dishonest to act as if we aren't. Granted the need and desirability of covert action in certain cases, no good purpose is served by clinging to such a fig leaf here.

Moreover, a pretty good case can be made for overt assistance to the Nicaraguan "Contras." It is now established fact that the Sandinista government is a funnel for Soviet and Cuban arms and the proximate source of aggression against El Salvador and other nations in the region. That being so, our government should state that we're going to take whatever steps are needed to get such aggression halted—up to and including arms aid to the Contras. That's a perfectly sensible position, and there are plenty of data on the public record to support it.

Unfortunately, what the House has voted is nothing like this. Rather than requiring that aid to the Contras be open and above

board, it has voted that such aid be cut off entirely, with no ifs, ands or buts. The amendment it adopted requires that no official funds be disbursed if the outlay would have "the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua, by any nation, group, organization, movement, or individual."

The so-called "open" assistance authorized by this amendment would be aid to governments in the region—not the Contras. And, to make sure that no arms aid whatever could get through to the Nicaraguan anti-communists, the amendment further specifies that this assistance can't be transferred to any group that is trying to overthrow the Sandinistas. In other words, by adopting this amendment, the House was not voting against secrecy. It was voting against extending any aid whatever to anti-communist guerrillas opposing the Sandinistas.

What makes this the more remarkable is that the House Intelligence Committee, which devised and reported this amendment, has itself emphasized the crucial role of the Sandinistas in exporting revolution to El Salvador, and the flow of Cuban-Soviet aid into the region through Managua. Its findings in this respect, for instance, include the following:

"There is . . . persuasive evidence that the Sandinista government of Nicaragua is helping train insurgents and is transferring arms and financial support from and through Nicaragua to the insurgents. They are further providing the insurgents bases of operation in Nicaragua. Cuban involvement in Nicaragua—especially in providing arms—is also evident . . .

"A major portion of the arms and other material sent by Cuba and other communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas. The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material and propaganda activities.

"The Sandinista leadership sanctions and directly facilitates all of the above functions. Nicaragua provides a range of other support activities, including secure transit of insurgents to and from Cuba, and assistance to the insurgents in planning their activities in El Salvador. In addition, Nicaragua and Cuba have provided—and appear to continue providing—training to the Salvadoran insurgents."

Having made those findings, the committee then went on to recommend a total cutoff of aid to anticommunist Nicaraguans fighting against the Sandinistas. The House has followed suit, along the way negating a proposal that would have hinged this move to a cessation of arms aid by the Sandinistas to the Marxists in El Salvador. If the Senate concurs, the net effect would be to ensure the Soviets and Cubans a priviledged sanctuary on the American mainland—courtesy of the U.S. Congress. Rather different, wouldn't you say, from simply voting in favor of openness and honesty?●

WOMEN EXPLOITED BY ABORTION (WEBA) FIGHT ABORTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, of the 1.5 million abortions performed each year in the United States, it is estimated that over 150,000 second and third trimester babies are legally terminated. According to the Centers for Disease Control in Atlanta, approximately 500 babies actually survive the "procedure" and go on to be adopted. Thousands more survive momentarily, but receive no treatment whatsoever. Clearly, the unborn child is a pathetic victim whose right to live is predicated solely on whether or not he or she is wanted.

But it is becoming increasingly clear that they are not the only victims.

As Nancyjo Mann, founder of Women Exploited By Abortion (WEBA) points out in today's Washington Times, the women who abort are also victims.

Mr. Speaker, Ms. Mann should know. She had a saline abortion when her baby was 5½ months gestation. She gave birth to a dead baby girl poisoned by the salt. She has been through hell trying to deal with what she permitted a doctor to do to her baby. She feels she has been ripped off by the abortionist who trivialized the nature of the deed and conned by a legal system that stretches "freedom of choice" to include the painful destruction of children. She named her baby girl Shauna Marie.

In today's article she says:

Once they put the saline in there's no way to reverse it. And for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned, and suffocated to death. I didn't know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live.

Less than 1 year ago, Ms. Mann founded WEBA. Its 10,000 members all had abortions and are eager—despite the personal pain involved in going public—to get the message out that abortion exploits women. Two weeks ago, I met Ms. Mann. Articulate and sincere, I was impressed with her determination to make Americans—especially Congress—face the grim reality about abortion. I was particularly impressed with her compassionate concern for the women, the unsung victims of abortion.

I commend the article to you for your reading.

[From The Washington Times, Wednesday, Aug. 3, 1983]

WOMEN FORM WEBA TO FIGHT ABORTIONS

(By Tom Diaz)

NANCY JO MANN ON THE HORROR OF HAVING AN ABORTION AND OF THE MISSION OF WOMEN EXPLOITED BY ABORTION

Q: Tell us about your experience with abortion and its consequences.

A: My experience goes back to 1974, the month of October, 30th day—the day that I killed by baby girl. It was a second trimester abortion. I was 5½ months pregnant.

I went to the doctor because family members had pressured me, had encouraged me. There was no "Nancy maybe you should reconsider," because it was not my idea in the first place, it was theirs.

My husband had walked out the door and deserted us. The responsibility of three children was just too much for him. I went to my mother and my brother and asked, "What am I going to do?" And my mother said "It's obvious, Nancy, no man's going to want you with three children, let alone the two you already have. You're probably not going to amount to a hill of beans and you're probably going to be on welfare the rest of your life."

And following those three positive, uplifting statements, she said "You're going to have an abortion." Then she called one of the leading ob/gyns in the Midwest, and he said, "Absolutely, no problem. Bring her on in."

Q: Did he know at the time how far you were along?

A: Absolutely. He does all kinds of second trimesters, no problem.

I went in and I asked, "What are you going to do to me?" All he did was look at my stomach and say, "I'm going to take a little fluid out, put a little fluid in, you'll have severe cramps and expel the fetus."

I said, "Is that all?" He said, "That's all."

It didn't sound too bad. But what that doctor described to me was not the truth.

I went to the hospital and 60 ccs of amniotic fluid were drawn out, and a saline solution injected. Immediately the needle went through the abdomen. I hated Nancyjo, I hated myself. With every ounce of my being I wanted to scream out "Please, stop, don't do this to me." But I couldn't get it out.

Once they put in the saline there's no way to reverse it. And for the next hour and a half I felt my daughter thrash around violently while she was being choked, poisoned, burned and suffocated to death. I didn't know any of that was going to happen. And I remember talking to her and I remember telling her I didn't want to do this, I wished she could live. And yet she was dying and I remember her very last kick on her left side. She had no strength left.

I've tried to imagine us dying that kind of death, a pillow put over us, suffocating. In four minutes we'd pass out. We'd have that gift of passing out and then dying. But it took her an hour and a half just to die.

Then I was given an intravenuous injection to help stimulate labor and I went into hard labor for 12 hours. And at 5:30 a.m. on the 31st of October I delivered my daughter whose name is now Charmaine Marie. She was 14 inches long. She weighed over a pound and a half. She had a head of hair and her eyes were opening.

I got to hold her because the nurses didn't make it to the room in time. I delivered my girl myself. They grabbed her out of my hands and threw her, threw her, into a bedpan. After they finished and took her

away in the bedpan, they brought a lady in to finish her last hour of labor lying next to me. She had a healthy baby boy.

That was tough.

I liked Nancyjo, I liked me, prior to the abortion. But shame and remorse and guilt set in—I mean, when you get a hold of your own daughter and you see what you did. She was not a "fetus." She was not a "product of conception." She was not a "tissue adhering to the uterine wall." She was my daughter and I got to hold her, at only 5½ months, 22 weeks. So those are cheap, inhuman words to use around me.

I chose to be sterilized because I couldn't cope with the idea that I could possibly kill again. It was too devastating. It was not something you go around telling people, that you just killed your baby, no problem. I was ashamed, totally ashamed.

Q: But some people would say that although this experience obviously had a great impact on you, it is not characteristic of most other women who have abortions. Is your case unusual?

A: No, my case is not unusual at all. People want to say "Oh, but Nancy, you're the extreme." That's not true. In fact there are so many more of us than there are the other. The emotional hurt is so deep. You do not discuss your abortion, the suction machines and the needles and everything else, over a cup of tea and a cookie. Women just don't do this. The pain is just too deep and too great.

I'm sure there are women out there who are never fazed, never, by their abortion. But I would say that 98, 99 percent of them are fazed, whether it's for a small period of time or for the rest of their life, whether they suffer only a small degree or die from their abortions.

Q: How did WEBA—Women Exploited By Abortion—get started?

A: About one year ago I was talking to another recording artist who was pro-life. I asked what pro-life meant and he said he was anti-abortion. I said, "Hank, I had an abortion in 1974. I was 5½ months pregnant. It hurt so bad for so long."

He just about drove the car off the road. And he said, "Nancy, you've got to tell the story." So, a year ago I went public, founded WEBA.

Q: How many members do you have?

A: I'm a 10-month-old corporation and in 10 months I've gone from being two people, my vice president and myself, in two states, Virginia and Iowa, to now having 34 states with approximately 10,000 women in my group.

Q: What are some of the effects of abortion on women?

A: I have women who cannot vacuum their carpets. They have to have the neighbor or their husbands do it while they're at the grocery store, because of the suction sound. You see, the suction machine (used in many abortions) makes that sucking sound—it's 29 times more powerful than the vacuum we use in our home. The majority of the women aren't put to sleep. It's done without being put to sleep. It's heartbreaking to me that they can't run a vacuum cleaner—that's a deep wound.

One psychological effect we see almost all the time is guilt. Others are suicidal impulses, a sense of loss, of unfulfillment. Mourning, regret and remorse. Withdrawal, loss of confidence in decision-making capabilities. They feel that maybe they've made a wrong decision, maybe they can't make another decision right in their life. Lowering of self esteem. Preoccupation with death. Hostilities, self-destructive behavior, anger and rage. You can lose your temper quickly. A despair, helplessness, desire to remember the death date which is really weird but you do that. You remember the death date which is really weird but you do that. You remember these dates very strongly. A preoccupation with the would-be due date or due month. My daughter was due in early March, so in early March it's there.

An intent interest in babies but a thwarted maternal instinct. Women really are interested in babies, but I have many members who can't hold children. A hatred for anyone connected with abortion. Lack of desire to enter into a relationship with a partner, loss of interest in sex, and inability to forgive self, feeling of dehumanization, nightmares, seizures and tremors, frustrations, feelings of being exploited. And child abuse. We see a lot of child abuse.

I want you to understand that I do not come from any right to life organization. We are connected with no one. We remain neutral. But we are the ones they are all arguing about and discussing and debating. We are the voice of experience.

I told Congressman (Henry A.) Waxman, D-Cal., at a recent hearing,"Have you ever had your cervix dilated and the womb ripped open? Have you ever had tubes stuck inside of you and everything sucked out? Have you ever had needles stuck through your abdomen? Have you ever felt your baby thrash around and die? Have you ever had hard labor, delivered and held your baby? Because if you haven't, sir, you can't intelligently talk to me about this. We are the voice of experience. We've all had this done to us."

And that's a fact. So we hold our own ground, our own turf, our own territory.

Q: What is it that your organization does as a voice of experience?

A: We are a support group for those women who hurt—physically, emotionally, mentally and spiritually—from their abortions. We are there when the phone rings at 3 in the morning and someone is suicidal because maybe it was four years ago on that day and they still can't cope with it. We cry with them and talk with them. We are a support group. We also are a political group. I am classified as that, and I guess the strongest thing of what I intend to do—I intend to shut the abortion industry down. I intend to shut the abortion-on-demand industry down.

We also have rape victims and incest victims among our members—the other 3 percent (not abortion-on-demand). And every one of them is getting ready to go public, to speak very publicly—their full names, ages, everything. They're not ashamed. They know what happened to their lives. They became victims of an industry that is making lots of money, that was supposed to be a quick answer.

And now they're under psychiatric care, psychological care. Because of the abortion, not the rape and incest. They overcame the rape and the incest. Sure they needed help, but they overcame that. But they have had a very difficult time overcoming killing that innocent baby.

They heard of WEBA and they contacted us. And two of them were so brutally beaten they couldn't make it to the hospital in time. Pure rapes, I'm not talking about just a strong sexual aggressiveness. I'm talking about women who were brutally beaten, true rape victims.

Q: You talked about political activity. What's been your experience here in the Congress?

A: I testified two weeks ago before Rep. Waxman, Barbara Mikulski and a few other congressmen. It was a stacked hearing—14 to 1 doesn't sound very balanced to me. But I went in very open and honest with them. They sat very intently and very amazed at the story I had to tell about my organization, myself and my constituency, WEBA.

Barbara Mikulski said "I've never heard this side." I said, "No, Pandora's box got opened up 10 years ago and now you're just starting to see it." I predict that in five years we will see an epidemic of mental and nervous breakdowns among the women of this country. People are not going to know why and I'm going to be able to tell you why: because they've had an abortion, that's why.

It's a quick solution. Abortion is not an ending of problems, it's the down payment for a whole new set of problems. That's what it is. It doesn't get rid of them.

Q: Have congressmen been exposed to your view, the voice of experience?

A: No. I hear time and time again, "I've never heard this side before." "Are there many more like you?" they ask. And my answer is this. Take the 15 million of us who have, by legal abortion-on-demand, killed our babies. I will give 2 million or 3 million to Planned Parenthood, NOW or whoever they want. I will give another 2 million or 3 million who have two or three abortions without open remorse.

And justification to oneself is important here, by the way. I don't know how many women I told to go have abortions. Justification. It's like, if you can have a few more, go do what you did and kind of justify it, it makes it better. It makes it not quite so bad.

That still leaves 9 million of us who've been hurt in one way, shape or form or the other—psychologically, physically, emotionally or spiritually.

Q: So you believe that there are—by conservative estimate—perhaps 10 million women who suffered as you did?

A: I believe by very conservative there's 8 million who have been hurt.

Q: Where can they write or call? Or what can they do if they need somebody, such as your organization?

A: They can call or they can write. The address is WEBA, 1553 24th St., Des Moines, Iowa 50311. Or they can reach me at 515-255-0552, my business phone. If they hurt, if they're at a certain state, I may have a state representative where a girl can be with them and talk with them. I get so many women who have written me to say, "Thank God, there is somebody that I can now finally pour the whole thing out to."

And I'm thankful that I am a Christian because I couldn't carry that load. If you could read my mail . . . It started off where I'd get two and three letters a day and now they're wrapping it in bundles to bring to me. And I get mail from all over the world.

Q: Within 10 months this has happened?

A: In 10 months. There is such a need. No one thought 10 years ago of the aftermath. We're the aftermath.●

PARK SERVICE EMPLOYEES, ED JOHN, CLETUS YOUNKER, AND JOE SMITH CITED FOR BRAVERY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. BYRON. Mr. Speaker, the recent heroic efforts of three National Park Service employees have come to my attention and I am proud to share the happy results of this event with my colleagues.

The actions of Ranger Ed John, maintenance worker Cletus Younker, and maintenance foreman Joe Smith provides an example of good citizenship for those of us in Government and for all the American people. The brave deeds of the two maintenance workers who scaled a rock cliff with ropes to rescue Boy Scout Edward Hopkins, with no thought as to their own safety, are especially important to note.

We should recognize them and be inspired by their actions to extend a helping hand to another who needed assistance in a time of trouble. I am pleased that these courageous National Park Service employees are my constituents who are deserving of special commendation.

At this point, I include the article from the August 4, 1983, Washington Post which highlights their action.

[From the Washington Post, Aug. 4, 1983]

U.S. PARK EMPLOYES RESCUE BOY SCOUT

OLDTOWN, MD., August 3.—Two national park employes in Western Maryland rescued a Delaware Boy Scout today who was stranded on a cliff, officials said.

U.S. Park Service Ranger Ed John said Edward Hopkins, 15, of Wilmington, climbed about 75 feet up a shale cliff at the Chesapeake & Ohio Canal National Historical Park in Allegany County at about 10 a.m.

Park maintenance workers rappelled from the top of the cliff and lowered the Wilmington youth to safety. John said the scout was not injured.●

WILLIAM BELL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thurday, August 4, 1983

● Mr. VALENTINE. Mr. Speaker, as chairman of the Durham County, N.C. commissioners, William Bell has taken decisive and effective action to make local government more responsive to the needs of its citizens. I salute Mr. Bell for his outstanding achievements, and request that a recent article in the Raleigh News & Observer describing his life of challenge and struggle for opportunity be inserted in the RECORD:

ACTION REPLACES TALK FOR DURHAM COMMISSIONER

(By David Brown)

DURHAM.—In a county where 36 percent of the residents are black, dominated by a city whose population is almost half black, making government meetings accessible to working people and ensuring open hiring for government jobs are not small issues.

Yet for years, many felt that Durham County commissioners gave little more than lip service to those goals. With the election of the new chairman of the board last December, talk turned to action. By January the board had switched its meeting time from mornings to evenings, and in April it adopted an affirmative action plan for county government hiring.

The changes probably resulted as much from a major shift in the political leanings of the five-member board as from the influence of the new chairman, but to William Vaughn Bell, the means don't matter as much as the end.

His election as the board's first black chairman followed 10 years during which some said Bell was beating his head against a wall. He prefers to believe he was slowly building on a base he started when he joined the board just four years after coming to Durham, biding his time until the political climate warmed to his concerns for issues like growth and the problems of the disadvantaged.

"The feeling I got was that if an idea didn't come from the majority of the board, we weren't going to deal with it—it wasn't worth doing," said Bell, recalling years when he was not a member of that majority. "There's no question in my mind that being there makes a difference, even if you can't get things done.

"Even though you were not able to get done what you wanted to, you were there, and you could express the concerns of these people."

For Bell, it seems, "being there" has given way to "arrived."

At only 42, while juggling his job as an IBM executive, his leadership of a plastic molding company and his involvement in a non-profit community development corporation, he has some people encouraging him to climb higher in politics.

During a childhood divided between Washington and Winston-Salem, Bell learned a bit about the inner workings of the private and the public sectors, and the not-so-subtle differences between drinking fountains.

He left Washington at age 5 to live with his grandparents in Winston-Salem, but continued to spend summers at his mother's home near Howard University, visiting "every government building there was to visit."

In North Carolina, he saw the business world through the eyes of his grandfather, a messenger for Wachovia Bank and Trust Co. who also owned rental properties, and through an uncle who taught school.

Bell couldn't understand why the uncle shined shoes in hotel barber shops in the summer, until he found out it was a front—he was eavesdropping on businessmen for tips on how to invest what money he had.

"I was always impressed by any black businessmen I saw in the community," Bell said.

At the age of 6 or 7, he was independent enough to leave the church his grandparents attended, having found one he liked better.

Bell asserted his independence in other ways, some of which his Southern peers didn't understand.

"I would always refuse to drink at a fountain that was marked 'Colored'," he said. Summers in Washington, where racial separatism was not as pronounced, had left him feeling "I shouldn't be treated that way," he said.

"I could never understand the great disparity between what blacks had and what whites had in Winston-Salem."

Bell returned to Washington to study electrical engineering at Howard, and later got a master's degree while designing computers as a civilian working for the Army.

Though dismayed at the racial attitudes in Winston-Salem and in Florida while working there briefly, he also had noticed something positive about the behavior of blacks in the South. During his graduate school years in New Jersey, he was surprised at the number of students who left high school without career plans. In North Carolina, he said, there was an assumption that you were going to college or into the military.

"I didn't see the so-called role models for blacks in New Jersey that I saw in the South," Bell said. "I knew eventually I'd come back South. I could see things were changing."

Fate may have thrown him into politics when he reported to IBM in the Research Triangle Park in 1968.

While waiting for their house to be built, Bell and his family lived with another IBMer, Eugene Hampton, who was in the middle of a campaign for Durhan City Council. Hampton lost the election, but Bell gained his first exposure to campaign work.

Later Bell took the lead in a community organization's zoning fight with the county commissioners. Again, his side lost, but again, being there had helped. "I think we impressed the developers with our concerns," Bill said.

What impressed him was the amount of politics involved in getting things done.

The groundwork for black participation on the board of commissioners had been laid by Asa T. Spaulding, the former president of N.C. Mutual Life Insurance Co., the nation's largest black-owned financial institution.

In 1972, when Spaulding decided not to seek re-election as a commissioner, his political organization got behind Bell.

The early years, in the company of a well-established conservative majority on the board, were "frustrating in the sense that I was younger, and had some youthful ideas about how to get things done," Bell said, "I guess I was trying to bring a sensitivity to the board."

He talked to deaf ears about affirmative action, about scheduling meetings when working people could attend, about a stronger effort to attract blacks to various boards and committees. He finally told the board in 1981, "I don't like to bring up the racial bit (but) based on the way we're doing things, it looks like no changes in attitude."

Bell also was nagged by a feeling that Durham had missed the boat on residential and commercial development outside the Research Triangle Park. As Raleigh and Cary grew rapidly, he said, the absence of a clear water and sewer extension policy hindered Durham's growth.

He pressed for using revenue sharing money and for a bond referendum to spread water and sewer lines, to no avail against

other board members who thought the cost was too high.

The 1974 election of Spaulding's wife, Elna, did little to change the political makeup of the board. The breakthrough for her and for Bell came last fall with the election of a progressive Democrat, Rebecca Heron.

In addition to the affirmative action plan, the beginning of night meetings and an open nominations process for boards and committees, the board under Bell has liberalized water and sewer extension by having interested county residents contribute to the up-front costs.

"I don't think anything the board has done since I've been chairman should come as a surprise to anybody," Bell said. "I've been talking about these things for years.

Bell's chairmanship, Mrs. Spaulding said, "has made the board more coherent and consistent.

"He's an organizer. He knows when things are not working like they should be. He's a sophisticated politician."

A short, slim man, Bell has a way of looking relaxed in a sharp-edged blue suit and IBM spit-and-polish that would make others appear stuffy. But beneath the surface squirms an intense worker.

In his job as technical assistant to the company's manager of technological development, he is responsible for strategies on the technology to be used in new products. And he still finds time to head another company that employs 25 people and to plan a nonprofit corporation's effort to build an industrial park.

Tennis and jogging have mostly given way to the jobs and community work. An occasional getaway to the beach or to his grandparents' house on Badin Lake are about all the non-business traveling he cares to do. The divorced father of two children, Bell remarried in May.

At some point, he says, he probably will have to choose between IBM and politics. But for now, he is just smiling politely at those who say he should go on to state office. At this point state government seems to him too detached from the people it serves, and he is happier being closer to the results of local government decisions.

And he no longer has to be satisfied with just getting others to listen to him talk about the issues that concern him. Now they have to do something about those issues.

FOR THE RECORD—WILLIAM VAUGHN BELL

Born: Jan. 3, 1941, Washington, son of Willie Mae Mullen of Winston-Salem and William B. Bell of Burgaw.

Education: graduated from Atkins High School, Winston-Salem; undergraduate degree in electrical engineering, Howard University; master's degree in electrical engineering, New York University.

Family: wife Judith, two children by a previous marriage.

Honors: 1980 Community Involvement of the Year Award by the N.C. Human Relations Council.●

BROADCAST REFORM LEGISLATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SCHEUER. Mr. Speaker, the Subcommittee on Telecommunications, Consumer Protection and Finance is conducting hearings on broadcast reform legislation. This afternoon's hearing will focus on the issue of assuring responsiveness by broadcasters to a local community's needs.

Since the Communications Act of 1934 was enacted, the comparative renewal process has served as the primary mechanism through which a broadcaster's license could be challenged in order to provide a measure of accountability to better insure broadcaster responsiveness to community needs and interests.

Before this Congress acts to abolish or substantially modify the comparative renewal process, careful consideration should be given to situations such as the one involving radio station KTTL-FM of Dodge City, Kans.

I commend the following article to the attention of my colleagues.

[From the New York Times, May 18, 1983]

KANSANS PROTEST BROADCASTS OF HATE

(By Wayne King)

DODGE CITY, KAN., May 13—Nellie Babbs, a blunt-speaking woman, and her husband, Charlie, believe they are God's watchmen, keepers of a "trumpet of warning" that was given them to sound when they see "the enemy coming."

The trumpet, as the Babbses see things, is their little country music radio station, KTTL-FM. Some law-enforcement officials would like to silence that warning trumpet, and the Federal Communications Commission is debating the point.

The "enemies" about whom the station has sounded the alarm, in twice-nightly tape-recorded broadcasts throughout last fall and into February, are legion: blacks, Roman Catholics, Asians, public officials, the courts, the Internal Revenue Service and, particularly, Jews, which KTTL broadcasts have described as "the children of Satan" who "are going to go, at 2 and 3 and 4 in the morning, one way or another."

The station has suggested that listeners learn guerrilla warfare techniques, including garroting people in their sleep with lengths of rawhide; hanging public officials, "cleansing the earth" of "black beasts" and setting up roadblocks for ambushes for an impending racial Armageddon it says is sure to come.

A LINK TO PARAMILITARY GROUP

The broadcasts were prepared by two men described as paramilitary evangelists associated with an extremist vigilante group called Posse Comitatus, which has conducted guerrilla warfare training sessions in Kansas and in other parts of the country. Among those who have identified themselves as followers of Posse Comitatus is Gordon Kahl, a tax protester who has been indicated in connection with the killing of two Federal marshals Feb. 16 in North Dakota.

The call to violence in the broadcasts has sent a shock wave though this historic frontier town of 18,000 people, haunted through it is by the sixgun shades of Bat Masterson, Wyatt Earp and the tenants of Boot Hill.

KTTL, the only country music station within a 60-mile radius, broadcasts to a listening area in which fewer than 400 blacks and only a handful of Jewish families live. Its Hispanic listeners were among the first to complain. The broadcasts also drew fire from Senator Bob Dole, a Kansas Republican, the State Attorney General, Robert Stephan, and from other law-enforcement officials around the state.

DOLE SEEKS F.C.C. REVIEW

In a letter to the Federal Communications Commission, Senator Dole last Wednesday expressed his shock at "vicious racist remarks" and "terroristic threats" aired by the station. He urged "an immediate and thorough look to determine is the station's "intimidating racist programming can withstand the test of F.C.C. law."

The broadcasts have already generated a critical case for the commission. The station's license is up for renewal next month, and three area residents have filed a petition, orginated by a Washington-based public interest group called the National Black Media Coalition, to deny the license.

Another group in Dodge City, calling itself Community Service Broadcasting Inc., has asked the commission to the reassign the KTTL frequency to it, proposing extensive public interest programming.

The communications commission is not expected to take action on either petition for several months, probably extending the license on an interim basis until a bearing can be held.

A DIFFICULT CHORE SEEN

Despite the inflammatory nature the "sermons," the F.C.C. and communications lawyers say that taking away the Babbses license will be difficult.

Citing constitutional guarantees of freedom of speech and past challenges to other stations, Mark Solberg, the commission lawyer in charge of investigating the case, said those seeking the revocation had "a tough row to hoe."

The consensus among communications lawyers is that in the absence of a showing of obscenity, or a direct connection of the broadcasts to an actual act of violence, the F.C.C. will be powerless to act.

Instances of license revocations have been rare.

In 1972, when J. B. Stoner, a professed "white racist" candidate for the United States Senate from Georgia, attempted to get radio and television stations to air commercials saying that a vote for him was "a vote against the niggers," two stations refused the ads.

AGENCY RULED FOR CANDIDATE

The F.C.C., however, ruled that the stations had to accept the advertising.

"However abhorrent some speech might be," the commission said, "there was in this case no evidence of a clear and present danger of imminent violence which might warrant interfering with speech which does not contain any direct incitement of violence."

Three years earlier, however, after the commission refused to act on its own, Warren E. Burger, then a judge on the United States Court of Appeals for the District of Columbia, ruled that a Jackson, Miss., station, WLBT, had "violated its

public trust" by interjecting racial discrimination into its programming.

In that case, however, it was not the content of programs that was at issue, but rather such acts as the dropping of a "Bonanza" show featuring a black, and the premature cutting away from a network report showing whites attacking blacks.

The Babbses began broadcasting the tapes last June, after a visit by William P. Gale and James P. Wickstrom, the Posse Comitatus evangelists, who spoke at a meeting of area farmers and later supplied the station with tape recordings. A James Wickstrom has been identified as national director for counterinsurgency for Posse Comitatus. The Babbses say they broadcast the tapes for a fee paid by Mr. Gale's identity Church and donors they decline to name.

The station, which broadcasts automatically front pre-programmed tapes around the clock, discontinued the Gale-Wickstrom broadcasts in February, but Mrs. Babbs says she did so only because she ran out of recorded messages.

However, opposition to the broadcasts coalesced in late January after a competing Dodge City radio station, KGNO, began airing editorials urging citizens to petition the F.C.C. to deny KTTL renewal of its license.

COMPLAINTS FROM LISTENERS

Robert Kirby, the general manager of KGNO, said he first monitored KTTL on Jan. 21, after receiving a number of complaints from his own listeners. The program he heard was titled "Victory with Jesus," by Mr. Gale. Some excerpts from it, from a tape recording provided by Mrs. Babbs, are as follows:

"Yes, we're gonna cleanse our land. We're gonna do it with a sword. And we gonna do it with violence. 'Oh,' they say, 'Reverend Gale, you're teaching violence.' You're damn right I'm teaching violence! God said you're gonna do it that way, and it's about time somebody is telling you to get violent, whitey."

And it continued: "You better start making dossiers, names, addresses, phone numbers, car license numbers, on every damn Jew rabbi in this land, and every Anti-Defamation League leader or J.D.L. leader in this land, and you better start doing it now. And know where he is. If you have to be told any more than that, you're too damn dumb to bother with. You get these roadblock locations, where you can set up ambushes, and get it all working now."

Excerpts from other broadcasts by Mr. Gale and Mr. Wickstrom that were filed with the petition to the F.C.C. in Washington, or collected by the office of Attorney General Stephan, are replete with similar statements.

The Babbses maintain the quotations are "taken out of context."

Mr. and Mrs. Babb, in taking a stance common among Posse Comitatus adherents, have refused to pay their property taxes, and the station's receipts have been attached by the state.●

EXCHANGING LAND IN HAWAII

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. COLLINS. Mr. Speaker, the Committee on Government Operations has oversight of the disposal and Federal surplus property. It has assigned that duty to the Government Activities and Transportation Subcommittee. As chairwoman of that subcommittee, I wish to inform the House of a strange provision which the Senate Appropriations Committee has reported as an amendment to H.R. 3363, the Department of the Interior and related agencies appropriations bill, 1984. Section 318 of the reported bill is a special relief measure for three private property owners on the main island of Hawaii. They own a total of over 640 very valuable acres in an area which section 505 of Public Law 95-625 designated for National Park Service acquisition as the Kaloko-Honokohau National Historical Park.

Section 318 of H.R. 3363 would direct the Secretary of the Interior to seek to acquire these acres by using, in effect, the General Services Administration's surplus property as the means of payment. After negotiating an agreement with the landowners, on the basis of appraised values. The Secretrary would issue dollar credits to the landowners instead of paying them cash. The landowners, or persons to whom they sold the credits, would then use the credits, like scrip, to pay for any surplus property anywhere in the United States that GSA has put up for competitive sale.

The landowners complain that because their property is in a designated park area and because the National Park Service has no present plan to buy the property, they cannot sell it for anything like true value. Three years ago, a special legislative provision was enacted in the Treasury-GSA Appropriations Act (Public Law 96-514) designed to aid these same landowners by permitting them to exchange their lands for Federal surplus lands of equivalent value. As GSA construed it, however, the provision was applicable only to surplus property in Hawaii.

This provision, if enacted, would cost the budget millions of dollars, not appropriated dollars, of course, but revenue dollars already budgeted as proceeds of surplus property sales. This provision, if enacted, would lead to acquiring, at the expense of budget receipts land for an additional national park when the administration and the Congress have severely limited funds for such acquisitions.

We are talking about property of extremely high value. At one time, there were estimates that the total value of the three parcels exceeded $60,000,000.

The Committee on Government Operations will be trying to get a fuller explanation of the circumstances of this case. I would be interested to learn the answers to several questions: Why this administration has seen fit to support here a truly major exception to its present land-sales-for-cash policy. Why these landowners' situation is unique and worthy above any other involving landowners in similar circumstances. Why those who support this provision have no apparent qualms about creating a difficult precedent that would have to be explained to other private landowners in similar predicaments. Why the Interior Department does not propose use of moneys in the land and water conservation fund for purchase of these lands. Why effort to apply the existing statutory provision is not employed that apparently authorizes exchanging these lands for Federal surplus lands in Hawaii. And I would be interested to learn more about the extensive and intensive lobbying that appears to have marked this case for so long.

Mr. Speaker, I do not doubt that this case may involve hardships for the private landowners concerned. I should like to understand, however, the justification for such a departure by our Government from evenhandedness in providing relief to all worthy claimants for similar relief.

I hope all Members will want to have such explanations before there is any House consideration of this provision.●

STENHOLM-STANGELAND BILL TO REFORM THE DAVIS-BACON ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. STENHOLM. Mr. Speaker, at a time of $200 billion deficits and intolerably high unemployment, it is increasingly unjustifiable and unfair to continue ignoring meaningful steps Congress can take to address these and other serious economic problems. One significant, yet obvious and relatively simple, way to save billions of taxpayers' dollars, create thousands of new jobs, increase the competitiveness of small businesses, and spur a stronger economic recovery, is to reform the Davis-Bacon Act.

With this in mind, Congressman STANGELAND and I are today introducing legislation to amend the Davis-Bacon Act and related statutes. Our bill will provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, and reduce unnecessary paperwork and reporting requirements.

There is a crying need for such reform. The Washington Post, New York Times, Chicago Tribune, Miami Herald, Portland Oregonian, and Albuquerque Journal are only a few of the

dozens of newspapers and magazines that have criticized the act, calling it, among other things, an albatross and bad law.

It is widely estimated that paying Davis-Bacon wages, rather than market wages, inflates the costs of Federal construction contracts by $1 billion or more a year. Overall, application of Davis-Bacon needlessly increases costs by 5 to 15 percent—GAO estimate—according to an extensive study conducted by Oregon State University, the disparity between Davis-Bacon and market wages is still greater in rural areas. Therefore, a law that was meant to guarantee that wages on Federal projects would reflect local prevailing wages, instead, guarantees that the taxpayers will pay the highest wages. To make matters worse, these artificially higher rates then spread from Government to private construction, fostering an escalating superminimum wage rate for the industry; both rates, in turn, become the basis for the next round of Davis-Bacon rates. The total inflationary ripple effect on the rest of the economy has been estimated to be as high as $20 billion a year.

Another problem arises because rural areas often have wage bases and worker classifications that bear little resemblance to those of nearby urban areas; yet they are frequently lumped together to determine a prevailing wage. In general, because they tend to be more labor-intensive, small businesses and rural contractors have been forced, under the Davis-Bacon Act, into artificially uncompetitive, disadvantageous positions vis-a-vis large contractors.

In its present form, as historically applied by the Secretary of Labor, Davis-Bacon prevents creation of new jobs—100,000 or more every year. Because the act spreads around any given number of Federal dollars to too few workers, and because it has seldom allowed for entry-level helper classifications, the prime victims of Davis-Bacon become obvious: Women, minorities, and younger job-seekers; the less skilled, marginally employable, and structurally or hard core unemployed. In short, precisely those disadvantaged persons in our labor market who need help the most.

Because of these problems, and others, we are introducing a bipartisan bill to clarify and improve the Davis-Bacon Act. This will be reform, not repeal, legislation. The Davis-Bacon Act was passed in 1931, in response to the Great Depression. Some of its purposes were and are valid and we seek to reaffirm these, while making the act more cost effective in today's world. Along these lines, Congressman STANGELAND and I have been working for the past several months to fashion legislation which, we are confident, is the fairest possible to the American worker, small businesses, and the average taxpayer.

Briefly, the legislation we are introducing would accomplish the following:

First, the threshold contract amount that triggers application of the Davis-Bacon provisions would be increased from $2,000, an amount unchanged since 1935, to $1 million; this would encourage much greater participation by small business in Federal construction projects. Small businesses, especially, have been discouraged from bidding on and entering into such Federal contracts because of the costs added by Davis-Bacon.

Second, locally prevailing wages will be determined according to the particular urban or rural subdivision of the State in which the work is to be performed.

Third, rather than leaving it up to the Secretary of Labor or, as is now occurring, the courts, this bill would clarify the definition of prevailing wage as the entire range of wages paid to the corresponding class of workers in a given area. This will more accurately and more economically reflect true local prevailing wages, rather than continue the often-used practice of basing this figure on the 30 percent of the class of workers with the highest wages.

Fourth, wage data of Federal projects would be excluded from calculations of locally prevailing wages. This preserves and better carries out the original intention of the Davis-Bacon Act, by allowing Federal wages to reflect local wages, rather than use one round of wages on Federal projects to unrealistically inflate the next round of Federal wages.

Fifth, a separate class of helpers would be recognized. Helpers were never meant to be excluded from the original act, which mentioned only corresponding classes of laborers and mechanics. However, in practice, helpers have been recognized on only a very limited basis, with the result that less-skilled workers are denied opportunities for jobs for which they are qualified and costs are, again, unrealistically inflated.

Sixth, paperwork reporting requirements would be lessened. The Copeland Anti-Kickback Act of 1934 required contractors to furnish weekly statements with respect to wages. Department of Labor regulations have interpreted this by requiring weekly complete payroll records and a "Statement of Compliance." The ensuing deluge of paperwork has hardly been effective as an enforcement tool, and have been an unfair burden especially to small businesses. This bill would require, instead, a statement of compliance with respect to wages to be filed at the beginning and end of the contract period. This makes much greater sense in view of Labor Department reports that effective enforcement comes not from examination of the weekly reports but rather from spot checking carried out by the contracting agencies.

Congressman STANGELAND and I, along with over 75 original cosponsors of this legislation, believe the time has come to improve the provisions and the administration of the Davis-Bacon Act, not through conflicting court decisions and transient administrative regulations, but through clear congressional action.●

RESOLUTION TO PRESERVE EDUCATION PROGRAMS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MILLER of California. Mr. Speaker, I am introducing today a concurrent resolution expressing the House's opposition to the administration's planned reorganization of the Department of Education. In addition, this resolution urges the Secretary of Education to postpone further action on the reorganization plan until the General Accounting Office has determined that the reorganization will not diminish the effectiveness of affected programs.

I am pleased to be joined in this effort by Senators DODD and HOLLINGS, who yesterday introduced identical legislation in the Senate. Senators DODD and HOLLINGS and I have writen the Comptroller General requesting a study of the reorganization proposal.

The administration's plan would consolidate and reduce the personnel levels of a variety of programs designed by Congress to assure equal access to quality education for minorities, the disadvantaged and women. Programs directly affected include: Chapter 1, Compensatory Education; chapter 2, block grants, Indian education, migrant education, the Women's Educational Equity Act program, and title IV of the Civil Rights Act of 1964—Equity Training and Technical Assistance.

In addition, cuts are being proposed in the Office of Vocational and Adult Education, the offices of the Secretary's regional representatives, and in the Office of Student Financial Assistance.

In essence, Mr. Speaker, the administration is attempting to achieve through administrative methods a goal which Congress has repeatedly rejected: the gutting of the Department of Education.

In light of the President's recent campaign on behalf of quality education and in defense of his record on civil rights and women's issues, the planned reorganization is especially

ironic. Indeed, the President's actions provide a more accurate measure of his commitment to equal rights and equal education than his rhetoric.

In the past 18 months, the Department of Education has lost 1,900 employees, comprising over 25 percent of the entire staff. The planned reorganization will add at least 200 more to this number.

More important than the sheer number of employees lost, however, is the loss of expertise that will result from the consolidation of positions, downgrading of job descriptions, and early retirements. Programs of demonstrated effectiveness will be staffed by fewer, less experienced staff.

The resolution I am introducing today addresses the concern for maintaining program effectiveness. Our goal is not to obstruct the Department's managerial discretion, but to establish that the goals intended by Congress in the creation of these programs will not be compromised. It is the obligation of those who propose to reorganize the Department to prove that that action will enhance our educational programs.

I believe it is essential that we determine the potential losses in service delivery and human resources before this plan is put into effect. We cannot condone yet another attempt on the part of the administration to achieve budgetary fixes at the expense of essential civil rights and educational programs.

A copy of the text of the resolution follows:

H. CON. RES. 137

Whereas, education is an essential attribute of our democratic society;

Whereas, all students should have access to quality education regardless of their race, national origin, sex, economic background, or handicapped conditions;

Whereas, Congress is committed to furnishing adequate financial and personnel resources to assure access to education;

Whereas, the Congress has established programs of educational assistance to enhance the ability of important segments of our population to reach its full educational potential, including programs for native Americans, children of migrant workers, and disadvantaged children, as well as programs to assure equity of educational opportunity for women and minorities;

Whereas, the programs have a proven record of effectiveness in helping to provide these citizens with realistic opportunities to achieve educational excellence; and

Whereas, current proposals of the Department of Education to reorganize and consolidate programs and to make severe reductions in the personnel necessary to carry out program mandates threaten to undermine their efficient operation and future effectiveness: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the current organizational integrity and personnel strength for programs in elementary, secondary, adult, and vocational education in the Department of Education should be retained.

SEC. 2. The House of Representatives urges the Secretary of Education to postpone further action on the reorganization proposals described in the preamble of this resolution until a study by the General Accounting Office determines that the reorganization would not reduce the ability of the Department of Education to achieve the goals intended by Congress when it authorized the affected programs.

SEC. 3. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Secretary of Education.●

IN MEMORIAM OF HAL STROUBE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FAUNTROY. Mr. Speaker, on Thursday, July 21, 1983, our city lost a fine and cherished citizen and I lost a most helpful and valued friend, Hal Stroube.

Prior to arriving in Washington, D.C., Hal had an extensive and varying career which, after retiring from the U.S. Army in 1950, included: sports writer/editor assignments throughout Cairo, Ill.; public relations positions with Bechtel Corp. in southern Illinois in 1954; writer/editor for Bechtel Briefs in San Francisco, Calif.; head of public relations with Pacific Gas & Electric Co. (San Francisco) in 1962, during which time he became involved with the siting of Pacific's Diablo Canyon Nuclear Plant; and public relations manager for San Luis Obispo Bay Properties, also in San Francisco. Another major stance before his arrival to Washington was that of consultant to several energy clients, during which time he became well known for his efforts surrounding California's unsuccessful attempts to pass proposition No. 9.

Hal came to Washington in 1972 to work for the Potomac Electric Power Co., as director of communications. He remained with PEPCO until 1977, during which time he became familiar to many of us as PEPCO's spokesman on radio and television. After leaving PEPCO, Hal ventured further in the public relations field as vice president, Washington office director of Underwood, Jordan Associates, a New York-based firm.

It was through his work first with PEPCO and then with Underwood, Jordan that I came to know him and to work with him on many undertakings that aided my office, helped this city, and most especially, helped in the effort that resulted in passage of the full voting rights constitutional amendment, a proposed amendment to the Constitution that would provide representation in the House and the Senate for the citizens of his adopted city. It was his work that helped us reach so many Members whose help we needed. Following passage of the amendment, Hal continued to work with me in seeking out new ideas. I remember his efforts so well and I will always remember his willing helpful hand.

In 1981, he founded and headed his own firm, Hal Stroube Communications, which specialized in coordinating/establishing consumer relations with public utility companies. Hal continued to manage his firm up until his untimely death.

It is extremely hard for me to say goodbye, and especially so to a good friend and associate. He lived an extensive, exciting, and good life. He has left us in body, but his spirit and the memory of his relentless efforts remain. I will miss him. His family will also miss him. I extend my condolences to his lovely wife Rosalie; his daughters Mary K. and Laura; his stepchildren Trey, Todd, and Caprice Taylor; his parents retired Army Colonel and Mrs. E. O. Stroube; a sister Johanna Zubras; his grandchildren and other relatives.●

THE ROAD TO WAR IS PAVED WITH GOOD INTENTIONS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. OTTINGER. Mr. Speaker, what peace can be had by baring our military muscle and threatening Nicaragua into calm democratic waters? Warmongering may not be the President's intent, but that is his effect. For all his protestations that he seeks only peace and prosperity for our southern neighbors, Mr. Reagan's military posturing on Central America is leading us every day closer to violent, armed conflict in that region.

I commend an article in the New York Times by John B. Oakes to my colleagues' attention:

[From the New York Times, Aug. 3, 1983]

REAGAN'S PATH TO WAR

(By John B. Oakes)

Unless he is stopped by Congress—and only Congress and the force of public opinion can stop him—Ronald Reagan could plunge this country into the most unwanted, unconscionable, unnecessary and unwinnable war in its history, not excepting Vietnam.

Mr. Reagan sees "the trouble" in Central America as coming "from outside the area," as "revolution exported from the Soviet Union and Cuba." His response is to dispatch huge naval and air armadas to the waters off the Nicaraguan coasts and thousands of American troops to the ranchlands and jungles of neighboring Honduras.

If the revolutionists in Nicaragua and the guerrillas in El Salvador whom they support do not capitulate before this display of American might—as they almost certainly will not—President Reagan has left himself little choice between reversing his Central

America policy and moving in which American guns, planes and men.

Since the premises of Mr. Reagan's policy are wrong, his actions stemming from that policy are wrong. Latin America's revolutions, including Mexico's Cuba's, El Savador's and Nicaragua's, are home-grown, not "exported" from anywhere else. The undoubted Communist influence on these revolutions—always strong and always inevitable—cannot be nullified by external military force, as even Mr. Reagan should have learned from the Bay of Pigs and the events that followed.

These revolutions and revolutionists can be a threat to our security (a minor one at that) only if we force them completely into the Soviet corner and isolate them there. Neither the Russians nor their agents nor their disciples can do as much harm to the long-term interests of the United States as we are doing to ourselves by imitating them in trying to impose our style of democracy on people who may be totally unready or unsuited for it.

Because of the brutal purge of Central American experts as soon as he took office, President Reagan had no one around to tell him that the Sandinista arms buildup in Nicaragua might just possibly not have been impelled by the desire to conquer all the rest of Central America for Castro and Marx. It might have stemmed from genuine fear, founded on history, of direct American military intervention, fantastic as that may have seemed to Mr. Reagan at the time. It doesn't seem so fantastic today—certainly no more fantastic than what he is doing right now to Honduras.

He is remilitarizing this pathetically poor and helpless country just as it is emerging from years of military rule. He is undermining its fragile democracy and indirectly inciting open warfare between Honduras and its neighbors. He is using Honduras not only as a springboard for Nicaraguan "contras" but also as a training ground—on the cheap—for Salvadoran Government troops.

Perhaps no one in the Reagan entourage knew that the last Central American war—a brief but savage one just a few years ago—was between El Salvador and Honduras. The two countries have had a historically unfriendly relationship. The presence of Salvadoran troops on Honduran soil is a prescription for trouble—for which Mr. Reagan again will have to bear the responsibility.

The record in Guatemala is no better. Guerrilla warfare has been smoldering there for at least 20 years. Even less than El Salvador, less than Nicaragua, did Guatemala need Castro or Marx or Communist propaganda to pit rich against poor, oligarchy against peasantry, army against guerrillas. While gross national product has gone up, the living standard of 80 percent of the population has gone down as large-scale agriculture has pushed the Indian peasants into ever less fertile and ever less productive areas in which to grow their own scanty food.

Guatemala's born-again president, who was catapulted into power after a post-election coup last year, may be somewhat less bloodthirsty than his infamous predecessors, but they at least did not have the temerity to claim, as he does, that they were in direct personal contact with the Almighty. Because President Efraín Ríos Montt talks to God and not to Marx, the Reagan Administration can think of nothing better to do with American power and money than to resume the military support that was cut off several years ago because of Guatemala's abominable human rights record. American military supplies have no purpose in Guatemala but continued repression of the Guatemalan people, particularly its large Indian segment.

The growing military involvement of the United States in Nicaragua, Honduras and Guatemala—as well as in El Salvador—may stimulate Mr. Reagan's ego and self-image as "standing up to Communism"; but it is painfully clear that it does nothing to enhance our national security or the welfare of the people of Central America.●

"WHISTLE BLOWING" PROGRAM

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ENGLISH. Mr. Speaker, Cliford McKenzie blew the whistles to the tune of $20,000 in abusive acts by fellow Bureau of Indian Affairs workers. But now Mr. McKenzie is only whistling the blues after the BIA superiors said curtains to his act and his job.

Since taking office, President Reagan has repeatedly attacked Federal improprieties. A major arsenal in President Reagan's war against Federal fraud, waste, and abuse entails Federal workers personally reporting irregularities which they discover from within the bureaucracy. The "whistle blowing" program is supposed to afford protection against worker retailiation based upon such reports. The Government, however, apparently did not provide the protection to Cliford McKenzie. After discovering and reporting $20,000 in improper travel pay advances to BIA officers. McKenzie experienced 10 months of professional harassment, culminating with BIA officials firing him from his job.

I do not know how many Mr. McKenzie's there are on the Federal payrolls. But, certainly instances like this would cause most Federal workers to think twice before participating in the "whistle blowing" act. I am submitting for the RECORD the following article highlighting Mr. McKenzie's case.

[From the Tulsa World, July 24, 1983]

GOVERNMENT TATTLETALE FINDS LAW NO BIG HELP

(By Malvina Stephenson)

WASHINGTON.—An Oklahoma Kiowa Indian who tried to be a whistleblower for Uncle Sam and lost his job in the process has now gone to court seeking reinstatement.

Cliford McKenzie has a hardship story to tell which reveals some basic flaws in the whistleblower program—a pet project of Tulsan Joe Wright, chairman of the President's Council on Integrity and Efficiency.

McKenzie's frustrating experience would discourage other federal workers—46,000 in Oklahoma—for volunteering in the Reagan Administration's much-touted war on 'waste, fraud and abuse.' McKenzie, a University of Oklahoma accounting graduate, quietly tattled on his supervisors in the Bureau of Indian Affairs for alleged irregularities. Then, he says, the Inspector General of the Interior Department, in violation of the law, tattled on him, and his job performance was downgraded by those he had exposed.

Although McKenzie won a rare "bench decision" at the Denver regional hearing in January 1982, the BIA appealed to the Merit Systems Protection Board (MSPB) which so far has failed to act. All that time, McKenzie has been dangling off the agency payroll, without even a 'thank you' from anybody for his trouble.

Meanwhile, Wright also has been prodding the MSPB for a decision, but so far only uncertainty and confusion for McKenzie. At one point, the MSPB lost his records, and McKenzie suspects the BIA tampered with the replacement they provided.

Now, McKenzie has turned to the federal court to force a decision from the MSPB. He filed a writ of mandamus against the MSPB, charging that he has been denied "due process of law" by the delay and that the MSPB has the "nondiscretionary" duty to rule.

A spokesman for the MSPB says the board has been bogged down with hundreds of cases involving the air traffic controllers, but McKenzie scoffs at this excuse.

"They have been telling me that for over a year," he said.

Under a policy that has been widely criticized, the MSPB does not restore a fired employee to his job after he wins his case at the initial hearing. This is a reversal of the previous policy of the old Civil Service Commission which was succeeded by the new system in 1979.

"It's unforgiveable when you look at the effect it has on individuals' lives," declared Mark D. Roth, acting general counsel of the American Federation of Government Employes. "We have instances where employes marriages were broken up, people forced to move out of their homes, and actually leave their home cities to find other employment, awaiting the final decision."

McKenzie's troubles started in November, 1980, when he reported $20,000 in travel advances to BIA employes accumulated but never used. He also revealed $34 million in missing equipment, some of which his supervisor told him to write off.

The 16 staff members McKenzie reported delinquent in repaying travel expenses were ordered to do so, but apparently not fired. McKenzie's supervisor was demoted one pay grade and transferred to the BIA office in Minneapolis, while McKenzie, himself, was demoted out of his job—for alleged "incompetence" as rated by those he had targeted.

McKenzie won an emphatic victory at the Denver regional hearing. The MSPB attorney-examiner stopped the proceedings midway and ruled that the BIA charges of "incompetence" were so flimsy that his defense need not be presented.

But, under the present policy, McKenzie was not reinstated by this vindication. The BIA appealed to MSPB, keeping him out of his job and leaving him and his family to scrounge the best way they could.

"There are dozens of such cases," declared Roth, the AFGE counsel. "It is very unfair and inefficient. Those finally reemployed will get back pay, while their substitutes were also being paid in their absence. It is a double cost to the government, besides the personal hardships."

McKenzie said they moved back to Oklahoma from Colorado where he had worked

for BIA. He and his wife, with two children, lived with relatives for five months, and he was unemployed for eight of the 18 months he has been trying to get a decision from the MSPB.

After returning to Oklahoma, McKenzie first got a job as administrator for the Kiowa tribe. Now, he has a similar position with the Cheyenne-Arapaho tribe at $33,000 a year, based at El Reno. But he has nearly 13 years invested in his BIA job and he wants it back.

McKenzie's Washington attorney, Barry Trilling, says he has several cases of federal whistleblowers complaining of unfair treatment:

A Vietnam veteran who reported "waste and mismanagement" at the U.S. Patent and Trademark Office. He was fired just days before he would get permanent status and thus faced even more difficulties than McKenzie. His case is now pending in the U.S. District Court here.

Another appellant discovered "millions of dollars of abuse" in an unidentified agency. The employee brought this to the attention of the General Accounting Office and management corrected what he had cited. But, this worker ended up fighting for his job with an "adverse" performance rating. In a compromise, he went to another agency, and no suit was filed.

In New Jersey, a woman attorney for the U.S. Army reported that colleagues were engaged in private practice on government time. Now, in the face of retaliation, she is charging sex discrimination and violation of her constitutional rights.

Just from his own experience, McKenzie says, "I certainly would not blow the whistle again. It's not worth it. I personally think it is a phony program. The so-called protection (for employees) just does not exist."●

TRIBUTE TO SHALON RALPH

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FAUNTROY. Mr. Speaker, again I must undertake a sad task and say goodby to a friend and a gentleman I have come to respect for his efforts in the fight for justice and equality. Shalon Ralph left this life on July 20, 1983, after suffering a heart attack while hospitalized in Bethesda's Suburban Hospital.

A retired Air Force colonel, Shalon was born in Lebanon, Pa., and lived in Chevy Chase, Md., for many years. He attended the University of Pennsylvania and earned both his bachelor's and law degrees there. He served in the Army and Air Force during World War II. After the service, he continued his legal career as an attorney for the Foreign Claims Settlement Commission from 1964 to 1971, after which he entered his private practice. Until his retirement in 1982, Shalon specialized in equal-rights issues. Two of the more outstanding cases on which he devoted a vast amount of time and effort included George Foster—where he was successful in obtaining legal fees granted to employees who prevailed in discrimination cases—and Sylvia Gee—in which he succeeded in reversing a policy using time-in-grade policies in opposition to black employees. He also worked with the ethnic employees of the Library of Congress, the black employees of the Library of Congress, for the Senate Special Committee on Aging, and the National Council of Senior Citizens senior aids program. He was also a member of the Lawyers Committee for Civil Rights.

My condolences are extended to his entire family: his wife Ruth, daughter Diana, sons Kenneth and Laurence, five brothers, one sister, grandchildren, and other relatives.

A great man has passed. However, his memory will continue because his efforts affected so many lives, including mine.●

NATIONAL COMMISSION ON INDUSTRIAL COMPETITIVENESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LaFALCE. Mr. Speaker, a few weeks ago the President announced the establishment of a National Commission on Industrial Competitiveness, and named as its chairman the president of Hewlett-Packard, John Young. Shortly thereafter, on July 18, I brought to the House's attention my concern about whether this newly announced Commission would be a truly effective action-oriented body addressing itself to the formulation of an American response to the challenge of international competition.

I believe such an entity is very much needed in this country right now, and the bill I introduced in March of this year calling for a Bipartisan National Commission on Industrial Competitiveness (H.R. 1896) would create such a body.

I voiced my concern in July—and I continue to voice it—because the President's Commission is apparently going to be neither bipartisan nor sufficiently oriented toward making the type of study and recomendations that I believe our present position in the global competitive picture requires. The mandate of the President's Commission is to produce a report by September 30, 1984, just 1 month before the 1984 Presidential election. I questioned whether the Commission's mandate would lead merely to a campaign tool for the administration.

Apparently my concerns, and my questions, are not mine alone. I want to share with my colleagues an article raising some of these same issues that was written by Stephen Barlas and brought to my attention through a reprint in the San Jose Mercury of July 22, 1983. The text of the article follows:

[From the San Jose Mercury, July 22, 1983]

LOW-PROFILE LAUNCH FOR HIGH-TECH COMMISSION

(By Stephen Barlas)

The White House Commission on Industrial Competitiveness—the Reagan administration's first high-tech initiative—was launched with such a low profile that it immediately sank out of sight.

Ed Harper, the chief White House domestic policy aide and high-tech majordomo, says the commission reflects Reagan's ballyhooed State of the Union commitment to "keeping America the technological leader of the world now and into the 21st century."

But announcement of the commission was confined to a routine press release on June 28, even though the president held a press conference that day. Harper aides wrote a few paragraphs for the president to slip into his introductory statement at the press conference. But those paragraphs were never approved.

By keeping its supposedly significant high-tech foray a secret, the White House surprised John Young, chairman of the commission and president of Hewlett-Packard. On June 29, Young was at H-P's Palo Alto headquarters, expecting a barrage of inquiries from reporters. No one called. The next day, the only press mention he could find was a short squib from UPI identifying him as general manager of Hewlett-Packard's microwave division, a job he'd held 20 years before.

There may be more than a little understatement in an H-P spokesman's description of Young as "a bit surprised" at the commission's fumbled debut. Young "is not going to spend two minutes on this thing if he feels it is not well directed and supported—he'll drop it like a hot potato," the spokesman said.

According to this source, the White House later explained that the commission simply "got covered up" by the Carter briefing book affair. Young was assured there would be a replay—"a big announcement." That's expected within a week.

Apparently it has taken longer than expected to select the commissioner's 24 other members. Young remains the only one publicly named. Harper admits the White House has moved slowly, he attributes delays "to our own bureaucratic slowness."

And there are other problems. Harper, a former vice president at Emerson Electric where he concentrated on business strategy, was to direct the commission. Harper gets good grades for elevating the visibility of high-tech concerns within the White House. But he recently announced he is leaving the administration for private business.

The high-tech community apparently has more to worry about than the commission's inauspicious launch. The White House sees the commission as an instigator of a national debate on how technology can enhance American international competitiveness.

But according to Wendell Gunn, a Harper aide handling the commission, the administration is concerned about finding ways to use high technology to help industries such as auto and steel. Strengthening the high-tech sector for its own sake is a low priority for the White House, although Gunn thinks helping steel means helping semiconductors.

But he adds, "Trade issues of particular concern to high-tech companies are not a primary focus of this commission." He also points out "some of the biggest developers of high technology are big manufacturers like GM and Chrysler."

While the administration believes more talk is needed, one would have to be near deaf to have missed the coast-to-coast teeth gnashing over faltering U.S. competitiveness that has ground on for the last few years. Action, not just a commission, is called for.

But temporary inaction may be in the White House's best political interests. The commission is scheduled to present its prescriptions in September 1984. The presidential election will then be about a month away. Reagan, who seems likely to run, will have just enough time to use the commission recommendations in the campaign.

Whatever the White House's political motives, it is easy to be skeptical about the new Young Commission if one examines the fate of the Commission on Productivity chaired by former Treasury Secretary William Simon. It endorsed 44 recommendations last April. They were never even published. William Seidman, co-chair of that commission, says "none of them were major, earth-shaking things."●

MINNESOTA AND ONTARIO SET EXAMPLE ON ACID RAIN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. VENTO. Mr. Speaker, in today's St. Paul Pioneer Press, an article written by Allen Short reports an historic acid rain study pact between the State of Minnesota and the Canadian Province of Ontario.

I strongly commend the Minnesota Pollution Control Agency Director, Sandra Gardebring and her counterpart in Ontario for this historic cooperative agreement to focus on acid rain. A similar agreement has also been reached between New York State and Ontario.

In 1980, Congress established the Interagency Task Force on Acid Precipitation, under the auspices of NOAA, and to coordinate a comprehensive study of acid rain. Unfortunately, progress on the acid rain study has been disappointing. NOAA, the EPA and other agencies, have followed a strategy of independence rather than cooperation. This has resulted in duplicated efforts and inefficiency. This bureaucratic haggling has frustrated our understanding and ability to deal with the problem.

Frankly, the Canadians seem, to be a step ahead of the United States. Initially, Canadians' public concern and awareness were ahead of ours. We have made gains. The American people are aware of the problem and concerned about the perils of acid rain. However, in developing the important information and data based necessary for a thorough acid rain research program, Canada is once again taking the lead.

I suspect that the administration's initial reluctance to cooperate with the Canadians is because it would require subordinating its antienvironmental policies to the reality of scientific inquiries and findings. We cannot afford to have the continued foot dragging by the Reagan administration and the Federal agencies that have been given this charge. There is everything to be gained by a joint United States/Canada coordination on the acid rain issue. There are not two different sets of scientific facts regarding this matter. The current independent approach that is being pursued will not bring any substantive results, only more infighting. Who benefits from that? Only those who wish to do nothing or those who will procrastinate until it is too late.

Mr. Speaker, I wish to bring the St. Paul Pioneer Press article to the attention of my colleagues. The cooperative agreement is most important and it reflects my concerns and the basic problems that exist in our acid rain research.

The article follows:

[From the St. Paul Pioneer Press, Aug. 4, 1983]

MINNESOTA JOINS ACID RAIN PROJECT

(By Allen Short)

Stung by inaction by the U.S. Environmental Protection Agency, Minnesota soon will begin tapping a $7 million-a-year acid rain research program operated by Ontario's Ministry of Environment, state officials said Wednesday.

A formal agreement by Minnesota and Ontario officials to share acid rain research and strategies will be signed Friday in Grand Portage by Sandra Gardebring, executive director of the Minnesota Pollution Control Agency, and Ontario Minister of Environment Andrew Brandt.

"It is a formal policy statement recognizing acid rain as an important issue and announcing we both intend to put our resources toward it," Gardebring said. The agreement grew out of meetings last March involving Canadian officials, Gov. Rudy Perpich and Gardebring.

"The PCA and Ontario have similar views on the urgency of the problem, views the Environmental Protection Agency hasn't shared," said J. David Thornton, director of the Minnesota agency's acid rain research program.

Similar cooperative agreements on acid rain research are in effect between Ontario and the state of New York and between New York and Quebec Province.

"That two states have chosen to try to fight the problem with the help of Canadian provinces instead of the EPA says something about the U.S. approach," Thornton added. "The EPA is only just beginning the kind of research they have been conducting for years."

Under the cooperative agreement, Minnesota and Ontario will share technical information, including acid rain monitoring data, lake sensitivity studies and other research results.

Inventories of acid-causing air pollution sources in the United States and Canada will be programmed into an acid rain computer model that will trace the long-range transport of emissions from their sources to sensitive lakes and forests, Thornton said.

The computer model also will help researchers come up with specific air pollution reductions needed to protect sensitive areas in Minnesota and Ontario from acid fallout.

Acid rain occurs when emissions from power plants and industrial boilers fired by fossil fuels are converted in the atmosphere into sulfuric and nitric acids. The pollutants can fall back to Earth in the form of acid rain, snow, fog or dust, rendering streams and lakes unfit for fish and other aquatic life.

Thousands of lakes in Ontario, New York and Scandinavia have become acidified and thousands more in Minnesota, Ontario and other parts of North America are believed by scientists to be especially sensitive to acid rain's detrimental effects.

In a related development Tuesday, the National Center for Atmospheric Research in Boulder, Colo., announced it will spend $3.5 million over the next three years to produce a computer model for studying acid rain.

The proposed computer model will be more sophisticated than the one planned by Minnesota and Ontario. But Canadian researchers began work a year ago on a more complicated model, similar to the one proposed by the U.S. research center, and are expected to complete it sooner than the American researchers, Thornton said.

Such computer models can tell researchers how acids are transported and deposited in certain areas and at what point chemicals such as sulfur dioxide and nitrous oxides are transformed into acids.

The Minnesota Pollution Control Agency will spend about $430,000 this year on acid rain research, far less than the $7 million a year spent by Ontario on monitoring and other acid rain research.

The agreement between Minnesota and Ontario is an open-ended one, requiring six months' notice by either party to cancel it. Gardebring estimated Wednesday it will remain in effect "at least four or five years."

Several proposals under study by Congress would require states to reduce their sulfur dioxide emissions by varying degrees to reduce acid deposition in the Northeast and Upper Midwest.

A long-awaited report by the EPA's top acid rain experts is expected to be presented to EPA administrator William Ruckelshaus this week. The report is expected to provide the first indication of what approach Ruckelshaus will recommend to President Reagan for curbing acid rain.●

U.S. MUST REVIVE EXPORT TRADE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thurday, August 4, 1983

● Mr. FAZIO. Mr. Speaker, the economic recovery is threatened by high deficits and high interest rates. These conditions are adversely affecting the international economy as well as our own. Our export dependent industries are threatened by the rising strength of the dollar, making it difficult for our products to compete overseas. The administration has finally begun to act to intervene in currency markets to lower the dollar's value.

Our colleague, BERYL ANTHONY, JR., recently commented on the relationships among deficits, interest rates,

and exports in an article published in the July 28 issue of the Arkansas Gazette. The obervations he made were right on target regarding the necessity for intervention in currency markets. Apparently, the administration has seen the light as well since they have begun to intervene in currency markets during the past few days.

I commend the article to my colleagues.

[From the Arkansas Gazette, July 28, 1983]

U.S. MUST REVIVE EXPORT TRADE

(By Beryl Anthony)

Our hopes for better times ahead have been strenghtened by signs that economic recovery is under way in some of our important economic sectors. However, in the important area of industrial and agricultural exports, there is little or no sign of economic recovery. Unless the United States can revive its export industries and agriculture, the current hopes for a recovery are likely to be short lived. Unfortunately, the Reagan program offers modest hope that we can revive our export sector because it is based on continuing the very policies which have made it increasingly difficult for us to compete or sell our products abroad.

Our difficulties in exporting are linked directly to the fact that other nations have been experiencing recession at the same time. Some of these countries have massive debts and now find themselves unable to continue to purchase our products. However, an important reason for declining export performance since the end of 1980 is that the U.S. dollar has risen in value more than 22 per cent on the average against a variety of foreign currencies of our major trading partners. This makes our goods too expensive for foreign buyers and less competitive in world markets. Overvaluation of the dollar and the inability of our export sector to participate in the economic recovery are the main obstacles to recovery itself.

If recovery is to be sustained, federal deficits must be reduced because heavy government borrowing to meet these deficits drives up interest rates. This will help to moderate the dollar's value considerably because our high interest rates have been acting as a magnet for foreign capital to move into the U.S. for more than two years now. Lower U.S. interest rates will reduce the attraction of the U.S. dollar while increasing the value of currencies of other countries, thus enabling them to purchase more of our products and to be able to finance their own economic recovery.

The Republican-controlled Senate and the Democratic-controlled House recently agreed to a budget resolution for fiscal 1984 that would substantially reduce federal deficits. However, the Reagan administration has consistently opposed it, prefering deficits in excess of $200 billion per year to cuts in military expenditures and changes in the 1981 tax cut. An impasse has now developed which means that the tough decisions to reduce deficits may be postponed until after the 1984 presidential election.

Throughout the 1970s and until the end of 1980, the export sector of the U.S. economy expanded rapidly, reaching almost 13 per cent of GNP. But as the dollar has increased in value, the U.S. has experienced a growing trade deficit larger than any in our nation's history. The 1983 trade deficit is likely to exceed $70 billion, almost double the 1982 level.

So today, we find ourselves priced out of the world marketplace and our foreign trading partners often unable to afford the machinery, services, and foodstuff which we produce and which they need. From 1981 to 1982, the GNP declined by about $25 billion, and $10 billion of that was reflected in reduced export of goods and services.

The severe misalignment of currencies in the past 2½ years has cost millions of jobs in the U.S. and has contributed to making the economic recession worse than any since the Great Depression of the '30s.

The U.S. agricultural economy collapsed into depression at the end of 1980 because our farm programs were based on the hope of ever increasing exports. As the dollar rose in value and the world food and fiber marketplace shrunk, the U.S. farmer watched his prices slide well below production costs and remain there. The value of U.S. farm exports reached $43.8 billion in fiscal 1981 but declined to $39.1 billion in fiscal 1982.

The problems we are now experiencing in being unable to sell our products is not due to the inefficiency of U.S. industry or agriculture. It is not a matter of the productivity of U.S. workers or the willingness of U.S. exporters to compete. The problem is that the world recession has so distorted our currency relative to others for so long that it may have ended the U.S. role as a world trading nation. Pressures are already increasing for Congress to pass domestic content legislation and raise trade barriers to keep foreign goods from underselling American goods at home. It would be disastrous for the world to repeat the mistakes of the 1930's by retreating into protectionism rather than solving the problems of world trade.

THREE RECOMMENDATIONS

There are decisive actions which I believe would stimulate world trade and contribute to recovery:

We must resolve the impasse over the federal budget and continue to work to reduce deficits. That will require additional painful cuts in both military and civilian programs and additional revenue measures.

The Federal Reserve Board must loosen its grip on the money supply by providing liquidity needed for economic recovery. There is little sign of the return of inflation, and interest rates need to be lowered rather than raised.

Foreign governments must be persuaded to act jointly with the U.S. in intervening in the currency exchange markets to affect the direction and pace of currency fluctuations. The goal of this action should be to moderate the dollar's strength to a level more conducive to U.S. exports and growth in world trade. This action was urged by several foreign governments during both the Versailles and the Williamsburg summit conferences, but the Reagan administration has not responded favorably.

If the Federal Reserve Board and the administration continue to prefer a tight money policy at home and an indifference to the consequences of those policies on world trade, then I fear the worst. Our export sector cannot survive and broad-based economic recovery is unlikely if these policies continue unchanged.●

FALL RIVER COUNCIL SUPPORTS FREEZE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FRANK. Mr. Speaker, the city council of the city of Fall River, the largest city in my congressional district, recently passed a resolution supporting a bilateral and verifiable nuclear freeze. The resolution was sponsored by Councilor Stephen Camara and was supported by a 5-to-4 vote of the city council. As the resolution points out, its adoption follows the support expressed by the nuclear freeze by a substantial majority of Fall River citizens who voted in the 1982 State election.

I commend Councilor Camara and his colleagues on the Fall River City Council for their statement of support for the nuclear freeze and I ask that it be shared here with the membership.

Whereas, the greatest challenge facing the earth is to prevent the occurrence of nuclear war by accident or design; and

Whereas, the entire Massachusetts Congressional Delegation including Congressman Barney Frank recently supported House Joint Resolution 13 which calls for a mutual (bilateral) and verifiable freeze on and reduction in nuclear weapons; and

Whereas, this resolution (H.J. Res. 13) passed in the House of Representatives by more than a two-to-one margin; and

Whereas, at the November 2, 1982, Massachusetts State Election the voters of both the City of Fall River and the Commonwealth of Massachusetts supported by more than a two-to-one margin the referendum (Question 5) which calls for a mutual (bilateral) and verifiable freeze on and reduction in nuclear weapons; now, therefore

Be it resolved, that the Fall River City Council calls on United States Senators Edward Kennedy and Paul Tsongas to continue their efforts to have the United States Senate adopt Senate Joint Resolution 2 which calls for a mutual (bilateral) and verifiable freeze on and reduction in nuclear weapons; and

Be it further resolved, that the Fall River City Council calls on President Ronald Reagan to adopt as an arms control objective the resolution recently adopted by the U.S. House of Representatives (H.J. Res. 13) and currently being considered by the U.S. Senate.●

VIETNAM VETERANS INVOLVED IN NASA ACTIVITIES

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DASCHLE. Mr. Speaker, in recent years, many dramatic and controversial events involving Vietnam veterans have been given a high priority in media coverage. It is with much pleasure that I inform my colleagues

that the recent flight of the space shuttle *Challenger* (STS-7), indeed a dramatic event, carried three Vietnam veterans into space. They are: Col. Frederick H. Hauck, USAF, shuttle pilot; John M. Fabian, mission specialist; Norman E. Thagard, mission specialist.

The following information includes a brief biography of each of these outstanding men as well as a synopsis of future Vietnam veteran involvement in NASA activities.

I gratefully acknowledge the efforts of the Veteran's Press Syndicate for its efforts in compiling this data.

BIOGRAPHICAL DATA

FREDERICK (RICK) H. HAUCK

Name: Frederick (Rick) H. Hauck (Captain, USN) NASA Astronaut.

Birthplace and date: Born April 11, 1941, in Long Beach, California, but considers Winchester, Massachusetts, and Washington, D.C., to be his hometowns. His mother, Mrs. Virginia Hauck, resides in Winchester, Massachusetts. His father was the late Captain Philip F. Hauck, USN.

Physical description: Blond hair; blue eyes; height: 5 feet 9 inches; weight: 175 pounds.

Education: Graduate from St. Albans School in Washington, D.C., in 1958; received a bachelor of science degree in Physics from Tufts University in 1962 and a master of science degree in Nuclear Engineering from MIT in 1966.

Marital status: Married to the former Dolly Bowman of Washington, D.C. Her father, Mr. Joseph E. Bowman, resides in Silver Spring, Maryland.

Children: Whitney Irene, March 6, 1963; Stephen Christopher, December 17, 1964.

Recreational interests: During his spare time, he enjoys skiing, sailing, racquetball, squash, and working on his 1951 pickup truck.

Organizations: Associate fellow, American Institute of Aeronautics and Astronautics; and member, Society of Experimental Test Pilots.

Special honors: Awarded 9 Air Medals and the Navy Commendation Medal with Gold Star and Combat V. He was named the Navy's Outstanding Test Pilot for 1972.

Experience: Hauck, a Navy ROTC student at Tufts University, was commissioned upon graduation in 1962 and reported to the USS *Warrington* (DD-843) where he served 20 months as communications officer and CIC officer. In 1964, he attended the U.S. Naval Postgraduate School, Monterey, California, for studies in math and physics and, for a brief time in 1965, studied Russian at the Defense Language Institute in Monterey. Selected for the Navy's Advanced Science Program, he received his master's degree in Nuclear Engineering from MIT the next year.

He commenced flight training at the Naval Air Station Pensacola, Florida, in 1966, and upon receiving his wings in 1968, he reported to the Naval Air Station Oceana, Virginia, for replacement pilot training in the A-6. Hauck then reported to VA-35 where he served successively as line division officer, training officer, and safety officer. It was during this tour that he deployed to the Western Pacific with Air Wing 15 aboard USS *Coral Sea* (CVA-43), flying 114 combat and combat support missions.

In August 1970, Captain Hauck returned to the east coast A-6 replacement training squadron, VA-42, as a visual weapons delivery instructor. Selected for test pilot training, he reported to the U.S. Naval Test Pilot School at Patuxent River, Maryland, in 1971. A 3-year tour in the Naval Air Test Center's Carrier Suitability Branch of the Flight Test Division followed.

JOHN M. FABIAN

Name: John M. Fabian (Colonel, USAF) NASA Astronaut.

Birthplace and date: Born January 28, 1939, in Goosecreek, Texas, but considers Pullman, Washington to be his hometown. His parents, Dr. and Mrs. Felix M. Fabian, Sr., reside in Longview, Texas.

Physical description: Brown hair; green eyes; height: 6 feet 1 inch; weight: 175 pounds.

Education: Graduated from Pullman High School, Pullman, Washington, 1957; received a bachelor of science degree in Mechanical Engineering from Washington State University in 1962; a master of science in Aerospace Engineering from the Air Force Institute of Technology in 1964; and a doctorate in Aeronautics and Astronautics from the University of Washington in 1974..

Marital status: Married to the former Donna Kay Buboltz of Spokane, Washingtohn; her parents, Mr. and Mrs. Ted Buboltz, are residents of Seattle, Washington.

Children: Michael K., August 6, 1962; Amy L., November 15, 1965.

Recreational interests: He enjoys skiing, stamp collecting, and jogging.

Organizations: Member, American Institute of Aeronautics and Astronautics, the Tau Beta Pi, the Sigma Tau, the Phi Sigma Kappa, the Order of Daedalians, and the Boy Scouts of America.

Special honors: Awarded an Air Force Meritorious Service Medal, and Air Medal with 2 Oak Leaf Clusters, an Air Force Commendation Medal, the Combat Readiness Medal, the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Cross of Gallantry with Palm, Vietnam Service Medal, the Washington State University Sloan Engineering Award (1961), the Air Training Command Academic Training Award (1966), the Squadron Officer School Commandant's Trophy (1968), the Squadron Officer School Chief of Staff Award (1968).

Experience: Fabian, an Air Force ROTC student at Washington State University, was commissioned upon graduation in 1962. After an assignment at the Air Force Institute of Technology at Wright-Patterson Air Force Base, Ohio, he was assigned as an aeronautical engineer in the service engineering division, San Antonio Air Material Area, Kelly Air Force Base, Texas. He then attended flight training at Williams Air Force Base, Arizona, and subsequently spent 5 years as a KC-135 pilot at Wurtsmith Air Force Base, Michigan. He saw action in Southeast Asia, flying 90 combat missions. Following additional graduate work at the University of Washington, he served 4 years on the faculty of the Aeronautics Department at the USAF Academy in Colorado.

He has logged 3,400 hours flying time, including 9,000 hours in jet aircraft.

NASA experience: Colonel Fabian was selected as an astronaut candidate by NASA in January 1978. In August 1979, he completed a 1-year training and evaluation period making him eligible for assignment as a mission specialist on future space shuttle flight crews.

Current assignment: Colonel Fabian has been selected to serve as a mission specialist for STS-7—a planned 6-day flight of the orbiter *Challenger*.

NORMAN E. THAGARD

Name: Norman E. Thagard (MD) NASA Astronaut.

Birthplace and date: Born July 3, 1943, in Marianna, Florida, but considers Jacksonville, Florida, to be his hometown. His father, Mr. James E. Thagard, resides in Palm Desert, California; his mother, Mrs. Mary F. Nicholson, is a resident of St. Petersburg, Florida.

Physical description: Brown hair; blue eyes; height: 5 feet 9 inches; weight: 164 pounds.

Education: Graduated from Paxon Senior High School, Jacksonville, Florida, in 1961; attended Florida State University where he received bachelor and master of science degrees in Engineering Science in 1965 and 1966, respectively, and subsequently performed pre-med course-work; received a doctor of Medicine from the University of Texas Southwestern Medical School in 1977.

Marital status: Married to the former Rex Kirby Johnson of Atlanta, Georgia. Her mother, Mrs. Rex Johnson, resides in Dallas, Texas.

Children: Norman Gordon, May 15, 1968; James Robert, November 29, 1970; Daniel Cary, November 22, 1979.

Recreational interests: During his free time, he enjoys classical music and high-fidelity sound reproduction, and digital electronic design/computers.

Organization: Member of American Institute of Aeronautics and Astronautics, and Phi Kappa Phi.

Special honors: Awarded 11 Air Medals, the Navy Commendation Medal with Combat V, the Marine Corps "E" Award, the Vietnam Service Medal, and the Vietnamese Cross of Gallantry with Palm.

Experience: Dr. Thagard held a number of research and teaching posts while completing the academic requirements for various earned degrees.

In September 1966, he entered on active duty with the United States Marine Corps Reserve. He achieved the rank of Captain in 1967, was designated a naval aviator in 1968, and was subsequently assigned to duty flying F-4's with VMFA-333 at Marine Corps Air Station Beaufort, South Carolina. He flew 163 combat missions in Vietnam while assigned to VMFA-115 from January 1969 to 1970. He returned to the United States and an assignment as aviation weapons division officer with VMFA-251 at the Marine Corps Air Station Beaufort, South Carolina.

Thagard resumed his academic studies in 1971, pursuing a degree in medicine; and prior to coming to NASA, was interning in the Department of Internal Medicine at the Medical University of South Carolina.

He has logged 800 hours flying time, which includes 775 hours in jet aircraft.

NASA experience: Dr. Thagard was selected as an astronaut candidate by NASA in January 1978. In August 1979, he completed a 1-year training and evaluation period, making him eligible for assignment as a mission specialist on future space shuttle flight crews.

Current assignment: Thagard has been selected to serve as a mission specialist for STS-7—a planned 6-day flight in the orbiter Challenger.

VIETNAM VETERAN ASTRONAUTS

Groups One through Seven included no Vietnam veterans.

Group Eight

Bluford, Guion S., Jr.	Hauck, Frederick H.
Brandenstein, Daniel C.	McBride, Jon A.
Buchli, James F.	Mullane, Richard M.
Coats, Nichael L.	Nagel, Steven R.
Covey, Richard O.	Scobee, Francis R.
Creighton, John O.	Shaw, Brewster H., Jr.
Fabian, John M.	Stewart, Robert L.
Gibson, Robert L.	Thagard, Norman E.
Gregory, Frederick D.	van Hoften, James D.
Griggs, Stanley D.	Walker, David M.
	Williams, Donald E.

Group Nine

Blaha, John E.	Lounge, John M.
Bolden, Charles F., Jr.	Richards, Richard N.
Bridges, Roy D., Jr.	Smith, Michael J.
Gardner, Guy S.	Spring, Sherwood C.
Grabe, Ronald J.	Springer, Robert C.

GENERAL INFORMATION

VietVet astronauts number: 31.

All astronauts since 1959 number: 127.

VietVets account for 24.4 percent of all astronauts.

VietVet astronauts in flight status: 31.

Total astronauts in flight status: 78.

VietVets account for 39.7 percent of all astronauts in flight status.

First flight to contain VietVets: STS-7.

First black man in space: Bluford, Guion S., Jr.

First black man to pilot a U.S. space vessel: Gregory, Frederick D.

First U.S. Army man to obtain flight status: Stewart, Robert L.

First U.S. Army man in space: Stewart, Robert L.

Of the fourteen manifested flights (STS-1, STS-13 and STS-18) six (6) or 42.8 percent will be piloted by VietVets.

Of the eight flights to contain VietVets, VietVets will make up 38.4 percent (15 of 39—41 minus two repeat fliers) of the total astronauts in space.●

ELIZABETH J. AYCOCK

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. VALENTINE. Mr. Speaker, for more than a quarter of a century, Research Triangle Park in North Carolina has benefited from the vision and dedication of Elizabeth J. Aycock. A recent article in the Raleigh News & Observer gives an excellent description of her outstanding achievements, and I ask that it be inserted in the RECORD.

The article follows:

[From the Raleigh News & Observer, July 31, 1983]

FROM PINEY WOODS TO RESEARCH TRIANGLE PARK

(By Guy Munger)

North Carolina's Research Triangle Park has many fathers, the late Gov. Luther Hodges, sociologists Howard Odum and George L. Simpson Jr., industrialist Robert M. Hanes, contractor Romeo H. Guest, to name just a few.

But no one has stepped forward to challenge Elizabeth Johnson Aycock as the woman who has had the most to do with the park's growth.

George Watts Hill of Chapel Hill, the businessman who was Mrs. Aycock's predecessor as secretary of the Research Triangle Foundation, once dubbed her "Mrs. Research Triangle," and no one has disagreed.

William C. Friday, president of the University of North Carolina, said of Mrs. Aycock: "She is the last of the original staff of the Triangle and no one has given as much intelligent effort to the enterprise as has she."

A native of Smithfield, Mrs. Aycock graduated from Smithfield High School and King's College in Raleigh. She met her husband, Milford Edmund Aycock, now chairman of the Wake County Board of Commissioners, when they were attending a 4-H meeting at what was then State College.

In an interview last week, Mrs. Aycock recalled when the Research Triangle entered her life:

"The same day that George Simpson offered me the job to come with the Research Triangle, the president of King's College—of course I'd been out and working for many years—offered me a job there at King's, so I had a choice to make between an old, established school and somthing that was very nebulous.

"But I knew that Robert Hanes and Governor Hodges were accustomed to success and would not fail.

"George Simpson and I started to work together Sept. 25, 1965, in the first office—on the second floor of a beautiful old home on Edenton Street next to the Education Building. Mr. Hanes went to his furniture manufacturer friends and they gave us two desks. We had to borrow chairs from the office on the first floor.

"George was the director and I was his secretary and office manager.

". . . The work just evolved. Whatever there was to do we did—press releases, brochures, whatever was needed. When you grow with something like this you know what has to be done."

A major step forward occurred when the Pinelands Co. later absorbed into the Research Triangle Foundation, bought land for the Research Triangle Park between Raleigh, Durham and Chapel Hill.

"When we first learned that the land for a research center could be acquired I rode out that afternoon after work to where the property was," Mrs. Aycock said.

"It was a summer afternoon in June of 1967 and it was farmland—pastures, piney woods and broomsedge grass. And the land was in its native state.

"Now, when I come out and see those manicured lawns and attractive buildings, I really have to think back about 24 years when we actually move to the park.

"Today, there is a science city here of more than 20,000 people. And 27 years ago this fall when we were incorporated, there were only two of those jobs existing in North Carolina. All the others have been added."

Mrs. Aycock talked of the major developments in the Research Triangle Park—the announcement by Chemstrand in May 1959 that it would become the park's first tenant, the arrival of IBM, Burroughs-Wellcome, the National Institute of Environmental Health Sciences and all the others, development of the Triangle Services Center with the Governors Inn and other support businesses.

She said some of the changes have been in human terms: "Back then there were only two paved roads going through the park. And there were no public eating facilities. You brown-bagged for lunch."

Other changes have been in kinds of research, like the arrival of the National Humanities Center in 1978:

"Twenty-six locations across the United States wanted the Humanities Center. Because we have this consortium of three major universities (UNC, Duke and N.C. State), we were able to get it.

Mrs. Aycock helped the Humanities Center locate in the park, finding staff workers and attending to other details, and is pleased with the results.

"In five years, almost 150 scholars from all over the world have come here to work," she said.

". . . You see we had started off in the physical sciences and the natural sciences, then later moved into the social sciences at the Research Triangle Institute. But the National Humanities Center, that brought a new dimension to the park.

". . . This (the park) was not meant to be an overnight development and success has come far faster than anyone envisioned.

". . . When you think about your market, there are very few research facilities built in the United States in any one year. We have 35 or so in a span of 25 years. That's more than 1½ a year. It's an inspiring success story."

"There were some years that were what I call the blood-sweat-and-tears years. You don't embark on a venture such as this and plan it and have instant success.

"That's what we have to tell all these people who come here from various other states and countries, that it just doesn't happen overnight. It takes a lot of planning, it takes a lot of hard work, it takes persistence in the face of difficulty and it also took a lot of philanthropy because this was started with contributed funds."

"I feel very fortunate to have worked and work now with the people we have been involved with. It is the academic leadership and the governmental and business and industrial leadership working together for the good of the people that have made this thing happen."

Mrs. Aycock said she expects the Research Triangle Park to continue to grow but warned that it will take a sustained effort:

"People aren't just standing on our door out there wanting to come in to buy land. We are well-known now, of course, internationally, and it took a lot of hard work to spread the word, that there was a location for research facilities and that North Carolina was a good place to live. But you don't convince executives of IBM or Burroughs-Wellcome to move to North Carolina overnight."

As for her own future, Mrs. Aycock said she likes to travel with her husband, read and do needlework and is never bored.

"I wish I didn't have to sleep," she said. "There's not enought time to do all the things I want to do. And with all the new technology that's coming along, it makes you want to live another 50 or 100 years just to see what the world is going to be like. I enjoy getting up in the morning and seeing what the world is going to be like that day."

She paused a moment, then added: "No rocking chair for me."●

THE 2-PERCENT SOLUTION

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CAMPBELL. Mr. Speaker, I am pleased to join today with Representative JIM JONES and Representative JIM MARTIN, along with a bipartisan group of House Members that includes BOB LIVINGSTON, HANK BROWN, STEVE BARTLETT, BERYL ANTHONY, and DAVE MCCURDY, in introducing legislation that will at last make a real dent in the deficit and begin the painful process of regaining congressional control over the management of the budget. I call this concept the 2-percent solution, although it is certainly not the whole solution. But it is a start in taking the budget off automatic pilot.

Our bill represents a fair and balanced approach to economic sanity, in that it would have a minimal impact on most Americans. It requires that annual adjustments in both nonmeans-tested automatic outlay programs and tax indexing be tied to a 2-percent trigger and only that amount over a 2-percent increase in the Consumer Price Index be awarded. In other words, if the inflation rate is 8 percent, programs tied to automatic cost-of-living increases would be adjusted by 6 percent; likewise, the bill would require 2 percent smaller reductions in personal income taxes than increases in the CPI. The bill would be sunsetted in 1990. In the 4-year period between fiscal years 1985 and 1988 alone, the House Budget Committee estimates a savings of $77.55 billion.

I want to stress that, from my point of view, the elements of this bill are inseparable. Although I am a strong supporter of tax indexing, I am willing to support a modest adjustment in this provision, but only if it is tied to an adjustment in the automatic COLA concept. I am willing to do this because I believe so strongly that we have got to start somewhere to get a handle on the three-quarters of the Federal budget that is now uncontrollable. We have got to take that first step in dealing with budget deficits on the order of $200 billion. We cannot deal with those deficits by cutting discretionary programs such as education, vocational rehabilitation, job training, that we have already pared to the bone. We cannot deal with the deficits by adding more tax programs on our already overburdened taxpayers. We can, however, make meaningful reductions in the deficits and send the right signal without cutting a single program and without adding new tax programs. We can do it by adopting the 2-percent solution.

This legislation builds on the notion in current law that people can cope with minimal inflation. As the law now stands, COLA's are not awarded in years when the inflation is 3 percent of less. Our bill would actually liberalize that concept by allowing adjustments for inflation over 2 percent, while asking taxpayers and nonmeans-tested benefit recipients alike to cope with minimal inflation. This is fair, particularly since the Consumer Price Index tends to overstate true consumer inflation—the CPI caused government benefits to increase 22 percent more than was needed to preserve recipients' purchasing power during the last 10 years. During that period, the CPI grew 129.7 percent while the average wages of Americans working in the private sector grew only 102 percent. I would also add that slowing the growth in automatic spending programs would not apply to the very poor, since means-tested benefits are exempted.

The fact is, we must begin to get this situation under control or we will forever be fighting the same budget battles we have seen in recent years. Congress has lost the ability to allocate resources, which has forced budget cuts in areas we ought to be increasing. Even so, because of automatic outlay programs, we have sustained high deficits reviving expectations of higher interest rates and siphoning a record 75 percent of net domestic savings away from use by the people. Already interest rates have increased 1 percentage point or more during the last 2 months, because of huge deficits planned for future years.

If we adopt the 2-percent solution, however, if we can make this move and the marketplace sees that we are serious about bringing down these deficits, then we will see interest rates come down, thus encouraging investment, creating jobs, keeping inflation down and keeping America growing.

Efforts have been made to adjust the Tax Code to provide for a supply side pull for the economy. This has worked. However, we did not adjust our outlay programs to compensate for the lag period between the time of the tax cut and the time that the economy recovers. This is the adjustment we are seeking here.

Mr. Speaker, the 2-percent solution is a bipartisan congressional initiative designed to bring a fresh approach to the budget process by moving away from automatically increasing outlays. It is an honest effort to take definitive and responsible action to reduce unacceptable deficits. Very frankly, I believe Americans will be willing to accept the impact on them, knowing that impact is across the board and fairly shared by both recipients and taxpayers.●

INTERNATIONAL YOUTH EXCHANGE MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FASCELL. Mr. Speaker, it gives me great pleasure to introduce a joint resolution which proclaims that the month of October 1983 be named "International Youth Exchange Month."

I have long believed that exchange programs between the United States and other countries of the world make a major contribution to peace among nations. Knowledge of other peoples—their cultures, their aspirations, their hopes and fears—diminishes stereotypes and easy assumptions about others. Exchange programs, and especially programs for young people, build these bridges of understanding.

Nothing therefore could be more appropriate than the proclamation of International Youth Exchange Month. At a time in our history when more than ever before we need the understanding of others, we need to bring to the attention of all our citizens the importance to this Nation of international exchanges. I hope my colleagues will join me in supporting this resolution.●

MILITARY INVOLVEMENT IN CENTRAL AMERICA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. EVANS of Illinois. Mr. Speaker, the Peoria Journal-Star has recently published some thought-provoking editorials on this Nation's deepening military involvement in Central America. A number of those editorials have drawn sharp parallels between these recent developments and our tragic experience in Vietnam.

I have asked that two of the Journal-Star editorials be reprinted in the RECORD:

[From the Peoria Journal Star July 28, 1983]

ROUTINE MANEUVERS

Not even the Great Communicator can make Americans believe that all the troops and ships he is sending to Central America this summer are there on routine maneuvers.

That's what President Reagan said at his press conference Tuesday night. Here is the transcript of his first question and answer:

Q. Mr. President, you complain of too much attention. How can the people ignore two battleship groups, thousands of combat troops going to Honduras, it is said the covert funding of 10,000 rebels, Nicaraguan rebels? My question—and all these things have happened since April 27th—my ques-

tion, sir, is, in seeking solutions, how far will you go militarily?

A. Well, I have told you, we have no military plans for intervention of that kind. We have 55 mainly noncommissioned officers helping to train the Salvadoran army. We know that Cuba has somewhere in the—well, it has thousands of military personnel in Nicaragua. It does seem a little overbalanced with regard to the attention that's being paid to 55 as against attention that's being paid to the thousands.

The—I suppose what my question is, Helen, back—to answer with a question, is why are maneuvers that we have performed before and regularly suddenly treated with such suspicion when only—well, within this year, last spring, we had military maneuvers in Honduras, and last year we have naval maneuvers in the Caribbean and no one seemed to be excited about them at all. So, is it just that there's no confidence in the fact that when I say these are maneuvers of the kind we've been holding regularly and for years?

Yes, he has hit it right on the head: there is no confidence in his saying that these are just routine military exercises.

He is wrong in trying to make us believe that they are. If he cannot tell us the full truth—and there are times when a president cannot—he should not hold a press conference and pretend to tell us the truth.

Columnist Patrict Buchanan, not exactly a Reagan-baiter, said this yesterday about the military forces converging on Central America:

"With the dispatch of the U.S. battle fleets to the Pacific and Caribbean coasts of Central America, the president has issued a statement to the world: A Soviet satellite state and military base in Central America are unacceptable to the United States."

That may or may not be good foreign policy, but we certainly agree with Buchanan that this is the statement Reagan was issuing to the world. He should not be publicly asserting that it wasn't.

The aircraft carrier Ranger left San Diego last week for what was supposed to be a seven-month tour of Pearl Harbor, Singapore and the Philippines. But a day out of port it changes course for international waters in the Pacific ocean off the coast of Nicaragua, rendezvousing with seven other naval ships.

The battleship New Jersey, armed with 16-inch guns and two types of cruise missiles, cut short a Far Eastern tour and headed across the Pacific to join the Ranger and the other vessels.

The Pentagon suggested to the White House that the number of U.S. military advisers in El Salvador—now 55—be doubled. (The president said this recommendation has not yet reached his desk.)

The aircraft carrier Coral Sea, in port in Naples, Italy, is said to be about to depart for the Caribbean, where it is expected to operate along Central America's eastern coast.

By trying to play down the saber rattling that he had already set in motion, the president, we believe, was tacitly acknowledging the fear that exists throughout the country that he is flirting dangerously with another Vietnam-like adventure.

We share that fear, and we hope we are correct in detecting signs of presidential backpedaling.

[From the Peoria Journal Star, July 31, 1983]

VIETNAM REMEMBERED

President Reagan says that what he is doing in Central America bears no relationship to what happened to the United States in Vietnam.

"There is no comparison with Vietnam," he said at his press conference last week, "and there's not going to be anything of that kind in this." And, he added, "no one has presented a proposal to me" for an increase in U.S. advisers in El Salvador.

His comments are so reminiscent of those from President Kennedy's administration 20 years ago, as we were inching into the Vietnam War, that we looked up the record and offer it to readers, who can decide for themselves whether there is a comparison.

We are also mindful of the candid warning from former Attorney General John Mitchell during the Nixon administration: "Watch what we do, not what we say."

Here's a partial chronology of what they were saying—and doing—at the time of Vietnam:

The year is 1961. The United States has had military advisers in South Vietnam ever since 18 Army officers were sent there secretly in 1954, after the defeat of the French. Since then the number has grown to 685 as Communist guerrillas stepped up their offensive.

May, 1961. President Kennedy sends Vice President Johnson to Southeast Asia on a fact-finding mission. Secretary of State Dean Rusk says the U.S. will give South Vietnam "every possible help, across the entire spectrum in which help is needed." But he refuses to say whether the U.S. will intervene militarily.

Upon his return, Johnson says that no country he visited has requested U.S. troops and that the U.S. does not plan to send armed forces to Asia.

August, 1961. The U.S. says in a joint communique issued with Nationalist China that South Vietnam "shall not be lost to the Communist for lack of any (U.S.) support."

October, 1961. President Kennedy sends Gen. Maxwell Taylor to Saigon "to discuss . . . ways in which we can perhaps better assist . . . Vietnam in meeting . . . (the) threat to its independence." When reporters ask him whether the U.S. is considering sending troops there, the president says "we're going to wait till Gen. Taylor comes back . . . and then we can come to conclusions."

Gen. Taylor, upon departing for Southeast Asia, says "any American would be reluctant to use troops (in Vietnam) unless absolutely necessary." The State Department says "Vietnam assures us . . . that with U.S. material assistance and training services, it can handle the present Communist aggressive attacks."

November, 1961. Gen. Taylor returns to Washington, saying Vietnam has the resources "to prevail against the Communist threat." He declines to say whether he will recommend that the U.S. send troops there, but administration officials say his comment about Vietnam's resources means he does not favor sending combat forces.

Press reports from Vietnam say that large amounts of U.S. supplies have begun arriving from Clark Field in the Philippines and that hotels is Saigon are filled with U.S. military officers.

December, 1961. Thirty-three U.S. Army helicopters and 400 crewmen assigned to operate them for the South Vietnamese Army arrive in Saigon, the first overt indication of direct U.S. involvement. Secretary Rusk says the country is in "clear and present danger" of Communist conquest.

And so on, into 1962.

January, 1962. Defense Secretary Robert McNamara says in Washington that South Vietnam's position is "encouraging."

February, 1962. Two U.S. helicopters are shot down in attacks on Vietcong guerrillas. President Kennedy says, "There is a war going on in South Vietnam . . . We are out there on training and on transportation, and we are assisting in every way we properly can."

Republicans challenge Kennedy to tell the nation whether we are "moving toward another Korea" and to "drop the pretense that the United States is merely acting as military adviser to South Vietnam." The president replies that "the training missions that we have there have been instructed that if they are fired upon they are of course to fire back, but we have not sent combat troops in the generally understood sense of the word."

The New York Times reports that the U.S. now has nearly 5,000 military personnel in South Vietnam, plus Navy destroyers patrolling for seaborne Vietcong infiltration.

March-May, 1962. U.S. involvement in the fighting escalates, but Secretary McNamara says "there is no plan for introducing (American) combat forces in South Vietnam." Forty-six Americans have been reported killed since December 1961.

September, 1962. Gen. Taylor says the South Vietnamese "are on the road to victory." The U.S. has 11,000 "advisers" and "technicians" in South Vietnam.

The fighting rages on, and U.S. involvement deepens. Here, hastily, is a chronology of it:

1963. Secretary McNamara says "the major part of the U.S. military task can be completed by the end of 1965." Adm. Harry Felt, commander-in-chief of U.S. forces in the Pacific, says Viet Cong defeat is "inevitable." The U.S. now has more than 16,000 troops there, and American casualties now total 141 dead, 14 missing.

1964. President Johnson, claiming North Vietnamese torpedo boats attacked two U.S. destroyers in the Gulf of Tonkin, orders retaliatory attacks on the gunboats and their home bases. Congress approves the Tonkin Resolution, giving Johnson a free hand to protect Southeast Asia from attack. U.S. troop strength rises to 19,500.

1965. U.S. forces now total 145,000. U.S. death toll: 830. Gen William C. Westmoreland, commander of U.S. forces sees "a long conflict."

1966. President Johnson pledges there will be no "mindless escalation" of the war. By year's end, there are 308,000 Americans in South Vietnam, and a total of 5,000 have been killed.

1967. The U.S. has 475,000 troops there.

1968. President Johnson, announcing he will not run for re-election, tries a bombing halt to try to get peace talks going.

1969. There are now 543,000 American troops in South Vietnam. President Nixon says the war "may have been our finest hour."

1970. U.S. troop strength down to 284,000. Combat forces sent into Cambodia.

1971. Nixon brings more troops home; strength now 139,000. Secret peace talks underway.

1972. All U.S. combat troops leave Vietnam, but bombings continue.

1973. Peace treaty signed in Paris and all U.S. military operations cease.

1975. South Vietnam surrenders to the Vietcong and North Vietnamese.

U.S. casualties in the war totaled more than 214,000. Some 47,700 were killed in battle, another 10,900 died outside of battle and 155,400 were wounded.

Just as the Republicans worried in 1962 whether the Kennedy administration was leading the country into another Korea, we worry today about whether the Reagan administration is leading us into another Vietnam.

We are listening to what the president says—and we are watching what he does—and we are not reassured.●

INTRODUCTION OF COLUMBIA GORGE LEGISLATION INTRODUCED AT THE REQUEST OF THE GOVERNORS OF THE STATE OF OREGON AND WASHINGTON

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MORRISON of Washington. Mr. Speaker, the bill being introduced by the Washington and Oregon congressional teams reprsents a recognition of the efforts of our two Governors

The proposal incorporates some basic elements that I believe are vital if we are to achieve protection of the scenic value of the Columbia River Gorge. First is local control. The administering Commission is dominated by appointees living in the impacted area of the gorge. There is no Federal authority associated with the Park Service, the Forest Service, or any other Federal agency in this legislation.

Second is restricted authority and protection of private property. The Commission will implement its management plan through local governments, and has available a very restricted power of eminent domain with exemptions for all properties outside of the defined critical areas, all existing buildings, and all farming and forestry activities. Any use of eminent domain must be after all other options fail and with a two-thirds majority of the Commission.

I am requesting today that the appropriate committees of the House and Senate hold field hearings in the area of the four counties impacted so that local inhabitants can better understand and easily react to this proposal.

It is also of importance to me that this proposal for the Columbia River Gorge not delay the consideration of a much-needed Washington wilderness compromise that is currently under discussion.●

H.R. 3805—THE TECHNICAL CORRECTIONS ACT OF 1983

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing H.R. 3805, the Technical Corrections Act of 1983. This bill would make technical, clerical, conforming, and clarifying amendments to certain tax and other legislation enacted during 1982 and early 1983. The bill contains four general titles. The first title covers technical, clerical, and conforming amendments to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The second title covers amendments to the Subchapter S Revision Act of 1982 and the Technical Corrections Act of 1982. The third title contains amendments to the Highway Revenue Act of 1982. Title IV, the last title, would make technical and clarifying amendments to the Social Security Act Amendments of 1983, the medicare provisions of TEFRA, and related legislation.

This bill is intended to correct errors in these enacted bills in order to properly carry out the intent of Congress in enacting the earlier legislation. The bill has been prepared by the staffs of the Committee on Ways and Means and the Joint Committee on Taxation with valuable assistance from the Treasury Department, the Social Security Administration, and the Health Care Financing Administration. Helpful comments have also been received from the American Bar Association, the American Institute of Certified Public Accountants, and other professional groups and individuals.

The bill, for example, would clarify that a provision in the Highway Revenue Act of 1982 relating to the treatment of interest on certain tax-exempt obligations received by mutual funds would take effect, notwithstanding that it could be argued that the signing by the President of Public Law 97-473 after the signing of the Highway Act terminated this provision in the Highway Act.

In title I, the bill would make several technical amendments to the merger and acquisition provisions of TEFRA. For example, amendments would be made to new code section 338 to extend for an additional 6 months the time for making a section 338 election, and to conform the definition of "purchase" more closely to the prior law definition in code section 334(b)(2). Also amendments are included to clarify the determination of the recapture amounts and the application of the so-called surrogate tax applicable where all the stock of the target corporation is not acquired, and to clarify the application of code section 269 to certain acquisitions followed by a liquidation. An amendment to code section 304 would be made to clarify that section 304 would not override the corporate reorganization provisions, but would override incorporations under code section 351. An amendment would be made to clarify the treatment of partial liquidations where the shareholder is a partnership or other pass-through entity. A number of other clarifying amendments to these TEFRA provisions are also included.

Under the bill, certain amendments are proposed to the pension provisions of TEFRA. Clarifying amendments would be made to the limits on contributions and benefits under section 415—including a provision that raises the deduction limit—for simplified employee pensions (SEP's), to the rules relating to the treatment of loans to participants from qualified pension plans, and to the TEFRA parity provisions. In addition, the bill would make clarifying and technical amendments to the TEFRA top heavy rules. Several changes would be made to the pension rules that require distributions to be made to participants or beneficiaries upon the occurrence of stated events. Specifically, the bill would permit distributions to be made to a beneficiary of a participant for a period longer than 5 years after the participant's death if the beneficiary is a dependent—within the meaning of section 152—who is under age 22 or is permanently and totally disabled. The bill delays the effective date of this amended provision as it relates to Government plans to 1985, in order to permit the States sufficient time to conform their statutes to these changes. Finally, the bill would make clarifying amendments to the pension withholding rules adopted in TEFRA.

Other clarifying amendments to TEFRA included in title I relate to the individual and corporate minimum tax, the casualty loss deduction, the capitalization of interest and taxes by a cooperative housing corporation, and the awarding of attorney's fees in the claims court.

In title II of the bill, a number of technical amendments to the Subchapter S Revision Act of 1982 are included. The bill would clarify that corporate gain or loss would not be recognized on the complete liquidation of an S corporation or on the distribution of certain stock in a reorganization. Rules applicable to the treatment of income from discharge of an S corporation debt and the treatment of worthless debt would be clarified. Other amendments relate to the treatment of certain inactive subsidiaries, investment tax credit recapture, qualified subchapter S trusts, coordination with section 338, attribution of ownership, and certain short taxable years. Also a corporation could elect to have the old passive income rules apply

during 1982. Finally, a few minor corrections to the Technical Corrections Act of 1982 are included.

In title III, technical, clarifying and conforming amendments would be made to the Highway Revenue Act of 1982. These include an amendment to clarify the application of the 4 cents a gallon tax on gasohol and the availability of floor stock refunds on tax-reduced tires.

Title IV of the bill includes changes in title II of the Social Security Act and related legislation. For the most part, these changes became necessary as a result of the Social Security Act Amendments of 1983 (Public Law 98-21) and are primarily clerical in nature. However, some of the changes were necessitated by earlier legislation.

Technical provisions in this title of the bill relating to social security include a clarification of that provision of the 1983 amendments which provides for the coverage of Federal employees who are newly hired after December 31, 1983. This amendment would correct an anomolous situation in which a Federal worker who is already covered by social security would be excluded from coverage if he left his covered job and returned to Federal employment within less than 1 calendar year since he would not qualify as a newly hired employee. In addition, an amendment clarifying the effective date of those sections of the bill dealing with the coverage status of wages which are excluded from the income tax base is included in this section.

The title IV provisions which relate to medicare would make technical and clarifying changes in TEFRA and the Social Security Amendments of 1983. For example in subtitle B, section 411(a) would clarify that Professional Standards Review Organizations (PSRO's) would be treated in a manner similar to that applied to Utilization and Quality Control Peer Review Organizations (also known as PRO's) under the Social Security Amendments of 1983 while the transition is being made from PSRO's to PRO's.

Section 411(b) of the bill would clarify the application and implementation of the medicare prospective payment system by making it clear that the antigaming and unbundling provisions were intended to apply to State hospital control systems; that public comment is required only on proposed determinations issued with respect to annual indexing of diagnosis-related groups (DRG's) on June 1 of each year, beginning with fiscal year 1986; that exempt hospitals are required to have agreements with peer review organizations; and that the consolidated review changes in the Provider Reimbursement Review Board (PRRB) apply to group appeals as well as appeals of providers under common ownership and control.

Section 411(c) of the bill reverses with respect to the hospital insurance Trust fund a provision of the Social Security Amendments which provided for normalization of the social security trust funds. Section 411(d) of the bill clarifies that changes in the PRRB rules respecting group appeals only apply to appeals brought after April 20, 1983, and also that the rules for implementing all the medicare amendments in the Social Security Act of 1983 are permitted to be made on an interim-final basis.

Finally, section 412(a) of the bill corrects an inadvertent effect of the TEFRA provision which provides for medicare to be the secondary payor to any employer group health plan for persons 65 to 70 years of age. Normally, a penalty is imposed on persons who elect medicare part B subsequent to their initial statutory enrollment period; in addition, later enrollment periods are, under current law, limited to the first quarter of each year. Recognizing that the TEFRA provision was intended to encourage persons to maintain coverage under their employer plans and to enroll in medicare at a later date, the provision relieves persons who continue to work and are covered by a group health plan from the penalty and makes certain provisions for special enrollment periods.

Mr. Speaker, in conclusion I would like to emphasize that this bill intends simply to correct technical errors and to better reflect the policies established by the Congress in enacting the original legislation. In several areas covered by the bill, technical amendments are proposed to very complex provisions of law, and the legislation will benefit from careful study by interested groups and individuals in the months ahead. Further, time has not permitted a thorough review of all the provisions enacted last year, and I am sure additional changes that need to be made will come to our attention during the legislative process.●

RETIREMENT OF A GREAT EDUCATOR: GIBB R. MADSEN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the retirement of the president of Hartnell College in Salinas, Calif., Dr. Gibb R. Madsen. Dr. Madsen served in that post for 13 years, and the school had made tremendous advances under this leadership.

Gibb Madsen had a long career in education, beginning at the University of Utah. Then from 1948 to 1962, for 14 years, he served as principal of Granite High School in Salt Lake City. From 1962 to 1967, Dr. Madsen served as the dean of students and as an instructor and counselor at Foothill College. In the late 1960's, he was the first superintendent-president at Butte College in Butte County, Calif., and dean of students at Chabot College in Hayward. Then, in 1970, Dr. Madsen became president of Hartnell College, and he just recently retired from that post.

In addition to his tremendous experience working as an educational administrator and teacher, Dr. Madsen was very active in educational and professional organizations. He is a past president of the Utah Education Association, past president of the Salinas Rotary Club, a member of the board of directors of the chamber of commerce, president of the Northern California Community College Chief Executive Officers, and president of the California Youth Symphony.

The Salinas community has been very proud of Dr. Madsen's work at Hartnell College and of his various community and professional activities. Hartnell College is known as one of the finest junior colleges in the State of California, and Dr. Madsen can take a great deal of the credit for that fact.

It is my understanding that Dr. Madsen intends to travel and do a good deal of reading and writing, as well as many other activities, in his retirement. I know my colleagues join me in wishing him the best of luck in his retirement. It is my hope as well that Dr. Madsen does not abandon the field of education entirely and continues to contribute his knowledge and experience to education in the Salinas area. At a time when our Nation is recognizing once again the importance of a strong educational system, we cannot afford to waste individuals with the talents that Gibb Madsen has displayed for so many years.●

REVISIONS NEEDED IN TIP REPORTING LAW

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DUNCAN. Mr. Speaker, today I am introducing, together with my colleague on the Ways and Means Committee, Mr. JACOBS, of Indiana, a bill to address the many problems that have arisen under the 1982 tip reporting law. We are joined also in this effort by Mr. DICKINSON, of Alabama and Mr. TAYLOR, of Missouri. Restaurant owners, operators, and employees in our congressional districts and across

the country are rightfully concerned over the tremendous burden placed upon them by the recently enacted reporting requirements on restaurant employee tip income.

No hearings on this issue were held last year, and the House did not have a chance to review the matter before voting on the final package included in the Tax Equity and Fiscal Responsibility Act. Members of the Ways and Means Committee have a responsibility to scrutinize the statute, its purpose and its effect on the restaurant industry. The introduction of this legislation will provide the opportunity to do so.

The bill seeks to modify certain burdensome and unfair provisions contained in TEFRA with respect to taxpayer compliance and the unprecedented methods through which tax liability is to be determined. We are speaking about the process of requiring a third party to allocate income to an individual—income that may or may not have been received by that individual. This is an entirely new concept of enforcement unsupported by the rest of the Tax Code or by any other provision of law. Yet this situation exists currently for restaurants, and its implications reach far beyond the restaurant industry.

The concept of allocation should be addressed by the House before it is extended to other groups of taxpayers. We urge our colleagues to seriously consider this issue during the August recess.●

THE 207TH ANNIVERSARY OF READING OF DECLARATION OF INDEPENDENCE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BORSKI. Mr. Speaker, on July 8, 1776, the Declaration of Independence was read publicly for the first time to the citizens of Philadelphia. On July 8, 1983, Andrew A. Frederick of Philadelphia delivered remarks on the occasion of the 207th anniversary of the public reading of the Declaration of Independence. Mr. Frederick who lives in my congressional district is a park ranger at Independence National Historical Park in Philadelphia. I want to share his remarks with my colleagues.

REMARKS OF ANDREW A. FREDERICK

Good morning, ladies and gentlemen. On behalf of the National Park Service and myself, I would like to take this opportunity to welcome you to Independence National Historical Park. We are gathered here to commemorate the 207th anniversary of when the Declaration of Independence was publicly proclaimed for the first time to the people right on this square. It had been on the previous Thursday, July 4th, 1776 that this document was officially adopted by the Members of the Second Continental Congress. However, this is not the only day connected with the declaration. An order had also been issued on that day for the printing, publishing and for a public proclamation of it. On this day, Monday, July 8th, 1776 the Pennsylvania Committee of Safety issued instructions that the declaration would be read to the citizens of this city.

A platform was already standing in this area, which had been erected in 1769 by the American Philosophical Society for Astronomical Observations, and a member of the committee of safety, Colonel John Nixon, was given the honor of reading the declaration from it. According to John Adams, who had served on the Declaration Committee in Congress, a great crowd of people has assembled, though described by some as not being of the best class of citizen, and stood approximately where you are now. In a clear and resonant voice, heard even on Fifth Street, Colonel Nixon began to read the document on that warm, sunny day. A local Philadelphia girl, Deborah Norris Logan, wrote in her diary "that it was a time of fearful doubt and great anxiety; many were appalled at the boldness of the measure." When you hear these words of independence and liberty in a few minutes, think of how you might have felt on this day in 1776. Would your own reaction have been one of great enthusiasm, which I encourage you to show durin: this reading, or one of somewhat shock?

Following that original reading, there were demonstrations of great joy throughout the city. There were bonfires, ringing of the city's many bells including that of the statehouse and the chimes of Christ Church, and military salutes from the city's garrision. Militia members of the committee of safety were commissioned with the patriotic task of removing the symbol of Britrish authority in Philadelphia, the King's coat of arms in the court chamber of the statehouse. The royal arms were torn from the court chamber's wall and carried to the city's common, where our city hall now stands at Broad Street, and burned in one of the celebrating bonfires thus symbolically marking the end of Britain's rule in America. Our independence was now formally proclaimed to the world, but it would take seven long years of warfare and sacrifice for this freedom to be earned.

We hope that you will enjoy our commenoration ceremony and reflect on what will be said. Thank you.●

A LOCAL ANGLE TO THE UNEMPLOYMENT STORY

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. EDWARDS of Oklahoma. Mr. Speaker, I want to share with this Congress what those of us who have been in the news business call the local angle to a national story.

The story is unemployment and it has dominated the national news for what now seems like ages. It also, of course, has been a prevailing concern of all of us here who have widely divergent views on the issue of how to restore our country's economic health.

That is the national story, one of statistics percentages, economic indicators; but I want to fill in the missing ingredient in this story—the people behind those numbers. I want to localize this story by telling you what has dominated the front pages of the newspaper in one of the towns in my district in Oklahoma.

This is not a story of more Government spending. In fact, it is not, by the very adamant choice of those involved, a story of any Federal involvement whatsoever.

This is a story of pride, community spirit, volunteerism, self-help, and guts.

The current year has been a hard one for Blackwell, Okla., population 8,400. Although there are now the beginnings of employee recalls, the local foundry and other industries have had massive layoffs this year. The local paper, the Blackwell Journal-Tribune, with a wary eye of the national statistics, decided to do its survey, and found that the unemployment rate in the Blackwell work force had reached 47 percent.

Half of the work force idled—that is not a statistic for the faint of heart. But the people of this small community in Oklahoma set out to do something about the problem.

When Dale McGaha, the editor of the Blackwell Journal-Tribune, published the results of his poll on the town's unemployment, the chamber of commerce, the churches, concerned citizens, and, most important, the unemployed themselves, formed a coalition and telescoped their efforts into a singular goal of matching available jobs with available workers.

Initially the meetings started as coffees at a local ministry facility named "Contact Point," with the support, advice and encouragement of Sister Marie Bernard. Says Sister Marie, "The unemployed have lost more than their paycheck; they have lost their self-esteem, and just getting together with others who are unemployed reminds them it happened through no fault of their own." Besides helping the unemployed, Sister Marie also opens Contact Point to "feed the poor, clothe the naked and put all who need help in touch with an appropriate agency," as she puts it. "We don't try to duplicate Government services," she points out, "but local communities can pick up the slack, and must."

Out of the meetings on unemployment at Sister Marie's Contact Point came an organization with elected officers, a plan, and even a bank account for contributions.

The group first sought to find out what skills were available in the community's work force and for several days in May the newspaper ran, on page 1 so it couldn't be missed, a clip-and-mail job skill survey form. In es-

sence, the form provided a fill-in-the-blank resumé for anyone seeking a job. The local paper also provided the unemployed free classified advertising space to sell their skills to potential employers. And just in case an unemployed person might overlook this service, the newspaper also ran half-page ads urging subscribers to clip the job skill survey and free classified forms and "hand them to one of your unemployed friends."

The local chamber put up a new employment bulletin board where both the unemployed and potential employers can come to match index cards. Also a retired businessman came out of retirement to offer job counseling to the unemployed. Local business were urged to post the job skill survey form in their front windows.

The unemployed, themselves, set up and manned a full-time calling and referral service. And when they were not busy with this or with job search efforts, they volunteered their time to help with community projects.

In order to expand the potential job market, the contact point group contacted other communities in Kay County and surrounding areas to find industries looking for workers.

Two months after the kickoff of this program for the unemployed, the group is beginning to tell success stories. Jobs are being matched with workers, and even temporary work has been found for some as area farmers have called in looking for help with harvesting. As Sister Marie put it, "We keep losing the officers of our unemployment club, because they find jobs. But the nice thing is, they hang around to help the others."

Now here is the best part of this story. This idea for solving unemployment is spreading. The Blackwell group proudly reports that nearby Ponca City, a city five times as big, has now developed a program modeled after the one in Blackwell.

Mr. Speaker, I hope this idea catches fire and spreads all the way east to the Potomac. I hope this local story becomes the national story on unemployment.●

GUAM GOVERNOR BORDALLO WINS APPROVAL OF PERTINENT RESOLUTIONS AFFECTING GUAM IN WESTERN GOVERNORS' CONFERENCE

HON. ANTONIO B. WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WON PAT. Mr. Speaker, I am pleased to call the attention of our colleagues to the adoption of the Western Governors' Conference of important resolutions introduced there by Guam Gov. Ricardo Bordallo.

The members of the conference, which was held in Kalispell, Mont. in June of this year, honored our Governor by voting to endorse these resolutions and in doing so placed the conference firmly behind his own drive to improve the economic and political future of Guam.

As a fellow Guamanian and a close friend of the Governor, I applaud his success. His efforts with the Western Governor's Conference opens important new avenues of support for the territory as it seeks to define ways in which the people of Guam can develop our potential while also improving our status within the context of the American political system.

Governor Bordallo recognizes that a goal of such immense scope and scale cannot be achieved alone. As an activist Governor, he has set out to win the endorsement of his fellow Governors who often recognize that there is a strong similarity in the problems Guam faces with the Federal Government and the problems the various States have in their relations with Washington. Justice for Guam could well create a new atmosphere of cooperation which could benefit the States. And I am pleased that Governor Bordallo has obviously been able to carry this message successfully to his colleagues at the Western Governors' Conference.

The topics discussed in Governor Bordallo's resolutions are: Relationship between the Territory of Guam and the Federal Government (Res. 83-20); Opposition to the Present Policy on Disposition of Surplus Federal Land (Res. 83-10); International Financing Activity in the U.S. Territories (Res. 83-19).

It is obvious from the wide scope of these resolutions that Governor Bordallo is working on many fronts to improve the future of the island. I share his concerns and am working with him in Congress and within the administration to see that these goals are attained.

The Subcommittee on Insular Affairs, which I chair, is already taking a close look at legislation I have introduced calling for the establishiment of a Commission to work with the local leaders from Guam, the Virgin Islands, and American Samoa to review how various Federal laws impact on these regions. I am particualry proud that the Governor was successsful in gaining the support of the Western Governor's Council for my bill, House Concurrent Resolution 131, which urges the President to appoint representatives to discuss Federal-territorial relations for Guam. And only several months ago, at the request of my subcommittee, the Library of Congress held the first symposium on energy needs of the territories.

I am proud to be working closely with Governor Bordallo on behalf of our island and I look forward to a continued and close relationship with him as we move to improve the quality of life on Guam. At this time I request that the resolutions introduced by Governor Bordallo now be inserted in the RECORD so that my colleagues here can review their contents.

APPROVED RESOLUTION NO. 83-19—INTERNATIONAL FINANCING ACTIVITY IN THE U.S. TERRITORY OF GUAM

(Introduced by Governor Ricardo Bordallo, Guam)

Whereas, in 1972, the U.S. Congress added Section 881(b) to the Internal Revenue Code to remove the 30 percent withholding requirement on interest paid to U.S. investors from Guam sources; and

Whereas, the stated purpose of the addition of Section 881(b) to the Internal Revenue Code was to remove a major disincentive to Guam investment from mainland sources; and

Whereas, in December 1982, the Department of the Treasury issued regulations (T.D. 7864 and Revenue Ruling 83-9) that rendered Section 881(b) of the Internal Revenue Code ineffective for the purpose of encouraging international financing activity on Guam; and

Whereas, both the Solicitor General of the Department of the Interior and the American Bar Association's Tax Section have supported Guam's position that the regulations in question went beyond the Department of the Treasury's authority and preempted the power of Congress to make tax law and the power of the Governor of Guam under the Organic Act of Guam, as amended, to administer and regulate the Territorial Income Tax; and

Whereas, it is the stated goal of the Government of Guam to lessen that island's economic dependence on government subsidies by developing the private sector economy in those areas especially appropriate to an insular economy through a program of economic rearmament; now, therefore, be it,

Resolved, That the Western Governor's Conference supports the Territory of Guam's position on international financing activity and urges the Secretary of the Treasury to work closely with territorial leaders in overcoming any policy objections he may have to such activity.

Approved by the Western Governors' Conference on June 29, 1983, in Kalispell, Montana. (WGC14R8319.)

APPROVED RESOLUTION NO. 83-10*—OPPOSITION TO THE PRESENT POLICY ON DISPOSITION OF SURPLUS FEDERAL LANDS

(Introduced by Governor Richardo Bordallo, Guam; Governor George Ariyoshi, Hawaii; and Governor John Evans, Idaho)

Whereas, Western Governors' Conference Resolution No. 82-7 requests that the disposal of surplus federal real property be accomplished in the best interests of the affected state and with the review and concurrence of state and local governments affected; and

Whereas, meeting the best interests of state and local governments is to make an important contribution to the well-being of the nation; and

Whereas, Executive Order No. 12348, promulgated on March 1, 1982, established a

* Governor Allen Olson, North Dakota, indicating that this resolution does not accurately reflect his views.

federal Property Review Board to screen all future sales and transfers of federal land and established a policy discouraging the transfer of surplus federal land to nonprofit and public agencies at public benefit discount; and

Whereas, this change in policy has both jeopardized long-standing cooperative relationships between federal agencies, and state and local governments, and diminished the states' abilities to site public facilities; and

Whereas, the stated policy established by Executive Order No. 12348 is to sell surplus federal land to the highest bidder to reduce the national debt; and

Whereas, the concept of the federal government selling its land assets, of forfeiting the ability of future generations to use such land for public purposes, to pay for a small portion of the federal government's operating expenses for a few years is ill-advised; and

Whereas, most of our economies and many of our lifestyles in the West are dependent upon and tied to public lands and national forests; and

Whereas, severe disruption of many of our important businesses such as mining, logging, ranging and tourism could ensue if the Property Review Board was to proceed in accordance with Executive Order 12348; and

Whereas, public access to areas of traditional use could be limited if the land were to become private property and thus limit such activities as grazing or hunting; and

Whereas, land in all U.S. Flag Territories in the Pacific is an extremely precious commodity with incalculable intrinsic and traditonal worth to the indigenous people of those insular areas that cannot be measured in terms of fair market value; now, therefore, be it

Resolved By the Western Governors' Conference that:

1. The Conference strongly recommends that the President reverse this sales policy which is harmful to the overall public good and restore the practice in effect since World War II of giving strong consideration to the various states' needs of public lands in conformance with stated Congressional policy;

2. The Conference re-emphasizes its policy position stated in Resolution No. 82-7 and extends that position to cover all land held by the federal government in any of the U.S. Flag Territories of the Pacific;

3. In such disposal decisions, Western State, local, insular and territorial governments be given a direct opportunity to review and concur with disposal of federal real properties within their direct jurisdictions and that the planning, coordination, and consultation requirements of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) be fully adhered to prior to the offering for sale or otherwise conveying public land or national forest tracts;

4. The opportunity for state, local, insular and territorial governments to obtain surplus federal property for public purposes through no cost or low cost conveyances be continued with such applications processed in an expedited fashion and *not* subject to review by the federal Property Review Board;

5. Western States and U.S. Flag Territories in the Pacific be given the opportunity to assume ownership of public lands and national forest tracts which are better suited for state, local or territorial management;

6. The federal Property Review Board be immediately directed to reveal the identity and location of federal properties which are candidates for disposal in the Western States and the U.S. Flag Territories in the Pacific;

7. The federal Property Review Board be immediately directed to establish formal procedures for state, territorial and local government involvement, consultation and concurrence; and

8. The Western Governors' Conference supports the action taken by the U.S. House Appropriations Committee, reported on June 21, 1983, to eliminate funding for the Bureau of Land Management's public land disposal program.

Approved by the Western Governors' Conference on June 29, 1983, in Kalispell, Mon. (WGC14R8310.)

APPROVED RESOLUTION NO. 83-20—RELATIONSHIP BETWEEN THE TERRITORY OF GUAM AND THE FEDERAL GOVERNMENT

(Introduced by Gov. Ricardo Bordallo, Guam)

Whereas, it is a basic principle of American democracy that the sovereignty of a government is derived from a consensus of the People governed through the process of self-determination; and

Whereas, the People of Guam have exercised their right of self-determination and expressed their desire to improve their status within the federal structure as evidenced through plebiscites in January and September 1982 in which a majority of the electorate chose a commonwealth status; and

Whereas, previous administrations, beginning in March of 1974, have supported the territories' rights of self-determination and have consistently indicated their willingness to discuss certain territorial relationships with leaders of the territories; and

Whereas, the United States Congress, by authority of Article IV, Section 3, of the U.S. Constitution, has plenary power over the territories of the United States; and

Whereas, Article IX of the Treaty of Paris of December 10, 1898, in which Spain ceded Guam to the United States, declares, "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress;" and

Whereas, on May 25, 1983, House Concurrent Resolution 131 was introduced to the U.S. House of Representatives, "Urging the President of the United States and the Governor of Guam to appoint representatives to discuss federal-territorial relations and to review the applicability of certain federal laws and their impact on the Territory of Guam;" Now, therefore, be it

Resolved, That the Western Governors' Conference urges the President of the United States and the Governor of Guam to appoint representatives to discuss federal-territorial relations; and

Be it further resolved that the Conference urges the Congressional delegations of the Western States to support House Concurrent Resolution 131.

Approved by the Western Governors' Conference on June 29, 1983, in Kalispell, Mont. (WGC14R8320.)●

SMALL BUSINESS INVENTORY SIMPLIFICATION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DORGAN. Mr. Speaker, today, I am introducing legislation to correct a serious tax problem facing many small businesses as a result of a decision by the U.S. Supreme Court in 1979, the so-called Thor Power decision. I do not quarrel with the Court's decision. The Court was simply enforcing the law. It is the law that is flawed: It does not reflect the reality or sense of actual business practice.

Briefly, Mr. Speaker, the Court held that if a taxpayer continues to hold excess or obsolete inventory in the chance that a customer might need it in later years to keep an old piece of machinery operating, for example, then the businessman must value that inventory for tax purposes at his cost or its sales prices.

But suppose that a manufacturer or dealer stocks many parts, rather than sell them for salvage, in order to better serve his customers. After a period of time, the chances that someone will buy a part from this obsolete inventory is remote; and, yet, if the businessman does not maintain this stock of old parts, a customer might be forced to dispose of a perfectly good piece of equipment for want of a part that is no longer obtainable.

Now, if the dealer does maintain a stock of outdated parts, it can hardly be said that the entire inventory is worth its initial cost. But the law is such that the businessman cannot devalue these items in accordance with actual business experience.

The bill I am introducing today attempts to correct this anomaly. It allows for a write-down of obsolete inventory. It also contains safety features to prevent abuses by eliminating the potential for fluctuating inventory deductions for tax purposes.

Mr. Speaker, in the wake of the Court's decision, both the taxpaying small businesses and IRS auditors are uncertain about how to proceed. In effect, small business people have been put on "hold." Yet, these taxpayers face the prospect of being "hit" retroactively with a large unanticipated tax bill.

America's small business entrepreneurs deserve better than to be placed on "hold" while waiting for the "hit." Moreover, in the 1981 Tax Act, which gave so much to the largest corporations in America, Congress mandated that the Treasury conduct a full and complete study of small business methods of accounting and inventory with a view toward the development of simplified methods. Treasury has not

fulfilled this vital obligation. It is high time to get them off the dime.●

POWELL A. MOORE RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to call to the attention of my colleagues the retirement of a distinguished public servant, Powell A. More, Assistant Secretary of State for Congressional Relations. Anyone who has to serve in a department bureau with the responsibility for congressional liaison must have the personal qualities of patience, tact, thoroughness, and energy. Powell Moore demonstrated all those qualities—and more.

His service with the Reagan administration will be sorely missed by all those who knew him and worked with him. As he begins his retirement, I simply wish to congratulate him for a job well done and say "good luck and Godspeed."

Before assuming the position of Assistant Secretary of State, Powell Moore was Deputy Assistant to the President for Legislative Affairs and was in charge of White House relations with the U.S. Senate.

Prior to joining the White House staff, Mr. Moore had been engaged for the previous 6 years in governmental relations and Washington representation, as a consultant for a variety of corporations and associations.

He began his Washington career in 1966 as an aide to the late Senator Richard B. Russell of Georgia. When Senator Russell died in 1971, he became Deputy Director of Public Information for the U.S. Department of Justice and later served in the Office of Legislative Affairs at the White House under Presidents Nixon and Ford. When he left the White House staff to enter private business in 1975, he was a Deputy Special Assistant to the President.

Mr. Moore worked on the national Presidential campaign staff of President Nixon in 1972, of President Ford in 1976, and of President Reagan in 1980. His association with the Reagan campaign began in early 1979 and he was assistant director of congressional relations for the Reagan transition between election day in 1980 and the inauguration on January 20, 1981.

Mr. Moore graduated from the Henry Grady School of Journalism at the University of Georgia in Athens, Ga., in 1959. He is a former weekly newspaper editor in Georgia and served for 3½ years as a U.S. Army officer including a tour in West Germany. Born on January 5, 1938, in Milledgeville, Ga., Mr. Moore is married to the former Miss Katherine Southward of Midway City, Calif. They have two children.●

SURVEY OF NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PERKINS. Mr. Speaker, the recent report of the National Commission on Excellence in Education, "A Nation at Risk," has received a great deal of attention in the past few weeks from those interested in education, and its recommendations for reform have already been widely studied and debated. In some quarters, unfortunately, those valuable recommendations have been largely misunderstood or ignored—most notably, in the White House.

President Reagan has proposed, in the guise of educational reform, such "solutions" as the drastic reduction of Federal funding for education and the dismantling of the Department of Education. He has, moreover, sought to lend weight to his latest proposals by suggesting that no less an authority than the National Commission on Excellence in Education had recommended such actions.

I decided to survey the members of the National Commission directly on just that point: Whether the President's proposals for education were anywhere suggested or endorsed by the Commission's report. In short, the answer is an emphatic "no." The Commissioners do not support reductions in Federal assistance for education.

The Commissioners were first asked whether the "Nation at Risk" report concluded that additional Federal funds should be provided for education and 8 of the 10 who answered the survey responded that, contrary to the President's belief that Federal funding should be dramatically cut, the report foresees a definite and significant role for Federal funding in education. The Commissioners were unanimous in the belief that increased State and local funds would be necessary as well, for improving American education.

The Federal Government has taken an active and important interest in the support and encouragement of education throughout the history of our country. The National Commission's report itself speaks of the "sound tradition, from the Northwest Ordinance of 1787 until today, that the Federal Government should supplement State, local, and other resources to foster key national education goals."

And yet we have a President determined to reverse that tradition, at the very moment that a rededication to the needs of education is most urgently required. In the last 2 years over $2.5 billion has been cut from Federal education support. And more appalling still, by 1988, under the President's budget proposals, Federal funding for education in constant dollars would be reduced to a level beneath the amount spent in 1967. Such budget cuts are hardly responsible when the need for educational improvement is imperative.

A 1982 Gallup Poll of the public's attitudes toward the Nation's schools showed that a majority of those surveyed felt that public education should hold the top priority for additional Federal funds, ahead of every other category listed, including the military. Mr. Speaker, if the President will not listen to his own National Commission on Excellence in Education—and it is obvious that he has not—he at least should listen to the American people.●

INVESTIGATIVE RECORDS OF THE SELECT COMMITTEE ON AGING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PEPPER. Mr. Speaker, Several weeks ago the House of Representatives debated and passed a privileged resolution relating to the investigative records of the Select Committee on Aging, which I had the honor to chair until the commencement of the 98th Congress. During consideration of House Resolution 176, I was unavoidably absent from the Chamber, attending to a previously scheduled meeting of the Interparliamentary Union. I want to commend the leadership on both sides of the aisle for bringing this resolution to the floor, as well as Chairman ROYBAL and ranking Republican RINALDO, and had I been here I would have supported the resolution, which passed with an overwhelming vote of 386 yeas to 22 nays.

Because of the crucial importance of the resolution to the independence of the legislative branch and its ability to conduct effective investigations into matters affecting the welfare of our people, I wanted to share with the Members and others some background into the investigation which we conducted concerning supplemental health insurance to the elderly and its results, particularly since the investigation was conducted in 1978, perhaps before some current Members were elected to the House.

The select committee had received information from senior citizens that supplemental health insurance was being sold to the elderly through the use of sales practices that preyed on

their fears and vulnerabilities, through scare tactics and heavy handed techniques, and that in many instances, insurance was sold needlessly and in duplication of existing coverage. Reports of these abuses had also appeared in the media.

After a survey of the subject through traditional means, including questionnaires to State insurance commissioners, carriers, and Federal authorities, the staff determined that it would be necessary, in order to learn the nature and extent of these sales practices, to conduct a field investigation through which first-hand observation of these techniques could be acquired. We determined to use a method we had used on previous occasions with success to acquire accurate first-hand information—utilizing committee personnel to obtain sales positions with companies selling supplemental policies and to arrange sales meetings at which agents would offer and discuss their policies, often to senior citizens employed by the select committee for this purpose. Indeed, the staff suggested that I attend one or more of these sales meetings to appreciate the scope of the problem, but it was determined that I might be too recognizable and jeopardize the efficacy of the investigation. Congressman MARIO BIAGGI did participate in several such meetings, posing as a pensioner interested in supplemental insurance, and later reported to the committee on his experiences.

I can tell Members of the House that in my experience at the select committee, and earlier as chairman of the Select Committee on Crime, that those engaged in the kinds of abusive sales practices which we documented do not volunteer to come before the Congress, under the glare of public scrutiny, and describe in detail the unscrupulous and unethical pursuit of the elderly for profit. And so we in the select committee, members and staff, went undercover to develop a full, painstaking, and accurate record of abusive sales practices and to lay before the Congress and the American people what we found.

We offered no inducements whatsoever to any agent or company during our investigation, but simply provided an opportunity for those engaged in unscrupulous activity to promote the insurance products in their customary manner; we simply developed a more complete record of the practices we observed than could be obtained by recalling what had occurred at these sales meetings later. We did not tell any agent or insurance carrier what to say, how to act or when to make a sale; we simply pinned down the facts for review by our committee and the Congress. We wanted very much that the elderly of the Nation be aware of the results of our investigation, so that they could protect themselves, but also to appreciate and understand the impetus behind the legislation which was ultimately enacted to provide a modicum of prevention against abusive practices.

As I stated at the select committee hearing on November 28, 1978, we on the committee were anxious for the story of these abuses to become common knowledge among the people of this Nation who are concerned with the plight of the elderly citizens of this country who were, and sadly still are, being victimized by these unscrupulous sales practices. Therefore I, as chairman of the select committee, gave our staff, particularly our senior committee aides, the discretion to work with the media to bring our message to the citizens of this Nation, as I have done on other occasions.

Mr. Speaker, your Select Committee on Aging has worked vigorously to protect the welfare of our senior citizens. It is important that practices which are abusive, initimidate, or threaten the welfare of our senior citizens be brought to light, and for our elderly to be forewarned and protected against unethical sales practices. I felt then and feel now that our committee, and its staff, did a commendable job in documenting this problem and bringing it to the attention of the Congress and the Nation.

Now, I understand that during the debate on House Resolution 176, questions were raised about the methodology employed by the select committee and its cooperation with ABC, a codefendant in the action. I can only suggest that the proof is in the pudding and the solid record established by the select committee, which resulted in the passage of laws making some of the abusive practices illegal, could only have been achieved in the manner described.

I take this opportunity to commend the House on the action it has taken and the Speaker and bipartisan leadership of the House.●

PERSONAL EXPLANATION

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CLARKE. Mr. Speaker, on July 29, 1983, I was necessarily absent from the floor of the U.S. House of Representatives for the last vote of the day. Had I been present for rollcall No. 296, agreeing to House Concurrent Resolution 153, providing for the August adjournment of the House and Senate, I would have voted "yea."

Mr. Speaker, I appreciate having this opportunity to make my position known for the RECORD.●

HISPANIC AMERICAN VIEW CENTRAL AMERICA

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. EVANS of Illinois. Mr. Speaker, with U.S. military exercises imminent in Central America, it is time for all Americans to reflect on the wisdom of the Reagan administration's policies in that region. We should pay particular attention to the views of our Hispanic Americans, many of whom are rightly concerned about possible U.S. involvement in an armed conflict in Central America.

Following is a powerful column from a recent edition of U.S.A. Today by Arnoldo S. Torres, executive director of the League of United Latin American Citizens:

WILL HISPANICS FIGHT HISPANICS?

(By Arnoldo S. Torres)

WASHINGTON.—Hispanic-Americans are more concerned than ever about Central America. Many believe that the cultural insensitivity and ignorance of U.S. policy is related to a misunderstanding of and insensitivity toward Hispanic-Americans.

Continued references to Central America as "our backyard" are an example of a paternalistic, crisis-oriented mentality. The United States has historically neglected and disregarded Central America; that cannot be rectified simply by throwing money into wars.

That mentality is reflected in Ambassador Jeane Kirkpatrick's suggestion that a "Marshall Plan" is needed to thwart Soviet-backed "subversion" in Central America. That puts the problems of Latin America solely in a U.S.-Soviet context.

It's indeed unfortunate that such a Latin American "expert" should think of cultural exchange and development aid only in terms of a response to Cuban literacy programs and Soviet-supported fellowships.

For many Latins, the choice of Henry Kissinger to head the policy commission adds insult to injury. The commission suffers from the same problems as U.S. foreign policy in this region—lack of knowledge, experience and sensitivity.

The result of present policy seems inevitable: The administration is seeking a military solution in Central America that would have Hispanic Americans in U.S. armed forces fighting in disproportionate numbers against our Latin brothers.

Hispanic Americans would be the first on the front lines to carry out this unrealistic and mistaken policy. And in view of the paranoia about undocumented workers, it is possible that under war conditions we could hear in the United States calls from the far right for internment camps for "Latin communists."

It is the obligation of United States decision makers to see that international law and our own laws are obeyed, that peaceful coexistence with our Southern neighbors is maintained and that the lives of American citizens are protected. Continued failure to meet this obligation could mean war.

Despite the loss of 45,000 lives in the region and a growing human tragedy, no policy changes are in sight. Is it un-Ameri-

can to question or criticize this insane policy? I certainly hope not.●

A CAREER OF IDEAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LAGOMARSINO. Mr. Speaker, there are few people in today's world who can boast of a career spanning nearly half a century. Experience, in today's world, generally consists of 6 months on the job, or perhaps 2 years of graduate work. Last week, Tom Fesperman graduated from a career spanning 48 years.

Tom's profession was journalism, but his real expertise was in the field of ideas. Starting as a reporter on the Charlotte, N.C., News, he was in succession a daily columnist, city editor, managing editor, and editor at various papers; most recently, he was editorial page editor at the Santa Barbara, Calif., News-Press, a Pulitzer-prize winning publication in the district I have the honor to represent.

Along the way, Tom also managed to serve in the Army during World War II, write a thrice-weekly syndicated column for NEA, serve as a director of the Associated Press Managing Editors Association, a lecturer at the American Press Institute, and a writing coach. You might say he was immersed in the business—and you would be correct.

Tom's acumen, his vast wealth of experience, and his acquaintance with the major ideas and trends of his time served his readers as well as himself. In a career that saw journalism transformed from hot type to video display terminals, Tom never lost sight of the human dimension of the news. And although he is now enjoying a more leisurely pace, he has agreed to remain an occasional contributor to the flow of ideas, enriching us all.

I am pleased to extend the felicitations of this body and my constituents—also Tom's—on this occasion, and our best wishes for a continued rich and varied life.●

EMINENT DOMAIN: HOW IT WORKS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WILSON. Mr. Speaker, it appears that the House is going to soon have an opportunity to once again vote on coal slurry legislation. Prior to that vote, there will doubtless be a great deal of discussion surrounding the issue of granting Federal eminent domain authority to coal pipelines. I want to contribute to this discussion by reminding my colleagues about some facts about how pipelines generally exercise the power of Federal eminent domain and then address the specific eminent domain provisions of H.R. 1010, the proposed Coal Pipeline Act of 1983.

It should be noted at the outset that the exercise of Federal eminent domain authority by a private corporation is not unique. It has exercised at various times by oil and gas pipelines, railroads, canals, and electric transmission lines for utilities. This power carries with it clearly prescribed duties and responsibilities. In order to better understand how an eminent domain proceeding will work for coal pipelines, I have outlined below the steps in a typical Federal eminent domain proceeding under the Natural Gas Act. The proceedings will be very much the same under both the Natural Gas Act and the provisions of H.R. 1010.

Initially, contact is made with the landowner by representatives of the pipeline requesting permission to enter upon the land to survey a route for the proposed project. At this time a dialog is begun with the landowner regarding the general direction of the proposed route and an explanation of the project in as much detail as possible. The landowner's considerations and requests are duly noted for consideration as part of future negotiations.

Once a route has been selected, representatives of the pipeline company negotiate with the landowner for an easement granting rights to enter his land and construct, operate, and maintain the proposed facility. At such time as the landowner conveys these specific rights to the corporation he is paid a sum of money as consideration for the easement based on an estimate of the value of his lands and which sum may include payment for all normal construction damages in advance. The landowner retains title to the land above the pipeline right-of-way.

The pipeline company must tender compensation to a landowner before the corporation has the right to enter upon that person's land in order to proceed with the project. Should the tender be refused by the landowner, it must be deposited with the courts prior to entry upon the lands for project purposes. The tender is generally in some multiple of the estimated amount of damages and appraised value. The money or bond so deposited is available for the landowner usually during the time of litigation, or at such time as the final jurisdiction and decision is made by the courts.

The pipeline has the responsibility and the legal obligation to act in a responsible manner. The company must perform under the terms of the legal document it has executed with the landowner or obtained through the courts. A corporation must restrict its operations to the rights within the area for which it has acquired. If it is negligent or fails to comply with the terms of the easement or judgment the landowner has a document through which he can obtain legal recourse against the corporation. The company, through the legal contract, is responsible for the payment for all vegetation, crops, and improvements that are destroyed, altered, or impaired as a result of construction and will compensate the landowner for them. Land is restored as nearly as practicable to its preexisting condition. It is in both the pipeline's and landowner's interest that vegetation be reestablished either through cultivation or other means in order to protect the right-of-way from erosion.

Once the pipeline has been constructed the legal contract—easement, judgment—provides the right to enter upon the land to maintain and operate facilities.

Again, the contract also provides certain rights to the landowner under which he must be compensated for those damages which incur to growing crops, vegetation, fences, or other permitted improvements along the right-of-way or to his property as a result of operations or maintenance.

Generally, easements are of a perpetual nature and will remain with the corporation for its purposes in perpetuity. There are occasions where easements are accepted which provide that in the event that the corporation ceases to use the rights obtained for a specific period of time those rights will revert back to the current owner of the land. Any land that is acquired under a fee purchase for long-term facilities—for example pumping stations—will remain the property of the corporation and can only be disposed of by sale or other similar methods.

It should be noted that the power of Federal eminent domain granted to coal pipelines in H.R. 1010 imposes several duties on the pipeline company and additional protections to landowners. Specifically, H.R. 1010 would:

Require that the power of Federal eminent domain be exercised in appropriate State courts in such manner as may be provided for under applicable State law.

Require that State law dealing with compensation, trial by jury and citing alternatives will apply except where if such law would prohibit acquisition of a right-of-way. If State law does not provide for or permit trials by jury, an affected landowner shall have that right nonetheless.

Prohibit the use of eminent domain authority by a pipeline company unless they are unable to acquire the necessary right-of-way by negotiation within a reasonable period of time.

Require payment for reasonable attorney fees to a landowner by the pipeline company if the offer for the easement/land is not at least 80 percent of the value of the land as determined by the court in a condemnation suit. The limit for such fees is $20,000, except that they can be higher if there is a showing of bad faith on the part of the pipeline.

Require pipelines to be built underground to the maximum extent practical. The pipeline shall be installed in such a way as to minimize interference with agricultural drainage systems. Upon completion of the pipeline, the pipeline company shall replace topsoil and revegetate the land, and restore the land to its preconstruction condition and use to the extent possible.

These additional protections afforded landowners in H.R. 1010 were adopted with the support of the coal industry. I think it is clear that H.R. 1010 makes every effort to balance the needs of coal pipeline operators and landowners. This is a needed piece of legislation which I would urge my colleagues to support.●

PIK PROGRAM

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, I want to bring to the attention of my colleagues two articles that appeared yesterday in the Washington Post. I would particularly recommend these articles to any Member whose district includes farming communities.

In a time when the farmers in my district of west Texas are facing near financial ruin because of a fourth consecutive year of declining net farm income, 6 months without even an inch of rain, and an administration whose answer to these problems is to slash target price support levels in the immediate future, it is interesting to read that some of the chief beneficiaries of the administration's payment-in-kind program are those people who are charged with the creation and supervision of that same program.

Everett G. Rank, Chief Administrator of the PIK program and head of the USDA's Stabilization and Conservation Services, is one of five partners of a farm operation that will receive 1.3 million pounds of cotton free, worth over $1 million on the open market. It further turns out that big agribusiness concerns, owned in some cases by Chevron, Shell, and Superior Oil Cos., are the main beneficiaries of this year's PIK program.

I find it appalling that a farm program put into place to help the small and family-operated farming concern is, in actuality, benefiting those agribusiness interests that need the least amount of help.

I find it indefensible that the chief architect of this same program stands to realize a substantial amount of money from participation in this program by his business interests.

I would hope that my colleagues feel as outraged as I do to learn that once again, the "primary constituents" of this administration, big business, are reaping the fruits of an agriculture policy put into place to help those farmers who are facing depressionlike conditions and barely scratching out a subsistence level of income.

[From the Washington Post, July 28, 1983]

CONGLOMERATES TO REAP MILLIONS FROM PIK

(By Ward Sinclair)

FRESNO, CALIF.—Dozens of big farms in the San Joaquin Valley, some owned by such conglomerates as Bangor Punta, Tenneco, Chevron USA, Shell Oil and Superior Oil, will receive millions of dollars worth of free cotton through the Reagan administration's payment-in-kind (PIK) program.

In Fresno, Kings, Kern and Tulare counties, nearly 50 farms will receive cotton worth $1 million or more each, according to Department of Agriculture records at county offices of the Agriculture Stabilization and Conservation Service. They also show that dozens of smaller farms in the four counties will receive free cotton worth more than $500,000 through the federal program.

Among the beneficiaries is Everett G. (Bud) Rank Jr., chief administrator of the PIK program and head of the Agriculture Department's Stabilization and Conservation Service since 1981. He and four partners in a Fresno County operation, Cinco Farms, will receive 1.3 million pounds of cotton, worth slightly more than $1 million, in return for idling their entire cotton base of 2,163 acres.

The PIK program will give farmers amounts of free cotton, wheat, corn and rice in return for not planting all or part of their 1983 crop. It is intended to reduce market-depressing surpluses and increase farm prices. Last year, net farm income, adjusted for inflation, hit its lowest mark since the Depression.

But PIK is coming under increasing fire in Congress and across the farm belt. Critics, charging that the program is too generous, estimate that it will cost taxpayers $12 billion or more and claim that it undermines farm-supply companies and

Rank, in a meeting with farmers here last week, touched on these issues. He said farm program costs are becoming "kind of embarrassing" and are "bleeding the taxpayer."

Rank said. "We can't expect the American taxpayer to keep subsidizing agriculture . . . The American taxpayer at some point is going to say 'that's enough'. . . . We farmers bitch about welfare and we all have our hands out. You have to realize the taxpayers are not going to guarantee your profit."

Willoughby Houk, a rancher near the community of Firebaugh who idled 91 acres and stands to get only 98 bales of free cotton, said, "The rich just got richer in this program. They never should have waived that $50,000 limit on federal payments to individual farmers."

As PIK was being designed late last year, Secretary of Agriculture John R. Block insisted the program would not work unless it was open to all farmers. He argued that it would not attract enough participants if a congressionally imposed limit of $50,000 on federal aid payments to individual farmers was left in place.

The Agricultural Department, which failed to win congressional authorization for the PIK with a waiver of the payment limitation, went ahead on its own. Government lawyers reasoned that the $50,000 limit would not apply because farmers would be given a commodity rather than cash.

That decision has turned out to be a boon for many of the country's largest grain and cotton farmers. In the four major cotton-growing counties of the San Joaquin Valley, 503,479 acres—two of every five eligible acres—have been enrolled in the program.

In this valley, where farmers traditionally have been harsh critics of federal agricultural support programs, yet have been quick to take advantage of them, there is an additional dimension to benefits, from Washington.

Federally subsidized irrigation water available to many farmers here at a fraction of its real cost has contributed to extraordinary cotton yields from a desert landscape that otherwise would produce little. Farmers from this area mounted a major lobbying effort to persuade Congress to retain their water subsidies in last year's revision of the Reclamation Act of 1902.

The large PIK payments to the valley's farmers are based on these high yields, which range between two and three bales per acre of high-demand, top-quality cotton, compared with one bale per acre for the typical dry-land farmer in the South and Southeast.

They also are getting another break in the PIK program. Because of the cost of irrigation water here, they have been exempted from the program's requirement to plant their idled fields with cover crops to prevent erosion.

The Agriculture Department also is permitting farmers here to use a "skip-row" cropping technique that will enhance yields further by alternating planted strips of land with idled strips, thus creating more "outside" rows that get more full sunlight. Some farmers in the valley also are being allowed to plant grapevines on idled land if they intend to give up cotton as a crop.

Some of the biggest recipients of PIK cotton here also cashed in handsomely in 1979 when the federal government paid millions of dollars in low-yield disaster payments to cotton farmers stricken by drought the previous year.

One such operation is South Lake Farms, owned by Producers Cotton Oil Co., a subsidiary of the Bangor Punta Corp., a Connecticut-based conglomerate that makes airplanes, boats, firearms, sporting goods and other industrial products. South Lake Farms, in Kings County, received $1 million in disaster aid in 1979. This year it will get at least 4,524,329 pounds of PIK cotton, worth about $3.6 million, according to the government records.

Producers Cotton Oil Co. President Gerald Brewer, who is also president of the National Cotton Council, refused to divulge details of his company's participation in PIK, although he said that the company has farms "in two or three counties." Producers Vice President Sid Cox refused to identify the counties or to name the farms, then hung up the telephone.

South Lake is only one of a number of conglomerate-owned farming operations

that will benefit from the cotton portion of PIK.

In Kern County, Belridge Farms, an affiliate of Shell Oil, is due to get 3.1 million pounds of cotton, worth about $2.5 million, plus 37,000 bushels of free federal wheat, worth about $150,000, through another part of the PIK program.

In Kern and Tulare counties, farming subsidiaries of Tenneco West, an arm of the Houston-based Tenneco oil and gas multinational, will get slightly more than 2 million pounds of cotton, with a current resale value of about $1.7 million.

Chevron USA, although not directly involved in farming, will cash in on PIK through its ownership of extensive agricultural land put into the program by farmers who operate on leases.

At least nine of these operations in Kern, Fresno and Kings counties will give Chevron more than 502,000 pounds of cotton, with a value of at least $401,000, as its share from the PIK program. Chevron also stands to get at least 2,346 bushels of PIK-program wheat from two of its Kern lease operations.

In Tulare County, the Superior Farming Co., a subsidiary of Superior Oil, will get 222,707 pounds of cotton through PIK, while the Standard Oil Co., operator of another farm, will receive 43,641 pounds of cotton.

Farmers in Fresno County, the richest agricultural county in the world, stand to get 73.2 million pounds of PIK cotton, with 26 of the growers receiving more than 1 million pounds each. Many of them are in the Westlands Water District, a 600,000-acre federally irrigated zone where farms of 1,000 acres and more with high yields are common.

Westlands farmers, represented by a phalanx of Washington and California lawyers, lobbied Congress to rewrite the 1902 reclamation law in ways that would protect their large holdings and their access to the cheap federal water.

Federal district and appellate courts had held that the 1902 law, limiting an individual to 160 acres of federally irrigated land and requiring owners to reside on the land, had been violated on a wholesale basis in Westlands. The 1982 revision of the law will increase water rates in Westlands, but it wiped out the tight restrictions on farm size and residency.

The biggest PIK recipients from Fresno County include Hillside Farms, owned by Steven H. Hall, and El Dorado Farms, operated by Yataro and Isamu Minami, with more than 4.6 million pounds of cotton each. Harris Farms, operated in Westlands by John Harris, will get 3.4 million pounds.

The largest individual PIK recipient in the valley apparently will be C. J. Ritchie Farms in Tulare County, which is scheduled to get 4,793,862 pounds with a market value of $3.8 million.

Don Jackson, who operates alone and in partnerships on about 25,000 acres in Kings and Tulare counties, according to government records, will get about 3.5 million pounds of cotton, which could be resold today for more than $2.8 million.

Jackson said in an interview that he had no qualms about accepting federal aid because he felt that federal farm policies were the root of his and other farmers' economic troubles.

"They're helping us out of something they got us into," Jackson said. "It is a salvation for farmers across the United States. There would be wholesale bankruptcies without it. * * * The government uses food as a big hammer over the markets. The whole concept of federal support levels is wrong. * * * If they kept their hands off, we would be okay."

[From the Washington Post, July 28, 1983]

TOP PIK OFFICIAL HAS FARM IN PROGRAM

(By Ward Sinclair)

Everett G. (Bud) Rank Jr., on leave from his California farm to work in the Reagan administration, will receive about $214,000 worth of free cotton from the federal payment-in-kind (PIK) program that he administers in the Agriculture Department, according to government records.

Rank is one of five partners in Cinco Farms, a Fresno County farming operation that is scheduled to receive 1,338,820 pounds of free surplus cotton through PIK. His share would be 267,764 pounds of cotton, which could be sold at today's prices for about 80 cents a pound, according to cotton handlers in Fresno, the center of San Joaquin Valley agriculture.

Rank said in an interview that he did not learn until last week that his farm had been enrolled in the PIK program and that he saw no conflict between that and his role as chief administrator of the PIK program.

But David Scott, chief counsel of the Office of Government Ethics at the Office of Personnel Management, said yesterday, "There clearly is a problem here. We will want to take a look into it, and will begin by contacting ethics people at USDA to take a look at this."

William J. Riley Jr., the Agriculture Department's director of personnel, said that he was not aware that Rank's farm was enrolled in PIK.

"Yes, of course, we will take a look at it," he said. "But I don't know if we would come to a different conclusion than Mr. Rank has."

Secretary of Agriculture John R. Block said that he also was unaware of Rank's enrollment in PIK, but he added that Rank had met federal requirements by giving up a directorship of the operation.

In contrast to Rank, Block has pledged that his own large farm operations in Illinois would not take part in federal farm aid programs, thus avoiding any real or apparent conflicts.

Block appointed Rank, a Republican, as national administrator of the Agriculture Department's Stabilization and Conservation Service shortly after the Reagan administration took office in 1981. Rank became chief of the PIK program when it was set up early this year to prop up farm prices and reduce crop surpluses.

Rank said that, to avoid conflicts of interest, he gave up his directorship of Cinco Farms when he came to Washington. He said that he was unable to sell his stock in the partnership when he came here and continues to receive rent from the farming operation in the huge Westlands Water District of the San Joaquin Valley.

Cinco Farms is headed by William McFarlane, a Fresno county grower who was president of a coalition of agribusiness interests that lobbied Congress heavily in 1981 and 1982 to retain federal irrigation subsidies in Westlands and in other western states.

Government records indicate that Cinco Farms enrolled its entire eligible base acreage of 2,163 acres in the PIK cotton program. Under terms of the federal surplus-reduction scheme, Cinco Farms is leaving that land idle this year and will receive 1.3 million pounds of surplus cotton for resale in the fall.●

INTERN PETITION TO END U.S. MILITARY AID TO CENTRAL AMERICA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DELLUMS. Mr. Speaker, I would like to bring to the attention of my colleagues and the President of the United States the enclosed copy of a petition addressing the current situation in Central America which is being circulated by a large cohesive group of congressional interns and volunteers on their own time, and independent of any congressional sponsor. The purpose of this petition is to share with the Reagan administration their deep concern over increasing military involvement in Central America and urge the President to seek a peaceful negotiated settlement to the conflict.

Throughout the summer these interns and volunteers have used to their advantage the valuable informational resources available to them in order to form a more informed opinion on the current status of affairs in Central America. They have consulted staffs from both sides of the aisle in attempting to understand the policies of the administration. One of the valuable aspects of the internship/volunteer program is the participation in the process of policy analysis. While the signatures recognize this petition does not represent the views of all interns or volunteers, this concerned group wishes to make a statement expressing their opposition to the administration's actions in Central America.

This petition is being sent to President Reagan and to the Central American Embassies. I hope my colleagues and President Reagan will take this petition seriously. These students come from universities and colleges throughout the United States and will return to them continuing to take an active role in the policies which affect them. They do not have a constituency to represent nor an office to preserve, they have come to listen, learn, and form their own opinions. Therefore they can rightfully present their views undaunted by self-interest.

President Reagan:

During the past few years, the political instability in Central America has raised serious concerns in our country. We, the undersigned Congressional and Government Interns, wish to express our opposition to several of your Administration's actions in Central America:

(1) Increased U.S. military involvement;

(2) U.S. military support of governments that blatantly violate fundamental human rights;

(3) U.S. violation of national and international laws; and

(4) Continuing U.S. efforts to overthrow the Nicaraguan Government.

These actions are increasing the probability of direct U.S. troop involvement in a full-scale regional war.

We believe these actions stem partly from a misguided perception of events in Central America as little more than an outgrowth of the international competition between the United States and the Soviet Union. This overemphasis on the Soviet influence in Central America diverts attention from the history of political and economic oppression which is the principal cause of the current unrest. Moreover, your Administration's policy in Central America is consistent with your actions that increase the disparity of wealth between the rich and poor peoples in the world.

Believing that these policies can only undermine both the interests and ideals of the United states and that negotations provide the best means to the establishment of peace, democracy and justice in Central America, we therefore present the following petition:

Whereas, the Reagan Administration has violated the Boland Amendment, the Rio Treaty, the O.A.S. Charter, and the U.N. Charter by providing military assistance to groups attempting to overthrow the Nicaraguan Government; and

Whereas, in the past six months the political death toll in El Salvador has risen twelve percent over the previous six month period, to 1,054 deaths, according to the U.S. Embassy estimate, (Tutela Legal, the Salvadoran Catholic Church and Amnesty International document 2,527 deaths or disappearances in the same period, making the total for the last four years more than 38,000); and

Whereas, the U.S. has deployed combat troops in Honduras and three task forces led by the carriers *Ranger, Coral* and the battleship *New Jersey* off the Nicaraguan coasts; and

Whereas, direct U.S. intervention in the internal conflicts in Latin America has led to the imposition of brutally repressive regimes in those nations (e.q. Nicaragua, 1933; Guatemala, 1954; Chile, 1973);

Therefore, we call for the following actions:

(1) Cease all U.S. military aid to Cental America;

(2) End U.S. "covert" destabilization efforts against Nicaragua;

(3) Grant extended voluntary departure status to Central America refugees until they can safely return to their homelands;

(4) Make human rights a priority in the formulation of your policy toward all of the nations of Central America; and

(5) Support the proposals of the Contadora Group.●

A TRIBUTE TO MARIUS GALLAGHER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LIPINSKI. Mr. Speaker, I am honored to today call attention to a great citizen in my district, Marius Gallagher. Since moving into the Garfield Ridge community 25 years ago, Marius has helped our area in many ways. He served as president of the Garfield Civic League for 7 years, and as president of the Garfield Ridge Council of Organizations for 3 years. Gallagher has led a ceaseless battle for the comfort and safety of his neighbors.

Marius Gallagher has won numerous awards in the past 15 years. He was named the 23d Ward Patriot and Minuteman of the Year, and has been cited by the Rhine VFM Post, Garfield Ridge Chamber of Commerce and the Greater Midway Community and Development Committee. Marius has also won the "Ray McDonald Community Achievement Award."

It is with pride that I introduce into today's RECORD a newspaper article printed when Marius Gallagher received the Ray McDonald award.

Marius Gallagher's community involvement and dedication to improving the quality of life in the 23rd Ward are two reasons why he has been selected as March's recipient of the Ray McDonald Community Achievement Award.

Gallagher, the youngest of 13 children, was born in Gillespie, Illinois. One year later, the family moved to Chicago where he attended St. Dorothy's Grammar School and Carlinville Community High School. He also attended Wilson Jr. College but had to quit after one semester to help support his family. He was drafted by the United States Army in 1942 where he served as a staff sergeant until 1946. During his four year shift in the service, he earned an army degree as a diesel electric engineer.

For the past thirty years, Gallagher has been employed as a construction electrician. He has been involved in the construction of schools, hospitals, factories, high rise buildings and single family homes. "Every day is different—it's still a learning experience on the job," Gallagher stated.

Twenty-five years ago Gallagher moved to the Garfield Ridge community where he immediately proceeded to join the Garfield Civic League. He served as president of this organization for 7 years. He also had the distinct honor of serving as president of the Garfield Ridge Council of Organizations for 3 years. Gallagher has been constantly involved in community affairs such as the unending battle with aviation officials regarding the use of Midway Airport. His number one concern has always been the safety of his neighbors.

In the past 15 years, Marius Gallagher has received his fair share of awards. He has received the outstanding civic leader award from the Garfield Ridge Civic League, Council of Organizations and Kiwanis Club. In addition he was also honored as the 23rd Ward Patriot and Minuteman of the Year. His numerous community activities have also earned him citations from the Rhine VFW Post, Garfield Ridge Chamber of Commerce and the Greater Midway Community and Development Committee.

One of Marius Gallagher's proudest moments took place approximately 15 years ago when he and a friend by the name of Norman Middle saved a man's life. Gallagher and his friend were visiting a local establishment when a fire started in the basement of the structure. Instead of leaving the premises, Gallagher and Middle checked to make absolutely sure that everyone else was safe. It was during this search that they ran across a gentleman overcome by smoke laying upstairs. With Middle's assistance Gallagher carried the man from the burning building. His civic duty, has truly run the gambit.

In summing up why he became involved in community affairs, Gallagher simply stated: "My main goal has always been to make this the finest neighborhood in the City of Chicago." The Midway Sentinel believes he has accomplished his goal.●

MICHIGAN UNEMPLOYMENT ABOVE NATIONAL AVERAGE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SAWYER. Mr. Speaker, my State of Michigan has one of the highest unemployment rates in the Nation—way above the national average. This situation has caused great suffering for thousands of residents in my State. Recently, I became aware of a job-training demonstration program for minority youth that would have been ideal as a first step in our efforts to get this critical jobless situation under control. But, with an apparent lack of regard for our serious problem, every Michigan city was overlooked for participation in this program.

I am incensed by the fact that a State with such a great need for job-training is not even considered. On July 13, the entire Michigan delegation joined me in sending a letter to both the Secretary of the Department of Housing and Urban Development, Samuel Pierce, and the Secretary of the Department of Labor, Raymond Donovan, requesting an explanation for why not one Michigan city was chosen and why unemployment was not the criteria used in the selection process.

Yesterday, HUD finally responded to our inquiry and this morning Members of the delegation joined in a news conference to express our dissatisfaction with their reply. The letter explained that—

Emphasis was placed on the expected capacity of the local community, represented by its public housing authority, private industry council and city government, to effectively manage and coordinate a flexible initiative. Cities with histories of strong training experience, good cooperation between public an private sectors, strong CETA-PIC's which would continue under the Job Training Partnership Act, JTPA, or fast developing JTPA-PIC's, were added to cities with good to excellent public housing management. Unemployment was not a primary determinant . . .

I am amazed that any job-training initiative would fail to consider unemployment as a primary criteria for selecting participants. This program most certainly should have been targeted for cities with high unemployment and specifically for those areas with serious minority youth unemployment problems.

It is distressing to me that HUD and this administration have acted this irresponsibly. This problem has been remedied for the future with an amendment we had tagged on to the HUD authorization bill for fiscal year 1984, which requires the HUD Secretary to use unemployment as the principal criteria in selecting participants for job-training programs. Unfortunately, this amendment will have no affect on this situation. We, the Members of the Michigan delegation do not plan to give up. We will continue our fight by taking our case to the White House.

Job creation has been an issue of the top-most priority for this administration. HUD's failure to consider unemployment and in turn overlooking every Michigan city for this demonstration program is a critical error that could have serious repercussions.●

UKRAINIAN PRISONER OF CONSCIENCE, OSKANA MESHKO

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, today I sent a letter to Secretary General Andropov—cosigned by 100 of my colleagues in Congress—which expresses our deep concern for the health and safety of the Ukranian prisoner of conscience, Oskana Meshko. This urgent appeal requests that Oskana be spared her final year in exile due to her age and failing health, and be allowed to return with her son and his family to Kiev.

Oskana Meshko is now in her second year of exile after being sentenced on July 3, 1981, to 6 months in a labor camp and to 5 years of internal exile in Siberia. The charges brought against her were "anti-Soviet agitation and propaganda" Mr. Speaker, if the truth be known her only crime was the founding of the "Ukrainian Public Group To Promote the Helsinki Accords," and her fervent appeals on behalf of her son, Oleksander Serhiyenko, a political prisoner who was sentenced in 1972 to 7 years of prison and 3 years of internal exile.

Mr. Speaker, this courageous woman of 78 years is deserving of the attention of my colleagues. In 1976, Mrs. Meshko suffered a heart attack during a police search of her apartment. During the course of one of the repeated, lengthy interrogation sessions that Mrs. Meshko has undergone, she had to receive medical attention for her heart. She also suffers from hypertension, glaucoma, and rheumatism.

While in exile, Mrs. Meshko is being forced to live under circumstances which aggravate her heart condition, and endanger her life. No medical care is available in Ayan, the remote village where she is exiled, and her heart condition prevents her from flying to the nearest medical center. There are no local doctors to aid her, and prescriptions cannot be filled since there are no drugs available in Ayan.

Mrs. Meshko detailed some of the harsh conditions she faces in a 1981 letter:

> I live in total isolation. The winters are harsh and the townspeople warn me that I won't make it through them. I have encountered three problems: lack of firewood, water and food. When the snowstorms come, they will block the roads, and if one ventures out it is impossible to find the way back home. Although the grocery store is not far, no one will help me, no one will come with supplies.

Food is in short supply in Ayan, and is often heavily salted, thus aggravating Mrs. Meshko's health problems. She is frequently isolated for days by severe storms, and the authorities have informed her that she must wait 2 to 3 years for a telephone, leaving her without any way to get help in an emergency. Mrs. Meshko has been aided by her son who was also exiled to Ayan. However, her son's 10-year sentence was to be completed today, Aug. 4, 1983. He must leave Ayan for the sake of his wife, who has been ill since her last pregnancy, and for the sake of his son and his 1-year-old daughter. The end of his exile will leave Mrs. Meshko's totally isolated.

When Mrs. Meshko's son leaves there will be no one to chop the wood which supplies the only heat during the brutal Siberian winter. There will be no one to help her in the event of an emergency.

Mr. Speaker, in this later period of her life, it is Mrs. Meshko's greatest wish to return home and be spared her final years in exile. According to article 100 of the Soviet Corrective Labor Code, convicted persons who suffer from chronic illnesses may be freed from serving the full term of their sentences. Therefore, in consideration of this exceptionally harsh situation, the letter I sent today asks that Oksana be allowed to return home with her son and his family to Kiev.

I want to thank the 100 Members who cosigned my letter. We can only hope and pray that this request be given prompt and appropriate consideration by the Soviet authorities.●

A TRIBUTE TO JOHN AND HELEN SULLIVAN ON THEIR 40TH WEDDING ANNIVERSARY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DYSON. Mr. Speaker, I rise today to honor Mr. and Mrs. Sullivan who will be celebrating their 40th wedding anniversary on Saturday, August 20, 1983.

The family is the cornerstone of our great Republic. The strength of our society rests upon the stability of the family to endure the trials which life places before it. To maintain any relationship over a long period of time demands patience, understanding, respect, and the ability to return to the core of love upon which that bond was first established. It is not always an easy task. The Sullivan's deserve to be proud of this accomplishment.

John and Helen met in 1942 during the war and were married the following year in Camden, S.C. The Sullivans have been blessed with three sons: John, Jr., Michael, and Russell. The Sullivans are symbols of stability in the community. John has served as Charles County Commissioner for 8 years and worked 20 years for Freestate Business Machines. Helen retired in 1981 after 30 years of devoted service with the Department of Agriculture.

I am proud to know John and Helen and to represent them in Congress. I hope that our colleagues will join us, Mr. Speaker, in the celebration of their anniversary and the many fruitful years ahead.●

RESCUER MAKES SELF KNOWN AFTER ALMOST 40 YEARS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to bring to the attention of my colleagues an act of bravery and heroism that has gone unrewarded for almost 40 years.

On December 18, 1944, a plane of the 20th Air Force, 73d Wing, 498th Bomber Group, 875th Bomber Squadron crashed into a service gasoline area on the island of Saipan after a bomb run over Nagoya, Japan. Mr. Murray Juvelier, a radar operator on the downed aircraft, describes what happened next:

When the plane finally settled on the ground, I found myself pinned under the wreckage with a heavy smell of gasoline. It was quiet, and all I could hear was myself yelling for help.

Out of nowhere, someone was pulling wreckage off me and I was freed. I probably was in shock, but I can still hear this voice yelling, "Let's go before it blows." This soldier then started to help the others get out. My wounds were not disabling, so together we helped some of the others get out of the wreckage. I passed out, and the next thing I remembered was waking up at the base hospital.

Upon release from the hospital, Mr. Juvelier was transferred to the island of Guam, and despite repeated attempts, he was unable to discover the name of his courageous rescuer. In May of this year, however, at a military reunion, Mr. Juvelier was approached by a man who shook his hand, gave him a big hug, and said, "I guess you made it after all. If you were as heavy then as you are now," the stranger continued, "I never would have gotten you out of the plane."

The name of this hero is Robert Evans; he was then a sergeant in the Army Air Corps, with the 500th Bomber Group Z Square No. 3. His selfless act of heroism in saving another man's life at the risk of his own is a splendid example of the spirit that makes us all proud to be Americans.

I have added my voice to that of Mr. Juvelier in requesting that the Secretary of the Army take prompt action toward awarding an appropriate medal of honor to Mr. Evans, who has never sought any kind of recognition or acclaim for his heroism. I am sure, Mr. Speaker, that although 40 years have passed, all of my colleagues will agree that it is never too late to reward such a splendid display of personal courage.●

A PARADISE FOR SPIES

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ROTH. Mr. Speaker, "a paradise for spies" that is what Japan has been called regarding Soviet espionage activities. Last week Japan's Foreign Minister, Shintaro Abe, linked the flow of Japanese high technology to the Soviet Union with that country's military build up. Japan, the Minister said, must consider measures to restrict the transfer of high technology to the Soviets. Mr. Abe did not, however, spell out a plan to achieve this objective.

The similarities between certain American and Soviet weapons clearly means that someone is not minding the storehouse of advanced Western technology. Abe said he cannot deny allies' allegations that such high technology outflows have led to Soviet military expansion. As a member of the free world Japan must consider restrictions on the transfer of high technology, he said. The Foreign Ministers' speech did not mention what steps Japan would take to correct this problem.

Japan's problem is also a problem for the United States. When the House returns in September it will consider H.R. 3231, amendments to the Export Administration Act of 1979. This is the statute which regulates and licenses the export from the United States of militarily sensitive technology. The problem the House will examine is whether or not to eliminate the licensing of U.S. high tech exports to Japan and several Western European countries. Their export control systems do not do the job of forestalling Soviet acquisition of advanced technology.

The countries of the NATO Alliance and Japan are members of an informal coordinating committee known as Cocom. It establishes guidelines for the export of high technology to the Soviet bloc and other Communist countries. But Cocom's guidelines are just recommendations to participating governments. Cocom guidelines are not legally binding or enforceable on any country. The Export Administration Act Amendments, reported by the Committee on Foreign Affairs, proposes to eliminate the U.S. licensing of exports to Cocom. The argument in favor of eliminating licenses is based on the premise that member countries of Cocom are now effectively controlling sensitive exports to Communist countries. The evidence does not support this assertion. The Foreign Minister of Japan seems to agree.

Eliminating the requirement for export licenses to Cocom countries will seriously endanger U.S. efforts to raise the level of national export controls. The Japanese Foreign Minister did not deliver his speech because the United States was contemplating relaxing export controls. Warnings from the United States about the Soviet campaign to acquire Western technology no doubt contributed to Mr. Abe's speech. Last June, a Soviet diplomat was expelled from Japan for attempting to obtain confidential information from a computer software company.

High technology has become a very popular term. Exports of high technology are considered by some to be a panacea from our trade deficit. A sense of balance is sorely needed. America is not in the business of selling its most advanced science and technology on a first-come, first-serve basis. U.S. companies should have every opportunity to sell advanced goods and technology to our major allies and trading partners. But we also need a control system to insure that our research laboratories do not contribute to the development of Soviet weaponry.

The Export Administration Act is one tool to inhibit the sureptitious acquisition by the Soviets of Western technology. Export licensing among Cocom countries is an important device to monitor shipments and to identify exporters who would sell products, either directly or indirectly, to our adversaries around the world.

When the Export Administration Act comes before the House, there will be an opportunity to strengthen U.S. export controls and to begin the process of improving the export control system of our allies. When these objectives become a reality, there may be a diminished need for licensing exports among our partners in Cocom. Until that time, we should retain and improve the export licensing process.●

TRIBUTE TO LT. COL. GUION S. BLUFORD, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DIXON. Mr. Speaker, the upcoming STS-8, the eighth launch of the space shuttle and the third launch of the spacecraft, *Challenger*, is a particularly special one to minorities because the mission will include Lt. Col. Guion S. Bluford, Jr., the first black American to orbit into space. Those of us in the Congressional Black Caucus regard his inclusion in this space mission as significant because he serves as a role model for young blacks that through dedication and hard work they, too, can explore the universe. As America's first black male astronaut, Bluford rightfully views himself as "a pacesetter * * * a guy who's setting the pace for the (black) people who are going to fly behind me."

The 4-day shuttle mission is scheduled to be launched on August 30, 1983 from Kennedy Space Center, Fla. Lieutenant Colonel Bluford will have the primary responsibility for deploying an important commercial satellite for the Government of India. He will also help conduct an experiment to separate live, human and animal cells for biomedical research, and will assist Comdr. Richard H. Truly during the shuttle's ascent and descent.

Presently serving in the U.S. Air Force, Bluford graduated from Penn State University in 1964 as a distinguished Air Force ROTC graduate.

He attended pilot training at Williams Air Force Base, Ariz. and received his pilot wings in January 1965. He then went to F-4C combat crew training in Arizona and Florida and was assigned to the 557th Tactical Fighter Squadron.

In July 1967, he was assigned to the 3630th Flying Training Wing, Sheppard Air Force Base, Tex., as a T-38A

instructor pilot. He served as a standardization evaluation officer and as an assistant flight commander. In early 1971, he attended squadron officers school and returned as an executive support officer of the deputy commander of operations and as school secretary for the wing.

In August 1972, he entered the Air Force Institute of Technology residency school at Wright-Patterson Air Force Base, Ohio. Upon graduating in 1974, he was assigned to the Air Force Flight Dynamics Laboratory at Wright-Patterson Air Force Base, Ohio, as a staff development engineer. He served as deputy for advanced concepts for the aeromechanics division and as branch chief of the aerodynamics and airframe branch in the laboratory. Bluford has written and presented several scientific papers in the area of computational fluid dynamics.

He has logged over 3,200 hours jet flight time in the T-33, T-37, T-38, F-4C, C-135, and F-5A/B, including 1,300 hours as a T-38 instructor pilot. He also has an FAA commercial pilot license.

In January 1978, Bluford was selected as an astronaut candidate by NASA. He became eligible for assignment as a mission specialist on space shuttle flight crews upon completion of a 1 year training and evaluation period making him eligible for assignment as a mission specialist on future space shuttle flight crews. He has worked with the remote manipulator system, spacelab-3 experiments, shuttle systems, Shuttle Avionics Integration Laboratory (SAIL), and the Flight Systems Laboratory (FSL) while completing various assignments within the Astronaut Office at the Johnson Space Center.

As chairman of the Congressional Black Caucus, I am proud to salute this black American male pioneer for his important contributions to America's space program. Historically, black Americans have made many important scientific and technological contributions to our Nation. Guion Bluford continues this fine tradition and I speak for all 20 black men and women of the caucus in wishing him and his fellow crew a safe and successful voyage.●

USER FEES FOR COSTS ASSOCIATED WITH PLANT AND ANIMAL QUARANTINE

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MADIGAN. Mr. Speaker, I have this date introduced, by request, draft legislation forwarded by the Secretary of Agriculture to the Speaker.

A brief explanation of the bill is contained in the following excerpt from the Secretary's letter accompanying the draft legislation:

The purpose of this bill is to authorize the Secretary of Agriculture to charge for services rendered in connection with: (1) laws intended to prevent the introduction or dissemination of plant and animal pests and diseases into or throughout the United States; (2) laws intended to assure the humane care, treatment and transportation of animals; and, (3) actions taken by the Secretary of Agriculture to assure compliance with import requirements imposed by foreign countries to prevent the spread of plant and animal pests and diseases from the United States. The bill provides that the money collected shall be credited to accounts which the Secretary may establish for these activities, and shall remain available until expended. The costs incurred for the performance of activities under section 1 of the bill will be charged to such accounts. Under present procedures, all costs of such activities are paid from appropriated funds; authority to recover costs for these activities is very limited. We believe all costs associated with these programs of the Department should be borne by the persons who receive the services provided, and not by the general public.

Enactment of this bill is consistent with the President's Fiscal Year 1984 budget and would reduce outlays by some $3.6 million annually. The proposal is also consistent with the recent General Accounting Office recommendations (see GAO report CED-81-49).

Upon enactment, fees totalling about $3.6 million annually would be implemented to recover the costs of issuing phytosanitary certificates and testing, certification, inspection, and quarantine of animals and plants for import and export.●

SOVIET OFFICIALS CHARGE LEV ELBERT WITH POSSESSION OF HASHISH

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DONNELLY. Mr. Speaker, today I have learned the distressing news that Soviet officials are charging Lev Elbert, a Jewish refusenik who has applied to emigrate to Israel without success since 1976, with possession of a large quantity of hashish.

This represents a despicable attempt by the Soviet prison authorities to heap even further harassment and suffering on the Elbert family whose only crime is the desire to be reunited with their family in Israel, and practice their religion and culture in a free society. They cannot do so in Kiev.

Prior to this trumped-up charge of hashish possession. Lev Elbert had already been sentenced to a 1-year prison term for refusing to be inducted into the Soviet Army.

I call upon the Soviet Government to bring an immediate end to the persecution of Lev Elbert and his family, and to allow the family to emigrate to Israel. There can be no legitimate reason for them not to do so. Continued intransigence in this matter will demonstrate incredible cruelty on the part of the Soviet authorities, and sets back their quest for legitimacy in the international community.●

A TRIBUTE TO ED SOLTIS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a model citizen in the Fifth Congressional District of Illinois, Ed Soltis. Ed has been working to help the southwest side of Chicago for over 42 years. His involvement in church and community activities has enriched all of our lives.

Ed has devoted his life to the service of others. To commemorate that service, as well as the 50th wedding anniversary that Ed and his wife, Mary, celebrated on July 1, I introduce into today's RECORD a newspaper article published when Ed was awarded the "Ray McDonald Community Achievement Award":

The Midway Sentinel proudly salutes Edward Soltis as our monthly recipient of the Ray McDonald Community Achievement Award. This recognition is given to Ed for his dedication and outstanding achievements in our community.

Soltis, a life long resident of the Southwest side, attended and graduated from Dunbar Township High School. He also received two years of technical training in machine shop at Tilden Tech.

His community involvement began 42 years ago with the St. Symphorosa Holy Name Society and Ushers Club. He served as president of both organizations. In addition he served on St. Symphorosa's Supper Club as chairman of the sick and vigil committee. Recently, the Supper Club honored him as their Outstanding Senior Citizen for his personal achievements for the good of others. He was also selected as Grand Marshall of the St. Symphorosa International Day.

Besides his many church activities, Ed is also a honorary life member of the Knights of Columbus and past member of the Senior Hearts Athletic and Social Club; he also held an active membership in the Clearing Civic League and was an original board member for the Lech Walesa Memorial Committee.

One of Ed's primary objectives in life has always been to get involved and help as many people as possible. He has devoted his life and time for the good of others.●

TRIBUTE TO GARY FREEMAN AND DANNY COREY

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. HOPKINS. Mr. Speaker, I would like to take this opportunity to

pay special tribute to two men, who without a thought to themselves, risked their lives to save the lives of two others. The brave gentlemen I want to recognize are Mr. Gary Freeman of Irvine, Ky., and Mr. Danny Corey of Mount Sterling, Ky.

On May 4, the lives of the Larry Graves family were in danger when their small boat capsized while plunging through swollen waters over one of the Kentucky River dams. Danny Corey and Gary Freeman, who were fishing offshore, jumped in the water and pulled Darren and Pamela Graves to safety. Danny Corey's unselfish act is especially noteworthy—he cannot swim.

Unfortunately, Larry Graves, 34, of Lexington lost his life in this tragic accident. The life of a lost loved one is irretrievable, yet it is due to the courage of these two men that Mrs. Pamela Graves and her 11-year-old son, Danny, are alive today.

On behalf of the people of the Sixth Congressional District of Kentucky, I would first like to extend my deepest sympathies to the family and friends of Larry Graves' family.

But, I also want to extend my admiration and appreciation to Gary Freeman and Danny Corey for risking their lives to save others.●

SECOND CONGRESSIONAL ART EXHIBITION OPENS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DOWNEY of New York. Mr. Speaker, last night more than 30 talented young artists gathered with Members in our Cannon tunnel to officially open An Artistic Discovery—the national exhibition of winning artworks by high school students from congressional districts across the country.

Participating in the ribbon cutting ceremony were Speaker TIP O'NEILL, Minority Leader BOB MICHEL, and Capitol Architect George White, whose staff spent tireless hours transforming the walls of our tunnel into an artistic showcase. The evening's festivities were enhanced by a special reception hosted by the The Allstate Foundation.

Sponsored by the Arts Caucus, An Artistic Discovery is one of the most unique expressions of bipartisan support for the arts. The outstanding collection of paintings, drawings, and prints brings together the activities of 208 House Members who conducted local art competitions which involved thousands of high school students.

My own district winner is Robin Corcoran who attends Bayport-Blue Point High School. Her pastel, entitled "Robin's Nest," took more than 1 month of constant work and dedication to complete.

The successful completion of An Artistic Discovery has demonstrated the wonderful opportunity we have, as Members of Congress, to encourage the creative talents of today's youth. The national exhibition of winning artworks is a tribute to the great creative spirit of young people throughout the country.●

CENTRAL AMERICA—A PETITION FOR PEACE

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. EDGAR. Mr. Speaker, I would like to take this brief moment to make my colleagues aware of the ever-increasing evidence demonstrating the public's opposition to the Reagan administration's strong-arm tactics in Central America.

This newly expressed disenchantment does not come from some liberal, Democratic interest group, nor is it a product of some random survey conducted by the liberal press. This new evidence emanates exclusively from within the walls of Congress, from a group of young women and men who play an active role in the legislative process every day. I am, of course, speaking of the congressional interns. These young people come to Washington from many universities and colleges and work for Congressmen and Congresswomen of diverse political philosophies. They come to learn about our political process and to become more aware of world events that directly affect our lives.

Mr. Speaker, in the past several weeks a bipartisan group of 30 interns has organized, drawn up a petition, and as of this morning, secured hundreds of signatures in support of a statement that calls for an abandonment of the regressive, frightening policies currently employed by the President in Central America. They propose in lieu of these policies a more sane, more equitable, more humane, progressive approach to this troubled war-torn region. The proposals include a call to end U.S. covert destabilization efforts against Nicaragua, grant extended voluntary departure status to Central American refugees, make human rights a priority in the formation of policy toward all of the nations of the region, and to support the proposals of the Contadora group. I think all of these suggestions are vitally important for the expeditious resolution of the current turmoil. We should give aid to governments which assist their people with education, which provide them with sufficient food, and which respect human rights. I condemn continued U.S. aid to governments and guerrilla groups which murder and terrorize the citizens of these nations.

I salute these young interns for standing up for peace and justice and advocating a sound democratic solution to the problems in Central America. If there is a group that can provide well-informed, sound advice to the U.S. Congress on behalf of the vast majority of young Americans, that group is the congressional interns. I hope that all of my colleagues heed this advice, and begin to seek peaceful, and diplomatic solutions to the problems of Nicaragua, El Salvador, and all of Central America.

The petition follows:

AUGUST 1983

President REAGAN:

During the past few years, the political instability in Central America has raised serious concerns in our country. We, the undersigned Congressional and Government Interns, wish to express our opposition to several of your Administration's actions in Central America:

(1) Increased U.S. military involvement;

(2) U.S. military support of governments that blatantly violate fundamental human rights;

(3) U.S. violation of national and international laws; and

(4) continuing U.S. efforts to overthrow the Nicaraguan Government.

These actions are increasing the probability of direct U.S. troop involvement in a full-scale regional war.

We believe these actions stem partly from a misguided perception of events in Central America as little more than an outgrowth of the international competition between the United States and the Soviet Union. This overemphasis on the Soviet influence in Central America diverts attention from the history of political and economic oppression which is the principal cause of the current unrest. Moreover, your Administration's policy in Central America is consistent with your actions that increase the disparity of wealth between the rich and poor peoples of the world.

Believing that these policies can only undermine both the interests and ideals of the United States and that negotiations provide the best means to the establishment of peace, democracy and justice in Central America, we therefore present the following petition:

Whereas the Reagan Administration has violated the Boland Amendment, the Rio Treaty, the O.A.S. Charter, and the U.N. Charter by providing military assistance to groups attempting to overthrow the Nicaraguan Government; and

Whereas in the past six months the political death toll in El Salvador has risen twelve percent over the previous six month period, to 1,054 deaths, according to the U.S. Embassy estimate, (Tutela Legal, the Salvadoran Catholic Church and Amnesty International document 2,527 deaths or disappearances in the same period, making the total for the last four years more than 38,000); and

Whereas the U.S. has deployed combat troops in Honduras and three task forces led by the Carriers *Ranger, Coral* and the battleship *New Jersey* off the Nicaraguan coasts; and

Whereas direct U.S. intervention in the internal conflicts in Latin America has led to the imposition of brutally repressive regimes in those nations (e.g. Nicaragua, 1933; Guatemala, 1954; Chile, 1973);

Therefore, we call for the following actions:

(1) Cease all U.S. military aid to Central America;

(2) End U.S. "covert" destabilization effort against Nicaragua;

(3) Grant extended voluntary departure status to Central American refugees until they can safely return to their homelands;

(4) Making human rights as priority in the formulation of your policy toward all of the nations of Central America; and

(5) Support the proposals of the Contadora Group.

Sincerely,

Name Permanent Address

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Please return to Clayton Lewis in 1206 Longworth (5-3106) by 10 on Friday, August 5.●

SOVIET DAY OF SHAME

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. KASICH. Mr. Speaker, 15 years ago, on August 21, the Soviet Union and its Warsaw Pact allies brutally invaded Czechoslovakia after that country had taken modest steps toward democratization. The Soviets forced the Czechoslovakian Government to curtail its liberal reforms and submit to Soviet occupation. After overrunning the brace but overmatched resistance by the Czechoslovakian people, the Soviets quickly reestablished the Communist Party as the supreme authority in the state. Tragically, the Soviet armies which entered Czechoslovakia in 1968 remain there today.

The Czechoslovakian Government has suffered a history of Soviet intervention. After World War II, a democratic Czechoslovakia fell victim to a communist coup in 1948 which transformed the country into a full-fledged satellite of the Soviet Union. During the coup, Communist militia occupied the headquarters of democratic parties and arrested many democratic members of parliament. The Communist leaders then called a session of the parliament and voted themselves "legally" into power. For the next 20 years, the Czechoslovakian Communist party exercised, with Moscow's blessings, a dictatorial authority characterized by terror, purges and the repression of basic liberties. The Czechoslovakian people yearned for liberal reform.

Finally, in 1968, the will of the people triumphed under the new leadership of Alexander Dubcek. Dubcek and his supporters inaugurated a series of sweeping reforms designed to liberalize Czechoslovakian life and politics. The Czechoslovakian Communist Party released the press, radio, and TV from 20 years of rigorous censorship. The party established a program which guaranteed the basic freedoms of speech, press, assembly, organization, and religious worship while assuring all people the free choice of work, fair trial, personal property rights, and the right of free movement inside and outside the country. The brutal Soviet invasion and subsequent repression eliminated the innovative Czechoslovakian program which was eventually to be incorporated into a new constitution. In their dissent, the freedom-loving Czechs encountered mass arrests, union purges, and religious persecution.

The 1968 Soviet invasion clearly violated the U.N. Charter and all tenets of international law. The Soviet Union invaded a defenseless state to wipe out a resurgence of human freedom. Our government condemns the Soviet's continued occupation of Czechoslovakia as a crime against a small country's right to determine its own aspirations and destiny. Therefore, on August 21, the people of the United States as well as freedom loving citizens throughout the world shall join the Czechoslovakians held in the iron grip of Russian totalitarianism in recognizing the Soviet Day of Shame. We support them in their determined resistance against Soviet repression, and will continue to do so until justice prevails.●

WAND-TV CELEBRATES 30 YEARS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. DURBIN. Mr. Speaker, 30 years ago this month, an important newcomer came to the Decatur, Ill., area. WAND-TV, then known as WTVP-TV, went on the air.

It marked a new era of entertainment, education and public service for the people of central Illinois. As an affiliate of the American Broadcasting Co., WAND has brought in a variety of entertainment programs. Yet, its strength is the same today as it was 30 years ago—local programing.

Over the years, the local product has evolved from live entertainment and children's programing to outstanding news and public service offerings.

Nine years ago this summer, Decatur suffered through a series of disasters, beginning with a tornado followed by severe flooding and climaxed with a terrible explosion in the railroad yards.

WAND was on hand at all these tragedies, providing viewers with firsthand reports and reliable information. In the case of the railroad yard explosion, covering the story involved personal risks for the reporters and camera operators.

This spirit of dedication extends beyond the station's news department and can be found in every section of the station's operation from advertising and promotion to the technical workers that keep the station on the air.

Quality programing, quality employees and quality management have been the standard at WAND. Together, these elements guarantee public service to the Decatur community and the continued success of channel 17.

Local television stations are special. They ask to come into their viewers' homes several times a day. If they provide a needed service, if they present professional, tasteful and quality programing, they are invited back.

This is the truest measure of their success.

WAND has been dropping by and being invited back for 30 years and will likely continue to do so as long as Americans watch television.

It is with great pleasure, Mr. Speaker, that I call your attention and that of my colleagues to this distinguished broadcast operation.●

NEWHALL'S WESTERN WALK OF FAME

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MOORHEAD. Mr. Speaker, the American West and its cowboy are one of our most cherished and enduring traditions.

The cowboy was the good guy. Tall in the saddle, leathered and gritty, he was indomitable, courageous, upright, loyal, and romantic.

This man, his lure and lore, his spirit and great heart, his adventures are enshrined in the western Walk of Fame in downtown Newhall, Calif.

Sitting comfortably in the middle of the Santa Clarita Valley, like an old cowhand on a familiar saddle, Newhall has a western movie history that is unmatched anywhere.

The legacy began many years ago with William S. Hart, the great

cowboy star of the silent movie era who shot many a stirring epic on his Newhall ranch. He was the first of many western stars to ride off, victorious and undaunted, into the Santa Clarita Valley sunset.

Following his trail were men whose names create such strong images in the memory that you can hear the hoof beats, smell the sage, and see the bandit spin down into the dust. They were Tom Mix, Tex Ritter, Hoot Gibson, and Gene Autry. Each of these film legends had ranches, shot movies and bad guys in the hills and arroyos of Newhall.

The western Walk of Fame is young, yet it already holds a special place in the hearts of all valley residents and western fans everywhere. Begun 3 years ago by the Downtown Newhall Merchants Association, the Walk today honors, with bronze saddles, William S. Hart, Tom Mix, Gene Autry, Tex Ritter, Rex Allen, and Eddy Dean.

The grand tradition continues on August 27 when Roy Rogers, Dale Evans, Pat Buttram, Claude Akins, Tex Williams, and Andy Jauregui are enshrined in the Western Walk of Fame.

Who doesn't know of Roy Rogers, king of the cowboys. He is a star of radio and television and more than 100 movies. For 12 consecutive years, Roy Rogers was the No. 1 western star.

Dale Evans is the much-admired queen of the West and the first woman to be honored in the Western Walk of Fame. She is an actress, singer, author, and rodeo star who has more box office records at State fairs and rodeos than any other female star.

Pat Buttram, longtime favorite humorist, is Hollywood's sophisticated rube and Gene Autry's sidekick. A talented comedian and raconteur, he starred in the television series, "Green Acres."

Tex Williams, is a singer, songwriter, band leader, and beloved Newhall resident. Tex literally capitalized on his Capitol record hit, "Smoke, Smoke That Cigarette." Overnight he was in demand for movies, appearances in nightclubs, and television shows.

Claude Akins is a star of numerous films, stage appearances, and television shows, most recently "B. J. and the Bear" and "Sheriff Lobo." Akins is a representative of the new West and a versatile performer.

Andy Jauregui is a pioneer rancher in the Santa Clarita Valley, a champion calf and steer roper, a bronc and bull rider, a stock and stuntman, a member of the Cowboy Hall of Fame. He is a personification of the history of Newhall and its western traditions.

These heros of the not-so-wild West are beloved by all for what they have given to each of us—joy, laughter, and diversion—and for what they represent—honor, virtue, strength.

Mr. Speaker, it is a pleasure for me to play a small role in this contemporary western story of affection and recognition.●

ROLLAND TRUMAN, AN EMINENT MAGISTRATE, RETIRES HIS ROBE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to the Honorable Rolland Truman, Superior Court Commissioner and judge pro tem of Los Angeles County. A close friend of mine for more than 35 years, Rolland recently decided to retire his robe. He leaves his position with the Superior Court in Long Beach after 15 years of dedicated service to the people of Los Angeles County and the State of California.

Rolland has been licensed to practice in the State of California since 1942, and before the Supreme Court of the United States since 1957. He earned both his Bachelor of Arts and Juris Doctorate degrees from the University of Southern California. He quickly established himself as an incisive, yet fair attorney prior to assuming his place on the bench. There he earned the respect of both his colleagues and the attorneys who practiced before him because of his unwavering commitment to the spirit of justice.

In addition to his service on the bench, Rolland has devoted himself to community service. He has assumed leading roles in such organizations as the Church State Council for the Western United States, the Kiwanis Club of Long Beach, the American Bar Association, the American Arbitration Association, and as both a member of the board of directors of the White Memorial Medical Center and first president of the Angeles Nature Club. Like his father before him, Rolland also is extremely active in the Seventh-day Adventist Church, and all who attend the Bellflower-Lakewood Seventh-day Adventist Church know him well.

Born in 1912, Rolland is the son of Dr. and Mrs. A. W. Truman. He is a native of Loma Linda, Calif., and with his wife, Laurel A. Weibel-Truman, M.D., has raised an outstanding family of seven. Together with my wife, Lee, I would like to extend to Rolland and Laurel Truman, and their seven children: Rolland, Jr., Norris, Tracy, Tammy, Trina, Trent, and Tricia, our wishes for a future as bright as their past is memorable.●

POWELL MOORE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. FASCELL. Mr. Speaker, I would like to take this opportunity to ask our colleagues to join me in expressing our deep appreciation and gratitude to the Honorable Powell Moore, Assistant Secretary of State for Congressional Relations. He will be leaving the Federal Government during the upcoming August recess.

Prior to his appointment as Assistant Secretary of State for Congressional Relations, Powell A. Moore was Deputy Assistant to the President for Legislative Affairs and was in charge of White House relations with the U.S. Senate. He was appointed to that position on January 19, 1981 by President-elect Ronald Reagan and was sworn in on January 21, 1981.

Before joining the White House staff, Mr. Moore had been engaged for the previous 6 years in governmental relations and Washington representation as a consultant for a variety of corporations and associations.

He began his Washington career in 1966 as an aide to the late Senator Richard B. Russell of Georgia. When Senator Russell died in 1971, he became Deputy Director of Public Information for the U.S. Department of Justice and later served in the Office of Legislative Affairs at the White House under Presidents Nixon and Ford. When he left the White House staff to enter private business in 1975, he was a Deputy Special Assistant to the President.

Mr. Moore and his staff have been of great assistance to the Foreign Affairs Committee on many matters during the past 2 years. Whether the problem was legislative, constitutent-related, or a matter of translating the complexity of the Department of State, Powell was always helpful. His integrity, loyalty, dedication, and good humor will be missed. I wish him the best as he takes on important responsibilities in the private sector.●

NATIONAL COMMISSION ON WOMEN'S BUSINESS OWNERSHIP

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MOODY. Mr. Speaker, today I am introducing a bill, with 30 of my colleagues, to establish a bipartisan National Commission on Women's Business Ownership.

Specifically, the Commission will be charged to:

Recommend ways to enhance procurement opportunities for women business owners;

Recommend ways to enhance access to credit for women in business;

Review of the role of the Federal Government in promoting ownership of businesses by women, and suggest possible changes;

Recommend new private sector initiatives in management and technical assistance to women business owners; and

Review and recommend improvements in data collection procedures on various aspects of women-owned businesses, including existing Federal initiatives and Federal procurement policies.

The creation of a bipartisan Commission on Women's Business Ownership is timely and worthwhile. In addition, this bill is an important step toward recognizing the contributions of and correcting the problems faced by women business owners.

We hope our colleagues will support this important measure.●

NUCLEAR FREEZE AND MX MISSILE

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BATES. Mr. Speaker, this House was engaged in a history making event as we debated the nuclear freeze and the MX missile. There was a great deal of good that came from these debates: We cleared the air of national defense policy and made it possible to examine the consequences of our decisions on our Nation's defenses.

During the coming recess I think it is of critical importance for us to listen carefully to our constituents. We will find that while a strong national defense is supported throughout this land, a wasteful, unnecessary and essentially ineffective new missile system has no support.

It is a rather well-known fact that many of the designers of the MX have turned against it, and the certainty that this missile—still with no reliable basing mode—is ineffective is shared by most of our constituents.

This is a time of reconstruction in America. We must begin to mend our internal fences and to repair the damages of the recession. It is not a time for foreign adventures, unnecessary new missiles, and high budget deficits.

If we listen carefully to our constituents in the coming months we will find a concern for our Nation's defenses that does not include bringing us again to the brink of nuclear war.

We should take heart from the opinions and feelings of our constituents. We will find among them this summer the sustinence and strength to wholly and finally condemn the MX missile where it belongs—where all wasteful, unnecessary, and ineffective ideas belong.●

THE AUTOMOBILE CONSUMER PROTECTION ACT OF 1983

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LANTOS. Mr. Speaker, encountering problems with a new automobile is so common an experience that we have given a new meaning to the word "lemon"—which means not only the delicious fruit grown in my home State of California, but it now also means an automobile with persistent mechanical problems—a dud.

This lemon phenomenon is not unique to any particular make or model of automobile, and it occurs as frequently with foreign as with domestic cars. The only common element is the frustration shared by those who have the misfortune to end up with a lemon.

For most Americans the purchase of a car is one of the largest investments they will make. For this reason it is essential that purchasers of automobiles be assured that effective remedies are available if a vehicle turns out to be defective and cannot be repaired.

Mr. Speaker, in an effort to address these problems, I have introduced the Automobile Consumer Protection Act of 1983. This act requires that the manufacturer, agent, or authorized dealer responsible for a new defective automobile correct such defects that may occur within the first 2 years or 18,000 miles of operation of the car, whichever comes first.

The automobile purchaser will be entitled to a refund or a new vehicle from the manufacturer after making four unsuccessful attempts to repair a specific defect or after the vehicle has been out of service for 30 or more days during the 2-year period or the first 18,000 miles of use. Before consumers can receive a new car or a refund, however, they must use the manufacturer's arbitration program that may be available.

Existing Federal legislation is inadequate to provide automobile consumers the assurances they need. The Uniform Commercial Code, the standard legislation that has been adopted by almost all States, provides only implied warranties and gives no guarantee to a car owner that he can recover his costs if the purchase turns out to be a lemon.

The Magnuson-Moss Warranty Act sets minimum standards for warranty protection, but this legislation is generally not applicable for purchasers of lemons. Automobile manufacturers and dealers are essentially free to impose any restrictions or limitations they desire upon warranties.

In order to fill this gap in Federal consumer protection, a number of States have passed so-called lemon laws. At present some 15 States—including my home State of California—have enacted such legislation.

While there is some similarity in these State laws, they differ in important respects. The Constitution clearly vests in the Federal Government the authority to regulate commerce among the States. In the critical area of automobile consumer protection, it is important and appropriate for the Congress to establish uniform and unambiguous national standards.

At present we have a patchwork of State laws. The same automobile if purchased in one State is covered by a warranty which can differ significantly from what is available if the automobile were purchased in another State. This invites confusion and works to the serious disadvantage of consumers.

The legislation I have introduced is intended to remove that confusion and establish uniform and consistent warranty protection. I invite my colleagues in the House to join me in cosponsoring this legislation.●

ON THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE REFORM ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BROWN of California. Mr. Speaker, I am joining my friend and colleague, the Honorable TOM HARKIN, as a cosponsor on the Federal Insecticide, Fungicide, and Rodenticide Reform Act, a comprehensive bill being introduced today. This bill addresses a number of complex and important shortcomings in the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, the basic environmental statute regulating pesticides.

Over the last 3 years, the Department Operations, Research, and Foreign Agriculture Subcommittee, which I chair, has conducted an extensive series of legislative and oversight hearings on the pesticide program. This spring the House passed a simple 1-year reauthorization bill, H.R. 2785. During consideration of this bill, the subcommittee decided to defer action on major substantive amendments and pass out the simple reauthorization. The Federal Insecticide, Fungicide, and Rodenticide Reform Act is one of the measures the subcommittee will take up in the fall. In addition, the

subcommittee will be considering H.R. 3254, the Pesticide Import and Export Act of 1983, introduced on June 8, 1983, by Chairman HEFTEL. This bill addresses a range of important issues regarding the export of pesticides from the United States.

The effectiveness and efficiency of the pesticide program both need to be improved. I am hopeful that additional resources provided in next year's budget and administrative initiatives underway at the Environmental Protection Agency will be constructive in this regard. I do believe that the research compiled by the Department Operations, Research, and Foreign Agriculture Subcommittee over the last 3 years clearly supports the need for some fundamental reforms in the statute. I think the major issues are well known and documented at this point, and that the subcommittee will be able to pass some positive initiatives.●

ENTERPRISE ZONES—HELP FOR DEPRESSED CITIES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GUARINI. Mr. Speaker, I am pleased to rise in support of H.R. 1955, the Enterprise Zone Employment and Development Act, of which I am a cosponsor.

The enterprise zone is an important concept which may help us make substantial progress in our cities, offering significant advantages to firms that create jobs in depressed areas. Among the incentives are an additional investment tax credit for investment, along with a jobs credit equal to 10 percent of payroll. Within the zones, the creation of foreign trade zones is encouraged and capital gains taxes for investors are eliminated.

The enterprise zone is the most exciting proposal that has come forward in recent years to deal with the problem of the inner city and the structurally unemployed. Zones would be in areas where conventional policies should be supplemented. These zones would be ideal locations to test more innovative approaches without dismantling programs which are already effective.

A major economic problem of the inner city has been the poor sustaining power of businesses—especially small businesses. Small firms are the most effective creators of jobs in the economy, and provide the type of jobs most suitable to the inner city. They bring together the talent of the entrepreneur and the young, unskilled work force, and they play a crucial role in the community. But these types of enterprise need the assistance of the Federal Government to thrive. The best way to encourage this sector is to remove the obstacles to the entrepreneur and to give these individuals the kind of business climate that will provide the incentive to take the risks necessary to succeed.

For example, neighborhood residents have been eager to put their own time, effort, and limited resources into housing rehabilitation if given the encouragement to do so. Under the enterprise zone concept, the Federal Government would help fuel such incentive if it created a climate in which essentially self-help projects would be more likely to succeed.

Another positive aspect of this proposal is that local and State governments must initiate the process by applying for zone status. They must also submit a zone contract which outlines the steps that State and local governments plan to take to improve the climate for job creation, economic growth, and community development within the zone. Using this information, the Secretary of Housing and Urban Development would designate up to 25 zones a year for 3 years, giving preference to zones with the worst economic conditions, the best contracts, and the broadest community support.

The basic attractiveness of this idea is that instead of thrusting a predesigned package on a community, it would put into place a program which local officials and residents can mold to fit their area's specific economic and social circumstances. My district, for example, which is comprised mainly of diverse ethnic groups, is in need of this type of new, fresh approach to help their depressed living areas. Development along our Hudson County waterfront must be encouraged to spread inland to these neighborhoods.

The enterprise zone concept marks a new direction for inner city revitalization. But unlike many new ideas, enthusiasm for this proposal is not limited to one political group or lobby. The proposal has drawn support from a wide range of individuals and organizations who are rarely in agreement on any aspect of public policy. These groups include the National Urban League, the League of Cities, the Congressional Black Caucus, and the Heritage Foundation.

The enterprise zone approach appeals to me, as one of those who has been directly involved for many years in central city projects. The zone concept seeks to stimulate local projects and commercial risk taking by removing financial and regulatory obstacles. It provides a climate that will make it more likely that community initiatives and businesses will succeed. It will not guarantee success, but it will help reduce the number of needless failures.

I am also enthusiastic about this proposal because, although the original concept came from Europe, the enterprise zone is a very American approach to inner city problems. The citizens of other countries look to their central government to deal with the problems of society. However, in this country, local problems have often effectively been dealt with on the local level, with a combination of individual initiative and community dedication. The enterprise zone is strongly within this tradition. It is a new and innovative proposal, capable of making the scarred inner cities open neighborhoods, capable of inviting urban pioneering.

Mr. Speaker, with over 130 cosponsors, the Enterprise Zone Act has broad, bipartisan support. Some States, including New Jersey, are considering enterprise zone legislation at the State level. In a time when direct Federal funding is being cut for all types of aid to those in the inner cities, we need to act quickly to pass and implement this important proposal.●

THANK YOU, JOAN

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. RAHALL. Mr. Speaker, today, one of the most versatile and effective administrative assistants who has ever served a Member of Congress is leaving the Hill. This person, who during the past several years has served as my administrative assistant, is Joan Kunkel.

I would like, for a moment, to relate how Mrs. Kunkel has served so many Members of Congress other than myself over the years. She began her career on the Hill in 1951 with Senator Holland serving in various capacities in his office and eventually becoming his office manager. In 1966, she began working for Representative William Fittes Ryan of New York. The late Representative Ryan has been called "the conscience of Congress" and I believe this statement has some bearing on the quality of his employees—people like Joan Kunkel. After working for Representative Ryan, she served Representative John Dow and then our colleague WILLIAM LEHMAN.

In 1976, when I was first elected to the House, Joan Kunkel was instrumental in setting up my office. Since then, in her capacity as my administrative assistant, she has excelled in every area.

Mr. Speaker, I believe that Joan Kunkel is highly regarded by all those she has come into contact with over her years of service in the Congress. She will be sorely missed by myself,

and my staff. On behalf of all of us who have had the pleasure of working with Joan Kunkel, I would like to wish her the best of luck in her future in the Sun, and to extend to her many thanks.●

A TRIBUTE TO RAOUL WALLENBERG ON HIS 71ST BIRTHDAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SMITH of Florida. Mr. Speaker, today I rise in tribute to a courageous and honorable man, Raoul Wallenberg, whose contribution to humanity by risking his own life to rescue 100,000 Hungarian Jews during World War II has not gone unnoticed. He listened to his conscience, and I believe his humanitarian acts are an inspiration to future generations to continue the moral fiber of our society. If Raoul Wallenberg is alive today somewhere in the Soviet Union, he is celebrating his 71st birthday. Recognizing Wallenberg's heroic deed of saving Jews from Nazi extermination, Gov. Bob Graham of Florida has designated today as "Raoul Wallenberg Day."

It is painful to remember the Nazi genocide that was committed against a people, but by recalling the sacrifice of this man, we may prevent this atrocity from happening again.

By 1944, 5 million Jews had already met tragic deaths in the gas chambers, concentration camps, cattle cars, and through an inhumane and cruel process called selection. The Nazis had invaded Hungary in the early spring of 1944 with the intent of liquidating the last remaining Jewish community in Europe.

At the request of the American Government, neutral Sweden sent Wallenberg to conduct a rescue mission. Wallenberg printed his own Swedish passports and defied the Nazis daily by following death marches, pulling people off cattle cars, and constantly endangering his own life.

Wallenberg was taken prisoner by the Soviet military and imprisoned at the war's end in 1945. Soviet officials denied allegations that they were holding Wallenberg prisoner, but in the 1950's they claimed he died in 1947. Yet, as recently as 1974, prisoners who have escaped from the Soviet Union and reached the West claim that Wallenberg was still alive in 1974. And there is the belief that he might yet still be alive. Wallenberg was made an honorary citizen of the United States in 1981 for his bravery and humanitarianism.

His commitment as a "righteous Gentile" will be remembered solemnly by millions of people of all religions who hold him up as a symbol of humanitarian values and the embodiment of all the best within us.●

NATIONAL ASSOCIATION OF REALTORS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to applaud the National Association of Realtors for its testimony before the Ways and Means Committee last week. I wholeheartedly agree with its evaluation of the administration's fiscal policy. The association fears, as I do, that if the administration persists in its present course of irresponsible spending the economic recovery we now enjoy will soon dissipate.

The administration's promises to balance the budget simply do not square with its actions bolstering defense spending. We can slash that defense budget by $30 billion without adversely affecting our national strength. The money the administration wants to drain into expensive defense weaponry is sadly misdirected. That weaponry cannot be adequately and economically tested, housed, or maintained. The country should direct its efforts instead toward refurbishing its conventional force. This approach would not strain the Nation's economy. More importantly, it would give us an alternative to nuclear confrontation should a situation calling for military intervention arise.

As the realtors pointed out, more money in government means a shortage of investment funds, resulting in high interest rates. Owning a home has become an impossibility for many Americans. Clearly, American economic policy has gone awry. If Congress does not rein in this administration's burgeoning defense budget, and do it soon, we will bear the responsibility for snuffing out this country's first real chance at economic vitality to come along for many years.●

AMERICAN GOLD STAR MOTHERS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GORE. Mr. Speaker, I am introducing legislation today to grant a national charter for the American Gold Star Mothers, Inc. This legislation will bestow upon this important organization one of Congress' highest honors of recognition.

Since its founding in 1928, the American Gold Star Mothers has helped many families overcome the grief from the loss of their sons or daughters who died in the line of duty in the Armed Forces in World War I, World War II, the Korean conflict, Vietnam, and other strategic areas. Through service, this organization perpetuates the memory of those soldiers whose lives were sacrificed in our Nation's wars. Its work exemplifies an inspirational height of patriotism as it continues to fight to protect the rights for which their sons and daughters bravely fought.

The American Gold Star Mothers has been operating under a charter from the District of Columbia since January 5, 1929. It is apparent after 54 years of service that this organization is serving an important purpose to the many mothers who lost their children in the line of duty. As a nonpartisan and nonprofit organization, the American Gold Star Mothers has demonstrated its commitment to public service. It is open for membership to all eligible women and is not discriminatory on the basis of race, color, religion, or national origin.

The American Gold Star Mothers desires to help its members and their dependents in the presentation of claims to the Veterans' Administration and to assist in other ways. The support from this group has enabled many families to adjust to a way of life without their loved ones as well as provide them with an outlet to promote peace and goodwill. Its success can be seen by the activities of the 34 State network of the American Gold Star Mothers. In Tennessee we have an active chapter in Knoxville, and organizational efforts in other Tennessee cities.

I strongly believe that this nationwide organization which strives to promote the patriotic ideals of public service should be granted a national charter. This legislation is important because the charter given them the honor of congressional recognition.

These women have given our country their greatest treasure, and Congress should do no less than award them with the status they so richly deserve. I urge my colleagues to support this legislation.●

ONE SOLUTION TO THE DRUNK DRIVING EPIDEMIC: RAISING THE DRINKING AGE TO 21

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GOODLING. Mr. Speaker, in the last year, I have become very active in Congress in some of the States, and with private organizations in promoting legislation addressing a very serious problem in this country: teenage drunk driving.

Do you know what I have learned? Although drunk driving is a problem that pervades all age groups of our licensed population, it is especially severe for teenagers. The combination of learning to drive, youthful risk taking, and drinking makes auto accidents the No. 1 killer of teenagers in this country.

I have made a real effort to draw attention to this problem, and to persuade the Congress to make a strong statement in support of a uniform national policy, enacted individually by the States, because 23 years in the education field has taught me a valuable lesson—that the youth of this country are valuable to our future beyond description.

Most of the ones so tragically affected by teenage drunk driving are just beginning to understand who they are and what they want out of life. They have parents. They have interesting, and chances are, innocent faces. They listen to stereos. They play video games. They compete on athletic fields and in the classroom. They talk for hours on the telephone. And all too many of them can only be remembered now—remembered by the high school graduation picture hanging on the living room wall of a family that will never be the same. Remembered for who they were, and sadly, for who they might have been.

Consider these tragic facts: Our teens make up only 8 percent of the population, drive only 6 percent of the highway miles, yet they are involved in 15 percent of fatal alcohol-related accidents.

Of the 25,000 persons who die each year in drunk driving accidents, 5,000 are teenagers and almost 35 percent are between the ages of 16 and 24.

In fact, 14 teenagers die each day in drunk driving accidents.

On the other hand, many innocent persons driving within the limits of the law are also affected by teenage drunk drivers. All too often we forget about the teenager who caused someone in the other car to lose his or her life, and then was forced to live with that stigma and terrible nightmare long afterward.

In response to this, I have introduced House Concurrent Resolution 23, a resolution expressing the sense of the Congress that the minimum age for drinking and purchasing alcoholic beverages should be raised to 21.

This resolution reflects one of the key recommendations of the Presidential Commission on Drunk Driving. Senator ARLEN SPECTER has introduced the companion resolution, and so far 15 U.S. Senators and 74 Members of Congress have cosponsored the measure. It has received endorsements from Cabinet members Elizabeth Dole the Secretary of Transportation, and Margaret Heckler, the Secretary of Health and Human Services. In addition, the following organizations have endorsed "21" nationwide: Mothers Against Drunk Drivers (MADD); the National Transportation Safety Board; the National Safety Council; the American Medical Association; the American Automobile Association; the Epilepsy Foundation of America; the International Chiefs of Police; and many insurance groups, including the Alliance of American Insurers, the Government Employees Insurance Company (GEICO), the National Association of Independent Insurers, and the Professional Insurance Agents.

I hope we see passage of House Concurrent Resolution 23 in this session of Congress, for I really do believe this is an issue which all the State legislatures should take up in their respective chambers—particularly at a time when many of the States are reviewing their educational systems. If we really are in pursuit of excellence in education, then we cannot overlook teaching our teens as well as our youngsters about the problems of alcohol abuse, and the dangers posed by drinking and driving.

Recently, I received yet another letter of support for this idea, from the President of the American College of Preventive Medicine, which I commend to my colleagues' attention.

AMERICAN COLLEGE
OF PREVENTIVE MEDICINE,
Washington, D.C., July 28, 1983.

Hon. WILLIAM GOODLING,
Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN GOODLING: On behalf of the American College of Preventive Medicine, I am writing to indicate endorsement of H. Con. Res. 23, now pending in the House Committee on Judiciary and on Public Works and Transportation.

As I am sure you are aware, the College has been quite active in the area of automotive safety and is particularly supportive of measures that would lessen the severe toll of automobile accidents on our nation's youth. We therefore congratulate you on your introduction of H. Con. Res. 23 and are pleased to lend our support to it.

Sincerely,

JEFFERSON C. DAVIS, M.D.,
President.●

PERSONAL EXPLANATION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. KOLTER. Mr. Speaker, today I rise to explain my vote against the U.S. quota increase to the International Monetary Fund. Before I was sworn in as a Member of the House, I knew that the vote on reauthorizing our commitment to the IMF would be one of the most important decisions I would be called upon to make. Also, I want to apprise my colleagues of the fact that I have struggled with this question in an attempt to do what is right.

When I return home every weekend and travel throughout my district, I talk with people at the various events I attend. Invariably, someone will ask me to vote against increasing our quota to the IMF. Many are employed, but most are unemployed or know someone who is jobless. What is most alarming is that those who are unemployed fear that they may never regain what they lost. Some lost jobs, others lost homes and automobiles, while a few lost their spouses through divorce or separation. All lost some of their pride, dignity, and self-worth.

I represent a politically, economically, and geographically diverse district, yet the people I spoke with all agreed, regardless of their philosophy, that the IMF quota increase constitutes a bailout of the large banks. They do not understand why a handful of banks will lend their savings and investments to developing nations when so many in the United States need so much. They have asked me to explain how a bank can foreclose on their neighbor's home, but not foreclose on a nation that has overborrowed. Realistically, these people understand that it is not practical to foreclose on a nation, but when they see their neighbors in trouble it is difficult for them to think in practical terms.

Last February the House Banking Committee held hearings on mortgage foreclosures. One of my constituents offered testimony before that August body. He related the suffering he and his family experienced when their home was foreclosed upon. Most disconcerting to me is the fact that after he left his home, there was no one willing to buy it. It sat there abandoned and deteriorating.

While my constituent was still in the room, something occurred that I shall never forget. It was one of the darkest moments in my career as a public servant. A member of the Banking Committee expressed profound sympathy for those losing their homes, but he said the Congress had a much more compelling issue to tackle. That issue was the U.S. quota increase to the International Monetary Fund. No concern was shown for those who had lost their homes. Initially my constituent was stunned, then he and his companions grew angry. I had a difficult time trying to explain how my colleague could make a statement of that magnitude. I will never understand why those words were stated in that situation at that particular time. On that day the reputation of the House suffered.

In the late spring, the House passed a bill designed to assist those threatened with foreclosure. Yet the same voices who showed disregard for their fellow citizens attempted to road block

this legislation. The administration was later successful in stopping their important legislation. Those actions made me wonder how the administration and some Members of this body could with good conscience, advocate spending $8.4 billion for bailing out foreign debtor nations and their lenders, while they refuse to spend one cent to help the unemployed with some type of mortgage assistance.

Those same parties urge spending billions of dollars for nations abroad—many dollars of which have financed excess foreign steel capacity that has contributed to high unemployment—yet they refuse to mitigate the damage being done to our own citizens.

Our priorities are not clearly defined. We have churches dispensing soup, and food banks doing land office business in my district and elsewhere in western Pennsylvania. I cannot justify an affirmative vote on an IMF quota increase that would spend billions for banks and debtor nations, while doing little that directly serves the interests of my constituents in need. Why are we enacting legislation that helps others when so many of our own are suffering in these trying economic times?

Let me make it clear that I am not thinking in a vacuum. I acknowledge the reality of interdependence. I appreciate the importance of international liquidity, a structured balance-of-payments system, a free and fair world trading system and the jobs it creates, but could it be that if we spend billions on the IMF, we will be undercutting our own industrial base? Perhaps even the economic recovery? And our own needy citizens?

Many have submitted that a bailout will help create jobs because the increased funding will promote exports. Furthermore, I am aware that one in six jobs relies on exports. Those assertions are difficult to dispute. Nonetheless, no one has shown me how many individuals will return to work if we vote to increase the U.S. quota. Some may benefit, but how many currently unemployed will be helped? If new jobs will be created, what mechanism exists to assist those who require retraining?

I would like to close by adding that for all the talk about how crucial this bill was, no one from the IMF, the Treasury, or the banking industry even offered to brief me, or my staff on this issue. With such a presumptious and cavalier attitude on behalf of some of legislation's advocates, and the points I made above, I had no choice but to oppose the quota increase.●

CONGRESSIONAL ART COMPETITION WINNERS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to take this opportunity to share with my colleagues the winners of the Congressional Arts Caucus (CAC) Competition in the Seventh District of Illinois and congratulate these fine students for their participation in this project which stresses the importance of the arts in our schools.

As an executive board member of the CAC, I am pleased at the artistic excellence demonstrated by all of the students who participated in "An Artistic Discovery."

Willie Lee Brown, of Chicago, a student at Westinghouse High School, was selected the winner with a drawing titled, "The Drape." His art work is presently on display in the corridor leading to the Capitol along with 200 other works of art by high school students chosen from art competitions held throughout the country.

I would also like to take note of the other participants in this contest: Bernice Maria Rajewski, Trinity High School; Selena Beaty, Constance James, and Carla Davis, Westinghouse High School; Efrain Santiago, Rezin Orr High School; Anthony Moore and Fancher Camerou, Austin High School; Anthony Maldoneldo, Ray Graham Training Center and Pedro Morales of Clemente High School.

All of these young men and women of my district deserve a warm round of appreciation for their efforts, enthusiasm, and ability. Their efforts demonstrate again the greatness of today's youth and their pride in their home town and our Nation.●

LEGISLATION TO ESTABLISH A MINIMUM, MANDATORY PRISON SENTENCE FOR THE USE OF ARMOR-PIERCING, HANDGUN AMMUNITION DURING THE COMMISSION OF A FELONY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CONTE. Mr. Speaker, today I am introducing legislation which would establish a minimum, mandatory prison sentence for the use of armor-piercing, handgun ammunition during the commission of a felony.

Many of us are aware of the serious threat that the existence of armor-piercing, handgun ammunition poses for our Nation's police officers specifically and citizens generally. Although the Treasury Department has made some progress in persuading manufacturers of these bullets to restrict their sales to legitimate law enforcement agencies, so-called cop-killer bullets remain available for use on the streets.

Currently, there are approximately eight different types of handgun ammunition which the FBI has identified as armor piercing. Each of these, when fired from certain handguns, is capable of penetrating the most common form of soft body armor worn by more than half of all U.S. law enforcement personnel today. For this reason, various police associations, gun control groups, and other organizations have pressed for Federal legislation which would ban the manufacture, importation, and sale of these bullets.

The problem with any such legislation, however, it that it requires a definition of the term "armor-piercing ammunition." For over a year now, the Treasury Department's Bureau of Alcohol, Tobacco, and Firearms has been working on such a definition with little or no success. Treasury has found that there is no simple dividing line between bullets that will penetrate body armor and bullets that will not. Thus any attempt to define these bullets runs the risk of also outlawing many types of ammunition commonly used for sporting purposes.

The legislation I am introducing today is a reasonable, interim solution to the problem we face. This bill would establish a minimum, mandatory prison sentence of 5 years for the use of armor-piercing, handgun ammunition during the commission of a felony. Such an added penalty would go a long way toward eliminating the use of this ammunition for nonlegitimate, criminal purposes. And should not that be our primary consideration until such time as an accurate and acceptable definition of these bullets can be developed?

What is unique about this bill is that the 5 year sentence would be required only when it can be proven that the ammunition used in the crime can penetrate body armor when fired from the defendant's handgun. Thus, even if the ammunition used in the crime is capable of piercing armor when fired from another type of firearm, the defendant would not be subjected to an additional 5 year sentence. This provision is very important absent a definition of armor-piercing ammunition.

Every minute that we wait to deal with this serious problem increases the chance that one of our hard-working police officers will unnecessarily be injured or killed. This bill puts a strict penalty on the books for those criminals convicted of using armor-piercing bullets in the act of a felony. I urge my colleagues to join me in support of this bill.●

MERITORIOUS RECOGNITION OF SBA GOLD MEDAL WINNER

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mrs. COLLINS. Mr. Speaker, on July 29, 1983, the Small Business Administration (SBA) Chicago office presented Mr. H. Sam McGrier, assistant director for management assistance with the 1983 Gold Medal award because of his "outstanding service" to the public and "exemplary achievements" in the area of management assistance.

Mr. McGrier, a resident of Broadview, Ill., located in my district was awarded the highest honorary recognition presented by the SBA. The Gold Medal is given to those employees whose meritorious adhievements are so exemplary that they are determined to merit recognition above and beyond that provided by other performance or incentive awards. This award recognizes the employee who has made the most significant overall contribution of all nominations submitted for agency consideration.

Mr. McGrier, with almost 10 years of Federal service was cited for his exemplary performance and significant contributions to the efficiency, effectiveness, and economy of government operations. Deserving recognition was given to his leadership, creativity, and resourcefulness in providing management counseling and training to the small business communities of Illinois.

Mr. McGrier has previously served as the executive vice president of the Chicago Economic Development Corp. and as a personal banking officer at the Madison Bank & Trust Co. He was also appointed by me as a delegate to the White House Conference on Small Business.

Congratulations Mr. McGrier.●

SENATE—*Wednesday, August 17, 1983*

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

● Mr. ANDREWS. Mr. President, I should like to announce for the information of the Senate and the public the scheduling of a field hearing on S. 1735, a bill entitled the "Shoalwater Bay Indian Tribe-Dexter by the Sea Claim Settlement Act." The hearing is scheduled on August 30, 1983, commencing at 9 a.m., in the city council chambers, 3d floor of city hall, 200 East Market Street, Aberdeen, Wash. Those wishing to testify or submit written testimony should contact John Caves of the Select Committee on Indian Affairs at 202/224-2251.●

SUBCOMMITTEE ON THE FAMILY FARM

● Mr. WEICKER. Mr. President, the Senate Small Business Committee's Subcommittee on the Family Farm has announced a change in its scheduled field hearing as originally announced in the CONGRESSIONAL RECORD of August 4. The hearing on "The Effect of Canadian Imports on New York State Agriculture," originally scheduled for August 19, will now be held on September 9, 1983, at 10 a.m. in Syracuse, N.Y., room to be announced at a later date. For further information, please contact John McNamara of the committee staff at 224-2809. Senator D'AMATO will chair.●

SUBCOMMITTEE ON EXPORT PROMOTION AND MARKET DEVELOPMENT

● Mr. WEICKER. Mr. President, the Senate Small Business Committee's Subcommittee on Export Promotion and Market Development has announced a change in its scheduled field hearing as originally announced in the CONGRESSIONAL RECORD of August 4, 1983. The hearing on Small Business Exports and Export Financing, originally scheduled for September 9, will now be held on September 12, 1983, in the hearing chambers of the Metropolitan Council, 300 Metro Square Building, St. Paul, Minn., starting at 9:30 a.m. For further information, please contact Anne Sullivan of the committee staff at 224-5175. Senator BOSCHWITZ will chair.●

COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. McCLURE. Mr. President, I would like to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Committee on Energy and Natural Resources to receive testimony on S. 1701, to impose specific directives on the Bonneville Power Administration. This will be a followup hearing to the August 3, 1983, hearing held in Washington, D.C.

The hearing will be held on Friday, September 9, beginning at 9 a.m. in the New Federal Building (south auditorium, 4th floor), 915 Second Avenue, Seattle, Wash.

Those wishing to testify or who wish to submit written statements for the hearing record should contact Mr. Gary Ellsworth, Senate Committee on Energy and Natural Resources, Washington, D.C. 20510, Telephone: 202-224-5304; Mr. Ron Dotzauer, office of Senator HENRY M. JACKSON, 802 U.S. Courthouse, 1010 Fifth Avenue, Seattle, Wash. 98104, telephone: 206-442-7476; or Ms. Creigh Agnew, office of Senator SLADE GORTON, 2988 Federal Building, 915 Second Avenue, Seattle, Wash. 98174, telephone: 206-442-5545. Requests to testify should be received no later than 5 p.m. on Wednesday, August 31. Witnesses should deliver 25 copies of their testimony to Senator GORTON's Seattle office by 5 p.m. on Thursday, September 8. Witnesses may be placed in panels and oral testimony will be limited to no more than 5 minutes.

For further information regarding this hearing, please contact Mr. Ellsworth, Mr. Dotzauer, or Ms. Agnew at the above-listed numbers.●

ADDITIONAL STATEMENTS

REORGANIZATION OF DEPARTMENT OF EDUCATION

● Mr. SARBANES. Mr. President, I am pleased to be a cosponsor of Senate Concurrent Resolution 60, which expresses the sense of the Senate that the current organizational integrity and personnel strengths of the Department of Education should be retained and directs the General Accounting Office to undertake a study to determine whether this reorganization would reduce the ability of the Department of Education to carry out programs authorized by the Congress. Those programs which may be affected include the Women's Educational Equity Act program, title IV, the Civil Rights Act program, migrant education programs, Native American programs, chapter I—compensatory education—programs and vocational, adult, and the all handicapped children programs.

In my view, this proposed reorganization is actually a substantial reduction in force aimd at downgrading many of the valuable employees of the Department of Education and thereby severely weakening programs which the Congress has consistently supported. Each of these programs provides important educational opportunities for groups within our society that have historically been at an educational disadvantage. I am deeply troubled that this reorganization effort will inevitably result in the inability of our educational system to meet its mandate of providing an equal opportunity for a high-quality education for all of our citizens.

It may surprise many of my colleagues to discover that the Department of Education has reduced its personnel strength by 25 percent since this administration has been in office. While I favor improving the efficient management of the Federal Government, I am disturbed that this proposal is in fact a thinly disguised attempt by the Reagan administration to administratively cripple the management of programs it opposes. Furthermore, I am concerned that yet another reorganization will only serve to undermine the morale and credibility of these important programs.

The programs, which would be affected by this proposed reorganization, improve educational services to our Nation's handicapped children, Native Americans, migrant children, and disadvantaged children, who often need special services to achieve their educational goals. Important efforts to meet the needs of women, and those who experience discrimination based on race or national origin would be severly impacted by this proposal. In this time of high unemployment, services to those who wish to go back to school for additional education or vocational training will be impaired by increasing workloads and decreasing the staff who implement adult and vocational education programs.

We must continue to place strong emphasis on the education of our Nation's children and all of our citizens who wish to become better equipped to work in our fast-changing society. I call upon the Secretary of Education to withdraw the proposal for the reduction in force and reorganization until we can be assured that our Nation's commitment to a quality education for all our citizens is not adversely affected by yet another reorganization at the Department of Education. I urge my colleagues to join me in supporting this worthy measure.●

SENATOR ERVIN AND THE ERA

● Mr. HATCH. Mr. President, our former colleague, Senator Sam Ervin, remains one of the most thoughtful constitutional observers in our Nation. He has recently prepared an outstanding analysis on the proposed equal rights amendment, examining what he describes as its "revolutionary" implications. In this analysis, Senator Ervin concludes that the amendment would result in an unprecedented transfer of public authority from the States to the Federal Government and from the legislative branches to the judicial branches. In both cases, the result would be governmental decisionmaking more removed from the citizenry and less accountable to them. I call Senator Ervin's entire analysis to the attention of my colleagues and request that it be printed in the RECORD in its entirety.

The material follows:

THE EQUAL RIGHTS AMENDMENT: ITS REVOLUTIONARY IMPLICATIONS

(Observations of former Senator Sam Ervin, of North Carolina, on this subject, June 1983)

SEXUAL DIFFERENCES AND RESULTANT CUSTOMS AND LAWS

While they are otherwise alike, there are fundamental physiological and functional differences between men and women.

These differences are of supreme importance. They empower men to beget children, and women to bear them; and thus perpetuate the existence of humanity on earth.

These differences have produced customs in living, and these customs have been implemented by laws.

Children are God's most helpless creatures. They require years of physical, intellectual, and spiritual nurture to fit them for life as adults.

To insure that children receive such nurture, customs and laws have created the institution of marriage, and assigned differing legal responsibilities to men and women who marry in respect to themselves, their spouses, and the children they create.

In assigning these differing legal responsibilities to them, the customs and laws have taken into consideration these things: (1) the circumstance that the husband's role in the creative process is temporary and nondisabling, whereas the wife's role is protracted, arduous, and at least temporarily disabling; and (2) the characteristics and capacities which generally distinguish husbands and wives from each other.

Consequently the customs and laws assign to husbands and fathers the legal responsibility to provide shelter, food, and other necessities of life for themselves, their spouses, and their children, and to wives and mothers the legal responsibility to make the shelter a home for themselves, their spouses, and their children, and to supply their children the essential nurture their infancy and early childhood require.

The faithful performance of their respective legal responsibilities by married men and women is vital to the development and advancement of the human race.

In addition to assigning these differing legal responsibilities to married men and women in respect to their marital affairs and relationships, the customs and laws exempt women from compulsory military service; impose on men the duty to defend the country when it is engaged in war with its enemies; and secure to widows a portion of their husbands' estates for their support after the deaths of their husbands.

Under American jurisprudence, women may marry or refrain from marrying. Except to the extent it exempts all women from compulsory military service, the customs and laws do not apply to women who do not marry. Millions of women, however, deem marriage an acceptable way of life, and marry, become wives and mothers and widows. The customs and the law implementing them afford substantial economic and legal protections to them and their children.

Until comparatively recent times, men monopolized most remunerative employments in the nation, and few occupations were open to women. As the years passed, however, the United States witnessed many changes affecting both men and women in their economic and social lives. Multitudes of women entered the work force. Many of them are married women, who have abandoned homemaking either totally or partially for outside economic activities, and are contributing their earnings to the support of themselves and their families. Some of these married women manage to make homes for their families and also perform their outside economic undertakings. Some of them postpone accepting any outside employment until their children are rather mature.

One group of Americans maintain that the economic and social changes have outmoded the customs and laws and made them unnecessary; that the retention of these customs and laws are both insulting and injurious to all women because they deny them equality of legal rights with men and consign them to a status in society inferior to that of men; and that they should be supplanted in their entirety by new laws phrased in neuter terms and applying equally and uniformly and without variation to all men and women in all circumstances. This group includes many business and professional women whose legal rights are identical with those of men.

A second group of Americans, whom I believe to be right and to express views held by the vast majority of our people, reject these propositions on the ground that they are repugnant to reason and to the realities of human life in America.

They assert that the customs and laws recognizing that sex does exist and that it creates physiological and functional differences between men and women do not exalt or debase either sex. On the contrary, they simply recognize the truth that men and women complement each other in the activities essential to the existence and development of human life on earth.

They also insist that the roles in life of man and unmarried women and those of wives, mothers, widows, and immature children are drastically different and that it is idle thinking to assume that laws which suffice to protect men and unmarried women will offer adequate protection to wives, mothers widows, and children. They also maintain that although the economic and social changes may minimize the need for the customs and laws in some instances, the conditions which originally brought them into being still exist throughout the nation, and that it would be folly to abolish them. To sustain this position, they say that multitudes of women still devote all their energy and time to homemaking and the care of their families; that even most of the women who have accepted outside employment devote a substantial part of their efforts to homemaking and the care of their families; that the need of children to receive the benefits of physical, intellectual, and spiritual culture from both of their parents in undiminished; and that the majority of widows are disabled by age, illness, or inexperience to earn their own livelihoods.

THE EQUAL RIGHTS AMENDMENT

The first group of Americans demand that Congress and the State adopt the Equal Rights Amendment. This Amendment reads as follows:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

Language uses words to express and communicate ideas. As a consequence, America's greatest jurist of all time, Chief Justice John Marshall, rightly ruled in the famous case of *Marbury* v. *Madison*,[1] that the words of the Constitution must be interpreted to mean what they say.

Hence, both the Constitution and intellectual honesty compel us to determine the meaning and effect of the Equal Rights Amendment by it words. These words are as clear as sunlight in a cloudless sky.

The determinative words are set forth in its most crucial section, Section 1, which apply without exception or limitation to the United States, the fifty States, and all men and women and boys and girls in them.

Although these determinative words state it in the negative, the Equal Rights Amendment has an affirmative meaning and effect.

If it should be added to the Constitution, the Amendment will impose on Congress and the fifty States absolute and inescapable constitutional obligations to make equal and uniform without any variation their respective laws relating to men and women and boys and girls, without regard to the physiological and functional differences between the sexes and without regard to the absurd impact those laws will have on men, women, or children in particular instances.

By so doing, the Amendment would require Congress and the fifty States to ignore the existence of sex in making laws to govern the conduct and relationships of those whom God has divided into two sexes, and to recreate men and women in a constitutional and legal sense as a new unisex of the neuter gender.

To accomplish this wondrous objective, the Amendment would rob Congress and the fifty States of the constitutional power to make any legal right or liability dependent on sex.

Discriminations may be made by law, or by nature, or by the mores of society. The Equal Rights Amendment is concerned with "equality of rights under law", and would not abolish any discrimination created against women by nature or the mores of society.

Some people really believe that God perpetrated an unjust discrimination on women when He placed on them the burden of

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[1] *Marbury* v. *Madison*, (1803) 1 Cranch 137, 2 L.Ed,60.

bearing children and nurturing them in their infancy. If this be so, it is an unjust discrimination which the Equal Rights Amendment will not and cannot abolish. After all, the decrees of the Almighty cannot be nullified by human beings.

WHAT THE EQUAL RIGHTS AMENDMENT WILL DO

As used in the Equal Rights Amendment, the words "equality of rights under the law" have a beguiling appeal and a deceitful power. Their beguiling appeal deters many persons from analyzing the Amendment and ascertaining what it says; and their deceitful power induces many others to believe that such a beautifully phrased Amendment cannot possibly mean what it says. Others are deluded into believing that the Amendment does nothing other than to proclaim an ideal which government is to seek to attain in future years.

For their own good and that of posterity, Americans must not be deluded by the beguiling appeal or the deceitful power of the siren words "equality of rights under the law," or by any misinterpretations of the Equal Rights Amendment.

If Congress should submit the Amendment to the States and the States should ratify it, the Amendment will operate as an inexorable command of the Constitution itself, and nullify every prior constitutional provision inconsistent with it, and invalidate all existing and future laws, federal and state, based on the reality that there are psychological and functional differences between the two sexes which God created to perpetuate human life on earth.

That is exactly what the Amendment would do if it is added to the Constitution.

This conclusion is mandated by the absolute words of the Amendment itself, and conforms to what is most knowledgeable advocates, Professor Thomas I. Emerson, of the Yale Law School, and Barbara A. Brown, Galk Falk, and Ann E. Freeman, able lawyers educated in the Yale Law School, say it will do. I quote their words as they appear in an article appearing in Yale Law Journal for April, 1971. They say:

1. The basic principle of the Equal Rights Amendment is that sex is not a permissible factor in determining the legal rights of women or men. This means that the treatment of any person by the law may not be based upon the circumstance that such person is of one sex or the other. (p. 889) . . . The principle of the Amendment must be applied comprehensively and without exceptions. (p. 890.)

2. Only an unequivocal ban against taking sex into account supplies a rule adequate to achieve the objectives of the Amendment. (p. 892) . . . Prohibition against the use of sex as a basis for differential treatment applies to all areas of legal rights. (p. 891) . . . From this analysis it follows that the constitutional mandate must be absolute. (p. 892.)

3. Our legal structure will continue to support and command an inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex. (p. 893) . . . Equality of rights means that sex is not a factor. (p. 892.)

If it is added to the Constitution, the Amendment will nullify all existing federal and state laws making legal distinctions between men and women, no matter how necessary and sensible such distinctions may be, and rob Congress and the 50 States of the constitutional power to enact any similar laws at any time in the future.

I cite below only a few of the things the Amendment will do:

The Amendment will nullify all laws of the United States or any State which exempt women from compulsory military service or from service in combat units of the armed forces in time of war.

The Amendment will nullify all laws of the United States or any State which grant exemptions or economic or social protections or benefits to women because they are wives, mothers, or widows.

The Amendment will nullify all laws of the United States or any State which impose on husbands and fathers primary responsibility for providing a home, food, or other necessities of life for their wives and children.

The Amendment will nullify all laws of the United States or any State which require husbands to pay alimony to their wives or former wives.

The Amendment will nullify all laws of the United States or any State which protect the privacy of men and women and boys and girls by requiring separate restrooms for the sexes in public and private schools, in public buildings or in mercantile establishments, and industrial plants.

The Amendment will nullify all laws of the United States or any State which permit segregation by sex in educational institutions or hospitals, or require segregation by sex in jails or prisons.

The Amendment will nullify all laws of the United States or any State which base the right to marry on the sex of the contracting parties, and deny the right to marry each other to female lesbians or male homosexuals.

The Amendment will nullify all laws of the United States or any State which define as crimes sexual offenses, such as forcible or statutory rape, which can be committed only by men.

Although it is absolute in its terms and is subject to no exception or limitation, whatever, some advocates of the Amendment say it will not strike down as unconstitutional laws making forcible or statutory rape crimes. They say this is so because these crimes are not based on sex, but are based on the unique physical characteristics which distinguish men and women from each other. Since these distinguishing physical characteristics divide men and women into two sexes, forcible and statutory rapes cannot possibly be exempt from the coverage of an amendment which outlaws all laws based on sex.

The partial recital of its inescapable consequences makes it manifest that the adoption of the Equal Rights Amendment would create constitutional and legal chaos in America. It would leave the nation without valid laws adequate to regulate the actions and relationships of men and women and the responsibilities they owe to the helpless children they create.

The Amendment recognizes this to be so by Section 2, which extends its effective date for two years to allow Congress and the States time to enact new laws to supplant those it nullifies. Fidelity to truth compels me to observe that the only new laws the Amendment would permit Congress and the States to enact would not suffice to give the country sensible government. Under the Amendment, they would have to ignore earth's most potent reality, that is, that sex creates physiological and functional differences between the two sexes, and undertake to regulate the inevitable consequences of the truth they are commanded to ignore by laws phrased in genderless language which does not denote the sex of any person to whom they apply.

Subject to the exceptions noted below, I will not indicate the nature of the new laws Congress and the States would be compelled to enact to supplant the customs and laws the Amendment would nullify.

Their nature is suggested with accuracy by the article in the Yale Law Journal for April, 1971. I urge all members of Congress and State Legislatures and all Americans who love our country to read and ponder what this article says on that subject.

The most militant organization of women supporting the Equal Rights Amendment, NOW, is revealing to the nation in advance the absurd and unrealistic nature of the laws which the Amendment will command Congress and the States to enact if it is adopted.

NOW is doing this by calling on Congress to pass two pending bills, S. 372 and H.R. 100. These bills command insurance companies to ignore sex in setting rates on health insurance, and to require men and women to pay identical premiums for such insurance.

To comply with NOW's demand, Congress must ignore the economic truths that insurance is based on risk and that women under 55 years of age usually incur more health care expenses than men, and compel men to purchase for themselves personal maternity benefits God disables them to use.

If adopted, the Equal Rights Amendment would imperil our national security in a precarious world where potential foes indicate their ambition to extinguish all lights of liberty on earth and subject all mankind to their domination.

As the article in the Yale Law Journal clearly discloses, the United States would be compelled to choose between having no armed forces whatever, or having armed forces in which men and women would serve on exactly the same terms and precisely the same conditions. There could be no segregation by sex in barracks or on ships, or in training activities, or in combat.

In this connection, the article makes these two emphatic affirmations:

1. Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children. (No. 14, p. 975)

2. Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of chilren born out of wedlock would also be discharged. (No. 15, p. 975)

What has been said reveals that the constitutional scholar, Bernard Schwartz, was right in saying:

"Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law and a complete disregard of fact." (Rights of the Person, Vol. 2, p. 538.)

THE EQUAL RIGHTS AMENDMENT IS UNNECESSARY

To the extent that the roles they enact in life are the same, the legal rights and the legal responsibilities of men and women should be the same. This is already true under most existing federal and state laws, and any discrepancies which may still exist do not require the drastic Equal Rights Amendment for their elimination. They can be removed by simple legislative acts.

Law ought not to make any invidious or unjust discriminations against women.

In its final analysis, the argument its advocates advance for its adoption is that the Equal Rights Amendment is necessary to abolish legal discriminations of this nature. If this be its real objective, the Equal Rights

Amendment is totally unnecessary for three separate reasons.

The first of these reasons is that the Constitution now outlaws all invidious or unjust legal discriminations against women.

To be sure, the Supreme Court originally placed some absurd interpretations on the equal protection clause of the Fourteenth Amendment during the years following its addition to the Constitution. For example, it incorrectly adjudged that Illinois and Virginia were not disabled by the equal protection clause to deny qualified women the right to practice law. These and all kindred decisions are now as dead as the dodo.

Ever since it handed down *Reed* v. *Reed* [2] in 1971, the Supreme Court has consistently and rightly ruled that the due process clause of the Fifth Amendment, which applies to the United States, and the equal protection clause of the Fourteenth Amendment, which applies to the states, make every law, federal or state, that makes a distinction between the legal rights and legal responsibilities of men and women, null and void unless the distinction is based on reasonable grounds and is intended to protect women in some role they enact in life. Hence, the Equal Rights Amendment is not required to abolish any invidious or unjust discriminations against women.

The second reason why the Equal Rights Amendment is not required for this purpose is this: Virtually every law which in times past made invidious or unjust discriminations against women has been repealed or adjudged unconstitutional, and has been supplanted by new laws prohibiting discriminations of this nature.

As the United States Code discloses, Congress has enacted statutes during recent years prohibiting invidious or unjust legal discriminations against women in virtually every federal activity, and the like prohibition has been extended by statute or regulation to every state activity financed, in whole or in part, by federal funds.

There are few state activities which are not in this category, and virtually all of them are covered by state laws prohibiting invidious or unjust discriminations against women.

The third reason why the Equal Rights Amendment is not necessary to abolish invidious or unjust discrimination against women is this: Congress and the states possess plenary power under the existing Constitution to abolish such discriminations as may still exist.

Using a disastrous blunderbuss like the Equal Rights Amendment for this purpose would be as foolish as using an atomic bomb to get rid of a few mice. Legislators would be glad to abolish any remaining invidious or unjust legal discriminations against women if the advocates of the amendment would simply designate them.

I know of no invidious or unjust discriminations against women of substance other than those arising in employment, where some of them do not enjoy the pay, the promotion, and the other conditions of employment to which they are justly entitled.

But this is not the fault of law. As a matter of reality, existing laws prohibit virtually all of such discriminations. The Civil Rights Act of 1964 prohibits discrimination against women in employment in industries employing 15 or more persons if its business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Hence, the Civil Rights Act of 1964 applies to every industry of consequence in the United States.

The Fair Labor Standards Act and the Equal Pay Act, which apply to every employer who has a single employee whose activity affects interstate commerce, command employers not to discriminate against women and to pay men and women equal pay for equal work.

Furthermore, the President and virtually all the departments and agencies of the federal government have issued orders prohibiting discriminating against women in federal employment. Moreover, state legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

In the nature of things, the laws prohibiting discrimination against women in employment are not self-executing, and must be invoked in judicial proceedings by those who deem themselves aggrieved by their violations.

What has been said makes it manifest that Congress and the states have virtually abolished all laws making inviduous or unjust discrimination against women, and that the claim that the Equal Rights Amendment is necessary to nullify any remaining laws of this nature is destitute of foundation.

This truth is not pleasing, however, to the most militant supporters of the Equal Rights Amendment. They are not really concerned with legal discriminations of this nature. Their objective is revolutionary in nature. Stated simply, it is to destroy all existing legal distinctions between men and women; and to rob Congress and the states of the constitutional power to make any legal distinctions between men and women in the future.

THE EQUAL RIGHTS AMENDMENT IS REPUGNANT TO THE REALITIES OF LIFE

The Equal Rights Amendment is repugnant to the realities of life. What has already been said reveals why this is so, and may be epitomized for brevity's sake a second time as follows:

God created two sexes, and made physiological and functional differences between them. These differences enable men and women to perpetuate human life on earth. Forthright customs and laws are indispensable to these realities, and to the development of the children resulting from them. The Equal Rights Amendment undertakes to deny or defy these realities of life, and to regulate their consequences by absurd and unrealistic new laws phrased in genderless language which does not denote that they apply to the two sexes God created.

THE EQUAL RIGHTS AMENDMENT IS DESTRUCTIVE OF THE SYSTEM OF GOVERNMENT THE CONSTITUTION WAS ORDAINED TO ESTABLISH

The Constitution is the wisest instrument of government the earth has ever known. This is so, in large part, because it embodies in a two-fold way in its provisions this aphorism of the British philosopher, Thomas Hobbs:

"Freedom is political power divided into small fragments."

The Constitution divides the powers of government between the United States and the States by assigning to the United States all powers necessary to enable it to act as a national government for all the States, and by reserving to the States all other powers. Among the chief powers reserved to the States is the power to regulate the actions and relationships of the people residing within their respective borders.

Furthermore, the Constitution minimizes the threat of tyranny arising out of centralization of powers by separating the powers alloted to the United States among the Congress, the President, and the federal judiciary.

The reservation by the Constitution to the States of the power to regulate the actions and relationships of the people within their borders promotes good government and preserves liberty. No centralized government far removed from the people can be as sensitive or responsive to their needs as the government close to them.

In addition to vesting in the states and denying to Congress the power to define the legal rights and responsibilities of men and women residing within their respective borders, the Constitution empowers the courts of the States to determine the validity of their laws on this subject, except in the comparatively rare instances when they violate some of its specific provisions.

Section 2 of the Equal Rights Amendment specifies that "Congress shall have the power to enforce, by appropriate legislation, the provisions of this article."

If adopted, the Equal Rights Amendment would transfer from the fifty states to the centralized national government in Washington the power to regulate all the rights and responsibilities of men and women and their obligations to the children they create throughout the United States.

The judicial power of the states to determine the validity of their laws on the subject would shift immediately on its effective date from the state courts to the Supreme Court and the federal courts inferior to it.

While the amendment might be interpreted to permit the states to continue to legislate on the subject until Congress stepped in and took over, the amendment would transfer the ultimate legislative power on the subject from the states to Congress because the acts of Congress would nullify all inconsistent state laws by virtue of the supremacy clause of Article VI.

It is to be noted for the sake of clarity, however, that on its effective date Congress and the states would be robbed by the amendment of the constitutional power to pass any law making the legal right or liability of any person dependent on sexual differences between men and women.

This vast transfer of governmental power from the states to the distant and often insensitive national government in Washington would imperil both good government and liberty to an indescribable degree. Woodrow Wilson, a profound student of the Constitution, gave Americans this admonition:

"When we resist . . . the concentration of power, we are resisting the processes of death, because the concentration of power is what always precedes the destruction of human liberties."

THE SUPPORT FOR THE EQUAL RIGHTS AMENDMENT

Support for the Equal Rights Amendment is derived from an odd combination of persons whose motives for advocating it are irreconcilable.

The majority of its advocates do not understand what it means and will do; whereas the minority of its advocates do understand what it means and will do.

I digress momentarily to comment on what one of its most distinguished support-

[2] *Reed* v. *Reed*, (1971) 404 U.S. 71, 30 L.Ed2d. 225, 92 S.Ct. 251.

ers in the Senate was recently reputed by the press to have said when he appeared before the Senate committee considering a resolution to submit the proposed amendment to the states again. On being interrogated by members of the Senate concerning his opinions as to what the amendment would do, he declined to answer their questions, and undertook to justify his action in so doing by saying the questions were not relevant to the legislative obligations of Senators, and could only arise properly after the amendment was adopted, and the Supreme Court was required in the exercise of its judicial duty to interpret it.

I end my digression by observing that the distinguished Senator's reputed statement recalled to my mind this observation I often made to high school students who visited my office during my years in the Senate:

"All of the queer animals in Washington are not in the Zoo; some of them are in Congress."

The attitudes and motivations of the majority and minority advocates of the Equal Rights Amendment are incompatible.

The majority of its advocates are not learned in the Constitution and the laws. They cherish the Constitution as an instrument of government. They simply dislike some of the requirements of some of the customs and laws relating to men and women; think that these requirements make inviduous or unjust discriminations against women; and believe that the Equal Rights Amendment offers a benign way to abolish these inviduous and unjust discriminations without impairing the Constitution they cherish.

The minority of the advocates of the Equal Rights Amendment know what it means, and what it will do. They idolize the concept embodied in the words "equality of rights under the law", and abhor the existing customs and laws because they frustrate the practical consummation of this concept by taking sex differences into consideration and establishing differing legal rights and responsibilities for married men and women in respect to themselves, one another, and their children, and differing legal responsibilities for all men and women in respect to military services to the country both in war and in peace. Moreover, they maintain that these customs and laws frustrate the practical operation of the concept of equal rights under the law by giving widows economic protections they do not extend to other persons.

The minority of the advocates of the amendment support it because it will abrogate the existing customs and laws, and make a revolutionary change in the Constitution to disable all legislative bodies in the nation to validate any comparable customs or enact any comparable laws in the future.

Candor compels me to assert that years of study of what advocates of the Equal Rights Amendment have said in its support have not revealed a single rational reason why the structure of our government should be altered in the revolutionary fashion the amendment contemplates, or a single rational reason why wives, mothers, widows, and children should be robbed of the legal and economic protections existing customs and laws secure to them.

I am constrained to suggest that those who advocate abolishing the primary legal responsibility of fathers to support the children they beget, as advocates of the Equal Rights Amendment do, ought to read and ponder verses 3 to 6 of chapter 18 of the Gospel According to Matthew, which declares that it would be better for a person who offends a child if a great millstone were hanged about his neck and he were drowned in the depth of the sea.

Since American jurisprudence extends to all women the option of marrying or refraining from marrying, there is no place in the Constitution for an amendment, such as the Equal Rights Amendment, which is deliberately designed to penalize women who choose to marry by robbing them, in the name of a specious "equality of rights under the law", of the legal rights and economic protections existing customs and laws give them as wives, mothers, and widows.

The support of both segments of the advocates of the amendment is based on America's great delusion that all the problems of life can be solved easily, quickly, and finally by amending the Constitution or by passing a law. Most of life's problems are not susceptible to a solution of this character.

As a general rule, their solution is to be found in religion, ethics, and morality. Problems arising out of relationships between human beings must ordinarily be solved by mutual understanding and cooperation on their parts.

The problems arising out of the intimate relationships between husband and wife can be solved only by love.

Notwithstanding these truths, many politicians give a speedy response to the demands of constituents for a constitutional amendment or a new law without pausing to ask or answer these relevant questions:

1. Is there really a problem which demands solution?

2. If so is the problem one which is susceptible of solution by a constitutional amendment or a new law, or must it be solved in some other way?

3. Will the proposed constitutional amendment, if adopted, or the proposed new law, if enacted, create more serious problems than the problem it is devised to solve?

Advocates of the Equal Rights Amendment assert that its adoption would easily, quickly, and finally solve all the problems which life brings to women. They are simply deceiving themselves. If the Equal Rights Amendment were adopted, life would continue to bring to women all of the problems it has always brought to them. But all legislative bodies throughout the nation would be imprisoned in the constitutional straitjacket of the amendment, and would be rendered powerless to correct any of these problems by bestowing solely upon women benefits or protections, no matter how necessary or sensible the bestowal of such benefits or protections would be.

THE HISTORY OF THE EQUAL RIGHTS AMENDMENT BEFORE ITS SUBMISSION TO THE STATES

The history of the beguilingly and deceptively phrased Equal Rights Amendment is intriguing.

The amendment originated about 1923. For some years thereafter some women based in the City of Washington, who called themselves The National Woman's Party and lobbied for legislation for women, sought in vain to persuade Congress to submit it to the states for their consideration.

At that time organized pressure groups were virtually nonexistent; lobbyists were genteel; and members of Congress did their own investigating and thinking, based their official decisions on basic principles, and sought power and influence by courageous and intelligent leadership. Congress recognized that the Equal Rights Amendment was a well-intentioned proposal of highly devastating potentialities, and for many years courageously and wisely refused to submit it to the states.

After a proneness to appease because prevalent in Congress, a Senate committee reported the proposed amendment. When it was read in the Senate, Carl Hayden, a wise Senator from Arizona, recalled a state law which forbade the employment of women in the deep copper mines of Arizona and submitted a penciled amendment providing, in essence, that the Equal Rights Amendment should not invalidate any laws which gave special protections or exemptions to women.

The Senate unanimously adopted Senator Hayden's amendment, and the advocates of the Equal Rights Amendment refrained at the time from further action because they realized that it would thwart their efforts to abolish all legal distinctions between men and women.

This event was repeated in the Senate on other occasions, and gave rise to a demand of the advocates of the Equal Rights Amendment that it be approved without the Hayden or any other amendment.

After these events advocates of the Equal Rights Amendment persuaded some nationwide organizations of women possessing enormous political power that the amendment would liberate women from all troublesome legal problems, and induced them to adopt the amendment without change as their legislative goal.

It may be an unfortunate day for the United States for politically powerful groups to accept the enactment of any law or the adoption of any constitutional amendment as their legislative goal. This is because their zeal for victory may deter them from investigating and understanding the injurious consequences to the country of that which they seek.

This has been true in respect to the Equal Rights Amendment. As a general rule, those who advocate its adoption invoke as reasons for its advocacy court decisions that have been overruled; and laws that have been repealed or adjudged unconstitutional; and mistakenly assert that laws affording protection to wives, mothers, widows, and helpless children constitute invidious or unjust discriminations against all women. Moreover, they will not take the energy or time to ascertain that Congress and the states have already abolished virtually all invidious or unjust discriminations made by law against women.

One of the disturbing facts of life is that in a controversy between knowledge and ignorance, knowledge is in peril because it is limited, whereas ignorance is unlimited.

The House passed H.J. Res. 264 embodying the Equal Rights Amendment in 1970. After that event, Robert Sherrill, the distinguished journalist, remarked:

"The equal rights amendment's journey down the corridors of Congress has so far been an impressive demonstration of what can be achieved through almost total ignorance."

I made several speeches advising the Senate what the amendment means and would do when the Senate considered H.J. Res. 264 in October, 1970. In one of them I deplored the tragedy that the amendment would rob mothers of legal rights and protections, and quoted the Yiddish proverb: "God could not be everywhere: so He made mothers." Several days later a body of supporters of the amendment demonstrated for it on a street in Washington. A lone dissenter marched beside them carrying a placard

bearing the words: "God could not be in the Senate; so He or She made Senator Ervin."

I offered amendment 1049 which stipulated that the amendment should "not impair any law of the United States which exempts women from compulsory military service." The Senate approved my amendment by 36 yeas to 33 nays on October 13. Shortly thereafter H.J. Res. 264 was laid aside by sponsors because the amendment's supporters implacably insisted that the conscription laws and all other laws had to apply to men and women without variation.

After the Senate approved my amendment exempting women from the draft and H.J. Res. 264 was abandoned, the most energetic advocates of the Equal Rights Amendment took pains to insure that Congress would be subservient to them the next time the Equal Rights Amendment was presented to it.

At their bidding, influential members of the women's organizations supporting the amendment visited the Senators and Representatives they knew and solicited their support. In addition, they established in Washington the most powerful lobby the capital of the nation had ever seen.

Their lobbyists visited Capitol Hill with a zeal comparable to that of the locusts which plagued Egypt in the days of Moses and Pharaoh.

They assured Senators and Representatives that the Equal Rights Amendment was a salutary proposal which would liberate all women from bondage to discriminatory law; that virtually all women in America favored it; and that those women would be highly pleased by members of Congress who voted for the amendment and highly displeased by those who did not.

By cajolery, they obtained pledges of support from members of Congress who deplore the intellectual labor of ascertaining for themselves what legislative proposals mean and will do, or Senators and Representatives who cherish unduly the good will of well-organized pressure groups. When a Senator or Representative indicated a reluctance to pledge his support to the amendment, they emphasized that they were merely asking him to vote to submit it to the states for their consideration and were leaving him free to oppose its ratification by the states if he afterwards concluded it to be unwise. If a Senator or Representative seemed obdurate to their entreaties for support of the amendment, they suggested to him that he would suffer reprisals at the polls.

While the lobbyists for the amendment were laboring in Washington, the overwhelming majority of all women in America went about their accustomed ways unaware that their existing and prospective rights and protections as wives, mothers, and widows were in peril in Washington. For this reason, no one in Washington lobbied against the amendment. Moreover, with rare exceptions, the press was indifferent to its obligation under the First Amendment, and made no substantial efforts to enlighten the nation concerning the meaning and devastating nature of the amendment.

When Representatives supporting it judged the time propitious, they introduced the Equal Rights Amendment in the House as H. J. Res. 208. Their judgment was unerring, and on October 12, 1971, the House passed H. J. Res. 208 without change by a vote of 354 to 24 and sent it to the Senate.

I was an independently minded Senator, who was not amenable to cajolery or threats. Besides, I must confess I was a legislative fool who rushed in where legislative angels feared to tread.

The Senate debated the House-passed Equal Rights Amendment in March, 1972. I remained on the Senate floor throughout the debate, fighting the amendment almost singlehandedly. I pointed out the devastating effects the amendment would have on the legal rights and protections of wives, mothers, widows, and children, and the drastic limitations the amendment would impose on the legislative powers of Congress and the states.

In addition, I introduced amendments to reduce the devastating effects the amendment would have if it should be adopted. I did not make many converts. The overwhelming majority of Senators had pledged themselves to vote to submit the amendment to the states, and absented themselves from the Senate floor during the debate. In obedience to their pledges, they marched into the Senate when the rolls were called, and rejected all of my amendments by margins abhorrent to reason.

They defeated by a vote of 77 to 14 my amendment providing the Equal Rights Amendment should "not impair the validity of any laws of the United States or any state which extend protections or exemptions to women." (Amendment No. 1068.)

They defeated by a vote of 72 to 17 my amendment providing that the Equal Rights Amendment should "not impair the validity of any laws of the United States or any state which impose upon fathers responsibility for the support of their children." (Amendment No. 1069.)

They defeated by a vote of 79 to 11 my amendment providing that the Equal Rights Amendment should "not impair the validity of any laws of the United States or any state which assure privacy to men or women, or boys and girls." (Amendment No. 1070.)

They defeated by a vote of 71 to 17 my amendment providing that the Equal Rights Amendment should "not impair the validity of any laws of the United States or any state which make punishable as crimes sexual offenses." (Amendment No. 1071.)

They defeated by a vote of 78 to 12 my amendment, which was a substitute for the Equal Rights Amendment, providing that "neither the United States nor any state shall make any legal distinction between the legal rights of male and female persons unless such distinction is based on physiological or functional differences between them." (Amendment No. 472.)

They defeated by a vote of 82 to 9 my amendment, which was a substitute for the Equal Rights Amendment, providing that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. The provisions of this article shall not impair the validity of any laws of the United States or any state which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes rape, seduction, or other sexual offenses."

By rejecting my amendments, the Senate guaranteed by its legislative history that the objective of the Equal Rights Amendment is to convert the two sexes created by God into identical legal beings having identical legal rights and identical legal responsibilities at all times and under all circumstances.

Having done this, the Senate passed the Equal Rights Amendment without change by a vote of 84 to 8 on March 22, 1972, and thus concurred with the House in submitting it to the states.

The seven Senators who joined me in voting against submission were Senators Bennett, Buckley, Cotton, Fannin, Goldwater, Hansen, and Stennis. They were noted for their indomitable political courage.

After all of my amendments had been rejected and shortly before the Senate's final vote, I made these extemporaneous remarks in the Senate:

"This is the most drastic proposal for amendment to the Constitution ever recommended or supported in the history of this nation. . . . If it is . . . ratified by the States . . . the federal system, which contemplates an indestructible union composed of indestructible states, . . . will be substantially destroyed, and all legislative powers relating to the manifold relations of men and women will be concentrated in the Congress of the United States. Not only that, but the ultimate power to interpret all the laws of this nature will be lodged in the federal courts to the exclusion of the states courts. . . .

"(It) is . . . bad . . . to concentrate all power of this nature in the federal government, because nothing truer was ever said than the statement which Woodrow Wilson uttered on one occasion in which he said that when we resist the concentration of governmental power, we resist the processes of death because concentration of power always precedes the destruction of human liberties.

"I wish to pay tribute to the small band—an exceedingly small band—of stouthearted Senators who have shared my views in respect to the equal rights amendment and have supported my efforts to bring some degree of order out of the legal chaos which the amendment is likely to inflict upon our country. It is almost impossible to conceive the state of legal chaos which will ensue if this amendment is ratified by the States. It will invalidate thousands of laws which make legal distinctions between men and women, many of which are based upon entirely rational grounds and a recognition of the fact that God did create two sexes.

"These stouthearted Senators who have stood by me in this body sought in vain to make it certain that the equal rights amendment would not compel the Congress to subject women to compulsory military service when there was no necessity for so doing. They sought, and sought in vain, to make it certain that the daughters of America would not be sent into combat to die or to be maimed by the bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas, and the shells of an enemy.

"They tried to make certain that the laws of the United States and the laws of the States which extend protections and exemptions to women in general and to wives and mothers, and widows in particular, which commonsense and reality and the experience of mankind have shown to be needful to enable them to perform their roles as wives and mothers, and to extend to helpless children the nurtures which they require in their infancy, and to give them the training necessary to their intellectual and spiritual development, were not outlawed by this amendment. They sought to do that in vain.

"They also sought to make certain that the laws which imposed upon husbands the primary obligation to support their wives, and upon fathers the primary obligation to

support their children, would not be abrogated by this amendment. They also sought to do that in vain.

"They also sought to make certain that the laws of the United States and the laws of the States which secure privacy—an invaluable right—to men and women and to boys and girls would not be abrogated by this amendment. They sought to do that in vain.

"They also sought to make certain that mature men would not go unwhipped of justice if they seduce innocent and virtuous women under promises of marriage, or if they have carnal knowledge of immature girls under the age of consent, or if they transport women and girls in interstate or foreign commerce for the purpose of debauchery and prostitution. These stouthearted Senators also sought that objective in vain.

"The stouthearted Senators, who stood by me in this fight, and I have sustained an overwhelming defeat. But I believe that we have sustained this defeat under circumstances in which defeat serves better than victory to shake the soul and let the glory out. I say to those stouthearted Senators who supported me in this fight that they can lay to their hearts the satisfaction that they have not aided in an effort to crucify American womanhood upon the cross of dubious equality and specious uniformity. They have pursued this course because they cannot blind themselves to the proposition that when God created mankind, he created them male and female.

"I cannot vote for this resolution on final passage.

"I sincerely hope that the State legislatures will give serious consideration to all the arguments which have been made for the resolution and all the arguments which have been made against the resolution. I hope they will not agree to a constitutional amendment which would compel Congress to send my 5-year-old granddaughter on a subsequent occasion into combat with armed enemies of the United States where there are millions and millions and millions of men available to perform that duty."

Immediately after I yielded the floor, Majority Leader Mike Mansfield, a most gracious man, said:

"Mr. President . . . may I extend my congratulations to the distinguished senior Senator from North Carolina, for the fight he has waged in all honesty, with deep conviction, and with great vigor.

"If this constitutional amendment is adopted in the Senate by a two-thirds vote, it will not be a catastropic defeat for the distinguished Senator; but if defeat there is, it will be an honorable defeat because he has stated his case with cogency and clarity, and he has waged the good fight for what he thinks is right, and perhaps history will prove him right. But, as the Senator has indicated, it is going to take three-quarters of the states to affirm or to approve what Congress will have done if this body this afternoon passes the constitutional amendment by a two-thirds majority, and that remains to be seen.

"I want to pay my deepest respects to the distinguished Senator not only for the fight he has waged, consistently and with clarity, but also for the fact that he is the only member of this body who, since we returned to the second session of this Congress on January 18, has been engaged in debate, day in and day out, without fail. He has been the first member to come into the Chamber, along with the joint leadership. Almost always he has been the last member of leave.

"So I commend the distinguished Senator for the remarkable physical stamina he has shown, and I honor him for the intellectual integrity he has displayed."

I now disclose what I learned from private conversations past numbering.

Many Senators and Representatives, who were pragmatic politicians, voted to submit the Equal Rights Amendment to the States notwithstanding they realized its true meaning and implications. To quiet their consciences, they laid the flattering unction to their political souls that they were voting to submit and not to ratify; that the states would ascertain the devastating nature of the amendment and refuse to ratify it; and that they could acquire or retain the good will of advocates of the amendment by passing the buck to the states and voting to submit the amendment to them without harming the country.

After all, pragmatic politicians resemble God in one respect. They move in mysterious ways their wonders to perform.

THE HISTORY OF THE EQUAL RIGHTS AMENDMENT AFTER ITS SUBMISSION TO THE STATES

The Constitution required the affirmative vote of 38 states to ratify the Equal Rights Amendment.

A number of state legislatures shared in the euphoria which the submission of the amendment gave to its advocates, and in consequence 22 states voted in ratify it by November, 1972, without making any real effort to determine its meanings or consequences.

Some patriotic and knowledgeable Americans, chiefly women, were alarmed by this trend. With meagre financial resources and virtually no aid from professional politicians, they assumed the formidable task of educating the American people and state legislators in respect to the true significance of the Equal Rights Amendment and what it would do to the legal rights and protections of women in general and wives, mothers, widows, and children in particular and how it would shift the legislative and judicial powers of the 50 states to Congress and the Supreme Court at Washington if it should be ratified.

These patriotic and knowledgeable Americans did an exceedingly good job. As a result, state ratifications of the Equal Rights Amendment slowed and finally ended altogether. Despite stupendous propaganda and threats, the advocates of the amendment induced only 35 states to ratify it, and five of the ratifying states rescinded their ratifications after they learned the truth about the amendment.

Advocates of the amendment undoubtedly deterred other states which had ratified from rescinding their previous action by their contradictory contention that states which had rejected the amendment could change their minds and ratify it, but states which had ratified it could not change their minds and reject it.

As a matter of constitutional truth, states falling in either of these categories have the power to change their minds and reverse their previous decisions until a proposed constitutional amendment has been actually added to the Constitution by the ratifying votes of three-fourths of all the states.

The congressional resolution submitting the Equal Rights Amendment to the states in 1972 limited the period for ratification to the ensuing seven years, the period habitually designated by Congress in such cases.

As the seven years were nearing their end, it became obvious that three-fourths of the states would not ratify the amendment before the deadline for ratification expired, and the then existing Congress, which was clearly subservient to the advocates of the amendment, took an action without precedent in the annals of the country. It undertook to extend the time for ratification for three additional years by majority votes of the members of its two houses.

The proposal to extend the time for ratification was considered initially by a Senate committee chaired by my good friend Senator Birch Bayh, of Indiana, the most eloquent champion of the amendment in the Senate. When I appeared before the committee in opposition to the proposal, I charged that the amendment would convert men and women into legal beings of the neuter gender, and propounded the rhetorical question: "Who would want to marry a being of the neuter gender." Senator Bayh responded: "I wouldn't." I retorted: "Birch, that's the most intelligent remark you've made since the committee met."

In extending the time for ratification, Congress repudiated Article V under which it had to act, and the decision of the Supreme Court in *Dillon* v. *Gloss* correctly interpreting that Article.

When it extended the period for ratification, Congress in reality submitted the amendment to the states a second time. It had no power to do so. Article V expressly requires a vote of two-thirds of each House of Congress as conditions precedent to submitting a proposed amendment to the states.

The Supreme Court rightly declared in *Dillon* v. *Gloss*[3] that the proposal of a constitutional amendment by Congress and its ratification by the states are not unrelated acts, but, on the contrary, are succeeding steps in a single endeavor; that a proposed amendment must be ratified by the requisite number of states within the period reasonably specified by Congress in the resolution submitting it; and that the states cannot vote upon it after that period unless Congress submits it to them "a second time."

The advocates of the amendment sought the extension of the time for ratification rather than a resubmission of the amendment to the states because they believed that ratifications made during the seven years specified in the original resolution would remain in effect during the extended period.

They were, I submit, indulging an idle hope. Virtually all state resolutions ratifying the amendment expressly conditioned their effectiveness on the requisite number of states approving it within several years after 1972.

During the extended period of three years, advocates of the Equal Rights Amendment sought by propaganda and threats without precedent in the nation's history to induce other states to ratify it. Not a single state did so.

As the extended period was nearing its end, the States of Arizona and Idaho and numerous state legislators sought a declaratory judgment in the United States District Court for the District of Idaho decreeing that Congress had no power under the Constitution to extend the time for ratification of the amendment beyond the seven years

[3] *Dillon* v. *Gloss*, (1921) 256 U.S. 368, 65 L.Ed.994, 41 S.Ct. 510.

originally designated by it, and that the five states had the power under the Constitution to rescind their original ratifying votes.

I filed an amici curae brief in the case in behalf of some state legislators, and was anxious for the presiding judge, Judge Marion, J. Callister, Chief Judge of the United States District Court for the District of Idaho, to decide the case on its merits.

One of the defendants in the case, NOW, clearly indicated that it never wanted the Court to make a ruling on the merits, and convinced me that it ought to change its corporate name from NOW to NEVER. When it seemed to be feasible for Judge Callister to set the case for hearing on its merits, NOW habitually made a dilatory motion to prevent his so doing.

Finally, however, all of NOW's dilatory motions were adjudged, and Judge Callister made his ruling on the merits. In an opinion of surpassing excellence, he decreed that Congress had exceeded its constitutional power in extending the time for ratification of the amendment, and that the five states had merely exercised their constitutional power in rescinding their prior ratifying votes.

NOW and the other losing litigants appealed this ruling directly to the Supreme Court. Before the Supreme Court could pass on their appeals, the combined ten years allowed by Congress to the states for consideration of the amendment expired without three-fourths of them ratifying it, and the Supreme Court ruled that this event rendered the constitutional questions raised in the case moot.

CONCLUSION

When they framed and ratified the Constitution, the Founding Fathers contemplated that the United States would be a free and intelligent Republic. In the nature of things, they were compelled to entrust its future to the persons destined to exercise the governmental powers it ordains.

The Founding Fathers clearly contemplated that Senators and Representatives participating in amending the Constitution under Article V would be persons of political courage, intellectual integrity, and complete devotion to the country; and that their decisions on proposals to amend the Constitution would be made solely on the basis of the general welfare of the United States.

They certainly did not contemplate that Congress would vote to submit a proposed amendment to the states to aggrandize the political fortunes of its members, or to curry favor with organized pressure groups, no matter how powerful or well-intentioned those pressure groups might be.

About 1850, Thomas Babbington Macaulay, the wise British essayist, historian, and statesman, made this caustic comment concerning members of the British House of Commons:

"The members are more concerned about the security of their seats than about the security of their country."

The alacrity with which Congress made obeisance to the powerfully organized supporters of the Equal Rights Amendment and their lobbyists in submitting the amendment to the states and in extending the time for its ratification when it floundered engendered the fear in the hearts and minds of multitudes of Americans that Macaulay's caustic comment about the members of the British House of Commons now applies with equal truth to Senators and Representatives in the American Congress.

Notwithstanding the alacrity of Congress in these aspects, and notwithstanding the untiring efforts of advocates of the amendment to induce such action by them by political pressures and economic threats previously unknown in America, the requisite number of states refused to ratify the Equal Rights Amendment within the combined period of ten years after the true meaning of its beguiling and deceptive words were exposed. The refusal of the states to ratify make it manifest to persons willing to face reality that the vast majority of all Americans who are informed on the subject are now opposed to the Equal Rights Amendment

These illuminating events ought to enlighten advocates of the Equal Rights Amendment as well as Congress. Despite their illuminating power, however, unrelenting advocates of the amendment are ignoring them and demanding that Congress resurrect the repudiated amendment and submit it to the states again.

If it will courageoulsy and intelligently reject this demand, Congress will do much to allay the fear of multitudes of patriotic and thoughtful Americans that Senators and Representatives are more concerned about the security of their congressional seats than they are about the security of our country.

The Constitution is the most precious instrument of government the earth has ever known. For years I have studied it and fought to preserve it for the benefit of all Americans of all generations. During those years, I have devoted much energy and time to the Equal Rights Amendment and its implications.

If I survive until September 27, 1983, I will be of the age of four score and seven years. My political ambitions have vanished. I seek the political acclaim and support of no person.

I have told the truth about the Equal Rights Amendment simply because I love my country. The same motive constrains me to make some concluding observations about amending the Constitution.

Constitutional amendments are "for keeps." Unlike ordinary laws, they cannot be easily repealed. Once adopted, they can be removed from the Constitution only by means of the amendatory process created by Article V. Consequently, a constitutional amendment, once adopted, may remain in the Constitution, and bless or curse America until the last lingering echo of Gabriel's horn trembles into ultimate silence.

Congress and the states should act cautiously, advisedly, soberly, and without emotion when they are asked to add an amendment to the Constitution. They should never adopt an amendment unless it is calculated as well as intended to promote the general welfare of the United States. They should spurn all amendatory proposals, such as the Equal Rights Amendment, which are irrational or whimsical, irrespective of the political power and good intentions of those who advocate them.

In conclusion, I affirm that my protracted study of the Equal Rights Amendment and its disastrous implications has implanted indelibly in my mind these abiding convictions:

1. No Senator or Representative in Congress ought to vote to submit the amendment to the states unless he honestly believes that God made a mistake by creating two sexes to perpetuate human life on earth, and that the amendment constitutes an appropriate way to correct this mistake of God insofar as it is correctible by human law.

2. No member of a state legislature ought to vote to ratify the Equal Rights Amendment unless he honestly believes that he and his legislative colleagues are mentally incompetent to enact laws to govern the actions and relationships of men and women within the borders of their states, and that their existing constitutional power to enact such laws ought to be transferred from them to Senators and Representatives of the other 49 states sent to Washington to represent them in Congress.

PROF. DENNIS BRUTUS

● Mr. DIXON. Mr. President, I was pleased to introduce, on August 4, 1983, together with Senators PERCY and CRANSTON, S. 1769, a private relief bill on behalf of Prof. Dennis Brutus of Northwestern University. The legislation is designed to grant him resident alien status in the United States.

Professor Brutus is a 59-year-old black South African exile, an intellectual, and a poet who teachers African literature in the English department of Northwestern University in Illinois. He has an international reputation as a poet and as an opponent of apartheid, the system of racial separation.

At the present time, Professor Brutus is awaiting the decision of a deportation hearing which was held in Chicago last month. If the court orders him deported, the consequences could be disastrous. Leaving the United States could actually jeopardize his life.

Professor Brutus last entered the United States on February 25, 1980, in order to continue his teaching assignment at Northwestern University. His visa status at that time was classified and approved by the Immigration and Naturalization Service as H-1—that is, a person of distinguished merit or ability. Such visas are granted for a period not to exceed 1 year, and are renewable for increments of 1 year thereafter at the discretion of the Immigration and Naturalization Service.

At the time of his entry, Dennis Brutus, a native of Rhodesia, carried a British passport. In the spring of 1980, Rhodesia was granted independence and became Zimbabwe. At that time, Britain canceled all passports that had been issued to natives of Rhodesia. Professior Brutus was unaware of this passport change until he applied for an extension of his visa at the Immigration and Naturalization Service in Chicago during January 1981. By the time the new Government of Zimbabwe had issued a passport to Brutus, he was late in applying for the extension of his H-1 visa.

During this period, Professor Brutus honored his commitment to Northwestern University, and he continued to teach in accordance with the terms of his contract. This decision placed him in violation of the Immigration and Naturalizatioin Act which prohibits a nonresident alien from working

without a valid visa. This violation can only be remedied by returning to Zimbabwe and reapplying for a visa.

Dennis Brutus and his supporters fear that should he be forced to return to Zimbabwe, he will become a target for assassination because of the lifelong battle that he has waged against racism and apartheid.

While this danger may be impossible to assess, we must keep in mind that another black critic of apartheid, Joe Gqabi, was assassinated in Zimbabwe in 1981, and Ruth First, an exiled white South African editor of a newspaper that Brutus once wrote for, was recently killed by a letter bomb at the University of Mozambique.

Senators PERCY, CRANSTON, and I are not the only ones who seek to protect the right of Professor Brutus to remain in the United States and who believe his case has merit. His case has attracted considerable attention in the press in my State. The Chicago Tribune and the Chicago Sun-Times, the largest daily newspapers in Illinois, have editorialized on his behalf. Vernon Jarrett, a very distinguished columnist with the Tribune, has also strongly urged that Professor Brutus be allowed to remain in the United States.

I submit that the United States, the home of refuge for millions of aliens, cannot play roulette with the life of Professor Brutus. As long as there is an outside chance that he will come to harm because of his fight against racism, we should not allow his deportation. Professor Brutus needs our help; he deserves our help. I urge my colleagues to see that he gets it by quickly enacting this bill.

Mr. President, I ask that a copy of the bill, the editorials from the Chicago Tribune and Sun-Times, and the Vernon Jarrett column be printed in the RECORD at this point.

The material follows:

S. 1769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dennis Brutus shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203 (a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.

[From the Chicago Tribune]

DENNIS BRUTUS IN KAFKALAND

The trials and tribulations of Dennis Brutus, a college professor facing possible deportation by the U.S. Immigration and Naturalization Service, could have been dreamed up by Franz Kafka. It is a tale of bureaucratic mindlessness, of a machine-like government agency cranking a case through its cogs and wheels without regard to justice or even to good sense.

Mr. Brutus is a poet and tenured professor of English at Northwestern University who is also an outspoken opponent of South Africa's apartheid policies. He was born in what was then Rhodesia and later went to South Africa where he was imprisoned for his political activism. In 1966 he escaped to Britain where he obtained a British commonwealth passport based on his Rhodesian birth. He came to America in 1970 and took up his teaching position at Northwestern.

Then began a Kafkaesque snarl, a tedious and avoidable series of mistakes and misunderstandings some of which were the fault of Mr. Brutus, some the fault of the INS.

The first mistake was for him to remain in the U.S. on a temporary visa, renewing it each year instead of applying for permanent resident status. Had be obtained a more regular status there would now be no problem.

The situation was next complicated by creation of the Republic of Zimbabwe, which rendered his Rhodesian passport invalid. Without a passport he could not renew his temporary visa so he had to obtain a Zimbabwean passport, which he did. Then he applied for a visa renewal, but by then his old visa had expired. The INS, its ponderous machinery grinding along, said he would have to leave the country, apply for a new visa and wait for a decision to be made on whether, and under what terms, it would be issued. In effect, he was to be deported.

Mr. Brutus argues that the only country he can go to is Zimbabwe, and that he faces the possibility of reprisal—and even death—at the hands of south African agents there. The INS maintains that he can go to some country other than Zimbabwe. The whole dreary business is being argued out before a judge in Chicago.

But it need never have gone that far, and it should be stopped now. There are perhaps eight million illegal aliens living happily and relatively securely in this country (as many as 500,000 of them right here in Chicago). With so many people here in clearly illegal status it is illogical to hound out of the country a person whose legal status is merely in doubt—especially a scholar of the stature of Mr. Brutus.

There are several ways to short-circuit the process. The U.S. attorney general could do it. If the attorney general won't be bothered, a member of the Illinois delegation could introduce in Congress a private bill to resolve the matter.

However it is done, somebody somewhere should push the "stop" button on the witless bureaucratic machine and let Mr. Brutus go about his business.

[From the Chicago Sun-Times, July 21, 1983]

DON'T EXPEL BRUTUS

Dennis Brutus, the exiled poet now teaching at Northwestern University, is fighting in federal immigration court for the right to stay in the United States.

It's also a fight for his work—and his life.

Witness after witness has told Judge Irving Schwartz that Brutus faces the threat of assassination by South African terror squads if he's forced to return to his birthplace, Zimbabwe. He's threatened in any country but the United States, they say. They're quite probably right.

As an outspoken foe of apartheid, Brutus has become an international symbol of the struggle against South Africa's white racism. A colleague in the fight was recently machinegunned to death there. Even the State Department says Brutus's fears are "well-founded."

He has been jailed once by South Africa. He should be freed to live and flourish in the United States.

IMMIGRATION'S DOUBLE STANDARD

(By Vernon Jarrett)

If South African poet Dennis Brutus could only transform himself into a Ukrainian boy named Walter Polovchak, his immigration problems would be solved.

Even if he had run away from his parents—as Polovchak did as a protest—Brutus would be granted instant asylum in the United States and become a celebrity in a matter of hours. The United States, would deify him rather than deport him.

But Brutus is not a Polovchak fleeing a communist country. He is a 50-year-old black South African exile, a soft-spoken intellectual, a poet who teaches African literature in the English department at Northwestern University, and the U.S. Immigration and Naturalization Service (INS) wants to deport him to Zimbabwe, where he was born, though he was reared in South Africa, his parents' country.

Brutus and his supporters say the INS wants to deport him because it has accepted the South African government's definition of a subversive. He is a subversive according to South Africa's "Suppression of Communism Act of 1950," which declared: "Communism means any doctrine which aims at bringing about any political, industrial, social or economic change within the Union (of South Africa) . . . ."

South Africa labeled Brutus a subversive in the 1960s when he began speaking out and writing against that government's official racial policy of apartheid. Moreover, Brutus was accused of being a member of the Colored Peoples Congress, a membership that he denies—which the government had labeled Communist.

One can expect such things of the rulers of the Union of South Africa, but for the United States to accept the logic or morality of that country's dictatorship is reprehensible. Yet, that, Brutus argues, is precisely the course adopted by the United States government.

In 1967, when Brutus applied to the U.S. for a visa using his British passport, the INS noted: "The Department of State has found that he is ineligible to receive a visa because of his former membership in the Colored Peoples Congress from 1950 to 1961, his contribution to articles to New Age and Fighting Talk, both considered to be Communist-affiliated newspapers, and because of his denial of membership in the above congress."

He was, however, granted a special "cultural exchange" visa that needs to be renewed annually. Until 1980 Brutus had been renewing his visa through INS with his British passport. In 1980, Great Britain granted independence to Zimbabwe [formerly known as Rhodesia] and informed Brutus

that his British passport was no longer valid and that he must obtain a passport from black-governed Zimbabwe.

Brutus applied for a Zimbabwean passport and notified his superiors at Northwestern, who notified the INS that his visa would expire because of the delay in changing passports. The INS left the impression that there was no problem, and Brutus continued to teach African literature. However, when Brutus applied for renewal, the INS informed him that he had broken U.S. immigration laws by working without a valid visa and said he would be deported to Zimbabwe. Brutus appealed, and the case is now in federal court before Immigration Judge Irving Schwartz. The INS has submitted a confidential State Department file on Brutus to Judge Schwartz to back its deportation order; however, the file is so confidential that Brutus and his lawyer have not been allowed to see its contents, adding to their fears that the deportation action is politically motivated.

In his quest for asylum, Brutus and his supporters argue that if he were returned to Zimbabwe, his life would be endangered because he would be an easy target for South African assassins or kidnapers. Zimbabwe has said it would welcome Brutus but could not provide him with 24-hour protection.

The INS has been reminded that in 1981 another black anti-apartheid crusader, Joe Gqabi, was assassinated in Zimbabwe, presumably by South African agents, and that Ruth First, the exiled white South African editor of a newspaper that Brutus once wrote for, was killed by a letter bomb at the University of Mozambique last year.

Brutus would be the perfect target for a South African kidnaper. He was imprisoned because of his anti-apartheid stands and escaped several times. During one escape he was shot in the back. In 1966, when he was given a one-way exit permit by South Africa, the government adjudicated that he would be automatically imprisoned if he ever returned. This man has since become an organizer of intellectuals throughout the world against South Africa. That government would like nothing better than to see his assassination or his return to South Africa by kidnaping so that it could slam him in jail permanently.

And the tragedy is that South Africa may do just that if the United States insists on one standard for Walter Polovchak and another for Dennis Brutus.●

SENATOR BRADY'S GOOD ADVICE

● Mr. PERCY. Mr. President, Nick Brady is one of the finest men who has ever served in the Senate. He was appointed to fill an unexpired term and he did so with great distinction during the 8 months he was here. Before he came to the Senate, he served as managing director of Dillon, Read & Co. and was chairman of the board for Purolator, Inc.

Nick Brady was not a newcomer to either government or politics when he came to the Senate, and he drew a number of valuable lessons from his months here. At the May 14 meeting of the Business Council in Hot Springs, Va., the former Senator from New Jersey shared his views on the relationship between business and Government.

Mr. President, I ask that Mr. Brady's remarks before the Business Council be printed in the RECORD at the close of my remarks.

Mr. Brady notes in his address that business and Government must realize that they have distinctively different roles and operate on different timetables with different rules of procedure. Nick Brady is so right when he points out that the private sector and Government should have a better understanding and higher appreciation for each other's jobs. As a former businessman myself, I can attest to the misunderstandings that can arise between elected officials and the private sector they represent.

As he points out in his address to the Business Council, "the gulf between Government and the private sector would be of interest only to political scientists if it wasn't such a serious matter for the future of us all."

The private sector has the major role in insuring the Nation's well-being and standard of living but the Federal Government has an impact on the economy in major ways. Greater cooperation between the two sectors can provide a base for a stronger economy, especially in international trade where our companies are pitted against foreign competition aided by an array of Government assistance.

Nick Brady points out the gulf that exists between Government and business. He recounts a notion that he encountered when he arrived in the Senate that a few bankers sat down periodically to set interest rates. He states that "I was asked, 'Why won't the banks lower interest rates?' as though it were an easy thing to do. Very little understanding of the process."

The same misunderstanding exists in the private sector: "On the other side of the coin were many friends in the business community who asked, 'Why won't Congress face facts and balance the budget?' as though it were an easy thing to do. Very little understanding of the process."

In his address, Senator Brady proposes four ways that the business community could improve their relations with Government. We all know that Government officials can make efforts to do the same, but Senator Brady focused his remarks on how business could help.

His recommendations are that, first, companies should hold one board meeting a year here in Washington to allow board members the time for meetings with Government leaders on corporate problems. Second, corporations should consider appointing recently retired Congressmen or Senators to their boards of directors. Third, when screening applicants for top executive positions, companies could take a special interest in those men and women who are familiar with Government and political procedure. Finally, he suggests that members of the Business Council make a concerted effort to establish a more personal relationship with Members of Congress to encourage the exchange of advice and ideas.

To highlight what he means, Nick Brady closes his remarks by saying that—

> American agriculture became the world's leader not only because of hard-working farmers and new technology, but significantly because of the partnership between agriculture and government which produced a system to feed a third of the world. . . . Business and government can match that success.

We have a lot to learn from Nick Brady, not only because of his position in the business and investment communities but also because of the advice he can give us on ways to improve the functioning of our Government. I commend him for his willingness to speak out on this topic and strongly recommend his remarks to my colleagues.

The material requested to be printed in the RECORD follows:

REMARKS BY NICHOLAS F. BRADY TO THE BUSINESS COUNCIL, HOT SPRINGS, VA., MAY 14, 1983

It's a real honor to be able to address The Business Council. I'd like to thank Bob Beck for that very generous introduction.

I've been asked to speak about the relationship between business and Government. I hope you'll understand if many of my observations derive predominantly from my Senate experience.

Before I served in the Senate my attitude towards Government was ambivalent, but it wasn't quite as bad as one of George Burns' famous lines about Government. Burns said: "It's too bad that all the people who know how to run the country are busy driving cabs and cutting hair."

My eight months in the Senate convinced me differently and I think many of you who have spent time in Washington and in Government would agree. The majority of people in Government are bright, hard-working and concerned.

People like Howard Baker, Bob Dole, Pete Domenici, Russell Long, Scoop Jackson, Sam Nunn, and a host of younger Senators, could hold top jobs in industry.

And in the same sense, all of you in this room could be involved in Government at high levels if you so chose. Why then, with intelligent and concerned people in both business and Government, do they have such a tough time communicating with each other?

Instead of communicating, trying to understand and work with each other, business and Government are like two ships passing in the night, each one on a separate course, each one, to some extent, ignoring the other, even to a point where it seems a collision might be imminent.

I'll try today to talk a little bit about those two ships of business and Government and to suggest ways that we can perhaps improve communication, cooperation and real understanding between the two most powerful sectors in our country.

If what I say appears critical, then it is also criticism of myself, because to a large

extent it is advice that I might well have politely ignored a year ago. Even though I made frequent trips to Washington in the years preceding my eight and a half months in the Senate, I can now see that I had little real insight into the day-to-day workings of Government.

Why do business and Government miss each other like ships in the night? Perhaps the most important reason is that both sectors have traditions, customs, and even laws that validate their own goals and set their own agendas. Our society has validated these actions and agendas, again and again, over the years. In turn, this had led to a firm confidence among leaders in both business and Government that each has the rightful answer. If one party is sure he is fundamentally right, by definition the other party, if he disagrees, must be wrong. Is this the reason these leaders all too often don't communicate with each other? Frankly, I think so.

In reality the private sector and Government have different jobs to do: Jobs which have been given to them by the American people. For example, it is an entirely acceptable business practice for a corporation, in the name of profitability for its shareholders and the future health of the enterprise, to lay off a thousand, or two thousand, or five thousand people in times of declining sales. In fact, if executives don't act quickly enough at moments of declining sales, their boards of directors and stockholders will surely replace them.

However, at the moment people are laid off, we have decided in this country that it is then the Government's job to do something about the unemployment, to pay laid-off workers and help them buy food. Even further, a current debate in Congress concerns extending health care benefits to the unemployed.

The only question we really ask is how long should they be paid and how much. We decided long ago that Government in part shall pick up where business leaves off and pay unemployed workers in a transitionary period.

In this over-simplified example, you can see that business and Government really do have different jobs and charters as well as different laws and regulations governing the separate mandates the American people have given to each.

The following statement will sound self-serving, but I certainly don't intend it to be so. During my time in the Senate, I was sometimes puzzled by a reoccurring comment a few of my colleagues made to me.

The comment was essentially, "Nick, you have really come to understand us in a way that few other people have." At first I couldn't figure out why they said it. I made very few speeches and sponsored only a few Bills and Amendments. I was able to give some advice and a little knowledge about what went on in the private sector, but in no sense was it a leadership role.

But then I began to realize that many Senators felt there was a deep lack of understanding among their countrymen about the ways of the Senate and perhaps Government. But also, the comment implied that they understood very little of the intricacies of business and they were grateful for any insights as to how business really worked.

The gulf between Government and the private sector would be of interest only to political scientists if it wasn't such a serious matter for the future of us all.

I'm afraid that this lack of understanding has led both Government and business to turn off their hearing aids when the other is talking. The best example I can give you of this is the two questions I was repeatedly asked when I first started in the Senate.

Some Senators were convinced that David Rockefeller, Walter Wriston, and a few other trilateralist bankers convened in the ultimate smoke-filled room and set the interest rates each week. I was asked, "Why won't the banks lower interest rates?" as though it were an easy thing to do. Very little understanding of the process.

On the other side of the coin were many friends in the business community who asked, "Why won't Congress face facts and balance the budget? as though it were an easy thing to do. Very little understanding of the process.

Because of this lack of understanding, to a large extent the time businessmen and Government officials spend together is characterized by a series of monologues. We talk at each other and not to each other. Unfortunately, there does not seem to be much interest in attempting to provide time for two-way conversations.

To be pointed, I would ask you to review the roster of speakers for this Business Council meeting, not only yesterday and today, but over the past several years. How many Government officials stayed for even a short period after they delivered their formal remarks? How many attempted to open a dialogue instead of simply telling us what they've done lately?

Before this becomes an indictment of Government officials alone, I would hasten to add that businessmen's forays into Washington are seldom better. Fly in, give a talk, talk at someone, and leave town as quickly as possible. Why does this happen?

One reason is geography. America is different from most foreign countries because our seat of Government is not a significant business center as well. London, Paris, Rome, Tokyo are all centers of Government and business.

In our country, Washington is all Government, New York has historically been our financial capital, and our business centers are in cities across America. So there is little chance for even the social relationship between business and Government that is taken for granted in most foreign capitals. Geographic distance and diversity can be the enemy of communication.

To some extent, the jet airplane is also the enemy of understanding between business and Government. People fly in and fly out. In the old days, I would guess, when you held your meetings here at The Homestead, you had to take the train to get here, and that anyone who made the commitment of a long train ride would come to stay awhile, during which time real talk could take place. That's no longer the case—jet in and jet out.

Just a brief comment on time. All of you in this room are scheduled out months in advance. If you can believe it, it is worse in Government. There is a saying "with all thy getting, get understanding." We are all so busy with our own agendas, we have very little time to understand others' agendas.

One could ask why is this so serious? It is serious because leaders in business and leaders in government have one central task—to provide for the well-being and the standard of living of the American people.

Average Americans look to their leaders in both business and Government to provide their families and themselves with a decent standard of living. Twenty years ago, maybe even ten years ago, business could provide this standard of living by itself. Before the advent of the Great Society, Government was a very junior partner in our life. Not so today. We are equal partners, or Government may even be the senior partner.

Internationally, it's a whole new ballgame as well. The United States is no longer the unchallenged economic and military force in the world. Oil doesn't sell for three dollars a barrel any more. It sells for twenty-nine. We don't have the same military superiority we had twenty years ago when we could draw a line in the Caribbean and stare Khrushchev down as we did in the Cuban missile crisis.

Nor do we have the economic superiority. Fifteen years ago, "Made in Japan" were codewords for shoddy quality. Today, the words "Made in Japan" usually set the standard for top quality. Today, much is made of the words "Japan Inc." because it implies a dedication in Japanese society among business and Government and labor and the media to work together for the common good of the country.

While I'm in no way advocating the tight structure and Government predominance that the term implies, I wonder why we can't have an America Inc.? I know that one of the reasons is that the lack of communication and coordination between the various sectors of the country is not perceived to be a serious problem by most people. But it will be sooner or later, and probably sooner.

And I'm sorely afraid that if the American people see their standard of living eroding, and if they see America's position in the world declining, then they are going to give pink slips to both Government and business. The Government's pink slip will come in the form of a continual flip-flopping of government, from Democrat to Republican to Democrat from left to right and back again. Indeed, the first signs of this trend can already be detected. No president since Eisenhower has served two complete terms in office.

There is a good chance that we will witness the rise of third and fourth political parties as disillusionment with the two major parties deepens. I believe there could be significant potential for future splinter parties and the kind of political instability that we see in some of our European allies.

The pink slips will go to business as well, and the effects will be just as severe. From our point of view the pink slips will come in the form of increased Government regulation, national economic planning, and Government intervention in the market place.

What can be done to avoid these scenarios, to foster communication and cooperation? Let me ask you a couple of leading questions, one for businessmen and one for the politicians. First for the businessmen—when was the last time you sat down with your Senator or Congressman and you didn't have an urgent problem that required his immediate help? When was the time you met over dinner or breakfast just trying to build a relationship, to establish respect and understanding, the basis for a dialogue, not a monologue?

Now a question I would put to the politicians. When was the last time you called a businessman and didn't either (a) ask him for a campaign contribution, or (b) state that the Acme Widget Company had absolutely no right to lay off 5,000 of your constituents?

I believe it is an absolute necessity for businessmen to look upon their relations with Government in a whole new light. Actually, neither businessman nor politician can look at it as something you can do in

your spare time, as a schedule filler, or something that irritates and interferes with your day.

At some point, probably everyone in this room will want to call into or call upon the Government on an important matter. And just as if you were drawing a check upon a bank, you better have some personal capital built up, some funds on deposit, or your check is going to be returned for insufficient funds.

Enough talk about the problem. The question is what should be done. Without arguing who should take the leadership role, I believe it would be a good idea for people in business to take the first step. Let me suggest four areas where this might take place.

First, without appearing trite, why not hold one of your board meetings each year in Washington? All of us who serve on boards make trips to important plant locations where new products are being developed. Our Government is as important a part of our business life as a new product.

Why not hold one board meeting a year in Washington, finish up your business promptly, then spend the rest of the day in meetings with Government leaders? I would even suggest sitting in the Senate and House galleries for half an hour. It may be Civics 101, but frankly, it will give you a feel you couldn't get any other way.

Second suggestion: We have all made great strides by adding women and minorities to our boards of directors. In a similar vein of "affirmative action," why not add someone recently retired from the political arena. I'm not suggesting that you go out and recruit just any politician for your board, and I'm certainly not suggesting that you recruit me. But in another 18 months, some of you will have the chance to add a man like Howard Baker to your board and he and those like him will be a great asset to any company.

If you agree that this is a good idea, I suggest that you tell your executive search firms to add Government service to the criteria they look for in candidates for your board of directors.

Third, as you pick your top officers, I would suggest that a higher degree of importance be given to someone who has taken the trouble to understand Government and its workings. Now, I'm not advocating political scientists to head our major corporations, but over the long term our country and your corporation will be better served if our corporate leaders have a real understanding of how both business and Government work and, therefore, can work together.

Fourth, I suggest that The Business Council, the foremost business organization in the country, should do some counseling. I know I'm treading on thin ice here and I am not suggesting the establishment of a lobbying effort. To me, there is a tremendous difference between lobbying, which projects a narrow point of view, and giving good advice, good counsel, and earning the respect of your partner.

And like it or not, Government is our partner. Perhaps every member of the Business Council should endeavor to build a relationship with one or two Members of Congress, not to lobby, but to counsel, not to ask for help but to offer help even if the offer is one of a business perspective on the problems we all face.

The way to build this relationship is on a personal basis over breakfast or dinner at your homes by means of a tennis game or a joint community project the same way you build a relationship with good friends.

Increasing communication cannot be a short-term program. The gap in commnication, in cooperation, in understanding is too deep.

Perhaps we should start a series of meetings to figure out other ways of increasing communications. These meetings should not only include Government leaders, but also labor and media.

We may face a special problem with our friends in the media who might see any business plan for increased communications with Government as part of some dark and ominous conspiracy. I believe we should lay our cards on the table and ask the leaders from the New York Times, Washington Post, The Los Angeles Times, The Houston Post, and the networks to join our discussion in hopes of finding common solutions for common problems.

I'm optimistic that Government and business can develop a new relationship. On my way down to The Homestead yesterday I was reading Lester Thurow's economic column in Newsweek. Thurow writes about the world leadership American agriculture has achieved. But, as he points out, it didn't used to be this way. In the early part of this century, American agriculture was in disastrous shape with virtually no growth in production and no productivity increases. In fact, Russia use to be the largest grain exporter in world markets.

American agriculture became the world's leader not only because of hard-working farmers and new technology, but significantly because of the partnership between agriculture and Government which produced a system to feed a third of the world.

Business and Government can match that success. But it will take hard work, understanding, and building a real partnership to face the world's challenges. It's an ambitious goal, but it's a goal that Americans in business and Americans in Government can achieve together.

Thank you for the courtesy of allowing me to speak to you this morning.●

EDUCATIONAL REFORM

● Mr. DURENBERGER. Mr. President, several of our colleagues on the Subcommittee on Education, Arts and Humanities had the privilege of hearing Ruth Randall testify on the recommendations of the National Commission on Excellence in Education's report, "A Nation At Risk: The Imperative for Educational Reform." Ruth is the commissioner of education in Minnesota, and has vast expertise in the Minnesota school system.

I was captivated by her perception of the role of the Federal Government in promoting quality education in our schools.

Mr. President, I ask that her testimony be printed in the RECORD, so that my colleagues have the opportunity to, also, review her testimony. I hope we share her common goal of improving and enhancing education for all learners.

The material follows:

TESTIMONY BY DR. RUTH E. RANDALL BEFORE THE U.S. SENATE SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES, JULY 26, 1983

To: Hon. Robert T. Stafford, chairman, and Members of the U.S. Senate Subcommittee on Education, Arts, and Humanities

Thank you for the invitation to testify before the Subcommittee on Education, Arts and Humanities. I am Ruth Randall, Commissioner of Education in the State of Minnesota since July 1, 1983. For two years immediately preceding July 1, I was the Superintendent of Schools in Independent School District No. 196, Rosemount/Apple Valley, Minnesota, a suburban school district of 13,200 students.

FIRST QUESTION

In response to your first question of how education excellence is achieved in the school system of which I have recently been a part, I submit this answer:

Education excellence is a result of cooperative efforts of students, teachers, administrators, support staff, board of education members, parents, and citizens. There must be cooperative efforts between students and teachers.

A school district must have a mission statement from which the goals are developed and the expectations set. In Independent School District No. 196 our mission statement was "Our mission is to treat each learner as a unique individual with unique potential whose limits he or she will ultimately determine". This statement was displayed on the walls of every classroom, teaching station, principal's office, custodian's receiving room, secretary's desk, executive office, and in the bus garage.

Each of the 1,500 employees was responsible for knowing and understanding the mission. Each was also responsible for helping to make the mission a reality in the district.

The district's long range plan from 1978 to 1983 focused on 3 major areas:

1. The development of teaching using the computer as both the object and means of instruction.

2. Staff development whereby teachers, administrators, and support staff improved and enhanced their skills and abilities.

3. Home-school-community relations whereby teachers and parents developed two-way communication on a continuing basis.

All 1,500 employees and 51,000 citizens were invited to participate in the determination of the strategies and tactics to carry out these goals. Even though all did not choose to participate, much appreciation was expressed for the opportunity to do so.

High expectations were set for teachers, other employees, and the learners. The supportive climate within the district made it possible for the teachers to spend their physical energy, emotional energy, and mental energy on teaching. The teacher is the most important person in achieving educational excellence.

Interested parents and citizens who cared about the quality of the schools were a strong part of the supportive climate in which the teachers and learners worked.

The high self concept on the part of the teachers who "knew they had an important job" contributed to the atmosphere within the district. The teachers were truly role models for the students in this respect.

Even though we worked very hard at excellence in education in Independent School District No. 196, we knew that change was necessary in the schools as we moved from the industrial society to the information society. We believed that change within the institution was no longer sufficient. The institution itself must change.

During the 1982-83 school year all teachers, other staff, students, parents, and citizens participated in developing a strategic

vision for institutional change. The vision included 3 parts:

I. Restructuring of Teaching and Learning: The purpose of education in the 80s must be determined and affirmed by all those involved. After knowing the why, the questions of who, what, when, where, and how of education in the 80s need to be answered. Then the standards and expectations must be set.

II. Management Practices: Participatory management calls for clear goals, participation, and honesty in using the input of others. Decentralization allows for those most affected by decisions to participate in making the decision. School based management provides opportunities for teachers, students, principal, parents, and citizens to make decisions regarding curriculum, staffing, and expenditures of general fund and capital fund dollars for their individual schools.

III. Extending the Financial Date: Wanting and doing so included—

(1) Establishing a 196 foundation to receive gifts and grants.

(2) Learning about regenerative funding and how to act on the knowledge.

(3) Developing school business partnerships in which the business, the school, and the teacher are partners.

(4) Assisting the teacher or other employees to become intrapreneurs or entrapreneurs.

Since ideas are the strategic resource and intelligence is the transforming agent in the information society, we believe in the involvement of others in this era of self help and self reliance. Therefore we began cooperative endeavors with the colleges and universities in the metropolitan areas; with the pastors and priests within the school district boundaries; with the cities and township leaders in our 110 square mile district; and with the presidents of the service clubs, chambers of commerce, and athletic associations.

These three components of the strategic vision restructuring of teaching and learning, management practices, and extending the financial base were in various stages of design, development, implementation, and evaluation in the Independent School District No. 196 when I accepted Governor Rudy Perpich's invitation to become the Commissioner of Education in Minnesota on July 1, 1983.

SECOND QUESTION

In response to your second question of steps which need to be taken to insure educational quality with reference to the recommendations of the National Commission on Excellence in Education's report, "A Nation At Risk: The Imperative for Educational Reform," I submit the following answer:

I support the beliefs upon which the recommendations are made, namely:

(1) That everyone can learn.

(2) That everyone is born with an urge to learn which can be nurtured.

(3) That a solid high school education is within the reach of virtually all.

(4) That life-long learning will equip people with the skills required for new careers and for citizenship.

I support Recommendation A on Content but I would add requirements for the Liberal Arts.

I support Recommendation B on Standards and Expectations.

I support Recommendation C on Time.

I support the concept within Recommendation D on Teaching, namely that the preparation of teachers should be improved and that teaching should be a more rewarding and respected profession.

I support Recommendation E on Leadership and Fiscal Support.

I believe, however, that the Implementing Recommendations in A, B, C, and E and the 7 recommendations in D on Teaching should be the subject of dialogue by all those affected before action is taken. The opportunities for dialogue should be immediate and conducted in an organized fashion so that all of those who wish to be involved have that opportunity. A timeline for dialogue and subsequent action should be set. The dialogue and action should occur at the local and state level as well as at the national level. Real change will occur at the grass roots level when one leader, one school district, one school board, one college or university, and/or one state determine they will act.

If I may be presumptuous, I would submit to you an action that is in addition to the recommendations in the report. Changes need to be made within the institution of schools, but the institution itself needs to change.

Of the three primary institutions of the church, home, and school, the church and home have undergone dramatic changes in the past 10 or 15 years, but the schools have not changed. We are still functioning as schools of the industrial society even though we have moved into the information society.

THIRD QUESTION

In response to your third question of the role federal government should play in promoting educational quality in the United States, I submit the following answer:

The federal government should exert leadership so that all citizens know that education is basic to all that we do in our country. An educated populace is necessary to function as citizens in our political system; to provide workers and consumers for our economic system, and to develop as individuals. The educated individuals will contribute to the quality of life for themselves and for all of us.

If the federal government supports with dollars, I agree with the areas as stated in Implementing Recommendations 3 and 4 Recommendation E. These areas include meeting the needs of:

(1) the gifted and talented;

(2) the socioeconomically disadvantaged;

(3) minority and language minority students;

(4) the handicapped.

They also include:

(1) protecting constituitional and civil rights for students and school personnel;

(2) collecting data, statistics, and information about education generally;

(3) supporting curriculum improvement and research on teaching, learning, and the management of schools;

(4) supporting teacher training in areas of critical shortage or key national needs;

(5) providing student financial assistance and research and graduate training.

However, I would like to offer a significantly different approach to federal support with dollars. Federal collection of money for these programs and its flow and distribution back to the programs' beneficiaries does not allow for the use of the two principles of leverage and accountability.

Leverage.—One consequence of federal taxation may be called the leverage or multiplier affect. An example of this effect is demonstrated by discussion of human capital development. Dollars left in the private economy (whether they be used to purchase a newer car or simply left in the investment portfolio of a rich person) are leveraged or multiplied to benefit others in the chain of purchase. They stimulate production, effort, and economic activity, and their nominal number is actually multiplied by a factor depending on the efficiency of their usage.

The same dollars collected for taxes and used to fund educational or other governmental programs are actually subtracted from and divided in their effectiveness. In many cases their effect is to diminish incentive on the part of the eventual recipient and thus, in these cases, have little if any, redeeming value. When the development of human capital is the aim, the means has severely thwarted the goal and is virtually contradictory.

Additionally, in the current national situation federal dollars are extremely difficult to come by. In the light of the certain national catastrophe and the private economy which will result from the expansion of the federal deficit, it is also extremely dangerous to tax further for any types of federal programs.

Accountability.—in any discussion of federal funding, it is helpful to destroy the myth of "vanishing local resources," i.e., individual persons and businesses. If these local sources are drying up for state collection purposes then they are surely drying up for the federal government as well. The reality is that education dollars are there. There are discretionary dollars to be spent on education and the real issue is accountability. The legislation and funding for educational purposes must be as close to the action as possible if they are to be effective. The siphoning off of the funding due to the rising cost of administering federal programs should also be mentioned. I do not believe the collection and expenditure of dollars by the federal government is cost effective.

I would not, however, want Minnesota to be left in a vacuum. Federal taxation and policy for education should be reduced across the board so Minnesota citizens are not forced to pay for education projects and programs in other states if we are going to use our state resources to support Minnesota's educational system.

Let me make absolutely clear that I believe federal taxation should be reduced for all other projects and programs supported by the federal government. Money should not go to other areas in lieu of education.

I thank you for this opportunity to testify. I look forward to further interaction with you and other members of Congress. I believe we have a common goal of improving and enhancing education for all learners.●

THE PUBLIC SCHOOL SYSTEM

● Mr. DURENBERGER. Mr. President, I recently came across an article written by one of our colleagues in the House, Representative BILL GOODLING. I found his approach to education enlightening and thought provoking. I hope my colleagues find the article as interesting as I did.

I ask that Representative GOODLING's article, "Will Congress Do More Harm Than Good on Education?" be printed in the RECORD.

The article follows:

WILL CONGRESS DO MORE HARM THAN GOOD ON EDUCATION?

(By Bill Goodling)

Fingers are being pointed. Words are flying. And once again, Congress and the country find themselves caught in the emotional crossfire of the latest 'hot' issue: the ills of the American public school system.

As a former educator, I am excited to see education in the national limelight after many years of nonchalant attention. As a legislator, I fear the fallout.

When the public din has quieted and political posturing has ceased, legislators and taxpayers alike will be faced with the next-morning realization that there is no quick-fix, no miracle and no guarantee of success to be purchased by a fast infusion of federal dollars. Yet, I fear that before this homely truth has emerged, Congress, in its customary manner when confronted by a loud public outcry, will have dumped a wheelbarrow full of money in the general direction of the problem and closed its eyes, hoping for the best.

The Twentieth Century Fund, in its recent report to the nation on the state of public education, asked a single question that cuts to the heart of the issue: "Why, despite spending more per student than every other advanced nation, is there a growing gap between the goals and achievements of our schools?".

The answer, includes changes in the American family, the commitment of public education to the teaching of the many rather than the few, the dilution of a strong core curriculum. The overriding message from the Fund's provocative inquiry is that it is perhaps in the intangibles that both the problem and its solution lie.

We can't legislate the chemistry between a student and a teacher. We can't mandate a home environment where discipline and the pursuit of excellence are 'givens'. And we can't sit on Capitol Hill and carve into stone a magic formula to guarantee that every Johnny and Jane can and will study the 'right' amount of literature, math, science, etc. Every child is unique, every school different in character.

Recognition of this singularity and the richness that such diversity can bring to the educational process is the key to understanding that education is best left in the hands of the educator—not the legislator.

What we can and should do—parents, citizens, legislators—is to continue to give education a good deal of attention. Debate, if not translated into rash congressional action, will give the country's educators the courage, incentive and support needed to try new solutions—tougher graduation standards, merit pay for excellent teachers, unconventional class and school-day structures.

Fundamental to this discussion, however, must be the implicit recognition that what works for a school in the Bronx may not work in rural Mississippi, and that to try to dictate a single solution from the federal level for them both or for any other school is to commit a grave error.

In making education a national priority we must take care not to fall prey to the illusion that such a commitment is best-served, or even well-served, by the promulgation of a sweeping national education agenda that presumes to be all things to all people.

What form, then, should our national commitment take? Where do we draw a clear line between appropriate federal support and well-meaning meddling?

We begin, I think, by acknowledging that the kinds of strings that are customarily attached to federal aid can readily strangle the local initiative and inventiveness vital to the improvements we seek. This is not to say that federal support is not necessary, or that such accountability is unwarranted.

The federal commitment, however, must be carefully balanced against the regulatory baggage that goes hand in hand with federal involvement. If our problem, indeed, lies less in dollar amounts than in the accompanying strictures that can stifle flexibility and creative solutions within the walls of the schools themselves, then let us by all means proceed with great caution in dishing out with both hands more of the same.

Let's give schools and communities a chance to look within themselves and to each other for their cures—with our help—before we drown them in high-sounding proclamations about when is right and good for all schools, everywhere.

Instead of shadowboxing with those intangible factors that money cannot fix—home environment, student-teacher chemistry—we in the Congress can foster with a little seed money the kind of experimentation in curricula and standards in our public schools that is rooted in local ingenuity and practicality. Legislation that I recently introduced in the House and that John Heinz initiated in the Senate provides a reasonably small yet potent source of funding for schools willing to pioneer new standards of excellence in the classroom.

For the 500 institutions whose proposals for change receive the blessing of the bill's grant program, such restrained federal participation presents an unparallelled opportunity to innovate teaching and administrative methods with government support, but without government red tape. Over the three-year life of the program and an expenditure of $50 million—a small investment in congressional terms—we can tap the extensive pool of expertise at work daily within the walls of our educational institutions. From them we can learn what works and what doesn't, what helps and what hinders—and pass along successful formulae.●

FOURTH PRESIDENTIAL CERTIFICATION FOR EL SALVADOR

● Mr. PERCY. Mr. President, the Senate Foreign Relations Committee scheduled hearings on the President's fourth certification on El Salvador for Thursday, August 4, in the afternoon. Due to intense committee and congressional interest in recent Executive policy initiatives in Central America, the committee found it desirable to schedule an open hearing with the Secretary of State on the subject of U.S. policy in Cental America. The session was very useful as members were able to engage in a candid exchange of views with the Secretary. I strongly recommend the Secretary's opening statement to my colleagues in the Senate.

Unfortunately, because of the press of time on the committee calendar and the very active floor schedule here in the Senate, I was obliged to cancel the scheduled public witness session of testimony on the situation in El Salvador. I believe the reports on the human rights situation in El Salvador, in particular, would be of interest to the Senate, and therefore, Mr. President, I request that the testimonies of Mr. Aryeh Neier of Americas Watch Committee, Mr. Michael Posner of the Lawyers Committee on International Human Rights, Mr. William C. Doherty of the American Institute of Free Labor Development, AFL-CIO, Charlie Clements, M.D., M.P.H., Senior Fellow for Center for Development Policy, and Col. Samuel T. Dickens USAF, retired, be printed in the RECORD.

The material follows:

TESTIMONY OF ARYEH NEIER, VICE CHAIRMAN, AMERICAS WATCH

My name is Aryeh Neier. I am Vice Chairman of the Americas Watch Committee and Vice Chairman of the Helsinki Watch Committee. I appear here today on behalf of the Americas Watch.

As members of these committees are aware, the Americas Watch has monitored closely the human rights situation in El Salvador. During the past two years, at six month intervals, we have issued four comprehensive reports on human rights in El Salvador. In each instance, those reports were based in part on information gathering visits to El Salvador. I took part in such visits in connection with the preparation of two of those reports. Most recently, I was in El Salvador a month ago to gather information for the report that we published on July 19, 1983. I wish to submit that report as an appendix to this testimony.

On the basis of our close monitoring of developments in El Salvador, the Americas Watch believes that the human rights situation is steadily worsening. The statistics tell part of the story. During the first six months of 1983, the human rights monitoring office of the Archdiocese of San Salvador tabulated 2,527 murders by government security forces and paramilitary groups allied with them and 326 disappearances after abductions by those forces. Since those who do not reappear within fifteen days after such abductions never reappear, these two figures must be combined to arrive at the known total of murders by government forces during the first half of 1983: that is 2,853 murders. This is a higher rate of murders than in 1982 and it brings the total known to have been murdered to over 38,000 (that is more than 36,000 murders and more than 2,200 disappearances) by government forces and paramilitary groups allied to them in less than four years. One finds oneself searching for ways to present such staggering figures in a way that conveys their full horror. It can't be done. But perhaps one way to think about it is to realize that the government of El Salvador has murdered nearly one out of every hundred of its citizens and, if murders were distributed evenly among families, approximately one Salvadoran family in twenty has had one of its immediate members murdered by the government. At least another twenty Salvadorans out of every hundred have fled their homes during the past four years, some of them seeking refuge outside the country, some hundreds of thousands getting no further than a displaced persons camp within the country. Moreover, our finding that the situation is steadily worsening is not based only on the misery that has been inflicted on the Salvadorans up to now.

It is based on the realization that there is no prospect for any improvement. The only prospect is that many thousands more will be murdered by the Salvadoran government's security forces or will disappear after abductions by those forces. Many thousands more will be tortured by those forces. And tens of thousands more will be driven from their homes by those forces.

The reason that the prospect is so dismal is that the armed forces of the government of El Salvador engage in murder, abductions, torture and forced displacement of the population as a matter of policy. Their apparent intent is to exterminate those Salvadorans suspected of harboring views that are contrary to those of the government and to terrorize Salvadoran civilians so that they fear to permit guerrillas to survive in their vicinity.

In response to pressure from members of Congress, the Reagan Administration has made some efforts to persuade the Salvadoran armed forces to change their ways. Those efforts have failed and will continue to fail because the Reagan Administration has made it plain that its support may be counted on under any circumstances. Accordingly, the Salvadoran government has responded to pressure to improve its human rights performance with a few gestures that deal with marginal matters. The central human rights problems of murder, abductions, torture and displacement of population are unaffected, however. The certainty that U.S. support will continue makes it unnecessary for the armed forces of El Salvadore to change their ways on these matters in response to pressure from the United States.

Not only are the Salvadoran armed forces certain that U.S. support for them will continue no matter how many murders they commit, they are equally confident that the United States will continue to put as good a face as possible on their practices. They have every reason to be so confident. Four times, the Reagan Administration has been required by U.S. law to cut off military aid unless the Salvadoran government is making concerted and significant effort to protect internationally recognized human rights and unless the Salvadoran government is controlling all its armed forces to end torture and murder by those forces. Four times, the Reagan Administration has confronted situations in which the conditions of U.S. law cannot be said to be met by any conceivable standard. Yet, four times the Reagan Administration has duly certified that the conditions of U.S. law have been met.

The July 20, 1983 certification is typical. The information cited in the document itself makes it plain that the conditions of U.S. law are not being met in El Salvador. Yet the document's conclusion is offered in disregard of that information.

As of the information in the document, much of it is misleading and much of it is just wrong. Here are some examples:

The certification says that the government of El Salvador "is committed to . . . building a lasting democratic order." Actually, the political leadership of the center and the left in El Salvador is being murdered or driven from the country. (See pages 37-42 of our July 19, 1983 Report) Accordingly, it is nonsense to talk of the establishment of a democratic order.

The certification says that a government Peace Commission "has made several public appeals to members of the Revolutionary Democratic Front (FDR) . . . to find mutually acceptable ways for them to participate in the democratic process, including this year's presidential elections." Actually, such appeals are meaningless so long as incidents take place such as the one in November 1980 when the security forces surrounded a high school where six FDR leaders were holding a press conference, kidnapped them, tortured them, mutilated them and murdered them; or the incident in October 1982 when the security forces kidnapped 17 FDR leaders, initially denied that they had been kidnapped and then acknowledged the imprisonment of eleven. Six remain disappeared. (See pages 30-36 of our January 19, 1983 Report) Any FDR leader who stepped forward to take part in the electoral process could anticipate a similar fate.

The certification says that "Salvadoran organizations which monitor human rights confirms this downward trend in the level of violence over the past two years." This is false. There has been no downward trend. The number of political murders by the security forces has remained steady at the level of about a 100 a week for the past year and a half. The number of disappearances after abductions by the security forces has remained steady at the level of about 40 a month for the past year and a half except that the number jumped sharply in May and June 1983, averaging nearly double as many as previously.

The certification imputes the difficulty in controlling human rights violations by the armed forces to the fact that "the Salvadoran legal system is in a state of virtual collapse." Actually, this is a dodge. It implies that abuses are committed by rogue members of the security forces. In fact, the quantity of murders is so enormous that it is plain that these murders are committed as a matter of armed forces policy.

The certification has nothing to say about the prosecution of members of the armed forces for human rights violations against Salvadorans, only about disciplining or prosecution for common crimes. Yet prosecutions for human rights violations are a central concern of the certification law. In the Americas Watch reports for July 19, 1983 and January 20, 1983, we demonstrate that the Department of State has engaged in deception on this question. Apparently, having been caught, the Department of State left out the subject entirely in the July 20, 1983 certification.

The certification says that reports in the Salvadoran press, from which the U.S. Embassy in San Salvador gets the figures on murders and disappearances that are set forth in the certification by the Department of State, "are subject to a degree of underreporting, but they do accurately reflect trends." Actually, they are subject to gross under-reporting and they accurately reflect nothing. (See pages 77-81 of our July 19, 1983 Report)

The certification says that, "The armed forces in general, are becoming more sensitive to the treatment of both civilians and prisoners." This is false. The sharp rise in disappearances after abductions by the armed forces in May and June 1983 demonstrates that civilians and prisoners face even greater risks than ever if they fall into the hands of the armed forces. (See pages 24-7 of our July 19, 1983 Report)

The certification says that the human rights monitoring office of the Archdiocese of San Salvador "monitors figures on deaths from *Radio Venceremos* (the guerrillas clandestine radio station), denunciations from family members, and other human rights groups' statistics. These figures may be subject to duplication of reporting from other sources. They may also be inflated since there is no distinction made between press reports of guerrillas killed in action and civilian deaths attributed to political violence." This is false. The information compiled by the Archdiocese of San Salvador and published in its monthly reports on political violence is exclusively derived from primary sources—that is testimony taken by the office from eye-witnesses and family members. Names, ages, residences, places and circumstances of killings and abductions are provided along with attributions to the forces responsible, whether government, paramilitary, unknown or guerrilla. Many widely publicized murders are not included in the Archdiocese's reports because the human rights monitoring office is unable to obtain first-hand testimony from family members or eye-witnesses.

In making this false assertion about the human rights monitoring office of the Archdiocese of San Salvador, the Reagan Administration continues its practice of smearing the human rights groups that, at great risk, bring the bad news about the human rights situation in El Salvador.

Again, though the certification document itself is replete with misinformation and distortions, the information it does contain demonstrates that certification is not warranted. Even though the Department of State tries hard to paint a picture of human rights progress, nothing can disguise the fact that El Salvador is a human rights disaster area and that the situation is getting ever more disastrous.

TESTIMONY OF MICHAEL POSNER, EXECUTIVE DIRECTOR, LAWYERS COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS

Mr. Chairman, thank you for inviting me to testify. My name is Michael Posner. I am the Executive Director of the Lawyers Committee for International Human Rights in New York. For more than two and one-half years the Lawyers Committee has served as legal counsel to the families of the four United States churchwomen who were murdered in El Salvador in December 1980. My comments today reflect the families' continuing frustrations over the failure of the Salvadoran Government to properly investigate and prosecute those responsible for this horrible crime, and their growing concerns about our own government's ineffective response to these failures.

Earlier this month I visited El Salvador on behalf of the four families. I was accompanied by Scott Greathead, a member of the Lawyers Committee Board of Directors. While in El Salvador, we met with a number of Salvadoran Government officials, including Dr. Mario Adelberto Rivera, the Fiscal General (Attorney General) of the Republic, and Bernardo Rauda Murcia, the presiding judge in the case. We also met with private lawyers and experts on the Salvadoran legal system, as well as United States Embassy officials.

Based on our visit, we seriously question the conclusions contained in the State Department's recent certification report on El Salvador. While that report concludes that "the Government of El Salvador appears to have made a conscientious effort to prosecute these murders," we believe that the Salvadoran prosecutors have yet to take basic steps necessary to preparing a successful prosecution. While the State Department concludes that "the Salvadoran Government is making good faith efforts to

bring to justice those responsible for the [churchwomen's] deaths," we continue to find a disturbing pattern of official indifference, incompetence and ill-will—attitudes that prevent successful resolution of this case.

INADEQUACY OF SALVADORAN PROSECUTORS

Based on our discussions with the prosecutors handling the churchwomen's case, we believe that they lack both the will and the ability to successfully prosecute those responsible for the murders. Seven months ago, during an earlier visit, we first learned that the Fiscal General of El Salvador was unaware of key evidence developed by and in the possession of the FBI—including a death threat against the church in Chalatenango, where two of the churchwomen worked. According to officials in the U.S. Embassy in El Salvador, this death threat had eight clearly identifiable sets of fingerprints on it. The prosecutors have little interest in obtaining this and similar evidence, and are doing little to ensure that existing evidence will be admissible at trial. For example, they have done nothing to introduce into the court record a thumbprint of Colindres Aleman, the ringleader of the five imprisoned National Guardsman. This print was taken from the van in which the women were riding on the night of their murder. Because the FBI, and not Salvadoran authorities, conducted the fingerprint analysis, this evidence is not now admissible.

In our visits to El Salvador, we have also learned that the prosecutors have made no apparent effort to develop a plausible theory as to the motive for the crime or a response to anticipated defense. Although the Fiscal General conceded that "acting on higher orders" is likely to be a defense, he makes it clear that he does not intend to investigate existing evidence suggesting there were superior orders to apprehend the churchwomen.

During our most recent visit last month, we found that the prosecutors, have done almost nothing in the past six months to advance the case to trial. Virtually the only preparation that has been done has been the result of U.S. initiative and action, such as the appointment of Judge Harold Tyler to help identify evidentiary leads and the FBI's replication in El Salvador of ballistics tests it has previously conducted in the United States. Similarly, last weekend the State Department and the FBI brought a key witness to El Salvador, Dagoberto Martinez Martinez, who had previously given important testimony to the FBI in Los Angeles which was inadmissible until it was repleted in El Salvador. However, only the Salvadoran prosecutors responsible for the case can effectively use the evidence developed by the FBI, Judge Tyler and others. Those now assigned to the case are clearly incapable of doing so.

The complete indifference of the Fiscal General's office to the success of the case is reflected in its present staffing arrangement. Almost all of those working on the case are law students. While in El Salvador, we were reliably informed that one of those students, Bachiller Leonel Romero Cordero, has been acting as a coordinator of the case despite the fact that he was once removed from office for accepting a bribe from the defense attorney in connection with a trial he helped prosecute.

THE NEED FOR A SPECIAL PROSECUTING ATTORNEY

Mr. Chairman, I could go on at length cataloguing the deficiencies that have marked the Salvadoran Government's handling of the churchwomen's case.[1] However, anything else I or anyone familiar with the case could tell you simply adds weight to what is now an inescapable conclusion: Because of the prosecutor's unwillingness to conduct a proper investigation or to adequately prepare for trial, it remains unlikely that anyone will ever be successfully prosecuted for these crimes. Rather than belabor a point that has become obvious—and indeed was evident when I testified six months ago during the last certification hearings—I would like to suggest one important step that can be taken to break the perpetual cycle of inaction that has prevented this case from moving forward.

Mr. Chairman, I strongly urge you and the members of this committee to support the appointment of a special prosecutor by the Government of El Salvador. This week, Senators Leahy, Lautenburg and Sasser introduced a Senate resolution calling on the U.S. Government to urge the Salvadoran Government to make such an appointment. I have a copy of that resolution which I ask be inserted in the record of these hearings. I understand that a similar resolution is being introduced in the House. The families and I very much welcome this initiative because we think that the appointment of a special prosecutor is essential to successful resolution of this case.

Working with the full authority of the Government of El Salvador behind him, a special prosecutor would be in the best position to ensure that the case is properly investigated and tried. Without a special prosecutor, we seriously doubt that a proper investigation and successful trial will ever take place.

The appointment of a special prosecuting attorney in this case would also serve as a symbolic acknowledgment by the Government of El Salvador that it intends to prosecute those who are responsible for the murder of innocent civilians, even in cases where members of the armed forces are involved. In this respect, such an appointment would represent an important step toward curbing abuses by members of government security forces, who, according to the recent certification report, presently "act without fear of official reprisal."

The churchwomen's case may provide the only opportunity to begin to address the problem of unrestrained violence perpetrated by government security forces in El Salvador. During the last three and one-half years, when 35,000 innocent civilians, including El Salvador's archbishop, have been killed, only the cases of murdered Americans have been pursued; only the churchwomen's case is currently being pursued with any real hope of success.

Accordingly, the demand to fix responsibility in this case has become part of a far wider demand that elementary respect for human rights and human life be restored and recognized by those who wield the force of government in El Savlador. In view of the symbolic importance this case has assumed, the consequences of a failure to reach a just conclusion would resound far beyond the halls of Judge Rauda's court. We cannot afford the price of further violence that will be exacted if we fail to do everything in our power to achieve justice in this case. Those in the armed forces of El Salvador must begin to recognize that they can no longer systematically violate the rights of innocent civilians confident that the civilian government will never impose sanctions against them.

THE ROLE OF THE U.S. GOVERNMENT

Congress has recognized the importance of meaningful progress in the churchwomen's case as a means of advancing justice and checking unrestrained violence in El Salvador. Unless such progress can be shown, the certification law therefore prohibits further U.S. aid to El Salvador.

The Administration's repeated certifications that the Government of El Salvador has "made good faith efforts" to investigate the churchwomen's case and to "bring to justice all those responsible" for their murders has made a mockery of that law. By endorsing the totally unacceptable efforts of Salvadoran officials, this certification has also sent an unmistakable signal to the Government of El Salvador: No matter what happens—or fails to happen—in the churchwomen's case, the United States will continue to provide the certification necessary to continue the flow of aid to El Salvador. The Salvadoran Government cannot doubt this when our government certifies progress in the case even while it acknowledges the hopelessness of obtaining a successful resolution:

Convictions in serious criminal cases, in particular those with political overtones of any kind, are virtually unobtainable. * * *

Nor can there be any doubt that the Administration's determination to "certify at all costs" has destroyed our ability to promote the churchwomen's case in particular or respect for life generally in El Salvador. Privately, Salvadoran officials repeatedly note that they do not believe the U.S. will cut off air regardless of what human rights violations are committed in El Salvador.

This perception destroys any incentive on the part of the Salvadoran Government to promote respect for human life. The Government of El Salvador is essentially a military government. Our capacity to influence that government's respect for human life is thus limited to our ability to condition military aid on a demonstrated commitment to promote human rights.

CONCLUSION

In conclusion, I believe that there are concrete steps our government can take to promote progress in the churchwomen's case and, by doing so, to help restore respect for human life throughout El Salvador. First, the imcompetence, indifference and ill-will, that have characterized the prosecutors' handling of this case make it imperative that a capable, independent special prosecutor be appointed by the Government of El Salvador. Congress has the opportunity to make an immediate, urgently-needed, and significant impact on the progress of this case by adopting the resolution urging the United States to call upon the Government of El Salvador to make such an appointment.

Second, our expressions of concern must ultimately be coupled with a credible threat to terminate U.S. aid if the Government of El Salvador fails to take concrete steps to end human rights abuses. This administration's cynical, automatic certification of Salvadoran "good faith" has led to disastrous results: it has destroyed any incentive for the Government of El Salvador to control the abuses of its security forces, and it has

[1] I attach as an appendix a letter that Scott Greathead and I recently sent to Assistant Secretary of State Langhorne Motley summarizing our most pressing concerns about the investigation and prosecution, and ask that the letter be admitted into the record of this hearing.

weakened our international reputation and credibility. Congress must not abandon this opportunity to use the leverage and moral authority of the United States to pressure Salvadoran leaders to bring to justice those responsible for the murders of U.S. citizens and 35,000 other civilians. Therefore, Congress should make it clear that the Government of El Salvador will not receive further arms and money if it continues to flout minimum standards of human rights.

STATEMENT OF WILLIAM C. DOHERTY, JR., EXECUTIVE DIRECTOR, AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT

Mr. Chairman, it is indeed an honor on behalf of the AFL-CIO to have been invited again to testify before this distinguished Committee. We have prepared this statement in consultation with Dr. Roy Prosterman, of the University of Washington, and Ms. Mary Temple, of the Land Council, who concur with the land reform section of this text. Most importantly, this presentation expresses the general views of the Unidad Popular Democratica (UPD) with whom we are in constant contact. The UPD has framed a declaration which we have attached to this document (Attachment No. 1).

El Salvador seems to be a problem for the United States that simply will not go away. That may be true for some time to come and, of course, it is only one part of the larger problems of Central America. But if events in El Salvador and the difficult foreign policy choices which they bring are a frustration to U.S. citizens and their representatives in Congress, please believe us when we tell you that those frustrations are shared by, and are even much more important to, the millions of decent democratic Salvadoran citizens who want nothing more than to live in peace in a society which democratically reflects their best interests. The average Salvadoran wants nothing to do with the solutions of either the extreme right or the totalitarian Marxist-Leninist left.

The problem for the AFL-CIO is how best to support the development of the democratic center represented in great part by El Salvador's free trade union movement which has rallied under the banner of the Unidad Popular Democratica (UPD). The problem for U.S. foreign policy is how to support democratic pluralism in El Salvador as the only effective force that can democratically bring about the trade union center, but also other centrist forces in El Salvador who are desirous of necessary social, political and economic change.

Democratic change, which began in October 1979, and is just beginning to take hold in El Salvador is the only true revolution; the idea that men and women of a nation have the right and duty to chose their leaders and an equal right to periodically change them. The AFL-CIO is proud to be a part of this revolutionary process and proud of the democratic trade unionists with whom we work in El Salvador to this end.

GENERAL POLITICAL ANALYSIS

The so-called revolutionary movement of El Salvador's radical left, represented by the guns of the FMLN, promises only another variety of totalitarian rule. On the other extreme of the political spectrum are powerful forces, both in and out of the Salvadoran governmental structure, which, if successful, would return the country to the despotic political rule which existed prior to October of 1979.

Although a threat not to be lightly dismissed, the armed Marxist-Leninist insurgency has not shown the ability to attract large numbers of Salvadorans to its cause. Three years ago, they claimed only the same number of guerrillas under arms that they do today (5,000–7,000) despite the massive military support from Cuba and Nicaragua. Meanwhile, the citizens of El Salvador completely rejected the guerrillas (simply by the act of voting) as a political alternative in the March 1982 elections. If the extreme left could be convinced to participate in the forthcoming elections (and we hope they will), we do not believe that they will show sufficient support to upset the democratic process.

NEGOTIATIONS/DIALOGUE/POWER-SHARING

We think further, that the FMLN/FDR have made the same analysis and have come to roughly the same conclusion. Hence we have seen a renewed interest by the extreme left in the possibility of negotiations that could possibly lead to a sharing of government power. (FDR representatives are currently saying that their interest is only to have "open" negotiations). The AFL-CIO and the UPD positions on "power sharing" has not changed since our last appearance before this Committee. We continue to feel that only an honest electoral process will provide the people of El Salvador with the best possibility of determining their own political solution.

Thus, in general we view the FMLN/FDR as having limited options. Their more radical leadership may continue to fight a "prolonged war" for some time to come with a resultant tremendous loss of life and physical damage, but, unless there are great changes in the military situation, their best hope is for military stalemate. A decision to attempt to gain power through the electoral process would, in our opinion, doom them to an ineffective role in governing the country. It is quite natural, then, that they would like to participate in negotiations for the purpose of sharing power.

There is an added incentive for the democratic forces currently associated with the guerrilla left, the frustrated democrats, to want to negotiate toward this end. They know that in the event of a guerrilla military victory, their role would be ineffective and short-lived as the men with the guns would soon claim their right to rule and impose their Marxist-Leninist philosophies on the people of El Salvador—just as have the Sandinistas in Nicaragua.

THE FORTHCOMING ELECTIONS

As important as the next elections will be in the development of the democratic process, one should not feel that they will quickly end the war, or reduce by themselves the human rights abuses, or immediately guarantee the success of the reform programs. Much obviously depends on the outcome of the elections, and the extreme right is continuing to increase its strength and influence. The most important aspect of the forthcoming elections will be the possibility of the establishment of a government that can and must accept the responsibility of governing in the best interests of the entire Salvadoran people. Only a strongly elected government with a strong popular mandate to rule can fulfill this risk.

The risks are great, and the desired outcome is by no means assured. The greatest risk is that the far right will emerge victorious and continue to try to destroy the reforms. And no one can assure that even a centrist government that emerges from the next election will have received a mandate from the people to rule strongly.

There are many democratic forces today in El Salvador which are calling for a postponement of elections until 1984 in order to have more time to prepare an adequate campaign. Normally, democrats do not seek the postponement of elections, but this is, of course, an exceptional period in Salvadoran history. The Unidad Popular Democratica (UPD) is among those organizations favoring a postponement. An explanation is in order.

The members of the Assembly who were elected in March 1982 legally had only one major task before them—to write a new constitution. They formed a *Constituent* Assembly. After more than fifteen months in office, a new draft constitution has only recently been made public and it has come under very serious criticism from various sectors of El Salvador, including the trade union movement.

(The following are examples of the substance of very controversial clauses in the draft: The land reform program might be killed by guaranteeing unrestricted land rental, only political parties could take part in political debate, and the Army would be responsible for the protection of citizens' human rights as well as determining whether or not the country was being run democratically).

The public debate over these and many more such issues cannot be expected to end quickly without the charge that the new constitution has been "railroaded" through the Assembly and foisted upon the country. If the citizens of El Salvador feel that there is validity to such an accusation, it will make governing under the new constitution an impossibility. Thus, to have been a productive exercise, the public debate will have to be not only allowed to continue but encouraged.

Unfortunately, an electoral law cannot be written until the new constitution is approved. Since we are, in August, only a few months away from the previously announced date of the elections, it is highly unlikely that there will be time for the public debate on the Constitution, the writing (and possible debate) on the new electoral laws, and adequate time to present a political campaign by the contending parties to the general public. For these reasons, many democratic organizations and the UPD are arguing that the election date should be postponed, but held during 1984.

We would like now to discuss some of the specific problems that we face in El Salvador for the purpose of updating this Committee on the Hammer-Pearlman-Viera murder case and the land reform program. In the process, we believe we will be explaining more fully the reasons that we have found it necessary to call attention to the resurgent strength of the Salvadoran right wing.

HAMMER-PEARLMAN-VIERA MURDER CASE

You may remember from our testimony to you of February 2, 1983 that in October 1982 the Fifth Penal Court of El Salvador handed down a decision on the Hammer-Pearlman-Viera murder case that the AFL-CIO considered so atrocious that we decided to make public the information that we then had available. The decision of "insufficient evidence" against Hans Christ and Lopez Sibrian was appealed to the same court, and in January 1983 the judge confirmed his previous decision. The Attorney General's office then appealed to the Magistrates Court and, in an April 29, 1983 decision, sustained the decision of the Fifth

Penal Court. Finally, the decision of the Magistrates Court was appealed to the Supreme Court where the case is now "being considered" only on grounds that a procedural error might have been committed.

Assuming that the Supreme Court finds no procedural errors in the lower courts' handling of the case, the effect of the April 29 decision is that there can be no further civil legal recourse against Hans Christ and that, with regard to Lopez Sibrian, we have one year from the date of the Supreme Court's decision (probably within the next two months) to provide still further evidence that the court would consider "sufficient." If, on the other hand, the Supreme Court does find procedural errors in the lower court's handling of the case, additional evidence against both Christ and Lopez Sibrian may again be presented to a court ordered to reconsider the case.

The AFL-CIO continues to be urged to hire an "acusador particular" but, as yet, our position on this matter remains the same as reported to you in our last testimony before this Committee. (An "acusador particular," you may recall, provides a function similar to the Attorney General's and acts on behalf of the aggrieved parties). We do, however, constantly re-appraise this aspect of the case and have not closed the door entirely on the possible use of an "acusador particular."

Meanwhile, the two confessed murderers, the Army privates who pulled the trigger on orders from their superior officers, Lt. Lopez Sibrian and Capt. Avila have not gone to trial. The elevation of their case to the Plenary, or trial stage, may not take place until the appeal, currently before the Supreme Court, is decided upon.

As a practical matter, no further investigation (by the courts of El Salvador) of the case is possible, since the records are in the hands of the Supreme Court.

AFL-CIO POSITION ON MILITARY AID

The AFL-CIO continues to believe that military aid to El Salvador should be suspended until there is progress in obtaining justice in this case, as well, of course, as in the cases of the other U.S. citizens. We do not feel that anything which has transpired since our last presentation to you can be construed as progress. To the contrary, we consider that we are worse off today than we were six months ago if only because the legal delays in the case, we believe, reflect a basic unwillingness to prosecute those really responsible.

Despite our deep dissatisfaction with the handling of the case and, more profoundly, with the corruption of the Salvadoran judicial system, we should like to point out that many Salvadorans are dedicated to judicial reform, not simply because it serves to placate North Americans, but more importantly because it is they who must live under that system. Responding to the need for reform, President Magana has taken steps to set up a Commission of very distinguished lawyers whose purpose is to recommend improvements in the criminal code. The establishement of this Commission represents only the first feeble step in the right direction, but it is a move that should be recognized, applauded, and supported.

HUMAN RIGHTS VIOLATIONS TOLERATED BY ARMY

The AFL-CIO position has long been that real control of human rights abuses depend in large measure on the functioning of the judicial system. Thus, it is not surprising (although extremely distasteful to accept) that such abuses have increased in the last six months. We accept as true the estimates of other legitimate human rights' organizations of an increase in non-military related violence, since we have no independent capacity to make such evaluations. With that caveat, however, we would like to make two brief human rights-related comments.

First, the UPD has again, thank God, been able to report to us that none of their leadership have recently been victimized by violence. Some have, however, received death threats and we do not believe for one moment that they are immune from the atrocities which have befallen so many of their fellow citizens. We strongly suspect that the majority of the non-combatant violence emanates from the death squads of the far right. Two weeks ago, for example, two campesino members of the Union Communal Salvadorena (UCS) were murdered by "unidentified armed men" in a land reform-related incident.

Secondly, since we last met with you, a group of 74 campesinos, including 18 members of the Asociacion Nacional Indigenos Salvadorenos (ANIS), an affiliate of the UPD, was massacred by members of the Salvadoran Army. The killings, which occurred in the Canton de las Hojas, in Sonsonate, on February 22, 1983, have been well publicized in the press, and it would therefore seem unnecessary to recount the details at this time. In a bizarre turn of events, however, the father of one of the victims was put in jail, (subsequently released on July 26, 1983), accused of attempted murder of one of those who initiated this horrendous crime while the Army officer remains at liberty. It would seem obvious that in this case (as in the Hammer-Pearlman-Viera case), the Army is simply unwilling to punish its own. However, this case has only begun to be processed, and the campesinos are receiving the strong support of the Human Rights Commission of El Salvador. It is, therefore, still too early to make final conclusions.

Nevertheless, such actions by the Army cannot be allowed to continue, if not for obvious moral and judicial reasons, then for more down-to-earth political reasons. This is not just one more "internal Salvadoran matter" not subject to comment by the Government of the United States. This is one more example of an Army whose actions would seem to be above the law. The U.S. Administration is currently engaged in a campaign to inform the American people of the correctness of U.S. policy in Central America and El Salvador. How is the Administration going to explain away this case, the Hammer-Pearlman-Viera case, of the Catholic nuns, and (if they were more widely known to Americans), the cases of hundreds of Salvadorans who have been murdered by the death squads and/or the Army? We cannot ask the American public to understand and accept a policy of support for each elements in El Salvador on the assumption that the other alternative that is offered to them will be worse, i.e., the Marxist-Leninist guerrilla leadership. The U.S. Government must even-handedly protest each and every such barbaric act and, if necessary, reduce military aid accordingly. In so doing, the U.S. would support the democratic center in El Salvador, which abhors these abuses of power every bit as much as their North American counterparts. Only by so doing will there be a possibility of soliciting the support of the American people for our efforts in El Salvador.

On balance, the Salvadoran Army is needed to defeat the guerrillas. On balance, the Army has, in most instances, been supportive of land reform. And on balance, not every Army officer is a killer. Now equally on balance, the U.S. Government must pressure the Army to clean up its own act, and if we are accused of "intervention" in process, so be it. Such a policy will be applauded by thousands of democratic Salvadorans whom we should be supporting.

DEVELOPMENT OF DEMOCRACY

The democratic center of El Salvador has not been dormant during this period of change. A week ago last Sunday, the UPD organized a forum, which attracted more than 1,000 persons from all walks of life, to discuss the new constitution. The development of a commission of lawyers to propose changes in the criminal code has been mentioned. In addition, an Amnesty Commission, established by Decree 210 on May 4, 1983, actually began their work on May 17, 1983. According to the Commission, between that date and July 26, 1983, 542 political prisoners have been released from El Salvador's prisons. (However, according to UPD estimates, an equivalent number of new prisoners have been detained, leaving the situation, on balance, unchanged.)

Under the amnesty law, 339 guerrillas have laid down their arms since May. While it would be naive to think that the war in El Salvador will come to an end as a result of the amnesty decree, it certainly is a step in the right direction.

A democratic society is, nevertheless, still a goal to be obtained in El Salvador, and will remain so as long as the state-of-siege legislation is in effect. We do not believe that arbitrary arrest and jailing without a speedy trial are necessary security measures. Above all, we condemn decrees which freeze wages and declare illegal any strike by labor unions as being in the worst interest of the Salvadoran people. We also do not support strikes designed to overthrow an elected government, but believe that such revolutionary actions can be handled in ways other than by destroying basic elements of trade union liberty.

LAND REFORM—GENERAL

The Phase III (Land-to-the-Tiller) of the agrarian reform program, whose future was in doubt when the AFL-CIO last appeared before this Committee, is alive, but not well. It continues to be beset with serious problems. You may remember that, at that time, there was a real threat that the Constituent Assembly might not provide the legislative authority to continue Phase III. After several weeks of intensive lobbying by the Unidad Popular Democratica (UPD), the Assembly voted 36 to 24 in favor of extending the program to December 31, 1983. While this was a victory for the Salvadoran campesinos, and for those who support constructive economic and social reforms in El Salvador, the victory did not signal by any means the end of landlord resistance to the process.

The statistics of the Phase III program (Attachment #2) indicates a mixed performance by the government of El Salvador over the last six months, with both negative and positive factors. For example, the "front end" of the program, the taking of new title applications, has been up and down. In January and February, applications reached new highs, but during the ensuing four months there was a continuous steep decline. A number of factors at least partially explain this drop in applications. Most revolve around managerial decisions by FINATA regarding the use of their limit-

ed resources. FINATA until very recently lacked the technical and financial resources to carry out sustained implementation of all phases of the program concurrently.

FINATA initiated a new, extensive campaign in the fall of 1982 to obtain new title applications. This campaign to increase the number of beneficiaries covered all the Departments in the country and most of the municipalities. It involved the use of mobile teams which took the reform directly to the campesinos on a major scale for the first time. The success of this approach is indicated in the statistics. In January alone, 8,782 new title applications were taken; overall, by the time the campaign was terminated on February 28, 1983, 21,537 applications were obtained. However, with the completion of the campaign, and particularly the ending of the use of mobile teams, a sharp decrease in the number of new applications immediately became apparent with a low of only 178 applications in June.

The question might well be asked: Why didn't FINATA continue to use mobile teams to obtain applications? One important reason was that a decision was made to use their limited financial and technical manpower on other aspects of the program. Thus, during the period when there was the steepest decline in new applications, there was a directly related increase in the issuance of provisional and final titles. There was, at the same time, a continuation of evictions, particularly in January, February and March—the period preceding the planting season—and a sharp increase in legal oppositions to campesinos' claims presented by former landowners. We will discuss these two points more fully below.

AID has recently noted FINATA's lack of technical and program resources, and has recently approved a two million dollar grant to FINATA to allow them to hire and train up to 500 new employees. Mobility will be increased with the purchase of an adequate number of vehicles under the grant. The training process of the new hires is completed, and FINATA has now launched a major new comprehensive campaign, utilizing the mobile team concept, to simultaneously process and expedite new applications, provisional titles, landlord compensation and the issuance of definitive titles. This new campaign began on July 15.

FINATA's goals for the period between July 15 and Dec. 31 include 20,000 new applications, 14,000 provisional titles and the compensation of 900 ex-property owners, which will facilitate a major increase in the issuance of definitive titles. Given these ambitious goals for the next six months, we must admit that it is much more pleasant to contemplate future successes than to report on past performance. Even if FINATA were to achieve these goals, however, the program would still be significantly short of completion. Moreover, unless the current termination date for applications is extended beyond December 31, 1983, a substantial number of beneficiaries would never be reached. We must emphasize, however, that the land reform program and the current FINATA campaign continue to have the support of the UPD and its campesino affiliates, and we will continue to support their efforts.

THE PROBLEM OF EVICTIONS

Very recently, the magnitude of the problem of evictions has been substantiated by a statistical study jointly conducted by AID, AIFLD, FINATA and the UPD. As of this date, there has not been sufficient time to completely analyze all of the data, but enough is known to state that evictions are an extremely serious problem. All parties to the study agree on this point. In reality, the new statistical information only proves what the Salvadoran campesino organizations have been saying since December of 1981, and what the AFL-CIO has been reporting to various committees of the Congress over the past two years.

Before discussing the statistics, a couple of points should be made. First, every eviction is an illegal eviction because it is against the agrarian reform laws of El Salvador for anyone to evict an eligible beneficiary of the land reform program. Now he has lost possession of his land, and for a person already living at the margin of survival, this is deadly. Third, an eviction of one campesino, when it becomes known to other potential beneficiaries, has the multiplier effect of deterring others not to exercise their legal rights.

Because all of the statistics have not yet been analyzed by all of the parties to the study—much less that they have reached agreement on their meaning—we are going to mention only the most important. The size of the study's sample was designed to provide at least 95 percent confidence level. The study, which resulted in the production of twenty separate tables, will be made available as soon as the analysis is completed. This is expected to take several weeks.

Two separate definitions of an evictee were used in the study. FINATA insisted that only a person who had, at the very least, filed an application should be considered an evictee if he had been thrown off his land. The campesino organizations insisted that any potential beneficiary, whether or not he had filed an application should be considered an evictee if he had been forced to leave his land. Thus, under the FINATA definition, it was found that 5,634 persons as of July 1983 were considered to have been evicted. Using the definition of the campesino organizations, the figure is 9,067 evictees. Both figures derive from a sample universe of approximately 6,200 beneficiary families and do not include evictions among a roughly equal number of families who were not surveyed.

Perhaps it will come as no surprise that we support the campesino definition. But we hasten to assure you that this support is based on policy and logic, not friendship—although friendship certainly exists. We find little value in a definition (the FINATA definition) that excludes an evicted campesino who, primarily because of intimidation and fear of the extreme right, has not been able to apply for what is legally his.

The figure of 9,067 evictions is bad enough. However, we fear that even this figure is understated due to lack of information available under the campesino definition for the region which includes Usulutan, San Miguel, Morazan, and La Union, a conflicted area which had the highest absolute number of evictions even using the FINATA definition. The figure of at least 10,000 evictions, which the campesinos have been using for quite some time (without the benefit of a scientific study) is probably not too far off.

Another disturbing aspect about the study is that the reinstallation of evicted campesinos is only 1,271 persons, which is considerably below the numbers previously reported to AID by FINATA (3,656). We do not, by disclosing this data, accuse the FINATA authorities of falsifying their reports. However, since the process of reinstallation is probably the most practical way of diminishing the resistance of former landowners, this low figure would indicate that we have a great deal to do in this area. At the very minimum, further analysis is necessary to reconcile the study's figures and those fo FINATA's on the reinstallation of illegally evicted beneficiaries.

The study underlines what we already knew. The single most significant reason for evictions is landowner resistance: sixty-eight percent of the incidents were effected by landowners.

Even if satisfactory action on the Hammer-Pearlman-Viera murders were to allow us to support the giving of military aid, the AFL-CIO would insist that the giving of military aid be conditioned on the restoration of the integrity of the land reform process, including reinstatement of evicted beneficiaries and prevention of further evictions, and on the completion of that process in accordance with the agrarian reform decrees Nos. 153, 154 and 207.

THE PROBLEM OF "OPPOSITIONS"

Another matter, not included in the study, continues to be a serious threat to the land reform program. These are the "oppositions" to the campesions' claims submitted by the former landowners and administratively resolved by FINATA; according to the campesino organizations, altogether too many times in favor of the former landowner. This problem must be subject to further analysis to determine what the reality actually is. The campesinos have been claiming for some time that oppositions are a problem of major magnitude. Somehow, no one believes them until a statistical study is done. Behind this assertion is another claim by the campesinos organizations that the ARENA party is guilty of conflicts of interest within FINATA and at all levels. The AFL-CIO believes the campesinos.

CONSTITUTIONAL CHALLENGES

Still another threat to land reform comes from the draft of the new constitution. The language of articles 102, 103, 104, 105 contradicts, through a variety of provisions, the existing land reform laws. For example, Article 104 contains an unlimited right of a landowner to rent his land, which is in direct contradiction of the basic land reform legislation adopted in 1980. We do not believe that this clause was inserted in the draft of the Constitution in isolation; indeed there are a series of provisions in these proposed articles that would be wholly destructive of land reform legislation. If allowed to prevail, any of these clauses would terminate the land reform program, and the U.S. Government, under current law, would be required to end aid to El Salvador. Under these circumstances, the AFL-CIO would support a termination, including economic aid.

LAND REFORM SUMMARY

In fact, we see a general pattern of opposition against the land reform program at all levels (municipal, departmental, and national), and using evictions, oppositions, and the new draft constitution as major weapons. This is one reason that we signaled a new strength of the extreme right at the beginning of this statement.

We must be careful not to let pessimism carry the day. Much has already been accomplished and, we are confident, much more will be accomplished. To date, 64,687 applications representing 50,866 families have been submitted under Phase III of the program. There are an additional 32,000 beneficiary families on Phase I cooperatives.

Altogether this represents nearly 500,000 people who have benefited from the program. To protect and continue the process will require the continued support of the U.S. Government for land reform in El Salvador. We must support those in El Salvador who favor the program and not have the door open to the extremes of political left and political right—either of which would destroy land reform for their own ends.

JACKSON/MATHIAS AND BARNES/KEMP RESOLUTIONS

Support for land reform, of course, is only one aspect of a much larger picture. The AFL-CIO has always favored a sufficiently high level of economic aid for Central America in general and El Salvador in particular so that the conditions of poverty and injustice are eliminated. The proposals of Senators Jackson and Mathias and Congressmen Barnes and Kemp (the so-called and, we feel, misnamed "Marshall Plan for Central America") deserves the positive attention of the Congress. We believe that a carefully conceived, major development effort can be mounted and sustained with excellent chances for success for less than it costs to build another aircraft carrier to patrol the coasts of Central America. However, notwithstanding the present need for short-term economic assistance to shore up the serious balance of payments and budget deficits of the economies of Central America, there is also relative low absorptive capacity for longer term project assistance designed to bring about imperative economic and social changes. We would caution that the monies spent now not allow the political and social status quo to remain. Economic development without complementary sociopolitical changes and democratic accommodations can be as counterproductive and as dangerous as the macro-economic development which may be achieved.

BI-PARTISAN FOREIGN POLICY FOR CENTRAL AMERICA

We support the initiative of the President of the United States to move toward a bipartisan foreign policy for Central America through the establishment of a high level commission, headed by Henry Kissinger, to recommend policy for the area. The AFL-CIO does not accept the proposition that the choices for Central America, or for U.S. foreign policy toward the area, are between right wing dictatorships or Marxist-Leninist regimes. We reject the idea that our democracy needs be "exported." Rather, we know that the overwhelming majority of Central Americans desire to control their own destines so fervently that they constitute a national resource for the growth of democracy; a natural resource that we have a moral right and duty to nourish by aid which is designed to benefit the democratic and pluralistic centrist forces of each country.

In the past, much needed development programs have resulted in a richer upper class and a much more exploited worker and campesino class. The ony way to prevent the economic, social and political exploitation that has long provided the underpinning for the Marxist-Leninist appeal for revolution is to create more wealth and share it more equally among the working people of Central America. There can absolutely be no military solution if it results in the continued injustices and deprivation of the average man. True democracy and an end to rule by the Central American oligarchy is the only legitimate way to defend U.S. national security interests in the region.

Mr. Chairman, we thank you for this opportunity to present to this distinguished Committee our views of the situation in El Salvador.

TESTIMONY OF CHARLIE CLEMENTS, M.D., M.P.H.

It is a privilege to submit testimony to this committee today. My name is Charlie Clements. I have recently returned from a year in El Salvador where I worked as a family physician. It was in a county hospital in Salinas, California that I first began seeing Salvadoran refugees, many of whom still bore psychological and physical marks of repression. I wondered if the Salvadoran school teachers, healthworkers, farmworkers, religious workers, and unionists were the "they" we would have to stop at the Rio Grande, if we didn't stop them in El Salvador? It was at that time that I began hearing echoes of Vietnam with calls for more advisors, more helicopters, and phrases such as "pacification" or "search and destroy." I knew too clearly what they meant because I had volunteered to serve in Vietnam as a young man. I left the conflict in SE Asia disillusioned with the deception and conduct of the war; I also left with a personal commitment to non-violence. So that my remarks may be understood in context of more than a "country doctor," I would like you to know that I am a distinguished graduate of the U.S. Air Force Academy and have degrees in economics, business administration, and public health.

As you may know, many parts of El Salvador were denied medical care when the army occupied and closed the nation's only medical school ending the obligatory rural service of students in their last year of formal training. The place where I worked is a rural area surrounding the Guazapa volcano in the Department of Cuscatlan. It is one of the "controlled zones" of the opposition FDR/FMLN. The conditions of my service were that I would remain medically neutral in accordance with the Geneva Conventions, that as a Quaker I would not bear arms, and that I would work with a civilian population. Quakers are urged to "approach situations of confict with creative, non-violent action to end oppression and promote just and equitable relations among all peoples" and it was with that spirit that I provided health care to guerrillas, government soldiers, and civilians alike. The 10,000 noncombatants, 40 percent of whom were under age 12, accounted for the greatest majority of my responsibility.

The "campesinos" of Guazapa have farmed the rich land on the gentle slopes of the volcano for generations but previously it has been for wealthy landlords and now it is for themselves. Before I went to El Salvador, I knew that in 1960, 1 percent of the population owned 20 percent of the arable land and that by 1980, 2 percent of the population controlled 60 percent of the arable land. Hearing the campesinos relate the story it assumed a very human dimension. They told of having to give 50 percent of their crop yield to the landlords and lenders year after year, which left them enough for a marginal subsistence. In a bad year they would have to decide to either keep sufficient harvest to feed their children and watch their lands repossessed or give the landlord and lender their due and watch another child go hungry. And thus they watched lands that had grown corn, beans, and sorghum become part of larger land holdings and be planted in coffee, cotton, sugar cane, or used to graze cattle. As El Salvador became the hungriest country in Central America, they watched 25 percent of their children die before age five. At the same time another hunger developed in El Salvador, a hunger for change which was inspired by the message of liberation theology which told them that their misery wasn't the result of God's will, but rather the result of a few men's greed. And so they organized . . . not revolution, but rather base Christian communities, church sponsored agricultural cooperatives, associations such as the Federation of Christian Campesinos, and unions. Just as the act of Gulliver standing up tore asunder the threads of the Lilliputians that kept him imprisoned, the poor of El Salvador standing up threatened the very system that kept them underemployed, illiterate, malnourished, and subservient for so many years. In and around Guazapa priests such as Rutilio Grande and Jose Allas were murdered or beaten and left for dead. The next targets were the leaders of the cooperatives or the delegates of the word from the base Christian communities. The sons and daughters of the campesinos began ambushing the death squads who called in the army to help them eliminate the subversives. And there began a spiral of violence that would lead their sons and daughters, now known as guerrillas, to form self defense forces. Before they would learn what a "hammer and anvil" operation was or establish perimeters of defense defining a "controlled zone," there would be many massacres of civilians.

I learned my history of the zone through patient interviews. In a prenatal clinic, I might ask a pregnant women how many pregnancies she had. She might answer eight. I would ask how many children were still living. She might answer two. I would ask how many abortions or miscarriages she had. She might say one or two. Then I would ask what happened to the others wanting to know if there had been birth defects or perinatal problems; it was a question I would learn to ask very gently. The first time I asked it the mother told me that four of her children were killed in the "massacre of Palo Grande" when the government soldiers surrounded and burned a house with 36 women and children inside. I asked her why they hadn't run like we do now when the soldiers invade. She said it was before they knew they were the enemy because they had never belonged to any organizations or gone to any demonstrations. I would hear many similar stories during my year in Guazapa.

The campesinos of Guazapa are creating a society with more social and economic justice than they have known before. The church or campesion cooperatives, which were the early targets of repression, are now flourishing as revolutionary cooperatives. Peasants have a choice of working land individually or collectively, but scarce resources are distributed equitably. The dairy cooperative, which keeps the hundred head of cattle under the cover of trees to protect them from strafings of helicopters, distributes the milk throughout the villages to the most malnourished children. The fishing cooperative distributes the 150 lbs. of fish it catches almost daily to all of the villages where the pregnant women and wounded patients, both with higher protein needs, have priority. There are more than thirty elementary schools in addition to the adult literacy classes. There are more than a dozen health clinics and two hospitals where many patients have access to medical care for the first time in their lives. Every

village has a functioning legal system called the Commission of Honor and Justice which is part of the Popular Committee or town council. The Popular Committees hold regular town meetings where priorities are discussed and decisions made by the townspeople. There are also periodic assemblies and congresses held with great difficulty as any assemblage of people is an invitation for attack by observation planes.

When I testified before a committee of the House of Representatives in March that I had seen the use of napalm-like substance, I was met with disbelief. The Pentagon issued a prompt denial saying, "We don't use that word around here." I asked a Congressional delegation to El Salvador to inquire about its use. They were told by Col. Bustillo, commander of the Salvadoran Air Force, that, indeed, they had used Israeli-supplied napalm until 1981. What they are dropping now may not be napalm but it: (1) comes in cannisters that are dropped from aircraft; (2) upon contact it doesn't explode but rather bursts into a rolling ball of flame; (3) medically has the adhesiveness, prolonged burning time, and higher burning temperature of napalm which favors third degree burns with coagulation of muscle, fat, and other deep tissue; (4) has an igniting agent (presumably white phosphorous) which becomes imbedded in tissues and can continue smouldering and re-igniting long after initial trauma. I don't wish to play "semantics" with the Pentagon, but rather report what I saw and treated as a physician. Too many patients which I saw for white phosphorous or similar wounds were the elderly or very young who didn't have the reflexes to respond to the whine of an attacking A-37 or the whistle of a mortar.

I also told that committee that I couldn't remember a day since last July that the front had not been either bombed by American supplied A-37's, or strafed by American supplied Huey helicopters, or rocketed by American supplied observation aircraft with no distinction made between civilian and military targets. Upon inquiry, Col. Bustillo admitted that Guazapa was considered a "free fire" zone in which any target was legitimate. I would presume that included any of the more than 4,000 children or thirty elementary schools. His admission was certainly consistent with my observations as well as those of one of my patients named Romilia:

"Since we had just finished morning prayer, we didn't want to leave but . . . that little plane kept flying overhead, searching. We were hungry and thirsty; we didn't even have any water there. They then forced us out . . . and it was on that afternoon they massacred some of the people—a lot of them. It was then my daughter was wounded . . . and then the wound—I've never seen anything like the burning from the pieces that fell from the bombs . . . she got some white blisters on her leg and then they turned red and then purple, and her leg got really hard and this awful smell of rot came out of her leg. That's what killed her, I guess, there was nothing we could do. It's like her leg rotted right there on the spot."[1]

She was describing wounds caused by U.S. supplied white phosphorous rockets. Perhaps, it was more merciful for Romilia's daughter to die quickly of white phosphorous burns than to have reached the next village of Tenango, where during the same offensive U.S. trained forces left their calling card—dozens of macheted men, women, and children along with chaulked grafitti congratulating the Atlacatl Brigade on its second anniversay.

Romilia's daughter and more than a hundred other civilians died in a February offensive against Guazapa, but none of their deaths would have been included in the U.S. embassy's "politically motivated deaths" statistics which you heard today because the Salvadoran army reported them as "guerrilla deaths." According to Salvadoran military sources that offensive cost U.S. taxpayers $5 million. It cost the Salvadoran military 50 soldiers and it cost the guerrillas the lives of five combatants or $1 million for each dead guerrilla. That price is not out of line for the costs per guerrillas bodycount in Vietnam. In Guazapa there was no cost attached that week to the more than 100 civilians deaths or to the "hearts and minds" of the thousands of other peasants who returned to the burned shells of their homes and the rotting corpses of their livestock.

Those actions were performed by the same Salvadoran military which President Reagan just told you is "achieving substantial control over . . . its own armed forces" and is "making a concerted and significant effort to comply with internationally recognized human rights." Last week the President also complained that only 10% of the Salvadoran military such as the Atlacatl Brigade had the "benefit" of U.S. training. I fear the result when you supply funds for more of them to have such an "advantage" or for more "small planes that will keep on searching." Those were not isolated events. Guazapa has suffered a dozen such invasions.

Even after Vietnam you cannot understand why "their" Salvadoran soldiers fight better than "our" Salvadoran soldiers. It is not a matter of training or equipment. It has to do with the quality of the society we are asking them to risk death defending. Perhaps that is why more than a 1,000 Salvadoran soldiers have surrendered to the FMLN in 1983 alone. Perhaps that is why the President will eventually have to send U.S. combat forces to El Salvador to do for them what they cannot do for themselves? Perhaps that is the result of a self-defeating foreign policy that identifies military success in El Salvador with the prestige of the United States. For whether, the United States wins or loses militarily in El Salvador, it will always lose in the end. It loses, because, if the United States thinks it has won, it will have done so at the expense of social and economic self-determination of the Salvadoran people. It will have only strengthened prevailing corruption and official brutality and postponed the next insurrection. But the United States also loses, if it thinks it has lost militarily, because it will have lost the only opportunity to truly help El Salvador and all of Central America by encouraging the Contador group to begin dialogue and negotiations that can lead to lasting regional peace.

There is much to say about the people against whom all of our military aid is being directed. When they quietly accepted their hunger, poverty, and unemployment, they were accused of being a bunch of lazy, shiftless, grumbling beggars who threw all the blame for their banana (coffee) republic's problems on the United States. But when they do something about their condition, they are accused of being communist agents and Soviet-trained terrorists, a lurking threat to the national security in our own backyard. Yes, there are Marxists among "them" and Christian democrats, social democrats, students, engineers, doctors, peasant farmers, trade unionists, laborers, teachers, and sympathetic clergy too. But even if Marx, Sandino, and Castro had never lived, there would be a revolution in El Salvador today, because the war springs from a blood history or military dictatorship and oligarchical control that have kept the majority of Salvadorans malnourished, illiterate, underemployed, and impoverished. When will we learn that arms from the United States are no antidote for the spread of hope?

Time is running out. The FDR has expressed a willingness to negotiate without conditions for almost two years while the signals from the United States have been "you don't have to negotiate with anyone who is trying to shoot their way into power." Have we forgotten that George Washington "shot his way into power?" Now every country in the region including Nicaragua and Cuba have expressed a willingness to negotiate while the U.S. continues to dangerously escalate and regionalize the war with the pretext of "stopping the arms flow to El Salvador." The reason the most sophisticated intelligence service in the world has not been able to document any significant flow of arms from Nicaragua to El Salvador is the same reason the U.S. trained and equipped counter-revolutionaries attacking Nicaragua from Honduras have not been able to interdict even a single rifle—because it doesn't exist. That fact was finally acknowledged recently by a senior Reagan administration official and a Salvadoran military source through the U.S. embassies in El Salvador and Nicaragua have been admitting it off the record for more than a year! It is clear from the recent comments of former Asst. Secretary of State Thomas Enders that the Reagan administration has no real interests in pursuing negotiations and will use the recently appointed Bipartisan Commission as it has the certification process as a smokescreen to pursue its military solution. The purpose of the Commission isn't to find a new policy but rather justify the present one as we see within a week of its creation the President has launched a massive military deployment, is planning to ask Congress for hundreds of millions of dollars for military aid to Central America, and wants to double the limit of the number of U.S. military advisors in El Salvador.

The American people recall a precious document which begins, "When in the course of human events, it becomes necessary . . ." and unlike President Reagan, they understand that poverty and lack of human rights no Soviet subversion are the cause of the turmoil in Central America. They also recall Vietnam and will not allow us to jeopardize our national interests by becoming involved in another endless war which divides our country, depletes our resources, and antagonizes world opinion. Congress is not listening to the American people. The American people will not be paralyzed by the threat of being called "soft on communism," nor will they respond to the oft-repeated cry of "Soviet wolf." The Congress is allowing the President to slip into another undeclared war and if it is not stopped in the by the Congress, it will once again be stopped in the streets of our nation.

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[1] Signed, thumbprinted testimonies of survivors on file at the American Friends Service Committee, Philadelphia, Pa.

STATEMENT BY COL. SAMUEL T. DICKENS, USAF (RET.)

EL SALVADOR "CERTIFICATION"

During the ten day period from July 8 through July 17, 1983 Colonel Samuel T. Dickens USAF (Ret.) visited El Salvador for the purpose of collecting information for analysis to determine whether that country was making sufficient progress to warrant continued economic and military assistance from the United States as provided by Public Law 97-113. (Colonel Dickens, a director of New World Dynamics, was representing a coalition of organizations known as the Central American Freedom Alliance (CAFA)).

The process by which the President of the United States must "certify" that El Salvador is making progress in certain areas in order to receive continued United States support was established by Section 728 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113, approved December 28, 1981.)

Every six months the President must certify to Congress that the government of El Salvador—

"(1) is making a concerted and significant effort to comply with internationally recognized human rights;

"(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

"(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

"(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to:

(A) a renouncement of further military or paramilitary activity; and

(B) the electoral process with internationally recognized observers."

CONCLUSIONS

The government of El Salvador is making significant progress in each of the four major areas specified by Public Law 97-113 and therefore merits continued United States economic and military assistance. The Apaneca Pact set the stage for subsequent government actions which provide overwhelming evidence of officials' desires to bring about peace, economic reforms and meet internationally accepted human rights standards.

One must question the value and significance of the economic reforms which the United States is, in effect, imposing upon El Salvador. Any careful analysis will reveal that the economic reforms are inimical to United States traditions and theory which espouse private enterprise, free trade and competition. The banks have been nationalized, foreign trade is strictly controlled by the central government and private property has been confiscated. The United States' continued pressures for agrarian reform translates into additional confiscation of private property. (Phase II of the Agrarian Reform if enacted would affect properties between 100 to 500 hectares—approximately 250-1250 acres.)

No less an authority than the National Association for Private Enterprise (ANEP) states that 50 percent of the blame for El Salvadors disastrous economic status today is due to the negative policies implemented since the 1979 coup.

The Congress should undertake a careful look at policies which the United States is enforcing El Salvador to follow. Assumptions are being made about "Agrarian Reform" which do not bear close scrutiny. This "look" or formal analysis should determine whether we are offering the best opportunities for alleviating poverty in El Salvador through a free market economy and free enterprise or whether, the United States is encouraging a strong central government and socialism. All this under the guise of economic and agrarian "reforms."

INDIVIDUALS AND ORGANIZATIONS CONTACTED

During the ten day visit to El Salvador the following individuals, organizations and commissions were contacted. Various areas throughout the country were visited: The President of the Constituent Assembly: Major Roberto d'Aubuisson; The Foreign Minister: Fidel Chavez Mena; The Defense Minister: General Vides Casanova; A previous Foreign Minister: Dr. Antonio Rodriguez Porth; The President of the Peace Commission: Sr. Francisco Quiñones; The Director of ISTA (Agrarian Reform): Dr. Arturo Argueta; Air Force Commander: Colonel Rafael Bustillo; Military Commander: Colonel Rafael Bustillo; Military Commander at Zacatecoluca: Lt Col Denys Moran; The National Association for Private Enterprise (ANEP) Sr. Conrado Lepez Andreu; The Deputy Editor of Diario de Hoy (Daily Newspaper); The Human Rights Commisson: President, Monseñor Fredy Delgado; The Frente Femenino (Women's National Association); The President of the Salvadoran Cotton Cooperative: Ing. Roberto Aguilar Papini; The Military Hospital, San Salvador: Colonel (Dr.) Salvador Mejia Arce; "La Labor"—An Agrarian Reform Cooperative in Ahuachapan; A Cotton Cooperative at San Miguel; A Cotton Cooperative at La Carrera, Usulutan; Refugee Center: Santa Tecla; Refugee Center: Cojutepeque; Air Base of Ilopango.

Various individuals; representing small business, restaurant owner, small farm holdings, agrarian reform cooperative leader, junior military officers, foreign ministry diplomat, military doctors and nurses, farm workers.

* All interviews were conducted in Spanish without interpreter.

ANALYSIS AND FINDINGS

APANECA PACT

On August 3, 1982 the President of the Republic, the political party leaders and representatives of the Constituent Assembly joined together and signed a basic government platform called the Apaneca Pact. The primary purpose of the pact was to respond to the popular mandate of the March 28, 1982 elections, which would lead the country to peace, social and economic progress. The Apaneca Pact addressed several principles to be followed including, Pacification, Democratization, Human Rights, Economic Recovery, Reforms, Confidence and Security and efforts to strengthen international support.

In order to help bring about these objectives three commissions were formed: the Peace Commission, the Human Rights Commission and the Political Commission.

THE HUMAN RIGHTS COMMISSION

The Human Rights Commission was established by executive decree on December 1, 1982, beginning formal activities on January 3, 1983. Seven members make up the commission appointed by the executive. Members will serve for two years. The present commission chairman is Monseñor Fredy Delgado A. Since they undertook their duties they have received 303 formal petitions protesting human rights violations of which 126 have been successfully resolved.

Of the 303 formal petitions 99 persons have gained their release, 36 of those imprisoned for political crimes were released because of the Human Rights Commission's efforts. Twenty-seven have been ordered to trial through the judiciary system and another 19 persons have been given the protection of the Human Rights Commission.

The Human Rights Commission has undertaken an intensive educational campaign to raise the level of consciousness of Salvadorans through the press, radio, and television. The Armed Forces and community leaders attend talks on Human Rights in order for all to have a better understanding of the need to preserve standards of Human Rights during peace and war.

The Human Rights Commission has designated one delegate as a representative to the Amnesty Board.

The following information is an analysis of the Human Rights Commission report (See Attachment #1 of this report) approved by them on July 15, 1983, covering the period January 1 through June 30, 1983. This report refutes independent reports by unauthorized sources which would have one believe that the El Salvadoren government bears primary responsibility for the killings taking place in that beleaguered country.

Chart I.—Take the figure of 3,421 which includes combat casualties (dead and wounded), homicides and murders. Now refer to CHART IV. Of the total of 3,421 deaths and casualties the FMLN (guerrillas) accept a total of 1,644 casualties. In turn the El Salvadoran Armed Forces accept losses of 813. These combat casualties total 2,457. When combat casualties (2,457) are subtracted from total deaths in El Salvador during the first six months of 1983 we have a difference of 964. It is this total which should have closer scrutiny. The 964 deaths would appear to be civilian rights.

The Human Rights Commission analysis concludes:

Civilian deaths by terrorist acts	222
Civilian deaths thru military operations	23
Civilian deaths by unidentified persons	676
Deaths attributed to unknown organizations	43
Total	964

The Human Rights Commission charges the terrorists (guerrillas) with 222 civilian deaths, the military with 23 deaths and to unknowns, 719 deaths. Presumably the latter, 719, are murders having nothing to do with the war, or guerrilla activities. What most analysts are not appreciating when analyzing deaths is that the country is engaged in a total guerrilla war. These analysts make the false assumption that the guerrilla war only involves combatants in the mountains, on the slopes of volcanos and by various sized organized military units. To make this assumption is to ignore the realities of guerrilla war which in fact has the enemy operating in every part of the country, in the cities, and infiltrating every sector of government and the economy.

Discussions with key government officials confirms their desire to eliminate human rights abuses. They recognize the importance of continued public support by Salvadoran citizens evidenced by the over 80 percent of the electorate participation in the March 28, 1982 elections. They do not want to alienate that support. Additionally they are fully aware of the importance of international acceptance of their government and the importance of continued United States support, economic and military, to ensure their survival. Now see Chart III.

An analysis of the 137 kidnappings by departments (states) where they took place is revealing. The most kidnappings (42) took place in the department of Chalatenango, a major combat area. Second in kidnappings was San Salvador with (24). Other major areas where kidnappings have taken place are San Vicente (10), Usulutan (14), and Morazan (15), all major combat areas. This closely ties the kidnappings to the areas where most of the fighting takes place. Communist guerrillas effectively use kidnapping as a means to control small towns and villages through intimidation, removing leaders; mayors, teachers and other authority figures. Chart II bears this out identifying terrorists (guerrillas) with (96) of the kidnappings for the period January 1 through June 30, 1983. Bishop Pedro Aparacio, of El Salvador, reported guerrilla recruitment through kidnappings in the smaller towns threatening the youths with the murder of family members if they escaped.

Chart II lists 196 disappearances during this six months period. The bulk (149) are charged to unidentified people. It is difficult to guess how many of these disappearances result in deaths. We must assume a certain percentage have fled the country with many having reached the United States as illegal aliens. (Figures vary from 300,000-500,000 for illegal Salvadorans now living in the United States.)

Terrorist acts. International press and television has paid insufficient attention to the destruction waged by the guerrillas against El Salvador's economy which is a direct attack upon the people. This destruction is revealing. As the elections proved the people did not support the guerrilla movement the terrorist actions by the guerrillas clearly shows their acceptance of their failure to win over the nation's population and so have set about to destroy the economy. This destruction, waged against the people themselves, directly and adversely influences their daily lives, their ability to work and receive wages and forces a deterioriation of everyone's standard of living and quality of life.

These acts of terrorism are direct against the electrical power system, the telephone system, roads, railroads, residences, government facilities, construction companies, commercial activities, banks, farms, animals, vehicles and include the taking and sacking of towns and villages.

A flight over the eastern part of the country reveals the destruction to the electrical grid system with the scores of high tension towers lying on their sides, resulting from dynamite explosions. The eastern departments were without electricity 200 days last year with the resulting deterioriation of productivity of all commercial activities.

There were 355 attacks on the electrical grid system of the country involving the destruction of power distribution centers, high tension towers, posts, transformers and other line cuts. The telecommunications system suffered 71 attacks against telephone lines, grid systems and line cuts. There were 180 attacks against the transportation system. This involved the dynamiting, machinegunning, setting on fire of buses, private cars, farm workers transportation, railroad cars, trucks and commerical vehicles. There were 17 attacks against bridges, roads, railroad bridges and railroad lines. The government suffered 83 attacks by fire, machinegunning and dynamite directed against officers, court houses, schools and the judiciary system. There were 975 vehicle thefts during this sixth month period. There were 25 attacks against the agricultural activities involving damage to fields of sugar cane, cotton and coffee. El Salvador's economy depends on the export of these three crops which are directly affected as well by power outages, vehicle destruction, road and railroad outs as well as telephone outages.

Charts V through XIII should be carefully analyzed to obtain an evaluation of the total war being waged by the guerrillas against the people and the government of El Salvador. Such as evaluation is strong evidence of a war being waged by 6,000-8,000 guerrillas against a people, unsupported by any significant element of the population.

An effective campaign against the government of El Salvador has been waged by international communism attempting to portray it as a cruel, ruthless and bloody dictatorship. If this campaign succeeds, and results in the denial of continued United States economic and military support, the people of El Salvador will be the loser. If this occurs the Free World will have been dealt a significant blow and the repercussions will be severe for the rest of the Caribbean Basin and the United States.

THE AMNESTY BOARD

The Amnesty Board has been created to authorize amnesty to those who have taken up arms against the government now wishing to surrender, those who have been processed or sentenced for political crimes, those who have been sentenced for politically motivated crimes for terms of less than four years and served six months in prison.

The Amnesty Board is composed of three members and was created by Decree No. 210 of the Constitutent Assembly on May 4, 1983. It was expected to be in existence for 60 days however, its life was extended an additional 30 days into the first few days of August, 1983.

On July 12, 1983 the Amnesty Board reported the following information: From May 21 through July 12, 1983 a total of 540 individuals convicted of political crimes were granted amnesty.

Of those bearing arms 182 voluntarily presented themselves to the government seeking amnesty. (135 were men and 47 women.)

Total: 722 have taken advantage of the amnesty program.

Among those granted amnesty provisions were made for those interested in farming to be granted land, grain and credit. Forty families have taken advantage of this offer.

An immigration program was established for individuals desiring to leave El Salvador. Canada has received 139, of which 75 had been granted amnesty. Australia has received 70 people and Belgium 5 families.

THE PEACE COMMISSION

The Peace Commission has the objective of incorporating all the political and social sectors into the democratic process and in peace. The Commission on May 30, 1983 made a call to all sectors and in particular the FDR (Frente Democratico Revolucionario) to initiate a dialogue leading to their participation in democratic, political life in El Salvador. The Commission reiterated its belief that a democratic and political solution was the only method to achieve an answer to violence.

AGRARIAN REFORM

The Salvadoran Agrarian Reform Institute (ISTA—Instituto Salvadoreño de Transformacion Agraria) has the responsibility of administering the cooperatives created through the expropriation of properties greater than 500 hectares. (Approximately 1,250 acres.)

The Agrarian Reform began with the Armed Forces proclamation of October 15, 1979, in which, among various points, it was stated that measures would be adopted to make an equitable distribution of the nation's wealth.

On March 6, 1980 the Army physically took possession, at the point of the gun and without formal notice, all properties which exceeded 500 hectares. In most cases owners were not allowed to remove any of their personal possessions including clothes, books, furniture and all private property in their living quarters. This included automobiles and private aircraft, with limited exceptions. Though the owners were by law authorized to retain 100 hectares for their own development that authority has only recently come into play. The owner does not select the 100 hectares as the government makes this decision often resulting in the owner being granted the least productive and fertile property. In most cases the private owners have had no access to their private homes on the expropriated property.

In order to understand the impact and significance of Phase I of the agrarian reform one should study the report, Agrarian Reform In El Salvador, by Checchi and Company, 1730 Rhode Island Ave., N.W., Washington, D.C., 20036, published January, 1983 which was commissioned by the Agency for International Development (AID) of the United States government. Only reading the summary will not provide sufficient understanding of the disastrous effect that implementing agrarian reform has had on El Salvador. A thorough study of the report should be made.

The United States Congress through the process of "certification" is requiring that El Salvador proceed with certain "reforms" which include agrarian reform, nationalized banking and foreign trade. These "reforms" were imposed by a revolutionary government and are being continued by the present government under the tutelage of the Provisional President, Alvaro Magana. Further evidence of continued efforts to ensure the agrarian reform process can be seen in provisions of the new Constitution which is being reviewed for approval by the Constituent Assembly.

Phase III of agrarian reform is commonly known as the "land to the tiller" program as people working land which is less than 100 hectares in size are encouraged to seek title to that land, subsequently expropriated from rightful owners.

Phase II of agrarian reform has not been implemented. It would expropriate all property between 100 and 500 hectares in size. During my July 1983 visit to El Salvador the possibility of invoking Phase II was being widely discussed by the press and the people. The director of ISTA (responsible for implementing Phase I of the Agrarian

reform) told me that it would be his responsibility to implement Phase II if it were so decreed. He added that if this were the case he would resign his office as there were now insufficient monies available to implement fully and successfully Phase I of the reforms, so how was there hope in proceeding with Phase II?

During the second week of July a visit was made to one of the estates exceeding 500 hectares which had been expropriated by the government by force of arms on March 6, 1980. The estate known as "La Labor" is in the department (State) of Ahuachapan, only sixteen miles from the Guatemala border.

There I met with approximately 180 farm workers and families in a coffee warehouse. For two hours I listened to the complaints of men, women, young and old. One after another an individual would stand in front of the group and tell his story of insufficient work, lack of pay, food and medicine. Twelve told their stories. They were now working one-third that considered normal and in fact were dividing the work of one among three so that each would have an income. Work was not available in other parts of the country. Their plea was that the land be given back to the original owners so that they could go back to work.

Several older men stated that they had been receiving a pension from the owner prior to his property being expropriated. The government was not paying this. Others spoke of how the previous owner paid medical expenses no longer available through the cooperative. Job opportunities previously available from the owner were now non-existent. The discussions continued with tears rolling down the faces of several women.

A total of 1,313 workers at "La Labor" had signed a petition asking that the owners be given back their property so that it could be properly managed and so they could be adequately paid for their work.

I visited a maintenance shop for farm equipment. The senior mechanic had been at "La Labor" for 23 years. There were over twenty pieces of motorized farm equipment in the shop with only three tractors working. The mechanics were busy "cannibalizing" parts to keep some equipment working. I asked how replacement parts were obtained and was told they required a trip to San Salvador. There the banks were supposed to have funds set aside for agrarian reform parts purchases. There were insufficient funds available to provide loans for purchase of spare parts. Centralized government control was playing havoc with what had once been the success of free enterprise.

In San Salvador I discussed with the director of ISTA the situation at "La Labor." He was well aware of the problem. He said he was doing all he could to make the agrarian reform a success but there were insufficient funds to maintain all the motorized equipment and to pay all the workers.

At "La Labor" I asked the farm workers about their "cooperative." The farm workers do not hold title and have no rights to pass on property to survivors, wife or children. There is no retirement program. The "cooperative" shares the profits among the farm workers. Management of the "cooperatives" is through ISTA and their field representatives. These agrarian reform "cooperatives" bear no resemblance to United States cooperatives where land owners join together to obtain mutual advantages through joint cooperative efforts.

In Ahuachapan department on June 1, 1982 3,298 farm workers on 13 different agrarian reform "cooperatives" signed petitions to the constituent Assembly complaining about the adverse effects on farm workers since the property seizures by ISTA and the Armed Forces. This petition related that the property seizure had created great insecurity and high unemployment. Produce delivered to market was not immediately paid for by the government.

This same June 1982 petition stated that if the farm workers were to be given the property then the previous owners should be paid as the workers were unhappy to benefit from property taken from others. The farm workers asked for major efforts to reopen sugar and coffee mills in Ahuachapan. They reiterated the need for early payment by financial institutions and those commercializing the sale of produce as these delays resulted in increased interests on their debts and unemployment. They asked for urgent consideration for their problems affecting families and causing a feeling of desperation.

Later I flew to the eastern part of the country to visit with the Salvadoran Cotton Cooperative. This cooperative represents independent groups owning their own property banding together for joint ventures. Included in this group as association members were the so called "cooperatives" created by the agrarian reform decree. The President of "Cooperativa Algodonera Salvadorena, Ltda." took me through the facilities there at San Miguel as well as at La Carrera in the department of Usulutan.

Cotton production was down for two primary reasons; terrorist guerrillas with their destruction and the agrarian reform. International credit was sorely lacking.

A COMPARISON OF RECENT YIELDS WITH THE 1978-79 HARVEST AS A DATA BASE

Raw cotton for 1980-81 was 59.05 percent of base year.

Raw cotton for 1981-82 was 54.39 percent of base year.

Cotton production for 1980-81 was 63.33 percent of base year.

Cotton production for 1981-82 was 63.82 percent of base year.

Profits were down in 1980-81 by 68.29 percent of base year.

Profits were down in 1981-82 by 49.61 percent of base year.

Production by cotton properties affected by "agrarian reform" was 8 percent less than the unconfiscated properties. 41.76 percent of the total properties associated with the Cooperative Algodonera Salvadorena were properties confiscated by the agrarian reform decree.

During 1982 the eastern departments were without electricity for 200 days due to guerrilla actions. Guerrillas additionally destroyed cotton fields, warehouses, and railroad cars loaded with cotton.

Asociacion Nacional de la Empresa Privada (ANEP)—National Association of Private Enterprise.

I met in executive session with ANEP leaders who represent 31 different groups covering all privately owned sectors of the economy. They stated that the threat of instituting the second phase of the agrarian reform should be lifted as owners were not working their property. As long as this threat continued production would be down, dramatically affecting coffee production, a major source of foreign exchange. (Phase II would confiscate properties between 100-500 hectares in size.)

Phase I agrarian reform confiscations of property over 500 hectares have not been properly compensated for. Owners have been receiving a maximum of 2 percent of land value in cash. The difference has been handled with bonds having 3, 5 and 20 years for redemption. Many considered these worthless. The government used a tax base for the period 1976-77 without consideration of any real improvements to property during the intervening period.

During the confiscation process of Phase I there were 100 cases of property seizures which were less than the required 500 hectares. Special government decrees maintained government ownership of these properties rather than returning them to the owners. They too have been inadequately compensated for the loss of their properties. (Government data base for property ownership was taken from the year 1970.)

When asked who was pressuring government to institute Phase II of the Agrarian Reform (confiscation of properties between 100-500 hectares) I was told the American Institute for Free Labor Development (AFL-CIO).

ANEP officials stated that the nationalized banks were now a government monopoly, in the hands of a few with no competition. Interest rates were higher and the government controlled 100 percent of the actions. The banks were now attempting to sell bonds representing 49 percent of assets. 20 percent of these were available for sale to bank employees and 29 percent to the public. Public newspaper notices of offerings were getting few takers. The public had little confidence since the banks had been taken over by the military, intervening with armored cars in a simultaneous takeover of all banks. For three years three people have been providing the provisional directorship of the banks. These managers have no experience in economic analysis. As there is no competition between the banks, preference for credits have been directed to government monopolies, such as the agrarian reform. Bank loans to the private sector have been greatly affected by the lack of bank competition and the direction of credits to government agencies. Bank loan availability has been sharply curtailed.

These ANEP officials requested that United States economic assistance be channeled to the private sector to encourage the free market economy and private business.

ARMED FORCES

The new Defense Minister, Carlos Eugenio Vides Casanova, takes pride in the initiatives being taken by the army over the guerrillas. He hopes to keep the guerrillas on the defensive while providing protection to civilians in those areas cleared of guerrillas. General Vides Casanova spoke proudly of extensive civic actions underway in bridge and road reconstruction, rebuilding of clinics and schools while providing protection to farm workers and public transportation.

A visit to a local commander at Zacatecoluca confirmed the enthusiasm for civic action and the zeal to secure the area for farm workers to work their land. This Lieutenant Colonel told of his efforts to coordinate army support with local mayors and other town leadership to gain civilian confidence in army supportive actions.

MILITARY HOSPITAL

A visit to the military hospital confirmed the propaganda success of the communists in their disinformation program designed to discredit El Salvador in the United States and Europe. There was no evidence of any international support by way of assistance. Some foreign equipment is being made

available but the military sadly lack adequate medicines, equipment and supplies.

The hospital was crowded with over 330 patients. Passageways were full of beds with patients. Expansion of hospital facilities was not keeping pace with requirements.

The hospital commander informed me that there was a shortage of doctors. Paramedical training being conducted by a United States military medical team would help alleviate suffering of combat wounded in war areas. However at this time doctors were required to move to forward combat areas to treat wounded despite inadequate facilities and shortage of medical supplies and equipment in these areas. There were insufficient helicopters to perform needed tasks. The fourteen army helicopters were being utilized for troop movement, supply deliveries and wounded evacuation.

The hospital commander told me there were infrequent visits from international groups inspecting the hospital. Each promised assistance from their organizations without any subsequent response.

REFUGEE CENTERS

Two refugee centers were visited. One at Santa Tecla just west of the capital city of San Salvador. The other at Cojutepeque to the east on the Pan American Highway.

Santa Tecla has been operating for over three years. There are over 800 refugees there. A number of the men have found work in the surrounding urban area and a few are engaged in minor work programs creating small profits for basic food necessities. Refugees at Santa Tecla come from two areas in Morazan department and had been moved out of these areas for their own protection.

The Cojutepeque refugee center had been operating a month and existed because of the exodus of refugees fleeing fighting, primarily from the Suchitoto town area. This town has been taken by the guerrilla, retaken by the army and then been involved in renewed fighting. These civilians had not been displaced by the army for their protection but rather were fleeing the guerrillas.

Young workers, representing the Green Cross, were painstakingly reporting names of individuals at the Cojutepeque refugee center. Again there was no evidence of international support for these several hundred refugees and the Green Cross was the only representative at both refugee camps visited.

The lack of concern by the international community for the tribulations being endured by the Salvadoran people is testimony to the effectiveness of communist propaganda. El Salvador has been made an outcast nation without justification.

ANOTHER VIEW OF AGRARIAN REFORM

My visit to the local Army commander at Zacatecoluca was with two men who owned farming property in nearby department San Vicente. For some time this area near the slopes of the San Vicente volcano has been terrorized by guerrillas. In the past the army has not been able to provide sufficient force to maintain control so that the guerrillas have always been able to return.

These two men own property less than 500 hectares in size and thus not confiscated under Phase I of the Agrarian reform. They had been forced to leave because of guerrilla actions. The ambitious and confident Lieutenant Colonel commanding army forces in Zacatecoluca proudly spoke of his civic action programs, the mutual cooperation between army units, his headquarters and civilian authorities. He carefully outlined his activities and efforts to create an atmosphere of confidence in the Army in their ability to keep the guerrillas from their destructive raids of the farm lands.

The two farm owners and I drove back to San Salvador with considerable optimism. The two seemed eager to accept the Colonel's offer to come back and work their property under the army's protection. Shortly that optimism collapsed like a popped balloon.

In San Salvador we met with several Salvadoran men in a private home. The two men who had accompanied me to the army headquarters in Zacatecoluca told of their optimism and their confidence in the Army colonel. Immediately one of the men present raised his voice in anger. He pounded the table with his fist and said, "Trust the army! How can we? The army took our property away at the point of a gun in 1980, and now you say trust them and go back to work our farms? Don't you remember what Morales Ehrlich (previous director of ISTA's Agrarian Reform organization under ex-president Duarte) told us when we were all assembled that day? That we should all work our properties so that when they were expropriated the transition would be that much smoother? Do they think we're crazy? Maybe this army colonel is a good man, but how long is he going to be there? Who's going to replace him? And what about the elections? If the Christian Democrats win they will expropriate all our property! Do they just want us to get the fields back in production so that they can confiscate them from us?"

That tells the story. The greatest threat to unity in the country is distrust. And yet a distrust for very valid reasons. What most Americans don't realize is that the country is in a guerrilla war, without frontiers. The war is not just being fought in the mountains, in the forests, on the slopes of the volcanos and among armed forces, but by individuals. There is a guerrilla leadership that operates from the cities, with intelligence networks, clandestine, propaganda and psychological operations.

In El Salvador trust and confidence is given to those you know and know well. Occasionally someone you once had confidence in is identified as a guerrilla leader. A school friend not seen for two years has his house raided; it is an arms cache, a "safe" house and full of communist propaganda literature. The leader of the Miami kidnapping of Mrs. Roberto Quinones turns out to be an old friend, one had not seen for several years. The fight is ideological.

TABLE I.—VIOLATIONS OF PERSONAL RIGHTS AND GUARANTEES JANUARY 1 TO JUNE 30, 1983

		Percent
Injuries and aggressions	134	3.39
Coercions, threats and extortion	53	1.34
Pillage and theft	156	3.95
Violations against home and work place	45	1.14
Kidnappings	137	3.47
Combat casualties homicides and murders	3,421	86.69
Total	3,946	99.98

TABLE II

	Kidnappings	Percent	Detentions and captures	Percent	Disappearances	Percent
Civilian population by terrorists	96	70.01			12	6.12
Civilian population by military operations			95	95.95	19	9.69
Civilian population by unidentified people	26	19.01	4	4.04	149	76.02
Personnel of the FMLN					6	3.06
Persons of the Armed Forces	15	10.95			10	5.10
Total	137	99.97	99	99.99	196	99.99

TABLE III.—JANUARY TO JUNE 1983, HUMAN RIGHTS VIOLATIONS ACCORDING TO WHERE THEY WERE COMMITTED

Place	Total	Assaults and unjuries	Coercion threats and extortions	Looting and robbery	Violations of home and workplace	Kidnappings	Combat deaths and murders
Central zone:							
San Salvador	711	33	3	23	12	24	616
Cuscatlan*	329	18		15		12	284
La Libertad	130	4		9		3	114
Cabanas	145	1				1	143
Chalatenango*	472	2	3	8		42	417
San Vicente*	359	8	2	10	6	10	323
La Paz	57	2	1				54
Subtotal		68	9	65	18	92	1,951
Occidental zone:							
Santa Ana	194	7	3	10	3	5	166
Ahuachapan	15			4			11
Sonsonate	75	15		2	1	4	53
Subtotal		22	3	16	4	9	230
Oriental zone:							
San Miguel*	132	3	6	9	1	5	108
Usulutan*	196	4	8	18	9	14	143
La Union	42	6	3	6		2	25

TABLE III.—JANUARY TO JUNE 1983, HUMAN RIGHTS VIOLATIONS ACCORDING TO WHERE THEY WERE COMMITTED—Continued

Place	Total	Assaults and unjuries	Coercion threats and extortions	Looting and robbery	Violations of home and workplace	Kidnappings	Combat deaths and murders
Morazan*	335	8	6	6	12	15	288
Unknown	754	23	18	36	1		676
Subtotal		21	23	39	22	36	564
Totals	3,946	134	53	156	45	137	3,421

TABLE IV.—VICTIMS OF POLITICAL VIOLENCE

Groupings	Total	Total percent	January	February	March	April	May	June
Civilian deaths thru terrorist acts	222	23.02	31	34	19	43	47	48
Civilian deaths thru military operations	23	2.38	2	14	3	1	1	2
Civilian deaths by unidentified persons	676	70.12	154	182	100	96	70	74
Deaths attributed to unknown organizations	43	4.46	14			26	3	
Subtotal	964	99.98	201	230	122	166	121	124
Combat deaths and wounded accepted by the FMLN	1,644		244	387	157	357	254	245
Combat deaths and wounded accepted by armed forces	813		70	102	55	175	225	180
Subtotal	2,457		314	489	212	532	479	431
Total	3,421		515	719	334	698	600	555

TABLE V.—TERRORIST ACTS ACCORDING TO SECTOR AND SYSTEM

System	Type of attack	Total
Electrical	Elect. boxes, towers, posts, transformers	355
Telecommunications	Network posts line cuts	71
TRANSPORTATION		
Private and international mission	Machinegun, dynamite, fire	69
Commercial	Dynamite, fire	7
Passengers		88
Public service		
Cargo	Dynamite	8
Farm work	Fires	4
Railroad	Machinegun-fire	4
Communication	Damage to bridges, roads, railroad bridges and track	17
SECTOR		
Homes-residence		25
Government	Schools, judge offices, courthouses, mayors offices	83
Construction	Vehicles	40
Commercial	Damage to business	7
Banking	Bank	1
Farming	Damage to coffee, cotton, sugar cane fields, stores, factories, production	25
Animal theft	Cattle and chickens	9
Vehicle thefts	Passengers (private and farm equipment)	975
Taking and sacking towns		74

TABLE VI

Terrorist acts	Type of attack	Total	January	February	March	April	May	June
ATTACKS AGAINST ELECTRICAL SYSTEM								
Powerplants	A	31	4	5	7	4	6	5
High tension towers	D	50	5	11	12	9	6	7
Posts	D	221	17	13	16	39	50	36
Transformers	A	18	1	5	4	3	2	3
	D	30	2	2	3	21	1	1
Line cuts	A	5	2		1	1		
Subtotal		355	31	36	43	77	65	52
ATTACKS AGAINST TELEPHONE SYSTEM								
Microwave facilities	A	3			2	1		
System boxes	D		3	3	2	2	9	
Posts	D	44		12	2	2	18	10
Line cuts	A	5	2		1	1		1
Subtotal		71	5	15	7	6	27	11

A: Machinegunning. D: Dynamite. I: Fire. S: Sacking.

TABLE VII

Terrorist acts against transportation	Type of attack	Total	January	February	March	April	May	June
Passengers	A	7	4	1		1	1	
	D	68	12	1	4	46	5	
	I	13	1	6	2	3	1	
Private vehicles	A	1			1			
	D	37	15	2		18		2
	I	30	8	1	2	16		3
Commercial	D	4	4			3		
	I	3				3		
Cargo	D	5	2			3		
	I	3	1		1	1		

TABLE VII—Continued

Terrorist acts against transportation	Type of attack	Total	January	February	March	April	May	June
International mission	A	1					1	
Farm work	I	4		1				3
Subtotal		176	47	12	10	91	8	8

A: Machinegunning. D: Dynamite. I: Fire. S: Sacking.

TABLE VIII

Terrorist acts	Type of attack	Total	January	February	March	April	May	June
Against homes	D	15	7	5		3		
	I	1						1
	A	1						1
	S	8	8					
Subtotal		25	15	5		3		2
Damage to bridges:								
Road	D	12	2	2	2	2	3	1
Railroad	D	5	2				3	
Subtotal		17	4	2	2	2	6	1
Against business								
Mills	D	2				2		
	I	4	3	1				
Processing plants	D							
	I	3	2				1	
Farms	I	4	3			1		
Factories	I	2				1		1
Subtotal		15	8	1		4	1	1

A: Machinegunning. D: Dynamite. I: Fire. S: Sacking.

TABLE X

Terrorist acts	Type of attack	Total	January	February	March	April	May	June
DAMAGE TO GOVERNMENT FACILITIES								
Telephone offices	D	5	1	1		2		1
	I	6	3		1		1	1
	A	2		1				1
Municipal mayors offices	D	2			1			1
	I	6	1	1		3	1	
Local police offices	D	5		1		2		2
	I	2	1		1			
Judicial offices	D	1			1			
	I	1		1				
Plants	I	2				2		
	A	2				2		
Schools	S	4	1		2	1		
Stores	D	1			1			
	I	1			1			
Subtotal		40	7	5	8	12	2	6

A: Machinegunning. D: Dynamite. I: Fire. S: Sacking.

TABLE XI

Terrorist attacks	Type of attack	Total	January	February	March	April	May	June
ATTACKS AGAINST BUSINESS								
Radio transmitter	D	1				1		
Gasoline station	D	2				1	1	
Commercial facilities	D	5		4	1			
Subtotal	D	8						
Damage to crops								
Coffee	I	4	3				1	
Cotton	I	2	2					
Sugar	I	5	3	1		1		
Subtotal		11						
Theft of animals								
Cattle and products		7	2		1		2	[3] 2
Chicken		2		[1] 1	[2] 1			
Subtotal		9						

[1] 5,500g. [2] 7,500g. [3] 129y.

A: Machinegunning. D. Dynamite. I. Fire. S. Sacking.

TABLE XII

Terrorist acts	Type of attack	Total	January	February	March	April	May	June
DAMAGE TO GOVERNMENT FACILITIES								
Bank	D	1					1	
Public health facility	S	1				1		
Destroyed vehicles	D	23			10	12		1
	I	8	7	1				
Cutting pipe line	C.T.	2	1	1				

TABLE XII—Continued

Terrorist acts	Type of attack	Total	January	February	March	April	May	June
Railroad	D	2				2		
	I	2				2		
Rail line	Sab.	1						
Station	D	1			1			
TV repeater	D	2					1	1
Subtotal		43	8	2	11	17	3	2
Attacks against construction companies	D	40	20		13		7	
Vehicles								
Theft		1	1					
Passengers		970	117	119	169	221	182	162
Private		4	2			2		
Farm work								
Subtotal		975						
Takeover and sacking towns		74	3	10	6	16	24	15

A: Machinegunning. D: Dynamite. I: Fire. S: Sacking.●

HOUSE OF REPRESENTATIVES—*Wednesday, August 17, 1983*

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on August 3, 1983, the following reports were filed on August 9, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 555. A bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; with an amendment (Rept. No. 98-350). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce, H.R. 3244. A bill on amend the Energy Policy and Conservation Act to eliminate preemption of a State's authority to establish or enforce any energy efficiency standard or similar requirement if a Federal energy efficiency standard has not been established (Rept. No. 98-351). Referred to the Committee of the Whole House on the State of the Union.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EXTENSIONS OF REMARKS

INDUSTRIAL POLICY: THE WRONG ECONOMIC PRESCRIPTION

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LUNGREN. Mr. Speaker, in recent months there has been increased discussion among Members of Congress, economists, and academicians concerning a national industrial policy.

Many industrial policy advocates paint a black or white picture. They suggest that either the United States can adopt a comprehensive, coordinated strategy in our Government policymaking so that our economy can better compete in the international marketplace, or if we do not enact such a program continued economic decline lies in store.

At first glance, it would seem difficult to oppose any concept which attempts to better coordinate Government policy. I became particularly interested in this issue because a proposal such as this could have significant impact on one of the largest trading complexes in the country (namely, the Port of Long Beach and the Port of Los Angeles) and the many businesses which it is my privilege to represent in my district. I also wanted to see if a so-called industrial policy program was the best means by which we could best improve the ability of our economy to compete and produce.

Because of the many unanswered questions over this issue, I recently had the opportunity as a member of the Joint Economic Committee to participate in a series of hearings on this subject. The two hearings which I chaired explored, first, "The Concept of Industrial Policy" and, second, "Japanese Industrial Policy: Lessons for America," looking at many of the real reasons behind Japan's economic success.

After studying this issue extensively for sometime now, I must express grave reservations over the industrial policy bills which are being considered and have been introduced in the Congress.

Mr. Speaker, because of this, I would like to express some of the primary reasons why I believe a national industrial policy would inhibit rather than promote U.S. economic growth and competitiveness abroad. To adopt such a program, I fear, would simply be the wrong economic course for our country to follow.

THE BURDEN OF PROOF RESTS ON THE ADVOCATES

First, the point must be stressed that there is a heavy burden of proof which rests on the proponents of industrial policy to show that the capacity for a healthy economy or our country's ability to compete internationally necessarily hinges on some governmentally established industrial policy board. To date, that burden of proof has not been met to any significant degree.

The question being asked in the debate on this issue is whether the United States should have a comprehensive industrial policy. The heart of this question centers on what the proper role of Government in the economy should be.

INCREASED INTERVENTION WOULD RESULT

Most supporters of industrial policy state that their primary objective is to coordinate Government policy. However, upon further evaluation of their proposals, one finds that industrial policy represents a dramatic, even revolutionary, social, political, and economic change in the basic functions of Government.

While many advocates will stress the need for greater cooperation among Government, labor, and business, virtually every proposal which has been advanced would simply result in greater intervention in the economy by the Government. Such a plan would typically require that the company or industry give up some right or meet some conditions in exchange for Government support or assistance. Those who support this quid pro quo concept, must show that increased intervention above and beyond the many smaller interventions the Government has made in the past necessarily improves the health of the economy.

Before our Government adopts a radical change, it must be shown beyond a shadow of a doubt that an industrial policy board will truly address the underlying problems it proposes to resolve.

Instead of looking at our already existing institutions, industrial policy supporters want to create more Government-sponsored and/or -dominated institutions. I contend that the essential positions and institutions are already in place to do a better economic job than has been done in recent years. Many believe that the Washington complex has already become too big of a bureaucracy. Why will more or bigger mean better?

INCREASED CENTRALIZATION IN A DECENTRALIZING ECONOMY

Second, I have concern that enacting an industrial policy would centralize the decisionmaking process in Government at a time when the economy and country are moving toward increased decentralization.

As John Naisbitt, author of Megatrends and a recent witness before the Joint Economic Committee, has written:

> Centralized structures are crumbling all across America. But our society is not falling apart. Far from it. The people of this country are rebuilding America from the bottom up into a stronger, more balanced, more diverse society * * * Americans are spreading out of small towns and rural areas and leaving the old industrial cities as decaying monuments to a past civilization. As we decentralize, we diversify and tend to stress our differences instead of our similarities.

A national industrial policy would be going against the natural shifts and adjustments toward decentralization that are currently occurring.

POLITICIZATION OF DECISIONMAKING

Third, I believe that a politicization in a national industrial policy would occur. Instead of making economic policy decisions based upon economic merit, political choices would repeatedly prevail.

In reviewing some of the past decisions made in Washington one does not need a crystal ball to conclude that a politicization of the proposed process would inevitably result.

For example, in 1951 the Senate Banking and Currency Committee investigated the Reconstruction Finance Corporation, which, incidentally, is very similar to the Industrial Development Bank being proposed in many of the industrial policy measures. Senator Fulbright, then chairman of the Senate Banking Subcommittee on Reconstruction Finance Corporation, stated that—

> There's been a large number of instances in which the board of directors of the Reconstruction Finance Corporation (RFC) has approved the making of loans over the adverse advice of the corporation's most experienced examiners and reviewing officials, notwithstanding the absence of compelling reasons for doing so and the presence of convincing reasons for not doing so.

According to the Senate report, the RFC "thrusts money on the proprietors of roadside snake farms, cultivators of cactus plants for sale in dime stores, dental clinics, paperboard makers, * * * a rainbow trout factory, and some very devious fellows who

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

wanted to be concessionaires for the roulette room in a Nevada hotel."

A more recent example of politics overcoming economic merit was the recent passage of the so-called jobs bill. This was the measure which was supposed to help address the problems of millions of unemployed Americans. Instead of targeting the assistance to those areas of the country with the highest levels of unemployment, much of the Government support appears to have gone to the congressional districts of the Members whose committee happened to have jurisdiction over the bill. Indeed, $33 million was appropriated and obligated for a highway widening project in the House committee chairman's district. That fact is certainly not a criticism of any Member; rather, it is a criticism of the system which promotes such results. No wonder a July 9 editorial in the New York Times stated that "Congress does better at creating jobs programs than creating jobs."

Little evidence has been brought forth by industrial policy supporters to show that politics, not reason, will prevail in the decisionmaking by an industrial board or Industrial Development Bank. Senator WILLIAM PROXMIRE perhaps stated it best when he wrote:

> Money will go where the political power is; it will go where unions are mobilized, where mayors and governors, representatives and senators have the power to push it. Anybody who thinks that the government resources will be allocated on the basis of merit hasn't been in Washington very long.

PICKING WINNERS AND LOSERS IS INEVITABLE

Fourth, most industrial policy advocates claim that industrial boards would only offer suggestions for consideration by the Congress, but it seems to me the inevitable result would be the picking of winners, or picking of losers, or picking winners and losers. Despite the good intention of trying to achieve greater cooperation among the major economic actors, the process of determining which industries to support or where to allocate capital is, in effect, deciding which groups will benefit at the expense of other groups.

This is perhaps the key point: Government cannot create real credit or capital any more than it can create wealth. It can only reallocate already existing credit, capital, or wealth.

Moreover, I seriously question the ability of any board of government bureaucrats to make such predictions as to winners or losers. Who, for example, in the Government after World War II could have foreseen that research with grains of sand would lead to the development of the high tech industry as the industry of economic growth and new jobs in the near future?

Dr. Robert Noyce, cofounder of Fairchild Semiconductor and Intel Corp. and a National Medal of Science recipient, told the Joint Economic Committee how difficult it is to pick winners and losers as an active participant in the marketplace, not to mention the arduous task that would confront some government panel. He testified:

> Since I have spent most of my life in entrepreneurial high technology business, I should be better than most in picking winners and losers. Yet I advised my wife a few years ago not to invest in the local start up which has turned out to be the most successful in American Industrial History to date—Apple Computer * * *. I'm fortunate that my wife, like most, did not take my advice.

If anything, experience shows that the Government probably has a better record picking losers than it does winners.

REPRESENTATION ON THE INDUSTRIAL BOARD

Fifth, while the intent of an industrial policy would be to reach consensus decisions through cooperation, I am also concerned that in attempting to do so they would leave many important economic actors completely out of the picture. Most proposals would allow big business, big labor, big government to serve on and dominate some industrial board.

Many of the so-called new sunrise industries have expressed concern to me that under an industrial policy they would not be on an equal footing with some of the more traditional industries in presenting their views in Washington.

Even if room could be made to ensure the representation of all involved, it is in fact the larger companies and entities which are best prepared to use their own bureaucracies to deal with the Government bureaucracies. This would leave smaller firms at a competitive disadvantage.

Since small businesses—which comprise more than 95 percent of the total number of businesses in the United States—supply more than 80 percent of all new employment, almost 40 percent of our gross national product, as well as half of all major innovations and new technologies, one must seriously question the wisdom of creating a centralized, national industrial board.

INDUSTRIAL DEVELOPMENT BANK WILL DISTORT THE ECONOMY

Sixth, my strongest objection concerns a proposed industrial development bank board to directly reallocate credit and capital. In addition to the arguments I raised earlier concerning the politicization of the decisionmaking process and the inability to select winners and losers, I fear that such a bank would unnecessarily distort adjustments occurring within the economy.

The important point to be reiterated here is that such a board would not be creating credit, but rather allocating credit which might otherwise have gone to other growing sectors of the economy.

This is the experience which occurred in Korea. The government there directed the credit in the country to certain selected industries. While the chosen industries were successful to a limited degree, the success was not achieved without costs being imposed on the overall Korean economy. For all intents and purposes the nontargeted industries had an unlegislated tax imposed on them since it was more difficult for them to obtain capital.

Mr. Kim Kihwan, of the Korea Development Institute in Seoul, has written that—

> The basic message from this experience is that excessive intervention in the market creates inefficiencies which eventually hurt economic performance. By creating a deep and prolonged gap between the real and the effective cost of capital in certain industries and by discriminating excessively among industries, the policies contributed to both a slowdown in export growth and adverse developments in equity and income distribution. . . . The policy of extending preferential access to credit and treatment in taxation to strategic industries is being phased out. In its place the government is moving toward an incentive system which is neutral with regard to firms and industries and which will allow the effective cost of capital to more accurately reflect the true cost.

Since capital is not being created within the economy, the effect of allocating credit by the Reconstruction Finance Corporation would target resources to some at the expense of others in the economy. This is analogous to a balloon or waterbed, which when depressed pushes outward on the opposite side while the total amount of air or water has remained constant. The point is that a greater cost on the economy is incurred by politically targeting resources to certain sectors over other sectors rather than allowing the cumulative effects of individual decisions in the marketplace to prevail.

WE MUST STRESS THE ECONOMIC FUNDAMENTALS

Because I do not believe that the burden of proof that an industrial policy is needed can be met, government policy should instead concentrate on a return to the fundamentals. We do not need a national industrial policy to stress the basics.

An editorial in the Wall Street Journal put it best:

> The only industrial policy we need is one that offers the maximum possibility for individual decision makers to apply their initiative and imagination, take their risks and reap the rewards when their judgments are correct. As a group they will be right far more often than government bureaucrats not subject to the disciplines and incentives of the market.

Instead of allocating credit within the economy or targeting specific in-

dustries, we should focus on legislation to increase the amount of savings, research and development, incentives to work, invest and produce, and improve the quality of education our students receive. We should concentrate on promoting free trade throughout the world and U.S. competitiveness in exports. The Government policy objective should be the development of sound fiscal and monetary policies that avoid unnecessary shifts in response to every change in the economy. I also believe that the Government has a valuable role to play in encouraging worker retraining programs to assist with the transitions that are taking place within the economy.

But to achieve these objectives, a return to the fundamentals rather than the creation of a national industrial policy board is the key for establishing the foundation for increased jobs and sustained economic growth. That in the end should be the aim of our policies.

THE BEST AND THE BRIGHTEST ARE NOT HERE IN WASHINGTON

Mr. Speaker, there are many other points I could raise against the consideration of an industrial policy, however, if there is anything I believe we should have learned from our experience in Vietnam, it is that the best and the brightest have not necessarily been proven to be in Washington. I am especially not convinced that a panel of bureaucrats can or should make decisions that have been traditionally made individually by American consumers, workers, investors and businesspeople.

Those who advocate an industrial policy have an overwhelming burden of proof to carry in order to show that an industrial policy is needed to increase jobs and improve economic growth.●

THE DAY OF SOVIET SHAME

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GILMAN. Mr. Speaker, it was 15 years ago, on August 21, 1968, that over half a million Soviet and Warsaw Pact troops invaded the sovereign state of Czechoslovakia. This flagrant violation of international law, the "Day of Soviet Shame" was the final episode in what had been a moderating period for the Soviet-dominated state.

Today I urge my colleagues to never forget the plight of Czechoslovakia, whose people have always been steadfast friends of our Nation. The many Czech, Slovak, and Subcarpatho-Ruthenian descendants living in the United States have contributed greatly to the continued growth of our country; they are amongst this Nation's most loyal citizens.

The people of Czechoslovakia have been enslaved by the illegitimate government that took power 15 years ago, firmly entrenched in the blind ideology of the Soviet Union. The continued occupation of that country is a crime against the right to determine one's goals and destiny. Czechoslovakia has been denied this right, its people enslaved by the arm of Soviet domination and paranoia.

Mr. Speaker, I ask that we renew our resolve against Soviet domination in Czechoslovakia. The brutal silencing of this freedom loving people is a constant reminder of the Soviet Union's flagrant violation of international law.

On this, the anniversary of the Soviet invasion of Czechoslovakia 15 years ago, I ask that my colleagues join me in decrying the continued Soviet military presence in that nation. We must never forget the courageous men and women of Czechoslovakia, as we are their only hope.●

DISINVESTMENT STUDY

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. WILSON. Mr. Speaker, the idea of portfolio disinvestment of holdings in U.S. firms doing business in South Africa has beguiled State and municipal assemblies and university trustees over the past year. It is seen by its proponents as a way to damage the economic prospects of that country, and cause it, thereby, to alter its domestic policies. It is also seen, somewhat mysteriously, as a benefit to the black population of South Africa. However well meaning these initiatives are, their impact on South African black employment certainly promises to be negative, and their cost to the pension and other trust funds affected is definitely so—as indicated by such observations as those hereto appended.

Mr. Speaker, another point missed by these initiatives is the leadership role played by U.S. firms in improving employment, health, and educational opportunities for nonwhites in South Africa. In the past few years U.S. firms have invested some $50 million toward these objectives.

Mr. Speaker, it is both natural and proper for Americans to seek measures to bring justice to any part of the world where injustice obtains. But I would hope that this particular expedient has run its course, before it does any further damage to our own society as well as the people we are trying to help in South Africa.

I submit the following articles to be printed in the RECORD.

[From Pensions & Investment Age, June 13, 1983]

SOUTH AFRICA INVESTMENT STUDY

HIGHER RISKS, LESS DIVERSITY SEEN IN DIVESTED PORTFOLIOS

COLUMBUS, OHIO.—Divesting the stock of companies doing business in or with South Africa could have "Significant consequences" for a pension fund, an Ohio group states.

According to a report by the Ohio Retirement Study Commission, higher risks and less diversification could result from total divestiture.

But the study also states "it is debatable whether divesting and excluding 'South African investments' achieves anything.

"There is . . . somewhat more support for the proposition . . . supporting a policy which pressures American companies to set a good example in their South African operations . . . ."

The study was conducted by the commission at the request of the Ohio Legislature in response to two bills that would affect portions of the five state public pension funds. The funds have assets totaling more than $11 billion.

Both bills would prohibit investment in American corporations that have any business relationship with South Africa or investments located in South Africa.

One bill adds an additional prohibition against investing in any bank or building and loan association that makes loans to either the South African government, South African businesses or a subsidiary or affiliate of a U.S. company operating in South Africa, according to the study.

Both bills are broadly drawn and the aim is the same—to help institute an economic boycott against South Africa, the study adds.

The commission raises—and attempts to answer—four questions about the restriction of pension fund investments in U.S. companies with South African business operations:

Would a restrictive investment strategy result in a lower rate of return on investments, thus jeopardizing future pension benefits?

Would the use of restrictive investment criteria violate the legal and fiduciary responsibilities of the pension fund trustees?

Would such a strategy, in the aggregate, influence American corporate policy in this area?

Would the strategy influence the South African government in the area of race relations?

The commission said that while the evidence is not conclusive that lower returns would result, higher risk and lower diversification might indeed result. However it said that as long as other investment opportunities offer equal return potential, and there are no diversification problems, South Africa related companies could be excluded without violating the trustees' responsibilities.

The study added it was debatable whether such a strategy would affect policies directly because South Africa is not overly dependent on U.S. investments.

Although few public pension funds have adopted restrictive investment strategies dealing with South Africa, those that have fall into three categories, according to the study.

Some funds have opted for a total divestment/exclusion portfolio strategy; a second group has followed a "selective divestment/exclusion" strategy where a set of criteria

are used in a company-by-company approach; and still others have opted for a "concerned or active shareholder" strategy. This last approach enables the investor to become an active participant in supporting various shareholder resolutions on South African issues as they relate to U.S. companies.

The commission study suggests adopting either the second or third strategies.

If the Ohio Legislature approved a bill requiring total divestment of the five Ohio funds, 15% to 20% of the combined assets, about $1.98 billion, would be affected, according to 1980 data used in the report.

The study asserts a policy of total divestiture could have "significant consequences and might result in lowered returns, higher risks and less diversification."

However, should the second option be adopted—following a very selective divestment/exclusion policy, only 1% to 2% of the combined assets might be affected, depending on the policy's wording.

If the third option were adopted, there would be no effect on the Ohio funds, the study said.

Oddly enough, Ohio laws already contain language encouraging investment in Ohio-based companies. The Commission said that 4%, or $253 million, of the Ohio State Teachers Retirement System assets was in "Ohio companies" that do business in South Africa. Total investments by the system in companies doing business in South Africa were $1.3 billion—21%—as of Jan. 1.

The commission also studied the cost of adopting each policy.

Three areas in pension fund management were found to be costly when pursuing a policy of restricted investments.

The first and most important cost would be that the portfolio becomes less attractive in terms of return, risk and diversification, according to the commission.

Second, if a major divestment or exclusion strategy is adopted, large transaction costs would result.

Using transaction cost statistics taken from a State of California Retirement System's study, the commission calculated a minimum transaction cost of between $30 million and $40 million would ensue to the Ohio funds as they stood in 1980.

Another cost to the Ohio funds would be the staff time required to institute and maintain the restrictive investment policy.

[From Pensions & Investment Age, June 13, 1983]

DIVESTMENT: INFORM THE TAXPAYERS

Once again, the issue of investing in companies doing business in or with South Africa is heating up. As reported elsewhere in this issue, 22 states and eight local governments are confronted with legislation requiring their pension funds to divest themselves of the stocks of companies with South African connections.

Those pushing such legislation are attempting to make a political statement of their revulsion at the South African policies of apartheid.

Those opposing the legislation are concerned about the impact of divestiture on the investment returns earned by the public employee pension funds and, ultimately, on the taxpayers who, in most cases, have not been consulted about the proposed restrictions.

Proponents argue that the divestiture would have no impact on the investment returns, and often refer to limited studies in which investment returns actually have been improved by such divestiture.

Opponents argue in response that the cases cited by proponents deal with only small funds, not with funds investing billions of dollars and that the studies have not considered the relative risk of the South Africa-free portfolios.

Closer examination of one example by Prof. Roy Schotland of Georgetown University Law School showed the South Africa-free portfolio was 16% riskier than the portfolio free to invest in South Africa, yet provided investment returns only 3% greater.

That is, in this instance, the risk-adjusted returns of the portfolio prohibited from South Africa-related stocks was significantly lower.

In addition, as Prof. Schotland and others point out, the restricted portfolios are necessarily less liquid, causing problems for the billion-dollar state and local government pension plans.

Thus, long-term investment returns are likely to be lower, means higher taxes or lower benefits.

The problem with such restrictive legislation is that political activists are attempting to use public monies to make statements. Others might oppose apartheid, but believe that divesting funds of the stocks of companies doing business in South Africa is a useless gesture.

Before such restrictions are placed on any public pension fund, there at least should be full public discussion of the potential costs of such restrictions to the taxpayers and beneficiaries, and then there should be a referendum.

Only if the taxpayers are fully informed that such a restriction might increase their taxes or might reduce future benefits for the beneficiaries, and then vote in favor of it, should such a restriction be imposed.

[From the Boston Herald, May 25, 1983]

WE HURT OURSELVES

Punching oneself in the mouth in order to make a protest against the brutality of a bully in another corner of the world sounds pretty stupid. Right?

Well, don't laugh too soon. We're doing just that here in Massachusetts. So far it has cost us $14.4 million worth of pain without even bruising the bully, and it could cost us even more in the very near future.

We're saddled with a public pension system that is so deep in the hole financially that it is just about out of sight—and it's getting deeper every day. Yet four months ago our state government, as a means of showing its opposition to the repressive racial policies of South Africa, chose to unload its stock holdings in firms doing business with that nation. In doing so we took a loss that came straight out of the pension funds for teachers and state employees which were used to make those investments. Now that Governor Michael S. Dukakis has approved a similar "divestiture" law covering our investments in companies with business links to Northern Ireland, our losses will in all likelihood mount.

The apartheid in South Africa, injustices committed on both sides in Ulster, are all abhorrent to the majority of Massachusetts residents.

But what are these measures achieving? Are there blacks in South Africa liberated today because of the sacrifices of the Commonwealth of Massachusetts? Are the two sides in Ulster closer to peace because of the gestures of the Dukakis administration?

What confuses us in all this is the fractured logic that has been employed in high places.

Sure, the South African regime is not run by a bunch of nice, humane guys.

But maybe Mr. Dukakis should check out some of the other nations who are pumping millions of dollars of imports into this country.

The Saudis, for instance. Next time Mr. Dukakis fills up his gas tank he might remember that the sheikhs sitting on all that oil treat women about as well as many of his electors treat their household pets.

And India. We guess Mrs. Gandhi would be invited to the State House if she showed up in town. Yet the manner in which her nation has abused and dispossessed The Untouchables is one of the most shocking in history.

And what about the Soviets and how they have treated the Ukrainians, the Tadziks the Uzbeks? Any Dukakis plans for a ban on business with them?

The list goes on, but it would be laboring the point.

Divestiture is futile. Like a self-inflicted punch on the nose, the only pain we'll notice is our own.●

SALUTE TO MARGARET S. PLUMMER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MILLER of California. Mr. Speaker, on August 10, 1983, Mrs. Margaret S. Plummer of Martinez, Calif., will be honored for her service in the National Weather Service's Cooperative Weather Observer program. I am pleased to have this opportunity to salute Mrs. Plummer and want to share her contribution with my colleagues in the House of Representatives.

The Commerce Department's National Oceanic and Atmospheric Administration recently paid tribute to Mrs. Plummer's more than 31 years of continuous and exceptional service as a volunteer in the field of meteorological observations by awarding her the John Campanious Holm Award. Although many of us in this Chamber may not realize the significance which this award carries, Mrs. Plummer may be duly honored to receive one of the highest awards granted by cooperative service. This award is named after Rev. John Campanious Holm, who, in 1644, took the first known weather observations in this country, without the use of instruments.

In this period of budget cutbacks and staff shortages, volunteers play an increasingly important role in maintaining vital services to the community and the Nation. With more than 12,000 of her fellow volunteers, Mrs. Plummer has helped document our Nation's climate with dependable and accurate daily records of temperature and precipitation. I join the residents

of Contra Costa County and the staff of the Commerce Department's NOAA in congratulating Mrs. Plummer and wishing her much success in the future.●

LIBRARY OF CONGRESS INCIDENT SHOWS HOW POORLY WE ARE ABLE TO DEAL WITH JAPAN—WAKARIMASEN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. STARK. Mr. Speaker, in the past, I have expressed concern to my colleagues in Congress about the disparity of the amounts of technical information flowing from the United States to Japan and from Japan back into the United States. I have suggested that the root of this problem lies in the lack of qualified personnel in this country with the ability to translate often times important Japanese technical and scientific information into English. I began to look for a possible solution or at least a means toward improving the imbalance. It seemed to me that the most obvious course of action was to look at how those whom we are competing with have achieved so much more success in the accumulation, translation, and dissemination of worldwide technical information—namely, the Japanese.

My staff called the Japanese Embassy to obtain two Japanese laws that established the Japanese Information Center for Science and Technology, a state-run organization in that country that has as its primary purpose the collection and dissemination of foreign technical information. I thought that perhaps I might be able to use these laws as models for similar U.S. legislation. There was one problem, however: the laws given to me were printed—naturally—in their native Japanese.

Mr. Speaker, I, of course, thought this was just a minor and very temporary setback. As a Member of Congress, I have at my disposal the greatest library, resource center, and reference center in the world—the Library of Congress. Surely, I believed, they would have no difficulty translating a legal document of one of the world's most influential nations—a nation famous for its 1,000-year history of great literature and modern-day Nobel laureates. Unfortunately, the Library's translation service had no one currently on the staff fluent in legally technical Japanese and, thus, they were unable to fulfill my request, although they offered to contract the job out for $900 or $64 per page. But, they assured me that if I ever needed anything translated from such technologically powerful languages as Lithuanian or Romanian, there would be no problem. In fact, even if a major technological breakthrough were developed by a Roman writing in Latin, they could handle it. Yet, for Japanese—that insignificant language of the largest research population per capita in the world, the language of industry that is quickly eroding the premier position of U.S. industry in the automobile, steel, and electronics markets—for Japanese, there was no need for a technical translation service.

Mr. Speaker, I am not critical of the Library; perhaps they simply do not get many requests for the translations of Japanese technical documents. But I am critical of the prevailing attitude in American industry and government that believes we can afford to ignore the wealth of original and creative technical advances currently being developed in Japan.

I am sharing this story with you simply because the stark reality, no pun intended, of the situation is that unless we improve the flow of technical information from Japan into our own country by asking for more Japanese technical and scientific information, we will quickly find ourselves behind our Japanese competitors with no chance to catch up again. In the meantime, I will get these documents translated, even if it means asking the Japanese Government to do what the American legislative branch cannot—translate Japanese into English.●

PERSONAL EXPLANATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ACKERMAN. Mr. Speaker, due to official business, I was unable to be present on the floor during two rollcall votes on August 4. Had I been present, I would have voted "aye" on rollcall 321, approving the journal of August 3, and "aye" on rollcall 327, approving House Resolution 299, the rule on H.R. 3391, Trade Act of 1974 Amendments.●

COMMODITY DISTRIBUTION AMENDMENTS TO H.R. 3409

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PANETTA. Mr. Speaker, today, August 4, 1983, both the House and Senate approved amendments to H.R. 3409, the Federal Supplemental Compensation Act amendments, that would expand and extend the current Federal program to distribute Government-owned surplus commodities to needy persons and institutions such as schools, child care centers, and elderly feeding programs. As I mentioned on August 4, these amendments represent a compromise that was hastily drawn just prior to House and Senate passage. As a consequence, there may be conflicting interpretations as to what was agreed upon. As the primary House Member involved in these negotiations and in my capacity of chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the Committee on Agriculture, I would like to present my understanding of what was agreed to. In general, it is my belief that where congressional intent is ambiguous or unclear, the issue should be resolved in a manner consistent with the commodity distribution bill passed by the House, H.R. 1590.

Basically, H.R. 3409 includes the most important elements of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, that was passed by the House on June 16, 1983, by a 389 to 18 vote. The bill is not simply an extension of the commodity distribution program mandated in the jobs bill, Public Law 98-8, but represents an expansion and revision of that program. It includes various provisions and concepts taken from H.R. 1590, S. 17 (the bill passed by the Senate Committee on Agriculture, Nutrition, and Forestry), and Public Law 98-8.

The bill would mandate operation of a commodity distribution program for 2 years. It would require the Secretary of Agriculture to distribute, without charge or credit, all available price supported commodities acquired by the Commodity Credit Corporation and not committed for another use to eligible recipient agencies. While the Secretary would have discretion to determine what quantities of commodities are in excess of those needed for other commitments, his discretion would not be unlimited. The Secretary would be expected to have specific other uses in mind in order to withhold distribution of available supplies of commodities. The law requires him to "make maximum use of the Nation's agricultural abundance."

H.R. 3409 would generally continue distribution to the same recipient agencies eligible under Public Law 98-8. The list of eligible agencies in the bill is not intended to be exclusive. The Secretary and the States would have discretion to authorize participation of other agencies that generally serve the purposes of the act. The reference to the eligibility of charitable institutions, to the extend that needy persons are served, is not intended to be a strict limitation on these institutions such that only needy persons within them can be served. It is intended to limit participation to charitable institutions that serve, at least in part, needy persons.

H.R. 3409 would require that commodities generally be provided to emergency feeding centers on a priority basis. As Senator DOLE pointed out in the August 4 Senate floor debate, this would not be an exclusive priority. Traditional outlets such as schools would continue to receive their historical share of these commodities. If additional commodities are available, those serving the needy would generally have first call on them.

Under these amendments, the Secretary of Agriculture would continue to be required to pay for the costs of initial processing and packaging of commodities into forms and quantities suitable for household and institutional use, as well as the costs of transporting commodities to the States. He would be authorized to pay such costs from funds of the Commodity Credit Corporation or utilize any other funding at his disposal. The Secretary would not be permitted to utilize any of the $50 million in annual appropriations authorized under H.R. 3409 for State and local administrative costs to pay for initial processing and packaging of commodities, or transporting them to the State or local level.

The up to $50 million in annual funding authorized for State and local administrative costs is to be made available in advance upon request of eligible recipient agencies. The Secretary and the States would have discretion to assure that advance funding requests are reasonable. However, the availability of advance funding is a key element in assuring maximum effectiveness in program administration, and the Secretary should facilitate adequate advance funding for eligible agencies, up to the limits specified in this bill.

A minimum of 20 percent of the funding under this bill is to be made available to agencies that directly serve needy persons. The remainder of the funding is to be utilized by the States generally to cover the costs of storage and distribution to all eligible outlets, including both emergency feeding outlets and traditional outlets such as schools, child care centers, elderly feeding programs, and others.

The plain language of the bill governs the use of the administrative funding authorized. There is no direction in the bill, and no intention on the part of Congress, that States use storage and distribution funds provided under the authorization exclusively for costs relating to emergency feeding centers. There is no intention on the part of Congress to require States to maintain systems to account for which storage and distribution costs have been incurred in relation to emergency feeding centers and which costs have not. If it had been intended to limit the States ability to utilize the funding to cover the costs of distributing commodities to emergency agencies, it would surely have been so provided in the law. I understand this may involve a change in how administrative funding has been distributed under Public Law 98-8 and this is precisely what is intended.

I would emphasize that no administrative funding is to be provided directly to schools and other traditional outlets to cover their costs once they have received commodities. However, the States would be expected to utilize funding available to them, after the 20-percent allocation to emergency feeding programs, to generally pay the costs of storage and distribution in relation to all eligible outlets.

One additional area addressed by H.R. 3409 concerns the eligibility of persons to receive commodities through agencies that distribute to individual households. H.R. 3409 makes clear that only those persons who meet some needs test would be eligible. The determination of who is needy would be left to the States, subject to the approval of the Secretary.

I do think this is a constructive change and should help address whatever problems there may be in the displacement of commercial sales of commodities when nonneedy persons receive commodities. I would emphasize that this change would not authorize the Secretary to issue specific, uniform, eligibility requirements for this program. That determination should be left to the States. The Department may want to issue general guidance and guidelines to assist States. However, I believe it would be a serious error to limit participation in this program only to persons who are already participating in other programs, such as food stamps, supplemental security income, and aid to families with dependent children.

This commodity distribution program needs to be available for all the persons in our society who "fall through the cracks." There are many people who either are not eligible or choose not to participate in these programs, but are in great need of food assistance.

That concludes the major points I wanted to make about the contents of the bill. I would like to add a few comments about the process that led to its final passage and several provisions that were not included in the bill

Late this afternoon, August 4, 1983, I learned that the Senate intended to add commodity distribution amendments to H.R. 3409. These amendments were to be added in such a way that, as a practical matter, no conference would be possible. Since the House had already passed the unemployment compensation amendments in H.R. 3409, the Senate intended to add the commodity distribution amendments to them and immediately adjourn for the summer recess. This meant that any objection on the House side to the commodity distribution amendments would not only jeopardize that part of the bill, but also the unemployment compensation in benefits that H.R. 3409 would provide for many Americans.

When I learned of this situation, and after consulting with ranking minority member, BILL EMERSON, I attempted to gain some changes in the Senate amendments to make them more consistent with H.R. 1590. While some of these proposed changes were accepted, several important provisions were not.

Two provisions of H.R. 1590 relating to the replenishment of the food security wheat reserve were not included in the Senate amendments. Similarly, specific provisions relating to the level of commodities provided to schools and other traditional outlets and the use of administrative funding to deliver commodities to these outlets were not in the final bill. While I believe these latter concerns in relation to traditional outlets should be adequately addressed when the administration implements the law, the protections for the food security wheat reserve have been weakened.

I relate all of this history so that the many Members who have expressed interest in various aspects of this legislation will better understand why it was dealt with so summarily on August 4, 1983. While I believe that the legislation that has emerged is very worthwhile—a 2-year program has been set in place, administrative funding has been provided—I would have much preferred if several additional provisions from H.R. 1590 had been included. Unfortunately, it was not possible under the circumstances despite our best efforts.●

BETTER LIFE FOR ELDERLY IS LEGACY OF OLDER AMERICANS ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. MATSUI. Mr. Speaker, the 1973 amendments to the Older Americans Act, which first became law in 1965, brought forth the concept of area agencies on aging to develop and coordinate needed services for the Nation's increasing numbers of elderly citizens.

Today, area agencies on aging have become valued institutions in America's basic social service structure. The value of that landmark legislation is demonstrated daily through the services rendered by these agencies.

I am pleased to draw to the attention of the House of Representatives the accomplishments of one such agency in particular, the Area 4 Agency on Aging in California. This agency serves over 165,000 senior citi-

zens in the counties of Nevada, Placer, Sacramento, Sierra, Sutter, Yolo and Yuba.

The increased awareness we have today of the problems of the elderly had been long in coming. Thanks to the historic work of the Johnson administration and the Congresses of the 1960's, America began to take note of the financial and emotional hardships suffered by many of our elderly in a turbulent, youth-oriented society.

Mr. Speaker, while our Nation has become more aware of not only the problems of the elderly, but also of the real contributions of the elderly, we are still a long way from realizing the dream of secure, dignified retirement for all our citizens. But we have made progress, and the area agencies under the Older Americans Act are part of that progress.

The Area 4 Agency on Aging provides and oversees many services to the community, such as general information and referral services, transportation, health screening and education, in-home services (such as assisting in household repairs to enable the elderly to live independently in their homes), legal services, meal delivery, nursing home assistance and companion programs.

On the occasion of an open house September 1 sponsored by the Area 4 Agency on Aging of California, I wish to commend this organization on its valuable service to the elderly and the community as a whole.●

VOTER INTEREST AND PARTICIPATION ACT OF 1983

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CORCORAN. Mr. Speaker, for nearly 200 years, the American two-party system has functioned well. At the present time, though, it is threatened by changes in law and practice. In order to preserve and shore up our historical two-party system, on May 11 I introduced legislation that would allow the Democratic and Republican parties to return to their former strength in the electoral process. Prompt enactment of this legislation, H.R. 2976, the Voter Interest and Participation Act of 1983, will help the American people have additional confidence that their governmental system is responsive to their needs. By moving on my bill now, Congress can substantially improve the climate for political parties prior to the next election.

Let me review some of the developments that have made this legislation necessary. Our two-party system is almost unique in the world today. In countries with a parliamentary form of government, there tends to be a large variety of parties competing for office. Canada's four parties, Britain's three parties, and the multiparty system of Western Europe are examples of this. Multiparty systems survive in parliamentary systems because there is generally control of the executive branch by the Parliament. Often, governments rise or fall on coalitions. Frequent votes of confidence occur to insure that such governments remain true to the wishes of the voters.

One-party states exist in a variety of forms, expecially in the developing world and Moscow's orbit. They argue that elections, or at least competitive elections, destabilize the government. A kind of corporate responsiveness is credited to such systems by their creators.

I would like to emphasize that there is nothing magical about a two-party system. As I have noted, two-party systems are the exception, rather that the rule in today's world. But the two-party system has served the United States very well until very recently. In the past 10 years, assaults on our two-party system in law and practice have weakened our two great political parties. The result is that the American people have less and less confidence that our political parties can form the basis for governing. These threats to such valuable institutions and symbols of our Republic must be ended. My legislation would effectively improve the ability of the Democratic and Republican Parties to lead our electoral system once again.

What threats have developed to the two parties? First, party organizations at the precinct, congressional district, State, and National levels have been weakened in the name of reform. Both parties lack their former ability to nominate candidates for office having the support of most people from the party in a given geographic area. In place of this, candidates are almost completely free to act on their own. Typically, a candidate for office decides that he will be a candidate, organizes his own campaign, raises his own funds, develops his own strategy, and he, alone, is responsible for all of these things. Candidate selection, campaign organization, fund raising, strategy and responsibility used to have important components from the Democratic and Republican parties. By allowing or encouraging candidates to do everything or almost everything on their own, in the name of election reform, voters are given enormously difficult choices. Instead of using the position of the two political parties as reference points to evaluate candidates, voters must ascertain the gradations of candidates on their own. It is easy to say that people want to vote for "the man and not the party." But the present system weakens the traditional two parties by allowing candidates to run without the discipline of party organization and assistance.

Again in the name of election reform, political parties have been restricted in the amount of cash and inkind contributions they can give to candidates. This post-Watergate reform was institutionalized by a Supreme Court case, Buckley against Valeo, and decisions of the Federal Election Commission (FEC). Taxpayer funds make up most of the available moneys for Presidential candidates, once they qualify according to FEC guidelines. But the restriction on the assistance that can be given a candidate by the two national political parties has the result of leaving a good deal of slack to be made up by other organizations: special interest groups and political action committees (PAC's).

Neither special interest groups nor political action committees is bad. But because of their great numbers and influence, the voter is unable to demand the kind of accountability and responsiveness from such groups and committees as they formerly expected from the Republican and Democratic parties. It is even possible that the extreme costliness of congressional elections in the past 10 years has been made worse by the weakening of the two-party system in all phases of the electoral process, especially the funding of elections.

Here the role of incumbency comes into play. Special interest groups and PAC's have a very vital stake in the status quo. Whatever they find in Congress, they to seek in Congress, simply because such an arrangement is more predictable and easier to work with than a wave of new faces or leaderships election after election. By relying on funding of election from PAC's and special interest groups, incumbents in the House and Senate are insulated from the will of the American voter to an unreasonable extent. When combined with the enormous increases in the amount of perquisites available to incumbents which were enacted under the leadership of former Representative Wayne L. Hays, as chairman of the Committee on House Administration during the mid-1970's, the voters have their decisions effectively frustrated by the combination of weakened political parties and a self-serving congressional gravy train. Only by renewing the role of the two political parties can the Congress make sure that responsibility returns to the election process.

The result of the present system is to increase the number of political parties from 2 to 540. Each candidate for Congress becomes effectively a small political party, responsive to nobody except himself or herself. My legislation would reduce the relative importance of special interest groups

and PAC's by simply allowing the two political parties to have no limits on the amounts of in kind and cash assistance they can give to candidates. Because of the reporting requirements of the present law, the voters would have no trouble identifying where a candidate received support. Instead of wading through the goals and purposes of this or that special interest or political action group, the voter would have a much easier time evaluating the philosophical and issue differences between candidates for Congress. My legislation would in no way affect the existing disclosure requirements of political contributions.

My concern is that we correct a real problem, the weakening of the two-party system, rather than trying to restrict the powers of political action committees. It is obvious that PAC's developed in the post-Watergate era when a vacuum was created by the lessened powers of the Democratic and Republican parties to finance congressional elections. The Federal Election Commission's SUNPAC decision merely sought to balance the power of prolabor special interests who had traditionally assisted in the funding of congressional elections by allowing corporate employees to form PAC's. Both prolabor and probusiness political action committees have increased their influence on congressional election financing since SUNPAC, but they did not cause SUNPAC. Had the law allowed the Republican and Democratic parties to maintain their traditional funding roles, moneys raised by special interest groups and political action committees would automatically be controlled to a large extent.

To restrict political action committees without restoring the two-party system to vitality leaves only one option for the funding of congressional elections. The taxpayer would be saddled with such funding if neither political parties nor political action committees could manage the funding under the law. Obviously, taxpayer financing of congressional elections would be a logical extension of the incumbency protection measures instigated by former Congressman Hays. It would also encourage a proliferation of candidates within primaries, who would be propped up long after the voters lost interest by a tidal wave of taxpayer funds. Furthermore, nonaffiliated candidates would be encouraged to run with the backing of taxpayer funds in direct competition to candidates of the traditional two-party system, thereby further weakening the competitive position of them.

My legislation, in restoring the traditional role of the two traditional parties, would restore among voters the opportunity to evaluate and hold responsible candidates for Congress from the Democratic or Republican parties. It would tend to reduce the relative role of special interests and political action committees by allowing the bulk of congressional funding to be handled by the two parties. It would discourage taxpayer funding of elections, and the additional burden on the Federal budget, by allowing private financing through the vehicle of the traditional parties. It would diminish the chances of successful nonparty affiliated candidates as well as prevent incumbent protection which would be the natural result of taxpayer funding of congressional elections. Moreover, my legislation would restore to health a system that has worked well for nearly 200 years rather than building a Rube Goldberg system in which the voter has every right to lack confidence.

Mr. Speaker, I urge the support by our colleagues of the Voter Interest and Participation Act of 1983, H.R. 2976.●

EXPLANATION FOR MISSED VOTE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. GILMAN. Mr. Speaker, I was unable to cast my vote on rollcall No. 299, which sought to close portions of the Department of Defense authorizations conference report (S. 675). Had I been present on August 1, 1983, I would have voted "aye."●

AMERICA'S PROGRESS TOWARD CIVIL RIGHTS REFORM

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. PATTERSON. Mr. Speaker, on Tuesday, the House voted overwhelmingly to honor the birthday of Martin Luther King. Were Dr. King here today to witness our consideration of H.R. 2230, I wonder if he would be encouraged by our progress over the past two decades in civil rights reform.

Today, when we vote on this bill to reauthorize and extend the authority of the Civil Rights Commission, I hope all of my colleagues will consider the amendment to be offered by the gentleman from California (Mr. EDWARDS). This is a compromise amendment to try to depoliticize this very important Commission.

Mr. Speaker, I urge the Members to oppose all amendments to weaken the Edwards compromise and to vote to extend the life of the Civil Rights Commission for the next 5 years. It is very important, and we owe that to our country and to Dr. King's memory.

If we look back, there is much to consider about how this legislation will affect the future direction of civil rights in the United States. When the Commission was formed in 1957, prejudice and segregation were commonplace in our society: in education, in employment, in housing, and in our minds. Not a single portion of our society was spared the markings of racial injustice. In parts of the country, drinking fountains bore the signs of discrimination. Even our institutions perpetuated prejudicial attitudes, until, by the courage of some rare and courageous individuals, we were made to recognize our folly as human beings.

In 1955, when Ms. Rosa Parks, a black seamstress in Montgomery, Ala., refused to move "to the back of the bus," she was jailed. The poignance of her act, and others like hers, touched off one of the most significant revolutions in American history. Prior to the civil rights revolution, racial prejudice and social injustice were the accepted norm. Civil rights were forceably denied, and fear kept many from challenging the power of fiat. Today, while the signs of blatant discrimination might not be as openly displayed, the subtle signs of a not-so-glorious past persist.

Just yesterday, the fairness of voting practices in the primary election of a southern State (Mississippi), were brought into the question. Were it not for the Civil Rights Commission, a fair and independent assessment of voting practices throughout our Nation would not have been made. Without the Civil Rights Commission, the Voting Rights Act would not be on the books today.

The independent, comprehensive studies and recommendations of the Civil Rights Commission have had a tremendous influence on policymaking. To mire debate about the structure of the Commission in controversy, or to make Commission members submissive to any President, whim to fire without cause, would result in the unconscionable demise of the Commission.

The debate here today must not focus on the dismal record of the Reagan administration with respect to civil rights. Rather, it must focus on the long-term integrity of the Commission. The authorization for the Commission is due to expire on September 30, but its work is far from complete. Yet somehow, there are Members of this body and of the Senate who would seek to entangle the appointments process in debate over whether to reauthorize the Commission at all. This is not the time to impose a structure on the composition of the Commission, nor is it the time

to permit the President to fire "at whim" those Commissioners who would not agree with his policies. Neither this administration, nor any future administration, should be permitted to tamper with the work of the Commission. It must remain the objective voice of our diverse citizenry, untainted by political controversy, supportive of civil rights reform, and strengthened by fairness.

August 28 will mark the 20th anniversary of the orderly assembly of over a quarter of a million people in front of the Lincoln Memorial. In the midst of this peaceful pilgrimage for civil rights, Dr. Martin Luther King spoke out. He spoke of a dream which resounds for us today. He spoke of his four children that they would "one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

Dr. King's dream was once considered fantastic. Today, with pride, we can boast that in many ways it has become reality. The Civil Rights Commission has greatly affected this change. It has forced us to look at our society, examine our institutions, and reform our laws. It must remain the independent appraiser of equal protection under law for Dr. King's children and for generations to come. Let us preserve the effectiveness of the Civil Rights Commission through passage of the Edwards amendment.●

HOUSE CONCURRENT RESOLUTION 154—CONCURRENT RESOLUTION TO COMMEND DR. ALICE RIVLIN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. SOLARZ. Mr. Speaker, I rise to pay a much deserved tribute to Dr. Alice Rivlin upon her retirement as Director of the Congressional Budget Office.

As a member of the Budget Committee, it has been my pleasure to work closely with Alice Rivlin for the last 5 years. I have been consistently impressed by the high standards of professionalism and nonpartisanship she brought to CBO and by her readiness to respond frankly to questions even when her answers were unpopular.

Alice is the only Director that CBO has ever had. She built, from scratch, an organization which has become an indispensable part of Congress. In addition to its timely and objective forecasts, its examinations of Federal fiscal priorities, and its options for reducing the deficit, CBO has sent to Congress welcome analyses of pressing issues. We simply could not do without CBO.

I will miss having Alice Rivlin at the helm of CBO. She leaves us, however, knowing that she has well served the Congress and the American people. The esteem in which CBO is held is her monument.

I would like to thank Alice Rivlin for her wise counsel during her tenure at CBO and to wish her well in her endeavors at the Brookings Institution. I am glad that she will remain close by because I am sure that, as we proceed to address the severe economic problems facing the Nation, we will need her wisdom and insight.

I wish her the very best of luck in the next chapter of her distinguished career.●

A TRIBUTE TO KURT WEISHAUPT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ACKERMAN. Mr. Speaker, once upon a time, in a land far away, in a lifetime almost forgotten, the world had gone mad. Persecution, violence, upheaval, torture, destruction, death—it was a nightmare beyond what language can describe. That tempestuous period of history, however, drove Kurt Weishaupt and his lovely bride Trude to the shores of America.

He came here, not with his hands open, but with his arms outstretched. He came here, not bitter, as he had every right to be, and not morbid, as one might have expected. His world was destroyed, but he came here with hopes, and dreams, and aspirations. He came here with a yearning to live in peace, untouched by prejudice, and with a desire to build a strong, loving family.

And that he did, Mr. Speaker. He built on his hopes and his dreams, and he built a family whose love for one another knows no bounds, and whose desire to help their fellow human beings seems endless.

Recently, Kurt Weishaupt turned 70. Yet he shows no sign of slowing down, no slacking of his determination to help others less fortunate than himself. He remembers what the world was like when he was young, and he works to insure that the world will never again be so cruel.

That is why Kurt is chairman of the board of the Gift of Life program. Even in our modern age, with all our technological advances, there are many terribly sick children all over the world who are not getting the high-quality medical attention they so desperately need. Kurt and Trude, and those who work with them, give these children the Gift of Life, placing them in American hospitals where they can be properly treated, and raising funds to cover the costs of the expensive care they require. Kurt has been to Korea, for example, twice in the past 3 years, arranging treatment for over 100 sick Korean children.

The Gift of Life program is only one outlet for the energies of this great American philanthropist. Within his hometown of Flushing, he is vice president of the Boys' Club, which over the years has provided constructive recreational activities for thousands of local underprivileged youngsters. He is on the board of directors of the Flushing YMCA, and he is a new board member of Bowne House, the historic landmark in Queens which was the birthplace of freedom of religion in America. Just recently Kurt concluded a term as president of the Rotary Club of Flushing, and he serves on the board of trustees of Queens' Booth Memorial Medical Center, a busy, urban hospital which has often benefited from his philanthropic interest.

Kurt has long been involved with stamp collecting, as both a vocation and an avocation. He is vice president of the International Stamp Dealers Association and a past president of the American Stamp Dealers Association. What is a hobby for others, however, is just another way to contribute for him. He is a founding member of Philatelic Hobbies for the Wounded. Since 1948, he has been chairman of the March of Dimes stamp and coin division, and since 1952, he has been cochairman of the United Jewish Appeal stamp and coin division.

Mr. Speaker, one can only imagine the awe and joy with which Trude and Kurt must have first stepped upon this great land of ours, how grateful they must have left. The irony, however, is that it is America, although unknowing at the time, that should have been grateful; for Kurt and Trude, who came from far away, with nothing but their self respect, had actually adopted us.

They have reinforced the values upon which this great Nation was built; they have retaught us the real meaning of humanity, of brotherhood, and of decency. The nightmare and the tragedy that drove them from a world so far away on a journey filled with fear and trepidation ended on the day that Kurt and Trude breathed free air. At the time, Mr. Speaker, that day meant little to anyone except the Weishaupts. We know now that, though unheralded at that time, it was indeed a truly great day for the United States of America.

Kurt and Trude Weishaupt are the absolute embodiment of the American way, the American dream. They serve as an inspiration to all of us, each and every day, teaching us what humanitarianism is all about. Surely, hundreds of Americans, myself included,

as well as countless others all over this globe, have found their lives enriched simply by knowing Kurt and Trude Weishaupt.

Mr. Speaker, I know that you and all of our colleagues in the Congress of the United States will join me in wishing happy birthday to this great American, to this great humanitarian, and in wishing him and his lovely wife many, many, many more years of productivity, satisfaction, love, and joy.●

AUGUST 21: A DAY CZECHOSLOVAKIA WILL REMEMBER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. LIPINSKI. Mr. Speaker, August 21 is an important day for Czechoslovakian people all over the world. On this day in 1968, the armed forces of the Soviet Union invaded the defenseless nation of Czechoslovakia and stamped out the Czechoslovakian people's movement toward freedom. Fifteen years later, we commemorate that fateful day, and take note that the freedoms which we today enjoy in the United States must constantly be defended.

The invasion by Soviet and Eastern European troops was swift and decisive. Over 650,000 troops swept across the Czechoslovakian land and seized key state, party, and legislative officials. Reform leaders were taken to Moscow for interrogation. Martial law was declared. There was some passive resistance, such as the clandestine radio stations that broadcast all over the country, but the Czechoslovakian epithets were no match for the Soviet tanks. Czechoslovakia's brief encounter with the basic freedoms that are enjoyed in the West was quickly and violently ended.

What we commemorate on August 21 is not only the subjugation of one people by another, but the basic struggle for rights and freedoms that goes on daily around the world. Hungary in the 1950's, Czechoslovakia in 1968, and Poland in 1980 have all demonstrated that totalitarian governments can be installed in a country, but the desire of the people for freedom and justice cannot be eliminated.

It is no accident that the Soviet Union must rule Eastern Europe with an iron fist. The drive for freedom and dignity that resides within the people of the Eastern bloc is strong and cannot be eliminated. This determination is reflected in numerous events of the past 30 years. The various uprisings against the Communists, the passive resistance displayed by the Czechs in 1968 and Poland's continuing labor struggle are all vivid demonstrations of the will for freedom in Eastern Europe.

Today, 15 years after the Soviet invasion of Czechoslovakia, the Czech people enjoy no more freedom than they did in the 1960's, and the Soviet presence is just as pervasive. As Americans and proud citizens of the greatest democracy on Earth, it is up to us to provide a beacon of freedom for oppressed people to look toward, and an example of liberty and justice for all the world to admire. While democracy is certainly safe in our land, it is not necessarily permanent. As Thomas Jefferson said, "Eternal vigilance is the price we pay for liberty." We in this country have been blessed with a government and a people that make it possible for us to enjoy the freedoms of which our Czechoslovakian brothers can only dream. To help the oppressed people of Eastern Europe, and around the world, we should set an example of freedom and justice that everyone can follow.

It is a tribute to the strength and determination of the Czechoslovakian people that they could move toward freedom in 1968 in spite of the specter of Soviet domination. I congratulate the Denni Hlasatel newspaper and its editor, Joseph Kucera, for memorializing this anniversary and reminding us of one people's struggle for freedom. Commemoration of the August 21, 1968, invasion of Czechoslovakia reaffirms both our support for the Czechoslovakian people, and our dedication to making freedom and dignity a reality for people around the world.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. CORCORAN. Mr. Speaker, I was unable to be present for the rollcall vote on the Levin amendment to H.R. 2780, State and Local Fiscal Assistance Act Amendments of 1983, which occurred on Tuesday, August 2.

Had I been present, I would have voted "no."●

SHRINE TO ST. THOMAS MORE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. ARCHER. Mr. Speaker, last month marked the commemoration of the anniversary of the death of St. Thomas More, the patron saint of lawyers and all government workers, who was led to the executioner's ax and martyrdom in London on July 6, 1535.

Sir Thomas More, during his long career in law and political life, was a Member of Parliament and was elected Speaker of the House of Commons; he also held the high office of Lord Chancellor of England and several lesser diplomatic and judicial posts. He was always a deeply religious and holy man, as evidenced by his beatification in 1886 and canonization in 1935. But in his lifetime, Thomas More was also a preeminent English and European scholar, author, lawyer, theologian, humanist, diplomat, philosopher, politician, and counsel to the King. Throughout his public and political life, moreover, he maintained constantly a devoted and active personal interest in his large family and household. In this, I believe he set an unique and enduring example for us all.

Many in Congress will be pleased to learn that we now have nearby on Capitol Hill a new statue and small shrine to St. Thomas More, located just inside St. Joseph's Church at Second and C Streets NE. The necessary renovation work to enable the statue to be displayed was completed through the generous support of the Thomas More Society of America and with the special efforts of my good friend, Rev. Msgr. John J. Murphy, S.T.L., pastor of St. Joseph's Church on Capitol Hill.

On June 22, 1983, the feast day of St. Thomas More, Monsignor Murphy celebrated a special noontime Mass in honor of Thomas More and dedicated the statue. He was assisted in the liturgy by the Rev. Robert J. Petrella, pastor of the Church of St. Thomas More in southeast Washington, by the Rev. Ladislas Orsy, S.J., of Catholic University, and by Rev. Michael J. Murray, associate pastor of St. Joseph's. The Rev. Msgr. John A. O'Connell, rector of the Cathedral of St. Thomas More in Arlington, Va., was the homilist.

On the prie-dieu or kneeler placed before the More statue in St. Joseph's, for the benefit of those with a special devotion to this saint, is a prayer composed by Hon. Howard T. Markey, chief judge of the U.S. Court of Appeals for the Federal Circuit and the founder of the Thomas More Society. It is adapted from a prayer originally written for lawyers, and reads as follows:

St. Thomas More, be our advocate and counsel before the Divine tribunal that alone is without error.

Bespeak for us the wisdom to apply the precepts of God's eternal law to the problems of our daily lives.

Intercede for us that we may emulate the sense of humor which made your heart echo with the mirth of heaven.

Pray that we may spurn false oaths and live as You did, faithful to our faith, even though by doing so we may be called upon to sacrifice our all as You sacrificed yours.

These things seek for us through the merits of Jesus Christ, Our Lord. Amen.●

DON'T PLAY "BLAME THE SCHOOLS"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1983

● Mr. BROWN of California. Mr. Speaker, our educational system needs reform. We recognize the need for higher standards, stricter discipline, and more clearly defined goals. However, few people accept that in order to achieve meaningful, lasting reform, we must also reform the societal perception of education. Society must recognize the fundamental role of education.

Education is the foundation of society. Our educational system has given us a largely literate society. Our national preeminence in technology is largely due to the training researchers received in this educational system. Our schools provide the citizenship education vital to a representative democracy. Attempts at educational reform should recognize the basic need for education, and the myriad roles and types of training schools perform. Thomas Jefferson understood the importance of education to society: "A civilization which expects to be both ignorant and free expects that which never was and never will be."

Educational reform must also recognize that schools are strongly affected by societal changes. Through major societal changes and events of the past decades—the baby boom, technological revolutions, wars, a "drug culture," rising divorce rates, and the breakdown of the traditional family—schools persevered with amazing resiliency and continuity. Yet we see the effects of these changes in the schoolroom in lack of discipline, short attention spans, and immature children facing adult problems.

Ben Harris, a professor of educational administration at the University of Texas at Austin, wrote about these issues. Mr. Harris asks us not to play games with educational reform. He recognizes schools' strengths, and asks society's support in shaping reasonable solutions. I particularly call to your attention his recommendation that providing in-service education for teachers would produce better results than merit pay. I commend this article to my colleagues.

The article follows:

[From the Christian Science Monitor, Aug. 2, 1983]

DON'T PLAY "BLAME THE SCHOOLS"

(By Ben M. Harris)

American schools have many problems. They reflect the problems of the larger society and long decades of public neglect. But critics of many stripes seem bent upon some "quick fix" and generally fail to either diagnose or prescribe with thoughtful logic. At least three realities seem largely ignored or misrepresented by much of the current media treatment of the public education scene in this nation:

1. The public schools have many very serious problems, but they have demonstrated enormous strengths as well. Schools have accommodated to "baby booms," teacher shortages, and deteriorating facilities with stability and continuity of service to all. They have adapted their programs to accommodate slow learners, handicapped, emotionally disturbed, and a constantly changing set of social values.

In recent years, a new record was set in holding power—75 percent of all secondary-age youth were actually in school for the first time in America's history. Illiteracy has been so completely eradicated among students that new and more demanding standards called "adult competence" or "life skills" have replaced the literacy measures used throughout most of the world to reflect national progress.

2. The teachers of America's schools number approximately 2.5 million—the largest group of college graduates in any one occupational endeavor. They determine, in a large measure, what the unique contribution of the school will be to student progress, but they don't do it alone. Responsibility for the quality of education is heavily shared by parents and the larger community.

Even so, the persistent teacher shortage of the past 30 years has left its scars. The shortages were never seriously addressed by our people or our politicians. School officials were forced, decade after decade, to accept virtually all applicants with minimum qualifications. Few teachers have had anything approximating the amount or quality of professional training offered to virtually every other profession.

These failures to recruit, select, or adequately train have been compounded by the persistent refusal of boards, legislatures, and the Congress to fund in-service training programs in the face of obvious needs.

Our Johnny-come-lately critics seem utterly unaware that the youthful teaching force of the nation (average age in mid-30s) is ready and willing to upgrade its practices through retraining, in-service education, and human resource development programs. Instead these critics offer warmed-over, long discredited "merit pay" plans that would not produce needed results in any case.

3. The schools are "at risk" from persistent scapegoating and public neglect. A bit of reflection is required to recall the Rudolf Flesch mania for phonics in the 1940s, the new math panacea in the 1950s, the TV curriculum projects bypassing the classroom teacher in the '60s, and the back to basics with minimum competency testing of the 1970s. Each is an example of doomed-to-failure efforts at "school reform," foisted upon school officials by vested interest groups and unknowing, self-appointed critics. The 1980s are off to another decade of capricious, ill-conceived, politically motivated meddling in the affairs of our schools.

The parents of the nation should be aroused. Their children have become pawns in an incessant game called "blame the school." The right of each child to a curriculum that suits his or her individual needs is being abridged. The rights and responsibilities of parents to work closely with teachers and local school officials to provide an education that is supportive of family life and consistent with their aspirations for their children are being frustrated. Finally, the wisdom and technical expertise of 150,000 school administrators and supervisors and hundreds of thousands of fine experienced teachers is being literally wasted.

A new era has come upon the land and sown chaos in our schools. We cannot return to the past, but we can reaffirm the rights of students, parents, teachers, and school officials to shape locally and personally the education of each learner. We need cheerleaders, an enthusiastic crowd of supporters, a few responsible officials, some water boys, too! But too many coaches interfering with players' efforts is a sure way to lose the game.●

SENATE—*Monday, September 12, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Sovereign Lord of history, as the curtain rises on the final act of the Senate this year, the world is in confusion: wars and near wars on many fronts threaten world peace—international relations are strained and fragile—millions in America are unemployed—millions are poor, voiceless, and afraid. As the drama unfolds in this Chamber, may it be of substance and not charade. Help each player to take seriously his role in the light of the unprecedented crises. Let business be done here which will address itself to the real issues and not to games with rules and precedents.

Father in Heaven, since we last met, the Senate has lost one of its greatest statesmen. May the memory of the legacy left us by Senator HENRY M. JACKSON, which has been verbalized by so many of his peers, motivate the Senate to its individual and corporate finest hours.

Deliver us from petty animosities, from the sacrifice of principle for political expediency. And, dear God, whatever the drama of these next weeks bring forth, let it not be comedy. In Jesus name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

DR. RICHARD C. HALVERSON

Mr. BAKER. Mr. President, may I first congratulate our distinguished Chaplain for his return to the rostrum and his opening prayer today. As Members know, he has been temporarily absent. I am happy that he is back and with us once more. We extend him our best wishes.

VETO MESSAGE ON SENATE JOINT RESOLUTION 149

Mr. BAKER. Mr. President, I have one brief matter of business to transact and then I shall yield to the distinguished Senator from Washington (Mr. GORTON).

Mr. President, there is a veto message at the desk on Senate Joint Resolution 149. I ask unanimous consent that the veto message on that measure to temporarily suspend the authority of the Secretary of Agriculture under the milk price support program be spread on the Journal and held at the desk, to be called up by the majority leader, after consultation with the minority leader.

Mr. BYRD. Mr. President, the distinguished majority leader and I have discussed this. There is no objection on this side.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have not discussed this with the minority leader, but I ask unanimous consent that the time allocated to the two leaders under the standing order be combined and to extend the time by that amount for the transaction of routine morning business, and that the time permitted to Members to speak under the order for transaction of routine morning business not limit the remarks of the majority leader and the minority leader nor the distinguished Senator from the State of Washington.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is my duty now to yield to the distinguished Senator from Washington.

The PRESIDENT pro tempore. The Senator from Washington is recognized.

(Mr. COCHRAN assumed the chair.)

DEATH OF SENATOR HENRY M. JACKSON

Mr. GORTON. Mr. President, it is with both great sadness and a deep sense of honor that I rise to memorialize my senior colleague in the U.S. Senate, a dominant figure on the national political landscape, the leading statesman of my home State, who served its people as an elected officer for almost 45 years; and a man who was esteemed, admired, and loved by his colleagues in this body for more than 30 years, the Honorable HENRY M. JACKSON.

Today, we celebrate his life and his service. HENRY JACKSON was not a man who would have sought public eulogies or commemoration. He preferred the quiet accomplishment of legislation passed, agreements reached, and the people protected and defended. He would have regarded these as his true memorial, as indeed they are. It is, nevertheless, well to remind ourselves of the nature of this man and of the magnitude of his accomplishments, and to record them for those who did not know Senator JACKSON, that they might understand how he came to a place of such high standing in his colleagues', and his countrymen's eyes.

Born the son of Norwegian immigrants, SCOOP JACKSON's life personified the glory and unlimited opportunity of the American experience. A man who worked to put himself through school, he rose purely on the merits of his own intelligence, diligence, and caring. It is a little old fashioned today to tout the character-building aspects of hard work and self-reliance, but no one who knew HENRY JACKSON ever doubted their truth.

Shortly after finishing law school, HENRY JACKSON was elected prosecuting attorney of Snohomish County, Wash. Two years later, at 28, he was elected to the Congress, and he spent the rest of his life in this institution. His career in the Congress spanned the administrations of nine Presidents. He arrived during the New Deal era of President Franklin Roosevelt, served with distinction for a dozen years in the House of Representatives, and for more than 30 years in the Senate. During that period, HENRY JACKSON participated in virtually every great national debate of his time. Never a man to bend with prevailing political winds, his basic positions changed little over the years. His entire career is testimony to his certitude that clarity and consistency of purpose serves one's country far better than adherence to transient political trends.

For what shall we remember SCOOP JACKSON? Each Member of this body, each friend, will have his private answer to that question. But surely any public accounting of the man will recall first and foremost his deep love of country, its people, and its institutions. HENRY JACKSON was a true patriot.

While HENRY JACKSON occupied himself with the business of the whole world, he never forgot his origins. He drew his strength from the working people of Everett and the lovely farms and towering mountains of Snohomish County. He never forgot the friends of his youth.

His was a love of country born of knowledge of its people and commit-

ment to its values. HENRY JACKSON was a man with the strength to defend what he loved. His recognition that his country was not perfect never led him to doubt that it is the last, best hope of Earth, and his abiding faith in the people and principles of this Nation were a source of steadfastness and resolution to which all good people could repair during times of uncertainty.

Always a firm believer in a strong defense, even when this was not a popular position, HENRY JACKSON never forgot what he witnessed as a young Congressman just preceding and during World War II. After a visit to liberated Buchenwald, he had no illusions about the fundamental and permanent conflict between the United States and the forces of totalitarianism. He worked constantly to remind his fellow Senators and citizens of the overriding necessity to assure that America would always be strong. His straightforward love of country was an example for all of us.

That experience at Buchenwald also burned into HENRY JACKSON'S conscience an impression of the Holocaust which made him an unwavering defender of the right of the Jewish people to a homeland in an Israel strong enough to defend its independence, and the right of Jews and others everywhere to leave freely the nations which persecute them. Israel had no firmer friend.

Senator JACKSON will also be remembered for his unrelenting defense of the civil rights of other persecuted groups. During the worst of the McCarthy era, when panic and fear threatened the reputations of many decent men and women, HENRY JACKSON, then a newly elected Senator, had the courage to stand up against public panic, and to remind Americans of the real threat posed to the civil liberties of many Americans.

Senator JACKSON was a leading defender of all who are persecuted for conscience throughout the world. His activities took the form not only of speeches and reminders of the violations of human rights in the Soviet sphere, past and present, but also of legislation which translated that outrage into concrete action. SCOOP JACKSON reminded the world that the United States is heir to, and of necessity defender of, a tradition in which securing basic human rights for all people is an inseparable cornerstone of foreign policy. On issues of basic human rights, SCOOP knew that the securing of the rights of "life, liberty, and the pursuit of happiness" must remain forever a goal of the United States.

Senator JACKSON also left us a record of real achievement in protecting our environment and our natural resources. In this course, he was led by the environment in which he grew up, and by his sense that we are all the trustees for all future generations of Americans. One of his landmark achievements was the National Environmental Policy Act, passed in 1970. But this was only a part of Senator JACKSON'S legacy. In my home State, we have a beautiful national park—the North Cascades National Park—which will stand for all time as a monument to Senator HENRY JACKSON.

But SCOOP JACKSON also knew that we grow, gain strength, and provide opportunities for our people by a proper development of our resources. Irrigation and water projects along the mighty Columbia River owe a great deal to HENRY JACKSON. He brought balance and reason to debates too often inflamed by rhetoric and passion.

Balance and reason were always characteristic of Senator JACKSON. He was a curious and intellectual man with wide-ranging interests and a healthy respect for the facts. As this is visible in his legislative history, so also was it apparent in his personal style. My friend SCOOP always wanted to know more, to understand more. To solicit another reason he was constantly asking questions, not rhetorically, but from a burning desire to learn.

HENRY JACKSON'S public record is well documented. He has permanent living memorials across the Nation and around the world, in the cherished memories of all those who love liberty, and the democratic process. Senator JACKSON was a man who elevated the meaning of the word "politician."

What is not a matter of public record, but is engraved on the memories of those who knew him, was the man's great humanity. SCOOP JACKSON was never a man who allowed important responsibilities to inflate his own view of himself. He was a man impatient with pomposity, and generous with his warmth. How often, and how easily, could SCOOP JACKSON put a gathering at ease with a humorous comment, directed most frequently at himself.

HENRY JACKSON was in all things a man of the people. Although he spent a lifetime in our Nation's Capital, he did so without ever leaving the countryside of Washington State. He knew, and was known, in every town and county. Congressman AL SWIFT tells of driving with SCOOP JACKSON along the back roads near Silvana, in Snohomish County, relating the names of each of the owners of the farms and pointing with special relish to the home of a Republican farmer, who, said SCOOP, "voted for me for prosecutor."

Perhaps I may be excused for being somewhat less thrilled by that anecdote than Congressman SWIFT was.

The sense of loss in Washington State now is personal and immediate, even for many who never met SCOOP JACKSON but felt that they nevertheless knew him, and he, them.

Senator JACKSON leaves another personal legacy: A legion of men and women who worked on his staff and his campaigns over more than four decades. These men and women are scattered now across the country, around the world, and throughout the State of Washington, some in public pursuits and some in private. All were changed by their association with SCOOP; all are the larger for it.

As TOM FOLEY, now majority whip of the House, put it, "For all of us who served him, it will remain to the end of our days a matter of enormous pride."

Finally, his intimates knew him as a devoted family man. He came to marriage and family relatively late in life, and no doubt this fact heightened his appreciation of both. We, in the Senate, may have thought that SCOOP belonged to us; his family knew better. No one who attended Senator JACKSON'S funeral and listened to Anna Marie and Peter Jackson pay tribute to their father eloquently, thoughtfully, and emotionally could doubt what HENRY JACKSON meant to his children, or his pride in them.

No one who has ever basked in the sunlight of Helen Jackson's joy, strength, and peace could doubt HENRY JACKSON'S deep love for her, or hers for him.

Today, Mr. President, we pray for the country and for the Senate. But an additional special prayer must be said for his wife, Helen, his daughter, Anna Marie, and his son, Peter. The time has long since passed when SCOOP was theirs alone. We thank them for sharing him with us.

And now, Mr. President, I ask your indulgence for a few more personal remarkd. Although I first met Senator JACKSON more than 20 years ago, I came to know him well and personally only beginning with my election to this body.

Senator JACKSON was a friend, admirer, and fierce supporter of Warren Magnuson during all of Senator Magnuson's career. He chaired most of Senator Magnuson's campaigns, including his last. But within the hour of the declaration of my victory, SCOOP JACKSON called me, congratulated me warmly, and offered his guidance and support for me in this new challenge.

From that day until the day of his death, we never exchanged a harsh word. We met constantly to consider and to advance the interests of our constituents without exception, to the best of my memory, we joined in every initiative designed to promote the betterment of our State. The blood of friendship and respect was thicker than the water of partisanship.

I knew HENRY JACKSON as an example to emulate, a friend to delight in, and a wise counselor to whom to turn on ocasions too numerous to count. I

will miss his company deeply and forever.

Mr. President, it has been said that a constitutional statesman is a man of "common opinions and uncommon abilities."

We may be forever grateful to HENRY JACKSON that his compassionate but practical world view is now as prevalent as it is, for it was in large measure his uncommon abilities which helped to guide us to this point in our history as a people. It is for us now to remind ourselves and our children of the virtues of patriotism, courage, and humanity which made HENRY JACKSON so great; to rededicate ourselves to these virtues; and to give thanks that we were allowed by our Creator to be changed and enriched by his company.

Mr. President, in addition to my own remarks, I ask unanimous consent to have included in the RECORD at this point remembrances of HENRY JACKSON which have appeared recently in the press in the State of Washington.

I ask unanimous consent that an article by Richard Larsen, of the Seattle Times, dated September 4, 1983, be printed in the RECORD; an article from the Seattle Times by Ross Anderson and Carlton Smith, dated September 7, 1983, be printed in the RECORD, an article by Richard Larsen dated September 8, 1983, be printed in the RECORD; together with a second article by Mr. Larsen on that same date; and two columns by Bob Woods in the Wenatchee World be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SCOOP—HE WORKED HARD TO TRANSFORM HIS HOPES TO REALITY

(By Richard W. Larsen)

EVERETT—A stubby, studious Norwegian kid, he grew up with the aroma of sawdust in his nostrils, plodding along his route, delivering newspapers to the small frame houses along Everett streets and down on the bustling waterfront where smoke from the sawmills blackened the sky.

He always felt especially uncomfortable at one stop along his newsboy route: That was where he quietly climbed those darkened stairs to leave the day's paper at one of Everett's more infamous whorehouses.

It was a time for the boy to begin forming some ideas about morality and government and law enforcement and politics. And he dreamed a young boy's dream of one day becoming a United States senator, maybe even president of the United States.

And he dreamed a poor kid's dream of maybe, one day, living in a great home like the mansion overlooking the Everett harbor where the town's millionaire banker, William Butler, lived.

Scoop.

His older sister, Gertrude, applied that nickname to little Henry Martin Jackson. "Scoop" was a character in the newspaper comic page of the day. The little funnypaper Scoop had a knack of getting others to do his chores for him and that, said Gert, always kidding him, was "our Henry."

Sen. Henry M. "Scoop" Jackson, 71, was pronounced dead at 9:25 p.m. Thursday at Everett's Providence Hospital.

News of his death stunned Washington state and caused reverberations in Washington, D.C., Israel, the Soviet Union and other nations.

In his lifetime, the American presidency had just barely eluded his grasp.

But as the Senate's most steadfast Cold Warrior through more than three decades, Jackson may have made as much imprint on international policies and events as any president.

Jackson would smile with pride as he described how he was viewed by leaders in the Soviet Union. "You know what they say about me," he remarked, "They say that I'm (and he here used a mock Russian accent) 'a Verrry Dendgerrous Man.' "

He was proud that his constant warnings about the Soviet Union caused him always to be, in the Russian view, one of the most dangerous of Americans. "A lot of people think I have an obsession about the Russians," he'd say. "But I don't have an obsession.

"It's just that Russia is the only country in Europe that's never known freedom. . . . During the first ABM debate . . . I pointed out that the Russian leaders were the product of the Stalin terror and that 17 million people died and they—the leaders—knew what was going on."

It's a haunting thought that Scoop Jackson would lie dead in a hospital emergency ward the same day the entire free world was reeling under the shock of what the Soviet Union had just done—shot down a defenseless airliner. The action was, Jackson said only hours before his death, a barbaric example of what he had said for decades—that the Soviet Union is a government steeped in paranoia, a system of unpredictable rulers and a world menace that requires constant vigilance.

Everett's Providence Hospital. That's where, through a chance encounter, young Henry Jackson's life would turn toward politics.

He was 12 when his mother and father (his dad was a laborer, a concrete mason) took him to Providence Hospital to have his tonsils removed. While there, he formed a friendship with an Irish kid in the adjoining bed, another 12-year-old tonsillectomy patient, John Salter.

They talked about their life ambitions and hopes. Jackson already had formed one dream. When a teacher at Longfellow School had asked students what they wanted to be when they grew up, Jackson had replied "President of the United States." Or, he added later, "a U.S. senator."

As time passed, the friendship between Jackson and Salter grew. In the wily, aggressive Salter, Jackson found a friend who would eventually develop into an effective political-campaign organizer. In the sober, stiffly straight Jackson, Salter found a man who would be an effective Mister Clean candidate.

By 1935, Jackson had finished law school at the University of Washington and, while awaiting the results of his bar exam, he took a job with Salter in a Snohomish County relief office.

"We'd go out into the rural areas to check on the welfare needs of the poor people," Jackson remembered. "You know, you could just see the humiliation in the eyes of those people, especially the older people. They'd worked hard all their lives and here they were in total poverty. . . . They hadn't failed. The institutions of government had failed them."

Jackson was understandably molded as a social liberal, a New Deal Democrat.

He was only 26 when he and Salter hatched the idea of a Jackson campaign for prosecuting attorney of Snohomish County. His sister Gertrude helped to organize it, and young friends from the relief office also pitched in. "The kids" hustled votes door-to-door around Everett and other towns.

It helped that the incumbent prosecutor, Al Swanson, was a heavy drinker and had a tarnished image. Jackson won the Democratic nomination—and the election—in a landslide. He turned into a crusading, strict-law-enforcement prosecutor and was given the nickname "Soda Pop Jackson." He was that oddity, a county politician who didn't drink booze.

In 1940 there was an open seat in Congress and "the kids"—Jackson as candidate and Salter as manager—were in action again. An opponent warned voters, "Don't send two 28-year-old kids to Congress." Salter capitalized on that, using slogans emphasizing Jackson's youth and vigor.

Helped by another Roosevelt landslide, Jackson won the 2nd District seat in Congress and Salter went with him to Washington, D.C., as his administrative assistant.

When they got off the train there, neither knew the difference between the Capitol and the White House, Salter recalled. But they would soon form one of the most effective political teams Congress ever had.

In late 1945, Jackson paid a congressional visit to Norway. There, for the first time, he encountered the Russian presence in Europe, at the dawn of the Cold War. He observed some Red Army soldiers in Oslo, repatriating Russians who had been prisoners during World War II.

"I remember how reluctant most of those Russians were to go back to Russia," he said. "They knew they'd have even less freedom there."

Through all his years in Congress, first the House, then the Senate, Jackson would be almost unchanging in his views—a social liberal on domestic issues, a stern adversary of the Soviet Union in foreign policy, a great friend of Israel, a man often viewed by many Americans, as well as Russians, as a dangerous saber-rattler.

For Jackson, that boyhood dream of becoming president of the United States would be always elusive and would bring more than one heartache.

It began in Los Angeles one summer day in 1960. John F. Kennedy had won the Democratic nomination and now the excited conjecture turned to who would be his choice for vice president.

Henry Jackson of Washington was summoned to the Kennedy suite of the Biltmore Hotel and, as he pushed through a crowd of newsmen in the hallway, there were the shouts:

"Senator! Do you want to be vice president?"

"Yes I do." Jackson replied directly, as always.

Jackson was already a well-known senator, a clean-cut, effective man, liked by his colleagues and popular with the press corps. He and Robert Kennedy had become friends during the McCarthy Committee hearings, and Robert had urged his brother to select Jackson as his running mate.

The Kennedys told him he was one of those under highest consideration, probably the top choice. Then Jackson returned to

his room at the Biltmore to await a Kennedy phone call making it official. His wait would be in vain.

In a last-minute change of mind, Kennedy decided it would be best, in the interest of protocol, to at least offer the vice-presidential nomination to the Senate majority leader, Lyndon Johnson of Texas.

To everyone's surprise, Johnson accepted.

Jackson was asked to make the announcement to the press corps that day. It was a poignant event remembered by everyone who was there.

Jackson stood before the reporters to say that "Senator Kennedy called me to advise that, after careful consideration, he had decided to place in nomination the name of Senator Lyndon Johnson for the good of the ticket. . . ."

Some Jackson workers stood with tears streaming down their faces. Reporters watched as Jackson bravely went on, hiding his own disappointment:

"No one should enter politics unless he is a good sport. I will do whatever Sens. Kennedy and Johnson want me to do. I will do everything a good sport should do."

Jackson that year was given the token post of National Democratic chairman. Johnson would become vice president.

The day after John Kennedy's assassination, a Senate colleague said to Jackson, "You know Scoop, what would be happening to you today if . . ." He broke off the sentence. Jackson had that same thought, of course as Lyndon Johnson was sworn in as president.

In 1972, two years after winning Senate re-election by a landslide, Jackson staged his own national campaign for the presidency. It would turn out to be another heartbreaking experience. America's travail over the Vietnam War had touched Jackson. As an advocate of American military strength, Jackson became a favorite target of antiwar demonstrators.

Once, to the horror of Secret Service agents protecting him, a demonstrator splattered an egg on Jackson's head.

As he campaigned from state to state, Jackson stirred little enthusiasm. His earnest but plodding speeches became the butt of some jokes: "Scoop Jackson gives a fireside speech and the fire falls asleep."

That campaign ran out of money and ended in tatters. Even so, when George McGovern easily won the Democratic nomination in 1972, Jackson was the runner-up in the convention voting. He became leader of the Democratic party's "loyal opposition" to the McGovern liberals.

Jackson admirers held "a victory party" in Miami Beach that year to salute his good showing. "I'm proud to have Scoop Jackson as a friend and I know that he'll be a force in the party in 1976," said one of the guests at that Jackson party.

The speaker was a man who had placed Jackson's name in nomination at that convention, Georgia Gov. Jimmy Carter.

In 1976 Jackson came back with a better-financed, better-organized campaign and was a front-runner for the Democratic nomination for president. He scored major victories, winning the Massachusetts and New York primaries. A victory in Pennsylvania that year would be crucial and Jackson campaigned hard there, even going down into a coal mine to shake hands.

But again, everything seemed to go wrong. As returns came into his Philadelphia hotel room election night, Jackson's body seemed to sag. "It looks pretty bad," he sighed between phone calls. He seemed, again, to be fighting back the tears.

Others in the room, though, shed tears of disappointment for Scoop. Jimmy Carter, Jackson's ally of the previous campaign, had won Pennsylvania and would go on to win the presidency.

Jackson and Helen Hardin met in a Senate elevator in January 1961. He was a notoriously shy, 49-year-old bachelor, and she was 29, the receptionist in the Senate office of a Jackson friend, Clinton Anderson of New Mexico. They were married late that year and honeymooned in Hawaii. Friends in Washington howled when they heard that Jackson had interrupted their honeymoon to attend a Navy briefing at Pearl Harbor on the communist submarine menace in the Pacific.

Helen Jackson became a model senator's wife and mother. Jackson became a devoted husband and father. But he also was a 24-hour-a-day politician and senator, a voracious reader.

Jackson had an almost magic touch with Washington voters. In 1982, two years after the voters turned out Democrat Warren Magnuson, the state's veteran senior senator, Jackson won re-election by nearly 69 percent. There were reasons: Jackson seemed as comfortable meeting with executives in the corporate board room as he was shaking hands around a labor hall.

Jackson's political style was a model for many young congressmen: Tom Foley, now majority whip in the House, graduated from the Jackson staff and patterned his successful career after Jackson's.

Jackson seemed always to be remarkably fit, following a regimen of daily swimming and avoiding those rich foods he secretly loved. "My mother used to spoil me," he once recalled. "She'd always put extra whipped cream on my dessert. I love whipped cream. I just have to avoid it." He also largely avoided alcohol.

Thursday, though, he complained that he wasn't feeling well. His face appeared tired, gray. His voice seemed tired, too, as he delivered his sharp criticisms of the Soviet action against the jetliner.

And that Everett mansion on Grand Avenue overlooking the harbor, the one owned by banker Butler, the elegant home Jackson envied as a kid?

Of course the Jacksons purchased it. It became their Washington state home where they enjoyed entertaining friends. Jackson once flashed his sparkling Scandinavian grin and, kidding his Viking ancestry of which he was so proud, revealed his pride in the home:

"Wouldn't old Mr. Butler turn over in his grave if he knew that a Democrat—the blockhead son of an immigrant Norwegian laborer—owned his big house?"

It was while he was in his bed, in that home—perhaps terribly stressed by the Soviet assault on the sensibilities of the civilized world—that Scoop Jackson's heart stopped beating.

[From the Seattle Times, Sept. 7, 1983]

EVERETT GATHERS TO REMEMBER

(By Ross Anderson and Carlton Smith)

EVERETT.—They came in three-piece suits or patterned polyester . . . in blazers or blue jeans . . . in Legionnaire's caps or winged eyeglasses. They came in new cars, old cars . . . on buses and on foot . . . some leaning on canes, some aboard skateboards.

Young, old or in-between, all came to remember.

Against a background of low gray clouds that scudded fitfully in from the sea, a town came to its city center last night to pay homage to the senator who, for all his international stature, never abandoned his milltown roots.

A capacity crowd of 1,500 jammed the Everett Civic Auditorium, as Sen. Henry Jackson was mourned and praised, but mostly missed in the town of his birth, his life and, finally, his death last week at the age of 71.

Another 300 or so watched solemnly via closed-circuit television in the nearby Everett High School cafeteria. Thousands more in their homes watched a live broadcast by a local station.

Jackson had walked among the most powerful people in the world, but to the people of Everett, he was just "Scoop," everyone's family friend.

"Think of it," said Rep. Al Swift, Everett's Democratic congressman. "Senator Jackson advised presidents, conferred with the great minds and worked with the most powerful leaders of the world.

"But we saw him frequently here, at home dedicating the new YMCA or meeting with local officials or chatting with old friends."

Swift's modulated voice, absent its usual dramatic animation, was one of several diverse accents that delivered eulogies. But like the others, he focused on Jackson's link with his home town.

"There are men and women who move in important circles, doers of important things who will tell you they do it for 'the people,' 'the people' of faceless abstraction," the congressman said. "People never became abstract to Scoop because he held on to his touchstone of reality, which was this state and this community.

"He thought in terms of people who he could see in his mind, real people, with faces and names and children and successes and sorrows."

The same message came from four of Jackson's old friends—Rabbi Raphael Levine, Stan Golub, Dr. Haakon Ragde and Robert M. Humphrey.

In a whimsical, homespun address, Jackson's old friend Humphrey recollected a boyhood pack trip into the Cascades.

"It was really quite a trip for six young boys. It was here that Scoop first demonstrated his ability to work with people. He always managed to get Ivan or me to do his chores. . . .

"I think it was also here that he got his love for the mountains and streams and wildlife that he fought to protect during his long life. He was an environmentalist long before it became fashionable."

Jackson's ties to Everett were matched by his charity—particularly his scholarship fund for local students, Humphrey said.

"I never knew him to take an easy dollar, or to sell out his heartfelt convictions for a campaign contribution."

The superlatives applied to Jackson ranged from "a national treasure," as Golub called him, to "the instrument of God on earth"—Rabbi Raphael Levine's description.

Ragde, who with Jackson aide Denny Miller found Jackson stricken last week from the heart ailment which killed him, spoke of his first meeting with Jackson in an ill-equipped civilian hospital in South Vietnam in 1965.

Jackson, Ragde said, was by himself, without entourage. After talking with Ragde, Jackson promised to have a large amount of medical supplies delivered to the struggling hospital. Ragde had heard those promises before, from other officials. But this time the supplies arrived, and so did offers of assistance from American military medical personnel.

Ragde spoke of the young Jackson, who as a third-term congressman in 1945 visited the Nazi concentration camp at Buchenwald, an experience he would never forget.

"He vowed to do everything in his power to help the Jews avoid another tragedy such as Buchenwald," Ragde said.

The memorial service was rescheduled from a local church at the request of Jackson's widow, who feared that Everett citizens would be unable to squeeze in beside the political elite and media who converged on the town.

And indeed, inside the auditorium and nearby cafeteria, millworkers and Shriners mingled with the state's politically powerful, including some who had clashed with Jackson and others now being mentioned as his possible successor.

But it was the people of Everett who felt they saw Jackson most clearly.

Person after person who came to the memorial service spoke of Jackson as a close family friend, remembering long-standing connections between the senator and brothers, sisters, parents and even children.

"He was a very big part of our life," said Pat Ernesto of Everett. "He sponsored our youngest daughter at the University of Washington. He was the most natural, caring person. You'd recognize it immediately.

"We weren't aware of what we really had. What we had was a real jewel. He was the sort of politician every politician should be, the kind we all want but never seem to get."

"I was born and raised in Everett," said Iris Tompkins, now of Seattle. "My mother went to school with his sister. My parents always had kind of a personal interest in Scoop. He sent Christmas cards to my mom for years.

"I feel like I lost someone in my own family."

While the service went on inside the auditorium, passersby on the streets of Everett stopped momentarily to listen as the voices of the eulogizers boomed out from a set of loudspeakers on the exterior wall of the auditorium.

In the gathering gloom of the oncoming night, the sounds reverberated off the white brick facing of Everett High School across the street, from which Jackson had graduated in 1930.

As the clouds rushed eastward, a lone woman sat motionlessly on a bench listening to the echoing speakers, her white hair blowing in the wind.

"I suppose I'm like hundreds of others," she said. "He'd been in office a long time. I knew him well. He went to high school with my sister. The last time I saw him was last fall at our 50th high school reunion. He was busy but he stopped in to give a short speech.

"You'd never hear a thing about him that wasn't good.

"He was 71, and our president is 72. He's just two months younger than I am."

The woman was silent for a time as she listened to Swift talk about Jackson.

"He drew his inspiration from the people of his state," boomed Swift's voice from the speakers, "and he let us know that we were a vital part of it."

A youth in a nylon jacket and jeans stopped on the sidewalk and jammed his hands in his pockets and cocked his head to listen.

The woman spoke again, recalling Jackson's last public appearance, in which he had angrily denounced the Soviet Union for that nation's missile attack on an unarmed Korean Air Lines jetliner. "People who saw it on television," she said, "said he was real excited about it.

"Maybe," she said after another pause, "if the blamed Russians hadn't shot down that plane, he'd still be alive."

[From the Seattle Times, Sept. 7, 1983]

SCOOP HELPED MOLD SENATE TAPESTRY, TRADITION

(By Dick Larsen)

With quiet Scandinavian perseverance, he had added so many of his own strong stitches to the continuous tapestry of history and tradition that is the United States Senate.

So the powers of today's Senate came today to say farewell to him.

Sen. Baker . . . Sen. Byrd . . . Sen. Kennedy . . . Sen. Goldwater. . . . It was like a roll call of the Senate.

There's a policy that, because of security worries in a turbulent world, because of fears about disruption of the U.S. government if calamity were to strike, no more than 30 senators shall ever attend the same gathering outside the capital.

But, for Scoop, that was waived.

"Anyone who wants to go to Senator Jackson's funeral should do so," ruled a Senate leader, Robert Byrd of West Virginia. So 40 senators today flew into Paine Field, then were taken to the First Presbyterian Church for the funeral services for Scoop Jackson.

Perhaps no one who ever served there was more closely, lovingly wedded to the Senate. Jackson was a special creature of the U.S. Senate. And he helped create some of that which is the Senate today.

Among today's mourners were colleagues who had come to know him at diverse times through Jackson's long career in the Capitol.

Sen. Jennings Randolph of West Virginia remembers a "Young Henry" when he first arrived in Congress. (The courtly Randolph, 81, is the only man still in Congress who served during "the First Hundred Days" of Franklin Delano Roosevelt and the New Deal.)

"Young Henry," says Randolph, came to be "always very constructive. . . . He had a way of providing constructive leadership that was essential to the passage of legislation."

Through the decades Jackson was both student and teacher in the Senate.

Sen. Ted Stevens, Alaska Republican, ruefully remembers a lesson in behavior he received from Jackson soon after his arrival in the Senate.

"I'd just been there in the Senate two days," recalls Stevens. And he was participating in the Senate Interior Committee's hearings on confirmation of Republican Wally Hickel as Secretary of the Interior. Jackson was presiding as committee chairman. Brimming with partisan enthusiasm, Stevens thought he should steadily defend Hickel from unfriendly questioners.

"I was interrupting some other senator," remembers Stevens.

"And Scoop stopped me and just said to me, 'I've been very patient with you. . . .'"

That's all. Just a quiet sentence fragment.

"I understood," said Stevens: Jackson would have no breaches of committee protocol or dignity. The process would be rational, bipartisan, judicious.

When Jackson first arrived in the Senate in the early 1950s, after his workmanlike years in the House, the man from the distant Puget Sound country encountered an institution steeped in a tradition that bore the strong flavor of the Old South.

In military affairs, in committee matters, in other operations of the Senate, Richard Russell of Georgia reigned over all. Russell was familiar with Jackson's solid career in the House, especially his strong views on military defense. Russell accepted Jackson, became his friend and mentor.

It helped, too, the Jackson's homestate senior colleague, Warren Magnuson, had won acceptance of most of the old guard. At social functions, in the cloak room, at other places, Jackson moved easily with Byrd of Virginia, Ellender of Louisiana, Eastland of Mississippi, McClelland of Arkansas, Sparkman of Alabama.

Some of them were men who roused the wrath of northern liberals and invited the stings of satirists and cartoonists spoofing the elephantine old guard of the Senate. But they were politicians who nurtured the Senate's heritage and protocol and Jackson learned from them.

"Of course we often disagreed on many, many issues," Jackson would recall much later. There were those great debates over state's rights and civil rights and issues of organized labor. But when those debates quieted, the senators moved on to agreement on other issues—defense, farm programs, rural electrification, other public works.

"He was strong on national defense, which gave him the bond with the Southern people," remembers Sen. Strom Thurmond of South Carolina, a man with long service with Jackson on the Senate Armed Services Committee. Thurmond would pass through an era in which he would be a favorite hate target of social liberals, a man who would be attacked even by a few Senate colleagues.

"But Senator Jackson was always a gentleman," says Thurmond. "He was never offensive."

Those senators with the quick, sharp tongue, delivering the fiery attack on the floor of the Senate that made good copy in the newspapers back home, could pay a price.

When a senator became offensive, says Thurmond with a soft but ominous tone in his honey drawl, that senator might be taught a lesson later on. "When a close question would come up," Thurmond murmurs, "I think I've seen some senators vote the other way, just to pay off the senator who's been offensive."

There were other lessons to be learned in the Old School of the Senate, Sterling Munro, longtime Jackson administrative assistant, recalls: "I think the Southerners rejected anybody whose word wasn't good. With John Sparkman, with Lister Hill, with the others, "When they made the decision (on an issue) and said, 'I'm with you,' that's all there was."

Jackson learned that and later taught that same elemental lesson of the Senate: "When I say I'm with you, I'm with you."

Early in his House career the bachelor Jackson rented an apartment in an aging yellow apartment building near the Supreme Court. In the morning he would often walk to the House office building with another tenant of the same building, another bachelor congressman, John Kennedy of Massachusetts.

In time, with his disciplined, constant work his expanding friendships, he refusal ever to berate a colleague, Jackson became a senator with solid liaisons with Republicans and Democrats, Northerners and Southerners, liberals and conservatives.

Thus was shaped a hard-working, earnest, constant, almost bland political personality that won elections in his home state with votes from business and labor, farmers and city people, Republicans and Democrats.

"C'mon, we'll go over to the Senate dining room for lunch," Jackson would say. And there, in a room reserved for senators, senior staff and special guests, many a Washington state constituent would get a view of the Jackson style of communication.

Senators—Kennedy, Mansfield, Tower, others—would stop at Jackson's table for small talk and to be introduced to the visitor from Jackson's home state.

"We're going to have to get something going on that bill," Jackson would say. He was shaping action. A week hence, a bill would emerge from committee.

He held spontaneous meetings with fellow senators he met at the swimming pool where he worked out daily, in the cloak room, in the Senate gym or in an office-building corridor. More than one senator remembers how the Jackson arm would be draped over one's shoulder while the talk turned to the reasonable, rational solution to a legislative problem.

An arm over the shoulder, rather than a twist of the arm.

On the Redwoods National Park legislation, on the bill to authorize the Central Arizona Project, on other controversial measures that seemed to be deadlocked in committee, Jackson demonstrated endless patience-prodding, nudging, always trying to thaw the political glacier.

In a typical Jackson solution, says Munro, "Everybody got something and nobody got what they wanted."

The elderly Randoph of West Virginia was never a great power in the Senate. But, he recalls, "I stood with Scoop on many of his (homestate) issues. We pushed through the Youth Conservation Corps bill. . . ."

The 81-year-old Randolph, who now has the most Senate roll-call votes to his credit (Jackson held the record before his death), remembers his last conversation with the late senator:

"We were in the gym and talked. He said, 'Jennings, I'm so tired.'

"And I said, 'Yes, we're all tired. But I don't know why you're going to China.' And he said, 'Well, you never know. I want to find out.'

"He was constant in his attention to duty."

[From the Seattle Times, Sept. 8, 1983]

FUNERAL WAS A CELEBRATION OF SCOOP'S LIFE

(By Richard W. Larsen)

EVERETT.—"Scoop," said one of the mourner-celebrators, "would have wanted to make the arrangements, but as it turned out, he would have loved it."

It, of course, was yesterday's funeral—change that to funeral-celebration—for Sen. Henry M. Jackson, held at the First Presbyterian Church on Everett's Rockefeller Street, a street along which Jackson, as a kid, delivered newspapers.

It was a remarkable event; an impressive, mostly soleman political funeral that also contained a couple of piercing human revelations about the mortal who died last week at the age of 71.

Into the church had come the most diverse, prestigious gathering of public figures Washington state has ever seen-Vice President George Bush, Chief Justice Warren Burger, senators, congressmen, former Secretary of State Henry Kissinger, Washington's governor and ex-governors, university presidents, admirals, generals, church leaders, Protestant, Catholic, Jewish, others.

Consular officials and more.

In one of the several eulogies, the last of the Kennedy brothers, Sen. Edward M. (Ted), recalled the solace Jackson had given the Kenndy family when his brothers, Scoop's friends John and Robert, were slain.

And Kennedy, who differed so often with Jackson on some issues, had a tender recollection of the image of Jackson, the man often portrayed as a military hawk, who now lay in a flag-covered casket below the place from which Kennedy Spoke.

Jackson was a caretaker of America's security, but never, said Kennedy, did Jackson advocate financing a sound national defense establishment "by taking food from hungry children or hope from jobless workers."

But amid all those shining political luminaries and the eloquent tributes to the late senator, "the show" was stolen by Jackson's son and daughter, who provided some laughs.

And later came a sudden surge of tears—tears unintentionally caused by one of the many congressional powers who came to Everett yesterday.

Through their lives, the Jackson children have been kept mostly out of the public spotlight. But they stepped to the front of the sanctuary yesterday to share some personal memories of their dad.

Anna Marie Jackson (named for Jackson's mother, Anna, and an older sister, Marie, now deceased), is 20, a student at Stanford University, a young woman with a radiant, confident manner. She stood above her father's casket and began, "Most people knew my father as a public personality. . ."

But, she went on, as a daughter she knew him as a man "who always made time for his family, who always knew how important a father-daughter relationship is."

When her senator-dad was away on a trip, he usually telephoned. She remembered one of his nighttime calls from New York, after he'd had a busy day. To help her with a schoolwork assignment, he insisted on staying on the phone with her, she said, until she'd learned "the history of the New Deal, backwards and forwards.

"That particular call took 2½ hours."

From the "mourners" in the sanctuary came laughter: Anna Marie's remembrance, of course, was the quintessential Jackson, the incurable politican-lecturer.

And she remembered how he flew to be with her at her debutante ball: He knew, she said, it was "a special moment in my life." When they waltzed, she said, "he kept stepping on my toes." Another laugh. More pure Jackson: No one ever accused Scoop of being light on his feet.

Peter, 17, startled the crowd with his handsome bearing and his high voice. "Above all," said Peter, "I knew him as a compassionate father . . ."

Peter (named for the senator's Norwegian immigrant father) recalled how, as a 5-year-old, he'd memorized all the names of all the U.S. presidents, in order. His father, he said, "was so enormously proud." And, Peter went on, his father would stop voters on the street and force them to listen to his little son recite all the names from Washington to Nixon.

Again there was laughter in the sanctuary. The crowd could visualize Scoop Jackson standing there, keeping that poor voter captive on an Everett street corner, listening to the kid recite.

Then Peter remembered how he had studied and concluded that "Ralph Nader was right-on on nuclear energy. . . ." That got his father's attention. They'd debate, said Peter, and dad would always win.

The crowd grinned, visualizing Jackson, advocate of a rational, positive program of nuclear energy, debating his own kid.

In the front of the sanctuary was the white-haired presence of Gov. John Spellman. Suddenly, with the death of Scoop Jackson last week, Spellman had the task of naming a successor, and he knew the clock was ticking urgently on that decision.

In nearby pews sat some men who were likely appointees—former Gov. Dan Evans, sitting solemnly with his wife, and Joel Pritchard, Washington's senior Republican congressman, sitting beside his new wife. Nearby were other possible nominees to fill the Jackson vacancy.

It was a funeral, full of respect for Jackson, but it was also, inescapably, a political gathering that held a question: Who would be the successor?

Standing above the casket, Peter Jackson recalled some advice his dad gave him: "Equip yourself with the facts. Be honest. And be a good listener."

The handsome 17-year-old finished. He stepped down toward the pew where his mother and sister sat. And, watching him, some in the crowd sensed that there was a possible successor to Scoop Jackson, even though the possibility of a Peter Jackson candidacy would be years in the future.

The eulogies went on. Former Sen. Warren Magnuson stood in an aisle and, in a strong voice, paid his tribute to the man with whom he served through the decades. "God bless you, Scoop," said Maggie.

Dozens of people who'd worked for Jackson at one time or other had come to the funeral, and some of them got seats in the three back rows of the sanctuary. So many seats were reserved for senators and other high officials, the other former Jackson workers went to another room to watch it all on TV.

Beginning his eulogy, Tom Foley's body seemed to sag. He is the majority whip of the House of Representatives, a graying veteran of Congress, a man of power who could become Speaker of the House. But at this moment he was speaking as a man whose career had begun as a young, skinnny Jackson staff lawyer in the early 1960's.

"The Jackson staff, present and past, has grown rather large," said Foley, struggling for composure. He told how Jackson had a profound influence on all the secretaries, lawyers, interns, others who worked for him through the years—a tribute, considering that employees can be tough critics.

"For all of us who served him," continued Foley, his voice cracking, "it will remain to the end of our days . . ."

Choking, he stopped. He finished the sentence: ". . . a matter of enormous pride."

Tears flowed, especially across those faces in the three last pews and those faces in the other room, watching on TV. "There will never be another Jackson staff," gasped Foley. Tears flowed everywhere.

But much later, when it was all over, there were some happy memories and laughs. Jackson staffers remembered the traits of the senator, especially his compulsion to play mother hen to them and, with parental cluckings, keep them scurrying.

When leaving his office on a trip, Jackson seemed to enjoy sending secretaries, aides and others fluttering in all directions, gathering documents for his "trip file," checking on flight plans, schedule times, reminding

them of phone calls and endless other often-needless details.

"Scoop loved to have everyone scurrying around and he had to organize absolutely everything," remembers Sterling Munro, longtime administrative assistant. Once, while driving Jackson to the Munro home for dinner, Munro grinned to himself as Jackson compulsively gave him driving directions to his own home.

Everett had never seen such scurrying as yesterday's: Planeloads of senators and other high officials flying into Paine Field legions of police and Secret Service . . . bus caravans . . . TV cameras, reporters . . . aid cars . . . fluttering helicopters . . . Secret Service men with earphones . . . crackling radio communications . . . motorcycles, limousines, flashing lights . . . spectators cooing and clicking photos of Ted Kennedy and other dignitaries . . . the Chief Justice . . . flags . . . hundreds of old friends come together . . . a chorus of young voices singing of America's heritage.

So much of American government had assembled here that the airspace over Everett was sealed off.

As that former worker said, Jackson couldn't have organized a more marvelous scurrying.

KARL STOFFEL REMEMBERS PRIVATE JACKSON

(By Bob Woods)

(The following tribute to the late Senator Henry Jackson comes from Karl Stoffel, a former newspaperman, now retired and living in Leavenworth).

When a friend dies, there seems always to be that question: "I wonder if he really knew how much he was appreciated?"

It is like that with the passing of Senator Scoop, forty-year friend.

I'd like to share with you one little story about Scoop which I think tells something more than the regular political and friendly commentary.

I met Scoop when he was a 2nd District congressman in 1942, when we were just becoming immersed in World War II. I was an assistant to the late Walt Horan, newly elected 5th District congressman. Scoop was a bachelor, good looking, and very knowledgeable about the Capitol. He and his own chief assistant, Johnny Saltar, although on the opposite sides of the political fence, were tremendously helpful and many times while playing penny-ante poker they smoothed the way for a greenhorn.

But the point of the story is that as the war progressed and the manpower shortage became acute Capitol Hill became more and more deserted of eligible military and governmental workers. Even over-age congressmen were besieging the Army and Navy for commissions or for opportunities to serve.

Congressman Scoop Jackson was different. He very quietly straightened out his affairs, turned over the representative correspondence and chores to John Salter, and joined the Army, not as a commissioned officer but as a buck private.

Who knows what sort of military career Scoop might have had? He didn't get the chance. After a short while in jungle warfare training in and around Florida, and with dozens of his Capitol Hill co-horts gone and leaving, President Roosevelt called an end to it. He recalled Scoop and others to civilian duty. In other words, Scoop Jackson's G.I. duties were summarily ended by presidential edict.

I was flying home to check with my own draft board (and believe me to get on a transcontinental airline at that time was something else), when I was displaced in Cincinnati by some brass-wearing VIP and told to wait for another flight.

Sitting around in the rather barren airport waiting room on wooden benches were half a dozen other lesser important travelers. Among them, dressed in Army fatigues with a duffel bag by his side was Congressman (Private) Scoop Jackson. He'd taken a "bump" along with others and was waiting his turn to get on another flight. He was going home before going back to his Capitol Hill desk and civilian duties. We eventually flew together back to Washington State.

Many times afterward, I reminded Scoop of his passing up VIP status and his only reply was the famous half smile. He was a very fine, very human sort of a man and I'm happy to have had the opportunity to know him as a friend and senator.

SENATOR JACKSON RETIRED BY DEATH

(By Bob Woods)

Those were the two big jolts in the news this week—the horrifying gunning down of an unarmed passenger jet by Russia, and the unexpected death of Senator Henry M. Jackson of Washington.

They were completely unrelated, of course. Yet there was a certain symbolism. Senator Jackson has long been one of the nation's most prominent cold war warriors, preaching the perfidy of the Soviets, warning of the barbarism of their policies, maintaining that they could only be trusted to be untrustworthy.

On the day before his death, the Russians seemed to have fulfilled all his expectations.

But Senator Jackson's epitaph will extend far beyond his perceptions of Russia.

Jackson was a seat mate of Senator Warren Magnuson for most of his 40 years in Congress. During the time, Magnuson was known as the "politician" of the two and Jackson as the "statesman." This was exemplified by Jackson's run for the presidency, not once, but twice. He was almost selected as John Kennedy's vice presidential running mate, but political expediency gave the choice and eventually the presidency itself to Lyndon Johnson. There is little doubt Senator Jackson would have made a steady competent president.

But despite his national involvement, Senator Jackson was a careful custodian of Washington state interests. He maintained one of the finest staffs on Capitol Hill, and the members were immediately responsive to concerns of Washingtonians. He sobriquet as "the Senator for Boeing" was not a derogatory one; it was in admiration of his efforts on behalf of his state constituency. Many local projects, such as the Wenatchee Community Center, the Museum, and the regional library headquarters are examples. Senator Jackson and his staff were supportive of efforts to make the Columbia navigable to Wenatchee, and the Senator had appeared at many of the resource conferences conducted by this newspaper in Wenatchee.

Senator Jackson was a remarkably "human" person. His great memory for names made him seem like a native in his frequent appearances at civic functions in the region. But his inherent friendliness is probably best illustrated by one of his reelection campaigns. Because of his political stature and his support from business, most of the Repubicans who opposed him were non-entities. Both Senator Jackson and one of those sacrificial lambs were campaigning in Wenatchee the same day and the Senator's opponent was having difficulty making himself known. So Senator Jackson took him by the elbow and ushered him into his own rally, introducing him personally all around the room.

Senator Jackson's support for a strong military gained him the reputation as a hawk in diplomatic maneuvering, but he seemed to have toned down his rhetoric in recent years. Perhaps it was symbolic that his reaction to the attack on the South Korean airliner was restrained. He warned against a direct response from the U.S. by either military show of force or a trade embargo. The Senator seemed to be saying, "It was a barbaric act. But let's wait until we have a full explanation before going off the deep end."

For so many years this state's political fortunes have been intertwined with the careers of Democratic Senators Magnuson and Jackson. Senator Magnuson, in his 70s, was retired by the voters at the last election. Now Senator Jackson, at 71, is suddenly gone. Perhaps it's an indication that elected officials should observe a proper retirement age the same as those outside public office.

The political wheel of fortune has turned full cycle. After nearly four decades this state's senate seats will be held by Republicans—at least until the next election. The name of Dan Evans will likely be most prominently mentioned as a replacement appointment for Senator Jackson. A new chapter in the political history of the state is now beginning.

Mr. GORTON. Mr. President, I have a resolution on this subject which I send to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 209

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Henry M. Jackson, late a Senator from the State of Washington.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 209) was agreed to.

Mr. GORTON. I thank the majority leader for yielding.

RESOLUTION PROVIDING EXPENSES FOR FUNERAL OF SENATOR HENRY M. JACKSON

Mr. BAKER. Mr. President, on behalf of Senator BYRD and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

SENATE RESOLUTION 210

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred

by the committee which arranged for and attended the funeral of the Honorable Henry M. Jackson, late a Senator from the State of Washington, on vouchers to be approved by the Chairman of the Committee on Rules and Administration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Without objection, the resolution is agreed to.

ORDER FOR TIME ON WEDNESDAY, SEPTEMBER 14, FOR TRIBUTE TO SENATOR JACKSON

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Washington. My remarks in a moment will respond in part and inadequately to the observations of the distinguished Senator from Washington. Before I do that, Mr. President, I note that there are many Members of the Senate who wish to express their regrets, their grief, at the passing of Senator JACKSON who are not here and are necessarily absent on this first day of the Senate after the statutory August recess. I have consulted with the minority leader on this subject and I make the following unanimous-consent request.

I ask unanimous consent that the time from the expiration of the time for the transaction of routine morning business on Wednesday next for a period of 2 hours be devoted to speeches and remarks on the passing of our former colleague, Senator JACKSON.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN UNTIL SEPTEMBER 30 FOR TRIBUTES TO SENATOR JACKSON

Mr BAKER. Mr. President, I ask unanimous consent that the RECORD remain open until the close of business on September 30, the end of this month, so that Members may insert statements and further observations and tributes to our former colleague, Senator JACKSON.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BINDING OF EULOGIES FOR SENATOR JACKSON IN EULOGY BOOK

Mr. BAKER. Mr. President, as has been the practice in the past, I ask unanimous consent that all of the statements in respect to the passing of Senator JACKSON be gathered together and that the Joint Committee on Printing have them bound in a eulogy book as called for in title 44, section 723, of the United States Code.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HENRY M. JACKSON

Mr. BAKER. Mr. President, I have been in the Senate for 17 years and I have known the Congress intimately for much longer, by reason of the service of members of my family and members from my great State. In the course of that experience, I have seen great Members of Congress from both parties whose service in this body and in the other body have been remarked on at length at the time of their passing. But I cannot recall many instances, Mr. President, when there has been such a genuine outpouring of emotion and such a clear and candid statement of grief expressed by so many at the passing of a Senator as is the case with HENRY M. JACKSON of Washington.

All Senators are equal and represent equally the sovereign State from which they are elected. But some, Mr. President, tower in their strength and commitment to the Union, in their conscientious dedication to equality, and certainly in their quest for excellence. Only a few, Mr. President, meet that standard, but HENRY M. JACKSON of Washington is near the top of that list, measured from the beginning of the Republic.

A man of majestic stature, of strength and conviction; a man who could stand on the Senate floor and express the conscience of the Congress and the country; a man who could change the course of debate and shape and form the policy of a great nation; a man who was humble in the face of success and congratulations and who was courageous and determined in the face of criticism and dissent; a man who knew who he was and where he was going and where he wished to take the country: that was the man we have lost, Mr. President, as a colleague and a friend.

It will be a long time, Mr. President, before someone else can fulfill the role and rise to the stature that HENRY M. JACKSON created for himself. So, may I join with our distinguished colleague from the State of Washington in expressing my regret and my sadness at the passing of SCOOP JACKSON. I join, I am sure, with every one of the Members of the Senate in wishing him farewell.

Mr. President, I ask unanimous consent that this week's poem, written by Senator COHEN in memorium to Senator JACKSON be printed at this point in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

HENRY JACKSON
(1912-1983)

O, gentle warrior,
you who hung,
a winged sentry
above your doubting
countrymen,

And warned of violence
ticking away
in the margins
of our indifference,

How, as the days
dropped into decades
did you always come
armed with but words
and wise intelligence

Knowing that the
issue of the hour
was never lost or won,
but rejoiced, unbroken,
by the battle
the hour had brung?

Suns perish, moons fade,
bodies more sublime
than we have been
taken by Time to eternity.

But you,
uncursed as Cain,
were too vigorous to die,
no, not of a bursting heart
that never once
had bothered to complain

And yet,
a square cut stone
now will mark
for all to see
the residence that
you've taken
in the village
of cold mortality.

I write these words,
toss this voweled wreath
upon your resting place
mindful, even as
I feed upon
the bitter salt
of grief,

That once,
as a boy,
I watched in
wonderment and joy
a heavenly meteor
drop to death
in a brilliant
slash of light.

So your spirit
remains with me,
burning intense and bright,
forever in my memory,

As you fall
silent now,
blazing
into
the
vastness
of
the
night.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, during my tenure in the Senate, I have known some great Senators and I have followed the leadership of those Senators and sought out their advice and their commonsense wisdom. The late Richard B. Russell was one such Senator. Abraham Ribicoff was another, John Pastore another. There are Senators who are today serving who fit into that mold. I will not presently name them. But HENRY "SCOOP" JACKSON was one such Senator. His knowledge with respect to various matters confronting our Nation and confronting the nations of the world was a knowledge that was recognized by Senators on both sides of the aisle and by national leaders outside the Senate and national leaders throughout the world. He had only recently completed a visit to the People's Republic of China. "SCOOP" JACKSON realized per-

haps earlier than some of the others of us, the fact that a country whose population is 1 billion people cannot be ignored and cannot remain in the shadows of invisibility.

I often sought "Scoop" JACKSON's advice, particularly with reference to national defense, energy, and the economy. "Scoop" JACKSON, like Richard Russell, had a commonsense approach to these matters. His viewpoints were well thought out and were born of strong conviction. He did not hesitate to speak his conviction. Yet he was always tolerant of the viewpoints of others, and he leaves, Mr. President, a void in this Senate that will not soon be filled. He was my friend, as he was the friend of 98 other Senators. He was extremely energetic, active, and his handiwork will always have its imprint upon some of the most important laws that have been passed by the Federal legislative branch in the past quarter of a century.

The great 19th century preacher, Phillips Brooks, once said, "A sermon is truth speaking though personality."

That statement might also describe the careers of many U.S. Senators, and Senator HENRY M. JACKSON was a good example of that ideal. Through his personality and public performance, Senator JACKSON embodies many great values and gave life to some of the most crucial issues of our times. When one thinks of strong national defense, of our commitment to Israel, or of dealing with the Soviet Union from strength, HENRY JACKSON comes to mind. When one thinks of making old age dignified and secure, of the healthy and balanced environment or an equal justice and opportunity for all Americans, HENRY JACKSON come to mind. And when one thinks of America's fulfilling her limitless potential of firm national purpose or steady and effective leadership, HENRY JACKSON comes to mind. In generations to come when men and historians look back upon this era, HENRY JACKSON's name will stand out as one of the great men of this age.

HENRY JACKSON, as I liked to call him but "Scoop" as he liked to be called and as he was best known, was a remarkably decent, moral man. He was also a realist. He did not believe that if we just let things take their own course, everything would turn out right. He realized that Western civilization itself is at stake in this modern world of dictatorships and of technology in thraldom to totalitarianism.

Back in 1945, Senator JACKSON accompanied the American forces that liberated the Buchenwald concentration camp. One can only guess at the thoughts that he must have on that occasion. But one can surmise what impact the starving survivors, the furnaces, the pile of victims, and the unbroken acres of death and agony must have had on a young Congressman who grew up in a decent Norwegian immigrant family and in the beauty and order of the State of Washington.

Whatever that impact was, Senator JACKSON had a deep sense of history and a realistic view of the future. He realized how thin the veneer of culture and civilization can be and how fragil are rights of the innocent and defenseless in a world of savage and bullies. He saw totalitarianism for what it is, and he was never afraid to point an accusing finger at Soviet terror.

Ben Wattenberg recounts that on a 1975 visit with the Russian scientist and dissident Andrei Sakharov outside Moscow, Sakharov said of HENRY JACKSON, "He is our champion."

That is how many Americans will remember Senator JACKSON as well—as a champion of a strong America, of a decent America, of a prosperous America, and of a just America. HENRY JACKSON was a thorough patriot and an extraordinary Senator who has left his mark on our century and our generation. America and the U.S. Senate are better because of Senator JACKSON's efforts and dedication and we all mourn his passing. I will miss him greatly. And may I say that Erma and I join in our expressions and feeling of deep sorrow and compassion. We join in extending those to Helen and to Anne Marie and to Peter.

The Senate is larger than all of its parts, it is larger than its 100 Members, and the Senate in my judgment is the basic foundation of the strong character of this Republic. Senator JACKSON was one who helped to give the Senate its character. Someone has said:

> Fame is a vapor, popularity an accident, riches take wings, and those who cheer today may curse tomorrow. Only one thing endures—character.

HENRY JACKSON epitomized character. And we will never forget his example.

Mr. BAKER. Mr. President, as I indicated earlier, a great number of Senators—perhaps every Senator—wish to be heard to express their grief at the loss of Senator JACKSON. Provisions have been made for a period of 2 hours in which eulogies may be stated on Wednesday, as well as the RECORD remaining open until the end of this month for the insertion of other statements and tributes.

Mr. President, I believe the documents from the Governor of the State of Washington for the appointment of a new Senator are here, as is the Senator designate.

It is the intention of the leadership to ask that the oath of office be administered to the Senator designate at approximately 1 p.m. Until that time, it is my hope that other Senators who wish to express their grief at the loss of Senator JACKSON might continue to do so.

Mr. STEVENS. Mr. President, I thank the majority leader for continuing the time for the statements concerning the passing of our good friend, Senator Scoop JACKSON.

There are four of us on the floor of the Senate who would not be here had it not been for the service of Senator JACKSON. I had the privilege of knowing Scoop JACKSON since 1950. In the early 1950's, when many of us were working on the concept of statehood for Alaska and for Hawaii, Senator JACKSON was chairman of the subcommittee that dealt with the whole subject of territorial affairs.

I will never forget—and I am sure Alaskans will never forget—the tireless energy he devoted to this cause, the type of energy he devoted to any cause of which he was supportive. But absolutely no one can argue with the flat statement that without the efforts of Senator JACKSON, neither Alaska nor Hawaii would have become a State at the time they did. It may have occurred later. It occurred when it did because of the dedication of Senator JACKSON.

As a matter of fact, Senators know how difficult it is to get through the Senate, without amendment, a bill that has come from the other body. To consider the difficulty of getting Alaska's statehood bill through the Senate, as controversial as it was, without any amendment, is mindboggling. But Scoop did it, and he did it when becoming a State meant a great deal to Alaska; and Alaska's entering into the Union has meant a great deal to the United States.

The great Prudhoe Bay oil discovery was made on land that was selected by the State of Alaska after it had become a State. The Federal Government never desired to see that land made available for exploration, and its development of the exploration was successful.

We can trace many things to Scoop's activities concerning Alaska. Consider his foresight in dealing with the Alaskan Native land claims. He also was chairman of the committee that held all the hearings and, for the first time in history, settled land claims by an act of Congress, rather than by litigation—litigation that would have taken 175 different actions. The first and only action that went to the courts took 37 years. Senator JACKSON saw that that kind of litigation would cripple a new State.

Then we saw the passage of the Trans-Alaska Pipeline Act and the enactment of the Alaska national interests lands bill, a bill, as many people know, on which I disagreed at times with Senator JACKSON. But he always was willing to listen.

He held more than 40 hearings on one Alaska lands bill alone, and took the committee to Alaska and held hearings which commenced at 6 a.m. There were so many Alaskans to be heard that it was necessary to hold hearings for days. SCOOP sat there and listened to them all. I do not recall him ever turning down an Alaskan who wanted to express a point of view on any of the hearings he conducted.

However, I would be too provincial if I stayed there. I must recount, also, the many trips I was privileged to take with Senator JACKSON and his wife, Helen, over a period of 15 years. I think SCOOP and I must have traveled at least once a year, often with our wives. I have had a relationship with Senator JACKSON that cannot be replaced, and I think that is true of many of us.

Those of us who believe in using the facilities of the Senate which are provided for maintaining our health know that SCOOP was there almost every afternoon and encouraged every one of us to do the same. As a matter of fact, he chastised us if he did not see us down there from time to time.

Last July, we stood here and had a little ceremony and exchanged some words as Senator JACKSON cast his 11,000th rollcall vote: 11,000 votes—votes he cast on each occasion on the basis of what he thought was right.

When I first came to the Senate, as an appointed Senator on the other side of the aisle, SCOOP sought me out, as we have just heard he sought out his colleague, Senator GORTON. From that time on, Senator JACKSON went out of his way to seek out newcomers to the Senate and to give them advice and to seek to get them to pursue what they wanted to pursue in the Senate and to take on the role they should take on.

I recall that one time he told me there was an old saying that new Senators should be seen and not heard. He said, "If you follow that advice, you won't be here very long."

It was a hallmark of Senator JACKSON's total service to the Nation that he believed that every one of us should be able to do the same thing that he did, and that is to continue to do what he was sent here for.

It was a marvel to me that, over so many years, he could maintain the enthusiasm he had for every issue he pursued, even through the last trip he took to China. It was an indication of the continuing interest in the relationship of our Nation to that nation, which is bound to maintain an important position in the world, with its billion people, as the distinguished Democratic leader has mentioned.

Mr. President, I ask unanimous consent to have printed in the RECORD editorials that have appeared in my State that acknowledge the friendship and dedication of Senator JACKSON to our new State, as well as a letter to the editor.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

ALASKA LOSES A FRIEND

When Sen. Henry "Scoop" Jackson looked at Alaska more than three decades ago, he saw a territory that he believed would one day make major contributions to the United States.

His foresight proved highly accurate. In those early days before statehood, he became an advocate for Alaska whose constancy never wavered.

Alaska lost a true friend when Sen. Henry "Scoop" Jackson died Thursday after a massive heart attack at his home in Everett, Wash.

Jackson, 71, served 12 years in the U.S. House and 31 years in the U.S. Senate, becoming a powerful force in U.S. politics.

His stature was such that he twice sought the Democratic presidential nominations—in 1972 and 1976—though neither try was successful. His advocacy of Alaskan interests gave us an edge that we badly needed and will sorely miss.

Both before and after statehood, Sen. Jackson was Alaska's very good friend. His support of Alaskan statehood was constant even though it wasn't a popular stand.

Sen. Jackson—along with Washington's junior senator, Warren Magnuson—helped Alaskan delegate and eventually Sen. E. L. "Bob" Bartlett on many occasions. When Bartlett died in 1968 and Gov. Walter Hickel named Ted Stevens to the Senate seat, Jackson befriended Stevens as well, and their friendship ripened over the years, despite their different party affiliations.

"Alaska will always be indebted to Scoop Jackson," Stevens said Friday. "He was floor manager of the Alaska statehood bill in 1958 and successfully guided it through the Senate without amendment. Without his efforts, in all probability we would not have become a state at that time."

Stevens added: "Scoop Jackson should be remembered by Alaskans because he freely gave of his time and talents to assist Alaska—to become a member of the union and to succeed as a new state."

Sen. Jackson was able to see the need to balance economic development with environmental protection and settlement of the land claims of Alaska's Natives.

He became a good friend to Alaskan Natives sponsoring the land claims settlement act that passed in 1971 and maintaining an active interest in implementation of the act and resolution of continuing problems.

At the same time, he saw the need to develop Alaska's natural resources and led the drive for the Trans-Alaska Pipeline Authorization Act in 1973 that paved the way for construction of the Alyeska Pipeline Service Co., oil pipeline. He also spearheaded efforts to build a natural gas transmission system from the North Slope.

As chairman of the Senate Energy and Natural Resources Committee, he chaired more than 40 committee sessions called to draft acceptable Alaska lands legislation. After four years of work, a bill was passed in 1980.

He supported a strong military presence in Alaska, recognizing our state's strategic importance. Through his seat on the Senate Armed Services Committee, he fought to maintain military strength in Alaska.

With his death Thursday, the nation has lost a powerful political leader whose perception and consistency will be hard to replace. And Alaska has lost a true friend.

[From the Anchorage Times, Sept. 4, 1983]

SENATOR HENRY JACKSON

The flags of the Anchorage Times were lowered to half-mast today as a gesture in behalf of all Alaskans who mourn the loss of Sen. Henry M. Jackson. The senator, although a statesman of international stature, never wavered in his devotion to Alaskans.

While serving 45 years in Congress, Sen. Jackson held key positions on committees that helped prepare Alaska for transition to a full-fledged state. He was also a key leader in handling the final legislation that set up the terms and timetable for statehood itself.

Without the help of Sen. Jackson, the lifestyle of all Alaskans might still be one of small-town subsistence in an isolated territory far beyond the perimeter of world economic or social concern.

Sen. Jackson was a key man in the legislative settlement of the Alaska Native land claims and in the bill providing for the national interest lands.

His leadership there was backed up by many years of association with Alaskans and their legislative needs. During the final decades of territorial status, Jackson figured on committees that helped keep the fragile economy here afloat.

He sponsored the law that refunds to Alaska 90 percent of the rent and royalty funds that accrue to the federal government here. He figured in funding the federal project to expand the Eklutna hydroelectric power plant, which for years was the backbone of the local power structure. Many of the schools, water lines, sewer systems and other infrastructure in Alaska were built after he helped convince Congress to authorize the Alaska cities to issue bonds.

Sen. Jackson did so many legislative chores for this state that he was often called "Alaska's senator." Alaska's voteless delegates to Congress, who could only make speeches, looked to him for the help and leadership they needed.

Sen. Jackson was liberal in his domestic policies but pragmatic and conservative in his international views. He was an all-out supporter of Israel, a strong national defense program and anti-communism. Indeed, his last appearance before the fatal heart attack was at a press conference called to deplore the Soviet action in shooting down an unarmed commercial airliner. He noted, in terminating the conference, that he was bothered by what he thought was a cold, telling the press "I didn't know if I would survive this, but you were very kind."

In his many years of international prominence, Sen. Jackson remained approachable, with no affection or pretentiousness. He never lost the spirit of the small-town boy, son of immigrants, who knew poverty and the commonality of man first hand.

He was one of the nation's symbols of the statesman who never loses touch with his constituents or his feeling for the well-being of the common man internationally.

[From the Juneau Empire, September 2, 1983]

SENATOR JACKSON'S DEATH A LOSS TO THE NATION

Americans—especially Alaskans—lost a champion Thursday with the tragic death of Washington Sen. Henry "Scoop" Jackson.

Sen. Jackson was stricken by a heart attack at his home in Everett, Wash.

Unfairly labeled "the last cold warrior" by some, Sen. Jackson worked long and hard to assure the U.S. maintained a strong defense, as any responsible public servant should.

For that; he is to be commended, but critics forget how he also cared about people. Social programs and the welfare of all Americans were at the top of his list of priorities during his 43 years in Congress. For example, he fought against the pollution of the environment and for many of the freedoms Americans enjoy today.

Sen. Jackson also holds a special place in the heart of Alaskans. He managed the Alaska Statehood Bill to passage in 1958 in the State, and Alaska leaders credit him with much of the progress the state has made during the last quarter of a century.

Without his efforts it is, in all probability, true that Alaska would not have become a state at that time, said his friend and colleague, Sen. Ted Stevens, R-Alaska, the Senate majority whip.

"He was deeply involved in the Alaska Land Claims Settlement Act, Alaska pipeline amendments and the Alaska Lands Act," Sen. Stevens said. "He maintained an equilibrium in dealing with us for a period of time that it is long enough that it is hard to remember."

Sen. Jackson never shied away from a political fight. His runs for the presidency in 1972 and 1976 showed him to be a tough politician and a tireless campaigner.

In spite of his many battles, the scars of more than four decades in national office did not show. He thrived on his job, although in a 1980 interview he admitted it was hard.

"But I know what I'm doing and I don't need sympathy. I don't have any use for crybabies," he told the reporter.

In an era of political puffery, Sen. Jackson was a breath of fresh air. He meant what he said, and he did what he thought was right, regardless of party and regardless of the political consequences.

Henry M. Jackson will be missed by his constituents, but not nearly as much as he will be missed by the Senate, the nation and Alaska.

[From the Anchorage Daily News, September 4, 1983]

SENATOR HENRY JACKSON, FRIEND AND STATESMAN

Sen. Henry M. "Scoop" Jackson knew Alaska nearly as well as our state's own delegation in Congress, and as a friend of long standing. He also knew, as a U.S. Senator must, how to rise to the national interest and confront the issues that concern us all.

That's why he could perform the delicate feats of legislative statecraft needed to nudge the Alaska Statehood Act through Congress in 1958. That's why he could speak forcefully for the interests of Alaska Natives in drafting and implementing the Alaska Native Claims Settlement Act—a measure that not only answered the claims of Native people in our state, but also cleared the path for construction of the trans-Alaska pipeline. That's why he could play an honest broker's role in the seven-year fight over the Alaska National Interest Lands Conservation Act—able to communicate with all sides because he had earned all sides' respect.

Scoop Jackson was a Cold War liberal—nowadays termed a "neoconservative"—who expressed the American post-war consensus for strong national defense and equally vital social services. He was a lifelong Democrat and, after 43 years of service, perhaps the last New Dealer in Congress. He split with much of his party and most other liberals over American involvement in Vietnam, and he long provided the focus in Congress for opposition to the Soviet Union and the policy of detente. He championed the causes of labor, environmentalism, civil rights, Israel, anti-communism and American minorities. He earned the respect of all sides in Congress. Senate colleagues who often disagreed with him were among the first to eulogize his service in Congress and contributions to public life.

It was ironic, perhaps, that his death Thursday evening was overshadowed by the downing of a Korean airliner by Soviet fighters near Siberia. Sen. Jackson had spent most of his career denouncing conditions in the Soviet Union and effectively battling for what he thought would keep the U.S. and the West ahead in the conflict between the superpowers. His staff on the Senate Armed Services Committee became a think tank for high-quality strategic analysis with a conservative, anti-Soviet bent • • •

[From the Ketchikan Daily News, Sept. 8, 1983]

AN HONEST, FEELING LEADER

The nation's leaders gathered in Everett, Washington Wednesday for the funeral of U.S. Senator Henry Jackson. The Washington Democrat died suddenly late last week at his home during a Congressional recess.

In all of the national publicity about Jackson—his leadership in the U.S. foreign policy, in his authorship of the environmental legislation, in his support for a strong defense—his friendship and support of Alaska is overshadowed. But Jackson, as the ranking Democrat and for many years the head of the Senate Energy and Natural Resources committee, was the floor leader in major legislation affecting Alaska. That legislation included Alaska Statehood of 1958, the Alaska Native Claims Settlement Act of 1971, and Alaska National Interest Lands Conservation Act of 1980. In all of these landmark laws Jackson understood and supported the Alaska position.

Sometimes it was difficult for Jackson to support Alaska. As a Senator from Washington state, he had to listen to his constituents in the Alaska salmon industry and other Alaska industries based in Seattle who opposed Alaska statehood. He had to arbitrate disputes between Alaskans on the native claim issues. He had to arbitrate between his environmentalist supporters and the majority of Alaskans in the land issue. Jackson always worked for a realistic compromise. Attesting to his success is the lack of complaints about the Statehood and Native Claims Acts. And the minor complaints about the Lands Act. We are sure, had Jackson lived on, he would have helped improve the Lands Act. It was typical of Jackson to work out compromises that helped people. Alaska lost a good friend. And the nation lost an honest, competent, feeling leader.

SENATOR HENRY JACKSON

DEAR EDITOR: A friend will be sorely missed.

The death of Sen. Henry "Scoop" Jackson is a tragedy for all Alaskans, but for no one more than Alaska Natives.

Scoop was a special ally to us and a special friend.

He was instrumental in the drafting and passage of the landmark Alaska Native Claims Settlement Act and subsequent amendments. He fought to ensure that the benefits we gained were not diluted by other legislation.

Scoop Jackson was the prototype of public service. His enthusiasm and skill in the American political process never detracted from his integrity, his compassion and his dedication to social, political and economic justice.

Scoop never lost sight of his primary mission: To serve the American people. Alaskans—and Alaska Natives, especially—reaped the benefits of his limitless energy. We will always remember him with great fondness and gratitude for his friendship and efforts on our behalf.

We have lost a very special man. May his memory and the fruits of his work live on.

JANIE LEASK,
President, Alaska Federation of Natives, Inc.

Mr. President, let me in closing say that we all have been involved in tragedy, we have all had the experience of realizing that death must inevitably occur, and we have lived through the aftermath of the passing of loved ones and friends.

But I can only echo my good friend, the former senior Senator from Washington, Senator Magnuson, by saying: "I never in this world thought I would ever be here without Senator JACKSON not here."

He was one who just seemed to have a life that was timeless, and he was always so young.

It was impossible even for me to realize that SCOOP had passed 70. I remember when I went to that 70's birthday party.

SCOOP will be missed here by all of us. But SCOOP will be honored by the memorials that he has left behind him and two of them are two new States.

Mr. President, I can think of nothing that would honor a man more than to have sat in Everrett, Wash. and heard the comments that were made by Anna Marie and Peter. Those of us who were there at the memorial services for SCOOP were completely awed by the statements of those two fine children, and I know that they meant a great deal to me as a father, and they had to be heard all the way to where SCOOP JACKSON is now.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the two statements to which I referred because I can think of no greater tribute to any human being than the two statements made by his children.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

FAMILY TRIBUTE: FAMILY MEMORIAL SERVICE FOR SENATOR HENRY M. JACKSON—THE FIRST PRESBYTERIAN CHURCH, EVERETT, WASH.

ANNA MARIE JACKSON

Most people knew my father as a public personality—in his official role. I, however,

knew him as a very special person—a father who always made time for his family and who knew how important a father-daughter relationship is.

He was the kind of father that would leave in the middle of one of his important meetings to take my phone call and talk to me and answer some questions that I was having trouble with in one of my political science classes.

I remember one night when Dad called me from New York, after a tiring day of speeches, while trying to recuperate from a cold. He insisted on staying right on the phone—as he said, no matter if it would take all night—until I understood the history of the New Deal backwards and forwards. That particular phone call took 2½ hours.

He was a proud father as well. This past Christmas he flew out to my debutante ball even though the Senate was in session and there was a possibility that he might miss a vote. One thing my father never wanted to do was miss a vote.

But he told me that the debutante ball was a very special moment in my life and he wanted to be a part of it.

What I recall most vividly from that evening was waltzing with Dad, and he kept stepping on my toes. He whispered in my ear and said: "Keep smiling, we make a good team."

PETER JACKSON

It's impossible to summarize how much the guidance, love and understanding of a father means to a son. And it's going to take some time to fully realize what Dad in his long, productive life means to me.

But above all, I knew him as a compassionate father, dedicated to his family.

When I was 5 years old, my Dad learned that I had memorized a list of all the presidents of the United States. He was so enormously proud of my accomplishment that he would often stop photographers and voters at random, forcing them to stand still and endure my recitation of every one of the presidents from Washington to Nixon. When it was all over he would say: "This is my son Peter and everything he does makes me proud of him."

I'll always recall our hours together Saturday mornings at the Senate gymnasium. It was our special time for relaxing, swimming and just talking. Whenever anyone came by, Dad would stop, put his hand on my shoulder and say: "This son of mine—he's pretty special, don't you think?"

Perhaps what I'll miss most is our long discussions on political and foreign policy issues. I would go to the library and thoroughly research a topic he was deeply involved with. On returning home I would quietly sit down in our library and explain to him why I thought Ralph Nader was right on nuclear energy.

Immediately his eyes would light up. There was nothing he enjoyed more than engaging in an active, lively debate. Nevertheless, no matter how much research I did, he always came up with better arguments. He told me: "Equip yourself with the facts, be honest and be a good listener, then you'll receive respect."

When I think of my Dad I'll always best remember that advice and our spirited debates. I realize that he was not only a generous, caring father, but also an experienced and skillful teacher.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, it is difficult for me to paint a word picture of my personal feeling in the loss of HENRY M. JACKSON, but I must make an effort, however feeble it might be.

Mr. President, high noon on September 7, 1983, in Everett, Wash., was the saddest time I had spent in the 8 years I have served in the U.S. Senate.

During that time we paid our last respects to our colleague, HENRY M. "SCOOP" JACKSON.

Mr. President, I marvel at the courage and the strength of his wife and two children.

In 1972, behind a metal building somewhere in Miami, Fla., I came to know this man and what he wanted for this country and for its future. A friendship was developed then that over time would not be dented.

He came to Kentucky when I was Governor, and he worked with me and our party. We were successful, successful because SCOOP gave of himself to help us.

We give a great deal of weight around here to the seniority system. So SCOOP was the beneficiary of his lengthy service. But his influence stemmed from considerably more than longevity. It stemmed to an even greater extent from personal and political integrity, from consistency, and from dogged courage.

Mr. President, I have lost a friend but the country and the world has lost much more.

Mr. MATHIAS. Mr. President, the leadership of the Senate has spoken eloquently today about the loss this institution has suffered by the death of the senior Senator from Washington, Senator JACKSON. In a sense, today's session has been a memorial session to Senator JACKSON. But I have come from another meeting which is also a memorial meeting for Senator JACKSON, a memorial in the most positive sense because it is evidence of the ongoing work that he accomplished.

That other meeting is, in fact, still in progress in the Department of State. It is the Bipartisan Commission on Central America, which was established by President Reagan after the proposal had been made by Senator JACKSON and myself, later joined by Representative BARNES and Representative KEMP in the other body.

I hope that the final report of the Bipartisan Commission on Central America will be worthy of the hopes that Senator JACKSON had for it. The fact that he is no longer here to participate in the work of the Commission gives me a renewed commitment to make sure that the Commission's final product should be what he wanted it to be.

In talking with him about the possibility of a commission to guide U.S. policy in Central America, I had a rare opportunity to gain an insight into the way that he thought about large public problems

In the first place, his years of experience in the Senate had made it clear to him that we were not dealing with problems in Central America which could be solved by television statements or press releases but, rather, by consistent, continuous policy which he predicted might have to extend over a period of 30 years or perhaps even 50 years.

One may have disagreed with that specific prediction, but I think it is indicative of the large way in which Senator JACKSON dealt with problems, that he was willing to look ahead for 30 or 50 years, and to try to chart a course which would bring safety, stability, and security to the Western Hemisphere.

In discussing the particular problems of Central America, he said, "You know, they call me a hawk, and maybe I am. But in this particular case," he said, "It is clear to me that military action alone will not solve the problems of Central America, that the military shield will crumble"—I remember his exact words very clearly—"the military shield will crumble if it is not supported by social and economic progress. And we must encourage social and economic progress; we must help alleviate the problems of poverty, ignorance, and disease which plague the people of Central America."

I have recounted this at some length because it seems to me that it is, in a sense, a synthesis of Senator JACKSON'S career in the Senate. He stood for a strong America. He was willing to pay the price for a strong America. He felt that a strong America was essential not only for Americans but for the freedom of the world.

In domestic matters he was concerned about poverty, disease, poor housing, and lack of education.

He was concerned about them in Central America as he was concerned about them here at home. So his humanity had a breadth and a depth which is all too rare, not only in public life but in life in general.

There is no substitute for experience. Senator JACKSON had more than four decades of experience in the U.S. Senate. That, of course, did not make him infallible, but it did make him one of those wise counselors who should be listened to, who must be listened to—not only in the committees of the Senate, not only on the floor of the Senate, but in the wider councils of the Nation. So it was that President after President sought him out, sought his advice, sought his support.

The philosopher-author, Rene Dubois, once said that each human being is unpredictable, unprecedented, and unrepeatable; each human being is unique. So, when we lose one of our colleagues, we know that he can never be replaced, that we have lost something which is unrepeatable.

The Senate will feel the loss of HENRY JACKSON in days to come, but to the extent that by redoubling our own efforts, we can in some small way compensate for this diminished body, it is the tribute that we must pay to him.

A TRIBUTE TO SENATOR HENRY M. "SCOOP" JACKSON OF THE STATE OF WASHINGTON

Mr. THURMOND. Mr. President, it is with deep sorrow that I rise today to join with my colleagues in paying tribute to my close friend, the distinguished senior Senator from the great State of Washington, Senator HENRY M. "SCOOP" JACKSON.

For nearly half a century, HENRY JACKSON ably served his State and Nation. Upon being elected to the U.S. House of Representatives in 1941, he rapidly gained a reputation as a leader who was more concerned with the well-being of the public than his own ascension in the political realm. It was this humble attitude of dedicated public service that caused him to rise to national prominence as a champion of the people.

After 11 years in the House, Washingtonians elected Scoop to the U.S. Senate, where his unceasing efforts for the common good continued. Senator JACKSON always considered it a high honor to represent the fine people of Washington State. It was his zealous desire to help others that captured the trust, faith, and affection of his own people and of many Americans.

After 30 years of service in the U.S. Senate, Senator JACKSON's diligent pursuit to serve his fellow man ended abruptly, leaving a huge void in this body which held him in such high esteem. Those of us who had the privilege of knowing and working with SCOOP JACKSON feel a tremendous sense of loss in his passing. Yet, the emptiness we feel in our hearts is conquered by the fond memories we have of him in our minds. I was honored to be among those who attended his funeral in his hometown of Everett, Wash.

Mr. President, I count myself fortunate to have known SCOOP JACKSON as a valued and trusted friend. His firm conviction on the importance of a strong national defense was similar to my own. As an advocate of peace through strength, SCOOP JACKSON knew that the only way to maintain our freedom in a world threatened by aggressive powers was through military preparedness. As members of the Senate Armed Services Committee, he and I worked closely on numerous projects involving crucial military issues, and I greatly admired his ability to exercise good judgment in every area pertaining to our Armed Forces. His commonsense approach and unswerving honesty won the respect of everyone who came in contact with him. Indeed SCOOP JACKSON never shrunk from telling it like it was.

Although he sought to serve the cause of peace and security, he was equally sensitive to the domestic needs of America. SCOOP JACKSON was a great defender of individual liberties, and was considered to be ahead of his time in many ways. He was a progressive leader who recognized the seriousness of environmental questions long before they became a popular issue. SCOOP fought diligently to protect the public's health and safety from the dangers of pollution and made great strides in helping to preserve our natural resources.

In all things, SCOOP JACKSON looked out for others. His selflessness was merely an extension of his deep faith in God. Indeed, his life reminds us that there is a moral force in the world that is far more powerful than the wealth and might of men.

SCOOP JACKSON's life personified the American character. From the earliest days of his youth, he understood well the value of opportunity and hard work. His relentless determination and commitment to excellence in all things allowed him to achieve much throughout his lifetime. SCOOP JACKSON was a product of American ideals. In the face of any conflict or tragedy, he always hoped for the best. Perhaps his secret to success was his unwavering sense of optimism and his earnest belief that good would always triumph. If SCOOP viewed something as wrong, he felt a personal challenge to make it right.

Mr. President, Senator HENRY JACKSON was, in the truest definition, a great American. This distinguished statesman was a patriot who never wavered in his dedication to the principles of peace, liberty, and freedom. He was a man who loved God, his country, and particularly his family.

My sincerest condolences go out to his beloved wife, Helen, his two children, Anna Marie and Peter, and other family members and friends during this time of bereavement. I know that they are comforted by the knowledge that SCOOP JACKSON gave his best to serve his God, his country, and his fellow man.

Mr. President, George F. Will, the renowned columnist who was a close friend of Senator JACKSON, delivered a most fitting eulogy at a memorial service for the senior Senator from Washington. I ask unanimous consent that portions of his eulogy, and another article which appeared in the Washington Post be included in the RECORD at the conclusion of my remarks.

Mr. President, at the request of the Vice President, I also ask unanimous consent that a telegram from Prime Minister Kaare Willoch of Norway regarding the passing of Senator HENRY M. JACKSON be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HE WAS THE FINEST PUBLIC SERVANT I HAVE EVER KNOWN

(By George F. Will)

Painted on the walls of the Senate reception room are portraits of the five men who were selected by a special committee, a quarter of a century ago, to constitute a kind of Senate hall of fame. the portraits are of Clay, Calhoun, Webster, La Follette and Taft. There is no more space on the walls of that room, but there is a nonfunctional door. That door should be removed, and the wall filled in, and adorned with a portrait of a sixth senator. A Senate hall of fame without Henry Martin Jackson is as unthinkable as Cooperstown without George Herman Ruth.

A silly person once said that only silly persons have heroes. But only exceptionally small persons will not pay homage to the exceptionally large persons among us. Heroes make vivid the values by which we try to live. I say, unabashedly, and with many others: Henry Jackson was my hero.

Because he was magnificently uninterested in the cosmetics of politics, dull persons considered him unexciting. But discerning persons by the millions recognized that his kind of character is as exciting as it is rare. Persons who, under the pressure of fashion, are as flexible as fly rods found Jackson incomprehensible. They came to the absurd conclusion that he had departed from the liberal tradition.

He was a pioneer of environmentalism. He was the preeminent champion of civil rights. He fought for the full domestic agenda and authorized legislation that put teeth into U.S. pronouncements on behalf of Jews and others persecuted by the Soviet regime. And if Jackson's proposals for substantial force reductions had been adopted, we might have had arms limitation agreements that actually limit arms.

The ironic truth is that Jackson was one of those persons—Felix Frankfurter was another—whose constancy was mistaken for change. He never wavered from his party's traditional belief that there is no incompatibility between government with a caring face at home and government with a stern face toward adversaries.

Jackson was an anchor against weariness, wishful thinking and apostasy in his party, and his country. He nurtured in this republic something without which no republic can long endure: a sense that problems are tractable. To be in his presence was to experience the wholesome infection of a reviving spirit. This was especially remarkable because he, more than any contemporary, looked unblinkingly at, and spoke uncomfortingly about, the terrors of our time. He taught less clear-sighted, less brave persons how to combine realism and serenity.

He missed the ultimate prize of our politics, perhaps because he lacked the crackling temperament that marks persons who burn on the surface with a hard, gem-like flame. If his political metabolism seemed uncommonly calm, that is because he had the patience of a mature politician—a gift of planning, thirst for detail and a sense of ripeness in issues. He had a flame, but he had depth in which he kept it.

In committees and on the Senate floor, he was a cannon loaded to the muzzle with knowledge born of diligence. His unrivaled effectiveness was a rebuke to the less industrious and a refutation of the theory that in politics fancy footwork is necessary and sufficient.

A legislature is a face-to-face society, where character and moral force tell. What Jackson did in committees and on the floor was awesome. But it was only a small fraction of the work he did during four decades of 18-hour days, working with one member after another, one member at a time, building coalitions of common sense.

I remember a day, nearly a decade ago, when I went panting along in the wake of Jackson on a campaign swing from Washington to Philadelphia to Shreveport and back. When I was decanted from the little plane after midnight, I was a broken shell of my former self. Henry Jackson, twice my age and fresh as a tulip, bounded off into the night.

His legendary energy flowed as much from his spirit as from his physiology. His biography is an essay on the sources of American vitality. He was the son of immigrants, and of the American West. He had the stamina of parents who crossed an ocean and then a continent, and he had the optimism of his region.

For longer than I have been alive, Congress has been embellished by his presence. And for longer than I live, public life shall be enriched by the radiating force of his character. Why? Consider.

If you wonder who real leaders are, find out who has real followers. By real followers I mean persons who follow a leader onto a path of life, who adopt careers where they navigate by stars he has taught them to see. The social geology of this city is layer upon layer of persons pulled into public life by the example of lives worth emulating. Today, in numerous public offices, and in law and journalism, there is a thick layer of Henry Jackson's men and women.

There are those, and they are legion, who call themselves "Jackson Democrats." I can say with absolute authority that there is such a thing as a "Jackson Republican."

Henry Jackson mastered the delicate balance of democracy, the art of being a servant to a vast public without being servile to any part of it. He was the finest public servant I have known.

BUSH AND SENATORS PAY FINAL TRIBUTE TO JACKSON

[From the Washington Post, Sept. 8, 1983]

EVERETT, WASH., Sept. 7—With almost two thirds of the Senate paying final tribute, Henry M. Jackson was buried today in the home town where he delivered the local newspaper as a boy and began his political career as a prosecuting attorney.

Vice President Bush, Chief Justice Warren E. Burger, former secretary of state Henry A. Kissinger and about 60 of Jackson's Senate colleagues were among the thousand dignitaries who attended the service at the First Presbyterian Church.

Former senator Warren G. Magnuson, who lost his seat in the 1980 election, welcomed the senators to the state on "this sad occasion."

Magnuson stood across the church from Jackson's flag-draped casket and said: "We served together in the House and the Senate almost half-a-century. We worked as a team shoulder to shoulder. Now that team is dissolved."

Magnuson, Sens. Edward M. Kennedy (D-Mass.) and Daniel Patrick Moynihan (D-N.Y.) and Rep. Thomas S. Foley eulogized Jackson as a man of compassion and a man of the people.

Jackson's children, Anna Marie, 20, and Peter, 17, also gave brief eulogies.

Anna Marie, a student at Stanford University, described how her father helped her with her political science classes.

"I remember one day when he called me from New York," she said. "He insisted on staying on the phone until I understood the history of the New Deal backwards and forwards. That phone call took 2½ hours."

Peter, a high school senior, recalled how his father was "so enormously proud" that as a five-year-old he had memorized the names of all the presidents. He said Jackson frequently stopped voters and other friends and had them listen while the lad recited the names.

Foley, who worked as an aide to Jackson before his election to Congress in 1964, said Jackson was more than a boss.

"He was to his staff a teacher. He taught by example," Foley's voice wavered as he spoke and at one point he paused, saying: "I guess you're never too old to shed a tear for an old friend."

Jackson, 71, died last Thursday of a heart attack at his home here. He was serving his sixth term in the Senate at the time of his death.

Gov. John Spellman, a Republican who must appoint Jackson's successor refused to discuss the subject until after the funeral. Republican sources says he is expected to name former governor Dan Evans on Thursday.

An opinion issued by state Attorney General Ken Eikenberry said that an election must be held Nov. 8 for the seat; the term runs until 1988. Eikenberry also said no primary election is necessary, setting off a scramble and presumably giving the new incumbent a significant edge if several Democrats challenge him and split the Democratic vote.

Mr. GEORGE BUSH,
President of the Senate of the United States of America, U.S. Senate, Washington, D.C.

Please accept my deepfelt condolences on the sad occasion of the passing away of Senator Henry M. Jackson. The Senator will be remembered by Norwegians as a distinguished politician and friend of Norway. Please convey my condolences to the bereaved family.

KAARE WILLOCH,
Prime Minister of Norway.

RESOLUTION OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

The Secretary of the Senate submitted for the RECORD the following resolution of the National Bipartisan Commission on Central America, together with the letter of transmittal from Dr. Henry A. Kissinger, Chairman, dated September 8, 1983:

THE NATIONAL BIPARTISAN
COMMISSION ON CENTRAL AMERICA,
Washington, D.C., Sept. 8, 1983.

Hon. WILLIAM FRYE HILDENBRAND,
Secretary, U.S. Senate, Washington, D.C.

DEAR MR. HILDENBRAND: On September 7, 1983, the National Bipartisan Commission on Central America unanimously adopted a resolution dedicating its meeting to the memory of Senator Henry M. Jackson. In accordance with that resolution, I am forwarding a copy to you with the request that it be made part of the Congressional Record, Proceedings and Debates of the 98th Congress.

Sincerely,

HENRY A. KISSINGER.

Enclosure: September 7, 1983 Resolution.

RESOLUTION OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

[ADOPTED SEPTEMBER 7, 1983]

Whereas, Henry M. Jackson, a Senator from the State of Washington, has met his untimely death on Thursday, September 1, 1983, and;

Whereas, he served his country with great dedication and with unexcelled legislative skills, leaving his imprint in such diverse areas as National Security, Energy, and the Environment, and;

Whereas, his private and public life were beyond reproach; who was sincere and equitable; honest and honorable; respected and warm; and;

Whereas, he conceived the idea of a Bipartisan Commission on Central America, and;

Whereas, he was a valued Senior Counselor on the National Bipartisan Commission on Central America, and;

Whereas, we dedicate this meeting in memory of our colleague and Friend, Senator Henry M. Jackson of Washington: Now, therefore be it

Resolved, that this commission, when it adjourns today, do so in the name and on behalf of the Members of the National Bipartisan Commission on Central America, with deep and sincere regret and in respect to the memory of Henry M. Jackson; and be it further

Resolved, that the Chairman of the National Bipartisan Commission on Central America forward a copy of this Resolution to Mrs. Jackson, the widow of Senator Henry M. Jackson; and also that a copy be forwarded to the Secretary of the United States Senate with a request that this Resolution be made part of the *Congressional Record*, Proceedings and Debates of the 98th Congress.

Resolved, this Seventh day of September, 1983.

HENRY A. KISSINGER,
Chairman.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, for a variety of reasons we need now to interrupt this in order to administer the oath of office to the Senator-designate. I have indicated to other Senators who are not here that there will be the briefest of quorum calls as a signal that the ceremony was about to occur.

So, the quorum call I am about to suggest will last only a moment, but I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, if we could have order in the Senate, I intend to propound a unanimous-consent request and then proceed.

The PRESIDENT pro tempore (Mr. THURMOND). The Senate will come to order.

Those standing will be seated.

That applies to staff members standing right back here. Do not take so long.

Mr. BAKER. Mr. President, first may I congratulate the distinguished President pro tempore for his diligence in obtaining and keeping order in the Senate? I admire the style.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I compliment the President pro tempore. He is following out the rules of the Senate and he is maintaining order without a point having been raised from the Senate floor. That is always the duty of the Chair, and I compliment him. I have not heard such firmness from the Chair in quite a long time.

Mr. BAKER. And it is refreshing indeed.

The PRESIDENT pro tempore. I might say that there are still some staff members standing back here who will be seated on both sides. Either be seated or leave the floor.

The majority leader may now proceed.

Mr. BAKER. I thank the Chair.

Mr. President, I ask unanimous consent that the ceremony of induction of the Senator-designate not appear in the RECORD as an interruption of the statements in respect to the passing of Senator HENRY JACKSON.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO DANIEL J. EVANS, SENATOR FROM WASHINGTON

Mr. BAKER. Now, Mr. President, I believe there is at the desk a letter of appointment and designation from the Governor of the State of Washington to fill the vacancy occasioned by the death of the late Senator JACKSON.

I ask that the Chair now proceed in obedience to that appointment under the Rules of the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment of Daniel J. Evans of the State of Washington.

Without objection, it will be placed on file and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR,
Olympia, Wash., Sept. 8, 1983.

Mr. WILLIAM F. HILDENBRAND,
Secretary, U.S. Senate, Washington, D.C.

DEAR MR. HILDENBRAND: Enclosed is the Certificate of Apppointment for the Honorable Daniel J. Evans to fill the vacancy caused by the death of the Honorable Henry Jackson.

Pursuant to your letter of September 2, 1983, this Certificate should be in conformance with the resolution adopted by the United States Senate on July 17, 1961.

If there are any questions, please do not hesitate to call on me.

With best wishes,

Sincerely,

JOHN SPELLMAN,
Governor.

Enclosure.

CERTIFICATE OF APPOINTMENT

TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES: This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Washington, I, John Spellman, the Governor of said State, do hereby appoint Daniel J. Evans a Senator from said State to represent the State of Washington in the Senate of the United States until the vacancy therein, caused by the death of the Honorable Henry M. Jackson, is filled by election as provided by law.

Witness: His excellency our Governor John Spellman, and our seal hereto affixed at Olympia, Washington, this 8th day of September, in the year of our Lord 1983.

By the Governor:

JOHN SPELLMAN,
Governor.
RALPH MUNRO,
Secretary of State.

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the Chair will administer the oath of office required by the Constitution and prescribed by law.

Mr. EVANS of Washington, escorted by Mr. GORTON of Washington, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the official Oath Book.

[Applause, Senators rising.]

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I know that Members wish to greet our new colleague, but there is other business to be transacted, and I am sure he and others would join in wishing us to proceed at this time.

Mr. President, I ask unanimous consent that the two measures I am about to ask the Senate to address now appear in the RECORD in sequence after the conclusion of all of the statements with respect to Senator JACKSON that may be offered today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ELECTION OF LARRY E. SMITH AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. BAKER. Mr. President, it is my sad duty to report, as Members perhaps already know, that today is the last day of service of our distinguished Sergeant at Arms, Hon. Howard Liebengood. He is leaving us to take a position in the private sector of our Nation's economy, and we wish him well. But it is necessary then that we elect a new Sergeant at Arms. There is a resolution at the desk, and I ask now for its immediate consideration.

The PRESIDENT pro tempore. Is there objection? If not, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

Resolved, That Larry E. Smith be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate, beginning September 13, 1983.

The Senate proceeded to consider the resolution.

The resolution (S. Res. 211) was agreed to.

WELL-EARNED GRATITUDE

Mr. BYRD. Mr. President, I want to join the distingushed majority leader in expressing to Howard Liebengood my own appreciation for the services that he has offered me during his tenure as Sergeant at Arms, and I want to convey to Mr. Liebengood the gratitude of my Democratic colleagues for the graciousness, courtesy, and efficiency with which he has conducted the affairs of the office of Sergeant at Arms since January 1981.

In addition, I wish Mr. Liebengood every success in his new responsibilities in the private sector, and I am confident that his successor, Larry Smith, will continue to conduct the affairs of the office of Sergeant at Arms in the excellent fashion in which they have been conducted during the months that Mr. Liebengood has served in that capacity.

The change of staff command in any one of the important staff support positions in the Senate reminds us that behind all of the 100 Senators in this esteemed body are many dedicated, intelligent, and expert men and women who every day assist us in our work. An occasion such as this gives us a chance to express our thanks not only to outstanding men such as Howard Liebengood but to all of those who help us in the conduct of our elected duties as Senators and of the work of the Senate as a corporate institution. Whether in our cafeterias, in the press gallery, in police duty, in constituent services, in helping us make party policy, or in any one of humdreds of ways, we are fortunate to have high caliber staff people working for us, and we thank them for their loyalty and their hard work.

CONDEMNING THE BRUTAL BEHAVIOR OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE DESTRUCTION OF KOREAN AIR LINES FLIGHT 007 WITH THE LOSS OF 269 INNOCENT LIVES

Mr. BAKER. Mr. President, on another matter, on behalf of the distinguished minority leader and myself,

and on behalf of the distinguished Senator from Illinois (Mr. PERCY), the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Texas (Mr. TOWER), and the distinguished Senator from Georgia (Mr. NUNN), I send a joint resolution to the desk in respect to the loss of the Korean Air Lines Flight No. 007.

Before it is reported I have a unanimous-consent request to make. Mr. President, I ask unanimous consent that after the resolution is reported it be temporarily laid aside to recur as the pending business at 12 noon on Wednesday next; that there be 2 hours of debate at that time on this resolution; that no amendments be in order; that the time for debate be equally divided between the majority and minority leaders or their designees, and that the vote occur at 2 o'clock, the provisions of rule XII, paragraph 4, being waived.

The PRESIDENT pro tempore. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from Colorado.

Mr. BAKER addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

ORDER FOR RECESS UNTIL 3 P.M.

Mr. BAKER. Mr. President, there is time for morning business, and I believe there may be other business to transact or there may be other statements to be made. Time for the transaction of routine morning business extends for 1 hour. May I say for the benefit of Senators it is the intention of the leadership to recess the Senate after the time for the transaction of routine morning business has been closed and to do so until 3 p.m. I now make that request, that at the expiration of the time for the transaction of routine morning business the Senate then stand in recess until the hour of 3 p.m. today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Now, one brief word about the schedule of the Senate. May I say that as soon as morning business is closed that Radio Marti will automatically recur as the pending business. I hope we may be able to dispose of that measure today. I do not have a request for a rollcall vote on that measure, although there may be such a request.

As soon as Radio Marti is disposed of, Mr. President, the Interior appropriations bill will recur as the pending business.

I do not anticipate that we will finish that bill today. It is more likely that we will finish both Radio Marti and the Interior appropriations bill tomorrow or perhaps on Wednesday.

If possible, Mr. President, it is the hope of the leadership that we can reach the DOD authorization conference report tomorrow. I do expect a vote, of course, on that measure. The remainder of the week, Mr. President, is less clear.

On the matter of the Korean Air Lines plane, there was a request by a Senator, who is perfectly within his rights, to examine that resolution further before the unanimous-consent request is entered into. I respect that request. I have withdrawn, therefore, the unanimous-consent request. I do expect, however, to make it again later in the day.

Mr. PERCY. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes, I yield.

Mr. PERCY. Mr. President, as the majority leader knows, we have been trying to schedule the State Department authorization, military security, and foreign aid for some time now. We both have a commitment to the Secretary of State that this would be a matter of urgent priority.

Could the leader give some idea as to when we might be prepared to have those matters debated on the floor?

Mr. BAKER. Yes. Mr. President, I am aware of the urgency of that situation. I say to the distinguished chairman of the Foreign Relations Committee that it would be my hope that he and I can consult with the Secretary of State and decide which one of those bills should come up next, and we will try to get to it either later this week or next week, if possible.

Mr. PERCY. I thank the majority leader very much.

CONDEMNING THE BRUTAL BEHAVIOR OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE DESTRUCTION OF KOREAN AIR LINES FLIGHT 007 WITH THE LOSS OF 269 INNOCENT LIVES

Mr. BAKER. Mr. President, I sent the resolution to the desk and it has not yet been reported. I ask that the clerk report the resolution at this time.

The PRESIDING OFFICER (Mr. WALLOP). The clerk will report the resolution.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 158) condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Air Lines Flight 007 with the loss of 269 innocent lives.

Mr. BAKER. Mr. President, I believe it would be appropriate for the clerk to continue reading the resolution.

The PRESIDING OFFICER. The clerk will continue reading.

The legislative clerk read as follows:

S.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas, the United States joins the world community in expressing its sense of shock and outrage over the actions of the Soviet Government on August 31, 1983, which led to the destruction of Korean Air Lines flight 007 (hereinafter referred to as KAL 007) with the loss of 269 innocent lives;

Whereas, KAL 007, en route from Anchorage, Alaska to Seoul, Republic of Korea, innocently strayed into Soviet airspace on August 31, 1983;

Whereas, Soviet authorities tracked the flight of KAL 007 for more than two hours, but failed to exhaust all internationally recognized procedures to warn the aircraft of its error, to protect its passengers, and to assist in its safe landing;

Whereas, as KAL 007 was leaving, or had left, Soviet airspace, a Soviet Air Force fighter fired air-to-air missiles at and destroyed the unarmed, clearly-marked civilian airliner with innocent men, women, and children of 13 nationalities aboard;

Whereas, as a result of this barbaric action, 269 people, among them 61 of our fellow citizens lost their lives;

Whereas, the Soviet Government has refused to make known the true facts, to accept responsibility, and to apologize, for this unconscionable act;

Whereas, the Soviet Union has continued to deny access to the area where the airplane may have gone down;

Whereas, the Soviet Government has proclaimed publicly its intention to repeat this murderous act if another airliner wanders inadvertently into Soviet airspace;

Whereas, this cold-blooded attack on a commercial airliner straying off course will rank among one of the most infamous and reprehensible acts of aviation history;

Resolved, by the Senate and the House of Representatives in Congress assembled, that the United States hereby

(1) condemns this Soviet crime and calls for a full and frank explanation from the Soviet Union of its brutal behavior;

(2) extends its deepest sympathies to the families who lost loved ones and supports their rights to obtain full and just compensation from the Soviet Union;

(3) calls on the Soviet Union to assist international efforts to recover the remains of the victims;

(4) reaffirms the actions against Aeroflot and calls for an international investigation conducted by the International Civil Aviation Organization;

(5) urges the international community to demand that the Soviet Union modify its air defense procedures and practices to assure the safe passage of commercial airliners when navigational errors occur in the future;

(6) urges other nations to join with the United States in applying appropriate sanctions against Soviet civil aviation;

(7) notes that the Soviet Government's refusal to accept responsibility for this tragic event raises serious doubts among the world

community of nations over the unwillingness of the Soviet Union to behave as a responsible member of the international community;

(8) urges our allies to cooperate with the United States in implementing additional sanctions until such time as the Soviet Government apologizes unequivocally for its actions, fully compensates the families of innocent victims, and agrees to abide by internationally recognized and established procedures which are purposefully designed to prevent the occurrence of such tragedies.

Mr. BAKER. Mr. President, a part of the unanimous-consent request that I withdrew provided that further consideration of this measure would be put over until Wednesday at 12 noon and a vote would occur thereon at 2 p.m. I would like to reiterate that portion of that request and we will withhold the remainder of the request in respect to whether amendments are in order or not.

The PRESIDING OFFICER. With that understanding, is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. PERCY. Mr. President, I wish to commend the joint leadership for this resolution. I am proud indeed to be a principal cosponsor of it.

Mr. BAKER. I thank the Senator.

Mr. President, there is time remaining for the transaction of routine morning business, is there not?

The PRESIDING OFFICER. There is.

H.R. 2760—RELATING TO U.S. ASSISTANCE TO NICARAGUA AND CENTRAL AMERICA

The PRESIDING OFFICER. There is a bill to be read the second time at this point.

Mr. BAKER. Mr. President, this is a bill that is at the desk under the provisions of rule XIV?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Very well.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

A bill (H.R. 2760 to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America.

Mr. BAKER. Mr. President, on behalf of another Senator I am requested to and I do now object to further consideration of the measure.

The PRESIDING OFFICER. The bill will go on the calendar.

Mr. BAKER. Mr. President, I believe the Senator from Maryland seeks recognition.

The PRESIDING OFFICER. The Senator from Maryland.

AUTHORIZING THE FURTHER PARTICIPATION OF U.S. ARMED FORCES IN THE MULTINATIONAL PEACEKEEPING FORCE IN LEBANON

Mr. MATHIAS. Mr. President, I have a joint resolution to send to the desk. I ask unanimous consent that the text be printed in the RECORD and that the resolution be kept at the desk until the close of business today for additional cosponsorship.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. And that at the close of business it would be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution follows:

S.J. RES. 159

Whereas the achievement of peace and stability in an independent Lebanon is an important national objective of the United States and a vital step toward a broader peace settlement in the Middle East; and

Whereas United States Armed Forces, in combination with forces from France, Italy and Great Britain have performed a constructive role in assisting the government of Lebanon in its efforts to restore the stability and prosperity of that country; and

Whereas under Article 1, Section 8 of the Constitution of the United States the Congress has the responsibility to make decisions regarding the commitment and maintenance of United States Armed Forces abroad, as recognized by the War Powers Resolution of 1973 (Public Law 93-148); and

Whereas the circumstances of the United States Armed Forces in Lebanon, beginning with the fatal attack on U.S. Marine positions on August 29 and the further exchanges of fire which have resulted in continuing U.S. casualties clearly indicate a situation of hostilities or imminent involvement in hostilities by U.S. forces, as contemplated by Section 4(a)(1) of Public Law 93-148; and

Whereas this situation requires congressional authorization to continue the presence of United States Armed Forces in a situation of hostilities or imminent involvement in hostilities for longer than 60 days, as provided in Section 5(b) of Public Law 93-148: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This joint resolution may be cited as the "Lebanon Peacekeeping Resolution."

SEC. 2. For the purpose of this authorization, the 60-day period specified in Section 5(b) of Public Law 93-148 is determined to have begun on August 31, 1983.

SEC. 3. The President is authorized to maintain United States Armed Forces in Labanon as part of a multinational peacekeeping force for a period of 120 days from the expiration of the 60-day period specified in Section 5(b) of Public Law 93-148.

Mr. MATHIAS. Mr. President, on September 29, 1982, President Reagan reported to the Congress that the U.S. Armed Forces had been returned to Lebanon to participate in the multinational peacekeeping force. In his report, he made clear that he did not expect the U.S. forces to become involved in hostilities.

After hearings by both the Foreign Relations Committee and, in the other body, the Foreign Affairs Committee, where the President's assessment was reviewed, the Congress indicated its agreement with his judgment by choosing not to exercise its prerogative under the War Powers Act of 1973 to regulate the deployment of troops and to limit their presence to 60 days.

Now, the situation has changed. The U.S. Armed Forces are clearly confronting hostilities. To ignore this change is to ignore the facts. Since August 28, fighting has regularly occurred between Lebanese armed forces and various armed factions in the vicinity of the Beirut Airport, where the U.S. contingent of the multinational force is stationed. Marine positions have come under mortar, rocket, and small arms fire, while several artillery rounds have fallen near the U.S. support vessels lying offshore. To date, 4 marines have been killed and at least 24 injured as a result of these hostilities. French forces have sustained a number of casualties. And, of course, hundreds of Lebanese have been killed or wounded.

There is no question of whether or not U.S. Armed Forces are engaged in hostilities. The facts speak for themselves. What we must decide is whether or not the continued presence of U.S. Armed Forces in Lebanon is necessary. I believe that it is, and I am introducing a joint resolution to provide the President with the authority which is required by the War Powers Act to maintain the forces in this troubled country.

The resolution gives the President 120 days from the expiration of the 60-day period specified in the War Powers Act or until February 26, 1984, before he must return to Congress for a new authorization. There is no magic in this 6-month period. It is simply an attempt to provide the President with the flexibility and a reasonable amount of time to promote a negotiated settlement in accordance with the statute law of the United States. It is the law. It is not a blank check of authority for the President for these 6 months. Should the situation on the ground change, he must obtain further authorization from Congress to expand the number or the role of the U.S. military in Lebanon. However, he may withdraw the troops at any time.

The prospects for an early peace in Lebanon are not good. Restoring central authority there will not be easy

and the probability of continuing and escalating conflict between the various political factions in the country is high. But I believe the United States has a continuing interest in building a strong united Lebanon as a part of a general Middle East settlement. I also believe that if we now precipitously withdraw our forces from that country after they have sustained casualties, the world will get the wrong message about the U.S. ability to maintain a policy under pressure.

The War Powers Act creates a special relationship between the executive and the legislative branches to promote coordination on issues of war and peace. If the President fails to abide by the act, he runs a serious risk that the American people will not support our commitment in Lebanon.

The Reagan administration needs broad national support if it is to continue to keep U.S. Marines in the multinational force. At the same time, it is incumbent upon Congress to see that the act is implemented. The current Beirut operation is the first time in the 10-year life of the War Powers Act that U.S. forces equipped for combat have been deployed in a potentially hostile environment and maintained there for more than 60 days. The success of our efforts today to safeguard both the letter and the spirit of the law will greatly affect the ability of future Congresses to carry out their constitutional responsibilities.

The purpose of the resolution I am introducing today will fulfill the constitutional responsibility of the Congress in the conduct of foreign affairs. The Founding Fathers determined that foreign policy should be the joint responsibility of the executive and the legislative branches, making the President Commander in Chief, but assigning to the Congress the issues of war and peace. The War Powers Act is designed to rationalize this fundamental division of power.

The debate which can take place in the days ahead will give Congress an opportunity to exercise its constitutional responsibility with or without the submission of a Presidental report indicating hostilities in the area of deployment. Congressional authority does not derive from such a report; it derives from the Constitution itself.

Article I, section 8 provides that it is the Congress which shall "declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

Section (8) further provides that it is the Congress which makes "rules for the government and regulation of the land and naval forces." As the Foreign Relations Committee observed in its report on the War Powers Act a decade ago, "There is no way to legislate national wisdom * * *." We can, however, provide important protection to the people of America by insuring that the collective judgment of both the Congress and the President will be brought to bear in decisions involving the use of the Armed Forces of the United States.

Mr. President, I invite all Senators to join in support of this joint resolution. I hope that it can be considered at an early date by the Committee on Foreign Relations. I see that the chairman of the committee is here. I hope that it will receive the attention of the full Senate with the sense of urgency which the situation in Lebanon requires.

Mr. PERCY. Mr. President, I wish to commend my colleague, the senior Senator from Maryland, for introducing this resolution today. Its purpose is to initiate the necessary process of review and approval under the war powers resolution for the continuation of U.S. participation in the multinational peacekeeping force in Lebanon. Because of my feeling that the 6-month time limitation included in this resolution may send a confusing signal which could trigger action that would be contrary to our own interest and the security interests of our forces in Lebanon, I have decided not to cosponsor this particular version of the resolution and have so advised Senator MATHIAS, but I do support the basic thrust and purpose of the Senator's resolution.

I have supported U.S. participation from the outset because I believe the independence of Lebanon is vital to any successful policy in the critical Middle East area. I continue to feel that we must play an active role in this effort and follow through on our commitment to assist the Government of Lebanon in conjunction with other close allies.

We recognized from the beginning of this operation that it posed significant risks of hostilities, and for that reason, I felt at the time that the President should have sought congressional authorization in initiating our military participation. On September 24 of last year, I joined with the ranking minority member of the Foreign Relations Committee, Senator PELL, in recommending to the President that he invoke the relevant section of the war powers resolution, section 4(a)(1), and thereby trigger the necessary review and decision by the Congress. I am confident that the President would have received the support of Congress at that time had he done so.

I ask unanimous consent that the text of that letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., September 24, 1982.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Your announcement that U.S. Marine will be returned to Beirut reflects the serious state of affairs in that city and the critical importance of restoring stability to the country and people of Lebanon. However, the uncertainties surrounding the introduction of United States Armed Forces at the present time seem much greater than during the previous Beirut operation. In particular, the objectives of the mission, the location and role of U.S. personnel, and the expected duration of their presence in Beirut are still not clear to us.

Without knowing more about the purposes and circumstances of the new Beirut operation, therefore, it is difficult to judge the assertions made by some members of your Administration that U.S. forces are not expected to become involved in hostilities. Despite the withdrawal of Palestinian fighters, the bitterness and volatility of the situation in Beirut seem only to have increased during the past few weeks, particularly in the absence of any firm indication that other foreign forces in the area will soon be departing. Therefore, it would seem to us at the present time that the circumstances surrounding this introduction of U.S. armed forces are those contemplated in Section 4(a)(1) of the War Powers Resolution, that is, "situations where imminent involvement in hostilities is clearly indicated by the circumstances". We urge that in making your required report to Congress, you do so under that section of the resolution, and not under Section 4(a)(2) which is reserved for situations in which hostilities are not a serious possibility.

We look forward to fuller consultations with you and Secretary Shultz on these matters and share your hopes for a peaceful and limited American operation in Beirut.

Sincerely,

CHARLES H. PERCY,
Chairman.

CLAIBORNE PELL,
Ranking Minority Member.

Mr. PERCY. The President, of course, made a different determination last year, believing that the risks to our forces in Lebanon were not sufficient to justify a finding—as the war powers resolution puts it—that "imminent involvement in hostilities is clearly indicated by the circumstances." His initial judgment was vindicated by events; until very recently our Marines ably performed their assignment in Lebanon without serious military exchanges. The one tragic casualty we did experience resulted from a landmine, not from an outbreak of hostilities. The Committee on Foreign Relations continued to monitor the situation carefully. On December 15, I joined with 13 other members of the committee in a second letter to the President on this issue, in which we made clear that we were not seeking a confrontation with the President on the war powers issue. However, we also made clear our expectation that formal congressional authorization would be sought before undertaking long term or expanded commitments

or extending indefinitely the present level of operations.

I ask that the full text of this letter appear in the RECORD at this time, along with the text of my floor statement of December 18 explaining it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., December 15, 1982.

DEAR MR. PRESIDENT: As Members of the Senate Foreign Relations Committee, we have a particular concern for the situation in Lebanon and a particular responsibility under the War Powers Resolution with respect to the commitment of United States Armed Forces abroad. We are convinced that it is in the national interest of the United States to work toward a stable and independent Lebanon as part of a broader peace settlement in the Middle East. We also recognize that the current Multinational Force in Lebanon has played a constructive role in preventing further violence in and around Beirut and that the U.S. Marine component of that force has performed admirably under difficult circumstances.

In reintroducing United States Armed Forces into Lebanon on September 29, you reported under the War Powers Resolution that there was "no intention or expectation that U.S. Armed Forces will become involved in hostilities." Individual members of Congress, including members of our Committee, have disagreed with your assessment of the risks inherent in the Beirut operation and, therefore, with your interpretation of the War Powers Resolution in this case. No member has chosen to contest the issue through Congressional action at this time. Under the procedures set out in the War Powers Resolution, Congress reserves the ability to direct the removal of such forces at any time they are engaged in hostilities if it should determine that the circumstances no longer justify a U.S. military presence.

As the Beirut operation continues, and as discussions proceed regarding its possible extension or expansion, we want to ensure that the Congress has an adequate opportunity to consider the full implications of any extended commitment of U.S. forces and to fulfill its responsibilities in this area. We recognize the difficulties in developing longer-term proposals for such a multinational force until the negotiations for the departure of all foreign forces have progressed. However, we would expect Congress to be involved at the earliest possible stage in the development of such proposals and that formal Congressional authorization would be sought before undertaking long-term or expanded commitments or extending indefinitely the present level of operations.

In the longer term, it may be appropriate to consider more general legislation to clarify the respective roles of the President and the Congress in undertaking the commitment of U.S. armed forces to such operations. We look forward to further discussions with you and the members of your Administration in the exercise of our joint responsibilities in this area.

Sincerely.

Charles H. Percy, Richard G. Lugar, Nancy Landon Kassebaum, Paul E. Tsongas, S. I. Hayakawa, John Glenn, Charles McC. Mathias, Jr., Claiborne Pell, J. R. Biden, Jr., Larry Pressler, Edward Zorinsky; Chistopher J. Dodd, Paul Sarbanes, and Rudy Boschwitz.

U.S. TROOPS IN BEIRUT

Mr PERCY. Madam President, a force of 1,200 U.S. marines has been stationed in Beirut, Lebanon for nearly 3 months as part of a multinational effort to restore stability in the wake of the tragic events of September. To be precise, November 28 marked the 60th day of this operation by U.S. Armed Forces equipped for combat. Under the war powers resolution of 1973, 60 days marks the limit of the President's authority to maintain U.S. Armed Forces in a foreign country if they have been introduced into actual hostilities or, as the resolution says, "where imminent involvement in hostilities is clearly indicated by the circumstances." Beyond this emergency period, the resolution provides that the President must have specific authorization from Congress to continue combat operations, except for a limited extension of time if needed to insure a safe disengagement.

The authority of Congress to insist on such a role is founded on several provisions of the Constitution, including its enumerated powers to declare war, to maintain and to make rules for the Armed Forces and to provide for "the common defense." The Founding Fathers clearly intended that decisions regarding the use of force should be made jointly by the President and Congress and gave the legislative branch the authority to establish such statutory mechanisms as might be "necessary and proper" to the execution of that joint responsibility. The war powers resolution was a conscientious and constructive effort to provide a procedural framework to accomplish this objective under the changed circumstances of modern diplomacy and warfare. But the resolution is not a magic solution to the practical difficulties of interbranch collaboration, nor is it a formula for resolving all questions of constitutional authority regarding the commitment of troops abroad. The circumstances of the current Beirut operation are only the latest case in in point.

At the outset of the current operation in Beirut, the second of its kind in 2 months, I expressed my view that the risk of hostilities involving U.S. troops was serious enough to trigger the 60-day time limit of the war powers resolution. The ranking minority member of the Foreign Relations Committee, Senator CLAIBORNE PELL, joined me in advising the President to submit his report to Congress under section 4(a)(1) which includes the 60-day limitation. Our concern was, in part, to avoid a situation in which American marines were being killed in an operation which the Congress had no formal part in approving. Other Members of Congress expressed similar concerns about the serious risks of combat. I also expressed at the time my strong support for the operation itself, and emphasized the importance of our efforts to restore the authority and confidence of the central government in Lebanon.

In his report to Congress on September 29, President Reagan did not cite a particular section of the war powers resolution. He did make clear, however, that he did not consider the threshold of "imminent hostilities" as having been met. I think the President and his advisers made this determination carefully and in good faith, not simply to bypass the 60-day limit in the resolution. The situation required a difficult judgment call, a call with—as I openly acknowledged at the time—it was the President's initial responsibility to make.

Since that time, as the war powers resolution is structured, the ball has been in our court. Any Member of Congress who opposed the Beirut operation and believed that it was a situation of imminent hostilities, could take advantage of the resolution's procedure for ordering the withdrawal of U.S. forces—irrespective of the 60-day time frame—by concurrent resolution. No one has yet done so. Those Members, like myself, who support the present operation, waited to see whether our initial concerns about serious hostilities involving U.S. forces would be realized. If we had continued to believe that the operation could only be viewed as one of actual or imminent hostilities, our responsibility would have been to introduce a resolution extending the President's authority to keep the Marines in Beirut for an additional period of time. The war powers resolution provides an expedited procedure for the consideration of such a resolution and any Member of Congress can institute this process.

However, I concluded during the congressional recess, after following the situation in Lebanon carefully, that such an authorizing resolution was not called for. The President's original hope of avoiding involvement in hostilities has so far been realized. No doubt, the absence of serious hostilities involved a significant amount of good luck, but it is nevertheless a credit to the skill and restraint of all the parties involved.

Nevertheless, the absence of hostilities during the initial 60 days of the Beirut operation does not mean that Congress has no further responsibilities in the matter. If, at any time, our Marines do become engaged in hostilities, the war powers resolution provides a procedure for Congress to consider the situation and, if both the House and Senate conclude that there is inadequate justification for further U.S. involvement, to direct the withdrawal of U.S. forces by concurrent resolution. Therefore, Congress has a continuing responsibility to follow the developments in Lebanon very carefully and to consult closely with the President and his advisers regarding our future policy toward that country. The Committee on Foreign Relations on December 1 held an informative and helpful hearing with Acting Secretary of State Kenneth Dam to maintain this process, and we were further briefed on the status of negotiations by Ambassador Habib last Friday.

The responsibilities of Congress are not limited, however, to situations of actual or clearly imminent hostilities. The long-term commitment of U.S. Armed Forces abroad is a matter for joint decision by the President and the Congress. In sending U.S. marines back into Lebanon along with contingents from France and Italy, the President was responding to an obvious emergency prompted by the murder of the Lebanese President and hundreds of Palestinian civilians. Since then, our troops have performed admirably in assisting the Lebanese Government and its Armed Forces to regain control in and around the capitol and reduce the dangers of further violence there. I can testify to this as I visited with many of them just a few months ago while in Beirut.

But this mission was clearly meant to be limited in both scope and time; in fact until recently, administration officials reportedly expressed the hope that U.S. forces would be withdrawn from Lebanon by the end of the year. That objective certainly can no longer be met, and without further progress on a broader agreement involving the withdrawal of foreign forces from Lebanon, the longer term need for the presence of U.S. Armed Forces is uncertain. It may be that

as part of the withdrawal arrangement, U.S. troops will need to play a continuing role in a broader multinational peacekeeping arrangement. I think the Congresses will continue to support such a mission as part of an overall arrangement to restore prosperity and stability to that crucial part of the Middle East. It is difficult to see how a broader framework for peace in the Middle East can be accomplished without a more stable Lebanon.

However, it is also my view that the President should not undertake such a longer term commitment of U.S. forces to Lebanon without clear congressional approval. The indefinite presence of U.S. combat forces in Lebanon would amount to a major security commitment to that country by the United States, whether or not there is a prospect of actual or imminent hostilities. The establishment of such commitments is not a matter addressed by the war powers resolution as such, but it has been a subject of continuing concerns by the Congress during the postwar era and was the subject of the national commitments resolution passed by the Senate a decade ago. That resolution stated the Senate's view that the establishment of a national commitment, including the use of U.S. Armed Forces in a foreign country, should only be made by means of a treaty involving Senate approval or joint action of the House and Senate. Thus far in the Lebanon operation, Congress has not participated in either manner. Therefore, once the administration knows what longer term arrangement is possible there, I would expect it to come to Congress to explain its plans and to seek appropriate congressional approval, perhaps in the form of a joint resolution such as that passed by Congress a year ago to provide the authority and the funds for the multinational force and observers (MFO) in the Sinai. I do not think it would be appropriate on constitutional grounds, or wise on political grounds, to continue an indefinite U.S. troop presence in Lebanon without congressional approval. Congress should and will share the responsibility with the executive branch.

Madam President, as a result of concerns expressed on this point by a number of committee members, the committee agreed yesterday to send a letter to the President explaining our view that the long term or expanded commitment of U.S. Armed Forces to Lebanon should only be undertaken with the authorization of Congress. I ask unanimous consent that the text of that letter appear in the RECORD at this point.

Mr. PERCY. Some 5 months later, in reporting out the Lebanon Emergency Assistance Act, the committee wrote such a requirement into the bill. The House Foreign Affairs Committee took a similar position and our positions were sustained by the full House and Senate. On June 27, the President signed the bill into law, which included the final version of this language in section 4:

> The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces * * *.

That section also made clear the view of Congress that it did not change the preexisting requirements of the war powers resolution with respect to the involvement of our forces in hostile situations. This provision was, in fact, added at the suggestion of the senior Senator from Maryland, Senator MATHIAS.

Therefore, whether or not the President should decide to make a substantial adjustment in our forces in Lebanon, the standard of the war powers resolution continues to operate in relation to these forces. The outbreak of serious hostile exchanges of fire on August 29, resulting in the death of two of our marines, and the continued recurrence of such exchanges and casualties, including two more deaths, with no assurance that they can be completely halted, have brought me to the conclusion that the war powers resolution requires Congress as a whole to review the situation and to take action on a formal authorization for the U.S. presence. As the language and history of that resolution makes clear—and I have confirmed this point with Senator Javits, its principal Senate sponsor, since Senator MATHIAS and myself worked very closely with Senator Javits and Senator STENNIS as the original sponsors of the resolution at the time that debate was carried on—the Congress does not need to wait for the President to make a finding on the hostilities question before considering the matter under its own procedures. That is the purpose of the joint resolution being introduced today.

Mr. President, the focus of our attention should not be on the language of the war powers resolution, but on the stakes in Lebanon and on the policy of the United States in that area. We must review, as the people of the United States would want us to review, whether the risks to our marines there and the tragic sacrifices which some of them have already made in Lebanon, are justified by the interests of the United States and the prospects that our participation can promote those interests. In so doing, we are fulfilling one of our principal responsibilities under the Constitution: to participate in decisions regarding war and peace. Is the United States justified in risking the lives of its soldiers and committing its military resources to help restore some stability to this embattled country? The President of the United States clearly thinks so, his principal advisers clearly think so, and our allies in Britain, France, and Italy clearly think so. Because I also believe that we have an important role to play in Lebanon, I am prepared to proceed with this authorization on the assumption that the U.S. Congress will also think so in the final analysis, even though I believe it is our duty to probe and question the basis of our policy in Lebanon and not to prejudge these matters at the outset.

This is the process which the war powers resolution was intended to facilitate. It is simply a framework within which our constitutional responsibilities as Members of Congress can be exercised. As such, its authors recognized that we must work closely with the President and his advisers in making our decision. We must insure that it is a vehicle not of confrontation, but of cooperation with the President in producing an outcome which has the full support of the U.S. Government behind it.

Mr. President, I would like to say a final word on the resolution introduced today and the process we expect to follow in considering it. The procedures for such authorizations under the war powers resolution are set out in section 6. This resolution will be referred to the Committee on Foreign Relations, which will consider it along with any other joint resolutions providing authority under section 5(b) of the war powers resolution. I ask consent that the texts of sections 5(b) and 6 of the war powers resolution appear in the RECORD at this time.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

WAR POWERS RESOLUTION

Public Law 93-148 [H.J. Res. 542], 87 Stat. 555, 50 U.S.C. 1541-1548, passed over President's veto November 7, 1973

5. (b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

Sec. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three

calendar days thereafter unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the RECORD or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

Mr. PERCY. The committee must report out a resolution no later than the first week in October, which shall become the pending business in the Senate and be voted on within 3 calendar days. There are further procedures for consideration by the House and for a possible conference between the branches prior to the end of the 60-day period which began on August 31—48 hours after the events of August 29, as provided in section 5. That would be October 30 as we calculate it.

The resolution itself is a starting point. It is necessary to initiate the process of consideration and debate leading to final action by the full Congress and submission to the President. But we have not tried to foresee and foreclose all the issues and concerns of Congress in this initial formulation. We anticipate that there will be many suggested additions or adjustments to the language during the course of our consideration. In the end, we might even decide that such an authorization is not justified, that our troops should be removed or pulled back to safety. Though I doubt very much that this will be the decision of Congress in the end, we have not foreclosed that possibility by starting this process. What the introduction of this resolution is intended to insure is that the debate and the decision will take place, and within the timeframe anticipated by the war powers resolution.

Certainly, it is the procedure contemplated in the development of the war powers resolution itself, that the Congress, by its constitutional authority, must share in the responsibility with the President for this decision. For my part, I hope it will be seen by the President and by the rest of the world, as a positive step in support of our participation in the peacekeeping enterprise. It is a step I think we must take, and a step that the President and the Congress should take together.

Certainly, Senator MATHIAS has made eminently clear in his public statements today his strong feeling on this matter. I once again commend my distinguished colleague for the initiative he has taken.

Mr. MATHIAS. If the Senator will yield, I would like to thank the Senator from Illinois for his generous personal references, but more importantly for his statement of support in principle for the purpose of this resolution.

When I introduced the resolution, I said there was no magic in the 120-day period, that it just occurred to me that 6 months was a reasonable period in which we could determine whether negotiations were progressing or were not. But that is the very kind of question which it would be appropriate for the Committee on Foreign Relations to consider and for the Senate itself to consider. I welcome additional thoughts and views on that subject.

The chairman of the Foreign Relations Committee has also suggested there may be other amendments, other proposals to be included in the resolution that I would welcome. This is a corporate exercise by the Senate, the discharge of our constitutional functions. It is not a solo act.

So I am grateful that the chairman of the Committee on Foreign Relations could be here at this time and participate in this discussion.

Mr. PERCY. I thank my distinguished colleague.

DEFENDERS' DAY

Mr. MATHIAS. Mr. President, 9 days ago, on September 3, Americans celebrated the 200th anniversary of the signing of the Treaty of Paris which concluded the hostilities between the American colonies and Great Britian surrounding the Revolutionary War.

To this day, the Treaty of Paris remains the most important diplomatic document in our history. It established the United States as an independent nation. It launched us in the community of nations. And joyous celebrations of its bicentennial are entirely appropriate.

However, as Marylanders celebrated the treaty anniversary earlier this month, our feelings of delight were intermingled with more sober reflections on the fragility of peace. And for good reason.

The Treaty of Paris ostensibly assured "* * * a firm and perpetual Peace between his Britanic Majesty and the said States. * * *" And yet, within less than a generation, the United States and Great Britain were engaged in the hostilities which we know as the War of 1812.

In that war, the resolute and gallant citizens of Baltimore defended the city against the British onslaught in the Battles of North Point and Fort McHenry. Today, Marylanders are observing Old Defenders' Day to commemorate those battles which began on September 12, 1814.

Happily, in the 169 years since then, all subsequent relations with Great Britain have been fully consonant with the high hopes for perpetual peace expressed in the Treaty of Paris. But that early experience does serve to remind that peace is not secured by words on paper.

Peace is like a garden. It requires constant cultivation. It must be nurtured, and encouraged, and tended. For a garden to be beautiful, each part must be beautiful. And for peace to flourish everywhere, it cannot be neglected anywhere.

From time to time, Mr. President, in our international relations we seem to forget the precepts of good husbandry, and, unfortunately, this is one of those time. Even before the Soviet Union shot down a defenseless Korean airliner, our relations with the other superpower were languishing in disrepair. Today, with the hands of the clock on the Bulletin of Atomic Scientists at 4 minutes to midnight, the prospects for peace seem perilously fragile.

While we, and all civilized peoples, must condemn the Soviet Union for its outrageous act of brutality which resulted in the death of 269 men, women, and children, on this Defender' Day, which honors Baltimore's citizen-soldiers, it also seems appropriate to recall the advice of another citizen-soldier, one wise in the ways of cultivating peace. As the 98th Congress resumes it deliberations today, with so many pressing world problems crowding our agenda, the words of George Washington's Farewell Address to Nation commend themselves to our attention:

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult to injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

POPE JOHN PAUL II CONDEMNED ILLEGAL DRUGS

Mrs. HAWKINS. Mr. President, recently I had an opportunity to meet with His Holiness Pope John Paul II and to learn of his deep concern over international drug abuse.

Recently, he expressed grave concern over the increasing trafficking in illicit narcotics which now threatens the health and spiritual well-being of countless numbers of innocent human victims throughout the world, particularly the young. The Pope was deeply aware of the worldwide drug-abuse problem and expressed his conviction that it was attributable to the critical issues of spiritual and family disintegration, increased unemployment; and object poverty now prevailing in many nations.

In a recent homily at the Mass for former drug addicts to overcome drugs, the Pope delivered a condemnation of drugs and their alienating effect on society.

His condemnation came amid controversy in Italy over Socialist Health Minister Aldo Aniasi's recent announcement that he is considering legalizing marihuana and other light drugs on an experimental basis.

The Pope condemned "with all my soul" attempts to legalize the use of marihuana and other drugs that induce people to seek "artificial paradises."

Aniasi told Parliament he thought that legalizing light drugs might help the fight against hard drugs such as heroin.

But John Paul recalled that an Italian congress of Catholic doctors last year came out strongly against legalizing marihuana:

I associate myself with all my soul with the views and the anxieties expressed by the Association of Italian Catholic Doctors about the proposed law concerning the liberalization of drugs, erroneously defined as light drugs, and the freedom to administer heroin in a hospital environment.

The painful experience of some nations has shown that more permissive legislation in this field serves neither to prevent nor to re-educate.

Rather than legalizing marihuana, the Pope said, the social conditions that lead people "to seek artificial paradises" must be reformed.

John Paul continued:

We do not want to put society on trial, but we must point out that the many failures of the structure of society, such as unemployment, the housing shortage, social injustice, political opportunism, international stability, lack of preparation for marriage, the legalization of abortion and divorce, inevitably cause a sense of distrust and depression which can lead to fearsomely negative experiments.

Experts in psycho-sociology also say that one cause of the drug phenomenon is the sense of solitude and lack of communication which weighs on the noisy and alienated modern society and even on the family itself.

This is a painful fact which, together with the absence of intimacy with God makes understandable, but certainly does not justify, a flight into drugs in order to forget, to dull the senses, or indeed to deliberately start a trip of no return.

I ask unanimous consent that the Pope's homily at the Mass for former drug addicts to overcome drugs entitled "Solidarity Is Necessary" be printed in the RECORD.

There being no objection, the homily was ordered to be printed in the RECORD, as follows:

THE POPE'S HOMILY AT THE MASS FOR FORMER DRUG ADDICTS TO OVERCOME DRUGS SOLIDARITY IS NECESSARY

BELOVED SONS AND BROTHERS: You desired this eucharistic meeting with the Pope to express your faith and your devotion concretely; and I, welcoming you round the altar of the Lord, extend my most cordial greeting to you and express to you my deep gratitude. You give me, in fact, the opportunity to meet serious and committed persons, who take an active part in the anxieties and concerns of the Church and who bring experiences, sometimes dramatic and sometimes useful to help with the many hardships and necessities of modern society. Your presence, so respectful and affectionate, is a great consolation for me: you understand, in fact, the solicitude of the Vicar of Christ, who, as responsible Pastor, immersed in this 20th-century society, feels the responsibility of enlightening and guiding all men. You offer him your help, your prayer and your sincere collaboration. In areas which he cannot reach, you arrive, to relieve pain and suffering, to dispel doubts and apprehensions, to save those who, in defeat and desolation, desperately call for help! You give me confidence and hope, and therefore I thank you sincerely.

The work of recuperation and prevention of the pernicious and terrible consequences of drugs is, at the present time, not only well-deserving, but necessary: the road in which there lie the many persons wounded and stricken by the painful shocks of life, has extended to a frightening extent, and there is all the more need of good Samaritans.

In particular, starting from this eucharistic Celebration, I would like to make some concrete exhortations to you.

Psychologists and sociologists say that the first cause that drives young people and adults to the harmful experience of drug-taking is the lack of clear and convincing motivations of life. In fact, the lack of reference points, the absence of values, the conviction that nothing has a meaning and that therefore life is not worth living, the tragic and distressed feeling of being unknown wayfarers in an absurd universe, may drive some people to seek exasperated and desperate forms of escape.

The well-known French thinker, Raissa Maritain, already knew this, narrating the experiences of her youth, at the beginning of the century, when she was a student at the Sorbonne in Paris and had lost all faith: "Everything became absurd and inacceptable . . . The absence of God emptied the universe. If we must renounce finding any meaning in the word 'truth', in the distinction between good and evil, between just and unjust, it is no longer possible to live in a human way. I would not put up with such a farce—the writer says—I would have accepted a painful life, not an absurd life . . . either the justification of the world was possible, and it could not be done without knowledge of the truth; or life was not worth a moment's attention." And she concluded with dramatic realism: "This metaphysical anguish which penetrates the very sources of the desire to live, is capable of becoming complete despair and of leading to suicide" (I grandi amici, Vita e Pensiero, Milan, 1955, pp. 73-75).

They are words that make us think: men need truth; they have the absolute necessity of knowing why they live, die and suffer! Well: you know that the "truth" is Jesus Christ! He Himself said so categorically: "I am the truth!" (Jn 14:6), "I am the light of the world; he who follows me will not walk in darkness, but will have the light of life" (In 8:12). So love the truth! Bring the truth to the world! Bear witness to the truth which is Jesus, with all the doctrine revealed by Himself and taught by the Church, divinely assisted and inspired. It is the truth that saves our young people: the whole truth, enlightening and demanding, as it is! Do not be afraid of the truth and set Jesus Christ, only and always, against the many teachers of the absurd and of suspicion, who may perhaps fascinate, but who then lead inevitably to destruction.

There is a second reason, always according to the experts, which drives people to seek "artificial paradises" in the various types of drugs, and it is the social structure, which is deficient and unsatisfactory.

This is certainly a very important subject, but also a very difficult and complicated one. We are witnessing, in fact, a "lay morality" spreading and taking root in all States. This morality disregards almost entirely objective morality, the so-called "natural" morality, as well as the morality revealed by the Gospel. We do not want to indict society: we cannot but note, however, that so many shortcomings in the structure of society, such as unemployment, the lack

of houses, social injustice, political opportunism, international instability, lack of preparation for marriage, the legalization of abortion and divorce, inevitably cause a sense of loss of confidence and oppression, which may sometimes lead to experiences that are frightfully negative. We must not lose heart! In spite of the difficulties, continue to exert a good influence on society; make your active contribution also in the political and legislative field; always support with enthusiasm what must be the first and principal intention of every organism and every State: respect and love for man! What St. John wrote to the first Christians, is valid also today: "God gave us eternal life, and this life is in His Son. He who has the Son has life; he who has not the Son of God has not life" (1 Jn 5:11).

In this connection, I join with all the deep participation of my spirit in the concerns expressed by the "Association of Italian Catholic Doctors" with regard to the bill concerning the liberalization of drugs wrongly defined as "light" and the faculty of administering heroin in hospitals (XV National Congress, November 1979 at Assisi VI European Congress, May 1980, at Brussels). As the painful experience of some nations now shows, a more permissive legislation in this field does not serve either for prevention or for redemption.

Finally, experts in psychosociology say further, a cause of the phenomenon of drug taking is also the sense of loneliness and incommunicability which unfortunately, weighs upon modern society, noisy and alienated, and also upon the family itself. It is a painfully true fact which, together with absence of intimacy with God, makes one understand, but certainly not justify, seeking escape in drugs to forget, to dull one's senses, to emerge from situations that have become unbearable and oppressive, and even to begin deliberately a journey from which there is no return.

The modern world, in fact, is in great need of friendship, understanding, love and charity. So bring your charity, your love, your help with perseverance and sensitivity! It is charity that saves and becomes the way to truth! It is being realized more and more that the young person, caught up in the poisonous spirals of drugs, has an essential need to feel loved and understood in order to be redeemed and to resume the normal way of those who accept life in the perspective of eternity. But above all, be bearers and witnesses to the love and mercy of God, the friend who does not betray and who continues to love and to wait with confident hope. How true and moving are the words written by St. Teresa of the Child Jesus in her last illness: "Yes, I feel it: if I had on my conscience all the sins that can be committed, I would throw myself all the same into the arms of Jesus, my heart overcome with repentance, because I know how much He loves the prodigal son who returns to Him" (Ms. C.).

Beloved in Christ! Here is your task and your orders: bring confidence and love!

Holy Scripture tells us by the mouth of the ancient Prophet that "the righteous shall live by his faith" (Hab 2:4; Cf. Rom 1:17 ff; Gal 3:11) and Jesus exhorts us to have faith equal at least to a grain of mustard seed (Mt 17:18-19).

You, too, are committed to saving society with love and with Faith! Commend yourselves every day to the Blessed Virgin, pray to her every day with affection and trust, that she may always illuminate your thoughts and guide your steps along the ways of the world, for the relief of so many who need to meet her immaculate and motherly Heart!

And may my propitiating Blessing accompany you!

At the end of the Mass, the young people of CIS represented by means of mime the fundamental stages of their progress towards salvation from drugs. Answering a greeting addressed to him by Don Picchi, the Holy Father said among other things:

"Sometimes we embrace persons with our hands; on other occasions we find ourselves in a rather different situation, preferring to embrace persons with words. That happens at moments of reflection. And the one we are living today is a moment of reflection, of reflection on the fundamental problems of life, of human existence, of human suffering and confidence, of the hope that remains with us always and in any circumstances. At the end of this meeting I would like, then, to embrace you all with these words. I would like to embrace the young particularly, these young people who, as they have shown recently, have been able to be victorious and bear witness to how it is possible to be victorious and regain one's own humanity, freedom and the sense of "being," of being a man and of living among men. They have been able to be victorious and this is the most important thing of all the work is carried out in the Italian Centre of Solidarity and in the various world centres, particularly in the USA one and all over the world. If we are to face up to that great danger for the human person, for any man, and especially for a young man, that drugs are, we must have proofs of the possibility of being victorious. If we have the certainty that it is possible to be victorious, a certainty proved through the persons who have been victorious, then we can face up to the danger with hope.

So you, young people who have been victorious, become for others a testimony of hope, a testimony that victory is possible; you also become for society, concerned about the drugs phenomenon, a new impulse to struggle, to commit all forces, all good will: it is worth while because victory is possible. With these conclusive words I would like to embrace all those present, not only the young but also all the others who take part in the social effort against drugs, against the danger of drugs. A direct danger for humanity, for human personality. All those who, in society and in the Church, take part in the efforts to defeat drugs, are among us today, in our common prayer and also in that testimony which has completed our prayer, in a way. May they find a stimulation, an encouragement to continue. To all of you, I, as your Bishop, wish to repeat my thanks. We are really united in this concern and in this struggle. We are really united as friends, as Christians, as disciples of Christ because he is present in all those who are suffering, he is truly, really, present in every young person suffering the experiences of drug taking, sad and tragic ones. If we commit ourselves to helping these young people, we find Christ Himself in each of those we are trying to help. And so I want to thank all those who are committed, all the priests, Sisters and laymen who take part in different ways in this social, religious and apostolic effort, whom I have had the possibility and the joy of meeting today. I thank you cordially, deeply, for this meeting, and once more I say: in spirit I embrace you all as my friends, as my brothers and sisters. I thank you and say to you: continue!

Praised be Jesus Christ.

SHOULD THE SOVIET SHOOTING DOWN OF THE UNARMED KOREAN JET KILL THE NUCLEAR FREEZE?

Mr. PROXMIRE. Mr. President, the answer is NO—indeed! The criminal and cruel shooting down of the Korean jet should have one primary effect on the U.S. objectives in negotiations for a nuclear freeze. It should reinforce our determination to seek the surest possible verification of compliance by both sides to the terms of the treaty. That means we should strengthen the quintessential heart of our verification—our satellite reconnaissance system—and make it clear that any Soviet assault on our satellites would bring prompt renunciation of the treaty. It means we should also press hard for unannounced onsite inspection by either side to supplement our satellite verification and to follow-up any indication of U.S.S.R. cheating with prompt and unannounced investigation.

Some will argue that this would kill any chance of winning agreement to the treaty—that the U.S.S.R., with their paranoic reaction to incursions into their territory, as just shown by their savage attack on the unarmed Korean jet, will never agree to onsite inspection. It is feared that our insistence on onsite inspection would doom the treaty. I disagree. The Russians have hinted several times that they might agree to onsite inspections. At any rate, we should press hard for this and refuse to agree to a nuclear freeze treaty unless we get a verification agreement that will provide assurance either of Soviet compliance or of our knowledge if they fail to comply. If we can come up with a better formula for verification than satellite inspection followed up by unannounced onsite inspection, let us hear it. But let us make the verification as assured as possible.

In the long history of United States/Soviet negotiations, the Soviets have abided by those treaties which have a verification system which enables us to know if they have cheated. For instance, they have abided by the treaty banning the explosion of nuclear devices above a certain kilotonnage. But where verification and compliance provisions have been absent—as with the biological warfare treaty—they have violated the treaty, as they did with their use of chemicals causing yellow rain in Afghanistan.

We should insist on stringent, assured verification for two reasons:

First, there should now be no lingering doubt that we cannot trust the Russians. We know that a decent regard for human life will not restrain

them from violent action. We know that an international agreement, to which they subscribed, not to shoot down unarmed planes, will not dissuade them from doing so. The Korean airliner incident should dissolve any doubt. Since we can expect the Russians to violate any agreement whenever they think it is to their interest to do so, we must have verification to detect any U.S.S.R. violation. We need it so we can act in our own national security interest if and when the Russians violate the treaty;

Second, the Russians have not violated the treaties when verification and compliance features have been spelled out. So rigorous and detailed and specific verification provisions will not only enable us to protect ourselves in the event of a Russian violation; they will greatly reduce the prospect that such a Russian violation will take place.

Above all, we should press for the nuclear freeze, because the Korean airliner incident reminds us of what an unstable and dangerous world we live in. The Soviet missile that shot down the Korean unarmed airliner and killed 269 people did not come from an individual decision or from a couple of hours of panic. It came from the calculated, premeditated, carefully established policy—the law—of the Soviet Union. The Russians have carefully and deliberately decided as a matter of national policy to shoot to kill innocent and unarmed civilians who violate their airspace and refuse to land. This gross disregard for innocent human life exposes the absence in the U.S.S.R. of any humane restraints against lethal violence by the state.

Yet the U.S.S.R. is the other nuclear superpower. It is an inescapable fact of life that they have the capability to destroy civilization. How do we diminish the terrible risk that the U.S.S.R. with their disregard for the sanctity of human life will some day, with the arms race continuing to put greater and greater lethal power into the hands of both superpowers, press the nuclear button? After all, the U.S.S.R. is the nation that gave the order to shoot down the unarmed passenger airliner. Obviously there is no way of eliminating the terrible risk. But we can reduce that risk by continuing to press for a mutual, verifiable end to the arms race—a nuclear weapons freeze.

THE GENOCIDE CONVENTION IS A USEFUL TOOL OF DIPLOMACY

Mr. PROXMIRE. Mr. President, in the wake of recent violence by Armenian extremists I am reminded once again that the Genocide Convention presents a useful tool of international diplomacy.

Nothing could be worse than the making of overly optimistic or irresponsible claims about the efficacy of the Genocide Convention, but in the case of the Armenians there is cause for hope. Indeed, the vast majority of the Armenians want only international recognition for the crime that was committed against them in 1915.

Mr. President, extremists within the Armenian community have used popular indignation about crime to camouflage the indefensible nature of their own crimes. These extremists are responsible for most of the wanton violence directed against Turkish citizens and foreigners. Some within the Armenian community are sympathetic to these groups because they feel that normal channels of international diplomacy have been closed to them.

An effective Genocide Convention, possible only with U.S. adherence, would not bring back the 1.5 million Armenians who perished 68 years ago. It certainly could not be used to try any one who might have been personally involved. But the beauty of the convention, Mr. President, is that it could undercut the extremists politically, by addressing an issue which many Armenians feel has been neglected. By providing an international mechanism to help prevent future genocides, the signatories of the convention may make it easier for all nations to recognize past injustices. Perhaps for the majority of the Armenian people, whose views would otherwise be moderate, such recognition would suffice to begin a healing of the old wounds.

Mr. President, in order for the convention to be effective, the United States must be a signatory. We are the preeminant force in world politics and we also have many avenues of influence. It seems to me that the Genocide Convention presents a way to alleviate the long smouldering Armenian-Turkish feud, which has cost the international community so much. But in order to persue this course we must be a party to the convention. I am not guaranteeing my colleagues a quick-fix to the Armenian problem, nor to the question of genocide in general, but ratifying the convention is a good first step. Why do we not take that step?

ADDRESS BY THE PRESIDENT, BEFORE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

Mr. PERCY. Mr. President, this morning I had the distinct pleasure of addressing the opening session of the annual National Association of Towns and Townships meeting here in Washington at the Capitol Hilton Hotel. The theme of this year's conference is "Grassroots Government—Keep It Strong."

I was quite pleased to be with the town and township officials this morning for a number of reasons including the fact that Illinois had the largest delegation in attendance at the meeting. In addition, a long time friend, George Miller, the executive director of the township officials of Illinois, is serving as president of the national association this year. George Miller has proven himself a strong and effective leader and a tremendous source of sound advice for myself and others in the Illinois congressional delegation. As one of the Founding Fathers of the National Association of Towns and Townships, George has shown through his own efforts how to keep grassroots government strong.

Probably the most important issue for town and township government this year is the future of the general revenue sharing program. I assured those assembled that scheduling the reauthorization legislation for consideration was a top priority of the Senate leadership. Senator DURENBERGER, whose subcommittee is responsible for the GRS legislation, will be honored tomorrow by the NATAT delegates for his leadership on this issue.

Finally, Mr. President, is was an honor and a privilege for me to be asked to address the National Association of Towns and Townships just prior to an address from the President of the United States, Ronald Reagan. The President grew up under township government in Illinois. He knows first hand the role towns and townships play in our federalist system of governance. As he said, "they are the cradle of democracy * * *."

The President made a forthright statement outlining his views on the proper relationship between the Federal Government and those on the State and local levels. In addition, the President reaffirmed his commitment to continuing the general revenue sharing program, which was met with a standing ovation.

I ask unanimous consent that the text of the President's remarks be printed in the RECORD in full. I urge my colleagues to review the President's speech.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE PRESIDENT TO THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

It's a pleasure for me to be here with you today. Growing up as I did in Dixon Township, I know well the role towns and townships play in America. They are the cradle of democracy and, if anyone has any doubts about the vitality of American liberty, I would suggest they visit some of your town meetings. I'm sure Patrick Henry and Thomas Jefferson would feel right at home.

This gathering today is testimony to the fundamental change taking place in our country, change of which many are unaware, yet it is altering the face of America. What we are experiencing is nothing less than a renaissance of small town life. I am here to tell you that this Administration recognizes it, and that the days when your

role in our country was taken for granted are over.

Small towns and townships have always played a vital part in American life, yet, about the time of the Civil War, urban areas began to grow at a faster clip. Well, that long-standing trend, as I'm certain all of you are aware, has reversed itself. In the 1970's, some rural areas continued to lose population but, as a whole, small town America grew 50 percent faster than urban centers. Today one out of four of our citizens lives in nonmetropolitan areas, and some polls indicate that 60 percent of the American people would join them if they could find work in small towns.

The influx of people into small towns and rural areas reflects the concern of our citizens not just for material well-being, but for the quality of life. During the 1960's there were those who scoffed at small town values of family, God, and neighborhood. They said those things in which we believe are old-fashioned, and corny. Well, there's been some growing up in this country in the last few years, and people are discovering that those basic values we hold so dear are stronger than the fads that make big splashes one day and evaporate the next.

Many of the problems we face today are results of drifting away from principles that kept our country on a sound footing through most of its history. Our forefathers believed that Government should be limited and power should be decentralized. Calvin Coolidge, a President I deeply admire, put it well. "Our country," he said, "was conceived in the theory of local self-government. It has been dedicated by long practice to that wise and beneficent policy. It is the foundation principle of our system of liberty."

The American system, decentralized and based on guaranteed individual rights, served our country well, yet, in the last two decades or more, something went haywire. The people began turning to Washington with greater and greater frequency. Every problem became something of Federal concern. Worst of all, we were led to believe that Federal money came free. It's taken quite a while for us to realize that Federal money came out of the same pockets as did local and State taxes—ours.

On the other end, well-intentioned individuals thought if they were only given the power, they could right every wrong. As I say, they were well-intentioned, but there's a well-known road paved with good intentions, but no one likes where it takes you.

In the last two decades, Government expanded with the best of intentions, but we paid a steep price. By the end of the 1970's, average citizens trying to solve even the simplest problems were frustrated by a conglomeration of interlocking jurisdictions and an absence of accountability. Unelected Washington officials were making decisions that rightfully should be made by local people working and talking together. Americans felt they'd lost control of essential government services like schools, welfare, and roads.

The idealistic goals of those who centralized American Government did not change the nature of what we confronted. Supreme Court Justice Louis Brandeis once said that, "Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

In the end, the growth of Federal power complicated our problems and threatened our freedom. Nowhere was that clearer than the grants-in-aid programs. In 1960, the Federal Government had 132 categorical grant programs, costing $7 billion. Twenty years later, the number had tripled to more than 400, costing $90 billion. And it took 166 congressional committees just to keep track of this mismash of programs, including 13 programs for energy, 36 for pollution control, 66 for social services, and 90 for education.

The frustration of dealing with far away bureaucracy wasn't the only price we were paying. Between 1976 and 1981, the Federal tax take doubled, draining the private sector of money it needed for investment and the creation of new jobs. And by the time the Federal tax vacuum was done, there was little left for local and State governments.

The growth of Federal power was stagnating our economy and destroying our hopes for a better future. By 1980, inflation was running at double-digit levels for the second year straight, robbing our senior citizens of the value of their savings. The poor and middle class working people saw their real wages and their standard of living begin to shrink.

The spirit of optimism, long the hallmark of our people, turned to pessimism and cynicism. Even our leaders were throwing up their hands, claiming we were in a malaise and that our problems were unsolvable.

One should never sell the American people short. Once we put our minds to it, there is nothing Americans cannot accomplish if the Federal Government will just stand aside and get out of the way.

When I got to Washington, we faced the awesome responsibility of changing the direction of America. That's not easy and it's not painless. I'd like to take this opportunity to thank George Miller and all of you in the National Association of Towns and Townships for the support you've given over these 2½ years.

It's taken time, but I'm proud to tell you that, together, we've turned around a desperate situation; and we're never going back to the policies of tax, spend, and inflate that brought our country to the brink of economic disaster.

Together, we've brought inflation down from double digits to 2.4 percent over the last 12 months, the best record in nearly 17 years. I don't have to tell you what this means to the cost of doing business for towns and townships.

There has also been progress with interest rates, which are as important to you as they are to business. Just before I took office they were going through the roof, the prime at 21½ percent. Today, it stands at 11 percent. There will be slight fluctuations but, if the Congress acts responsibly, interest rates are going to come down even more.

And we are getting the Federal spending and taxing juggernaut under control. Spending was growing at a rate of 17 percent a year when we got here; we've cut that growth rate by nearly 40 percent. And let me say—that still isn't good enough.

There's an old saying that in levying taxes, as in shearing sheep, it's best to stop when you get to the skin. Well, by 1980, taxes were making our economy bleed. We've cut the income tax rate of the American people 25 percent across the board. And in 1985 they'll be indexed, so that never again will the Federal Government profit from inflation at your expense.

There's one part of our tax reform program of which I'm particularly proud: By raising the exemption on the inheritance tax, and by eliminating it altogether for surviving spouses, we've restored the right to American people of passing on their family farm or small business to their children.

From the start, we recognized that excessive Federal regulation was not only strangling American enterprise, but preventing you folks at the local level from doing your job. Since we took office, we've freed the business community as well as State and local government of 300 million man and woman hours of needless paperwork. This will save Americans billions of dollars and free you to handle local problems as you see best.

Returning power to levels of government closer to the people has been one of the guiding principles of this Administration. Decentralizing remains one of our utmost goals. And don't let anyone tell you that we are satisfied with what has been accomplished so far. Phase one of our Federalism program may be accomplished, but that's just phase one.

Again, with your help, we managed to get through the Congress a block grant package that consolidated 57 programs into 9 block grants that, in 1982, eliminated some 5.4 million hours of work for State and local officials and, in subsequent years, will eliminate some 5.9 million hours annually. We continued this effort with the enactment of the Job Training Partnership Act and the urban mass transportation grants program. This year we've proposed legislation that will consolidate over $22 billion of spending in 34 programs into 4 block grants. Included among these is the Rural Housing Block Grant, which will give you more control and flexibility over programs costing $850 million annually.

The biggest resistance to our efforts has been from politicians who simply do not believe that local government is competent to do the job. Their opposition seems to be based on the notion that the Federal bureaucracy has a monopoly on compassion and efficiency.

It's been said that, "A man's intelligence does not increase as he acquires power. What does increase is the difficulty in telling him that."

It is ever was true that Federal employees had greater capabilities than their local counterparts, those days are rapidly coming to an end. Today, modern technology is opening up greater and greater opportunities for State and local government. Even small towns have computer services available to them that were out of reach only a decade ago. I know your own organization is moving forward with great training and communications programs that will open up broad, new horizons at the local level.

Today, local government across the country is proving itself efficient and responsive to the will of the people. I'd like to see some of the politicans here in Washington who don't think you can do the job try to handle your responsibilities. Bart Russell tells me that, as head of a local township, you've got to be a parliamentarian, bookkeeper, business manager, ombudsman, and Government liaison expert all at the same time. Plus, you've got to do all that while keeping the hometown folks happy.

I can assure you that this Administration knows and appreciates the job you are doing. We are taking every care so that in transferring programs back to levels of Government closer to the people, you also receive the resources necessary to get the job done.

I have a dream that someday we can provide you with the revenue sources co-opted by the Federal Government, so that local money no longer has to make a round trip through Washington before you can use it back in you local area. In the meantime, you can count on us to be sensitive to current obligations. I continue to support General Revenue Sharing and will oppose any changes in the G.R.S. formula that unduly impact on towns and townships.

Of course, transferring revenue is not going to bring lasting change. Real progress will come as a result of creative approaches that harness the power of the marketplace. With this in mind, we've proposed legislation to create enterprise zones to encourage private business to locate in disadvantaged areas. One-third of the 75 zones we've suggested would be in rural areas.

There is enormous support for this concept; already 20 States have passed State enterprise zone legislation. The Senate has already passed this bill once and, although it was dropped in conference, we're confident they'll support it again. In the House, we have 181 Members—nearly a majority—who have co-sponsored the legislation. Yet, the House has failed to act, and only recently has the House leadership even agreed to hold hearings. I'd like to take this opportunity to ask you to join us in escalating our efforts to pry this legislation out of the House.

It is about time that you had a fair say in the Federal policies that affect you. I want to assure you that I continue to support strongly legislation that would provide for a member nominated by your organization to be placed on the Advisory Commission on Intergovernmental Relations.

Over the last 2½ years, we've had to make some tough decisions, and I fully appreciate that the towns and townships you represent have felt the pain of reducing the growth of Federal spending. We couldn't have gone on the way things were, and you've done more than your share. As we move forward, I have instructed my staff to be diligent that your good citizenship is not taken advantage of, and that, when it comes to budget control, towns and townships are treated equally with other segments of American society.

We must always remember that on our shoulders rests the responsibility of our country's future. In less free societites, that burden rests only on the head of state. The freedom we enjoy places that heavy burden on all of us, in and out of Government. Together, we've overcome an economic threat that could well have destroyed the America we know and love. That signs suggest we're over the hump but, as is engraved on our National Archives building, "Eternal vigilance is the price of liberty."

There is every reason for us to be confident. We are still the same people who conquered a wilderness and turned it into a dynamo of freedom and abundance. I think that today there is a greater understanding of the miracle of America, of what made her great and kept her free.

John Foster Dulles once said that, "If we are faithful to our past, we shall not have to fear our future." Together, we've proven we can do what is necessary to keep faith with those who came before.

TRIBUTE TO BRIG. GEN. THOMAS HENRY KING, FORMER PRESIDENT OF THE RESERVE OFFICERS ASSOCIATION

Mr. THURMOND. Mr. President, I rise today to pay tribute to an outstanding patriot and distinguished attorney, Brig. Gen. Thomas Henry King, of Washington, D.C., who passed away on August 23, 1983, at the age of 79. To his devoted wife, Jessie, his son, Thomas, and other family, I extend my deepest sympathy,

General King was a close and trusted friend I have had the pleasure of knowing for many years. My association with General King first began through the Reserve Officers Association (ROA) of the United States. Among his many other achievements, General King served as National President of the ROA, and I succeeded him in that office in 1954. Through our involvement with the ROA, General King and I worked on many issues concerning Reserve and national security matters.

Tom King's dedication to the men and women of the Armed Forces was an extension of his own military experience. He served his country well in the U.S. Air Force during World War II and received such honors as the Bronze Star, the Air Force Commendation Medal, and the Legion of Merit. He later transferred to the Air Force Reserve where he was promoted to the rank of general in 1961. Although he retired from Active Reserve duty in 1964, he continued to work diligently for the cause of reservists and earned the respect and admiration of many Reserve and active military personnel throughout the land.

In addition to his numerous contributions to our Armed Forces, Tom King was well known as a capable and effective lawyer. As an authority in personnel law, he was able to incorporate his legal expertise in his efforts to further veterans and reservists rights.

Mr. President, it is difficult to express the deep sense of loss that I feel in the passing of this great American. Gen. Thomas King will be missed by a large circle of friends, including myself. Another such friend is Col. John T. Carlton, the former executive director of the ROA. During the final tribute to General King, which was attended by several hundred persons and where full military honors were accorded to him, Colonel Carlton delivered a eulogy which speaks eloquently of General King's life and career. Mr. President, I ask unanimous consent that the eulogy by Colonel Carlton, and an article from the Washington Times, be included in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY TO THOMAS HENRY KING BY COL. JOHN T. CARLTON

It is an honor beyond my deserving to speak in tribute to the life of General King, a man whose exemplary character we should seek to emulate, and whose great and imdominable spirit seemed almost incredible.

Tom King was born on January 17, 1904, in Washington, where he spent his entire life, except for when he was overseas serving his country in wartime. He was a graduate of the former Washington Law School, now American University. He could be found in his law office in the Southern Building every day until a few months before he died.

Young Tom King responded to the call to Army service early in World War II, serving in France, England, and Luxembourg, where he was the senior United States Military Representative. He was given highest recognition by his own government and by Luxembourg for his service there. He had the opportunity to meet many Allied leaders, including British Prime Minister Winston Churchill whom he joined in a wreath laying ceremony at George Patton's grave. His energy, talent, and personality won him the friendship of the Luxembourg Royal Family, who invited him back as their guest several times after the war's end. After the War, he transferred to the Air Force, serving in the Reserves in the office of the Judge Advocate General where he was awarded the Air Force Commendation Medal. Upon his retirement in 1964, he was awarded the Legion of Merit. He was President of the Judge Advocate Association, and in 1975-1976 the D.C. Bar Association awarded him the U.S. Court of Claims plaque as Chairman of the Year.

Tom King was elected Judge Advocate of the Reserve Officers Association at its Denver Convention in 1948, and the following year, at Grand Rapids, he was re-elected by acclamation by delegates who had such respect for him that they brushed aside the recommendations of the nominating committee. In 1953, he was elected National President at the National Convention in Long Beach, and he worked with his successor, now Senator Strom Thurmond, to help create by law a Reserve structure in the military services which has survived all efforts to weaken or destroy it.

General King loved ROA and the many thousands of men and women who were its members. He believed in the cause of National Security and gave unstintingly of his life to that cause. From the time he came into ROA in 1947 until his death at 1:20 last Monday, August 23rd, he fought for the principles he had helped make law, seeking to protect them.

The many landmark cases for military personnel, Reserve and Regular, won for the men and women are too numerous to recite, but they will stand as a monument to him—a gifted lawyer, a patriot, a man who was respected and loved and whose career is monumental.

Almost to his dying day, General King had fought for a principle he and Senator Thurmond had gained thirty years ago—a principle in law which was the hallmark of fairplay—the requirement for Reserve Officers on military boards which decided the status, and gave them an equality never before achieved.

General King gave his services to ROA—and through ROA to his country. For nearly 40 years, he kept watch over the

legal bastion of ROA and all he did and accomplished for ROA was without compensation. His carefully constructed "Amicus Curiae" brief before the Supreme Court is a historical treatise on military principles serving as it does the policy enunciated by George Washington that every citizen owes his services to the government which gave him his freedom. The court in that case upheld the right of members of Congress to retain their Reserve Commissions, many of them justified in wartime combat.

Few members of ROA know of the many areas of ROA Tom King served. He was a progenitor of many objectives, including the construction of the Minute Man Memorial Building. It was General King also who drafted the bill giving ROA its Congressional Charter in 1950, a bill enacted over the signatures of Alben Barkley as Vice President, Sam Rayburn as Speaker of the House, and Harry Truman as President. It is probably not recorded but at the signing of this bill, President Truman commented that Tom King was one Republican he liked and respected.

It was little wonder that three years ago, the Reserve Officer Association gave General King its highest award, making him National President Emeritus, a position filled only once before—by General King's great friend whom he persuaded to be Memorial Building Fund Chairman—General Lewis B. Hershey.

In conclusion, indulge me for a brief personal comment. Tom King was my friend. He was my unpaid legal consultant and a companion of great strength. I had many early morning talks with him; because he was my friend, his advice was always objective, and sometimes it was hard. Tom loved his friends, and he always wanted to help them. And he did help them—how he did help them.

During the last two years—knowing life was closing in on him—his energy and enthusiasm continued great. Hurting inside, knowing that his twilight was upon him, he never gave up his great spirit and his cheerfulness. He asked me two years ago to write his obituary, which request honored me. Last Saturday I visited him. I put my hand in his and he gripped it. He couldn't talk to me but I felt his unconquerable spirit through his fingers.

He is now in a Greater Presence.

Here on this earth, his friends remember him only in warmth and fond recollection. God grant us the strength to emulate him.

[From the Washington Times, Aug. 24, 1983]

THOMAS HENRY KING WAS LAWYER, GENERAL

Retired Air Force Brig. Gen. Thomas Henry King, 79, a military reserve leader and an attorney here for about 40 years, died yesterday of cancer in the hospital at Andrews Air Force Base.

A former national president of the Reserve Officers Association (ROA) of the United States, Gen. King was a founder of the Interallied Confederation of Reserve Officers (CIOR), the international reserve organization in NATO. He also helped organize the ROA's European department and from 1948 to 1950 was national judge advocate of the ROA.

In 1950 he drafted the bill which was enacted to give the ROA its congressional charter.

Gen. King, who retired from the active Air Force Reserve in 1964, was a former president of the Judge Advocate Association.

A Washington native, Gen. King was a 1922 graduate of old Business High School. He received his law degree from Washington College of Law, now part of American University, in 1925.

Commissioned in the Army in 1941, Gen. King served during World War II in France, England and Luxembourg, where he was the senior American military representative in 1944-45. He received the Bronze Star and two awards from the grand duchess of Luxembourg for his service there.

His other awards included the Air Force Commendation Medal and the Legion of Merit.

Gen. King began a law practice here after the war and recently specialized in military law in the firm of King & Everhard.

Considered an authority on personnel law, especially as it affects the rights of veterans and reservists, Gen. King successfully pursued a number of landmark cases, including the case that led to the requirement for reserve officers to be on boards handling reserve cases.

Gen. King transferred to the Air Force Reserve in 1949 and was promoted to general officer rank in 1961. He retired from the active reserve in 1964, but continued to participate in affairs of the Air Force Judge Advocate Corps and the ROA.

In 1980, Gen. King was elected honorary national president emeritus of the ROA, an office held by only one other officer, the late Gen. Lewis B. Hershey.

A Mason, Gen. King was a member of the Scottish Rite, and he also belonged to the Army & Navy Club, the National Sojourners, the Military Order of the World Wars, The American Legion, the American Bar Association and the Sigma Nu Phi legal society.

He is survived by his wife, Jessie, a son, Thomas Henry Jr. of Charlotte, N.C.; and two grandchildren.

The family suggest that expressions of sympathy be in the form of contributions to the American Cancer Society.

Mrs. HAWKINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3 P.M.

Mr. THURMOND. Mr. President, I now move that the Senate be in recess in accordance with the order previously entered.

The motion was agreed to, and at 1:42 p.m. the Senate recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

RADIO MARTI

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 602. The Senate is under cloture.

Mr. BAKER. I thank the Chair.

Mr. President, one of the Senators who has been involved in this matter is not here at this moment. He is expected shortly. The only reason I make this statement is to say that I hope we will not get a final conclusion of this matter until he arrives. That is perhaps as lavish a piece of optimism as I will indulge in today.

I urge Senators to make their statements as they may wish to do so. After all Senators who are principally interested in this matter are on deck, we can see how we will proceed from there.

Mrs. HAWKINS. Mr. President, I rise in support of S. 602, a bill to establish a radio station for broadcasting objective radio programing to the Cuban people. Radio Marti represents a peaceful solution to an important foreign policy concern. It will allow us to introduce a measure of accountability into the totalitarian Castro regime. It will allow us to introduce a measure of truth into the propoganda widespread in Cuba—an action consistent with our own highly held principles of freedom of speech, and freedom of press.

Mr. President, through the ages the spoken word has had a profound effect on men and nations.

In modern times, entire nations have been swayed by the spoken word.

The people of Italy were mesmerized by the oratory of Benito Mussolini. His radio propaganda machine took up his cry and Italy blindly followed the Duce to dismal defeat.

Adolf Hitler and Joseph Goebbels were masters of the persuasive power of the spoken word. These mad men, along with their cronies were able to turn an honest, peace-loving nation into a hypnotized horde of modern day savages. A God-fearing nation was made to believe that they, the pure Aryans, the chosen nation led by the Führer, were to lead the world into a 1,000 years of peace and prosperity, but instead they stained the world with its own blood.

The Second World War with all the atrocities was not a bad dream. We stood idly by while Nazi Germany deceived millions through radio propaganda.

When a government has control of radio and TV, the impossible can happen. How can people be so easily deceived? History accurately records the power of the spoken word. Modern history has shown the power radio had over the minds and actions of man.

Radio can be a power for peace or destruction. In a revolution, the radio and TV stations are the prime targets.

Control of the airwaves is a sure way of controlling the minds and actions of men.

Thank God for a free America, a country where we can hear the truth.

This great Nation has been built upon the principle of free speech, free radio, the right to hear many sides of a question. We often take this for granted. Will we deny this privilege and right to our Cuban neighbors?

For 25 years, our neighbors and past allies, the honest, freedom-loving people of Cuba, have been denied this freedom.

For 25 years, Castro and his henchmen, supported by the Russians, have kept the Cuban people from hearing the truth.

For 25 years, the Cuban people have been subjected to a tirade of lies and hate-filled misinformation about their Western Hemishpere friends.

For 25 years, we have stood by and watched our friends become our enemies.

Have we been negligent in using the free airwaves to beam the other side of the story to them?

Have our friends in Cuba been given a chance of hearing the truth? I believe we have watched the Communists snatch the initiative from us in the battle of the airwaves.

The Communists know and understand that international broadcasting is the single most important communications medium for reaching millions of people.

In the Western Hemisphere, the Soviets broadcast 322 hours of program per week of which 108½ hours are in English. The U.S.S.R. also broadcasts to Latin America in Creole, French, Esperanto, Spanish, Portuguese, Quechua, and other languages. The People's Republic of China broadcasts 123 hours a week to this hemisphere. Seven additional East European countries offer an additional 257 hours to Latin America plus 200 hours further per week for North America.

Cuba broadcasts 275 hours of programs per week to North America and the Caribbean of which 38 hours are broadcast by La Voz de Cuba over two medium wave (AM) transmitters. The best way a totalitarian state has of retaining control of its people is to manipulate the media. Control over newspapers, TV, and radio is the key to the totalitarian government's power. If the people have little or no access to information other than government propaganda, they then can have no basis for dissent.

This is the significance of Radio Marti. Radio Marti would, for the first time in many years time, provide the people of Cuba with an alternative to government-censored news.

For decades, the United States has provided the people of Eastern Europe and the Soviet Union with an alternative to government propaganda. Radio Marti would provide this same service for the people of Cuba.

Radio Marti will supply the Cuban people with information they cannot get through the government-censored news media. It will encourage the Cubans to draw their own conclusions.

Radio Marti is an essential element to a strong and free Cuba. Economic and political stability, social progress, and acceptance of human rights is essential to the peace and prosperity of the peoples of Cuba, the Caribbean, and the Western Hemisphere. Radio Marti can be a powerful force in helping to create this way of life.

Radio Marti is not intended to incite rebellion or to encourage the Cubans to migrate to the United States. It will merely report as objectively as possible on events in Cuba, Cuban Government actions abroad, and the impact of these on the Cuban people. As a part of its programing Radio Marti will also broadcast to the Cuban people music, cultural events, and sports. I do not believe that Radio Marti will result in another Mariel boatlift. In the first place, Mariel was a diplomatic disaster for Castro. It showed the whole world the unpopularity of his regime.

In the second place, we have made it clear that we could consider another Mariel boatlift as a hostile act. The administration has drafted a contingency plan to deal with such emergencies in the future. Cuba will not be able to relieve the frustrations of its people by forcibly increasing the Cuban dispora here.

Domestic broadcasters have raised concerns about broadcasting to Cuba and we have tried to be sensitive to these concerns. We have not been insensitive to the concerns expressed by domestic broadcasters.

We have not, however, been insensitive to the concerns expressed by domestic broadcasters. The legislation before the Senate today has been modified from that introduced in the last Congress to incorporate four out of the five recommendations suggested by Edward O. Fritts, president of the National Association of Broadcasters, designed to minimize potential problems with Cuban interference. Fritts recommended: First, put Radio Marti at either end of the AM band outside of commercial frequencies—this bill permits this, second, operate Radio Marti on shortwave—this bill permits this, third, permit Government leasing of airtime on existing commercial AM stations for Radio Marti—this bill permits this, and fourth, allow Radio Marti to share the frequency now used by the Voice of America at its marathon station—this bill permits this.

The only NAB recommendation not accepted involved expanding the operating hours and mandate of the Voice of America to include the kind of programing envisioned for Radio Marti.

This recommendation was unacceptable because the purposes of the VOA and Radio Marti are different and should not be mixed. The VOA broadcasts news and programing about the United States to foreign countries. Radio Marti, like Radio Free Europe and Radio Liberty, will act as a surrogate home station and broadcast news and information about Cuba to the Cuban people. For 30 years the fundamental differences in these approaches have been recognized by keeping the operation of the VOA distinct from the other surrogate home stations, Radio Free Europe, and Radio Liberty. I firmly believe this practice should be continued and Radio Marti kept distinct from the VOA.

Radio Marti currently as 35 cosponsors; it has bipartisan support. It was passed out of the House Foreign Affairs Committee by a voice vote and in the Senate Foreign Relations Committee by a 13-to-4 margin. In addition, it has the support of the AFL-CIO and, needless to say, President Reagan. It is a good bill and a peaceful means of dealing with Cuba.

Mr. President, I have a letter addressed to me from Norman Luxenburg, professor at the University of Iowa. I shall read this letter from Mr. Luxenburg.

JULY 22, 1983.

Hon. PAULA HAWKINS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HAWKINS: I am writing to urge you to support the funding of Radio Marti.

As a specialist in Soviet Studies I am quite familiar with Radio Free Europe and Radio Liberty. This type of radio broadcast to the people of Cuba would be a very appropriate counteraction to Castro's effective use of very crude, incorrect, anti-American propaganda "facts".

A station broadcasting true, non-propaganda information to Cuba would either force him to modify his statements or appear ridiculous.

According to the Department of Commerce's Foreign Broadcast Information Service Daily Report of June 27, 1983, 14 representatives of U.S. independent broadcasting stations recently visited Havana. While there, they met with the Cuban Vice Foreign Minister, Ricardo Alarcon de Quesada. He told the group of "the attacks being endured by Cuba as a result of the U.S. Government's policies and the Cuban people's efforts aimed at emerging from underdevelopment." The broadcasters visited the country to "learn firsthand about the revolution's gains, as well as to exchange experiences in the field of radio broadcasting."

It is U.S. broadcasters who have been actively campaigning against Radio Marti. It is interesting that they are talking with Castro's people, rather than with their own.

Again, I urge you to support this most important legislation.

Sincerely,

NORMAN LUXENBURG,
Professor.

He attacks several newspaper clippings from several newspapers, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Indianapolis News, Dec. 28, 1982]

ASSESSING CASTRO'S "SUCCESS"

(By Norman Luxenburg)

On Jan. 1, it will be 23 years since Fidel Castro entered Havana in triumph and began changing Cuban society and Cuban life.

In assessing Castro's achievements since he assumed power in 1959, there has been a tendency to assume that pre-Castro Cuba was a typical underdeveloped nation.

Thus, for example, one columnist writing on the front page of the Wall Street Journal of Nov. 16, stated, "The average Cuban lives very well these days by Third World standards." The writer goes on to state that this fact has made Castro popular with the Cuban people.

However, pre-Castro Cuba was most definitely not a typical Third World nation in the commonly accepted sense. Neither was it a typical Caribbean nation. By whatever measure used, whether it is the number of students in higher and secondary education, the number of physicians per capita, the infant mortality rate, the per capita gross national product, the per capita number of telephones, television sets, cars, etc., the Cuba of the late 1950s was far ahead of any other nation in the Caribbean and Third World.

Newsweek magazine, May 23, 1980, states, "The most notable achievement (of Castroism) is the infant mortality rate . . ." Time magazine, March 11, 1978, pointed to the low Cuban infant mortality rate as a great achievement of Castroism. Juan de Onis of the New York Times in an article last December implied the same. The German mass circulation illustrated weekly Stern of Feb. 21, 1980, stated that the infant mortality rate during the Castro regime had been reduced from 60 per 1,000 to 23 per 1,000.

However, the Cuban infant mortality rate before Castro was not 60 per 1,000 but 32 per 1,000. This Cuban infant mortality rate of 32 per 1,000 when Castro took over in 1959 was already one of the best in the world, better than that of even Germany, Italy and Spain. The Cuban rate compared with about 100 infant deaths per 1,000 births in countries such as Brazil, Colombia, Guatemala and Peru.

This Cuban infant death rate had been reduced in the 20 pre-Castro years from 99 to 1,000 to 32.

Factual errors in reports about Cuba abound, apparently because many persons accept without checking further the statistics given them from questionable sources. Thus, Stern states, "The average life expectancy (under Castro) has risen from 58 . . ." In actual fact, life expectancey in pre-Castro Cuba was 62 not 58. This Cuban 62 compared with 55 in Latin America as a whole. (Source: U.N. World Population Trends and Policies, 1972.)

It is not merely the popular journals that make such errors.

In 1977, a U.S. House of Representatives committee headed by Rep. John Bingham of New York visited Cuba and, apparently impressed by talks with Cuban officials, published its official report on May 23, 1977, which states that before Castro there were "187,000 students" in Cuba and that the literacy rate under Castro had risen from 25 percent to 99 percent.

If one accepts without question such outlandish figures, as the committee apparently did, it becomes very easy to excuse almost all excesses and inadequacies of the Castro regime and to ascribe many undeserved virtues to it.

However, in pre-Castro Cuba there were not 187,000 students, but about one million. The literacy rate was not 25 percent but 78 percent (Source: Britannica, 1959 article on Cuba. U.N. Statistical Yearbook, 1960, 1962.)

In the pre-Castro period Cuba had a favorable balance of trade plus a steady "hidden" income from tourism. Today the nation is operating at a deficit, kept afloat only because the Soviets sell Cuba petroleum at below market prices and buy sugar at inflated prices.

Cuban capital was increasing rapidly in the pre-Castro period and instead of foreign capital gaining a greater hold on the Cuban economy, Cuban capital was acquiring control of enterprises formerly held by North Americans and other outsiders. This is especially true for the sugar mills and sugar industry which between the 1930s and 1950s had, for the most part, passed under Cuban ownership.

These are some of the important facts that have to be considered before any realistic assessment of Castroism can be made.

[From the Indianapolis News, June 12, 1982]

THE TRUTH ABOUT EXPLOITATION

(By Norman Luxenburg)

A major Communist theme in Third World Nations and elsewhere, is that United States exploitation is largely responsible for the poverty of underdeveloped nations.

Fidel Castro, in a marathon address to the United Nations and in numerous other statements, has emphasized this point, accusing the commercial interests of having continually mined the wealth out of a poor, underdeveloped Cuba.

Unfortunately, these types of arguments have been accepted without analysis in a number of intellectual circles, and they have a certain appeal to some idealists in this country to whom it appears to be a mark of objective thinking to repeat unfounded criticisms of the United States.

In refuting these types of charges, it should, least of all, be realized that most of the impoverished nations were extremely poor long before they had any significant contact or relations with the United States.

This nation has not used its military or economic might to take unfair economic advantage. Indeed, no nations were more completely dominated by the United States than a prostrate Germany and Japan after World War II. These over-populated, mineral poor, war ravished countries were occupied by the United States. Virtually all officials there had to be cleared by American authorities.

What was the result?

Permanent poverty? American economic domination? American stifling of economic initiative?

Nonsense! The economies of these nations have been bringing in continued trade surpluses and they have had increasing capital to invest abroad, including in the United States itself.

The interesting thing, however, is that the same phenomenon which took place recently in Japan and Germany was occurring in Cuba in the pre-Castro period.

Instead of Cuba's coming more under the control of Yanqui and foreign capital, the exact opposite was the case. British investments which had been quite extensive in the 1920s, especially in railroads, had dwindled to virtually nothing, less than half a million dollars, by the 1950s!

U.S. investments in Cuba which had been above $1 billion back in the 1920s were down to $861 million in 1958. Cuban capital had increasingly taken control of such key industries as sugar, banking, etc., which in the late 1920s and early 1930s had largely come under control of U.S. interests.

In other words, the 25-year period in which the Cuban national product and national income had multiplied, U.S. investment in Cuba had declined. This does not mean that in some important industries, especially communication and electric power, it was not considerable. It does mean however that U.S. capital was becoming a much smaller factor in overall Cuban economic life. Simply in the period 1945–57, for example, the Cuban GNP rose from $1.07 billion to $2.3 billion.

In almost every year of that period Cuba was running a favorable balance of trade. The peso was freely convertible with the dollar. Tourism, which formerly had resulted in a new outflow of capital for Cuba, had by the late 1950's become a constant and expanding source of capital net earnings for that nation.

It is long overdue to answer the strident demagogues.

UNITED STATES ALSO NEEDS FACTS ON CUBA AMERICANS, AS WELL AS CUBANS, NEED TO BE SET STRAIGHT

(By Norman Luxenborg)

Proponents of the creation of Radio Marti, which would be a semi-independent radio station broadcasting news about Cuba to the inhabitants of that island, argue that Castro presents distorted information to his people.

And they are right. The Cuban people receive from their government little accurate news about their country.

If we are concerned about disseminating the truth about Cuba, though, we should not neglect the home front. Scholars specializing in Cuba have a duty to challenge information circulating in the West. For the Western media frequently puts forward inaccuracies concerning the past and present state of affairs of Cuba.

For example, there is a tendency, assiduously furthered by Castro and his supporters, to assume that prior to Castro's accession to power in 1959 Cuba was a static, third-World nation, coming more and more under the control of large U.S. monopolies which were draining the wealth of the nation.

Again and again, reports on Cuba imply that pre-Castro Cuba was a typical, underdeveloped Caribbean nation.

Thus, a columnist writing on the front page of the *Wall Street Journal* of last Nov. 16 stated "The average Cuban lives very well these days by Third World standards." The writer went on to say that this fact has made Castro popular with the Cuban people, who are quite ready to forego political liberties because of the material benefits that have accrued to them.

However, pre-Castro Cuba was most definitely not a typical Third World nation in the commonly accepted sense. Neither was it a typical Caribbean nation. By whatever measure used, whether it is the per capita gross national product, the number of students per capita, the number of physicians per capita, the infant mortality rate, the number of television sets, phones, cars, etc., Cuba in the late 1950s was far ahead of any other nation in the Caribbean and any nation of the Third World.

Factual errors in reports about Cuba abound, apparently because many persons accept without checking further the statis-

tics given them by questionable sources. Thus, the article already mentioned states "The average life expectancy (under Castro) has risen from 58 . . ." In actuality, life expectancy in pre-Castro Cuba was 62, not 58. Cuba's 62 compare with 55 in Latin America as a whole and with an expectancy of about 45 in number of the Caribbean states. (Source: "U.N. World Population Trends and Policies," 1977 Vol. 1, Table 75.)

It is not merely the popular journals that make such errors. In 1977 a U.S. House committee, headed by Rep. Jonathan Bingham of New York, visited Cuba. Apparently impressed by talks with Cuban officials, this committee published an official report on May 23, 1977, stating that before Castro there were "187,000 students" in Cuba and that the literacy rate under Castro had risen from 25 percent to 99 percent.

If one accepts without questions such outlandlish figures as the committee apparently did, it becomes very easy to excuse almost all excesses and inadequacies of the Castro regime and to credit it with many underserved virtues.

In pre-Castro Cuba, however, there were not 187,000 students but about 1 million. The literacy rate was not 25 percent but 78 percent. (Source: Encyclopedia Britannica, 1959, article on Cuba. Also, U.N. Statistical Yearbooks, 1960, 1962, etc.)

In the pre-Castro period, Cuba had a favorable balance of trade. In addition, and extremely important as a portent for the future, the island was developing a source of "hidden income" from tourism.

Today the nation is operating at a deficit. The Soviets sell Cuba petroleum at below-market prices and buy sugar at inflated prices. In return Cuban surrogates perform some of the Soviets' difficult and dirty work in Africa and elsewhere.

Instead of foreign and United State capital gaining an ever-greater hold on the Cuban economy in the pre-Castro years, Cuban capital was increasing very rapidly and acquiring control of many enterprises once dominated by North Americans and other outsiders. This is true, for example, for both the banking and sugar industry, which between the late 1930s and the early 1950s had passed overwhelmingly into Cuban hands.

No doubt its supporters envision Radio Marti broadcasting such facts.

These facts should also be disseminated in the West, however, by scholars and journalists knowledgeable about Cuba.

PHONY FACTS GLOSS CASTROISM'S "STRIDES"

(By Norman Luxenburg)

On Jan. 1, it was 23 years since Fidel Castro entered Havana in triumph and began changing Cuban society and Cuban life. In assessments of Castro's achievements since assuming power in 1959, the tendency has been to assume that pre-Castro Cuba was a typical, underdeveloped Caribbean nation.

Thus, for example, one columnist writing on the Wall Street Journal's front page last Nov. 16 stated: "The average Cuban lives very well these days by Third World standards." The writer went on to say that this fact has made Castro popular with the Cuban people.

However, pre-Castro Cuba was most definitely not a typical Third World nation in the commonly accepted sense. It wasn't even a typical Caribbean nation. By whatever measure used—number of students in higher and secondary education, number of physicians per capita, infant mortality rate, per capita gross national product per capita number of telephones, television sets, cars, etc.—Cuba in the late 1950s was far ahead of any other nation in the Caribbean and Third World.

Since a number of articles have been extremely enthusiastic about Cuba's strides in public health, extolling in particular the supposed great advances Castro Cuba has made in reducing infant mortality, let's look first at the Cuban infant morality rate.

Newsweek magazine (May 23, 1980) stated: "The most notable achievement of (Castroism) is the infant mortality rate . . . ." Time magazine (March 11, 1978) pointed to the low Cuban infant mortality rate as a great achievement of Castroism Juan de Onis of the New York Times, in an article last December, implied the same. The German weekly, Stern (Feb. 21, 1980), said the infant mortality rate during Fidel Castro's regime had been reduced from 60 per thousand to 23 per thousand.

Actually, the pre-Castro infant mortality rate was not 60 per thousand but 32 per thousand. This rate of 32 per thousand when Castro took over in 1959 was already one of the best in the world, better even than those of Germany, Italy and Spain. Cuba's 32 compared with about 100 infant deaths per thousand births in countries had been reduced in the 20 pre-Castro years from 99 per thousand to 32.

Factual errors in reports about Cuba abound, apparently because many persons accept without checking further the statistics given them by questionable sources. Thus, Germany's magazine Stern states: "The average life expectancy (under Castro) has risen from 58. . . ." In actuality, life expectancy in pre-Castro Cuba was 62, not 58. Cuba's 62 compared with 55 in Latin America as a whole. (Source: U.N. World Population Trends and Policies, 1977, Vol. I, Table 75.)

It is not merely the popular journals that make such errors. In 1977 a U.S. House committee, headed by Rep. John Bingham of New York, visited Cuba. Apparently impressed by talks with Cuban officials, it published its official report on May 23, 1977, stating that before Castro there were "187,000 students" in Cuba and that the literacy rate under Castro had risen from 25 percent to 99 percent.

If one accepts without question such outlandish figures, as the committee apparently did, it becomes very easy to excuse almost all excesses and inadequacies of the Castro regime and to credit it with many undeserved virtues. In pre-Castro Cuba however, there were not 187,000 students but about 1 million. The literacy rate was not 25 percent but 78 percent. (Source: Encyclopedia Britannica, 1959 article on Cuba. U.N. Statistical Yearbook, 1960, 1962.)

For brevity's sake, I won't go into further detailed statistics on GNP, number of cars per capita, etc. Suffice it to say that Cuba, with 191,000 telephones in 1959, had twice as many as did Costa Rica, Nicaragua, El Salvador, the Dominican Republic, Haiti and Honduras combined. Cuba was by no means standing still in the pre-Castro years.

From fewer than 5,000 students in higher education around 1930, the total number had risen to over 55,000 by the mid 1950s. From an infant mortality rate of about 100 per thousand births in the mid 1930s, the rate had been cut to 32 per thousand by the later 1950s. The number of telephones, just in the four-year period 1955-59, had risen from 140,000 to 190,000.

In the pre-Castro period, Cuba had a favorable balance of trade plus a steady "hidden" income from tourism. Today the nation is operating at a deficit. The Soviets sell Cuba petroleum at below-market prices and buy sugar at inflated prices. In return, Cuban surrogates do the Soviets' dirty work in Africa and elsewhere.

Cuban capital, was increasing rapidly in the pre-Castro period. Instead of foreign capital gaining an ever greater hold on the Cuban economy, Cuban capital was acquiring control of enterprises formerly held by North Americans and other outsiders. This is especially true for the sugar mills and sugar industry. Between the 1930s and 1950s, these had, for the most part, passed into Cuban ownership.

[From the Plain Dealer, June 21, 1982]

U.S. EXPLOIT CUBA?

CASTRO FULL OF BEANS

(By Norman Luxenburg)

A major Communist theme in Third World nations and elsewhere is that U.S. economic exploitation is largely responsible for the poverty of underdeveloped nations.

Fidel Castro, in a marathon address to the United Nations and in numerous other statements, has emphasized this point, accusing U.S. commercial interests of having continually drained the wealth out of a poor, underdeveloped Cuba.

Unfortunately, these types of arguments have been accepted without analysis in a number of intellectual circles, and they appeal to some idealists in this country for whom it appears to be a mark of objective thinking to repeat unfounded criticisms of the United States.

In refuting such charges, it should first be realized that most of the impoverished nations were extremely poor long before they had any significant contact with the United States.

This nation has not used its military or economic might to take unfair economic advantage. Indeed, no nations were more completely dominated by the United States than prostrate Germany and Japan after World War II. These overpopulated, mineral-poor, war-ravished countries were occupied by the United States.

What was the result?

Permanent poverty? American economic domination? American stifling of economic initiative?

Nonsense! The economies of these nations have been bringing in continued trade surpluses and they have had increasing capital to invest abroad, some in the United States itself.

The same phenomenon was occurring in Cuba before Castro.

Instead of Cuba coming more under the control of Yanqui and foreign capital, the exact opposite was the case. British investments, which had been quite extensive in the 1920s, especially in railroads, had dwindled to virtually nothing, less than half a million dollars, by the 1950s!

U.S. investments in Cuba, which had been above $1 billion in the late 1920s, were down to $879 million in 1958. (Source: U.S. Office of Business Economics, Balance of Payments Stat. Supplement, 1963.) Cuban capital had increasingly taken control of such key industries as sugar, banking, etc., which in the late 1920s and early 1930s had largely come under control of U.S. interests.

In other words, in a 25-year period in which the Cuban national product and national income had multiplied, U.S. investment in Cuba had declined. This does not mean that in some important industries, es-

pecially communications and electric power, U.S. investments were not considerable. It does mean, however, that U.S. capital was becoming a much smaller factor in overall Cuban economic life. Simply in the period 1945-57, for example, the Cuban gross national product rose from $1.07 billion to $2.3 billion.

In almost every year of that period Cuba was running a favorable balance of trade. The peso was freely convertible with the dollar. Tourism, which formerly had resulted in a net outflow of capital for Cuba, had by the later 1950s become a constant and expanding source of capital net earnings for that nation.

U.S. BROADCASTERS RECEIVED BY RICARDO ALARCON

[Text] At the Foreign Ministry, Cuban Vice Foreign Minister Ricardo Alarcon de Quesada has received the group of 14 representatives of U.S. independent broadcasting stations, which has been visting our country since last Saturday to learn firsthand about the revolution's gains, as well as to exchange experiences in the field of radio broadcasting.

Alarcon explained to the visitors "the attacks being endured by Cuba as a result of the U.S. Government's policies and the Cuban people's efforts aimed at emerging from underdevelopment."

Mrs. HAWKINS. Mr. President, I also have an article written by David M. Abshire, who is our new U.S. Ambassador to NATO. He is also the brother of my banking legislative aide.

He wrote a great article entitled, "Radio Marti Opponents Might Profit From the Past."

RADIO MARTI OPPONENTS MIGHT PROFIT FROM THE PAST

(By David M. Abshire)

The unusually heated debate over the proposed Radio Marti—an independent, publicly funded radio station to broadcast to the Caribbean area, and especially to Cuba—is reminiscent of an equally intense debate over the future of European-based American radio stations in the late '60s and early '70s. Those who currently oppose the Radio Marti project might profit from a review of the debate over Radio Liberty and Radio Free Europe (RL/RFE). I think some of the opposition comes from genuine misunderstanding.

Back in the late 1960s, as part of the general storm over CIA funding of various organizations, Sen. Clifford Case proposed that RL/RFE be openly funded instead of receiving clandestine monies. I came to be deeply involved in the subsequent debate, as assistant secretary of state for congressional relations and then as the first chairman of the Board for International Broadcasting (BIB).

Case was quite right. In my view our broadcast stations should have long since been separated from the intelligence community. They are properly part of the free flow of information and the competition of ideas, not arms of American policy per se.

But at the time Case made his proposal, the mood of the Congress was so hostile to anything smacking of CIA covert operations that we judged it unlikely that we could get public funding for RL/RFE. This view was reinforced by the Katzenbach Report on CIA-funded cultural activities, which itself suggested that open funding would be difficult to obtain. I always disagreed with that view, because, properly understood, these were radio's "human rights."

We managed to get a one-year extension for the radio budget, and during the course of that year a genuinely bipartisan consensus emerged, albeit with continuing opposition from both political wings. Some liberals opposed the radio stations, calling them "cold war relics," mere propaganda operations, while some conservatives opposed them because they were insufficiently propagandistic and aggressive.

The bipartisan nature of this opposition suggested to me then—and events have and events have shown the asesment to be correct—that we were on the right track, and that the radio stations were in fact independent news-reporting organizations with their own integrity.

During the year-long debate, this was finally recognized by major cultural leaders and news organizations, and the radio stations were given public funding.

The bipartisan consensus rested upon a recognition that the people of Eastern Europe would never hear the truth about world events unless free countries transmitted it to them. In an illuminating episode, RFE broadcast information about the Polish economy that suggested the country would soon face a serious internal crisis.

This information was not available within the Soviet bloc, and Polish economists and Kremlin leaders both paid close attention to the broadcasts. Leaders high up in the Soviet hierarchy had daily summaries prepared for them, in order to study the question.

How right RFE was. This incident showed that the broadcast stations rectify disinformation the Soviets put out about our activities, and they also correct distortions of their own part of the world that appear in East Europeans media.

RF/RFE had done this even when it was funded by the CIA, since the men in charge of the radio stations had long since realized that they would only be effective if their information were accurate. Like the British Broadcasting Corp. (BBC) during World War II, RL and RFE would succeed only if they were believed if they told the truth. With the BIB Act of 1973—and the organizational changes initiated last year by Sens. Claiborne Pell (D., R.I.) and Charles Percy (R., Ill.), and Rep. Dante Fascell (D., Fla.)—it is illegal for the stations to have any involvement with the CIA.

All these considerations apply with equal force to Radio Marti, and it is disappointing to see critics raising the same false fears as were directed against RL/RFE years ago. The real target of American criticism should be the Communist countries that have reneged on promises to respect the free flow of information.

The Helsinki Final Act—duly signed by the Soviet Union and its satellites in Eastern Europe—recognized the "expansion in the dissemination of information broadcast by radio," and expressed "hope for the continuation of this process." While not as enthusiastic as the language in the United Nations Charter, this nonetheless constituted a commitment to open broadcasting, a commitment that has been more honored in the breach than in observance. All-out jamming of Western broadcasts was resumed by the Warsaw Pact countries in 1980, and these same countries urged that jamming be legalized at the ITU Conference in Nairobi in 1982.

Like the Warsaw Pact countries, Cuba does not want accurate information flowing to its citizens; like those other Communist nations, Cuba wishes to control its internal "news" and to devote a large part of its budget to sending disinformation to the West. (Cuba today broadcasts regularly to the United States, Western Europe and Latin America.)

It is in our interests for the Cuban people to know what is going on, both within and outside their island. Over time, this is in the interest of peace.

Radio Marti will function under the guidance of the Board for International Broadcasting, an organization that has demonstrated its integrity and coherence for over a decade. The same high standards that have been maintained by RL/RFE will be set for Radio Marti. Such a program is consistent with our national interests, the interests of the Western world, and with the U.N. Charter and Helsinki Agreement on the free flow of information and ideas.

And that is the end of the article by David Abshire.

Mr. President, it has been nearly 2 years since President Reagan first submitted legislation to create Radio Marti. Still the radio broadcasts to Cuba are not on the air.

That delay should be ended soon.

We are here today after skirmishing on this most vital foreign policy issue. The President this last Saturday spoke loud and clear in his radio broadcast reiterating his strong support for Speak the Truth.

St. John said:

Know the truth and the truth shall make you free.

President Reagan understands this. This Senator from Florida understands this. A great number of Senators in this body understand this.

I believe that, after we have seen firsthand, all citizens in this free country who too often do not treasure freedom of the press, and freedom of speech, and free airwaves as much as we should can now see for ourselves how the Soviet leadership dismisses the truth, and how the Soviet people are denied the truth, and why Castro, like his Soviet masters, needs to keep the truth from his people.

In order to maintain his Communist dictatorship many miles away from Russia, but only 90 miles away from Florida, Castro has to keep his people in darkness. He fears the truth.

I finally believe, Mr. President, that President Reagan is right, that Radio Marti is an initiative that should have been implemented long ago.

I placed articles on every Senator's desk this morning, a well-documented article in the Miami Herald of Sunday, September 11, 1983, showing where Cuba trains guerrillas at a covert military base on the island of Cuba.

Mr. President, last Thursday I took a trip to the Guantanamo Naval Base in Cuba. It is probably one of our most strategically located bases in the Western Hemisphere. Sixty percent of our imported oil flows through the region it guards, and it is surrounded by a

Cuba armed to the teeth. The base is surrounded by Castro's Cuba. We have a small chainlink fence that is merely a boundary marker. Castro has four high, reinforced barbed-wire fences 20 or 30 feet apart. And the land in between each of those fences Castro erected is mined. No one dares to go through our small boundary fence to the other side into Cuba. They would be shot.

When you look over that series of fences that Castro has erected to keep his people in, you can see why he does not want to let anybody know the truth or hear the truth. As I have said before, Cuban mothers do not know their sons have been trained and sent to Angola. Many do not know that their sons have been killed because they are buried elsewhere. The Cuban families know very little about the truth. That is why we believe there is a great need to spread the truth in a peaceful manner as proposed by President Reagan.

As we watch the Soviets cover up, lie, maneuver and contradict each other over the Korean aircraft, we see that Soviet style and we know the Cuban people also do not know the truth. Recently we have seen helpless citizens from many countries who bought a commercial ticket on a commercial aircraft shot out of the skies and then have the Soviets lie about it and spread propaganda about it until we had about 50 stories on it. I can see clearer now than ever before why the President asked for more money for Radio Free Europe and Radio Liberty and why he included in his Saturday address call for Radio Marti.

I hope my colleagues will put aside their parochial interests that are bounded by an imaginary line that divides Florida from Georgia, Georgia from North Carolina and South Carolina, and on up the line to New York and out to the beautiful Middle West where I recently conducted a hearing on drugs. I hope my colleagues will set aside those parochial interests of the broadcasters who still want the other two or three pieces of the pie even though we had negotiated and negotiated and negotiated for 15 months.

I hope the Soviet-Korean Air Line incident along with the article on Cuban terrorist camps that I have placed on everyone's desk will raise our awareness that we have of the Soviet satellite 90 miles from our shores. Indeed it is not our back yard like Latin America. This is our back porch. It is most important that each of us pauses and deliberates on this most important freedom initiative that we have embarked upon since I have joined the Senate, and I urge my colleagues to support the President's initiative and my bill S. 602 in spreading the truth to the country and people.

Mr. President, I ask unanimous consent that articles and editorials in support of radio broadcasting to Cuba, as well as a Heritage Foundation issue bulletin, entitled "Radio Marti: Getting the Truth to Cuba," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 8, 1983]

NEW WAVES FOR CUBA?

When Fidel speaks, millions listen, including some who should know better. Fidel's topic now is Radio Marti, an American station which, if it ever becomes a reality, would broadcast news into Cuba in the fashion of Radio Free Europe. He decries it with ululations strong, and he fights it with threats.

Fidel has had his effect. But he will, we hope, today see the Senate Foreign Relations Committee approve Radio Marti, and see the House committee do the same later this week.

How he has fought Radio Marti! Castro promises he'll interfere with commercial U.S. broadcasts should Radio Marti come to life. Hearing this, the National Association of Broadcasters cried for mercy, and last year wrote the Senate to insist that if Castro carries through with his threat, the government of the United States should pay compensation to the affected stations. The bill was killed.

But Castro continued to interfere with American broadcasts, as he has done for the last 15 years. In August of 1981, American engineers showed the Cubans how they could provide better radio service within their confines while resolving the interference problems they were causing in the U.S. and other neighboring countries. They declined to make any changes. The message: We would rather go on interfering with American broadcasts than improve our own broadcast capabilities. The prospect: the interference will continue.

The whole affair is perhaps most significant as evidence of Castro's feelings of vulnerability to ideological challenge. The swaggering Cuban has been in power now for some 24 years. Half of Cuba's population is under 25, and besides some programming from the Voice of America (the VOA broadcasts 85½ hours a week in our hemisphere; Cuba broadcasts 275) the voice of Fidel is pretty much all they've ever heard.

Lord knows what ideas Radio Marti could beam into such young minds. It could even bring about the deflowering of the Castro mystique. It could create mutinous moods that might be a problem for those who administer things out on the Isle of Pines.

Since last year's defeat, the administration has done much to make Radio Marti more attractive to both broadcaster and taxpayer. The expenditure request is down 40 percent; four of five NAB requests have been adopted, with only their suggestion that the VOA handle Marti programming declined for reasons of impossibility. The administration has also pledged to help maintain the integrity of American transmissions.

The administration has made concessions enough. In spite of the quaking broadcasters, the congressional committees should nod, and give the Cuban people a chance to find out that there's more than one world view and more than one way of life possible in the Western Hemisphere.

[From the Washington Post, May 20, 1983]

STATIC FROM CUBA

Radio Marti is back: the Reagan administration's proposal for a new official station broadcasting just to Cuba—the Voice of America covers Latin America as a whole. At the time the proposal was derailed (mostly for extraneous considerations) last year, it seemed a good way to expand the listening choices of Cubans, as long as the broadcast would serve the purposes of information, not destabilization. It still seems a good idea, but there's static on the line.

For some 15 years, Fidel Castro's prodigal domestic and international broadcasts, sent out without use of directional antennas, have interfered with domestic broadcasts in the United States and in the Caribbean and Central America. Notwithstanding widespread complaints, Cuba arrogantly announced now plans to expand greatly the power—and interference potential—of its transmitters.

In the Carter period, efforts were finally launched to work out a solution. But when Radio Marti was announced, the Cubans, seeing it as hostile and provocative, rebuffed negotiations in the American-favored format. They have since ignored decisions of the regional body that allocates frequencies.

Fidel Castro is a practicing radio outlaw. But in his capacity to interfere with American stations, he wields a weapon for which the United States has yet to find a suitable defense. He threatens now to answer Radio Marti with more interference. During congressional hearings on the new radio, he brought his intent home to American broadcasters by jamming some 20 American commercial stations with the Voice of Cuba.

American stations, speaking through the National Association of Broadcasters, are aware that Cuba is using them in its fight against Radio Marti. They squirm in the role. But notwithstanding occasional mutters about "taking out" the offending Cuban transmitters, the American government has not done much about interference in the past. The record makes broadcasters wonder what help they will get if Radio Marti comes on the air.

Actually, American officials have taken some practical steps, agreeing, for instance, to have Radio Marti share the AM frequency already used for 20 years by the Voice of America. The Radio Marti legislation offers limited funds to compensate broadcasters for expenses incurred in mitigating Cuban interference.

The broadcasters did not create the conditions that make Cuban-American issues so hard to resolve. They are entitled to expect their legitimate commercial interests to be respected. Fortunately, patrons of Radio Marti, displeased by the NAB's effective lobbying, appear to be trying to meet the broadcasters halfway.

[From the Miami Herald, June 16, 1983]

TURN ON NOW TO RADIO MARTI

(By Bob Packwood)

We can wait no longer for Radio Marti—a radio station designed to bring update, uncensored news to the Cuban people. For more than 20 years, the Cuban people have received a steady flow of censored news that does not tell them the full scope of their government's activities at home and abroad. I believe it is time the Cuban people be allowed to hear the truth about their government's actions and that the Castro regime be held accountable for them.

There is currently pending in Congress a bill to establish Radio Marti. Last year a similar bill passed the House of Representatives by a 2-to-1 margin, and was favorably reported out of the Senate Foreign Relations Committee. Time constraints at the end of last year prevented the full Senate from considering Radio Marti legislation. I have joined several of my colleagues again this year in sponsoring the Radio Marti bill. I continue to find the arguments supporting radio broadcasting to Cuba compelling.

The Cuban economy is failing. Soviet aid—almost $4 billion in 1982—is more than one quarter of Cuba's GNP. Indeed, the collapse of the Cuban economy has been prevented only by over $13 billion in Soviet aid over the last decade. And yet, day after day the Cuban people face unacceptable conditions—rationed food, rationed clothing, and deteriorating housing. There has been no improvement in the real income earned by the average Cuban since 1959.

The Cuban people certainly know, from their own experiences, about the serious economic problems facing their country. What they don't know is that at the same time they are forced to live with these conditions, their government is supporting 40,000 soldiers in Africa, 2,000 military and security personnel in Nicaragua, and many thousands more Cubans who are abroad on various "international" missions, most of them military.

The Cuban people are deliberately kept ignorant of the Cuban government's foreign adventures. They have no way to hold their government accountable for devoting such a large portion of the country's resources to military missions abroad.

Cubans have a need, and a right, to know what the Castro regime's activities are costing them—in terms of their own economy and in terms of international statute.

Radio Marti will accomplish this goal. It will break the government's absolute control over the dissemination of information and be an important addition to sporadic U.S. and Voice of America broadcasts to Cuba.

At this time, there is not one U.S. commercial broadcast directed specifically at the Cuban people. And it is important to remember that Radio Marti will be aimed at the Cuban people, not at the Cuban government.

Radio Marti will serve the same vital role that Radio Free Europe and Radio Liberty serve in broadcasting to the Soviet bloc in Europe. The operation of these radio networks is an integral part of U.S. foreign policy serving, in particular, our interest in promoting the free flow of information and ideas. For tens of millions of East Europeans, the most reliable information about their country comes from the outside world. There is no comparable source of news for those living in Cuba.

The Communist-bloc countries certainly understand the importance of radio broadcasting. The Soviets broadcast 322 hours of program each week in this hemisphere alone. The People's Republic of China broadcasts 123 hours to this hemisphere.

In addition, seven East European countries broadcast about 250 hours to Latin America and another 200 hours to North America. Cuba also does its share with 257 hours of broadcasting each week to North America and the Caribbean.

It is obvious that these countries understand that international radio broadcasting is the best way to communicate with millions of people. Their hundreds of hours of weekly broadcasting is testimony to this understanding. And yet these same countries refuse to grant their own people the right to listen to foreign broadcasts without interference. Fidel Castro has made it clear that he does not like the idea of Radio Free Europe-type broadcasting to Cuba.

Even with the establishment of Radio Marti, the United States will remain far behind the Soviet Union and Cuba in the amount of resources and time devoted to international radio broadcasts. I think it is essential that we meet this challenge and provide for the creation of this new voice of truth for the Cuban people.

[From the Wall Street Journal, June 7, 1983]

RADIO MARTI, AGAIN

The Reagan administration wants to set up a new radio station, Radio Marti, to beam a little political truth into the information-starved island of Fidel Castro's Cuba. The project does not involve huge sums of money. It would cost no bullets, no helicopters, no American blood. You would think it sure-fire. But Radio Marti is literally struggling to be born.

Last year doves protested against the radio bill on the grounds that it would needlessly provoke Mr. Castro. American broadcasters said they feared that the bearded bully would retaliate by interfering with American stations. Sen. Edward Zorinsky killed the bill with a filibuster.

This year the bill makes concessions to the broadcasters. It says Radio Marti can broadcast on frequencies that make Cuban interference less likely. It earmarks money for the broadcasters to use if Cuban skulldugery forces them to buy new equipment. The opponents are still not satisfied. Now they say we should leave the job of Cuban broadcasts to the already existing Voice of America.

But VOA, a general news station, cannot do this kind of specialized job. Radio Marti can. The committees voting on the bill tomorrow should stop looking for ways to squirm out from under this issue. We cannot make our foreign policy out of fear that Fidel Castro will be miffed and try to make our lives uncomfortable.

[From the Miami Herald, June 13, 1983]

TUNE RADIO MARTI

It's been nearly two years since President Reagan first submittted legislation to create Radio Marti. Still, the radio broadcasts to Cuba are not on the air. That delay should be ended soon.

Congress has debated and fretted over how best—or even whether—to beam news, commentary, and entertainment to Cuba. The debates and ensuing controversy about Radio Marti are indicative of the idea's inherent duality; the Radio Marti concept is like the proverbial double-edged sword, which can cut for good or ill.

Thus, Congress's robust debate and the direction that's become apparent in it are encouraging. Radio Marti proposals were approved last week in the Senate and House Foreign Affairs committees. Further discussions are planned.

The House version of the measure includes amendments aimed at ensuring that Radio Marti, if approved, will broadcast objective reports and follow accepted standards of U.S. journalism. Accomplish that, and Radio Marti will cut for the good.

A major strength of a free society is the freedom of individuals to make decisions and choices on the basis of objective information. Propaganda, whether directed by Communists or anti-Communists, is transparently shallow. It attempts to manipulate minds by manipulating information. Thus it courts eventual rejection and ridicule when the distortions are exposed.

The United States need not engage in such tactics. Radio Marti is needed. It must follow the objective standards set by operations such as the Voice of America, Radio Free Europe, and others. There is no better way to deliver this nation's message to Cuba or to the rest of the world.

CASTRO'S MOST SUCCESSFUL LIE IS FINALLY BEING UNMASKED

In the 24 years since Fidel Castro led his "bearded ones" into a wildly welcoming Havana that had been frantically vacated by Cuban dictator Fulgencio Batista and his followers, many myths have died.

Castro himself put to death his pledges of establishing democracy, guaranteeing the rights of workers and of the press and restoring the Cuban constitution, even as his firing squads were working overtime in the bloodbath that followed victory.

The pledge of his provisional government that American investments in Cuba would be fully guaranteed took longer to die but it also went to the wall early in Castro's dictatorship.

The myth that has shown amazing longevity is the one holding that Castro was an idealistic agrarian reformer, with no Communist ties and no thought of alliance with the Soviets, until the United States pushed him into the arms of the Communists with its unfriendly actions.

That lie was carefully fostered by Castro and bought by many in the United States, both in and out of the media.

The late swashbuckling actor Errol Flynn came back to the United States from Cuba sporting a superficial leg wound that he claimed came from a soldier of Batista's army while Flynn was in the mountains with Castro's forces.

"I can guarantee," Flynn said, "he (Castro) is not a Communist. I'm sure of it. He is a pure idealist and there aren't many left."

Unfortunately, there was one less pure idealist than even Flynn thought there was. Castro had been a Communist for years.

It was not until Castro took power that he proved he was everything his admirers in the United States said he was not. And by then, it didn't seem to matter too much because Batista was the unattractive alternative.

Journalists who covered Castro's revolution met in Coral Gables Saturday to say they had misread Castro's goals and political leanings in those days.

Former Time magazine correspondent Jay Mallin said: "We put him where he is. He was a figment of our imagination."

Former Associated Press Havana Bureau Chief Sam Summerlin said: "And now we are living it down."

Wall Street Journal Vice President Ed Cony, who was then a correspondent for the paper, was unable to attend the gathering but wrote a letter in which he recalled a talk with a conservative businessman in New York who said Castro must be a Communist.

"I kept insisting that he couldn't be, explaining that he was just too unpredictable, too wild, too undisciplined to ever be a member of the party," Cony wrote.

"The next day, I picked up the New York Times to discover that Castro was announcing to the world that he'd been a Communist for several years. That says it all as to how much I really knew about what was going on in Cuba."

Aside from setting the record straight and learning from past mistakes, the entire episode is academic now. Russia openly arms and feeds Cuba and Cubans are ordered by Castro to go to war and die as surrogates of the Soviets.

But at least it is time to lay to rest a myth that has tenaciously survived despite all the evidence to the contrary.

[From the Heritage Foundation Issue Bulletin, May 20, 1983]

RADIO MARTI: GETTING THE TRUTH TO CUBA

(Prepared for the Heritage Foundation by Luis A. Luna)

INTRODUCTION

The Reagan Administration has proposed that the United States establish a radio station to broadcast news to the people of Cuba. This so-called Radio Marti would break the information blockade that Fidel Castro has imposed on Cuba's citizens. It would get the truth to Cubans, letting them know the full extent, and cost, of Castro's activities at home and abroad.

The concept is not new. For years, Radio Free Europe has broadcast into Eastern Europe, as Radio Liberty has into the Soviet Union. Both tell their listeners living behind the Iron Curtain about events in, and concerning, their homelands.

Plans for Radio Marti have generated opposition from American broadcasters because Castro has threatened to retaliate by jamming on U.S. stations. Cuban jamming capabilities, however, are limited and costly. They could block broadcasts from other countries in the region with whom Cuba is trying to maintain good relations. Furthermore, American stations have the technology to overcome such interference.

The Administration's foreign policy critics also attack the plan. They call it provocative and suggest instead that the U.S. negotiate with Cuba for better relations. But Castro himself is the biggest obstacle to improved U.S.-Cuban relations. Moreover, Cuba for years has transmitted radio programs, laden with propaganda and anti-American rhetoric, into the United States and Latin America. Radio Marti, by contrast, would consist solely of news and entertainment; it would be prohibited from broadcasting propaganda. Establishment of Radio Marti would not preclude American negotiations with Cuba.

Radio Marti represents a peaceful, effective, and inexpensive foreign policy tool for U.S. efforts to deal with Fidel Castro's destabilizing activities. It can give the Cuban people the news and information about their own country and its activities that is currently denied them. It thereby may divert Castro's energies from creating instability abroad and focus his attention on problems closer to home.

BACKGROUND

The Reagan Administration repeatedly has sought ways to blunt Fidel Castro's adventurism. Since his takeover in 1959, Castro has vowed to export his revolution; in recent years, direct Cuban involvement in African, Central American, and South American affairs has grown ominously. For instance, Cuba has supplied proxy troops for the Soviet Union in Ethiopia and Angola. It has also trained and armed rebels in Nicaragua, Colombia, and El Salvador, to name just three trouble spots.

Castro's efforts at subversion, though, are not limited to the battlefield. Whenever he can drive a wedge between the U.S. and its neighbors, he does so.

A dramatic case in point occurred during the Falklands/Malvinas crisis. Cuba's relations with Argentina's right-wing military government had never been good. But when the U.S. announced it would side with Great Britain in the conflict, Cuba suddenly became Argentina's best friend. Cuban propaganda carried relentless denunciations of the United States and praise for the Argentine struggle to defeat what Cuba termed "imperialist actions." Cuban delegates to the Organization of American States and to the United Nations pointedly supported Argentina's side in the dispute. Just this year, Fidel Castro endorsed a resolution of support for Argentina at the Non-Aligned Nation's conference in New Delhi.

Cubans are kept in the dark about their country's extensive destabilization efforts around the globe. They have not enjoyed a free flow of information for the nearly quarter-century that they have lived under communism. Cuba's mass media is strictly controlled by the government. The estimated 130 radio stations, three TV channels, and magazines and newspapers in Cuba give the public only the information that fits into the Communist Party line.

Not only do Cubans receive sketchy news about foreign affairs, they are told little about domestic events. They do not know, for instance, the full extent of Castro's vast political prison system and systematic violation of human rights, or about acts of industrial and agricultural sabotage committed by disillusioned workers, or of the Soviet Union's $3 billion annual subsidy to keep the Cuban economy afloat. The Cuban people get information about events within their own country through official propaganda and by word of mouth, both unreliable.

In 1980, candidate Ronald Reagan's advisers suggested that the United States break this information blockade and enable Cubans to know what their government was doing at home and abroad. The idea was to direct Castro's attention away from international adventurism and toward domestic problems. They recommended a radio station devoted exclusively to the task.

After his election, Reagan endorsed the concept of such a radio station. The Presidential Commission on Broadcasting to Cuba was established in September 1981 to study its feasibility.[1] The panel's favorable report led to the drafting of plans for direct U.S. radio broadcasts to Cuba.

As originally envisioned, the new station would be named after Jose Marti, a 19th century Cuban patriot. It would beam programs of news, music, and sports to Cuba fourteen hours daily. The entire operation would be run by the Board for International Broadcasting, the same federal agency operating Radio Free Europe and Radio Liberty.

BROADCASTERS' OBJECTIONS

Plans for Radio Marti drew immediate fire from U.S. broadcasters. They expressed concern over threats by Castro that he would jam Radio Marti, fearing the effect of such action on American radio stations. They ignored, however, the fact that Cuban radio transmissions already interfere with U.S. stations, particularly in Florida. Cuba also has broadcast on frequencies and at signal strengths that violate international agreements. It has done so for years, long before plans for Radio Marti were announced. In addition, Castro revealed plans in 1979 for two Cuban AM "superstations" of 500,000 watts each, ten times the maximum power allowed to American stations. Such superstations could substantially disrupt radio signals throughout the U.S.

Castro apparently has played on American broadcasters' fears of radio interference. On August 30, 1982, in a display of radio muscle-flexing, Cuba broadcast four hours of programming at extremely high power over five AM radio frequencies. Twenty-two U.S. radio stations using those same frequencies encountered some interference with their broadcasts.[2]

The potential impact of Castro's threat, however, is overstated. Jamming has limitations and even drawbacks for Cuba. It requires transmitting high-power signals on the same wavelength as the targeted station in order to disrupt incoming signals. These can be simply noise and static to garble the offending broadcasts or "counterbroadcasting" that drowns out the incoming signals by sheer power. Sustained jamming and counterbroadcasting, though, require quantities of electricity, which could tax severely Cuba's limited and expensive power-generating capabilities. Moreover, counterbroadcasting affects not only U.S. radio stations but also those of neighboring Central and South American countries with which Castro wants to maintain good relations. Already, Mexico, Venezuela, and Colombia, among others, have voiced concern over current and potential Cuban radio interference.

Jamming does not always work. The Soviet Union and its East European satellites have tried to block Western radio transmissions for years, but with only limited success. During the height of the martial law crackdown in Poland, for instance, Polish authorities sought to jam radio transmissions from the West. But by one account, an estimated 60 to 90 percent of Poles could still hear Radio Free Europe—despite the jamming effort.[3]

Even if Castro decides that the cost, effort, and consequences of jamming are worth it, U.S. broadcasters can overcome Cuban radio interference. Transmitter power can be stepped up, and the radio beam can be focused to reach target audiences with greater precision. Moreover, early plans calling for Radio Marti to use AM frequencies that are also used by other U.S. radio stations have been modified, so that Cuban attempts to block Radio Marti would not necessarily interfere with American commercial broadcasts.

With or without Radio Marti, though, rogue Cuban radio transmissions could remain a problem for American broadcasters. Eliminating Radio Marti is not the answer. The problem will be solved only when Cuba abides by international broadcasting rules and standards.

FOREIGN POLICY CONSIDERATIONS

Opponents of the Administration's foreign policy have argued that President Reagan seeks confrontation, rather than negotiations, with Cuba. They point to Radio Marti as proof of this, seeing it as an effort to provoke Castro.

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[1] Executive Order 12323, September 22, 1981.

[2] "Cuban Radio War?" Washington Post, September 1, 1982, p. B-6.

[3] "Poland Censures Old Annoyer: Radio Free Europe," New York Times, May 11, 1982, p. A-2.

Yet Cuba and other Communist countries long have used radio broadcasts to further their policies. Cuba transmits some 280 hours of programs to North America and the Caribbean each week. This is in addition to the more than 130 hours a week of Soviet broadcasts into the region, as well as broadcasts from East Germany, mainland China, and other Communist bloc countries into this Hemisphere.[4]

Cuba's own radio broadcasts have not stopped the U.S. from trying to negotiate with Castro, just as Radio Marti alone would not preclude efforts to improve relations with Cuba. Rather, Castro has been the main obstacle to negotiations. He repeatedly has rejected both open and secret overtures for better relations. In addition, he refuses to discuss the issues of greatest concern to the United States: the Cuban military presence in Africa, his support of guerrillas in Central America, his complicity with drug smuggling into the U.S., and immigration matters. His dealings with the United States have been marked by intrasigence and defiance.

The Carter Administration, for instance, made repeated efforts to reestablish relations with Cuba. During that same period, though Castro sent more troops into Angola, dispatched forces into Ethiopia, supplied arms and training to the Sandinista guerrillas in Nicaragua, and released massive numbers of Cuban refugees through the Port of Mariel.

LEGISLATIVE HISTORY

Legislation to set up Radio Marti passed the House of Representatives on August 10, 1982, by a vote of 250 to 134. The bill cleared the Senate Foreign Relations Committee, but died in the Senate during the 97th Congress' lame duck session.

Congressional critics in both Houses expressed concern about the wisdom of the move from a foreign policy perspective. They questioned the cost of the new enterprise (an estimated $7 million to $10 million a year) and suggested the use of Voice of America facilities for broadcasting. They echoed broadcasters' concerns about potential interference with U.S. radio stations, should Cuba try to jam Radio Marti, and about the costs if American stations needed to purchase equipment to counter Cuban interference.

Some of the strongest objections to Radio Marti came from the Iowa congressional delegation. Original plans had called for Radio Marti to use a frequency of 1040 kilohertz (kHz) on the AM band, the same spot on the dial as station WHO in Des Moines. WHO is a so-called clear channel station, which means its power is boosted at night to reach much of the United States. Broadcasters there feared that Cuban jamming could block WHO's signal throughout the country.

The Radio Marti bill has been reintroduced in the 98th Congress with changes designed to address the concerns raised by the plan's opponents. The new legislation does not restrict Radio Marti to the AM band, but specifies that, should Radio Marti choose to use an AM frequency, it must use the one currently assigned to the Voice of America (1180 kHz). This would limit interference from Cuban jamming efforts to this government frequency and spare commercial broadcasts. To save money, Radio Marti would be permitted to use the VOA's broadcasting facilities as well.

The measure's supporters have called for a fund to compensate radio stations that suffer from Cuban radio interference. Legislation in the House included $5 million for that purpose, and a similar amount will be proposed in the Senate.

To address foreign policy concerns, both the House and Senate bills contain identical language requiring that broadcasts to Cuba avoid provocative or inflammatory rhetoric. The legislation specifies that Marti programs must "serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news." [5]

CONCLUSION

Radio Marti's fate should not depend on Fidel Castro's threat of radio blackmail, but rather on the station's value to American foreign policy. On this score, Radio Marti is a good investment.

Using a tested and proved concept similar to the successful Radio Liberty and Radio Free Europe, Radio Marti may divert some of Fidel Castro's energies from foreign troublemaking. At the least, the station will help Cubans understand the full extent and cost of Castro's policies. The fact that Castro seems so anxious to block Radio Marti testifies to the idea's impact and effectiveness.

Radio Marti offers the Reagan Administration a low-cost, high-yield foreign policy option. It is a peaceful means of containing Fidel Castro and his activities. Given the lives and treasure that are being spent in order to contain Castro's policies in Central America, the idea of redirecting his efforts back home has an appeal, and an urgency, that cannot be denied.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, a few weeks ago when we began our efforts to take up for consideration Radio Marti, three motions to recommit the bill were offered. Two of these were summarily rejected, as we now know. The third was withdrawn since it was apparent from the first two votes, the Senate was more interested in getting this over with than paying any attention to the legitimate serious flaws in this legislation.

The first motion to recommit the bill was based upon serious inconsistencies between the language in the committee report and the bill itself. Apparently the Senate is not concerned about the fact that the committee report stated that radio compensation will be available during fiscal year 1984. Yet the bill itself stated that it would not be available until fiscal year 1985. The Congressional Budget Office cost estimate was even in error.

Furthermore, based upon the assumption—and let me emphasize the word "assumption"—that this compensation section was only a simple authorization, we did not at that point even need a section 402 waiver because the bill stated the compensation is not available until fiscal year 1985. The 402(a) reporting date requirement refers to the new budget authority for the year in which it takes effect. Consequently, the time of staff and members of the Senate Budget Committee at that point was wasted.

This may not be a big issue to the Senate but you can be certain that it will disturb broadcasters who think they are entitled to compensation in fiscal year 1984 and find out that they must wait until the ensuing fiscal year, which is 1985.

Note I use the term "entitled" in referring to the mandatory payments to broadcasters. That was the basis of the second motion to recommit. Section 6 of this bill clearly established an entitlement. We would not have brought it up had we not been serious about this problem.

Before raising this issue, I first thoroughly explored this question of whether or not this appropriation was an entitlement with the American Law Division of the Congressional Research Service, and I would like to read from that publication of the Congressional Research Service, from the American Law Division, and I quote:

This is in response to the request for an analysis of section 6 of S. 602, as reported, regarding the entitlement of broadcasters to certain expenses incurred attributable to increased interference with their broadcast signal by transmission from Cuba resulting from enactment of other provisions of the bill, the Radio Broadcasting to Cuba Act. The specific question is whether section 6(b)-(f) of the bill, as reported, constitutes an "entitlement" as that term is used in the Congressional Budget Act of 1974.

Section 6(b)-(f) provides as follows:

"(b) Accordingly, the Board for International Broadcasting shall make payments to the United States radio broadcasting station licensees, upon their application for expenses which they have incurred or will incur in mitigating pursuant to special temporary authority from the F.C.C the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees, such expenses shall be limited to the cost of equipment (replaced less depreciation) and associated technical and engineering costs.

"(c) The Board for International Broadcasting shall issue such regulations and establish such procedures for carrying out this section as the Board finds appropriate, such regulations shall be issued no later than 180 days after enactment of this act.

"(d) There are authorized to be appropriated to the Board for International Broadcasting, five million ($5,000,000) dollars for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

"(e) Funds appropriated for implementation of this section shall be available for a period of no more than four (4) years following the initial broadcast occurring as a result of programs described in this Act.

"(f) This section shall enter into effect October 1, 1984." (sic)

The Congressional Budget Act defines entitlement authority thusly:

[4] "Broadcasting to Cuba," National Review, July 23, 1982, p. 877.

[5] Radio Broadcasting to Cuba Act, H.R. 2453, S. 602, 98th Congress.

authority (whether temporary or permanent)—to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law.

The General Accounting Office, in its definition in "A Glossary of Terms Used in the Federal Budget Process" adds that authorizations for entitlements "constitute a binding obligation on the part of the Federal Government, and eligible recipients have legal recourse if the obligation is not fulfilled. Budget authority for such payments is not necessarily provided in advance. . . ."

Although the word "entitle" is not used in section 6 of S. 602, *supra*, it does appear that broadcasters meeting the requirements specified in the section would be entitled to payment. The Board for International Broadcasting is not given discretion whether or not to make payment to particular stations. Rather, the section provides that the Board *shall* make payments upon their application if they meet certain specific requirements spelled out in the statute itself, and *shall* issue regulations and establish procedures as appropriate. It thus appears that the section establishes an entitlement as that term is defined in the Congressional Budget Act, *supra*. It appears that the plain meaning of the provision on its face, and its intent as discerned from the accompanying report, is to provide the specified compensation to all stations which meet the requirements.

Similar language has been considered to create an entitlement for Budget Act purposes. For example, on June 30, 1977 an amendment was proposed on the Senate floor providing, *inter alia*, that "grants to States for the conduct of nutrition education and information program [sic] shall be based on a rate of 50 cents for each child enrolled in schools. . . ." The purpose of this mandatory language was acknowledged by its sponsors to be to create an entitlement.

And that is from David R. Siddall, legislative attorney, American Law Division, and it is dated July 27, 1983.

Now I personally find nothing in the actions of the proponents in creating a new entitlement program as anything dilatory or frivolous. I assumed, but assumed incorrectly, that other fiscal conservatives like myself, whether proponents of this legislation or not, would deplore the prospect of creating another entitlement program. But as I go through the RECORD, many of the Senators who claim to be fiscal conservatives, and yet disregard the entitlement aspects of this bill, during the last time this issue was up for discussion, voted against the motion to recommit so that this language could be properly corrected and so that this language would not serve the end result of being an entitlement.

And, as a fiscal conservative, I found no less appealing the possibility of creating "backdoor authority" with section 12 of the legislation which allowed other agencies to "sell, loan, lease, or grant property" to and "perform administrative and technical support services" for the Board of International Broadcasting in implementing Radio Marti.

There is no way that I can see that we have a realistic idea of how much staff time and resources of other agencies will be utilized through this backdoor approach to augment direct appropriations for Radio Marti. And I think these are very important issues for those of us who pride ourselves in watching how taxpayers' money is expended as we consider this legislation.

Now, you may want to try to dismiss the motions that have gone on during the debate on this legislation as dilatory tactics if you want, but I feel I have a responsibility to warn my colleagues, as I was trying to do when we discussed these various motions, that we ought to be very serious, absolutely serious, about the fiscal ramifications of Radio Marti. Make no mistake, this proposal should not be considered an "easy vote" in favor of one of the administration's foreign policy initiatives. I have spent a great deal of time on this issue during the past year or so, and I assure my colleagues that this is not what would be considered a "mom and apple pie" issue.

Unfortunately, few have been willing to take this issue from a fiscal standpoint as seriously as they should. Consequently, many have not even focused on this issue until just recently. Others who have been working on it have not sufficiently addressed some of the troublesome questions that have to be answered or at least ought to be answered before we have final passage of this legislation.

Maybe extended debate is what it will take to force this body to finally sit down and listen to the various reasons, both fiscal and foreign policy, that are involved with it. I, for one, would rather not operate in this fashion, because I hope that there is enough interest in this issue to study the matter as carefully as it ought to be studied.

Unfortunately, I do not think we have caught the ears of enough of the Members of this body yet to have that serious consideration given to it.

Had anyone been listening a few weeks ago, I do not think we would have been accused, as we were at that time, of dilatory tactics. Furthermore, if anyone bothered to listen to my comments of approximately 5 weeks ago now, they would recognize that I am and have been quite sincere in my efforts to try to find solutions that will satisfy the goals of broadcasting the truth to the Cuban people and at the same time providing the most protection possible for our Nation's broadcasters, these people who are solid business people in our country, who have as much of a stake in the economy as any farmers in the State of Iowa or any other business people in any other State, including the State of Florida.

I would urge any Senator who did not listen to my comments before the recess that they take the time to read them in the RECORD of that date. I may be biased, but I think those comments were rather enlightening and may help put in a better context where we stand today in our debate over Radio Marti.

Last year's Radio Marti proposal would have placed its frequency, as Senators will remember, on 1040 kilohertz. This frequency was selected even though it was well known that Cuba was about to begin broadcasts from a new radio station on that very same frequency. What is so interesting about this is that this particular Cuban station will be broadcasting with 500 kilowatts. This is 10 times the power of any AM broadcasting station in the United States.

This Cuban station presented a problem in and of itself for any broadcaster within thousands of miles that shares that frequency. As Senators know, I have talked about it so often, it just so happens that 1040 kilohertz is a frequency used by WHO Radio in Des Moines, Iowa. If utilized at full power, this Cuban station would reduce WHO's nighttime broadcast range from 800 miles down to 35 miles. Consequently, you can understand WHO's desire to avoid some sort of special invitation to Cuba to counterbroadcast in response to the implementation of Radio Marti.

What is ironic about this whole proposal was that we were actually making it easier for Castro. With one single stroke he could kill two birds with one stone: He would be able to knock out Radio Marti and destroy WHO's broadcasting market with a simple flip of a switch. If that is not helping Castro, I ask somebody, what is going to help Castro?

I raised that point early on in the deliberations last year but it was like pulling teeth to get anyone to listen and to respond.

Early on we were all assured time and again by the administration that they did not think Cuba would retaliate with counterbroadcasts. But during the month of August last, 1982, the Voice of Cuba broadcasts severely disrupted programing for 4 hours on at least 5 AM frequencies across the country: 570 kilohertz, 670, 1040, 1160, and 1380.

Cuba suggested it acted in response to the proposed establishment of Radio Marti. So I would ask: How accurate were the administration assurances that Cuba would not retaliate?

Since then, the arguments often used by proponents of Radio Marti are that Cuba cannot sustain counterbroadcasting efforts for it would be too expensive and that we have alternatives to effectively counter these broadcasts. Of course, the most arous-

ing and thus most appealing argument is that we must not let threats from Castro dictate our foreign policy. I guess as one who does not like Castro, I can chime in with those people who do not want to allow Castro to dictate our foreign policy.

But this argument really strikes a chord with saber rattlers. I frankly do not know who was really suggesting that we should allow Castro to dictate our foreign policy. That really is not the question. The real question is: What are we doing using our broadcasters, our radio broadcasters, those solid American business people as they are, as foreign policy pawns in the first place? This is the very important question. I want to elaborate on that issue a little later.

Aside from the arguments being used to answer the questions of retaliation, a far more serious question has recently surfaced as a result of the declassification of a State Department memo from 1981 which addresses the issue of retaliation. To say that I am shocked and dismayed understates my true feelings. Let me share with my colleagues the contents of this memo.

This memo has been read before and it bears repeating again, particularly considering the fact that it has been 5 or 6 weeks since we have dealt with this issue of Radio Marti. This memo from the State Department, originally classified as confidential, has now been declassified and it speaks to the impact of Radio Marti on domestic AM broadcasting:

If the decision is made to establish a Radio Free Cuba, we believe Cuba will retaliate by increasing its current level of interference with U.S. AM broadcasting operations. Potentially, about 20 percent or 1,200 U.S. stations could be adversely affected. The broadcasting community and Members of Congress can be expected to press for reversing that decision.

Let me say parenthetically at this point for my colleagues, each of us, who spend a great deal of our time defending our constituents against the unelected bureaucracy that is so dominant in this town, we ought to welcome an opportunity to stop situations that might arise that we would have to find ourselves pressing for reversing a decision, and on that point I will quote from the same memo, because it is much easier to stop bad decisions from being made than it is to reverse those bad decisions at some time future on—future on when they detrimentally affect our constituents.

I want to continue to quote from this declassified State Department memo:

Cuban AM radio stations now cause interference to a large number of stations, primarily in the Southeast, but extending as far north as Cincinnati. If Cuba implements the inventory of stations it has submitted to this fall's AM broadcasting conference, whose mandate is to draw up a frequency assignment plan for AM stations in this hemisphere, 20 percent, or 1,200, of our AM stations, including stations in Alaska and Hawaii, will experience some reduction, if not a complete loss, of service area. We are meeting at the technical level with Cuba to find solutions for the existing and potential interference problems.

I will continue to quote:

Announcement, and certainly establishment of an RFC, Radio Free Cuba, prior to the completion of the broadcasting conference would frustrate resolution of the problems of U.S. broadcasters.

Note here that Radio Marti was announced prior to this conference in total disregard to the expression of opinion not to do that on the part of our State Department.

I will continue to quote from the State Department memo:

We believe Cuba has the capability to jam Radio Free Cuba reception through deployment of strategically placed 10 kW. transmitters. Such jamming would cause further interference to U.S. stations.

I think we all ought to be amazed at what that memo says. We ought to be amazed even today for, last year, State Department officials told us time and time again that they did not believe that Cuba would retaliate. Now, through this memo, we find that privately, these officials knew that there would be retaliation through increased interference. They knew it all the time, yet they were telling us the exact opposite.

Equally disturbing is the fact that not only did they know that Castro would likely retaliate; they fully expected it to be on a massive scale. Those are their words. That massive scale adds up to 20 percent or 1,200 of our American stations, even those as far away as Hawaii and Alaska. These are all expected to suffer from this interference. The State Department knew this all along, yet resisted every step of the way to accommodate the concerns of our broadcasters.

So, Mr. President, I think all along, we could ask, what is going on here?

To think the proponents of this proposal have the audacity to criticize broadcasters for being overly concerned. Frankly, I think the broadcasters were being overly generous in suggesting that they can support the Voice of America option that some of us have been throwing around here for the past 12 months. I shall be very interested in hearing the State Department's explanation of this memo that has been referred to previously in this debate and their past assurances. To this point we have heard nothing. I imagine they will be as creative in answering this as defense officials were when they were caught building the Radio Marti facility last year before Congress gave its approval.

I have to wonder how much more information about this proposal is being denied Congress by the bureaucracy downtown. Last year, I was also given assurances by the bureaucracy that if Cuba does retaliate, we have about 40 responses that will effectively counter this interference. I ask what these 40 responses were but was told that they were confidential and that I would need to be given a private briefing. I never did get that private briefing.

I am skeptical that any workable option really exists. If it does, why have the people downtown who have been giving us these assurances not utilized any of these 40 options for much of the past 15 years? I would be very interested in that question if I represented Florida or any of the other Southeastern States. Remember, the State Department memo stated that 1,200 stations would be affected, most of them in Florida and the Southeast United States. If I were a Senator from one of these States, I would think in terms of what to tell my constituents when all they can get on the radio is Cuban broadcasts.

The Radio Marti proposal is much like the Soviet grain embargo in that it places the burden of our foreign policy on the backs of our private sector.

Radio Marti not only abuses but co-opts our domestic frequency band and turns it into a "chessboard" for foreign policy, much like our agriculture trade was turned into a chessboard by President Carter in December 1979 and January 1980.

Our farmers and agriculture sector were singled out to suffer the burden of the Soviet grain embargo. Our broadcasting industry—its broadcasters and listeners—is what we are jeopardizing with this new foreign policy initiative.

The Soviet grain embargo cost the United States $22 billion and 310,000 jobs.

It is difficult to know for certain what the losses could amount to if we get ourselves into a radio war with Cuba, but it is interesting to note the debate during the markup of Radio Marti last year. Let me read the following. This is an exchange between the Senator from Ohio (Mr. GLENN) and Senator TSONGAS of Massachusetts with regard to the latter's amendment to require the Government to compensate broadcasters for any damage resulting from Cuban interference:

Senator TSONGAS. (This) is a very straightforward amendment. It says, look, if we do this and there is retaliation and U.S. commercial interests are hurt, that since it is a national obligation to reimburse the commercial interests.

Senator GLENN. * * * Are we placing some sort of limit on this? Because let us say that (Cuba) shift frequencies on this. We could have a thousand different stations affected. We could be into billions of dollars on this if we are not careful. Is there a limit?

Senator TSONGAS. That is exactly the point.

Interestingly, the amendment was defeated, even though a cap of $150 million had been placed on the amendment.

I do not understand why we are so anxious to implement Radio Marti under any circumstances, under any design, even though we fully recognize that our domestic broadcasters stand much to lose.

I opposed the Soviet grain embargo—not because I supported the Soviet slaughter and subjugation of innocent Afghans. I opposed it because I knew that it would hurt us far more than it could ever hurt the Soviets. The facts have shown this to be true, and the Soviets have since used this outrageous mistake and have rubbed our faces in it time and time again.

That at least was true up until the time that we signed the 5-year grain agreement just a few weeks ago. But American farmers are going to continue to suffer as a result of that grain embargo regardless of the 5-year agreement, because I suspect that we are still going to be a residual supplier of grain to the U.S.S.R.

Consider the fact that they are committing themselves to buying only 9 to 12 million metric tons when prior to the last grain embargo they were going to buy 25 million metric tons that particular year.

So we have something to fear from any sort of retaliation by Cuba to our business interests in this country, and specifically the business interests of the broadcasters of America.

But whereas I did not support the Soviet grain embargo, I have told this body many times that I support the concept of Radio Marti. Furthermore, and more importantly, our country's broadcasters will accept the risk involved with the creation of Radio Marti. All we have to do is accept some of their suggestions which will minimize the hazards that this proposal presents but at the same time assures the Cubans information proposed by this initiative. I am referring to the Voice of America option embodied in the amendment proposed by the Senator from Nebraska (Mr. ZORINSKY).

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

● Mr. PACKWOOD. Mr. President, I rise in strong support of S. 602, the Radio Marti bill. I have long supported the establishment of a radio station to bring up-to-date, uncensored news to the Cuban people. S. 602 will achieve this goal.

We have waited a long time for Radio Marti. This issue has been discussed at length both last year and again this year. Mr. President, we can wait no longer. I hope we can pass this vital legislation at this time, and I urge my colleagues to vote in favor of this bill.

For more than 20 years, the Cuban people have received a steady flow of censored news which does not tell them the full scope of their government's activities at home and abroad. I believe it is time the Cuban people be allowed to hear the truth about their government's actions. It is time the Castro regime was held accountable for these actions.

The Cuban economy is failing. Soviet aid—almost $4 billion in 1982—is more than one-quarter of Cuba's GNP. Indeed, collapse of the Cuban economy has been prevented only by over $13 billion in Soviet aid over the last decade. And yet, day after day the Cuban people face unacceptable conditions—rationed food, rationed clothing, and deteriorating housing. There has been no improvement in the real income earned by the average Cuban since 1959.

The Cuban people certainly know, from their own experience, about the serious economic problems facing their country. What they do not know is that at the same time they are forced to live with these conditions, their government is supporting 40,000 soldiers in Africa, 2,000 military and security personnel in Nicaragua, and many thousands more Cubans who are abroad on various "international" missions, most of them military.

The Cuban people are deliberately kept ignorant of the Cuban Government's foreign adventures. They have no way to hold their government accountable for devoting such a large portion of the country's resources to military missions abroad.

Cubans have a need, and a right, to know what the Castro regime's activities are costing them—in terms of their own economy and in terms of international stature. Radio Marti will accomplish this goal. It will break the government's absolute control over the dissemination of information and be an important addition to sporadic United States and Voice of America broadcasts to Cuba.

At this time, there is not one U.S. commercial broadcast directed specifically at the Cuban people. And it is important to remember that Radio Marti will be aimed at the Cuban people, not at the Cuban Government.

Radio Marti will serve the same vital role that Radio Free Europe and Radio Liberty serve in broadcasting to the Soviet bloc in Europe. The operation of these radio networks is an integral part of U.S. foreign policy serving, in particular, our interest in promoting the free flow of information and ideas. For tens of millions of East Europeans, the most reliable information about their country comes from the outside world. There is no comparable source of news for those living in Cuba.

The Communist bloc countries certainly understand the importance of radio broadcasting. The Soviets broadcast 322 hours of program each week in this hemisphere alone. The People's Republic of China broadcasts 123 hours to this hemisphere. In addition, seven East European countries broadcast about 250 hours to Latin America and another 200 hours to North America. Cuba also does its share with 257 hours of broadcasting each week to North America and the Caribbean.

It is obvious that these countries understand that international radio broadcasting is the best way to communicate with millions of people. Their hundreds of hours of weekly broadcasting is testimony to this understanding. And yet, these same countries refuse to grant their own people the right to listen to foreign broadcasts without interference. Fidel Castro has made it clear that he does not like the idea of Radio Free Europe-type broadcasting to Cuba.

Even with the establishment of Radio Marti, the United States will remain far behind the Soviet Union and Cuba in the amount of resources and time devoted to international radio broadcasts. I think it is essential that we meet this challenge and provide for the creation of this new voice of truth for the Cuban people.●

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

RESOLUTION CONDEMNING SOVIET UNION FOR KOREAN AIR LINES DISASTER

Mr. BAKER. Mr. President, earlier today, in connection with the resolution I introduced for myself, the distinguished minority leader, the chairman and ranking minority member of the Foreign Relations Committee, and the chairman and ranking minority member of the Arms Services Committee, relating to the Korean plane episode, we provided several things.

We provided, first, that the matter will be temporarily laid aside, to occur as the pending business at noon on Wednesday with 2 hours of debate. I attempted to provide that no amendments would be in order. A concern was expressed about that, very properly, by at least one Senator and perhaps others, and the proviso that no amendments would be in order was not pressed.

It leaves us in a little awkward position, because now we have a 2-hour time limitation, with an unknown number of amendments and no allocation of time. I think everyone will

agree that the best thing to do is to leave this intact—that is, it will come up at noon on Wednesday—but to remove the 2-hour time limitation, leaving the provisions in the order relating to the control of time.

I make that request.

Mr. BYRD. Mr. President, reserving the right to object, I agree with the majority leader.

I hope that, in the meantime, we will be able to work out, on our two respective sides, an agreement whereby there would be no amendments. But if there is going to be an amendment on one side, it makes it difficult for the leader on the other side.

Mr. BAKER. Mr. President, I hope we can do that.

I had honestly thought there would not be amendments. An extensive effort was made to clear the matter on both sides of the aisle here, with the House of Representatives, and with the administration, both the White House and the State Department. I had thought we had gotten close to a unanimous view of what the resolution should contain.

I have no criticism whatever of Senators who have expressed a reservation about that, and indeed they are perfectly entitled to do so. But I, too, hope we can work it out so that we can, one, have no amendments and, two, so that we will have a unanimous vote.

Mr. BYRD. Yes.

Mr. BAKER. I will work with all sides to see if that can be arranged. In the meantime, I believe this is the only fair way to deal with it.

Mr. BYRD. I think it is, and I remove my reservation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that that resolution relating to the Korean Air Lines incident be held at the desk for the remainder of this calendar day for the purpose of receiving additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I may say it looks encouraging to me that we may work out the difficulties or disagreements on the Radio Marti issue. If we can, we should know that in the next little bit, and we will maybe pass that bill today. I do not have a request on my side for a rollcall. Of course, if there is a sufficient second to such a request there will be a rollcall. But I hope we can dispose of that measure on a voice vote without a rollcall.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I further ask unanimous consent that my remarks be included at an appropriate place in the RECORD along with other remarks concerning the death of Senator JACKSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MATHIAS are printed earlier in today's RECORD.)

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HECHT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 91-551, appoints the Senator from Tennessee (Mr. SASSER) as a member of the Board of Regents of the Smithsonian Institution, effective September 12, 1983.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the Senator from Georgia (Mr. NUNN) to the Select Committee on Intelligence.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate on August 15, August 18, August 22, August 31, September 7, September 8, and September 9, 1983, received messages from the President of the United States submitting sundry nominations; which were referred to the appropriate committees.

(The nominations received on August 15, August 18, August 22, August 31, September 7, September 8, and September 9, 1983, are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 72

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate received the following message from the President of the United States, on August 18, 1983, during the adjournment of the Senate, which; pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new deferral of budget authority for the Railroad Retirement Board, totaling $165,000.

The details of the deferral are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *August 18, 1983.*

VETO MESSAGE ON SENATE JOINT RESOLUTION 149—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 73

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate received the following message from the President of the United States on August 23, 1983, during the adjournment of the Senate:

To the Senate of the United States:

I am returning herewith without my approval S.J. Res. 149, "To temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States."

Current law allows the Secretary to deduct 50 cents per hundredweight from the proceeds of sale of all milk marketed, if the Commodity Credit Corporation (CCC) purchases of surplus milk are expected to exceed 5 billion pounds. This deduction program became effective April 16, 1983. Current law also authorizes the Secretary to deduct another 50 cents per hundredweight if CCC purchases of surplus milk are expected to exceed 7.5 billion pounds. Dairy farmers who reduce their milk production according to Department of Agriculture

guidelines will be entitled to refunds of this second 50 cents.

This second deduction and the refund program are scheduled to go into effect on September 1 and are expected to produce net receipts by CCC of about $60 million during September. Even with both deductions in effect, the Department of Agriculture projects that CCC purchases of milk will still exceed 16 billion pounds for the current marketing year at a net cost to taxpayers of $2.4 billion.

I cannot support S.J. Res. 149, as it would reduce by $60 million the amount of funds available to be used to defray the cost of the milk price support program and would reduce the desired downward effect upon milk production. Without the added downward pressure of the second 50-cent deduction there will be less incentive to decrease milk production.

In addition, if I signed S.J. Res. 149, there would be even greater confusion on the part of milk producers. The first deduction has been the subject of extensive litigation. Since Secretary Block has announced that the second deduction and the refund program will begin on September 1, a delay of one month would only add to the confusion and make planning by producers even more difficult.

Implementation of the deduction has already been delayed considerably. As a result, the cost savings contemplated when this provision was enacted have not materialized, further worsening the Federal deficit.

The annual cost of the dairy price support program is now over $2 billion and will continue to grow unless something is done. We cannot continue to absorb these enormous costs. The Administration's position last year, which the Congress failed to accept, called for increased flexibility to set support levels that would facilitate a more favorable supply and demand balance and reduce Federal outlays. We remain committed to an economically sound dairy industry with adequate supplies of milk and dairy products for consumers, and we will continue to work with the Congress to achieve that end. However, until Congress can act on a mutually acceptable dairy program that accomplishes the objectives stated above, we must continue to exercise without further delay what authority we have to deal with our dairy problem.

RONALD REAGAN.

THE WHITE HOUSE, *August 23, 1983.*

RECOMMENDATIONS UNDER THE FEDERAL PAY COMPARABILITY ACT OF 1970—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 74

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate received the following message from the President of the United States on August 31, 1983, during the adjournment of the Senate; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, an adjustment in Federal white collar pay will be required in October, 1983.

The Act requires that calculations be made annually of the adjustments that would be required in Federal statutory pay systems to achieve comparability with private sector pay for the same levels of work. Using the calculation methods developed in the past, my pay advisers have indicated that an average 21.51 percent increase would be required to achieve comparability as that concept is presently defined.

The Comparability Act gives me the authority to proposed an alternative adjustment in lieu of comparability on the basis of "economic conditions affecting the general welfare." Under that authority, in accordance with our economic recovery program, I am submitting to the Congress an Alternative Plan for a 3.5 percent increase in Federal white collar pay effective in January, 1984 in lieu of the 21.51 percent increase indicated under current comparability calculation methods.

Current law governing military pay increases provides that the annual increase in military pay be the same as the average Federal white collar increase. The Congress is currently considering legislation that could affect both military and civilian pay increases. If legislation is enacted, it could supersede the increase that Federal employees would otherwise receive under this Alternative Plan.

RONALD REAGAN.

THE WHITE HOUSE, *August 31, 1983.*

REPORT ON AGENCIES EXCLUDED FROM THE FEDERAL MERIT PAY SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 75

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate received the following message from the President of the United States on September 1, 1983, during the adjournment of the Senate; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Supervisors and management officials in GS-13, 14, and 15 positions throughout the Federal government are covered by the Merit Pay System as required by Chapter 54, Title 5, U.S. Code, unless otherwise excluded by law.

Upon proper application from the heads of affected agencies and upon recommendation of the Director of the Office of Personnel Management, I have, pursuant to 5 U.S.C. 5401(b)(2)(B), excluded three agencies and units of agencies from coverage under the Merit Pay System.

Attached is my report describing the agencies and units of agencies to be excluded and the reasons therefor.

RONALD REAGAN.

THE WHITE HOUSE, *August 31, 1983.*

THIRD ANNUAL SYNFUELS REPORT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 76

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate received the following message from the President of the United States on September 8, 1983, during the adjournment of the Senate; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 106 of the Energy Security Act (P.L. 96-294), I transmit herewith the third annual report on activities undertaken by the United States Synthetic Fuels Corporation and the Department of Energy to implement the development of synthetic fuels under the Defense Production Act of 1950, as amended. The report covers the period from July 1, 1982 through June 30, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *September 8, 1983.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL PRODUCTIVITY AND INNOVATION ACT OF 1983 MESSAGE FROM THE PRESIDENT—PM 77

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying

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papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am transmitting to the Congress today a legislative proposal entitled, the "National Productivity and Innovation Act of 1983." The bill would modify the Federal antitrust and intellectual property laws in ways that will enhance this country's productivity and the competitiveness of U.S. industries in international markets.

As you know, one of the most important goals of my Administration has been to revitalize the competitiveness and productivity of American industry. Tax cuts proposed by my Administration and enacted during the 97th Congress have greatly stimulated economic activity. In addition, our efforts to rationalize Federal rules and regulations have significantly enhanced the efficiency of our economy. For the first time in over a decade, there exists the foundation for a period of strong and sustained economic growth.

The ability of the United States to improve productivity and industrial competitiveness will also depend largely on our ability to create and develop new technologies. Advances in technology provide our economy with the means to produce new or improved goods and services and to produce at lower cost those goods and services already on the market. It is difficult to overstate the importance of technological development to a strong and healthy United States economy. It has been estimated that advances in scientific and technological knowledge have been responsible for almost half of the increase in this country's labor productivity over the last 50 years. New technology also creates new jobs and gives us an advantage in world markets. For example, the U.S. computer industry, which was in its infancy just a short time ago, directly provides jobs for about 830,000 Americans and is a leader in world markets.

The private and public sectors must spend a great deal of time, money, and effort to discover and develop new technologies. My Administration has moved to bolster research and development (R&D) in the public sector by proposing in our 1984 budget to increase Federal funding of R&D by 17 percent, to $47 billion. However, it is vital that our laws affecting the creation and development of new technologies properly encourage private sector R&D as well.

The Economic Recovery Tax Act of 1981 provides a 25 percent tax credit to encourage firms to invest in additional R&D. Our economic program has helped reduce inflation and interest rates and thus has lowered substantially the cost of conducting research.

The antitrust and intellectual property laws also have a very significant effect on private investment in R&D. The antitrust laws are designed to protect consumers from anticompetitive conduct. While the economy generally benefits most from vigorous competition among independent businesses, the antitrust laws recognize that in some areas, like the creation and development of technology, cooperation among producers, even competitors, can actually serve to maximize the well-being of consumers.

The intellectual property laws, for example, those dealing with patents and copyrights, also serve to promote the interests of consumers. The promise of the financial reward provided by exclusive rights to intellectual property induces individuals to compete to create and develop new and useful technologies.

After reviewing the effect of the antitrust and intellectual property laws on the creation and development of new technologies and after consultations with key members of Congress, I have concluded that the antitrust laws can be clarified in some respects and modified in other respects to stimulate significantly private sector R&D. This can be done while maintaining strong safeguards to protect the economy against collusive actions that would improperly restrict competition. The National Productivity and Innovation Act of 1983, which embodies those changes, is a package of four substantive proposals that deals with all phases of the innovation process.

Title II of the bill would ensure that the antitrust laws do not unnecessarily inhibit United States firms from pooling their resources to engage jointly in procompetitive R&D projects. Joint ventures often may be necessary to reduce the risk and cost associated with R&D. So long as the venture does not threaten to facilitate price fixing or to reduce innovation, such ventures do not violate the antitrust laws. Nevertheless, the risk remains that some courts may not fully appreciate the beneficial aspects of joint R&D. This risk is unnecessarily magnified by the fact that a successful antitrust claimant is automatically entitled to three times the damages actually suffered.

Title II would alleviate the adverse deterrent effect that this risk may have on procompetitive joint R&D ventures. This title provides that the courts may not find that a joint R&D venture violates the antitrust laws without first considering its procompetitive benefits. In addition, Title II provides that a joint R&D venture that has been fully disclosed to the Department of Justice and the Federal Trade Commission may be sued only for the actual damage caused by its conduct plus prejudgment interest. This combination of changes will encourage the formation of procompetitive joint R&D ventures. And unlike some other proposals currently before Congress, it will do so with the minimal amount of bureaucratic interference in the functioning of those ventures.

If we are to assure that our laws stimulate investment in new technologies, however, it is not enough merely to correct the adverse deterrent effect the antitrust laws may have on procompetitive joint R&D. Rather, we must also assure that the antitrust and intellectual property laws allow—indeed encourage—those who create new technologies to bring their technology to market in the most efficient manner. Only in this way can those who invest their time, money, and effort in R&D be assured of earning the maximum legitimate reward.

Titles III and IV recognize that very frequently the most efficient way to develop new technology is to license that technology to others. Licensing can enable intellectual property owners to employ the superior ability of other enterprises to market technology more quickly and at lower cost. This can be particularly important for small businesses that do not have the ability to develop all possible applications of new technologies by themselves. However, the courts have not always been sympathetic to these procompetitive benefits of licensing.

Title III would prohibit courts from finding that an intellectual property licensing arrangement violates the antitrust laws without first considering its procompetitive benefits. In addition, the title would eliminate the potential of treble damage liability under the antitrust laws for intellectual property licensing. Although those who suffer antitrust injury as a result of licensing would still be able to sue for their actual damages plus prejudgment interest, Title III would minimize the deterrence that the antitrust laws currently may have on potentially beneficial licensing of technology.

Title IV would also encourage the procompetitive licensing of intellectual property. Pursuant to this title, the courts may refuse to enforce a valid patent or copyright on the ground of misuse only after considering meaningful economic analysis.

Finally, title V will close a loophole in the patent laws that has discouraged investment in efficiency-enhancing technologies. Creation of and improvements in the process of making products can be just as important as creating and improving the product itself. Currently, if someone uses a United States process patent outside this country without the owner's consent and then imports the resulting product into the United States, the importer is not guilty of infringement. Title V of the bill would close this loophole so that owners of process patents can earn their rightful reward by

preventing the unauthorized use of their technology.

We must not delay making the necessary changes in the law to encourage the creation and development of new technology, to increase this country's productivity, and to enable our industries to compete more effectively in international markets. We must act now. I therefore urge prompt consideration and passage of this legislative proposal.

RONALD REAGAN.

THE WHITE HOUSE, *September 12, 1983.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced the he had approved and signed the following bills and joint resolutions:

On August 2, 1983:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

On August 5, 1983:

S.J. Res. 56. Joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month".

On August 8, 1983:

S.J. Res. 67. Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Respiratory Therapy Week".

S. 143. An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians and the Confederated Salish and Kootenai Tribes of the Flathead Reservation to lease for 99 years certain lands held in trust.

On August 11, 1983:

S. 272. An act to improve small business access to Federal procurement information.

S. 727. An act to authorize the Secretary of the Interior to set aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, and for other purposes.

S. 930. An act to authorize the Smithsonian Institution to purchase land in Santa Cruz County, Ariz.

On August 23, 1983:

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency.

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building".

S.J. Res. 85. Joint resolution to designate September 26, 1983, as "National Historically Black Colleges Day".

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week".

S.J Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week".

On August 16, 1983:

S. 46. An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping".

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate on August 5, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills and joint resolutions:

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency;

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

S.J. Res. 85. Joint resolution to designate September 26, 1983 as "National Historically Black Colleges Day";

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983 as "National Housing Week"";

S.J. Res. 116. Joint resolution to designate the week of September 4, through September 10, 1983, as "Youth of America Week"; and

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States.

The message also announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 63. A concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 3190.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3409) to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State.

The message also announced that pursuant to the provisions of 22 U.S.C. 276a-1, as amended by Public Law 95-45, the Speaker appoints as members of the delegation to attend the Conference of the Interparliamentary Union, to be held in Seoul, Republic of Korea, on October 4 through October 12, 1983, the following Members on the part of the House: Mr. PEPPER, chairman, Mr. HAMILTON, vice chairman, Mr. HAWKINS, Mrs. BOGGS, Mr. LEVITAS, Mr. HALL of Ohio, Mr. SMITH of Florida, Mr. PRITCHARD, Mr. HYDE, Mr. MCGRATH, Mr. BATEMAN, and Mr. BOEHLERT.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and

H.R. 3564. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

Under the authority of the order of the Senate of August 4, 1983, the enrolled bills, were signed on August 5, 1983 during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate, on August 9, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 118. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution.

The message also announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 218. Joint resolution to designate the month of September of 1983 as "National Sewing Month"; and

H.J. Res. 295. Joint resolution to designate the week beginning August 7, 1983 as "National Correctional Officers Month".

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate, on August 10, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 1646. An act to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

Under the authority of the order of the Senate of August 4, 1983, the enrolled bill was signed on August 10, 1983, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of August 4, 1983, the Secretary of the Senate, on August 16, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills and joint resolutions:

S. 46. An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping";

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency;

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 2895. An act to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the

Phillip Burton Federal Building and U.S. Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code of authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice;

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State;

H.R. 3549. An act to amend the Bankruptcy Rules with respect to providing notice;

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program;

S.J. Res. 85. Joint resolution to designate September 26, 1983, as "National Historically Black Colleges Day";

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week";

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week";

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States; and

H.J. Res. 297. Joint resolution providing for the appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution.

Under the authority of the order of the Senate of August 4, 1983, the enrolled bills and joint resolutions were signed on August 17, 1983, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary reported that on August 17, 1983, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 46. An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping";

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency;

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

S.J. Res. 85. Joint resolution to designate September 26, 1983, as "National Historically Black Colleges Day";

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week";

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week";

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States; and

HOUSE MEASURES REFERRED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 4, 1983, the following measures received from the House of Representatives were read twice by unanimous consent and referred as indicated:

H.J. Res. 218. Joint resolution to designate the month of September 1983 as "National Sewing Month"; to the Committee on the Judiciary.

H.J. Res. 295. Joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week"; to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

At 4:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following resolutions:

H. Res. 306. A resolution relative to the death of the Honorable Henry M. Jackson, a Senator from the State of Washington; and

H. Res. 307. A resolution relative to the death of the Honorable Larry McDonald, a Representative from the State of Georgia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1588. A communication from the President of the United States transmitting, pursuant to law, a report on the deployment and mission of U.S. Armed Forces to assist the Government of Chad in dealing with Libyan aggression; to the Committee on Foreign Relations.

EC-1589. A communication from the Secretary of Energy transmitting, pursuant to law, an alternative funding plan for completing the Clinch River breeder reactor plant project; to the Committee on Appropriations.

EC-1590. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on the commercial activities program cost study process; to the Committee on Armed Services.

EC-1591. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on the decision to convert the shelf stocking function at the Branch Commissary Store, Patuxent River, Md., to performance under contract; to the Committee on Armed Services.

EC-1592. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to the United Kingdom; to the Committee on Armed Services.

EC-1593. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision to study the conversion of numerous functions at various installations to performance under contract; to the Committee on Armed Services.

EC-1594. A communication from the Secretary of Defense transmitting, pursuant to law, a report on the initial civilian personnel allocations for fiscal year 1983; to the Committee on Armed Services.

EC-1595. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Lebanon; to the Committee on Armed Services.

EC-1596. A communication from the Principal Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs transmitting a draft of proposed legislation to increase the pay of contract physicians; to the Committee on Armed Services.

EC-1597. A communication from the Principal Deputy Assistant Secretary of the Army for Manpower and Reserve Affairs transmitting a draft of proposed legislation authorizing transportation at Government expense for dependents from Alaska and Hawaii requiring medical care not locally available; to the Committee on Armed Services.

EC-1598. A communication from the Director of the Congressional Budget Office transmitting, pursuant to law, a report reviewing DOD 1982 selected acquisition reports; to the Committee on Armed Services.

EC-1599. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, the report on the operations of the Bank for fiscal year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-1600. A communication from the Secretary of Transportation transmitting, pursuant to law, the Urban Mass Transportation Administration's second quarter report for 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-1601. A communication from the Deputy Secretary of the Treasury transmitting, pursuant to law, notification to the President pro tempore of the Senate that the medal authorized to be presented to Adm. Hyman Rickover is available for presentation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1602. A communication from the Vice President of AMTRAK for Government Affairs transmitting, pursuant to law, a report on revenues and expenses of the system for April and May of 1983; to the Committee on Commerce, Science, and Transportation.

EC-1603. A communication from the Administrator of NASA transmitting, pursuant to law, a report on the proposed use of certain appropriated funds for construction of a solid rocket booster assembly and refurbishment facility at Kennedy Space Center, Fla.; to the Committee on Commerce, Science, and Transportation.

EC-1604. A communication from the Secretary of Commerce transmitting, pursuant to law, the annual report on the administration of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

EC-1605. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Kerr-McGee Corp.; to the Committee on Energy and Natural Resources.

EC-1606. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Mobil Oil Corp.; to the Committee on Energy and Natural Resources.

EC-1607. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Amoco Production Co.; to the Committee on Energy and Natural Resources.

EC-1608. A communication from the Acting Director of the Mineral Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Conoco Inc.; to the Committee on Energy and Natural Resources.

EC-1609. A communication from the Acting Director of the Mineral Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Shell Oil Co.; to the Committee on Energy and Natural Resources.

EC-1610. A communication from the Secretary of the Interior transmitting, pursuant to law, a list indicating the current status of completion or revision of general management plans for each unit of the National Park System; to the Committee on Energy and Natural Resources.

EC-1611. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1982 Annual Report of the Office of Surface Mining; to the Committee on Energy and Natural Resources.

EC-1612. A communication from the Acting Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the report of the nondisclosure of safeguards information by the Commission for the quarter ending June 30, 1983; to the Committee on Environment and Public Works.

EC-1613. A communication from the U.S. Trade Representative transmitting a draft of proposed legislation to implement obligations of the United States under the International Coffee Agreement of 1983; to the Committee on Finance.

EC-1614. A communication from the U.S. Trade Representative transmitting a renewal of President Reagan's request for the early enactment of legislation concerning tax deductions for expenses for advertising placed with a foreign broadcast station and directed primarily at the U.S. market; to the Committee on Finance.

EC-1615. A communication from the Secretary of the Treasury transmitting, pursuant to law, the 1981 Annual Report on the Operation and Effect of the Domestic International Sales Corporation legislation; to the Committee on Finance.

EC-1616. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to provide by statute for two Assistant Secretaries in the Department of the Treasury; to the Committee on Finance.

EC-1617. A communication from the Chairman of the U.S. International Trade Commission transmitting, pursuant to law, the Commission's report on the operation of the U.S. trade agreements program during 1982; to the Committee on Finance.

EC-1618. A communication from the Comptroller General of the United States transmitting a draft of proposed legislation to permit Federal agencies to reimburse their employees for residence sale and purchase expenses upon transfer from an overseas post to a new duty station in the United States; to the Committee on Governmental Affairs.

EC-1619. A communication from the Secretary of the Health and Human Services transmitting, pursuant to law, the fiscal year 1982 report concerning actions taken to recruit and train Indians to qualify for positions which are subject to preference under Indian preference laws; to the Committee on Governmental Affairs.

EC-1620. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a report on a proposed Presidential archival depository to be known as the Carter Presidential Library; to the Committee on Governmental Affairs.

EC-1621. A communication from the Benefits Manager of the Farm Credit Banks of Texas transmitting, pursuant to law, the report for calendar year 1982 for the Farm Credit Banks of Texas pension plan; to the Committee on Governmental Affairs.

EC-1622. A communication from the District of Columbia Auditor transmitting, pursuant to law, a follow-up report on the installation of fire alarm system and smoke detectors at the D.C. Armory; to the Committee on Governmental Affairs.

EC-1623. A communication from the Acting Secretary of Education transmitting, pursuant to law, the fiscal year 1981 report concerning the administration of title I of the impact aid program; to the Committee on Labor and Human Resources.

EC-1624. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1982 report concerning the national heart, blood vessel, lung, and blood diseases, and blood resources program; to the Committee on Labor and Human Resources.

EC-1625. A communication from the Executive Secretary, Office of Secretary of Defense, transmitting, pursuant to law, the October 1982 through April 1983 report on DOD procurement from small and other business firms; to the Committee on Small Business.

EC-1626. A communication from the Acting Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals for August 1, 1983; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Agriculture, Nutrition, and Forestry, Commerce, Science, and Transportation, Labor and Human Resources, Banking, Housing, and Urban Affairs, Energy and Natural Resources, Foreign Relations, Armed Services, Finance, and Veterans' Affairs.

EC-1627. A communication from the Chief Deputy Clerk of the U.S. Claims Court transmitting, pursuant to law, a copy of the Court's judgment order in the matter of Quechan Tribe of the Fort Yuma Reservation against the United States; to the Committee on Appropriations.

EC-1628. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a secret report on a foreign military sale to Chad; to the Committee on Armed Services.

EC-1629. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a secret report on certain contract award dates during September and October 1983; to the Committee on Armed Services.

EC-1630. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on the emergency disposal of a chemical munition at Dugway Proving Ground, Utah; to the Committee on Armed Services.

EC-1631. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving U.S. exports to Italy; to the Committee on Banking, Housing, and Urban Affairs.

EC-1632. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving U.S. exports to Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC-1633. A communication from the President and Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1634. A communication from the First Vice President and Vice Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-1635. A communication from the Director of the Congressional Budget Office transmitting, pursuant to law, a report entitled "The Economic and Budget Outlook: An Update"; to the Committee on the Budget.

EC-1636. A communication from the Chairman of the National Advisory Committee on Oceans and Atmosphere transmitting, pursuant to law, a report entitled "The Nation's River and Flood Forecasting and Warning Service"; to the Committee on Commerce, Science, and Transportation.

EC-1637. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety; to the Committee on Commerce, Science, and Transportation.

EC-1638. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, applications by Arco Oil and Gas Co., Mobil Oil Corp., Shell Oil Co., Pennzoil Exploration and Production Co., and Getty Oil Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1639. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, applications by Phillips Petroleum Co. and Mobil Oil Corp. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1640. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, applications by Shell Oil Co., Mobil Oil Corp., Chevron U.S.A. Inc., and Arco Oil and Gas Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1641. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, applications

by Mobil Oil Corp. and McMoRan Offshore Exploration Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1642. A communication from the Acting Director of the Mineral Management Agency, Department of the Interior, transmitting, pursuant to law, applications by Shell Oil Co., Gulf Oil Corp., and Sonat Exploration Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1643. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, seven applications from Shell Oil Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1644. A communication from the Chairman of the Board of the Synthetic Fuels Corporation, transmitting, pursuant to law, the quarterly report of the Corporation for the period ended June 30, 1983; to the Committee on Energy and Natural Resources.

EC-1645. A communication from the Acting Assistant Secretary for Land and Water Resources, Department of the Interior, transmitting, pursuant to law, an application by the Oakdale Irrigation District, Stanislaus County, Calif., for a loan under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-1646. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, copies of the letter of transmittal and the Agency's prospectus number EPA 83001; to the Committee on Environment and Public Works.

EC-1647. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Carbon Monoxide Intrusion in Sustained-Use Vehicles"; to the Committee on Environment and Public Works.

EC-1648. A communication from the Secretary of State, transmitting, pursuant to law, a report explaining the manner in which the national interest has been served by certain payments to Poland; to the Committee on Foreign Relations.

EC-1649. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the 15th issue of the "Soviet Propaganda Alert"; to the Committee on Foreign Relations.

EC-1650. A communication from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, for the information of the Senate, a booklet on careers in the Foreign Service; to the Committee on Foreign Relations.

EC-1651. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report on inventory of nonpurchased foreign currencies as of March 31, 1983; to the Committee on Foreign Relations.

EC-1652. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to August 9, 1983; to the Committee on Foreign Relations.

EC-1653. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports submitted by the General Accounting Office during July 1983; to the Committee on Governmental Affairs.

EC-1654. A communication from the General Counsel of the Department of Health and Human Services, transmitting a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1655. A communication from the General Manager of the Tennessee Valley Authority, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1656. A communication from the Inspector General, Department of Agriculture, transmitting, pursuant to law, a copy of the "Public Notice of USDA Farmers Home Administration Rural Housing Borrowers and Rural Rental Housing Tenants Against Virginia Employment Commission Records"; to the Committee on Governmental Affairs.

EC-1657. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of judgment funds awarded the Tlingit and Haida Tribes before the U.S. Court of Claims; to the Select Committee on Indian Affairs.

EC-1658. A communication from the Acting Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of judgment funds awarded to the Creek Nation before the U.S. Court of Claims; to the Select Committee on Indian Affairs.

EC-1659. A communication from the Chairman of the Board of Directors and the Excutive Director of the Pension Benefit Guarantee Corporation, transmitting, pursuant to law, the eighth annual report of the Corporation covering fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1660. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Farm Revenue Insurance: An Alternative Risk-Management Option for Crop Farmers"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1661. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1662. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on a violation of the Anti-Deficiency Act in the Homeownership and Rental Housing Assistance account; to the Committee on Appropriations.

EC-1663. A communication from the Chief of the Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report on experimental, developmental, and research contracts of $50,000 or more, by company; to the Committee on Armed Services.

EC-1664. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Manpower for a 600 Ship Navy: Costs and Policy Alternatives"; to the Committee on Armed Services.

EC-1665. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion to contractor performance of various functions at various installations; to the Committee on Armed Services.

EC-1666. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank during July 1983 to Communist countries; to the Committee on Banking, Housing, and Urban Affairs.

EC-1667. A communication from the Secretary of Commerce, transmitting, pursuant to law, the final report on the activities of the Economic Development Administration, U.S. Department of Commerce under the Olympic Winter Games Authorization Act of 1976; to the Committee on Commerce, Science, and Transportation.

EC-1668. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Improving the Air Traffic Control System: An Assessment of the National Airspace System Plan"; to the Committee on Commerce, Science, and Transportation.

EC-1669. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Strategic and Critical Nonfuel Minerals: Problems and Policy Alternatives"; to the Committee on Commerce, Science, and Transportation.

EC-1670. A communication from the Secretary of Transportation, transmitting, pursuant to law, estimates of the cost of completing substitute highway projects and substitute transit projects for fiscal year 1984; to the Committee on Commerce, Science, and Transportation.

EC-1671. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the strategic petroleum reserve, dated August 16, 1983; to the Committee on Energy and Natural Resources.

EC-1672. A communication from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to transfer to the North Slope Borough in the State of Alaska responsibility for the development and operation of the Barrow gas fields, the Walakpa gas discovery site, and to convey certain rights to the lands involved, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1673. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, an application by Tenneco Oil Exploration and Production for refund of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1674. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Department's industrial energy efficiency program for calendar year 1981; to the Committee on Energy and Natural Resources.

EC-1675. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, applications by Chevron U.S.A., Inc., and CNG Producing Co. for refunds of excess royalty payments; to the Committee on Energy and Natural Resources.

EC-1676. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the international energy

program; to the Committee on Energy and Natural Resources.

EC-1677. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on committees that have advised the Secretary in carrying out functions under the Social Security Act during calendar year 1982; to the Committee on Finance.

EC-1678. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Finance.

EC-1679. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Forecasting Individual Income Tax Revenues: A Technical Analysis"; to the Committee on Finance.

EC-1680. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to August 29, 1983; to the Committee on Foreign Relations.

EC-1681. A communication from the Acting Secretary of State, transmitting, pursuant to law, the semiannual report on voluntary contributions to international organizations for the period October 1982 to March 1983; to the Committee on Foreign Relations.

EC-1682. A communication from the Charge d'Affairs of the Embassy of the Union of Soviet Socialist Republics, transmitting, for the information of the Senate the official text of the U.S.S.R. Supreme Soviet's resolution on the international situation and the policy of the Soviet Union; to the Committee on Foreign Relations.

EC-1683. A communication from the President of the United States, transmitting, pursuant to law, a report concerning the presence of U.S. troops in Lebanon; to the Committee on Foreign Relations.

EC-1684. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the annual report of the District of Columbia Auditor for fiscal year 1982; to the Committee on Governmental Affairs.

EC-1685. A communication from the Postal Rate Commission, transmitting, pursuant to law, the opinion and recommended decision upon further reconsideration on bulk third-class nonprofit rates; to the Committee on Governmental Affairs.

EC-1686. A communication from the Assistant Attorney General (Administration), transmitting, pursuant to law; notice of changes or establishment of certain Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-1687. A communication from the Vice President (Human Resources and Administration) of the Federal Home Loan Mortgage Corporation, transmitting, pursuant to law, the annual report on the Federal Home Loan Mortgage Corporation employees' trust fund for calendar year 1982; to the Committee on Governmental Affairs.

EC-1688. A communication from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1689. A communication from the Freedom of Information officer of the Environmental Protection Agency, transmitting, pursuant to law, a report on Agency activities under the Freedom of Information Act during calendar year 1982; to the Committee on the Judiciary.

EC-1690. A communication from the President of the Jewish War Veterans U.S.A. National Memorial, Inc., transmitting, pursuant to law, the audit report of the Jewish War Veterans U.S.A. National Memorial, Inc., for the year ended March 31, 1983; to the Committee on the Judiciary.

EC-1691. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations, 1984-85 Pell grant family contribution schedule; student assistance general provisions; definition of an independent student; to the Committee on Labor and Human Resources.

EC-1692. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Privacy Act; to the Committee on Labor and Human Resources.

EC-1693. A communication from the Director of ACTION, transmitting, pursuant to law, a copy of a final regulation entitled "Intergovernmental Review of ACTION programs"; to the Committee on Labor and Human Resources.

EC-1694. A communication from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for limited confidential treatment of medical and prosthetic research information; to the Committee on Veterans' Affairs.

EC-1695. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Review of the Commodity Credit Corporation's Financial Statements for the Year Ended September 30, 1981"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1696. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of the Panama Canal Commission's Financial Statements for the Years Ended September 30, 1982 and 1981"; to the Committee on Armed Services.

EC-1697. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics, transmitting, pursuant to law, a report on a decision to convert the custodial services, insect and rodent control, and grounds and surfaced areas functions at the Marine Corps Air Station, Kaneohe Bay, Hawaii, to the performance under contract; to the Committee on Armed Services.

EC-1698. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to allow negotiation to establish or maintain alternative sources of supply for purposes of competition; to the Committee on Armed Services.

EC-1699. A communication from the President of the Corporation for Public Broadcasting, transmitting, pursuant to law, the Corporation's 1982 annual report; to the Committee on Commerce, Science, and Transportation.

EC-1700. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 6 of the Colorado River Storage Act; to the Committee on Energy and Natural Resources.

EC-1701. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for 1982 on the State energy conservation program; to the Committee on Energy and Natural Resources.

EC-1702. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, an advance summary of the 1982 survey of the Nation's proved reserves of crude oil, natural gas, and natural gas liquids; to the Committee on Energy and Natural Resources.

EC-1703. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on plans for issuing counterfeiter-resistant social security number cards made of banknote paper; to the Committee on Finance.

EC-1704. A communication from the Chairman of the Advisory Committee for Trade Negotiations, transmitting, pursuant to law, its statement on trade reorganization; to the Committee on Finance.

EC-1705. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, a report on an agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs; to the Committee on Foreign Relations.

EC-1706. A communication from the Deputy Assistant Secretary of Health and Human Services (for Health Operations, and Director, Office of Management), transmitting, pursuant to law, the annual report on the financial condition of the Department's pension plan; to the Committee on Governmental Affairs.

EC-1707. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, the annual report on activities under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-1708. A communication from the Director of Administration, Department of Energy, transmitting, pursuant to law, a report on a new Privacy Act system of records entitled "Clinch River Breeder Reactor Plant Work Force Survey; to the Committee on Governmental Affairs.

EC-1709. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the D.C. revenue report for July 1983; to the Committee on Governmental Affairs.

EC-1710. A communication from the Assistant Vice President of Amtrak for Corporate Communications, transmitting, pursuant to law, the 1982 Freedom of Information annual report; to the Committee on the Judiciary.

EC-1711. A communication from the Acting Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, the text of ILO Convention No. 148; to the Committee on Labor and Human Resources.

EC-1712. A communication from the Congressional Budget Office, transmitting, pursuant to law, a report on major legislative changes in human resources programs since January 1981; to the Committee on Labor and Human Resources.

EC-1713. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report of the Advisory Committee on Former Prisoners of War; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 4, 1983, the following reports of committees were submitted on September 1, 1983:

By Mr. TOWER, from the committee of conference:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Deparment of Energy for national security programs for such fiscal year, and for other purposes (Rept. No. 98-213).

By Mr. COHEN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1001) to authorize appropriations for the Office of Federal Procurement Policy for an additional five fiscal years (Rept. No. 98-214).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1714: A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 98-215).

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 1267: A bill to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catolog of Federal domestic assistance programs, and for other purposes (Rept. No. 98-216).

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1625) to amend the District of Columbia Retirement Reform Act (Rept. No. 98-217).

By Mr. STEVENS, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1009) to authorize Federal physicians comparability allowances (Rept, No. 98-218).

By Mr. ROTH, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 1513) to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission (Rept. No. 98-219).

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 208: A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1267; referred to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 53: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 (Rept. No. 98-220).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 774: A bill entitled the "Freedom of Information Reform Act" (Rept. No. 98-221).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MATHIAS:

S. 1828. A bill to amend the Communications Act of 1934 to insure that the reorganization of the American Telephone & Telegraph Co. does not impair the ability of disabled persons to enjoy the affordable access to telephone services that enable them to lead self-sufficient and productive lives, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 1829. A bill for the relief of Mr. and Mrs. John Reginald Delaney; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S. 1830. A bill to delay the effect of a Federal Communications Commission decision relating to the American Telephone & Telegraph Co.; to the Committee on Commerce, Science, and Transportation.

By Mrs. HAWKINS:

S. 1831. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAKER (for himself, Mr. BYRD, Mr. PERCY, Mr. PELL, Mr. TOWER, Mr. NUNN, Mr. THURMOND, Mr. LUGAR, Mr. BOREN, Mr. SASSER, Mr. BINGAMAN, Mr. D'AMATO, Mr. LONG, Mr. RANDOLPH, Mr. SPECTER, Mr. KENNEDY, and Mr. DENTON):

S.J. Res. 158. A joint resolution condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Airlines Flight 007 with the loss of 269 innocent lives; ordered held at the desk.

By Mr. MATHIAS:

S.J. Res. 159. A joint resolution to authorize the further participation of U.S. Armed Forces in the multinational peacekeeping force in Lebanon; to the Committee on Foreign Relations.

By Mr. BYRD (for himself, Mr. RANDOLPH, Mr. DODD, Mr. NUNN, Mr. MATSUNAGA, Mr. CHILES, Mr. SARBANES, Mr. DURENBERGER, Mr. BENTSEN, and Mr. HOLLINGS):

S.J Res. 160. A joint resolution to designate the week of October 17, 1983 through October 24, 1983, as "National Adult Continuing Education Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON:

S. Res. 209. A resolution relative to the death of the Honorable Henry M. Jackson, of Washington; considered and agreed to.

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 210. A resolution to provide for the payment of committee expenses involved in attending the funeral of the Honorable Henry M. Jackson; considered and agreed to.

By Mr. BAKER:

S. Res. 211. A resolution relative to the election of Larry E. Smith as Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. BYRD (for himself, Mr. BAKER, Mr. NUNN, and Mr. MATTINGLY):

S. Res. 212. A resolution relative to the death of the Honorable Lawrence P. McDonald of Georgia; considered and agreed to.

By Mr. HEINZ:

S. Con. Res. 66. A concurrent resolution expressing the sense of the Congress regarding the shooting down of Korean Airlines Flight 007 by the Government of the Soviet Union; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATHIAS:

S. 1828. A bill to amend the Communications Act of 1934 to insure that the reorganization of the American Telephone & Telegraph Co. does not impair the ability of disabled persons to enjoy the affordable access to telephone services that enable them to lead self-sufficient and productive lives, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRESERVATION OF TELEPHONE SERVICE FOR DISABLED RATEPAYERS ACT

Mr. MATHIAS. Mr. President, we are a nation with an advanced case of telephonitis. We Americans use 180 million telephones to go about our daily work, arrange our family lives, and cope with unexpected events. Without telephone service, most of us could not carry on in our homes, at our jobs or anywhere else for as long as 1 day.

For disabled Americans the local Bell operating companies have historically provided specialized telephone equipment.

Although specialized terminal equipment for a few disabilities such as deaf-blindness and paralysis can be extremely expensive, for most disabilities the additional costs are more modest. Keeping disabled ratepayers on the telephone network often allows them to lead more productive and independent lives and to avoid institutionalization.

To assure that disabled ratepayers can stay on the telephone network the telephone companies have traditionally spread some of the extraordinary costs over the general ratebase. Very small contributions from other ratepayers assure affordable service for the disabled, avoiding the need for costly and inefficient governmental programs to procure and distribute specialized telephone equipment. These programs are supervised by State regulatory commissions under the authority of the Telecommunications for the Disabled Act, Public Law 97-410.

On July 15, 1983, American Telephone & Telegraph announced that

all Bell operating companies would be required to transfer their operations serving the disabled to a commercial arm of Western Electric. This transfer would limit the ability of the local companies after divestiture to meet the special needs of disabled subscribers. AT&T has indicated that it is unwilling to assume the burden of subsidizing specialized equipment out of its long-distance rate base. Indeed, it has asked the Commission to preempt State regulation of this equipment. Organizations representing the disabled claim that this violates the Telecommunications for the Disabled Act and could expose disabled Americans to unaffordable price increases.

The bill I am introducing today would preserve the status quo and give AT&T an opportunity to demostrate that specialized equipment will be affordable after divestiture. It does not specify a particular means for making equipment affordable. AT&T may subsidize equipment out of its interstate ratebase; it may establish a charitable trust; or it may allow the operating companies to continue their historic programs. The objective of this bill is to prevent an irreversible transfer of local company operations until alternative arrangements are made to assure preservation of affordable telephone service for disabled Americans.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Preservation of Telephone Service for Disabled Ratepayers Act of 1983".

SEC. 2. Section 610 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding any order in the case *United States versus Western Electric,* Civ. A. No. 82-0192, in the District Court for the District of Columbia, no operation serving the disabled that was affiliated with a Bell operating company on the effective date of this section shall be affiliated with the American Telephone and Telegraph Company after the date of divestiture or transferred to any entity not affiliated with a Bell operating company, unless the Commission, after an opportunity for comment by any interested party, shall determine that the transfer or affiliation will not impair the ability of disabled persons to obtain specialized terminal equipment at affordable rate.

"(j) For purposes of this section only—

"(1) the term 'operation serving the disabled' means any operation (including personnel; machinery; equipment installed on the premises of customers; books of account; and real, personal, and intellectual property) dedicated to researching, developing, manufacturing, marketing, distributing, installing, or maintaining specialized terminal equipment and includes such portions of operations performing more general functions as would be necessary to enable to Bell operating companies to continue to provide specialized terminal equipment on an economical basis after divestiture; and

"(2) the term 'specialized terminal equipment' means

"(A) any device that is necessary for disabled persons to use generally available communications services (or those services that have been specially designed for their use effectively and without assistance;

"(B) any communications device that enables a person whose health must be monitored to avoid institutionalization or that enables persons to communicate in a medical emergency; or

"(C) any component, attachment, or accessory that can be used with terminal equipment to enable disabled persons to use communications services effectively and without assistance; and

"(D) includes the installation and maintenance of any such device or of specialized assemblies of such devices.".

By Mrs. HAWKINS:

S. 1830. A bill to delay the effect of a Federal Communications Commission decision relating to the American Telephone & Telegraph Co.; to the Committee on Commerce, Science, and Transportation.

S. 1831. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

UNIVERSAL TELEPHONE SERVICE PRESERVATION LEGISLATION

● Mrs. HAWKINS. Mr. President, I rise today to introduce legislation that addresses the question of how to assure the American people of continued access to high-quality, affordable telephone service—what we in this country have come to accept as "Universal Telephone Service."

As a former State public service chairman and commissioner, I am terribly concerned that Americans are facing astronomical local telephone rate increases in the months ahead. This need not happen. Congress does have the power to head off this disaster. In recent weeks, I have drawn on my own experience and on the technical expertise of State regulators to draft a proposal that should be part of the final congressional solution to the problem. This proposal is designed to complement, rather than supplant, those that have already been introduced. I will also be introducing a shorter version that will simply reverse the FCC access charge decision and other FCC decisions that will have an effect on local telephone rates. This bill is designed to provide local ratepayers with some relief from rate increases during 1984 in the event that congressional action on a comprehensive telephone proposal cannot be completed before January 1, 1984.

At the center of this problem are the 1983 AT&T divestiture and the recent FCC decision concerning the makeup of access charges. Both the divestiture and the FCC actions are designed to free the telecommunications market, allowing greater competition, accelerated technological advances, and hopefully lower prices for long-distance and enhanced telephone service. I have serious trouble, however, with the trend at the FCC to move in a headlong fashion toward a "pure competition" approach for the telecommunications industry at the great expense of local telephone customers. The victims of this policy are that sizable portion of our population that has no use for enhanced services and volume long-distance service. These people face trouble ahead under the current FCC policies. As I said during the debate on the Cable Communications Act several weeks ago, "there is no good public policy reason to allow local telephone ratepayers to suffer unnecessarily during the transition from a monopoly-based telecommunications system to a competitive one."

Trying to guess just how high local telephone rates will rise if Congress does fail to act by January 1, 1984, is very difficult. However, the national estimates range anywhere from 100 percent to a startling 200 percent above current rates. In Florida, it is estimated that a 100-percent increase in local rates would result in a drop of telephone subscribers of a full 9 percent or 304,000 people. For those in low-income households, the drop would be closer to 20 percent or 193,000 out of 1 million. Nationwide, a 100-percent increase in local rates would drop the percentage of the national population with access to home phones from 92 percent to 83 percent. Subscriber declines of this magnitude could create classes of information rich and information poor in this country, with massive social implications.

Despite what I consider to be inequities in the FCC approach, it should be clear that this proposal does not work against progress in the telecommunications industry. I believe the industry promises to be just as competitive after Congress addresses the issue as it is now. The growing field of long-distance competitors continues to startle the Wall Street analysts with its performance featuring stock splits, innovation, and diversification. Some long-distance companies are even exploring ways to link up with local cable concerns and bypass the entire traditional telephone loop.

Many of the provisions of this bill are similar to those of other bills already introduced in the Senate.

First. The bill would reverse the FCC access charge decision and place it under a moratorium.

Second. It would establish a universal service fund to assist high-cost States that are not able to generate in-

ternally the revenues needed to keep local rates at reasonable levels.

Third. It would provide a lifeline telephone service.

Fourth. Additionally, it would call for designation of one or more long-distance carriers operating within a State's jurisdiction as long-distance carriers of last resort.

Fifth. Finally, it would call for designation of 911 as a nationwide emergency response number.

The overlying difference between this bill and others is its reduced role for the FCC in addressing this problem and the added emphasis placed on the role of State commissions in establishing and enforcing access charges, depreciation schedules, and rules relating the the provision of basic telephone instruments, among others. Federal standards are written into the bill to provide nationwide uniformity in the way these State functions are handled. This bill would enable State commissions to carefully preserve universal telephone service within each of their jurisdictions.

As reflected in my remarks during the Cable Communications Act debate, I believe that State commissions should play a vital part in the solution to this problem. The pressure to seek higher rates will continue to weigh heavily on local exchange companies. We must give State commissions the flexibility to allocate a fair share of local costs to the long-distance carriers who are seeking access to those local markets. Telephone regulation after divestiture will be terribly compex—all the more reason to have the State commissions making the tough regulatory decisions.

The possibility of skyrocketing local telephone rates in 1984 is not just an economic problem that can be measured neatly with a slide rule or a calculator. It is also a social problem. America is now said to be entering the "information age." I submit that the term "information age" will be meaningless if, because Congress fails to act, a substantial portion of our population find it impossible to afford our most basic modern tool of communication. These people face a real communications breakdown and they will become the first statistics in what will be dubbed the "information gap" unless we do our best to consider all the alternatives.

Congress must act quickly on the issue. I look forward to working with Chairman PACKWOOD and all my colleagues in a sincere attempt to reach a consensus on this issue here in the Senate.●

By Mr. BYRD (for himself, Mr. RANDOLPH, Mr. DODD, Mr. NUNN, Mr. MATSUNAGA, Mr. CHILES, Mr. SARBANES, Mr. DURENBERGER, Mr. BENTSEN, and Mr. HOLLINGS.

S.J. Res. 160. Joint resolution to designate the week of October 17, 1983, through October 24, 1983, as "National Adult Continuing Education Week"; to the Committee on the Judiciary.

NATIONAL ADULT CONTINUING EDUCATION WEEK

Mr. BYRD. Mr. President, I rise today to introduce a joint resolution to designate the week of October 17 through October 24, 1983, as National Adult Continuing Education Week. The motto of National Adult Continuing Education Week is "Education for Tomorrow's Opportunities."

I am a strong supporter of adult continuing education. Education is a lifelong process. You might say that I am a product of adult continuing education. As a Member of the U.S. Congress, I returned to school to earn my law degree in order that I might better serve my State and this honorable institution.

With the decline of our smokestack industries, changing technologies, and the attention that has been directed toward the need to upgrade our math and science programs, it has become even more apparent that adult continuing education will play an even greater role in meeting the challenges of tomorrow.

There are currently 21 million adults enrolled in a continuing education program—displaced workers learning new skills, teachers going back to school to gain understanding of new technologies, and adults returning for a high school diploma. For some adults, it is a new beginning—for others just another step on the pathway to greater knowledge. I commend these Americans for their perseverance and their courage.

I introduce this resolution to call attention to the importance of adult continuing education, and I would urge my colleagues to join as cosponsors.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S.J. RES. 160

Whereas adult continuing education is increasingly important as a means of mastering the rapidly increasing body of knowledge, enriching life through informed appreciation, enlivening personal growth, and improving skills and work performance;

Whereas adult continuing education is important to all segments of society; and

Whereas adult continuing education associations give leadership to the development and implementation of continuing education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 17, 1983 through October 24, 1983, is designated "National Adult Continuing Education Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate activities to recognize the advantages to be gained from continuing education at the adult level, and to acknowledge adult educators and adult students in private and public institutions in contributing daily to the economic, civic, and cultural advancements of the Nation.

ADDITIONAL COSPONSORS

S. 174

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 174, a bill to amend titles XVIII and XIX of the Social Security Act to provide that pediatric nurse practitioner services shall be covered under part B of medicare and shall be a required service under medicaid.

S. 177

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 177, a bill to amend title XVIII of the Social Security Act to provide for coverage under medicare of services performed by a nurse-midwife.

S. 178

At the request of Mr. INOUYE, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 178, a bill to amend title 5 of the United States Code to provide payments under Government health plans for services of nurse-midwives not performed in connection with a physician.

S. 314

At the request of Mr. GOLDWATER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 314, a bill to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs.

S. 400

At the request of Mr. MATHIAS, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 400, a bill to designate the birthday of Martin Luther King, Jr., a legal public holiday.

S. 540

At the request of Mr. GOLDWATER, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 617

At the request of Mr. GOLDWATER, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment

and biofuels by the Department of Defense, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 719

At the request of Mr. THURMOND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 880

At the request of Mr. PRESSLER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 980

At the request of Mr. WALLOP, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 980, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work.

S. 1296

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1296, a bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported roses consistent with those maintained by the European Economic Community on imports of roses from the United States and other nations.

S. 1400

At the request of Mr. PERCY, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 1400, a bill to enhance the detection of motor vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue standards relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen motor vehicles and off-highway mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purpose of trafficking in stolen parts, and for other purposes.

S. 1550

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1550, a bill to amend the Internal Revenue Code of 1954 to relieve international double taxation of overseas construction projects of U.S. contractors.

S. 1680

At the request of Mr. GOLDWATER, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Montana (Mr. BAUCUS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1680, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1716

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1716, a bill to clarify the personal injury and death provisions of section 844 of title 18, United States Code, relating to arson.

S. 1728

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Connecticut (Mr. WEICKER), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1728, a bill to provide for the establishment of a National Task Force on Organ Procurement and Transplant Reimbursement.

S. 1762

At the request of Mr. THURMOND, the names of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of S. 1762, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1763

At the request of Mr. THURMOND, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Georgia (Mr. NUNN), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1763, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1764

At the request of Mr. THURMOND, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1764, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 1821

At the request of Mr. GARN, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1821, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 with respect to the treatment of mortgage-backed securities, to increase the authority of the Federal Home Loan Mortgage Corporation, and for other purposes.

S. 1822

At the request of Mr. GARN, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 1822, a bill to amend the Internal Revenue Code of 1954 to encourage investments in mortgage-backed securities through trusts for investments in mortgages, and for other purposes.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Joint Resolution 54, A joint Resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. MATHIAS, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. HATCH), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983 through October 22, 1983 as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 128

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 128, a joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

SENATE JOINT RESOLUTION 131

At the request of Mr. DOLE, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating "National Cystic Fibrosis Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. HUDDLESTON, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Washington (Mr. GORTON), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 134, a joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week."

SENATE JOINT RESOLUTION 147

At the request of Mr. WEICKER, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from California (Mr. CRANSTON), the Senator from North Dakota (Mr. BURDICK), the Senator from North Dakota (Mr. ANDREWS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), the Senator from Iowa (Mr. GRASSLEY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. BUMPERS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Michigan (Mr. LEVIN), the Senator from Idaho (Mr. MCCLURE), the Senator from Arkansas (Mr. PRYOR), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Michigan (Mr. RIEGLE), the Senator from Montana (Mr. MELCHER), and the Senator from Delaware (Mr. ROTH), were added as cosponsors of Senate Joint Resolution 147, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week."

SENATE JOINT RESOLUTION 150

At the request of Mr. PACKWOOD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Virginia (Mr. WARNER), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 150, a joint resolution to designate August 4, 1984, as "Coast Guard Day."

SENATE JOINT RESOLUTION 155

At the request of Mr. WILSON, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. MITCHELL), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Michigan (Mr. RIEGLE), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), the Senator from Idaho (Mr. SYMMS), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 155, a joint resolution designating the week beginning November 6, 1983, as "National Disabled Veteran's Week."

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Resolution 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION 66—RELATING TO THE SHOOTING DOWN OF KOREAN AIR LINES FLIGHT 007 BY THE SOVIET UNION

Mr. HEINZ submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Whereas the Government of the Soviet Union deliberately violated longstanding international conventions adhered to by the community of nations which require peaceful means of engagement between aircraft over international and sovereign airspace;

Whereas sovereignty neither requires nor permits shooting down airliners in peacetime;

Whereas the Government of the Soviet Union made no attempt to determine, or if the Soviet Government did, callously ignored the fact, that Korean Air Lines Flight 007 was a clearly marked and equipped passenger airliner;

Whereas the Government of the Soviet Union launched a calculated attack on an unarmed and undefended civilian airliner, exhibiting a shocking disregard for human life and accepted international codes of conduct; and

Whereas such disregard led to the premeditated murder of 269 citizens of the world community: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the community of nations should condemn the Government of the Soviet Union for the violent and tragic death of 269 innocent civilians;

(2) the Government of the Soviet Union should—

(A) acknowledge its guilt and apologize to the community of nations for its barbaric act; and

(B) accept as its absolute moral responsibility the payment of compensation to the families of the victims of its unprovoked violence;

(3) the nations of the world should unite behind the proposal of the President to deny landing and refueling privileges to Soviet civilian airliners as punishment for the deliberate act of aggression by the Government of the Soviet Union against humanity; and

(4) the nations of the world should enforce the denial of such privileges until the Government of the Soviet Union has acknowledged its guilt for the death of 269 innocent civilians, has apologized to the world community for its actions, and has agreed to compensate the families of the victims of Soviet aggression.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the Government of the Soviet Union.

Mr. HEINZ. Mr. President, I rise today to submit a concurrent resolution condemning the Soviet Union for its barbaric and calculated attack against an unarmed and undefended Korean airliner which resulted in the death of 269 citizens of the world community.

I recognize that my distinguished colleagues Senators BAKER, PERCY, and other leaders of the Senate will also introduce a resolution concerning the Soviet Union. I will support their effort and thereby support the President of the United States who I believe has reacted to the Soviet act of aggression in a determined and prudent mannner. It is not my intention to place any distance between myself, the President, or the Senate's able leadership. The submission of this concurrent resolution is simply an expression of my personal indignation with the human tragedy which the Soviet Union has forced the world to endure.

The attention of the civilized world has been focused on the Soviet Union's calculated attack on Korean Air Lines Flight 007, resulting in the dealth of 269 innocent civilians of the world community.

By now the details of this barbaric attack are well known to my colleagues. The Soviet Union failed to recognize international conventions adhered to be by the community of nations which require peaceful means of engagement between aircraft over international and sovereign airspace. The Soviet Union wrongly concluded that the concept of sovereignty somehow grants a nation authority to shoot down commercial airliners in peacetime.

In spite of professing a desire for world peace the Soviet's barbaric act has left the whole world wondering whether the Soviet Union really wants peace or can ever be expected to faithfully implement and adhere to arms control agreements which enhance the prospects for world peace. If basic international codes of conduct are disregarded by the Soviet Union, why should the community of nations be-

lieve that the Soviets will act any more responsibly with regard to future arms control agreements? Is the Soviet attack on a civilian airliner a precursor for future acts of Soviet aggression against the world community? Will the brutal invasion of Afghanistan be repeated against another sovereign nation? Will the Soviet Union continue to take advantage of a fluid Middle East crisis by encouraging and actively supporting the force of violence and destruction in Lebanon?

While we can speculate about future Soviet behavior we do know that the Soviet Union exhibited a shocking disregard for human life and accepted international codes of conduct in attacking an unarmed and undefended civilian airliner. We know that the Soviets have failed to acknowledge their guilt for their premeditated attack and failed to acknowledge their moral responsibility to pay reparations to the families of victims of their barbaric act.

If we hope to moderate future Soviet behavior, we must isolate the Soviets from the community of civilized nations and take actions against them which can realistically be implemented.

That is why I am today submitting a concurrent resolution condemning the Soviet Union and expressing the sense of the Congress that the Government of the Soviet Union should—first acknowledge its guilt and apologize to the community of nations for its barbaric act and then accept as its absolute moral responsibility the payment of compensation to the families of the victims of its unprovoked violence.

Nothing less than an absolute acknowledgment of guilt should be acceptable to the community of nations. Nothing less than the payment of reparations to the families of victims of international aggression has long been the principle of international law guiding relations among nations in the international community.

The resolution further calls upon the nations of the world to unite behind President Reagan's proposal to deny landing and refueling privileges to Soviet civilian airliners as punishment for the deliberate act of aggression by the Soviet Union against humanity.

Finally the resolution states that the community of nations should enforce the denial of such privileges until the Soviet Union has acknowledged its guilt for the death of 269 innocent civilians, has apologized to the world community for its actions and has agreed to compensate the families of the victims of Soviet aggression.

Mr. President, let me make it clear that I fully support the actions initiated by President Reagan. He has been tough, yet he has measured his response carefully. Rather than overreact, he has correctly allowed our negotiators in to continue their quest for peace in Geneva at the intermediate nuclear force talks and at the strategic arms reduction talks. Rather than imposing trade sanctions which would in effect solely punish U.S. industry, he has sought to effectively isolate the Soviet Union from the community of civilized nations. The President has attempted to implement actions which can be realistically taken in concert with other nations in the world community. Those who have criticized the President have failed to understand the patience and pragmatism of his approach.

AMENDMENTS SUBMITTED

DESTRUCTION OF KOREAN AIRLINES FLIGHT 007

SYMMS (AND HELMS) AMENDMENT NOS. 2127 AND 2128

(Ordered to lie on the table.)

Mr. HELMS (for Mr. SYMMS, for himself and Mr. HELMS) submitted two amendments intended to be proposed by them to the joint resolution (S.J. Res. 158) condemning the brutal behavior of the Government of the Union of Soviet Socialist Republics for the destruction of Korean Airlines flight 007 with the loss of 269 innocent lives; as follows:

Strike all after the resolving clause and insert in lieu thereof the following: That the President be urged to take the following actions:

(1) Recall the United States Ambassador to Moscow for urgent consultations;

(2) Expel all Soviet diplomats, trade and other officials except the Deputy Chief of Mission and a skeleton staff;

(3) Conduct a full scale, urgent reassessment of the complete spectrum of United States-Soviet relations, including all arms control negotiations;

(4) Reveal publicly the extent of Soviet noncompliance with existing SALT and other arms control treaties;

(5) Demand the withdrawal of all Soviet military equipment and personnel from the Western Hemisphere;

(6) Demand that the Soviets come into conformity with Article 36 of the recently promulgated Law on the State Boundaries of the Soviet Union, and Point 7 of Annex 2 of the Convention on International Civil Aviation, both of which state that intercepting aircraft should refrain from the use of weapons in all cases of interception of civil aircraft;

(7) Demand that the Soviets make a public apology, pay reparations and punitive damages as a precondition to resuming full-scale diplomatic relations;

(8) Temporarily suspend all arms control negotiations with the Soviets until they withdraw their claimed right to shoot down United States military reconnaissance aircraft needed for National Technical Means of arms control verification;

(9) Bar all credits and loan guarantees for trade with the Union of Soviet Socialist Republics and its satellites; and

(10) Bar all further high technology exports to the Soviet Union.

AMENDMENT NO. 2128

Amend the preamble so as to read:

Whereas President Reagan stated on September 3, 1983: "What can we think of a (Soviet) regime that so broadly trumpets its vision of peace and global disarmament and yet so callously and quickly commits a terrorist act that sacrifices the lives of innocent human beings? What can be said about Soviet credibility when they so fragrantly lie about such a heinous act? What can be the scope of legitimate mutual discourse with a state whose values permit such atrocities?":

SEX DISCRIMINATION IN THE UNITED STATES CODE REFORM ACT

DOLE AMENDMENT NO. 2129

(Ordered to be referred to the Committee on the Judiciary.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 501) to amend the laws of the United States to eliminate gender-based distinctions; as follows:

SECTION 1. (a) On page 5, between lines 3 and 4, insert the following:

(b) Section 6915 of title 10, United States Code, is amended—

(1) by inserting "or she" after "he" wherever it appears; and

(2) by inserting "or her" after "his" wherever it appears.

(c) Section 6964(e) of title 10, United States Code, is amended by striking out "men" and inserting in lieu thereof "persons".

(b) On page 13, between lines 14 and 15, insert the following:

AMENDMENTS RELATING TO THE ARMED FORCES

SEC. 112. (a) Section 311(a) of title 10, United States Codes, is amended—

(1) by striking out "males" and inserting in lieu thereof "persons"; and

(2) by striking out "and of female citizens of the United States who are commissioned officers of the National Guard" and inserting in lieu thereof a period.

(b) Section 520 of title 10, United States Code, as amended by section 403 of the Department of Defense Authorization Act, 1983, is amended by striking out "male" each place it appears.

(c) Section 772(c) of title 10, United States Code, is amended—

(1) by inserting "or her" after "his" in the first sentence; and

(2) by striking out the second sentence.

(d) Section 1451 of title 10, United States Code, is amended—

(1) by adding "or widower" after "widow" each place it appears; and

(2) by striking out "mother's".

(e) The Act entitled "An Act to authorize the burial in national cemeteries of the remains of certain commissioned officers of the Public Health Service," approved April 30, 1956 (70 Stat. 124) is amended by striking out "wife, widow" wherever it appears and inserting in lieu thereof "spouse, surviving spouse".

(f) Section 551(a)(A) of title 37, United States Code, is amended by striking out

"wife" and inserting in lieu thereof "spouse".

(g) Section 300(1) of the Soldier's and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530(1)) is amended by striking out "wife" and inserting in lieu thereof "spouse".

SEC. 2. (a) Beginning on page 13, line 15, strike out all through page 32, line 3, and insert in lieu thereof the following:

TITLE II—ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE SOCIAL SECURITY ACT AND THE RAILROAD RETIREMENT ACT

SOCIAL SECURITY ACT PROVISIONS

SEC. 201. (a) Section 213(a) of the Social Security Act is amended by striking out "(if a woman) or age 65 (if a man)".

(b) Section 215(f)(5) of such Act is amended by striking out "a man" and inserting in lieu thereof "an individual".

(c) Section 402(a)(19)(G)(iv) of such Act is amended by striking out "mother" and inserting in lieu thereof "parent", and by striking out "she".

(d) Section 1107(b) of such Act is amended by striking out "former wife divorced" each place it appears and inserting in lieu thereof in each instance "divorced spouse".

(e) Section 211(a)(5)(A) of the Social Security Act and section 1402(a)(5)(A) of the Internal Revenue Code of 1954 are each amended by striking out "shall be treated as the gross income and deductions of the husband unless the wife exercises substantially all of the management and control of such trade or business, in which case all of such gross income and deductions shall be treated as the gross income and deductions of the wife" and inserting in lieu thereof "shall be assigned to each spouse, pro rata, in accordance with the relative contribution of each".

(f) The amendments made by this section shall apply on and after the date of the enactment of this Act, and in the case of monthly benefits under title II of the Social Security Act shall only apply to benefits payable for months beginning on or after such date of enactment.

(b) On page 32, line 5, strike out "211" and insert in lieu thereof "202".

(c) On page 39, line 17, strike out "212" and insert in lieu thereof "203".

SEC. 3. (a) On page 40, line 4, strike out "Sec. 301." and insert in lieu thereof "Sec. 301. (a)".

(b) On page 41, between lines 3 and 4, insert the following:

(b) Section 5561(3)(A) of title 5, United States Code, is amended by striking out "wife" and inserting in lieu thereof "spouse".

(c) Section 8332(j)(1) of title 5, United States Code, is amended by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

SEC. 4. (a) On page 46, line 14, strike out "Section 11 of the Act of February 8, 1887 (24 Stat. 391, chapter 119) is hereby repealed." and insert in lieu thereof the following:

(a) Section 3 of the Act of September 21, 1959 (73 Stat. 592; 25 U.S.C. 933(c)) is amended by striking out "wife" and inserting in lieu thereof "or her spouse".

(b) Section 3(c) of the Act of September 5, 1962 (76 Stat. 429; 25 U.S.C. 973(c)) is amended by striking out "wife" and inserting in lieu thereof "or her spouse".

SEC. 5. (a) On page 49, between lines 6 and 7, insert the following:

(f) Section 2421 of title 18, United States Code, is amended—

(1) by striking out "woman or girl" each place it appears and inserting in lieu thereof "person";

(2) by inserting "himself or" before "herself" each place it appears; and

(3) by inserting "him or" before "her" each place it appears.

(g) Section 2422 of title 18, United States Code, is amended—

(1) by striking out "woman or girl" each place it appears and inserting in lieu thereof "person"; and

(2) by adding "his or" before "her" each place it appears.

(h) Section 2423 of title 18, United States Code, is amended—

(1) by striking out "woman or girl" each place it appears and inserting in lieu thereof "person";

(2) by adding "his or" before "her" each place it appears; and

(3) by adding "he or" before "she" each place it appears.

SEC. 6. (a) On page 59, line 6, strike out "Sec. 330." and insert in lieu thereof "Sec. 330. (a)".

(b) On page 59, between lines 12 and 13, insert the following:

(b) Section 1981 of the Revised Statutes (17 Stat. 15; 42 U.S.C. 1986), is amended by striking out "widow" each place it appears and inserting in lieu thereof "surviving spouse".

(c) Section 1(7) of title 49, United States Code, is amended by striking out "the widows during widowhood" and inserting in lieu thereof "the suriving spouse".

(d) Section 4 of the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes" (84 Stat. 1863, 33 U.S.C. 857-4) is amended—

(1) in subsection (a) by striking out "enlisted men" and inserting in lieu thereof "enlisted persons"; and

(2) in subsection (c) by striking out "their widows" and inserting in lieu thereof "the surviving spouses of such members".

(e) Section 222 of the National Housing Act (12 U.S.C. 1715m), is amended—

(1) by striking out "servicemen" each place such term appears and inserting in lieu thereof "servicepersons";

(2) by striking out "serviceman" each place such term appears and inserting in lieu thereof "serviceperson"; and

(3) in subsection (g) by—

(A) striking out "surviving widow" and inserting in lieu thereof "surviving spouse";

(B) striking out "serviceman's" each place such term appears and inserting in lieu thereof "serviceperson's"; and

(C) striking out "such widow" and inserting in lieu thereof "such surviving spouse".

(f) Section 2 of the Act of July 5, 1946, commonly known as the Trademark Act of 1946 (15 U.S.C. 1052), is amended in subsection (c) by—

(1) striking out "his widow" and inserting in lieu thereof "the surviving spouse of such President"; and

(2) striking out "the widow" and inserting in lieu thereof "such surviving spouse".

(g) Section 5572 of the Revised Statutes (48 U.S.C. 1413) is amended in the first sentence by striking out "his widow, heir, executor, or administrator" and inserting in lieu thereof "the surviving spouse, heir, executor, or administrator of the discoverer".

(h) Section 5574 of the Revised Statutes (48 U.S.C. 1415) is amended in the second sentence by striking out "his widow, heir, executor, administrator, or assigns" and inserting in lieu thereof "the surviving spouse, heir, executor, administrator, or assigns of the discoverer".

(i) Section 5577 of the Revised Statutes (48 U.S.C. 1418) is amended by striking out "his widow, heir, executor, administrator, or assigns" and inserting in lieu thereof "the surviving spouse, heir, executor, administrator, or assigns of the discoverer".

SEC. 7. (a) On page 68, after line 22, add the following:

(h) Section 424 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 934) is amended—

(1) by striking out "widow" each place it appears in the first sentence and inserting in lieu thereof "surviving spouse"; and

(2) by striking out "widow" in the second sentence and inserting in lieu thereof "or her surviving spouse".

LONGSHOREMEN AND WORKERS COMPENSATION ACT

SEC. 333. (a) Section 9(b) of the Longshoremen's and Harbor Workers Compensation Act (33 U.S.C. 909(b)), is amended by striking out "dependent".

(b) Section 9(c) of the Longshoremen's and Harbor Workers Compensation Act (33 U.S.C. 909(c)), is amended by striking out "dependent husband" and inserting in lieu thereof "widower".

(c) Section 9(c) of the Longshoremen's and Harbor Workers Compensation Act (33 U.S.C. 909(g)), is amended by striking out "wife" each place it appears and inserting in lieu thereof "spouse".

(d) Section 14(j) of the Longshoremen's and Harbor Workers Compensation Act (33 U.S.C. 914(j)), is amended by—

(1) striking out "during which he is entitled" and inserting in lieu thereof "during which he or she is entitled"; and

(2) striking out "surviving wife" and inserting in lieu thereof "surviving spouse".

● Mr. DOLE. Mr. President, several months ago; with the strong, personal support of the President, I introduced S. 501, The Sex Discrimination in the U.S. Code Reform Act As introduced, this legislation would cleanse the Federal Code of about 100 anachronistic statutory provisions which still contain substantive sex bias. Identification of these remaining code provisions was made possible though the efforts of the President's Task Force on Legal Equity for Women, as reflected in the task force's June 28, 1982 report.

Since completing the June 28 report, the task force has conducted a more comprehensive computer search of the Federal Code and has identified over 60 additional statutes which still overtly discriminate on the basis of sex. Last Thursday, the President met with his Cabinet Council on Legal Policy and approved a recommendation that 47 of these provisions be corrected.

I have pledged my support for the President's proposals and have promised to work for their swift enactment. To this end, I am filing today an amendment to S. 501 which would correct the sex-bias contained in these 47 laws. S. 501, which has been cosponsored by 38 Members of the Senate,

will be marked up by the Constitution Subcommittee of the Senate Judiciary Committee this Friday. I have written the chairman of that subcommittee, Senator HATCH, and have asked him to offer these additional changes as an amendment to S. 501 before the bill is reported.

Mr. President, it is perhaps a sign of the significant progress we have made that the vast majority of the discriminatory statutes identified by the task force are either obsolete or of extremely limited application. Most have already been corrected by court decision or agency action; the only remaining task is to get them off the books. They are offensive anachronisms, reflecting long-discredited notions about women's inferior status which have no place in the laws of a society which today overwhelmingly embraces the principle of equal rights under the law.

As important and necessary as this legislation is, it is, of course, only one small step. Of far greater importance is the more difficult task of identifying and correcting those laws, which while neutral on their face, nevertheless may result in discrimination. High poverty rates among female heads of households and older women mean that laws which may result in economic discrimination against women should be a top priority. As chairman of the Senate Finance Committee, I have held hearings on the economic inequities which face women today and the extent to which aspects of our tax laws, child support enforcement programs, and retirement income policies may bear responsibility. I have also sponsored S. 19, the Retirement Equity Act which contains a number of reforms designed to make our private pension system more fair toward women. This bill has also received the support of the administration.

Mr. President, legislation such as S. 501 and S. 19 cannot serve as alternatives to the ERA, but their enactment can bring us closer to fulfilling the promise of equality for which the ERA stands. I hope that both will be expeditiously acted upon by the Senate.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on private sector initiatives to feed the poor on Wednesday, September 14.

The hearing will begin at 10 a.m. in room SR-328-A.

Anyone wishing further information should contact the Agriculture Committee staff at 224-0013.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply to consider S. 1366, to implement the recommendations of the interim report of the Northern Mariana Islands Commission on Federal Laws and to amend the revised Organic Act of the Virgin Islands and the Organic Act of Guam, and for other purposes; and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.

The hearing will be held on Thursday, October 6, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Conservation and Supply, U.S. Senate, Washington, D.C. 20510.

For further information regarding the hearing you may wish to contact Mr Jim Beirne of the subcommittee staff at 224-2564.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on national security decision directive 84 on Tuesday, September 13, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Steve Metalitz at 224-4161.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 121, Trade Reorganization Act, on Wednesday, September 14, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Michael Mitchell at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Thursday, September 15, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Michael Mitchell at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a markup on S. 121, the Trade Reorganization Act of 1983, on Wednesday, September 21, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Michael Mitchell at 224-4751.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a hearing on Friday, September 16, 1983, on S. 1694, a bill to declare that the United States holds certain lands in trust for the Las Vegas Paiute Tribe.

The hearing will be held in SD-430 and will begin at 10 a.m. For further information, please contact Paul Alexander or Pete Taylor of the committee at 224-2251.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION AND GOVERNMENT PROCESSES

Mr. PERCY. Mr. President, the Subcommittee on Energy, Nuclear Proliferation and Government Processes, of the Committee on Governmental Affairs, along with the Committee on Foreign Relations, will hold a hearing at 10 a.m. on Thursday, September 15, 1983, in room 419 of the Dirksen Senate Office Building. The committee and subcommittee will be receiving testimony on nuclear nonproliferation.

ADDITIONAL STATEMENTS

THE SOVIET DOWNING OF KOREAN AIR LINES FLIGHT 007

● Mr. BINGAMAN. Mr. President, I have asked unanimous consent that my name be added as an original cosponsor of Senate Joint Resolution 158.

Mr. President, I want to add my voice to those of my colleagues from both parties in condemning the callous and utterly inexcusable decision by the Soviet Union to "terminate," to use the Soviets' own chilling phraseology, Korean Air Lines flight 007 and, with it, the lives of 269 innocent men, women, and children.

It is difficult for civilized people to comprehend the casual disregard for human life and international norms that is reflected in such a brutal act. Whatever the possible navigational or other errors on the part of the KAL jet's crew, absolutely nothing can ever justify shooting down an unarmed commercial airliner. Those aboard flight 007 committed no offense against the Soviet Union or its citizens and did nothing to warrant their cold-blooded execution.

This tragedy was not an accident or a mistake by low-level Soviet military personnel. As we have seen in recent days, the Soviets have been adament in their refusal to apologize, or even to admit that there is anything out of the ordinary in murdering unsuspecting air travelers. The Soviet treatment of flight 007 was almost a carbon copy of their response to another inadvertent overflight of the U.S.S.R. by a Korean passenger plane in April 1978. On that occasion, only two lives were lost. This time, the dimensions of the disaster are far greater.

History shows us that the Soviets are perfectly capable of perpetrating even greater atrocities with an equal lack of concern for innocent lives and

for world public opinion. The fate of the KAL jumbo jet should serve as a stark illustration to all people around the globe of the warped value system espoused by the Soviet Union and its leaders.

President Reagan has been quite correct in pointing out that this has not been an offense directed exclusively or even primarily against the United States. It is not an issue of bilateral Soviet-American relations as such. Rather, it is an offense committed by the Soviet Union against the entire world community, against the most fundamental concepts of international commerce and civil aviation, and against the peoples and governments of those many nations whose citizens perished in the frigid waters off Sakhalin Island.

The President has responded to this affront against humanity in a serious and responsible way. I support the actions that he has taken so far, and I stand ready to work with the administration and with my colleagues on both sides of the aisle to consider other appropriate actions on the part of the United States. Our own efforts should be closely coordinated with those of our friends and allies, since the most effective answer to the Soviet outrage must be one which cuts across national borders and reflects the virtually unanimous international shock and condemnation.

As distasteful as it may be at times like this, we must also recognize that the Soviet Union is and will continue to be a major superpower and our most serious adversary. The Soviet Union will not disappear tomorrow morning, nor abandon its seeming contempt for civilized values. While our reaction to the brutal events of September 1 must be unmistakable in its clarity and its revulsion, we must not break off efforts to reduce the threat of nuclear holocaust. No matter how great our distaste and horror at the recent barbaric display of Soviet callousness, the ultimate threat of a nuclear confrontation dictates that we must maintain a dialog with the Soviets on issues of war and peace. Dialog does not mean approval of Soviet actions. It does mean that the fate of our children and grandchildren is of overriding importance.

Nothing we do can bring back those who died aboard KAL flight 007. But nothing Foreign Minister Gromyko or Marshal Ogarkov can do will disguise the brutality and paranoia which have been revealed to the world once again as the guiding principles of Soviet policy.●

S. 499—INDUSTRIAL DEVELOPMENT BONDS

● Mr. D'AMATO. Mr. President, I recently received a letter from Mr. Robert Dormer, president of the New York State Job Development Authority (JDA). Mr. Dormer wrote to illustrate a point I have emphasized previously on the Senate floor; the absolute importance of industrial development bonds (IDB) financing to the continued success of the Small Business Administration's section 503 certified development company program.

Mr. Dormer described 11 section 503 projects initiated in New York State since January 1 of this year. These projects, all of which utilized IDB financing, have created nearly 500 new jobs. For example, an SBA loan of $500,000, combined with a $440,000 IDB issue resulted in the creation of 121 private sector jobs in the manufacture of specialty optical products in Melville, N.Y. In another instance, an SBA loan of only $76,000, combined with an IDB of the same amount, permitted SAS Industries of Riverhead to acquire land and construct a building to manufacture rubber gaskets and seals, resulting in 25 new jobs.

Without the availability of IDB financing, these projects would not have been financed and 500 jobs would have been lost. These projects are typical of the impact of the 503 program, coupled with IDB financing, on local development. IDB's represent an extremely efficient use of a Federal tax exemption for job creation and retention that would not otherwise occur.

The success of the 503 program in New York was possible only because the job development authority was able to coordinate existing New York JDA programs and the 503 program with the use of small issue IDB's. My bill, S. 499, currently before the Senate Finance Committee, will insure that IDB's will continue to be available for use in conjunction with the 503 program beyond the current September 30, 1983, sunset date.

At a time of high unemployment, it is imperative that every possible opportunity to stimulate job creation be utilized. The continued use of IDB's in conjunction with the 503 program is a most effective means of achieving the administration's stated goal, the improvement of private sector opportunities through capital formation.

Mr. President, we must act—and act quickly—to pass S. 499.●

QUEENS COUNTY CELEBRATES 300TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, this year, Queens County, N.Y., takes pride in observing the 300th anniversary of its founding. The occasion truly stands out as a milestone in the history of this vital component of New York City. I join with the residents of Queens in celebrating their tricentennial by offering a special salute to this dynamic, metropolitan county which has proven, over the years, to be a valuable asset to New York State and the Nation.

The colorful history of Queens County predates its official founding by several years. The area was first explored by Europeans in 1614 and soon began to attract settlers. Although the territory was originally governed by the Dutch, English colonists were permitted to settle there, and with the surrender of Peter Stuyvesant to the Duke of York, the colonists once again found themselves under English rule. On November 1, 1683, the towns of Newtown, Flushing, and Jamaica joined with Far Rockaway, then part of Hempstead, to form Queens County.

Throughout the 18th and 19th centuries, the population and activity level of Queens increased steadily. The inlets and bays surrounding Queens early on made the area a perfect site for waterborne commerce. Nineteenth century advances in shipping and locomotive technology further enhanced Queens' position as a center of commerce and industry. This trend toward development continued and today Queens is recognized as one of the most industrially active counties in the United States.

Aviation, the county's largest industry, has made Queens the "aviation capital of the world." Kennedy and LaGuardia Airports together accommodate more than 30 million passengers a year and employ approximately 50,000 workers who earn over $1 billion annually.

Queens County's international reputation extends beyond that of gateway to New York and the United States. Flushing-Meadow Park twice played host to the World's Fair, the first time in 1939-40 and again in 1964-65. Today the gleaming Unisphere—a giant, silvery globe—serves as a visual reminder of the county's important place in international history. Queens is also proud to have been the headquarters of the United Nations from 1946 to 1950. The historic vote to create the State of Israel occurred during the U.N.'s tenure in Queens.

Leisure time activities abound in Queens for those who desire a respite from the county's active lifestyle. Several miles of beaches and 6,500 acres of parkland satisfy even the most avid lover of the outdoors. Sports enthusiasts flock to Shea Stadium year round to cheer on their favorite professional football and baseball teams. In 1978, the U.S. Open Tennis Championships moved from the historic West Side Tennis Club in Forest Hills, Queens to the brandnew U.S. Tennis Association's National Tennis Center at Flushing-Meadow Park. This modern tennis facility is also available for use by the general public.

Today, the residents of Queens are enormously proud of the county's re-

markable achievements over the past 300 years. I am honored, therefore, to offer my sincere congratulations and best wishes to the people of Queens as they observe their tricentennial anniversary. I am confident that Queens County will continue to grow and prosper in the years to come.●

TWENTIETH ANNIVERSARY OF THE FOUNDING OF WEIGHT WATCHERS

● Mr. D'AMATO. Mr. President, this year marks the 20th anniversary of the founding of Weight Watchers, the weight control organization that has helped to improve the eating habits of millions throughout the world. The anniversary is a hallmark for those concerned with public health, nutrition, and weight control.

Since the 1960's, when America began to demonstrate increasing concern with the unhealthful effects of being overweight, weight reduction programs, fad diets, and miracle weight loss plans have flooded the market. This has created a situation that made it increasingly more difficult for consumers to make rational choices concerning sensible eating patterns.

But, while thousands of panaceas have come and gone, the Weight Watchers program has withstood the test of time. Weight Watchers stands preeminent as the largest and most successful weight control organization in the world.

Its success is due to the unique and scientifically designed program it offers. Weight Watchers teaches members the skills necessary to make proper and nutritious eating a matter of habit for a lifetime. The Weight Watchers program consists of a weight loss and weight maintenance food plan, coupled with a behavior management program which provides day-by-day steps to help the overweight change their eating habits and their attitudes toward food.

Within the framework of the weekly Weight Watchers class sessions, members receive continuous positive peer group support. They are helped to gain insight into their individual behavior patterns and to learn new eating management techniques.

By helping to create a greater public awareness of the importance of sound nutrition and the maintenance of healthful weight levels, Weight Watchers has established itself as the unquestioned leader in the fields of weight control and nutrition as they relate to good health. By bringing its message to every part of our Nation, and to all parts of the globe during the past 20 years, Weight Watchers has demonstrated its unswerving commitment to our common goal of a healthier, happier world.●

SUMMARY OF AMENDMENTS TO TEMPORARY EMERGENCY FOOD ASSISTANCE ACT OF 1983

● Mr. DOLE. Mr. President, just before Congress adjourned for the August recess, the Senate and House passed H.R. 3409, which included a 2-year extension of the Temporary Emergency Food Assistance Act. Since the current commodity distribution program expires at the end of September, I was pleased that the Congress was able to act so expeditiously in insuring program continuity. Within the course of an afternoon, the administration came out in support of this legislation, as did the chairman of the Committee on Agriculture. There were also last-minute negotiations with House Members to try to work out differences, so that there would be no necessity to go to conference.

All in all, I think the major concerns of everybody who was involved in this process were resolved, and we now have a very satisfactory commodity distribution program in place for the next 2 fiscal years. This authorizing legislation provides more detailed guidelines for the program enacted under the jobs bill last March.

At this time, I would like to insert a summary of the provisions in the RECORD, as part of the legislative history. The Senator from Kansas thanks all those who supported him in this effort—33 bipartisan cosponsors, as well as the administration.

The summary follows:

SUMMARY OF THE AMENDMENTS TO THE TEMPORARY EMERGENCY FOOD ASSISTANCE ACT OF 1983

On August 4, 1983, the Senate adopted H.R. 3409, which contains provisions to amend the Federal Supplemental Compensation Act. During Senate Consideration, an amendment was adopted that added new provisions to the bill to expand and extend the Temporary Emergency Food Assistance Act of 1983 due to expire September 30, 1983. H.R. 3409, as so amended, subsequently was passed by the House of Representatives and signed into law by the President as Public law 98-92.

Public Law 98-92 clarifies the provisions of the 1983 Act and provides the Department of Agriculture with guidelines for administering the commodity distribution program under the Act.

Specifically, Public Law 98-92 amends the Act, effective October 1, 1983, to—

(1) define the term "eligible recipient agencies", as used in the Act, to mean public and nonprofit organizations (designated by a State or the Secretary of Agriculture and approved by the Secretary for participation in the program) that administer (a) activities and projects that provide emergency food assistance to needy persons, including low-income and unemployed persons, (b) school lunch programs, summer camps for children, and other child nutrition programs providing food service, (c) nutrition projects for the elderly, (d) activities and projects supported under section 4 of the Agriculture and Consumer Protection Act of 1973, (e) activities of charitable institutions, to to extent that needy persons are served, or (f) disaster relief programs;

(2) provide an additional condition that must be met before commodities held by the Commodity Credit Corporation can be made available for the commodity distribution program under the Act, to wit: the Secretary must determine that the commodities involved are in excess of quantities needed to carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act;

(3) permit the Secretary to use stocks of wheat from the Food Security Wheat Reserve for the program (under existing law, the Secretary is required to use Reserve stocks of wheat in certain circumstances), and require that wheat used from the Reserve be replenished not later than December 31, 1985;

(4) allow the Secretary to use funds of the Commodity Credit Corporation to pay costs of initial processing and packaging of commodities to be distributed under the program into forms, and in quantities, suitable (as determined by the Secretary) for use in individual households or for institutional use;

(5) allow the Secretary to pay for initial processing and packaging with Corporation-owned commodities equal in value to the cost of the processing and packaging, except that wheat from the Food Security Wheat Reserve cannot be used for such purpose;

(6) require the Secretary, as expeditiously as possible, to provide the commodities made available under the program in quantities that can be used without waste to designated State agencies for subsequent distribution to eligible recipient agencies, except that the Secretary will be permitted to make commodities available directly to eligible recipient agencies and private companies that process the commodities for eligible recipient agencies;

(7) require State agencies, as expeditiously as possible, to distribute commodities received from the Secretary to eligible recipient agencies in the quantities requested by those agencies, except that, if a State agency is unable to satisfy all requests for a particular commodity, the State agency will be required to give priority in the distribution of the commodity to eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to the needy, including low-income and unemployed persons;

(8) require each State agency receiving commodities for individual household use to distribute the commodities to eligible recipient agencies in the State that serve needy persons, and require each State agency, with the approval of the Secretary, to determine those persons in the State that will qualify as needy persons eligible for the commodities;

(9) require the Secretary to take precautions to ensure that (a) eligible recipient agencies will provide the commodities received under the Act to persons served by the agencies and will not diminish their normal food purchases because of the donations and (b) commodity donations under the Act will not displace commercial sales of the commodities or their products;

(10) prohibit the Secretary from making commodities available for donation under the Act in any quantity or manner that the Secretary determines might substitute for the same or any other agricultural produce that would otherwise be purchased in the market;

(11) provide that commodities provided under the Act must be distributed only in quantities that can be consumed without waste and that no eligible recipient agency can receive commodities in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities;

(12) authorize the appropriation of $50,000,000 for each of the 1984 and 1985 fiscal years for the Secretary to make available to the States for storage and distribution costs; and provide that not less than 20 percent of the amount appropriated in each fiscal year must be made available for providing advance payments to cover the actual costs incurred by certain agencies that provide nutrition assistance to relieve situations of emergency and distress through the provision of food to the needy, including low-income and unemployed persons, except that in no case can the payments exceed 5 percent of the value of commodities distributed by an agency;

(13) prohibit the sale or other disposition in commercial channel in any form of the commodities distributed under the Act, except those commodities provided for initial processing;

(14) require the Secretary, in administering the Act, to minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies;

(15) require the Secretary to estimate and publish, not later than October 1, 1983, and October 1, 1984, the types and quantities of commodities that are likely to be made available under the Act during fiscal years 1984 and 1985, respectively, even though the actual types and quantities of commodities made available might differ from the estimates;

(16) provide that determinations made by the Secretary and the facts constituting the basis for any donation of commodities under the Act, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, are final and conclusive and not reviewable by any other officer or agency of the Government; and

(17) provide that, except for section 207 of the Act (penalties), the Act shall terminate September 30, 1985.●

THE CLINCH RIVER FINANCING PLAN: MAKING A BAD THING WORSE

● Mr. HUMPHREY. Mr. President, on July 29, 1983, I entered a detailed critique of the proposed alternative financing plan for the Clinch River breeder reactor prepared by my staff. This analysis, entered on page S 11185, gives a detailed explanation of just how the plan is fated to go wrong.

What most people do not understand, though, is that even if the plan works as well as its proponents optimistically expect, the Government still stands to lose control over the project and at least $150 million.

In way of brief explanation, my staff has prepared a brief on the plan and what it will cost the taxpayer even in the best of all possible worlds. Mr. President, it is essential that the Senate understand that the alternative financing plan for Clinch River is no cost-sharing plan and requires the full consideration of the appropriate authorizing committees before it is brought to the Senate floor. To aid such hearings, I ask that the full text of my staff's brief be entered into the RECORD.

The brief follows:

THE CLINCH RIVER FINANCING PLAN: MAKING A BAD THING WORSE

Last December after funding for the Clinch River Breeder Reactor Project was defeated in the House and passed in the Senate by only one vote, Congress instructed the Department of Energy (DOE) to "vigorously explore proposals, including a reconsideration of the original cost-sharing arrangement, that would reduce federal budget requirements." In response, DOE asked the utilities' breeder organization—the Breeder Reactor Corporation (BRC) to devise a plan. The BRC suggestions bore no resemblence to the original cost-sharing plan (this plan, devised in 1973, required the utilities and nuclear vendors to pay for 40 percent of the project's projected cost of $700 million in exchange for free access to what would be an entirely government-owned facility). Instead, the BRC devised not a cost-sharing or reduction plan, but an alternative financing scheme. Instead of having Congress pay for the project's remaining cost ($2.5 billion, according to DOE estimates) through additional annual appropriations, the BRC recommending spreading the funding of approximately $1 billion of the project's remaining costs over 36 years.

THE PLAN

This would be accomplished in a four-part package. First, the federal government would borrow approximately $1.04 billion from private lenders promising to repay these loans through the sale of government-guaranteed bonds beginning in 1990. Here, the plan's authors admit that such borrowing would cost more than continuing to have Congress pay for all of the project through annual appropriations.

Second, the government would surrender title to the reactor and any right to revenues the plant might produce to a new joint venture (consisting of the utilities, nuclear vendors, and the federal government). This new venture would attempt to use the plant's revenues to repay the approximately $1.04 billion in government-guaranteed bonds that would begin to be sold in 1990. The plan's authors emphasize that whatever revenue shortfall there might be due to unanticipated operation and maintenance costs, fuel costs, poor reactor performance or low demand for the electricity the reactor might produce would be picked up by the federal government through additional Congressional appropriations.

Third, $150 million in equity shares in the reactor would be sold. These shares, according to the plan's authors, would be sold on the basis of the tax benefits associated with the equity shares and the bond sales, which would equal or exceed the value of the equity shares themselves.

Fourth, the utilities would complete their original 1973 pledge to contribute $257 plus interest. $150 million has already been contributed. $175 million is the estimated balance due.

This $175 million, plus the $150 million in equity shares, plus the amount borrowed from private lenders during construction that would defray the project's cost—$675 million (1.04 billion minus an estimated interest charge on the loan of $365 million) equals $1 billion. The balance needed to complete the project (by DOE's latest estimates), $1.5 billion, would come directly from Congress through a one-time obligation vote at the time the overall alternative financing plan was enacted.

PROBLEMS

If passed, this plan would please those anxious to continue federal support of the project. What short-term political relief this might buy them, however, would come at a very stiff price to the public. Indeed, even if the plan worked as well as its proponents hope:

1. It would increase the cost of completing the project at least $150 million. As the plan's authors admit, "Private borrowing is always more costly than full Government financing (through Congressional appropriations). . ." This makes double sense with Clinch River since the uncertainty associated with the project naturally forces a risk premium (some interest rate higher than straightforward Treasury issues) to be added to its financing. Here it is instructive to note that it is difficult to secure short-term industrial loans for anything less than 11 percent from private lenders but the government can borrow from the U.S. Treasury on short notice for as little as 8.4 percent. Also, if government-guaranteed Clinch bonds (to be sold beginning in 1990) carry a risk premium of only one percentage point above bona fide Treasury bonds (and they must carry some such risk premium otherwise they would not be issued separately from Treasury bonds), this would add nearly $100 million to the project's financing costs compared to what it would cost Congress simply to appropriate money for the project as it has in the past.

2. The U.S. Congress would lose its current annual appropriations oversight of the project—this through the one-time obligation vote of $1.5 billion to the project.

3. The federal government would have to surrender its rights to all the revenues the plant might produce and would have to relinquish its right to sell the plant and hold the proceeds.

4. The federal government's financial responsibility for operation cost overruns would be drastically extended. Currently, the government must operate the plant, if constructed, for only five years. Under the new plan, though, the government must redeem project stock and bond holders with project electricity sale revenues for a full 30 years. Thus, where the government now could close the plant after 5 years if the plant appeared to be losing money, under the new plan there would be tremendous inertia to keep it running even though it was running in the red.

5. Congress would have established a bad precedent creating a costly off-budget enterprise simply to avoid public disapproval of funding the project outright. Congress is now attempting to curb government lease-back arrangements and off-budget project financing. Passage of this plan, which would establish an energy development corporation with an open-ended mandate to assume the federally guaranteed financing of any unpopular energy effort, would clearly cut against honest budgeting efforts.

These negatives, of course, would only arise if the plan works as well as its proponents optimistically assume. Many things, though, could go wrong. The plutonium fuel, for example, may have to be bought from the defense program (still the only

certain source) instead of the much cheaper unidentified sources DOE continues to assume in its estimates. The plant's cost could continue to increase and the plant's completion date slip as they have for the past decade. Also, the plant's reliability may turn out to be less than required and the high demand assumed for the plant's power in the electricity saturated Southeast may not materialize.

If any of these things occur, as the General Accounting Office, the Congressional Research Service, RAND, and the Tennessee Valley Authority have predicted, there will be trouble. Indeed, last December the General Accounting Office concluded that over the plant's 30-year life these events were quite likely and could easily result in the project's operation costing nearly $3 billion more than the plant would ever make from electricity sales.

Such facts should give Congress pause. The project is dubious enough as is; the plan only compounds the costs and risks.●

SOCIAL SECURITY BENEFITS FOR THE TERMINALLY ILL

● Mr. JEPSEN. Mr. President, I am pleased to join as a cosponsor of S. 1785, legislation which would eliminate the 5-month waiting period for social security disability benefits for individuals diagnosed as terminally ill. I would also like to commend Senators SASSER and DURENBERGER for introducing S. 1785.

This legislation would enable disabled individuals who have been diagnosed as terminally ill, those who are not expected to live longer than 12 months, to receive social security disability benefits immediately upon approval of their claim. Under current law, disabled individuals must wait 5 months before receiving disability benefits.

This 5-month waiting period causes many hardships for the terminally ill. Faced with a loss of income and mounting medical expenses, disabled, terminally ill individuals are in desperate need of financial assistance. It is heartbreaking for them to find out that they cannot collect social security disability benefits immediately, but have to wait 5 months. Sadder yet, many of them never collect the benefits to which they are entitled. On the average, a person who is terminally ill and disabled will live for only 2½ months after that diagnosis.

I urge my colleagues in the Senate to give prompt and favorable consideration to this matter.●

THE KOREAN AIR LINES MASSACRE

● Mr. D'AMATO. Mr. President, I support Senate Joint Resolution 158, which addresses the gravest, most frightening event of the decade: The wanton massacre of 269 human beings by the Communist Government of the Soviet Union during the night of August 31–September 1, 1983. This criminal action, perpetrated deliberately by Soviet Air Force fighter jets against an innocent, unarmed commercial Korean Air Lines passenger aircraft, will join in infamy the atrocities of our century committed by others who have demonstrated total and brutal disregard for the value of human life.

The night of August 31, 1983, is a date the world will remember. On that date all rules of civilized human conduct were shattered, all hope that the Soviets could abide by international law was lost, and all fears that true evil could exist at the core of a modern state were confirmed. The ignominy of the deed is exceeded only by the callous and blatant lies of the U.S.S.R. immediately following the barbarous act and is compounded by the feeble attempts of the Soviets to cast blame on the United States.

It is incomprehensible to me how human beings could have performed such a cruel act against fellow human beings. It is sickening to me to hear the futile protestations of Russian diplomats blaming the United States for their own perfidy.

Mr. President, this terrible act by the Soviet Union has provided to the world a new definition of moral perversion and pseudo-diplomatic duplicity. With a unique disregard for its proven culpability, the U.S.S.R. loudly proclaimed its innocence—and the guilt of most Western powers—for nearly a week. Only 5 days following the malicious downing of the innocent airliner did they finally confess their crime. But even this grudging admission was qualified by absurd references to the responsibility of others and to unrelated activities 1,000 miles from the scene of their treacherous deed. And the reason, Mr. President? The rationale behind such a heinous act? The sole explanation for the slaughter of 269 innocent civilians, Mr. President, is that they were trespassing in Soviet airspace.

The incontrovertable facts have been made public, Mr. President. They have been presented to a shocked Security Council of the United Nations. They have been detailed in the media of all countries outside the Soviet Union and its satellites. At the United Nations, a body which in the past has appeared to be more comfortable villifying the United States, nearly all the members of the Security Council sat in stunned silence while the American Ambassador, Jeanne J. Kirkpatrick, presented the irrefutable evidence: The recorded voices of the Russian pilots while tracking, identifying, and then destroying the civilian aircraft. "The target is destroyed," the Russian fighter pilot calmly reported after firing two missiles at the unarmed plane, sending 269 civilians to a horrible death. Confronted with this incontrovertable evidence, the Soviet representative's response was predictable: By some convoluted rationale he blamed the United States.

Mr. President, the calumny of this act by the Soviet Union is appalling and the subsequent attempts by the Russians to distort and obfuscate the facts surrounding the crime have served to sicken the world. The Soviets have had the audacity to proclaim that the Korean airliner was deliberately off course and that this was the result of direction by the United States. The Soviets have also claimed that in some obscure manner the United States was using this passenger aircraft for intelligence purposes. Such allegations are absurd in the extreme. The Soviets knew at the time by visual inspection of the distinctive shape of the aircraft that it was a commercial passenger Boeing 747. They knew that the altitude of the aircraft was a routine commercial flight altitude. They knew that the aircraft was on a course parallel to established international routes, traveling in a straight line, action to be expected of a commercial international aircraft. They knew, despite their lies to the contrary, that the aircraft displayed both navigational and strobe lights, unique to commercial airliners. For the Russians to claim that they thought the aircraft was anything other than an innocent, unarmed, commercial passenger aircraft is absolutely ludicrous.

What the Russians have found out over the past 10 days, Mr. President, is that there were 269 souls aboard the ill-fated flight. There were Korean, Chinese, Japanese, Canadian, British, Australian, and American civilians on the aircraft, including a Member of the U.S. House of Representatives. In total, citizens of 13 countries were on board KAL flight 007. There were men, women, children, and infants on the flight. But they unwittingly trespassed, they were hunted, and they were, as the Soviet pilot reported, "destroyed." Two hundred sixty-nine human beings, Mr. President. Their lives were snuffed out because the aircraft on which they were traveling inadvertantly crossed into a land of paranoia, a land of lies, a land of brutality. The world has learned again that the Soviets are indeed capable of descending to the unfathomable depths of abominable behavior.

We have also learned much about the Soviets as a result of this dastardly action, Mr. President. We have learned that the Soviet Foreign Minister considers his country's borders "sacred"—obviously more sacred than human lives. We have learned that the Soviets, when confronted by the specific and damning evidence of their guilt, are capable of fanciful prevarication which, one must assume, even they do not believe. Mr. President, we have learned that the Soviets are ca-

pable of taking the most criminal, wanton act and compounding it by attempts to show that they are not responsible for the act.

Throughout these past days, since the night of August 31, the U.S. Government has reacted with remarkable restraint. Rather than responding to this violence with more violence, we and our allies have effected strong, but measured actions designed to express our horror at this act and to elicit appropriate response from the Soviets. President Reagan, in his address to the Nation and the world on September 5, presented indisputable proof of the Soviet guilt and announced the intentions of the United States. Our representatives to the United Nations presented to that body's Security Council the voices and the transcripts of the Russian pilots as they deliberately shot down the unarmed passenger jet. And our Secretary of State met with the Soviet Foreign Minister head on, for the specific purpose of demanding full inquiry and publication of the facts of the terrible event.

But the actions proposed and taken thus far have been necessarily limited in their scope. The United States is but one of 13 directly injured nations and but one of scores of offended nations. We cannot act unilaterally. We cannot effectively curtail the transfer of high technology to the Soviets if our allies continue in a business-as-usual manner.

There are, however, some actions which we can take: I have already initiated a drive to raise funds for the families of the American citizens who were executed by the Soviet missile. This fund—the Soviet Massacre Victims Assistance Fund—will provide immediate financial support for those families who have sustained a sudden, terrible loss as a result of this brutal attack.

As a member of the Commission on Security and Cooperation in Europe, popularly known as the Helsinki Commission, I have called for a special meeting of the U.S. commission members to investigate and bring to light all pertinent facts regarding this gross violation of human rights by the Soviets. I believe that this bipartisan congressional group can do much to insure that the details of the horrible event are fully exposed, and can identify measures which we can take to prevent its recurrence. Also, as a member of the Banking Committee I have initiated serious study of measures which would place stringent controls and limitations on Soviet and other Warsaw Pact nations' credit dealings with the West. At present, those countries owe Western governments and private banks roughly $86.4 billion for loans of all sorts. Direct U.S. Government control of the debts to the United States, coupled with prohibitions on further loans and comparable actions by our allies, could give us a potent weapon with wide flexibility in dealing with the Soviet Union.

Those actions which we have taken, and those which have been taken by other countries of the world, were met first with total denials, and now with fantastic allegations of United States involvement in the Soviet crime. It is only fortunate, Mr. President, that the world is not as stupid as the Soviets appear to think we are. The crude lies and improbable explanations offered by the Soviets have been rejected by the world as transparent fabrications. Their insulting rhetoric, in which the United States is condemned as responsible for a Soviet barbaric attack, has been almost universally dismissed—even by many countries virtually controlled by the Soviet Union. One need only observe the unnatural, nearly total silence on the part of those who are usually the apologists for the Soviet Union, both in this country and abroad, to realize how abysmally their efforts to shift the blame have failed. And their paranoia-tinged rationalization for shooting down an unarmed commercial aircraft has evoked horrified reaction world-wide.

Mr. President, at this point I would like to enter into the RECORD an editorial which appeared in the September 2, 1983, editions of the New York Post. Entitled "Murder in the Skies: a Lesson in Outrage," it succinctly summarizes the initial reaction to the civilized world on hearing of this terrible event.

The resolution before us today, Mr. President, expresses our horror and concern to the world in the wake of this tragic crime. We must speak out, we must join the other world powers, in the total and absolute condemnation of this terrible massacre by the Soviet Union. To do any less would be a dereliction of our duty, and an ignominous comment on this horrible, deliberate act of barbarism.

The editorial follows:

[From the New York Post, Sept. 2, 1983]

MURDER IN THE SKIES: A LESSON IN OUTRAGE

The barbaric, inhuman and totally inexcusable Soviet action in shooting down the Korean Air Lines jumbo jet with a loss of 269 people puts a clear perspective on how we should see our relations with the Soviet Union.

The interception was calculated and the decision to fire on the airline was nothing less than an act of international mass murder in the skies.

It is no excuse that the Russians are paranoid about air space near their military bases. They are paranoid about their entire territory and paranoid, too, even about the territory of countries they have seized.

The Korean plane may well have strayed off course. So what?

So do many aircraft. So do Soviet planes operating out of Cuban bases along our Eastern Seaboard. They are not shot down. They are escorted away—as are Cuban airliners which violate U.S. airspace over New York on flights to Canada.

This was no accident. This was a deliberate act committed after ample opportunity was available for consultation with the highest Soviet authorities.

The northern Pacific route into and out of Korea and Japan is highly traveled. Pan Am, Japan Air Lines, Northwest Orient and many other carriers besides Korean Air Lines fly it daily.

Nor could there have been any possibility that the eight Soviet jet fighters which followed the KAL plane could have mistaken it for a hostile aircraft. They were on to it for two and a half hours. Plenty of time to have established that it was not an "enemy" bomber.

The Soviet SU-15 which finally shot it down had it within visual observation. Indeed, the Soviet pilot identified it as a 747 passenger airliner in his radio communications with his base when he asked for authority to fire.

There are extensive internally agreed procedures for identifying foreign aircraft which intrude air defense zones. The intercepting aircraft is required to fly up to a position in front of the foreign plane and rock its wings. In addition, it flashes its navigation and landing lights at irregular intervals—meaning, "You have been intercepted, follow me."

Apparently, none of the procedures were followed.

The Russians compound the inhumanity of their action by their response to the tragedy.

A brazen statement by Tass, the official news agency, proclaims that the "unidentified plane" did not have navigation lights, did not respond to queries and did not respond to signals and warnings.

Not a word of regret. Not the slightest attempt to explain the shooting or mitigate the horror. Indeed, the Soviet statement does not even concede that the Soviet fighter shot the plane down.

Instead, we are left to accept the unstated warning that Soviet territory is inviolate, that all who approach uninvited do so at the risk of their lives. Shoot first is the Soviet philosophy and we should remember it.

From all sides come expressions of outrage and protest. There is a surfeit of proposed counter measures.

What use is a renewed U.S. grain embargo if our allies are ready, as they were over the Soviet invasion of Afghanistan, to make up the cancelled orders? What use is a trade ban if our allies are ready, as they were following the Soviet-imposed suppression of freedom in Poland, to look the other way.

Even the U.S. decision to summon the Security Council and denounce the Soviet action before what is increasingly less possible to regard as the decent opinion of mankind will achieve little. The Soviet Union will vote whatever resolution is brought out of the eventual sordid compromise.

We are not impotent. The Soviet action is a timely confirmation of all that many have long known and too many have been ready or ignore or set aside.

In the Soviet Union of Yuri Andropov, no less than of Brezhnev or of Khruschev and Stalin before them, nothing has changed. They still build walls around themselves—in the sky as much as through Berlin. They still blow up people without warning—in the open skies as much as they do when the innocent seek to cross their territory.

The Soviets do not respect international law. At a time when there are intense pressures to lower our defenses, renew cultural and scientific agreements and enter a binding arms control agreement, we should remember yesterday—and act accordingly.●

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, the minority leader, I believe, will be here shortly, but let me make preparations for the session tomorrow. To begin with, I think it is not likely now that we can complete our work on the compromise version of the Radio Marti bill in time to complete action on it this evening. I am fairly sure we will be able to do that tomorrow, and I hope we will be able to do it promptly.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not more than 10 minutes in length in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the expiration of the time for the transaction of routine morning business on tomorrow, the Radio Marti bill will recur as the unfinished business. As I indicated earlier, I hope and expect that that measure can be worked out and taken to final passage soon after we return to the consideration of that measure.

Mr. President, it is entirely possible that the Senate will be asked to recess at some point during the morning for a special briefing. I will not take up that matter until tomorrow. However, Senators have been notified by the hotlines, I believe, in both cloakrooms that there will be a briefing by the Secretary of State in S. 407 tomorrow beginning at 10:30 a.m., and that briefing will be for Members only with no staff.

ORDER FOR RECESS FROM NOON TO 2 P.M. TOMORROW

Mr. BAKER. Mr. President, tomorrow is Tuesday. The Members on both sides of the aisle have the usual weekly requirement for a caucus on that day between the hours of 12 noon and 2 p.m. I ask unanimous consent that the Senate stand in recess tomorrow between the hours of 12 noon and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, let me reiterate that I hope we can finish the Radio Marti bill in very short order tomorrow, because it would be the hope of the leadership that we can reach the Department of Defense authorization conference report tomorrow afternoon at 2 p.m. when the Senate resumes its session after the recess for the two-party caucuses. That is a privileged matter, and I understand there are no items in disagreement to accompany the conference report.

It is hoped that we can dispose of the conference report in fairly short order, but in any event Senators should be on notice that the leadership on this side presently intends to ask the Senate to turn to the construction of the DOD authorization conference report when we resume the session after the recess from noon to 2 p.m.

DEATH OF REPRESENTATIVE LAWRENCE P. McDONALD OF GEORGIA

Mr. BYRD. Mr. President, on behalf of Mr. BAKER, Mr. NUNN, Mr. MATTINGLY, and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Senate Resolution 212, relative to the death of the Honorable Lawrence P. McDonald of Georgia.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Lawrence P. McDonald, late a Representative from the State of Georgia.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 212) was unanimously agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further business to transact today. I inquire of the minority leader if he has any other matter he wishes to address to the Senate.

SENATOR INOUYE NAMED AS ADVISER TO NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

Mr. BYRD. Mr. President, it will be my intention to write to the President of the United States today to indicate to him my selection of the distinguished senior Senator from Hawaii, Mr. DANIEL INOUYE, to fill the vacancy left by the death of the late Senator HENRY M. JACKSON on the advisory group to the National Bipartisan Commission on Central America. I will supply the majority leader as well as Mr. INOUYE with a copy of that letter.

I make this announcement for the RECORD.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition.

I move, in accordance with the previous order, and pursuant to the provisions of Senate Resolution 209 and Senate Resolution 212, as a further mark of respect to the memory of the deceased HENRY M. JACKSON, late a Senator from the State of Washington, and the deceased LAWRENCE P. McDONALD, late a Representative from the State of Georgia, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 5:22 p.m. the Senate recessed until tomorrow, Tuesday, September 13, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate, August 15, 1983, under authority of the order of the Senate of August 4, 1983:

DEPARTMENT OF TRANSPORTATION

Matthew V. Scocozza, of Tennessee, to be an Assistant Secretary of Transportation, vice Judith T. Connor, resigned.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5150, to be Chief of Naval Research for a term of 3 years

To be chief of naval research

Rear Adm. John B. Mooney, Jr., xxx-xx-xx... xxx-.../1120, U.S. Navy.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be major

Abbott, James E., xxx-xx-xxxx
Abbott, Steven L., xxx-xx-xxxx
Abrams, Jerry D., xxx-xx-xxxx
Aceto, Richard A., xxx-xx-xxxx

Acklin, James T., xxx-xx-xxxx
Adams, Catherine M., xxx-xx-xxxx
Adams, John R., xxx-xx-xxxx
Addison, Leonard B., xxx-xx-xxxx
Adriance, Gary R., xxx-xx-xxxx
Agee, David A., xxx-xx-xxxx
Agosto, Jose R., xxx-xx-xxxx
Ahlberg, Ted M., xxx-xx-xxxx
Ainslie, Gregory L., xxx-xx-xxxx
Airman, William D., xxx-xx-xxxx
Ajas, Hiroshi, xxx-xx-xxxx
Akana, Chang K., xxx-xx-xxxx
Albani, Orlando J., Jr., xxx-xx-xxxx
Albers, Alan K., xxx-xx-xxxx
Albert, Cecilia C., xxx-xx-xxxx
Albin, Timothy S., xxx-xx-xxxx
Albrecht, Franklin J., xxx-xx-xxxx
Alcaparras, Robert J., xxx-xx-xxxx
Alderman, Stephen D., xxx-xx-xxxx
Aldwell, Anthony A., xxx-xx-xxxx
Alexander, Gilbert D., Jr., xxx-xx-xxxx
Alexander, Glen B., xxx-xx-xxxx
Alexander, Richard S., xxx-xx-xxxx
Alfieri, Victor., xxx-xx-xxxx
Alford, Dennis L., xxx-xx-xxxx
Alfson, Daniel P., xxx-xx-xxxx
Allen, Craig E., xxx-xx-xxxx
Allen, Francis C., xxx-xx-xxxx
Allen, Jimmy R., xxx-xx-xxxx
Allen, Lawrence L., xxx-xx-xxxx
Allen, Ralph E., xxx-xx-xxxx
Allen, Scott C., xxx-xx-xxxx
Allenback, Albert A., Jr., xxx-xx-xxxx
Allison, Steven R., xxx-xx-xxxx
Alsop, James A., xxx-xx-xxxx
Alten, Susan E., xxx-xx-xxxx
Alvis, Joe W., xxx-xx-xxxx
Ama, Bron T., xxx-xx-xxxx
Amelung, Martin D., xxx-xx-xxxx
Amend, James B., xxx-xx-xxxx
Amrhein, Paul G., xxx-xx-xxxx
Anderson, Barbara B., xxx-xx-xxxx
Anderson, Carl E., xxx-xx-xxxx
Anderson, Eric A., xxx-xx-xxxx
Anderson, Erik C., xxx-xx-xxxx
Anderson, Ronald A., xxx-xx-xxxx
Anderson, Ronald N., xxx-xx-xxxx
Anderson, Tommy S., xxx-xx-xxxx
Andre, Jon T., xxx-xx-xxxx
Andrew, Dennis A., xxx-xx-xxxx
Andrew, Thomas L., xxx-xx-xxxx
Andrews, Ildiko E., xxx-xx-xxxx
Andrews, Robert L., Jr., xxx-xx-xxxx
Andrews, Thomas R., xxx-xx-xxxx
Angelico, James V., xxx-xx-xxxx
Antenen, James L., xxx-xx-xxxx
Apollonio, Thomas P., xxx-xx-xxxx
Apon, Andrew J., xxx-xx-xxxx
Appelhans, James T., xxx-xx-xxxx
Arafiles, Virgilio P., xxx-xx-xxxx
Arce, Martin F., xxx-xx-xxxx
Archibald, Richard C., xxx-xx-xxxx
Arnold, Richard W., xxx-xx-xxxx
Arnold, Walter A., xxx-xx-xxxx
Asbury, Edward T., Jr., xxx-xx-xxxx
Ash, Roy D., xxx-xx-xxxx
Ashcraft, John B., xxx-xx-xxxx
Ashley, Edward M., Jr., xxx-xx-xxxx
Ashton, Caleb B., xxx-xx-xxxx
Ashworth, Jeffrey C., xxx-xx-xxxx
Aslakson, Thomas L., xxx-xx-xxxx
Atherton, Michael J., xxx-xx-xxxx
Atkins, Scott T., xxx-xx-xxxx
Aubele, James F., xxx-xx-xxxx
Auerswald, Dennis K., xxx-xx-xxxx
Austin, Dennis L., xxx-xx-xxxx
Avary, Harold T., xxx-xx-xxxx
Axelrod, Barry, xxx-xx-xxxx
Ayers, Freddie A., xxx-xx-xxxx
Babler, Jerry L., xxx-xx-xxxx
Babson, Thomas F., xxx-xx-xxxx
Bach, George L., xxx-xx-xxxx
Bach, Michael, xxx-xx-xxxx
Badolato, Anthony G., Jr., xxx-xx-xxxx
Badurek, Darrell J., xxx-xx-xxxx
Baggett, Larry K., xxx-xx-xxxx
Bailey, Jack L., Jr., xxx-xx-xxxx
Bailey, James D., xxx-xx-xxxx
Bailey, Ricky L., xxx-xx-xxxx
Bailey, Stanley D., xxx-xx-xxxx
Bailey, Wade H., Jr., xxx-xx-xxxx
Baird, Danny J., xxx-xx-xxxx
Baird, Richard R., xxx-xx-xxxx
Baker, Christopher J., xxx-xx-xxxx
Baker, Graig M., xxx-xx-xxxx
Baker, Curtis A., xxx-xx-xxxx
Baker, Dean L., xxx-xx-xxxx
Baker, James R., xxx-xx-xxxx
Baker, Richard J., xxx-xx-xxxx
Baker, Roosevelt, Jr., xxx-xx-xxxx
Baker, Stanley L., xxx-xx-xxxx
Baker, Terry L., xxx-xx-xxxx
Ball, Jo Ann., xxx-xx-xxxx
Ball, Ted M., xxx-xx-xxxx
Ballanco, Edward M., xxx-xx-xxxx
Ballantine, Terry R., xxx-xx-xxxx
Ballantyne, Gene A., Jr., xxx-xx-xxxx
Balogh, Michael J., xxx-xx-xxxx
Baltz, Robert F., xxx-xx-xxxx
Balzli, Peter J., xxx-xx-xxxx
Banghart, George R., xxx-xx-xxxx
Bankey, Daniel E., xxx-xx-xxxx
Barbee, Leonard F., xxx-xx-xxxx
Bareither, Van A., xxx-xx-xxxx
Barger, Phillip O., xxx-xx-xxxx
Barker, Bruce E., xxx-xx-xxxx
Barksdale, Barry W., xxx-xx-xxxx
Barlow, Robert J., Jr., xxx-xx-xxxx
Barnard, Benjamin H., xxx-xx-xxxx
Barnes, James H., Jr., xxx-xx-xxxx
Barnes, Randall T., xxx-xx-xxxx
Barnett, Jeffery R., xxx-xx-xxxx
Barnoski, John J., xxx-xx-xxxx
Barr, Thomas L., xxx-xx-xxxx
Barranti, John C., xxx-xx-xxxx
Barrett, Charles W., Jr., xxx-xx-xxxx
Barrett, Guy K., xxx-xx-xxxx
Barrier, Richard D., xxx-xx-xxxx
Barris, Bernard C., xxx-xx-xxxx
Barrow, Robert J., xxx-xx-xxxx
Barry, John L., xxx-xx-xxxx
Barthel, Richard L., xxx-xx-xxxx
Bartley, Barbara A., xxx-xx-xxxx
Bartol, Thomas J., xxx-xx-xxxx
Barton, Eugene F., xxx-xx-xxxx
Barton, Raymond O., III., xxx-xx-xxxx
Bass, James M., xxx-xx-xxxx
Bass, Keith A., xxx-xx-xxxx
Bass, Thomas L., xxx-xx-xxxx
Bate, Stephen A., xxx-xx-xxxx
Bates, Leonard C., xxx-xx-xxxx
Bates, Leonard H., xxx-xx-xxxx
Battista, Thomas R., xxx-xx-xxxx
Bauman, Robert H., xxx-xx-xxxx
Baumgartel, Gary P., xxx-xx-xxxx
Baxter, Gary D., xxx-xx-xxxx
Beal, Earl R., xxx-xx-xxxx
Beaman, Robert E., xxx-xx-xxxx
Bean, David M., xxx-xx-xxxx
Beasley, Everett L., Jr., xxx-xx-xxxx
Beck, Roger A., xxx-xx-xxxx
Beck, William C., II, xxx-xx-xxxx
Becker, Harold L., Jr., xxx-xx-xxxx
Beckett, Edward J., xxx-xx-xxxx
Bedzyk, William L., xxx-xx-xxxx
Beechel, William R., xxx-xx-xxxx
Beermann, Robert R., xxx-xx-xxxx
Beesley, Jon S., xxx-xx-xxxx
Beesley, Ronald L., xxx-xx-xxxx
Belche, Donald E., xxx-xx-xxxx
Belie, Robert G., xxx-xx-xxxx
Belk, Ronald E., xxx-xx-xxxx
Bell, David G., xxx-xx-xxxx
Bell, David M., xxx-xx-xxxx
Bellabona, Joseph A., xxx-xx-xxxx
Belle, Donald G., xxx-xx-xxxx
Bender, Duane E., Jr., xxx-xx-xxxx
Bendure, Alva E., III, xxx-xx-xxxx
Bennett, Bruce A., xxx-xx-xxxx
Bennett, Douglas L., xxx-xx-xxxx
Bennett, Keith A., xxx-xx-xxxx
Bennett, Ross E., xxx-xx-xxxx
Bentsen, David C., xxx-xx-xxxx
Berendt, Steven E., xxx-xx-xxxx
Beres, Thomas M., xxx-xx-xxxx
Berg, Alan E., xxx-xx-xxxx
Bergam, Thomas E., xxx-xx-xxxx
Bergdoll, Robert G., xxx-xx-xxxx
Berlin, Rodney J., xxx-xx-xxxx
Berry, Robert L., xxx-xx-xxxx
Bessel, Robert P., Jr., xxx-xx-xxxx
Bessette, Gerald R., xxx-xx-xxxx
Best, Eugene S., xxx-xx-xxxx
Bethart, Thomas H., xxx-xx-xxxx
Betz, Calvin T., xxx-xx-xxxx
Biancalana, Martin J., xxx-xx-xxxx
Bibby, Thomas M., xxx-xx-xxxx
Bielski, James L., xxx-xx-xxxx
Bierck, William J., Jr., xxx-xx-xxxx
Binn, Brian A., xxx-xx-xxxx
Birkhimer, John D., xxx-xx-xxxx
Bittlinger, Harry F., Jr., xxx-xx-xxxx
Bizub, Andrew Jr., xxx-xx-xxxx
Bizzell, James W., xxx-xx-xxxx
Bjork, James R., xxx-xx-xxxx
Black, Arthur N., xxx-xx-xxxx
Black, James O., xxx-xx-xxxx
Black, Robert H., xxx-xx-xxxx
Black, Roie R., xxx-xx-xxxx
Blackwell, Larry W., Sr., xxx-xx-xxxx
Blank, Gary F., xxx-xx-xxxx
Bledsoe, Jim A., xxx-xx-xxxx
Bley, William R., xxx-xx-xxxx
Blocher, William K., xxx-xx-xxxx
Block, Leroy A., xxx-xx-xxxx
Bloom, James P., xxx-xx-xxxx
Bloss, Ronald R., xxx-xx-xxxx
Blume, John E., Jr., xxx-xx-xxxx
Blyseth, Gordon L., xxx-xx-xxxx
Bock, Larry K., xxx-xx-xxxx
Boden, Daryl G., xxx-xx-xxxx
Boeck, John T., Jr., xxx-xx-xxxx
Boehm, Thomas T., xxx-xx-xxxx
Boehmer, Steven C., xxx-xx-xxxx
Bogdanski, Vincent A., xxx-xx-xxxx
Boggs, Dwight R., xxx-xx-xxxx
Boggs, John A., xxx-xx-xxxx
Bohlin, Howard R., xxx-xx-xxxx
Boles, Lyman M., xxx-xx-xxxx
Bolt, Russell T., xxx-xx-xxxx
Bombeck, Jeffrey L., xxx-xx-xxxx
Bombinski, Gregory G., xxx-xx-xxxx
Bone, James R., xxx-xx-xxxx
Bonewitz, Joel D., xxx-xx-xxxx
Bonnell, Richard A., xxx-xx-xxxx
Bonner, Alan L., xxx-xx-xxxx
Bonnett, George C., Jr., xxx-xx-xxxx
Booker, David L., xxx-xx-xxxx
Booker, Hollis E., xxx-xx-xxxx
Boone, Harold L., xxx-xx-xxxx
Boozer, John W., III., xxx-xx-xxxx
Borenstein, Richard D., xxx-xx-xxxx
Borgman, Marvin L., xxx-xx-xxxx
Borkowski, Robert A., xxx-xx-xxxx
Borysewicz, Michael D., xxx-xx-xxxx
Bosi, Louis E., xxx-xx-xxxx
Bossen, Dennis A., xxx-xx-xxxx
Bost, Barry F., xxx-xx-xxxx
Both, Donald M., xxx-xx-xxxx
Botts, Douglas L., xxx-xx-xxxx
Boudreau, Robert N., xxx-xx-xxxx
Bourret, Gary M., xxx-xx-xxxx
Boutin, Donald R., xxx-xx-xxxx
Bowen, Charles A., xxx-xx-xxxx
Bowen, Clayton P., xxx-xx-xxxx
Bowes, Daniel J., xxx-xx-xxxx
Bowlin, William F., xxx-xx-xxxx
Bowman, David M., xxx-xx-xxxx
Bowman, Margaret A., xxx-xx-xxxx
Bowman, Robert L., Jr., xxx-xx-xxxx
Bowman, Ronald L., xxx-xx-xxxx
Boyd, Anne W., xxx-xx-xxxx

Boyd, Harold S., xxx-xx-xxxx
Boyd, Thomas J., xxx-xx-xxxx
Boylan, Gary D., xxx-xx-xxxx
Boyle, David R., xxx-xx-xxxx
Boyle, Walter F., xxx-xx-xxxx
Boyles, Harrell W., xxx-xx-xxxx
Bozoukoff, Michael J., xxx-xx-xxxx
Brader, Thomas G., xxx-xx-xxxx
Bradford, David G., xxx-xx-xxxx
Bradie, Ross L., xxx-xx-xxxx
Bradley, Paul B., xxx-xx-xxxx
Bradshaw, Steven M., xxx-xx-xxxx
Brady, Thomas P., xxx-xx-xxxx
Branch, Milton E., Jr., xxx-xx-xxxx
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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, provided that in no case shall any of the following officers be appointed in a grade higher than major.

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Christian, William C., xxx-xx-xxxx
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Quinn, John L., xxx-xx-xxxx

Roberts, Alexander B., xxx-xx-xxxx

JUDGE ADVOCATES

Becker, Bruce W., xxx-xx-xxxx
Becker, Thomas G., xxx-xx-xxxx
Cruz Ayala, Victor L., xxx-xx-xxxx
Level, Randall L., xxx-xx-xxxx
Purdue, Alexander W., Jr., xxx-xx-xxxx
Swenson, Raymond T., xxx-xx-xxxx
Tidmore, Phillip G., xxx-xx-xxxx
Whitewolf, Edwin B., xxx-xx-xxxx

NURSE CORPS

Anderson, Vickie H., xxx-xx-xxxx
Banks, Ruth S., xxx-xx-xxxx
Best, Beverley A., xxx-xx-xxxx
Bishop, Claudia L., xxx-xx-xxxx
Bobo, Charles R., xxx-xx-xxxx
Bryner, Edgar E., xxx-xx-xxxx
Carter, Don J., xxx-xx-xxxx
Dessell, Marjorie L., xxx-xx-xxxx
Duffany, Lynn E., xxx-xx-xxxx
Eaton, Dennis M., xxx-xx-xxxx
Fisher, Wanda J., xxx-xx-xxxx
Flemmer, Elmer., xxx-xx-xxxx
Fordemwalt, Kathleen A., xxx-xx-xxxx
Gookins, Carl E., xxx-xx-xxxx
Haley, Alan B., xxx-xx-xxxx
Harvey, Susan L., xxx-xx-xxxx
Hawk, Barbara A., xxx-xx-xxxx
Hollister, Jane A., xxx-xx-xxxx
Kelly, Deborah M., xxx-xx-xxxx
Knuerr, Cathryn M., xxx-xx-xxxx
Lee, Carolyn D., xxx-xx-xxxx
Marin, John S., xxx-xx-xxxx
Marquardt, Dennis C., xxx-xx-xxxx
McMillen, Larry S., xxx-xx-xxxx
Medigovich, Stephanie S., xxx-xx-xxxx
Mitchell, Marilee A., xxx-xx-xxxx
Newport, Douglas R., xxx-xx-xxxx
Ponds, James E., xxx-xx-xxxx
Rivenbark, Rebecca J., xxx-xx-xxxx
Roberts, James B., xxx-xx-xxxx
Schwenke, Sandra J., xxx-xx-xxxx
Sherrer, Cheryl B., xxx-xx-xxxx
Smith, Patricia H., xxx-xx-xxxx
Smith, Shirley A., xxx-xx-xxxx
Starks, Doris M., xxx-xx-xxxx
Tarley, Martha L., xxx-xx-xxxx
Taylor, Calvin R., xxx-xx-xxxx
Thomas, Phyllis E., xxx-xx-xxxx
Tudor, Leona M., xxx-xx-xxxx
Vasilo, Claudine M., xxx-xx-xxxx
Vellucci, Gayle M., xxx-xx-xxxx
Watkins, Katherine M., xxx-xx-xxxx
White, Janet A., xxx-xx-xxxx
Zimpher, Sharon K., xxx-xx-xxxx
Ziobro, Elizabeth M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Ansell, Kenneth A., xxx-xx-xxxx
Behrens, John S., xxx-xx-xxxx
Benedetto Ramon L., xxx-xx-xxxx
Cox, James K., Jr., xxx-xx-xxxx
Eslick Thomas J., xxx-xx-xxxx
Gaddis John R., xxx-xx-xxxx
Haas Richard A., xxx-xx-xxxx
Hacker John J., xxx-xx-xxxx
Jensen Denmark L., xxx-xx-xxxx
Kearns Wallace D., xxx-xx-xxxx
Keeling Claude E., xxx-xx-xxxx
Lee Daniel G., xxx-xx-xxxx
Marmish John E., Jr., xxx-xx-xxxx
Medbourn James W., xxx-xx-xxxx
Pease Ann M., xxx-xx-xxxx
Pool Christopher J., xxx-xx-xxxx
Sparks Robert L., xxx-xx-xxxx
Venus Raymond S., xxx-xx-xxxx
Weaver Gary J., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Berger James J., xxx-xx-xxxx
Berridge Terry R., xxx-xx-xxxx
Clegg John M., Jr., xxx-xx-xxxx
Curton Eric D., xxx-xx-xxxx
Ellis, John C., II, xxx-xx-xxxx
Gerwell Edwin L., xxx-xx-xxxx
Greenwood Gerald E., xxx-xx-xxxx
Hight Robert N., xxx-xx-xxxx
Joyce John xxx-xx-xxxx
Lehman Jay W., xxx-xx-xxxx
Locke Kenny D., xxx-xx-xxxx
Martin Joseph E., Jr., xxx-xx-xxxx
Morgan Jesse D. S., Jr., xxx-xx-xxxx
Padgett Richard E., xxx-xx-xxxx
Rein Robert E., xxx-xx-xxxx
Turner Donna I., xxx-xx-xxxx
Watkins Charles A., III, xxx-xx-xxxx
Wilkins, Raymond D., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

To be major

Barfoot, Van T., Jr., xxx-xx-xxxx
Dudzenski, John M., xxx-xx-xxxx
Munson, Charles A., xxx-xx-xxxx
Patterson, Donald B., xxx-xx-xxxx
Ruszkowski, Robert R., xxx-xx-xxxx
Van Dongen, Charles M., xxx-xx-xxxx

JUDGE ADVOCATE GENERAL'S CORPS

To be major

Shaffer, Deon K., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Westhuis, David J., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366, 3367, and 3370:

ARMY PROMOTION LIST

To be colonel

Bishop, Ralph L., xxx-xx-xxxx
Sullivan, John D., xxx-xx-xxxx
Woolf, Donald R., xxx-xx-xxxx

To be lieutenant colonel

Butler, James F., xxx-xx-xxxx
Collier, Frederick, xxx-xx-xxxx
Deruosi, James R., xxx-xx-xxxx
Dieal, William J., xxx-xx-xxxx
Germani, Joseph A., xxx-xx-xxxx
Girardi, Alfred C., xxx-xx-xxxx
Jessup, Harold G., xxx-xx-xxxx
Koeltzow, Edgar A., xxx-xx-xxxx
Krenk, Leonard E., xxx-xx-xxxx
Mangum, John W., xxx-xx-xxxx
McGarry, Edward T., xxx-xx-xxxx
McKenney, Robert F., xxx-xx-xxxx
McNulty, Frederick, xxx-xx-xxxx
Perez, Luis A., xxx-xx-xxxx
Powell, John A., xxx-xx-xxxx
Reynolds, William E., xxx-xx-xxxx
Smith, Stanley L., xxx-xx-xxxx
Spencer, Dwight C., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Cole, Calvin H., xxx-xx-xxxx
Graham, Kenneth J., xxx-xx-xxxx
Moore, Edward N., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

To be colonel

Block, George E., xxx-xx-xxxx
Boccuti, Anthony R., xxx-xx-xxxx
Gilliland, Paul F., xxx-xx-xxxx
Mavor, Huntington, xxx-xx-xxxx
Ringler, Harold L., xxx-xx-xxxx
Shafer, Nathaniel, xxx-xx-xxxx
Sugarman, Edward O., xxx-xx-xxxx

To be lieutenant colonel

Arrington, Thomas H., xxx-xx-xxxx
Balin, Howard, xxx-xx-xxxx
Cage, John M., xxx-xx-xxxx
Clarendon, Colin C., xxx-xx-xxxx
Frank, Richard D., xxx-xx-xxxx
Frazier, Dean W., xxx-xx-xxxx
Lynfield, Yelva L., xxx-xx-xxxx
Mogilner, Leonard J., xxx-xx-xxxx
Nolen, Thirwell M., xxx-xx-xxxx
Orlet, Hermann K., xxx-xx-xxxx
Pang, Emily, xxx-xx-xxxx
Peterson, Robert H., xxx-xx-xxxx
Petrick, Thomas J., xxx-xx-xxxx
Rodil, Jesus V., xxx-xx-xxxx
Rosen, Peter, xxx-xx-xxxx
Schmitt, Henry J., xxx-xx-xxxx
Stein, Martin F., xxx-xx-xxxx
Suarez, Luis Maria, xxx-xx-xxxx
Watson, Jerry F., xxx-xx-xxxx

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Blanchard, Warren L., xxx-xx-xxxx
Bryant, Douglas R., xxx-xx-xxxx
Durfee, William F., xxx-xx-xxxx
Finn, Martin J., xxx-xx-xxxx
Frank, Karl M., xxx-xx-xxxx
Holeman, Herbert P., xxx-xx-xxxx
Kallenbach, Richard, xxx-xx-xxxx
Kehr, Teddy W., xxx-xx-xxxx
Kopp, Thomas E., xxx-xx-xxxx
Lane, Edgar E., xxx-xx-xxxx
Lemieux, Raymond J., xxx-xx-xxxx
McGuire, Daniel M., xxx-xx-xxxx
Means, Francis H., xxx-xx-xxxx
Morgan, Robert A., xxx-xx-xxxx
Norton, Gary J., xxx-xx-xxxx
Peoples, Kerney A., xxx-xx-xxxx
Ryan, Paul T., xxx-xx-xxxx
Spadorcia, Anthony, xxx-xx-xxxx
Stewart, William F., xxx-xx-xxxx
Tays, Tommy D., xxx-xx-xxxx
Van Fleet, Frank C., xxx-xx-xxxx
Webb, Rodney S., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Burgess, Clyde A., xxx-xx-xxxx
Hester, John E., III, xxx-xx-xxxx
Miller, Percy L., xxx-xx-xxxx
Mowad, George B., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Philbrick, John C., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Allen, Gary R., xxx-xx-xxxx
Anderson, Thomas A., xxx-xx-xxxx
Arey, Stephen E., xxx-xx-xxxx
Bannon, George A., xxx-xx-xxxx
Brown, Stanley W., xxx-xx-xxxx
Carlson, Terrance J., xxx-xx-xxxx
Catalano, Frank A., xxx-xx-xxxx
Crawford, Robert F., xxx-xx-xxxx
Desande, Terry A., xxx-xx-xxxx
Donahue, Michael J., xxx-xx-xxxx
Eshee, William D., xxx-xx-xxxx
Frattini, Carl P., xxx-xx-xxxx
Fuller, James J., xxx-xx-xxxx
Harris, Lewis D., xxx-xx-xxxx
Hays, John A., xxx-xx-xxxx
Hughes, John R., Jr., xxx-xx-xxxx
Hummel, Gerald F., xxx-xx-xxxx
Iannantuono, Gary J., xxx-xx-xxxx
Ingram, Garvin J., xxx-xx-xxxx

Jessup, Harold G., xxx-xx-xxxx
Kingsley, John C., xxx-xx-xxxx
Lightcap, Ronald W., xxx-xx-xxxx
Lipsmeyer, Philip A., xxx-xx-xxxx
McElwain, Thomas O., xxx-xx-xxxx
Maroney, Timothy P., xxx-xx-xxxx
Marston, James T., xxx-xx-xxxx
Mead, Richard B., xxx-xx-xxxx
Mooney, Richard R., xxx-xx-xxxx
Nabors, Charles E., xxx-xx-xxxx
Read, Raymond K., xxx-xx-xxxx
Robb, Nathaniel H., xxx-xx-xxxx
Schwartz, Ronald B., xxx-xx-xxxx
Torres-Colon, Victor, xxx-xx-xxxx
Walsh, John F., Jr., xxx-xx-xxxx
Webb, Bobby G., xxx-xx-xxxx
Wynns, William E., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Gentry, Shirley L., xxx-xx-xxxx
Yates, Charlotte R., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Neel, Timothy E., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Barnes, Arthur D., xxx-xx-xxxx
Newell, Ronald B., xxx-xx-xxxx
O'Carroll, John, xxx-xx-xxxx
Owens, Dennis P., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Good, Robert E., xxx-xx-xxxx

IN THE NAVY

The following-named lieutenants of the Staff Corps of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS (21XX)

Adams, Robert J.
Adkins, William E.
Alcock, Garland S.
Aletich, Victor A.
Alexander, Henry R.
Alexieva, Boiana T.
Allen, Julian E.
Alter, George J.
Alvarez, George G.
Amundson, Glenn M.
Andrich, Mary P.
Antonio, Joseph C.
Arildsen, Ronald C.
Augustine, Scott D.
Bacon, Martin E.
Baker, David A.
Bakersmith, Darla I.
Balagurchik, Laurie M.
Barber, William B., II
Barnett, Bryan O.
Barton, Matthew
Barttelbort, Scott W.
Bayles, Romaine B.
Bergeson, Lars
Berman, Jeffrey M.
Beville, Roger W.
Binks, Terrance A.
Bischoff, Timothy A.
Bohnker, Bruce K.
Boone, John L.
Borup, Jerrell L.
Bostick, Ben G.
Bouchard, Maurice L., Jr.
Bowden, Frank W., III
Brammer, Harry M., III
Brenza, Stephen J.
Brodie, Jeffrey H.
Brooke, Daniel C.
Brown, David E.
Brown, Keith W.
Bruce, Moira E.
Burge, William R.
Burger, Gerald A., Jr.
Burwasser, Barry L.
Butler, Steven A.
Caldwell, Madelene B.
Campbell, Joseph J.
Chaffod, Richard A. K.
Chambers, Michael E.
Chia, John K.
Chigurupati, Rao C.
Cilyo, Cynthia L.
Cintroncaraballo, M. A.
Clark, Jonathan B.
Clifford, Paul D.
Cobb, James M.
Conlon, Charles J.
Conrad, Kenneth A.
Cope, Gerry A.
Corbett, Steven C.
Corcoran, Christopher P.
Cote, Peter C.
Crane, John E.
Cranston, Raymond J.
Crooms, Jeffrey W.
Culver, Maurice M.
Curtis, Thomas B.
Duam, Michael G.
Davis, Susan R.
Delcastillo, Hector, Jr.
Devitt, Charles Kent
Dillon, Vincence F.
Dornblaser, Eric R.
Egan, Timothy J.
Eimermann, Daniel Allen
Epps, Lornetta Ruth T.
Essex, Charles Phillip
Evans, Theron, Jr.
Farber, Robert Steven
Faucett, Clyde J., Jr.
Faust, John M., Jr.
Fernholz, Frederic A.
Ferris, Daron Gale
Finnerty, James W.
Fleming, James Wesley
Floyd, Charles
Floyd, Joseph H., Jr.
Flynn, Gregory T.
Ford, Robert E.
Forde, Richard James
Fryberg, Eric Robert
Furr, Linda Jo
Galbo, Claudia Emmert
Gallagher, Janice M.
Gantt, Robert Marion
Garrison, Stephen F.
Gaumer, Ben F.
Giannandrea, Paul F.
Gibson, Kim Fricke
Gifford, Clark L.
Goldstein, Richard S.
Gonzalez, Michael S.
Grant, Joseph Martin Jr.
Grayson, Mitchell J.
Gross, Michael David
Gullickson, Gail M.
Gurney, Michael S.
Gutbezahl, Cary David
Hacker, Joseph F., III
Hackman, Bela B.
Hailey, Mark A.
Haller, John L.
Haney, Barry D.
Hansen, Mark Krogness
Hargraves, Ronald W.
Harlan, John W.
Harman, Kenneth R., Jr.
Harriman, Mark S.
Harrington, Robert H., Jr.
Harris, David J., Jr.
Hasty, Benjamin R., Jr.
Hayes, Williston S.
Hendron, Maureen E.
Herrington, William T.
Heyneker, Theodore J.
Hibler, John P.
Hinman, Charles R.
Hokanson, Carolyn Sue
Holland, Christopher S.
Holm, Richard P.
Holmgren, Judith Marie
Hooper, Dennis Glenn
Horner, Eileen
Houghland, David J.
Howard, Richard Karl
Hoyle, Kenneth Samuel
Huppmann, Joseph F.
Hurt, David Langkop
Hutchison, Jane White
Hyams, Kenneth Craig
Hyder, Jace W.
Iiams, Gordon John
Irene, Richard T.
Jeffries, Richard R.
Jenkins, Rosemary
Jennette, John A.
Jennings, John L., Jr.
Johnson, David Allan
Johnson, Kathryn Lee
Johnson, Robert Allen
Juer, Robert C.
June, Carl Howard
Kahler, David Edward
Kaminsky, Steven John
Karvelis, Kastytis C.
Keating, John L.
Keenan, Owen Bernard
Keenen, Timothy L.
Keith, Julian F., II
Keller, Terry James
Kelley, William Arthur
Kennedy, Gerard D.
Kern, Robert Louis
Keyes, John J., III
Kezlarian, Jeffrey A.
Kirshenbaum, Arnold S.
Knepp, Ira Gail
Kosmo, Michael A.
Kosty, Michael P.
Krebs, Jeffrey J.
Krook, Linda Susan
Kulterman, Thomas Ray
Langston, Jerome
Leach, John Sheldon
Leatherwood, James L.
Leavell, John T.
Lee, Dennis J.
Lee, Douglas D.
Lee, Keith J.
Lees, Joel Ardell
Lehman, Gary G.
Leidich, Barbara P.
Lenhardt, Terence M.
Linstadt, David E.
Loch, James Robert
Longstreet, Michael I.
Luebbert, Marilyn M.
Lynch, Edward M.
Lyon, Kent Jackson
Lyon, Thomas H., Jr.
Macomber, Donald, III
Macri, Charles J.
Maguire, Frank E., Jr.
Maitz, Carlos Antonio
Major, Steven D.
March, Lois R.
Marchand, Gregory
Markle, Janet Tabb.
Marshall, Thomas J., Jr.
Martin, Ruth Carol
Martinez, Fernando J., Jr.
Massey, Gloria S.
Match, Joel Wayne
Mayer, David R.
McCune, Todd W.
McDevitt, Edward R.
McGue, Thomas E.
McGuire, Robert A., Jr.
McGurty, John Aloysius
McKown, William D.
McMahon, Patricia M.
Menestrina, Larry E.
Miller, Michael S.
Miller, Thomas A.
Miller, William F.
Mineart, Stephen M.
Misas, Jose Enrique
Mitchell, Benjamin S.
Mitchell, Daniel F.
Monteropearson, Per M.
Moon, James P.
Moyer, Donna Browder
Moyer, Frank Rabe
Murphy, Paul C.
Nagel, John Robert
Nelson, Robert Geoffrey
Newman, Nancy
Newman, Robert J.
Nicol, Mark Douglas
Noble, William H., III
Oakley, Robert R.
Ochsner, Mims G., Jr.
Oliver, Lawrence Gilmar
Oliver, Steve A.
O'Shaughnessy, Gary D.
Oswalt, Kenneth E.
Pagan, Jose Antonio
Pancake, Bruce D.
Parrish, David O'Neil
Pasternack, James J.
Patterson, Robert B.
Pearson, Don Ray, Jr.
Person, John Lester
Petersen, Sandra Rose
Pidkowicz, Joseph Kevin
Raczek, Stanley W.
Ramos, Raul Fausto C.
Ratcliff, David H.
Reed, Harrell L., II
Reeder, Harold B.
Reeves, David M.
Reynolds, Charles P.
Reynolds, Frank P.
Rhodes, Robin Lee
Ribera, Ernest F.
Richards, Theodore D.
Richer, Homer Eric
Richter, Henry James
Rigdon, Edward Eugene
Rigsby, Thomas W., Sr.
Ritchie, John Edward.
Roberts, William L.
Roberts, William M.
Rocconi, Paul M.
Rodriguez, Nicanor F.
Roemer, Kurt R.
Rogers, David B.
Roldan, Anselmo
Rork, Dennis G.
Ryan, Jimmy L.
Schacherer, Timothy G.
Schneider, Daniel S.
Schraut, Gary Ervin
Schwarz, Joseph M.
Scott, Lawrence E.
Seifert, William K.
Shannon, Kevin Mark
Shannon, Margaret M.
Sharpe, Victor V., III
Sherrod, Theresa T.
Shillinger, Sarah Edith
Sholes, Christopher W.
Shortridge, Terry W.
Shotwell, Joyce Merle
Simpson, Bernadette
Simpson, Charles Eugene
Sims, Brian D.
Small, Roy S.
Smith, Clyde R., III
Sneed, David L.
Spencer, Mark Edward
Stegemoller, Ralph W.
Stevenson, Dennis R.
Stobie, Paul E.
Stone, Coy Barton
Strand, Brian H.
Stull, Carol Grammer
Sutter, Larry Remigi
Swan, Robert J.
Szkotnicki, Michael S.
Tami, Thomas A.
Tate, Morris L., Jr.
Taylor, Eulon R.
Terhune, David W.
Terry, Mark A.
Tetzlaff, John E.
Thane, Michael William
Thomas, Richard Joseph
Thompson, Jeffery N.
Timtiman, Mercedita M.
Toth, William V.
Trobaugh, Anne Hord
Turner, George Maurice
Valdez, Michael R.
Vanness, Michael Moore
Vansteenwyk, Douglas K.
Wade, Robert Keath
Wales, Robert Alan
Walker, Michael L.
Walker, Thomas Richard
Way, Jeffrey D.
Whelan, Thomas V.

Whitten, Christine E.
Wilckens, John H.
Wilkerson, William C.
Wilkinson, John W.
Williams, Freeland L., II
Wilson, Joe E.
Wineinger, Mark A.
Wolf, Daniel E.
Wright, Elisabeth Nancy
Yarwood, Robert L.
Yelverton, Charles C.
Zech, Edward Raymond

SUPPLY CORPS (31XX)

To be lieutenant commander

Aldridge, Horace Raymond
Baldwin, James Patrick
Baumgarten, John Alan
Bland, Paul Marcum
Bodin, Kenneth Charles
Boyd, Richard Alan
Brown, Douglas Warren
Brown, Willie Alton
Bryant, Richard Alexander
Budd, William Vincent
Buselt, Edward Joseph
Buzzard, Lewis Christopher
Campbell, William Aloysius
Canigiani, Glenn
Carr, Stephen Mark
Cording, William Harold, Jr.
Coy, Curtis Lee
Cronin, Richard Raymond
Day, James Walton, Jr.
Dealy, David Michael
Defilippo, Jerry Silvio
Dove, John Luther, III
Doyle, John Robert
Drerup, John William, Jr.
Easton, Christopher John
Elliott, Patrick Alan
Farlin, John Dudley
Farris, Frederic Brian
Fienup, John Clinton
Foster, Philip Dubois
Geilenfeldt, Gary Gail
Gray, Richard David
Hammond, Robert
Harmer, Frank Thomas
Harp, Timothy James
Hayes, Paul Michael, Jr.
Hedges, Michael Weldon
Herrmann, Frank Arnold, Jr.
Huff, Kurt Randall
Jacobson, Lee
Johanson, Raymond Roger
Jung, Stephen Gerard
Kelly, John Peter
Kenney, Joseph William
Kline, Kim Frederick
Knaggs, Christopher Dennis
Knight, Cedric Leroy
Koupash, Douglas James
Lane, Franky
Lewis, James Lester
Long, Charles Stanley
Lovejoy, Michael Allen
Manley, Milo Shawn
Manno, Francis Anthony
McLean, Robert Michael
McNary, William S.
Montgomery, William Breton
Nanney, Robert Glynn
Newell, William Michael
Nostrant, Keith Raymond
Palo, Glen Robert
Park, Steven Alan
Prescott, Ernest Allen, Jr.
Rach, Daniel Edward
Rausch, David Leonard
Reynolds, James Milton
Richardson, Billy Joe
Riggins, Finis Garrett, Jr.
Sargent, William James
Schnittger, Paul
Schuberg, Richard Lamont
Skinner, Thomas Benson, Jr.
Sligh, Albert Benny, Jr.
Smith, Donald Frederick, Jr.
Sutton, Bobby Leon, Jr.
Thompson, Alan S.
Tison, Donald Carey
Torpey, James Maurice
Tusing, George Marshall, II
Vandeven, Roger Lee
Vargo, Jeanne Kay
Waterman, William Michael
Watkins, Gary Neal
Watson, Joe Donald, Jr.
Wentz, Roger Andrew
Whitehead, Vincent Stanley
Wight, Terry Eugene
Woelke, Jerry Allan
Zimmerman, Robert Grant

CHAPLAIN CORPS (41XX)

To be lieutenant commander

Apgar, Ronald M.
Archer, Fred Rockwell, Jr.
Bankhead, Edgar Spencer
Banks, Harold George
Bennett, William Thomas
Brown, Charles T.
Burley, Ray Canada, Sr.
Cagle, Edward Wade
Capers, Jimmie L.
Cooper, George Dennis
Creighton, Larry Keith
Ducci, Alex
Duncan, James C.
Filer, Carl William
Frazier, Calvin Eugene
Hall, Michael Terry
Hansen, Rodney H.
Hays, Franklin Ernest
Hickey, Eileen Louise
Jacobson, Richard Allen
Lamonde, Joseph Richard
Martin, Jimmy Harold
McCoy, Michael Lavon
McNabb, Jerry Elvin
Morita, Timothy Tadayoshi
Morris, Donald Archie, Sr.
Nickle, George Houston
Okielty, James Patrick
Panes, Roy Paloma
Price, Robert Alex
Prince, James Vernon
Scott, James Harold
Shamburger, Douglas M. A.
Sodano, Ralph Howard
Spilker, Kurt H.
Stanfield, Edwin Douglas
Teske, Paul N. E.
Theriot, Gene Paul
Thomas, Julius Alexander
Thompson, David Arne
Webb, John Allen
Weimer, Rae O.
Weis, John H., Jr.
White, Michael Killian

CIVIL ENGINEER CORPS (51XX)

To be lieutenant commander

Ayars, Arthur Douglas, Jr.
Barfield, Oliver Eakle, Jr.
Bell, Jimmie Alvin
Bertsche, Arnold Emery
Black, Don Christensen
Brubaker, Thomas Edward
Burns, Felix Robert
Carter, Bruce Ralph
Check, Peter Loewner
Dewey, Ronald Walter
Donofrio, John Louis
Duba, Stephen Charles
Fitzpatrick, Gary Michael
Fowler, Brad J.
Gross, Kevin Talmadge
Haan, Keith Raymond
Haines, George Freeman, III
Herndon, Everette L., Jr.
Huggins, James Douglas
Jacques, David Edouard
Jencks, Randall Craig
Johnson, Steven Wayne
Katzwinkel, Ernest Joseph
Knudson, Daniel Franklin, Jr.
Kucinski, John Michael
Liedke, Thomas Richard, Jr.
Lisse, Stephen Dennis
Lofaso, Joseph Michael
Loose, Michael Keith
Ludwig, Kurt James
Mason, Jerry Lee
McAfee, Richard John
McCarron, Brian James
McConnell, James Alexander J.
McLaughlin, Donald J., Jr.
Mehula, Joseph Allen, II
Neal, Benjamin Daniel
Olson, William Elmer
Ostag, William Peter
Pavlos, Charles G.
Phillips, Robert Luther
Pruett, David Dee
Rachko, Kenneth
Saunders, Mark Howard
Schwind, Herbert Lee, Jr.
Shankle, Kenneth Raymond
Sjodin, Kenneth Victor
Souders, Alan Richard
Stephenson, James Ward
Thomas, James Walter
Titus, George Henry
Tower, Steven Earl
Wilcox, Gregg Milo
Williams, James Randolph, Jr.
Wyman, Jon Christopher
Zorica, Joseph W.

JUDGE ADVOCATE GENERAL'S CORPS (25XX)

To be lieutenant commander

Almand, Lawson R.
Bowers, Maynard C.
Cook, Kevin Paul
Croner, George William
Dickens, Leroy, Jr.
Duffy, James F.
Kendle, Louise R.
Manfredi, Frank Anthony
Mixon, Ernie Lee
Moran, Debra D.
Ozawa, Steve Harold
Pelletier, Raymond G., Jr.
Quigley, James J.
Sams, William H.
Sonday, Henry F., Jr.
Wiley, Buford Brummit J.

DENTAL CORPS (22XX)

To be lieutenant commander

Achorn, Frank P., Jr.
Angelillo, Dennis G.
Bernard, Gregory B.
Conner, Joseph William
Cortemeglia, Thomas, Jr.
Frisby, Robert F., Jr.
Hague, Richard J.
Halverson, Bradley Alan
Holderman, Ronald Dale
Jennings, David R.
Kidd, David W.
Kimberly, Charles L.
Lacombe, Jan Marie
Laird, Dennis Alan
Lapetoda, Wayne B.
Maixner, Michael D.
Mazer, Michael Blaine
Middlebrooks, Michael L.
Miller, Wiliam W., III
Porter, Jesse P.
Render, Jeffery David
Rogge, Rod Michael
Royer, James E.
Schreiber, John S.
Seamons, Braden C.
Shaw, Larry Steve
Sturdy, Kevin A.
Wallace, Steve William
Wong, Gerald K.

MEDICAL SERVICE CORPS (23XX)

To be lieutenant commander

Alexander, Martha Bethe
Bally, Ralph Edward
Boehm, Russell Keith
Braunagel, Robert C.
Carsten, John Edward
Clark, Bobby Gene
Clark, John Francis
Colfack, Brian Richard
Cross, Michael Snyder
Curley, Michael Daniel
Dudley, Charles Thomas
Fieldman, Barbara Lynn
Gallis, John Nicholas
George, James Arthur
Gibson, John Steven
Gilchrist, William Rand
Hall, John Anderson
Hall, John Wilson
Harrelson, Patricia C.
Johnson, William Claren
Kelly, Dennis Allan
Kilgore, Larry Lee
Lafontaine, Richard L.
Levrini, Michael George
Leysath, John Robinson
Locke, Charles Willard
Love, Kenneth Alvin
Lundy, John Alfred
Mapes, Toby Lester
Matthews, Steven G.
McClure, Charles David
McDougall, Gordon Rae
Menifee, James Thomas
Moran, Raymond Louis
Moynihan, Robert William
Norman, David Lawrence
O'Brien, Clayton Stephen
Patton, Robert Leon
Peiser, Robert Sander J.
Petho, Frank Charles
Pollack, Jay Gary
Rice, Stephen Charles
Robson, Joseph Richard
Schoenberg, Lawrence W.
Shehane, Claude Tillman
Shore, John Edward
Simmons, Donald Lee
Spolnicki, Henry Gerhar
Still, Kenneth Ray
Stoddard, Sheldon Thomas
Taylor, John Odonvan
Tyson, Gary Don
Vontersch, Francis Jose
Whalen, William Patrick
Wright, Duff Ronard
Wynkoop, David Andrew

NURSE CORPS (29XX)

To be lieutenant commander

Aiken, William, Jr.
Anderson, Steven Eugene
Balog, Brigitte
Barton, Margaret Ann
Beecher, Barton Bruce
Berry, Cupid Maria
Binns, Patricia M.
Boechler, Gerald Anthon
Bohn, Carol Sue Riddle
Bossick, Mary Mason
Bowles, Susan Coredon
Bussey, Jane P.
Cancellieri, Joseph John
Chen, Susan Beverly
Chestnut, Jeanne
Chomitzky, Gregory Will
Chvala, Peter Paul, Jr.
Clary, Maureen Frances
Colvin, Daniel Fred
Condo, Mary Lynn
Condon, Doris Evelyn
Cordell, Miriam Nowak
Cox, Rita A.
Cummings, Carol Mercer
Curran, Patricia Martin
Daigre, Emilie Bonnie
Devos, Joline Irene Wat
Dowdell, Michael Francis
Dunn, Linda Mladenka
Emmerton, Charles Bruce
Evans, Charles David
Faurot, Susan Clair
Finch, James Verle
Gainer, Vance Glenn, Jr.
Gibbs, Terrie Ellen
Gibson, Rhonda Kay
Gray, Mary Catherine
Gullison, Edwin Howard
Harding, Mary M.
Helleckson, Janet Marie
Herzog, Todd William
Hogan, Rosemary Therese
Hoppe, Edward George
Jacobs, John Thaddeus
Johnson, Nancy Raine
Johnson, Thomas Keith J.
Jones, James Alan
Kepler, Thomas Lyon
Kowalski, Susan Lynne
Kremer, Barbara Jean
Lainhart, Geraldine Ire
Lewis, Bonnie Lee
Logeman, Judith May
Long, Jeanette Louise
Lucero, Lora Lynn
Lyons, Patricia Ann
Makdad, Rebecca Ellen
Mangler, David Carl
Matthews, Beverly A.
McDowell, Linda C. K. Had
McKnight, Christine
McLaren, Thomas Fairlie
Melton, Lyle Douglas
Meuser, Shelagh Thomas
Meyer, Mary Margaret
Newton, Jean
Oller, Melinda Negri
Pauls, Nancy Mitchell
Perrine, Phyllis E. D.
Perry, Marvin
Peterson, Terry Ragnar
Pintsch, Deborah Ann
Prater, Christopher Sco
Pratt, Laura Diane Pace
Quindag, Jean Evelyn
Rada, Rozanne Marie
Reinertsen, Linda M.
Richmond, Galen Francis
Rief, Katherine Ann
Roberge, Janet Roberta
Roper, Karen S.
Rusnak, Diane Lynn
Schaller, Karen Sue
Scherer, Elaine Marie
Scott, George McAlister
Shimkus, Albert Joseph
Shirk, Thomas Ray
Smalling, Susan Marie
Smith, Michael Oren
Steele, Deborah Karen L.
Steining, Patricia Joan
Stevens, Stephen Robert
Stewart, Patricia Ann
Terrell, Karin Matt
Thomann, Frank C.
Tymensky, Catherine Gle
Uldrich, Edward, III
Underwood, Jesse McCray
Walke, Dale Eugene
Wareham, Julie Imber
Wheeler, Ruth Elaine

LIMITED DUTY OFFICER (SUPPLY) (651X/652X)

To be lieutenant commander

Brooks, David C.
Carpenter, Robert Wayne
Hall, Terry Allen
Litchford, Larry James
Mack, James Elmer, Jr.
Monday, James Arthur, III
Pulley, Alvin B.
Reitz, Richard D.
Rohrscheib, James V.
Russell, William M.
Sinclair, Charles E.
Treziok, Walter C.
Vasta, Alfio J.
Weeder, Courtland C.

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS) (653X)

To be lieutenant commander

Williams, Samuel S.

IN THE NAVY

The following-named lieutenant commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the line, in the competitive category as indicated, pursuant to the provisions of title 10, United States Code, Section 5912:

UNRESTRICTED LINE OFFICERS

Abelson, David Donald
Achenbach, Dale Alan
Adams, Bruce Charles
Adams, John Howard
Adams, Ronald Eugene
Adams, Wallace Arnold
Aden, Johnny Fenton
Adkins, Alex Harvey
Ahrens, Douglas William
Akin, Michael Alan
Aldunate, Carlos Paul
Alexander, Danny K.
Alexander, John Woodruff
Allen, John Hall
Allor, Thomas James
Amling, Larry Norton
Anderson, Charles Beard
Anderson, Frank Andrew
Anderson, Robert William
Anderson, Ward Reynolds
Andrews, Michael E.
Aponowich, Michael Gerard
Apostolico, Frank Edward
Arbaugh, Linton Dale
Armet, Harold Robert
Ashe, Glenn Melvin
Atkins, Leroy Cole, II

Babb, James Albert
Bach, Ronald C.
Back, Norman Lee
Bahringer, James Paul
Bailey, Forrest Henry, Jr.
Baker, James Leroy
Baker, John A.
Baker, Thomas George
Ball, Larry Keith
Ballou, Thomas Bransford, Jr.
Bankhead, Rex Eugene
Bannat, Edward G.
Banwarth, Cletus Stephen
Barile, Vincent Lawrence
Barnes, Forrest Wheeler
Barnes, Lawrence Marvin, Jr.
Barret, Albert Ronald
Barrett, Michael James
Barron, Floyd Archie
Bartlett, Joseph Delmar
Bartosik, Francis
Barz, Graydon Lee
Battles, James Bruce
Bauer, Frank George
Baumann, Scott Richard
Baxter, Robert M.
Bayer, Frederick Barnhart
Beauchesne, Charles Leon
Bedenbaugh, Larry Olen
Beltz, Jay Malcolm
Bendel, Richard James A.
Bender, Edward Joseph, Jr.
Bennett, Dennis Malcolm
Bennett, Douglas, Jr.
Bentley, David Glade
Benton, Robert Reid, Jr.
Berens, James D.
Beucler, Claire Michael
Biaett, Doddridge Hewitt, III
Bickley, William Reuben, III
Bigger, Charles Hampton
Birch, Richard Wayne
Bishop, Douglas S.
Bishop, Jerry Lynn
Black, Robert Glenwood, Jr.
Blackburn, Robert Lee
Blackburn, Robert Stewart
Blanchard, Alan Joseph
Blish, Nelson Adrian
Boehm, Thomas Joseph
Bohannon, Cornelius B., III
Bohannon, Edward L.
Bonds, John Meredith
Borman, Lance Hastad
Bouck, Daniel Lee
Bowden, Ronald Ray
Bowen, John Charles
Bowen, Lindsay Lee
Bowers, John Frederick, Jr.
Boyd, Marshall Dean
Bozzelli, Robert R.
Bradley, Benjamin Lewis, Jr.
Bradshaw, Don Alan
Bragdon, Jimmie Finley
Brainerd, Stephen S.
Brake, Arden James, Jr.
Branch, Jon William
Brandt, Walter Richard
Brannan, William Lafayette
Brennan, Robert Alan
Brenner, Lawrence Joseph
Brewer, Benjamin Taber, III
Bridwell, Sharon F.
Brockman, Osborne Lee
Brooks, Marcel William
Brower, Jans Bogardus
Brown, Carleton Justus, Jr.
Brown, Lynn Edward
Brown, Richard Francis, Jr.
Brown, Stephen Gary
Brown, Terry Dyer
Browne, Chad Whitehurst
Brunner, Robert Lewis
Bryan, Morris Audley, Jr.
Budrejko, Donald Stanley
Buhay, Nicholas
Bullett, Douglas James
Bumford, James George
Burbage, Charles Thomas
Burcham, George Leon
Burger, James Franklin
Burgess, Ross Waldron
Burke, Charles Wayne
Burke, John Joseph, III
Burkland, Raymond Harold
Burling, Richard Sewall
Burnett, Jeffrey Sherwood
Burroughs, Dick H.
Burson, Richard Miles
Burthe, Jack Hubert
Burton, Daniel Morgan
Burton, Dennis Edward
Burwell, Armistead, Jr.
Butler, David Eugene
Butterworth, Bruce Vernon
Byerly, Dennis Ray
Byrd, James King, II

Cadden, Frank Michael
Cahill, Michael Joseph
Caird, Ian David
Calderwdood, William Benson
Calkins, Scott Albert
Callan, Leonard Joseph
Cameron, Clifford Don
Cameron, William Robert
Campbell, Carroll Eugene
Cannizzaro, Michael Francis
Carlson, Bernard Francis
Carman, Thomas Paul
Carter, Troy Lee
Cartlidge, Edward Sutterley
Carver, Carl Jay, Jr.
Casey, James Francis, Jr.
Casper, Thomas Joseph
Cassibry, Reginald E., III
Casterline, Kenneth Russell
Castle, William Marshall
Catania, John Jacob
Cate, Francis R.
Caudle, Norman Edward
Cavaiola, Lawrence Joseph
Caviness, Stephen Drake
Cegelske, Norden Paul
Chaffin, James Robert
Chapman, Carter Stanley, Jr.
Charder, Jeffry Joseph
Cherney, Thomas Joseph
Chesterman, Alan George
Chiarolanza, Michael J.
Christensen, Jon Edwin

Church, James Andrews
Churchwell, James Everett
Cima, William N.
Cioce, William Thomas
Clarke, James Vincent
Clarke, Richard Wallace
Cleland, Andrew Wallace, Jr.
Coaker, James Whitfield
Cobb, Michael James
Coffey, Edward Joseph
Colby, Wendell Stuart
Cole, Ellerbe P.
Cole, Peter William
Collins, Charles Webber
Conger, Jon Charles
Connor, John Bernard
Cook, James Ellis
Cooper, Edward Richard
Cooper, Michael Wallace
Cooper, Ronald Wayne
Corb, Bruce Dorien
Coulter, Calvin Warren
Counts, James Lee
Cox, John Yeldell
Craig, Harold Allen
Craige, Danny Dwaine
Crain, Joseph Cecil
Crane, Stephen Neal
Crayon, Eric Michael
Creekmore, Thomas Lee, Jr.
Crissey, Harrington Edgar, Jr.
Crockett, Brindle Dale
Crockett, Ronald Kenneth
Croninger, James Conrad
Crooks, Daniel Allen
Crouch, Mark B.
Croucher, Barry Lee
Crump, George Wayne
Cuciti, Richard Bruce
Culet, James Philip
Culp, Samuel Kennerly, II
Cummins, William Edward, Jr.
Cunliffe, Robert Francis
Curtis, Dalton Bouldin, Jr.
Cutropia, James Anthony

Dail, Glenn McRae
Damon, Dennis Richard
Damron, Lawrence Douglas
Dandalides, William John
Dantone, Harold B.
Darrah, Donald Joseph
Darrah, John Braden, II
Daugard, Stephen John
Daughenbaugh, John Stewart
Daunis, Stephen Broderick
Davis, Scott Harvey
Davis, Theodore Edgar
Dawson, James Scott
Dean, Kevin Vandoran
Debaggis, Michael Paul, Jr.
Deboer, Kenneth Frank
Denny, Douglas Richard
Deremer, Richard Grant
Desing, John Michael
Dewey, Gary Grant
Dickerson, William R., III
Dierson, Thomas Edwin
Dixon, David Lynn
Doe, James Ernest
Dolgow, Barry L.
Donahoo, Merrill Collins
Coose, Paul Robin
Dorr, Peter Delmar
Dotson, Kenneth L.
Doty, Michael Giles
Dowie, Jon W.
Drain, Jesse Cyrls, III
Drake, Dudley Dow, Jr.
Drdek, Francis John
Drexler, Frederick George
Driscoll, Charles Eugene
Driscoll, William Patrick
Drossel, Craig
Druzbacky, James Stephen
Drysdale, Don H.
Dunham, Robert Jay, Jr.
Dunn, Arthur Raymond, Jr.
Durnell, Larus Gary
Dwyer, Kevin R.

Eagle, James Norfleet, II
Easterling, Ronald Calvin
Eastman, Thomas W.
Eckerman, Lawrence Ivan
Edwards, Wilbur Everette, Jr.
Egan, John Joseph
Ehresmann, Donald Daniel
Eiting, Joseph, P.
Elliott, Bradford Thomas
Elliott, Patrick Wilhelm
Ellis, Robert Bruce
Erhardt, Richard A.
Ewing, Larry David
Ewing, Robert William

Faherty, Denis M.
Fairbrother, Joseph T., Jr.
Falk, Nile Kim
Faria, Charles Lewis, Jr.
Farley, Wilbourn Max
Farr, John Frederick, Jr.
Farrell, Frank John
Farrell, William Ross
Farris, John Clyde
Faulk, Bruce Gregory
Feinson, Richard James
Ferenchick, Richard J.
Fernie, John Dean
Ferrar, Victor James
Ferrell, David Michael
Ficken, Ivan William
Fillman, William Craig
Findley, Kenneth Walter
Finnegan, John Charles
Fisher, Matthew Edward
Gale, Peter McKee
Galvani, William Pierce
Gandy, Gary Lamar
Gann, Michael Kirk
Gant, Virgil Fitzhugh
Gardner, Henry Joseph
Garner, Calvin Foyle, Jr.
Garrett, Aaron Douglas
Garrett, Spencer Leo
Geary, William Joseph
Genest, Stephen Vincent
Genna, Michael Ray
Germaine, Glenn Richard
Getman, George Stephen
Giacin, Kenneth John
Gibbons, Hubert Benjamin, Jr.
Gibson, Edmond Harrison
Gierisch, Ralph Charles
Giesting, Walter Edward, Jr.
Gillogly, Hugh James
Gilluly, Chrisopher William
Haldt, Harry Peace, III
Hall, James William
Hallberg, Robert Kenneth
Hallquist, John Ivar
Hamilton, Reed Duncan, Jr.
Hammert, Carl Henry
Hammond, Reginald George
Hannes, Frederick Wenzel
Happ, John Thomas

Fitch, Wilson Evans
Fitzhugh, John Patterson
Flaherty, Michael Thomas
Fleshood, David Lee
Fletcher, David Allen
Floyd, Richard Paul, Jr.
Foley, Peter J.
Folven, Jon Gilbert
Fortino, Anthony M.
Fortunate, Cominio V.
Fouts, James Ward
Fowler, Arthur Albert, III
Fowler, Jeffrey Brian
Fox, Theodore Eric
Franks, Robert J.
Frawley, James Richard
Fredricks, Philip Henry, Jr.
Fuller, John Robert
Funchess, Joe McKinley
Funk, William David
Fuson, William A.
Gilsdorf, Mark Thomas
Givens, John Ralph
Glassner, Burton Robert
Good, James Larry
Goodemote, Gary James
Goodin, William Arthur
Gorges, Mark William
Goss, Michael Andrew
Gotimer, Harry Albert, III
Graham, Daniel Earl
Gravitt, Patrick Dale
Gray, Craig Albert
Gray, Glen Burton
Grayson, Gary Jay
Green, Jonathan Lewis
Gregory, Jon Severn
Gremillion, Joseph S., Jr.
Grimball, William H., III
Gromelski, James Carl
Grooters, Ronald D.
Grund, David Austin
Gullickson, Larry Lou
Gurley, John Mark
Harbin, Michael A.
Harrell, Riley Lee, Jr.
Harris, Boyd Hunt, Jr.
Harris, James Dexter, Jr.
Harris, James Douglas
Harris, John David, Jr.
Harris, Norman Rupert
Harris, Wilding Green
Hart, Martin John

Hart, Richard Douglas
Hartman, David Nels
Hartman, Roger Wilcox
Hartman, Robert F., III
Harvey, Ray Wilson, Jr.
Haser, Gerald Donald
Haspadora, Alex Joseph
Hasselbach, Gerard
Havlik, Theodore Charles, Jr.
Hawley, Myron D.
Hawley, Richard Bronson
Haworth, Daniel Harold
Hayes, Jack Douglas
Hazlett, Stephen Edward
Hearn, Hamilton Dale, Jr.
Hearne, Lonnie Parker
Heath, Jerry Lee
Heatley, Richard Thomas
Heinz, Henry Charles, III
Heise, Warren Leroy
Heiserman, Kenneth John
Heldreth, Dwight C.
Henderson, James Kinsman
Henish, George Lynn
Henry, Carmie Lyn
Henshaw, Paul Carrington, Jr.
Herbert, Robert Steven
Herrman, Roger William
Herter, Judson Richard
Hewitt, Billy Lee
Hickman, John Earl, Jr.
Hicks, Harold Stroud, Jr.
Hight, William Patterson
Hilberry, David Paul
Illing, William Robert, Jr.
Isbell, Robert Charles
Jacobs, Richard Douglas
Jacroux, Kenneth Ray
Janczak, Martin Edward
Jennings, Tappan Hornor
Johanson, Walter Joseph
Johanson, William Gary
Johnson, Edward Theodore, Jr.
Johnson, Henry Macewan, III
Johnson, James Bruce
Johnson, Jon R.
Johnson, Ronald Ross
Johnson, Roy C.
Hill, Gerald Eugene, Jr.
Hill, James Alden
Hill, James Malcolm
Hill, Russell Hampton
Hipp, Spencer Herbert
Hoener, James Herbert
Hoffman, Lee Edward
Hogan, Kenneth Loran
Holcombe, Horace Truman
Holford, Thomas Gerhard
Holford, Thomas William
Holleman, Thomas Jardine
Hollow, John Lawrence
Holmes, Carl I.
Holpuch, Michael Otto
Holsenbeck, George Penn
Holton, Larry E.
Holtzapple, Ray Arthur
Hooker, James Denby
Hooks, James Hugh Benny
Horn, Martin Richard, Jr.
Horn, Thomas James
Horney, Gregory
Hornstra, Douglas John
Horsley, Joel Arthur
Horton, John Dale
Hoskins, Richard Clark, Jr.
Houser, David Alexander
Howe, David Porter
Hrebenar, Ronald John
Huebner, Charles Paul
Huish, Alexander Paul
Humphrey, William E., Jr.
Iudice, Richard Joseph
Iuvone, Brian Francis
Johnson, Walter Smith, Jr.
Johnson, William F., II
Johnston, Richard Metzger
Johnston, William Edward
Johnstone, Daniel Frederick
Jones, Charles Sanford, Jr.
Jones, James Marion
Jones, John Paul, Jr.
Jones, Meade Addison, Jr.
Jones, Michael Alan
Jones, Phillip Edwin
Josephson, Stephen Wayne
Joslin, John Forrest
Judas, Donald

Kahle, Richard Lee
Kambic, William J.
Kash, Robert
Kaye, Robert MacCallum
Keil, Henry Emanuel
Keith, Philip Allen
Keller, Paul Drew
Kellum, Albert Fish, Jr.
Kelly, James Harrington
Kelly, James Patrick, Jr.
Kenkelen, Edward Wesley
Kennedy, James Joseph, Jr.
Kennedy, Michael Speer
Kenney, James Martin
Kennicutt, Roger Thomas
Kern, Robert Dawson
Kerns, Cameron Edward
Keyes, James Donald
Kidd, Raymond Charles
Kilhoffer, Carl Dawson
Kimball, Edward Asahel
Kingery, Donald Leroy
Kipp, Gary Dean
Kirchner, Walter Lee
Klassen, David Joseph
Klemstine, Charles Frederick
Klun, John Stephen
Kneipp, John Albert, Jr.
Knuth, Dean L.
Koenig, Freddie Rudolph, Jr.
Koerner, Daniel Edison, Jr.
Korn, Clifford Warren, Jr.
Koschak, John Karl, III
Koziewicz, Michael Roy
Kozma, Arthur Kenneth
Kral, Dan Victor
Kranda, William Raymond
Krech, Peter Park
Kumer, Richard Lawrence, Jr.
Kummert, William Carl

Labonte, William Wilbrod
Lagrone, Charles Stephen
Lainhart, John Wesley
Lakatos, Ronald Stephen
Lambert, John Wallace
Lamberto, Michael Milledge
Landick, Carolyn C.
Lanigan, David William
Lardis, Alexander Emmanuel
Laskey, David Petersen
Lassell, Don Jewett
Lavery, Thomas Joseph
League, Edwin James
Leavell, William Hadley, Jr.
Leban, Michael Frank
Lee, Carlton Edmund
Legette, Jacques Wade
Lemrow, Craig Maynard
Letkeman, Michael Bruce
Lettieri, Michael Francis
Lewis, Garry Linuel
Lewis, George Alan
Lewis, James Windfield
Lewis, John M., II
Lewis, Richard Roy
Lewis, Robert Gordon
Liebman, Marc Evan
Lien, John E.
Lighty, Phillip Malcolm, Jr.
Link, Wendell Raymond
Livingston, Henry Hopkins, Jr.
Llewellyn, Timothy William
Lloyd, Richard Dawson
Lobecker, Robert Nels
Lobo, Paul Eugene
Lockett, Franklin Delonds
Lofgren, Norman Arthur
Logan, William John
Long, Isabelle D.
Lopez, Gary Stephen
Lops, Michael Thomas
Lowe, Kenneth Walter
Lowell, Frederick Mark
Lunde, Walter Arne, Jr.
Lux, John A., Jr.
Lyman, Clark Eldredge
Lynskey, Paul C.
Lyons, Edward Armstrong

Macidull, John Charles
MacWilliams, Michael Lee
Madden, Robert Thomas
Madren, Samuel Thomas
Maertzig, Joseph Henry
Maher, Lawrence Michael
Maillcux, Robert Clement
Malene, Samuel Arthur
Mallett, Ronald Lawrence
Manning, Michael Paul
Marek, Gene Allen
Marouchoc, Anthony John
Marsh, Wesley Gilbert
Marshall, Brian Dennis
Marshall, John Jay
Marshall, John Rex
Martin, Peter Stephen
Martin, William Patrick
Marwick, Mary Rose
Marzullo Raymond Lee
Mashaw, Henry Lane, II
Mason, Walter Clarke
Massey, James Danny
Mast, Keith Alan
Mast, Ross Warren
Masters, Gregory Richard
Mastro, Joseph Anthony
Matheson, Donald Cameron
Mauck, Charles Joel, III
Maune, Buell R.
McBee, Lawrence Lee, Jr.
Mcbride, Gary John
McCarty, Dennis Michael
McClain, Calvin Perry, Jr.
McCoy, James M.
McCullough, James Joseph
McDaniel, John Clark
McEldowney, Bernard Edward
McEntegart, Thomas Douglas
McGill, Robert Gregory
McGoey, William Bernard, Jr.
McGovern, David Carr
McGrath, Nicholas James
McHugh, Dennis Michael
McIntyre, Stewart Laird
McKnight, Lillie M.
McMahon, James Thomas, Jr.
McMurry, William Stuart
McNair, James Edward
McNamara, Kenneth James
McNamara, William H.
McPherson, David Allen
McStay, James William
Medina Dwight Ellsworth
Meditz, Gerhard
Meeker, Paul Rusley
Mehlman, William Frederick
Melvin, Albert Anthony
Merriam, Dwight Haines
Mertz, Wayne William
Metcalf, Michael Donald
Metheny, Tommy Lee
Meyer, Charles Avery
Meyer, Charles Richard
Meyland, James Roger
Miller, Andrew Jackson, Jr.
Miller, Charles Frederick
Miller, Damon Craddock
Miller, Eugene Leroy
Miller, Landon Cabell G.
Miller, Thomas Preston
Millinor, Robert Lee, Jr.
Milton, Perry Ethelbert, III
Misurek, John Theodore, Jr.
Montgomery, Donald George
Moon, Carl Fergell
Moon, John Earl
Moore, Clyde T., Jr.
Moore, Terry Allen
Mori, Masamitsu Jack
Morris, Stephen Glen
Moslak, Thomas Andrew
Mullaly, Timothy Day
Mullins, Alden Foster, Jr.
Mullins, William Edward, III
Munger, Bruce Edward
Murphy, Dennis Michael
Murphy, Terrance Michael
Myers, Gregory Milton
Myers, Preston Stewart
Myers, Theodore Alva, Jr.
Mynard, Charles Randall

Naprstek, Herbert Charles Jr.
Nastro, Timothy J.
Nathanson, Irwin David
Natter, Michael Kennedy
Nazarenus, Dorothy M.
Newell, David Paul
Newell, Robert Terry
Newman, Paul Jonathan
Newton, John William
Newton, Kenneth B.
Nichols, Kenneth Leslie
Nichols, William McDonald
Nissen, Peter Frederick
Nixon, James Wilbur, Jr.
Noceti, Richard Paul
Nugent, John Thomas

O'Bannon, Michael Riley
O'Brien, Joseph Vincent, Jr.
Ochenrider, Gordon Henry, III
O'Connell, Daniel Walter
O'Hanlon, Michael David
O'Laughlin, Francis Michael
O'Laughlin, Timothy Joseph
Olsen, Stanley Joel
Olson, Edward Warren
Olson, Richard Carl Leroy
Olson, Wayne Richard
Olsson, Peter Stutsman
Omberg, Clarence Olaf
Onyx, Raymond Robert
Oppenheimer, Douglas Lee
Orr, Henry Carrington
Ostow, Stephen Michael
Ott, Christopher Stephen
Otto, Richard Arthur F.
Overbeck, Gary Joseph
Owens, James L.

Pacuska, Stephen Chester
Paddock, James Robert
Parker, Walter Joseph
Parkinson, James W.
Parra, Milton R., Jr.
Parsons, David W.
Parsons, George Theodore
Partin, Jim Pittman, Jr.
Paskvan, John Francis, II
Pasquarelli, Robert S.
Pate, James Randolph
Pathman, Ronald C.
Patterson, Donald Jay, Jr.
Patterson, Thomas J.
Pattison, Pat Harvey
Paull, James Bartlett
Pebley, Charles F.
Peck, Robert Stephen
Peele, Willis McLean
Pehl, Charles Edward
Pell, John Kalpan
Peltzer, Robert Leslie
Penney, Kenneth Bryce
Penny, Ralph Everett
Perkins, Richard Arthur
Peterson, Michael Douglass
Petty, Lee Davis, Jr.
Phillips, Charles Philip, Jr.
Phillips, Robert William, Jr.
Piccolo, John Alan
Picquet, Roger T.
Pierce, David Robert
Pillatt, Frank Dodsley, III
Pilgrim, Garlin David
Piontek, Raymond Francis
Pitney, John Charles
Pitocco, Philip Joseph, Jr.
Pitt, Nathan Gilbert, III
Pollow, Marilyn R.
Pond, Karl James Edward
Porter, James Scott
Porter, Nathan F. S., Jr.
Poteet, Billy James
Potter, Glenn Richard
Potter, Margaret M.
Powderly, Robert Gerald
Price, Walter Winfield, III
Prusiecki, David Edward

Quennoz, Stephen Michael
Quick, David Clark
Quinn, Edward Bernard, Jr.
Quinn, Michael Robert
Quisenberry, John Nolan

Raba, James Douglas
Ragan, Mary E.
Randall, Christopher Allan
Randall, Ted Charles
Raycraft, Frederick Wayne
Redmond, William Patrick
Reeder, Jeffrey Scott
Reynierse, Michael George
Reynolds, Edward Lamar
Rhode, Robert Edwin, Jr.
Rice, William Eugene
Ridenhour, Calvin Brown
Riggs, Benjamin Clapp, Jr.
Riley, John William, Jr.
Ripley, Steven Allen

Risher, John Francis
Risinger, John William
Robert, Eugene Rene
Roberts, Jared Ingersoll
Roberts, William Nunnally
Robinson, Roger John
Robinson, William Lamarr
Rogers, Arthur Louis, III
Rogers, Gerald Edward
Rogers, Martin Michael
Rohrback, Daniel A.
Rosenberg, Alexander Peter
Ross, Paul Francis
Rouleau, Yvonne E.
Roy, Michael Gordon
Roy, William Glenn, Jr.
Ruff, Richard F.
Rundell, Howard Francis, Jr.
Ruth, Philip Michael
Rutledge, Dennis Francis
Ryan, Larry Wayne

Sachau, Kurt Frederick
Samson, Arthur Kay
Sandelli, Leonard Charles
Sanders, Stanley Alan
Sansoni, Frank Joseph
Satterlee, William C., III
Savage, Phillip Harwood, Jr.
Schapper, Robert Paul
Scherf, Paul Henry Jr.
Schierling, Valgene Lee
Schineller, Frederick J., III
Schmitt, Robert Louis
Schneider, Garreth Edwards
Schneider, Jeremy
Schroder, Charles Stephen
Schroeder, Kurtis Daniel
Schubert, Edwin R.
Schultz, Douglas Charles, Jr.
Scott, Joseph Etheridge
Seddon, Ernest David, Jr.
Serb, Thomas George
Serio, Salvatore Joseph
Settle, Peter Michael
Shannon, Frank Xavier, III
Shanyfelt, Tommy Lee
Shaw, Robert Linford
Shea, Robert William
Sheehan, Mathew Francis, Jr.
Shepherd, Donald Bruce
Shrock, Steven D.
Sienkiewicz, Robert Peter
Sigler, Daniel A.
Skistad, Roger Paul
Skolnik, Mark Stephen
Skrief, John Nelson
Skrzypek, Paul Joseph
Slaby, Frank
Slagle, Michael Lawrence
Smart, Jonathan
Smith, Albert George
Smith, Baker Armstrong
Smith, Gary Webb
Smith, Gregory Franklin
Smith, Harold Terrence
Smith, Lanford Theodore
Smith, Michael Turner
Smith, Paul Lawrence
Smith, Ronald Gordon
Snider, Douglas Holmes
Snopel, Paul S.
Snyder, Jack Robert
Solberg, Jonathan Jerrald
Solin, John Jacob
Somers, Lucky Landt
Soper, Wesley Richard
Soran, Michael Phillip
Southworth, Thomas Wyndham
Speight, James Earl
Speth, Stephen Anthony
Spillman, James Charles
Spink, George Thomas, Jr.
Spruiell, Phillip Ronald
Staats, Gerald R., Jr.
Stafford, Richard Marvin
Stai, Russell Leroy
Stallman, Robert Marcus
Stanton, Laird Wilvin
Statton, Charles Milton, Jr.
Steenblock, Lester John, Jr.
Steger, William George
Steinmetz, Howard Heath
Stephens, David W.
Stevens, Ronald Lynn
Stillinger, James M.
Strand, Dennis Nels
Strong, Paul Byrn
Sutliff, Richard Wayne
Swick, Gilbert
Symasko, Peter William

Tauscher, John Frederick, III
Tavernise, Michele
Taylor, James Michael
Teagan, Robert Louis
Teater, William Gilbert
Temple, Michael David
Teppig, William Merle, Jr.
Thacher, Thomas Wayne
Thatcher, Ronald C., III
Thomas, James Ellison
Thomas, Marilyn M.
Thompson, Bruce Edward
Thompson, James Robert
Thomson, Don Cameron
Thomson, Lawrence Stephen
Unruh, Theodore Charles
Vanburen, Donald Edward
Vankeuren, Alison Edwin
Vanlier, Herman R.
Vanlocn, James Peter
Vansant, Andrew George
Varner, Howard Wayne
Vejvoda, Charles Edward
Waddell, Keith Wayne
Wagner, Bruce William
Walker, Stephen Jamison
Walklet, Donn Charles
Wallace, John Douglas
Walsh, Gerald Walter
Wandishin, Thomas John
Warnock, Jeffrey John
Washburn, Harold Gordon, Jr.
Waters, Jennifer J.
Watkins, Fern M.
Watry, Thomas Raymond
Watson, Anthony John
Watson, Thomas Riley
Wayne, Anthony
Weaver, Gary Nichols
Weber, Dennis Richard
Weinkle, Brian Earle
Weinschenk, Alfred J., Jr.
Welker, Terry Wayne,
Wellens, Charles Henry
Wells, Annie M.
Wenkel, Herbert Cletus
Weseman, Wayne Leonard
Thor, Paul Verner
Thorburn, Bruce Neil
Thorkelson, Bruce William T.
Tighe, Francis William
Titsworth, David Frederick
Todd, David Newell
Tommasello, Charles Stanley
Torgerson, Richard Duane
Trotter, Thomas Vincent
Trower, James D.
Tryon, William Albert
Tucker, Lester Winfield, III
Tucker, Richard McKenzie, Jr.
Turner, Bruce Lee
Turner, Thomas Jonathan, III
Vellella, George J.
Venette, James Raymond
Verrengia, Thomas James
Vierzea, Edmund Alan
Vincent, Robert Peyton, Jr.
Volker, Kenneth Lawrence
Wessell, John Charles, III
Weston, Stephen Frederic
Westover, Stanley Roger
Whitaker, Thomas Patrick
Whitby, Alan Joseph
White, Donald Lee
White, Malcolm Cram, Jr.
Whitehurst, Robert Alsbury
Whiteway, Roger Newell
Whitney, Steven Kirk
Whittle, Charles James, Jr.
Wioff, Wallace Leroy
Wilcox, Michael Rodney
Wilharm, Elmer Marshall
Wilhelm, Paul John
Wilkinson, John Frederick, Jr.
Wilkinson, Patrick Joseph
Williams, James Napoleon
Williams, John Allen
Williams, Karl Anthony
Williams, Michael David
Williams, Warren Allan
Willis, Gary Robert
Willms, Gary R.
Wilson, Charles Robert
Wilson, James Stephen
Wilson, James Thomas
Wilson, John Howard
Wilson, Samuel Eakin, III
Wilson, Wynton Edward, Jr.
Winningham, David Lee
Winterberry, Thomas S.
Wirick, Dennis W.
Witowski, Gerald Thomas
Wittebort, Robert John, Jr.
Woda, Lawrence Edwards
Wolff, John Peter
Wollard, Jerry
Wolven, William Richard
Wood, Bruce Kief
Wood, Wiley Walter, III
Woodruff, Berryman E., III
Worley, Regis Calvin
Wrolstad, Mark Alfred
Wunderlich, Theodore Stephen
Yopp, George Michael
Young, Charles Edward
Zaborowski, James Joseph
Zahn, Howard Edward
Zander, Andrew Thomas
Zanetti, Joseph Richard, Jr.
Ziegler, William Frank
Zimmerman, Harold Stephen
Zurcher, William Edward

UNRESTRICTED LINE OFFICERS (TAR)

To be commander

Batson, Charles D.
Bennett, Charles Everett
Bower, Bruce Alan
Bradshaw, David Bruce
Conner, George Wayne
Coris, Edward E.
Crumbaugh, Richard D.
Curran, Forrest E.
Erwin, Richard A.
Faino, Rod
Harbison, Donald Stewart
Hathaway, Robert Richard
Haynes, Frederick Melvin
Hazelrig, John P.
Hobbs, Richard L.
Howell, Roger Eckert
Howerter, Craig Eddie
Kellard, Michael George
Kistler, John S.
Laflair, Keith R.
Lamar, Robert V.
Langley, James Royce
Lekberg, Eric Leonard
Lyman, Richard Lawrence
Maifert, Steven C.
Matt, Michael Robert
McKay, Lawrence E.
McLemore, Robert Seay
McPherson, Donald Ray
Morrison, Harry L.
Nuzzo, John O.
Nyland, Henry Joseph, III
Proctor, Donald E.
Quinn, James Joseph
Rishel, Michael Paul
Roach, Dennis Kaye
Rusell, Thomas Howard
Scanlon, Edward Charles, Jr.
Seate, John H., Jr.
Talunas, Walter Thomas
Thomas, Shirley J.
Thrasher, Kenneth C.
Threlkel, Daniel M.
Townsend, Hugh E.
Turner, Dennis Jerome
Warner, Richard Beaty

ENGINEERING DUTY OFFICERS

To be commander

Baird, Carl Eugene
Beall, Lloyd Clay, III
Bugelski, Paul Joseph
Christian, Hugh Joseph, Jr.
Dangerfield, Byron Jack
Dundios, Marton Jozsef
Edgar, Jack Kenneth
Edwards, James Ignatius
Feierabend, Ernie Wayne
Fricke, Victor Ralph
Garwood, Richard Mallery
Pavlisin, Robert George
Payne, Michael Allan
Peyton, Gary John
Powers, Ervin Townsend, Jr.
Robinson, Peter Stone
Smith, Richard Alan
Szender, Stephen Joseph
Taufer, Thomas Joseph

Tibshrany, Mitchell S., Jr.
Wallace, Kenneth Francis
Young, Howard Peter

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be commander

Aiken, Joel W.
Spenser, Kenneth Vaughn

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be commander

Boyden, Kenneth Ray
Brown, Ronald Frederick
Burke, James George
German, Bobby Ray
Golda, John Joseph
Hough, Marvin Freddie
Lawrence, Stuart Norton
Meyers, Andrew George, Jr.
Osborne, David Lowell
Paddenburg, John Albert, Jr.
Stroud, Arthur Darwin
Trevett, Robert Edward

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

Bushnell, William Charles
Casto, Michael Joseph
Coleman, Robert Newman
Golden, James Leslie
Hawley, John James
Jaeger, Richard Neil
Lantner, Louis Philip
Saberson, Lee Alan
Siefker, Robert Gordon
Sokolski, Fall Gerard
Wadsworth, Douglas Brent

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be commander

Carroll, Gerard Philip
Goddard, Boyd Taylor
Hill, Owen August
Kedenburg, Warfen Lucas
McDermon, Edwin, Jr.
Stone, Joseph Lawrence

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

Aaron, Norman John, Jr.
Abbott, Gardner, III
Acker, Neal Hagood
Admas, Lawrence R.
Albright, George Ernest, III
Alin, Michael Charles
Amidon, Robert Bruce
Ammerman, Dana Mack
Anderson, John Eric
Angus, Thomas Elroy
Atwood, Harry Kirby, Jr.
Aurand, Don Victor
Avery, James H.
Barnes, Michael Allan
Barnes, Michael Joseph
Barsczeski, Peter Paul, Jr.
Batory, Stephen Stanley
Bell, King David
Bennett, Francis Verne
Bullen, Alan Christie
Chambers, William Terry
Comfort, Stephen Alan
Crawford, Linton Kimzey, Jr.
Crawford, Norman Shardlow
Curtis, Lee Ross
Daignallt, Peter Philip
Daleo, Richard Joseph
Darezzo, Richard Anthony
Davis, Donald Arthur
Delong, James Wycliffe
Desloge, George Thatcher
Doerr, Donald Frank
Dorny, Louis Brough
Drake, Richard
Duchateau, Richard Armand
Dunn, Vance George
Eichenberger, William Edward
Fisher, John David
Fortunati, Richard Albert
Franklin, Norman Russell
Frear, Chester Larry
Fyten, Richard Allen
Gerace, Robert James
Godfrey, Richard Edward
Grasseschi, Gary Leroy
Grimes, Churchill Bragaw
Hagen, Bruce Lowell
Hambleton, Duane Thomas
Hamilton, John Clinton
Hamilton, Thomas Richard
Haney, Robert John
Harbaugh, Rick James
Harwayne, Thomas Wyndham
Hass, Rodney Claude
Hawks, Charles Taylor
Hembree, Joe Russell
Hewitt, Jerry Price
Hilt, Thomas George
Hodges, James Albert
Holton, Rita
Joslin, David B.
Kathka, Timothy Leslie
Kennedy, Floyd Daniel, Jr.
Kent, Jamon Huston
Kew, James Thornton
King, Walter Wineurne, III
Kissinger, George Marlowe
Kompelien, Verlin Berg
Kracke, William Fredrick
Kress, Henry Daryl
Larson, Richard Dale
Lausten, Eric Robert
Lawrie, Peter Hume
Macbride, Henry Earl, III
MacDonald, James Ray
Manlove, Mark William
Manus, Louis John, Jr.
Marne, Elvin Armand
Martin, Edward Carl
Marin, Larry Eugene
McCord, Guyte Pierce, III
McDavid, Andrew Eugene, Jr.
McDonald, James Michael
Miller, Arthur Gordon
Miller, John Thomas, Jr.
Milner, Ernest Charles
Mitcham, John B.
Mohrhardt, Philip Edward
Nielsen, Richard Loring
Oppenheim, Kenneth Roger
Packard, Michael John
Palmer, Gary Richard
Palmer, William Ray, III
Paterno, Thomas Charles
Pautzke, Clarence Greer
Peck, William Hazen, III
Pfeiffer, Steven Bernard
Phelps William Richard, II
Potts, Edwin Stevens
Prince, Frank M.
Reeber, Roy William
Reino, John Stephen
Remaklus, Lawrence Phil
Rickman, Robert Reid
Ruffin, Lynn Newton
Saona, Raul Bartolome
Sariscak, Joseph Charles
Satterford, Robert Blake, Jr.
Scholes, Robert Mathews
Shorten, David Rollie
Shudy, John George, Jr.
Shurtliff, Wayne Thomas
Silvey, Larry Dean
Sloat, John Gregory, II
Smaltz, Norman Michael
Smetheram, Donald Francis
Smith, Delbert Earl
Snouckhurgronje, Jan William
Sparling, Ronald Allen
Stewart, Leo Michael
Studley, Michael Hunt
Tucci, Donald Joseph
Tulleners, Frederic Andre J.
Turner, Gerry Dee
Wallach, Andrew Jay
White, James David
Wicks, Daniel Howard
William, David Francis, Jr.
Wolf, Gary Lester
Wraneshay, Michael Phillip
Zolczer, Robert Louis

SPECIAL DUTY OFFICER (INTELLIGENCE) (TAR)

To be commander

Goldsmith, James E., Jr.
Wright, Edward J.

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

To be commander

Allan, Michael James
Beachler, Kenneth Clarke
Berdahl, James Clayton
Brubaker, William Hanford
Davis, Richard Dean
Devault, George Earl, Jr.
Haynes, Samuel Lloyd
Hoffman, Brent Archie
Kazanjian, Phillip Carl
Keller, Thomas Martin
Klicar, Frank Mark
Lawless, Douglas Parker
Lay, Stephen Seibert
Lepore, John Joseph
Lyster, Richard John
McCandless, John George
Tyrrell, Joseph Mark
Williams, Thomas Mack

SPECIAL DUTY OFFICERS (GEOPHYSICS)

To be commander

Godwin, Wallace Gill
Greuling, Garry Louis
Langland, Rodger Alfred
Maxwell, Byron Richard
Peterson, Howard Lawrence

IN THE NAVY

The following-named temporary captains of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the Line, pursuant to the provisions of title 10, United States Code, section 5912:

Aaby, Donn V.
Aanstoos, Edward R.
Abel, Rudolph, Jr.
Abert, James G.
Abeyta, Alfredo L.
Abram, Donald E.
Adams, Albert
Adams, Richard F., Jr.,
Adams, Stanford M.
Albrecht, Robert A.
Alexander, William T.
All, Kenneth O.
Allen, Arnold C.
Allen, Frederick S., Jr.
Allison, Gene L.
Ambrose, Michael J.
Amrhein, Alan G.
Anderson, Norman D.
Anthony, Lee S.
Antoff, Jerome W.
Apicella, Frank L.
Armstrong, Lloyd R.
Arthur, Paul K.
Atkinson, Ernest R.
Augenstein, John E.
Avila, Philip F.
Ayers, Robert J.
Azzolina, Joseph
Babis, Robert E.
Backer, John M.
Badger, Terry M.
Banks, Otis G.
Barbee, Walter E.
Barclay, Theodore H.
Barker, Brian H.
Barrett, Curtis L., Jr.
Barrett, Robert E.
Barrett, Stephen P., Jr.
Barrett, William H., Jr.
Barron, Cameron A.
Barsanti, Alexander J.
Bartholmey, Don S.
Barton, Alexander J.
Basiuk, Victor
Baskin, Walter H.
Basye, Charles B.
Batchelor, Jon D.
Baublitz, John E.
Baxter, Donald J.
Baynes, Gerald T.
Bechtold, Joseph A., Jr.
Bednarek, Norbert H.
Beem, Raymond M.
Beene, Jerry T.
Beers, Frank W.
Beesburg, Robert Y.
Belanger, Edwin F.
Bell, Norris H.
Bell, Raleigh V.
Benjamin, Charles H.
Benjes, William B.
Bennett, Byron D.
Benson, Burton D.
Benson, Charles W., Jr.
Benz, Philip H.
Berg, Peter E.
Bernard, Francis X.
Best, John W., Jr.
Bewley, Jack D.
Bezouska, Ronald K.
Bierschenk Frederick P., Jr.
Bigger, Gene W., Jr.
Bingham, Tad H.
Birkner, Robert D.
Bishop, John R.
Bishop, William N.
Black, Bruce A.
Blake, Raymond G.
Blanchard, John N.
Blasi, Donald T.
Blence, Francis A., Jr.
Blenkhorn, James M., Jr.
Block, Albert E., Jr.
Blythe, Homer D.
Bobrick, Edward A.
Bohn, Robert W.
Boling, James R.
Bonwell, Walterine
Boosman, Jaap W.
Boughton, Harold G.
Bourke, Robert H.
Bowles, Robert E.
Bowser, John V.
Bowser, Peter A.
Boyd, Richard R.
Boyd, Rudolph C.
Boykin, Milton L.
Boyle, Thomas J.
Bradley, Stanford L.
Brant, Richard E.
Braverman, Allen S.
Bray, Larry E.
Brinn, Ronald C.
Bromwell, Kent S.
Brooke, James F., III
Brooks, Andrew D., Jr.

Brooks, James L.
Broussard, Warren J.
Brown, James L.
Brown, Lawrence W.
Brown, Richard A.
Brown, Stanford L.
Browne, Gerald F.
Browning, James D.
Bruce, Walter E., Jr.
Bruemmer, Jerry L.
Budai, Donald M.
Buell, Byron W.
Bugg, William A.
Bulger, Winfred H.
Calhoon, Theodore H.
Callan, James R.
Camp, Carl R., Jr.
Camp, Oliver W., Jr.
Campbell, Robert, Jr.
Campbell, Robert W.
Cannon, Harry D.
Cant, Geoffrey D.
Capernaros, Peter S.
Carlisle, Sanford K., Jr.
Carlo, Jame N.
Carlson, Frederick P.
Carpenter, Jann W.
Carter, Malcom K., Jr.
Cartozian, Haig O., Jr.
Castor, John R.
Cauthen, Wiley M.
Chapman, James G.
Chappell, Clarence J., III
Chisum, William R.
Chop, Raymond Erne
Chrisman, Virgil E.
Christenson, Neil E.
Chruma, Joseph E.
Church, Richard F.
Clark, George G.
Clark, John E.
Clark, Leo W.
Clarke, Brandon O.
Clarke, Charles E., Jr.
Clarke, Raymond W., Jr.
Dalessio, Robert M.
Damm, Bruce A.
Davies, William
De Castro, Julian E., Jr.
Deas, William J., III
Degroot, Dudley E.
Deleon, Leonardo M.
Dempsey, Brian
Dennis, John P., Jr.
Dennis, Robert W.
Dent, Joseph B., Jr.
Depew, John N.
Derr, John F.
Desjardins, Charles R.
Dethomas, Joseph, III
Devincenzi, Ronald D.
Di Palma, Mario
Diamond, Anthony T.
Dickey, Gene P.
Dillon, Martin C.
Dirksen, John V.
Dittrick, Alfred S.
Dixon, Robert G.
Dodge, Douglas D.
Doederlein, Winfried P.
Bullock, William G.
Burger, Francis J., III
Burgess, Frank M.
Burke, Nicholas E.
Burke, Paul E., Jr.
Burkhart, Robert A.
Burridge, George D.
Burrowes, Thomas, Jr.
Burton, Frank S.
Busch, Joseph H., Jr.
Busch, Kenneth L.
Buttner, Patrick E.
Buxton, Richard L.
Clayton, William O.
Clements, Robert F.
Coburn, Harold Win
Coffey, John J.
Cole, Bertram D., III
Cole, Leon M.
Coleman, James E., M.
Collins, William B.
Collura, Angelo J.
Combs, Charles E.
Compardo, James R.
Copper, Walter L., Jr.
Cornett, Paul A.
Courneya, Thomas E.
Cowan, Charles L.
Cox, Mack M.
Coyle, Francis Xavier
Cragg, Robert G.
Craven, Robert P.
Crawford, Cal R.
Crawford, Forrest S.
Cross, Richard M.
Crowhurst, Thomas J.
Culp, Melvin F.
Cummer, John P.
Cunningham, James S.
Cunningham, Shane A.
Curby, William A.
Currie, Robert E.
Curry, Robert J.
Curtiss, Dean A.
Czajkowski, Francis W., Jr.
Doherty, Bernard J..
Doherty, Charles M.
Dolbeare, Robert L.
Dommers, Richard W.
Donnell, Robert E.
Doolittle, Theus L.
Dorman, Alexander H.
Doty, Kenneth G.
Doughty, Arthur R.
Douglas, James G.
Downing, Robert E.
Doxey, Samuel G.
Doyle, Charles A.
Doyle, William L., Jr.
Dreher, Richard W.
Droese, Karl E., Jr.
Dudziak, Donald J.
Dufficy, Thomas J.
Dufford, Donald E.
Dunham, Edward M., Jr.
Dunn, Robert A.
Dutton, William M.
Duxbury, Richard B.
Dyke, David W.
Dykema, Owen W.
Eade, Robert M.
Ebel, Frederick W.
Eble, Joseph T.
Eddy, Ronald E.
Edwards, Paul H.
Eichler, William L.
Eirich, Raymond D.
Ellett, Frank T.
Elliott, Norman S., Jr.
Elliott, Richard W.
Ellis, Howard B., III
Fagan, Henry L., Jr.
Fairbanks, Dale J.
Farmer, Thaddeus C.
Featherstone, Robert J.
Felker, Donald L.
Ferguson, Earl A.
Ferris, Edward
Fetchko, Joseph A.
Fidler, Paul P.
Fields, Walter S., III
Finerty, Gary T.
Finley, David R.
Finley, Robert H.
Finney, Robert G.,
Fitzgerald, Richard S.
Flack, Robert F.
Fletcher, Paul B.
Flohr, Robert B.
Florio, Anthony W.
Gadow, John Raymon
Galamaga, Donald P.
Gallagher, Robert J.,
Gallaher, Edward J., III
Gallaudet, John C.
Gandia, August N., Jr.
Gant, Walter L.
Garber, Paul W.
Gard, Robert L., Jr.
Garrett, Thomas C.
Garrido, Donald P.
Gates, John W., Jr.
Gatti, John
Gaudet, William G.
Gehman, Thomas E.
Geier, Edward A.
Genova, Fred D.
George, George P.
Gera, John J.
Gerosa Vincent C.
Giardini, Giovanni T.
Gillespie, Richard
Gilliam, Coogie Ca.
Gillies, Donald C.
Gillis, Dana G.
Gilmer, David S.
Gimbert, Kenneth C.
Giordano, Vito A.
Gniffke, Bruce A.
Goar Alan L.
Habermas, Thomas W.
Hacala, Martin J.
Hackenberg, Richard B.
Hackes, Peter S.
Hackett, Vincent T.
Hagan, Kenneth J.
Hager, Robert M.
Halberg, Paul V.
Haley, Thomas O.
Halferty, Richard L.
Hall, Chales W.
Hall, Gerald A.
Hall, Lawrence J.
Hall, Roy G., Jr.
Hall, Vaughn E.
Elsner, Norbert B.
Engel, Gary L.
England, Carl D., Jr.
England, Loy D.
Erickson, Charles A.
Ertz, John K.
Esslinger, Jon H.
Estep, Eldon M.
Estrin, Sherwin
Evans, Homer D.
Evans, James R.
Evans, Robert D.
Floyd, Edward R.,
Flynn, Henry M., Jr.
Foltz, Peter C.
Forslund, Robert A.
Forsyth, William D., Jr.
Foster, Theodore D.
Francis, Perry G.
Franklin, David C.
Franklin, Henry B., Jr.
Franklin, John D.
Franklin, Larry BR
Frankoski, John P.
Frazier, Ross A.
Freeley, Edward D.
Fulcher, Clay
Fuller, Gran F.
Fulton, Luther G.
Furlow, Lawrence F., Jr.
Godfrey, Lawrence M., Jr.
Goldstein, Lawrence B.
Goldstein, Robert M.
Goodwin, William A.
Gordon, James A., Jr.
Gore, Alfred M.
Graf, Donald V. E.
Graham, Albert E., Jr.
Grant, John T.
Graske, Theordore W., Jr.
Green, Clyde I., Jr.
Green, Fitzalan L.
Greenspan, Alan F.
Greer, Charles R.
Greeves, Robert E.
Gribben, Walter J., Jr.
Grimes, Roy T.
Grocki, Chester J.
Grosheider, Arthur R.
Grossman Stephen L.
Guderian, William, Jr.
Guedalia, Jack I.
Guizerix, Armand P., Jr.
Gurdak, Edmund
Gutowski, Leopold
Halloran, John F.
Hamilt, Arthur
Hamilton, John E.
Hammond, Edward P., III.
Hammond, William E.
Handler, Bruce H.
Hanley, William B.
Hannah, Floyd L.
Hannen, William D.
Hardin, James T.
Hardy, Edward W., III
Hargadon, Edward W.
Harmon, George P. W.
Harris, James M.
Harrison, Peter B.
Harrison, William L.
Hart, Irving H., III
Hartmann, Richard P.
Harvey, Charles R.
Harwell, Layne H.
Haslim, Leonard A.
Haug, Shain B.
Haworth, Charles T.
Hayes, Charles C.
Hayes, Robert T.
Hayes, William A.
Haynes, Terry K.
Hays, Charles L., Jr.
Hays, James F.
Hazley, George J.
Healy, Jerry F., Jr.
Heinz, John A.
Helweg, Otto J.
Henderson, Merle E.
Hendricks, William P.
Henry, James R.
Henry, Thomas C.
Hensey, Charles M.
Hensley, George L., Jr.
Herbert, Bruce E.
Herbert, Frank R.
Hessert, Richard S.
Hickok, William G.
Higman, Darrell E.
Hill, A. J.
Hillerman, Neal H.
Hinson, Bruce H.
Ingold, Jackie D.
Jack, Robert N.
Jackonis, Michael J.
Jackson, Harry Bon
Jaeger Bol J.
James, Jon G.
Janes, David A.
Jarema Frank E.
Jaynes, David W.
Jeffords, James M.
Jenkins, Gaston J.
Jenkins, Wallace T.
Jennings, Adrian H., Jr.
Johnescu, Robert J.
Johnson, Alan C.
Johnson, Donn Royal
Johnson, Douglas A.
Johnson, Edward L.
Johnson, George L., Jr.
Kadingo, Edward P.
Kahl, Thomas R.
Kain, George F., Jr.
Karlson, Edward S.
Kase, Robert H.
Kashmanian, Gregory
Katilus, George J., Jr.
Kauanagh, Edward, Jr.
Kay, Robert P.
Keleher, Peter D.
Kelly, Edward V.
Kelly, William C.
Kendra, Robert J.
Kennedy, James D.
Kennedy, Jared P.
Kenney, David J.
Kerby, Douglas G.
Kermoian, Ralph
Kern, Robert L.
Kerrebrock, Robert A.
Keske, Carl D.
Kesler, Walter W.
Hippe, Russell H., Jr.
Hoak, Frank M., III
Hobokan, Andrew
Hobson, Robert L.
Hoch, Robert G., Jr.
Hodge, Don W.
Hodges, Alan S.
Hoff, Richard W.
Hoffler, Marvin L.
Hogan, William P.
Hohman, Glenn W.
Holloway, Richard E.
Holmes, James F.
Honeycutt, Robert D.
Hooker, John B.
Hooper, John R., Jr.
Hooper, Robert W.
Hopfe, Manfred W.
Hopper, Hugh R.
Horan, John J.
Horner, John B.
Hosey, Richard B.
Howard, William J., Jr.
Huffer, Nichols R.
Huggard, Ernest D.
Hughes, Bruce N.
Humber, John L.
Hunt, Raymond G.
Hunter, Fred C.
Hunter, Malcolm K., III
Hutchinson, Claude B., Jr.
Hutchinson, Samuel F.
Hutchko, Alvan J.
Hyatt, Philip W.
Isquith, David A.
Johnson, James M.
Johnson, Paul S., Jr.
Johnson, Richard W.
Johnston, Douglas M., Jr.
Johnston, Francis X., III
Johnston, William R.
Jones, Dean E.
Jordan, Alexander J., Jr.
Joslin, Ivan L.
Joyce, Harrison T., Jr.
Judge, Thomas J.
Juergens, Kenneth C.
Jung, Charles A.
Justus, Norman E.
Kidd, James H., Jr.
Kiel, Richard H.
Kilian, Walter D.
Kimball, Warren F.
King, Gary E.
King, Michael J.
King, Thomas A.
Kinnett, Gary E.
Kinney, James R.
Kitnick, Jay J.
Kitts, Earle L., Jr.
Konetchy, Howard A.
Koorey, Alfred J.
Kortum, Robert W.
Koutas, Serapheim D.
Krause, Robert E.
Krauss, Edwin H.
Kriebel, James M., Jr.
Krischker, Allen L. J.
Kroszner, Rudolf J.
Kuehl, Winston C.
Kunst, Arthur F.
Kvaska, Frank, Jr.
Kyle, Alan M.

Lacey, Winfield M.
Lackey, Marvin L., Jr.
Lackowski, Donald H.
Lagueux, Paul B.
Laidlaw, Scott D.
Lamar, Robert O., III
Lamb, William M.
Lambden, Jerry D.
Lambert, Roy Raymo
Lancaster, John K.
Lancaster, John S.
Landers, John D.
Landry, Leo R.
Langford, John A., Jr.
Larson, Lawrence P.
Larson, Reuben R.
Larson, Thomas Lee
Lawson, David S., Jr.
Lawton, Herbert A., Jr.
Learson, Harold W.
Leary, Donald W.
Leavenworth, Robert S.
Ledoux, Lawrence C., Jr.
Lee, Jerald K.
Lee, Martin K.
Lee, Roland D.
Leinwohl, Arthur
Lell, Virgil G.
Leo, Paul P.
MacGregor, John L.
MacNofsky, Stuart B.
Madden, John S.
Maher, James J.
Malcolm, Lawrence D.
Malcolm, Wesley R.
Malone, Jack H.
Malyevac, David S.
Mandel, Philip N.
Mandra, Louis L.
Margotta, Robert F.
Marjenhoff, August J.
Markland, Francis S., Jr.
Marlowe, Harold C.
Marsalis, Forrest S.
Martel, Leon C., Jr.
Martella, Alex A., Jr.
Martin, Frank B., Jr.
Martin, Gary L.
Martin, George W.
Martin, Michael J.
Martin, Robert P.
Martin, Ronald C.
Martin, Thomas W.
Mascali, John H.
Mason, Charles C.
Mason, Theodore T.
Masterson, Russell W.
Maughlin, Richard K.
Maycock, Paul D.
Maynard, Theodore W.
Mazza, John A., Jr.
McAfee, Robert E.
McAniff, Edward J.
McAnulty, John F.
McBrayer, Robert L.
McCabe, Ebe C., Jr.
McCabe, John
McCabe, John F., III
McCann, William E., Jr.
McCart, Benjamin H.
McCauley, Hugh W.
Leschack, Leonard A.
Less, Frank, Jr.
Lester, John W.
Leukhardt, Martin W.
Levit, Bernard E.
Liemohn, Wendell P.
Liipfert, Benjamin B., Jr.
Lindley, Quitman W.
Lineberger, John D., Jr.
Lisle, Paul C.
Lobue, Thomas J.
Lockett, Tyler C.
Logan, Alexander S.
London, J. Phillip
Loomis, Herschel H., Jr.
Lopez, Manuel B.
Loth, Joseph T.
Lowell, William A., II
Lucas, William M., Jr.
Lukens, Reeves A.
Lunden, Francis G.
Lupone, Donald F.
Lynch, Harvey J.
Lynch, John A., Jr.
Lynch, Maurice P.
Lynch, Paul L.
Lynch, Robert K.
Lyons, Richard B.
Lysne, Howard C.
McClone, Thomas A., Jr.
McCullough, Stuart W.
McDermott, Daniel J.
McEligot, Donald M.
McEvoy, Lawrence J., Jr.
McFarland, Richard L.
McGarry, Edward R.
McGurty, William H.
McKay, Bruce B.
McKinney, Kenneth W.
McLallen, Walter F.
McLaughlin, Jack M.
McLaughlin, Richard F.
McLoskey, Robert D.
McManus, Arthur T.
McMillan, Joseph C.
McMillon, John R.
McSwain, Stanley R.
McWhorter, William C.
Mehldau, Alan P.
Melendy, Herbert E.
Merle, Pierre F. V.
Merrifield, Robert G.
Merritt, Ernest S.
Mertz, Robert M.
Meyer, William F.
Meyers, L. J., Jr.
Mighell, Donald R.
Miller, Gardner H.
Miller, Harlan B.
Miller, Max K.
Mills, Michael T.
Mills, Stuart K., Jr.
Milner, Marlyn D.
Mizer, George A., Jr.
Mock, Kermit T., Jr.
Modrak, George P.
Monahan, Robert E., Jr.
Monell, Gary E.
Montanaro, Joseph A.
Monteleone, Anthony J.
Montgomery, Clarence P., Jr.
Moody, James R.
Moore, Edward R.
Moore, Julian P.
Moore, Kenneth D.
Moore, Saul F., Jr.
Morency, Conrad R.
Morey, Eldon L.
Morgan, Donald A.
Morgan, Edward A.
Naab, Geoffrey
Nagel, David J.
Nagle, Fred S., III
Nailor, Kerwin C.
Navin, John J., Jr.
Neal, Rodney, D.
Neibauer, Rodney D.
Nelson, Roger B.
Oberholzer, David J.
Obley, Loren L.
Obold, Charles E.
Ocker, Jerold R.
O'Connell, John, R., Jr.
O'Connell, Paul J., III
O'Dwyer, Kyran M.
Oldenburg, Carl R.
Olsen, Lloyd G.
Pankratz, John M.
Panshin, Daniels A.
Pappalardo, Salvator J.
Parks, Richard E.
Parks, Robert M.
Partlow, James G.
Patterson, Ralph A., Jr.
Patterson Robert S.
Paules, Granville E., III.
Peace H. W., II.
Pearson, Robert E.
Peloquin, Eugene A.
Pepka, Ronald F.
Perry, David L.
Peters, David E.
Peters, William J., III
Petersen, Dean L.
Peterson, Albert E.
Peterson, Charles H.
Peterson, Gerald L.
Peterson, Kenneth D.
Quackenbush, Gilbert W.
Rankin, Andrew M., II.
Rappuhn, Alfred A., Jr.
Rath, Jack A.
Rausch, Harry A., Jr.
Ravitz, Robert A.
Ray, Billie D.
Ray, Edward J.
Redmond, James W., Jr.
Rees, Gayle H.
Reeves, Donald J.
Reeves, William B.
Regan, James D.
Reich, Joseph A., Jr.
Reinke, Henry S.
Reis, Frederick S., Jr.
Rettinger, Donald H.
Reutter, Walter E.
Reynolds, David W.
Rhoades, William W.
Rice, John C., Jr.
Rice, William J.
Moriarty, Brian M.
Morrison, Robert L.
Morrow, Frank S., Jr.
Morrow, Robert C.
Moseley, W. J., III
Moynahan, Dennis M.
Mullin, Robert J.
Mulvany, George M.
Murdoch, John L.
Murdock, Robert V.
Myatt, Kenneth E.
Myers, George D., II
Newburn, Robert M.
Nicholas, Jack R., Jr.
Nicholson, Daniel A.
Nizinski, William
Nord, Frederic J.
North, John H., III
Nossen, Robert P.
O'Reilly, Clarke F.
Orme, Douglas L.
Osborn, Jerry C.
Ostrom, Kenneth R.
Otey, Glen R.
Ott, Albert F.
Otterberg, Carl O.
Owen, John F.
Owens, Bruce H.
Owens, James W.
Pfeil, Richard A.
Pfotzer, William
Phillips, Edwin D., Jr.
Piatt, Charles E., Jr.
Pinkerton, James B., Jr.
Polgar, Michael S., Jr.
Polgreen, John A. J.
Poling, John D.
Polutnik, Francis L.
Popp, Joseph M.
Posner, Ernest G.
Potter, Charles R.
Powell, Hurley J. T.
Pratt, Marvin J.
Price, William E., II
Prifster, Hugh W., Jr.
Proctor, Donald J.
Puckett, Johnnie R.
Pulice, John.
Purvis, Samuel M., III
Rich, James H., Jr.
Richards, Anthony C.
Richards, Grahame P., Jr.
Richards, James H.
Richards, Richard L.
Richards, Thomas A., Jr.
Richardson, John H., Jr.
Ricker, Charles T., Jr.
Ricketts, Donald B.
Riddle, Peter E.
Riedell, William A.
Rieger, Jon H.
Riess, Daniel M.
Riess, John K.
Riggins, William S.
Rigone, John L.
Riley, Frederick Leo
Riley, James C., Jr.
Rimbach, David G.
Rimmington, John B.
Ritola, Angelo P.
Ritter, Jack F., Jr.
Rizza, Guy D.
Roach, George E.
Robbins, Clyde D.
Robbins, Duane E.
Robbins, Richard R.
Robert, James R.
Roberts, Clarence L., Jr.
Roberts, Michael M.
Roberts, Rex G.
Robinson, Don F.
Robinson, Richard J.
Robinson, William A.
Robson, John H.
Rockwell, Richard B.
Rodgers, Tommie J.
Sakuda, Paul S.
Salisbury, Roger E.
Sallade, Frederick E.
Salmon, Wayne S.
Saltzman, Glenn A.
Sample, William B., Jr.
Samuelson, Ronald A.
Sanborn, James H.
Sanchez, William A.
Sansone, Wallace T.
Sass, Arthur H.
Satterfield, Don G.
Sauer, William F.
Saul, Billy H.
Sax, Samuel W.
Schaefer, Dale G.
Scheck, Timothy R.
Schick, Philip F.
Schmidt, Donald L.
Schmidt, Raymond P.
Schneider, Thomas H.
Scharder, William H.
Schuler, Chester J., Jr.
Schuster, Frederick A.
Schwartzkopf, Gary P.
Schwob, Thomas N.
Scichili, Carl J.
Scoble, John G.
Scott, Joseph R.
Scott, Wayne E., Jr.
Severson, Paul J.
Shanahan, Vincent J.
Shapbell, William B., Jr.
Sharp, George K.
Sharp, Stanley F.
Shea, Roland F., Jr.
Sheehan, Brian T.
Shelton, Sylvester M.
Shepherd, Charles W.
Shiflett, Edward E.
Shimkus, John J.
Shipley, Kenneth L., Jr.
Shissler, Frank J.
Shoemaker, Charles S.
Sholl, Theodore G.
Shows, Ned H.
Siegmund, Harry M.
Simmons, George T.
Simmons, Roger A.
Sindelar, James H.
Sink, John D.
Skaggs, Glenn E.
Skorupski, Edward
Sloan, Robert L.
Slunder, Robert C.
Rodriguez, Ronald J.
Roe, John E.
Rogness, Ronald M.
Roney, Ernest E., Jr.
Rosen, Sheldon M.
Rosenfeld, Alan H.
Ross, Harold M.
Rossi, Robert J.
Rousseau, Larry J.
Routh, Alan C.
Royston, John P.
Rufe, Robert W.
Rumsfield, Donald H.
Rutherford, Harold G.
Smith, David F.
Smith, David W.
Smith, Denis G.
Smith, Frank L.
Smith, Jack S.
Smith, James R.
Smith, Maurice R.
Smith, Milton L.
Smith, Norman G.
Smith, Peter H.
Smith, Ralph W., Jr.
Smith, Richard C.
Snedeker, Earl K., Jr.
Snider, Ted Lowell
Snipes, Stephen G.
Snyder, Daniel R.
Specht, Malcolm R.
Stacey, Lindley C.
Stahel, Rudolf S.
Stallman, George L., III
Stanley, Howard C.
Stapleford, Thomas C.
Stauffer, William H.
Steffenson, Michael R.
Steffes, Arnold M., Jr.
Stein, Earl A., Jr.
Stephen, Earl M., Jr.
Stephenson, Horace L.
Stephenson, John M., Jr.
Stevens, Alan Mors
Stevens, Rollin M., II
Stevenson, John C., Jr.,
Stevenson, Kenneth A.
Stewart, John E.
Stiehm, Bruce G.
Stockdill, Pat W.
Stokes, Francis G.
Stoklosa, Richard G.
Stoner, William G.
Storey, Douglas H.
Storey, Sammy M.
Strand, Donald Frank
Strickland, James M.
Strickland, Stanley P.
Stromberg, Jack W.
Stuart, Douglas
Suda, George A.
Summers, John D.
Summey, James W., III
Sumner, Paul
Surovchak, Richard J.
Swanberg, Paul Mau
Swenson, John B.
Sylvester, Torrey A.

Tait, John H.
Talley, Alfred F., Jr.
Talley, James M., Jr.
Tankel, Jerome K.
Tanner, John W.
Tapley, John T., Jr.
Tapp, James T., Jr.
Tate, John T.
Tatom, Frank B.
Taylor, Charles A.
Taylor, Donald S.
Taylor, Robert N., II
Templeton, Wilbur D., Jr.
Tennant, William K.
Tennent, Richard E., Jr.
Terry, Thomas J., Jr.
Thomas, Arthur J.
Thomas, James E.
Thomas, John R., Jr.
Thomas, Quinn D.
Thompson, Bobby C.
Thompson, Neal P.
Thompson, William H., Jr.
Tichenor, Austin K.
Tiedemann, John G.
Tilton, Allan P.
Todd, Frank P.
Touhey, Robert J.
Tremblay, Victor J.
Treubert, John H.
Trimmer, Terry
Tucker, Samuel S.
Turgeon, Charles F.
Tweedt, Peter L.
Twite, Gaylor M.
Twomey, Thomas J.

Underhill, Burton C.
Vance, William A.
Vancise, Richard A.
Vandegriff, John H.
Vansoest, Peter D.
Veal, John S.
Verstandig, Robert J.
Volz, Vincent J.
Vonderohe, Robert H.
Vunkannon, James C., Jr.

Waddell, Robert A.
Walker, David R.
Walker, George K.
Walker, Lynn W.
Walker, Norman L.
Wallacavage, Michael R.
Waller, James W.
Warner, William T.
Watson, William H., III
Waugh, Norman E.
Wayland Henry P., Jr.
Weber, Robert L.
Weed, John J.
Weintrub, Arnold
Weitfle, Paul L., Jr.
Welch, Kenneth J.
Welch, Michael F.
Wells, John G.
Welton, Robert G.
Weyler, Frank W.
Whealy, Robert A.
Wheeler, Jerry A.
Whipple, Walter
Whitaker, David A., Jr.
White, Chester D.
White, John R.
Whitt, Darnell M., II
Whittington, Frederick B., Jr.
Wiant, Mark C.
Wilhite, Doyle
Willey, Michel F.
Williams, Kenneth V.
Williamson, George Jr.
Wilner, Arthur I.
Wilson, Hugh P.
Wilson, Wilbur G.
Wingfield, Charles G.
Winslow, Stephen M.
Winstead, Walter G.
Wirth, William T.
Witte, Donald M.
Wixted, David C.
Wojan, Donald
Wojan, Lyman P.
Wolf, Charles R.
Wolf, Lee E.
Wolfe, John G.
Womble, Robert W.
Wood, Bennie L.
Worsley, George D.
Wu, Theodore Wai
Wylie, Donald G.

Yarber, William J.
Yates, Robert D.
Yatsko, George J.
Yorio, Beniamino
Youel, Donald A.
Youmans, Joseph E.
Young, Larry R.
Young, Robert G., Jr.
Young, Stephen G.
Young, William K., Jr.
Yusem, Stephen G.

Zavada, Leonard J.
Zavisza, Daniel M.
Zeh, Thurber G., Jr.
Zeilinger, Ronald F.
Zickrick, Jerome L.
Zipperer, John C., Jr.

IN THE NAVY

The following-named temporary commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the line, pursuant to the provisions of title 10, United States Code, section 5912:

Aaron, Gary W.
Abbott, Stephan L.
Abel, Edward R.
Abel, Robert L.
Abele, Robert T.
Ackerman, Peter G.
Acosta, Gilbert
Adair, John W.
Adam, David J.
Adamcin, Peter L.
Adams, Carl L.
Adams, David J., Jr.
Adams, Hardy B., Jr.
Adams, Paul F.
Adams, Peter D.
Adams, Ross D.
Adaschik, Anthony J.
Addison, Thomas A., Jr.
Adell, James M.
Adkins, Howard E.
Adkins, Kenneth G.
Adkins, Michael R.
Admas, William H.
Agatep, Donald A.
Ahern, Robert P.
Ahlbach, James F., Jr.
Aho, Larry R.
Akers, Roy P. H.
Albert, Gary L.
Albi, Lynn J.
Aldrich, Arthur G., Jr.
Alexander, James R.
Alexander, Robert A.
Alexander, Robert C., Jr.
Alf, Donald L.
Alford, John W.
Alla, Francis V., Jr.
Allard, Terrence J.
Allen, Clayton T.
Allen, George M.
Allen, Richard K.
Alley, James A.
Allman, Stephen B.
Almond, John W., Jr.
Alonge, Sam J., Jr.
Alosi, James C., III
Alter, John W., Jr.
Alvarez, David C.
Amberg, Richard H., Jr.
Amundson, Frank B.
Anathan, Robert P.
Andersen, Stanley G.
Anderson, Charles S.
Anderson, Ernest J., Jr.
Anderson, Eugene C.
Anderson, Gary G.
Anderson, Gary L.
Anderson, George E.
Anderson, Howard B.
Anderson, Jerold F.
Anderson, Lawrence R.
Anderson, Richard B.
Anderson, Rodney C.
Anderson, Ross K., Jr.
Anderson, Terrance E.
Anderson, Walter C.
Anderson, Walter E., Jr.
Anderson, William A.
Andrews, John B.
Angerhofer, Gary E.
Anglada, Jose B. R.
Annin, Timothy E.
Anson, Bert III
Anthony, James R.
Anzalone, Thomas A.
Appicelli, Robert A.
Apter, Marc T.,
Aquilina, Fred A.
Arant, Daniel R.
Archer, Douglas W.
Archey, Warren E.
Ardell, Eric B.
Argo, John T., Jr.
Armstrong, Ronald J.
Armstrong, William C.
Arndt William D.
Arnold, Henry S.
Arnold Lance M.
Arthur, Kenneth A.
Arundale, Samuel H.
Arwood, George A.
Ashworth, David B.
Asrael, Aaron R.
Atcheson, Raymond W.
Atkinson, Oliver T., Jr.
Atkinson, Thomas C., Jr.
Auerbach, Jerome M.
Austin, Wayne R., Jr.
Avella, Joseph R.
Avera, William E.
Avery, Thomas G.
Azzi, Paul A.

Babby, Lloyd W.
Babine Arthur L., III
Bachmeyer, Gervase R.
Backus, William E. Jr.
Bacus, William R.
Badolato, Peter T.
Baer, Thomas S.
Bagshaw, Charles R.
Baier, Robert E.
Bailey, Carlyle K.
Bailey, Douglas L.
Bailey, Gerald M.
Bain, Jerry W.
Baird, Donald R.
Baird, James G., Jr.
Baker, Larry O.
Baker, Richard A.
Baker, William H.
Bakewell, Richard B.
Baldwin, Dan W., Jr.
Ball, Joseph E.
Ballance, Robert G., Jr.
Balon, Michael J.
Banda, Lionell A. W.
Bankered, John P.
Banks, Richard A.
Banner, Glen E.
Banta, John M.
Banvard, James H.
Baraldi, William J.
Baravik, Andrew W.
Barford, George
Baringer, John R.
Barker, Edward E.
Barlow, David A.
Barners, Richard C.
Barnes, Samuel E.
Barnett, Richard, T.
Barrera, Alfredo B.
Barrett, Edward L. Jr.
Barringer, Raymond E.
Barrow, Edward M., Jr.
Barry, Andrew M.
Bartolini, Bruce F.
Barton, Jon H.
Bartrum, David E.
Baskerville, James J.
Bastien, Gilbert J.
Batchellor, John K., Jr.
Bates, Donald C.
Bates, Ollie B., III
Batte, Charles D.
Bauer, Kenneth H.
Bauer, Russell C.
Baumer, Edward K.
Baumgardner, Hugh W.
Baumgardner, Walter L.
Bayley, John L.
Beacham, Richard F.
Beal, James A.
Beall, John J., Jr.
Beam, Bruce A.
Beaudry, Frederick, H.
Beavers, Ashley J.
Beck, Robert, L.
Becker, Charles J., Jr.
Becker, Richard L.
Becknel, Gerald P.
Bedford, John L.
Beeby, Gered H.
Beeler, Carroll R.
Beene, Joe F.
Beguin, Steven G.
Behnke, Richard W.
Belanger, Roland J.
Bell, Edmond V.
Bell, James D.
Bell, Lyndon R.
Bellows, Arthur N., III
Bemis, Richard S.
Benator, Barry I.
Bencze, Daniel P.
Bender, Frank J.
Bender, Robert G.
Benn, James J., III
Benner, Francis J.
Benner, William B.
Bennett, Bobby E.
Bennett, Denis F.
Bennett, Leroy E.
Bennett, William C.
Bennion, Paul A.
Benoit, George E., Jr.
Benson, David E.
Benson, Jeffrey L.
Benson, Jerome E.
Benson, Lawrence P.
Benson, Michael J.
Benton, William C., III
Beresford. John.
Berg, George W., Jr.
Berg, Raymond C.
Berg, Richard M.
Berg, Sigual M., Jr.
Bergin, Edward J.
Bergquisi, Carl W.
Bergstrom, Arthur E.
Bergstrom, John L.
Berkley, Joseph B., Jr.
Bernard, Gilbert C., Jr.
Berner, Kenneth C.
Berry, Robert C.
Berry, Robert W.
Beshore, Charles
Beskid, Franklin D.
Best, Conrad C.
Best, William E.
Betterton, Don M.
Bettis, Dale G.
Betzold, John N.
Bevacqua, Dominick K.
Beveridge, David C.
Bevis, Andrew H., Jr.
Bewick, James S.
Bialecki, Lawrence A.
Biddlelom, William G.
Biermanski, Lothar P.
Bigelow, Dana F.
Bilbrey, Robert R., Sr.
Bingham, Robert W.
Birkholz, Bruce G.
Bitner, Norman E.
Bitten, Ernest J.
Bittick, Johnny M.
Bivin, Stephen Kee
Black, Hugh, Jr.
Black, Richard E.
Black, William H.
Blackard, William R., Jr.
Blackburn, Lewis B.
Blake, Robert D.
Blake, Robert P., III
Blanchard, Duane E.
Bland, Troy N.
Blansit, Griffin C., Jr.
Blanton, James H.
Blaser, Bradford H.
Bledsoe, Charles F.
Blemaster, Norman L.
Bleyle, George A., Jr.
Blink, James S.
Block, Charles E., Jr.
Block, Martin J.
Blodgett, Daniel B.
Blonshine, Richard D.
Blood, Kenneth L.
Bloomer, Phillip R.
Blosberg, Gary K.
Blough, Christian G.
Bobb, Kenneth R.
Bobko, Allan D. J.
Bodansk, John W.
Bodkin, Robert V.
Boerbon, Floyd W.
Bohanna, James L.
Bohlman, Ronald A.
Bolain, Gerald A.
Bolena, Denis W.
Boles, John K. R.
Bomberger, Russell B.
Bomgaars, David A.
Booker, John W.
Boostrom, Roger L.
Boothe, Paul N.
Borden, Richard C.
Borders, Donald E.
Born, Terry R.
Borquist, Frank P., Jr.
Borrowdale, Kent
Borsum, Robert B.
Bost, Robert F.
Boston, Glenn A.
Bostrom, Alexander H.
Bostwick, Burton L.
Bott, John F.
Bouchard, Robert M.
Boucher, Paul R.
Bouma, Kent G.
Bounds, Billy A.
Bourke, Michael G.
Bourret, William L.
Bouwe, James A.
Bowers, Charles H.
Bowers, Richard C.
Bowman, Bruce R.
Bowman, Terry L.
Bowman, Thomas E., III
Boyce, Allen W.
Boyd, Cecil A. K., II
Boyd, Larry L.
Boyd, Larry R.
Boyd, Richard E.
Boyle, Louis E.
Boynton, Robert T.
Bracker, William A.
Braddy, Edward L., Jr.
Bradford, William E.
Brady, Joseph F.
Brady, Thomas M.
Brainerd, Austin L.
Brame, John H.
Brandon, Herman T.

Brandon, Robert W.
Brandt, Philip H.
Brasher, James C.
Bray, Stephen R. W.
Brearley, Arthur
Breaux, Charles K.
Breen, Edward J., Jr.
Breen, Peter L.
Breitzing, Robert W., Jr.
Brennan, Dennis J.
Brennan, James P., Jr.
Brennan, Thomas V., Jr.
Brent, Richard M.
Brewer, William P.
Bridges, Robert D.
Briece, Roddy F.
Bried, Robert A.
Bright, Larry L.
Bright, Richard G., Jr.
Brinkley, Marland D.
Brinks, Lawrence H.
Brintzinghoffer, David M.
Britt, Charles R.
Brittenham, John C.
Brocco, William J.
Brockmeir, Robert O.
Brodigan, Charles J.
Brooks, Richard E.
Brower, Robert L.
Brown, Arthur B.
Brown, Buell L., Jr.
Brown, Carl T.
Brown, Charles M., Jr.
Brown, David A.
Brown, Forrest G.
Brown, Garth G.
Brown, Jerry K.
Brown, John O.
Brown, John W., III
Brown, Lawrence
Brown, Oliver C., III
Brown, Raymond N., Jr.
Brown, Ronald N.
Brown, Roy B.
Brown, Thomas W.
Brown, William C., III
Brown, William G.
Browne, Geoffrey
Browning, John
Brubaker, David B.
Bruce, Robert S.
Brucker, Chad H.
Bruduik, David R.
Brumfield, Robert D
Bruno, Francis A.
Bruno, George I., Jr.
Brush, Frederick J., Jr.
Bryan, John H.
Bryant, Lee W.
Cahoon H. M.
Caldwell, Frank S.
Calhoon, William H., Jr.
Callahan, Jeffrey E.
Cambre, Kendall M.
Cameron, Alan G.
Campbell, Brian F.
Campbell, Cromwell B.
Campbell, Leonard G.
Campbell, Oscar H.
Campbell, Robert R.
Campbell, Thomas E.
Bubb, John W.
Bucciarelli, Eugene S.
Buchanan, Peter
Buciak, James J.
Buck, Earl F.
Buck, Joseph A.
Buckely, Charles W., III
Buckley, James K.
Buckley, Richard G.
Buckley, Robert F., Jr.
Buckman, John M.
Buckner, Jerry L.
Buckner, Lawrence M.
Bucko, Richard L.
Budnick, Allen J.
Budryk, Raymond J.
Buehler, Paul A.
Buehrer, Charles F.
Buergel, John W.
Buff, James F.
Bullard, Walter M. Jr.
Buller, Ray C.
Bultas, William A.
Bunje, Ralph B., Jr.
Bunnell, Melvin L.
Burin, Ronald
Burke, Francis A.
Burke, Patrick L.
Burke, Walter E. Jr.
Burkhart, Alan D.
Burkhart, Daniel W., Jr.
Burkons, Hugh A.
Burneskis, James S.
Burnett, Dana D.
Burnett, Michael J.
Burnett, Robet S.
Burns, Philip J. Jr.
Burns, Robet R.
Burr, David S.
Burris, Robert N.
Burtner, Simeon S.
Burton, John F.
Burton, Michael C.
Busby, Max S.
Busch, Morgan M.
Bush, Robert F. Jr.
Bush, Robert P. III
Bushmaier, Jimmy E.
Butler, Carroll V.
Butler, Edward F.
Butler, Samuel B.
Butler, Theodore H.
Butterbrodt, Robert D.
Button, John E.
Butz, John V.
Bybee, Norbert A., Jr.
Byers, Billy B.
Byrne, William J. T.
Byrnes, Charles P.
Byrnes, Robert K.
Campo, John T., Jr.
Canavan, Kenneth
Canavit, Frank H.
Canby, John C.
Cann, John P., III
Cannella, Norman S.
Cannon, Thomas M.
Canter, Thomas C.
Cantrell, Jimmy J.
Caraway, John B. III
Carey, James J.
Carey, Jefferson Jr.
Carlberg, Richard F.
Carling, James R.
Carlson, Gary L.
Carmichael, William R.
Carmody, Joseph P., Jr.
Carnes, Calland F.
Carpenter, Galen D.
Carpenter, William S.
Carpentier, Peter F.
Carr, Howard E., Jr.
Carroll, David
Carroll, Dennis E.
Carroll, Johnny D.
Carroll, Joseph F.
Carroll, Michael A.
Carroll, Peter J.
Carstens, Roger W.
Carter, Francis H., Jr.
Carter, George H., III.
Carter, Robert T.
Carter, Rowland, F.
Cartwright, John G.
Caruthers, Ernest L.
Carvelli, Albert B., Jr.
Casci, Robert A.
Casey, Bruce L.
Caskey, Maurice R.
Casper, Lance R.
Caspero, John F., Jr.
Castarakis, Dennis A.
Castro, Ralph G.
Caswell, Jerry W.
Catone, Robert A.
Cauthen, William R.
Cederholm, Walter T.
Celebrezze, Anthony J., Jr.
Cerny, Robert T.
Chamberlain, Larry D.
Chance, Alton F.
Chandler, Floyd J.
Chandler, Robert C.
Chaney, Paul E., Jr.
Chapman, Donald R.
Chapman, John C.
Chapman, Peter K.
Chase, Scott, M.,
Chase, William R.
Chasseles, Larry W.
Chastain, Jeffrey M.
Cheney, John V.
Cherin Anthony C.
Chernow, Robert L.
Cherry, Robert M., Jr.
Chester, Frederick R.
Childress, Samuel L.
Chirurg, James T., Jr.
Choate, Don W.
Chretien, Peter C.
Christensen, Daniel N.
Christianson, Daniel T.
Chronic, Joseph A.
Chubb, Stephen P.
Chuss, Thomas G.
Cibula, James L.
Ciccone, Ronald J.
Cindrich, Evan
Cinniger, Ronald E.
Cladek, Edward A.
Claggett, John B.
Clancy, George J., Jr.
Clark, Harry B.
Clark, James J.
Clark, Robert M.,
Clark, Thomas F., Jr.
Clark, Thomas H.
Clark, Tony F.
Clark, Jon B.
Claude, David L.
Clawson, Paul F.
Clayton, Johnnie E., Jr.
Clayton, William B., III
Cleary, Edward J.
Clegg, Marshall C.
Clodig, John B.
Closson, Spencer W.
Clough, David C., Jr.
Clough, Geoffrey A.
Clow, Gordon H.
Cocci, James A.
Coffey, Thomas E.
Coffield, Thomas W.
Coker, Charles C.
Colasurdo, Michael M.,
Colburn, James R.
Cole, Harold L.
Cole, Otis R., III
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Coleman, Glenn W.
Coleman, Stephen B., Jr.
Coleman, Walter S.
Collet, Malachy J.
Collins Curtis A.
Collins, Joseph P.
Collins, Joseph S.
Collins, Robert J.
Collins, Robert J.
Collins, Roy B.
Collver, William C.
Colston, Michael G.
Colvett, John H.
Colvin, James G., II
Colvin, Joseph T.
Combs, Edwin L., Jr.
Comeau, Charles R.
Commeree, Laurence M.
Compton, Revis E., Jr.
Conder, James W.
Conerty, Michael J.
Conger, Richard B.
Conlon, James D.
Conn, Robert D.
Connel, Allan A., III
Connell, Carl W.
Conner, Douglas B.
Connolly, John M.
Connolly, Thomas J.
Connolly, Thomas J.
Connors, William J., Jr.
Conroy, John D.
Conroy, John P.
Conti, Rodney R.
Cook, Charles L.
Cook, Frederick N.
Cook, James A.
Cook, Joseph T.
Cooley, Jack E.
Coonen, Robert H.
Cooper, Herman A., Jr.
Cooper, John B., Jr.
Cooper, William J.
Coopersmith, James M.
Copeland, Larry M.
Copenbarger, Paul D.
Corcoran, George J., III
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Corso, James F.
Cost Richard W.
Costarakis, Matthew G.
Costello, Edward M.
Cottrell, Davie S.
Couch, Dale M.
Coughlen, Thomas D.
Coulson, Allan R.
Coulter, Forrest W.
Coulter, Lonnie B., Jr.
Counts, Norris G.
Covan, James P.
Coveney, Edward M.
Cowan, James H., Jr.
Cowardin, James H.
Cowart, Joel D.
Cowen, Joseph H.
Cowgill, Curtis J., III
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Cozad, Jerry E.
Craig, Stephen M.
Crane, Robert E.
Cranston, Craig H.
Craver, Charles R., Jr.
Crawford, John G., Jr.
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Cress, James T., Jr.
Cressman, Stephen D.
Crisp, Howard L.
Croasmun, Robert F., Jr.
Crollick, George R., Jr.
Cronin, Michael P.
Crook, James Linco
Crooker, Peter E.
Crooks, David R.
Cross, Jerry V.
Cross, Robert R.
Crosswell, Mitchell M.
Croucher, Donald E.
Crow, Joseph M.
Crow, Lewis N.
Crowder, Thomas E.
Crowe, Loyd A., Jr.
Crowell, Robert L.
Crowley, Gary W.
Crowley, Joseph A., Jr.
Crull, Thomas W.
Crusoe, John A.
Cuccia, Robert A.
Cuddington, Michael E.
Cummings, Harold
Cummings, Peter C.
Cunningham, Melvin P.
Cunningham, Paul J.
Curcio, Franklin A.
Curland, James W.
Curran, John P.
Curtis, Nelson G., Jr.
Curtis, Robert L.
Curtis, Theodore S., Jr.
Curtiss, Edward B.
Custodi, George L.
Cuthriell, Robert E.
Cutter, Douglas B.
Cyphers, Arthur B.
Czech, Theodore T.
Czekanski, John J.
Czerwonky, Arthur
Czerwonky, James H.

Dabich, Eli, Jr.
Dadd, Alan C.
Daley, Paul P.
Dalton, William H.
Dambaugh, John A.
Dance, Wayne T.
Dandrea, James J.
Daniels, Franklin L.
Daniels, Gerald E.
Daniels, Joseph H.
Daniels, Parmely M.
Danielson, Larry R.
Danis, Norman F., Jr.
Danni, Frank R.
Dannov, Bernard A.
Dansker, Alfred S.
Danskin, George A.
Darby, Philip A.
Darling, John D.
Dashiell, Charles M., Jr.
Daunis, Alexander B.
Dauwalder, Robert H.
Davidson, David R.
Davidson, James D.
Davies, John G.
Davis, Clay S., Jr.
Davis, Dock H.
Davis, Dwight P.
Davis, Frank L., Jr.
Davis, James E., Jr.
Davis, James M.
Davis, John D.
Davis, Lorenzo D., IV
Davis, Norman L.
Davis, Robert W.
Davis, Robert W.
Davis, Royce P., Jr.
Davis, Thomas K., Jr.
Davitt, James, Jr.
Davy, Ronald K.
Dawson, Lawrence H.
Day, James S., Jr.
Day, Tommie R.
Dayley, Alan J.
Dean, Charles W.
Dean, Kenneth H.
Deaton, Leonard W.
Debay, Orian
Deboer, Gordon W.
Debrun, John B., Jr.
Decker, Christian, F., III
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Defazio, Salvatore, III
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Degiorgio, Jerry R.
Degolian, Felix E., III
Dehotman, Deane
Delapena, Federico A.
Deleyiannis, Steven J.
Delich, Gerry L.
Dell, Robert E.
Delph, Terry J.
Delpizzo, Charles W., Jr.
Deluca, John P.
Demali, Joseph A.
Dempsey, Edward J.
Dempsey, William A.
Dempsey, William J.
Denardo, Leonardo F.
Denning, Richard G.
Denninghoff, James P.
Dennis, David A.
Dennis, Gary P.
Dennis, John C., III
Dennis, Michael R.
Denny, Glenn D.

Depompei, Daniel A.
Derman, Donald
Dermyer, William D.
Desantis, Antonio F.
Despres, Joseph A.
Detrick, Ernest M., II
Dettmer, John J.
Detweiler, John H.
Devilbiss, John M.
Deville, David M.
Devine, John J., Jr.
Devine, William H.
Devito, Joseph P.
Devlin, Duke P.
Devlin, John F.
Devoe, Carlyle J.
Devoe, Leonard N.
Devry, Scott N.
Dewolff, Maurice K.
Dibble, William W., Jr.
Dickas, John H.
Dickinson, Lawton R.
Dickinson, Richard L.
Dickson, Guy T., Jr.
Dickson, James R., II
Dickson, Robert E.
Diehl, James M.
Diem, Gustav
Dienstl, James J.
Diers, James F.
Diesner, Harvey, H.
Dilkes, Howard V., III
Dillon, Kevin L.
Dillon, Lucius P., III
Dillon, Miles C.
Dillow, Richard M.
Dilorenzo, Leonard A.
Dilullo, Louis J.
Dimarcanton, Albert L.
Dinsmore, Edmund K.
Dipietro, Carl A.
Dipuppo, Michael T.
Distad, John T., Jr.
Dittman, Stephen J.
Ditzler, Kirk J.
Dixon, Donald L.
Dixon, Ronald R.
Dixon, Thomas L.
Dobbelstein, Dennis A.
Dobbs, William D.
Dobell, Harry E., Jr.
Dobey, Patrick L.
Docekal, William L.
Dodge, Henry T.
Dodge, Rex H.
Dodge, Stephen
Dodrill, James B.
Dodson, Max H.
Doherty, Dennis C.
Dolan, Joseph P.
Dolben, Joseph A.
Dolge, Alan L.
Dollarhide, David A.
Donaghy, Francis D.
Donahoe, David F.
Donahue, Dennis MI.
Donahue, James W.
Donaldson, Eugene J.
Donalson, Robert C.
Donato, Brian J.
Donohue, Anthony G.
Donovan, Charles A., Jr.
Dooling, Robert A.
Dorrance, Frank M.
Dorsett, Ralph A.
Dorsey, James E.
Dostal, Donald L.
Dostal, Raymond F.
Dougherty, Charles W.
Douglas, Lawrence H.
Dovener, Joseph J.
Dowd, James R.
Dowd, Sidney E., Jr.
Dowdy, William L., III
Dowis, James F.
Downey, Fenton T.
Downton, Charles E., III
Doyle, Thomas F., Jr.
Dozier, Frank S.
Drake, Stephen R.
Drew, Ernest W., III
Drew, Michael T.
Dreyer, Gregory F.
Driver, Donald E.
Driver, Donn R., Jr.
Driver, Ross N.
Drone, Donald D.
Drought, Brian D.
Drozdz, Theodore V.
Drudik, Donald J.
Druist, George F.
Drummer, Jesse F.
Dubas, Lawrence T.
Dube, George
Dubois, Austin H.
Dubois, Harold K.
Dubois, John W.
Dubois, Michael L.
Dubois, Thomas M.
Duda, Walter F.
Dude, Robert J.
Dudley, James C.
Dudley, Richard M.
Duffey, Morris H.
Duffy, Charles G.
Duffy, Denis C., Jr.
Duffy, Paul C.
Duffy, Thomas E., Jr.
Duke, James C.
Duley, Gerald P.
Dulin Leon
Duncan, L. G. E.
Duncan, Lloyd L.
Duncan, Robert W.
Dunlap, Stephan E.
Dunlap, Steven J.
Dunn, Marvin G.
Dunn, Merrel R., Jr.
Dunn, Paul H.
Dunn, Phillip C.
Dunphy, Aedan
Dupuis, Louis P.
Durand, John E.
Durfer, Edwin R.
Durham, John L., III
Duryea, Robert O.
Dye, William R.
Dyer, Charles A.
Dyer, Hugh N., III
Dykes, Ralph V.

Eady, Oliver S., III
Eagan, Rex
Eagleton, Hugh E.
Eanes, James M.
Earl, Richard L.
Eastman, Kenneth O., Jr.
Eatman, George T.
Eaton, David M.
Eaves, Beuford A.
Eck, Michael A.
Eckstrom, David M.
Ecton, Stanley A.
Edgar, John D.
Edge, Jacob, II.
Edmondson, John A.
Edwards, Henry B., Jr.
Edwards, James T., Jr.
Eimas, Richard
Eisenhauer, Robert G.
Eiserman, Joel T.
Eldred, John L.
Elliott, Jesse R., Jr.
Elliott, Johnny L.
Elliott, Robert M.
Elliott, William P.
Ellis, Douglas D.
Ellison, William T.
Elness, Curt R.
Elwell, Reginald B., Jr.
Elzie, Johnny L.
Embree, John T.
Embry, Thomas D.
Emerson, John M.
Engman, David E.
Engstrom, John T.
Ensminger, Ronald J.
Eoll, John G.
Epperson, Donald C.
Epstein, David M.
Epstein, Joseph L.
Fabre, Frank J., Jr.
Fagan, William A., Jr.
Fagnant, James G.
Fahs, Philip J., Jr.
Fair, Louis, Jr.
Fairbank, David P.
Fairchild, Carl F.
Fairley, George M.
Falbe, John J., Jr.
Falck, John N.
Falcone, Harold J.
Falk, David G.
Fallon, William E.
Fanning, Timothy O., Jr.
Fantauzza, Charles B.
Farina, Robert G.
Farkas, Daniel P.
Farmer, Clause S., Jr.
Farner, Conrad G., Jr.
Farquhar, James A.
Farr, Thomas A.
Farrell, Dudley C.
Farrington, James L., Jr.
Fascher, Ronald G.
Fash, Robert E.
Fast, Alger G.
Feaster, Horace W., III
Fee, Richard A.
Fehernbacher, Michael R.
Fehrle, Thomas L.
Feiden, Bart J.
Feiock, Dennis G.
Feldhaus, William R.
Felger, Thomas R.
Felice, Ronald A.
Feltes, James E.
Feltham, Francis M.
Fennell, Gerald F.
Fenner, David L.
Ferguson, Gary W.
Ferguson, James T., III
Ferguson, John D.
Ferguson, John F.
Ferguson, Larry W.
Erbetta, Robert A.
Erdmann, John F.
Erek, Bruce C.
Erickson, Clifford M.
Erickson, James E.
Erickson, Richard P.
Erland, John M.
Ernst, Glenn C.
Ernst, James W.
Ernst, Ronald P.
Erskine, Robin W.
Erwin, Jerry W.
Estes, Rebel J.
Estrada, Richard P.
Ettel, Edward Emil
Eubank, Paul J.
Eucare, Alexander J.
Euvard, Leroy E., Jr.
Evans, Gordon J.
Evans, John L.
Evans, Richard H.
Eve, Edward A., III
Eveland, Winsor G., Jr.
Everett, David G.
Everson, Robert J.
Everts, Robert A.
Evilsizer, James C.
Ewing, William Dav
Ewing, William H., Jr.
Ferguson, Lawrence A.
Ferrara, Alfred J.
Ferraro, Robert V.
Fesko, Donald J.
Fetner, Lawrence J., II
Fette, Bill J.
Fiebelkorn, George A., Jr.
Field, Edward J.
Field, Lawrence H.
Findeisen, Kurt D.
Fink Joseph H.
Fischer, Earl R.
Fischer, John N., Jr.
Fischer, Paul M., Jr.
Fischl, Joseph J.
Fischley, James H.
Fisher, Charles K.
Fisher, Kenneth L.
Fisher, Ronald E.
Fissel, Jack E.
Fitzgerald, David M., Jr.
Fitzgerald, Edward W.
Flagg, James C.
Flagler, Norris J.
Flaherty, Walter P.
Fleischmann, Frank J.
Fleming, Myron T., Jr.
Fleming, Richard L.
Fleming, Steven R.
Fleming, William H., III
Flemming, John E., III
Fletcher, Frederick F.
Flint, Garth K.
Flint, William K.
Flor, Frederick H., Jr.
Florence, Richard A.
Florimonte, Thomas S.
Floto, Peter C.
Floyd, James G.
Flynn, Edward C.
Flynn, Ernest A.
Flynn, Michael M.
Fobes, Walter S.
Foerster, Bruce S.
Fogarty, Thomas VE
Foland, Richard P.
Folgate, Julius M.
Foltz, Larry E.
Fontaine, William B., Jr.
Fonti, Raymond H., Jr.
Foody, Richard R.
Foor, Rolland E., III
Foote, David A.
Foote, Kenneth E.
Forbes, Ervin G., Jr.
Forbes, Jon E.
Ford, James C.
Ford, Michael E.
Forgione, Ralph
Forsgren, Craig M.
Forst, Gilbert L.
Forstner, Gerald
Fort, John H.
Fortune, James B.
Foss, George E., III
Foster, Charles W., III
Foster, Francis K.
Foster, James W.
Foster, John D.
Foster, Michael L.
Foster, Vincent E.
Fournier, Maurice A.
Fournier, Richard L.
Fowler, Robert M.
Fowler, Thomas A.
Fowlkes, Hobart V.
Fowlkes, Mead A., Jr.
Fox, David C., Jr.
Fox, James C., Jr.
Fox, Thomas F.
Foy, Clarence A., Jr.
Foy, Warren L., Jr.
Francis, Clifton N., Jr.
Francis, John W.
Frank, Richard A.
Frankel, Stanton N.
Franz, Dale C.
Fraser, John H., III
Frazier, John T.
Frazier, Paul H.
Frazita, Richard F.
Freber, Scott M.
Frederick, John C.
Fredrickson, Robert B.
Freed, Donald D.
Freeden, Harold R.
Freeman, Elliott R.
Freeman, Rufus A.
Freeman, William L.
Freese, Donald R.
Freiband, James M.
Frein, James O., Jr.
Freitas, John N.
Fretel, Theodore G.
Frey, David R.
Frey, Michael M.
Frick, Dennis D.
Friedrich, William G.
Friel, John J.
Friesen, Charles H.
Frikker, Peter M.
Fry, Larry L.
Fuller, Daniel A.
Fuller, Philip B.
Fuller, William G.
Fulton, David S.
Funchess, Dennis V.
Fusko, George M.

Gabala, James A.
Gadberry, Raymond E., Jr.
Gadeken, Arlan D.
Gaffney, William T. T.
Gagin, Robert C.
Gale, Edwin J.
Gall, Robert A.
Gallagher, Charles J., Jr.
Gallagher, Gerald M.
Gallagher, Peter D.
Gallagher, Thomas V.
Gallagher, William J., Jr.
Gallagher, William R., Jr.
Gallo, Robert M.
Galusha, David E.
Gamble, Thomas E.
Gamboa, Jose C.
Gammill, Jerry V.
Garber, John W., Jr.
Garcia, Issac, Jr.
Garcia, Juan M., Jr.
Garcia, Ramon
Gardea David L., Jr.
Gareffa, Joseph J.
Garman, James E.
Garmon, Gerald S.
Garnish, John G.
Garst, Paul H.
Garthner, John P.
Gartland, John C.
Gast, Richard A.
Gaston, Hartley R.
Gates, Charles R.
Gattey, Robert L.
Gaulrapp, Edward H.
Gause, Gerald E.
Geary, Charles D., Jr.
Geehr, John E.
Geer, Richard W., Jr.
Geiger, Clayton P.
Geiger, Edwin P., Jr.
Geise, Barry R.
Geist, John M.
General, John A.
Genett, Gerold A.
Gentle, Marvin G.
Georgius, David R.
Gerard, Maurice W.
Germann, Larry F.
Geser, Michael J.
Getty, Charles A., UU/K
Gibbons, Joseph M.
Gibbs, Anthony W.
Gibbs, Steven K.
Giberson, Paul G.
Gibson, Richard A.
Giefer, Herbert, B.
Gierman, M. J.
Gilbert, Franklin B.
Gilbert, Harris R., Jr.
Gilbert, Rodney C.
Gilbertson, Jan C.
Gilchrist, Daniel E.
Gillenwater, William E.
Gillis, George F.
Gilmore, Charles P.
Gilsenan, John S.
Gin, Steven
Giovinazzi, Felix A.
Girad, Wallace E.
Girouard, Marvin J.
Glavis, George O.
Glover, Samuel E.

Godbout, Robert M.
Goddard, Joseph F.
Goff, William G., Jr.
Gohstand, Robert
Golden, I. L.
Goldman, Harold J.
Goldsmith, Van E.
Goldsmith, Wynn A.
Good, Joseph S.
Goodgion, Gilbert
Goodman, John E., II
Goodman, Marvin C.
Goodman, Robert G.
Goodrich, Freeman R.
Goodroe, Howard W.
Goodsell, Kenneth R.
Goodwin, Larry J.
Goody, Ronald Carl
Gordon, James W.
Gordon, Michael D.
Gore, King W.
Gorg, Roger J.
Gorman, Daniel J.
Gorski, Raymond N.
Goshorn, Edward S.
Gosnell, Charles E.
Gosse, Clinton G.
Gost, Evans G.
Goudy, Ronald C.
Goudy, Walter R.
Grabowski, Richard J.
Grace, Perry R.
Gradick, Herman W. I., Jr.
Graesser, Elmer C., Jr.
Graham, Charles N., Jr.
Graham, Charles R.
Graham, David C.
Gralla, Arthur R., Jr.
Graner, Richard E.
Granger, David L.
Grant, David R.
Grant, Frederick E.
Grant, Patrick S. S.
Grassey, Thomas B.
Gravereaux, Stephen P.
Graves, Kenneth E.
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Gray, Arthur L., Jr.
Gray, Douglas C.
Gray, McGregor, Jr.
Grayson, Thomas H.
Greathouse, Earl R.
Haag, Philip G.
Haakon, Christopher P.
Haas, Donald J.
Haas, Jonathan L.
Haberzetle, James D.
Hackett, Charles J.
Hackett, Donald E., Jr.
Hadden, Eddie R.
Hafenfeld, Richard E.
Hager, Dennis L.
Haggard, Philip E.
Hahn, Dale A.
Hailer, Peter F.
Haines, James D., Jr.
Hale, Kirk K., Jr.
Haley, John H., Jr.
Hall, Cecil M., Jr.
Hall, Clarence C., Jr.
Hall, Jerry A.
Hallack, Milo J.
Haller, Robert K.
Hallissey, Ronald J.
Green, George L.
Green, John M.
Green, Kenneth R.
Green, Lorin D.
Green, Thomas R.
Greenan, Edward J.
Greene, David L.
Greene, Kenneth C.
Greene, Raymond A.
Greeneisen, David P.
Greener, John S.
Greenfield, Gordon A., Jr.
Greenway, William S.
Greenwood, Jeffrey G.
Greenwood, Kenneth L.
Greer, William H., Jr.
Gregg, Frederick M. II
Gresco, William J.
Griffin, Clayton R.
Griffin, Gary L.
Griffin, Marion F.
Griffin, Richard N.
Griffith, Jesse
Griffitt, Larry L.
Grigsby, Gilbert R.
Grimm, Robert S., Jr.
Griswold, Edson
Groebner, Jerome A.
Gronewold, Clyde A.
Grose, Fayette P.
Grotbo, Roger P.
Groth, John C.
Groves, Larry L.
Grube, Kenneth R.
Grund, Vincent A.
Grunert, John L.
Grutzius, Charles R.
Grzybowski, Robert W.
Guenther, Carl W. II
Guerin, Charles L. III
Guilfoy, James E.
Guilfoyle, Joseph C.
Gulck, Frederick K.
Gulledge, Hal A.
Gulyas, Paul J.
Gum, Charles L.
Gunderson, Robert K.
Gundler, Lawrence W.
Gustavson, Michael A.
Hallowes, David M.
Hallwachs, Donald A.
Halsted, Richard L.
Halter, Leroy W. II
Halverson, Gerald B.
Ham, Donald E.
Hamel, Robert H.
Hamilton, Michael P.
Hamilton, Wallace O.
Hamilton, Wilfred A., Jr.
Hamm, Myron G.
Hammer, Richard D.
Hammond, Corey R.
Hammond, Michael M.
Hammond, Weldon W., Jr.
Hampton, James, F.
Hand, Thomas, E., Jr.
Hankins, Leonard S.
Hanley, Gerald S.
Hannsz, Donald A.
Hansborough, Lash D.
Hansen, Christian L.
Hansen, Robert H.
Hansen, Thomas G.
Hansen, Erik A.
Hansen, Gerald T.
Hansen, Wayne L.
Harbour, George A., III
Harbrecht, Daniel F.
Hard, Douglas A.
Harder, Henry L.
Hardie, Robert L.
Harding, Theodore P.
Hardy, Francis R.
Hardy, Randall W.
Hardy, Robert M.
Hargrove, Robert J.
Harig, William H.
Harkin, Thomas R.
Harney, Gregory N.
Harper, Robert L.
Harpole, Homer J., Jr.
Harrell, Jack E., Jr.
Harrington, James M.
Harrington, James R.
Harrington, Robert L.
Harris, Carroll N., Jr.
Harris, David A., Jr.
Harris, David L.
Harris, Jack C.
Harris, Jerry L.
Harris, John R.
Harris, Larry C.
Harris, Murray S.
Harris, Norman G.
Harris, Richard N.
Harris, Theodore H., Jr.
Harris, William A.
Harrison, Joseph G., Jr.
Harrow, Thomas L., Jr.
Hart, Gordon P.
Hart, Jeff R.
Hart, Robert H.
Hart, Thomas L.
Harte, Charles R., III
Hartley, Daniel G.
Hartman, Kenneth A.
Harvey, Carl R.
Hasbrook, Robert L., II
Haskell, Edwin R.
Haslett, Donald B.
Haslup, Charles L., III
Hass, Michael J.
Hassell, James A., Jr.
Hatchel, James L.
Hathaway, Robert D.
Hatton, Bruce N.
Hauff, Richard A
Haughney, Charles J.
Haussmann, Norman J.
Hawes, Stephen P.
Hawk, Lyle L.
Hawke, William W.
Hawkins, Kittredge S.
Hawley, Dale E.
Hayek, Charles P.
Hayes, Charles R.
Hayes, William J.
Haynes, John S.
Hays, Raymond H., Jr.
Hazelwood, Donald E.
Heacock, Gerald S.
Headley, William A.
Heath, Julian F.
Hedges, Jerry N.
Hegele, Thomas R.
Hegland, Robert R.
Heidt, Edward A.
Heil, Herbert M.
Heim, David L.
Heine, Joel K.
Heinz, Bruce R.
Heirman, Donald N.
Helgeson, James D.
Hellawell, G. A., Jr.
Heller, Thomas W.
Hellickson, James A.
Helpap, Hohn F.
Henderson, Charles H.
Hendricks, James T.
Hendrix, David G.
Henkel, James H.
Hennenhoeffer, James A.
Hennes, Paul A.
Hennessy, M.
Henning, Fred L., Jr.
Henry, John L.
Henry, Steven D.
Henson, Larry D.
Herb, William D.
Herbein, Richard J.
Herbert, Donald V.
Herbert, William G.
Herbol, Wesley C.
Herder, Dale M.
Hereford, Robert E.
Herman, Gene D.
Herman, Kelmme L.
Hernandez, John R.
Hernandez, Rudy
Herold, John L.
Heroux, Pierre J., Jr.
Herr, Phillip L.
Herring, James A.
Herriott, Robert P.
Herrmann, Dan R.
Herrmann, Robert W.
Heselton, Leslie R., III
Hess, Arthur A.
Hester, Gerald G.
Hibbits, John G.
Hickam, Aubrey W.
Hickman, Jerry T.
Hickok, Robert W.
Hiddleson, Don E.
Hiddleston, Roger L.
Hiete, Kurt L.
Higgins, Robert W.
Higgins, Walter M., III
Higinbotham, George R.
Hile, Howard B.
Hilger, John G.
Hilinski, Richard R.
Hill, Charles L.
Hill, Charles L., III
Hill, Gary C.
Hill, Jerry W.
Hill, Joseph B.
Hill, Leo B.
Hill, Russell C.
Hillegas, Wayne F.
Hilton, Jackson M.
Himchak, David P.
Hindman, Marion D.
Hines, Kermit G., Jr.
Hing, Dale L.
Hinrichs, Lyle A.
Hitchcok, John W.
Hlopak, Edward J.
Hobbs, John K.
Hobbs, Richard R.
Hobbs, William H.
Hodge, Robert B.
Hodge, Walter O.
Hodson, Robert W.
Hoehing, Herbert O.
Hoeman, Richard D.
Hoertz, Paul G.
Hoff, Kenneth L., Jr.
Hoffer, Henry W., III
Hoffman, Calhoun E., III
Hoffmeyer, James A.
Hogan, Edward P.
Holbrook, Allan N.
Holden, Robert L.
Holland, Michael R., Jr.
Holland, William M.
Holler, Eugene J., Jr.
Hollerbach, Robert R.
Hollett, Grant T., Jr.
Hollister, Jack D.
Hollister, Wayne E.
Holloway, Dennis, Jr.
Holloway, Donald L.
Holloway, Lavris M.
Holloway, Richard L., Jr.
Holme, Woodrow Wil
Holmes, John M.
Holmes, Sidney L., Jr.
Holmes, William W.
Holsenbeck, Daniel C.
Holst, Robert W.
Holt, Michael S.
Holt, William G., Jr.
Holzappel, Alan K.
Hook, Thomas Leroy
Hooks, Jonathan T., Jr.
Hooper, Robert M.
Hoos, Ernest L.
Hopkins, John D.
Hopkins, John T., III
Hoppert, Frederic M.
Horan, James J.
Horn, Dennis L.
Horning, Ralph H.
Horst, Julian L., Jr.
Horstmann, Robert L.
Horton, Douglas J.
Hotchkiss, Howard R.
Hougham, Ronald L.
Hougland, Erik S.
Houk, Thomas L., Jr.
Houlihan, Edmund M.
Hourigan, John J.
House, Gary W.
Housekecht, Peter S.
Houston, John G., Jr.
Illingworth, Fred H.
Ingersoll, Frederick T.
Ingersoll, John A.
Ingnersen, John L.
Ingram, Culpepper F., II
Ingram, John G.
Inguanzo, Osvaldo M.
Inman, Rex W.
Jackson, Carlton A. B.
Jackson, Donald L.
Jackson, George W.
Jackson, Gerald S.
Hovany, Steven J.
Howard, Homer L., Jr.
Howard, Thomas K.
Howatt, Frankin J.
Howe, Kenneth G.
Howells, Gary N.
Howie, Bruce C.
Hoy, John W.
Hoyle, William R.
Hrabak, Larry P.
Hubbard, Allen C.
Hubbard, Ronald Sh
Huber, Gerald P.
Hudson, Hannis H.
Hudson, Michael A.
Hudson, Thomas E., Jr.
Huff, James A.
Huff, James D.
Huffman, Curtis W., Jr.
Hufford, Philip T.
Huggard, Stephen F.
Hughes, Arthur C.
Hughes, Charlie B., Jr.
Hughes, David K.
Hughes, Frank C.
Hughes, Herman W.
Hughes, Robert S.
Hughes, Thomas W.
Hughes, Wilburn R.
Huhta, Arthur, Jr.
Huie, Charles A.
Hulett, Charles E.
Hulick, Timothy P.
Hullet, William E.
Hulme, Woodrow W., II
Hulun, Ralph J.
Humphrey, Keith D.
Humphries, Charles S.
Hunt, Claude P., III
Hunt, James V.
Hunt, Neil L.
Hunt, William A.
Hunter, James G.
Hunter, Ralph C., Jr.
Huntington, Solomon P.
Huot, Lawrence T.
Huptich, Arthur W., Jr.
Hurlburt, Bradley
Hurrelbrink, Kenneth H.
Hurst, Richard D.
Hurwitch, John E.
Husband, Willard R.
Husbands, Robert A.
Huseby, James G.
Husmann, Edward C., Jr.
Hutton, Calvin L.
Hyink, Cornelius P.
Hyland, Patrick N.
Irish, Philip J.
Irland, Richard L.
Irwin, Robert S.
Isger, Albert A.
Ishikawa, Donald H.
Isler, Marshall A., III
Israel, David O.
Ives, Charles C., III
Ivey, John P. W.
Izard, Robert F.
Jackson, Gerald W.
Jackson, James A.
Jackson, Joe L.
Jackson, John Dwig
Jackson, Robert J.

Jacobs, Donald E.
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Jacobsen, James De
Jacobsen, Orval E., Jr.
Jacobson, Stephen E.
Jaget, Charles W.
Jakubik, Robert W.
James, Thornell H.
Jamieson, Jerry G.
Jamieson, William D.
Janssen, William F.
Jarboe, Glen R.
Jeane, David J.
Jeffords, Douglass C.
Jenikovsky, Richard E.
Jenkins, Stanley M.
Jenkins, Tim McCall
Jenks, Robert H.
Jennings, Donald R.
Jensen, Eric A.
Jensen, Jimmy F.
Jernberg, Willard R.
Jessell, Charles T., Jr.
Jezukewicz, Joseph A.
Jobe, Jerry L.
Johannesen, John B.
John, David F.
Johnsen, William A.
Johnson, Andy D.
Johnson, Arthur J.
Johnson, Bruce A.
Johnson, Charles B.
Johnson, Charles E.
Johnson, Charles P.
Johnson, Curtiss D.
Johnson, Dale W.
Johnson, David E.
Johnson, David K.
Johnson, David S.
Johnson Don A.
Johnson, Donald W.
Johnson, George I., Jr.
Johnson, James F.
Johnson, Jaurvon W.
Johnson, Jerry A.
Johnson, Leland W., Jr.
Johnson, Leonard E., Jr.
Johnson, Marion J.
Johnson, Michael L.
Johnson, Phillip H.
Kaiser, Dennis R.
Kaiser, James F.
Kaiser, John H.
Kalinoski, Edward F.
Kallenmeier, Richard L.
Kammer, William N.
Kane, Byron L.
Kane, Joseph E., II
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Kapigian, John M.
Karalekas, Spircs S.
Karpers, Paul A.
Karson, Jack L.
Kary, James A.
Kasin, Lynn R.
Kasperski, Daniel C.
Kass, Frederick J., Jr.
Kautz, Norman N.
Kavulia, John M.
Kaye, Albert S.
Kazlauskas, Walter V.
Kearney, David E.
Keasler, Warren K.
Johnson, Pierce J.
Johnson, Ralph B.
Johnson, Richard L., Jr.
Johnson, Roger D.
Johnson, Roger L.
Johnson, Roger W.
Johnson, Stephen R.
Johnson, Weston M., II
Johnson, William R.
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Johnson, William R., III
Johnston David L.
Johnston, Joseph B.
Johnston, Richard W.
Johnston, Robert M.
Johnstone, Charles P.
Jones, Brian G.
Jones, Donald L.
Jones, Douglas W.
Jones, Earl F., Jr.
Jones, Earle W., Jr.
Jones, Evan M.
Jones, Harley T.
Jones, James J.
Jones Jeffery B.
Jones, Jerry H.
Jones, Jimmy L.
Jones, Kenneth A.
Jones, Martin J.
Jones, Philip W.
Jones, Richard D. L.
Jones, Richard T.
Jones, Robert C.
Joransen, William S.
Jordan, James H., Jr.
Jordan, James R.
Jordan, Larry H.
Jordan, Peter S.
Jordan, Stephan B.
Jordan, William F.
Jorgensen, William F.
Jorges, David A.
Joyce, John G.
Judd, Harlan B.
Judge, Charles V., II
Judkins, Lawrence W., Jr.
Junge, William P.
Jurgena, Richar L.
Justesen, Norman S.
Keefer, Charles J.
Keelean, John S.
Keeler, Ronald A.
Keen, Walter R.
Keeney, Malcolm S.
Kefer, Walter N.
Kehoe, Henry P.
Keitel, Gunther P.
Keller, Harold D., Jr.
Keller, Paul L.
Keller, William R.
Keller, William R., Jr.
Kelley, Donard A.
Kelley, Gregory P.
Kelley, Paul W.
Kelley, Richard H.
Kelly, Monte W.
Kemp, Thomas L., III
Kempf, John C., Jr.
Kempf, Paul S.
Kendall, Paul C.
Kendrick, Ronald H.
Kennedy, Paul C.
Kennedy, Robert F.
Kenny, Frank J.
Kenny, Michael F., Jr.
Kent, Don E.
Kent, John O.
Kenyon, Robert E., III
Keown, Marcus G., II
Kepka, Robert L.
Kepler, Donald A., Jr.
Kerkman, Charles H.
Kerley, James B.
Kersenbrock, Allan J., Jr.
Kettelhodt, Henry R.
Key, James M.
Keyes, Jesse H., III
Keysor, Allan L.
Kidd, Delbert R.
Kidd, Isacc C., III
Kidd, Robert B.
Kilgore, Sidney J., III
Killam, Glenn R.
Killpack, V. Lewis, Jr.
Kilpatrick, Joseph W., Jr.
Kim, Henry Y. H.
Kimbell, Richard A.
Kimberling, Stephen M.
Kimble, Richard L.
Kinder, Thomas H.
King, Franklin L., Jr.
King, Richard H.
King, Robert K.
Kinney, Brian V.
Kirchgessner, David E.
Kirkbridge, Richard J.
Kirkland, Brent L.
Kirkland, Richard G.
Kirkpatrick, Ian C.
Kirn, Peter C.
Kish, John D.
Kishiyama, David N.
Kittell, John F.
Kiviranna, Henno
Klaas, John E.
Klaviter, Elroy C.
Klebba, John T.
Klein, Melvin W.
Kleinbauer, Horst
Klemmer, Robert C.
Kline, Russell C.
Klocek, Kenneth D.
Kluessendorf, Fred K.
Knaub, Thomas J.
Knott, Harold A.
Laakso, Thomas R.
Lackey, Robert C., Jr.
Lah, Raymond G. M.
Lahiguera, Charles E.
Laibie, John C.
Laird, Thomas F.
Lamanna, Ronald R.
Lamb, George E.
Lambden, William J.
Lambdin, Phillip E.
Lambert, Ray B., Jr.
Lambert, Richard J.
Lambright, Stephen K.
Lamm, William D.
Lamoreaux, Charles W., Jr.
Lamoureux, Charles D.
Lanata, Arthur L. J., Jr.
Knudsen, Clifford G.
Kobor, David J.
Koch, Robert C.
Koeneman, Gary D.
Koerber, Keith G.
Kokoruda, David J.
Kolassa, Stanley A., Jr.
Kolb, Roger D.
Kolgen, Peter J.
Komar, James J.
Koniuto, Roger F.
Koons, Edwin R.
Koops, John B.
Kopper, William A.
Kopplin, John F.
Koral, Eugene A.
Korb, Lawrence S.
Kornahrens, Edward F., Jr.
Kortuem, Jerome M.
Kost, John G.
Kowalsky, Donald M.
Kowalzyk, Dennis J.
Koym, Russell L.
Kraft, James N.
Kral, Jeffrey C.
Kramer, Howard P., Jr.
Kramer, Lee C.
Kraus, William L.
Krause, John K.
Krause, Michael S.
Krauss, Gary A.
Krebs, Richard F.
Krell, Ronald M.
Krigbaum, Joseph
Krilla, Ronald A.
Krippes, Donald E.
Kristiansen, Walter K.
Krivan, William R.
Krizek, John L.
Kropp, Theron L.
Kross, James M.
Krueger, Roger D.
Kruger, Fred E., Jr.
Kruger, Jerry R.
Krull, Kenneth C.
Krup, Leonard G.
Kruse, William D.
Kudless, Joseph C.
Kuhl, Russell W.
Kuhlke, William F., III
Kuhn, Rik D.
Kuhs, John M.
Kulper, Raymond V., Jr.
Kunkel, Gregory J.
Kuroski, Richard L.
Kuser, William R.
Lanctot, Roy C., Jr.
Landeck, Albert W.
Landherr, William J., Jr.
Landkamer, Robert L.
Lane, Joseph E., III
Lane, Robert C., Jr.
Lang, Gerald T.
Lang, James R.
Lang, William A., II
Lange, James K.
Lange, Walden A.
Langlois, Paul M.
Lanier, James A., III
Lanogrebe, James H.
Lapierre, Valmore M.
Lappan, George J.
Larlick, Edward J.
Larsen, Thomas W.
Larson, Dean R.
Larson, Dennis L.
Larson, Donald H.
LaRue, Christopher J.
LaSala, Carl A.
Lasher, James M.
Lashley, James E.
Lattimore, Bertram G., Jr.
Lauer, Michael J.
Laury, Glenn P.
Lavasz, Daniel J., Jr.
Law, Richard A.
Lawrence, David W.
Lawrence, Gerald S.
Layton, John R.
Lazenby, Maurice, III
Leahy, Terence P.
Leake, David H.
Lear, Dale E.
Leboeuf, Herve J., III
Lecours, Thomas E.
Ledanois, Andre H.
Leder, John E.
Lederhaas, Joseph
Lee, James W.
Lee, Richard D.
Lee, Richard E.
Lee, William A.
Lees, Richard W.
Leever, George R.
Leffingwell, Shelly L.
Leggat, Walter S.
Lehto, Eric C.
Leite, Michael J.
Lemoine, William J., Jr.
Lene, Allen O.
Leonard, Emery S., Jr.
Leonhardt, Richard J.
Lerch, Russell T.
Lerner, Julian
Leroy, Dennis K.
Leto, David D.
Letter, Thomas M.
Levicki, John S.
Levy, Ivan M.
Levy, Ted S.
Lewallen, Richard A.
Lewis, Gordon P.
Lewis, Jeffrey L.
Lewis, Jerry H.
Lewis, John R., III
Lewis, Joseph D.
Lewis, Robert E.
Lewis, Ronald L.
Lewis, Thomas W., II
Lieberman, Jack P.
Lienhard, John B.
Lieske, Donald D., II
Liles, Gary B.
Lilley, Roy S.
Lindell, Carl A.
Lindell, John E.
Lindell, Peter R.
Linderman, Ralph D. Jr.
Lindsay, George H.
Lindsay, Ronald L.
Lindsey, William E. Jr.
Lingley, Gordon S.
Lininger, Murt K.
Link, Robert W. Jr.
Linko, Stephen E.
Linquist, John E.
Linscheid, Wilbert W.
Linton, Sidney E.
Lipscher, Allen S.
Lipscomb, David II
Liscum, Garrie V.
Liska, Robert B.
Littrell, Frank K. Jr.
Livengood, Rex L.
Livingston, James M.
Lizer, Darryl M.
Lockard, Robert E.
Locke, Eugene F.
Locke, Richard E.
Lockwood, William H. Jr.
Logan, Robert H.
Lohman, John W.
Lomacchio, Thomas D. Jr.
Long, James F.
Long, James T.
Long, Raymond A.
Longworth, Jay N.
Loockerman, William D.
Loog, Raymond J.
Loomis, Peter B. IV
Loose, Ronald R.
Lopezcepero, Henry
Lorentzen, Gary C.
Losee, Arthur J.
Lott, John P.
Love, John J.
Lovig, Lawrence III
Lovvorn, Larry B.
Lowes, Glenn S.
Lowrey, Timothy D.
Lowry, Charles F.
Lowry, Edward R. Jr.
Loy, David A.
Ludeman, Stephan P.
Luethy, Walter E.
Luetschwager, Wilbert L.
Luker, Richard A.
Lukowski, Thomas G.
Lumpkin, Claude C.
Lundblad, Kurt D.
Lundgaard, Stanley H.
Lundy, Richard J. II
Lunt, Watson W. II
Lusk, Richard S.
Lutsch, Nicholas T.
Lynch, Daniel J. II
Lynch, Lawrence M.
Lynch, Richard H.
Lynch, Timothy J.
Lytikainen, Robert C.
Mabry, Alanson H.
MacDonald, Dennis A.
MacDonald, Jerry D.
MacFawn, Edward T.
Mach, Ludwig F.
Machalleck, Michael D.
MacInnis, James A.
MacIntyre, Dual A. Jr.
Mack, John A. Jr.
Mack, Robert C.
MacKenney, William B. III
Mackey, Austin G.
MacMillan, Douglas S.
Maddock, George A.
Maddox, John D.
Madsen, Dennis R.
Maetzold, Dennis F.
Magee, Marshall
Magee, Thomas H.
Mager, George L. Jr.
Magill, Alfred A.
Maginn, James J.
Magnuson, Philip R. Jr.
Maguire, Edward S.

Magurn, John T.
Maher, Jay A.
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Mahon, Roy O. Jr.
Mahoney, Richard P.
Mahr, Ernest V. Jr.
Main, James S. Jr.
Maki, Kenneth H.
Malec, Vernon M.
Malicki, William J.
Mall, Phillip J.
Mallen, Eugene B.
Mallini, Joseph J. Jr.
Mallman, Thomas L.
Malm, Joseph H.
Malmgren, Charles M.
Man, Robert M. Jr.
Mancias, Joe Jr.
Mandich, J.
Mandt, Mikkel, G.
Mangiapane, Joseph S.
Manicke, Harold V.
Mann, Harlan W.
Manning, John C.
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Mannion, Timothy J.
Mannor Richard L.
Manskar, Dennis R.
Manstrom, John C.
Mantegna, Carl J., Jr.
Mapes, John L.
Mapes, Kenneth W.
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Maresca, Eugene M.
Margeson, Walter L., Jr.
Markoff, Nicholas S.
Markowicz, John C.
Markowitz, Stephan A.
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Marler, Carl M.
Marlow, Frank J.
Marsh, Charles L., Jr.
Marshall, Eric M.
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Marshall, Paul E.
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Marshburn, David R.
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Martin, Charlie R.
Martin, George F.
Martin, Jack E.
Martin, John W.
Martin, Leroy M.
Martin, Robert K.
Marting, Neil W.
Marts, Gordon A.
Martz, Carl E.
Martz, John D.
Maruszewski, Richard F., Jr.
Marx, Theodore R.
Maryan, Norman E., Jr.
Mason, David O.
Mason, Edward H.
Mason, James Norri
Mason, Lawrence J.
Mason, Marvin H., Jr.
Mason, Richard L.
Mason, Ronald A.
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Massey, Ralph E.
Matejka, Kenneth D.
Mathews, Thomas De
Mathews, William M., Jr.
Matjasko, Louis S.
Matlock, James A.
Matlock, Richard E.
Matson, Thomas W.
Matsunaga, Jerry T.
Matt, Harold A., Jr.
Matthews, Billy C.
Matthews, Thomas
Mattingly, William H.
Mattson, Donald R.
Matzie, Regis A.
Maultsby, James A.
Maurer, Thomas E.
Mauro, Robert D.
Mauser, William J.
Mawn, Paul E.
Maxam, William J.
Maxwell, Neil L.
Maxwell, Robert B., Jr.
May, Donald L.
May, Donald R.
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Mayer, Conrad J.
Mayer, John B.
Mayes, Richard F.
Mayhew, David R.
Mazurkiewicz, Dennis A.
McAfee, Robert C.
McAleer, Anthony D.
McAllister, Donald L.
McAllister, William H., III
McArthur, William D., Jr.
McAtee, Jerry L.
McBirnie, Thomas J., Jr.
McBride, James R.
McCabe, John S.
McCamish, Mickey L.
McCann, Richard, Jr.
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McCanna, Clarence E.
McCarthy, Patrick T.
McClammy, Robert K.
McClanahan, Lowell P.
McCleery, Alexander H.
McClintic, David W.
McClung, Bernard D.
McClure, James A.
McComb, Dennis N.
McConnell, James J.
McConnell, Robert P.
McConnell, Robert W.
McConnell, William S.
McCracken, Donald H.
McCrea, John H., Jr.
McCreedy, Bruce R.
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McDaniel, Robert B.
McDermid, Roy A.
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McDermott, Richard A.
McDonald, Donald R.
McDonald, Duran G.
McDonald, John B., Jr.
McDonald, Michael E.
McDonnell, Joseph F., III.
McGee, Terry R.
McGhee, Walter L.
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McGinnis, Dennis R.
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McGlothlin, Earl W.
McGovern, Terrance J.
McGrath, Ronald O.
McGregor, William R., Jr.
McGuiness, Brian M.
McGuire, Jeremiah J.
McGurk, Willima J.
McHargue, Gary R.
McHugh, Terence J., Jr.
McIntyre, Richard T.
McKallagat, Peter B.
McKeeman, Lloyd C.
McKelvey, David J.
McKenna, Patrick J.
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McLaughlin, George T.
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McLaughlin, Robert H., Jr.
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McMahan, Paul D.
McMahon, James P.
McMichael, Maurice M.
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McMorrow, Martin J., P.
McMurray, Vernon F., Jr.
McNair, Martin B.
McNeil, Malcolm F.
McNeill, Michael F.
McNicholas, William.
McPartlin, Raymond P.
McPeek, Harley I., Jr.
McPherson, Dale L.
McPherson, Luther F., III
McVay, Peter O.
McVey, Thomas P.
McWhite, Peter B.
McWhorter, Richard H.
Meador, Malvin E.
Mealey, Thomas H., Jr.
Meckley, Thomas A.
Mecleary, Read B.
Medlock, Robert T., Jr.
Meeker, Ronald Kie
Meizen, Malcolm J.
Meldahl, Craig D.
Melnyk, George R.
Mendello, Andrew R.
Mendralski, Frank T.
Mercer, David C.
Mercer, David S.
Mercer, William E.
Merkel, Daniel G.
Merrill, Charles B., Jr.
Merrill, George P., Jr.
Merrill, Robert F.
Merriman, Edwin L.
Merriner, Charles M.
Merritt, David B.
Mesloh, Raymond E.
Messerly, Edward J.
Metcalfe, James A.
Metres, Philip J., Jr.
Metviner, Kenneth S.
Metz, Hermann A.
Meurn, Robert J.
Meyer, Harvey K., III
Meyer, James E.
Meyer, Karl A., Jr.
Meyer, Lawrence W.
Michaelis, Oliver H.
Michel, Albert J., Jr.
Mickelson, Charles A.
Mickler, Regar
Middaugh, Fred H.
Middleton, Phillip L.
Middour, Dean L.
Mier, Michael D.
Mikalson, Leslie H.
Mikesell, Daniel D., Jr.
Miklovis, Adam S.
Mikrut, Fred R.
Milanette, Ro T.
Milas, John F.
Mildfeft, William J.
Miles, Lewis N.
Miles, Thomas T.
Millar, Dodd R.
Millen, Howard E.
Miller, Alan S.
Miller, Charles E.
Miller, Charles G.
Miller, Charles S.
Miller, David L.
Miller, David R.
Miller, Dennis P.
Miller, Harry E., Jr.
Miller, James L.
Miller, Jay R., Jr.
Miller, John K.
Miller, Thomas G.
Miller, Walter
Milliken, Jeffrey A.
Millikin, Charles W., III
Millikin, Raymond W., Jr.
Milliman, Arthur S., Jr.
Mills, Albin D.
Miner, Robert S., III
Mingle, Clifford E.
Minkowski, Andrew J.
Mintor, Jospeh K.
Mintun, Tom L.
Mintz, Robert B.
Mirabella, George R.
Mirkovich, Joseph N.
Mitchell, Charles J.
Mitchell, Gordon C.
Mitchell, Michael G., Jr.
Mitchell, Reginald P., Jr.
Mitchell, Russell J.
Mixon, Charles M., Jr.
Mize, Harold L.
Mizeras, Vicent F.
Moder, Alvan S.
Moeller, Roy P.
Moffitt, William C.
Molnar, Daniel O.
Momot, David E.
Monahan, Charles O., Jr.
Monahan, Thomas P., Jr.
Monday, Charles B.
Monk, Ronald P.
Monroe, Alexander G.
Monroe, Donald W.
Monroe, Larry W.
Monroe, Maxell D.
Monroe, Michael C.
Montague John E.
Montgomery, George C.
Montgomery, Michael F.
Montgomery, Richard B.
Moody, Holmes G.
Moody, Raymond L., Jr.
Mooney, William M., Jr.
Moore, James G., III
Moore, James W., III
Moore, John E., Jr.
Moore, Merlyn D.
Moore, Michael D.
Moore, Michael K.
Moore, Rueben E., Jr.
Moore, Thomas E.
Moore, William A.
Moore, William A., Jr.
Moore, Wilmot H.
Moran, Richard F.
Morel, David W.
Moreus, Richard W.
Morgan, Donald T.
Morgan, James P.
Morgan, Larry F.
Morgan, Richard K.
Morgan, Ronald R.
Morgenfeid, Thomas A.
Moritz, Dennis M.
Morrell, Charles E., Jr.
Morrill, James P.
Morrill, Philip J.
Nagengast, John E.
Nankervis, John T.
Naquinn, Christopher W. P.
Narsico, David P.
Nash, Peter G.
Nason, Merton D., III
Nass, Ronald L.
Nathanson, Andrew J.
Natter, John T.
Navarre, John E., Jr.
Nazaroff, David F.
Neal, Joseph F. H.
Nearing, Lloyd
Neary, Thomas E.
Neiman, Richard J.
Neiner, Bruce R.
Nelson, Dennis G.
Nelson, Gene E.
Nelson, Harold E., Jr.
Nelson, Harvey G.
Nelson, John A.
Nelson, Leonard M.
Nelson, Noel E.
Nelson, Roger A.
Nelson, Terence K.
Nerrie, George K.
Nettles, Janes S.
Neuman, Carl F.
Neve, James K.
New, Howard S.
Newcomb, Jesse M.
Newell, James K., III
Morris, John G., Jr.
Morris, Larry A.
Morris Mark H.
Morris Robert H.
Morris, Thomas E.
Morrison, Charles D.
Morrison, Hugh E.
Morrison, Stephen B.
Morrow, George E.
Morrow, James J.
Morse, Stanley C.
Mortensen, Carl E.
Mortha, David Doyl
Mortimer, Louis R.
Morton, Richard F.
Morton, Roger S.
Moseley, Donald L.
Moser, Walter S.
Mosier, David W., Jr.
Moskoff, Leonard M.
Moslener, Carl F.
Moss, Thomas L.
Mosteller, James W., III
Mountz, Charles L.
Moyer, John J.
Moylan, Daniel E.
Moynihan, Daniel J., Jr.
Mozeleski, Jan
Mueller, James E.
Muga, Rudolph E.
Mumaw, John J.
Muncy, Lonnie J.
Mungan, Gerald B.
Munro, Larry G.
Murashie, Joseph R.
Murdoch, Truxton A.
Murphree, Edwin K.
Murphy, Eugene R.
Murphy, Marvin E.
Murphy, Thomas A., Jr.
Murphy, William F.R.
Murray, Robert H.
Mutton, James Orva
Myers, James Clark
Myles, Wendell Ken
Newell, Thomas L.
Newlon, Lawrence D.
Newman, Henry A., Jr.
Newton, John L.
Newton, Morris D., Jr.
Newton, Otto A.
Nichols, Douglas R.
Nichols, John W., III
Nichols, Peter D.
Nielson, Charles A.
Nielson, Robert G.
Nier, Charles L.
Niles, Wendell E., Jr.
Nilson, Richard D.
Nixon, John R.
Nobriga, Gary J.
Nohr, Ralph J.
Nolan, James S.
Nolan, Patrick H.
Nolan, Richard T.
Nolen, Darrell W.
Noonan, James F., Jr.
Nordquist, Thomas G.
Norman, Herman H.
Norrell, Robert F.
Norrholm, Leif J.
Norris, Clarence D.
Norris, David M.
North, Wayne K.
North, William L.
Northcutt, William B.

Novak, Stuart M.
Nugent, Daniel A.
Nugent, Thomas H.
Null, Donald M.

Oakwood, John P.
Oatley, Donald F.
Oberdorfer, Anthony H.
Oberheu, David M.
Oberstein, Howard B.
Obert, Francis X., Jr.
Obrien, Andrew J., Jr.
Obrien, Jerome J.
Obrien, Richard P.
Obrien, Stephen P.
O'Brien, William M., Jr.
O'Brist, Edward C., Jr.
O'Busek, Joseph B.
Ochs, Eugene T.
O'Coner, Jermaiah P.
O'Connor, Hugh M.
O'Connor, Joseph O.W.
O'Dell, Jack D., Jr.
Odenwelder, John M., Jr.
Oderkirk, Donald E.
O'Donnell, John F., Jr.
O'Donnell, Thomas E.
O'Dwyer, William
Ogden, Marion W.
O'Hanlon, James P.
O'Hara, Ramon D.
O'Kelley, Robert V.
O'Leary, Arthur J.
O'Leary, Daniel J.
Olmstead, James R.
Olney, Frank J., Jr.

Pace, Robert B.
Pacheco, Ronald E.
Pachuta, Roger, J.
Paddock, John F., Jr.
Padon, Thomas G.
Pagano, William J.
Page, Arnold S.
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Pallick, Harry D.
Palm, Daniel J.
Palmer, Richard L.
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Pananen, Lauren W.
Panayotoff, Theodore J.
Park, Claude R., III
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Parker, Henry S., III
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Parkerson, George C.
Parks, Gary L.
Parmenter, Lester L.
Parnes, David L.
Parrent, Larry E.
Parris, Charles C.
Parrott, Sidney J., Jr.
Parry, John C., Jr.
Parsons, Kent
Parsons, Milton L.
Parsons, William D.
Partrick, Robert E.
Paschall, Robert L.
Paschel, Phillip M.
Pasichnyk, Paul
Pasquini, Leonard A.
Patience, Wesley F., Jr.
Patrick, James, M., III
Nunn, Paul G.
Nunnelee, John R.
Nurko, William M.
Nyman, Thomas H.

Olsen, Jack A.
Olshinski, John A.
Olson, Donald G.
Olzack, Theodore R. Jr.
Oman, Ralph
O'Neil, Haines A.
O'Neil, Stephen R.
O'Neill, James G. III
O'Neill, John M.
O'Neill, Warren H.
Orcutt, John A.
Orefice, Gary J.
O'Reilly, James A., Jr.
O'Rourke, James F. X., Jr.
Orr, Richard J.
Orr, Thomas H.
Orser, William S.
Ortlieb, Alfred A.
Osborn, Clifford R.
Osborn, William W., Jr.
Osinski, Lawrence
Osthaus, John G.
Ostien, Paul H., Jr.
Ota, Roy T.
Ottone, Richard M.
Overbeck, Gregg R.
Overby, Sherman W., Jr.
Overland, John P.
Oviatt, Gary A.
Owen, Bruce W.
Owen, Duncan E.
Owens, Edward H., Jr.
Owens, James T., III

Patrick, Ralph, J.
Patterson, Bobby G.
Patterson, Donald J.
Patterson, John L., II
Patterson, William B.
Patterson, William J.
Pattison, Roger, W.
Patton, James H., Jr.
Patton, William B.
Patzmann, Bruce R.
Paul, George H.
Paul, Thomas R.
Paulino, Richard G.
Paulsen, Frederik B.
Paulson, Duane L.
Pauze, Philip C.
Pavese, Douglas S.
Pawlyk, William J.
Payne, John T.
Payne, Tommy E.
Paynter, Ivan W.
Payson, Albion L.
Peacock, Donald J.
Peacock, John R., Sr.
Pearce, Robert W.
Pease, Albert L.
Peay, Carl H., Jr.
Peck, Douglas E.
Peck, Edward R., Jr.
Pederson, Donald H.
Pederson, Robert M.
Pedrick, Daniel W., IV
Peinemann, Myles A.
Peirce, David K.
Pelovze, Harry P., III
Pemberton, Barth H.
Pemberton, Leander M.
Pemberton, Thomas G.
Penfield, Scott R., Jr.
Penn, William L.
Peoples, Denton L.
Peoples, Philip M.
Pepper, Joseph F.
Perdue, Peter L.
Perez, Andrew III
Perez, Joseph M.
Perkins, Richard A.
Perry, Albert G., Jr.
Perry, David C.
Perry, Gilbert B., Jr.
Perry, Michael T.
Persson, Nils R., Jr.
Petering, George W.
Peterman, Roy J., Jr.
Peters, Geoffrey W.
Peterson, Robert A.
Peterson, Alan M.
Peterson, Charles A.
Peterson, Christopher A.
Peterson, Donald O.
Peterson, Douglas D.
Peterson, Harold A.
Peterson, Martin L.
Peterson, Vernett R.
Peterson, Walter G.
Petri, Charles H., III
Petrich, Martin A., III
Petrie, Harry D., Jr.
Petroni, Gerald P.
Petru, Martin K.
Petterson, Erik G.
Pettigrew, Kenneth W.
Peyser, John G.
Pharis, Roy L.
Pharr, Ronald W.
Phelps, Chester V., Jr.
Phelps, Edwin R.
Phelps, Walter O.
Phillips, Robert M.
Piazza, Robert W.
Piche, James R.
Pickett, Robert D., Jr.
Pierce, Jerry S.
Pinkos, Julian J.
Pinto, Edmund
Piotrowski, Walter E.
Pipkin, Richard M.
Pirie, Robert B.
Pirnie, Morgan S.
Pirog, Frank S.
Pisias, James M., Jr.
Pittman, Galen W.
Pitzer, Everett S.
Pixton, Thomas R.
Plager, George G.

Quale, Gareth D.
Quattlebaum, Richard M., Jr.
Quilman, John M.
Quinlan, John H.
Quinn, James P., Jr.

Rabuczewski, Thomas A.
Radar, Ronald H.
Rae, Alistair J. G.
Rafferty, Dennis M.
Raffo, Thomas G.
Raichle, Henry F.
Rakowski, William J.
Rambo, Rex H.
Rambo, Robert P.
Ranalli, Michael P.
Ranck, Ronald G.
Rand, Kenneth R., Jr.
Plant, William H.
Pleas, Robert B.
Pletz, Thomas G.
Plumb, Joseph C., Jr.
Poe, Larry L.
Polich, Robert
Pollock, Robert E.
Ponso, Emil J., Jr.
Pool, Robert A., F.
Poole, Bobby J.
Poole, Bradley C.
Poole, Jeffrey C.
Poost, Roy Newton
Pope, David F.
Porter, David K.
Porter, William M.
Porzio, Arthur
Pottmyer, James J.
Pou, Robert L.
Pounder, John J., Jr.
Pounds, David S.
Powell, Earl A., III
Powell, Van E.
Powers, Jonathan R.
Powers, Michael E.
Powers, William B., Jr.
Powers, William T.
Pratt, James L.
Preddy, Raymond R.
Prejean, Gerard A., Jr.
Premeaux, Gordon R.
Prendergast, Finis H., Jr.
Prentice, Warren L.
Prentiss, Frank A.
Prettyman, George D.
Price, Laurence A.
Price Lionel F.
Price, Marion S.
Price, Milton S.
Prickett, Jerry L.
Prince, Andrew S.
Prince, Warren
Pringle, Vernon E., Jr.
Prochnow, James E.
Proven, Thomas R. II
Puckett, Lanny J.
Pugh, Jon G.
Pullen, James L.
Pullen, Mark C.
Purcell, George W., III
Purcell, John B., Jr.
Pursley, Charles R.
Putt, Kenneth F., Jr.
Pyecha, Timothy D.,
Pykosh, Henry P.
Pyle, Howard, III

Quinn, Joseph F., Jr.
Quinn, Joseph T.
Quinn, Paul J.
Quinn, Robert P.
Quirk, Richard G.
Quirk, Thomas F., Jr.

Randall, Jeffrey W.
Rappuhn, Ralph F.
Rask, Stephen J.
Rastall, Patric W.
Rathbun, Charles J.
Ratliff, James R.
Rawding, Henry C.
Ray, Raymond B.
Rayle, Lynn T., Jr.
Ream, James D.
Redfearn, Richard W.
Redington, Michael P.
Reed, David D.
Reed, Emile L., III
Reed, Seaton A., Jr.
Reed, William C.
Rees, Richard W.
Reese, Dennis F.
Reese, John F., II
Reeve, Harold R.
Reeve, Wayne G.
Reeves, Walter R.
Regan, Robert T.
Reggiani, David J.
Reichenbach, Donald D.
Reid, Edward O.
Reid, Owen P., Jr.
Reierson, Ronald M.
Reining, William H.
Remus, Thomas A.
Renella, Marlo S.
Renshaw, George S.
Renshaw, Ronald G.
Reschenberg, James R.
Reussille, Paul R., Jr.
Revell, Ernest Guy, Jr.
Reynolds, Emmett Y.
Reynolds, Jasper A., Jr.
Reynolds, Lloyd L.
Reynolds, Robert W.
Reynolds, Craig L.
Rhen, John P.
Rhine, James W.
Rhoads, Murphy D.
Rhodes, John M.
Rhodes, Robert M.
Rhyner, Warren F., Jr.
Rice, Alvin N.
Rice, Bart F.
Rice, Charles D.
Rice, Charles W., III
Rice Kenneth K.
Rice, Ronald E.
Rice, William N.
Richards, Charles L.
Richards, Donald K.
Richard, Harry S.
Richards, James W., Jr.
Richardson, Frank W.
Richardson, Frederick M.
Richardson, Robert L.
Richardson, Willard D.
Richter, Thomas A.
Rieber, Christopher
Riedel, Richard D.
Rieser, Frank L.
Riggins, Freddie, Jr.
Rigolizzo, Joseph C.
Riley, Edward F.
Riley, Gerald J.
Riley, Harold Patr
Riler, James B.
Riley, John T.
Rinaldi, Ronald D.
Rio, Manuel, Jr.
Risley, Ronald W.
Ritter, Laurence B.
Rivers, Jere W.
Rivers, Michael T.

Saddington, William G.
Sadler, Dudley C.
Sadowski, Edward S.
Sager, Edward R.
Sager, Harlan R.
Rixse, John H., III
Roberts, Alfred E., Jr.
Roberts, Alvin L.
Roberts, Chester G.
Roberts, Gary L.
Roberts, James R.
Roberts, Paul D.
Roberts, Stephen S.
Roberts, Thomas A.
Roberts, William B.
Robertson, Bobby L.
Robinson, George A.
Robinson, Michael F.
Robinson, Oscar L.
Robinson, Robert J.
Roche, John R.
Rochelle, Balford R.
Rodell, Melvyn
Rodriguez, Antonio J.
Roe, Peter A.
Rogergs, James L., Jr.
Rogers, Paul F.
Rogers, William W.
Rohr, John A.
Rohrkemper, Stephen F.
Roller, Charles L.
Ronchetto, John R., Jr.
Rood, Edson J.
Rood, Harold J.
Rooney, Daniel J.
Rosdahl, Robert E.
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Rosdahl, Robert E.
Rose, Richard J.
Roseling, Gary L.
Rosen, Robert A.
Rosenthal, Stephen A.
Roskens, Thomas L.
Ross, Gary R.
Ross, Larry M.
Rossa, Thomas J.
Rousselo, Gary J.
Roux, Leo G., Jr.
Rovner, Irwin
Rowe, Raymond A.
Rowles, Duncan M., Jr.
Rowley, Charles W.
Rozic, Joseph T.
Rubin, Phillip S.
Rudy, Michael R.
Ruehl, Victor E., III
Ruhe, William J., Jr.
Rumbaugh, Richard L.
Rumely, Peter K.
Rummele, John E.
Runkle, William A., Jr.
Rupp, Earl W.
Ruseling, Gary L.
Rush, Stephen K.
Russ, Steven K.
Russell, David G.
Russell, Robert J.
Rutledge, William A.
Ryals, Orley G.
Ryan, Edward J., Jr.
Ryan, James P.
Ryan, Michael J.
Ryan, William M.
Rytell, Frank E., Jr.

Saiki, Kenneth T.
Sailer, Martin W., Jr.
Salemi, Anthony J.
Salked, Stephen A.
Salley, Leonard B.
Salzmann, John A., Jr.

Sammons, Michael J.
Samtmann, David G.
Sanborn, Donald R., Jr.
Sand, Lawrence S.
Sand, Wayne R.
Sandberg, Nils S.
Sanderlin, Doyle C.
Sanders, Thomas E.
Sandquist, Fred C.
Sandquist, Gary M.
Sanford, William H.
Sanguinetti, Alfred J.
Santini, Basil A.
Santopietro, Thomas V., Jr.
Sarachene, John G., Jr.
Sargeant, William H.
Sargent, Ian H.
Sarnie, Robert W.
Sartori, Howard J.
Satin, Joel L.
Satterfield, Gary T.
Satterlee, David W.
Saul, Robert W., Jr.
Saunders, Jerry W.
Savage, Donald W.
Savard, Arthur E.
Sawyer, Thomas E.
Sawyer, William A.
Scanlon, Jerome B.
Scarborough, James H., Jr.
Scee, Joseph E.
Schaefer, Patrick L.
Schaefer, William A., Jr.
Schar, Thomas T.
Scheiner, Robert
Schelling, Frank R.
Schenck, Francis R.
Schend, Richard C.
Scherer, Benjamin L.
Scherer, Kenneth J.
Schiavo, Louis J., III
Schilling, Gerald W.
Schineller, Paul A.
Schirmer, Theodore C., Jr.
Schlichting, Roger E.
Schloz, John M.
Schluentz, John A., II
Schmeig, George D.
Schmidt, Charles M., Jr.
Schmidt, Karl M.
Schmidt, Richard J.
Schmidt, Robert E.
Schnabel, Randolph E.
Schneider, Michael W.
Schoditsch, Richard E.
Schoemer, James R.
Schofield, Paul L.
Scholand, Gerald W.
Scholl, John P.
Schriver, Walter J.
Schroeder, Frederick A., Jr.
Schroeder, John F., Jr.
Schroeder, Kenneth A., Jr.
Schroeder, Kurt C.
Schubarth, Paul T.
Schubert, Albert E.
Schuck, Jerome J.
Schuhle, John E.
Schulenburg, Robert W., Jr.
Schuller, David D.
Schulof, Robert P.
Schult, Richard W.
Schultz, Henry F.
Schuppert, Stephen M.
Schutz, Peter N.
Schutze, Stephen A.
Schwab, Martin J., Jr.
Schwabe, William L.
Schwartz, Nobert V., Jr.
Schwarzkopf, Albert B., III
Schwemm, Henry C., Jr.
Scofield, Robert A.
Scott, David T.
Scott, Gerald W.
Scott, Glenn A.
Scott, Lewis E.
Scott, Michael R.
Scott, Palmer M., Jr.
Scott, Robert G.
Scott, Stephen K.
Scott, Thomas B., III
Scott, Thomas F., Jr.
Scott, Thomas J., Jr.
Scruggs, Robert N., Jr.
Scudder, Robert H.
Seamons, Dwight C.
Sears, John W.
Seaton, Eugene D.
Secrest, Glenn J.
Sedor, Stephan M., Jr.
Seffel, Joel S.
Sego, Peter D.
Seibert, Peter K.
Seidel, David W.
Seidelhuber, Michael J.
Seifert, Philip M., Jr.
Seiler, Richard W.
Seiple, Ronald, L.
Seitz, Robert A.
Sekula, Theodore
Selden, Thomas L.
Seldon, William H.
Self, John C.
Self, John F.
Sells, Harry E.
Sendelbach, Robert W.
Sensoli, Joseph A.
Sentz, John D., Jr.
Sergio, Theodore G.
Serpente, James J.
Setchell, John S., Jr.
Setman, George L., Jr.
Seward, Lachlan W.
Sexsmith, Gerald T.
Sexton, Charles E.
Sexton, Michael R.
Shafer, Elwood L., Jr.
Shaffer, Jesse S.
Shannon, Alan R.
Shannon, John J., IV
Shannon, Russell, W.
Shardy, James E.
Sharp, Lawrence R.
Sharpe, David E.
Shaughnessy, William K.
Shaw, James A.
Shaw, Joseph W., Jr.
Shaw, Robert J.
Shay, Peter D.
Sheap, Robert D.
Sheehan, Thomas P., Jr.
Shefchik, Gerald C.
Shelar, Eugene Jr.
Sheldon, Lee H.
Shelnut, Charles A.
Shelton, John R.
Shelton, Wesley W., Jr.
Shepard, Donald Wo
Shepardson, Richard L.
Shepherd, Edward P.
Sheppard, Gerald R.
Sheridan, Thomas C.
Sherwin, George R.
Sherwood, John R.
Shevlin, Joseph E., Jr.
Shields, James C.
Shingler, John J.
Shingler, Ronald L.
Shintani, Donald T.
Shipp, Jimmie S.
Shivers, Samuel R.
Sholar, Edwin A., Jr.
Shook, Raymond R.
Shoop, Thomas V.
Shorr, Harold
Shortt, John B.
Shugrue, Martin R., Jr.
Shuler, James M.
Shull, James M., Jr.
Shultz, Richard A.
Shultz, Robert A.
Sibley, Robert E., Jr.
Sibold, Brian B.
Sie, Anthony, Ki
Sieberns, David O.
Siebert, Douglas
Sigg, Joseph A.
Sightler, Carl Lee
Sikes, Robert E.
Silva, Edward J., Jr.
Silverwood, Thomas E.
Simer, Murice M.
Simmons, Charles H.
Simmons, Guy J.
Simmons, Robert A.
Simmons, Robert T.
Simonson, Merlin D.
Simpson, Robert M.
Sinclair, Donald R.
Singer, Edward A., Jr.
Sinutko, Michael, Jr.
Sipe, Gary H.
Sipe, Thomas R.
Sisca, Ronald R.
Sisson Harold D., Jr.
Sites, Bruce L.
Sitten, Luther F.
Siwik, Joseph C., Jr.
Six, Steve
Sjostrom, John E.
Skeen, David R.
Skokan, Bryan, A.
Slappey, James H.
Slaughter, William L.
Sledd, Melvin F.
Sleeper, Thomas E., Jr.
Sletmoe, Brent P.
Sligh, Clarence O., Jr.
Sliney, Edward G., Jr.
Slovacek, Richard E.
Small, Kenneth E., Jr.
Smathers, Edmond W.
Smisek, Thomas J.
Smith, Alan B.
Smith, Albert N., Jr.
Smith, Bradford D.
Smith, Charles R.
Smith, Dan
Smith, Daryl K.
Smith, David F.
Smith, Dennis D.
Smith, Dixon J.
Smith, Donald H
Smith, Donald L.
Smith, Donald R.
Smith, Franklin P.
Smith, George E
Smith, Jackson S., Jr.
Smith, James H.
Smith, James L.
Smith, John J.
Smith, John L.
Smith, John W.
Smith, Kenneth C., Jr.
Smith, Kevin M.
Smith, Lloyd L.
Smith, Marion J.
Smith, Michael R.
Smith, Norman D.
Smith, Robert E.
Smith, Robert F., Jr.
Smith, Robert I.
Smith, Robert III
Smith, Robert V.
Smith, Ronald E.
Smith, Stephen R.
Smith, Ward B.
Smyth, Denis C.
Sneed, Harry A.
Sneed, Henry L., III
Snipes, Thomas F.
Snyder, Donald A. D.
Snyder, Robert E.
Solias, Gerald J.
Solomon, Paul W.
Sonksen, John R.
Sonn, James A.
Soraghan, Joseph R.
Soraghan, Thomas C.
Soran, Patrick D.
Sorenson, Darrell R.
Sours, Martin H.
Spangler, Henry J., Jr.
Spangler, Richard L., Jr.
Spath, John P.
Speidel, David P.
Spence, Charles H., Jr.
Spence, Donald W.
Spence, Karl D.
Spencer, Bruce L., Jr.
Spencer, Gerald L.
Spencer, Robert E., Jr.
Spetrino, David A.
Spicer, Kenneth J.
Spiegelberg, Harrison
Spiehler, Frank A.
Spiezio, Salvatore T.
Spradlin, Louis E.
Sprague, Vance G., Jr.
Spriggs, Donald K.
Springer, Marvin R., II
Spurck, Danial N.
Spurgeon, Dennis R.
Staab, Manfred A.
Stabile, Robert A.
Stacy, Charles H.
Staehle, Charles M.
Stanczak, James P.
Stanfield, Robert A.
Stang, Alan V.
Stanley, Jones H.
Stapf, Michael J.
Stapleton, Donald R.
Starnes, Billy W.
Starnes, Jimmy
Stebbins, Melbuurne A.
Stecher, Joseph D., Jr.
Steckel, James E.
Steele, Robert A.
Steele, William A.
Steenwerth, James K.
Stein, David A.
Stein, Thomas F.
Steiner, Frank G.
Steiner, Reece W.
Stella, Joseph W., Jr.
Stephens, Charles D., Jr.
Stephens, Grant J., Jr.
Stephens, Ronald C.
Sternberg, Daniel M.
Steudel Edward M., Jr.
Stevbe, Paul M.
Stevens, Kent
Stevens, Lawton T., Jr.
Stevens, Ronald F., Jr.
Stevenson, Eugene D.
Stewart, Charles R.
Stewart, James A.
Stewart, John R.
Stewart, Olen C., Jr.
Stewart, Richard W.
Stewart, William F., III
Stewart, William J.
Stickney, John M.
Still, Michael J.
Stillwell, Paul L.
Stinson, Alfred W.
Stoddard, Richard C.
Stoeltzing, Richard H.
Stokes, David L.
Stokes, Floyd To
Stokes, Houston H.
Stone, Charles E., Jr.
Stone, Gary N.
Stone, Peter L.
Stone, Scott C. S.
Stonelake, Henry T.
Stoner, Marvin L., Jr.
Storck, Theodore S.
Stoughton, Robert A.
Strachan, Robert
Straley, Richard P.
Stranberg, Josiah R. W.
Strand, John A., III
Strasdauskas, Joseph A.
Strasheim, Frank L., Jr.
Strebel, John P.
Street, Jimmy C.
Strehle, Hugh A.
Strickland, Thomas H.
Strobl, Karl J.
Strohman, William C.
Strouse, James L.
Struck, John T., Sr.
Strudas, Alan J.
Stryer, Ronald J.
Stubblefield, Jere D.
Stubbs, Campbell L., II
Stueck, Phillip G.
Sturgeon, Canny D.
Suarez, Edward I.
Suddath, Jewel J., Jr.
Sudikatus, George
Sudnikoff, Donald H.
Sudol, Walter E.
Suggs, Robert C.
Sulik, John F.
Sullivan, Albert W.
Sullivan, Allyn F., Jr.
Sullivan, David J.
Sullivan, Earl R.
Sullivan, James E., Jr.
Sullivan, John E.
Sullivan, John E., Jr.
Sullivan, John J., Jr.
Sullivan, Kevin J.
Sullivan, Leroy L.
Sullivan, Timothy B.
Summers, Charles R.
Sumner, Timothy C.
Sund, Werner
Surles, Oliver S.
Susta, Stephen J., Jr.
Sutch, Norman D.
Sutton, Thomas L.
Suydam, Schuler C.
Svalya, Phillip G.
Swafford, David E.
Swager, James R.
Swall, Don T.
Swallow, Tolliver G.
Swanberg, John W.
Swanson, David M.
Swanson, Franklin A., Jr.
Swartley, Steven W.
Swartz, Thomas J.
Swearengen, Thomas V.
Sweeney, Paul H., Jr.
Sweet, David L.
Sweet, Ronald S.
Sweningson, Aaron P.
Swink, Harley H.
Swoboda, John E.
Szarletta, Melvin A.

Taborn, John M.
Tackett, Theodore T.
Talbot, John H., Jr.
Talley, William L., Jr.
Tambini, Robert S.
Tammy, Peter D.
Tanguay, Gerard E.
Taper, William D.
Tardino, Victor J., Jr.
Tarr, Edwin A.
Tarrant, Stanley R.
Tassel, Peter C.
Tata, John B.
Taubitz, Stewart F.
Taulli, Frank R.
Taylor, Anthony R.
Taylor, Carroll E.
Taylor, Hugh M.
Taylor, James A.
Taylor, Rayner M.
Taylor, Royce D.
Taylor, Terry L.
Taylor, Thomas A.
Taylor, William L.
Tchinski, John J., Jr.
Teatzner, Arthur M.
Tedsco, Paul A.
Teller, Donald E.
Tennies, Richard M.
Tepera, Joseph E.
Terry, David F.

Tersteeg, Douglas J.
Tetrault, Roger E.
Themmen, Arne R.
Theodore, Michael G.
Theriot, Glenn J.
Thiel, Douglas
Thomas, David P.
Thomas, Jack E.
Thomason, George W.
Thompson, Cliff L.
Thompson, Galen S.
Thompson, George F.
Thompson, Guy B.
Thompson, James E., Jr.
Thompson, James G.
Thompson, James J.
Thompson, Joseph R.
Thompson, Kermit D.
Thorn, James D.
Thorneloe, Keith C., II
Thornhill, David W.
Thornton, Jack C., Jr.
Thorp, Michael J.
Thorson, Donald P.
Thorson, Merlin O.
Throndson, David L.
Thur, James A.
Tibbits, Ray T.
Tibodeau, James L.
Tieger, Mark L.
Timm, David R.
Timm, Edward
Timmons, Thaddeus A., Jr.
Tinker, Malcolm H., Jr.
Tipton, Larry K. K.
Tirado, William
Tisdale, John H.
Titus, Dale N.
Tkach, George K., III
Tobler, John, III
Todd, Vincent W.
Todd, William E., Jr.
Tolbert, Otis
Tollison, Alfred C., Jr.
Tolson, John F., Jr.
Tolzek, Thomas R.
Tomek, George W., Jr.
Tomlin, Kit P.
Toncray, George W.
Torbeck, Eugene K.
Toreson, Arthur H., Jr.
Toriello, Andrew N., Jr.
Toriello, Ronald J.
Torres, James D.
Torsiello, John B.
Toth, Ronald L.
Totushek, John B.
Tourigny, Clement G.
Tower, Marvin D., Jr.
Tracey, Michael T.
Tracy, Joseph F.
Trainor, Edmund W.
Trankle, Robert E.
Traub, Carl F.
Trautwein, Tom A.
Traw, David M.
Treter, Douglas E.
Trione, William R.
Trippe, Richard M., Jr.
Troy, Gerald A.
Truesdell, John M.
Trulock, Ronald E.
Truluck, David R.
Trumpler, Richard P.
Trussell, Grayson L
Tucker, James E.
Tucker, James I.
Tucker, Thomas L.
Tudor, Frederic, Jr.
Tujague, Ronald B.
Tulloch, Hugh B.
Turbeville, John E.
Turiello, Ronald J.
Turner, Brian D.
Turner, James E., Jr.
Turpin, Anthony A.
Turpin, Robert
Twigg, David W.
Tyson, Jerry R.

Ulsh, Merle F., Jr.
Underwood, Glenn R.
Underwood, Horace H.
Unger, Reno C.
Unroe, Jerry W.
Urban, Jack
Urbon, Victor A.
Urqumart, Charles F., III
Utley, Wallace R.
Utsey, Victor R.

Valenta, Joseph R.
Valentine, Paul M.
Valitchka, Joseph J.
Vallee, Ronald A.
Valli, Allen A., Jr.
Vanarsdale, Herbert, II
Vanarsdale, Peter R.
Vance, Herschel E., Jr.
Vancil, Richard T.
Vandel, James R.
Vandergrinten, Helwig F.
Vanderhoek, James S.
Vanderveen, James A.
Vanderveer, Robert M.
Vanderwoude, Thomas S.
Vandriel, James L.
Vanduzer, Roger E.
Vanhoosier, Michael E.
Vanhorn, Gerald J.
Vanhoven, David N.
Vanistendal, Throd
Vanmale, Nicholas R.
Vannerson, Robert J.
Vannice, Robert L., Jr.
Vansickle, Billy W.
Vanwinkle, Robert L.
Vanwormer, Kenneth R.
Varelas, Constantine
Varner, James R.
Vaughan, Bobby F.
Vaughan, George D.
Vaughn, William C., III
Vaughters, James C.
Vaupel, George B.
Veith, Dennis A.
Velie, Gary W.
Velte, Michael J.
Venovic, John V.
Vera, Albert S.
Verdon, Walter A.
Versteeg, Carl
Vey, Edward L., Jr.
Vieth, Charles E.
Viken, David M.
Villanueva, Quintin L., Jr.
Vinton, Carl P., Jr.
Violet, Jon A.
Viscomi, Louis V.
Vision, Michael W.
Vissotski, Walter A.
Vivona, Richard B.
Vollrath, Philip K.
Volpato, Pietro J.
Volpe, Joseph R.
Vonderlinden, Arthur F.
Vonrichter, Frank C., III
Vorse, James Y.
Voss, Kenneth L.
Vowinkel, Russell C.
Vrablec, John J.
Vroom, Daniel L.

Wachtel, Leo M., III
Waddell, Daniel W.
Wade, Michael S.
Wade, Robert E., Jr.
Wade, Shelba H., Jr.
Wagoner, Jon D.
Waiss, Alan J.
Walch, Bernard
Waldron, James E.
Waldron, Michael L.
Waldrow, James F.
Walker, Daniel
Walker, James E.
Walker, Jeffery K.
Walker, Jerrel E.
Walker, John M., Jr.
Walker, Niles A.
Walker, Theodore C.
Walker, Thomas H., Jr.
Wall, Kenneth R.
Wallach, John S.
Wallington, George L.
Wallis, Wilbur B. Jr.
Wallschlager, Michael J.
Walsh, Bartholomew J., Jr.
Walsh, Michael G.
Walsh, Michael R.
Walsh, Owen B.
Walton, John W., III
Wanjura, Donald F.
Warburton, Roger S.
Ward, Edward W.
Ward, Michael W.
Ward, Robert C.
Ward, Wayne L.
Warde, Michael A.
Warlick, Joseph D.
Warlick, Thomas
Warner, Joseph S., IV
Warner, Terry O.
Warnes, Philip G.
Warnken, Wayne L.
Warren, James M.
Warwick, James C.
Waskom, John B., IV
Wass, Leonard R.
Waters, Marshall P., III
Waters, Roy W.
Watkins, Gary A.
Watson Earl E., III
Watson, Malcolm M.
Watson, Michael P.
Watson, Mitchell L.
Wattez, Richard N.
Watts, Robert F., Jr.
Waylett, William J., Jr.
Wazenagger, Charles J.
Wear, Lawrence E., Jr.
Weatherman, Joe H.
Weaver, Thomas D.
Webb, Bert J.
Webb, Dean O.
Webb, John T.
Webb, Raymond A.
Weber, James L.
Webster, Edward H., III
Weddington, Michael E.
Wefald, Robert O.
Wegryn, Robert
Weible, Robert D.
Weidman, Robert H., Jr.
Weidner, Arthur H.
Weigand, Garry L.
Weihaupt, John G.
Weihrich, John A.
Weiler, George W.
Weimann, Gerald O.
Weinberger, Robert G.
Weiss, John War.
Weissinger, John L.
Weldon, George K., Jr.
Wellington, Graham P.
Wells, Jack L.
Welter, Gerard R.
Wendt, Donald E.
Wenger, Charles M.
Wentland, Norman H.
Werner, Lawrence M.
Wessman, Richard H.
West, John E.
Westerfield, John H., Jr.
Westerman, Charles E., Jr.
Westfall, Alan R.
Whelan, Thomas J., Jr.
Whisenhunt, Thomas R.
White, Anthony E.
White, George E.
White, James W.
White, Robert E.
White, Ronald Y.
Whitfield, Estus D.
Whiting, William A.
Whitman, Riley H., II
Whitmore, Michael K.
Whitmore, Robert C.
Whitney, Gary E.
Whitney, Leonard A., Jr.
Whittaker, Ronald G.
Whitten, James P.
Whittleton.
Wick, Eric J.
Wickham, Orris L.
Wicklund, Norlin R.
Wiebelhaus, Raymond J.
Wiens, Jerry A.
Wiesnet, Donald RI.
Wiest, James H.
Wiggins, Edwin G.
Wilcox, Charles E.
Wilcox, John Wesle.
Wilder, David S., III
Wildman, Fred D.
Wilkinson, Richard D.
Willard, Daniel S.
Willie, Franklin O.
Williams, David A.
Williams, David J.
Williams, Dudley D., III
Williams, Edward C., Jr.
Williams, Edward R.
Williams, Frederick L.
Williams, George F.
Williams, George H.
Williams, Hazael J., Jr.
Williams, Herbert B.
Williams, James L.
Williams, Richard S.
Williams, Robert J.
Williams, Robert S.
Williams, Wade S.
Williams, Wayne A.
Williams, William F., Jr.
Williamson, James K.
Williamson, Joseph W., Jr.
Williamson, William S.
Willie, Charles L.
Williford, William B., III
Willig, Richard A.
Willis, Henry T., II
Wilson, Charlie K.
Wilson, George W., III
Wilson, James H.
Wilson, James M., Jr.
Wilson, John H., Jr.
Wilson, Leonard H., Jr.
Wilson, Robert K.
Wilson, Robert L.
Wilson, Robert M.
Wilson, Walter R.
Wilton, Julian D.
Wimmer, Ronald W.
Winfree, James R.
Winnard, David E.
Winsko, Stanley J., Jr.
Winslow, Donald R.
Winstead, Charles L.
Winter, Steven J.
Winters, Donald J.
Winters, Doyle E.
Wireman, Ray B.
Wise, Harold R., Jr.
Wiser, Gary A.
Wohlfiel, John E.
Wojcik, Walter J.
Wolfe, Donald A.
Wolfe, Stephen B.
Wolff, Leonard S.
Wolford, Fred T.
Wood, Hansel T.
Wood, Harris S.
Wood, James C.
Wood, John M.
Wood, Robert C.
Wood, Robert M., Jr.
Wood, Samuel J., Jr.
Wood, Thomas J., Jr.
Woodbury, Michael G.
Woodruff, Barry H.
Woods, Jerry R.
Woodul, Jack D.
Woodward, George P., Jr.
Woodward, James, Jr.
Woody, Johnny W.
Wools, Ronald J.
Workman, Ellery C., Jr.
Worthley, John A.
Wozniak, Maurice D.
Wright, Francis D., III
Wright, Frederick M.
Wright, Harold C.
Wright, John S., Jr.
Wright, Romuel C.
Wrightnour, George B.
Wurdeman, Richard D.
Wyatt, Philip W.
Wyman, Robert D.
Wyzywany, Frank T.

Yancey, Paul H.
Yap, Melvin M. L.
Yarnell, James R.
Yates, William A.
Yeager, James R.
Yeatts, Gary Claude
Yee, Andrew K. C.
Yocom, John H.
Yolles, Jonathan E.
York, Gary A.
York, Robert E.
York, Ronald E.
York, Samuel A.
Yost, Don R.
Young, Brian A.
Young, Donald M.
Young, Franklin A., Jr.
Young, Gary A.
Young, Gerry A.
Young, John C.
Young, Kenneth L., Jr.
Young, Leonard G.
Young, Robert A.
Young, Sanford N.
Young, Terrence J.
Young, Thomas F.
Yoviene, Ronald J.

Zacharias, Bernard L.
Zacharias, John V.
Zajkowski, Stanley J., Jr.
Zann, Richard L.
Zaras, Artie
Zaremba, James W.
Zech, Gary G.
Zehner, Kenneth W.
Zeigler, Robert W.
Zekas, Gerald P.
Zenger, Dennis P.
Zetterberg, Forrest L.
Ziamandanis, John J.
Ziegler, Gerald A.
Ziegler, Samuel R., Jr.
Zimmerman, Charles W.
Zimmerman, Ronald L.
Zondorak, Charles J., Jr.

Zubkoff, Ronald
Zuilkoski, Stephan K., Jr.
Zumwalt, Crane E.
Zupko, George M.
Zurcher, James L.
Zvonek, Frank B., Jr.
Zwemke, Roger E.
Zwingle, Carvel L.
Zych, John J.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel, under provisions of Title 10, United States Code, Section 5912, subject to qualifications therefor as provided by law:

Abbattista, John J., xxx-...
Adams, Edwin A., xxx-...
Aldrich, Alan L., xxx-...
Allen, Leonard E., Jr., xxx-...
Allen, Warner E., xxx-...
Alt, Victor D., xxx-...
Anderson, Lawrence O., xxx-...
Anderson, Timothy G., xxx-...
Anglin, Quinton G., xxx-...
Autrey, William R., xxx-...
Bailey, James S., xxx-...
Balch, Timothy J., xxx-...
Baldwin, George H., Jr., xxx-...
Ballard, Marc L., Jr., xxx-...
Ballato, Natale J., Jr., xxx-...
Barnett, Richard R., xxx-...
Bender, John F., xxx-...
Bilbow, James R., xxx-...
Bishop, Edward L., III xxx-...
Blaich, Charles R., xxx-...
Boivin, John A., xxx-...
Boquet, Andrew H., xxx-...
Brandt, Stephen C., xxx-...
Brazas, Warren H., xxx-...
Brent, John W., xxx-...
Briseno, Francisco P., xxx-...
Brossy, Louis E., Jr., xxx-...
Burkholder, Jack D., xxx-...
Butera, William C., xxx-...
Carlson, Gary K., xxx-...
Cascio, John T., xxx-...
Changery, Robert P., xxx-...
Chase, Eric L., xxx-...
Clark, James P., Jr., xxx-...
Click, Roger W., xxx-...
Collins, Robert L., xxx-...
Conner, Walter F., xxx-...
Conover, Donald L., xxx-...
Cox, Dennis F., xxx-...
Cox, Millard, III, xxx-...
Crew, Randolph E., xxx-...
Cunningham, Frederick R., xxx-...
Daniel, Robert M., xxx-...
Davidson, Fred, III, xxx-...
Davis, Bruce K., xxx-...
Davis, Jack A., xxx-...
Dechant, Leonard E., xxx-...
Devries, Sherry M., xxx-...
Dudley, Doyle D., xxx-...
Duggan, Edwin T., Jr., xxx-...
Dundas, Charles L., xxx-...
Durant, John A., xxx-...
Earnest, Dewey L., xxx-...
Edwards, Charles R., xxx-...
Egan, Joseph F., xxx-...
Ek, David F., xxx-...
Elbert, Donald G., Jr., xxx-...
Fabiszak, Alan E., xxx-...
Fallgren, Martin A., xxx-...
Fallman, Walter G., xxx-...
Fitzgerald, Kenneth J., xxx-...
Flood, Raymond F., xxx-...
Forte, Vincent J., xxx-...
Foyle, James J., xxx-...
Fuller, Donald B., xxx-...
Gera, James T., xxx-...
Giles, John B., xxx-...
Gilmartin, Martin R., xxx-...
Goodwin, William G., xxx-...
Griffin, Thomas W., xxx-...
Griggs, Theodore W., III, xxx-...
Grimstead, Richard F., xxx-...
Grischkowsky, Roger S., xxx-...
Groothuis, Daniel L., xxx-...
Haddix, Roger C., xxx-...
Hallin, David A., xxx-...
Hanavan, Louis M., xxx-...
Hanner, Joseph M., Jr., xxx-...
Harmon, Herbert N., xxx-...
Hattaway, Danny H., xxx-...
Heacock, Franklin J., xxx-...
Hendrickson, Scott R., xxx-...
Hernandez, Andrew L., xxx-...
Hicks, Charles T., III, xxx-...
Hill, Gary J., xxx-...
Holahan, William L., III, xxx-...
Homan, James A., xxx-...
Houff, Edward F., xxx-...
Howland, John C., xxx-...
Hunt, James L., xxx-...
Ipson, Steven E., xxx-...
Jacobson, Gordon W., xxx-...
Janega John A., xxx-...
Jarosz, William M., xxx-...
Johnson, Gary W., xxx-...
Johnson, Gerald E., xxx-...
Johnson, James R., xxx-...
Johnson, Kenneth W., xxx-...
Johnson, Robert W., Jr., xxx-...
Jordan, Richard V., xxx-...
Kalashian, Michael A., xxx-...
Karow, Robert J., xxx-...
Kasper, John R., xxx-...
Keating, Daniel G., xxx-...
Kener, Lawrence H., xxx-...
Kief, Robert E., xxx-...
Kielhofer, Raymond R., xxx-...
King, Hubert G., Jr., xxx-...
Kingsbury, David J., xxx-...
Kinney, Charles H., xxx-...
Kline, Jimmy L., xxx-...
Klink, Ward W., Jr., xxx-...
Knuttila, Arlen M., xxx-...
Kulig, Douglas J., xxx-...
Lampe, John F., xxx-...
Lane, Charles O., xxx-...
Lange, William E., xxx-...
Lee, Hon K., xxx-...
Lefavor, Marshall W., xxx-...
Levota, Michael A., xxx-...
Lieber, James C., Jr., xxx-...
Lopez, Frederick R., xxx-...
Love, Charles T., xxx-...
Lumpkin, Gary L., xxx-...
Lundell, Robert C., xxx-...
Luttrell, Gilbert R., xxx-...
Lyman, Martin E., xxx-...
Marien, Richard J., xxx-...
Maroney, Francis P., Jr., xxx-...
Marsh, Harold M., xxx-...
Martin, James M., xxx-...
Mason, Hugh C., xxx-...
McBee, Bailey H., xxx-...
McCarthy, Dennis M., xxx-...
McConnell, Keith A., xxx-...
McCrary, Daniel J., xxx-...
McCullough, John D., xxx-...
McGarigle, James C., Jr., xxx-...
McLaughlin, Robert P., xxx-...
Medley, Anthony R., xxx-...
Meisen, Daniel S., xxx-...
Melgaard, Stephen N., xxx-...
Menszak, Lee A., xxx-...
Merana, Paul J., Jr., xxx-...
Merriam, Alvin R., xxx-...
Messer, Philip A., xxx-...
Miller, Bobby W., xxx-...
Miller, David D., xxx-...
Miller, Gary T., xxx-...
Miller, Loren R., III, xxx-...
Milton, Roger D., xxx-...
Mitchell, Stephen S., xxx-...
Moore, David J., xxx-...
Motz, Donald F., Jr., xxx-...
Moyher, Cyril V., xxx-...
Murphy, Edward F., Jr., xxx-...
Murray, Stephen D. xxx-...
Myers, James P., xxx-...
Nadler, William S., Jr., xxx-...
Neff, Joseph W., Jr., xxx-...
Nicholson, Gerald L., xxx-...
Nipper, Michael J., xxx-...
Okerman, John L., xxx-...
Orlandella, Ralph A., xxx-...
Owens, James D., xxx-...
Owens, Mackubin T., Jr., xxx-...
Palmer, Larry P., xxx-...
Patton, Forrest P., xxx-...
Pencek, Barry D., xxx-...
Peterson, Frank K., xxx-...
Phillips, Marshall L., xxx-...
Pidgeon, John H., xxx-...
Pierce, Jerrold N., xxx-...
Pollard, Mark E., xxx-...
Poole, William S., xxx-...
Porto, James V., Jr., xxx-...
Prombo, James R., xxx-...
Quinlan, Maurice J., xxx-...
Ragin, Michael L., xxx-...
Randall, Joseph J., Jr., xxx-...
Rask, Arthur T., Jr., xxx-...
Raupp, Douglas, R., xxx-...
Reid, Robert W., xxx-...
Reid, Warner T., xxx-...
Reier, James E., xxx-...
Reifke, Henry J., xxx-...
Rice, Joseph E., Jr., xxx-...
Richmond, Steven E., xxx-...
Robinson, Joe D., xxx-...
Rodatz, Christian A., xxx-...
Ross, Bruce J., xxx-...
Royer, William M., xxx-...
Ryan, Douglas P., xxx-...
Ryan, Kenneth L., xxx-...
Samaras, George N., xxx-...
Sconyers, John M., xxx-...
Sears, John W., xxx-...
Shuler, Wyman E., III, xxx-...
Sikes, Ronald R., xxx-...
Simson, Rickie R., xxx-...
Sipperly, David W., xxx-...
Slone, Gary R., xxx-...
Stefan, Louis B., xxx-...
Stiger, James V., xxx-...
Stotz, Richard A., xxx-...
Stout, Ronald C., xxx-...
Studebaker, Kent E., xxx-...
Sturgeon, Frank V., xxx-...
Sullivan, Richard D., xxx-...
Svoboda, Tom A., xxx-...
Switzer, James E., Jr., xxx-...
Tagni, Peter C., xxx-...
Tauches, Frank A., Jr., xxx-...
Tharp, Peter J., xxx-...
Tigue, Thomas M., xxx-...
Tinsley, William A., III, xxx-...
Todd, Gary G., xxx-...
Toohey, William F., III, xxx-...
Toukonen, Arvo W., xxx-...
Trompeter, Thomas R., xxx-...
Turner, Cecil A., xxx-...
Urmston, John B., xxx-...
Vassy, Douglas C., xxx-...
Vertuno, Anthony A., xxx-...
Vetter, Thomas M., xxx-...
Vrooman, Charles R., xxx-...
Wadle, Rudy J., Jr., xxx-...
Wallace, Robert M., xxx-...
Weber, John J., Jr., xxx-...
Whittington, William R., xxx-...
Wilkening, William F., xxx-...
Wilkes, John B., IV, xxx-...
Wilson, James D., Jr., xxx-...
Wright, Arthur R., xxx-...

Executive nominations received by the Secretary of the Senate August 18, 1983, under authority of the order of the Senate of August 4, 1983:

DEPARTMENT OF STATE

Donald Charles Leidel of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

DEPARTMENT OF THE TREASURY

John C. McGraw of Pennsylvania, to be Assayer of the Mint of the United States at Philadelphia, Pa., vice Jack Herbert Keller, resigned.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Gwyneth Gayman of California, to be a member of the National Council on Educational Research for a term expiring September 30, 1984, vice Bernard C. Watson, term expired.

NATIONAL MEDIATION BOARD

Robert Oberndoerfer Harris of the District of Columbia, to be a member of the National Mediation Board for the term expiring July 1, 1986 (reappointment).

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611 (a0 and 624):

To be major general

Brig. Gen. John L. Ballantyne III, xxx-xx-x... xxx... U.S. Army.
Brig. Gen. Leonard J. Riley, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Leroy N. Suddath, Jr., xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Andrew L. Cooley, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Scott B. Smith xxx-xx-xxxx, U.S. Army.
Brig. Gen. Eugene L. Stillions, Jr., xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Michael J. Conrad, xxx-xx-xxxx xxx-... U.S. Army.
Brig. Gen. Joseph C. Lutz xxx-xx-xxxx, U.S. Army.
Brig. Gen. Edward Honor, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Richard D. Kenyon, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. William G. T. Tuttle, Jr., xxx-... xxx-xx-x... U.S. Army.
Brig. Gen. John M. Brown xxx-xx-xxxx, U.S. Army.
Brig. Gen. Frederick F. Woerner, Jr., xxx... xxx-xx-x... U.S. Army.
Brig. Gen. Charles F. Briggs, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Richard S. Kem, xxx-xx-xxxx, U.S. Army.
Brig. Gen. James L. Dozier, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Norman E. Archibald, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Jack B. Farris, Jr., xxx-xx-xxxx, U.S. Army.
Brig. Gen. Hardin L. Olson, Jr., xxx-xx-xx... xxx-... U.S. Army.
Brig. Gen. Howard C. Whittaker, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. John W. Foss xxx-xx-xxxx, U.S. Army.
Brig. Gen. Allen K. Ono, xxx-xx-xxxx, U.S. Army.
Brig. Gen. John H. Moellering, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Robert F. Molinelli, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. William E. Potts, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Orren R. Whiddon, xxx-xx-xxxx xxx-... U.S. Army.
Brig. Gen. John J. Yeosock, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Donald S. Pihl xxx-xx-xxxx, U.S. Army.
Brig. Gen. William E. Sweet, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Burton D. Patrick, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Henry G. Skeen, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Fred Hissong. Jr., xxx-xx-xxxx, U.S. Army.
Brig. Gen. Thurman D. Rodgers, xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Sidney T. Weinstein, xxx-xx-x... xxx... U.S. Army.
Brig. Gen. Rocco Negris, xxx-xx-xxxx, U.S. Army.
Brig. Gen. Stephen R. Woods, Jr., xxx-xx-x... xxx-... U.S. Army.
Brig. Gen. Eugene R. Cromartie, xxx-xx-x... xxx-... U.S. Army.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Frederick P. Schubert
Richard A. Bauman

IN THE NAVY

The following-named temporary captains of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the staff corps, as indicated, pursuant to the provisions of title 10, United States Code section 5912:

MEDICAL CORPS

Alvarez, Reinaldo G.
Ammons, John C., Jr.
Amundsen, Duane G.
Armstrong, James R.
Aycock, Ezra K.
Bailey, Cass H.
Barner, Hendrick B.
Basiliere, James L.
Bass, George L., Jr.
Bell, Donald D.
Benson, Daniel R.
Benson, Harry C.
Beyer, Charles K.
Black, Paul L.
Blair, Richard J.
Bleicher, Sheldon J.
Blood, Joseph B., Jr.
Blough, Herbert
Boies, Lawrence R., Jr.
Borgman, Theodore J., Jr.
Boyd, Gerald E.
Brandt, Eugene M.
Brennan, Thomas V.
Byorth, John P.
Cabell, Benjamin B.
Campbell, Doyle E.
Carlson, Richard E.
Carpenter, Howard F., Jr.
Carr, John H.
Casey, John M.
Cavenar, Jesse O., Jr.
Cerda, James J.
Chambers, William N.
Chapman, James H.
Charles, Clive R.
Chatowsky, Anthony P.
Chism, Ronald G.
Christensen, Gerald R.
Christensen, Harvey E.
Chun, Clyde W.
Cole, Joe C.
Colgan, Diane L.
Crawford, Alvin H.
Crutchfield, James J.
Davies, Raymond O., Jr.
Deraps, Gordon D.
Dieckmann, Merwin R.
Dodge, Herbert S.
Downing, John E.
Duhamel, Robert R.
Dukes, William E.
Duren, Craddock P.
Ebbels, Bruce J.
Eckberg, Theodore J.
Ende, Norman
Evans, Earl F., Jr.
Everly, Robert C.
Fargason, Crayton A.
Faust, Robert B.
Fernando, Oscar V.
Fowler, Donald R.
Fowler, Glenn W.
France, Thomas D
Frary, Lynn R.
Freeman, William T.
Fulton, Lyman A.
Fulwyler, Robert L.
Garrett, Henry F. M.
Geeslin, James M., Jr.
Giuntoli, Robert L.
Gleason, Terrence H.
Goldbeck, Larry C.
Gondring, William H., III
Gordon, Dennis H.
Greene, Charles A.
Greer, Mack V.
Greer, William E.
Grimes, James A.
Grumbling, Hudson V., Jr.
Hagan, Donald J.
Hagele, Herbert C., Jr.
Hamilton, William R.
Hammer, Richard W.
Harder, David F.
Harris, Clarence M., III
Hendrix, James Z.
Hoffman, John W.
Holmstrom, Robert D.
Howery, Stephen E.
Hudson, Charles J.
Hughes, Luman H., Jr.
Hunter, Thomas W.
Huurman, Walter W., Jr.
Jackson, William B.
Janssen, Erwin T.
Jochimsen, Peter R.
Jones, George R.
Jordan, Robert E.
Kardinal, Carl G.
Kaye, Paul T.
Keeler, Clifford E.
Kelly, Thaddeus E.
Kerstein, Morris D.
Kesler, Kelvin F.
Kessler, David B.
Kindschi, George W.
Kirchner, Peter T.
Klenk, Eugene L.
Klibanoff, Edward
Kuehn, John L.
Kurtis, James T.
Lee, Charles D., Jr.
Lehwalder, Laurus W.
Leonard, John P.
Leslie, Loren H.
Leverett, Cary L.
Lewis, Robert B.
Libnoch, Joseph A.
Love, James T., Jr.
Lowsma, Henry B.
Ludwig, Karl D.
Magenheimer, Richard J.
Marlowe, Frank I.
Marnell, Daniel J.
Marshall, Charles E.
Martin, William A.
Masar, Maurice F. P.
Mathers, James M.
Mattern, Allan L.
McClain, Garvin H.
McDonald, Bruce M.
McDonald, Kenneth M.
Meador, James C., Jr.
Melton, Russell W.
Meyer, Russell
Miercort, Roger D.
Miner, James M.
Miranda, Mario Ces
Mitts, Murray G.
Mohamed, Tallat H.
Monell, William C.
Moore, Laurie W., Jr.
Mork, Gustave W.
Nail, Richard L.
Nelson, Norman D.
Nuss, Robert C.
O'Neill, Edward J.
Oriatti, Mario D.
Osius, Theodore G., Jr.
Ostroski, Joseph T.
Ozawa, Kenneth H.
Panlilio, Lugardo G.
Pare, Norman G.
Parisi, Frank
Patriquin, David A.
Pettengill, Howard W., Jr.
Pilapil, Virgilio D.
Pitlyk, Paul J.
Price, Albert C.
Proskey, Aloysius J.
Pyeatte, Jesse E.
Rankin, Robert A. M.
Rasco, Jerry L.
Real, Jack D.
Redding, Marshall S.
Reed, Ralph E.
Reeves, Charles S.
Richmond, Thomas F.
Rigor, Benjamin, M., Jr.
Riordan, Robert H.
Rivers, Leslie D.
Roberts, James G.
Rodgers, Stephan J.
Rosene, Philip G.
Sadick, Stanford P.
Sawyer, Norman M.
Scaring, William A.
Schafer, Theodore E.
Scheidt, Kenneth A.
Schibly, William J.
Schmid, William H.
Scott, Ralph H.
Sedlack, Richard E.
Skelly, John P.
Sleszynski, Raymond A.
Sokolowski, Joseph W., Jr.
Stewart, Edgar B.
Strauss, Michael B.
Sullivan, Timothy J.
Sweeney, Eugene W.
Tachovsky, Thomas
Tenney, Richard L.
Thomas, Jerry L.
Titus, Bruce M.
Tolmie, John D.
Tompkins, Albert E.
Tucker, Samuel H.
Turaids, Talvaris
Upchurch, William
Vavrin, Charles R.
Vertuno, Leonard L.
Vondoepp, Christian E.
Wachtel, Thomas L.
Wallin, John D.
Wanger, William H.
Weinshelbaum, Albert
Wellish, Carl S.
West, Alex R.
Widmann, Donald E.
Wieting, William
Williams, Ackerman C., Jr.
Wolfsen, James L.
Worsham, Bertrand R.
Yadon, Lowell G.
Zelko, James J.

SUPPLY CORPS

Acquistapace, Tuli
Allan, Ronald C.
Anderson, Rolph E.
Andris, Paul J.
Battelle, Richard L.
Bender, John H.

Bernhardt, Paul A.
Bernstein, Robert S.
Birnbaum, Leonard G.
Bolton, Thomas W.
Bonnell, Lawrence D.
Bowne, Charles J., Jr.
Brown, Thomas G.
Burstares, James S.
Campbell, Carroll J.
Carrington, John P.
Chakeres, James G.
Chastain, Joseph H.
Collins, Francis A.
Costa, Dominic P.
Crain, Richard H.
Deckert, Warren P.
Denny, Jay R.
Donohue, Patrick T.
Donovan, James Lawrence
Duncan, Dean L.
Edel, Thomas R.
Eickhoff, Roger C.
Eilberg, James S.
Finneran, John B.
Fischetti, John A.
Fitzpatrick, Julius W.
Forkner, Donald F.
Fruin, Jeremiah E.
Fry, Vance H.
Gamble, Carl T.
Godwin, Albert D.
Gogerty, David C.
Graeff, Paul A.
Grip, Herman W.
Haggard, Howard F.
Harvey, Thomas G., Jr.
Head, Clarence M., Jr.
Herbert, Thomas J., III
Hickey John P.
Hobson, Neal D.
Horton, William E.
Jaminet, John A.
Jones, William J.
Kaufman, John R.
Kitts, Willis M.
Lacey, Howard W.
Lamphear, Steven C.
Lindsley, Robert M.
Lowry, Wallace M.
Maguire, James A.
Martin, George E.
Mayer, James H.
McCann, Charles J., Jr.
McCay, Wilton T., Jr.
McFall, Tommy K.
McKnight, Richard F.
Meyer, Jack A.
Mohr, Robert B.
Morrision, James D.
Moss, Thomas
Nelson, William H.
Norton, Burnett W.
Onan, Thomas M.
Palmer, John D.
Palmer, William J.
Pinsker, Clive D.
Pizzano, William C.
Pyron, Edwin B.
Rice, Robert Creighton, Jr.
Rocque, Paul F.
Russell, Sanford H.
Schldwachter, Stephen J.
Serafini, Attilio, Jr.
Shaw, Harold M., Jr.
Sheill, Gordon W.
Six, Thomas J.
Sklar, Fred H.
Slifer, Charles A., Jr.
Soine, Jon C.
Sturms, Herschel T., Jr.
Taylor, Norman H.
Thompson, Terry C.
Trujillo, Lionel G.
Wendle, Dean R.
Wilmoth, James P., III
Wood, Oliver G., Jr.

CHAPLAIN CORPS

Adams, Edgar G.
Allen, Donald R, Jr.
Beers, Donald W.
Bollesen, Melius E.
Butenshon, Donald E.
Cook, Bobby W.
Crosland, William A., Jr.
Donovan, Herbert A., Jr.
Duke, Harvey L.
Edwards, Ted E.
Fisher, Clifford S.
Furlow, Charles M., III
Glaser, William C.
Gordon, Kenneth R.
Hampton, William R.
Hansen, Roger K.
Harrel, Francis L.
Hill, James D.
Hunt, John R.
Hutton, James B.
Jones, Robert E.
Klapperich, Owen B.
Krajewski, Walter M.
McNeely, Richard I.
McVeigh, John J.
Osborn, Roy C., Jr.
Panko, Stephen M.
Peloquin, Anthony R.
Reynolds, David D.
Rosenberger, Beryl G.
Salmon, Edward P.
Shuart, Esler L.
Sorrill, Harold W., Jr.
Stone, Daniel G.
Stough, Richard H.
Thompson, Alfred C.
Tyer, Charles L.
Volz, Walter D.
Wilson, Stanley R.
Witcher, Robert C.

CIVIL ENGINEER CORPS

Araneo, Peter J., Jr.
Barclay, Robert A.
Billsone, Donald L.
Block, Neil
Bradley, Clyde E.
Braun, Richard W.
Brewster, William L.
Bruen, Walter P., Jr.
Caswell, Richard F.
Cawley, Martin L.
Collins, Robert W.
Davis, John M.
Denny, Thomas P.
Derr, Frederick M.
Field, Richard H.
Flack, Frederick P.
Gaal, Philip L.
Gallaugher, James R.
Gannon, Francis X.
Gibson, William R.
Harris, John R.
Hathaway, Paul L., Jr.
Heine, William A., III
Helton, Ronald L.
Hensgen, Oscar E.
Hepburn, Raymond G.
Higgs, Gerry E.
Lochtefeld, Charles J.
Lofgren, Gustav R., Jr.
Marley, Jerry J.
McCaslin, Joe C.
Meisner, Walter T., Jr.
Meylan, Charles L.
Miele, Joel A.
Moore, Douglas W.
Morekas, Sam
Morris, Alan E.
Nifong, Robert L.
Ogden, Buckley L.
Powell, David J.
Purdom, Robert L.
Rizzi, Louis L.
Roedl, Donald L.
Rosser, Paul O.
Scherer, Clark H., Jr.
Schmode, Gerald W.
Scott, James W.
Sears, George F.
Seigel, Leonard M.
Sifferman, Donald J.
Silk, Robert A.
Smith, Charles R.
Smith, Jerrold M.
Smith, Theodore A.
Strain, Boyd P., Jr.
Vukovitz, John O.
Wilson, James G.
Wilson, Thomas M.
York, Ronald F.

JUDGE ADVOCATE GENERAL'S CORPS

Abel, Robert M.
Agger, James H.
Aires, Randolf H.
Allen, John F., III
Barber, Michael E.
Bayley, Christopher R.
Belser, Townsend M., Jr.
Brinson, Zeb C.
Brodsky, Ronald D.
Caine, Patrick R.
Chapman, Henry S.
Clark, James F.
Curley, Robert M.
Darby, Joseph J.
Dietrich, Donald P.
Dowling, Donald P.
Falbo, Gerald A.
Fenton, Albert B.
Fowler, Robert P.
Frederick, Robert B.
Frommelt, Roger H.
Gilbert, Gerald E.
Glazer, Jack H.
Grossbaum, John J.
Hebert, Stanley P.
Hersch, Marvin H.
Hoge, William R., Jr.
Holman, Donald R.
Hougland, Charles
Knape, Raymond E.
Knowles, Kent H.
Koletsky, Joseph Q.
Lathrop, Mitchel L.
Lewis, John B., Jr.
Maley, Karl A.
Mauer, William F.
McCormick, Leo L.
McSweeny, Robert H.
Middleton, Clyde W.
Morse, Joshua M., III
Murphy, Joseph P.
Nolan, Francis X.
Rieder, Richard E.
Ryan, James L.
Scheer, George, M., Jr.
Schumann, Alfred
Switzer, Frederick M., II
Watson, William P.
West, James B.
Whitlock, Robert B.
Wiss, Robert E.
Wood, Thomas C.

DENTAL CORPS

Adams, James T.
Albright, Jimmy E.
Bernard, William V., Jr.
Bills, Eldon D.
Bjorndahl, Robert W.
Bogert, John A.
Bosko, John J.
Bradbury, David R.
Bradley, Bruce E.
Brose Mark C.
Brown, Allen K.
Buckis, David C.
Burk, Jimmie L., Jr.
Carroll, Lon D.
Chaccnas, Spiro J.
Custer, Frederic
Damiano, Maurice A.
Dattilc, Brunc F.
Depuy, Robert W.
Diamond, Michael W.
Donoho, Donald H.
Duncan, James M.
Dunston, Walter T.
Eischen, James J.
Eng, Wellington R. L.
Ferry, Edward I.
Finagin, Willian B.
Geller, Jacob
Gironlami, John J., Jr.
Grage, Walter A.
Hall, Lawrence B.
Hallman, Robert R.
Hallprin, Arthur E.
Hardison, Samuel H.
Harrison, William S.
Hart, Charles B.
Hearon, Donald L.
Heget, Harry S., Jr.
Henry, Richard W.
Herman, Harry A., Jr.
Hohlt, William F.
Hooley, James P.
Hoover, William G.
Huffstutler, Bibb
Karaginis, Michael G.
Kasenchak, Peter
Kear, Harold J.
Ketner, Bruce A.
Kimpel, William A.
Laczynski, Stanley J.
Lanier, Thurman W.
Larsen, John S.
Last, Ronald F.
Leblanc, Patrick H.
Leonard, Lloyd F.
Levine, Lowell J.
Luckam, Thomas G.
Lund, Warner E., Jr.
Marsalek, Daniel E.
Martin, Carlton, S.
Martin, Donald W.
Martin, Paul W., Jr.
McAnear, Jon T.
McCallum, Walter E.
Miller, Frank R.
Mitchem, John C.
Moritz, Robert F., Jr.
Nickelsen, Dale C.
Niebuhr, Robert M.
Nowak, Arthur, J.
Omalley, George C.
Perroni, Joseph R.
Pezzopane, Bernard
Pickett, Charles E.
Proteau, Thomas J.
Raper, Pal S., Jr.
Reeves, George W.
Reynolds, Donald R.
Roberts, J. K.
Rollins, Laurence R.
Russell, David T.
Scholl, Jerome T.
Schubert, Frederick W. J.
Sherard, Harold T.
Shirley, Robert L.
Stende, Gregory W.
Triftshauser, Roger W.
Vanummersen, Frank, III
Vitale, Joseph S.
Vogeley, John C.
Williams, Terry C.
Wilson, Noel C., Jr.
Wingard, Charles E.
Yeargin, James C.

MEDICAL SERVICE CORPS

Basdekian, Edward A.
Boyle, Robert E.
Fisher, Benjamin
Grier, Charles P.
Harris, Jesse G., Jr.
Horrigan, David J., Jr.
Knisley, Ralph F.
Landers, Judson W., Jr.
Lindberg, David S.
McCarthy, Thomas
Powers, Kendall G.
Reich, Melvin
Strem, Bruce E.

NURSE CORPS

Barlow, Phyllis L.
Brown, Virginia M.
Kelly, Wanda J.
McColl, Evelyn Y.
Purdy, Claire H.
Young, Victoria E.

IN THE NAVY

The following-named temporary commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of commander in the Staff Corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

MEDICAL CORPS

Adman, Raymond Lan
Aguila, Honorato M.
Albritton, John T.
Allen, Robert L.
Altenau, Lance L.
Andrus, Peter L.
Ang, Elsa P.
App, Peter B.
Arroyo, Jose C.
Asserson, Bowen, Jr.
Aycock, Thomas N.
Bailey, Philip B.
Barker, David B.
Barry, William S.
Barvick, Edward J. A.
Bass, Richard S.
Bauriedel, James K.
Bautistai, Efigenio L.
Beamis, John F., Jr.
Beckett, William W., Jr.
Beier, James J.
Berlinger, Norman T.
Bethel, Robert A.
Billharz, David W.
Bissonnette, Bruce M.
Bjornson, Lyall A.
Blanco, Jose E.
Bledsoe, Theodore R.
Bloomfield, Richard A.
Boddicker, James H.
Bogart, Sydney D.
Booth, Geoffrey K.
Bott, William K.
Bove, Alfred A.
Bowden, Robert H., Jr.
Bradley, Vincent D., Jr.
Brancato, Donald H.
Brewster, Thomas G.
Brill, Stuart J.
Brisbois, Robert S.
Broadhead, Daniel D.
Broadie, Thomas A.
Broadman, Lynn Mor
Brophy, James J.
Brotherton, William D. I.
Brotman, Sheldon
Browder, Isaac W.
Brown, Clarence D.
Brown, Donald D.
Brown, Douglas E.
Brown, Lansing E.
Buchta, Richard M.
Bucklew, Lawrence A., Jr.
Bulota, William R.
Burkhardt, Donald W.
Bury, Charles D.
Bush, Robert A., Jr.
Bybee, David E.
Byrd, John W.
Cahill, Thomas G.
Campana, Gerald J.
Campbell, Leonard M.
Carstrom, Thomas A.
Castelli, John B., Jr.

Chapman, Charles K.
Chiaro, Joseph J.
Christen, Samuel E.
Cianci, Paul E.
Clubb, Robert J.
Cobb, Gregory W.
Cobb, James R.
Coleman, Lee A.
Cone, Howell A.
Congdon, James E., Jr.
Conner, James T.
Conroy, John J., III
Costaldi, Mario E.
Cotton, John B.
Coy, John R.
Crowley, James P.
Cruz, Anatolio Ben
Curry, John L.
Cusic, Marshall E., Jr.
Dansak, Daniel A.
Daspit, Charles P.
Davis, Barney M., Jr.
Davis, William E.
Dayrit, Carlos M., Jr.
Daza, Iluminada H.
Decock, David G.
Delaney, Adrian J., Jr.
Delmonico, Francis L.
Demars, Ronald V.
Dennis, Richard C.
Derhagopian Robert P.
Dewell, Larry M.
Diggs, Charles
Dillard, Robert P.
Dixit, Ameer M.
Dolan, Michael P.
Dooley, John R.
Downs, John R.
Dragoo, Robert A.
Drysdale, Walter F.
Duffy, Francis D.
Duffy, Patrick A.
Duplis, Robert M.
Dy, Antonio J.
Early, Kendall S.
Eddleman, Henry C., III
Ellen, Joseph H.
Ellington, Stewart L.
Elsner, Heinz S.
Endicott, James N.
Engleman, Otis E., Jr.
Fabry, Gerald R.
Fair, Richard H.
Farrell Thomas C., Jr.
Feldman, Daniel M.
Felthous, Alan R.
Fine, Edward Judah
Finnegan, James O.
Firman, Gregory J.
Fischer, Charles K.
Fisher, Donald E.
Fisk, Henry J., Jr.
Fogle, Philip R.
Forth, David S.
Franssen, Gary L.
Freeland, George R.
Friebal, Harry T.
Fussell, Macea E.
Gardner, James S.
Gasparro, Michael
Gay, Thomas A.
Gershwin, Lewis C.
Gibbs, Steven C.
Gilmer, Graham, III
Glenn, Johnny R.
Goetz, John R.
Goodman, John W.
Goodreau, James J. P.
Graham, Gary D.
Greer, Harry A., Jr.
Griffiths, Richard C.
Grove, Charles S.
Grover, Sarv M.
Grunert, George M.
Guth, David E.
Gutterrezdelgado, Edmun
Haber, Kai
Hales, Bradley T.
Hall, Arthur L.
Hamm, John E.
Hamrick, John D.
Hannigan, Edward V.
Hargis, Joseph S.
Harris, Joseph A.
Hashem, Mohamed S. M.
Hayman, Bernard L.
Heckel, Charles G.
Hendricks, John L.
Hengerer, James R.
Henley, Robert W.
Hernandez, Alfred J., Jr.
Hess, James B.
Higgs, William T.
Hilton, Saskia C.
Hintz, Brace L.
Hirschberg Brendon C.
Hitt, Curtis Lee
Holleran, Neal E.
Holmes David R., Jr.
Hopewell, William J., III
Horley, John Devin
Horwitz, David L.
House, Charles M.
Howard, Arthur R.
Huddle, Luther G., Jr.
Huff, Garey H.
Hunt, Clyde M., Jr.
Hutchins, Richard K.
Iacono, Vincent
Ignelzi, Ronald J.
Ilka, Richard A.
Iskowitz, Robert
Ivey, Louis A.
Jackson, Arthur C., Jr.
Jackson, Bruce W.
Jarmoszuk, Nicholas
Jensen, John H.
Johnson, Charles L.
Jones, Alan C.
Jones, Jesse M.
Jones, Richard L.
Juels, Charles W.
Julsrud, Paul R.
Kaiser, John R.
Kellams, Walter R.
Kennedy, Thomas J.
Kent, Roderick S.
Keys, Thomas F.
Kidd, Charles E., Jr.
Kilian, Gary M.
Killien, Frank C.
Kim, Thomas H.
Kingsley, John R.
Kirchner, John P.
Kirkman, Robert L.
Klam, Warren P.
Klarman, Edward L.
Koeller, Royal R.
Kohl, Ernest J.
Konerding, Karsten F.
Krieg, Earl Michael
Kruglik, Gerald D.
Kuhn, John W.
Kuk, Dennis S.
Kunz, Arthur E., Jr.
Lake, Michael H.
Lambert, Robert M.
Landeen, James M.
Langan, Peter R., Jr.
Lapointe, Lily K.
Laverty, Wayne C.
Lazo, Jane S. S.
Levin, Stanley A.
Levine, Robert S.
Levine, Stephen M.
Levy, Leonard R.
Linder, Scott V.
Lindley, James D.
Liscomb, Jesse R., Jr.
Lisiewicz, Eva M.
Lisska, Lawrence A.
Loh, Nora P.
Lombardo, Joseph V.
London, Barry E.
Lowry, Thomas P.
Lucas, Richard C.
Lux, Glenn A.
Lynch, William J.
Mabry, Nicholas R.
MacMaster, Benzel C.
Macon, Philip F.
Mader, Jon T.
Mahalak, Lawrence W., Jr.
Malcolm, Robert J., Jr.
Malibiran, Rolando M.
Maloof, George E.
Martin, James A.
Martin, John S., Jr.
Martin, John W. III
Massey, Edward W.
Matsenbaugh, David P.
Maung, Michael A.
Maurer, John G.
Mayhew, James F.
Mazer, Stephen B.
McCarren, Peter
McCarroll, John R.
McCarthy, John P.
McCleskey, Michael T.
McCluggage, Charles W.
McInnes, Benjamin F. III
McKay, Hunter A.
McReynolds, John W.
Meade, Clyde K.
Meltz, Fred
Methner, John P.
Meyer, Charles A., Jr.
Michaels, John F., Jr.
Miller, George D.
Miller, Richard C.
Miller, Robert H.
Miller, William M.
Minihan, Patrick T.
Mixon, Freds
Monaghan, Brooks V., Jr.
Monahan, Lawrence K.
Monninger, Hilmar A.
Moore, Vernon J., Jr.
Morant, Victor A.
Moreano, Walter Fe
Moreland, Robert H., Jr.
Morris, Thomas O., III
Moser, Ronald J.
Moy, Eng W.
Munzel, Thomas L.
Murphey, Stephen M.
Mutty, Lawrence B.
Myers, Barnwell R., III
Nacke, Morris R.
Naulty, John S.
Nebel, Otto T., III
Neuman, Tom S.
Newcron, Sheldon L.
Newman, Cyril
Nicholson, Thomas C.
Nielsen, David G.
Nill, Leroy M.
Nolan, Peter S.
Nolte, James E.
Noonan, Bruce D.
Nutt, Richard L.
Nyboer, Jan H.
Obryan, Robert K.
Oster, Henry A.
Othman, Ghalib L.
Packard, Russell, C.
Pailey, Philip M. W.
Paladine, William J.
Pardue, Larry H.
Payne, Gillis, L., Jr.
Penner, Lawrence R.
Peterson, Wilbur R.
Phelan, James R., Jr.
Pittard, Joel C.
Poliand, Calvin L.
Posner, Geoffrey M.
Posner, Mark A.
Pressly, James Pat
Price, Steve F., Jr.
Probst, Theodore G.
Prough, Donald S.
Pulliam, Morris W.
Quinn, Paul V.
Qureshi, Ghulam R.
Rabalais, Robert Roy, Jr.
Rabetoy, Gary M.
Radnich, Robert H.
Rahman, Jon D.
Ramach, Kenneth R.
Ransome, Joseph R. L., Jr.
Rathburn, Lawrence A., Jr.
Raue William T.
Regis, Marilyn L.
Reisnweber, Harvey D.
Repass, Rex L.
Reynolds, Richard J., III
Richardson, Douglas S.
Risser, Thomas A.
Robertson, Lawrence M. J.
Robey, Dennison B.
Robinson, Lawrence H.
Robinson, Terrance A.
Rockel, Thomas H.
Rodning, Charles B.
Roe, Myong J.
Rosen, Arvin D.
Rothenberg, Harold J., II
Russo, Raymond M.
Ryan, Thomas F., III
Safer, Michael L.
Saltzman, Stephan L.
Santos, Gil H.
Sauer, Curtis Mich
Schmits, Walter R., Jr.
Schoendorf, Judson R.
Schwab, Charles W.
Scoles, Peter V.
Scott, Harold D.
Scully, James M.
Seeds, John W.
Seif, Rahmat M.
Seiler, Micton W., Jr.
Selinger, Samuel L.
Serate, Tersito Sa
Serfustini, Anthony B.
Settle, Charles S.
Serfustini, Anthony B.
Settle, Halsey M., III
Shenefect, Philip D.
Sherman, Maurice P.
Shewmake, Stephen W.
Shields, John E., Jr.
Short, Dwight H., II
Shreck, James N.
Siegel, John E.
Slease, Robert B.
Smiardwski, John S.
Smith, Arthur M.
Smith, Coral
Smith, Joseph J.
Snead, Ronald W.
Snow, Jerry A.
Snyder, Thomas L.
Somma, Richard M.
Southern, Thomas E.
Spielman, Charles C.
Spitz, Luis F.
Splinter, Raymond J.
Stark, Randolph W.
Storey, James D.
Strauss, Samuel
Streit, Charles C.
Suslick, Randall H.
Symington, Richard C.
Syverud, James C.
Tannebaum, Ira R.
Tanowitz, Herbert B.
Taylor, Anthony J.
Taylor, Benjamin T.
Textor, Brenton A.
Thomas, Frank A.
Thomas, Herbert C. Jr.
Thomas, Roger B., Jr.
Thompson, Stanley I.
Thorpe, Ray M.
Tiliakos, Nicholas A.
Tinker, John H.
Tizard, Gary T.
Tomford, William W.
Tormes, Felix R.
Travers, Henry
Underhill, Thurlow R.
Vance, Donald A.
Vanderberg, David L.
Vargo, James D.
Vickerman, Robert L.
Vincent, William C.
Wagner, Luke P.
Walker, Allen R.
Wall, George T.
Walter, Charles T., Jr.
Ward, Clarence F., Jr.
Ward, Harold W., Jr.
Washburn, Michael D.
Weaver, James W.
Weed, Thomas M.
Weinberg, Thomas J.
Westcott, William I.
Wettach, George E.
Whitefield, Richard W.
Whitehead, William D.
Wilcox, John D., Jr.
Wilcox John R., Jr.
Wilhelm, Kenneth G.
Williams, Terry J.
Wilson, David J.
Wilson, George R., III
Wilson, Walter R., Jr.
Wimmer, John E., Jr.
Winn, Charles E., II
Winsky, Arlen D.
Wishart, David L.
Wolff, William A.
Wolski, Eugene J.
Wong, Kuanpo
Wong, Wade H. M.
Woodruff, Robert E.
Zaldivar, Nieves M.
Zaleski, Henery I.
Zimmerman, Richard C.
Znider, John F.

SUPPLY CORPS

Adams, Denis L.
Adams, Don S.
Adams, Edward A., II
Agnitsch, Richard J.
Aharonian Donald J.
Allen, Wayne L.
Appel, H. D.
Augonis, Frank E.
Babb, Robert M., Jr.
Ball, Thomas J.
Bankhead, Royce E.
Baron, Roger B.
Barry, John J.
Bartholomew, Frank L., III
Beck, Steven E.
Bell, James J.
Benko, David F.
Bindon, Rodney B.
Birindelli, James B.
Blankenfeld, Richard K.
Block, Edgar D., Jr.
Bodour, Haig
Bolin, James H.
Bollam, Kenneth A.
Borley, Frank Ilif
Borst, Richard E.
Bradford, Charles
Brainerd, Robert P., Jr.
Breeding, Earnie R.
Briggs, Robert J.
Brookstra, William R.
Brush, William E.
Burris, Gary M.
Burris, Jerry F.
Campbell, Price F.
Cardinale, Michael A.
Carlisle, Clinton R.
Cecil, Robert D.
Chandler, Martin M.
Chapin, John E., Jr.
Choy, Benson R.
Claar, Robert C.
Cline, Eugene P.
Collins, William A.
Conwell, John W., Jr.
Cook, John W.

Cookson, John P.
Cotten, Johnny W.
Cox, Richard Z.
Crates, Robert C.
Cronin, John L., Jr.
Crook, James L., Jr.
Cross, Martin J.
Curran, John C.
Dahm, John H., Jr.
Davies, Christopher R.
Dean, Floyd F., Jr.
Deangelis, Joseph T., Jr.
Decort, Roger G.
Dedera, Robert E.
Defrancia, James M.
Delfs, Hugh N.
Delong, David L.
Dingeldey, Peter E.
Divis, James A.
Dockendorff, Robert D.
Dolian, James P.
Donahue, John R.
Dore, David A.
Dorsey, Lewis G., III
Dowley, Peter W.
Drinkwater, Myron D.
Duff, Donald D.
Dunlap, Clarence C.
Easterly, Robert P.
Edmonds, Harlan H.
Feeney, Don H.
Fetters, Stephan M.
Fitzgerald, Robert C.
Fletcher, Kenneth C.
Flores, Richard L.
Fox, George E., Jr.
Fox, James F.
Foy, Norman F.
Francis, Paul J.
Franke, Donald K.
Free, Willard D.
Free, William T., Jr.
Fugazzi, William H.
Fulgham, Robert E.
Furniss, Henry D., Jr.
Garrison, James O.
Genest, Armand R.
Giardina, Joseph A.
Gladstone, Kenneth M.
Glenn, Edward M.
Glover, Clarence H., Jr.
Gonchar, Frank A.
Gondring, John A.
Goodman, James B.
Gould, Stephen J.
Grant, Francis B.
Grasser, Eugene A., Jr.
Green, Harold C., Jr.
Gregory, Douglas P.
Grochowiak, Edward A.
Grout, Earl L., III
Gushue, William, Jr.
Gywnn, Robert H.
Hagen, Thomas B.
Hall, Lyle R.
Hall, Robert G.
Hallahan, Jeffrey W.
Hamm, Michael R.
Hammond, Robert H.
Hanna, Charles V.
Harold, Elliotte M., Jr.
Hayfield, Ernest J., Jr.
Haywood, Herbert H.
Heim, Robert C.
Henderson, Paul A.
Henley, Miller P.
Hewitt, Cullen
Higgins, William F.
Hill, Thomas J.
Hinkel, Jay E.
Hitt, William H.
Hoffman, Joel Jeff
Hollowell, Walter E.
Holshey, Michael C.
Holt, Phillip C., Jr.
Hoskins, Thomas T., III
Howell, Thomas W.
Huff, Howard W.
Huffman, James C.
Hull, Lawrence G.
Hull, Robert L.
Hunt, John H.
Hutchinson, Thurlow Q.
Hutson, Robert N.
Ingraham, Murray J.
Isley, Christian R., IV
Jackson, Robert F.
Jackson, Thomas A., Jr.
Jarosz, Thomas J.
Johnson, Donald L.
Johnson, James A.
Johnston, Richard M.
Johnston, William C., Jr.
Jordan, Joseph J., Jr.
Jordan, Robert E.
Juhl, Gordon E.
Kane, John J.
Keil, Robert A.
Keller, Leslie R.
Kelley, John R., Jr.
Kennedy, Robert C.
Kennedy, Troy W.
Killian, Samuel P., III
King, James M.
Knoesel, Donald E.
Knowles, Edward R.
Koopman, Charles H.
Kramp, Darrell I.
Kyzar, James E.
Lamb, Donald L.
Lehecka, Larry G.
Levitz, Barry A.
Lilly, Gerald E.
Lindrup, James E.
Love, John P.
Lovejoy, Douglas A.
Lovell, Franklin A., Jr.
Lutz, Harold G., Jr.
Madison, Robert L.
Magee, Joe A.
Magrogan, William F., Jr.
Main, James H.
Maitland, James R.
Makinson, John C.
Mangin, Garrett N., II
Marien, Robert A.
Marshall, Paul G.
Martin, Elmer D.
Mather, Samuel S., II
Mayer, Earl H.
McCameron, James D.
McClintock, William R., Jr.
McClung, Hugh B. L. L.
McDaniel, Hugh H., II
McDonnell, Brian L.
McGahey, Gerald M. D.
McGiffin, John G., III
McIntire, Richard E.
McIntyre, Gwyn L.
McTavish, Thomas H.
Meehan, Clement T., Jr.
Meyer, Robert L.
Mortrud, David L.
Mortsolf, Larry A.
Mullen, James M.
Murphy, Gary E.
Murphy, Ronald J.
Murray, Phillips S.
Nebel, Gerald L.
Nelson, Gregg C.
Noel, Wilbert E.
Northup, Paul R.
Nunns, Scott E.
Oberacker, Martin F.
Oberg, Russell C.
O'Callahan, Edward J., Jr.
Ostrom, Byron R.
Paddack, Glenn D.
Pals, Larry A.
Papera, Robert P.
Parker, James F.
Patterson, Alexander Z., II
Patterson, Paul R.
Pendleton, James E.
Peterson, Lowell H.
Peterson, Ross W.
Phillip, John W.
Pierce, Vernon L.
Pinskey, Howard S.
Piotrowski, Roman E.
Pitman, John J.
Pratt, Henry V., Jr.
Prawl, Philip W.
Price, John W.
Price, Larry S.
Pulliam, Nelson B.
Puzzo, Dominic E.
Quinn, Patrick J.
Quinton, Edmund F.
Rahn, Stanley A.
Railey, Randolph M.
Raisbeck, Peter D.
Ramsdell, Richard G.
Ramsey, Wiley F.
Reid, Gary B.
Reis, Peter S.
Reynolds, Roger W.
Price, Richard G.
Richardson, Daniel G.
Rieper, Alan G.
Robbins, Donald T.
Robertson, Daniel
Robinson, Terry L.
Rodine, Robert L.
Rosaaen, Tom S.
Running, Richard B.
Russell, Charlie S.
Rutherford, David A.
Ryder, Thomas V.
Sanders, Donald G.
Sands, Arthur W., Jr.
Sasnett, Henry P.
Sawyer, Richard P., Jr.
Schamp, Roger G.
Schiff, Albert J.
Schwartz, Robert G., Jr.
Sears, Lee A.
Semet, Robert J.
Shawl, Jon C.
Sheffield, Charles H.
Sheridan, Gary J.
Sherrill, Robert M.
Shirley, Joseph G.
Siefken, David M.
Siegel, Gary
Smith, Richard D.
Smith, Wallace D.
Snyder, Alfred G.
Spede, Edward C.
Spinks, Brian M.
Stack, Robert C.
Stalker, Donald J.
Stegemann, John D.
Steuben, Robert W.
Stiles, Edwin P.
Stohlmann, John C.
Stolark, Edward J.
Storz, Erwin F.
Strack, Beetem H., Jr.
Strayer, John B.
Swab, James R.
Swanson, Bert T.
Switzer, Harry A.
Tareila, Raymond F.
Tewelow, William H.
Timko, James S.
Tindall, Thomas C.
Torczyn, Thomas J.
Torngren, William P.
Tracy, John J.
Trandum, William I.
Turczyn, Thomas J.
Tyson, George J., Jr.
Vargo, Joseph F.
Vaughan, Woodrow W., Jr.
Vellenga, Daniel R.
Vellenga, David B.
Verner, William A.
Verny, Frank W.
Walker, John Mark
Walker, Paul E.
Wallace, John C.
Walsh, Richard J.
Wassenbers, Stephen R.
Watters, Hubert
Watts, David J.
Watts, James T.
Webb, Evans W.
Welch, Donald S.
Wetlesen, Einar A.
Whan, Geoffrey B.
Wicklund, John D.
Williams, Ulysses J. C.
Wilson, Charles A.
Wilson, Gerald W.
Winter, Wilburn J., Jr.
Wood, Daniel A.
Woodard, Richard L.
Zimmerman, Keith M.

CHAPLAIN CORPS

Allen, Richard B.
Altrock, Stanley C.
Amidon, Donald A.
Armerding, Carl E.
Baldwin, Robert R. III
Barkenquast, James L.
Bishop, Edwin L.
Bonn, Burton L.
Boys, William E.
Bradshaw, Jack R.
Bransford, William L.
Brock, Jerome W.
Brown, Laurence A., Jr.
Bullock, James M.
Cahan, Leonard S.
Cato, Phillip C.
Chatam, John W., Jr.
Clark, Robert E.
Cline, William C.
Coleman, Clifford B.
Coney, Charles R.
Connelly, Albert P. III
Cook, Harvey G.
Davis, William C.
Day, Doyle Kenneth
Ecker, John A.
Eittreim, Kinley O.
Elliot, Charles K.
Epps, Elwood W.
Evans, Edward E.
Force, Daniel L.
Fraenkel, Mark
Fulbright, James C.
Girardin, Peter T.
Granberg, Theodore O.
Grose, Fayette P.
Grosko, Joseph R.
Habiby, Samir J.
Hale, George M. Jr.
Hamm, Horace A.
Handley, Thomas B.
Hankins, Charles G.
Heino, Jack L.
Helveston, Richard R.
Hinton, Von J.
Hodder, Kenneth L.
Hodges, Robert W.
Hubbard, Robert L., Jr.
Jacobson, George E.
Jenkins, Philip E.
Johnson, Raymond W.
Jones, Thomas L.
Jordan, Charles F., Jr.
Kaiser, William G.
Knight, Stephen H. III
Koch, Walter P.
Lawson, Paul C.
Leitschuck, Dale M.
Leitze, Walter E., Jr.
Londoner, Carroll A.
Lowe, James L.
Markert, Leo G.
Marx, David C.
May, William R.
McClure, Phillip W.
McConnell, Larry A.
McCraven, Franklin M.
McGinnis, Robert S., Jr.
McPherson, Raymond G.
Moody, William B.
Mueller, David A.
Oyler, George F.
Patterson, Gordon L.
Pauling, Randall D.
Pedersen, Dean W.
Podet, Allen H.
Predmore, Lyle V.
Rawden, John A.
Richter, Loren W.
Rock, Stanley A.
Sanderson, Owen J.
Schroeder, David W.
Spellman, John P.
Steinbruck, John F.
Stewart, William A., Jr.
Summers, Michael V.
Swank, George W.
Thompson, Frederic D., Jr.
Turnbow, Howard R.
Tyrrell, Robert D.
Underhill, Douglas V.
Vucinovich, Albert P.
Waterson, Allan F.
Weaver, William D.
Whitesides, James D.
Will, William A., Jr.
Zandstra, Jerry A.
Zimmerman, John C.

CIVIL ENGINEER CORPS

Altstaetter, James L.
Anderson, Henry R.
Ankrum, George T.
Archer, Wiley J.
Bailey, Robert N.
Bedenbaugh, Garnett F.
Bennett, Lawrence E.
Bergstrom, Robert R.
Bevilacqua, Albert E.
Biggers, Ralph L., Jr.
Blair, Roger
Bollman, Leslie F.
Bossard, Frederick S.
Branch, Thomas L.
Calkin, David A.
Chandler, Perley J., Jr.
Charvat, William C.
Clay, Joseph V. F., III
Coleman, Douglas L.
Conti, Hugo
Cornwell, David W.
Cullerton, Richard C.
Daniels, Terry P.
Devine, John H.
Devoe, Harold G.
Driscoll, Francis J.
Dutsch, Thomas W.
Eddins, Rufus O., Jr.
Ely, Morgan S.
Ennis, Richard K.
Evans, Frank C.
Ewers, James J.
Ferriter, Robert L.
Gaither, Thomas A.
Gallagher, Thomas E.
Gohier, Robert W.
Gorr, Lynn M.
Greene, Robert E. L., Jr.
Gregg, Ronald I.
Gross, Thomas J.
Gutzwiller, Kenneth J.
Haefner, James A.
Hanf, William F.
Harman, Joe H.
Harrigan, James K.
Harry, Eugene B.
Haupt, Robert R.
Hedley, John R.
Hennings, Louis N., III
Hill, Edward D.
Hinton, Wilburt H., II
Howard, Jeffrey E.
Hubbs, Gerald G.
Hudspeth, Robert T.
Jahn, David E.
Kenny, Louis A.
Kienow, Paul E.
Klauss, William O.

Klein, Eugene R.
Kudless, Peter J.
Laabs, Walter W., Jr.
Laumer, John F., Jr.
Law, Benjamin B.
Leubecker, Stephen T.
Limbrunner, George F.
Lindley, Ralph W., Jr.
Long, Noah H., Jr.
Long, Richard R.
Lowe, Phillip A.
Lukshin, Dimitri A.
MacNaughton, Louis D.
Maple, James A.
Martin, William R.
McCracken, William D., Jr.
McKenna, John C.
McNeel, Harry L.
McWilliams, James L.
Mettke, Winston D.
Monti, Rino M.
Mott, John K.
Mullinix, Larry E.
Nadolski, Michael E.
Nielsen, Murl T.
Novak, Edwin C., Jr.
O'Connor, William C.
Olsen, Kenneth
Parrish, James L., III
Persson, Vernon H.
Poling, Russell L., Jr.
Price, Richard H.
Riddell, Gerald D.
Robertson, Alton F.
Samuelson, Ray S.
Sargent, Delon D.
Schofield, Dean A.
Shepard, Richard D.
Shock, Glenn Harol
Smith, Dwight G.
Smith, Ewart B.
Smith, Jack M.
Smith, Sherrill E.
Smith, Thomas Manl
Smith, William A.
Smith, William J., Jr.
Snyder, Wayne C.
Stellyes, Cicil G.
Tamaribuchi, Satoru
Tandy, David J.
Thoren, Carl A.
Turley, Arthur J.
Tuthill, William L.
Urinyi, John R.
Vandiver, Earnest L.
Wallace, Richard J.
Ward, Roderic C.
Warner, John R.
Watson, James P.
Welborn, Lawrence E.

JUDGE ADVOCATE GENERAL'S CORPS

Albrecht, William E.
Andrews, Robert D., Jr.
Arbuckle, David L.
Arianna, Edward A.
Ayers, Carroll E. Jr.
Barr, William S.
Bell, Robert L.
Benson, Thomas, Q.
Bergh, Marcus B., Jr.
Bigler, John E., Jr.
Blackmon, Robert M.
Bleveans, John A.
Blodgett, Daniel B.
Browning, Robert R.
Bruno, James A.
Burnette, Frank L.
Burson, John H.
Calise, Nicholas J.
Callahan, James B.
Campbell, Lawrence W.
Cardinal, James
Carr, Michael L.
Carter, Norman M., Jr.
Celebrezze, James P.
Cerrone, George J., Jr.
Cherry, Donald G.
Christmann, Thomas G.
Coffman, Aldine, J., Jr.
Collins, Cornelius J., Jr.
Corr, John W.
Coyle, Arien B.
Cuneo, James B.
Currie, Laurin C.
Cusick, Robert I., Jr.
Custis, Douglas L.
Davey, Francis L., Jr.
Decker, David R.
Dick, Charles H., Jr.
Dickinson, Ronald C.
Dunbar, John D.
Duncan, Stephen M.
Dupuis, Charles T.
Dyke, James R.
East, Kenneth Wayn
Ehrle, Frank Lawre
Elden, Thomas K.
Ennis, Charles W.
Eppinger, Frank
Ewan, William K.
Farmer, Michael K.
Farrell, Vincent D. P.
Feinstein, Richard B.
Fitzgerald, James A.
Flood, Kevin P.
Foote, Douglas D.
France, Ralph H., II
Frank, Peter M.
Frankel, Leonard J.
Friedberg, William J.
Friedman, Howard
Fuller, Lee M., Jr.
Fuller, Robert A.
Fuller, Robert G. Jr.
Furgason, David W.
Gaides, John B.
Gardner, James K.
Gavin, Donald J.
George, Thomas W.
Gerard, Kenneth J.
Gerlach, Otto B., III
Glass, Fred S.
Glassman, Stephen C.
Golub, Howard V.
Gomez, Wayne D.
Gorham, James S., III
Grafman, Stephen W.
Granahan, Thomas F.
Gregory, Howell J.
Haberlach, W. P.
Hagemeister, Daniel R.
Hamel, Charles L.
Hammer, Robert S.
Hannan, William E., III
Hansen, Michael E. C.
Harmon, Henry A.
Harris, James H., III
Harrison, James B.
Hauser, William H.
Heitkemper, Allard J.
Henning, John F., Jr.
Hess, John L.
Holland, Tommy T.
Hopkins, Alton H.
Howarth, John N.
Howell, Thomas J.
Huss, William W., Jr.
Hutto, Robert E.
Igo, Louis D.
Infante, Edward A.
Irvin, Alexander M.
Jaudes, Richard E.
Johnson, Sterling Jr.
Johnston, Burrell, D., Jr.
Johnston, Robert G.
Kamps, William J.
Kanninen, Michael L.
Keisman, Howard I.
Kendall, William Q.
Kesten, Seymour A.
Kettlewell, Charles W.
King, William H. F.
Kirkman, Reymond F., III
Knipe, Francis G.
Knoll, John P.
Kuerseiner, Richard L.
Kuhner, Robert L.
Lang, Howard M.
Levin, Richard E.
Levine, Robert
Locke, Robert L.
Londrigan, Thomas F.
Loser, Robert W., II
Lotterhos, Joseph E.
Ludwick, Steven W.
MacPhail, Douglas F.
Mallett, Donald A.
Martinez, Jose E.
Mauck, William L.
McCann, David P.
McCollum, Ira W., Jr.
McCrory, John W.
McGauran, Francis J.
McIntyre, James T., Jr.
McLeod, Walton J., III
McMahon, James B.
McMichael, Jack R.
McNamar, David F.
McNertney, William J.
Melchert, Luke L.
Menefee, Curtis H. P.
Michalske, Michael A.
Mick, Robert L.
Miller, Clarence P.
Miller, Lawrence H.
Miscall, Laurence Jr.
Mobley, Keith A.
Molans, James A.
Moncure, John
Montagna, Anthony L., Jr.
Morgan, Christopher L.
Morgan, William F.
Morton, Edward L.
Mullins, Morell E.
Mullins, Ralph W.
Murdaugh, William J., Jr.
Murphy, Brian P.
Murphy, Frank M., III
Murray, Douglas P.
Nefly, Charles B., Jr.
Noren, Richard C.
O'Connor, James J.
Oliver, Robert G.
Orourke, Andrew P.
Orr, Walter
Perkins, John R., III
Peterson, Steven D.
Poch, Thomas B.
Quinn, Joseph T.
Radford, William R.
Ragan, Stephen P.
Rapps, Richard E.
Rayton, Michael R.
Redlus, Burt E.
Reilly, Vincent P.
Reite, Charles D.
Rentz, Joseph H., Jr.
Richards, Channing O.
Richardson, Delroy M.
Rittgers, Kenneth W.
Rose, William S.
Rosenthal, Joseph M.
Ross, Edward M.
Rowe, Larry R.
Rowley, Robert D. Jr.
Rubin, Edwin R.
Rutland Roy III
Sayner, Nancy C.
Schmitz, Dennis P.
Schnabel, Laurence H.
Secor, William F.
Serino, Robert B.
Shearin, Ronald V.
Simpson, Lyle L.
Smith, Archie L., Jr.
Smith, Lee M.
Solomon, Robert H.
Southern, Samuel O.
Stage, Berg Roger V.
Steffens, Theodore C.
Stein, William D.
Stella, Daniel F.
Stephens, Richard H.
Strauser, Robert W.
Strong, David B.
Strong, Fred C.
Sullivan, Paul M.
Teborek, James S.
Templeton, Russell W.
Tesler, Roy
Theep, Raymond T.
Tomlin, James M.
Tucker, James B.
Vacca, Fred W.
Vanwye, Harlan E., II
Vulliet, Charles F.
Walker, David A.
Walker, Joseph M.
Warden, Philip S.
Warren, Russell E., Jr.
Warren, Walter E.
Waterman, Kenneth M.
Welch, David D.
Welsh, Richard C.
Wermcrantz, Steven E.
Werner, Robert B.
Wesner, Johathan L.
Wied, Colin W.
Wiles, William W.
Williams, Alexander H., II
Williams, Neil C., III
Wimpfheimer, Michael C.
Winegard, Gerald W.
Winston, Perry W.
Witcher, James S., Jr.
Wood, Robert A.
Wordeman, Richard
Wulf, Norman A.
Wynn, Robert A.
Wysocki, Gerald S.
Yarbrough, Edward F.
Young, Donald P.
Ziering, William M.
Zirkle, James W.
Zsalman, Robert D.

DENTAL CORPS

Ahlin, Jeffrey H.
Akimoto, Nobuhiko J.
Alder, John L.
Allen, James R.
Antimarino, Ronald F.
Antolini, Anthony P.
Arguelles, John C.
Armstrong, John F., Jr.
Avery, David R.
Bailey, Dale D.
Barnes, William W.
Barvick, Edward J.
Bastien, Gill B.
Beatty, James F.
Becker, William J.
Beckett, Rodney J.
Bertsch, Dennis M.
Birtcil, Robert F., Jr.
Bokmeyer, Timothy J.
Bolen, Richard K.
Bridgeman, Harold E.
Broadbent, Charles D.
Brumfiel, Robert W., Jr.
Burnett, Gary G.
Carley, Roy A.
Carlyle, L. W., III
Carneiro, Kenneth O.
Carr, Hiram T.
Carroll, Roy B.
Carter, Winthrop B., Jr.
Catanzano, Joseph A., Jr.
Chames, Nicholas A.
Chismarich, Stephen R.
Chlosta, Robert J.
Chrispens, John B.
Christ, Thomas F.
Claman, Robert E.
Clausen, Donald J.
Clendenin, George G.
Colbert, Earl J.
Dashiell, Earle S., Jr.
Davis, William J., Jr.
Depew, Clark B.
Dertinger, John A.
Deshazo, John W.
Detsch, Steven G.
Devereux, James L.
Dibona, Lawrence B.
Dickinson, George E., III
Dodrill, David E.
Dunigan, John G.
Eberhardt, Harold R.
Ehle, Charles E., III
Elinoff, Ronald
Emmanuele, Roland C.
Faber, Brian R.
Farrell, William L.
Fiskebruce, Douglass
Foley, Thomas J., Jr.
Fontecchio, Kenneth L.
Foregeng, Thomas J., Jr.
Fulp, James F., Jr.
Galliani, Robert E.
Garol, John R.
Garrett, William R.
Gartner, Richard R., Jr.
Gear, Robert D.
Gier, Ronald E.
Gilsdorf, James H.
Glancy, Thomas P., III
Goldblatt Lawrence I.
Grace, Edward G., Jr.
Graupner, John G.
Griffin, Charles R., Jr.
Gronka, Joseph M.
Grosspietsch, Carl W.
Hadman, James A. B.
Hall, Richard L.
Hall, Robert T.
Hamilton, Jack N.
Hardin, Michael A.
Harper, Stephen T.
Hartman, Gerald L.
Hatcher, Frederick F.
Hawkins, Isaac K.
Hayes, Samuel E.
Heimer, Paul G., Jr.
Heimsch, John G., Jr.
Henley, Stephan A.
Hensley, Larry D.
Herlson, Mark C.
Heronen, Daniel J.
Hertzberg, Stephen R.
Hewlett, Thomas M.
Hilger, Terence C.
Hillman, Mark J.
Hook, Stephan H.
Horton, Jowell D.
Howell, Gerald L.
Hubbard, Thomas M., Jr.
Hudson, John I.
Jack, James, Jr.
Jack, Robert W.
Jacobs, Morton S.
Jacobson, Albert P.
Jacoby, Thomas M.
Jaspers, Mark T.
Jedrychowski, Joseph R.
Johnson, Allan D.
Johnson, Clayton H., III
Johnson, Eric R.
Kelly, James C.
King, Jimmy D.
Kluck, Robert A.
Kommer, Dennis D.
Krehl, Donald G.
Kronzer, Richard L.
Ladas, John P.
Lally Edward T.
Larsen, John D., III
Larson, Jeffrey F.
Laubach, William S.
Lebold, Robert C.

Loughlin, Partick J.
Lovejoy, Owen B.
Lowry, Harold J., Jr.
Madden, Barry E.
Maddox, Don C.
Manning, Dennis Ed
Manthei, Bernard M.
Mapes, William M.
Marconyak, Louis J.
Maris, Alan H.
Maurovich, Thomas J.
McGuinn, Peter W.
McNulty, James A.
Meyer, Kenneth T.
Meyer, Thomas A.
Miller, Henry A.
Miller, Steven D.
Mold, Bruce W.
Molenda, Edward J.
Moreano, Walter F.
Moscarillo, Thomas L.
Munn, John A., Jr.
Murphy, Robert O.
Musser, James R.
Myers, Thomas F.
Nagel, Norman J.
Neal, John C., Jr.
Nelson, Stephen L.
Newby, James C.
Nicols, Joseph J., Jr.
Nossaman, Jerry M.
Oakley, Charles E.
Ormond, Errol K.
Owens, Gayle A.
Pagani, Ronald T.
Palus, Donald A.
Passmore, Richard W.
Pick, Samuel E.
Pierce, Michael H.
Piotrowski, Edmund L.
Poe, Oliver C.
Pontoriero, Joseph D.
Posavad, George L., Jr.
Pralle, Patrick M.
Prey, John H.
Reynolds, Gerald M.
Riggs, Robert J.
Riordan, Thomas P.
Rosenberg, Robert K.
Rosenberger, Jay N.
Roudabush, Lyle T.
Royl, James Peter
Rungo, Ralph J.
Russell, John T., II
Rutherford, Robert B.
Ruwwe, George R.
Ruyl, James P.
Ryerson, David R.
Saladino, Peter S., Jr.
Saxton, Richard N.
Schipke, Dennis H.
Scholz, Howard W.
Scott, Herman D.
Serles, James C.
Severson, Andrew J.
Sheldon, Larry D.
Shuford, Gene M.
Simon, Alan M.
Sindall, Albert P., Jr.
Siry, Richard A.
Smith, John E., Jr.
Smith, Rodney S.
Snyder, Richard C.
Soteres, James S.
Spalding, Franklin M., Jr.
Stanger, Alan D.
Starsiak, William J., Jr.
Steiner, Joseph
Stewart, Thomas H.
Strohmyer, Harry A.
Stutz, Andrew C.
Sufferidge, Buford J., Jr.
Swanson, Keith S.
Sweeney, William J.
Thompson, Ronald L.
Titunik, Ira R.
Tolli, Ernest D.
Triant, Arthur W.
Tuchek, William L., Jr.
Valace, James J.
Walden, Robert J., III
Waliszewski, Kenneth J.
Walters, Perry L.
Ward, Roger B.
Watt, Dan L.
Weithaus, Charles R.
Wenck, Frederick, Jr.
Whiting, Dennis M.
Willis, William L.
Wohlwend, James H.
Woofter, Dennis D.
Word, Leonidas, D.
Yukna, Raymond A.
Zeno, Allan S.
Zizza, Vincent J., Jr.

MEDICAL SERVICE CORPS

Anthony, John R.
Bane, Eugene M., Jr.
Bergner, John F., Jr.
Bird, James S.
Bourne, John R.
Bowers, Richard R.
Brabant, Peter J.
Brittain, Patsy J.
Brookes, John A. H.
Brown, William K.
Bucky, Steven F.
Clark, Emerson E.
Crocker, Wilson H., Jr.
Doty, John M.
Dunn, Robert F.
Eng, Weylin G.
Gaines, Richard N.
Galie, Louis M.
Golden, Robert M.
Haberkorn, Susan B.
Hayes, Carol E.
Hicks, Harold R.
Hughes, Herbert H.
Ivory, Thomas M., III
Johnson, Ralph R., Jr.
Johnson, William W.
Jones, John G.
Knapke, Frank B., Jr.
Lewis, Alan L.
Lyon, James P.
McGlothlen, Gerald O.
Miener, Clyder J.
Mullin, Michael D.
Nalewaik, Robert P.
Pock, Arnold
Roberts, Michael D.
Rosenthal, Ronald L.
Schirmer, Elmer W.
Shurtleff, Howard P.
Staggs, Robert P.
Stehly, David N.
Sullins, William D., Jr.
Walker, Crayton C.
Wheeler, John R.
Workman, William T.
Kingsbury, David T.
Kuchinski, John J.
Loftis, John F.
McFadden, Glennon K.
Melchior, Robert C.
Miles, Donald O.
Myers, Robert H.
Peery, Larry J.
Randall, Herbert P., III
Roberts, Thomas L.
Samuelson, Donald F.
Secker, Martin D.
Smith, John P.
Stasiak, Roger S.
Stephenson, Norman L.
Vingoe, William C.
Walsh, Stanley E.
Wilkinson, Richard C.
Wright, Dennis W.

NURSE CORPS

Aitken, Mary A.
Brooks, Beverly Y.
Caruso, Mary E.
Clayton, Phyllis K.
Cosgrove, Rosemary F.
Cummins, Joan
Engen, Judith K.
Fisher, Jean R.
Grady, Elizabeth M.
Holder, Bettina K.
Ibach, Maryanne T.
Judas, Janet I.
Klose, Frieda V.
Lajoie, Ellen M.
Marchal, Lani M.
Meehan, Karen A.
Arends, Bernadette R.
Brown, Mary J.
Cavanaugh, Mary B.
Cook, Patricia A.
Cotton, Barabra L.
Dempsey, Marie E.
Fackler, Nancy A.
Fitzerald, Doris B.
Hodges, Elizabeth C.
Hornsby, Eva M.
Johnston, Patricia.
Kiger, Filomena L.
Kohn, Dorthy A.
Leininger, Evelyn L.
Mcveigh, Rose A.
Meyer, James F.
Miller, Susan E.
Mirsky, Zina E.
Obanior, Lois
Reilly, Betsy J.
Ristow, Betty A.
Sandall, Maureen D.
Seitz, Karen D.
Stapelton, Eva G.
Taskalos, Iris A.
Tracy, Madeleine A.
Mills, Virginia H.
Munro, Donna L.
Pires, Jeannine H.
Reske, Mary L.
Rusnak, Martha A.
Sayner, Nancy Caro
Severn, Alice S.
Stutz, Florence J.
Tiedeman, Mary E.
White, Sylvia E.

Executive nominations received by the Secretary of the Senate August 22, 1983, under authority of the order of the Senate of August 4, 1983:

UNITED NATIONS

Alan Lee Keyes, of California, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

DEPARTMENT OF STATE

George E. Moose, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Benin.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development, vice Donald I. Hovde, resigned.

MISSISSIPPI RIVER COMMISSION

Brig. Gen. Jerome Bernard Hilmes, 330-28-3943, U.S. Army, to be a member of the Mississippi River Commission, under the provisions of section 2 of an act of Congress, approved 28 June 1879 (21 Stat. 37) (33 U.S.C. 642).

Executive nominations received by the Secretary of the Senate August 31, 1983, under authority of the order of the Senate of August 4, 1983:

DEPARTMENT OF STATE

George Roberts Andrews, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mauritius.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Richard H. Francis, of Virginia, to be President of the Solar Energy and Energy Conservation Bank, vice Joseph S. Bracewell.

CIVIL AERONAUTICS BOARD

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1983, vice Elizabeth E. Bailey, resigned.

Barbara E. McConnell, of the District of Columbia, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1989 (reappointment).

CONSUMER PRODUCT SAFETY COMMISSION

Saundra Brown Armstrong, of California, to be a Commissioner of the Consumer Product Safety Commission for a term of 7 years from October 27, 1983, vice Edith Barksdale Sloan, term expiring.

IN THE AIR FORCE

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. John S. Pustay, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard D. Lawrence, [redacted], U.S. Army.

The following-named officer under provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. LaVern E. Weber, [redacted], U.S. Army.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force:

To be colonel

LINE OF THE AIR FORCE

Fabian, Felix M., Jr., [redacted]

To be lieutenant colonel

Baugh, Gary E., [redacted]
Beckett, Ralph G., [redacted]
Boyd, James A., Jr., [redacted]
Cable, Hobart S., II, [redacted]
Copher, Ernest A., [redacted]
Eskeli, Terrence L., [redacted]
Forsyth, John F., IV, [redacted]
Gateff, Eli D., [redacted]
Hartsell, William S., III, [redacted]
Heinke, Wayne R., [redacted]
Hershfield, Norman A., [redacted]
Hoekstra, Sidney S., [redacted]
List, Leonard L., [redacted]

Nihill, Michael T., xxx-xx-xxxx
Obuchowski, Alphonso J., Jr., xxx-xx-xxxx
Potter, Gary C., xxx-xx-xxxx
Robinson, Roy H., III, xxx-xx-xxxx
Rogers, William S., Jr., xxx-xx-xxxx
Ruest, James W., xxx-xx-xxxx
Sievers, Donald W., xxx-xx-xxxx
Townsend, Lawrence W., xxx-xx-xxxx
Wardle, John R., xxx-xx-xxxx

To be major

Binam, Gary B., xxx-xx-xxxx
Carpenter, David A., xxx-xx-xxxx
Carver, John P., xxx-xx-xxxx
Catalano, Charles F., xxx-xx-xxxx
Dillman, Wayne D., xxx-xx-xxxx
Roudabush, Richard R., xxx-xx-xxxx
Somers, Daniel J., xxx-xx-xxxx
Strange, James T., Jr., xxx-xx-xxxx
Tullis, John L., xxx-xx-xxxx
Whitecotton, William R., xxx-xx-xxxx

JUDGE ADVOCATE

To be major

Cruzayala, Victor L., xxx-xx-xxxx

NURSE CORPS

To be major

Belville, Brenda L., xxx-xx-xxxx

BIOMEDICAL SCIENCE CORPS

To be major

Dunlap, James H., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Frederick H. Forster, xxx-xx-xxxx
Maj. William G. Hendrickson, xxx-xx-xxxx
Maj. Cullen A. Hollister, xxx-xx-xxxx
Maj. Robert L. Homer, xxx-xx-xxxx
Maj. Stephen D. Kelly, xxx-xx-xxxx
Maj. Charles E. McClanahan, xxx-xx-xxxx
Maj. William C. Miller, xxx-xx-xxxx
Maj. Richard P. O'Grady, xxx-xx-xxxx
Maj. William J. Ouellette, xxx-xx-xxxx
Maj. Donald H. Schendel, xxx-xx-xxxx

MEDICAL CORPS

Maj. Robert A. Boedecker, xxx-xx-xxxx
Maj. Bienvenido T. Samson, xxx-xx-xxxx

NURSE CORPS

Maj. Janet I. Bailey, xxx-xx-xxxx
Maj. Martha T. Dusa, xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Stanley I. Anderson, xxx-xx-xxxx
Maj. Ronald L. Briggs, xxx-xx-xxxx
Maj. Barry J. Cantor, xxx-xx-xxxx
Maj. Walter C. Corish, Jr., xxx-xx-xxxx
Maj. John R. Foyen, xxx-xx-xxxx
Maj. Harry R. Furney, xxx-xx-xxxx
Maj. Neal M. Gendler, xxx-xx-xxxx
Maj. Elmer B. Harris, xxx-xx-xxxx
Maj. Keith R. Johnson, xxx-xx-xxxx
Maj. Ronald L. Kurth, xxx-xx-xxxx
Maj. Richard G. Rose, xxx-xx-xxxx
Maj. John F. Rosenburg, xxx-xx-xxxx
Maj. Laurence R. Rutt, xxx-xx-xxxx
Maj. Thomas M. Sellers, xxx-xx-xxxx
Maj. Wallace R. Tousey, xxx-xx-xxxx
Maj. James A. Van Eynde, xxx-xx-xxxx
Maj. Clifford E. Wisser, xxx-xx-xxxx

LEGAL

Maj. John T. Johnson, xxx-xx-xxxx

MEDICAL CORPS

Maj. Claudius R. Klimt, xxx-xx-xxxx
Maj. Charles W. Rudd, xxx-xx-xxxx

IN THE AIR FORCE

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated:

LINE OF THE AIR FORCE

To be major

Campbell, Robbins W., xxx-xx-xxxx

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

To be major

Abad, Crispin A., xxx-xx-xxxx
Abbott, Richard L., xxx-xx-xxxx
Abel, Stephen G., xxx-xx-xxxx
Abizaid, John P., xxx-xx-xxxx
Acosta, Gabriel, Jr., xxx-xx-xxxx
Acree, Nathan E., Jr., xxx-xx-xxxx
Adair, Lawrence R., xxx-xx-xxxx
Adam, Gary L., xxx-xx-xxxx
Adams, Andrew E., xxx-xx-xxxx
Adams, Benjamin M., xxx-xx-xxxx
Adams, Billy J., xxx-xx-xxxx
Adams, Gary E., xxx-xx-xxxx
Adams, James M., xxx-xx-xxxx
Adams, Michael R., xxx-xx-xxxx
Adams, Richard A., xxx-xx-xxxx
Addison, Gary R., xxx-xx-xxxx
Adee, Daniel S., xxx-xx-xxxx
Agustin, Enrique J., xxx-xx-xxxx
Albers, Lester H., Jr., xxx-xx-xxxx
Albert, Joseph J., xxx-xx-xxxx
Aldrich, Robert C., xxx-xx-xxxx
Alexander, Don W., xxx-xx-xxxx
Alexander, Joseph C., Jr., xxx-xx-xxxx
Alexander, Kenneth D., xxx-xx-xxxx
Alexander, Michael D., xxx-xx-xxxx
Allen, Harry P., xxx-xx-xxxx
Allen, Henry H., xxx-xx-xxxx
Allen, James M., xxx-xx-xxxx
Allen, Milton K., xxx-xx-xxxx
Allen, Ronald L., xxx-xx-xxxx
Allred, Joseph L., xxx-xx-xxxx
Almero, Daniel A., xxx-xx-xxxx
Alonso, Ricardo L., xxx-xx-xxxx
Alvarez, Francisco J., xxx-xx-xxxx
Amadeo, Dana S., xxx-xx-xxxx
Anderson, John C., xxx-xx-xxxx
Anderson, John D., xxx-xx-xxxx
Anderson, Larry D., xxx-xx-xxxx
Anderson, Michael T., xxx-xx-xxxx
Anderson, Monty J., xxx-xx-xxxx
Andrew, Flynn L., xxx-xx-xxxx
Andrews, Robert L., xxx-xx-xxxx
Angelschultz, Deborah L., xxx-xx-xxxx
Ankley, Steven P., xxx-xx-xxxx
Annin, Anne V., xxx-xx-xxxx
Annin, David E., xxx-xx-xxxx
Ansley, Stephen P., xxx-xx-xxxx
Anthony, Philip W., xxx-xx-xxxx
Arbona, Pedro L., xxx-xx-xxxx
Aston, Michael E., xxx-xx-xxxx
Atkinson, Curtis F., xxx-xx-xxxx
Atkinson, William E., xxx-xx-xxxx
Austin, Merrill D., II, xxx-xx-xxxx
Austin, William G., Jr., xxx-xx-xxxx
Aylward, Robert W., xxx-xx-xxxx
Babb, Charles M., xxx-xx-xxxx
Babb, Joseph G., xxx-xx-xxxx
Babbitt, Richard R., xxx-xx-xxxx
Babylon, William T., xxx-xx-xxxx
Bacon, Alan J., xxx-xx-xxxx
Bailey, Michael J., xxx-xx-xxxx
Bailey, Peter M., xxx-xx-xxxx
Bailey, William W., xxx-xx-xxxx
Bain, Linda L., xxx-xx-xxxx
Baker, Charles B., xxx-xx-xxxx
Baker, Daniel J., xxx-xx-xxxx
Baker, John H., xxx-xx-xxxx
Baker, Leon B., xxx-xx-xxxx
Bakian, Gregory J., xxx-xx-xxxx
Bakken, Keith W., xxx-xx-xxxx
Banker, Gary W., xxx-xx-xxxx
Banks, Quentin W., Jr., xxx-xx-xxxx
Barb, John M., xxx-xx-xxxx
Barbee, George L., xxx-xx-xxxx
Barbee, John C., xxx-xx-xxxx
Barbee, Luther D., xxx-xx-xxxx
Barclay, Michael L., xxx-xx-xxxx
Bareford, Richard C., xxx-xx-xxxx
Barfoot, Van T., Jr., xxx-xx-xxxx
Bargewell, Eldon A., xxx-xx-xxxx
Barone, Lyle, xxx-xx-xxxx
Barry, James M., xxx-xx-xxxx
Barta, Randolph C., xxx-xx-xxxx
Barth, John D., xxx-xx-xxxx
Bartok, Louis J., xxx-xx-xxxx
Basquill, Stephen A., xxx-xx-xxxx
Bastone, John J., xxx-xx-xxxx
Batt, William T., xxx-xx-xxxx
Batts, Joe R., xxx-xx-xxxx
Bauer, Thomas A., xxx-xx-xxxx
Baugh, James A., xxx-xx-xxxx
Baugh, William L., xxx-xx-xxxx
Baughman, James P., xxx-xx-xxxx
Baum, Bruce A., xxx-xx-xxxx
Baum, David B., xxx-xx-xxxx
Bazemore, Haywood M., xxx-xx-xxxx
Beard, Walter S., xxx-xx-xxxx
Beasley, Brad M., xxx-xx-xxxx
Beatty, Timothy J., xxx-xx-xxxx
Beaty, Douglas R., xxx-xx-xxxx
Beck, Charles D., Jr., xxx-xx-xxxx
Beckett, Jack D., xxx-xx-xxxx
Becton, Joel D., xxx-xx-xxxx
Belcher, Richard A., xxx-xx-xxxx
Belford, Matthew J., xxx-xx-xxxx
Bell, Richard, Jr., xxx-xx-xxxx
Bell, Robert D., Jr., xxx-xx-xxxx
Bell, Steven E., xxx-xx-xxxx
Bellinghausen, Robert E., xxx-xx-xxxx
Belobraydic, Jerome D., xxx-xx-xxxx
Benfer, Dennis E., xxx-xx-xxxx
Bennett, Douglas M., xxx-xx-xxxx
Bennett, Michael C., xxx-xx-xxxx
Bennett, Raymond K., xxx-xx-xxxx
Bentle, Mark E., xxx-xx-xxxx
Bergeret, Gregory F., xxx-xx-xxxx
Bergeron, Scott M., xxx-xx-xxxx
Berlin, Charles H., III, xxx-xx-xxxx
Berry, Corlis S., III, xxx-xx-xxxx
Berry, Jerry C., xxx-xx-xxxx
Bertholf, Jan C., xxx-xx-xxxx
Bertocchi, Stephen J., xxx-xx-xxxx
Beshiri, Michael W., xxx-xx-xxxx
Bessler, James E., xxx-xx-xxxx
Bice, William S., Jr., xxx-xx-xxxx
Bideaux, James A., xxx-xx-xxxx
Bierman, Gary R., xxx-xx-xxxx
Biggs, John D., xxx-xx-xxxx
Bikus, David L., xxx-xx-xxxx
Billings, David N., Jr., xxx-xx-xxxx
Billings, Mark W., xxx-xx-xxxx
Bills, Richard B., xxx-xx-xxxx
Bingham, Henry L., xxx-xx-xxxx
Bird, Graham D., Jr., xxx-xx-xxxx
Birmingham, Daniel M., xxx-xx-xxxx

Black, Edward A., xxx-xx-xxxx
Blanchard, Christopher J., xxx-xx-xxxx
Blankenbeckler, Paul N., xxx-xx-xxxx
Blickenstaff, Scott E., xxx-xx-xxxx
Blythe, Michael J., xxx-xx-xxxx
Bobowik, Rheinenoah R., xxx-xx-xxxx
Boevers, Bruce E., xxx-xx-xxxx
Bogdanski, Thomas H., xxx-xx-xxxx
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Young, Richard S., xxx-xx-xxxx
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Oliver, Irvine D., xxx-xx-xxxx
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Pinnell, Douglas C., xxx-xx-xxxx
Pollick, Diane M., xxx-xx-xxxx
Pryor, Dennis P., xxx-xx-xxxx
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Scott, Stanley R., xxx-xx-xxxx
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ARMY MEDICAL SPECIALIST CORPS

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Berg, Brigitte T., xxx-xx-xxxx
Cline, Alana D., xxx-xx-xxxx
Dettori, Joseph R., xxx-xx-xxxx
Garrick, Kristin D., xxx-xx-xxxx
Partrich, Gale L., xxx-xx-xxxx
Peterson, John P., xxx-xx-xxxx
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Romack, Roxanne E., xxx-xx-xxxx
Staeheli, Joseph F., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the Line or Staff Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Fago, Carl D.
Morris, Steven M.

The following-named candidates in the Navy enlisted commissioning program to be appointed permanent ensign in the Line or Staff Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Allen, Kenneth R.
Allison, Lawrence R.
Anagnostou, Gerald A.
Apollo, Rolando A.
Avery, Gary A.
Baker, Manly V.
Baniqued, Ernest G.
Barlow, Rick K.
Beagen, John
Beard, Howard L.
Berenguer, Mario A.
Bockeneck, Jeffrey M.
Bosserman, James L.
Broadwater, James C.
Brown, Bruce A.
Brown, James H.
Browning, Paul J.
Bruyn, David L.
Byrd, Jeffrey T.
Carmon, Terry L.
Chizek, Larry V.
Coalter, Terri T.
Coughlin, Edward S.
Coupe, James D.
Dalay, Armando C.
Delacruz, Dom B.
Dolan, Gayla M.
Dougherty, Steven C.
Dunn, Daniel R.
Dygon, Thomas E.
Fernandez, Narciso D.
Ferraris, Napoleon S.
Fontenot, Jerry P.
Frage, Ernst P.
Fulgham, Gregory T.
Galione, Richard J.
Gatewood, Darnell
Gordon, Michael S.
Granger, Patricia A.
Gribaudo, Michael L.
Hague, Russell E.
Halstead, Jennifer
Harrison, John W., Jr.
Hart, Verena L.
Hess, Bruce R.
Hicks, Gerald T.
Hill, Henry J.
Hodges, Brian D.
Hooper, Rufus J.
Humphrey, Gary L.
Isom, James A., Jr.
Jacks, Patricia K.
Jarvis, James V.
Jeter, Richard O.
Johnson, Kirk A.
Johnson, Terry, L.
Jones, Calvin A.
Jude, Eumismo C.
Kanuika, Richard J.
Keel, Terrence L.
Kelly, Martin G.
Kenbeek, Steven J.
Kirk, Robert M.
Knight, Glenn A.
Kozisek, Jimmy R.
Lacson, Ernani M.
Lawson, John E.
Layman, William J. J.
Lewis, James E.
Lobuono, Deborah A.
Logan, Michael A.
Macayran, Fermin
Maddox, Clinton W.
Manglallan, Edwardo
Markert, William P.
Matlock, Steven W.
Melancon, Claude C
Mersereau, James W.
Naslund, Charles W.
Neighbors, Thomas E.
Nelson, Gary J.
Neuenfeldt, Alan
Noza, Reynaldo O.
O'Connell, Thomas E.
Patterson, Robert J.
Ponds, Solomon E.
Ramirez, Ramon
Robinson, Alfred B.
Rothweiler, George W.
Rucker, Jimmy W.
Russler, Robin T.
Sawin, Robert M.
Schacci, Janet P.
Schallert, Anthony R.
Schneider, William A., Jr.
Serbinski, Theodore J.
Short, Valerie A.
Shuman, Alan D.
Silva, Alicia M.
Simpson, Karen E.
Smith, Michael C.
Smith, William J.
Stone, Joseph R.
Stuart, Charlie F.
Suarez, Martin A.
Teruel, Antonio L.
Tunnissen, Donald H.
Turley, Leslie S.
Turner, Nannette
Ward, James A.
White, Laura J.
Williams, Leonard
Williams, Michael M.
Wilson, Steven R.
Wray, Curtis D.
Yardley, Roland J.

The following-named Naval Reserve officers to be appointed permanent ensign in the line or Staff Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Adams, John C.
Armacost, Scott B.
Beckett, David R.
Bensch, Timothy
Bergeron, James H.
Buchy, Robert D.
Carmen, Jessie C.
Caudill, Michael R.
Christman, Brian L.
Crabtree, Joseph
Crawford, Jonathan
Crocker, Robert
Deleeuw, Jeffrey J.
Demartino, David
Dimarzo, Robert
Drake, Dennis S.
Duddy, Michael A.
Good, John C.
Grillo, Michael
Hargrove, William C.
Hawkins, Robert L.
Hewins, Douglas G.
Hill, Kenneth C.
Kantzes, Robert C.
Kelly, Jeffrey
Kennedy, Mark R.
Kroft, John M.
Lacy, Rex D.
Lukasik, Eric C.
Lundeen, Gregory N.
Lyons, Anthony M.
May, Robert, II
McNany, Donald
Messa, Norman C.
Metz, Brian D.
Muir, Robert C., III
Mullen, Daniel
Pacelli, Joseph A.
Paige, Kevin A.
Pierce, Allen
Randolph, Francis F.
Richard, Charles A.
Ricksecker, David B.
Roberson, Jeffry L.
Robillard, Glen
Sipple, Richard M.
Sondag, Mark
Tippins, Bradwell
Traverso, Douglas J.
Valenti, Douglas J.
Watkins, Thomas
Weatherly, Robert T., Jr.
White, Jonathan
Wilde, Leon
Wiley, Neil
Williams, Warren K.
Winkeljohn, Jeffrey
Winters, Jeffrey B.
Woodworth, Richard W.

The following-named Navy enlisted candidates to be appointed permanent ensign in the Medical Service Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Bryan, Russell W.
Caces, Alfredo S.
Colabianchi, Angelo S.
Cook, Charles W.
Coombs, Albert E.
Davis, Peter A.
Hedges, Roger B.
Kinnaly, Eugene F.
Moffat, Daniel L.
Newbern, Stephen A.
O'Mara, Robert J.
Stone, Ina J.
Wagner, Richard A.
Weihert, Richard D.
Wooley, Bernard E.

The following-named Navy enlisted candidate to be appointed permanent chief warrant officer, W-2 in the U.S. Navy, subject to qualification therefor as provided by law:

Tedesco, Stephen F.

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Dainer, Michael J.
Lilly, Raymond L., Jr.

IN THE NAVY

The following-named chief warrant officers of the U.S. Navy for permanent promotion to the grades of chief warrant officer, W-3, and chief warrant officer, W-4, pursuant to title 10, United States Code, section 555, subject to qualifications therefor as provided by law:

To be chief warrant officer, W-4

Arnold, Charles David
Baernthaler, Klaus
Boggs, Donald George
Braswell, MacArthur D.
Carpenter, Russell R.
Connors, Daniel
Copelof, Sylvan Merle
Coward, Noel Thatcher
Davis, Edward Shedric, Jr.
Dockendorff, William L.
Doyle, David Michael
Gilbert, John Berton
Gullixson, Dean Richard
Harrison, Paul Walker
Hormuth, Thomas Patrick
Howard, John Allen
Jackson, Robert Dennis
Joiner, Hollis King
Judd, Robert Harris
Kellogg, Larry Russell
Klinehoffer, Larry Bruce
Lankford, Rodger Lee
Mauldin, Robert Epthelle
May, Robert Allen
McCarthy, Edward Joseph
Murphy, Patrick Joseph
Mutch, John Russell
Norman, Carl Glenn
Parker, Robert L.
Reed, Jerry Lee
Reitz, Richard David
Rogers, Russell Edward
Rohrscheib, James Vincent
Royster, David Michael
Schmehl, Robert Louis
Smith, Jerry Clifton
Smith, Randall Charles
Thomas, Edward William
Thomas, Stephen George
Tucker, William Thomas
Wakeen, David Thomas
Walsh, Jon Anthony
Warosh, James Willard
Weeder, Courtland Graig
Whitaker, Samuel Marion
Wicks, Richard Harry
Worrell, Darrell Allen
Wright, James Homer
Young, Billy Darrell

To be chief warrant officer, W-3

Abernethy, Charles Gilbert
Alexander, Jose Antonio
Amdal, Norman Thomas
Anderson, Jon Gordon
Apontecestero, Reynaldo Luis
Appleby, Edward Robert
Armstrong, Vernon Loall
Arvin, James William
Asher, Carl Eugene, Jr.
Ashworth, Rodney Earl
Barrick, Larry Jean
Barrs, Daniel
Bartleson, John Douglas, Jr.
Bartlett, Robert Leland
Bates, Kameron Eugene
Beavers, Harvie Donald, Jr.
Bennett, George Louis
Bickel, Harold Lee
Biggs, Cleo Randolph
Boley, James Melvin
Boling, Donald Olen
Brovick, Robert Elvin
Bucheister, Raymond Cecil
Burke, Michael Lee
Bushby, Francis Russell
Butler, Fenoy William
Carpenter, William Arthur
Carr, George Anthony, Jr.
Carter, Paul Leroy
Cashat, Harry Steve
Casto, Stephen Matthews
Chadwick, William Charles
Chandler, Robert Franklin
Ciborowski, Virginia Bernice
Clark, Bruce Gregory
Clark, John Mitchell, Jr.
Clemmer, Virgil Ellsworth
Cleveland, William George
Coe, Kenneth Willard, Jr.
Cole, Donald Edward
Coleman, Charles Ray
Compton, James Thomas
Compton, Wesley Burton
Cook, Roger Allen
Costa, Salvadore Injardello
Craig, Michael Allen
Crandall, Roland Edwin
Crawford, Larry Keith
Crowell, Bill Nelson
Currey, Charles J.
Curtis, Charles Colby
Daley, Robert Anthony
Day, Dale Spencer
Deaner, James
Diaz, David Silva
Diorio, Nicholas
Doolittle, Richard Fred
Driscoll, Steven Lynn
Duggan, Paul Leo
Dupraw, Douglas Harold
Eberly, Robert Dean
Edenfield, Dewitt Lamarr, Jr.
Enderez, Reynaldo Dapon
Engele, Leo Herman
Ervin, Donald Clarence
Evans, Robert William
Fahey, Edward Francis
Fears, Paul Leroy
Fenwick, Francis Carroll, Jr.
Fillmore, Kenneth Leroy
Fletchall, Roger Duane
Gililland, Robert Charles
Grass, Richard John
Gravelle, John Allen
Graves, Robert Lynn
Green, Rheuben Whitfield, Jr.
Gross, Robert Hazlitt, III
Guss, James Robert
Hackett, George Madden
Hall, Douglas Peyton
Hamilton, Ellis
Haskins, Charles George
Hayes, John Howard
Heath, Glen Edward
Heath, Lester L., Jr.
Hendricks, William Edward
Hendrickson, Wayne
Hensley, Franklin Lee
Herd, Andrew Mackey, Jr.
Hewitt, Jack Lloyd
Horn, Norman Clifford
Howard, William Dexter
Hubbard, David Lee
Hutson, Michael Thomas
Janney, John Herbert
Jernigan, Thomas Lee
Johnson, Ronald Lee
Johnson, William Isaac
Kelley, Sammie Lavon
Kight, Lawrence William
King, Clyde Darrell
Knight, William Deloach
Kolosky, Frank John
Krauss, Robert Leo
Lacombe, Michael Earl
Leroy, John Walter
Lindquist, Jack D.
Lindsey, Charles Allen
Locke, Dudley Betz, Jr.
Logue, Thomas Tyrrel, Jr.
MacKay, Robert George
Martin, Lawrence Robert
Mayo, James Roland
McGaughey, Philip
McGlade, Joseph James, Jr.
McLaughlin, Terry Dewitt
McMahan, Erroll Wayne
Meyer, John Michael
Milby, William Craig
Miller, James Edward
Moddesette, Anthony Sherman
Moesch, Robert Ellis, Jr.
Moore, Patrick John
Moquin, Walter Lyman
Moran, L. Bernard
Morgan, Suzanne
Murdock, Judson White
Nanney, Kenneth Cleveland
Norman, Edgar Wayne
O'Donnell, James Michael
Oldroyd, Wayne Francis
Oubre, Sidney Joseph, Jr.
Parker, Phil Yatt
Patnaude, Wilfred Arthur
Patrick, Lorimer Dexter
Pauls, Thomas Edward
Phillips, Kendell James
Pinion, Victor Payne
Raby, Joseph Harry
Ramirez, Ray
Ramstad, Robert Kendall
Range, James Nelson, Jr.
Rector, Dolphus Cecil
Redding, Carroll Richard
Reher, Laurence William, III
Rill, Douglas Brent
Robertson, Judith Ann
Rominger, Bobby Lee
Ross, William Bennie
Rothe, Edward Lee, Jr.
Royal, William Thomas
Ruddy, James Joseph, Jr.
Schmitz, David Colin
Schrager, Sheldon Maurice
Schulte, Paul Howard
Scribner, Terance Riley
Servis, James William
Seteroff, Sviatoslav Steve
Shannon, David Ramsey, Jr.
Simons, Alan Ray
Sims, Hollis Ellison
Smith, Harold Richard, Jr.
Smith, James
Smith, Kenneth James
Smith, Stephen C.
Solt, Harrison Henry, III
Stamm, William Patrick
Stein, James Ernest
Summey, Roger Allen
Supnet, Manuel Pebenito
Swartz, James Arthur, III
Swenson, Samuel, Jr.
Tankersley, Perry Glenn
Taylor, Charles C.
Thomas, Daniel William, Jr.
Thompson, Larry Eugene
Tubbs, Martin Lynn
Turner, Richard Emory
Wainscott, Ronald Edward
Walls, Robert Edward
Warden, Richard Lee
Weesner, William Travis
Weir, Clayton Scott
Wentworth, Beuford Benjamin
Whitener, Ronald Wayne
Williams, Richard Frank
Woods, Hubert Francis, Jr.
Wright, James Matthew
Wright, Vernon Monroe, Jr.
Yoke, Robert Samuel, Jr.
Zembuch, John Andrew

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for transfer into the Regular Marine Corps under the provisions of title 10, United States Code, sections 531 and 555.

To be lieutenant colonel

Hagener, Lillian, [redacted]

To be major

Demars, Melvin W., Jr., [redacted]
Engelen, Richard L., [redacted]

To be captain

Ackerman, Raymond F., [redacted]
Almendinger, John F., [redacted]
Atkinson, John B., [redacted]
Baker, John B., [redacted]
Berry, Dale J., [redacted]
Bogie, Robert R., [redacted]
Bookwalter, Mary T., [redacted]
Carr, Edgar B., [redacted]
Christburg, Charles A., Jr., [redacted]
Cragg, Willard D., [redacted]
Deisher, Charles W., [redacted]
Domarasky, Andrew M., III, [redacted]
Driver, Walter C., Jr., [redacted]
Evans, Scott W., [redacted]
Fann, Sonny H., [redacted]
Fisher, Ralph E., [redacted]
Ford, Johnnie K., [redacted]
Gildersleeve, Ross C., [redacted]
Ginsberg, Daniel J., [redacted]
Grable, Kirk E., [redacted]
Graves, Gary N., [redacted]
Greene, James C., Jr., [redacted]
Griffin, Robert C., [redacted]
Holste, Steven T., [redacted]
Howe, Wesley R., [redacted]
Jagler, Karl B., [redacted]
Johnson, Ricky B., [redacted]

Kennedy, Robert J., xxx-xx-xxxx
Kessler, Michael B., xxx-xx-xxxx
Kessler, James H., IV, xxx-xx-xxxx
Lenac, Randoph S., xxx-xx-xxxx
Lind, Ivan L., xxx-xx-xxxx
McCormick, Michael E., xxx-xx-xxxx
McDavid, Robert L., xxx-xx-xxxx
Miller, Thomas D., xxx-xx-xxxx
Mott, Jonathan J., xxx-xx-xxxx
Motz, Dwight R., xxx-xx-xxxx
Mulvihill, Paul J., xxx-xx-xxxx
Munley, Kevin C., xxx-xx-xxxx
Musca, Joseph I., xxx-xx-xxxx
Neddersen, Steve A., xxx-xx-xxxx
Nelson, John D., Jr., xxx-xx-xxxx
Newman, Halcott T., Jr., xxx-xx-xxxx
Noble, Clifford E., II, xxx-xx-xxxx
Nowag, Darryl F., xxx-xx-xxxx
Penczak, Gregory J., xxx-xx-xxxx
Peterson, Philip C., xxx-xx-xxxx
Pinzon, Dimas, Jr., xxx-xx-xxxx
Pollock, John B., xxx-xx-xxxx
Pote, Frank L., xxx-xx-xxxx
Quillin, Russell E., xxx-xx-xxxx
Quinlan, Michael W., xxx-xx-xxxx
Reno, John H., xxx-xx-xxxx
Richmond, Mark A., xxx-xx-xxxx
Rodriguez, Gilbert A., xxx-xx-xxxx
Rogers, Mark W., xxx-xx-xxxx
Rogers, Richard D., xxx-xx-xxxx
Rose, Daniel R., xxx-xx-xxxx
Roth, Jon A., xxx-xx-xxxx
Ryerson, Neil, xxx-xx-xxxx
Sandlin, Erle O., xxx-xx-xxxx
Shusko, Joseph C., xxx-xx-xxxx
Simmonds, Roger A., xxx-xx-xxxx
Simms, David D., xxx-xx-xxxx
Staff, John C., xxx-xx-xxxx
Standish, William A., xxx-xx-xxxx
Stark, William H., xxx-xx-xxxx
Stone, Steven E., xxx-xx-xxxx
Tully, Robert S., xxx-xx-xxxx
Tuomala, Jeffrey C., xxx-xx-xxxx
Turosky, Joseph J., III, xxx-xx-xxxx
Ullyot, Lavalle E., xxx-xx-xxxx
VanCamp, Janice M., xxx-xx-xxxx
Wagoner, William O., xxx-xx-xxxx
Walker, Carl L., xxx-xx-xxxx
Wardle, Charles D., xxx-xx-xxxx
Wegner, Gary L., xxx-xx-xxxx
Williams, Douglas G., xxx-xx-xxxx
Wilson, Philip A., xxx-xx-xxxx
Wolf, Thomas V., xxx-xx-xxxx

To be lieutenant

Ackerman, Steven G., xxx-xx-xxxx
Addison, George I., III, xxx-xx-xxxx
Alexander, Larry D., xxx-xx-xxxx
Allan, Stephen E., xxx-xx-xxxx
Annable, James R., xxx-xx-xxxx
Ashinhurst, Joel K., xxx-xx-xxxx
AuCoin, George C., Jr., xxx-xx-xxxx
Babbie, Raymond C., xxx-xx-xxxx
Baker, James E., xxx-xx-xxxx
Baker, James M., xxx-xx-xxxx
Bamford, Warren T., xxx-xx-xxxx
Banning, Michael R., xxx-xx-xxxx
Barney, Loren D., xxx-xx-xxxx
Bartlowe, Scott A., xxx-xx-xxxx
Bellonio, Judith, xxx-xx-xxxx
Berry, John C., Jr., xxx-xx-xxxx
Bertrand, David A., xxx-xx-xxxx
Bigelow, Daniel C., xxx-xx-xxxx
Black, Henry A., xxx-xx-xxxx
Boggan, Robert B., xxx-xx-xxxx
Bonadonna, Reed R., xxx-xx-xxxx
Borja, Johnny D., xxx-xx-xxxx
Bourne, Christophe M., xxx-xx-xxxx
Boyle, Charles E., xxx-xx-xxxx
Braam, Stephen D., xxx-xx-xxxx
Brewington, Brooks R., xxx-xx-xxxx
Broadstone, Herman C., xxx-xx-xxxx
Brown, Michael J., xxx-xx-xxxx
Bubp, Jerry L., xxx-xx-xxxx
Burgess, James A., xxx-xx-xxxx
Burnette, John R., xxx-xx-xxxx
Coburn, Dennis P., xxx-xx-xxxx
Carlson, David W., xxx-xx-xxxx
Christensen, Louis P., xxx-xx-xxxx
Cicheskie, Alex R., xxx-xx-xxxx
Coffey, Patrick, xxx-xx-xxxx
Colyer, Steven A., xxx-xx-xxxx
Conger, Edward G., xxx-xx-xxxx
Conklin, James T., xxx-xx-xxxx
Coolican, Joseph T., xxx-xx-xxxx
Cooper, Geffrey L., xxx-xx-xxxx
Cooper, Shepard C., xxx-xx-xxxx
Cottrell, Scott C., xxx-xx-xxxx
Cox, Jeffrey R., xxx-xx-xxxx
Cox, Randall L., xxx-xx-xxxx
Coyle, Richard E., Jr., xxx-xx-xxxx
Cranford, James M., xxx-xx-xxxx
Cunningham, James H., xxx-xx-xxxx
Daas, Joseph H., xxx-xx-xxxx
Daley, James R., xxx-xx-xxxx
Davidson, William R., xxx-xx-xxxx
Davis, Mark R., xxx-xx-xxxx
Davis, Charles F., III, xxx-xx-xxxx
Derda, James R., xxx-xx-xxxx
Donahue, John D., xxx-xx-xxxx
Downing, John T., xxx-xx-xxxx
Drain, Dan E., xxx-xx-xxxx
Drew, Michael R., xxx-xx-xxxx
Duhnke, John C., xxx-xx-xxxx
Dunnagan, Michael G., xxx-xx-xxxx
Durkin, Paul K., xxx-xx-xxxx
Dwyer, Andrew P., xxx-xx-xxxx
Dye, William E., xxx-xx-xxxx
Eads, Steven G., xxx-xx-xxxx
Eaheart, Steve A., xxx-xx-xxxx
Edison, Michael G., xxx-xx-xxxx
Ehrmann, Gregory M., xxx-xx-xxxx
Endicott, Jeffrey L., xxx-xx-xxxx
Field, Steven A., xxx-xx-xxxx
Fisher, Randall G., xxx-xx-xxxx
Foglio, Stephen A., xxx-xx-xxxx
Folchetti, John E., xxx-xx-xxxx
Foldberg, John D., xxx-xx-xxxx
Folsom, Adrienne L., xxx-xx-xxxx
Folsom, Steven A., xxx-xx-xxxx
Forquer, John A., xxx-xx-xxxx
Fosnaugh, Carl J., III, xxx-xx-xxxx
Fossett, Kevin B., xxx-xx-xxxx
Foy, Laurence D., xxx-xx-xxxx
Furlow, Harold G., xxx-xx-xxxx
Gaines, Steven C., xxx-xx-xxxx
Gaskins, Gerald H., xxx-xx-xxxx
Gayer, Michael E., xxx-xx-xxxx
Geiger, Bradley K., xxx-xx-xxxx
Gennario, Charles A., xxx-xx-xxxx
Geyer, Jeffrey D., xxx-xx-xxxx
Gilhooley, Edward T., xxx-xx-xxxx
Gillespie, Robert T., xxx-xx-xxxx
Gilman, Stephen M., xxx-xx-xxxx
Goodwin, Douglas L., Jr., xxx-xx-xxxx
Gretch, Judy A., xxx-xx-xxxx
Griffen, William W., Jr., xxx-xx-xxxx
Griffin, James M., Jr., xxx-xx-xxxx
Grove, Gregory W., xxx-xx-xxxx
Haddick, Robert J., xxx-xx-xxxx
Hagerty, Thomas G., xxx-xx-xxxx
Haines, Patrick M., xxx-xx-xxxx
Hand, John F., xxx-xx-xxxx
Hansen, Petronila, xxx-xx-xxxx
Harlan, Roy D., xxx-xx-xxxx
Harms, Thomas G., xxx-xx-xxxx
Hauck, Mark R., xxx-xx-xxxx
Hemingway, Mark A., xxx-xx-xxxx
Henderson, Michael R., xxx-xx-xxxx
Herrington, Lewis M., xxx-xx-xxxx
Higgins, Hugh M., xxx-xx-xxxx
Higgins, Joseph F., xxx-xx-xxxx
Hine, Richard P., xxx-xx-xxxx
Hodges, Mark S., xxx-xx-xxxx
Hoffstetter, Edwyn J., xxx-xx-xxxx
Hoonan, Timothy W., xxx-xx-xxxx
Hoppe, Glenn M., xxx-xx-xxxx
Howard, Robert M., xxx-xx-xxxx
Hubble, Stephen P., xxx-xx-xxxx
Hucks, John A., II, xxx-xx-xxxx
Huizenga, Richard R., xxx-xx-xxxx
Ibanez, Gary R., xxx-xx-xxxx
Jacobsen, Kenneth E., xxx-xx-xxxx
James, Michael D., xxx-xx-xxxx
Jessen, Carl R., xxx-xx-xxxx
Jesson, William S., xxx-xx-xxxx
Johnson, David S., xxx-xx-xxxx
Jones, Douglas R., xxx-xx-xxxx
Kelley, David A., Jr., xxx-xx-xxxx
Keogh, Parry P., xxx-xx-xxxx
Kestner, David J., xxx-xx-xxxx
Kilbourn, David E., xxx-xx-xxxx
King, Lawrence M., Jr., xxx-xx-xxxx
Kodak, Stephen, Jr., xxx-xx-xxxx
Kraft, Roger L., Jr., xxx-xx-xxxx
Krueger, Donna J., xxx-xx-xxxx
Krumins, Albert K., xxx-xx-xxxx
Kugler, James M., xxx-xx-xxxx
Kurland, Keith D., xxx-xx-xxxx
Lance, Joseph M., III, xxx-xx-xxxx
Lane, William S., xxx-xx-xxxx
Lanham, Robert W., xxx-xx-xxxx
Lauer, Randall S., xxx-xx-xxxx
Lavalley, Bernard M., xxx-xx-xxxx
Lawless, Keith A., xxx-xx-xxxx
Law, Edmund W., xxx-xx-xxxx
Lee, James M., Jr., xxx-xx-xxxx
Leonard, Michael A., xxx-xx-xxxx
Leveque, Matthew C., xxx-xx-xxxx
Lewis, Thomas B., xxx-xx-xxxx
Lewis, Doarin R., xxx-xx-xxxx
Liddle, John G., xxx-xx-xxxx
Lonergan, Michael J., xxx-xx-xxxx
Lopez, Gary R., xxx-xx-xxxx
Lucas, Scott, xxx-xx-xxxx
Lucy, Robert A., xxx-xx-xxxx
Mancini, Richard V., xxx-xx-xxxx
Mann, John K., xxx-xx-xxxx
Marshall, Jeffery L., xxx-xx-xxxx
Martinson, Steven P., xxx-xx-xxxx
Massey, Roland L., xxx-xx-xxxx
Mathews, Barry C., xxx-xx-xxxx
Matthews, David H., xxx-xx-xxxx
Maynard, Michael C., Jr., xxx-xx-xxxx
Mazzawi, Lorne N., xxx-xx-xxxx
McCowen, Gary K., xxx-xx-xxxx
McCreight, Randall L., xxx-xx-xxxx
McCusker, James A., xxx-xx-xxxx
McErlean, Michael W., xxx-xx-xxxx
McMaster, Valerie, xxx-xx-xxxx
Merchant, Scott T., xxx-xx-xxxx
Michaels, James W., Jr., xxx-xx-xxxx
Mikolaski, Stephen N., xxx-xx-xxxx
Miller, Pamela D., xxx-xx-xxxx
Miner, Guy M., xxx-xx-xxxx
Minks, Gregory E., xxx-xx-xxxx
Mitchell, Gregory T., xxx-xx-xxxx
Mitchell, James F., xxx-xx-xxxx
Mitchels, Bryan K., xxx-xx-xxxx
Montemayor, John E., xxx-xx-xxxx
Moody, Daniel E., xxx-xx-xxxx
Muller, Denis P., xxx-xx-xxxx
Murphy, John S., xxx-xx-xxxx
Nelson, Chad F., xxx-xx-xxxx
Nelson, Jay O., xxx-xx-xxxx
Nelson, Scott D., xxx-xx-xxxx
Nunez, Paul J., xxx-xx-xxxx
Paisant, Ross M., xxx-xx-xxxx
Parks, William E., xxx-xx-xxxx
Peery, Thomas G., xxx-xx-xxxx
Peters, Calvin D., xxx-xx-xxxx
Petolillo, Robert A., xxx-xx-xxxx
Petrie, Jeffery S., xxx-xx-xxxx
Picton, Richard E., II, xxx-xx-xxxx
Pillar, Matthew, xxx-xx-xxxx
Potwin, Albert F., xxx-xx-xxxx
Principe, Edward F., xxx-xx-xxxx
Quinton, John S., xxx-xx-xxxx
Rachal, Louis N., xxx-xx-xxxx
Rahm, John T., xxx-xx-xxxx
Regan, Patrick C., xxx-xx-xxxx
Regner, Raymond G., Jr., xxx-xx-xxxx
Reindollar, William P., Jr., xxx-xx-xxxx

Rhames, Robert, xxx-xx-xxxx
Rhodes, Kathleen J., xxx-xx-xxxx
Richards, Larry J., xxx-xx-xxxx
Richey, Ollen R., xxx-xx-xxxx
Ridenour, Ellen K., xxx-xx-xxxx
Roberts, Patrick B., xxx-xx-xxxx
Roberts, Aubrey S., xxx-xx-xxxx
Robinson, David M., xxx-xx-xxxx
Rogers, David L., xxx-xx-xxxx
Roller, Raymond J., xxx-xx-xxxx
Rovira, Jose D., xxx-xx-xxxx
Rowan, Edward L., xxx-xx-xxxx
Ryan, Terry M., xxx-xx-xxxx
Saksefski, Brian K., xxx-xx-xxxx
Santiago, Pedro C., III, xxx-xx-xxxx
Saunders, Anthony L., xxx-xx-xxxx
Schmidt, Robert W., xxx-xx-xxxx
Sease, Charles S., xxx-xx-xxxx
Semple, David L., xxx-xx-xxxx
Shamburger, John R., xxx-xx-xxxx
Shannon, Michael J., xxx-xx-xxxx
Shaw, Thomas R., xxx-xx-xxxx
Shehan, Joe M., xxx-xx-xxxx
Shelton, Carlyle E., xxx-xx-xxxx
Shepard, Robert G., xxx-xx-xxxx
Shissler, John L., III, xxx-xx-xxxx
Smith, Charles W., xxx-xx-xxxx
Smith, David B., xxx-xx-xxxx
Sokoloski, Robert G., xxx-xx-xxxx
Spidal, Dennis A., xxx-xx-xxxx
Spinella, Edmund J., xxx-xx-xxxx
Stadtlander, David F., xxx-xx-xxxx
Starcevich, Daniel A., xxx-xx-xxxx
Stark, Michael D., xxx-xx-xxxx
Starry, Catherine L., xxx-xx-xxxx
Stedfelt, Steven P., xxx-xx-xxxx
Stetler, James C., xxx-xx-xxxx
Stickel, Richard C., xxx-xx-xxxx
Stocker, Bradley G., xxx-xx-xxxx
Stovall, Steven E., xxx-xx-xxxx
Sturdevant, Gregg A., xxx-xx-xxxx
Thomas, William H., xxx-xx-xxxx
Timm, Timothy W., xxx-xx-xxxx
Toney, Michael R., xxx-xx-xxxx
Tveit, Thomas M., xxx-xx-xxxx
Utiger, Robert C., xxx-xx-xxxx
Villalta, John A., xxx-xx-xxxx
Visconage, Susan C., xxx-xx-xxxx
Vrooman, Donald G., xxx-xx-xxxx
West, Richard L., xxx-xx-xxxx
Wheeler, Francis M., xxx-xx-xxxx
Whelehan, Dermot C., xxx-xx-xxxx
White, Robert W., xxx-xx-xxxx
Whitters, Elizabeth A., xxx-xx-xxxx
Wilkes, Keith R., xxx-xx-xxxx
Wilkins, Robert A., xxx-xx-xxxx
Wilkinson, Gregory K., xxx-xx-xxxx
Williams, Harvey B., III, xxx-xx-xxxx
Wilson, David L., xxx-xx-xxxx
Wilson, Ronald W., xxx-xx-xxxx
Wilson, Robert E., Jr., xxx-xx-xxxx

To be warrant officer

Cole, Richard G., xxx-xx-xxxx
Montalvo, Elizabeth, M., xxx-xx-xxxx

Executive nominations received by the Secretary of the Senate September 7, 1983, under authority of the order of the Senate of August 4, 1983:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Henry F. Cooper, Jr., of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice David Marion Clinard, resigned.

DEPARTMENT OF JUSTICE

James B. Roche III, of Massachusetts, to be U.S. Marshal for the District of Massachusetts for the term of 4 years, vice James L. Hartigan, retired.

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the eastern district of Pennsylvania for the term of 4 years, vice Edward D. Schaeffer, term expired.

Executive nominations received by the Secretary of the Senate September 8, 1983, under authority of the order of the Senate of August 4, 1983:

DEPARTMENT OF STATE

Clayton E. McManaway, Jr., of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

BOARD FOR INTERNATIONAL BROADCASTING

Ben J. Wattenberg, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1986, (reappointment).

Frank Shakespeare, of Connecticut, to be a member of the Board for International Broadcasting for a term expiring May 20, 1986. (reappointment).

Executive nominations received by the Secretary of the Senate September 9, 1983, under authority of the order of the Senate of August 4, 1983:

DEPARTMENT OF STATE

Edmund DeJarnette, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Peter Jon de Vos, of Florida, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

Robert Hopkins Miller, of Washington, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

Charles Franklin Dunbar, of Maine, a career member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qator.

AMBASSADOR

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. Representative to the Food and Agriculture Organizations in Rome.

DEPARTMENT OF ENERGY

Danny J. Boggs, of Virginia, to be Deputy Secretary of Energy, vice W. Kenneth Davis, resigned.

DEPARTMENT OF COMMERCE

Richard L. McElheny, of Arizona, to be an Assistant Secretary of Commerce, vice William H. Morris, Jr., resigned.

DEPARTMENT OF THE INTERIOR

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior, vice Daniel N. Miller, Jr., resigned.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Joan M. Gubbins, of Indiana, to be a member of the National Council on Educational Research for a term expiring September 30, 1985, vice Alice Coig McDonald.

David J. Armors, of California, to be a member of the National Council on Educational Research for a term expiring September 30, 1986, vice Robert E. Nederlander.

AFRICAN DEVELOPMENT FOUNDATION

Chester A. Crocker, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation for the term of 2 years (new position).

Francis Stephen Ruddy, an Assistant Administrator of the Agency for International Development, to be a member of the Board of Directors of the African Development Foundation for the term of 2 years (new position).

Patsy Baker Blackshear, of Maryland, to be a member of the Board of Directors of the African Development Foundation for the term of four 2 years (new position).

Charles G. Wells, of Illinois, to be a member of the Board of Directors of the African Development Foundation for the term of four 2 years (new position).

William F. Pickard, of Michigan, to be a member of the Board of Directors of the African Development Foundation for the terms of 2 years (new position).

BOARD FOR INTERNATIONAL BROADCASTING

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

Arch L. Madsen, of Utah, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

James Albert Michener, of Pennsylvania, to be a member of the Board for International Broadcasting for a term expiring April 28, 1984 (new position).

Clair W. Burgener, of California, to be a member of the Board for International Broadcasting for a term expiring April 28, 1985 (new position).

Michael Novak, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1985, vice Thomas H. Quinn, term expired.

Malcolm Forbes, Jr., of New Jersey, to be a member of the Board for International Broadcasting for a term expiring April 28, 1986, vice Mark Goode, term expired.

COMMISSION ON CIVIL RIGHTS

Morris B. Abram, of New York, to be a member of the Commission on Civil Rights, vice Mary Frances Berry.

John H. Bunzel, of California, to be a member of the Commission on Civil Rights, vice Blandina Cardenas Ramirez.

Robert A. Destro, of Wisconsin, to be a member of the Commission on Civil Rights, vice Murray Saltzman.

FEDERAL COUNCIL ON THE AGING

Albert Lee Smith, Jr., of Alabama, to be a member of the Federal Council on the Aging for a term expiring December 19, 1985, vice Jacob Clayman, term expired.

INTERSTATE COMMERCE COMMISSION

Paul H. Lamboley, of Nevada, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1984, vice Darius W. Gaskins, Jr., resigned.

Jane E. M. Holt, of the District of Columbia, to be a member of the Interstate Commerce Commission for a term expiring December 31, 1985, vice Reginald E. Gilliam, Jr., resigned.

NATIONAL INSTITUTE OF BUILDING SCIENCES

MacDonald G. Becket, of California, to be a member of the Board of Directors of the National Institute of Building Sciences for the term expiring September 7, 1984, vice Warner Howe, term expired.

Kyle Clayton Boone, of North Carolina, to be a member of the Board of Directors of the National Institute of Building Sciences for the term expiring September 7, 1984, vice Blanca G. Cedeno, term expired.

NATIONAL MEDIATION BOARD

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board for the term expiring July 1, 1985, vice Robert Joseph Brown, resigned.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Elliot Ross Buckley, of Virginia, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1989, vice Bertram R. Cottine, term expired.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985 (new position).

SECURITIES AND EXCHANGE COMMISSION

Charles C. Cox, of Texas, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1988, vice John R. Evans, term expired.

INTERNATIONAL TRADE COMMISSION

Susan Wittenberg Liebeler, of California, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1988, vice Michael J. Calhoun, resigned.

THE JUDICIARY

Martin L. C. Feldman, of Louisiana, to be U.S. district judge for the eastern district of Louisiana vice Jack M. Gordon, deceased.

C. Roger Vinson, of Florida, to be U.S. district judge for the northern district of Florida vice Lynn C. Higby, resigned.

DEPARTMENT OF JUSTICE

Francis M. Mullen, Jr., of Virginia, to be Administrator of Drug Enforcement, vice Peter B. Bensinger, resigned.

Executive nominations received by the Senate September 12, 1983:

ENVIRONMENTAL PROTECTION AGENCY

Jack E. Ravan, of Georgia, to be an Assistant Administrator of the Environmental Protection Agency, vice Frederic A. Eidsness, Jr., resigned.

IN THE COAST GUARD

The following Reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grades indicated:

To be lieutenant

John M. Sollosi Martin J. Gillan, IV

To be lieutenant (junior grade)

Charles G. Ensley Arthur J. Gina M. Jacobson Lamontagne

The following licensed officers of the U.S. Merchant Marine to be permanent commissioned officers in the Regular Coast Guard in the grade lieutenant (junior grade):

Joseph S. Martin Lewis J. Corcoran

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the provisions of sections 593 and 8366, title 10, United States Code.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Adams, James L., Jr., xxx-xx-xxxx
Adams, Nixon A., xxx-xx-xxxx
Albrecht, David F., xxx-xx-xxxx
Alves, Daniel F., Jr., xxx-xx-xxxx
Anderson, Scott G., xxx-xx-xxxx
Andresevic, William R., xxx-xx-xxxx
Annis, James R., xxx-xx-xxxx
Armstrong, John M., xxx-xx-xxxx
Ashbaker, Phillip N., xxx-xx-xxxx
Ashcraft, Boyd L., xxx-xx-xxxx
Asik, Raymond J., xxx-xx-xxxx
Austin, Timothy O., xxx-xx-xxxx
Bahr, Duwayne E., xxx-xx-xxxx
Bailey, Robert L., xxx-xx-xxxx
Bailey, Thomas E., xxx-xx-xxxx
Baker, Herbert H., xxx-xx-xxxx
Baker, James H., xxx-xx-xxxx
Balch, Henry J., Jr., xxx-xx-xxxx
Balch, Richard W., xxx-xx-xxxx
Balik, Michael A., xxx-xx-xxxx
Barcomb, Earl H., xxx-xx-xxxx
Barker, James A., xxx-xx-xxxx
Barranco, Benjamin C., xxx-xx-xxxx
Barton, Hugh H., III, xxx-xx-xxxx
Bass, Stanley K., xxx-xx-xxxx
Bastien, Stanley K., xxx-xx-xxxx
Baxter, James E., Jr., xxx-xx-xxxx
Becker, Erwin P., xxx-xx-xxxx
Becker, Raymond C., xxx-xx-xxxx
Begg, Mary J., xxx-xx-xxxx
Bell, James A., xxx-xx-xxxx
Belloise, Salvatore, xxx-xx-xxxx
Belton, Thomas J., xxx-xx-xxxx
Benjamin, Ronald D., xxx-xx-xxxx
Benson, Kenneth B., xxx-xx-xxxx
Berensen, Gary C., xxx-xx-xxxx
Bermingham, Paul B., xxx-xx-xxxx
Bernard, Harold W., Jr., xxx-xx-xxxx
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Borras, Edwin J., xxx-xx-xxxx
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Boyd, Dene R., xxx-xx-xxxx
Brechtel, Wayne A., xxx-xx-xxxx
Brewer, Fredrick G., xxx-xx-xxxx
Bridges, Jerry G., xxx-xx-xxxx
Briner, John G., xxx-xx-xxxx
Brock, Larry D., xxx-xx-xxxx
Brooke, John R., xxx-xx-xxxx
Brown, Harry M., III, xxx-xx-xxxx
Bruce, William C., Jr., xxx-xx-xxxx
Brutsch, William A., xxx-xx-xxxx
Bryson, Lionel H., xxx-xx-xxxx
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Garcia, Charles A., xxx-xx-xxxx
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Garrison, Douglas L., xxx-xx-xxxx
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Gaughan, Robert E., Jr., xxx-xx-xxxx
Geary, Timothy J., xxx-xx-xxxx
Gebhardt, Charles L., III., xxx-xx-xxxx
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Gilbert, Lowell A., xxx-xx-xxxx
Glubrecht, Thomas A., xxx-xx-xxxx
Goddard, Stephen G., xxx-xx-xxxx
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Graham, Hugh D., xxx-xx-xxxx
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Granade, Shelton D., xxx-xx-xxxx
Grant, Charles G., Jr., xxx-xx-xxxx
Grasse, Joel F., xxx-xx-xxxx
Graves, Gray A., xxx-xx-xxxx
Gray, Marvin J., Jr., xxx-xx-xxxx
Green, Robin E., xxx-xx-xxxx
Greenamyre, Edward L., xxx-xx-xxxx
Gregoire, Lawrence W., xxx-xx-xxxx
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Grubb, Kenneth A., xxx-xx-xxxx
Gruenke, Gordon H., xxx-xx-xxxx
Guess, William B., Jr., xxx-xx-xxxx
Guest, Adolphus W., II, xxx-xx-xxxx
Haber, William F., xxx-xx-xxxx
Hacker, Gary D., xxx-xx-xxxx
Hadraba, Theodore J. W., xxx-xx-xxxx
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Hahn, Philip H., xxx-xx-xxxx
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Haight, James E., Jr., xxx-xx-xxxx
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Harrass, James A., xxx-xx-xxxx
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Hemeyer, Karl P., Jr., xxx-xx-xxxx
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Sheridan, Paul R., xxx-xx-xxxx
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Starbranch, Nelson B., xxx-xx-xxxx
Stark, Robert D., xxx-xx-xxxx
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Sullivan, Robert C., xxx-xx-xxxx
Suter, George H., xxx-xx-xxxx
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Taggard, Kenneth L., xxx-xx-xxxx
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Truax, John F., xxx-xx-xxxx
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Veith, Terry F., xxx-xx-xxxx
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Verdick, James E., xxx-xx-xxxx
Vivians, Nathaniel R., xxx-xx-xxxx
Voorhies, Russell L., xxx-xx-xxxx
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Wamsley, Gary L., xxx-xx-xxxx
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Warniment, Teresa M., xxx-xx-xxxx
Warren, Rufus L., III, xxx-xx-xxxx
Wasley, Austin L., Jr., xxx-xx-xxxx
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Webb, Michael M., xxx-xx-xxxx
Weber, Joseph H., xxx-xx-xxxx
Weick, Richard T., xxx-xx-xxxx
Weingartner, David P., xxx-xx-xxxx
Weis, Duane G., xxx-xx-xxxx
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Welling, Richard, xxx-xx-xxxx
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White, Jay P., xxx-xx-xxxx
White, Phillip L., xxx-xx-xxxx
Whitman, Edwin L., xxx-xx-xxxx
Wichs, Duane, xxx-xx-xxxx
Wielhouwer, Peter W., xxx-xx-xxxx
Wilk, Kenneth J., xxx-xx-xxxx
Willcox, Gerald P., xxx-xx-xxxx
Williams, Hoyle B., Jr., xxx-xx-xxxx
Wilson, Clifford B., xxx-xx-xxxx
Wilson, David E., xxx-xx-xxxx
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Witte, William W., xxx-xx-xxxx
Wohletz, Leonard R., Jr., xxx-xx-xxxx
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Woods, Louis E., Jr., xxx-xx-xxxx
Woodson, Raymond E., xxx-xx-xxxx
Worcester, Allan R., xxx-xx-xxxx
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Wyman, Delacy M., xxx-xx-xxxx
Yersin, William B., xxx-xx-xxxx
Young, Roger M., xxx-xx-xxxx
Youree, Joe C., xxx-xx-xxxx
Zambrano, Alberto B., Jr., xxx-xx-xxxx
Zeller, Karl F., xxx-xx-xxxx
Zitel, Victor S., xxx-xx-xxxx
Zlogar, James J., xxx-xx-xxxx
Zugar, Anthony, xxx-xx-xxxx

CHAPLAIN CORPS

Birdwell, Collum D., xxx-xx-xxxx
Christiansen, Robert L., xxx-xx-xxxx
Day, David P., xxx-xx-xxxx
Garcia, Millan J., xxx-xx-xxxx
Groh, John E., xxx-xx-xxxx
Kastelle, Rodney L., xxx-xx-xxxx
O'Donoghue, John J., xxx-xx-xxxx
Pederson, Donald R., xxx-xx-xxxx

DENTAL CORPS

Benenati, Fred W., xxx-xx-xxxx
Burns, Robert A., xxx-xx-xxxx
Donahue, Robert L., xxx-xx-xxxx
Garvar, Lanny R., xxx-xx-xxxx
Helman, Kenneth G., xxx-xx-xxxx
Kent, Timothy L., xxx-xx-xxxx
Martin, Amon A., Jr., xxx-xx-xxxx
McGlasson, Bruce E., xxx-xx-xxxx
Padgett, Claude E., xxx-xx-xxxx
Parey, Michael D., xxx-xx-xxxx

JUDGE ADVOCATE

Anthes, George W., xxx-xx-xxxx
Billeaud, William J., xxx-xx-xxxx
Boesch, William S., xxx-xx-xxxx
Borja, William A., xxx-xx-xxxx
Breithaupt, James F., xxx-xx-xxxx
Brophy, Joseph M., xxx-xx-xxxx
Chesley, Philip G., xxx-xx-xxxx
Cline, Francis C., Jr., xxx-xx-xxxx
Cole, Michael S., xxx-xx-xxxx
Coslow, Carroll B., xxx-xx-xxxx
Cowardin, William C., Jr., xxx-xx-xxxx
Cutts, John A., III, xxx-xx-xxxx
Denton, Wayne E., xxx-xx-xxxx
Dichiaro, Joseph, Jr., xxx-xx-xxxx
Dickson, Bernard A., xxx-xx-xxxx
Gales, Robert R., xxx-xx-xxxx
Gillis, James H., xxx-xx-xxxx
Hoffman, William T., III, xxx-xx-xxxx
Horman, Russell T., xxx-xx-xxxx
Intintoli, Anthony J., Jr., xxx-xx-xxxx
Kellenberger, Jack C., xxx-xx-xxxx
Lamberti, John M., xxx-xx-xxxx
Manning, Donald L., xxx-xx-xxxx
McGill, James R., Jr., xxx-xx-xxxx
McHaney, Robert L., Jr., xxx-xx-xxxx
McQuaid, John D., Jr., xxx-xx-xxxx
Merritt, John L., xxx-xx-xxxx
Olson, Barry T., xxx-xx-xxxx
Pacifico, Paul J., xxx-xx-xxxx
Pearson, John D., xxx-xx-xxxx
Perino, Michael E., xxx-xx-xxxx
Peter, Karl A., xxx-xx-xxxx
Poythress, David B., xxx-xx-xxxx
Reid, Marlin D., Jr., xxx-xx-xxxx
Reilly, Peter, xxx-xx-xxxx
Robson, Franklin E., III, xxx-xx-xxxx
Rodamaker, Ralph J., xxx-xx-xxxx

Rusch, Alfred E., xxx-xx-xxxx
Shell, Daniel R., xxx-xx-xxxx
Smith, William R., xxx-xx-xxxx
Turner, Edward M., III, xxx-xx-xxxx
Vickery, Harold K., Jr., xxx-xx-xxxx
Wackeen, Walter T., xxx-xx-xxxx
Whiting, Sidney, III, xxx-xx-xxxx
Wilson, James D., xxx-xx-xxxx

MEDICAL CORPS

Anis, William B., xxx-xx-xxxx
Bartles, Lewis W., xxx-xx-xxxx
Cabrera, Ramon P., xxx-xx-xxxx
Evens, Marvin A., xxx-xx-xxxx
Federis, Doroteo E., Jr., xxx-xx-xxxx
Fernando, Rolando A., xxx-xx-xxxx
Fiscina, Salvatore, xxx-xx-xxxx
Gray, Dale A., xxx-xx-xxxx
Grosbach, Alan B., xxx-xx-xxxx
Hayashi, Koichiro D., xxx-xx-xxxx
Lunger, Richard T., xxx-xx-xxxx
McKenzie, Reginald R., xxx-xx-xxxx
Means, Robert T., xxx-xx-xxxx
Mehelas, John N., xxx-xx-xxxx
Merjavy, John P., xxx-xx-xxxx
Sundareson, Alistair S., xxx-xx-xxxx

NURSE CORPS

Anderson, Karen F., xxx-xx-xxxx
Baseheart, Barbara R., xxx-xx-xxxx
Bergmann, Ronald, J., xxx-xx-xxxx
Blasczykbailey, Lois K., xxx-xx-xxxx
Bogart, Maria E., xxx-xx-xxxx
Bouton, Laverne A., III, xxx-xx-xxxx
Bowen, Stella L., xxx-xx-xxxx
Bradley, Eileen C., xxx-xx-xxxx
Burkhart, Arysetta F., xxx-xx-xxxx
Carr, Marcelyn R., xxx-xx-xxxx
Chamings, Patricia A., xxx-xx-xxxx
Coffman, Sondrajil, xxx-xx-xxxx
Collins, Genevieve M., xxx-xx-xxxx
Crehan, Marilyn A., xxx-xx-xxxx
Cummings, Marjorie E., xxx-xx-xxxx
Davis, Carrie M., xxx-xx-xxxx
Dose, Jeanette E., xxx-xx-xxxx
Dunn, Sheryl, xxx-xx-xxxx
Dutt, Delores J., xxx-xx-xxxx
Dwiggins, Sheila A., xxx-xx-xxxx
Fairburn, Sandra J., xxx-xx-xxxx
Farnham, Marcella M., xxx-xx-xxxx
Fulp, Rachel H., xxx-xx-xxxx
Hammond, Martha H., xxx-xx-xxxx
Hansmann, John J., xxx-xx-xxxx
Harris, Sherry L., xxx-xx-xxxx
Hopkins, Katherine A., xxx-xx-xxxx
Hutchins, Shirley M., xxx-xx-xxxx
Lafrance, Mary S., xxx-xx-xxxx
Maciolek, Mary A. xxx-xx-xxxx
Marshall, Marlene A., xxx-xx-xxxx
Murphy, Betty J., xxx-xx-xxxx
Nania, Carole A., xxx-xx-xxxx
Perezguillermety, Lupita C., xxx-xx-xxxx
Sams, Elaine S., xxx-xx-xxxx
Schehl, Donna L., xxx-xx-xxxx
Scollin, Kathleen A., xxx-xx-xxxx
Softli, Muriel G., xxx-xx-xxxx
Sorenson, Leona G., xxx-xx-xxxx
Sparkman, Kathleen, xxx-xx-xxxx
Turnergibson, Jean H., xxx-xx-xxxx
Warchock, Patricia V., xxx-xx-xxxx
Woods, Constance A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Allen, Frank R., xxx-xx-xxxx
Brown, Lesh N., xxx-xx-xxxx
Collier, Ferman F., xxx-xx-xxxx
Desandro, Louis J., Jr., xxx-xx-xxxx
Hart, Ellsworth K., xxx-xx-xxxx
Kramer, Garrard P., xxx-xx-xxxx
Lisle, James B., xxx-xx-xxxx
Mazzotta, Bruno R., xxx-xx-xxxx
Meyer, Bruce C., xxx-xx-xxxx
Nasses, Marvin, xxx-xx-xxxx
Reents, Ronald R., xxx-xx-xxxx
Rose, Stanley R., xxx-xx-xxxx
Ross, Robert H., xxx-xx-xxxx
Rumble, Richard R. xxx-xx-xxxx
Schuster, David E., xxx-xx-xxxx
Ulmer, Jacob S., Jr., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Allman, Glenn W., Jr., xxx-xx-xxxx
Lebrocq, Eric F., Jr., xxx-xx-xxxx
Martin, Stanley F., xxx-xx-xxxx
Taucher, Donald F., xxx-xx-xxxx
Willis, Edward D., xxx-xx-xxxx

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated.

MEDICAL CORPS

To be colonel

Humbert, Paul V., xxx-xx-xxxx

To be lieutenant colonel

Medina, Oswaldo, F., xxx-xx-xxxx
Ralph, James W., xxx-xx-xxxx

To be major

Adams, Richard N., Jr., xxx-xx-xxxx

DENTAL CORPS

To be major

Hebertson, Scott, xxx-xx-xxxx
King, Christopher, L., xxx-xx-xxxx
Thompson, William E., xxx-xx-xxxx

To be captain

Foley, William L., xxx-xx-xxxx
Hughes, William G., xxx-xx-xxxx
Piche, Jon E., xxx-xx-xxxx
Sachs, Scott A., xxx-xx-xxxx
Wanat, Thomas N., xxx-xx-xxxx

NURSE CORPS

To be major

Heaberg, Gail L., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be captain

Andrews, William E., xxx-xx-xxxx
Hibler, Dennis R., xxx-xx-xxxx
Locklear, Keith, xxx-xx-xxxx
Weiss, Charles J., xxx-xx-xxxx
Westfall, Steven F., xxx-xx-xxxx

To be first lieutenant

Kelly, Donald A., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force under the provisions of section 531, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be major

King, Douglas L., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

CHAPLAIN CORPS

To be major

Sherman, Frank W., III, xxx-xx-xxxx

The following officer for reappointment to the active duty list of the Regular Air Force in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code.

LINE OF THE AIR FORCE

To be major

Torline, Norbert K., xxx-xx-xxxx

The following persons for appointment as Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

MEDICAL CORPS

To be colonel

Dybedal, Paul W., 54–22–1888

To be lieutenant colonel

Allen, Edward S., xxx-xx-xxxx
Boehrer, Philip M., xxx-xx-xxxx
Carter, Clement J. O., xxx-xx-xxxx
Doody, William G., xxx-xx-xxxx
Efthimiadis, Byron K., xxx-xx-xxxx
Leech, Richard, xxx-xx-xxxx
Normington, Richard N., xxx-xx-xxxx
Sanders, Edward, xxx-xx-xxxx
Sweeney, Donal F., xxx-xx-xxxx
Tavarez, Vicente, Jr., xxx-xx-xxxx
Trafton, Walter D., xxx-xx-xxxx
Tuason, Leonorio, xxx-xx-xxxx

The following officers for permanent promotion in the U.S. Air Force, in accordance with section 601, title VI, Transition Provisions, Defense Officer Personnel Management Act of 1980, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Gray, Richard E., xxx-xx-xxxx

JUDGE ADVOCATE

To be lieutenant colonel

Marquette, Ronald M., xxx-xx-xxxx

NURSE CORPS

To be major

Griswold, Josephine P., xxx-xx-xxxx

The following officers for promotion in the U.S. Air Force, under the provisions of sections 1552, 8442, and 8447(b), title 10, United States Code, as amended.

LINE OF THE AIR FORCE

To be lieutenant colonel

Gray, Richard E., xxx-xx-xxxx

JUDGE ADVOCATE

To be lieutenant colonel

Marquette, Ronald M., xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code (Non-EAD).

MEDICAL CORPS

To be colonel

Zimmerman, Robert G., xxx-xx-xxxx

To be lieutenant colonel

Burch, Francis X., xxx-xx-xxxx
Nuangchamnong, Maliwan K., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Nemcic, Steven D., xxx-xx-xxxx

DEPARTMENT OF STATE

Daniel Anthony O'Donohue, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma.

DEPARTMENT OF EDUCATION

Susan E. Phillips, of Virginia, to be Director of the Institute for Museum Services, Vice Lilla Burt Cummings Tower, resigned.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be brigadier general

Col. James R. Ralph, Jr. [redacted], U.S. Army.
Col. James R. Klugh, [redacted], U.S. Army.
Col. John S. Tuck [redacted], U.S. Army.
Col. Clifford A. Druit, [redacted], U.S. Army.
Col. Bobby F. Brashears, [redacted], U.S. Army.
Col. John O. B. Sewall, [redacted], U.S. Army.
Col. Edward N. Fletcher, [redacted], U.S. Army.
Col. Thomas G. Lightner, [redacted], U.S. Army.
Col. John R. Greenway, [redacted], U.S. Army.
Col. Charles B. Eichelberger, [redacted], U.S. Army.
Col. Claude E. Fernandez, Jr., 231-44-2710, U.S. Army.
Col. William B. McGrath, [redacted], U.S. Army.
Col. August M. Cianciolo, [redacted], U.S. Army.
Col. Nicholas S. H. Krawciw, [redacted], U.S. Army.
Col. Charles F. Scanlon, [redacted], U.S. Army.
Col. Donald W. Jones, [redacted], U.S. Army.
Col. William H. Roche, [redacted], U.S. Army.
Col. Paul R. Schwartz, [redacted], U.S. Army.
Col. Guy P. Bowen, [redacted], U.S. Army.
Col. Claude B. Donovan, III, [redacted], U.S. Army.
Col. William A. Roosma, [redacted], U.S. Army.
Col. Raphael J. Hallada, [redacted], U.S. Army.
Col. Teddy G. Allen, [redacted], U.S. Army.
Col. Joseph D. Schott, [redacted], U.S. Army.
Col. Robert H. Ryan, [redacted], U.S. Army.
Col. Gerald P. Stadler, [redacted], U.S. Army.
Col. Frederick M. Franks, Jr., [redacted], U.S. Army.
Col. Terrence L. Arndt, [redacted], U.S. Army.
Col. Michael F. Spigelmire, [redacted], U.S. Army.
Col. William H. Reno, [redacted], U.S. Army.
Col. Wilson A. Shoffner, [redacted], U.S. Army.
Col. Wayne C. Knudson, [redacted], U.S. Army.
Col. William S. Flynn, [redacted], U.S. Army.
Col. Herman C. Kammer, [redacted], U.S. Army.
Col. Paul F. Kavanaugh, [redacted], U.S. Army.
Col. William G. Ganey, [redacted], U.S. Army.
Col. Raymond E. Haddock, [redacted], U.S. Army.
Col. Willard M. Burleson, Jr., [redacted], U.S. Army.
Col. David M. Maddox, [redacted], U.S. Army.
Col. Howard D. Graves, [redacted], U.S. Army.
Col. Peter J. Offringa, [redacted], U.S. Army.
Col. Larry D. Budge, [redacted], U.S. Army.
Col. John H. Stanford, [redacted], U.S. Army.
Col. Dennis J. Reimer, [redacted], U.S. Army.
Col. Ronald K. Andreson, [redacted], U.S. Army.
Col. Thomas B. Arwood, [redacted], U.S. Army.
Col. James W. Crysel, [redacted], U.S. Army.
Col. Gordon R. Sullivan, [redacted], U.S. Army.
Col. Leslie E. Beavers, [redacted], U.S. Army.
Col. Eugene B. Leedy, [redacted], U.S. Army.
Col. William H. Riley, Jr., [redacted], U.S. Army.
Col. Samuel N. Wakefield, [redacted], U.S. Army.
Col. James S. Hayes, [redacted], U.S. Army.
Col. Peter J. Boylan, Jr., [redacted], U.S. Army.
Col. Glynn C. Mallory, Jr., [redacted], U.S. Army.
Col. Calvin A. H. Waller, [redacted], U.S. Army.
Col. Charles E. Williams, [redacted], U.S. Army.
Col. Philip H. Mallory, [redacted], U.S. Army.
Col. Billy M. Thomas, [redacted], U.S. Army.
Col. Myrna H. Williamson, [redacted], U.S. Army.

HOUSE OF REPRESENTATIVES—*Monday, September 12, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, we come together today in confident remembrance of Your promise of hope and the assurance of Your presence in our lives, and yet we recall with sadness the death of a Member of this assembly. We grieve at the tragic death of LARRY MCDONALD and we express our prayers for members of his family. May Your spirit of strength and purpose permeate our hearts and minds, and may Your mighty acts of history give us renewed faith in the days before us. Keep us in Your grace, O God, that justice will roll down as waters and righteousness like an everflowing stream. We pray this in Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the abstracts and results of the votes cast in the Special Election, First Congressional District, State of Illinois, held on August 23, 1983, as certified by the Canvassing Board for the City of Chicago.

The apparent winner was the Honorable Charles A. Hayes, receiving 93.7 percent of the votes cast.

With kind regards, I am
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

SWEARING IN OF THE HONORABLE CHARLES A. HAYES OF ILLINOIS AS A MEMBER OF THE HOUSE

The SPEAKER. Will the dean of the Illinois delegation and the Illinois delegation kindly escort the newly elected Member to the well?

Mr. HAYES appeared at the bar of the House and took the oath of office.

The SPEAKER. The gentleman is a Member of the Congress, and we congratulate him.

Without objection, the Chair's administration of the oath of office to the gentleman from Illinois, Mr. Charles A. Hayes, is ratified. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The Governor of Georgia has proclaimed a vacancy in the Seventh Congressional District of Georgia due to the death of the Honorable Larry McDonald.

Herewith transmitted is a copy of the Executive Order issued by the Governor, the Honorable Joe Frank Harris, on September 8, 1983.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

THE STATE OF GEORGIA—EXECUTIVE ORDER

By the Governor:

Whereas, a vacancy now exists in the House of Representatives of the Congress of the United States by reason of the tragic death of the Honorable Larry McDonald, the member of the House of Representatives of the Congress of the United States from the Seventh Congressional District; and

Whereas, Article I, Section II, Paragraph IV of the Constitution of the United States provides that if the Governor shall issue writs of election to fill all vacancies that may happen in the representation from any State in the Congress of United States; and

Whereas, Section 21-2-543 of the Official Code of Georgia Annotated provides that a special election to fill vacancies for members of the House of Representatives of the Congress of the United States shall take place under the authority of a writ of election issued by the Governor to the election superintendents involved for such election to fill such vacancy; and

Whereas, said Code Section further provides that said special election shall be held on a date in the writ of election issued by the Governor, which date shall not be less than thirty days after its issuance.

Now, therefore, pursuant to the authority vested in me, particularly by virtue of the provisions of Article I, Section II, Paragraph IV of the Constitution of the United States, and particularly by virtue of the provisions of Section 21-2-543 of the the Official Code of Georgia Annotated, it is hereby

Ordered: (1) That a Writ of Election to fill the vacancy in the House of Representatives of the Congress of the United States from the Seventh Congressional District be and the same is hereby issued to the election superintendents of Bartow, Catoosa, Chattooga, Cobb, Dade, Floyd and Walker Counties, pursuant to the provisions of the Constitution of the United States and laws of Georgia, and particularly Article I, Section II, Paragraph IV thereof, and Section 21-2-543 of the Official Code of Georgia Annotated.

(2) That said special election to fill the vacancy in the House of Representatives of the Congress of the United States from the Seventh Congressional District shall be held on the 18th day of October, 1983, pursuant to the Constitution of the United States and laws of the State of Georgia and particularly the provisions of the Official Code of Georgia Annotated governing the conduct of special elections.

This 8th day of September, 1983

JOE FRANK HARRIS,
Governor.

CONFERENCE REPORT ON S. 675, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

Mr. PRICE submitted the following conference report and statement on the Senate bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 98-352)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for

other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Department of Defense Authorization Act, 1984".

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT

Sec. 101. Authorization of appropriations, Army.
Sec. 102. Authorization of appropriations, Navy and Marine Corps.
Sec. 103. Authorization of appropriations, Air Force.
Sec. 104. Authorization of appropriations, Defense agencies.
Sec. 105. Extension of authority provided Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
Sec. 106. Secure communications equipment and a special classified program.
Sec. 107. Limitation on Army procurement.
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TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition and for other procurement for the Army as follows:

For aircraft, $3,331,400,000.
For missiles, $2,903,400,000.
For weapons and tracked combat vehicles, $4,734,500,000.
For ammunition, $2,147,100,000.
For other procurement, $4,836,200,000.
For Army National Guard equipment, $100,000,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft for the Navy in the amount of $10,637,800,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $3,903,000,000 for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

For missile programs, $3,041,700,000.
For the MK-48 torpedo program, $124,600,000.
For the MK-46 torpedo program, $248,000,000.
For the MK-60 torpedo program, $105,400,000.
For the MK-30 mobile target program, $17,600,000.
For the MK-38 minimobile target program, $2,000,000.
For the antisubmarine rocket (ASROC) program, $17,300,000.
For the modification of torpedoes, $111,800,000.
For the torpedo support equipment program, $72,100,000.
For the MK-15 close-in weapons system program, $126,700,000.
For the 5-inch/54-caliber gun mount program, $16,100,000.
For the MK-75 76-millimeter gun mount program, $11,100,000.
For other weapons, $27,500,000.

The sum of the amount authorized for programs under this subsection is reduced by $18,900,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $12,045,400,000 for shipbuilding and conversion for the Navy as follows:

For the Trident submarine program, $1,759,000,000.

For the SSN-688 nuclear attack submarine program, $2,042,400,000.

For the aircraft carrier service life extension program (SLEP), $95,900,000.

For the CG-47 Aegis cruiser program, $3,397,400,000.

For the DDG-51 guided missile destroyer program, $79,000,000.

For the FFG-7 guided missile frigate program, $300,000,000.

For the battleship reactivation program, $57,700,000.

For the LSD-41 landing ship dock program, $509,000,000.

For the LHD-1 amphibious assault ship program, $1,379,700,000.

For the MCM-1 mine countermeasures ship program, $301,000,000.

For the MSH-1 minesweeper hunter program, $65,000,000.

For the TAGS ocean survey ship program, $34,500,000.

For the TAH hospital ship program, $260,000,000.

For the TAK(FBM) missile resupply ship program, $900,000.

For the TAFS combat stores ship program, $16,100,000.

For the TAO-187 fleet oiler program, $365,400,000.

For the TAKR fast logistic ship program, $246,500,000.

For the strategic sealift ready reserve program, $31,000,000.

For the LCAC landing craft air cushion program, $161,100,000.

For service craft and landing craft, $134,300,000.

For outfitting, post delivery, and cost growth, $868,700,000.

The sum of the amounts authorized for programs under this subsection is reduced by $59,200,000.

(d) OTHER.—Funds are hereby authorized to be appropriated for fiscal year 1984 for other procurement for the Navy in the amount of $4,497,600,000, of which—

(1) $681,500,000 is available only for the ship support equipment program;

(2) $1,562,800,000 is available only for the communications and electronics equipment program; and

(3) $930,300,000 is available only for the ordnance support equipment program.

(e) PROCUREMENT, MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,805,200,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $21,282,800,000.

For missiles, $7,925,700,000.

For other procurement, $7,112,100,000.

For Air National Guard equipment, $25,000,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of $112,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1984 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

(c) Of the funds authorized to be appropriated in this section for missiles for the Air Force, the sum of $459,000,000 is available for procurement of 240 missiles under the AGM-86B air-launched cruise missile program, of which $14,000,000 is available for advance procurement for such program.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by the Defense agencies in the amount of $972,700,000.

EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 105. Effective on October 1, 1983, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1983" both places it appears and inserting in lieu thereof "fiscal year 1984".

SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 106. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense with or without reimbursement. In addition, of the funds authorized to be appropriated pursuant to this Act, not more than $220,000,000 is authorized for a special classified program.

LIMITATION ON ARMY PROCUREMENT

SEC. 107. The Secretary of the Army may not make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

LIMITATIONS ON NAVY PROCUREMENT

SEC. 108. (a)(1) None of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program under section 102(c) (Shipbuilding and Conversion for the Navy) may be obligated or expended for the acquisition of a specific vessel for that program until (A) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed acquisition of that vessel for that program, and (B) a period of 30 days of continuous session of Congress has expired following the date on which that notice was received by those committees.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(b) None of the funds appropriated pursuant to any authorization of appropriations contained in this Act may be obligated or expended for the purchase of the 5-inch semiactive laser guided projectile until the Secretary of the Navy has acquired a technical data package for that projectile and has determined that such technical data package (1) does not contain proprietary data, and (2) can be used to solicit a second production source for such projectile.

AUTHORIZATION OF MULTIYEAR CONTRACTS FOR THE B-1B AIRCRAFT; PROHIBITION ON MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT

SEC. 109. (a) Notwithstanding any other provision of law, procurement of the B-1B aircraft program may be carried out under a multiyear procurement contract in accordance with section 2306(h) of title 10, United States Code.

(b) The Department of Defense is hereby denied the authority to execute multiyear procurement contracts, as proposed in the Department's fiscal year 1984 budget request, for procurement of any of the following:

(1) AH-64 helicopter engines.

(2) F-18 aircraft engines.

(3) F-15 aircraft.

(4) KC-135 reengining (airframes).

(5) Mark 30 targets.

(6) AN/SSQ-62 DICASS sonobuoys.

LIMITATIONS AND REQUIREMENTS WITH RESPECT TO THE PROCUREMENT AND DEPLOYMENT OF THE MX MISSILE

SEC. 110. (a)(1) Funds appropriated pursuant to the authorization of appropriations in section 103 may be used to procure not more than 21 operational MX missiles for deployment.

(2) MX missiles procured with funds authorized to be appropriated by section 103 shall be deployed in existing Minuteman missile silos that are part of the 319th and 400th Strategic Missile Squadrons and supported by Francis E. Warren Air Force Base, Wyoming. The first ten MX missiles procured for deployment by the Air Force shall be placed on alert status, with appropriate security and logistics facilities in operation, not later than December 31, 1986.

(b)(1) The Secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions, and requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on the proposed deployment and peacetime operations of MX missiles in the Minuteman silos referred to in subsection (a). The final environmental impact statement on the proposed deployment of such missiles shall be published not later than January 31, 1984.

(2) Notwithstanding any other provision of law, the Secretary of the Air Force (A) may immediately commence planning, facility and equipment designing, surveying, and other predeployment activities with respect to the MX missile, and (B) shall proceed promptly following the publication of the final environmental impact statement referred to in paragraph (1) with deployment of MX missiles in the missile silos referred to in subsection (a).

(c) This section shall be carried out in a manner consistent with the provisions of section 1231.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,204,552,000.

For the Navy (including the Marine Corps), $7,619,409,000.

For the Air Force, $12,622,193,000.

For the Defense Agencies, $2,856,754,000, of which $50,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

LIMITATIONS ON FUNDS FOR THE ARMY

SEC. 202. (a) Of the amount authorized in section 201 for the Army—

(1) $7,650,000 is available only for 75-millimeter and 90-millimeter guns for light armored vehicles;

(2) $7,000,000 is available only for neutral particle beam research as part of the ballistic missile defense advanced technology program;

(3) $15,000,000 is available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter;

(4) $50,160,000 is available only for the Joint Tactical Missile System and for selection of either the Patriot T-16 or Lance T-22 as the delivery vehicle for such system; and

(5) $12,561,000 is available only for the Mobile Protected Gun System.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced micro-electronic computers into weapons systems.

(c) Of the funds authorized to be appropriated pursuant to this section, $20,500,000 shall be available for research and development by the Department of the Army for the Military Computer Family. The Secretary of Defense shall make offsetting reductions in lower priority computer application projects authorized in this Act.

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $24,000,000 is available only for continued development of the Rankine Cycle Energy Recovery (RACER) system to ensure compatibility of the RACER system with all ships of the DDG-51 class, including the lead ship;

(2) $20,000,000 is available only for the antiradiation projectile program;

(3) $72,593,000 is available only for the Mark 92 fire control system;

(4) $10,000,000 is available only for a derivative of the Standard Missile II to be used for the Navy outer air battle mission; and

(5) $1,470,000 is available only for the evaluation of a wing-lift system for Navy utility craft.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. (a) Of the amount authorized in section 201 for the Air Force—

(1) $60,000,000 is available for the Strategic Laser System Technology program, of which $40,000,000 is available only for the development by the Air Force Space Command of the visible/ultraviolet short wavelength laser program;

(2) not less than $22,477,000 is available for research and development of Training and Simulation Technology; and

(3) $20,000,000 is available only for the development of terminally guided and sensor-fused submunitions for the Air Force deep strike mission.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for continued development of the Airborne Laser Laboratory.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) Of the amount authorized in section 201 for the Defense Agencies—

(1) not less than $65,000,000 is available only for research, development, test, and evaluation of free-electron and other short wavelength (excluding blue-green) lasers;

(2) $33,100,000 is available only for the particle-beam technology program, including modifications to the advanced test accelerator required for free-electron laser research; and

(3) $22,000,000 is available only for a joint Defense Advanced Research Projects Agency and Department of Energy project for research, development, test, and evaluation of third-generation defensive weapons.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

LIMITATION ON SIZE OF SMALL MOBILE MISSILE

SEC. 206. None of the funds appropriated pursuant to authorizations of appropriations in section 201 for the Air Force may be obligated or expended for research, development, test, or evaluation for an intercontinental-range mobile ballistic missile that would weigh more than 33,000 pounds or that would carry more than a single warhead.

REPORT ON THE JOINT TACTICAL MISSILE SYSTEM AND THE JOINT SURVEILLANCE AND TARGET ATTACK SYSTEM; RESTRICTION ON USE OF FUNDS

SEC. 207. (a) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than October 1, 1984, a report setting forth a comprehensive and coordinated plan for the development and procurement of the Joint Tactical Missile System and the Joint Surveillance and Target Attack System (JSTARS) of the Air Force. The report shall clearly define the integration of those systems within the Air-Land Battle concept developed in the Department of Defense and the expected contribution of those systems to the disruption and destruction of follow-on enemy forces.

(b) Of the total amount appropriated for the Air Force JSTARS program pursuant to authorizations in this title, $20,000,000 may not be obligated or expended for the integration of the JSTARS radar on any airborne platform until after the completion of a joint hearing of the Committees on Armed Services of the Senate and the House of Representatives on the subject of deep strike interdiction or until after December 1, 1983, whichever occurs first.

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 208. (a) Subject to subsection (b), the Secretary of Defense may use not more than $50,400,000 of amounts appropriated pursuant to an authorization of appropriations in this title which are not obligated for any other purpose to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army. The amount authorized under the preceding sentence—

(1) is in addition to any amount authorized to be appropriated by this title to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army; and

(2) is not an addition to the total of the authorizations of appropriations contained in this Act.

(b) Funds for the purpose of subsection (a) may not be derived from amounts appropriated for Army tactical conventional programs.

TITLE III—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $17,523,091,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,389,569,000.

(2) For intelligence and communications, $1,025,578,000.

(3) For central supply and maintenance, $5,005,214,000.

(4) For training, medical, and other general personnel activities, $3,858,200,000.

(5) For administration, $1,138,288,000.

(6) For support of other nations, $106,242,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $22,489,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $1,974,261,000.

(2) For general purpose forces, $10,645,207,000.

(3) For intelligence and communications, $1,063,381,000.

(4) For central supply and maintenance, $6,160,033,000.

(5) For training, medical, and other general personnel activities, $1,987,832,000.

(6) For administration, $656,166,000.

(7) For support of other nations, $2,520,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,554,700,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $910,501,000.

(2) For central supply and maintenance, $337,123,000.

(3) For training, medical, and other general personnel activities, $210,773,000.

(4) For administration, $96,303,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $18,061,100,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,100,886,000.

(2) For general purpose forces, $3,966,062,000.

(3) For intelligence and communications, $1,792,317,000.

(4) For airlift and sealift, $1,182,783,000.

(5) For central supply and maintenance, $5,483,689,000.

(6) For training, medical, and other general personnel activities, $1,986,810,000.

(7) For administration, $540,310,000.

(8) For support of other nations, $8,243,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $6,709,400,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $284,114,000.

(2) For intelligence and communications, $2,279,559,000.

(3) For central supply and maintenance, $1,559,231,000.

(4) For training, medical, and other general personnel activities, $2,164,915,000.

(5) For administration, $421,581,000.

(f) ARMY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $685,500,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $398,470,000.

(2) For depot maintenance, $8,910,000.

(3) For other support, $278,120,000.

(g) NAVY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $675,300,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy Reserve as follows:

(1) For mission forces, $413,148,000.

(2) For depot maintenance, $88,538,000.

(3) For other support, $173,614,000.

(h) MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $52,929,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $27,503,000.

(2) For depot maintenance, $1,589,000.

(3) For other support, $23,837,000.

(i) AIR FORCE RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $791,100,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $521,718,000.

(2) For depot maintenance, $131,149,000.

(3) For other support, $138,233,000.

(j) ARMY NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,180,200,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $223,357,000.

(2) For logistical support, $861,108,000.

(3) For headquarters and command support, $85,374,000.

(4) For medical support, $10,361,000.

(k) AIR NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,808,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,292,200,000.

(2) For depot maintenance, $403,700,000.

(3) For other support, $113,000,000.

(l) NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $899,000 for the expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) CLAIMS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $172,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) COURT OF MILITARY APPEALS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $3,372,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

SEC. 302. There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in section 301, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 301;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 301.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

SEC. 303. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 301 may be obligated or expended for the lease of a vessel which has not previously been placed in service, or for the provision of a service through use by a contractor of a vessel which has not previously been placed in service, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component of the hull or superstructure not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 301 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than 5 years; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD

SEC. 304. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal 1984 an amount not to exceed $50,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad), no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad) may not be charged to appropriations made pursuant to this authorization.

(c) None of the funds appropriated pursuant to the authorization contained in this section may be obligated until the President approves the justification for the assistance described in subsection (a) submitted by the Olympic Law Enforcement Coordination Council. The justification shall include an explanation of the necessity for the requested support for security, medical services, and for related equipment or other support. The justification shall also include the operational responsibilities and financial limitations of each governmental agency represented on the Council. Such justification shall be presented in such detail as the Secretary of Defense considers necessary.

(d) Upon approval of the justification referred to in subsection (c) by the President, a copy of such justification shall be forwarded to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

SHELTER FOR THE HOMELESS AT MILITARY INSTALLATIONS

SEC. 305. (a)(1) Chapter 151 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2546. Shelter for homeless; incidental services

"(a)(1) The Secretary of a military department may make military installations under his jurisdiction available for the furnishing of shelter to persons without adequate shelter. The Secretary may, incidental to the furnishing of such shelter, provide services as described in subsection (b). Shelter and incidental services provided under this section may be provided without reimbursement.

"(2) The Secretary concerned shall carry out this section in cooperation with appropriate State and local governmental entities and charitable organizations. The Secretary shall, to the maximum extent practicable, use the services and personnel of such entities and organizations in determining to whom and the circumstances under which shelter is furnished under this section.

"(b) Services that may be provided incident to the furnishing of shelter under this section are the following:

"(1) Utilities.

"(2) Bedding.

"(3) Security.

"(4) Transportation.

"(5) Renovation of facilities.

"(6) Minor repairs undertaken specifically to make suitable space available for shelter to be provided under this section.

"(7) Property liability insurance.

"(c) Shelter and incidental services may only be provided under this section to the extent that the Secretary concerned determines will not interfere with military preparedness or ongoing military functions.

"(d) The Secretary of Defense shall prescribe regulations for the administration of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2546. Shelter for homeless; incidental services.".

(b) Section 2546 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

TITLE IV—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 780,000.

(2) The Navy, 564,800.

(3) The Marine Corps, 196,600.

(4) The Air Force, 594,500.

QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY FOR FISCAL YEAR 1984

SEC. 402. Effective on October 1, 1983, section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1982" and "September 30, 1983" and inserting in lieu thereof "October 1, 1983" and "September 30, 1984", respectively.

EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

SEC. 403. Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

LIMIT ON FUNDS FOR PERMANENT CHANGE OF STATION (PCS) TRAVEL DURING FISCAL YEAR 1984

SEC. 404. (a)(1) Except as provided in paragraph (2), during fiscal year 1984, not more than $2,585,626,000 may be spent from funds available to the Department of Defense for permanent change of station travel (including all expenses of such travel for organizational movements). Assignments for temporary duty may not be increased in order to circumvent the limitation in the preceding sentence.

(2) The limit on expenditures specified in paragraph (1) may be exceeded if the Secretary of Defense notifies the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives of the need to exceed such limit and identifies the source of the funds that will be used for that purpose.

(b) The Secretary of Defense shall take such steps as are necessary, consistent with the requirements of military readiness, to reduce the number of permanent changes of station of members of the Armed Forces. Such steps may include—

(1) reductions to the minimum essential level in the number of permanent changes of station required within the continental United States;

(2) extensions of the length of tours of duty overseas in locations other than locations that do not allow for accompanied tours; and

(3) reductions in the number of active duty military personnel stationed outside the continental United States.

TITLE V—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 501. (a) For fiscal year 1984 the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 425,000.

(2) The Army Reserve, 273,700.

(3) The Naval Reserve, 112,600.

(4) The Marine Corps Reserve, 40,300.

(5) The Air National Guard of the United States, 103,400.

(6) The Air Force Reserve, 68,600.

(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 502. Within the average strengths prescribed in section 501, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1984, the following number of Reserves to be serving on full-time active duty, and members of the National Guard to be serving in a full-time duty status, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 18,194.

(2) The Army Reserve, 9,914.

(3) The Naval Reserve, 13,846.

(4) The Marine Corps Reserve, 801.

(5) The Air National Guard and the Air National Guard of the United States, 5,915.

(6) The Air Force Reserve, 517.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 503. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	314	156	143	6
E-8	1,494	381	617	56".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	1,948	823	408	95
Lieutenant Colonel or Commander	967	520	303	48
Colonel or Navy Captain	338	177	171	23".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

CLARIFICATION OF STATUS OF CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING IN A FULL-TIME STATUS

SEC. 504. (a) Section 502 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 726), is amended—

(1) by inserting "and the National Guard" after "the Armed Forces";

(2) by inserting ", and members of the National Guard to be serving in a full-time duty status," after "active duty";

(3) by inserting "or the National Guard" after "reserve components" the second place it appears;

(4) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Army National Guard and the Army National Guard of the United States, 14,419."; and

(5) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The Air National Guard and the Air National Guard of the United States, 5,158.".

(b)(1) Chapter 3 of title 32, United States Code, is amended by adding at the end thereof the following new section:

"§ 335. Status of certain members performing full-time duty

"Members of the National Guard serving in a full-time duty status for the purpose of organizing, administering, recruiting, instructing, or training the National Guard shall be entitled to all rights, privileges, and benefits of members called to active duty under section 265 of title 10 and shall be considered to be serving on active duty for purposes of sections 524(a) and 976 of such title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"335. Status of certain members performing full-time duty.".

(c) Not later than November 15, 1983, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to provide on a permanent basis that members of the National Guard described in section 335 of title 32, United States Code, as added by subsection (b), are under State control except when explicitly ordered to Federal service in accordance with law.

TITLE VI—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 601. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1984, of 1,056,200.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

CIVILIAN PERSONNEL CEILINGS ON INDUSTRIALLY FUNDED ACTIVITIES DURING FISCAL YEAR 1983

SEC. 602. In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 727), any increase during fiscal year 1983 in the number of civilian personnel of industrially funded activities of the Department of Defense in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

TITLE VII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 71,817.

(2) The Navy, 66,911.

(3) The Marine Corps, 21,105.

(4) The Air Force, 49,007.

(5) The Army National Guard of the United States, 21,105.

(6) The Army Reserve, 12,724.

(7) The Naval Reserve, 2,886.

(8) The Marine Corps Reserve, 3,223.

(9) The Air National Guard of the United States, 2,845.

(10) The Air Force Reserve, 1,705.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 702. Section 602 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2031 note), is amended by striking out "August 31, 1983" and inserting in lieu thereof "August 31, 1984".

TITLE VIII—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of $169,000,000.

AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $54,000,000 of the amount authorized to be appropriated by section 801 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE IX—MILITARY COMPENSATION AND HEALTH CARE MATTERS

PART A—PAY AND ALLOWANCES

PAY INCREASE OF 4 PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 901. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2) The increase provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

(3) The President may allocate the percentage increase specified under paragraphs (1) and (2) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title.

(c) Notwithstanding the effective date of April 1, 1984, prescribed in subsection (b) for the increase in compensation of members of the uniformed services, if an adjustment is made after the date of the enactment of this Act in the General Schedule of compensation for Federal classified employees and such adjustment is to become effective before April 1, 1984, the increase in the compensation of members of the uniformed services provided for in subsection (b) shall become effective on the first day of the first pay period for members of the uniformed services which begins on or after the effective date of the adjustment made in the compensation of Federal classified employees.

ADJUSTMENT IN BASIC PAY OF CERTAIN OFFICERS WITH PRIOR ENLISTED AND WARRANT OFFICER SERVICE

SEC. 902. (a) Section 203(d) of title 37, United States Code, is amended to read as follows:

"(d) The basic pay of a commissioned officer who is in pay grade O-1, O-2, or O-3 and who is credited with a total of over four years' active service as a warrant officer or as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited

with over four years' active service as an enlisted member.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HAZARDOUS DUTY PAY FOR CERTAIN TOXIC FUEL HANDLERS

SEC. 903. (a) Section 301(a)(12) of title 37, United States Code, is amended by inserting "or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" after "propellants".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

EXTENSION OF SPECIAL PAY FOR CERTAIN AVIATION CAREER OFFICERS

SEC. 904. (a)(1) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) During the period beginning on October 1, 1983, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps who are pilots may be accepted under this section.

"(3) During the period beginning on October 1, 1983, and ending on September 30, 1984, only an agreement—

"(A) that is executed by an officer who—

"(i) has at least six but less than eleven years of active duty;

"(ii) has completed the minimum service required for aviation training; and

"(iii) has not previously been paid special pay authorized by this section; and

"(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed $4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed $6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed $6,000 for each year covered by the agreement.

"(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.".

(2) Section 301b(f) of such title is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

(b)(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since the date of the enactment of this Act. Such report shall include—

(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since the date of the enactment of this Act;

(B) the number of officers within each critical aviation specialty who received the special pay under such section since the date of the enactment of this Act by grade, years of prior active service, and amounts of special pay received under such section;

(C) an explanation and justification for the Secretary's designation of an aviation specialty as "critical" and for the payment of special pay under section 301b of such title to officers who have more than eight years of prior active service and who are serving in pay grade O–4 or above, if payment of such pay was made to such officers; and

(D) an evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

HOSTILE FIRE PAY FOR MEMBERS SERVING IN AREAS THREATENING IMMINENT DANGER

SEC. 905. (a) Section 310(a) of title 37, United States Code, is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (3) the following new clause:

"(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.".

(b)(1) The heading of section 310 of such title is amended to read as follows:

"§ 310. Special pay: duty subject to hostile fire or imminent danger".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"310. Special pay: duty subject to hostile fire or imminent danger.".

(c) The amendments made by this section shall take effect on October 1, 1983.

FREEZE OF VARIABLE HOUSING ALLOWANCE AT FISCAL YEAR 1983 RATES

SEC. 906. During fiscal year 1984, the rates at which the variable housing allowance under section 403(a)(2) of title 37, United States Code, is paid shall be the same as the rates in effect on September 30, 1983.

VARIABLE HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY FOR A PERIOD OF 140 DAYS OR MORE

SEC. 907. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) A member of a reserve component is not entitled to a variable housing allowance while on active duty under a call or order to active duty specifying a period of less than 140 days.".

(b) The amendments made by subsection (a) shall apply only with respect to members called or ordered to active duty after September 30, 1983.

CLARIFICATION OF RULES FOR PAYMENT OF PER DIEM

SEC. 908. (a) Section 402(e) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of subsection (b) of this section, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

(b) Section 404(f) of such title is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2) of this section, a member shall not be considered under subsection (a)(1) of this section to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF MOTOR VEHICLE

SEC. 909. Section 406(b)(1) of title 37, United States Code, is amended—

(1) by inserting "(A)" before "Except as provided in paragraph (2)";

(2) by striking out the third and fourth sentences; and

(3) by adding at the end thereof the following:

"(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

"(i) from the old duty station to—

"(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member's travel to the member's port of embarkation; or

"(II) the customary port of embarkation which is nearest to the member's port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member's travel to the member's port of embarkation;

whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

"(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title.".

TRANSPORTATION FOR DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES WHEN THE MEMBER-PARENT IS STATIONED OVERSEAS

SEC. 910. (a)(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 429 the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States,

"(2) is accompanied by his dependents at or near his oversea duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under 23 years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education,

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under 23 years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the oversea area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is operated under the Defense Dependents' Education Act of 1978.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"430. Travel and transportation: dependent children of members stationed overseas.".

(b) Section 430 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.

CLARIFICATION OF ELIGIBILITY FOR SEPARATION PAY

SEC. 911. (a) Subsection (c) of section 1174 of title 10, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), a member of an armed force other than a regular member who after September 14, 1981, is discharged or released from active duty and who has completed 5 or more, but fewer than 20, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—

"(A) the member's discharge or release from active duty is involuntary; or

"(B) the member was not accepted for an additional tour of active duty for which he volunteered.

"(2) If the Secretary concerned determines that the conditions under which a member described in paragraph (1) is discharged or separated do not warrant separation pay under this section, that member is not entitled to that pay.

"(3) A member described in paragraph (1) who was not on the active-duty list when discharged or separated is not entitled to separation pay under this section unless such member had completed at least five years of continuous active duty immediately before such discharge or release. For purposes of this paragraph, a period of active duty is continuous if it is not interrupted by a break in service of more than 30 days.".

(b) Subsection (g)(2) of such section is amended by inserting ", other than section 1212 of this title," after "any other provision of law".

(c) The amendments made by this section shall take effect on October 1, 1983.

REIMBURSEMENTS FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 912. (a) Paragraph (3) of section 7572(b) of title 10, United States Code, is amended to read as follows:

"(3) The total amount of reimbursement under this subsection may not exceed $9,000,000 for fiscal year 1981, $6,300,000 for fiscal year 1982, $1,700,000 for fiscal year 1983, and $1,300,000 for fiscal year 1984.".

(b) Section 3 of Public Law 96-357 (94 Stat. 1182; 10 U.S.C. 7572 note) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

ADVANCE PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR ESCORTS AND ATTENDANTS OF DEPENDENTS

SEC. 913. (a) Section 1036 of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "Such allowances may be paid in advance.".

(b) The last sentence of section 1040(a) of such title is amended by inserting ", and such expenses may be paid in advance" after "attendants".

(c) The amendments made by subsections (a) and (b) shall apply to travel performed by escorts or attendants of dependents on or after the date of the enactment of this Act.

PART B—RETIRED PAY MATTERS

LIMITATION ON APPLICABILITY OF ONE YEAR LOOK-BACK PROVISION

SEC. 921. (a)(1) Subsection (e) of section 1401a of title 10, United States Code, is repealed.

(2)(A) Notwithstanding the repeal of such subsection, the provisions of such subsection shall apply in the case of any member or former member of the Armed Forces eligible to retire on the date of the enactment of this Act for a period of three years after such date in the same manner such provisions would have applied had they not been repealed.

(B) The amount of retired or retainer pay of any member or former member of the Armed Forces who was eligible to retire on the date of the enactment of this Act and who becomes entitled to such pay at any time after the end of the three-year period beginning on the date of the enactment of this Act may not be less than it would have been had he become entitled to retired or retainer pay on the day before the end of such three-year period.

(b) Subsection (f) of such section is amended by striking out ", subject to subsection (e) of this section," in the second sentence.

ROUNDING OF RETIRED PAY AND SURVIVOR ANNUITIES TO NEXT LOWER WHOLE DOLLAR AMOUNT

SEC. 922. (a)(1) Section 1401 of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(2) Section 1401a of such title is amended by adding at the end thereof the following new subsection:

"(g) Retired or retainer pay of a member or former member of an armed force as adjusted under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(3) Section 1402(a) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(4) Section 1402(d) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(5) Section 1402a(a) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(6) Section 1402a(d) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(7) Section 3991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(8) Section 3992 of such title is amended by inserting after the sentence preceding the table the following new sentence: "The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(9) Section 6151 of such title is amended by adding at the end thereof the following new subsection:

"(e) Retired pay computed under subsection (b) or (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(10)(A) Chapter 571 of such title is amended by adding at the end thereof the following new section:

"§ 6333. Treatment of fractions of dollar amounts in computing retired and retainer pay

"Retired or retainer pay computed under this chapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"6333. Treatment of fractions of dollar amounts in computing retired and retainer pay.".

(11) Section 6383 of such title is amended by adding at the end thereof the following new subsection:

"(k) Retired pay computed under subsection (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(12) Section 8991 of such title is amended by inserting after the second sentence the following new sentence: "The amount com-

puted, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(13) Section 8992 of such title is amended by inserting after the sentence preceding the table the following new sentence: "The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(14)(A) Section 1437(a) of such title is amended by adding at the end thereof the following new sentence: "The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) Section 1451 of such title is amended by adding at the end thereof the following new subsection:

"(e) The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(b) Section 423(a) of title 14, United States Code, is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(c) Section 16(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(d) Section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)) is amended by adding at the end thereof the following new paragraph:

"(7) Retired pay computed under section 210(g)(3) or under paragraph (4) or (5) of this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(e) The amendments made by this section shall take effect on October 1, 1983.

TERMINATION OF SIX-MONTH ROUNDING RULE FOR COMPUTING RETIRED PAY

SEC. 923. (a)(1) The text of each of the footnotes listed in paragraph (2) is amended to read as follows: "Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.".

(2) The footnotes referred to in paragraph (1) are the following:

(A) Footnote 3 of the table in section 1401 of title 10, United States Code.

(B) Footnote 2 of the table in section 1402(a) of such title.

(C) Footnote 1 of the table in section 1402(d) of such title.

(D) Footnote 1 of the table in section 1402a(a) of such title.

(E) Footnote 1 of the table in section 1402a(d) of such title.

(F) Footnote 4 of the table in section 3991 of such title.

(G) Footnote 2 of the table in section 3992 of such title.

(H) Footnote 4 of the table in section 8991 of such title.

(I) Footnote 2 of the table in section 8992 of such title.

(b) Subsection (f) of section 1174 of title 10, United States Code, is amended to read as follows:

"(f) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(c)(1) Paragraph (2) of section 6151(b) of such title is amended to read as follows:

"(2) In determining the number of years to be used as a multiplier under this subsection, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(2) The text of section 6328 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing the retired pay of officers retiring under this chapter, each full month of service that is in addition to the number of full years of service creditable to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(3) The first sentence of section 6330(d) of such title is amended to read as follows: "For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(4) The text of section 6404 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(d) The fourth sentence of section 423(a) of title 14, United States Code, is amended to read as follows: "In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(e) Subsection (b) of section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended to read as follows:

"(b) In computing the number of years of service of an officer for the purposes of subsection (a), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(f) Section 211(e) of the Public Health Service Act (42 U.S.C. 212(e)) is amended by striking out "a part of" and all that follows and inserting in lieu thereof "each full month of service that is in addition to the number of full years of service credited to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(g) The amendments made by this section shall apply with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after September 30, 1983, and (2) the recomputation of retired pay under section 1402, 1402a, 3992, or 8992 of title 10, United States Code, of any individual who after September 30, 1983, becomes entitled to recompute retired pay under any such section.

RETIRED PAY FOR CERTAIN OTHERWISE INELIGIBLE RESERVISTS

SEC. 924. (a) Section 1331(c) of title 10, United States Code, relating to retired pay for nonregular service, is amended by striking out "unless he" the first place it appears and all that follows in such section and inserting in lieu thereof "unless—

"(1) he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947; or

"(2) he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973.".

(b) The amendment made by subsection (a) shall apply with respect to retired pay payable for months beginning after September 30, 1983, or the date of the enactment of this Act, whichever is later.

ACCRUAL FUNDING FOR MILITARY RETIREMENT SYSTEM

SEC. 925. (a)(1) Title 10, United States Code, is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND

"Sec.
"1461. Establishment and purpose of Fund; definition.
"1462. Assets of Fund.
"1463. Payments from the Fund.
"1464. Board of Actuaries.
"1465. Determination of contributions to the Fund.
"1466. Payments into the Fund.
"1467. Investment of assets of Fund.

"§ 1461. Establishment and purpose of Fund; definition

"(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Military Retirement Fund (hereinafter in this chapter referred to as the 'Fund'), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Defense under military retirement and survivor benefit programs.

"(b) In this chapter, 'military retirement and survivor benefit programs' means—

"(1) the provisions of this title creating entitlement to, or determining the amount of, retired or retainer pay; and

"(2) the programs under the jurisdiction of the Department of Defense providing annuities for survivors of members and former members of the armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

"§ 1462. Assets of Fund

"There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Amounts paid into the Fund under section 1466 of this title.

"(2) Any amount appropriated to the Fund.

"(3) Any return on investment of the assets of the Fund.

"§ 1463. Payments from the Fund

"(a) There shall be paid from the Fund—

"(1) retired pay payable to persons on the retired lists of the Army, Navy, Air Force, and Marine Corps;

"(2) retainer pay payable to members of the Fleet Reserve and Fleet Marine Corps Reserve; and

"(3) benefits payable under programs under the jurisdiction of the Department of Defense that provide annuities for survivors of members and former members of the

armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

"(b) The assets of the Fund are hereby made available for payments under subsection (a).

"§ 1464. Board of Actuaries

"(a)(1) There is established in the Department of Defense a Department of Defense Retirement Board of Actuaries (hereinafter in this chapter referred to as the 'Board'). The Board shall consist of three members, who shall be appointed by the President from among qualified professional actuaries who are members of the Society of Actuaries.

"(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the President for misconduct or failure to perform functions vested in the Board, and for no other reason.

"(B) Of the members of the Board who are first appointed under this subsection, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the President at the time of appointment.

"(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

"(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

"(c) The Board shall review valuations of the Fund under section 1466 of this title and under chapter 95 of title 31 and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

"§ 1465. Determination of contributions to the Fund

"(a) Not later than six months after the Board of Actuaries is first appointed, the Board shall determine the amount that is the present value (as of October 1, 1984) of future benefits payable from the Fund that are attributable to service in the armed forces performed before October 1, 1984. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.

"(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title. That amount shall be determined as the product of—

"(A) the current estimate of the value of the single level percentage of basic pay to be determined at the time of the next actuarial valuation under subsection (c); and

"(B) the total amount of basic pay expected to be paid during that fiscal year to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

"(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense for that fiscal year for payments to be made to the Fund during that year under section 1466(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

"(c)(1)(A) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of Department of Defense military retirement and survivor benefit programs. Each actuarial valuation of such programs shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay to be used for the purposes of subsection (b) and section 1466(a) of this title.

"(2) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) there has been a change in benefits under a military retirement or survivor benefit program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such amounts.

"(3) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

"(4) Contributions to the Fund in accordance with amortization schedules under paragraphs (2) and (3) shall be made as provided in section 1466(b) of this title.

"(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

"(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

"§ 1466. Payments into the Fund

"(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the product of—

"(1) the level percentage of basic pay determined under the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c) of this title; and

"(2) the total amount of basic pay paid that month to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

"(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1465(a) and 1465(c) of this title.

"(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

"(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1465(a) of this title for the amortization of the original unfunded liability of the Fund.

"(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

"(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund.

"(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

"§ 1467. Investment of assets of Fund

"The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 73 the following new item:

"74. Department of Defense Military Retirement Fund..... 1461".

(b)(1) Section 1464 (relating to the Board of Actuaries) of title 10, United States Code,

as added by subsection (a), shall take effect on October 1, 1983.

(2) Sections 1463 (relating to payments from the Fund) and 1466 (relating to payments to the Fund) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

(3) There shall be transferred into the Fund on October 1, 1984, any unobligated balances of appropriations made to the Department of Defense that are currently available for retired pay, and amounts so transferred shall be part of the assets of the Fund.

PART C—HEALTH-CARE MATTERS

CHAMPUS PROVISIONS

SEC. 931. (a) Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(B) by inserting after such clause the following new clause:

"(6) inpatient mental health services may not (except as provided in subsection (i)) be provided to a patient in excess of 60 days in any year."; and

(2) by adding at the end thereof the following new subsections:

"(i) The limitation in subsection (a)(6) does not apply in the case of inpatient mental health services—

"(1) provided under the program for the handicapped under subsection (d);

"(2) provided as residential treatment care;

"(3) provided as partial hospital care; or

"(4) provided pursuant to a waiver authorized by the Secretary of Defense because of extraordinary medical or psychological circumstances that are confirmed by review by a non-Federal health professional pursuant to regulations prescribed by the Secretary of Defense.

"(j)(1) A benefit may not be paid under a plan covered by this section in the case of a person enrolled in any other insurance, medical service, or health plan to the extent that the benefit is also a benefit under the other plan, except in the case of a plan administered under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2)(A) The amount to be paid to a provider of services for services provided under a plan covered by this section may be determined under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services which provide that the amount of such payments shall be determined to the extent practicable in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(B) In subparagraph (A), 'provider of services' means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or other institutional facility providing services for which payment may be made under a plan covered by this section.

"(k) A plan covered by this section may include provision of liver transplants (including the cost of acquisition and transportation of the donated liver) in accordance with this subsection. Such a liver transplant may be provided if—

"(1) the transplant is for a dependent considered appropriate for that procedure by the Secretary of Defense in consultation with the Secretary of Health and Human Services and such other entities as the Secretary considers appropriate; and

"(2) the transplant is to be carried out at a health-care facility that has been approved for that purpose by the Secretary of Defense after consultation with the Secretary of Health and Human Services and such other entities as the Secretary considers appropriate.".

(b) Subsection (d) of section 1086 of such title is amended to read as follows:

"(d) The provisions of section 1079(j) of this title shall apply to a plan covered by this section.".

(c) The amendments made by this section shall take effect on October 1, 1983, except that—

(1) clause (6) of section 1079(a) of title 10, United States Code, as added by subsection (a)(1), shall not apply in the case of inpatient mental health services provided to a patient admitted before January 1, 1983, for so long as that patient remains continuously in inpatient status for medically or psychologically necessary reasons; and

(2) subsection (k) of section 1079 of such title, as added by subsection (a)(1), shall apply with respect to liver transplant operations performed on or after July 1, 1983.

AUTHORITY FOR INCREASED USAGE OF CONTRACT HEALTH CARE PROVIDERS

SEC. 932. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1091. Contracts for direct health care providers

"(a) The Secretary concerned may contract with persons for services including personal services for the provision of direct health care services determined by the Secretary concerned to be required for the purposes of this chapter.

"(b) A person with whom the Secretary contracts under this section for the provision of direct health care services under this chapter may be compensated at a rate prescribed by the Secretary concerned, but at a rate not greater than the rate of basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer in pay grade O-6 with 26 or more years of service computed under section 205 of such title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1091. Contracts for direct health care providers.".

(b)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

(c)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

(d) Section 201 of title 37, United States Code, is amended—

(1) by striking out subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(3) by striking out "subsections (d) and (e)" in subsection (e), as redesignated by clause (2), and inserting in lieu thereof "subsections (c) and (d)".

(e) Chapter 7 of title 37, United States Code, is amended—

(1) by striking out section 421; and

(2) by striking out in the table of sections at the beginning of such chapter the item relating to section 421.

(f) The amendments made by this section shall take effect on October 1, 1983. Any contract of employment entered into under the authority of section 4022 or 9022 of title 10, United States Code, before the effective date of this section and which is in effect on such date shall remain in effect in accordance with the terms of such contract.

STUDIES AND DEMONSTRATION PROJECTS RELATING TO HEALTH AND MEDICAL CARE

SEC. 933. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding after section 1091 (as added by section 932) the following new section:

"§ 1092. Studies and demonstration projects relating to delivery of health and medical care

"(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services (including dental care services) under this title to members and former members and their dependents. Such studies and demonstration projects may include the following:

"(A) Alternative methods of payment for health and medical care services.

"(B) Cost-sharing by eligible beneficiaries.

"(C) Methods of encouraging efficient and economical delivery of health and medical care services.

"(D) Innovative approaches to delivery and financing of health and medical care services.

"(E) Alternative approaches to reimbursement for the administrative charges of health care plans.

"(F) Prepayment for medical care services provided to maintain the health of a defined population.

"(2) The Secretary of Defense shall include in the studies conducted under paragraph (1) alternative programs for the provision of dental care to the spouses and dependents of members of the uniformed services who are on active duty, including a program under which dental care would be provided the spouses and dependents of such members under insurance or dental plan contracts. A demonstration project may not be conducted under this section that provides for the furnishing of dental care under an insurance or dental plan contract.

"(3) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted under this subsection and shall include in such reports such recommendations for improving the health-care delivery systems of the uniformed services as the Secretary considers appropriate.

"(b) Subject to the availability of appropriations for that purpose, the Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to conduct studies and demonstration projects under subsection (a).

"(c) The Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources which were required to

conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1092. Studies and demonstration projects relating to delivery of health and medical care.".

(b) Section 1092 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

MEDICAL MALPRACTICE PROTECTION FOR HEALTH-CARE PERSONNEL OF THE SOLDIERS' AND AIRMEN'S HOME

SEC. 934. (a) Subsection (a) of section 1089 of title 10, United States Code, is amended by inserting "the United States Soldiers' and Airmen's Home," after "the Department of Defense,".

(b) Subsection (f) of such section is amended by striking out "or his designee may, to the extent that he or his designee deems" and inserting in lieu thereof "may, to the extent that the head of the agency concerned considers".

(c) Subsection (g) of such section is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause (3):

"(3) the Board of Commissioners of the United States Soldiers' and Airmen's Home, in the case of an employee of the United States Soldiers' and Airmen's Home; and".

(d) The amendments made by this section shall apply only to claims accruing on or after the date of the enactment of this Act.

ADJUSTMENTS IN STIPEND PAID TO RECIPIENTS OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIPS

SEC. 935. (a) Section 2121(d) of title 10, United States Code, is amended to read as follows:

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $579 per month. That rate shall be increased annually by the Secretary of Defense effective on July 1 of each year by an amount (rounded to the next highest multiple of $1) equal to—

"(1) the amount of such stipend (as previously adjusted (if at all)), multiplied by

"(2) the overall percentage of the adjustment (if such adjustment is an increase) in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

PART D—SURVIVOR BENEFITS

CLARIFICATION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 941. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligiblity under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child, including payment under subsection (d). If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(3)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

"(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

"(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.".

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.

(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".

(2) Section 1448(a)(3) is amended—

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and

(B) by striking out "of this section" both places it appears.

(3) Section 1450(f) of such title is amended—

(A) by striking out "of this subsection" in paragraph (1); and

(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment,".

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code.".

EXTENSION OF MINIMUM INCOME PROVISION FOR CERTAIN WIDOWS

SEC. 942. (a) Section 4(a)(1) of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended by striking out "on the effective date of this Act is, or within one calendar year after that date becomes," and inserting in lieu thereof "on September 21, 1972, was, or during the period beginning on September 22, 1972, and ending on March 20, 1974, became,".

(b) Any annuity payable by reason of subsection (a) shall be payable only for months after September 1983.

CLARIFICATION OF CONTINUING RESPONSIBILITY FOR FUNDING OF CERTAIN SURVIVORS' BENEFITS

SEC. 943. Section 156(g)(1) of Public Law 97-377 (96 Stat. 1922) is amended—

(1) by striking out "fiscal year 1983" and inserting in lieu thereof "each fiscal year";

(2) by striking out "from the 'Retired Pay, Defense' account of the Department of Defense"; and

(3) by inserting between the first and second sentences the following: "During fiscal year 1983, transfers under this subsection shall be made from the 'Retired Pay, Defense' account of the Department of Defense. During subsequent fiscal years, such transfers shall be made from such account or from funds otherwise available to the Secretary for the purpose of the payment of such benefits and expenses.".

TITLE X—MILITARY PERSONNEL MATTERS

PART A—OFFICER PERSONNEL MANAGEMENT AND TRAINING

TEMPORARY MODIFICATION IN CERTAIN GENERAL AND FLAG OFFICER GRADE LIMITATIONS

SEC. 1001. (a) During fiscal year 1984, the number of officers of the Air Force authorized under section 525(b)(1) of title 10, United States Code, to be on active duty in the grade of general is increased by one.

(b) During fiscal year 1984, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

(c) During fiscal year 1984, a commissioned officer serving in the position of Director of the Intelligence Community Staff shall not be counted against the numbers and percentages of commissioned officers of the grade of such officer authorized for the Armed Force of which he is a member, except that during such year only one commissioned officer of the Armed Forces occupying the position of Director of Central Intelligence or Deputy Director of Central Intelligence as provided for in section 102 of the National Security Act of 1947 (50 U.S.C. 403) or the position of Director of the Intelligence Community Staff may be exempt from such numbers and percentages at any one time.

PERFORMANCE OF CIVIL FUNCTIONS BY MILITARY OFFICERS

SEC. 1002. (a) Section 973 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) This subsection applies—

"(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

"(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

"(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

"(2)(A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States—

"(i) that is an elective office;

"(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

"(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of title 5.

"(B) An officer to whom this subsection applies may hold or exercise the functions of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

"(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

"(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties.

"(c) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating in the Navy, shall prescribe regulations to implement this section.".

(b) Nothing in section 973(b) of title 10, United States Code, as in effect before the date of the enactment of this Act, shall be construed—

(1) to invalidate any action undertaken by an officer of an Armed Force in furtherance of assigned official duties; or

(2) to have terminated the military appointment of an officer of an Armed Force by reason of the acceptance of a civil office, or the exercise of its functions, by that officer in furtherance of assigned official duties.

(c) Nothing in section 973(b)(3) of title 10, United States Code, as added by subsection (a), shall preclude a Reserve officer to whom such section applies from holding or exercising the functions of an office described in such section for the term to which the Reserve officer was elected or appointed if, before the date of the enactment of this Act, the Reserve officer accepted appointment or election to that office in accordance with the laws and regulations in effect at the time of such appointment or election.

(d) The Act entitled "An Act to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas", approved December 22, 1980 (94 Stat. 3305), is amended by adding at the end thereof the following new section:

"SEC. 5. (a) The President may appoint a regular officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty as the Federal Commissioner of the Commission.

"(b) Notwithstanding the provisions of section 973(b) of title 10, United States Code, acceptance by a regular officer of the Army, Navy, Air Force, or Marine Corps of an appointment as the Federal Commissioner of the Commission, or the exercise of the functions of Federal Commissioner and chairman of the Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.".

MODIFICATIONS TO RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIP PROGRAM

SEC. 1003. (a)(1) Section 2101(3) of title 10, United States Code, is amended by striking out the period and inserting in lieu thereof "(except that, in the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions).".

(2) Section 2104(a) of such title is amended by inserting "at least" before "two".

(3) Section 2107(c) of such title is amended by inserting after the first sentence the following new sentence: "In the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, financial assistance under this section may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.".

(4) Section 209(a) of title 37, United States Code, is amended by striking out "20" and inserting in lieu thereof "30".

(b)(1) Section 2005 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Secretary concerned shall require, as a condition to the Secretary providing financial assistance under section 2107 or 2107a of this title to any person, that such person enter into an agreement described in subsection (a). In addition to the requirements of clauses (1) through (4) of such subsection, any agreement required by this subsection shall provide—

"(1) that if such person fails to complete the education requirements specified in the agreement, the Secretary will have the option to order such person to reimburse the United States in the manner provided for in clause (3) of such subsection without the Secretary first ordering such person to active duty as provided for under clause (2) of such subsection and section 2107(f) and 2107a(f) of this title; and

"(2) that any amount owed by such person to the United States under such agreement shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the member is first notified of the amount due to the United States as a reimbursement under this section.".

(2) The amendment made by paragraph (1) shall apply with respect to agreements entered into after September 30, 1983.

(c)(1) Section 2107(b)(5) of title 10, United States Code, is amended—

(A) by striking out "either" in the matter preceding subparagraph (A)(ii);

(B) by striking out "or" at the end of subparagraph (A);

(C) by striking out the period at the end and inserting in lieu thereof "; or"; and

(D) by adding at the end the following:

"(C)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

"(ii) serve in a reserve component of that armed force until the sixth anniversary of the receipt of such appointment, unless such appointment is otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as may be prescribed by the Secretary of the military department concerned.".

(2) The second sentence of section 2107(b) of such title is amended—

(A) by inserting "or (5)(C)" after "(5)(B)"; and

(B) by striking out the period at the end and inserting in lieu thereof ", except that performance of service under clause (5)(C) shall include not less than two years of active duty.".

(3) The amendments made by this subsection shall apply with respect to agreements entered into under section 2107(b)(5) of title 10, United States Code, after September 30, 1983.

SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT THE SERVICE ACADEMIES

SEC. 1004. (a)(1) Section 4344 of title 10, United States Code, is amended to read as follows:

"§ 4344. Selection of persons from foreign countries

"(a)(1) The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Corps of the Cadets of the Academy under section 4342 of this title.

"(2) The Secretary of the Army, upon approval by the Secretary of Defense, shall de-

termine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Army determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 4346(d) of this title.".

(2) Section 4345 of such title is repealed.

(3) The table of sections at the beginning of chapter 403 of such title is amended by striking out the items relating to sections 4344 and 4345 and inserting in lieu thereof the following:

"4344. Selection of persons from foreign countries.".

(b)(1) Section 6957 of title 10, United States Code, is amended to read as follows:

"§ 6957. Selection of persons from foreign countries

"(a)(1) The Secretary of the Navy may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the midshipmen under section 6954 of this title.

"(2) The Secretary of the Navy, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Navy may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a midshipman is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Navy shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Navy determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a midshipman at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a midshipman at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.".

(2) The item relating to section 6957 in the table of sections at the beginning of chapter 603 of such title is amended to read as follows:

"6957. Selection of persons from foreign countries.".

(c)(1) Section 9344 of title 10, United States Code, is amended to read as follows:

"§ 9344. Selection of persons from foreign countries

"(a)(1) The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

(2) The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 9346(d) of this title.".

(2) Section 9345 of such title is repealed.

(3) The table of sections at the beginning of chapter 903 of such title is amended by striking out the items relating to sections 9344 and 9345 and inserting in lieu thereof the following:

"9344. Selection of persons from foreign countries.".

(d)(1) Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this section, do not apply to the cost of providing instruction to a person who, before the effective date of this section, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the Academy concerned at any time under any of those sections.

(2) The amendments made by subsections (a), (b), and (c) shall take effect one year after the date of the enactment of this Act and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.

NOMINATIONS TO SERVICE ACADEMIES FROM GUAM AND FORMER CANAL ZONE AREA

SEC. 1005. (a)(1) Clause (10) of section 4342(a) of title 10, United States Code, is amended to read as follows:

"(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(2) Clause (10) of section 6954(a) of such title is amended to read as follows:

"(10) One from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(3) Clause (10) of section 9342(a) of such title, is amended to read as follows:

"(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(b)(1) Clause (8) of section 4342(a) of title 10, United States Code, is amended to read as follows:

"(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.".

(2) Clause (8) of section 6954(a) of such title is amended to read as follows:

"(8) One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States residing in the Republic of Panama who are citizens of the United States.".

(3) Clause (8) of section 9342(a) of such title is amended to read as follows:

"(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.".

APPOINTMENT OF CITIZENS OF NORTHERN MARIANA ISLANDS AS COMMISSIONED OFFICERS

SEC. 1006. (a) Notwithstanding any provision of law respecting citizenship and in accordance with the covenant entitled "A Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" (approved on March 24, 1976, by Public Law 94-241), a citizen of the Northern Mariana Islands who indicates in writing to a commissioned officer of the Armed Forces of the United States an intent to become a citizen, and not a national, of the United States upon full implementation of such covenant, and who is otherwise qualified for military service under applicable laws and regulations, may be appointed as an officer in the Armed Forces of the United States, may be appointed or enrolled in the Senior Reserve Officers' Training Corps program of any of the Armed Forces under chapter 103 of title 10, United States Code, and may be selected to be a participant in the Armed Forces Health Professions Scholarship program under chapter 105 of such title.

(b) This section shall expire upon the establishment of the Commonwealth of the Northern Mariana Islands.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 1007. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the retirement eligibility and computing the retired pay of a member of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.".

(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 1174(i) of such title is amended—

(A) by inserting "(1)" after "(i)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active service in the armed forces for the purposes of this section.".

(3) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(5) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

PART B—RESERVE COMPONENT MANAGEMENT

BONUSES FOR ENLISTMENTS, REENLISTMENTS, AND VOLUNTARY EXTENSIONS OF SERVICE IN ELEMENTS OF THE READY RESERVE OTHER THAN THE SELECTED RESERVE

SEC. 1011. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308f the following new sections:

"§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b) of this section.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g) of this section, except that the amount of such a bonus may not exceed $1,000.

"(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

"(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

"(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1985.

"§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of not less than three years beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b) of this section.

"(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f) of this section, except that the amount of such a bonus may not exceed $900.

"(c) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

"(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge

the person receiving such bonus payment from the debt arising under subsection (c) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(f) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1985.".

(b)(1) Section 308d of such title is repealed.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to item 308d; and

(B) by inserting after the item relating to section 308f the following new items:

"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

(d) During fiscal year 1984, not more than $12,000,000 may be expended to carry out sections 308g and 308h of title 37, United States Code (as added by subsection (a)).

EXTENSION OF MEDICAL AND DENTAL CARE FOR RESERVISTS

SEC. 1012. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074 the following new section:

"§ 1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training

"(a) Under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services, a member of the uniformed services is entitled to the benefits described in subsection (b) for an injury incurred or aggravated while the member is traveling directly to or from the place at which he is to perform, or has performed, inactive duty training, unless the injury is incurred or aggrevated as the result of the member's own gross negligence or misconduct.

"(b) A person described in subsection (a) is entitled to—

"(1) the medical and dental care appropriate for the treatment of his injury until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074 the following new item:

"1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training.".

(b) Section 204 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) A member of the uniformed services who is entitled to medical or dental care under section 1074a of title 10 is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to such care, and return to his home upon discharge from treatment.".

(c) The amendments made by subsections (a) and (b) shall apply only in cases of injuries incurred or aggravated on or after the date of the enactment of this Act.

TEST PROGRAM ON LIMITED USE OF COMMISSARY STORES BY MEMBERS OF THE SELECTED RESERVE

SEC. 1013. (a) The Secretary of Defense shall carry out in one or more areas of the United States a test program under which members of the Selected Reserve of the Ready Reserve of a reserve component of the Armed Forces will be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under any such test program, a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores.

(b) The Secretary of Defense shall report the results of the test program to the Congress no later than September 30, 1984, together with such comments and recommendations as he determines appropriate.

GRADE DETERMINATION FOR PERSONS RECEIVING ORIGINAL APPOINTMENTS AS RESERVE MEDICAL OFFICERS OF THE ARMY OR AIR FORCE

SEC. 1014. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out all that precedes clause (1) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b), the commissioned grade in which a person credited with service under section 3353 of this title is originally appointed as a reserve officer of the Army (based on the service credited under that section) shall be determined as follows:"; and

(2) by adding at the end thereof the following new subsection:

"(b) In the case of a person who is originally appointed as a reserve officer in the Medical Corps of the Army during the period beginning on October 1, 1983, and ending on September 30, 1985, and who is credited with service under section 3353 of this title, the commissioned grade in which that person is appointed (based on the service credited under that section) shall be determined as follows:

"(1) For persons with at least four, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines.".

(b) Section 8359 of title 10, United States Code, is amended—

(1) by striking out all that precedes clause (1) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b), the commissioned grade in which a person credited with service under section 8353 of this title is originally appointed as a reserve officer of the Air Force with a designation as a medical officer (based on the service credited under that section) shall be determined as follows:"; and

(2) by adding at the end thereof the following new subsection:

"(b) In the case of a person who is originally appointed as a reserve officer of the Air Force with a designation as a medical officer during the period beginning on October 1, 1983, and ending on September 30, 1985, and who is credited with service under section 8353 of this title, the commissioned grade in which that person is appointed (based on the service credited under that section) shall be determined as follows:

"(1) For persons with at least four, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Air Force determines.".

(c) Reserve officers in the Medical Corps of the Army and Reserve officers of the Air Force designated as medical officers who have at least four years of commissioned service and who on the date of the enactment of this Act have a reserve grade below the grade of captain shall be eligible for immediate promotion to the grade of captain if otherwise qualified.

PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS SERVING ON ACTIVE DUTY

SEC. 1015. (a)(1) Section 3380 of title 10, United States Code, is amended to read as follows:

"§ 3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 363 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.

"(c) Regulations prescribed by the Secretary of Defense under subsection (a) shall prohibit the promotion of an officer under the authority of that subsection unless the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(d) The authority to promote officers under this section shall expire on September 30, 1985.".

(2) The item relating to section 3380 in the table of sections at the beginning of chapter 337 of such title is amended to read as follows:

"3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.".

(b)(1) Section 8380 of title 10, United States Code, is amended to read as follows:

"§ 8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 863 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.

"(c) Regulations prescribed by the Secretary of Defense under subsection (a) shall prohibit the promotion of an officer under the authority of that subsection unless the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(d) The authority to promote officers under this section shall expire on September 30, 1985.".

(2) The item relating to section 8380 in the table of sections at the beginning of chapter 837 of such title is amended to read as follows:

"8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.".

COMPUTATION OF YEARS OF SERVICE FOR MANDATORY TRANSFER OF CERTAIN RESERVISTS TO THE RETIRED RESERVE

SEC. 1016. (a) Section 3853 of title 10, United States Code, is amended—

(1) in clause (1)—

(A) by inserting "and" at the end of subclause (A); and

(B) by striking out the comma and "and" at the end of subclause (B) and all that follows through "Public Law 85-861"; and

(2) by striking out the last sentence.

(b) Sections 3360(b) and 3360(c) of such title are each amended by striking out the last sentence.

(c) Section 8853 of such title is amended—

(1) by inserting "and" at the end of clause (1);

(2) by striking the semicolon and "and" at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

(d) The amendments made by this section shall be effective only for the period beginning on October 1, 1983, and ending on September 30, 1985.

AUTHORITY TO ORDER CERTAIN RETIRED MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY

SEC. 1017. (a) Section 675 of title 10, United States Code, is amended by inserting "or 688" after "672(a)".

(b)(1) Subsection (a) of section 688 of such title is amended by inserting ", a member of the Retired Reserve who has completed at least 20 years of active service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve" in the first sentence after "Marine Corps".

(2) Subsection (b) of such section is amended by striking out "A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps" and inserting in lieu thereof "A member ordered to active duty under this section".

(3) The heading of such section is amended to read as follows:

"§ 688. Retired members".

(4) The item relating to such section in the table of sections at the beginning of chapter 39 of such title is amended to read as follows:

"688. Retired members.".

AUTHORITY TO PERMIT RETIRED ENLISTED MEMBERS OF REGULAR COMPONENTS TO BE PLACED VOLUNTARILY IN THE READY RESERVE

SEC. 1018. Section 269(d) of title 10, United States Code, is amended to read as follows:

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.".

VALIDATION OF CERTAIN ARMY APPOINTMENTS MADE IN GRADES ABOVE THE GRADE OF SECOND LIEUTENANT

SEC. 1019. (a) The appointment of a person as a reserve commissioned officer of the Army in a grade above second lieutenant that was made during the period beginning on September 15, 1981 (the effective date of the Defense Officer Personnel Management Act (Public Law 96-513; 94 Stat. 2835)), and ending on August 24, 1982 (the date of a Department of the Army directive which terminated the appointments of reserve commissioned officers above the grade of second lieutenant under appointment criteria in effect before the effective date of the Defense Officer Personnel Management Act) shall be held and considered to be a valid appointment in the grade in which the appointment was made, subject to the consent of the officer concerned.

(b)(1) A reserve commissioned officer whose appointment in a grade above second lieutenant is validated by subsection (a) is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment, except that such officer is not entitled to any increase in pay or allowances for any period prior to the date of the enactment of this section by virtue of the enactment of this section.

(2) An appointment validated by subsection (a) supersedes any appointment or enlistment of the person concerned made between August 25, 1982, and the date of the enactment of this Act.

PART C—OTHER PERSONNEL MANAGEMENT PROVISIONS

AUTHORITY OF PRESIDENT TO SUSPEND CERTAIN LAWS RELATING TO PROMOTION, RETIREMENT, AND SEPARATION

SEC. 1021. (a) Chapter 39 of title 10, United States Code, is amended by adding after section 673b the following new section:

"§ 673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation

"(a) Notwithstanding any other provision of law, during any period members of a reserve component are serving on active duty pursuant to an order to active duty under authority of sections 672, 673, or 673b of this title, the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.

"(b) A suspension made under the authority of subsection (a) shall terminate (1) upon release from active duty of members of the reserve component ordered to active duty under the authority of sections 672, 673, or 673b, as the case may be, or (2) at such time as the President determines the circumstances which required the action of ordering members of the reserve component to active duty no longer exist, whichever is earlier.".

(b) The table of sections at the beginning of chapter 39 of such title is amended by inserting immediately below the item relating to section 673b the following new item:

"673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation.".

AUTHORITY TO INCREASE TOTAL INITIAL TERM OF SERVICE IN THE ARMED FORCES

SEC. 1022. (a)(1) Section 511 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years"; and

(B) in subsection (d), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years".

(2) The amendments made by paragraph (1) shall apply only with respect to persons who enlist under the authority of subsection (b) or (d) of section 511 of title 10, United States Code, 60 or more days after the date of the enactment of this Act.

(b)(1) Subsection (a) of section 651 of title 10, United States Code, is amended to read as follows:

"(a) Each person who becomes a member of an armed force, other than a person deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) shall serve in the armed forces for a total initial period of not less than six years nor more than eight years, as provided in regulations pre-

scribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, unless such person is sooner discharged under such regulations because of personal hardship. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component.".

(2) The amendment made by paragraph (1) shall apply only with respect to persons who enter the Armed Forces 60 or more days after the date of the enactment of this Act.

VARIABLE TERMS FOR ENLISTMENTS AND REENLISTMENTS IN REGULAR COMPONENTS

SEC. 1023. Section 505 of title 10, United States Code, is amended by striking out "two, three, four, five, or six years" in subsections (c) and (d) and inserting in lieu thereof "at least two but not more than six years".

PART D—MISCELLANEOUS

EXTENSION OF PERIOD DURING WHICH CERTAIN ACCUMULATED LEAVE MAY BE USED

SEC. 1031. (a) The last sentence of section 701(f) of title 10, United States Code, is amended by inserting "third" after "end of the".

(b)(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to leave accumulated under section 701(f) of such title after September 30, 1980.

(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate 90 days' leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with the amount of the leave lost and may retain leave in excess of 60 days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of 90 days.

(3) Section 404 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 725), is repealed.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES DYING IN MILITARY HOSPITALS

SEC. 1032. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place further from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.

FEE FOR VETERINARY SERVICES

SEC. 1033. Effective on October 1, 1984, the Secretary of Defense shall require that a member of the Armed Forces pay a fee of $10 for each time that a pet of such member is provided veterinary care service by a member of the Armed Forces.

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 1034. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

TITLE XI—NATO AND RELATED MATTERS

NORTH ATLANTIC DEFENSE COOPERATIVE PROGRAMS

SEC. 1101. In order to fulfill the international obligations incurred by the United States under the North Atlantic Treaty Organization's Long-Term Defense Program for the rapid reinforcement of Europe, and recognizing that such action is in the national interest of the United States, the Secretary of Defense shall to carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program at the earliest practicable date. The Secretary of Defense shall include in his annual report to the Congress a statement describing the status of implementation of such agreement and program, including his assessment of whether our allies are bearing their equitable share under such agreement and program and whether the implementation of such agreement and program adversely affects the readiness of the reserve components of the Armed Forces of the United States.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 1102. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members, except for the United States, have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should therefore rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to be capable of an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000-mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States; and

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c)(1) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a classified report containing—

(A) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(B) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(C) estimates of the real growth in defense spending in fiscal year 1983 projected for each NATO member nation compared with the annual real growth goal in the range of 3 percent set in May 1978;

(D) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1984;

(E) an explanation of those instances in which the commitments to real growth in defense spending have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(F) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission

of protecting Western interests in world areas not covered by the system of Western Alliances; and

(G) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (B) and (E) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered.

(2) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under paragraph (1) an unclassified report containing the matters set forth in clauses (A) through (G) of such paragraph.

LIMITATION ON NUMBER OF MILITARY PERSONNEL STATIONED IN EUROPE

SEC. 1103. (a) Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this or any other Act may be used for the purpose of supporting an end-strength level, as of September 30, 1984, of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) at any level in excess of 315,600.

(b) A number of United States military personnel in excess of 315,600, but not in excess of 320,000, may be permanently assigned to duty ashore in such European nations as of September 30, 1984, if—

(1) the Secretary of Defense determines and certifies to the Congress in writing that on September 30, 1984, the total number of military personnel of NATO member nations, other than the United States, stationed in the Federal Republic of Germany will not be less than the total number of military personnel of such member nations stationed in that country on the date of the enactment of this Act;

(2) the Secretary of Defense certifies to the Congress in writing on or after June 1, 1984, that the budget for the Department of Defense for fiscal year 1985 and the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 give significant priority to programs directly intended to improve NATO's conventional capabilities, particularly its capability for deep interdiction;

(3) the Department of Defense has conducted a thorough and detailed analysis of the United States force and support structure in Europe which the Secretary of Defense submits to Congress on or after June 1, 1984, with his certification in writing that a number of United States military personnel in excess of 315,600 is required to meet the United States commitment to NATO; and

(4) the studies required by sections 1104 through 1107 have been conducted and the reports and recommendations resulting from such studies have been submitted to the Congress.

(c) A number of United States military personnel in excess of 315,600 or in excess of 320,000 may be assigned to permanent duty ashore in European member nations of NATO as of September 30, 1984, without the conditions specified in subsection (b) having been met if the President (1) determines and certifies to the Congress in writing that overriding national security interests require a number of such personnel to be assigned to permanent duty ashore in such nations in excess of 315,600 or 320,000, as the case may be, and (2) includes in the certification the total number of such personnel required and an explanation of the overriding national security interests that require such number of personnel.

(d) In computing the limitation specified in subsections (a) and (b), there may be excluded not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile program and the Pershing II Missile program.

REPORT ON IMPROVEMENT OF CONVENTIONAL FORCES OF NATO

SEC. 1104. (a) At the same time the President submits the budget for fiscal year 1985 pursuant to section 1105 of title 31, United States Code, but not later than May 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report and plan for improving conventional defense capabilities of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) his recommendations on how NATO's strategy and military program could and should be changed to improve substantially the chances of a successful conventional defense of Europe;

(2) a statement and explanation of what the aggregate NATO conventional defense requirements are;

(3) a current assessment and statement of the status of the Air-Land Battle concept within the Department of Defense and NATO;

(4) an explanation of how and to what extent the various doctrines of NATO military forces are coordinated, and how variations in doctrine can be rectified or exploited to NATO's advantage;

(5) his judgment on the most effective means by which NATO military forces can be operationally integrated to implement the Air-Land Battle concept;

(6) the United States programs which are necessary to support improved NATO conventional capabilities, the changes which are needed, and what the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 provide for with respect to NATO conventional capabilities;

(7) the United States conventional programs and weapons that are provided for in the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 to enhance the disruption and destruction of Soviet follow-on echelons as well as fixed-site military targets;

(8) the new weapons or systems which are available for such purpose that are not in the current budget or Five-Year Defense Plan of the Department of Defense;

(9) a determination of what are the achievable NATO-wide improvements in conventional defense capability; and

(10) a separate addendum and assessment by the Supreme Allied Commander, Europe, on measures necessary to improve NATO conventional defense capabilities, including a recommended plan for such measures.

(b) The President shall submit to the Congress not later than June 1, 1984, his recommendations and plan for improving NATO conventional defense capabilities.

REPORT ON THE NUCLEAR POSTURE OF NATO

SEC. 1105. (a) The Secretary of Defense shall conduct a study on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO) and submit a report on the results of such study to the Committees on Armed Services of the Senate and the House of Representatives not later than May 1, 1984. Such study shall include—

(1) a detailed assessment of the current tactical nuclear balance in Europe and that projected for 1990;

(2) an assessment of the current, respective operational doctrines for the use of tactical nuclear weapons in Europe of the Warsaw Pact and NATO;

(3) an explanation of how the threat of the use of such weapons relates to deterrence and to conventional defense;

(4) an identification of the number and types of nuclear warheads, if any, considered to be inessential to the defense structure of Western Europe, the quantity and type of such weapons that could be eliminated from Europe under appropriate circumstances without jeopardizing the security of NATO nations and an assessment of what such circumstances might be;

(5) an explanation of the steps that can be taken to develop a rational and coordinated nuclear posture by NATO in a manner that is consistent with proper emphasis on conventional defense forces; and

(6) an identification of any notable, relevant developments that have occurred since the submission to the Congress in April 1975 of the report entitled "The Theater Nuclear Force Posture in Europe", prepared by the Secretary of Defense pursuant to section 302 of the Department of Defense Appropriation Authorization Act, 1975 (Public Law 93-365), which might cause the findings and conclusions of that report to require revision and such revisions in such report as the Secretary considers appropriate.

(b) The President shall submit a written report to the Congress on or before June 1, 1984, containing his views on the Department of Defense study and report required under subsection (a) together with such recommendations with respect to such study and report as he considers appropriate.

REPORT ON COMBAT-TO-SUPPORT RATIO OF UNITED STATES FORCES IN EUROPE IN SUPPORT OF NATO

SEC. 1106. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than May 1, 1984, on the combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) an analysis of the historical (since 1974), current, and projected combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty in Europe in support of NATO and their relationship to each other;

(2) a review of the requirements for such combat, combat support, combat service support, and noncombat components; and

(3) his assessment of the current balance among units of United States combat components, combat support components, and combat service support components forward deployed in Europe and his recommendations for any changes needed to improve that balance in the future.

(b) For the purposes of the report required by subsection (a)—

(1) the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size;

(2) the combat component of the Navy includes only the combatant ships (aircraft carrier, battleship, cruiser, destroyer, frigate, submarine, and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); and

(3) the combat component of the Air Force includes only the tactical fighter, reconnaissance, tactical airlift, fighter interceptor, and bomber units of wing or smaller size.

REPORT ON UNITED STATES EXPENDITURES IN SUPPORT OF NATO

SEC. 1107. (a) The Secretary of Defense shall review and analyze the fiscal year 1983 expenditures of the Department of Defense in fulfilling the United States commitment to the North Atlantic Treaty Organization (NATO) and the expenditures projected for such purpose for each of the fiscal years 1984 through 1989.

(b)(1) The Secretary of Defense shall submit a detailed written report to the Congress not later than June 1, 1984, on the review and analysis required under subsection (a). The Secretary shall set out in such report, in current and constant fiscal year 1983 dollar figures, the expenditures made in fiscal year 1983 and expenditures projected to be made in fiscal years 1984 through 1989 by the United States in fulfilling its commitment to NATO in each of the following categories:

(A) Procurement.

(B) Operations and maintenance.

(C) Military construction.

(D) Military personnel.

(E) Research, development, test, and evaluation.

(2) The Secretary of Defense shall also include in such report a separate breakout of the fiscal year 1983 Department of Defense expenditures in each of the categories specified in paragraph (1) for the Armed Forces of the United States assigned to permanent duty ashore in the European member nations of NATO and the expenditures projected to be incurred by the Department of Defense in each of those categories in each of the fiscal years 1984 through 1989 for personnel of the Armed Forces of the United States planned to be assigned to permanent duty ashore in such nations during each of those fiscal years. The Secretary of Defense shall also include in such report similar separate breakouts for all classes of United States forces reflected in the data submitted to the Committee on Armed Services of the Senate and printed in part 1, pages 61–68, of that Committee's hearings on Department of Defense Authorization For Appropriations For Fiscal Year 1982.

(3) The Secretary of Defense shall also include in such report the estimated percentage growth in each of the five categories specified in paragraph (1) of subsection (b), after allowing for inflation, from one year to the next for the fiscal years 1983 through 1989. In the case of each category of expenditures for which the annual projected rate of expenditure growth after fiscal year 1983 exceeds 3 percent, after allowing for inflation, over the previous fiscal year, the Secretary shall include his assessment of the impact on NATO of limiting the growth of expenditures in that category to 3 percent real growth.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL MATTERS

TRANSFER AUTHORITY

SEC. 1201. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

(d) Transfers between paragraphs of a subsection of section 301 may be made without regard to the requirements of this section.

LONG-TERM LEASE OR CHARTER OF AIRCRAFT AND VESSELS

SEC. 1202. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2401. Requirement for authorization by law of certain contracts relating to vessels and aircraft

"(a)(1) The Secretary of a military department may make a contract for the lease of a vessel or aircraft or for the provision of a service through use by a contractor of a vessel or aircraft only as provided in subsection (b) if—

"(A) the contract will be a long-term lease or charter; or

"(B) the terms of the contract provide for a substantial termination liability on the part of the United States.

"(2) The Secretary of a military department may make a contract that is an agreement to lease or charter or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease, charter, or provision of services only as provided in subsection (b) if the contract for the actual lease, charter, or provision of services is (or will be) a contract described in paragraph (1).

"(b)(1) The Secretary may make a contract described in subsection (a)(1) if—

"(A) the Secretary has been specifically authorized by law to make the contract;

"(B) before a solicitation for proposals for the contract was issued the Secretary notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation; and

"(C) the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease, charter, or services involved through purchase of the vessel or aircraft to be used under the contract, and a period of 30 days of continuous session of Congress has expired following the date on which notice was received by such committees.

"(2) For purposes of paragraph (1)(C), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in a computation of such 30-day period.

"(c) Funds may not be appropriated for any fiscal year to or for any armed force or obligated or expended for—

"(1) the long-term lease or charter of any aircraft or naval vessel; or

"(2) for the lease or charter of any aircraft or naval vessel the terms of which provide for a substantial termination liability on the part of the United States,

unless funds for that purpose have been specifically authorized by law.

"(d)(1)(A) In this section, the term 'long-term lease or charter' (except as provided in subparagraph (B)) means a lease, charter, service contract, or conditional sale agreement—

"(i) the term of which is for a period of five years or longer or more than one-half the useful life of the vessel or aircraft; or

"(ii) the initial term of which is for a period of less than five years but which contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is five years or longer.

Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of 5 years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of five years or longer.

"(B) In the case of an agreement under which the lessor first places the property in service under the agreement or the property has been in service for less than one year and there is allowable to the lessor or charterer an investment tax credit or depreciation for the property leased, chartered, or otherwise provided under the agreement under section 168 of the Internal Revenue Code of 1954 (unless the lessor or charterer has elected depreciation on a straightline method for such property), the term 'long-term lease or charter' means a lease, charter, service contract, or conditional sale agreement—

"(i) the term of which is for a period of three years or longer; or

"(ii) the initial term of which is for a period of less than three years but which contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is three years or longer.

Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of three years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of three years or longer.

"(2) For the purposes of this section, the United States shall be considered to have a substantial termination liability under a contract—

"(A) if there is an agreement by the United States under the contract to pay an amount not less than the amount equal to 25 percent of the value of the vessel or aircraft under lease or charter, calculated on the basis of the present value of the termination liability of the United States under such charter or lease (as determined under regulations prescribed by the Secretary of Defense); or

"(B) if (as determined under regulations prescribed by the Secretary of Defense) the sum of—

"(i) the present value of the amount of the termination liability of the United States

under the contract as of the end of the term of the contract (exclusive of any option to extend the contract); and

"(ii) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel or aircraft involved.

"(e)(1) Whenever a request is submitted to Congress for the authorization of the long-term lease or charter of aircraft or naval vessels or for the authorization of a lease or charter of aircraft or naval vessels which provides for a substantial termination liability on the part of the United States, the Secretary of Defense shall submit with that request an analysis of the cost to the United States (including lost tax revenues) of any such lease or charter arrangement compared with the cost to the United States of direct procurement of the aircraft or naval vessels by the United States.

"(2) Any such analysis shall be reviewed and evaluated by the Director of the Office of Management and Budget and the Secretary of the Treasury within 30 days after the date on which the request and analysis are submitted to Congress. The Director and Secretary shall conduct such review and evaluation on the basis of the guidelines issued pursuant to subsection (f) and shall report to Congress in writing on the results of their review and evaluation at the earliest practicable date, but in no event more than 45 days after the date on which the request and analysis are submitted to the Congress.

"(3) Whenever a request is submitted to Congress for the authorization of funds for the Department of Defense for the long-term lease or charter of aircraft or naval vessels authorized under this section, the Secretary of Defense—

"(A) shall indicate in the request what portion of the requested funds is attributable to capital-hire; and

"(B) shall reflect such portion in the appropriate procurement account in the request.

"(f) The Director of the Office of Management and Budget and the Secretary of the Treasury shall jointly issue guidelines for determining under what circumstances the Department of Defense may use lease or charter arrangements for aircraft and naval vessels rather than directly procuring such aircraft and vessels. Such guidelines shall be issued not later than 90 days after the date of enactment of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401. Requirement for authorization by law of certain contracts relating to vessels and aircraft.".

(3) Section 2401 of title 10, United States Code, as added by paragraph (1), shall not apply in the case of any lease or charter agreement entered into by the Department of Defense before December 1, 1983.

(b) Funds appropriated pursuant to an authorization contained in this Act may not be used to indemnify any person under the terms of a contract entered into with the United States under section 2401 of title 10, United States Code (as added by subsection (a))—

(1) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

(2) to pay any attorneys' fees in connection with such contract.

(c)(1) At the same time that the President submits the budget request for the Department of Defense to Congress for fiscal year 1985, the Secretary of Defense shall submit a written report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives concerning leases or charters described in paragraph (2).

(2) Such report shall include a list of all leases, charters, service contracts, or conditional sales, the term of which is for a period of 1 year or longer, for major items of defense equipment (including aircraft and naval vessels) which are to be funded either directly or indirectly by any portion of the funds contained in such budget request. Such report shall also include an estimate of the funding level and the source of funding for each such lease, charter, service contract, or conditional sale.

(d) Funds available to the Department of Defense may not be used to enter into any contract during fiscal year 1984 under section 2401 of title 10, United States Code, as added by subsection (a), the term of which is for 3 years or more, inclusive of any option for contract extension or renewal, for any vessels, aircraft, or vehicles, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the United States exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided budget authority for the obligation of 10 percent of such termination liability.

(e) Nothing in this section shall impede or affect the ability of the Secretary of the Navy to proceed to acquire the use of thirteen T-AKX class Maritime Prepositioning Ships and the use of five new T-5 class tankers in accordance with the long-term charter arrangements negotiated by the Navy before the date of the enactment of this Act.

INDEPENDENT COST ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1203. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

"§ 139c. Major defense acquisition programs: independent cost estimates

"(a) The Secretary of Defense may not approve the full-scale engineering development or the production and deployment of a major defense acquisition program unless an independent estimate of the cost of the program first has been submitted to (and considered by) the Secretary of Defense.

"(b) In this section:

"(1) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(2) 'Independent estimate' means, with respect to a major defense acquisition program, an estimate of the cost of such program prepared by an office or other entity that is not under the supervision, direction, or control of the military department, defense agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program.

"(3) 'Cost of the program' means, with respect to a major defense acquisition program, all elements of the life-cycle costs of the program, including—

"(A) the cost of all research and development efforts, without regard to the funding source or management control;

"(B) the cost of the prime hardware and its major subcomponents, support costs (including training, peculiar support, and data), initial spares, military construction costs, and the cost of all related procurements (including, where applicable, modifications to existing aircraft or ship platforms), without regard to the funding source or management control of the program; and

"(C) all elements of operating and support costs.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139b the following new item:

"139c. Major defense acquisition programs: independent cost estimates.".

(b) Section 139c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

(c) Not later than May 1, 1984, the Secretary of Defense shall submit a written report to the Committees on Armed Services of the Senate and House of Representatives on the use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. That report shall include an overall assessment of the extent to which such estimates were adopted by the Department in making decisions on the fiscal year 1985 budget and a general explanation of why such estimates might have been modified or rejected. In addition, the Secretary shall include in that report a discussion of current and future initiatives to make greater or more productive use of independent cost estimates in the Department of Defense.

(d) It is the sense of the Congress that the Secretary of Defense should ensure that adequate personnel and financial resources are allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 1204. (a) The second sentence of section 2208(d) of title 10, United States Code, is amended to read as follows: "In addition, such amounts may be appropriated for the purpose of providing capital for working-capital funds as have been specifically authorized by law.".

(b) The amendment made by subsection (a) shall apply only with respect to appropriations for fiscal years beginning after September 30, 1984.

ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIALS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1205. (a) Subsection (a) of section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended by striking out "fiscal year 1983" each place it appears and inserting in lieu thereof "fiscal years 1983 and 1984".

(b) Subsection (b) of such section is amended by inserting "and April 15, 1984," after "1983" in the first sentence.

AUTHORIZATION OF FUNDS FOR UPGRADING THE INTERNATIONAL COORDINATING COMMITTEE (COCOM) LOGISTICAL SUPPORT

SEC. 1206. The Secretary of Defense may use, out of any funds available to the Department of Defense for fiscal year 1984, an amount not to exceed $2,000,000 for the purpose of upgrading and improving the logistical support of the International Coordinating Committee (COCOM) in order to

strengthen control over the export of technology and equipment to certain countries by the United States and certain of its allies.

PART B—DEPARTMENT OF DEFENSE MANAGEMENT MATTERS

ESTABLISHMENT OF DEFENSE DIRECTOR OF OPERATIONAL TEST AND EVALUATION

SEC. 1211. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Director of Operational Test and Evaluation: appointment; powers and duties

"(a)(1) There is a Director of Operational Test and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

"(2) In this section:

"(A) 'Operational test and evaluation' means—

"(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

"(ii) the evaluation of the results of such test.

"(B) 'Major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 139a(a)(1) of this title or that is designated as such a program by the Director for purposes of this section.

"(b) The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense and the principal operational test and evaluation official within the senior management of the Department of Defense. The Director shall—

"(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

"(2) provide guidance to and consult with the Secretary of Defense and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific operational test and evaluation to be conducted in connection with a major defense acquisition program;

"(3) monitor and review all operational test and evaluation in the Department of Defense;

"(4) coordinate operational testing conducted jointly by more than one military department or defense agency;

"(5) analyze the results of the operational test and evaluation conducted for each major defense acquisition program and, at the conclusion of such operational test and evaluation, report to the Secretary of Defense and to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives as provided in subsection (c) on—

"(A) whether the test and evaluation performed was adequate; and

"(B) whether the test and evaluation results confirm that the items or components actually tested are effective and suitable for combat; and

"(6) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense.

"(c) Each report of the Director required under subsection (b)(5) shall be submitted to the committees specified in that subsection in precisely the same form and with precisely the same content as the report originally submitted to the Secretary and shall be accompanied by such comments as the Secretary of Defense may wish to make on such report.

"(d) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult closely with, but the Director and the Director's staff are independent of, the Under Secretary of Defense for Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.

"(e)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

"(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

"(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

"(f)(1) Operational testing of a major defense acquisition program may not be conducted until the Director has approved in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense the report with respect to that program required by subsection (b)(5) and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives have received that report.

"(g)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities of the Department of Defense during the preceding fiscal year. Each such report shall be submitted concurrently to the Secretary of Defense and the Congress not later than January 15 immediately following the end of the fiscal year for which the report is prepared. The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation and levels of funding made available for operational test and evaluation activities. The Secretary may comment on any report of the Director to Congress under this paragraph.

"(2) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

"(h) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test and Evaluation in carrying out the duties and responsibilities of the Director under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Test and Evaluation: appointment; powers and duties.".

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Test and Evaluation, Department of Defense.".

(c) The amendments made by this section shall take effect on November 1, 1983.

ASSISTANT SECRETARIES IN THE DEPARTMENT OF DEFENSE

SEC. 1212. (a)(1) Subsection (a) of section 136 of title 10, United States Code, is amended by striking out "seven" and inserting in lieu thereof "eleven".

(2) Subsection (b) of such section is amended—

(A) by inserting "(1)" after "(b)";

(B) by designating the second sentence of such subsection as paragraph (2);

(C) by designating the fourth sentence of such subsection as paragraph (3) and by striking out "Reserve Affairs" in such sentence and inserting in lieu thereof "Logistics";

(D) by striking out "reserve component" in the fifth sentence of such subsection and inserting in lieu thereof "logistics";

(E) by inserting after paragraph (3) of such subsection (as designated by clause (C)) the following paragraphs:

"(4) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.";

(F) by designating the sentence beginning "In addition" as paragraph (6) and in such sentence—

(i) striking out "In addition, one" and inserting in lieu thereof "One";

(ii) redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(iii) redesignating subclauses (A) through (D) of subclauses (i) through (iv), respectively; and

(iv) striking out "clauses (1)–(4)" and inserting in lieu thereof "clauses (A) through (D)".

(3) Subsection (f) of such section is repealed.

(b) Section 175(c) of title 10, United States Code, is amended by striking out "Manpower and".

(c)(1) The first sentence of section 3013 of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

(2) The first sentence of section 5034(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "(7)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(11)";

(2) by striking out "(4)" after "Assistant Secretaries of the Army" and inserting in lieu thereof "(5)"; and

(3) by striking out "(3)" after "Assistant Secretaries of the Navy" and inserting in lieu thereof "(4)".

(e) The amendments made by this section shall take effect on October 1, 1983.

COMMANDANT OF THE MARINE CORPS TO BE A MEMBER OF THE ARMED FORCES POLICY COUNCIL

SEC. 1213. Section 171(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after clause (10) the following new clause:

"(11) the Commandant of the Marine Corps.".

5 PERCENT ACROSS-THE-BOARD REDUCTION IN HEADQUARTERS STAFFS

SEC. 1214. (a) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military and civilian personnel assigned to duty in the Office of the Secretary of Defense, the agencies of the Department of Defense, and the military departments to perform management headquarters activities or management headquarters support activities by a number that is at least 5 percent below the total number of personnel requested by the President for fiscal year 1984 to perform such activities.

(b) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a).

(c) For purposes of this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 4100.73 entitled "Department of Defense Management Headquarters and Headquarters Support", dated March 12, 1981.

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. 1215. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) except as provided in clause (2), prohibit the purchase of any spare part or replacement equipment when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment (notwithstanding the prohibition contained in clause (1)) if the contracting officer for such part or equipment certifies in writing to the head of the procuring activity before the purchase is made that—

(A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or

(B) the national security interests of the United States require that such part or equipment be purchased despite the increase in price of such part or equipment.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register.

(c) Not less than 30 days before the Secretary publishes such regulatons in accordance with subsection (b), the Secretary shall submit the text of the proposed regulations to the Committees on Armed Services of the Senate and House of Representatives.

REPORT ON MANAGEMENT OF SPARE PARTS

SEC. 1216. (a) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, by June 1, 1984, a comprehensive report on the management by the Department of Defense of acquisition of initial and replenishment spare parts and on the status of efforts within the Department of Defense (including particularly the Defense Logistics Agency and the military departments) to correct problems associated with increased costs of such parts. The Secretary shall include in such report the following:

(1) An analysis of the extent of overcharging on spare parts and shortages of spare parts.

(2) The status of efforts (if any) to ensure that procurement method codes (PMCs) used to denote the method of procurement for spare parts are accurately and appropriately applied.

(3) With respect to technical data required by a contract to be delivered to the Department of Defense, the status of efforts (if any) to identify and obtain such data that are missing and to identify and correct such data that are inaccurate or incomplete.

(4) The status of efforts to enhance the Department of Defense High-Dollar Spare Parts Breakout Program.

(5) The organizational identity of personnel assigned to the efforts referred to in paragraphs (1) through (4).

(6) A brief summary of any audit, investigation, or study relating to the acquisition or management of spare or replenishment parts conducted by or for any organization within the Department of Defense during the period beginning on the date of the interim report required in subsection (b) and ending on the date of the submission of the report under this subsection, to be accompanied by a copy of all current regulations or proposed defense regulations relating specifically to the acquisition or management of spare or replenishment parts.

(7) An analysis of the feasibility and desirability of establishing a statutory or contractual time limit on the protection from disclosure outside the Department of Defense given technical data delivered by contractors to the Department of Defense with limited rights (as defined in the Defense Acquisition Regulations).

(8) An analysis of the feasibility and desirability of withholding Department of Defense contracts from contractors who have obtained unreasonable profits on defense contracts or have sold items to the Department of Defense at unjustifiable prices, until any such excess amounts have been repaid.

(b) Not later than December 1, 1983, the Secretary shall submit to the committees named in subsection (a) an interim report stating briefly the actions being taken by the Department of Defense to improve the acquisition and management of spare parts by the Department. Such interim report shall include the identity of any working groups and a description of any studies being done.

(c) The Secretary of Defense shall put into effect at the earliest practicable date policies and procedures to achieve a long-term solution to problems relating to excessive costs of, and long lead times in the acquisition of, initial and replenishment spare parts. In formulating such policies and procedures, the Secretary shall consider the following recommendations:

(1) Parts should be acquired competitively whenever feasible and practicable.

(2) Parts should be acquired through Federal Supply Schedules and the Department of Defense supply system.

(3) Parts should be acquired in economic order quantities and on a multiyear basis whenever feasible and practicable.

(4) On all major system acquisitions, contractors should be required to identify in their contract proposals the cost to the Government of acquiring unlimited rights in technical data and the extent to which the contractor uses standard commercial products in order to allow the Government to assess the desirability of acquiring those unlimited rights and to enable the Government to assess properly the total life-cycle cost of the system.

(5) Contractors should be required to identify the manufacturer of a part and the manufacturer's part number.

(6) Consideration should be given early in the acquisition process to determinations of whether acquisition of unlimited rights in technical data is desirable, taking into consideration that the cost of acquiring reprocurement data may in some instances outweigh the benefits to be derived from such acquisition.

(7) When unlimited data rights in technical data are acquired from a contactor, the contractor should be required to provide to the Government data necessary to incorporate changes in design or technology.

(8) Before ordering any spare part, the contracting officer should review the acquisition history of that part.

AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN TECHNICAL DATA

SEC. 1217. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 140c. Secretary of Defense: authority to withhold from public disclosure certain technical data

"(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401–2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.). However, technical data may not be withheld under this section if regulations promulgated under either such Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations.

"(b)(1) Within 90 days after enactment of this section, the Secretary of Defense shall propose regulations to implement this section. Such regulations shall be published in the Federal Register for a period of no less than 30 days for public comment before promulgation. Such regulations shall address, where appropriate, releases of technical

data to allies of the United States and to qualified United States contractors, including United States contractors that are small business concerns, for use in performing United States Government contracts.

"(2) In this section, 'technical data with military or space application' means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.".

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

"140c. Secretary of Defense: authority to withhold from public disclosure certain technical data.".

USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1218. (a) The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

(b) The restrictions prescribed in subsection (a) with respect to the use of polygraph examinations in the Department of Defense shall not apply to the National Security Agency of the Department of Defense.

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. 1219. (a) Section 7227(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) When furnishing routine port services under this section to naval vessels of an allied country, the Secretary may furnish such services without reimbursement if such services are provided under an agreement that provides for the reciprocal furnishing by such country of routine port services to naval vessels of the United States without reimbursement. If routine port services are furnished under this section by a working-capital fund activity of the Navy established under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in furnishing those services by reason of this paragraph, the working-capital fund activity shall be reimbursed for such costs out of operating funds currently available to the Navy.

"(B) In this paragraph, 'allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this paragraph by the Secretary of Defense with the concurrence of the Secretary of State.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983.

RECIPROCAL COMMUNICATIONS SUPPORT

SEC. 1220. (a) During fiscal year 1984, the Secretary of Defense, subject to the concurrence of the Secretary of State, may enter into an agreement with the Government of any allied country under which the United States agrees to provide communications support and related supplies and services to such country in return for the reciprocal provision to the United States of an equivalent value of communications support and related supplies and services by such country.

(b) In this section, "allied country" means any of the following:

(1) A country that is a member of the North Atlantic Treaty Organization.

(2) Australia or New Zealand.

TWO-YEAR EXTENSION OF PROHIBITION ON CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS

SEC. 1221. (a) Except as provided in subsection (b), funds appropriated to the Department of Defense may not be obligated or expended before October 1, 1985, for the purpose of entering into a contract for the performance of firefighting or security-guard functions at any military installation or facility.

(b) The prohibition in subsection (a) does not apply—

(1) to a contract to be carried out at a location outside the United States (including its commonwealths, territories, and possessions) at which military personnel would have to be used for the performance of the function described in subsection (a) at the expense of unit readiness;

(2) to a contract to be carried out on a Government-owned but privately operated installation; or

(3) to a contract (or the renewal of a contract) for the performance of a function under contract on the date of the enactment of this Act.

(c) Not later than March 1, 1984, the Secretary of Defense shall submit to Congress a written report containing an assessment of the special needs of the Department of Defense with respect to firefighting and base security and an assessment of how those needs are met by both Federal employees and contract personnel. The report shall be prepared in consultation with the Administer of the United States Fire Administration of the Federal Emergency Management Agency.

REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES

SEC. 1222. (a) Not later than April 15, 1984, the Secretary of Defense shall submit a report to Congress describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or industrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b)(1) The report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government;

(B) the contractor's estimated cost of performance of the function in the bid of the contractor;

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function; and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) The report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report;

(B) the dollar amount and percentage of such contracts awarded to small businesses; and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

EXTENSION OF PERIOD FOR TRANSFER OF DEFENSE DEPENDENTS' EDUCATION SYSTEM TO DEPARTMENT OF EDUCATION

SEC. 1223. Section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442(a)) is amended by striking out "not later than May 4, 1984" and inserting in lieu thereof "not earlier than May 4, 1986".

FORCE STRUCTURE CHANGES, AIR FORCE

SEC. 1224. None of the funds appropriated pursuant to an authorization contained in this or any other Act for operation and maintenance for the Air Force may be obligated or expended to carry out alterations in the planned changes with respect to F-106 and F-15 aircraft announced by the Air Force on January 31, 1983, in its plan for "Tactical and Air Defense Force Structure Changes" to be carried out at K. I. Sawyer Air Force Base, Michigan, until—

(1) the Secretary of the Air Force has conducted a study of the cost benefit, cost effectiveness, and military effectiveness of those proposed alterations to such plan and has submitted a written report to Congress, in conjunction with the submission of the Department of Defense's budget request for funds for fiscal year 1986 or any subsequent fiscal year, containing the results of such study, including an analysis of—

(A) the impacts on the regional economy of the area that would be affected by those proposed alterations to such plan of the nonmilitary costs to the United States, including increases in Federal outlays for unemployment compensation, for other benefits and services to individuals and communities, and for economic adjustment activities; and

(B) the environmental, strategic, and operational consequences of those proposed alterations to such plan; and

(2) a period of 60 days has expired after the date on which such report is received by the Congress in order to provide the appropriate committees of Congress with ample opportunity to consider fully the fiscal, economic, environmental, and military ramifications of those proposed alterations to the plan announced January 31, 1983.

PART C—PROVISIONS RELATING TO SPECIAL PROGRAMS

LIMITATION ON DEPLOYMENT OF MX MISSILE; DEVELOPMENT OF SMALL MOBILE MISSILE

SEC. 1231. (a) The Secretary of Defense may not deploy more than 10 MX missiles until—

(1) demonstration of subsystems and testing of components of the small mobile intercontinental ballistic missile system (including missile guidance and propulsion subsystems) have occurred; and

(2) nuclear effects tests on the components and subsystems of the prototype mobile transporter-launcher basing system and fixed basing system for the small missile have been carried out using full-scale tests, when practicable, and otherwise using scaled tests.

(b) The Secretary of Defense may not deploy more than 40 MX missiles until—

(1) the major elements (including the guidance and control subsystems) of a mobile missile weighing less than 33,000 pounds as a part of an intercontinental ballistic missile system have been flight tested;

(2) the major elements of the prototype small mobile intercontinental ballistic missile system (including the missile, the prototype mobile transporter-launcher basing system and fixed basing system, and the command, control, and communications system) have been designed and functionally integrated and the system has been validated;

(3) contractors for the full-scale engineering development of such a missile system have been selected and contracts have been awarded to those contractors; and

(4) full-scale engineering development of such a missile system has begun.

(c)(1) Not later than January 15 of each year from 1984 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) on the progress being made with respect to the development and deployment of the MX missile system;

(B) on the progress being made with respect to the development and testing of a small mobile intercontinental ballistic missile system; and

(C) on developments related to silo-hardening technology.

(2) In each report under paragraph (1), the Secretary shall certify whether the Department of Defense is developing a small mobile intercontinental ballistic missile system with a missile that weighs no more than 33,000 pounds and that is planned to carry no more than a single warhead.

(d) If at any time during the development of the small mobile intercontinental ballistic missile it appears that the weight of the missile when deployed will exceed 30,000 pounds, the Secretary of Defense shall submit a report to Congress stating the projected weight of the missile and providing an explanation of the reasons for the weight exceeding 30,000 pounds and the anticipated effects that weight could have on the mobility and blast resistance of the missile system.

(e) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives, coincident with the submission to the Congress of any request made after the date of the enactment of this Act for funds for the procurement of operational MX missiles intended for deployment, a written assessment relating to the requirement for and the anticipated impact of the procurement of such missiles. This assessment shall include the President's judgment with respect to—

(A) the degree to which current and projected international conditions require the procurement of such missiles for operational purposes;

(B) the expected impact the procurement of such missiles will have on the stability of the strategic balance between the United States and the Soviet Union; and

(C) the effect the procurement of such missiles, if approved by the Congress, will likely have on achieving negotiated reductions in the nuclear forces of the United States and the Soviet Union through sound, equitable, and verifiable arms control agreements.

SMALL, MOBILE, SINGLE WARHEAD ICBMS

SEC. 1232. It is the sense of the Congress that the design, development, and testing of small, mobile, single warhead intercontinental ballistic missiles (ICBMs) be pursued as a matter of the highest national priority. To achieve this objective, the administration should proceed without delay to engineering design of a small, single warhead ICBM capable of mobile deployment. Key elements of such a program which should be pursued immediately include missile design, guidance accuracy, hardened mobile transporter design, mobile basing and survivable Communication, Command and Control (C^3). Program emphasis should be consistent with past top national priorities such as Polaris, Minuteman, and Apollo, and program management structure should also reflect such priority. The Department of Defense should set forth funding and production schedules consistent with the earliest possible Initial Operational Capability (IOC), at or prior to 1992, in its submission to Congress to authorize appropriations for fiscal year 1985.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1233. (a) Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

(b)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.

(3) For purposes of this subsection, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER PROGRAM FOR ANY OTHER PURPOSE

SEC. 1234. None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program may be used for any other purpose.

ESTABLISHING CRITERIA GOVERNING THE TEST OF ANTISATELLITE WARHEADS

SEC. 1235. Notwithstanding any other provision of law, none of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to test any explosive or inert antisatellite warheads against objects in space unless the President determines and certifies to the Congress—

(1) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite weapons; and

(2) that, pending agreement on such a ban, testing of explosive or inert antisatellite warheads against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security.

REQUIREMENT FOR THE USE OF COMPETITIVE BIDDING PROCEDURES FOR THE LEASE OF CT-39 REPLACEMENT AIRCRAFT

SEC. 1236. None of the funds appropriated pursuant to an authorization of appropriations contained in this Act may be used by the Air Force for the lease of any CT-39 replacement aircraft unless competitive bidding procedures are followed in the awarding of the lease for such aircraft and the bidding on the lease is open to all qualified domestic firms. Such bidding procedures shall include consideration of the total costs to the Government of leasing such aircraft, including maintenance, logistics and training costs.

LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

SEC. 1237. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 770 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1862).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

SEC. 1238. The Arms Export Control Act shall be administered as if section 747 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1858) had not been enacted into law.

F/A-18 AIRCRAFT PROGRAM

SEC. 1239. The Secretary of the Navy may carry out the F/A-18 aircraft program without regard to the first proviso in the paragraph under the heading "AIRCRAFT PROCUREMENT, NAVY" in title IV (procurement) of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1841).

STUDY TO RE-ESTIMATE THE COST OF THE B-1B BOMBER PROGRAM

SEC. 1240. (a) The Secretary of Defense shall conduct a detailed financial analysis on the projected cost of procuring 100 B-1B bomber aircraft and, on the basis of such analysis, shall as necessary make any revisions to the estimate of the total projected cost for the procurement of such aircraft certified to by the President on January 18, 1982.

(b) The Secretary shall submit a written report to the Congress not more than 60 days after the date of the enactment of the Department of Defense Appropriation Act for fiscal year 1984, but in no event later than January 31, 1984, setting forth the results of the analysis required under subsection (a). The Secretary shall include in such report the new estimate of the projected total cost for the procurement of 100 B-1B aircraft.

(c) The Secretary shall transmit a copy of the report referred to in subsection (b) to the Comptroller General of the United States for his review and shall make available to the Comptroller General (consistent with those provisions of title 31, United States Code, replacing the Budget and Accounting Act, 1921, and provisions of law contained in the amendments made by Public Law 96-226) such additional data and information as the Comptroller General requires for the purposes of his review. Such data and information as the Comptroller General receives under this section shall not be disclosed to anyone other than those persons specially

designated by the Comptroller General to have access to that data and information. Any report by the Comptroller General concerning data and information provided pursuant to this section may, consistent with the classification of such report, be provided to the Congress and shall be prepared with due regard to the sensitivity of the information received in such a manner as to avoid disclosure of data which could adversely affect ongoing contract negotiations or the national security.

PART D—MISCELLANEOUS

ENDORSEMENT OF REPORT ON IMPROVED STRATEGIC COMMUNICATIONS

SEC. 1251. (a) The Congress finds that the report to the Congress by the Secretary of Defense entitled "Direct Communications Links and Other Measures to Enhance Stability", dated April 11, 1983, and submitted to the Congress pursuant to section 1123 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 756), contains several significant proposals that if implemented would, taken together, make significant progress toward eliminating the danger of accident or misinterpretation leading to nuclear war. Among the proposals in that report that Congress specifically finds constructive are proposals—

(1) to enhance the speed and quality of communications between the Governments of the United States and the Soviet Union;

(2) to establish a communications link between the senior military commands of the United States and the Soviet Union; and

(3) to develop a system of prior notification between the United States and the Soviet Union of missile launches and military exercises by either nation that could be misinterpreted by the other and therefore be destabilizing.

(b) The Congress—

(1) endorses the findings in the report described in subsection (a) and urges the President and the Secretary of Defense to implement as rapidly as possible the proposals made in that report;

(2) suggests that, when practicable and not harmful to the national security of the United States, the United States should unilaterally implement confidence-building measures (such as prior notification of missile launches and military exercises) on a temporary, voluntary basis and should invite the Soviet Union to join in implementing those measures; and

(3) endorses proposals that the United States, through its arms control negotiators, should seek a separate, limited agreement with the Soviet Union on confidence-building measures, such as those recommended in the report described in subsection (a), designed to reduce the danger of accident or misinterpretation leading to nuclear war.

PUBLIC HEALTH SERVICE HOSPITALS

Sec. 1252(a) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects for the purpose of comparing and evaluating the cost-effectiveness, accessibility, patient acceptance, and the quality of medical care contracted for by the Secretary of Defense under sections 1079 and 1086 of title 10, United States Code, with the medical care provided in those facilities deemed to be facilities of the uniformed services by virtue of section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c). The Secretary of Defense shall begin conducting such projects within one year after the date of the enactment of this section and continue conducting such projects for not less than three years.

(b) The projects carried out by the Secretary of Defense under this subsection shall utilize various alternative mechanisms for the payment of medical services provided eligible persons, including capitation, prospective payment, all-inclusive fee-for-service charges, and other concepts and programs consistent with the purpose of this section.

(c) If the Secretary of Defense and the Secretary of Health and Human Services determine such action is necessary in order to permit a meaningful evaluation of alternative methods of providing medical care to persons eligible for such care under sections 1079 and 1086 of title 10, United States Code, they may jointly designate additional civilian medical facilities to be facilities of the uniformed services for the purposes of section 1079 of such title. The Secretary may designate a facility under the authority of this subsection for such purposes only if such action is agreed to by the governing body of the facility.

(d) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit annually to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a written report on the results of the studies and projects carried out under this section. The first such report shall be submitted not later than one year after the date of the enactment of this section. The last such report shall be submitted not later than one year after the completion of all such studies and projects.

(e) The Secretary of Defense and the Secretary of Health and Human Services may terminate, for purposes of chapter 55 of title 10, United States Code, the status of any facility referred to in subsection (a) or (c) to furnish medical or dental care to members and former members of the uniformed services or their dependents, and such termination may become effective at any time after December 31, 1987. The termination of such status in the case of any such facility may be effected only by an order jointly issued by the Secretary of Defense and the Secretary of Health and Human Services which identifies the facility whose status is being terminated and specifies the date on which such status is being terminated. A copy of each such order shall be furnished to the affected facility and the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives and shall become effective in accordance with the terms of the notice, but not earlier than six months following the date on which a copy of the notice has been furnished to the facility and the committees. Any facility described in subsection (a) or designated under subsection (c) may terminate its status or designation made under that subsection at any time after the expiration of six months following the date on which a copy of the order terminating the status or designation has been furnished the facility.

(f) Section 911(b) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(b)), is amended by striking out "at any time after" and all that follows through the end of the second sentence and inserting in lieu thereof: "as provided for in section 1252(e) of the Department of Defense Authorization Act, 1984.".

EMPLOYMENT PROTECTION FOR CERTAIN NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES

SEC. 1253. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1587. Employees of nonappropriated fund instrumentalities

"(a) In this section:

"(1) 'Nonappropriated fund instrumentality employee' means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

"(2) 'Civilian employee' has the meaning given the term 'employee' by section 2105(a) of title 5.

"(3) 'Personnel action', with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

"(A) an appointment;

"(B) a promotion;

"(C) a disciplinary or corrective action;

"(D) a detail, transfer, or reassignment;

"(E) a reinstatement, restoration, or reemployment;

"(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

"(G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

"(b) Any civilian employee or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

"(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

"(2) a disclosure by such an employee or applicant to any civilian employee or member of the armed forces designated by law or by the Secretary of Defense to receive disclosures described in clause (1), of information which the employee or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

"(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correc-

tion of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower and Logistics.

"(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1587. Employees of nonappropriated fund instrumentalities.".

(b) Section 1587 of such title, as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act.

EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT OF THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATIONAL ASSISTANCE

SEC. 1254. The provision of the notice regarding the implementation of regulations entitled "Student Assistance General Provisions; Registration With Selective Service" (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

IMPACT AID AUTHORIZATION

SEC. 1255. (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(2) Section 505(a)(1) of such Act is further amended—

(A) by striking out "1983, and 1984" and inserting in lieu thereof "and 1983, and $565,000,000 for each of the fiscal years 1984 and 1985"; and

(B) by inserting after "$10,000,000" in clause (A) the following: "for each of the fiscal years 1982 and 1983 and $20,000,000 for each of the fiscal years 1984 and 1985".

(3)(A) Section 505(a)(3) of such Act is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(B) Section 505(b) of such Act is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(1) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(2) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

RETIREMENT DEDUCTIONS FROM THE PAY OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS

SEC. 1256. (a) Section 8334 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (a)(1) by inserting "and a judge of the United States Court of Military Appeals" before the period; and

(2) by adding at the end of the table contained in subsection (c) the following:

"Judge of the United States Court of Military Appeals for service as a judge of that court.	6	May 5, 1950, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to (but not including) the date of the enactment of the Department of Defense Authorization Act, 1984.
	8	On and after the date of the enactment of the Department of Defense Authorization Act, 1984.".

(b) Section 8336 of such title is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A judge of the United States Court of Military Appeals who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity. A judge who is separated from the service before becoming 60 years of age is entitled to a reduced annuity.".

(c) Section 8337(a) of such title is amended by inserting the following after the third sentence: "A judge of the United States Court of Military Appeals who completes 5 years of civilian service and who is found by the Office to be disabled for useful and efficient service as a judge of such court or who is removed for mental or physical disability under section 867(a)(2) of title 10 shall be retired on the judge's own application or upon such removal.".

(d) Section 8338 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) A judge of the United States Court of Military Appeals who is separated from the service after completing 5 years of civilian service is entitled to an annuity beginning at the age of 62 years. A judge of such court who is separated from the service after completing the term of service for which he was appointed is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity.".

(e) Section 8339 of such title is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph:

"(6) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, retiring under this subchapter is computed under subsection (a) of this section, except, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding 5 years) creditable under section 8332 of this title, his annuity is computed by multiplying 2¼ percent of his average pay by the years of that service."; and

(2) by adding at the end of subsection (h) the following new sentence: "The annuity computed under subsections (a), (d)(6) and (f) of this section for a judge of the United States Court of Military Appeals retiring under the second sentence of section 8336(k) of this title or the third sentence of section 8338(c) of this title is reduced by 1/12 of 1 percent for each full month not in excess of 60 months, and 1/6 of 1 percent for each full month in excess of 60 months, the judge is under 60 years of age at the date of separation.".

(f) The increase in deductions from the pay of a judge of the United States Court of Military Appeals required by section 8334(a) of title 5, United States Code, as amended by subsection (a), shall take effect with respect to the first pay period that begins after the date of the enactment of this Act.

ONE-YEAR POSTPONEMENT FOR CERTAIN DEPOSITS FOR CIVIL SERVICE RETIREMENT CREDIT FOR MILITARY SERVICE

SEC. 1257. Section 8334(j)(2)(A) of title 5, United States Code, is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

COMPENSATION FOR INJURIES INCURRED IN THE PERFORMANCE OF DUTY BY MEMBERS OF THE CIVIL AIR PATROL

SEC. 1258. (a) Section 8141 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "under 18 years of age" after "Civil Air Patrol Cadet"; and

(2) in subsection (b)(1), by striking out "$300" and inserting in lieu thereof "the rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title".

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall apply only to deaths or injuries occurring on or after the date of the enactment of this Act.

(3) The amendment made by subsection (a)(2) shall apply only to the computation of compensation payable for periods commencing on or after the date of the enactment of this Act.

REPEAL OF REQUIREMENT FOR RETIREE SUGGESTION PROGRAM

SEC. 1259. (a) Section 2390 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2390.

OFFSHORE DRILLING AFFECTING NAVAL OPERATIONS

SEC. 1260. (a) The Secretary of the Navy shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the potential effect on naval operations of any proposed lease by the Department of the Interior of offshore lands for oil or gas drilling.

(b) The Secretary of the Navy shall define offshore zones along the United States in which oil or gas drilling would cause appreciable impact on naval operations. The Secretary shall transmit to Congress and to the Secretary of the Interior a report describing the zones so established and the justification for each such zone.

RESTORATION OF BEDFORD AIR FORCE STATION, VIRGINIA

SEC. 1261. The Secretary of the Air Force may remove from the site of the former Bed-

ford Air Force Station, Virginia, the improvements made to that site by the Air Force and may restore the premises as provided in the license from the United States Forest Service of the Department of Agriculture authorizing the use of that site by the Air Force.

PROHIBITION ON PURCHASE OF CERTAIN TYPEWRITERS

SEC. 1262. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within states which are signatories to the Warsaw Pact.

AWARD OF CAMPAIGN AND SERVICE MEDALS TO CERTAIN PERSONS

SEC. 1263. (a) Section 401 of the GI Bill Improvements Act of 1977 (Public Law 95-202; 91 Stat. 1449; 38 U.S.C. 106 note) is amended by adding at the end thereof the following new subsection:

"(c) Under regulations prescribed by the Secretary of Defense, any person who is issued a discharge under honorable conditions pursuant to the implementation of subsection (a) of this section may be awarded any campaign or service medal warranted by such person's service.".

(b) The amendment made by subsection (a) shall apply to all persons issued discharges under honorable conditions pursuant to section 401 of the GI Bill Improvements Act of 1977, whether such discharges are awarded before, on, or after the date of the enactment of this Act.

COMMEMORATIVE MEDAL FOR FAMILIES OF AMERICAN PERSONNEL MISSING IN SOUTHEAST ASIA

SEC. 1264. (a) The Congress finds and declares that—

(1) 2,494 Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the loyalty, hope love, and courage of these families provide inspiration to all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

(b)(1)(A) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an in-theater Vietnam veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury shall cause to be struck bronze medals.

(B) There is authorized to be appropriated not to exceed $20,000 to carry out the provisions of subparagraph (A).

(2) The Secretary of the Treasury may cause miniature duplicates in bronze of the medal provided for in paragraph (1) to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(3) The medals provided for in this subsection are national medals for the purpose of section 5111 of title 31, United States Code.

NAME OF SCHOOL OF MEDICINE AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 1265. The School of Medicine of the Uniformed Services University of the Health Sciences shall after the date of the enactment of this Act be known and designated as the "F. Edward Hébert School of Medicine". Any reference to such school of medicine in any law, regulation, map, document, or other record of the United States shall after such date be deemed to be a reference to such school of medicine as the F. Edward Hébert School of Medicine.

ACCEPTANCE OF VOLUNTARY SERVICES FOR MILITARY MUSEUMS AND FAMILY SUPPORT PROGRAMS

SEC. 1266. (a) Chapter 81 of title 10, United States Code, is amended by adding after section 1587 (as added by section 1253) the following new section:

"§ 1588. Authority to accept certain voluntary services

"(a) Notwithstanding section 1342 of title 31, the Secretary of a military department may accept from any person voluntary services to be provided for a museum or a family support program operated by that military department.

"(b) A person providing voluntary services under subsection (a) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1587 (as added by section 1253) the following new item:

"1588. Authority to accept certain voluntary services.".

REPORT ON PROPOSED LEGISLATION FOR CODIFICATION OF CERTAIN PROVISIONS OF LAW

SEC. 1267. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 1984, proposed legislation for codification into appropriate titles of the United States Code, or for incorporation into other existing laws, those provisions of law that have been enacted during the past five years as a part of the annual Department of Defense Authorization Act or the annual Department of Defense Appropriation Act under the heading "General Provisions" and that in the opinion of the Secretary should be so codified or incorporated.

TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

SEC. 1268. Title 10, United States Code, is amended as follows:

(1) Section 139b(g)(2) is amended by striking out "procurment" and inserting in lieu thereof "procurement".

(2) Section 140 is amended by striking out "of this section" in subsections (a) and (c).

(3) Section 520(a) is amended—

(A) by striking out "For the fiscal year beginning on October 1, 1980" and all that follows through "1982, the" and inserting in lieu thereof "The";

(B) by striking out "such fiscal year" the first place it appears in the last sentence and inserting in lieu thereof "any fiscal year"; and

(C) by striking out "number of such" and all that follows through "into" in the last sentence and inserting in lieu thereof "total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in".

(4) Section 1079 is amended—

(A) by striking out "thirty" in subsections (a) and (d) and inserting in lieu thereof "30"; and

(B) by striking out "of this section" in subsection (g).

(5)(A) The heading of section 1081 is amended by striking out the semicolon and the last word.

(B) The item relating to that section in the table of sections at the beginning of chapter 55 is amended by striking out the semicolon and the last word.

(6) Section 1085 is amended by inserting a comma after "or his dependent" the first place it appears.

(7) Section 1090 is amended by striking out "(a)".

(8) Section 1126(a)(1) is amended by striking out "Who" and inserting in lieu thereof "who".

(9) Section 1489(a)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 14, 1980".

(10) Section 2005 is amended—

(A) by striking out "of this section" each place it appears in subsections (c) and (d); and

(B) by striking out "section—" in subsection (e) and inserting in lieu thereof "section:".

(11) Section 2101 is amended—

(A) by striking out "chapter—" and inserting in lieu thereof "chapter:";

(B) by striking out "'program'" and inserting in lieu thereof "'Program' ";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out "'member'" and inserting in lieu thereof "'Member' ";

(E) by striking out "; and" and inserting in lieu thereof a period; and

(F) by striking out "'advanced'" and inserting in lieu thereof " 'Advanced' ".

(12)(A) Section 2116 is repealed.

(B) The table of sections at the beginning of chapter 104 is amended by striking out the item relating to section 2116.

(13) Section 2120 is amended by striking out "chapter—" and inserting in lieu thereof "chapter:".

(14) Section 2134 is amended by striking out the second sentence of such section.

(15) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended by striking out "and" in the item relating to chapter 60 and inserting in lieu thereof "or".

And the House agree to the same.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
BILL NICHOLS,
DAN DANIEL,
G. V. MONTGOMERY,
LES ASPIN,
WILLIAM L. DICKINSON,
WILLIAM WHITEHURST,
FLOYD SPENCE,

MARJORIE S. HOLT,
ELWOOD H. HILLIS,
ROBERT E. BADHAM,

Only when differences regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
DAVE MCCURDY,
J. K. ROBINSON,
BOB STUMP,

As additional conferees on sections 1030C and 1030D of the Senate bill and modifications thereof committed to conference:

CARL D. PERKINS,
GUS HAWKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
JOHN N. ERLENBORN,

Managers on the Part of the House.

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
JOHN W. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JOHN P. EAST,
PETE WILSON,
HENRY M. JACKSON,
JOHN C. STENNIS,
SAM NUNN,
J. JAMES EXON,
JEFF BINGAMAN,

Solely for consideration of section 1030C:

ROBERT T. STAFFORD,
CLAIBORNE PELL,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for cvivilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security for such fiscal year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees have agreed to authorizations in Titles I, II, III and VIII for procurement, research, development, test, and evaluation, operation and maintenance, and civil defense that total $187.5 billion. This figure is $10.5 billion below the President's budget request, $1.5 billion above the recommendations in the Senate bill and $0.2 billion above the comparable figures in the House amendment. The dollar authorizations in the bill explicitly include the cost of a 4 percent civilian personnel pay raise effective January 1, 1983.

The Defense authorization bill provides authorizations for appropriations but does not provide budget authority. Budget authority for Department of Defense programs will be provided in appropriations bills. Because the First Concurrent Budget Resolution for Fiscal Year 1984 provides for target levels of budget authority and outlays, there is not a direct relation between the Defense authorization bill and the budget resolution. Nevertheless the conferees were mindful that the Congress has adopted a budget resolution that targets an $11.9 billion reduction in budget authority to the President's budget for National Defense.

The conferenece agreement would make a reduction of $10.5 billion in those portions of the defense budget authorized by dollar amounts in the bill. The conferees believe that this reduction is consistent with the target of the first budget resolution in light of the additional reductions that have been or will be made in items under the jurisdiction of the Armed Services Committees, such as reductions in military construction and Department of Energy Military Application programs. Reductions that have been or are expected to be made in military active duty and retires compensation, which are not authorized by dollar amounts in the bill, will offset virtually all of the cost of the military pay raise provided in the bill.

Adjustments to reflect lower than budgeted prices of purchased goods and services

The Senate bill incorporated $3.4 billion in reductions to reflect revised Administration estimates of the cost of the fiscal year 1984 defense program. The reduction of $3.4 billion included a reduction of $1.3 billion to reflect an anticipated lower average price for fuel and petroleum products and a reduction of $2.1 billion to reflect an anticipated lower price for other goods and services purchased by the Department of Defense.

The House amendment incorporated a reduction of $1.3 billion in anticipation of lower than budgeted fuel costs and also included as reduction of $0.1 billion in the operations and maintenance accounts in anticipation of lower than budgeted prices.

The conferees agreed to incorporated approximately one half of the $2.1 billion in reductions in anticipation of lower than budgeted prices of goods and services purchased by the Department of Defense. The conferees further agreed that this adjustment would be incorporated into each authorization account as was done in the Senate bill. The tables accompanying the discussion of each major category of procurement delineate the specific reductions recommended.

SUMMARY OF CONFERENCE ACTIONS ON DEFENSE AND CIVIL DEFENSE AUTHORIZATION FOR FISCAL YEAR 1984

[Amounts in millions of dollars]

Item	Fiscal year 1984				
	Administration request	House	Senate	Conference	Change from request
Procurement					
(Excluding land-based strategic ballistic missile modernization program)					
Army:					
Aircraft	3,472.1	3,331.8	3,230.9	3,331.4	−140.7
Missiles	3,088.5	2,990.9	2,806.9	2,903.4	−185.1
Weapons and tracked combat vehicles	4,934.4	4,738.4	4,531.0	4,734.5	−199.9
Ammunition	2,334.2	2,157.9	2,144.6	2,147.1	−187.1
Other procurement	5,362.9	5,045.7	4,758.2	4,836.2	−526.7
Army National Guard			100.0	100.0	+100.0
Total, Army	19,192.1	18,264.7	17,571.6	18,052.6	−1,139.5
Navy:					
Aircraft	11,127.3	10,716.9	10,457.4	10,637.8	−489.5
Weapons procurement	4,028.6	3,975.5	3,769.4	3,903.0	−125.6
Shipbuilding and conversion	12,698.8	12,149.6	11,391.6	12,045.4	−653.4
Other procurement	5,001.8	4,583.5	4,375.3	4,497.6	−504.2
Procurement, Marine Corps	1,852.0	1,800.4	1,808.1	1,805.2	−46.8
Total, Navy	34,708.5	33,225.9	31,801.8	32,889.0	−1,819.5
Air Force:					
Aircraft	22,707.2	21,051.3	21,286.7	21,282.8	−1,424.4
Missiles	8,570.8	[1]7,919.1	8,095.3	7,925.7	−645.1
Other procurement	7,626.3	6,935.6	7,150.9	7,112.1	−514.2
Air National Guard			25.0	25.0	+25.0
Total, Air Force	38,904.3	[1]35,906.0	36,557.9	36,345.6	−2,558.7
Defense agencies	1,282.8	1,053.2	969.1	972.7	−310.1
Total, procurement	94,087.7	[1]88,449.8	86,900.4	88,259.9	−5,827.8

SUMMARY OF CONFERENCE ACTIONS ON DEFENSE AND CIVIL DEFENSE AUTHORIZATION FOR FISCAL YEAR 1984—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984				
	Administration request	House	Senate	Conference	Change from request
Research, Development, Test and Evaluation					
(Excluding land-based strategic ballistic missile modernization program)					
Army	4,793.7	4,204.6	4,193.4	4,204.6	−589.1
Navy (and Marine Corps)	8,182.4	7,604.4	7,652.6	7,619.4	−563.0
Air Force	13,652.3	[1]11,960.5	12,936.1	12,622.2	−1,030.1
Defense agencies	2,996.9	[1]3,068.4	2,468.5	2,856.8	−140.1
Total, R.D.T.&E	29,625.3	[1]26,837.9	27,250.6	27,303.0	−2,322.3
Land-Based Strategic Ballistic Missile Modernization Program					
Air Force:					
Procurement of missiles	(2,867.8)	(2,200.0)	(2,536.0)	(2,200.0)	(−667.8)
Research, development, test, and evaluation	(3,378.4)	(2,230.4)	(2,638.0)	(2,634.4)	(−744.0)
Defense agencies:					
Research, development, test, and evaluation	(0)	(20.0)	(0)	(0)	(0)
Total, ICBM modernization program	(6,246.2)	(4,808.2)	(5,174.0)	(4,834.4)	(−1,411.8)
Operations and Maintenance					
Army	17,867.8	17,589.0	17,460.9	17,523.1	−344.7
Navy	23,225.6	22,254.9	22,538.1	22,489.4	−736.2
Marine Corps	1,575.9	1,555.4	1,552.1	1,554.7	−21.2
Air Force	18,999.1	18,365.2	18,017.0	18,061.1	−938.0
Defense agencies	6,871.9	6,636.7	6,726.6	6,709.4	−162.5
Army Reserve	662.8	686.4	654.0	685.5	+22.7
Navy Reserve	693.0	660.2	675.3	675.3	−17.7
Marine Corps Reserve	53.6	53.2	52.4	52.9	−0.7
Air Force Reserve	815.0	801.0	785.7	791.1	−23.9
Army National Guard	1,135.0	1,181.6	1,126.4	1,180.2	+45.2
Air Force National Guard	1,824.7	1,778.9	1,808.9	1,808.9	−15.8
National Board for the promotion of rifle practice	0.9	0.9	0.9	0.9	0
Claims, Defense	222.9	222.9	172.9	172.9	−50.0
Court of Military Appeals	3.4	3.4	3.4	3.4	0
Summer Olympics	50.0	50.0	25.0	50.0	0
Total, O.&M	74,001.6	71,839.8	71,599.6	71,758.8	−2,242.8
Civil Defense					
Total, Civil Defense	253.5	200.0	161.5	169.0	−84.5
Classified intelligence programs (sec. 1025)			−100.0	0	0
NUNN transfer amendment from DOE (sec. 1030J)			+50.0	0	0
Wide body aircraft (sec. 1002)			+125.0	0	0
Grand total	197,968.1	187,327.5	185,987.1	187,490.7	−10,477.4

[1] Figures adjusted to include authorization for land based strategic missiles.

Note: Totals may not add due to rounding.

AIRCRAFT PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Fixed wing:										
RC–12D (Guardrail)		26.1		26.1		26.1		26.1		
C–12 (Huron)		0	6	11.8		0	6	11.8	+6	+11.8
Rotary:										
EH–60A (Quickfix)	12	(144.0)	12	(144.0)	12	(144.0)	12	(144.0)		
Less advance procurement (PY)		(−21.2)		(−21.2)		(−21.2)		(−21.2)		
Net		122.8		122.8		122.8		122.8		
EH–60A advance procurement (CY)		32.0		32.0		32.0		32.0		
AH–64 (Apache)	112	(1,333.0)	112	(1,317.8)	96	(1,228.0)	112	(1,302.8)		
Less advance procurement (PY)		(−113.7)		(−113.7)		(−113.7)		(−113.7)		
Net		1,219.3		1,204.1		1,114.3		1,189.1		−30.2
AH–64 advance procurement (CY)		78.2		60.4		62.2		62.2		−16.0
UH–60A (Black Hawk)	84	(486.6)	84	(486.6)	84	(486.6)	84	(486.6)		
Less advance procurement (PY)		(−154.2)		(−154.2)		(−154.2)		(−154.2)		
Net		332.4		332.4		332.4		332.4		
UH–60A advance procurement (CY)		133.9		133.9		133.9		133.9		
JSTARS advance procurement		0		5.0		0		5.0		+5.0
Total (aircraft)		(1,944.7)		(1,928.5)		(1,823.7)		(1,915.3)		
Modification of aircraft		633.3		596.2		639.1		608.2		−25.1
AH–1S		(26.3)		(72.1)		(72.1)		(72.1)		(+45.8)
CH–47		(360.5)		(296.5)		(360.5)		(333.5)		(−27.0)
OV–1		(45.8)		(26.9)		(45.8)		(26.9)		(−18.9)
General reduction		(0)		(0)		(−40.0)		(−25.0)		(−25.0)
Spares and repair parts		649.4		574.4		574.4		599.4		−50.0
Replenishment spares		(389.6)		(314.6)		(389.6)		(339.6)		(−50.0)
AH–64		(168.1)		(168.1)		(144.1)		(168.1)		
Other initial spares		(91.7)		(91.7)		(40.7)		(91.7)		
Support equipment and facilities		244.7		232.7		224.7		224.7		−20.0
Common ground support		(176.3)		(164.3)		(156.3)		(156.3)		(−20.0)

AIRCRAFT PROCUREMENT, ARMY—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Inflation adjustment		0		0		−31.0		−16.2		−16.2
Total, aircraft procurement, Army		3,472.1		3,331.8		3,230.9		3,331.4		−140.7

C-12 utility aircraft (Huron)

No authorization was requested for the C-12D aircraft. The Senate bill contained no authorization for the C-12D. The House amendment authorized $11.8 million for procurement of 6 C-12D aircraft.

The conferees recommend authorization of $11.8 million for procurement of 6 C-12D aircraft.

The Senate recedes.

AH-64 attack helicopter (Apache)

The budget request contained $1,219.3 million for procurement of 112 AH-64 helicopters and $78.2 million for advance procurement. The Senate bill authorized $1,114.3 million for procurement of 96 AH-64 helicopters and $62.2 million for advance procurement. The House amendment authorized $1,204.1 million for procurement of 112 AH-64 helicopters and $60.4 million for advance procurement.

The conferees recommend authoriztion of $1,189.1 million for procurement of 112 AH-64 helicopters and $62.2 million for advance procurement.

The conferees believe that the Army should begin selectively to equip Army National Guard units with the Apache while it continues to transition AH-1's to lower priority units. This approach is similar to that of the Navy and Air Force where F-18's and F-16's are being distributed to reserve components.

Accordingly, the conferees request that the Army identify those Army National Guard units that should be equipped with the AH-64 and include funds in its fiscal year 1986 request for aircraft for the first AH-64 unit in the Army National Guard.

The Senate recedes with an amendment.

UH-60A utility helicopter (Black Hawk)

The conferees concur in the House position that the Army is authorized, under its departmental support for civilian law enforcement operations, to loan 4 UH-60 Black Hawk helicopters to Customs Air Operations for use as apprehension aircraft in aerial drug interdiction.

Joint surveillance and target attack radar (JSTARS) advance procurement

No authorization was requested for JSTARS advance procurement. The Senate bill contained no authorization for JSTARS advance procurement. The House amendment authorized $5.0 million for JSTARS advance procurement.

The conferees recommend authoriztion of $5.0 million for JSTARS advance procurement. A more detailed description of conference action on the JSTARS program is contained in the discussion of Title II of this report.

The Senate recedes.

Modification of aircraft, Army

The budget request contained $633.3 million for modification of Army aircraft including $26.3 million for AH-1 modifications; $360.5 million for CH-47 modifications; and $45.8 million for OV-1 modifications.

The Senate bill authorized $639.1 million for modification of Army aircraft including $72.1 million for AH-1 modifications; $360.5 million for CH-47 modifications (of which $335.7 million was for modification of 36 CH-47A-C helicopters to the CH-47D configuration under a multiyear procurement program); $45.8 million for OV-1 modifications; and a general reduction of $40.0 million in the Army aircraft modification account.

The House amendment authorized $596.2 million for modification of Army aircraft including $72.1 million for AH-1 modifications; $296.5 million for CH-47 modifications (of which $271.7 million was for modification of 32 CH-47A-C helicopters to the CH-47D configuration under an annual procurement program); and $26.9 million for OV-1 modifications (a reduction of $18.9 million from the amount requested for side-looking radar data link packages).

The conferees recommend authorization of $608.2 million for modification of Army aircraft including $72.1 million for AH-1 modifications; $333.5 million for CH-47 modifications (of which $308.7 million is for modification of 36 CH-47A-C helicopters to the CH-47D configuration under an annual procurement program); $26.9 million for OV-1 modifications (a reduction of $18.9 million without prejudice); and a general reduction of $25.0 million in the Army aircraft modification account. The conferees direct that none of the general reduction is to be applied to the Army Helicopter Improvement Program (AHIP).

Spares and repair parts, Army

The budget request contained $649.4 million for Army aircraft spares and repair parts including $389.6 million for replenishment spares; $168.1 million for AH-64 initial spares; and $91.7 million for other initial spares. The Senate bill authorized $574.4 million for Army aircraft spares including $389.6 million for replenishment spares; $144.1 million for AH-64 initial spares; and $40.7 million for other initial spares. The House amendment authorized $574.4 million for Army aircraft spares including $314.6 million for replenishment spares; $168.1 million for AH-64 initial spares; and $91.7 million for other initial spares.

The conferees recommend authorization of $599.4 million for Army aircraft spares including $339.6 million for replenishment spares; $168.1 million for AH-64 initial spares; and $91.7 million for other initial spares.

Support equipment and facilities—Common ground support equipment

The budget request contained $176.3 million for common ground support equipment. The Senate bill authorized $156.3 million, applying a general reduction of $20.0 million in the account. The House amendment authorized $164.3 million applying a specific reduction without prejudice of $12.0 million to the CH-47D flight simulator program.

The conferees recommend an authorization of $156.3 million for common ground support equipment with a general reduction of $20.0 million.

The House recedes.

MISSILE PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Surface-to-air missiles:										
Patriot	525	992.0	525	936.0	287	812.4	440	885.0	−85	107.0
Stinger	1,508	137.8	1,508	137.8	1,508	137.8	1,508	137.8		
Air-to-surface missiles: Laser Hellfire	5,351	238.8	5,351	238.8	5,351	218.8	5,351	218.8		−20.0
Antitank/assault missiles:										
TOW (BGM-71A, BTM-71A)	18,000	189.2	18,000	155.8	18,000	189.2	18,000	189.2		
Advance procurement (CY)		28.2		0		28.2		0		−28.2
Pershing II	95	407.7	95	407.7	95	407.7	95	407.7		
Multiple launch rocket system	36,000	(451.1)	36,000	(451.1)	36,000	(451.1)	36,000	(451.1)		
Less advance procurement (PY)		(−33.1)		(−33.1)		(−33.1)		(−33.1)		
Net		418.0		418.0		418.0		418.0		
MLRS advance procurement (CY)		114.1		114.1		114.1		114.1		
Joint tactical missile advance procurement		0		20.0		0		20.0		+20.0
Other missile support		9.2		9.2		9.2		9.2		
Total, missiles		(2,535.0)		(2,437.4)		(2,335.4)		(2,399.8)		(−135.2)
Modification of missiles		123.3		123.3		123.3		123.3		

MISSILE PROCUREMENT, ARMY—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Spares and repair parts		316.6		316.6		262.6		281.4		−35.2
Patriot		(135.2)		(135.2)		(81.2)		(100.0)		(−35.2)
Support equipment and facilities		113.6		113.6		113.6		113.6		
Inflation adjustment		0		0		−28.0		−14.7		−14.7
Total, missile procurement, Army		3,088.5		2,990.9		2,806.9		2,903.4		−185.1

Patriot

The budget request contained $992 million for the procurement of 525 missiles and 15 Patriot fire units. The House amendment would authorize $936 million for the procurement of 525 missiles and 15 Patriot fire units which is a reduction of $56 million from the requested amount. The House amendment would also authorize the $135.2 million requested for initial spares.

The Senate bill would authorize $812.4 million to procure 287 missiles and 12 fire units and $81.2 million for initial spares.

The conferees recognize the importance of the patriot missile system as an integral part of our European air defense system and support the fielding of Patriot at the earliest possible date.

The conferees agree to authorize $885 million to procure 440 missiles and 12 fire units and $100 million for initial spares.

Laser Hellfire

The request contained $238.8 million to procure 5,351 Laser Hellfire missiles. The Senate bill would authorize $218.8 million for 5,351 missiles. The House amendment supported the request.

The conferees agree, without prejudice, to authorize $218.8 million.

TOW (BGM-71A, BTM-71A)

The request contained $189.2 million to procure 18,000 TOW missiles and $28.2 million for advance procurement to support production surge requirements. The Senate bill would authorize the amount requested. The House amendment would authorize $155.8 million for 18,000 TOW missiles and would disapprove the $28.2 million for surge support.

The conferees agree to authorize $189.2 million for TOW missile procurement and to disapprove the $28.2 million for surge support.

Joint tactical missile (adv. proc.)

The budget request did not contain funds for the Joint Tactical Missile (JTACM). The House amendment would authorize $20 million for JTACM. The Senate bill contained no authorization for JTACM.

The Senate recedes.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tracked combat vehicles:										
M577A2 command post vehicle	652	130.0	250	50.0	170	50.0	250	50.0	−402	−80.0
M113A2 armored personnel carrier	400	73.2	250	46.0	400	73.2	250	46.0	−150	−27.2
M2/M3 Bradley fighting vehicle	600	(815.2)	600	(848.2)	600	(821.2)	600	(848.2)		(+33.0)
Less advance procurement (PY)		(−49.2)		(−49.2)		(−49.2)		(−49.2)		
Net		766.0		799.0		772.0		799.0		+33.0
M2/M3 advance procurement (CY)		29.8		29.8		23.8		29.8		
Bradley FVS training devices		60.8		60.8		60.8		60.8		
Field artillery ammunition support vehicle (FAASV)	217	103.4	180	88.3	54	32.0	120	60.0	−97	−43.4
M109A2 155mm howitzer	112	82.1	60	44.0	162	118.1	120	88.0	+8	+5.9
M88A1 recovery vehicle	180	142.3	180	142.3	180	142.3	180	142.3		
M1 Abrams tank	720	(1,742.1)	840	(1,843.8)	600	(1,515.2)	840	(1,843.8)	+120	(+101.7)
Less advance procurement (PY)		(−380.9)		(−380.9)		(−380.9)		(−380.9)		
Less PY authorization transfer				(−111.6)				(−111.6)		(−111.6)
Net		1,361.2		1,351.3		1,134.3		1,351.3		−9.9
M1 advance procurement (CY)		251.1		293.1		251.1		293.1		+42.0
M60 tank training devices		12.2		12.2		12.2		12.2		
M1 tank training equipment		31.6		31.6		31.6		31.6		
Light armored vehicle (LAV-25)	176	132.4	0	0	176	132.4		33.0	−176	−99.4
Modification of tracked combat vehicles		385.5		377.5		377.5		377.5		−8.0
FIST-V		(106.1)		(98.1)		(98.1)		(98.1)		(−8.0)
Spares and repair parts		406.3		411.2		372.1		411.2		+4.9
FIST-V		(30.7)		(20.7)		(20.7)		(20.7)		(−10.0)
M-1		(145.0)		(170.0)		(120.8)		(170.0)		(+25.0)
LAV		(10.1)		(0)		(10.1)		(0)		(−10.1)
Production base support		65.6		66.6		65.6		65.6		
DMPE		(11.8)		(12.8)		(11.8)		(11.8)		
Items less than $900,000		9		9		9		9		
Total, tracked combat vehicles, Army		(4,034.4)		(3,804.6)		(3,649.9)		(3,852.3)		(−182.1)
Weapons:										
DIVAD gun	130	(610.3)	130	(610.3)	130	(610.3)	130	(610.3)		
Less advance procurement (PY)		(−68.8)		(−68.8)		(−68.8)		(−68.8)		
Net		541.5		541.5		541.5		541.5		
DIVAD advance procurement (CY)		38.7		38.7		38.7		38.7		
M42 Duster		0		10.0		0		0		
Product Improved Vulcan (PIVADS)		9.3		29.3		38.3		38.3		+29.0
M60 machine gun	368	1.1	368	1.1	368	1.1	368	1.1		
M240 armor machine gun	2,250	11.6	2,250	11.6	2,250	11.6	2,250	11.6		
Squad automatic weapon (SAW)	2,000	6.7	2,000	6.7	2,000	6.7	2,000	6.7		
Launcher, MK 19-3 grenade	72	2.5	72	2.5	72	2.5	72	2.5		
Launcher, smoke grenade	3,701	3.0	3,701	3.0	3,701	3.0	3,701	3.0		
XM252 (81mm mortar)	30	1.7	30	1.7	30	1.7	30	1.7		
9mm personal defense weapons	11,500	3.9	11,500	3.9	0	0	0	0	−11,500	−3.9
Vehicle rapid fire weapons system (Bushmaster)	630	42.1	630	42.1	630	42.1	630	42.1		
M-26 tank muzzle boresight	1,750	4.4	1,750	4.4	1,750	4.4	1,750	4.4		
Modification of other weapons		9		9		9		9		
Support equipment and facilities		232.6		236.4		232.6		232.6		
Spares and repair parts		(118.9)		(118.9)		(118.9)		(118.9)		
Production base support		(111.2)		(115.0)		(111.2)		(111.2)		
Total, weapons, Army		(900.0)		(933.8)		(925.1)		(925.1)		+25.1

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Inflation adjustment		0		0		−44.0		−23.1		−23.1
General reduction		0		0		0		−19.8		−19.8
Total, procurement of weapons and tracked combat vehicles, Army		4,934.4		4,738.4		4,531.0		4,734.5		−199.9

M557A2 command post vehicle

The budget request contained $130 million to procure 652 M577A2 Command Post Vehicles. The Senate bill would authorize $50 million for the procurement of 170 vehicles. The House amendment would authorize $50 million for the procurement of 250 vehicles. A reduction of $80 million and 402 vehicles from the budget request.

The Senate recedes.

M113A2 armored personnel carrier

The budget request contained $73.2 million for procurement of 400 M113A2 armored personnel carriers. The Senate bill would authorize $73.2 million for the procurement of 400 armored personnel carriers. The House amendment would authorize $46 million for the procurement of 250 carriers, a reduction of $27.2 million and 150 carriers from the budget request.

The Senate recedes.

Bradley fighting vehicle

The budget request contained $766 million to procure 600 Bradley Fighting Vehicles, $62.5 million for initial spares, and $29.5 million for initial spares, and $29.8 million to support advance procurement of 830 Bradley Fighting Vehicles, $23.8 million for advance procurement, and $62.5 million for initial spares. The House amendment contained $799 million to procure 600 Bradley Fighting Vehicles, $29.8 million for advance procurement, and $62.5 million for initial spares. The $799 million is an increase of $33 million over the budget request. The increase of $33 million would allow the Army to purchase tooling and long-lead components to support starting the integration of the TOW II missile system on the Bradley Fighting Vehicle.

The Senate recedes.

The conferees strongly support the Bradley Fighting Vehicle program. The Bradley Fighting Vehicle program appears to be an excellent candidate for multiyear contracting. Therefore, the Secretary of the Army is directed to review the procurement strategy for the Bradley Fighting Vehicle. This review should include an analysis of the costs and benefits associated with pursuing a multiyear contract versus a single year contract both with firm fixed price and fixed price incentive fee type contracts. The review should also include an analysis of the costs and benefits associated with the prime contractor assuming total responsibility and furnished many major system components and performs the systems integration function. The results of the review, together with recommendations, should be reported to the Armed Service Committee of the Senate and House of Representatives by February 1, 1984.

Field artillery ammunition support vehicle (FAASV)

The budget request contained $103.4 million for 217 Field Artillery Ammunition Support Vehicles (FAASV's). The Senate bill would authorize $32 million for procurement of 54 FAASV's. The House amendment would authorize $88.3 million to procure 180 FAASV's.

The conferees agree to authorize $60 million to procure 120 FAASV's.

M109A2 155mm howitzer

The budget request contained $82.1 million to procure 112 M109A2 155mm Self Propelled Howitzers. The Senate bill would authorize $118.1 million for procurement of 162 howitzers. The House amendment would authorize $44 million for procurement of 60 Self Propelled Howitzers.

The conferees agree to authorize $88 million to procure 120 M109A2 155mm Self Propelled Howitzers.

M1 Abrams tank

The budget request contained $1,361.2 million to procure 720 M1 tanks, $251.1 million for advance procurement to support the production of 840 M1 tanks in fiscal year 1985, and $145 million for initial spares. The Senate bill would authorize $1,134.3 million for 600 M1 tanks, $251.1 million for advance procurement, and $120.8 million for spares. The House amendment would authorize $1,351.3 million which includes the authority to transfer forward $46.4 million from unused fiscal year 1983 authorization and to apply $65.2 million from foreign military sales receipts from the sale of M48A5 tanks to the fiscal year 1984 Army weapons and tracked combat vehicle account to support procurement of 840 M1 tanks. The House amendment would also authorize $170 million for initial spares and $293.1 million for advance procurement for 840 M1 tanks in fiscal year 1985.

The Senate recedes.

Light armored vehicle (LAV)

The budget request contained $132.4 million to procure 176 Light Armored Vehicles (LAV's) for the Army and $10.1 million for initial spares. The Senate bill would authorize the amount requested. The House amendment contained no authorization for the Army's LAV program.

The conferees recommend authorizing $33 million for the Army's LAV program but agree that those LAV's purchased with the $33 million should be immediately transferred to the Marine Corps. The conferees do not believe the Army has sufficiently justified its requirements for the LAV. The conferees agree that the Secretary of the Army should reassess the Army's requirement for a light armored vehicle. The reassessment should include evaluating the feasibility of using alternative vehicles to satisfy the LAV requirement.

The conferees also agree that while the Army is reassessing its LAV requirements, those LAV's authorized for the Army in the fiscal year 1983 Defense Department Authorization Act could be used to satisfy immediate Marine Corps requirements. Therefore, the conferees direct the Secretary of the Army to immediately transfer those LAV's procured with fiscal year 1983 funds to the Marine Corps.

Production base support—Depot maintenance plant equipment (DMPE)

The budget request contained $65.6 million for production base support, including $11.8 million for Depot Maintenance Plant Equipment (DMPE) for tracked combat vehicles. The Senate bill would authorize the amount requested. The House amendment would authorize $12.8 million, an increase of $1.0 million above the budget request. The increase of $1.0 million would provide the DMPE needed at Anniston Army Depot to support overhauling of M–1 tank hulls, turrets, shocks, and hydraulic motors.

The House recedes and the conferees direct that the Secretary of the Army shall provide DMPE at Anniston Army Depot within the funds authorized.

M42 40mm duster gun

The budget request contained no funds for the M42 40mm Duster Gun. The Senate bill contained no funds for the M42 40mm Duster Gun. The House amendment would authorize procurement of $10 million to start a M42 40mm Duster improvement program.

The House recedes.

Product improved Vulcan air defense system (PIVADS)

The budget request contained $9.3 million to product improve 39 Vulcan Air Defense Systems. The Senate bill would authorize $38.3 million for PIVADS. The House amendment would authorize $29.3 million for PIVADS, an increase to the request of $20 million.

The House recedes.

9mm handgun

The Army's budget request contained $3.9 million to procure 11,500 9mm handguns. The Senate bill would not authorize 9mm handguns. The House amendment would authorize $3.9 million to procure 11,500 9mm handguns.

The House recedes.

Support equipment and facilities—production base support

The budget request contained $111.2 million for production base support. The Senate bill would authorize the amount requested. The House amendment would authorize $115 million, an increase of $3.8 million above the budget request. The $3.8 million would provide funds to facilitize an Army arsenal to support the rehabilitation of the 40mm cannon for the Sergeant York Gun.

The House recedes and the conferees direct that the Secretary of the Army shall support the 40mm cannon rehabilitation program within the funds authorized.

General reduction

Neither the Senate bill nor the House amendment authorized a general reduction in Army Weapons and Tracked Combat Vehicle programs.

The conferees agree to authorize a general reduction of $19.8 million in Army Weapons and Tracked Combat Vehicle programs.

AMMUNITION, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		2,056.9		1,986.0		1,906.3		1,899.1		−157.8
Binary chemical 155mm proj		(18.1)		(0)		(18.1)		(18.1)		
Copperhead		(75.0)		(150.0)		(0)		(75.0)		
Ctg, 7.62mm, blank, NATO		(41.9)		(33.2)		(33.2)		(33.2)		(−8.7)
Ctg, Cal .22		(.3)		(0)		(0)		(0)		(−.3)
Ctg, 9mm, ball		(1.2)		(0)		(1.2)		(1.2)		
Ctg, Cal .50, API-T		(47.0)		(43.3)		(43.3)		(43.3)		(−3.7)
Ctg, 20mm, all types		(16.4)		(13.1)		(13.1)		(13.1)		(−3.3)
Ctg, 25mm, all types		(91.9)		(67.8)		(91.9)		(67.8)		(−24.1)
Ctg, 60mm, all types		(20.2)		(0)		(0)		(0)		(−20.2)
Ctg, 81mm, conventional		(22.4)		(12.1)		(22.4)		(22.4)		
Ctg, 4.2 inch, all types		(77.2)		(64.2)		(97.4)		(77.2)		
Hand grenade		(16.5)		(10.1)		(10.1)		(10.1)		(−6.4)
Light antitank system		(0)		(20.7)		(0)		(20.7)		(+20.7)
Less PY authority transfer				(−20.7)				(−20.7)		(−20.7)
Projectile, 8" HE ICM		(201.0)		(136.9)		(138.0)		(136.9)		(−64.1)
Cartridge, 105mm (APFSDS-T/TP)		(123.8)		(148.5)		(170.2)		(153.4)		(+29.6)
Cartridge, 5.56mm, all types		(74.7)		(77.4)		(83.5)		(80.0)		(+5.3)
155mm nuclear projectile						(−50.0)		(−63.1)		(−63.1)
Ctg, Cal. 45, all types		(1.7)		(1.7)		(4.1)		(2.9)		(+1.2)
Ctg, 40mm (conv) all types		(1.8)		(1.8)		(4.0)		(1.8)		
Ammunition production base support		277.3		171.9		277.3		268.4		−8.9
8 Inch M509 threaded base		(8.9)		(0)		(8.9)		(0)		(−8.9)
Binary production facilities		(96.5)		(0)		(96.5)		(96.5)		
Inflation adjustment		0		0		−39.0		−20.4		−20.4
Total, ammunition, Army		2,334.2		2,157.9		2,144.6		2,147.1		−187.1

Binary chemical munitions

The budget request contained $18.1 million for the procurement of components for the 155mm binary chemical artillery projectile, $96.5 million to procure binary production base equipment.

The Senate bill would authorize $130.6 million, $16 million above the amount requested. The Senate bill also contains a provision (section 1013(a)) that would explicitly prohibit the final assembly of binary chemical munitions authorized prior to October 1, 1985, and permits their final assembly, thereafter, only if the President certifies in writing that such final production assembly is essential to the national interest. The Senate provision further states that the absence of constructive movement towards the negotiation of a verifiable ban on chemical weapons would contribute to justifying the initiation of production of binary chemical munitions. The House amendment contained no authorization for the production of binary chemical munitions.

The House recedes on the above provision.

The House amendment contained no authorization for the production of binary chemical munitions and a provision (sec. 109) that would prohibit the use of funds authorized for procurement of binary munitions, production facilities, production equipment, and chemicals for binary munitions. The House amendment also contained a provision (sec. 1103) that would prohibit the obligation or expenditure of funds for the production of binary munitions unless the President certifies to the Congress that for each 155mm binary artillery projectile or binary aerial bomb produced, a serviceable unitary artillery projectile will be rendered permanently useless for military purposes. The Senate bill contained no similar provision.

The Senate recedes to section 1103 of the House amendment with amendments.

The question of binary chemical munitions was discussed at length on several occasions during the conference, and the House conferees insisted on reconsideration after the matter had been first agreed to. But the Senate conferees were adamant and the House conferees reluctantly receded on the dollar authorizations.

In agreeing to the potential assembly of binary chemical weapons two years hence, subject to presidential certification, the conferees of both Houses wish to strongly state their intent to reaffirm the longstanding United States Government policy and our commitment to the Geneva Protocol of 1925, which states that the United States will not use chemical weapons unless they are first used against us.

Summarizing, the conferees agreed (1) to recommend the authorization of $114.6 million to procure 155mm artillery projectile components and for binary production base support, a reduction of $16 million from the Senate bill; (2) to approve section 1013(a) of the Senate bill prohibiting the final assembly of any chemical munitions until October 1, 1985; (3) to approve section 1103 of the House amendment requiring that one serviceable unitary artillery projectile be rendered useless for military purposes for each binary chemical munition produced (section 1233 of the conference report); (4) to require presidential certification of the requirement for binary chemical munitions prior to initiating production (section 1233 of the conference report) and (5) to express the sense of the conferees in reaffirming the United States commitment to the terms of the Geneva Protocol of 1925, which supports the policy of no first-use of chemical weapons.

Projectile, 155mm HE Copperhead

The budget request contained $75 million to procure Copperhead 155mm artillery projectiles. The Senate bill contained no authorization for the Copperhead projectiles. The House amendment would authorize $150 million to procure 155mm Copperhead artillery projectiles.

The conferees agree to authorize $75 million to procure Copperhead projectiles.

Cartridge, 9mm, ball

The budget request contained $1.2 million to procure 9mm ammunition. The Senate bill would authorize the amount requested. The House amendment contained no authorization for 9mm ammunition for the Army.

The House recedes.

Cartridge, 25mm, all types

The budget request contained $91.9 million to procure all types of 25mm ammunition. The Senate bill would authorize the amount requested. The House amendment would authorize $67.9 million to procure 25mm ammunition.

The conferees agree, without prejudice, to authorize $67.8 million for the procurement of all types of 25mm ammunition.

Cartridge, 81mm, conventional

The budget request contained $22.4 million to procure 81mm conventional ammunition. The Senate bill would authorize the amount requested. The House amendment would authorize $12.1 million to procure 81mm ammunition.

The House recedes.

Cartridge, 4.2 inch, all types

The budget request contained $77.2 million to procure all types of 4.2 inch ammunition. The Senate bill would authorize $97.4 million for 4.2 inch ammunition. The House amendment would authorize $64.2 million to procure 4.2 inch ammunition.

The conferees agree to authorize the amount requested, $77.2 million, for all types of 4.2 inch ammunition.

Light antitank system

The House amendment would recommend authorizing the transfer forward of $20.7 million from funds previously authorized to help offset the cost of priority programs. The Senate bill contained no similar authorization.

The Senate recedes.

Projectile, 8 inch, HE, ICM

The budget request contained $201 million to procure 8 inch ammunition. The Senate bill would authorize $138 million for 8 inch ammunition. The House amendment would authorize $136.9 million to procure 8 inch ammunition.

The Senate recedes.

Cartridge, 105mm (APFSDA-T/TP)

The budget request contained $123.8 million to procure 105mm tank ammunition. The Senate bill would authorize $170.2 million for 105mm tank ammunition. The House amendment would authorize $148.5 million to procure 105mm tank ammunition.

The conferees agree to authorize $153.4 million for 105mm tank ammunition, an increase of $29.6 million over the request.

Cartridge, 5.56mm, all types

The budget request contained $74.7 million to procure all types of 5.56mm ammunition. The Senate bill would authorize $83.5 million for procurement of 5.56mm ammunition. The House amendment would authorize $77.4 million for procurement of 5.56mm ammunition.

The conferees agree to authorize $80.0 million to procure all types of 5.56mm ammunition.

155mm nuclear projectile

The budget request contained classified amounts for the 155mm nuclear projectile. The Senate bill would authorize a reduction of $50 million in the 155mm nuclear projectile program. The House amendment would authorize the amount requested.

The conferees agree to terminate this program. Additional language describing the conferees' action on this issue appears in the General Provisions section of this report.

Cartridge, Cal. .45 all types

The budget request contained $1.7 million to procure all types of .45 caliber ammunition. The Senate bill would authorize $4.1 million for procurement of all types of .45 caliber ammunition. The House amendment would authorize $1.7 million for procurement of all types of .45 caliber ammunition.

The conferees agree to authorize $2.9 million.

Cartridge, 40mm (conventional) all types

The budget request contained $1.8 million to procure all types of 40mm ammunition. The Senate bill would authorize $4.0 million to procure all types of 40mm ammunition. The House amendment would authorize $1.8 million to procure all types of 40 mm ammunition.

The Senate recedes.

8 inch M509 threaded base

The budget request contained $8.9 million for 8-inch M509 threaded base production equipment. The Senate bill would authorize the amount requested. The House amendment contained no authorization for 8-inch M509 threaded base production equipment.

The Senate recedes.

OTHER PROCUREMENT, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Tactical and support vehicles		1,148.1		1,124.9		1,148.1		1,126.9		−21.2
Motorcycle		(9.9)		(0)		(9.9)		(1.0)		(−8.9)
Fast attack vehicle		(4.7)		(1.0)		(4.7)		(2.0)		(−2.7)
5,000 gal st. full tanker		(24.7)		(15.1)		(24.7)		(15.1)		(−9.6)
Communications and electronics equipment		2,781.2		2,679.7		2,427.9		2,493.4		−287.8
Tac elec surveillance system		(8.9)		(0)		(8.9)		(5.4)		(−3.5)
Res. component comm eqpt		(0)		(15.0)		(0)		(15.0)		(+15.0)
Comm system engr		(8.0)		(6.5)		(8.0)		(8.0)		
Navstar GPS		(2.4)		(0)		(2.4)		(0)		(−2.4)
Multi subscriber eqpt		(4.4)		(1.4)		(4.4)		(4.4)		
Ft. Devens training support		(15.8)		(7.9)		(15.8)		(7.9)		(−7.9)
DAS3B		(52.0)		(44.4)		(52.0)		(52.0)		
AN/GVS–5		(10.1)		(7.2)		(10.1)		(10.1)		
MOD In-service eqpt		(18.7)		(14.7)		(18.7)		(18.7)		
AN/UGC–74		(26.0)		(21.1)		(26.0)		(26.0)		
AN/TSQ 111 advance procurement		(33.0)		(5.0)		(33.0)		(5.0)		(−28.0)
Modifications (TACSAT)		(43.0)		(0)		(43.0)		(43.0)		
JSTARS grounds station adv proc		(0)		(7.0)		(0)		(7.0)		(+7.0)
Spares (TACSAT)		(189.8)		(181.0)		(189.8)		(189.8)		
Spares (AN/GVS–5)		(178.1)		(177.6)		(178.1)		(178.1)		
Classified program						(−3.3)		(−3.0)		(−3.0)
General Reduction		(0)		(0)		(−350.0)		(−265.0)		(−265.0)
Other support equipment		1,433.6		1,241.1		1,274.2		1,264.1		−169.5
Shop eqpt, org repair	(120)	(25.8)	(0)	(0)	(120)	(25.8)	(120)	(25.8)		
Welding shop	(240)	(11.9)	(0)	(0)	(240)	(11.9)	(240)	(11.9)		
Shop eqpt elec repair	(100)	(19.8)	(0)	(0)	(100)	(19.8)	(100)	(19.8)		
Grader, road motorized, heavy	(508)	(51.2)	(200)	(20.0)	(508)	(51.2)	(508)	(51.2)		
Scraper, earthmoving	(244)	(66.6)	(122)	(33.3)	(244)	(66.6)	(244)	(66.6)		
Loader, scoop type	(737)	(54.5)	(360)	(26.5)	(737)	(54.5)	(737)	(54.5)		
Tractor, full tracked	(212)	(53.0)	(100)	(25.0)	(212)	(53.0)	(212)	(53.0)		
Crane, 7½ ton	(140)	(30.0)	(70)	(15.0)	(140)	(30.0)	(140)	(30.0)		
Generators and assoc eqpt		(101.6)		(86.6)		(101.6)		(101.6)		
Non-system training devices		(77.9)		(93.4)		(77.9)		(93.4)		(+15.5)
Landing craft		(25.7)		(25.7)		(19.3)		(25.7)		
Railway car, flat	(174)	(17.7)	(174)	(17.7)	(174)	(14.7)	(174)	(17.7)		
General reduction		(0)		(0)		(−150.0)		(−185.0)		(−185.0)
Inflation adjustment		0		0		−92.0		−48.2		−48.2
Total other procurement, Army		5,365.9		5,045.7		4,758.2		4,836.2		−526.7

Motorcycle

The budget request contained $9.9 million for the procurement of 3,433 motorcycles. The Senate bill would recommend authorizing the $9.9 million. The House amendment disapproved authorization for motorcycles.

The conferees agree to recommend authorization of $1.0 million for the procurement of motorcycles.

Fast attack vehicle

The budget request contained $4.7 million for the procurement of 138 Fast Attack Vehicles. The Senate bill would authorize the amount requested. The House amendment authorized $1.0 million for Fast Attack Vehicles.

The conferees agree to authorize $2.0 million for Fast Attack Vehicles.

5,000 gallon semitrailer, full tanker

The budget request contained $24.7 million to procure 523 tankers. The Senate bill would authorize the amount requested. The House amendment would recommend authorizing $15.1 million for 5,000 gallon tankers.

The Senate recedes.

Army communications and electronics

Reserve component communications equipment.—The budget request contained no funds for the procurement of reserve component communications equipment. The Senate bill contained no authorization for this program. The House amendment contained authorization for $15.0 million to be equally divided between the Army National Guard and Army Reserve.

The conferees recommend authorization of $15.0 million for communications equipment for the Army Reserve.

The Senate recedes.

Communications system engineering.—The budget request contained $8.0 million for communications systems engineering. The Senate bill recommended authorization of the request. The House amendment would authorize $6.5 million.

The House recedes.

Navstar GPS.—The budget request contained $2.4 million for procurement of ground equipment associated with the Navstar GPS program. The Senate bill recommended authorization of the request. The House amendment deleted the requested authorization.

The Senate recedes.

Multi-subscriber equipment.—The budget request contained $4.4 million for procurement of multi-subscriber equipment. The Senate bill recommended authorization of the request. The House amendment deleted $3.0 million from the request.

The House recedes.

Fort Devens training support.—The budget request contained $15.8 million for procurement of items for Fort Devens training support. The Senate bill recommended authorization of the request. The House amendment deleted $7.9 million from the request.

The House recedes.

Decentralized automated service support system (DASSB).—The budget request contained $52.0 million for the procurement of the Decentralized Automated Service Support System. The Senate bill recommended authorization of the request. The House

amendment deleted $7.6 million from the request.

The House recedes.

AN/GVS-5, laser rangefinder.—The budget request contained $10.1 million for procurement of the AN/GVS-5, laser rangefinder. The Senate bill recommended authorization of the request. The House amendment deleted $2.9 million from the request.

The House recedes.

Modification of in-service equipment.—The budget request contained $18.7 million for modification of in-service communications equipment. The Senate bill recommended authorization of the request. The House amendment deleted $4.0 million from the request.

The House recedes.

AN/UGC-74, teletypewriter.—The budget request contained $26.0 million for procurement of the AN/UGC-74 teletypewriter. The Senate bill recommended authorization of the request. The House amendment deleted $5.0 million from the request.

The House recedes.

AN/TSQ-111 (Communications Nodal Control Element).—The budget request contained $33.0 million for procurement of the Communications Nodal Control Element. The Senate bill recommended authorization of the request. The House amendment deleted $28.0 million from the request.

The conferees were aware of a recent cost estimate that showed a requirement for additional funding in fiscal year 1986 of $30 million for the Air Force portion of this joint program. In view of the revised cost estimate, the Army is reconsidering its requirement.

Until the cost and requirement are reaffirmed, the conferees recommend deferral of the multiyear acquisition program.

The Senate recedes.

Modification, Tactical Satellite (TACSAT).—The budget request contained $43.0 million for modifications to the TACSAT system. The Senate bill recommended authorization of the request. The House amendment contained no authorization.

The House recedes.

Joint surveillance and target attack radar system (JSTARS) ground station advance procurement.—No authorization was requested for JSTARS ground station advance procurement. The Senate bill contained no authorization for this program. The House amendment authorized $7.0 million for the program.

The conferees recommend authorization of $7.0 million for advance procurement for the JSTARS ground station. A more detailed discussion of the conference recommendations on the JSTARS program is contained in the R&D section of this report.

The Senate recedes.

Spares, Tactical Satellite (TACSAT).—The budget request contained $189.8 million for spares. The Senate bill recommended authorization of the request. The House amendment deleted $8.8 million for TACSAT spares.

The House recedes.

Spares (AN/GVS-5).—The budget request contained $178.1 million for spares. The Senate bill recommended approval of the request. The House amendment deleted $0.5 million for spares for the AN/GVS-5, laser rangefinder.

The House recedes.

General reduction.—The Senate bill recommended a general reduction of $350 million in communications and electronics equipment. The House amendment contained no general reduction.

The conferees agreed to a general reduction of $265 million. The Secretary of the Army is directed to notify the Committees on Armed Services, in writing, as to how this reduction will be apportioned before obligating any funds in this account.

Other support equipment

The budget request contained $1,433.6 million to procure other support equipment. The Senate bill would authorize a general reduction to the other support equipment account of $150 million which results in an authorization of $1,274.2 for other support equipment.

The House amendment would authorize specific line item reductions and one increase, as reflected in the chart above.

The conferees agree to authorize a general reduction of $185 million, resulting in an authorization of $1,264.1 million for other support equipment. The Secretary of the Army is directed to notify the Committees on Armed Services in writing as to how the reduction will be apportioned before obligating any funds in this account.

NATIONAL GUARD, ARMY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Miscellaneous equipment		0		0		100.0		100.0		+100.0

NATIONAL GUARD, ARMY

Miscellaneous equipment

No authorization was requested for procurement of miscellaneous equipment for the Army National Guard. The Senate bill authorized $100.0 million for this purpose; the House amendment contained no such authorization.

The conferees recommend authorization of $100.0 million for procurement of miscellaneous equipment for the Army National Guard. The Secretary of the Army is directed to notify the Committees on Army Services in writing of the planned use of these funds before obligating any funds in this account.

AIRCRAFT PROCUREMENT, NAVY[1]

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:										
A–6E (Intruder)	6	(213.7)	6	(213.7)	0	(113.3)	6	(213.7)		
Less advance procurement (PY)		(−8.3)		(−8.3)		(−8.3)		(−8.3)		
Net		205.4		205.4		105.0		205.4		
A–6E advance procurement (CY)		11.0		11.0		0		11.0		
EA–6B (Prowler)	6	(399.6)	6	(342.6)	8	(452.7)	8	(452.7)	+2	(+53.1)
Less advance procurement (PY)		(−17.6)		(−17.6)		(−17.6)		(−17.6)		
Net		382.0		325.0		435.1		435.1		
EA–6B advance procurement (CY)		17.6		17.6		23.6		23.6		+6.0
AV–8B (Harrier)	32	(871.7)	32	(871.7)	27	(776.7)	27	(776.7)	−5	(−95.0)
Less advance procurement (PY)		(−61.6)		(−61.6)		(−61.6)		(−61.6)		
Net		810.1		810.1		715.1		715.1		−95.0
AV–8B advance procurement (CY)		98.4		98.4		98.4		98.4		
F–14A (Tomcat)	24	(1,088.9)	24	(1,063.9)	21	(994.8)	24	(994.8)		(−94.1)
Less advance procurement (PY)		(−202.4)		(−202.4)		(−202.4)		(−202.4)		
Net		886.5		861.5		792.4		792.4		−94.1
F–14A advance procurement (CY)		178.8		178.8		178.8		178.8		
F–18 (Hornet)	84	(2,362.2)	84	(2,384.0)	84	(2,347.1)	84	(2,347.1)		(−15.1)
Less advance procurement (PY)		(−211.3)		(−248.2)		(−211.3)		(−211.3)		
Net		2,150.9		2,135.8		2,135.8		2,135.8		−15.1
F–18 advance procurement (CY)		382.7		295.5		295.5		295.5		−87.2

AIRCRAFT PROCUREMENT, NAVY[1]—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
CH–53E (Super Stallion)	11	(224.7)	11	(209.7)	11	(214.7)	11	(209.7)		(−15.0)
Less advance procurement (PY)		(−2.9)		(−2.9)		(−2.9)		(−2.9)		
Net		221.8		206.8		211.8		206.8		−15.0
CH–53E advance procurement (CY)		7.3		7.3		7.3		7.3		
AH–1T (Sea Cobra) advance procurement (CY)		17.8				17.8		17.8		
SH–60B (Seahawk)	21	(548.9)	21	(548.9)	24	(585.9)	21	(548.9)		
Less advance procurement (PY)		(−102.0)		(−102.0)		(−102.0)		(−102.0)		
Net		446.9		446.9		483.9		446.9		
SH–60B advance procurement (CY)		58.8		58.8		58.8		58.8		
P–3C (Orion)	5	(263.9)	5	(263.9)	5	(263.9)	5	(263.9)		
Less advance procurement (PY)		(−48.8)		(−48.8)		(−48.8)		(−48.8)		
Net		215.1		215.1		215.1		215.1		
P–3C advance procurement (CY)		67.7		67.7		67.7		67.7		
EP–3	2	(101.7)	1	(69.7)	2	(101.7)	1	(70.0)	−1	(−31.7)
Less advance procurement (PY)		(−24.6)		(−24.6)		(−24.6)		(−0.0)		(+24.6)
Net		77.1		45.1		77.1		70.0		−7.1
EP–3 advance procurement (CY)		12.4		4.0		12.4		8.0		−4.4
E–2C (Hawkeye)	6	(330.9)	6	(330.9)	6	(325.9)	6	(325.9)		(−5.0)
Less advance procurement (PY)		(−21.3)		(−21.3)		(−21.3)		(−21.3)		
Net		309.6		309.6		304.6		304.6		−5.0
E–2C advance procurement (CY)		25.6		25.6		25.6		25.6		
SH–2F (Seasprite)	12	(123.2)	0	(43.2)	6	(58.1)	6	(58.1)	−6	(−65.1)
Less advance procurement (PY)		(−13.4)		(−13.4)		(−13.4)		(−13.4)		
Net		109.8		29.8		44.7		44.7		−65.1
SH–2F advance procurement (CY)		6.6		0		0		0		−6.6
Total, combat aircraft		(6,699.9)		(6,355.8)		(6,306.5)		(6,364.4)		−335.5
Airlift aircraft:										
C–2 (Greyhound)	8	(187.5)	6	(157.5)	6	(167.5)	6	(167.5)		(−20.0)
Less advance procurement (PY)		(−21.8)		(−21.8)		(−21.8)		(−21.8)		
Net		165.7		135.7		145.7		145.7		−20.0
C–2 advance procurement (CY)		37.5		37.5		37.5		37.5		
Total, airlift aircraft		(203.2)		(173.2)		(183.2)		(183.2)		(−20.0)
Trainer aircraft:										
T–34C (Mentor)	38	40.5	20	26.7	0	0	0	4.8	−38	−35.7
Adversary aircraft	4	29.1	0	0	4	29.1	4	29.1		
VTXTS advance procurement (CY)		4.9		4.9		4.9		4.9		
TH–57 (Sea Ranger)	21	31.4	21	31.4	21	31.4	21	31.4		
Total, trainer aircraft		(105.9)		(63.0)		(65.4)		(70.2)		(−35.7)
Other aircraft:										
KC–130T (Hercules tanker)		15.7	2	47.9		15.7	2	47.9	+2	32.2
ECX advance procurement (CY)		107.7		107.7		107.7		107.7		
FEWSG	1	26.4		0	1	26.4	1	26.4		
Modification of aircraft		1,430.3		1,430.3		1,383.7		1,383.7		−46.6
H–2 series		(12.1)		(12.1)		(11.1)		(11.1)		(−1.0)
H–3 series		(58.7)		(58.7)		(55.3)		(55.3)		(−3.4)
P–3 series		(159.0)		(159.0)		(149.4)		(149.4)		(−9.6)
S–3		(39.7)		(39.7)		(37.1)		(37.1)		(−2.6)
General reduction		(0)		(0)		(−30.0)		(−30.0)		(−30.0)
Spares and repair parts		2,139.6		2,140.4		2,084.3		2,122.7		−16.9
KC–130T		(0)		(12.0)		(0)		(12.0)		(+12.0)
FEWSG		(1.0)		(0)		(1.0)		(1.0)		
SH–2F		(7.0)		(0)		(7.0)		(7.0)		
Adversary aircraft		(3.2)		(0)		(3.2)		(3.2)		
A–6E		(15.9)		(15.9)		(0)		(15.9)		
EA–6B		(42.7)		(42.7)		(57.0)		(57.0)		(+14.3)
AV–8B		(139.1)		(139.1)		(117.4)		(117.4)		(−21.7)
F–14		(84.3)		(84.3)		(73.8)		(84.3)		
C–2		(23.1)		(23.1)		(17.4)		(17.4)		(−5.7)
General reduction		(0)		(0)		(−15.8)		(−15.8)		(−15.8)
Support equipment and facilities		398.6		398.6		383.6		383.6		−15.0
Common ground equipment		(328.2)		(328.2)		(313.2)		(313.2)		(−15.0)
Inflation adjustment		0		0		−99.0		−51.9		−51.9
Total, aircraft procurement, Navy		11,127.3		10,716.9		10,457.4		10,637.8		−489.4

[1]Including Marine Corps aircraft.

A–6E attack aircraft (Intruder)

The budget request contained $205.4 million for procurement of 6 A–6E aircraft and $11.0 million for advance procurement. The Senate bill authorized no A–6E aircraft but provided $14.0 million for costs associated with suspension of the production line and $91.0 million for procurement of ground support equipment for the existing inventory of A–6E aircraft. The House amendment authorized the amount requested.

The conferees recommend authorization of $205.4 million for procurement of 6 A–6E aircraft and $11.0 million for advance procurement.

The Senate recedes.

EA–6B electronic warfare aircraft (Prowler)

The budget request contained $382.0 million for procurement of 6 EA–6B aircraft and $17.6 million for advance procurement to support procurement of 6 aircraft in fiscal year 1985.

The Senate bill authorized $435.1 million for procurement of 8 aircraft and $23.6 million advance procurement for 6 aircraft in

fiscal year 1985. The House amendment authorized $325.0 million for procurement of 6 aircraft and the amount requested for advance procurement.

The conferees recommend authorization of $435.1 million for procurement of 8 EA-6B aircraft in fiscal year 1984 and $23.6 million advance procurement to support procurement of 8 aircraft in fiscal year 1985.

The House recedes.

AV-8B attack aircraft (Harrier)

The budget request contained $810.1 million for procurement of 32 AV-8B aircraft and $98.4 million for advance procurement. The Senate bill authorized $715.1 million for procurement of 27 aircraft and the amount requested for advance procurement. The House amendment authorized the amounts requested.

The conferees recommend authorization of $715.1 million for procurement of 27 AV-8B aircraft and $98.4 million for advance procurement.

The House recedes.

F-14A fighter aircraft (Tomcat)

The budget request contained $886.5 million for procurement of 24 F-14A aircraft and $178.8 million for advance procurement. The Senate bill authorized $792.4 million for procurement of 21 F-14A aircraft and $178.8 million for advance procurement. The House amendment authorized $861.5 million for procurement of 24 aircraft and the amount requested for advance procurement.

The conferees recommend authorization of $792.4 million for procurement of 24 F-14A aircraft and $178.8 million for advance procurement.

The Senate recedes with an amendment.

CH-53E helicopter (Super Stallion)

The budget request contained $221.8 million for procurement of 11 CH-53E helicopters and $7.3 million for advance procurement. The Senate bill authorized $211.8 million for procurement of 11 aircraft and $7.3 million for advance procurement. The House amendment authorized $206.8 million for procurement of 11 aircraft and $7.3 million for advance procurement.

The conferees recommend authorization of $206.8 million for procurement of 11 CH-53D helicopters and $7.3 million for advance procurement.

The Senate recedes.

AH-1T attack helicopter (Sea Cobra)

The budget request contained $17.8 million for advance procurement for the AH-1T helicopter. The Senate bill authorized the amount requested. The House amendment did not authorize advance procurement for the AH-1T helicopter.

The conferees recommend authorization of $17.8 million for advance procurement for the AH-1T helicopter.

The House recedes.

SH-60B ASW helicopter (Seahawk)

The budget request contained $446.9 million for procurement of 21 SH-60B helicopters and $58.8 million advance procurement to support procurement of 18 aircraft in fiscal year 1985. The Senate authorized $483.9 million for procurement of 24 SH-60B helicopters and $58.8 million for advance procurement. The House amendment authorized the amounts requested. The reports on the Senate bill and the House amendment specified that the amount authorized for advance procurement was to support procurement of 24 SH-60B helicopters in fiscal year 1985.

The conferees recommend authorization of $446.9 million for procurement of 21 SH-60B helicopters in fiscal year 1984 and advance procurement of $58.8 million to support procurement of 24 SH-60B helicopters in fiscal year 1985. The conferees concur in the decision of the Department of the Navy to combine the procurement of 27 LAMPS MK-III helicopters approved in fiscal year 1983 program with the 21 helicopters approved in fiscal year 1984 program and allow the manufacturer to produce the resulting 48 helicopters at a steady rate of two aircraft per month. Moreover, the conferees concur in the rationale that supports a production rate of 24 helicopters per year and expect that the Department of Defense will sustain at least the rate throughout the remaining years of the program.

The Senate recedes.

EP-3 (Orion) electronic warfare aircraft

The budget request contained $77.1 million to procure two EP-3 electronic warfare aircraft in fiscal year 1984 and $12.4 million for advance procurement for two such aircraft in fiscal year 1985. The budget request assumed that a reprogramming request in the amount of $24.6 million would be approved by the Committees on Armed Services and Appropriations for advance procurement associated with this program. The Senate bill would authorize the amount requested for the procurement of two aircraft in fiscal year 1984 and the amount requested for advance procurement. The House amendment would authorize $45.1 million to procure one aircraft in fiscal year 1984 and $4 million for advance procurement for one aircraft in fiscal year 1985.

The conferees note that the $24.6 million reprogramming request has not been approved by the Appropriations Committees. In addition, the conferees believe that there is an urgent need to replace the existing fleet of overage and overweight EP-3 aircraft with new aircraft equipped with more modern sensors. The conferees examined the possibility that older P-3 A/B aircraft could be modified to the EP-3 configuration but rejected this option because it was not cost effective. Accordingly, the conferees recommend the authorization of $70.0 million to procure one new EP-3 aircraft in fiscal year 1984 and advance procurement in the amount of $8.0 million.

The Senate recedes with an amendment.

E-2C early warning aircraft (Hawkeye)

The budget request contained $309.6 million for procurement of 6 E-2C aircraft and $25.6 million for advance procurement. The Senate bill authorized $304.6 million for procurement of 6 aircraft and $25.6 million for advance procurement. The House amendment authorized the amounts requested.

The conferees recommend authorization of $304.6 million for procurement of 6 E-2C aircraft and $25.6 million for advance procurement.

The House recedes.

SH-2F ASW helicopter (Seasprite)

The budget request contained $109.8 million for procurement of 12 SH-2F helicopters and $6.6 million for advance procurement. The Senate bill authorized $44.7 million for procurement of 6 aircraft. The House amendment authorized $29.8 million for line termination costs but no aircraft. Neither the Senate bill nor the House amendment authorized advance procurement for 12 SH-2F helicopters.

The conferees recommend authorization of $44.7 million for procurement of 6 aircraft and recommend no authorization for advance procurement.

The House recedes.

The budget request contained $165.7 million for procurement of 8 C-2 aircraft and $37.5 million for advance procurement. The Senate bill authorized $145.7 million for procurement of 6 aircraft, and the House amendment authorized $135.7 million for the same number of aircraft. Both the Senate bill and the House amendment authorized the amount requested for advance procurement.

The conferees recommend authorization of $145.7 million for procurement of 6 C-2 aircraft and $37.5 million for advance procurement.

The House recedes.

T-34C trainer aircraft (Mentor)

The budget request contained $40.5 million for procurement of 38 T-34C aircraft. The Senate bill provided no authorization for the 38 T-34C aircraft. The House amendment authorized $26.7 million for procurement of 20 aircraft.

The conferees recommend authorization of $4.8 million for procurement of flight simulators but do not recommend authorization of any T-34C aircraft.

The House recedes with an amendment.

Adversary aircraft

The budget request contained $29.1 million for procurement of 4 adversary aircraft. The Senate bill authorized the amount requested. The House amendment contained no authorization for procurement of adversary aircraft.

The conferees recommend authorization of $29.1 million for procurement of 4 adversary aircraft.

The House recedes.

KC-130T tanker aircraft (Hercules)

The budget request contained $15.7 million for the KC-130 tanker program but no aircraft were requested. The Senate bill authorized the amount requested. The House amendment authorized $47.9 million for procurement of 2 KC-130T aircraft.

The conferees recommend authorization of 2 KC-130T tanker aircraft for the Marine Corps Reserve.

The Senate recedes.

Fleet electronic warfare support group (FEWSG) aircraft

The budget request contained $26.4 million for procurement of 1 aircraft for the fleet electronic warfare support group. The Senate bill authorized the amount requested. The House amendment did not authorize the FEWSG program.

The conferees recommend authorization of $26.4 million for procurement of 1 FEWSG aircraft.

The House recedes.

Modification of aircraft, Navy

The budget request contained $1,430.3 million for modification of Navy and Marine Corps aircraft. The Senate bill authorized $1,383.7 million for Navy and Marine Corps aircraft modifications including $11.1 million for the H-2 series; $55.3 million for the H-3 series; $149.4 million for the P-3 series; and $37.1 million for the S-3 series. The Senate bill also provided for a general reduction of $30.0 million in the Navy and Marine Corps aircraft modernization program. The House amendment authorized the amounts requested.

The conferees recommend authorization of $1,383.7 million for Navy and Marine Corps aircraft modifications including $11.1

million for the H-2 series; $55.3 million for the H-3 series. $149.4 million for the P-3 series; $37.1 million for S-3 series aircraft; and a general reduction of $30.0 million.

The conferees agreed that of the $149.4 million authorized for P-3 series modifications, $44.7 million is specifically authorized for procurement of Tactical Navigation Modification kits to upgrade 36 Naval Reserve P-3 A/B aircraft. It is the intent of the conferees that the installation of the TACNAVMOD kits on these 36 aircraft be completed during fiscal year 1985.

Spares and repair parts, Navy

The budget request contained $2,139.6 million for procurement of initial and replenishment spares and repair parts for Navy and Marine Corps aircraft. The Senate bill authorized $2,084.3 million for spares including no authorization for the KC-130T; $1.0 million for the FEWSG; $7.0 million for the SH-2F; $3.2 million for the adversary aircraft; no authorization for the A-6E; $57.0 million for the EA-6B; $117.4 million for the AV-8B; $73.8 million for the F-14A; $17.4 million for the C-2; and a general reduction of $15.8 million in the Navy and Marine Corps aircraft spares account. The House amendment authorized $2,140.4 million for spares including $12.0 million for the KC-130T; no authorization for FEWSG, SH-2F, and adversary aircraft programs; $15.9 million for the A-6E; $42.7 million for the EA-6B; $139.1 million for the AV-8B; $84.3 million for the F-14A; and $23.1 million for the C-2.

The conferees recommend an authorization of $2,122.7 million for Navy and Marine Corps aircraft spares and repair parts including $12.0 million for the KC-130T; $1.0 million for FEWSG; $7.0 million for the SH-2F; $3.2 million for the adversary aircraft; $15.9 million for the A-6E; $57.0 million for the EA-6B; $117.4 million for the AV-8B; $84.3 million for the F-14A; $17.4 million for the C-2; and a general reduction of $15.8 million in the spares account.

Support equipment and facilities—Common ground equipment

The budget request contained $328.2 million for procurement of common ground equipment for Navy and Marine Corps aircraft. The Senate bill authorized $313.2 million for this purpose and the House amendment authorized the amount requested.

The conferees recommend authorization of $313.2 million for common ground equipment.

The House recedes.

WEAPONS PROCUREMENT, NAVY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ballistic missiles:										
UGM-73 (Poseidon)		1.0		1.0		1.0		1.0		
UGM-96A (Trident I)	52	(724.3)	52	(724.3)	52	(724.3)	52	(724.3)		
Less advance procurement (PY)		(−137.1)		(−137.1)		(−137.1)		(−137.1)		
Net		587.2		587.2		587.2		587.2		
Modification of ballistic missile		9.7		9.7		9.7		9.7		
Spares and repair parts		1.8		1.8		1.8		1.8		
Industrial facilities		3.5		3.5		3.5		3.5		
Astronautics		11.8		11.8		11.8		11.8		
Total, ballistic missiles		(615.0)		(615.0)		(615.0)		(615.0)		
Other missiles:										
Strategic missiles:										
BGM-109 (Tomahawk)	124	(356.8)	124	(356.8)	88	(250.6)	124	(320.6)	124	(−36.2)
Less advance procurement (PY)		(−6.7)		(−6.7)		(−6.7)		(−6.7)		
Net		350.1		350.1		243.9		313.9		−36.2
BGM-109 advance procurement (CY)		22.7		22.7		22.7		22.7		
Tactical missiles:										
AIM/RIM-7 F/M (Sparrow)	695	153.7	695	153.7	695	153.7	695	153.7		
AIM-9L/M (Sidewinder)	350	29.6	350	29.6	350	29.6	350	29.6		
AIM-54A/C (Phoenix)	290	(345.2)	290	(345.2)	240	(305.2)	265	(325.2)	−25	(−20.0)
Less advance procurement (PY)		(−24.4)		(−24.4)		(−24.4)		(−24.4)		
Net		320.8		320.8		280.8		300.8		−20.0
AIM-54 advance procurement (CY)		77.6		36.6		36.6		36.6		−41.0
AGM-84A (Harpoon)	330	294.3	330	294.3	300	274.3	315	284.3	−15	−10.0
AGM-88A (Harm)	230	192.9	230	192.9	230	192.9	230	192.9		
RIM-66 (Standard)	1,190	595.7	1,190	595.7	1,190	595.7	1,190	595.7		
AGM-65G (Laser Maverick)	165	45.2	165	45.2	165	45.2	165	45.2		
RAM		13.4		13.4		13.4		13.4		
Hellfire	219	17.1	0	0	219	17.1	219	17.1		
Penguin advance procurement (CY)		0		5.0		5.0		5.0		+5.0
Other missile support		3.4		3.4		3.4		3.4		
Aerial targets		112.9		112.9		112.9		112.9		
Modification of missiles		59.3		59.3		59.3		59.3		
Spares and repair parts		87.7		87.7		87.7		87.7		
Weapons industrial facilities		22.7		22.7		22.7		22.7		
Fleet satellite communications	1	115.1	1	115.1	1	115.1	1	115.1		
Ordnance support equipment		14.7		14.7		14.7		14.7		
Total, other missiles, Navy		(2,528.9)		(2,475.8)		(2,326.7)		(2,426.7)		(−102.2)
Torpedoes and related equipment:										
MK-48 torpedo	144	124.6	144	124.6	144	124.6	144	124.6		
MK-46 torpedo	1,200	(253.6)	1,200	(253.6)	1,200	(253.6)	1,200	(253.6)		
Less advance procurement (PY)		(−35.5)		(−35.5)		(−35.5)		(−35.5)		
Net		218.1		218.1		218.1		218.1		
MK-46 advance procurement (CY)		29.9		29.9		29.9		29.9		
MK-60 captor	300	105.4	300	105.4	300	105.4	300	105.4		
MK-30 mobile target	7	14.7	7	14.7	7	17.6	7	17.6		+2.9
MK-30 advance procurement		7.4		7.4		0		0		−7.4
MK-38 mini mobile target	1,200	2.0	1,200	2.0	1,200	2.0	1,200	2.0		
Antisubmarine Rocket (ASROC)		17.3		17.3		17.3		17.3		
Modification of torpedoes	242	111.8	242	111.8	242	111.8	242	111.8		
Support equipment		47.9		47.9		47.9		47.9		
Spares and repair parts		24.2		24.2		24.2		24.2		
Total, torpedoes and related equipment		(703.3)		(703.3)		(698.8)		(698.8)		−4.5
Other weapons:										
MK-15 close in weapons system	42	126.7	42	126.7	42	126.7	42	126.7		
5/54 cal gun mount rotatable pool	2	16.1	2	16.1	2	16.1	2	16.1		
MK-75 76mm gun mount	3	11.1	3	11.1	3	11.1	3	11.1		
MK-19/40 mm machine gun	25	.9	25	.9	25	.9	25	.9		
25mm gun mount	7	.7	7	.7	7	.7	7	.7		
9mm handgun	1,100	.5	1,100	.5	1,100	.5	1,100	.5		
Small arms and weapons		2.5		2.5		2.5		2.5		

WEAPONS PROCUREMENT, NAVY—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Modifications of guns and mounts		13.6		13.6		13.6		13.6		
Support equipment		.6		.6		.6		.6		
Spares and repair parts		8.7		8.7		8.7		8.7		
Total, other weapons		(181.4)		(181.4)		(181.4)		(181.4)		0
Undistributed reduction against modifications		0		0		−16.5		0		
Inflation adjustment		0		0		−36.0		−18.9		−18.9
Total, weapons procurement, Navy		4,028.6		3,975.5		3,769.4		3,903.0		−125.6

WEAPONS PROCUREMENT, NAVY

The President's budget request contained $4,028.6 million for Navy weapons procurement.

The Senate bill would authorize $3,769.4 million for Navy weapons. The House amendment would provide authorizations totaling $3,975.5 million for Navy weapons. The conferees recommend authorizations totaling $3,903.0 million for Navy weapons.

Tomahawk sea-launched cruise missile

The budget request contained $350.1 million to procure 124 Tomahawk sea-launched cruise missiles. The Senate bill would authorize $243.9 million to procure 88 missiles. The House amendment would authorize the amount requested.

The Senate position reflects reductions of $51.0 million for 36 fewer missiles and $55.2 million requested to fully fund Tomahawk tooling and test equipment over a period of two years.

The conferees agreed to authorize $313.9 million for 124 Tomahawk missiles. The conferees expect the Navy to procure 48 anti-ship missiles (TASM) and 76 land attack missiles (TLAM-N) for eventual deployment on ships and/or submarines. The conferees deleted the $55.2 million requested for accelerated amortization of equipment.

The conferees note that significant difficulties have been encountered in both the testing and manufacturing aspects of the Tomahawk program. The Joint Cruise Missile Project Office has responded to these developments by restructuring the Tomahawk program effecting management improvements and combining the fiscal year 1982 and fiscal year 1983 authorized acquisitions into a program which results in the procurement of 63 fewer missiles over the two year period for the same amount of funds. The effect of this action was to increase the predicted unit procurement cost of the fiscal year 1983 Tomahawk by 67 percent. Similarly, the Tomahawk unit cost proposed in the fiscal year 1984 budget represents a 47 percent increase over the unit cost anticipated in last year's budget.

The Conferees believe that the past performance on the part of the Joint Cruise Missile Project Office (JCMPO) and the contractors was unacceptable. While progress appears to have been made in correcting some of the problems associated with this program, the Armed Services Committees wish to serve notice upon the JCMPO and its contractors that they intend to exercise even more rigorous oversight of this program.

The Conferees note that improvements in management have resulted in 10 successful test flights out of the last 12 flights since November of 1982.

In addition, while the strategy of employing the TLAM-N's positioned aboard submarines as a secure strategic reserve force merits strong support, the Conferees are concerned that the Navy has not clearly formulated and articulated its strategic planning and concept of operations for the TLAM-N's which it plans to deploy aboard surface ships. The Conferees therefore direct the Navy to submit a report to the Committees on Armed Services of the House of Representatives and the Senate not later than December 1, 1983 which defines the operational doctrine and employment concepts for use of surface launched Tomahawks and Navy's Tactical Nuclear War at Sea Doctrine.

AIM-54A/C missile (Phoenix)

The budget request contained $320.8 million for procurement of 290 AIM-54C missiles and $77.6 million for advance procurement. The Senate bill authorized $280.8 million for procurement of 240 missiles and $36.6 million for advance procurement. The House amendment authorized $320.8 million for procurement of 290 missiles and $36.6 million for advance procurement.

The conferees recommend authorization of $300.8 million for procurement of 265 AIM-54C missiles and $36.6 million for advance procurement.

The House recedes with an amendment.

AGM-84A missile (Harpoon)

The budget request contained $294.3 million for procurement of 330 Harpoon missiles. The Senate bill authorized $274.3 million for the procurement of 300 missiles. The House amendment authorized the amounts requested.

The conferees recommend authorization of $284.3 million for procurement of 315 AGM-84A Harpoon missiles.

The House recedes with an amendment.

Hellfire missile

The budget request contained $17.1 million for procurement of 219 Hellfire missiles. The Senate bill authorized the amounts requested. The House amendment provided no authorization for Hellfire missiles.

The conferees recommend authorization of $17.1 million for procurement of 219 Hellfire missiles.

Mobile target (MK-30)

The President's budget request contained $22.1 million for procurement of MK-30 mobile target, including $14.7 million for seven targets and $7.4 million to implement a three-year multi-year procurement program.

The Senate bill would authorize $17.6 million for procurement of seven MK-30 mobile targets. The House amendment would authorize acquisition of MK-30 targets as requested.

The conferees recommend $17.6 million for procurement of seven MK-30 mobile targets.

The House recedes.

Undistributed reduction against modifications

The Senate bill contained a reduction of $16.5 million to conform with overall reduction required under the First Concurrent Resolution on the Budget for fiscal year 1984 in the national defense function. The budget request and the House amendment contained no similar adjustment. The conferees agreed not to incude an undistributed reduction.

The Senate recedes.

SHIPBUILDING AND CONVERSION, NAVY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Trident ballistic missile submarine (nuclear)	1	(1,848.0)	1	(1,774.9)	1	(1,774.9)	1	(1,774.9)		(−73.1)
Less advance procurement (PY)		(−322.4)		(−322.4)		(−322.4)		(−322.4)		0
Net		1,525.6		1,452.5		1,452.5		1,452.5		−73.1
Trident advance procurement (CY)		306.5		306.5		306.5		306.5		
TAK (conv) advance procurement (CY)		.9		.9		.9		.9		
SSN-688 nuclear attack submarine	3	(1,985.0)	3	(1,985.0)	3	(1,985.0)	3	(1,985.0)		
Less advance procurement (PY)		(−278.6)		(−278.6)		(−278.6)		(−278.6)		
Net		1,706.4		1,706.4		1,706.4		1,706.4		
SSN-688 advance procurement (CY)		336.0		336.0		336.0		336.0		

SHIPBUILDING AND CONVERSION, NAVY—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Battleship reactivation (Missouri) advance procurement (CY)		57.7		57.7		57.7		57.7		
CV SLEP advance procurement (CY)		95.9		95.9		95.9		95.9		
CG–47 aegis cruiser	3	(3,431.4)	3	(3,431.4)	3	(3,356.2)	3	(3,393.8)		(−37.6)
Less advance procurement (PY)										
Net		3,431.4		3,431.4		3,356.2		3,393.8		−37.6
CG–47 aegis advance procurement (CY)		3.6		3.6		3.6		3.6		
DDG–51 advance procurement (CY)		99.5		79.0		79.0		79.0		−20.5
LSD–41 landing ship dock	1	(364.7)	1	(364.7)	1	(364.7)	1	(364.7)		
Less advance procurement (PY)		(−37.8)		(−37.8)		(−37.8)		(−37.8)		
Net		326.9		326.9		336.9		326.9		
LSD–41 advance procurement (CY)		182.1		182.1		80.0		182.1		
LHD–1 air capable amphibious ship	1	(1,479.7)	1	(1,479.7)	1	(1,479.7)	1	(1,479.7)		
Less advance procurement (PY)		(−100.0)		(−100.0)		(−100.0)		(−100.0)		
Net		1,379.7		1,379.7		1,379.7		1,379.7		
LPD–4 SLEP advance procurement (CY)		13.8		13.8		0		0		−13.8
FFG–7 frigate		0		0	2	650.0	1	300.0	1	+300.0
MCM mine countermeasure ship	4	381.0	3	301.0	3	301.0	3	301.0	−1	−80.0
MSH–1 coastal mine hunter	1	65.0	1	65.0	1	65.0	1	65.0		
TAO oiler	3	524.6	3	524.6	2	365.4	2	365.4	−1	−159.2
TAGS (conv) surveying ship advance procurement (CY)		34.5		34.5		34.5		34.5		
TAKR fast logistics ship (conv)	4	(290.5)	4	(290.5)	4	(290.5)	4	(290.5)		
Less advance procurement (PY)		(−44.0)		(−44.0)		(−44.0)		(−44.0)		
Net		246.5		246.5		246.5		246.5		
TAH hospital ship (conv)	1	260.0	1	260.0	1	260.0	1	260.0		
TAFS (acq) combat stores ship	1	16.1	1	16.1	1	16.1	1	16.1		
Service craft		119.3		119.3		119.3		119.3		
Landing craft		15.0		15.0		15.0		15.0		
Strategic sealift	(9)	31.0	(9)	31.0	(9)	31.0	(9)	31.0		
LCAC landing craft	(6)	131.6	(6)	131.6	(6)	131.6	(6)	131.6		
LCAC advance procurement (CY)		29.5		29.5		29.5		29.5		
Outfitting		204.2		204.2		204.2		204.2		
Post delivery		124.2		124.2		124.2		124.2		
Cost growth		674.7		674.7		370.0		540.3		−134.4
Escalation on prior year programs		375.6		0		0		0		−375.6
Prior year authorization transfer		0		0		−650.0		0		
Inflation adjustment		0		0		−113.0		−59.2		−59.2
Total, shipbuilding and conversion, Navy	23	12,698.8	22	12,149.6	23	11,391.6	22	12,045.4	−1	−653.4

SHIPBUILDING AND CONVERSION

The President's budget request contained $12,698.8 million for the construction, conversion, reactivation, service life extension and acquisition of 23 naval vessels.

The Senate bill contained an authorization of $11,391.6 million for 23 naval vessels. The House amendment contained authorization totaling $12,149.6 million for 22 naval vessels.

The conferees agreed to authorization totaling $12,045.4 million for 22 naval vessels.

Aegis guided missile cruiser (CG–47)

The budget request contained $3,435.0 million for three CG–47 class, Aegis guided missile cruisers, including $3.6 million for advance procurement.

The Senate bill recommended authorization of $3,359.8 million for three CG–47 cruisers, a reduction of $75.2 million from the President's request.

The House amendment recommended authorization of the requested amount.

The conferees recommended authorization of $3,397.4 million for procurement of three CG–47 cruisers, including $3.6 million for advance procurement.

The Senate recedes with an amendment.

Landing ship dock (LSD–41)

The budget request contained $509.0 million for procurement of one LSD–41 class landing ship dock, including $182.1 million for advance procurement in fiscal year 1984. Of the request for advance procurement funds, $102.1 million is advance funding for the multi-year procurement program and $80 million for advance procurement of two LSD–41 ships to be procured in fiscal year 1985.

The Senate bill recommended authorization of $336.9 million for procurement of one LSD–41 class ship in fiscal year 1984 and $80 million for advance procurement of two LSD–41's in fiscal year 1985.

The House amendment recommended approval of the President's request.

The Senate recedes.

Amphibious service life extension program (LPD–4 (SLEP))

The budget request contained $13.8 million for the amphibious service life extension program (SLEP) for LPD–4 class ships.

The Senate bill deleted funds for the LPD–4 SLEP program.

The House amendment recommended authorization of the requested amount.

The House recedes.

Guided missile frigate (FFG–7)

The Senate bill recommended authorization of $650.0 million for two FFG–7 frigates. No FFG–7 guided missile frigates were requested in the fiscal year 1984 budget request. The House amendment contained no authorization for FFG–7 frigates.

The conferees agreed to an authorization of $300 million for procurement of one FFG–7 guided missile frigate equipped with an upgraded MK–92 fire control system. In the current, very favorable market for ships, the conferees were optimistic that the ship could be constructed for the authorized amount of $300 million but agreed that in the event that the actual cost of the ship was higher than the authorized amount a reprogramming action should be submitted.

The House recedes with an amendment.

Fleet oiler (TAO–187)

The President's budget request contained $524.6 million for procurement of three TAO–187 class fleet oilers in fiscal year 1984.

The Senate bill recommended authorization of $365.4 million for procurement of two TAO–187 class fleet oilers.

The House amendment recommended approval of the President's request.

The House recedes.

Cost growth

The budget request contained $674.7 million for cost growth, including $106.4 million for revised costs of the fiscal year 1975–1978 Trident program, $436 million for upgrade of the fiscal year 1981 Trident to a D–5 missile configuration; $107.3 million for second source costs for the CG–47 Aegis cruiser program, and $25 million to fully fund the fiscal year 1983 SSN–688 program.

The Senate bill recommended $370.0 million for cost growth, including $25 million for cost growth in the SSN–688 program and $345 million for the Trident program.

The House amendment recommended the requested amount.

The conferees agreed to an authorization of $540.3 million for cost growth, including

$25 million for cost growth in the SSN-688 program and $515.3 million for Trident program.

The Senate recedes with an amendment.

Prior year authorization transfer

The Senate recommended authorization of the transfer to fiscal year 1984 of $650 million of prior year authorizations.

The budget and the House amendment contained no prior year authorization transfer.

The Senate recedes.

OTHER PROCUREMENT, NAVY

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ship support		730.5		684.5		678.4		681.5		−49.0
LM2500 gas turbine		(11.2)		(11.2)		(7.8)		(11.2)		
Other prop equipment		(13.2)		(13.2)		(10.1)		(13.2)		
High pressure air compressor		(4.2)		(4.2)		(3.2)		(4.2)		
Other navigation equipment		(17.1)		(17.1)		(14.9)		(17.1)		
Type 18 periscopes		(6.1)		(6.1)		(4.0)		(6.1)		
Type 8 periscopes		(2.4)		(2.4)		(1.2)		(2.4)		
Pollution control equipment		(6.7)		(6.7)		(5.1)		(6.7)		
Sub silencing equipment		(13.8)		(13.8)		(11.8)		(13.8)		
DSSP equipment		(12.8)		(12.8)		(6.4)		(12.8)		
Air conditioners		(3.6)		(3.6)		(2.6)		(3.6)		
Surface IMA		(12.0)		(12.0)		(11.0)		(12.0)		
Reactor components		(197.0)		(197.0)		(179.0)		(197.0)		
Diving and salvage equipment		(5.7)		(5.7)		(4.5)		(5.7)		
Small boats		(14.2)		(14.2)		(13.3)		(14.2)		
Torpedo retrievers		(13.1)		(13.1)		(10.1)		(13.1)		
Other ships training equipment		(5.0)		(5.0)		(1.0)		(5.0)		
General reduction		(0)		(−46.0)		(0)		(−49.0)		(−49.0)
Communications and electronics		1,703.3		1,600.5		1,524.4		1,562.8		−140.5
Integrated cover and decep sys		(26.7)		(25.1)		(26.7)		(25.1)		(−1.6)
Signal exploitation space mods		(5.3)		(3.9)		(5.3)		(3.9)		(−1.4)
Ashore mobile communication vans		(2.8)		(0)		(2.8)		(2.8)		
JCS communication equipment		(5.0)		(0)		(5.0)		(5.0)		
SQS–53B		(73.3)		(73.3)		(53.3)		(73.3)		
BQQ–5		(109.6)		(109.6)		(90.0)		(109.6)		
TB–16 TAS (MYP)		(3.1)		(3.1)		(3.1)		(3.1)		
A/P		(3.3)		(3.3)		(0.4)		(3.3)		
SOSUS		(88.7)		(88.7)		(84.0)		(88.7)		
SQR–19		(135.3)		(135.3)		(125.3)		(135.3)		
CV ASW module		(12.5)		(12.5)		(0)		(12.5)		
Naval intelligence process. eqpt		(10.3)		(10.3)		(0)		(10.3)		
NTDS		(127.6)		(127.6)		(102.0)		(127.6)		
Armed Forces radio and TV		(7.6)		(7.6)		(5.6)		(7.6)		
Other NAVSEA training		(5.0)		(5.0)		(3.9)		(5.0)		
NCCS ashore		(14.0)		(14.0)		(10.0)		(14.0)		
GPETE		(49.8)		(49.8)		(32.7)		(49.8)		
Shipboard comm automation		(10.5)		(10.5)		(6.5)		(10.5)		
Ship comm <$900K		(8.4)		(8.4)		(7.0)		(8.4)		
Shore HF communication		(5.5)		(5.5)		(4.7)		(5.5)		
Shore comm automation		(7.5)		(7.5)		(4.6)		(7.5)		
Spares		(124.1)		(124.1)		(84.1)		(124.1)		
General reduction		(0)		(−92.0)		(0)		(−137.5)		(−137.5)
Aviation support equipment		852.7		711.4		782.0		753.4		−99.3
Bigeye chemical weapon		(21.5)		(0)		(0)		(0)		(−21.5)
Laser guided bomb kits		(9.9)		(0)		(9.9)		(4.0)		(−5.9)
AN/SSQ–62		(29.8)		(33.8)		(29.8)		(33.8)		(+4.0)
AN–SSA–62 adv proc (CY)		(53.2)		(0)		(4.0)		(0)		(−53.2)
Practice bombs		(69.0)		(46.0)		(69.0)		(57.5)		(−11.5)
GP bombs		(82.5)		(72.5)		(82.5)		(77.5)		(−5.0)
Gator		(24.9)		(12.5)		(24.9)		(18.7)		(−6.2)
2.75 inch rocket		(15.3)		(0)		(15.3)		(15.3)		(15.3)
Ordnance support equipment		992.3		930.3		938.2		930.3		−62.0
ORDALTS: Terrier		(89.5)		(89.5)		(80.0)		(89.5)		
ORDALTS: Tartar		(61.5)		(61.5)		(55.0)		(61.5)		
Missile systems training eqpt		(3.1)		(3.1)		(2.1)		(3.1)		
MK 117 fire control system		(57.2)		(57.2)		(50.5)		(57.2)		
Submarine ASW support equipment		(11.9)		(11.9)		(7.8)		(11.9)		
Surface ASW support equipment		(9.1)		(9.1)		(5.2)		(9.1)		
ASW range support equipment		(9.1)		(9.1)		(6.3)		(9.1)		
Quickstrike		(39.7)		(39.7)		(32.2)		(39.7)		
Fleet mine support equipment		(25.9)		(25.9)		(21.8)		(25.9)		
Spares		(90.0)		(90.0)		(82.0)		(90.0)		
General reduction		(0)		(−62.0)		(0)		(−62.0)		(−62.0)
Civil engineering support equipment		234.7		198.5		207.7		196.6		−38.1
Earthmoving equipment		(17.0)		(10.0)		(17.0)		(10.0)		(−7.0)
Amphib equipment		(50.1)		(25.0)		(35.0)		(35.0)		(−15.1)
Collateral equipment		(14.1)		(10.0)		(14.1)		(10.0)		(−4.1)
Fleet hospital support eqpt		(69.5)		(69.5)		(57.6)		(57.6)		(−11.9)
Supply support equipment		117.2		117.2		117.2		117.2		
Personnel command support equipment		371.2		341.2		262.2		323.1		−48.1
Training support equipment		(11.1)		(11.1)		(8.1)		(8.1)		(−3.0)
Medical support equipment		(35.6)		(35.6)		(29.4)		(29.4)		(−6.2)
Intelligence support equipment		(33.4)		(33.4)		(18.6)		(30.6)		(−2.8)
Operating forces support eqpt		(14.3)		(14.3)		(12.0)		(12.0)		(−2.3)
NRF support equipment		(5.5)		(5.5)		(3.9)		(3.9)		(−1.6)
Environment support eqpt		(7.2)		(7.2)		(5.0)		(5.0)		(−2.2)
Computer aquisition program		(108.9)		(78.9)		(30.0)		(78.9)		(−30.0)
Undistributed reduction		0		0		−44.7		−20.0		−20.0
Inflation adjustment		0		0		−90.0		−47.2		−47.2
Total, Navy other procurement		5,001.8		4,583.5		4,375.3		4,497.6		−504.2

OTHER PROCUREMENT, NAVY

The President's budget request contained $5,001.8 million for Navy other procurement.

The Senate bill contained an authorization of $4,375.3 million. The House amendment contained an authorization of $4,583.5 million.

The conferees agreed to an authorization of $4,497.6 million for other procurement.

Ship support equipment

The President's budget request contained $730.5 million for ship support equipment.

The Senate bill would authorize $678.4 million. The House amendment would authorize $684.5 million. The conferees recommend the authorization of $681.5 million.

The Senate recedes with an amendment.

Communications and electronics equipment

The President's budget request contained $1,703.3 million for communications and electronics equipment.

The Senate bill would authorize $1,524.4 million of the amount requested. The House amendment would authorize $1,600.5 million. The conferees recommend the authorization of $1,562.8 million.

Aviation support equipment

Laser guided bomb kit.—The budget request contained $9.9 million to procure low level laser guided bomb (LLG-B) kits. The Senate approved the amount requested. The House amendment contained no authorization for the LLG-B kits.

The conferees agree to authorize $4 million for LLG-B kits.

AN/SSQ-62.—The budget request contained $29.8 million for the procurement of AN/SSQ-62 sonobuoys and $53.2 million for advanced procurement to support multiyear contracting. The Senate bill would authorize $29.8 million for AN/SSQ-62 sonobuoys and $4 million for advanced procurement. The House amendment authorized $33.8 million and denied the multiyear funding request.

The Senate recedes.

Practice bombs.—The request contained $69 million to procure practice bombs. The Senate authorized the amount requested. The House authorized $46 million for practice bombs.

The conferees agree to authorize $57.5 million.

General purpose bombs.—The request contained $82.5 million to procure general purpose bombs. The Senate bill recommended authorizing the amount requested. The House amendment would authorize $72.5 million.

The conferees agree to authorize $77.5 million to procure general purpose bombs.

Gator.—The request contained $24.9 million for Gator munitions. The Senate bill would recommend approving the request. The House amendment authorized $12.5 million.

The conferees agree to authorize $18.7 million to procure Gator munitions.

2.75 inch rocket.—The budget request contained $15.3 million for the procurement of 2.75 inch rockets. The Senate bill authorized the amount requested. The House amendment contained no authorization for the 2.75 inch rocket.

The House recedes.

Ordnance support equipment

The President's budget request contained $992.3 million for ordnance support equipment.

The Senate bill would authorize $938.1 million. The House amendment would authorize $930.3 million. The conferees recommend the authorization of $930.3 million.

The Senate recedes.

Civil engineering support equipment

Earthmoving equipment.—The request contained $17 million for earthmoving equipment. The Senate bill authorized the requested amount. The House amendment authorized $10 million for earthmoving equipment.

The Senate recedes.

Amphibious equipment.—The request contained $50.1 million for amphibious equipment. The Senate bill authorized $35 million for amphibious equipment. The House amendment authorized $25 million for amphibious equipment.

The House recedes.

Collateral equipment.—The budget request contained $14.1 million for the procurement of collateral engineering support equipment. The Senate bill authorized the amount requested. The House amendment authorized $10 million.

The Senate recedes.

Fleet hospital support equipment.—The budget request contained $69.5 million for the procurement of fleet hospital support equipment. The Senate bill authorized $57.6 million for fleet hospital support equipment. The House amendment authorized the amount requested.

The House recedes.

Personnel/command support equipment

Training support equipment.—The budget request contained $11.1 million for training support equipment. The Senate bill would authorize $8.1 million for training support equipment. The House amendment would authorize the amount requested.

The House recedes.

Medical support equipment.—The budget request contained $35.6 million for medical support equipment. The Senate bill would authorize $29.5 million. The House amendment would authorize the amount requested.

The House recedes.

Intelligence support equipment.—The budget request contained $33.4 million for intelligence support equipment. The Senate bill would authorize $18.6 million for support equipment. The House amendment would authorize the amount requested.

The conferees agree to authorize $30.6 million for intelligence support equipment.

Operating forces support equipment.—The budget request contained $14.3 million for operating forces support equipment. The Senate bill would authorize $12 million for support equipment. The House amendment would authorize the amount requested.

The House recedes.

Naval Rework Facility (NRF) support equipment.—The budget request contained $5.5 million for NRF support equipment. The Senate would authorize $3.9 million. The House amendment would authorize the amount requested.

The House recedes.

Environmental support equipment.—The budget request contained $7.2 million for environmental support equipment. The Senate bill would authorize $5 million for environmental support equipment. The House amendment would authorize the amount requested.

The House recedes.

Computer acquisition program.—The budget request contained $108.9 million to support the Computer Acquisition Program (CAP). The Senate bill would authorize $30 million for the CAP. The House amendment would authorize $78.9 million.

The Senate recedes.

Undistributed reduction

The Senate bill would authorize an undistributed reduction in the Other Procurement, Navy account of $44.7 million. The House amendment did not contain an undistributed reduction.

The conferees agree to authorize an undistributed reduction of $20 million to the Other Procurement, Navy account.

PROCUREMENT, MARINE CORPS

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ammunition		484.3		459.3		459.4		427.4		−56.9
Copperhead		(24.9)		(24.9)		(0)		(0)		(−24.9)
General reduction		(0)		(−25.0)		(0)		(−32.0)		(−32.0)
Tracked combat vehicles:										
LVT7A1 assault amphibian vehicle	153	(141.1)	153	(141.1)	153	(141.1)	153	(141.1)		
Less advance procurement (PY)		(−25.8)		(−25.8)		(−25.8)		(−25.8)		
Net		115.3		115.3		115.3		115.3		
LVT7 (SLEP)	263	(176.3)	263	(176.3)	263	(176.3)	263	(176.3)		
Less advance procurement (PY)		(−25.8)		(−25.8)		(−25.8)		(−25.8)		
Net		150.5		150.5		150.5		150.5		
LVT7 advance procurement (CY)		11.5		11.5		11.5		11.5		
Light armored vehicle	113	78.5	70	51.9	113	78.5		99.5		+21.0
Spares and repair parts		6.8		6.8		6.8		6.8		
Modification kits		3.0		3.0		3.0		3.0		
Total, tracked combat vehicles, Marine Corps		(365.6)		(339.0)		(365.6)		(386.6)		(+21.0)
Artillery		4.9		4.9		4.9		4.9		
Weapons:										
M2 50 caliber machine gun	1,184	9.6	1,184	9.6	1,184	9.6	1,184	9.6		
9mm handgun	6,053	2.0	6,053	2.0	6,053	0	0	0	0	−2.0
5.56mm light machine gun	1,000	3.8	1,000	3.8	1,000	3.8	1,000	3.8		
M16A2 5.56mm rifle	36,999	18.1	36,999	18.1	36,999	18.1	36,999	18.1		
MK-19 40mm machine gun	200	5.5	200	5.5	200	5.5	200	5.5		

PROCUREMENT, MARINE CORPS—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
EOD equipment		1.0		1.0		1.0		1.0		
SMAW 83mm rocket	600	4.7	600	4.7	600	4.7	600	4.7		
Total, weapons, Marine Corps		(44.7)		(44.7)		(42.7)		(42.7)		(−2.0)
Guided missiles:										
MIM–23B (Hawk)	400	101.6	400	101.6	400	101.6	400	101.6		
Stinger	706	40.0	706	40.0	706	40.0	706	40.0		
BGM–71–A (TOW)	2,200	25.3	2,200	25.3	2,200	25.3	2,200	25.3		
Spares and repair parts		4.3		4.3		4.3		4.3		
Total, missiles, Marine Corps		(171.2)		(171.2)		(171.2)		(171.2)		
Communications and electronics		346.8		346.8		346.8		346.8		
Support vehicles		279.7		279.7		279.7		279.7		
Engineer and other equipment		154.8		154.8		154.8		154.8		
Inflation adjustment		0		0		−17.0		−8.9		−8.9
Total procurement, Marine Corps		1,852.0		1,800.4		1,808.1		1,805.2		−46.8

Copperhead

The budget request contained $24.9 million for the procurement of Copperhead 155mm projectiles. The Senate bill contained no authorization for the Copperhead 155mm artillery projectile. The House amendment authorized the amount requested.

The House recedes.

General reduction (ammunition)

The Senate bill did not authorize a general reduction in the Marine Corps ammunition account. The House amendment would authorize a general reduction in the Marine Corps ammunition of $25 million.

The conferees agreed to authorize a general reduction in the Marine Corps ammunition account of $32 million.

Light armored vehicle

The budget request contained $78.5 million for the procurement of 113 Light Armored Vehicles (LAV's) for the Marine Corps. The Senate bill would authorize the amount requested. The House amendment authorized $51.9 million for the procurement of 70 LAV's, consisting of 60 basic LAV–25 vehicles and 10 LAV-Recovery Vehicles.

The LAV program was the object of considerable discussion during the conference. The conferees agreed upon the requirement for the Marine Corps basic LAV program and believe that it is both affordable and executable. However, the conferees expressed some concern that portions of the so-called derivative LAV program, consisting of an air defense vehicle, mortar carrier, assault gun vehicle, logistics vehicle, antitank vehicle, and a command/control vehicle, may not be affordable.

Therefore, the conferees authorize $99.5 million for the procurement of an unspecified number of basic LAV's and recovery vehicles and direct the Secretary of the Army (see Army Weapons and Tracked Combat Vehicles section of the statement of managers) to transfer to the Marine Corps the basic LAV's to be procured with the $33 million the conferees authorized for the Army. Further, the conferees direct the Secretary of the Army to transfer immediately to the Marine Corps the LAV's procured with the funds authorized in the fiscal year 1983 Department of Defense Authorization Act.

The conferees agreed that with the authorization of $99.5 million and the directed transfer of LAV's from the Army, the Marine Corps should be capable of completing it basic LAV–25 and LAV-Recovery Vehicle procurement program in fiscal year 1984.

9mm handgun

The budget request contained $2 million for the procurement of 6,053 9mm handguns. The Senate bill contained no authorization for 9mm handguns. The House amendment authorized the amount requested for 9mm handguns.

The House recedes.

AIRCRAFT PROCUREMENT, AIR FORCE

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Combat aircraft:										
Strategic offensive:										
LRCA (B1–B)	10	(4,194.8)	10	(4,194.8)	10	(4,194.8)	10	(4,194.8)		
Less advance procurement (PY)		(−433.0)		(−433.0)		(−433.0)		(−433.0)		
Net		3,761.8		3,761.8		3,761.8		3,761.8		
B1–B advance procurement (CY)		1,865.0		1,865.0		1,865.0		1,865.0		
Tactical forces:										
F–15 (Eagle)	48	(1,687.6)	30	(1,290.2)	36	(1,481.4)	36	(1,440.2)	−12	(−247.4)
Less advance procurement (PY)		(−158.7)		(−158.7)		(−158.7)		(−158.7)		
Net		1,528.9		1,131.5		1,322.7		1,281.5		−247.4
F–15 advance procurement (CY)		431.5		118.7		144.3		133.2		−298.3
F–16 (Falcon)	120	(1,936.0)	144	(2,314.2)	144	(2,314.4)	144	(2,314.4)	+24	(+378.4)
Less advance procurement (PY)		(−317.6)		(−317.4)		(−317.6)		(−317.6)		
Net		1,618.4		1,996.8		1,996.8		1,996.8		+378.4
F–16 advance procurement (CY)		344.5		321.4		396.1		371.4		+26.9
Tactical fighter derivative		21.4		0		10.0		10.0		−11.4
KC–10A (Extender)	8	(543.0)	8	(543.0)	8	(543.0)	8	(543.0)		
Less advance procurement (PY)		(−209.0)		(−209.0)		(−209.0)		(−209.0)		
Net		334.0		334.0		334.0		334.0		
KC–10 advance procurement (CY)		425.0		425.0		425.0		425.0		
MC–130H (Combat Talon)	2	(68.1)	2	(68.1)	2	(68.1)	2	(68.1)		
Less advance procurement (PY)		(−7.2)		(−7.2)		(−7.2)		(−7.2)		
Net		60.9		60.9		60.9		60.9		
MC–130 advance procurement (CY)		5.9		5.9		5.9		5.9		
Other combat aircraft:										
E–3A advance procurement (CY)		76.2		0		76.2		76.2		
Total, combat aircraft		(10,473.5)		(10,021.0)		(10,398.7)		(10,321.7)		(−151.8)

AIRCRAFT PROCUREMENT, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Strategic airlift:										
C–5B (Galaxy)	4	(1,146.1)	4	(1,146.1)	4	(1,146.1)	4	(1,146.1)		
Less advance procurement (PY)		(−69.8)		(−69.8)		(−69.8)		(−69.8)		
Net		1,076.3		1,076.3		1,076.3		1,076.3		
C–5B advance procurement (CY)		240.3		240.3		222.2		240.3		
Tactical airlift:										
European distribution aircraft	16	32.9	16	32.9	16	32.9	16	32.9		
C–130H		0	10	183.0		0	10	183.0	+10	+183.0
Total, airlift aircraft		(1,349.5)		(1,532.5)		(1,331.4)		(1,532.5)		(+183.0)
Trainer aircraft: T–46A advance procurement (CY)		5.8		5.8		5.8		5.8		
Other aircraft:										
HH–60D advance procurement (CY)		25.9		0		0		0		−25.9
C–12 mission support aircraft		0	6	11.8		0	6	11.8	+6	+11.8
TR–1/U–2	5	(213.5)	5	(140.8)	5	(213.5)	5	(172.7)		(−40.8)
Less advance procurement (PY)		(−10.7)		(−10.7)		(−10.7)		(−10.7)		
Net		202.8		130.1		202.8		162.0		−40.8
TR–1A advance procurement (CY)		12.0		12.0		12.0		12.0		
CT–39 capital hire		0		0		7.5		7.5		+7.5
Modification of aircraft		3,208.8		2,793.0		2,636.7		2,683.8		−525.0
B–52		(607.0)		(567.0)		(472.0)		(472.0)		(−135.0)
KC–135R		(875.8)		(435.0)		(550.0)		(500.0)		(−375.8)
KC–135 JT3D		(0)		(0)		(77.8)		(77.8)		
Less PY auth transfer						(−47.7)		(−47.7)		
Net						(30.1)		(30.1)		(+30.1)
A–7		(50.8)		(102.8)		(102.8)		(102.8)		(+52.0)
F/RF4		(225.3)		(241.3)		(241.3)		(241.3)		(+16.0)
Classified projects		(121.1)		(118.1)		(118.7)		(118.1)		(−3.0)
C–130		(171.6)		(171.6)		(134.5)		(171.6)		
Civil reserve airlift fleet		(144.3)		(144.3)		(0)		(100.0)		(−44.3)
General reduction		(0)		(0)		(−25.6)		(−65.0)		(−65.0)
Spares and repair parts		5,128.8		4,579.0		4,971.0		4,666.7		−462.1
F–15		(167.0)		(110.1)		(125.3)		(125.3)		(−41.7)
C–130		0		(5.5)		(0)		(3.0)		(+3.0)
F–111 replen spares		(392.6)		(400.1)		(392.6)		(400.1)		(+7.5)
Sortie surge spares		(35.9)		(0)		(35.9)		(0)		(−35.9)
F–16		(160.7)		(192.8)		(192.8)		(192.8)		(+32.1)
Other replenishment spares		(3,383.2)		(3,383.2)		(3,275.4)		(3,383.2)		
Classified projects		(0)		(−2.1)		(0)		(−2.1)		(−2.1)
General reduction		(0)		(−500.0)		(−40.4)		(−425.0)		(−425.0)
Support equipment and facilities		2,300.1		2,294.4		2,250.1		2,312.6		+12.5
War consumables		(182.5)		(154.3)		(182.5)		(182.5)		
Other production charges:		(1,416.6)		(1,439.1)		(1,366.6)		(1,429.1)		
Classified programs		(1,047.4)		(1,042.9)		(997.4)		(1,032.9)		(−14.5)
ECM pods		(294.7)		(321.7)		(294.7)		(321.7)		(+27.0)
NATO AWACS		(112.1)		(112.1)		(112.1)		(112.1)		
Total, other aircraft		(10,878.4)		(9,820.3)		(10,878.4)		(9,856.4)		−1,022.0)
Inflation adjustment		0		0		−201.0		−105.3		−105.3
PY authorization transfer		0		−328.3		−328.3		−328.3		−328.3
Total, aircraft procurement, Air Force		22,707.2		21,051.3		21,286.7		21,282.8		−1,424.4

F–15 fighter aircraft (Eagle)

The budget request contained $1,528.9 million for procurement of 48 F–15 aircraft and $431.5 million for advance procurement to support procurement of 72 aircraft in fiscal year 1985 under a multiyear procurement program. The Senate bill authorized $1,322.7 million for procurement of 36 F–15 aircraft and $144.3 million for advance procurement to support procurement of 39 aircraft in fiscal year 1985. The House amendment authorized $1,131.5 million for procurement of 30 F–15 aircraft and $118.7 million for advance procurement to support procurement of 30 aircraft in fiscal year 1985. Neither the Senate bill nor the House amendment authorized multiyear procurement for the F–15 program.

The conferees recommend authorization of $1,281.5 million for procurement of 36 F–15 aircraft and $133.2 million for advance procurement of 36 aircraft in fiscal year 1985.

The intent of the conferees is that F–15 production be stabilized at a rate of 36 aircraft per year. In the event that the funds authorized are insufficient for procurement of 36 F–15 aircraft and associated ground support equipment, the Air Force is encouraged to submit a request to reprogram the necessary funds.

The House recedes with an amendment.

F–16 fighter aircraft (Falcon) advance procurement

The budget request contained $344.5 million for advance procurement to support procurement of 120 F–16 aircraft in fiscal year 1985, including $30.0 million for engine surge spares and $58.9 million for engine competition spares. The Senate bill authorized $396.1 million for advance procurement to support procurement of 150 aircraft including the amounts requested for engine surge spares and engine competition spares. The House amendment authorized $321.4 million for advance procurement of 150 aircraft but authorized no advance procurement for engine surge spares or engine competition spares.

The conferees recommend authorization of $371.4 million for advance procurement to support procurement of 150 F–16 aircraft in fiscal year 1985, including $50.0 million for engine competition spares. No authorization is recommended for engine surge spares.

The House recedes with an amendment.

Tactical fighter derivative

The budget request contained $21.4 million for advance procurement and non-recurring tooling costs unique to the F–15E or F–16E, depending upon which aircraft is selected for the tactical fighter derivative program. The Senate bill authorized $10.0 million for the tactical fighter derivative. The House amendment authorized no funds for the program.

The conferees recommend authorization of $10.0 million for the tactical fighter derivative program.

The House recedes.

E–3A (AWACS) advance procurement

The budget request contained $76.2 million for advance procurement to support procurement of three E–3A AWACS aircraft in fiscal year 1985. The Senate bill would authorize the amount requested. The House amendment would provide no authorization for this purpose.

The House action was based on doubt that the Air Force could afford to continue to fund the E–3A program at planned procurement levels. The House also questioned the requirement for 12 additional aircraft for continental air defense. The Senate cited the stated Air Force requirement for additional E–3A aircraft to supplement early warning radars against a growing Soviet manned bomber threat.

The conferees recommend authorization of the $76.2 million requested.

The House recedes.

C-5B airlift aircraft (Galaxy) advance procurement

The request contained $240.3 million for advance procurement associated with the C-5B aircraft procurement program. The Senate bill would authorize $222.2 million for this purpose. The House amendment would authorize the amount requested.

The conferees note that the C-5B procurement program consists of 50 aircraft to be purchased through a firm fixed price contract and that the contract price and aircraft delivery schedule are sensitive to changes in the funding schedule. The conferees agreed to an authorization of $240.3 million, the amount requested.

The Senate recedes.

C-130H airlift aircraft (Hercules)

No authorization was requested for procurement of C-130H aircraft. The Senate bill contained no authorization for the C-130H. The House amendment authorized $183.0 million for procurement of 10 C-130H aircraft for the Air Force reserve components.

The conferees recommend authorization of $183.0 million for procurement of 10 C-130H aircraft, of which 8 would be authorized specifically for the Air National Guard and 2 for the Air Force Reserve.

The Senate recedes.

C-12D mission support aircraft (Huron)

No authorization was requested for procurement of C-12D aircraft. The Senate bill contained no authorization for the C-12D. The House amendment authorized $11.8 million for procurement of 6 C-12D aircraft for replacement of C-131 aircraft in the Air National Guard as appropriate.

The conferees recommend authorization of $11.8 million for procurement of 6 C-12D aircraft.

The Senate recedes.

TR-1/U-2 standoff surveillance aircraft

The budget request contained $202.8 million to procure five TR-1A/U-2 standoff surveillance aircraft. Included within the amount requested was $72.7 million to procure several airborne synthetic aperture radar systems (ASARS) suites. The Senate bill would authorize the full amount requested. The House amendment would authorize $130.1 million for procurement and defer the $72.7 million requested for ASARS suites.

The conferees recommend the authorization of $162.0 million for procurement of five TR-1/U-2 aircraft including $31.9 million for ASARS suites—a reduction of $40.8 million.

The House recedes with an amendment.

CT-39 capital hire procurement

No procurement authorization was requested for replacement of CT-39 aircraft. The Senate bill authorized $7.5 million for CT-39 capital hire costs associated with initiation of a lease program for aircraft that will begin to replace the 120 CT-39 aircraft currently in inventory. The balance of the cost of the lease program—contractor logistics support—was authorized in the Air Force Operation and Maintenance Account. The House bill contained no authorization for this program.

The conferees recommend authorization of $7.5 million for CT-39 capital hire.

The House recedes.

Modification of aircraft, Air Force

The budget request contained $3,208.8 million for modification of Air Force aircraft including $607.0 million for the B-53 series; $875.8 million for the 31 KC-135R kits under a multiyear procurement program; $121.1 million for classified modification programs; $171.6 million for the C-130 series; $144.3 million for the Civil Reserve Air Fleet (CRAF) Enhancement Program. No authorization was requested for the KC-135 JT-3D reengining program.

The Senate bill authorized $2,636.7 million for Air Force aircraft modifications including $472.0 million for the B-52 series; $550.0 million for 27 KC-135R modifications under an annual procurement plan; $77.8 million for re-engining 32 Air National Guard KC-135 aircraft with JT-3D engines. The Senate bill applied $47.7 million from the fiscal year 1982 CRAF modification account as an offset reduction to the fiscal year 1984 KC-135 JT-3D modification program. The Senate bill also authorized $118.7 million for classified modifications; $134.5 million for the C-130 series, and a general reduction of $25.6 million in Air Force aircraft modifications. The Senate bill contained no authorization for the CRAF Enhancement Program.

The House amendment authorized $2,793.0 million for Air Force aircraft modification including $567.0 million for the B-52 series; $435.0 million for 24 KC-135R modification kits under an annual procurement plan; $118.1 million for classified modifications; $171.6 million for the C-130 series; and $144.3 million for CRAF modifications.

The conferees recommend authorization of $2,683.8 million for modification of Air Force aircraft including $472.0 million for the B-52 series; $500.0 million for 24 KC-135R kits under an annual procurement plan; $77.8 million for re-engining the final 32 Air National Guard KC-135 aircraft with JT-3D engines offset by the application of $47.7 million available from the fiscal year 1982 CRAF program; $118.1 million for classified aircraft modifications; $171.6 million for the C-130 series; $100.0 million for the CRAF Enhancement Program; and a general reduction of $65.0 million in the Air Force aircraft modification account.

Spares and repair parts, Air Force

THe budget request contained $5,128.8 million for spares and repair parts for Air Force aircraft including $167.0 million for the F-15; $392.6 million for the F-111 replenishment spares; $35.9 million for the sortie surge spares; $160.7 million for the F-16; and $3,383.2 million for other replenishment spares. No authorization was requested for initial spares for C-130H aircraft.

The Senate bill authorized $4,971.0 million for Air Force aircraft spares including $125.3 million for the F-15; $392.6 million for F-111 replenishment spares; $35.9 million for sortie surge spares; $3,275.4 million for replenishment spares; and a general reduction of $40.4 million in the Air Force aircraft spares account.

The House amendment authorized $4,579.0 million for Air Force aircraft spares including $110.1 million for the F-15; $5.5 million for the C-130H; $400.1 million for F-111 replenishment spares; and $3,383.2 million for other replenishment spares. No authorization was provided for sortie surge spares. The House amendment also provided for a $2.1 million reduction in a classified program and a general reduction of $500.0 million in the Air Force spares account.

The conferees recommend authorization of $4,666.7 million for Air Force aircraft spares and repair parts including $125.3 million for the F-15; $400.1 million for F-111 replenishment spares, $3.0 million for the C-130H; and $3,383.2 million for other replenishment spares. No authorization is recommended for sortie surge spares. The conferees also recommend a $2.1 million reduction in a classified program and a general reduction of $425.0 million in the Air Force aircraft spares account.

Support equipment and facilities, Air Force

The budget request contained $2,300.1 million for support equipment and facilities including $182.5 million for war consumables; $1,047.4 million for classified programs, and $294.7 million for electronic countermeasures (ECM) pods. The Senate bill authorized $2,250.1 million for support equipment and facilities including $997.4 million for classified programs and the amounts requested for war consumables and ECM pods. The House amendment authorized $2,294.4 million for support equipment and facilities including $154.3 million for war consumables; $1,042.9 million for classified programs and $321.7 million for ECM pods.

The conferees recommend authorization of $2,312.6 million for support equipment and facilities including $182.5 million for war consumables; $1,032.9 million for classified programs; and $321.7 million for ECM pods.

MISSILES, AIR FORCE

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Strategic ballistic missiles:										
MX (Peacekeeper)	27	2,770.0	21	2,102.2	27	2,438.0	21	2,102.2	−6	−667.8
ICBM C3 integration		30.9		30.9		30.9		30.9		
Total, ballistic missiles		(2,800.9)		(2,133.1)		(2,468.9)		(2,133.1)		(−667.8)
Other missiles:										
Strategic missiles:										
AGM-86B (ALCM)		(90.4)	240	(449.2)	240	(421.8)	240	(422.2)	+240	(+331.8)
Less advance procurement (PY)		0		(−8.0)		0		0		
Net		90.4		441.2		421.8		422.2		+331.8
AGM-86B adv procurement (PY)				(14.0)		14.0		14.0		+14.0

MISSILES, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
BGM–109 (GLCM)	120	(603.0)	120	(603.0)	120	(585.3)	120	(585.3)		(–17.7)
Less advance procurement (PY)		(–21.5)		(–21.5)		(–21.5)		(–21.5)		
Net		581.5		581.5		563.8		563.8		–17.7
BGM–109 advance procurement (CY)		23.1		23.1		23.1		23.1		
Airoase defense missile		0		100.0		0		0		
Patriot		0		100.0		0		0		
NATO air defense and airbase air defense		0		0		0		200.0		+200.0
Tactical missiles:										
AIM–7F/M (Sparrow)	1,005	183.7	1,005	183.7	1,005	183.7	1,005	183.7		
AIM–9L/M (Sidewinder)	1,700	104.9	1,700	104.9	1,700	104.9	1,700	104.9		
AGM–65D (Maverick)	2,600	346.7	2,600	346.7	2,300	316.7	2,300	316.7	–300	–30.0
AGM–88A (Harm)	285	178.0	285	178.0	285	178.0	285	178.0		
Rapier		62.9		62.9		62.9		62.9		
AMRAAM		28.8		28.8		28.8		28.8		
AMRAAM advance procurement (CY)		33.8		33.8		33.8		33.8		
Stinger	108	4.9	0	0	108	4.9	108	4.9		
Target drones		30.0		30.0		30.0		30.0		
Tactical drones	400	48.7	400	48.7	400	48.7	400	48.7		
Total, other missiles		(1,717.4)		(2,263.3)		(2,024.7)		(2,215.5)		(+498.1)
Modification of missiles		135.7		135.7		135.7		135.7		
Spares and repair parts		356.8		366.0		366.0		366.0		–9.2
ALCM		(13.6)		(22.8)		(22.8)		(22.8)		(+9.2)
Other support:										
Spaceborne equipment (COMSEC)		23.7		23.7		23.7		23.7		
NAVSTAR GPS	1	(33.8)	1	(33.8)	1	(33.8)	1	(33.8)		
Less advance procurement (PY)		(–4.3)		(–4.3)		(–4.3)		(–4.3)		
Net		29.5		29.5		29.5		29.5		
Advance procurement (CY)		209.1		209.1		209.1		209.1		
Space launch support		(99.7)		(99.7)		(99.7)		(99.7)		
Less advance procurement (PY)		(–2.0)		(–2.0)		(–2.0)		(–2.0)		
Net		97.7		97.7		97.7		97.7		
Advance procurement (CY)		42.5		42.5		42.5		42.5		
Satellite data system		25.2		25.2		25.2		25.2		
Defense meteorological satellite program		33.9		33.9		33.9		33.9		
Defense support program		(464.5)		(464.5)		(464.5)		(464.5)		
Less advance procurement (PY)		(–107.6)		(–107.6)		(–107.6)		(–107.6)		
Net		356.9		356.9		356.9		356.9		
Defense satellite comm system		35.4		35.4		35.4		35.4		
Advance procurement (CY)		81.6		81.6		81.6		81.6		
AF satellite comm system		30.7		30.7		30.7		30.7		
Space defense operations		19.4		19.4		19.4		19.4		
Space shuttle		195.3		195.3		195.3		195.3		
Industrial facilitites		33.5		33.5		33.5		33.5		
Special programs		2,345.5		1,806.5		2,293.7		2,223.2		–122.3
Special programs		(1,186.2)		(1,081.2)		(1,249.4)		(1,178.9)		(–7.3)
Special support programs		(477.0)		(43.0)		(362.0)		(362.0)		(–115.0)
Total, other support		(3,560.0)		(3,021.0)		(3,445.0)		(3,115.7)		(–444.3)
Miscellaneous reduction		0		0		–322.0		–322.0		–322.0
Inflation adjustment		0		0		77.0		–40.3		–40.3
Total, missiles, Air Force		8,570.8		7,919.1		8,095.3		7,925.7		–645.1

Land based intercontinental ballistic missile (ICBM) modernization

The House amendment would provide authorization for the M–X missile, development of the small mobile missile and related authorizations in a separate Title III. The Senate bill would keep the authorizations in Titles I and II as in the past. Both versions included authorization for the M–X, the development of the small mobile missile and related provisions, in the context of the recommendations of the President's Commission on Strategic Forces (known as the Scowcroft Commission). The dollar authorizations were for different amounts, however, in each version of the bill. Additionally, each House had somewhat different statutory language provisions pertaining to ICBM-related issues.

There was no basic difference in philosophy between the Senate bill and the House amendment. The major differences related to specific levels of authorization for the M–X research and development program, the procurement of 27 M–X missiles in the Senate bill versus 21 in the House amendment (as provided for by the Gore amendment) and a difference of $354 in authorization for the follow-on technology importantly, the small mobile missile. The Senate bill authorized $604 million for this latter purpose while the House amendment authorized $270 million.

The conferees recommend authorization for 21 M–X missiles consistent with the House amendment. The authorization difference and the action taken by the conferees are shown in the following table:

[Dollars in millions]

	Senate	House	Conference
M–X research and development	$2,034.4	$1,980.4	$2,034.4
M–X procurement	2,438.2	2,102.2	2,102.2
	(1)	(2)	(2)
M–X special repair parts followon technology	97.8	97.8	97.8
(Research and development including the small mobile missile)	604.0	270.0	604.0
Total ICBM modernization program (fiscal year 1984)			$4,848.4

[1] 27 missiles. [2] 21 missiles.

The amount authorized is in addition to the $72 million that is available for the fiscal year 1984 M–X Military Construction program authorized in H.R. 2972.

Additionally, the conferees adopted the following legislative provisions:

In section 110, the conferees included the provision in the Senate bill (sec. 108(a) and 108(b) that would limit the procurement of M–X missiles to 21 operational missiles from funds authorized in fiscal year 1984 and establish a completion date of January 31, 1984, for the Environmental Impact State-

ment and December 31, 1986, for initial operational capability.

In section 1231, the conferees included the provisions of the Senate bill (sec. 108(c)) and the House amendment (sec. 303) that would delineate the characteristics of the small mobile ICBM and link the deployment of M-X to the development of the small mobile ICBM.

In section 1232, the conferees included the provisions in the Senate bill (sec. 1030H) that would urge, as an expression of the sense of Congress, that the United States move towards ICBM forces of mobile single warhead missiles and urge the most expeditious design, development, testing and deployment of a small mobile ICBM.

The conferees also agreed that of the funds authorized for follow-on technology, $20 million is to be made available to the Defense Nuclear Agency (DNA) for research and development in silo hardening. The conferees intend DNA to be the lead agency for silo hardening as recommended by the Scowcroft Commission Report.

AGM-86B air launched cruise missile program

The Senate bill would authorize $422.2 million to procure 240 AGM-86B (ALCM-B) air launched cruise missiles, $14.0 million for advance procurement, and $22.8 million for initial spares—a total of $459.0 million. The House amendment would authorize $441.2 million for procurement of 240 ALCM-B missiles provide transfer authority of $14.0 million for advance procurement, and authorize $22.8 million for spares—a total of $464.0 million. In addition, the House amendment would specifically authorize $464.0 million for ALCM-B procurement.

The conferees agreed to authorize $422.2 million for ALCM-B procurement, $14.0 million for advance procurement, and $22.8 million for ALCM-B spares—a total of $459.0 million. In addition, the conferees agreed to adopt the language of section 103(c) of the House amendment specifically authorizing appropriations for the ALCM-B program with an amendment. This action by the conferees constitutes a waiver of the prohibition contained in subsection 139b(d)(3)(B) of title 10, United States Code, as added by section 1107, Public Law 97-252, the Department of Defense Authorization Act, 1983.

The Senate recedes with an amendment.

Ground-launched cruise missile (GLCM)

The budget request contained $581.5 million for procurement of 120 ground-launched cruise missiles (GLCM) including $17.7 million for accelerated amortization of certain tooling and test equipment. The Senate bill deleted the $17.7 million requested for amortization. The House amendment authorized the amount requested. The conferees recommend the authorization of $563.8 million for the GLCM program and adopted the Senate position.

The House recedes.

NATO air defense and airbase air defense

The conferees agreed to recommend authorization of $200.0 million for NATO air defense and airbase air defense.

The conferees understand that the Secretary of Defense and the German Minister of Defense have now reached an Agreement of Principle regarding air defense and airbase air defense in the Federal Republic of Germany and that negotiations are to be concluded by September 30, 1983.

The conferees have been concerned that the negotiations were moving too slowly and making inadequate progress. The conferees are, therefore, encouraged by the Agreement of Principle entered into by the Ministers.

The conferees believe that improving NATO's air defense capabilities is urgent and imperative. The Agreement of Principle and the options under consideration provide the basis for an integrated air defense plan for West Germany that is within the existing resources of the respective governments and based on approximately equivalent burdens. The conferees strongly endorse this initiative and consider it to be of the highest political and military importance.

The cooperative air defense and airbase air defense initiative should not be allowed to be sidetracked by inter-service jurisdictional debate. The conferees further hope that this initiative will become the cornerstone of future equitable cooperation as the basis for meeting NATO's conventional force modernization requirements. The conferees agree to the importance of improving NATO air base defense capabilities and are concerned over the lack of urgency displayed by the Air Force and DoD in this regard.

In connection with the $200.0 million authorization, the conferees direct the Air Force and DoD to prepare an integrated air defense plan for NATO and to enter into detailed discussions with each of our NATO allies where the United States has main or colocated air bases. A master plan for an integrated air defense program for NATO and a status report on the negotiations for airbase defense should be submitted to the House and Senate Committees on Armed Services concurrent with next year's budget submission.

The conferees believe that this, and other opportunities patterned on the Rapier role model (U.S. procurement and host nation manning) need intensive consideration and expect increased allied cooperation involving NATO's more prosperous countries to lead to equitable defense burden sharing arrangements for improving overall NATO defense capabilities including the requirements of the flanks and Iberian peninsula.

The conferees agreed that no funds should be obligated or expended until bilateral air defense agreements are concluded and the Committees on Armed Services of the Senate and the House of Representatives have had an opportunity to review those agreements.

AGM-65D missile (Maverick)

The budget request contained $346.7 million for procurement of 2,600 AGM-65D Maverick missiles. The Senate bill authorized $316.7 million for procurement of 2,300 missiles. The House amendment authorized the amounts requested.

The conferees recommend authorization of $316.7 million for procurement of 2,300 missiles.

Stinger missile

The budget request contained $4.9 million for procurement of 108 Stinger missiles. The Senate bill authorized the amounts requested. The House amendment provided no authorization for Stinger missiles.

The conferees recommend authorization of $4.9 million for procurement of 108 Stinger missiles.

Special programs

Within the budget request for Air Force missiles, $1,186.2 million was included for classified special programs. The Senate bill would authorize $1,249.4 million. The House amendment would authorize $1,081.2 million for special programs. The conferees recommend the authorization of $1,178.9 million—a reduction of $7.3 million.

The Senate recedes with an amendment.

Special support programs

The Air Force missile budget request contained $477.0 million for classified special support programs. The Senate bill would authorize $362.0 million for this purpose. The House amendment would authorize $43.0 million. The conferees recommend the authorization of $362.0 million.

The House recedes.

Miscellaneous reductions

The Senate bill made a miscellaneous reduction in Air Force missile authorization in the amount of $322.0 million. The House amendment made no such reduction. The conferees agreed to adopt the Senate position.

The House recedes.

OTHER PROCUREMENT, AIR FORCE

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Munitions and associated equipment		1,119.9		835.0		1,010.2		935.0		−256.9
Laser guided bomb kit		(267.8)		(0)		(167.8)		(100.0)		(167.8)
Bigeye		(21.7)		(0)		(0)		(0)		(−21.7)
CBU-89	3,000	(154.8)		(77.4)		(94.8)		(77.4)		(−77.4)
GBU-15		(50.2)		(60.2)		(50.2)		(60.2)		(+10.0)
Vehicular equipment		333.6		333.6		333.6		333.6		
Electronics and telecommunication equipment		1,892.1		1,599.1		1,892.1		1,756.5		−135.6
Joint TAC comm program AP (CY)		(30.1)		(5.1)		(30.1)		(5.1)		(−25.0)
TAC air control system imp		(11.9)		(6.0)		(11.9)		(11.9)		
ADP Eqpt		(81.3)		(55.3)		(81.3)		(71.0)		(−10.3)
Range improvements		(70.2)		(40.5)		(70.2)		(70.2)		
OTH-B		(176.0)		(0)		(176.0)		(96.0)		(−80.0)
Tac SIGINT support		(18.1)		(17.0)		(18.1)		(18.1)		
Terec ground procurement		(11.0)		(0)		(11.0)		(0)		(−11.0)
Spares and repair parts		(224.5)		(206.2)		(224.5)		(215.2)		(−9.3)
Other base maintenance and support equipment		4,208.6		4,167.8		4,156.1		4,163.9		−44.7

OTHER PROCUREMENT, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Mobility equipment		(95.8)		(95.8)		(83.8)		(83.8)		(−12.0)
Selected activities		(3,018.5)		(2,977.7)		(2,978.0)		(2,985.8)		(−32.7)
Undistributed reduction		0		0		−94.2		0		0
Inflation adjustment		0		0		−147.0		−77.0		−77.0
Total, other procurement, Air Force		7,626.3		6,935.6		7,150.9		7,112.1		−514.2

Laser guided bomb kit

The budget request contained $267.8 million to procure low/level laser guided bomb (LLG-B) kits. The Senate bill would authorize $167.8 million for LLG-B kits. The House amendment contained no authorization for LLG-B kits.

The conferees agree to authorize $100 million to procure LLG-B kits.

CBU-89 (Gator)

The budget request contained $154.8 million to procure CBU-89, Gator munitions. The Senate would authorize $94.8 million for Gator. The House amendment would authorize $77.4 million for the Air Force Gator program.

The Senate recedes.

GBU-15

The budget request contained $50.2 million for GBU-15's. The Senate would authorize the amount requested. The House amendment would recommend authorizing $60.2 million for GBU-15's.

The Senate recedes.

Air Force electronic and telecommunications equipment

Joint tactical communications program.—The budget request contained $30.1 million for procurement of the Communications Nodal Control Element of the joint tactical communications program. The Senate bill would authorize the amount requested. The House amendment reduced the request by $25.0 million.

The conferees were aware of a recent cost estimate that showed a requirement for additional funding in fiscal year 1986 of $30 million for the Air Force portion of this joint program. In view of the revised cost estimate, the Army is reconsidering its requirement.

Until the cost and requirement are reaffirmed, the conferees recommend deferral of the effort to procure the economic order quantity.

The Senate recedes.

Tactical air control systems improvement.—The budget request contained $11.9 million for procurement of tactical air control systems improvement. The Senate bill recommended authorization of the request. The House amendment reduced the request by $5.9 million.

The House recedes.

ADP equipment.—The budget request contained $81.3 million for procurement of automatic data processing (ADP) equipment. The Senate bill recommended authorization of the request. The House amendment deleted $26.0 million for the Advanced Weather Analysis and Prediction System (AWAPS), the Automated Tech Order System (ATOS), the Work Information Management System (WIMS), and the Automatic Data Processing Equipment (ADPE) for the Air Force Military Personnel Center.

The conferees recommended authorization of $15.7 million for the AWAPS and WIMS, for a total program authorization of $71.0 million.

Range improvements.—The budget request contained $70.2 million for procurement of range improvements. The Senate bill recommended authorization of the request. The House amendment reduced the request by $29.7 million.

The House recedes.

Over-the-horizon backscatter radar system (OTH-B).—The budget request contained $176.0 million for procurement for two additional Over-the-Horizon Backscatter (OTH-B) radar systems and $18.3 million for spares and repair parts, a total of $194.3 million. The Senate bill authorized the amount requested. The House amendment would authorize no appropriations for procurement for this system in fiscal year 1984 and would defer a procurement decision for this system until fiscal year 1985.

The conferees recognize that there is a considerable degree of concurrency in the development and procurement of the OTH-B system and that the capabilities of the system may not be fully tested prior to the investment of large sums for procurement. The conferees agreed to authorize $105 million to add one sector to the current OTH-B test facility. The purpose of this action is to expand the test data base available to ensure that subsequent procurement decisions can be made on the basis of the most complete information possible. Accordingly, the conferees recommend the authorization of $96.0 million for procurement for the OTH-B system and $9.0 million for spares and repair parts, a reduction of $89.3 million. This action results in a reduction in the request for spares and repair parts for electronic and telecommunications equipment for the Air Force from $224.5 million to $215.2 million.

The Senate recedes with an amendment.

Tactical signal intelligence support program.—The budget request contained $18.1 million within the Other Procurement, Air Force, account for the Tactical Signal Intelligence Support Program. The Senate bill would authorize the full amount requested. The House amendment would authorize $17.0 million, a reduction of $1.1 million.

The House recedes.

TEREC ground processing stations.—The budget request contained $11.0 million for TEREC ground processing stations. The Senate bill would authorize the amount requested. The House amendment would authorize no appropriations for this program.

The Senate recedes.

Other base maintenance and support equipment

Mobility equipment.—The budget request contained $95.8 million for mobility equipment. The Senate bill would authorize $83.8 million to procure mobility equipment. The House amendment authorized the amount requested.

The House recedes.

Selected activities.—Within the amount requested for Other Procurement, Air Force, $3,018.5 million was requested for Selected Activities. The Senate bill would authorize $2,987.0 million for this purpose. The House amendment would authorize $2,977.7 million for these activities. The conferees recommend the authorization of $2,958.8 million for Selected Activities.

The House recedes with an amendment.

Undistributed reduction

The Senate and House amendment did not contain an undistributed reduction for Army Weapons and Tracked Combat Vehicles.

The conferees agree to authorize an undistributed reduction of 19.8 million in the Army weapons and tracked combat vehicle account.

NATIONAL GUARD, AIR FORCE

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Miscellaneous equipment		0		0		25.0		25.0		+25.0

Air National Guard

The budget request did not contain a specific line item containing funds for Air National Guard equipment. The Senate bill authorized $25 million to be used to procure miscellaneous equipment for the Air National Guard. the House amendment did not contain a similar authorization.

The House recedes.

PROCUREMENT, DEFENSE AGENCIES

[Amounts in millions of dollars]

Item	Fiscal year 1984 request		H.R. 2969		S. 675		Conference		Change from request	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Procurement, Defense agencies		1,282.8		1,053.2		969.1		972.7		−310.1
Major equipment, DRSP		(212.0)		(210.3)		(212.0)		(210.3)		(−1.7)
Defense Production Act purchase		(200.0)		(0)		(0)		(0)		(−200.0)
Classified equipment, NSA		(0)		(−7.9)		(0)		(0)		
Items less than $900,000, DCA		(40.3)		(40.3)		(35.3)		(35.3)		(−5.0)
Mechanized handling equip, DIA		(43.4)		(43.4)		(5.4)		(5.4)		(−38.0)
ADP equipment, DIA		(11.5)		(11.5)		(7.5)		(7.5)		(−4.0)
Other capital equipment, DMA		(38.4)		(38.4)		(30.4)		(30.4)		(−8.0)
Items less than $900,000, DIA		(17.4)		(17.4)		(17.9)		(17.4)		
Classified equipment		(647.9)		(647.9)		(643.2)		(637.3)		(−10.6)
Classified programs		(0)		(0)		(−35.5)		(−32.8)		(−32.8)
Inflation adjustment		(0)		(0)		(−19.0)		(−10.0)		(−10.0)
General reduction		(0)		(−20.0)		(0)		(0)		

Procurement, Defense agencies

The budget request contained $1,282.8 million to procure equipment to support Defense Agencies. The Senate Bill would authorize $969.1 million for Defense Agencies. The House amendment would authorize $1,053.2 million.

The conferees agrees to authorize $972.7 million to procure equipment for Defense Agencies as indicated in the chart above.

Classified annex

Specific actions by the conferees with respect to certain classified programs are included in a classified annex to this report.

LEGISLATIVE PROVISIONS

Secure communications equipment and a special classified program (sec. 106)

The Senate bill contained a provision (sec. 106) that would authorize the Secretary of Defense to use not more than $60.0 million of the funds otherwise authorized to be appropriated for procurement to procure secure telephone equipment and related items to provide a government-wide secure telephone service. The Senate provision would also authorize not more than $220.0 million for a special classified program.

The House amendment contained a provision (sec. 106) that would authorize the $60.0 million requested for procurement of secure telephone equipment but contained no authorization for the special classified program.

The House recedes.

Limitation on Army procurement (sec. 107)

The Senate bill contained a provision (Sec. 101(b)) requiring the Secretary of the Army to continue evaluation of the feasibility of establishing a second production source for the M-1 tank engine and to submit the results of his evaluation to the appropriate Congressional committees at least thirty days prior to obligation of any funds under a second source engine contract.

The House amendment contained a provision (Sec. 107) prohibiting the Secretary of the Army from making a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

The issue of second sourcing of the M-1 tank engine was discussed by the conferees at great length. The conferees are convinced that the current engine contractor is performing well at the present time, and that the Army alleged economic benefits from developing a second production source for the M-1 tank engine are tenuous at best. The conferees, therefore, agree to retain the House language prohibiting the Secretary of the Army from proceeding with a contract for a second source for the M-1 tank engine.

The conferees take this action cautiously, and suggest that it whould not be perceived as an indication that the conferees do not strongly support competition in general as a means of containing cost. In fact, as reflected by the conference agreements, the conferees express continued support for the appropriate use of competition in the weapons acquisition process. However, in this particular situation, the circumstances are such that the conferees believe it is in the best interest of the government to prohibit the Army from awarding a contract to a second M-1 tank engine contractor.

The conferees provide notice to the Army that the execution of the contract with the current contractor will be carefully monitored. If the present favorable trends in cost, quality, or engine deliveries are not sustained, the Committees on Armed Services will reassess the need for competition on the tank engine and take appropriate action.

The Senate recedes.

Limitations on Navy procurement (sec. 108)

Strategic sealift ready reserve.—The House amendment included a provision (sec. 108(a)) that would provide that none of the funds appropriated pursuant to the authorization of appropriation for the strategic sealift ready reserve program may be obligated or expended for the acquisition of a specific vessel until the Secretary of the Navy has notified the Committees on Armed Services of the Senate and House of Representatives of the proposed acquisition and a period of 30 days of continuous session of Congress has passed.

The Senate bill contained no similar provision.

The Senate recedes.

Restriction on 5-inch semiactive laser guided projectile program.—The Senate bill included a provision (sec. 102(d)) that would prohibit the obligation or expenditure of any funds appropriated pursuant to an authorization of appropriation in this or any other Act for the purchase of the 5-inch semiactive laser guided projectile (SAL-GP) until the program was offered for competition for at least 90 days.

The House amendment had no similar provision.

In order for the Navy to offer the projectile for competition, a technical data package must be available to prospective bidders. The Navy does not currently have a technical data package for the projectile. Acquisition of a technical data package for the projectile would be necessary in order to offer the projectile for competition as envisioned in the Senate bill.

The conferees agreed to a provision that would prohibit the obligation or expenditure of any funds appropriated pursuant to an authorization of appropriation in this Act for the purchase of the 5-inch semiative laser guided projectile until the Navy has acquired a technical data package and determined that it does not contain proprietary data and that it can be used to solicit a second production source.

The conferees direct the Secretary of the Navy to certify to the Committees on Armed Services of the Senate and House of Representatives that the Navy has acquired the data package prior to contracting for the purchase of the 5-inch semiactive laser guided projectile.

The House recedes with an amendment.

Landing craft air cushion (LCAC).—The House amendment contained a provision (sec. 108(b)) that would provide that none of the funds appropriated pursuant to an authorization of appropriation for the landing craft air cushion (LCAC) program may be obligated or expended until the Secretary of the Navy has submitted a report to the Committees on Armed Services of the Senate and House of Representatives that responds to the Comptroller General decision on the LCAC contract selection and that provides information on the acquisition plan for the LCAC and certain alternatives to that plan.

The Senate bill contained no similar provision.

The conferees agreed to direct the Navy to submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than October 1, 1983, which—

(1) responds to the Comptroller General decision B-203652 of April 20, 1983; and

(2) evaluates the feasibility of establishing a second source for the production of the landing craft air cushion.

The House recedes.

Authorization of multiyear contracts for the B-1B aircraft; prohibition on multiyear contracts for certain equipment (sec. 109)

The Senate bill contained a provision (Sec. 107(b)) denying to the Department of Defense the authority to execute multiyear procurement contracts, as proposed in the Department's fiscal year 1984 budget request, for AH-64 helicopter engines, F-18 aircraft engines, LSD-41 class amphibious ships, F-15 aircraft, KC-135 reengining (airframes), Mark 30 targets, and AN/SSQ-62 DICASS sonobouys. The House amendment contained no similar provision. However, the accompanying report (House Report 97-749) indicated that the House amendment did not authorize multiyear procurement, as requested, for AH-64 engines, F-18 engines, F-15 aircraft, KC-135 reengining, AN/SSQ-62 DICASS sonobouys, or the CH-47D heli-

copter modification program. The House amendment authorized multiyear procurement for LSD-41 class amphibious ships and Mark 30 targets.

The conferees recommend a provision denying to the Secretary of Defense the authority to execute multiyer procurement contracts, as proposed in the department's fiscal year 1984 budget request, for AH-64 engines, F-18 engines, F-15 aircraft, KC-135 reengining (airframes), Mark 30 targets, and AN/SSQ-62 DICASS sonobouys. The conferees recommend authorization of multiyear procurement of LSD-41 class amphibious ships.

The conferees also recommend disapproval of authority to execute a multiyear contract on the CH-47D helicopter modification program. This prohibition is not included in Sec. 109(b) because there was no statutory prohibition in either the Senate bill or the House amendment regarding multiyear contract authority for the CH-47D modification program. However, it is the intent of the conferees that the Department of Defense not execute a multiyear contract on the CH-47D helicopter modification program.

The House recedes with an amendment.

Limitations and requirements with respect to the procurement and deployment of the MX missile (sec. 110)

The Senate bill contained a provision (sec. 108) that would impose various limitations and requirements with respect to the procurement and deployment of the MX missile. Further discussion of this issue is contained in the Air Force missiles section of this report under land based ICBM modernization.

The House contained no similar provision.

The House recedes.

Prohibition on use of funds to equip Naval Air Reserve units with F/A-18 aircraft

The Senate bill contained a provision (Sec. 1102(c)) prohibiting the use of funds appropriated pursuant to an authorization of appropriations in S. 675 or any prior Act for the purpose of equipping any Naval Air Reserve unit with F/A-18 aircraft. The House amendment contained no similar provision.

The conferees urge the Navy to equip the Naval Reserve with modern, deployable aircraft. The conferees debated the desirability of equipping the Reserve with F-14's, A-6E's, A-7E's and F/A-18's but made no judgment as to which aircraft would be appropriate and feasible at this time. Concern was expressed by a number of conferees over the Navy's decision to equip the Naval Reserve with F/A-18 aircraft in 1984 even though the first aircraft carrier capable of deploying F/A-18's will not be available until 1985.

The Senate recedes.

TITLE II—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

GENERAL

The Administration requested a total authorization of $29,625,266,000 for the fiscal year 1984 Research, Development, Test and Evaluation (RDT&E) appropriations. The conferees agreed on a total authorization of $27,302,908,000 for the RDT&E program, a reduction of $2,322,358,000 from the Administration's request. The following tables summarize the conference actions.

RDT&E SUMMARY

[In thousands of dollars]

	Request	Senate	House	Conference
Army [1]	4,793,674	4,193,364	4,204,552	4,204,552
Navy [2]	8,182,419	7,652,642	7,604,385	7,619,409
Air Force	13,652,273	12,936,116	11,960,530	12,622,193
Defense agencies [3]	2,996,900	2,468,537	3,068,422	2,856,754
Total, RDT&E	29,625,266	27,250,659	26,837,889	27,302,908

[1] Includes $1,474 for special foreign currency.
[2] Includes $1,376 for special foreign currency.
[3] Includes $200 for special foreign currency.

CONFERENCE SUMMARY

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[Dollar amounts in thousands]

Item No.	Description	Request	Senate—S. 675 as passed July 28, 1983	House—H.R. 2969 as passed July 29, 1983	Change from Senate	Conference action
	ARMY					
1	Aeronautical technology	25,612	19,612	25,612	6,000	22,612
2	Laser weapons technology	32,839	32,839	20,000	−12,839	20,000
3	Tank and automotive technology	24,662	24,662	17,000	−7,662	24,662
4	Communications technology	16,339	16,339	11,339	−5,000	16,339
5	Exploratory applications of high technology	3,861	3,861	0	−3,861	0
6	Tactical ADP technology	7,508	7,508	2,508	−5,000	7,508
7	General Reduction	0	−40,000	0	40,000	−31,000
8	Materials and structures adv	12,341	9,341	5,792	−3,549	5,792
9	A/C pwr plants and propulsion	22,725	16,725	2,042	−14,683	14,725
10	A/C weapons	6,894	6,894	4,894	−2,000	5,894
11	Rotary wing controls/rotors	34,649	30,649	34,649	4,000	30,649
12	Adv rotorcraft tech integ	2,027	2,027	0	−2,027	1,027
13	Terminally guided projectile	18,849	18,849	0	−18,849	9,000
14	Missile/rocket components	20,568	20,568	14,264	−6,304	14,264
15	Adv propulsion/launch sys	628	4,628	0	−4,628	4,628
16	Manpower and personnel	12,021	8,021	12,021	4,000	10,000
17	Human factors	8,277	4,277	8,277	4,000	4,277
18	Education and training	11,710	7,710	11,710	4,000	7,710
19	Adv software tech	19,293	10,500	0	−10,500	10,500
20	Landmine warfare/barrier dev	14,218	14,218	12,218	−2,000	12,218
21	J/S small arms program	1,737	1,737	4,737	3,000	4,737
22	Remotely piloted vehicles	6,359	6,359	5,359	−1,000	5,859
23	Ballistic msl def sys tech	538,380	391,245	238,000	−153,245	338,000
24	Classified programs	( )	( )	−19,100	−19,100	−19,100
25	Greater Slope	19,293	0	19,293	19,293	19,293
26	Surf-to-surf msl rocket sys	20,442	16,000	20,442	4,442	16,000
27	Electric power sources	10,586	5,586	12,586	7,000	7,000
28	Combat medical material	7,717	2,717	7,717	5,000	5,000
29	Meterologic eqpt dev	2,717	0	2,717	2,717	0
30	Soldier supt/survivability	4,506	2,506	4,506	2,000	4,506
31	Combat service supt control	481	0	481	481	0
32	Jt tactical fusion program	( )	−49,000	( )	49,000	( )
33	Jt tactical msl sys	50,160	30,160	50,160	20,000	50,160
34	Fighting vehicle sys	9,095	44,095	14,095	−30,000	27,000
35	Combat feeding cloth and eqpt	4,296	2,296	4,296	2,000	2,296
36	Tac electric power sources	9,782	5,618	9,782	4,164	5,618
37	Education and training	12,266	0	12,266	12,266	0
38	Command and control	36,967	16,456	36,967	20,511	16,456
39	Remotely piloted vehicles	138,086	118,086	138,086	20,000	135,000
40	Automatic test supt sys	11,577	0	11,577	11,577	0
41	Sincgars eng dev	13,678	10,678	13,678	3,000	13,678
42	Jt surv/tgt atk rdr (JSTARS)	68,961	28,961	68,961	40,000	68,961
43	Adv field arty tac data sys	31,906	26,906	21,906	−5,000	21,906
44	155mm self-prop howitzer imp	64,497	34,497	54,497	20,000	34,497
45	Combat veh imp program	64,390	64,390	51,725	−12,665	64,390
46	Jt vert lift A/C dev prog	36,497	36,497	0	−36,497	36,497
47	Antitactical missile	33,275	33,275	17,275	−16,000	25,000
48	Adv rocket control sys	31,069	31,069	0	−31,069	0
49	A/C component imp program	16,363	16,363	10,000	−6,363	13,000
50	Heliborne missile	483	483	0	−483	483
51	Pershing II	22,841	22,841	18,000	−4,841	18,000
52	Mobility	4,437	4,437	0	−4,437	4,437
53	Jt surv/tgt atk rdr (JSTARS)	412	412	0	−412	0
54	General reduction	0	0	0	0	−3,525

CONFERENCE SUMMARY—Continued

[Dollar amounts in thousands]

Item No.	Description	Request	Senate—S. 675 as passed July 28, 1983	House—H.R. 2969 as passed July 29, 1983	Change from Senate	Conference action
55	TRADOC studies and analysis	1,508	1,508	0	−1,508	0
56	Supt of development testing	50,382	42,382	50,382	8,000	44,000
57	Supt of operational testing	62,378	48,378	50,000	1,622	50,000
58	Defense Sys Mngmnt College	200	0	200	200	0
59	Program-wide activities	74,362	65,000	70,000	5,000	68,000
60	DARCOM major range/test fac	333,373	296,000	321,000	25,000	315,000
61	Instl audiovisual spt (R&D)	6,037	0	6,037	6,037	0
62	Fuel adjustment	0	0	−6,700	−6,700	−6,700
63	Civilian pay adjustment	0	0	12,100	12,100	12,100
64	Inflation adjustment	0	−73,000	0	73,000	−73,000
	Items not in dispute	2,697,157	2,689,198	2,689,198		2,689,198
	Total [1]	4,793,674	4,193,364	4,204,552	11,188	4,204,552
	NAVY					
1	Aircraft technology	27,236	25,236	27,236	2,000	26,236
2	Strike warfare wpnry tech	29,188	25,188	29,188	4,000	27,188
3	Ships, subs and boats tech	39,146	31,146	31,646	500	31,146
4	U/S warfare wpnry tech	29,093	25,423	28,000	2,577	25,423
5	U/S target surv tech	40,930	37,628	40,930	3,302	37,628
6	Surf/Aero tgt surv tech	36,635	34,986	35,671	685	34,986
7	Command and control tech	36,112	30,187	36,112	5,925	30,187
8	Countermeasures tech	29,633	28,133	29,633	1,500	28,133
9	Human factors and sim tech	8,366	7,500	8,366	866	7,500
10	Biomedical tech	8,905	8,721	8,905	184	8,905
11	Ocean and atomos supt tech	19,474	18,500	19,474	974	18,500
12	Logistics tech	15,327	13,786	15,327	1,541	13,786
13	Materials tech	38,243	33,162	36,000	2,838	36,000
14	Elex device tech	30,190	25,872	30,190	4,318	25,872
15	Personnel and training tech	7,746	5,810	7,746	1,936	5,810
16	Lab indep exploratory devel	13,146	12,091	13,146	1,055	12,091
17	Missile propulsion tech	12,014	12,014	11,000	−1,014	11,000
18	High energy laser tech	67,902	67,902	0	−67,902	0
19	Environmental applications	8,086	5,653	6,086	433	5,653
20	A/A msl tech demo	10,022	8,022	10,022	2,000	10,022
21	Adv computer tech	9,900	3,272	2,000	−1,272	9,900
22	Jt service ed dev (adv)	5,011	4,511	5,011	500	4,511
23	Oceanog instrmtatn dev	6,168	2,999	6,168	3,169	2,999
24	Medical development (adv)	10,275	8,384	10,275	1,891	8,384
25	Minpwr control sys dev	2,915	1,805	2,915	1,110	1,805
26	Adv marine biolog sys	4,242	3,980	4,242	262	3,980
27	Ocean eng tech develop	21,704	17,442	16,704	−738	16,704
28	Education and training	2,799	2,239	2,799	560	2,239
29	Environmental protection	10,412	8,150	10,412	2,262	8,150
30	Nav tech info present sys	3,257	0	2,257	2,257	2,000
31	Manufacturing tech	7,827	3,339	7,827	4,488	7,827
32	Advanced aircraft subsys	4,884	4,884	0	−4,884	3,200
33	Aircraft systems (adv)	982	982	0	−982	0
34	Adv air lnch SAM tech	2,439	2,439	0	−2,439	2,000
35	A/B electromag and op sys/adv	488	488	0	−488	0
36	Trident II	1,496,406	1,506,406	1,496,406	−10,000	1,506,406
37	SSBN security program	39,782	39,782	37,282	−2,500	37,282
38	SSBN subsys tech program	7,347	7,347	0	−7,347	0
39	A/B infrared cntrmeasures	14,668	10,668	12,668	2,000	12,668
40	Tac cmd cont comm	12,261	10,261	12,261	2,000	10,261
41	CV ASW module	6,435	3,928	6,435	2,507	3,928
42	A–6E STOL demonstrator	31,029	14,629	14,634	5	14,634
43	IIR maverick	19,620	5,020	2,000	−3,020	5,020
44	Army/Navy SAM tech	10,174	6,175	0	−6,175	4,000
45	AIR-L Tomahawk (MRASM)	19,512	0	30,512	30,512	0
46	BGAAWC	7,826	6,458	7,826	1,368	6,458
47	Shpbd info transfer sys	5,320	2,320	5,320	3,000	2,320
48	Adv sub supt eqpt prog	5,753	2,322	5,753	3,431	2,322
49	Adv ASW target	3,865	2,000	3,865	1,865	2,000
50	Link Cedar	9,756	5,056	3,000	−2,056	5,000
51	Submarines (adv)	88,922	85,922	78,922	−7,000	83,000
52	Ship development (adv)	16,246	15,246	16,246	1,000	15,246
53	Adv mine development	0	4,000	0	−4,000	4,000
54	Navy energy program (adv)	23,505	21,504	23,505	2,001	23,505
55	Facilities improv	7,999	4,913	5,000	87	4,913
56	ITSS	30,181	20,334	30,181	9,847	20,334
57	ASW surveillance	11,093	5,593	0	−5,593	5,593
58	AV–8B (eng)	118,218	108,218	100,000	−8,218	104,000
59	Environmental systems	2,679	594	2,679	2,085	594
60	P–3 modernization program	19,934	12,817	19,934	7,117	12,817
61	Adv self protection systems	47,366	42,366	42,292	−74	42,366
62	MK–92 FCS upgrade	35,593	72,593	60,593	−12,000	72,593
63	C6–47 product improvement	70,452	56,631	61,452	4,821	56,631
64	Standard msl improvements	40,262	24,019	40,262	16,243	32,019
65	Submarine comm	6,164	4,932	6,164	1,232	4,932
66	Sub sonar devel (eng)	61,222	58,222	41,222	−17,000	53,000
67	EMSP	22,359	31,359	22,359	−9,000	31,359
68	Radar surveillance eqpt	13,662	10,439	13,662	3,223	10,439
69	Sub supt eqpt program	7,249	3,762	7,249	3,487	3,762
70	Ship survivability	5,295	4,385	5,295	910	4,385
71	Sub tac W/F sys (eng)	50,960	47,960	50,960	3,000	47,960
72	Ship subsys dev/LBTS	110,217	93,685	80,000	−13,685	80,000
73	Tac embedded cmptr program	18,954	13,254	18,954	5,700	18,954
74	Link Birch	5,269	69	5,269	5,200	5,269
75	Mine dev (eng)	15,480	12,697	15,480	2,783	12,697
76	Jt serv EOD dev (eng)	3,733	3,233	3,733	500	3,233
77	Navy energy program (eng)	22,547	15,704	22,547	6,843	22,547
78	Command and control sys (eng)	26,017	20,181	26,017	5,836	20,181
79	Surface W/F training dev	28,069	27,069	28,069	1,000	27,069
80	Regional tactical surv	39,023	0	39,023	39,023	29,000
81	Medical devel (eng)	2,426	1,926	2,426	500	1,926
82	Fleet tactical D&E	19,327	17,666	19,327	1,661	17,666
83	Electromag spectrum mngmt	7,301	4,589	7,301	2,712	5,500
84	Mngmt and tech supt	12,237	11,685	12,237	552	11,685
85	Tactical electro supt	1,050	0	1,050	1,050	0
86	Flt telecom (TAC)	41,963	33,430	26,963	−6,467	33,430
87	Mines and mine supt	15,909	909	0	−909	909

CONFERENCE SUMMARY—Continued

[Dollar amounts in thousands]

Item No.	Description	Request	Senate—S. 675 as passed July 28, 1983	House—H.R. 2969 as passed July 29, 1983	Change from Senate	Conference action
88	U/S surveillance system	52,442	49,649	52,442	2,793	49,649
89	Surtass	3,478	1,000	3,478	2,478	1,000
90	Special projects	16,051	15,051	16,051	1,000	15,500
91	Electronic warfare supt	9,529	8,014	9,529	1,515	8,014
92	Counter C3 devel	15,240	11,533	15,240	3,707	11,533
93	JTIDS	121,200	101,170	121,200	20,030	121,200
94	AN/SQR–18 TACTAS	687	0	687	687	0
95	Submarine silencing	18,185	12,283	18,185	5,902	12,283
96	Lab fleet support	5,787	4,669	5,787	1,118	5,787
97	Tactical intell proc supt	2,413	1,942	2,413	471	1,942
98	Nav gunfire supt improv	0	1,000	0	−1,000	1,000
99	Nav gunfire supt ship	0	500	0	−500	500
100	F/A–18 squadrons	27,159	27,159	5,000	−22,159	17,000
101	Harm improvement	11,793	11,793	0	−11,793	11,793
102	Jt serv vert lift A/C (JVX)	53,431	53,431	85,431	32,000	53,431
103	A/C survivability and vulner	12,310	12,310	11,000	−1,310	11,500
104	Submarine sonar devel	12,661	12,661	0	−12,661	8,330
105	Ship sys eng standards	4,565	4,565	10,565	6,000	5,500
106	Retract Silver	144,991	144,991	0	−144,991	0
107	Sub tac W/F sys (adv)	13,863	13,863	10,000	−3,863	11,500
108	Attack submarine devel	9,785	9,785	7,000	−2,785	7,000
109	Adv nuc reactor comp and sys	31,381	31,381	20,000	−11,381	27,000
110	Combat sys integration	17,128	17,128	10,000	−7,128	15,128
111	Tactical nuc development	3,573	3,573	0	−3,573	3,573
112	Avionics development	9,659	9,659	0	−9,659	9,659
113	Lamps MK–III	4,392	4,392	0	−4,392	2,200
114	Helicopter development	24,559	24,559	39,559	15,000	35,000
115	S–3 WSIP	60,211	60,211	0	−60,211	60,211
116	Advanced radar warning	7,714	7,714	0	−7,714	7,714
117	SH–60 carrier variant	19,711	19,711	0	−19,711	19,711
118	Air electronic warfare	17,214	17,214	11,360	−5,854	17,214
119	Acoustic srch sensors (eng)	23,648	23,648	18,648	−5,000	23,648
120	Aegis area air defense	16,580	16,580	12,580	−4,000	12,580
121	Air-to-air msl sys eng	3,987	3,987	0	−3,987	3,000
122	NATO Sea Sparrow	11,122	11,122	0	−11,122	5,000
123	Tomahawk	135,690	135,690	129,285	−6,405	129,285
124	5 inch rolling airframe msl	4,635	4,635	3,171	−1,464	3,900
125	NATO Sea Gnat	7,880	7,880	0	−7,880	4,000
126	Oceanog instr supt	391	391	0	−391	0
127	Intell/EW sys	5,411	5,411	1,595	−3,816	4,411
128	S–3A reliability enhancemnt	0	0	15,000	15,000	0
129	Anti radiation protectile	0	0	0	0	20,000
130	Navigation systems	4,116	1,487	4,116	2,629	1,487
131	Range inst and sys devel	14,099	9,873	14,099	4,226	9,873
132	Target sys devel	53,652	50,652	53,652	3,000	53,652
133	Trng and pers sys devel	5,703	3,285	5,703	2,418	3,285
134	Jt mnpwr/pers proto	7,281	0	7,281	7,281	0
135	Studies and anal supt/Navy	6,261	5,261	6,261	1,000	5,261
136	Center for naval anal/Navy	12,672	10,672	12,672	2,000	10,672
137	Tech info services	4,507	1,665	4,507	2,842	1,665
138	Autec	49,197	44,968	49,197	4,229	44,968
139	International RDT&E	2,095	1,572	2,095	523	1,572
140	RDT&E lab and fac mgmt supt	64,827	60,289	64,827	4,538	60,289
141	RDT&E ship and A/C supt	74,538	69,353	74,538	5,185	69,353
142	Test and eval supt	287,212	267,212	287,212	20,050	267,162
143	Joint adv systems	0	0	0	0	79,000
144	Fuel adjustment	0	0	−1,200	−1,200	−1,200
145	Civilian pay adjustment	0	0	1,600	1,600	1,600
146	Inflation adjustment	0	−125,000	0	125,000	−65,500
	Items not in dispute	3,316,469	3,312,996	3,312,996		3,312,996
	Total [2]	8,182,419	7,652,642	7,604,385	−48,257	7,619,409
	AIR FORCE					
1	Training/simulation tech	22,477	22,477	19,000	−3,477	22,477
2	Aerospace biotechnology	43,614	43,614	42,114	−1,500	42,114
3	Advanced weapons	45,714	45,714	31,000	−14,714	45,714
4	Conventional munitions	40,833	40,833	38,333	−2,500	39,500
5	General reduction	( )	−3,947	( )	3,947	−3,947
6	Adv mil spaceflight cap	2,758	1,180	0	−1,180	0
7	Space sys env interac tech	2,557	1,050	2,557	1,507	1,050
8	Conventional weapons	32,032	27,032	30,000	2,968	28,500
9	Advanced radiation tech	82,530	62,530	38,625	−23,905	62,530
10	Adv airborne radar	4,174	4,174	0	−4,174	0
11	Logistics R&D req	5,291	5,291	0	−5,291	3,000
12	Adv avionics for aircraft	25,280	25,280	16,180	−9,100	20,000
13	Flight vehicle tech	15,039	15,039	13,039	−2,000	14,000
14	Reconn sensors/proc tech	7,738	7,738	5,000	−2,738	5,000
15	Crew sys tech	7,862	7,862	6,000	−1,862	6,900
16	Adv fighter tech int	19,492	19,492	12,099	−7,393	12,099
17	Adv sys int demo	29,023	29,023	24,023	−5,000	24,023
18	Cartographic appl	1,299	1,299	0	−1,299	0
19	Space laser tech	36,095	36,095	0	−36,095	0
20	Visible/UV strat laser tech	0	0	80,000	80,000	0
21	Manpwr and pers sys tech	1,830	1,830	0	−1,830	800
22	Civil/envrn eng tech	5,007	5,007	4,407	−600	4,407
23	Adv cmptr tech	6,892	6,892	4,000	−2,892	6,892
24	CCM adv dev	10,559	10,559	8,859	−1,700	9,000
25	Innovations in ed/trng	6,118	6,118	3,118	−3,000	4,500
26	C3 adv devel	16,715	16,715	14,515	−2,200	15,715
27	Strat laser sys tech	0	0	0	0	60,000
28	Common strat rotary lnchr	41,473	86,473	0	−86,473	65,000
29	Adv strat msl sys	97,537	54,217	97,537	43,320	75,000
30	Adv warning sys	30,883	20,883	30,883	10,000	20,883
31	MX	3,378,389	2,034,389	1,980,389	−54,000	2,034,389
32	Strat conv standoff cap	35,000	0	35,000	35,000	10,000
33	ALCM	28,547	51,547	28,547	−23,000	51,547
34	MX follow-on tech	0	604,000	250,000	−354,000	604,000
35	Classified program	( )	27,000	( )	−27,000	15,000
36	Tanker transpt bmbr tng sys	1,533	1,533	0	−1,533	0
37	B52 squadrons	86,892	86,892	78,892	−8,000	78,892
38	Electronic W/F tech	24,736	20,736	19,736	−1,000	20,736

CONFERENCE SUMMARY—Continued

[Dollar amounts in thousands]

Item No.	Description	Request	Senate—S. 675 as passed July 28, 1983	House—H.R. 2969 as passed July 29, 1983	Change from Senate	Conference action
39	EW counter response	34,508	29,508	34,508	5,000	29,508
40	C–17 program	26,833	13,833	26,833	13,000	26,833
41	A/C eng comp imp prog	142,031	132,031	142,031	10,000	137,000
42	Next generation trainer	123,494	113,494	123,494	10,000	123,494
43	Standoff attack weapon	16,373	8,373	0	−8,373	8,373
44	Wide-area anti-armor munition	52,159	21,159	64,159	43,000	35,000
45	MRASM	21,901	0	51,901	51,901	0
46	Combat helo modernization	66,587	36,587	66,587	30,000	36,587
47	F–111 squadrons	84,358	80,358	32,658	−47,700	80,358
48	Fighter derivative	104,712	72,772	0	−72,772	20,000
49	F–4G wild weasel squadrons	53,254	48,254	30,000	−18,254	38,000
50	Tac A/B comd/cont sys	69,106	60,006	69,106	9,100	64,000
51	Adv comm sys	65,216	60,216	7,267	−52,949	40,000
52	Jt tac comm prog (TRI-TAC)	25,794	20,794	25,794	5,000	20,794
53	Adv tactical fighter	37,361	37,361	0	−37,361	35,000
54	Alt fighter engine	132,059	132,059	0	−132,059	98,059
55	F–15 squadrons	117,774	117,774	0	−117,774	117,774
56	F–16 squadrons	107,395	107,395	0	−107,395	107,395
57	Advanced aircraft	0	0	350,000	350,000	0
58	Engine model deriv prog	13,853	13,853	53,853	40,000	13,853
59	F–100 durability	0	0	35,000	35,000	35,000
60	Jt serv adv vert lift (JVX)	14,351	14,351	0	−14,351	14,351
61	Adv comm tech	5,024	5,024	4,024	−1,000	4,024
62	JSTARS/pave Mover	4,026	4,026	0	−4,026	0
63	C3 cntrmsrs adv sys	1,902	1,902	0	−1,902	1,000
64	A/C avionics eqpt devel	21,752	21,752	17,752	−4,000	19,000
65	A/C eqpt devel	10,594	10,594	4,594	−6,000	8,000
66	Night precision attack	89,892	89,892	0	−89,892	59,892
67	Jt tac msl sys	9,920	9,920	0	−9,920	9,920
68	JSTARS	90,534	90,534	21,534	−69,000	41,534
69	Reconn eqpt	13,382	13,382	10,882	−2,500	10,882
70	Combat ID sys	26,952	26,952	22,952	−4,000	24,000
71	Intell eqpt	15,403	15,403	12,803	−2,600	14,000
72	Technical sensor collection	( )	−11,500	( )	11,500	−11,500
73	Special activities	( )	418,200	−42,500	−460,700	116,124
74	Acquisition and command spt	303,430	292,950	303,430	10,480	297,950
75	T&E supt	391,035	385,648	391,035	5,387	387,648
76	Logistics tech for weap sys	10,057	10,057	0	−10,057	5,000
77	Imp. CAP for DT&E	68,339	68,339	63,339	−5,000	65,500
78	Prod imp	4,109	4,109	0	−4,109	2,000
79	Inven con/embedded cmptr	946	946	0	−946	946
80A	Joint adv system	0	0	0	0	50,000
81	General reduction	0	0	−20,000	−20,000	0
82	Fuel adjustment	0	0	−6,700	−6,700	−6,700
83	Civilian pay adjustment	0	0	12,100	12,100	12,100
84	Inflation adjustment	0	−207,000	0	207,000	−108,468
	Items not in dispute	7,079,938	7,138,241	7,138,241		7,138,241
	Total	13,652,273	12,936,116	11,960,530	−975,586	12,622,193
	DEFENSE AGENCIES					
1	Strategic technology	207,900	165,535	237,900	72,365	220,500
2	Tactical technology	120,800	100,800	110,000	9,200	100,800
3	Exp eval maj innov tech	290,000	276,315	290,000	13,685	276,315
4	Defense research sciences	108,600	108,600	105,000	−3,600	108,600
5	Particle beam technology	33,100	33,100	48,100	15,000	33,100
6	Materials processing tech	25,700	25,700	20,000	−5,700	23,700
7	Jt DARPA/DOE 3rd gn weapn R&D	0	0	20,000	20,000	22,000
8	Sealite beam director	0	0	15,000	15,000	0
9	Defense Nuclear Agency (DNA)	330,500	330,500	380,500	50,000	330,500
10	Natl Security Agency (NSA)	( )	−8,400	−24,232	−15,832	−14,832
11	Def Reconn spt Prog (DRSP)	( )	−30,000	−38,700	−8,700	−36,200
12	Def Intell Agency (DIA)	( )	( )	−6,688	−6,688	−6,688
13	Tech spt to USDR&E	15,932	12,004	50,632	38,628	50,632
14	Genl spt for PA&E	3,185	2,000	2,185	185	2,000
15	Genl spt Policy/ISA	4,858	4,858	4,000	−858	4,858
16	Genl spt Net Assessment	4,337	4,337	3,337	−1,000	4,337
17	Genl spt MRA&L	2,688	2,688	7,688	5,000	2,688
18	Technology transfer and cont	2,200	2,200	4,100	1,900	4,100
19	Defense Logistics Ag (DLA)	24,600	24,600	22,000	−2,600	22,000
20	Tri-serv Natl Test Range (DARPA)	0	0	0	0	25,000
21	Classified programs	( )	−364,800	( )	364,800	−111,200
22	Civilian pay adjustment	0	0	1,900	1,900	1,900
23	Inflation adjustment	0	−43,000	0	−43,000	−23,056
	Director, test and evaluation:					
24	General reduction	0	0	−6,800	−6,800	−6,800
25	Inflation adjustment	0	−1,000	0	1,000	0
	Items not in dispute	1,822,500	1,822,500	1,822,500		1,822,500
	Total [3]	2,996,900	2,468,537	3,068,422	599,885	2,856,754

[1] Includes $1.474 million for special foreign currency.
[2] Includes $1.376 special foreign currency.
[3] Includes $200 million for special foreign currency.

ADVANCED COMMUNICATIONS SYSTEMS

The Administration requested $65.216 million for the Air Force's Advanced Communications System program.

The Senate bill would provide authorization of $60.216 million; the House amendment would provide authorization of $7.267 million.

The conferees agreed to provide $40 million authorization for the Air Force program with the understanding that the development of the Enhanced Joint Tactical Information Distribution System, within this program element, would provide for interoperability among Navy, (including and Marine corps) and Air Force aircraft.

ALTERNATE FIGHTER ENGINE/ENGINE MODEL DERIVATIVE

The Senate bill would provide full authorization for the Air Force request of $132.059 million for the Alternate Fighter Engine program. The House amendment would provide no specific level of authorization for this program because authorization for this purpose was included within the Advanced Fighter Aircraft program element.

The conferees agreed to an authorization of $98.059 million for the Alternate Figher Engine program and $35 million for a new program element entitled F–100 durability. This authorization would allow the Air Force to continue the development of the F–110 engine under the Alternate Fighter Engine program and would fund F–100 improvements such as the improved gear

pump and Digital Electronic Engine Control (DEEC) under the F-100 durability program element.

The Senate bill also would provide authorization of $13.853 million as requested by the Air Force for the Engine Model Derivative program. The House amendment would provide additional authorization of $40 million to ensure that a competitive environment would be maintained for future tactical aircraft engines.

The conferees did not provide the additional authorization of $40 million for this purpose and agreed that the engine competition currently in progress between the F-100 and F-110 should proceed without interruption. The conferees adopted the House position that no additional authorization should be provided for enhancement to either of these engines unless and until the Air Force provides its findings on the current competition that address operational, support, logistics, performance, cost and other pertinent considerations.

ANTI-TACTICAL MISSILE PROGRAM

The Administration requested $33.275 million for the Army's Anti-Tactical Missile program.

The Senate bill would provide the full request; the House amendment reduced the request by $16 million.

The conferees agreed to an authorization of $25 million.

The conferees support enhancing Army Defense program efforts which address the urgency of response to the tactical ballistic missile and cruise missile threats. The conferees further support pursuit of a long range program to counter the tactical missile threat and to make maximum use of technology being developed in other agencies. The conferees direct the Secretary of Defense to identify anti-tactical missile defensive requirements among all services and to report to the Committees on Armed Services of the Senate and House of Representatives concerning their future planing in this area by February 15, 1984.

BALLISTIC MISSILE DEFENSE

The Administration requested $538.38 million for the Army's Ballistic Missile Defense System's Technology program.

The Senate bill would provide authorization of $391.245 million; the House amendment would provide authorization of $238 million.

As is noted elsewhere in this report, the Administration is currently conducting a review of the various technologies and systems approaches which hold promise as a means of defending against ballistic missiles. It is anticipated that, as a result of this review, significant revisions may be made in the ballistic missile defense program requested in January, 1983.

The conferees believe that the Army's ballistic missile defense program should be structured so as to support the Administration's new strategic defense initiatives. The conferees agreed to provide $338 million for the Army's Ballistic Missile Defense System Technology Program with an additional option to allow the Secretary of Defense to reprogram—if necessary—up to $50 million into this program from programs other than Army tactical conventional activities which enjoy lower priority.

As has been indicated in connection with the directed-energy weapons programs, the conferees agree that no significant programmatic changes should be undertaken in ballistic missile defense-related research and development activities until the Congress has been apprised of the President's views on the Fletcher Commission Report.

The Committees on Armed Services of the Senate and the House of Representatives expect to be notified promptly of any plans to revise the direction, technological focus or management of the ballistic missile defense program in order to conform that program to a restructured policy guidance.

CENTER FOR NAVAL ANALYSES

The Senate would provide $10.672 million of the Navy request for $12.672 million for the Center for Naval Analyses. The House amendment would authorize the full request.

The conferees agreed to an authorization of $10.672 million with the understanding that none of the reduction may be applied to the activities of Center for Naval Analyses' Operational and Evaluation Groups.

CLASSIFIED PROGRAM

Full authorization was provided for an Army classified program, 12821A in the Senate bill; the House amendment deleted the entire request.

The conferees agreed to delete authorization without prejudice.

The Senate recedes.

COMBAT SYSTEMS INTEGRATION

The Navy requested $17.128 million for its combat system integration (CSI) program. The Senate bill would provide the full request; the House amendment would provide $10 million authorization for this program.

The conferees agreed to an authorization of $15.128 million. The conferees expressed concern, however, regarding the Navy's approach to integrate combat systems and weapon direction systems many years after the deployment of combat ships. This approach is costly and inefficient. The conferees believe that the integration of combat and direction systems should be delineated during the design phase of the ship and believe, therefore, that the CSI program should be brought to an orderly conclusion within the next five years.

The conferees expect that the Secretary of the Navy will prepare a plan for the elimination of the CSI program and present this plan to the Committees of Armed Services of the Senate and House of Representatives no later than April 2, 1984. The plan should include the manner in which the Wallops Island Test Facility, Wallops Island, Virginia, will be used to enhance combat systems integration and planning.

CONVENTIONAL STAND-OFF CAPABILITY PROGRAM

The Air Force requested authorization of $35 million for the Strategic Conventional Stand-Off capability program. The Senate bill would provide no authorization for this program; the House amendment would provide full authorization.

The conferees agreed to an authorization of $10 million to continue the effort on active and passive sensors for target acquisition. The conferees further agreed that integration of conventional stand-off missiles on the B-52 should be deferred until the Department of Defense provides the Committees on Armed Services in the Senate and the House of Representatives a plan for the development of the joint Navy-Air Force tactical cruise missile.

C-17 AIRCRAFT PROGRAM

The Senate bill contained a provision (sec. 112) which would prohibit the expenditure of funds for the C-17 aircraft program until a Selected Acquisition Report on the C-17 aircraft program and a report validating the requirement, concepts, and design of the C-17 aircraft have been submitted to the Committees on Armed Services of the Senate and House of Representatives and a period of 30 days has elapsed.

The House amendment contained no similar provision.

The conferees agreed to direct the Secrtary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives concurrent with next year's budget submission:

1. A Selected Acquisition Report on the C-17 Aircraft program, and

2. A report validating the requirement, concepts and design of the C-17 aircraft.

The Senate recedes.

DIRECTED ENERGY PROGRAMS

The Senate bill would provide $495.2 million authorization of the requested $505.2 million for the Department of Defense Directed Energy Research and Development activities.

The House amendment would authorize $509.8 million and direct several significant changes to the Department of Defense program—principally, a reduction of $12.839 million from the Army's request of $32.839 million for the Laser Weapons Technology program; deletion of the Navy's entire request of $67.902 million for the High Energy Laser Technology program; deletion of the Air Force entire request for $36.095 million for the Space Laser Technology program; a reduction of $43.905 million from the Air Force request of $82.530 million for the Advanced Radiation Technology program; additional authorization of $80 million to the Air Force Space Command for the Visible/Ultraviolet Strategic Laser Technology program; additional authorization of $30 million to the Defense Advanced Research Project Agency (DARPA) request of $207.9 million for the Strategic Technology program; additional authorization of $15 million to the DARPA request of $33.1 million for the Particle Beam Technology program; additional authorization of $15 million for the DARPA Sea-Lite Beam Director program.

The conferees noted that a highly important reexamination of directed energy technologies, their potential applications, and related policy issues is currently being conducted by the Administration. The impetus for this effort was provided in an address by the President on March 23, 1983, in which he endorsed the concept of utilizing appropriate technological capabilities to provide a national defense against ballistic missiles.

Following the President's statement of this goal, the Department of Defense empanelled a blue-ribbon commission, referred to as the Fletcher Commission, to assess the various means whereby such a defensive capability might be realized. The Fletcher Commission's deliberations were ongoing as the conferees met to consider the differences between the Senate bill and the House amendment.

The conferees recognize that the recommendations of the Fletcher Commission could result in very significant changes to the directed energy program emphasis, funding, and management envisioned in the President's fiscal year 1984 request for defensive technologies. The conferees strongly endorse this panel's effort to provide a comprehensive assessment of the most promising technologies available for the purposes espoused by the President.

The Fletcher panel is expected to report its findings and recommendations to the President in October 1983. It is the confer-

ees' understanding that the President will shortly thereafter make known to the Congress any changes to his fiscal year 1984 program and any that might ensue in future year programs.

The conferees have intentionally refrained from taking any action that might impinge upon the Fletcher Commission's ability to make its determinations in an objective and technically sound fashion.

Consistent with this intent, however, the conferees have agreed to provide additional authorization over and above that requested for several defensive technologies of particular promise. Statutory language in the conference report stipulates that the funds so authorized are to be expended only for the purpose directed.

Specific authorizations of the conferees are shown in the accompanying chart. The following items, however, deserve special attention:

Airborne Laser Laboratory (ALL)

The conferees agreed to direct the termination of the Airborne Laser Laboratory in fiscal year 1984. This program is funded under the Advanced Radiation Technology line in the Air Force. The conferees adopted statutory language which proscribes further development of the ALL. It is the intent of the conferees that experimentation utilizing the ALL asset will be completed as soon as is possible and that an orderly termination of this program will take place in FY 1984.

Triservice Laser Test Range

The conferees agreed to provide $25.0 million to establish a national Triservice Laser Test Range at White Sands, New Mexico. It is the intent of the conferees that the existing facility and appropriate research and development articles currently located there should be utilized to perform vulnerability, lethality and laser testing for all elements of the Department of Defense. The conferees believe that the Navy's Mid-Infrared Advanced Chemical Laser (MIRACL), whose development as a prototype for Navy weapon systems is terminated by this legislation (sec. 203), may have utility and should be used as a power source for the aforementioned purposes.

Strategic laser system technology program

The conferees directed the creation of a new line in the Air Force research and development account. This line, entitled Strategic Laser System Technology Programs, will subsume two important elements of strategic laser development activities needed if the potential future laser weapon options are to be realized.

First, the conferees agreed to authorization of $20 million for research and analysis on strategic laser system issues. This work would be performed to assess among other things, laser system vulnerabilities, lethality and command and control requirements. The Administration had intended to conduct such studies as part of the Air Force Space Based Laser program for which the conferees agreed to provide no funds.

Second, the conferees determined that an increased level of effort could usefully be applied to the research and development of short wavelength laser systems as was stated in the House amendment line for the Visible/Ultraviolet Strategic Laser Technology program. For this purpose, the conferees provided $40 million within the Strategic Laser Technology Program line to be used by the Air Force Space Division and Space Command to develop visible/ultraviolet lasers with promise for weapons purposes.

Program	Fiscal year 1984 request	House	Senate	Conference
Army:				
Laser weapons technology	32.8	20.0	32.8	20.0
Neutral beam technology (BMDATC)	0	7.0	0	7.0
Navy:				
High energy laser (Sea Lite)	67.9	0	67.9	0
Air Force:				
Advanced weapons	45.7	31.0	45.7	45.7
Space laser program	36.1	0	36.1	0
Visible/UV strategic laser [1]	0	80.0	0	40.0
System analysis [1]	0	0	0	20.0
Advanced radiation technology	82.5	38.6	62.5	62.5
Defense Advanced Research Projects Agency (DARPA):				
Short wavelength laser tech [2]	35.0	65.0	35.0	65.0
DARPA/DOE third generation weapons [3]	0	20	0	22.0
Particle beam	33.1	48.1	33.1	33.1
Triservice laser test range	0	0	0	25.0
Sea lite beam director	0	15.0	0	0

[1] Included in one program element strategic laser technology.
[2] Exclusive of blue green laser technology.
[3] $50 million was identified for DOE work in this area in Title III of the Senate bill.

The conferees believe that these various initiatives provide a research and development program that complements the work currently underway in related and other directed-energy activities. By providing the identified, additional resources, the conferees hope to ensure that adequate funds are available in fiscal year 1984 for research and development of these promising technologies should the President decide to pursue them aggressively.

Consequently, in keeping with the conferees' approach to these directed energy programs, the conferees direct that the Department of Defense refrain from significant programmatic changes in these areas until the Congress has been apprised of the President's views on the Fletcher Commission's report.

Similarly, the conferees wish to make clear their intent that their actions in this bill not be construed to favor or predispose to any agency or service within the Department of Defense the long-term responsibility for the execution of the programs authorized in this bill. The conferees believe that the decisions concerning the management functions associated with the oversight and execution of the President's program should properly be made a part of the Fletcher Commission's deliberations and be incorporated into any Administration action which might result from the Commission's report. In light of the very significant sums likely to be committed to this program area in the future, serious consideration should be given to an organization structure which creates a single, senior official with overall responsibility for directed-energy functions.

ENHANCED MODULAR SIGNAL PROCESSOR

The Navy requested authorization of $22.359 million for the Enhanced Modular Signal Processor (EMSP) program.

The Senate bill would provide $31.359 million, an addition of $9 million while the House amendment would provide $22.359 million. The conferees agreed to an authorization of $31.359 million with the stipulation that the additional authorization be used in part for the Advanced Signal Processor Common Operator System (ACOS).

ACOS is closely related to the development of software (computer programs, etc.) for the Enhanced Modular Signal Processor and has significant potential for reducing the cost of software for Navy standard signal processors.

FLEET TELECOMMUNICATIONS (TACTICAL)

The Navy requested $41.963 million for the Fleet Telecommunications (Tactical) program.

The Senate bill would provide authorization of $33.430 million; the House amendment would authorize $26.963 million.

The conferees agreed to an authorization of $33.43 million provided that none of the reduction be applied to high frequency antijam improvements and that priority for the remaining authorization be given to the Combination Radio project.

HIGH-SPEED ANTI-RADIATION MISSILE (HARM) IMPROVEMENT PROGRAM

The Senate bill would authorize the Navy's full request for $11.793 million for the High-Speed Anti-Radiation Missile (HARM) improvement program.

The House amendment would provide no authorization for this purpose.

The conferees agreed to authorize $11.8 million for HARM improvements. These funds are to be used only for cost reduction efforts, but the incorporation of fixes identified during the HARM Operational Evaluation are not prohibited. No funds shall be used to initiate any new start or new programs.

JOINT TACTICAL MISSILE SYSTEM (JTACMS)

JOINT SURVEILLANCE AND TARGET ACQUISITION RADAR SYSTEM (JSTARS)

The Senate bill would authorize $30.16 million of the Army request for $50.16 million for the Joint Tactical Missile System (JTACMS) and would provide the full $9.92 million requested by the Air Force for its participation in the program. Additionally, the Senate bill would authorize $29.373 million of the Army's request for $69.373 million for the Joint Surveillance and Target Acquisition Radar System (JSTARS) program and the full authorization for $94.560 million requested by the Air Force.

The House amendment authorized the full request by the Army for $50.160 million for the JTACMS program; denied the entire request of the Air Force for $9.92 million for the JTACMS program; reduced the Army's requested authorization to $68.961 million for the JSTARS program; reduced the Air Force request of $94.560 million to $21.534 million for the JSTARS program. Additionally, the House amendment contained a provision limiting the selection of the JTACMS airframe to a derivative of either the Patriot T-16 or Lance T-22.

The conferees agreed to recommend authorization of the following amounts for research and development of the joint Army/Air Force JSTARS and JTACMS: $68.961 million for the Army JSTARS, $41.534 million for the Air Force JSTARS, $50.16 million for Army JTACMS, and $9,92 million for Air Force JTACMS.

In addition, the conferees recommended authorization of $5 million in advance procurement for Army JSTARS and $20 million in advance procurement for Army JTACMS.

Of the $41.534 million recommended for Air Force JSTARS, $20 million is intended for integration of the common radar on an airborne platform. However, these funds shall not be obligated or expended until after the completion of joint hearings of the Committees on Armed Services of the Senate and the House of Representatives on the subject of deep strike interdiction.

The conferees are persuaded that the JSTARS and JTACMS programs and associated improved munitions and C3 will pro-

vide a highly-leveraged, force multiplying capability for improving conventional capability and implementing the air/land battle doctrine. These systems offer great promise to improve substantially the effectiveness of conventional weapons and to raise the nuclear threshold. The conferees are concerned that the Army and Air Force have not worked cooperatively to arrive at common requirements and specifications for the JSTARS radar and JTACMS missile to support the air/land battle concepts. The conferees direct the Secretary of Defense to ensure that the Army and Air Fore resolve these matters at the earliest possible time. In view of the likely constraints on future growth in the defense budget, separate Army and Air Force programs may not be affordable. The Committees on Armed Services will closely monitor progress by the services in the resolution of their differences in requirements.

The Senate conferees agreed to the language contained in the House amendment restricting the expenditure of $50.16 million in the Army JTACMS program to the evaluation and selection of either the T-16 (Patriot) or T-22 (Lance) missile airframes as the air vehicle for the JTACMS program. The conferees agreed that every reasonable effort should be made to obtain this capability at the earliest opportunity and that selecting an existing airframe would best accomplish this goal.

The conferees further agreed that the Air Force JTACMS program shall concentrate on the development of a common missile or a derivative of the missile jointly selected by the Army and Air Force. This is not intended to preclude consideration of other candidate vehicles under development in other programs.

The conferees strongly support the development of the capability anticipated in these joint programs and continue to insist on the maintenance of the joint nature of these programs and strong oversight from the Office of the Secretary of Defense.

MEDIUM RANGE AIR-TO-SURFACE MISSILE (MRASM)

The Navy requested authorization of $19.512 million for the Air-Launched Tomahawk—a joint Navy/Air Force Medium Range Air-to-Surface Missile (MRASM). The Air Force requested authorization of $21.901 million for the MRASM system. The Senate bill recommended no authorization for the MRASM and termination of the program. The House amendment recommended authorization of $30.512 million for the Navy MRASM, an addition of $11 million, and $51.901 million for the Air Force an addition of $30 million. The conferees agreed that the MRASM program be terminated and that the Navy and Air Force explore the opportunity for developing a joint tactical cruise missile using an alternative system currently under development.

None of the authorization is to be used for this purpose in the absence of a Department of Defense approved plan to execute such a joint program.

The Senate bill would provide full authorization for the Navy request of $7.880 million for the NATO Sea Gnat system. The House amendment would provide no authorization for this purpose.

The conferees agreed to an authorization of $4.0 million and direct that, prior to submission of the fiscal year 1985 budget request, the Secretary of the Navy provide a report to the Committees on Armed Services of the Senate and the House of Representatives containing a complete evaluation and full assessment of the cost and performance effectiveness of Sea Gnat relative to other available systems including those developed in France.

NAVAL GUNFIRE SUPPORT SHIP

The Senate bill would provide authorization of $500,000 that was not requested by the Navy to investigate the potential of a Naval Gunfire Support Ship. The House amendment contained no similar provision.

The conferees agreed to an authorization of $500,000 and direct that the Secretary of the Navy provide the results of the study as delineated in the Senate report (S. Rept. 98-174) to the Committees on Armed Services of the Senate and the House of Representatives.

NAVAL GUNFIRE SYSTEMS IMPROVEMENT PROGRAM

The Senate bill would provide authorization of $1 million that was not requested by the Navy for a comprehensive study of the options available to improve the Navy's gunfire capability. The House amendment contained no similar provision.

The conferees agreed to an authorization of $1 million for this study. The House has proposed related initiatives in the past and fully supports this project. Naval gunfire support is a vital ingredient for U.S. military forces assigned to combat missions to coastal areas, and resources to support this mission have been permitted to dwindle significantly. Reactivation of *Iowa* class battleships will provide a temporary improvement, but less than adequate naval gunfire support resources are projected for the long term as other ships equipped with guns are retired.

NIGHT PRECISION ATTACK

The Air Force requested $89.892 million for the Night Precision Attack program for the development of the Low Altitude Navigation Targeting Infrared for Night (Lantirn) system. The Senate bill would authorize the full amount requested, the House amendment would provide no authorization for this program.

The conferees expressed concern over the history of cost growth in the program and the lack of adequate comptetition. Last year, the conferees on S. 2248, the fiscal year 1983 Defense Authorization bill, authorized the LANTIRN program but required that a competition be conducted with a suitably modified F/A-18 FLIR pod. As a result of a subsequent limitation on expenditures in the fiscal year 1983 Defense Appropriation bill, prohibiting funds in the bill from being used for such competition, the competition was not conducted.

The conferees agreed to recommend an authorization of $59.892 million only to continue those aspects of the development program necessary to evaluate the performance of the initial development pods. No funds should be used to initiate production or for production readiness.

The Air Force is encouraged to actively pursue the evaluation of alternative low altitude navigation and targeting systems should the LANTIRN program be terminated.

RANKINE CYCLE ENERGY RECOVERY (RACER) SYSTEM

The House amendment included legislative language requiring authorization of at least $24 million for the continued development of the Rankine Cycle Energy Recovery (RACER) system. The Senate bill contained no similar provision.

The conferees agreed to the provision of the House amendment and emphasize that the $24 million in authorization is in addition to the Navy's budget request of $16 million authorized in other program elements for the RACER system.

The conferees intend, therefore, that $40 million of the funds authorized in fiscal year 1984 are to be used for the RACER system development to insure compatibility of the RACER with all ships of the DDG-15 class, including the lead ship. The conferees further emphasize that the RACER system should be installed on the ship only if the system has been tested and demonstrated.

REGIONAL TACTICAL SURVEILLANCE

The Navy requested $39.023 million for the Regional Tactical Surveillance program. The Senate bill would deny the entire authorization request; the House amendment would provide full authorization.

The conferees agreed to an authorization of $29 million and in addition direct that the Secretary of the Navy provide a report to the Committees on Armed Services of the Senate and House of Representatives not later than March 31, 1984 outlining:

The difference between this system and the Air Force Over-the-Horizon systems.

The complete funding profile and schedule for the Regional Tactical Surveillance program together with the measures taken to minimize its cost.

TACTICAL EMBEDDED COMPUTERS

The Army requested authorization of $36.967 million for its command and control program which included the full scale engineering development of tactical embedded computers. The Navy requested $18.954 million for its tactical embedded computer program. The Senate bill would provide authorization for the Army tactical embedded computer program and directed that computer-related activities which enjoy lower priority be reduced at the discretion of the Secretary of Defense to offset the costs of this program. The House amendment would provide the full request for this program without comparable stipulations. The Senate bill would provide authorization of $13.254 million for the Navy's program; the House amendment would authorize the full request.

Additionally, the House amendment contained a provision prohibiting the obligation or expenditure of any funds by the Army or Navy until the Secretary of Defense submits a plan to the Committees on Armed Services of the Senate and the House of Representatives to integrate advanced microelectronic computers into weapon systems. The Senate bill contained no similar provision.

The conferees agreed to provide the full authorization requested by the Army, subject to the provision stipulated in the Senate bill, and by the Navy for tactical embedded computers. The conferees also adopted the statutory restrictions proposed on these programs by the House amendment.

TERMINALLY GUIDED PROJECTILES

The Army requested authorization of $18.849 million for its Terminally Guided Projectile program. The Senate bill would authorize the full request; the House amendment would provide no authorization and recommended termination of the program.

The conferees agreed to an authorization of $9 million to be divided equally among the Fiber Optics guidance system, the High Velocity Missile guidance system and the Sense and Destroy Armor (SADARM) guid-

ance system for the 155 millimeter projectile.

The conferees intend that the authorization be used only for this purpose.

TRIDENT II MISSILE

The Administration requested $1,496.406 million for the Trident II (D-5) missile system.

The House amendment fully funded the request; the Senate bill provided a total of $1,506.406 million. The additional $10 million was provided for the purpose of maintaining the option of a maneuvering reentry vehicle (MARV) for the Trident II, and to allow work on the interface with this missile required for a large, accurate reentry body and/or pentration aids.

The conferees agreed to adopt the Senate provision. The decision to preserve this option was taken by the conferees with an understanding that the Navy will, prior to the submission of the FY 1985 budget request, make a determination with respect to the national requirement either for developing a MARV capability in the D-5 missile or, alternatively, for preserving into the future a MARV option for the D-5. Whatever additional funds are necessary for the development of such a capability or the preservation of such an option—should it be deemed desirable to pursue either course of action—are to be budgeted for by the Navy.

The House recedes.

WIDE AREA ANTI-ARMOR MUNITIONS (WAAM)

The Air Force requested authorization of $52.159 million for the Wide Area Anti-Armor Munitions program. the Senate bill reduced the authorization request by $31 million; the House amendment would provide authorization of $64.159 million, an a addition of $12 million.

The conferees agreed to an authorization of $35 million. The reduction in authorization, however, is to be applied only to the millimeter wave guidance project and the highest priority should be given to the development of sensor fused weapons. Accordingly, $29.1 million of the authorization provided is to be used for the sensor fused weapon project.

SPECIAL LEGISLATIVE PROVISIONS IN RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conferees adopted the following legislation provisions that appeared in either the Senate bill or the House amendment:

Limitation on funds for the Army (sec. 202)

The conferees adopted the following provisions contained in section 202 of the House amendment:

—The provision [authorizing] $7.650 million only for the 75 millimeter and 90 millimeter guns for light armored vehicles.

—The provision [authorizing] $7.0 million only for neutral particle beam research as part of the ballistic missile defense program.

—The provision [authorizing] at least $15.0 million only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter.

—The provision [authorizing] $50.160 million only for the Joint and Tactical Missile System and for selection of either the Patriot T-16 or Lance T-22 as the JTACMS delivery vehicle.

—The provision [authorizing] $12.561 million only for the Mobile Protected Gun System.

—The provision prohibiting the obligation and expenditure of any authorization for full scale engineering development of the Military Computer Family system until the Secretary of Defense provides a plan to the Committees on Armed Services of the Senate and the House of Representatives for the introduction and integration of advanced micro-electronic computers into weapon systems.

Limitation on funds for the Navy (sec. 203)

The conferees adopted the following provisions contained in section 203 of the House amendment:

—The provision authorizing $24 million only for the Rankine Cycle Energy Recovery (RACER) System to ensure compatibility of the RACER System with all ships (including the lead ship) of the DDG-51 class.

—The provision authorizing $20.0 million only for the development of the antiradiation projectile (ARP).

—The provision authorizing $72.593 million only for the Mark 92 Gunfire Control System. This amount was authorized in the Senate bill.

—The provision authorizing $10 million only for a derivative of the Standard Missile II to be used by the Navy for the outer air battle mission.

—The provision authorizing $1.47 million only for the evaluation of a wing lift system for Navy utility craft.

—The provision prohibiting the obligation and expenditure of funds for full scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense submits a plan to the Committees on Armed Services of the House of Representatives and the Senate for the introduction and integration of advanced microelectronic chip set computers into weapon systems.

—The provision prohibiting the use of any funds authorized the Navy for the Mid-Infrared Advanced Chemical Laser (MIRACL)

Limitation on funds for the Air Force (sec. 204)

The conferees adopted the following provisions contained in section 204 of the House amendment:

—The provision authorizing $60 million for the Air Force Strategic Laser system technology program of which $40 million is available only for the Air Force Space Command and Space Division for the development of the Visible/Ultra-Violet Short Wavelength Laser system.

—The provision authorizing $20.0 million only for the development of terminally guided and sensor fused submunitions for the Air Force Deep Strike mission.

—The provision providing for the completion of the Airborne Laser Laboratory test program and for the orderly termination of the program; the conferees agreed on authorization of $10 million for this purpose.

The conferees adopted the provision contained in section 204 of the Senate bill requiring authorization of not less than $22.477 million for research and development of training and simulation technology.

Limitations of funds for the Defense Agencies (sec. 205)

The conferees adopted the following provisions contained in section 205 of the House amendment:

—The provision authorizing not less than $65 million only for research, development, test and evaluation of free electron and other short wavelength (excluding blue-green) lasers.

—The provision authorizing appropriations only for the Particle Beam Technology program including modifications to the Advanced Test Accelerator required for free electron laser research. The conferees reduced the authorization from $481.1 million, as provided by the House, to $33.1 million, as requested.

—The provision authorizing appropriation only for a joint Defense Advanced Research Projects Agency and Department of Energy project for the research, development, test and evaluation of third generation defensive weapons. The House amendment contained $20 million. The conferees agreed on $22 million.

—The provision prohibiting the obligation or expenditure of any funds for fifth generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which the program would be carried out.

Limitation on size of small mobile missile (sec. 206)

The conferees adopted the provisions contained in section 303 of the House amendment delineating the characteristics of the small intercontinental range ballistic missile weighing less than 33,000 pounds carrying a single warhead and the linkage between the deployment of the small mobile missile and the deployment of M-X missiles.

Report on joint tactical missile system and joint surveillance and target attack system (sec. 207)

The conferees adopted the provision contained in section 113 of the Senate bill requiring the Secretary of Defense to submit a report to the Committees on Armed Services of the House of Representatives and the Senate by October 1, 1984, delineating a comprehensive and coordinated plan for the joint service development and procurement of a joint tactical missile system and joint surveillance and target attack system.

Antiballistic missile defense system research (sec. 208)

The conferees adopted the provision contained in section 114 of the Senate bill permitting the Secretary of Defense to reprogram $50.4 million of amounts appropriated pursuant to the authorization of appropriations in Title II of this bill (excluding amounts appropriated for Army Tactical Conventional programs) for ballistic missile defense.

TITLE III—OPERATION AND MAINTENANCE

GENERAL ISSUES

Fuel cost reestimate

The revised 1983 Department of Defense request included $6.9 billion for fuel purchases, a reduction of $1.3 billion from the February submission. The Senate bill would authorize the amount contained in the revised request. The House amendment also contained a $1.3 billion reduction for fuel purchases based on a reestimate of $28 per barrel price of crude oil in fiscal year 1984. However, the reduction was allocated differently among the major accounts.

The House recedes.

Differences in allocating these reductions between the Senate bill and the House amendment within major account title are shown as follows:

[Amounts in millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	−88.0	−77.6	−88.0
Navy	−458.0	−697.9	−458.0
Marine Corps	−6.7	−12.1	−6.7
Air Force	−613.9	−408.4	−613.9
Defense Agencies	−.8	−.6	−.8
Army Reserve	−3.6	−4.0	−3.6
Navy Reserve	−24.8	−34.8	−24.8
Marine Corps Reserve	−.3	−.4	−.3
Air Force Reserve	−23.8	−16.1	−23.8
Army National Guard	−10.6	−9.4	−10.6
Air National Guard	−74.4	−50.9	−74.4

Purchase inflation

The revised fiscal year 1984 Department of Defense operation and maintenance request included a reduction of $521 million based on a reestimate of purchase inflation rates by the Office of Management and Budget. The Senate bill would authorize the amount contained in the revised request. The House amendment contained a reduction of $105.5 million based on a selective reestimate of the projected purchase inflation rate in fiscal year 1984 from 5.1 to 4.6 percent in various operation and maintenance activities and accounts.

The conferees agreed to a reduction of $272.9 million in authorization based on 52.4 percent of the reduction contained in the President's revised request. In addition, the conferees agreed to a further reduction of $216.4 million in purchase inflation as an offset against increased authorization to meet the costs associated with anticipated congressional action providing for a nine month pay raise of four percent for civilians employed by the Department of Defense.

The resolution of differences in allocating these reductions between the Senate bill and the House amendment within major account titles follows:

[Amounts in millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	−124.0	−25.6	−122.0
Navy	−165.0	−33.3	−157.4
Marine Corps	−14.0	−2.7	−10.5
Air Force	−135.0	−26.8	−114.8
Defense Agencies	−53.0	−12.6	−53.0
Army Reserve	−4.0	−1.0	−4.0
Navy Reserve	−6.0	−1.2	−3.7
Marine Corps Reserve	−1.0	−.1	−.55
Air Force Reserve	−4.0	−.3	−4.0
Army National Guard	−6.0	−1.0	−6.0
Air National Guard	−9.0	−.9	−9.0

Civilian pay raise

The Department of Defense request did not provide fo a civilian pay raise in fiscal year 1984. However, both the Senate bill and House amendment assumed a six month pay raise of four percent and authorized $433 million to cover the operation and maintenance costs associated with such a pay raise.

Since the time the House and Senate Defense authorization bills were reported to their respective bodies, two major developments regarding a civilian pay raise in fiscal year 1984 have taken place. First, the First Concurrent Resolution on the Budget was enacted by Congress and assumed a nine month pay raise of four percent for Federal employees. Second, the conferees understand that the House and Senate committees with jurisdiction may recommend at least a nine month civilian pay raise. Consequently, the conferees agreed to increase authorization by $216.4 million to cover the estimated cost of the additional three month pay raise of four percent for Department of Defense civilians whose salaries are paid out of the operation and maintenance accounts. The conferees have taken this action as a conscious effort to authorize the full amount required to avoid a repetition of last year's 25 percent pay absorption that proved to be so disruptive to budget execution and required the transfer of funds from readiness-related activities like depot maintenance and training.

The allocation of these authorization increases to cover a nine month pay raise of four percent for civilian employees are shown as follows:

[Amounts in millions of dollars]

Major account	Senate bill	House amendment	Conference action
Army	+113.9	+113.9	+170.9
Navy	+141.8	+141.8	+212.7
Marine Corps	+6.3	+6.3	+9.5
Air Force	+87.9	+88.0	+132.0
Defense Agencies	+50.8	+50.8	+76.2
Army Reserve	+5.1	+5.1	+7.7
Navy Reserve	+1.1	+1.1	+1.7
Marine Corps Reserve	+.1	+.1	+.15
Air Force Reserve	+4.9	+4.9	+7.4
Army National Guard	+9.6	+9.6	+14.4
Air National Guard	+11.2	+11.2	+16.8

CHANGES IN MAJOR ACCOUNTS

The following table summarize the resolution of differences in each of the major accounts.

OPERATION AND MAINTENANCE, ARMY

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	17,867.8	17,867.8	17,867.8
Fuel cost reestimate	−88.0	−77.6	−88.0
Purchase inflation	−124.0	−25.6	−122.0
Civilian pay raise	+113.9	+113.9	+170.9
Recruiting and advertising	−10.0	−10.0	−10.0
Stock fund obligation	−75.0	−75.0	−75.0
Civilian end strength	−81.5	−57.5	−76.5
Military end strength	−4.8	−20.0	−5.3
Force modernization	0	−50.0	−25.0
Special training	0	−10.0	−5.0
Maintenance and logistics	0	−12.0	0
Commissary facilities	0	+1.8	+1.8
HAWK missile training	0	−10.0	−10.0
Repair tactical radios	0	−8.0	−8.0
Real estate leasing	0	−5.0	−5.0
Interservice support	0	−2.0	−2.0
Payment discounts	0	−3.0	−3.0
Base transport	0	−3.0	−3.0
Transportation, Europe	0	−7.0	−7.0
Coal operations, Europe	0	−10.0	−10.0
Postal service, Europe	0	−3.0	−3.0
Bachelor housing and furniture	−8.0	0	0
Commercial activities	−10.0	0	−10.0
Library and sports	−12.4	0	0
C–3 above division	−7.0	0	0
General reduction	−4.6	0	0
Project VIABLE	−15.0	0	−15.0
Methods and standards	−4.4	0	−4.4
Installation security	−6.0	0	0
Supply, maintenance and transportation	−8.6	0	−8.6
Telephone system	−4.3	0	−4.3
Defense data network	−5.0	0	−5.0
Hospital repairs	−7.0	0	0
Tactical wheeled vehicles	−15.0	0	−7.5
Force structure	−2.3	0	0
Classified programs	−2.9	−5.8	−4.8
Base operations	−25.0	0	0
Total, adjustments	−406.9	−278.8	−344.7
Amount authorized	17,460.9	17,589.0	17,523.1

OPERATION AND MAINTENANCE, NAVY

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	23,225.6	23,225.6	23,225.6
Fuel cost reestimate	−458.0	−697.9	−458.0
Purchase inflation	−165.0	−33.3	−157.4
Civilian pay raise	+141.8	+141.8	+212.7
Recruiting and advertising	0	−5.0	−5.0
Military end strength	−4.6	−50.0	−15.2
Specialized skill training	0	−5.0	−5.0
Contract studies and analyses	0	−10.0	−10.0
Aircraft rework and maintenance	0	−100.0	−50.0
RA/TA WESTPAC	0	−5.0	−5.0
Ship maintenance and modernization	0	−50.0	0
Fleet command and staff	0	−10.0	−10.0
Secretary of the Navy staff offices	0	−1.0	−1.0
CNO staff offices	0	−1.0	−1.0
Air staffs	0	−1.0	−1.0
Ad Hoc administrative functions	0	−5.0	−5.0
Navy military personnel command	0	−10.0	−10.0
FBM ship maintenance	0	−50.0	0
Sealift prepositioning	0	−15.0	0
Base operations	−30.0	−5.0	−15.0
Other communications	0	−10.0	−10.0
Other training support	0	−10.0	−10.0
Flying hours	0	+30.0	+30.0
Real property maintenance	0	+10.0	+10.0
Ship repair	0	−26.0	−26.0
Base closure	0	−1.0	−1.0
Payment discounts	0	−5.0	−5.0
Finance centers	0	−5.0	−5.0
Automatic data processing	0	−10.0	−10.0
NAVPRO/Minneapolis	0	−1.0	−1.0
Off duty volunteer education	0	−1.0	−1.0
Interservice support	0	−5.0	−5.0
Telephone service	0	−5.0	−5.0
Real estate lease	0	−5.0	−5.0
Leasing commercial property	0	−6.0	−6.0
Environmental health center	0	−1.0	−1.0
Civilian end strength	−43.1	0	−38.1
Tactical flag command center	−5.9	0	−5.9
Training equipment maintenance	−8.0	0	−8.0
Medical care end strength increase	−5.0	0	−5.0
Administration	−15.0	0	−15.0
Facility Engineering Command	−15.0	0	−15.0
Sea Systems Command	−40.0	0	−40.0
Electronic Systems Command	−25.0	0	−25.0
Trident C3 audits	−8.0	0	−8.0
Cruise missile program	−8.0	0	−8.0
Supply Systems Command	−20.0	0	0
Classified programs	−2.0	−8.3	−5.6
Shipyard security	+5.0	0	+5.0
LSD-28 operations	+18.3	0	+18.3
Shelter/homeless	0	+1.0	+1.0
Total adjustments	−687.5	−970.7	−736.2
Amount authorized	22,538.1	22,254.9	22,489.4

OPERATION AND MAINTENANCE, MARINE CORPS

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	1,575.9	1,575.9	1,575.9
Fuel cost reestimate	−6.7	−12.1	−6.7
Purchase inflation	−14.0	−2.7	−10.5
Civilian pay raise	+6.3	+6.3	+9.5
Recruiting and advertising	0	−2.0	−2.0
Military end strength	−1.1	−10.0	−4.2
Civilian end strength	−3.3	0	−2.3
Base operations	−5.0	0	−5.0
Total adjustments	−23.8	−20.5	−21.2
Amount authorized	1,552.1	1,555.4	1,554.7

OPERATION AND MAINTENANCE, AIR FORCE

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	18,999.1	18,999.1	18,999.1
Fuel cost reestimate	−613.9	−408.4	−613.9
Purchase inflation	−135.0	−26.8	−114.8
Civilian pay raise	+87.9	+88.0	+132.0

OPERATION AND MAINTENANCE, AIR FORCE—Continued

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Recruiting and advertising	−7.0	−4.7	−7.0
Stock fund obligation	−95.0	−95.0	−95.0
Military end strength	−8.6	−100.0	−43.8
Real estate leasing	0	−5.0	−5.0
Interservice support	0	−2.0	−2.0
Base closings	0	−3.5	−3.5
Federal catalog	0	−.5	−.5
Base transport	0	−3.0	−3.0
MX facility design	0	−1.2	−1.2
Tactical Air Force flying hours	0	−21.0	−15.0
Management headquarters	0	−5.7	0
GLCM real property maintenance	0	−18.8	0
Central supply	0	−30.0	−30.0
Aircraft damage repair	0	+15.0	+15.0
Special operations helicopter	0	+.8	+.8
Civilian end strength	−15.3	0	−10.3
Morale, welfare and recreation activities	−25.0	0	0
Contract services	−20.0	0	−20.0
Weather service	−8.0	0	−8.0
Automatic data processing	−70.0	0	−50.0
Space programs	−15.0	0	−15.0
Travel	−5.8	0	−5.8
Miscellaneous transport	−12.0	0	0
Audiovisual services	−5.0	0	−5.0
Classified program	−7.2	−13.1	−10.8
CT–39	−2.2	0	−2.2
Base operations	−25.0	0	−25.0
Shelter/homeless	0	+1.0	+1.0
Total adjustments	−982.1	−633.9	−938.0
Amount authorized	18,017.0	18,365.2	18,061.1

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	6,871.9	6,871.9	6,871.9
Fuel cost reestimate	−.8	−.6	−.8
Purchase inflation	−53.0	−12.6	−53.0
Civilian pay raise	+50.8	+50.8	+76.2
Stock fund obligation	−1.0	−1.0	−1.0
Civilian end strength	−15.4	−62.5	−14.4
Automatic data processing	0	−9.3	−9.3
CINC readiness fund	−100.0	−100.0	−100.0
CHAMPUS	0	46.0	0
Classified programs	0	−53.9	−31.2
OSD studies/analyses	−10.0	0	−10.0
Washington Headquarters Services (WHS) contracts	−5.0	0	−5.0
Base operations	−20.0	0	−20.0
DCAA auditors	+10.0	0	+6.0
Military end strength	−.9	0	0
Total adjustments	−145.3	−235.2	−162.5
Amount authorized	6,726.6	6,636.7	6,709.4

OPERATION AND MAINTENANCE, ARMY RESERVE

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	662.8	662.8	662.8
Fuel cost reestimate	−3.6	−4.0	−3.6
Purchase inflation	−4.0	−1.0	−4.0
Civilian pay raise	+5.1	+5.1	+7.7
Stock fund obligation	−4.5	−4.5	−4.5
Unit equipment	0	+20.0	+20.0
Shelter/homeless	0	+8.0	+8.0
Civilian end strength	−1.8	0	−.9
Total adjustments	−8.8	+23.6	+22.7
Amount authorized	654.0	686.4	685.5

OPERATION AND MAINTENANCE, NAVY RESERVE

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	693.0	693.0	693.0
Fuel cost reestimate	−24.8	−34.8	−24.8
Purchase inflation	−6.0	−1.2	−3.7
Civilian pay raise	+1.1	+1.1	+1.7
SIMA repair equipment	0	+1.0	+.5
C–9 support	0	+1.8	0
Special warfare/UDT	0	+1.6	+1.0
MOMAG	0	+.1	0
Flying hours	0	+2.0	0
Aircraft depot maintenance	0	−4.4	−4.4
C–9 leasing	+12.0	0	+12.0
Total adjustments	−17.7	−32.8	−17.7
Amount authorized	675.3	660.2	675.3

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	53.6	53.6	53.6
Fuel cost reestimate	−.3	−.4	−.3
Purchase inflation	−1.0	−.1	−.55
Civilian pay raise	+.1	+.1	+.15
Total adjustments	−1.2	−.4	−.7
Amount authorized	52.4	53.2	52.9

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	815.0	815.0	815.0
Fuel cost reestimate	−23.8	−16.1	−23.8
Purchase inflation	−4.0	−.3	−4.0
Civilian pay raise	+4.9	+4.9	+7.4
Stock fund obligation	−4.5	−4.5	−4.5
Aircraft battle damage	0	+2.0	+2.0
Civilian end strength	0	−1.9	−1.0
Total adjustments	−29.3	−14.0	−23.9
Amount authorized	785.7	801.0	791.1

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	1,135.0	1,135.0	1,135.0
Fuel cost reestimate	−10.6	−9.4	−10.6
Purchase inflation	−6.0	−1.0	−6.0
Civilian pay raise	+9.6	+9.6	+14.4
Stock fund obligation	−1.6	−1.6	−1.6
Real property maintenance	0	+10.0	+10.0
Organizational clothing and equipment	0	+7.5	+7.5
End strength increase support	0	+28.0	+28.0
Repair parts	0	+3.5	+3.5
Total adjustments	−8.6	+46.6	+45.2
Amount authorized	1,126.4	1,181.6	1,180.2

OPERATION AND MAINTENANCE, AIR FORCE NATIONAL GUARD

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
Request	1,824.7	1,824.7	1,824.7
Fuel cost reestimate	−74.4	−50.9	−74.4
Purchase inflation	−9.0	−0.9	−9.0
Civilian pay raise	+11.2	+11.2	+16.8
Stock fund obligation	−13.0	−13.0	−13.0
Aircraft depot maintenance	0	+7.8	0
Civilian end strength	−0.5	0	−.3
KC–135 reengining	+69.9	0	+64.1
Total adjustments	−15.8	−45.8	−15.8
Amount authorized	1,808.9	1,778.9	1,808.9

OPERATION AND MAINTENANCE, OTHER AGENCIES

[Amounts in millions of dollars]

Item	Senate bill	House amendment	Conference recommendation
National Board for the Promotion of Rifle Practice	0.9	0.9	0.9
Claims, Defense	172.9	222.9	172.9
Court of Military Appeals	3.4	3.4	3.4
Summer Olympics	25.0	50.0	50.0

Authorization of appropriations (sec. 301)

Section 116 of the Senate bill would authorize funds for operation and maintenance purposes by major account title (Army, Navy, Marine Corps, Air Force, Defense Agencies, Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, Army National Guard, Air National Guard, National Board for the Promotion of Rifle Practice—Army, Claims—Defense, Court of Military Appeals—Defense, and 1984 Games of the XXIII Olympiad). Section 401 of the House amendment would authorize funds for operation and maintenance purposes by major account title and specifically by budget activity (Strategic Forces, General Purposes Forces, Communications and Intelligence, Airlift and Sealift, Central Supply and Maintenance, Training, Medical, and Other General Personnel Activities, Administration, and Support to Other Nations, etc.).

The House conferees remain very concerned about the continued appropriation of funds for operation and maintenance activities and programs that were not contained in the President's request or specifically authorized by Congress. Over the past two fiscal years there have been over $550 million appropriated for unauthorized items. Irrespective of the particular merits of these programs and the circumstances involved, this practice is inconsistent with section 138, title 10, United States Code, which provides that no funds shall be appropriated for, or obligated or expended by, the Department of Defense without prior authorization. At issue is the continued integrity and relevance of the authorization process itself. Absent an agreed upon mechanism to reconcile such differences comprehensively, the Armed Services Committees have had to unilaterally reprogram authorization to permit the obligation and expenditure of unauthorized appropriations by the Department of Defense. The House conferees believe that the indefinite continuation of this

one-sided accommodation is unacceptable. Therefore, the conferees have reluctantly concluded that the only effective solution for this unfortunate situation is to impose progressively more detailed authorization to clarify authorization guidance.

The conferees recognize that authorizing operation and maintenance funds at budget activity levels imposes a greater burden on the Department of Defense. To minimize this inconvenience as much as possible, the conferees do not intend for the Defense Department to set up a new accounting system as a result of this method of authorization. Furthermore, within the total amounts authorized to be appropriated for the budget activities listed in section 301 of this Act, the conferees agreed that the Secretary concerned may increase the amounts for a particular budget activity listed in such sections only in accordance with the requirements and procedures prescribed in Department of Defense Directive 7250.5, "Reprogramming of Appropriated Funds," January 9, 1980, and Department of Defense Instruction 7250.10, "Implementation of Reprogramming of Appropriated Funds," January 10, 1980, or any applicable successor Directive or Instruction thereto.

The distribution of authorization adjustments by budget activities is shown in the following tables:

OPERATION AND MAINTENANCE, ARMY

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
General Purpose Forces	6,532,041	6,389,569	−142,472
Military end strength			(−2,703)
Hawk missile training			(−10,000)
Interservice support			(−2,000)
Discounts			(−2,000)
Transportation, Europe			(−7,000)
Coal operations, Europe			(−10,000)
Postal service, Europe			(−3,000)
Force modernization			(−15,328)
Stock fund obligations			(−58,564)
Civilian end strength			(−13,334)
Purchase inflation			(−42,133)
Civilian pay			(+34,490)
Methods and standards			(−1,900)
Commercial activities			(−1,500)
Tactical vehicle repair			(−7,500)
Intelligence and communications	1,040,673	1,025,578	−15,095
Stock fund obligation			(−1,364)
Force modernization			(−1,515)
Defense data network			(−5,000)
Telephone system			(−4,300)
Supply and maintenance			(−445)
Commercial activities			(−725)
Purchase inflation			(−5,072)
Civilian pay			(+8,126)
Classified programs			(−4,800)
Central supply and maintenance	5,115,610	5,005,214	−110,396
MTMC/CERS, transportation			(−3,000)
Tactical radio repair			(−8,000)
Discounts			(−1,000)
Military end strength			(−1,908)
Methods and standards			(−1,600)
Supply and maintenance			(−2,528)
Commercial activities			(−105)
Stock fund obligations			(−873)
Force modernization			(−6,622)
Civilian end strength			(−39,546)
Fuel price reestimate			(−88,000)
Purchase inflation			(−33,817)
Commissaries			(+1,800)
Civilian pay			(+74,803)
Training, medical, and other general personnel activities	3,918,675	3,858,200	−60,475
Recruiting and advertising			(−10,000)
Specialized training			(−5,000)
Commercial activities			(−7,676)
Military end strength			(−689)
Force modernization			(−1,245)
Supply and maintenance			(−5,630)
Stock fund obligation			(−13,854)
Civilian end strength			(−23,620)
Methods and standards			(−900)
Purchase inflation			(−33,057)
Civilian pay			(+41,196)
Administration	1,152,466	1,138,288	−14,178
Real estate leasing			(−5,000)
Stock fund obligation			(−308)
Project VIABLE			(−15,000)
Force modernization			(−290)
Purchase inflation			(−5,455)
Civilian pay			(+11,875)
Support of other nations	108,335	106,242	−2,093
Stock fund obligations			(−37)
Purchase inflation			(−2,466)
Civilian pay			(+410)
Total, Army	17,867,800	17,523,091	−344,700

OPERATION AND MAINTENANCE, NAVY

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Strategic Forces	1,984,861	1,974,261	−10,600
Real estate leasing			(−200)
Contract studies			(−700)
Trident C3 audits			(−8,000)
Civilian end strength			(−1,300)
Leasing of commercial property			(−200)
Telephone charges			(−200)
Interservice support			(−200)
Automatic data processing operations			(−100)
Fleet command and staff			(−1,800)
Military end strength			(−700)
Civilian pay			(+2,800)
General Purpose Forces	10,681,307	10,645,207	(−36,100)
Fleet command and staff			(−8,200)
Air staffs			(−1,000)
WESTPAC RA/TA maintenance			(−5,000)
Ship maintenance and modernization			(−26,000)
Base operations			(−15,000)
Automatic data processing operations			(−1,400)
Interservice support			(−2,500)
Telephone charges			(−2,000)
Real estate leasing			(−2,600)
Shelter for the homeless			(+1,000)
LSD–28 operations			(+18,300)
Cruise missile program			(−8,000)
Sea systems command			(−15,000)
Tactical flag communication center			(−5,900)
Civilian end strength			(−6,500)
Lease of commercial property			(−3,200)
Finance centers			(−5,000)
Base closures			(−1,000)
Contract studies and support			(−500)
Military end strength			(−10,000)
Real property maintenance			(+9,000)
Civilian pay			(+24,400)
Flying hours			(+30,000)
Intelligence and communications	1,074,881	1,063,381	−11,500
Other communcations			(−10,000)
Civilian end strength			(−2,700)
Leasing of commercial property			(−200)
Real estate leasing			(−200)
Telephone charges			(−100)
Interservice support			(−200)
Real property maintenance			(+1,000)
Contracts, studies, and analyses			(−200)
Civilian pay			(+6,700)
Classified programs			(−5,600)
Central supply and maintenance	6,782,933	6,160,033	−662,900
Aircraft depot maintenance			(−50,000)
Discounts			(−5,000)
Contract studies, and support			(−7,000)
NAVPRO, Minneapolis			(−1,000)
Interservice support			(−700)
Telephone charges			(−1,300)
Shipyard security			(+5,000)
Electronic systems command			(−25,000)
Sea systems command			(−25,000)
Facility engineering command			(−15,000)
Administration			(−15,000)
Civilian end strength			(−21,000)
Leasing of commercial property			(−700)
Real estate leasing			(−600)
Purchase inflation			(−157,400)
Fuel price reestimate			(−458,000)
Automatic data processing operations			(−4,800)
Civilian pay			(+159,600)
Training, medical and other general personnel activities	2,026,032	1,987,832	−38,200
Specialized skill training			(−5,000)
Recruiting and advertising			(−5,000)
Other training support			(−10,000)
Automatic data processing operations			(−1,000)
Off-duty voluntary education			(−1,000)
Medical care end strength increases			(−5,000)
Training equipment maintenance			(−8,000)
Civilian end strength			(−5,100)
Leasing of commercial property			(−1,400)
Telephone charges			(−900)
Contracts, studies, and analyses			(−1,400)
Environmental health center			(−1,000)
Real estate leasing			(−1,100)
Military end strength			(−4,500)
Interservice support			(−1,200)
Civilian pay			(+13,400)
Administration	673,066	656,166	−16,900
Secretary of the Navy offices			(−1,000)
Chief of Naval Operations offices			(−1,000)
Ad hoc administrative			(−5,000)
Navy military personnel command			(−10,000)
Contract studies and analyses			(−200)
Civilian end strength			(−1,500)
Leasing of commercial property			(−300)
Real estate leasing			(−300)
Interservice support			(−200)
Automatic data processing operations			(−2,700)
Telephone charges			(−500)
Civilian pay			(+5,800)
Support to other nations	2,520	2,520	0.0
Total, Navy	23,225,600	22,489,400	−736,200

OPERATION AND MAINTENANCE, MARINE CORPS

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
General Purpose Forces	915,801	910,501	−5,300
Military end strength			(−4,200)
Base operations			(−3,900)
Civilian end strength			(−1,100)
Civilian pay			(+3,900)
Central supply and maintenance	352,323	337,123	−15,200
Fuel cost reestimate			(−6,700)
Base operations			(−400)
Civilian end strength			(−600)
Purchase inflation			(−10,500)
Civilian pay			(+3,000)
Training, medical, and other general personnel activities	212,473	210,773	−1,700
Civilian end strength			(−300)
Base operations			(−700)
Recruiting and advertising			(−2,000)
Civilian pay			(+1,300)
Administration	95,303	96,303	+1,000
Civilian end strength			(−300)
Civilian pay			(+1,300)
Total, Marine Corps	1,575,900	1,554,700	−21.200

OPERATION AND MAINTENANCE, AIR FORCE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Strategic Forces	3,155,181	3,100,886	−54,295
Purchase inflation			(−12,482)
Military end strength			(−4,373)
Audiovisual services			(−388)
Space programs			(−5,000)
Automatic data processing operations			(−9,350)
Weather services			(−1,776)
Contract services			(−8,580)
Civilian end strength			(−1,200)

OPERATION AND MAINTENANCE, AIR FORCE—Continued

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Base operations			(−5,900)
Central supply			(−1,859)
Base transportation			(−630)
Real estate leasing			(−200)
MX facility design			(−1,200)
Stock fund obligation			(−12,457)
Civilian pay			(−11,100)
General Purpose Forces	4,081,978	3,966,062	−115,916
Purchase inflation			(−16,112)
Military end strength			(−11,760)
Real estate leasing			(−2,000)
Tactical Air Force flying hours			(−11,230)
Interservice support			(−2,000)
Audiovisual services			(−303)
Travel			(−354)
Automatic data processing operations			(−9,000)
Weather services			(−1,392)
Contract services			(−7,320)
Civilian end strength			(−1,300)
Special operation helicopters			(+800)
Stock fund obligation			(−54,801)
Civilian pay			(+13,700)
Base operations			(−9,100)
Central supply			(−1,914)
Base transportation			(−1,830)
Intelligence and communications	1,830,974	1,792,317	−38,657
Purchase inflation			(−7,250)
Military end strength			(−3,721)
Travel			(−516)
Space programs			(−7,000)
Automatic data processing operations			(−9,150)
Weather services			(−904)
Contractor services			(−1,060)
Civilian end strength			(−1,100)
Central supply			(−1,243)
Real estate leasing			(−1,300)
Stock fund obligation			(−453)
Base transportation			(−60)
Civilian pay			(+5,900)
Classified programs			(−10,800)
Airlift and sealift	1,213,835	1,182,783	−31,052
Purchase inflation			(−4,826)
Base operations			(−3,200)
CT–39			(−2,200)
Audiovisual services			(−636)
Travel			(−365)
Automatic data processing operations			(−5,450)
Weather services			(−344)
Contract services			(−160)
Civilian end strength			(−835)
Central supply			(−473)
Base transportation			(−270)
Military end strength			(−1,731)
Real estate leasing			(−100)
Facility projects by contract			(−14,400)
Stock fund obligation			(−5,562)
Civilian pay			(+9,500)
Central supply and maintenance	6,138,211	5,483,689	−654,522
Fuel cost reestimate			(−613,900)
Purchase inflation			(−66,057)
Base operations			(−3,200)
Audiovisual services			(−473)
Space programs			(−3,000)
Automatic data processing operations			(−9,550)
Weather services			(−2,984)
Contract services			(−2,100)
Civilian end strength			(−3,910)
Central supply			(−8,703)
Tactical Air Force flying hours			(−3,770)
Base transportation			(−120)
Federal catalog			(−500)
Base closings			(−3,500)
Military end strength			(−6,990)
Real estate leasing			(1,000)
Stock fund obligation			(−8,665)
Aircraft damage repair			(+15,000)
Civilian pay			(+68,900)
Training, medical, and other general personnel activities	2,034,942	1,986,810	−48,132
Purchase inflation			(−8,073)
Base operations			(−3,600)
Audiovisual services			(−1,600)
Travel			(−4,565)
Automatic data processing operations			(−5,000)
Weather services			(−600)
Contract services			(−540)
Civilian end strength			(−1,750)
Central supply			(−1,299)
Base transportation			(−90)
Real estate leasing			(−400)
Military end strength			(−14,953)
Recruiting and advertising			(−7,000)
Stock fund obligation			(−13,062)
Civilian pay			(+14,400)

OPERATION AND MAINTENANCE, AIR FORCE—Continued

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Administration	536,102	540,310	+4,208
Central supply			(−87)
Contract services			(−240)
Shelter for the homeless			(+1,000)
Audiovisual services			(−1,600)
Civilian end strength			(−140)
Military end strength			(−225)
Civilian pay			(+8,000)
Automatic data processing operations			(−2,500)
Support of other nations	7,877	8,243	+366
Military end strength			(−47)
Civilian end strength			(−65)
Central supply			(−22)
Civilian pay			(+500)
Total, Air Force	18,999,100	18,061,100	−938,000

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
General Purpose Forces	384,114	284,114	−100,000
CINC readiness fund			(−100,000)
Intelligence and communications	2,296,710	2,279,559	−17,151
Purchase inflation			(−4,595)
Base operations			(−4,000)
Fuel price reestimate			(−384)
Civilian end strength			(−2,880)
Civilian pay			(+25,908)
Classified programs			(−31,200)
Central Supply and Maintenance	1,551,622	1,559,231	+7,609
Purchase inflation			(−1,695)
Fuel price reestimate			(−184)
Base operations			(−7,200)
Automatic data processing operations			(−9,300)
Civilian end strength			(−8,064)
Civilian pay			(+35,052)
Stock fund obligation			(−1,000)
Training, medical, and other general personnel activities	2,218,699	2,164,915	−53,784
Purchase inflation			(−45,970)
Base operations			(−8,200)
Fuel cost reestimate			(−232)
Civilian end strength			(−144)
Civilian pay			(+762)
Administration	420,755	421,581	+826
Purchase inflation			(−740)
Defense Contract Audit Agency (DCAA)			(+6,000)
Base operations			(−600)
Washington headquarters' services (WHS) contracts			(−5,000)
Office of the Secretary of Defense contracts			(−10,000)
Civilian end strength			(−3,312)
Civilian pay			(+14,478)
Total, Defense Agencies	6,871,900	6,709,400	−162,500

OPERATION AND MAINTENANCE, ARMY RESERVE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Mission Forces	385,870	398,470	+12,600
Stock fund obligation			(−4,500)
Fuel cost reestimate			(−2,700)
Purchase inflation			(−3,000)
Stock-funded unit equipment			(+19,000)
Civilian pay			(+4,500)
Civilian end strength			(−700)
Depot maintenance	8,810	8,910	+100
Civilian pay raise			(+100)
Other support	268,120	278,120	+10,000
Fuel cost reestimate			(−900)
Civilian end strength			(−200)
Shelter for the homeless			(+8,000)
Stock-funded unit equipment			(+1,000)
Purchase inflation			(−1,000)
Civilian pay			(+3,100)
Total, Army Reserve	662,800	685,500	+22,700

OPERATION AND MAINTENANCE, NAVY RESERVE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Mission Forces	399,648	413,148	+13,500
C–9 leasing			(+12,000)
SIMA repair equipment			(+500)
Special warfare/UDT/Seal			(+1,000)
Depot maintenance	121,438	88,538	−32,900
Purchase inflation			(−3,700)
Fuel cost reestimate			(−24,800)
Aircraft depot maintenance			(−4,400)
Other support	171,914	173,614	+1,700
Civilian pay			(+1,700)
Total, Navy Reserve	693,000	675,300	−17,700

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Mission Forces	27,503	27,503	0
Depot maintenance	1,589	1,589	0
Other support	24,537	23,837	−700
Purchase inflation			(−550)
Fuel price reestimate			(−300)
Civilian pay			(+150)
Total, Marine Corps Reserve	53,629	52,929	−700

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Mission Forces	546,618	521,718	−24,900
Purchase inflation			(−3,900)
Civilian end strength			(−700)
Stock fund obligation			(−3,800)
Fuel price reestimate			(−23,600)
Aircraft battle damage			(+2,000)
Civilian pay			(+5,100)
Depot maintenance	131,149	131,149	0
Other support	137,233	138,233	+1,000
Fuel cost reestimate			(−200)
Civilian end strength			(−300)
Stock fund obligation			(−700)
Purchase inflation			(−100)
Civilian pay			(+2,300)
Total, Air Force Reserve	815,000	791,100	−23,900

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Training operations	212,195	223,357	+11,162
Purchase inflation			(−338)
Real property maintenance			(+5,000)
Base operations			(+2,600)
Civilian pay			(+3,900)
Logistical support	831,395	861,108	+29,713
Fuel cost reestimate			(−10,600)
Purchase inflation			(−5,387)
Real property maintenance			(+5,000)
Repair parts			(+3,500)
Stock fund obligation			(−1,600)
Civilian pay			(+9,300)
Organizational clothing and supplies			(+29,500)
Headquarters and Command	82,701	85,374	+2,673
Purchase inflation			(−227)
Civilian pay raise			(+1,200)
Recruiting and advertising			(+1,700)
Medical support	8,709	10,361	+1,652
Purchase inflation			(−48)
Military end strength			(+1,700)
Total, Army National Guard	1,135,000	1,180,200	+45,200

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
Mission Forces	1,366,600	1,292,200	−74,400
Purchase inflation			(−6,000)
Civilian end strength			(−300)
Stock fund obligation			(−11,600)
Fuel price reestimate			(−72,200)
Civilian pay			(+15,700)
Depot maintenance	340,600	403,700	+63,100
Purchase inflation			(−1,000)
KC–135 reengining (JT–3D)			(+64,100)
Other support	117,500	113,000	−4,500
Purchase inflation			(−2,000)
Stock fund obligation			(−1,400)
Fuel price reestimate			(−2,200)
Civilian pay			(+1,100)
Total, Air National Guard	1,824,700	1,808,900	−17,800

OPERATION AND MAINTENANCE, OTHER BUDGET ACTIVITIES

[Amounts in thousands of dollars]

Budget activity	Administration fiscal year 1984 request	Conference recommendation	Net change from request
National Board for the Promotion of Rifle Practice	899	899	0
Claims, defense	222,900	172,9000	−50
Court of Military Appeals	3,372	3,372	0
Summer Olympics	50,000	50,000	0
Total, other budget activities	277,171	227,171	−50

Prohibition of use of vessels with foreign-built major components under certain leases or service contracts (Sec. 303)

Section 404 of the House amendment would prohibit the expenditure of Navy operation and maintenance funding authorized by this Act associated with a lease or service contract of a vessel that has a main propulsion system or other major component not built in the United States if the lease were for a long term or if it involved a substantial termination liability.

The Senate bill contained no similar provision.

The conferees agreed to Senate amendments, the first of which would limit the prohibition to a vessel "which has not previously been placed in service"—meaning "newly constructed." In addition, major component was defined as being "of the hull or superstructure" which is consistent with current restrictions on the procurement of Navy vessels. Finally, a long term contract was defined as one in excess of five years.

The Senate recedes with amendments.

Authorization of appropriations for assistance for the 1984 games of the XXIII Olympiad (sec. 304)

The Senate bill contained a provision (sec. 117) that would authorize $25 million for Defense Department assistance to the Los Angeles Summer Olympic games, subject to justification for such assistance being provided to the President prior to obligation. Such justification was also to be forwarded to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

The House amendment contained a similar provision (sec. 403) that would authorize $50 million for such assistance but would not require transmittal of the justification to the Congress.

The House recedes to the language in the Senate bill, and the Senate recedes to the $50 million authorization level in the House amendment.

Shelter for the homeless at military installations (sec. 305)

Section 405 of the House amendment would authorize the Department of Defense to provide shelter and incidental services for the homeless at military installations without reimbursement to the extent that such humanitarian assistance does not interfere with military preparedness or ongoing military functions. In addition, $10 million would be authorized to offset the anticipated incremental cost of this program to ensure that military activities would not suffer through a diversion of funding to provide shelter and incidental support for the homeless.

The Senate bill contained no similar provision.

The Senate recedes.

C–140B replacement aircraft

The conferees fully support the lease in fiscal year 1984 of 3 Gulfstream G III aircraft for the C–140B replacement aircraft program. Procurement of a total fleet of 11 Gulfstream G III aircraft is planned, beginning in fiscal year 1985. The Air Force decision to procure a single fleet of Gulfstream G III aircraft was made after a thorough life-cycle cost analysis of both foreign and domestic aircraft which were offered for the competition. The competition was conducted under standard guidelines established for procurement of "off-the-shelf", commercially available aircraft.

Limitation on amount that may be made available from the revolving and management funds for fiscal year 1984

Section 119 of the Senate bill was intended to place a limit on the revolving funds of $2,519,166,600 in fiscal year 1984.

The House amendment contained no similar provision.

The conferees recognized the significant growth in the request for direct appropriations to the revolving funds in fiscal year 1984 over the amount appropriated for fiscal year 1983. Given current budget constraints, the conferees agreed that such growth could not be fully justified, and they further agreed to recommend to the Appropriation Committees a reduction of approximately ten percent, or $280 million, from the total fiscal year 1984 request for the revolving funds. However, technical problems related to the scope of the conference prevented the inclusion of language proposed by the Senate.

The Senate recedes.

Limitation on contracting out at the service academies

Section 406 of the House amendment would prohibit the expenditure of any operation and maintenance funding authorized by this Act for management reviews and cost comparisons under the provisions of Office of Management and Budget Circular A–76 involving the possible contracting out the functions at the three service academies.

The Senate bill contained no similar provision.

The House recedes.

Loans to certain school districts in San Antonio, Texas

Section 407 of the House amendment would authorize the Secretaries of the Army and Air Force to make loans from their respective operation and maintenance accounts to three school districts in San Antonio, Texas. Furthermore, such loans would be forgiven (including interest) to the extent that the amount of impact aid provided in fiscal year 1984 is less than the amount of impact aid to which the school districts would be entitled but for the Omnibus Budget Reconciliation Act of 1981.

The Senate bill contained no similar provision.

The House recedes.

TITLE IV—ACTIVE FORCES

Active duty military strengths for the Army, Navy, Marine Corps and Air Force in the Senate bill and the House amendment differed by a total of 17,274. The conference agreement, which was 28,800 below the Administration request, is summarized in the following table:

	Administration request	House	Senate	Conference
Army	782,600	778,000	780,459	780,000
Navy	572,200	560,300	565,782	564,800
Marine Corps	197,300	194,600	196,872	196,600
Air Force	612,600	592,500	599,561	594,500
Total	2,164,700	2,125,400	2,142,674	2,135,900

The House conferees, in denying proposed active force increases for fiscal year 1984, were intent on ensuring that the military service make greater utilization of the reserve components. The Senate conferees concurred with the House conferees' concerns but were unwilling to freeze active force strengths.

Providing active force increases of more than 10,000, the conferees agreed that some increase was appropriate for fiscal year 1984. The conferees also determined that, while the Navy has shown the least initiative and commitment in the use of its reserve forces, it was also the service that offered the most justification for an end strength increase, due primarily to the large number of vessels to be commissioned in fiscal year 1984. The conferees believe that to deny any increase to the Navy could result in "punishing" innocent sailors who would be required to perform additional sea duty, even though the conferees believe that other missions or redefinition of existing missions, at least in the long run, could minimize the impact. On the other hand, the conferees decided that to exempt the Navy alone from the freeze on end strengths would send the wrong message.

The conferees place the four services on notice that fiscal year 1984 is the final year in which the conferees are prepared to rely on statement of managers language for conveying their concerns that the Guard and Reserves have a greater role in the defense program of this Nation.

Beginning with the fiscal year 1985 authorization process, the services are directed to provide the Armed Services Committees of the Senate and House of Representatives with an annual report outlining in detail what changes will be accomplished in that fiscal year to provide the Guard and Reserve with: new missions; more modern equipment; and greater integration with the active forces in keeping with the Total Force concept.

The conferees also place the services on notice that the report accompanying the fiscal year 1985 authorization request and the degree to which there is evidence that more is being accomplished in the utilization of reserves will be key elements in the consideration of end strengths for fiscal year 1985—particularly in the Navy. The conferees are fully prepared to deny further

active duty personnel strength increases if the services fail to comply with this direction.

Extension of authority for the temporary promotion of certain Navy lieutenants (sec. 403)

Under current law certain Navy lieutenants who possess skills for which there is critical shortage and who are serving in a position designated to be held by a lieutenant commander may be promoted to the grade of lieutenant commander. Authority to make these promotions outside of the contraints of law governing the normal promotion of naval officers expires on September 30, 1983.

The Senate bill contained a provision (sec. 123) that would extend this authority for one year until September 30, 1984.

The House amendment contained no similar provision.

The conferees agreed that critical shortages of this nature should be solved utilizing management policies other than early promotion and that the Navy should investigate such policies as an alternative to further extension of this authority. For the near term, however, the conferees agreed to extend this authority for one year.

The House recedes with an amendment.

Limit on funds for PCS travel during fiscal year 1984 (sec. 404)

The Senate bill contained a provision (sec. 180B) that would proscribe the payment of temporary lodging expenses to military personnel occupying temporary quarters incident to a permanent change of station move pursuant to section 404(a) of title 37, United States Code, during fiscal year 1984. The Senate bill contained no other limitation on the availability of funds for permanent change of station travel.

The House amendment contained a provision (sec. 503) that would limit the cost of permanent change of station travel during fiscal year 1984 to no more than $2,585,626,000. The House amendment also directed the Secretary of Defense to take the steps necessary, consistent with military readiness, to reduce the number of permanent change of station moves by military personnel.

The Senate recedes with an amendment making the guidance to the Secretary to Defense to reduce the number of change of station moves permissive.

It is the conferees' intent that the payment for temporary lodging expenses not be funded in fiscal year 1984. Even with the dollar limitation on funds for fiscal year 1984, the conferees' action would not preclude reprogramming from existing funds into the permanent change of station account if inflation is higher than anticipated or world events mandate such action. However, authority to exceed the dollar limitation on funds for permanent change of station travel by reprogramming existing funds would not encompass exceeding the specified amount in a supplemental appropriation request.

Prohibition on assigning troops to overthrow the Government of Nicaragua

The House amendment contained a provision (sec. 506) requiring that no personnel authorized by Title V (Active Forces) be assigned to the mission of overthrowing the government of Nicaragua.

The Senate bill contained no similar provision.

The provision in section 506 of the House amendment was considered carefully by the conferees and judged by many to be of merit. Nevertheless, it was the sense of the conferees that this provision represents an important foreign policy issue that ought to be introduced as a free-standing resolution and referred to the Committees on Foreign Affairs and Foreign Relations of the House of Representatives and Senate respectively.

The House recedes.

TITLE V—RESERVE FORCES

The average strength for the Army National Guard and the Army Reserve in the Senate bill and the House amendment differed by a total of 3,600. The Senate bill recommended a strength 3,000 above the House amendment for the Army Reserve, while the House amendment proposed a strength level 600 above that of the Senate bill for the Army National Guard. There was no disagreement on the average strength for any other reserve component.

The conference agreement, which was 9,600 above the Administration request, is summarized in the following table:

	Administration request	House	Senate	Conference
Army National Guard	418,400	425,000	424,400	425,000
Army Reserve	270,700	270,700	273,700	273,700
Naval Reserve	112,600	112,600	112,600	112,600
Marine Corps Reserve	40,300	40,300	40,300	40,300
Air National Guard	103,400	103,400	103,400	103,400
Air Force Reserve	68,600	68,600	68,600	68,600
Coast Guard Reserve	12,000	12,000	12,000	12,000
Total	1,026,000	1,032,400	1,035,000	1,035,600

Full-Time Support

The Senate bill recommended an overall reduction of 5,275 in the number of full-time support personnel requested for the reserve components by the Administration. The House amendment recommended full-time strength levels identical to that requested for each of the components except the Army National Guard for which an increase of 864 was provided.

The conference agreement, which was 1,186 below the Administration request, is summarized in the following table:

	Administration request	House	Senate	Conference
Army National Guard	18,630	19,494		18,194
Army Reserve	10,664	10,664		9,914
Naval Reserve	13,846	13,846		13,846
Marine Corps Reserve	801	801		801
Air National Guard	5,915	5,915		5,915
Air Force Reserve	517	517		517
Total	50,373	51,237	45,098	49,187

The conference agreement involved reductions from the House levels of 1,300 and 750 in the Army National Guard and the Army Reserve, respectively, to reflect the conferees' concern over the management of the program in these components.

Both the General Accounting Office and the Surveys and Investigations staff of the House Appropriations Committee have recently criticized the Army's implementation of the full-time manning program and have cited a number of management deficiencies. The slight slowing of the growth in this program which results from the conferees' agreed reduction in the Administration request should permit these deficiencies to be fully addressed.

Increase in the number of certain personnel authorized to be on active duty in support of the reserve components (sec. 503)

The Senate bill contained a provision (sec. 133) that would increase the number of field grade officers and the number of enlisted personnel in the pay grades E-8 and E-9 in all services authorized to serve on full-time active duty in support of reserve components.

The House amendment contained a provision (sec. 603) that would increase the number of field grade officers in the Army and Marine Corps authorized to serve on active duty in full-time support of reserve components.

The House recedes.

Clarification of the status of certain members of the National Guard serving in a full-time status (sec. 504)

The House amendment contained several provisions (sec. 602, 604, and 605) intended to clarify that full-time support personnel assigned to the National Guard are under the control of state National Guard authorities rather than the Federal government.

The Senate bill contained no similar provision.

The Senate recedes.

TITLE VI—CIVILIAN PERSONNEL

The Department of Defense requested an end strength of 1,072,174 for civilian personnel.

The Senate bill would authorize an end strength of 1,054,555 with a specific provision that 400 of these personnel would be full-time auditors in the Defense Contract Audit Agency.

The House amendment would authorize an end strength of 1,067,374.

The conferees agreed to provide an authorization for civilian personnel in the Department of Defense of 1,056,200.

The conferees expect that the Secretary Defense shall provide during fiscal year 1984 400 auditors in the Defense Contract Audit Agency and 1,000 personnel in the Naval Supply System in addition to those personnel requested by the President for these two activities. The conferees expect that these additional positions would result from the Secretary's use of his authority to exceed the civilian personnel ceiling and the reallocation of positions out of headquarters staffs as directed by section 1214 of this Act.

The House amendment (sec. 702) provided that civilian personnel employed at industrially-funded activities would not count against the end strength for fiscal year 1983. The Senate bill (sec. 141(a)(2) and (3)) provided that civilian personnel employed at industrially-funded activities in excess of the levels employed in the activities on September 30, 1982, would not count against the fiscal year 1983 and 1984 ceilings.

The conferees agreed to exclude civilians at industrially-funded activities for fiscal year 1983 only but intend to review this matter carefully during hearings on manpower requests for fiscal year 1985. Because the fiscal year 1984 civilian ceiling is effective only on September 30, 1984, the conferees intend to review the results of the ongoing test of operating industrially-funded activities without personnel ceilings in time to permit a decision on the continued validity of using civilian ceilings for fiscal year 1984. Managers of Department of Defense industrially-funded activities will be expected to continue operating as if there were no civilian ceiling until the Congress takes final action on this matter.

TITLE VII—MILITARY TRAINING STUDENT LOADS

Extension of reduction in number of students required to be in a unit of the Junior Reserve Officers' Training Corps unit (sec. 702)

The House amendment contained a provision (sec. 802) that would extend until August 31, 1984, the provision that permits a Junior Reserve Officers' Training Corps (JROTC) unit to be maintained with a minimum enrollment of 100 students or 10 percent of the students enrolled at the institution who are at least 14 years of age, whichever is less.

The Senate bill contained no similar provision.

The Senate recedes.

TITLE VIII—CIVIL DEFENSE

The President's budget request included $253.5 million for civil defense. The House amendment (sec. 901) would provide $200.0 million. The Senate bill (sec. 161) would authorize $161.497 million.

The conferees agreed to authorize $169.0 million

Both the Senate bill and the House amendment would increase from $47 million to $54 million the appropriations ceiling for emergency management assistance contributions that may be provided during fiscal year 1984 to the states for personnel and administrative expenses associated with civil defense.

TITLE IX—MILITARY COMPENSATION AND HEALTH CARE MATTERS

PART A—PAY AND ALLOWANCES

Pay increase of 4 percent for members of the uniformed services (sec. 901)

The Senate bill contained a provision (sec. 171) that would increase basic pay and allowances for personnel serving in pay grade E-5 by 6 percent; for personnel serving in pay grade E-6 by 5 percent; and for all other personnel by 4 percent except personnel serving in pay grade E-1 with less than 4 months of active duty who would receive no increase. The increase would be effective April 1, 1984, unless pay for general schedule employees were increased at an earlier date, in which case the increase in military pay would be effective at that earlier time.

The House amendment contained a provision (sec. 1001) that would increase basic pay and allowances for all uniformed services personnel, except personnel serving in pay grades E-1 and E-2, by 4 percent effective January 1, 1984.

The House recedes with an amendment limiting the increase for personnel in pay grades E-5 and E-6 to 4 percent.

Adjustment in basic pay of certain officers with prior enlisted and warrant officer service (sec. 902)

The House amendment contained a provision (sec. 1002) that would clarify that commissioned officers with either over 4 years of prior warrant officer service or over 4 years of combined warrant officer and enlisted service would be eligible to use that section of the basic pay table for a commissioned officer with more than 4 years of enlisted service.

The Senate bill contained no similar provision.

The Senate recedes.

Hazardous duty pay for certain toxic fuel handlers (sec. 903)

Current law authorizes payment of hazardous duty pay to service members who handle toxic fuel in conjunction with aircraft and missile systems.

The House amendment contained a provision (sec. 1003) that would extend authority to pay hazardous duty pay to individuals who handle toxic fuel in conjunction with components of aircraft and missile systems.

The Senate bill contained no similar provision.

The Senate recedes.

Extension of special pay for certain aviation career officers (sec. 904)

The Senate bill contained a provision (sec. 173) that would reinstate, for one year, the authority to pay the aviation officer career bonus to aviators in the Navy and Marine Corps. The current authority to pay this bonus expired on September 30, 1982. The Senate bill would place additional restrictions on the amount of the bonuses. Payments would be limited to $4,000 or less per year for an agreement to serve for three years and to $6,000 per year for an agreement to serve for four years or six years. Eligibility for the bonus would be limited to aviators with at least six but less than eleven years of active duty.

The Senate bill would also express the sense of Congress that the bonuses should only be paid to officers likely to be induced to remain on active duty by payment of the bonus, and it would require a report from the Secretary of the Navy regarding the effectiveness of the bonus.

The House amendment contained no similar provision.

The House recedes with an amendment limiting the eligibility for the bonus to pilots. Although the naval flight officers are critical to the operation of Navy and Marine Corps aircraft, the conferees authorized the bonus only for the purpose of reducing critical shortfalls in manning. A substantial shortage exists for pilots, but the conferees agree that a similar shortage presently does not exist for naval flight officers. Therefore, it is appropriate to limit the use of the aviation officer career bonus in fiscal year 1984 to address only the shortage of Navy and Marine Corps pilots.

The conferees direct that the Department of the Navy implement this program in such a manner as to ensure that the recipient of a bonus serve at least half of the period of the agreement in an aviation-related billet.

Hostile fire pay for members serving in areas threatening imminent danger (sec. 905)

The House amendment contained a provision (sec. 1009) that would redefine the special pay provided for exposure to hostile fire as hostile fire/imminent danger pay. In addition to the current statutory criteria, hostile fire/imminent danger pay could be paid if the service member were on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

The Senate bill contained no similar provision.

The Senate recedes.

Clarification of rules for payment of per diem (sec. 908)

The House amendment contained a provision (sec. 1007) that would clarify that nonprior service enlistees in initial training receive only basic allowance for subsistence and the subsistence portion of per diem while in an actual travel status.

The Senate bill contained no similar provision.

The Senate recedes.

Clarification of allowance for transportation of motor vehicle (sec. 909)

The Senate bill contained a provision (sec. 175) that would clarify that an allowance for transportation of a motor vehicle would be paid from a duty station to or from the most cost-effective port of embarkation or debarkation.

The House amendment contained no similar provision.

The House recedes.

Transportation for dependent children attending school in the United States when the member-parent is stationed overseas (sec. 910)

The House amendment contained a provision (sec. 1008) that would authorize one government-funded round-trip each year for the student dependents of military personnel stationed overseas to enable those dependents to attend secondary or undergraduate school in the continental United States.

The Senate bill contained a similar provision (sec. 180A), except that this travel benefit would not be authorized for secondary school attendance if there were a Department of Defense Dependent's School in the vicinity of the military member's duty station.

The House receded.

Clarification of eligibility for separation pay (sec. 911)

Current law authorizes payment of separation pay to officers who are involuntarily separated after at least 5 years of active duty.

The House amendment contained a provision (sec. 1004) that would restrict authorization of separation pay to officers not on the active duty list who are involuntarily separated only if they have at least 5 years of continuous active duty.

The Senate bill contained no similar provision.

The Senate recedes.

Reimbursements for accommodations in place of quarters (sec. 912)

The Senate bill contained a provision (sec. 178) that would reinstate for one year the authority to pay amounts similar to basic allowance for quarters to naval personnel deprived of shipboard quarters. The Senate bill would limit the amount authorized for such purposes to $1.3 million during fiscal year 1984.

The House amendment contained no similar provision.

The House recedes.

Advance payment for travel and transportation allowances for escorts and attendants of dependents (sec. 913)

The Senate bill contained a provision (sec. 179) that would authorize the advance payment of travel and transportation benefits for escorts and attendants of dependents. Currently, advance payment for travel can not be made unless specifically authorized in law.

The House amendment contained no similar provision.

The House recedes.

Active duty pay adjustment mechanism

Under current law, military pay is adjusted at the same time and by the same percentage as pay for civil service employees covered by the general schedule. The general schedule is increased based on a survey of private sector wages.

The Senate bill contained a provision (sec. 172) that would provide an annual pay ad-

justment mechanism applying only to military pay. Under this mechanism, the Secretary of Defense would recommend increases based on the Employment Cost Index—a broad based survey of jobs in the private sector similar to many found in the military.

The original Senate bill provision represented an Administration request to permit the President to submit an alternate pay raise recommendation that would have become effective unless disapproved by either House of Congress. However, the validity of the alternate pay recommendation-legislative veto system was thrown into doubt by a recent Supreme Court decision (*Immigration and Naturalization Service* v. *Chadha*). The Senate bill provision was modified in the light of this decision to delete the President's authority to submit an alternate pay recommendation. The Department of Defense then urged the conferees not to adopt the modified Senate bill provision.

The House amendment contained no similar provision.

The Senate recedes.

PART B—RETIRED PAY MATTERS

Limitation on applicability of one-year look-back provision (sec. 921)

Current law provides an option for the retired service member in computing his retired pay. The retired service member may compute his retired pay based on the pay scales in effect on the date of his retirement. Or, if it is larger, the retired service member may compute his retired pay based on the pay scales in effect one year prior to the date of retirement and then increase that retired pay by any intervening cost-of-living adjustment.

The Senate bill contained a provision (sec. 176) that would repeal the one-year look-back provision. The provision would continue for 3 years the application of the one-year look-back provision for members eligible to retire on the date of enactment of the provision. It would further guarantee members who retire after the 3-year period an amount no less than they could have received had they retired on the last day of the 3-year period.

The House amendment contained no similar provision.

The House recedes.

Rounding of retired pay and survivor annuities to next lowest whole dollar amount (sec. 922)

The Senate bill contained a provision (sec. 177) that would round monthly retired pay and survivor annuities to the next lowest whole dollar amount at the time of the original calculation of the payment and upon subsequent adjustment.

The House amendment contained no similar provision.

The House recedes.

Termination of 6-month rounding rule for computing retired pay (sec. 923)

Under current law, members with fractional years of service may round their years of service to the next highest whole year when computing their retirement multiplier if they have 6 months or more. Members with less than 6 months must round down to the next lowest whole year. Limitations on appropriations in recent years have required those members with more than 6 months to round to the next lowest whole month; members with less than 6 months were unaffected.

The House amendment contained a provision (sec. 1013) that would authorize rounding to the next lowest whole month in determining years of service for the purpose of computing retired pay for all members.

The Senate bill contained no similar provision.

The Senate recedes.

Retired pay for certain otherwise ineligible Reservists (sec. 924)

Currently, individuals who served in the reserves prior to August 16, 1945, but who did not serve on active duty during World War I or World War II or on active duty (other than for training) during the Korean War are not eligible for reserve retirement benefits at age 60, even though they may complete 20 years of otherwise satisfactory service.

The House amendment contained a provision (sec. 1014) that would extend reserve retirement benefits to individuals who were in the reserves prior to 1945 but who did not serve on active duty during World War I or World War II or on active duty (other than for training) during the Korean War, if they had served on active duty (other than for training) during the Berlin or Cuban missile crisis or during Vietnam.

The Senate bill contained no similar provision.

The conferees agree that the provision in the House amendment is a fair solution to the issue and that further easing of the restriction would be unwarranted.

The Senate recedes.

Accrual funding for military retirement system (sec. 925)

The House amendment contained a provision (sec. 1053) that would establish a military retirement fund and provide for accural accounting as the method for funding military retired pay and survivor benefits in the future.

The Senate bill contained no similar provision.

The Senate recedes.

Permament delay in cost-of-living adjustments for military retired pay

Under current law, cost-of-living adjustments occur annually for military and civil service retired pay. These adjustments are scheduled for May 1984, June 1985, and March in every year thereafter.

The House amendment contained a provision (sec. 1011) that would permanently change the timing of the adjustment for military retirees until November of each year. This change in the adjustment for military retired pay would be contingent on a similar adjustment being enacted for civil service retired pay.

The Senate bill contained no similar provision.

The conferees noted that the direction contained in the First Concurrent Resolution on the Budget for fiscal year 1984 would suggest a permanent change in the timing of the adjustment to January of each year. Because under current law military retired pay is adjusted at the same time and by the same percentage as civil service retired pay, the conferees believe that any change should occur as part of the reconciliation process for both systems.

The House recedes.

Military retired pay cost-of-living adjustments for persons under age 62 in fiscal year 1986

The House amendment contained a provision (sec. 1012) that would extend for one additional year the provision in the Omnibus Reconciliation Act of 1982 limiting the increase in retired pay for military retirees who are under age 62 to only half of the cost-of-living adjustment. This provision would be contingent on enactment of a similar provision for civil service employees.

The Senate bill contained no similar provision.

The House recedes.

PART C—HEALTH CARE MATTERS

CHAMPUS provisions (sec. 931)

The House amendment contained a provision (sec. 1031) that would limit cost growth in the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). First, CHAMPUS would be authorized to utilize Medicare payment procedures. Second, CHAMPUS would be secondary payor after all other insurance coverage, except Medicaid, for both active duty dependents and retirees. Finally, inpatient psychiatric would be limited to a maximum of 60 days, although a waiver of this restriction would be permitted for extraordinary medical or psychological circumstances.

The Senate bill contained no similar provision.

The Senate recedes.

The Senate bill contained a provision (sec. 190A) that would authorize payments under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for liver transplant operations performed on dependents under age 18 of active duty military personnel. Hospitals performing liver transplant operations would be approved by the Secretary of Defense based upon demonstrated survival rates and demonstrated abilities to perform the operation, after consultation with the Secretary of Health and Human Services and other appropriate parties.

The House amendment contained a similar provision (sec. 1031), except that the House provision would not restrict payments to operations performed on dependents under age 18 and would leave the determination of the approriateness of patient and health care facility selection to the Secretary of Defense in consultation with the Secretary of Health and Human Services and such other entities as the secretary considers appropriate. Further, the provision in the House amendment would authorize CHAMPUS payment for liver transplants performed on or after July 1, 1983.

The Senate recedes.

Authority for increased usage of contract health care providers (sec. 932)

Under current law, civilian physicians may be contracted to provide non-personal services in military medical facilities. The authority to award these contracts exists for the Army and the Air Force, but not for the Navy. The maximum rate of pay for a contract surgeon is limited to the pay of an Army or Air Force captain with over four years of service.

The Senate bill contained a provision (sec. 183) that would authorize all of the military services to contract with physicians and other civilian direct health care providers for needed health care services on both a personal and non-personal services contract basis.

The Senate provision would further increase the maximum pay to that of a colonel or Navy captain with over 26 years of service.

The House amendment contained a similar provision (sec. 1032), except that the House provision would apply to contracts for the services of physicians only and not to other health care providers.

The House recedes.

The conferees intend that the military services strictly adhere to the direction in the Senate report that the maximum allowable salary be used sparingly and that the services develop regulations to ensure that the salaries provided for a particular type of service are based on objective criteria and are not susceptible to individual favoritism.

Studies and demonstration projects relating to health and medical care (sec. 933)

The Senate bill contained a provision (sec. 190(a)) that would direct the Secretary of Defense to conduct studies and demonstration projects on ways to improve the quality, efficiency, convenience, and cost effectiveness of military medical care, including dental care services. The studies and demonstration projects could address alternative payment methods, cost-sharing by beneficiaries, methods to encourage efficient and economical health care, innovative approaches to health care delivery and financing, and alternative approaches to reimbursement for administrative charges.

In addition, the provision in the Senate bill would specifically require a study, but not a demonstration project, of alternative approaches to providing dental care to active duty dependents.

The House amendment contained a similar provision (sec. 1033) except that the House provision did not mandate a study of dental care for dependents.

The House recedes with an amendment adding the prepayment for medical care services for a defined beneficiary population (a provision of the House amendment) as an additional topic that may be included in the studies and demonstration projects.

The conferees direct that the first report on the results of these studies and demonstration projects be submitted to Congress by March 1, 1984.

Medical malpractice protection for health care personnel of the Soldiers' and Airmen's Home (sec. 934)

The House amendment contained a provision (sec. 1034) that would provide that suits for medical malpractice arising from acts or omissions of health care personnel at the U.S. Soldiers' and Airmen's Home would have the United States as the sole party defendant.

The Senate bill contained no similar provision.

The Senate recedes.

Adjustments in stipends paid to recipients of Armed Forces Health Professions Scholarships (sec. 935)

Under current law, stipends received by participants in the Health Professions Scholarship program are increased at the same time and by the same amount as the stipends for participants under a similar Public Health Service program. As a result of a restriction on appropriated funds for the stipend in the Public Health Service Program in fiscal year 1983, the Department of Defense expressed concern that a similar limitation on the stipend of the Health Professions Scholarship program might also be imposed.

The House amendment contained a provision (sec. 1035) that would sever the link between these two programs and provide for a separate annual adjustment in the Health Professions Scholarship program stipend each year.

The Senate bill contained no similar provision.

The Senate recedes.

PART D—SURVIVOR BENEFITS

Clarification of survivor benefits coverage for former spouses (sec. 941)

The House amendment contained a provision (sec. 1041) that would clarify the authority for a retired service member to designate a Survivor Benefit Plan annuity for a former spouse in accordance with the Uniformed Services Former Spouses' Protection Act, Title X of Public Law 97-252.

The Provision in the House bill would clarify that an individual retired prior to the enactment of the Former Spouses' Protection Act could now elect to designate a former spouse to receive a Survivor Benefit Plan annuity, so long as the retiree had opted to participate in the Survivor benefit Plan at the time of retirement. Also, individuals retired since the passage of that Act could opt to switch their current designation to a former spouse.

Further, direct payment for court-ordered child support or alimony would be permitted, regardless of whether the court order specified that such payment be made from retired pay. The requirement that the court order specify payment from retired pay would be maintained, however, in the case of division of property.

The Senate bill contained a similar provision (sec. 1017), except the Senate bill would not remove the current restriction that the court order specify payment from retired pay in the case of child support, alimony, and community property.

The Senate recedes with an amendment making two clarifying changes to the Survivor Benefit Plan provisions and striking the portion of the House provision that would have removed the restriction that the court order specify payment from retired pay in all cases.

Extension of minimum income provision for certain widows (sec. 942)

When the Survivor Benefit Plan was enacted in 1972, a provision was included that would afford minimal payments to widows of members who died prior to the enactment of the legislation or before the end of the one-year open enrollment period. The open enrollment period was subsequently extended for 6 months; however, eligibility for the minimum income widows' program was not extended to individuals who became widows during the 6 month period.

The House amendment contained a provision (sec. 1042) that would extend coverage under the minimum income widows' program to survivors who were widowed during the 6 month extension.

The Senate bill contained no similar provision.

The Senate recedes.

Clarification of continuing responsibility for funding of certain survivors' benefits (sec. 943)

Section 156 of Public Law 97-377, the Continuing Appropriation Resolution for fiscal year 1983, provided for the payment from Department of Defense funds of benefits comparable to the social security mother's and student benefits modified by the Omnibus Reconciliation Act of 1981, Public Law 97-35. These benefits are payable to the surviving families of military personnel who died while on active duty or later as a result of a service-connected disability.

The Senate bill contained a provision (sec. 1018) that would clarify that these benefits would continue to be paid from Department of Defense funds in fiscal year 1984 and future years.

The House amendment contained no similar provision.

The House recedes.

Survivor benefit annuity for widows of reservists

The House amendment contained a provision (sec. 1043) that would provide a Survivor Benefit Plan annuity to the surviving spouse and dependent children of reservists who died between September 21, 1972, and September 30, 1978, and who had completed 20 years of service but were not yet age 60 at the time of death.

The Senate bill contained no similar provision.

The House recedes.

TITLE X—MILITARY PERSONNEL MATTERS

PART A—OFFICER PERSONNEL MANAGEMENT AND TRAINING

Temporary modification in certain general and flag officer grade limitations (sec. 1001)

Currently the total number of flag and general officers is limited to 1073. The Senate bill contained a provision (sec. 181) that would increase the total number to 1100. The Senate bill would also specify that, of the total increase, the Navy would be allocated 7 and the Marine Corps 2. This increase for the Navy would be one additional flag officer over that which it would have received under a pro rata distribution. The Senate conferees indicated that the intent of the distribution was to allow the appointment of the senior military officer currently assigned to the Central Intelligence Agency to the grade of vice admiral in view of his position as Director of the Intelligence Community Staff. The Senate bill also would extend for one year the authority for the Navy to exceed by 3 the number of vice admirals allowed under current law.

The House amendment contained a provision (sec. 1055) that would authorize the appointment of the senior military officer assigned to the Central Intelligence Agency as a vice admiral and exclude him from accountability until the next vacancy in vice admirals occurred in the Navy.

The conferees agreed to extend for one year the authority for the Navy to exceed by 3 the number of vice admirals allowed under current law. The conferees also agreed to provide a similar exemption that would authorize the Air Force the same number of individuals in the grade of general (O-10) as under the Senate bill.

Finally, the conferees adopted a provision that would exempt from grade accountability a commissioned officer serving as Director of the Intelligence Community Staff, except that, at any one time, not more than one commissioned officer serving as Director or Deputy Director of Central Intelligence or Director of the Intelligence Community Staff shall be exempt from the numbers and percentages of commissioned officers of the rank and grade authorized for the military service of which he is a member. Both the Senate bill and the House amendment would result in the Director of the Intelligence Community Staff being appointed to the grade of vice admiral during fiscal year 1984. The conferees would prefer to make this expanded exemption a permanent provision of law. However, such a change would probably the considered to be outside of the scope of the conference. The conferees, therefore, recommend a one year authority and agree to support a permanent change at the earliest opportunity.

The House recedes with an amendment.

Performance of civil functions by military officers (sec. 1002)

The Senate bill contained a provision (sec. 187) that would clarify the limitation on performance of civil functions by commissioned officers contained in section 973 of title 10, United States Code.

The House amendment contained a similar provision (sec. 1123).

The Senate recedes.

The clarification was necessary to permit military personnel assigned to Judge Advocate General's Corps duties to continue assisting attorneys in the Department of Justice with cases related to military installations and other military matters. The clarification is not intended to encourae substitution of military officers for civilian personnel in areas unrelated to the military.

The Senate bill also contained a provision (sec. 1019) that would exempt an officer of the armed forces from the prohibition of section 973(b), title 10, United States Code, against holding civil office so that such an officer could serve as a member, including chairman, of the Red River Compact Commission, established by Public Law 96-564.

The House amendment contained no similar provision.

The House recedes.

Modification in ROTC scholarship program (sec. 1003)

The House amendment contained a provision (sec. 1021) that would make several modifications to the Reserve Officers' Training Corps (ROTC) scholarship program. The provision would authorize payment of tuition assistance and the subsistence allowance to ROTC scholarship participants during the fifth year if additional academic credits were necessary to complete the requirements for a baccalaureate degree. An additional active duty obligation would be required in exchange for this additional financial assistance. The provision would also authorize the Secretaries of the military departments to require repayment of financial assistance, plus interest, by participants who fail to complete the program and who are not ordered to active duty. Further, the provision would authorize an additional option for fulfilling the service obligation acquired as a result of participation in the scholarship program: 2 years on active duty plus 4 years in the Selected Reserve.

The Senate bill contained no similar provision.

The Senate recedes.

Selection of persons from foreign countries to receive instruction at the service academies (sec. 1004)

The Senate bill contained a provision (sec. 152) that would allow the service Secretaries to accept applicants to the service academies from all nations and not just those currently listed by name in law. The provision also would increase the maximum number of foreign nationals who may be enrolled in each academy at any one time from 24 to 40.

The House amendment contained no similar provision.

The House recedes.

Nominations to the service academies from Guam and former Canal Zone area (sec. 1005)

The House amendment contained a provision (sec. 1023) that would authorize the Delegate in Congress from American Samoa to nominate one individual to each service academy. Currently, the Governor of American Samoa may nominate such individuals. In addition, the House amendment would effect changes in the statute related to academy nominations from the Panama Canal to reflect the change in the title of the governing authority.

The Senate bill contained no similar provisions.

The Senate recedes.

Appointment of citizens of Northern Mariana Islands as commissioned officers (sec. 1006)

The House amendment contained a provision (sec. 1024) that would authorize the appointment of citizens of the Northern Mariana Islands as commissioned officers, as participants in the Senior Reserve Officers' Training Corps program, and as participants in the Armed Forces Health Professions Scholarship Program.

The Senate bill contained no similar provision.

The Senate recedes.

Transfer of Public Health Service officers to other uniformed services (sec. 1007)

The Senate bill contained a provision (sec. 184) that would authorize the transfer of officers from the Public Health Service to the other uniformed services and would allow service in the Public Health Service to be credited for the purposes of determining grade at appointment, separation pay and retirement.

The House amendment contained a similar provision (sec. 1022) that would clarify that the crediting of service with the Public Health Service would apply to individuals regardless of the date of their transfer.

The Senate recedes.

Waiver of age requirement for appointment as commissioned officers

Current law requires that an individual must be able to complete 20 years of commissioned service by age 55 in order to be appointed as a regular officer.

The Senate bill contained a provision (sec. 186) that would authorize the Secretary of a military department to waive the age restriction. Such a waiver could only be made for exceptional or unusual circumstances and because the skill of the individual was needed by the military service.

The House amendment contained no similar provision.

The Senate recedes.

Constructive service credit for certain Navy doctors and dentists

The Senate bill contained a provision (sec. 189) that would direct the Secretary of the Navy to convene boards to review the records of Navy medical and dental officers and grant constructive service credit for prior service and professional experience to the extent that such credit had been granted to similarly situated officers in the Army and Air Force.

The House amendment contained no similar provision.

The Senate recedes.

A study by the Department of Defense of the service records of a representative sample of Navy medical and dental officers in comparison to the service records of a similar group of Army and Air Force medical and dental officers indicates that there was not an inequity with respect to those Navy officers appointed prior to September 11, 1979.

The conferees recognize that different procedures were followed by the services in awarding constructive credit to various groups of officers prior to the enactment of Public Law 96-513, the Defense Officer Personnel Management Act (DOPMA). The conferees want to ensure that DOPMA solved this problem. The Secretary of Defense is, therefore, directed to review the implementation of DOPMA to determine whether constructive credit is being applied equitably by the services and to report to the Committees on Armed Services of the Senate and the House of Representatives by January 15, 1984, on the implementation methodology and any administrative or legislative changes that may be required to ensure uniform application.

PART B—RESERVE COMPONENT MANAGEMENT

Bonuses for enlistments, reenlistments, and extensions of service in elements of the Ready Reserve other than the Selected Reserve (sec. 1011)

The Senate bill contained a provision (sec. 134) that would authorize enlistment and reenlistment bonuses for members of the Individual Ready Reserve during fiscal years 1984 and 1985. The maximum enlistment bonus would be limited to $1,000 for a direct enlistment in combat or combat support skills. The reenlistment bonus would be limited to $900 for an reelistment in combat or combat support skills.

The House amendment contains no similar provision.

The House recedes with an amendment that would limit the amount authorized for such bonuses to $12 million during fiscal year 1984.

Extension of medical and dental care for reservists (sec. 1012)

The Senate bill contained a provision (sec. 136) that would authorize medical and dental coverage under the military health care system for injury incurred or aggravated while the reservist was traveling to or from inactive duty for training.

The House amendment contains no similar provision.

The House recedes with an amendment to exclude coverage in the case of gross negligence or member misconduct.

The conferees emphasize that in administering this authority the Department of Defense issue regulations that ensure that eligibility for coverage is restricted to those instances where the travel is limited to the most direct route and is clearly related to the requirement for training.

Test program on limited use of commissary stores by members of the Selected Reserve (sec. 1013)

Section 1020 of the Senate bill would direct the Department of Defense to conduct a test program in one or more areas of the United States in which Selected Reservists would be allowed, at their convenience, up to 14 commissary visits each year. Selected Reservists would earn one commissary visit for every day of active duty for training they perform. Reservists would then be eligible to use commissaries in the same manner they use exchanges. Results of the test would be provided to the Armed Services Committees of the Senate and House of Representatives by June 1, 1984.

The House amendment included no similar provision.

The House recedes with an amendment changing the reporting date to September 30, 1984.

Grade determination for persons receiving original appointments as reserve medical officers of the Army and Air Force (sec. 1014)

Current law authorizes the appointment of physicians in the reserve components of the Army or the Air Force in the grade of captain if they have at least seven years of service credit. Generally speaking, such individuals only receive four years of constructive credit and, therefore, must be appointed in the grade of first lieutenant.

The Senate bill contained a provision (sec. 140D) that would authorize the initial appointment of Army and Air Force reserve medical officers with less than seven years of service credit in the grade of captain.

The House amendment contained no similar provision.

The House recedes with an amendment limiting the authority to two years.

The conferees noted that the Department of Defense is presently considering a legislative proposal to substantially revise and restructure the reserve officer personnel management system. The conferees intend that this provision be further reviewed during Congressional deliberations on the Reserve Officer Personnel Management Act, when submitted to Congress, and consequently, recommended only two-year authority.

Promotion of certain Reserve officers serving on active duty (sec. 1015)

Under current law, an Army Reserve officer serving for a short tour on active duty may not accept a promotion to a higher grade received under the reserve promotion system.

The Senate bill contained a provision (sec. 140A) that would authorize Army Reserve officers who are serving on active duty to accept such a promotion.

The House amendment contained no similar provision.

The House recedes with an amendment limiting the authority under the provision to two years.

The conferees noted that the Department of Defense is presently considering a legislative proposal to substantially revise and restructure the reserve officer personnel managment system. The conferees intend that this provision be further reviewed during Congressional deliberations on the Reserve Officer Personnel Management Act, when submitted to Congress, and, consequently, recommended only two-year temporary authority.

The conferees further intend that the authority provided only apply in those circumstances where the pay grade of the position in which the individual is serving on active duty is equal to or greater than the pay grade to which the individual would be promoted.

Determining years of service for transfer to the retired reserve (sec. 1016)

Current law requires the transfer of reserve officers to the retired reserve if they have not been promoted to specific grades by the time they have completed specified years of service. The years of service used include those years of constructive credit awarded to an officer for experience and education.

The Senate bill contained a provision (sec. 140C) that would exclude constructive credit for experience and education from being used to determine years of service for mandatory transfer to the retired reserve.

The House amendment contained no similar provision.

The House recedes with an amendment limiting the authority for the provision to two years.

The conferees noted that the Department of Defense is presently considering a legislative proposal to substantially revise and restructure the reserve officer personnel management system. The conferees intend that this provision be further reviewed during Congressional deliberations on the Reserve Office Personnel Management Act, when submitted to Congress, and, consequently, recommended only two-year temporary authority.

Authority to order retired members of Reserve components to active duty (sec. 1017)

Current law authorizes the Secretaries of the military departments to recall retired regular members to active duty.

The Senate bill contained a provision (sec. 140B) that would authorize the recall of retired reservists who have completed 20 or more years of active service.

The House amendment contained no similar provision.

The House recedes.

Authority to permit retired enlisted members of the regular components to be placed voluntarily in the Ready Reserve (sec. 1018)

Under current law retired regular enlisted members may not continue to be members of the Ready Reserve when their total (active plus retired) service equals 30 years.

The Senate bill contained a provision (sec. 140E) that would permit certain qualified retired regular enlisted members voluntarily to remain in the Ready Reserve beyond 30 years of total service.

The House amendment contained no similar provision.

The House recedes.

Validation of certain Army appointments made in grades above the grade of second lieutenant (sec. 1019)

Prior to the enactment of the Defense Officer Personnel Management Act (Public Law 95-513), constructive credit could be awarded to reserve officers based on education and experience. The Defense Officer Personnel Management Act substantially restricted the application of constructive credit. The Army continued even after the effective date of the Defense Officer Personnel Management Act to award constructive credit to certain individuals in the reserve components. Upon discovering its error, the Army terminated these appointments and provided the individuals the opportunity to accept appointment as a second lieutenant or to return to the status they held prior to the appointment.

The Senate bill contained a provision (sec. 140F) that would allow these reservists to be reappointed to the higher grade even though the Army was not authorized to offer that appointment.

The House amendment contained no similar provision.

The House recedes.

The conferees note that the extended period of time between the enactment of the Defense Officer Personnel Management Act and its effective date was more than sufficient to implement correctly its provisions. The conferees find the Army extremely negligent in its inability to implement the law properly. If it were not for the extraordinary burden placed on the affected individuals, the conferees would not have agreed to rectify the Army's obvious error.

Retention of passed-over reserve officers

The Senate bill contained a provision (sec. 140) that would authorize the Secretaries of the Army and the Air Force to retain in an active status reserve officers in pay grades O-2 and O-3 who have twice failed selection for promotion.

The House amendment contained no similar provision.

The Senate recedes.

PART C—OTHER PERSONNEL MANAGEMENT PROVISIONS

Authority of President to suspend certain laws relating to promotion, retirement, and separation (sec. 1021)

The Senate bill contained a provision (sec. 138) that would authorize the President, during a time of crisis or national emergency, to extend the enlistment or appointment of essential regular and reserve personnel serving on active duty regardless of the normal separation dates for those individuals.

The House amendment contained no similar provision.

The House recedes.

Authority to increase total initial term of service in the Armed Forces (sec. 1022)

Current law requires a military service obligation of 6 years, active and reserve, for all members who enter the military.

The Senate bill contained a provision (sec. 139) that would authorize the Secretary of Defense to increase the military service obligation by up to 2 years for a total of 8 years.

The House amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and House of Representatives outlining in detail the program developed by the department to ensure that members of the Individual Ready Reserve remain proficient in their military skills during their service in the Individual Ready Reserve.

Variable terms for enlistments and reenlistments in regular components (sec. 1023)

The Senate bill contained a provision (sec. 182) that would grant the Secretaries of the military services the authority to establish enlistments or reenlistments of durations between two and six years instead of only whole year increments of two, three, four, five or six years.

The House amendment contained a similar provision (sec. 1025).

The Senate recedes.

Authority of President to order members of the Selected Reserve to active duty

The President currently is authorized to order up to 100,000 selected reservists to active duty for a period of 90 days.

The Senate bill contained a provision (sec. 137) that would extend this call-up authority from 90 days to 180 days.

The House amendment contained no similar provision.

The Senate recedes.

PART D—MISCELLANEOUS

Extension of period during which certain accumulated leave may be used (sec. 1031)

The Senate bill contained a provision (sec. 185) that would extend the period of time during which accrued leave in excess of 60 days (which was earned while in a deployed status) may be used. It would allow use of such leave until the end of the third fiscal

year after the year in which the leave was earned. The change would be applied retroactively to leave accured after September 30, 1980.

The House amendment contained no similar provision.

The House recedes.

Fee for veterinary services (sec. 1033)

The House amendment contained a provision (sec. 1054) that would require a $10 fee for each visit by a privately-owned pet to a military veterinarian.

The Senate bill contained no similar provision.

The Senate recedes with an amendment making the provision effective October 1, 1984, rather than October 1, 1983.

Extension of pilot Department of Defense educational assistance loan repayment program (sec. 1034)

The Defense Authorization Act for fiscal year 1981, Public Law 96-342, authorized a test of the foregiveness of a portion of Higher Education Act loans for individuals who enlist in the armed forces. The authority for this program expires on September 30, 1983.

The House amendment contained a provision (sec. 1052) that would extend the authority for this program for an additional year until September 30, 1984.

The Senate bill contained no similar provision.

The Senate recedes.

TITLE XI—NATO AND RELATED MATTERS

North Atlantic Treaty Organization defense cooperative programs (sec. 1101)

The Senate bill contained a provision (sec. 191) that directs the Secretary of Defense to carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program by December 31, 1988. The Senate provision further would require that the Secretary of Defense include in his annual report to the Congress a status report on the implementation of these programs, an assessment of whether the NATO allies are doing their fair share under these programs, and whether the readiness of the reserve components is adversely affected by these programs.

The House amendment contained no similar provision.

Although fully supporting the Wartime Host Nation Support and POMCUS programs, the House conferees believed that establishing a date certain for the full implementation of these programs was unduly restrictive given that the Secretary of Defense has less than full control over these cooperative programs. The conferees agreed to an amendment to replace a date certain for full implementation of these programs with "by the earliest practicable date."

The House recedes with an amendment.

Report on allied contributions to the common defense (sec. 1102)

The Senate bill contained a provision (Sec. 192) expressing the sense of Congress that the NATO allies and Japan should increase their contributions to the common defense to levels more commensurate with their economic resources and with their commitments to increase their defense spending. The Senate bill also required the Secretary of Defense to provide a fourth annual report to the Congress on allied contributions to the common defense. The House amendment contained a provision (Sec. 505) with a similar statement of the sense of Congress but no reporting requirements.

The conferees agreed to substitute, with a technical change, House amendment section 505(a)(4) for Section 192(a)(3) of the Senate bill. The conferees also agreed to recommend deletion of Section 192 (c)(1)(H) from the Senate provision that required the Secretary of Defense to provide six year estimates of Japanese financial resources, military procurement and programs required by the Government of Japan to produce an enhanced level of defense capability in Japan by 1990.

In addition to the reporting requirements in Sec. 1102, the conferees direct that the Secretary of Defense provide a description of those United States forces stationed in Japan whose forward development in Japan is only for the purpose of defending that nation, as opposed to those U.S. forces stationed in Japan whose primary mission is to contribute to the defense of other nations in the Pacific and Indian Ocean regions whose security is of importance to the United States.

The House recedes with an amendment.

Limitation on number of military personnel stationed in Europe (sec. 1103)

The Senate bill contained a provision (sec. 193) that would limit the number of U.S. military personnel assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) on September 30, 1984, to 315,600. That number could be increased to 320,000 if the Secretary of Defense were to provide certain certification and reports concerning NATO-related activities. In either case, the limitation would exempt not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile or the Pershing II Missile programs. The limitations could also be exceeded if the President were to determine and certify to Congress that overriding national interests so required.

The House amendment contained no similar provision.

The House recedes with a technical amendment to clarify the intent of the provision.

Report on improvements of NATO conventional forces (sec. 1104)

The Senate bill contained a provision (Sec. 194) requiring the Secretary of Defense to submit a comprehensive report and plan for improving NATO conventional defense capabilities. Sec. 194 also required that the President and the Commander-in-Chief, Allied Forces Europe, separately submit their recommendations for improving NATO's conventional defense. The House amendment contained no similar provision.

The conferees recommend technical amendments to the Senate provision that delay the reporting requirements to May 1, 1984, for the Secretary of Defense and the Supreme Allied Commander, Europe, and to June 1, 1984, for the President.

The House recedes with an amendment.

Report on the nuclear posture of NATO (sec. 1105)

The Senate bill contained a provision (Sec. 195) requiring the Secretary of Defense to conduct a study of the tactical nuclear posture of NATO and to report to the Committees on Armed Services of the House and Senate by March 1, 1984 on the results of such study. The Senate provision also required the President to submit by April 1, 1984, a report to the Congress containing his views on the Department of Defense study and report, together with any recommendations with respect to such study and report that he considers appropriate. The House amendment contained no similar provision.

The conferees recommend technical amendments to the Senate provision that delay the reporting requirements until May 1, 1984, for the Secretary of Defense and until June 1, 1984, for the President.

The House recedes with an amendment.

Report on combat-to-support ratio of United States Forces in Europe in support of NATO (sec. 1106)

The Senate bill contained a provision (Sec. 196) requiring the Secretary of Defense to submit a report to the Committees on Armed Services of the House and Senate by May 1, 1984, analyzing past, current and projected ratios between combat, combat support, combat service support and noncombat components of the armed forces of the U.S. assigned to permanent duty in Europe and their relationship to each other. The Secretary of Defense was also required to recommend any changes needed to improve the balance between combat and support forces in the future. The House amendment contained no similar provision.

The conferees recommend technical amendments to the Senate provision to clarify its intent.

The House recedes with an amendment.

Report on United States expenditures in support of NATO (sec. 1107)

The Senate bill contained a provision (Sec. 197) requiring the Secretary of Defense to report to Congress by June 1, 1984, on U.S. expenditures, by specific categories, in support of NATO. The House amendment contained no similar provision.

The House recedes.

TITLE XII—GENERAL PROVISIONS

PART A—FINANCIAL MATTERS

Transfer authority (sec. 1201)

The House amendment contained a provision (sec. 1101) that would permit the transfer of an authorization made available in the fiscal year 1984 Defense Authorization Act to any other authorization made available in the Act only upon determination by the Secretary of Defense that such a transfer were in the national interest. The authority to transfer could only be used to provide authorization for higher priority items than the items from which authorization was transferred and could not be used to provide authorization for an item that was denied authorization by the Congress. The Secretary of Defense would be required to promptly notify the Congress of transfers. The total amount of transfers would be limited to $1.5 billion.

The Senate bill contained no similar provision.

The conferees believe that transfer authority is necessary to permit efficient operations of the Department of Defense.

The obligation or expenditure of funds by the Department of Defense for procurement, research and development or operation and maintenance is prohibited by law (section 138 of title 10, United States Code) unless such funds have been previously authorized. Transfer authority would permit the Secretary of Defense to act promptly to continue the efficient conduct of activities authorized by this Act withut obtaining prior legislative authorization.

Under the authorization for Operation and Maintenance in Title IV of the House amendment, transfer of authorizations between subdivisions (budget activities) of each Operation and Maintenance major account could only have been accomplished as provided in section 1101 of the House amendment.

Under the Senate bill, which did not subdivide the authorization within Operation and Maintenance major accounts, the Secretary of Defense would have been able to shift authorizations between subdivisions (budget activities) of an Operation and Maintenance major account.

Although the conferees adopted the format of the House amendment, specifying the authorization of budget activities within the Operation and Maintenance major accounts in Title III of the conference report, the conferees agreed that the Defense Department should continue to have the same flexibility to shift authorization within Operation and Maintenance major accounts that would have existed under the format of authorization in the Senate bill. The conferees, therefore, included subsection 1201(d) to explicitly allow unrestricted transfers between subdivisions (budget activities) of each Operation and Maintenance major account. Subsection 1201(d) would not, however, permit unrestricted transfers between major account titles such as a transfer from Operation and Maintenance, Army to Operation and Maintenance, Navy; such transfers could only be made utilizing the authority that would be provided in the other subsections of section 1201.

Under agreements that have evolved over the years, the Secretary of Defense has consulted with the Committees on Armed Services and Appropriations of the Senate and House of Representatives about realignments of defense programs subsequent to the enactment of authorization and appropriation. This process, known as reprogramming, has worked well. The conferees direct the Secretary of Defense to use the transfer authority that would be authorized in this section pursuant to the procedures governing reprogramming.

The Senate recedes with an amendment.

Long-term lease and charter of aircraft and naval vessels (sec. 1202)

The Senate bill included a provision (sec. 1001) that would require that the lease of a naval vessel or aircraft be authorized in law if the lease were for a long term or if it involved a substantial termination liability. The Senate provision would also:

(1) require that any authorization request for a lease of a naval vessel or aircraft include a financial analysis, including lost tax revenues, comparing lease with purchase of the vessel or aircraft;

(2) require that a financial analysis accompanying an authorization request for a lease be reviewed by the Director of the Office of Management and Budget and the Secretary of the Treasury and that they report to the Congress the results of their review within 45 days;

(3) require that the Secretary of Defense include the capital-hire portion of the cost of a lease of a vessel or aircraft within the request for procurement;

(4) require the Secretary of the Treasury and the Director of the Office of Management and Budget to jointly issue guidelines for determining under what circumstances the Department of Defense may utilize lease arrangements for aircraft or vessels rather than directly procuring such aircraft or vessels;

(5) prohibit use of funds appropriated pursuant to an authorization contained in this act to indemnify any person under the terms of any contract entered into with the United States on or after June 14, 1983, for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954, as amended, or to pay any attorney fees in connection with such contract;

(6) require the Secretary of Defense to submit a report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives which lists all leases, charters, service contracts or conditional sales the term of which is one year or longer, for major items of defense equipment;

(7) prohibit leases in excess of three years for vessels, aircraft or vehicles if the lease includes a termination liability in excess of 50 percent of the original value unless the Congress has specifically provided budget authority for the obligation of 10 percent of such termination liability; and

(8) provide that nothing in the section shall impede or affect the ability of the Navy to proceed to acquire the use of the TAKX Maritime Prepositioning Ships and the T-5 tankers in accordance with leases entered into before the date of enactment of this act.

The House amendment contained a provision (sec. 1102) that would require authorization in law for the acquisition of a naval vessel, or the services of a naval vessel, by lease or by a service contract if the lease or service contract would be for a long term or if, under the contract, the United States would have a substantial termination liability. Section 1102 would also require that the Committees on Armed Services and Appropriations of the Senate and House of Representatives be notified 30 days in advance of the issuance of a request for proposal (RFP) and the issuance of a contract for a long term lease or service contract for a naval vessel.

The conferees agreed to require authorization in law for the acquisition of an aircraft or naval vessel, or the services of an aircraft or naval vessel, by lease or by a service contract if the lease or service contract would be for a long term or if, under the contract, the United States would have a substantial termination liability. The provision would also require that the Committees on Armed Services and Appropriations of the Senate and House of Representatives be notified 30 days in advance of the issuance of a contract and notified of the issuance of a request for proposal (RFP) for a long term lease or service contract for an aircraft or naval vessel.

The conferees also agreed that:

(1) Whenever a request is submitted to Congress for the authorization of the lease of an aircraft or naval vessel, the Secretary of Defense shall submit with that request an analysis of the cost to the United States (including lost tax revenues) of any such lease arrangement compared with the cost to the United States of direct procurement of the aircraft or naval vessel by the United States.

Any such analysis shall be reviewed and evaluated by the Director of the Office of Management and Budget and the Secretary of the Treasury within 30 days after the date on which the request and analysis are submitted to Congress. The Director and Secretary shall conduct such review and evaluation on the basis of the guidelines issued pursuant to this act and shall report to the Congress in writing on the results of their review and evaluation at the earliest practicable date, but in no event more than 45 days after the date on which the request and analysis are submitted to the Congress.

(2) Whenever a request is submitted to Congress for the authorization of funds for the Department of Defense for the long-term lease of aircraft or naval vessels authorized under this section, the Secretary of Defense—

(A) shall indicate in the request what portion of the requested funds is attributable to capital-hire; and

(B) shall reflect such portion in the appropriate procurement account in the request.

(3) The Director of the Office of Management and Budget and the Secretary of the Treasury shall issue jointly guidelines for determining under what circumstances the Department of Defense may use lease arrangements for aircraft and naval vessels rather than directly procuring such aircraft and vessels.

(4) Funds appropriated pursuant to an authorization contained in this Act may not be used to indemnify any person under the terms of a contract entered into with the United States for a lease that is authorized under this section—

(A) for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954; or

(B) to pay any attorney fees in connection with such contract.

(5) At the same time that the President submits the budget request for the Department of Defense to Congress for fiscal year 1985, the Secretary of Defense shall submit a written report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives concerning leases.

(6) During fiscal year 1984 obligation of funds for a lease authorized under this section that includes a termination liability in excess of 50 percent of the original purchase value of the vessel, aircraft or vehicle is prohibited unless Congress has specifically provided budget authority for the obligation of 10 percent of such termination liability.

(7) Nothing in this section shall impede or affect the ability of the Secretary of the Navy to proceed to acquire the use of thirteen T-AKX class Maritime Prepositioning Ships and the use of five new T-5 tankers in accordance with the long term charter arrangements negotiated by the Navy before the date of enactment of this Act.

The conferees direct the Secretary of Defense to promptly report to the Committees on Armed Services of the Senate and House of Representatives any contract to lease if such contract:

(1) is entered into between June 14, 1983, and the effective date of this section; and

(2) would provide for indemnification of Federal tax liability of any person or would provide for indemnification of attorneys' fees.

The House recedes with an amendment.

Independent cost estimates of major defense acquisition programs (sec. 1203)

The Senate bill contained a provision (sec. 1005) that would require the Secretary of Defense to consider an independent estimate of the cost of a major defense acquisition program, as defined in section 139a(a)(1) of title 10, United States Code, before the Secretary may approve full-scale engineering development or production and deployment of such program. The provision

would also require the President to submit, in conjunction with the fiscal year 1985 Defense Department budget request, a report on the use of independent cost estimates within the Department of Defense to the Committees on Armed Services of the Senate and the House of Representatives. The report must provide information on how frequently independent estimates were used in making decisions on the Defense Department's fiscal year 1985 budget and identify any Department initiatives designed to encourage more effective use of independent cost estimates. The provision would also express the sense of the Congress that the Secretary of Defense should ensure that adequate personnel and resources are made available to organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

The House amendment contained no similar provision.

The House recedes with amendments to extend the reporting date to May 1, 1984, and to change the reporting official from the President to the Secretary of Defense.

Requirement of authorization of appropriations for working capital funds (sec. 1204)

Section 1109 of the House amendment would amend section 2208(d) of title 10, United States Code, to require the annual authorization of appropriations to Department of Defense working capital funds beginning in fiscal year 1985.

The Senate bill contained no similar provision.

The Senate recedes.

One-year extension of test program to authorize price differential to relieve economic dislocations (sec. 1205)

The Senate bill contained a provision (sec. 1008) that would provide for a one-year extension of the test program that allows the Defense Logistics Agency to pay a 2.2-percent price differential to award non-fuel contracts to a firm that will perform in a labor-surplus area. The test program is an exception to section 2392 of title 10, United States Code, commonly referred to as the Maybank Amendment, which prohibits the use of funds appropriated to or for the use of the Department of Defense to pay a price differential in order to award a contract in an area of high unemployment.

The House amendment contained a similar provision (sec. 1124); however, it would make the test program permanent and increase the ceiling on the total value of the contracts that could be awarded under the program to $7 billion per year.

The conferees agreed to a one-year extension of the program and to delete the language in the Senate bill detailing the information to be included in the yearly report by Defense Logistics Agency on the costs and benefits of the program. The House recedes with an amendment.

Authorization of funds for upgrading COCOM logistical support (sec. 1206)

The Senate bill contained a provision (sec. 1010) that would allow the Department of Defense to reprogram up to $2 million available during fiscal year 1984 for upgrading and improving the logistical support of the International Coordinating Committee (COCOM) in order to strengthen the control of exported technology and equipment to certain countries by the United States and certain of its allies.

The House amendment contained no similar provision.

The House recedes.

Reduction in authorization of funds for certain intelligence activities

The Senate bill contained a provision (sec. 1025) that would impose a $100 million general reduction in the amounts authorized for certain intelligence activities. The House amendment contained no similar provision.

The Senate recedes.

PART B—DEPARTMENT OF DEFENSE MANAGEMENT MATTERS

Establishment of Defense Director of Operational Test and Evaluation; reporting requirements (sec. 1211)

Section 1030G of the Senate bill and section 1113 of the House amendment would provide for establishment of an official responsible for operational test and evaluation (OT&E) within the Office of the Secretary of Defense. The conferees agreed to combine the Senate and House provisions.

The resulting Director of Operational Test and Evaluation would be the principal OT&E official in the Department of Defense and the principal adviser to the Secretary of Defense on OT&E. The conferees intend the Director to be responsible for policy formulation, evaluation, and oversight with status and duties comparable to an assistant secretary of defense. The conferees also intend the Director to be independent of other Department of Defense officials below the Secretary of Defense. The Director should not be circumscribed in any way by other officials in carrying out his duties. He will report directly to the Secretary of Defense, but should keep the Under Secretary for Research and Development informed of his activities.

The Director would be required to originate three types of reports; the conferees agreed on legislative language ensuring that designated Congressional committees receive those reports in precisely the same form and with precisely the same content as those reports are originally submitted by the Director to the Secretary of Defense, though the Secretary of Defense may append comments to the report.

The conferees expect the Director to safeguard the integrity of operational testing and evaluation in general and with respect to specific major defense acquisition programs. He would be empowered to prescribe policies and procedures, to advise on budgetary matters including test facilities and equipment, to monitor and review all operational testing and evaluation in the Department, to act as prior approval authority for operational test and evaluation plans and funding for each major defense acquisition program, and to evaluate the adequacy of operational testing and evaluation as a precondition to the final decision to proceed with a major defense acquisition program beyond low-rate initial production.

Conferees agreed that "low-rate initial production" means the production of a system in limited quantity to be used in operational test and evaluation for verification of production engineering and design maturity and to establish a production base prior to a decision to proceed with production.

The Senate bill also contained a provision (sec. 1027) that would make the production of weapon systems that have not successfully completed operational testing contingent on a report by the Secretary of Defense to Congress. The House amendment contained other reporting requirements in section 1113. The conferees agreed to accept the reporting requirements for the Director of Operational Test and Evaluation contained in section 1113 of the House amendment.

The Senate recedes with regard to section 1027.

Assistant Secretaries in the Department of Defense (sec. 1212)

Section 1011 of the Senate bill and section 1114 of the House amendment contained a provision to amend section 136, title 10, United States Code, to authorize additional assistant secretary positions in the Department of Defense, the Department of the Army, and the Department of the Navy. The Senate bill authorized four Assistant Secretaries of Defense, one for Command, Control, Communications and Intelligence, one for Reserve Affairs, and two whose duties were not designated, one assistant secretary for the Department of the Army, and one assistant secretary for the Department of the Navy. The House amendment differed in that it authorized only three Assistant Secretaries of Defense, and revised the language of section 136.

The House recedes regarding the number of Assistant Secretaries of Defense. The Senate recedes regarding the language of section 136, title 10, United States Code.

Amendment to make Commandant of the Marine Corps a member of the Armed Forces Policy Council (sec. 1213)

The Senate bill contained a provision (sec. 1015) that would make the Commandant of the Marine Corps a statutory member of the Armed Forces Policy Council, as are the other members of the Joint Chiefs of Staff.

The House amendment contained no similar provision; the House, however, passed a bill (H.R. 1692) on May 3, 1983, which would have the same effect as the Senate provision.

The House recedes.

5 percent across-the-board reduction in headquarters staff (sec. 1214)

The Senate bill contained a provision (sec. 188) that would require that in fiscal year 1984 the number of military and civilian personnel assigned to management headquarters and headquarters support activities in the military departments and the defense agencies be reduced by five percent and in the Office of the Secretary of Defense be reduced by 10 percent. Personnel assigned to the Joint Chiefs of Staff and intelligence community activities would be excluded.

The House amendment contained a provision (section 504) that would require a reduction of 500 military personnel from headquarters staffs of the military departments, defense agencies, commands and other components of the Department of Defense.

The House recedes with an amendment requiring a reduction in headquarters personnel equal to five percent of the President's fiscal year 1984 budget request for such personnel. The reduction would be allocated by the Secretary of Defense with the Office of the Secretary of Defense allocated an equitable proportion.

Regulations relating to increases in prices for spare parts and replacement equipment (sec. 1215)

The Senate bill contained a provision (sec. 1030E) that would require the Secretary of Defense to issue regulations relating to increases in prices for spare parts and replacement equipment. The regulations required certain contracting office certifications before spare parts or replacement equipment can be purchased when the price of such parts or equipment has increased

beyond thresholds specified in the regulations by the Secretary of Defense.

The House recedes with an amendment. The amendment would change the recipient of the contracting officer certifications from the "head of the procuring agency" to the "head of the procuring activity." The conferees also agreed to delete a requirement for a period of public comment for these internal regulations. The regulations would be published in the Federal Register and would be forwarded to the Armed Services Committees of the Senate and House of Representatives prior to their implementation.

Report on management of spare parts (sec. 1216)

The Senate bill contained a provison (sec. 1028) that would require the Secretary of Defense to submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, with an interim report by September 15, 1983, on the status of efforts within the Department of Defense to monitor, control and correct problems associated with the acquisition of spare parts.

The House amendment contained a comprehensive statistical reporting requirement (sec. 1112) that would subsume the less detailed Senate provision, with the exception of a Senate requirement that the report include an analysis of the extent of overcharging on spare parts and shortages of spare parts. In addition, the House amendment contained a requirement that the Secretary of Defense put into effect at the earliest possible date policies and procedures to achieve a long-term solution to problems related to excessive costs of the long lead times associated with the acquisition of initial and replenishment of spare parts.

The Senate recedes with an amendment.

The amendment would add a new provision requiring an analysis of the extent of overcharging on spare parts and shortages of spare parts; delete the requirement to report on the status of efforts to automate the procurement process; delete the detailed statistical reporting by various acquisition methods contained in section 1112(b) of the House amendment and the requirement to continue to compile information to prepare such reports in fiscal year 1984; delete the requirement to report on the cost of spares and data rights on major systems approved after January 1, 1980; and make three technical changes.

Authority to withhold from public disclosure certain technical data (sec. 1217)

The Senate bill contained a provision (sec. 1024) that would authorize the Secretary of Defense to withhold from public disclosure certain unclassified technical data in the possession of or under the control of the Department of Defense. With certain specific exceptions, this authority would apply to such data if they could not be exported lawfuly outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S. C. App., 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.). The Secretary would be required to issue implementing regulations that would be subject to a period of public comment. The regulations must address, among other things, releases of technical data to allies of the United States and to qualified U.S. contractors for use in performing U.S. government contracts.

The House amendment contained no simlar provision.

The House recedes with an amendment. The conferees note that the provision would apply to certain unclassified, technical date that do not meet the standards or classification under the pertinent Executive Order. The conferees stress that nothing in this provision is for the purpose of limiting competitive bidding on U.S. government contracts. As noted above, the implementing regulations must address the release of data to qualified U.S. contractors for use in performing U.S. government contracts.

The conferees direct that copies of those regulations be forwarded to the Committees on Armed Services of the Senate and the House of Representatives after the period of public comment but 30 days before the regulations would go into effect. This will permit the committees to ensure that, in drafting such regulations, the Secretary has given sufficient consideration to the data needs of qualified U.S. contractors that are small business concerns in connection with those contractors perparing bids on Department of Defense contracts.

Use of polygraphs by the Department of Defense (sec. 1218)

Section 1007 of the Senate bill and section 1119 of the House amendment contained a provision concerning the use of polygraphs in the Department of Defense. Both provisions would freeze, until April 15, 1984, use of polygraphs in the Department of Defense to that use permitted by regulations of the department in effect as of August 5, 1982. The Senate bill would exempt the National Security Agency of the Department of Defense; it also would require certain committees of the Senate to hold hearings, prior to April 15, 1984, on polygraph use in the department.

The House recedes with an amendment.

The conferees intend that the exemption for the National Security Agency of the Department of Defense shall only apply to (1) civilian employees and prospective civilian employees of that agency; (2) members of the armed forces assigned to duty in that agency; (3) detailees to that agency with access to Sensitive Compartmented Information; and (4) employees of contractors affiliated with that agency. The exemption specifically does not apply to civilian employees or prospective civilian employees of the Department of Defense, or members of the armed forces assigned to such department, who are performing duties in any portion of the Department of Defense other than the National Security Agency, but who may have access to information gathered, disseminated or controlled by the National Security Agency. The conferees expect that the Senate Committee on Armed Services and the Senate Select Committee on Intelligence shall hold hearings, prior to April 15, 1984, on the use of polygraph examinations in the Department of Defense.

Authority to provide routine port services to naval vessels of allied countries at no cost (sec. 1219)

Section 1030F of the Senate bill would authorize the Navy to provide routine port services to allied naval vessels at no cost in cases where there is a reciprocal agreement to provide such services to visiting U.S. naval vessels. In addition, the Senate provision would amend section 7227 of title 10, United States Code, to permit the reimbursement from other Navy appropriations of the Navy Industrial Fund activities providing such routine port services.

The House amendment contains a similar provision (sec. 1120) that applies only to vessels of NATO multinational naval forces.

The conferees agreed to adopt the language of the House amendment but to expand the scope of the provision to apply to all allied nations having reciprocal agreements to provide routine port services to visiting U.S. naval vessels as provided for in the Senate bill.

The Senate recedes with an amendment.

Reciprocal communications support (sec. 1220)

Section 1004 of the Senate bill would authorize the Secretary of Defense, subject to the concurrence of the Secretary of State, to enter into agreements with the government of any allied country, or North Atlantic Treaty Organization subsidiary body, under which the United States would agree to provide communications support or related supplies and services to such country or subsidiary body in return for an equivalent value of communications support or related supplies and services.

The House amendment contained no similar provision.

The House recedes with an amendment. The amendment would provide authority for the Secretary of Defense to enter into such agreements only during fiscal year 1984. The amendment also would delete the language relative to North Atlantic Treaty Organization subsidiary body and define "allied country" as a country that is a member of the North Atlantic Treaty Organization, and Australia or New Zealand.

Two-year extension of prohibition on contracts for the performance of firefighting and security functions (sec. 1221)

Section 190D of the Senate bill would extend for two years the current prohibition on the obligation or expenditure of funds in this or any other Act for entering into a contract for the performance of firefighting or security guard functions at a military installation.

The House amendment contained a similar provision (sec. 1115).

The Senate recedes with an amendent clarifying the intent of the House provision to permit the execution of new contracts for firefighting and security guard functions currently being performed under contract.

Report on cost savings under contracting out procedures (sec. 1222)

Section 1122 of the House amendment would require that the Secretary of Defense report to the Congress, not later than April 15, 1984, on performance costs and personnel data relating to the conversion of commercial and industrial type activities within the Department of Defense from in-house to contractor performance since January 1, 1981.

The Senate bill contained no such provision.

The Senate recedes.

Extension of period for transfer of defense dependents' education system to the Department of Education (sec. 1223)

The Senate bill contained a provision (sec. 1006) that would amend section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442(a)) in two respects. First, the provision would change the date when the transfer of the Department of Defense overseas schools is scheduled to take place from "not later than May 4, 1984" to "not earlier than May 4, 1986". Second, it stated that the transfer could occur only if the President or Congress determined that the transfer would not be detrimental to the quality of education being provided, to teachers' benefits and protections under

status of forces agreements, and to the morale and welfare of military personnel assigned overseas. The House amendment contained no similar provision.

The House recedes with an amendment. The provision of the Senate bill changing the date of transfer was accepted, but the provision regarding the Presidential or Congressional determination was deleted. However, the conferees direct the Secretary of Defense to submit a report in writing to the Congress not later than March 1, 1984, on the operation of the overseas schools. In preparing this report, the Secretary shall conduct a comprehensive survey of all the teachers employed by the Department of Defense in such schools to determine their views on the transfer from the Department of Defense to the Department of Education. The Secretary shall include in his report the results of the survey of the teachers, an evaluation of the quality of education being provided, and such other information as would assist the Congress in further addressing the issue of transfer of the schools.

The conferees believe that the question of the transfer should be resolved as expeditiously as possible so that the uncertainty surrounding the transfer does not adversely affect the quality of education being provided. Accordingly, the conferees urge all interested Congressional committees to conduct early hearings or such other reviews as they consider appropriate in arriving at a final resolution of this issue.

Force structure changes, Air Force (sec. 1224)

On January 31, 1983, in conjunction with submission of the Defense Department's fiscal year 1984 budget authorization request, the Air Force reported to Congress a number of proposed changes to its Tactical and Air Defense Force Structure. Less than six months later and without appropriate, prior consultation with Congress, the Air Force precipitously proposed several alterations to its January 31, 1983, plan. One of these alterations, deactivation of an active air defense squadron, appeared to raise serious national security questions.

In recognition of the seriousness of these questions, and concerned that the Air Force intended to implement these later-announced force structure changes before Congress had adequate opportunity to evaluate their military, fiscal and economic implications, the Senate bill contained a provision (sec. 118) that would prevent such actions without detailed Air Force justification and a sufficient review period.

The House bill contained no similar provision.

The House recedes with an amendment to limit the effect of the provision to the proposed deactivation of the active air defense squadron at K. I. Sawyer Air Force Base, Michigan. The amendment would require the Air Force to submit a detailed justification of the proposed deactivation, including cost benefit, cost effectiveness and military effectiveness analyses, an analysis of the impacts on the regional economy of the affected area and an estimate of the non-military costs to the Federal Government (i.e.: unemployment compensation, economic adjustment, etc.) that may result from the action. This detailed justification would be required no earlier than the submission of the Defense Department budget request for fiscal year 1986 or any subsequent fiscal year, and the Air Force would be prohibited from taking any action to implement any such squadron deactivation at K. I. Sawyer Air Force Base until after a period of sixty days had expired after submission of the detailed justification.

The conferees agreed that the manner in which the Air Force proposed the alterations to its January 1983 plan with regard to K. I. Sawyer A.F.B., Michigan was deficient and provided insufficient justification for the deactivation of the active air defense squadron.

The conferees emphasize that the Air Force should have followed its normal procedures for announcing such changes, which are to notify Congress of such proposals in conjunction with the submission of an annual Defense Department budget request in the January preceding the fiscal year in which the actions are proposed to occur.

The conferees also agreed that, in the future when a military service announces alterations to force structure changes announced within the preceding six months, and those later alterations may be expected to have adverse socio-economic impacts on the areas around the military installations affected, the Secretary of Defense or the Secretary of the military department concerned should comply fully with the requirements of the National Environmental Policy Act of 1969 with respect to such later-proposed alterations. Any such environmental impact statements should place special emphasis on the socio-economic factors in the affected areas.

PART C—PROVISIONS RELATING TO SPECIFIC PROGRAMS

Limitation on deployment of M-X missile; development of small mobile missile (sec. 1231)

The Senate bill contained a provision (sec. 108(c)) that would require the Administration to submit to the Committees on Armed Services of the Senate and House of Representatives a written assessment relating to the requirement for and the anticipated impact of the procurement of operational M-X missiles intended for deployment.

The House amendment contained a provision (sec. 303) that would limit the deployment of M-X missiles to specific levels until specific criteria are met regarding the small mobile intercontinental ballistic missile system. Further discussion of this issue is contained in the Air Force missiles section of this report under land based ICBM modernization.

The conferees agreed to accept both provisions.

Sense of the Congress regarding small, mobile, single warhead intercontinental ballistic missiles (sec. 1232)

The Senate bill contained a provision (sec. 1030H) that would express the sense of Congress that the design, development, and testing of small, mobile, single warhead ICBM's be pursued as a matter of the highest national priority. Further discussion of this issue is contained in the Air Force missiles section of this report under land based ICBM modernization.

The House amendment contained no similar provision.

The House recedes.

Limitation on procurement of binary chemical weapons (sec. 1233)

The House amendment contained a provision (sec. 1103) that would prohibit funds from being spent for the production of binary munitions unless the President certifies that for each binary munition produced, one serviceable unitary munition is rendered useless for military purposes. The Senate bill contained no similar provision.

The Senate recedes with amendments discussed in the Army ammunition section of the statement of managers.

The House amendment also contained a provision (sec. 109) that would prohibit the obligation or expenditure of funds for the procurement of binary chemical munitions. The Senate bill contained no similar provision.

The House recedes with amendments discussed in the Army ammunition section of the statement of managers.

The Senate bill contained a provision (sec. 1013(a)) that would authorize the establishment of a binary production base and the procurement of components for the 155mm binary chemical projectile. The provision would also prohibit use of funds for final assembly of 155mm binary projectile components until October 1, 1985, and permit such assembly thereafter only if the President certifies that such assembly is essential to the national interest. The House amendment contained no similar provision.

The House recedes. See further discussion of this issue elsewhere in this statement of managers under Army Procurement, Ammunition.

Prohibition against using funds appropriated for the advanced-technology bomber program for any other purpose (sec. 1234)

The Senate bill contained a provision (sec. 1026) that would direct that none of the funds appropriated to carry out the Advanced Technology Bomber program could be used for any other purpose.

The House amendment contained so similar provision.

The House recedes.

Establishing criteria governing the test of antisatellite warheads (sec. 1235)

The Senate bill contained a provision (sec. 1034A) that would direct that none of the funds appropriated for the Antisatellite program could be used for testing against objects in space unless the President determines and certifies to Congress that the United States is endeavoring to negotiate an antisatellite treaty with the Soviet Union and that this testing is clearly in the best interest of national security.

The House amendment contained no similar provision.

The House recedes.

Requirement for the use of competitive bidding procedures for the lease of CT-39 replacement aircraft (sec. 1236)

The Senate bill contained a provision (sec. 1030B) requiring that competitive bidding procedures be followed in the awarding of the lease for any CT-39 replacement aircraft (Operations Support Aircraft).

The House amendment contained no similar provision.

In order to reduce the cost of this program, the conferees agreed that not less than one-third of the aircraft leased as CT-39 replacement shall be turbopropeller aircraft and that maintenance and support facilities now in operation for the current aircraft inventory be used for these aircraft.

The House recedes.

Limitation on waivers of cost recovery requirements under Arms Export Control Act (sec. 1237).

The House amendment contained a provision (Sec. 1104) authorizing the President to exercise the authority granted under Section 21(e)(2) of the Arms Export Control Act without regard to the limitation imposed by Section 770 of the Department of

Defense Appropriation Act, 1983, as contained in Public Law 97-377. The Senate bill contained no similar provision.

The Senate recedes.

Waiver of limitation on foreign military sales program (sec. 1238)

The House amendment contained a provision (Sec. 110.5) stating that the Arms Export Control Act is to be administered as if Section 747 of the Department of Defense Appropriations Act, 1983 (as contained in Public Law 97-377) had not been enacted into law. The Senate bill contained no similar provision.

The Senate recedes.

F/A-18 aircraft program (sec. 1239)

The House amendment contained a provision (Section 1106) authorizing the Secretary of the Navy to carry out the F/A-18 aircraft program without regard to the first proviso in the paragraph under the heading "Aircraft Procurement, Navy" in Title IV of the Department of Defense Appropriation Act, 1983, as contained in Public Law 97-377. The Senate bill contained no similar provision.

The Senate recedes.

Study to reestimate the cost of the B-1B bomber program (sec. 1240)

The Senate bill contained a provision (sec. 1030) that would require the Secretary of Defense to conduct a detailed financial analysis of the projected cost of the B-1B aircraft program and, on the basis of such analysis, to make necessary revisions to the estimated cost certified to the Congress by the President on February 18, 1982. The Senate provision would also require the Secretary of Defense to submit a written report to the Congress not later than 60 days after enactment of the fiscal year 1984 Defense Appropriations Act, but in no event later than January 1, 1984. In addition, the Secretary of Defense would be required to provide a copy of the report to the Comptroller General for his review.

The House amendment contained no similar provision.

The House recedes.

Transfer of certain aircraft from the Export-Import Bank

The Senate bill contained a provision (sec. 1002) that would authorize the transfer of five DC-10-30 aircraft, or aircraft of equivalent value, from the Export-Import Bank to the Air Force and reimbursement of $125 million to the Export-Import Bank from the Air Force.

The House amendment contained no similar provision.

The Senate recedes; however, the conferees stated that, if the Air Force has important mission requirements for the DC-10-30 aircraft, the Air Force could submit a reprogramming action to acquire the DC-10-30 aircraft from the Export-Import Bank.

155MM ARTILLERY FIRED ATOMIC PROJECTILE

The budget request contained classified amounts for procurement and research and development associated with the 155mm artillery fired nuclear projectile for fiscal year 1984. The Senate bill deleted $50 million from the request; the House amendment would authorize the full amount requested.

The Senate bill also contained a provision (sec. 1030J) that would, in effect, repeal all prior authorizations for a construction project (No. 82-D-109) of the Department of Energy associated with manufacturing of the 155mm nuclear artillery projectile and prohibit further obligation of funds for that purpose. The Senate provision would also authorize $50 million for procurement and research and development for improved conventional munitions and submunitions. The House amendment contained no similar provision.

The conferees belive that the utility of short-range nuclear battlefield weapons as a deterrent to war in the NATO area is diminishing and that conventional defensive systems should receive additional emphasis.

The conferees agreed that the effort to produce the 155mm artillery-fired atomic projectile (W-82) be terminated. To implement this decision, the conferees have denied all the requested funds for procurement of Army ammunition for the W-82 warhead. In addition, the conferees direct that further research and development on this warhead be terminated and that the funds requested for that purpose be available only to cover project termination costs and to be reprogrammed to meet other Army research and development requirements.

The Senate recedes from its language restricting the expenditure of funds on Project 82-D-109 of the Department of Energy in deference to the House contention that this part of the Senate bill (sec. 1030J) was not germane under the Rules of the House; however, the conferees stated their understanding that the funding for this project could be denied when the fiscal year 1984 Department of Energy authorization bill for nuclear programs is considered in conference.

The Senate recedes with an amendment.

Sense of the Senate with regard to single warhead missiles

The Senate bill contained a provision (sec. 1030K) that would express the sense of the Senate that the United States and the Soviet Union should seek to move toward an ICBM force in which missiles contain only one warhead.

The House amendment contained no similar provision.

In view of the fact that this provision had not been considered by the House of Representatives and, consequently, a Sense of the Congress resolution would be outside the scope of the conference. It was the view of the conferees, however, that, in the context of the Scowcroft Commission's findings and recommendations, the conferees believe that the U.S. and the USSR should seek to move away from an ICBM force structure in fixed silos that relies on multiple warhead missiles (MIRVs). Pursuant to that recommendation, which was also part of the Scowcroft Commission report, the conferees have sought to insure the prompt development of a small, single warhead ICBM by linking requirements for its design, development and testing to the M-X deployment schedule.

Furthermore, the conferees agreed to insert in the Statement of Managers the full text of the Sense of the Senate Resolution.

SENSE OF THE SENATE WITH REGARD TO SINGLE WARHEAD MISSILES

SEC. 1030K. It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) "stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals";

(2) "our ICBM programs should support pursuit of a stable regime of arms control agreements"; and

(3) "a more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles";

therefore, be it declared that from the point of view of enhancing strategic nuclear stability, the Union of Soviet Socialist Republics and the United States of America should seek to move toward an ICBM force structure in which missiles contain only one warhead.

PART D—MISCELLANEOUS

Endorsement of report on improved strategic communications (sec. 1251)

The House amendment contained a provision (sec. 1111) that would endorse the findings of the report of the Secretary of Defense to the Congress on improved strategic communications dated April 11, 1983, and would urge implementation of certain recommendations.

The Senate bill contained no similar provision.

The Senate recedes.

Public Health Service hospitals (sec. 1252)

The Senate bill contained a provision (sec. 190(b)) that would direct the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to conduct studies and demonstration projects in order to compare the cost and quality of care provided under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) with care provided by the ten former Public Health Service facilities designated uniformed services treatment facilities by Public Law 97-99.

The provision in the Senate bill would further specify that the two Secretaries could not terminate the uniformed services treatment facility designation of any of these hospitals and clinics for a minumum of one year after the submission of the final report evaluating the results of the demonstration projects, with the termination to become effective no sooner than six months after notification to the facility or facilities concerned.

The House amendment contained no similar provision.

The House recedes with an amendment providing that a termination of the uniformed services treatment facility designation may become effective at any time after December 31, 1987.

Employment protection for certain nonappropriated fund instrumentality employees (sec. 1253)

Section 1014 of the Senate bill would provide employment protection for employees of nonappropriated fund instrumentalities of the Department of Defense who report violations of law or mismanagement.

The House amendment included no similar provision.

Language in the Senate bill is similar to the language in H.R. 4624, which was passed by the House on November 4, 1981, during the 97th Congress (H. Rept. 97-297).

The House recedes with technical clarifying amendments.

Extension of grace period for the enforcement for the provisions relating to the failure to register and the denial of Federal educational assistance (sec. 1254)

The Senate bill contained a provision (sec. 1030D) that would extend through September 30, 1983, the grace period during which institutions of higher education may collect the required Statements of Compliance with the Selective Service registration requirement after issuing student financial aid

under Title IV of the Higher Education Act of 1965.

The House amendment contained no similar provision.

The House recedes.

Impact aid authorization (sec. 1255)

The Senate bill contained a provision (sec. 1030C) that would revise and extend Public Law 81-874, the Impact Aid Maintenance and Operations Program. Specifically, the provision would extend the authorization of appropriations contained in Public Law 81-874 during fiscal years 1984 and 1985 at a level of $625 million each year; extend authorization for payments for category "B" students through fiscal year 1984; extend the reservation of appropriations for payments under section 2 of Public Law 81-874 through fiscal year 1985 at a level of $25 million for each year; extend the prohibition on funding for sections 3(e), 4, 4A and 6 of Public Law 81-874 through fiscal year 1985, and correct a mistaken section reference relating to disaster assistance.

The House amendment contained no similar provision.

The House recedes with an amendment reducing the $625 million authorization to $565 million for each fiscal year and reducing the reservation of appropriations for payments under section 2 form $25 million to $20 million for each fiscal year.

The conferees emphatically state that any increase in appropriations that occurs as a consequence of these increased authorizations for impact aid should not be at the expense of any other Federal education program.

Retirement deductions from the pay of judges of the United States Court of Military Appeals (sec. 1256)

The Senate bill included a provision (sec. 1016) that addresses the retirement benefits of the judges of the United States Court of Military Appeals, the highest judicial tribunal in the military justice system.

The House amendment contained no similar provision.

Currently, these judges—who are appointed for 15-year terms—are treated the same as civil servants for retirement purposes. The conferees agreed that the present system does not help preseve stability on the bench; not is it likely to help attract qualified candidates to sit on the Court in the future. The Senate provision would help improve this situation by affording these judges the same retirement benefits as those now available to Members of Congress.

The House recedes.

Compensation for injuries incurred in the performance of duty by members of the Civil Air Patrol (sec. 1258)

The Senate bill contained a provision (sec. 1012) that would authorize converage under the Federal Employees' Compensation Act (FECA) for junior Civil Air Patrol cadets between the ages of 18 and 21 for injury or death that occurs while performing an operational mission under the direction of the Air Force.

In addition, the Senate provision would increase the monthly pay rate used to compute compensation for disability or death for covered Civil Air Patrol members from the current figure of $300 to the pay rate of a GS-9, step 1, Federal civilian employee.

The House amendment contained no similar provision.

The House recedes.

Repeal of requirement for retiree suggestion program (sec. 1259)

The House amendment contained a provision (sec. 1116) that would repeal the requirement that the Secretary of Defense solicit suggestions from all military and civil service retirees upon their retirement.

The Senate bill contained no similar provision.

The Senate recedes.

Offshore drilling affecting naval operations (sec. 1260)

The House amendment contained a provision (sec. 1118) that would provide that the Secretary of the Navy report to the Committees on Armed Services of the Senate and House of Representatives on the potential effect on naval operations of any proposed lease by the Department of the Interior of offshore lands for oil or gas drilling.

The Senate bill had no similar provision.

The Senate recedes.

Restoration of Bedford Air Force Station, Virginia (sec. 1261)

Section 1110 of the House amendment would provide specific authority to the Secretary of the Air Force to remove abandoned structures and improvements at former Bedford Air Force Station, Virginia, and to restore the premises to their natural state as provided in the license from the United States Forest Service of the Department of Agriculture authorizing the use of that site.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on purchase of certain typewriters (sec. 1262)

The House amendment contained a provision (Sec. 1108) prohibiting use of any funds available to the Department of Defense for procurement of manual typewriters manufactured by facilities located within states that are signatories to the Warsaw Pact. The Senate bill contained no similar provision.

The Senate recedes.

Award of campaign and service medals to certain persons (sec. 1263)

The Senate bill contained a provision (sec. 190B) that would permit the award of campaign and service medals to individuals whose civilian wartime service is determined to be military service for the purpose of receiving benefits from the Veterans Administration in accordance with regulations prescribed pursuant to section 401 of Public Law 95-202.

The House amendment contained no similar provision.

The House recedes.

Commemorative medal for families of American personnel missing in Southeast Asia (sec. 1264)

The Senate bill contained a provision (sec. 403) that would authorize the striking of a bronze medal in honor of those missing or otherwise unaccounted for in Southeast Asia for presentation to the next of kin. The medal would be designed by an American artist who had served in Vietnam during the conflict there.

The House amendment contained no similar provision.

The House recedes.

Name of School of Medicine at the Uniformed Services University of the Health Sciences (sec. 1265)

The House amendment contained a provision (sec. 1107) that would designate the School of Medicine at the Uniformed Services University of the Health Sciences as the "F. Edward Herbert School of Medicine."

The Senate bill contained no similar provision.

The Senate recedes.

Acceptance of voluntary services for military museums and family support programs (sec. 1266)

The House amendment contained a provision (sec. 1051) that would authorize the military services to accept the services of volunteers to work in military museums and in family support programs. These volunteers would be provided coverage in the event of accident or injury under the Federal Employees' Compensation Act and the Tort Claims Act, comparable to the coverage currently provided volunteers working in other Federal programs.

The Senate bill contained no similar provision.

The Senate recedes.

Report on proposed legislation for codification of certain provisions of law (sec. 1267)

The Senate bill contained a provision (sec. 1021) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than January 1, 1984, proposed legislation for codification of those provisions that have been enacted during the past five years as general provisions as a part of the annual authorization or appropriations legislation. The Secretary would be required to submit only those provisions he considered appropriate for codification.

The House amendment contained no similar provision.

The House recedes with an amendment altering the date for submission of this report to February 1, 1984.

Technical amendments to title 10, United States Code (sec. 1268)

The Senate bill contained a provision (sec. 1031) that would make a number of minor technical changes to title 10, such as capitalization and punctuation.

The House amendment contained no similar provision.

The House recedes.

Serviceman's group life insurance and veterans' group life insurance coverage

The Senate bill contained a provision (sec. 190C) that would permit an additional $65,000 in optional coverage above the current $35,000 maximum level for total coverage of $100,000 under the Serviceman's Group Life Insurance and Veterans' Group Life Insurance programs.

The House amendment contained no similar provision.

The Senate recedes.

Sense of Congress resolution on U.S.-U.S.S.R. relations

The Senate bill contained a provision (sec. 401) that would express the sense of Congress that President Reagan and President Andropov should meet to discuss issues of U.S.-U.S.S.R. relations and to work toward mutual, equitable and verifiable reductions in nuclear arms.

The House amendment contained no similar provision.

Because the provision would be non-germane in the House, the Senate recedes.

Commemoration of the U.S.-Republic of Korea Mutual Defense Treaty

The Senate bill contained a provision (sec. 402) that would present findings and express the sense of the Congress concerning the 30th Anniversary of the Mutual Defense Treaty by the United States and the Republic of Korea.

The House amendment contained no similar provision.

Because the provision would be non-germane in the House, the Senate recedes.

Repeal of prohibition against consolidating functions of the military transportation commands

The Senate bill contained a provision (sec. 1003) to repeal the prohibition against the consolidation of any of the functions of the Military Transportation Commands (sec. 1110 of Public Law 97-252, Department of Defense Authorization Act, 1983).

The House amendment contained so similar provision.

The Senate recedes.

Protection of reports on military aircraft accident safety investigations

The Senate bill contained a provision (sec. 1009) that would provide statutory authority for the Secretary concerned to conduct safety investigations of military aircraft accidents. Furthermore, the provision would provide that certain defined types of information contained in the reports of such investigations could not be released outside the armed force concerned except for safety purposes nor could that information be subject to discovery or used in any judicial, administrative or disciplinary proceeding. The information that would be protected is limited to three types: (1) statements of witnesses given under a promise of confidentiality; (2) the portions of the report reflecting the deliberations of the investigators including their discussions, analysis, opinions, conclusions, findings and recommendations; and (3) life science reports that generally reflect the opinions of specially qualified personnel concerning possible medical, physiological, or psychological factors that may have been involved in the accident. The provision was based on an Executive Branch legislative request transmitted to Congress on April 27, 1983.

The Senate provision was designed to recognize the statute the longstanding and consistent practice of limiting disclosure of certain portions of military aircraft accident safety investigations as provided for in regulations of each of the military departments.

The House amendment contained no similar provision. However, the conferees note that almost identical legislation was requested in 1980 by the previous Administration and that hearings were held at that time by the House Armed Services Committee.

Although the conferees generally agree that some legislation may be needed on this subject, the conferees believe that this matter requires further study. Therefore, the Senate recedes.

To permit the required further study, the Secretary of Defense is requested to furnish before January 15, 1984, to the Committees on Armed Services of the Senate and House of Representatives, a report summarizing the existing practice in the military departments concerning release of information in aircraft accident safety investigation reports, the history of the development of that practice, a description of the types of information concerning aircraft accidents that are now and should continue to be releasable to the public, and his views regarding the scope of the provisions in the Senate bill and whether those provisions would merely continue or expand existing regulatory restrictions on the release of the type of information in question.

Requirement for proposals of substantive legislation pertaining to the Department of Defense to be submitted to the Committees on Armed Services

The Senate bill contained a provision (sec. 1022) that would require the Secretary of Defense to submit all legislative proposals conferring on the Department of Defense new or expanded authority or amending or superseding existing law related to programs administered by the Department of Defense only to the Committees on Armed Services of the Senate and House of Representatives. The provision would not apply to proposals that would limit or prohibit the expenditure of funds or to legislation not within the jurisdiction of the Committees on Armed Services of the Senate and House of Representatives.

The House amendment contained no similar provision.

Although the conferees were in agreement that legislative provisions should not appear in appropriation laws, they agreed that this view could be adequately transmitted in correspondence from the committee chairmen. The Senate recedes.

Requirement to furnish copies of Department of Defense regulations to Committees on Armed Services

The Senate bill contained a provision (sec. 1023) that would require that the Secretary of Defense furnish copies of all current and future regulations promulgated by the Department of Defense to the Committees on Armed Services of the Senate and House of Representatives.

The House amendment contained no similar provision.

Based upon assurances that the Defense Department would provide any material covered by the Senate bill which either committee requested, the Senate recedes.

Restriction on funds to countries not taking adequate measures to control illegal drug trafficking

Section 1030I of the Senate bill would restrict the availability of any funds authorized by this act to the governments of any country determined by the President as failing to take adequate measures to control illegal drug traffic.

The House amendment contained no similar provision.

Because the provision would be nongermane in the House, the Senate recedes.

Limitation on authority to consolidate certain functions within the Department of Defense

The House amendment contained a provision (sec. 1117) that would require prior authorization by the Congress of the consolidation or transfer of functions from the services to the Department of Defense, or tests leading thereto.

The Senate bill contained no similar provision.

The conferees agreed that although such prior authorization may be useful in congressional oversight of such consolidations and transfers, the Senate had held no hearings to support such a change.

Accordingly, the conferees agreed that the provision would be introduced as a separate bill in the House and Senate, and that the Committees on Armed Services would hold early hearings with the object of expeditious action in the respective bodies.

The House recedes.

MELVIN PRICE,
CHARLES E. BENNETT,
SAMUEL S. STRATTON,
BILL NICHOLS,
DAN DANIEL,
G. V. MONTGOMERY,
LES ASPIN,
WILLIAM L. DICKINSON,
WILLIAM WHITEHURST,
FLOYD SPENCE,
MARJORIE S. HOLT,
ELWOOD H. HILLIS,
ROBERT E. BADHAM,

Only when differences regarding intelligence-related activities are under consideration:

EDWARD P. BOLAND,
NORMAN Y. MINETA,
DAVE MCCURDY,
J. K. ROBINSON,
BOB STUMP,

As additional conferees on sections 1030C and 1030D of the Senate bill and modifications thereof committed to conference:

CARL D. PERKINS,
GUS HAWKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
JOHN N. ERLENBORN,

Managers on the Part of the House.

JOHN TOWER,
STROM THURMOND,
BARRY GOLDWATER,
JOHN W. WARNER,
GORDON J. HUMPHREY,
BILL COHEN,
ROGER W. JEPSEN,
DAN QUAYLE,
JOHN P. EAST,
PETE WILSON,
HENRY M. JACKSON,
JOHN C. STENNIS,
SAM NUNN,
J. JAMES EXON,
JEFF BINGAMAN,

Solely for consideration of section 1030C:

ROBERT T. STAFFORD,
CLAIBORNE PELL,

Managers on the Part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 12, 1983.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:26 p.m. on Friday, August 12, 1983 and said to contain a message from the President transmitting H.R. 3564, an Act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs, together with a veto message thereon.

(2) At 2:00 p.m. on Saturday, August 13, 1983 and said to contain a message from the President transmitting H.J. Res. 338, Joint

Resolution to correct Public Law 98-63 due to an error in the enrollment of H.R. 3069, together with a veto message thereon.

(3) At 2:50 p.m. on Thursday, August 18, 1983 and said to contain a message from the President transmitting the 11th Special Message for FY 1983 under the Impoundment Control Act of 1974.

(4) At 3:14 p.m. on Wednesday, August 31, 1983 and said to contain a message from the President transmitting his recommendations under the Federal Pay Comparability Act of 1970.

(5) At 3:31 p.m. on Thursday, September 1, 1983 and said to contain a message from the President whereby he transmits a report on agencies and units of agencies excluded from the Federal Merit Pay System.

(6) At 2:08 on Thursday, September 8, 1983 and said to contain a message from the President whereby he transmits the third annual Synfuels Report.

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

CORRECTING PUBLIC LAW 98-63, SUPPLEMENTAL APPROPRIATIONS, 1983—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-94)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.J. Res. 338. This bill was originally included in the 1983 Supplemental Appropriation bill, which I recently signed (P.L. 98-63), but was separately passed because it was inadvertently omitted from the enrolled version of that bill. Normally such bills passed as a result of enrollment errors are signed as a matter of course. I am taking this unusual action because of the extraordinarily important constitutional principles raised by this particular measure.

H.J. Res. 338 appropriates $20 million for the purpose of providing a source of funds from which the Secretary of Education could comply with the June 30, 1983 order issued in *United States* v. *Board of Education of the City of Chicago,* No. 80C5124 (N.D. Ill.), if the order is upheld on appeal. The case was brought by the United States to desegregate the Chicago school system. The court ordered the United States to provide a minimum of $14.6 million and froze more than $250 million appropriated by Congress for other educational programs in order to meet expenses incurred by the Chicago Board of Education in carrying out its constitutional responsibilities to desegregate its school system. The court enjoined the Department of Education from providing grants to hundreds of other worthy grantees under several programs of national significance, including grants intended to facilitate local desegregation efforts and others intended to follow up on the report of the National Commission on Excellence in Education.

I well understand the reasons motivating the Congress to pass this legislation. Under the order of the court in Chicago, other education programs throughout the country were denied the funding they rightfully expected to receive. The Chicago court's ostensible purpose in issuing this order was to provide a source of funds for the implementation of its decree. Congress hoped by the passage of this legislation to induce the court to release the funds that were impounded by the court. But I believe that the better course is to seek swift reversal of the district court's order.

This veto is not premised on a desire to protect the Federal budget. It is based upon my conviction that the Constitution and its process of separated powers and checks and balances does not permit the judiciary to determine spending priorities or to reallocate funds appropriated by Congress. Those are exclusively the functions of the legislative and executive branches, and the use of judicial decrees to assume such powers raises problems of profound constitutional significance.

If finally ordered to pay additional funds to the Board of Education of the city of Chicago, the Federal Government will of course do so. It is inappropriate, however, for a court to withhold millions of dollars worth of unrelated and necessary education programs to enforce its orders.

Under these circumstances, I must reluctantly veto this bill.

RONALD REAGAN.

THE WHITE HOUSE, *August 13, 1983.*

□ 1210

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and joint resolution will be printed as a House document.

The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the joint resolution (H.J. Res. 338) be postponed until Wednesday, September 21, 1983.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REQUIRING EARLIER ANNOUNCEMENT OF 1984-CROP FEED GRAIN PROGRAM AND 1985-CROP WHEAT PROGRAM—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-95)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 3564, "To require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs."

H.R. 3564 directs the Secretary of Agriculture to announce the 1984 and 1985 feed grain programs no later than September 30 of the preceding year and to announce the 1985 wheat program no later than July 1, 1984. Current law sets November 15 as the announcement date for feed grains; the wheat program announcement date in current law is August 15. Thus, in each case the announcements would have to be made approximately six weeks earlier than the current law now requires.

The main purpose of acreage adjustment programs is to assist producers in adjusting supplies to meet demand. When projecting the supply/demand situation for the next crop year, it is essential to have the best possible information about the current crop year, while giving due consideration to producers' planning needs. Sound estimates of production as well as timely announcements are a vital component for designing successful programs. Good program design ultimately serves the best interests of producers, consumers, and taxpayers.

The Administration is sympathetic to the need for making acreage adjustment program announcements as early as possible. When conditions warrant, the Secretary of Agriculture will continue the ongoing practice of announcing commodity programs before the statutory deadlines. However, when the appropriate program decision is not obvious, it is essential that the Secretary retain the discretion to announce wheat as late as August 15 and feed grains as late as November 15.

This flexibility will enable the Secretary to respond quickly to unforeseen circumstances, such as drought or early frost. Without this flexibility, the mandate in H.R. 3564 could either exacerbate a surplus supply situation and needlessly increase budget outlays by substantial amounts or unnecessarily create a grain shortage and cause food prices to increase sharply.

RONALD REAGAN.

THE WHITE HOUSE, *August 12, 1983.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the

bill, H.R. 3564, be postponed until Tuesday, September 20, 1983.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT OF NEW DEFERRAL OF BUDGET AUTHORITY FOR THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-96)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, Sept. 12, 1983.)

REQUIREMENT FOR ADJUSTMENT IN FEDERAL WHITE-COLLAR PAY IN OCTOBER 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-97)

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, Sept. 12, 1983.)

EXCLUSION OF CERTAIN AGENCIES AND UNITS OF AGENCIES FROM COVERAGE UNDER THE MERIT PAY SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-98)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, Sept. 12, 1983.)

□ 1220

ANNUAL REPORT ON ACTIVITIES UNDERTAKEN BY THE U.S. SYNTHETIC FUELS CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Monday, Sept. 12, 1983.)

ANNOUNCEMENTS BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to House Resolution 180, agreed to on August 3, 1983, the Speaker did on August 4, 1983, make certification to the U.S. district attorney for the District of Columbia as required by House Resolution 180, reciting the additional facts pertinent to the contempt citation of Anne M. (Gorsuch) Burford.

The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, August 5, 1983:

H.R. 1646. An act to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

And the following enrolled bills on Saturday, August 13, 1983:

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 2895. An act to designate the Federal building and United States Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and the U.S. Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice;

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State;

H.R. 3549. An act to amend the bankruptcy rules with respect to providing notice;

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program;

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen of the Board of Regents of the Smithsonian Institution;

S. 46. An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping";

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency;

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

S.J. Res. 85. Joint resolution to designate September 26, 1983, as "National Historically Black Colleges Day";

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week";

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; and

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States.

KOREAN AIR LINES FLIGHT 007

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, Korean Air Lines has four flights each week from New York City to Seoul, Korea. The flights operate on Sunday, Tuesday, Thursday, and Friday, departing at 11:50 p.m.

For about 8 days, I was scheduled to be on Korean Air Lines flight 007 leaving New York City on Tuesday, August 30, 11:50 p.m., for Seoul, Korea, to attend a conference celebrating the 30th anniversary of the mutual defense treaty between the United States and the Republic of Korea.

An invitation from Dr. Kala Stroup, the new president of Murray State University in my district, to moderate over a Tennessee Valley Authority symposium on Tuesday morning, August 30, was accepted by my staff and me. My being in Murray, Ky., that day caused my executive assistant, Lorraine Grant, to cancel my reservations on Korean Air Lines flight 007 in favor of Korean Air Lines flight 015 from Los Angeles by way of Nashville and St. Louis.

So, instead of being the 270th person to be shot down by the Soviet Union over the Sea of Japan on early August 31, I arrived safely in Seoul.

Natually, we are appalled at the coldblooded killing of our colleague, Congressman LARRY MCDONALD, and 268 other people.

The good that can come from this tragedy is that we in the U.S. Congress can now recognize more clearly what the people of Afghanistan, Poland, and many other countries already knew about the Soviet Union.

The murdering of 269 innocent men, women, and children, after thinking about it for 2½ hours, is nothing new to a Soviet Union regime which has killed at least 20 million of its own citizens since 1917.

KOREAN AIR LINES TRAGEDY

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, in the wake of the Korean Air Lines tragedy I am compelled once again to caution my colleagues to remain ever mindful of the insidious Soviet threat.

The shooting down of the Korean Ait Lines flight carrying 269 passengers, including 61 Americans, one of whom was a U.S. Congressman, our colleague, LARRY MCDONALD, demonstrates that the Soviets are even more nefarious than most can comprehend.

This is another horrifying reminder of the threat of communism and of the perverse Soviet mentality.

The Soviets have the distinction of being the only nation in the world to have shot down not one but two unarmed civilian aircraft. In 1978 the Soviets fired two heat-seeking missiles at a Korean jetliner, killing two and forcing the aircraft to crash land.

In their inimitable way the Soviets not only denied the incident, they brazenly sent the South Korean Government a bill for $100,000 to cover the costs of the rescue mission.

In this most recent incident 269 innocent people were given the death sentence without cause and without mercy. This Stalinistic act may be the most vivid demonstration of the Soviet mentality which rules that nation and which has designs on subjugating the rest of the world.

The Korean Air Lines massacre must not be forgotten. We must hold it up as a symbol of the Soviet barbarism. We must channel our anger and our sorrow into a firmer commitment to persevere in our struggle against tyranny.

I deplore this brutal, murderous, barbaric Soviet action and I will support the congressional resolution of condemnation.

SOVIET DESTRUCTION OF KOREAN AIR LINES FLIGHT 007

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Korean Air Lines flight 007 reminds us all in a chilling way of the unreliability of the Soviet leadership. It was an outrageous act of international terrorism. I urge my colleagues to join in a resolution condemning this act of terror which took the lives of 269 innocent civilians including a Member of this body.

I also urge the President to continue his course of indignant, but responsible, reaction to the Soviet provocation. While our restrained response leaves us all unsatisfied in an emotional sense, it has intensified the withering fire of world opinion upon the Soviets which is the most painful and costly sanction that can be inflicted upon them. While retribution would be viscerally satisfying, it is the cold glare of truth that punishes hypocrisy most.

Our responsibility and their callous and indifferent reaction to events surrounding the destruction of flights 007 strips naked Soviet posturing as a nation of peace.

□ 1230

THE GROWING MILK SURPLUS

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, this country is faced with a steadily growing surplus of milk. For fiscal 1983 Government purchases of milk are estimated at 16.3 billion pounds—an increase of 2.5 billion pounds over fiscal 1982. This will cost the Federal Government $1.4 billion more than its milk purchases in the last fiscal year.

Something has to be done and the simplest and best solution is to reduce the present high support price of milk by $1 to $1.50 per hundredweight.

This is a simple and easy-to-understand approach which is much better than the temporary diversion program contained in H.R. 1875. The diversion program would pay certain milk producers not to produce milk under a complicated formula for temporarily cutting back their production. The diversion payment would be financed by a 50-cent-per-hundredweight charge on all milk producers in the United States regardless of whether or not they are producing surplus milk. The diversion program would last for only 15 months. After its termination dairy farmers who benefited could return to their former production levels—and some of them probably would.

Meanwhile a lot of other dairymen will be trying to offset their loss of income due to the 50-cent-per-hundredweight tax by increasing the number of cows in their herds. This, of course, will add to the surplus.

The only effective way to cut back the dairy surplus is to reduce the support price for milk by $1 to $1.50 per hundredweight right now.

PERMISSION FOR SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING THE 5-MINUTE RULE ON TUESDAY, SEPTEMBER 13, AND WEDNESDAY SEPTEMBER 14, 1983

Mr. WEISS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Intergovernmental Relations and Human Resources of the Committee on Government Operations be permitted to meet during the 5-minute rule on Tuesday, September 13 and Wednesday, September 14, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LOTT. Mr. Speaker, reserving the right to object, I would like to inquire under my reservation whether or not the minority has been consulted.

Mr. WEISS. Mr. Speaker, will the gentleman yield to me?

Mr. LOTT. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. Speaker, the minority has been fully consulted. The gentleman from Pennsylvania (Mr. WALKER) is on the floor and he and I have worked this out.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

VENGEANCE IS NOT THE ANSWER

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GLICKMAN. Mr. Speaker, the world has responded to the shooting down of Korean Air Lines flight 007 with rightful horror. There is no explanation for that tragedy; there never could be reason enough for such a merciless act.

Still, thus far, in spite of pressures to seek revenge from many of those who have been his strongest supporters, the President has responded cautiously but sternly. He has resisted acts of revenge and steps which would only hurt Americans. The Bible says: "Vengeance is mine * * *, sayeth the Lord." The President has been wise to heed that scriptural guidance. I urge him to continue to do so and to avoid the temptation to pursue a course of vengeance ourselves.

CUTTING OFF FOREIGN AID FOR CERTAIN MEMBERS OF THE UNITED NATIONS

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, this week the United States will be pursuing a resolution in the United Nations condemning the Russians for the barbaric action that they took in shooting down flight 007.

Today, I am introducing a piece of legislation which would prohibit future U.S. foreign aid tax dollars going to any country in the world that

fails to support America's position in the United Nations.

Mr. Speaker, no issue in recent memory has cut to the heart and the soul of Americans. Surely we do not want tax dollars going in the form of foreign aid to countries that cannot support our position against this barbaric action that the Russians have taken.

CHARLEY HAYES IS OUR LEADER; WE SHALL NOT BE MOVED

(Mr. SIMON asked as was given permission to address the House for 1 minute.)

Mr. SIMON. Mr. Speaker, I join my colleagues in their indignation at the Soviet action but I want to shift the subject for just a moment.

We had, a few moments ago, sworn in a new Member of the House. I have known the new Member, CHARLEY HAYES, for perhaps 25 years. I recall when my children were perhaps 6 and 3, going to a meeting sponsored by his union where we all sang a song, and I would sing it, Mr. Speaker, but I am afraid you would rule as the Speaker O'NEILL did against SILVIO CONTE here, but we sang the song, "Charley Hayes is our leader; we shall not be moved."

And our children sang that for years.

CHARLES HAYES is going to be a very substantial Member of this House. I think he is going to help move us in the right direction. I hope all of you will have a chance to get acquainted with him soon. I think he will be a positive, constructive, forceful person in this House who will add luster to the House of Representatives.

A BARBARIC ACT—IT MUST NOT BE REPEATED

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today to join the House of Representatives in deploring this barbaric act by the Soviet Union and in expressing my condolences to the loved ones of the innocent victims of the crash. My deepest sympathies go out to the family of my colleage, LARRY MCDONALD, and to the families of the other 268 victims of the crash.

While the world expressed shock and anger in the immediate aftermath of the Soviet action, our outrage has been compounded by the subsequent disclosures of the facts surrounding the incident. It has become impossible to consider the Soviet action as anything other than coldblooded murder.

The Soviets were undoubtedly attacking a civilian airliner which could not be mistaken for a military plane and which could in no way pose a threat to Soviet territory.

And the Soviet Union has further weakened its position by its deceitful and contradictory stories on this issue and by its failure to even apologize for its action.

As this Congress reconvenes, we must act swiftly to condemn the Soviet action and to take corrective and retaliatory measures. At a minimum, we must seek reparations from the Soviets for the families of the victims of the crash. We must suspend certain cultural, scientific, and diplomatic exchanges with the Soviets. We must also work with other nations to curb Soviet civil aviation in the West.

Above all, we must insure that such a horrible occurrence must not repeat itself. In this period of grief for the families of the innocent victims of the crash, they should at least have the slight consolation that such a tragedy will never occur again.

GOD CONTINUES TO CALL US TO BE MAKERS OF PEACE

(Mr. FAUNTROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, I come to the well when I know that many of our colleagues will want to express the legitimate outrage of the American people and people of conscience all over this world at the wanton murder of 269 people including our colleague, LARRY MCDONALD.

As we seek, however, an appropriate response to that heinous act, I want to stand here in my role as a minister of the Gospel to remind our Nation and our colleagues that this is a nation under God. In God we trust. We trust in a God who did not promise we would not have great difficulty and the forces of evil would not rise and cause us great pain.

He did not promise He would not send us into the fiery furnace but He did promise to be with us in that fiery furnace.

He did not promise that we would not be on tumultuous seas from time to time, but He promised to be in the ship with us.

And in the ship to protect us and if it got too much for us, to speak His peace, "Be still."

I simply hope that in response to this heinous act we will remember that and that we will hear our Judeo-Christian heritage one who said, "Love your enemies and do good to them who curse you and pray for them that spite and use you"; that we will trust in God who through Isaiah said:

If you do away with the yoke of oppression, with the pointing finger and malicious talk, and if you spend yourselves on behalf of the hungry and satisfy the needs of the oppressed, then your light will rise in the darkness, and your night will become like the noonday. The Lord will guide you always.

So said the Prophet Isaiah.

Today, God continues to call upon us to be peacemakers.

1240

THE REAL LESSON BEHIND KOREAN JETLINER DISASTER

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, nobody deplores the shooting down of the Korean airliner more than I do. This was a brutal act by the Soviet Union, a despicable act that should not be left unpunished.

But as we formulate and implement our punishment, let us keep one thing in mind. We do not want the punishment to hurt us as much or more than it does the Soviets. We do not punish the Soviets by continuing the nuclear arms race. We only punish ourselves.

And we certainly do not punish the Soviets by wasting money on defense. We do not say: We will teach you Yuriy Andropov; we will throw away $20 billion on an MX missile system this country does not need. We only punish ourselves.

No, in formulating our punishment we need to put on our thinking hats, not our cowboy hats.

Remember, Soviet adventurism during the Cuban missile crisis shook us all up as the world edged to the brink of nuclear war. But it made us realize the need for arms control and 9 months later we had a limited test ban treaty.

Today, the Soviet shooting down of a Korean jetliner has shaken us up again and created another international crisis.

I hope that we can again realize the real lesson from this incident, the need for arms control and to negotiate an end to the nuclear arms race.

A MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 209

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable HENRY M. JACKSON, late a Senator from the State of Washington.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

EXPRESSING SENSE OF CONGRESS ON THE DEATH OF THE HONORABLE HENRY M. JACKSON, U.S. SENATOR

Mr. FOLEY. Mr. Speaker, I will offer a resolution, and I intend to offer a similar resolution in the House tomorrow, at which time a number of Members will wish to express their sympathy and condolences on the death of the distinguished Senator.

Mr. Speaker, I offer a privileged resolution (H. Res. 306) on the death of the late Honorable Senator HENRY M. JACKSON.

The Clerk read the resolution, as follows:

H. RES. 306

Resolved, That the House has heard with profound sorrow of the death of the Honorable HENRY M. JACKSON, a Senator of the United States from the State of Washington.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATION TO INVOKE SECTION 4(a)(1) OF WAR POWERS ACT REQUIRING PRESIDENTIAL REPORT TO CONGRESS

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, I do not know whether the gentleman is for keeping the troops in Lebanon or removing them. It is a very difficult and onerous task to decide what is right.

Today I am introducing legislation to invoke section 4(a)(1) of the war powers reolution requiring a Presidential report to Congress on the commitment of U.S. forces in Lebanon.

The time has come to bring the debate concerning the President's involvement of U.S. Armed Forces in the hostilities in Lebanon before the Congress. We must bring the President's commitment of our forces in Lebanon within the scope of the law.

Section 4(a)(1) of the war powers resolution requires the President to submit a written report within 48 hours whenever U.S. Armed Forces are introduced without a declaration of war into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.

It is in my opinion clearly indicated today.

The war powers resolution, passed during the waning hours of the Vietnam war, also requires Congress to share responsibility for U.S. military involvement. Something I believe we should do.

One needs only to have read the morning headlines today to understand the U.S. Armed Forces are involved in what is rapidly becoming an explosive international situation. And no reasonable person can view our involvement as anything less than the commitment of troops to a hostile situation where involvement is imminent.

A TRIBUTE TO THE LATE U.S. MARINE CPL. PEDRO J. VALLE RAMOS

(Mr. CORRADA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, it was with a deep sense of grief and anguish that I, as well as the people of Puerto Rico, received the news that my constituent, U.S. Marine Cpl. Pedro J. Valle Ramos, was killed in Lebanon while on duty there as part of a peacekeeping contingent of military forces of the United States, Great Britain, France, and Italy.

Before flying back to Washington, I paid a visit to the parents of this outstanding Puerto Rican who, as a proud citizen of the United States as we Puerto Ricans are, voluntarily joined the U.S. Marines to help preserve freedom, justice, and democracy in our country and abroad. Mr. Santos Valle, Pedro's father, and Mrs. Amelia Ramos, his mother, while terribly sad by the death of their son, realize that he did not die in vain. Those who die for peace, freedom, and democracy are contributing to the preservation of the greatest goals of the United States and Puerto Rico, as part of this country.

My prayers and condolences go to the family of this proud Puerto Rican and proud American, Marine Cpl. Pedro J. Valle Ramos.

THE PRESIDENT SHOULD HAVE STANDBY AUTHORITY TO DEAL WITH AN ECONOMIC CRISIS.

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, on behalf of the people of my district, I want to express their anger and outrage at the shooting down by the Soviet Union of an unarmed, innocent passenger airliner carrying 269 men, women, and children—including some 60 American citizens.

Nothing, it seems to me, has so outraged the people of this Nation since the sinking of the ocean liner, the *Lusitania*, by the Kaiser's German U-boats nearly 70 years ago.

These are perilous days for us on many fronts. In Lebanon, four fine young marines have been killed and more than a score of others wounded by armaments supplied at least indirectly by the Soviet Union.

And in Central America, the Soviet Union continues to stir up trouble for sovereign, independent nations, either directly or through the agency of willing puppet regimes.

The fact is that American citizens are being shot at and killed, and that our relations with the Soviet Union are at the most dangerous point since the Cuba missile crisis 20 years ago.

Faced with this situation, it is imperative that this Congress look to the defenses of this country and its interests around the world. If that means more funds and more expenditures, we will just have to dig down and come up with the money.

And while we are about it, we might as well give the President some standby authority to deal with the economic crisis upon us, as well as with the military and diplomatic crises.

People in my district are in serious economic straits, notwithstanding all of the ballyhoo that recovery is underway. They tell us that the interest rates are declining—but somehow the people who charge the high interest and the people who have to pay the rates have not gotten the word yet. People are still going bankrupt.

I think we ought to give the President some standby authority to control the interest rates that are crippling our ability to meet the military threat from abroad.

CONGRESSMAN McCOLLUM'S UNIQUE EFFORTS TO ALLEVIATE SUFFERING IN EL SALVADOR

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I would like to call the House's attention to the recent actions of our colleague BILL MCCOLLUM, of the Fifth District of Florida. We all know BILL as a thoughtful and congenial legislator, but the homeless people of El Salvador—los desplazados de los campimientos—know him as a man of mercy, and a man of his word.

Congressman MCCOLLUM returned home from an official visit to El Salvador in July, and he was affected by what he had seen. Thousands of displaced Salvadorans, mostly women and children, were crowded into the campimientos. They lacked food, they frequently lacked running water, and they lacked adequate medical supplies. The war in El Salvador has displaced some 250,000 people, and regardless of which U.S. policy course one favors in

Central America, the human suffering is an inescapable fact. The gentleman from Florida understood that, and he decided to do something about it.

Upon his return, Congressman MCCOLLUM contacted officials of Project Hope and several of the largest American pharmaceutical companies. He then contacted a charter airline service in his district, which offered the services of its pilots and the use of a 1945 model C-47 cargo plane. The result was a shipment during the first week in August of some 5,000 pounds of medical supplies—all donated by the pharmaceutical companies—for the desplezados. The supplies were welcomed and very much needed. The gentleman from Florida has since undertaken efforts toward similar, future shipments.

I hope my colleagues today will join me in saying thanks to the gentleman from Florida for his humanitarian act, and in urging him to continue his unique efforts to alleviate the suffering in El Salvador.

□ 1250

FLIGHT 007 AND CRISIS MANAGEMENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I am certain that all of my colleagues in the House will join me in sending our deepest sympathy to the families of those who lost loved ones in the tragic downing of Korean Air Lines flight 007. My heart goes out to the leaders of the 16 nations whose citizens perished in the cruel and barbarous attack on the unarmed commercial aircraft. This brutal act is a crime against all humanity. It is a violation of the most fundamental rules of the air on which all the nations of the world—including the Soviet Union—depend in the busy, crowded skies of the jet age. The Soviet leaders obviously put a great premium on preventing the escape of an "intruder." They appear to think little of protecting innocent human lives. I was astounded by Soviet Foreign Minister Gromyko's recent comments. He brazenly threatened to kill more men, women, and children should another civilian aircraft make the same mistake.

Although I share the anger and dismay which all of my colleagues feel, I believe that the President's handling of the crisis was proper. Our response was firm, but measured.

Although I am shocked by this incident, I believe that our Government should not let this incident create a military confrontation between our country and the Soviet Union. Our ultimate goal has been, and should continue to be, reducing the possibility of a nuclear holocaust, along with a cutback in the weapons of destruction which are now in the arsenals of both nations. We cannot let this crisis stand in the way of the President's efforts to negotiate major arms reductions with the Soviets in Geneva. We must continue to deal with the reality of the Soviet Union. Wish as we might, that nation will not simply go away.

The incident does, however, point to the need for verification of all agreements with the Soviet Union. If the downing of the Korean airliner is any indication of Soviet attitudes concerning signed international agreements, then all of us in the free world should be concerned.

DON'T DESTROY EXPORT CONTROLS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the brutal Soviet attack on flight 007 is fresh in our minds. That tragic incident reminded us that the President—any President—must have nonviolent means to retaliate and register our revulsion when other countries violate the law of nations.

The Export Administration Act which expires on September 30, gives the President this capability. We will shortly consider amendments to the act which severely restrict the President's ability to retaliate and impose foreign policy export controls.

These same amendment, before the House in H.R. 3231, will make it very difficult, if not impossible, to strengthen controls on the export of high technology to the Soviet Union. The evidence of a massive Soviet and East European campaign to steal advanced technology is confirmed by United States and foreign intelligence services.

We need to strengthen national security export controls—not relax them. When H.R. 3231 comes before the House, I urge my colleagues to consider and support amendments to H.R. 3231 which strengthen export controls. As it now stands, the bill would eliminate the licensing of U.S. exports to most NATO countries and Japan. It would prohibit the application of controls to foreign subsidiaries.

Not long ago Tass attacked U.S. export controls. As we ponder our reaction to the airplane wreckage washing up on Japan's coast, we should be firm in our resolve to thwart the activities of Soviet "technologies spies" to divert our high technology to enhance their military machine.

CONGRESS SHOULD STAND BEHIND THE PRESIDENT ON HIS HANDLING OF KAL TRAGEDY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I also rise to condemn the atrocious act perpetrated on the human race by the Soviets in shooting down the Korean airliner. I think it only points out many of the instances that many of us have been preaching over the years—that international Soviet-brand communism is nothing but liars and cheats, inhuman barbarians that have no respect for human rights and no respect for human life itself.

I would also like to criticize some of my fellow conservative colleagues both in the Congress and outside of the Congress for criticizing our President for not being strong enough.

Mr. Speaker, I remember when one previous administration used a lot of rhetoric and a lot of grandstanding when the Russians invaded Afghanistan and then a few weeks later it was all forgotten about. We are not going to let this be forgotten about. The President is doing everything in his power. He needs the U.S. Congress to stand behind him so that he can rally the rest of the free world to embarrass forever the act of atrocity that the Russians have perpetrated on the human race. We should all support him 100 percent.

THE SITUATION IN LEBANON

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, the voices of many Members of Congress have been heard this morning, rightfully focusing on the atrocity committed by the Soviets in shooting down the Korean Air Line 007. I certainly add my support to all that has been said.

However, I think it is also important that we not ignore another serious situation that exists in this world that is having and will have serious consequences for the United States.

I am referring to the situation in Lebanon. I have been observing for the last several weeks, with growing concern, the deteriorating situation that currently exists in Beirut and the jeopardy of U.S. troops stationed there. Our current policy drastically limits the U.S. response to the armed hostilities, and I find this policy unacceptable. I am calling upon the President and I am calling upon Members of Congress, either we should grant the authority to our troops to take the necessary steps to secure the peace in Lebanon and to provide for their

safety, or we should remove them from the hostilities. To merely tell our troops to duck when the bullets start flying is not an acceptable policy and makes a mockery of the term "peacekeeping force" and does nothing to secure a much needed peace for this troubled part of the world.

QUESTIONS THE AMERICAN PEOPLE ARE ASKING

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker and Members, as we return for this fall session of Congress, I think we ought to note that the American people are watching and they are asking us a lot of questions. I have heard them in my district over the past few weeks; I hope you have heard them in yours.

In a parochial sense, in my district my dairy farmers question how a Secretary of Agriculture can recommend a veto of a bill which passes both Houses of Congress by unanimous consent, when that veto will only result in the further production of surplus milk in this country.

They also question how a Congress, after 3 years, can still fail to resolve that dairy surplus issue.

My constituents question what really is happening in Central America. Liberal and conservative alike, they would simply like to know exactly what is going on down there, what exactly our goals are and what our long-term plans are for that region.

Third, my constituents question why Americans can be killed in Lebanon, without any firm decision on our part as a government. They wonder why we do not either pull out, or else give our troops the power to secure peace and to protect their own lives.

My constituents question how anybody in this Congress can in the future trust and believe in the "good faith intentions" of a country which willingly shoots down 269 innocent civilians. But most of all, they question how anybody in this Congress and anybody in this Government can actually say we are concerned about an economic recovery, that we are concerned about the long-term future of America, both individually and as a country, when we fail as a Congress to work together to deal with the deficit that confronts us.

My colleagues, there are a lot of questions out there from our constituents. Will we provide them the answers?

AN EVERLASTING REMINDER OF THE KAL TRAGEDY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GEKAS. Mr. Speaker and Members of the House, I have with me two documents, one, a joint resolution, which would condemn the Soviet Union for the action taken against the Korean jet which cost the lives of so many, and I have another document, a listing of the fellow Americans who lost their lives in the barbarous act.

The joint resolution would do what every American seeks to have done, namely to condemn the action in the strongest possible terms and at the same time to encourage support for the President of the United States in the initiatives which he has undertaken to make certain that the world will ever remember the atrocity that happened just a week ago.

The list of the people, our follow Americans, of course, contains the name of our colleague, Congressman MCDONALD. To the families of all of those who lost their lives, this document will enter into the CONGRESSIONAL RECORD as an everlasting reminder of the tragedy itself.

[From the Washington Post, Sept. 3, 1983]

U.S. TOLL AT 52, WIDENING CIRCLE OF GRIEF, CHANCE

(By Howard Kurtz and Mary Battiata)

At least 52-Americans, including a 27-year-old specialist in Chinese law from Bethesda, were among the 269 persons who died aboard the Korean Air Lines flight to Seoul that U.S. officials say was shot down by a Soviet jet fighter this week.

After a day of conflicting accounts about passenger lists, Korean Air Lines spokesman J. H. Kim in Los Angeles said the airline had confirmed yesterday that the American victims included 30 females, 20 males and two infants—a figure nearly twice as high as previous estimates.

The airline's office in Seoul still is trying to determine whether other victims with Korean or Chinese surnames also might be American citizens. Kim said, The Associated Press identified 17 additional persons with such surnames as having home addresses in the United States, but their citizenship remained unknown.

Also on the flight, Kim said, were 78 Koreans, 35 Chinese, 27 Japanese, 16 Filipinos, 10 Canadians, six Thais, four Australians and one each from Sweden, India and Malaysia, along with nine persons who have not yet been identified. The plane also carried 29 Korean crew members, he said.

As shocked friends and relatives absorbed the tragic news, more details emerged about the circumstances and coincidences that put their loved ones aboard Flight 007.

John Oldham, a recent graduate of Columbia Law School who grew up on Falmouth Rd. in Bethesda, down the street from where Secretary of State George P. Shultz now lives, was headed for Peking for a year of studying Chinese language and law at Beijing University.

KAL'S LIST OF 52 AMERICANS

The 52 Americans that Korean Air Lines has listed aboard Flight 007. Some listings are incomplete.

Carrasco, C., 13, New York.
Carrasco, M. E., 17, New York.
Guevara, T., Infant.
Chouapoco, Cecilio, 52, Teaneck, N.J.
Chouapoco, Celita, 4, Teaneck, N.J.
Chouapoco, Mary, 29, Teaneck, N.J.
Forman, E., New York.
Ocampo, M. C., Staten Island, N.Y.
Ocampo, C., 3, Staten Island, N.Y.
McDonald, Lawrence, Marietta, Ga.
Orwen, William, 32, Middletown, N.Y.
Benis, Richard, 32, New York.
Campbell, Susan Lee, 28, Worchester, Mass.
McNiff, Kevin, 28, Beverly, Mass.
Ephraisonabt, A. 23, New Jersey.
Lombart, Don, Hatboro, Pa.
Lombart, Alden, Hatboro, Pa.
Chambers, Joyce, 34, Detroit.
Dawson, Lucille, 55, Rhode Island.
Fitzpatrick, Lillian, 60, Rhode Island.
Slaton, Jessie, 75, Detroit.
Zarit, Margarel, 59, Detroit.
Steckler, Stuart, 32, Rye. N.Y.
Steckler, Irene Brgotte, 32, Rye, N.Y.
Kohn, Allan, 63, Philadelphia.
Kohn, Lillian, 54, Philadelphia.
Bessell, Eleanor, Detroit.
Culp, Marie, 75, Detroit.
James, Hazel, Detroit.
Kole, Muriel, London, N.Y.
McGetrick, Mark, 29, Danbury, Conn.
Miller, Edna, Detroit.
Swift Frances, 40, Detroit.
Arivadei, Diane, 28, Far Rockaway, N.Y.
Arivadei, S., 8 months, Far Rockaway, N.Y.
Dorman, S., 55
Beirn, J., 40, New Jersey.
Petroski, Raymond, 38, Dunellen N.J.
Scruton, Rebecca, 28, Meriden, Conn.
Metcalf, Chong, 30, North Carolina.
Metcalf Rita, 7, North Carolina.
Metcalf, Christa, North Carolina.
Turppin, Michael.
Moline, Jan.
Zaren, D., 45, Long Island, N.Y.
Prownspier, K., 35, New York.
Weng, Ming-Tsan, 41, Cincinnati, Ohio.
Oldham, John, 27, Bethesda.
Bayona, Lilia, 35, Caldwell, N.J.
Bayona, Anita, 29, Caldwell, N.J.
Burgess, James, 55, Greenville, S.C.
Katz, Jack, 62, Plainville, N.Y.

THE MURDEROUS CHARACTER OF THE RULERS OF THE SOVIET EMPIRE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, the thing that I cannot figure out is why everybody was so surprised that the Soviets would shoot down a defenseless civilian airliner. Have we not had ample evidence over the years about the people who rule the Soviet Empire?

Has everybody forgotten about Hungary?

Has everybody forgotten about Czechoslovakia?

Poland?

Afghanistan?

Has everybody forgotten that the Soviet Government murdered 20 million of its own subjects in the 1920's and 1930's? What are 269 innocent civilians to the Russian leadership?

By all means, we must negotiate with the Russians. We must maintain

communications. But also, we must remember who these people are. They do not share our values. And they are willing to murder, and then lie about it, when it suits their purposes.

□ 1300

VUCANOVICH EXPRESSES OUTRAGE AT SOVIET ATTACK ON KOREAN AIRLINER

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise today to express my outrage and horror at the vicious Soviet attack a few weeks ago on a defenseless commercial airliner. In a moment, the Government of the Soviet Union revealed to the world its true nature, and it continues to demonstrate its callousness by refusing to provide to the world an explanation of why this tragedy took place.

The Korean Air Lines 747 posed no threat in any form to the Soviet Union, its territories, its people, or its Government. To attack and kill in this manner is to reveal a callousness and lack of regard for human life that simply has no place in a civilized world.

The United States and her allies in the free world should take notice of this event, and restructure our dealings with the Soviets to reflect a new understanding of the motivations and intentions of this apparently distrustful and violent government. Sanctions must be imposed. The Soviet Union has, by this act, violated not only the rules of civilized conduct by which our world lives, but also the sanctity of life itself. The conclusion we must draw, as a free nation, is that the Government of the Soviet Union cannot be trusted to conduct their affairs in a peaceful or civilized manner. A policy of caution should be followed in all dealings with the Soviets, particularly where the security interests of the United States and her allies are concerned.

I will support any and all congressional resolutions that condemn this barbarous and wanton action and call upon the Soviet Union to acknowledge its responsibility for this act, assist international efforts to recover the remains of the victims, provide compensation to the families of the victims, and take necessary steps to insure that such an act will never occur again.

SOVIET HARASSMENT AND BARBARITY CONTINUES

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I join in the outrage at the downing of the Korean jetliner. I think in a response it is fine to condemn, it is fine to show compassion for those who were killed, and many others, and I think the President has handled this issue and this subject very well.

However, Mr. Speaker, the Soviet Union has failed to take any steps to atone for what they did. This morning, an American diplomat was expelled from the Soviet Union. Their harassment and barbarity continues. I would like to see the United States cut off all credits to the Soviet Union. I would like to see the United States halt all kinds of technological sales to the Soviet Union. And third, in response to their expelling our one diplomat in the Soviet Union, I think a fair trade would be if we would expel at least 20 in our country.

ANNOUNCEMENT OF APPOINTMENT OF MEMBERS TO ATTEND FUNERAL OF THE LATE SENATOR HENRY M. JACKSON

The SPEAKER pro tempore (Mr. KILDEE). The Chair desires to announce that the Speaker appointed on September 6, 1983, the following Members to attend the funeral of the late Senator HENRY M. JACKSON:

Mr. FOLEY of Washington;
Mr. PRITCHARD of Washington;
Mr. BONKER of Washington;
Mr. DICKS of Washington;
Mr. LOWRY of Washington;
Mr. SWIFT of Washington;
Mr. MORRISON of Washington; and
Mr. CHANDLER of Washington.

Without objection, the Speaker's appointment is ratified.

There was no objection.

COMMUNICATION FROM HON. ELLIOTT H. LEVITAS OF GEORGIA

The SPEAKER pro tempore laid before the House the following communication from Hon. ELLIOTT H. LEVITAS of Georgia:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 24, 1983.

Hon THOMAS P. O'NEIL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that Michael Sloan, Staff Assistant in my Decatur office, has received a deposition subpoena from the United States District Court for the Northern District of Georgia.

I will undertake to make the determinations required by the Rule and communicate them to you.

With best wishes, I am,
Very truly yours,

ELLIOTT H. LEVITAS,
Member of Congress.

EXTENDING AND IMPROVING THE REHABILITATION ACT OF 1973

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3520.

The Chair designates the gentleman from Michigan (Mr. BONIOR) as Chairman of the Committee of the Whole and requests the gentleman from Texas (Mr. LELAND) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor with Mr. LELAND (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes, and the gentleman from Texas (Mr. BARTLETT) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, this is a very important piece of legislation. I do not think there has been any Member in the Chamber over a period of years who has put more work in on the Vocational Rehabilitation Act than CARL PERKINS. I recall in 1949 it was a smaller program. It was overhauled in 1954, and during the Johnson years in the 1960's. It has become one of the greatest pieces of legislation that has ever been enacted by the U.S. Congress.

Today more than 226,000 people have been fully rehabilitated annually. Millions of people have received rehabilitated services under the Vocational Rehabilitation Act.

Let me make one further observation: That there is no intent on the part of the majority to do any harm to the Vocational Rehabilitation Act. I recall several years ago in the 1970's that the act was vetoed twice, in 1972 and 1973, and we had to have a continuing resolution during those years. But we never in one instance let the money anywhere along the line slide backward. We always increased that

funding for our people to be rehabilitated in this country.

When I came here, I had 30,000 coal miners in need of rehabilitation, and no rehabilitation centers in eastern Kentucky. We were able to build one of those great centers in my congressional district under the Vocational Rehabilitation Act.

But my point is, we would have never been able to get separate authorization bills through the Congress one by one, so in title IV we tied those programs together, and I think rightfully so, and added a new title to the Vocational Rehabilitation Act. For example, for the chapter 1, we would increase the authorization a few hundred million dollars up with the targets set in the budget resolution. We are now spending less on vocational education than we were in 1980, before we passed Gramm-Latta in 1981. In every congressional district in this Nation, if you will ask your vocational leaders, you will find that you have a waiting list of persons who are trying to enter vocational schools and learn certain trades and who are unable to get into those schools.

To my way of thinking, increasing vocational education by $90 million to get the States to put in extra money is a good policy on the part of the Congress. With this new authorization level, we can train hundreds of thousands more young men and women who are not going to college, and likewise train more adults.

□ 1310

We increase the basic Adult Education Act, too. But my point is that these programs can be voted on individually, and we can individually increase the amounts or decrease the amounts when we get to the amendment stage.

But do not let anybody tell us that we are doing anything out of the ordinary here. We are not. It is true enough that sometimes a Member introduces an amendment that may not be germane to a bill, but after the Member introduces that amendment, if we go back and introduce a new bill, it is germane. Perhaps I should have introduced a new, clean bill before we went to the Committee on Rules, but I did not think there would be that much controversy and I just did not do it. So we had the controversy, and we introduced the new bill, so all the amendments were germane to this bill.

Let me say something to the gentleman from Texas (Mr. BARTLETT) who has sent around several letters that I have noticed. When we passed Gramm-Latta here in this Hall—and that is what we are trying to correct in this amendment—we never had a chance to amend one item in that bill insofar as any of these programs were concerned. They were stuffed in that bill. We had to take them or leave them, and we went down by five or six votes. We were just trying to increase the amount of chapter 1 above the Gramm-Latta figure that was decided here in 1981 up to the target level provided in the budget resolution.

It is the same way with the other programs. There is nothing unusual in a procedure of this type then we think of the way in which Gramm-Latta was handled on this floor. Members like myself and hundreds of other Members who would have liked to have introduced amendments to Gramm-Latta were not permitted to introduce the first amendment to increase title I, vocational education, adult basic education, or any other program within the jurisdiction of our committee. We just had to take it or leave it.

Many of us felt that Gramm-Latta cut too deeply. Gramm-Latta did cut too deeply, and we only serve about 47 percent of the disadvantaged youngsters in this country today. Then, when we increase a few programs, some Members say we are bursting the budget.

We are within the budget, Mr. Chairman, and let me say that these amendments should be agreed to.

Now, let me go into more detail and the essential features of H.R. 3520.

Of all the programs and laws enacted by our Government for the good of disabled individuals in our country, none to my way of thinking has more noble objectives than the Vocational Rehabilitation Program. The benefits of this program are twofold:

First, the program provides medical and training services which enable handicapped citizens to lead more independent, fulfilling lives.

Second, the program allows the society as a whole to benefit from the goods and services produced by rehabilitated wage-earning and tax-paying citizens.

The history of the vocational rehabilitation program is the history of a long struggle to establish opportunities for disabled persons. I am proud to have been a part of that struggle. Soon after coming to Congress, I was privileged to serve on the Special Subcommittee on Assistance to the Physically Handicapped. This subcommittee of the Education and Labor Committee, appointed in 1953, held hearings and other investigations on the subject of rehabilitation and employment of handicapped persons. The Vocational Rehabilitation Amendments of 1954 resulted in part from the work of this subcommittee. Among the major improvements to the act in 1954 were the following:

First, Federal funding for vocational rehabilitation research and demonstrations for the first time.

Second, Federal funding for training vocational rehabilitation personnel.

Third, extension and improvement project grants to the States.

In the 1960's Congress adopted additional amendments which further strengthened and expanded this program by:

First, increasing the Federal share of dollars spent on the program in the States

Second, stimulating the establishment and construction of facilities such as sheltered workshops and comprehensive rehabilitation centers like the Eastern Kentucky Center in Paintsville, Ky.

Third, establishing a national center for deaf and blind adults; and

Fourth, extending services to migrants.

In the 1970's, vocational rehabilitation faced an uphill battle. During this time two bills were vetoed. But with perseverance, we in Congress were able to enact major provisions to aid disabled persons as they strived for a full share of our American way of life. The 1973 amendments assured that handicapped persons now have a major say in the development of his or her individual rehabilitation plan; established client assistance projects which provide an ombudsman for vocational rehabilitation clients; and state that severely disabled persons are to receive priority for services.

In addition to the Rehabilitation Act itself, the Committee on Education and Labor made major advances in the protection of the civil rights of the handicapped. Regulations have been signed which will assure that handicapped persons are not discriminated against in Federal programs and benefits. In 1974, amendments which I managed on the floor of the House made improvements in the Architectural and Transportation Barriers Compliance Board to promote accessibility of buildings and facilities for the handicapped, and in 1978, the Committee on Education and Labor played a prominent role in making major revisions to the act. The 1978 amendments added several new provisions including:

First, the National Institute of Handicapped Research to carry out research with respect to handicapped individuals.

Second, the National Council on the Handicapped, which was established to advise the Government on needs and problems of the program.

Third, a program of comprehensive services for independent living for severely disabled persons which will allow those individuals to live in their communities.

Fourth, a pilot program of community employment for handicapped persons, authorized by the Department of Labor, and a new program to promote business opportunities for disabled persons to further expand employment for those persons.

Fifth, American Indian rehabilitation services to provide services to handicapped American Indians residing on reservations.

Since I came to Congress in 1949, these programs have grown from an annual budget of $19 million to $1,036,800,000 in fiscal year 1983. More importantly, the number of persons rehabilitated each year has grown from 58,000 in 1949 to over 226,000 in fiscal year 1982; 51 percent of these persons were severely handicapped. I am particularly pleased by the benefits to Kentucky's citizens under the vocational rehabilitation program. In fiscal year 1982, for example, over 30,000 persons received rehabilitation services.

Mr. Speaker, we are here again today to consider the reauthorization of the Vocational Rehabilitation Act. H.R. 3520 extends this act for an additional 5 years at a rate calculated to restore the fiscal year 1979 purchasing power of the program by fiscal year 1987. The bill extends the authorization of appropriations for all other programs under the act for 3 fiscal years at "such sums as may be necessary".

In addition, the bill improves the targeting of training grants to areas in which there are shortages of qualified personnel; clarifies the eligibility of State rehabilitation agencies to compete for projects with industry grants; establishes a separate authority for the Helen Keller National Center for Deaf-Blind Youth and Adults; and makes several changes to improve services and training offered through rehabilitation research and training centers.

Mr. Speaker, the vocational rehabilitation program is one of the most cost-effective programs designed to assist disabled individuals in this country in becoming self-sufficient and productive citizens. It is my hope that my colleagues on both sides of the aisle will move swiftly today to pass this most important piece of legislation.

In addition to being a landmark bill for disabled Americans, H.R. 3520 is vital in order to sustain the Federal commitment to education in this country.

Title IV of H.R. 3520 contains an urgently needed provision that raises the authorizations of appropriations for fiscal year 1984 for 10 education and domestic programs under the jurisdiction of the Education and Labor Committee. If we are to implement the first concurrent budget resolution—if we are to convert the symbolic budget increases for education and other areas into real dollars—then we must pass this bill with title IV.

Let me explain why.

The first concurrent budget resolution for fiscal year 1984 allows increases for education and certain other domestic areas. However, unless we act to boost the authorizations for some key programs, this additional money cannot be considered in appropriation bills, since the authorization levels for these programs would be exceeded.

This is because the 1981 Omnibus Budget Reconciliation Act, known as Gramm-Latta II, placed limits on the authorizations for many Education and Labor Committee programs for 3 fiscal years—1982, 1983, and 1984. Generally, these limits allowed for little or no growth, and in some cases were lower than actual spending in previous years.

For example, the Gramm-Latta ceiling for vocational education for fiscal year 1984 is $735 million. We spent $784 million on this program in fiscal 1980. In fiscal year 1983, we are bumping right up against that ceiling with an appropriation of $729 million, and for fiscal year 1984 we cannot give this program any significant increase without raising the ceiling.

Several other programs are in the same situation. Title IV would set authorization levels for the following programs:

Chapter 1 program for disadvantaged children: $3,830,000,000.

Education for the Handicapped: $1,500,000,000.

Impact Aid: $505,000,000.

Vocational Education: $825,000,000.

Adult Education: $112,000,000.

Arts and Humanities: $723,900,000.

Museum Services: $10,800,000.

Community Services: $398,000,000.

Low-Income Energy Assistance: $2,250,000,000.

Special Feeding Program for Women, Infants, and Children: $1,360,000,000.

These new authorizations are consistent with the targets specified by budget functions in the conference report on the budget resolution. The budget resolution, as we know, is not binding below the budget function levels, and in fact, the budget resolution does not contain numbers on a program-by-program basis. However, there are sufficient extra funds for each of the functions in which the above programs fall, to permit these new authorizations to be implemented. And, of course, we must remember that the budget resolution limits appropriations, not authorizations.

Thus, the purpose of title IV is to give the Appropriations Committee and all the Members the flexibility to increase appropriations for these programs, if that is the will of the House.

Conversely, if we do not enact this bill, we will not be able to give these programs their fair share of the additional funding already endorsed by this body and by the Senate in the budget resolution. Our hands will be tied by the ropes of Gramm-Latta. The budget resolution will be an empty shell.

I want to emphasize that we are dealing with 10 effective, established programs, many of them serving needy Americans. All have documented records of success.

Most of these programs have suffered budget cuts during the past 2 years. This bill will permit us to restore some of this funding.

If we are truly interested in promoting educational excellence, as the President and many other leaders agree we must, we ought to start by providing adequate funding for the programs we know are successful.

The entire education community is looking to this vote—and the President's signature of this bill—as an indicator of who is really concerned about education. I can think of no better way to start off this new school year than by supporting this key legislation.

Mr. BARTLETT. Mr. Chairman, for purposes of debate, I yield 6 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, as we begin the general debate on H.R. 3520 we should keep in mind two central questions—two questions each of us must answer before we cast our votes.

First, do we want H.R. 3520, the reauthorization bill for the Rehabilitation Act, signed into law by October 1, 1983, the day the current statute expires?

Second, should Chapter 1 of the Education Consolidation Improvement Act; Impact Aid; Education of the Handicapped Act; Vocational Education; the women, infant, and children feeding program and five other programs have their fiscal year 1984 authorization ceilings increased through H.R. 3520?

The answer to the first question I believe would be a unanimous yes. The Rehabilitation Act assists States to provide training and related support to handicapped Americans so that they may join our work force and experience greater independence, that many of us, I suspect, take for granted.

The 63-year-old rehabilitation program has an impressive track record which has contributed to the strong, unwavering bipartisan support it has received during its long history. About 1 million handicapped Americans are helped through this program each year. Of those, about 20 percent are completely rehabilitated and become full participants in our work force. For every dollar invested to rehabilitate a person with a handicapping condition, that person's earning power increases by $10. Within 4 years, the average cost of rehabilitating an individual is returned to Government through taxes and removal of such a person from the rolls of income maintenance

programs. As I indicated there are impressive statistics that demonstrate the cost-effectiveness and value in human terms of this vital program. Yet its very effectiveness, its bipartisan popularity, caused its reauthorization bill to be used to promote other less attractive ends.

Let me repeat a condensed version of my second question. Should 10 programs, known as title IV in H.R. 3520, have their fiscal year 1984 authorization ceilings adjusted upward? I would hope the answer to this question would be a unanimous no. From my perspective, the facts dictate it. First, let me provide a context for my point of view.

These 10 programs have nothing to do with the rehabilitation of handicaped persons.

They would increase the potential cost of the bill by $1.6 billion over the cost associated with the rehabilitation program.

The administration has communicated to us that if title IV is in the bill when it reaches the President's desk, the President would not sign it.

If the President vetoed the bill, an untimely delay in the reauthorization of the Rehabilitation Act, which could have been avoided, will result. The State rehabilitation programs are dependent on the Rehabilitation Act for 80 percent of their funds. If a reauthorization bill is not signed by October 1, 1983, we will not have a legal basis to allocate moneys to State rehabilitation programs.

Now to return to the issue of title IV. I believe that its inclusion in H.R. 3520 represents a flagrant disregard for the authorization process. The Education and Labor Committee is charged with recommending to this body responsible authorization ceilings for programs under its jurisdiction. These recommendations should be based on hearings and careful deliberations on each program. Such was the case with the reauthorization of the rehabilitation program. However, such was not so in the case of the 10 programs in title IV; neither hearings nor careful deliberations preceded adoption of the increases in fiscal year 1984 authorization ceilings for these programs. If increases are necessary in any program, the program should be reviewed on its individual merits. An increase in an authorization for a program should not be lumped with similar increases for unrelated programs and, to quote my colleague from Kentucky, "attached to a good horse." I believe he was referring to the Rehabilitation Act reauthorization.

Furthermore, the Education and Labor Committee has an obligation to provide authorization ceilings which represent balanced, reasonable limits for consideration by the Appropriations Committee. Title IV would allow a 21-percent increase over the fiscal year 1983 appropriation for chapter I of the Education Consolidation Improvement Act. The current fiscal year 1984 authorization ceiling would allow a growth rate of 9 percent. Do we think the Appropriations Committee will view 21 percent as balanced and reasonable and 9 percent as not? I, for one, think a 9-percent increase is generous.

Title IV would permit growth rates for other programs that also exceed the bounds of reasonable, balanced limits. For example, in title IV the Education of the Handicapped Act fiscal year 1984 authorization ceiling would allow a 25-percent increase over the fiscal year appropriation, for vocational education a 14-percent increase, and adult education an increase of 18 percent. The current fiscal year 1984 authorization ceiling for vocational education and adult education allows increases of 2 percent and 5 percent, respectively. In addition, the fiscal year 1984 authorization ceiling for the Education of the Handicapped Act is increased in the Senate reauthorization bill for this program by about 5 percent over the fiscal year 1983 appropriation. Could we not, should we not have used a similar vehicle to make adjustments for this program?

Quite simply H.R. 3520 should not be used as a means to set new authorization ceilings for any program but the rehabilitation program. Early this summer, I argued that title IV was not a germane amendment to H.R. 2461, the predecessor to H.R. 3520. A rule was sought which would allow a waiver on the House rule pertaining to germaneness. A waiver was not granted on germaneness, so H.R. 2461 with title IV was reintroduced as H.R. 3520. Although I cannot raise a point of order on germaneness, the fact remains that title IV is extraneous, irrelevant to the other titles of H.R. 3520.

The rehabilitation coalition comprised of 40 organizations concerned about national disability policies concurs. We cannot, must not allow title IV to delay the timely enactment of the Rehabilitation Act. Title IV must be stricken from the bill. The negative effects of its retention will not be felt by us, but by the 1 million handicapped Americans that annually benefit from the rehabilitation program. We have other means for considering adjustments in authorization ceilings. We have only one means, and it is this critical opportunity for reauthorizing the rehabilitation program.

□ 1320

Mr. PERKINS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. MURPHY) the author of the bill.

Mr. MURPHY. Mr. Chairman, the bill H.R. 3520 would extend the basic State-Federal vocational rehabilitation program for 5 fiscal years. This is the Federal Government's primary employment program for Americans with disabilities. It insures that a wide range of rehabilitation services are available to persons with substantial handicaps to employment but who have the potential to become gainfully employed. The committee's intent in the funding levels for the basic State grant entitlement program is to restore a level of funding which more adequately meets the needs of millions of handicapped Americans who are now going unserved. Since 1979, the loss in purchasing power for this program has been 31 percent. The committee bill would phase-in a restoration to the fiscal year 1979 funding power over a period of 4 years, allowing growth above anticipated inflation in each of those years. The fifth year authorization would be determined by the cost-of-living increase for the previous year.

H.R. 3520 includes a 3-year reauthorization, at such sums as may be necessary, for the other important programs under the act. These programs include a client assistance program, a program for American Indians, funding of research through the National Institute of Handicapped Research; training for rehabilitation professionals; support for comprehensive rehabilitation centers and for rehabilitation facilities; projects for the severely disabled, for recreation and for migratory workers; projects with industry; comprehensive services for independent living; and funding for the Architectural and Transportation Barriers Compliance Board.

In addition, the bill would create a separate statutory authority for the Helen Keller National Center for Deaf-Blind Youths and Adults, and would establish a National Commission on Federal programs affecting the disabled. Mr. Chairman, the extension of these rehabilitation programs was agreed to unanimously by the Subcommittee on Select Education and by the Education and Labor Committee. I ask for the support of my colleagues in the House on behalf of the millions of Americans who depend on the services, the research, and the training of rehabilitation professionals provided for under this act.

In addition to the extension of authorizations for existing programs, H.R. 3520 makes several substantive changes in the Rehabilitation Act. The major changes include, first, in regard to the National Institute of Handicapped Research, an increase in the authority of the Director so that he may continue the funding of research and training centers beyond the end of a project period. This could be done only when there had been a thorough evaluation and peer review, including site visits. The bill would require that research and training cen-

ters include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. It would make the training of students preparing to be rehabilitation personnel through centers an important priority, and would permit faculty support for teaching within the centers. The committee report expresses the expectation that such training not exceed about 25 percent of the center grant and not substantially reduce the research emphasis of the center.

Second, the bill addresses the need to support the upgrading of skills of rehabilitation personnel. It amends the act to require that the Commissioner of the Rehabilitation Services Administration determine training needs for qualified personnel and that training grants and contracts be awarded for the purpose of assisting in increasing the numbers of qualified personnel. The bill would require training grants to be targeted on areas of personnel shortage and would require the Commissioner to submit a report to Congress annually on his finding of personnel shortages and a justification of allocation of grants based on those findings. This would require the Rehabilitation Service Administration to conduct a thorough evaluation of current and prospective training needs.

Third, the bill separates the Helen Keller National Center for Deaf-Blind Youths and Adults from the act and establishes it under its own statutory authority. This is in recognition of the national resource status of the Center and in order to permit more stability of its funding. The bill provides a 5-year authorization for the Center, at such sums as may be necessary.

Fourth, H.R. 3520 removes the National Council on the Handicapped from within the Department of Education and establishes the Council as an independent body. The responsibilities of the Council would remain as they have been, but would be enlarged by the requirement that it provide to Congress, on a continuing basis, such advice, recommendations, and additional information that the Council or Congress consider appropriate.

Fifth, the bill clarifies the intent of Congress that State rehabilitation agencies be entitled to compete for projects with industry grants, thereby increasing the resources available for development of the concept and encouraging increased State agency cooperation with private industry.

The Rehabilitation Act, in title VII, provides for independent living services to handicapped individuals whose impairment is so severe that they do not presently have the potential for employment. Although H.R. 3520 makes no substantive change in title VII of the act, I would point out that the bill restores the authorization for funding for part A, comprehensive services, and part C, independent living services for older blind individuals. The authorization for funding these parts had been eliminated in the Reconciliation Act of 1981. Extensive testimony during subcommittee hearings indicated that the success of independent living centers funded under part B of the act justifies the expansion of the program to full implementation of the independent living concept through funding for part A, which authorizes a statewide service delivery system for the severely handicapped. The committee report recommends $25 million of the establishment of the part A State grant program, $21 million for independent living centers and $2 million for the program for older blind individuals in fiscal year 1984.

The bill also restores the authorization of appropriations removed during the reconciliation process in 1981 for comprehensive rehabilitation centers and restores the earmark of $3.5 million for the client assistance program.

The bill makes no change in the existing entitlement authority for the basic State grants. This capped entitlement was first established in 1954 in recognition of this extremely important Federal responsibility and the need to permit States reliable funding for planning services for their handicapped citizens.

H.R. 3520 represents an extension of one of the most effective acts funded by the Federal Government, and represents a continuation of hope for our 35 million American citizens with handicaps.

Mr. BARTLETT. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is an extraordinarily important debate in the life of this body and in the lives of the 35 million Americans who are handicapped or disabled. This debate on the Rehabilitation Act Amendments of 1983 is a turning point in the life of this body. The decision this House makes about deleting title IV of H.R. 3520 will determine the extent to which its procedures can be manipulated in the pursuit of purely partisan objectives. It will be a signal of our willingness to draw the proverbial line in the sand across which neither the majority nor the minority should be ready to step in their efforts to obtain legislative goals. Further, this debate is important in the lives of disabled and handicapped Americans as they will be watching to see if the program they depend upon will be held hostage to partisan politics. The House should reject the use of the successful and bipartisan rehabilitation program as a vehicle for the partisan and controversial adjustment of authorization ceilings for a host of unrelated programs. We should do this to preserve the procedural integrity of this body and to guarantee that the 1 million disabled Americans who can and should have their lives uplifted and given new hope during the next 12 months will not be cynically used as the pawns of legislative arrogance.

I want to sketch for my colleagues a brief review of the rehabilitation program before describing the legislative history of H.R. 3520 and the important improvements that were made in the program during its consideration by the Select Education Subcommittee on which I serve as the ranking minority member. I then must focus on the negative implications of title IV of this bill and why this title poses such a serious threat to both the rehabilitation program as well as to the integrity of House procedure.

THE REHABILITATION PROGRAM

The rehabilitation program has a 63-year history—one that has been marked by bipartisan support. The Rehabilitation Act does its work through State rehabilitation commissions. It authorizes funds for services so that they may enter the work force. Approximately 1 million handicapped Americans benefited from rehabilitation services in fiscal year 1982. Of that number, about 20 to 25 percent were fully rehabilitated and were placed in jobs. The Federal Government provides 80 percent of the funds for the State grant program; States must provide a 20-percent match. The cost effectiveness of the program has been estimated in two ways: First, for every dollar invested in a handicapped individual, on the average, the earning power of the individual increases by $10; and second, on the average, rehabilitation dollars spent on a person are returned in 4 years through income taxes and removal from social security income maintenance programs once the person is employed. This is obviously a successful, efficient program. As I will mention in a moment, it is this success that has made it hostage of partisan politics. First, I want to briefly describe the major provisions of H.R. 3520 as contained in the first three titles.

SUMMARY OF H.R. 3520

The bill provides for an annual 9.9 percent increase in funding for the State grant program and for a separate authorization outside the Rehabilitation Act for the Helen Keller Center. The legislation includes my amendment to authorize a national commission to examine Federal legislation which affects disabled persons, identify barriers to integration and independence, and provide Congress and the President specific statutory recommendations to improve current legislation. The State grant program is reauthorized for 5 years at specified funding levels and discretionary programs would be reauthorized for 3 years at such sums as may be necessary. Also, the bill proposes that the National

Council on the Handicapped be made an independent agency within the executive branch, that State vocational rehabilitation agencies be more involved in projects with industry, and that personnel training needs be documented. These provisions in the first three titles are designed to make the rehabilitation program work better. They were supported by both the subcommittee and the full committee. Title IV is a different matter. Its attachment to H.R. 2461, the original reauthorization bill, at the end of full committee markup politicized and made controversial what should have been a sound, precisely focused reauthorization. Let me begin my remarks about title IV with a review of the legislative history of H.R. 2461 and H.R. 3520.

PROCEDURAL HISTORY OF H.R. 2461 AND H.R. 3520

H.R. 2177 was introduced to reauthorize the Rehabilitation Act on March 17, 1983. The Select Education Subcommittee held 2 days of hearings in March on this bill. Also, in March, the subcommittee reported a clean bill, H.R. 2461, to the Education and Labor Committee. The amendments offered at the subcommittee were ones needed to make the program work more efficiently and were noncontroversial.

On April 20, at the end of the Education and Labor Committee markup, Mr. PERKINS and Mr. MURPHY offered title IV as an amendment to the bill. Title IV, unbelievably, adjusted the authorization ceilings for 10 programs to the levels contained in the first budget resolution. The programs were neither related to rehabilitation policy nor to each other. The amendment was clearly nongermane and a point of order by the minority was overruled. The amendment was then adopted, despite the damage done to the rule of germaneness, the interests and rights of the minority, and the spirit of House procedure.

Title IV's advocates found problems with their work. The amendment as adopted was some 67 words long and clearly stated that all the programs within the jurisdiction of the Education and Labor Committee were to be adjusted to the levels contained on the first budget resolution (H. Con. Res. 91). The problem with this was that House Concurrent Resolution 91 was a moving target and a final resolution had not yet been adopted. Also, upon further review, title IV's proponents realized that the kind of wholesale adjustment that their amendment contemplated could have some results contrary to those they wanted to achieve. To remedy these problems, the majority took the concept of "technical and conforming changes" beyond its accepted definition: They expanded the amendment to over 300 words and singled out the 10 programs they wanted to adjust. Further, they established specified spending levels for these programs and referenced House Concurrent Resolution 91, as passed by the House in March. I will detail the distortion of budget procedure this action represents in a moment, but the procedural chronology gets more interesting.

On July 12, H.R. 2461 came before the Rules Committee. Mr. PERKINS had asked for a waiver of clause 7, rule XVI—the rule that requires germaneness of amendments. Title IV clearly violated this rule which states, "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." In requesting this waiver, Mr. PERKINS acknowledged the nongermaneness of title IV.

Both Mr. ERLENBORN and myself testified at the Rules Committee hearing, protesting the nongermaneness of title IV and pointing out the manipulation of procedure that was taking place: A determined majority was barreling through a nongermane amendment and asking the Rules Committee to sanction its action with a waiver. The Rules Committee urged that because of our protests Mr. PERKINS should take H.R. 2461 back to the Education and Labor Committee and attempt to clear up the germaneness problem.

Instead of returning to the committee and considering the appropriateness of title IV, Mr. PERKINS reintroduced H.R. 2461 that very day and got the same bill with a new number, H.R. 3520. He also got rid of the germaneness problem as a bill does not lie for a point of order on germaneness grounds as introduced. What he did not rid himself of was the continuing inherent extraneousness of title IV to the rehabilitation reauthorization and the patina of having taken an end run around the spirit of House procedure.

On July 14, the Education and Labor Committee reported H.R. 3520 on a party-line rollcall. The bill thus arrives on the floor today with title IV attached—a title that is here only by virtue of procedural manipulation.

Although I am about to detail the reasons that title IV is inappropriately attached to this legislation and why it must be removed, I want to leave this strong message with you: If this effort to include title IV in H.R. 3520 is successful, a new tool will have been given to a determined majority—of whatever party—with which to run over the minority and any legislative procedure that might get in their way. This precedent will be one of this House passing on nongermane material that was adopted at the committee level and reintroduced as a new bill to make the extraneous matter technically germane. I urge my colleagues in the strongest manner possible not to allow this precedent to be established. Let me now offer a detailed explanation of the negative implications of title IV.

NEGATIVE IMPLICATIONS OF TITLE IV

Most importantly, title IV threatens the smooth continuation of the rehabilitation program. By adding the extraneous material in title IV with its procedural defects and its $1.6 billion increase in fiscal year 1984 authorization ceilings, the future of the Rehabilitation Act has been politicized and threatened. This can only be alleviated by the removal of title IV.

Title IV represents a precedent-setting manipulation of House rules. If title IV is successfully considered, a precedent will have been established for a determined majority to simply adopt nongermane amendments at the committee level and reintroduce the reported bill to make the extraneous matter technically germane. This manipulation cuts to the heart of the integrity of House procedure, which should serve to protect the rights of both minority and majority concerns.

Title IV represents the use of a popular, bipartisan bill to facilitate consideration of partisan legislative initiatives. The Rehabilitation Act has received strong bipartisan support during its 63-year history. The reauthorization bill prior to the inclusion of title IV received similar support. The support was assumed to be sufficiently strong to carry the title IV programs.

Title IV inappropriately converts singularly focused legislation to omnibus legislation. The inclusion of title IV in H.R. 3520 converts the bill into omnibus legislation. Not only are title IV programs not related to rehabilitation, they are not related to each other. The only element these 10 programs have in common is that their fiscal year 1984 authorization ceilings have been increased.

Title IV adds $1.6 billion in new spending above the 1984 reconciliation levels for these 10 programs. Title IV forces this House to choose between support for the rehabilitation program and support for responsible fiscal policy.

Title IV disregards the authorization process. The 10 programs in title IV have authorization ceilings for fiscal year 1984; if these ceilings were in need of adjustment, each program should have been reviewed on its individual merit and free-standing legislation prepared.

Title IV is an inappropriate use of House Concurrent Resolution 91. Title IV represents an inappropriate use of a budget resolution. Budget resolutions do not insure specific levels for individual programs, although the House version of House Concurrent Resolution 91 was used as the principal justification for increasing the authorization ceilings for the 10 programs.

Title IV intrudes on the authority of the Budget Committee. The House Budget Committee has the authority to prepare budget resolutions, and once passed by the House, conference with the Senate on a final version. By dictating specific fiscal year 1984 authorization ceilings for the programs in title IV, the education and labor majority have placed these programs in a unique category. It is unclear whether the authorization levels in title IV are program level targets which the Appropriations Committee must accept independent of or in addition to assumptions under the 1984 first budget resolution.

Title IV diverts floor debate from its appropriate focus. Since title IV is included in H.R. 3520, much of the floor debate today will address the problems with title IV, rather than contribute to the substantive legislative history of the rehabilitation program.

Title IV makes the rehabilitation reauthorization liable to a Presidential veto. In a letter of July 12, 1983, from OMB Director David Stockman to me, Mr. Stockman indicated that if title IV were retained in the reauthorization bill for rehabilitation, he would recommend that the President not sign it.

Without title IV, H.R. 3520 is sound legislation; with title IV, H.R. 3520 is unacceptable and procedurally dangerous. I urge you to carefully consider the negative implications of title IV and the importance of the rehabilitation program. Join with me tomorrow when I offer an amendment to delete title IV and return H.R. 3520 to its original purpose: the extension and improvement of the Rehabilitation Act.

TECHNICAL ADDENDUM

The majority argues that the authorization increases in title IV are necessary because the spending levels contained in the first budget resolution are higher than the authorization levels established for fiscal year 1984 by the 1981 Reconciliation Act. This argument is flawed in two major respects:

First. The first budget resolution establishes spending levels for broad categories of programs and does not get down to the detail of the individual programs that are contained in title IV. Thus it is impossible to draw any conclusions about the implications of the first budget resolution for the programs in title IV.

Second. The first budget resolution is superseded by the Reconciliation Act levels for fiscal year 1984. The first budget resolution is a nonbinding document designed to craft overall spending targets into a final budget resolution. The Reconciliation Act is a law and cannot be ignored.

□ 1330

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Texas has stated that if indeed the gentleman's amendment would carry, that the effect of that would be the removal to title IV as is now appended to the main legislation; is not that correct?

Mr. BARTLETT. That is correct.

Mr. GEKAS. The thought, though, that is not made clear but your statement just now has made it clear at least for this Member; and that is that if the gentleman's amendment would succeed, nevertheless the passage of the bill in its final form would constitute an increase in spending for rehabilitation.

Mr. BARTLETT. The gentleman is correct. And that is the basis of this entire debate. That the first three titles of this act relate to rehabilitation and title IV relates to unrelated programs with no relation to rehabilitation. The rehabilitation program has been increased by this bill by over 9 percent as the authorization level. And that would stay in the bill even with the deletion of title IV.

Mr. GEKAS. There will be those who will be criticizing the supporters of the Bartlett amendment as being against the people intended to be served by it, that we are cutting back again, I can hear the voices now, when actually even if we remove title IV, we are increasing the benefits to the rehabilitation targets historically approved by this legislation.

Mr. BARTLETT. The gentleman is correct.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the chairman.

Mr. Chairman, I rise in strong support of H.R. 3520, the reauthorization of the Vocational Rehabilitation Act. Title IV of this bill does indeed raise authorization caps set by the Gramm-Latta budget package of 1981, which caps were extremely low. I would like to direct my remarks specifically to vocational education.

The latest available figures for unemployment in this country is 9.5 percent, still very, very high. But in my home city of Flint, Mich., we have unemployment of 21.9 percent. While there has been some recent improvement, almost anyone under 30 years of age in my city has not been working because you need about 12 years of seniority to be holding a job. Yet there are jobs appearing that require retraining for which we are not yet able to provide the retraining. The State of Michigan, in the depression it has gone through, has never been able to take up the slack caused by the cuts in vocational education on the Federal level, caused by the Gramm-Latta budget reconciliation bill.

So, at these times when we have people who need to be retrained and find ourselves on the cutting edge of technological changes, we find this vast unemployment. We find many States unable to take up that slack; we indeed have to recognize that reality.

It is not a platitude when we say that money spent in vocational education is an investment. When we talk about the reindustrialization of America, and we hear that talk at both ends of this avenue, and at the same time do not give the Appropriations Committee the tools to provide for that retraining needed for reindustrialization, we are merely talking. I urge support for this bill in its entirety.

Mr. BARTLETT. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, as my colleagues know, the purpose of the Rehabilitation Act amendments is to extend and strengthen existing programs under the Rehabilitation Act that have proven themselves successful. From the strong bipartisan support exhibited for vocational rehabilitation throughout its 63-year history, it is apparent that this program is achieving positive results. In fact, my State of South Carolina is a prime example of the benefits derived from vocational rehabilitation. In fiscal year 1982, South Carolina had a rehabilitation rate of 265 per 100,000, which was once again the highest in the Nation.

I, along with many of my distinguished colleagues, have consistently fought to increase funding for vocational rehabilitation, keep this program from being incorporated in a block grant with welfare-type maintenance programs, and increase the awareness of the public that this is a cost-effective job training program for handicapped individuals which deserves the active support of our social and business communities. Currently, this program serves over 226,000 disabled persons, over half of whom are severely disabled. Furthermore, for each dollar spent on rehabilitating an individual, we get a return of approximately $11 from each person who becomes employed. I believe we must continue to provide adequate funding for this program and expand the capabilities of vocational rehabilitation for future years.

The troubling aspect of H.R. 3520, however, is a section that is totally unrelated to vocational rehabilitation. Title IV contains additional, unrelated fiscal year 1984 reauthorizations adding $1.6 billion to the existing $9.4 billion authorizations for "programs under the jurisdiction of the Committee on Education and Labor," superseding the fiscal year 1984 authorization levels established by the Omnibus

Reconciliation Act of 1981. This 17-percent increase, whether one considers is excessive or not, is only one point of contention. I believe the main objection is that these programs will not be considered on their own merits and they are not actually germane to the rehabilitation bill.

Mr. Chairman, the Rehabilitation Act has served our country well, and I urge my colleagues to support the reauthorization of this needed legislation while carefully reviewing the ramifications of including title IV in H.R. 3520, which could cause the defeat or delay of this important legislation.

Therefore, I intend to support the gentleman from Texas' amendment to strike title IV.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

□ 1340

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3520, the Rehabilitation Act Amendments of 1983, which would extend authority for vocational rehabilitation activities over the next 5 years.

Over the last 60 years, the federally funded rehabilitation program has provided services to more than 20 million handicapped persons, helping them work toward becoming independent, taxpaying citizens. From the time the National Civilian Vocational Rehabilitation Act, or Smith-Fess Act, became law on June 2, 1921, until today, there has been a continuous positive and supportive Federal presence in the lives of our handicapped citizens.

The central focus of the Rehabilitation Act is the State-Federal program of vocational rehabilitation. Now in its 63d year, it represents a true partnership in serving and rehabilitating handicapped individuals. The basic objective of the State-Federal services program is to provide a broad range of rehabilitation services to assist physically and mentally handicapped individuals become employable, with priority given to the most severely disabled.

Funding received under the Rehabilitation Act has been of extreme importance to the disabled community in Puerto Rico, and continues to play a major role in providing employment skill training to handicapped individuals throughout the island.

Over the last 3 years alone, Puerto Rico has received more than $58 million under the State grant portions of the act. In 1982, with a Federal award of $19.965 million and a State match of $4.991 million, the department of social services was able to serve 46,325 disabled individuals, 1,599 of which were severely handicapped. Puerto Rico has consistently reported high numbers of successful rehabilitations, as reflected by the 1982 figure of 3,652. The fact that the number of severely handicapped individuals being served has risen as rehabilitations continue to increase highlights the achievement of the Puerto Rico State program.

On a national level, in fiscal year 1982, a total of 226,924 disabled persons were rehabilitated in the State-Federal program. Of this number, 129,866, or 57.2 percent, were classified as severely disabled. A total of 959,056 persons received rehabilitation services in 1982, of which 59.6 percent were severely disabled. The number of new active cases in 1982 was 333,954, of which 60.1 percent were severely disabled. Although the percentage of severely handicapped individuals being served and rehabilitated has increased yearly since 1974, the number of both severely and nonseverely handicapped persons being served and rehabilitated has steadily declined since 1979. Unfortunately, recent appropriation levels have not kept pace with inflation and have not taken into account the increased expense of rehabilitating the severely handicapped.

For this reason, I have cosponsored the bill, H.R. 3520, introduced by my good friend and colleague, Congressman AUSTIN MURPHY, which would increase authority for the State programs over the next 5 years at a rate calculated to restore the fiscal year 1979 purchasing power of the program. This bill would authorize $1.038 billion for fiscal year 1984; $1.141 billion for fiscal year 1985; $1.255 billion for fiscal year 1986, and $1.379 billion for fiscal year 1987. After that, the amount authorized would be determined by the increase in the consumer price index.

Fiscal year 1979 has been used as a point of reference for the authorizing of these entitlement funding levels, since that is viewed as the last year in which the State-Federal rehabilitation program operated at full strength. From 1975 to 1979, there was a downward trend in overall service delivery resulting from the gradual shift in resources to more severely disabled clients; during this period, there was actually a yearly increase in the number of severely disabled clients served. However, since 1979, the drop in both severely and nonseverely disabled cases shows a clear decline in the ability of States to serve eligible clients.

These funding outlays are more than justified by the benefits derived. From an economic standpoint alone, the Rehabilitation Services Administration estimates that for every dollar spent on vocational rehabilitation, there is a return in excess of $10. The most recent data available from the RSA shows that for cases closed in fiscal year 1980, the estimated lifetime improvement in earnings for nonseverely disabled persons is $14.6 for each dollar of cost. For the severely disabled, whose cost of rehabilitation is so much greater, the ratio is $8 for each dollar spent. Persons rehabilitated in 1980 paid $211.5 million more in income, payroll, and State taxes than they would have without rehabilitation. Another $68.9 million was saved as a result of decreased dependency on public support payments and institutional care. In 4 years, the entire cost of Government of these rehabilitations would be returned. When these tangible benefits are combined with the gain in self-esteem resulting from the ability of the disabled to live more self-sufficient and independent lives, the cost-ratio figures take on even greater meaning.

There are approximately 36 million disabled Americans, 26 million of whom are adults with work disabilities. It is estimated that only 1 in 20 disabled persons eligible for rehabilitation services can be accepted into vocational rehabilitation programs because of funding limitations. I urge my colleagues to support H.R. 3520 as a first step in expanding this opportunity to a larger portion of eligible citizens, and to go before the Appropriations Committee to seek actual dollar increases.

Mr. Chairman, H.R. 3250 represents the continuation of a very successful program which enjoys bipartisan support in this chamber, and which benefits American citizens of every age, race, and economic background. I urge my colleagues to join me in supporting these authorization level increases and to vote in favor of the bill.

Mr. BARTLETT. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. PACKARD).

Mr. PACKARD. Mr. Chairman, we need to make it clear that the issue before us today is not whether we support vocational education or rehabilitation of handicapped and disabled.

Vocational education is an integral part of our overall education program. It gives students the skills and self-confidence to find satisfying jobs when they might otherwise drop out of school.

Vocational education prepares the workers across America that employers want to hire.

For millions of Americans, it constitutes the difference between a life of independence and employment, and one of dependence on public support.

Increasingly, special-needs students are served in regular vocational classes, rather than separate programs. At both the secondary and postsecondary levels, between 75 to 85 percent of the special-needs students are enrolled in regular vocational classes and are receiving support services such as additional counseling, resource instruction, tutoring assistance, and specialized job placement services.

The Commission on Excellence in Education report recently published, places great importance on vocational education by recognizing its traditional role in all areas of education.

Indeed, the support for the Rehabilitation Act Amendments of 1983 has generally been bipartisan in nature, due in large part to the positive history of this 63-year-old program and its cost-effectiveness.

Now, however, passage of this significant measure has been placed in jeopardy because of the inclusion of title IV in the bill.

Title IV, in contrast to the rest of this bill, represents an abuse of the reauthorization process and a disregard for the needs of disabled and handicapped persons helped by the rehabilitation program.

In essence, it will force Members to choose between support for this rehabilitation program or support for responsible fiscal policy.

Many Members who support the rehabilitation program will not wish to also endorse a $1.6 billion increase in fiscal year 1984 authorization ceilings for 10 other programs.

Another consideration in this debate is the fact that the Senate has already acted upon their own legislation, S. 1340. This bill does not contain a provision comparable to title IV.

A conference bill resolution of so great a magnitude is not likely without otherwise unnecessary delays.

And, finally, the administration has indicated that President Reagan would likely veto this bill if current provisions in title IV are not deleted.

We cannot afford to allow needless delays in funding for our State rehabilitation programs. Think of it in terms of your own districts, where employment depends so heavily on an uninterrupted rehabilitation and vocational program.

I urge the House to move decisively to restore the integrity and original purpose of the Rehabilitation Act reauthorization bill by striking title IV from H.R. 3520.

Mr. PERKINS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I would like to speak in support of the entire H.R. 3520. Title IV is just as germane as the rest of the bill. I take exception to the Neanderthal thinking which states that a program such as the WIC program, the women, infants, and children program, is not germane or relevant. I think scientific evidence clearly shows that you can deny a child, a young child, an infant, certain nutrients at a very early age in life and totally wreck that child's mental and intellectual capacity. You can also deny certain nutrients, certain important food to an infant or a child and set in motion a chain reaction of health problems, some of them which are debilitating and disabling.

The women, infants, and children program, better known as the WIC program, is one of the most efficient and effective health care programs ever funded by the Congress. As we all know, health care costs are scandalously high and they are rising in defiance of all efforts to contain them. I think it is also generally recognized that the highest costs are hospital costs, money spent for the care of the sickest people. The WIC program is a preventive health care program aimed at reducing the high cost of hospital stays. Preventive programs use available resources to keep the healthy people well, or in the case of WIC, it is used to improve the health of nutritionally marginal pregnant women, infants, and children so that they will not require costly health care at this time and later they will not develop expensive health care problems.

Knowledgeable professionals and lay people using commonsense have always recognized that dollars spent on infants and children will achieve the greatest impact for the people served and for the taxpayers. Statistics overwhelmingly support this principle. A Harvard study shows that the program has not only saved $3 for each dollar spent, but it has also prevented long-term health care costs associated with developmental problems which flow from low birth weight infants and malnourished children.

In other words, I am saying that it is clear that Congress instituted the WIC program in one of its wisest moments.

□ 1350

And this Congress cannot hesitate or equivocate about maintaining this very effective program and increasing its funding appropriately. WIC is a program with a proven track record. We cannot afford to gamble with the future health care of our children or with the taxpayers' dollars. I think it is clear that the originators of the concept of public health and preventive health who first thought of immunization and various other kinds of actions to prevent people from getting sick and to save the cost of hospitalization would approve of the extending of this idea to the simple act of providing food, the proper food, for pregnant women and the proper food for infants and for children as a means of controlling the high health care costs and as a means of guaranteeing that each individual will be able to live a healthy and a normal life.

Mr. BARTLETT. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, it is tempting, is it not, to stand before the House today and to talk about our commitment to education and all of these other programs?

I have been back to my district during August, like many of the others, and I have met with my education groups and I have talked to them about my commitment to education, improving excellence in education, doing the things we need to do for the unemployed in the Vocational Education Act, and many of these other things. It is hard, in that environment, to come here today and to talk any other line, but I think there comes a point in time when we have got to be honest with ourselves and with this country.

Let us begin by assessing exactly where we are in talking about these different programs. My distinguished colleague, the gentleman from New York, just mentioned the WIC program, as if anybody on this side of the aisle who has got problems with the bill in front of us is against feeding the women and the infant children in this country. If it needs to be clarified, let me call to the attention of everyone that the Republican recommendation to the Budget Committee from Education and Labor calls for a 57 million increase in WIC funding for 1984 over 1983. No one is rejecting that there is not a need for that program or certainly that there does not need to be an authorization level, but there already is an authorization level for WIC, as there is for all these other programs, with the exception of one, the Rehabiliation Act that expires September 30 of this year.

Let us take just a moment, if we can, to go through H.R. 3520 and find out what we are talking about in this bill.

In title I, Amendments to the Rehabilitation Act of 1973, the first section is "vocational rehabilitation services appropriations and authorizations."

The next one is "appropriations and authorizations and revisions in research and training."

It is in "supplementary services and facilities the National Council on Handicapped" is created.

We move on to "extension of authorization of appropriations for Architectural and Transportation Barriers Compliance Board."

We go on to the "employment opportunities for handicapped individuals."

We go on to "comprehensive services for independent living," technical and conforming amendments, and the effective date, which will be October 1, 1983, not too long away, not even a month away.

We go on to title II, "reauthorization of the Helen Keller National Center for Deaf-Blind Youth and Adults."

And we do on to each of the sections of title II.

We go on to title III, "National Commission on Federal Assistance to Dis-

abled Americans," and each of the subsections in that particular area, which I do not need to repeat.

But you add it all up, and you see that this is a bill which deals with disabled Americans, which provides a continuation of the services for these people. And somehow or another we have decided that in the fall of 1983 we are going to start playing politics—with one of the most serious groups that I think we could ever even consider doing such a thing with.

Take a look at the education funding levels, take a look at the Republican budget proposal, and you will find in the elementary, secondary, and vocational education that our committee, not the President, our committee, the minority members, called for a $400 million increase in spending in those programs in 1984 over 1983. No one is rejecting the need for a Federal role in education or Federal increase in spending in some of these programs. What we are rejecting today is something that is said to each and every one of us who subscribes to any Judeo-Christian ethic at all, because it comes from the Bible, which says, "That which you do to the least of these my brothers, you do also unto me."

Now, if we want to in this Chamber play politics with budgets, I think we have every reason to do so. If we want to play politics with tax policy, we have every right to do so. Frankly, if we want to play politics with education policy, we have every reason to do so. Although I think it is wrong, if we want to play politics with foreign policy, we probably have every right to do so, but I suggest to every one of my colleagues that we do not have the right, we do not have the right to play politics with the 100 million disadvantaged Americans who are looking to us for their leadership and their assistance.

Mr. PERKINS. Mr. Chariman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HARRISON).

Mr. HARRISON. I thank the chairman for yielding.

Mr. Chairman, I support this bill and I support title IV. But I rise to take a couple of minutes and speak to only one of its provisions, and that is the provision that would increase the community service block grant authorization to the level already established in the budget reconciliation.

I would like to speak to this provision for two reasons: First, because as a director of the Commission on Economic Opportunity for Luzerne County, our community service agency in my district, before I had the honor to be sent here, I saw the good work that community service programs can do in winterizing the homes of the elderly, in providing food and nutrition programs and providing housing. And, second, because just before we went into recess, we all read the report of the Bureau of the Census that tells us that the percentage of people living under the poverty level in this country is higher now than it has been in the last 20 years, that we have lost the war on poverty, and this administration does not seem to care.

The only thing that this administration has done about that shameful fact is to appoint a commission to find out why people are hungry.

Mr. Chairman, I submit we do not need a Government commission to find out why people are hungry. They are hungry because we do not have enough food. And I submit that this bill, this increased authorization, what we can do by rejecting the amendment of the gentleman from Texas and passing this bill as written, is to fight hunger not with words, as the administration would have us do, to fight hunger with dollars and deeds, to fight hunger with the programs of the community service agencies across the United States that will be authorized by this bill as written.

Mr. Chairman, title IV of the proposed legislation would increase the authorization for the community services block grant from the level of $389.4 million presently authorized under Public Law 97-35, the Omnibus Budget Reconciliation Act, to $398 million. The community action program has already borne more than its share of changes and cutbacks under the present administration. This modest, yet important increase in authorization for the CSBG and the Nation's 932 Community Action agencies is especially important now.

In 1983, poverty remains the problem that simply will not go away. The 1980 U.S. census found more than 25 million Americans living in poverty. That is a disturbing statistic. What is even more alarming is the fact that since the Reagan administration came into office, a 20-year downward trend in the rate of poverty has been reversing. Today, the Nation's poverty rate—15 percent—is the highest it has been in 18 years.

The Economic Opportunity Act of 1964 created a nationwide network of Community Action agencies (CAA's) that provided communities fresh opportunities to coordinate and integrate Federal programs with the activities of State and local governments and private persons including foundations, private businesses and industry, labor unions and civic groups.

Staffed and governed by professionals and neighborhood residents intimately familiar with the needs of their communities, CAA's are committed to the fullest possible involvement of the poor in program design, operation and evaluation. CAA's carry their services into areas of need. With neighborhood centers, mobile units and outreach workers, Community Action agencies seek to inform and involve every family and individual who might benefit from the program in its planning and operation.

Because CAA's are actually located in poor communities and work with and are known by low-income citizens in the community, other Federal, State and local programs have come to view Community Action agencies as the best means by which to reach low-income persons. In many areas, the local CAA is the only viable organization that local residents interact with on a regular basis. The most identifiable resource in many rural areas of the country is the local Community Action agency.

Throughout their history, Community Action agencies have demonstrated a remarkable ability to adapt themselves and their programs to diminishing resources and to the ever changing needs of the people they serve.

Over the years, the network of CAA's has proven itself to be perhaps the most cost-effective service delivery system in operation. Ninety cents of each dollar received by CAA's is spent in direct services or payments to program recipients. Few public or private organizations can match this record.

The community action network provides a direct and indirect impact on local economies by creating employment opportunities and increasing purchasing power, thereby creating even more employment opportunities.

CAA's contribute or share their administrative resources and capabilities in operating such programs as Head Start, low-income weatherization, low-income energy assistance, Meals on Wheels and a variety of others. They provide or contribute space, facilities, supplies, materials, equipment and maintenance to support these programs. The result is that CAA's substantially cut the administrative costs for those programs. A 1980 study by Western Kentucky University concluded that CAA's contributed $224,095 to the State's Head Start program that year in this way.

Community Action agencies also play a vital role in the success of many human services programs through their unique ability to find and help those most in need. In times when the amount of aid is shrinking and the number of needy is growing, it is especially important to insure that help goes to those who are most needy. Community Action agencies are the only network of local organizations specifically mandated to serve low-income people. Through community-based outreach and information systems, CAA's have consistently proven to be the most effective in finding and serving the people for whom many human service programs were intended. Low-income energy programs and programs aimed at helping the elderly poor are just two examples of this.

The activities and services provided by each Community Action agency are specifically designed to meet the particular needs of the community it serves. The process of local planning, experimentation and direction, and the Federal leadership provided through the Community Services Administration (and its predecessor, the Office of Economic Opportunity) has led to the development of a number of highly successful human service programs. These include Head Start, Foster Grandparents, legal services for the poor, low-income weatherization, the Jobs Corps, neighborhood health centers, low-income home energy assistance, Meals on wheels for the elderly and a variety of others.

Community services block grant funds also go to a variety of other groups that serve low-income persons, including migrant and seasonal farmworkers organizations and Indian tribal organizations. The $25 million Secretary's discretionary fund has been targeted in fiscal year 1983 to support activities benefiting low-income persons in the areas of community economic development, migrant and seasonal farmworkers, rural housing and rural facilities.

In 1981, Congress closed down the Community Services Administration and replaced the Federal program with a new block grant program to the States for 5 years, through fiscal year 1986. The Economic Opportunity Act was repealed and replaced by the Community Services Block Grant Act (title VI-B of the Ominbus Budget Reconciliation Act, Public Law 97-35). The legislation created a new Office of Community Services (OCS) within the Department of Health and Human services to administer the CSBG program.

Even the new Office of Community Services has had to survive a number of cuts. While the Community Services Administration had 370 employees in fiscal year 1981, the Office of Community Services currently has a permanent staff of only 84. Since 1981, 900 permanent position have been eliminated. The administration has plans for fiscal year 1984 to eliminate OCS regional offices and to pare its headquarters staff to 55 permanent employee. Clearly, the OCS must not be virtually dismantled if the CSBG is to be run the way Congress intended.

Public Law 97-35 authorized $389.4 million for fiscal year 1982, a 27.6-percent reduction in funding from the fiscal year 1981 Community Services Administration level of $538 million.

Actual appropriation for the CSBG were even smaller. In fiscal year 1982, Congress appropriated $360.1 million with $348 million of that going to the States for allocation to Community Action agencies and other eligible entities for actual programs. The continuing resolution for fiscal year 1983 also provided $360.1 million for the CSBG, including $348 million to the States. Congress also appropriated $25 million under the CSBG for emergency food and shelter programs in the emergency jobs bill passed this spring. Still, the Congressional Budget Office estimates that by the end of fiscal year 1984, outlays for Community Services programs will have been cut by more than 40 percent from 1981 levels as a result of legislative actions.

The administration has made repeated attempts to kill the community services block grant by proposing to merge the CSBG with the social services block grant, submitting budget requests that zeroed out the CSBG or cut it drastically, and by cutting staff drastically at the HHS Office of Community Services, which is responsible for Federal administration of the program. In each case, Congress has rejected the administration's attempts, and reaffirmed its support for continuation of a viable CSBG program with its reliance upon Community Action agencies as local program operators.

I enthusiastically support this small, but important, increase in the CSBG authorization. We need to send yet another signal to the administration that congressional support of the CSBG and of Community Action programs. More importantly, this increase would give Congress the opportunity to increase appropriations to the program.

Mr. BARTLETT. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I rise in support of H.R. 3520 if the Bartlett amendment passes. The Rehabilitation Act extension is necessary and it is bipartisan. It received unanimous support in the committee. However, title IV was added after 2461, was added to 2461 under the guise of simple corrections and additions and clarifications. The Rules Committee would not go along, so this new bill, 3520, is with us.

I would certainly recommend that when Mr. BARTLETT offers his amendment tomorrow that we will support that amendment to take the 10 other programs that are not germane to the Rehabilitation Act, take them out of the legislation, and then we can vote up or down on the Rehabilitation Act, which is what we should do. The other things should be considered on their own merits separately.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Chairman, today we are discussing one of the most important pieces of legislation that we will address in the 98th Congress, H.R. 3520. I would like to call the attention of my colleagues to the fact that current authorization for the Rehabilitation Act of 1973 will expire at the end of this month. The programs authorized by this act play a vital role in our Nation because they provide handicapped Americans with essential training in the abilities and skills which are necessary to participate in today's modern working environment. As new technology spurs growth and vast changes in America's offices, factories, and other workplaces, we must utilize the resources of all disabled Americans. The programs included in this legislation would do just that.

In my own State of Missouri, during the last fiscal year over 36,000 persons participated in the vocational rehabilitation programs across the State; of that number several thousand persons returned to work. Mr. Chairman, we cannot allow these programs to be cut in any way. They must instead be brought up to the authorization levels contained in this bill. In the 63-year history of vocational rehabilitation, these programs have had a very high success rate, and therefore prove to be extremely cost effective. For every $1 invested in vocational rehabilitation approximately $10 are returned by these individuals becoming self-sufficient. We, as a nation, cannot afford to abandon the millions of our fellow disabled Americans without severe detrimental effects to our economy, the work force, and the human condition. Mr. Chairman, I urge my colleagues to support this much needed legislation.

□ 1400

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BARTLETT) has 2 minutes remaining.

● Mr. BIAGGI. Mr. Chairman, I rise, as a senior member of the House Education and Labor Committee, to join with my colleagues to express my wholehearted support for H.R. 3520, the Vocational Rehabilitation Act Amendments of 1973. This legislation is critical if we are to continue the vitally important work of training handicapped adults for productive and useful lives in the world of work. As one of the original authors of the landmark 1973 Rehabilitation Act I know firsthand of the value of this program to the lives of millions of individuals it has served over the years.

This legislation is also vital if we are to assure that 10 major education and domestic programs receive additional funding in the fiscal year 1984 appropriations bill. Title IV of this legislation increases the authorizations for programs which have been forced to bear a disproportionate share of cuts over the past 3 years. These are the very same programs which have served the disadvantaged with large degrees of success—success which has been delayed or detained as a result of funding losses.

Specifically, H.R. 3520 provides increases in the following 10 areas—consistent with the increases authorized

in the first concurrent budget resolution adopted by Congress earlier this year. The budget resolution assumes an increase of nearly $1 billion for education programs. Unless we act now in passing this bill—this victory will be a hollow one. The real losers will be the children, the poor, and the disadvantaged, who have been helped over the years by these programs and who have been hurt the most in the past several years.

The following programs will be helped by H.R. 3520:

Title I education for disadvantaged students would be increased from $3.4 to $3.8 billion would potentially provide services to an additional 6.2 million students—at a time when only 47 percent of the eligible population is being served;

Vocational education would be increased from $735 to $825 million—allowing growth in a program which has been cut 16 percent in the past 2 years and has eliminated 600,000 students from job training activities. This increase would restore training opportunities for youth and adults at a time when unemployment is still hovering around 10 percent;

WIC—the special feeding program for poor women, infants, and children, would be boosted from $1.126 to $1.360 billion to assure that the 2.8 million women and their children now being served would continue to receive assistance;

Handicapped education programs—authorized by Public Law 94-142 would get a long-overdue increase to $1.5 billion. Right now, States are only receiving 12 percent of the total amount of costs associated with the education of handicapped children, despite the fact that Congress intended the Federal share to be 40 percent. Funding has not kept pace with need. This problem is especially acute in high-income areas such as New York City—where the annual costs of educating a handicapped child are $8,000—with the Federal Government only contributing $250 of this amount, despite the fact that it is a Federal mandate which required this education in the first place. This money is essential if we are to make a real commitment to helping the handicapped—not just paying lipservice to rights without putting up the money to make it happen for everyone who needs this education.

Important other funding increases are provided for programs of tremendous importance to many poor people in this Nation. This includes an additional $375 million in funds for the low-income energy assistance program. There are few Federal programs which maintain the sustained need which this one does. Under its provisions, those Americans with incomes at or below 125 percent of the poverty line are able to have some of the costs of their utilities paid for. This includes both heating and cooling expenses. Notwithstanding the extremes in temperature which have plagued all parts of this Nation throughout 1983—and the demands which this has placed on the low-income energy assistance program—the administration proposed to cut spending by 25 percent for this program. H.R. 3520 would avert the loss of assistance to some 1.8 million families were the administration level to prevail. In this particular program there can be no dispute as to the need for an increase in funds. The choice for many of those served by the program has been as basic as heating or eating.

Finally, H.R. 3520 seeks to maintain current funding levels for programs and services provided under the community services block grant program. Even with these levels it would be some $200 million below what would be needed to bring service levels back to 1981 levels when the Community Services Administration was still in effect. The establishment of the community services block grant was accompanied by severe cuts in worthwhile programs aiding those in poverty in rural areas as well as the aged poor and programs for migrant and seasonal farmworkers. The funding level provided in H.R. 3520 represents a base level from which programs under the CSBG may have a good chance to survive.

Mr. Chairman, the vote tomorrow on amendments and final passage of this bill is of enormous importance. It is time that we began to reverse the decline in education caused by inadequate funding levels. It is time to renew our covenant to help those in need with Federal social service funds. It is time that we provided the resources necessary to do the job right. We have reduced Federal spending in a dangerously disproportionate fashion and the result has not been the expected lowering of the Federal deficit. It has prompted an increase in human misery and suffering in this Nation.

H.R. 3520 does what an authorization bill should do. It provides for realistic and warranted increases in funds to send a message to the Appropriations Committee that they too should help provide sufficient funding levels for these 10 programs. If we cannot indicate our support at this phase of the legislative process we cannot expect to fare very well in the all important appropriations phase.

I am proud to be supporter of H.R. 3520 and a cosponsor. I consider it to be a sound investment of the Federal dollar, for those funds spent to educate our young are investments in our future. Those funds invested to help those in need cannot be criticized for what is the alternative?

I urge my colleagues to once again follow the enlightened leadership of our chairman, Mr. PERKINS, and vote for this bill. I also wish to salute my colleague, Mr. AUSTIN MURPHY, for all of his leadership on behalf of this bill. It deserves to pass and it must pass for the good of America.●

● Mr. FRENZEL. Mr. Chairman, as we consider H.R. 3520 today, I wish to commend the fine rehabilitation programs that exist throughout our country as a result of the Rehabilitation Act. The rehabilitation programs provide a great service to the disabled, and they in turn, are able to become productive and contributing workers thereby benefiting our country. Further, this program is cost-effective and I understand that persons participating in the program generally pay back the initial costs of the training—through reduced social security disability dependency and tax revenues—within 4 years.

I strongly favor the reauthorization of the Rehabilitation Act so that this successful program may continue and I would like to support this bill. However, there are several provisions of this bill that must be considered.

First, title I of this bill would tie future year increases in VR to two times the CPI. Such increases would seriously violate section 303(a)(4) of the Budget Act which prohibits the establishment of new entitlement programs or increases in existing entitlement programs or increases in existing entitlement programs for future years. In doing so, title I would reduce Congress' ability to make funding decisions in the out-years; budget controllability will be further reduced.

Congress cannot afford to lose what little control and oversight of spending we now have. Chairman JONES' amendment to extend the current program as an entitlement through 1988 allowing for an annual increase based on the CPI will eradicate the Budget Act problem. The Jones amendment should be supported. Our ability to review programs annually and exercise control over our budgets should not be weakened. I urge my colleagues to support the Jones amendment.

Second, I strongly feel that the inclusion of title IV is inappropriate and irrelevant to this bill. Title IV would increase authorization ceilings for 10 education programs by about $1.6 billion over the fiscal year 1984 levels set in the Omnibus Reconciliation Act, during a time of high deficits and needed fiscal constraint. I find these increases completely out of line, and they surely do not need to be considered at this time.

It is my judgment that this bill is intended to reauthorize the Rehabilitation Act and it is not to be used as a vehicle to squeak by wishful increased authorization levels for education programs. The simple presence of this controversial provision will most likely

result in the veto of this bill and consequent failure to reauthorize the Rehabilitation Act which expires October 1, 1983.

The inclusion of title IV is counterproductive to the intention of this bill and the needs of the approximately 1 million persons served by the Rehabilitation Act. I join Mr. BARTLETT in strong opposition to title IV and urge support for Mr. BARTLETT's amendment to delete title IV.

It is my hope that these controversial points can be resolved so that a reasonable bill can be agreed upon today by this body. A timely, acceptable reauthorization bill is a must to insure that the business of rehabilitation continues as scheduled.●

● Mr. JONES of Oklahoma. Mr. Chairman, I would like to take this opportunity to explain the amendment which I plan to offer, for myself and others, to title I of H.R. 3520, the Vocational Rehabilitation Act Amendments of 1983.

Section 102 of the reported bill provides increases in the States' entitlement allotment under this program for fiscal years 1985 through 1988 in violation of the Budget Act. My amendment reauthorizes the vocational rehabilitation program at the level recommended by the Education and Labor Committee for fiscal year 1984 and continues the funding for this program through fiscal year 1988 according to the current law which limits any increases to the Consumer Price Index. The amendment cures the Budget Act violation and makes title I of the bill consistent with the most recently adopted budget resolution.

The following "Dear Colleague" explains the Budget Act violation and my amendment in more detail:

COMMITTEE ON THE BUDGET,
Washington, D.C., September 12, 1983.

DEAR COLLEAGUE: The Rehabilitation Act Amendments of 1983, H.R. 3520, is scheduled for consideration in the House this week. As members of the Budget Committee, we plan to offer an amendment that will eliminate a serious Budget Act violation contained in Title I of the reported bill. This amendment only applies to Title I, the entitlement section for vocational rehabilitation, and would not affect any other provision of the legislation.

As mentioned in our letter of late July, Title I of H.R. 3520 violates a provision of the Budget Act which enhances Congress' control over spending. The bill provides for increases approximately twice the consumer price index for each of the fiscal years 1985, 1986, and 1987, years for which no budget resolution is yet in place. Section 303(a)(4) of the Budget Act prohibits the establishment of new entitlement programs or increases in existing entitlement programs for future years. In so doing, this provision ensures that Congress is not committed to future spending decisions outside of the context of a budget resolution. Currently, Title I would remove our flexibility to make funding decisions in the out-years and thus increase the uncontrollable portion of the budget. More detailed information on our concerns can be found in the August 4 Congressional Record, page H6537 during the debate on the rule for H.R. 3520.

Our amendment would authorize an extension through fiscal year 1988 of the current entitlement program, which provides for annual increases in benefits based upon the consumer price index. The amendment cures the Budget Act violation contained in the reported bill as well as making the out-year funding levels consistent with the most recently adopted budget resolution. Although we believe that automatic indexing of non-means tested entitlement programs is a critical element of long-range budget deficits, we feel it is best to address that issue through a comprehensive approach rather than target individual, indexed programs for modification. Our amendment brings the entitlement obligations in H.R. 3520 in line with the assumptions in the Budget Resolution for vocational rehabilitation for fiscal years 1984–86. For FY 1984, the reported bill does not violate the Budget Act and therefore would not be affected by this amendment.

Vocational rehabilitation is an important, effective program that has had a major, positive impact on the lives and productivity levels of handicapped individuals throughout the country. We are very supportive of it, and want to see it continue to serve our handicapped individuals well. The program will continue to provide essential opportunities to handicapped individuals for rehabilitation efforts. We endorsed this program for the handicapped in our budget actions earlier this year. The budget resolution which Congress adopted accommodated substantial increases in funding for this program; in fact, the assumptions in the budget resolution we adopted provide for *increases* in fiscal year 1984 of $110 million over amounts provided in fiscal year 1983.

We look for your support of this amendment. It preserves the integrity of both the Budget Act and Budget Resolution for fiscal year 1984 and assures that the vocational rehabilitation program will continue to be a vital resource for handicapped individuals.

With best wishes.

Sincerely yours,

JAMES R. JONES,
Chairman, House Budget Committee.
LEON E. PANETTA.
RICHARD A. GEPHARDT.
BILL NELSON.
BILL FRENZEL.
BRIAN J. DONNELLY.●

● Mr. OTTINGER. Mr. Chairman, I rise in support of title IV of this bill (H.R. 3520) to increase the fiscal year 1984 authorization for the low-income energy assistance program administered by the Department of Health and Human Services.

I commend Chairman PERKINS for seeking a funding level for this program which moves us in the direction of providing what is considered the minimum assistance level for the neediest members of our society. Despite its claims to the contrary, the administration has consistently requested funding levels which all but abandon the truly needy. The low-income energy assistance program is a financial assistance program which provides for the most basic of living essentials, heat; and must be maintained at levels that permit some degree of comfort and health.

According to the Health and Human Services Department in testimony before the Energy Conservation and Power Subcommittee, which I chair, 21 million low-income households are eligible for this home heating and cooling fuel assistance program. Yet, by its own admission, only one-third of these—approximately 7 million families—are presently receiving assistance. Many more households, including those of the elderly and unemployed, are literally incapable of meeting their escalating energy bills. It is a deplorable situation that a household need as essential as energy is becoming unaffordable.

In a report by the Fuel Oil Marketing Advisory Committee of the U.S. Department of Energy, it was found that the poor spend at least 35 percent of their income directly on energy. This percentage is four times more than the average American household. The study concluded that "a program of at least $3.5 billion is necessary to offset the loss of purchasing power" borne by the poor.

The Committee for Economic Development, an independent organization of Fortune 500 business executives, reinforced the DOE advisory committee assessment in a 1982 study of escalating energy prices and public policy, concluding that—

The poor ought to receive adequate funding to help compensate them for what we calculate as a $3 to $7 billion decrease in their annual real income caused over the past 8 years. In estimating the level of need, we are convinced that $5 billion would be a small price to pay for the benefits. Compared to the size of the energy sector of the economy, we are struck by how small an ($5 billion) expenditure it would take to offset completely the impact on the poor.

Yet the administration has continually requested funding levels of $1.3 billion, far below levels needed for an adequate program. The $2.25 billion authorization provided in this bill attempts to ameliorate this growing imbalance.

Most States are now paying only a small fraction of the fuel bills of eligible households and in the last 2 years, as energy costs, particularly gas, have continued to increase, a majority of States have reduced their benefit levels. Present benefit levels are now not sufficient to protect the poor against the residential energy increase of the past 5 years. The average annual assistance level of $200 is only a small portion of a typical Northeastern annual fuel bill of $1,400. In response to this and other evidence of the inadequacy of the present funding level, earlier this year I introduced legislation to increase the LIEAP authorization of $3 billion.

Since 1978 the average electricity bill has increased by 65 percent, the

average natural gas bill by 108 percent and the average heating oil bill by 140 percent. Utility shutoffs have increased markedly, as have the number of households falling into arrears on their utility bills. The impact of skyrocketing prices for this essential commodity has been devastating to the millions in our society who are living on fixed incomes—the elderly and the millions of unemployed—the new poor of America.

We cannot abandon those victimized by our economic times to make impossibly hard choices that leave no option but suffering. I urge you support of the title IV increase in LIEAP authorization for fiscal year 1984 and commend Chairman PERKINS for bringing this legislation to the floor.

● Mr. BOUCHER. Mr. Chairman, I would first like to take this opportunity to commend my colleague, the gentleman from Kentucky, for bringing before the House H.R. 3520, the Rehabilitation Act Amendments of 1983.

As a member of the Education and Labor Committee, I have been privileged to observe firsthand the gentleman's dedication and hard work in developing a solid bipartisan consensus for our Federal commitment to quality education and training for all Americans. H.R. 3520 reaffirms that commitment by reauthorizing important vocational rehabilitation programs for handicapped citizens and by strengthening Federal support for 10 other programs under the jurisdiction of the Education and Labor Committee.

For more than 60 years, vocational rehabilitation programs have given to handicapped citizens the opportunity to become gainfully employed. The millions of handicapped Americans who have found jobs through this program attest to its success. Moreover, vocational rehabilitation programs are cost effective; for every $1 spent on vocational rehabilitation, an estimated $11 is returned by the individual who becomes employed. Yet, Federal support for this program has been cut dramatically, and the program is currently serving less than half of the people originally served. I strongly support the reauthorization of the vocational rehabilitation program.

The other programs included in title IV of this bill are effective, established programs which have documented a solid track record of success is serving millions of our citizens. The popular WIC program which provides food assistance to women, infants, and young children who are nutritionally at risk has proven to be effective in improving the health of women and their young. As much as $3 is saved for every $1 spent in the WIC program. Notwithstanding the proven effectiveness of the WIC program, Federal support for it has been reduced as the need for this assistance has increased.

The chapter 1 program for disadvantaged students also has a demonstrated record of success in raising the reading achievement scores of poor, low-achieving, and minority children. The Secretary of Education has acknowledged the outstanding success of this program; yet, less than half of the children eligible for assistance are being served because of reduced Federal support.

Vocational education has become the focus of national attention today. Federal support has been a major factor in the development of successful vocational education programs. The need for vocational training and education has increased drastically. Yet, once again, Federal support for vocational education has declined for the past 3 years.

Each of the other programs included in title IV of this bill face similar dilemmas. In the face of records of success and an increase in the number of persons needing assistance, Federal support has been reduced.

We are all well aware of the importance of each of these programs for the Nation as a whole; however, for the people of my district in southwest Virginia, these programs represent a lifeline in the midst of an economic storm.

Southwest Virginia has been particularly hard hit by the current economic recession. In many of our coal-producing counties, unemployment has soared above 25 percent. High unemployment and the resulting economic dislocation have combined to cripple the area's economy. As a result, vocational education has assumed a particular importance in southwest Virginia. Given adequate funding, vocational education programs could provide more training for the workers who have already demonstrated the drive, the determination, and the dedication to hard work that will aid southwest Virginia and the rest of the country in recovering from the recession.

Vocational rehabilitation and the programs in title IV of this bill are of proven effectiveness. Let us, therefore, recognize their success in helping millions of Americans and strengthen our Federal commitment to each of these programs. I urge my colleagues to join me in supporting H.R. 3520.●

● Mr. MARTINEZ. Mr. Chairman, I rise in support of title IV of the Rehabilitation Act Amendments of 1983. When we debated the merits of the budget resolution this past spring, a great deal of that debate was on setting our priorities. Both on the floor of the House and in conference committee, we examined the needs of this Nation and set our spending levels accordingly. Although it was initiated by Democrats, its bipartisan support in both the House and the Senate proves that it set those priorities both fairly and realistically. A lot of time and hard work went into that resolution. Now the time has come to make it work.

Title IV of the Rehabilitation Act amendments authorizes the funds that Congress decided were needed by the budget resolution. It raises the authorization for 10 vital programs—programs whose funding was drastically cut by the Omnibus Budget Reconciliation Act of 1981. Well, we have had the time to see the results of those cuts and judging by the support of the budget resolution, I do not think many of us liked what we saw. Title IV gives us the opportunity to insure that the intent of the resolution to support the programs will be carried out and that the urgent needs it responded to will be met.

I do not see any validity in the arguments against title IV. The one I hear most often is that these programs should be considered in individual authorization bills, and that we should abide by the spending levels set by the Budget Act of 1981. Although I was not a Member of Congress during its consideration, I recall that the methods being use here are the same as those used in 1981 to get that budget through. No parts of that budget were considered individually and it was even debated under a closed rule. Well, we have an open rule in H.R. 3250, and if Congress sees fit to amend title IV, it can be done. We have no reason to straitjacket Congress into accepting parts of the bill it does not want. However, the adoption of the budget resolution makes it very clear that Congress does indeed want these authorizations increased.

The needs of a nation can change in 2 years and they have certainly changed since the Omnibus Budget Reconciliation Act was passed in 1981. There is no need to abide by budget limitations that Congress feels are insufficient and outdated. These increases are hardly extravagant. Most merely allow us to continue to serve those who are already participating in these programs. None even come close to the authorizations needed if we were to serve all who are eligible. It is time that we do more than debate the needs of the disadvantaged—it is time that those needs are met.●

Mr. BARTLETT. Mr. Chairman, I yield myself the remaining 2 minutes for a summary.

I would urge this House, each Member of the House tomorrow, to cast his or her vote very carefully on title IV which, in fact, will determine whether those 1 million Americans in this country who could be helped and are being helped today will continue to be helped by the rehabilitation programs. Their interest, Mr. Chairman, would be damaged by the continuing inclusion of the extraneous matters in

title IV, which include separate and unrelated programs, some good, some bad, some in between, including the programs for museums, for adult education, for arts and the humanities, and for others, but the one thing they have in common is that they are not related to rehabilitation.

I would urge my colleagues to think of those disabled Americans who are depending on the reauthorization, on time, and the renewal into public law of the Rehabilitation Act of this country. Each of the other programs has its own authorization bill, its own legislation, can have its own hearings, will have its own markups, and can be considered on its own merits.

I would urge my colleagues to allow the Rehabilitation Act to be considered and to be passed into law in a timely way before October 1. It has already been delayed by 5 months, calling into jeopardy many of the State programs that are in the State right now today.

The gentleman from Wisconsin said it best on the floor today when he said we must not allow ourselves, as a House, to play politics with the lives of 1 million disabled Americans who are depending on each of us as representatives of the people for their continued ability to rehabilitate themselves and return themselves into active and productive lives. I urge every Member of this House to consider those 1 million Americans very carefully as they cast their votes tomorrow.

Mr. PERKINS. Mr. Chairman, I yield the balance of our time to the gentleman from Pennsylvania (Mr. MURPHY), the author of the bill.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. MURPHY) is recognized for 7 minutes.

Mr. PERKINS. Mr. Chairman, will the gentleman yield to me for just a half a minute?

Mr. MURPHY. I yield to my chairman, the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding to me.

Mr. Chairman, first let me state that the gentleman from Texas (Mr. BARTLETT) is a very sincere and fine Member of the Congress, but I think he will agree with me that not one Member on his side of the aisle has on any occasion introduced a bill to increase any of those authorizations 1 penny, nowhere along the line, and somewhere, somehow, some way, we need to get these authorizations increased in order to see that no more disadvantaged teachers are laid off throughout the Nation and try to gain back something that Gramm-Latta has taken away from us. We are not trying to bust the budget here; we are just trying to take care of a little inflation. That is all we are doing, Mr. Chairman.

Furthermore, I think the President of the United States will sign this bill. The President has made a great analysis of the need for better education in the country. We have polled the President's Commission on Excellence, and 10 of the 12 members of the President's Commission state that we need more Federal money to improve these programs. I say, in my judgment, the President of the United States will sign this bill because we are trying to help him solve one of the most serious problems in this country today.

Mr. MURPHY. I thank the gentleman for his comments.

Mr. Chairman, when I spoke originally on this measure in opening the debate, I confined my remarks to the first three sections of the Vocational Rehabilitation Act. However, as I sat and listened to the debate, and charges of politics and allegations of real concern for education, I thought that it would be my responsibility to discuss title IV insofar as it applies to the Education for the All Handicapped Children Act which my subcommittee handles.

H.R 3520, the measure we are now considering, increases the authorization of appropriations for the Education of the Handicapped Act from $1.1 billion, its present level, to $1.5 billion. The Budget Committee itself this year increased the budget level of funding to $1.226 billion, and therefore, under existing law, we would not have the growth that even the Budget Committee projected and adopted when we adopted the budget earlier this year and allowing absolutely no growth. This is 1 of the 10 items in title IV.

The Education of the Handicapped Act is the primary Federal law assuring a free appropriate public education for handicapped children. Part B of the Education of the Handicapped Act, as amended by Public Law 94-142, provides Federal financial assistance to States for the education of children, ages 3 to 21, having one or more of nine physical or mental disabilities ranging from learning disabilities to severely handicapping conditions. The level of Federal assistance is based on an annual count of handicapped children being served and is intended to pay a percentage of the excess cost associated with educating those unfortunate children.

Approximately 4 million handicapped children are currently participating in State and local special education programs. More importantly, that number is expected to increase at a rate of 80,000 children per year. The Education for All Handicapped Children Act was originally intended to be funded at 40 percent of the national average per pupil expenditure by fiscal year 1982. For the first 2 years that Public Law 94-142 was enacted, the Federal Government met its obligation to State and local educational agencies. The level of Federal assistance for the years following, from 1979 to the present, show a steady decline in that support. At the same time that the Federal Government was reducing financial assistance from 12.5 percent of the average per pupil expenditure in 1979 to an all-time low of 8 percent in 1983, I might say following Gramm-Latta, the special education population was increasing in that time from 3.7 million in 1979 to 4.04 million this year.

H.R. 3520 increases the authorization of appropriations for the education of handicapped children by a mere $274 million. This would increase the per pupil expenditure to only about 11 percent, a percent and a half lower than our 1979 funding level. Considering recent trends in Federal support and the expected increases in the special education population, it is imperative that this amendment be adopted so that we can insure the opportunity for the needed growth in this program to assist States in providing quality education programs to their handicapped children.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is making a point about the necessity of increasing authorizations of these various programs in title IV. Let me ask the gentleman, titles I, II, and III, that have to do with the Rehabilitation Act, was the subject of legislation the gentleman himself introduced, hearings, negotiations between the majority and the minority, as to the level of authorizations, and finally, bipartisan support for the final product. Is this not true?

Mr. MURPHY. Substantially.

Mr. ERLENBORN. If the gentleman will yield further, can the gentleman tell me, has any authorization bill to increase the authorizations for the other 10 programs been introduced, been the subject of hearings, been the subject of discussion, amendments, negotiations and compromise, or did all 10 of those get in this bill merely by sort of an offhand, "By the way, now that we have finished with the rehabilitation bill in committee, why do we not just tack on an amendment that increases all the rest of these authorizations?"

Mr. MURPHY. Let me first answer the gentleman. I speak to the matters that my subcommittee handles. I know that we have held hearings on the Education of the Handicapped Act. We have recommended that the funding level be increased and we hope to have that act on the floor some time in the near future, but without this section, we have absolutely no room for growth in the Education for the Handicapped Act.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. MURPHY) has expired.

All time has expired.

□ 1410

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURPHY) having assumed the chair, Mr. LELAND, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a select commission on Federal assistance to disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor, had come to no resolution thereon.

TRADE ACT OF 1974 AMENDMENTS

The SPEAKER pro tempore. Pursuant to House Resolution 299 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3391.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida (Mr. GIBBONS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the trade adjustment assistance programs were enacted 20 years ago, and renewed in 1974 and 1981, to provide weekly cash benefits, training, and job search and relocation assistance to workers and technical and financial assistance to firms when increased imports contribute importantly to layoffs and to sales or production declines. For the past 20 years Congress and successive administrations have regarded it a Federal Government responsibility to aid workers and firms in certain sectors which may experience temporary dislocation as a result of a national policy to liberalize trade for the benefit of the country as a whole. Congress also recognized that special assistance beyond normal unemployment and business loan programs was necessary to meet the more difficult adjustment problems that entire industries or geographic regions may face with increased import competition.

TAA expires by statute on September 30. H.R. 3391 reauthorizes the worker and firm TAA programs for 2 years until September 30, 1985. The bill also amends these programs in several respects to improve their operation and effectiveness.

H.R. 3391 removes an inequity in current program coverage by extending eligibility to workers in independently owned firms supplying essential parts or services adversely affected by increased imports of finished articles. These workers are currently eligible for TAA if employed in an integrated company which also produces the end product. Workers laid off because a firm or plant relocates its production facilities abroad would also be covered by the bill.

The major provision of H.R. 3391 would enhance the prospects and increase the opportunities for worker training. Under present law, the Secretary of Labor has discretionary authority not to approve training even if a worker meets the five statutory conditions for eligibility. Many workers seeking training have met these criteria but have not been approved because insufficient program funds were available at the time to pay the costs. The bill would require approval of training if the existing criteria are met, thereby removing lack of funds as an additional administrative basis for denying training. Workers would be reimbursed if they self-financed their training costs, pending funds being appropriated.

The bill adds a voucher system as an alternative to State-contracted training in order to encourage workers to seek on-the-job or institutional training opportunities on their own which they believe most appropriate to their needs. Safeguards are included to prevent abuse and to require State approval of training courses.

To enable more workers to enter training, the bill adds a supplemental assistance benefit of $15 per day as minimal income support for any worker in approved training who is ineligible for trade readjustment allowances under the TAA program. Nor would such assistance be available while a worker is eligible for unemployment compensation. H.R. 3391 increases the emphasis on worker adjustment also by increasing the level of job search and relocation allowances. Amendments to the firm program increase the availability of technical assistance on an industrywide basis and increases the maximum amount of such assistance an individual industry can obtain annually from $2 to $10 million.

With respect to funding, H.R. 3391 establishes a special account consisting of customs receipts as the most appropriate source of revenue to fund the total costs of the TAA program. The Committee on Ways and Means has appropriated specific amounts of revenues attributable to import duties into the account based on CBO cost estimates of $217 million in fiscal year 1984 and $163 million in fiscal year 1985. However, actual funding of TAA will depend on appropriations out of the account through the passage of appropriations legislation. A separate account established in the Commerce Department consisting of TAA loan repayments would be available to supplement appropriations for the firm program.

In 1981, Congress addressed the criticisms that TAA had become too costly and focused on temporary income maintenance. Cash benefits were greatly reduced and the worker program reoriented to training and other adjustment measures for the longer term unemployed. The TAA programs are now modest and manageable in budgetary costs. They address the specific adjustment needs of individual trade-impacted workers and firms and provide an alternative to the far more costly responsse to the Nation of raising import restrictions. Firm TAA is the only program available combining technical and financial assistance oriented toward adjustment of small- and medium-sized businesses. Continuation of TAA is even more essential now at a time when autos, steel, textiles, and other basic industries face major basic structural adjustment problems and their workers require retraining for alternative jobs.

I urge your support of H.R. 3391.

Mr. Chairman, the moving force behind this legislation, the Member who has taken the greatest interest in it—and I want to applaud him here publicly now—is our colleague, the gentleman from Ohio (Mr. DON PEASE). He has been vitally interested in the welfare of the worker and in the retraining of the worker when the worker is laid off because of trade impact, and he has fought mightily and successfully to bring this legislation to the floor.

This is a sound piece of legislation reflecting his sound, sensible approach to nationwide problems. This program should be distinguished from the CETA program and from all other kinds of make-work types of job programs that we have had around here. It is also not the same old trade adjustment assistance program that we used to have that paid out more in

cash benefits to unemployed workers than was perhaps necessary in many instances. This is a very sound sensible training and readjustment program to meet a national need.

Mr. Chairman, I intend to yield the balance of my time to the gentleman from Ohio (Mr. PEASE).

Mr. FRENZEL. Mr. Chairman, if the gentleman from Florida (Mr. GIBBONS) does not object, I have a speaker to whom I wish to yield time immediately.

Mr. Chairman, I yield such time as he may consume to the distinguished ranking minority member of the Committee on Ways and Means, the gentleman from New York (Mr. CONABLE).

□ 1420

Mr. CONABLE. Mr. Chairman, I rise in opposition to H.R. 3391, a bill to extend for an additional 2 years the trade adjustment assistance programs for workers and firms. The bill also significantly expands the coverage of TAA programs as well as the level of training benefits provided under them. It is hardly the kind of legislation we should be considering at a time when persistently high budget deficits dictate a need for austerity and caution.

Although the Congress acted decisively only 2 years ago to bring the cost of TAA programs under control, H.R. 3391 reverses our earlier actions and multiplies the programs' cost from $92.5 million in fiscal year 1983 to $217 million in fiscal year 1984 and $163 million in fiscal year 1985. Furthermore, if additional funds are needed to cover unforeseen costs overruns, H.R. 3391 authorizes such expenditures without limitation.

From a fiscal point of view, this bill throws caution to the winds. Let me elaborate further on the reasons why I feel this legislation would be opposed.

First, the bill greatly expands worker eligibility and is expected to bring more than 16,000 new recipients under TAA coverage. As in the past, the bill before us extends benefits to workers in firms directly impacted by increased imports. However, H.R. 3391 also would create a new entitlement for workers in firms supplying essential parts and services to these primary firms. This change alone will expand the programs' cost by $44 million each year and, because the causal link to imports becomes obscured, many more workers than expected could qualify for benefits.

Second, this legislation is unnecessary because it duplicates the benefits already extended to dislocated workers under the recently enacted Job Training Partnership Act. This act provides training and other benefits to all dislocated workers, including any who have been laid off due to the effects of increased imports. The administration has requested $220 million in fiscal year 1984 for training, job search and relocation allowances under the JTPA. As a matter of policy, to single out trade impacted workers for a higher level of protection than other dislocated workers who are seeking training for new jobs, seems questionable.

Third, this legislation sets up a special account for funding worker and firm assistance to be supplied by allocations from general customs revenues. Set percentages of annual customs revenues are stipulated for this purpose. Once committed, such funds may not be used for any other purpose.

It is well known that funding procedures of this nature are generally resorted to as a means to avoid the uncertainties of the normal appropriations process. Through this special account mechanism, we are being asked to commit a level of funding for fiscal years 1984 and 1985 that we might not otherwise be willing to appropriate. Yet, later on our hands will be tied, whether or not economic circumstances might justify a lower level of funding.

Fourth, the bill, as currently drafted, strengthens the entitlement aspect of the training programs even more than was done in the 1981 amendments. This trend was objectionable then, and I have not changed my viewpoint now. The legislation narrows the discretion of the Secretary of Labor because under the revised provisions in this bill, the Secretary now is mandated to award the benefits whenever an employee can meet the broad eligibility requirements. As a result, the conferral of benefits will become virtually automatic.

In summary, this bill expands TAA benefits on questionable grounds, makes training outlays essentially automatic, and duplicates already appropriated training funds under the Job Training Partnership Act. And it will do all this in an irresponsible way—by insulating the bill from the normal appropriations process. We will be creating a situation where, in future years, and perhaps under changed economic circumstances, we will be unable to exercise control over the amount of funding committed to this program.

This legislation can hardly be held up as a blueprint for responsible congressional action at a time when controlling Federal budget outlays really would be the greatest public service we could perform.

I urge my colleagues to reject H.R. 3391, as currently drafted.

Mr. PEASE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe in the principle of free trade. Our trade policy should promote the free flow of goods and services among nations. But not at the unmitigated expense of thousands of jobs and markets for American workers and businesses. If you agree, you should support the passage of this bill without amendment.

It is not enough to simply join with President Reagan in decrying America's apparent shift toward protectionism as a "bunker mentality" that threatens free trade. The real challenge before us is to understand the currents of change that are transforming world trade patterns and to decide how we are going to respond.

From the end of World War II into the early 1960's, our economy was largely self-reliant. It grew by leaps and bounds with no limits in sight. Most Americans saw their standards of living rise steadily. American industries and manufacturing workers were producing primarily for the domestic marketplace and were not threatened by imports per se. Free trade was a high-sounding principle that did not cost anything.

Since the early 1960's, our position in the world economy has changed dramatically. Our easy access overseas to critical raw materials at cheap prices has disappeared forever, while we continue to draw down our domestic supplies. Our exports have not kept pace with the flood of imports pouring into the American marketplace. More than 70 percent of all goods we produce are now actively competing with foreign-made goods.

It has become clear that American business, industry, and labor were not prepared for the onslaught of foreign competition given entry to American markets in recent years by our official adherence to the principle of free trade. Consequently, the U.S. trade deficit last year rose to a record level. It is proving painful to come to terms with the new dynamics of international trade. Many American consumers now prefer foreign-made products.

To make matters worse, President Reagan is ignoring an important means of sustaining broad-based popular support for free trade policies. He is right to argue that open markets and free trade serve our national interest. Twenty percent of all the goods we now produce are exported. But he is wrong, as the first President in the postwar era, to deny flatly that our Federal Government has any obligation or constructive role to play in helping thousands of American workers and businesses who are losing their jobs and markets in American industries adversely affected by the rising tide of imports. This oversight in the President's perspective on international trade helps explain the growing hue and cry in this Congress and among the American people for protection.

The Trade Expansion Act of 1962 and the Trade Act of 1974 included provisions to assist firms and workers adversely affected by increased imports. Unlike President Reagan, Presidents Kennedy, Johnson, Nixon, Ford,

and Carter all understood that pursuing trade liberalization in the national interest necessarily requires that some of our industries and workers risk their markets and jobs to imports.

That is why Federal assistance has been available throughout the last 20 years to help trade-sensitive firms get technical assistance and loans to adjust to increased foreign competition.

That is why America's labor leaders accepted free trade policies in exchange for what they thought at the time was a solemn commitment by our Federal Government to provide adequate compensation, training opportunities, and job search and relocation aid to manufacturing workers thrown out of work by imports.

That is why it is very important for us to reauthorize an improved trade adjustment assistance [TAA] program now.

But President Reagan and the other opponents of this bill want to forget longstanding commitments. They want to abandon thousands of American workers who have lost their jobs in our basic industries like textiles, steel, autos, rubber, and electronics to foreign competition in recent years and to deny them means to reequip themselves to find new jobs. The opponents of this bill seek the benefits of free trade, while they deliberately downplay and largely ignore its human costs in unemployment and bankruptcies across our country. What the opponents cannot grasp is that modest programs like TAA for workers and firms are crucial to maintaining domestic support for free trade and to helping American firms and labor meet the challenge of increasing imports.

Do not get me wrong. I concede that the way the TAA program was designed in 1974 and later administered had many flaws. For example, when auto industry layoffs soared in the late 1970's, the TAA program for workers operated almost exclusively as an income-maintenance program with virtually no funds available for retraining unemployed workers certain not to be recalled to their old jobs. More than $1.6 billion was spent on weekly TRA benefits in fiscal year 1980, but only $5.2 million was spent on retraining. This bill provides for a much-improved TAA program with a new emphasis—on training.

The past problems of the TAA program are not sufficient cause to dismiss blithely any Federal responsibility for redressing the harmful domestic consequences of free trade policies set in Washington. This bill makes available only 2.6 percent of the more than $10 billion to be collected in customs duties levied on imports in fiscal year 1984. That is a small amount to retrain American workers who lose their jobs to foreign competition and to assist beleaguered small businesses. The required funding decreases significantly in fiscal year 1985.

President Reagan has said that our country and our trading partners are together in the "boat of open markets and free trade" in which holes are being shot by neoprotectionists. But to save the ship, the opponents of this bill are ready to throw overboard many American workers and struggling businesses.

I urge you to vote for this bill and for renewal of the TAA program. In so doing, you will be supporting a more enlightened, more compassionate, and more responsive trade policy in the turbulent years to come.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. FRENZEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in opposition to H.R. 3391 as currently drafted, which extends, at expanded levels, a costly entitlement program that duplicates the benefits and protections for dislocated workers contained in the recently enacted Job Training Partnership Act. This bill would also extend a trade adjustment assistance program for firms that have been unsuccessful in encouraging anymore than a handful of companies to adjust to import competition.

In my view, expanding a policy of special treatment for import related unemployment is not justified given the varied and formidable economic forces that contribute to loss of jobs in our society today.

The retraining objectives of TAA would be more equitably addressed by the JTPA. Under title III of this act, in the first large-scale effort to provide long-term solutions for workers unemployed due to many types of economic change, the administration has requested $220 million for training and relocation allowances. The outlays associated with this program are more reasonable and can be managed responsibly by evaluating needs and appropriating funds each year rather than funding an entitlement governed by a set of static criteria.

H.R. 3391, on the other hand, reinforces in two ways the entitlement nature of training under TAA that I have objected to in the past. First of all, the bill tightens already strict limits on the discretion of the Secretary of Labor to deny assistance funds for training programs that are ineffective or too expensive. In light of the severe budget constraints we face, the Secretary must have the flexibility to target funds to efficient training while keeping within the budget amounts set by Congress.

Yet as drafted, this legislation would make it next to impossible for the Secretary to deny training. For example, benefits can only be denied to workers who fail to accept work that pays 80 percent or above of their previous wages. Since former wages of laid-off auto and steelworkers can be more than double the average manufacturing wage in the United States this provision has the effect of delaying job changes to new sectors. The fact that this program sets up a double standard for unemployed workers depending on the cause of their job loss is illustrated by the fact that conventional unemployment benefits are denied to workers who turn down jobs which pay the highest minimum wage available in the area.

The second characteristic that gives H.R. 3391 the look of an entitlement program is the new special account it would create. H.R. 3391 would actually sidestep the appropriations process by creating what amounts to a trust fund with a direct claim on a certain percentage of U.S. Customs duties to cover expenditures for TAA programs. This shrinks the role of the Appropriations Committee to that of appropriating funds, under tightly drawn directives, out of this fund which holds the money in reserve for a year whether or not appropriations are made.

I also oppose the extension of eligibility for benefits to firms supplying parts and services to other firms that experience trade related unemployment because of the difficulty in establishing the link to import competition. Imports are but one element of a very dynamic economic situation and we can not look to the TAA program to solve more entrenched problems such as structural unemployment.

In my view cost estimates incorporating the number of workers and firms that could be certified under this legislation are highly uncertain. The ability to feed "such funds as may be necessary" into the special account requires further authorizations for any increased costs and threatens runaway costs should estimates be too low.

I plan to offer four amendments that are designed to insure that the TAA programs are fiscally sound.

The first amendment maintains the TAA special account created under the provision of H.R. 3391 but at levels that are consistent with the first concurrent resolution on the budget. This resolution, passed only a few short months ago, provides $134 million in fiscal year 1984 for renewal of TAA programs. My amendment would limit expenditures under H.R. 3391 to $134 million in both fiscal year 1984 and fiscal year 1985. It also eliminates the authorization of unspecified "additional sums" to cover cost overruns.

Of the total $134 million, the amendment provides $61.5 million each year for training and related benefits, $40 million for weekly cash al-

lowances, $5 million to cover additional 26 weeks of benefits for workers in training, and $27.5 million for firms. These figures are consistent with CBO estimates of the prospective cost of weekly allowances and training for payments or for TAA benefits for secondary workers.

I would like to point out that my amendment provides slightly more money, a total of $123 million, for prospective training benefits than does H.R. 3391. However, it does not include $55 million in retroactive training payments to TAA recipients certified between September 30, 1982, and date of enactment of this bill. Most of these workers qualify for training and relocation benefits under the Jobs Training Partnership Training Act, and such extensive retroactive benefits in my view are not justified.

The second amendment takes care of a problem I reviewed earlier. It would eliminate the provisions of H.R. 3391 that extend eligibility for benefits to workers in firms that supply essential parts and services to trade-impacted industrties. These new provisions are expected to bring more than 8,000 additional workers per year under TAA at a cost of about $44 million annually. Coverage for secondary workers will increase the cost of weekly allowances and training by about 67 percent over existing law.

The link to import competition becomes very superficial with respect to secondary workers and implies that the real goal of TAA programs is unemployment compensation rather than trade adjustment. To create an expectation that TAA will cure all the ills of structural unemployment can only lead to disappointment. My amendment will insure that imports are a direct causal factor in qualifying for TAA benefits.

My third and fourth amendments simplify the authorization process by providing direct authorizations of $217 million in fiscal year 1984 and $163 million in fiscal year 1985 for TAA programs. There would be the special account, no authorization for unspecified additional sums to cover cost overruns, and no circumvention of the appropriations process. Yet the full amount of money to cover the cost of H.R. 3391, as estimated by the Congressional Budget Office, will also be provided under my amendment.

The major difference in my amendments and the provision of H.R. 3391 is that the amendments reduce considerably the entitlement nature of TAA programs as envisioned by this bill and place a ceiling on expenditures for TAA programs. My last amendment does provide some flexibility in the authorization of money to cover weekly cash allowances, as is the case under existing law, but declines to carry any entitlement over to training or firms as provided under H.R. 3391.

AMENDMENTS

Because H.R. 3391 broadens TAA coverage, mandates the approval of training benefits and removes all caps on spending, we should not be surprized if costs skyrocket. The cost of weekly cash allowances is expected to jump by at least 93 percent over the cost of similar benefits under existing law. Expenditures for training will rise by a staggering 340 percent the first year, including $55 million for retroactive payments, and in the second year, will be 120-percent higher than today.

I urge my colleagues to vote for these amendments when they are offered.

□ 1440

Mr. PEASE. Mr. Chairman, I yield 6 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, the underlying philosophy of this country in trade is to make that trade as free and open as possible, to remove barriers, and to maximize the flow of international trade and commerce. Toward that objective we have participated in a series of international agreements and discussions, beginning with the Kennedy round of talks, continuing through the Tokyo round of talks and numbers in between and others that will continue, that will take place in the future.

Under those trade agreements we removed or agreed to the removal of barriers to trade which protected domestic industries and workers against unfair trade practices by foreign competition from either government-subsidized or government-owned industries.

In return, we ought to provide a measure of protection and assistance in unemployment compensation and training and adjustment to this new condition for those workers whose jobs are lost because goods produced under unfair conditions and which will compete unfairly with U.S. goods are now entering this country and displacing our commodities in our marketplace.

If we do not provide the kind of assistance authorized, envisioned under this legislation we will see that respect will be lost for the trade agreements into which we have entered, there will be widespread clamor for protectionism against these commodities produced in foreign countries under unfair conditions; and we will see a return to a prior condition which may again disrupt international markets and cause economic problems for the United States.

Now it is a fact that as a result of the change in our trade policies millions of Americans have lost jobs and that is not an understatement. We have literally seen entire industries wiped out in sectors of this economy.

In return, however, the meager provision of the 1974 Trade Adjustment Assistance Trade for unemployment compensation and the very strict conditions under which that adjustment is meted out have been inadequate to compensate the people whose jobs have been lost.

Even in the absence of unfair competition free trade policies are going to result in technological change, dislocation of the domestic marketplace and a host of other conditions that have been discussed in the course of the hearings conducted very ably by the gentleman from Ohio (Mr. PEASE).

More than 70 percent of all goods produced in the United States face competition from foreign-made commodities that are imported into our marketplace.

□ 1450

And that is a growing range of competition, particularly in the wake of the international trade agreements that we have signed.

The Congressional Budget Office estimated that as of January 1983, there were 750,000 dislocated workers due to international agreements.

The Chairman of the International Trade Commission estimated that there will be in the course of this year an additional 1 million workers displaced in 1983.

What I would like to do is just for a moment share the human impact of that trade dislocation. I would like to quote from a letter from an unemployed steelworker, a woman who in late August wrote to one of my Minnesota colleagues, sent me a copy of her letter, a colleague who is opposed to this legislation. She wrote:

Upon hearing that you are the motivating force behind termination of the act on September 30, I feel that I must speak my mind. In case, you haven't heard the situation here in northeastern Minnesota is extremely bad. On second thought, bad isn't the word to describe it, suicidal is a more appropriate choice. Sheer desperation has set in around the entire area. Displaced steelworkers are pushing the panic button. With sky high unemployment, only a scattered amount of part-time, minimum wage jobs available, and no hope of being called back to work at a dying Minntac—

That is Minnesota taconite plant, that produces iron ore pellets—

people desperately need somewhere to turn.

Now, I ask you to figure it out. If there are not jobs to be found in this state, and no hope returning back to the boom days of the taconite industry, what would your options be? Logically speaking, I would say two ideas pop into my mind: one, relocation, and two, retraining.

Now, that comes from a person who is there on the firing line, a person whose job is at stake, unlike some who, in this Chamber, speak so grandiloquently and in such abstract terms about this issue. Those are the words of a person whose job is lost, whose income is demolished, whose future is uncertain. And all she is saying is,

"Give me a chance to create a new life, a new opportunity."

The letter goes on to make an eloquent and effective appeal not for welfare but for retraining, for an interim income so that she can retain her dignity and keep her family together and create a new future for herself and for her children.

The Federal Government has a responsibility to those who have lost their jobs through policies adopted by the Federal Government that have created the dislocation in the workplace. Those are not policies adopted by any of the States, they are not adopted by the workers or the industry; those are policies adopted by the Federal Government. And we as Representatives of that Federal Government have an obligation to repond.

The extension of benefits that is provided in this legislation to workers engaged in production of component parts and provision of essential services is long overdue, and I commend the gentleman from Ohio for having included that provision in this legislation. I have argued for it and cosponsored such legislation along with him going back several years. There is a clear and direct link between Minnesota or Minnesota raw iron ore and taconite, processed ore, and imported steel. We have no other market for that iron ore and those taconite pellets. There is nothing you can do with them except make steel out of that ore, and when imported steel comes in and dislocates jobs in the lower lake ports and puts the steelworkers there out of work, they do not need the Minnesota taconites and our people are laid off. That is the direct link to which the gentleman on the other side of the aisle referred a moment ago.

I urge the adoption of this legislation and rejection of the amendments from my colleague from Minnesota.

Mr. PEASE. Mr. Chairman, I yield myself 2 minutes for the purpose of entering into a colloquy with the distinguished chairman of the House Budget Committee, the Honorable Mr. JONES of Oklahoma.

Opponents have attacked this bill with charges that it creates new entitlement authority for training in relation to the Budget Act and that it opens the door to uncontrollable spending. These charges are not true by my understanding.

H.R. 3301 reauthorizes the worker training provisions which expire at the end of this fiscal year. It also amends the training provisions by requiring the Secretary of Labor to approve training for workers whom he determines meet certain criteria. Under existing law, the Secretary may approve training for workers whom he determines meet certain criteria. However, since the Secretary of Labor's initial determination as to whether a worker meets certain criteria is discretionary in nature, those provisions would not create an entitlement for purposes of the Budget Act.

I would like to ask if that is the gentleman's understanding also?

Mr. JONES of Oklahoma. If the gentleman will yield, the gentleman is correct, that is my understanding. According to House precedents, the provisions for worker training in the reported bill do not create an entitlement for Budget Act purposes. Therefore, the authorization levels provided in this bill, H.R. 3391, would not violate the budget resolution or the Budget Act. The Labor-HHS Appropriation Subcommittee will have to determine the actual funding levels for the various aspects of the TAA program, and that is where the budget limitations would come into play.

Mr. PEASE. I thank my colleague very much for those words of clarification. We have heard some discussion this afternoon about budgetary problems, and it seems to me that we have no more authoritative source than the chairman of the House Budget Committee on that subject.

Mr. Chairman, might I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Ohio (Mr. PEASE) has 5 minutes remaining, and the gentleman from Colorado (Mr. BROWN) has 15 minutes remaining.

Mr. PEASE. Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Colorado. Mr. Chairman, I have no other requests for time, and I yield back the balance of my time.

Mr. PEASE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ.)

Mr. GONZALEZ. I thank the distinguished gentleman from Ohio (Mr. PEASE) for yielding, and I rise, actually, in joinder with his efforts and in support of this bill and against the thus far announced and explained amendments, and really mainly for the purpose of asking a question or two. But may I preface my question by saying that I was here in 1962 at the time of the consideration, debate, and approval of what was known as the Trade Expansion Act of 1962. It was one of the very few recommended legislative programs that I did not vote for that President Kennedy, whom I supported almost without exception in every other way, had asked the Congress to approve. One of the reasons is because of the fact that no consideration was being given then for what I considered a new development, the emergence of the multinational cartels, in a manner reminiscent of post-World War I. And I am sorry to say that, although I support this bill now out of sheer necessity, I foresaw what would be happening if we did not become realistic enough to anticipate the forces that would impinge on our economic life to the point where our workers would be placed, as they have been and are now continuing to be, to compete with every coolie, peon, and slave laborer that is now working under the onus of authoritarian regimes throughout the world. This is exactly what we are confronting and continue to confront. Until we address that, the best thing that we can do is to approve this type of assistance to the victim American workers.

My question was this, Mr. Chairman: We are caught here in a sort of a catch-22, if I understand the dilemma. If an individual in a given State would want to apply for relief under this trade assistance provision, we are caught since 1981, are we not, with the dilemma that any State that is willing to do it and conduct a program of retraining, without the benefit of having the Federal Government or the Congress approve this act, would face the fact that since 1981 the Secretary of Labor in effect has prevented States from funding this type of activity? Am I correct in that interpretation?

□ 1500

Mr. PEASE. If the gentleman would yield, I think under this legislation there is no provision for State funding, so if the States wanted to put in money they probably could not absent the availability of Federal money.

Mr. GONZALEZ. I thank the gentleman, and also commend him for his effort on this behalf and I certainly intend to support the bill.

Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 3391, the Worker and Firm Trade Adjustment Assistance Act of 1983. This legislation will reauthorize and improve the trade adjustment assistance programs which have been aiding workers and firms which have suffered economic dislocation because of adverse trade and import conditions.

This legislation is especially needed at this time when our economy is undergoing major structural changes in response to the increasing interdependence of the world economy. Trade adjustment assistance has always been a constructive alternative to trade restrictions. It provides workers with a financial cushion and training to prepare them for new employment opportunities when their old jobs have been lost because of foreign competition.

H.R. 3391 not only continues this sensible approach to the loss of certain businesses and jobs to foreign competition, it also makes improvements in the program by expanding its coverage to include workers in firms that supply services or parts to import-impacted producers. It also makes it easier for dislocated workers to pursue training programs for new jobs, by extending the period of training during which cash payments can

be received, by requiring approval of training for qualified individuals regardless of whether there are sufficient funds, and by increasing the maximum job search and relocation allowances.

Given the transition pains that sectors of our economy are suffering, this bill is deserving of our support.

● Mr. CORRADA. Mr. Chairman, I rise in strong support of H.R. 3391, a bill to reauthorize the trade adjustments assistance program. The Trade Expansion Act of 1962 established this program of trade adjustment assistance for workers and firms. The thrust behind the program was the recognition of the problems arising from trade policies that may affect industries.

In the 20 years of its existence, the program has provided technical and other assistance to hundreds of thousands of workers and industries to enable them to recover from the impact of foreign imports. The program has also served as an option to the imposition of import restrictions as a way to provide relief to domestic industries.

Since January 1982 to the present, 14 firms have become eligible in Puerto Rico for adjustment assistance. Although it is regrettable that there is a need for such a program, it is nevertheless very important that this program be continued and expanded.

H.R. 3391 amends the program in the following way:

First, it expands coverage to additional workers in independent firms which are essential to qualifying firms and to workers who may be laid off because of a firm's relocation in a foreign country.

Second, the bill increases the maximum number of weeks of authorized leave under certain conditions which are then credited for the minimum amount of time needed to qualify for assistance.

Third, extends the benefit period during which a worker may collect benefits.

Fourth, worker training provisions are amended to remove lack of funding as a reason for not approving training. In addition, the requirement that there be a reasonable expectation of employment after training does not mean that there be a concrete offer of employment.

Fifth, there is an increase in the maximum job search allowance from $600 to $800.

Sixth, there is an increase in the maximum annual amount of technical assistance per industry from $2 to $10 million.

Seventh, a separate account will be established to be administered by the International Trade Administration and which will consist of all repayments of loans, interest payments, et cetera, for use in future loans, loan guarantees, and technical assistance under the program.

The bill extends the program through 1985 and reauthorizes appropriation levels of $217 million in fiscal year 1984 and $163 million in fiscal year 1985.

The legislation places renewed emphasis on retraining and thus addresses a key issue that will confront us in the next years; the need to retrain workers for jobs that are responsive to our industrial policy.

I urge my colleagues to reject amendments to weaken the provisions of this legislation and to vote in favor of H.R. 3391.●

The CHAIRMAN. The gentleman from Ohio (Mr. PEASE) has 2 minutes remaining.

Mr. PEASE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 3391) to improve worker training under the Trade Act of 1974, and for other purposes, had come to no resolution thereon.

TIME TO BE ANNOUNCED FOR SPECIAL ORDER ON THE LATE HONORABLE LARRY McDONALD

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JENKINS. Mr. Speaker, all of the people of America and indeed of the entire world have been shocked and dismayed and sorrowed at the tragedy that has recently occurred which took the lives of many people, including one of our colleagues here in the House.

I recognize that many Members of the House have asked about when a special order be granted. Tomorrow that will be announced for a day certain and a time certain so that all the Members of this House will have the opportunity to speak during that special order.

THE LATE HONORABLE LARRY McDONALD

Mr. JENKINS. Mr. Speaker, on behalf of all of the members of the Georgia congressional delegation, I offer a privileged resolution (H. Res. 307) on the death of the Honorable LARRY MCDONALD, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 307

Resolved, That the House has heard with profound sorrow of the death of the Honorable LARRY MCDONALD, a Representative from the State of Georgia.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the memorial service.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HOUSE SHOULD DEMONSTRATE SUPPORT FOR DEFENSE PROGRAMS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I was interested, indeed, to listen to the remarks of Members of the House this morning expressing their outrage and concern over the shooting down of the Korean plane 007, with some 61 American citizens aboard, and expressing their desire to do something to retaliate against the Soviet Union.

At the same time I had on my desk a letter from 71 Members of the House who are proposing to send back the defense conference report agreed to by the House and Senate conferees because of the fact that the conferees agreed to begin a very minor kind of military capability to deter a much more massive chemical capability that the Soviets have.

If anybody really means what was said this morning about trying to retaliate, the best way to retaliate is to demonstrate that the House of Representatives is solidly behind the defense programs that the committees of the House and the Senate have recommended.

NEGOTIATED FHA INTEREST RATES—CORRECTING THE RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, at the time the House debated the bill H.R. 1, which is the Housing and Urban Rural Recovery Act of 1983, my colleague from Texas (Mr. BARTLETT) offered an amendment to allow the Federal Housing Administration to issue mortgage insurance on mortgages with negotiated interest rates. This amendment was accepted. Its effect, as I pointed out fruitlessly at the time, is to eliminate the maximum interest rate ceiling on FHA loans that is set by the Secretary of Housing and Urban Development from time to time and which has been in the law since its inception over 40 years ago.

The House did not have a full understanding of the impact of this amendment and the claims made by proponents of it were in fact not true.

Their claims, proposed by Mr. BARTLETT, were based on what they palmed off on the House at that time as the results of an experimental pilot project. It was claimed that if this amendment were accepted, the so-called points that are charged by lenders would be eliminated, or at least minimized.

The truth of the matter is that the very opposite will happen. This is one reason why that provision of the law has been unchanged through the years, for over 40 years. The truth of the matter is that what data does exist on the question of negotiated FHA interest rates, including that data referred to by Mr. BARTLETT, shows that not only are the loans issued at above FHA's fixed-rate level; the points are still assessed. Ultimately, in fact, the Bartlett amendment, if enacted and approved by the Senate, would raise the cost of home ownership by generally increasing the interest rates which today are intolerable, exorbitant, and paralyzing the attempt on the part of any otherwise eligible American family to own their own home.

□ 1510

What this amendment will do is simply give lenders a mortgage instrument that is easier to sell, because some points that would be charged under a loan with an FHA ceiling would simply be folded into the loan principal itself. That would mean less cash up front, meaning a mortgage that is easier to sell but a loan that ultimately costs much more.

What has been the experience with the experimental negotiated rate program?

In December 1982, the FHA rate was 12 percent, and points were 6 to 7. At that time, a negotiated rate FHA loan in Boston was from 12 to 14 percent, with points ranging from 4 to 10. In other words, not only was the interest higher, so were the points. Down in Richmond, the negotiated rate was a half percent above the FHA ceiling, and points were from 8 to 12—again, a higher interest and higher points as well.

Indeed, nothing suggests that the negotiated loan program would eliminate or even minimize points. This, as a matter of fact, worsens the situation. But even if it did, the higher interest rates that result would make the cost of the home loan much higher over its lifetime. How much higher would depend on the length of time the loan was held.

Those who favored the Bartlett amendment spoke of market forces, as if home buyers could conduct the same kind of interest rate auction that a sophisticated borrower like the U.S. Treasury or General Motors can carry out. But the typical home buyer is not a professional money manager. The lender is. The lender knows all about the market and what it will bear and how to work in a little bit more profit at the expense of the innocent. So when we talk about negotiated interest rates on a home mortgage, we are talking about a one-way negotiation; we are talking about a negotiation between a shark and a little fish. The little fish has not a prayer of getting a good deal; his only chance is to run and hide. And the data on negotiated rates show that this is exactly what is happening. The points go right on being charged and the interest rate goes right on up, too.

The FHA ceiling approach at least tells the buyer that he can reasonably expect a certain ceiling in a reasonable market. It is at least a benchmark. It may well be that up front cash in the form of points payments will be needed to make the posted ceiling yield enough to meet market rates. But at least the overall interest rate is held to a reasonable level according to modern standards. In my book, it is still usurious and exorbitant. At least there is a point of reference, a benchmark set by people who do know what a reasonable market price is, who do know what lenders ought to be able to live with, which the typical home buyer does not.

Proponents of the Bartlett amendment were asked to show what the facts of the matter were. We asked them. Since we were not acquainted with any tangible results from any pilot program, we asked them to support their claim with hard facts. They could not do it on the House floor during the debate. But though the existence of such facts was claimed, no such information was adducible by them, of course.

I have been able to gather some information on this matter, and it shows clearly that experience has not given cause to think that points will disappear when interest rates are higher. I am submitting that information for the RECORD because I feel that had Members known the true facts, they might have voted differently on the Bartlett amendment. Even if the vote would not have been affected, the House was entitled to know the facts and to act upon those facts rather than the false impressions held out by the proponents of the Bartlett language.

I have suggested to my colleague, the gentleman from Texas (Mr. BARTLETT), that he should correct the record. I did this several weeks ago, and I make my letter to him on this matter a part of the RECORD today. I have not heard from him and am, therefore, placing in the RECORD information that the House should have had before its vote on this matter.

Mr. Speaker, that information and the letter to which I referred are included as follows:

HUD REGIONS—SURVEY CONDUCTED DECEMBER 1982, UNDER FHA NEGOTIATED RATE DEMONSTRATION PROGRAM

	Interest rates (percent)	Points
Region I	12–14	4–10
Region II	11–14½	3–9
Region III	10–12½	3–11
Region IV	10–14	2–11
Region V	9½–12½	3–8
Region VI	10–15½	0–9½
Region VII	11–15	2–9
Region VIII	9½–14	1–9.75
Region IX	7–12½	1–12.5
Region X	11–13½	0–8.5
Some selected cities in these regions:		
Boston	12–14	4–7
Buffalo	12	3
Richmond	12½	8–11
Detroit	11½–12	4–6
San Antonio	10–12½	
Kansas City	11–12½	8
Denver	11–12½	1–8
Los Angeles	12½	2–3
Seattle	11–12½	0–8.5

Note: Under the regular FHA program the interest rate during December 1982 was 12% and the points being paid varied from 6–7.

AUGUST 30, 1983.

Hon. STEVE BARTLETT,
Longworth House Office Building,
Washington, D.C.

DEAR COLLEAGUE: I am writing to express my concern that the Congressional Record is incomplete and very likely misleading with respect to the amendment that you offered during consideration of H.R. 1 to authorize a negotiated interest rate under the FHA insured loan program. I believe that the amendment would not have been adopted had the House known the entire facts. My purpose, however, is to request that you take an early opportunity to supply more complete information regarding your amendment for the Congressional Record.

Some Members clearly misunderstood the effect of your proposal to establish a negotiated interest rate program. This can be evidenced by reading the proceedings of the debate on this amendment. It was claimed that the proposal would ". . . eliminate the need for a lender to charge a seller points

. . ." (C.R. July 13, 1983, 18850). In your own statement, you said that the amendment would help by ". . . lessening the need for those excessive points . . ." (C.R. July 13, 1983, 18850). When you were queried about providing data from the demonstration program, upon which your proposal is based, you indicated that it would be made available. The data never appeared.

Based on data that I have obtained from the Department of Housing and Urban Development on the demonstration program, I propose to you that the data does not suggest conclusively that points would disappear under a negotiated interest rate program. While this information might have affected the outcome of the vote on your proposal, I feel there is an obligation for the record to reflect the actual experience under the demonstration program. It should show that points continued to be assessed under the negotiated interest rate demonstration program ranged from zero to 12.5 and often did not differ significantly from the experience under the fixed rate FHA program.

I have no doubt that you acted in good faith. I trust that you will make every effort to submit for the record the data to which you alluded during the course of debate on your amendment. It should be made clear to those Members who voted in support of your amendment that the experience under the demonstration program does not confirm the belief that a negotiated interest rate policy will cause points to disappear. The reality is that homebuyers will continue to pay very steep point premiums.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

HIGH HOLIDAYS 5744

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, for Jews all over the world, the new year began on the evening of September 7, the first day in the autumn month of Tishri, 5744, under the Jewish calendar, with the celebration of Rosh Hashanah, the Day of Judgment. This is a joyous, but solemn occasion for Jews, and a day of deep religious significance. It is also the beginning of a 10-day period of penitence, the Days of Awe, culminating in Yom Kippur, the Day of Atonement, the holiest day of the year.

The Hebrew month of Elul, which immediately precedes this high holiday period, is seen as a time for introspection and meditation in preparation for repentance and renewal. During this month, it is customary to visit the graves of relatives and teachers, to remember the sanctity of their lives, and to gain inspiration for the coming year. Penitential prayers, selikot, are recited at midnight on the Saturday before Rosh Hashanah, and continue for at least 4 days, as the tenor of the high holiday period begins to intensify. It is also customary to send friends and relatives cards containing special wishes for a new year of good will, peace, and happiness.

On Rosh Hashanah, God remembers all his creatures and judges humankind, and their destinies are inscribed in the Book of Life. It is a time for prayer, self-reflection, and penitence. The highlight of the Rosh Hashanah service in the synagogue is the blowing of the Shofar, or ram's horn, whose sound is meant to awaken man's conscience, to renew his faith, to return him to God, and to summon all Jews to self-examination and repentance.

For 10 days, beginning with Rosh Hashanah, and ending with Yom Kippur, all Jews make a concentrated effort at introspection and reconciliation. It is customary for Jews to ask forgiveness of other people they have slighted or hurt during the year. Through this direct confrontation with other persons, they approach forgiveness and reconciliation with others. Jews search their souls and repent for their sins, and ask forgiveness. Their deeds and fate are then weighed in the balance by God on the last day.

The 10th of Tishri, Yom Kippur, is the culmination of the entire high holiday period, and is marked by fasting and all other physical abstinence, in order for Jews to concentrate to the utmost on spiritual elements. The entire day is spent in the synagogue, praying and repenting for past sins. The day ends with the loud, long piercing shofar blast which marks the final sealing of the heavenly gates, the renewal of the spirit, and a final cleansing of the heart. Jews return to their homes for a large and joyous break-the-fast meal.

During these most holiest of days, I extend my greeting and best wishes for a happy new year to my many constituents and friends of the Jewish faith who reside in the 11th Congressional District of Illinois which I am honored to represent, as well as to all Jews throughout the world, especially those who must daily live a dismal existence under the tyranny and oppression of the Communists. Hopefully the new year 5744 will bring with it a relaxation of restrictions and permission for them to emigrate to Israel where they may worship in religious freedom.

"May you be inscribed for a good year," and let us hope and pray that the coming year brings a lasting peace in the Middle East, an end to all bloodshed in Lebanon, and a new beginning for all Jews.●

CONCANNON AND WENTE WINERIES—100 YEARS OF EXCELLENCE IN THE LIVERMORE VALLEY OF CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, this year, the people of the Livermore Valley—and people throughout the entire San Francisco Bay area—are celebrating the centennial of two great vineyards and two great families who have made those vineyards famous.

The Concannon and Wente wineries, the families that established and maintained them, and the people of our area who worked in these vineyards are all to be congratulated for a 100 years of hard work, imagination, and foresight, which have given our area and the Nation a quality product.

We are proud of our Livermore Valley wineries, not just because they have helped identify our valley to the world, but because the personal efforts of those who have worked on this land have been an example of hard work and determination which has helped shape all of us, and helped make all of us better citizens of the Livermore Valley.

Personally, I would just note that California is still a fairly young and rough State. Most of it has developed since World War II, but the permanence and endurance of these families and their wineries have helped establish California. The hard work represented by the quality product of these wineries demonstrates the full potential and sense of community which can be achieved. Robert Frost's words apply, I think:

The land was ours before we were the land's . . .
Such as we were we gave ourselves outright . . .
To the land vaguely realizing westward,
But still unstoried, artless, unenhanced,
Such as she was, such as she would become.

The extraordinary giving of the Concannon and Wente families to the land they settled has indeed brought us an art, famous worldwide. For this, they are all to be congratulated.

The celebration of the wineries continues this fall as the new crush of grapes is brought to the presses. This week, the Livermore Lions Club honors both wineries with a dinner. The weekend of the 24th of September begins 10 days of festivities, tours, and exhibits, with the Livermore Valley Harvest Festival.

I hope everyone will join me in wishing a "bon voyage" as these two wineries begin a second century of excellence.

I would like to include in the CONGRESSIONAL RECORD at this point a history of the two families and wineries:

CONCANNON—LIVERMORE VALLEY

HISTORY

If the vines could speak, they would have much to say about the effort put forth by three generations of Concannons and those more recently of Agustin Huneeus in establishing Concannon Vineyard as a leader in viticultural practices and premium wine pro-

duction. Further evidence of the success at Concannon was its recent acquisition by Distillers Company, Limited of London. This company, after having researched the California wine industry for two years, selected the historic Concannon winery because of the uniqueness of the Livermore appellation and its solid position in the national wine market.

The first vines were planted in 1883 when founder James Concannon brought cuttings of Sauvignon blanc and Semillon from that part of Bordeaux France known as Chateau d'Yquem. The Livermore Valley soil, classified by the USDA as Livermore Valley Very Gravelly Loam, accepted those vines successfully. The wines earned awards as early as the 1890's in national and international competition and are still doing so.

The earliest endeavors of James Concannon were geared primarily toward producing wines to be used for sacramental purposes. Joseph Concannon, upon leaving the military, continued the winemaking traditons set by his father. The succeeding generation, brothers Joseph, Jr., and James, pioneered in both viticultural practice and wine production. During the 50's and 60's, the marketing area extended to over thirty states and all major cities. Today, Concannon can be found in forty-four states.

The most notable innovation at Concannon was the release in 1964 of a varietal Petite Sirah, long used as a blending grape in Burgundy. The Concannons recognized that grape's unique adaptability to the gravelly soil and realized immediate success. Today, Petite Sirah is produced by more than thirty wineries in California and has taken its place as one of the most important red varietals.

After the death of Joe Concannon in 1978, the Concannon family decided that the extensive modernization in both the winery and the vineyard was an expense that would require an additional capital investment. The decision was made to sell the winery to Agustin Huneeus, who instituted a program of renewing the vineyard, establishing a barrel aging program for red wines, adding more modern production equipment, restructing the product line, and redesigning the label. James Concannon remained as president overseeing all aspects of the winery business.

In 1983, Distillers Company, Limited, ended its search for a premium estate winery that would be the entry of this prestigious firm to the California wine business. They recognized the wisdom of using the unique Livermore soil for the three varieties the Concannons had long felt best suited and supplementing the product line with wines produced from selected vineyards in the best appellations for each variety. The plan of specializing in the Livermore vineyards for the estate wines and developing, through long-term contracts, the best sources for the selected vineyard segment of the wines produced will enable the winery to reach its full capacity of 150,000 cases in 1986. During 1983, Concannon Vineyard observed its Centennial with a celebration on April 30 and May 1 attracting over 20,000 visitors.

The special events long associated with Concannon will continue—Art in the Vineyard during Memorial Day Weekend, Tasting in the Wood, a vertical tasting of Cabernet and Petite Sirah at each stage in the wines' development, during Thanksgiving weekend; and the Harvest Festival in late September.

Throughout the many changes that have taken place in the last decade, the philosophy instituted by the Concannon family has remained. The winery's goal of producing the highest quality wine is shared by all the personnel, many of whom have been employed for 15 years or more.

CONCANNON VINEYARD

TIME LINE

1883—James Concannon purchased 47 acres, built house, planted Sauvignon blanc and Semillon.

1887—Added 30 acres to estate.

1889—Began shipping vinifera cuttings to Mexico.

1893—Added 57 acres to estate.

1895—Winery building erected.

1898—Added 100 acres to estate.

1911—Planted Petite Sirah.

1918-1933—Volstead Act—Winery continued producing and selling sacramental wines.

1958—Champagne introduced (no longer produced).

1964—Petite Sirah released as a varietal.

1971—Planted Rkatsiteli (no longer produced).

1976—First to introduce rose made from Zinfandel grapes.

1980—Winery purchased by Pacific Land & Viticulture, Inc., headed by Agustin Huneeus.

1983 Winery purchased by Distillers Company, Limited.

WENTE BROTHERS

This year, 1983, Wente Bros. celebrates their 100th Anniversary of winemaking. At 100, Wente Bros. is the oldest, continuously operating family-owned winery in California. Indeed, there are very few family-owned wineries of pioneer vintage left, most have been absorbed by conglomerates.

The fourth generation of Wentes took over about five years ago, after the unexpected death of their father. With guidance from their mother, Jean, and 86 year old grandfather, Ernest, the young Wentes-Eric, 25, Philip, 24, and Carolyn, 21—picked up where their dad left off.

Since then they have doubled the size of their vineyard and winemaking operations, and are introducing a classic style brut sparkling wine to commemorate their centennial year.

The winery was founded in 1883 on 47 acres bordering Tesla Road southeast of Livermore. Since C. H. Wente planted his first cuttings imported from Europe, the winery has grown to some 1,600 acres in Alameda and Monterey counties. Another 2,300 acres of hill and flatland is used for grazing cattle and growing hay, grain and walnuts.

Today, Wente is considered a medium-sized winery yet, one of the largest producers of premium, cork finished wines. "We stress quality rather than size," says Eric, the family winemaker.

The Wentes take their grape growing and winemaking personally. All decisions are made jointly in family conferences that include Jean, the mother, and Carolyn, Eric and Phil.

"We grow virtually all the grapes that go into our wines," said Phil, the family farmer and a graduate of the University of California, Davis. "We know all of our vines and tanks by name, and each one of us tastes every batch of wine to make sure it meets our standards. Whenever anyone buys a Wente wine, he or she can be sure that it was first tasted by every adult member of our family before being approved for the marketplace."

Carolyn is in charge of marketing and public relations for Wente Bros. She drove the tractor, picked the grapes, bottled the wines and shoveled the grape skins from the fermenters, just like the brothers did. She is a Wente, and Wentes, man and woman, work. It's family tradition.

Carolyn, a Stanford graduate, explains: "We got the work ethic from dad, whose name was Karl. He got it from grandfather, Ernest; and gradfather got it from great-grandfather, who was called C. H.—C. H. thought idleness was bad for growing youngsters."

Carl Heinrich Wente, a young German immigrant, arrived in Northern California in the 1870's. Moving through several jobs as an hourly laborer, he was hired by a winemaker, (Charles Krug), and soon became cellarman. As his knowledge and interest in wine increased, so did his ambition to have his own vineyard and winery. He found his vineyard land in the gravelly soils of the Livermore Valley. Here he planted his vines, built his winery and raised his family of seven children. Two sons, Ernest and Herman, became Wente Bros., Inc. The third son, Carl F., opted for a different life in the world of banking and, eventually, became the president of the Bank of America.

Believing that life without wine was an unnatural state, Herman and Ernest turned to cattle ranching during Prohibition, which enabled them to also maintain the vineyards and the winery in excellent condition. As survivors of Prohibition, they were ready-made pioneers of the California wine industry when Repeal finally came. One of their first far-reaching innovations was to varietally label wine—a direct departure from the European wine industry's marketing of generic names such as Chablis, Burgundy and Sauterne. The first varietal label was for Sauvignon Blanc. This won the Grand Prix at the Paris International Exhibition in 1937—a great beginning following 18 years of hard work to keep vines and winery ready.

In 1949, Karl, Ernest's son, joined the original Wente Bros. He continued the innovative practices of his father and uncle. The amount of acreage increased, new farming and winemaking techniques were introduced, and the Wente winery became the model for many of the new plants during the great wine boom of the 60's and 70's.

The young Wentes have continued to expand along the lines envisioned by their grandfather and father. Besides pioneering vineyards in Monterey county, they have purchased the abandoned Cresta Blanca winery near Livermore. They are in the midst of rennovating the building for use as additional cellar storage and aging of their wines. They also may rehabilitate the historic tunnels that penetrate the hill beyond the winery.

New Industry innovations by the fourth generation include the design of the now widely used wine bottle called the "California bottle" and the development of a new tank press for immediate treatment of juice for champagne cuvee.

The fourth generation of Wente Bros. has the same sense of pride that C.H. Wente started with in 1883 and is as concerned in every way today, as he was then, to produce premium quality table wines.

COMPENDIUM OF 1982 CONCANNON WINE AWARDS

1982 ORANGE COUNTY FAIR WINE AWARDS

1981—Johannisberg Riesling, Livermore Valley, Estate Bottled—Bronze.
1981—Sauvignon Blanc, Livermore Valley, Estate Bottled—Bronze.
1978—Petite Sirah, California—Bronze.
1981—Muscat Blanc, Livermore Valley, Estate Bottled—Bronze.

1982 ALAMEDA COUNTY FAIR WINE AWARDS

1979—Chardonnay, California—Silver.
1981—Muscat Blanc—Silver.
1978—Petite Sirah—Bronze.
1981—Zinfandel Rose—Bronze.
1981—Chablis, California—Bronze.
1981—Sauvignon Blanc, Estate Bottled—Honorable Mention.
1981—Sauvignon Blanc, California—Honorable Mention.
1981—Johannisberg Riesling, Livermore Valley—Honorable Mention.
1981—Vin Rose—Honorable Mention.
1977—Cabernet Sauvignon, Livermore Valley—Honorable Mention.
NV—Rkatsiteli—Honorable Mention.

1982 LOS ANGELES COUNTY FAIR WINE JUDGING AWARDS

1981—Zinfandel Rose—Silver.
1980—Burgundy—Honorable Mention.
1981—Livermore Riesling, Livermore Valley—Honorable Mention.
1981—Johannisberg Riesling, Livermore Valley—Honorable Mention.

1982 SAN JOSE MERCURY NEWS CALIFORNIA WINE AWARDS

1981—Sauvignon Blanc, California—Professional Silver.
1981—Sauvignon Blanc, Livermore Valley—Professional Silver.
1978—Petite Sirah—Professional Bronze and Consumer Bronze.

1982 SAN FRANCISCO FAIR AND EXPOSITION WINE AWARDS

1978—Petite Sirah, California—Bronze.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. HUBBARD, for 60 minutes, today.
Mr. ALEXANDER, for 60 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. RICHARDSON, for 60 minutes, September 13.
Mr. ALEXANDER, for 60 minutes, September 13.
Mr. ALEXANDER, for 60 minutes, September 14.
Mr. ALEXANDER, for 60 minutes, September 15.
Mr. ALEXANDER, for 60 minutes, September 16.
Mr. ALEXANDER, for 60 minutes, September 19.
Mr. ALEXANDER, for 60 minutes, September 20.
Mr. ALEXANDER, for 60 minutes, September 21.
Mr. ALEXANDER, for 60 minutes, September 22.
Mr. ALEXANDER, for 60 minutes, September 23.
Mr. ALEXANDER, for 60 minutes, September 26.
Mr. ALEXANDER, for 60 minutes, September 27.
Mr. ALEXANDER, for 60 minutes, September 28.
Mr. ALEXANDER, for 60 minutes, September 29.
Mr. ALEXANDER, for 60 minutes, September 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BROWN of Colorado) and to include extraneous matter:)

Mr. GRADISON in two instances.
Mr. BROOMFIELD in four instances.
Mrs. JOHNSON in three instances.
Mr. BEREUTER in two instances.
Mr. KEMP in three instances.
Mr. ROTH.
Mr. PARRIS.
Mr. CRAIG.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. ANDERSON of California in 10 instances.
Mr. GONZALEZ in 10 instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. OTTINGER.
Mr. MCHUGH.
Mr. FLORIO in two instances.
Mr. BARNES.
Mr. GAYDOS.
Mr. KILDEE.
Mr. MATSUI in two instances.
Mr. KASTENMEIER.
Mrs. SCHROEDER.
Mr. SCHEUER.
Mr. EDWARDS of California.
Mr. STARK in four instances.
Mr. MURPHY.
Mr. FRANK.
Mr. BREAUX.
Mr. HARRISON in three instances.
Mr. PATTERSON.
Mr. DOWNEY of New York.
Mr. LIPINSKI.
Mr. YATES.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 1646. An act to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes;

H.R. 2895. An act to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and U.S. Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice;

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State;

H.R. 3549. An act to amend the bankruptcy rules with respect to providing notice; and

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program.

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen of the Board of Regents of the Smithsonian Institution.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 46. An act to revise, consolidate, and enact certain laws related to vessels and seamen as subtitle II of title 46, United States Code, "Shipping";

S. 1696. An act authorizing three additional Assistant Administrators of the Environmental Protection Agency;

S. 1797. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building";

S.J. Res. 85. Joint resolution to designate September 26, 1983, as "National Historically Black Colleges Day";

S.J. Res. 98. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week";

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; and

S.J. Res. 149. Joint resolution to temporarily suspend the authority of the Secretary of Agriculture, under the milk price support program, to impose a second 50 cents per hundredweight deduction from the proceeds of sale of all milk marketed commercially in the United States.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 3, 1983:

H.R. 2973. An act to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes.

On August 5, 1983:

H.R. 2355. An act to establish an emergency program of job training assistance for unemployed Korean conflict and Vietnam-era veterans, and for other purposes;

H.R. 3329. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes;

H.R. 3394. An act to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance; and

H.R. 3564. An act to require the Secretary of Agriculture to make an earlier announcement of the 1984 crop feed grain program and of the 1985 crop wheat and feed grain programs.

On August 10, 1983:

H.R. 1646. An act to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

On August 22, 1983:

H.R. 1372. An act to provide for the operation of certain foreign-built vessels in the coastwise trade of Alaska;

H.R. 2895. An act to designate the Federal Building and U.S. Courthouse at 450 Golden Gate Avenue, San Francisco, Calif., as the Phillip Burton Federal Building and U.S. Courthouse;

H.R. 3190. An act to establish an improved program for extra long staple cotton;

H.R. 3232. An act to amend title 28 of the United States Code to authorize payment of travel and transportation expenses of newly appointed special agents of the Department of Justice;

H.R. 3409. An act to amend the Federal Supplemental Compensation Act of 1982 with respect to the number of weeks of benefits paid in any State;

H.R. 3549. An act to amend the bankruptcy rules with respect to providing notice;

H.R. 3677. An act to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program; and

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 306 and House Resolution 307 of the 98th Congress, the House stands adjourned, in the memory of the late Senator HENRY M. JACKSON and the late Representative LARRY MCDONALD, until 10 a.m. tomorrow, Tuesday, September 13, 1983.

Thereupon (at 3 o'clock and 15 minutes p.m.), pursuant to House Resolution 306 and House Resolution 307, and under its previous order, the House adjourned until tomorrow, Tuesday, September 13, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1694. A communication from the President of the United States, transmitting a request for an appropriation amendment for fiscal year 1984 for the Arms Control and Disarmament Agency (H. Doc. No. 98-101); to the Committee on Appropriations and ordered to be printed.

1695. A communication from the President of the United States, transmitting a request for appropriation amendments and amended appropriation language for fiscal year 1984 (H. Doc. No. 98-102); to the Committee on Appropriations and ordered to be printed.

1696. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1983 for the District of Columbia (H. Doc. No. 98-103); to the Committee on Appropriations and ordered to be printed.

1697. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of August 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 98-105); to the Committee on Appropriations and ordered to be printed.

1698. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of September 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 98-106); to the Committee on Appropriations and ordered to be printed.

1699. A letter from the Comptroller General of the United States, transmitting his review of the proposed three deferrals in the tenth special message from the President dated July 28, 1983 (H. Doc. No. 98-88), pursuant to sections 1014 (b) and (c) of Public Law 93-344 (H. Doc. No. 98-108); to the Committee on Appropriations and ordered to be printed.

1700. A letter from the Secretary of Housing and Urban Development, transmitting notification of an over obligation of contract authority that was apportioned and allotted for amendments to rental assistance program contracts, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1701. A letter from the Secretary of State, transmitting notification that during the month of July the Commodity Credit Corporation made payments to the U.S. creditors on credits quaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1702. A letter from the Executive Associate Director for Budget, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriations to the Veterans Administration for fiscal year 1983 have been reapportioned on a basis which indicates the necessity for supplemental estimates of appropriations, pursuant to 31 U.S.C. 1515(b)(2); to the Committee on Appropriations.

1703. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the final environmental impact statement on the Saginaw River and tributaries at Shiawassee Flats, Mich., pursuant to section 404(r) of the Federal Water Pollution Control Act; to the Committee on Appropriations.

1704. A letter from the Assistant Secretary of Interior (Land and Water Resources), transmitting certification that adequate soil survey and land classification has been made on certain additional lands of the San Felipe Division, Central Valley Project, Calif., and additional lands within the Pacheco Creek Areas (within the San Felipe Division Service Area), pursuant to Public Law 172, 83rd Congress (section 1 of the act of July 31, 1953); to the Committee on Appropriations.

1705. A letter from the Secretary of Defense, transmitting notification of the Department's latest allocation of fiscal year 1983 civilian end strength, pursuant to section 601(d) of Public Law 97-252; to the Committee on Armed Services.

1706. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period September 1, 1983 to October 31, 1983, pursuant to provisions of 10 U.S.C. 139; to the Committee on Armed Services.

1707. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's emergency disposal of a suspected chemical agent munition at Dugway Proving Ground, Utah, pursuant to section 506(d) of Public Law 91-441; to the Committee on Armed Services.

1708. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend the Armed Services Procurement Act of 1947; to the Committee on Armed Services.

1709. A letter from the Principal Deput Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to provide for the transportation of dependents of members of the uniformed services who are stationed in Alaska and Hawaii and who are in need of medical attention not available in the area where the member is stationed; to the Committee on Armed Services.

1710. A letter from the Principal Deput Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend titles 10 and 37, United States Code, to reform the procedures for providing the Armed Forces the medical services necessary to supplement those provided by uniformed personnel; to the Committee on Armed Services.

1711. A letter from the Principal Deput Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the proposed decision to convert to contractor performance the custodial services, insect and rodent control, grounds (improved) and surfaced areas functions at the Marine Corps Air Station, Kaneohe Bay,

Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1712. A letter from the Principal Deput Assistant Secretary of the Army (Shipbuilding and Logistics), transmitting notification of the Navy's plans to study the conversion from in-house operation to commercial contract of various functions at different installations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

1713. A letter from the Chief, Program Liaison Division, Department of the Air Force, transmitting a report on research and development contracts over $50,000, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

1714. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insuarnce transactions supported by Eximbank during July 1983 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

1715. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction involving U.S. exports to Brazil exceeding $100,000,000 or more, pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1716. A letter from the President and Chairman, Export-Import Bank of the United States; a statement describing a proposed transaction involving U.S. exports to Mexico exceeding $100,000,000 or more, pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1717. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement describing a proposed transaction involving U.S. exports to Singapore exceeding $100,000,000 or more, pursuant to section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

1718. A letter from the Mayor, District of Columbia, a petition for the admission of the District of Columbia to the Union of States as New Columbia, the 51st State, pursuant to D.C. Law 3-171; to the Committee on the District of Columbia.

1719. A letter from the Auditor of the District of Columbia, transmitting a report "Followup report on installation of fire alarm system and smoke detectors at the D.C. Armory," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1720. A letter from the Auditor of the District of Columbia, transmitting the annual report of his office covering fiscal year 1982, pursuant to section 455(d) of Public Law 98-198; to the Committee on the District of Columbia.

1721. A letter from the Secretary of Education, transmitting notice of final regulations; 1984-85 Pell Grant Family Contribution Schedule; Student Assistance General provisions; Definition of an Independent Student, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Educaton and Labor.

1722. A letter from the Acting Secretary of Education, transmitting the 31st annual report on the administration of Public Laws 81-874 and 81-815, pursuant to section 12(c) of the act of September 23, 1950 and section 401(c) of the Act of September 30, 1950; to the Committee on Education and Labor.

1723. A letter from the Director, ACTION Agency, transmitting notice of a final regulation "Intergovernmental Review of ACTION programs," pursuant to section 420(d) of Public Law 93-113, as amended; to the Committee on Education and Labor.

1724. A letter from the Secretary of Commerce, transmitting the final report on the 1980 Olympic winter games, pursuant to section 7(b) of Public 94-427; to the Committee on Energy and Commerce.

1725. A letter from the Secretary of Energy, transmitting a report on the industrial energy efficiency program for the period ending December 31, 1981, pursuant to section 375(e) of the Energy Policy and Conservation Act, as amended; to the Committee on Energy and Commerce.

1726. A letter from the Secretary of Energy, transmitting a report on the operation of State energy conservation plans for calendar year 1982, pursuant to section 365(c) of the Energy Policy and Conservation Act, to the Committee on Energy and Commerce.

1727. A letter from the Secretary of Energy, transmitting the quarterly report on the Strategic Petroleum Reserve, pursuant to section 165(b) of the Energy Policy and Conservation Act, as amended; to the Committee on Energy and Commerce.

1728. A letter from the Secretary, Interstate Commerce Commission, transmitting a report on the reasons for extending the deadline in a rail carrier proceeding, pursuant to 49 U.S.C. 10327(k); to the Committee on Energy and Commerce.

1729. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on carbon monoxide intrusion in sustained-use vehicles, pursuant to section 226(a) of the Clean Air Act Amendments of 1977; to the Committee on Energy and Commerce.

1730. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting an advance summary of the U.S. crude oil, natural gas, and natural gas liquids reserves, pursuant to section 657(2) of Public Law 95-91; to the Committee on Energy and Commerce.

1731. A letter from the General Counsel, Department of Energy, transmitting a notice of meetings related to the international energy program, pursuant to 252(c)(1)(A)(i) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

1732. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the Securities Investor Protection Corporation for 1982, pursuant to section 7(c)(2) of Public Law 91-598; to the Committee on Energy and Commerce.

1733. A letter from the Secretary of Health and Human Services, transmitting the 10th annual report of the Director of the National Heart, Lung, and Blood Institute, pursuant to section 413(b)(2) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

1734. A communication from the President of the United States, transmitting a report on the deployment and mission of U.S. Armed Forces in the region of Chad, pursuant to section 4(a) of Public Law 93-148 (H. Doc. No. 98-99); to the Committee on Foreign Affairs and ordered to be printed.

1735. A communication from the President of the United States, transmitting a further report on the use of U.S. Armed Forces to facilitate the restoration of Lebanese Government sovereignty and authority, pursuant to the War Powers Resolution of 1973 (Public Law 93-148) (H. Doc. No. 98-100); to the Committee on Foreign Affairs and ordered to be printed.

1736. A communication from the President of the United States, transmitting a report on the progress toward a negotiated solution of the Cyprus problem, including a report from the Secretary General of the United Nations, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1737. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting the texts of the International Labor Organization Convention No. 148 and recommendation No. 156 concerning the protection of workers against occupational hazards in the working environment due to air pollution, noise and vibration, pursuant to article 19 of the ILO constitution (H. Doc. No. 98-104); to the Committee on Foreign Affairs, and ordered to be printed.

1738. A letter from the Acting Secretary of State, transmitting the semiannual report for the period October 1982 to March 1983 on voluntary contributions made by the United States to international organizations, pursuant to section 306(b)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1739. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting the text of an agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs, pursuant to section 12(a) of Public Law 96-8; to the Committee on Foreign Affairs.

1740. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notice that it is in the national interest to furnish assistance to Zambia, pursuant to section 620(q) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1741. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting notice of receipt of information that the Government of Austria transferred certain articles to a Dutch commercial firm without appropriate consent, pursuant to section 3(e) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1742. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1743. A letter from the Acting Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report of political contributions for Alan L. Keys, U.S. representative to UNECOSOC; Charles Franklin Dunbar, Qatar; Peter Jon de Vos, Mozambique; Edmund de Jarnett, Central African Republic; Millicent Fenwick, U.S. representative to the Food and Agriculture Organization; Robert H. Miller, Ivory Coast; and George E. Moose, Benin; pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1744. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international

agreements, other than treaties, entered into by the United States; to the Committee on Foreign Affairs.

1745. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1746. A letter from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a), as amended; to the Committee on Foreign Affairs.

1747. A letter from the Director, Defense Security Assistant Agency, a report that the Defense Department has provided certain defense articles, services and training to Chad under the authority of Presidential Determinations 83-8 and 93-9, pursuant to section 506(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1748. A letter from the Director, Defense Security Assistant Agency, transmitting notification of the defense articles and services provided to Chad under special authority of the FAA, pursuant to section 506(b)(2) of the Foreign Assistance Act, as amended; to the Committee on Foreign Affairs.

1749. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales for $1,000,000 or more as of June 30, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1750. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly report on foreign military sales as of June 30, 1983, pursuant to section 36(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1751. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting an accounting of the amounts obligated and expended in Nicaragua for the period December 30, 1982, to June 29, 1983, pursuant to section 724(e) of Public Law 97-113; to the Committee on Foreign Affairs.

1752. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of March 31, 1983, pursuant to section 613(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1753. A letter from the Secretary of Education, transmitting proposed final regulations, Privacy Act, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Government Operations.

1754. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to discontinue or amend certain requirements for agency reports to Congress; to the Committee on Government Operations.

1755. A letter from the Director, Office of Management and Budget, transmitting the proposed final revision to OMB Circular No. A-76, "Performance of Commercial Activities;" to the Committee on Government Operations.

1756. A letter from the Comptroller General of the United States, transmitting a list of all reports issued by GAO during the month of July 1983, pursuant to section 719(h) of Public Law 91-510; to the Committee on Government Operations.

1757. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed modification of a system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1758. A letter from the General Counsel, Department of Health and Human Services, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1759. A letter from the Director of Administration, Department of Energy, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1760. A letter from the Freedom of Information Officer (U.S. Environmental Protection Agency), transmitting a report on the Activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1761. A letter from the Benefits Manager, Farm Credit Banks of Texas, transmitting a report on the Farm Credit banks of Texas pension plan for the plan year ended December 31, 1982, pursuant to 31 U.S.C. 9503(a)(B); to the Committee on Government Operations.

1762. A letter from the Vice President, Federal Home Loan Mortgage Corporation, transmitting the annual report of the Corporation Employees' Pension Trust for the plan year ending December 31, 1982, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1763. A letter from the Assistant Vice President, Corporate Communications, National Railroad Passenger Corporation, transmitting a report on Amtrak's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1764. A letter from the Secretary for the Board, Railroad Retirement Board, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1765. A letter from the General Manager, Tennessee Valley Authority, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1766. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period April 1, 1983 through June 30, 1983, pursuant to section 105(a) of Public Law 88-454 (H. Doc. No. 98-109); to the Committee on House Administration and ordered to be printed.

1767. A letter from the Secretary of the Interior, transmitting the 1982 annual report of the Office of Surface Mining, pursuant to sections 201(f), 517(G), and 706 of Public Law 95-87; to the Committee on Interior and Insular Affairs.

1768. A letter from the Secretary of the Interior, transmitting a report on the status of completion or revision of general management plans for each unit of the National Park System, pursuant to section 12(b) of Public Law 91-383, as amended; to the Committee on Interior and Insular Affairs.

1769. A letter from the Acting Secretary of the Interior, transmitting notification of a proposal received under the Small Reclamation Projects Act of 1956, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

1770. A letter from the Acting Secretary of the Interior, transmitting notification of a proposal received under the Small Reclamation Projects Act of 1956, pursuant to section 10 of the act; to the Committee on Interior and Insular Affairs.

1771. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation entitled "Barrow Gas Transfer Act of 1983"; to the Committee on Interior and Insular Affairs.

1772. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 6 of the Colorado River Storage Act; to the Committee on Interior and Insular Affairs.

1773. A letter from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting a draft of proposed legislation to allow variable interest rates for Indian funds held in trust by the United States; to the Committee on Interior and Insular Affairs.

1774. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Tlingit and Haida Tribes in Docket 342-70, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

1775. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Creek Nation in Dockets 169 and 272 before the Indian Claims Commission and in Dockets 277 and 309-74 before the U.S. Court of Claims, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

1776. A letter from the Chief Deputy Clerk, U.S. Claims Court, transmitting a copy of the court's judgment order in case No. 320, *Quechan Tribe of the Fort Yuma Reservation* v. *The United States;* to the Committee on Interior and Insular Affairs.

1777. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of proposed refund of excess royalty payments totaling $66,136.77 to Chevron U.S.A. Inc., and CNG Producing Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1778. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments in the amount $133,916.20 to the Kerr-McGee Corp., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1779. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments in the amount of $2,042,587.18 to Conoco Inc., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1780. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments in the amount of $45,893.53 to the Shell Oil Co., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1781. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments in the amount of $329,469.71 to the Amoco Production Co., pursuant to section

10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1782. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments to the Mobil Oil Corp., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1783. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of the proposed refund of excess royalty payments to the Phillips Petroleum Co. and Mobil Oil Corp., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1784. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments to the Shell Oil Co., Mobil Oil Corp., Chevron U.S.A. Inc., and ARCO Oil and Gas Co., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1785. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments to the Mobil Oil Corp. and McMoRan Offshore Exploration Co., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1786. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments to the ARCO Oil and Gas Co., Mobil Oil Corp., Shell Oil Co., Pennzoil Exploration and Production Co., and Getty Oil Co., pursuant to section 10(b) of the act of August 7, 1953; to the Committee on Interior and Insular Affairs.

1787. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of seven proposed refunds of excess royalty payments totaling $76,330.62 to the Shell Oil Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1788. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of proposed refund of excess royalty payments totaling $656,616.13 to the Tenneco Oil Exploration and Production, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1789. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of proposed refund of excess royalty payments totaling $1,507,851.54 to the Shell Oil Co., Gulf Oil Corp., and Sonat Exploration Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1790. A letter from the Chief Justice of the Supreme court of the United States, transmitting notice that the Court will open its October 1983 term at 10 a.m. on October 3, 1983, and will continue until all matters before the Court, ready for argument, have been disposed of or decided; to the Committee on the Judiciary.

1791. A letter from the president, Jewish War Veterans U.S.A. National Memorial, Inc., transmitting the audit report of the organization for the fiscal year ended March 31, 1983, pursuant to section 3 of Public Law 83-504; to the Committee on the Judiciary.

1792. A letter from the Secretary of Commerce, transmitting a report on the status of marine mammal species and population stocks for the period April 1, 1982, through March 31, 1983, pursuant to sections 103(f) and 110(a) of Public Law 92-522, as amended; to the Committee on Merchant Marine and Fisheries.

1793. A letter from the Secretary of Transportation, transmitting a report on the obligations, commitments, and reservations made under authority of the Urban Mass Transportation Act during the period October 1, 1982, through March 31, 1983, pursuant to section 4(h)(1) of Public Law 88-365, as amended; to the Committee on Public Works and Transportation.

1794. A letter from the Secretary of Transportation, transmitting a report on cost estimates for completing substitute transit or highway projects, pursuant to 23 U.S.C. 103(e)(4); to the Committee on Public Works and Transportation.

1795. A letter from the Secretary of Transportation, transmitting the annual report for calendar year 1982 on "The Effect of the Airline Deregulation Act on the Level of Air Safety", pursuant to section 107(b) of Public Law 85-726; to the Committee on Public Works and Transportation.

1796. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on the Northeastern U.S. water supply study, pursuant to Public Law 89-298 (H. Doc. No. 98-107); to the Committee on Public Works and Transportation and ordered to be printed.

1797. A letter from the Assistant Secretary of the Army (Civil Work), transmitting a report from the Chief of Engineers on Metropolitan Christina River Basin, Del. and Pa., together with other pertinent reports; to the Committee on Public Works and Transportation.

1798. A letter from the Assistant Secretary of the Army (Civil Work), transmitting a report from the Chief of Engineers, Department of the Army, on Southeastern New Hampshire, together with other pertinent reports; to the Committee on Public Works and Transportation.

1799. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a prospectus to retain, by succeeding lease, the Environmental Research Center Annex at Research Triangle Park, N.C., a delegation of authority for such action having been made by the Administrator of the General Services Administration, pursuant to section 7(a) of Public Law 96-249; to the Committee on Public Works and Transportation.

1800. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notification of the proposed transfer of research and development funds to the construction of facilities program for the construction of a solid rocket booster assembly and refurbishment facility, pursuant to section 103 of Public Law 97-324; to the Committee on Science and Technology.

1801. A letter from the Executive Secretary, Office of the Secretary of Defense, a report on Department of Defense procurement from small and other business firms for the period October 1982 through April 1983, pursuant to section 602 of Public Law 94-329; to the Committee on Small Business.

1802. A letter from the Administrator of Veterans' Affairs, transmitting the report of the Advisory Committee on Former Prisoners of War, pursuant to section 6(b)(2) of Public Law 97-37; to the Committee on Veterans' Affairs.

1803. A letter from the U.S. Trade Representative, transmitting a request for early enactment of legislation previously proposed by the President concerning tax deductions for expenses for advertising placed with a foreign broadcast station and directed primarily at the U.S. market; to the Committee on Ways and Means.

1804. A letter from the U.S. Trade Representative, transmitting a draft of proposed legislation to amend the International Coffee Agreement Act of 1980; to the Committee on Ways and Means.

1805. A letter from the Chairman, U.S. International Trade Commission, transmitting the 34th report on the operation of the trade agreements program, pursuant to section 163(b) of Public Law 93-618; to the Committee on Ways and Means.

1806. A letter from the Chairman, Advisory Committee for Trade Negotiations, transmitting the Advisory Committees' statement on trade reorganization, pursuant to section 453 of Public Law 96-39; to the Committee on Ways and Means.

1807. A letter from the Comptroller General of the United States, transmitting a review of the Commodity Credit Corporation's financial statements for the year ended September 30, 1981 (GAO/AFMD-83-87; September 2, 1983); jointly, to the Committees on Agriculture and Government Operations.

1808. A letter from the Chairman, Board of Directors, Pension Benefit Guaranty Corporation, transmitting a report on the activities and financial statements of the Corporation for fiscal year 1982, pursuant to section 4008 of Public Law 93-406; jointly, to the Committees on Education and Labor and Ways and Means.

1809. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the Commission's fiscal year 1985 budget request, pursuant to section 27(k) of the Consumer Product Safety Act; jointly, to the Committees on Energy and Commerce and Appropriations.

1810. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the financial report of the Corporation for the quarter ended June 30, 1983, pursuant to 177(c) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

1811. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on regulations issued to prohibit unauthorized disclosure of safeguards information for the quarter ending June 30, 1983, pursuant to section 147d. of the Atomic Energy Act of 1954; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

1812. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend title II of the Arms Control and Disarmament Act, and for other purposes; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

1813. A letter from the Comptroller General of the United States, transmitting a report on the examination of the Panama Canal Commission's financial statements for the years ended September 30, 1982 and 1981 (GAO/NSIAD-83-34; September 2,

1983); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

1814. A letter from the Acting Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting notice of the proposed transfer of certain property to the Republic of Panama, pursuant to section 1504(b) of Public Law 96-70; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

1815. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to repeal statutory minimum grade levels for certain Federal positions; jointly, to the Committees on Post Office and Civil Service and Energy and Commerce.

1816. A letter from the Administrator of Veterans Affairs, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for confidential treatment of medical and prosthetic research information; jointly, to the Committees on Veterans' Affairs and Government Operations.

1817. A letter from the Secretary of Health and Human Services, transmitting the annual report for calendar year 1982 on the activities of the Maternal and Child Health Services Research Grants Review Committee, pursuant to section 1114(f) of the Social Security Act; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee of conference. Conference report on S. 675 (Rept. No. 98-352). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 3856. A bill to amend the Internal Revenue Code of 1954 to provide that a State shall not be required to deny unemployment benefits to certain individuals providing services to educational institutions; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. HOWARD, Mr. ANDERSON, and Mr. BREAUX):

H.R. 3857. A bill to provide for the movement of coal, including the movement of coal over public lands, by coal pipeline; jointly, to the Committees on Interior and Insular Affairs and Public Works and Transportation.

By Mr. BREAUX:

H.R. 3858. A bill to amend title 17 of the United States Code with respect to public performances of nondramatic musical works by means of coin-operated phonorecord players, and for other purposes; to the Committee on the Judiciary.

By Mr. DANIEL:

H.R. 3859. A bill to amend title II of the Social Security Act to provide increases in primary insurance amounts to account for depressed replacement rates; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 3860. A bill to amend the Internal Revenue Code of 1954 to repeal any unnecessary limitation on the performance of certain hospital services in order for such services not to be treated as an unrelated trade of business; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3861. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on the District of Columbia.

By Mr. MARKEY:

H.R. 3862. A bill to amend the Outer Continental Shelf Lands Act with respect to the Outer Continental Shelf leasing program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STARK (for himself, Mr. PEASE, and Ms. KAPTUR):

H.R. 3863. A bill to provide a consolidated program of extended unemployment compensation which shall replace the current extended compensation and Federal supplemental compensation programs; to the Committee on Ways and Means.

By Mr. WEAVER (for himself, Mr. PANETTA, and Mr. STUDDS):

H.R. 3864. A bill to amend the Outer Continental Shelf Lands Act with respect to the Outer Continental Shelf leasing program, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWNEY of New York:

H.J. Res. 348. Joint resolution directing the President to submit to the Congress the report required by section 4(a)(1) of the war powers resolution concerning the involvement in hostilities of U.S. Armed Forces in Lebanon; to the Committee on Foreign Affairs.

Mr. MAVROULES:

H.J. Res. 349. Joint resolution urging the President to prohibit the exportation of agricultural commodities and advanced technology to the Soviet Union; to the Committee on Foreign Affairs.

By Mr. MURPHY (for himself, Mr. KOLTER, Mr. DYMALLY, Mr. SMITH of New Jersey, Mr. SUNIA, Mr. SABO, Mr. EMERSON, Mr. O'BRIEN, Mr. HORTON, Mr. HOWARD, Mr. FAUNTROY, Mr. STOKES, Mr. JENKINS, Mr. VANDERGRIFF, Mr. ACKERMAN, and Mr. DWYER of New Jersey):

H.J. Res. 350. Joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Rehabilitation Facilities Week"; to the Committee on Post Office and Civil Service.

By Mr. PARRIS:

H.J. Res. 351. Joint resolution designating September 1983 as "Victims of Communism Month," as a memorial to the millions of victims of communism, including most recently the passengers and crew of Korean Air Lines flight 007; to the Committee on Post Office and Civil Service.

By Mr. WEAVER:

H.J. Res. 352. Joint resolution prohibiting the export of grain to the Soviet Union until there are resolutions to international problems resulting from the destruction of the South Korean airliner by the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GEKAS (for himself, Mr. SUNIA, Mr. CHAPPIE, Mr. HAWKINS, Mr. DEWINE, and Mr. NIELSON of Utah):

H. Con. Res. 160. Concurrent resolution condemning the Soviet attack on Korean Air Lines flight 007; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

243. By the SPEAKER. Memorial of the Legislature of the State of California, relative to cotton; to the Committee on Agriculture.

244. Also, memorial of the Legislature of the State of California, relative to salinity; to the Committee on Agriculture.

245. Also, memorial of the Legislature of the State of California, relative to mobile home park development; to the Committee on Banking, Finance and Urban Affairs.

246. Also, memorial of the Legislature of the State of California, relative to Federal student financial aid; to the Committee on Education and Labor.

247. Also, memorial of the Senate of the State of Illinois, relative to secondary coal recovery operations; to the Committee on Interior and Insular Affairs.

248. Also, memorial of the Legislature of the State of California, relative to weather forecasting; to the Committee on Science and Technology.

249. Also, memorial of the Legislature of the State of California, relative to reconvening the 1980 White House Conference on Small Business; to the Committee on Small Business.

250. Also, memorial of the Legislature of the State of California, relative to health care services for disabled veterans; to the Committee on Veterans' Affairs.

251. Also, memorial of the Legislature of the State of California, relative to international trade; to the Committee on Ways and Means.

252. Also, memorial of the Legislature of the State of Oregon, relative to tax-free employer contributions to employee health benefits; to the Committee on Ways and Means.

253. Also, memorial of the House of Delegates of the State of West Virginia, relative to importation of foreign steel, to the Committee on Ways and Means.

254. Also, memorial of the Legislative Assembly of the State of Oregon, relative to expenditures for first-strike nuclear weapons; jointly, to the Committees on Armed Services and Foreign Affairs.

255. Also, memorial of the Legislature of the State of Oregon, relative to establishment of a National Academy of Peace and Conflict Resolution; jointly, to the Committees on Foreign Affairs and Education and Labor.

256. Also, memorial of the Legislature of the State of West Virginia, relative to the rights of disabled persons who have been denied disability social security benefits; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. BROOMFIELD, Mr. HARRISON, Mr. DAVIS, Mr. PEPPER, and Mr. HILER.

H.R. 433: Mr. MARTINEZ and Mr. SCHEUER.

H.R. 624: Mr. GILMAN.

H.R. 825: Mr. SEIBERLING.

H.R. 891: Mr. MOLLOHAN and Mr. HERTEL of Michigan.

H.R. 991: Mrs. SCHNEIDER and Mr. WIRTH.

H.R. 1016: Mr. GORE, Mr. TORRICELLI, Mr. HEFTEL of Hawaii, and Mr. SCHEUER.

H.R. 1092: Mr. ANTHONY, Mr. ANDREWS of Texas, Mr. BROWN of California, and Mr. WALKER.

H.R. 1131: Mr. LAGOMARSINO.

H.R. 1159: Mr. TALLON.

H.R. 1225: Mr. LAGOMARSINO.

H.R. 1415: Mr. EMERSON, Mr. BONER of Tennessee, Mr. HYDE, Mr. BROOMFIELD, Mr. YOUNG of Missouri, Mr. HANSEN of Idaho, Mr. KOGOVSEK, Mr. BARNARD, Mr. CHAPPIE, Mr. EVANS of Iowa, Mr. MARLENEE, Mr. ROBERTS, Mr. BRITT, Mr. DICKINSON, Mr. STANGELAND, Mr. DYSON, Mr. ANDREWS of North Carolina and Mr. SMITH of New Jersey.

H.R. 1543: Mr. FEIGHAN.

H.R. 1942: Mr. YOUNG of Florida, Mr. EDWARDS of California, Mr. SUNIA, Mr. VANDER JAGT, and Mr. MATSUI.

H.R. 1959: Mr. KILDEE, Mrs. HALL of Indiana, Mr. MITCHELL, Mr. MRAZEK, Mr. CONYERS, Mr. OXLEY, Mr. OWENS, Mr. PANETTA, Mr. ACKERMAN, Mr. CARR, Mr. SIMON, and Mr. VENTO.

H.R. 2109: Mr. LANTOS, Mr. WAXMAN, Mr. LELAND, Mr. SCHEUER, Mr. STOKES, Mr. LEHMAN of Florida, Mrs. HALL of Indiana, Mr. MITCHELL, Mr. GONZALEZ, Mr. DWYER of New Jersey, Mr. CORRADA, Mr. SOLARZ, Mr. FAUNTROY, Mrs. BOXER, Mr. DYMALLY, Mr. WEAVER, and Mr. FAZIO.

H.R. 2228: Mr. LEWIS of Florida.

H.R. 2236: Mr. DICKS, Mr. GEJDENSON, Mr. MCKERNAN, Mr. MRAZEK, Mr. PRITCHARD, and Mr. VENTO.

H.R. 2244: Mr. CROCKETT, Mr. FEIGHAN, Mr. DWYER of New Jersey, Mr. MATSUI, and Mr. BEDELL.

H.R. 2447: Mr. FORD of Tennessee.

H.R. 2468: Mr. LEWIS of California, Mr. TORRICELLI, and Mr. RIDGE.

H.R. 2714: Mr. BATES and Mr. ECKART.

H.R. 2715: Mr. BARNARD, Mr. KOGOVSEK, Mr. MINETA, and Mr. ROBINSON.

H.R. 2887: Mr. RUDD.

H.R. 2911: Mr. AKAKA, Mr. CARPER, Mr. ALBOSTA, Mr. GORE, Mrs. KENNELLY, Mr. CONYERS, Mr. MARRIOTT, and Mr. BROWN of Colorado.

H.R. 2967: Mr. BATEMAN and Mr. VANDERGRIFF.

H.R. 3031: Mr. FAZIO and Mr. LUNGREN.

H.R. 3277: Mr. ECKART, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. LEVINE of California, Mr. GARCIA, Mr. STOKES, Mr. DELLUMS, Mr. OBERSTAR, Mr. CROCKETT, Mr. D'AMOURS, Mr. BATES, Mr. CONYERS, Mr. WILLIAMS of Montana, Mr. WEISS.

H.R. 3280: Mrs. COLLINS and Mr. MOLLOHAN.

H.R. 3281: Mrs. COLLINS and Mr. MOLLOHAN.

H.R. 3350: Mr. ACKERMAN.

H.R. 3371: Mrs. COLLINS, Mr. SCHEUER, Mr. DURBIN, Mr. OWENS, and Mr. AKAKA.

H.R. 3440: Mr. DORGAN, Mr. MARLENEE, and Mr. DICKS.

H.R. 3635: Mr. RINALDO.

H.J. Res. 1: Mr. ANDREWS of North Carolina and Mr. VANDER JAGT.

H.J. Res. 103: Mr. ANDREWS of North Carolina, Mr. BARNES, Mr. CHANDLER, Mr. DAVIS, Mr. DELLUMS, Mr. EDWARDS of Alabama, Mr. GREGG, Mr. HAMILTON, Mr. JACOBS, Mr. KEMP, Mr. KRAMER, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. MARTIN of North Carolina, Mr. MCCAIN, Mr. MOLLOHAN, Ms. OAKAR, Mr. SKEEN, Mr. SKELTON, Mr. VALENTINE, and Mr. WISE.

H.J. Res. 215: Mr. CARPER and Mr. RINALDO.

H.J. Res. 270: Mr. BATES, Mr. BETHUNE, Mr. BIAGGI, Mr. BILIRAKIS, Mrs. BOXER, Mr. BREAUX, Mr. BRYANT, Mr. CHANDLER, Mr. D'AMOURS, Mr. DICKINSON, Mr. DINGELL, Mr. DICKS, Mr. DYMALLY, Mr. FISH, Mr. FRANK, Mr. FOGLIETTA, Mr. RALPH M. HALL, Mr. HARTNETT, Mr. HEFTEL of Hawaii, Mr. KINDNESS, Mr. LEACH of Iowa, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LONG of Louisiana, Mr. MARTIN of North Carolina, Mr. MICA, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. RINALDO, Mr. RUSSO, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Ms. SNOWE, Mr. TORRICELLI, Mr. WALGREN, Mr. WAXMAN, Mr. WILLIAMS of Ohio, Mr. ALBOSTA, Mr. ARCHER, Mr. ANDREWS of Texas, Mr. BARTLETT, Mr. BENNETT, Mrs. BOGGS, Mr. BROYHILL, Mr. CORRADA, Mr. COUGHLIN, Mr. DAVIS, Mr. DEWINE, Mr. FASCELL, Mr. FLORIO, Mr. FRANKLIN, Mr. GUARINI, Ms. KAPTUR, Mrs. KENNELLY, Mr. KILDEE, Mr. LIVINGSTON, Mr. LOWRY of Washington, Mr. MCKINNEY, Mr. MARTIN of New York, Mr. MINISH, Mr. MURPHY, Mr. NEAL, Mr. SIKORSKI, Mr. SKEEN, Mr. SNYDER, Mr. SPRATT, Mr. STUMP, Mr. WYLIE, Mr. BOSCO, Mr. FAUNTROY, Mr. LEATH of Texas, Mr. MOORE, Mr. ROBINSON, Mr. WINN, Mr. WIRTH, Mr. PRICE, Mr. AKAKA, Mr. ORTIZ, Mrs. ROUKEMA, and Mr. BONIOR of Michigan.

H.J. Res. 277: Mr. GUNDERSON, Mr. HORTON, Mr. HYDE, and Mr. EDWARDS of Alabama.

H.J. Res. 319: Mr. DANIEL, Mr. SUNIA, Mr. HORTON, Mr. MARRIOTT, Mr. BEDELL, Mr. KINDNESS, Mr. MORRISION of Washington, and Mr. DAUB.

H.J. Res. 322: Mr. LOWRY of Washington, Mrs. BOXER, Mr. PANETTA, Mr. WAXMAN, Mr. WEISS, Mr. DE LA GARZA, Mr. PATTERSON, Mr. WON PAT, Mr. FAZIO, Mr. EDGAR, Mr. VANDERGRIFF, Mr. HOYER, Mrs. SCHNEIDER, Mr. KASICH, Mr. BROWN of California, Mr. ROSE, Mr. BATES, Mr. HARRISON, Mr. SHELBY, Mr. TOWNS, Mr. OWENS, Mr. DELLUMS, Mr. ANNUNZIO, Mr. WILSON, Mr. YOUNG of Missouri, Mr. LELAND, and Mr. STARK.

H. Con. Res. 9: Mr. JONES of North Carolina.

H. Con. Res. 115: Mr. RIDGE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

189. By the SPEAKER: Petition of the Conservative Baptist Association of America, Wheaton, Ill., relative to military chaplaincy; to the Committee on Armed Services.

190. Also, petition of the National Association of Free Will Baptists, Nashville, Tenn., relative to "peace through strength"; to the Committee on Armed Services.

191. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to national security; to the Committee on Armed Services.

192. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to Chaplain Corps; to the Committee on Armed Services.

193. Also, petition of Kansas Independent Oil & Gas Association, Wichita, Kans., relative to natural gas; to the Committee on Energy and Commerce.

194. Also, petition of the New York City Council, New York, N.Y., relative to black teenage unemployment; to the Committee on Education and Labor.

195. Also, petition of the Goodwill Industries of America, Inc., Bethesda, relative to section 14(c) of the Fair Labor Standards Act; to the Committee on Education and Labor.

196. Also, petition of the council of the city of Independence, Mo., relative to sexually suggestive telephone messages; to the Committee on Energy and Commerce.

197. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to communism; to the Committee on Foreign Affairs.

198. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to P.O.W.'s and M.I.A.'s; to the Committee on Foreign Affairs.

199. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to nuclear arms; to the Committee on Foreign Affairs.

200. Also, petition of the Union of Soviet Socialist Republics, relative to foreign policy of the Soviet Union; to the Committee on Foreign Affairs.

201. Also, petition of the city council, Mount Vernon, N.Y., relative to members of the Baha'i faith living in Iran; to the Committee on Foreign Affairs.

202. Also, petition of the General Assembly of the Cumberland Presbyterian Church, Memphis, Tenn., relative to nuclear weapons; to the Committee on Foreign Affairs.

203. Also, petition of Mr. Temouir Schalamberidze, West Germany, relative to Radio Liberty; to the Committee on Foreign Affairs.

204. Also, petition of the National Society of the Sons of the American Revolution, Louisville, Ky., relative to the Monroe Doctrine; to the Committee on Foreign Affairs.

205. Also, petition of the 22d General Assembly of the Unitarian Universalist Association, Washington, D.C., relative to human rights in Central America; to the Committee on Foreign Affairs.

206. Also, petition of the council of the county of Maui, Wailuku, Hawaii, relative to selling Federal surplus lands; to the Committee on Government Operations.

207. Also, petition of the Goodwill Industries of America, Inc., Bethesda, Md., relative to political advocacy by nonprofit organizations; to the Committee on Government Operations.

208. Also, petition of the city council, Farmington Hills, Mich., relative to Federal general revenue sharing; to the Committee on Government Operations.

209. Also, petition of the Board of Commissioners, McKinley County, N. Mex., relative to general revenue sharing; to the Committee on Government Operations.

210. Also, petition of the General Assembly of the Cumberland Presbyterian Church, Memphis, Tenn., relative to the disposal of Indian and public lands; to the Committee on Interior and Insular Affairs.

211. Also, petition of the House of Delegates, Koror State, Republic of Palau, relative to violation of Public Law No. 7-5-4; to the Committee on Interior and Insular Affairs.

212. Also, petition of the Board of Supervisors, Nevada County, Calif., relative to State's area of origin laws; to the Committee on Interior and Insular Affairs.

213. Also, petition of the Paradise Town Council, California, relative to the water rights of areas of origin; to the Committee on Interior and Insular Affairs.

214. Also, petition of the Yuba City Council, California, relative to California area of

origin legislation; to the Committee on Interior and Insular Affairs.

215. Also, petition of the commission of the city of Miami, Fla., relative to the 23 persons who fled Cuba and are now in the United States; to the Committee on the Judiciary.

216. Also, petition of the United Paperworkers International Union, Nashville, Tenn., relative to immigration policy; to the Committee on the Judiciary.

217. Also, petition of Catholic War Veterans of the United States of America, Washington, D.C., relative to antiobscenity laws; to the Committee on the Judiciary.

218. Also, petition of the Conservative Baptist Association of America, Wheaton, Ill., relative to separation of church and State and abortion; to the Committee on the Judiciary.

219. Also, petition of the 22d General Assembly of the Unitarian Universalist Association, Washington, D.C., relative to the equal rights amendment; to the Committee on the Judiciary.

220. Also, petition of the National Society of the Sons of the American Revolution, Louisville, Ky., relative to the U.S. Merchant Marine and the maritime industry; to the Committee on Merchant Marine and Fisheries.

221. Also, petition of Mr. Emil J. Morin, Naples, Maine, relative to children; to the Committee on Post Office and Civil Service.

222. Also, petition of the Conservative Baptist Association of America, Wheaton, Ill., relative to the "Year of the Bible"; to the Committee on Post Office and Civil Service.

223. Also, petition of the National Society of the Sons of the American Revolution, Louisville, Ky., relative to a George Rogers Clark commemorative postage stamp; to the Committee on Post Office and Civil Service.

224. Petition of airport manager, New Bedford Municipal Airport, Mass., relative to Rules Docket No. 20450; to the Committee on Public Works and Transportation.

225. Also, petition of Organized Women Voters of Arlington County, Va., relative to Representatives Daniel B. Crane and Gerry E. Studds; to the Committee on Standards of Official Conduct.

226. Also, petition of the Goodwill Industries of America, Inc., relative to tax deductions for charitable contributions; to the Committee on Ways and Means.

227. Also, petition of Kansas Independent Oil & Gas Association, Wichita, Kans., relative to tax incentives; to the Committee on Ways and Means.

228. Also, petition of the National Association of Free Will Baptists, Nashville, Tenn., relative to religious freedom; to the Committee on Ways and Means.

229. Also, petition of the Board of Commissioners, Coshocton, Ohio, relative to importation of steel; to the Committee on Ways and Means.

230. Also, petition of the 22d General Assembly of the Unitarian Universalist Association, Washington, D.C., relative to the establishment of a National Academy of Peace; jointly, to the Committees on Foreign Affairs and Education and Labor.

231. Also, petition of the 22d General Assembly of the Unitarian Universalist Association, Washington, D.C., relative to Nicaragua; jointly, to the Committees on Foreign Affairs and Intelligence.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3391

By Mr. FRENZEL:

(Amendment to the committee amendment.)

—On page 9, line 14, strike "2.6 percent" and insert in lieu thereof "1.6 percent".

On page 9, line 15, strike "$111,000,000" and insert in lieu thereof "$61,500,000".

On page 9, line 21, strike "1.8 percent" and insert in lieu thereof "1.47 percent".

On page 9, line 22, strike "$56,000,000" and insert in lieu thereof "$61,500,000".

On page 10, strike line 1 through line 4.

—On page 2, strike lines 15 through 20 and insert after the word "articles" on line 14 the following: "which are produced by such workers' firm or appropriate subdivision thereof,".

—On page 9, strike line 1 and all that follows thereafter through the material after line 20 on page 10 (section 7), and insert in lieu thereof.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

"For the purpose of carrying out the provisions of this chapter and chapter 3 (including any administrative costs for such chapters), there are hereby authorized to be appropriated—

"(a) for fiscal year 1984, $217 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chapter 3; and

"(b) for fiscal year 1985, $163 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chapter 3.".

(b) The item in the table of contents to the Trade Act of 1974 that refers to section 245 is amended to read as follows:

"Sec. 245. Authorization of appropriations for adjustment assistance for workers and firms.".

—On page 9, strike line 1 and all that follows thereafter through the material after line 20 on page 10 (section 7), and insert in lieu thereof:

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"SEC. 245. AUTHORIZATION OF APPROPRIATIONS FOR ADJUSTMENT ASSISTANCE FOR WORKERS AND FIRMS.

"(a) For the purpose of carrying out the provisions of part I of this chapter (including any administrative costs), there are hereby authorized to be appropriated such sums as may be necessary for each of fiscal years 1984 and 1985.

"(b) For the purpose of carrying out the provisions of parts II and III of this chapter and chapter 3 (including any administrative costs), there are hereby authorized to be appropriated—

"(A) for fiscal year 1984, $172 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chapter 3; and

"(B) for fiscal year 1985, $118 million, of which not more than $27,500,000 shall be available for adjustment assistance to firms under chapter 3.".

(b) The item in the table of contents to the Trade Act of 1974 that refers to section 245 is amended to read as follows:

"Sec. 245. Authorization of appropriations for adjustment assistance for workers and firms.".

EXTENSIONS OF REMARKS

FIFTIETH ANNIVERSARY OF CIVILIAN CONSERVATION CORPS CELEBRATED AT REUNION IN WEST VIRGINIA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 12, 1983

Mr. RANDOLPH. Mr. President, 50 years ago the Civilian Conservation Corps was created in an effort to provide jobs for depression-ridden young people and to initiate conservation practices to save our parks and forests.

Last weekend, at Camp Woodbine in the Monongahela National Forest of West Virginia, it was my privilege to address the 50th annual reunion of the surviving members of the CCC program. A total of 372 former CCC members with their families were registered at the reunion. They came from 12 States and from as far away as California to relive however briefly their experiences a half century ago.

It is timely to review that time of our lives when America tottered, and a time when America's youth responded to the call for service and sacrifice. The dwindling legion of former CCC enrollees is proud of its contributions to a better America. In addition to helping the poor, the program lifted America's spirit and helped our Nation to survive one of the worst periods of our history.

Present for the 50th anniversary program were Ralph Mumme, supervisor of Monongahela National Forest, and Gil Churchill, U.S. Forest Service information officer. The national forest, with headquarters at Elkins, covers 851,000 acres in 11 counties of West Virginia. Two other forests, George Washington and Jefferson National Forest, cover parts of the State. Master of ceremonies for the lively reunion of CCC oldtimers was Jim Comstock, nationally known weekly newspaper editor and author.

Mr. President, I ask that my remarks on the 50th anniversary of the CCC be placed in the RECORD.

The remarks follow:

It is a joy to join with you in celebration of the 50th anniversary of the Civilian Conservation Corps. That program helped lift America out of the darkness of Depression and into the sunlight of better times.

Today, America's economy is slowly recovering from the deepest recession since the 1930's. Despite recent movements toward economic expansion, the nation's unemployment remains at a high rate of 9.5 percent. In West Virginia it is 18.2 percent.

The economic recovery is bypassing some of our basic industries, such as coal and steel. Technological advances in robotics and automation are eliminating many jobs. More than 10.6 million American workers—many of them without training and without hope—face a bleak future in competing for jobs that may soon disappear. Unemployment among young people ranges up to 60 percent in our major cities.

On October 1, the new Job Training and Partnership Act goes into effect. It is intended to form an alliance between government, labor and industry to train and retrain one million Americans a year. The program may be too little and too late. I feel it is illusionary to expect steelworkers and coal miners to become computer analysts. America today is a service-oriented economy. Entry of more than 40 million women into the job market over the past two decades has created even more competition for males who expect to start meaningful careers in the service industries.

On March 31, 1933, President Franklin Roosevelt signed into law the Emergency Conservation Act, which established the Civilian Conservation Corps.

It was to become, over the next nine years, probably the most productive and cost-efficient public works and conservation program our government has devised.

By June 17 of 1933, more than 255,000 young men had signed to join the CCC. Overall, more than three million youths were enrolled and worked in 1,600 CCC camps during the life of the program.

In West Virginia, there were 26 camps established with a total enrollment of 55,000 corpsmen from 1933 to 1942.

During its first seven years, CCC workers planted 15 trees for every inhabitant of the United States. They built trails and roads which could encircle the earth four times.

There were 42,000 bridges and four million erosion-control dams constructed. Corpsmen fought forest fires and engaged in fire prevention; worked in flood disasters; drained swamps and built wildlife refuges.

Historian Arthur Schlesinger wrote that the CCC "left monuments in the preservation and the purification of the land, the water, the forest and the young men of America."

That last phrase—the young men of America—is important, and it is too often overlooked. For more than 300,000 of the CCC enrollees each year, there was no place in school or industry.

Their average age was 19, and the average enrollment program was nine months. They worked eight hours a day, five days a week, and earned the sum of $30 a month. Of this amount, $22 was alloted to dependents or, if there were none, paid to the Corpsman when he left the program.

Despite this hard work and low pay, applicants outnumbered vacancies by two to one.

In their spare time, nine out of 10 enrollees took advantage of voluntary educational programs for self-improvement. More than 65,000 CCC enrollees learned to read and write. In one single year—1939—5,176 earned elementary school diplomas; 1,048 received high school diplomas; and 97 were awarded college degrees.

From this effort emerged the future leaders and contributors to the greatness of America. The training, the discipline, the camaraderie which existed and is so evident at Woodbine today, enabled millions of young Americans to gain maturity and self-reliance. It is this factor which overshadows the actual physical achievements of the Civilian Conservation Corps.

My belief in this concept led me to introduce—with the late Senator Henry (Scoop) Jackson whose death we mourn, the—legislation to create the Youth Conservation Corps in 1970. A companion program for young adults also was created. This program involved 85,000 young people in much-needed conservation work on our public lands and waterways, creating many productive projects. Senator Jackson and I dedicated Camp Wood, a YCC Camp in Greenbrier County, in June of 1971.

In today's economy, where experienced workers are unemployed by the millions, the uncertain future for many high school graduates and school dropouts represents a tragic potential loss of minds and manpower.

I believe the spirit and the substance of the Civilian Conservation Corps lives on, and it serves as a model for present and future job or manpower programs. This spirit of America—of sacrifice and hard work—was the crowning contribution of the CCC.

At a time when our country's fortunes were at lowest ebb, our people were given new hope and optimism for the future.

The Corps was an investment—a sound and productive investment—for a better future of our country. It has paid off manyfold. It is time, I feel, that America rolls up its sleeves and invests again.

INDUSTRIAL POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 17, 1983, into the CONGRESSIONAL RECORD:

INDUSTRIAL POLICY

For at least a decade, the American economy has failed to achieve its primary objectives of full employment, international competitiveness, and non-inflationary growth resulting in a higher standard of living. This flawed performance has many causes. Among them are bad economic policy, energy and food price shocks, tough foreign competition, and accelerated technological change.

How to better our performance is the main question for economic policy-makers. The ills of the economy are obvious. The cures are not so evident. However, a systematic response to economic problems on the part of the federal government, known in many quarters as "industrial policy," is rap-

idly becoming the focus of the debate. Those who favor an industrial policy believe that it will help reshape the economy and will set us squarely on the path of growth. Those who oppose it say that it will involve too much federal planning and will break down the liberal trading order. The concept of industrial policy intrigues economists and politicians alike, but they are nowhere near agreement on the details.

An industrial policy has two dimensions. At one level, it involves much of what the federal government can do to assist commerce generally. One example is the federal investment in roads and bridges, which helps reduce the cost of transportation. Another is the federal investment in education and vocational training, which provides employers with skilled workers. Overall, such investments serve to raise productivity in the private sector, and there is broad-based support for them in Congress and the public.

At another level, an industrial policy tries to do something more controversial: select particular industries for preferential federal treatment. Some advocates want the federal government to assist declining basic industries, like steel and automobiles, by protecting them from foreign competition and financing the improvement of their plant and equipment. The aim is to preserve jobs and stabilize the economies of regions dependent on basic industries until they can again compete without federal support. Other advocates urge the federal government to channel funds into high-technology industries: semiconductors, computers, robotics, biotechnology, and others on the frontier of world economic development. They argue that if the United States fails to nurture these industries, other nations will cut America out of the markets of the future.

Although the advocates differ as to who should receive preferential federal treatment, they tend to agree that domestic banks and financial markets have not been putting investment dollars where they are needed most. To help correct the problem, many are proposing a national economic development bank which would make loans to worthy businesses that could not obtain credit elsewhere. Another problem cited by the advocates is the tension among business, labor, and government, the principal institutional actors in the economy. The favored solution is a national economic development board, composed of representatives of all three sectors, which would analyze various industries and develop support for appropriate policies. The advocates also tend to agree that an industrial policy would require a major new source of federal revenue. Some of them urge replacement of the income tax with a national consumption tax on income not saved, a predetermined portion of which would go to remake America's industrial base. These proposals dominate the general discussion, but it is clear that an industrial policy could also involve protectionism, tax relief, changes in antitrust or environmental law, increased spending for research and development, technical assistance to labor-management committees, and other measures.

The advocates are quick to point out that the basic premise behind industrial policy is not new. There are many federal programs (329, by one count) which help particular industries or businesses and cost billions every year. The problem with them is that they have been enacted one by one over the years without much regard to their cumulative effect on the economy. An industrial policy is better because it would be coordinated. The advocates also point to the industrial policies of other nations to justify having one here. While there is disagreement about the success of these policies, many argue that they have given foreign firms an unfair competitive advantage and ought to be offset.

Opponents of industrial policy contend that more federal intervention is not the answer. A national economic development bank would face intense pressure from powerful politicans who wanted to use it for their own benefit. A national economic development board would be too weak if it were advisory and too strong if it had the power to override management decisions or collective bargaining agreements. A national consumption tax would be a startling departure from tradition and should be justified by something more than the claim that the federal government needs more revenue for worthy purposes.

I approach the emerging debate on industrial policy with some skepticism. I do not necessarily want to see a comprehensive solution to our economic problems imposed from the top down. Such a solution would require far too much federal control, and any industrial policy, even a good one, would take us only a short way toward our goal. It seems to me that it is far better for the federal government to concentrate its efforts on broad fiscal and monetary policies designed to boost employment, foster growth, and keep prices stable. For example, a policy of stimulating savings and investment throughout the economy is bound to have a deeper and longer-lasting effect than a policy of making loans to specific firms.

At the same time, the federal government must be sensitive to people without jobs and an economy without growth. It must be prepared to ease the hardships of those who are most affected by economic change, and to assure the competitiveness of our enterprizes. Whether the country in fact adopts an industrial policy will depend on the progress of the economy and, of course, on the outcome of the presidential election.●

TRIBUTE TO FRANK IVALDI

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. STARK. Mr. Speaker, the friends, family, and the colleagues of Frank Ivaldi met on September 9, 1983, to honor him for his outstanding contributions to the community.

A man whose life has been one of giving of himself for worthy causes received the "Spirit of Hope" award at an event to benefit the City of Hope Medical Research Center.

Mr. Ivaldi has demonstrated devotion, persistence, and an abiding faith and love for his country.

I join in saluting Frank Ivaldi and extend to him my warmest thanks for his contributions and best wishes for continued success.●

FUTURE STATUS OF AMERICAN WORKERS A MAJOR CHALLENGE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Ms. KAPTUR. Mr. Speaker, Labor Day gave us an opportunity to pause and contemplate the current and future status of workers in America. Despite the present recovery, the status of American Workers is less than satisfactory. Some 10.7 million persons are officially classified as unemployed; another 1.7 million are too discouraged to continue looking for jobs: and roughly 5 million are working in parttime positions because they have not been able to find full-time jobs. As we consider the policy options before us, these statistics should not be forgotten.

Unfortunately, a look toward the future for American workers includes some discouraging trends. Columnist David Broder noted two in a recent Washington Post Column. One trend is the higher base of unemployment that has occurred after each of the most recent recession-recovery cycles. Clearly, policies must be designed to whittle away at this increasingly high structural unemployment base. A second trend is the elimination of jobs which provide middle-class incomes for millions of Americans. The further development of dual job structure—with some high-income and quality jobs and many more low-income and quality jobs—is not a trend that should be embraced. We must focus not only on job development, but also on the quality of job development.

Mr. Broder's timely column follows:

FEWER JOBS, DIFFERENT JOBS—AND YOU CAN'T JUST BLAME REAGANOMICS

(By David S. Broder)

The approach of another Labor Day finds Americans more seriously concerned about the subject of work and workers than in many years. Although the current economic recovery has reduced the official unemployment rate from 10.8 percent to 9.5 percent, there is no sense of smugness about the future on the part of anyone who understands what we face.

Whether it was television correspondent Edwin Newman in an impressive NBC News documentary last week, journalist Robert Kuttner in a powerful and disturbing Harper's magazine article in July, economist Barry Bluestone in a raptly followed talk at the National Conference of State Legislatures early in August, or the AFL-CIO executive council in an August report on "The Future of Work"—my impression is that almost wherever I turn, this topic of work and workers is finally receiving the attention it deserves.

All of them are saying America and its workers face two major challenges in the decade ahead. Even if the recovery continues we can expect a higher level of unemployment—a shortage of 4 million to 6 million jobs—than we have endured since the

Great Depression. Equally troubling, the technological changes taking place in the economy, particularly the spread of computers, robots and microprocessing, are compounding, not easing, the severe loss of the high-pay skilled and semi-skilled production and lower-level management jobs that now provide the bulk of the middle-class incomes in America.

The first point is generally understood, though neither party's politicians like to dwell on it. Partly for demographic reasons, partly because of shifts in the domestic and global economy, each of the 5 recession-recovery cycles in the past 13 years has left us with a higher base of unemployment than the one before.

Democrats like to blame all the current jobless miseries on Reaganomics; Republicans like to pretend that the Reagan recovery will make it all disappear. The truth is that there has been a secular trend to ever-higher levels of employment under governments of both parties. That trend is likely to continue through the decade, unless far more sweeping policy changes are made than anything attempted so far.

Less well understood until recently are the forces that are operating to split the labor market into two unequal halves: providing more challenging, more rewarding jobs for a few highly trained and highly skilled people, and less fulfilling, lower-paying jobs for the large majority of workers.

That prospect has been camouflaged by all the talk about "high-tech," and the implication that "high-tech" translates directly into high-pay, high-interest work. It does not, almost all the authorities agree. There are not that many new "high-tech" jobs likely: perhaps 600,000 in the remainder of the decade, according to the AFL-CIO's estimate. Many of those represent low-skilled repetition assembly jobs, the kind that are being transferred to low-wage foreign countries.

Meanwhile, the categories of jobs that the experts see as the fastest growing in this decade include janitors, clerks-secretaries, food-service workers, hospital attendants and the like—all traditionally low-pay, dead-end occupations. This suggests a rich man/poor woman economy, because many of the new jobs are likely to be filled by women, who will, according to the AFL-CIO study, provide two of every three additions to the work force for the remainder of this decade.

The political and social tensions that can be generated by this two-track pattern are bad enough. But they are compounded by the loss of income and middle-class status of the middle-aged males, who are being displaced by the decline of jobs in such traditionally high-paying industries as steel, autos and machine tools.

The trends are real, but the outcome is not predetermined. Kuttner argues that unionism itself can be part of the solution: that organizing the unorganized in the growing clerical and service categories can push up wages to preserve the number of needed middle-class jobs.

But given the current weakness of the unions, the availability of surplus workers and a large stream of immigrants, and the option of moving jobs overseas, organizing the unorganized cannot be anything but difficult. Chances are that the solution will have to involve more basic changes in the length of the workweek, the gradations between part-time and full-time jobs, and the distinction between management and labor functions.

Almost certainly, it will require revision of our concept of the relationship between education and work. A part of workers' pay in the future will probably be time-credits for futher education, as a stepping-stone to better jobs.

All that one can say as we approach this Labor Day is that the country has at last begun to think about these needs. And not a day too soon.●

ALEXANDER LERNER

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BARNES. Mr. Speaker, Dr. Alexander Lerner became 70 years old on September 7. He is a man who has enjoyed a distinguished career and international acclaim for his work in the field of cybernetics. He has authored 200 scientific works and inventions including 12 books translated into many languages. Among these, his "Introduction to the Theory of Automatic Control," published in 1958, became a standard textbook in the field. He has, in the past, received a number of awards from his government for the work he has done.

But Alexander Lerner is a Soviet refusenik.

In 1972, when he applied to Soviet authorities for an exit visa to emigrate to Israel, his request was denied for reasons of "state security" even though he has not had access to classified material since 1964. He was dismissed from all of his academic, scientific, editorial, and elected positions.

Yet, Professor Lerner continued his scientific work as best he could, publishing scientific papers outside the U.S.S.R. Until recently he conducted a regular series of seminars in his home, hosting lectures by many prominent scientists. Under recent KGB threat, however, Professor Lerner has stopped these seminars.

Despite his professional success, Professor Lerner has had a difficult life of great personal tragedy. During World War II, his two daughters were murdered by the Nazis. His in-laws and many of his relatives were killed by the Nazis during the Holocaust. And, in 1981, after 45 years of marriage, his life-long companion, Yudif, died of a heart attack.

Now, Alexander Lerner is 70 years old, he is alone, without a family, and has been robbed of the honor and respect due him by his government. He is a man of great talent who has made immeasurable contributions and given dedicated service to his country. But now his government treats him as an outcast.

I hope that Soviet authorities will take another look and see this case, this request, for what it is. What is so threatening about a man asking to spend the rest of his life with his daughter and to get to know the grandchildren he has never seen? Why should a man who has exemplified scientific excellence and who has given honorable service to his country be so despised by his government?

Dr. Jack Minker, professor of computer science at the University of Maryland and vice chairman of the Committee of Concerned Scientists, Inc.—who has diligently pressed Professor Lerner's case—said recently of him:

> The best birthday present he could receive for his distinguished service to the Soviet Union and to the scientific community is an emigration visa from the Soviet Union so that he may continue his scientific work and live out his years in Israel.

Last month, Dr. Minker organized and chaired a special 70th birthday session for Professor Lerner at the Joint International Conference on Artificial Intelligence in West Germany. Two hundred participants signed an appeal to several Soviet officials for Professor Lerner's release. At the conference, Dr. Minker so poignantly put the case to his colleagues:

> I will never tire of seeking justice for Alexander. That a man who has suffered the loss of two daughters in the Holocaust and recently the death of his wife, and has served his country honorably and faithfully, should be maltreated—that should rile the consciences of good people everywhere.

Professor Lerner deserves and needs our support and help. I hope that my colleagues will join me in doing everything they can to secure his release.●

THE 40TH ANNIVERSARY OF ORDINATION OF REV. ANTHONY NOVIELLO

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday, September 3, the parishioners of Holy Rosary Church, Wilkes-Barre, celebrated with their pastor, the Reverend Anthony Noviello, the 40th anniversary of his ordination to the priesthood. Mass was offered at 3 p.m. and a testimonial dinner followed immediately.

Father Noviello was born in Williamsport, Pa., the son of the late Gennaro and Rose Piccolo Noviello. He graduated from Williamsport Senior High School and St. Thomas College, now the University of Scranton. He completed his studies for the priesthood at St. Mary's Seminary, Baltimore, Md., and was ordained on June 5, 1943 in St. Peter's Cathedral, Scranton, by the Most Reverend William J. Hafey, D.D.

Father Noviello served as assistant pastor at St. Dominic's, Parsons, St. Anthony's, Dunmore, Holy Rosary in

Wilkes-Barre, Our Lady of Grace, Hazleton, and Epiphany in Sayre. After 1 year of service as assistant pastor at St. Anthony's, Freeland, he was appointed pastor there on September 30, 1959. Three years later, he was transferred back to Holy Rosary where he has served as pastor ever since.

Father's Noviello's diocesan assignments include service as a consultor, a member of the diocesan committee on vocations, and a member of its liturgical commission. He has been active in the work of the Blue Army and was instrumental in the visit to the Scranton Diocese of the International Pilgrim Statue of Our Lady of Fatima, which was viewed by thousands as it moved from church to church.

In spite of his many religious commitments, Father Noviello has long been active in community affairs. He is one of the principal supporters of the Wyoming Valley Chapter of Pennsylvanians for Human Life and is chaplain of the Wilkes-Barre Chapter of Unico National.

Mr. Speaker, Sunday, September 11, will be a day of celebration for the parishioners of Holy Rosary and for the entire Wilkes-Barre community. It will be a day for all of us to pay tribute to Father Anthony Noviello for 40 years of dedicated service and to wish him many, many more years of happy and fruitful service to God and man.●

CONGRESSMAN PERKINS HONORED FOR HIS OUTSTANDING CONTRIBUTION TO EDUCATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAWKINS. Mr. Speaker, one of our distinguished colleagues, CARL PERKINS, was recently presented the James Bryant Conant Award by the Education Commission of the States for his outstanding contribution to education in America.

I would like to submit for the record the remarks of North Carolina Governor Jim Hunt who personally presented the award to our honored chairman of the House Education and Labor Committee.

REMARKS BY GOVERNOR JIM HUNT PRESENTATION OF JAMES BRYANT CONANT AWARD

In presenting this award tonight I want to list one man's accomplishments which tell the story of educational programs in America—one man who may very well have done more for education than any other living American.

Chairman of the U.S. House of Representatives' Education and Labor Committee since 1967, father of the landmark Elementary and Secondary Education Act of 1965, sponsor of the Library Services Act of 1956, the Adult Basic Education Act of 1961 and the Middle Income Student Assistance Act of 1978; the roll call of new actions for excellence that our national government has taken over the last decades. I have the high honor tonight to present the 1983 James Bryant Conant Award to the premier champion of American education—the Honorable Congressman Carl Perkins.

The James Bryant Conant Award is presented by the Education Commission of the States each year to someone who has made an outstanding contribution to education in the United States. The award was established in 1977 by ECS in honor of Dr. Conant, an internationally known scholar, scientist, statesman and author. Conant, a former President of Harvard University wrote "Shaping Educational Policy," which sets forth the concepts and philosophy behind the establishment of the Education Commission of the States.

To honor Conant's lasting influence on American schools and colleges, ECS annually presents this prestigious award to a person who has made an outstanding contribution with national impact on education in the United States, and who has already attained a measure of recognition for such a contribution. Previous recipients of the Conant Award are Benjamin Mays, former President of Morehouse College in Atlanta; Joan Ganz Cooney of the Children's Television Network in New York; Francis Reppel, former U.S. Commissioner of Education; Ralph Tyler, Director Emeritus of the Center for Advanced Study in the Behavioral Sciences, Chicago; President Terry Sanford of Duke University and former Governor of North Carolina; and last year's winner, former Indiana Congressman John Brademus, now President of New York University.

This year, the honoree has made outstanding contributions year-in and year-out since 1948.

Since 1948 this nation has weathered wars and economic crises. We have seen Administrations come and go in Washington, and we have seen priorities change.

But for a man who grew up on the Left Hand Fork of "Troublesome Creek" in the hills of Eastern Kentucky, this nation's "number one priority" never changed.

He saw that education could break the cycle of poverty. He saw the promise education held for every single American. Time and again he focused America's attention on our schools and our children.

As a former schoolmaster and grade school teacher, he had seen "up close" the new road education offered to every young person. He never forgot what he had learned.

And he has taught that lesson to America. So, when it comes to education, this nation looks to this great leader. We have placed our trust in the right man. He has both shaped and safeguarded American education longer than any other public figure.

Please join me in honoring a true twentieth century champion of American education. I am proud to present the highest award that American education presents, the 1983 James Bryant Conant Award to the Chairman of the U.S. House of Representatives Education and Labor Committee, the Honorable Carl Perkins.●

AN INTERIM REPORT ON THE 98TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 24, 1983 into the CONGRESSIONAL RECORD:

When the 98th Congress began in January, Washington braced itself for a standoff. The President was pledged to "stay the course", the Democrats had picked up strength in the House of Representatives, and the Republican-controlled Senate was growing more tentative in its support of presidential initiatives. But after the first seven months of the session, the mark of this Congress has been compromise, not impasse. In the circumstances, perhaps its most significant accomplishment has been its avoidance of impasse. Events of these initial months represent a sharp shift away from the previous Congress, when the President and his congressional supporters dominated the agenda.

In the appropriations process, unnecessary confrontation has been avoided so far. With Congress cutting back the appropriation bills, the President's threat of a "veto war" has faded. Some potentially contentious legislation has gone through as well. The social security compromise and an emergency jobs bill were approved by strong bipartisan majorities. Even some difficult budget issues have been resolved. Congress passed a budget resolution raising taxes by $12 billion and holding real growth in defense spending to 5%, well below the 10% the President wanted. It should be noted, however, that Congress has not followed through on the resolution, and it is doubtful that taxes will go up. The resolution may be little more than a signal of congressional intent. The acid test may lie ahead, when the money bills come up for final consideration.

The President's drive to reshape the federal government by restraining government spending, building up the military, and reducing taxes has been slowed by the 98th Congress, but the President's basic program has not been upset. The tax cuts are in place, the increase in the defense budget has not been stopped, and restraint in domestic programs is still the rule. Some of the President's bolder moves may have been checked, but the general direction of his policies has not been altered. A large number of extremely tough decisions are simply being delayed, probably until after the 1984 election.

The most heated clashes in Congress to date have occurred in debates on foreign affairs. The President won, at least for the moment, a fight to build the MX missile. On the other hand, the House sent a message of its displeasure to the President when it called for a nuclear freeze and voted to cut off aid to the anti-Sandinista rebels in Nicaragua. It is clear that Congress remains uneasy about the President's strong military moves in Central America, and I would judge that our policy toward Central America is the most volatile issue in Washington today. However, the President appears to have a fairly ample reservoir of bipartisan congressional support on which he can con-

tinue to draw as he manages the nation's foreign policy.

For the moment, then, the President and Congress have reached a precarious co-existence—a jittery detente. All of the carefully crafted accommodations and arrangements, however, could come unglued in the months ahead. The spirit of compromise will be tested when Congress returns next month. On the domestic side, the appropriations bill for health and human services may spark a battle. The appropriations bill for defense is bound to be hotly contested, too. On the international side, it is unlikely that we will form a consensus on policy toward Central America. As the 1984 election draws nearer, political posturing will undoubtedly increase. It is plain that the shaky presidential-congressional accord we now see will not last indefinitely.

I would suggest that the work of Congress so far this session reflects the impact of the 1982 election on the members. Republican legislators were stung by the criticism that they were unfair to the poor, and Democratic legislators were hurt by the charge that they were big spenders. Action on the emergency jobs bill illustrates what happened. The bill was cut back in size even though many Democrats would have preferred a larger effort, and it enjoyed bipartisan support even though many Republicans would have preferred no bill at all. Action on the budget provides another illustration. Congress passed a budget resolution despite enormous differences among members because members concluded that if they failed to produce a budget, fiscal chaos (with very adverse electoral consequences) would likely result. It is interesting to note that both the emergency jobs bill and the budget resolution were drafted in Congress with only minimal involvement on the part of the President.

Seriously disturbing to me is the problem of the huge federal deficits now running at $200 billion per year over the next several years. The President and Congress simply have not addressed the problem. Despite the President's constant threat of veto, he has signed all five of the appropriations bills Congress has sent him this year even though some of them did not embody his spending priorities. It seems that no one at either end of Pennsylvania Avenue wants to seize the reins of a budget that, for all intents and purposes, is out of control.

The unwillingness to deal with burgeoning federal deficits is my principal disappointment with the 98th Congress. The trouble, I think, is that too many members have been lulled to sleep by widespread evidence of an economic upturn. For his part, the President apparently has decided to see whether he can get through 1984 without major changes in his economic policy. This complacency will probably not disappear when Congress returns in September, but sooner or later the President and Congress will have to face the fiscal facts. The danger signs are already present, especially in the recent rise in interest rates. Without action to control the deficits, a wrenching fiscal crisis is inevitable. In my opinion, averting that crisis will require a broad-based bipartisan effort to cut spending and raise taxes, no matter how disagreeable the prospect may now seem.●

COMMEMORATION OF THE ANNIVERSARY OF THE INVASION OF POLAND

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. ANNUNZIO. Mr. Speaker, 44 years ago a tragic event occurred in the history of Poland and the free nations of the world. During September 1939, the peaceful state of Poland was invaded by the forces of nazism from the west and the forces of communism from the east, and almost overnight the country became a tyrannized and persecuted nation, deprived of half its territory and millions of its people.

Often forced to survive for months in the forests and mountains, members of the resistance and Polish populace at large reacted consistently with spirit and conviction, fighting to maintain their freedom, Refusing to betray their national honor and collaborate with the enemy, 6 million Poles preferred death to capitulation. The nation lost close to one-quarter of its population, and the beautiful city of Warsaw, the Polish capital, was leveled to the ground.

But the end of World War II brought no respite, for an even crueler fate awaited the Polish people. Once the Nazis had been eliminated, the Communist regime which had occupied the country set out to systematically destroy the culture, religion, and national identity of the Polish people. Nevertheless, the Poles have continued to this day to fight for their personal liberty and national integrity, and the Communists have been unable to completely crush the spirit and pride of the Poles, and their desire to achieve self-determination.

At this point in the RECORD, I would like to include excerpts from the statement of Lech Walesa, leader of the Polish trade union Solidarity, which appeared in the Christian Science Monitor on June 21, 1983. His remarks are representative of the daily acts of courage, and the strong belief among all Poles that the desire for human rights, human dignity, and liberty will survive and one day overcome every threat of the Communists and every act of violence. Lech Walesa's statement follows:

POLAND'S "NEW CONSCIOUSNESS"

The August [1980] breakthrough demonstrated to the authorities in Poland the simple commonplace that ignoring reality, treating it as secondary to doctrine and underestimating the objective laws of economics, lead to an inevitable and dangerous crisis. It proved that the old methods, preventing influence of society on public affairs, could not be used to govern effectively.

After the strike at the shipyard and the establishment of Solidarity, everyone could take part in the social work for reform, could personally learn what free elections meant, what the hitherto mythical democracy meant in practice. Millions of people again became citizens. Those events also helped us to realize better that it is not only the authorities but all of us who are responsible for the fate of the country, its economy and political life.

The events initiated in Gdansk also showed to the world the extent of the true problems of a nation of 36 million in Europe. If realism has its foundation in objective knowledge about political and economic reality, then the establishment of Solidarity certainly enriched that knowledge.

A rejection of the world of fiction, that introduction of reality, was perhaps most evident in the system of communicating in Poland. People began expressing loudly and publicly their genuine thoughts, what was tormenting their minds and souls and not what they should be saying in accordance with official instructions.

That pillar of the old system, the magic language of "Newspeak" stopped functioning since it referred to a world which still existed only in the textbooks of ideologists, propagandists, and censors. Someone who has not lived for many years hearing everywhere an Orwellian style of describing and evaluating the world cannot comprehend how beautiful and communicative can be the ordinary language of truth.

It was not only the society—through the movement of renewal—which realized the true scope of problems facing it, but also the authorities. Not only the governing team changed, but the style of government and of communicating with society changed in many important ways. Dialogue dominated until Dec. 13, 1981, despite numerous tensions and problems which could not be solved. It is too early yet to assess fully that short, eventful period.

Martial law slowed the process of reform but did not halt it. For the change in relations between people, between institutions and individuals is achieved not only through passage of new laws or cancellation of old ones, but to a greater extent through changes in awareness which bid one to either respect or ignore these laws.

The legal system in Poland did not change in a fundamental way, but in practice enormous changes have taken place. Until recently people working together in the same room feared to talk sincerely with each other; they feared each other, and today they constitute one underground Solidarity cell. They are not indifferent and apathetic as they once were. Through small, daily acts of courage, they implement the ideals of our union. They do not support undertakings promoted by the martial law authorties, but readily join in any initiative which may lead to reform.

Such people are everywhere, in every factory, steel mill, mine, and shipyard, everywhere—even in the prosecutor's offices, courts, the police and security service. Many of my interned and imprisoned colleagues experienced not only harassment and humiliation, but also humane gestures and true solidarity from their oppressors. Also—and perhaps most importantly of all—such people and their thousand-fold actions constitute what is known as the historic process. And the significance of these positive attitudes is greater as far as I am concerned, for—after all—violence is in a way inscribed in the doctrines being implemented in this part of the world.

The new consciousness evident in the young generation of Poles is the greatest capital of the 16 hot months after the strike at Gdansk Shipyard. The consciousness which I have mentioned is my great hope. It is a fact which truly exists and thus has great impact on reality. This is why we do not have to overthrow the system; it is weaker than the national selfawareness, it either shrinks before it or absorbs it. The process continues, and that is why I am an optimist.

As we observe this anniversary, I am honored to join Americans of Polish descent living in the 11th Congressional District of Illinois which I am honored to represent, and Poles all over the world, in their hopes and prayers for the reentry of Poland into the community of free nations, so its people may once again live in personal and economic freedom enjoying fully the fruits of democracy and liberty.●

COAL SLURRY PIPELINES

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BEREUTER. Mr. Speaker, later this week the House will be considering legislation which will grant the power of Federal eminent domain for the acquisition of rights-of-way for coal slurry pipelines. Recently I received a copy of a letter which the attorney general of the State of Nebraska sent to the chairman of the Senate Committee on Environment and Public Works, stating the strong concerns of the State of Nebraska over the failure of both the House and Senate bills to adequately protect the legitimate interests of all States which may be affected by the sale of shared water resources for use in these pipelines. I request that this letter be printed in the RECORD, so that my colleagues can have the opportunity to examine and consider the ramifications of these bills upon relations among the States which share these precious water resources.

I have long advocated the adoption of amendments to these bills which would address these serious concerns. I want to make it clear that I am not opposed to coal slurry pipelines, per se, so long as the long-standing water rights of the affected States can be adequately protected. When the House considers H.R. 1010 later this week, I will once again be offering what I believe is a responsible approach to the resolution of these most serious questions of shared water resources, and I urge my colleagues to lend their support to that effort at the appropriate time.

The letter of the attorney general of the State of Nebraska follows:

STATE OF NEBRASKA,
DEPARTMENT OF JUSTICE,
Lincoln, Nebr., May 13, 1983.

Re S. 267, Coal Distribution and Utilization Act of 1983.

Hon. ROBERT T. STAFFORD,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR STAFFORD: I am writing to you to express my concerns and those of the State of Nebraska regarding the above-identified bill pending before the Senate Environmental and Public Work Committee. My concern is the effect that the bill will have over the water resources of any state which are shared with adjoining states. It is my hope that Congress will give protection to each state over the water resources it shares with other states. Although Section 5 does adequately establish the primacy of state water law in the context of coal slurry pipelines, it does so only for the state granting the water permit. However, Section 5(c) seems to apply only to the water law of the state in which the water right is acquired. Senator Wallop recognizes this in his additional views in Report No. 98-61 accompanying S. 267 at 38.

This bill fails to recognize an important fact relating to any significant water resource: it crosses state boundaries. It is a shared resource whether in an underground aquifer or in a surface stream or impoundment. The people of each of these sharing states have an interest in the water resources which straddle their common boundaries, whether there is a compact upon that water resource or a Supreme Court decree or no agreement at all. Disposition by one partner state will have an effect upon the right of any other partner state to this resource. No state should be allowed to make a disposition of this common resource for its sole benefit to the detriment of the right of any partner state. To permit such unilateral action by any one state only encourages disharmony among the states.

I would strongly recommend that you seek to insert into S. 267 recognition of the sharing of water resources and the obligation of any interstate user under this Act to obtain rights from any partner state to a shared water resource. The bill would recognize that the withdrawal of water for any interstate coal pipeline distribution system from any shared water source must be approved by each state sharing that resource, whether it is surface or subsurface water. With such a provision, Congress will be encouraging state cooperation among themselves in the planning and utilization of their water resources.

On behalf of the citizens of Nebraska, I appreciate your consideration of our concerns in this important area.

Very truly yours,

PAUL L. DOUGLAS,
Attorney General.

THE 50TH ANNIVERSARY OF ORDINATION OF THE RIGHT REVEREND MONSIGNOR MICHAEL C. POLCHA

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday evening, September 11, the Holy Trinity parish of Swoyersville honored its paster, Rev. Msgr. Michael C. Polcha, on the 50th anniversary of his ordination to the priesthood. This occasion marks also his 25th year as a monsignor and his 25th year as pastor of Holy Trinity Church.

Monsignor Polcha was born in Dunmore, Pa., on July 15, 1908, the son of the late Jacob and Mary Hanisek Polcha. He attended the Dunmore public schools, St. Procopius College, which is now Illinois Benedictine College, and St. Francis College, where he obtained both his bachelor and master of arts degrees. He studied for the priesthood at St. Francis Seminary in Loretto and was ordained in St. Peter's Cathedral, Scranton, on June 10, 1933, by the Most Reverend Thomas C. O'Reilly, D.C.

Over the years, Monsignor Polcha has served as assistant pastor at St. Julianne parish, Rock Lake, and St. John the Baptist parish, in Pittston. On June 19, 1942, he received his first pastoral appointment to establish and organize the new parish of Corpus Christi in Montdale, Pa. He was assigned to his present pastorate on October 16, 1958. On July 2 of that same year, he received notice of his elevation to the rank of domestic prelate by the late Pope Pius XII.

Mr. Speaker, September 11 will be a special day for the people of Swoyersville and the parishioners of Holy Trinity. It is my pleasure to join with them in honoring their friend and pastor, Rev. Msgr. Michael C. Polcha, on the occasion of this golden jubilee in the holy priesthood and, at the same time, to wish him many, many more years of devoted and rewarding service to God and man.●

THE COIN-OPERATED PHONO-RECORD PLAYER COPYRIGHT ACT OF 1983

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BREAUX. Mr. Speaker, I am introducing today legislation to modify an excessive copyright royalty payment schedule imposed annually on the Nation's jukebox industry. Without these amendments, the jukebox industry will continue to decline. As a result, a source of public entertainment is threatened. Small businessmen, who predominate in the industry, will be hurt. Importantly, copyright owners would lose, ultimately, a source of income.

As established by the Copyright Royalty Tribunal, the payment schedule through 1990 represents a royalty increase of over 500 percent from the $8 fee set by Congress, which became effective in 1978. Though Congress authorized the CRT to review and adjust

the royalty payment, the current rate schedule it has set for this decade goes far beyond congressional intent, I believe.

The amending legislation is entitled the Coin-Operated Phonorecord Player Copyright Act of 1983. Its purpose is to retain payment of a royalty fee, but at a rate and in a manner more reasonable and fair. The bill is intended to help stabilize the jukebox industry, which has been on the decline. Since the fee took effect in 1978, jukebox registrations with the Copyright Office have dropped by 40,000.

As proposed, the legislation would require a one-time royalty fee to be paid in a dual-tracked fashion. First, each new jukebox machine would be assessed a one-time $50 royalty fee, to be paid by the manufacturer. Second, jukebox operators would pay fees for each existing machine they own, on a one-time basis, with the fee level determined by the machine's remaining useful life, but not to exceed $25 per machine. Compliance with and enforcement of the legislation would be made easier. The bill's approach is a far more equitable and effective method to set and collect a royalty payment. Without this, the industry is faced with a current $25 annual fee, which escalates to $50 annually in 1984 and to $50 plus an inflation adjustment from 1987-90 for each jukebox machine.

This legislation would benefit everyone. Copyright owners would be protected. A source of revenue would be retained for them through stabilization of the jukebox industry. The businessman would be freed from an exorbitant royalty payment. Royalties would be paid. Machines would be registered. Administration of the law and collections would be facilitated.

The subsequent legislative summary of the bill outlines further what the proposed legislation would do. I would ask that Members read it and join with me in support of the bill and as one of its cosponsors.

LEGISLATIVE SUMMARY—COIN-OPERATED PHONORECORD PLAYER COPYRIGHT ACT OF 1983

The "Coin-Operated Phonorecord Player Copyright Act of 1983" would provide for a one time compulsory license for coin-operated phonorecord players (jukeboxes) for manufacturers of new machines and operators of old machines. The key portions of the bill are summarized below.

1. COMPULSORY LICENSES AND ROYALTY FEES

The Act creates a two-tier compulsory licensing system for jukeboxes. The first tier is for manufacturers and importers of jukeboxes that are manufactured or imported on or after the effective date of the Act. They must file an application with the Copyright Office, deposit a statement of account and pay the royalty fee, which is set at $50 per jukebox.

The second compulsory license is for operators who own a jukebox prior to the effective date of the Act for use thereafter. They must file an application with the Copyright Office, deposit a statement of account and pay the specified royalty fee, which may be set no higher than $25 per jukebox. The Register of Copyrights will establish the actual fee by rule based upon the number of years of useful life remaining to the jukebox. The operator's royalty fee is a one time only fee. He may elect to pay it on a quarterly basis over a two year period.

2. JUKEBOX LIST

The Copyright Office is required to keep an updated list of all registered jukeboxes that will be available to the public.

3. LIABILITY FOR PRIOR ACTS

To maximize collections under this Act, the bill provides that operators who register their jukeboxes on the one time basis and pay the royalty fee will have no liability in the event that they faled to register or pay the fees under any prior law. Litigation that has been filed as of the effective date of the Act, however, would not be affected.

4. DISTRIBUTION OF ROYALTY FEES

The Register will deposit the royalty fees in the U.S. Treasury after deducting the Copyright Office's costs. These funds will be invested in interest-bearing U.S. securities until they are distributed by the Copyright Royalty Tribunal.

Annually, persons who claim to be entitled to the royalty fees must file a claim with the Tribunal. Claimants are granted an antitrust exemption for the purpose of agreeing among themselves on their proportionate share of the fees.

In October, the Tribunal will determine whether a controversy exists over the distribution of the fees. If there is none, the Tribunal, after deducting its reasonable costs, will distribute the fees to the copyright owner or to his representatives.

If there is a controversy, the Tribunal will conduct a hearing to determine how the fees should be distributed. Its decision will be subject to judicial review.

5. CRIMINAL PENALTIES

Persons who knowingly make a false representation of a material fact in an application or statement of account will be fined up to $2,500.

Persons not complying with the Act could be subject to copyright infringement litigation.●

OUR TAX ON THE POOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. FRANK. Mr. Speaker, during our recess Prof. Alan Feld of Boston University published a very important article about the regressive nature of some aspects of our Federal tax system in the Washington Post. Mr. Feld's article is an important reminder that we continue to act in ways that are unfair to the working poor and I believe the membership would benefit from reading his analysis:

OUR TAX ON THE POOR

(By Alan L. Feld)

The Census Bureau's recent report on the economic state of the poor did not discuss one federal trend that has worsened their condition: the federal income tax now takes an increasing bite out of incomes that are below the poverty level.

Taxing the poor sounds remote and archaic, the sort of thing that Old Testament prophets inveighed against or that swashbuckling movies disclosed about the pre-revolutionary French aristocracy. It seems obvious that no modern income tax ought to tax the incomes of those who have so little as to be designated poor.

Yet the U.S. income tax now does so. According to the Census Bureau, the 1982 poverty line for a family of four was $9,862, a number that seems, if anything, too low. A worker who earned $9,862 for his family of four nonetheless incurred federal income tax. After claiming four personal exemptions ($4,000) and the zero bracket amount (ZBA) ($3,400), $2,462 remained subject to income tax, for a liability of $288 in tax.

The poverty-level worker also owed other taxes based on his earnings. He incurred Social Security taxes of $661, as did his employer. In addition, the state in which he lives also may impose an income tax. Such taxes frequently follow the federal model, so the state likely exacted some additional tax from him in 1982.

The federal income tax, which grants a deduction for state income taxes, supplied no such balm here. The poverty-level worker, having claimed the zero bracket amount, foreclosed any further deduction of state income taxes, along with medical expenses or interest.

These tax rules thus required families that the government formally declared needy to help pay for the federal and state budgets, generally at the same time as the public fisc is called on to support the same needy families.

When a similar paradox emerged in the late 1960s and early 1970s, tax policymakers sought to exempt poverty-level families from federal income tax. Congress and the administration worked to increase the personal exemption and the predecessor to the ZBA (and for a brief period introduced the general tax credit) to levels that would keep poverty families out of the federal income tax system. Unfortunately, inflation in the late 1970s and early 1980s pushed up the poverty line. As the inevitable result of a rising poverty level and a static threshold for taxability, large numbers of officially poor became liable for federal income tax.

The 1981 tax cuts sought to adjust for this kind of bracket creep at higher income levels. But they failed to increase the personal exemption or the ZBA; the president and Congress simply deferred consideration of the bracket creep of the poor to a later day.

The mechanics for raising the federal tax threshold are straightforward: increase the personal exemption and the ZBA. An added grace note would allow the deduction for state income taxes even when a taxpayer claims the ZBA.

But do not expect rapid implementation of these changes. A major problem, quite simply, is cost. Any change in the personal exemption of the ZBA, even of modest dollar amounts per family, involves billions of dollars in lost federal revenues. A Congress concerned about huge deficits is unlikely to incur revenue losses on behalf of its silent constituents. Prevailing economic theories find no public benefit in surrendering future tax revenues to poor families.

And so the United States income tax probably will continue to levy on the income of the poor, worsening the condition of those least able to help support us all.●

OBSERVATIONS ON THE 1984 ELECTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 7, 1983, into the CONGRESSIONAL RECORD:

OBSERVATIONS ON THE 1984 ELECTION

The 1984 presidential election is underway. There is speculation as to whether President Reagan will run again, but his speeches before key voting groups, his "summer offensives" seeking to allay the fears of blacks, women, and Hispanics, and his recent approval of a re-election committee suggest that he is seriously testing the political waters for 1984, even if he is not wholly committed to run again. Six Democratic hopefuls, making one appearance after another all across the country, have hit their stride and have begun to move at the grueling pace required of presidential challengers. Presidential polls and straw votes of all kinds are now regularly featured in the news media. A few observations may be in order.

The conventional wisdom in Washington is that the President will run again. I have my doubts. I do not assume that he will run again. Every Republican member of Congress with whom I have spoken is certain that he will, and without his candidacy it is clear that Republicans would face agonizing and potentially divisive choices. But the President's decision is personal and cannot be easily predicted. At age 72, he surely does not relish another presidential campaign. I make no claim of being close to him, but my guess is that the President has not made up his mind yet. He certainly could argue that he has turned things around in the country and that his policies have produced peace and prosperity. The President can also see a few clouds on the horizon—Central America, possible economic troubles, and the polls which show him, with a surging economy to boost him, running only even, if not behind, his principal Democratic rivals. By no means can he look ahead to 1984 with serene confidence.

It is also conventional wisdom in Washington that if the President runs again, he will win. Once more, I have my doubts. Nothing in the polls today indicates that the President will have an easy time getting re-elected, and I see no other basis for thinking that he will win his reelection bid handily even though six sitting Presidents have succeeded themselves since 1900 while only four have failed in the effort. In fact, he faces three serious problems: his advanced age, the unfairness of his economic program, and widespread doubts about his ability to conduct foreign policy. The strongest factor in his favor is the people's belief that an economic recovery is underway.

I am not predicting who will be the Democratic nominee, but the rules of the nominating process dictate that half the delegates will be chosen by the end of March, 1984. That gives the candidates with solid financing and good organization a distinct advantage, and makes it hard for the others. The Democratic nomination now appears to be a two-way race between Vice President Mondale and Senator Glenn. It is by no means impossible for one of the other candidates to win the nomination, but he would have to have some big breaks to do it.

The Democratic candidate will be a formidable contender even if the President is a candidate. If the Democrats avoid a divisive fight for the nomination, their candidate will be stronger still. However, avoiding division is a genuine problem for them. The Democrats have six candidates competing for delegates, and they are members of the broad-based party of large and disparate interests that the nominee must bring together in order to win. Reform of the nominating process has not made it any easier for the Democrats to achieve unity, but if they can hold their groups together, they will win. There are many more Democrats than Republicans. Presidential elections are battles for the allegiance of loosely attached Democratic voters. If the Republicans attract enough of them, as the President did in 1980, they will win. If they do not, they will lose. The Republican Party is a much more homogeneous group, and it is able to resolve its internal conflicts more readily.

At this point in time, my impression is that the election will be hard to call until the final days of the campaign. In recent years, the voters have become quite volatile. People decide late in the campaign whether they will vote, and even later for whom they will vote. Ordinarily, I think they vote on the basis of their personal evaluation of the candidates, with issues also laying an important role. In 1984, I expect to see large numbers of loosely attached Democrats returning to the Democratic column after having broken ranks in 1980.

My sense is that the contest for the southern states will be critical in the election. The Republican strategy is to win with a combination of the West and the South, plus a state or two in the Midwest and the Northeast. The Democrats count on winning with the Northeast, the Midwest, and a solid showing in the South.

Most politicians are discussing another major factor in the presidential race: the "gender gap". The fact is that the polls show women disapproving of the President in far greater numbers than men. My sense is that the gender gap is real. Its existence is explained by women's rejection of militarism in American foreign policy, of budget cuts that harm the poor, and of the President's stand on issues such as abortion and the Equal Rights Amendment. In each instance, women identify the President as a person who does not share, and may not even understand, their point of view.

A key to the election will be the "have-not" American, the low-income person who traditionally has not been much interested in voting. This group of citizens, which tends to be Democratic and is located in "swing" states, made a difference in the 1982 election. If they turn out and vote heavily in 1984, the Democrats probably will win. That is why voter registration drives aimed at this group are especially important. The economic recovery now underway is another key to the election. If it is broad and sustained, the Republicans will gain, but if it is a "split-level" recovery benefitting the rich and leaving the middle-class and the poor in permanent recession, the Democrats will gain.●

TRIBUTE TO SENATOR HENRY JACKSON

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. KEMP. Mr. Speaker, the Nation has lost a truly great leader. Senator HENRY "SCOOP" JACKSON was a warm and wise man, whose clear voice and sound judgment inspired the deep respect of his colleagues across the political spectrum. I personally feel a deep sense of loss at his death, and shall miss his counsel and his friendship. America and the free world will miss his vision and dedication to democratic values; but his ideas and example will live forever.

Senator JACKSON's over 40 years of distinguished service in Congress spanned a proud and enormously challenging epoch in American history. During his service in Washington, he was called upon to take a stand on an amazing range of difficult and momentous issues, from the U.S. participation in World War II, the Yalta agreements, the Berlin Wall and the dawn of the cold war, to the Korean war, to the first manned space flights and Neil Armstrong's walk on the Moon, to the Cuban missile crisis and the tragic assassination of President Kennedy, to the war in Vietnam and the social upheaval at home, to the seizure of the *Pueblo* and the *Mayaguez*, to the celebration of our bicentennial, and the demise of détente.

In crises and triumphs, Senator JACKSON was a leading spokesman for all that is best in America's traditions and beliefs in individual rights and justice and freedom. During his tenure on the Armed Services Committee, he was an outspoken advocate of a strong defense and an assertive foreign policy. His deep commitment to the cause of human rights engendered the birth of the Jackson-Vanik amendment, to promote freedom of emigration from the Soviet Union. The historic Jackson amendment to the SALT I accords charted and remains a seminal tenet in U.S. arms control policy. Most recently, his sponsorship of a bipartisan commission on Central America has focused national attention on America's vital interests in that region. For all this and more, SCOOP earned the enduring gratitude of his countrymen.

It would be a fitting tribute for a grateful nation to honor HENRY JACKSON's memory by designating the President's Commission on Central America the Jackson Commission, after the man who first conceived and fought for its creation. I have written to President Reagan, suggesting this salute to a great and respected American.●

PRESIDENT REAGAN'S PRUDENT RESPONSE

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BEREUTER. Mr. Speaker, the Reagan administration recently faced one of its most difficult international incidents with the downing of the Korean airliner. Unlike Presidents of the past, however, Mr. Reagan did not respond with rash export controls which harmed no one but our own businessowners and farmers. By working with our allies and other nations from throughout the world, the President acted responsibly and thoughtfully in attempting to formulate a meaningful and effective response to this latest incident of Soviet savagery.

National Journal columnist Robert J. Samuelson made some important observations in his most recent column regarding the wisdom of export controls. I commend the following to my colleagues.

[From the National Journal, Sept. 10, 1983]

TRADING WITH THE ENEMY

(By Robert J. Samuelson)

When James H. Giffen, a vice president of Armco Inc., testified before a congressional committee earlier this year on export controls, he ended in virtual exasperation.

"Mr. Chairman, I first testified on this subject before this committee in 1969," he said. "After 14 years of submitting testimony . . . , I begin to ask myself, 'Is anyone listening?' "

Well, maybe somebody is.

The Reagan Administration's response to the downing of the Korean Air Lines jetliner notably excluded sweeping economic sanctions. Compare that with President Carter's reaction to the invasion of Afghanistan (a partial grain embargo) or to the Reagan Administration's response to the imposition of martial law in Poland (an embargo on oil technology).

Americans find trading with the enemy—even when there isn't a formal state of war—illogical and loathsome. But it is one of those unpleasant ambiguities of modern life to which it is necessary to adapt. The lesson may finally be taking.

The trouble with economic sanctions is simple. They don't work. Consider:

The 1979 grain embargo did not prevent the Soviets from obtaining needed supplies elsewhere. Although the Soviets may have paid higher prices, American farmers also suffered. President Reagan used the embargo as a campaign issue against Carter, and Agriculture Secretary John R. Block recently signed a new five-year agreement with the Soviets.

The embargo of oil technology has not prevented the Soviets from proceeding with their trans-Siberian natural gas pipeline. Orders for pipelaying gear that might have gone to the Caterpillar Tractor Co. went instead to Komatsu Ltd. When the Administration sought to apply its export ban to foreign firms, other nations reacted in horror. Now, many of the controls have been lifted or modified.

Although the United States restricts the export of equipment for making electronic "chips," the Soviets have obtained significant imports elsewhere. The Semiconductor Equipment and Materials Institute Inc., a U.S. trade association, reports that at least 60 "ion implantation machines"—a critical machine for chip making—have been shipped to the Eastern bloc and China.

Many long-standing American assumptions about export controls have been overtaken by events. The most basic is the belief that trade with Communist nations primarily benefits them. Americans believe that they have superior technology—and, in general, they do—and that transferring any of it to the Soviets is mostly a giveaway.

Modern technology is more complicated. Using it involves more than buying equipment. The know-how of applying it, fixing it, duplicating it and assuring quality control does not come automatically. These depend on a nation's basic economic strengths: the quality of its work force and economic enterprises.

Moreover, technology constantly changes. A dilemma emerges. To prosper and finance the next round of development, technology firms need to export. But exports spread technologies elsewhere.

The United States has not handled this dilemma adeptly. American export controls exceed those of any other Western nation. The North Atlantic Treaty Organization nations (minus Iceland, plus Japan) participate in something called the Coordinating Committee for Multilateral Export Controls—CoCom for short. This group maintains a list of about 180 items that aren't supposed to be shipped to Communist nations without prior approval of the entire group.

But U.S. controls are far stricter. On the CoCom list, items are distinguished by level of technical sophistication; exports of some signal generators, for example, might be permissible and others not. But the United States requires export licenses for many shipments that fall below the CoCom thresholds. Moreover, licenses are required for shipment to all countries, not just Communist nations.

The result is a system that is large, unwieldy and ineffective. In fiscal 1982, the Commerce Department received more than 100,000 license requests. Only about 8,000 involved exports to Communist nations. A relatively small proportion went to CoCom for possible exemption from export prohibition (1,100 for the United States, 700 for other nations). Most other licenses were approved.

The gripe of American firms is that the licensing system and the use of specific export controls—for example, the post-Afghanistan embargoes—have erected new barriers to exports. In some cases, sales to Soviet bloc nations are lost. More important, U.S. firms argue, these measures have the unintended effect of putting U.S. firms at an increasing competitive disadvantage in sales to non-Communist countries.

Though difficult to quantify, the effect is beyond doubt. American companies and farmers feel increasingly stigmatized as unreliable suppliers. As U.S. technological superiority has declined, the licensing requirement imposes an increasingly heavy burden on export sales. To buyers, it means added uncertainty and jeopardizes the flow of spare parts.

The growing availability of high-technology products also means that unilateral U.S. actions are increasingly futile. Paradoxically, expansive U.S. efforts to apply unilateral sanctions may have impeded effective multilateral controls by alienating the Europeans and hampering CoCom cooperation.

The Korean airline incident may signal a shift. For once, the response seems to fit the offense and gain allied support. Have broader lessons been absorbed? Congress may provide an answer when it considers the Export Administration Act, which governs export controls and expires on Sept. 30. The temptation will be to tighten controls to symbolize "getting tough"; the wiser response will be to narrow the controls and to focus them on areas where direct military use is clear.

The frustration of being unable to retaliate forcefully needs to be kept in perspective. At best, controls can only delay the Soviets from gaining new technology. No nation can bottle up knowledge. The most effective defense lies in the sluggishness of the Soviet system and the vitality of ours. In general, the Soviets have not innovated successfully and we have. The differences stem from within—and aren't for sale.●

THE MARCH ON WASHINGTON REVISITED

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. LEVIN of Michigan. Mr. Speaker, I would like to take this opportunity to commend the following article to the attention of my colleagues. It is an excellent summary of the impact of Dr. Martin Luther King on our national conscience as well as the work of achieving equality that remains to be accomplished. The author, Mark Arnold, was formerly with the National Observer and is now the editor in chief of the North Shore Weeklies in Massachusetts.

THE MARCH ON WASHINGTON REVISITED

(By Mark Arnold)

The year was 1958, and a young Negro minister from Montgomery, Ala., visited the small Ohio college I attended to lecture middle-class Northern white students on the virtues of non-violent resistance.

Martin Luther King Jr., I concluded after hearing him, was a man with a cause and a commitment, but it would take 100 years to reach the goals he outlined. I also wondered if a modest-mannered black man with a Southern drawl could reach outside his core constituency to stir the conscience of white America.

Dr. King did, ultimately, stir white America's conscience. The moment came exactly 20 years ago today, when more than 200,000 people, white as well as non-white, gathered under a broiling sun at the Lincoln Memorial in Washington for the largest civil rights demonstration in U.S. history.

The power of Dr. King's message—a message of simple justice delivered with historic eloquence—legitimized the Negro struggle for equality in the minds of most Americans. "I have a dream," said Dr. King on August 28, 1963, and on that day, white America finally accepted the black man's right to share in the American dream.

This weekend, the march of 20 years ago is being repeated in Washington, minus, of course, Dr. King. The goals, now as then, are jobs and justice, but in the years since

his death in 1968, no one has emerged with Dr. King's ability to dramatize the cause and re-awaken the nation's conscience.

The assassin who cut him down in Memphis, Tenn., secured Dr. King's place in history but he also made it easier for the nation to ignore problems of inequality and injustice.

In some ways, things are better now. The elaborate legal structure that supported discrimination has crumbled. Probably a higher proportion of nonwhites are receiving a good education than ever before. Educated nonwhites are finding better jobs; some are buying homes in white areas—though few on our own North Shore—and being accepted without incident.

While court-ordered busing for racial balance has not achieved its educational objective—a better education for both races—one-way voluntary busing, as exemplified in the METCO program locally, is well-established. And some of the federal aid that has gone into slum schools has indeed given minority youths a head start in life.

On the other hand, poverty in America remains a national scandal—one that receives less and less attention each year. A new Census Bureau report entitled, "America's Black Population: 1970 to 1982," shows the number of blacks below the poverty line grew by 12 percent during the period. Almost one out of every two black teenagers was unemployed in 1982. Income of black families lags further behind that of white families than it did in 1970.

The major bright spot concerns black married couples. Their income is growing faster than that of white married couples—starting, to be sure, from a base 30 percent lower. Countering that is an alarming increase in the number of black families headed by women; more than 40 percent of all black families have a woman head of household, compared with 32 percent in 1970 and such families are often among the poorest.

Overt discrimination has ended; subtle discrimination remains. Instead of answers, we're left with questions: What does equality mean? Sure, most everyone believes in equality of opportunity, but how is it to be measured—by equality of results? What debt does the present generation bear for the legacy of past discrimination? Are color-blind policies—in employment, in college admissions, for example—fair or is affirmative action, including establishment of quota systems or minority enrollment goals, called for? And are such special efforts, smacking of what critics call reverse discrimination, legal?

Congress next month is expected to give final approval to legislation making Dr. King's birthday of Jan. 15 a federal holiday. It's an honor not accorded to Abraham Lincoln or Thomas Jefferson. President Reagan is opposed, but only for financial reasons, the White House says: it would cost $18 million a year to give federal employees another holiday.

Whether or not Dr. King is honored by a national holiday is less important than that the values he personified continue to grow and take hold. Martin Luther King made equality respectable—by the example of his leadership, the power of his rhetoric, the simplicity of his dream.

Translating that dream into reality will take another kind of leader—one who can mobilize voters at the polls.●

NATIONAL REHABILITATION FACILITIES WEEK

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. MURPHY. Mr. Speaker, today I am introducing a joint resolution which would designate the week September 25, 1983, through October 1, 1983, as National Rehabilitation Facilities Week. The week would be used to commemorate the efforts of the more than 4,000 locally based rehabilitation facilities throughout the Nation.

Our local rehabilitation centers help to increase physical capabilities, as well as mental attitudes of self-worth and self-esteem for the over 35 million disabled Americans so they may lead independent lives. Those disabled persons who become employed, thus taxpaying citizens, stimulate our economy in terms of productivity. Furthermore, the centers offer guidance and support for the over 1 million additional Americans who become disabled each year due to chronic disease, birth defects or traumatic injury.

Because of the Rehabilitation Act, trained professionals are able to make possible individual progress among the disabled, which then becomes evident to all Americans. The human potential remains strong for the disabled as long as Congress continues to recognize its financial responsibility on behalf of rehabilitation programs. It is increasingly important that America focus much attention and lend support toward all its resources. By expressing sincere gratitude, it is my hope that this week will bring deserving recognition to the dedicated workers of the local rehabilitation facilities and disabled Americans themselves.

I urge my colleagues to support this resolution.●

SYRIAN WITHDRAWAL FROM LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for August 1983 into the CONGRESSIONAL RECORD:

SYRIAN WITHDRAWAL FROM LEBANON

The major question before the United States in the Middle East this summer is how to encourage Syria to withdraw its troops from Lebanon.

Senior American diplomats in the Middle East have been huddling in Washington much of this summer. They are trying to devise a strategy to achieve Lebanese-Syrian accord on the withdrawal of Syrian, other Arab, and Iranian troops now stationed in the Biqa Valley and northern Lebanon. This will be a difficult task. The line dividing diplomacy from violence in Lebanon will be a fine one in the coming months. It may be crossed at times, but we must work to see that negotiations dominate the agenda.

Ambassador McFarland's mission must take account of several factors. Syria may not have closed the door on an accord with Lebanon or on talks with the United States, but the American-Syrian relationship hangs by a thread. We will have to summon all our diplomatic skill in order to promote a withdrawal of troops in the uncertain environment that surrounds a strained relationship. We must accept that the critical issue for President Assad is political survival. History shows that the Arabs themselves can misread events in Damascus, so we should be cautious in taking the advice of Syria's fellow Arabs. Egypt, Iraq, Lebanon, and Jordan too often have confused their hopes for Syria with the realities there. The United States has also misjudged Syria. A year ago, American officials were saying that all foreign troops could be out of Lebanon by the end of 1982. We were wrong.

Other factors are important to American diplomatic strategy in the area. The influence of the Soviets in Syria has grown since the late 1970's. The use of Eastern Bloc intelligence to root out Syrian political opposition and the large Soviet military resupply effort of last summer reveal a Soviet desire to get back onto the Middle East stage. We also face major psychological barriers. Involvement of Syria in the peace process in Lebanon will make the Israelis nervous because of their suspicions of Syria. For its part, Syria is the least willing of all Arab nations to contemplate direct dealings with Israel. Finally, we will have to see Syria as the gatekeeper in the areas of Lebanon it occupies. With Chairman Arafat's power fading, Syria controls much of the PLO and will usher that group out of Lebanon only when it chooses to do so.

The goal of our diplomacy in Lebanon is a political reorientation of that nation toward a neutrality which depends on stable relations with its more powerful neighbors. Thus, a successful diplomatic strategy contains several elements.

The first element is support of Syria as a state. Despite all our problems with Syria, we know that it is a key state in the region. We ignore that fact at our own peril. Syria's independence, its legitimate role in the region, and its political and economic development are unequivocal interests of ours. We should say so.

Recognition of Syria's security interest in Lebanon is the second element. Unlike other Arab states, Syria has a legitimate security interest in Lebanon. It must be part of any negotiations. Syria wants to be assured that Lebanon will not be used by its opponents in the Arab world, by its own exiles, or by the Israelis as a base of military operations. Aspects of the Israeli-Lebanese agreement which allow for Israeli access to southern Lebanon trouble President Assad since Damascus is but a few miles from the area. With his political survival in doubt, he looks to us to recognize this security interest.

A third element involves action to create an environment in which it is clear to Syria that its interests will be served by leaving Lebanon. Lebanon can formally ask Syria to leave, and through other actions can pressure Syria to modify its stance. Because of the Israeli presence near the Syrian capital of Damacus, Israel can send the message

that withdrawal makes sense for both countries. All interested parties can support the Lebanese government and thereby show Syria that its effort against Lebanon are not weakening Lebanon, but are strengthening the resolve of Lebanon and its friends, especially the U.S.

Enlistment of outside support for diplomacy is the fourth element. Western Europe is Syria's largest trading partner. The task of dislodging Syria from Lebanon also has an Arab dimension. Saudi Arabia's help is particularly important, and that nation has leverage because it gives Syria billions of dollars in aid. However, Saudi Arabia's preference for quiet diplomacy suggests that its involvement will not be decisive.

The fifth element is expression of interest in a comprehensive peace. Syria cannot be engaged in the general peace process until the issue of the Golan Heights is addressed, but resolution of this issue will have to await direct negotiations between Israel and Syria. For purposes of our diplomacy in Lebanon, it may be useful to restate our longstanding policy that a comprehensive peace include an Israeli-Syrian peace and a settlement of the Golan Heights issue. In this process, we should adhere to United Nations Resolution 242 and the Camp David Accords without giving our version of an Israeli-Syrian settlement. To do so would strain American-Israeli relations.

Constructive interaction with the Soviet Union is the final element. The Soviet Union has interests in Arab groups with interests in Lebanon, but it has few interests in Lebanon itself. Lebanon sees little room for Soviet efforts. Israel distrusts Soviet motives. Syria may not feel comfortable in the Soviet embrace. We should consult freely with the Soviets, but allow their friends in the region to judge the value of their involvement. Since last fall, the Soviet Union has not backed the peace process.

As we press on with the peace process in Lebanon, we should not expect quick results. The road ahead is filled with obstacles. A careful diplomatic initiative can surmount them. Formulating and executing this initiative are the primary tasks of our Middle East policy today.●

THE 50TH ANNIVERSARY OF ORDINATION OF REV. JAMES BENISH, ORDER OF FRIARS MINOR CONVENTUAL

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday, August 28, Rev. James M. Benish, Order of Friars Minor Conventual celebrated the 50th anniversary of his ordination to the priesthood. This event was commemorated by the celebration of mass at noon and, immediately thereafter, by a dinner hosted by his many friends.

Father James is the son of the late Mr. and Mrs. Jacob Benish of Plains. He was educated at Sacred Heart Slovak School, Wilkes-Barre, and at Mount St. Francis Minor Seminary, Floyd Knobs, Ind. He entered the novitiate of the Conventional Franciscans on August 7, 1928 at Syracuse, N.Y.

Father James studied philosophy and theology at St. Anthony on the Hudson, Major Seminary, Rensselaer, N.Y. He completed his theological studies at St. Bonaventure Friary, Washington, D.C. He was professed on August 7, 1931, and was ordained at the Immaculate Conception Cathedral, Albany, N.Y., by the late Most Reverend Edmund Gibbons, D.D., on June 10, 1933.

Father James has served in numerous assignments and has spent most of his priestly years in parishes and missions of Slovak denominations. He has been a confessor, counselor, and friend to many of the elderly of the Slovak people, especially those who are confined to hospitals and nursing homes. He is presently assigned to the Parish of St. Cyril and Methodius, Schenectady, N.Y.

Sunday, August 28, was a memorable day in the Slovak community as his family and many friends celebrated with Rev. James M. Benish, Order of Friars Minor Conventual, a golden jubilee of service to God and man. It was my pleasure to share in this occasion and to congratulate Father James as it is my pleasure, today, to share this happy event with my friends and colleagues in the House.●

SALUTE TO FIRE CHIEF DONALD A. SMOTHERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Ms. KAPTUR. Mr. Speaker, I want to take this opportunity to honor a very special constituent of mine from Walbridge, Ohio. For the past 40 years, Chief Donald A. Smothers of the Walbridge-Lake Township Fire Department has unselfishly, and with the utmost dedication, served the communities of Lake Township and Wood County.

The valuable service of Chief Smothers is an inspiration to all of us concerned about the safety of our communities. It is a tribute to Chief Smothers that he is being honored in a grand event organized by the people who know him the best—his family and his colleagues. We, the Members of the House of Representatives, congratulate Chief Donald Smothers and thank him for setting such a fine example of citizenship and community leadership.●

TRIBUTE TO MSGR. MANUEL ALVERNAZ

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. STARK. Mr. Speaker, on September 18, the San Leandro Boys' Club will honor Msgr. Manuel Alvernaz for his dedicated efforts on behalf of the club.

In 1946, a small group of local citizens got together with Monsignor Alvernaz, priest at St. Leander's Church, to lay the foundation for a club for boys in San Leandro.

Father Alvernaz, in September 1945, offered the use of St. Joseph's Hall for the first Boys' Club facility. The San Leandro Boys' Club, with a membership of 385, was accepted as a charter of the Boys' Club of America, a national organization then headed by former President Herbert Hoover. The San Leandro club membership has grown significantly over the years and has expanded to surrounding cities to serve youth.

The new modern facility in San Leandro was dedicated on November 22, 1966. The growth and success of the San Leandro Boys' Club could not have been accomplished without the commitment and leadership of Monsignor Alvernaz. He saw the need for a recreational organization that would offer companionship and enrichment to boys in his community. Through Monsignor Alvernaz' efforts, the San Leandro Boys' Club has become a meaningful experience for the youth it serves. I join in honoring Monsignor Alvernaz for his contributions.●

SENATOR HENRY M. JACKSON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BROOMFIELD. Mr. Speaker, it is with great sadness and a profound sense of loss that we mourn the passing of Senator HENRY M. JACKSON. He was a plain-spoken man whose compassion, integrity, and steadfast dedication to his responsibilities as a legislator served the broad interests of the American people well throughout his distinguished career in the Congress.

He leaves behind two distinctive yet plainly appropriate monuments to his contributions to the welfare of his fellow men. The first of these is an array of significant and important statutory provisions on freedom of emigration, national security, energy, and environment of which he was the guiding spirit. Second, he has left us the very considerable light of his ex-

ample to help guide our footsteps along the often daunting and arduous paths of duty which democracy requires of us. As the Washington Post so appropriately editorialized, "He leaves behind an example of honorable and effective public service, responsive to events but informed by conviction and steadiness of purpose."

President John Kennedy once enunciated four questions by which the "high court of history" would eventually judge each of us for our conduct in public office. "First, were we truly men of courage? Second, were we truly men of judgment? Third, were we truly men of integrity? Finally, were we truly men of dedication?" HENRY JACKSON's career, and indeed his life, was a straightforward and eloquent affirmative to each of those fundamental questions.

All of us, in the executive branch as well as the Congress, who had the privilage of working with HENRY JACKSON and the benefit of his vision and his candid and thoughtful approach to the important problems of our time, were enriched by that experience. He will be sorely missed.●

DEDICATED NURSES AT NATIONAL CANCER INSTITUTE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. YATES. Mr. Speaker, there are few tragedies in life that parallel the news that someone you love has cancer. That happened to me 1 year ago, Mr. Speaker, when our doctors told us that my wife, Addie, had lymphoma. Where does one turn for help when this dread disease strikes? One feels so helpless.

Fortunately, our inquiries brought me to the National Cancer Institute to an old friend Dr. John Doppman and to his associate, Dr. Robert Ozols. They hospitalized Addie and the brutal period of chemotherapy began.

I had always supported the programs of the National Institutes of Health, but that was very much in the abstract, from reading articles and appropriations justifications. Now we were to learn at first hand why the National Cancer Institute was created and what it did for its patients and for the country.

Mr. Speaker, I cannot say enough about the competent and sympathetic treatment Addie received from NIC's personnel. There's such a large patient load that I wondered frequently how this small band of therapists could deal with their enormous problems. They did so courteously, cheerfully, ably, and thoroughly. They really work hard.

All the nurses who work in the clinics are so good. I want particularly to pay tribute to the young nurse, Mary Grace Tighe, who was assigned to Addie and who did so much to bring her through to recovery. I do not think Addie was a special patient for her because she considers all her patients as special—and treats them as such—but Mary Grace was and is a very special person and a very special nurse. She is an optimist where optimism is so important. She is warm and sympathetic where those qualities are needed to fight the despair and defeat that cancer brings to its victims. She is competent, conscientious, and painstaking in providing the treatments that may mean the difference between life and death. She is love personified.

I want to say "Thank you" to Mary Grace for Addie and me for doing so much and so well in bringing Addie through her most difficult trial. She must take great pride and satisfaction in her work—but I want her to know she will always be someone special to us.

Mary Grace recently received the cherished award as Nurse of the Year. Her exemplary traits of character are described in the article which I attach to my remarks entitled "Nursing Department Presents Annual Awards."

NURSING DEPARTMENT PRESENTS ANNUAL AWARDS

(By Charlotte Armstrong)

The presentation of awards to three CC nurses opened the 9th Annual Nursing Research Symposium sponsored May 5 by the CC Nursing Department. Awardees then joined the audience of CC nursing staff and visiting nurses in listening to the lectures of distinguished keynote speakers Barbara Stevens, R.N., Ph.D., and Phyllis B. Kritek, R.N., Ph.D.

Honored by the CC Nursing Department were Mary Grace Tighe, who received the Nurse of the Year Award; Susan Fisher who received the Nurse Research Award; and Dan Sands, recipient of the Distinguished Nurse Award. Rena Murtha, R.N., CC Associate Director for Nursing, presented the awards.

The Nurse of the Year Award is presented in recognition of exemplary practice in the care of patients in a research environment. Ms. Tighe is a primary nurse whose field is ambulatory care of medical oncology patients. She has taught chemotherapy courses for nurses, represented nursing in interdisciplinary programs for medical oncology patients and has acted for six weeks as head nurse on her unit in the absence of a permanent head nurse. Ms. Tighe "has demonstrated excellence in practice and leadership in the coordination and direction of patient care and nursing activities."●

WE ALL WILL MISS MSGR. CLEMENT KERN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. KILDEE. Mr. Speaker, I wanted to pay tribute to the life and contributions of the late Msgr. Clement Kern of Detroit, who had been a theological and sociological hero of mine for many years. Having read the reflections by Msgr. George G. Higgins of Catholic University of America, who also has contributed so much to social justice, I felt that no greater tribute to Monsignor Kern could be expressed. I am sharing with my colleagues the words of Monsignor Higgins:

"CLEM KERN WAS A GREAT PRIEST"

Msgr. Clement Kern, a priest of the Archdiocese of Detroit and one of the unsung heroes of the Catholic social action movement in the United States, died last week at the age of seventy-six as the result of an automobile accident. The most beloved clergy-man in Detroit for more than half a century, he will be sorely missed by people of all faiths, rich and poor alike, in that economically troubled city.

Msgr. Kern was one of the most perfectly integrated Christians I have ever met. To begin with, he was a deeply spiritual and profoundly prayerful priest with an extraordinary sense of confidence in the goodness and providence of God. At all times and under all circumstances he was completely unflapable. In the 40-odd years that I knew him, I never once saw him out of sorts or out of patience. His rectory at Most Holy Trinity parish on the edge of the downtown business area of Detroit was frequently a madhouse, a magnet-like haven for people from all walks of life with problems that they thought only Father Clem could help them resolve. St. John Bosco is said to have been the first educator to make a virtue out of noise in the classroom and the workshop. For his own part, Clem Kern made a virtue out of confusion. On any given day his rectory was as hectic and as confused as Grand Central Station on the eve of a national holiday. But Clem took it all in stride, with great respect for the dignity of each of his importunate callers. He could be as calm as a cucumber in the midst of the kind of disorder and confusion that would have unnerved the average person.

Always full of good cheer, Clem spent his entire lifetime, as the Gospel puts it, rejoicing with those who rejoice and weeping with those who weep. Long before the phrase came into our language, he had a preferential option for the poor, the poorest of the poor—for the derelicts on nearby Skid Row, for prisoners and ex-convicts, for abandoned mothers and children, for the victims of racial or ethnic discrimination, for the mentally or physically ill, in short, for all the lame, the blind and the halt. At the same time, though not a respecter of persons, he moved comfortably and with great good feeling among the rich and the powerful in the Detroit Establishment. He counseled with them, as he did with the poor, about their personal, family, and professional problems. Moreover, without fawning on them, he quietly persuaded them to share their abundance with the poor and helped them to understand the broader social implications of the Gospel. They vied with one another to support his multiple and highly imaginative social welfare and antipoverty projects. I have no doubt that these pillars of Detroit society will mourn his passing every bit as much as his nameless friends on Skid Row. He treated them all the same. That is to say, he was literally all things to all men and women.

Unlike many others with a highly personalized concern for the spiritual and material

needs of individual men and women, both rich and poor, Clem never lost sight of the big picture. Early on in his priesthood, he came to realize that it was not enough to feed and clothe needy individuals, not enough to put band-aids on the socio-economic sores of urban America. Specifically, he clearly recognized the need for a strong trade union movement in a highly industrialized city such as Detroit and did as much as any other single individual outside the movement to help the workers of Detroit get organized. He was the best friend that the autoworkers and their union, the UAW, have ever had. Though by nature a disarmingly modest, low-key, and soft-spoken person, he was never afraid to stand up and be counted on controversial labor-management issues and could be as tough as nails, though gently and humorously so, when the going got rough. Through it all, however, he retained the respect and friendship of top management representatives in the auto industry and was instrumental more than once in bringing them together informally with their union counterparts in joint labor-management and community projects.

Following his retirement a few years ago as pastor of Most Holy Trinity parish, Clem joined the faculty of St. John's Provincial Seminary in suburban Detroit as pastor-in-residence. From all accounts, he had a profound influence on the seminarians. I envy them. They are fortunate to have enjoyed his company and to have profited from his wise counsel in his declining years.

Because of his long association with the auto workers, it was altogether fitting that Clem's last major public appearance should have been at the union's national convention in Dallas, Texas just a few months ago. I was with him there for a week and was delighted to see how warmly he was received by the officers and members of the UAW. They greeted him with deep affection as a revered member of the family, little knowing at the time that they were saying goodbye to him forever.

Clem Kern was a great priest, one in a million. We are going to miss him very much. May he rest in peace.●

JAPAN'S UNFAIR IMPORT RESTRICTIONS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BEREUTER. Mr. Speaker, the Secretary of State, George Shultz, has recently approached Japanese officials and presented them with the opportunity to relax that nation's continued import restrictions on agricultural products and in other areas, in return for the administration's continued opposition to protectionist legislation in the Congress. The Secretary has pointed out to the Japanese that, although no seriously damaging protectionist legislation has yet passed the Congress, continued strict limits on the importation of U.S. goods, particularly agricultural products, by that country may result in the adoption of protectionist legislation as the trade deficit continues to grow worse, unemployment in the United States remains high, and next year's elections get closer.

I would hope that the Secretary's offer, as well as his observations on the possibility of a serious deterioration of trade relations between our two nations, will be given serious consideration by the Japanese. They must realize that they could make a great contribution to improved relations at this crucial time in history by a liberalization of these unfair import restrictions. They must also realize the potential for serious retaliation exists, if progress on this matter is not made soon.

The Washington Post of September 6 published an editorial relating to this important issue, and I request that it be printed in the RECORD for the benefit of my colleagues who may have been out of town. The editorial follows:

SECRETARY SHULTZ' BARGAIN

Secretary of State George Shultz proposed a bargain with Japan the other day—and the right kind of a bargain. It's time for Japan to open its markets wider, particularly for agricultural products and in government procurement. In anticipation of greater access for American products, as Mr. Shultz put it, the Reagan administration will continue to oppose the protectionist legislation now before Congress.

Japan's barriers to imports are more important as politics than as economics. The difficulties in exporting certain categories of goods to Japan have become an issue almost to the point of obsession with several American industries. But the potential volumes of sales there are not large enough, by any reasonable estimate, to make any great difference in the balance of trade or to the Japanese econony as a whole.

These barriers are mostly traditions inherited from a time when Japan was less rich and a good deal less self-confident. Probably the least defensible of the agricultural policies is the one that keeps imports of meat down to a trickle and holds prices in Japan outrageously high. Among other things, it's an unjustifiable burden on Japanese consumers.

Japanese government procurement policy attracts attention because the issue here is chiefly high-technology equipment for the national telecommunications system. In the past, Japan kept most of this field closed to foreigners to keep its own manufacturers from being suffocated by the overwhelmingly strong American companies. But the Japanese industry is no longer an infant.

The Reagan administration and, for that matter, Congress have done pretty well on balance in the endless struggle to keep the American market open to all comers. The administration has made compromises, but some were hardly avoidable and most have been temporary. Congress has done a lot of shouting and ritual sword-waving, but most members are well aware of the damage that protectionist legislation inflicts. Unfortunately, it is very possible that moods can change over the coming year as American trade deficits get worse, unemployment stays high and elections get closer.

That is the prospect that concerns Mr. Shultz as well as a good many other people in Washington. And that is why Mr. Shultz proposed his bargain to the Japanese. He is aware that, under Prime Minister Yasuhiro Nakasone, Japan is enjoying stronger and more decisive government than it has had for many years. One of the attributes of a competent government is that it does not allow third-rate issues like beef and electronic switching gear to become intractable, inflammatory and disruptive.●

FLIGHT 007 AND THE MX

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Ms. KAPTUR. Mr. Speaker, the Soviet atrocity exhibited in the destruction of Korean Air Lines flight 007 deserves international condemnation and countermeasures. It does not, however, justify the need for the MX missile. The arguments against the MX cannot be dismissed. In fact, as Tom Wicker clearly explains in the following op-ed piece which appeared in the New York Times, the terrible downing of the Korean airliner further demonstrates the dangers of MX deployment. I urge my colleagues to carefully consider Mr. Wicker's message. His article follows:

FLIGHT 7 AND THE MX

(By Tom Wicker)

Right-wing hawks are calling President Reagan, once one of their own, "pusillanimous" (from the Latin *pusillus*, meaning "very small," and *animus*, meaning "soul") in his response to the destruction of Korean Air Lines flight 7 by a Soviet fighter plane.

But if Mr. Reagan is successful in his calculated attempt to capitalize on this Soviet atrocity to win Congressional approval for the MX missile system, he will in fact be able to aim at the Soviet Union what its paranoically suspicious leaders are sure to regard as a first-strike weapon. That's not pusillanimous ("marked by contemptible timidity"); it's reckless to the point of irresponsibility.

Mr. Reagan not only cited the Korean airliner and its 269 lost passengers as a reason why the MX should be built; in his emotional TV address, he also invoked the name of the late Senator Henry Jackson, an MX proponent who died the day after flight 7 was shot down. These tactics flow from the growing difficulty the President faces in forcing the unnecessary and destabilizing MX through the various stages of Congressional approval.

Actually, there is no link whatever between the "termination" of flight 7 and the supposed need for the MX. If anything, the gross Soviet deed over the Sea of Okhotsk reflects Soviet fear, suspicion, insecurity and distrust—not the "aggression" Mr. Reagan repeatedly cited. And Foreign Secretary Gromyko's stonewall remarks at Madrid, together with all the other Soviet bombast, sound much like "whistling past the graveyard"—desparate defiance, that is, of a world fearfully seen as threatening on all sides.

Against this paranoid leadership, Mr. Reagan says it is now essential to pose the MX—100 of them in the old Minuteman silos—as a deterrent to Moscow's bent for aggression. But the MX is likely to have just the opposite effect.

The Soviet leaders know that both the Carter and the Reagan Administrations failed to devise an invulnerable basing plan for the giant, 10-warhead missile. They know that, therefore, its supposed justification—to give the United States an invulnerable land-based deterrent force—has disappeared. And they are altogether likely to draw the conclusion, plausible for such fearful and suspicious men, that the deployment of 100 MX missiles in the very silos once deemed vulnerable to Soviet attack means that the U.S. is planning to use them in a first strike.

(That, after all, is what the hardest-line leaders of the Reagan Administration believe Moscow is planning to do with its heavy, multiple-warhead missiles.)

If, therefore, the Soviet leaders are intrinsically as aggressive as Mr. Reagan claims the flight 7 incident demonstrates, they will be motivated all the more by MX deployment to launch their own first strike before the U.S. can do so. And if flight 7's destruction suggests, as Mr. Reagan insists, that war with an aggressive Soviet Union can be deterred only by U.S. strength, the MX is surely the wrong weapon for the task; not only will it be perceived as threatening, but it will also present a most attractive target—1,000 warheads lined up on 100 missiles like battleships at Pearl Harbor, to be destroyed by 200 Soviet warheads.

Thus, far from being a deterrent, MX deployment in Minuteman silos will doubly invite Soviet attack—and that is so whether the Soviet leaders are ruthless aggressors, as in Mr. Reagan's view, or Nervous Nellies unable to tolerate even a civilian airliner violating their air space and not secure enough in their power to admit a mistake and atone for it. If the latter, aiming the MX at such leaders will be even more dangerous.

If the shooting down of flight 7 has any relevance to the U.S. military program, it is in whatever the incident shows about Soviet leadership psychology. In that light, swift development and deployment of the proposed Midgetman single-warhead missile appears a more sensible response than building the MX; and if Congess approaches the matter analytically rather than with Mr. Reagan's understandable emotion, flight 7's grim fate may even prove to be the stake through the monster's heart.

Midgetman could not be perceived even by paranoid Soviet leaders as a first-strike weapon, particularly since it would represent an alternative to the MX. Once deployed, whether or not as a mobile missile, its single warhead would present a low-priority target at which the Russians would have to aim two warheads; some experts argue, therefore, that Midgetman would not even require deceptive basing. Thus it would be about as invulnerable as any land-based missile could be, as well as non-threatening—eliminatng both the incentives to strike first that the MX would give Moscow.

Weapons experts with no Pentagon turf to defend say 1,000 Midgetman could be deployed as soon as and for less money than 100 MX's and would provide a more stable deterrent. That, together with flight 7's evidence of Soviet paranoia, calls for the death rather than the birth of the MX.●

HON. POWELL A. MOORE—IN APPRECIATION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BROOMFIELD. Mr. Speaker, it was with deep regret that I recently learned of the imminent departure from Government service of the Honorable Powell A. Moore, Assistant Secretary of State for Legislative and Intergovernmental Affairs. I have known Powell for many years, and will sorely miss his friendship, his counsel, and his dedication to serving the interests of our Nation.

Powell has had a remarkable, diverse and rewarding career, which has included military service, congressional assignments, and a number of very successful years in the private sector. He served for 3½ years as a military officer in the early 1960's and had a tour of duty in Germany during that period. Powell later worked as a weekly newspaper editor in Georgia for a number of years.

He began his Washington career in 1966 as an aide to the late Senator from Georgia, Richard B. Russell. After Senator Russell's death in 1971, Powell became Deputy Director of Public Information for the U.S. Department of Justice and later served in the Office of Legislative Affairs at the White House under Presidents Nixon and Ford. When he left the White House staff to enter private business in 1975, he was a Deputy Special Assistant to the President.

For the next 6 years, Mr. Moore was engaged in governmental relations and Washington representation as a consultant for a variety of corporations and associations.

His association with the Reagan campaign began in early 1979 and he served as an Assistant Director of Congressional Relations for the Reagan transition team between election day in 1980, and the inauguration on January 20, 1981.

He was appointed Assistant Secretary of State for Legislative and Intergovernmental Affairs in January 1981. Needless to say, Powell and his skilled team at State have provided invaluable assistance to the Foreign Affairs Committee on a variety of complex foreign policy matters during the past 2 years. In spite of the weighty responsibilities and challenges which come with the Assistant Secretary position, Powell performed admirably and maintained his fine sense of humor and professionalism. He did a yeoman's job whenever we called upon him and asked for his help or advice.

Powell worked especially hard at fostering a spirit of bipartisanship in the conduct of America's foreign policy. In addition, he constantly strove to develop an effective partnership between the executive branch and Congress. He is a person of high integrity, superior judgment and true dedication who, I am sure, will perform equally well in his new capacity as vice president for government affairs for the Lockheed Corp. He will, however, be truly missed by his friends on the Hill.

I am certain that all of my colleagues in the House will join me in wishing Powell A. Moore, and his lovely family, much success in the coming years.●

CITY OF WHITE PLAINS, N.Y., CELEBRATES TRICENTENNIAL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues a celebration which is taking place this week in my home Westchester County, N.Y. This Sunday, September 18, the city of White Plains will celebrate its 300th birthday. I would like to congratulate the people of White Plains on this historic occasion and offer special tribute to Mayor Al Del Vecchio and common council members Robert Ruger, Mary Ann Keenan, Michael Coffey, David Grauer, Joseph Delfino, and Richard Hendy, Jr., for their efforts to insure a successful gala.

The city of White Plains has played an important chapter in our American history. I would like to share with my colleagues a brief history of this magnificent city written by Renoda Hoffman, the White Plains city historian.

WHITE PLAINS IN A CAPSULE

Quaroppas became the property of white settlers on November 22nd, 1683, when the Weckqueeskeck Indians sold their 4,435 acres to men from Rye. Quaroppas, the Indian word for White Marshes, was translated into White Plains, to become the name of the new settlement. Home lots were laid out along an old Indian trail, and named simply the Village Street (Broadway). Land for a common was set apart, houses were built, and a new frontier village challenged the wilderness.

In 1757, when the county Courthouse in the Town of Westchester (now the Bronx) burned, Dr. Robert Graham, prominent White Plains physician and merchant, donated land for a courthouse, and White Plains became Westchester's county seat. The new Courthouse was completed (on Broadway) in 1758.

In the beginning Westchesterites were not unanimous for independence from Britain. Boston's problems were a world removed until the violent clash at Lexington and Concord sent shock waves across all thirteen colonies. By then a dozen houses had sprung up along the Village Street and about seventy others occupied the outlying area. A Convention called for April 11th, 1775, at the County Courthouse hastened the polarization of fections in Westchester.

That day freeholders came to White Plains to elect delegates to the Provincial Congress. Over 500 people crowded into the village. Loyalists gathered at Hatfield's Tavern (on Maple Avenue) while those whose views were more revolutionary, found Oakley's Tavern, across from the Courthouse, more attractive.

The Loyalists waited until the Patriots were inside before they entered the Courthouse. Then their spokesman denounced the meetings as having been unlawfully called and for an unlawful purpose. Because opposition would acknowledge the authority of those who called the meeting, the Loyalists protested only, and demanded that such protest be written into the records. Then, loudly singing "Long Live Our Noble King" they returned to Hatfield's where more than 300 men signed a document pledging allegiance to King George III.

In New York City on June 30th, 1778, the Provincial Congress adjourned when British ships sailed into the harbor. Members reconvened in the Courthouse at White Plains and here, on July 8th, an explosive document, a declaration of independence from Britain, was brought by messenger from the Philadelphia Congress. By that afternoon the Committee headed by John Jay directed to study the document, recommended approval. The resulting Resolution for adoption of the Declaration, forwarded to Philadelphia, also changed the name of the Provincial Congress to the Convention of the Representative of the State of New York.

On July 11th, the Declaration of Independence was read in public and the first time in N.Y. State. Preceded by dramatic drum beats, Judge John Thomas of Purchase, standing on the steps of the Courthouse read the document that proclaimed freedom for the United States of America. Thus three drama packed days transformed a Province into a State. White Plains had been the birthplace of that State.

Following the Long Island defeat, Washington withdrew to Westchester. On October 28th, 1776, Sir William Howe, the British commander, found Washington awaiting him with his ragged Continentals on the fortified hills of White Plains. In a spirited attack and defense action featuring approximately 8,000 British against 1,600 Americans entrenched on Chatterton Hill. Sir William overran the hill, but failed to follow up his advantage. The result was eight more days of attacking and skirmishing. Finding himself unable to dislodge Washington, General Howe than resigned his frustrating White Plains campaign and returned to New York City.

On the night of the British withdrawal, Massachusetts Major John Austin, while under the influence of liquor marched his men along the Village Street. He robbed the townspeople of their possessions, evicted the aged, dumped the ill upon the frozen ground, and ignored the cries of little children as he set their homes afire. At his court martial Austin's excuse was that the villagers were "all damn Tories". Much of White Plains went up in smoke that night, including the courthouse, the Presbyterian Church, Daklay's tavern & Dr. Graham's home.

Although Howe won Chatterton Hill, his avowed purpose of destroying Washington's "band of rebels" had not been accomplished. Washington had out-generated the King's general and saved his ill clad, hungry army for future battles.

Following the Revolution, scars healed slowly. A new Courthouse did not become a reality until 1787, in 1844 the Iron Horse came puffing into White Plains. Businesses left the Village Steet to concentrate along a new street known, appropriately enough, as Railroad Avenue (Main Street). In 1855 when it became apparent that the old Courthouse had become too small, too far from the business center, another civic minded citizen responded. Charles A. Purdy donated land on Railroad Avenue for a new courthouse.

On April 3, 1866, White Plains became a village with a board of seven trustees. Four years later census takers counted 2,630 people in residence. When White Plains became a city on January 1, 1916, there were 19,285 residents. Today, the city with approximately 50,000 residents has been designated as a "Central City" by the Federal Government.●

STATISTICAL PORTRAIT OF THE NINTH DISTRICT OF INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 31, 1983 into the CONGRESSIONAL RECORD:

A STATISTICAL PORTRAIT OF THE NINTH CONGRESSIONAL DISTRICT

Everyone is familiar with most of the political jurisdictions—states, counties, cities, towns, and so forth—which divide the United States into smaller regions. Of these, the congressional distict is probably the least well-known. It is used principally for electing a Congressman, but because it is the region most nearly equal in population all over America, the Bureau of the Census also uses it to compile statistics. In its recent Congressional District Census, the Bureau of the Census gives some comparisons that should be of interest to residents of southern Indiana.

GEOGRAPHY

The Ninth Congressional District takes in all southeastern Indiana, most of south central Indiana, and portions of the state's southwestern quadrant. It is bordered by the Ohio River to the South, the State of Ohio to the East, and the zig-zag edge of three other districts to the North and West.

The district contains sixteen entire counties and parts of five others. The full counties are Brown, Clark, Dearborn, Dubois, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Perry, Ripley, Scott, Switzerland, and Union. Portions of Bartholomew, Crawford, Fayette, Monroe, and Washington comprise the balance of the district. Covering 6,107 square miles, it is the largest of Indiana's ten congressional districts.

POPULATION

The Ninth Congressional District has 544,873 residents, 9.9% of Indiana's population. There are more females (277,953) than males (266,920) in the district—about 104 women to every 100 men.

The median age of the district (half above, half below) is 28.4 years, the second lowest among congressional districts in a state where the median age is 29.2 years. The district has 56,470 residents aged 65 years or more. Six other districts have more elderly residents.

In the 1960's, Indiana and the district had almost the same rate of population growth. However, between 1970 and 1980 the district grew more than twice as fast as the state as a whole. While Indiana's population increased by 5.7%, the district's burgeoned by 14.2%.

The district is second only to the Third Congressional District (bordering on Michigan) in numbers of people who recently resided in other states. Apparently, a large number of southern Indiana residents are newcomers to the state.

The ethnic background of major groups in the district is interesting. The largest single ancestry group is German, followed by English and Irish. Of those with mixed ancestry, German descendants again predominate, followed by Irish and English. The district has the second lowest black population of Indiana's congressional districts. Blacks comprise 7.6% if the state population, but only 1.9% of the district's. There are only 3,180 residents of Spanish origin in the district—again, the second lowest in the state.

DISTRIBUTION

Not surprisingly, the Ninth Congressional District is the most rural in Indiana. It has only 89.2 persons per square mile. Compare this to the state as a whole, with 152.8 persons per square mile, and to the Tenth Congressional District (Indianapolis), with 2,897.4 persons per square mile.

New Albany is the largest city in the district. The next largest is the part of Bloomington which is in the district. Jeffersonville, Connersville, and Clarksville are third, fourth, and fifth in terms of size. Seymour and Madison round out the district cities with populations above 10,000.

HOUSING

The Ninth Congressional District has 199,981 housing units. Some 74.8% of them are owner-occupied, the fourth largest concentration of homeowners in Indiana. Most homes are heated by gas, oil, or electricity, but wood is used as the primary fuel by 13,605 district residents, by far the highest figure in the state. The district leads the state in homes without complete kitchen and bathroom facilities and in homes without telephones. On the positive side, it leads the state in new owner-occupied housing units.

The median value of owner-occupied housing units in the district is $36,500, as compared to a median value statewide of $37,200. These figures place the district and the state near the center of the spectrum nationwide. New York's Fifteenth Congressional District (Manhattan) has the country's highest median housing value, $185,800, while the lowest, $16,600, can be found in the Second Congressional District of Pennsylvania (Philadelphia). The median rent in the district is $158 per month, the second lowest among congressional districts in the state. The median rent statewide is $166.

INCOME

At $6,191, median income per capita in the Ninth Congressional District is the lowest among Indiana's ten congressional districts. However, the median household income of district residents is $15,884, eighth in the state. In 1979, 10.6% of income-earning district residents were below the poverty level.

EDUCATION

The Ninth Congressional District has 117,220 children in school, kindergarten through twelfth grade. Of this number, 7.4% are in private schools, less than the statewide average of 8.8%. The district ranks second highest in the state in the number of people enrolled in college—33,522 students. The figure is high because Bloomington and Indiana University are in the district. Of the 33,522 college students, 31,470 are in public institutions and 2,052 are in private institutions.

ELECTIONS

The Census Bureau reports there are 383,018 persons of voting age (18 years and over) in the Ninth Congressional District. Women comprise 51.9% of those eligible voters, and blacks make up 1.9%. The congressional election of 1982 brought 180,539 district voters (47.1% of those eligible to vote) to the polls. Three other congressional districts had larger turnouts.

The Congressional District Census tells every Congressman something that he already knows about the area he represents: that it is unique and has special needs and strengths it shares with no other district.●

WE MUST CONSOLIDATE AND REFORM OUR UNEMPLOYMENT INSURANCE SYSTEM

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. STARK. Mr. Speaker, our unemployment insurance system has become a confusing, unreliable and ineffective income maintenance program. To help alleviate this national disgrace Representatives PEASE, KAPTUR, and I are introducing today legislation to consolidate and reform our extended benefits and Federal supplemental compensation systems.

This legislation, the House equivalent of S. 1784, the Byrd-Heinz bill, will establish a permanent system of weekly benefit levels, where only a crazy-quilt patch work of temporary laws now exist. Equally important the reforms proposed will make our unemployment insurance system easier to implement and to understand by both administrators and recipients.

Although our economy is beginning to show signs of recovery, we in Congress must remember that over 10 million people are still unemployed, another 5.7 million are working part time, because they are unable to find full-time employment, and some 1.7 million more Americans are so discouraged that they have stopped looking for work and are therefore not even included in our official unemployment statistics. While this translates into a 9.5 percent national unemployment rate, it hides the fact that 19 States and the District of Columbia actually have unemployment rates well over this unacceptably high national average.

Congress has responded in the past by providing additional weeks of benefits to the States' regular basic 26-week unemployment insurance system. These additional weeks are provided by two additions to the basic 26-week program: First, extended benefits (EB) financed by State and Federal moneys, and second, the wholly U.S.-financed Federal supplemental compensation (FSC) assistance. Unfortunately, several problems beset these two systems which have underminded their ability to aid the unemployed.

To begin with, the extended benefits system simply is not functioning. Even though unemployment is higher today than at any time in the past 40 years (except during this past winter of dispair) incredibly, only 2 States and Puerto Rico are today eligible for this second tier of EB benefits.

Mr. Speaker, the distress and cynicism resulting from this unacceptable situation must not be underestimated—nor can it be allowed to continue.

The question is how did 48 States wind up triggering off of the extended benefits program? This situation is primarily the result of two changes made in legislation enacted in 1981. First, the insured unemployment rate (IUR) which is used to determine a State's eligibility for EB was raised from 4 to 5 percent. To compound the problem of qualifying, the IUR was further modified so that all persons who are receiving extended and supplemental benefits are excluded from the computation of the IUR. It must also be remembered that the IUR does not include all those Americans who have exhausted all their unemployment insurance benefits. As a result, the IUR fails miserably in reflecting the true unemployment situation in those States needing the most help—namely those in which the duration of unemployment is highest.

In addition to the faulty IUR trigger, the present unemployment insurance system is unacceptable because it requires continued legislative action to provide the third tier of benefits known as Federal supplemental compensation (FSC). We in the Public Assistance and Unemployment Compensation Subcommittee spent several days in April and are holding hearings now to consider extending the FSC beyond its September 30 expiration date. It makes far more sense to combine this third tier of benefits with the EB system and have them triggered automatically by appropriate formulas.

In establishing a permanent system of additional weeks of UI assistance as unemployment levels rise, we will be able to respond quickly and effectively to peoples' needs. This will contrast sharply to this Congress inability to provide FSC in the present recession unitl unemployment reached 10 percent. Mr. Speaker, I need not detail the great suffering this caused workers who lost jobs early in the recession and exhausted basic and extended benefits before the supplemental benefits were available.

Also by combining and making permanent the EB and FSC programs both the unemployed and administrators of the unemployment programs will be relieved of the anxiety now caused by the necessity for continued extensions of the FSC system.

Further, it seems a waste of time in the Public Assistance and Unemployment Compensation Subcommittee and the whole Congress to discuss so frequently extending the FSC program, when it is so clearly imperative that we continue this program. Our time surely could be better spent in finding ways to get these unemployed people back to work.

The third major problem with our present system goes beyond the issues of absence and inadequacy of benefits. Mr. Speaker, the system has become so complex and confusing that it defies understanding by the workers it is designed to protect, by those administering the program, by employers and taxpayers who pay into the trust funds and the treasury, and also by the Members of Congress who created the system.

It makes no sense to have a system that allows States to trigger onto the third tier of benefits (FSC) while denying these States the second level of benefits (EB). It also makes no sense to change the number of weeks an unemployed person is eligible for several times during the course of their unemployment. Excluding those who are on EB and FSC benefits and exhaustees from the State's unemployment figures which determine a State's eligibility for extended benefits also seems absurb.

Mr. Speaker, we must have some supplemental benefits program. However, the present system needs to be reformed so that it actually will provide dependable protection for the unemployed. The system of extended benefits must also be repaired so that those who pay the costs, and those who operate the programs can understand what help is available, how to obtain it, how much it costs, and how to operate the programs providing it efficiently.

Now is the time to make sense out of these two programs and combine them in such a way that they complement each other rather than exacerbate the flaws in the other.

The major provisions of the legislation we are introducing are as follows:

First, the extended benefits and Federal supplemental compensation systems would be merged into one system providing benefits beyond those available through the basic UI system operated by the States;

Second, benefit levels would be structured so that States with the highest levels of unemployment would be eligible for the greatest number of weeks of benefit, and the number of weeks would be reduced as unemployment levels declined;

Third, reduce the IUR to 4 percent so that States would be eligible for at least the lowest tier of benefits;

Fourth, a State's benefits would be available to the long-term unemployed, based on the State's IUR or on its total unemployment rate (TUR), whichever results in a greater number of weeks of benefits for the State.

The following table explains the benefit and financing structure of the proposed program:

When State IUR equals (percentage)	And IUR is "X" percent or greater of prior years [1] or	TUR is "Y" percent or greater	Unemployed persons receive "Z" weeks of benefits [2]	Costs split: State share/ Federal share [3] (percentages)	Percent Federal share from trust fund [4] general revenue
0 to 3.99		N/A	0		
4 to 4.99	130	9	10	50/50	100/00
5 to 5.99	105	10	20	40/60	75/25
6 to 6.99	105	11	25	30/70	50/50
7 and above	105	12	30	20/80	25/75

[1] That is, "X" percent of the average of the IUR in the same week in each of the 6 previous years.

[2] When the national seasonally adjusted total unemployment rate equals or exceeds 10 percent, unemployed persons in States in the 0 to 3.99 percent IUR tier will be eligible for 5 weeks of "Additional Benefits," and 5 additional weeks will be paid (beyond the number listed) for each other tier—with all such weeks being funded 100 percent from Federal general revenue.

[3] State share to be paid from the State trust fund.

[4] Federal trust fund revenues derived from FUTA.

I urge my colleagues on both sides of the aisle to consider this proposal and would welcome their comments and suggestions for improving this legislation. Admittedly this bill will not solve the problems that have caused our unacceptably high unemployment rate, nor does it address ways to reemployed UI beneficiaries. We urgently need to consider linking retraining and relocation assistance to unemployment compensation for dislocated workers and other disadvantaged groups in our society. I hope that we will be able to take up these issues once we have made sense out of the extended benefits program.

Now is the time to end the confusion and irrationality in the present system of extended benefits so that the Congress can move on to putting people back to work.●

CHILE'S 10 YEARS OF MISRULE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. OTTINGER. Mr. Speaker, the excellent analysis by Professor Peter Winn of Tufts University, "Chile's 10 Years of Misrule," in the New York Times of September 7, 1983, vividly catalogs the brutalities that the Pinochet regime has visited on what was one of America's greatest democracies.

When I helped establish the Peace Corps in Chile in 1961, Chile was the gem of Latin America, justly proud of its democratic, cultural, and economic leadership. Professor Winn describes how this proud heritage has been trampled by the current military dictatorship.

It is a great irony that America under Reagan should ignore the gross abuses of fundamental human rights by the Pinochet dictatorship and proclaim this travesty as the staunchest of American allies, even as it dashes the principles America is supposed to stand for and crushes the aspirations of the Chilean people for freedom and a decent way of life.

I strongly commend the Winn article to the attention of my colleagues.

The article follows:

CHILE'S 10 YEARS OF MISRULE

(By Peter Winn) [1]

BOSTON.—A decade has passed since the Chilean military seized power in a bloody coup that overthrew President Salvador Allende Gossens and put an end to his democratic road to socialism. It has been a decade since a Chilean colonel proudly told me to come back in 10 years and "see what we have done for Chile." In fact, he and his fellow officers have destroyed Chile's economy and united the people in opposition to their regime. They have proved to be incompetent as well as inhumane, sowing the seeds of their own overthrow.

During the weeks that followed the coupe d'etat, the military killed 25,000 of its 10 million countrymen—the equivalent of 500,000 in the United States. Another 100,000 passed through the prisons, concentration camps and torture chambers of the secret police, which intimidated one out of every 10 Chileans into spying on their colleagues and neighbors. Where Chile used to be famous for its civil liberties, the military made it notorious for the denial of human rights.

When the armed forces seized power, they said they did it to uphold "the rule of law" and to make sure that Chile would remain "a free country." But they have destroyed their country's democratic institutions and imposed the arbitrary personal dictatorship of Gen. Augusto Pinochet. They have censored the press, emasculated the courts and made a mockery of both liberty and law. Their totalitarian purpose is clear in their efforts to penetrate and purge the unions and universities, the churches and civic associations. Like Mussolini, they have not hesitated to murder their opponents in their places of exile, even on the streets of Washington.

When the military seized power, it said that its purpose was to defend the economic security of the nation, but what has it done to Chile's economy? The regime has given free rein to conservative economic ideologues, whose monetarist dogmas and free-market policies have destroyed the country's industrial fabric and undermined the state's capacity to promote development or to ameliorate crisis. The consequences of the embrace of Milton Friedman's "Chicago Boys" are now all too clear. Speculators have made millions and colonels' wives drive Mercedes-Benzes, but the country is bankrupt and the people are hungrier than they ever were under President Allende.

After 10 years of misrule, industrial production and productive investments are half what they were a decade ago, and foreign capital is fleeing, along with the best educated citizens. The regime has made unemployment and underemployment a way of life for almost half the work-force and poverty a reality for most of the people. It has turned a global recession into a national depression. Inflation is 35 percent and rising, the economy shrank 14 percent last year and the per capita foreign debt is the highest in the world. The regime's vaunted economic miracle has proved a mirage.

When the armed forces seized power, they talked about the moral regeneration of Chile. But the regime has made beggars of the poor and paupers of the middle class. It has turned daughters into prostitutes and fathers into alcoholics, neighbors into informers and soldiers into torturers. Its policies have destroyed the stability of families and the fabric of society. It has deprived grown men of their dignity and children of their health. And it has become corrupt itself. It has given Chile a Government with few redeeming virtues, one with nothing to be proud of.

Many Chileans applauded the coup a decade ago, but few support the military today. Members of the middle class who beat their pots and pans for President Allende's overthrow then are banging them now for the ouster of General Pinochet. In this, the military has worked a political miracle: It has united a divided people—against itself.

It is all too clear what the military has done to Chile. Ten years ago, the colonel told me that he would "do what was necessary to save Chile." Today, it is obvious what is required. It is time that the officers returned to their barracks and gave the Chilean people another chance to rule themselves. Democracy may not be perfect, but it is far better than the military's disastrous despotism.●

[1] Peter Winn is professor of Latin American history at Tufts University and senior fellow at Columbia University's Research Institute on International Change.

AIRBORNE AGGRESSION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BROOMFIELD. Mr. Speaker, it was with deep regret that I learned of the recent downing of Korean Air Lines flight 007 which resulted in the death of 269 innocent people. A colleague, Representative LAWRENCE MCDONALD, along with 60 other Americans, perished when a Soviet fighter attacked the unarmed commercial aircraft. This event shocks the sensibilities of people everywhere. In spite of the cruel nature of this terrorist act, the President is to be commended for his measured response during this period of tension between the United States and the Soviet Union.

This barbarous act is a crime against all humanity. It is a violation of the most fundamental rules of the air on which all the nations of the world, including the Soviet Union, depend in the busy, crowded skies of the jet age.

Thanks to the Japanese and American governments' technical capabilities to track and monitor U.S. civilian flights, as well as the ability to follow Soviet interceptor activity, the facts are quite clear. Flight 007 accidentally strayed into Soviet airspace and was headed out into international waters when it was brought down with minimal warning by a rocket-firing SU-15. the Soviets obviously put a greater premium on preventing the escape of an intruder than on protecting innocent human lives.

It is interesting to note that the Soviets themselves frequently violate U.S. airspace. If that invisible boundary is violated, international law, which is endorsed by both superpowers, prohibits the use of force except under extreme conditions. Even then, the law bars the use of excessive force.

Since January of this year, 77 Soviet military planes have entered the Atlantic coast AIF defense identification zone. All of them have been escorted out of the area. Shortly before the U.S. withdrew Aeroflot's landing rights in 1981, Aeroflot aircraft frequently entered off-bounds airspace in the United States. In addition, Polish and Czechoslovakian commercial carriers have passed over sensitive military facilities as they wandered into restricted zones. None of these Soviet or bloc aircraft has been shot down, or fired upon.

The Soviets have shown little respect for the rules of the game. Their past track record in this regard is dismal at best. At this point, I would like to insert some statistics from the September 12, 1983, issue of U.S. News & World Report. The brief article lists the attacks by Soviet aircraft on military and commercial planes over the past three decades.

AIRBORNE AGGRESSION: A SOVIET TRADEMARK

The downing of the South Korean airliner was only the latest and most extreme episode in a series of attacks by Soviet gunners on military and commercial planes over the past three decades.

Other incidents——

April 8, 1950. American bomber with 10 on board disappears over Baltic. U.S. says plane was brought down by Soviets.

Nov. 6, 1951. U.S. Navy plane lost over international waters off Siberia after Soviet planes fire on it. Crew of 10 missing.

April 29, 1952. Soviets attack French airliner. Two of passengers on the commercial flight injured.

June 13, 1952. U.S. reconnaissance plane missing after interception by Soviet planes over Japan.

June 16, 1952. Russian jets down unarmed Swedish military plane over international waters in the Baltic. Seven crewmen rescued.

Oct. 7, 1952. U.S. bomber with crew of eight disappears over northern Japan after taking Soviet fire.

March 10, 1953. U.S. Air Force jet fighter shot down by two Russian MiG's in Germany. No casualties.

March 12, 1953. Soviet MiG's down British bomber above Elbe River Valley at the East-West frontier of Germany. Five crewmen die.

March 15, 1953. U.S. reconnaissance plane attacked by MiG about 25 miles from Soviet border. Shots exchanged, but neither is hit.

July 29, 1953. U.S. bomber shot down by MiG's over the Sea of Japan. Sixteen crewmen killed.

Jan. 22, 1954. U.S. reconnaissance plane over Yellow Sea attacked by eight MiG's. No casualties.

March 12, 1954. Two U.S. military planes flying near Czechoslovak border on training flight attacked by MiG. Both land safely.

June 3, 1954. Belgian transport carrying livestock fired upon over Yugoslavia by MiG fighter. One crew member killed, two injured.

Sept. 4, 1954. U.S. Navy plane shot down by Soviet jets 30 miles off Siberian coast. One dead.

Nov. 7, 1954. American reconnaissance plane shot down over northern Hokkaido, Japan. One American killed.

May 10, 1955. Eight American fighter planes on patrol over international waters near North Korea attacked by MiG's. No casualties.

May 22, 1955. U.S. Navy patrol bomber attacked by Soviet aircraft near St. Lawrence Island in Bering Sea. Seven in crew injured.

June 27, 1958. Unarmed American military transport, diverted from its course by storm, shot down over Soviet Armenia. No deaths.

Sept. 2, 1958. Seventeen Americans lose lives when C-130 transport aircraft is shot down in Soviet Armenia near Turkish border.

Nov. 7, 1958. Soviet MiG's fire on U.S. Air Force reconnaissance jets over Baltic and Sea of Japan.

June 16, 1959. U.S. Navy patrol plane attacked by Soviet-made MiG over Sea of Japan. One crewman wounded.

May 1, 1960. Russians down U.S. spy plane piloted by Francis Gary Powers. U-2 pilot captured, jailed.

July 1, 1960. American RB-47 shot down in Barents Sea near Kola Peninsula. Four of six on board die.

Nov. 20, 1963. Soviets down Iranian plane after it strays over Russian border and flies back into Iran.

Jan. 28, 1964. U.S. Air Force jet trainer shot down over East Germany. Three American deaths.

March 10, 1964. American bomber downed by Soviets after it strayed across East German frontier. No one was killed.

April 20, 1978. South Korean airliner flying from Paris to Seoul fired at when it crosses Soviet territory. Two passengers killed, 13 hurt.

July, 1981. Argentine cargo plane crashes after colliding with pursuing Soviet plane in Armenia.

It appears to me that the Soviets often fire first and ask questions later. It is sad to say that the incident showed no new aspect of Kremlin policy. Their apparent disregard for human life and the rules of civil aviation continue. As might be expected, the Kremlin reacted to Western allegations that the 747 has been intentionally shot down in a rather predictable way.

After remaining virtually silent on the matter for almost 2 days, the Soviets finally admitted that they were aware of an aircraft in their area. Not until 5 days after the tragedy did they admit that they had terminated the flight.

Soviet Foreign Minister Gromyko initially refused to discuss the incident at his meeting in Madrid with Secretary of State Shultz. After our Secretary insisted that the issue be reviewed, Gromyko's response was to shift the responsibility to the U.S. authorities. He later brazenly threatened to kill more men, women, and children should another civilian aircraft make the same mistake.

Later, Gromyko told the same preposterous story to the 35-nation European Security Conference. In recent days, Soviet authorities have attempted to rearrange available evidence concerning the tragedy in order to justify their callous behavior. The free world was treated to a rare press conference in which Soviet Chief of the General Staff, Marshal Nikolai V. Ogarkov, gave the Soviets' distorted view of the atrocity. The fighter pilot who downed the aircraft also added his side of the story.

In the face of the Soviets' refusal to apologize to the world for this terrible massacre, I have been impressed by the administration's response to this sad incident. All along, the United States has sought to rally international support for punishing the Soviets in the field in which they had transgressed—civil aviation. The President is closing the two Aeroflot offices in the United States, and is sending Soviet airline officials home. American airlines are being encouraged to stop selling tickets in this country even for connecting flights with Aeroflot. The United States is also hoping that the International Civil Aviation Organization meeting in Montreal will pass a resolution of condemnation and deny landing rights to Soviet aircraft. Already, Canada, Japan, and other nations have taken appropriate measures against Aeroflot.

NATO foreign ministers will also adopt a package of measures in reaction to the incident. Work stoppages are also planned by European pilots and other airline personnel involved in servicing the Soviet airline.

I strongly support the President's measured response to the disaster and his concerted efforts to join our allies in uniting to show the free world's revulsion at such a brutal attack. Common decency dictates that threats of this kind toward international civil aviation must cease, and never happen again.

Although I am shocked by this incident, I believe that our Government

should not let this incident create a military confrontation between our country and the Soviet Union. Our ultimate goal has been, and should continue to be, the reduction in tensions between the superpowers, along with a cutback in the weapons of destruction which are now in the arsenals of both nations. We cannot let this crisis stand in the way of the President's efforts to negotiate major arms reductions with the Soviets in Geneva.

The incident does, however, point to the need for verification of all agreements with the Soviet Union. If the downing of the Korean airliner is any indication of Soviet attitudes concerning signed international agreements, then all of us in the free world should be concerned. We must be able to determine if the Soviets are really abiding by future international arms reduction accords. It would be foolhardy to sign an agreement with the Soviets that we could not verify.

I am certain that all of my colleagues will join me in sending our heartfelt sympathy to the families to all of those who lost loved ones in the disaster. Let us hope that this incident will create new understandings in the future of the sanctity of international commercial flights and reemphasize to all nations in the world the importance of preserving the lives of innocent human beings.●

JAROSLAV JAVORSKY: PRISONER OF CONSCIENCE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. McHUGH. Mr. Speaker, Amnesty International is well known for bringing news of human rights abuses to the attention of the American and, to the extent possible, world public. Without such a vigilant and serious organization, those of us in the West who enjoy the blessings of freedom might never be aware of the fact that many people in other nations do not enjoy the same basic human liberties that we do.

Recently the Binghamton chapter of Amnesty International called my attention to the particularly urgent case of Jaroslav Javorsky of Czechoslovakia. For the benefit of those of our colleagues who may not be familiar with his case, I am inserting into the RECORD the following statement.

THE PLIGHT OF JAROSLAV JAVORSKY

Jaroslav Javorsky (36) is the son of Jiri Javorsky, former Captain of the Czech Davis Cup Tennis Team and for many years during the 50's and 60's Czechoslovakia's No. 1 ranked player. Six years ago Jiri Javorsky together with his wife and two sons opted to stay in West Germany, where he had been conducting tennis clinics. He is today a West German citizen and a prominent tennis coach and teacher in Heilbronn, as are his wife and younger son.

In 1977 Jaroslav attempted to bring his fiance, who had been refused permission to leave the country by the Czech authorities in direct defiance of the United Nations Universal Declaration of Human Rights, to West Germany via Bulgaria with forced papers. Both were captured, and Jaroslav, who had taken full responsibility for the deed, was sentenced to 13 years imprisonment by a secret military tribunal on trumped-up charges of espionage. In direct violation of Czech law Jaroslav was refused a defence lawyer of his own choice and was assigned a military lawyer who was also a member of the tribunal that tried him. The record of the tribunal's proceedings have never been released, although Czech law specifies that the prisoner's nearest relatives have a right to a copy of the indictment and verdict. It is generally recognized that Jaroslav's unprecedented harsh sentence is an act of revenge for the defection of one of Czechoslovakia's leading sports heroes.

Since 1978 Jaroslav has been incarcerated in Valdice Prison, a converted medieval convent, where he is assigned to "Group 3," consisting of career criminals and those convicted of violent crimes. He suffers from serious skin, eye, and kidney diseases, the results of the rigorousness of the prison conditions and the lack of medical care, is allowed only half an hour of fresh air per day and that during the hours of darkness, and recently was forcibly obliged to end a 21 day hunger strike in protest against the injustice of his sentence and the inhumanity of the above-described conditions.

Since 1978 Jaroslav Javorsky has been an adopted Prisoner of Conscience of Amnesty International, the urgency of his case being indicated by the unusual fact of its being assigned to adoption groups in the United States, Canada, and West Germany.●

AGRICULTURE AS A WORKING MODEL OF INDUSTRIAL POLICY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. BEREUTER. Mr. Speaker, the Economic Stabilization Subcommittee is in the midst of an important investigation into the merits of creating a new industrial policy. In the course of that investigation, the subcommittee recently had the opportunity to hear from an excellent panel of witnesses who discussed our Nation's agricultural policy. That group shared many important insights from the agricultural experience which should be of value to this study.

I would like to share with my colleagues the remarks of one of those panelists, noted agricultural trade specialist and former U.S. Department of Agriculture officer, Dr. Dale Hathaway. I commend the following statement to both my farm State and my metropolitan colleagues for its perceptive look at agricultural policy:

AGRICULTURE AS A WORKING MODEL OF INDUSTRIAL POLICY

(By Dale E. Hathaway)

There is much current discussion on the desirability of developing an "industrial policy," largely arising from the apparent success of Japanese industrial policy. Many in the U.S. have argued that such a concept does not fit the U.S. system. My position is that the U.S. has had such a policy for its agriculture, and it has been quite successful in terms usually used to judge success.

In order to help define the issues let me describe an "industrial policy," because I think an "industrial policy" is easier to recognize than to define. To me it involves some or all of the following:

Government support for research and development.

Preferential financing for investment in productive capacity.

Significant government involvement in export development including targeting, market development, subsidies, and export financing.

Substantial protection for the domestic market through tariffs, quotas, and other devices.

Domestic adjustment programs when capacity exceeds world demand.

Strong and continuous interaction between the private sector and government in all program and policy formulation.

These are the features of industrial policy which I recognize when the Japanese experience is discussed and they are the features of our agricultural policy over the past several decades. Let me discuss these features as they have applied to U.S. agriculture. Since other witnesses are going to concentrate on some issues, I will only mention those and concentrate on the export aspects of the policies.

I. GOVERNMENT SUPPORT FOR RESEARCH AND DEVELOPMENT

Many people attribute this policy as being the major factor behind amazing long-run productivity gains in U.S. agriculture. It is a model for the world which has been much emulated but not often reproduced.

Public (government) support for R&D in agriculture goes back over a hundred years to the founding of the land-grant university system. It continues today with large federal and state expenditures for agriculture research done in the State Experiment Stations, the 1890 Colleges, and Agricultural Research Service, grants and contracts to private universities, and grants research institutes.

The research support has been supplemented by a publicly supported education system to aid in the adoption of new technology, to provide management assistance and advice on all phases of production and marketing.

Over the years the mix of publicly supported research has changed and more of the applied work is being done by the private sector. Even so, the public sector support continues to be an important factor in both basic and applied research.

II. PREFERENTIAL FINANCING FOR INVESTMENT IN PRODUCTIVE CAPACITY

Historically the government has played a significant role in financing investment in agricultural productive capacity and it still does. This role currently is carried out by the Farm Credit system, the Farmers Home Administration, and the Commodity Credit Corporation.

In many cases the financing of the necessary infrastructure for agriculture was entirely public. This is true for our farm-to-market roads, our inland waterways, and much of our surface irrigation. All of these have been important in the development of our highly productive, capital-intensive agriculture.

III. EXPORT DEVELOPMENT

This aspect of our agricultural policy is especially interesting for its uniqueness and its comprehensive nature. It has several features which I will cover in some detail inasmuch as other witnesses may not. Among its features are:

A. Government responsibility for worldwide supply and demand statistics and export market estimates.

B. Direct involvement of U.S. embassy personnel in market development.

C. Public-private cooperative market development programs.

D. Concessionary financing of exports for market development.

E. Special export financing.

F. Direct export subsidies.

G. Special government to government agreements.

These programs are extensive and complex. I will only summarize their general thrust.

Worldwide statistics and market estimates

The federal mandate in agricultural statistics is greater than in any other area. The USDA provides the most comprehensive and timely set of statistics on world agriculture that exists. While many private companies produce various agricultural statistics and market estimates in addition to the USDA, all the private estimates depend in some way on the USDA data base. The fact is that this government service is important to all segments of the industry and has been an important factor in the ability of our private sector to plan, develop, and maintain a successful export program.

The Foreign Agricultural Service

Another unique feature of our agricultural export policy is the direct and continuing role of the USDA's Foreign Agricultural Service (FAS). It has as one of its major mandates the expansion of U.S. agricultural exports and its personnel stationed abroad have a dual responsibility to the local Ambassador and the Secretary of Agriculture.

FAS generates the local statistics and information on foreign agricultural developments, does market estimates of import needs by product and country, carries on trade promotion activities and generally is U.S. agriculture's representative abroad. They inform U.S. businesses of specific trade opportunities and the Secretary of Agriculture on trade barriers.

The unique position and functions of FAS are such that neither President Carter nor President Reagan has seen fit to change the FAS role in their respective proposed reorganizations of the trade functions of the government. It is generally agreed that the system works, and the private agricultural sector in the U.S. would strongly resist its abolition or major changes. This support comes from a wide range of firms from individual farmers to some of the world's largest multinational business organizations.

Market development programs

One of the most interesting activities carried out under FAS auspices is the public-private cooperation programs. This is a jointly financed market development program in which 40-50 trade or commodity groups participate and jointly financed by the U.S. Government and the private sector.

Their activities abroad cover a wide range of projects from high fashion fur shows to the building of a demonstration bakery in Beijing, China. Much of their activity in many countries is technical assistance on matters such as animal feeding, flour milling, etc. Some of their activities are straightforward trade promotion. Some activities are market servicing, i.e., dealing with complaints and questions about U.S. products.

Many government officials, especially in OMB, have questioned the use of public funds for market development activities. They have found, however, that the private sector, which also puts up some of the funds, strongly supports the public expenditures.

Concessionary export financing

One of the oldest continuing concessionary financing programs in the world is our Public Law 480 or Food For Peace Program, which dates from 1954. Originally begun as a surplus disposal program it has evolved into a multi-purpose market development, food aid, and surplus disposal program. Periodically, it has been used as a foreign policy tool, often over the objections of agricultural groups.

Public Law 480 has multiple objectives because the Congress says it should, and, despite all its difficulties, it has and does play a significant role in both market development and foreign aid. Its surplus disposal role has declined over time, although there are some periods where it makes a difference for some commodities.

Other export financing

One of the largest export financing facilities in the world is run by the Commodity Credit Corporation (CCC). During this fiscal year something over $5 billion has been allocated in the form of direct CCC credit or CCC guaranteed commercial bank credit to foreign buyers of U.S. farm products. Some of CCC credit is at "market" rates and some is offered at below market rates via direct CCC loans.

CCC Export Credit is targeted by country and commodity. Its purpose is to maintain and expand U.S. agricultural exports and the USDA has resisted both executive and congressional pressure to use it for foreign policy proposals—not always successfully.

Export subsidies

Direct export subsidies were a common feature of U.S. agricultural export policy in the 1950s and 1960s until its Russian wheat sale of 1972 gave them a bad name. Many people believed they should be used more frequently, especially as an offensive weapon against the export policies of competitors and to gain market share.

We recently have returned to export subsidies in wheat flour and dairy product sales to Egypt. While these are cited as special cases, it should be noted that the CCC has standing authority to use export subsidies to expand our exports of foreign products.

Import restrictions

While by world standards the U.S. policy on agricultural imports might be noted as fairly liberal, they are not in fact as liberal as we sometimes profess.

For some commodities such as sugar and dairy products, where we are not competitive with some of the low cost world producers, import quotas are a way of life and have been during most of the past several decades. We have a meat import law which requires quotas under certain conditions, and these conditions appear to apply for the rest of 1983.

We have the unilateral right to impose import quotas for all price-supported crops under a grandfather clause in GATT which allows us to prevent import competition on several price-supported crops.

Just as we view the attempts of other countries to maintain their domestic market for their domestic producers as part of an industrial policy, many countries view our agricultural import restrictions with some frustration. It also is worth noting that while the protected domestic markets have been protected from lower-cost foreign producers, they have been saved as such. Thus, our sugar producers are losing their domestic market to high fructose corn sweeteners just as the butter market was lost to domestic margarine.

Domestic adjustment

We have over 50 years of experience in intermittent agricultural adjustment programs to deal with excess production problems. The current and most expensive ever of these is the Payment In Kind (PIK) program. By and large, however, the government adjustment programs have not been designed to bring long-run structural adjustment. In fact, many of them have, by accident or design, worked to retard or prevent it.

However, despite these programs, immense adjustment has taken place in all parts of our agricultural industry. In other words, even though many argue that government programs prevent or impede an adjustment to the needs of the market, I would argue that this case is hard to prove for agriculture.

IV. WHERE HAS OUR AGRICULTURAL POLICY GOTTEN US?

Where has over a hundred years of this complex intervention by government in U.S. agriculture led us? Despite the many and often expressed fears to the contrary, we have:

An efficiently organized, low cost agriculture which for most products is competitive in world markets in normal times and generally envied by the world.

An agriculture that is privately owned and operated.

An efficient privately owned agribusiness complex which was largely funded by private capital.

General cooperative—not adversarial—relations between agriculture and the USDA, so much so that it is both envied and suspect by other industrial sectors.

The lowest food costs relative to income in the world and generally high quality, safe foods.

This is not to say that everything worked out easily or perfectly. Large amounts of public money have gone as income transfers through price support and adjustment programs, but these were a result of the special characteristics of supply and demand conditions in the industry rather than of the basic policy thrust.

Another problem has been the winner and loser problem. It has been politically difficult to recognize and adjust certain policies so as to not try to protect and maintain the production of specific crops and enterprises in certain regions when economic realities indicate that other areas in the U.S. or abroad can produce them more efficiently.

This problem has been lessened by the fact that the labor force in agriculture is largely family labor and, thus, the large-

scale displacement of organized labor has not occurred as a result of these various policies. There was large-scale displacement of hired labor in agriculture, but this was largely as a result of mechanization, not of foreign competition. The public R&D and financial assistance probably aided and hastened the mechanization process. However, the largest capital asset in agriculture is land, and since land prices have risen almost steadily for 40 years you have not had the "worthless asset" problem faced by owners of factories in non-competitive industries.

This is not to imply that U.S. agriculture and the people in it have not undergone serious and sometimes painful adjustment. But most of the adjustments were not caused by the government policies.

In closing, I would make two observations. One, our agricultural policies have proven that a comprehensive industrial policy can work. But this complex set of policies did not spring from a single Congressional committee. They are the result of growth by trial and error over nearly a century of interaction of the industry and all levels of government.●

BAN SPACE WEAPONS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues the editorial comment of the Economist which appeared on August 27, 1983, regarding the recent Soviet proposal on weapons in space.

The Economist, which has in the past questioned the sincerity of various Soviet arms proposals, believes that Soviet President Andropov's comments that the United States and the Soviet Union should agree to a ban on space weapons is a most welcome suggestion and should open the way for negotiations between the two superpowers on stopping the development of killer satellites in space.

President Reagan, if he is serious about arms control, should seize upon this opportunity and offer to begin immediate talks with the Soviets on banning the space arms race.

PEACE IN SPACE?

THIS RUSSIAN IDEA IS WORTH PURSUING

Here is one Soviet offer there is no point in refusing. Most of Russia's recent disarmament proposals have been patently self-serving, because they would prolong a Russian advantage over the west. That applies to the idea of a general freeze on all nuclear weapons, and to President Andropov's insistence that Russia should have medium-range missiles in Europe but America must not. It does not apply to the Soviet leader's new suggestion, about weapons in space. This will not quite guarantee "peace in space", let alone on earth; but it could save a lot of money, avoid the risk of some alarming bangs and clangs in the deep blue yonder—and remove a small Russian advantage.

Mr. Andropov suggested to some American senators visiting Moscow on August 18th that Russia and the United States should agree to ban weapons designed to destroy satellites floating through space. Russia, he said, would not deploy such things if America did not. The first reactions from Washington were sniffy. Mr. Caspar Weinberger, the secretary of defense, dismissed the idea on the ground that the Russians have tested an anti-satellite weapon but the Americans, so far, have not. A state department spokesman said there could be difficulties in policing an anti-satellite deal. Mr. Edward Rowny, the chief American negotiator at the Geneva talks on long-range nuclear weapons, was a bit more forthcoming. He called the timing of Mr. Andropov's offer—just before the first American test—"disingenuous", but said it was worth asking the Soviet leader how he would propose to check that both sides were respecting any such agreement.

The danger of satellite-killers is that both Russian and America are becoming greatly dependent on satellites, particularly for military communications. If anti-satellite weapons were deployed, one superpower or the other might be tempted to strike first in space—and then attack the other on the ground, while its communications were blown into silence.

The Russians have been tinkering with satellite-killers for about 10 years, and have destroyed some of their own satellites with them. Their technique is to manoeuvre the killer near the target, and then either simply bash into it or set off an explosive charge. The system the Americans are about to test is more sophisticated. It is a two-stage missile that would be carried on an F-15 fighter up to 70,000 feet or so, and then fired on a computer-calculated course to intercept the satellite. When it got near, it would turn on an infra-red sensor and home in for the kill.

Does this mean that anti-satellite systems are already in being, and Mr. Andropov's offer is yet another futile effort to lock the stable door after the horse has gone galloping? Not quite. A serious satellite-killer system needs to be able to knock down large numbers of enemy satellites almost simultaneously. Anything less merely warns the victim what is happening and gives him time to retaliate. The device the Russians have tested is still a far cry from an array of weapons that could knock down a network of dozens of satellites within a short time. Neither the Russians nor the Americans can do the full job now. Either side could almost certainly catch the other out if it began to test a system that could. A ban is feasible.

NOTHING VITAL GIVEN UP

The next question is whether the Americans have, in ascending order of importance, (a) political, (b) economic and (c) military reasons of agreeing to a ban. Politically, the answer is certainly yes. The Reagan administration needs all the help it can get in convincing the world that it is serious about arms control. Here is one chance to show that it is. Economically, a ban could save an American defense budget already bursting at the seams from another large expense. Anti-satellilte systems could turn out to be horribly costly.

The remaining issue is whether a ban is militarily desirable for the Americans. Dismiss Mr. Weinberger's argument that the Americans need to test an anti-satellite weapon because the Russians have tested one. In general, the Americans know as much about the techniques of intercepting one satellite with another as the Russians do. An American test is not indispensable. And a ban on such weapons would produce in this field the same sort of zero-zero balance the Americans wanted for medium-range missiles in Europe.

What about the argument that a ban on anti-satellite weapons might rule out the hope of an anti-missile defence operating in outer space? Anything that can destroy a ballistic missile can also knock down a satellite at the same altitude. And, sci-fi though it sounds, an anti-missile shield could make the world a safer place. But it is by no means certain that an anti-missile defence has to be based in space. Low-altitude anti-missile missiles are one alternative. Another is to keep your own missiles moving about on land, or hidden under the sea, so that the other man never knows quite where they are.

It adds up to a case of negotiating a ban on anti-satellite weapons now. Such a treaty could be for 15 years, and renewable: a space-based anti-missile defence is unlikely to be available to either side before the end of the century. The United States and Russia have a chance to chop off one of the expensive and dangerous hydra-heads military technology keeps on growing.●

U.S. ARMED FORCES IN LEBANON

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. DOWNEY of New York. Mr. Speaker, the time has come to bring the debate concerning the President's involvement of U.S. Armed Forces in the hostilities in Lebanon before the House of Representatives. More importantly, however, we must bring the President's commitment of U.S. forces in Lebanon within the scope of the law. I am today introducing legislation to achieve these ends.

One needs only to have read the morning headlines to understand that U.S. Armed Forces are involved in what is rapidly becoming an explosive international situation. No reasonable person can view our involvement as anything less than the commitment of troops to a hostile situation where our own involvement is imminent, if not by now a fact. On November 7, 1973 the war powers resolution became Public Law 93-148 and clarified by force of law the mechanism by which the President must consult with Congress in circumstances such as the existing situation in Lebanon. No such consultation has taken place. The President's continuing refusal to report to Congress on the nature of U.S. involvement is evidence of either his own view that the situation in Lebanon is not hostile or, more significantly, of his clear and continuing disregard of the law.

On July 6, 1982, President Reagan said that he had agreed in principle to contribute a small contingent of troops to a multinational force for temporary peacekeeping in Lebanon, the purpose being to assist in the evac-

uation of PLO fighters in Beirut. The administration said that if the forces were dispatched, it would report under the war powers resolution.

On August 25, U.S. Marines began to land in Lebanon to participate in the multinational force. President Reagan notified Congress under a provision of the war powers resolution, saying that the agreement in Lebanon expressly ruled out any combat responsibilities, and the forces would stay no longer than 30 days. After overseeing the departure of the PLO force, the Marines left Lebanon on September 10, 1982.

On September 20, the President announced that the United States, France, and Italy had agreed to form a new multinational force to return to Lebanon for a limited period of time to help maintain order until the lawful authorities in Lebanon could assume their duties. On September 29, the President submitted a report that 1,200 Marines had begun to arrive in Beirut. He said that the American force would not engage in combat but might exercise the right of self-defense and would be equipped accordingly. He also said that the deployment would be for a limited period and that there was no intention for the troops to become involved in hostilities. The President said Congress was being informed of this question "consistent with the war powers resolution," but no specific provision of the resolution was cited. On September 30, 1982, the first American Marine was killed in Lebanon and three were wounded.

On November 28, 1982, the end of the 60-day period following their introduction, the Marines were still in Lebanon. The executive branch took the position that, since the President has not cited secton 4(a)(1) of the war powers resolution in his report on the action, the provision in section 5 calling for a troop withdrawal within 60 to 90 days did not apply. Congress did not pass any legislation to the contrary.

Section 4(a)(1) of war powers resolution requires the President to submit a written report within 48 hours whenever U.S. Armed Forces are introduced without a declaration of war into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. The executive branch contends that the President's report does not fall under section 4(a)(1) of the war powers resolution. Since the introduction of troops in Lebanon, the toll of U.S. dead and wounded has grown. Recently U.S. warships fired on Druze militia in Beirut. The President is either ignoring the tragic facts of this situation or he is disregarding the laws of the land.

Many Members of Congress support the President's actions in handling the difficult foreign policy decisions in Lebanon; many oppose these policies. My legislation does not attempt to question the President's policies in Lebanon. It seeks only to question the President's policy of defiance of the will of the House of Representatives. The war powers resolution spells this requirement out in law and the Constitution underlines the President's duty to faithfully execute these laws. No amount of sophistry or word-play will alter these facts.

One need not restate the tragic legislative history of the reasoning behind the war powers resolution. Congress addressed the issue toward the end of our involvement in Southeast Asia in an effort to deal with the problem of protected future involvements in hostilities without either a declaration of war or specific congressional authorization.

Our acquiescence in the present situation will only serve to erode the principles of law as written in the war powers resolution. If we do not act today, I ask my colleagues to consider what the situation may be in another time, under another President. The lessons of history tell us that if we do not address this issue now we may address it in the future in even harsher terms.

Many of my distinguished colleagues have discussed alternatives to bringing this issue under congressional authority. I submit that there is only one appropriate tool to accomplish our goal and it is written in law. The legislation I am offering requires the President to respond to the dictates of the war powers resolution by reporting to Congress on the nature of the conflict in Lebanon. This joint resolution would direct the President to submit to the Congress the report required by section 4(a)(1) of the war powers resolution concerning the hostilities of the U.S. Armed Forces in Lebanon. According to section 5(b) of the war powers resolution, "Within sixty calendar days after a report is submitted or is required to be submitted pursuant to 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed forces with respect to which such a report was submitted (or required to be submitted) . . ." unless Congress takes the necessary action or extends the period—the President may also extend the period to 90 days if necessary for the safe withdrawal of troops.

In closing, let me restate that this legislation seeks only to bring the decision to commit U.S. forces into hostilities within the procedures dictated in the war powers resolution. As the House Committee on Foreign Affairs has explained:

(the objective of the War Powers Resolution was to outline arrangements which would allow the President and Congress to work together in mutual respect and maximum harmony toward their ultimate, shared goal of maintaining the peace and security of the Nation. (H. Rept. 93-287, at 5.)

Mr. Speaker, I rise today in rededication to the proposition that no individual is above the spirit of the law. I ask my colleagues to join me in this important effort.

A copy of the joint resolution follows:

H.J. RES. 348

Directing the President to submit to the Congress the report required by section 4(a)(1) of the War Powers Resolution concerning the involvement in hostilities of United States Armed Forces in Lebanon

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That United States Armed Forces in Lebanon having been introduced into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances, within the meaning of section 4(a)(1) of the War Powers Resolution, the President shall submit the report which is required by that section to the Congress within 48 hours after the enactment of this joint resolution.●

MINESWEEPERS—THE NAVY'S WEAK LINK

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. ROTH. Mr. Speaker, recently, articles in the Washington Post and Time magazine described this Nation's urgent need for a new generation of minesweepers. These articles cited the newest edition of Jane's Fighting Ships, as well as compelling testimony given before Congress.

Currently, the United States has an active force of 21 minesweepers. Compare this with the Soviet force of 388 minesweepers. Even when the minesweepers of our NATO allies are included, the U.S.S.R. still has a force one-third larger.

Yet the United States has a strategic need to keep open its ports and sea lanes, much more so than the Soviet Union. According to Jane's, however, the U.S. Navy could keep open only two of the twelve ports which would be most essential in wartime with its present complement of minesweepers.

It makes little sense to build a 600-ship Navy if we cannot even insure that our ships can leave or return to their home bases. While we have been focusing on the "big ticket" items in the Navy budget, we have forgotten minesweepers.

As Vice Admiral Walters, Deputy Chief of Naval Operations for Surface Warfare, testified earlier this year, "No segment of naval warfare has been underfunded for so many years as has the mine-warfare community."

Clearly, it is time to act. The fiscal year 1984 Defense Authorization Bill authorized the construction of three modern minesweepers. I believe it to be imperative for the Defense Appropriations Subcommittee, which is soon to meet, to appropriate the funds for all three minesweepers. Our Nation depends upon it for our security.●

AFGE LOCAL 1857 CELEBRATES 25 YEARS OF EXEMPLARY SERVICE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. MATSUI. Mr. Speaker, for a quarter century, the American Federation of Government Employees (AFGE), Local 1857, has diligently represented the labor needs of civilian workers at McClellan Air Force Base in Sacramento, Calif.

As McClellan has grown, so has this fine labor organization. In 1958, the then new union represented only 700 maintenance and instrument repair shop employees. Today, Local 1857 is the largest AFGE union in the western United States with membership totaling 3,000 workers.

This union has been at the forefront in representing employees at McClellan. In 1970, Local 1857 was the first AFGE union to hold representation elections for blue- and white-collar workers at a military installation under an Executive order signed by President Richard Nixon.

Among its many accomplishments, Local 1857 was instrumental in establishing the week including Labor Day as "Labor Recognition Week" during which McClellan Air Force Base officially honors the services of civilian and military working men and women of America, the first Department of Defense installation to accord such honors to the occasion.

Mr. Speaker, I wish to give special recognition to the outstanding leadership and dedication provided by key officers within Local 1857. They are Jon Salas, president; Ed Hill, first vice president; Dora Solorio, second vice president; and John Timblin, third vice president.

I also want to commend the executive board, which consists of Joann Simmons, treasurer; Marian Bird, Joseph McGruder, and James Daniels, sergeants-at-arms; and Martha Cree, secretary to the board, for all of their tireless efforts on behalf of Local 1857 and the employees at McClellan Air Force Base.

Today, 25 years later, the union is large enough and the needs of the membership diverse enough so that Local 1857 employs three former managers on its professional staff. These three fine gentlemen, along with the union officers and executive board members, are the nucleus of this successful team.

Each one of them deserves praise and admiration for a job well done. They are Jim Yocum, who handles Department of Labor workers' compensation claims; Mack McCloud, a former AFGE national vice president, who works with stewards and on local activity grievances, employee arbitration cases, and on Merit Systems Protection Board cases; and Chuck Pettingell, editor of AFGE Local 1857 news and labor management relations officer.

Mr. Speaker, it is therefore with great pleasure and much honor that I bring to the attention of the House of Representatives the silver anniversary of AFGE Local 1857. The continuing quality of their work in the past has earned them the right to represent the needs of the civilian work force at McClellan Air Force Base for many years to come.●

HON. JOHN A. CARROLL, 1901-83

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mrs. SCHROEDER. Mr. Speaker, John A. Carroll, who represented Colorado's First Congressional District from 1947 to 1951, and served Colorado in the U.S. Senate from 1957 to 1963, died last month at age 82.

Senator Carroll was one of Colorado's most distinguished citizens. His public service spanned almost 50 years, from his enlistment in the Army at age 16 to his retirement from the Senate in 1963.

Throughout his career he devoted himself to the cause of the underdog. He was a strong proponent of civil rights laws. He worked tirelessly on behalf of the working men and women of the country.

Colorado will miss John Carroll.

I include the following articles:

[From the Denver (Colo.) Rocky Mountain News, Sept. 1, 1983]

JOHN CARROLL, VETERAN POLITICIAN, DIES AT 82

(By Al Nakkula)

Former Sen. John A. Carroll, who virtually led the Colorado Democratic ticket into office in 1956, died Tuesday night in his Denver home. He was 82.

Carroll, who had been in failing health, died at 9 p.m., according to a son-in-law, Denver lawyer Donald MacDonald.

Services are pending at McConaty's Mortuary. Burial will be in Fort Logan National Cemetery.

Carroll served in both world wars, as a Denver policeman, as an assistant U.S. attorney, a term as Denver district attorney, two terms in the U.S. House of Representatives and a term as U.S. senator.

Told of Carroll's death, Gov. Richard A. Lamm said, "The first political campaign I worked on was John Carroll's race against Peter Dominick in 1962, when I was president of the Young Democrats. He was a guy who loved politics and loved life. He was important to a whole generation of young politicians because of his idealism and his commitment to Colorado."

Carroll is remembered by many as a liberal. Carroll's political career was unusual in that he probably lost as many times as he won.

His charisma drew a following of political workers who had little campaign experience. Volunteers included blue-collar and white-collar workers, housewives, taxi drivers, newspaper reporters, lawyers and other professionals. After working for Carroll, many of them withdrew from politicking.

Two of his most ardent and hardest workers were his wife, Dorothy, and daughter, Diane MacDonald, also a Denver attorney.

Carroll was born in Denver on July 30, 1901. He sold newspapers on Denver's west side and helped his father who drove a horse-drawn ice wagon. He joined the Army at the age of 16 and served in the Philippines during World War I.

Returning from service, he became a Denver policeman in the 1920s. He walked a beat during the day and studied law at night. He received his degree from Westminster Law School, now incorporated into the University of Denver Law School.

As a lawyer in the early 1930s, Carroll's political skills were honed as a worker for the successful election of Sen. Edward Costigan. Costigan's aggressive Democratic supporters were dubbed, "Young Turks," a name which they proclaimed proudly later.

At Costigan's request, Carroll managed the 1932 gubernatorial primary campaign of Josephine Roche, one of the most vibrant women in Colorado politics. Carroll's early political work included serving as Denver Democratic chairman. He became an assistant U.S. attorney in 1933.

Carroll was elected district attorney in 1936. After serving a four-year term, he ran for governor of Colorado and was defeated in the primary. He practiced law until the outbreak of World War II, when he rejoined the Army, as serving as a major in Italy.

Returning again from military service, he ran for the U.S. House in 1946 and won in what otherwise was a state Republican landslide. Carroll was probably the only congressman ever elected during his freshman term to the Ways and Means Committee. He served two terms in the House.

After his second term, Carroll in 1951 became a special assistant to President Harry Truman. He was an associate with many other national Democratic leaders, including President John Kennedy, President Lyndon Johnson, Adlai Stevenson, Hubert Humphrey and Averell W. Harriman.

Carroll ran for the U.S. Senate in 1950 and 1954 and was defeated. One campaign was marked by smears branding him a communist, while at the same time others cast aspersions because he was a Catholic. Only his wife and daughter were of the Catholic faith.

Large sums of money also came into Colorado from oil interests seeking his defeat because of his position against oil depletion allowances and for preserving off-shore drilling for the government.

He ran for the Senate again in 1956 and won, defeating Republican Gov. Dan Thornton.

Carroll, in his freshman year as a senator, was embroiled in the civil rights issue. He drafted a bill calling for federal voting registration of blacks. He was persuaded by colleagues not to push the bill because the time was not appropriate. Eight years later, a much stronger bill became law.

Carroll's battles continued in the Senate over preserving the federal court system and its jurisdiction, which was challenged by states' rightists who wanted to keep civil rights issues out of the federal courts.

Carroll also was a leader in passing some of the later legislation on Social Security. He backed federal assistance to farmers.

He was an ardent foe of placing intercontinental missiles near populated areas and argued against any Titan or Minuteman missile bases being built in Colorado.

After his defeat in his bid for a second Senate term by Peter Dominick, he returned to Denver and private law practice.

In October 1977, Carroll presented his public papers to Metropolitan State College, where the John A. Carroll Institute was founded to establish scholarship programs. The college also gave him an honorary degree of Doctor of Humanities.

Carroll on March 4, 1922, married Dorothy R. Doyle, a sister of William E. Doyle, a judge on the 10th U.S. Court of Appeals. She died on Jan. 1, 1982.

He is survived by his daughter, Diane MacDonald; two brothers, Charles Carroll of Santa Rosa, Calif., and Matthew Carroll of Las Vegas, Nev.; a sister, Charlotte Smith of Los Angeles; and three grandchildren.

Memorial contributions may be made to the John A. Carroll Institute, in care of Metropolitan State College, 1006 11th St., Box 3, Denver 80204.

[From the Denver Post Sept. 1, 1983]

FORMER SENATOR JOHN A. CARROLL DIES

Former U.S. Sen. John A. Carroll, 82, an outspoken liberal and civil rights advocate of his time, died at his home Tuesday night. He had been in ill health for years.

Carroll lived relatively quietly in his native Denver since his bid for a second Senate term failed in 1962. He retired from the active practice of law about 10 years ago.

The funeral will be at 10 a.m. Saturday at the Church of the Good Shepherd, 2626 E. Seventh Ave. Burial will be in Fort Logan National Cemetery.

Carroll was born July 30, 1901, and was raised here before forging his mother's name on a permission slip to join the Army at the age of 16.

Discharged after serving in the Philippines in World War I, Carroll joined the Denver Police Department at the age of 21, working first as a beat patrolman and then in the department's identification bureau. He married Dorothy Doyle in Denver in 1923.

He earned his law degree at night school and was admitted to the bar in 1929.

Carroll by then a member of the local Democrats' "Young Turks" liberal wing, was appointed assistant U.S. attorney for Denver in 1933. His first electoral bid was in 1936, when he was elected Denver district attorney, beating the dean of his law school.

In that post, he became known for his battles with gamblers and corruption.

Carroll made an unsuccessful bid for governor in 1940, and returned to private law practice until 1942, when he assumed a post in the federal Office of Price Administration.

Carroll rejoined the Army as a major in 1943, and helped restore civilian local governments to liberated portions of Italy and southern France, Don MacDonald, Carroll's son-in-law, said Thursday.

After discharge, Carroll re-entered politics, becoming one of the few Democrats to oust a Republican opponent in the 1946 congressional elections. Carroll improved his 5,000-vote margin of victory that year to more than 48,000 votes two years later, but he wasn't successful when he left his "safe" congressional seat from Denver in 1950 to oppose incumbent Republican Sen. Eugene Milliken in 1950.

He then joined the staff of President Harry Truman as a foreign policy advisor.

Carroll tried for the Senate again in 1954, defeated this time by Gordon Allott. According to his daughter, "getting beat never seemed to bother him," and his third attempt was more successful when he defeated former Gov. Dan Thornton in the senate race of 1956.

Carroll's term in the Senate was characterized by "concern for the working people," MacDonald said, but a bid for re-election in 1962 failed when he lost to Peter Dominick.

Survivors include his wife; a daughter, Diane MacDonald, Denver, and three grandchildren.

Memorial contributions may be made to the John A. Carroll Institute, Metropolitan State College, Denver 80204.●

SCOTTDALE, PA., REMEMBERS ITS PAST

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. GAYDOS. Mr. Speaker, on the 16th, 17th and 18th of this month, residents of Scottdale, Pa., will mark the 109th anniversary of their community and pause to reflect on their heritage.

It is not unusual for cities and towns in Pennsylvania to stage such celebrations. Pennsylvania is rich in history and we have many communities that go back 100 years or more.

Scottdale's observance, however, is somewhat unusual in that it draws upward of 30,000 visitors to this small town of approximately 7,500 residents. There are a number of reasons for this.

For instance, today Scottdale is typical of small town America. It is primarily supported by commercial businesses and light industry but is surrounded by farmland. But, once, it was the hub of a heavy industrial empire.

At the turn of the century, smoke belched from a number of factories, including such facilities as the American Sheet & Tin Plate Co., the Scottdale Foundry & Machine Co., and the National Foundry & Pipe Works.

It was the birthplace and homestead of one of America's great industrialists—Henry Clay Frick. At one time, Mr. Frick's coal and coke operations included 39,000 beehive ovens in the area. Today, it boasts the only operable beehive oven in the world and special permission is received from the State of Pennsylvania to fire it up for the "Heritage Festival."

Because of its industrial base, Scottdale once ranked among the richest communities per capita in the United States. The number of magnificent mansions of Victorian architecture which have been preserved or restored attest to that fact.

But, its industry and wealth of the past are not the only historical assets of Scottdale. It has strong religious ones as well. Its population today is served by no less than 18 churches representing the major denominations.

Much of the success of Scottdale's "Heritage Festival" belongs to the promotional efforts of two organizations: the Scottdale Coal & Coke Heritage Festival Committee and the Scottdale Merchants Association. These groups have worked closely together to instill a spirit of pride among residents of the community and the area as well.

Mr. Speaker, on behalf of the Congress of the United States I want to extend our thanks and appreciation to the people of Scottdale for by remembering their heritage they preserve a bit of American history for all of us.●

THE POPULATION EXPLOSION IS NOT FIZZLING

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. SCHEUER. Mr. Speaker, several weeks ago I submitted for my colleagues' attention an article which appeared in the Christian Science Monitor written by Robert Fox, senior analyst at the Inter-American Development Bank, and Carl Haub, a Washington demographer. This article, "The Population Explosion Is Not Fizzling," was drawn from a larger paper which addresses population growth and refutes the contention that we have experienced a population explosion that is now declining. I believe my colleagues will find the remainder of this work quite interesting and I commend this to their attention.

THE POPULATION EXPLOSION IS NOT FIZZLING

The flap caused by the belief that the UN thought that world population would be 7.5 billion in 2000 and "now" thinks that it will "only" be 6.1 billion is no doubt supported by a general misperception of the entire issue, based on using the term the "population explosion". It is an entirely inappropriate metaphor, implying a far higher degree of flexibility in population projections than underlying demographic variables permit.

An explosion implies two things—a sudden release of energy accompanied by outwardly radiating pressure waves, and an equally sudden termination to the event. World population rapidly increased in an apparent

sudden burst in the third quarter of the 20th century, and in "explosion" analogy fashion, one presumes this force may abate in a similarly brief period.

That we are now in the abatement phase is encouraged by any report or misreading of statistics that notes a radically lower projected estimate than reported earlier or derives a similar conclusion from evidence that the birth rate or population growth rate has peaked and is diminishing. This is perfectly understandable in an economic-oriented world that conditions our thinking where interest rates can bounce up or down drastically almost overnight.

There was no explosion. After World War II there was instead a radical worldwide transformation in the age-old relationship between birth and death rates. Both had always been high, but in the mid-20th century the death rate plummeted in Third World countries. Of this much we may be aware, but have not followed it through. For out of this very newly established birth and death rate relationship, age pyramids have evolved in which half the total population is now under age 18. This is the true benchmark event, one that sustains the rolling momentum for further increases.

The comparison is not to an explosion, but more aptly to a comet. The greatest visible portion is in the long tail section. Far more population will be added to a Third World country's total population after the birth rate has peaked than was added in the initial phase. The tail's length is also analogous to the long period needed for growth to be completed. It is measured in generations, not in years.

In Mexico, for example, with half of its population 17 or under, a birth rate that peaked years ago, as well as a population growth rate that peaked in the 1970s, the present 72 million population is still projected to increase to 116 million by year 2000 and to 174 million by 2025. Further increases will continue thereafter, although in smaller and smaller amounts.

Explained another way, the number of Mexican women of childbearing age in 1960—6.6 million—gave birth to 1.8 million children that year. By 2000, women in this group will have increased to 24.6 million, and will give birth to 3.1 million children. The rise in the number of births will occur under conditions of a 40 per cent fall in the birth rate during the period. The paradox of the situation is that on the one hand, birth rates in many Third World countries have entered a decline phase, but on the other hand, the world has yet to see its largest increase in absolute numbers.

Under falling birth rate circumstances for all Latin America, today's 380 million population is projected to rise to over 800 million by 2025. For all Third World countries, the UN projects a rise from 3.3 to 6.8 billion in this interval. As in Mexico, further increases continue past 2025, but in diminishing amounts.

Never having seen the "explosion" we are apt to have dismissed the entire event, particularly when its chief characteristic—the high birth rate—began to sag. How was the "hang" supposed to have manifested itself anyway? By mass starvation, or by some other cataclysmic event? Instead, as Ambassador Marshall Green has put it, population growth is a silent explosion, a quiet day-to-day process whose effects often do not impose themselves upon our workday experience.

Lacking a final event, a cataclysmic focus, we might do well to examine the known consequences of past population growth and carry those forward into the near future. In Latin America, urbanization and labor force trends are cases in point. Mexico City now has 16 million inhabitants. In 1960, it had 5 million. By year 2000, 25–30 million will call this metropolitan area home.

At mid-century, the entire Latin American labor force numbered fewer than 60 million. By 1975, this rose to 100 million. By year 2000 it will reach 200 million, and 300 million in 2025. The labor force estimate in year 2000 is quite realistic since it is based on a population already born.●

PUTTING THE FFB ON-BUDGET

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. GRADISON. Mr. Speaker, I have introduced legislation that would require all loans financed through the FFB to appear in the budgets of the originating agencies. Some Members are concerned about how the historical budget data of agencies would be affected as a result of enactment of my Truth-in-Budgeting Act.

I wrote the Director of the Office of Management and Budget to find this out. I would like to insert in the RECORD my letter and Mr. Stockman's reply.

JULY 21, 1983.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, The White House, Washington, D.C.

DEAR DAVE: As you many know, I have introduced HR 3484, the Truth-in-Budgeting Act of 1983, a bill that would put the FFB on-budget and allocate all of its on-budget outlays back to the budgets of the agencies which initiated the outlays.

I would appreciate it if you could describe to me how in the past the historical budget data series have been adjusted as a result of budget changes such as those in HR 3484.

Of particular interest to me is the answer to the following question: In the past, was there a sudden jump in the budget outlays of an agency and in the unified budget outlays as a result of bringing that agency on-budget, or was there no sudden jump in budget outlays because outlays for past years were adjusted upwards so as to reflect what the budget outlays would have been over time if the agency being brought on-budget had been on-budget all along?

Thank you for your timely, consideration of this request.

Sincerely,

BILL GRADISON,
Representative in Congress.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., August 24, 1983.

Hon. BILL GRADISON,
U.S. House of Representatives, Washington, D.C.

DEAR BILL: This letter is in response to your letter of July 21 asking how the Federal budget historical data base is adjusted for discontinuities caused through shifting programs from off-budget to on-budget status. Two basic principles are applicable under these circumstances:

1. The budget historical data are structured to be as comparable as is feasible, so that users can trace trends and make valid comparisons using budget data covering various time periods. When changes are made to the classification of an account, the data base reflects these changes.

2. Normally all budget data—including historical data—conform to budget concepts. These concepts are generally in accord with the 1968 Report of the President's Commission on Budget Concepts, important elements of which were restated in Part 6 of the 1984 Budget. When there is a legal requirement to deviate from normal budget concepts—for example, by requiring that a certain activity be excluded from the budget totals—the budget reflects this requirement, but only for the years for which such deviations are legally required.

An example of the application of these rules occurred when the Export Expansion Finance Act of 1971 required that the Export-Import Bank be off-budget beginning August 17, 1971. The budget—including the historical data base—continued to reflect all of the Bank's activities prior to that date on-budget, and reflected the activities beginning August 17, 1971, off-budget. When the legal requirement that the Bank be off-budget was repealed (effective October 1, 1976) the data base was reconstructed to show the Bank's outlays as if they had been on-budget for all years.

This practice has been followed in all other comparable circumstances, including reconstructing the entire data base for all years from 1940 forward to show the budget totals on a unified budget basis, even though the unified budget was not introduced until 1968.

We plan to follow these guidelines with regard to the Federal Financing Bank and any other off-budget activities.

I hope this adequately meets your concerns.

Sincerely,

DAVID A. STOCKMAN,
Director.

P.S. In short, there would be no jumps—historical series would be recast to show FFB on-budget.●

GLOUCESTER COUNTY TIMES SUPPORTS RAIL LINE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. FLORIO. Mr. Speaker, the Governor of New Jersey is currently considering whether to come up with State matching funds for the rehabilitation of the rail line between Philadelphia and Atlantic City. The Gloucester County Times, in a recent editorial, has strongly urged the Governor to support the matching funds. The editorial points out that, unless the Governor acts soon, the $30 million in Federal funds will be jeopardized. The editorial follows:

WE CAN'T AFFORD NOT TO BACK RAIL PLAN

If you've ever tried to go anywhere on the North-South Freeway during a weekend, you're probably in favor of the proposed Amtrak rail line from Philadelphia to Atlantic City.

Come to think of it, if you use any highway in South Jersey that takes you in the direction of Atlantic City, you undoubtedly realize the impact casino gambling has had on traffic. It's normal on Friday evenings, for instance, for traffic on the North-South Freeway to be backed up all the way to the toll booths of the Walt Whitman Bridge.

So why hasn't Gov. Thomas H. Kean, who likes to tout all he does for South Jersey, done something to bring passenger rail service to Atlantic City?

Congress has done its part by appropriating $30 million in federal funds. But the governor says he can't find the matching funds needed to build the line. Besides that, he thinks any rail line to Atlantic City should provide for commuter traffic.

But the state needs to come up with only $2 million a year for three years for the rail line, according to Rep. James J. Florio, D-1st Dist., of Pine Hill.

Florio, who sponsored the bill in the House of Representatives that appropriated the funds for the rail link, also said several casino interests could help pay for the rail service. Besides, paying $6 million to alleviate traffic problems on South Jersey highways is a relatively small price considering the millions of dollars the state collects in casino revenues.

Kean is correct that the current proposal will not provide commuter rail service to South Jersey residents. The Amtrak plan calls for transporting people from 30th Street Station in Philadelphia to Atlantic City, with the possibility of one stop between.

Although a total commuter rail service would be ideal, you have to start some place. Without the Amtrak line, there will be no rail link to Atlantic City suitable for passenger service. It is likely the line could later be expanded to provide full commuter service, but not if there are no connecting rails in the first place.

It is crucial to the entire South Jersey transportation network that the governor support the proposal and come up with the matching funds. And he needs to do it quickly. He has only until Oct. 1. After that, the $30 million in federal funds will go to some other part of the country that wants to improve its rail system.●

TRIBUTE TO GILLILANDS FAMILY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. EDWARDS of California. Mr. Speaker, on behalf of Congressman NORMAN MINETA and myself, I rise to mark an occasion of major significance to San Jose—the 50th anniversary of Gill Industries and its founding family, the Gillilands, in San Jose, Calif.

The Gillilands created the first local television in San Jose; and, in 1968, launched their cable company—Gillcable—which is presently acknowledged as the largest independent cable firm in the Nation. Gillcable leads in the revolution in cable television and home entertainment due to the vision and commitment of the Gilliland family.

Gillcable provides exemplary service to its community, not just by bringing custom-tailored, education and public information programing to San Jose and its environs, but also by the active leadership and civic involvement of the Gilliland family members. Currently, Allan T. Gilliland, Jr., is the Chair of the California Cable Television Association (CCTA), after serving in the past as the Chair of the National Cable Television Association (NCTA). Mr. Gilliland serves as a member of the executive committee and board of directors for both the NCTA and the CCTA, thus contributing invaluable expertise in the forefront of the industry.

Through a half-century of innovative thinking and dedication to change, this family-operated enterprise has brought enviable honors and national recognition to the city of San Jose, to the county of Santa Clara, and to the State of California. Congressman MINETA and I are honored to represent the Gilliland family here in Congress. We are delighted to pay tribute to Gill Industries on the occasion of its 50th anniversary of excellence. We offer our special tribute to Allen T. Gilliland, Sr., the distinguished gentleman who, 50 years ago, laid the foundation upon which Gill Industries rests today.●

McCLELLAN AIR FORCE BASE AT FOREFRONT IN RECOGNIZING WORKING MEN AND WOMEN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. MATSUI. Mr. Speaker, each year the week including Labor Day has been designated by McClellan Air Force Base in Sacramento, Calif., as "Labor Recognition Week." McClellan, with nearly 18,000 civilian and military employees, is the first Department of Defense installation to so honor the working men and women of America in this manner.

Far too often, the time and talents of civilians as well as military personnel working at our military installations are overlooked or taken for granted. By so designating this week of September 5 to 9 as "Labor Recognition Week," McClellan has demonstrated its continuing commitment to progressive employer-employee relations.

Mr. Speaker, it is therefore with great pleasure that I bring to the attention of the Congress and the American people this special week of celebration, and I wish to join with the entire McClellan community, both civilian and military, in paying special tribute to the many long hours and years of dedicated service which all the working people of America have given to the betterment of this great land.●

KOREAN AIR LINES FLIGHT 007

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. CRAIG. Mr. Speaker, the facts are in and so is the verdict. The Soviet Union did in fact track, identify, and shoot down the Korean Air Lines flight 007, murdering the 269 passengers onboard.

This is a needless loss of life. It is a barbaric act performed by a paranoid, militaristic government whose pathetic attempts at a massive coverup only emphasize its blatant disregard for human life. This Nation and the world have been patient with the Soviet Union. They were given every possible opportunity to explain their actions, to apologize, and to assure us that such an atrocity will not happen again. Our administration acted with the restraint and wisdom that the moment required. But this was all of no avail. The Soviet Union, by its own actions, has chosen to disregard the loss of life, thus isolating itself from the rest of the civilized world.

The rest of the world demands and deserves to receive the whole truth. The families of the victims deserve reparations. These are the very minimums we should demand. But it is clear that the Soviet Government refuses to acknowledge their guilt. By some form of twisted and macabre logic, they have justified this act to themselves and refuse to comply with even these most basic humanitarian demands. The series of justifications and accusations that have poured forth from the Soviet Union is clear evidence that they are a society that places military secrets above human rights and military objectives above peace. There simply are no extenuating circumstances that would have required this action and no propaganda capable of explaining its brutality. It is now up to this Nation, not alone, but in concert with the rest of the civilized world, to decide on an appropriate course of action.

Today, I propose to you and to this administration that we take a course of action that reflects this Soviet preoccupation with expansion of its philosophy through violence. I propose that we go beyond the actions of anger that have in the past done little to punish the military command that sets the priorities of the Soviet Union. Instead of unilaterally enacting trade and economic sanctions and boycotts, the past results of which have been to temporarily inconvenience a government that merely passes that onto

their people, I propose that we resolve that from this point forward, we will not do business with the Soviet Union as we have done in the past.

The Soviet Union has about 305 official diplomats in this Nation. It is well recognized that at least 120 of them are KGB activists. The United States on the other hand maintains only 190 diplomats in the Soviet Union. The designs of the Soviet military are well served by these excess personnel. Our first step should be to give those excess Soviet personnel 48 hours to find a flight home and to clearly state that parity in the diplomatic corps will be maintained henceforth.

Second, we will restrict our cultural and scientific exchanges with them. Again, we must insist on like for like. In the past we have allowed their scientists to study here while we have sent historians there. Again we will strike at the very heart of the Soviet intelligence gathering community.

We must insist on a long-term policy that restricts Soviet access to this Nation's technology and economic resources. These actions will have a far more profound effect on the Soviet Union if made a standard operating procedure than any short-term sanction would ever have.

Historically, the Western World has reacted with revulsion at similar Soviet acts of violence and have enacted economic sanctions in retaliation. But the Soviet economy reacts only to deny its people's needs while maintaining the military. Our actions haven't been international in their implementation, thus they have inflicted as much damage on us as the Soviets. In the past such actions have served to ventilate our anger. But we have soon forgotten the real cause. The Soviets prey upon the forgiving nature and short memories of the Western World to further their goals. This time, we need to set a standard of dealing with the Soviet Union that etches the brutality and militarism of their government in our minds permanently. With the actions I mentioned above in place, such a standard for the future is set. It would then be up to us to keep it.●

PARRIS INTRODUCES "VICTIMS OF COMMUNISM MONTH"

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. PARRIS. Mr. Speaker, the world has been revulsed by the murder of the 269 passengers on flight 007, including one of our colleagues, Hon. LARRY MCDONALD from Georgia. I believe every one of us has said prayers, silent and public, for these hapless victims and their families.

We mourn the death of our fellow Americans and those from other countries. But the death of these passengers is only a minute fraction of the 150 million people who have died at the hands of Communist governments since 1917. In September 1918 Lenin issued his "Red Terror Edict" which legitimized the use of terror and murder as a means of controlling the population. Since then, Russian dissidents have established September 5 as a memorial day to the victims of communism.

According to Michail Makarenko, a prominent dissident exiled from the Soviet Union and currently residing in the United States, members of a dissident movement have gathered the bones of victims from mass graves, cremated those bones in a memorial service, and buried the ashes at a location just outside the Kremlin Wall in Moscow, thus establishing a kind of national "holy ground" which has become the spiritual center of their resistance.

I believe we in the United States, through congressional action, should let those repressed Soviets and dissidents, who seek a free way of life, know we are behind them with our prayers and support. Therefore, today I am introducing legislation which would designate September 1983 as "Victims of Communism Month," as a memorial to the millions of victims of communism, including most recently the passengers and crew of Korean Air Lines flight 007. I urge my colleagues to support this resolution.●

TRIBUTE TO BARON H. GOLD

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. GRADISON. Mr. Speaker, this week the Cincinnati B'nai B'rith will honor Baron H. Gold for his outstanding contributions to youth and his exemplary community leadership. For his work, he is to receive the coveted Guardian of the Monorah award.

Baron is a native Cincinnatian and a graduate of the University of Cincinnati and its law school. He has been an untiring worker for the Jewish Welfare Fund since 1947, the year he began practicing law in Cincinnati. His work within B'nai B'rith is equally impressive and important—president of B'nai B'rith District 2 and former national commissioner of the Anti-Defamation League. He also has served on the boards of the Jewish Federation, Jewish Community Relations Council, and the Cincinnati Chapter of the National Conference of Christians and Jews.

It is fitting that by honoring Baron, his past work on behalf of young people will be recognized.

Mr. Speaker, I am proud to note that Baron Gold is a constituent and a true friend. He is a credit not only to the Cincinnati community, but to our country as well. I am grateful for the opportunity to bring Baron's accomplishments and honor to your attention and to the attention of all my colleagues in the Congress.●

FRANK McMAHON IS NAMED FIREMAN OF THE YEAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. FLORIO. Mr. Speaker, most of us go through life without ever finding ourselves in the position of saving a fellow human being from mortal danger. Yet, there are professional men and women such as police officers and firefighters that can encounter this type of situation on a regular basis.

Recognition for such action should never be taken for granted, and that is why I ask for a moment of the House time to acknowledge the heroic act of Frank McMahon, of Somerdale, N.J.

Mr. McMahon, a constituent of mine, is a firefighter of 12 years and was recently named Camden County Fireman of the Year by Universal Lodge 216 of the Free and Accepted Masons of Cherry Hill, N.J.

The award was given to Mr. McMahon for his brave efforts to rescue a 14-year-old boy from a burning home. He and one other fellow firefighter were the only two able to get inside the burning home. When his companion was overcome by smoke, McMahon dragged him out to safety and then returned to the inferno for the young nephew of the homeowners.

McMahon was able to reach the boy in his second floor bedroom, and the fireman gave up his airpack hoping it would save the youngster's life. Tragically, Frank McMahon's efforts were unsuccessful, but his determination to continue trying should serve as an inspiration for all.

Frank McMahon acted in a heroic manner in every sense of the word, and I ask the House to join me in commending him. The community of Somerdale can be proud to have him as a resident and serving as a firefighter.●

HAROLD DIAZ, A SPECIAL AGENT IN THE SECRET WAR AGAINST DOPE, RETIRES FROM U.S. CUSTOMS ON SEPTEMBER 9, 1983

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 12, 1983

● Mr. PATTERSON. Mr. Speaker, Andrew Tully in his 1973 book "The Secret War Against Dope," describes the work of U.S. Customs in fighting illegal drug traffic coming to the United States. In the preface, Tully states:

> There is no single hero in this book; just a relatively few hard-working U.S. customs agents. They do not come on with the blazing gun, the bulging bicep, or the sexual stare of the television screen. Their heroism—and they would snort at the term—is in their patient, dogged, thinking pursuit of the twentieth century's Merchants of Death. Most of them probably have never fired a gun in anger, although they are armed twenty-four hours a day, because you don't fight narcotics traffickers with bullets but with intelligence and a kind of ingrained stealth. It is a hard job because the pusher at all levels lives by his wits, sustained by the evil wisdom of the breed. Besides, violence is illogical except as a last resort. The dead trafficker can't talk; he cannot lead his interrogators to the executive suites of the death-dealing international industry.
>
> This book, quite simply, is about good guys and bad guys. The author is on the side of the good guys. The reader will search in vain for social worker asides about the pusher driven to his vicious trade by poverty or by an unsympathetic parent or because he couldn't get along with his teddy bear. He has no redeeming virtues. He deserves only our cold, fearful contempt. He is killing our children.

Mr. Speaker, I share this with my colleagues because it gives some insight into the book's chapter 17 leading character—Harold Diaz, a special agent with U.S. Customs.

On September 9, 1983, Harold L. Diaz will be retiring after more than 20 years of loyal and dedicated service as a special agent with the U.S. Customs Service. His family, friends, and comrades from the law enforcement community will be honoring him at a tribute dinner at the Hilton Inn at the Park in Anaheim, Calif. I know my colleagues in the House want to join me in honoring the achievements of Harold Diaz upon the occasion of his retirement.

Harold Diaz was born on December 7, 1929, the sixth child in the family of Joseph F. Diaz and Ruby Bell Diaz Palmer. Hal is the youngest of the children—his brothers are John, William, Robert, and Herbert. He is fortunate to have one sister, Vivian. His youth was, by and large, spent in the Salt Lake City area.

From 1946 to 1949 and from 1951 to 1952 Hal served in the U.S. Navy. He participated actively in the Asiatic-Pacific campaign. Hal was stationed on the U.S.S. *Iowa* during his time in the Navy.

After leaving the Navy, Hal held a variety of jobs. He was a private patrol officer, a truck driver, a salesman, a hydraulic repairman, a boiler operator, a blueprint machine operator, and a typewriter repairman. It was during this time that Hal met and married Karma Barratt on February 9, 1955.

It was not until August of 1955 that Hal began what was to be his life-long career—law enforcement. From 1955 to 1963 Hal Diaz served on the Salt Lake City Police Department. While with the Salt Lake Police Department, he served in the uniformed patrol, in plain-clothes investigations on burglary detail, robbery detail, hit-and-run detail, and in the youth division.

On August 18, 1963, Hal's customs career began. He started as a customs port investigator in San Francisco. Within a year, Hal was promoted and became a special agent with the Customs Agency Service. In 1964, Hal was transferred to Los Angeles—the first of many transfers.

Hal's time in Los Angeles was spent as a working agent. It was here that he worked on some of the first narcotics smuggling cases involving small aircraft; and, it was here that he spent days on horseback across the desert looking for the load that was not to be found. In 1969, Hal was promoted to assistant special agent in charge (P & I).

July of 1970 saw Hal on the move again—this time to San Francisco as the assistant special agent in charge—enforcement. His duties included supervising special agents, customs port investigators, customs patrol officers, and air security officers in conducting investigations involving criminal and civil violations of customs and related laws. Hal also directed the sky marshal program in San Francisco.

A transfer to customs headquarters in Washington, D.C., provided Hal the opportunity to serve in a staff position as a desk officer in the Foreign Investigations Branch. His responsibilities included coordinating investigative activity between domestic and Customs Pacific Far East area offices, and furnishing managerial support for five foreign offices in Hong Kong, Manila, Saigon, Bangkok, and Tokyo; 1973 saw a major reorganization in the Federal drug enforcement activity—the creation of the mass transfer to the Drug Enforcement Administration. Hal was among those transferred to DEA where he served as the Branch Chief for Special Projects.

Happier times again prevailed in October of 1973 when Hal had an opportunity to return to Customs—this time as an inspection team leader. Hal's duties included directing a team of special agents in the conduct of management inspections of field offices with the findings reported to the Assistant Commissioner.

August of 1975 saw Hal return to Los Angeles, this time as the Assistant Regional Director for the Office of Investigations. He served in that capacity until November of 1977 when he was promoted to Regional Director, Investigations.

As the principle field officer, Hal managed and directed all activities within the Los Angeles region involving the investigative function of the Customs Service. He, along with subordinate supervisors, developed programs and strategies in response to national and local priorities. Hal managed the human, financial, and material resources to best accomplish the Customs mission. He acted as the spokesperson for the Office of Investigations in the Los Angeles region.

One of the areas in which Hal excelled was in performing the liaison function with other Federal agencies, and with local law enforcement. To this end, Hal hosted annually the Federal Law Enforcement Coordinator's Conference. This was an opportunity to interact with Federal, State, and local law enforcement managers on an individual basis. To help achieve a better understanding of customs law enforcement role, each conference had at least one session directly related to the customs mission.

Since April of this year, Hal has been the Area Special Agent in Charge—Investigations of the Los Angeles District Office. In that capacity he supervises and directs the operations of the Los Angeles Office.

Hal's professional career has included memberships in the Peace Officers Association of Los Angeles County, the Federal Criminal Law Association, the Federal Executive Board, the National Association of Chiefs of Police, and the Federal Criminal Investigators Association. Hal has served as president of the Los Angeles Chapter of the FCIA. In addition, Hal is a member of the Disabled American Veterans.

Hal and Karma have resided in Cypress, Calif., for 8 years. They have been blessed with four children and one grandchild. The eldest, Pamala, is a registered nurse in Long Beach, Calif. Cynthia, is married to Ralph Giffin, and they have one child, Elizabeth Sarah. Cynthia is also a teacher in Virginia. Deborah is a registered physical therapist in Anaheim, Calif. Their youngest child, Gregory, is completing his degree in public administration from California State University, Long Beach. He is currently serving as a staff assistant in my California office.

Mr. Speaker, I am pleased to have the opportunity to recognize the accomplishments of Harold Diaz on the occasion of his retirement. I know my

colleagues in the House wish to join me in sending best wishes to Hal and his loving family for a happy, healthy, and successful retirement. It is, after all, the support and sacrifices of his family that made today possible.

Mr. Speaker, let me conclude with a few words by H. D. Thoreau quoted by Hal's daughter, Cynthia, used to describe her father's character in a biography she wrote a few years ago:

If a man does not keep pace with his companions perhaps it is because he hears a different drummer. Let him keep step to the music which he hears however measured or far away.—*H. D. Thoreau.*●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 13, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 14

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 1532, to establish a moratorium on the acquisition of nonbank banks and savings and loan associations by nonbanking firms, S. 1609, to establish a revised Federal statutory framework under which bank and thrift holding companies would operate, and S. 1682, to require divestiture of depository institutions by nondepository organizations.
SD-538

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 875, proposed Trademark Counterfeiting Act.
SR-385

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to review private sector initiatives to feed the poor.
SR-328A

Appropriations
Defense Subcommittee
To hold hearings to examine warranties on military equipment procured by the Department of Defense.
SD-192

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 286, proposed Office Machine and Equipment Dealers' Act.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
Business meeting, to mark up S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Foreign Relations
Closed briefing on the current United States-Soviet arms control negotiations.
S-116, Capitol

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Security and Terrorism Subcommittee
To continue hearings on security issues relative to the 1984 Olympics.
SD-226

Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:30 a.m.
Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings to review options to implement an interim retirement program for civil service employees who will be covered by social security.
SD-138

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1432, proposed Federal Capital Investment Program Information Act.
SD-342

2:30 p.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings to review the Export-Import Bank of the United States proposal to offer a line of credit to Brazil and Mexico.
SD-538

5:00 p.m.
Foreign Relations
Closed briefing on the Korean jetliner incident.
SD-116, Capitol

SEPTEMBER 15

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to extend the Defense Production Act of 1950.
SD-538

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River; S. 1027, to provide that any construction costs undertaken by the State of Washington on the Yakima River Basin water enhancement project made prior to congressional authorization of the project, may be credited toward any future cost-sharing requirements that Congress may impose at the time of authorization; and S. 483, to authorize the Bureau of Reclamation to provide compensation to certain landowners who are deprived of winter stock water supply for their livestock along Willow Creek in Idaho.
SD-366

Environment and Pubic Works
Business meeting, to consider proposed amendments to the Clean Water Act (Public Law 95-217), and other pending calendar business.
SD-406

Foreign Relations
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Energy, Nuclear Proliferation, and Government Processes to review nuclear nonproliferation policy.
SD-419

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Governmental Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold joint hearings with the Committee on Foreign Relations to review nuclear nonproliferation policy.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
Business meeting, to mark up S. 503, to make it unlawful to manufacture, advertise, distribute, or possess a drug which is an imitation of a controlled substance.
SD-430

11:00 a.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on S. 1691, to restructure the administration of the child support enforcement program, and a related proposal, S. 1708.
SD-215

2:30 p.m.
Finance
Health Subcommittee
To hold hearings on the administration's regulations to implement the medicare hospice benefit enacted as

part of the Tax Equity and Fiscal Responsibility Act of 1982.
SD-215

SEPTEMBER 16

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nomination of Philip Abrams, of Massachusetts, to be Under Secretary of Housing and Urban Development.
SD-538

Commerce, Science, and Transportation
To hold hearings on the nomination of Mathew V. Scocozza, of Tennessee, to be Assistant Secretary of Transportation for Policy and International Affairs.
SR-253

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on the effectiveness of the tax refund offset program for certain delinquent child support payments, and on S. 150, to establish the collection of student loans in default.
SD-215

Judiciary
Constitution Subcommittee
To hold hearings on the commemoration of the bicentennial of the Constitution.
SR-325

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1984 for the Departments of Labor, Health and Human Services, and Education.
Room to be announced

Select on Indian Affairs
To hold hearings on S. 1694, to declare that the United States hold certain lands in trust for the Las Vegas Paiute Tribe.
SD-430

Joint Economic
To hold hearings on job training needs of American workers.
SD-628

10:45 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S. 501, to eliminate certain sex discriminatory provisions from the Federal Code; to be followed by hearings on S. 1189, to authorize funds for fiscal year 1984 for the Civil Rights Commission.
SD-226

2:00 p.m.
Finance
To hold hearings to review the Federal Supplemental Compensation (FSC) program.
SD-215

SEPTEMBER 19

9:45 a.m.
Finance
International Trade Subcommittee
To hold hearings on the terms of the International Coffee Agreements (Treaty Doc. 98-2), and on enabling legislation to authorize the President to enforce their provisions.
SD-215

10:00 a.m.
Finance
International Trade Subcommittee
To holding hearings on S. 1035, to provide authority to enforce the terms of the Steel Pipe and Tube Agreement between the United States and the European communities.
SD-215

Joint Economic
To hold closed hearings on the allocation of resources to the Soviet Union and China.
SR-485

2:00 p.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on numerous tax proposals, including S. 1066, S. 1550, S. 1557, and S. 1666.
SD-215

SEPTEMBER 20

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers, and Helpers.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
Business meeting, to resume markup of S. 1739, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States.
SD-406

Foreign Relations
Business meeting, to resume consideration of S.J. Res. 2, calling for a mutual and verifiable freeze and reduction in nuclear weapons, and related resolutions, including S.J. Res. 12, S.J. Res. 29, S.J. Res. 74, S. Res. 57, S. Res. 83, S. Res. 107, S. Res. 142, S. Res. 159, and S. Con. Res. 46.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the accessibility of student loans.
SD-124

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

2:00 p.m.
Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

SEPTEMBER 21

9:00 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation, and other pending calendar business.
SK-430

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the implementation of the Motor Carrier Act (Public Law 96-296).
4SR-253

Labor and Human Resources
To hold oversight hearings on certain activities of the International Labor Organization.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Business meeting, to mark up S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

SEPTEMBER 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To hold hearings on S. 566, S. 1503, and S. 129, miscellaneous land conveyance bills.
SR-324

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings to review recent developments concerning the U.S. Information Agency.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and societal implications.
SD-628

10:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to mark up S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 1329, to provide financial assistance to States for wetlands conservation, and other pending business.
SD-406

SEPTEMBER 23

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1090, to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities to assure the continued availability of quality outdoor recreation.
SD-366

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings to review certain provisions of the Age Discrimination and Employment Act which affect Americans working abroad.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
SD-562

SEPTEMBER 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on numerous tax proposals, including S. 120, S. 1397, S. 1584, S. 1814, S. 1815, and S. 1826.
SD-215

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
SD-562

SEPTEMBER 27

9:00 a.m.
Office of Technology Assessment
The Board, to hold a general business meeting.
H-227, Capitol

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on S. 1624, proposed Merchant Marine Revitalization Act, and a committee amendment thereto, S. 1616, proposed Government Impelled Cargo Act, S. 206, to make the Secretary of Transportation responsible for determining and designating programs subject to requirements for the transportation in American vessels or cargoes procured, furnished, or financed by the United States, and S. 188, to require the U.S. Postal Service to contract with U.S.-registered vessels for international sea transportation of mail.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume markup of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

SEPTEMBER 28

9:30 a.m.
Select on Intelligence
Legislation and the Rights of Americans Subcommittee
To hold closed hearings on intelligence matters.
S-407, Capitol

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 1354 and H.R. 3103, bills to provide emergency relief for disaster-damaged roads administered under the Federal-aid highway emergency relief (ER) program, and S. 452, to establish public buildings policies for the Federal Government, to establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and to provide for the authorization of funds for the construction, renovation, and maintenance of public buildings and related activities of the Public Buildings Service.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

SEPTEMBER 29

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To resume hearings on S. 1624, proposed Merchant Marine Revitalization Act, and a committee amendment thereto, S. 1616, proposed Government Impelled Cargo Act, S. 206, to make the Secretary of Transportation responsible for determining and designating programs subject to requirements for the transportation in American vessels or cargoes procured, furnished, or financed by the United States, and S. 188, to require the U.S. Postal Service to contract with U.S. registered vessels for international sea transportation of mail.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1811 and H.R. 71, bills to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the high plains States.
SD-366

Environment and Public Works
Regional and Community Development Subcommittee
To resume hearings on S. 1525, authorizing funds through fiscal year 1986 for administrative expenses of the Federal Emergency Management Agency and for emergency and disaster relief assistance, and to revise procedures concerning State requests for relief assistance.
SD-406

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

SEPTEMBER 30

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 837, to designate certain lands in the State of Washington as wilderness.
SD-366

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings on S. 1262, to clarify and expedite Internal Revenue Service audits of religious organizations.
SD-215

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to consider S. 865, to provide for the operation, maintenance, and construction of water resource projects, and S. 970, to authorize funds through fiscal year 1988 for

maintenance dredging and to require non-Federal interests to pay for 50 percent of the annual Federal costs to dredge deep-draft channels and harbors.
SD-406

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

OCTOBER 4

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the role of government.
SD-628

OCTOBER 5

9:30 a.m.
Labor and Human Resources
To hold hearings to review human resources implications in job corps reform.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
Nuclear Regulation Subcommittee
Business meeting, to resume consideration of S. 893 and S. 894, bills to provide an effective and efficient licensing and regulatory process for the siting, construction, and operation of nuclear powerplants, and on proposed legislation authorizing funds for fiscal years 1984 and 1985 for certain programs of the Nuclear Regulatory Commission.
SD-406

OCTOBER 6

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1366, to implement the recommendations of the Interim Report of the Northern Mariana Islands Commission on Federal Laws, and to revise certain provisions of the Revised Organic Act of the Virgin Islands and the Organic Act of Guam, and S. 1367, to repeal certain provisions of law relating to the territories and insular possessions of the United States.
SD-366
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider S. 23, S. 532, and S. 1330, bills to develop long-term job opportunities in public works.
SD-406

OCTOBER 7

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment statistics for September.
Room to be announced

OCTOBER 10

10:00 a.m.
Joint Economic
To resume hearings on job training needs of American workers.
Room to be announced

OCTOBER 17

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review environmental research and development programs.
SD-406

OCTOBER 18

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 19

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to examine the quality of education.
SD-430

OCTOBER 20

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

OCTOBER 21

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings on ground water contamination.
SD-406

OCTOBER 25

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review computer security in the Federal Government and the private sector.
Room to be announced.
Labor and Human Resources
To resume oversight hearings on alleged illegal sales of union memberships or books to unqualified welders by officials of local chapters of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-628

OCTOBER 26

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To continue oversight hearings to review computer security in the Federal Government and the private sector.
SD-628
Labor and Human Resources
To hold hearings to review volunteer initiatives in health.
SD-430

OCTOBER 27

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on Federal arts policy.
SD-430

NOVEMBER 2

10:00 a.m.
Labor and Human Resources
To resume hearings to examine the quality of education.
SD-430

NOVEMBER 9

10:00 a.m.
Labor and Human Resources
To resume hearings to examine the quality of education.
SD-430

NOVEMBER 16

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold hearings to review the human resources impact of the Supreme Court's legislative veto decision.
SD-430

NOVEMBER 29

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on targeting scarce resources under the Older Americans Act.
SD-430

NOVEMBER 30

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430